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Congressional Record

SEVENTY-FIRST CONGRESS, THIRD SESSION

SENATE

FRIDAY, FEBRUARY 20, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business, and the Senator from Connecticut [Mr. BINGHAM] has the floor.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BINGHAM. I yield.

THE JOURNAL

Mr. FESS. I ask unanimous consent for the approval of the Journal for the calendar days of February 17, 18, and 19.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. FESS. Mr. President, will the Senator from Connecticut yield to enable me to suggest the absence of a quorum?

The VICE PRESIDENT. Does the Senator from Connecticut yield for that purpose?

Mr. BINGHAM. I yield.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	La Follette	Sheppard
Barkley	George	McGill	Shipstead
Bingham	Gillett	McKellar	Shortridge
Black	Glenn	McNary	Smith
Blaine	Goff	Metcalf	Smoot
Borah	Goldsborough	Morrison	Steiwer
Bratton	Gould	Morrow	Stephens
Brock	Hale	Moses	Swanson
Broussard	Harris	Norbeck	Thomas, Idaho
Bulkley	Harrison	Norris	Thomas, Okla.
Capper	Hastings	Nye	Townsend
Caraway	Hatfield	Oddie	Trammell
Carey	Hawes	Partridge	Vandenberg
Connally	Hayden	Patterson	Wagner
Copeland	Hebert	Phipps	Walcott
Couzens	Heflin	Pine	Walsh, Mass.
Cutting	Howell	Pittman	Walsh, Mont.
Dale	Johnson	Ransdell	Waterman
Davis	Jones	Reed	Watson
Dill	Kean	Robinson, Ark.	Wheeler
Fess	Kendrick	Robinson, Ind.	Williamson
Fletcher	King	Schall	

Mr. GLENN. I wish to announce that my colleague the senior Senator from Illinois [Mr. DENEEN] is still detained at home by illness.

Mr. NORBECK. I desire to announce that my colleague [Mr. MCMASTER] is unavoidably absent.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

DOCUMENTS TRANSMITTED BY THE WICKERSHAM COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the National Commission on Law Observance and Enforcement, reporting, in response to Senate Resolution 423, requesting a copy of the testimony and evidence adduced before the so-called Commission on Law Observance and Enforcement, together with reports of its experts (submitted by Mr. TYDINGS), and transmitting 42 documents in connection therewith, which, with the accompanying papers, was ordered to lie on the table.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, reporting, pursuant to law, relative to an accumulation of miscellaneous files in the Bureau of Labor Statistics, Bureau of Immigration, and the United States Employment Service, which are no longer useful in the transaction of official business, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. METCALF and Mr. COPELAND members of the committee on the part of the Senate.

NATIONAL CEMETERIES (S. DOC. NO. 282)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation pertaining to an existing appropriation for the War Department for national cemeteries, fiscal year 1929, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

FACILITIES FOR RADIO RESEARCH INVESTIGATIONS (S. DOC. NO. 283)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce, Bureau of Standards, fiscal year 1932, to be immediately available (facilities for radio research investigations, Bureau of Standards), amounting to $147,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 284)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting estimates of appropriations submitted by the executive departments to pay claims for damages to privately owned property in the sum of $1,488.20, which have been considered and adjusted under the provisions of law and requiring an appropriation for their payment, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS RENDERED AGAINST THE GOVERNMENT BY DISTRICT COURTS (S. DOC. NO. 285)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, records of judgments rendered against the Government by the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, under the Treasury Department, $19,906.23, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS RENDERED BY THE COURT OF CLAIMS (S. DOC. NO. 286)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, in compliance with law, a list of judgments rendered by the Court of Claims which have been submitted by the Attorney General through the Secretary of the Treasury and requir-

ing an appropriation for their payment—under the Navy | trade name of the producer of such commodity, and which is in

ing an appropriation for their payment—under the Navy Department, $99,856.66; under the War Department, $126,517.17; in total amount, $226,373.83, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS ALLOWED BY GENERAL ACCOUNTING OFFICE (S. DOC. NO. 281)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, in compliance with law, schedules of claims amounting to $16,327.38, allowed by the General Accounting Office, as covered by certificates of settlement, etc., and for the service of the several departments and independent offices, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a joint memorial of the Legislature of the State of Montana, memorializing Congress to place a tariff on oil and its refined products, and to provide further relief for the oil industry, which was referred to the Committee on Finance. (See joint memorial printed in full when presented by Mr. WALSH of Montana on February 17, 1931, p. 5150 of the CONGRESSIONAL RECORD.)

He also laid before the Senate a letter from George W. Hurley, of Bakersfield, Calif., relative to two maps, being entitled "Geographical Distribution of Water Resources and Agricultural Lands," and "State Plan for Development of Water Resources of California," which was referred to the Committee on Irrigation and Reclamation.

He also laid before the Senate a letter in the nature of a memorial from the American Gear Manufacturers Association, Cleveland, Ohio, remonstrating against the calling of a special session of the Seventy-second Congress, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the executive committee of the United Rumanian Jews of America, representing 40 affiliated organizations of American citizens of Rumanian origin, at New York, N. Y., protesting against the passage of the so-called Free resolution (H. J. Res. 473) and the so-called Jenkins resolution (H. J. Res. 500) relative to the immigration and deportation of aliens, as inhuman and un-American, which was referred to the Committee on Immigration.

He also laid before the Senate a resolution adopted by the junior committee of the National Patriotic Association, Chicago, Ill., favoring the passage of legislation providing that the transportation into the United States, or any territory subject to the jurisdiction thereof, of any article or merchandise from any territory subject to the jurisdiction or control of the Government of the Union of Soviet Socialist Republics (Russia), mined, produced, or manufactured wholly or in part in any such territory, or produced or manufactured from materials any of which have been mined, produced, or manufactured in any such territory, be prohibited, which was referred to the Committee on Finance.

Mr. FESS presented petitions numerously signed by sundry citizens of the State of Ohio, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. JONES presented a petition of sundry citizens of Tacoma, Wash., praying for the prompt ratification of the World Court protocols, which was referred to the Committee on Foreign Relations.

Mr. WATERMAN presented the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on Interstate Commerce:

Senate Joint Memorial 3, regarding the Kelly-Capper resale price bill. (By Senators Horn and Unfug)

Whereas there is now pending in the Congress of the United States a certain bill known as H. R. 11, the Kelly-Capper resale price bill, entitled "To protect trade-marks, owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand, or name," providing in part "that no contract relating to the sale of a commodity which bears (or the label or container of which bears) the trade-mark, brand, or trade name of the producer of such commodity, and which is in fair and open competition with commodities of the same general class produced by others, shall be deemed to be unlawful, as against the public policy of the United States, or in restraint of interstate or foreign commerce, or in violation of any statute of the United States by reason of any agreement contained in such contract; that the vendee will not resell such commodity except at the price stipulated by the vendor"; and

Whereas the economic development and prosperity of the retail dealer, labor, agriculture, and community life in general has been and is menaced by the miraculous growth of mergers and consolidations, which have an unfair economic advantage, and which, unless checked, will drain rural communities and cities of their available capital and will impoverish whole States: Now, therefore, be it

Resolved by the Senate of the Twenty-eighth General Assembly of the State of Colorado (the House of Representatives concurring therein), That the passage of H. R. 11, the so-called Kelly-Capper resale price bill, will result in substantial national benefits, as follows:

(1) It will encourage and protect the policy of making standard guaranteed goods. This will insure uniform quality, save the buyer's time, and make possible higher labor and better factory conditions.

(2) It will prevent malignant price warfare upon certain widely wanted standard products, which causes many dealers to refuse to handle them.

(3) It will hinder the process of monopolization of retail merchandising.

(4) It will stimulate the national growth of business and enterprise. Americans are entitled to the best articles at lowest prices. Mass production under standardized methods makes this a certainty; and be it further

Resolved, That it respectfully requests the Senators and Representatives in Congress from the State of Colorado to give their continued and enthusiastic support to the said Kelly-Capper resale price bill and the principle therein contained; and that a copy of this memorial and resolution be forwarded to each of the Senators and Representatives in Congress from the State of Colorado, and to the chairman of the Rules Committee of the House of Representatives of the United States Congress.

EDWIN C. JOHNSON,
President of the Senate.

Attested:

D. E. HUNTER,
Speaker of the House of Representatives.

BIRTH CONTROL

Mr. REED presented a telegram in the nature of a memorial, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

[Telegram]

PHILADELPHIA, PA., *February 13, 1931.*

Hon. DAVID A. REED,
Senate Office Building, Washington, D. C.:

I wish to protest in the name of 6,000 members passage of Senate bill 4582. Kindly insert my protest in CONGRESSIONAL RECORD. Thanking you for previous favors.

T. FLORENCE CLOSE,
Regent Philadelphia Circle,
International Federation Catholic Alumnæ,
318 East Chelten Avenue, Germantown, Philadelphia, Pa.

Mr. BULKLEY. I ask to have printed in the RECORD and referred to the Committee on the Judiciary certain letters in the nature of memorials concerning Senate bill No. 4582.

There being no objection, the letters were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

AKRON, OHIO, *February 7, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

HONORABLE DEAR SIR: In reference to Senate bill 4582, to amend tariff act (1930) and Penal Code to permit importation, distribution, and sale of contraceptive literature and instruments, we respectfully address you to express our determined disapproval of this legislation.

We are authorized to speak in behalf of 32 affiliated Catholic parish organizations, comprising a membership of 6,000 women, in the territory of Summit and Portage Counties, of the Diocese of Cleveland, Ohio. Seventy-five per cent of this membership are mothers.

We have been willing to sacrifice our very lives, if need be, not only in the conception of our children but equally so in protecting them from the hazards of evil and of life.

We have every confidence that our beloved Nation will not let loose this flood of evil and vicious legislation upon them.

Our motherly intuition, as well as our studious examination of the merits of such legislation, prompt us to appeal to you to protect our homes, our families, from what we conceive to be sinful, injurious to health, destructive to fecundity, demoralizing to family life, reducing womanhood to the status of harlot, and effecting the most violent attack upon the soul.

We clearly vision in such practices the retribution and curse of destruction of our civilization and the inevitable extinction of our racial progeny whom we have borne in travail to the glory of God and the welfare of the Nation.

Our national conference in Denver, September, 1930, expressed itself as opposed to all such legislative action, with the report that much of it was motivated in mercenary profit and commercial exploitation of literature and instruments.

We therefore prayerfully beseech you to act to protect our children and our womanhood in a situation over which we can have no individual control and in which our conscience prompts us to act with all the instinct of mother love of our children.

We also petition you that this expression of our concern for our children and the welfare of the State be printed in the CONGRESSIONAL RECORD.

Respectfully and sincerely yours,

NATIONAL COUNCIL OF CATHOLIC WOMEN,
AKRON DEANERY COUNCIL,
Mrs. CON MULCAHY, *President.*

Approved by

Rt. Rev. P. A. SCHRECHER, V. F.,
Akron, Ohio, Diocese of Cleveland, Ohio.

TOLEDO DIOCESAN COUNCIL OF THE
NATIONAL COUNCIL OF CATHOLIC WOMEN,
Toledo, Ohio, February 10, 1931.

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

Re: Senate bill 4582, to amend tariff act (1930) and Penal Code.

HONORABLE AND DEAR SIR: In the name of our organization we protest the passage of the Senate bill 4582, to amend tariff act (1930) and Penal Code to permit the importation, distribution, and sale of contraceptive literature and instruments.

We believe the passage of this bill would be a great danger to public health and morals, especially to our young people, and would increase obscenity and pornography, which will result should present Federal restriction be removed. If this bill is passed it will place an added burden on State authorities, particularly where State laws now forbid the use and sale of contraceptives, in seeking to meet the increased traffic in these articles, as well as in information and advertisements and the spread of immoral literature generally which must certainly follow.

This protest is made by the Toledo Diocesan Council of Catholic Women, which is composed of 448 Catholic organizations in the diocese of Toledo, said diocese being composed of 19 counties in the northwestern section of the State of Ohio. This organization has a membership of many thousands of Catholic women, and in the name of these thousands of women we are sending this protest to you and urgently request that you use your influence against the passage of this amendment, and ask that our protest be printed in the CONGRESSIONAL RECORD.

Yours cordially,

JESSIE A. BRUCKER,
(Mrs. E. F. Brucker),
President.

NORWALK, OHIO, *February 10, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

DEAR SIR: As an organization we protest against Senate bill 4582, to amend tariff act (1930) and Penal Code, the passage of which we feel would affect the right standards of public morality and tend to destroy the long-standing traditions in this respect of our country. We are asking that you do not support this Senate bill 4582.

We object to the Senate bill 4582 because of the great danger to public health and morals, especially to our young people; because of the increase in obscenity and pornography which would result with the present Federal restriction removed; because of the added burden that will be placed on State authorities; and because of information and advertisements and the spread of immoral literature generally which must certainly follow.

We further ask that this protest be printed in the CONGRESSIONAL RECORD.

Yours very truly,

STELLA MARIS CIRCLE, No. 384,
DAUGHTERS OF ISABELLA,
ELLA K. LAIS, *Regent.*

NORWALK, OHIO, *February 10, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

DEAR SIR: As an organization with a membership of 280, we protest against Senate bill 4582, to amend tariff act (1930) and Penal Code, the passage of which we feel would affect the right standards of public morality and tend to destroy the long-standing traditions in this respect of our country. We are asking that you do not support this Senate bill 4582.

We object to the Senate bill 4582 because of the great danger to public health and morals, especially to our young people; because of the increase in obscenity and pornography which would result with the present Federal restriction removed; because of the added burden that will be placed on State authorities; and because of information and advertisements and the spread of immoral literature generally which must certainly follow.

We further ask that this protest be printed in the CONGRESSIONAL RECORD.

Yours very truly,

ALTAR SOCIETY OF ST. PAUL'S CHURCH,
Mrs. CLARA LIEBER, *President.*

AKRON, OHIO, *February 9, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

HONORABLE SIR: We hereby enter our protest against the adoption and passage of Senate bill 4582, to amend tariff act (1930) and Penal Code. It is needless to state that the passage of this bill would present many dangers to public health and morals, especially of our young people, and would undoubtedly destroy the greatest institution in the United States of America, namely, the American home.

We, therefore, earnestly ask and request your valued services and influence in preventing the removing or lowering of the present Federal restrictions and also respectfully ask that this protest be printed and made part of the CONGRESSIONAL RECORD.

Respectfully yours,

ST. MONICA GUILD (300 MEMBERS) OF
ST. MARY'S CHURCH, AKRON, OHIO,
By Mrs. J. C. BRIGHAM, *President.*

CLEVELAND, OHIO, *February 6, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

HONORABLE SIR: We the undersigned officers and all members of Notre Dame Guild wish at this time to enter a protest against the amendment of the tariff act and the Criminal Code, as introduced in the Gillett bill, S. 4582. It is our opinion that the passing of this bill would mean great danger to public health and morals, especially of our young people, and an increase in obscenity and pornography would result should the present Federal restriction be removed.

We would thank you to have our protest embodied in the report of the hearing and printed in CONGRESSIONAL RECORD.

Respectfully,

NOTRE DAME GUILD,
LILLIAN BANNERMAN,
President.
CECILIA POELKING,
Vice President.
MARY S. VAN DEBOE,
Secretary.
MARY A. BRENNAN,
Secretary.
ELIZABETH MANNING,
Secretary of Publicity.
FLORENCE L. DOYLE,
Treasurer.

SHARPSBURG, OHIO, *February 9, 1931.*

Hon. ROBERT J. BULKLEY,
Washington, D. C.

DEAR AND HONORABLE SIR: It is with the profoundest regret and deepest aversion that we learned of the endeavor of Senator GILLETT, of Massachusetts, who introduced a bill permitting the disseminating of literature and information about birth control. We refer to sections 211, 245, 305, and 312 in Senate bill 4582, to amend the tariff act, 1930, and Penal Code.

Fully realizing the bad and disastrous effect, the demoralizing and perverting influence of said bill, we, the members and inhabitants of Sharpsburg, Ohio, raise our voice in severe protest and condemnation of any such bill.

As loyal citizens, clean and honest Americans, as lovers of home and country, as God-fearing people, we protest most vehemently against any such bill, which has for its purpose the prevention of life, leading to the God-forbidden practice of killing innocent life in mother's womb, the most sacred home on earth. We stand for a clean United States, for the honesty and glory of our honorable flag, for a country that lives and lets live, and we utterly defy, abhor, and detest any legislation as contrary to God's own outspoken will: "Thou shalt not kill" that would permit contraception, prevention, or even the killing of an unborn being. We deny the right of the Senate, or any legislature, to adopt or to approve of any such legislation. We stand by the solid teaching of the Catholic Church, as expressed recently by the Pope, on holy matrimony. Russia is a sad example of what becomes of a country who adopts such pernicious legislation.

Trusting in the fair-mindedness and the spirit of righteousness and law, hoping in the fulfillment of the oath sworn by our executives, and asking our representatives to represent us fairly and justly, we ask you, honorable sir, to forward this, our most earnest protest, against the aforesaid bill of Mr. GILLETT, and in the name of all unborn babes, in the name of all honest fathers and mothers, and of all God-fearing people and citizens we ask that this, our protest, be incorporated in the record of the hearing.

With due respect to you, we sign,

In the name of the whole parish:
Rev. JOSEPH A. AHU, C. PP. S.
In the name of the men sodality:
JOS. TIMMERMAN.
In the name of the mother sodality:
PHILOMENA MEIRING.
In the name of the young people sodality:
FRANK ROBBINS.
SAINT ANOLS.

CANTON, OHIO, *February 9, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

DEAR SIR: As an organized social agency, dealing with the economic and social problems of citizens of all classes and creeds, we wish, out of the light of our experience, to protest, with the utmost vigor, against Senate bill 4582.

The present illicit sale and distribution of contraceptives and immoral literature, contrary to the laws of our States, makes the social worker's task a serious one. With the removal of the present Federal restriction against the sale and distribution of these articles and this literature, there will be increased immorality, especially among our young people, and grave dangers to public health, as well as a great increase in obscenity and pornography.

Because we believe that only harm can come from the passage of such a bill, we wish to voice our protest against this Senate bill 4582, to amend the tariff act (1930) and the Penal Code to permit the importation, distribution, and sale of contraceptive literature and instruments, and we ask that our protest be printed in the CONGRESSIONAL RECORD.

Very truly yours,

THE CATHOLIC COMMUNITY LEAGUE,
GRACE MCGOWAN, *Executive Secretary.*

YOUNGSTOWN, OHIO, *February 7, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

DEAR SIR: We, the members of the Seton Circle, protest the amendment of the tariff act and the Criminal Code of Senate bill 4582. So that literature and material for use in contraception or artificial birth control could be imported into and distributed throughout the country. We consider it of great danger to public health and morals, especially of our young people, and the increase in obscenity and pornography which will result should present Federal restrictions be removed. Also an added burden will be placed on State authorities, particularly when State laws now forbid the use and sale of contraceptives, in seeking to meet the increased traffic in these articles as well as in information and advertisements and the spread of immoral literature generally which must certainly follow.

We earnestly request that our protest be printed in CONGRESSIONAL RECORD.

Sincerely yours,

MARGARET BRANNAN,
Chairman Legislation Committee.

TOLEDO, OHIO, *February 11, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

Re: Senate bill No. 4582 to amend tariff act (1930) and Penal Code.

HONORABLE AND DEAR SIR: In the name of our organization, we protest the passage of the Senate bill No. 4582 to amend tariff act (1930) and Penal Code to permit the importation, distribution, and sale of contraceptive literature and instruments.

We believe the passage of this bill would be a great danger to public health and morals, especially to our young people, and would increase obscenity and pornography which will result should present Federal restriction be removed. If this bill is passed it will place an added burden on State authoritatives, particularly where State laws now forbid the use and sale of contraceptives, in seeking to meet the increased traffic in these articles, as well as in information and advertisements, and the spread of immoral literature generally which must certainly follow.

This protest is made by the Toledo Council of Catholic Women of the Toledo Deanery, which has a membership of 5,000 Catholic women in the city of Toledo, and in the name of these women, we are urgently requesting that you use your influence against the passage of this amendment. We also ask that our protest be printed in the CONGRESSIONAL RECORD.

Yours cordially,

TOLEDO COUNCIL OF CATHOLIC WOMEN,
TOLEDO DEANERY,

ANNA FELL,
MRS. GEORGE N. FELL, *President.*

BUCYRUS, OHIO, *February 11, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

SENATOR: As an organization of Catholic women known as the Catholic Ladies of Columbia, we are strongly opposed to the passage of Senate bill No. 4582, known as the Gillett birth control bill.

We also desire to have our protest printed in the CONGRESSIONAL RECORD.

Very truly yours,

CATHOLIC LADIES OF COLUMBIA,
THERESA M. KAUFF, *Secretary.*

SANDUSKY, OHIO, *February 11, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

DEAR SENATOR BULKLEY: We wish to go on record as protesting against the passage of Senate bill 4582, to amend tariff act (1930) and Penal Code to permit importation, distribution, and sale of contraceptive literature and instruments, and which bill was introduced by Senator FREDERICK H. GILLETT last May, and on which we understand the committee is arranging for a public hearing on February 13.

We feel that the passage of such a bill would be a great danger to the public health and morals, especially of our young people, and a great increase in obscenity and pornography would result if present Federal restrictions would be removed; and an added burden would be placed on State authorities, particularly when State laws now forbid the use and sale of contraceptives, in seeking to meet the increased traffic in these articles, as well as in information and advertisements and the spread of immoral literature generally which must certainly follow.

We kindly ask that this protest be printed in the CONGRESSIONAL RECORD, and that you will use your influence in defeating the passage of such a bill.

Thanking you in advance for your cooperation, we are,

Respectfully,

ST. CECILIA LADIES' AUXILIARY, No. 78,
By CUMA BENDER, *Secretary.*

BUCYRUS, OHIO, *February 10, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

SENATOR: As an organization of Catholic women, we are strongly opposed to the passage of Senate bill No. 4582, known as the Gillett birth control bill.

We believe that the passage of such a bill would vitally affect the standards of public morality in our country; that it would greatly endanger the public health and morals, especially of our young people; that it would tend to open the flood gates to all kinds of pornographic and obscene literature; and that it would place an added burden on our State authorities.

Therefore, we respectfully ask that our protest be printed in the CONGRESSIONAL RECORD.

Very respectfully yours,

CATHOLIC WOMEN'S STUDY CLUB,
MARGARET LIGGETT, *Secretary.*

WARREN, OHIO, *February 10, 1931.*

Senator ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

DEAR SIR: In regard to Senate bill 4582 to amend tariff act (1930) and Penal Code to permit importation, distribution, and sale of contraceptive literature and instruments, which is to have a hearing on February 13, we as an organization of 300 members earnestly protest the passing of the bill and request that this protest be embodied in the report of the hearing and be printed in CONGRESSIONAL RECORD.

Sincerely,

MRS. IDA M. MCCORKLE,
Recording Secretary the Altar-Rosary and Christian Mothers' Society of St. Mary's Church.

LIMA DEANERY NATIONAL COUNCIL CATHOLIC WOMEN,
Lima, Ohio, February 11, 1931.

Senator SIMEON D. FESS.
Senator ROBERT BULKLEY.
Representative JOHN D. CABLE.

DEAR SIRS: We, the undersigned, representing the various organizations affiliated with the Lima Deanery, National Council of Catholic Women, desire to go on record as opposing the bill proposed by Senator GILLETT, of Massachusetts, to amend section 305 of the tariff act, because the proposed change would be harmful to public morality, would be dangerous to public health and the morals of the young, and would tend to increase immoral practices.

This protest is the voice of 1,000 Catholic women in this city.

We desire that this protest also be entered in the CONGRESSIONAL RECORD.

Yours very truly,

Miss Mary Kennedy, president Lima Deanery; Mrs. M. H. Lynch, president L. C. B. A., Branch 944; Mrs. L. J. Hanley, president L. C. B. A., Branch 1053; Mrs. J. W. Shanahan, president St. Rose Altar Society; Mrs. J. Sullivan, president St. John's Altar Society; Grace Hammack, president St. Gerard's Altar Society; Mrs. Frank D. Seitz, president L. A. K. St. John; Mrs. J. C. Thomas, president D. of L. Circle No. 355; Mary Mumaugh, president Sodality of St. Rose Church; Florence Mullin, president Sodality of St. John's.

ST. GEORGE COMMANDERY,
Columbus, Ohio, February 17, 1931.

The Hon. ROBERT BULKLEY.

DEAR SIR: The Knights of St. John, Commandery 98, an organization of Catholic men, whose aim is to promote glory to God and instill in its members the ideals of which our country has stood and should ever stand, purety of morals, religious liberty, the sanctity of marriage, and integrity of the home as the foundation of the State and Nation.

We wish to go on record as true Americans, to register our conscientious objections to the bill which Senator GILLETT is sponsoring, namely, to permit the dissemination of contraceptive literature and medicinal means, be they either medical or surgical, for such will tend to the ruination of our youth, whom you, as our representative at Washington, should strive rather to protect than destroy.

This bill, if it should pass, will destroy our manhood and womanhood and lay us open to degeneration; make our women not any better than prostitutes. This bill is knocking down the very safeguards of the Nation—should our country be called upon to fight for her very existence, how are we to have the man power to uphold our national liberty, our national honor?

Can you not see how iniquitous such a law will be, how disastrous to our country which we will defend with our lives?

Do you wish to have our country go on record as to open the door permitting all kinds of immorality, obscenity, etc.—to destroy the moral standing of our Nation; if you do, then you are not worthy of being a representative of our Government.

To-day our country is fast becoming a lawless Nation. Are you going to make it an immoral one also. Do you think we, the citizens of the United States, we, whose moral code is founded upon the teachings of Christ, can let such a bill become a law? We can not, and we will not.

Our wives and daughters are too near and dear to us to let us sit supinely and permit such an outrage to be perpetrated.

For the best interests of our country, our homes, our wives, mothers, and children we must vehemently protest any such amendment to Act 305 of 1930 in the tariff code as destructive to our country and homes which are the foundation of our State and Nation.

Please insert this, our protest, in the records of the Congress as one of many Catholic organizations opposing such amendments.

Respectfully submitted.

FRANK X. WERDACK, *President.*
JOHN G. DAUER, *Secretary.*

NORWALK, OHIO, *February 10, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

DEAR SIR: As an organization, we protest against Senate bill 4582, to amend tariff act (1930) and Penal Code, the passage of which we feel would affect the right standards of public morality and tend to destroy the long-standing traditions in this respect of our country. We are asking that you do not support this Senate bill 4582.

We object to the Senate bill 4582 because of the great danger to public health and morals, especially to our young people, because of the increase in obscenity and pornography which would result with the present Federal restriction removed, because of the added burden that will be placed on State authorities, and because of information and advertisements and the spread of immoral literature generally which must certainly follow.

We further ask that this protest be printed in the CONGRESSIONAL RECORD.

Yours very truly,

ST. ANNE'S AUXILIARY, No. 138,
TO THE KNIGHTS OF ST. JOHN,
MRS. CLARA GALLAM, *President.*

PAYNE, OHIO, *February 11, 1931.*

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

We, the Catholic women of St. John's Parish, Payne; St. Mary's Parish, Antwerp; and the parish of the Immaculate Conception, Cecil, join with the Catholic women of Paulding in protesting the passage of bill No. 4582 to amend tariff act (1930) and Penal Code.

We feel the passage of such a bill should not be allowed, as it would be a great danger to public health and morals, especially of our young people. Please embody this protest in the report of the hearing.

Respectfully yours,

(Mrs.) MARY MALOY,
Paulding County Chairman of the Defiance Deanery of the Toledo Diocesan Council of the National Council of Catholic Women.

REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 16561) granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Erving, Mass., reported it without amendment and submitted a report (No. 1693) thereon.

Mr. VANDENBERG, from the Committee on Commerce, to which was referred the bill (S. 6190) authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State, reported it with an amendment and submitted a report (No. 1696) thereon.

He also, from the Committee on Printing, to which was referred the joint resolution (H. J. Res. 250) to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War, reported it without amendment and submitted a report (No. 1702) thereon.

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5912) authorizing the reimbursement of Edward B. Wheeler and the State Investment Co. for the loss of certain lands in the Mora Grant, New Mexico, reported it without amendment and submitted a report (No. 1694) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15263) to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements, reported it with amendments and submitted a report (No. 1695) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3016. An act to authorize an appropriation for the purchase of land in South Dakota for use as camp sites or rifle ranges for the National Guard of said State (Rept. No. 1698);

S. 5464. An act authorizing the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y. (Rept. No. 1699);

S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa. (Rept. No. 1700);

H. R. 3255. An act for the relief of Sylvester S. Thompson (Rept. No. 1710); and

H. R. 9564. An act for the relief of Thomas W. Bath (Rept. No. 1711).

Mr. PARTRIDGE, from the Committee on Military Affairs, to which was referred the bill (S. 5455) to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt. (Rept. No. 1701).

Mr. BROCK, from the Committee on Military Affairs, to which was referred the bill (H. R. 1610) for the relief of Norman Dombris, reported it without amendment and submitted a report (No. 1712) thereon.

Mr. CAREY, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon.

H. R. 395. An act for the relief of Alfred Chapleau (Rept. No. 1713);

H. R. 687. An act for the relief of John S. Conkright (Rept. No. 1714); and

H. R. 3256. An act for the relief of David F. Richards, otherwise known as David Richards (Rept. No. 1715).

Mr. HOWELL (for Mr. BROOKHART), from the Committee on Claims, to which was referred the bill (S. 4334) for the relief of G. Elias & Bro. (Inc.), reported it with amendments and submitted a report (No. 1697) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2034. An act for the relief of Weymouth Kirkland and Robert N. Golding (Rept. No. 1703); and

S. 2108. An act for the relief of Don C. Fees (Rept. No. 1704).

Mr. GLENN, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 2268. An act for the relief of Tom Small (Rept. No. 1705); and

S. 5927. An act for the relief of Alfred W. Mayfield (Rept. No. 1706).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 9199) for the relief of John F.

Williams and Anderson Tyler, reported it without amendment and submitted a report (No. 1707) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 10676) to provide for the special delivery and the special handling of mail matter, reported it without amendment and submitted a report (No. 1708) thereon.

Mr. PATTERSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 2366) authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes, reported it without amendment and submitted a report (No. 1709) thereon.

ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, February 20, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 2231. An act to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes;

S. 3277. An act to provide against the withholding of pay when employees are removed for breach of contract to render faithful service;

S. 4619. An act to authorize the disposition of effects of persons dying while subject to military law;

S. 4636. An act to authorize the Secretary of War to resell the undisposed-of portion of Camp Taylor, Ky., approximately 328 acres, and to also authorize the appraisal of property disposed of under authority contained in the acts of Congress approved July 9, 1918, and July 11, 1919, and for other purposes;

S. 4799. An act to extend the times for commencing and completing the construction of bridges across the Missouri River at or near Farnam Street, Omaha, Nebr., and at or near South Omaha, Nebr.;

S. 5677. An act to authorize the Secretary of the Treasury to prepare and manufacture a medal in commemoration of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va., and of the establishment of the independence of the United States;

S. 5825. An act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland;

S. 5887. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mound City, Ill.;

S. 5921. An act authorizing Dalles City, a municipal corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near The Dalles, Oreg.; and

S. 5952. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FESS:

A bill (S. 6209) granting a pension to Rosa Webb (with accompanying papers); to the Committee on Pensions.

By Mr. MORRISON:

A bill (S. 6210) to amend the second deficiency act, fiscal year 1930; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON:

A bill (S. 6211) for the relief of Walter F. Gannon; to the Committee on Military Affairs.

A bill (S. 6212) for the relief of Royal W. Robertson; to the Committee on Naval Affairs.

By Mr. WALSH of Montana:

A bill (S. 6213) authorizing the issuance to Mathie Belsvig of a patent to certain lands (with an accompanying paper); and

A bill (S. 6214) authorizing the Secretary of the Interior to grant a patent to certain lands to Charles R. Thornton (with an accompanying paper); to the Committee on Public Lands and Surveys.

By Mr. LA FOLLETTE:

A bill (S. 6215) to establish a National Economic Council; to the Committee on Manufactures.

By Mr. GOFF:

A bill (S. 6216) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.; to the Committee on Commerce.

By Mr. BULKLEY:

A bill (S. 6217) to correct the military record of Leslie D. Callahan; to the Committee on Military Affairs.

By Mr. BINGHAM:

A bill (S. 6218) granting permission to Harold I. June to transfer to the Fleet Reserve of the United States Navy; to the Committee on Naval Affairs.

By Mr. WALSH of Massachusetts:

A bill (S. 6219) for the relief of Edwin C. Jenney, receiver; to the Committee on Claims.

PROMOTION, PAY, ETC., OF THE ARMY, NAVY, AND ALLIED SERVICES

Mr. REED introduced a joint resolution (S. J. Res. 255) providing for the appointment of a joint committee of the Senate and House of Representatives to investigate promotion, pay, allowances, and allied subjects affecting the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, which was read twice by its title, referred to the Committee on Rules, and ordered to be printed in the RECORD, as follows:

Resolved, etc., That a joint committee to be composed of five Members of the Senate, to be appointed by the Vice President, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, who shall be Members of or Members elect to the Seventy-second Congress, shall make an investigation and report recommendation by bill or otherwise to their respective Houses relative to the readjustment of promotion, pay, allowances, and allied subjects pertaining to the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

The Committees on Military Affairs and the Committees on Naval Affairs of the Senate and House of Representatives and the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives each shall have a representative on such joint committee.

DEPORTATION OF CERTAIN ALIENS

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (S. 6172) to expedite the deportation of certain aliens, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 35, after line 6, insert the following as a new paragraph:

"Navajo Hospital, Winslow, Ariz.: For construction and equipment of a sanatorium, including quarters for employees at Winslow, Ariz., on a site to be approved by the Secretary of the Interior and furnished to the United States free of cost, $150,000."

Mr. GOLDSBOROUGH submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 9, after line 15, insert the following:

"The salary of the Director or of the Acting Director United States Veterans' Bureau is hereby fixed at the sum of $12,000 per annum, effective as of July 23, 1930, for any period or periods during which said director or acting director functions or has functioned as such."

Mr. HOWELL submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 105, after line 22, insert the following:

"Omaha, Nebr., office building for housing Federal activities, which shall be constructed on the site now occupied by the old Federal building at the southwest corner of Fifteenth and Dodge Streets, $800,000."

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 115, after line 22, insert a new paragraph, to read as follows:

"Texas City, Tex., post office, etc.: For construction of a building on a site to be donated, under an estimated total cost of $80,000."

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 71, at the end of line 13, insert the following:

"For the acquisition by the United States of the laboratory erected and established by the State of Montana, at Hamilton, Mont., at which are being carried on jointly by said State and the Bureau of Public Health Service studies and research for the prevention, eradication, and cure of spotted fever, and in which is produced serum for the treatment of patients suffering from such malady or likely to contract the same, together with the ground owned by the said State on which such laboratory is situated and the equipment and supplies therein, $75,000; and for the construction on the ground so to be acquired and equipment of another building to be devoted to the same purpose the additional sum of $75,000."

SERVICE RECORD OF MEMBERS OF CONGRESS FROM THE 16 WESTERN STATES—"A CONGRESSIONAL DIRECTORY OF THE WEST"

Mr. CAREY submitted a resolution (S. Res. 457), which, with the accompanying paper, was referred to the Committee on Printing:

Resolved, That the extension of remarks of Hon. EDWARD T. TAYLOR, a Representative from Colorado, showing the service record of all Members of Congress from the 16 Western States since 1848 be printed as a Senate document.

HEARINGS BEFORE COMMITTEE ON MANUFACTURES—PROPOSED NATIONAL ECONOMIC COUNCIL

Mr. LA FOLLETTE submitted the following resolution (S. Res. 460), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures, or any subcommittee thereof, hereby is authorized and directed, during the continuance of the Seventy-second Congress, including sessions, recesses, and adjourned periods of the same, to make a study of, and to hold hearings on, the bill (S. 6215) to establish a national economic council.

For the purposes of this resolution such committee, or subcommittee, is authorized to hold hearings, to sit and act at such times and places, to employ such stenographic and other assistance, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of such stenographic service to report such hearings and testimony shall not be in excess of 25 cents per 100 words. The expenses of such committee, or subcommittee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

REPORTS OF PUBLIC-UTILITY COMPANIES IN THE DISTRICT OF COLUMBIA

Mr. CAPPER. I submit the annual reports of public-utility companies in the District of Columbia, which I move be printed as a Senate document in accordance with the usual custom.

The motion was agreed to.

The motion was reduced to the form of an order, as follows:

Ordered, That the annual reports of the following-named public-utility companies in the District of Columbia, for the year ended December 31, 1930, heretofore transmitted to the Senate, be printed as a Senate document: Capital Traction Co., Chesapeake & Potomac Telephone Co., Georgetown Barge, Dock, Elevator & Railway Co., Georgetown Gas Light Co., Potomac Electric Power Co., Washington Gas Light Co., Washington Interurban Railroad Co., and Washington Railway & Electric Co.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

PREVENTION, ERADICATION, AND CURE OF SPOTTED FEVER

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Montana?

Mr. BINGHAM. I yield.

Mr. WALSH of Montana. There is on the clerk's desk the bill (S. 5959) authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever. It is a matter of very great importance and particular urgency. I referred to it at the time the bill was introduced. It is intended to promote the means to prevent the spread of the disease known as spotted fever. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Let the bill be stated for the information of the Senate.

The CHIEF CLERK. A bill (S. 5959) authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever, reported from the Committee on Commerce with amendments.

Mr. WALSH of Montana. Mr. President, the bill is approved by the Surgeon General of the Public Health Service, by the Secretary of the Treasury, and is likewise approved by the Budget.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KING. Will consideration of the bill displace the unfinished business?

The VICE PRESIDENT. It will not if it is considered by unanimous consent.

Mr. KING. Does the Senator from Montana think it will lead to debate?

Mr. WALSH of Montana. I do not think so. I do not know of any opposition to it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana for the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 3, to strike out "the Surgeon General of the Public Health Service" and insert in lieu thereof "the Secretary of the Treasury," and on page 2, in line 6, after the words "United States," to insert "and shall be administered and maintained as a part of the United States Public Health Service, Treasury Department," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to purchase from the State of Montana, at the actual cost of the same, to be determined by him, the laboratory of the State of Montana at Hamilton, Mont., with its equipment, constructed for the purpose of carrying on, and at which are carried on jointly by said State and the Bureau of Public Health, studies and research for the prevention, eradication, and cure of spotted fever, and at which serum is produced for the treatment of patients suffering from such malady or likely to contract the same. Title to the ground upon which the said laboratory is situated with all equipment and supplies therein shall be taken in the name of the United States and shall be administered and maintained as a part of the United States Public Health Service, Treasury Department.

SEC. 2. There is hereby authorized to be appropriated the sum of $75,000 for the purpose hereinabove set forth, and an additional sum of $75,000 for constructing and equipping on the ground so to be acquired another building for the same purpose, for making alterations to the existing laboratory referred to, and for the construction of the necessary out buildings.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WALSH of Montana. Mr. President, I have a letter in relation to the bill which I ask may be read at the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

GREAT FALLS, MONT., *February 8, 1931.*

Senator THOMAS J. WALSH,
Washington, D. C.

DEAR SIR: I desire to congratulate you for your recent efforts to procure additional Government aid for the fight against spotted fever.

Last July my son, Gardner Neil Hurdle, who was working on a Government survey near Missoula, was bitten by a tick and died of this terrible malady. He was born and raised in eastern Montana, and we were very ignorant of the danger of this horrible plague.

My boy was 18 years old and a fine specimen of young manhood, both physically and morally. For this reason we had hoped to save him. Although excellent nursing and medical attention were had, they availed us nothing.

I know that even the people of our own State do not realize the seriousness of this situation. It seems to be a tendency in some localities to cover up and keep its ravages secret.

This survey party was sent into this district without warning. As there was no serum available (the supply had been entirely exhausted), they were absolutely unprotected.

Senator, I have seen many people die, but this death is the most dreadful. The disease attacks the liver, heart, and the kidneys. My boy turned red, then yellow, then green, then black at death. For 36 hours he was unable to swallow a single drop of water, although burning up with fever. I wish I were able to do something to prevent anyone from this fate.

I appreciate your interest and the good work you are doing for our State. If you are able to start a campaign which might eventually stamp out this plague, it would be the very best accomplishment of your career.

God bless you.

Sincerely yours, R. T. HURDLE.

Mr. WALSH of Montana. I desire to add merely that the report of the Surgeon General discloses that sporadic cases of the disease have manifested themselves in the country immediately adjacent to the National Capital.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES. Mr. President, will the Senator from Connecticut yield to enable me to call up the action of the House on certain amendments of the Senate to the independent offices appropriation bill?

The VICE PRESIDENT. Does the Senator from Connecticut yield for that purpose?

Mr. BINGHAM. I yield.

Mr. JONES. I ask that the Chair lay before the Senate the action of the House of Representatives on certain amendments of the Senate to the independent offices appropriation bill.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 18, 1931.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 53 and 70 to the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and concur therein with an amendment as follows:

Restore the matter stricken out by said amendment amended to read as follows:

"HOUSING CORPORATION

"Salaries and expenses: For officers, clerks, and other employees, and for contingent and miscellaneous expenses, in the District of Columbia and elsewhere, including blank books, maps, stationery, file cases, towels, ice, brooms, soap, freight and express charges, communication service, travel expense, printing and binding not to exceed $150, and all other miscellaneous items and expenses not included in the foregoing and necessary to collect and account for the receipts from the sale of properties and the receipts from the operation of unsold properties of the United States Housing Corporation, the Bureau of Industrial Housing and Transportation, property commandeered by the United States through the Secretary of Labor, and to collect the amounts advanced to transportation facilities and others; for payment of special assessments and other utility, municipal, State, and county charges or assessments unpaid by purchasers, and which have been assessed against property in which the United States Housing Corporation has an interest, and to defray expenses incident to foreclosing mortgages, conducting sales under deeds of trust, or reacquiring title or possession of real property under default proceeding, including attorney fees, witness fees, court costs, charges, and other miscellaneous expenses; for the maintenance and repair of houses, buildings, and improvements which are unsold; in all, $15,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $4,900 per annum, and only one person may be employed at that rate: *Provided further*, That no part of the appropriations heretofore made and available for expenditure by the United States Housing Corporation shall be expended for the purposes for which appropriations are made herein: *Provided further*, That the directors of the United States Housing Corporation of New York and the United States Housing Corporation of Pennsylvania may, with the approval of the Secretary of Labor, appoint the chief clerk or other officer of the Department of Labor to act as their president or as their immediate representative in charge of administrative work, such departmental officer to serve without compensation in addition to the salary of his official position, and the directors of these corporations may in like manner designate the disbursing clerk for the Department of Labor to act in a similar capacity for the corporations, and after such designation has been made all funds coming into the hands of said disbursing clerk shall be treated as funds of the United States to be accounted for under his official bond."

That the House recede from its disagreement to the amendment of the Senate numbered 69, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

"No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available during the fiscal year 1932 for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions, where oil of the production of the United States or its possessions is available.

"That in the expenditure of appropriations in this act the United States Shipping Board Merchant Fleet Corporation shall, except as provided in the preceding paragraph, unless in its discretion the interest of the Government will not permit, purchase for use, or contract for the use of, within the limits of the United States only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more if such excess of cost be not unreasonable."

Mr. JONES. I move that the Senate agree to the amendment numbered 38 adopted by the House.

The motion was agreed to.

Mr. JONES. Amendment numbered 69 contains quite an important amendment which the House put in the bill. I think that it ought to go to conference. Therefore, I move that the Senate disagree to the amendment of the House to the amendment of the Senate, ask a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. KEYES, Mr. SMOOT, Mr. JONES, Mr. GLASS, and Mr. BROUSSARD conferees on the part of the Senate.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS—CONFERENCE REPORT

Mr. PHIPPS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on amendments of the Senate (except 21 and 24) to the bill (H. R. 14246) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 31, 32, 33, 36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 58, 59, 64, 65, 66, 67, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 29, 42, 43, 60, 61, 62, 63, and 69, and agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For establishing and equipping a Coast Guard station at or near Port Orford on the coast of Oregon as authorized in the act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes,' approved March 3, 1891 (26 Stat. p. 938), to be immediately available, $83,500."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,606,422"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$397,984"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,102,090"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$1,576,360"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$540,240"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$80,640"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$207,140"; and the Senate agree to the same.

L. C. PHIPPS,
REED SMOOT,
GEO. H. MOSES,
WM. J. HARRIS,
CARTER GLASS,
Managers on the part of the Senate.

WILL R. WOOD,
M. H. THATCHER,
GUY U. HARDY,
GEO. A. WELSH,
JOSEPH W. BYRNS,
WILLIAM W. ARNOLD,
Managers on the part of the House.

Mr. PHIPPS. Mr. President, I ask unanimous consent for the present consideration of the conference report.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. DILL. Mr. President, I want to ask the Senator a question first. Is the conference report which the Senator is now seeking to call up different from the conference report which the Senate overwhelmingly sent back to conference some days ago?

Mr. PHIPPS. It is.

Mr. DILL. In what way is it different?

Mr. PHIPPS. It does not differ except that the House has receded on some minor amendments.

Mr. DILL. What minor amendments?

Mr. PHIPPS. Amendments numbered 1 to 23, from which they receded, involve a mere question of language. There are about seven various items that were complicated by the step-up salary question from which they have already receded, but they declined to recede on the Senate amendment involving the so-called northwestern air mail route.

Mr. DILL. Then, in effect, the Senator brings back here a conference report almost identical with the one which the Senate voted down by a vote of more than 2 to 1 some days ago?

Mr. PHIPPS. That is correct.

Mr. DILL. And the Senator has no hope, if the bill should be sent back to conference, that he could accomplish anything else than bring back the same report?

Mr. PHIPPS. Absolutely none, Mr. President. The conferees extended their best efforts. We tried to induce the conferees on the part of the House to agree to some form of amendment which would be satisfactory. I should like the amendment with regard to garages which was offered by the Senator from Wisconsin retained in the bill, but the House conferees claimed that that is a matter that must be handled by the legislative committee, and absolutely declined to agree to any amendment on the subject.

Mr. DILL. I want to say to the Senator from Colorado that the Senator from Wisconsin is not here. I know he is very much interested in the report, and, for that reason, I shall object for the present to the consideration of the report.

Mr. PHIPPS. Mr. President, on account of the status of business this morning, I should like, of course, to have the report considered, and while I could move to take it up, I am going to refrain from doing so at this time. I prefer, of course, to have the Senator from Wisconsin present when the report is passed upon. I did not note his absence, and he has made no statement to me regarding the matter.

SABINE RIVER BRIDGE, LOUISIANA

Mr. BROUSSARD. Mr. President, the Senate recently passed Senate bill 5458, and it has since been passed by the House with amendments. I ask the Chair to lay before the Senate the amendments of the House of Representatives, and then I shall make a motion to concur in those amendments.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5458) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 7, which were: On page 1, line 9, to strike out "Orange" and insert "Newton"; on page 2, line 1, to strike out "7" where it appears the second time and insert "87"; and to amend the title so as to read: "An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 87."

Mr. BROUSSARD. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolution (H. Con. Res. 46), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice President in signing the bill (H. R. 15876) to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes, be rescinded, and that in the reenrollment of such bill the words "township 36 west" in section 2 of such bill be stricken out and the words "township 36 north" be inserted in lieu thereof.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 17054) to increase the loan basis of adjusted-service certificates, and it was signed by the Vice President.

HOUSE BILL REFERRED

The bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supple-

mental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

SUITS AGAINST THE UNITED STATES GOVERNMENT—CONFERENCE REPORT

Mr. WALSH of Montana. I submit a conference report on House bill 980. I may say this bill has been held in conference for a long time. It relates to suits against the United States for the purpose of settling liens upon property. At the present time there is no way of adjusting title to property against which the Government of the United States claims liens.

The VICE PRESIDENT. The Secretary will read the report.

The Chief Clerk proceeded to read the report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 980) to permit the United States to be made a party defendant in certain cases, having met, after full and free conference, report that at the conference the Senate conferees insisted upon the Senate amendment and the House conferees refused to recede from the disagreement of the House to the Senate amendment, under which circumstances the conferees have agreed to recommend and do recommend to their respective Houses as follows:

That the conferees of the respective Houses have agreed to a substitute, to follow the enacting clause, in lieu of the provisions of the House bill and the Senate amendment, as follows:

"That, upon the conditions herein prescribed for the protection of the United States, the consent of the United States be, and it is hereby given, to be named a party in any suit which is now pending or which may hereafter be brought in any United States district court, including those for the districts of Alaska, Hawaii, and Porto Rico, and the Supreme Court of the District of Columbia, and in any State court having jurisdiction of the subject matter, for the foreclosure of a mortgage or other lien upon real estate, for the purpose of securing an adjudication touching any mortgage or other lien the United States may have or claim on the premises involved.

"SEC. 2. Service upon the United States shall be made by serving the process of the court with a copy of the bill of complaint upon the United States attorney for the district or division in which the suit has been or may be brought and by sending copies of the process and bill, by registered mail, to the Attorney General of the United States at Washington, D. C. The United States shall have 60 days after service as above provided, or such further time as the court may allow, within which to appear and answer, plead, or demur.

"SEC. 3. Any such suit brought against the United States in any State court may be removed by the United States to the United States district court for the district in which the suit may be pending. The removal shall be effected in the manner prescribed by section 29 of the Judicial Code (U. S. C., title 28, sec. 72): *Provided*, That the petition for removal may be filed at any time before the expiration of 30 days after the time herein or by the court allowed to the United States to answer, and no removal bond shall be required. The court to which the cause is removed may, before judgment, remand it to the State court if it shall appear that there is no real dispute respecting the rights of the United States, or all the other parties shall concede of record the claims of the United States.

"SEC. 4. Except as herein otherwise provided, a judicial sale made in pursuance of a judgment in such a suit shall have the same effect respecting the discharge of the property from liens and encumbrances held by the United States as may be provided with respect to such matters by the law of the State, Territory, or district in which the land is situated: *Provided*, That a sale to satisfy a lien inferior to one of the United States shall be made subject to and without disturbing the lien of the United States, unless the United States, by its attorneys, consents that the property may be sold free of its mortgage or lien and the proceeds divided as the parties may be entitled: *And provided further*, That where a sale is made to satisfy a lien prior to that of the United States, the United States shall have one year from the date of sale within which to redeem. In any case where the debt owing the United States is due, the United States may ask, by way of affirmative relief, for the foreclosure of its own lien or mortgage and in any case where property is sold to satisfy a first mortgage or first lien held by the United States, the United States may bid at the sale such sum not exceeding the amount of its claim with expenses of sale, as may be directed by the chief of the department, bureau, or other agency of the Government which has charge of the administration of the laws in respect of which the claim of the United States arises.

"SEC. 5. If any person shall have a lien upon any real or personal property, duly filed of record in the jurisdiction in which the property is located, and a junior lien (other than a lien for any tax) in favor of the United States attaches to such property, such person may make a written request to the officer of the United States charged with the administration of the laws in respect of which the lien of the United States arises, to have the same extinguished. If after appropriate investigation, it appears to such officer that the proceeds from the sale of the property would be insufficient to satisfy, in whole or in part, the lien of the United States, or that the claim of the United States has been satisfied, or by lapse of time or otherwise has become unenforceable, such officer shall so report to the Comptroller General who thereupon may issue a certificate of release, which shall operate to release the property from such lien.

"SEC. 6. No judgment for costs or other money judgment shall be rendered against the United States in any suit or proceeding which may be instituted under the provisions of this act. Nor shall the United States be or become liable for the payment of the costs of any such suit or proceeding or any part thereof."

T. J. WALSH,
C. W. WATERMAN,
F. H. GILLETT,
Managers on the part of the Senate.

GEO. S. GRAHAM,
A. J. HICKEY,
HATTON W. SUMNERS,
Managers on the part of the House.

Mr. WALSH of Montana. Mr. President, as the bill is a somewhat lengthy one, I will state in substance the contents of the report. The House proposed a certain method by which such suits as are covered by the bill should be conducted. The Senate proposed one radically different. The conferees report a substitute for both the House bill and the Senate amendment.

Mr. WATSON. I will ask the Senator if it is a complete agreement?

Mr. WALSH of Montana. It is a complete agreement. The substitute bill was drawn with the assistance of the Attorney General, and provides a method which, while not altogether satisfactory to either body, is probably the best that can be obtained at this time.

Mr. NORRIS. Mr. President, I will not oppose the conference report, but I do not want the occasion to pass without saying just a few words regarding it.

The bill on which the conference report is submitted has been in controversy between the Judiciary Committee of the Senate and the Judiciary Committee of the House for a long time. It is quite important that there should be legislation on the subject involved. A similar bill was pending in a previous Congress and at that time the Senate committee reported an amendment to the House bill, but the bill was not finally passed.

I think in this instance the amendment reported by the Judiciary Committee was in every way an excellent solution of the difficulty in which the Government of the United States finds itself when cases are commenced in State courts

concerning property upon which the Government of the United States has or claims to have a lien. The Judiciary Committee, after quite full debate and discussion on the question, were unanimous, as I remember, in support of the amended bill as they reported it.

I met with the House conferees on a similar bill in a prior Congress, and I am not sure but I was one of the conferees at that time; but we were unable to secure any kind of an agreement on the proposition we advocated. Finally it was agreed that the Attorney General should draw a substitute; he drew it, and that constitutes the report now before the Senate.

I think it is an improvement over existing law, perhaps, but it still provides a cumbersome method. It means drawn-out litigation and considerable expense to litigants. Cases may be referred back and forth between State to Federal courts, incurring a great deal of delay. While, in my judgment, it is the best we are able to get under the circumstances, it does not accomplish such a simplification of methods of judicial procedure as we might have a right to demand or expect. I merely wanted to say this much because I feel that we are not getting what we ought to have in this legislation, although we are probably getting a slight improvement over the existing law.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

CLAIM OF THE CHOCTAW AND CHICKASAW INDIAN NATIONS—VETO MESSAGE (S. DOC. NO. 280)

The VICE PRESIDENT. The Chair lays before the Senate a veto message from the President of the United States on a bill in which the Senator from Oklahoma [Mr. THOMAS] is interested.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the veto message, with the accompanying enrolled bill, may be printed as a document and printed in the RECORD without being read and that it may be referred to the Committee on Indian Affairs.

There being no objection, the veto message, with the accompanying enrolled bill, was referred to the Committee on Indian Affairs and ordered to be printed, and printed in the RECORD, as follows:

To the Senate:

I return herewith without my approval the bill S. 3165, entitled, "An act conferring jurisdiction upon the Court of Claims to hear, consider, and report upon a claim of the Choctaw and Chickasaw Indian Nations or Tribes for fair and just compensation for the remainder of the leased district lands."

This act undertakes, by indirection, to revive the claims of the Choctaw and Chickasaw Nations for compensation for parts of the so-called "leased district."

The "leased districts" lands of these Indians comprised approximately 7,000,000 acres, lying between the 98th and 100th degrees of west longitude in the State of Oklahoma. By treaty of June 22, 1855, the United States paid the Choctaws $600,000 and the Chickasaws $200,000 for the lease of this land to the United States in perpetuity, as well as for the cession to the United States of their land west of the 100th degree of west longitude. By treaty of April 28, 1866, involving an additional payment of $300,000, the Choctaws and Chickasaws ceded the leased district land to the United States, thereby parting with all rights of any kind in that land.

In 1891 Congress appropriated $2,991,450 to pay the Choctaws and Chickasaws for approximately 2,293,000 acres of the leased district land granted by Congress to the Cheyennes and the Arapahoes. In signing the general appropriation bill containing this item President Harrison protested at paying for land that already belonged to the Federal Government, saying in a message to Congress that he would have disapproved the bill because of this item were it not for the disastrous consequences that would result from the defeat of the entire appropriation bill. In December, 1892, Congress passed a resolution containing the following provisions:

Provided, however, That neither the passage of the original act of appropriation to pay the Choctaw Tribes of Indians for their interest in the lands of the Cheyenne and Arapahoe Reservation, dated March 3, 1891, nor of this resolution shall be held in any way to commit the Government to the payment of any further sum to the Choctaw and Chickasaw Indians for any alleged interest in the remainder of the lands situated in what is commonly known and called the "leased district."

In 1899 the Court of Claims decided that the title to the remaining acreage of leased district land was in the United States in trust for the Choctaw and Chickasaw Indians. However, the United States Supreme Court, in its decision of December 10, 1890, reversed the Court of Claims and held that the treaty of 1866 vested in the United States complete title to the leased district land.

The present claim of the Choctaw and Chickasaw Indians is for 5,224,346 acres at $1.25 per acre.

The bill does not send this claim to the Court of Claims for adjudication and settlement, as is normally the case with respect to Indian claims. That would, indeed, be futile, since the Supreme Court has ruled that neither it nor the Court of Claims has jurisdiction to decide that the United States shall pay for lands that it already owns. The result of the bill would seem to be, through a report to Congress from the Court of Claims, to create a lawful aspect to a claim which has no present legal standing.

This case raises a very wide issue of whether we are to undertake revision of treaties entered into in the acquiring of Indian lands during the past 150 years. The values of such lands have obviously increased, and the undertakings entered into at the time the agreements were made may naturally look small in after years. But the increased values have been the result of the efforts of our citizens in building this Nation.

This case would, I feel, create a dangerous precedent which could conceivably involve the Government in very large liabilities. If it is the thought of Congress that justice requires the revision of Indian treaties in the light of subsequent events, then the whole of these treaties should be considered together not by incidental creation of precedents.

It is the purpose of the United States Government to do justice by the Indians and assist them to citizenship and participation in the benefits of our civilization. And in the case of these tribes the Government has during the past 18 years expended a total of approximately $3,500,000 out of the taxpayers' money and they will in a few years exceed the totals of these claims.

HERBERT HOOVER.

THE WHITE HOUSE, *February 18, 1931.*

Be it enacted, etc., That the Court of Claims is hereby authorized and directed to hear and inquire into the claims of the Choctaw and Chickasaw Indian Nations for compensation for the remainder of their "leased district" land acquired by the United States under article 3 of the treaty of 1866 (14 Stat. L. 769) not including the Cheyenne and Arapahoe lands for which compensation was made to the Choctaw and Chickasaw Nations by the act of Congress approved March 3, 1891 (26 Stat. L. 989), and to report its findings to Congress notwithstanding the lapse of time or the statute of limitations and irrespective of any former adjudication upon title and ownership, as to whether the consideration paid or agreed to be paid for said remainder of said lands was fair and just, and if not, whether the United States should pay to the Choctaw and Chickasaw Nations additional compensation therefor, and if so, what amount should be so paid. The court shall also hear, examine, and report upon any claims which the United States may have as an offset against said Indian nations but any payment which may have been made by the United States upon such claims against the United States shall not operate as an estoppel but may be pleaded as an offset.

SEC. 2. The claim of the Choctaw and Chickasaw Indian Nations or Tribes shall be forever barred unless presented, as herein provided, within one year after the passage and approval of this act. Said tribes shall be the claimants and the United States shall be the defendant; and said claim shall be verified and filed by the attorneys employed to prosecute the same, under contracts to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and said contracts with such Indian tribes shall be executed by the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation, respectively; and the attorneys employed, as herein provided, may be assisted by the regular tribal

attorneys employed under existing law, under the direction of the Secretary of the Interior. The Court of Claims shall include in its report to Congress a finding as to what compensation should be paid the attorneys employed as herein provided, other than the regular tribal attorneys employed under existing law, and such compensation shall not exceed 5 per cent of any amount which may be received by the said Choctaw and Chickasaw Indian Nations or Tribes in payment of such claim.

SEC. 3. There is hereby authorized to be expended, out of any money or moneys now standing to the credit of the Choctaw and Chickasaw Indian Nations or Tribes in the Treasury of the United States, such sums as may be necessary not exceeding in the aggregate $5,000, to be paid, in the discretion of the Secretary of the Interior, for the reimbursement of said attorneys for all proper and necessary expenses incurred by them in the investigation of records and in the preparation, institution, and prosecution of said claim: *Provided*, That the accounts of such attorneys for such expenses shall be submitted to, and approved by, the Secretary of the Interior, and paid under rules and regulations to be prescribed by him: *And provided further*, That any sum so allowed and paid such special attorneys for expenses under this act shall be reimbursable to the credit of the Choctaw and Chickasaw Indian Nations or Tribes, out of any sum of money that may hereafter be paid to such attorneys for legal services rendered in connection with said claim.

SEC. 4. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence; and the departments of the Government shall give access to the attorneys of said Indian nations or tribes to such treaties, papers, correspondence, or records as may be needed in the preparation, presentation, and conduct of such claim.

SEC. 5. A copy of the petition shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

UNFINISHED BUSINESS OF CONGRESS

Mr. BORAH. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the New Republic of February 18, 1931, entitled "Unfinished Business."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Republic, February 18, 1931]

UNFINISHED BUSINESS

Now that a compromise has been reached on drought relief and another is in sight on the cashing of bonus certificates, administration and other conservative forces are beginning to heave sighs of relief because the chances of an extra session of Congress look slimmer. All that remains for Congress to do, it is argued, is to provide in some way the minimum of funds necessary to carry on the Government until next December and then disperse. Why is it assumed that the country wants nothing from its legislative body except inaction? Are national affairs in such perfect order that we should seek as little change as possible for another year?

There has been a vigorous propaganda to the effect that the prime necessity of the moment is to leave business alone, so that it will revive. Anything Congress is likely to do, it is argued, will disturb business, or at least arouse the fears of business men, and this may postpone revival. "This is not the time" to consider new measures, investigations, advances, or changes in policy. In so far as Congress plays a part in Government, a moratorium on Government is demanded. Every question of policy is, for the time being, to be left to the limited powers and vision of the White House.

Just what are the things which Congress might do if an extra session of that body, as it was constituted by the election of last November, were to come into session on March 1? How would these things disturb business and postpone revival? The most prominent pieces of unfinished business now on the calendar are easily identified. There is the proposal to appropriate a greatly enlarged sum for public works and thus to enable the Federal Government to help the relief of unemployment and the revival of business to a degree somewhere commensurate with the need. This measure is supported by a large group of the Nation's most prominent and scholarly economists. There is Senator WAGNER'S program to begin the establishment of a permanent system of dealing with unemployment. Only two of his measures—and the most elementary—have been adopted, those calling for better statistical information and advance planning of public works. There remain a nationally coordinated system of employment exchanges and Federal encouragement for State unemployment insurance. This program also has the almost unanimous support of the experts. Senator NORRIS'S plan for public operation of Muscle Shoals, repeatedly adopted by the Senate, languishes because the House will not agree—the principal obstacles being raised by a lame-duck member of the House committee, defeated in the last elections because of his friendship to the power interests—Mr. REECE, of Tennessee. Senator NORRIS'S constitutional amendment to avoid the absurdity of such lame-duck activities, long approved by all intelligent commentators, is suspended in the House. The Senate Judiciary Committee's bill to remove the abuse of antilabor injunctions, supported by the weight of expert authority in this field awaits action. The Interstate Commerce Commission has asked for power to deal with railroad holding companies and to pursue a more intelligent policy of valuation and rate regulation, which would be made possible by repeal of the recapture clause. The proposal for Federal regulation of the interstate activities of the electric utilities is under consideration. And the investigation of banking policy and its effect on speculation, now under way, might lead to action.

There is not the slightest excuse for delay in any of these matters. Those projects which have not already had the benefit of long consideration are supported by the best nonpolitical authority in the Nation. They are not half-baked nostrums proceeding from temporary excitement or from demagogic desire to play politics and win votes. Not one should injure any legitimate business. Some, indeed, are not only urgent but have been far too long delayed. If they are not passed during a depression they are not likely ever to be passed. These are the measures for temporary and permanent relief of unemployment. There is barely a trace of reality in the plea that for Congress to act during the next 10 months would tend to delay revival of business.

The only reality there is in this plea is created by the very propaganda against an extra session. Business men have been told so emphatically and so frequently that prosperity and congressional activity are mutually incompatible that they have come to believe it, and this belief itself may undermine any confidence they might otherwise feel, if the Capitol at Washington remains busy. And why have they been told this? A combination of two types of influence has been brought to bear for this purpose.

One consists of predatory, profiteering, and reactionary private interests which are opposed to specific pieces of legislation now under consideration. The power companies are afraid of public operation of Muscle Shoals because they think it may succeed and reveal how much they are overcharging the public. The anti-union employers want to block the injunction bill, labor exchanges, and unemployment insurance. The railroad holding companies want complete freedom for financial and trading profits. The big taxpayers want to avoid increased expenditures for public works. These interests have done their best to scare the public by pretending that their interests are identical with the public interest. They think that if action can only be postponed long enough, revival may come and the public will be less ready to support progressive measures. Or some new obstacle may be devised.

The other influence is self-seeking politics. The administration, dominated by Mr. Hoover's desire for renomination and reelection, wants on the one hand to avoid offending the powerful interests mentioned above by sanctioning anything they dislike, and on the other hand to avoid issues which a fight with Congress on these measures would sharpen, and which would make the President still more unpopular with large groups of voters. Wheel-horse politicians and newspapers find it natural to support him and the interests which his position protects. This fear on the administration's side finds its counterpart in a fear among conservative Democrats. They also do not want to offend private interests which are capable of financing campaigns and influencing opinion. And they are afraid that, if they did insist on an extra session and support progressive measures, business might not revive and they would be the scapegoats. They want to enhance their chances of winning the next election by avoiding any responsibility for what happens in the meantime. They want to win, not on their merits, but by the default of their opponents.

Fear is the dominant motive of the bipartisan coalition which is stifling action in a national emergency, which is preventing the American Nation from taking even the most elementary measures to make its business order behave in a barely endurable way. The President, the great Republican and Democratic newspapers, and the sinister forces behind them, are really "trading in human misery." They are telling the country that it can not have relief from depression unless reaction is allowed to have its way. But those among them who are capable of disinterested thought should reflect on the long-time risks they are taking. How long can our civilization continue to creak along with a governmental machine which is so nearly prevented from functioning?

NOMINATIONS OF ASSOCIATE JUSTICES OF PHILIPPINE SUPREME COURT

Mr. BINGHAM. Mr. President, yesterday the President sent to the Senate the nominations of six associate justices of the Supreme Court of the Philippine Islands. The message came at the end of the afternoon. In accordance with conferences which I had had with the Senator from Nebraska, the chairman of the Judiciary Committee, I had previously asked the clerk at the desk to refer the nominations to the Committee on Territories and Insular Affairs. On previous occasions when nominations of associate justices of the Supreme Court of the Philippine Islands have come to the Senate there has been about an equal division of the precedents, sometimes the nominations having been referred to the Judiciary Committee and sometimes the Committee on Territories and Insular Affairs. Since these justices are not paid out of Federal funds and are not Federal judges, and it is a matter which concerns not the Department of Justice but the War Department and the Philippine government, I had thought that that was the proper course to pursue. But last evening, in talking with the chairman of the Judiciary Committee, he informed me that his committee had considered the matter informally and had voted that all such nominations ought to go of right to the Judiciary Committee. While I do not agree with the position that they ought to go by right to that committee, inasmuch as they are not Federal judges, still I have no objection whatsoever, and, in view of the action taken by the Judiciary Committee, I ask unanimous consent, as in executive session, that the Committee on Territories and Insular Affairs may be discharged from the further consideration of the nominations and that they may be referred to the Committee on the Judiciary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

DEPORTATION OF CERTAIN ALIEN SEAMEN

The Senate resumed the consideration of the motion of Mr. GOULD to reconsider the vote by which the bill (S. 202) to provide for the deportation of certain alien seamen, and for other purposes, was passed.

Mr. BINGHAM. Mr. President, I shall endeavor to conclude as rapidly as possible my remarks in regard to the motion to reconsider the vote by which Senate bill 202 was passed. As there are several Senators here who are not familiar with the situation, may I briefly review it?

This bill, as it is called, a bill for deporting alien seamen, was reported out of the Immigration Committee, not unanimously, as is sometimes stated, but over the objection of the chairman of the committee. The bill concerns not only the importation of alien seamen and their possible desertion at ports of entry and their addition to the undesirable portion of the population of this country, but it concerns also the commerce of the United States, and more particularly our foreign relations; it affects adversely our ability to compete with foreign countries in commerce; but, more serious than anything else, it is discriminatory in its dealings with foreign nations.

According to the opinion of the Department of State, this bill would permit Chinese steamships, manned by Chinese crews and Chinese stewards, to come into the ports of our Pacific coast without any objection or interference. The crews might desert; they might come into this country; but there is nothing to prevent their coming into the port. Japanese ships which, as everyone knows, are to-day manned entirely by Japanese crews, might also cross the ocean and come into our ports, and there would be no objection to them; but if a British ship, with a Chinese crew, should come to San Francisco from Hong Kong, according to this bill, the crew would be taken off, put in jail, and sent back to China at the expense of the steamship company that brought them. So, if a Dutch ship should come from Java with a crew containing Javanese, they not being eligible to citizenship, that crew could be taken off and put in jail and sent back to Java. Similarly, a French ship coming from French Indo-China could not come into our ports with a crew composed partly of Chinese. In this way the bill is discriminatory. A German ship sailing on the Pacific and containing in its crew any Asiatics of any description could not come into our ports at all. A British tramp steamer on her way around the world and picking up a cargo of jute in India destined for the United States could not bring it because such a tramp steamer, in accordance with custom, would undoubtedly have on board a crew composed of Lascars and other Asiatics, and so she could not accept that cargo of jute and bring it to the United States unless she was able to employ a crew of British seamen in India. As everyone knows, that probably would be an impossibility.

The passage of this bill undoubtedly would lead to retaliation on the part of foreign nations. They might very well say to us that we could not have our ships come into their ports with the crews that they now have, or with anyone on board to whom they objected. It is a matter which will lead to retaliation. If this bill is passed, it undoubtedly will make our dealings with foreign nations more difficult.

As I stated the other day, the bill also makes it impossible for us to compete on the Pacific run with the crews which are now operating on such lines as the Dollar Line, where the majority, if not all, of the stewards are Chinese, who are kept on board ship while they are in port.

Furthermore, this bill goes contrary to the practice of the centuries in regard to the persons on board a foreign ship when it comes into port. When a foreign ship comes into port, this bill gives our people the right to go on board and investigate the status of the seamen on that ship—an act to which we objected when it was done by Great Britain, and which led to the War of 1812.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Arkansas?

Mr. BINGHAM. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. A few moments ago the Senator made a statement which was calculated to impress. He said, if I understood him correctly, that in its terms or effect the bill is discriminatory in favor of certain nations and against certain nations. I think the Senator said that it would permit seamen on Chinese and Japanese ships to enter port, but would deny similar privileges to seamen on British and Danish vessels.

Will the Senator be kind enough to point out a little more in detail how that would occur under the bill, or be possible under the bill?

Mr. BINGHAM. My statement in regard to that, Mr. President, was based upon the testimony of Coert du Bois, chief of the visa section of the Department of State, in the hearings before the Committee on Immigration and Naturalization of the House of Representatives in February, 1927, in which he states that—

> Under the bill a Japanese ship may bring Japanese crews to American ports without the provisions of the bill being invoked against it. But a British ship from Hong Kong, a French ship from Saigon, or a Dutch ship from Batavia may not enter a Pacific coast port with Chinese in the crew without losing these sailors on arrival and paying the cost of their passage back to China or the port of shipment.

Mr. ROBINSON of Arkansas. Is that attributable to the provision that any country may bring its own nationals on its ships, but may not bring the nationals of other countries?

Mr. BINGHAM. That is it, Mr. President.

Mr. KING. That is, where they are ineligible to citizenship.

Mr. ROBINSON of Arkansas. Yes; of course, that applies where they are ineligible to citizenship.

Mr. BINGHAM. Yes, Mr. President; but may I point out to the Senator that if the object is to prevent Asiatics from coming into Pacific coast ports the bill permits the ships of Japan and China, that carry more Asiatics than any other ships, to come in, but does not permit the ships of Great Britain, Holland, Germany, and France, which might have a few Asiatics on board, to come into those ports.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield further?

Mr. BINGHAM. Certainly.

Mr. ROBINSON of Arkansas. One does not understand that the provisions of the bill are directed against any particular nationality. As I understand, they are intended to prevent persons who are not eligible to come in under the immigration laws from actually getting into the country as seamen under foreign flags.

Mr. BINGHAM. Yes, Mr. President.

Mr. ROBINSON of Arkansas. It would apply to any nationality just as much as to peoples of Asiatic nationalities.

Mr. BINGHAM. Hardly; because the people of most nationalities are eligible to citizenship.

Mr. ROBINSON of Arkansas. Yes; but under the quota there is a limitation, and they are not able actually to get into the country as immigrants unless they come within the quota.

Mr. BINGHAM. Then, if that is the correct interpretation, may I say to the Senator that would very seriously interfere with the commerce of European nations across the North Atlantic because, as the Senator knows, their crews are not always entirely of their own nationality. That

is particularly true of the crews of vessels from the north of Europe. It would then be necessary for representatives of the Department of Labor to go on board the ship and see whether on board that ship were any sailors of any other nation which had exhausted its quota and take them off and send them back across the ocean.

Mr. ROBINSON of Arkansas. Will the Senator yield once more?

Mr. BINGHAM. I yield.

Mr. ROBINSON of Arkansas. I know the Senator is anxious to conclude his remarks, and it is far from any purpose of mine to impede him in his progress toward that end. I merely wish to add to what has already been said the thought that the primary purpose of the bill is to prevent aliens from getting into the United States and remaining here in violation of the immigration laws through the fact that they happen to be seamen.

Mr. BINGHAM. Mr. President, the Senator well knows that the quota of Italy has been exhausted, and that they are already booked up several years ahead. Under the Senator's interpretation of the bill, an Italian ship coming from Italy to New York would not be allowed to come into the port of New York, because all of the crew could not be accepted under the quota.

Mr. ROBINSON of Arkansas. Oh, no; not at all.

Mr. BINGHAM. Then the Senator from Connecticut was correct in assuming that the only persons whom the bill endeavors to keep out are those who could not become citizens even if they came in under the quota; namely, Asiatics.

Mr. ROBINSON of Arkansas. It is a process of evading the quota that this legislation is directed against, as well as the prevention of persons coming in who are not eligible to citizenship.

Mr. BINGHAM. Well, Mr. President, I am not going to prolong the discussion.

Mr. ROBINSON of Arkansas. Assuming that Italy has exhausted its quota, just for the sake of illustration, and a thousand seamen on Italian ships come into a port of the United States, and desert and remain in the United States: As I understand, the provisions of this bill would be applicable to them.

Mr. KING. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield to the Senator from Utah.

Mr. KING. If they were mala fide seamen, they would be applicable. If Britishers came over on British ships and they were mala fide seamen, they would not be permitted to come into the United States. They would be taken from the ship and sent home in another ship, at the expense of the vessel which brought them here. This is to prevent the 20,000 or more aliens who have been deserting, who are ineligible to citizenship, coming in through the side door.

Mr. ROBINSON of Arkansas. Claiming to be seamen for the purpose of getting into the United States, when they can not come under the regulations and the laws.

Mr. BINGHAM. Does the Senator from Utah contend that under this bill a ship may come into San Francisco Harbor with Chinese stewards who are bona fide seamen?

Mr. KING. On a Chinese ship.

Mr. BINGHAM. Yes; but not on a British ship?

Mr. KING. Not on a British ship nor on an American ship.

Mr. BINGHAM. And the State Department has pointed out that that is discriminatory, although the bill on its face is not discriminatory.

Mr. KING. I do not agree with the Senator at all, nor do hundreds of men who have examined the bill. It is not discriminatory, because it applies to the United States as well as it does to any other country.

The nationals of Great Britain may come under its flag if they are bona fide seamen; the nationals of France may come upon a French ship if they are bona fide seamen; but neither the nationals of Great Britain nor the nationals of any country may come as seamen if they are mala fide seamen. They will be deported. They can come, but they will be taken off, because they are not eligible to entry. They are coming here under false colors, fraudulently, and they will be deported.

Mr. BINGHAM. But even if they are bona fide seamen, Asiatics may not come to the United States on the ships of any country except their own.

Mr. KING. Exactly; nor can they come upon American ships.

Mr. BINGHAM. Therefore the bill is discriminatory; for Chinese may come to the ports of the Pacific coast on ships bearing the Chinese flag; Japanese may come on ships bearing the Japanese flag; but if these same persons, bona fide seamen, get on ships bearing the British flag or the German flag or the Dutch flag or the French flag or the American flag, then they may not come, even though they are bona fide seamen. There is no question whatever that that is regarded as discriminatory by Great Britain.

Great Britain has a colony in Hong Kong composed almost entirely of Chinese. A British ship coming from Hong Kong to San Francisco manned by a crew of British citizens of Hong Kong who are Chinese can not come into the port of San Francisco, whereas a Chinese ship coming from the port of Hong Kong to San Francisco manned by Chinese can come in. If that is not discriminatory I do not understand the use of the word "discriminatory."

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. BINGHAM. Certainly.

Mr. KING. On British ships carrying Chinese, they are not eligible to enter the ports of Australia. Australia does not permit Chinese to enter her ports, even under the British flag.

Mr. BINGHAM. Mr. President, I have not anything to do with the laws of Australia. Neither has the Senator from Utah. What I am trying to do, if I can, is to encourage those who are doing me the courtesy of listening to me to vote in such a way that we shall not do something which will lead to trouble with the great maritime nations of the world.

I do not see why there is any need of passing a bill which will enable the British Government to say, "You are discriminating against us and in favor of Japan; you are discriminating against us and in favor of China," merely for the sake of keeping a few seamen from deserting in the port of San Francisco or Seattle, when, as a matter of fact, if those seamen come on a Chinese ship or on a Japanese ship there will be more of them who will be likely to desert than if they come on a British ship. It seems to me that the matter does not hold water.

As a matter of fact, I think this bill ought to have been considered by the Committee on Commerce and by the Committee on Foreign Relations, because it concerns those matters just as well as it does the subject of immigration. In fact, except so far as mala fide seamen are concerned, it is a matter concerning commerce entirely.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield to the Senator from Michigan.

Mr. VANDENBERG. I certainly think that under the statement of the Secretary of State, Mr. Kellogg, the question of foreign relations is specifically involved and is at the root and bottom of the whole situation, and that the bill most certainly should be considered by the Foreign Relations Committee.

Mr. BINGHAM. I thank the Senator. I agree with him in that matter. It is a matter which deeply concerns our foreign relations.

Mr. VANDENBERG. Will the Senator permit me to amplify what I have just said to this extent? I am reading from the State Department witness appearing before the committee, the first sentence:

> All of the maritime governments seem to see in it—
>
> Referring to this bill—
>
> something beyond and behind the enforcement of the restrictive immigration policy of the United States.

If all that is involved in this bill is the successful enforcement of the restrictive immigration policy, I can see no possible objection to it; but if, as the State Department thus testifies, there is something else involved, and that something else—quoting again, now, from the State Department—is discrimination as between nations with all of whom we are on friendly relations, the problem certainly is one on which we can not take snap judgment with safety.

Mr. BINGHAM. Mr. President, I know that there are various appropriation bills and conference reports which are pending, and I do not desire to delay action on them. I have in my hand a statement which analyzes the bill. It would not take very long to read it, perhaps half an hour, but in order to expedite matters I am going to ask that the statement be printed as a part of my remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE BILL

Section 2 of the bill provides that every alien employed on board of any ship arriving in the United States from a foreign port shall be examined by an immigration inspector to determine whether or not he (1) is a bona fide seaman.

The word "seaman" is a most comprehensive one and the legal definition does not describe any technical qualifications whatever, and a seaman on ship board means the entire personnel, skilled or unskilled, that makes up the ship's complement or crew.

Sections 4501 to 4613, Revised Statutes of the United States, section 1 of the immigration laws of the United States of February 5, 1917, section 3 of the act of March 3, 1875, United States Public Health Service, all define a seaman to be any person employed in the care, preservation, and navigation of any vessel; so that a seaman, under the terms of these provisions, is one who may be employed in the deck department, the engine department, or in the radio department, the steward's department, or one employed as a mechanic, telephone operator, manicurist, elevator man, doctor, musician, or any of the different occupations required on a modern steamship. This bill would require an immigration inspector to pass upon the qualifications of the seamen engaged in these different positions, so as to determine whether they were mala fide or bona fide, and it is apparent that but few, if any, of our immigration inspectors have the necessary knowledge or ability to determine the skill or ability of the seamen in these several positions, as they are employed by the Government for an entirely different purpose.

If, on the other hand, the immigration inspector attempts to determine the national character of the seaman and his right to enter the United States as such alien seaman, his task is equally difficult. To illustrate: An alien seaman may have joined the ship in Southampton for a trip to the United States, there to be paid off, as he has a right to do under our navigation laws. When he signed the articles before a consular agent at Southampton his intent was to leave the ship in New York, remain there for a period of 60 days, and then reship foreign, this also being permitted under the immigration laws of our country. At the time he signed the articles his intent was demonstrated according to the provisions of the ship's articles or contract—that is, to pay off in New York to reship foreign in 60 days—and as long as this continued to be his intent he was a bona fide seaman, and the master of the ship, or consular agent, would have any reason to doubt the intent of this seaman. But suppose, on the way to New York, he made up his mind to desert the ship in New York. At the instant he changed his mind he became a mala fide seaman; and if the immigration inspector knew about it, he would be detained as a mala fide seaman. But, again, supposing the seaman has deliberated over the matter and, fearing an arrest, changed his mind back again to his original intention. He would then become a bona fide seaman once more, and be immune from detention by the Immigration Department. So, if this bill became a law, the immigration inspector, to be able to efficiently perform his duties, would have to be a mind reader. No matter how honest his intention might be, he would be wise, indeed, if he could determine the action of a seaman's mind if the seaman intended to deceive him; and I submit again, the immigration inspectors of our country have no such qualifications, and the provisions of this bill would fail, rank injustice be fostered, or perhaps an incentive to graft and dishonesty provided, if an immigration inspector were given authority to administer of his own volition the proposed provisions in this bill.

Subsection 2 of section 2 I will discuss under section 7 of the proposed act, as they are practically on the same subject.

Subsection 3 is practically in accord with the present law, with which we have no controversy. This subsection provides means of enforcing matters within the purview of the United States Public Health Service.

Section 3 of the proposed bill provides "unless such alien (seaman) was shipped in a port of continental United States prior to the passage of this act, then, if it is found that such alien is not a bona fide seaman, he shall be regarded as an immigrant and be removed to an immigrant station and then shipped as a passenger somewhere [the bill does not state where] at the expense of the ship that brought the alien seaman to the United States, and the ship shall not be permitted to clear unless such expenses of deportation are paid or guaranteed."

The same objections to section 3 may be urged as we have presented in section 2, as the same difficulty obtains to determine the technical ability of the seaman, as well as the attitude of the seaman's mind; and many other difficulties present themselves in relation to the operation of the ship.

Section 4517, Revised Statutes, provides that a master who hires a seaman in a foreign port must take such seaman before a United States consular agent and there have the seaman sign the ship's articles, or contract, that gives the matters of agreement between the master and the seaman.

Section 4518, Revised Statutes, provides for a penalty of not more than $100 if the master fails to comply with section 4517 of the Revised Statutes.

The act of June 26, 1884, section 20, and the act of March 3, 1897, section 3, provides that a master of a vessel in a foreign port may engage a seaman to serve for a single trip, a round trip, a number of trips, or for a limited time, or for discharge in the United States or elsewhere.

Under paragraph 2, subdivision 1, immigration act of March 1, 1927, a bona fide alien seaman is permitted to enter the United States temporarily and to remain there for a period of 60 days and then to reship foreign.

Section 4580, Revised Statutes, act of June 26, 1884, section 2, provides for the discharge of a seaman in a foreign port and the payment of his wages before a United States consul.

The very nature of a ship's operation makes these provisions necessary. Seamen desert or are discharged in foreign ports and their places must be filled so as to enable the ship to proceed on her voyage. When a master complies with the navigation laws of the United States his full duty is performed. When a master signs on his men before a consular agent of our Government there is no way that the master or consul can determine the attitude of the seaman's mind as to his intentions when he arrives at any future port of entry. The articles or contract of a ship with a seaman, signed in the presence of an officer of the United States, are the only means either the master or consul have to determine the attitude of the seaman, and if he breaks them and deserts, or if the immigration inspector, under the terms provided in this bill, had the right to detain the seaman, order his deportation to somewhere at the expense of the ship, or detain the ship under some capricious whim of his own, the cost of operation of the ship increases, delays and annoyance are experienced, and competitive advantages given to foreign vessels who have no such foolish statutes of their own.

If any examination is required to determine the technical ability of a seaman or his attitude in relation to the immigration laws of the United States, such examination should be given by experts competent to make it and at the port in which the seaman makes his contract with the ship; not require the master to obey the laws of the United States and all the laws and then, when the ship arrives in the United States compel him to meet conditions that he could in no way avoid, no matter how much he might desire to do so.

This provision is intended to prevent alien seamen from entering the United States illegally, but when we turn to the act of March 4, 1915, commonly known as the seamen's act, as laid down in Public Law No. 302, Sixty-third Congress, we find section 4530 provides that every seaman on a vessel of the United States in any port and every foreign seaman on a foreign vessel in an American port has a right to draw half his wages in every port in which the vessel loads or discharges cargo, and if the master does not comply with this demand (although the ship's articles may provide something entirely different), the seaman, either on a foreign or an American ship, may sue the ship and break his contract with her.

Section 16 of this act also provides for the repeal of all statutes that gave the right of a master of a ship to arrest a seaman for desertion, and also repeals all treaties with foreign nations that permitted the arrest of deserting foreign seamen in United States ports.

It has been said that many alien seamen are entering the United States illegally through a side door; that is, coming into the United States as mala fide seamen, deserting ship, and entering into occupations, in violation of the immigration laws of the United States.

Section 4530, Revised Statutes, and section 16 of the so-called seamen's act not only provide a side door but a wide-open door that enables seamen on American ships in any port and foreign seamen arriving on foreign ships in American ports to desert the vessel, draw half pay, and also use the courts of the United States to enforce their demands, without penalty for the violation of their contract.

Section 4 of the bill we will consider under discussion of section 7.

Section 5 provides for the inspection of seamen by the United States Public Health Service, which is in accord with the present law.

Section 6 provides that all vessels entering the ports of the United States manned with crews the majority of which, exclusive of licensed officers, have been engaged and taken on in foreign ports, shall, when departing from United States ports, carry a crew of at least equal number, and any such vessel which fails to comply with this requirement shall be refused clearance. This provision is intended by the proponents of this bill to promote safety at sea, but that it does nothing of the kind may be readily determined. This bill would affect American ships as well as foreign ships, and if the American ship had to comply with it, it would be an added burden of expense of the American ship, that pays higher wages and more costly subsistence than its foreign rivals.

Under our United States inspection laws the ship's ticket determines the number of men required in the deck and engine crew and their qualifications, and these regulations can not be changed except by the consent of the Steamboat Inspection Service. The minimum number of men in the deck and engine departments must be maintained, and as this minimum is a regulation to aid in preserving life and for the safety of the ship and passengers, the question of safety does not enter into the consideration, as there are sufficient men in the navigation and engineering departments to maintain safety at all times.

In the steward's department the number of men required changes in proportion to the number of passengers the vessel carries. In the summer months the passenger traffic is heavy outbound and a large number in the steward's department is necessary. It frequently happens that these men desire to remain at the port of destination outbound for a trip or two, and the ship takes advantage of this and thus reduces the expense. This is also true in the fall of the year when the passenger traffic homeward bound is heavy, and if the ship could not take advantage of this condition it would only add a useless financial burden without accomplishing any good result. It must be remembered that the term "seaman" includes all the members of the ship's complement of men, and of this complement the steward's department is composed of cooks, waiters, scullery men, etc., who are not required to have knowledge of lifeboats and the gear utilized for the safety on shipboard except under certain conditions. Added numbers of men in the steward's department, with certain exceptions, of course, rather add to the hazard at sea than detract from it. So as a means of safety at sea added numbers do nothing unless the numbers added are skilled in handling the means used on shipboard for safety measures. This bill would not add to the safety of life and property at sea. It would add to the ship's cost of operation, would be an unwarranted interference in the management of foreign as well as domestic ships, and if passed might cause reprisals by foreign nations on our ships in the foreign trade.

Sec. 7. This section provides that no vessel shall, unless such vessel be in distress, bring into a port of the United States as a member of the crew any alien who if applying for admission to the United States as an immigrant would be subject to exclusion under subdivision (e) of section 13 of the immigration act of 1924, except that any ship of the merchant marine of the country, islands, dependencies, or colonies, immigrants coming from which are excluded by the said provision of law, shall be permitted to enter ports of the United States having on board aliens of such description who are natives of the particular country, island, or colony to the merchant marine of which such vessel belongs. Any alien brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported either to the port of shipment or to the country of his nativity as a passenger on a ship other than that on which the alien was brought into the United States and at the expense of the ship, and the ship shall not be granted clearance until such expenses are paid or satisfactorily guaranteed.

Subsection (e) of section 13 refers to aliens ineligible to citizenship, such as Chinese, Japanese, Lascars, etc.

During a previous hearing on this bill before the House Committee on Immigration this section was discussed at length, and was opposed by the State Department, who sent representatives to voice their objections to this provision. It was opposed by foreign embassies at Washington and was opposed by nearly every American shipping concern in the United States, and at the hearing before the Senate Immigration Committee on this bill objections were voiced at that time by the Immigration Department and the State Department.

It is rather hard to understand that vessels under foreign flags whose nationals are ineligible to become citizens of the United States may come into the United States loaded down with these nationals, who under provisions of the seamen's act may draw half their pay and land temporarily under the provisions of the immigration act of 1924, while vessels of other foreign countries and also American ships can not be permitted to enter, unless in distress, even if they have but one lone Chinese cook or Japanese waiter or Lascar sailor on board.

The provisions of this act were aimed at steamship companies like the Dollar Steamship Co. on the Pacific coast, who by the very nature of its oriental trade is required to employ Chinese in the steward's department on their round-the-world ships. These ships, purchased from the United States Shipping Board, are in steady competition with many foreign lines who have no such restrictions as to the nationality of their crews. These ships can not be diverted from their established lines for five years, according to the terms of their contract; they must make a return on their investment that will not alone permit them to pay the amount due for the purchase price of the vessel, and with interest, but if they are to remain in the shipping business they must provide for the replacement of the ships in due course. The wage scale and subsistence charges on American ships is higher than on foreign ships, and if a ship can not meet the wage and subsistence competition, provide for replacements, pay the loans and interest, the American ships must go out of business in the foreign trade. Bills like the one under consideration provide just such added disadvantages, and they provide no means that with any sense of worth, increase safety or prevent undesirable immigration nor will they provide aid for the American merchant marine.

Shipowners and operators of the United States who are bearing the heavy burden of foreign competition and are trying to keep the American flag on the seven seas are with unanimity opposed to the proposed legislation. They need national aid, not national opposition. They want constructive legislation, not laws that will impair their efficiency and provide no added means for safety of life and property at sea, nor does S. 202 provide a means of restricting immigration of mala fide seamen into the United States. As we have already pointed out to you, a seaman is any person employed on the ship for the navigation and operation of the vessel, from the newest recruit in the engine room, deck department, or steward's department, without previous sea experience, to the oldest seaman of the crew. To determine whether a seaman is mala fide or bona fide is, first, the task of an expert who can determine the qualifications of the members in the several departments on shipboard. This an immigration inspector is not competent to do, because, as a general rule, he has no experience in determining such qualifications.

The seaman's national status can not be determined because it is largely a matter of intent for the time being, in so far as alien seamen are concerned. An alien seaman who intends to desert on arrival in an American port will answer the questions of an immigration inspector with intent to deceive, while a perfectly innocent alien seaman may answer questions truthfully without being familiar with the immigration laws of the United States, and thereby be deprived of admission for the purpose of reshipping foreign, with no intent to violate the immigration laws of the United States.

Therefore the undersigned are unanimously opposed to the passage of S. 202.

PACIFIC AMERICAN STEAMSHIP ASSOCIATION,
SHIPOWNERS' ASSOCIATION OF THE PACIFIC COAST,
By W. J. PETERSEN.

WASHINGTON, D. C., *December 9, 1930.*

Mr. BINGHAM. Mr. President, I have explained the principal objections to the bill as they occur to me, and I hope that the motion by which it was passed, at a time when one objection might have prevented its passage, passed without debate and without consideration, may be agreed to. I do not desire to take any more time in discussing the motion.

The PRESIDENT pro tempore. The question is on agreeing to the motion made by the Senator from Maine [Mr. GOULD] to reconsider the vote by which the bill was passed.

The motion was rejected.

Mr. KING. Mr. President, I did not take the time of the Senate to reply to objections urged to S. 202, the so-called seamen's deportation bill, as I was unwilling to interfere with the consideration of measures which it is important to pass before Congress adjourns. I, therefore, ask unanimous consent to have inserted in the RECORD the following documents and data dealing with the provisions found in S. 202.

The report accompanying a bill identical in terms which passed the Senate several years ago; a memorial to Congress submitted by Andrew Furuseth, president of the International Seamen's Union and chairman of its legislative committee, and a letter written by him to Hon. JAMES J. DAVIS, the then Secretary of the Department of Labor; a memorandum prepared by Mr. Furuseth dealing with a statement made by Hon. Frank B. Kellogg, while Secretary of State with respect to a bill identical in terms with S. 202; a memorandum prepared by Mr. Furuseth of this date; a letter addressed to me by the president of the American Federation of Labor attached to which is a resolution adopted by that organization at its convention in 1930; a telegram from Mr. George Larsen, secretary Sailors' Union of the Pacific; an editorial from the Washington Post; an article from the American Federation of Labor in its issue of February 14, 1931, and an excerpt from the annual report of the Commissioner General of Immigration for 1930; excerpts from the testimony of Mr. Furuseth and Mr. Jeremiah J. Hurley, a representative of the Labor Department, given by them at a hearing before the Committee on Immigration of the Senate when an identical bill was being considered by that committee in the Sixty-ninth Congress.

There being no objection, the matters referred to are inserted in the RECORD as follows:

[Senate Report No. 1037, Seventieth Congress, first session.]

DEPORTATION OF ALIEN SEAMEN

Mr. KING, from the Committee on Immigration, submitted the following report (to accompany S. 717):

The Committee on Immigration, to whom was referred the bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, having considered the same, reports the bill with the recommendation that the same do pass.

The measure referred to is identical with S. 3574, Sixty-ninth Congress, first session, which passed the Senate on February 2, 1927, with an amendment offered by the Senator from Pennsylvania [Mr. REED]. The bill now reported includes in its provisions this amendment.

The reasons in favor of the passage of the bill during the Sixty-ninth Congress, first session, were set forth in report No. 1069, Sixty-ninth Congress, first session, which is made a part of this report. The committee urges the same reasons for the adoption of S. 717. Indeed, the intervening time has clearly emphasized the necessity of this proposed law. The evils described in the report on S. 3574, Sixty-ninth Congress, first session, have increased and will continue to increase until the legislation provided in S. 717 has been enacted into law.

Report No. 1069, Sixty-ninth Congress, first session, is as follows:

"The Committee on Immigration, to whom was referred the bill (S. 3574) to provide for the deportation of certain alien seamen, and for other purposes, having considered the same, reports the bill with the recommendation that the same do pass.

"Quite recently the United States has perceived the necessity of restricting immigration and has enacted measures to accomplish that result. It has also sought to develop a merchant marine, not only for the purpose of aiding in the expansion of our foreign trade but also to serve as auxiliary craft to our Navy in any crisis.

"For a number of years a million or more immigrants were annually landed upon our shores, but under the present laws those lawfully permitted to enter as immigrants will not exceed 160,000 annually.

"A similar bill to the one under consideration was offered as an amendment to the immigration act of 1924. Hearings were had upon that bill and also upon S. 3574. It was shown by competent witnesses at both of the hearings that large numbers of persons have been smuggled into the United States in violation of treaties as well as of our laws. Testimony was submitted at the hearings showing that for a considerable number of years persons who were not admissible, particularly orientals, have been brought into the United States in ships of various countries and smuggled ashore. Testimony was given that the smuggling of orientals was exceedingly profitable to those engaged in this illegal traffic. The latest prices paid for landing persons of the nationalities just referred to were from several hundred dollars per person up to $1,100. Shortly after the immigration law of 1917 was enacted, many persons from Europe and western Asia were smuggled into the United States, those engaged in the work receiving large sums for their illegal operations. With the strengthening of our immigration laws, the greater has been the number of aliens who have sought to enter the United States in violation of the law. As a result, the smuggling of aliens into the United States has increased, and the use of ships entering our ports for that purpose has been enlarged. Congress has made liberal provisions to enforce the immigration laws and to guard our ports of entry and our borders against the surreptitious entry of aliens.

"The hearings referred to clearly indicate, however, that no effective plan has yet been devised of preventing seamen and persons claiming to be seamen from entering into ports of the United States. Some of the witnesses declared that those illegally entering as seamen, or alleged seamen, pass through a side door which is not guarded. The necessity of protecting our country from these illegal entries has been apparent for some time, and to effectuate that object the measure referred to was offered.

"There was also testimony tending to show that there are a large number of desertions of so-called seamen in the various ports of the United States. It is claimed that the number of desertions for the purpose of illegally entering the United States approximates 40,000 per annum. With the increasing number of vessels coming to our shores, it is obvious that the number of illegal entrants through this side door will increase.

"Mr. Hurley, representing the Department of Labor, in his testimony, stated that many persons who were not eligible to enter the United States as immigrants have landed upon our shores and are now scattered throughout the United States. They entered as seamen, but did not depart with the vessels upon which they came, and they are to be found by the thousands, particularly in the industrial centers of the United States.

"Efforts to deport these illegal entrants have not been successful. It is true that approximately 2,000 persons illegally entering as seamen have been deported. Some of these have been deported at the expense of the United States. It was testified before the committee that various shipping interests, directly and indirectly, received large sums for bringing these illegal entrants into the United States. When any of these persons are discovered by any of the immigration agents and deported, the vessels carrying them from our shores are paid by the United States. There is testimony tending to show that many of those who illegally enter as seamen would be excluded under the immigration laws. To ship as seamen they resort to subterfuge and fraud. They are unable to perform the work of seamen and thus impose additional burdens upon bona fide seamen; and also, because of their lack of knowledge, they imperil those who travel upon the high seas. They, furthermore, injure competent seamen by accepting lower wages, and because of their lack of character they attach a stigma to the reputation of faithful, competent, and bona fide seamen.

"The United States has attempted to develop a body of efficient seamen and to that end amended our maritime laws by distinguishing the law for safety at sea, as such, from the master and servant law, as such, relegating the enforcement of the master and servant law, in so far as it is not repealed, to the civil courts, leaving the seamen as free as other American workers while the vessel is in a safe harbor and retaining the fullest discipline when the vessel is subject to the hazards of the sea.

"Senate bill 3574 distinguishes between a bona fide and a mala fide seaman. The former may come and go as provided in the so-called seamen's act and the rules prescribed under the immigration law; it further provides for the immediate deportation as a passenger in a vessel other than that which brought him to our shores, but at the expense of the ship upon which he came to the United States.

"Opposition to the bill can not be raised upon the supposed difficulty of distinguishing bona fide seamen from the mala fide seamen. Mr. Peterson testified before the committee, as a representative of the shipowners, and Mr. Hurley also gave testimony upon this point, and both testified that those employing persons to serve as seamen could readily determine whether persons seeking employment were seamen or otherwise.

"Another important provision of the bill is as follows:

"'All vessels entering ports of the United States manned with crews the majority of which, exclusive of licensed officers, have been engaged and taken on at foreign ports shall, when departing from the United States ports, carry a crew of at least equal number.'

"It was shown at the hearings that maritime countries have their statutes or regulations providing for a minimum number of men in the crew of a vessel; that the master and owner of the ships may agree to carry a greater number. Presumably this is done for the safety of the vessel.

"The testimony further showed that the same number of men should be required to take a vessel from the United States ports as are required to man it upon its voyage to our ports. The provision just referred to is, therefore, in the interest of safety, and foreign nations can not complain, as the law will aid them in executing their own laws for the protection of ships and passengers.

"Section 7 of the bill provides that no person can come into the ports of the United States as a seaman unless he (a) could come as an immigrant; (b) unless he is a subject or citizen specifically of the country under whose flag he serves, as distinct from being born in and subject to any of its colonies, possessions, or mandates; (c) unless the vessel upon which he serves comes into a port of the United States in distress.

"This provision was considered by the House Committee on Immigration and Naturalization prior to the passage of the act of 1924. It was offered as an amendment to the 1924 immigration bill by Mr. Raker, of California. It was approved by the Department of Labor and the Commissioner of Navigation, with a slight amendment. The Department of State suggested an amendment, and stated that with its adoption there was nothing in existing treaties which would conflict with the bill and the amendments suggested. The hearings contain the letters from the various officials mentioned. In order that the bill would not be endangered, the amendments were withdrawn in the House, but when the bill was under discussion these provisions were offered as amendments. Because of a lack of understanding of their full significance the amendments were not agreed to.

"The same provisions were offered in the Senate, but there was some objection, based upon the mistaken view that it might have some influence upon our commerce. It is believed that the bill will aid American shipping and will not be offensive to foreign nations. It applies to the vessels of all nations, American as well as others. It is not discriminatory, nor does it offend against treaties or that spirit of comity which should exist between nations. It is deemed necessary in order to enforce the immigration laws of the United States. This measure will increase the freedom of vessels obeying it as well as diminishing their expenses for the reason that they are now subject to fines which, in some instances, can not be guarded against, but from which, under this bill, if it becomes law, they would be immune.

"The bill, if enacted into law, may not completely abolish the smuggling of persons into the United States, but it will prevent frauds and prove effective against the efforts of many who illegally enter the United States."

PETITION AND MEMORIAL

To the honorable the Members of Congress in the Senate and House of Representatives of the United States:

On behalf of the seamen of the United States, I hereby humbly submit this, our petition and memorial, that S. 202, "A bill to provide for the deportation of certain alien seamen, and for other purposes," introduced by Mr. KING, of Utah, be passed for the following reasons:

(a) The Chinese exclusion act, passed in 1891, has been steadily, and in a constantly increasing number of instances, violated by means of substitution by "young Chinese" coming and "aged ones" desiring to return to China departing as seamen on ships. It is generally believed that nearly 40 years have made very little difference in either the number or age of Chinese in this country;

(b) By smuggling Chinese excluded by law, into the United States;

(c) By smuggling narcotics into the United States. Such smuggling is made profitable through the exclusion of the Chinese and the high duty on narcotics, and is accomplished through the vessels, American and foreign, being permitted to come to our ports with men serving as seamen who could not, under the law, be admitted as immigrants for permanent residence in the United States.

Since 1917, when the act forbidding certain persons to come to the United States was passed, such excluded persons came in an increasingly large number into the United States in violation of law. They could not come as immigrants and, therefore, came and are coming as seamen on vessels that often carry a very much

more numerous crew coming to the United States than they carry leaving the United States; because—

(a) There was no practical distinction made between bona fide and mala fide seamen;

(b) Because there was and is no law of the United States providing that foreign vessels leaving the United States should carry the same number of men in their crew as they had on arrival;

(c) Because it is possible for somebody to obtain large sums of money in a way that is easy and comparatively safe.

Chinese have paid from $1,000 to $1,100 for being landed in the United States, and excluded Europeans and South Americans have paid from $200 to $400 each. As exclusion became more extensive, the sums of money to be gathered by the smugglers became greater. As the quota laws reduced the number of men who could come and as the supervision became stricter, the number of Europeans and South Americans smuggled in became greater and the business more profitable. These violations of law are still continuing and are capable of almost unlimited expansion.

The number of seamen arriving in ports of the United States was in the last fiscal year 1,155,826. Desertions are reported 11,314, but that figure represented only those reported by foreign shipmasters to our immigration officials. The real number is at least 50 per cent more, as it now stands. It is quite common to carry a much larger crew in coming to the United States than in going away. The difference in the number of desertions reported to the consuls is very great. Comparison between the number given by the masters of vessels of 10 firms and the number furnished to consular offices in New York showed an increase in the consular offices of 40 per cent, and that comparison was made in New York alone and in 10 firms only.

In the more than 1,000,000 of seamen arriving, at least 500,000 might well desert. The other half million would be officers or men holding positions which make desertions unprofitable. It is true, of course, that American consuls are required to visa the crew lists of vessels going to ports of the United States, but the consuls have no means of ascertaining who are or who are not bona fide seamen, and they maintain that nothing can stop this smuggling except a thorough examination of the crews of vessels as they arrive in American ports, together with the deportation of mala fide seamen and excluded persons coming as seamen on vessels under whose flag they were not specifically born, at the expense of the vessel by which they were brought.

During my stay in Europe during the summer I visited the consuls at Antwerp (Belgium), Rotterdam and Amsterdam (Holland), Bremen and Hamburg (Germany), Oslo, Stavanger, and Bergen (Norway), and London, Cardiff, Liverpool, and Glasgow (England). I discussed this smuggling with them and they were so interested that they furnished me with letters showing the number of aliens on vessels going to the United States, the crew lists of which vessels they had visaed in the three first months of the year. These letters, copies of which are appended, show:

Antwerp	4,938
Rotterdam	4,559
Amsterdam	1,048
Bremen	10,814
Hamburg	8,737
Oslo	1,365
Stavanger	130
Bergen	1,206
Glasgow	5,220
Liverpool	15,144
Cardiff	1,077
London	8,413

The total for three months is 62,651, and this makes during the year about 250,600. It is, however, when the present system of hiring men in those ports is examined that some real understanding of the opportunity for smuggling is made plain.

In Great Britain the seamen go on board of the vessels seeking employment. When accepted they receive a slip of paper which they bring to the Seamen's Union office, where they are examined both as to their seamanship, their past conduct, and their standing in the union. If found satisfactory, they are given what is known as a P. C. 5 (Post Consultant No. 5). With this paper they go to the shipping offices of the Board of Trade and are signed on the vessels. While this system continues the number of mala fide seamen signed on in British ports is and will remain small, but what will it be if this agreement between the British shipowners and British seamen should be abrogated?

In Antwerp the seamen come to the joint shipowners and union shipping offices to be registered. I watched this registration for the best part of two days and saw a very large number of frauds exposed. They presented papers which did not belong to them. They were, if doubtful, asked questions which any real seaman would readily answer. They failed to give the proper answers; were then asked further questions, and finally refused registration. Not much chance of getting through there, so they went to other places. Substantially the same system is in operation on Norwegian vessels in Antwerp and Hamburg.

In shipping his men the master, and usually the chief engineer, come to pick out the men they want. They are then taken to the consul to be signed, and then to the American consul to be visaed. If later on some are missing, the substitutes are obtained from the union office in the same way.

Substantially the same system is in operation in Rotterdam, though not so strict as in Antwerp and Hamburg, but in Amsterdam and Bremen there is no such system. Both these ports are as wide open as Pennsylvania Avenue. Bremen and Bremerhaven are of places visited by me—the places whence the largest number of mala fide seamen sail for the United States—and where there is likely to be a considerable increase as the situation now is.

If and when the present system in use in Great Britain is abrogated, it will, of course, abolish the system now in use in Antwerp and Hamburg and partly in Rotterdam, and then there will be more immigrants coming as seamen than are now permitted to come legally, and they will as now be mostly the kind of men to whom no visa could be given.

The purpose of this bill is to stop the violations of our immigration laws, and incidentally to remove unfair competition from American ships and American seamen.

The evils above mentioned and the remedies, which we seamen have from time to time respectfully submitted, have been brought to the attention of the departments and Congress. Hearings before congressional committees on this matter date back to 1923. We made an effort to have the remedies included in the immigration bill of 1924, but on being told that this might endanger the immigration bill we ceased our efforts.

The first objection to the bill in its present form was that it would be impossible to distinguish between a bona fide and a mala fide seaman. This contention was disposed of when Captain Petersen, who represented the shipowners and who was and is serving as their employment agent on the Pacific coast, had to admit that he and his office staff were constantly engaged in determining who is a seaman in fact and who is a pretender claiming to be one, and when Mr. Hurley, representing the department and having in charge the question of seamen in the Bureau of Immigration, stated that he could see no serious difficulties in the administration of that particular phase of the bill.

The second objection was the provision that vessels must carry away as many persons in their crews as they had on arrival, and that this provision would be sure to delay the sailing of vessels. Some of the crew of a vessel might conspire to that end by leaving her lying ready to go with passengers and mail on board. The answer to that was and is that vessels which have any expectation of men leaving in the last moment always provide for men in readiness to fill the places of those who might leave. But aside from that the present laws provide that seamen are not to leave their vessels except under order or by permission within 24 hours of the time of sailing.

The third objection was that it was contrary to treaties with foreign nations. This was answered from the State Department, stating that there were no treaties directly bearing upon it, but that the bill might for the sake of safety be amended so as not to make it compulsory to hire men in lieu of those who might be dead or in the hospital. This suggestion was taken care of by an amendment.

The fourth objection was that Americans were not willing to serve in the steward's department. The answer to this was and is that they are serving in the same kind of work in hotels, restaurants, and lodging houses throughout the country, that they serve now on vessels willing to employ them, and that, what the Americans object to, is not to serve in the steward's department of vessels, but to serve in the steward's department together with Asiatics doing the same kind of work, sleeping in the same room, and eating in the company of and living on equality with Asiatics.

The bill was reported to the Senate in the Sixty-ninth Congress, together with a favorable report shortly analyzing the testimony that had been taken. The bill passed the Senate by unanimous consent. In the House it was referred to the Committee on Immigration and Naturalization, where it was brought up for a hearing on February 23, 1927, in which new objections were raised. The objections came from the Pacific coast in the shape of telegrams from the Dollar Steamship Co., which employs Chinese, and from the Shipowners' Association, of which Dollar is a member. The first telegram presented was addressed to the Hon. FLORENCE P. KAHN and signed by R. Stanley Dollar. It reads as follows:

"Was very much surprised to learn the other day that Senate bill 3574, known as King bill, has passed Senate. This is a very vicious piece of legislation and extremely detrimental to everybody in the foreign trade. Sincerely hope we can count on your support to defeat this bill in the House. Kindest regards."

It will be noted that the objection to the bill on the part of Mr. Dollar is general. He says: "This is a very vicious piece of legislation and extremely detrimental to everybody in the foreign trade." Mr. Dollar is here evidently speaking for foreign as well as American vessels, and he admits that it applies equally to all nations' vessels.

The second telegram from the Pacific coast was also addressed to the Hon. FLORENCE P. KAHN and signed Pacific-American Steamship Association. It reads as follows:

"Advised that King bill, Senate 3574, will be heard by House Immigration Committee 10 o'clock a. m., February 23. This bill would considerably cripple operations of American vessels engaged in offshore trades and give Japanese vessels opportunity to monopolize Pacific trade. In view of the vital importance to American shipping and commerce, we respectfully ask that you oppose this bill before House Immigration Committee."

Here you will note the expression, "This bill would considerably cripple operations of American vessels engaged in offshore trades and give Japanese vessels opportunity to monopolize Pacific trade." Here the suggestion is made that the passage of the bill would be of great advantage to the Japanese. One member of the committee from the Pacific and one from the Atlantic opposed the bill in the committee, Mr. BACON, of New York, suggesting that it would be very detrimental to Japanese because it might seriously delay

some of their vessels. It was on the principle that no white seaman would sail together with Japanese. It might well be that this bill would hit the Japanese vessels hard if their seamen should desert, but in that case how could it possibly assist the Japanese in monopolizing the Pacific trade, as the objection runs in the telegram from the Pacific-American Steamship Association quoted above.

Japanese steamship companies, however, have consented to increase the wages of their seamen for the third time, so that now the Japanese pay more wages than the general wages paid by the French or Italians, and aside from that they are paying premiums for continuous service, specifically with a view of diminishing desertions, which during the last fiscal year, according to the report, amounted to only 70 persons.

The contention that the Japanese will have the advantage over English, Dutch, and other vessels coming to ports of the United States by being permitted to bring orientals when other ships could not, is an idea sponsored by the Pacific-American Steamship Association and the answer is that Japanese can bring Japanese—to prevent that would constitute an embargo—but they can not bring other persons excluded for racial or other causes, and in this they are on an equality with all other nations.

Mr. Coert du Bois, chief of the visa section of the Department of State, was present. Part of his testimony is as follows:

"From the viewpoint of our foreign relations, the worst feature is the apparent departure from the time-honored practice of considering a foreign ship in our port as a bit of the territory of its flag. Under existing international practice, any undesirable alien arriving in a foreign port is detained aboard the ship and leaves with the ship 'if the government of the country considers he can not be landed under its laws.' This bill violates international comity in that it proposes to enforce a domestic law by taking seamen off foreign ships in our ports—presumably by force if necessary—and sending them home on another ship. There is no doubt that this would lead to complications, no matter how carefully and discreetly the provisions were enforced.

"The bill is not on its face discriminatory against any country, but since certain practices have grown up in the merchant marines of various countries, its effect can not fail to be discriminatory. Take the British tramp trader, for example, which may touch its home port once in four years. Those which trade in the Indian Ocean or the Orient habitually carry Lascars or orientals in their crews. In the course of their voyaging they may get a cargo, jute, for example, for the United States. The master's alternative is to ship a new crew of white sailors, charging the difference in cost on the freight, or to refuse to accept a cargo for an American port. Multiply this instance by several hundred each year, and the accumulated effect on our regulations with other maritime nations is obvious. * * * It is going to be difficult to convince the British, French, or the Netherlands Governments that such a wide difference in practical effect is not discrimination in favor of the Japanese."

It will be seen that Mr. du Boise's testimony may be divided into three aspects: First, the "international relations" in which he pleads for the continuation or rather the restoration of a condition gradually brought about by treaties under which a vessel visiting another sovereignty carried with her the laws of the sovereignty of the flag under which she sailed. So far as the United States is concerned, that international arrangement was abolished on the part of the United States, when the seamen's act was passed and the treaties standing in the way were abrogated. The idea that vessels might go everywhere under the law of their own sovereignty had been set aside at an earlier date by Great Britain, when laws dealing with load line, seaworthiness, and minimum manning were passed for vessels under the British flag and made applicable to all nations' vessels coming to or sailing from British ports. The international arrangement had likewise been set aside when Australia insisted that the loading and discharging of vessels in her ports was to be done according to decisions handed down by the court or arbitration under the arbitration law of Australia.

Second, he says: "This bill violates international comity in that it proposes to enforce a domestic law by taking seamen off foreign ships in our ports. * * * There is no doubt that this would lead to complications no matter how carefully and discreetly the provisions were enforced."

Very serious offenses against domestic law taking place in the port of another sovereignty have always come under the law of the place. It was not held that the British laws enforced upon foreign nations' vessels, either in Australia or in any other British ports, were in violation of comity, and it would be highly remarkable if domestic laws passed by the United States in order to make previous domestic laws more effective should be held to be in violation of comity. The second aspect is a purely commercial one dealing with the disadvantages that might accrue to a foreign tramp steamer, if it were to obey the laws imposed upon the like vessels carrying the flag of the United States.

Third, the expression "if the government of the country considers he can not be landed under its laws," in which case such seaman is to be kept on board of the vessel, has no application in the United States because of the thirteenth amendment to the Constitution and decisions by courts to the effect that a vessel in a harbor of the United States is not a prison.

When an effort is made to compel the shipping of the United States to obey domestic law, we are met by the statement that such laws are discriminatory against the United States and unpatriotic. If the laws be made applicable to all nations' vessels, American and foreign alike, we are met by the assertion that it is contrary to comity and will result in foreign complications. Nothing is done, and as a result year after year passes, the evil grows, the violations of law become more flagrant and the disadvantages to the United States become more pronounced, yet nothing can be done, because we are impaled upon one of the two horns of this dilemma. Surely this is not to apply to immigration.

The report of the Commissioner of Immigration for 1928 says that 12,357 seamen deserted their vessels in ports of the United States during the fiscal year. During the same fiscal year 17,272 were held on board their vessels, which, if they were bona fide seamen, was contrary to law and the Constitution of the United States (amendment 13); that 3,295 were not on the crew lists (evidently stowaways) and 448 were placed in immigration stations to be placed again on the vessels, also against law, and if they were in fact seamen, they could, if they had any friends, have been released on habeas corpus. Thus, the innocent are punished in place of the guilty.

If this open side door is permitted to stand open, the number of excluded aliens coming as seamen, when they are in fact immigrants, together with the number of those smuggled in by the vessels coming from foreign ports to ports of the United States, will ultimately grow to be greater than the number that may come legally, according to the immigration law of 1924.

The annual report of the Commissioner General of Immigration for 1928 contains a warning about the situation into which this country at present is drifting. It reads as follows:

"Seamen: As indicated in the last annual report, the trouble confronting the service in the control of alien seamen is the most difficult and vexatious with which it has to deal. As the immigration laws have been tightened up from time to time the problem has been correspondingly accentuated. Particularly is this true since the adoption of the numerical limitation policy as expressed by the acts of 1921 and 1924. As has been previously pointed out, seamen occupy a privileged position in the scheme of things; commerce must not be unduly hampered, seamen come and go largely at will, and the crux of the problem is to prevent aliens gaining a foothold in this country in the guise of seamen."

The report on the King bill (S. 717), "A bill to provide for the deportation of certain alien seamen, and for other purposes," is No. 1037, first session, Seventieth Congress. There was no minority report. It was called up in the Senate three times and objections were made each time.

Your petitioners humbly pray that the bill may be given consideration by the Senate at the earliest possible time, in order that the House may have an opportunity to act on it early in this session.

On behalf of all the seamen, most respectfully submitted.

ANDREW FURUSETH,
President International Seamen's Union of America,
and Chairman of its Legislative Committee.

APRIL 23, 1930.

Hon. JAMES J. DAVIS,
Secretary Department of Labor,
Washington, D. C.

DEAR MR. SECRETARY: Your kind favor of the 19th instant, inclosing the memorandum submitted by Mr. White, has been received.

The King bill passed the Senate on the 14th instant by unanimous consent. On the 15th Senator BINGHAM asked for unanimous consent to reconsider and put the bill back on the calendar. An objection was made, and he then gave notice of a motion to reconsider. He did not, however, enter the motion. On Wednesday, the 16th, Senator GOULD, of Maine, offered the motion to reconsider, which motion, so far has not been considered. This is the present status of the bill.

Trying now to deal with the memorandum: The only real objection to the bill, from an administrative point of view, seems to be in section 3. The objection to section 3 is that—

"From an administrative standpoint the provisions of the foregoing section (sec. 3) not only offer difficulties but in some instances insurmountable obstacles for the following reasons."

The "difficulties and obstacles" are listed under headings 1, 2, 3, 4, and 5. The chief objection under point 1 is that a vessel coming in, say on Hampton Roads (and I think that is the only place where it happens) to take in fuel can not be denied clearance because she has never entered. That is perfectly true. Such vessel is in the same position as she would be if she was met outside by lighters and took fuel from those lighters. Constructively, such a vessel is not within the United States at all; she is not in an American harbor, and the crew could not be examined except by the freely given permission of the master of such vessel. I think it will be found that such vessels are not now examined at all for any purpose. In other words, the bill would not apply to such vessels at all.

Under the second point it is stated—

"* * * that if an alien is removed from a vessel to an immigration station he must be taken before a board of special inquiry, and if the board finds that he is not a bona fide seaman, such alien shall have the right of appeal to the Secretary of Labor."

This will not apply to anybody who is racially excluded from the United States. As I understand it, those who are excluded because of their race have no appeal, consequently they would not have to go before a board of special inquiry.

Dealing next with the the European who may be excluded for special reasons and to whom an appeal is granted by law, he is, after the inspector shall have determined that he is a mala fide seaman and ordered his removal, in the same position as a man accused of

having committed an offense. That is, he will be held in custody until his case has been determined. Objection is raised that if it is found that he is not guilty of trying to violate the immigration laws of the United States by smuggling himself into the United States, then a serious injustice has been done to him, because he has lost his job. He is, however, under no greater hardship than any American citizen who is placed in custody because there are good reasons for believing that he is guilty of an offense under the laws of this country. No special indemnity is paid or given to such citizen after a court or grand jury shall have ordered him released.

We, of course, must assume that the inspector will, or that the rules made by the department under the law, will treat those who are there specifically to learn the work of the seaman in one department or another, as bona fide. There is no way of determining him to be anything else, because no one can look into his mind. With reference to all the others, which is more than 90 per cent of the crew, an examination into his industrial qualifications will make it possible to determine whether he is a bona fide or a mala fide seaman. In other words, whether he is a real seaman, or whether he is trying to use the status of a seaman to smuggle himself into this country. There have been questions raised about such examination, but when skilled seamen, such as masters appearing before the committees, have been asked whether they could distinguish a mala fide from a bona fide seaman, that is, a seaman from a landlubber, the invariable answer has been "yes."

The seaman dismissed from custody will simply be in the same position as the bona fide seaman who has a right to quit the vessel, to come ashore, and to look for another vessel going foreign.

Under point 3 I find the main objection to be that—

"At only a comparatively few of the ports in the United States where vessels arrive do we maintain immigration-detention stations. That being true, if the alien is to be detained at some of the ports of arrival, it would be necessary to place him in jail pending a decision in his case by the departments."

If that were necessarily the fact, a few seamen might innocently have to endure some hardship because of a mistake made by the inspector. There would be very few of these under any circumstance because that presumes that the inspector is either ignorant or careless in holding him to be a mala fide seaman when he is, in fact, a bona fide seaman. If he be, in fact, a mala fide seaman and yet insists upon appeals, that would hold him in custody for a longer time than was necessary to find a vessel in which he might be deported. Such man is only treated in the same way as a seaman who has forfeited his status by violating the immigration laws after having landed. But the man who is found to be a mala fide seaman, and, therefore, an immigrant, is to be delivered to a detention station by the ship; that is to say, at the expense of the ship. He is in the custody of the ship until he is delivered to the station and the vessel is responsible for him and pays all expenses, not only while in such custody but after he has arrived at the station.

There is nothing in this bill that says that the detention station must be in the same port. It is suggested in a way that he can not be held in custody traveling from one port to another. There is no difference in principle between that and being held in custody going from a vessel at anchor to a detention station in the same port, nor is there any distinction between that and the man arrested after having reached the shore and detained until his case is disposed of. When the vessel is within the harbor in the United States and legally entered the United States will have a greater right to hold him in custody on an immigration station, or in a jail, than on board of a ship.

The next question is the one raised under point 4 and has to do with passports. The bill does not provide that a man shall be sent to his own country or the country of which he is a subject or citizen. That is, it is not necessary, if he be a Hindu, that he should be sent to India; or if a Chinese, that he should be sent to China. The vessel in question took him from some particular port somewhere, and the vessel will be required to send him back whence he came. That is to say, if he be a Chinese and was shipped in England, he would be sent back to England. If an English ship took him in India, he would be sent back to India. If a Dutch ship took him in Java or Sumatra, he would be sent back whence he came. If he was a subject of Russia, having signed on board of a vessel in Russia, he would, of course, be sent to Russia and to the port from which he had been shipped. The vessel always has records to show where the man was shipped.

Under point 5 it is suggested that if an alien seaman declares it to be his intention to continue as a seaman on the vessel on which he arrived, that nothing could be done with him. The examination takes place in order to ascertain whether he is or is not a seaman in fact. If he is not a seaman in fact, then he is an immigrant, and it makes no difference what he says or thinks, his status is determined by what the examination shows him to be. Even if he made an application for admission, it could not be considered, because under this bill he is an immigrant without a passport visaed by the United States consul. It is stated here that, if he kept silent and refused to answer any questions, the department would have nothing to consider. That can not be so, because when found on board of the vessel in the rating of a seaman, for which he has no or insufficient qualifications, that is under this law as much an evidence of his bad faith as if he were a man caught with burglar's tools in his possession.

The presumption would be against him, and in that case it would be for him to explain to the court how he came into possession of the tools. In the case of the seaman, it would be for him to explain where he shipped, why he shipped, and how he came to ship on the vessel. We may safely assume that the vessel in shipping the man would take care not to violate this law, and that there would be few of these men who would try to smuggle themselves into the country. The expenses of detention and the passage back to the country whence he came would be too serious to be played with.

In conclusion and speaking about those mandatorily deportable, the memorandum says:

"* * * If the vessels on which they arrived do not enter and clear, there would be no means of collecting the cost of their deportation."

If a vessel does not enter or clear, she can not be examined, as has already been referred to under point 1. Now, let us assume that the man in question is a bona fide seaman and is held on board of the vessel against his will and in violation of the immigration law, as well as the seamen's act; it will have to be recognized by everybody that a writ of habeas corpus would release him from the vessel, just as it would release him from a prison on shore if he was held there in violation of law. The courts have already held that a vessel lying in an American harbor is not a prison and is not to be used as such.

From the foregoing it should appear that the difficulties are not the insurmountable obstacles which they are represented to be; that, in fact, there is nothing that will make the administration of this bill, if it should become law, so difficult as to accept that as a cause for leaving it open for thousands of men, specifically excluded, to come into this country in violation of its laws.

Hoping this will be a sufficient explanation, I beg to remain,

Most respectfully yours,

ANDREW FURUSETH.

MEMORANDUM

By Andrew Furuseth

On the opinion of Secretary of State, Hon. Frank B. Kellogg, on S. 717, as expressed in letter dated February 21, 1928, and forwarded to Hon. HIRAM W. JOHNSON, chairman Committee on Immigration and Naturalization of the Senate.

On April 24, 1924, a bill containing the same provisions as are found in S. 717 was submitted to the then Secretary of State, Hon. Charles E. Hughes, by Hon. John E. Raker, then Member of the House of Representatives, and the answer is printed in hearings held in the last Congress on S. 3574, on pages 18, 19, and 20.

Mr. Hughes was asked by Mr. Raker whether there are any treaties with which the provisions (e) and (f) of section 19 of H. R. 7995 would conflict.

After reviewing these subsections, the Secretary says that it appears to him that subdivision (e) "might operate in such way as to interfere with reciprocal freedom or liberty of commerce and cause serious loss to British and Japanese, and perhaps vessels of other countries with which the United States has commercial treaties similar to those from which I have quoted."

He illustrated by stating the seamen might die or become sick or might desert and delay might be caused by compelling the vessels to remain in port until other men could be obtained. The committee cured this possibility by a proviso dealing with the dead or sick; but because all the men might desert under our laws, and because the laws of the several nations provide a minimum crew on leaving home port and give to the master of vessels the right to take more men, if, in his judgment, safety so requires, the committee decided to disregard the point about desertion and the Senate concurred. It was held self-evident that safety will require the same number in leaving the United States traversing the same waters, as in leaving the home port to go to the United States, and that there could be no undue hardship to the vessel or offense to the nation by insisting that the master's judgment, as to the number of men needed for safety, be upheld, more especially when such judgment had been accepted as correct by his Government.

The letter from Secretary Kellogg suggests that the men might be kept on board; but that can not be done under the Constitution and laws of the United States. The letter from Mr. Kellogg then speculates upon the injury that might be caused by delay. The delay would be caused by desertion, for which the remedy is with the master. If the men be bona fide seamen—if the men on the vessel be capable of doing the work called for, according to their rating, they will, of course, be held to be bona fide seamen, and such seamen are not to be interfered with. If such men desert, it will be because the treatment or the wages, or both, are so much below what they can obtain in some other vessel in the port that it will pay them to desert and then the master has himself to blame, unless in hiring the men he did so according to instructions of the owner.

In commenting upon section 3 the Secretary seems to pass judgment upon the penalty as being improper, because the vessel might not have been at fault or the penalty too severe. He even suggests that such vessels might shun the United States because of it. With reference to the vessel's guilt, it must be remembered that the master is supposed to choose the members of the crew, and when he does he is well able to prevent mala fide seamen from being signed on his vessel.

The Secretary's criticism of the bill repeats the objections which were in the former hearings submitted by opponents of the bill. Then they were presented on behalf of the American shipowners, but in this letter they are presented as coming from the shipowners of foreign nations through their governments and their representatives here. The representatives of foreign governments assert that they will not be able to carry the same kind of men which they now carry. This goes to the effectiveness of the bill. The bill is designed to stop smuggling in of men in violation of our immigration laws. They say that the vessel will not be able to carry excluded aliens on coming to ports of the United States, and then suggest that the harm to come to the vessels will be greater than the good to come to this country by stopping the smuggling. That, however, seems to be for the United States to determine.

Congress, at least approximately, knows the extent of the smuggling and it knows in fact the sum appropriated to deport those that are found and arrested. The real information to be furnished by Secretary Kellogg had reference to treaties. In this he seems to be in accord with Secretary Hughes. The answer is that there are no treaties that conflict. With reference to comity, it can not be possible that we offend against comity by taking needed steps to prevent other nations' vessels violating our immigration laws, especially when the law will apply equally to domestic and foreign vessels.

MEMORANDUM PREPARED BY ANDREW FURUSETH

The opposition to this bill comes from the shipowners. They have at the present time the right to bring into ports of the United States any kind of men as seamen on board of their ships. And so there come into the ports of the United States the very kind of men who, in the immigration laws, are excluded from landing. Coming from China they pay up to $1,100 to be landed. Coming from Europe they pay from $200 to $400, and those coming from Europe are nearly all of them men who could not possibly get a consular visa to come. The only check on this condition is the Executive order which makes it obligatory on all of the vessels coming here to have their crew list visaed by American consuls abroad. The consuls have no machinery to segregate the bona fide seamen from those immigrants who masquerade as seamen. Consuls all say that the examination must be in ports of the United States. It will add practically nothing to the cost of examination which now is made in our ports.

Those who are not found to be bona fide seamen are, under this bill, to be delivered to the detention station by the master, to be kept at the detention station and to be sent out of the country as passengers on some other vessel except the one by which they were brought, and this is all at the expense of the vessel which brings them.

If this bill is not passed foreign vessels will be permitted to continue to bring 100 per cent of the kind of men who pay to be landed. On the other hand, under the mail subsidy American ships will be reduced to carry no more than 33⅓ per cent of non-citizens on vessels sailing under the mail contracts. The difficulty of organizing the crew so as to carry that third of orientals is so great as to make it almost impossible. With 50 per cent, as it is now, the orientals are employed in the steward's department. There are three departments of the vessel—the deck, the engine, and the steward's departments. It has shown itself possible to carry whites on deck and orientals in the engine and steward's departments, or to carry whites on deck and in the engine department with orientals in the steward's department. It has at all times shown itself to be impractical and substantially impossible to mix whites and orientals in the same department. And this does not rest alone upon the objections of the whites, but upon the feelings and desires of the orientals. They refuse as strongly to be mixed as do the whites, and that can be well understood not only for racial reasons but from the fact that the smuggling of men and narcotics would be extremely difficult if not impossible. Men can not be hidden for two weeks crossing the Pacific. They must have exercise and air, and the system which now obtains of working stowaways together with the crew will not be possible with part of the crew in the same department being whites. The result of this difficulty seems to be inevitable, namely, that the American ships will have to carry all whites while the foreign vessels coming here are permitted to carry 100 per cent orientals or men who are otherwise excluded. I call this specifically to the attention of the Senators here. The vessels under American flag will be at a serious handicap in about a year's time from now, unless this bill passes. It is astonishing that the American shipowners themselves can not see this and therefore continue their objections to this bill.

WASHINGTON, D. C.

WASHINGTON, D. C., *December 2, 1930.*

Hon. WILLIAM H. KING,
Senate Office Building, Washington, D. C.

DEAR SIR: For many years vessels arriving in the United States have been manned by an excessive number of seamen. Sometimes the number is 100 per cent more than is required.

After the vessels arrive in the United States all excess alleged seamen are smuggled into the country. They go ashore and remain in the United States. Large sums are paid to the vessel owners or the officers for the privilege of being smuggled into America.

S. 202 introduced by Senator KING has for its object the prevention of the smuggling of aliens into the country as seamen. The bill provides that the vessels must carry away from the United States as many seamen as they brought here. It has passed the Senate but is held up on a motion to reconsider made by Senator BINGHAM.

The American Federation of Labor convention held in Boston October 6–17, 1930, adopted a resolution calling upon Congress to pass S. 202. Copy of the resolution is inclosed.

The resolution is submitted to you for your earnest consideration in the hope that you will protect the American wage earners during these days of acute unemployment by defeating the motion to reconsider.

The American Federation of Labor convention also declared its opposition to the unification of the immigration, customs, and prohibition patrols on the Canadian and Mexican borders. The opposition was based on the ground that "immigration enforcement would be sacrificed to prohibition enforcement."

Yours respectfully,

WM. GREEN,
President American Federation of Labor.

TO PREVENT SMUGGLING OF ALIENS

The American Federation of Labor, at its convention held in Boston, Mass., October 6–17, 1930, adopted a resolution urging Congress to reject the motion to reconsider the passage of S. 202 in order to protect the American wage earners. The resolution is as follows:

"Whereas it is known that a very large number of immigrants are smuggled into this country over the Mexican border because of an insufficient border patrol; and

"Whereas some 50,000 immigrants also yearly come into this country as seamen for the purpose of mingling with our population in violation of law; and

"Whereas these immigrants are such as can obtain no visas, being for sufficient reasons excluded from this country; and

"Whereas we have repeatedly petitioned for relief and have submitted efficient remedies, without obtaining action: Therefore be it

"*Resolved*, That the convention of the American Federation of Labor, assembled in Boston, Mass., demand that the King bill be passed and sufficient money appropriated to provide an efficient border patrol; and be it further

"*Resolved*, That this resolution be sent to our Senators and Members of Congress."

(Telegram)

SAN FRANCISCO, CALIF.

The following telegram received while at the convention of the American Federation of Labor, held in Boston, Mass., October 6 to 17, 1930:

ANDREW FURUSETH,
Care of Convention of the American Federation of Labor, Boston, Mass.:

States Steamship Co., of Portland, Oreg., operators of subsidized vessels from Pacific coast ports to Orient, have recently imported 21 Chinese seamen on said subsidized ships to be transferred on Pacific coast for service in steward's department on other American ships operated by said company in Pacific coast-Europe trade. Please enter vigorous protest and call attention to fact that thousands of American seamen are now unemployed and available for this work.

GEORGE LARSEN,
Secretary Sailors' Union of the Pacific.

[From the Washington Post, Saturday, February 19, 1927]

SMUGGLING OF BOGUS SEAMEN

The King bill (S. 3574) providing for deportation of certain alien seamen should pass this Congress. Immigration Committees of the Senate and House have had it under consideration for the last four years. It passed the Senate unanimously on February 2. There is no reason why it should not pass the House before adjournment. Between thirty and forty thousand immigrants are shipped on vessels as seamen in Europe and landed in the United States every year, and the number is growing. Average-size vessels are coming to the United States with a crew of between 50 and 60 and leaving again with a crew of 30, leaving behind them 20 or more persons who are of the excluded classes and who could not come into the United States at all except by being smuggled in. Larger vessels leave larger proportions of their crews behind.

These facts are admitted. The price per person for the smuggling ranges from $200 to $400. This, too, is admitted, and has been proved in courts in Hamburg, Germany, and in Norfolk, Va. Consuls in Europe know all about it. They are doing everything they can to stop it, but state without hesitation that they can do very little, and that the remedy is examination of the crews of vessels upon arrival in American harbors, so as to distinguish between the bona fide seaman and the immigrant who masquerades as a seaman. The bill provides for such examination. It is not any more difficult to determine who is a bona fide seaman than who is a bona fide stenographer, or watchmaker, or shoemaker, or any other calling that requires particular skill. A few technical questions will determine the matter.

The bill provides that those who are not bona fide seamen shall be deported, as passengers, on some other vessel at the cost of the vessel which brought them. The bill further provides that any vessel in leaving must have as many persons in her crew as she had on arrival. The bill also provides that no one can come as a seaman unless he can come as an immigrant—unless, first, he comes in a vessel in distress; secondly, unless he comes under the flag of the country in which he was born, as distinguished from that country's dependencies, colonies, or mandates. It is difficult to understand why there should be any hesitation about passing this bill, unless the opposition offered by foreign ship-

ping companies and their governments is to be accepted to the extent of permitting them to violate American laws.

In 1924 this bill was submitted to the Department of Labor, where it was indorsed, and to the Commissioner of Navigation, who suggested an amendment, which was incorporated. It was then submitted to the State Department, which answered that there was nothing in the treaties to prevent its passage. It suggested a minor amendment, which was incorporated in the bill.

It is difficult to conceive of any legitimate reason for hesitating to enact this legislation to put a stop to the smuggling of aliens pretending to be seamen.

[Editorial from the American Federation of Labor February 14, 1931]

WHY IS ALIEN GATE LEFT OPEN

President Hoover asked Congress to appropriate $500,000 to arrest and deport aliens who are unlawfully in this country.

The gate through which most of these aliens enter, however, will remain open.

Europeans pay $200 to $400 for the privilege of signing as seamen on a ship bound for the United States. Chinamen pay up to $1,100. On arrival here they step ashore and are lost in the large cities. Between 40,000 and 50,000 are annually smuggled in by this method, which is profitable to the captain and shipowners.

The International Seamen's Union for years has attempted to secure a law which would authorize immigration officials to examine these "seamen" before they are permitted to leave the ship. These aliens, if found to be not bona fide seamen, would be returned at the expense of the vessel.

The vessel would also be denied clearance papers if she attempted to sail with fewer seamen than she employed on arrival.

The King bill, now pending in Congress, has these provisions but it can not be moved.

[Annual Report of the Commissioner General of Immigration, 1930, p. 18]

For many years the problem of preventing alien seamen from deserting their vessels and remaining here without compliance with the provisions of the immigration laws relating to applicants for admission has sorely perplexed the bureau and its field officers. Shore leave and the right to search for another berth outward after being paid off or even following desertion can not be questioned, if the arriving seaman is a bona fide one in fact and physically fit. Sixty days are allowed for this purpose. All would be well if alien seamen would always go out after landing allegedly in pursuit of their calling, but we can not keep such seamen under surveillance and we do not know, as a matter of fact, how many leave and how many remain. The situation has been rendered more acute in recent years by immigrants, barred from admission by the quota law, effecting entry as alleged seamen in pursuit of their calling. Some improvement in the situation, however, has been noted, particularly in the past year, brought about in part, perhaps, by the act of March 4, 1929, making it a misdemeanor for any alien to enter irregularly and a felony to enter or attempt to enter after arrest and deportation. In the case of a seaman, arrest and deportation now spell forfeiture of all future seaman landing privileges.

During the past year there were 9,117 recorded desertions of alien seamen, as compared with 11,314 in the fiscal year 1929 and 12,357 in the fiscal year 1928.

STATEMENT OF ANDREW FURUSETH, LEGISLATIVE REPRESENTATIVE NATIONAL SEAMAN'S UNION, BEFORE SENATE COMMITTEE ON IMMIGRATION

Mr. FURUSETH. Mr. Chairman and members of the committee, there are about 1,000,000 seamen coming to the ports of the United States every year. Deducting the licensed officers who do not desert, and taking away the petty officers who very rarely desert, you have still between 400,000 and 500,000 men who are possible deserters or who may come into the country for 60 days under the law and according to the rules; and the result has been for many years now—it began in 1920 to some extent, but in 1921, after the quota law was passed, it took final shape and it has gone on ever since—that the vessels came here with men who claim to be able seamen and who claim to be ordinary seamen and who are shipped on the other side as seamen, but who as a real practical matter are immigrants coming here in violation of the immigration laws.

I first brought the matter to the attention of the then Secretary of Commerce, Mr. Alexander, in 1921, and he said that he thought they could make regulations dealing with it; but that after a while they found they would not be efficacious, and the fraudulent immigrants have continued to pour men in here ever since. Vessels have been coming here with 200 men and going away with 160. In one instance a vessel came in with over 300 men and went out with 250, those being Greek vessels.

On the Atlantic it is constantly going on, especially vessels coming from Mediterranean ports, from French ports, from Belgium, Holland, and Germany. Up to the present time they have not been using this method of emigrating to the United States to any great extent from England nor from the Scandinavian countries. But as the pressure to get to the United States becomes stronger and stronger there is not any doubt as to what they are finally going to do.

The decent, law-abiding shipowners at the present time do not want to do those things, and if this bill that was introduced by Senator KING is adopted it will be a protection to the really high-class shipowners, to those who want to obey the law; but it will be a deterrent to those who do not try to obey the law, and it can be done without in the slightest way bringing about any friction with foreign governments.

Each government has either a regulation or a statute law dealing with the manning of vessels, but that is a minimum. Now, the master or the owner, as the case may be, may add as many more to that as they want to, but the laws of their own country pledge them to bring back again the men, in so far as they can, or an equivalent number of men. They are not punished if they do not bring back an equivalent number, of course, as long as they have the minimum that they must have for safety.

So that this thing continues all along the line. In the matter of the Chinese it has gone on now for over 20 years to my knowledge. We have had a tight exclusion act since 1891—as tight as we could make it. Notwithstanding the fact that there are very few Chinese women in the country, we have more Chinese men in the country now than we ever had, and they are as young as they were in 1891. The explanation of that is very simple: They bring in all young men and exchange and take old men away, and add to the population, of course, bringing in stowaways, which they are doing constantly. Once in awhile they are caught as when one of the big Shipping Board ships was caught with 83 on board at Seattle some years ago. Another was caught with some of them hiding in coffins in the hold of the vessel in Honolulu, and so on. There are always men coming in as stowaways because they want them to come.

Senator REED. Will you let me put in the figures at this place, Mr. Furuseth?

Mr. FURUSETH. Yes.

Senator REED. The report of the Commissioner General shows that in the last fiscal year there were 19,710 deserting alien seamen, of whom 11,218 deserted at New York, 2,378 at Philadelphia. The same report also shows that alien stowaways were found on board vessels arriving at American ports to the number of 1,907, of whom 929 were found at New York and 204 at New Orleans.

I thought it just as well to have those figures in the record at this point.

The CHAIRMAN. In the last fiscal year how many alien seamen deserted?

Senator REED. Nineteen thousand seven hundred and ten.

Mr. FURUSETH. I presume that they get that from the consuls.

Senator REED. They would get that from the clearance of the ships, would they not?

Mr. FURUSETH. No; I don't think they examine into that. That is just the trouble; they do not examine into the crew when the vessel goes out. That is true, is it not, Mr. Hurley, unless there is some special arrangement?

Mr. HURLEY. I might state for the benefit of the chairman that the master of the vessel is supposed to make a report of all changes in his crew while in United States ports. We are obliged, under section 36 of the law, at the present time to depend upon the master to make that report. During the war we had a check on them, as a result of which we imposed fines to the amount of $79,000. But, owing to the depleted state of our appropriation, and, hence, inadequate force, we do not check out the crews of vessels before sailing. But the master is under a penalty of $10 each for failure to make report of the crew. He submits a report, 689, at all ports in the United States. Those reports are inaccurate and incomplete, as I know from my own investigations.

The CHAIRMAN. What becomes of these 90,000, in round numbers, that desert? They get into the country and that is one of the holes that we have in the immigration law?

Mr. HURLEY. Yes, Mr. Chairman; they do.

Senator REED. Do they not often reship?

Mr. HURLEY. Sometimes they reship, but we find them in the factories and industrial plants all over the country. I have been making an investigation of that at the direction of the commissioner and Attorney General.

Senator REED. Some one from the Department of Labor, as I recall it, estimated that about two-thirds of them reship foreign.

Mr. HURLEY. In my annual report I made that estimate, but men who are probably more accurate on the estimating than I am said——

The CHAIRMAN. It is a hole in the immigration law that if we can properly do so we ought to stop up?

Mr. HURLEY. Oh, absolutely, because it is the biggest hole we have in the immigration law. I will not say to the figures at the present time—probably our temporary visitors are about one of the biggest, but that is one of the biggest problems we have to deal with.

Mr. FURUSETH. Mr. Chairman, I think it can be proven it is the biggest hole of all, for this reason, that you take the vessels which come to Mexico and then take the vessels that come to Canada and examine the passengers who come in those vessels, if they were all to come across the border that would not account for the men who are here in violation of the law.

So that, as I say, is the biggest thing.

After investigations that I have made for years into it, I know how they do these things. When I was over in Europe I watched them signing on, I watched the men being registered in the shipping office in Antwerp—it was a joint shipping office operated by the shipowners and the seamen together, and I sat there for one solid day watching men being registered for

shipping out of that shipping office, and during the time that I was sitting there more than 20 men were turned down as not being seamen, although they had papers that showed that they were everything—they had continuous discharge books, their American seamen's certificates, their able seamen's certificates, American seamen boat service—they had papers in the fullest and most complete order. But there being a seaman behind the counter examining them, he looked at them and said, "This man don't look very much like a seaman to me"; and he asked him some technical question and the man fell down, and then he said, "No; you are not a seaman. Never mind about the papers; you are not a seaman."

They are manufacturing fraudulent papers in Europe, so that you can buy them in every port in Europe from Greece all around the Mediterranean to Hamburg, to my knowledge. I know of a consul's office in Berlin where I was told they had an entire building, occupying it for no other purpose than to make fraudulent papers of all descriptions. The men who made those papers were usually Russian Jews, but they were making them, although they had succeeded in breaking it up.

The consul at Antwerp and the consul at Hamburg and the consul at Berlin told me that they did everything they could to stop this kind of thing, but that it was utterly impossible for them to do it.

Of course, the consul at Berlin said, "I am dealing largely with false visas in one way or another, and false certificates of birth." But the consul at Antwerp, the consul at Rotterdam, and the consul at Hamburg were unanimous in telling me, "You can not stop this kind of thing. It is utterly impossible to stop it. It has got to be stopped by prompt investigation when the vessel comes into the United States."

Let me show you how it went on there: After they had been examined and listed for shipment, the next day I stayed there watching the men come in, and man after man came in before the captain and he picked the best-looking men and the men with the best papers for the fireroom, for the engineer was there with him and picked for the fireroom; the captain himself picked men for the steward's department and the deck department.

I saw those men go from that shipping office to the English consul to be signed. I went with them from there to the American consul to have their articles visaed, and I was there the next day when the vessel was going to go to sea, and there were seven men missing. The shortage of seven men was filled up from a Greek boarding house—the men who backed out were Greeks; the men who took their places were Greeks. The captain and the Greek boarding master and the men worked together. The consul was as helpless as a babe; he could not do anything to stop it.

That is the situation in the shipping offices where they are trying to do everything they can to prevent this thing.

The CHAIRMAN. It is your view that these substitutes come here and they are the deserters who get in?

Mr. FURUSETH. They are; the bona fide seamen you do not need to worry about. They come and go. But these people I was talking about a moment ago do not come as bona fide seamen. They pay up to 10,000 Belgian francs—last year they were paying as high as 10,000 Belgian francs to get across. They are paying in Hamburg a similar sum, but in German marks. Here in this statement that I prepared is a report upon an entire arrangement, so to speak, of some 12 or 14 men working together to send men from Hamburg over to the United States as seamen ostensibly, but as passengers in fact as emigrants.

The CHAIRMAN. That statement is a brief one, is it not?

Mr. FURUSETH. Yes.

The CHAIRMAN. Would you like to have that inserted in the record?

Mr. FURUSETH. I would like to have the whole thing inserted, because it deals quite fully with the subject.

The CHAIRMAN. If there be no objection, it will be inserted.

(The statement referred to is as follows:)

SMUGGLING IMMIGRANTS AND NARCOTICS THROUGH THE UNGUARDED SIDE DOOR

"There is almost unlimited wealth to be obtained through smuggling of immigrants and narcotics by means of the vessels that visit ports of the United States. The smuggling of diamonds and opium was profitable in the past, when duties were very much lower than now and the use was mostly limited to Chinese; but since costlier and less bulky narcotics are being sought and used by many citizens, the profit and therefore the temptation is very much increased.

"Up to July 1, 1921, there was no absolute exclusion of persons except Chinese and the smuggling of Chinese was very profitable, as shall be shown later; but on July 1, 1921, the immigration policy of the United States was reversed. Excepting the Chinese, the policy was that all who were not excluded for cause might come and be welcome; since July 1, 1921, all are excluded except those who are by law specifically permitted to come. In the last Congress this was made effective by adopting a quota to be filed in the country of departure and that none may come except such as may become citizens of the United States, thus excluding the Japanese, Hindus, and others. In addition to this general exclusion, the number of persons permitted to come from the shores of the Mediterranean countries from eastern Europe and western Asia was so seriously reduced that there are legions who want to come but who are excluded and who, therefore, are seeking the means to evade the law. Thus the smuggling of immigrants is already a very thriving business, which will be increasing until the immigration is made something like a farce. If this last is to be prevented, the unguarded side door—the shipping—must be controlled and properly guarded.

"The experience with the Chinese will serve as an excellent illustration. We have had what has been thought a tight exclusion of Chinese since 1891, and yet we have, notwithstanding the practical absence of Chinese women, more Chinese than we had in 1891, and they are as young as ever. The explanation is rather simple. American and other vessels bring Chinese as seamen to our ports. The importers—the Tongs—send young men in the vessels from China; they are in our ports exchanged for those here who are old and want to go home; but in addition there is a premium of $1,000 or more for each Chinese so landed in the United States, that they can mix with and be lost in the Chinese population. To earn this premium is easy, if the vessels are permitted to come here with Chinese as seamen. There are two regular ways of doing this. In an American vessel the number of seamen, exclusive of officers, is determined by the local inspectors of steam and motor vessels. The inspection contemplates men belonging to the Occident. The vessel goes to the Orient and there she takes on a Chinese crew, which by custom or general usage means two Chinese for one white or so-called white; one-half of the crew, or thereabouts, leave in our ports and the vessel goes away presumably fully manned, since she has the number of persons provided by the inspectors.

"The other but less safe method is to stow away any reasonable number of Chinese on leaving the Orient. Those men then exchange with the proper crew at sea to give them the needed airing and the officers can not be proven to be informed of this unless the Chinese will talk, and that they never do. The Chinese have the well-deserved reputation of being the most reliable of all men in such matters. The question is then one of landing them. That is generally successful. Once in a long time there is a slip, but then the vessel can not be proven guilty. From one dozen to eighty-odd such Chinese have been found even on vessels belonging to the United States and operated by or under contract with the United States Shipping Board. Thus the Chinese come.

"The smuggling of narcotics is so general and discovery and capture so common that it is hardly considered news worth printing as such. The profits may be easily estimated from the following letter, originally published in facsimile in the Seattle Post-Intelligencer and dated November 9, 1922:

"'I went to your office this afternoon applying for a job as interpreter. I beg to say that I will hand you over $1,000 for the job if you can fix up for me. I will come to see you immediately when your ship returns from Manila, and I do hope you will combine with the chief steward and also I will do him good when the job succeeds.

"'Yours truly,

"'LO WING PO.'

"The Japanese are now excluded, and they will be willing to pay about the same price as is now being paid by the Chinese. The Hindus are coming here in English vessels, especially. So much for the orientals.

"With reference to the Europeans, the greatest violations up to the present have been on vessels coming from the Mediterranean, in so far as immigrants are concerned, with Germany, Belgium, and Holland gradually coming to the front. The Italian longshoremen in New York could tell much about it, if they, as they quietly say, 'were tired of life.' It is notorious that vessels have gone away with less number of men in their crew than they had on arrival here in the United States. About what takes place in such ports as Havre, France, from whence many come, I can only speak of as it was told to me in Europe; but as to what is being done in Antwerp, Rotterdam, Amsterdam, and Hamburg I can speak from personal knowledge. I was, in June, July, and part of August this year, in Antwerp and Rotterdam twice, Hamburg and Berlin once, besides some ports in England, Norway, Sweden, and Denmark.

"In Antwerp there are two regular shipping offices. One is run by the British shipowners and seamen's union jointly, and there is every effort to prevent emigrants to the United States being shipped as seamen. I watched the men register for shipping. They were registered by a practical seaman; they had to show that they were real seamen by exhibting discharges from previous vessels, able seamen's certificates (American), passports, and such other papers as they might have; but there were some who nevertheless were rejected. I asked why and was told that their papers were forgeries. They were asked some technical questions, which exposed them.

"The next day I watched them being picked by the masters and engineers, I saw them go to the consul to be signed and then the crews of vessels going to the United States were taken to the American consul to have the crew list visaed, and then when the vessel was going out some of the best looking men, in this case Greeks, were missing and substitutes were furnished by the Greek boarding masters. With all the care taken emigrants were sent, the leak was obvious, and the men who tried to prevent it were helpless. When the men, the boarding master, and the ship-master work together, there is no way that I can see of preventing those substitutes, and such is also the opinion of consuls with whom I spoke. The consuls say that there must be a thorough examination of the men on the arrival of the vessel in the United States and it must be made before any substitution can be arranged.

"In the Belgium shipping office where the men are registered by landsmen, the number who register on fraudulent papers uttered in Belgium, and more especially in Germany, is very large. I was shown a large bundle of false papers taken from men within

a very short time. I was told that they simply take away the papers unless there is some chance of getting at the forger, but if he has not forged any Belgium papers he can not be sent to prison. I asked why do you interest yourselves in whether the papers are false or not, and they told me that they desired especially to protect the vessel, which might be fined $1,000 in the United States. On inquiry among men who knew what was going on, I was told that by paying from 1 to 5,000 Belgian francs one could get the needed papers and be sent as a seaman to the United States. I was further told that most of the forgeries were uttered in Berlin, Germany, and that the forgers were Russians living in Berlin. I shall speak of this later. The situation in Rotterdam and Amsterdam is a duplicate of Antwerp. In Hamburg the whole thing is on a larger scale, which is best described in the report of court proceedings published in Die Schiffahrt, February 25, 1925, and the system described is by no means ended. The extension and continuation is shown in and the other items of news attached. A translation by the Bureau of Labor Statistics is appended to this report. I was informed by the consul that reports of that trial and other matters of immigration interest are from time to time reported to the Consular Bureau of the State Department whence they will no doubt be obtainable by Members of Congress or of the Senate. In Berlin I was told by the consul that some time since they had succeeded in breaking up a very well-equipped establishment where all kinds of forgeries were uttered to provide emigrants with the needed papers to get to the United States as seamen, or as emigrants, and that this had been reported to the Department of State. There I was again told that when one forgery establishment is broken up another is shortly established, and that the only hope is proper and quick examination in the United States. There does not seem to be much of these violations as yet in English or Scandinavian ports, but as the pressure increases there does not seem to be any reason why it should not develop from those ports as well as from other ports in Europe.

"What becomes of those men when they arrive? A large percentage of those from the Mediterranean seem to go, to begin with, into the coastwise trade and in vessels with a good chance for smuggling. From these vessels in the coastwise trade they seek and find other employments. They are, next to the Chinese, the most expert and reliable smugglers.

"The remedy for this condition—the guarding of the present open side door—would seem to lie in the adoption of the amendments which Mr. Raker, of California, offered to the immigration bill and the deportation bill before the last Congress. With reference to the coastwise trade, there does not seem to be any real obstacle to provide that the coastwise vessel found employing men not properly entered into this country should as a penalty for violation of law be compelled to pay the expenses in keeping and deporting such men as may be found on the vessel. If they were compelled to pay the cost of deporting such men, they would not employ them. It is said that a burnt child shuns the fire.

"Respectfully submitted.

"ANDREW FURUSETH.

"DECEMBER 1, 1925."

[Translated from "Die Schiffahrt" Berlin, February 28, 1925, in Bureau of Labor Statistics, October 3, 1925]

NEWS ITEMS

LAND SHARKS AND DEALERS IN SOULS CARRY ON FOR YEARS A LIVELY TRADE IN HUMAN BEINGS

The old proverb, "The pitcher that goes too often to the well is broken," came true also in the case of this gang and in spite of all its slickness. A deceived deceiver raised a hubbub and thereby attracted the attention of the State's attorney to himself and his accomplices. In a relatively short time 10 to 12 persons suspected to have smuggled Germans and aliens to America were arrested. The judicial inquiry took months. At the beginning of the present year a number of the suspects were indicted and the trial took place March 17, 18, and 20.

The persons indicted were Behrens, a police officer; Barnost, a lodging-house keeper; Evers, Grimm, Stark, and Fegert, employees of the employment office of the Hamburg-American Line; Asmussen and Miles, employees of the seamen's registry office at Hamburg; Glussing and Bromme, shipowners' agents; Lehnert, a former first mate; and Lebowitz, a teamster.

With the exception of Barnost, who said he was a merchant, all other defendants were poor devils with itching palms.

The business of the gang consisted in getting men with cash funds, mostly Czechoslovaks, to America, who could not get there in a legal manner. At first this smuggling of emigrants was a rather simple and easy matter, but after the American Government had issued stricter regulations on immigration, the method had to be changed. In the first place emigrants had to have "white" registry certificates. These were furnished by Behrens, the police officer, who issued them to alien emigrants at the home of Barnost. These, however, were not sufficient, they also needed seamen's books. These were provided by Asmussen and Miles, employees of the seamen's registry office. But in order to be hired on a vessel bound for America, a seaman must have served on board of ships. Asmussen and Miles, therefore, certified false voyages in the bogus seamen's books. But the procedure was still incomplete. According to an order of the consulate only German citizens could be hired as seamen, therefore, the names of the emigrants and their places of birth were falsified in the seamen's books. However, even when the alien is in possession of the false "white" registry certificate and the false seaman's book with a falsified name and place of birth, he can not get to America unless he is hired as a seaman on a vessel. The alien in question was, therefore, entered on the register of applicants for employment by the employees of the employment office. But to get on board the alien must have a physician attest that he is suited for sea service. The smugglers' gang did, however, not risk to bring the aliens before a physician for examination, being afraid that he would discover the whole swindling procedure. Therefore Stark issued falsified medical attests. The aliens, who by this lengthy procedure had now become experienced German seamen were then hired by the agents of the shipping company (Glussing and Bromme) and brought on board of a vessel. In this manner dozens, nay, even hundreds of aliens have been brought on board of vessels as seamen, and, when their vessel arrived in America, they promptly deserted. The shipping companies had to pay head taxes for them and fines, and meanwhile a large number of German seamen idled away their time in unemployment. The smugglers, however, did a thriving business. Whoever wished to be smuggled to America had to pay from $160 to $200, which were divided by the gang. It happened, however, sometimes that the smugglers cheated each other out of this graft money.

Five attorneys attempted in a very able manner to obtain an acquittal of their clients. Numerous witnesses and experts were summoned to the trial, but among them were not experts from seamen's circles, although the seamen are being most injured by this smuggling.

The State's attorney demanded that the principal defendants be sentenced to two years in the penitentiary and that the other defendants be given jail sentences. The court meted out the following sentences:

To the defendant Barnost, six months in jail and 2,000 marks fine; to the defendant Behrens, six months in jail; to the defendant Lehnert, eight months in jail and 1,000 marks fine; to the defendants Asmussen and Miles, each six months in jail; Lebowitz, four months in jail (considered served through detention while awaiting trial); Stark, three months in jail; Grimm, 600 marks fine; Fegart, 100 marks fine. The defendant Bromme was acquitted. In case of nonpayment of fines the defendants had to serve one day in jail for each 10 marks.

Through the above sentences the court has attempted to punish the culprits. It is, however, our belief that neither all the smuggling nor all the smugglers have been discovered. This should be a lesson to all those who have got off for the present with a black eye, to keep their hands off such kind of busnness—or to proceed with greater smartness. The seamen themselves can, however, and must make impossible such graft by better organization and mutual control on board ship and on land. Every case in which smuggling is suspected should be reported to the bureau of the federation. Only then will it be possible to remove smugglers and smuggled aliens from navigation.

[New York Herald Tribune, November 27, 1927]

FIND 11 CHINESE HIDING IN COFFINS ON "PRESIDENT LINCOLN"

HONOLULU, November 26.—Working on information from special agents in the Orient, immigration officers searched the Dollar liner *President Lincoln* as she docked here to-day and discovered 11 young Chinese hiding in coffins in the hold of the vessel.

According to letters which had been forwarded here, the men were consigned to individuals in San Francisco and $1,100 was to be paid to Tong Nam, a steward, upon the safe delivery ashore of each Chinese. Tong Nam was arrested, but refused to talk, so the immigration officials ransacked the vessel.

It was not until an officer climbed through tons of ship's gear and accidentally knocked off the top of one of the coffins that the plot was discovered. In the coffin a Chinese youth was stretched out, with baggage and food alongside him.

The officer then unearthed 11 coffins and each was found to contain a live Chinese with baggage. All were taken into custody, together with Tong Nam and several other members of the crew who were suspected of being accomplices. It was said that the *President Lincoln* is liable to a fine of $1,000 for each "bootleg" Chinese.

District Director of Immigration A. E. Burnett said it was ridiculous to believe that only the steward had engineered the smuggling, as the men in the coffins had been fed daily and the ship had undergone a thorough search before clearing from the Orient. He blamed "higher-ups" aboard the ship. He said the fact that only 10 sets of paper and pictures were found leads him to suspect that some one aboard the vessel had similar data.

[Daily News, New York, November 25, 1925]

Biggest opium haul in recent years was made by customs inspectors, headed by John Sterling, when they searched the steamship *Eastern Prince*, which arrived yesterday, and seized half a million dollars' worth of the drug.

MR. FURUSETH. They explained how they were doing this thing right along, and complaints were made. The authorities of Hamburg investigated it. They found it was true, and they sent some of them to jail with heavy fines and some to jail without fines, and only one of the clique escaped. But that only lasted for a few days, and then it was simply working along in the same way again.

I went into a shipping office run by the Ship Owners' Association, and I was sitting there talking with him and he said, "Our great trouble here is to prevent frauds from getting aboard the ships. They are coming here with false papers every day. That bundle of papers lying on the desk are false papers that have been gathered here in about a month." And I picked them up, and they were packed closely together, and it was all I could do to pick them up like that [illustrating]; that is to say, I grabbed over them like that [illustrating]. You can see how many there were.

THE CHAIRMAN. Mr. Furuseth, perhaps there is no question about them fraudulently coming in.

MR. FURUSETH. I have disposed of that.

THE CHAIRMAN. Would you state, please, wherein this bill would prohibit the practices of which you complain?

MR. FURUSETH. First, you want to examine the men as they come in, and then distinguish the bona fide from the mala fide seamen. That is not a difficult matter, gentlemen. I can do it; anybody who knows anything about seamen can do it. The immigration officers have men they can put at that work.

They go and examine the crew. First, they have papers in the ship's cabin and they look at the papers that the men have given to the skipper. They have got to do that anyway in foreign ships. So there is no difficulty about that.

Then they find men about whom they are in doubt. This bill provides that the mala fide men, those who to all appearances are fraudulent and have come here as emigrants, shall be taken out of the vessel, shall be put in the detention station, shall be kept there at the expense of the vessel that brings them in, and then send them back as passengers on another vessel to the port from whence they came.

THE CHAIRMAN. Right there. You will pardon me for this informal sort of way of going about this. I thought I might hasten the thing a little bit. Is there any reason why if you have here appropriate help under section 2 of this bill the examinations that are suggested can not be made?

MR. HURLEY. Not if we have sufficient appropriation to provide adequate help. I am satisfied the Government can do almost anything, Mr. Chairman.

THE CHAIRMAN. It provides that every alien, and so forth, shall be examined by an immigration inspector to determine whether or not he, first, is a bona fide seaman, and, second, whether he is an alien of the class described in section 7 of this act; and by a physician of the United States Public Health Service to determine whether or not he is suffering from any debilities or diseases specified in section 35 of the immigration act of 1917. Those things can easily be done by the immigration officers?

MR. FURUSETH. They are done right along.

Senator REED. That adds a million examinations to the 600,000 you are making now, does it not?

MR. HURLEY. Our figures were given in the commissioner general's report as 1,400,000. But when speaking about those desertions, I just want to have the committee straight on that. I checked up with the consuls representing 10 of the leading maritime nations of the world. The figures given in New York at the immigration offices as submitted by the master on his report, 689, were verified and they were more than 7,000 short of what I found the figures in the consuls' offices.

Senator REED. Then wouldn't you get better results from more people if you are given enough appropriations to check up on these masters' reports?

MR. HURLEY. Absolutely. We did that during the war; and if we do that, I think we ought to have full control.

Senator REED. That would help?

MR. FURUSETH. That would help but would not stop this thing.

MR. HURLEY. It would not stop them coming in.

THE CHAIRMAN. Do I understand that the discrepancy of 7,000—that there were 7,000 more than the masters of vessels had reported?

MR. HURLEY. Yes, sir; that is from one port alone.

THE CHAIRMAN. What is the reason for that?

MR. HURLEY. I will tell you, Mr. Chairman, from my observation, having full charge of this seamen's work throughout the United States, the master seaman does not care for our laws to start with, and he will make no report for anybody to check up. I will say this: Reputable steamship lines, I think, have required the masters to be more careful in signing that report.

Here is another thing in connection with a lot of people signing off: The master, when he comes to New York and enters his boat at the customhouse, is invited to go and visit friends. He may arrive at New York or elsewhere. Under the rules of the Cunard or White Star Lines they understand they have got to be aboard 24 hours before sailing. He goes aboard and says to the purser or ship's clerk and the steward and chief engineer to submit a report to him of changes in the crew. He signs that automatically; he depends upon his subordinates to furnish him with an adequate report of changes in the crew.

Senator REED. He has to do that?

MR. HURLEY. Yes; but he understands there is no responsibility except to sign it. If we had men there to check up, we would know.

MR. FURUSETH. I want to say one word about this proposed increase in examinations: It would not increase the number of examinations at all, because they are compelled under the existing law to examine everybody as to health. So, it will not increase examinations, and all the immigration officials have got to do is add two additional columns on their report sheet and check that. When they come to a man who is a bona fide seaman, they check him off as a bona fide seaman; and when they come to one who is not, they check off that man as a mala fide seaman. It does not increase the examinations at all.

Some one will possibly say that the master and owner of a vessel are here being penalized for something that they do not know anything about. Gentlemen, I will take that with a "grain of salt."

I have myself sailed for 12 years all over the world, and I have had to do with nothing but seamen since that time; that is, since I quit sailing. I know what is going on, and I know and will stake my reputation for truthfulness on this proposition, that the smuggling of narcotics to any great extent and the smuggling especially of men can not take place at all unless the master knows it, and in some instances my conviction is—though I do not charge that universally—that the owner knows it.

There is so much money to be made in this thing that if you take away the incentive and put the cost back upon them, checking them back from the country from which they bring in illegally, you will stop this thing, and in a simple way, without hurting any legitimate steamship company.

The next proposition in the bill is that they shall take away as many men as they bring.

Senator REED. As many aliens of the same kind?

MR. FURUSETH. No; take away as many as they bring.

Senator KEYES. You mean as many as there are in the crew?

MR. FURUSETH. As many as there are in the crew.

Senator REED. Would you let them take away Americans to replace aliens?

MR. FURUSETH. Some will come here and say that that will likely be the situation. But that is not likely to be the situation. What they will take away is the men they brought; if not the same men, they will come in with one vessel and be here 40 or 50 or 60 days, and then they are ready to go back, because they have made a failure or something, and they have no difficulty getting them. They go to the ordinary "crimp" to get them. The crimp knows how to find them, and he will furnish them, and they will have no difficulty at all as to getting them.

But if you say that they shall take away the alien, then they will simply say, "Why, I can't get them"; and then they hide themselves under that proposition; and that would then be equivalent to putting an embargo on them. If you apply that to the Japanese—and necessarily you must, because the Japanese will do the same as Chinese—if a Japanese vessel comes in here with a crew two to one of what we carry, and they leave behind 25 or 30 or 50 per cent. Under the terms of this bill they have got to take away as many as they bring. They can not get Japanese, because the Japanese will not go away again; they will have to get men to go. Then they will have to take any men they can get, but in that case they will have to pay men to go to Japan and pay their passage back to the United States, and it becomes so expensive that instead of doing that kind of thing they will carry the kind of men who will stay on board the ship.

There is no harm to them in that direction.

Then, with reference to taking away, it has been stated here several times that the vessel may be held up.

THE CHAIRMAN. You mean "held up" because it is declared to carry a crew equal to the number that is brought in?

MR. FURUSETH. Yes; that the men may leave at the last minute and they have not a complete crew, and the big liner will be held up on that account.

THE CHAIRMAN. As I recall the argument a couple of years ago on a bill somewhat similar, that was the statement that was made?

MR. FURUSETH. Yes.

THE CHAIRMAN. That it would prevent vessels from sailing?

MR. FURUSETH. Yes.

THE CHAIRMAN. Now state, please, what you think will be the result.

MR. FURUSETH. I will show you exactly what is taking place, so that you will know there is nothing to that argument. First of all, our law provides that a man can not leave a vessel except with the captain's permission in a port of the United States—that is, an American ship—within 24 hours of the time of the vessel's sailing. He has shipped himself on board the vessel. The presumption is he wants to go. He came there voluntarily, and in order that the vessel may have a full crew when it pulls out the captain is given authority to prevent anybody leaving in the last 24 hours. That applies to foreign vessels just as much as to American vessels. They check out the crew in the morning and leave in the afternoon or they check out to-day and leave to-morrow.

Under their laws they can not sail vessels unless they have a certain minimum crew. What do they do to guard against that? They have a boarding master, or "crimp," as we call them, who brings down to the vessel a certain number of prospective men. We call them "pierhead jumpers." They are waiting there until the vessel is ready, and if the vessel does not need anybody they are paid that day's wage for coming and waiting; and if they are needed they have their bag with them and they jump on board. So that this thing will not delay any vessel 15 minutes.

I have looked into that most carefully, and I know that all the steamship companies that want to do the right thing, such as the Cunard, White Star, Scandinavian, and American Lines, are not violating the law to any extent, if they are at all. But there are others who are making a practice of it.

These companies who want to do the right thing are suffering because of the other fellows and you put a thousand-dollar fine on them under certain conditions, and let me show you how that works out: A few days ago a vessel by the name of *Batavia* came to Boston. There were two men there of whom the immigration official undertook to state in his opinion were mala fide seamen. One unquestionably was, because he was shipped as an able seaman, or as they call "seaman," when he had never been to sea

not increase the examinations at all.

man, or as they call "seaman," when he had never been to sea

before. That is a mighty good evidence that there is something fraudulent about it. The other was a young fellow who was shipped as an ordinary seaman. They were ordered to keep on board the vessel. What did the captain have to do in order to keep them? He put them in jail in New York and in Baltimore. I was told about it from Baltimore and I learned the vessel was to go to Norfolk, and I sent a wire to our agent there, and I said, "Get a lawyer and get habeas corpus; get those two men before the court. They have no right to make any ship a prison." Why did the captain do that? Because if he lost one of those men he was $1,000 out; if he lost them both he was $2,000 out; so he pays somebody to keep them in jail for him. If you adopt this kind of a proposition, all that thing falls of its own weight.

So that there is nothing to hinder you from adopting that provision that they shall carry away as many as they bring in the crew. Some will come in and say, "Well, we don't need them in the crew." The laws of their country provide that they shall bring them back unless they are deserters. If they are sick and put off because they are sick, they must be brought back at the expense of the country in question—repatriation of seamen, as they call it. So that if a man is left in the hospital, you see, there is the exemption, there is no need of taking anybody in his place, because from the immigration point of view, at any rate, that man will be sent home by the consul when the time comes, when he is fit to go; and if he is dead, of course, he does not add to the population.

The third thing in the bill is this—

Senator REED. Before you get to the third thing, let me ask you this:

Mr. FURUSETH. Go ahead.

Senator REED. If there are $300 or $400 in it for the master of a ship to bring an immigrant over here in the guise of a seaman, why will he not continue to do that and then go to the crimp, as you call him, and get some seaman to replace him. He will make the same amount of money?

Mr. FURUSETH. If you examine the men to begin with, don't you see that there will be no difficulty?

Senator REED. I can see that this check will serve a useful purpose, but I was looking at this requirement about taking away as many as they bring in?

Mr. FURUSETH. That only checks the number; the second proposition checks the number, that is all it does. It is not calculated to do anything else. It can not very well do anything else, because you can not demand of them that they shall take aliens, because they claim then they will not be able to get them, and they claim that is embargo.

Senator REED. Will not that put the outgoing ships, the great liners which sail on schedule, at the mercy of a strike in their crew? Suppose an hour before sailing time 20 of their steward's department walked out?

Mr. FURUSETH. They might do that if they could get ashore within an hour. But they are on board of the vessel, there are guards at the gangways, and within 24 hours of sailing time they can not leave the vessel at all except by the captain's permission.

The CHAIRMAN. What is the last provision in the bill?

Mr. FURUSETH. So that I think that answers the proposition raised by Senator REED.

Now, Mr. Chairman, the last provision in the bill is that no one shall come to the United States as a seaman unless he could come as an immigrant, unless the vessel comes in distress, or he was born in the country under whose flag he comes as a seaman. In the case of a Japanese vessel, as long as it has a Japanese crew it can come and go and the men come and go ashore just like the men on an English ship. But if she has Koreans, Chinese, or Hindus in her crew, they would be taken from her and sent back at the expense of the vessel that brings them in, except, of course, if she comes in here in distress. That simply means that they are not going to come here as they do now, with a mixed crew of Koreans, Chinese, and Japanese, and the Chinese go ashore and add to our population. They are not going to continue to do that then; they are going to carry Japanese, because that would cost them less; on the other hand, it would cost them a good deal to violate this kind of law, more than they could get out of it.

FEDERAL FARM BOARD WOOL-MARKETING PLAN

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have printed in the RECORD certain data relating to the resolution offered on February 18 by the Senator from Tennessee [Mr. MCKELLAR]. The resolution is Senate Resolution 455 and is entitled "A Resolution for an Investigation of the Subject of the Federal Farm Board's Dealings with the Cotton Situation." The data, comprising a telegram and certain articles which I have asked to have printed in the RECORD, relate to the Federal Farm Board wool marketing plan.

The VICE PRESIDENT. Without objection, it is so ordered.

The data are as follows:

BOSTON, MASS., *February 19, 1931.*

Hon. DAVID I. WALSH,
United States Senate:

To-day's newspapers state Senator MCKELLAR, Democrat, of Tennessee, has presented resolution for appointment of special committee of five Senators to investigate all dealings of Federal Farm Board relative to cotton. I suggest you amend this resolution to include wool and mohair. Please note my letter on editorial page Boston Herald to-day headed "Farm Board Chairman"; also, Herald editorial to-day headed "After Legge What?"

ROBERT L. STUDLEY,
Of Studley & Emery.

[Reprinted from the January, 1931, issue of Boston Business]

THE FEDERAL FARM BOARD'S WOOL-MARKETING PLAN—WE ARE THE VICTIMS OF AN UNWORKABLE SCHEME

By Robert L. Studley, partner, Studley & Emery

Since the establishment of the first woolen mills in New England along the sides of the streams which furnished water power, Boston has been the wool-distributing market of this country. How far back this dates I do not know, but I do know that as the business of this country has expanded, the wool market of Boston has done likewise. Wool is the one industry that has stayed in Boston. While other industries had their origin in Boston and have moved to New York, to the West, or to the South, the raw-wool industry has remained within the confines of Boston. Outside of London, Boston is the largest wool market in the world, and at times, in the quantity handled, Boston has exceeded London.

The wool business has been managed and financed by Boston men. The wool business is the one business that still holds, almost in its entirety, to personal management, personal responsibility, and to partnership agreements. While other industries have become largely incorporated bodies, where the personal liability is limited, the management of the wool industry is still largely centered in individuals or partnerships, which means that all the individual possesses, outside and inside of the business, is at the risk of the business.

HAS EXPANDED WITH TRADE

As the industry has grown, so has the wool trade expanded. Originally the wool houses were centered largely on Federal Street in close proximity to the present Boston Chamber of Commerce Building. Then as larger and more commodious warehouses and offices were necessary, due to the growth of the business, the wool trade was centered largely on Atlantic Avenue; and then, dating back some 25 years, due to the still greater growth of the industry, the trade centered itself in the large commodious warehouses and offices on the South Boston side of the Summer Street bridge in buildings erected for the sole purpose of warehousing wool to the capacity of hundreds of millions of pounds.

The wool houses with their substantial capital and large borrowing resources have been able to go into the West and South, and into the foreign markets, and purchase wool during the clip season—financing the product, bringing it to the Boston market, assembling and grading it and selling each manufacturer such grades as he required—on terms mutually satisfactory to the buyer and the seller.

It is a recognized fact that wool notes sell readily at the lowest market rates because of the fact of the personal responsibility behind the notes and the record of the wool trade that notes are met invariably at maturity, no matter what the financial conditions may be at the time, and the losses from legitimate wool-trade failures of Boston wool merchants have been negligible over a period of the last 50 years or more. The only failure that I recall that was at all substantial during the past 40 years was that of a corporation made up of a personnel that came to Boston from a distant State.

CONDITIONS WERE FAVORABLE

It would seem, with such facilities and opportunities, that the grower could market his wool, when sheared, under most favorable conditions—and I believe he has been able to do so. There has been competition among the dealers year after year in the buying of the wool clip of the country, some 20 or 30 buyers, or more (representing as many different concerns), attending some of the sales. Buyers in the past few years, in their anxiety to purchase wool and to beat out their competitors in buying, have resorted to the use of high-powered automobiles, to airplanes, and to the daily use of the long-distance telephone. With 15 to 20 to 30 buyers after one lot of wool, the grower has been in the strategic position to obtain the highest market price for his product. He has had the opportunity, if he has not seen fit to sell his wool at the prices offered, to consign his accumulation to reputable, representative houses at high cash advances and a very reasonable commission charge.

I believe it to be an undeniable fact that the grower, through the dealer, has received, on an average of 9 years out of 10, fully 95 per cent of the selling value of his wool to the ultimate consumer (the manufacturer of goods), less the expenses of freight, storage, insurance, and interest. In other words, I believe it to be an unquestionable fact that for the past 25 years the dealer has not made, on an average, 5 per cent gross profit on the business done. No other raw material that I know of has yielded the producer so close to the ultimate selling value, on an average, as has wool during the past 25 years.

Everyone connected with the business recognizes that wool is the one raw material that we produce in this country of less quantity than we consume. For instance, over a series of years, we have raised only 60 to 70 per cent of the wool we consumed and have had to import the other 30 to 40 per cent. Therefore, the high tariff which is placed on wool acts as a buffer against low prices for the woolgrowers of this country. Even in such an abnormally poor year for business as 1930, we undoubtedly will have consumed a quantity of wool equal to the domestic clip of some 350,000,000 pounds.

NOT FOUND WANTING

In the past, the wool merchant has had to take the risk of handling the business, and, therefore, much has depended upon his intelligence, ability, and resources; and his record shows that he has not been found wanting. Up to the fall of 1929, the wool business has been practically centered in Boston and the trade has functioned properly—having served with success and satisfaction the grower of wool on the one hand and the manufacturer of wool goods on the other. Then what happened?

ENTERS FEDERAL FARM BOARD

Congress passed and the President approved in 1929 the agricultural marketing act—which created the Federal Farm Board. The act was intended to favor the farmers of the country through cooperative organizations—with the support of the Government and with loans furnished by the taxpayers. The Federal Farm Board decided that wool and mohair should be included as a farm product to be so favored. Why they did so I can not understand. I thought the intent of the agricultural marketing act was to stabilize products of which there was a surplus raised in this country. Wool is not one of these commodities—because, as stated above, we consume more than we produce; and so far as I know, the machinery of the wool trade has never broken down in carrying the load, even during the peak of the season, of taking the wool from the grower, paying him a good market price for same at the time of purchase, or, if he desired to consign rather than sell, taking his wool on consignment at substantial advances.

However, for some unknown reason, wool and mohair were included among the commodities which came under the jurisdiction of the Federal Farm Board—and the organization for the handling of wool and mohair began to function early last spring. The independent wool merchant naturally was disturbed by this competition, as he had been used to competition from the open field of merchants who had to take the personal responsibility and risk pertaining to the business. In other words, the merchant has to furnish money to make his purchases; has to personally suffer the losses, if there are any, whether they result from declining values, bad debts, or in any other way. In substance, he is responsible for his own acts.

CO-OPS FURNISHED MONEY

In comparison, the co-ops are furnished money by the United States Government, with any losses paid by the taxpayers. This, of course, is an entirely different kind of competition than has been the independent wool merchant's experience in the past. Therefore it called for caution in the operation of this past season and will call for caution during the succeeding ones. A merchant who stands or falls on his own responsibility has to be careful what he pays for merchandise in competition with others and has to use care that he does not overadvance on merchandise consigned to him for sale, and further, has to see that the merchandise is properly marketed and a reasonable profit obtained, if possible, and do everything he can to prevent undermining the market. The co-ops, on the other hand, can, in competition with the independent dealer, advance on consignments more than value and more than good judgment would dictate; and can sell their merchandise at an inopportune time and at low prices compared with the advances made and with the market value and so undermine the whole structure. And who stands the loss? If I had one guess, I would say the taxpayers. Is this not a good reason why the independent wool merchant should use due caution in competition for his own financial protection?

The cooperatives during the season of 1930 are supposed to have secured some one hundred and twenty-five to one hundred and thirty million pounds of wool and mohair on consignment, or some 35 per cent of the entire clip of the country. As to how much of this has been marketed—and whether at a loss (eventually) to the Government (as most likely the Government has to stand the loss in the last analysis) no one knows, probably not even the cooperatives themselves.

WILL FALL BY OWN WEIGHT

I will hazard the guess, however, that inside of 24 months the agricultural marketing plan will fall by its own weight, either economically or politically or both, and that there will be no cooperative organization in the wool business controlled and financed by the United States Government. We in the wool business are the victims of an unworkable scheme. No government can control artificially the supply and demand of the commodities of the world, no matter how much the scheme is sponsored by politicians, office seekers, and job hunters. If I am right in my prediction, then what?

Already some of our oldest, strongest, and ablest wool concerns are retiring from business; others may follow; and I view with sadness the future prospects of the wool industry in Boston compared with the past, as cited above, if the handling of this vast industry is placed in the hands of men from the West and South, with no personal responsibility commensurate with the problems and unfamiliar with the methods, the personnel, or the ancestry which built up this fine, stable wool business, which has benefited Boston during the past 100 years or more.

STILL A NEED FOR THE INDEPENDENT WOOL MERCHANT

That there is still to be a wool business no one will deny. Wool is still a necessity. It can still be economically spun, woven, knitted, and felted into materials which are attractive to the eye, to the comfort, to the health, and to the pleasure of the users. If we can consume under such adverse conditions as have existed during the year of 1930 a quantity of wool equivalent to the entire domestic clip, then there are splendid prospects, in my opinion, as business revives—as it unquestionably will—for the use of a much larger quantity, which will have to be imported from abroad. There is still a field for the legitimate, honest, hard-working, intelligent wool man; and I hope and believe that the wool man who sticks to his chosen field in the wool business will by his persistency, his intelligence, and his ability win out in the years to come. There is a field for him, just as there has been in the past. The growers need him for the marketing of their wool; the manufacturers need him as a source of supply for their wool requirements; and he will be needed more than ever when the cooperative scheme fostered by the Government smashes, as it surely will. When that time comes, Boston will need the rugged, experienced, resourceful, time-honored New England wool merchant.

[Reprinted from the Commercial Bulletin, January 17, 1931]

A TIME OF DISILLUSIONMENT—FALLACY OF FARM BOARD PLAN MORE APPARENT—GROWERS REALIZING IMPOSSIBILITY OF FARM BOARD PLAN—COOPERATIVE PLAN HAS CREATED FEELING OF UNCERTAINTY THUS FAR INSTEAD OF STABILITY—A FREE COMPETITIVE MARKET BEST FOR GROWERS—WOOL DEALERS ABLE STILL TO FINANCE CLIP—COOPERATIVE SCHEME A BOOMERANG TO GROWERS

(By Robert L. Studley, senior member of Studley & Emery and president of the Wellesley Trust Co.)

EDITOR THE COMMERCIAL BULLETIN,
144 High Street, Boston, Mass.

DEAR SIR: In the article that I wrote for you last year (January, 1930) I stated under the heading of A New Era and New Problem the following:

"But 1930 is likely to usher in a new era for the wool business. Regardless of the fact that the wool merchant has made a loss on his business during 1929, showing that he paid the grower too much for his wool; regardless of the fact that manufacturers have made little or no profit in the manufacture of the wool handled during the past year, the grower is apparently dissatisfied with the price he received, believing it to have been too low, and is now making his influence felt politically in obtaining the support of the Government in the way of loans through the Federal Farm Board and organized 'cooperatives'—and so take his merchandise out of its former channels of distribution and distribute it through his own organization.

"The grower no doubt feels that he has been ill used. He feels that he can sell his merchandise to better advantage through his own organization than through the old channels of well-organized, well-known, and well-financed merchants. He will likely wake up before he has gone very far and find that to build up a new organization, particularly for the physical handling and selling of wool, as well as the many ramifications of financing, distributing, and credits, will be much more expensive than by selling or consigning his wool to one of the older established wool firms, who are free from making the errors, which may be costly, of any new organization.

"I believe that the grower in marketing his wool through any cooperative organization will find it much more expensive to him and that his net return will be much less than when marketing it through the former regular channels, viz: Either selling it outright at the point of production or consigning it to regular, established commission houses.

"The Government may have a panacea for all ills but it is yet to be determined when it takes a hand in the running of business that it is as successfully and as economically run as when privately handled."

GROWERS IN PROCESS OF DISILLUSIONMENT

Another year has rolled around since I wrote the above, and I am wondering how the growers feel at this time pertaining to their shipments to the cooperatives. Many of them, I understand, do not know whether they are afoot or horseback pertaining to their shipments; they know that they received their first advance, but as to whether their wool has been sold or not they are uncertain; and if it has been sold they are undoubtedly wondering whether they are going to get a drawback instead of a further remittance.

In my opinion, the whole thing is a first-class farce. Wool was the one commodity on which the Government, through the co-ops, had a chance to make good, as everybody connected with the industry knows that we produce less wool than we consume, but it looks as though the co-ops would make a failure of handling it. Mr. Legge, in his desire to oust the independent wool dealer, as it seems to have been his desire to destroy independent agencies in other commodities which he is trying to control, slopped over (as usual) and permitted his subordinates to advance more for wool than good business judgment warranted. Consequently, there is likely to be a loss in the transaction rather than a profit.

POLICY OF STABILIZATION ABANDONED

We have read much about the Government stabilizing prices, and yet the following statement was issued by the National Wool Marketing Corporation on December 20, 1930:

"The cooperative wool will be sold not only at values corresponding to importing parity of similar foreign wool, but also at prices which definitely make wool raised by the United States woolgrowers better value to the purchaser than similar foreign

wool. Regardless of the cost of foreign wool, duty paid here, whether above or below to-day's level, these values will be met by the wool held by the National Wool Marketing Corporation; not only met but will be priced to make the cooperative wool better value than the foreign wool to the American consumer."

Whatever may have been the intent of that announcement, it led buyers to believe that the co-ops were weakening and were going to sell wool regardless of value and regardless of the advance made on it. Consequently, in my opinion, more harm was done to the wool market and to the goods market by that statement than anything that had occurred since the co-ops entered the field. It had all the earmarks of a schoolboy's declamation and must have emanated from Washington or the South or West. Certainly a concern that has been in the wool business for the past 10 years only would have some understanding of business psychology and realize the adverse effect such an announcement would have on the market.

I think Sol Mayer, of San Angelo, Tex., must have been correct in the statement he is recently reported to have made, viz:

"The operations of the National Wool Marketing Corporation are to be controlled absolutely by the growers themselves, and the sales agents, Draper & Co., with whom the contract was continued, are also under the direction of the corporation."

COOPERATIVES CREATE FEELING OF UNCERTAINTY

It was the fear of just such statements as above quoted and the uncertainty of what it all means that kept the independents from operating freely in the primary markets the past wool-shearing season. The independent wool merchant, if he makes a bad trade or sells his wool at below cost, has to personally stand that loss. The co-ops, if they make a bad move or undermine market values, saddle their loss on the United States Government—and the deficit has to be met by the taxpayers. This is unfair competition; always has been, and always will be.

We are in a mess at the present time; and no one knows how we are coming out. It perhaps accomplishes nothing for one to iterate and reiterate what we all know of the unsound practices of the Government entering into the legitimate field of barter and trade. President Hoover emphasized this in his message to Congress a year ago last spring, when he said:

"No governmental agency should engage in the buying and selling and price fixing of products, for such courses can only lead to bureaucracy and domination. Government funds should not be loaned or facilities duplicated where other services of credit and facilities are available at reasonable rates."

FARM BOARD PLAN FUNDAMENTALLY FALLACIOUS

Ex-President Coolidge in a more recent statement, under date of December 23, 1930, said substantially that: When trade declines and goods begin to accumulate, whether they are raw materials or farm or factory products, instead of letting the market take its own course there is always a great temptation for the people to try some artificial remedy, especially of having the Public Treasury assume in some way the burden of absorbing their losses. Except for matters of distinct public value, such as maintenance of highways and waterways, Mr. Coolidge holds that it is better for everyone in the end to let those who have made losses bear them than to try to shift them onto some one else, since price-fixing, subsidies, and Government support can only produce unhealthy business.

Mr. Coolidge is, as usual, sound in his statements. It is all wrong for the Government to enter business. He well holds that Government interference disorganizes the whole economic fabric and is a wrong method because it does not work.

This is just the state of affairs that we have in the wool business to-day. No one knows what move to make; what to pay for wool, or what to advance for wool on consignment; because no one knows what the Government will do.

REGULAR WOOL MERCHANTS ABLE TO FINANCE CLIP

Joseph P. Draper, the lawyer publicity member of Draper & Co. (Inc.), the selling agents of the co-ops, stated in an article published last spring that:

"It is well known that heavy losses have substantially impaired the financial power of many (wool) firms. A new season's clip is even now in progress and, but for the support of the present movement (cooperative) our domestic market might well have become chaotic when heavy weights of wool began to accumulate in the West and the necessity of moving them became urgent."

This was not so. There was plenty of money ready to finance and handle the wool competently. There is plenty of money now for next season's clip—to handle and finance it intelligently. The only fear is that of governmental interference. It is foolish to say that the wool merchants have not the resources and can not obtain the financial support necessary to properly finance the domestic clip of wool. They have done it in the past and they can do it in the future. I venture to say that not 50 per cent of the borrowing capacity of the wool trade was used during the buying season of 1930. Some maintain that with the increased clip of wool it would be a financial hardship to handle it without the aid of the co-ops. That is another foolish statement.

For example, in 1923, the shorn wool of this country amounted to 225,000,000 pounds. Wool was selling that season (fine and fine medium territory and 12 months Texas) on a basis of $1.30 to $1.40 clean basis—or 54 cents (on an average) in the grease, which meant a value for the entire clip of in excess of $120,000,000. In 1930 we produced of shorn wool 325,000,000 pounds, or 100,000,000 pounds more than in 1923, and the market value was an average of 70 cents clean basis—or 28 cents in the grease, making a total value for the clip of $90,000,000. In other words, it took $30,000,000 less in 1930 to handle 100,000,000 pounds more wool than in 1923.

A FREE COMPETITIVE MARKET BEST FOR GROWERS

Just give the wool merchants an opportunity for free trading and a chance to make an honest dollar without fear of governmental competition and the grower will again have an opportunity to sell his wool freely for cash—and the dealer will be able to promptly furnish it.

All of the wool raised in this country for many years to come will be wanted by our American manufacturers. Even in such an abnormally poor year as 1930, it has been estimated by the First National Bank of Boston that for 11 months 400,000,000 pounds of raw wool had been consumed, which would be equivalent (on the same basis) to a consumption of some 530,000,000 pounds for the 12 months. Deduct, if you please, 130,000,000 pounds for carpet purposes and we have 400,000,000 pounds of so-called clothing wool consumed.

As previously stated, our own clip of shorn wool for 1930 is estimated at 325,000,000 pounds. Adding say 50,000,000 pounds more for pulled wool—and we have a grand total of about 375,000,000 pounds produced in this country. Some people think that there is an oversupply of domestic wool on this market to-day—but I am of the opinion that if the manufacturers at this time were carrying 50 per cent of the wool that they have carried in normal years, there would be a shortage on this market of several grades of domestic wool, such, for instance, as the finer ones.

COOPERATIVE SCHEME A BOOMERANG

When the Government gets through playing horse with the legitimate merchants—under the guise of "benefiting the farmer"—then we will return to normal methods of doing business and everyone will be better off. There will be buying competition at shearing time and the grower will obtain nearer the value of his wool than he is now doing—and he will know what the results are at the time of making the sale. Whereas, by consigning to the co-ops, he apparently knows nothing.

If this whole cooperative movement does not prove to be a boomerang to the woolgrowers, I shall miss my guess. The only ones who will profit by the movement will be the politicians, the office seekers, the job hunters, and the selling agents.

The sooner the agricultural marketing act is repealed, the better it will be for the country as a whole and for all who are legitimately connected with farming industries. I hazard the guess that inside of two years' time, due to inefficiency, internal rows, passing the buck, and governmental investigations, the wool co-ops, aided and abetted by governmental support and governmental money furnished by the taxpayers, will land on the scrap-heap—and they may have written on their tombstone the same epitaph as that placed on a tombstone in a country cemetery, namely: "I expected this but not so soon."

[From the Boston Herald, Thursday, February 19, 1931]

AFTER LEGGE, WHAT?

As Alexander Legge, who is retiring from the Farm Board, has overstayed already his stipulated period as chairman, he can not properly be trotted out at sunrise and shot as a deserter. Nobody, perhaps could have done better than he under the circumstances. Nevertheless, our correspondent, Robert L. Studley, voices the opinions of many persons when he says that a competent man of the Legge type is needed more badly now than formerly. Mr. Studley also asks a question to which we have seen no adequate answer: What is the Government going to do with its 120,000,000 bushels of wheat, 75,000,000 pounds of wool, and 1,000,000 bales of cotton? The day of reckoning must come, but nobody seems to know when, or just what the process and the cost will be. As the Farm Board has been operating on a huge scale, the market place will probably audit the accounts with a heavy pencil.

The Farm Board is demonstrating again that a "withdrawal" of such commodities as cotton, wheat, and wool does not decrease the available supply. The trade discounts the ultimate appearance of the reserves, and modifies its transactions accordingly. Indeed, the uncertainty as to how and when a Federal board may dispose of huge amounts is likely to cause more disturbance than if the products were subject to the usual laws of buying and selling. The board has not been able to peg prices, and the permanent benefits of any pegging are questionable. In the end, the Federal Treasury will probably lose many million dollars and will merely learn a lesson which has been studied many times, but is constantly forgotten by legislators, executives, and farm agitators.

FARM BOARD CHAIRMAN

To the EDITOR OF THE HERALD:

I was much interested in your editorial in The Herald yesterday morning, headed "The Farm Board Chairman." I think you sized up the situation very clearly in your closing statement: "He has simply been the victim of conditions which he could not curb." Just as I stated in my article of several weeks ago: "We, in the wool business, are the victims of an unworkable scheme."

The question that now naturally arises is: What next?

President Hoover, in selecting Chairman Legge, evidently believed that he had picked the best man obtainable for the job—and I think this was the consensus of unbiased business men.

He was a friend of the farmers and knew their characteristics well; he knew big business; and he was in close touch with the banking interests. He had the respect and confidence of all three, as well as that of the administration and the American people. If the job he undertook had possessed merit and had been workable, he would have been in a fair way to become a candidate for the presidency of the United States.

Mr. Legge has had free rein. He has heralded his views freely and emphatically, and now, after a little more than 1½ years' service, he is to retire. I can not believe that his retirement is due entirely to the International Harvester Co.'s need of him. Certainly, the Government at this time needs him more than at any time before. I can not believe that a man of his intensity and determination, a man who believed he was 100 per cent right and all the rest of us wrong, would resign his job and necessitate changing horses in the middle of the stream unless he felt it was a hopeless proposition.

If Mr. Legge is unable to carry the matter to a successful conclusion, what may we expect of his successor?

What is to become of the 120,000,000 bushels of wheat, the 1,300,000 bales of cotton, and the probably 70,000,000 to 80,000,000 pounds of wool—with more to come? These commodities, held by the United States Government, are going to be a cloud on the horizon. Not one of the merchants—who have had the machinery in the past and have it at the present time to handle these commodities—is going to try to penetrate the fog except on a step-to-step basis while the Government is holding these immense quantities of farm products—with no one knowing when they will be dumped on the market or at what price they will sell.

My opinion regarding the wool commodity is that it would be the best thing for all concerned, farmers included, if the cooperatives were forced to shut up shop and the wool on hand placed in the hands of responsible, practical wool men to be sold at public auction for the Government's account, just as was done after the World War. In this way prices would reach their level and we could continue to do business on its merits— and on a basis of supply and demand. There was sold here at public auction, after the World War, some 475,000,000 pounds of wool, which was carried over, and it was done in an orderly way for the Government's account by practical wool men who knew the business. I think that wool liquidated with less net loss than any other commodity, barring perhaps cotton cloth.

No government, no organization, regardless of its strength, can control for any length of time, by artificial means, supply and demand—and, therefore, the price of commodities.

ROBERT L. STUDLEY.

BOSTON, *February 17.*

"CONGRESS AND THE UNEMPLOYED"

Mr. WAGNER. Mr. President, I ask permission to have inserted in the RECORD at this point in connection with my remarks an editorial appearing in the New York American of yesterday entitled "Congress and the Unemployed."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the New York American, February 19, 1931]

CONGRESS AND THE UNEMPLOYED

Congressmen should not return to their constituents on March 4 without having voted for the Wagner public employment office bill.

At a time when distress resulting from unemployment results in numerous crank schemes, the national legislature would be shamefully negligent if it failed to adopt this sensible proposal which meets with the approval of leading economists and social workers.

The Rules Committee of the House of Representatives last week voted to bring the bill (S. 3060) to a vote in the lower House at this session. The bill was passed by the Senate last June, and was favorably reported on by the House Judiciary Committee.

Inertia and the search for local favors, rather than for the national welfare, have made many lawmakers apathetic toward this measure embodying elementary social justice.

This bill is the last of a trilogy, which Senator Wagner introduced before the depression, to carry out the enlightened scientific proposals of the President's Conference on Unemployment in 1921.

It is an attempt to replace bungling and stupidity in the market places for human services with a higher degree of efficiency.

As a group of social and economic leaders pointed out in a recent letter to President Hoover, it would be a tragedy if Congress adjourned without enacting into law this measure to rehabilitate the Federal Employment Service.

The mechanism proposed in the bill would provide for effective cooperation of employment exchanges operated by the States with a Federal agency, which would give financial aid and supervision.

It is shameful to treat this obviously sensible measure to aid millions of unemployed as an unimportant and routine matter which has been lost in the shuffle.

It is stupid for a Congress which has appropriated millions to the Farm Board to support agricultural commodities to ignore an opportunity to help millions of distressed citizens sell their own services.

The Wagner bill is no cure-all for the ills of society.

But it creates a useful instrument for better meeting the Nation's major problem; namely, that of getting unemployed men and women back on the job.

The great need is to stop political bickering over small matters, and to concentrate on such a proposal as the Wagner bill, which goes to the heart of the problem of relieving unemployed workers.

NAVY DEPARTMENT APPROPRIATIONS

Mr. HALE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 16969, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

Mr. FRAZIER. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of the bill.

Mr. FRAZIER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	La Follette	Sheppard
Barkley	George	McGill	Shipstead
Bingham	Gillett	McKellar	Shortridge
Black	Glenn	McNary	Smith
Blaine	Goff	Metcalf	Smoot
Borah	Goldsborough	Morrison	Steiwer
Bratton	Gould	Morrow	Stephens
Brock	Hale	Moses	Swanson
Broussard	Harris	Norbeck	Thomas, Idaho
Bulkley	Harrison	Norris	Thomas, Okla.
Capper	Hastings	Nye	Townsend
Caraway	Hatfield	Oddie	Trammell
Carey	Hawes	Partridge	Vandenberg
Connally	Hayden	Patterson	Wagner
Copeland	Hebert	Phipps	Walcott
Couzens	Heflin	Pine	Walsh, Mass.
Cutting	Howell	Pittman	Walsh, Mont.
Dale	Johnson	Ransdell	Waterman
Davis	Jones	Reed	Watson
Dill	Kean	Robinson, Ark.	Wheeler
Fess	Kendrick	Robinson, Ind.	Williamson
Fletcher	King	Schall	

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Maine.

Mr. FRAZIER. Mr. President, I made an objection to the unanimous consent proposed by the Senator from Maine under the impression that it was the naval construction bill he was asking to have taken up, so I withdraw my objection.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. Mr. President, I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be considered as they are reached.

Mr. COUZENS. Mr. President, I shall have to object to that request and have the bill read, for the reason that there are many of us who have not had any chance to see the bill. I think the bill should be read for the information of the Senate.

The PRESIDENT pro tempore. Objection is made, and the clerk will proceed to read the bill in full.

The legislative clerk proceeded to read the bill and read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Navy Department and the naval service for the fiscal year ending June 30, 1932, namely:

NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

Pay, miscellaneous

For commissions and interest; transportation of funds, including the cost of insurance on shipments of money by registered mail when necessary; exchange; for traveling expenses of civilian employees, including not to exceed $2,000.

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

000,000 pounds more than in 1923, and the market value was an

and I think this was the consensus of unbiased business men.

services.

Mr. ASHURST. I wish to ask the chairman of the committee if the bill reduces the number of nominations which Senators may be entitled to make to the Naval Academy at Annapolis?

Mr. HALE. No, Mr. President; it does not. It increases the number. The House decreased the number from 4 to 3, but the Senate committee put the number back to 4.

Mr. ASHURST. The Senate committee has restored it to 4?

Mr. HALE. Yes.

Mr. KING. Mr. President, may I inquire of the Senator having the bill in charge the reason for increasing the number?

Mr. HALE. Mr. President, we were informed by the department that if the number were reduced to three we would not have a sufficient number of officers to carry on the work of the Navy; indeed, that we would not have as many officers after the graduation of the three classes now in the academy, those who were appointed on the 4-year basis, as we have at the present time.

Mr. KING. I have seen in the press a statement to the effect that a very large number of those who will graduate in June of this year will not have any places.

Mr. HALE. We have made provision in the bill for taking care of those who graduate this year, as the Senator will see when we come to it.

Mr. KING. The impression I got from the newspaper account was that they were a superfluity, that we did not need them at all, and that we would have to eliminate them from the Navy. Is that true?

Mr. HALE. Under the existing law in all probability they might have to be eliminated from the Navy, but we have taken care of them in this bill by an amendment which the committee has inserted, which I will take up when we come to that question.

Mr. KING. Is it the purpose merely to make places for officers when they are not needed, or to give to officers subordinate positions to keep them in the Navy?

Mr. HALE. No, it is not; and we are informed that if those men stay in, we will still not have more than a sufficient number of men to take care of the needs of the Navy.

The PRESIDENT pro tempore. The clerk will continue the reading of the bill.

The LEGISLATIVE CLERK. On page 2, line 8, under the heading "Office of the Secretary," the committee proposes to strike out "$2,000" and to insert in lieu thereof "$3,000."

Mr. COUZENS. Mr. President, the first reading of the bill has been ordered, and the amendments are not to be dealt with until the second reading.

The PRESIDENT pro tempore. The bill has already been read twice.

Mr. COUZENS. I objected to the waiving of the first reading of the bill.

The PRESIDENT pro tempore. It was the formal reading of the bill to which the Senator objected, but the notation on the back of the bill, if the Chair may call it to the attention of the Senator from Michigan, is that the bill was read twice and referred to the Committee on Appropriations. This is the formal reading of the bill, and in the formal reading the Chair will hold that amendments as reached will have to be dealt with.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry. Did not the Senator from Maine ask unanimous consent to dispense with the formal reading of the bill?

The PRESIDENT pro tempore. He did; but that was a form of words which did not fit the situation as the Chair views it.

Mr. LA FOLLETTE. It is well known that the bill has not been read at length.

The PRESIDENT pro tempore. Except under the rule. If the Senator propounds that as an inquiry as to whether it has been read vocally, it has not been.

Mr. LA FOLLETTE. Then I think that under the rules we are entitled to a formal reading of the bill, before any amendments are considered.

The PRESIDENT pro tempore. The Chair knows nothing in the rules that would cover that. The objection which the Senator from Michigan made, as the Chair understood it, was to dispensing with the formal reading of the bill. That was sustained. An objection can be interposed at any stage. If the Senator from Michigan now interposes an objection to the further request of the Senator from Maine that committee amendment shall be first considered, he may do so, and we will pass forward.

Mr. LA FOLLETTE. I enter that objection.

The PRESIDENT pro tempore. Objection is made; whereupon the complete reading of the bill will proceed.

Mr. KING. Mr. President, that will mean textually, I presume, so that those of us who have had no chance to examine the bill may at least listen to it as it is read?

The PRESIDENT pro tempore. Without question.

The reading of the bill was resumed and continued to line 7, page 5.

Mr. KING. Mr. President, I would like to ask the Senator from Maine [Mr. HALE] to what extent education is afforded the marines in the various schools referred to in the item just read, and whether or not there are Federal schools for the instruction of marines? Has it been the custom in the past in schools maintained by the States to have instruction given to marines?

Mr. HALE. Mr. President, these schools are simply aided by the Government to the extent of contributing $25,000 apiece to them. Then the States must contribute an equal amount. The Navy has furnished the ships for the use of the schools. The men who are trained go into the merchant marine. The service is considered a very valuable one, and the men who have been turned out of the schools have proven to be excellent seamen. Does that answer the Senator's question?

Mr. KING. No; not quite. I was wondering whether the schools are for the purpose of furnishing education to enlisted men or officers in the Marine Corps.

Mr. HALE. Oh, no; they have nothing to do with the Marine Corps. This is a matter relating to the merchant marine.

Mr. KING. I was not clear about it. I was wondering, if it is for the education of young men who intend entering the merchant marine, why they should not come under the jurisdiction of the Shipping Board?

Mr. HALE. The Navy Department has furnished the ships which are used for the training of the men, and therefore it has always been considered to be a part of the Naval Establishment.

Mr. KING. Does the Senator know whether there have been any benefits derived from the schools?

Mr. HALE. I know that excellent reports have reached the department with reference to the results of the training these men get.

The VICE PRESIDENT. The clerk will resume the reading of the bill.

The reading of the bill was resumed and continued to line 5, page 7.

Mr. KING. Mr. President, I would like to ask the Senator from Maine what amount has been expended by the Secretary of the Navy in sinking wells and in protecting petroleum naval reserve No. 1 or any other reserve, how many wells are in operation, what is the cost, what has the result been of the sinking of wells by the Navy Department, and what is the necessity for an appropriation of $10,000,000 or at least an authorization for the appropriation of that amount? There are several questions in one and I should be glad to have the Senator give me the information.

Mr. HALE. The $10,000,000 is not really an appropriation. The bill provides that $10,000,000 may be taken out of funds otherwise provided for the purpose of protecting these wells, but there is no intention to use the sum for any such purpose and there is no prospect that it will have to be used. The House held very complete hearings on the matter and I will read to the Senator from the House hearings. Perhaps the Senator would like to have me go back and give the complete status of the reserves?

Mr. KING. I should be very glad if the Senator would do so.

Mr. HALE. I read from the House hearings:

Naval petroleum reserve No. 1, California, known as the Elk Hills reserve, is located about 150 miles northwest of Los Angeles, Calif., and comprises 38,068 acres. Of these, 5,931 acres are patented to private interests and the Government has issued leases to 1,090 acres of the remainder.

Litigation is now pending looking to the return to the Government of 692 acres of the patented lands and the cancellation of leases involving 661 acres.

On the 31,047 acres under direct naval control there are 21 oil wells and 2 dry-gas wells. The oil wells have been shut in since April, 1927. The two dry-gas wells offset two dry-gas wells operated by the Standard Oil Co. of California on section 36 and by contract with the Southern California Gas Co. approximately equal amounts of gas are taken from each set of wells. During the fiscal year 1929-30 the two Navy gas wells produced 383,865 thousand cubic feet of gas, for which $23,031.90 was received and turned into the Treasury.

Mr. KING. I shall not ask the Senator to read further. The point about which I was seeking information was whether it is contemplated that $10,000,000 would be expended or might be expended for the sinking of wells?

Mr. HALE. We took up the matter in the hearings before the Senate committee. The department informed us that there is no prospect of a need of any of the money for any such purpose; but the provision was put in the bill, as it has been before, in order simply to protect the oil holdings if it were found necessary to do any such thing as is referred to.

Mr. KING. Apparently for $10,000,000 they could sink very many wells. I am amazed that the Navy Department should ask for an authorization of such a stupendous sum.

Mr. HALE. They want to be on the safe side. The Senator must remember that there are tremendous quantities of oil in the naval reserves. It has been estimated that there are more than 600,000,000 barrels in the Government reserves.

The VICE PRESIDENT. The clerk will resume the reading of the bill.

The reading of the bill was resumed and continued to page 8, line 12, the last three paragraphs read being as follows:

BUREAU OF NAVIGATION

RECREATION FOR ENLISTED MEN, NAVY

For the recreation, amusement, comfort, contentment, and health of the Navy, including subscriptions to newspapers, to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, $400,000: *Provided*, That the amount paid from this appropriation for personal services of field employees, exclusive of temporary services, shall not exceed $36,000.

CONTINGENT, BUREAU OF NAVIGATION

For continuous-service certificates, commissions, warrants, diplomas, discharges, good-conduct badges, and medals for men and boys; purchase of gymnastic apparatus; transportation of effects of deceased officers, nurses, and enlisted men of the Navy, and of officers and men of the Naval Reserve who die while on duty; books for training apprentice seamen and landsmen; packing boxes and materials; books and models; stationery; and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, $10,000.

GUNNERY AND ENGINEERING EXERCISES, BUREAU OF NAVIGATION

For trophies and badges for excellence in gunnery, target practice, engineering exercises, and for economy in fuel consumption to be awarded under such rules as the Secretary of the Navy may formulate; for the purpose of recording, classifying, compiling, and publishing the rules and results; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges and for transporting equipment to and from ranges; entrance fees in matches for the rifle team, and special equipment therefor, $50,000.

Mr. COUZENS. Mr. President, I should like to ask the Senator from Maine if any of the last three items have been increased over the amounts appropriated in previous years? I refer to the $400,000 item for recreation, the $10,000 item for certificates, and the $50,000 item for trophies, and so forth. Have they been increased over the amounts carried in previous years?

Mr. HALE. Mr. President, last year we appropriated $732,000 for recreation of enlisted men, but $332,000 of that amount was used to obtain modern, up-to-date talking-picture machines for the fleet. As those machines have been procured and are now on hand it is not necessary to put that amount in this bill; therefore it has been reduced accordingly.

Mr. COUZENS. It has been reduced, then, from $732,000 to $400,000. Is that correct?

Mr. HALE. Yes.

Mr. COUZENS. And has the amount in the next item, on line 24, page 7, been reduced or retained at the same figure?

Mr. HALE. The sum of $10,000 is the same amount as was appropriated last year.

Mr. COUZENS. And on page 8, line 12, is the appropriation there the same as was provided for the previous year?

Mr. HALE. The amount in this bill is $50,000, while last year it was $46,950. There is a slight increase.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed and continued to line 7, page 21.

Mr. KING. Mr. President, a moment ago we passed over two items to which I desire to direct the attention of the Senator from Maine with the view to propounding an inquiry.

On page 16 an item is found of $19,243,040 for the Bureau of Engineering, and on page 19 an item of $18,057,500 under the head of "Bureau of Construction and Repair." Apparently those two large items relate to the repair of vessels and the engineering incident to the repair of the vessels. Do those items include any part of the $30,000,000 carried in a bill which passed the Senate and is now being considered by the House for the modernization of three old battleships?

Mr. HALE. Oh, no, Mr. President. These are simply the current yearly appropriations for these two bureaus, and have to do with the ordinary construction, repair, and engineering of the Navy. They have nothing whatever to do with the modernization of the battleships.

Mr. KING. Then there will be $30,000,000 in addition to these large sums for engineering and repair work?

Mr. HALE. Of course, that will not all go to these particular bureaus. It will be divided about among the various bureaus of the department, and will include the cost of materials, and so forth.

Mr. KING. What construction will be carried on out of the item of $18,057,500?

Mr. HALE. None. The ships of the Navy constantly have to go to the yards for repairs and upkeep. The maintenance of the ships of the Navy is cared for by these two appropriations in "Construction and Repair" and "Engineering."

I may say to the Senator that any new construction or any special construction, such as the modernizing of the battleships, comes under separate appropriations. That money is entirely in addition to anything that comes in here and is used entirely for the job for which it is appropriated.

Mr. KING. Under the present policy of the Navy, is any repair work done in private yards, or is it all done in the yards owned by the Government?

Mr. HALE. It is all done in the Government yards.

Mr. KING. Has it been proven that it can be done cheaper and better in Government yards than in private yards?

Mr. HALE. We never have had it done in private yards. It always has been the practice to have it done in Government yards.

Mr. KING. Is there any movement on foot in the Navy to close some of the many yards and repair places and naval bases that the Navy has?

Mr. HALE. I think not at the present time. That has been suggested from time to time; but I think the general feeling is that if we ever do get into difficulty we shall want all of the yards that we now have and many more to take care of the work that will have to be done.

Mr. KING. Does not the Senator know that boards of admirals after full investigation have strongly recommended

The PRESIDENT pro tempore. The Senator will state it.

the abandoning or closing of a number of the naval bases and naval yards?

Mr. HALE. I think certain boards have recommended the closing of certain yards, and that certain other boards have recommended the closing of other yards. I do not think they have ever come to any final agreement which represents the policy of the department.

Mr. KING. Does the Senator justify the enormous overhead that is incident to the conduct of the Navy, in part due to the maintenance of naval stations and bases and repair shops that are not necessary.

Mr. HALE. I do not think they can be said to be not necessary. The Senator fails to take into consideration the fact that when an emergency comes we shall have to be prepared to meet it, and we shall have to be prepared to keep up the fleet in instant readiness for action. That means that in time of peace we must have some yards and some stations that will not be completely using their facilities; but the facilities must be there so that we can use them in time of emergency.

Mr. KING. I think, if the Senator will pardon me for so saying, that the Senator would be serving his country well if he would seek to pursue the policy which Great Britain pursues instead of having yards and bases and repair shops scattered all up and down the coast, half a dozen more than we need, the recommendation to close many of which has been frequently made.

Mr. HALE. If we could pursue the policy that Great Britain pursues, of having a large number of naval bases with repair shops scattered all around over the world, we probably could take better care of our commerce than we can under existing conditions.

Mr. KING. Obviously, the admirals must have felt that there was some justification for their constant recommendations that many of these stations, repair shops, and so on, should be closed. The Senator remembers that the admirals have repeatedly, as I recall, recommended closing the one at Portsmouth and the one in South Carolina; and a committee of the Senate made a recommendation with respect to the South Carolina station or base.

Mr. HALE. I do not recall that. When was that?

Mr. KING. That was in 1919 or 1920. The then Senator from Delaware, Mr. Ball, the Senator from New Hampshire, Mr. KEYES, and the junior Senator from Utah, Mr. KING, made the report.

Mr. HALE. Then the Senator should know thoroughly about the report.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed and continued to line 10, page 45.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16738) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes, and that the House had receded from its disagreement to the amendment of the Senate numbered 36 to the said bill and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16110) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1932, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 504. An act for the relief of James Earl Brigman; and

H. R. 7272. An act to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT

Mr. BINGHAM. Mr. President, I ask that the conference report on the District of Columbia appropriation bill may be laid before the Senate at this time.

Mr. LA FOLLETTE. I object.

The VICE PRESIDENT. It is a privileged matter and may be laid before the Senate at any time. The Chair lays before the Senate the following conference report.

The Chief Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16738) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 10, 17, 18, 19, 37, 38, 39, 40, 42, 46, 47, 52, 57, and 58.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 8, 9, 11, 12, 13, 16, 20, 35, 41, 43, 44, 45, 48, 49, 50, 51, 53, 54, 59, 60, and 61, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$161,160"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including for teachers' colleges assistant professors in salary class 7"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Woodridge School, $2,095; Murch School, $2,900; school at Fourteenth Street and Kalmia Road, $4,995"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$44,015"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,190"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,090"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$44,015"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,115"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,440"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,820"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,570"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,570"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,415"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,660"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$202,890"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$853,900"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "not exceeding $37,000 for grading and improving the roadway of Rock Creek Park to the District line"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 36.

HIRAM BINGHAM,
L. C. PHIPPS,
ARTHUR CAPPER,
CARTER GLASS,
JOHN B. KENDRICK,
Managers on the part of the Senate.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
M. H. THATCHER,
CLARENCE CANNON,
ROSS A. COLLINS,
Managers on the part of the House.

Mr. BINGHAM. Mr. President, I move that the Senate agree to the conference report.

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Black	Bratton	Bulkley
Barkley	Blaine	Brock	Capper
Bingham	Borah	Broussard	Caraway
Carey	Harrison	Morrow	Smith
Connally	Hastings	Moses	Smoot
Copeland	Hatfield	Norbeck	Steiwer
Couzens	Hawes	Norris	Stephens
Cutting	Hayden	Nye	Swanson
Dale	Hebert	Oddie	Thomas, Idaho
[illegible]	[illegible]	Partridge	Thomas, Okla.
Dill	Howell	Patterson	Townsend
Fess	Johnson	Phipps	Trammell
Fletcher	Jones	Pine	Vandenberg
Frazier	Kean	Pittman	Wagner
George	Kendrick	Ransdell	Walcott
Gillett	King	Reed	Walsh, Mass.
Glenn	La Follette	Robinson, Ark.	Walsh, Mont.
Goff	McGill	Robinson, Ind.	Waterman
Goldsborough	McKellar	Schall	Watson
Gould	McNary	Sheppard	Wheeler
Hale	Metcalf	Shipstead	Williamson
Harris	Morrison	Shortridge	

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present. The question is on agreeing to the conference report on the District of Columbia appropriation bill.

Mr. COUZENS. Mr. President, I have no desire to hold up legislation. I am asking for the reading of the Navy Department appropriation bill, and I am going to insist on the second and third reading of all bills until we know whether or not the soldiers' bonus bill is to be vetoed by a message from the President or whether it is going to be pocket vetoed. It appears from the press and from a statement of the parliamentarian that we got the bill to the President at such a time that he has a perfect right under the Constitution to pocket veto it. It is entirely within the power of the President to determine whether the appropriation bills shall be passed or not, so far as I am concerned.

As I have said I have no desire to hold up any conference reports or appropriation bills or any other legislation, but so far as it is within my power I am going to insist that the so-called soldiers' bonus bill be sent back to the Senate with a veto message, if that is the plan, in adequate time to have it considered by both Houses of Congress before we adjourn. I do not propose to permit the final enactment of all legislation relating to appropriations and other matters of importance and then find that we are going to have the bonus bill killed by a pocket veto. I make this announcement in order that none may misunderstand my purpose in insisting upon having the bills read in full.

The VICE PRESIDENT. The Chair directed the reading of the conference report because action would have to be taken upon it before action could be taken upon the separate amendments, so perhaps the action of the Chair was misunderstood.

Mr. BINGHAM. Mr. President, I move that the Senate agree to the conference report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. BINGHAM. I move that the Senate agree to the House amendment to Senate amendment numbered 36.

The VICE PRESIDENT. Let it be reported.

The CHIEF CLERK. In lieu of the matter inserted by said amendment insert the following:

Provided, That this limitation shall not be considered as preventing the employment of a matron and the care of children under school age at the Webster School whose parent or parents are in attendance in connection with Americanization work.

The VICE PRESIDENT. The question is on agreeing to the amendment of the House to the Senate amendment.

The amendment was agreed to.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS—CONFERENCE REPORT

Mr. PHIPPS. Mr. President, I ask the Chair to lay before the Senate the conference report on the Treasury and Post Office Departments appropriation bill.

The VICE PRESIDENT. The Chair lays before the Senate the conference report.

Mr. PHIPPS. I may say that this is a complete agreement. It would be necessary, however, for the House to have a vote on two matters in accordance with their rule. The amendments are really of no great importance.

The VICE PRESIDENT. The report has previously been read. The question is on agreeing to the report.

the various substations that are required in the Postal Service.

is to be continued for the time being, that when the Postmaster General enters into a lease for 10 or 20 years, as he

Mr. PHIPPS. Mr. President, I move the adoption of the report.

The VICE PRESIDENT. The report has previously been read. The question is on agreeing to the report.

Mr. BLAINE. Mr. President, is this a unanimous-consent request to take up the report?

Mr. PHIPPS. It is.

Mr. BLAINE. Then I enter my objection.

Mr. PHIPPS. I move that the Senate proceed to the consideration of the report.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Colorado to proceed to the consideration of the conference report.

The motion was agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BLAINE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	La Follette	Sheppard
Barkley	George	McGill	Shipstead
Bingham	Gillett	McKellar	Shortridge
Black	Glenn	McNary	Smith
Blaine	Goff	Metcalf	Smoot
Borah	Goldsborough	Morrison	Steck
Bratton	Gould	Morrow	Steiwer
Brock	Hale	Moses	Stephens
Broussard	Harris	Norbeck	Swanson
Bulkley	Harrison	Norris	Thomas, Idaho
Capper	Hastings	Nye	Thomas, Okla.
Caraway	Hatfield	Oddie	Townsend
Carey	Hawes	Partridge	Trammell
Connally	Hayden	Patterson	Vandenberg
Copeland	Hebert	Phipps	Wagner
Couzens	Heflin	Pine	Walcott
Cutting	Howell	Pittman	Walsh, Mass.
Dale	Johnson	Ransdell	Walsh, Mont.
Davis	Jones	Reed	Waterman
Dill	Kean	Robinson, Ark.	Watson
Fess	Kendrick	Robinson, Ind.	Wheeler
Fletcher	King	Schall	Williamson

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present. The question is on agreeing to the conference report.

Mr. BLAINE. Mr. President, I do not know that anything I may say will change the vote of any Senator on the conference report. However, the Senate twice rejected this report. On both occasions it was rejected after considerable debate, and in that debate the question respecting the continuance of the leasing of post-office facilities was discussed.

To make the matter plain, the Senate conferees have yielded to the House in rejecting the amendment which was adopted by the Senate providing that in all subsequent leases for garages, substations, parcel-post stations, and other structures the lease should contain what has become popularly known as the cancellation clause; that is, a clause providing that whenever the Government has available a Government-owned building the lease may be canceled at the option of the Postmaster General, and also providing that in the making of such leases the same procedure shall be followed as is now followed in connection with the erection of post-office buildings by the Treasury Department.

No reasons, I am sure, have occurred to anyone why this amendment should not be retained in the bill; at least I have not heard any reason stated up to this time, and the investigation which is being conducted by the special committee that is investigating leases of postal stations demonstrates conclusively that there is great opportunity for such fraud and collusion and grave abuses as have obtained in the past and which have cost the taxpayers of this country many millions of dollars. The purpose of the amendment is to put a stop to that sort of thing; at least to hedge about such leases and provide some protection for our Government.

Now, I understand it is contended that the Postmaster General has no authority to obtain postal facilities for the housing of Government-owned automobiles used in the Postal Service and that there is no authority either in the Postmaster General or in the Treasury Department to acquire sites for such postal facilities. It is also claimed that neither the Postmaster General nor the Treasury Department has authority to acquire sites and erect buildings thereon for commercial stations, parcel-post stations, and the various substations that are required in the Postal Service.

But, Mr. President, the public buildings act, which was approved May 25, 1926, gives ample authority and power to enable the Treasury Department to proceed by way of purchase, if that is the method they choose to adopt, or to acquire all of these leasehold properties by way of condemnation proceedings, if the Postmaster General requests that that course be followed and makes his request to the Attorney General of the United States. In that event, condemnation proceedings may be instituted to obtain whatever buildings the Postmaster General feels should be acquired. The public buildings act referred to gives him ample authority to provide for all postal activities and to acquire all necessary buildings.

That authority has been exercised in the past. It was exercised by Postmaster General New, as was disclosed this morning before the special committee, in one instance, which is of course sufficient to demonstrate that the Postmaster General then conceived, and conceived properly, that he had authority to proceed to acquire sites and buildings necessary for the housing of Government-owned facilities, automobiles, and so forth. That authority has also recently been sustained by the Attorney General of the United States in the case of the commercial station at St. Paul; for in 1929, following the exposures which were made in both Houses of Congress relating to the postal station there the Attorney General directed that condemnation proceedings should be instituted in that case. Condemnation proceedings were instituted and carried on; first, through commissioners appointed by the district judge, which commissioners made their award; and then after an appeal was taken to the district court from the condemnation proceedings so conducted, by a jury which rendered its award. Only recently, within the last two or three weeks, the Attorney General of the United States made a settlement in that case, accepting the award rendered by the jury and acquiring that property through condemnation proceedings at a cost of about three times the annual rental that was being paid for the commercial station at St. Paul. So there is no question in my mind, and there can be no question in the mind of anyone else who gives the matter study, that the public buildings act referred to gives ample authority so that through the Director of the Budget requests may be made for estimates for the acquiring of these leaseholds or the property to which the leaseholds attach. There is no question but what the Postmaster General and the Treasury Department and the Attorney General's Department can proceed to condemn these properties, and there is no necessity whatever for the execution of even a single lease.

All I propose, however, is that when the Postmaster General does propose a leasing policy we shall hedge about his acts so as to provide some protection for the Government of the United States. I can not understand why the conference report should be adopted. We have plenty of time in which to consider this matter further. This conference report can go back to the conferees; it can be returned to the House for action by that body. If there is any objection to the amendment, which I have proposed on the ground that it is retroactive, I have heretofore in the debate on this floor pointed out how that objection may easily be overcome; so the conferees could agree to the amendment as adopted by the Senate with the appropriate amendment that the House, in its conception of the matter, thought would be necessary in order to prevent the retroactive feature of the amendment, as they contend, in this matter.

So I hope the Senate will not yield on this proposition; that it will not reverse the position it has taken twice by an overwhelming majority of the votes, and taken after full debate upon this proposition. There is not any reason in the world why there should be any leasing policy at all at this time. The time was when that perhaps was desirable; but the time has come when the Government should abandon the leasing policy that was established some 10 years ago, and construct the buildings that are necessary for the postal facilities of our Government. But, Mr. President, I did not go that far. I only asked, since the leasing policy

is to be continued for the time being, that when the Postmaster General enters into a lease for 10 or 20 years, as he is authorized to do, a provision be inserted in the lease providing that when the Government has a Government-owned building for the housing of Government automobiles the Postmaster General may cancel that lease, and that in all cases where leases are to be executed notice shall be given, and there shall be competition identically as there is under the public buildings bill in acquiring post offices and other public buildings under the jurisdiction of the Treasury Department.

Before a vote is taken on this matter, I desire to ask for the yeas and nays.

Mr. PHIPPS. Mr. President, the amendment under discussion was not brought to the attention of the subcommittee or the full Committee on Appropriations for consideration. It was offered on the floor of the Senate. I had but little time to give it consideration. In my opinion it was subject to a point of order, in that it did affect existing contracts to the extent of modifying them. However, I desired to give the Senator from Wisconsin full opportunity to have his proposal considered; and I refrained from making a point of order, which I believe would have been sustained.

We met in conference, not only three different times, but I think four or five times we have sat down over this measure with the House; and each time the conferees on the part of the Senate tried to induce those representing the House to accept the Blaine amendment in some form. At our last two sessions we tried to induce them to agree to a modification, calling attention to the fact that it was found desirable to place a limitation upon the contracts that might be made for future leases. The attitude of the conferees on the part of the House is that the matter is clearly a legislative one, that it is not within the province of conferees to decide a question of such importance, and that there was and still is time for consideration of it by the standing committees who should have jurisdiction of such matters. I am confident that sending this report back for further conference would be futile, and absolutely useless.

Mr. President, this bill carries $61,600,000 for building construction that is made immediately available to help meet the unemployment situation. The time has now arrived when contracts can be let. Every day's delays on this bill means that the letting of those contracts is being deferred. I feel confident that the conferees on the part of the Senate have made their best efforts to carry out the wishes of the Senate as expressed by their vote.

I believe the main point of difference upon which the conference reports heretofore presented were rejected was the question of the salary step-ups. Now, that question has been disposed of in the passage of the Interior Department appropriation bill; so the only questions of difference between the House and the Senate are the garage leases and the matter of the northwestern air mail route.

Mr. JONES. Mr. President, on behalf of my colleague [Mr. DILL], as well as myself, I desire to express our regret that the conferees were unable to sustain the provision with reference to the northern air mail.

I feel that the conferees have done everything they possibly could do, everything that could be expected of conferees. The time is short before the close of the session. We can not afford to have this appropriation bill defeated by reason of the failure to secure this appropriation; so I feel that the conferees have receded from that amendment only because of the imperative necessity of doing so. I want to say that I think the sentiment of the Senate, as indicated in the discussion of this amendment a few days ago, is very strongly in favor of the establishment of this air line. They feel the necessity of it and also the justice of it as compared with the air lines across other sections of the country.

I desire to take this opportunity to say to the department that we expect this line to be taken care of in the next Budget estimates that come down to Congress; and if it is not taken care of in the Budget estimates we feel that we will have the Senate back of us in providing for the establishment of that air mail line.

Mr. PHIPPS. Mr. President, I move the adoption of the report.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado.

Mr. BLAINE. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WATERMAN]. I understand, however, that if he were present he would vote as I shall vote. Therefore I feel released from my pair, and I vote "yea."

The roll call was concluded.

Mr. PATTERSON. I have a general pair with the junior Senator from New York [Mr. WAGNER]. As I am informed that he would vote as I am about to vote, I will vote "yea."

Mr. GILLETT. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], but I am informed that if present he would vote "yea." Therefore I vote "yea."

Mr. FRAZIER. I have been asked to announce that the junior Senator from Iowa [Mr. BROOKHART] is paired on this question with the senior Senator from Mississippi [Mr. HARRISON]. If the junior Senator from Iowa were present, he would vote "nay," and if the senior Senator from Mississippi were present he would vote "yea."

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. He is unavoidably absent, out of town. I am informed, however, that he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "yea."

Mr. MCKELLAR. On this question I am paired with the junior Senator from Delaware [Mr. TOWNSEND] and withhold my vote.

Mr. KING (after having voted in the affirmative). I had forgotten for the moment that I have a general pair with the Senator from New Hampshire [Mr. KEYES], who is not here. I am advised, however, that if he were present he would vote as I have voted. Therefore I will permit my vote to stand.

Mr. WATSON (after having voted in the affirmative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from California [Mr. SHORTRIDGE] and will let my vote stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Maryland [Mr. TYDINGS];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from Illinois [Mr. DENEEN] with the Senator from New York [Mr. COPELAND].

Mr. SHEPPARD. I desire to announce that the Senator from New York [Mr. COPELAND], the Senator from Georgia [Mr. GEORGE], the Senator from South Carolina [Mr. SMITH], and the Senator from Massachusetts [Mr. WALSH] are necessarily detained on official business.

The result was announced—yeas 52, nays 18, as follows:

YEAS—52

Ashurst	Goff	Kendrick	Reed
Bingham	Goldsborough	King	Robinson, Ark.
Brock	Hale	McGill	Schall
Bulkley	Harris	McNary	Sheppard
Caraway	Hastings	Morrison	Steck
Carey	Hatfield	Morrow	Steiwer
Connally	Hawes	Moses	Stephens
Dale	Hayden	Oddie	Swanson
Davis	Hebert	Partridge	Trammell
Fess	Heflin	Patterson	Vandenberg
Fletcher	Howell	Phipps	Walcott
Gillett	Jones	Pittman	Watson
Glenn	Kean	Ransdell	Williamson

NAYS—18

Barkley	Capper	Norris	Thomas, Okla.
Black	Couzens	Nye	Walsh, Mont.
Blaine	Cutting	Robinson, Ind.	Wheeler
Bratton	Frazier	Shipstead	
Broussard	La Follette	Thomas, Idaho	

NOT VOTING—26

Blease	Brookhart	Deneen	George
Borah	Copeland	Dill	Glass

Gould	McMaster	Simmons	Wagner
Harrison	Metcalf	Smith	Walsh, Mass.
Johnson	Norbeck	Smoot	Waterman
Keyes	Pine	Townsend	
McKellar	Shortridge	Tydings	

So the conference report was agreed to.

WAR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. REED. Mr. President, I send to the desk the conference report on the Army appropriation bill and ask that it may be read.

The PRESIDENT pro tempore. The clerk will read the report.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15593) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 24, 25, 26, 27, 28, 29, 31, 33, 34, 35, 42, 47, 49, 50, 51, 52, 53, 56, 57, 58, 59, 60, 61, 62, 63, 67, 68, 69, 73, 75, 76, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 22, 23, 37, 38, 39, 45, 46, 55, 64, 65, 70, and 71, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,413"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,105,897"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,472,585"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,479,635"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,779,129"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In line 7 of the matter inserted by said amendment, before the period, insert: ", to be available immediately"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 30, 32, 40, 41, 43, 44, 48, 72, and 74.

DADID A. REED,
W. L. JONES,
HIRAM BINGHAM,
WM. J. HARRIS,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
ROSS A. COLLINS,
WILLIAM C. WRIGHT,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BINGHAM. Mr. President, I desire to ask the Senator from Pennsylvania what the agreement finally was on the amendment, which the Senator will remember, which permitted the War Department to buy goods of the growth, production, or manufacture of the United States?

Mr. REED. Mr. President, that amendment was agreed to by the House conferees with an amendment, so that the provision reads in this way:

That in the expenditure of appropriations in this act the Secretary of War shall, unless in his discretion the interests of the Government will not permit, purchase or contract for within the limits of the United States only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more, if such excess of cost be not unreasonable.

Mr. BINGHAM. Mr. President, I should like to ask the Senator whether, in his opinion, that would prevent the army in Porto Rico from buying Porto Rican coffee, for instance?

Mr. REED. No; it would not. In fact, it would encourage them to buy Porto Rican coffee.

Mr. BINGHAM. Of course, the Senator will realize that Porto Rico does not come within the phrase "the limits of the United States."

Mr. REED. I understand that; but, of course, the policy which Congress lays down is meant to encourage absorption and use of domestic articles, and the Secretary of War has assured us that that will be his policy.

Mr. BINGHAM. One other question. In the case of the Army in the Territory of Hawaii it would permit the Secretary of War to purchase beef raised in the Territory of Hawaii, even though beef raised in New Zealand and brought by ships with refrigeration might cost a little less?

Mr. REED. If it would cost only a little less; yes. In his discretion, he might buy the native Hawaiian beef.

Mr. McKELLAR. Mr. President, will the same course be followed so far as the buying of furniture made of American wood is concerned?

Mr. REED. Yes, Mr. President. At the present time the Army is buying as much furniture of American wood as possible. It is buying furniture made of foreign woods, particularly mahogany, only where it is necessary to fill a broken set. In all new sets that are bought American wood is specified.

Mr. McKELLAR. I hope so, because it is a very important matter to the people of my State.

Mr. REED. I agree with the Senator.

Mr. COUZENS. Mr. President, the conference report referred to some amendments which have not been agreed to. What are those?

Mr. REED. Those are actually agreed to by the conferees, subject to action by the House; and the House has taken action on those. There are nine amendments which are technically in disagreement. Out of those nine the House has accepted the Senate action on three, so that they are not in disagreement at all, and no action is necessary here. The remaining six are cases where the House accepted our amendments with amendments, and those are technically in disagreement until the House accepts the amendments, which they have just done this afternoon.

Mr. COUZENS. So that if we approve this conference report, it closes the incident.

Mr. REED. Yes; except that I must make a motion to concur in the House amendments to the Senate amendments, which I shall do as soon as the Senate agrees to the report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives upon certain amendments to the bill, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 20, 1931.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 41, 43, and 72 to the bill (H. R. 15593) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and concur therein with an amendment as follows:

In line 2 of the engrossed Senate amendments, strike out the word "in" after the word "man," and insert in lieu thereof "on the active list of."

That the House recede from its disagreement to the amendment of the Senate numbered 32, and concur therein with an amendment as follows:

Restore the matter stricken out by said amendment, amended to read as follows:

": *Provided*, That none of the money appropriated in this act shall be used for the purchase of oleomargarine or butter substitutes for other than cooking purposes, except to supply an expressed preference therefor or for use where climatic or other conditions render the use of butter impracticable."

That the House recede from its disagreement to the amendment of the Senate numbered 40, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment insert "$20,695,990."

That the House recede from its disagreement to the amendment of the Senate numbered 44, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment insert "$19,195,990."

That the House recede from its disagreement to the amendment of the Senate numbered 48, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That in the expenditure of appropriations in this act the Secretary of War shall, unless in his discretion the interest of the Government will not permit, purchase or contract for, within the limits of the United States, only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more, if such excess of cost be not unreasonable."

That the House recede from its disagreement to the amendment of the Senate numbered 74, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That the conditions imposed upon the improvement of Biloxi Harbor, Miss., authorized to be carried out in accordance with the report submitted in House Document No. 754, Sixty-ninth Congress, second session, may, in the discretion of the Chief of Engineers of the Army and the Secretary of War, be modified so as to provide that the local interests shall give assurances that they will construct a public terminal adequate for coastwise traffic, under plans to be approved by the Chief of Engineers of the Army, whenever in his opinion such construction is necessary, and that such local interests, in the event of modification of such conditions, shall contribute therefor at least $5,000 toward the first cost of the improvement and at least $5,100 annually thereafter for five successive years."

Mr. REED. I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 30, 32, 40, 44, 48, and 74.

The motion was agreed to.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives on certain amendments of the Senate to the Agricultural Department appropriation bill, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 18, 1931.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 130 to the bill (H. R. 15256) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes, and agree to the same with an amendment as follows:

In lieu of the matter proposed in said amendment insert the following:

"To enable the Secretary of Agriculture, for the crop of 1931, to make advances for loans to farmers in the States of Alabama, North Carolina, South Carolina, Georgia, and Florida who suffered storm and/or drought losses to crops in 1929 and 1930 where he shall find that an emergency need for such assistance exists, for the purchase of seed of suitable crops, fertilizer, feed for work stock, and/or fuel and oil for tractors used for crop production, upon such terms and conditions and subject to such regulation as he shall prescribe: *Provided*, That a first lien on all crops growing, or to be planted and grown, during the year 1931 shall in the discretion of the Secretary of Agriculture be deemed sufficient security for such advance or loan, to be immediately available, $2,000,000."

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows:

In lieu of the sum proposed in said amendment insert "$215,579,082."

Mr. McNARY. Mr. President, I move that the Senate concur in the House amendments to the Senate amendments.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire of the Senator from Oregon, in charge of the conference report, what change has been made in the provision relating to the revolving fund for the Southeastern States?

Mr. McNARY. Mr. President, the Senate amendment proceeded upon the theory that the amount of money advanced and repaid to the Treasury for this fund should be again appropriated. It was estimated that it would be about $2,220,000. The House did not want that language but wanted a fixed sum of $2,000,000. So the Senate conferees agreed to the House language appropriating $2,000,000 upon the same plan as that incorporated in the original measure rather than the indefinite sum agreed to in the Senate.

Mr. ROBINSON of Arkansas. Very well.

Mr. FLETCHER. Mr. President, the original appropriation was $3,000,000, was it not?

Mr. McNARY. The original appropriation was a little in excess, but about 80 per cent had been covered into the Treasury. We reappropriated that as a revolving fund. The House did not desire the revolving fund feature, but wanted to make it a specific sum of $2,000,000.

Mr. ROBINSON of Arkansas. Which would probably be somewhat less than the amount contemplated by the Senate amendment.

Mr. McNARY. Very little less, however.

Mr. ROBINSON of Arkansas. The Senate amendment being indefinite as to the amount.

Mr. McNARY. That is true.

Mr. GEORGE. Mr. President, the Senator from Oregon has correctly stated the situation. The Senate amendment simply reappropriated the amount that had been paid in. The conference report fixes a definite amount, to wit, $2,000,000.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

USES AND STATUS OF SILVER AS MONEY

Mr. PITTMAN. From the Committee on Foreign Relations, to which was referred the resolution (S. Res. 442) advising the President as to the depressed condition of our commerce with China and other silver-using countries, and suggesting that the President take certain steps looking to remedial action, I report the resolution with amendments and I submit report (No. 1716) thereon.

Mr. President, I should like to ask the Senator from Maine if he would have any objection to permitting me to ask present consideration of the resolution, which has been unanimously approved by the Foreign Relations Committee, if it does not lead to any debate?

Mr. HALE. Does the Senator think it will lead to any extended debate?

Mr. PITTMAN. I do not think it will. If it does, of course, I shall withdraw the request.

Mr. HALE. Very well.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada?

Mr. COUZENS. Let the resolution be read.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the amendments of the Committee on Foreign Relations were agreed to, and the resolution as amended was agreed to, as follows:

Resolved, That the Senate, having had under investigation and consideration, through its Committee on Foreign Relations and a subcommittee thereof, our commercial relations with China, the causes of the great and sudden depression in such commerce, and remedies for such depression, and such committee having reported to the Senate, the Senate submits to the President the reports, hearings, and other data in respect thereto, with the respectful suggestion that he shall, if he deem it compatible with the best interests of the Government, enter into discussion or negotiation with governments looking to the suspension of the policy and practice of governments of melting up or debasing silver coins and

sales by governments of silver, and that he take such other and further action in the premises as he may deem necessary to eliminate the abnormal fluctuations and depressions in the price of silver.

The Senate further respectfully suggests that the President, if he deem it compatible with the best interests of the Government, call or obtain in international conference, or international conferences, to the end that agreements or understandings may be obtained with respect to the uses and status of silver as money.

Mr. PITTMAN. I ask that the report of the committee may be printed in the RECORD.

There being no objection, the report (No. 1716) was ordered to be printed in the RECORD, as follows:

[Senate Report No. 1716, Seventy-first Congress, third session]

COMMERCIAL RELATIONS WITH CHINA

Mr. PITTMAN, from the Committee on Foreign Relations, submitted the following report (to accompany S. Res. 442):

The Committee on Foreign Relations, to whom was referred the resolution (S. Res. 442) advising the President as to the depressed condition of our commerce with China and other silver-using countries, and suggesting that the President take certain steps looking to remedial action, and for other purposes, having considered the same, report thereon with the recommendation that the resolution be passed with the following amendments:

(1) On page 1, line 7, strike out the words "Finds from such report" and the colon.

(2) On page 1, strike out lines 8 to 12, inclusive.

(3) Strike out all of pages 2, 3, and 4.

(4) On page 5, strike out lines 1 to 23, inclusive.

(5) On page 5, line 24, strike out "The Senate" and "these findings of" and insert the word "the" after the word "President."

(6) On page 6, line 25, strike out "fact, together with."

(7) On page 6, line 1, strike out "request" and insert "suggestion."

(8) On page 6, line 3, strike out "the" and "for."

(9) On page 6, strike out all of line 4.

(10) On page 6, line 5, strike out the letters "ments."

(11) On page 6, line 6, after the word "governments," insert the word "of."

(12) On page 6, line 11, after the word "further," insert "respectfully," so that the resolution will read as follows:

"*Resolved*, That the Senate, having had under investigation and consideration, through its Committee on Foreign Relations and a subcommittee thereof, our commercial relations with China, the causes of the great and sudden depression in such commerce, and remedies for such depression, and such committee having reported to the Senate, the Senate submits to the President the reports, hearings, and other data in respect thereto, with the respectful suggestion that he shall, if he deem it compatible with the best interests of the Government, enter into discussion or negotiation with governments looking to the suspension of the policy and practice of governments of melting up or debasing silver coins and sales by governments of silver, and that he take such other and further action in the premises as he may deem necessary to eliminate the abnormal fluctuations and depressions in the price of silver.

"The Senate further respectfully suggests that the President, if he deem it compatible with the best interests of the Government, call or obtain an international conference, or international conferences, to the end that agreements or understandings may be obtained with respect to the uses and status of silver as money."

The following report (No. 1600) made to the committee by its subcommittee, composed of Senators PITTMAN, JOHNSON, SWANSON, VANDENBERG, and SHIPSTEAD, is made a part of this report:

[Senate Report No. 1600, Seventy-first Congress, third session]

COMMERCIAL RELATIONS WITH CHINA

Mr. BORAH, from the Committee on Foreign Relations, submitted the following partial report (pursuant to S. Res. 256):

FEBRUARY 11, 1931.

To Hon. WILLIAM E. BORAH,
Chairman Committee on Foreign Relations,
United States Senate.

DEAR SENATOR: Your subcommittee, appointed under authority of S. Res. 256 to investigate and report upon the depression of United States trade and commerce with China, to study treaty stipulations relating to same, and to make recommendations to alleviate disturbing conditions, begs leave to submit the following interim report and recommendations:

SCOPE OF THIS REPORT

Our commerce with China has been retarded for several years by reason of war and other conditions in China affecting her production, development, and prosperity. The sudden, unusual, and destructive depression in our commerce with China since the 1st day of January, 1930, can not, however, be accounted for by reason of conditions that have existed for several years. It is this unusual and sudden depression with regard to which your committee reports.

Your subcommittee at numerous hearings has taken the testimony and written statements of officials of the United States Department of Commerce, bankers, exporters and importers, shippers, and others, all of them familiar from long experience with our commerce in many countries, particularly China. Such testimony and written statements are in the form of published hearings, which are herewith submitted to the Committee on Foreign Relations.

DECREASE IN COMMERCE WITH CHINA

During the first 11 months of 1930, being the months for which we have statistics, our exports to China were 27 per cent less than our exports during the same period in 1929. Our imports from China during such period in 1930 were 36 per cent below our imports during the same period of 1929. The reports received from the Department of Commerce, so far as they have been obtained for the months of November and December, disclose that our commerce with China continues to decrease, although war conditions were greatly improved during those months.

CHIEF CAUSE OF DECREASE

The chief cause for the abnormal and sudden decrease in our commerce with China during the latter part of 1930 and 1930 was the sudden, great, and unprecedented fall in the price of silver. Silver is the only money in China, and it is the sole measure of the wealth and purchasing power of its people. From July, 1929, to date the price of silver dropped one-half.

PRICE OF SILVER

The pre-war price of silver—that is, in 1913—was 60 cents an ounce. This price had been about the average or normal price for many years. The annual average price of silver per ounce during the past four fiscal years was:

	Cents
1926	56
1927	57⅛
1928	57
1929	46

It will be observed that the average price of silver, unlike other commodities, did not increase over the pre-war price but maintained about the same average price. This price we may still call normal.

The price of silver commenced to drop in January, 1929. In January, 1929, the average price of silver was 57⅛ cents an ounce. To-day it is 26½ cents an ounce.

MONEY OF CHINA

China is now and always has been a silver-standard country. China possesses no gold. The standard measure of money is the tael, which is approximately an ounce of pure silver. The sycee is the chief representative of money and medium of commerce and trade. It is a piece of silver shaped like a shoe or slipper containing 50 taels.

There are some silver coins in China. They are silver dollars minted and issued by the Government of China and the Mexican dollar, each containing a similar amount of silver to the standard silver dollar of the United States. In addition to these there are subsidiary silver coins comparable with the dimes, quarters, and halves of the United States.

The value and purchasing power of the tael, sycee, and silver coins fluctuates daily and is determined by the daily quoted price of silver in London. A board of brokers in London daily fix the price of silver, which is accepted throughout the world.

DECREASE IN PURCHASING POWER OF CHINA'S MONEY

The people of China must pay for our goods with gold and they buy gold with silver. They are now compelled to pay twice as much for gold with their silver as they did a year ago, which, to them, means that they are paying twice as much for our products. The abnormal, sudden, and unprecedented fall in the price of silver has cut in half the wealth and the purchasing power of the people of China, restrained them from purchasing other than the necessities of life, destroyed credit, and stagnated trade.

The price of silver from May, 1928, to the present time has steadily dropped until it has now reached the lowest level for all time of less than 26½ cents an ounce. In June, 1928, silver was 60⅛ cents an ounce.

CREDIT SYSTEM DESTROYED

Not only has the purchasing power of China been cut in half and the cost to them of our exports doubled but the credit situation has been even more seriously affected.

In fact, it is testified by exporters without contradiction that all transactions with China at the present time must be on a cash basis. This is due to the fact that the price of silver has not only been steadily decreasing but the cause of this decrease continues to exist, and under such conditions a further great decrease in the price of silver is constantly threatened and is expected. In this uncertain condition no safe agreements can be entered into as to future payments for goods sold.

ACTUAL AND ARTIFICIAL VALUE OF SILVER

The artificial parity price of silver established by various governments has not measured and, in fact, has had no relation whatever to the actual price of silver or what might be termed its normal value in the world market.

For instance, the parity price of our subsidiary silver coins—that is, dimes, quarters, and halves—with relation to gold, is $1.38 an ounce. Yet the market price of silver in the United States to-day, even that produced in our own mines, is now 26½ cents an ounce.

Our Government buys silver in the open market for 26½ cents an ounce and manufactures it into subsidiary coins and sells such coins to banks and to commerce in the United States at the rate of $1.38 an ounce.

To illustrate, the United States Government sells to commerce and banks 50 dimes for $5. These 50 dimes contain 3.623 ounces of silver. So the silver in the dimes is sold at the rate of $1.38 an ounce. The value of the silver in these 50 dimes, and such would be the value outside of the United States, is, at 26½ cents an ounce, $0.955.

Those coins in the United States, for limited purposes, have a purchasing power equal to $1.38 an ounce, although they are not full legal tender. Their purchasing power on a ratio with gold of $1.38 an ounce is maintained because in the United States they are accepted at face value. It must be remembered that our subsidiary coins are only a very small portion of our money and are intended and only used to facilitate minor domestic transactions. Such use of silver is maintained to a certain extent in some other countries.

In China, Mexico, Central America, South America, India, and Asia the situation is entirely different. In our country the basis of all of our domestic and foreign commerce is gold, and we have the gold. In the other countries named the foundation of all commercial transactions, both domestic and foreign, must be based upon silver because they have silver and little or no gold.

In India the silver rupee has a certain ratio with gold, but these rupees are only a small part of the silver wealth of India, and they are now being melted up and sold as bullion under the policy and practice of the Government of India.

HOW SILVER IS CONSERVED IN ORIENTAL AND LATIN COUNTRIES

Silver has been pouring into China, India, and other Asiatic countries from the dawn of history. In fact China and India, since our earliest history, have consumed annually two-thirds of the world's production of silver. Little of this silver has been preserved in the form of silver coins but is absorbed in the form of raw silver called bullion or in the form of silver jewelry and trinkets, in which form the oriental and South American people generally conserve their wealth.

The women of India and most Asiatic countries are not permitted to inherit property. Therefore a custom has long existed for the women to accumulate, over long periods of time, silver coins and then melt them up and manufacture them into jewelry. This silver jewelry is the measure of their wealth and purchasing power; it is their reserve, their bank account.

ILLUSTRATION RESULT OF LOSS OF PURCHASING POWER

This is the wealth that enables such peoples to purchase our exports. It is largely the measure of their domestic economic soundness. The disaster that follows the destruction of the purchasing power of such wealth, and its value as the basis for credit, is obvious.

Let us illustrate this proposition: The chief market of the world for cotton textiles is in the tropical climates of China, India, Asia, Mexico, Central America, and South America. These people find that they have to pay twice as much for a piece of cotton goods as they did a year ago—that is, they are compelled to give twice as much of their money, which is silver, than they paid a year ago for the same article. The result is that they buy only that which actual necessity compels them to have. Our cotton textile mills commenced to suffer at the same time that silver began to drop. The textile mills of Manchester, England, commenced to suffer at the same time that the price of silver started to fall. With the decreased demand for cotton textiles came the fall in the price of cotton, until to-day cotton is about half what it was a year ago. The same condition applies in a more or less degree to all of our exports to those countries such as wheat, lumber, automobiles, radios, electrical appliances, and machinery.

RESULTS ARE WORLD-WIDE

While it is true that the most alarming results of the depressed price of silver have been felt in those countries that have only silver as money, yet the evidence discloses that its depressing effect has reached the entire world. The United States and other countries that are suffering at the present time most intensely from the inability to dispose of surplus production are to such extent directly affected.

Cotton is our greatest export product, and when the value of that product is reduced one-half by reason of the reduction in the purchasing power of those people who are the greatest consumers of cotton cloth, then the purchasing power of our citizens engaged in the cotton-raising industry is reduced one-half. And we see the same effect to possibly a lesser degree on our wheat farmers and on our manufacturers.

With the destruction of our market for our surplus production, reduction of production must take place, carrying with it inevitable unemployment. In the opinion of the subcommittee, therefore, the great sudden decline in our trade with China is due primarily to the extraordinarily depressed price of silver.

SAME EFFECT ON OTHER SILVER-USING COUNTRIES

The same cause is equally applicable to our depressed commerce with the other silver-using countries that have been designated in this report.

During the same period our exports to and our imports from such silver-using countries decreased as follows:

	Per cent
South America:	
Decrease in exports	37
Decrease in imports	32
Mexico:	
Decrease in exports	13
Decrease in imports	33
India:	
Decrease in exports	19
Decrease in imports	30

The people of these countries constitute a large portion of the consuming public of the world. In fact, they embrace over half of the population of the world and 90 per cent of the nations of the earth.

Upon your subcommittee was imposed the duty of ascertaining not only the cause of the depression but the possible remedy, or remedies, if any, for such unfortunate conditions. It being evident to your subcommittee that the depressed condition of our commerce with China, and, we may say, with other silver-using countries, being due chiefly to the depressed price of silver, your subcommittee sought next the reason for this sudden and unusual depression in the price of silver.

CAUSE OF CONTINUOUS FALL IN PRICE OF SILVER

No overproduction

The annual reports of the Director of the Mint of the United States give the annual production of silver in every country in the world for a period of over 50 years. These reports disclose that the annual increase in the production of silver has been only on the average of much less than the normal increase of the average production of all other commodities and is not commensurate with the increase in population and commerce.

To illustrate, as far back as 1913, the production of silver amounted to 223,686,823 ounces. In the 16 years following it fluctuated up and down. In 1923 it reached 240,169,264 ounces; in 1926 the total world production was 264,660,163 ounces; during the prosperous year of 1929 the world production was 261,265,718 ounces; and the estimated production for 1930 is approximately 225,000,000 ounces.

It will be noted that the price of silver was decreasing while production was falling off.

The increase from 1923 to 1929 was only 21,000,000 ounces, and the increase from the high mark from 1913 to 1923 was less than 15,000,000 ounces.

The decline in 1930 reduces world production back to practically the world production of 1913.

As approximately two-thirds of the world's production of silver is mined as a by-product of gold, copper, lead, and zinc, silver production varies with the production of these other metals.

The production of silver, therefore, is automatically regulated and controlled by the production of gold, copper, lead, and zinc. When world conditions are prosperous and there is therefore a great demand for such metals there is an increase in production of such metals with a by-product increase in the production of silver. When the world is unable to buy such metals, as is the case now, then the production of such metals decreases, and with it decreases the production of silver. It is evident therefore that there is little or no danger of an overproduction of silver.

The consumption of the world production of silver may be illustrated through the distribution of silver for the year 1929. In that year the consumption was as follows:

[In millions of fine ounces]

1929	
India:	
Imports from the United States, Canada, England, France, Egypt, Australia, and others	79.2
Supplies from Government reserves sold in India	7.3
	86.5
Less exports	4.7
Net Indian consumption	81.8
China:	
Imports from the United States, Canada, and England	133.3
From India[1] and Japan	3.4
Chinese consumption	136.7
Germany: Imports from the United States, Mexico, England, and others	12.0
Arts and manufactures:	
In the United States and Canada	37.0
In England	6.5
Coinage:	
United States Mint	2.5
Russia	3.5
Holland	9.0
Hong Kong dollars	16.0
Unaccounted for	12.5
Total	311.5

Such 311,500,000 ounces of silver is divided as follows: Production, 261,265,718 ounces. Supply derived from melting up silver coins, 50,234,282 ounces.

There was no surplus production of silver in 1929 or 1930. In fact, there has never been, according to the evidence, any surplus of silver. The mine production of the world was remarkably uniform and the consumption of the world was equally uniform. The annual mine production was always consumed, and commerce and business had so adjusted themselves to such production that the demand was measured by the production. The evidence conclusively proves therefore that the sudden fall in the price of silver from the average level of 58.18 cents an ounce in

[1] Most of India's melted silver coins exported through England.

1928 to 26½ cents an ounce at the present time was not due to

ard. Most orientals use silver as a medium of exchange almost to the exclusion of gold. Silver may thus be regarded as a second

Remedies recommended

Your subcommittee is aware of the impropriety of questioning

Your subcommittee has taken a great deal of evidence as to the best manner in which financial aid may be granted to China,

1930 to 26½ cents an ounce at the present time was not due to overproduction.

The Indian Government is still maintaining and carrying out its policy of melting up silver rupees and disposing of the silver as bullion. According to reports, the Government of India still has at least 400,000,000 ounces of silver in such rupees that it can throw upon the world market as silver bullion.

The program of the British Government for India to date has been not only a failure, so far as carrying out the policy is concerned, but it has been destructive of the wealth, purchasing power, and prosperity not only of the people of India but of every country that uses silver for money, and indirectly injurious to the prosperity of the world. Even in 1930, when silver had reached the then all-time low of 34 cents an ounce, India under such policy threw on an already saturated market 29,500,000 ounces of such silver. The last thread of confidence and hope in the minds of the people of the silver-using countries was broken and speculators in silver in all countries commenced to dump silver on the market.

Although the people of China still hold tenaciously to their silver, the speculators of China are no exception in the bear movement that has developed. They know now the result of the dumping policy in India. They know that with an available 400,000,000 ounces of silver, which India could and apparently intends to continue to dump under the policy referred to above, there is no advantage to be gained in the holding of silver. Thus, when extensive Indian sales are noted world silver speculators sell panically.

As to the sale of silver in China under such conditions, it may be justly stated that a nation whose purchasing power largely depends on the price of silver is to be pitied rather than criticized when economic conditions force it to sacrifice its wealth by selling on an alarmingly depressed silver market.

Furthermore, it is manifest that at least one factor forcing the sale of silver in China is the absolute necessity of the Chinese to sacrifice their silver in an effort to meet their obligations, a fact which additionally adds to their economic burden.

Root of the trouble

While there was no overproduction, there was an oversupply of silver in the markets of the world. This oversupply arises from two sources—namely, (1) the debasement of silver coins, or, in other words, the reduction of the amount of silver in silver coins, and (2) the selling of the surplus silver so derived, and the melting up of silver coins in India and the sale of such silver as bullion in the market of the world.

The cause of the sudden, large, and unprecedented fall in the price of silver was the dumping upon the market of the world of large and unusual quantities of silver bullion derived from the melting up of silver coins in India and the debasement of silver coins in Great Britain, France, and Belgium.

The British Government for India in 1926 adopted the gold-standard policy for India. The carrying out of this policy contemplated the acquisition of approximately 300,000,000 dollars in gold through the melting up of Indian silver rupee coins and the sale in the world market of the bullion derived therefrom.

The British Government for India commenced to sell in 1927. During 1927 and 1928 she sold 31,700,000 ounces; in 1929 she sold 25,000,000 ounces; and in 1930 up to December 1 she sold 29,500,000 ounces.

According to the financial column of Cotton and Finance for January, 1931, a magazine published in Bombay, the Indian Government in December, 1930, sold 2,938,000 ounces of silver at a time when silver was only 31⅞ cents an ounce.

It is difficult to obtain exact data on recent shipments of silver by the Indian Government, as the Indian Government seems to treat the matter in somewhat the nature of a confidential transaction. There is no doubt, however, that the Government of India has been shipping silver into the market of the world during the month of January, 1931. We are informed by silver brokers of high standing that such is the fact. Some of them inform us that the Indian Government trade returns show that from January 1, 1931, to date the Government of India shipped to London 14,630,000 ounces of silver and 10,700,000 ounces of silver to Hong Kong. The exact amount is not so material as is the fact that the Government of India is continuing its disastrous policy and practice even when the price of silver has reached the lowest level in all history.

The money of half the world must be stabilized

No commodity could withstand such an attack. Take out of use any product to-day and throw it on the market of the world and its value would be equally affected as has the value of silver by the act of the British Government for India. Silver is a commodity. By a series of laws enacted in various countries, including our own, during the past fifty-odd years, it has been demonetized in the most powerful governments of the world.

This action was taken notwithstanding the fact that there was no overproduction of silver nor threat of overproduction of silver. Since the beginning of time, so far as statistics are had, the production of silver has been 14 ounces of silver to 1 ounce of gold. The United States Department of Commerce in its Economic Paper 8, published in 1930, under the title "Summarized Data of Silver Production," says:

"Demonetization became possible through the enormous increase in gold production that followed invention of the cyanide process in 1887 and development of the gold fields of South Africa, yet a number of countries still retain the silver-gold standard. Most orientals use silver as a medium of exchange almost to the exclusion of gold. Silver may thus be regarded as a second line of defense for the maintenance of the metallic foundation of monetary systems, but the future of its production will be influenced largely by the course of gold production.

"In conclusion it is of interest to note that, although the value of gold to silver now stands at a ratio of about 40 to 1 and was formerly fixed in the bimetallic monetary standard at 16 to 1, the ratio of production of silver to gold in the whole period since the discovery of America has been about 14 to 1."

Evidently at the time such paper was prepared the price of silver had not dropped as low as it is now, because at the present time the ratio of gold and silver is on the basis of over 60 ounces of silver to 1 ounce of gold. It is true that at the time the actual demonetization of silver took place there was an extraordinary production of gold, which created, if it did not justify, the opinion in the minds of economists that silver would be unnecessary as a standard for monetary purposes.

The interim report of the gold delegation of the financial committee of the Council of the League of Nations in 1930 found as a fact and reported that the burden upon gold for monetary purposes had been steadily increasing for years, that the production of gold was increasing at a very low rate, and that unless conditions of production changed, and such conditions were not in sight, there would be an actual shortage of gold in 1934. This report appears in part 4 of the hearings which are herewith submitted.

Silver is more than a commodity with over half of the people of the world. It is more than a commodity in all the countries of the world except six or seven. In fact, with the exception of those countries that have both established the gold standard and have the gold to back such standard, silver always has been and is now money, the only measure of wealth, and the only monetary instrument of trade and commerce.

Silver crisis same in oriental and Latin countries

The moving cause for the great and abnormal depression in the price of silver still exists and threatens a further and unlimited depression. The situation is even more serious than that arising from the silver crisis in China. The same silver crisis exists in Mexico, South America, India, Asia, and all other silver-using countries. Our experts to these countries have greatly depreciated. The wealth of the peoples of all of these nations, representing over half of the population of the world, is measured in silver. They have received and hoarded silver during the ages. It has been their instrument of trade and commerce. They have little or no gold. Their purchasing power, like the people of China, has been reduced one-half, their credit destroyed, trade restrained, and their utter ruin threatened.

A few of the governments of the peoples mentioned are on a gold or semigold basis. Of these governments none appear to have anywhere near an adequate gold reserve, while the rest of such governments either have no gold reserve or such reserve is utterly deficient.

According to the report of the Federal Reserve Board the monetary gold of the world is $10,909,000,000.

There appear in the record tables taken from the January, 1931, bulletin of the Federal Reserve Board showing the gold stocks of central banks and governments of the leading gold-possessing countries of the world, the gold movements to and from certain other countries, and foreign exchange rates (yearly averages) from 1922 to 1930.

The relevancy of these tables is based upon the committee's consideration during hearings of certain statements made by witnesses as to existing and future shortages of gold and the relationship of this shortage to world commodity prices and international trade and credit.

It will be noted from the first table that in November, 1930, the total gold holdings of central banks and governments in 45 countries was $10,909,000,000.

Of this amount, the holdings of the United States alone amounted to $4,220,000,000. France had $2,037,000,000, England had $767,000,000, Germany $519,000,000, the Argentine $417,000,000, and Japan $409,000,000.

India in November, 1930, had $128,000,000 in gold, which amount was exactly the estimated gold holdings of India in November, 1929. This is the present basis of the proposed gold standard for India with its large area, great trade, and 300,000,000 of people.

The holdings of the United States in the year from November, 1929, to November, 1930, had increased by $220,000,000. The gold holdings of France increased in the same period from $1,600,000,000 to $2,037,000,000.

The table gives the gold holdings in detail for 16 of the 45 countries from which statistics were gathered. Twenty-nine of the countries are lumped together, with an estimated total of $693,000,000, but this figure is more than $20,000,000 less than these 29 countries were shown to have held in November, 1929.

China is included within the lump-sum figure of the 29 countries. China's gold is negligible, as will be noted from the table in the hearings.

The silver problem is aggravated by the equally serious gold situation. Gold-standard governments are experiencing great difficulty in obtaining gold to meet their budgets and pay their obligations. People in gold-standard countries are competing with each other in the sale of their products to obtain gold with which to pay their debts. The whole world is suffering from the destruction of silver money and the hoarding, stagnation, and maldistribution of gold.

Remedies recommended

Your subcommittee is aware of the impropriety of questioning any monetary policy adopted by any government. Your subcommittee is of the opinion, however, that, having knowledge of the character of the British people, of their extensive commerce with all nations, their interest in the welfare and prosperity of all peoples, they will not consider it improper if the President of the United States should seek a discussion of the advisability of the British Government for India suspending such policy with regard to the melting up and sale of India's silver coin for a reasonable period of time until other readjustments can be devised.

It is impossible, in the opinion of your subcommittee, to accomplish the restoration of the normal purchasing power of silver or to prevent its continued decrease in purchasing power and its continued instability as a basis of credit unless and until the British Government for India announces a determination to suspend its present policy. The question of the suspension of such policy is an emergency and should be undertaken first. While it is of vital importance to restore the normal price of silver, it is possibly of more importance to assure against violent fluctuations of the price. Credit transactions can not be successfully undertaken with countries that use silver for purchases until some plan or plans have been agreed upon that will assure to a greater extent than now exists the stabilization of the purchasing power of silver.

To this end it appears to your subcommittee that the President of the United States, under authority heretofore granted to him by Congress under an act approved March 3, 1897, chapter 376, section 312, Revised Statutes of the United States, entitled "An act to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called, and to enable the President to otherwise promote an international agreement," or under his general constitutional powers, should invite or obtain the governments of the world, or those who expressed an interest, to enter into an international conference, or conferences, where plans, policies, and agreements may be discussed and arrived at, if possible, looking to the remedying of the present uncertain and dangerous status of silver throughout the world.

Reviving China

Our commerce with China may be aided in other ways. China is the natural market of the United States. With the exception of Japan, our country is China's closest powerful neighbor. Her people admire and respect us, as we do them. Our friendship has existed from time immemorial. They prefer our products and purchase them except when compelled to purchase cheaper products through extreme poverty. China has an area almost as large as the United States and Mexico combined. It contains a population of from 400,000,000 to 450,000,000 of normally peaceful, intelligent, industrious people. They seek an opportunity for peaceful employment. If we give these people employment and prosperity, for years to come they will furnish a market for most of our surplus production.

It was testified before our subcommittee by exporters who know China and its customs that with the pacification and revivification of China our entire wheat surplus would be consumed. The Government of China, according to all the testimony we received, is a good government and is satisfactory to our citizens engaged in trade and commerce in and with China.

There must be work provided in China or there will be war. War lords are impatient because of the inability of the National Government of China to carry out its program. The people of China, through lack of work, have been compelled to fight in armies for food. To-day China is practically at peace with the exception of bandit bands still seeking food and property through raids. As has been aptly remarked, a large number of Chinese are forced to "loot to live."

The National Government of China can not carry out its program without the moral, intellectual, and financial support of those nations that prosper by virtue of trade with China and that are able to render such aid. What China needs most is transportation. It is impossible to get products into or out of the interior of China. Transportation to any extent only exists along the seacoast. There are only seven or eight thousand miles of roads in China over which an automobile may be safely driven. There are only 7,500 miles of railroads—fewer miles of motor roads and fewer miles of railroads than we would find in one of the small States of our Union. The passable roads in China, with the exception of those on the seacoast, are built out from the capitals of Provinces and are not connected. Your subcommittee has seen maps of the proposed road system of China. The commission that visited your subcommittee asserted that $20,000,000 would so connect up these isolated roads as to give a comparatively satisfactory national road system. When this system is completed there will be safe and expeditious transportation by motors and trucks from the extreme north of China to the south, and from the seacoast to the western border.

The United States to-day sells to China 80 per cent of the automobiles that it uses. With the inauguration of the proposed road system there will be thousands of miles of motor roads added to the present system. Not only will production be tremendously facilitated but China will become a great user of motors and it will be opened up to a new and great tourist trade.

It has been testified before your subcommittee that with the pacification of China and the establishment of transportation the commerce of China would increase many fold in a very few years.

Your subcommittee has taken a great deal of evidence as to the best manner in which financial aid may be granted to China. Labor in China is to-day largely paid in rice by reason of the scarcity of coins. Gold will not be used in China at least for many years to come. The people for ages have become accustomed to the use of silver as money, silver in its raw state, silver in chunks called sycee, silver chipped off of bullion, and a few silver coins, and it is hard to change the customs of thousands of years. The measure of wages is so small in China that a laborer would probably have to work months to get a gold piece sufficiently large to conveniently keep.

While the people of oriental and tropical countries are suspicious of paper money, there is a stronger reason why they have always used silver. They require a metal and they could not and can not obtain gold. Silver is practically indestructible. It may be buried in the ground. It may be worn as jewelry, and it may be carried in the loin cloth without destruction or injury. Paper money is subject to destruction and when placed in the loin cloth in a few hours it is in a condition beyond circulation. So China requires silver.

The proposal to lend China two or three hundred million ounces of silver has met some objections. It is urged that there may be a change of government, or that the government may fall into incapable hands and the money lost or stolen or squandered and not accomplish the pacification and revivification of China. To meet this objection your subcommittee suggests that a silver fund or pool might be established; that silver might be advanced to China from time to time as needed to be minted into suitable sized coins for the payment of wages to labor and the purchase of material to be used upon certain specific projects that meet the approval of those handling the pool or fund. It would be advisable, in the opinion of your subcommittee, to invite those nations interested in China's development and commerce to participate in such a pool. The director, or directors, of such pool would collaborate with the Government of China with regard to the laying out and consummation of such projects. Such advances therefore would only be made during the periods in which the Government of China was in a position to assure the carrying out of the purposes of the advances and the repayment of such advances in accordance with the agreement.

It has been suggested that such advances be measured in ounces of silver rather than in dollars. It is urged that by such process it would only be a loan of a commodity to be returned in kind, and that the difficulty of establishing a price at which such silver should be loaned and repaid would be avoided. Governments might hesitate to dispose of silver at the present price, while, on the other hand, China might not deem it wise to borrow silver at a higher price than the market price.

The question arises as to where the silver could be obtained. There is no known large surplus of silver outside of the Treasury of the United States except silver coins in circulation.

It is not to be expected that any government except India would melt up its circulating silver coins. Other countries desiring to participate in the pool could, of course, obtain silver from current production to carry out their part of the program. The United States might use a portion of the standard silver dollars now lying inert in the Treasury. These silver dollars were used in 1918 under the Pittman Act to supply Great Britain with 208,000,000 ounces of silver to meet an emergency redemption of silver notes in India. The absence of these silver dollars from the Treasury until they were later replaced worked no harm and caused no embarrassment. Federal reserve notes were temporarily placed in the stead of the silver dollars removed as security for silver certificates outstanding against the dollars in the event that there were not sufficient silver dollars remaining for such redemption. As a matter of fact, as silver certificates reached the Treasury they were canceled and none of the Federal reserve notes were used for such redemption.

There are now in the Treasury of the United States, according to the last statement, 495,874,458 silver dollars for redemption of outstanding silver certificates. Very few, if any, of these silver certificates are ever presented for redemption, and the standard silver dollars are a frozen asset of the Government, unused, and bearing no interest. A safe plan could probably be devised by the Treasury Department for the use of some of these silver dollars in connection with advances to China. The advances, of course, would be construed as a loan, and would be for a long period of time at a small rate of interest. The interest might be received in the form of silver and used for the purpose of restoring the standard silver dollars to the Treasury or for subsidiary coinage.

All that the Senate may constitutionally do with regard to any matters herein suggested is to advise the President of the United States of the opinion of the United States Senate, and thereafter, if he deemed it compatible with the interest of the Government, the manner, the method, and the detail of such consummations must be in his hands as the sole authority under the Constitution clothed with the power and duty to negotiate agreements upon behalf of the United States.

Your subcommittee annexes to this report statements of Government officials and others, official Government tables and authorized statistical data, taken from the testimony of our hearings, for the purpose of ready reference in support of the statements made herein and a few additional statistical tables of official character, dealing with collateral issues, such as the present distribution of gold holdings and estimates on the supply of and demand for gold in the near future.

Your subcommittee respectfully urges upon the Foreign Relations Committee, and upon the United States Senate through

the Foreign Relations Committee, the adoption of this report and a favorable report upon the two resolutions introduced in the Senate by Mr. PITTMAN, chairman of the subcommittee of the Foreign Relations Committee, on the 11th day of February, 1931, being Senate Resolution Nos. 442 and 443, now pending before your committee, copies of which resolutions are hereto attached.

Senate Resolution 442 embraces two subjects, namely, the suspension of the policy and practice of the Government of India in melting up her silver rupee coins and disposing of the silver derived therefrom as bullion upon the market of the world, and the sale of silver by other governments derived from the debasement, or, in other words, the reduction of the amount of silver in silver coins.

The other subject embraced in the resolution anticipates international action looking to a more definite understanding or agreement as to the use or status of silver as money throughout the world or as between the governments that may become parties to such agreements or understandings.

The first subject involves a question of great emergency, and it is hoped that the President, through diplomatic conversations and discussions, may speedily bring about its consummation, which is the first prerequisite in any effort to restrain the continued depression of the price of silver and restore it at least to its normal purchasing power.

The subcommittee recognizes that the second subject is more involved, that the procedure is more difficult, and that a longer time will be required for the consummation of the purpose involved in the subject. Yet your subcommittee considers the solving of the problems involved in such subject of vital importance to the world, and hopes and believes that the President, through aid which he will receive from many governments, will be successful, and without unreasonable delay.

Senate Resolution 443 suggests to the President action looking to an additional and special remedy for the depressed condition of our commerce with China.

The evidence and data collected by your subcommittee are included in four volumes, or parts, and such hearings are herewith submitted to you with the suggestion that they be submitted to the Senate, together with the report upon said resolutions, so that, in the event of the passage of said resolutions, such hearings may be delivered to the President with said resolutions and the reports thereon.

Your subcommittee is impressed with the seriousness of the situation, and it is of the opinion that these questions should be submitted without delay to the Senate and by the Senate submitted to the President of the United States.

While your subcommittee will make further studies of related problems and suggest additional measures which may seem advisable and proper at a later date, there is no doubt that there is a demand for action with regard to the matters discussed in this report from all over the United States, from industry, labor, and the farmer. In fact, a study of the records that your subcommittee has prepared and submitted will convince you that the demand for friendly cooperative action is world-wide.

Respectfully submitted.

KEY PITTMAN, *Chairman*.

(Copy of resolution introduced in the Senate of the United States on Wednesday, February 11)

Mr. PITTMAN submitted the following resolution, which was referred to the Committee on Foreign Relations:

SENATE RESOLUTION 442

Resolved, That the Senate, having had under investigation and consideration, through its Committee on Foreign Relations and a subcommittee thereof, our commercial relations with China, the causes of the great and sudden depression in such commerce and remedies for such depression, and such committee having reported to the Senate, the Senate finds from such report:

During the first 11 months of 1930, being the months for which we have statistics, our exports to China were 27 per cent less than our exports during the same period in 1929. Our imports from China during such period in 1930 were 36 per cent below our imports during the same period of 1929. The reports received from the Department of Commerce, so far as they have been obtained for the months of November and December, disclose that our commerce with China continues to decrease, although war conditions in China were greatly improved during those months.

China is now and always has been a silver-standard country. China possesses only a negligible quantity of gold. The standard measure of money is the tael, which is approximately an ounce of pure silver. The sycee is the chief representative of money and medium of commerce and trade. It is a piece of silver shaped like a shoe or slipper containing 50 taels.

There are some silver coins in China. They are silver dollars minted and issued by the Government of China and the Mexican dollars, each containing a similar amount of silver to the standard silver dollar of the United States. In addition to these, there are subsidiary silver coins comparable with the dimes, quarters and halves of the United States.

The value and purchasing power of the tael, sycee, and silver coins is the value of the silver contained therein, which fluctuates daily and is determined by the daily quoted price of silver in London. A board of brokers in London daily fixes the price of silver, which is accepted throughout the world.

The situation is even more serious than that arising from the silver crisis in China. The same silver crisis exists in Mexico, South America, India, Asia, and all other such silver-using countries. Our exports to these countries, from the same cause, have greatly decreased. During the same period as applied to China our exports to and our imports from such silver-using countries decreased as follows:

	Per cent
South America:	
Decrease in exports	37
Decrease in imports	32
Mexico:	
Decrease in exports	13
Decrease in imports	33
India:	
Decrease in exports	19
Decrease in imports	30

The people of these countries constitute over half of the population of the world and 90 per cent of the nations of the earth. Their purchasing power, like the people of China, has been reduced to an alarming extent, their credit impaired, trade restrained, and utter ruin threatened.

The price of silver has fallen one-half since January, 1929. In January, 1929, the price of silver was 57½ cents an ounce. To-day the price of silver is 26½ cents an ounce. The normal price of silver—that is, the average price for a number of years prior to 1929, has been approximately 59 cents an ounce. The fluctuations were very slight and did not interfere with credit or commercial transactions, with the exception of the unusually high price of silver during the war period.

The pre-war price of silver—that is, in 1913—was 60 cents an ounce. During the years 1926, 1927, and 1928 the price of silver averaged 57½ cents an ounce.

The sudden and unprecedented fall in the price of silver was not due to overproduction. The reports of the Director of the Mint disclose that the annual increase in the production of silver has been much less, on an average, than the normal increase of the average production of all other commodities and is not commensurate with the increase in population and commerce. The production for certain years is given as follows:

	Ounces
1913	225,686,923
1923	240,169,264
1928	254,859,163
1929 (during great prosperity)	261,265,718
1930 (present estimates)	225,000,000

While there was no overproduction of silver, there was an oversupply of silver in the markets of the world.

The cause of the sudden large and unprecedented fall in the price of silver was the dumping upon the markets of the world of large and unusual quantities of silver bullion derived from the melting up of silver coins by the Government of India and the debasement of silver coins by Great Britain, France, Belgium, and other countries.

The British Government for India since 1928 has dumped large quantities of such silver upon the markets of the world, and is continuing such policy and practice, notwithstanding the alarmingly low price of silver. According to creditable reports, the Government for India still has available from such source 400,000,000 ounces of silver that it can and will dump upon the markets of the world unless said policy is suspended.

It will be extremely difficult, if not impossible, to restore silver to its normal price or to restrain further depressions of the price unless and until the Government of India suspends its silver policy and practices.

Therefore, the Senate submits to the President these findings of fact, together with reports, hearings, and other data in respect thereto, with the respectful request that he shall, if he deem it compatible with the best interests of the Government, enter into discussion or negotiation with the Governments of India, Great Britain, France, Belgium, and other governments, looking to the suspension of the policy and practice of governments melting up or debasing silver coins and sales by governments of silver, and that he take such other and further action in the premises as he may deem necessary to eliminate the abnormal fluctuations and depressions in the price of silver.

The Senate further suggests that the President, if he deem it compatible with the best interests of the Government, call or obtain an international conference, or international conferences, to the end that agreements or understandings may be obtained with respect to the uses and status of silver as money.

(Copy of resolution introduced in the Senate of the United States on Wednesday, February 11, 1931)

Mr. PITTMAN submitted the following resolution, which was referred to the Committee on Foreign Relations:

SENATE RESOLUTION 443

Resolved, That the Senate, having had under investigation and consideration, through its Committee on Foreign Relations and a subcommittee thereof, our commercial relations with China, the causes of the great and sudden depression in such commerce and remedies for such depression, and such committee having reported to the Senate, the Senate finds from such report:

The Government of China, according to the unanimous testimony submitted to the Senate, is a good Government, and is satisfactory to our citizens engaged in trade and commerce with China.

China for several years has suffered from internal strife and the demoralizing effects of war. The wars, however, were not waged so much against the National Government of China as against the administration of the Government. War lords were impatient because the administration of the National Government of China did not or was unable to carry out its pledges and programs for the development of China. The masses of the people, who are normally peaceful, industrious, honest, and capable, were compelled to enlist in armies that they might obtain food. The National Government of China has been victorious, and internal strife has practically ceased except for raids carried on by bands of bandits.

The National Government of China is without money to expeditiously institute internal development and furnish employment to its millions of hungry and idle people. The revenues available to the Government of China are largely hypothecated for national obligations. It is difficult, if not impossible, by reason of treaties and internal conditions, to greatly increase taxation under the present conditions in China.

The development of China is retarded by lack of transportation facilities. Such facilities are limited chiefly to the seacoast. There are only seven or eight thousand miles of roads in China which would be termed in the United States automobile roads. There are 7,500 miles of railroads.

Authentic reports indicate that 20,000 people have died daily in China from hunger and exposure. There must be work provided in China or there will be continuous war.

The National Government of China can not carry out its program of development and pacification without the moral, intellectual, and financial support of those nations that prosper by virtue of trade with China and that are able to render such aid.

The testimony before the Senate shows that with the pacification of China and the establishment of transportation facilities the commerce of China would increase manyfold in a very few years.

The people of oriental and tropical countries are suspicious of paper money. They have always used silver as money, because it is practically indestructible. They preserve it by burying it in the ground, by manufacturing it into jewelry and wearing it as ornaments, and by carrying it in their loin cloths. They contend that paper money is subject to destruction, and when placed in loin cloths in a very few hours it is in a condition beyond circulation.

The wages are so low in China that a laborer would be compelled to work for months before he could save a gold piece sufficiently large to conveniently preserve. The conditions in China and the customs of its people are such that, even if possible, it would require years to establish a gold standard or any other standard than silver.

China, to meet the present emergency, requires silver. The advancing to China of silver for the minting into small silver coins to pay for labor and buy materials for internal developments to be approved by those supplying the silver would bring about the pacification and prosperity of China and an increase in her commerce with the United States and other countries.

China is the natural market of the United States. With the exception of Japan, our country is China's closest powerful neighbor. Her people admire and respect us, as we do them. Our friendship has existed from time immemorial. They prefer our products and purchase them except when compelled to purchase cheaper products through extreme poverty.

China has an area almost as large as the United States and Mexico combined. It contains a population of approximately 400,000,000 of industrious people. They seek an opportunity for peaceful employment.

If we can aid China in her internal development and furnish her people with employment, they will for years furnish us a market for a large portion of our surplus production. China, if and when pacified and developed, will have ample resources to meet any advances that are wisely used in such development.

Therefore, the Senate submits to the President these findings of fact, together with the reports herein and other data in respect thereto, with the respectful request that he shall, if he deem it compatible with the best interests of the Government, enter into discussions or negotiations with the National Government of China, and with such other governments that have treaty relations with China, as China and the United States may consider it advisable, looking to the moral, intellectual, and financial aid of the National Government of China; that it is suggested that the President, if he deem it compatible to the best interests of our Government, discuss and ascertain the advisability (a) of the establishment of a silver pool or fund from which to supply the National Government of China with silver for coinage, to be used for certain specified purposes and in certain specified manner to be agreed upon, and to be repaid at a time and in a manner to be agreed upon; (b) to consider the practicability of utilizing some of the standard silver dollars now in the Treasury of the United States in connection with such silver pool or the supplying of silver to China for coinage purposes; (c) that he consider the practicability of supplying such silver in kind without reference to its ratio to gold or its market value, to be repaid in kind.

ANNEX TO INTERIM REPORT OF SUBCOMMITTEE OF FOREIGN RELATIONS COMMITTEE ON TRADE RELATIONS WITH CHINA

In this annex, the subcommittee of the Foreign Relations Committee, acting under authority of Senate Resolution 256, herewith presents such statements, tables, and data as are considered pertinent to the interim report to which this annex is added:

President Hoover, speaking before the American Bankers' Association, at Cleveland, October 2, 1931:

"The buying power of India and China, dependent upon the price of silver, has been affected."

Julius H. Barnes, chairman of President Hoover's National Business Survey Committee, in an article written by Mr. Barnes in the New York Times of November 2, 1930:

"The final mistake was made of treating silver as a commodity although it still represented resources and capital and credit to more than half of the population of the world. Silver, which had been a standard money of the world for 20 centuries was in a few months to be treated in the market as a commodity, without mature consideration as to the effect on the initiative and confidence of a thousand million people. A price of silver which fluctuated from $1.35 some few years ago to 35 cents to-day, and yet symbolizes the credit and resources of a great people, could not but harm the business structure of the world."

Thomas W. Lamont, as reported in a recent press article:

"One of the chief causes of world depression is the scarcity of gold and the depressed price of silver."

George E. Anderson, noted writer on economic and financial problems, in the Annalist:

"The effect of the general slump in the price of the metal (silver) has been more far-reaching than had been anticipated. The drop in the price of the metal, of course, directly affects silver producers in the United States, Mexico, Canada, and various South American countries; but its chief effect upon the world of trade is in those countries using silver as a monetary medium—China, Abyssinia, and a few minor nations, but chiefly China. • • • The uncertainty of the financial situation naturally has stopped further purchases abroad. In short, the silver situation goes to the very heart of commercial and industrial China with paralyzing effect."

Senator WILLIAM E. BORAH, chairman Foreign Relations Committee, United States Senate, made the following statement January 12, 1931:

"I do not know of a more important phase of our economic depression than that which arises out of the treatment of silver. It is estimated that the monetary stock of gold for the world is about $10,000,000,000 or less. Of this amount 65 per cent is controlled by the United States and France. In July, 1930, France had about $1,900,000,000, the United States, $4,516,000,000. These two nations have a population of about 170,000,000. The world population is about 1,930,000,000. So about 1,760,000,000 of the world's population must do business with about $3,694,000,000 of gold. In other words, about 1,700,000,000 throughout the world have a gold supply of about 20 cents per capita.

"These naked figures of themselves seem to me to present the unanswerable argument in favor of doing something for silver. There are at least 800,000,000 to 900,000,000 people in the world who want to use silver as money. Through long years of custom and practice they have become used to silver and they are anxious to have it. But the cruel and brutal financial policy which has dominated of late years has deprived them of an opportunity to have silver except at a most reduced value.

"After England forced the gold standard upon India and India began to unload her silver upon the world silver went from about 64 to 31 or 32 cents. The purchasing power of these millions of people was reduced by half. What we need in this country is fewer appropriations from the United States Treasury and more markets for our goods. Those markets, so far as a vast amount of the human race is concerned, can be restored to a marked degree by a proper treatment of silver.

"I do not believe that the United States alone, however, can solve this problem. I think it would greatly damage our cause to advocate any such theory. The silver problem is really a phase of the world's economic problem, and as such we ought to treat it. But I do believe that by the United States taking a lead we might bring about an international agreement establishing a proper ratio between silver and gold which would enable these people who want silver to use it and which they undoubtedly would do."

Francis H. Brownell, president American Smelting & Refining Co., in a recent pamphlet on the silver question:

"The fall in the price of silver of nearly 15 cents per ounce during the spring of 1930 caused a rapidly increasing demoralization of the exchanges, particularly of China and Mexico. The United States sells to China large quantities of cotton, machinery, oil, leaf tobacco, and many other commodities.

"Mexico and other silver-using countries experienced a like disastrous effect from the fall in the price of silver. The purchasing power of all silver-using countries became seriously impaired and their ability to acquire commodities of the United States and leading European countries substantially lessened.

• • • • • • • •

"The possibility of silver returning again to its former levels is largely, if not entirely, dependent upon whether the Indian Government and perhaps other governments pursue the policy of throwing silver upon the market whenever prices strengthen. If this policy were stopped, it seems highly probable that silver would ultimately recover. If it continues, it is impossible to predict the final outcome."

H. H. Stevens, former Secretary of the Treasury of the Dominion of Canada, in an address to the Canadian Legislature:

"One billion people in the Orient, in China, in India, in the Malay States, and in Mexico are deprived of two-thirds of their

purchasing power by the action of the nations. There is one reason for the agricultural and commercial depression which exists to-day all over the world. One-half of the human race is living below the margin of decent living. In fact, millions upon millions in China during the present year have died largely because of the inadequacy of their purchasing power."

Mark Sullivan, writing from Washington in June:

"The purchasing power of all Asia is reduced by the fall in the price of silver. This in turn diminishes the purchasing power of Europe. The final net is reduced volume of international trade, including American exports. The same cause accounts, in part certainly, within Asia, for domestic disturbances, which in the case of China are described in terms of communism and India in terms of salt."

Wall Street Journal, in a survey of business conditions:

"The trade with China is of vast importance to the commercial nations of the world.

"With the United States alone it amounts to over $300,000,000 a year. Indirectly its trade with the United States is much more. One instance is that of cotton. It is one of England's greatest customers for cotton goods, which England makes from American cotton. The drop in silver means that Chinese exchange must decline. The purchasing power of silver therefore reacts on all countries with merchandise to sell. China is not only a purchaser of goods but a borrower in the money markets of the world."

The Vancouver Sun publishes an address by R. J. Crome, its publisher, before the National Foreign Trade Council, in which he said:

"China is the greatest potential trader in the world to-day. Its 4,000,000 square miles of territory support a population of 425,000,000. Close up, it may appear that China is hopelessly enmeshed in political squabbling, sectional wars, an economic chaos, but hold China off at a distance and it is apparent that it is unifying politically, economically, and socially. * * * Lump the Asiatic countries together and lump the billion people who live in them into a single trade unit and one has a picture of the world's new market."

Mr. S. U. Zau, director of commercial relations for the Nanking Government, is quoted in the China press, as follows, in connection with the trade of China, as affected by the British silver policy in India:

"It is the British policy, again, in India which has added so materially to the decline in the value of silver—another reason, it seems to me, why Great Britain should take the initiative in making at least an endeavor to reach some sort of international understanding for reestablishing silver as a standard basis of credit. * * *

"Almost everywhere in Europe hundreds of factories are idle or working short time, and millions of men and women are without work. Why are they unemployed? Because markets can not be found for their products. And the reason those markets can not be found in many parts of the world is not that the people who usually buy the products of European and American factories have too many of those goods already stored in their family cupboards but because they can not afford to pay the prices asked for them.

"This is particularly the case with us here in China. Owing to the terrific slump in the value of silver, we can scarcely buy from nor sell to foreign countries, and this paralysis of China's trade has its reactions far beyond the frontiers of this Republic. The price of an article manufactured in Manchester or Sheffield for sale in China becomes doubled simply because exchange compels us now to pay a dollar for what we used to get for 50 cents. * * *

"If only it were possible to get concerted action taken for the stabilization of the silver market, it would be soon possible to get the trade which is now paralyzed into movement again, and this would be to the benefit not only of China but of all the countries which have commercial dealings with us."

Rene Leon, noted American authority on commerce and finance, in a statement issued September 19, 1930:

"Available records running back well upwards of a century fail to reveal so low a quotation for the white metal as that which obtained in mid-June, 1930, and the improvement since that date has been purely negligible. The effect of this disastrous state of affairs on the psychology of the orientals may well be left to the imagination. Suffice to say that mass poverty breeds despair and engenders social and political evils. India and China are in the throes of just such conditions."

Dr. Julius Klein, Assistant Secretary of Commerce, in a statement to the subcommittee made on June 26, 1930:

"In explanation of the considerable loss in both our import and export trade with China, three principal factors may be emphasized: (1) The renewal of extensive and energetic military activities in north central China and the Yangtze Valley throughout the first half of 1930; (2) the lower prices obtaining in world markets for many commodities, and particularly those which figure most important in China's exports; and (3) the low price of silver. These three factors, as well as minor contributing ones, all blend into the one general cause for the reduction in China's trade, i. e., the reduction in China's purchasing power brought about by them."

And again:

"China being on a silver basis receives all of her income in China in silver, and all she receives from abroad must be paid for in silver, but upon a gold valuation. From our Table II we note that the average dollar value of the Shanghai tael in 1923 was 64.30 gold cents; in 1929, 58.42 cents; in May, 1930, 44.69 cents; and July 22, 1930, 36.74 cents. A simple way to state the problem is the obvious one that, other things being equal, China can not buy as much goods from abroad for 36 cents as it could for 64 cents."

Grover Clark, consultant on Far Eastern affairs in a statement issued January 13, 1931:

"Millions in China made destitute by famine and civil war, now must loot to live. These are the raw material out of which the communist bands are organized and from which the huge armies are recruited. Until these people can get an opportunity to earn a modest living, peace in China will have no secure foundation, the buying power of the people will remain low, and, consequently, China will continue to be very much less of a market for American goods than it will become when peace and better economic conditions are achieved."

The Irving Trust Co. of New York, in the Mid-Month Review of Business for December, 1930:

"Inasmuch as China is on a silver basis, her purchasing power in terms of imports has been melting away and thus American sales have woefully declined. In addition, the Chinese are suffering from a world-wide decline in the gold prices of the commodities which they export. It seems safe to infer that the silver catastrophe has been a major factor in the unrest in India and economic crisis in China. If so, the full effects of the situation have not yet been witnessed."

Department of Commerce Report of February 4, 1931:

"The silver situation continues to be the all-absorbing topic of interest in Shanghai business circles. * * * The outlook is thus uncertain, and, combined with continued instability, is reflecting unfavorably upon both the import and export trade."

John Brisben Walker, writing in the New York Times says:

"The effect on India and China will never be known in its fullest horror. The immediate depreciation of the only stock of money, silver, stopped trade and starved whole Provinces. It caused millions of deaths."

J. F. Darling, director of the Midland Bank of London, in an address before the Royal Empire Society of London:

"Gold has been accorded a value more than sixty times that of silver to-day. Despite the fact that the relative production of the two metals has been what it now is for the last four or five centuries. Over that long period, only 14 ounces of silver have been produced for each ounce of gold. That proportion has showed no change for the last five years, but in the same length of time the price of silver has fallen from 64 to 28 cents an ounce.

"This has been terrific in its effect on the purchasing power of a billion people in the world, which in return reacts against another billion. * * * We are fools to put up with it. Common justice, common humanity, and common sense urgently demand that the British Empire take the lead in restoring the equilibrium of gold and silver on which the economic structure of the world rests."

E. Kann, international authority on the currencies and finances of China:

"The sale by governments had a doubly harmful consequence. First, because extra quantities of silver were thrown on the market, irrespective of whether, when, or where these were wanted; and second, the baneful psychological effect caused by the uncertainty, or rather the certainty, of more coming in the near future. This has been a huge black cloud overshadowing the silver market like the Angel of Death."

STATEMENT FROM INDIA

Mr. Chunilal Mehta, of India, addressing the annual meeting of the Bombay Bullion Exchange in January, 1931, said:

"But more important than the "Rex" scheme for the rehabilitation of silver is the giving up by the Government of India of their policy of silver sales. * * * The Government of India has sold until now approximately 87,000,000 ounces of silver, * * * and it seems that the Government policy is not yet revised. These sales of silver by the Government of India, and the world knowledge that a further large amount is for sale, have depressed the world market to the present low level."

The business week, as reported in the Literary Digest, describing the decline in silver:

"One of the major economic curiosities of the age."

Dispatch from China, as reported by Boston News Bureau, states that the Chinese Government—

"Faces commercial ruin from the tobogganing of silver prices."

Federal Reserve Board Bulletin of January, 1931, states:

"The decline in the price of silver has affected the trade of the silver-using countries of the Far East."

DECLINE IN TRADE WITH CHINA

As shown in statistics prepared by the Department of Commerce for chief commodities during 11 months period of 1930 compared with previous years.

United States trade with the whole of China for the first 11 months of 1928, 1929, and 1930

[All 1930 statistics subject to correction]

(In thousands; 000 omitted)

	1928	1929	1930
Exports to China	$150,499	$142,326	$100,755
Per cent of increase or decrease	+5	−5.4	−27
Imports from China	$140,708	$160,442	$108,547
Per cent of increase or decrease	−7	+15.5	−36

United States trade with China for the first 11 months of 1928, 1929, and 1930

(In thousands; 000 omitted)

		For 11 months of—					
		1928		1929		1930	
		Quantity	Value	Quantity	Value	Quantity	Value
EXPORTS TO CHINA							
Petroleum products			$34,376		$25,600		$18,700
Paraffin wax	pounds	34,542	1,861	31,594	1,580	24,238	1,034
Gasoline	barrels	236	1,906	470	2,599	617	3,061
Kerosene	do	4,562	27,100	3,812	17,801	3,026	11,912
Gas and fuel oil	do	1,034	1,071	831	837	756	666
Lubricating oil	do	261	2,438	255	2,681	194	1,837
Tobacco, leaf	pounds	143,076	26,265	85,885	11,803	94,882	11,962
Cigarettes	number	7,815,397	13,643	4,519,766	7,957	1,359,100	2,107
Cotton, raw	bales	140	14,635	202	20,248	200	20,116
Flour	barrels	1,754	9,547	2,584	13,782	2,070	9,227
Iron and steel			7,728		7,235		6,650
Machinery and electrical equipment			5,900		8,978		7,928
Douglas fir	feet	165,089	3,013	301,890	5,226	209,006	3,270
Dyes, aniline	pounds	17,270	2,500	19,980	3,012	13,089	1,740
Automotive products			2,334		3,400		2,993
Milk, canned	pounds	12,334	1,829	5,688	1,339	6,122	1,030
Leather			1,140		750		240
Copper, refined	pounds	6,708	958	5,285	913	6,984	875
IMPORTS FROM CHINA							
Raw silk	pounds	9,898	43,413	13,603	56,350	9,270	27,944
Wood oil	do	98,192	12,038	112,344	14,057	125,807	12,427
Carpet wool	do	50,521	10,047	47,537	11,400	29,009	5,752
Bristles	do	3,196	3,741	4,500	5,400	2,871	3,575
Furs			15,630		14,093		6,000
Hides and skins			6,730		7,279		5,405
Raw cotton	pounds	27,370	4,935	27,271	3,461	24,143	2,548

Compiled Jan. 23, 1931.

Financial statistics for foreign countries—Gold holdings of central banks and governments

[In millions of dollars. Figures for end of month or latest available preceding date; see Bulletin for June, 1929, p. 396, and for June, 1930, p. 372]

(Gold holdings as shown by statistics of Federal Reserve Board Bulletin of January, 1931)

Month	Total (45 countries)	United States	Argentina	Australia	Belgium	Brazil	Canada	England	France	Germany	India	Italy	Japan	Netherlands	Spain	Switzerland	U. S. S. R.	29 other countries
1929—November	10,304	4,003	451	97	151	151	78	639	1,600	534	128	273	542	180	495	105	142	714
December	10,297	3,900	434	89	163	150	78	711	1,633	544	128	273	542	180	495	115	147	714
1930—January	10,362	3,921	445	88	164	139	78	732	1,683	547	128	273	520	177	495	108	147	717
February	10,434	3,988	445	124	164	127	78	740	1,680	582	128	273	477	176	476	108	150	715
March	10,505	4,061	445	126	164	127	79	759	1,668	595	128	274	453	174	476	108	156	713
April	10,568	4,131	442	109	164	90	79	795	1,659	611	128	274	443	174	477	112	167	712
May	10,613	4,159	441	91	167	90	80	765	1,717	617	128	274	434	174	477	112	177	710
June	10,673	4,178	440	97	167	89	81	768	1,727	624	128	274	434	174	477	112	203	701
July	10,709	4,160	436	97	167	80	94	746	1,775	624	128	274	440	157	477	118	233	701
August	10,791	4,148	434	97	168	69	100	759	1,852	624	128	275	433	157	477	123	249	698
September	10,828	4,159	434	98	173	65	110	766	1,899	590	128	275	431	157	478	123	239	688
October	[1] 10,868	4,184	[1] 429	79	180	[1] 43	122	782	1,992	519	128	278	414	171	478	128	249	[1] 691
November	[1] 10,909	4,220	[1] 417	75	181	[1] 29	[1] 130	767	2,037	519	128	[1] 279	409	171	474	120	249	[1] 693
December	[1] 4,224							724	[1] 2,100	[1] 525	[1] 128						249	

[1] Preliminary, based on latest available figures.

NOTE.—Table covers all countries for which satisfactory figures are available; see Bulletin for April, 1930, where separate figures for 44 countries are given by years back to 1913. For the 16 countries here shown separately—all of which have held gold in recent years to the amount of $90,000,000 or more—the figures are for central banks only except as follows: United States—Treasury and Federal reserve banks; Argentina—Government conversion fund and Bank of the Nation; Brazil—Bank of Brazil and Government stabilization fund; Canada—Government reserve against Dominion and notes savings-bank deposits, and gold deposits of chartered banks in the central reserve; India—currency and gold standard reserves of Government; Japan—domestic holdings of Bank of Japan and Government.

Monthly China trade for 1930 as shown by figures of the Department of Commerce:

United States trade with China for 11 months of 1929 and 1930

[In thousands; 000 omitted]

	Exports		Imports	
	1929	1930	1929	1930
January	$14,749	$13,200	$15,767	$12,188
February	13,629	9,209	14,128	9,773
March	13,426	9,270	15,642	12,723
April	13,447	10,955	15,758	13,118
May	11,463	7,209	21,121	12,106
June	11,925	8,485	18,674	10,102
July	10,579	7,812	18,859	10,300
August	14,040	7,352	16,049	9,720
September	12,547	7,670	11,446	7,250
October	15,250	12,613	14,034	5,962
November	11,262	10,010	9,964	5,315

Compiled in Far Eastern Section, January 24, 1931.

Trade with silver-using countries, as shown in the figures of the Department of Commerce, dropped materially in 1930.

Total values of exports and imports of merchandise of United States with silver-using countries

[In thousands of dollars]

	Twelve months ended December—	
	1929	1930
Exports to—		
Central America	90,756	68,262
Mexico	133,863	116,214
Argentina	210,288	129,529
Brazil	108,788	53,805
Chile	55,776	46,499
Colombia	48,983	25,130
Ecuador	6,069	4,865
Peru	26,176	15,723
Uruguay	28,245	21,432
Venezuela	45,325	32,969
Total	754,269	514,637
Imports from—		
Central America	44,770	38,627
Mexico	117,738	80,293
Argentina	117,561	71,890

Total values of exports and imports of merchandise of United States with silver-using countries—Continued

	Twelve months ended December—	
	1929	1930
Imports from—Continued.		
Brazil	207,686	130,854
Chile	102,025	54,785
Colombia	103,325	97,139
Ecuador	5,870	5,584
Peru	30,167	21,284
Uruguay	18,677	12,394
Venezuela	51,224	36,868
Total	799,223	549,648

Annual highest, lowest, and average price of silver since 1923

[From the report of the United States Bureau of the Mint]

	Highest	Lowest	Average
1923	$0.69000	$0.62875	$0.65239
1924	.72375	.63000	.67111
1925	.73187	.66812	.69406
1926	.68937	.51812	.62428
1927	.60312	.54187	.56980
1928	.63937	.56812	.58488
1929	.57812	.46812	.53306
1930	.45331	.32945	.38466

Price of silver February 9, 1931, $0.265.

INVESTIGATION BY TARIFF COMMISSION—NONEDIBLE GELATIN AND GLUE

Mr. BARKLEY submitted a resolution (S. Res. 458), which was considered and agreed to, as follows:

Resolved, That the United States Tariff Commission is hereby directed to investigate, for the purposes of section 336 of the tariff act of 1930, the differences in the cost of production between domestic nonedible gelatin and glue and foreign nonedible gelatin and glue.

SENATOR FROM ALABAMA

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of the resolution, as modified, which I send to the clerk's desk regarding the impounding of the ballot boxes in the State of Alabama. I ask the clerk to read the resolution as modified.

The PRESIDENT pro tempore. The resolution as modified will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 426) as modified, as follows:

Resolved, That the special committee of the Senate to investigate campaign expenditures, created under authority of S. Res. 215, adopted April 10, 1930, is hereby further authorized and empowered, in the furtherance of the duties provided for in said S. Res. 215, to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes, as were used in the general election of November 4, 1930, in the State of Alabama, and to impound the same. Said committee shall deliver said ballot boxes with their contents to the Senate Committee on Privileges and Elections when notice of a contest for a seat in the Senate from the State of Alabama has been filed.

The PRESIDING OFFICER (Mr. McNARY in the chair). Is there objection to the present consideration of the resolution?

Mr. HALE. Mr. President, I would like to know whether it will take any considerable time to dispose of the resolution.

Mr. MOSES. I think not.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Alabama why he does not provide for the Committee on Privileges and Elections taking possession of the ballot boxes?

Mr. HEFLIN. My reason for that is that the special committee are already at work in Alabama. They have had two men at work down there for quite a while. They have examined into everything and they have even seen the ballot boxes and have had photographs made of some of them which have been opened. The point is——

Mr. ROBINSON of Arkansas. The Senator understands that the standing committee of the Senate, the Committee on Privileges and Elections, has jurisdiction of all contests. What I can not understand is why he does not end the controversy here by permitting that committee to take charge of the ballots.

Mr. HEFLIN. I want to say to the Senator from Arkansas that what I hope to do is to have the men who are already in the field get the ballot boxes and turn them over to the committee. The committee here will not do anything and can not until Congress adjourns on the 4th of March.

Mr. BINGHAM. Let us have the regular order.

Mr. HEFLIN. We can go right on with the work down there. That is my purpose.

I want to say, if the Senator from Connecticut will withhold his objection a minute, that I had a letter from Judge Wilkinson, or rather I talked over the telephone with him in Birmingham the other night, and he said he had a letter from a friend in Bibb County stating that they had burned the ballots in that county and that they had opened the boxes in many other counties. What I want to do is to get them out of the hands of those who have had them and turn them over to the Committee on Privileges and Elections, with which I shall file my contest.

Mr. ROBINSON of Arkansas. I do not understand that that determines the question as to which committee shall have jurisdiction. So far as I am concerned I should be glad to see the matter vested in the regular committee of the Senate. I do not, of course, raise any question as to the ability of the special committee or its disposition to proceed properly in the premises. But I do fear that a divided jurisdiction which the resolution in the form in which the Senator has presented it seems to invite, is likely to result in a controversy as it has in the past. I suggest to the Senator that he modify his resolution so to vest the jurisdiction in the regular committee of the Senate. I think there would not be the slightest trouble about passing it then.

Mr. MOSES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. HEFLIN. I yield.

Mr. MOSES. I objected to the consideration of the resolution the other evening because of the absence of one or two Senators who are interested in the matter. I had not objected to the consideration of the resolution prior to that time.

The question as I see it is exactly whether the special committee shall take possession of the ballot boxes and examine them and then turn them over to a standing committee of the Senate, to wit, the Committee on Privileges and Elections. I have no objection to the special committee taking possession of the ballot boxes and turning them over to the Committee on Privileges and Elections. But, Mr. President, if the special committee shall proceed under the terms of the resolution as modified to examine the ballot boxes, we shall be in exactly the situation in which we were when the Pennsylvania case was up. The Senator from Alabama will recall that in the course of the debate which took place on his resolution some time ago I pointed out that fact and I was supported in that opinion by certain members of the subcommittee of the Committee on Privileges and Elections.

Accordingly I then gave notice that I would move an amendment to the resolution of the Senator from Alabama providing that all should be turned over ab initio to the Committee on Privileges and Elections. Upon examining the question, however, I discovered that it does not make any difference in which manner the Senate shall vote. If the Senate shall vote affirmatively upon the resolution as presented by the Senator from Alabama, the amendment which I would offer is of no avail whatever.

I am entirely willing that the Senator from Alabama shall have an affirmative vote on his resolution as presented. That does not mean that I approve of the resolution as the Senator has presented it. I shall vote against it. I would hope that the Senate would vote against it. But this is a

matter of considerable importance, because the statute of the State of Alabama is now running in this proceeding. If it should go on and we were unable, because of the prolongation of debate here, to secure a vote upon either the Senator's resolution or my amendment or the matter in any form whatever, the Senator might find himself entirely without recourse in carrying on any contest which he might wish to carry on, in view of the notice which he has given. It is still my opinion that the orderly fashion of dealing with the matter is to send it to the standing committee which has to do with the subject matter.

Mr. HEFLIN. May I make a suggestion to the Senator?

Mr. MOSES. The Senator himself has the floor. I am speaking by his good will.

Mr. HEFLIN. I did not mean to have the committee count the ballots when I said "examine." I did not want to state exactly what I was after, but I will do so. I want them to examine the poll lists and get copies of them just exactly as they find them. I can amend my resolution with an amendment of that kind, providing that they shall seize and examine the poll lists and get copies of the same and turn them over.

Mr. MOSES. May I say to the Senator that, having been a member of the subcommittee which dealt with the Pennsylvania contest—and in this connection I want to assure the Senator from Alabama that I have no intention whatever of being a member of a subcommittee to deal with his contest, in view of the debate which has hitherto taken place—recalling the difficulties which we then had when one select committee of the Senate opens the ballot boxes and examines what is known, according to my amendment, as the "paraphernalia of election"—and I believe that is the general term applied to it—recalling the endless difficulties that we had growing out of the fact that two groups of Senators dealt with the matters found in the ballot boxes, it seems to me it is much better to simplify the whole procedure by having it go straight to the Committee on Privileges and Elections.

I would like to say particularly to the Senator from Alabama that if he will take the text of the amendment which I have proposed to his resolution—but which I do not now insist upon being presented, because I am entirely willing the Senator should have an affirmative vote on his resolution—he will find that it requires simply an assurance from the Committee on Privileges and Elections that the thing which the Senator desires will be done.

Mr. President, if a form of words could be found by way of amendment to the amendment which I have suggested to bring about an immediate examination of the contents of the ballot boxes, I have no objection to that, because, necessarily, in view of all the circumstances, I want the Senator's contest to proceed.

Mr. WATSON. Mr. President, does the Senator mean an examination of the ballot boxes by the Nye committee?

Mr. MOSES. Oh, no, indeed; I insist that it shall be done in the regular order and in the orderly fashion of the Senate by the Committee on Privileges and Elections.

Mr. WATSON. The Senator said an "immediate examination."

Mr. MOSES. The Senator from Indiana will see that my amendment says nothing at all about the special committee. It deals wholly with the standing committee.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. MOSES. The Senator from Alabama has the floor.

Mr. ROBINSON of Arkansas. I know he has the floor, but I understand he yields to me.

Mr. HEFLIN. I yield to the Senator.

Mr. ROBINSON of Arkansas. I believe the purpose of the Senator from Alabama and every fair purpose to be subserved can be accomplished by a modification of his resolution so as to vest in the regular committee, the standing committee of the Senate, the same jurisdiction that is proposed to be given to the special committee by the resolution of the Senator from Alabama. The difficulty about having one committee take over and examine the poll books and ballots and then turn them over to another must be apparent to everyone.

Mr. MOSES. It is perfectly apparent to those of us who have had to go through that procedure heretofore.

Mr. ROBINSON of Arkansas. We had such an experience in the case referred to by the Senator from New Hampshire, the Pennsylvania case, and it was only after a long time and after great difficulty that the committees effected an arrangement which enabled them to cooperate and to work to a conclusion.

Mr. MOSES. And I think the arrangement was not satisfactory wholly to either committee.

Mr. ROBINSON of Arkansas. Oh, no; we all know that a division of jurisdiction is not to be desired. I feel that it is fair and proper to impound the ballots for the contest of the Senator from Alabama [Mr. HEFLIN], but that the jurisdiction ought to be plainly established in the standing committee of the Senate, the Committee on Privileges and Elections, and that unless that is done we had just as well abolish that committee.

There is no question here, and no question ought to enter here, of which forum would be the most favorable to the contestant or the contestee. The jurisdiction inheres in the regular committee of the Senate, and I feel that the Senator from Alabama, upon consideration, will be entirely satisfied, provided the Committee on Privileges and Elections be authorized at once to impound the ballots.

Mr. HEFLIN. What language would the Senator suggest?

Mr. MOSES. Just a moment, if the Senator will pardon me——

Mr. ROBINSON of Arkansas. I suggest to the Senator from Alabama that he change the designation "special committee" to "Committee on Privileges and Elections."

Mr. MOSES. Mr. President, I can understand the special desire of the Senator from Alabama, but there is another matter which should be considered here, because my amendment provides that the expense of such impounding shall be paid from the contingent fund of the Senate. As it now stands the amount of money which is available to the special committee for any work which it may do is limited, and I understand that a considerable portion of the additional sum voted to that committee has already been expended.

If the Senator from Alabama has not a copy of my amendment before him, I wish he might secure one, so that he may follow me in the suggestion I am about to make. The amendment I propose would make the resolution general in character, applicable to any contest whatever. Let me suggest to the Senator from Alabama that he accept my amendment, so as to make the resolution read:

That in the event of any contest being filed or notice of any contest being given for a seat in the Senate, the Committee on Privileges and Elections is hereby empowered forthwith to impound and examine ballot boxes, poll books, registration records, and all other paraphernalia of election which in the judgment of the committee will serve as evidence when the contest is heard, the expense of such impounding and examination to be paid from the contingent fund of the Senate upon vouchers of the chairman of the Committee on Privileges and Elections.

That would transfer to the regular standing committee of the Senate everything which the Senator from Alabama seeks to accomplish by his resolution.

Mr. HEFLIN. Mr. President, I will accept the amendment of the Senator from New Hampshire——

Mr. MOSES. As amended by my oral remarks.

Mr. HEFLIN. As amended. Let us get that right.

Mr. WATSON. How will the resolution read if the amendment of the Senator from New Hampshire is accepted?

Mr. MOSES. The Senator from Alabama accepts the amendment, so that the resolution as now before the Senate will read in this way:

That in the event of any contest being filed or notice of any contest being given—

And the Senator from Alabama has already given formal notice of his contest, beginning, "And now comes J. THOMAS HEFLIN," and so forth—

for a seat in the Senate, the Committee on Privileges and Elections is hereby empowered forthwith to impound and examine ballot boxes, poll books, registration records, and all other paraphernalia of election which in the judgment of the committee will serve as evidence when the contest is heard; the expense of such impounding and examination to be paid from the contingent fund of the Senate upon vouchers of the chairman of the Committee on Privileges and Elections.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. HEFLIN. I yield.

Mr. SWANSON. It seems to me the right course to follow is to adopt the resolution of the Senator from Alabama, providing for a specific case, with the modification, as suggested by the Senator from Arkansas, that a standing committee of the Senate, the Committee on Privileges and Elections, shall take jurisdiction. When that is done the Sergeant at Arms will at once take over the ballot boxes.

The amendment of the Senator from New Hampshire, however, would empower any man to give to the committee notice of contest, even though it might be a frivolous contest, for which no excuse could really be found, but was merely filed to kick up a disturbance in a State, and then the committee would not be left any discretion, but would have to proceed at once to seize all the ballots in the State.

Mr. MOSES. I hope the Senator does not mean to imply that the Senator from Alabama is kicking up a "frivolous contest"?

Mr. SWANSON. No; but I say that the resolution of the Senator from New Hampshire would permit that to be done. The Senator from Alabama has a tangible case. If the resolution proposed by the Senator from New Hampshire were adopted, any time anyone desired to serve notice of a contest the committee would have to seize every ballot in the State, whether the contestant asked for it or not. The committee would be directed to do it under the resolution of the Senator from New Hampshire.

Mr. MOSES. Oh, no; under my amendment a contest would have to be filed or formal notice given.

Mr. SWANSON. A contestant might not want every ballot seized; he might not make any charges that would require that; but, nevertheless, the resolution of the Senator from New Hampshire would direct it to be done.

Mr. MOSES. Having gone through the Pennsylvania case, let me say to the Senator from Virginia that, while it is true that in the original instance the ballots of only two counties were asked for, before the committee got through with it we had to examine every ballot in the whole State. That was also true in the Iowa case, as the Senator from Iowa can testify. The allegations which were brought forward in each case, both in Iowa and Pennsylvania, affected only one or two communities or counties, but no contestant and no contestee is going to be satisfied with that; they are going to demand that the whole State shall be put under surveillance.

Mr. HEFLIN. Mr. President, I suggest to the Senator that we modify my resolution by incorporating his suggested amendment so that it will provide specifically that "in the case of Alabama," and so forth, and I will then except it.

Mr. MOSES. My objection is that I do not want two committees to be opening ballot boxes.

Mr. HEFLIN. I am proposing to strike that feature out of the resolution.

Mr. MOSES. Then, let us get a proper form of words.

Mr. HEFLIN. I ask the clerk to read the resolution as it would read with the amendment of the Senator from New Hampshire incorporated in mine, and striking out the reference to the special committee.

The VICE PRESIDENT. The Secretary will read.

The CHIEF CLERK. It is proposed to strike out all after the word "*Resolved*" and insert:

That in the event of any contest being filed or notice of any contest being given for a seat in the Senate, the Committee on Privileges and Elections is hereby empowered forthwith to impound and to examine ballot boxes, poll books, registration records, and all other paraphernalia of election which in the judgment of the committee will serve as evidence when the contest is heard; the expenses of such impounding and examination to be paid from the contingent fund of the Senate upon vouchers of the chairman of the Committee on Privileges and Elections.

Mr. HEFLIN. What I wanted, Mr. President, was to have my resolution so read that instead of using the words "special committee" it would use the words "Committee on Privileges and Elections," and would include the amendment suggested by the Senator from New Hampshire, so that the resolution would apply specifically to Alabama.

Mr. COUZENS. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. HEFLIN. I yield.

Mr. COUZENS. I should like to ask the Senator from New Hampshire if under a reasonable interpretation of his amendment any candidate who is defeated in any State could just send a letter and notice that he is going to contest the election and then the committee would have to seize the ballot boxes?

Mr. MOSES. Notice would have to be given in the same form of words employed by the Senator from Alabama—very formal and very solemn, in which he begins—

And now comes J. THOMAS HEFLIN—

And so forth.

The notice could not be given otherwise; it could not be given on a postal card; it would have to be a formal notice filed here with the Vice President.

Mr. HEFLIN. I suggest that we adopt the suggestion of the Senator from Arkansas and change the resolution so that it will refer to this particular case in Alabama, as modified by the amendment of the Senator from New Hampshire. I ask the clerk to read it, as amended.

Mr. BLACK. Mr. President, I desire to ask the Senator from New Hampshire a question before that is done.

Mr. HEFLIN. I yield to my colleague to ask the Senator from New Hampshire a question.

Mr. BLACK. I desire to ask the Senator from New Hampshire a question. Do I understand that the Senator from New Hampshire is proposing to accept an amendment which will authorize the committee to go into Alabama, by name, without authorizing it to go into any other State under the same circumstances?

Mr. MOSES. No; Mr. President, I have not as yet done so. The persuasiveness of the Senator's colleague, however, may lead me to do that. What I want to do, and what I think the Senate should do, is to provide in general terms for taking care of contests so that the Committee on Privileges and Elections, without any cavil whatever, shall have the full authority to deal with the subject from beginning to end.

After my experience as a member of the subcommittee dealing with the Pennsylvania contest I came clearly to the conclusion that it was not possible for a regular standing committee of the Senate, acting under the rules of the Senate, and a special committee of the Senate, acting with dragnet powers of investigation, and with the most widespread powers of expenditure through appropriations from the contingent fund, to act conjointly in a contested-election case. I came to the conclusion that two such committees as that were bound to cause endless confusion and to delay a settlement of the case. In the Pennsylvania contest it took two years to bring the matter to a vote in the Senate. I would prefer infinitely to have a general proposal which would authorize the regular standing committee of the Senate to proceed in orderly fashion any time a contest was instituted.

I want to say further that in the beginning my amendment did not call for action by the standing committee of the Senate merely when a notice of contest was filed; but a notice of contest had been filed by the Senator from Alabama, and, of course, Mr. President, we practice a courtesy in this body which is probably much wider in its application than the courtesy which applies in any other circle of society anywhere; and because the Senator from Alabama had already filed a formal notice of contest, and, in addition to that, because the junior Senator from Iowa had called my attention to that fact, I accepted the additional phrase "or notice of any contest being given"; but what I sought to do was to insure a definite course of procedure. When contests over a seat should arise, I wanted them to go, as they always have gone prior to 1927, to the regular standing committee of the Senate which has jurisdiction of the subject matter; and I think, in general terms, the senior Senator from Alabama agrees with me. My feeling was that the senior Senator from Alabama felt because a special committee was already at work in his territory that it probably could do this work more expeditiously than the regular standing committee of the Senate. I do not agree with him in that view; but none the less he holds it, and, of course, he is entitled to express and to expound it here. However, my feeling is that whenever we deal with a contest over a seat in the Senate there is but one orderly fashion in which to deal with it, and that is through the regular standing committee of the Senate which has jurisdiction.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from Virginia.

Mr. SWANSON. There is no contention now, as I understand, on the subject of a special committee, as the Senator from Alabama has accepted the suggestion that the matter shall be dealt with by the standing committee of the Senate. The only issue now involved is as to whether the standing Committee of the Senate on Privileges and Elections shall be empowered in all cases to impound the ballot boxes whenever they see proper—whether there shall be a general statute in connection with contests.

No statute has been passed providing for general contests. There ought to be such a statute, but it has not been passed. Who will give the notice, and to whom? Shall it be given to the clerk of the Senate or given to the President of the Senate?

Mr. MOSES. If the Senator from Virginia will permit me, I can remedy that with three or four words by putting in, in addition to the emendations which the Senator from Alabama has agreed upon, the words "in their judgment," so as to read that the Committee on Privileges and Elections in their judgment shall take this action.

Mr. SWANSON. What I think is better is to deal with a specific case, as we have always done, and wait for the Committee on Privileges and Elections, as has been done in the House, to report here a resolution, carefully prepared, fixing the procedure for contested cases in general.

For instance, in the House my election was contested twice. I always won, because I had a just case, but they were limited to 90 days.

Mr. MOSES. Oh, the virtue of the Senator from Virginia is unmistakable.

Mr. SWANSON. I am glad to know that the Senator from New Hampshire admires virtue sometimes. I must say that it is the first time in my experience that I have ever seen him show any appreciation of it.

This is a general rule of the Senate. We ought to have a method prescribed in which these contests shall be conducted, and not do it piecemeal. There has been a demand in the Senate for a long time that contests should follow a regular procedure. The Committee on Privileges and Elections has been very derelict in that regard. There should be a general provision that a notice must be filed, giving the substance of the grounds of the contest; then there should be a certain time for a rejoinder; then a certain time for a reply; then a certain time for the taking of evidence, arranging about the fees, and so forth. The committee has been derelict. My only objection to this proposal is that it is a general statute that really would be ambiguous.

Here, let us say, is a contest. The Senate is not in session. Must a notice be served on the committee, or served where? The Senator said that notice should be served on the Senate here in session. The Senate is not in session.

Mr. MOSES. Then there could not be any notice served.

Mr. SWANSON. Then there could not be any notice served. What is the use of having the general statute then? There ought to be a method in which these ballot boxes could be impounded, even when the Senate is not in session.

It seems to me the right way to handle this matter is to accept the resolution of the Senator from Alabama, substituting for the special committee the general Committee on Privileges and Elections.

Mr. HEFLIN. I asked to have it modified in that way. Let the clerk read it.

The VICE PRESIDENT. Let the modified amendment be stated, so that the Senate may see what it is.

Mr. HEFLIN. It will be remembered that in my notice of contest I made the charge that ballots were not counted as cast. I am contesting from the State of Alabama, and we have examined the other testimony, and we want to get at the ballot boxes. They are the main thing.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. HEFLIN. I yield to the Senator.

Mr. COUZENS. May I point out that there is no limitation on the expenditures that may be incurred under this resolution. Unless there is some limitation of expenditures, and some limitation on where this committee may go, I think I shall have to object.

The VICE PRESIDENT. The Chair was about to suggest that there is a provision in the resolution taking this money from the contingent fund; and under the rules it must go to the Committee to Audit and Control the Contingent Expenses of the Senate. The Chair suggests that the resolution might go to that committee to-night, and in the meantime——

Mr. HEFLIN. I ask to have it stated.

The VICE PRESIDENT. The clerk will state the resolution, as modified.

The Chief Clerk read as follows:

Resolved, That the Committee on Privileges and Elections of the Senate is hereby authorized and empowered to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes, which were used in the general election of November 4, 1930, in the State of Alabama, and to impound and examine the same. Said committee shall——

Mr. HEFLIN. I want to amend there with the resolution of the Senator from New Hampshire.

The CHIEF CLERK (reading):

when notice of a contest for a seat in the Senate from the State of Alabama has been filed——

Mr. ROBINSON of Arkansas. Mr. President, may I inquire if it is the intention of the Senator from Alabama, after notice of contest has been given, but before any contest has actually been filed, to require or authorize the committee to examine the ballots?

Mr. HEFLIN. I want them to take charge of them.

Mr. ROBINSON of Arkansas. I do not object to their taking charge of them.

Mr. HEFLIN. Forthwith.

Mr. ROBINSON of Arkansas. I am perfectly willing to have that done; but the point is that before an examination of the ballots should take place, according to the law of every State in the Union, in contested-election cases, a contest must be filed.

Mr. HEFLIN. Oh, yes; I will file it before I go out on the 4th of March.

Mr. ROBINSON of Arkansas. I understand that; but this resolution, as proposed now, authorizes the Committee on Privileges and Elections to examine the ballots.

Mr. HEFLIN. No, Mr. President.

Mr. ROBINSON of Arkansas. Read the resolution. I do not think the Senator from Alabama intended it that way.

Mr. HEFLIN. No; I tried to get the resolution amended so as to cut out that part.

Mr. ROBINSON of Arkansas. I say it does, without any question, as the language was read.

The VICE PRESIDENT. The resolution, as modified, will be read.

The Chief Clerk read as follows:

That the Committee on Privileges and Elections of the Senate is hereby authorized and empowered to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes, which were used in the general election of November 4, 1930, in the State of Alabama——

Mr. HEFLIN. Now——

The CHIEF CLERK (reading):

And to impound the same——

Mr. HEFLIN. Now——

Mr. ROBINSON of Arkansas. "And, upon the filing of a contest, to examine the ballots."

Mr. HEFLIN. Yes; I think we ought to have, right after the word "Alabama," the resolution of the Senator from New Hampshire. That cuts out the language "to impound and examine the same at once." How would it read with that amendment put on at that point, just after the word "Alabama" in my resolution?

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. HEFLIN. I do.

Mr. WATSON. Is there no way in which we can have the resolution properly formulated and brought in? We have been all afternoon trying to patch up a resolution between four or five Senators.

Mr. HEFLIN. The clerk is usually very quick about getting the idea.

Mr. WATSON. None has been advanced to him yet.

Mr. SWANSON. Mr. President, it is evident that it will be necessary to obtain money from the contingent fund of the Senate to seize all of these ballots. If that is not provided for, there will be that excuse for not doing it. Under the statute—not a rule of the Senate, but a statute—whenever an expenditure is to be made from the contingent fund, the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WATSON. I am informed by the clerk that nobody can formulate this resolution, because the two do not fit in together. Somebody ought to formulate the resolution.

Mr. ROBINSON of Arkansas. That is entirely true.

May I have the attention of the Senator from Alabama?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I yield.

Mr. ROBINSON of Arkansas. It is entirely practicable and proper, upon the notice of a contest, for the standing committee of the Senate to impound the ballots and, upon the filing of a contest, to examine them; but the examination can not, according to the law of any State of the Union with which I am familiar, be made in order to supply the basis for a contest. That is the distinction. I think the Senator from Alabama agrees with me about that.

Mr. HEFLIN. Yes; I did not want to do that.

Mr. ROBINSON of Arkansas. Very well. I can dictate the language that is in my mind, if the Senator will permit me to do so.

Mr. HEFLIN. All right.

Mr. ROBINSON of Arkansas. It is as follows:

That the Committee on Privileges and Elections of the Senate is authorized and empowered to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes which were used in the general election of November 4, 1930, in the election of a United States Senator in the State of Alabama, and to impound the same, and in the event that a contest is filed, the said committee is authorized to examine and consider the same.

Mr. CARAWAY. Mr. President, will my colleague yield to me?

Mr. ROBINSON of Arkansas. Yes; I yield to my colleague.

Mr. CARAWAY. If a notice of contest is given, the committee automatically have the power to take whatever steps they may think necessary to impound the boxes. I will ask the Senator whether it was ever before established as a precedent that in advance of any contest, or any notice of a contest, the Senate shall presume that there will be a contest and order the seizing of the boxes?

What I purpose to bring out is this: That amounts to asserting that there is inherently in the power of the Senate the right to go into the ballot boxes of any State, because we assume that certain action will be taken afterwards; but there is not any assurance that it will be taken, because one of the parties might die, or a hundred things might happen. We are simply saying here, because somebody requests it, without any notice of a contest, without any notice being filed——

Mr. ROBINSON of Arkansas. No; if my colleague will permit me, this is the procedure after notice of a contest has been actually given.

Mr. CARAWAY. If my colleague will pardon me, then we do not need that. After notice of contest is filed, then automatically all this happens. We do not need this resolution if it does not take effect until after notice of a contest is filed, because, whenever it is filed, the committee could take that action. The thing I am trying to get at, if the Senator will pardon me, is that now we are asserting that the Senate may go into any State and seize the evidences of an election that has been held in that State, without any jurisdiction.

Mr. HEFLIN. Oh, no; that has been changed. It applies specifically to Alabama.

Mr. CARAWAY. I know; but, I say, we are asserting the power. If the resolution may be read again, you will see that if there is to be a contest, then the resolution is not necessary.

Mr. HEFLIN. Oh, yes; we have set out here that they shall seize them forthwith.

Mr. CARAWAY. I know that; but if the Senator will file his notice of contest, then the committee would have jurisdiction.

Mr. HEFLIN. I have already filed a notice, and I am going to file my contest.

Mr. ROBINSON of Arkansas. If my colleague will pardon me for the suggestion, undoubtedly the Committee on Privileges and Elections, upon the filing of a notice of contest, can take any action that the committee believes is essential or proper in order to see that justice is done. On the other hand, the Senate has the power, upon the filing of a notice of contest, to direct or authorize action by the Committee on Privileges and Elections; and that is what the resolution, as I have modified it, proposes to do.

I ask that the Secretary now state the resolution. The distinction is that upon the filing of a notice of contest the committee, unless otherwise prompted to do so, might or might not take action. Upon the adoption of this resolution the committee is directed to take action.

Mr. CARAWAY. In other words, it is assumed that the committee will not do its duty until it is directed to do it.

Mr. ROBINSON of Arkansas. No; not quite that.

Mr. CARAWAY. Then I do not understand it.

Mr. BLACK. Mr. President, will the Senator from Arkansas yield?

Mr. ROBINSON of Arkansas. I yield.

Mr. BLACK. As I understood the Senator's understanding with my colleague it was not that the mere filing of notice would give the right to take and impound and examine all the ballot boxes in the State, but as I understood the Senator, what he desired was, if a contest should be filed and the committee thought that the evidence was such that it justified the examination of the ballot boxes, that the ballot boxes should be examined, not that the mere filing of a notice would give authority to go in and examine all the ballot boxes.

Mr. ROBINSON of Arkansas. No. The effect of the resolution as I have dictated it—and I am merely trying to get a conclusion in the matter——

Mr. BLACK. I understand that.

Mr. ROBINSON of Arkansas. The effect of the resolution as it has been proposed in modification of the resolution of the Senator from Alabama is to observe the notice of contest which has been filed, the intention to file a contest, to authorize the committee to impound the ballots, and

in the event a contest is actually filed, to permit the committee to examine them and consider them.

Mr. BLACK. Yes.

Mr. HEFLIN. Not, as my colleague suggests, that I go around and consult every voter in the State and find out whether or not he voted for me and produce evidence before the ballot boxes can be examined. I do not concede that proposition, nor does the Senator from Arkansas. I charge that there was fraud and corruption. I charge that the ballots were not counted as cast. I claim to have polled the votes of 200,000 Democrats against 95,000 or 100,000.

Mr. ROBINSON of Arkansas. Upon a mere general charge of fraud the Senate has never, and probably will not, authorize a searching expedition in order to see just what has taken place. That is the distinction between the procedure in contemplation under the amendment I have proposed and that under the original resolution of the Senator from Alabama. A contest must be based upon allegations of fraud, and an investigation of the ballots does not take place for the purpose of enabling a Senator who thinks he may desire to contest to determine whether there exists any possible evidence to sustain a charge.

Mr. HEFLIN. Mr. President, I ask the Senator from Arkansas this question: If ballot boxes have already been opened in violation of law, would not the presumption be that it was done for the purpose of hiding any fraud that might have been committed?

Mr. BINGHAM. Regular order, Mr. President.

Mr. ROBINSON of Arkansas. It would depend on the circumstances under which the ballot boxes were opened as to what the presumption would be. The mere statement that ballot boxes have been opened would not raise a presumption of fraud, because ordinarily ballot boxes have to be opened in order to find out how the votes were cast.

Mr. HEFLIN. In our State, Mr. President——

Mr. BINGHAM. Mr. President——

Mr. HEFLIN. The Senator from Connecticut will not make anything by this, because I am going to discuss this business the balance of the day if he desires——

Mr. WATSON. Mr. President, will the Senator from Alabama yield to me?

Mr. HEFLIN. I yield.

Mr. WATSON. I believe that if the Senator will correctly formulate his resolution he may perhaps get it through, but with everybody trying to patch up something on the floor——

Mr. BINGHAM. I ask for the regular order.

Mr. HEFLIN. Mr. President, in my time I ask to have my resolution read.

The VICE PRESIDENT. The Senator from Connecticut has demanded the regular order, which would be equivalent to an objection to proceeding with the resolution.

Mr. HEFLIN. I want to have the resolution read in my time, as I speak, for the information of the Senate.

The VICE PRESIDENT. The Senator has the floor. Of course, he can speak on the matter before the Senate.

Mr. BINGHAM. Mr. President, the Senator secured the floor——

The VICE PRESIDENT. The Senator has a right to speak upon the pending bill after the Senator objects.

Mr. BINGHAM. The clerk was reading the bill. The Senator asked unanimous consent——

Mr. ROBINSON of Arkansas. Mr. President, I suggest that the resolution go to the Committee to Audit and Control the Contingent Expenses of the Senate, and in all probability the work that is necessary to be done in the formulation of the resolution can be actually done there.

Mr. HEFLIN. Mr. President, I am willing to have that done. I would like to have the resolution read as taken down by the reporter.

The VICE PRESIDENT. Is there objection to the reading of the resolution as it was taken down by the reporter? The Chair hears none, and the clerk will read.

The Chief Clerk read as follows:

Resolved, That the Committee on Privileges and Elections of the Senate is hereby authorized and empowered to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes, which were used in the general election of November 4, 1930, in the election of a United States Senator in the State of Alabama, and to impound the same, and in the event that a contest is filed the said committee is authorized to examine and consider the same, the expense not to exceed $———, to be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Privileges and Elections.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HEFLIN. Mr. President, I ask that it be referred to that committee, and I request them to report it back in the morning.

The VICE PRESIDENT. The resolution has been referred.

Mr. ROBINSON of Arkansas. Mr. President, before passing from this subject, attention has been called to the fact that the resolution itself does not refer to the notice of contest which has actually been given. I think it appropriate to say that any resolution which the Senate would adopt must be dependent upon a notice of contest. I understand a notice has actually been given, and therefore the resolution did not make reference to it.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc., requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ZIHLMAN, Mr. STALKER, and Mrs. NORTON were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 458) for the relief of Catherine Panturis.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 2694. An act conferring the rank, pay, and allowances of a major of Infantry to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased; and

H. R. 3187. An act for the relief of Agnes Loupinas.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15593) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 41, 43, and 72 to the said bill and concurred therein; and that the House had receded from its disagreement to the amendments of the Senate numbered 30, 32, 40, 44, 48, and 74 to the said bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

AMENDMENT OF THE DISTRICT TRAFFIC ACTS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CAPPER. I move that the Senate insist on its amendments, concur in the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CAPPER, Mr. KEAN, and Mr. KING conferees on the part of the Senate.

contest and order the seizing of the boxes?

test, to authorize the committee to impound the ballots, and

Senate is hereby authorized and empowered to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, the part of the Senate.

BUREAU OF PROHIBITION MONOGRAPH

Mr. BULKLEY. Mr. President, I ask unanimous consent for the immediate consideration of a resolution which I send to the clerk's desk.

The VICE PRESIDENT. Is there objection?

Mr. HALE. Mr. President——

The VICE PRESIDENT. Let the resolution be read for the information of the Senate.

Mr. BULKLEY. I will say to the Senator from Maine that I do not think it will lead to any debate. It is merely a resolution of inquiry.

Mr. HALE. Mr. President——

The VICE PRESIDENT. One at a time. The Senator from Ohio has the right to ask unanimous consent, and the Chair directs the reading of the resolution for the information of the Senate, after which the Chair will ask whether or not there is objection.

The Chief Clerk read the resolution (S. Res. 459), as follows:

Resolved, That the Attorney General is requested to report to the Senate, as soon as practicable, the following information relative to the monograph prepared and published by the Bureau of Prohibition in October, 1930, entitled "The Value of Law Observance, a Factual Monograph":

(a) The procedure followed by the bureau in the compilation and interpretation of the factual material embodied in such monograph and in investigating reliable and authoritative sources in order to insure the truth and accuracy of the observations and conclusions contained therein;

(b) The action, if any, taken by the Bureau of Prohibition or any other bureau in the Department of Justice to verify and substantiate the factual material the accuracy of which was emphatically questioned or directly denied (1) by E. Clemens Horst, Esq., of San Francisco, Calif., in his letters of October 31, 1930, and November 1, 1930, addressed to Hon. Amos W. W. Woodcock, Director of the Bureau of Prohibition, or (2) by Hon. FIORELLO H. LAGUARDIA, of New York, in his letter of December 13, 1930, addressed to Hon. William D. Mitchell, Attorney General of the United States, or (3) by Hon. JOHN J. COCHRAN, of Missouri, in an address in the House of Representatives on January 6, 1931;

(c) The corrections or changes, if any, in the second and third prints of such monograph, and the total number of copies published in each of the three prints, the dates of publication, and the method of distribution of copies of the monograph.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. HALE. Mr. President, if this will not take any time and if there will be no debate, I will consent to it; but I invite the attention of the Senate to the fact that the naval appropriation bill is now before the Senate, and I must insist that we proceed with it.

Mr. WATSON. Mr. President, this is a very long and involved resolution. I would not like to let it go through without the privilege of examining it and seeing what it is about.

Mr. BULKLEY. It is merely a request for information from the Attorney General.

Mr. WATSON. Let it go over until to-morrow.

The VICE PRESIDENT. Objection is made, and the resolution will go over.

CHANGE IN NAME OF B STREET NW., IN THE DISTRICT OF COLUMBIA

Mr. BLAINE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 404) to change the name of B Street NW., in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

JOHN J. BLAINE,
WILLIAM H. KING,
Managers on the part of the Senate.
HENRY ALLEN COOPER,
MARY T. NORTON,
CLARENCE J. MCLEOD,
Managers on the part of the House.

The report was agreed to.

NAVY DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

The PRESIDENT pro tempore. The clerk will resume the reading of the bill.

The reading of the bill was resumed and concluded.

CALL OF THE ROLL

Mr. REED. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	La Follette	Sheppard
Barkley	George	McGill	Shipstead
Bingham	Gillett	McKellar	Shortridge
Black	Glenn	McNary	Smith
Blaine	Goff	Metcalf	Smoot
Borah	Goldsborough	Morrison	Steck
Bratton	Gould	Morrow	Steiwer
Brock	Hale	Moses	Stephens
Broussard	Harris	Norbeck	Swanson
Bulkley	Harrison	Norris	Thomas, Idaho
Capper	Hastings	Nye	Thomas, Okla.
Caraway	Hatfield	Oddie	Townsend
Carey	Hawes	Partridge	Trammell
Connally	Hayden	Patterson	Vandenberg
Copeland	Hebert	Phipps	Wagner
Couzens	Heflin	Pine	Walcott
Cutting	Howell	Pittman	Walsh, Mass.
Dale	Johnson	Ransdell	Walsh, Mont.
Davis	Jones	Reed	Waterman
Dill	Kean	Robinson, Ark.	Watson
Fess	Kendrick	Robinson, Ind.	Wheeler
Fletcher	King	Schall	Williamson

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

FURTHER ACTION ON ADJUSTED-SERVICE CERTIFICATES

Mr. REED. Mr. President, I have neither the right nor the desire to pose as the spokesman of the President in this body. But when I found that action on the Navy Department appropriation bill was being delayed because of the apprehension of some Senators that there might be a pocket veto of the bonus bill passed yesterday by the Senate, I took the liberty of telephoning to the President and asked his permission to make a statement of his intentions with regard to the bonus bill.

The President has authorized me to say that it is his intention to return the bonus bill to Congress in the middle of next week, and not in any event later than Thursday of next week, with a message giving his reasons for a veto of the bill.

In view of that fact there seems to be no need of any further delay in action upon the Navy Department appropriation bill.

UNITED STATES JUDGESHIP IN MINNESOTA

Mr. SCHALL. Mr. President, I wish to have read at the desk for the RECORD a statement of mine with reference to the Federal judgeship in my State.

The VICE PRESIDENT. Is there objection to the clerk reading the statement of the Senator? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

The administration, after turning down Ernest A. Michel, upon the advice of its Attorney General, as not being the "right-minded" sort for Federal district judge of Minnesota, asked me to submit 8 or 10 other names. I have done so and submitted 10 names of able and worthy lawyers of my State.

Yesterday the administration informed me that the Department of Justice is lacking in information regarding them, although all of them have resided in the State a lifetime, and that it would require a considerable period of time to investigate these men as to fitness and connections, and that it will be necessary if we are to have a judge named during this session for me to choose one of the names suggested.

Yesterday the following letter was delivered to the President:

FEBRUARY 19, 1931.

Hon. HERBERT HOOVER,
The White House.

MY DEAR MR. PRESIDENT: Your favor of the 19th at hand acknowledging my letter of the 18th submitting to you the names of 10 lawyers in Minnesota for the appointment as Federal judge.

I can not agree with you that lawyers of experience must necessarily have had judicial experience in order to qualify them for this position. On the contrary, it is well known by the people at large that a great percentage of men appointed to the Federal bench have never been men with previous judicial experience. Seven members of the present Supreme Court of the United States, when appointed to that high office, had never had judicial experience, including the Chief Justice of the United States Supreme Court, and if you'll remember, John Marshall, perhaps the greatest judge who sat on the bench, went directly from practice to the Chief Justice of the United States Supreme Court.

I note that you state that none of the men I have suggested has been proposed by the citizens of Minnesota. It was my understanding that you asked me to submit these names to you, not the citizens of Minnesota. I submitted to you the name of Ernest A. Michel, who was overwhelmingly indorsed by the citizens of Minnesota, but whom the Department of Justice did not see fit to approve.

I think you will agree with me that the Department of Justice is not lacking in information regarding the men whose names I submitted, as every one has lived in Minnesota practically all of his lifetime, are able lawyers, and I am satisfied that the Department of Justice can within 24 hours fully advise you as to the qualifications and standing of any one of the names submitted to you for consideration for their actions in courts are of record.

In your letter you state that the man appointed "shall be entirely free from any private connections which might be challenged."

I desire to say that in the list of names submitted to you by me every one of the men suggested had no private connections which can honestly be challenged and some of them are by no means friends or supporters of mine.

I would extremely regret, Mr. President, if you should feel it necessary to disregard the names of the men I have submitted to you, which was done at your request, for it is an undoubted fact that if your Department of Justice desires to do so they can advise you by Saturday morning, the 21st, as to the fitness and qualifications of any one of the names suggested.

With reference to the names submitted in your letter to me, I desire to say that I have not the same facilities of investigating and passing upon these names, which were undoubtedly suggested by the Department of Justice, as is possessed by the Attorney General's office, but it seems to me that it should not be necessary, because you have asked me to submit these names and I have done so in good faith, with the assurances, as stated in your letter, that you would hope that among them would be found at least one man qualified for this office.

There is more than one man qualified for this office in the list of names I submitted to you, Mr. President, and some of them are men with judicial experience.

I certainly hope that the appointment of a Federal judge will not be delayed by the taking of any arbitrary position in this matter, for I want to cooperate with you, and I feel certain that if you give this matter serious and fair consideration that you can find from among the list of names submitted to you a man fully qualified for the position and who will pass the qualifications of the Department of Justice and meet the requirements outlined in your favor of the 19th.

With personal regards, I am,

Sincerely yours,

THOS. D. SCHALL.

I am just informed that the President has sent the name of Gunnar H. Nordbye to the Senate for its confirmation for this judgeship. The presenting of this name is a studied affront to me on the part of the Attorney General.

So far as I am concerned, I will not lend myself to the scheme of of the Attorney General in filling Federal judgeships in my State with his "right-minded" sort, whose sympathies are not with the common man, whose legal bent and natural inclinations are "property right minded" to the exclusion of humanity.

Mr. Nordbye was appointed to the district bench in Minnesota by Governor Christianson, whom I defeated for the Republican nomination to the United States Senate by approximately 100,000 votes.

The Republican Party nominated and elected Mr. Christianson three times to the governorship of our State, and yet the governor openly opposed the Republican candidate for the United States Senate in the last election. Governor Christianson was joined in that opposition by our Democratic Attorney General, Mr. Mitchell, and Mr. Nordbye because of Mr. Nordbye's connections and affiliations with this smug "right-minded, public-utility" loving crowd.

Mr. Nordbye is especially undesirable to me, and I hope my colleagues will join me in my opposition to him.

NAVAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 2, line 8.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Operation and conservation of the naval petroleum reserves," on page 6, line 13, before the words "of which," to insert the word "and," so as to read:

To enable the Secretary of the Navy to carry out the provisions contained in the act approved June 4, 1920 (U. S. C., title 34, sec. 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, $160,000, of which amount not to exceed $15,000 shall be available for clerical, technical, and custodial services of field employees, and of which $60,000 shall be available exclusively to complete repairs to shut-in wells, naval petroleum reserve No. 1.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Reserve," on page 11, line 8, before the word "of," to strike out "$4,620,835" and insert "$4,394,365," so as to read:

For expenses of organizing, administering, and recruiting the Naval Reserve and Naval Militia; pay and allowances of officers and enlisted men of the Naval Reserve when employed on authorized training duty; mileage for officers while traveling under orders to and from training duty; transportation of enlisted men to and from training duty, and subsistence and transfers en route, or cash in lieu thereof; subsistence of enlisted men during the actual period of training duty; subsistence of officers and enlisted men of the Fleet Naval Reserve while performing authorized training or other duty without pay; pay, mileage, and allowances of officers of the Naval Reserve and pay, allowances, and subsistence of enlisted men of the Naval Reserve when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve; pay of officers and enlisted men of the Fleet Naval Reserve for the performance of drills or other equivalent instruction or duty, or appropriate duties, and administrative duties, exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training unless, as a condition precedent, they shall have been found by such agency as the Secretary of the Navy may designate physically and psychologically qualified to serve as pilots of naval aircraft, $4,394,365, of which amount not more than $160,000 shall be available for maintenance and rental of armories, including pay of necessary janitors, and for wharfage, not more than $81,000 shall be available for clerical and messenger services for Naval Reserve administration in naval stations, and districts for the fiscal year ending June 30, 1932, not less than $906,156 shall be available, in addition to other appropriations, for aviation material, equipment, fuel, and rental of hangars, and not more than $575,839 shall be available, in addition to other appropriations, for fuel and the transportation thereof, and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Engineering," on page 17, line 8, after the word "exceed," to strike out "$1,624,340" and insert "$1,644,340," so as to make the proviso read:

Provided, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and naval material for the fiscal year ending June 30, 1932, shall not exceed $1,644,340.

The amendment was agreed to.

The next amendment was, on page 17, line 10, after the word "ship," to insert "and to permit the President to dispose of other vessels of the Navy in such manner as in his judgment may be advisable," so as to make the further proviso read:

Provided further, That in order to convert the U. S. S. *Wyoming* into a training ship and the U. S. S. *Utah* into a target ship and to permit the President to dispose of other vessels of the Navy in such manner as in his judgment may be advisable in accordance with the terms of the treaty for the limitation and reduction of naval armament, signed at London on April 22, 1930, there shall be available $779,000 of appropriations for the fiscal year 1931, as follows: Engineering, Bureau of Engineering, 1931, $210,000; Construction and Repair, Bureau of Construction and Repair, 1931, $535,000; and Ordnance and Ordnance Stores, Bureau of Ordnance, 1931, $34,000.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Supplies and Accounts," on page 24, line 5, before the word "for," to strike out "$3,000" and insert "2,000," so as to read:

Transportation and recruiting of naval personnel: For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy while traveling under orders, including not to exceed $2,000 for the expenses of attendance at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations, when, in the judgment of the Secretary of the Navy, such attendance would

be of benefit in the conduct of the work of the Navy Department; for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen, and not more than $2,500 shall be available for transportation of midshipmen, including reimbursement of traveling expenses while traveling under orders after appointment as midshipmen; for actual traveling expenses of female nurses; for travel allowance or for transportation and subsistence as authorized by law of enlisted men upon discharge; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen and insane supernumerary patients to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of officers and enlisted men; expenses of funeral escorts of naval personnel; in all, $4,538,654.

The amendment was agreed to.

The next amendment was, on page 26, line 7, after the word "of," to strike out "three" and insert "four," and in line 11, after the word "of," to strike out "three" and insert "four," so as to make the further proviso read:

Provided further, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to January 30, 1931, would result in exceeding at any time an allowance of four midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Porto Rico, a native of the island, appointed on nomination of the governor, and of four midshipmen from Porto Rico, appointed on nomination of the Resident Commissioner; and of two midshipmen for the District of Columbia; except that nothing herein shall deny pay to or prevent the admission of any midshipman admissible within the number of appointments permissible under the provisions of the naval appropriation act for the fiscal year 1931 who may enter the Naval Academy in the class entering next after the approval of this act.

The amendment was agreed to.

The next amendment was, on page 27, line 3, after the word "vessel," to strike out "at sea with the fleet" and insert "of the Navy in full commission," so as to make the further proviso read:

Provided further, That no part of this appropriation shall be available for the pay of any midshipman appointed from enlisted men of the Navy for admission to the Naval Academy in the class entering in the calendar year 1932 who has not served aboard a vessel of the Navy in full commission for at least nine months prior to such admission.

The amendment was agreed to.

The next amendment was, under the subhead "fuel and transportation, Bureau of Supplies and Accounts," on page 29, line 2, after the word "excessive," to strike out the colon and the following additional proviso:

Provided further, That no part of this appropriation shall be available for the purchase of or payment for any kind of fuel oil of foreign production, except by or for vessels in a foreign port.

Mr. CONNALLY. Mr. President, I should like to ask the Senator in charge of the bill to let that amendment be passed over until we have reached the amendment on page 48, dealing with the same subject.

The VICE PRESIDENT. The Senator from Texas asks that the amendment be passed over for the present. Is there objection?

Mr. HALE. Mr. President, the provision in the House bill on page 29 has been stricken out because on page 48 of the bill the committee has inserted the following language:

That in the expenditure of appropriations in this act the Secretary of the Navy shall, unless in his discretion the interest of the Government will not permit, purchase or contract for, within the limits of the United States, only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more, if such excess of cost be not unreasonable.

The committee considered that that language took care of oil along with all other commodities. The provision which we have put into the bill is the same as that adopted on the Army bill after an agreement in conference. It is believed that the provision in the Army appropriation bill will adequately safeguard purchases by the Army of all goods and products that are not manufactured in the United States, and we believe the committee amendment to this bill will accomplish the same purpose in the same way so far as purchases for the Navy are concerned.

Mr. CONNALLY. Mr. President, my suggestion is only that the Senator have the amendment passed over until we reach the amendment on page 48, in order that we may consider both amendments together.

Mr. HALE. Very well; that is entirely satisfactory to me.

The VICE PRESIDENT. Without objection, the amendment will be passed over. The next amendment will be stated.

The next amendment of the Committee on Appropriations was under the heading "Bureau of Yards and Docks," on page 32, line 9, after the word "exceeding" to strike out "$20" and insert "$25," so as to read:

For the labor, materials, and supplies necessary, as determined by the Secretary of the Navy, for the general maintenance of the activities and properties now or hereafter under the cognizance of the Bureau of Yards and Docks, including accident prevention; the purchase, exchange (including parts), maintenance, repair, and operation of passenger-carrying vehicles for the Navy Department (not to exceed 10 in number) and the Naval Establishment not otherwise provided for; not to exceed $1,250,000 for clerical, inspection, drafting, messenger, and other classified work in the field, and part time or intermittent employment in the District of Columbia, or elsewhere, of such engineers and architects as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $25 per diem for any person so employed, $9,014,816:

The amendment was agreed to.

The next amendment was, under the subhead "Public works, Bureau of Yards and Docks," on page 33, line 15, after the word "respectively," to strike out "$8,660,000" and insert "$8,785,000," so as to read:

To enable the Secretary of the Navy to construct or provide, by contract or otherwise, the following-named public works and public-utilities projects, at a limit of cost not to exceed the amount stated for each project enumerated, respectively, $8,785,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 14, to insert:

Naval Research Laboratory, Bellevue, D. C.: Extension of laboratory building, $125,000.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Aeronautics, aviation, Navy," on page 37, line 22, after the word "employed," to strike out "$2,220,000" and insert "$2,420,000, of which $200,000 shall be available for experimental and research work in connection with the development of a metal-clad airship," so as to read:

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1931, $1,079,300; for maintenance, repair, and operation of aircraft factory, air stations, fleet air bases, fleet, and all other aviation activities, accident prevention, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $13,377,531, including $259,000 for the equipment of vessels with catapults and including not to exceed $192,000 for the procurement of helium, and such sum shall be transferred to and made available to the Bureau of Mines on July 1, 1931; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $2,420,000, of which $200,000 shall be available for experimental and research work in connection with the development of a metal-clad airship; for drafting, clerical, inspection, and messenger service, $918,169; for new construction and procurement of aircraft and equipment, including not to exceed $807,400 for the Naval Reserve, $11,800,000, of which amount not to exceed $8,000,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the Navy appropriation act for the fiscal year 1931; toward the construction of the rigid airships as provided in the act authorizing construction of aircraft, etc., approved June 24, 1926 (U. S. C., Supp. III, title 34, sec. 749a), and subject to the contractual conditions stipulated as to such rigid airships in the act making appropriations for the Navy Department and the naval service for the fiscal year 1929, $1,675,000.

The amendment was agreed to.

The next amendment was, on page 38, line 13, to increase the appropriation for aviation in the Navy from $31,070,000 to $31,270,000.

The amendment was agreed to.

The next amendment was, under the heading "Increase of the Navy," on page 47, line 4, before the word "to," to strike out "$23,600,000" and insert "$31,100,000," so as to read:

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $31,100,000, to remain available until expended.

Mr. KING. Mr. President, I should like to have the Senator make an explanation justifying the increase from $23,600,000 to $31,100,000, on page 47, line 4.

Mr. HALE. Mr. President, the purpose of the amendment is to provide for beginning the construction of 11 destroyers during the coming fiscal year. Our destroyer situation at the present time is as follows: We have 87 destroyers in active commission stationed with the fleet, plus 4 destroyers which are to be used as light mine layers, and 5 destroyers which have been assigned to the Coast Guard, in addition to 18 old destroyers which are with the Coast Guard and which are shortly to be scrapped. These 96 destroyers are those which are in the best condition with respect to their engineering plants and their matériel. All of them have had from 2 to 10 years' service in the Navy, and all of them are vessels which under the terms of the London treaty will become obsolete in 3 years' time—in 1934.

In addition to these vessels, the Navy Department plans to retain in a decommissioned status 64 more destroyers for use in emergency. In all we shall have 160 destroyers of 165,000 tons, which is the amount allowed us under the London treaty, if we exercise the option to use 15,000 tons of cruiser tonnage for destroyers as permitted by article 17 of the treaty.

The 64 destroyers which are to be retained in a decommissioned status are very unsatisfactory vessels. Many of them have defective boilers and machinery. Only 17 of the 64 are suitable for replacement of the destroyers with the fleet, but they are the best destroyers we have, outside of the 87 in active commission. All our other destroyers are to be scrapped within a very short time. They are now practically useless. That leaves us with 160 destroyers, of which only 17 of the last 64 are suitable for replacement of destroyers on the active list.

As I stated a few moments ago, all our destroyers will become obsolete under the terms of the London treaty by 1934. Since the Washington treaty Great Britain has built or is building 27 large modern destroyers; Japan is building 51, France 50, and Italy 37. We are the only one of the five naval powers that has not laid down any destroyer construction since the time of the Washington treaty.

Our destroyers, all of which were built under pre-war-time plans, are in no way to be compared with the modern destroyers of other powers, and the advantage in numbers that we have had during the past few years is gone since our destroyer complement has now gone down from 317 to 160—160 antiquated and nearly obsolete vessels—we shall have in numbers less destroyers than Great Britain has. Obviously, if we are going to maintain a force of destroyers in any way commensurate with the rest of our fleet a considerable building program in destroyers must be adopted, and this program should be extended over a period of years in order to avoid too much of a load in any one year.

Mr. KING. Mr. President, the Senator knows it has been conceded by the naval authorities of Great Britain, France, and Japan that in the matter of destroyers we were very much superior to any other navy.

Mr. HALE. Simply in numbers, Mr. President.

Mr. KING. In numbers, in grade, and in kind.

Mr. HALE. No.

Mr. KING. We had, as the Senator has said, more than 300 destroyers which were considered the best in the world at the time of their construction. Many of them were not completed, as the Senator knows, until after the war; indeed, as I recall, some of them were not laid down until 1917 or 1918, and were not completed for several years thereafter. So we had at one time more than double the number of destroyers which Great Britain had, and, of course, three or four times as many as Japan had. That has been conceded, and the Senator said on the floor when we were discussing a previous naval bill——

Mr. HALE. And that was true when the destroyers were in good condition, but, as I have explained to the Senate, these destroyers with the exception of the few that we have on active service are not in good condition. A destroyer is a very delicate, frail ship. Its engines have fully as much horsepower as have those of our great battleships, and its engines shake the ship to pieces when it goes at any great rate of speed, and great speed is the principal consideration so far as destroyers are concerned. Now these ships are practically through so far as usefulness is concerned, and, instead of having 317, as we had at the close of the World War, we now have only 160 that are in any way fit for use, and most of these are practically worn out.

Mr. KING. Is it not a fact, I will ask the chairman of the committee, that because we had so many destroyers it was deemed wise, in order that seamen might be relieved for service upon other vessels, to decommission more than 100, perhaps 150, and put them in a stand-by condition? I remember visiting two or three years ago one of the stations and I saw a large number of destroyers. I was told they were in excellent condition, although decommissioned; that their engines were covered, but they had been oiled and greased and put in condition so that, it was claimed, they would be immune to the action of the elements, and that those vessels could be quickly put into commission, would respond to the needs of the country, and were just as good as at the time they were constructed.

Mr. HALE. Oh, no, Mr. President. They are not in any way to be compared with modern destroyers. We did put a certain number out of commission to have in reserve when we should need them; but we have already called on them. We have already taken them back to the fleet. We have nothing but poor, antiquated, used-up ships left for a reserve.

Mr. KING. Mr. President, I have always discovered that whenever we have a naval bill here, every ship we have is an antiquated ship; and that is the basis for a demand for large appropriations for additional ones.

Mr. HALE. Mr. President, our delegates at the London conference decided that a vessel that was laid down before 1920 had a life of 12 years before it became obsolete, and that if it was laid down after 1920—that is, a more modern ship, built from postwar plans—it should have a life of 16 years.

These vessels of ours were all built under war-time or pre-war-time plans. The delegates must have had some reason for declaring that a ship of that kind was obsolete in 12 years. Many of these ships have some useful life left; I am willing to admit that; but those in reserve have very little useful life left.

Mr. KING. Mr. President, the Senator will recall that the British delegates, according to my recollection, were perfectly willing to declare that battleships should have a longer lease of life than that which was prescribed and recognized as the lease of life which they should have; but our delegates opposed it. As I recall, they were in favor of giving to the battleships an extension to 25 years.

Mr. REED. No, Mr. President; we all agreed at the conference that no new battleships should be laid down during the life of the London treaty.

Mr. KING. Oh, I understand that.

Mr. REED. We all agreed to that extension.

Mr. KING. But the British delegates, as I recall, were perfectly willing to incorporate in the treaty a provision extending the life of battleships beyond the period heretofore recognized as the ordinary period of their lives.

Mr. REED. Yes; and so were we, and that is what we did.

Mr. KING. Oh, well; but to deal with battleships in the future.

Mr. REED. That is what we did—to deal with all those that were to be laid down between now and 1936. We all

does, he is reprimanded very severely and is liable in damages.

on January 1 of this year outlining the arrangement between Great Britain, the United States, and Japan, touching the differ-

sion, I shall move in a few moments that we proceed to the consideration of executive business.

Mr. REED. That is what we did—to deal with all those that were to be laid down between now and 1936. We all agreed that that laying-down should be postponed, and the life of these battleships extended.

Mr. KING. For how long?

Mr. REED. Until after 1936.

Mr. KING. Yes; but what was the length of life that you finally gave to them?

Mr. REED. It adds about five years to the life of the oldest one; and I hope that in 1936, when the conference meets again, they will continue that process, because the ships are perfectly seaworthy, and the period can be extended another five years quite easily.

Mr. HALE. That is, they will be seaworthy after they have been modernized.

Mr. REED. Yes; of course.

Now, if I may say just a word to supplement what has been said by the Senator from Maine, it would be in the highest degree unwise to defer any destroyer building until all of our war-time destroyers reach maturity at the same moment. By "maturity" I mean the moment of being obsolete. Great Britain has recognized that, and so has Japan; and although Great Britain had built a very large number of destroyers during the war for antisubmarine work, she has gone on building new ones in reasonable annual increments, so that she will not at any time have a great burden—a great "hump," as the officers call it—of new destroyers to build in one or two years.

We made such a "hump," properly enough, by a tremendous destroyer-building activity during the World War. Practically all of our destroyer fleet dates from that time. We have not laid down a destroyer for 11 years. The latest that we have are a few that were laid down in 1920; and, as the Senator has pointed out, very soon even they will have reached the life limit assigned to them by the naval experts of the five countries.

Great Britain has not done that. As you look at her list you find, for example, that she has appropriated for nine ships which she has not yet started to build. They were all to be laid down this year. She has building 20 destroyers, all laid down as recently as 1928 and 1929. The program that the Naval Committee indicates in the amendment to this bill is very moderate compared to that which is being carried on by Great Britain. I am glad it is. World conditions to-day do not indicate that we ought to spend money for destroyers any faster than that; but we ought year by year to do something in order to keep the whole lot of them from having to be renewed at one moment. We will get better design, better return for our money, better efficiency, if we build them in small annual increments.

Mr. SWANSON. Mr. President, the Senator from Utah will remember that during the war, on account of the great submarine menace, we were asked by the allied powers engaged in the conduct of naval warfare and also in transporting our troops across the ocean to build destroyers to protect our troops and transports from submarines; and we did it hastily. We speeded up the production of destroyers. I do not suppose any nation in the world responded as quickly and as efficiently to produce vessels to lessen the submarine menace as did the United States.

When the war was over we were left with this vast number of destroyers. The rest of our program was delayed in order to build destroyers. They were constructed hastily. Quickness of action was more important than excellence of construction, because they had to meet the menace of submarines or else our troops could not have been in Europe when they were needed.

Now, the life of a destroyer has been extended to about 16 years. What is meant by "the life of a destroyer" is this: On account of the character of the vessels it would be unsafe to ask men to go out to sea, especially in these small vessels, as they are constructed, after the vessel is 16 years old.

If a man is running a private ship, and the age limit of safety has been exceeded, he is prohibited by the inspectors from sending the boat out to sea with passengers; and if he does, he is reprimanded very severely and is liable in damages.

Sixteen years has been fixed as almost the limit of safety for a destroyer, a small vessel with great speed. When you give a vessel great speed you have to take from the size of the vessel and take from its other parts. To get great speed you have to have large machinery and coal supply. These are the fastest vessels we have. They are small. The machinery, as the chairman of the committee has said, tears them to pieces. Some people do not think they are very safe at the end of 16 years; but it is necessary to have speed for antisubmarine work and other purposes.

Every destroyer that we have will be out of date in 1934, if 16 years is taken as the limit. Consequently, we have to commence building before then. We think the money ought not to be expended all in one year, 1936, but some of it in 1934. We have only 11 destroyers in this program. The program is to move slowly with them, not rapidly. They will be out in 1934, and, I suppose, 1933.

Mr. HALE. They will be out in 1934 if the treaty age of 12 years is considered as the limit. If 16 years is taken as the age limit there will be 32 of them left in 1936.

Mr. SWANSON. That is the ultimate limit that most people feel is safe. The officers of the Navy have the responsibility of ordering a man out on a naval vessel. He is ordered out. He can not decide whether or not the vessel is safe. He is ordered to go on such a vessel and accomplish certain purposes. Consequently, when a man is ordered out, he can not resign. He can not quit. He may know that the vessel is dangerous, but he has no option in the matter. Consequently, it is the duty of Congress not to have vessels that are out of date and dangerous on which to send out these officers and these men.

As a matter of fact, I do not believe we will complete more than these 11 destroyers so as to have them available in 1933 and 1934. This is the smallest conceivable appropriation. We have not passed the authorization bill carrying $72,000,000. It seems to me that the prospect is that that bill will pass through a stormy sea, though it is very modest. It is hardly the beginning of what we need under the London treaty.

It is utterly unreasonable to talk about not having destroyers when the vessels of the Navy must do all kinds of duty—scouting duty, dangerous duty with the fleet, and other duties. If we do not appropriate for these 11 destroyers, we might as well abandon the Navy. There is no use of having a second-class navy or a third-class navy. Unless we can take care of our rights and defend them, it is a useless expenditure. The only object of a navy is to give safety on the sea, to make America absolutely safe from any foreign invasion.

It does seem to me that what is proposed here hardly comes up to what we ought to do. We ought to give more; but, knowing the condition of the country and the indisposition to appropriate money, it seems to me that the Naval Committee has recommended the minimum. In addition to that, because we have an authorization for this expenditure and not for the other, it does seem to me that we certainly should have no hesitancy in passing it and giving us 11 up-to-date destroyers. We should also remember that there have been improvements in every class of vessels, and that is equally true in the Navy. If we are to send men abroad to attend to their duties anywhere there is trouble, they should have properly equipped and safe vessels.

Mr. LA FOLLETTE. Mr. President, I wish to point out that the chairman of the Naval Affairs Committee in the House does not agree with the Senator from Maine [Mr. HALE].

When this bill was under discussion in the House of Representatives an amendment was offered to provide for 4, not 11, destroyers; and the amendment was resisted by Congressman FRENCH, the chairman of the committee, in the following language. He said:

Mr. Chairman, may I make just a few suggestions to the House in the matter of the amendment offered by the gentleman from New York [Mr. BLACK]? My colleague would provide for the construction of four destroyers. The treaty that was promulgated on January 1 of this year outlining the arrangement between Great Britain, the United States, and Japan, touching the different types of ships that we could maintain in the several navies, fixed a limit upon destroyer tonnage for the United States at 150,000 tons. We have at this time 226 destroyers with a tonnage considerably in excess of the tonnage limit in the treaty. We have at this time the tonnage that we are entitled to under the treaty, constructed since the World War. After the present destroyers in our Navy may be disposed of, the life of a destroyer will be 16 years. The present life as fixed by the London treaty of our present destroyers is 13 years, although, as a matter of fact, many of the destroyers, in fact most of them, have had considerably less service than 13 years. Many of them have been tied up in reserve in Philadelphia and San Diego and have been in that way retained in fairly excellent condition, and but recently have been brought into service. We have carried forward in the bill during the last year or so sizable sums of money for the purpose of keeping our destroyers in shape and performing major overhaul work upon them. Indeed, as to most of the destroyers in commission Admiral Rock, the Chief of the Bureau of Construction and Repair, has advised the committee that their overhaul was so complete that 10 years had been added to their life. More than that, at this time there is pending in the House a bill reported from the Naval Affairs Committee providing for a building program of types permissible under the treaty.

I have indicated to the House my approval of the passage of that bill, and should that measure become a law it will then be up to the Navy Department to work out an orderly program of construction for our consideration. We ought not here upon the floor attempt to work out a building program without definite knowledge of how the building program is going to fit in with construction programs in our shipbuilding establishments. The question ought to be studied as a whole question and then brought to the attention of the House in an orderly way, so that it may have the consideration that an important subject such as this deserves.

Mr. President, it does seem to me that in view of the statement which I have quoted from Representative FRENCH, in view of the fact that this matter was thoroughly debated on the House floor, and the House, after considering the subject carefully, rejected an amendment providing for only four destroyers, the Senate should hesitate before it authorizes and commits us to a building program contemplating 11 new destroyers.

As the Senator from Pennsylvania said a few moments ago, world conditions indicate that there is little necessity for going forward with a large program at this time. The Senator from Maine has suggested that these ships are so highly powered, are so overengined, that a very small amount of use results in their rapid deterioration.

In view of the fact that we demonstrated during the World War our ability rapidly to construct this type of ship, resulting in our now having 226 of them, it seems to me the facts all call for a rejection of this amendment by the Senate at this time.

I wish to state further that it does seem to me that the point made by Representative FRENCH, that if we are to launch upon any sort of treaty-building program we ought to have a complete program, is a good one. We should not commit ourselves to a certain portion of it in this appropriation bill and to a certain portion of it in another appropriation bill.

Mr. President, I say that with the frank additional statement that I am opposed to building up completely to the treaty Navy, but if a majority of the Congress desires to build up to the treaty Navy, or if it desires to adopt a program looking in that direction, I submit that it is a matter of common sense that the program should be presented in a comprehensive way, in order that it may be worked out in its details, and the Congress pass upon it. The fact that in 1916 we organized a tremendous building program is not a justification for the committee to come in here at this time and ask for the appropriation to carry out that program.

Talk about obsolescence! If these gentlemen are as expert in the study of naval tactics as they claim to be, it certainly seems to me that we ought to have a revised program from their own point of view that is more recent than one authorized in 1916. Since that time we have had much experience in the matter of naval tactics.

In view of all these facts, I hope the Senate will reject this amendment.

Mr. BORAH. Mr. President, if this matter can not be disposed of speedily, since I want to have an executive session, I shall move in a few moments that we proceed to the consideration of executive business.

Mr. KING. Mr. President, there are several amendments, one involving our troops in Nicaragua, and it will take considerable time to dispose of them.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had insisted upon its amendment to the amendment of the Senate No. 69 to the bill (H. R. 16415) making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1932, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WASON, Mr. SUMMERS of Washington, and Mr. WOODRUM were appointed managers on the part of the House at the conference.

EXECUTIVE SESSION

Mr. BORAH. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. HALE. Mr. President, I would like to say that at the close of the executive session I shall move that we return to legislative session, and I shall ask the Senate to stay in session until we can make progress on the naval appropriation bill.

The VICE PRESIDENT. The motion is not debatable. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States making sundry nominations were referred to the appropriate committees. (See end of Senate proceedings for nominations.)

REPORTS OF COMMITTEES

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were placed on the Executive Calendar.

Mr. REED, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Thomas Edward Rilea, Oregon National Guard, to be a brigadier general, reserve, from February 13, 1931, and also the nominations of sundry officers in the Regular Army, which were placed on the Executive Calendar.

CHANGE OF REFERENCE OF CERTAIN NOMINATIONS

On motion of Mr. BINGHAM, the Committee on Territories and Insular Affairs was discharged from the further consideration of sundry nominations for appointment as associate justices of the Supreme Court of the Philippine Islands, as provided by law, and they were referred to the Committee on the Judiciary, as follows:

Jose Abad Santos, of the Philippine Islands.
Edmond Block, of Tennessee.
Carlos A. Imperial, of the Philippine Islands.
Nehemiah Candee, of Connecticut.
Delfin Jaranilla, of the Philippine Islands.
John Ladner, of Oklahoma.

The VICE PRESIDENT. If there be no further reports of committees, the calendar is in order.

FISHERY TREATY WITH GREAT BRITAIN

The Chief Clerk proceeded to read Calendar No. 22, a fishery treaty with Great Britain signed on May 9, 1930.

Mr. BORAH. Mr. President, request has been made that this treaty be permitted to go over.

The VICE PRESIDENT. Without objection, the treaty will go over.

TREATY OF FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS WITH AUSTRIA

The Chief Clerk proceeded to read Calendar No. 23, a treaty of Friendship, Commerce, and Consular Rights between the United States and Austria signed at Vienna on

June 19, 1928, which was considered as in Committee of the Whole, and is as follows:

SUPPLEMENTARY AGREEMENT

to the Treaty of Friendship, Commerce and Consular Rights between the United States of America and the Republic of Austria, signed on June 19, 1928.

The United States of America and the Republic of Austria, by the undersigned Mr. Gilchrist Baker Stockton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Vienna, and Dr. Johann Schober, Vice-Chancellor and Federal Minister for Foreign Affairs of the Republic of Austria, their duly empowered plenipotentiaries, agree, as follows:

Notwithstanding the provisions of the first paragraph of Article XXIV of the Treaty of Friendship, Commerce and Consular Rights, between the United States of America and the Republic of Austria, signed June 19, 1928, to the effect that the said Treaty shall remain in force for the term of six years from the date of the exchange of ratifications, it is agreed that the said Treaty may be terminated on February 11, 1935, or on any date thereafter, by notice given by either high contracting party to the other party one year before the date on which it is desired that such termination shall become effective.

Done in duplicate, in the English and German languages, at Vienna, this 20th day of January, One Thousand Nine Hundred and Thirty-one.

[SEAL.] G. B. STOCKTON
[SEAL.] SCHOBER

Mr. BORAH. Mr. President, this is really a routine matter. We have a treaty of amity and commerce with Austria, and this supplemental agreement has the effect simply of advancing the time when the treaty shall terminate. It was at the request of Austria that the supplemental treaty was made. Austria having a number of treaties with other countries, desired that this treaty terminate at the same time that her treaties with other countries terminated.

The treaty was reported to the Senate without amendment, and the resolution of ratification was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive J, Seventy-first Congress, third session, a supplementary agreement signed at Vienna January 20, 1931, to the treaty of friendship, commerce, and consular rights with Austria, signed at Vienna on June 19, 1928.

The resolution was agreed to, two-thirds of the Senators present voting in the affirmative.

TREATY ON COMMERCIAL AVIATION

The Chief Clerk proceeded to read Calendar No. 24, a convention on commercial aviation signed at Habana, Cuba, which was considered as in Committee of the Whole and is as follows:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the English text of a convention on commercial aviation, adopted at the Sixth International Conference of American States, held at Habana, Cuba, from January 16 to February 20, 1928.

HERBERT HOOVER.

THE WHITE HOUSE, *December 15, 1930.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of the English text of the convention on commercial aviation, adopted at the Sixth International Conference of American States, held at Habana, Cuba, from January 16 to February 20, 1928.

This convention was not signed as a separate instrument, but was included in the final act of the conference, which was signed on the part of all the governments represented at the conference. A certified copy of this final act in the Spanish language, furnished by the Government of Cuba, accompanied your communication of February 13, 1929, to the Senate transmitting a convention regarding the Pan American Union, which was also one of the conventions adopted at the Sixth International Conference of American States.

The Departments of War, Navy, and Commerce have been consulted and are in favor of the United States becoming a party to the convention on commercial aviation.

Respectfully submitted.

HENRY L. STIMSON.

DEPARTMENT OF STATE,
Washington, December 12, 1930.

The Governments of the American Republics, desirous of establishing the rules they should observe among themselves for aerial traffic, have decided to lay them down in a convention, and to that effect have appointed as their plenipotentiaries:

Perú: Jesús Melquiades Salazar, Victor Maúrtua, Enrique Castro Oyanguren, Luis Ernesto Denegri.

Uruguay: Jacobo Varela Acevedo, Juan José Amézaga, Leonel Aguirre, Pedro Erasmo Callorda.

Panamá: Ricardo J. Alfaro, Eduardo Chiari.

Ecuador: Gonzalo Zaldumbide, Víctor Zevallos, Colón Eloy Alfaro.

Mexico: Julio García, Fernando González Ras, Salvador Urbina, Aquiles Elorduy.

Salvador: Gustavo Guerrero, Héctor David Castro, Eduardo Alvarez.

Guatemala: Carlos Salazar, Bernardo Alvarado Tello, Luis Beltranena, José Azurdia.

Nicaragua: Carlos Cuardra Pazos, Joaquín Gómez, Máximo H. Zepeda.

Bolivia: José Antezana, Adolfo Costa du Rels.

Venezuela: Santiago Key Ayala, Francisco Gerardo Yanes, Rafael Angel Arraiz.

Colombia: Enrique Olaya Herrera, Jesús M. Ypes, Roberto Urdaneta Arbeláez, Ricardo Gutiérrez Lee.

Honduras: Fausto Dávila, Mariano Vázquez.

Costa Rica: Ricardo Castro Beeche, J. Rafael Oresmuno, Arturo Tinoco.

Chile: Alejandro Lira, Alejandro Alvarez, Carlos Silva Vildósola, Manuel Bianchi.

Brazil: Raúl Fernandes, Lindolfo Collor, Alarico da Silveria, Sampaio Correa, Eduardo Espínola.

Argentina: Honorio Pueyrredón, (Later resigned), Laurentino Olascoaga, Felipe A. Espil.

Paraguay: Lisandro Díaz León.

Haiti: Fernando Dennis, Charles Riboul.

Dominican Republic: Francisco J. Peynado, Gustavo A. Díaz, Elías Brache, Angel Morales, Tulio M. Cestero, Ricardo Pérez Alfonseca, Jacinto R. de Castro, Frederico C. Alvarez.

United States of America: Charles Evans Hughes, Noble Brandon Judah, Henry P. Fletcher, Oscar W. Underwood, Dwight W. Morrow, Morgan J. O'Brien, James Brown Scott, Ray Lyman Wilbur, Leo S. Rowe.

Cuba: Antonio S. de Bustamante, Orestes Ferrara, Enrique Hernández Cartaya, José Manuel Cortina, Aristides Agüero, José B. Alemán, Manuel Márquez Sterling, Fernando Ortiz, Néstor Carbonell, Jesús María Barraqué.

Who, after having exchanged their respective full powers, which have been found to be in good and due form, have agreed upon the following:

ARTICLE I

The high contracting parties recognize that every state has complete and exclusive sovereignty over the air space above its territory and territorial waters.

ARTICLE II

The present convention applies exclusively to private aircraft.

ARTICLE III

The following shall be deemed to be state aircraft:

a) Military and naval aircraft;

b) Aircraft exclusively employed in state service, such as posts, customs, and police.

Every other aircraft shall be deemed to be a private aircraft.

All state aircraft other than military, naval, customs and police aircraft shall be treated as private aircraft and as such shall be subject to all the provisions of the present convention.

ARTICLE IV

Each contracting state undertakes in time of peace to accord freedom of innocent passage above its territory to the private aircraft of the other contracting states, provided that the conditions laid down in the present convention are observed. The regulations established by a contracting state with regard to admission over its territory of aircraft of other contracting states shall be applied without distinction of nationality.

ARTICLE V

Each contracting state has the right to prohibit, for reasons which it deems convenient in the public interest, the flight over fixed zones of its territory by the aircraft of the other contracting states and privately owned national aircraft employed in the service of international commercial aviation, with the reservation that no distinction shall be made in this respect between its own private aircraft engaged in international commerce and those of the other contracting states likewise engaged. Each contracting state may furthermore prescribe the route to be followed over its territory by the aircraft of the other states, except in cases of *force majeure* which shall be governed in accordance with the stipulations of Article 18 of this convention. Each state shall publish in advance and notify the other contracting states of the fixation of the authorized routes and the situation and extension of the prohibited zones.

ARTICLE VI

Every aircraft over a prohibited area shall be obliged, as soon as this fact is realized or upon being so notified by the signals agreed upon, to land as soon as possible outside of said area in the airdrome nearest the prohibited area over which it was improperly flying and which is considered as an international airport by the subjacent state.

ARTICLE VII

Aircraft shall have the nationality of the state in which they are registered and can not be validly registered in more than one state.

The registration entry and the certificate of registration shall contain a description of the aircraft and state, the number or other mark of identification given by the constructor of the machine, the registry marks and nationality, the name of airdrome or airport usually used by the aircraft, and the full name, nationality and domicile of the owner, as well as the date of registration.

ARTICLE VIII

The registration of aircraft referred to in the preceding article shall be made in accordance with the laws and special provisions of each contracting state.

ARTICLE IX

Every aircraft engaged in international navigation must carry a distinctive mark of its nationality, the nature of such distinctive mark to be agreed upon by the several contracting states. The distinctive marks adopted will be communicated to the Pan American Union and to the other contracting states.

ARTICLE X

Every aircraft engaged in international navigation shall carry with it in the custody of the aircraft commander:

a) A certificate of registration, duly certified to according to the laws of the state in which it is registered;

b) A certificate of airworthiness, as provided for in Article 12;

c) The certificates of competency of the commander, pilots, engineers, and crew, as provided for in Article 13;

d) If carrying passengers, a list of their names, addresses and nationality;

e) If carrying merchandise, the bills of lading and manifests, and all other documents required by customs laws and regulations of each country;

f) Log books;

g) If equipped with radiotelegraph apparatus, the corresponding license.

ARTICLE XI

Each contracting state shall every month file with every other state party to this convention and with the Pan American Union, a copy of all registrations and cancellations of registrations of aircraft engaged in international navigation as between the several contracting states.

ARTICLE XII

Every aircraft engaged in international navigation (between the several contracting states) shall be provided with a certificate of airworthiness issued by the state whose nationality it possesses.

This document shall certify to the states in which the aircraft is to operate, that, according to the opinion of the authority that issues it, such aircraft complies with the airworthiness requirements of each of the states named in said certificate.

The aircraft commander shall at all times hold the certificate in his custody and shall deliver it for inspection and verification to the authorized representatives of the state which said aircraft visits.

Each contracting state shall communicate to the other states parties to this convention and to the Pan American Union its regulations governing the rating of its aircraft as to airworthiness and shall similarly communicate any changes made therein.

While the states affirm the principle that the aircraft of each contracting state shall have the liberty of engaging in air commerce with the other contracting states without being subjected to the licensing system of any state with which such commerce is carried on, each and every contracting state mentioned in the certificate of airworthiness reserves the right to refuse to recognize as valid the certificate of airworthiness of any foreign aircraft where inspection by a duly authorized commission of such state shows that the aircraft is not, at the time of inspection, reasonably airworthy in accordance with the normal requirements of the laws and regulations of such state concerning the public safety.

In such cases said state may refuse to permit further transit by the aircraft through its air space until such time as it, with due regard to the public safety, is satisfied as to the airworthiness of the aircraft, and shall immediately notify the state whose nationality the aircraft possesses and the Pan American Union of the action taken.

ARTICLE XIII

The aircraft commander, pilots, engineers, and other members of the operating crew of every aircraft engaged in international navigation between the several contracting states shall, in accordance with the laws of each state, be provided with a certificate of competency by the contracting state whose nationality the aircraft possesses.

Such certificate or certificates shall set forth that each pilot, in addition to having fulfilled the requirements of the state issuing the same, has passed a satisfactory examination with regard to the traffic rules existing in the other contracting states over which he desires to fly. The requirements of form of said documents shall be uniform throughout all the contracting states and shall be drafted in the language of all of them, and for this purpose the Pan American Union is charged with making the necessary arrangements amongst the contracting states.

Such certificate or certificates shall be held in the possession of the aircraft commander as long as the pilots, engineers and other members of the operating crew concerned continue to be employed on the aircraft. Upon the return of such certificate an authenticated copy thereof shall be retained in the files of the aircraft.

Such certificate or certificates shall be open at all times to the inspection of the duly authorized representatives of any state visited.

Each contracting state shall communicate to the other states parties to this convention and to the Pan American Union its regulations governing the issuance of such certifi-

cates and shall from time to time communicate any changes made therein.

ARTICLE XIV

Each and every contracting state shall recognize as valid,

representatives of the subjacent state may make in accordance with its laws.

ARTICLE XIX

As an exception to the general rules, postal aircraft and

ARTICLE XXIX

In case of war the stipulations of the present convention shall not affect the freedom of action of the contracting

governments in disagreement, be submitted to arbitration as hereinafter provided. Each of the governments involved in the disagreement shall choose another government not

regulations of each country;

Union its regulations governing the issuance of such certifi-

cates and shall from time to time communicate any changes made therein.

ARTICLE XIV

Each and every contracting state shall recognize as valid, certificates of competency of the aircraft commander, pilots, engineers and other members of the operating crew of an aircraft, issued in accordance with the laws and regulations of other contracting states.

ARTICLE XV

The carriage by aircraft of explosives, arms and munitions of war is prohibited in international aerial navigation. Therefore, no foreign or native aircraft authorized for international traffic shall be permitted to transport articles of this nature, either between points situated within the territory of any of the contracting states or through the same even though simply in transit.

ARTICLE XVI

Each state may prohibit or regulate the carriage or use, by aircraft possessing the nationality of other contracting states, of photographic apparatus. Such regulations as may be adopted by each state concerning this matter shall be communicated to each other contracting state and to the Pan American Union.

ARTICLE XVII

As a measure of public safety or because of lawful prohibitions, the transportation of articles in international navigation other than those mentioned in Articles 15 and 16 may be restricted by any contracting State. Such restrictions shall be immediately communicated to the other contracting States and to the Pan American Union.

All restrictions mentioned in this article shall apply equally to foreign and national aircraft employed in international traffic.

ARTICLE XVIII

Every aircraft engaged in international traffic which enters the air space of a contracting state with the intention of landing in said state shall do so in the corresponding customs airdrome, except in the cases mentioned in Article 19 and in case of *force majeure*, which must be proved.

Every aircraft engaged in international navigation, prior to its departure from the territorial jurisdiction of a contracting state in which it has landed, shall obtain such clearance as is required by the laws of such state at a port designated as point of departure by such state.

Each and every contracting state shall notify every other state party to this convention and the Pan American Union of such airports as shall be designated by such state as ports of entry and departure.

When the laws or regulations of any contracting state so require, no aircraft shall legally enter into or depart from its territory through places other than those previously authorized by such state as international airports, and the landing therein shall be obligatory unless a special permit, which has been previously communicated to the authorities of said airport, is obtained from the competent authorities of said state, in which permit shall be clearly expressed the distinctive marks which the aircraft is obliged to make visible whenever requested to do so in the manner previously agreed upon in said permit.

In the event that for any reason, after entering the territorial jurisdiction of a contracting state, aircraft of another contracting state should land at a point other than an airport designated as a port of entry in that state the aircraft commander shall immediately notify the nearest competent authority and hold himself, crew, passengers and cargo at the point of landing until proper entry has been granted by such competent authority, unless communication therewith is impracticable within twenty-four hours.

Aircraft of one of the contracting states which flies over the territory of another contracting state shall be obliged to land as soon as ordered to do so by means of the regulation signals, when for any reason this may be necessary.

In the cases provided for in this article, the aircraft, aircraft commander, crew, passengers and cargo shall be subject to such immigration, emigration, customs, police, quarantine or sanitary inspection as the duly authorized representatives of the subjacent state may make in accordance with its laws.

ARTICLE XIX

As an exception to the general rules, postal aircraft and aircraft belonging to aerial transport companies regularly constituted and authorized may be exempted, at the option of the subjacent state, from the obligation of landing at an airdrome designated as a port of entry and authorized to land at certain inland airdromes, designated by the customs and police administration of such state, at which customs formalities shall be complied with. The departure of such aircraft from the state visited may be regulated in a similar manner.

However, such aircraft shall follow the normal air route, and make identity known by signals agreed upon as they fly across the frontier.

ARTICLE XX

From the time of landing of a foreign aircraft at any point whatever until its departure the authorities of the state visited shall have, in all cases, the right to visit and examine the aircraft and to verify all documents with which it must be provided in order to determine that all the laws, rules and regulations of such states and all the provisions of this convention are complied with.

ARTICLE XXI

The aircraft of a contracting state engaged in international air commerce shall be permitted to discharge passengers and a part of its cargo at one of the airports designated as a port of entry of any other contracting state, and to proceed to any other airport or airports in such state for the purpose of discharging the remaining passengers and portions of such cargo and in like manner to take on passengers and load cargo destined for a foreign state or states, provided that they comply with the legal requirements of the country over which they fly, which legal requirements shall be the same for native and foreign aircraft engaged in international traffic and shall be communicated in due course to the contracting states and to the Pan American Union.

ARTICLE XXII

Each contracting state shall have the right to establish reservations and restrictions in favor of its own national aircraft in regard to the commercial transportation of passengers and merchandise between two or more points in its territory, and to other remunerated aeronautical operations wholly within its territory. Such reservations and restrictions shall be immediately published and communicated to the other contracting states and to the Pan American Union.

ARTICLE XXIII

The establishment and operation of airdromes will be regulated by the legislation of each country, equality of treatment being observed.

ARTICLE XXIV

The aircraft of one contracting state engaged in international commerce with another contracting state shall not be compelled to pay other or higher charges in airports or airdromes open to the public than would be paid by national aircraft of the state visited, likewise engaged in international commerce.

ARTICLE XXV

So long as a contracting state shall not have established appropriate regulations, the commander of an aircraft shall have rights and duties analogous to those of the captain of a merchant steamer, according to the respective laws of each state.

ARTICLE XXVI

The salvage of aircraft lost at sea shall be regulated, in the absence of any agreement to the contrary, by the principles of maritime law.

ARTICLE XXVII

The aircraft of all states shall have the right, in cases of danger, to all possible aid.

ARTICLE XXVIII

Reparations for damages caused to persons or property located in the subjacent territory shall be governed by the laws of each State.

ARTICLE XXIX

In case of war the stipulations of the present convention shall not affect the freedom of action of the contracting states either as belligerents or as neutrals.

ARTICLE XXX

The right of any of the contracting states to enter into any convention or special agreement with any other state or states concerning international aerial navigation is recognized, so long as such convention or special agreement shall not impair the rights or obligations of any of the states parties to this convention, acquired or imposed herein; provided, however, that two or more states, for reasons of reciprocal convenience and interest may agree upon appropriate regulations pertaining to the operation of aircraft and the fixing of specified routes. These regulations shall in no case prevent the establishment and operation of practicable inter-American aerial lines and terminals. These regulations shall guarantee equality of treatment of the aircraft of each and every one of the contracting states and shall be subject to the same conditions as are set forth in Article 5 of this convention with respect to prohibited areas within the territory of a particular state.

Nothing contained in this convention shall affect the rights and obligations established by existing treaties.

ARTICLE XXXI

The contracting states obligate themselves in so far as possible to cooperate in inter-American measures relative to:

a) The centralization and distribution of meteorological information, whether statistical, current or special;

b) The publication of uniform aeronautical charts, as well as the establishment of a uniform system of signals;

c) The use of radiotelegraph in aerial navigation, the establishment of the necessary radiotelegraph stations and the observance of the inter-American and international radiotelegraph regulations or conventions at present existing or which may come into existence.

ARTICLE XXXII

The contracting states shall procure as far as possible uniformity of laws and regulations governing aerial navigation. The Pan American Union shall cooperate with the governments of the contracting states to attain the desired uniformity of laws and regulations for aerial navigation in the states parties to this convention.

Each contracting state shall exchange with every other contracting state within three months after the date of ratification of this convention copies of its air-traffic rules and requirements as to competency for aircraft commanders, pilots, engineers, and other members of the operating crew, and the requirements for airworthiness of aircraft intended to engage in international commerce.

Each contracting state shall deposit with every other state party to this convention and with the Pan American Union three months prior to the date proposed for their enforcement any additions to or amendments of the regulations referred to in the last preceding paragraph.

ARTICLE XXXIII

Each contracting state shall deposit its ratification with the Cuban Government, which shall thereupon inform the other contracting states. Such ratification shall remain deposited in the archives of the Cuban Government.

ARTICLE XXXIV

The present convention will come into force for each signatory state ratifying it in respect to other states which have already ratified, forty days from the date of deposit of its ratification.

ARTICLE XXXV

Any state may adhere to this convention by giving notice thereof to the Cuban Government, and such adherence shall be effective forty days thereafter. The Cuban Government shall inform the other signatory states of such adherence.

ARTICLE XXXVI

In case of disagreement between two contracting states regarding the interpretation or execution of the present convention the question shall, on the request of one of the governments in disagreement, be submitted to arbitration as hereinafter provided. Each of the governments involved in the disagreement shall choose another government not interested in the question at issue and the government so chosen shall arbitrate the dispute. In the event the two arbitrators can not reach an agreement they shall appoint another disinterested government as additional arbitrator. If the two arbitrators can not agree upon the choice of this third government, each arbitrator shall propose a government not interested in the dispute and lots shall be drawn between the two governments proposed. The drawing shall devolve upon the Governing Board of the Pan American Union.

The decision of the arbitrators shall be by majority vote.

ARTICLE XXXVII

Any contracting state may denounce this convention at any time by transmitting notification thereof to the Cuban Government, which shall communicate it to the other states parties to this convention. Such denunciation shall not take effect until six months after notification thereof to the Cuban Government, and shall take effect only with respect to the state making denunciation.

In witness whereof, the above-named plenipotentiaries have signed this convention and the seal of the Sixth International Conference of American States has been hereto affixed.

Perú: Jesús M. Sálazar, Víctor M. Maúrtua, Luis Ernesto Denegri, E. Castro Oyanguren.

Uruguay: Varela, Pedro Erasmo Callorda.

Panamá: R. J. Alfaro, Eduardo Chiari.

Ecuador: Gonzalo Yaldumbide, Victor Zevallos, C. E. Alfaro.

Mexico: Julio García, Fernando González Roa, Salvador Urbina, Aquiles Elorduy.

Salvador: J. Gustavo Guerrero, Héctor David Castro, Ed. Alvarez.

Guatemala: Carlos Salazar, B. Alvarado, Luis Beltranena, J. Azurdia.

Nicaragua: Carlos Cuadra Pazos, Máximo H. Zepeda, Joaquín Gómez.

Bolivia: José Antezana, A. Costa du R.

Venezuela: Santiago Key Ayala, Francisco G. Yánes, Rafael Angel Arraiz.

Colombia: Enrique Olaya Herrera, R. Gutiérrez Lee, J. M. Yepes.

Honduras: F. Dávila, Mariano Vázquez.

Costa Rica: Ricardo Castro Beeche, J. Rafael Oreamuno, A. Tinoco Jiménez.

Chile: Alejandro Lira, Alejandro Alvarez, C. Silva Vildosola, Manuel Sianchi.

Brazil: Raúl Fernandes, Lindolfo Collor.

Argentina: Laurentino Olascoaga, Felipe A. Espil, Carlos Alberto Alcorta.

Paraguay: Lisandro Días Leon, Juan Vicente Ramírez.

Haiti: Fernando Dennis.

Dominican Republic: Fraco. J. Peynado, Tulio M. Cesteor, Jacinto R. de Castro, Elías Brache, R. Pérez Alfonseca.

United States of America: Charles Evans Hughes, Noble Brandon Judah, Henry P. Fletcher, Oscar W. Underwood, Morgan J. O'Brien, James Brown Scott, Ray Lyman Wilbur, Leo S. Rowe.

Cuba: Antonio S. de Bustamante, Orestes Ferrara, E. Hernández Cartaya, Arístides de Aguero Bethencourt, M. Márquez Sterling, Néstor Carbonell.

Reservation of the Dominican Republic: The delegation of the Dominican Republic records, as an explanation of its vote, that upon signing the present convention it does not understand that the Dominican Republic dissociates itself from conventions it has already ratified and which are in force.

Certified to be the English text of the convention on commercial aviation as contained in the final act signed, February 20, 1928, at the closing session of the Sixth International Conference of American States.

HENRY L. STIMSON,
Secretary of State of the United States of America.

posts, customs, and police.

Mr. BORAH. Mr. President, the essence of this treaty is contained in articles 4, 5, 21, 22, and 30.

By article 4 each contracting state undertakes in time of peace to accord freedom of innocent passage above its territory to aircraft of other contracting states subject to the conditions laid down in the convention.

Article 5 accords to each contracting state the right to prohibit for reasons which it deems convenient in the public interest flights over fixed zones of its territory by the aircraft of other contracting states, with the reservation that no distinction shall be made in this respect between its own private aircraft engaged in international commerce and those of other contracting states likewise engaged.

Article 21 provides that aircraft engaged in international commerce shall be permitted to discharge or take on at different airports in the territory of a contracting state passengers or cargo from or destined to points beyond the borders of such state.

Article 22 accords to each contracting state the right to establish reservations and restrictions in favor of its own national aircraft in regard to the commercial transportation of passengers and merchandise between two or more points in its territory, and to other remunerated aeronautical operations wholly within its territory.

Article 30 recognizes the right of the contracting states to enter into any convention or special agreement with any other state or states concerning international aerial navigation so long as such convention or special agreement shall not impair the rights or obligations of any of the states parties to the Habana convention.

The right accorded to each contracting state by Article 30 to enter into any convention or special agreement with any other state is subject to a proviso in the article that two or more states for reasons of reciprocal convenience and interest may agree upon appropriate regulations pertaining to the operation of aircraft and the fixing of specific routes. These regulations must guarantee equality of treatment to the aircraft of each and every one of the contracting states. This proviso follows substantially the form of an amendment offered by Mr. Henry P. Fletcher on behalf of the American delegation at the Habana conference. Mr. Fletcher stated that the Panama Canal was of vital importance not only to the United States, but to all the nations of this hemisphere, and to the maritime commerce of the world; that the desire of the United States to safeguard the Panama Canal prompted the suggestion of the amendment and that it paved the way to an agreement between the United States and the Republic of Panama which would make the establishment and operation of inter-American aerial lines practicable without jeopardizing the safety, protection, and uninterrupted operation of the Panama Canal.

The treaty was reported to the Senate without amendment, and the resolution of ratification was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive D, Seventy-first Congress, third session, an international convention of commercial aviation, adopted at the Sixth International Conference of American States, held at Habana, Cuba, from January 16 to February 20, 1928.

The resolution was agreed to, two-thirds of the Senators present voting in the affirmative.

FEDERAL RESERVE BOARD

The Chief Clerk read the nomination of Eugene Meyer to be a member of the Federal Reserve Board.

Mr. BLAINE. Mr. President, in the absence of the junior Senator from Iowa [Mr. BROOKHART] I ask that this nomination may go over.

The PRESIDENT pro tempore. The nomination will go over.

Mr. PHIPPS. Mr. President, I ask if we could not set a time for the consideration of this nomination. It has been on the calendar since the 13th of February. Would it not be agreeable to take it up and dispose of it when we next have an executive session?

Mr. BLAINE. Mr. President, in the absence of the Senator from Iowa, I do not feel called upon to enter into any agreement with regard to the matter. I can not do so very well. I have no authority to.

Mr. PHIPPS. Certainly. I could not ask the Senator to bind another Senator in the other Senator's absence; but the nomination ought to be taken up and disposed of at an early date.

Mr. CAREY. Mr. President, this nomination has been pending for a long time, as the Senator from Colorado has stated, and I desire to announce that if the junior Senator from Iowa is in Washington to-morrow I shall ask unanimous consent that the nomination be taken up and disposed of.

CUSTOMS SERVICE

The Chief Clerk read the nomination of Curtis M. Johnson to be collector of customs, district No. 36, Duluth, Minn.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Emery J. San Souci to be collector of customs, district No. 5, Providence, R. I.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE JUDICIARY

The Chief Clerk read the nomination of Charles B. Kennamer to be United States district judge, middle and northern districts of Alabama.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Harry M. Reed to be United States attorney, northern district of Iowa.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Angus Sutherland to be United States marshal, district of Idaho.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Albert White, United States marshal, division No. 1, district of Alaska.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

IMMIGRATION SERVICE

The Chief Clerk read the nomination of John D. Nagle to be commissioner of immigration, port of San Francisco, Calif.

The PRESIDENT pro tempore. Without objection the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. PHIPPS. Mr. President, I ask unanimous consent that the postmasters be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, all postmaster nominations on the calendar will be confirmed en bloc.

IN THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. HALE. I ask that the nominations in the Navy be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, all nominations in the Navy will be confirmed en bloc.

IN THE MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the Marine Corps.

Mr. HALE. I make the same request with respect to the nominations in the Marine Corps, that they be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, all nominations in the Marine Corps will be confirmed en bloc.

That completes the calendar.

The Senate resumed legislative business.

WATERWAYS AND THEIR RELATION TO THE NATION'S TRANSPORT SYSTEM

Mr. McNARY. Mr. President, in the New York Times on Sunday, February 8, 1931, there appeared a thoughtful and informative article written by Major General Ashburn entitled "Our Waterways—Their Relation to the Nation's Transport System," which I ask unanimous consent to have printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, February 8, 1931]

OUR WATERWAYS—THEIR RELATION TO NATION'S TRANSPORT SYSTEM—HEAD OF FEDERAL BARGE LINE, DISPUTING "HIDDEN COST" FIGURES, CALLS FOR COORDINATION OF RAIL, WATER, AND MOTOR ROUTES

(In a recent issue of the New York Times Prof. William Z. Ripley, in a general article on the railroad problem, discussed the competition of the waterways with the railroads, and quoted from a chart of "disclosed and hidden costs" in the operation of the Inland Waterways Corporation (the Federal barge lines). In the following article the chairman and executive of that corporation challenges the figures of the chart as to "hidden costs" and presents the view that the paramount interest at stake in the rivalry of various forms of transportation is that of the people, which, he thinks, will best be served by coordination and cooperation of rail, water, and motor transport.)

By Maj. Gen. T. Q. Ashburn

Too much has been said about the relative merits of rail, water, and motor transportation, the effect of such competition upon the revenues of the various carriers, and far too little about the interest the public has in securing the best transportation at the cheapest possible rate. Every citizen is vitally interested in the cost of transportation, for concealed in the price of every article he utilizes—the food he eats, the clothes he wears—is included the cost of transportation.

Every new country passes through four stages of transportation: Transportation by water, by paths and roads, by rail, and finally the stage of coordination and cooperation—the stage through which we are now passing.

Each of these stages follows as naturally as day follows night, each performs its functions satisfactorily considering the conditions involved, each in the order named inevitably leads to the other; and as a better and cheaper and more satisfactory form appears, the less satisfactory and the more expensive form fights constantly to prevent the people of the United States from enjoying such transportation, and always on the ground that "the existing forms of transportation fill all our needs, and if you allow competition it will destroy our revenue. We are too important to be destroyed or hurt; we have expanded at the people's demand, and it is unfair competition to subsidize some other form of transportation to our disadvantage."

ALWAYS BY SUBSIDIES

It will be observed that there is no thought anywhere in this argument that the people who have paid and paid to get transportation, who have allowed one form to supersede another (and always by subsidies), have any legal, moral, or ethical right to patronize that form of transportation which is of most value to them.

The problem confronting the people of the United States is this: We have hundreds of millions of dollars—nearly $1,500,000,000—invested in our harbors and navigable waterways, and we have been appropriating annually vast sums of money to continue making navigable streams, in the hope that by their utilization there will result a cheaper means of transportation whereby the whole country will profit. This vast project has been only partly completed, and it will require a comparatively small sum to complete that part of it which has been found to be in accordance with sound economics and sound engineering principles. Upon its completion we may look with certainty to the fact that through cheaper and better coordinated water-rail-motor service there will result a system of transportation better and cheaper than any single system, affording everyone a real return upon the money which he has invested in the form of taxes.

These savings, inherent in water transportation, will be available not only to those communities fortunately located upon our navigable streams, for when this coordinated system of joint routes and rates is fully developed in accordance with the Denison Act, the shipper in the interior will receive the same savings in cents per hundred pounds through joint rates as the man located on the river. The general principle governing in the application of the water saving to the joint rate is to apply the water saving between the river ports to the all-rail rate between the point of origin and destination, and then to establish a joint route via the Federal barge lines (by rail and water, or by motor and water), cheaper by the water saving than the all-rail or all-motor rate.

PROFIT UPON COMPLETION

This is exactly what we propose to do for every interior shipper, and yet the opponents of waterway development and the operations of the Federal barge lines propose that we should abandon this vast network of waterways, already partially completed, charge it to profit and loss, and admit that our whole policy of 110 years has been a colossal failure, instead of spending the money necessary to make the system complete. It is submitted that no business organization, no combination of capital would abandon any such sum as $1,500,000,000, already spent to complete seven-eighths of a project which until completion is of little value, when by the appropriation of the additional one-eighth necessary to complete the project there would result a reasonable return upon the whole investment.

In an endeavor to becloud the issue and by using the same tactics that canals and highways used against railways in their early pioneering, there is a concerted attack upon the utilization of our streams by the Federal barge lines—an agency created by Congress to demonstrate that water transportation is feasible and economically sound, and the only agency available for such demonstration—on the grounds that the Federal barge lines are subsidized.

Although the Federal barge lines have had a net operating income since the inception of the Inland Waterways Corporation; although no money has been appropriated for anything except expansions of the line; although the corporation could exist and operate and furnish cheap transportation indefinitely on its net operating income; although it has saved the public millions of dollars, charts such as the one published in connection with Professor Ripley's article are constantly being presented to lead the public to believe that it is being mulcted. It is well to note that the Inland Waterways Corporation has existed only since the latter part of 1924, yet the greater part of these charges apply to the total expenditures on the waterways on which we operate.

At this place it is well to point out that these attempts to prove that here are certain "hidden charges" which the citizen pays when he ships by the Federal barge lines, the comparison of costs per ton-mile of operations are only efforts to detract the shipper's attention from the fact that he is actually getting cheaper transportation by water.

Certainly the people have been taxed to create and maintain our navigable streams, our harbors, our lighthouses, and so forth, to accomplish a certain definite purpose, and since they have been taxed once to create them, why, in order to bolster up a case of "hidden costs," should they be charged again with "tax exemption," "maintenance of waterways," "interest and sinking fund on waterway," "interest on the corporation (their own) property"?

The Inland Waterways Corporation is an agent owned by the people themselves, created by Congress to prove that, having taxed themselves to create navigable waterways, they can get that for which they have been taxed—cheaper transportation by water—something they had been unable to get for years, because water transportation had been destroyed by the railroads; and to saddle it in its pioneering demonstrative work, which is bringing back water transportation, with a preposterous system of charges which do not exist, which the people have willed should not exist, is to deny to the people the right to reap the benefit of the investment made.

But assuming that what our opponents claim should be charged against water transportation in the chart referred to are actually things which should be considered, let us point out the errors and discrepancies and let the reader judge whether they make a legitimate case.

This chart was evidently prepared from data contained in my annual report of 1928. Let us examine it.

It claims a "hidden cost" to the taxpayer of 0.7 mill per ton-mile on the ground of "tax exemption."

RAIL VERSUS WATER CHARGES

The total corporation "tax exemption," hidden cost, as figured in this chart—0.7 mill per ton-mile for 1928—would amount to $1,066,741.90, or since the operating revenue for the year was $6,707,575.57, almost 16 per cent of the total revenue. According to statistics of railways in the United States, published by the Interstate Commerce Commission for 1928, taxes of class 1 steam railways were 6.37 per cent of the total operating revenues. Why charge the Inland Waterways Corporation almost 16 per cent tax exemption, or nearly three times as much as the railways are actually taxed? On the same basis that railroad taxes are calculated this "hidden cost" would be 0.26 mill per ton-mile.

But we have a better way of arriving at this than by comparison with railroad taxes; that is, by the actual taxes paid by common carriers by water in the United States. Out of 138 common carriers listed by the Interstate Commerce Commission on December 31, 1929, there were 20 companies which did not pay any taxes. The taxes paid by the remainder of the common water carriers amounted to only 1.55 per cent of the total operating revenues of these lines, instead of the 6.37 per cent paid by the railroads, and about 16 per cent charged against the Inland Waterways Corporation to make a case of "hidden costs." On the same basis of taxation as other water carriers, the Inland Waterways Corporation would have paid 0.068 mill per ton-mile, instead of 0.7 mill per ton-mile, with which it is charged in the table for 1928.

On the basis of the original chart, the hidden cost, as given by the chart, of maintenance of waterways, would be $2,773,528.94; interest and sinking fund, $5,408,905.35; interest on corporation property, $836,154.35, a total of $10,088,330.54, while the total freight revenue received by the corporation amounted to $6,445,353.70.

Why is this item, maintenance of waterways, charged to the Inland Waterways Corporation? According to a pamphlet issued by the Department of Commerce, there are 200 common carriers, 98 contract carriers, and 187 private carriers, with a total value of $150,000,000, operating on the inland waterways of the United States. In 1928, to which year the table evidently referred, our value was approximately $16,000,000, or 10.66 per cent of the total invested on our inland waterways. Our proportionate share then (if such charge is legitimate) would be 0.19 mill per ton-mile for maintenance of waterways, instead of 1.82 mills per ton-mile. The interest and sinking fund on waterway (if such charge be legitimate) would be 0.78 mill per ton-mile.

Our interest on the corporation property evidently is here figured at 5.5 per cent of our actual value at the time. As a matter of fact, the Government can get all the money it wants at 4 per cent, so our interest would amount to only 0.4 mill per ton-mile.

Now add to the actual items the disclosed costs (which included a net income of $327,712.30), all that the table purports to give as hidden costs to get our final cost per ton-mile, and we have:

	Mills per ton-mile
Tax exemption	[1] 0.26
Maintenance of waterway	.19
Interest on sinking fund, etc	.38
Interest on corporation property	.40
Cost paid for transportation	4.23
Total	5.46

RAILROADS' "HIDDEN COSTS"

This total of 5.46 is opposed to 10.85 per ton-mile of the chart, and opposed to the actual operating costs of the railroads of almost exactly 10 mills per ton-mile, which do not disclose any "hidden costs" to the public of the donation of land grants to the railways since 1850, amounting to 132,173,224 acres, or of the $40,000,000 per annum subsidy through Pullman surcharges, or other items to be mentioned later.

It will undoubtedly surprise the public to know that this "land grant" by the Government to the railroads is a continuing subsidy, since in the fiscal year 1930 there were 62,249.29 acres of land certified or patented on account of railroad grants by the United States to the railroads precisely as they were certified or patented (or granted) in the early days. One can not be certain exactly what the 132,000,000 and more acres were sold for, but according to an advertisement issued by the Northern Pacific Railroad in 1871, the lands granted to the Union Pacific sold for $4.46 per acre; the school lands of Minnesota, $6.30 per acre; the lands of the I. C. grant at $11 per acre; and the advertisement quotes an "average of $4 per acre."

The Government price per acre at this time was given as $2.50, so that, taking this extremely low price, there is a "hidden cost" to the people of the United States of 132,000,000 acres at $2.50 per acre, or $330,000,000, given to the railroads to secure a "right of way," just as the money spent for rivers was given by the people to the people themselves to secure a "river right of way." Further, the rights of way thus given to the railroads by the Government are carried in the value of the railroads, taken up as "investment in road and equipment," on which investment the people are requested to pay an additional 5¾ per cent return. Not only were these land grants given by the Government, but Texas, for example, donated many thousands of acres; counties and towns gave cash bonuses, or the proceeds of bond issues, for various purposes.

The people are entitled to the best form of transportation available at the cheapest possible rate, and if they desire to pay a part of the cost of transportation by highway, or by inland waterways, or by granting to the railways the present existing $40,000,000 subsidy of a surcharge on a Pullman ticket, they have a perfect right so to do. It would appear to be a much better policy on the part of all concerned not to attempt to mislead the people about hidden costs, but to furnish the best and cheapest possible transportation. Such transportation will come about through proper coordination and cooperation of all forms of transportation. It can not be brought about by crying aloud that one form of transportation will destroy another, by bickerings, evasions of self-evident truths, or by unfair propaganda.

COMPETITION MUST RULE

If one form of transportation is better and cheaper than any other, it will prevail, whether it destroys or partially destroys any other form or not.

There need be no fear of such contingency, however.

Personally, we believe that in giving the railroads the subsidies which have been mentioned the people of the United States have done a wise and legitimate thing; we have no quarrel with the railroads—they are essential to our progress, and must be protected. It is only because they themselves have unfairly propagandized against so-called unfair and subsidized competition, because they have attacked waterways, motorways, airways, and pipe lines, that their attention is called to the fact that they, while living in a house of glass, have been caught throwing stones.

REDEMPTION OF INTERNAL-REVENUE STAMPS

Mr. BARKLEY. Mr. President, we had almost completed the calendar the other night when the Finance Committee reported a little bill which the Treasury Department recommends, and I want to have it considered at this time. I do not think it will lead to any debate. It is House bill 10658, to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26).

Mr. COPELAND. Mr. President, let it be reported.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

Mr. WATSON. Let it be reported first.

The PRESIDENT pro tempore. The bill will be read.

The bill was read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. NORRIS. Mr. President, reserving the right to object, I want to inquire if the bill has the approval of Secretary Mellon?

Mr. BARKLEY. It has the approval of the Treasury Department.

Mr. NORRIS. I have no objection.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment on page 2, line 6, to strike out the words "if claim therefor is presented by the manufacturer or importer, within two years from the dates of cancellation of said stamps, irrespective of the date of their purchase," and insert in lieu thereof the words "upon claim therefor being duly presented by the manufacturer or importer, irrespective of the date of their purchase," so as to make the bill read:

Be it enacted, etc., That section 1 of the act entitled "An act authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps," approved May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26), be, and the same is hereby, amended by adding at the close thereof the following: "*And provided further*, That internal-revenue stamps affixed to packages of tobacco, snuff, cigars, or cigarettes which, after removal from factory or customhouse for consumption or sale, the manufacturer or importer withdraws from the market, may, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, be redeemed upon claim therefor being duly presented by the manufacturer or importer, irrespective of the date of their purchase."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL INDEFINITELY POSTPONED

Mr. HOWELL. Mr. President, I ask unanimous consent that Calendar No. 1738, the bill (S. 6138) to extend the times for commencing and completing the construction of bridges across the Missouri River at or near Farnam Street, Omaha, Nebr., at or near South Omaha, Nebr., and at or near Florence, Nebr., introduced by myself, be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NAVY DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

RECESS

Mr. HALE. Mr. President, I move that the Senate recess until to-morrow at 11 o'clock a. m.

The motion was agreed to; and the Senate (at 5 o'clock and 3 minutes p. m.) took a recess until to-morrow, Saturday, February 21, 1931, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 20 (legislative day of February 17), 1931

ASSISTANT SECRETARY OF STATE

James Grafton Rogers, of Colorado, to be an Assistant Secretary of State.

UNITED STATES DISTRICT JUDGE

Gunnar H. Nordbye, of Minnesota, to be United States district judge, District of Minnesota. (Additional position.)

[1] On the basis of taxation of other water carriers this would be reduced to 0.068.

POSTMASTERS

ALABAMA

Anna M. Nabors to be postmaster at Boothton, Ala., in place of A. M. Nabors. Incumbent's commission expired December 13, 1930.

Denby S. Roberts to be postmaster at Lexington, Ala. Office became presidential July 1, 1930.

ARIZONA

Arthur E. Weech to be postmaster at Pima, Ariz., in place of A. E. Weech. Incumbent's position expires February 24, 1931.

ARKANSAS

James F. Hudson to be postmaster at Lake Village, Ark., in place of J. F. Hudson. Incumbent's commission expired January 5, 1931.

James G. Brown to be postmaster at Magnolia, Ark., in place of J. G. Brown. Incumbent's commission expired January 5, 1931.

CALIFORNIA

Bertram C. McMurray to be postmaster at Lancaster, Calif., in place of B. C. McMurray. Incumbent's commission expired February 10, 1931.

Gertrude B. Leavens to be postmaster at Roscoe, Calif., in place of G. B. Leavens. Incumbent's commission expired February 5, 1931.

COLORADO

John M. Deitrich to be postmaster at Center, Colo., in place of J. M. Deitrich. Incumbent's commission expired December 21, 1930.

James S. Proctor to be postmaster at Englewood, Colo. Office established September 15, 1930.

Samuel H. Leipziger to be postmaster at Spivak, Colo., in place of S. H. Leipziger. Incumbent's commission expires March 3, 1931.

DELAWARE

W. Bateman Cullen to be postmaster at Clayton, Del., in place of W. B. Cullen. Incumbent's commission expired March 3, 1930.

FLORIDA

George E. Gay to be postmaster at Palatka, Fla., in place of G. E. Gay. Incumbent's commision expires February 24, 1931.

HAWAII

Alfred Ornellas to be postmaster at Makawao, Hawaii, in place of Lucy Ornellas, resigned.

IDAHO

Wilbur J. Selby to be postmaster at Eagle, Idaho, in place of W. J. Selby. Incumbent's commission expires March 3, 1931.

ILLINOIS

Paul M. Green to be postmaster at Bluffs, Ill., in place of P. M. Green. Incumbent's commission expired January 28, 1931.

Walter C. Yunker to be postmaster at Forest Park, Ill., in place of W. C. Yunker. Incumbent's commission expires February 23, 1931.

Herbert L. East to be postmaster at Highwood, Ill., in place of H. L. East. Incumbent's commission expired December 22, 1930.

Roy F. Dusenbury to be postmaster at Kankakee, Ill., in place of R. F. Dusenbury. Incumbent's commission expired January 18, 1931.

Robert M. Farthing to be postmaster at Mount Vernon, Ill., in place of R. M. Farthing. Incumbent's commission expired December 13, 1930.

INDIANA

Charles E. Elkins to be postmaster at Bourbon, Ind., in place of W. G. Minard. Incumbent's commission expired December 21, 1930.

Burr E. York to be postmaster at Converse, Ind., in place of B. E. York. Incumbent's commission expires February 24, 1931.

Ernest J. Gallmeyer to be postmaster at Fort Wayne, Ind., in place of H. W. Baals. Incumbent's commission expired December 21, 1930.

William B. Hays to be postmaster at Garrett, Ind., in place of W. B. Hays. Incumbent's commission expires March 3, 1931.

Charles W. Foulks to be postmaster at Goshen, Ind., in place of I. M. Dausman. Incumbent's commission expired February 10, 1931.

Ira A. Dixon to be postmaster at Kentland, Ind., in place of Reuben Hess. Incumbent's commission expired December 21, 1930.

Don D. Nelson to be postmaster at Lagrange, Ind., in place of R. M. Waddell. Incumbent's commission expired May 26, 1930.

Charles H. Olinger to be postmaster at North Manchester, Ind., in place of Calvin Ulrey. Incumbent's commission expired January 15, 1931.

Howard W. Dubois to be postmaster at Rochester, Ind., in place of A. W. Bitters. Incumbent's commission expired January 6, 1930.

Maude W. Zaring to be postmaster at Salem, Ind., in place of J. C. Brown. Incumbent's commission expired January 15, 1931.

Arthur Tomson to be postmaster at Wabash, Ind., in place of D. E. Purviance. Incumbent's commission expired January 15, 1931.

Amanda B. Gosnell to be postmaster at West Terre Haute, Ind., in place of A. B. Gosnell. Incumbent's commission expired February 14, 1931.

IOWA

Otto E. Gunderson to be postmaster at Forest City, Iowa, in place of W. R. Prewitt. Incumbent's commission expired March 8, 1930.

Isaac J. Phillips to be postmaster at Hiteman, Iowa, in place of I. J. Phillips. Incumbent's commission expired February 16, 1931.

Harvey S. Bliss to be postmaster at Kensett, Iowa, in place of H. S. Bliss. Incumbent's commission expired July 2, 1930.

Merle B. Camerer to be postmaster at Oto, Iowa, in place of M. B. Camerer. Incumbent's commission expires February 28, 1931.

KANSAS

Henry A. Luebbe to be postmaster at Horton Kans., in place of C. H. Browne. Incumbent's commission expired January 18, 1931.

Roger M. Williams to be postmaster at Lansing, Kans., in place of Isabel Brown. Incumbent's commission expired April 23, 1930.

Frank E. Chapin to be postmaster at Minneapolis, Kans., in place of F. E. Chapin. Incumbent's commission expires March 3, 1931.

John P. Pierce to be postmaster at National Military Home, Kans., in place of John Malone. Incumbent's commission expires February 24, 1931.

Jessie I. Dickson to be postmaster at Neosho Falls, Kans., in place of J. I. Dickson. Incumbent's commission expired February 11, 1931.

KENTUCKY

Lucille C. Yates to be postmaster at Grayson, Ky., in place of L. C. Yates. Incumbent's commission expired February 17, 1931.

Sister Marie M. LeBray to be postmaster at Nazareth, Ky., in place of Sister M. M. LeBray. Incumbent's commission expired July 2, 1930.

MARYLAND

George B. Gardner to be postmaster at Jessups, Md., in place of G. B. Gardner. Incumbent's commission expires March 3, 1931.

John S. Dean to be postmaster at North East, Md., in place of J. S. Dean. Incumbent's commission expired February 9, 1931.

MASSACHUSETTS

Walter C. Wright to be postmaster at Graniteville, Mass., in place of W. C. Wright. Incumbent's commission expired December 21, 1930.

MICHIGAN

David A. Kooker to be postmaster at Ewen, Mich., in place of D. A. Kooker. Incumbent's commission expired December 11, 1930.

Andrew Bram to be postmaster at Hancock, Mich., in place of Andrew Bram. Incumbent's commission expired January 7, 1931.

Edward Barstow to be postmaster at Menominee, Mich., in place of C. A. Anderson. Incumbent's commission expired January 18, 1931.

Dorr A. Rosencrans to be postmaster at Reed City, Mich., in place of D. A. Rosencrans. Incumbent's commission expired January 18, 1931.

MINNESOTA

Helmer C. Bacon to be postmaster at Dawson, Minn., in place of H. C. Bacon. Incumbent's commission expired July 2, 1930.

Dwight M. Backman to be postmaster at Whalan, Minn., in place of D. M. Backman. Incumbent's commission expires March 1, 1931.

MISSISSIPPI

Henry E. Wamsley to be postmaster at A. and M. College, Miss., in place of H. E. Wamsley. Incumbent's commission expired January 22, 1931.

Huey O. Cash to be postmaster at Artesia, Miss., in place of B. M. Nickels. Incumbent's commission expired January 13, 1930.

William O. Thompson to be postmaster at Lexington, Miss., in place of W. O. Thompson. Incumbent's commission expired June 7, 1930.

Catherine Fitzpatrick to be postmaster at Pass Christian, Miss., in place of R. J. Delpit. Incumbent's commsision expired February 16, 1929.

Laura E. Turnage to be postmaster at Tchula, Miss., in place of S. R. T. Perry, deceased.

Luella H. Riser to be postmaster at Terry, Miss., in place of V. P. Hollingsworth. Incumbent's commission expired March 2, 1930.

George O. Robinson to be postmaster at Tunica, Miss., in place of J. B. Block, removed.

MISSOURI

Owen S. Randolph to be postmaster at Gideon, Mo., in place of O. S. Randolph. Incumbent's commission expired February 17, 1931.

Charles A. Bryant to be postmaster at Richland, Mo., in place of C. A. Bryant. Incumbent's commission expired January 15, 1931.

Athol J. Michener to be postmaster at St. Louis, Mo., in place of A. J. Michener. Incumbent's commission expires March 3, 1931.

NEBRASKA

Robert W. Finley to be postmaster at Bradshaw, Nebr., in place of R. W. Finley. Incumbent's commission expired February 14, 1931.

Elmer E. Gockley to be postmaster at Edison, Nebr., in place of E. E. Gockley. Incumbent's commission expired January 17, 1931.

Richard J. Ward to be postmaster at Rushville, Nebr., in place of C. T. Gammon, deceased.

Harvey A. Loerch to be postmaster at Tekamah, Nebr., in place of H. A. Loerch. Incumbent's commission expired February 9, 1931.

William E. Brogan to be postmaster at Tilden, Nebr., in place of W. E. Brogan. Incumbent's commission expired February 14, 1931.

Wayne Mead to be postmaster at Western, Nebr., in place of Wayne Mead. Incumbent's commission expired February 12, 1931.

NEW HAMPSHIRE

Philip G. Hazelton to be postmaster at Chester, N. H., in place of A. H. Wilcomb, deceased.

Cora H. Eaton to be postmaster at Littleton, N. H., in place of C. H. Eaton. Incumbent's commission expired January 6, 1931.

Joseph H. Geisel to be postmaster at Manchester, N. H., in place of J. H. Geisel. Incumbent's commission expired February 7, 1931.

NEW JERSEY

Lemuel H. Greenwood to be postmaster at Elmer, N. J., in place of L. H. Greenwood. Incumbent's commission expires March 3, 1931.

Herman H. Wille to be postmaster at Orange, N. J., in place of H. H. Wille. Incumbent's commission expired February 16, 1931.

Charles Roeltgen to be postmaster at Rochelle Park, N. J., in place of Charles Roeltgen. Incumbent's commission expires March 1, 1931.

Harold P. Humphrey to be postmaster at Washington, N. J., in place of W. J. Caswell. Incumbent's commission expired May 29, 1930.

NEW MEXICO

John N. Norviel to be postmaster at Hatch, N. Mex., in place of J. N. Norviel. Incumbent's commission expires February 28, 1931.

NEW YORK

Elmer A. Arnold to be postmaster at Burdett, N. Y., in place of E. A. Arnold. Incumbent's commission expires March 1, 1931.

Florence J. Davis to be postmaster at Cold Brook, N. Y. Office became presidential July 1, 1930.

Alger Davis to be postmaster at Munnsville, N. Y., in place of F. A. Wheeler. Incumbent's commission expired February 4, 1930.

Robert A. Lundy to be postmaster at Ray Brook, N. Y., in place of R. A. Lundy. Incumbent's commission expired January 22, 1931.

Albert A. Patterson to be postmaster at Willsboro, N. Y., in place of A. A. Patterson. Incumbent's commission expired February 4, 1931.

NORTH DAKOTA

Walter L. Saunders to be postmaster at Ellendale, N. Dak., in place of W. L. Saunders. Incumbent's commission expires February 28, 1931.

Alexander R. Wright to be postmaster at Oakes, N. Dak., in place of A. R. Wright. Incumbent's commission expired February 14, 1931.

OHIO

Linden C. Weimer to be postmaster at Dayton, Ohio, in place of L. C. Weimer. Incumbent's commission expires March 3, 1931.

Lenna E. Seaver to be postmaster at Dorset, Ohio, in place of H. A. McConnell, deceased.

OKLAHOMA

Otis C. Reed to be postmaster at Blanchard, Okla., in place of R. H. Bowser. Incumbent's commission expired March 29, 1930.

Isaac N. Ferguson to be postmaster at Harrah, Okla., in place of E. J. Malone. Incumbent's commission expired January 18, 1931.

PENNSYLVANIA

Edison A. Brown to be postmaster at Dover, Pa., in place of J. B. Seifert. Incumbent's commission expired April 9, 1930.

Kenneth Cooper to be postmaster at New Kensington, Pa., in place of W. H. Yoder. Incumbent's commission expired February 26, 1930.

James S. Fennell to be postmaster at Salina, Pa., in place of J. S. Fennell. Incumbent's commission expired February 4, 1931.

Anna Kolesar to be postmaster at Terrace, Pa. Office became presidential October 1, 1930.

Henry W. Merritt to be postmaster at Wilkes-Barre, Pa., in place of W. E. Mannear, resigned.

Amy L. Smith to be postmaster at Wrightsville, Pa., in place of C. H. Myers. Incumbent's commission expired June 8, 1930.

PORTO RICO

Jenaro Vazquez to be postmaster at Central Aguirre, P. R., in place of Jenaro Vazquez. Incumbent's commission expires March 3, 1931.

SOUTH CAROLINA

Fred Mishoe to be postmaster at Greelyville, S. C., in place of Fred Mishoe. Incumbent's commission expired February 14, 1931.

Ottis L. Edwards to be postmaster at Saluda, S. C., in place of P. H. Padget. Incumbent's commission expired January 26, 1930.

TENNESSEE

Ernest H. Smothers to be postmaster at Camden, Tenn., in place of I. L. Presson, resigned.

Sam A. Winstead to be postmaster at Dresden, Tenn., in place of S. A. Winstead. Incumbent's commission expired December 13, 1930.

Joseph R. Mitchell to be postmaster at Mascot, Tenn., in place of J. R. Mitchell. Incumbent's commission expired December 20, 1930.

Conley Collins to be postmaster at Morristown, Tenn., in place of Conley Collins. Incumbent's commission expired January 6, 1931.

Methyr G. Booth to be postmaster at Oliver Springs, Tenn., in place of E. D. Phillips. Incumbent's commission expired December 16, 1929.

Noble C. White to be postmaster at Pulaski, Tenn., in place of M. H. Webb. Incumbent's commission expired June 16, 1930.

TEXAS

Trevor W. Powell to be postmaster at Channing, Tex., in place of S. J. Hott, resigned.

Peter W. Henry to be postmaster at Henrietta, Tex., in place of P. W. Henry. Incumbent's commission expired February 7, 1931.

Harry B. Strong to be postmaster at Iredell, Tex., in place of H. B. Strong. Incumbent's commission expired February 16, 1931.

Leroy H. Perry to be postmaster at Spur, Tex., in place of Kate Senning. Incumbent's commission expired May 26, 1930.

Perry Wendtland to be postmaster at Yoakum, Tex., in place of T. J. Hill. Incumbent's commission expired March 11, 1930.

UTAH

Emerson B. Nason to be postmaster at Soldiers Summit, Utah, in place of E. B. Nason. Incumbent's commission expires March 3, 1931.

VIRGINIA

J. Gratt Gillespie to be postmaster at Bluefield, Va., in place of J. G. Gillespie. Incumbent's commission expires March 3, 1931.

William D. Austin to be postmaster at Buena Vista, Va., in place of W. D. Austin. Incumbent's commission expired June 8, 1930.

Harry E. Marshall to be postmaster at Thaxton, Va., in place of H. E. Marshall. Incumbent's commission expires March 3, 1931.

WASHINGTON

Robert L. Wright to be postmaster at Omak, Wash., in place of R. L. Wright. Incumbent's commission expired February 10, 1931.

WEST VIRGINIA

David C. Garrison to be postmaster at Morgantown, W. Va., in place of H. W. Cox, deceased.

Harry R. Tribou to be postmaster at Tams, W. Va., in place of H. R. Tribou. Incumbent's commission expired December 17, 1929.

WISCONSIN

Joseph E. Kuzenski to be postmaster at Stetsonville, Wis., in place of J. E. Kuzenski. Incumbent's commission expired February 17, 1931.

George T. Classon to be postmaster at Weyauwega, Wis., in place of G. T. Classon. Incumbent's commission expires March 3, 1931.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 20 (legislative day of February 17), 1931

UNITED STATES DISTRICT JUDGE

Charles B. Kennamer to be United States district judge, middle and northern districts of Alabama.

UNITED STATES ATTORNEY

Harry M. Reed to be United States attorney, northern district of Iowa.

UNITED STATES MARSHALS

Angus Sutherland to be United States marshal, district of Idaho.

Albert White to be United States marshal, division No. 1, district of Alaska.

COMMISSIONER OF IMMIGRATION

John D. Nagle to be commissioner of immigration, port of San Francisco, Calif.

COLLECTORS OF CUSTOMS

Curtis M. Johnson to be collector of customs, district No. 36, Duluth, Minn.

Emery J. San Souci to be collector of customs, district No. 5, Providence, R. I.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

John S. Phillips to be lieutenant commander.
Harry T. Chase to be lieutenant.
Thomas B. Williamson to be lieutenant.
William T. Rassieur to be lieutenant.
Jack H. Lewis to be lieutenant (junior grade).
Peter K. Wells to be lieutenant (junior grade).
Reamor E. De La Barre to be lieutenant (junior grade).

MARINE CORPS

To be first lieutenants

Wilburt S. Brown.	Martin S. Rahiser.
Theodore B. Millard.	Frank J. Uhlig.
Albert L. Gardner.	Adolph Zuber.
Samuel S. Ballentine.	Robert E. Hogaboom.
James P. S. Devereux.	Francis H. Brink.
David K. Claude.	James Snedeker.
Edward J. Trumble.	John D. Blanchard.
Harold D. Harris.	

To be second lieutenants

Marcellus J. Howard.	Donovan D. Sult.
August Larson.	Robert L. McKee.
Norman Hussa.	Edward B. Carney.
Henry T. Elrod.	

Robert M. O'Toole to be chief quartermaster clerk.

POSTMASTERS

ALABAMA

Kate E. Gilbert, Geiger.

ALASKA

Martin J. Martin, Nenana.

ARKANSAS

Thomas S. Reynolds, Bradley.
Charles M. Davis, Scott.

CALIFORNIA

John L. Ross, Beverly Hills.
Mildred E. Millett, Dos Palos.
Carroll V. Crawford, Jacumba.

Alice E. Tate, Lone Pine.
Caroline H. Hackney, Parlier.
William A. Hensel, Soquel.

COLORADO

William E. Triffet, Akron.
Amy Hill, Arapahoe.
Fred J. Dyer, Crested Butte.
Fred E. Maker, Grandlake.
Nellie M. Connelly, Hartman.
Jesse W. Noble, Manitou.
William D. Asbury, Montrose.
Merrill D. Harshman, Wiggins.

HAWAII

F. J. Cushingham, Kealakekua.
Lee Loon, Pahala.

IDAHO

Hazel M. Lawton, Firth.
Guy I. Towle, Jerome.

IOWA

Hazel N. Chapman, Bagley.

KANSAS

Louisa Allender, Axtell.
Robert T. Smith, Caldwell.
Ruth Herthel, Claflin.
Maude T. Breese, Cottonwood Falls.
Howard F. Heleker, Frankfort.
Charles H. Van Meter, Johnson.
Otis N. Taylor, Kanorado.
Adna E. Palmer, Kingman.
Elam Shaffstall, Luray.
Marvin S. Gilbert, Lyndon.
Carl F. Wendt, Manter.
Walter S. Wright, Minneola.
William Dancaster, Richmond.
Horace A. Fink, Russell.
Tom W. Davis, Shawnee.
Herbert M. Bentley, Sterling.

KENTUCKY

Emma M. Oldham, Bloomfield.
Edward R. Lafferty, Cave City.
William M. Maffett, Cynthiana.
Myrtle Miller, Hazel Green.
Forrest Calico, Lancaster.
Maggie Wolfinbarger, Ravenna.
James L. Blair, West Liberty.
Flora Carroll, West Paducah.
Fred R. Blackburn, Winchester.

LOUISIANA

Charles E. Burch, Roseland.

MARYLAND

George M. Mowell, Glencoe.

MICHIGAN

George H. Neisler, Dearborn.
Frank A. Miller, Gladstone.
William A. Chamberlain, Ontonagon.
Albert Sanders, jr., Stephenson.
Webb W. Walter, Three Rivers.
Ernest A. Hopperstead, Whitehall.
Charles S. Sisson, White Pigeon.

MINNESOTA

Anthony C. Klee, Aitkin.
Edward R. Bell, Akeley.
Gilbert J. Brenden, Badger.
Arthur F. Johnson, Barrett.
Frank L. Lane, Bigelow.
Bertha Finch, Butterfield.
Mathias N. Koll, Cass Lake.
Frank A. Lindbergh, Crosby.
Mary J. Stensby, Cyrus.
Claude W. Tucker, Fort Ripley.
Herman J. Ricker, Freeport.
Clyde H. Hiatt, Granada.
Carl J. Johnson, Hendricks.
Gustav E. Hensel, Howard Lake.
C. Edward Sarff, Keewatin.
Charles F. Wolfe, Kellogg.
Edward Odberg, Kettle River.
Robert B. Forrest, Lake Wilson.
George W. Kiefer, Lewiston.
Gustav O. Schlick, Lucan.
Carl W. Carlson, Melrose.
John L. Beck, Mountain Iron.
Walter Peltoniemi, New York Mills.
John P. Grothe, Roseau.
Henry C. Megrund, Shelly.
John Schmelz, Springfield.
Claire M. Peterson, Stanchfield.
Mae A. Lovestrom, Stephen.
Charles Olson, Sturgeon Lake.
Olof E. Relersgord, Ulen.
Almer B. Nelson, Warren.
Edward F. Joubert, Wheaton.

MISSOURI

Benonia F. Hardin, Albany.
Walter N. Langford, Appleton City.
Walter C. Haferkamp, Augusta.
Louis E. Meyer, Bowling Green.
Willis M. Wallingford, Carthage.
Prentiss H. Percifull, Cowgill.
James O. Erwin, Mokane.
Cyrus R. Truitt, Novinger.
Elvin L. Renno, St. Charles.
Felix J. Boesche, Unionville.

NEW MEXICO

Berthold Spitz, Albuquerque.
Chester G. Parsons, Wagon Mound.

NEW YORK

Lewis E. Fredenburg, Afton.
William J. Leighton, Avon.
Earl J. Franklin, Belfast.
Roy W. Munson, Brasher Falls.
Elbert J. Eckerson, Cobleskill.
Charles H. Brown, Corfu.
Benjamin W. Wellington, Corning.
Walter L. Bibbey, Fort Edward.
Sue Caldwell, Glen Head.
Beatrice M. Bergersen, Glenwood Landing.
Emil M. Pabst, Huntington Station.
Edward J. O'Hara, Lawrence.
Beulah H. Kelly, Lisbon.
August C. Hasselbush, Livingston.
Herman C. Stevens, Locke.
Gottlieb H. Morris, Lynbrook.
Ralph J. Borden, McGraw.
Frederick A. Billipp, Mamaroneck.
Frank D. Hurd, Napanoch.
Cornelius J. Carey, Newman.
Charles J. Lansing, New Woodstock.
William S. White, Oriskany.
Henry A. Holley, Otisville.
Joseph R. Wilder, Painted Post.
Dennis Lamarche, Plattsburg.
Frank M. Douglass, Red Creek.
Calvin H. Peters, Stamford.
Earl J. Conger, Waterville.
Frank L. Millen, Watkins Glen.
George M. Lewis, Whitesville.

OHIO

Harry W. McKinstry, Athens.
John R. Lloyd, Cambridge.
George H. Lewis, Geneva.
John B. Davis, Ironton.
Paul H. Clark, Junction City.
Anthony L. Stanchina, jr., Laferty.
Otha C. Burris, London.
Wilmer C. Trace, New Concord.

Robert H. Gano, Newport.
Charlie D. Harvey, North Fairfield.
Hylas L. Vesey, Perry.
Elsie G. Saner, Powhatan Point.
Georgiana Pifer, Rock Creek.
William S. Kindle, Thornville.
Clarence E. Dowling, Wayne.
John W. Hencke, Willoughby.

OREGON

Godfrey C. Minsker, Cloverdale.
Claude E. Ingalls, Corvallis.
Darwin E. Yoran, Eugene.
Thomas W. Angus, Gardiner.
Vincent Byram, Gold Beach.
Roy G. Cairns, Reedsport.
Emil F. Messing, Vernonia.
Menno H. Wiebe, Wheeler.

PENNSYLVANIA

Howard L. Harbaugh, Fairfield.
Effie P. Corts, Karns City.
Wilbur C. Johnson, Lopez.
Thomas J. Morgan, Nanticoke.
F. Carroll Krautter, Newfoundland.
Harry H. Carey, Plymouth.
Howard C. Shenton, Slatington.
Harry B. Paterson, Vandergrift.
Clyde W. Bailey, Wellsboro.

PORTO RICO

Rafael P. Robert, Fajardo.

TEXAS

Hurlburt Slate, Amherst.
Lucy D. Campbell, Brazoria.
Carlton A. Dickson, Cleburne.
Clark A. Fortner, Crosby.
David F. Stamps, Dime Box.
Edwin C. Hill, El Campo.
Hugh W. Cunningham, Eliasville.
Robbie G. Ellis, Fort Davis.
Oliver S. York, Galveston.
Herman L. Stulken, Hallettsville.
Irene G. Ferguson, Hearne.
Bobbie Kluge, Linden.
Jackson E. Brannen, Littlefield.
James E. Moore, Lometa.
Andrew J. Nelson, Meadow.
Thomas M. Welch, Palestine.
James J. Dickerson, Paris.
Richard J. Bradford, Pettus.
Ruth Moncrief, Red Barn.
Nena M. Iiams, Sugar Land.
Hiram H. McGuffey, Three Rivers.
George Ireland, Victoria.
Harry Reast, Whitesboro.
Charles A. Andrews, Wolfe City.

UTAH

William T. Boyle, Beaver.
John A. Call, Bountiful.
William H. Fitzwater, Duchesne.
Jesse M. French, Greenriver.
Glen A. Jensen, Manti.
Walter O. Lundgreen, Monroe.
Luke Clegg, Roosevelt.

WASHINGTON

Frank Givens, Port Orchard.

WEST VIRGINIA

Paul C. Freeman, Adrian.
Ralph L. Teter, Belington.
Ruth Lewis, Buffalo.
Cecil B. Dodd, Follansbee.
Earle M. Pierpoint, Harrisville.
Noah W. Russell, Lewisburg.
Stillman O. Phillips, Mill Creek.
Thomas E. Pownall, Romney.
Clifford S. Musser, Shepherdstown.
John W. Farnsworth, Weston.

WISCONSIN

Blanch Lyon, East Ellsworth.
Mabel A. Dunwiddie, Juda.
Hazel I. Hicks, Linden.
James C. Fritzen, Neenah.
Wesley C. Hymer, Potosi.
Blanche Delany, Sinsinawa.
Nathaniel C. Garland, Sturgeon Bay.
Fred J. Hurless, Viola.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 20, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father who art in heaven, hallowed be Thy name, Thy kingdom come and Thy will be done on earth. Then will be abolished race hatred, class struggle, and this world of ours shall be a beautiful home for Thy redeemed children. May the simple, human qualities that make men helpful and loving be not neglected by us. O blow ye winds and fill the sails of our great ship of state, and send us on and on to our ultimate task and our final harbor. We thank Thee for the best, the freest, and the bravest country on earth, our own United States. God bless the Stars and Stripes while the centuries pass by. In the name of the world's Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 17054. An act to increase the loan basis of adjusted-service certificates.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 202. An act to provide for the deportation of certain alien seamen, and for other purposes,

The message also announced that the Senate had agreed to the amendments of the House to a bill of the following title:

S. 5458. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 7.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 980) entitled "An act to permit the United States to be made a party defendant in certain cases."

The message also announced that the Senate concurs in the amendment of the House to the amendment of the Senate No. 38 to the bill (H. R. 16415) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1932, and for other purposes"; that the Senate disagrees to the amendment of the House to the amendment of the Senate No. 69 to said bill, asks a conference with the House on the disagreeing votes of the two houses thereon, and appoints Mr. KEYES, Mr. SMOOT, Mr. JONES, Mr. GLASS, and Mr. BROUSSARD to be the conferees on the part of the Senate.

REPORTS FROM THE COMMITTEE ON RULES

Mr. SNELL, from the Committee on Rules, submitted the following resolutions for printing in the RECORD:

PROMOTION OF COMMISSIONED OFFICERS

(House Resolution 353)

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (S. 550) entitled "A bill to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes," and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of such bill. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit.

ALTERATIONS AND REPAIRS OF CERTAIN NAVAL VESSELS

(House Resolution 365)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 4750, to authorize alterations and repairs to certain naval vessels. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

MANUFACTURE AND SALE OF OLEOMARGARINE

(House Resolution 366)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 16836, to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

VOCATIONAL EDUCATION, ETC., IN PORTO RICO

(House Resolution 367)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 5139, to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

THE FEDERAL RESERVE ACT

(House Resolution 368)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10560, to amend section 22 of the Federal reserve act. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

HEALTH AND WELFARE OF MOTHERS, ETC.

(House Resolution 369)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 255, for the promotion of the health and welfare of mothers and infants, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit.

RESTRICTION OF IMMIGRATION

(House Resolution 370)

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 500, further restricting for a period of two years immigration into the United States. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Immigration and Naturalization, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment the committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and the amendments thereto to final passage without intervening motion, except one motion to recommit.

JAMES EARL BRIGGMAN

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 504) for the relief of James Earl Brigman, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the title of the bill and the Senate amendments.

The Clerk reported the title of the bill and the Senate amendments, as follows:

Page 1, line 5, strike out "Briggman" and insert "Brigman."
Amend the title so as to read: "An act for the relief of James Earl Brigman."

The SPEAKER. Is there objection?
There was no objection.
The Senate amendments were concurred in.

ROBERT GRAHAM MOSS

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2694) conferring the rank, pay, and allowances of a major of Infantry, to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Amend the title so as to read: "An act for the relief of the widow of Robert Graham Moss."

The SPEAKER. Is there objection?
There was no objection.
The Senate amendment was concurred in.

FORT SILL MILITARY RESERVATION

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7272) to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Page 1, strike out line 5 and down through and including "north," in line 6.

The SPEAKER. Is there objection?
There was no objection.
The Senate amendment was concurred in.

CATHARINE PANTURIS

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 458) for the relief of Catharine Panturis, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the title of the bill and the Senate amendments.

The Clerk reported the title of the bill and the Senate amendments, as follows:

Page 1, line 5, strike out "the sum of $1,000."
Page 1, line 6, strike out all after "Panturis," down to and including "Columbia" in line 10, and insert: "during her natural life, or in the event of her death payment shall be made to her three minor children until they have reached their majority, the sum of $25 per month, in full settlement of all claims against the Government on account of the death of her husband, Chris Panturis, Two hundred and eleventh Aero Squadron, who was killed on June 4, 1927, by an inmate of St. Elizabeths Hospital, Washington, D. C., said monthly payments to be paid through the United States Employees' Compensation Commission."

The SPEAKER. Is there objection?
There was no objection.
The Senate amendments were concurred in.

AGNES LOUPINAS

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3187) for the relief of Agnes Loupinas, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Page 1, line 7, after "received" insert: "by her."

The SPEAKER. Is there objection?
There was no objection.
The Senate amendment was concurred in.

CHARLES PARSHALL

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to file minority views by the gentleman from Texas [Mr. Box] on the bill (S. 612) for the relief of Charles Parshall, Fort Peck Indian allottee, of the Fort Peck Reservation, Mont.

The SPEAKER. Is there objection?
There was no objection.

STATE, JUSTICE, COMMERCE, AND LABOR DEPARTMENTS APPROPRIATION BILL, 1932

Mr. SHREVE. Mr. Speaker, I call up the conference report on the bill (H. R. 16110) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1932, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?
There was no objection.
The Clerk read the statement.
The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16110) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 52, 53, 54, 56, 57, 58, 59, 60, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149, 151, 153, 154, 155, 156, 157, 158, 159, and 160.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, and 147, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$1,960,588; in all, $1,985,588"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$2,000,000"; and on page 14 of the bill, in line 2, after the word "expended," insert the following: ": *Provided*, That in expending appropriations for the foregoing purposes obligations shall not be incurred which will require expenditures in excess of the total of $10,000,000 now authorized by law"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,587,709"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$328,160; in all, $343,160"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$646,700"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,992,640"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$736,280"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,013,131"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$518,220"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$387,592"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$78,200"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$62,599"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$5,334,122"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,055,000"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$121,790"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$653,080"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixty-one"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$662,313"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,534,160"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,368,800"; and the Senate agree to the same.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
ERNEST R. ACKERMAN,
ROBERT L. BACON,
W. B. OLIVER,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

W. L. JONES,
FREDERICK HALE,
WM. J. HARRIS,
KENNETH MCKELLAR,
GEO. H. MOSES,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16110) making appropriations for the Departments of State and Justice, and the judiciary, and the Departments of Commerce and Labor for the fiscal year ending June 30, 1932, and for other purposes, submit the following statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The following amendments, with respect to which the accompanying conference report recommends that the Senate shall recede, deal exclusively with the underaverage salary increases: 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 52, 53, 54, 56, 57, 58, 59, 60, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 107, 109, 110, 111, 112, 113, 114, 115, 116, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 140, 141, 142, 146, 148, 149, 151, 153, 154, 155, 156, 157, 158, 159, and 160.

The following amendments involved salary increases along with other purposes. As to each of these amendments the Senate has receded from the salary increase portion of the amendment and the action of the managers on the rest of the matter involved in each of such amendments is as follows:

On No. 1: Increases the House appropriation for "Salaries, office of the Secretary of State," by $1,620, as proposed by the Senate, to provide for the employment of one visa clerk.

On No. 2: Strike out $3,240 proposed by the Senate for additional personnel for passport agencies.

On No. 49: Increases the House appropriation for salaries, office of the Secretary of Commerce, by $1,620, to provide for one additional clerk, instead of $3,060 to provide for two additional clerks, as proposed by the Senate.

On No. 50: Increases the House appropriation for the radio division, Department of Commerce, by $146,700 instead of by $180,000, as proposed by the Senate.

On No. 51: Increases the House appropriation for the amount to be expended for personal services in the District of Columbia, under the radio division, Department of Commerce, by $10,000, instead of $12,020, as proposed by the Senate.

On No. 55: Increases the House appropriation for air-navigation facilities, Department of Commerce, by $20,000, as proposed by the Senate, for survey and investigations of the northern transcontinental airway.

On No. 61: Increases the House appropriation for District and cooperative office service by $26,280, instead of $41,280, as proposed by the Senate.

On No. 62: Increases the House appropriation for export industries, Bureau of Foreign and Domestic Commerce, by $40,131, instead of $68,660, as proposed by the Senate, for additional employees and Brookhart Act increases.

On No. 63: Increases the House appropriation for domestic and raw material investigations, Bureau of Foreign and Domestic Commerce, by $25,000, instead of $50,000, as proposed by the Senate.

On No. 64: Increases the House appropriation for customs statistics, Bureau of Foreign and Domestic Commerce, by $2,592, as proposed by the Senate, to take care of increases under the Brookhart Act.

On No. 65: Increases the House appropriation for "lists of foreign buyers," Bureau of Foreign and Domestic Commerce, by $8,200, as proposed by the Senate, to provide for additional employees and increases under the Brookhart Act.

On No. 66: Increases the House appropriation for "Investigation of foreign-trade restrictions," Bureau of Foreign and Domestic Commerce, by $159, as proposed by the Senate, to provide for salary increases under the Brookhart Act.

On No. 67: Corrects a total.

On No. 68: Corrects a total.

On No. 94: Strikes out $24,000, proposed by the Senate, for an investigation pertaining to silver.

On. No. 104: Corrects a total.

On No. 105: Corrects a total.

On No. 106: Increases the House appropriation for "salaries," office of the commissioner, Bureau of Lighthouses, by $8,990, as proposed by the Senate, to provide for additional personnel and Brookhart Act increases.

On No. 108: Increases the House appropriation for "salaries," superintendents, clerks, etc., Lighthouse Service, by $740, as proposed by the Senate, to provide additional personnel.

On No. 135: Strikes out $5,000, proposed by the Senate, for testing fuel at Salt Lake City, Utah.

On No. 143: Strikes out $25,000, proposed by the Senate, under economics of mineral industries for studies of silver.

On No. 144: Strikes out $25,000, as proposed by the Senate, from the amount which may be expended for personal services in the District of Columbia under the head of "Economics in mineral industries."

On No. 145: Corrects a total.

On Nos. 150 and 152: Increases the House appropriation for "Salaries and expenses," Bureau of Immigration, as proposed by the Senate, by $500,000, to provide for 250 additional employees in the border patrol.

The following amendments do not involve salary increases:

On No. 3: Makes available for 1932 the unexpended balance of the appropriation made for "collecting and editing official papers of Territories of the United States" for the fiscal year 1931, as proposed by the Senate.

On Nos. 4, 5, 6, and 7, pertaining to salaries of envoys extraordinary and ministers plenipotentiary, increases the House appropriation for the salary of the minister resident and consul general to Liberia by $5,000, as proposed by the Senate.

On No. 8: Strikes out a comma.

On No. 9: Strikes out of the appropriation for "Contingent expenses, United States consulates," the increase of $20,000 proposed by the Senate for travel in commercial work.

On No. 10: Increases the House appropriation for "Foreign Service buildings fund" by $800,000, as proposed by the Senate.

On No. 11: Appropriates for "Rent, heat, fuel, and light" for the Foreign Service $1,587,709, instead of $1,567,332, as proposed by the House, and $1,607,709, as proposed by the Senate.

On No. 16: Strikes out the proviso proposed by the Senate relative to use of funds for investigation of Federal judges.

On Nos. 117, 118, 119, 120, and 121: Relating to commissioned officers, Coast and Geodetic Survey: Provides for 7 additional officers with relative rank of lieutenant (junior grade) instead of 1 additional with relative rank of commander, 3 additional with relative rank of lieutenant commander, and 3 additional with relative rank of lieutenant, as proposed by the Senate.

On No. 147: Changes language, striking out "Expenses of regulating immigration," as contained in the House bill, and inserting in lieu thereof "Salaries and expenses, Bureau of Immigration," as proposed by the Senate.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
ERNEST R. ACKERMAN,
ROBERT L. BACON,
W. B. OLIVER,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

Mr. GARNER. Will the gentleman yield?

Mr. SHREVE. I yield.

Mr. GARNER. In order that the RECORD may show why this conference committee is composed differently from other conference committees on the part of the House, I would like to ask the gentleman from Pennsylvania [Mr. SHREVE] why there are four Republican conferees and two Democratic conferees on this conference committee, and on all other conference committees, as I recall, there are either three Republicans and two Democrats or two Republicans and one Democrat?

Mr. SHREVE. For many years this subcommittee carried into conference the entire committee. During the last year and a half another member was added to the committee, so we just carried on the same rule that had obtained for 7 or 8 or 10 years. There is no reason for it other than that the committee has been enlarged.

Mr. GARNER. Is this the only subcommittee of the Committee on Appropriations which is composed of six members?

Mr. SHREVE. I think it is.

Mr. STAFFORD. The committee on the deficiency——

Mr. GARNER. Oh, I understand; but that is a special committee. I am trying to find out whether there was any weakness in the subcommittee that caused another member to be added, or whether there was some particular reason for it. I think the RECORD ought to be cleared up. Of course, if there was weakness on the part of the Republican side on that committee, naturally it was all right to add an additional member, but we are entitled to know just why that committee was strengthened.

Mr. CRAMTON. Will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. CRAMTON. I recall that while the late Martin B. Madden was chairman of the subcommittee handling the Treasury and Post Office Departments bill, he appointed a sixth member of that committee, and I think no one would intimate it was because of any weakness in that subcommittee.

Mr. GARNER. I am not intimating. I am asking a question. The gentleman from Michigan [Mr. CRAMTON] has taken it as an intimation. I was asking a question why that was done. I am waiting for the gentleman from Pennsylvania [Mr. SHREVE] to answer.

Mr. SHREVE. The gentleman from Pennsylvania has answered.

Mr. GARNER. Has the gentleman from Tennessee [Mr. BYRNS] any explanation?

Mr. BYRNS. I simply want to make the statement that I do not know whether that number obtains with reference to any other subcommittee than the Deficiency Appropriation Subcommittee, except in the case of the Post Office and Treasury Departments appropriation bill, to which the gentleman from Michigan [Mr. CRAMTON] has referred. There are six members on that committee.

Mr. GARNER. At the present time?

Mr. BYRNS. At the present time.

Mr. GARNER. Do they all go to conference?

Mr. BYRNS. They did this time.

Mr. GARNER. What is the reason for adding a member to this subcommittee?

Mr. BYRNS. The gentleman will have to get that information from the other side. The subcommittees are appointed by the chairman of the committee. I do not know just what the reason was.

Mr. GARNER. I hope the gentleman from Pennsylvania [Mr. SHREVE] will give some reason for some of his committees being composed of six members and some only five members. I know it is interesting. Inquiries have been made, and I think it would be a reasonable thing for the gentleman to state why it is that some of them require five members and some require six.

Mr. SHREVE. The gentleman from Pennsylvania is not concerned in appointing the committees. That is done by somebody higher up, and we accept the situation, and we were very glad to have the assistance of the distinguished gentleman who was added to the committee the last time.

Mr. GARNER. Who is "the gentleman higher up"?

Mr. SHREVE. The chairman of the committee, I suppose.

Mr. GARNER. Does the gentleman mean the gentleman from Indiana, Mr. WOOD?

Mr. SHREVE. I presume so.

Mr. GARNER. I wonder if the gentleman would yield sufficient time to the gentleman from Indiana [Mr. WOOD] to let the RECORD show just why the committees are made up as they are?

Mr. SHREVE. I will be glad to do so.

Mr. LINTHICUM. Will the gentleman yield to me for a question?

Mr. SHREVE. Certainly.

Mr. LINTHICUM. I wanted to ask with reference to the appropriation for the Foreign Service Building Commission?

Mr. SHREVE. I am very happy to inform the gentleman from Maryland that we have restored the item to the

Budget estimate, with a provision that no obligations should be made other than the $10,000,000 provided in the original act. Everybody seemed to be satisfied with the arrangement.

Mr. LINTHICUM. But that is not the particular item I was speaking about. I was speaking about the appropriation. The House Committee on Appropriations authorized $1,200,000——

Mr. SHREVE. That is just what I am talking about. We put it back to $2,000,000.

Mr. LINTHICUM. That is very good.

Mr. BYRNS. Will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. BYRNS. Senate amendment No. 61 increases the appropriation which was passed by the House for district and cooperative offices from $710,000 to $755,000, an increase of $41,280. I notice the conferees have agreed to $26,280 increase over that provided by the House. What is that for?

Mr. SHREVE. That brings it up to the Budget estimate.

Mr. BYRNS. I understand, but the gentleman remembers there was some discussion on the floor with reference to whether or not there was going to be a continuance of the installation of new district offices throughout the country, and I was interested in knowing whether or not this increase was to make provision for that?

Mr. SHREVE. It does not provide for any additional offices. This fund was a general increase over the entire system, to strengthen various points where strength was needed, but it was not calculated for any district offices.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. Under the order of the House the gentleman from New York [Mr. PARKER] is entitled to recognition for 15 minutes, but the Chair will give preference in recognition to conference reports.

CONFERENCE REPORT—DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I call up the conference report on the bill (H. R. 16738) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Nebraska calls up a conference report and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16738) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 10, 17, 18, 19, 37, 38, 39, 40, 42, 46, 47, 52, 57, and 58.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 8, 9, 11, 12, 13, 16, 20, 35, 41, 43, 44, 45, 48, 49, 50, 51, 53, 54, 59, 60, and 61, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$161,160"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including for teachers' colleges assistant professors in salary class 7,"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Woodridge School, $2,095; Murch School, $2,900; school at Fourteenth Street and Kalmia Road, $4,995"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$44,015"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,190"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,090"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$44,015"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,115"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,440"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,820"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,570"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,570"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,415"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,660"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$202,890"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$853,900"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "not exceeding $37,000 for grading and improving the roadway of Rock Creek Park to the District line"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 36.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
M. H. THATCHER,
CLARENCE CANNON,
ROSS A. COLLINS,
Managers on the part of the House.

HIRAM BINGHAM,
L. C. PHIPPS,
ARTHUR CAPPER,
CARTER GLASS,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16738) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On No. 1: Strikes out, as proposed by the Senate, the House limitation respecting the filling of vacancies in the grade of junior clerk in the office of Recorder of Deeds.

On No. 2: Strikes out the appropriation of $100,000, inserted by the Senate, for the District of Columbia George Washington Bicentennial Commission.

On No. 3: Strikes out the increase of $4,500, proposed by the Senate, for temporary personal services in the Employment Service.

On Nos. 4, 5, and 6, relating to street improvements: Strikes out the item of $17,044.28 and $7,740, respectively, for the widening of Seventeenth Street NW., and for the grading of Eastern Avenue NE.

On Nos. 7 and 8: Restores the House language providing for the widening of B Street NW. to 80 feet, and makes the appropriation immediately available, as proposed by the Senate.

On No. 9: Makes the appropriation for the Connecticut Avenue Bridge over Klingle Valley immediately available.

On No. 10: Strikes out the proviso inserted by the Senate to relieve the Superintendent of Trees and Parkings for a rental charge for the quarters he occupies.

On No. 11: Provides, as proposed by the Senate, for the purchase of automobiles in connection with the appropriation for control and prevention of the spread of mosquitoes.

On Nos. 12 and 13, relating to the electrical department: Makes $10,000 and $9,225, respectively, immediately available in connection with the police and fire-alarm systems.

On Nos. 14 to 35, inclusive, and 37 to 46, inclusive, relating to public schools: Appropriates $161,160 for personal services of clerks and other employees instead of $156,650 as proposed by the House and $164,580 as proposed by the Senate, the increase above the House amount to provide for one clerk at $1,620 for the college for colored teachers, one clerk at $1,440 for the assistant superintendent in charge of colored schools, and one clerk at $1,440 for the McKinley High School; makes provision for assistant professors for teachers' colleges in salary class 7 instead of salary class 11, as proposed by the Senate, and provides for professors in salary class 12, as proposed by the Senate, instead of salary class 9, as proposed by the House; strikes out the increase of $3,700 inserted by the Senate for per diem field workers for Americanization instruction; appropriates $834,670, as proposed by the Senate, instead of $833,270, as proposed by the House, for personal services for care of buildings and grounds; appropriates $202,890 for furnishing and equipping new school buildings instead of $171,000 as proposed by the House and $218,654 as proposed by the Senate, the additions to the House total consisting of amounts for the Woodridge, Murch, and the new school at Kalmia Road, not included in the House bill, and compromise amounts on items of the House bill increased by the Senate; makes $200,000, as proposed by the Senate, instead of $100,000, as proposed by the House, of certain unexpended balances of school-building appropriations available during 1932 for the improvement of grounds surrounding school buildings; strikes out the increase of $10,000 proposed by the Senate for construction of an addition to the Woodridge School; strikes out the increase of $10,000 proposed by the Senate for the addition to the Murch School; makes $120,000 available, as proposed by the Senate, for an 8-room addition to the Janney School; appropriates $490,000, as proposed by the Senate, instead of $530,000, as proposed by the House, for school-building and playground sites, and strikes out the authority in the House bill for the purchase of a site in the vicinity of the Keene School; and strikes out the paragraph inserted by the Senate making the appropriation for 1931 for the purchase of a site for an 8-room building west of Connecticut Avenue and south of Jenifer Street available for the purchase of a site for such a building west of Connecticut Avenue and south of Military Road.

On No. 47: Strikes out the increase of $5,000 inserted by the Senate for a fire house in the vicinity of Twelfth and Rhode Island Avenue NE.

On Nos. 48 and 49, relating to the Board of Public Welfare: Increases the House appropriation for personal services from $112,700 to $114,500, as proposed by the Senate; and increases the appropriation of the House for home care for dependent children from $138,280 to $153,280, as proposed by the Senate.

On Nos. 50 and 51, relating to the Workhouse and Reformatory: Continues available during the fiscal year 1932, $60,000 as proposed by the Senate, instead of $12,000 as proposed by the House, out of the 1931 appropriation for power system and water supply.

On No. 52: Strikes out the increase of $3,800 proposed by the Senate, for personal services at the Tuberculosis Hospital.

On No. 53: Makes a technical correction in the text of the bill under Gallinger Hospital.

On No. 54: Makes immediately available $5,000 of the appropriation for construction of dormitories and school-building facilities at the Industrial Home School for Colored Children.

On Nos. 55, 56, 57, and 58, relating to public buildings and public parks: Appropriates $853,900 for general expenses instead of $816,900, as proposed by the House, and $873,900, as proposed by the Senate, in order to provide $37,000 for grading and improving the roadway of Rock Creek Park to the District line; and eliminates $20,000 for a recreational center in the Manor Park section; appropriates $180,885 for salaries of park police as proposed by the House, instead of $193,135, as proposed by the Senate, and strikes out the increase of $1,045, inserted by the Senate, for miscellaneous expenses of the park police.

On No. 59: Increases the appropriation for the National Zoological Park by $4,500, as proposed by the Senate.

On Nos. 60 and 61: Makes the appropriation for the construction of a water reservoir in Fort Stanton Park immediately available, as proposed by the Senate, and makes a technical correction in the paragraph.

DISAGREEMENT

On No. 36, relating to the under-age kindergarten in the Webster School: The managers on the part of the House

will recommend concurrence in the Senate amendment with an amendment.

ROBT. G. SIMMONS,
WM. P. HOLADAY,
M. H. THATCHER,
CLARENCE CANNON,
ROSS A. COLLINS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Amendment No. 36: On page 48, after line 3, insert "*Provided*, That nothing herein shall be construed as discontinuing or curtailing the activities of the kindergarten now being operated at the Webster School in connection with the Americanization work."

Mr. SIMMONS. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment as follows:

Provided, That this limitation shall not be considered as preventing the employment of a matron and the care of children under school age at the Webster School whose parent or parents are in attendance in connection with Americanization work.

The SPEAKER. The question is on the motion of the gentleman from Nebraska to recede and concur with an amendment.

The motion was agreed to.

CONFERENCE REPORT—WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I call up the conference report on the bill (H. R. 15593) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from California calls up a conference report on House bill 15593, and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15593) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 24, 25, 26, 27, 28, 29, 31, 33, 34, 35, 42, 47, 49, 50, 51, 52, 53, 56, 57, 58, 59, 60, 61, 62, 63, 67, 68, 69, 73, 75, 76, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 22, 23, 37, 38, 39, 45, 46, 55, 64, 65, 70, and 71, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,413"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,105,897"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,472,585"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,479,635"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,779,129"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In line 7 of the matter inserted by said amendment, before the period, insert: ", to be available immediately"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 30, 32, 40, 41, 43, 44, 48, 72, and 74.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
ROSS A. COLLINS,
WILLIAM C. WRIGHT,
Managers on the part of the House.
DAVID A. REED,
W. L. JONES,
HIRAM BINGHAM,
WM. J. HARRIS,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15593) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 24, 25, 31, 33, 34, 35, 47, 49, 50, 51, 52, 53, 56, 57, 58, 59, 62, 63, 68, 69, 73, and 75: Appropriates for personal services, as proposed by the House, instead of allowing increases for promoting employees in under-average grades, as proposed by the Senate.

On No. 4: Appropriates for classifying and indexing the military personnel records of the World War $250,000, as proposed by the Senate, instead of $200,000, as proposed by the House.

On No. 12: Appropriates for salaries, office of Chief of Bureau of Insular Affairs, $85,413, instead of $85,033, as proposed by the House, and $85,713, as proposed by the Senate.

On No. 19: Corrects a total.

On No. 20: Appropriates $155,000 for contingent expenses, War Department, as proposed by the House, instead of $157,000, as proposed by the Senate.

On No. 21: Restores House provision in re use of funds not required in consequence of the economic survey which has been conducted by the War Department.

On No. 22: Appropriates $30,000 for participation by the United States Army in the Yorktown Sesquicentennial Celebration, as proposed by the Senate.

On No. 23: Appropriates $57,480, as proposed by the Senate, instead of $47,480, as proposed by the House, for contingencies, Military Intelligence Division.

On Nos. 26 to 29, both inclusive, relating to pay of the Army: Makes available $131,132 for increased pay for retired officers on active duty, as proposed by the House, instead of $168,650, as proposed by the Senate, and provides for the use of $800,000 of purchase-of-discharge funds, as proposed by the House, instead of $400,000, as proposed by the Senate.

On No. 36: Appropriates $14,472,585 for Army transportation, instead of $14,442,155, as proposed by the House, and $14,506,955, as proposed by the Senate.

On Nos. 37 and 38, relating to horses, draft and pack animals: Makes $132,500 available for the encouragement of the breeding of riding horses, as proposed by the Senate, instead of $120,000, as proposed by the House.

On Nos. 39, 42, and 45, relating to military posts: Excepts the appropriation from the provisions of sections 1136 and 3734 of the Revised Statutes, as proposed by the Senate; makes available $36,760 for construction at Fort Francis E. Warren, Wyo., as proposed by the House, instead of $69,745, as proposed by the Senate, and reappropriates $343,784 on account of construction at Fort Lewis, Wash., and $75,000 on account of construction at Fort Benning, Ga., as proposed by the Senate.

On No. 67: Appropriates $200,000 for arms, ammunition, etc., for target practice, as proposed by the House, instead of $250,000, as proposed by the Senate.

On No. 46: Clarifies the text of the appropriation for barracks and quarters, as proposed by the Senate.

On Nos. 54 and 55, relating to the Air Corps: Appropriates $31,479,635, instead of $31,679,635, as proposed by the House, and $31,522,295, as proposed by the Senate, and makes available for experimental and research work $2,310,377, as proposed by the Senate, instead of $2,510,377, as proposed by the House.

On Nos. 60 and 61, relating to the Chemical Warfare Service: Appropriates $1,252,099, as proposed by the House, instead of $1,681,579, as proposed by the Senate, and strikes out the proposal of the Senate that $420,000 of the appropriation shall be available for gas masks.

On No. 64: Appropriates $6,537,785 for the Organized Reserves, as proposed by the Senate, instead of $6,765,385, as proposed by the House.

On No. 65: Appropriates $3,970,000 for the Reserve Officers' Training Corps, as proposed by the Senate, instead of $3,960,000, as proposed by the House.

On No. 66: Appropriates $2,779,129 for citizens' military training camps, instead of $2,802,754, as proposed by the House, and $2,779,849, as proposed by the Senate.

On No. 70: Appropriates $40,120 for Shiloh National Military Park, as proposed by the Senate, instead of $90,120, as proposed by the House.

On No. 71: Continues available until June 30, 1932, the unexpended balances of the appropriations for survey of battlefields in the vicinity of Richmond, Va., and the battlefield of Saratoga, N. Y., as proposed by the Senate.

On No. 76: Strikes out the provision inserted by the Senate with respect to giving the Secretary of Agriculture authority to use $5,000,000 of the $45,000,000 appropriation for drought relief in certain ways as to aid in extending credit to farmers.

On No. 77: Strikes out the provision inserted by the Senate authorizing and directing the Federal Farm Board to make available 20,000,000 bushels of wheat, or so much thereof as may be necessary, to provide food for the distressed people in various parts of the United States.

On No. 78: Appropriates $7,500 for expenses of attendance of the Army Band at the Confederate Veterans' Reunion at Montgomery, Ala., in June, 1931, as proposed by the Senate, amended to be immediately available.

The managers on the part of the House have agreed to recommend that the House either recede and concur or recede and concur with amendments in the following amendments of the Senate:

On No. 30: Relating to Army personnel engaging with publications carrying paid advertising.

On No. 32: Relating to the purchase of oleomargarine or butter substitutes.

On Nos. 40, 41, 43, and 44: Relating to an appropriation of $45,000 for construction at West Point, N. Y., and an appropriation of $12,000 for reimbursing the Gray Ladies of the Red Cross.

On No. 48: Relating to the procurement of articles of the growth, production, or manufacture of the United States.

On No. 72: Relating to the repair, restoration, and rehabilitation of Old Fort Niagara, N. Y.

On No. 74: Relating to the construction of a public terminal for coastwise traffic in Biloxi Harbor, Miss.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
ROSS A. COLLINS,
WILLIAM C. WRIGHT,
Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, will the gentleman from California yield?

Mr. BARBOUR. Yes.

Mr. CRAMTON. I note that the $200,000 item in connection with experiments on metal-clad airships is eliminated. As I understand, that is not done because of any lessening of regard on the part of the House conferees for that item, but that the item has been inserted by the Senate in the naval appropriation bill, with general consent all around.

Mr. BARBOUR. That is true. It was inserted in the naval appropriation bill in the Senate by the committee in charge of the bill.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. STAFFORD. I assume the reason why they incorporated that item in the naval appropriation bill and determined to strike it out of the War Department appropriation bill was because the War Department is strenuously opposed to the idea of launching into that project, and for the further reason, perhaps, that the Navy Department has already been experimenting with a smaller metal-clad ship.

Mr. BARBOUR. Those reasons were considered. The War Department officials stated before the Senate Committee in charge of this bill that they preferred that the item be not included in the bill. The Navy Department is experimenting along that line and we thought that possibly the present arrangement would be a happy solution.

Mr. STAFFORD. And ultimately eliminating it entirely.

Mr. BARBOUR. No. I understand it will come back to the House for a vote in the Navy appropriation bill.

Mr. TABER. Is not this the situation: That the prospective conferees on the part of the House in connection with the naval appropriation bill have agreed that if the item is included in the naval appropriation bill on the Senate side they will bring it back to the House for a vote, although they are personally opposed to it?

Mr. BARBOUR. That is true.

Mr. CRAMTON. It is understood that they will either concur or bring it back?

Mr. BARBOUR. That is it.

Mr. LaGUARDIA. The project has not been abandoned at all.

Mr. BARBOUR. No, indeed.

Mr. LaGUARDIA. The item is being shifted to the naval appropriation bill, and the House will be given an opportunity to vote for it if the conferees do not agree.

Mr. STAFFORD. They are shifting this white elephant to the Navy.

Mr. LaGUARDIA. It is not a white elephant.

Mr. STAFFORD. If the gentleman ever saw it he would agree with that statement.

Mr. LaGUARDIA. The gentleman could not have seen anything that did not exist.

Mr. STAFFORD. But the smaller type is a baby white elephant.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BARBOUR. Mr. Speaker, I want to make this comment, that this bill is unique in that, as it comes from conference, it carries less money by $258,000 than it carried when it passed the House of Representatives. [Applause.]

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 30: On page 12, line 18, after the word "Army," insert "No appropriation for the pay of the Army shall be available for the pay of any officer or enlisted man in the Army who is engaged in any manner with any publication which is or may be issued by or for any branch or organization of the Army or military association in which officers or enlisted men have membership and which carries paid advertising of firms doing business with the Government: *Provided, however*, That nothing herein contained shall be construed to prohibit officers from writing or disseminating articles in accordance with regulations issued by the Secretary of War."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Mr. BARBOUR moves to recede and concur in Senate amendment No. 30, with an amendment as follows: In line 2 of the engrossed Senate amendment strike out the word "in" after the word "man" and insert in lieu thereof "on the active list of."

Mr. BARBOUR. Mr. Speaker, I yield the gentleman from New York [Mr. WAINWRIGHT] three minutes.

Mr. WAINWRIGHT. Mr. Speaker, I think the House should understand that this amendment is one which has already been voted upon and was the subject of considerable debate in the House, namely, a proposition to exclude from the management of the service journals of the Army, officers who are giving their time to it at the present time.

The effect of this amendment, as was demonstrated in the debate when this matter was up before, will be to deprive the service journals of the services in positions of management or editorship of those who are best available to conduct the work.

This amendment should not be agreed to, and the House to be consistent should pursue the same course it did when the matter was so thoroughly discussed before. The amendment should not be adopted.

Mr. BARBOUR. Mr. Speaker, in reply to the gentleman from New York, this amendment is intended to correct a situation that should be corrected. It prevents Army officers on the active list from being connected with publications which are engaged in the solicitation of advertisements, and it was brought to the attention of the conferees after the bill passed the House that there had been at least one letter written by an Army officer connected with a publication which the conferees felt was not in any way proper.

Mr. LAGUARDIA. Are these publications published by private corporations? They are not published by the Government.

Mr. BARBOUR. No. I understand they are published by groups of men in the various branches of the service and they are maintained by a subscription list and by paid advertisements.

Mr. LAGUARDIA. But they are not published with Government funds?

Mr. BARBOUR. No; they are not published with Government funds.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. I yield.

Mr. WAINWRIGHT. The gentleman will admit that if this amendment is adopted the result will be that those who are to-day conducting these valuable service publications will be prevented from having practically anything to do with them, and the only part that Army officers can take in the publication of such journals will be in contributing articles to them.

Mr. BARBOUR. No; I do not agree with that. It was stated to the conferees by a Senator from the State of New Hampshire that in all probability some of these magazines can be taken care of through the Joint Committee on Printing.

Mr. LAGUARDIA. It seems to me that would be much more desirable.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 32: Page 16, beginning in line 17, strike out the colon and the proviso ending in line 20.

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment which I have sent to the Clerk's desk.

The Clerk read as follows:

Mr. BARBOUR moves to recede and concur in amendment No. 32, with the following amendment: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That none of the money appropriated in this act shall be used for the purchase of oleomargarine or butter substitutes for other than cooking purposes, except to supply an expressed preference therefor or for use where climatic or other conditions render the use of butter impracticable."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 40: On page 24, in line 23, strike out "$20,638,990" and insert in lieu thereof "$20,728,975."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Mr. BARBOUR moves to recede and concur in Senate amendment No. 40, with an amendment as follows: In lieu of the sum inserted by said amendment insert "$20,695,990."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows.

Amendment No. 41: On page 25, in line 7, after "1931" insert a colon and the following: "*Provided*, That of the amount herein appropriated not to exceed $45,000 shall be available for completing the construction of the new officers' apartment building at the United States Military Academy, West Point, N. Y.: *Provided further*, That of the amount herein appropriated $12,000 shall be made available for reimbursing the Gray Ladies of the Red Cross for expenditures already made in connection with the construction of the nonsectarian chapel at Walter Reed General Hospital, District of Columbia, authorized by the acts of February 25, 1929 (45 Stat. 1301), and February 28, 1928 (45 Stat. 156)":

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 43: Page 25, line 24, strike out the word "*Provided*."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 44: On page 26, in line 5, strike out "$19,138,990" and insert in lieu thereof "$19,228,975."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment which I have sent to the Clerk's desk.

The Clerk read as follows:

Mr. BARBOUR moves to recede and concur in Senate amendment No. 44, with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$19,195,990."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 48: On page 29, beginning in line 8, strike out the paragraph ending in line 17 and insert in lieu thereof:

"That in the expenditure of appropriations in this act the Secretary of War shall, when in his discretion the interest of the Government will permit, purchase for use, or contract for the use of, within the limits of the United States only articles of the growth, production, or manufacture of the United States, notwithstanding any existing laws to the contrary."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur with an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. BARBOUR moves to recede and concur with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"That in the expenditure of appropriations in this act the Secretary of War shall, unless in his discretion the interest of the Government will not permit, purchase or contract for, within the limits of the United States, only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more, if such excess of cost be not unreasonable."

Mr. BARBOUR. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, when this bill was being considered the House was extremely interested in this amendment. I realize that the conferees did everything that was humanly possible in maintaining the House amendment. I simply want to call the attention of the House to the fact that if you recede and concur with the suggested amendment, it makes the whole purpose of the House amendment inoperative. It leaves the proviso to the discretion of the Secretary of War, and I know, and I predict, that he will certify that all food, butter and eggs and dairy products used by the Army in Panama can be better purchased in Australia and New Zealand, instead of Minnesota, Wisconsin, and other States.

So, gentlemen, if you really want to have your Army consume products from your home market, the thing to do is to insist upon the House amendment and vote down the Senate amendment and amendment thereto.

The SPEAKER. The question is on the motion of the gentleman from California.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Old Fort Niagara, N. Y.: For the completion of repair, restoration, and rehabilitation of the French castle, the French powder magazine, the French storehouse, the early American hot-shot oven and battery emplacements and gun mounts, the casemates of 1861, and the outer French breastworks, and for the repair and building of roadways and the improvement of grounds at Old Fort Niagara, N. Y., to be available until expended, $35,000, to be expended only when matched by an equal amount by donation from local interests for the same purpose, such equal amount to be expended by the Secretary of War: *Provided*, That all work of repair, restoration, rehabilitation, construction, and maintenance shall be carried out by the Secretary of War in accordance with plans approved by him.

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 74, page 77, line 4, insert the following: "*Provided further*, That the conditions imposed upon the improvement of Biloxi Harbor, Miss., authorized to be carried out in accordance with the report submitted in House Document No. 754, Sixty-ninth Congress, second session, are hereby modified so as to provide that the local interests shall give assurances that they will construct a public terminal adequate for coastwise traffic, under plans to be approved by the Chief of Engineers of the War Department, whenever in his opinion such construction is necessary, and that such local interests shall contribute therefor $5,000 toward the first cost of the improvement and $5,100 annually thereafter for five successive years."

Mr. BARBOUR. Mr. Speaker, I move to recede and concur with the following amendment: In lieu of the matter inserted by said amendment insert the following:

Provided further, That the conditions imposed upon the improvement of Biloxi Harbor, Miss., authorized to be carried out in accordance with the report submitted in House Document No. 754, Sixty-ninth Congress, second session, may, in the discretion of the Chief of Engineers of the Army and the Secretary of War, be modified so as to provide that the local interests shall give assurances that they will construct a public terminal adequate for coastwise traffic, under plans to be approved by the Chief of Engineers of the Army, whenever in his opinion such construction is necessary, and that such local interests, in the event of modification of such conditions, shall contribute therefor at least $5,000 toward the first cost of the improvement and at least $5,100 annually thereafter for five successive years.

The SPEAKER. The question is on the motion of the gentleman from California.

The motion was agreed to.

DISTRICT OF COLUMBIA TRAFFIC ACT

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 14922) entitled "An act to amend the act approved March 3, 1925, and July 3, 1926," known as the District of Columbia traffic act, and so forth, and disagree to the Senate amendments and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER appointed the following conferees upon the part of the House: Mr. ZIHLMAN, Mr. STALKER, and Mrs. NORTON.

WASHINGTON BICENTENNIAL—DISTRICT OF COLUMBIA COMMISSION

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6041) authorizing an appropriation of funds in the Treasury to the credit of the District of Columbia for the use of the District of Columbia Commission for the George Washington Bicentennial.

Mr. STAFFORD. Reserving the right to object, may I inquire if this bill is on the Consent Calendar?

Mr. RAYBURN. Mr. Speaker, is the gentleman from Maryland asking unanimous consent? If so, I object. The gentleman from New York [Mr. PARKER], under an order of the House, is to make a very important report this morning, and therefore I object to anything else intervening.

The SPEAKER. The Chair will recognize the gentleman from New York [Mr. PARKER].

RAILROAD CONSOLIDATION

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. PARKER] for 15 minutes.

Mr. PARKER. Mr. Speaker, on the 2d of July, 1930, the Committee on Interstate and Foreign Commerce reported to the House of Representatives the progress being made on the so-called holding company investigation authorized by House Resolution 114 (Rept. No. 2064, 71st Cong., 2d sess.). At that time the committee had employed special counsel and that special counsel had organized a staff of lawyers, accountants, and statisticians to aid in prosecuting the factual inquiry imposed upon him by the Committee on Interstate and Foreign Commerce.

The Committee on Interstate and Foreign Commerce as directed by House Resolution 114, hereinafter printed, respectfully submits the following report (H. Rept. No. 2789) (in three parts) of special counsel to the committee on the phases of the investigation pertaining to the control of railroads through stock ownership and the regulation of such control. The committee will at a later date transmit to the House of Representatives other findings after they have been completed. After your Committee on Interstate and Foreign Commerce has duly considered these findings, gathered and submitted to it by its special counsel, and has held such hearings as may be necessary on the pertinent questions as they develop during the course of the investigation, the committee will submit its recommendations for legislation.

May I now address myself to some observations concerning the results of the inquiry herewith submitted?

First, I want to call attention to the expedition with which this part of the inquiry has been conducted. The Members of this House are quite familiar with how time is consumed in any sort of extensive inquiry. Months and even years frequently pass before the desired information is run down and put in presentable form. This report transmitted to-day for your information contains the results of an examination of every Class I railroad in the United States; of a careful perusal of the files of the Interstate Commerce Commission for information concerning the ownership of every railroad company in the country; the results of interrogations of several hundred investment trusts; nearly 300

brokerage houses and of the investment houses important in railway financing; findings of expert accountants who made personal examinations of the books and records of the most important holding companies in the railway field; compilations by expert economists who examined every possible source of information concerning each of several railway holding companies which have fairly long histories; an expert opinion by an eminent economist as to whether the holding company in the railway field should be outlawed or regulated; and, in addition to all this information, Members of the House of Representatives will be interested in reading a statement which the report contains concerning the power of the Congress to regulate ownership of railway securities.

That within a year the results of these inquiries should have been brought together and compiled for the use of Members of the House of Representatives is eloquent testimony both of the diligence with which the investigation has been made and the cooperation of those who have been called upon by the committee to furnish information.

Second. The purpose in transmitting these findings is that Members of the House of Representatives may have sufficient time in which to inform themselves concerning railway ownership in this country while the committee is completing the inquiries and formulating its conclusions.

I shall not take your time to tell you what is contained in these three volumes. At your convenience you will find that out in your own way and for yourselves. I can not refrain, however, from emphasizing the wealth of information which is being placed before you. You will be impressed, as you turn these pages, by the activity in the acquisition of control of railway properties in certain parts of the country. Let me emphasize that this activity is explained by the competition of great interests for the possession of strategic railway properties. This should be borne in mind as you read of the dramatic and daring adventures of those ambitious to fashion the railway map to their own liking.

Again, as you read the study of the constitutional power of Congress to regulate stock ownership in railroads engaged in interstate commerce, you will be impressed by the large powers the Congress possesses under the Constitution. It seems clear to me that the Congress can do about what it finds to be necessary to protect the public interest. Whatever the abuses of the holding company which this inquiry under House Resolution 114 may bring to light, it seems clear that you have the power to correct the abuses, to remedy the evils, to subject the holding company to reasonable regulation without being reduced to the necessity of destroying it. That is, through proper regulation, so far as your powers are concerned, you can preserve the benefits of the holding company and at the same time remedy such evils as may call for correction.

Again, I think you will agree with me that the facts here disclosed clearly demonstrate the efficacy of congressional regulation of railroads. At this point I want to make it clear that what I am about to say represents my own views and not any expression of the committee. This portion of the report has only to-day come to the committee, as I stated at the beginning of my remarks.

The activities which may be construed to impose a burden upon interstate commerce, which may interfere with congressional planning in the public interest, have been by companies acting beyond the jurisdiction of the commission or at least as far without the reach of that jurisdiction as the cunning of lawyers could contrive. If these companies had unquestionably been subject to the commission's jurisdiction, I believe there would have been less complaint of their activities and less ground for accusation that they have engaged in grab-as-grab-can contests. It is true that most of these acquisitions of control through the device of the holding company about which the commission has complained will, it is announced, soon be submitted to the commission in connection with applications for four dominant systems in eastern territory. The outcome of the hearings before the commission on those proposed applications will perhaps determine the attitude of the Congress with reference to the problem of what to do about such acquisitions of control during the past 10 years as the commission has brought to our attention. Similar acquisitions in the future, it appears, can readily be brought within the jurisdiction of the commission by amending paragraph (2) of section 5 of the interstate commerce act, as amended.

I favor such an amendment and believe that it should be passed with promptness. If and when it is passed, however, it should be made very clear that it does not give immunity to any company which before the effective date of the amendment had acquired control of some railroad in violation of an existing statute. If there have been such violations, the proper authorities should be left free to initiate such measures as the facts warrant and as the public interest dictates. So much for bringing future acquisitions of control unquestionably within the jurisdiction of the Interstate Commerce Commission.

Now let us turn to the problem of the acquisitions already made. As I have indicated, the most important of these should be before the Interstate Commerce Commission within a short time in connection with the applications of four eastern systems. If all these matters are in good faith submitted to the commission in connection with those applications, I think it safe to leave the matters for the commission to adjudicate after they have heard the pleas and arguments of the parties at interest. But if there should be undue delay in coming to the commission with the proposed applications of the four systems, if there should continue to be striving after selfish advantage and hesitancy in submitting the issues to the commission, then the Congress may find it necessary to clothe the commission with undoubted power to compel divestiture of the ownership of railway stock where the commission would find that such ownership had been acquired without the commission's approval and was being continued contrary to the commission's finding of what is in the public interest.

These findings being transmitted to-day are concerned with the ownership and control of railroads. There is abundant information concerning the activity of the holding company in railway ownership and control. This part of the investigation was not concerned with the holding company in fields of business other than railway. The holding company is more important, perhaps, in some other lines of business than in the railway field. The disclosures herein contained will undoubtedly provoke a desire to regulate the holding company as an agency in business. It is my judgment, as an individual, that before Congress enters upon that line of legislation it should seek fully to be informed concerning the advantages and disadvantages of the holding company in the various lines of business engaged in interstate commerce. I personally believe that since we have started we should go through with a full and comprehensive inquiry into all the activities of the holding company in so far as those activities may impose a burden upon interstate commerce.

Referring again to the report, I have been forcibly struck by the simplicity of the capital structures of railway companies. Of 147 class I railroads, 80 have only one class of stock and 44 have only two classes of stock. In all but exceptional cases equal voting rights attach to all classes of stock.

Another impressive fact is the wide distribution of the ownership of the voting stock of American railroads. On the stock-registry books of 160 class I railroads on December 31, 1929, stood some 840,000 names. That is to say, 840,000, or nearly a million people, own the voting stocks of our railroads. This does not include the names of bondholders, for no inquiry was made as to the ownership of bonds except where the bonds have voting privileges. Each class I railroad was required to disclose its 30 largest stockholders. What do you suppose was the per cent of total voting power represented by the thirtieth largest holder of record? In 42 cases it was less than two-tenths of 1 per cent. In only two instances did the thirtieth holder of record have over 1 per cent of the voting power of a railroad company.

Another very striking fact, and to me rather surprising, is the small influence of family holdings in our American railways. On page 67 you will find listed the holdings of the

families really important in American railway finance. There are only eight of these family groups, and with the exception of an occasional road, like the Western Pacific, you will not find the per cent of total voting power held by a family to be of very great significance. The Baker family control about 10 per cent of the Lackawanna; Arthur Curtis James seems to dominate the Western Pacific; the Vanderbilts have about 17 per cent of the voting stock of the Pittsburgh & Lake Erie. You will find the other family holdings surprisingly small. For years the public has thought of the New York Central as a Vanderbilt property. This report discloses that the Vanderbilts hold less than 5 per cent of the voting stock of that corporation.

I had also supposed that the great foundations, such as the General Education Board, would be listed among the most important railroad holders. While such foundations appear frequently as stockholders, as a rule their holdings are of no consequence when control is considered.

On page 73 it is disclosed that the large banks and investment banking and brokerage houses altogether own only 5 per cent of the total outstanding capital stock of all Class I railroads. The ownership of railway stocks is in the hands of a multitude of American citizens. Usually when one of the 30 largest stockholders of a railroad would appear on the record to be a brokerage house or investment bank, an examination would reveal that the company held the stock in some instances for several hundred individual accounts.

On page 51 you will find an analysis of the manner of the control exercised over 160 railroad companies. Thirteen of these companies, with less than 3,300 miles in operation, are controlled by industries; 31 companies, with an aggregate of nearly 30,000 miles, are controlled by individuals or families. This seems contradictory to what I have just said about the lack of importance of family holdings in the ownership of American railroads. The report reveals that most of these 30,000 miles controlled—you will notice I said "controlled" not "owned"—is under the control of the Van Sweringen brothers. How they exercise this control through their holding companies is clearly set forth in the report. Thirty-two railroads, with 47,000 miles operated, have their securities held in large part by one or more interests. Sixty-two railroad companies, with a total of over 146,000 miles, show no marked concentration of ownership.

We have had a great deal of talk about the consolidations of the railroads in this country into a limited number of systems. The tentative plan of the Interstate Commerce Commission recommended 19 systems. Their so-called final plan includes 21 systems, 19 being in the continental United States and 2 belonging to the Canadian systems. Some people have wondered why the commission did not recommend more systems. This report reveals that 15 major groups in this country now control 210,000 miles, or nearly 85 per cent of the railway mileage of the entire country. These 15 major groups are as follows:

	Miles
Van Sweringens	28,411
Great Northern	8,511
Northern Pacific	6,783
Spokane International	554
Burlington (includes 367 miles operated jointly with other systems)	11,987
Total for Hill group (two systems)	27,693
Pennsylvania	23,698
Southern Pacific	14,485
Frisco	14,217
Atlantic Coast Line	14,122
Santa Fe	13,166
New York Central	13,376
Baltimore & Ohio	11,270
St. Paul	11,247
Chicago North Western	10,205
Union Pacific	10,157
Southern	9,903
Illinois Central	9,109

On page 52 and following you will find what companies have most of the other 15 per cent of the mileage.

An account of the holding companies in the railway field is shown at page 26 and following. This information, together with that contained in Volume II of the report, reveals that most of the holding companies in the railway field are merely used for convenience in tying subsidiary corporations in with the parent companies. In only a few instances have there been notable activities such as those which provoked the complaint of the Interstate Commerce Commission, and to which I referred in the beginning of this statement.

On December 31, 1929, 160 Class I railroads operated 242,000 miles of road, and for the year ending on that date they had received in operating revenues $6,280,000,000; their gross capital approximated $23,800,000,000; their operating expenses were over $4,506,000,000; their wage bill was about $2,897,000,000; they paid in taxes that year $397,000,000, and in interest approximately $500,000,000. These figures emphasize the importance of the railway systems to the American people.

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AMENDING IMMIGRATION ACT OF 1917

Mr. JENKINS. Mr. Speaker, I call up the conference report upon the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended, and move the adoption of the same.

The SPEAKER. The gentleman from Ohio calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to all the amendments of the Senate, and agree to the same.

ALBERT JOHNSON,
T. A. JENKINS,
S. RUTHERFORD,
Managers on the part of the House.

HIRAM W. JOHNSON,
DAVID A. REED,
WILLIAM J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The fourth proviso of section 24 of the immigration act of 1917, as amended, provides for payment of traveling expenses of inspectors or other employees of the Immigration Service when ordered to perform duty in a foreign country or transferred from one station to another in a foreign country, including, in the discretion of the Secretary of Labor, the expense of transferring wives and dependent minor children and not over 5,000 pounds of household effects and other personal property. The House bill extended this provision to apply to inspectors and other officers and employees of the Immigration Service transferred from one station to another in the United States. The House bill also provided for the payment of the expenses of transporting the remains of inspectors and other employees of the Immigration Service who die while in or in transit to a foreign country in the discharge of their official duties to their former homes in the United States for interment.

The Senate amendments include within the original provisions of the portion of the 1917 act referred to, as well as the broadened provisions of the House bill, officers and employees of the Naturalization Bureau and Naturalization Service; and the House recedes on all three amendments.

ALBERT JOHNSON,
THOMAS A. JENKINS,
SAMUEL RUTHERFORD,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman tell the House what the conference report is?

Mr. JENKINS. Mr. Speaker, this bill provides that immigration inspectors shall be put in the same classification with customs inspectors, in that when they are traveling from one place to another their traveling expenses shall be allowed them. The bill passed the House two or three different times and went to the Senate. The last time the Senate amended it by including the naturalization officials. That is all the change there is.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

REFUNDING TREASURY OBLIGATIONS

Mr. HAWLEY. Mr. Speaker, I call up the bill (H. R. 16111) to amend sections 1 and 7 of the second Liberty bond act, as amended, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon calls up the bill H. R. 16111 and asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. PATTERSON. Mr. Speaker, I object.

Mr. HAWLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16111. Pending that, I ask unanimous consent that the time for debate be limited to 45 minutes, 30 minutes to be controlled by the gentleman from Tennessee [Mr. HULL] and 15 minutes by myself.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the time for general debate be limited to 45 minutes, 30 minutes to be controlled by the gentleman from Tennessee and 15 minutes by himself. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Oregon that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16111.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16111, with Mr. SNELL in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the second Liberty bond act, as amended (Public, Nos. 43, 120, and 192, 65th Cong., September 24, 1917, April 4, 1918, and July 9, 1918, respectively), is hereby amended by striking out the figures "$20,000,000,000" and inserting in lieu thereof the figures "$28,000,000,000."

SEC. 2. That section 7 of the second Liberty bond act, as amended (Public, No. 43, 65th Cong., September 24, 1917), is hereby amended by adding thereto the following sentence: "Bonds authorized by section 1, and certificates authorized by section 6, of this act, as amended, shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations, if and when the Secretary of the Treasury shall so prescribe in connection with the issue thereof."

Mr. HAWLEY. Mr. Chairman and ladies and gentlemen of the committee, the purpose of this bill is to enable the Treasury Department to refund certain outstanding obligations that are callable within a short period. Under the existing law the total amount that can be issued as securities is $20,000,000,000. There will be due within about a year $1,933,000,000, face amount, of the first Liberty bonds outstanding, callable in 1932, and of the fourth issue of Liberty bonds, 4¼ per cent bonds, callable in 1933, an aggregate of $6,268,000,000. The present total amount of issues of bonds under the $20,000,000,000 is $18,107,000,000. It is impossible for the Treasury out of the current revenues to retire these bonds as they become callable, and the passage of this legislation at this time will give the Treasury an opportunity to carry out proper financing operations to refund these bonds as they are callable.

Mr. LINTHICUM. What is the interest on the bonds it is proposed to refund?

Mr. HAWLEY. The interest on the larger amount is 4¼ per cent.

Mr. LINTHICUM. And we can get money now for less than 1½ per cent?

Mr. HAWLEY. It is hoped that this rate of interest may be materially reduced. There is another consideration. There is an outstanding obligation of some $3,000,000,000 of short-term securities. It may be necessary in order to bring them within manageable proportions to refund some portion of them. There is also an estimated deficit in the revenues for the fiscal year of some $500,000,000. Recent legislation regarding adjusted-service certificates may require some issues of bonds in order to expedite the payment of the loans to the veterans. This legislation will afford the Treasury opportunity to issue bonds for the prompt payment of the loans when they are applied for by the veterans.

There is one new paragraph in the bill, and that relates to the exemption of these bonds, from the payment of certain taxes in the event that the Treasury finds that proper and beneficial to the Treasury so to do. At present States can issue tax-exempt securities, and under the comity of States the securities and interest thereon issued by one State are not taxed in another State, with few exceptions. The political subdivisions of the States may issue tax-exempt securities, and under the comity one State does not tax the bond issues or the interest on them of the political subdivisions of another State; also, the outstanding short-term securities of the Government that are nontaxable, and they have proven to be very acceptable to the bond market, being issued at very low rates of interest. The interest on Federal bond issues is subject only to the surtax. They are not subject to the normal tax, either individual or corporation, and to relieve the corporations from the payment of tax thereon and to tax individuals and partnerships discriminates in favor of the corporation as against the partnership or the individual in this respect.

In order to provide equality of burden between the various activities of the country, this elimination of the interest provision will effect a readjustment.

The Treasury will sell in competition with the State issues, and issues of political subdivisions of the State. Where we sell a taxed bond in competition with a tax-free bond, we are likely to pay a higher rate of interest than would otherwise be necessary. The Treasury has given the proposition very careful consideration and taken into consideration any possible loss of taxes that might occur. If the bonds are relieved from the excess-profit tax, they are confident the sale of these bonds can be effected on such terms that the saving of interest to the Treasury will exceed any possible loss of revenue.

The bill was unanimously reported by the Committee on Ways and Means and we believe it should pass at this time.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. LaGUARDIA. Under our system of financing, it is possible to increase the national debt automatically. What I do not quite understand is, if by increasing the second Liberty loan by $8,000,000,000, that means the Treasury Department will be able to increase the national debt, automatically. The pending bill is not intended to increase the public debt, but is proposed in the interest of refunding operations.

Mr. HAWLEY. The law now limits total issues to twenty billions of securities, and the aggregate is limited to $20,000,000,000. They can not call in some issues and refund them beyond this limit. In order to take care of the two outstanding issues already mentioned that amount to over eight billion, by issuing new bonds to replace called bonds, they must have an increase of the limit. They can not go above twenty billion.

Mr. LaGUARDIA. Am I correct that if we had the resources we would retire those bonds?

Mr. HAWLEY. We have been retiring them.

Mr. LaGUARDIA. And if we had surpluses, or if we had anticipation of surpluses we could retire them, could we not?

Mr. HAWLEY. We have done so.

Mr. LaGUARDIA. So, therefore, we are increasing the borrowing capacity in order to take care of maturing indebtedness instead of paying for it? The additional authorization is to enable the refunding of called securities.

Mr. HAWLEY. The gentleman will agree that in the next two years it is not possible to raise $8,000,000,000 of additional revenue to retire those securities. So in order to meet the maturities and keep the Government in good faith with its people, we are necessarily compelled to increase the limit so that they can replace an old bond with a new one.

Mr. LaGUARDIA. In other words, we are borrowing new money to pay old debts?

Mr. HAWLEY. Yes; but without increasing the public debt.

Mr. PATTERSON. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. PATTERSON. Does the gentleman mean to say that the Ways and Means Committee reported this bill unanimously?

Mr. HAWLEY. I have looked up the minutes, and that is what the minutes show.

Mr. PATTERSON. Were all the members present?

Mr. HAWLEY. I think there were 22 or 23 members present.

Mr. PATTERSON. In the second section of this bill does it not exempt those people from certain surtaxes and income taxes which under previous laws they were compelled to pay?

Mr. HAWLEY. I stated that under existing law the income from public securities of the United States is not subject to the normal tax, personal or corporation.

Mr. PATTERSON. I heard the gentleman make that statement, but I would like a direct answer to my question.

Mr. HAWLEY. If the gentleman will give me an opportunity. The income is subject to the surtax. Corporations do not pay any surtax. Individuals and partnerships do pay surtax. In order to hold an even balance between the different kinds of activities of this country, the committee felt that to relieve them all of the obligation of paying surtaxes on those securities would be fair to all, and would also increase the Government's opportunity to get money at a lower rate of interest. Whether the new issues will be issued as tax exempt is left for the Treasury to determine when any issue is offered.

Mr. PATTERSON. The gentleman, then, believes in the theory that we ought now to reduce taxes paid by those people who earn millions of dollars annual income?

Mr. HAWLEY. That does not follow. I believe that where the Government can, by the sale of bonds at a lower rate of interest, save money to the Treasury over existing plans it is a commendable plan.

Mr. PATTERSON. Well, I do not believe in that kind of philosophy.

Mr. WOODRUFF. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. WOODRUFF. Along the line of the questions propounded by the gentleman who was just interrogating the gentleman from Oregon, the present Government securities are tax-exempt entirely?

Mr. HAWLEY. The income from certain issues are taxable under the surtax.

Mr. WOODRUFF. And under the proposed bill it is proposed to tax income derived from the surtax?

Mr. HAWLEY. No.

Mr. WOODRUFF. In other words, the proceeds from the surtax?

Mr. HAWLEY. No. To relieve taxpayers, in the discretion of the Treasury, if they find it more profitable to issue bonds in that form, without their income being subject to any tax whatever.

Mr. WOODRUFF. I misunderstood the gentleman, then.

Mr. FREAR. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. FREAR. In response to the gentleman who just spoke [Mr. PATTERSON], who has no confidence in the Committee on Ways and Means, I would suggest that it is possible for us at any time to increase the surtax on personal incomes. There is that means of meeting the deficit.

Mr. HAWLEY. And that is quite likely to be done in the near future.

Mr. FREAR. And that is the answer to the whole thing.

Mr. WOODRUFF. May I proceed further?

Mr. HAWLEY. Mr. Chairman, I wish to reserve two minutes of my time.

Mr. WOODRUFF. The gentleman from New York [Mr. LAGUARDIA] called attention to the fact that this bill gives the Treasury Department authority to increase the amount of bonds which can be issued from something like twenty billion to twenty-eight billion, but practically it does not mean that that indebtedness will be increased one dollar, does it?

Mr. HAWLEY. It is not intended to increase the indebtedness, but to enable the Treasury to conduct refunding operations. It simply means that the total volume issued altogether shall be twenty-eight billion instead of twenty billion, new bonds being issued to take the place of old bonds that are callable.

Mr. Chairman, I reserve the balance of my time.

Mr. HULL of Tennessee. Mr. Chairman, the bill now pending before the committee proposes a sudden and complete reversal of the policy of this Government with respect to tax-exempt securities. In 1917, when the second Liberty bond act was under consideration, both Houses of Congress, with singular unanimity, agreed upon the permanent policy of imposing a surtax on the interest derived from all Liberty bonds. From 1921 to 1927 there were no stronger advocates of that policy and its permanent continuance than the Treasury.

This proposal is a challenge to the doctrine of graduated-income taxation. Those who would reduce their surtaxes receive corresponding benefits by the remission of surtaxes on Federal securities. One is the equivalent of the other. So in the absence of any further reduction or readjustment of surtaxes in this country we have the equivalent proposal to the extent it will go and that is the complete tax exemption of all interest on Liberty bonds.

When this tax was imposed on the incomes of individuals it was not expressly imposed on corporations because individuals were supposed to draw from those corporations in the form of dividends their ratable share of the entire earnings of the corporations in which they held stock. So to-day the criticism which the Treasury offers to the effect that individuals are placed at a disadvantage in the bond market and that corporations derive a corresponding advantage is due to the fact that the corporations only distribute about 45 per cent of their earnings to their stockholders, on the average. If they would distribute their entire earnings, as the income-tax law contemplates, then every penny of interest they derive from Liberty bonds would be subjected to a surtax, and that would apply to all bonds in the hands of individual stockholders whose income exceeded $10,000.

So it is no criticism of this policy of taxing securities in the hands of individuals.

Now, gentlemen, this World War was fought, I think, by European countries on tax-free securities to a large extent. All of them except Great Britain undertook, to the extent that they raised money by borrowing, to put out tax-exempt securities. England and this country alone undertook to finance the war by imposing at least a surtax on the interest of the bonds they issued. In my opinion, it is unwise and unsound at this stage—even when all the States have piled up vast debts and have put out some $15,000,000,000 or $16,000,000,000 of tax-free securities—to make a change. But when the States have reached a point of vast expenditures and bond issues, as they now have, they must soon halt and devise programs of retrenchment and economy, of new systems of more equitable taxation to take the place of the outrageous general property-tax systems that curse so many of them. Just at the time when these vast changes and readjustments in tax methods must be taken up by the States our Federal Government would lend the great prestige of its leadership in the direction of permanent tax exemption in this country. It seems to me we already have enough property exempted from all taxation. Five years ago more than $55,000,000,000 worth of property, real and tangible, was exempt from all taxation, Federal, State, county, and municipal, and I dare say that huge amount approaches $75,000,000,000 by this time.

I am opposed, gentlemen of the committee, to a policy which would cause this Government to contract away the right to tax vast structures of wealth piled up by individuals in this country. [Applause.]

Mr. FREAR. Will the gentleman yield?

Mr. HULL of Tennessee. Yes.

Mr. FREAR. Let me say that I believe I express the opinion on both sides of the aisle when I say that the Members of the House sincerely regret that we are going to lose the distinguished gentleman from Tennessee from our midst in the succeeding Congresses. He is an authority on the subject of taxation, and we have particularly appreciated him in the committee and in the House during his long term of service. The question I want to ask is this: All of the States, cities, counties, and other municipalities that have issued these tax-free securities are in the market to-day for refunding and new issues. As I understand the bill now before us, it merely provides that the Government may place the same kind of securities in the same market. As far as I know, there was no opposition to it in the committee, and my understanding of the reason for the bill is

that as these other municipal securities are now in the market the Federal Government is to place the same kind of securities in that same market. I am in favor, as the gentleman well knows, of taxing all personal incomes and with the surtaxes, so as to make people best able to pay their just share of taxes. It is impossible for the Government to control this great wealth of tax-free securities issued by various municipalities and which, as suggested by the gentleman, have now reached over $70,000,000,000.

Mr. HULL of Tennessee. The gentleman's interruption is very timely and very pertinent. The answer to it as I see it is, first, that two wrongs do not make a right. If the States have been heading in an unwise and unsound direction by the issuance of vast amounts of tax-free securities they can not halt and retrace their steps too soon. This great Federal Government, instead of falling in line, should stand for the sound policy that is involved.

Mr. FREAR. Will the gentleman yield for another question in relation to that statement?

Mr. HULL of Tennessee. Yes.

Mr. FREAR. As we are giving authority by this bill for $28,000,000,000 to be issued out of the $70,000,000,000, would not the Government securities be placed at a disadvantage in competing with other tax-free securities on the market at a time when we have been threatened, as claimed by the witnesses who have been before us, with having to negotiate Government securities at an unfair interest rate?

Mr. HULL of Tennessee. In the first place, the United States security is the premier security in all the world. Every bank and every trust company and every corporation and every business individual is constantly after these bonds at interest rates that do not relate to the conditions to which the gentleman refers. They want them to place in their reserves. Instead of retaining cash they take these bonds and they are equivalent to money on interest. They can take them out and deposit them as collateral on an hour's notice. They can use them for an infinite number of tremendously valuable and advantageous purposes as a part of their reserves, and for this reason they do not seriously think about fractional interest rates, and the interest rate is governed by these considerations.

Mr. DUNBAR. Will the gentleman yield?

Mr. HULL of Tennessee. If the gentleman will let me go a little further, then I will be pleased to yield.

Now, Mr. Chairman, here is a statement of Mr. Ogden Mills before the National Tax Association in 1923:

> Tax-exempt securities must inevitably destroy the progressive income tax, and I am by no means sure that the evil has not already reached such proportion as to make any possible action too late to save our present income tax.

Emphasizing just a little further the situation in the States, there is insistent demand in every State in the Union to tax intangible property owners and give some relief to the farmer and to the real estate and tangible property owner.

The only way this can be done, of course, is by taxing the profits or interest derived from intangible property. Thirteen States have already commenced this undertaking and just as we are reaching a stage where all this $100,000,000,000 of intangible property is about to be sought after by the States for tax purposes, our Federal Government faces in the opposite direction and undertakes to establish here the permanent policy in this great country that there shall be at all times, or may be, $50,000,000,000, $100,000,000,000, or $125,000,000,000, of the choicest wealth in America securely locked up so that whether in times of peace or war no tax-gatherer can get within reach of it.

Why, we have seen these surtaxes vary from a maximum of 20 per cent to 65 per cent in this country within 15 years, and when you are talking about a little fraction of interest rate for to-day or to-morrow, you are not touching the merits of this problem of whether we are going to adopt a policy of tax-exempt securities permanently in this country or not. I want to get this thought impressed on the minds of you gentlemen.

During the Civil War we put out tax-exempt securities, some of them running 30 years. They jumped to a premium of 128 or in that neighborhood. To-day there is no attention really given to a little fraction of value of interest rate on Federal securities, and all of them are at a premium. There is no thought of figuring out these fractions. They want them for all kinds of business purposes. They are complaining because the public debt is being paid off too fast and they will not have these bonds for reserve purposes, and for tremendously valuable business purposes in this country, to make capital liquid, to enable industry to function; and our war bonds have really performed a great service in this regard.

Mr. STAFFORD. Will the gentleman yield?

Mr. HULL of Tennessee. Yes.

Mr. STAFFORD. As I recall the issue of the national bonds, the first issue at 3½ per cent, under the first Liberty loan, is exempt from taxation.

Mr. HULL of Tennessee. They were exempt from taxation.

Mr. STAFFORD. And they are to-day?

Mr. HULL of Tennessee. The one billion and some odd that are unrefunded are still exempt.

Mr. STAFFORD. What is the difference in the price of those bonds as compared with other taxable bonds?

Mr. HULL of Tennessee. I checked up on that some days ago. To state the general development of this matter, I recall the fifth Liberty loan was floated early in 1919, with two offers, one for 3¾ per cent tax-exempt, and one for 4¼ per cent subject to surtax. There were only a few hundred million bids at 3¾ tax free. Everybody, practically, took the 4¼ per cent bonds subject to surtax.

So there is no particular attention being given to the difference between taxed and tax-free bond values by the country at this time, and, as I say, any little difference in rates to-day does not raise the real question of ultimate permanent policy. I would shudder, in the first place, to see this country thrown into a war in 20 or 50 years. I would shudder still more to find a great, rich, fat, idle, lazy class in this country with perhaps over $150,000,000,000 of tax-free money locked up securely and completely immune from any of the burdens of that war. [Applause.]

Mr. DUNBAR and Mr. OLIVER of Alabama rose.

Mr. HULL of Tennessee. I yield first to the gentleman from Indiana.

Mr. DUNBAR. What Government securities are exempt from the surtax where an individual pays taxes on an income of more than $10,000 a year?

Mr. HULL of Tennessee. As I undertook to explain in the beginning, the theory of income tax law was that the earnings of all corporations would be distributed to the stockholders and they would pay surtaxes on those corporate earnings, even though they included interest from Liberty bonds; but as it is only half of their earnings are distributed, and individuals now pay surtaxes on all interest that goes into incomes of $10,000 and over.

Mr. DUNBAR. Suppose you have an income of $500,000 a year from tax-exempt securities—individual, not corporation—are there any bonds upon which you will be exempt from paying a surtax on an income of more than $10,000?

Mr. HULL of Tennessee. I do not know whether I understand the gentleman, but I have said that every individual income pays a surtax upon an income of $10,000 or more. The interest from the bonds is the same as rent or profits from property of any other kind. The surtax to-day applies to the late war bonds of the United States aggregating near $12,500,000,000.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. HULL of Tennessee. I yield.

Mr. OLIVER of Alabama. There are bonds drawing 4 per cent interest liable to surtax and some callable in 1932 and 1934, and both are selling for about 103.

Mr. HULL of Tennessee. That is true. Now I want to read what Secretary Mellon said on this policy back in 1923. He was resisting the argument in favor of new exempt securities. He made this statement:

> The arguments presented for the State of Virginia may be answered more specifically in taking up the several questions raised by your letter, but I may say at the outset that no amount

of arbitrarily assumed figures or loosely drawn conclusions such as appear in its brief and accompanying tables can serve to obscure the main facts in the situation upon which the Treasury relies in urging support for the proposed constitutional amendment, namely, that the continued issuance of tax-exempt securities is building up a constantly growing mass of privately held property exempt from all taxation; that tax exemption in a democracy such as ours is repugnant to every constitutional principle, since it tends to create a class in the community which can not be reached for tax purposes, and necessarily increases the burden of taxation on property and incomes that remain taxable; and that is absolutely inconsistent with any system of graduated income surtaxes to provide at the same time securities which are fully exempt from all taxation, since the exemptions will sooner or later defeat at least all higher graduations and will always be worth far more to the wealthier taxpayers than to the small ones.

Tax exemption, of course, gets quite a disproportionate value when taxes are not at a level rate but are levied at graduated rates, and the Federal surtaxes are almost wholly responsible for the extraordinary value which tax-exempt securities enjoy to-day. It is nonsense to refer to this value as something which the States have the right to enjoy in selling their securities, for the value depends in large measure on the relative scarcity of tax-exempt securities, and the Federal Government could seriously impair and nearly destroy it by issuing all its own securities exempt from surtaxes. Contrariwise, since the value of the exemption turns largely on the existence of graduated surtaxes, the Federal Government could certainly reduce and probably destroy the present premium on tax-exempt securities by changing its own tax system and substituting for the income surtaxes some other form of tax which would not be affected by the presence of tax-exempt securities, as, for example, a tax on sale or expenditures.

I hope the membership of the House will not overlook the fact that the real test of the wisdom of this policy arises in times of great stress, in times of war, in times when those who have the cream of the wealth can be turned to by the Government which gives them and their property protection and requires them to bear a fair share of the burden.

Mr. BRIGGS. Will the gentleman yield?

Mr. HULL of Tennessee. Yes.

Mr. BRIGGS. What does the gentleman say about the statement of the chairman of the committee that the inclusion of this provision in the bill will have the effect of refunding the bonds at a lower rate of interest than could otherwise be obtained?

Mr. HULL of Tennessee. As I stated in my opening remarks, no business men are thinking about interest so much as they are thinking of getting these bonds for liquid capital and putting it in reserve for any emergency. That is the question that is paramount to them. It makes no difference whether we have a large amount of tax-free securities as we have to-day so far as the rate of interest is concerned. Are we going out of our way to reverse the time-honored policy of retaining the right on the part of Congress, at least when there is an emergency, to impose taxes on any and all properties that should be reasonably subject to taxation?

Mr. PATTERSON. Mr. Chairman, will the gentleman yield?

Mr. HULL of Tennessee. Yes.

Mr. PATTERSON. In other words, the benefit derived from this to the Government will be very small, and in addition to that it changes the law and sets up a fundamental policy which might cause the Government a great deal of embarrassment in time of stress.

Mr. HULL of Tennessee. The advantage is inconsequential. We get back to the question of whether we propose to strike a severe blow at the doctrine of graduated income taxation in this country.

Mr. O'CONNOR of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. HULL of Tennessee. Yes.

Mr. O'CONNOR of Oklahoma. Is it not really a question of creating a large reservoir of great wealth invested in tax-exempt securities, and because they are exempt from the burden of Government, those who hold them are also exempt from any interest in or responsibility for Government; and also, when and if taxes get higher, they are still out of the picture?

Mr. HULL of Tennessee. Yes; in the hands of an idle, worthless class, sitting by and enjoying the protection of Government, and defying every taxgatherer in the land.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. HULL of Tennessee. Yes.

Mr. LaGUARDIA. Would not the necessity for this legislation indicate that our bonded indebtedness is maturing more rapidly than we can absorb it, and hence the need of increasing the amount which the Treasury may refund?

Mr. HULL of Tennessee. That opens up a rather long story. I may say that refunding operations are only replacements, and this is vastly different from finding new markets for new loans. Some day I hope to make a review of our refunding operations since 1919, since the war, but my time is just expiring now, and I shall be glad to include that later.

Mr. Chairman, I personally believe that at the end of 8 or 10 years of unimaginable expenditures in this country by Federal and State, county and municipal authorities, for all kinds of purposes, the time has now come when there should be a halt on the part of Congress and legislatures and municipal councils, and a drastic curb imposed upon further expenditures in this country and further burdens to the American taxpayer. [Applause.] Productive expenditures in a selective way, of course, would constitute an exception, but the time is here when there should be readjustment and retrenchment of our expenditures and a reform of our tax burdens, in order that they may be redistributed, and this policy of surtaxes on Government bonds appeals keenly to me as lying largely at the base of that kind of a plan and course of readjustment of taxation and expenditures in this country. [Applause.]

Mr. PALMER. Has the gentleman any plan whereby we can reach intangible property to make it pay its proportion of taxation?

Mr. HULL of Tennessee. Any income tax collected at the source, if not collected in any other way, would reach it, just as they reach it in Great Britain.

Mr. MORGAN. Is it the judgment of the gentleman that there would be wider distribution of Government securities if they bear surtaxes than if they do not?

Mr. HULL of Tennessee. It is like it was in 1919, and really during the war. People did not stop to look and see the little fractional difference there was in rates. They wanted these securities and they still want them.

Mr. MORGAN. I am thinking of the small investor. Would there not be a larger number of small investors and a smaller number of large investors and a wider distribution if the bonds bore surtaxes?

Mr. HULL of Tennessee. The small investor, of course, to-day has a 20 per cent advantage over the individual with an income of $100,000 a year and over. This proposed tax repeal would wipe that out and put a 20 per cent premium on the individual with an income of $100,000 and over.

Mr. MOORE of Virginia. Considering the state of the money market at this time, would the gentleman be good enough to give us his opinion as to the rate at which the bonds could be sold, if they carried the income surtax?

Mr. HULL of Tennessee. There is no difficulty whatever about disposing of Government securities. There is an immense reservoir of credit in this country that would seek directly at every opportunity to invest in such Federal securities as are remaining in the country and at a liberal price. The fact that they are at a premium all the time—the bonds, the notes, and certificates—at almost any interest rate is indicative of the fact that there would be no difficulty about selling any substantial amount of Federal securities on our market overnight at entirely satisfactory rates of interest. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 2. That section 7 of the second Liberty bond act, as amended (Public, No. 43, 65th Cong., September 24, 1917), is hereby amended by adding thereto the following sentence: "Bonds authorized by section 1, and certificates authorized by section 6 of this act, as amended, shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States upon the income or profits of individuals, partnerships, associations, or corporations, if and when the Secretary of the Treasury shall so prescribe in connection with the issue thereof."

Mr. HULL of Tennessee. Mr. Chairman, I move to amend by striking out section 2.

The Clerk read as follows:

Amendment by Mr. HULL of Tennessee: Beginning on page 1, in line 9, strike out all of section 2.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

Mr. HAWLEY. Mr. Chairman, I rise in opposition to the amendment. State governments and the political subdivisions of State governments issue large quantities of tax-exempt securities. These securities and the interest on them issued by one State are not, with some few exceptions, taxed in another, and interest on them is not taxed by another State, but by the comity of States, with few exceptions, they are tax exempt in other States.

The Federal Government, going into the market to sell its securities, meets this competition, and some of those securities which the States, municipalities, and counties offer, are excellent securities. They are gilt-edge. If the Government is to get as fair rates of interest as the States and political subdivisions of the States can get, it must offer its bonds on similar terms. The question is simply whether it is beneficial to the Government to pay a lower rate of interest on its securities without the collection of excess-profit tax from individuals and partnerships, but not from corporations, or to continue the excess-profit tax on individuals and corporations and pay a higher rate of interest on its issues of securities.

An examination and long study leads to the conclusion that from the standpoint of the Government, it may be better to issue a tax-exempt security. If we believe that the rate of taxation on incomes, surtaxes especially, is not high enough, the proper procedure would be to increase those taxes and not to subject our Government, in the bond market, to an unfair disadvantage in the sale of its securities, for which all the people finally have to pay, and pay the interest annually.

Mr. BRIGGS. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. BRIGGS. I wish the gentleman would inform the House what he understands or thinks from his knowledge of the situation would be the rate of interest at which these bonds could be sold with this provision in the bill, and what would be the rate of interest if this provision were not in the bill, or whether there would be any substantial difference in the rate of interest.

Mr. HAWLEY. The gentleman submits a very difficult question, because there are so many factors in the bond market that unless you have them stated it is a matter somewhat of a guess. But there is no doubt that the tax-free bond will sell on better terms than a security, the income from which is taxed. It may be approximately one-half per cent or more, but it would depend upon the circumstances surrounding the sale.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. STAFFORD. I was much impressed, as the Members of the House must have been, by the position of the Secretary of the Treasury in 1923, when he pointed out great objections to allowing tax-exempt Government securities to be amassed in the hands of a few, or the wealthy, and not pay any tax at all. What has the gentleman to say, with the position which the Secretary took back in 1923 against this very policy? I might say that the tax-exempt feature for short-term notes, allowing them to be tax exempt for short terms, allowing them to be sold at less than 1 per cent, could be defended.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. STAFFORD. The objection raised by the Secretary of the Treasury in the letter read by the gentleman from Tennessee [Mr. HULL] has to be met. The Secretary presented insurmountable arguments, as far as I am concerned, as expressed then, against the very policy that it is attempted to establish now.

Mr. FREAR. Will the gentleman yield?

Mr. STAFFORD. Well, Mr. Chairman, I asked a question.

Mr. HAWLEY. I think the gentleman from Wisconsin [Mr. FREAR] desired to speak on that very point, and I yield to him.

Mr. FREAR. At that same time, if the Chairman will permit, this question was discussed before our committee by the Secretary of the Treasury and various other authorities. It was represented to us then that the States and cities and all municipalities were issuing securities that were tax free; that the Federal Government, by putting restrictions on its bonds, would be placed at a disadvantage. Of course, as the gentleman from Tennessee [Mr. HULL] well says, it would be all right for the Government to take the lead in a reform against permitting an escape from surtaxes as was proposed by the Secretary of the Treasury at that time, and of establishing a taxable security, but by doing that you are putting the Government at a disadvantage with all of these competing municipalities.

Take, for instance, the State of New York. Its securities are just as good as the securities of the Federal Government, at a higher rate of interest. Of course, they are able to meet this proposition, which we can not do if we tie the hands of the Treasury by not permitting us to be placed in negotiating Government bonds on the same basis as all the States and municipalities. Is that not as the gentleman remembers the facts?

Mr. HAWLEY. Yes, sir.

Mr. STAFFORD. That is not an answer to my question.

Mr. HAWLEY. The gentleman has asked whether, if we exempt the securities from taxation, they will assemble in the hands of people having large holdings. That is anybody's guess. The present ownership of national securities is very widely extended. Forty per cent are held by banks; some $2,000,000,000 by small investors; considerable volume by life insurance companies. Whether at any time they would tend to flow together or at another time tend to flow apart is a matter of experience, and that has been the experience.

The gentleman from Tennessee [Mr. HULL] raised the question of the reduction of taxation. Of course, we can not control expenditures by States of any amounts that they please. That is impossible. There are outstanding now of bonds and other securities issued under State authority approximately $20,000,000,000. There are probably more than a hundred billion dollars of first-class industrials. The Treasury must go into the market when we put out these bonds for sale in competition with those securities. Now, it appears, after long experience, that the best thing for the Government is to treat all of its taxpayers alike, not requiring individuals and partnerships to pay a greater rate of tax than we require of their chief competitors, the corporations. It is a matter of adjustment on the basis of justice.

At the same time the Government would be benefited by getting a lower rate of interest for securities over any possible amount of tax it might receive.

Mr. STAFFORD. As to the flotation of State bonds, would not the direct effect be that of having their rates raised, because you are putting into the market, in competition with them, a premier bond of the United States that is not taxable?

Mr. HAWLEY. That would depend on what securities were being offered at that time.

Mr. STAFFORD. That was the argument made some years ago.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. HAWLEY. In connection with a certain line of inquiry I have been engaged in I found that many bonds issued by States and municipalities have in this present market been selling for 3.10 per cent and some were selling around 3 per cent. They were tax-free. I also found that some State issues were selling for less than that rate. We have this market to face. It is not a theory but it is a condition. This legislation is proposed as the best thing for the country and the Treasury.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. HULL of Tennessee. Mr. Chairman, I move to strike out the last word. I think there are two answers to the views expressed by the gentleman from Oregon. In the first place, the hearings are filled with statements by Secretary Mellon, Undersecretary Mills, and others, made during the pendency of the constitutional tax amendment in 1921–22, to the effect that when tax-free securities are issued to a considerable extent there is no longer any appreciable difference in bond price levels on the markets of the country. I mean by this that the value of the exemption disappears. The reporter carried off those hearings. If I had them I could read them again, but they are filled with the unqualified statements of the Secretary of the Treasury and the Undersecretary to the effect that when you issue large numbers of tax-free securities that then the values of all merge, that is, the Federal, State, county, and other municipal securities settle on a level that ignores the value of the tax exemption. In the second place, the gentleman from Oregon said it would not be treating all taxpayers alike not to repeal this surtax on Liberty bonds. The fact is it was imposed in order to treat all taxpayers with the same equity and consideration. It was imposed in harmony with the doctrine of this Government to impose surtaxes or a graduated income tax. The proposal of the gentleman from Oregon is to repudiate the whole doctrine of graduated income taxation in this country. So if the surtaxes are reasonable and equitable—and the Congress, speaking through all political parties, has said it is just—it is logical and really imperative, if we propose to maintain the doctrine of graduated income taxation in this country, that we pursue the policy of retaining the surtax on Liberty bonds.

Mr. FREAR. Mr. Chairman, generally I find myself in agreement with the gentleman from Tennessee. I have always insisted upon placing a fairly good surtax on those best able to pay the graduated income tax. Within the last week I have introduced a bill to increase the surtax from 20 to 25 per cent in the highest brackets. Of course, that has no direct relation to this question of tax-free securities; but here is the situation that confronted us when all these great financiers came before our committee last week opposing the veterans' loan bill because "it would depress the bond market." Because of a statement given out by the Secretary of the Treasury, there had been a drop of 3 cents on the dollar on some of these Federal Government tax-free securities through the threat of putting $3,400,000,000 more of Government securities on the market. They asserted it would demoralize the bond market. In other words, as the chairman of our committee has just said, the Treasury has to go into the market to meet tax-free securities on every side—Government, State, city, county, and all other municipalities—and in addition we have got to meet all these industrial bonds now held by purchasers for investment. Not only that competition, but we have to market Government securities in this tremendous well of investment in stocks and bonds. If Congress had been frightened, as were all these great financiers who appeared before us were on a possible $3,400,000,000 bond issue—if it is going to disturb conditions by putting out any comparatively small amount of securities to finance loans for the veterans, what will be the effect of putting the Government into competition with all this vast amount of tax-free securities of the municipalities in the 48 States which are still in existence and which will be continuously invested? Where is the disadvantage of putting Federal Government bonds on the market not containing like tax exemptions when conditions are as they are to-day?

Mr. LINTHICUM. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. LINTHICUM. Does not the gentleman think he ought to make a distinction between State and municipal bonds by saying they are free only in the States where issued and in those respective communities that issue them, because the Government proposition is nation-wide?

Mr. FREAR. That is possibly true; but under the comity of States they are tax free in direct competition, and we are facing a condition and not a theory.

Mr. HULL of Tennessee. Will the gentleman yield?

Mr. FREAR. I yield.

Mr. HULL of Tennessee. In 1919, after the war was over and after we had issued and floated about $25,000,000,000 worth of securities, we then put on the Victory loan, which, as I stated, was absorbed after the war was over at a rate of 4½ per cent, subject to surtax, and those bonds were taken in preference to tax-free exempt securities at 3¾ per cent. So I think that in peace time, with great reservoirs of credit, the present comparatively small amount would be taken care of by the market.

Mr. FREAR. It is not a compratively small amount. Eight billion dollars is about to be refunded, and in a market that has absorbed many billions of securities since that day. The gentleman sat with me and he listened, as I did, to those witnesses the other day who were telling us about the condition of the bond market. Certainly all of us desire to permit the same tax-free privileges, if necessary, to meet prices of over $70,000,000,000 of different classes of Government and municipal bonds now held by investors and that are constantly being refunded.

If we put the Government at a disadvantage, we have got to pay higher rates of interest. It is for the benefit of the Government I am speaking, and purely that, when going into the bond market for the sale of securities provided for in the bill.

Mr. REILLY. Will the gentleman yield?

Mr. FREAR. I yield to my colleague from Wisconsin.

Mr. REILLY. Does the gentleman agree with the statement of the gentleman from Tennessee that in the past there has been no appreciable difference in the rate of interest nor would be in the future?

Mr. FREAR. That may be true no one can say now, but we face this question: If my colleague from Wisconsin is going into the market to buy bonds, and is a man of large enough means so that the surtax is going to affect him, he will say, "Here is a New York bond, or some other tax-free bond, and here is a Federal bond. On the New York bond I will not be compelled to pay any surtax, and on the Government bond I will have to pay that tax. Consequently I will invest in the New York bond," and therefore the other bonds must bear a higher rate of interest in order to be comparable.

Mr. REILLY. What has been the result in practice?

Mr. FREAR. The practice is that when you consider the two you will make your choice between them, and that affects the terms of purchase.

Mr. BRIGGS. Is it not true, however, that all of the Government bonds practically are now demanding a very substantial premium, even those bearing the lowest interest rate?

Mr. FREAR. It is true now. It is only a question of rates of interest that the Government will pay to release the tax-free privilege. We are borrowing now through our short-term Treasury notes at as low a rate as 1 per cent.

Mr. BRIGGS. Is it not also true that the removal of this surtax will create a loss, and in a rather substantial amount, to the United States, in its tax returns?

Mr. FREAR. That is possible, but the interest rates are the real issue presented to us by the Treasury. I may suggest that this is the wish of the Treasury Department. It is not the committee that is urging this, and the Treasury Department has to negotiate the bonds. They are up against this very proposition of competing with an abundance of tax-free securities constantly offered for sale. The purchaser will select the best bargain represented in net returns to him.

Mr. DUNBAR. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and members of the committee, I am in favor of the amendment of the gentleman from Tennessee unless I can obtain information which I have been unable to obtain in the debate which would justify the adoption of section 2.

I wish to ask the chairman of the committee [Mr. HAWLEY] a question. On page 2 of the report of the Secretary of the Treasury, for the year ending June 30, 1928, the statement is made, "Since the income of corporations from such securities"—that is, Federal securities—"is wholly surtax exempt, whereas the individual income therefrom is subject to surtax • • •."

Federal securities of approximately $15,000,000,000 issued by the United States are outstanding. Those in the hands of corporations are exempt from the payment of surtax. Now, can the gentleman inform us how much of that $15,000,000,000 of Federal securities is in the hands of corporations?

Mr. HAWLEY. It is impossible to make any statement on that because the bonds are being dealt in and ownership is continually being transferred. I have no figures on that, but the insurance companies own great blocks of them.

Mr. DUNBAR. I am in favor of striking off section 2 for this reason. The sale of these bonds, with surtax exemptions, will, as stated by the gentleman, enable the Federal Government to borrow money at a less rate of interest, but it is accompanied by decreased tax on incomes of more than $10,000 annually. But unless the gentleman can tell us how much our present Federal indebtedness is in the ownership of corporations, there is no information that will inform us how much less surtax will be paid to the Federal Government.

Mr. FREAR. Will the gentleman yield?

Mr. DUNBAR. Yes.

Mr. FREAR. If the gentleman has bonds from the State of Indiana and he puts them beside bonds of the Federal Government, and one is tax free and the other is not tax free, does not the gentleman see the position in which he places the agents for the Federal Government in the selling of these bonds?

Mr. DUNBAR. No; I do not. Indiana bonds pay a higher rate of interest.

Mr. HAWLEY. Will the gentleman yield?

Mr. DUNBAR. Yes.

Mr. HAWLEY. Forty per cent of the securities are held by the banks, large blocks are held by insurance companies, and very large issues are distributed throughout the various parts of the country.

Mr. DUNBAR. What I am interested in with respect to this amendment is this: Some of the comparably poor people in the United States should have assurance that they can buy a bond and know that they are practically secure; such as Federal securities. If the surtax is exempt in the sale of these bonds, the Government, of course, will pay a less rate of interest and receive more for sale of bonds; but a poor man or a poor family owning $5,000 worth of bonds will pay more for bonds and receive less interest, which, in the event of the adoption of section 2, will be very much reduced. The individual with an income of $1,000,000 from bonds pays 20 per cent surtax. The individual who owns $5,000 worth of bonds pays no surtax if his income is less than $10,000; but that 20 per cent will be reflected in the price that is paid for the bonds, and being thus reflected, the small individual bondholder will pay more for his bonds. The large individual bondholder will be exempt 20 per cent if section 2 is adopted, if his income is at the maximum; the small man will not be exempt the 20 per cent, but the 20 per cent will be reflected in the amount of interest he receives on his bonds and amount paid for bonds.

Mr. PATTERSON. Will the gentleman yield?

Mr. DUNBAR. I will yield.

Mr. PATTERSON. In the gentleman's extension of his remarks, will he be kind enough to tell us—since it has appeared that the financiers appeared before the Treasury Department—how can the common people reach it?

Mr. DUNBAR. I have never extended my remarks in the RECORD because I have had nothing to add to what I may say on the floor, but I see no reason why we should have surtax-exempt securities in the form of Federal bonds. As I have stated before, I think that all bonds should be surtaxed as now surtaxed. I hope the amendment of the gentleman from Tennessee will be adopted.

Mr. ESTEP. Mr. Chairman and Members of the House, in answer to a question asked by the gentleman from Indiana that in a sense was answered by the gentleman from Oregon [Mr. HAWLEY], I might amplify that statement by saying that 40 per cent of all Government securities are held by the banks of the United States, and there are something like 24,000 banks in the country, and 19,000 of them belong to the American Banking Association.

There are $300,000,000 of bonds that belong to the insurance companies; $2,000,000,000 are owned by individuals; and the balance held by corporations and other industrial organizations that have these securities in their assets as reserves.

Mr. DUNBAR. Does the gentleman say that $300,000,000 belong to the insurance corporations?

Mr. ESTEP. Yes.

Mr. DUNBAR. And $2,000,000,000 owned by——

Mr. ESTEP. By individuals.

Mr. DUNBAR. And who has the rest?

Mr. ESTEP. Forty per cent is held by banks, $300,000,000 by insurance companies, and the balance by corporations and other organizations in the country.

Mr. DUNBAR. The gentleman makes the contention that if the national banks hold Government bonds on which no surtax is paid——

Mr. ESTEP. Some are tax exempt and some are not.

Mr. DUNBAR. Then those held by the banks are not all tax exempt.

Mr. ESTEP. No.

Mr. DUNBAR. We ought to have some definite presentment as to the manner in which the Treasury of the United States will be affected by the removal of surtaxes on bonds.

Mr. ESTEP. The tax will not affect the Treasury; the only way it will affect the Treasury is going into the market and competing with other bonds being sold that are tax exempt, because there are State bonds which are tax exempt.

Mr. DUNBAR. I do not know of any State that has approximately as low rate of interest as that which the United States Government pays. We have $750,000,000 due this year and next year upon which the Federal Government is paying as low as 2⅜ per cent interest. We have other securities upon which it has been stated on the floor of the House that the Federal Government is paying only 1 per cent.

Mr. ESTEP. Yes; there is 90-day paper which is paying as low as 1 per cent.

Mr. DUNBAR. Does the gentleman undertake to say that any State government can make a loan with interest as low as 1 per cent?

Mr. ESTEP. No; I do not say anything of that kind, because no State government has the assets and the confidence of the people as has the United States Government, and so could not possibly sell at as low a rate of interest.

Mr. DUNBAR. I do not understand the gentleman's argument that the Federal Government will not be able to retain the surtax and compete with State securities. The price of State securities to-day is nearly double.

Mr. ESTEP. I am suggesting that this bill is to help the Secretary of the Treasury market the Government's securities. I do not know what conditions may arise, but I do say that Congress is not always in position to handle the matter, and if you authorize the Secretary of the Treasury to handle it, I think it will be well taken care of.

Mr. KETCHAM. Will the gentleman state the total amount of securities of the Federal Government outstanding?

Mr. ESTEP. Sixteen billion dollars.

Mr. KETCHAM. Does the gentleman have any figures that would indicate approximately the number of billions of dollars of securities that were put out by the States and their political subdivisions?

Mr. ESTEP. I can give the gentleman about the total sum of industrial State and foreign bonds held in the United States, which is $150,000,000,000.

Mr. KETCHAM. Owned in the United States?

Mr. ESTEP. And there is an absorbing power in the people of the United States in normal times of about $7,000,000,000 to absorb municipal, Government, industrial, and foreign bonds.

Mr. KETCHAM. Then the ratio as between Federal and other bonds is about as one to nine?

Mr. ESTEP. There are $30,000,000,000 worth of municipal bonds on the market in comparison to the $16,000,000,000 worth of Federal bonds.

Mr. O'CONNOR of Oklahoma. Mr. Chairman, I move to strike out the last word. I have no desire to embarrass the Secretary of the Treasury. I am not on the Ways and Means Committee, but if the Congress does not change its ways you are going to have to furnish a whole lot of means some of these days. I believe a principle is involved here, and that is the principle of the graduated income tax. If that is sound, then this provision in the bill is wrong. It strikes at the root of the surtax. The two can not stand together. I am in favor of the amendment offered by the gentleman from Tennessee. The amendment here to strike out section 2 sustains the graduated income tax law. If this bill be passed without that amendment, do we not place the Secretary of the Treasury in this position? These great bond buyers that come really to fix the interest rate with him on the bonds have a legislative authorization to use to influence him and force him to issue bonds tax free in order to secure a reasonable interest rate, and they are going to use it. The test is not what would be a fair rate of interest to-day, under present conditions from which they would be tax exempt, but they are exempt from all taxes to be imposed hereafter, through all the time that these bonds will be outstanding. I do not know anyone who is enough of a prophet to know what facts and emergencies are going to face this country, but if we keep on with the Government going into various kinds of business and appropriating all the money that anybody who has votes enough to elect or defeat us asks us to appropriate then we are going to have to sell lots and lots of bonds; and by a provision such as this contained in the bill you are giving the big bond buyer an insurance against his ever having to pay any taxes, and asking the Government to go to other sources to raise all of the revenue that is needed.

I expect to support the amendment offered by the gentleman from Tennessee. To do otherwise would be to strike a body blow at the graduated income tax. Tax exemptions, like indirect taxes, tend to governmental extravagance. We are developing a class of people who are tax exempt. If we were able to pay all of our taxes—municipal, State, and Federal—directly, we would not have the extravagant Government that we have to-day. You can not go into a man's home and take a dollar of direct tax away from him without a holler on his part; but you can tax the food on his table in an indirect way to a point so high that he will hardly be able to buy any, and you can by indirect tax so tax his clothing that he will find himself compelled to keep on an old coat instead of having a new coat. It is done indirectly; he does not know it, and he does not feel it, but it is there just the same in the cost of living. And with your tax-exempt people it is the same thing. If a man is not paying for the extravagance of government, he is not interested in governmental economy. What this country needs more than anything else is to have brought home to the people that all of this cost of government is borne by all the people, whether they are taxpaying or not. It is all wrapped up in the high cost of living and has to be paid for. There is no magic, and we can not perform magic, although we may have magicians here. To meet the financial obligations of the Government, all of the money has to come out of the sweat and toil and labor of the past and what is to be earned in the future. [Applause.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, I shall gladly vote for the amendment to strike out section 2 unless this section is amended. This section, as it is drawn, clearly provides a nice present to many who now hold large blocks of Government bond issues.

We are told that we must have the language in the bill as incorporated in section 2 in order to exempt the new bonds and certificates from the surtax so that the Treasury Department may market the bonds and certificates more easily. While the language of the bill as it is drawn indicates that the new bonds and certificates issued under the provisions of the bill will not be subject to the surtax, that language also repeals the surtax on the billions of dollars' worth of bonds already issued and now in the hands of the taxpayers subject to the payment of the surtax. There is no doubt about it because, beginning in line 1, section 2, on page 2, the bill reads:

> Bonds authorized by section 1, and certificates authorized by section 6, of this act, as amended, shall be exempt from graduated additional income taxes.

And when you read section 1 it does not merely refer to the new bonds and certificates to be issued hereafter, but the entire issue of $28,000,000,000. I hope the chairman of the Ways and Means Committee will offer an amendment which will definitely limit the exemption from the surtax to the issues hereafter made.

Mr. CHIPERFIELD. May I ask the distinguished gentleman from Oregon a question, and it is a very serious question, as this measure is drafted. Section 2 of the bill provides in part "bonds authorized by section 1, and certificates authorized by section 6 of this act, as amended, shall be exempt from graduated additional income taxes," and so forth. Is there not great probability that that includes all bonds that have been issued heretofore, as well as bonds that will be issued now?

Mr. HAWLEY. No. Only bonds that the Treasury will offer under this legislation.

Mr. CHIPERFIELD. It does not say so.

Mr. HAWLEY. If the Chairman will pardon me. All the bonds which the Treasury will offer are the additional eight billions. The bonds already outstanding are not in the hands of the Secretary of the Treasury; he has nothing to do with them; he is not offering them for sale to anybody, but if the gentleman is in doubt, that may be remedied by putting in an amendment at line 3, page 2, after the word "amended," "hereafter issued," so that it will read "hereafter issued, shall be exempt from graduated additional income taxes."

Mr. CHIPERFIELD. I am not disposed to place any obstacles in the way of the plan of the committee, but I think there is a very serious question if it does not embrace all bonds.

Mr. TABER. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. TABER. In section 2, the last two lines, I think, safeguard the matter:

> If and when the Secretary of the Treasury shall so prescribe in connection with the issue thereof.

No bonds, unless the Secretary of the Treasury has already prescribed that they shall carry this tax-exempt privilege, can be tax exempt unless they are issued in the future, and the Secretary of the Treasury shall so prescribe.

Mr. HAWLEY. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. HAWLEY: On page 2, in line 3, after the word "amended," insert the words "hereafter issued."

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee, which the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. HULL of Tennessee: Beginning on line 9, page 1, strike out all of section 2.

The question was taken; and on a division (demanded by Mr. HULL of Tennessee) there were—ayes 100, noes 111.

So the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16111) to amend sections 1 and 7 of the second Liberty bond act, as amended, had directed him to report the same back to the House with one amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. HAWLEY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. HULL of Tennessee. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Tennessee [Mr. HULL] offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

> Mr. HULL of Tennessee moves to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House with an amendment striking out section 2 of the bill.

The SPEAKER. The question is on the motion to recommit.

Mr. HULL of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 200, answered "present" 1, not voting 69, as follows:

[Roll No. 33]

YEAS—161

Abernethy	Condon	Green	McDuffie
Allgood	Connery	Greenwood	McFadden
Almon	Cooper, Tenn.	Gregory	McKeown
Andresen	Cox	Griffin	McMillan
Arentz	Crisp	Hare	McReynolds
Arnold	Cross	Hastings	McSwain
Aswell	Crosser	Hill, Ala.	Mansfield
Auf der Heide	Cullen	Hill, Wash.	Mead
Ayres	Davis	Hogg, Ind.	Milligan
Bankhead	DeRouen	Howard	Montet
Black	Dominick	Huddleston	Mooney
Blanton	Dorsey	Hull, Tenn.	Moore, Ky.
Bloom	Doughton	Hull, Wis.	Moore, Va.
Box	Doxey	James, N. C.	Moorehead
Boylan	Drane	Jeffers	Nelson, Mo.
Brand, Ga.	Driver	Johnson, Okla.	Norton
Briggs	Dunbar	Johnson, Tex.	O'Connor, Okla.
Browne	Edwards	Jones, Tex.	Oldfield
Browning	Eslick	Kading	Oliver, Ala.
Brunner	Evans, Mont.	Kemp	Oliver, N. Y.
Buchanan	Finley	Kerr	Owen
Busby	Fisher	Ketcham	Palmisano
Butler	Fitzpatrick	Knutson	Parks
Byrns	Fuller	Kvale	Parsons
Campbell, Iowa	Fulmer	LaGuardia	Patman
Canfield	Gambrill	Lambertson	Patterson
Cannon	Garber, Okla.	Lanham	Peavey
Cartwright	Gasque	Lankford, Ga.	Pittenger
Christgau	Gavagan	Linthicum	Prall
Clague	Glover	Lozier	Quin
Clark, Md.	Goldsborough	Ludlow	Ragon
Cochran, Mo.	Goodwin	McCormack, Mass.	Rainey, Henry T.
Ramspeck	Sears	Taylor, Tenn.	Williamson
Rankin	Selvig	Thurston	Wilson
Rayburn	Sinclair	Tucker	Wingo
Reilly	Smith, W. Va.	Underwood	Woodrum
Robinson	Somers, N. Y.	Vinson, Ga.	Wright
Rutherford	Stafford	Walker	Yon
Sanders, Tex.	Steagall	Warren	
Sandlin	Sumners, Tex.	Whitehead	
Schneider	Tarver	Williams	

NAYS—200

Ackerman	Dickinson	Jenkins	Schafer, Wis.
Adkins	Douglas, Ariz.	Johnson, Ill.	Seger
Allen	Doutrich	Johnson, Nebr.	Selberling
Andrew	Dyer	Johnson, Wash.	Shaffer, Va.
Bachmann	Eaton, Colo.	Jonas, N. C.	Shott, W. Va.
Bacon	Eaton, N. J.	Kahn	Shreve
Baird	Elliott	Kearns	Simmons
Barbour	Ellis	Kelly	Sloan
Beck	Estep	Kendall, Ky.	Smith, Idaho
Beedy	Esterly	Kendall, Pa.	Snell
Beers	Evans, Calif.	Kinzer	Snow
Blackburn	Fenn	Kopp	Sparks
Bohn	Fish	Kurtz	Speaks
Bolton	Fort	Langley	Sproul, Kans.
Bowman	Foss	Lankford, Va.	Stalker
Brand, Ohio	Frear	Leavitt	Stobbs
Brigham	Free	Leech	Strong, Kans.
Britten	Freeman	Lehlbach	Strong, Pa.
Brumm	French	Letts	Sullivan, Pa.
Buckbee	Gibson	Loofbourow	Summers, Wash.
Burdick	Gifford	Luce	Swanson
Burtness	Golder	McClintock, Ohio	Swing
Cable	Goss	McLaughlin	Taber
Campbell, Pa.	Graham	Maas	Temple
Carter, Calif.	Granfield	Manlove	Thatcher
Carter, Wyo.	Guyer	Mapes	Tilson
Chalmers	Hadley	Martin	Timberlake
Chindblom	Hale	Menges	Treadway
Chiperfield	Hall, Ill.	Merritt	Turpin
Christopherson	Hall, Ind.	Michener	Underhill
Clancy	Hall, N. Dak.	Miller	Vestal
Clarke, N. Y.	Halsey	Moore, Ohio	Vincent, Mich.
Cochran, Pa.	Hancock, N. Y.	Mouser	Wainwright
Cole	Hardy	Murphy	Wason
Collier	Haugen	Nelson, Me.	Watres
Collins	Hawley	Niedringhaus	Welch, Calif.
Colton	Hess	Nolan	Welsh, Pa.
Cooke	Hickey	Palmer	White
Cooper, Ohio	Hoch	Parker	Whitley
Coyle	Hogg, W. Va.	Pratt, Ruth	Whittington
Craddock	Holaday	Pritchard	Wigglesworth
Crail	Hooper	Purnell	Wolfenden
Cramton	Hope	Ramey, Frank M.	Wolverton, N. J.
Crowther	Hopkins	Ramseyer	Wolverton, W. Va.
Culkin	Houston, Del.	Ransley	Wood
Dallinger	Hudson	Reece	Woodruff
Darrow	Hull, Morton D.	Reed, N. Y.	Wurzbach
Davenport	Hull, William E.	Rich	Wyant
Denison	Irwin	Rogers	Yates
De Priest	James, Mich.	Sanders, N. Y.	Zihlman

ANSWERED "PRESENT"—1

Lindsay

NOT VOTING—69

Aldrich	Erk	Larsen	Rowbottom
Bacharach	Fitzgerald	Lea	Sabath
Bell	Garber, Va.	McClintock, Okla.	Short, Mo.
Bland	Garner	McCormick, Ill.	Simms
Carley	Garrett	McLeod	Sirovich
Celler	Hall, Miss.	Magrady	Spearing
Chase	Hancock, N. C.	Michaelson	Sproul, Ill.
Clark, N. C.	Hartley	Montague	Stevenson
Connolly	Hoffman	Morgan	Stone
Cooper, Wis.	Hudspeth	Nelson, Wis.	Sullivan, N. Y.
Corning	Igoe	Newhall	Swick
Dempsey	Johnson, Ind.	O'Connor, La.	Taylor, Colo.
Dickstein	Johnson, S. Dak.	O'Connor, N. Y.	Thompson
Douglass, Mass.	Johnston, Mo.	Perkins	Tinkham
Dowell	Kennedy	Pou	Watson
Doyle	Kiefner	Pratt, Harcourt J.	
Drewry	Korell	Reid, Ill.	
Englebright	Kunz	Romjue	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Larsen (for) with Mr. Connolly (against).
Mr. Bell (for) with Mr. Aldrich (against).
Mr. O'Connor of New York (for) with Mr. Sproul of Illinois (against).
Mr. Igoe (for) with Mr. Johnson of South Dakota (against).
Mr. Lindsay (for) with Mr. Bacharach (against).
Mr. Romjue (for) with Mr. Pratt, H. J. (against).
Mr. Drewry (for) with Mr. Johnson of Indiana (against).
Mr. Kennedy (for) with Mr. Reid of Illinois (against).
Mr. Hall of Mississippi (for) with Mr. Magrady (against).
Mr. Clark of North Carolina (for) with Mr. Kiefner (against).
Mr. Dowell (for) with Mr. Hartley (against).
Mr. Stevenson (for) with Mr. Erk (against).
Mr. Corning (for) with Mr. Swick (against).
Mr. Sullivan of New York (for) with Mr. McLeod (against).
Mr. Bland (for) with Mr. Watson (against).
Mr. Hancock of North Carolina (for) with Mr. Perkins (against).
Mr. Pou (for) with Mr. Short (against).
Mr. Dickstein (for) with Mr. Englebright (against).

Until further notice:

Mr. Tinkham with Mr. Garner.
Mr. Garber of Virginia with Mr. Carley.
Mr. Korell with Mr. Taylor of Colorado.
Mr. Nelson of Wisconsin with Mr. Lea.
Mr. Michaelson with Mr. Celler.
Mr. Cooper of Wisconsin with Mr. McClintic of Oklahoma.
Mr. Johnston of Missouri with Mr. Garrett.
Mr. Chase with Mr. Sirovich.
Mr. Dempsey with Mr. Montague.
Mrs. McCormick of Illinois with Mr. Sabath.
Mr. Simms with Mr. O'Connor of Louisiana.
Mr. Fitzgerald with Mr. Doyle.
Mr. Newhall with Mr. Spearing.
Mr. Hoffman with Mr Hudspeth.
Mr. Stone with Mr. Kunz.

Mr. FITZGERALD. Mr. Speaker, I was not in the Chamber when my name was called, but if I had been I would have voted "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WASON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H. R. 16415, making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1932, and for other purposes, insist on the House amendment to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to take from the Speaker's table House bill 16415, insist on the House amendment to the Senate amendment and agree to the conference asked by the Senate. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. WASON, SUMMERS of Washington, and WOODRUM.

CONFERENCE REPORT—MUSCLE SHOALS

Mr. WURZBACH. Mr. Speaker, I call up the conference report on Senate Joint Resolution 49, to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Texas calls up the conference report on Senate Joint Resolution 49, and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. FORT. Mr. Speaker, reserving the right to object, as I understand it, we have only an hour under the rules for debate on this motion. If the gentleman from Texas is prepared to agree to ask for a longer time than that I shall not object.

Mr. WURZBACH. How much longer time would the gentleman suggest?

Mr. FORT. The time I want is guaranteed to me, but a considerable number of Members want to be heard on this question. The gentleman from Pennsylvania [Mr. RANSLEY] can answer as to the amount of time desired.

Mr. RANSLEY. Will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. RANSLEY. I would suggest, if the gentleman will permit the suggestion, that at least an hour and a half, if not two hours, be given, because there is a matter of principle involved, and many Members on both sides of the Chamber are asking for time. I would further request that the gentleman give a fair division of the time so that we can divide the time equally between those favoring the bill and those opposing it.

Mr. WURZBACH. I want to state that I had a tentative understanding with the gentleman from Pennsylvania that if he made a unanimous-consent request for an additional 30 minutes I would not object to it and I still stand by that tentative understanding.

Mr. TILSON. That would mean an equal division of the time.

Mr. WURZBACH. I also stated to the gentleman from Pennsylvania that I would permit him to suggest to me the names of those gentlemen who were in opposition to the report.

Mr. RANSLEY. We want a fair division of the time, and as a rule that courtesy is always extended, even to the other side.

Mr. WURZBACH. No one can charge me with any discourtesy.

Mr. RANSLEY. I did not intend to suggest that.

Mr. WURZBACH. I want to be perfectly fair with the opposition.

Mr. CRISP. Will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. CRISP. May I suggest this to the gentleman: If any unanimous-consent request is submitted for the extension of time, would it not be advisable to have in that request that at the expiration of that time the previous question shall be ordered?

Mr. TILSON. If that request is made, we ought to have two hours. It is better to spend the time in debate than to have a roll call, and unless we get a fair division of the time I shall insist upon an effort to vote down the previous question so that we may have an hour's more time. Let us be fair about this matter.

Mr. CRISP. The object of my inquiry was to have the House fully understand the situation.

Mr. WURZBACH. Mr. Speaker, I ask unanimous consent that debate on this report be limited to two hours; that at the end of that time the previous question shall be considered as ordered, and that the statement be read in lieu of the conference report. I also ask that the time be divided equally between those in favor of and those against the report.

The SPEAKER. May the Chair make this suggestion: It would be far easier for the Chair if the time were controlled by one gentleman on one side and another gentleman on the other side.

Mr. WURZBACH. And that one-half of the time be controlled by the gentleman from Pennsylvania [Mr. RANSLEY], in opposition, and the other one-half of the time be controlled by myself.

The SPEAKER. The gentleman from Texas asks unanimous consent that time for debate upon the conference report be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from Pennsylvania [Mr. RANSLEY]; that debate be confined to the report; at the end of two hours the previous question shall be considered as ordered; and that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the joint resolution and agree to the same, with an amendment as follows:

In lieu of the language put in by the House insert the following:

"That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development, and to aid navigation and the control of destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the 'Muscle Shoals Corporation of the United States' (hereinafter referred to as the corporation). The board of directors first appointed shall be deemed the incorporators and the incorporation shall be held to have been effected from the date of the first meeting of the board. This act may be cited as the 'Muscle Shoals act of 1931.'

"SEC. 2. (a) The board of directors of the corporation (hereinafter referred to as the board) shall be composed of three members, not more than two of whom shall be members of the same political party, to be appointed by the President, by and with the advice and consent of the Senate. The board shall organize by electing a chairman, vice chairman, and other officers, agents, and employees, and shall proceed to carry out the provisions of this act.

"(b) The terms of office of the members first taking office after the approval of this act shall expire as designated by the President at the time of nomination, one at the end of the second year, one at the end of the fourth year, and one at the end of the sixth year, after the date of approval of this act. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring six years from the date of the expiration of the term for which his predecessor was appointed.

"(c) Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) Vacancies in the board so long as there shall be two members in office shall not impair the powers of the board to execute the functions of the corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the board.

"(e) Each of the members of the board shall be a citizen of the United States and shall receive compensation at the rate of $50 per day for each day that he shall be actually engaged in the performance of the duties vested in the board, to be paid by the corporation as current expenses, not to exceed, however, 150 days for the first year after the date of the approval of this act, and not to exceed 100 days in any year thereafter. Members of the board shall be reimbursed by the corporation for actual expenses (including traveling and subsistence expenses) incurred by them while in the performance of the duties vested in the board by this act.

"(f) No director shall have any financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, selling, or distribution of fixed nitrogen, or any ingredients thereof, nor shall any member have any interest in any business that may be adversely affected by the success of the Muscle Shoals project as a producer of concentrated fertilizers.

"(g) The board shall direct the exercise of all the powers of the corporation.

"(h) All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continued success.

"SEC. 3. (a) The chief executive officer of the corporation shall be a general manager, who shall be responsible to the board for the efficient conduct of the business of the corporation. The board shall appoint the general manager, and shall select a man for such appointment who has demonstrated his capacity as a business executive. The general manager shall be appointed to hold office for 10 years, but he may be removed by the board for cause, and his term of office shall end upon repeal of this act, or by amendment thereof expressly providing for the termination of his office. Should the office of general manager become vacant for any reason, the board shall appoint his successor as herein provided.

"(b) The general manager shall appoint, with the advice and consent of the board, two assistant managers who shall be responsible to him, and through him to the board. One of the assistant managers shall be a man possessed of knowledge, training, and experience to render him competent and expert in the production of fixed nitrogen. The other assistant manager shall be a man trained and experienced in the field of production and distribution of hydroelectric power. The general manager may at any time, for cause, remove any assistant manager, and appoint his successor as above provided. He shall immediately thereafter make a report of such action to the board, giving in detail the reason therefor. He shall employ, with the approval of the board, all other agents, clerks, attorneys, employees, and laborers.

"(c) The combined salaries of the general manager and the assistant managers shall not exceed the sum of $50,000 per annum, to be apportioned and fixed by the board.

"SEC. 4. Except as otherwise specifically provided in this act, the corporation—

"(a) Shall have succession in its corporate name.

"(b) May sue and be sued in its corporate name, but only for the enforcement of contracts and the defense of property.

"(c) May adopt and use a corporate seal, which shall be judicially noticed.

"(d) May make contracts, but only as herein authorized.

"(e) May adopt, amend, and repeal by-laws.

"(f) May purchase or lease and hold such personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it.

"(g) May appoint such officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation, define generally their duties, require bonds of them and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent, and provide a system of organization to fix responsibility and promote efficiency.

"(h) The board shall require that the general manager and the two assistant managers, the secretary and the treasurer, the bookkeeper or bookkeepers, and such other administrative and executive officers as the board may see fit to include, shall execute and file before entering upon their several officers good and sufficient surety bonds, in such amount and with such surety as the board shall approve.

"(i) Shall have all such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the corporation, including the right to exercise the power of eminent domain.

"SEC. 5. The board is hereby authorized and directed—

"(a) To operate existing plants for experimental purposes, to construct, maintain, and operate experimental plants at or near Muscle Shoals for the manufacture of fertilizer or any of the ingredients comprising fertilizer for experimental purposes;

"(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program;

"(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce;

"(d) To cooperate with National, State, district, or county experimental stations or demonstration farms, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction.

"(e) The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by

modernizing existing plants), or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen. The fixed nitrogen provided for in this act shall be in such form and in combination with such other ingredients as shall make such nitrogen immediately available and practical for use by farmers in application to soil and crops.

"(f) Under the authority of this act the board may donate not exceeding 1 per cent of the total product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of use of same.

"(g) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities.

"(h) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural purposes in the most economical manner and at the highest standard of efficiency.

"(i) The board shall have power to request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the corporation the better to carry out its powers successfully, and the President shall, if in his opinion the public interest, service, and economy so require, direct that such assistance, advice, and service be rendered to the corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board and of the general manager.

"(j) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

"(k) Upon the requisition of the Secretary of War the corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said department for use in operation of all locks, lifts, or other facilities in aid of navigation.

"(l) To produce, distribute, and sell electric power, as herein particularly specified.

"(m) No products of the corporation shall be sold for use except to the United States, her Territories, and possessions, except to the United States Government for the use of its Army and Navy or to its allies in case of war.

"SEC. 6. In order to enable the corporation to exercise the powers vested in it by this act—

"(a) The exclusive use, possession, and control of the United States nitrate plants numbered 1 and 2, located respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed-nitrogen research laboratory, the Waco limestone quarry, in Alabama, and Dam Numbered 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof are hereby entrusted to the corporation for the purposes of this act.

"(b) The President of the United States is authorized to provide for the transfer to the corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the corporation as herein stated.

"SEC. 7. (a) The corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Ala. The corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to venue of civil suits.

"(b) The corporation shall at all times maintain complete and accurate books of accounts.

"SEC. 8. (a) The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the corporation covering the preceding fiscal year. This report shall include the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than $2,500 a year.

"(b) The board shall require a careful and scrutinizing audit and accounting by the General Accounting Office during each governmental fiscal year of operation under this act, and said audit shall be open to inspection to the public at all times and copies thereof shall be filed in the principal office of the Muscle Shoals Corporation at Muscle Shoals in the State of Alabama. Once during each fiscal year the President of the United States shall have power, and it shall be his duty, upon the written request of at least two members of the board, to appoint a firm of certified public accountants of his own choice and selection which shall have free and open access to all books, accounts, plants, warehouses, offices, and all other places, and records, belonging to or under the control of or used by the corporation in connection with the business authorized by this act. And the expenses of such audit so directed by the President shall be paid by the board and charged as part of the operating expenses of the corporation.

"SEC. 9. The board is hereby empowered and authorized to sell the surplus power not used in its operations and for operation of locks and other works generated at said steam plant and said dam to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth, and to carry out said authority the board is authorized to enter into contracts for such sale for a term not exceeding 10 years and in the sale of such current by the board it shall give preference to States, counties, or municipalities purchasing said current for distribution to citizens and customers: *Provided further*, That all contracts made with private companies or individuals for the sale of power, which power is to be resold for a profit, shall contain a provision authorizing the board to cancel said contract upon two years' notice in writing, if the board needs said power to supply the demands of States, counties or municipalities.

"SEC. 10. It is hereby declared to be the policy of the Government to distribute the surplus power generated at Muscle Shoals equitably among the States, counties, and municipalities within transmission distance of Muscle Shoals.

"SEC. 11. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power it is hereby expressly authorized either from appropriations made by Congress or from funds secured from the sale of such power to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the board is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding 30 years, and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the board for such power: *Provided further*, That all contracts entered into between the corporation and any municipality or other political subdivision shall provide that the electric power shall be sold and distributed to the ultimate consumer without discrimination as between consumers of the same class, and such contract shall be void if a discriminatory rate, rebate, or other special concession is made or given to any consumer or user by the municipality

or other political subdivision: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission, the contract for such sale between the board and such distributor of electricity shall be declared null and void and the same shall be canceled by the board.

"SEC. 12. Five per cent of the gross proceeds received by the board for the sale of power generated at Dam No. 2, or from the steam plant located in that vicinity, or from any other steam plant hereafter constructed in the State of Alabama, shall be paid to the State of Alabama; and 5 per cent of the gross proceeds from the sale of power generated at Cove Creek Dam, hereinafter provided for, shall be paid to the State of Tennessee. Upon the completion of said Cove Creek Dam the board shall ascertain how much excess power is thereby generated at Dam No. 2, and from the gross proceeds of the sale of such excess power 2½ per cent shall be paid to the State of Alabama and 2½ per cent to the State of Tennessee. In ascertaining the gross proceeds from the sale of such power upon which a percentage is paid to the States of Alabama and Tennessee the board shall not take into consideration the proceeds of any power sold to the Government of the United States, or any department of the Government of the United States used in the operation of any locks on the Tennessee River, or for any experimental purpose, or for the manufacture of fertilizer or any of the ingredients thereof, or for any other governmental purpose. The net proceeds derived by the board from the sale of power and any of the products manufactured by the corporations, after deducting the costs of operation, maintenance, depreciation, and an amount deemed by the board as necessary to withhold as operating capital, shall be paid into the Treasury of the United States at the end of each calendar year.

"SEC. 13. The Secretary of War is hereby empowered and directed to complete Dam No. 2 at Muscle Shoals, Ala., and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, by installing in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2: *Provided*, That the Secretary of War shall not install the additional power unit in said steam plant until, after investigation, he shall be satisfied that the foundation of said steam plant is sufficiently stable or has been made sufficiently stable to sustain the additional weight made necessary by such installation.

"SEC. 14. It is hereby declared to be the policy of the Government to utilize the Muscle Shoals properties for the fixation of nitrogen for agricultural purposes in time of peace.

"SEC. 15. The Secretary of War is hereby authorized, with appropriations hereafter to be made available by the Congress, to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long usage become known and designated as the Cove Creek Dam, according to the latest and most approved designs of the Chief of Engineers, including its power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam No. 2 and at any and all other dams below the said Cove Creek Dam.

"SEC. 16. In order to enable and empower the Secretary of War to carry out the authority hereby conferred, in the most economical and efficient manner, he is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam and the flowage rights for the reservoir of water above said dam, and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this act. When said Cove Creek Dam and transportation facilities and power house shall have been completed, the possession, use, and control thereof shall be intrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee River and in the Clinch River.

"SEC. 17. The corporation, as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers, shall have access to the Patent Office of the United States for the purpose of studying, ascertaining, and copying all methods, formulæ, and scientific information (not including access to pending applications for patents) necessary to enable the corporation to use and employ the most efficacious and economical process for the production of fixed nitrogen, or any essential ingredient of fertilizer, and any patentee whose patent rights may have been thus in any way copied, used, or employed by the exercise of this authority by the corporation shall have as the exclusive remedy of a cause of action to be instituted and prosecuted on the equity side of the appropriate district court of the United States for the recovery of reasonable compensation. The Commissioner of Patents shall furnish to the corporation, at its request and without payment of fees, copies of documents on file in his office.

"SEC. 18. The Government of the United States hereby reserves the right, in case of war or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract for the purchase of electric power or fixed nitrogen or fertilizer ingredients is hereby violated, after the amount of the damages have been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rule prescribed by the court.

"SEC. 19. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the corporation and to moneys and properties of the United States intrusted to the corporation.

"(b) Any person who, with intent to defraud the corporation, or to deceive any director or officer of the corporation or any officer or employee of the United States (1) makes any false entry in any book of the corporation, or (2) makes any false report or statement for the corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion or agreement, express or implied, with intent to defraud the

and accurate books of accounts.

made or given to any consumer or user by the municipality

corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

"SEC. 20. In order that the board may not be delayed in carrying out the program authorized herein the sum of $10,000,000 is hereby authorized to be appropriated for that purpose from the Treasury of the United States, of which not to exceed $2,000,000 shall be made available with which to begin construction of Cove Creek Dam during the calendar year 1931.

"SEC. 21. That all appropriations necessary to carry out the provisions of this act are hereby authorized.

"SEC. 22. That all acts or parts of acts in conflict herewith are hereby repealed.

"SEC. 23. That this act shall take effect immediately.

"SEC. 24. The right to alter, amend, or repeal this act is hereby expressly declared and reserved.

"SEC. 25. That for 12 months following the passage of this act, the President of the United States is hereby given authority to lease, for a term not exceeding 50 years, to any person, firm or corporation, the nitrate plants now owned by the Government at Muscle Shoals, Ala. Said lease shall include the Waco quarry, the railroad switches connecting said quarry with the Southern Railway, and other structures connected therewith and necessary for the operation of said railroad, for the operation of said Waco quarry, and for the operation of said nitrate plants Nos. 1 and 2, but not including steam generating plants. The lease shall also include the machinery, tools and equipment connected with said quarry, said railroad switches and said nitrate plants; also, the houses and residences in the vicinity of said quarry and said nitrate plants for the purpose of housing the employees and others needed in the operation of said quarry, said railroad and said nitrate plants, but not including houses and buildings connected with either of said steam plants and used and occupied or useful for the occupation of employees and others operating said steam plants and not including that portion of the reservation west of Spring Creek. Said lease shall be made upon the following conditions, to wit:

"(a) The rental to be paid for the leasing of such property shall be in such amounts and payable at such times as in the judgment of the President shall be fair and just.

"(b) The lessee shall covenant to keep said property in first-class condition during the entire term of said lease.

"(c) The lessee shall covenant to operate said plants and use said property exclusively in the production and manufacture of fertilizer and fertilizer ingredients to be used in the manufacture or production of fertilizer, and if, in the manufacture of fertilizer or fertilizer ingredients, a by-product is produced which is not an ingredient of fertilizer, the lessee shall have authority to sell and dispose of such by-product as the lessee shall see fit and shall likewise have authority to process such by-product so as to prepare the same for a market.

"*Provided, however*, That in consideration of the lessee complying with the requirements as to the manufacture of fertilizer as prescribed in subsection (d) of this section, the lessee shall have the right during the term of the lease to purchase under provisions of section 26 hereof, an amount of primary power from the corporation equal to 15 per cent of the amount of power used by the lessee in the production of fertilizer, but such 15 per cent of power so purchased shall be entirely independent of, and not used in connection with the leased premises, nor shall the power so purchased be used for the processing or further manufacture of any product produced or manufactured on the leased premises except such by-products as are not ingredients of fertilizer, and in no way shall said power or any machinery operated by it be connected directly or indirectly with the power used for the production of fertilizer or fertilizer ingredients on said leased premises, and no part of the property herein leased shall be used either directly or indirectly for any purpose in connection with the said 15 per cent of power to which the said lessee is given a preferential right.

"*Provided further*, That the said lessee shall be entitled to such quantity of secondary power subject to all the conditions herein set forth applying to said 15 per cent of primary power as in the judgment of the President is fair and equitable.

"(d) Said lease shall also provide that there must be manufactured under said lease annually at least a prescribed amount of nitrogenous plant food of a kind and quality and in a form available as plant food and capable of being applied directly to the soil in connection with the growth of crops; and that such lease shall also contain a stipulation requiring the lessee to produce within three years and six months from the date such lease shall become effective, such fertilizer or fertilizer ingredients containing not less than 10,000 tons of fixed nitrogen, and shall require periodic increases in quantity of such fertilizer or fertilizer ingredients from time to time as the market demands may reasonably require. Such lease shall also provide that such increases shall, within 12 years after such lease becomes effective, reach the maximum production capacity of such plant or plants as the board may find to be economically adapted to the fixation of nitrogen, if the reasonable demands of the market shall justify the same, except when the nitrogen produced is required for national defense, or when the market demands for the same are satisfied by the maintenance in storage and unsold of such fertilizer or fertilizer ingredients containing at least 2,500 tons of fixed nitrogen, but whenever said stock in storage shall fall below the quantity containing 2,500 tons of fixed nitrogen, the production of such nitrogen, and the manufacture of such fertilizer or fertilizer ingredients shall thereupon be resumed. Said lease shall also provide that the sale of such fertilizer or fertilizer ingredients to be used as fertilizer by the said lessee shall be at a price to include the cost of production and not exceeding 8 per cent profit on the turnover produced, and the cost shall include whatever may be paid to the Government for the use of that part of Government property employed by the lessee in manufacturing such fertilizer or fertilizer ingredients to be used as fertilizer and also not exceeding 6 per cent on any capital invested by the lessee in improvements to existing plants or in additional plants employed in the manufacture of fertilizer or fertilizer ingredients to be used as fertilizer and shall include a reasonable actual carrying charge (exclusive of 8 per cent profit thereon) on the stocks of such fertilizer and fertilizer ingredients as are held in storage and unsold for a year or more as the market demands as above provided shall be satisfied. There shall not be included as part of the cost of producing such fertilizer or fertilizer ingredients any royalty for the use by such lessee of any patent, patent right, or patented process belonging to the lessee, or in which the lessee has any interest, or belonging to any subsidiary or allied corporation, or belonging to or controlled by any officer or agent of the lessee of any such allied or subsidiary corporation, and if the lessee should buy any patent, patent right, or patented process with the hope and expectation of thereby reducing the cost of manufacturing such fertilizer or fertilizer ingredients, or of processing any by-product as hereinbefore permitted, then such sum of money as shall be so paid by the lessee shall be considered and treated in the accounting of the cost of such fertilizer or fertilizer ingredients as investment in the nature of plant account, and not as current expenses, and such costs shall be written off on the expiration of any junior patent or license so acquired. For the annual determination of the cost of such fertilizer and fertilizer ingredients there shall be appointed by the board a production engineer, and by the lessee another production engineer and by these a firm of certified public accountants, and these three shall proceed to ascertain and compute the cost of producing such fertilizer and fertilizer ingredients; and in the event of any disagreement the two said engineers shall select a third production engineer who shall hear and consider the contentions and decide the issues, and such decision shall be binding upon all parties for the year for which the determination shall have been made. A copy of such audit and decision shall be filed each year with the board and by it preserved. The expenses incident to this provision shall be paid by the lessee and shall be charged

as an item in the cost of producing such fertilizer or fertilizer ingredients. If such annual cost determination discloses that any purchasers have paid a cost for fertilizer or fertilizer ingredients in excess of that allowable under this act, then the lessee shall refund such excess to the respective purchasers.

"(e) The said lessee shall give to the said corporation a good and sufficient bond to be approved by the President of the United States, conditioned upon monthly payments to the corporation during the term of said lease for all the power sold by the said corporation to the said lessee.

"SEC. 26. The corporation hereinbefore referred to, operating the steam plants at Muscle Shoals and Dam No. 2 and any other steam and hydroelectric power facilities which may hereafter be constructed or built as hereinbefore provided in this act, shall supply the said lessee with the power necessary for the operation of the properties leased and for the other manufacturing purposes mentioned in subdivision (c) of section 25 hereof at a price which shall be deemed fair and just by the President and the board.

"SEC. 27. For a period of 12 months after the passage of this act, all the provisions of this act relating to the activities of said corporation in the manufacture and production of fertilizer and fertilizer ingredients and to the operation of any of the property authorized to be leased by this act are hereby suspended; and if, within said period, the President leases the property authorized to be leased, such suspension shall continue during the entire time said lease is in effect.

"SEC. 28. If within 12 months after the passage of this act, no lease is made by the President as herein authorized, then authority to make such lease shall cease and sections 25, 26, and 27 shall, at the end of said 12 months' period, become null and void and all the other provisions hereof, which have been suspended for said period of 12 months, shall at once go into full force and effect."

Amend the title to read as follows: "To provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama; to authorize the letting of the Muscle Shoals properties under certain conditions, and for other purposes."

And the House agree to the same.

HARRY M. WURZBACH,
CARROLL REECE,
PERCY E. QUIN,
HUBERT F. FISHER,
Managers on the part of the House.
CHAS. L. MCNARY,
G. W. NORRIS,
E. D. SMITH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 49), providing for the leasing of the Muscle Shoals properties on certain terms and conditions, and providing for the national defense by the creation of a corporation for the operation of the Government properties at or near Muscle Shoals, in the State of Alabama, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the conference report:

The Senate joint resolution provides for the creation of a corporation to be known as the Muscle Shoals Corporation of the United States, with authority to operate existing plants for experimental purposes for the manufacture of fertilizer or fertilizer ingredients; for donation of not exceeding 1 per cent of the total product of such plants for experimental, educational purposes to county demonstration agents and agricultural colleges; to allot to the Secretary of War certain power for use in operation of all locks, lifts, and other facilities in aid of navigation; and then to sell the surplus power to States, counties and municipalities, corporations, partnerships, or individuals, with preferences as indicated in said resolution, and providing that in order to place the Government upon a fair basis for making sales of such surplus power, then to construct transmission lines, within transmission distances in any direction from Dam No. 2 and the steam plant; and also provides for the building of Cove Creek Dam, and an authorization of not to exceed $2,000,000 to begin construction of said dam.

The conferees accepted the Senate joint resolution without amendment but only as an alternative, and its provisions can not, under any circumstances, become effective for a period of 12 months after the passage of the act, during which 12-month period, the President of the United States is given authority to lease all of the Muscle Shoals property for private operation of the nitrate plants for fertilizer manufacture. And if a lease can be made, then for all practical purposes, never become effective.

The managers on the part of the House who have signed the report, believe that the leasing language is so liberal as that the President will be able to effectuate a lease, thus consuming all of the power distributable at Muscle Shoals, leaving little, if any, power for sale, or sale and distribution, under the provisions of the Senate joint resolution. They believe further that if a lease is made, and if not quite all of the power is thus consumed, that the minor part for distribution will be taken by muncipalities, willing to build their own transmission lines and thus prevent, by making wholly unnecessary, at least the construction of any transmission lines at the cost of the Government. In other words, we believe that the liberal leasing language written in this report will serve as an effectual barrier against the provisions of the Senate joint resolution from becoming operative.

The language of the bill, as it passed the House, has been superseded by new language whereby the President of the United States is given almost unlimited authority to lease the Muscle Shoals property for fertilizer manufacture, with limitations only controlling the quantity, quality, and selling price of the fertilizer there manufactured, leaving it wholly to the judgment of the President what rental shall be charged for the nitrate plants and other property mentioned in the bill, and the price for power to be paid by the lessee.

It is our firm conviction that only by granting such wide and general blanket authority to the President, making it possible for him to sit across the table from a prospective lessee, can a lease of the Muscle Shoals properties ever be negotiated. We believe that there are no such restrictions or limitations in the leasing language of the conference report as will bar any reasonably minded prospective lessee from submitting a bid, or from negotiating for a lease. The terms may be made attractive, without the grant of Government subsidy, and at the same time realizing a much fairer return to the Government than it is now receiving, and has been receiving, under present arrangements.

Manifestly, it was necessary to make the lease language as liberal as possible so as to bring about a lease. The price for power and the rental to be charged for the other property may be made as liberal as the President sees fit.

The long-continued disagreement between the Senate and House conferees arose over the language to be used in granting authority to the lessee in the matter of manufacturing or processing by-products incidental to the manufacture of fertilizer. Under the language as now written in the conference report, the lessee is permitted to manufacture, process, and sell, on the Government reservation, all such by-products as are not ingredients of fertilizer, and is also permitted to manufacture and process, but on property outside of the reservation, electrochemicals, or any other product whatever, he chooses to manufacture, and for that purpose is allowed as much as 15 per cent of all the power actually used in fertilizer manufacture, so long as he complies with the quantity stipulations of subdivision "d" of section 25 of this act, and subject to the same conditions, is permitted to purchase as much secondary power as, to the President, appears fair and equitable. The lessee

to such quantity of secondary power subject to all the con- provision shall be paid by the lessee and shall be charged

is given first call on power, both primary and secondary, subject only to the reasonable conditions stated in the report.

HARRY M. WURZBACH,
PERCY E. QUIN,
HUBERT F. FISHER,
Managers on the part of the House.

For the purpose of giving the two Houses opportunity to act upon the measure, I am signing conference report embodying provision for private leasing of nitrate plants for quantity production of fertilizer with Government operating power plants and constructing Cove Creek Dam.

While this is not what I preferred, it is the best that could be obtained in view of the situation which developed in conference. If satisfactory operations are secured under proposed lease authorization, the legislation will be beneficial. Otherwise, it would be unsound and hurtful.

This formula includes in a measure compromise principles propounded by House conferees last December, but it is not consistent with the House plan.

In event the measure should become law, I am hopeful that successful fertilizer production may be started and continued under limitations now proposed or modified as practical experience demonstrates to be necessary.

With successful operation of nitrate plants under lease contract for large-scale fertilizer production, no need will arise for Government to build transmission lines, as most, if not all, the power will be used in nitrate plant operations as originally intended in national defense act under which whole project was constructed.

CARROLL REECE.

Mr. WURZBACH. Mr. Speaker, ladies and gentlemen of the House, although the Members of the House apparently paid very little attention to the reading of the statement in lieu of the conference report, I want to say that the statement is a brief but a correct statement of the issues involved in this legislation.

I may say in the beginning that from the very nature of this subject of the disposition of Muscle Shoals no legislation offered to the House can be in any way perfect. We are satisfied that no legislation could be proposed that would be 100 per cent satisfactory to even 5 per cent of the Members of this House. The legislation is of such a nature that it must be, necessarily, very largely a matter of compromise. Of course, it is very easy to criticize any sort of legislation that might be submitted upon this subject.

I may say, further, that in my opinion, and I have almost lived with this subject for 10 years, no legislation has ever been proposed to the Congress during the last 10 years that is a more satisfactory disposition of this vexatious problem than the one we are submitting to-day. Some of you may think that this is damning the present proposition with faint praise, but I say to you that this is a meritorious bill.

For more than 10 years Congress has been laboring with this proposition, and we have accomplished nothing. This proposition is being submitted to the Congress not as an original one but it has been thrown into its lap for some kind of disposition. The legislation was initiated in 1916, when two-thirds of the present Congress were not Members and had nothing at all to do with the origin of it. We have got to do with it the very best we can. We can continue at the present and for the future to do as we have done in the past, and do nothing at all.

I have heard Members of Congress denounce this legislation as a recognition of the principle of the Government going into business.

I may say in reply that within less than a year past this Congress passed legislation known as the Boulder Dam legislation, which may with much more force and plausibility be denounced as establishing the principle of Government competition with its private citizens than may the present proposed legislation. In the former case this Congress initiated legislation knowing at the very time of its enactment that it meant Government competition with its citizens at least in the business of production of power. In the present case we have a white elephant on our hands. We are making the best of a bad situation. I was not responsible for the legislation that built Dam No. 2 and the nitrate plants and the expenditure of $150,000,000. Two-thirds of the Members here now were not responsible for that legislation because we were not then Members of the Congress.

Boulder Dam legislation received the approval of this Congress and Congress knew that by the construction of that dam, power would be produced and sold in competition with private enterprise. Not only did that legislation receive the support of the Congress, but it received executive approval as well, and, therefore, I challenge the statement that a Member supporting this conference report is establishing a precedent such as was one year ago already established in the Boulder Dam legislation.

I want to explain to the membership of the House that although the language of the Senate joint resolution precedes the leasing language of this report, as a matter of fact, the Senate joint resolution providing for the sale or sale and distribution of power, is in the alternative and can only become effective, and can only become operative, if no lease is made; in other words, only after the leasing language of this bill is first tried out and fails to result in a lease being made.

I submit to the House that if a lease is made, practically all if not quite all of the power, primary and secondary, will be used up by the lessee, and there will be no power for sale or sale and distribution; and in that case, the Senate joint resolution will not become operative.

Frankly, I will state that but for the fact I believe the leasing language of this bill is so liberal in its terms that it will mean the execution of a lease and the use of all the power, I would not vote for any legislation that would mean Government competition with its citizens.

And it follows therefore that in order to make the leasing language an effectual barrier against the other provisions of the bill, those contained in the Senate Joint Resolution, becomng effective it woud have to be demonstrated that the leasing language is so liberal in its terms that we could safely assume that a lease could probably be made.

I believe in all sincerity that the leasing language is so liberal that a lease could and would be made. Liberal in what respect? I say in every respect. Under this bill the President of the United States is given such practically unlimited and unrestricted power that he may sit across the table from a prospective lessee and negotiate for, and in all probability effectuate, a lease. There is no restriction placed on the Chief Executive except only the quantity stipulations as to fertilizer production. He can provide in the lease that the lessee shall have the power that he needs. No limitation is placed upon the President in the matter of the rental he may charge for the property leased. That is left wholly to the judgment of the President of the United States, and I will say right now—and I believe that gentlemen on the minority will agree—that since the beginning of this Government we have had no occupant of that high office who, because of his past training, experience, integrity, and great business ability, is in a better position to represent the Government in negotiating a lease of this kind. I am glad to trust his judgment. [Applause].

Now it might be said that although the terms as to the price for power and rental may be liberal, that there are other limitations which would prevent the President from making a satisfactory lease, and that brings me to what I consider the most vital matter to be discussed in this proposed legislation.

It was upon the proposition of the latitude that should be given to the President in negotiating a lease as to the right of the lessee in the matter of receiving and using power for the processing of by-products and fertilizer ingredients, that so long prevented an agreement between the House and Senate conferees.

In my opinion, these particular terms contained in subdivision C of section 25 are so liberal that anyone who contemplated going into the business of manufacturing fertilizer would be willing to lease under the terms provided in the bill. For a month the House conferees have contended with the Senate conferees on the question of what language should be written into the leasing portion of this bill so far as the lessees' right of processing is concerned. The House contention was finally sustained by the Senate conferees' acceptance of these very liberal terms. There was no surrender upon our part. We won our contention.

The contention of the Senate conferees at first was that the lessees should only be permitted to have the electric power and the property for the processing of by-products which are not ingredients of fertilizer. We contended that there were other products, ingredients of fertilizers, that ought also to be permitted to be processed under certain conditions. Those ingredients, usable in fertilizer, and the processed products thereof are more important to the lessee than the by-products which are not ingredients of fertilizer.

Under the leasing language of the report the lessee can be given full power and authority without limitation or restriction to use all the power and all the property leased in the processing of these products, not fertilizer ingredients, and can also be given the full power and authority to receive and use a full 15 per cent of all the primary power used in the manufacture of fertilizer, and in addition to that every kilowatt of secondary power.

Now, it should be understood that with the present set-up about 66,000 kilowatts of primary power is being produced at Muscle Shoals Dam, and about an equal additional amount of 65,000 kilowatts of secondary power is also available. And the secondary power is just as valuable for 9 months of the year as the primary power is for the full 12 months. Under the lease language of the conference report the lessee may be permitted to purchase and use all the power he needs for the manufacture of fertilizer and its ingredients and for the processing of all by-products of such manufacture, conditioned only that they are produced on the leased premises; and, further, the lessee is granted an additional 15 per cent of all the power, primary and secondary, used in fertilizer manufacture; and such 15 per cent power the lessee may have and use in any manufacture whatever, but not on the leased premises.

If a lease can not be made under these favorable terms, then the Congress would have the right to assume conclusively, I believe, that the property is not leasable now, nor in the near future, nor ever. And if that conclusion is reached, then Members of Congress might as well face the proposition and make some other disposition of the power. We then must sell the dam, or sell the power. We have to do something in this matter or do nothing at all. It won't do for Members to criticize this provision or that.

We have an opportunity here now. I believe sincerely that if this report is accepted, signed as it is by four of the House conferees and by all of the Senate conferees, that it will be approved by the President. Perhaps not. He may veto this legislation if also passed by the Senate. I can not speak for the President, as some Members apparently undertake to do. I saw in the newspapers two days ago, and heard it rumored in cloak room and corridor, immediately after the report was presented, that the President would veto this legislation. I do not know who, if anyone, had authority to make that statement. I did notice, however, in the Washington Post of this morning that the President had not authorized any such statement.

I understood from that newspaper report that the President stated that he did not even know at that time what the conference report contained. I think the conference report is a fair report and presents a fair proposition for congressional approval. I think it is the best proposed solution of Muscle Shoals that has been presented to Congress since I have been here. As I said a while ago, it is not perfect. No legislation proposed could be perfect, and although we do certainly confer upon a President belonging to our own party, power that might be objected to by Members belonging to the minority party, I as one of the majority party am not ready to say that we are granting too much power to President Hoover. [Applause.]

A great deal has been said by way of objection to this legislation about transmission lines. I opposed that provision myself and I would not vote for this legislation, as I said a while ago, but for the fact that I think that the leasing language as it is stands in the way of the transmission lines provided for ever becoming operative. But even if they were to become operative, it is not quite as dangerous as some Members would have you believe. The board that would have the decision of whether or not and the extent to which the transmission lines would be built is appointed by the President, and I do not think that he would appoint a board or that any President would appoint a board that would favor the building of transmission lines unless they were reasonably necessary to do what? Reading from the language of the bill—

To place the board upon a fair basis for making such contracts.

That leaves a wide discretion with the board to determine whether or not the building of transmission lines would be necessary in order to place the board upon a fair basis to make such contracts. And remember that would be only in case there was surplus power. That is, if no lease were made, or if a lease were made and all of the power not used by the lessee, and some small or large surplus of power not used by the lessee, another provision of the bill provides that municipalities shall have the preferential right to build their own transmission lines up to Muscle Shoals to secure the power. That that would be an additional barrier at least against the building of transmission lines by the board and at Government expense. For all of those reasons and for the reasons that I set out at greater length in remarks I made on the floor of the House on January 24 last, I have not the slightest fear that the Norris provisions, or the provisions of Senate joint resolution, will ever become effective; so that the proposition up for your consideration now is, whether or not you are going to make an honest effort to carry out the mandate that was placed on Congress in the basic law of 1916, providing that this power should be used for the manufacture of nitrates for explosives in time of war and nitrates for fertilizers in time of peace. In my opinion this conference report comes nearer to carrying out that mandate and to carrying out the present needs of the American farmer who is suffering from a lack of cheap fertilizer than any bill that has ever been proposed to this Congress at least during the last 10 years. [Applause.]

Mr. RANSLEY. Mr. Speaker, when the Congress adjourned last summer the Senate had voted for Government operation at Muscle Shoals; the House by a goodly majority was for a lease.

A highly important principle is at stake, and if the House agrees to the conference report, it would be a complete retreat or backdown by the House from its position taken some months ago.

The entire set-up has an ominous sound to the taxpayer, with memories of the Government's experiments with railroads and shipping.

Business is opposed to more Government in business.

The Chamber of Commerce of the United States voted overwhelmingly in favor of a recommendation for the lease or sale of the Muscle Shoals project.

You have many thousands interested in great industries. What they fear is not a stoppage in growth but they do fear Government interference. Government operation at the shoals they regard as only a beginning; what next do they ask? Is it railroads?

The bill will become a power proposition after fertilizer fades from the picture. It provides for the construction of transmission lines into two or more States, placing the Government into the retailing of power.

I ask you to remember that at the great Boulder Dam development power is to be sold at the switchboard. Why not at Muscle Shoals?

It is true there is a proviso that the President be given authority to lease the nitrate plants, but under conditions that make it impossible for him to do so. I believe that the

President could not lease under the provisions of this bill. [Applause.]

Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker and Members of the House, I have given considerable thought to the many Muscle Shoals proposals which have been with us in every Congress since some time before the World War. Muscle Shoals first came before Congress as a navigation proposition—rivers and harbors proposal—to make that part of the Tennessee River navigable, and that got nowhere. Then came the World War, and Muscle Shoals was tossed right up front as a nitrate possibility. Federal money was poured in. The war ended, and Muscle Shoals was quickly put forward as a fertilizer proposition. Read the old debates. Get something for Muscle Shoals. The debates became progressive as the proposition became progressive, and finally one would have thought that the Muscle Shoals plant would make nitrate for the whole United States. But it can not, and will not be able to make much even with the completion of Dam No. 2 and other proposed additions. Senator NORRIS himself in the Senate in 1928 said in effect that the fertilizer plant could not deliver; that it would take another enormously expensive fixed-nitrogen plant to do it, if I read his statement correctly. But the fertilizer argument is still heard, to fool not only us but the farmers.

The proposition now reduces itself to a power proposition and in this report, in which we see to-day for the first time, the compromise bill, we find that leasing proposal is so hedged about that there are likely to be no bidders.

From what I can learn as to the manner in which the leasing and other paragraphs have been doctored up, this Muscle Shoals bill is worse now than any one which has ever been before any Congress heretofore. Worse for the United States Government; worse for the two States which are supposed to be the principal beneficiaries; certain to make enormous future demands on the United States Treasury because of extended Federal power lines. If the plant can not pay the bill, no matter; the Federal Government will have to, and the Appropriations Committee will not be able to sit on the lid, even if it wants. To make good the promises to the farmers the Government will have to build another great plant there before long. It has been an annoyance and a nuisance. It will now be a greater annoyance and a greater expense to the Federal Government than ever before.

Public ownership of power lines and plants by States, counties, and cities is one thing; Government ownership is quite another. We should not confuse the two.

The Southern States themselves, in States as far away as Arkansas, will be asking, sooner or later, for the benefits of extended power lines, and there is practically no limit on what the United States board may spend. Power lines are to be built by the Government and can be extended anywhere. If the profits above the 5 per cent of gross income, which is guaranteed to two States, does not provide enough, then Uncle Sam must foot the bill. I doubt if the 5 per cent will be as much as some people think, at least not for many, many years, and Alabama is already in the Supreme Court trying to get money through tax money already lost on what Muscle Shoals has already done.

Finally, in my opinion, this bill is the last word in stepping over into the rights of States, the Southern States to the contrary notwithstanding. Boulder Dam went pretty far, but that proposal could not pass until it carried a "pay-back-to-the-Government" clause. Where does the United States get off on this new scheme? Not even 50-50, as in the established Federal-aid plans.

Every Member of this House knows there is right now danger of our great Federal Government getting a little out of bounds. You see the signs everywhere of more Federal Government, and more of a kind of Federal Government that none of us dreamed possible even 10 years ago. Right and left we denounce bureaucracy, and then we beg for a little bit more of it. Let us look into the "bureau" part of it a minute.

There is to be a board of directors of the "Muscle Shoals Corporation of the United States"—that is its full official title—and they are to be paid at the rate of $50 for not to exceed 150 days the first year. That is $7,500 a year apiece. But subparagraph (b) of section 3 says:

(b) The general manager shall appoint, with the advice and consent of the board, two assistant managers who shall be responsible to him, and through him, to the board. • • •

And subparagraph (c) says:

(c) The combined salaries of the general manager and the assistant managers shall not exceed the sum of $50,000 per annum, to be apportioned and fixed by the board.

How they will cut up the $50,000, I do not know. That may mean $20,000 annually for the boss director, and $15,000 each for the other two, or it may mean that each will receive $16,666.66 per year for his effort to make the Government successful as it goes into business. That is little enough for what they have got to do. They have got to be some men. I do not know whether their appointments will have to be confirmed in open session by the body at the other end of the Capitol, but I think they do, and may Heaven help us if that is so. The more ability they have along the lines demanded in this bill, the more trouble there will be in confirming their appointments. Because subsection (h) of section 2 says:

(h) All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

They have got to do more than Alexander Legge will be able to do. Old King Canute tried to stop the tides but without much success.

And the next section provides that—

One of the assistant managers shall be a man possessed of knowledge, training, and experience to render him competent and expert in the production of fixed nitrogen.

The other assistant manager shall be a man trained and experienced in the field of production and distribution of hydroelectric power.

The general manager may at any time for cause, remove any assistant manager, and appoint his successor as above provided. He shall immediately thereafter make a report of such action to the board, giving in detail the reason therefor. He shall employ, with the approval of the board, all other agents, clerks, attorneys, employees, and laborers.

Note that the attorneys come in between the clerks and employees, but the salaries will be different. No matter, Uncle Sam will foot the bill.

If the other legislative body has to confirm appointment of the expert in the production of fixed nitrogen, it might be well to start now for an amendment to give us two Senates of the United States, for with this starter we are to have more of it.

Mr. Speaker, this is not Muscle Shoals alone. It is an issue that is coming along like creeping paralysis on old Uncle Sam. My colleagues, do not be afraid to meet the real issue. [Applause].

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

Mr. RANSLEY. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, if this report is adopted to-day, and this bill eventually becomes law, I do not think the United States can ever again object to other countries becoming socialistic. To my mind this is the nearest approach to a socialistic doctrine that has ever been advanced in Congress.

We have expended already at Muscle Shoals $125,000,000, and we are now asked to expend at least $50,000,000 more on the Cove Creek Dam proposition; and, in addition to that, to build transmission lines and to set up a governmental corporation, the directors of which are to be appointed by the President of the United States for the purpose of carrying on that business. It is true that the suggestion of a lease is made, and the advocates of the legislation say that the lease will be taken up.

Our good friend from Texas [Mr. WURZBACH] says that the leasing is all that will ever be done; that it will never come back onto the Government to be operated in accordance with the conditions offered in the Norris resolution. In that I differ very materially from the gentleman from Texas. The lease can not look interesting to any business corporation, as I see it. We are told there is available in the Southeastern section of our country three times as much electrical energy as is now in use. Therefore, why should any corporation come forward and say, "We will take this off the hands of the Government"?

To my mind that is a smoke screen and nothing else; an effort to fool the people into thinking there is likelihood of a lease being made, when back of it all there is really a plan to set the Government up in business. I for one am opposed to that proposition.

We have gone a long way from the original ideas. Our friends from Alabama wanted navigation, but there is no thought of navigation to-day. If there were there would be a proposition here to build Dam No. 3, so-called, because without Dam No. 3 the engineers say there can be no navigation.

The gentleman from Texas said we must "do something." I do not agree with that. I think we had a great deal better do nothing than to do something which is wrong. That is the situation. This dead cat has been put on the doorstep of Congress for nearly 10 years. Let us bury it in the right place.

One of the reasons why I say we should not adopt such a report as this is the fact that the States of Tennessee and Alabama not only get all of these millions of dollars spent in that section of the country but, in addition, each State demands for its support of this legislation, 5 per cent of the gross receipts. There can not be anything more ridiculous. The Government having expended millions of money in their States, why are they not willing to take it over? If the gentleman from Texas wants something done I for one would gladly vote to donate the entire proposition to the benefited States of Alabama and Tennessee rather than pay to them 5 per cent of the gross receipts for the purpose of paying the running expenses of their States. [Applause.]

This resolution, as changed by the conferees, purports to be for the primary purpose of manufacturing nitrates and other products for use as fertilizer bases, fertilizers, and national defense. The resolution, however, provides for placing the Government in the business of distributing electrical energy from Wilson Dam, the steam plant as now constituted, and such other modifications and additions as may be necessary, and provides for the construction of Cove Creek Dam and the distribution of the power therefrom.

Both the hydroelectric and steam power companies of southeastern United States during the period from 1923 to 1928 were selling well under 25 per cent of their productive capacity of electrical energy, and the net increase of sales between 1923 and 1928 was less than 1 per cent per year, which clearly indicates that the existing power companies in this locality will not be able to sell their efficient productive capacity in the next 30 years at the present rate of growth.

From an economic standpoint, it is obvious that the power market, the condition of annual floods, and the price of fertilizer, do not warrant the construction of Cove Creek Dam or the extension of the Muscle Shoals project to meet any public need within the next 30 years.

The cost of Wilson Dam, the steam plant, and the anticipated cost of the projected Cove Creek Dam, are such as will not result in cheap power, and therefore can not possibly result in cheap fertilizers if the project contemplated by the Norris resolution is carried out.

Wilson Dam, the steam plant at nitrate plant No. 2, and the Cove Creek Dam, combined, would produce approximately 225,000 kilowatts of prime power, and would represent an investment of over $100,000,000. Applying ordinary business principles to an investment of this character, the cost of operation, depreciation, and maintenance costs, together with a reasonable amortization factor, the result would be an annual deficit of at least $5,000,000 per year, and could not possibly obtain the object of supplying fertilizer at a rate cheaper than the present market, unless Congress by appropriation provides a subsidy to reduce such costs.

At the present time, there is a productive capacity in the United States of 250,000 tons of nitrate; there is a productive capacity of 360,000 tons of ammonia, and by September, 1931, this productive capacity of ammonia will be increased to 504,000 tons per year.

Recent methods developed for oxidation of ammonia have reduced the metal bulk of equipment for producing ammonia to one-thirtieth of that involved in the installations at Muscle Shoals, reducing the cost of such equipment to something like one-eighth of that at Muscle Shoals, and decreasing the cost of production of the ammonia 1 cent per pound.

This progress in the production of nitric acid (the material which is essential to the Government for explosives) reduces the oxidation plants at Muscle Shoals to the value of scrap.

From a purely economic standpoint, considering transportation, adaptation to domestic needs, and trade conditions involving the importation of certain quantities of the same products, under existing conditions the needs of the country are fully met.

The law of economics forbids the total exclusion of articles and materials produced in this country. International trade conditions are such that there must constantly be an exchange of goods. The balance of trade may have to be met with money or credits, but ultimate result is an exchange of goods for goods.

The ostensible purpose of Senate Joint Resolution No. 49, otherwise sometimes known as the Norris resolution, is to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama. It is interesting to note that practically all proposed legislation relating to the Muscle Shoals project bears the "national-defense" label. It is indeed the hall marks of constitutional authority. However, the measure is not necessarily an aid to the national defense merely because it is so designated in its preamble and in various portions of its text, and a reading of Senate Joint Resolution No. 49 will make it clear to any thinking man that the measure is not in fact related to the national defense. It is true that the Muscle Shoals project was conceived and constructed for the national defense, the nitrate plants were erected to assure an adequate supply of this vital commodity at a time when our industries were compelled to rely upon imports of Chile saltpeter for their nitrogen supply. These nitrate plants are now obsolete, and there are available to the Government in case of war abundant sources of supply of fixed nitrogen entirely apart from the plants at Muscle Shoals. The Muscle Shoals project is now useless to the Government so far as munition purposes are concerned. Wilson Dam, with its hydroelectric power plant, was constructed as a war measure under the authority of section 124 of the national defense act. The purpose of this construction was to furnish hydroelectric power for the operation of the nitrate plants at Muscle Shoals. In view of the situation above outlined, the Wilson Dam is no longer a factor in our national defense.

Other objects found in the text of the proposed resolution are that it is an aid to navigation and flood control. These are also hall marks of constitutional authority under the interstate commerce clause. However, so far as flood control is concerned, the necessity for Government operations to that end in the Tennessee River Valley is well known to be negligible. At the most, flood control can be said to be but a minor purpose of the proposed legislation. To consider that the purpose of the proposed measure is to provide an aid for navigation is little short of an absurdity. This is, of course, but a moot question so far as the Wilson Dam is concerned, as that dam is already in existence. That that dam constitutes an aid to navigation can not be denied, but in order to make the Muscle Shoals navigable to river traffic another dam would have to be constructed approximately 15 miles upstream therefrom, at a site where the Army engineers have proposed the erection of a dam to be known as Dam No. 3. However, the resolution under discussion contains no mention of such a project.

The construction of Cove Creek Dam on the Clinch River would have no effect upon navigation over Muscle Shoals.

Corporation of the United States"—that is its full official

This projected dam, the erection of which by the Government is proposed in the resolution, is a storage dam pure and simple. Its purpose is power development and nothing else. Its construction would approximately double the primary power at the Wilson Dam.

All of these considerations clearly show that the proposed measure is not to provide for the national defense, is not to furnish an aid to navigation, and can not sensibly be taken as a flood-control project. On the other hand, it is clear that the effect of the resolution, if enacted into law, would be to launch the Government in the power business in direct competition with privately and State owned power developments in the Tennessee River Valley. There are projected developments of the Tennessee River and its tributaries costing hundreds of millions of dollars for the production of hydroelectric power to the amount of approximately 3,000,000 kilowatts, and if the Federal Government enters into competition therewith, it may well with its unlimited financial resources drive these weaker groups entirely out of business by the mere force of economic pressure. That the Government has a clear right to operate the Wilson Dam for its own purposes and to place on the market for sale the surplus power therefrom, as it is now doing, is to be conceded. To lease its nitrate plants to private industry for the manufacture of fertilizer bases, and so forth, is also, if practicable, a laudable purpose. But the program of power development and operation by the Government set forth in the proposed resolution furnishes an entirely different picture, one in fact that I can find no excuse for in the category of the legitimate functions of the Federal Government. It should be clear to any reasonable mind that such a proposition is not a proper Government function and is outside of the power delegated to the Federal Government by the Constitution, by implication, or otherwise.

Another feature of Senate Joint Resolution 49 that is clearly without constitutional authority is the attempt to tax the Federal Government in behalf of the States of Alabama and Tennessee. It is so well settled as to be beyond argument that the States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the General Government. In the famous case McCulloch v. Maryland (4 Wheat. 316) the court aptly remarked that a State has no power to tax an agency of the Federal Government, for "the power to tax involves the power to destroy." This is an implied restriction of State powers but is nevertheless as effectual as any expressed restriction could be. This construction of the Constitution's meaning has been followed in a long line of decisions by the United States Supreme Court.

A late case upon the subject is that of the Panhandle Oil Co. v. Knox (277 U. S. 218). In that case the court in its opinion states:

> The States may not burden or interfere with the exertion of national power or make it a source of revenue or take the funds raised or tax the means used for the performance of Federal functions.

It is clear from these decisions that the proposition of paying the States of Alabama and Tennessee a tax upon power sales of the Government is repugnant to the Constitution. It is also clear that the tax provisions in question are not ex gratia in character, but are inserted in the resolution to meet the demands of the States in question. However, whether or not this be true, the Congress, which must function under the authority of the Constitution, has no more power to accede to such demands or to voluntarily burden the Government with such a tax than it has to dissolve the Union.

The major purpose of the measure being unconstitutional, and there being specific provisions in its text which also violate the Constitution, it is the duty of the Congress, as well as of the Chief Executive, to prevent the measure from being enacted into law. This duty exists even though the unconstitutionality of the resolution is only suspected and not conclusively revealed. Probably no more informative discourse on this point can be found than former President Taft's message to Congress of February 28, 1913, disapproving as unconstitutional the Webb-Kenyon bill in regulation of interstate shipments of intoxicating liquors. The views of this eminent jurist upon this question may be quoted from his message, as follows:

> But it is said that this is a question with which the Executive or Members of Congress should not burden themselves to consider or decide. It is said that it should be left to the Supreme Court to say whether this proposed act violates the Constitution. I dissent utterly from this proposition. The oath which the Chief Executive takes, and which each Member of Congress takes, does not bind him any less sacredly to observe the Constitution than the oaths which the justices of the Supreme Court take. It is questionable whether the doubtful constitutionality of a bill ought not to furnish a greater reason for voting against the bill, or vetoing it, than for the court to hold it to be invalid. The court will only declare a law invalid where its unconstitutionality is clear, while the lawmaker may very well hesitate to vote for a bill if of doubtful constitutionality, because of the wisdom of keeping clearly within the fundamental law. The custom of legislators and executives having any legislative functions to remit to the courts entire and ultimate responsibility as to the constitutionality of the measures which they take part in passing is an abuse which tends to put the court constantly in opposition to the legislature and Executive, and, indeed, to the popular supporters of unconstitutional laws. If, however, the legislators and the executives had attempted to do their duty, this burden of popular disapproval would have been lifted from the courts, or at least considerably lessened.

In the light of these considerations, it seems manifest that Senate Joint Resolution No. 49 should not be passed.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. RANSLEY. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Speaker, ladies and gentlemen of the House, foregoing the principle that is involved in this proposition, which is contrary to the fundamentals of our Government, and considering it solely upon its merits, this thing should be defeated. As has already been mentioned by the gentleman from Massachusetts [Mr. TREADWAY], there is a proposal contained in this report to pay 5 per cent, not of the net receipts but of the gross receipts to Alabama and Tennessee. Five per cent of the gross receipts from all the power that is generated at Dam No. 2 is to go to Alabama and 5 per cent of all the power that is generated at Cove Creek Dam is to go to the State of Tennessee. Why should we be paying them anything? They are not investing a dollar in this proposition, while from first to last the Government will have invested in this proposition $240,000,000 or $250,000,000. What has Tennessee invested in it? What has Alabama invested in it? Nothing. The only excuse they can offer for this is that there is to be some land taken in the construction of these dams, and the aggregate cost of that land, at the highest possible figure, would not exceed half a million dollars. Can they not forego a half million dollars, the price of their land, if the United States is going to expend $240,000,000? Tennessee and Alabama are the only interests that are bound to win and the Government is bound to lose.

It was not so long ago that a German syndicate came over here to make a survey of this proposition when they found we were trying to get rid of this elephant. I suspect there is nobody in this world that knows more about the manufacture of fertilizer and the manufacture of ammunition than the Germans. After they had made a careful survey they went back and reported to those who sent them over here that they could not afford to take it even if they were given a lease for nothing. That being so, how can anybody say it is possible for the Government of the United States to operate this thing at a profit, when we all know that the Government in business means a loss rather than a profit. To my mind this thing of itself should forever damn it.

I wish to commend the gentlemen from Tennessee and the gentlemen from Alabama for their foresight in getting this thing for they are bound to win and have nothing to lose. On the same basis the United States Government is bound to lose. There is not a possibility of the Government conducting this property at a profit.

So I hope this Congress, in justice to the taxpayers of the United States—and we had better be looking after them a little—will vote down this proposition. It would be infinitely better if we should place a magazine of powder under this thing and blow it to heaven, or some other place, rather than to expend more money and take upon ourselves a proposition the cost of which no man can this day estimate. [Applause.]

Mr. WURZBACH. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Speaker and gentlemen of the House, I shall only address myself to the point raised by the distinguished gentleman from Indiana. I am surprised that a man of the sagacity and legislative experience of the gentleman from Indiana [Mr. WOOD] would commit the error of criticizing Tennessee and Alabama with respect to the 5 per cent of the gross receipts provision in this bill.

Anyone who knows anything at all about the proposition can well realize the justice and the justification for this provision. The Cove Creek Dam is situated in my congressional district and I know something about it personally. The construction of this dam will inundate 54,000 acres of land and will therefore destroy approximately one-half million dollars' worth of taxable value in Tennessee, and for that reason, of course, the State is entitled to this consideration. As a matter of fact, the 5 per cent provision will not begin to compensate Tennessee for this taxable value loss.

Mr. BACON. Will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes.

Mr. BACON. Will the States of Alabama and Tennessee take the whole thing as a gift? It would be cheaper to the Federal Government if they did.

Mr. TAYLOR of Tennessee. I will say to the gentleman that I personally know that a number of concerns have been endeavoring to secure permits to develop water power on the Tennessee River, both in Tennessee and Alabama, and have been denied such permits by the Federal Power Commission.

Mr. JAMES of Michigan. Will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes.

Mr. JAMES of Michigan. The 5 per cent that is to be paid to Alabama and Tennessee does not apply if the President makes a lease.

Mr. TAYLOR of Tennessee. Certainly not.

Mr. BYRNS. And I may say to the gentleman that the gentleman from Indiana [Mr. WOOD] wholly overlooked the advantage to the United States in the benefits that accrue to navigation and flood control by the erection of Cove Creek Dam.

Mr. TAYLOR of Tennessee. Absolutely; and, especially, flood control.

Mr. RANSLEY. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, before I came to Congress some 10 years ago, I had thought that the salvation of this country depended upon the men of the South who, by their own admission, were disciples of Thomas Jefferson and stood solidly behind the principles enunciated by that great statesman. I had so expressed myself publicly on various occasions, even in New England, where that doctrine was not particularly well thought of.

I find I have been mistaken, and that the only consistent follower of Thomas Jefferson from the South during my service has been that great statesman, Finis Garrett. Finis Garrett, to my mind, typified my ideal of statesmanship more than any man with whom I have served during the last decade, and Finis Garrett would never have supported this proposition, and he did not support it while he was a Member of this House. [Applause.]

Mr. Speaker, the Jeffersonian Democrats from south of the Mason and Dixon line have crucified their patron saint and his principles upon a cross of gold. They have sold the heritage for which their forefathers shed their precious blood for a mess of pottage for patronage, for the sake of something out of the Public Treasury.

I want to ask ST. GEORGE TUCKER what his father would have done when he was in Congress. I want to ask CHARLIE CRISP what his father would have done when he was in Congress. I want to ask FRITZ LANHAM what his father would have done when he was in Congress; I want to ask BILLY BANKHEAD what his father would have done in the Congress if this proposition had come before him.

Mr. BANKHEAD. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BANKHEAD. My father, since he has been brought into this discussion, if he were here, in my opinion would support the conference report, and if I were permitted, I could give many reasons.

Mr. UNDERHILL. The gentleman is better qualified to speak for his father than I am, but his father's principles, as enunciated by him during his honorable and valuable service in the House and Senate, were absolutely against such a policy as this.

Now, Mr. Speaker, it seems to me it is too bad when you men who are in a position to hold this heritage for which your fathers not only shed their precious blood but for which your fathers gave up every material possession of value, to force on the Federal Government one of the greatest assets that one of the greatest States potentially in this Union has in its possession. You do not know what you are doing. You are working against the interests of your own people and against the interests of those who have invested money in private enterprise of the same character in Alabama. You are duplicating their efforts at the expense of the Federal Government. And why? Simply because it is paid for by somebody else. The danger that is facing our Republic to-day is that your States and the smaller States of the Union are advocating to-day bureaucracy and Federal activities instead of State activities for which your fathers fought, bled, and died. [Applause.]

Mr. RANSLEY. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Speaker and Members of the House, this bill falls into that type of which we have entirely too many—what may, perhaps, be called symbolic legislation. The title "Muscle Shoals" has come to have in the public mind the meaning of a hazy and indefinite problem. Many Members of this House instead of discussing it as a problem are moved to vote for the legislation because of its name and with little or no examination of its merits. Unfortunately, this happens too often on questions to which a name has become attached in the public mind. The name becomes a symbol to the people, who know nothing of the details or provisions of the particular bill.

On symbolic legislation, such as this, we should think, therefore, rather seriously as to what it symbolizes as well as about its legislative form.

Of what then is this bill a symbol? In the form in which it is reported to this House by the conferees this bill symbolizes and purposes just one thing, and that is the entrance by the Government of the United States into what heretofore has been private business. Let us look at its provisions for a moment to see whether this is so.

Section 14 of the bill declares it "to be the policy of the Government of the United States to utilize the Muscle Shoals properties for the fixation of nitrogen for agricultural purposes in time of peace." That is the declared policy of the bill.

In order that that policy may be carried out we are conferring on a board of three directors, which the bill creates, wider and greater powers than I have ever seen conferred on any board under any bill since I have been a Member of this House.

We are conferring on the board by section 5 (b) the power to contract with other producers for the purchase of fertilizer. We are conferring upon the board by section 5 (e) the power to modernize the plant at Muscle Shoals. Recognizing that the plant which we now have there is worthless for carrying out the provisions of section 14, we give the board power to rebuild the entire plant.

By section 5 (g) we also authorize the board in its discretion to make any alterations, modifications, or improvements it may see fit to make. All of these provisions, of course, are directly for the purpose of putting the Government into the fertilizer business.

Then we are adding to the mere entrance into business provisions which permit an unfair competition in that business. We are conferring upon the Government of the United States the power to use any patent. We give the patentee no right of contract for royalty for his patents but force him to bring a suit to recover "reasonable compensation." Other manufacturers of fertilizer may spend millions in developing a process for their own use and the Government of the United States reserves the right to step in and take any such process at a price to be fixed, not by contract as must be the case with any other manufacturer of fertilizer who wishes to use the patent but for a price which the courts may fix. We are thus loading upon the fertilizer industry an unfair competition in business from their own Government.

Now, what powers are we giving this board? Look at the bill. We give them an unlimited power of eminent domain to take real estate. We give them an unlimited power to buy any personal property which they may think is necessary for the conduct of the business. We give them unlimited power to buy fertilizer or fertilizer ingredients absolutely without limit. If we have ever given such powers in any other piece of legislation, I am not aware of it.

What else do we do? We are conceding the right of States to tax the Federal Government. I once introduced a resolution for a general study of the question as to whether we should not permit the taxation of property used by the Government for nongovernmental purposes. That we are not doing here. We should perhaps do it in order that the Government may be on a fair competitive basis with private business, but we are here conceding the right of the States to tax the gross proceeds gained by the Government from the sale of power—permitting a State to levy a tax upon the gross, not the net, income of the Government.

Now, look at the provision in respect to the board which will run all of this. It will be found on page 5549 of the RECORD. The qualifications are entirely new. You and I can sit here merely by virtue of an oath to preserve and defend the Constitution of the United States, but you could not serve on this board of directors on any such oath—nor, indeed, need you take it. Let me read the qualification to you:

> All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

[Laughter.]

Those are the qualifications for membership on the board. A man must profess that, and I say to the gentlemen of this House in all solemnity that nobody will profess it who is neither a liar nor a socialist. Unless you believe in Government operation of business, you can not qualify for membership in the board. Not only that but you can not qualify unless you are willing to stultify yourself by asserting a belief that it will prove a self-sustaining and continuing success. There is not a man in this House who believes it will ever be a self-sustaining success. The Constitution prohibits any religious test as a qualification for public office. But apparently, those with whom socialism is a religion and the Government in business a creed will allow no scoffing disbeliever to serve in their sacred shrine. No business knowledge or experience needed—only faith in the sublime virtue of socialistic experiment. And to this board whose sole qualification is a belief in the Government operation of business, we are going to give broader powers than we ever gave to any board in the history of this Nation. And we are going to pay them only $50 a day, and they can not work more than 150 days the first year or 100 days the next.

To this board to whom we are going to pay $7,500 a year for the first year and $5,000 a year thereafter we are turning over the operation and control of this vast project which before it is completed will have cost the Government of the United States over $120,000,000. And their sole qualification is a belief in government in business. Of course, on top of the $120,000,000 original investment, there will be all these other countless powers to contract, without waiting for appropriations from Congress, in an unlimited way for anything that they, these learned professors, think will carry out the policy of the act. And if they do, we protect any man who enters into a contract with them by making the corporation liable to be sued either in the Court of Claims or in the other courts of the United States. If you pass this bill, you give up control, gentlemen of the Committee on Appropriations, and of the House, of how much this thing is going to cost. You give it up to a board of three men who may contract what they please.

The gentleman from Texas [Mr. WURZBACH] has attempted to justify this legislation by virtue of the Boulder Dam precedent. If we pass this bill somebody will be here within another year or two justifying yet further incursion into the realm of legitimate business by virtue of this precedent. A vicious precedent is a major catastrophe to the Government of the United States. The only way to prevent a vicious precedent is to avoid its creation. [Applause.]

Mr. WURZBACH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. DAVENPORT].

Mr. DAVENPORT. Mr. Speaker and Members of the House, although I lean toward the passage of this bill, I am not an exuberant defender of certain provisions in it. It is true, as the gentleman from New Jersey [Mr. FORT] has just stated, that this bill has unfortunately become a political symbol. That happens sometimes when you have to do something about it, and it is a condition, and not a theory, as I see it, that confronts us.

This bill has been in the making for a long time, but during the later years, since it has become a political symbol, it has received less constructive attention, so it seems to me, than so great a problem deserves. There are rules and principles embodied in the bill which seem to me sound. There are features of it, however, which might with good advantage to the project and to the country be given more constructive attention, particularly by the board of directors of the project provided for in the bill.

The question of the economical manufacture of nitrates and fertilizers at Muscle Shoals has become a mooted one. There is a pretty widespread belief that the production of nitrates by chemistry rather than by the large use of electrical energy is much the more economical. This bill leaves the question open for 12 months to the adventure within the existing plants at Muscle Shoals of some daring producer who is willing to experiment, with the 50 per cent leeway of power in other fields, and perhaps throw light upon this mooted problem. If he is successful, then the original purpose of this project is conserved. If he is not successful, then the way is open for the use of electrical energy at Muscle Shoals for the industries and the domestic users of the region. The demonstrated superior economies of the chemical production of nitrates will make impossible the absurd exercise of the unusual powers in the bill over fertilizer production at Muscle Shoals. Perhaps this is, on the whole, a fair disposition of so controverted a matter.

Another valuable point in the agreement which has been arrived at is Government operation of the plant at the switchboard. This solution, so far as the mere operation of the power station is concerned, seems to have the right of way at Boulder Dam, on the St. Lawrence, and now at Muscle Shoals. There is nothing essentially uneconomic or unsound about this proposal, so it seems to me. At Muscle Shoals the Government of the United States is already there, is selling some electrical energy already through Federal engineers who are thoroughly capable men.

The business of operating a power station has become a simple, almost automatic operation. Furthermore, if a public authority is in a position to contract directly with the distributing agent at the switchboard, the control of rates in the interest of the consumer by contractual agreement at the switchboard is at least somewhat easier than it would be if a private corporation were licensed to operate the plant. There is less possibility of litigation if a public authority may shut off the power if the terms of contractual agreement are not lived up to. At least the strong arm of contractual agreement operates more intimately upon private distributing systems acting as a sales agency for public power. The Federal Power Commission in this bill is given authority to determine reasonable rates, but I question seriously whether this authority alone is sufficient protection to accomplish the intended policy of the bill. The Federal Power Commission ought to be vested with the authority to establish whatever rules and regulations it finds necessary to determine reasonable charges. No such power is conferred by the present bill and no such power would seem to flow from the Federal water power act, because the regulatory and investigatory power of the commission under that act is limited to power projects licensed thereunder. The Federal Power Commission, without the help of strong contractual provisions, is left to determine reasonable charges by reference to valuations and returns under ordinary rules of law, reproduction cost, and similar handicaps. Under its own statute the Federal Power Commission exercises a very considerable power to control costs and valuations and returns. Whether this power may be carried over into other fields in which the Federal Power Commission is given jurisdiction is, I would think, at least doubtful. Therefore the opportunity to employ to the limit the principle of contractual agreement at the switchboard is of importance. That opportunity this bill provides.

There are two matters which I do not find thoroughly inquired into and worked out in the terms of this bill. In section 11 the board of directors is expressly authorized either from appropriations made by Congress or from funds secured from the sale of power to construct or authorize the construction of transmission lines within transmission distance in any direction from Dam No. 2. If there is any principle clearly determined in the field of the production of electrical energy, it is that the paralleling of existing transmission lines is economically wasteful and adds a heavy burden to the cost of electrical energy to the consumer. This would not apply, of course, to the building of short transmission lines for industries near the site, nor perhaps for consumers generally within a limited area; but no public authority should go into the business of paralleling existing distributing systems "within transmission distance in any direction" without the most searching inquiry into the cost of it and the effect of it upon the price of power to the consumer.

The policy of this bill is to distribute the surplus power generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals. There is a very important and serious distinction between possible physical transmission distance from Muscle Shoals and economical transmission distance. It has been recently found in the study of the similar problem on the St. Lawrence River that the duplication of existing transmission lines would require an expenditure that would render the project of no advantage whatever to domestic consumers of power, to whom that project is particularly dedicated and to whom the surplus power at Muscle Shoals is also particularly dedicated by this act. The sound method, either on the St. Lawrence or at Muscle Shoals, is to contract if possible with existing utility systems under an agreed-upon formula of control. The board at Muscle Shoals should seek to negotiate with the utility companies a contract for the transmission and distribution of the power, which contract by its terms will insure among other things the payment of all operating expenses of the power plant, the interest, amortization and reserve charges, rates to consumers which will insure them the benefit of the ownership, control, and operation of the plant by a public authority, full and complete disclosure to the public authority of all factors of cost in transmission and distribution of the power, so that rates to consumers may be fixed initially in the contract and may be adjusted from time to time, on the basis of true cost data, that rates fixed in the contract shall be contractual in their legal nature, not subject to the usual rate litigation, and that such proposed terms shall be published in advance, and shall not be valid without the approval of the President of the United States.

In the event of inability of the board under this act to make such a contract, they, of course, should have authority to make other disposition of the power, as they do under this act. If the existing utilities are not willing to play fair, are not willing to act as a sales agency of the project for a fair return, then other steps may be taken. It would be well if these principles were more clearly defined in the bill itself. I recognize that we have come now to a place where amendment is impracticable owing to the probable intent of Congress to put this plan into operation and therefore to refuse to take other risks of amendment at this session. But it will be well for the board under this bill to remember before transmission lines are built or plans settled for marketing the surplus power that there should be on the part of the board an engineering and marketing inquiry entered upon in the region about Muscle Shoals, of far greater thoroughness than has yet been made. It should be especially determined how large the industrial use is likely to be at the site, or at Birmingham or Chattanooga or Nashville or Memphis within reasonable transmission distance of the plant.

I point this out because in the use of a great new block of electrical energy such as that at Muscle Shoals or on the St. Lawrence, or wherever there is a continuous flow of firm or primary power, what is known as the load factor is of chief consequence in determining whether the use of this new power is or is not to be an economic success. By the load factor I mean at Muscle Shoals the economical use of eighty to one hundred thousand, 24-hour, firm or primary horsepower which is ever rushing on its way to the sea. It is necessary to use a considerable portion of this primary power 24 hours a day or as nearly so as possible in order to make the project really useful and of so low a cost as to be to the advantage of the domestic consumer, who should be primarily considered in a great public project of this character and is so considered in the surplus power provisions of this bill. This means, in order to get low-cost power for the domestic consumer within economic transmission distance, that either at the site or in important industrial centers along existing transmission lines, there must be a lot of approximately 24-hour power sold and arranged for in the marketing of the power, to electrometallurgical, electrochemical industries, or the like, or else the remainder of the current for domestic purposes can not be sold at all in competition with the steam-produced electrical energy of existing utilities whose lines are already built.

It seems to me that these questions are not sufficiently considered in the terms of the bill. They should be considered as primary matters by the board of directors who should not proceed with the marketing of surplus power until a thorough inquiry by experts in the marketing and transmission field is made for the Government of the United States.

The value of the bill is that it has settled wisely some principles of importance, that the President of the United States and the board of directors of the project can control provisions which now give concern, and that the passing of the measure will lift a political millstone from the neck of the American Congress. [Applause.]

Mr. WURZBACH. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. FISHER].

Mr. FISHER. Mr. Speaker, I was much interested to hear the gentleman from Massachusetts [Mr. UNDERHILL] calling for the memory of grandfathers and fathers of former Members of the Congress, stating they would be shocked at the thought of the passage of this bill. I wonder if he thought Grover Cleveland would have had serious resentment at the thought of taking over the Cape Cod Canal, which was so near his summer home. [Applause.]

Then I remember another Massachusetts gentlemen, who was Secretary of War, Mr. Weeks, who came before the Committee on Military Affairs when I was a first-year member of that committee and was ready to turn Muscle Shoals and all the Tennessee River projects for dams over to Henry Ford without a real guaranty for fertilizer.

I wonder what the present Member from Massachusetts thinks of the socialism of that Secretary of War who wanted to have Muscle Shoals operated under the national defense act so that nitrates could be made into fertilizer in peace times and we might always have nitrate production in plants that were ready to be turned over to war purposes when needed.

Now, we hear sneers that it is an obsolete plant. I challenge any Member to-day to show where there is a cyanamide plant not being operated, even in Germany, where there is an excess of nitrates made by the synthetic process. Our own experts, men who have investigated the plant down there, say that the plant could be taken over and in 60 days could be operated for the benefit of the farmers of our country.

So much has been said on this floor about relief measures. We can not have permanent relief by voting forty or fifty million dollars, but we can relieve the farmers who are suffering by selling them cheap fertilizer which can be distributed to them all through the sections that are now drought areas, which will enable them to take care of themselves and not be dependent upon the Government. It would mean food for themselves, because they would have cheap fertilizer with which to produce the food which they needed for their families as well as feed for their cattle.

I was amazed at the suggestion made of the great expense in the development of Cove Creek. I have not heard the gentleman from New Jersey [Mr. FORT] protest against a canal going across New Jersey, passing through thickly populated sections, a canal which will cost millions of dollars.

The Government came into the property at Muscle Shoals and has built Wilson Dam. That dam gives about 80,000 primary horsepower. If they build Cove Creek Dam that will double the capacity and increase the value of Wilson Dam. Just think of the royalties there will go to the Government and will pay for a great part of the expenditures they may have. The building of Cove Creek Dam and that string of dams below it south will create industrial centers all through east Tennessee.

I was surprised to think that our progressive Representative from New Jersey [Mr. FORT], who is very intimate with the Executive, would have forgotten what the Executive said in Louisville and in Cincinnati about the need of development of our rivers. Congress has voted $5,000,000 for the development of the Tennessee River, and it is absolutely essential, if we are going to have 9 feet of water in the Tennessee River, to have the reservoir at Cove Creek. Cove Creek is not only of value as a reservoir for flood control and for the power it gives, but it is also valuable because there is storage there that will keep the barges on the river with the 9-foot depth. The barges can go from Knoxville down to the Ohio River and down to New Orleans. How could anybody object to so wonderful a development?

After many years of careful study of the plans which have been proposed to solve the problems of Muscle Shoals development, I believe that the conference report before the House to-day, if adopted, will bring about the best solution ever heretofore offered. It offers a liberal and constructive plan of development.

There will be quantity production of fixed nitrogen in an active giant plant No. 2, which has been idle for 12 years. Major Poyet, who has been in charge of the nitrate plants at Muscle Shoals, stated in a hearing before the Military Affairs Committee of the House in March, 1930, that if approximately $100,000 was spent on plant No. 2, in 60 days it would be ready for operation. If operated at full capacity there would be produced 2,500,000 tons of mixed fertilizers with the 40,000 tons of fixed nitrogen as a principal ingredient. Mr. Bell, president of the American Cyanamid Co., at the same hearing said the cyanamide process was the most economical to operate at Muscle Shoals because of the available power and natural resources near by. He further stated that the fertilizers made at cyanamide plants are able to meet favorably the competition throughout the world of other processes.

The President of the United States is given authority to lease the nitrate plants for fertilizer manufacture. This authority is for 12 months. If no lease is executed within that period and if he desired to make the lease provisions even more liberal, he could communicate with the Congress from December until March.

The stipulations required in the lease for the manufacture of fertilizers are better than in any previous plan offered to the Congress. It provides that there must be produced each year an amount prescribed by the board regardless of market demands; that within three years and six months, fertilizers or fertilizer ingredients containing not less than 10,000 tons of fixed nitrogen must be produced. A periodic increase is to be made in quantity as the fertilizer market demands may reasonably require. Within 12 years the increases shall reach the maximum production capacity if the reasonable demands of the market shall justify this increase. If there is in storage 2,500 tons of fixed nitrogen—representing more than $1,000,000—or fertilizer ingredients containing that amount of fixed nitrogen, the lessee is not required to continue the increases.

The method of annually figuring the costs with a limitation of 8 per cent profit is the same paragraph that was in the House bill. There is required an annual determination of the cost of the fertilizer and fertilizer ingredients. This is brought about by a production engineer representing the board, and another representing the lessee. If there is a disagreement the two engineers will select a third engineer who will hear and consider the contentions and decide the issues. A copy of the audit and decision is to be filed each year with the board.

The Senate joint resolution declared a policy of Government distribution of surplus power generated equitably among the States, counties, and municipalities within transmission distance. In the operation of the cyanamide plant No. 2 at full capacity there is need of 280,000 horsepower. The primary power at Wilson Dam is about 80,000 horsepower. There is the steam plant at Muscle Shoals with a capacity of 80,000 horsepower. When the Cove Creek Dam is constructed, it will increase the primary power at Wilson Dam, but it is not believed that with this increase to Wilson Dam to 160,000 horsepower there will be any surplus power to distribute.

If the lessee in the manufacturing of fertilizer uses up the greater part of the power, leaving no surplus for distribution, it will be the carrying out of the purpose of the original law. The author of the Senate joint resolution which provides for the distribution of surplus power to the advantage of States, counties, and municipalities would welcome the use of all the power if by that means a cheaper and better plant food could be manufactured and given wide distribution throughout our country. If, however, there is a surplus of power to be distributed which the lessee does not need for fertilizer manufacturing, there should be means of distributing this power as provided in the Senate Joint Resolution No. 49. [Applause.]

Mr. RANSLEY. Mr. Speaker, I yield 12 minutes to the gentleman from Arizona [Mr. DOUGLAS].

Mr. DOUGLAS of Arizona. Mr. Speaker and Members of the House, it is with a great deal of reluctance that I speak in opposition to the conference report before you. Yet I feel I would be derelict in my duty as one of your Members, were I not honestly and fairly to state my opinion with respect to the measure under consideration. In doing so may I say that I have great respect for the House Members of the Conference Committee, and that I am saying what I say as a fair difference of opinion between them and me on this subject.

It has been contended that the provisions of this conference report which authorize Government operation and distribution, are nullified or will be nullified by the provisions authorizing the President to execute a lease of the nitrate plants.

The correctness of such an affirmation depends entirely upon whether or not under the specific leasing provisions contained in the conference report a lease, as a matter of fact, will be made. So for a moment I would like to give you my analysis of exactly what these leasing provisions mean. In the first place, there is an obscurity in the language so great that I must confess an inability to properly interpret it. Section 25, in the last proviso, gives the lessee a preferential right to purchase 15 per cent of the amount of power "used by the lessee in the production of fertilizer." Used when by the lessee? Used this year? Last year? In the year to come? Five years back? Is it 15 per cent of the amount of power which he has used during a period of seven years or what, as a matter of fact, does that language mean? If it means that he is to be given the right to purchase 15 per cent of the power used in fertilizer production and to apply it in the production of commodities off the reservation and that the 15 per cent is to be based upon the amount of power he uses throughout any one year then it follows, since the amount of fertilizer he will produce will fluctuate, that the amount of power to which he is entitled will also fluctuate. Who would undertake to lease without the definite knowledge that he would have the right to purchase the amount of power necessary to produce the things for the production of which he makes a capital investment.

Mr. WURZBACH. Will the gentleman yield?

Mr. DOUGLAS of Arizona. For a question.

Mr. WURZBACH. The gentleman does not contend that that limitation would apply to the secondary power that might be used under the terms of this language?

Mr. DOUGLAS of Arizona. It applies to all power.

Mr. WURZBACH. Oh, no.

Mr. DOUGLAS of Arizona. But even if it did not, the same argument holds good. There is no standard against which the 15 per cent is to be applied. Further than that, the language is very obscure with respect to what he can, as a matter of fact, produce outside of the reservation.

Mr. McSWAIN. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. McSWAIN. If that were true, does it not leave it wide open for the President to make a liberal lease in order to induce a lessee to contract, and would he not construe that in the most liberal and broad manner?

Mr. DOUGLAS of Arizona. I will restate my language. It is very questionable as to whether the lessee outside of the reservation can use the power, the 15 per cent of the power, in the manufacture of anything directly or indirectly connected with his operation on the reservation. The obscurities cited are only a few of the many which time does not permit me to point out.

But, waiving all of these considerations with respect to the obscurity of the language, there is a more fundamental reason which will prevent the letting of the nitrate plants. Most, in fact all, of the chemical companies engaged in the production of fertilizer derive the largest part of their revenues not from the sale of fertilizer but from the sale of by-products.

The measure under consideration prohibits the manufacture or processing of by-products except those which are not ingredients of fertilizer. The question arises: How many by-products can be manufactured in nitrate plants No. 1 and No. 2 which are not ingredients of fertilizer? If the Haber process or a modification of it is used there will be not a single by-product which is not an ingredient of fertilizer, for every by-product produced by the Haber process contains nitrogen and almost every nitrogenous compound is an ingredient of fertilizer. If the cyanamide process is used there will be only one by-product which is not an ingredient of fertilizer and that is calcium carbide. To make calcium carbide into cyanamide and thence into cyanide it must be transported off the reservation where there must be a duplication of the investment made upon the reservation, if it is to be manufactured into anything other than carbide. So I say that under the provisions of this conference report the opportunity to derive revenues from by-products which will make a lease attractive is specifically prohibited. For that reason I conclude that it is extremely doubtful whether, as a matter of fact, any lease at all will be made under the provisions of the measure before us.

Mr. WURZBACH. Will the gentleman yield?

Mr. DOUGLAS of Arizona. For a question.

Mr. WURZBACH. The gentleman has stated that carbide would be a by-product which would not be an ingredient if made under the cyanamide process, which is the process that is intended to be used. If that is true then there is no limitation on the processing of that kind of a by-product, even with reference to the 15 per cent of power or any per cent as set out in subdivision C.

Mr. DOUGLAS of Arizona. But that is the only by-product there is, and if a lessee desires to convert carbide into cyanamid and then into cyanide he must do it off the reservation.

Mr. WURZBACH. He has the right to process any by-product that is not an ingredient of fertilizer, and that without any limitation as to power.

Mr. DOUGLAS of Arizona. No—for the reason that to process carbide into cyanide the lessee must first convert the carbide into cyanamid which is an ingredient of fertilizer. But if the gentleman were correct in his interpretation of the language the permission to manufacture only one by-product would not make the proposition sufficiently attractive to result in a letting of the properties.

Mr. WURZBACH. Is not that a product that can be processed in a hundred different ways and would not that be very profitable?

Mr. DOUGLAS of Arizona. Not without first processing into an ingredient of fertilizer.

So in my judgment it is altogether doubtful whether any lease, as a matter of fact, will be made under the provisions of the measure before you and, therefore, if you are to obtain a clear picture of exactly what you will soon vote upon, you must tear from this measure the leasing provisions and analyze the act without them.

Mr. FISHER. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I have only about one minute left.

Mr. FISHER. Does not the gentleman believe that if the chemical alloys and by-products were developed to a great extent so that they could make almost anything, there would be criticism that they were not devoting the proper amount of energy and money to fertilizer production?

Mr. DOUGLAS of Arizona. Not under the provisions of the bill which the House passed last spring, which in effect provided that so long as the lessee maintained the fertilizer production he could do almost anything he choose by way of manufacturing by-products.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. OLIVER of Alabama. The gentleman will concede that the gentlemen on this side of the aisle with whom the gentleman from Arizona has discussed this matter many times are deeply interested in this plant being operated in the interest of agriculture, and I am sure the gentleman from his contact with gentlemen on this side will concede that if we, whom it very directly affects, have concluded that this is a fair bill for the farmer and protects his rights, that such conclusion is entitled to some weight.

Mr. DOUGLAS of Arizona. I stated when I started that it is with some reluctance I undertake to oppose this measure. I do so because of what I consider it to be my duty as a Member of the House—to express my doubts, my mental reservations, with respect to the propriety of this act, regardless of with whom I may disagree. [Applause.]

Mr. O'CONNOR of Oklahoma. Will the gentleman yield for a brief question?

Mr. DOUGLAS of Arizona. Yes.

Mr. O'CONNOR of Oklahoma. I have been very much interested in the gentleman's argument, and as I understand the gentleman, we are here giving authority to make a lease, and at the same time we are so limiting it that nobody will take such a lease under this authority.

Mr. DOUGLAS of Arizona. That is it exactly.

So if there is to be a fair picture given of this measure, the leasing provisions must be torn out of it and you must analyze the bill without them.

Sufficient has been said here on the floor to make it clear that the measure is predicated upon the theory of Federal Government ownership and operation, a theory which I may point out to my friends on this side is completely and absolutely incompatible with the theory of State rights for which your party and mine has consistently stood. The right of a State to tax, to regulate and control nonnavigable waters, to exercise jurisdiction over rate structures can not be reconciled with an industrial enterprise undertaken by the Federal Government.

Under this bill the Government is directed to construct, to own, and to operate a new project, to operate existing properties, to sell power at the switchboard, to construct transmission lines, and under it in the sale of power to private utilities, the Federal Power Commission is set up as the body which shall have the authority to regulate rates with respect to intrastate power.

In conclusion, Mr. Speaker and Members of the House, I can only view this measure honesty and fairly as being one which is driving us one step farther toward a complete destruction of the States, toward pushing them into oblivion, toward depriving them of all the rights which should properly be vested in them, and more than this, toward destroying the principle of private initiative, individual effort, which has made this country great among the nations of the world. [Applause.] I thank you.

Mr. WURZBACH. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker and gentlemen, this is no new fight. You are now at the last stand. The people of the United States are now at Thermopylæ, and whether or not selfish, greedy, predatory wealth, organized capital, the great Power Trust, and the fertilizer organizations of this country will succeed in stopping the farmers and the masses of the American people is to be determined by you. Now is the time for you to say where you stand.

My distinguished friend who spoke from my own party against this bill, spoke and made an able fight against Boulder Dam. I want my friends from the far West to remember that I believe in the law of reciprocity. When you gave your Macedonian cry for help, PERCY QUIN and all who were with him came forward as one man and stood by you to give you Boulder Dam legislation [applause] and the gentleman who spoke here was endeavoring to defeat you. Is it possible at this late hour that the friends who reaped the benefit of that legislation will listen to the songs of those who tried to defeat you?

My friends, I call on you now in behalf of the poor people of the United States, in behalf of the farmers from one end of this Republic to the other, in behalf of the helpless women in the little farmhouses to raise them up out of the grasp of this great, monstrous giant that is levying tribute all the way from the humble hut to the great and finely furnished palace. They are to-day levying their tribute upon every hut and humble home in the United States This powerful trust is collecting tribute from every industry, both small and great.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. QUIN. No; I can not; I have not the time. I want to say to the gentleman from the great State of Washington that he has had my vote all these years for public lands for his State that belong to the Government and have not paid taxes, and yet we have taken money out of the Public Treasury in lieu of taxation. He ought not to begrudge us this legislation for the poor people of this country for the operation of a plant that the Government has put $150,000,000 into. I have voted for all the irrigation projects in the West. You needed our help and we always responded.

Sound? Of course it is sound. We have built the dam; here is the lease proposal, the best one we have ever had from our committee. Then you have the Norris bill as an alternative if the President can not find some one to take over the property and operate it for profit—the Government of the United States is to do it itself.

The question of national defense is involved here—the making of nitrate during the time of war and fertilizer during the time of peace. We want this Cove Creek Dam built to carry out the entire Tennessee Valley improvement plan and double the power at Wilson Dam. No one can say that we are proposing a new scheme. It is a question of whether or not the people of the United States are going to receive justice, or are we going to let this great power monopoly tap you on the shoulder and say, "You do what I want instead of what the people want"?

Is it possible that for years, after this long fight, this arduous struggle, the people of the United States are to have at this late hour their rights taken away from them by special greedy, avaricious, entrenched monopoly? [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. WURZBACH. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. MCREYNOLDS].

Mr. MCREYNOLDS. Mr. Speaker and gentlemen, the gentleman from Indiana and the gentleman from Massachusetts have criticized the provisions of the bill because it provides 5 per cent for Tennessee, and yet they supported the Reece bill during the last session of Congress, which provided for a recapture clause of Cove Creek Dam, thereby recognizing the rights of Tennessee.

It is very apparent that the gentlemen from Massachusetts do not want any disposition of this project, for apparent reasons, and here comes the gentleman from Washington trying to tell us something of what we should do in regard to our rights in Tennessee.

Mr. Speaker, I think this is the first time that we Members of the House from the South, who are more directly interested in the proper disposition of the Muscle Shoals project than any other section, come to you with a solid front asking for your favorable action on this conference report which disposes of the Muscle Shoals project. We do this because we feel that this bill comes nearer representing the rights of the people than any other that we have had an opportunity to pass.

We have stood here for some 10 years with the Power Trusts on one side and the Fertilizer Trusts on the other trying to protect and dispose of this project in the interest of the American people. Whenever any proposition was submitted that would in anywise affect the power companies they immediately spread their propaganda and waged war on such a bill. Whenever it was proposed to make fertilizer, the Fertilizer Trusts immediately waged their fight against such a proposition, and up to this time both have been successful to a great extent.

The act of 1916, which authorized the building of the Wilson Dam, provided that it should be used for the purpose of making nitrates for the Government in time of war and for fertilizer in time of peace.

Millions of dollars have been spent on this great project, and yet for many years the Government has been forced, under the conditions, to dispose of its power to the Alabama Power Co. at the rate of 2 mills per kilowatt-hour, which is said to be of a loss to the Government of about $4,000,000 per year. Under these conditions, is it not high time, from this standpoint alone, that some immediate and final action be taken?

You have had thoroughly explained to you by the conferees just what this bill now proposes. The greatest objection that has been made to this character of legislation is that it puts the Government in business. Of course, it does not put the Government in business, but it is true that it continues the Government in business. From this standpoint let us consider it very briefly. At the present time the Government is operating the dam at Muscle Shoals and selling to the Alabama Power Co., as before stated, whatever power it will take at the small sum of 2 mills per kilowatt-hour, and this company is selling a lot of this power as high as 10 cents per kilowatt-hour. What we propose to do now is to continue the operation of this plant

and to lease the nitrate plant owned by the Government at Muscle Shoals for the purpose of making fertilizer under the conditions as set forth in this bill, and to furnish to the lessee sufficient power from this great dam to operate these plants, and also a certain amount for the purpose of manufacturing by-products. We also further propose to sell to near-by cities and municipalities, giving them preference, and any surplus, if there be any, to power companies at the switchboard at a reasonable price. If this can not be procured, then the Government is authorized to build transmission lines. You can see from this that it does not place the Government in business more than it is now, unless it becomes necessary to build these transmission lines.

In my opinion, no transmission lines will ever be built by the Government, for two reasons: First, when the nitrate plants consume all the power that they desire and the local towns get what they wish, there will be no surplus; in the second place, even if there should be a surplus of power, whenever the Tennessee Power Co. and the Alabama Power Co. realize that the Government can and will build transmission lines for the sale of their power, these power companies will pay a reasonable price for the power.

I have had some friends in this House who stated that they did not like to vote for a proposition of this kind, because it was setting a precedent. This is true, that it is setting a precedent under these peculiar circumstances, but I doubt if another instance of this kind, surrounded as we are in this case, will ever arise, and if it does arise no one should object to setting this precedent. What is the situation? Here the Government has built this great dam and created this great power as a war-time measure. They have this surplus electricity, and at present they are in the hands of the Alabama Power Co. and have to accept just what that company may offer.

During last year the Tennessee Power Co. built transmission lines from Nashville, Tenn., to Muscle Shoals, and ran this line over Government reservation at Muscle Shoals, and instead of becoming a competitive bidder for this power, they attached on to the Alabama Power Co.'s lines outside of their meter, and whatever power they obtain is not direct from the Government but through the Alabama Power Co.

Where will you ever find in the history of this country the same conditions to exist as exist here? These power companies have not been fair. They have undertaken to tie up the Government in the disposition of this power at their own price, and I appeal to every Member of this House to say whether or not the Government is entitled to have a fair chance in the sale of this power.

As a general proposition I am opposed to the Government in business, but Muscle Shoals is an exception. As to Muscle Shoals being an exception, I trust you will bear with me and hear what the leading citizen of the Nation said on this subject:

> There are local instances where the Government must enter the business field as a by-product to some great major purpose such as improvement in navigation, flood control, irrigation, scientific research, or national defense. But they do not vitiate the general policy of private ownership to which we would adhere.

By whom was that statement made, when, and where? It was made by the Hon. Herbert Hoover in his candidacy for President on October 6, 1928, at Elizabethton, Tenn. To understand as to what project Mr. Hoover refers we should perhaps get the setting. Elizabethton, Tenn., is located in east Tennessee, a little town of something like 8,000 population; in the congressional district which the Hon. CARROLL REECE has the honor to represent, and in which district the disposition of Muscle Shoals played such a prominent part in Mr. REECE'S defeat in last November election.

This speech was one for the South, for that campaign, and people came there by the thousands from Tennessee, north Alabama, and Georgia who were more interested in the disposition of Muscle Shoals than any other pending legislation. This statement being made by Mr. Hoover under these conditions, then are we not more than justified in concluding that his reference was to that of Muscle Shoals? However, we have the statement of Mr. Edward J. Meeman, the editor of the News-Sentinel, of Knoxville, that during the afternoon of that date, in answer to direct question by him, that Mr. Hoover said, "You may say that that means Muscle Shoals." The publication of the interview occasioned some little storm in the Republican committee headquarters, causing Mr. Hoover to issue a statement on October 9 confirming and clarifying his remarks to Mr. Meeman. In that statement Mr. Hoover is quoted as stating "That the Scripps-Howard editor had correctly quoted him," but further added:

> There is no question of Government ownership about Muscle Shoals, as the Government already owns both the power and the nitrate plants. The major purposes which were advanced for its construction were navigation, scientific research, and national defense. The Republican administration has recommended that it be dedicated to agriculture for research purposes and development of fertilizers in addition to its national-defense reserve. After these purposes are satisfied there is a by-product of surplus power. That by-product should be disposed of on such terms and conditions as will safeguard and protect all public interest.

As further evidence that Mr. Hoover's statement, herein quoted, meant Muscle Shoals, Mr. George F. Milton, editor of the Chattanooga News, of Chattanooga, Tenn., a friend of Mr. Hoover and who supported him very effectively with his paper in 1928, says that Mr. Hoover told him "that Government involvement in the building of Cove Creek Dam was in the same class with the Government interest in Muscle Shoals. It, too, is an exception to the general rule." From these statements of our President he will undoubtedly approve this bill.

The failure to dispose of Muscle Shoals prior to this time has retarded and prevented, to a great extent, the growth and prosperity of our section of the country. So we stand here to-day pleading with you to support this proposition, thereby giving us a chance for our progress. You people of the East have gotten your Cape Cod Canal, and you people of the West have gotten your Boulder Dam, so we people of the South, who are more vitally interested in the proposition that is now before you, appeal to you to come to our relief.

There has been spent by the Government on the survey of the Tennessee River and its tributaries nearly a million dollars, and they have discovered that some 4,000,000 horsepower of hydroelectric power could be developed along our streams. Applications for preliminary permits to build any of these dams involved above Muscle Shoals have been refused because Muscle Shoals was not disposed of. We have no chance for development of these great power dams until Muscle Shoals is disposed of.

Members of the Rivers and Harbors Committee have come on the floor of this House and have predicted that east Tennessee some day would become "the Ruhr district of America" on account of our wonderful natural resources, yet you understand that the greatness of our natural resources are of no benefit whatever unless developed, and under present conditions we are tied hand and foot to Muscle Shoals. We, therefore, beg of you to pass this bill and give us an opportunity to become one of the greatest industrial sections of this country.

The building of Cove Creek Dam, which is provided for in this bill, is the key to the development of the Tennessee River, in that it aids navigation and flood control; it increases the horsepower of all dams below it from 100 to 110 per cent, and, if I remember correctly, the Government will get the benefit of increase of horsepower at Muscle Shoals of 124 per cent. The building of Cove Creek Dam aids in the control of the floods of the Mississippi River and will save millions of dollars in damages caused by high water along the Tennessee River. I live at Chattanooga, Tenn., on the Tennessee River, and I note that Senator NORRIS says that the cost of building Cove Creek Dam alone will be worth that much to our thriving city. We have some floods there during high water, and the building of this dam will lower the high-water mark 15 per cent, and it is this excess that causes the damages in our city. During last session of Congress a project was recommended by the Chief Engineer of the War Department for the improvement of the navigation of the Tennessee River at a length of 652 miles from where it enters into the Ohio River to Knoxville, Tenn., at a depth

of 9 feet, which was approved by this Congress, and we hope some day to see this project fully completed.

The completion of this project lay to a great extent in the building of Cove Creek Dam. After this dam is built it will only take seven high dams from the Ohio River to Knoxville to give us 9 feet of water.

We know that the President of the United States favors the development of the great rivers of this country, as reported in his speech in the summer of 1929 at Louisville, Ky., at the celebration of the completion of the 52 navigation dams in the Ohio River. The dams to be built in the Tennessee River are practically all great power projects, which will mean much to the development of the hydroelectric power in this country. Without the disposition of Muscle Shoals we will continue to have to wait for our developments, as we have already waited for many years.

There was never a time in the history of the Southland when the farmers need relief more than they do at the present time, and the making of cheaper fertilizer at Muscle Shoals would be one great aid in their many struggles. Experts claim that the farmers of the country would save $50,000,000 per year in the operation of these nitrate plants at Muscle Shoals. I do not know whether this is true or not; however, the figures show that we are paying Chile each year a tax of about $12,830,000 on nitrates.

Let me appeal to every Member of the House to vote for this bill and give us the desired relief. If the Government is to continue in business at Muscle Shoals as it is now, let it serve the people of the United States, and especially the farmers, and not alone the Alabama Power Co. [Applause.]

Mr. RANSLEY. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS of North Carolina. Mr. Speaker and gentlemen, I do not think that I am allied with that crowd that controls the predatory wealth of this country. I am the son of one of those tenant farmers you heard so much about during the drought debate, and I come out of the solid South.

In 1928, from every stump, I told the people that if I came here I would cast no vote that even suggested that I am in favor of this Government entering into competition with private initiative in any industry or any business in the United States. [Applause.]

Mr. WURZBACH. Mr. Speaker, I yield to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, this bill does not provide for Government operation of the Muscle Shoals nitrate plants. It places in the hands of the President full and complete authority to lease for 50 years the fertilizer plants and also to fix the price of rental and the price of the power to be used in the operation of the plants. The power plant is now and has been and will continue to be operated for the benefit of the power companies unless this bill is enacted. This act would provide for its operation, not for the benefit of the power companies but for the benefit of the American farmers. This is the best farm-relief measure that has been considered by the Congress, as better and cheaper fertilizer is the greatest need of the American farmer.

The demand for fertilizer is increasing by leaps and bounds as the fertility of the soil is being exhausted by continued cropping. The price of fertilizer is also increasing. Muscle Shoals plants furnish the only relief. This nitrate plant at Muscle Shoals is one of the largest and best in the world. Germany and other European countries have utilized their war nitrogen plants for the benefit of agriculture and have been so successful that Germany no longer imports Chilean nitrates, but has become a large exporter of nitrogen and fertilizer. We should do the same without further delay.

The operation of these plants will not be local in its effect but will be nation wide. It has been proven many times before the committees of Congress that the price of fertilizer made at Muscle Shoals will control the price of all fertilizer used in this country. It will reduce the farmer's fertilizer bills about one-half of the present price.

We Members of the South have voted for all reclamation projects, the Hoover Dam, and for things in which New England has been specially interested, and we now appeal to all Members of the House from every section to support this measure, not because it is local but because it will be of interest to them and their constituents. The farmers from Maine to California, and all other sections of the country, will receive the benefits of the reduced price of fertilizer by means of the operation of the Muscle Shoals plants, and I hope and trust that this measure will receive practically a unanimous vote in the House.

In addition to the operation of the Muscle Shoals properties the waste of the power there will end. It will produce a large income to the Government and give employment to thousands of men, many of whom are now idle and unable to secure employment. [Applause.]

Mr. RANSLEY. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. EATON].

Mr. EATON of New Jersey. Mr. Speaker, I am opposed to this report, and I am going to vote against it. I sincerely hope that the House will vote against it. These are my reasons: First of all, I believe that this report, without any conscious endeavor on the part of our Members, is a part of the great movement now setting in in this country to sovietize our Federal Government and pauperize our people.

I am opposed to it upon the ground that it is not what it purports to be. The Norris bill is like the human heart, deceitful above all things and desperately wicked; and the addition of the leasing program to the Norris bill is an attempt to extract some of the soviet poison so as to make it more palatable to American-minded people. The Norris bill is simply a hunk of sovietism disguised in a fertilizer bag.

I am opposed to this bill because it puts the United States Government into business on terms that are unfair to the taxpayers who support the Government.

I am opposed to it also upon the ground that it involves a new and dangerous principle of spending Government money without the authority of Congress, because the board in this new organization will have the privilege of spending money for transmission lines without coming to Congress for authority or for an appropriation.

I am opposed to the report because it taxes all of us to give to the deserving States of Tennessee and Alabama 10 per cent of the gross proceeds. If there were 5 per cent for New Jersey, possibly I might go along with it. But as it taxes New Jersey absolutely without representation for the benefit of Alabama and Tennessee, I must protest.

I have been all over the Tennessee River from the cove down to the mouth, and I consider the Tennessee River the greatest single undeveloped natural resource now in the possession of the South. I would be glad to see it developed completely, on American principles and by private initiative, and by private enterprise.

I am opposed to this report because it discriminates against private enterprise in favor of political units. It will give a 30-year sale of power to a municipality without any conditions, but will only sell it for 10 years to a private enterprise, with a cancellation clause.

I am opposed to the bill because it wastes 1 per cent of the fertilizer to send out free to the farmer to acquaint the farmer that such a thing exists as fertilizer. You might as well ship free coffins to undertakers at Government expense to let them know that there is such a thing as death.

I am opposed to it because it offers lease terms that in accordance with the eloquent address of our friend from Arizona [Mr. DOUGLAS] spell defeat to anyone foolish enough to agree to them. I don't believe that you will ever get a reputable firm to accept a lease on these terms.

I am opposed to it because it invades State rights by putting the Federal Power Commission in authority over local and State commissions that have the authority to regulate intrastate public utilities.

I am opposed to this bill because it is absolutely uneconomic, because it would build transmission lines where they now have four lines that are carrying but half a load.

For the foregoing reasons, and because this bill completely represents the failure of the political mind to handle an economic problem, I want to go on record as being opposed to it, and, much as I admire the gentlemen who have worked out this scheme with such toil and patience, I hope the House will vote it down. [Applause.]

Mr. WURZBACH. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. REECE].

Mr. REECE. Mr. Speaker, some of the principal features of the conference agreement were precipitated at the last meeting and a decision was reached by a majority of the conferees before opportunity was available for thorough study of the proposal. It was evident that the proposal was not consistent with the House plan nor in harmony with my views. But having worked so hard under unparalleled difficulties in an effort to obtain a solution of the problem, I felt there was a probability that a satisfactory lease might be had under these proposals and, through a successful lease operation, an acceptable solution of the problem might be found.

In view of the unusual situation which developed in the conference, this was the best that could be had. Wishing the House to have an opportunity to vote upon the Muscle Shoals measure without attaching any significance to my attitude, I decided to sign the conference report with the statement which has become of the record.

I felt that if the House compromise bill of December 16, 1930, which appeared to be universally acceptable had been permitted to become a report, it would have become a law and resulted in a most satisfactory solution of the whole problem, both from the standpoint of public interest and of the economic development of the South.

In a final effort to reach an agreement with the Senate conferees upon a basis that offered a probability of solving the problem after the far-reaching proposal of December 16, 1930, which I presented on part of House conferees, had been brushed aside, I suggested a proposal agreeable to a majority of House conferees which, if accepted by Senate conferees, would have resulted in a consistent report.

The principles of the proposal, presented at next to last meeting, were these:

First. That the Government operate the power plants primarily furnishing current for the fertilizer and chemical operations under terms of lease contract and selling the surplus current with preferences to municipalities, and so forth, as provided in Senate bill.

Second. That the President lease the nitrate plants primarily for production in quantity of fertilizer, fertilizer ingredients, and kindred chemical products at limited profit.

Third. That the power generated at Wilson Dam be impressed with priority use for operation of nitrate plants, and, consistent therewith, that authority to construct transmission lines be suspended for a period of time necessary to determine the amount of power needed for operation of nitrate plants and therefore the economic necessity for transmission lines.

Fourth. That, if a satisfactory lease is not executed within a year, the board proceed to operate primarily for production of nitrates to be used in fertilizer, with continuing authority to lease under the same or such other provisions as the Congress might authorize, thus obviating the necessity of the Government permanently engaging either in the fertilizer or the power-distribution business.

Fifth. That the Government construct Cove Creek Storage Dam as provided in the various proposals.

These were propounded as amendments to the Senate bill, not otherwise modifying any part of the Senate bill but thus making it fit the situation with every evil eliminated and every benefit preserved.

I felt that such a proposal would be acceptable to both Houses and would become a law. But the Senate conferees brushed it aside, as before, and at the next and last meeting submitted a slight modification of their former leasing proviso which had previously proved unacceptable to a majority of House conferees. But at this final meeting a majority of the House conferees departed from my judgment and accepted the Senate proposal as reported, signing the report in blank before leaving the conference room. After a day's consideration I decided to join my colleagues in submitting the proposal to the House for consideration. If it proves to be a satisfactory solution of the problem, I shall be happy, as no one could be more interested in a solution than I have been, nor have contributed more effort to a satisfactory determination of the matter of so much concern to my section of country.

Mr. RANSLEY. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. COCHRAN].

Mr. COCHRAN of Pennsylvania. Mr. Speaker, ladies and gentlemen of the House, on the 27th day of last May this House by a decisive vote condemned Government operation, and if to-day it maintains that same attitude it will as decisively defeat this conference report. I compliment the managers on the part of the Senate, but I can not compliment the managers on the part of the House. They have yielded to what we then condemned. The gentleman from Texas [Mr. WURZBACH] would have you believe that there is an alternative proposition here. There is nothing but the original Norris Government operation bill, thinly disguised with some words about a lease. I had intended to discuss the terms of this lease, but the gentleman from Arizona [Mr. DOUGLAS] has effectively shown that no lease could possibly be negotiated. While I entertain that belief, I will concede for the purpose of argument that the gentleman from Texas is right, but even at that, we have Government operation. This bill sets up the Muscle Shoals Corporation of the United States. It will function at the first meeting of its board of directors. It is charged in this legislation with the commencement in 1931, within the next 10 months, of the construction of Cove Creek Dam. Do you appreciate what the construction of Cove Creek Dam means? It means the expenditure of $40,000,000. There will be authorized by the terms of the compromise bill all money that may be necessary to carry out the purposes of this corporation.

The compromise bill authorizes the appropriation of the sum of $10,000,000 immediately, of which $2,000,000 shall be available for expenditure during the next 10 months. The construction of Cove Creek Dam means the acquisition of 60,000 acres of land for the flowage area of the dam. Just what that means is set out in section 16 of the bill. It authorizes this corporation at Cove Creek to negotiate and conclude contracts with States, counties, municipalities, and all State agencies, and with railroads, railroad corporations, common carriers, and all public utility commissions, and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this act. When said Cove Creek Dam and transportation facilities and powerhouse shall have been completed, the possession, use, and control thereof shall be entrusted to the corporation for use and operation in connection with the general Muscle Shoals project and to promote flood control and navigation in the Tennessee and in the Clinch Rivers.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. COCHRAN] has expired.

Mr. WURZBACH. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Speaker, and ladies and gentlemen of the House, the pending bill, agreed on by conferees, is a compromise of the divergent views of the House and Senate, and, while it probably does not represent the full views of any single Member of this body, yet the keen interest felt by the Members from the agricultural States of the South in the passage of the bill, as reported, is based on their confident expectation that it will be of real service to agriculture. They have given long and serious study to it from that viewpoint, and are, I think, of one opinion, that the bill, in its present form, does promise more for agricul-

ture than any bill that has been considered by this Congress in reference to the solution of this problem. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. WURZBACH. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Speaker, with reference to the provision to pay to the States of Alabama and Tennessee 5 per cent of the gross proceeds from power generated at the dams, may I say that this provision follows the precedent set in the payment of money by the Federal Government to the public-land States of the West, in view of the fact that the public lands are not subject to taxation by those States.

This conference report is not all that I would have it. I take it that it is not all that any Member of this House would have it. It is a compromise, and I am sure that it does not fully meet the views of any of us. We know, however, that practically all great legislation is a compromise. For 10 years the Republican Party has had the control of the Government and has failed to make disposition of Muscle Shoals. For 10 years this party has delayed and dawdled with this great project until to-day this failure to make proper disposition of Muscle Shoals stands as an indictment against the party, a legislative crime and a national disgrace. I believe that if this conference report be enacted into law it will mean mass production of nitrates at Muscle Shoals for the defense of the country and for the benefit of agriculture. I believe that a sincere administration of this conference report, if it be enacted into law, will carry out the purposes for which Muscle Shoals was built and will mean real relief to the farmers of our country in the matter of the cost of their fertilizers.

Before the World War all of the great nations of the world were importing their nitrogen from Chile in the form of Chilean nitrate. To-day all of the great nations of the world with the notable exception of the United States and Russia are taking the nitrogen from the air and fixing it in mass production. They have freed themselves from any dependence upon Chile or any other foreign nation for their nitrogen, and they have done it by their respective governments aiding and helping their nitrogen industry. Last year while the United States was forced to import 239,500 tons of nitrogen and while she imported over 1,000,000 tons of Chilean nitrate from Chile, Great Britain, Belgium, Germany, France, Czechoslovakia, Italy, the Netherlands, Chile, Norway, and Poland entered into a world cartel or world monopoly to control the price of nitrogen throughout the world and to force the United States and particularly the farmers of the United States to pay whatever price for nitrogen this cartel might see fit to fix.

Mr. C. J. Brand, the secretary of the National Fertilizer Association of the United States, in a letter written to Members of Congress on January 3, 1931, tells of the formation of this cartel. In this letter Mr. Brand states:

> The cartel is empowered at intervals of from 6 to 10 months to fix prices. * * *

Under this cartel we find the Chilean Government paying this year approximately $2,500,000 to Germany and Great Britain to get them to reduce their output of nitrogen so that Chile can continue to charge the farmers of the South an exorbitant price for their nitrogen, and, of course, the farmers of the South are paying the $2,500,000.

The nations of Europe recognize that there are only two great forces that destroy national life—the one an invading army and the other the depletion of the soil. Strange as it may seem, by Divine Ordinance the element which is used to destroy life is the element which gives life. The nitrogen which makes the gunpowder also brings forth the products of the field. These nations recognizing this fact have made themselves independent of any other nation for their supply of nitrogen.

We hear much talk to-day and there are a number of bills pending in Congress to provide new and additional battleships, to modernize old battleships, and to greatly augment the strength of our Navy. There is not a battleship, a fort, an airplane, or a gun that is worth anything at all to us unless we have the nitrogen to make the ammunition to fire the gun. If we were to go to war to-day, we would have to send our ships over 3,000 miles to Chile to secure the nitrogen absolutely necessary to wage war. If we were unable to keep our lines of communication open with Chile or if Chile were to assume a neutral attitude and refuse to sell us nitrogen, we would stand helpless before the enemy.

Muscle Shoals was built that we might have nitrogen for our Army and Navy in time of war and for fertilizers for our farmers in time of peace. It stands idle to-day while we stand unprepared to defend our country against a foe. It stands idle while the farmers of the South are forced to pay an export tax of $12.53 for every ton of Chilean nitrate imported from Chile and to contribute thereby 25 per cent of the annual cost of the operation of the Chilean Government. It stands idle while the farmers of the South pay 20 cents a pound for their nitrogen when they should be able to buy it for not over 10 cents per pound. It stands idle while the farmers of the South must pay a fertilizer bill of 1.93 cents for every pound of cotton they produce. It stands idle while the farmers of the country pay out each year over $300,000,000 for their fertilizers when these same fertilizers should be bought for not over $150,000,000. It stands idle while Germany sends to Florida, gets phosphate rock, ships it from Florida to Germany across the Atlantic Ocean, then 150 miles up a canal, then carries it 100 miles over a small railroad, then crushes it, mixes it with nitrogen and potash and sends it back for the farmers of this country to pay for it whatever price the world nitrogen monopoly sees fit to fix.

I urge this House to adopt this conference report and put an end, in so far as it can, to this intolerable and un-American condition.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. WURZBACH. Mr. Speaker, I yield one minute to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Speaker, this report does not agree with my personal and individual method of solving the matter, but I realize that I can not have my way entirely, and in order to settle this matter I am willing to go the other man's way a little piece, and for that reason I am going to support it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from South Carolina has expired.

Mr. WURZBACH. Mr. Speaker, I yield one minute to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Speaker, I sincerely trust that the House will agree to the conference report and finally dispose of the Muscle Shoals controversy and put this great natural resource to work in the interest of the people.

For ten years I have seen this battle waged in Congress. The destinies of Muscle Shoals, in a way, were linked with those of the Boulder Dam project, in which I was greatly interested. The same powerful forces that were fighting my project were at the same time making common cause against this project. The Federal Trade Commission, in its official investigation of the power companies, exposed the great campaign that had been staged behind the scenes to defeat both the Boulder Dam project and Muscle Shoals. Several million dollars were expended, with agencies being set up in nearly every State in the Union, to carry on an active and intense propaganda, in an effort not only to mislead public opinion at large but to corrupt the free press of the country and to even enter the public schools to distort the teachings of college professors. The exposure of the insidious and deceptive propaganda resulted in a natural revulsion of public opinion and was one of the contributing causes to the final passage of the Boulder Dam legislation.

That project is now an accomplished fact. All the dire predictions, all the pessimistic forecasts indulged in against it by its enemies have been proven untrue. Even the power corporations, finding that they could not kill that project, have eagerly sought an opportunity to avail themselves and their customers of some of its benefits.

So, too, the dismal forecasts against this great Muscle Shoals project will be proven to be but fog, produced by prejudiced minds for the purpose of confusing Congress. From the beginning to the end of this long debate we have heard the recurring cry of socialism and the protest against the Government going into the business. I decline to be influenced by catch phrases and desire to know only what are the facts.

The phrase, "Keep the Government out of business," is but a half truth, taken from the slogan of the Chamber of Commerce of the United States, "Less government in business and more business in government." The last half of this slogan is to me as important as the first half.

Let us decide this question with the same business sense and business judgment that a private agency would use if it were responsible for the successful operation of these physical properties. We must start with the situation as it exists to-day, and that is that the United States Government has expended more than a hundred million dollars in the development of this great project, which to-day and for years past has been idling, although by it runs the great Tennessee River, capable of producing a great amount of energy that is badly needed and can be put to a beneficial use for the people of the South if not of the whole country.

Congress has become a byword in connection with this great project through its seeming incapacity and inability to take definite action to dispose of this controversy. But Congress is not to blame.

I have seen behind the scenes and know of the powerful forces that have struggled to keep Congress from making a right decision. On the one hand is the great Fertilizer Trust, seeking to get this property which belongs to the whole people for their special benefit. On the other hand are the 13 power corporations of the South, linked together in a combine, first, to prevent the Government from making the hydroelectric power of this project available to the cities and industries of the South and, secondly, to secure the properties for their own use at a mere fraction of its actual value. Between these two gigantic forces action in Congress has been stranded for 10 years.

I am not an extremist in denouncing the power corporations and fertilizer companies. One of the most conservative Members of the House, the gentleman from New York [Mr. SNELL] a man who at one time was himself engaged in the power business, has verified the fact that there is just grounds for criticizing these agencies. Speaking before the House on May 9, 1928, he said:

> I think I might say right here that I am gravely disappointed that the business interests of the country, representing the power companies and fertilizer companies, have not been more helpful in trying to solve this problem. I think they are deserving of criticism in that they have not come forward with some concrete, constructive suggestion.

The gentleman from New York then proceeded to explain his own resolution, House Joint Resolution 294. Much has been said in this present debate that the conference report will permit of the Government building transmission lines and that is denounced as un-American and as socialistic, putting the Government into business. But if we are confronted with powerful and selfish private interests who are undertaking to get valuable property belonging to the people at only a fraction of its value we must make certain that the Government agency which has charge of the disposal of this property shall be equipped with ample power to meet any situation that may confront it and defeat any effort to throttle competition or compel the Government to give away the people's property. The gentleman from New York, in section 5 of his bill, found it necessary and desirable to include this language with reference to transmission lines:

> In order that the President may be in a position to consider all bids for the sale of power, authority is hereby exprssly granted for the construction or lease of transmission lines in any direction from said dam and steam plant either from appropriations made by Congress or from funds secured from the sale of power.

The foregoing language is nearly word for word the language used in the pending proposal, except "the board" is substituted for "the President." In defense of his proposal the gentleman from New York stated:

> Section 5 does provide that the Government may lease or build transmission lines, if it is not possible to get a reasonable bid for the power at the switchboard. That protects us so we can not be held up by the Alabama Power Co., which company now owns or controls all of the available transmission lines that lead to Muscle Shoals.

That exact situation exists to-day and unless we are to hogtie the Federal agency to whom we turn over these physical properties and condemn that agency in advance to failure, we must give to it the same power and same authority that the gentleman from New York was willing to give it in the Seventieth Congress. The gentleman from New York then took the same position as I do now, that we are confronted with a condition and not with a theory. He closed his remarks at that time with a statement:

> I am not in favor of any kind of Government ownership or operation, but the Government has this property and it is incumbent upon us as directors of this corporation to make some disposition of this property.

I am not prepared at this time to vote to have my Government take over the power business of the country, but I am determined that the power business shall not take over the Government of the country. If I must choose between the two, I will stand with my Government. When I am confronted with the arrogance and the cupidity of private corporations who are insisting that the natural resources of the country be turned over to them, whereby they can make profit out of the people by using the people's property, then I insist that we who are supposed to legislate in the interests of the people shall take some such action as is being proposed here to-day, and direct that the wishes and desires of both the power trust and the fertilizer trust be ignored and that the interest and welfare of the people only be considered.

Mr. Speaker, for 10 years we have debated the Muscle Shoals proposition, doing nothing. Now we have presented a proposition to turn it over to a business agency, the directors of which are to be appointed by the President, with the usual powers that are given to an agency that is going to operate a business property.

I certainly hope we may finally at the end of 10 years, stop being a "do-nothing Congress," and put this great natural resource to work and permit it to earn for the South those dividends and benefits which it ought to return to the South. [Applause.]

Mr. RANSLEY. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. O'CONNOR].

Mr. O'CONNOR of Oklahoma. Mr. Speaker, I am opposed to the Government going into business, because the Government can not do business successfully. In the other end of this building, where sits "the greatest legislative body in that end of the Capitol," there is a restaurant operated by the Government at which I ate the other day, and I understand they lost $76,000 last year. If the Government can not run a restaurant or can not run a barber shop, how are they going to operate successfully an enterprise of this magnitude? [Laughter and applause.]

The trouble with this delayed proposition is, if we used more brains and less muscle, we would not have been on the shoals so long. If this is the best farm-relief measure that was ever passed, that is not saying much for it, because so far we have not done very much of anything in successful farm-relief legislation.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. WURZBACH. Mr. Speaker, I yield eight minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES of Michigan. Mr. Speaker, I am primarily interested in Muscle Shoals from the standpoint of national defense. I am not interested in "power." In fact, I have never been interested in "power." Any time I have made a statement regarding Muscle Shoals or made a report from the subcommittee or the whole committee, or spoken on this floor, I said I was in favor of the solution of Muscle Shoals from only one angle, namely, the angle of national defense

I am interested in fertilizer because I realize that to have a good plant in time of war it is necessary to have a going concern. Therefore I want to see the plant operated in time of peace for fertilizer.

Not only for fertilizer—because our plant will be a "going concern"—but because we promised the farmer in 1916 that we were going to give him fertilizer in time of peace. Let us fulfill our promise.

I was the chairman of every subcommittee that considered Muscle Shoals, except when I was ill last year. I was vice chairman of the joint congressional committee in 1926. Senator DENEEN was campaigning for Senator McKinley, and I conducted all the hearings and acted as chairman while we carried on the negotiations with the bidders that came before us. We could have leased Muscle Shoals years and years ago if we had been willing to accept a lease by which the Government would have no adequate protection. I had an opportunity to introduce the "Madden" bill. Mr. Madden did not introduce his bill either time until he and I had several discussions and agreed on the amendments that were necessary in order to have his bill come out of our committee. One was that in case we turned it over to some one and he "fell down" on his lease, all the power came back to the Government. However, we have never been able to get that kind of a lease. Neither do I think Congress will ever be able to secure a lease that will protect the interests of the United States.

This plant is not obsolete. I have been there three times. A year ago I spent three days looking over all the Muscle Shoals properties. I had no citizens take me around, but I did have Government men go with me. I repeat that plant is not obsolete. In all the years we have been trying to lease that plant nobody has tried to lease it for any other method except the cyanamide method. No one has ever made a real offer to use any other method. I sat across the table from representatives of the American Cyanamid Co. in 1926, in 1927, in 1928, and 1929, and the cyanamide method was the method they intended to use in case they secured a lease from us.

They talk about the buildings there being out of date and no good. As I say, I spent three days there and inspected every building thoroughly. The plant was built by one of the best concerns in the United States, J. G. White & Co. As I went through those buildings, it seemed to me as though the people who built those buildings during the war—the J. G. White Co.—built them as good as if they were expecting that when the war was over they would in 5 or 10 years get them back. There was not a single flaw in any building except in the power plant at No. 2, and that was only a slight flaw. There is not a single piece of machinery in either nitrate plant that was built by a shoddy concern. It was all built by the General Electric Co., the Westinghouse, Ingersoll Rand, and concerns of that kind. That plant is in such shape that inside of three or four weeks after a war might be declared we could take it over after spending $80,000 and manufacture nitrates with which to furnish ammunition for 1,400,000 men—which is a very large army in itself. That would mean that boats which would otherwise have to go to Chile and come back could be used to transport our soldiers. This is not as good a bill as I would like to see, but the best we can get at this time.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. JAMES of Michigan. Yes; I yield to my colleague.

Mr. HILL of Alabama. Is it not a fact that before the World War every great nation in the world was dependent upon Chile for nitrates, and that to-day, with the exception of the United States and Russia, all of these great nations have their own nitrate plants and are independent of any foreign country whatever for their nitrates?

Mr. JAMES of Michigan. That is true. Under the conditions of this bill the President has less restrictions on him in making a lease than any committee of Congress ever had. I feel, therefore, that the President is going to be able to make a lease. If he leases it there is going to be no surplus power to sell to anyone for 50 years. There is only 88,000 primary horsepower at Dam No. 2. If we build the Cove Creek Dam that horsepower will be doubled. All that power will be needed—and more—to manufacture 40,000 tons of nitrate, which would mean 2,000,000 tons of 2–8–2 fertilizer. It will take all of the electrical output of Cove Creek Dam and of Dam No. 3 and the Wilson Dam, as well to manufacture 2,000,000 tons of 2–8–2 fertilizer.

We had Mr. Bell before us and time after time Mr. Bell said that in order to manufacture 2,000,000 tons of 2–8–2 fertilizer, which is the capacity of this plant, it would take 280,000 horsepower. You can not get 280,000 horsepower unless you build the Cove Creek Dam and Dam No. 3.

As I say, I am talking now simply about the national defense part of this property, and I am firmly convinced in my mind that the President can make a lease under the present bill. [Applause.] That means that as far as power is concerned it is out of the picture for 50 years, and for that length of time Muscle Shoals will be a national defense and a fertilizer proposition.

I sincerely hope, gentlemen, you will stand by the four House conferees. [Applause.]

The SPEAKER. The question is on agreeing to the conference report.

Mr. QUIN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 216, nays 153, answered "present" 1, not voting 61, as follows:

[Roll No. 34]

YEAS—216

Abernethy	DeRouen	James, N. C.	Prall
Adkins	Dickinson	Jeffers	Quin
Allgood	Dominick	Johnson, Ill.	Ragon
Almon	Dorsey	Johnson, Okla.	Rainey, Henry T.
Andresen	Doughton	Johnson, Tex.	Ramspeck
Arnold	Dowell	Jones, Tex.	Rankin
Aswell	Doxey	Kading	Rayburn
Auf der Heide	Drane	Kelly	Reece
Ayres	Driver	Kemp	Reilly
Baird	Dyer	Kerr	Rutherford
Bankhead	Edwards	Ketcham	Sanders, Tex.
Barbour	Englebright	Korell	Sandlin
Black	Eslick	Kvale	Schafer, Wis.
Blanton	Evans, Mont.	LaGuardia	Schneider
Bloom	Fish	Lambertson	Sears
Box	Fisher	Lanham	Selvig
Boylan	Fitzgerald	Lankford, Ga.	Shaffer, Va.
Brand, Ga.	Fitzpatrick	Lea	Short, Mo.
Brand, Ohio	Frear	Leavitt	Simmons
Briggs	French	Lindsay	Simms
Browne	Fuller	Lozier	Sinclair
Browning	Fulmer	Ludlow	Sloan
Brunner	Gambrill	McClintock, Ohio	Smith, Idaho
Buchanan	Garber, Okla.	McCormack, Mass.	Smith, W. Va.
Buckbee	Garner	McDuffie	Somers, N. Y.
Burtness	Gasque	McLeod	Sparks
Busby	Gavagan	McMillan	Speaks
Butler	Gibson	McReynolds	Sproul, Kans.
Byrns	Glover	McSwain	Steagall
Campbell, Iowa	Goldsborough	Mansfield	Strong, Kans.
Canfield	Goodwin	Mapes	Summers, Wash.
Cannon	Granfield	Mead	Sumners, Tex.
Carter, Wyo.	Green	Menges	Swing
Cartwright	Greenwood	Michener	Tarver
Christgau	Gregory	Miller	Taylor, Tenn.
Christopherson	Griffin	Milligan	Thatcher
Clague	Guyer	Montet	Underwood
Clancy	Hall, N. Dak.	Mooney	Vincent, Mich.
Cochran, Mo.	Halsey	Moore, Ky.	Vinson, Ga.
Collier	Hardy	Morehead	Wainwright
Collins	Hare	Mouser	Walker
Condon	Hastings	Nelson, Mo.	Warren
Connery	Haugen	Nelson, Wis.	Welch, Calif.
Cooper, Tenn.	Hickey	Norton	Whitehead
Cooper, Wis.	Hill, Ala.	Oldfield	Whittington
Cox	Hill, Wash.	Oliver, Ala.	Williamson
Craddock	Hoch	Oliver, N. Y.	Wilson
Crail	Holaday	Owen	Wingo
Crisp	Hope	Parks	Woodruff
Cross	Howard	Parsons	Woodrum
Crosser	Huddleston	Patman	Wright
Cullen	Hull, Tenn.	Patterson	Wurzbach
Davenport	Hull, Wis.	Peavey	Yon
Davis	James, Mich.	Pittenger	Zihlman

NAYS—153

Ackerman	Bolton	Clark, Md.	Culkin
Allen	Bowman	Clarke, N. Y.	Dallinger
Andrew	Brigham	Cochran, Pa.	Darrow
Arentz	Britten	Cole	Dempsey
Bachmann	Brumm	Colton	Denison
Bacon	Cable	Connolly	De Priest
Beck	Campbell, Pa.	Cooke	Douglas, Ariz.
Beedy	Carter, Calif.	Cooper, Ohio	Doutrich
Beers	Chalmers	Coyle	Dunbar
Blackburn	Chindblom	Cramton	Eaton, Colo.
Bohn	Chiperfield	Crowther	Eaton, N. J.

Ellis	Hull, Morton D.	Merritt	Stafford
Erk	Hull, William E.	Moore, Ohio	Stalker
Estep	Irwin	Morgan	Stobbs
Esterly	Jenkins	Murphy	Strong, Pa.
Evans, Calif.	Johnson, Nebr.	Nelson, Me.	Sullivan, Pa.
Fenn	Johnson, Wash.	Niedringhaus	Swanson
Finley	Jonas, N. C.	Nolan	Taber
Fort	Kahn	O'Connor, Okla.	Temple
Foss	Kearns	Palmer	Thurston
Free	Kendall, Ky.	Palmisano	Tilson
Freeman	Kendall, Pa.	Parker	Treadway
Garber, Va.	Kinzer	Pratt, Ruth	Turpin
Gifford	Kopp	Pritchard	Underhill
Golder	Kurtz	Purnell	Vestal
Goss	Langley	Ramey, Frank M.	Wason
Hadley	Lankford, Va.	Ramseyer	Watres
Hale	Leech	Ransley	Welsh, Pa.
Hall, Ill.	Lehlbach	Reed, N. Y.	White
Hall, Ind.	Letts	Rich	Whitley
Hancock, N. Y.	Linthicum	Robinson	Wigglesworth
Hawley	Loofbourow	Rogers	Wolfenden
Hess	Luce	Sanders, N. Y.	Wolverton, N. J.
Hogg, Ind.	McCormick, Ill.	Seger	Wolverton, W. Va.
Hogg, W. Va.	McFadden	Selberling	Wood
Hooper	McLaughlin	Shott, W. Va.	Wyant
Hopkins	Maas	Shreve	
Houston, Del.	Manlove	Snell	
Hudson	Martin	Snow	

ANSWERED "PRESENT"—1

McKeown

NOT VOTING—61

Aldrich	Graham	Magrady	Sproul, Ill.
Bacharach	Hall, Miss.	Michaelson	Stevenson
Bell	Hancock, N. C.	Montague	Stone
Bland	Hartley	Moore, Va.	Sullivan, N. Y.
Burdick	Hoffman	Newhall	Swick
Carley	Hudspeth	O'Connor, La.	Taylor, Colo.
Celler	Igoe	O'Connor, N. Y.	Thompson
Chase	Johnson, Ind.	Perkins	Timberlake
Clark, N. C.	Johnson, S. Dak.	Pou	Tinkham
Corning	Johnston, Mo.	Pratt, Harcourt J.	Tucker
Dickstein	Kennedy	Reid, Ill.	Watson
Douglass, Mass.	Kiefner	Romjue	Williams
Doyle	Knutson	Rowbottom	Yates
Drewry	Kunz	Sabath	
Elliott	Larsen	Sirovich	
Garrett	McClintic, Okla.	Spearing	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. McKeown (for) with Mr. Graham (against).
Mr. Clark of North Carolina (for) with Mr. Aldrich (against).
Mr. Johnson of South Dakota (for) with Mr. Igoe (against).
Mr. Drewry (for) with Mr. Johnson of Indiana (against).
Mr. Romjue (for) with Mr. Harcourt J. Pratt (against).
Mr. Kiefner (for) with Mr. Reid of Illinois (against).
Mr. Hall of Mississippi (for) with Mr. Magrady (against).
Mr. Williams of Texas (for) with Mr. Timberlake (against).
Mr. O'Connor of New York (for) with Mr. Sproul of Illinois (against).
Mr. Corning (for) with Mr. Burdick (against).
Mr. Celler (for) with Mr. Perkins (against).
Mr. Sullivan of New York (for) with Mr. Bacharach (against).
Mr. Carley (for) with Mr. Yates (against).
Mr. Tucker (for) with Mr. Elliott (against).
Mr. Moore of Virginia (for) with Mr. Chase (against).
Mr. Kennedy (for) with Mr. Hoffman (against).
Mr. Garrett (for) with Mr. Swick (against).
Mr. Larsen (for) with Mr. Watson (against).
Mr. Dickstein (for) with Mr. Tinkham (against).
Mr. Pou (for) with Mr. Michaelson (against).

Until further notice:

Mr. Knutson with Mr. Bland.
Mr. Johnston of Missouri with Mr. Stevenson.
Mr. Newhall with Mr. Sabath.
Mr. Stone with Mr. Hancock of North Carolina.
Mr. Thompson with Mr. McClintic of Oklahoma.
Mr. Douglass of Massachusetts with Mr. Bell.
Mr. Sirovich with Mr. Taylor of Colorado.
Mr. Spearing with Mr. Doyle.
Mr. Kunz with Mr. O'Connor of Louisiana.

Mr. McSWAIN. Mr. Speaker, I am requested to announce that the gentleman from Texas, Mr. GARRETT, is ill at his home and unable to be present. If present he would vote for the conference report.

Mr. McKEOWN. Mr. Speaker, I would like to know if the gentleman from Pennsylvania, Mr. GRAHAM, voted.

The SPEAKER. The gentleman did not vote.

Mr. McKEOWN. Then, Mr. Speaker, I withdraw my vote of "aye" and answer "present."

Mr. LANKFORD of Georgia. Mr. Speaker, my colleague the gentleman from Georgia, Mr. LARSEN, is ill and not able to be present. If present he would vote for the conference report.

Mr. CLARKE of New York. Mr. Speaker, I am requested by my colleague the gentleman from New York, Mr. HARCOURT J. PRATT, to say that if he were present he would vote "no."

Mr. CHINDBLOM. Mr. Speaker, the gentleman from Illinois, Mr. SPROUL, is absent on account of illness. If present, he would vote "no."

Mr. DOXEY. Mr. Speaker, my colleague the gentleman from Mississippi, Mr. HALL, is absent on account of illness. If present, he would vote for the conference report.

The result of the vote was announced as above recorded.

On motion of Mr. WURZBACH, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MUSCLE SHOALS

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the question under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama [Mr. BANKHEAD]?

There was no objection.

Mr. RICH. Mr. Speaker, ladies and gentlemen, I voted "no" in reference to Senate Joint Resolution 49, to provide for a national defense by the creation of a corporation for operation of Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes, for the reason that I am not in favor of putting the Government into business in competition with its citizens. The first law of our land should be to permit the citizens of this country to operate the business interests regardless of what they might be, and when I vote to put the Government into business in competition with its citizens by this bill I am only working against the principle of freedom of the American people.

It is true, however, that under certain conditions Government supervision of business is a fine thing in order that the public should receive protection from unscrupulous business interests. We have had examples in the past years of the Government in business, and it only requires me to cite the Government operation of the railroads and Government operation of the Shipping Board, which has cost this country millions and millions of dollars, to show that politics and business do not work together.

I was interested in listening to all the arguments pro and con for the operation of Muscle Shoals under this joint resolution, and I am convinced that it would be much better for this country to give this proposition to the State of Alabama and Tennessee free of charge rather than to go into the proposition of operating same on the basis which this joint resolution proposes. We will spend $240,000,000 in the proposition besides eventually losing money each year on the operation of same.

Why should the States of Alabama and Tennessee receive 5 per cent of the gross income if it were operated by the United States Government? There might be some merit if they were to receive 5 per cent of the net income and would have some ring of business if it had been stated thus. We have been informed by good authority that the nitrate plants that were built for the purpose of generating nitrates during the war, and, owing to the fact that there has been much progress made in the development of nitrates, these plants are antiquated. This is given on good authority. If that is the case, you can figure out for yourself that it would only be a source of great expenditure and would not alleviate the farm situation by giving them cheap nitrates, as we are led to believe.

Rather than place the Government in this particular business, which is wrong in principle, I hope that legislation is proposed by this Government to sell to the States of Alabama and Tennessee this proposition. And if an agreement can not be had wherein they will purchase it, I would prefer voting to give it to these States free of charge rather than to have enacted the legislation as proposed by the joint resolution.

Mr. GLOVER. Mr. Speaker, ladies, and gentlemen, we are to-day considering the conferees' report on Muscle Shoals, which has been in conference for several months on a disagreement between the Senate and the House on this very important legislation. I am glad to know that the conferees have now reached an agreement and I hope this conference report will be adopted by the unanimous vote of this House.

Muscle Shoals was acquired by the United States Government in 1916 and was to be used in time of war for national defense and in time of peace for the manufacture of nitrogen for fertilizer and to be an aid and benefit to agriculture. The passage of this bill, if it is signed by the President and becomes a law, is one of the best farm-relief measures that has been considered by this Congress, as better and cheaper fertilizer is the greatest need of the American farmer to-day. The demand for fertilizers is increasing as the soil is being exhausted by continued growing of our various crops.

The price of fertilizers has also increased until it is now almost prohibited. Muscle Shoals plant furnishes the only relief. The nitrogen plant at Muscle Shoals is one of the largest and best in the world. Germany and other European countries have used their war nitrogen plants for the benefit of the agriculture and have been so successful that Germany no longer imports Chilean nitrates but has become a large exporter of nitrogen and fertilizers. We should do the same without further delay. At least at this plant we should produce all of the nitrogen that is necessary to go into the making of fertilizers that will be needed in the United States.

The putting to use and operation of this plant will not be local in its effect, but will be nation-wide, and will be felt by the people engaged in agriculture throughout the United States.

It has been shown by testimony before the committee that the price of fertilizer made at Muscle Shoals will control the price of all fertilizer used in this country. It should reduce the price of fertilizer to the farmers at least one-third. We, the Members representing the Southern States, have voted for reclamation projects, the Hoover Dam, and for things which New England has been especially interested in, and we now appeal to all the Members of the House from every section to support this measure, not because it is local, but because it will be of great interest to them and their constituents. It will benefit the farmers from Maine to California by giving the reduced price in fertilizer.

By the operation of the Muscle Shoals properties as provided for in this bill it will do away with a waste of power and will put the same to use for the people of the United States. It will produce a large income to the Government and give work to thousands of men. So it serves a double purpose of being of great benefit to agriculture and also to aid to some extent the unemployment situation.

It is claimed by some in the arguments that this plant should not be Government owned and controlled. It is now and has been since the day of its purchase Government owned and Government controlled. It is not putting the Government in business at all.

The present President of the United States is quoted in the RECORD as stating in a speech he made in 1928 at Elizabethtown, Tenn., when he was a candidate for the Presidency, as follows:

> There are local instances where the Government must enter the business field as a by-product to some great major purpose, such as improvement in navigation, flood control, irrigation, scientific research, or national defense. But they do not vitiate the general policy of private ownership to which we would adhere.

Certainly such language as this coming from the President of the United States, he could not now by a sudden change of mind oppose the development and operation of Muscle Shoals, which is owned and controlled by the United States Government.

Let us first discuss this question of Muscle Shoals as a nitrogen plant for national defense. There is now no farsighted nation who would depend upon another nation for its nitrogen in time of war, and each of them have provided themselves with nitrogen plants as a matter of national defense. Should the United States be without a nitrogen plant with all of its great wealth and the great territory it has that must be protected from the invasion of an enemy?

We hope the time will never come when we shall be plunged into another war, but we might be as suddenly as we were thrown into it in the last war. If that time should ever be, then we would have this great nitrogen plant in operation and it could be diverted to the use of the defense of the Nation at a moment's notice. Who can offer a reasonable argument against its being kept and used for that purpose as a matter of national defense? I answer, No one can make an argument that will stand the test of reason against it.

Not only will the operation of Muscle Shoals preserve this plant for national defense and have the manufacture of cheap fertilizer, but it will also aid in navigation and flood control, which is now one of the greatest questions that confronts our Government.

With the great and growing population that we have in the United States we must necessarily keep pace in the production of the necessary foods to feed them at the lowest possible cost of production. The farmers of the South are to-day up against this situation. They, with the high cost of fertilizer and the high expense that it is necessary for them to meet in making a cotton crop, can hardly sell the crop for more than the actual cost of production.

We frequently see in the press statements about an overproduction of foodstuffs in the United States. It is not an overproduction, it is an underconsumption rather than an overproduction. In other words, it is my contention that if everybody were properly fed as they would like to be, and properly clothed as they should be, then there would be no surplus to deal with. The trouble now is it is not properly distributed and the opportunities for making the necessary money for purchase of the necessities of life are not as they should be.

The unemployment situation in the United States now is in a deplorable condition. When we have 5,000,000 men out of employment who want work and can not find it, it is a horrible condition to think of. This condition is not brought about by one cause alone. There are many things that are contributed to the bringing of this about.

Of course, the drought situation has entered into this question to some extent in the South, but that is only local, and the unemployment situation is general throughout the United States. It is my opinion that after the Smoot-Hawley tariff bill was passed by this Congress, which is the highest protective tariff that was ever known in this Nation, business was disturbed in a way that I hope to never see it again.

If the President of the United States would send a message to Congress and request a repeal of the Smoot-Hawley tariff law and some amendments to the agricultural marketing act, and let us pass a tariff bill that is just and fair to all the consumers alike and not such as would favor special interests, then we could soon have confidence restored, business would become normal, and the dollar would have the purchasing power it should have.

B STREET NW., IN THE DISTRICT OF COLUMBIA

Mr. COOPER of Wisconsin presented a conference report on the joint resolution (H. J. Res. 404) to change the name of B Street NW., in the District of Columbia.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14246) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15593) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes," and had agreed to the amendments of the House to the amendments of the Senate numbered 30, 32, 40, 44, 48, and 74 to said bill.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16738) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes," and had agreed to the amendment of the House to the amendment of the Senate numbered 36 to said bill.

The message also announced that the Senate had agreed to the amendments of the House to the amendments of the Senate Nos. 130 and 131 to the bill (H. R. 15256) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 14922) entitled "An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc.," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAPPER, Mr. KEAN, and Mr. KING to be the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 404) entitled "Joint resolution to change the name of B Street NW., in the District of Columbia."

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WASON presented a conference report on the independent offices appropriation bill (H. R. 16415) for printing under the rule.

PATRICK P. RILEY

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 506) for the relief of Patrick P. Riley, with a Senate amendment, and agree to the Senate amendment.

The Clerk reported the bill by title and read the Senate amendment, as follows:

> Page 1, line 10, after "Act," insert "or to accrue by virtue of its passage."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was agreed to.

MINIMUM LEVELS FOR UPPER MISSISSIPPI RIVER RESERVOIR LAKES

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the bill H. R. 15600.

The SPEAKER. Without objection, it is so ordered.

Mr. PITTENGER. Mr. Speaker, there is now pending before Congress and before the Committee on Rivers and Harbors a conservation measure of utmost importance to the people of Minnesota. This is a bill (H. R. 15600) introduced by my colleague, the Hon. HAROLD KNUTSON, of Wadena, Minn., on January 5, 1931.

The bill reads as follows:

> A bill to regulate the discharge of water from certain reservoirs at the headwaters of the upper Mississippi River
>
> *Be it enacted, etc.*, That notwithstanding any other provision of law, the Secretary of War (1) shall not permit the discharge of water from the following-named reservoirs below the level herein fixed for each reservoir: Lake Winnibigoshish, plus 6 feet; Leech Lake, plus 1 foot; Pokegama Lake, plus 6 feet; Pine River Chain of Lakes, plus 11 feet; Sandy Lake, plus 7 feet; Gull Lake, plus 5 feet; and (2) shall not permit the water level of Pine River Chain of Lakes Reservoir to exceed plus 16 feet. The levels herein fixed shall be determined for each reservoir with reference to the zero of the United States gage maintained at such reservoir.

While the bill may require some amendments, there can be no question as to the attitude of those people in Minnesota who believe in a policy which will prevent the spoliation of the lake region in our State.

I hope to see this measure enacted into law.

I said that it was a conservation measure. So far as I know, this proposed legislation is the first definite attempt to recognize by law the recreational and other values of our lakes and streams and to announce that it is the settled policy of this Government to prevent their despoliation and to save the lakes from ruin and destruction.

In my congressional district, Lake Winnibigoshish and Lake Pokegama are directly affected by the provisions of this bill. Other lakes in the district represented by my colleague, HAROLD KNUTSON, are also affected by this bill.

Six reservoirs were constructed under an act of Congress passed in 1878, in the upper Mississippi region, and are known as Gull Lake, Pine River Chain of Lakes, Sandy Lake, Pokegama Lake, Leech Lake, and Lake Winnibigoshish.

By means of various dams, the waters in these regions can be stored up and discharged as suits the convenience of the War Department. These dams have been operated under regulations promulgated by the Secretary of War on February 21, 1889.

Under these regulations the storage of the waters and the discharge of the waters have been carried on without regard to the recreational or conservation values of these lakes. As a result, the interests of northern Minnesota have been disregarded in the operation of these dams and the waters utilized for other purposes.

There has been a consistent disregard of the need of any permanent low-water and high-water levels in these lakes.

When I was elected to Congress I found this problem, among many others, confronting me. In May, 1930, the people of Itasca County protested to me against the unlimited withdrawal of waters from Lake Winnibigoshish at that time because of the great damage to the fish in this lake. I was advised that thousands of pike had been trapped in the tributaries of Lake Winnibigoshish, due to a low state of water, with the gates of the dam wide open, making bad matters worse.

At that time I was able to enlist the cooperation of the War Department so that the gates of the dam were closed and the water levels of the lake raised.

Since that time I have personally visited this region and have had called to my attention, first hand, the destruction and waste that have been brought about in the upper Mississippi Lake regions.

I want to protest, Mr. Speaker, against this prevailing argument that the dams and lakes and rivers of this country must be used for navigation purposes and that their recreational and other values are to be thrown in the discard. That policy of our Government is wrong. It ought to be stopped.

I am not taking a position that opposes the utilization of our rivers and lakes for other purposes. I do not claim that the dams should be removed. In fact, I think they serve a highly important purpose. Without these dams there could be no permanent levels maintained and there would be no way to regulate the flow of the water. Both industrial and recreational values of our lakes and streams would suffer without construction and operation of proper dams.

Congressman KNUTSON'S bill recognizes these facts. His bill, if enacted into law, would declare the policy of the Government to be economic utilization to the fullest extent, along with the protection of recreational and other values of these lakes and streams.

There will be vigorous opposition to this bill. There is no doubt about that. Some of the so-called conservationists of Minneapolis and St. Paul who cry loudly for protection of lakes and streams in other sections of Minnesota are gloriously silent in respect to their attitude on Congressman KNUTSON'S bill. Some of them break the silence long enough to oppose the measure. It appears that the lake waters of northern Minnesota can be used in these cities for city purposes and for industrial and power purposes.

Consequently we may expect opposition from people who fear that they will not reap the full benefit of the present policy of ruining our lakes and streams in the northern section of the State.

On December 24, 1930, I discussed proposed legislation in connection with the principles embodied in the above bill, and I quote from the Duluth Herald of that date, as follows:

Plans for minimum water levels for the lakes in northern Minnesota will receive the active support of Congressman WILLIAM A. PITTENGER, according to announcement made by him to-day. He stated that he would actively support the program of legislation proposed by Congressman HAROLD KNUTSON in order that the present War Department regulations may be modified. Claiming that the present arrangement of withdrawing waters from Lake Winnibigoshish and other lakes is haphazard and in the interests of the power companies and other interests of Minneapolis and not necessary to the building of the 9-foot channel, Congressman PITTENGER expressed the hope that the War Department would see the fairness of the claims of the people of Itasca County and other sections who want to protect the lakes from despoliation.

In a statement issued by him this morning he made it clear that he was not opposed to the 9-foot channel. He said:

"I am in entire accord with the plans of Congressman KNUTSON to fix minimum water levels for Lake Winnibigoshish and other lakes in the upper Mississippi region. The present methods and regulations for withdrawing waters from these lakes are haphazard and work to the injury of this territory. While done, presumably, to aid navigation, the power companies and other industries of Minneapolis benefit by the system, to the injury of northern Minnesota. The people of this section have rights as well as other interests. This does not mean that I am opposed to the construction of the 9-foot channel. I have cooperated with persons interested on that project. They have assured me that their purpose is not to do damage to the lake levels. If that is true we ought to have their active support in the legislation proposed by Congressman KNUTSON. It may take years to construct the 9-foot channel. In the meantime let us have some protection. Reasonable plans can be worked out so that the rights of everyone will be recognized."

Every person who believes in saving for the public the recreational and other public values of our lakes and streams is interested in this bill. The principle sought to be established by Congressman KNUTSON is of nation-wide importance and affects every section of the United States where this problem is involved. Those who are interested in this sort of legislation have just two positions that they can take. First, they can take the position that the interests of navigation—whatever that phrase means—and the interests of industries and other organizations are paramount and the United States should continue to permit the use of these waters in total disregard of the damage that is done to their recreational values. I do not concur in this argument or follow those who take that position.

The other position requires that the recreational, fishing, and other uses of the reservoir lakes should be protected, in the interests of the public. I take this position. The passage of legislation embodying the principle of Congressman KNUTSON's bill is the solution to the question.

HUGE GOVERNMENT FLEET PASSES INTO PRIVATE HANDS

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement by J. Caldwell Jenkins, vice president Merchant Fleet Corporation, relating to our merchant marine.

The SPEAKER. Without objection, it is so ordered.

The statement is as follows:

J. CALDWELL JENKINS, VICE PRESIDENT, MERCHANT FLEET CORPORATION, TELLS OF REDUCTION IN APPROPRIATIONS FROM $17,000,000 IN 1928 TO $2,000,000 IN 1932

No other organization at any time in the world's history has had so large a number of vessels under its control as has the Merchant Fleet Corporation, the operating body for the United States Shipping Board. At various times during and since the World War it has had under its jurisdiction, in vessels requisitioned, commandeered, chartered, purchased, seized, and under contract to build, 4,500 ships, of well over 17,000,000 gross tons. Eight years ago this number had been reduced to 1,700. Through sales for operation, for scrapping, and for reconstruction this number has been further reduced until to-day the board has less than 450 ships, including 153 in the corporation's active fleet. Negotiations are now under way for the disposal of many of these.

American foreign trade increased enormously following the war, with the establishment of regular trade routes—increases running from 50 per cent to as high as 380 per cent. For example, in 1914 there were five vessels under the American flag operating to far eastern terminals. To-day the Stars and Stripes fly over 140 ships in that service, and our far eastern trade has grown by 380 per cent.

Since 1924 the United States Shipping Board has been selling these ocean freight services, in which the board had used vessels built for war-time purposes, to private American companies.

At the Fourth Annual Conference on the Merchant Marine, held in Washington recently, J. Caldwell Jenkins, vice president of the Merchant Fleet Corporation, who has been active in the organization's affairs for several years, told of the Fleet Corporation's work. A part of Mr. Jenkins's talk follows:

"The liquidation of the property and functions of the Merchant Fleet Corporation that are of greatest significance to the American merchant marine does not consist in dismantling of ships or suspension of actual ship operation, but consists rather in the surrender to private steamship companies of activities which the Government has heretofore been carrying on. It has been unfortunate in the past that the word "liquidation" has been so universally applied to the work which the Shipping Board was trying to accomplish, because it had a demoralizing effect with those who attached to it the usually accepted meaning of going out of business. It lowered the morale of our personnel and left with the competitor the feeling that we were not going ahead with the things which now we really have accomplished.

"The main business of the Merchant Fleet Corporation until comparatively recently was, therefore, the operation of Government ships over some 38 trade routes as effectively and economically as possible, but from first to last the organization and methods followed by the board were those which it was felt would gradually facilitate the eventual transfer of the vessels and lines to private ship companies.

"Aside from recommending to Congress the passage of legislation which would aid shipping, the main purpose of the Shipping Board and Fleet Corporation were to help the merchant marine get on its feet, first, by establishing services around which there could be built up an active freight and passenger business, and, second, in so organizing its efforts along this line in the process there would be developed shipping companies and personnel experienced and competent to take over the lines when other conditions were such as to permit. In practice the measures taken to assure the development of competent ship operators have to an increasingly large extent been the means by which we have brought the lines themselves to their present state of development.

"The success which the Shipping Board has met with in recent years in the sale of lines is too well known to need detailed treatment. Out of an original number of 38 lines, 25 have been sold or are in process of sale. It will probably be remembered by some that the sale of our lines began as early as 1914, in which year that great pioneer in American shipping, Robert Dollar, bought vessels to establish the round-the-world service and the Grace Co. bought a line of 14 cargo ships.

"A recent arrangement and regrouping leaves the board with 13 lines of 9 operating units involving some 175 vessels. The very success of ship sales efforts in the past have, however, altered the nature of the liquidation problem for the future and made it incumbent upon the corporation to adopt new methods if the process is to be carried forward to completion.

"HIGH EFFICIENCY NECESSARY

"Naturally the more profitable lines were the first to be taken over. All the passenger lines have now been sold and all the lines operating from the Pacific coast. With those remaining the difficulties of getting out of the red figures into the black are greater than formerly, even with the Jones-White mail aid, and an unusually high level of operating efficiency is requisite if the lines are to be made to pay.

"Primarily to encourage greater efficiency and, secondly, because of the savings which it means to the Fleet Corporation itself, and also to stimulate the sale of established lines we have within the last year put into effect what is known as the lump-sum operating agreement. This new agreement and form of operation places the managing operator on a basis as near to ownership as can be without actual title transfer of the lines.

"Now I would like to say a few words in explanation of just what is meant by the lump-sum agreement between the managing agent and the Shipping Board for the operation of Government lines, because I believe that one of its main virtues is that it is the forerunner of liquidation or transfer to private capital.

"Up until about a year ago the established plan of operating Shipping Board vessels involved compensating the managing operator on the basis of a commission on gross freight and passenger revenue, usually 7½ per cent on all outward cargo and 3½ per cent on inward. Although the operator had charge of all details of operation, he had no financial incentive to keep down the cost thereof. A dollar spent which should not have been spent meant no monetary loss to him.

"The only thing that the operator was concerned with beyond his natural pride in the success of the venture was the commissions on cargo obtained, and even this as an incentive was not always adequate to encourage the operator to do his utmost to obtain traffic.

"Even as good as our ship operators are, the mind has not yet reached that degree of efficiency that it can entirely dominate the instincts of mankind, and so with operators, as with the rest of us, self-preservation was the first law of nature.

"The result was that the Merchant Fleet Corporation had to maintain practically a duplicate organization to oversee, check up, and visé almost everything that the operator did. Only a few years ago the Fleet Corporation had a pay roll of over $6,000,000 per annum to do this thing—an overhead that was greater than the total of the overhead of all the operators put together. This manifestly was no longer an ideal way of developing management by private shipping companies, although it had been justified in the earlier days when the problem was one primarily of intensive training and development of American operators who could ultimately become owners.

"So that we set about to formulate some new agreement and operating plan that would put the operator on his own; that would let him conduct the business pretty much as he would do it if it were his own property, and at the same time protect the Government's aims and purposes in every possible respect. This new operating policy completely changed the underlying structure of our operation. It was a radical change which some said was a donation while others called it crucifixion, depending upon the viewpoint. You may be assured that it was well considered before we got started.

"LUMP-SUM AGREEMENT

"The lump-sum agreement abolishes cost-plus commissions, the only financial obligation of the Shipping Board being an agreement to pay a specific lump-sum amount for each of the stipulated number of voyages. The operator must make the voyages at his own expense and must maintain the vessels in a good state of repair within certain limitation. The operator retains all revenues, which, when added to the lump-sum payment, should enable him to cover his expense of operation and administration and earn a fair profit for himself; but if he does not, it is his own loss.

"We have based the lump-sum figure on the prospective gross revenue and operating costs of the lines, taking into consideration their past experience. If, however, the operations reach the point where the operator is making an excessive profit we have reserved the right in the contract to readjust his lump-sum figure accordingly. The result generally is, though, that he comes in and wants to buy before we have a chance to readjust. He is, however, still required to furnish stipulated reports of his operations, which are scrutinized by our experts in order to keep a check on the progress of the operation, and we make periodical inspections of the ships as to upkeep and to make certain that he is rendering specific service to the shippers. But we do not interfere with his business.

"Whatever may be the exact figures arrived at for the lump-sum payment, it always represents a financial saving to the Government. For instance, voyages that approximated under the former plan the total cost of $11,000 are reduced under the present plan to about $7,000 per voyage, representing a saving of $4,000, which is because of our ability to eliminate the large overhead which the Fleet Corporation has had in the past of around 15 per cent of the total cost of operation. We can do this because we no longer need to duplicate the work that the operator is doing for us. We no longer need to tell him whether he can take certain traffic and at what rate, nor do we have to supervise the stevedoring, the maintenance of the ship, the purchase of supplies, or the turn arounds.

"In short, it can be said that even those who were originally most skeptical concerning this agreement are now highly enthusiastic in the face of evident success. The plan is successful also because now the operator is concerned with the money that goes into the operation, for even every nickel that is spent recklessly comes out of his own pocket.

"From the standpoint of liquidation, therefore, the significance of the lump-sum agreement lies, first, in the great reductions which it makes possible in the overhead of the Fleet Corporation; and second, in the more realistic experience which it gives Shipping Board operators and the stimulus which it offers them to put their lines in such shape that they not only can buy them but will be eager to do so. It puts the whole shipping business more fully on private footing.

"In this respect one of the stimulating conditions of the agreement is that the board within its discretion gives the operator the preference in the future sale of the line. What could be sounder than that principle which recognizes that the operating organization which has successfully developed and established the steamship service can best be intrusted with its future management and permanence and to develop the line to a point where it will become a real competitor in the foreign trade. In conformity with this policy, in very recent sales of lines, we have sat across the table with the operator and worked out a sales price based upon the commercial value of the line on a permanent basis, so that the purchaser does not go forth with a millstone around his neck to begin with.

"With the several Government aids held out in support of American owners which will bring about the construction of new and modern vessels, with the growing efficiency on the part of American owners and the increasing patronage by American shippers, we need have no fear for the permanency of these American lines that have been and are being transferred to private hands. All they will need is the support of American shippers, but incidentally I am not one of those who believe that we can wave the American flag and expect that shippers will use American vessels unless they can obtain approximately the same service for the same price. Whenever we have reached that state of efficiency in personnel and in ships which enables us to furnish a service equal to the competitor we should point the finger of scorn at the shipper who does not utilize the American ship and keep it pointed at him until he does ship the American way.

"The transfer of our lines to private capital is merely a beginning. Recently the United States Lines, the show window of the American merchant marine, laid the keels for the first of two of the largest ships ever built in this country. The Dollar Line on the west coast has started building in a real way, and correspondingly the other lines which have been sold by the Government have taken up seriously their future building needs.

"It has been said that money talks. Sometimes the absence of it talks quite as forcibly. By reference to the annual appropriations of Congress for ship operation and expenses of the Merchant Fleet Corporation we find that as late as 1928 Congress appropriated $17,000,000 for ship operation. In 1929 it was $13,000,000, last year it was $10,000,000, and this year it is $6,000,000. For next year we have asked for $2,000,000. After all, that is your liquidation story."

VETO ON LEASED DISTRICT BILL

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

Mr. CARTWRIGHT. Mr. Speaker, I have been informed that President Hoover has vetoed the Choctaw and Chickasaw leased district bill. I must say it is a hard lick and a sad day in American history when the President refuses to let the wards of this great Government refer a local bill to their own court for a report—not a judgment—just a report. Surely the President's advisers did not assume the attitude that if the facts were known the Government would have to pay a just debt. The Indians were merely asking for a finding of facts and a report to Congress.

Why President Hoover did not take the advice of Secretary Hurley, who was born and reared in the old Choctaw Nation and knows the exact situation, seems unexplainable. The following is a report as carried by the Associated Press yesterday and which is self-explanatory:

HOOVER VETOES INDIAN BILL FAVORED BY HURLEY

President Hoover and his Secretary of War, Patrick Hurley, of Oklahoma, may agree completely on matters of national defense, but yesterday they, unwittingly, were far apart on an Indian matter.

Just 18 years ago Secretary Hurley was national attorney for the Choctaw Indian Tribe and was instrumental in securing the introduction of legislation designed to allow payment to the Choctaws for certain land in Oklahoma. The Congress now in session finally got around to passing it. President Hoover yesterday vetoed the bill.

Mr. Speaker, these Indians have not had their day in court. Nothing is settled until it is settled right. This claim has not been settled. I have not quit this fight and will not until these Indians get a square deal.

ARCHIBALD JERARD WEAVER

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a speech I have prepared on the life and character of a former Member of this House, Archibald J. Weaver, a Member of the Forty-eighth and Forty-ninth Congresses.

The SPEAKER. Without objection, it is so ordered.

Mr. SLOAN. Mr. Speaker, on this day of fraternal memory, Members living pause in their hurried deliberations of a closing term to gather in solemn conclave, listen to the softened word of prayer, hearken to music, solemn, sad, and low, and are inspired by eloquent speech which tells of departed friendship, loyalty, and greatness, of those sentient beings who here sat in health, deliberated in concord, strove in debate, and criticized all in the monosyllabic yea or nay.

Knowing well most of those for whom this House mourns to-day, I am as one who attends the obsequies of friends and does not immediately depart; who after eulogy is pronounced, the last sad rite is performed, repairs to the grass-grown grave of another friend and places there a few deserved immortelles, that his proper resting place may be known and his worth recalled.

Those honored to-day passed from the distinction of membership here immediately to their place near the throne.

Archibald Jerard Weaver, a Member from the first district of Nebraska, in the Forty-eighth and Forty-ninth Congresses, served the two biennium for which his constituents called him. He sought no further service here, although his was the word to say yea or nay.

I have long believed that once leaving service in honor here that suitable recognition of former Members' passing should be in our RECORD—the most complete parliamentary record of all time.

Congressman Weaver was of German parentage and first saw the light on April 15, 1843, at Dundaff, Susquehanna County, Pa. His parents had come to neighbor with that sturdy stock, prominent for two centuries, in the Keystone State.

In goods and lands his endowment was small, but in ancestral strains from either side there were rich legacies of brain, brawn, honor, and loyalty. His father died in 1845, leaving a future statesman and jurist, the youngest child of six. He early lightened his widowed mother's burden by making his own way and paying, by work, his expenses in public school and through Wyoming Seminary, of whose faculty upon graduation he became a member.

In this, as in all other stations of life, he improved and adorned it. Three years in the seminary faculty was but one means for discipline, culture, and refinement in preparation for the law.

Here he met Martha A. Myers, who, in 1867, the year of Nebraska's admission to the Union, became his wife. Mrs. Weaver's ancestry were of those whose men battled in the field of revolution and whose women defended the homes against the cruel red men, who made the name of Wyoming at once one of terror and heroism.

His ambition for excellence was such that he did not permit the responsibilities of matrimony nor his limited means to keep him from a full course in the law department of Harvard, which was then, as now, one of the world's greatest universities. He had studied law in the office of Henry Hoyt, afterwards Governor of Pennsylvania. He, with his family, in 1869 came to Falls City, the site of his home and the scene of his many agricultural, civic, professional, and political activities. Falls City had for many years one of the strongest bars in Nebraska.

He was attracted by the rich soil of southeastern Nebraska and invested therein to the extent of his means. The future richly justified his judgment.

His investments, transmitted to his widow and children, have increased in value many fold.

He left a rich heritage to his State in his children—most especially his son, Arthur J. Weaver, who has recently closed a term as Governor of Nebraska, a term which for devotion to duty, strong grasp of public affairs, and the love and affection of all who knew him leaves a record unsurpassed. This son was president of our latest constitutional convention held in 1920. The product of that convention, which was almost unanimously approved by the voters of the State, registered sound progress and a fair measure of conservatism and leaves Nebraska blessed in the character of our fundamental laws.

Hon. JOHN H. MOREHEAD, former governor, now sitting as distant successor in point of time to Congressman Weaver, said of him—

> He was a man of strong personal appearance, high intellectuality, sterling character, in whom his neighbors and the people of his district and State had implicit confidence and trust.

Governor MOREHEAD speaks of the fine family left by this comparatively young man as one of the outstanding Nebraska families not only in the State's notice but in the affection of all the people in his home city.

Congressman Weaver, being the type that he was, equipped mentally and physically as he was, in the formative period of a new State could not have been permitted to follow exclusively his personal interests and ambitions. He was early called to serve in two constitutional conventions, in 1871 and 1875, where his real measure was taken by the State. It apparently destined him to exalted advancements.

For four years he was prosecuting attorney for the first judicial district. Then he served four years as judge of the same district, which district included Fillmore, the county of my continued Nebraska residence. His grasp of public affairs, and his power of presentation, marked him as a fitting representative for the first district, which contained Omaha, the metropolis; Lincoln, the capital; and Beatrice, the State's third city. In each of these were men of high standing and ability. He was always a stanch Republican, standing for its fundamental doctrines, and defending them wherever propriety or good opportunity presented.

In Congress he readily attracted the notice of Republican leadership, and was given in committees opportunity for the exercise and demonstration of his powers.

I shall speak of but one important piece of legislation upon which he made his personal impress, to the extent that many of his colleagues and others in a position to know gave him primary credit for the Interstate Commerce Commission law. In this he took a decided part. True he was then in the minority, but when it came to crystalizing that legislation into law he was one of the House conferees. To name the membership makes it a mark of distinction to have been one.

The conferees of the House were Reagan, of Texas, one of the stalwart Democrats then in Congress; Crisp, of Georgia, afterwards Speaker of the House, and father of our distinguished colleague and Democratic leader, CHARLES F. CRISP. The Senate conferees were Cullom, of Illinois; Platt, of Connecticut, Republicans; and Harris, of Tennessee, Democrat.

In Congressman Weaver's work upon this measure, he demonstrated at once that he stood for wholesome progress, away from the system then of rebates, passes, and discriminations. And, on the other hand, he stood for that conservatism in transportation control which recognizes the public's and individual's right. In this legislation was included a measure and means for that right to be accorded to the poorest farmer or merchant up to the great mine, lumber, and wholesale corporations, whose goods were carried in interstate commerce.

Retiring voluntarily from Congress March 4, 1887, it appeared that the State was about to call him to the senatorship. In the long-drawn-out contest for the seat occupied by Charles H. Van Wyck, Congressman Weaver at one time lacked but one vote of being made the Republican nominee, which would have insured election.

Soon after the legislative contest, on the 18th of April, 1887, pneumonia asserted mastery of that strong frame, and death touched his great life. So he dwelt apart from the wife of his brief and brilliant career, until the 29th of March, 1922, when she joined him—

> In that land far away, 'mid the stars, we are told,
> Where they know not the sorrows of time—
> Where the pure waters wander through valleys of gold,
> And life is a treasure sublime;
> 'Tis the land of our God, 'tis the home of the soul,
> Where the ages of splendor eternally roll—
> Where the way-weary traveler reaches his goal
> On the evergreen mountains of life.

My personal acquaintance with Congressman Weaver was casual and contact infrequent, as those factors are usually numbered. My knowledge was from close reading of his work in Congress and in Nebraska contemporary history, which I then taught. Especially I learned of Judge Weaver from my preceptor, Hon. John Penrose Maule, then of Fairmont, Nebr., who for four years had served as district attorney in the first judicial district, over which Judge Weaver presided. Mr. Maule, like Weaver, was of Pennsylvania stock. In his precepts he talked of legal principles, but more of men and especially judges. Many men from the bench came in for his shaft of wit and sarcasm as well as commendation. But of Judge Weaver he never wearied expressing commendation. The sterling worth of the jurist had deeply impressed the younger lawyer to a point of idealization.

So I came to know Judge Weaver. I had just prior to that time been studying Edmund Burke, who in his matchless English and profound philosophy worded many of literature's best statements. These two passages from Burke seemed to have impressed Maule, as they do me now:

> The cold neutrality of an impartial judge, • • • a disposition to preserve and an ability to improve, taken together would be my standard of a statesman.

He seemed to meet the measure of the Socratic rule:

> Four things belong to a judge. To hear courteously, to answer wisely, to consider soberly, and to decide impartially.

Depth of study and opportunity for application in private, professional, and public life gave to Weaver in Congress and on the bench opportunities for that fine and unerring judgment only possible where the jurist or the statesman subscribes to the dominance of law and the subordination of men. This doctrine and rule of conduct may prevent and break many friendships. It may be an obstacle to advancement in wealth and power. It may remove even from vision, say naught of acquisition, the many prizes of earth dear to the ambitious man. But in the run of a lifetime and the chain of generations it is the best anchor of our Republic's hope.

Well has Hooker said:

> Of law there can be no less acknowledged than that her seat is the bosom of God, her voice the harmony of the world; all things do her homage, the very least as feeling her care, and the greatest as not exempted from her power; both angels and men and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent admiring her as the mother of their peace and joy.

This is the law, and Archibald Jerard Weaver, Congressman and judge, was one of its distinguished disciples.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SPROUL of Illinois, at the request of Mr. CHINDBLOM, for two days on account of illness.

To Mr. KENNEDY, indefinitely, on account of illness.

To Mr. HALL of Mississippi, indefinitely, on account of illness.

To Mr. CHASE, at the request of Mr. LEECH, indefinitely, on account of illness.

To Mr. MONTAGUE, for two days, on account of illness.

ORDER OF BUSINESS—PRIVATE CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Monday it may be in order to take a recess until 8 o'clock p. m., when bills on the Private Calendar, unobjected to, may be considered in the House as in Committee of the Whole, beginning where the last call left off.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Monday it may be in order to recess until 8 o'clock in the evening for the purpose of considering bills on the Private Calendar, unobjected to at the point where the last call left off. Is there objection?

Mr. BLANTON. Reserving the right to object, we are going to have an all-day session to-morrow and also on Monday; can not the gentleman from Connecticut make the night session on Wednesday?

Mr. TILSON. Oh, it will not do to go as late as Wednesday. Let us have Monday night to go on with the Private Calendar. Members are entitled to it.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, there are only a few of us who have to work on this calendar, and it is putting too great a burden on us. I object.

Mr. TILSON. I wish to call the attention of the House to the fact that one Member is ready to obstruct the consideration of bills for his own convenience. I do not think it is fair to others. I ask the gentleman to withdraw his objection so that we may go on with the business of the House.

Mr. BLANTON. I am here at all sessions, both day and night. I want to see how much business will be done to-morrow. Will the gentleman ask for a night session to-morrow night?

Mr. TILSON. I am not asking for to-morrow night, but for Monday night.

Mr. BLANTON. Well, for the present, Mr. Speaker, I object.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 458. An act for the relief of Catherine Panturis;

H. R. 504. An act for the relief of James Earl Brigman;

H. R. 2694. An act for the relief of the widow of Robert Graham Moss;

H. R. 3187. An act for the relief of Agnes Loupinas;

H. R. 7272. An act to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation;

H. R. 9803. An act to amend the fourth proviso to section 24 of the immigration act of 1917, as amended;

H. R. 14246. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 15256. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 15593. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 16110. An act making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 17054. An act to increase the loan basis of adjusted-service certificates.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President for his approval bills of the House on the following titles:

On February 19, 1931:

H. R. 16654. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1932, and for other purposes.

On February 20, 1931:

H. R. 318. An act for the relief of William S. McWilliams;

H. R. 566. An act for the relief of Charles Smith;

H. R. 589. An act for the relief of Abram H. Johnson;

H. R. 780. An act for the relief of George Selby.

H. R. 783. An act for the relief of Mary Neaf;

H. R. 1526. An act for the relief of Thomas J. Hayden;

H. R. 2505. An act for the relief of William Parish;

H. R. 2550. An act for the relief of Joseph Pulitzer;

H. R. 2584. An act for the relief of Thomas F. Sutton;

H. R. 2729. An act for the relief of Anna E. Stratton;

H. R. 3368. An act for the relief of Joseph Marko;

H. R. 4269. An act for the relief of William L. Wiles;

H. R. 4731. An act for the relief of Frederick Rasmussen;

H. R. 4676. An act for the relief of Joseph Bratton;

H. R. 5470. An act for the relief of Mary L. Dickson;

H. R. 5926. An act for the relief of Lillian N. Lakin;

H. R. 6259. An act for the relief of Alma Rawson;

H. R. 8736. An act to authorize and direct a preliminary examination of the Hocking River for the distance it flows through Athens County, Ohio;

H. R. 9110. An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor;

H. R. 9215. An act for the relief of Jessie Axton;

H. R. 9326. An act to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926, as amended;

H. R. 10017. An act to provide for a survey of the Mouse River, N. Dak., with a view to the prevention and control of its floods;

H. R. 10542. An act for the relief of John A. Arnold;

H. R. 10652. An act to authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio-research investigations;

H. R. 11268. An act for the relief of Mary C. Bolling;

H. R. 11820. An act to authorize issuance of a patent for certain lands to J. R. Murphy;

H. R. 12094. An act to provide for conveyance of certain lands in the State of Alabama to vocational or other educational uses or to dispose of the lands upon condition that they shall be used for such purposes;

H. R. 12284. An act to provide for the construction of vessels for the Coast Guard for rescue and assistance work on Lake Erie;

H. R. 14049. An act to provide for special assessments for the paving of roadways and the laying of curbs and gutters;

H. R. 15064. An act to reserve 440 acres of public-domain land for addition to the Temecula or Pechanga Reservation, Calif.;

H. R. 15267. An act to amend an act entitled "An act to authorize the cancellation under certain conditions of patents in fee simple to Indians for allotments held in trust by the United States;

H. R. 15877. An act to authorize exchanges of land with owners of private-owned holdings within the Craters of the Moon National Monument;

H. R. 16159. An act authorizing an appropriation of the sum of $15,000 to defray the expenses of the Pan American Commercial Conference, to be held in Washington, D. C., in 1931;

H. R. 16215. An act authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado;

H. R. 16248. An act authorizing the Secretary of War to exchange with the Rosslyn Connecting Railroad Co. lands on the Virginia shore of the Potomac River near the west end of the Arlington Memorial Bridge;

H. R. 16913. An act to amend the act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii," approved March 10, 1924; and

H. R. 17054. An act to increase the loan basis of adjusted-service certificates.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Saturday, February 21, 1931, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 365. A resolution providing for the consideration of S. 4750 an act to authorize alterations and repairs to certain naval vessels; without amendment (Rept. No. 2765). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 366. A resolution providing for the consideration of H. R. 16836, a bill to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; without amendment (Rept. No. 2766). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 367. A resolution providing for the consideration of S. 5139, an act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico; without amendment (Rept. No. 2767). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 353. A resolution for the consideration of S. 550, entitled "A bill to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes"; without amendment (Rept. 2768). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 368. A resolution providing for the consideration of H. R. 10560, a bill to amend section 22 of the Federal reserve act; without amendment (Rept. No. 2769). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 369. A resolution providing for the consideration of S. 255, an act for the promotion of the health and welfare of mothers and infants, and for other purposes; without amendment (Rept. No. 2770). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 370. A resolution providing for the consideration of H. J. Res. 500, a joint resolution further restricting for a period of two years immigration into the United States; without amendment (Rept. No. 2771). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 7505. A bill to authorize the construction of a sea wall at Fort Randolph, Panama Canal; without amendment (Rept. No. 2779). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 10884. A bill to authorize the acquisition of a right of way for sewer line in connection with the Fort Bragg Military Reservation, N. C.; without amendment (Rept. No. 2780). Referred to the Committee of the Whole House on the state of the Union.

Mrs. KAHN: Committee on Military Affairs. H. R. 10253. A bill to amend the act of December 5, 1928, entitled "An act to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor"; without amendment (Rept. No. 2781). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 10370. A bill to authorize the acquisition for military purposes of land in Virginia for use as an addition to Langley Field; without amendment (Rept. No. 2782). Referred to the Committee of the Whole House on the state of the Union.

Mrs. KAHN: Committee on Military Affairs. H. R. 11102. A bill to authorize the Secretary of War to acquire the timber rights on Gigling Field Artillery Target Range in California; without amendment (Rept. No. 2783). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 15768. A bill to authorize the Secretary of War to acquire 75 acres of land, more or less, in the vicinity of and for use in connection with the present military reservation at Fort Ringgold, Tex., and for other purposes; with amendment (Rept. No. 2784). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 15770. A bill to authorize an appropriation for the preservation and repair of historical fortifications at Fort Niagara, N. Y., and for other purposes; with amendment (Rept. No. 2785). Referred to the Committee of the Whole House on the state of the Union.

Mrs. KAHN: Committee on Military Affairs. H. R. 17142. A bill to authorize the erection of a moving-picture theater at Fort Snelling, Minn.; without amendment (Rept. No. 2786). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 17166. A bill to amend the second deficiency act, fiscal year 1930; without amendment (Rept. No. 2787). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. S. 5920. An act authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa; without amendment (Rept. No. 2788). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER: Committee on Interstate and Foreign Commerce. A report pursuant to H. Res. 114 on common carriers in connection with holding companies, capital interests, control, etc.; without amendment (Rept. No. 2789). Referred to the House Calendar and ordered to be printed with illustrations.

Mr. McSWAIN: Committee on Military Affairs. H. R. 8158. A bill to authorize the exchange of certain land at Detroit, Mich., in connection with the easterly boundary line of the Fort Wayne Military Reservation; with amendment (Rept. No. 2796). Referred to the Committee of the Whole House on the state of the Union.

Mr. CABLE: Committee on Immigration and Naturalization. H. R. 16296. A bill to provide for exclusion and expulsion of alien communists; without amendment (Rept. No. 2797). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAPES: Committee on Interstate and Foreign Commerce. H. R. 16915. A bill authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever; with amendment (Rept. No. 2798). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 17152. A bill to expedite the deportation of certain aliens, and for other purposes; without amendment (Rept. No. 2799). Referred to the Committee of the Whole House on the state of the Union.

Mr. IRWIN: Committee on Claims. H. R. 17168. A bill to provide for the settlement of claims against the United States on account of property damage, personal injury, or death; with amendment (Rept. No. 2800). Referred to the Committee of the Whole House on the state of the Union.

Mr. FREE: Committee on Immigration and Naturalization. H. J. Res. 507. A joint resolution regulating for a period of two years the migration of certain peoples into the United States; without amendment (Rept. No. 2801). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Kansas: Committee on Mines and Mining. H. R. 4811. A bill to authorize the Bureau of Mines to manufacture 1 gram of radium; without amendment (Rept. No. 2802). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 16858. A bill to confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emmigrant and Western Cherokee Indians of Oklahoma and North Carolina; with amendment (Rept. No. 2805). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on World War Veterans' Legislation. H. R. 17121. A bill to authorize the sale of interest in lands devised to the United States under the will of Sophie Chanquet; without amendment (Rept. No. 2806). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 17151. A bill to authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak.; with amendment (Rept. No. 2807). Referred to the Committee of the Whole House on the state of the Union.

Mr. REID of Illinois: Committee on the District of Columbia. S. 4325. A bill to amend subchapter 5 of chapter 18 of the Code of Law for the District of Columbia by adding thereto a new section to be designated section 648–a; without amendment (Rept. No. 2808). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 6077. An act providing for the closing of barber shops on Sunday in the District of Columbia; without amendment (Rept. No. 2809). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. S. 293. An act for the relief of Margaret Crotty; with amendment (Rept. No. 2772). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 1536. An act for the relief of Blanch Broomfield; without amendment (Rept. No. 2773). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 1876. An act for the relief of the Columbia Casualty Co.; without amendment (Rept. No. 2774). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 2296. An act for the relief of Nellie McMullen; with amendment (Rept. No. 2775). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 4382. An act for the relief of Anna Marie Sanford, widow of William Richard Sanford, deceased; without amendment (Rept. No. 2776). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 5197. An act for the relief of the David Gordon Building & Construction Co.; without amendment (Rept. No. 2777). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 5789. An act for the relief of the United States Hammered Piston Ring Co.; without amendment (Rept. No. 2778). Referred to the Committee of the Whole House.

Mr. WOODRUFF: Committee on Naval Affairs. S. 5481. An act to authorize the presentation of a medal of honor, posthumously, to the late Henry Clay Drexler and to the late George Robert Cholister, boatswain's mate, first class, United States Navy; without amendment (Rept. No. 2790). Referred to the Committee of the Whole House.

Mr. BRITTEN: Committee on Naval Affairs. S. 5514. An act to authorize the posthumous award of a distinguished-flying cross to Eugene B. Ely; without amendment (Rept. No. 2791). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 6113. An act for the relief of James M. Griffin, disbursing agent, United States Coast and Geodetic Survey, and for other purposes; without amendment (Rept. No. 2792). Referred to the Committee of the Whole House.

Mr. FITZGERALD: Committee on Claims. H. R. 1596. A bill for the relief of James E. Fraser; with amendment (Rept. No. 2793). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 11606. A bill for the relief of Edwin L. Menzer; with amendment (Rept. No. 2794). Referred to the Committee of the Whole House.

Mr. ALLGOOD: Committee on War Claims. H. R. 13107. A bill for the relief of Grover Cleveland Ballard; without amendment (Rept. No. 2795). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 17196) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOTT of West Virginia: A bill (H. R. 17197) authorizing A. A. Lilly, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Big Sandy River at or near where it enters into the Ohio River, and between the cities of Kenova, W. Va., and Catlettsburg, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. SINCLAIR: A bill (H. R. 17198) granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. GOSS: A bill (H. R. 17199) regulating the use of appropriations for the military and nonmilitary activities of the War Department; to the Committee on Military Affairs.

By Mr. JAMES of Michigan (by request of the War Department): A bill (H. R. 17200) to declare the Missionary Ridge Crest Road in the Chickamauga and Chattanooga National Military Park to be an approach road to the said park; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 17201) to establish a uniform retirement system for interstate rail-

road employees and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McFADDEN: A bill (H. R. 17202) to authorize an investigation of certain fiscal policies of the Government of Cuba, and for other purposes; to the Committee on Rules.

By Mrs. OWEN: A bill (H. R. 17203) for the relief of certain medical officers of the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDRESEN: A bill (H. R. 17204) to authorize the designation of depositories for public documents, and for other purposes; to the Committee on Printing.

By Mr. IRWIN: A bill (H. R. 17205) to authorize construction and to authorize appropriation for construction at Scott Field, Ill.; to the Committee on Military Affairs.

By Mr. JEFFERS: A bill (H. R. 17206) to authorize the Secretary of War to lend War Department equipment for use at the Alabama Department Convention of the American Legion at Talladega, Ala., during the month of July, 1931; to the Committee on Military Affairs.

By Mr. LOZIER: A bill (H. R. 17207) providing for the establishment of the Gen. John J. Pershing National Military Park, near Laclede, Linn County, Mo.; to the Committee on Military Affairs.

By Mr. FRENCH: Joint resolution (H. J. Res. 512) providing for the appointment of a joint committee of the Senate and House of Representatives to investigate promotion, pay, allowances, and allied subjects affecting the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of North Dakota, memorializing the Congress of the United States to refrain from enacting any laws imposing a tariff or embargo on petroleum products or its refined products; to the Committee on Ways and Means.

Memorial of the State Legislature of the State of Oregon, memorializing the Congress of the United States to prevent the immigration of all foreign peoples whose economic status is such as to warrant their classification as possible competitors with American labor in American industries; to the Committee on Immigration and Naturalization.

By Mr. ENGLEBRIGHT: Memorial of the Legislature of the State of California, memorializing Congress for reimbursement of money spent on river protection in Palo Verde Valley; to the Committee on Irrigation and Reclamation.

Also, memorial of the California Legislature, relative to urging the Navy Department of the United States to cease its survey for and action in reducing the Navy of the United States during the present depression in business and commerce and requesting a reinstatement of sailors and enlisted men who have been surveyed out; to the Committee on Naval Affairs.

Also, memorial of the California Legislature, relative to urging the Post Office Department of the United States to cease its survey for and action in reducing the personnel of the Postal Service of the United States during the present depression in business and commerce and requesting a reinstatement of men who have been surveyed out; to the Committee on the Post Office and Post Roads.

Also, memorial of the California Legislature, memorializing Congress to amend the World War veterans act by providing for the cash payment of the surrender value of adjusted-service certificates; to the Committee on Ways and Means.

Also, memorial of the California Legislature, memorializing Congress to enact legislation which will place a tariff upon oil; to the Committee on Ways and Means.

By Mr. GARNER: Memorial of the Legislature of the State of Texas, memorializing Congress to enact adequate tariff on crude oil and refined products; to the Committee on Ways and Means.

By Mr. SMITH of West Virginia: Memorial of the Legislature of the State of West Virginia, memorializing Congress to enact legislation to aid in the treatment of crippled children; to the Committee on Education.

By Mr. KORELL: Memorial of the Oregon Legislature, memorializing Congress to exclude immigration of peoples whose economic status will place them in competition with domestic laborers; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 17208) granting an increase of pension to Nancy P. Conrad; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 17209) granting a pension to Susan E. Shelton; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 17210) granting an increase of pension to Leonie E. Fisher; to the Committee on Pensions.

By Mr. CHASE: A bill (H. R. 17211) granting an increase of pension to Clara P. Rickard; to the Committee on Invalid Pensions.

By Mr. CRADDOCK: A bill (H. R. 17212) granting a pension to Esther V. Bennett; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 17213) for the relief of Leonora Simons; to the Committee on Claims.

By Mr. HASTINGS: A bill (H. R. 17214) for the relief of W. A. Peters; to the Committee on Claims.

By Mr. IRWIN: A bill (H. R. 17215) granting a pension to Thomas Wright; to the Committee on Pensions.

By Mr. JEFFERS: A bill (H. R. 17216) for the relief of Lieut. Francis H. A. McKeon; to the Committee on Claims.

By Mr. KADING: A bill (H. R. 17217) granting an increase of pension to Frances Bryant; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 17218) granting an increase of pension to Katherine D. Gebhardt; to the Committee on Invalid Pensions.

By Mrs. OWEN: A bill (H. R. 17219) granting a pension to Charlotte R. Somerville; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 17220) granting a pension to Sarah J. Coffman; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 17221) granting an increase of pension to Lottie L. Day; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 17222) granting an increase of pension to Kate S. Beach; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 17223) granting an increase of pension to Mary L. Beers; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 17224) granting an increase of pension to Elizabeth Guy; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of West Virginia: A bill (H. R. 17225) granting an increase of pension to Julia A. Zinn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10000. By Mr. AYRES: Petition of citizens of Wichita, Kans., in behalf of House Joint Resolution No. 356, providing for an amendment to the United States Constitution excluding unnaturalized aliens from the count of the population for reapportionment of congressional districts among the States; to the Committee on the Judiciary.

10001. By Mr. BACHARACH: Petition of citizens of Bridgeton, N. J., urging the passage of the Sparks-Capper House Joint Resolution No. 356, providing for an amendment to the United States Constitution excluding the approximately 7,500,000 unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10002. By Mr. BACHMANN: Petition of Mrs. Frank W. Blake and other members of the Women's Bible Class, Thomson Methodist Episcopal Church, Wheeling, W. Va., urging that action be taken on the proposed Sparks-Capper stop alien representation amendment (H. J. Res. 356) providing for an amendment to the United States Constitution excluding the approximately 7,500,000 unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10003. By Mr. BEERS: Petition of members of American Legion Auxiliary, Mansbarger-Brumbaugh Post, No. 288, favoring immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10004. By Mr. BLACKBURN: Resolution of the Kentucky Poultry Improvement Association, adopted at the meeting of its board of directors in Lexington, January 27, 1931, and transmitted through its secretary, Strauter Harney, urging immediate consideration for the upward revision of the tariff schedule on dried eggs; to the Committee on Ways and Means.

10005. By Mr. BOHN: Petition of the board of supervisors of Alger County, Mich., requesting the Emergency Unemployment Commission of the Federal Government to provide funds for road work and such other work as the Government has in its national forests and purchase units in the upper peninsula; to the Committee on the Judiciary.

10006. By Mr. BOYLAN: Resolution unanimously adopted at a meeting held in Albany, N. Y., January 23, 1931, by the New York State Guernsey Breeders' Association (Inc.), opposing the ruling of the Commissioner of Internal Revenue in relation to the substance used to color oleomargarine; to the Committee on Agriculture.

10007. Also, letter from the National Council of Jewish Women, of New York City, opposing House Joint Resolution 500; to the Committee on Immigration and Naturalization.

10008. By Mr. BRUNNER: Petition of Edward A. Crellin, 34–20 Ninety-ninth Street, Corona, Long Island, and 25 additional residents of the second Queensborough district, N. Y., favoring House bill 7884, known as the dog exemption bill, urging early and favorable vote on some; to the Committee on the District of Columbia.

10009. By Mr. BROWNE: Petition of Willow Hill Cheese Factory, Clintonville; Dairy Queen Cheese Factory, Bear Creek; Town Line Cheese Factory, Clintonville; Maple Leaf Cheese Factory, Bear Creek; Silver Star Cheese Factory, Embarrass; and Twin Butter & Cheese Co., Clintonville; all of the State of Wisconsin, favoring prohibiting the use of butter substitutes in hospitals and other State institutions and in favor of a stringent law governing the moisture content of processed cheese; to the Committee on Agriculture.

10010. By Mr. CAMPBELL of Iowa: Petition of 76 citizens of Sioux City, Iowa, and 36 citizens of Auburn, Iowa, and vicinity, urging immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10011. By Mr. CLARKE of New York: Petition of 31 citizens of Hartwick, N. Y., urging support of Sparks-Capper amendment, alien representation bill; to the Committee on the Judiciary.

10012. By Mr. COOPER of Wisconsin: Memorial of Wisconsin Dairymen's Association, urging passage of the so-called Brigham oleomargarine bill; to the Committee on Agriculture.

10013. By Mr. CROWTHER: Petition of citizens of Schenectady, N. Y., urging support of the Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10014. Also, petition of citizens of Schenectady, N. Y., urging support of the Sparks-Capper amendment (H. J. Res. 356); to the Committee on the Judiciary.

10015. Also, petition of citizens of Scotia, N. Y., urging support of the Sparks-Capper stop-alien representation amendment (H. J. Res. 356) providing for an amendment to the United States Constitution excluding the approximately 7,500,000 unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10016. By Mr. DAVENPORT: Petition of Dominick Donato and others of Utica, N. Y., for the immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10017. Also, petitions of Utica Somerset Woman's Christian Temperance Union, Utica; Norway (Herkimer County) Woman's Christian Temperance Union; Clinton Woman's Christian Temperance Union; Ilion Woman's Christian Temperance Union; Rome Woman's Christian Temperance Union; Poland Woman's Christian Temperance Union; and Little Falls Woman's Christian Temperance Union, all of the State of New York, favoring the passage of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10018. Also, petition of Mohawk (N. Y.) Woman's Christian Temperance Union, favoring the passage of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10019. By Mr. DAVIS: Petition to amend the Constitution of the United States; to the Committee on the Judiciary.

10020. By Mr. EVANS of California: Petition of W. Lee Davis and approximately 33 others, urging the passage of House Joint Resolution 356; to the Committee on the Judiciary.

10021. By Mr. FITZGERALD: Petition of Twin City Council, No. 307, Junior Order United American Mechanics, West Carrollton, Ohio, by C. W. Grushon, recording secretary, praying for early passage of House Joint Resolution 473, for further restriction of immigration; to the Committee on Immigration and Naturalization.

10022. By Mr. FITZPATRICK: Petition of James Blondheim, of 612 Saint Lawrence Avenue, Bronx, New York City, and 38 other residents of New York, urging the immediate cash payment of the World War veterans' adjusted-service certificates; to the Committee on Ways and Means.

10023. Also, resolution adopted by the council of the third district, United States Naval Reserve Officers' Association, urging the passage of House bill 15006, authorizing the promotion of one grade upon retirement to officers of the Army, Navy, Marine Corps, and Coast Guard in recognition of war service; to the Committee on Military Affairs.

10024. By Mr. GOODWIN: Petition of John McCoy, 3243 Knox Avenue north, Minneapolis, Minn., and 38 other ex-service men, in behalf of the immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10025. Also, petition of Gust Backlund and 36 other citizens of Minneapolis, Minn., urging Congress to pass legislation providing for the immediate cash payment of adjusted-service compensation certificates to the veterans of the World War; to the Committee on Ways and Means.

10026. Also, petition of William C. Schultz and 13 other World War veterans, and 45 residents and citizens of Minneapolis with no military service, urging Congress to pass a law providing for immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10027. By Mr. HALL of North Dakota: Petition of the Corrinne Farmers' Union, Local No. 33, of Courtenay, N. Dak., urging a tax of 10 cents a pound on yellow oleomargarine; to the Committee on Agriculture.

10028. Also, petition of Farmers' Union, Local No. 6, of Green Township, Barnes County, N. Dak., protesting against

the importation of Canadian wheat for the purpose of milling in transit; to the Committee on Ways and Means.

10029. By Mr. HANCOCK of New York: Petition of F. H. Ebeling, and other residents of Syracuse, N. Y., favoring the Sparks-Capper amendment; to the Committee on the Judiciary.

10030. By Mr. HICKEY: Petition of Mr. and Mrs. E. K. Van Winkle, and other residents of Mishawaka, Ind., urging passage of the Sparks-Capper amendment; to the Committee on the Judiciary.

10031. By Mr. HILL of Washington: Petition of Church of the Brethren, Wenatchee, Wash., urging passage of the Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10032. By Mr. HULL of Wisconsin: Petition of citizens of Monroe County, Wis., favoring cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

10033. Also, petition of the Woman's Christian Temperance Union, of Abbotsford, Wis., favoring the Hudson motion picture bill; to the Committee on Interstate and Foreign Commerce.

10034. Also, resolution of the National Farmers' Union, of Mauston, Wis., favoring a higher tax on oleomargine and protesting against the recent ruling of the Commissioner of Internal Revenue as to the use of palm oil in oleomargarine; to the Committee on Agriculture.

10035. By Mr. KADING: Petition signed by citizens of Thiensville, Wis., urging legislation for placing a tax of 10 cents per pound on yellow oleomargarine; to the Committee on Agriculture.

10036. Also, communication from the secretary of the Christian Mothers Society, consisting of 400 members of Port Washington, Wis., protesting against the enactment of the Gillett bill providing an amendment to the tariff act and Criminal Code so that literature and other material for use in contraception or artificial birth control could be imported into the United States; to the Committee on the Judiciary.

10037. Also, petition signed by citizens of Palmyra, Sullivan, and Eagle, Wis., urging the passage and enactment of the Sparks-Capper bill amending the United States Constitution to eliminate all unnaturalized aliens in connection with apportionment of congressional districts; to the Committee on the Judiciary.

10038. Also, petition of citizens of Jefferson, Wis., urging the passage and enactment of the Sparks-Capper bill amending the United States Constitution, providing for the elimination of unnaturalized aliens in connection with apportionment of congressional districts; to the Committee on the Judiciary.

10039. By Mr. MOORE of Virginia: Petition of Mrs. Jessie T. Dean, Mrs. S. V. Hildebrand, Mrs. Theodore B. Manny, and others, urging support of the Sparks-Capper amendment (H. J. Res. 356); to the Committee on the Judiciary.

10040. Also, petition of Law Enforcement League of Prince William County, Va., by L. Ledman, secretary, and J. J. Murphy, president, urging support of the proposed Sparks-Capper amendment (H. J. Res. 356); to the Committee on the Judiciary.

10041. By Mr. RICH: Petition of the Men's Bible Class of the Methodist Episcopal Church of Williamsport, Pa., favoring House Joint Resolution 356, known as the Sparks-Capper bill; to the Committee on the Judiciary.

10042. Also, petition of citizens of Lock Haven, Pa., favoring the payment of adjusted-compensation certificates; to the Committee on Ways and Means.

10043. Also, petition of citizens of Lock Haven, Pa., requesting immediate cash payment of face value of adjusted-compensation certificates created by section 702, World War adjusted compensation act of 1924; to the Committee on Ways and Means.

10044. By Mr. REED of New York: Petition of Gerry Woman's Christian Temperance Union, Almond Woman's Christian Temperance Union, and Little Valley Woman's Christian Temperance Union indorsing House bill 9986; to the Committee on Interstate and Foreign Commerce.

10045. By Mr. ROBINSON: Petition of E. C. Wetherbee, secretary of the Marshall County Holstein Association, Marshalltown, Iowa, urging the passage of House bill 15934, placing a tax on oleomargarine colored to resemble butter; to the Committee on Agriculture.

10046. By Mr. SELVIG: Petition of Halstad Creamery Co., of Halstad, Minn., urging enactment of Brigham bill, H. R. 15934, restoring 10-cent tax on all colored oleomargarine, and also favoring House bill 3868, making it mandatory to use dairy products in all Government institutions; to the Committee on Agriculture.

10047. Also, petition of Minnesota State Grange, favoring enactment of Brigham bill, H. R. 15934; to the Committee on Agriculture.

10048. Also, petition of Winger (Minn.) Farmers' Creamery Co., urging enactment of the Brigham bill, H. R. 15934, proposing a tax on oils used in the manufacture of butter substitutes; to the Committee on Agriculture.

10049. Also, petition of directors of Farmers' Cooperative Creamery Association of Newfolden, Minn., urging passage of Brigham bill, H. R. 15934, and any legislation that will favor the dairy industry in the Northwest; to the Committee on Agriculture.

10050. Also, petition of Karlstad (Minn.) Cooperative Creamery Association, urging enactment of the Brigham bill, H. R. 15934, at this session of Congress; to the Committee on Agriculture.

10051. By Mr. SNOW: Petition of Thomas A. Donaher, of Madawaska, Me., and 37 others, urging the immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10052. By Mr. SPARKS: Petition of the Methodist Episcopal Ladies' Aid of Logan, Kans., for Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10053. Also, petition of the Woman's Missionary Association, of Harlan, Kans., for the Federal supervision of the motion pictures as provided in the Grant-Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10054. Also, petition of Woman's Christian Temperance Union, of Webber, Kans., for Federal supervision of motion pictures as provided in the Grant-Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10055. Also, petition of the Farm and Home Institute, of Sharon Springs, Kans., for the Federal supervision of motion pictures as provided in the Grant-Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10056. By Mr. SWANSON: Petition of Mrs. W. G. Reynolds and others, of Council Bluffs, Iowa, favoring the exclusion of aliens in the apportionment of the House of Representatives; to the Committee on the Judiciary.

10057. By Mr. TARVER: Petition of veterans of the World War, of Chattooga County, Ga., asking the payment in full of adjusted-service certificates; to the Committee on Ways and Means.

10058. By Mr. THATCHER: Petition supporting House Joint Resolution 356, providing for an amendment to the United States Constitution excluding the approximately 7,500,000 unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10059. By Mr. VINCENT of Michigan: Petition of advisory board of the First Baptist Church, of Owosso, Mich., in regard to the Grant M. Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10060. By Mr. WASON: Petition of Rev. W. R. Pierce and 10 other residents of Haverhill, N. H., favoring the proposed Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10061. By Mr. WHITLEY: Petition of citizens of Washington, D. C., requesting favorable action on House bill 7884; to the Committee on the District of Columbia.

10062. By Mr. WOLVERTON of West Virginia: Petition of Weston Council, No. 59, Junior Order of American Mechanics, by William Herron, D. F. Kelley, and W. L. Givens, committee, of Weston, W. Va., urging Congress to take action on legislation now pending to restrict immigration; to the Committee on Immigration and Naturalization.

10063. By Mr. WYANT: Petition of members of the Long Run Presbyterian Church, Westmoreland County, Pa., urging support of Sparks-Capper amendment to eliminate approximately 7,000,000 unnaturalized aliens and count only citizens in proposed congressional reapportionment; to the Committee on the Judiciary.

SENATE

SATURDAY, FEBRUARY 21, 1931

(Legislative day of Tuesday, February 17, 1931

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Keyes	Schall
Barkley	Frazier	King	Sheppard
Bingham	George	La Follette	Shipstead
Black	Gillett	McGill	Shortridge
Blaine	Glenn	McKellar	Smith
Borah	Goff	McNary	Smoot
Bratton	Goldsborough	Morrison	Steiwer
Brock	Gould	Morrow	Stephens
Brookhardt	Hale	Moses	Swanson
Broussard	Harris	Norbeck	Thomas, Idaho
Bulkley	Harrison	Norris	Thomas, Okla.
Capper	Hastings	Nye	Trammell
Caraway	Hatfield	Oddie	Tydings
Carey	Hawes	Partridge	Vandenberg
Connally	Hayden	Patterson	Wagner
Copeland	Hebert	Phipps	Walcott
Couzens	Heflin	Pittman	Walsh, Mass.
Cutting	Howell	Ransdell	Waterman
Dale	Johnson	Reed	Watson
Davis	Jones	Robinson, Ark.	Wheeler
Fess	Kendrick	Robinson, Ind.	Williamson

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

NOTICE OF ADDRESS ON WASHINGTON AND HIS CONTEMPORARIES

Mr. BARKLEY. Mr. President, I ask unanimous consent that on Monday, following the reading of Washington's Farewell Address, I may deliver a brief address on Washington and his contemporaries.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the request is granted.

TABLET TO NANCY HART (S. DOC. NO. 290)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation, fiscal year 1931, to remain available until expended, for the War Department, for a tablet to Nancy Hart, amounting to $650, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

FOURTH PAN AMERICAN COMMERCIAL CONFERENCE (S. DOC. NO. 291)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, an estimate of appropriation for the Department of State, fiscal year 1931, to remain available until June 30, 1932, amounting to $15,000, to enable the Pan American Union to meet the expenses of the Pan American Commercial Conference to be held in Washington, D. C., in 1931, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CONSTRUCTION OF FACILITIES ON GOVERNMENT ISLAND, ALAMEDA, CALIF. (S. DOC. NO. 292)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of Agriculture, fiscal year 1931, to remain available until expended, amounting to $800,000, for the construction of facilities for the Bureau of Public Roads and Forest Service of the Department of Agriculture, and the Coast Guard of the Treasury Department, on Government Island, Alameda, Calif., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

OMAHA, NEBR., FEDERAL BUILDING AND BINGHAM CANYON, UTAH, POST OFFICE (S. DOC. NO. 289)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation pertaining to an existing appropriation for the Treasury Department for sites and construction, public buildings act, of May 25, 1926, as amended—Omaha, Nebr., Federal office building (estimated total cost $740,000), and Bingham Canyon, Utah, post office, etc. (estimated total cost $75,000), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PRINTING AND BINDING, COURT OF CUSTOMS AND PATENT APPEALS (S. DOC. NO. 293)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of Justice, fiscal year 1931, amounting to $2,900, for printing and binding for the United States Court of Customs and Patent Appeals, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS RENDERED BY THE COURT OF CLAIMS (S. DOC. NO. 294)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, in compliance with law, records of judgments rendered by the Court of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury and requiring an appropriation for their payment—under the Navy Department, $36,145, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram from C. W. Taintor, of Wellton, Ariz., stating "Please make orderly arrest for fair judicial consideration of those United States citizens responsible for shooting Nicaraguan marines evacuating Nicaragua now," which was referred to the Committee on Naval Affairs.

Mr. MORROW presented petitions of sundry citizens of the State of New Jersey, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Board of Chosen Freeholders of Salem County, N. J., favoring the passage of House bill 10887 and Senate bill 1498, providing for the granting of a franchise to the Delaware-New Jersey Bridge Co. for the building of a bridge across Delaware River between Delaware and New Jersey by the use of private capital, which were referred to the Committee on Commerce.

He also presented petitions numerously signed by sundry citizens of the State of New Jersey, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a memorial from the Rosary Society of Saint Teresa's Church, Summit, N. J., remonstrating against the passage of the so-called birth control bill, being the bill (S. 4582) to amend section 305 (a) of the tariff act of 1922, as amended, and sections 211, 245, and 312 of the Criminal Code, as amended, which was referred to the Committee on the Judiciary.

He also presented the petition of Cora L. Hartsborn, chairman of the Short Hills (N. J.) committee of the New

Jersey Birth Control League, of Millburn Township, and sundry other citizens in the State of New Jersey, praying for the passage of the so-called "doctors' bill," being the bill (S. 4582) to amend section 305 (a) of the tariff act of 1922, as amended, and sections 211, 245, and 312 of the Criminal Code, as amended, which was referred to the Committee on the Judiciary.

Mr. GOLDSBOROUGH presented petitions numerously signed by sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also laid before the Senate petitions of sundry citizens of the State of Maryland, praying for the passage of legislation making The Star-Spangled Banner the national anthem, which were ordered to lie on the table.

He also presented resolutions adopted by the Maryland Chapter, Rainbow Division of the World War Veterans, favoring amendment of the veterans' act of 1924 to permit the Veterans' Bureau to antedate the certificates issued thereunder to a date five years prior to the present date of such certificates and providing for the maturity of the certificates at 20 years from the new date thereof, thereby allowing an immediate increased loan value to the veterans, which were referred to the Committee on Finance.

RESTRICTION OF IMMIGRATION

Mr. COPELAND presented a letter from Endwell Council, No. 186, Junior Order United American Mechanics, of Endwell, N. Y., relative to the restriction of immigration for a period of two years, which was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

ENDWELL, N. Y., *February 18, 1931.*

Hon. ROYAL S. COPELAND,
Senate Office Building, Washington, D. C.

DEAR SIR: In order to protect our American labor, the Junior Order United American Mechanics of Endwell Council, No. 186, Endwell, N. Y., urges you to give House Joint Resolution No. 473 your support.

Please have this printed in the CONGRESSIONAL RECORD.

Thanking you in advance, I remain, sincerely yours,

LYNN KING, *Recording Secretary.*

REPORTS OF COMMITTEES

Mr. PATTERSON, from the Committee on Military Affairs, to which was referred the bill (S. 6159) for the relief of Joseph E. Myers, reported it with an amendment and submitted a report (No. 1717) thereon.

Mr. MORROW, from the Committee on Military Affairs, to which was referred the bill (H. R. 1429) for the relief of Thomas Barrett, reported it without amendment and submitted a report (No. 1718) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 6146) to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington, reported it without amendment and submitted a report (No. 1719) thereon.

Mr. GOULD, from the Committee on Immigration, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service (Rept. No. 1720); and

H. R. 10672. An act to amend the naturalization laws in respect of posting of notices of petitions for citizenship (Rept. No. 1723).

Mr. HEBERT, from the Committee on the Judiciary, to which was referred the bill (H. R. 12095) to amend section 113 of the Judicial Code, as amended (sec. 194, title 28, U. S. C.), reported it with amendments and submitted a report (No. 1721) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 194) authorizing and directing the Comptroller General of the United States to reopen, adjust, and settle the accounts of the city of Baltimore for advances made by the city in 1863 for the construction of works of defense, and for other purposes, reported it without amendment and submitted a report (No. 1722) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally with amendments, and submitted reports thereon:

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930 (Rept. No. 1724);

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended (Rept. No. 1725); and

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes (Rept. No. 1726).

Mr. NYE also, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 14248) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain, reported it without amendment and submitted a report (No. 1727) thereon.

SURVEY OF COOPERATIVE CREDIT LAWS AND SYSTEMS

Mr. BROOKHART, from the Committee on Banking and Currency, to which was referred the resolution (S. Res. 408) to make a complete survey of cooperative credit laws and systems (submitted by himself on January 19, 1931), reported it with amendments, and moved that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH:

A bill (S. 6220) granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.; to the Committee on Commerce.

By Mr. VANDENBERG:

A bill (S. 6221) to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. HARRIS:

A bill (S. 6222) for the relief of Louis H. Crawford, United States marshal, northern district of Georgia (with accompanying papers); to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

A bill (S. 6223) for the relief of Elizabeth Casteel; to the Committee on Claims.

By Mr. BINGHAM:

A bill (S. 6224) regulating the use of appropriations for the military and nonmilitary activities of the War Department; to the Committee on Military Affairs.

By Mr. DALE:

A bill (S. 6225) granting an increase of pension to Jessie R. Greene; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6226) for the relief of Mildred B. Crawford; to the Committee on Claims.

By Mr. COPELAND and Mr. HATFIELD:

A bill (S. 6227) to provide for cooperation with the several States and Territories in the physical rehabilitation, education, vocational guidance, and vocational education of physically handicapped children and their placement and follow-up in employment, and for other purposes; to the Committee on Education and Labor.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. TRAMMELL submitted an amendment proposing to appropriate $134,466.69 for the relief of the State of Florida for damage to and destruction of roads and bridges by floods in 1928 and 1929, intended to be proposed by him to House bill 17163, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. THOMAS of Idaho submitted an amendment proposing to increase the appropriation for the eradication or control of the white-pine blister rust, etc., from $50,000 to $75,000, and proposing to increase the appropriation for maintenance, improvement, protection, and general administration of the national forests, etc., from $150,000 to $200,000, intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CAPPER submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 126, line 10, to insert the following:

"The sums of $144,000 for noncommissioned officers' quarters and $145,000 for barracks at Marshall Field, Fort Riley, Kans."

JOSEPH S. M'COY

Mr. WALSH of Massachusetts submitted the following resolution (S. Res. 461), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Ella McCoy, widow of Joseph S. McCoy, late the Government Actuary in the Treasury Department and an expert adviser to the Finance Committee of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CONSERVATION OF WILD-ANIMAL LIFE

Mr. WALCOTT submitted the following resolution (S. Res. 462), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the special committee authorized and directed by Senate Resolution No. 246 on April 17, 1930, to investigate the conservation of wild-animal life, hereby is authorized to expend in furtherance of such purposes $15,000 in addition to the amounts heretofore authorized.

ADDITIONAL ASSISTANT IN THE OFFICE OF THE SECRETARY

Mr. PATTERSON submitted the following resolution (S. Res. 464), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is authorized and directed to employ permanently an additional assistant in the office of the Secretary of the Senate, to be paid at the rate of $2,400 per annum out of the contingent fund of the Senate. It shall be the duty of such clerk to inform, by written notice, the author of every Senate bill or resolution and, upon request, any other Senator or Representative, as to the progress of such bill or resolution through its various legislative stages to final passage, including public hearings thereon before any Senate committee. The clerks of Senate committees shall promptly notify such clerk of any action taken by their respective committees on any such bill or resolution.

WICKERSHAM COMMISSION DATA

Mr. TYDINGS. Mr. President, I should like to ask the Chair a question. As I understand it, the data obtained by the Wickersham Commission have been sent to the Senate. I believe that only one copy of the data has been sent to the Senate. I am wondering if anything is to be done to provide Senators with copies of the statement.

The VICE PRESIDENT. It can be referred to the Committee on Printing with the request that it be printed.

Mr. TYDINGS. I ask unanimous consent that it be referred to the Committee on Printing with instructions to report back ordering the printing of such a number of copies that we may all be supplied with them.

The VICE PRESIDENT. The Chair thinks the request is out of order.

Mr. TYDINGS. May I ask the chairman of the committee if he will not provide for the printing, so that each Senator can get at least a copy of the data?

Mr. SMOOT. Mr. President, the chairman of the Committee on Printing is not in the Chamber at the moment, but I have no doubt the question will be considered by the committee.

The VICE PRESIDENT. The request will be referred to the Committee on Printing.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 506) for the relief of Patrick P. Riley.

The message also announced that the House had passed a bill (H. R. 16111) to amend sections 1 and 7 of the second Liberty bond act, as amended, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 458. An act for the relief of Catherine Panturis;

H. R. 504. An act for the relief of James Earl Brigman;

H. R. 2694. An act for the relief of the widow of Robert Graham Moss;

H. R. 3187. An act for the relief of Agnes Loupinas;

H. R. 7272. An act to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation;

H. R. 9803. An act to amend the fourth proviso to section 24 of the immigration act of 1917, as amended;

H. R. 14246. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 15256. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 15593. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 16110. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1932, and for other purposes.

HOUSE BILL REFERRED

The bill (H. R. 16111) to amend sections 1 and 7 of the second Liberty bond act, as amended, was read twice by its title and referred to the Committee on Finance.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, and also announced that the President had approved and signed the following acts and joint resolution:

On February 19, 1931:

S. 5069. An act authorizing the Secretary of the Navy to deliver to the State of Utah the silver service which was in use on the battleship *Utah;* and

S. 5246. An act to amend the act entitled "An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart."

On February 20, 1931:

S. 4636. An act to authorize the Secretary of War to resell the undisposed-of portion of Camp Taylor, Ky., approximately 328 acres, and to also authorize the appraisal of property disposed of under authority contained in the acts of Congress approved July 9, 1918, and July 11, 1919, and for other purposes;

S. 4799. An act to extend the times for commencing and completing the construction of bridges across the Missouri

River at or near Farnam Street, Omaha, Nebr., and at or near South Omaha, Nebr.;

S. 5314. An act to amend the Federal highway act;

S. 5677. An act to authorize the Secretary of the Treasury to prepare and manufacture a medal in commemoration of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va., and of the establishment of the independence of the United States;

S. 5825. An act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland;

S. 5887. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mound City, Ill.;

S. 5921. An act authorizing Dalles City, a municipal corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near The Dalles, Oreg.;

S. 5952. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.;

S. 5987. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Culbertson, Mont.;

S. 6064. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.;

S. 6105. An act to authorize the construction on Government Island, Alameda, Calif., of buildings required by the Bureau of Public Roads and Forest Service of the Department of Agriculture and the Coast Guard of the Treasury Department; and

S. J. Res. 183. Joint resolution authorizing the Secretary of Agriculture to cooperate with the Territories of the United States under the provisions of sections 1 and 2 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor."

AMERICAN MARINES IN NICARAGUA (S. DOC. NO. 288)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate of the United States:

In response to Senate Resolution 286 of January 5, 1931, I transmit herewith a report by the Secretary of State inclosing a memorandum and copies of documents referred to therein.

HERBERT HOOVER.

THE WHITE HOUSE, *February 21, 1931.*

The accompanying letter of the Secretary of State was ordered to be printed in the RECORD, as follows:

THE PRESIDENT:

The undersigned, the Secretary of State, to whom was referred Senate Resolution 386, of January 5, 1931, reading as follows:

"*Resolved*, That the Secretary of State be, and he is hereby, requested to transmit to the Senate all communications, documents, reports, and agreements, since 1924, or copies thereof, relating to the landing or maintenance of United States marines in Nicaragua; and all notes, communications, or agreements, or copies thereof, passing between the Governments of the United States and Nicaragua, concerning elections to be held in Nicaragua, the formation and training of the constabulary or native police of Nicaragua; the duties to be performed by said constabulary and by United States marines; the mode of compensating said constabulary and the amount thereof"—

has the honor to inform the President that there are attached hereto, with a view to their transmission to the Senate should the President's judgment approve thereof, copies of all notes, communications, or agreements passing between the Governments of the United States and Nicaragua concerning the elections in Nicaragua, the formation and training of the constabulary or native police in Nicaragua, the duties to be performed by said constabulary and by United States marines, and the mode of compensating said constabulary and the amount thereof.

There is also attached hereto a statement regarding the landing or maintenance of United States marines in Nicaragua since the present administration took office, together with copies of all communications, documents, reports, or agreements relating to the landing or maintenance of such United States marines in Nicaragua since the present administration took office.

The Secretary of State has the honor to inform the President after thorough consideration of the matter and an examination of the papers that he has reached the conclusion that it would not be compatible with the interests of the United States to furnish the papers relating to the landing or maintenance of United States marines in Nicaragua prior to the present administration. He will, however, be glad to go before the Foreign Relations Committee of the Senate in executive session with copies of all these documents should that be the desire of the Senate or of the Foreign Relations Committee.

HENRY L. STIMSON.

AN EXTRA SESSION AND THE SEVENTY-SECOND CONGRESS

Mr. FRAZIER. Mr. President, a great deal has been said about an extra session, the possibility of it and the advisability of it. Of course, there is much that might be said both for and against a special session. I have a statement prepared by Dr. Arthur MacDonald, of this city, which may be termed a scientific analysis of the subject. I ask unanimous consent that it be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

THE EXTRA SESSION

By Dr. Arthur MacDonald, Washington, D. C.

In the history of Congress, there seems not to have been a Congress where the political parties of both Houses were so evenly divided as will be the case in the next Congress. From the table, giving the percentages of deaths for five Congresses preceding the next Congress, it will be seen that, relatively, the mortality of Republicans is distinctly greater than that of the Democrats.

Percentages of deaths

Congress	Senate		House	
	Republican	Democrat	Republican	Democrat
Seventy-first	6	5	5	6
Seventieth	4	4	4	2
Sixty-ninth	11	5	3	1
Sixty-eighth	11	0	4	5
Sixty-seventh	5	2	4	5
All	7.4	3.2	4	3.8

If an extra session occurs soon after March 4, in all probability the Republicans will reorganize the next Congress; but by next December it seems equally probable that the Democrats will reorganize Congress.

The Republicans have been in power much longer than the Democrats in recent times; they are, therefore, older and naturally more deaths occur among them. The very large Republican majority in the House will disappear, leaving mostly the older Republicans. Moreover, the large number of new Democratic Members will naturally be younger and will show a much lower mortality; so that if there be no extra session, the probabilities of the Democrats reorganizing the next Congress are very great.

From the Republican point of view, an early extra session (no matter how much it is undesired) will be more advantageous than to take the chances of reorganization by the Democrats.

From the Democratic point of view, no extra session will, in all probabilities, be to their advantage.

The predicted evils to business of an extra session may be, in general, true; but in the coming Congress, beyond the supply bills, there can be very little legislation unless it is very generally agreed to; that is, almost requiring unanimous consent, so that it is very liable to be very good legislation.

In short, minimum legislation of maximum quality may characterize the next Congress. This will make it represent the people most fully and may turn out to be a model Congress.

ANALYSIS OF TABLE

Senate

According to the table above, from the Sixty-seventh Congress up to the present time, more than twice as many Republican Senators have died as Democratic Senators, that is, relative to their respective numbers. (See end of table.)

In the present Congress, 6 per cent of Republicans and 5 per cent of Democrats have died (first line). In the Seventieth Congress, the percentages of deaths are equal; in the Sixty-ninth Congress the deaths of Republican Senators are relatively twice (11 per cent) as numerous as the deaths of Democratic Senators (5 per cent); in the Sixty-eighth Congress 11 per cent of Republicans died and no Democrats. In the Sixty-seventh Congress more than twice as many Republicans (5 per cent) died than Democrats (2 per cent). If between March 4 and December (9 months) next, the proportions continue, it is extremely probable that the Democrats will have a majority in the Senate and reorganize the Senate. In addition to this probability, there are a number of Republicans whose States have Democratic governors, who in case of their deaths would appoint Democrats.

House

In the House the proportions are not as large for the five Congresses (67th to 71st), 4 and 3.8 per cent, respectively, but, as already noted, about 100 Democrats come into the House, and naturally they are much younger, and the relative number of deaths would be less, and therefore will increase the probability of a majority of Democrats December next, and doubtless will reorganize the House.

NAVAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

The VICE PRESIDENT. The pending amendment of the Committee on Appropriations will be stated.

The CHIEF CLERK. On page 47, line 3, strike out "$23,600,000" and insert "$31,100,000," so as to read:

INCREASE OF THE NAVY

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $31,100,000, to remain available until expended: *Provided*, That of the appropriations contained in this act under the head of "Increase of the Navy," there shall be available such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, including the purchase of plans, and the employment of additional clerks, draftsmen, technical employees, and store-laborers (not to exceed $20,000), in the Navy Department and in the field, owing to the construction authorized by the act of February 13, 1929.

Mr. FRAZIER. Mr. President, with reference to the pending amendment, I want to say just a few words on the subject of destroyers. When the bill was before the House of Representatives, Congressman FRENCH, of Idaho, who is chairman of the subcommittee having charge of the bill in the House, inserted in the RECORD a table, which appears at page 4519, under date of February 10, giving the tonnage of destroyers of the United States as of January 15, 1930, as 299,304 tons, and stating that the London conference set the amount of tonnage for destroyers for the United States at 150,000 tons. The table also gives Great Britain's tonnage as of the same date as 196,761 tons, and Japan's tonnage in destroyers as 129,375 tons. Their limit under the treaty is 105,500 tons each.

Mr. President, the amendment provides for the beginning of work on 11 new destroyers, providing $7,500,000 for that purpose. It seems to me, in these hard times especially, an amendment of this kind is unwarranted. In view of the fact that we have a larger number of destroyers and more tonnage than the other nations concerned, it would appear to me, even though some of the destroyers were what might be termed obsolete, that nevertheless the proposal is not justified. Of course, the term "obsolete" is overworked in the Navy Department anyway. Some of our battleships and other war craft are termed "obsolete" by the naval experts before they are completed. I presume if these new destroyers were laid down and this amendment adopted some one in the Navy Department would term the craft "obsolete" before they were completed.

So it seems to me this amendment should be rejected. There are a great many ways in which the money of the taxpayers of this Nation can be spent to better advantage, in my opinion, than by now laying down new destroyers. I hope the Senate will follow the action of the House and reject this amendment, and that a record vote may be had on it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

REGULATION OF SECURITY SALES AND MORTGAGES IN THE DISTRICT

Mr. BLAINE. Mr. President, I ask unanimous consent for the immediate consideration of Senate bill 3491, relating to the sale of stocks and bonds and securities within the District of Columbia, and I hope the Senator from Maine will agree to that request.

The VICE PRESIDENT. Let the bill referred to by the Senator from Wisconsin be stated by title.

The CHIEF CLERK. Order of Business 1717, being the bill (S. 3491) to prevent fraud in the promotion or sale of stock, bonds, or other securities sold or offered for sale within the District of Columbia; to control the sale of the same; to register persons selling stocks, bonds, or other securities; and to provide punishment for the fraudulent or unauthorized sale of the same; to make uniform the law in relation thereto, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wisconsin?

Mr. HALE. Mr. President, I know nothing whatever about this particular bill, but I must take the ground that, with the naval appropriation bill before the Senate, I must object to all unanimous-consent requests.

Mr. BLAINE. Mr. President, I want to make another request for unanimous consent. I ask unanimous consent that the Senate proceed to the consideration of Order of Business, No. 1716, being Senate bill 3489, relating to the foreclosure of mortgages and trust deeds in the District of Columbia.

The VICE PRESIDENT. Let the bill be stated by title.

The CHIEF CLERK. Order of Business 1716, a bill (S. 3489) to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia, and for other purposes.

The VICE PRESIDENT. Is there objection?

Mr. HALE. I must make the same objection to the consideration of this bill.

The VICE PRESIDENT. Objection is made.

Mr. BLAINE. Mr. President, I am sorry that the Senator from Maine has objected. In the order in which I made the request to consider these bills, I desire to make motions. The questions involved in these measures ought, I think, to be settled by the Congress of the United States. They are far more important to the innocent investors in the District of Columbia and throughout the country than is any naval appropriation bill or any other appropriation bill at this time. There is plenty of time in which to pass the naval appropriation bill, but we are in the throes of the last days of a Congress and we are also in the throes of a serious financial situation in the District of Columbia. Many of the bond and security companies in the District are nothing more than shells; they are houses of cards, and they are tumbling down every month to the great loss and distress of thousands and tens of thousands of innocent investors, not alone in the District of Columbia but as well throughout the United States.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. BLAINE. I yield.

Mr. ROBINSON of Arkansas. May I ask the Senator, if it is practicable for him to do so, to state the substantial provisions of the bills to which he refers? Can the Senator summarize and give the gist of them without difficulty?

Mr. BLAINE. I shall be glad to do so; but before making the statement in response to the Senator from Arkansas, I desire to make a motion that the Senate proceed to the consideration of Calendar No. 1717, being Senate bill 3491.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. I desire to know whether the Senator from Wisconsin [Mr. BLAINE] has made a motion?

The VICE PRESIDENT. The Senator from Wisconsin has moved to proceed to the consideration of the bill indicated by him.

Mr. FESS. Then, I inquire whether or not the motion made by the Senator from Wisconsin is debatable?

The VICE PRESIDENT. The motion is debatable after 2 o'clock, and, as the Senate convened to-day after a recess, it is now considered to be after 2 o'clock.

Mr. BLAINE. Answering the Senator from Arkansas [Mr. ROBINSON], I desire to state that the first bill to which I made reference is popularly known as the "blue sky law."

Mr. HASTINGS. Mr. President, may I inquire whether the bill referred to by the Senator from Wisconsin was unanimously reported from the committee?

Mr. BLAINE. The Senate adopted a resolution some time ago authorizing the District Committee or a subcommittee thereof to investigate three subjects: The question of licensing real-estate brokers; the question of regulating the issue and sale of bonds and securities; and the question of the foreclosure of mortgages or trust deeds within the District of Columbia. That committee has held many hearings and has developed many facts, and, as a result of those hearings, has submitted a report, together with the two bills, one relating to securities and the other relating to the foreclosure of mortgages, on which it desires favorable action.

The bill relating to the licensing of realtors passed the Senate, as I recall, on May 22, 1930, and went to the House and there remains. The bill has not been taken up in the House. The committee to which I have referred, a subcommittee of the District of Columbia Committee, made its report and submitted two bills, as to one of which I have made a motion to proceed to its immediate consideration.

Mr. HASTINGS. My inquiry was whether the District Committee was unanimous in its recommendation? My purpose was to ascertain whether the bill would be likely to consume much time.

Mr. BLAINE. As I have explained, the resolution directed the District Committee or a subcommittee thereof to make an investigation and report to the Senate, and, in compliance with that resolution, the subcommittee made its report to the Senate and that report is before the Senate, together with the two bills upon which the report was made.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. BLAINE. I yield.

Mr. SWANSON. I understand the calendar will be called on Monday and the bill in which the Senator from Wisconsin is interested will then be reached in its regular course, and under Rule VIII a motion can be made to proceed to its consideration. Would the Senator be content to withdraw his motion and defer action until his bill is called on Monday next?

Mr. BLAINE. I would not be content to do that and have the 5-minute rule apply to debate on the measure. The subject is of too much general importance to the country at large and the people of the District of Columbia to follow that course. From my standpoint I think it is important legislation, at least the most important District legislation that has received a favorable report.

The securities bill, the blue sky law proposal, runs along the lines generally adopted by the respective States. It is a bill which has grown out, not so much from the minds of the subcommittee, but rather the subcommittee has taken what has become known as the uniform securities bill. That uniform securities bill has been adopted in many States of the Union. It was worked out by what is known as the National Commission on Uniformity of Legislation. I think every State in the Union appointed a commissioner who sat upon that national commission, and that national commission worked upon this proposition for seven years. Upon that commission were men of experience and standing, including some of the very best lawyers in our country, some of the very keenest bankers, and many men who are interested in the business of buying and selling bonds and securities but who wanted protection against those who would defraud the people. They were represented on that commission. As a matter of fact, the commission has been constituted as a very conservative commission. The bill does not go as far as I would go, but the bill does go as far as those commissioners have recommended, and those commissioners recommended this uniform bill, as I have said, after seven years of study.

I submit that under those circumstances the bill before us is not a radical bill; it is a conservative bill; and, in my opinion, Mr. President, the recent failures that have taken place in the securities business in the District of Columbia could not and would not have been brought about had the District of Columbia had this securities law. During the progress of debate on this matter I shall point out specifically what this bill proposes to do. It creates a bureau in one of the departments of the District of Columbia government which will have supervision of licensing agents and those who deal in bonds and securities. Those agents, whether they are principals or employees, must get a permit from this bureau before they can engage in the business of selling bonds and securities. Then there must be filed with this official institution full details of proposals to issue bonds and securities, and there will be an investigation conducted and an appraisal made of the properties proposed to be hypothecated upon which bonds and securities shall issue. The bill also outlines generally the procedure by which this may be done. That, in essence, is the purpose of the bill. Before anyone shall have the right to issue securities or sell securities or bonds he must first obtain the permission of the bureau which is to be set up in one of the departments of the District of Columbia government. So, there will be complete supervision, not only as to the issuing of bonds but also with respect to the issuing of licenses to those who desire to sell bonds and securities.

Mr. President, this bill is of special significance at this very time. As I said in the opening, the bond business in the District of Columbia to-day is just a shell, and it is crumbling, and it is crumbling to the distress of widows, to the distress of guardians and administrators; for that distress follows for those who have had life savings and have invested those life savings in these bonds and securities the value of which in many instances is only 50 per cent of the face value; and yet these widows and these innocent investors have paid 100 per cent of the face value in the purchase of these bonds and securities, and to-day many of them are left helpless and penniless.

I have the testimony of women in the District of Columbia who had savings of ten or fifteen thousand dollars' worth of property, a little home, or perchance they were living with a son or daughter. They had been led by false advertisements, by false representations, to make investments in what appeared to them to be the most substantial business organizations of the District of Columbia. Within the last two weeks their entire savings have been swept away, wiped out, and to-day they may be objects of chairty, or they may be on the way "over the hill to the poorhouse."

It is a most distressing situation, a most distressing condition; and I am sorry that the Senator from Maine has interposed an objection to the present consideration of these bills. The fact is, Mr. President—and I think I can demonstrate my proposition—that the importance of these bills is of such a high character that I feel it my duty, if necessary, to stand upon the floor of the Senate for the remainder of the day so that I may outline to the Senator from Maine the distressed condition of thousands of people by reason of the fact that the Congress of the United States has not hedged about these bonds and other obligations with real security for the protection of the innocent holder.

What has happened? Only on yesterday we find published in the New York Times of February 20, 1931, two notices. One notice refers to the "bondholders' protective committee, Wardman Real Estate Properties (Inc.)"—I am reading the language of the notice—"first and refunding mortgage gold bonds, dated September 1, 1928."

A little over two years ago these so-called first and refunding mortgage gold bonds were issued. They were not first mortgage; some of them are not refunding mortgage gold bonds. At least, the advertisement did not disclose the facts honestly. These bonds were sold just a little over two years ago; and at this very moment that entire organization, as I said, is a mere shell, and is now crumbling rapidly, as does a house of cards.

What is proposed? This notice is addressed:

To the holders of Wardman Real Estate Properties (Inc.) first and refunding mortgage gold bonds:

I will read the notice:

We are informed that Wardman Real Estate Properties (Inc.) will be unable to pay the interest due March 1, 1931, on its first and refunding mortgage gold bonds issued under its first and refunding mortgage, dated September 1, 1928, to Central Union Trust Co., of New York, as trustee. In view of this condition, it is imperative that the holders of the bonds unite for the enforcement and protection of their rights. The undersigned, representing holders of a substantial amount of these bonds, have, therefore, consented to serve as members of a committee organized for the sole purpose of protecting the bondholders' interests.

We stress the advisability of your prompt action in depositing your bonds in order that power may be given to the committee to take such action as in their discretion will be necessary to protect your interests to the fullest degree. We recommend that all bondholders deliver or forward their bonds by registered mail at once to the depositary or the subdepositary below named accompanied by a signed letter of transmittal, against which an appropriate certificate of deposit will be issued. These bonds will be held under a deposit agreement, copies of which may be obtained from the depositary, the subdepositary, or the secretary of the committee.

NEW YORK, N. Y., *February 20, 1931.*

Then the names of the committee are given, and the name of the secretary, and the counsel, the name of the depositary, and the name of the subdepositary.

Those constitute only a part of the liens or mortgages against the so-called Wardman properties. Permit me here to suggest that, as I understand the situation, Mr. Wardman, well known here in the District, is no longer connected with these properties; or, at least, the evidence does not disclose that he has any interest presently in these properties. He declined before the committee to permit an inspection of his books; and inasmuch as the committee did not know what books he might possess, the committee found that it had no authority to subpœna something about which it knew nothing. Having acquired no information from Mr. Wardman, the committee therefore could not pursue its investigation respecting the facts that might be disclosed by the books that Mr. Wardman had; and we had to resort to other sources in order to obtain the information which we might have obtained from an inspection of Mr. Wardman's books. I shall go into the details of this before I conclude.

In the same issue of the New York Times, and immediately following the bondholders' protective committee notice, is another notice that relates to the debenture holders' protective committee of the Wardman Realty & Construction Co. 6½ per cent gold debentures due 1938. I will read that notice:

To the holders of 6½ per cent gold debentures of Wardman Realty & Construction Co.:

We are informed that Wardman Realty & Construction Co. has failed to make the sinking-fund payment due on February 1, 1931, as provided in an indenture, dated as of September 1, 1928.

These debenture bonds were issued only a short time ago, slightly over two years ago. Here, again, we find this financial organization a mere shell, the value of which has been inflated to balloon dimensions; not only the stocks filled with water but the securities, whether bonds or notes or debenture certificates, or in whatever form the so-called securities might have been issued. Every one of them, without a single exception, was inflated almost 100 per cent. In fact, there is no chance in the world for any of the investors in these properties to realize upon their investment, except possibly a fractional part under the first-mortgage lien. Every investor who has a subsequent lien will lose every dollar that he invested in these properties. And yet the Senator from Maine, possessed of that warlike nature of his, ready to go out and do battle to protect the American flag, is quite willing to postpone a consideration of essential legislation necessary to protect the women and the men who have been careful enough and prudent enough to save a few thousand dollars so that they might be taken care of during the twilight hour of their lives, so that they might not depend upon charity or depend upon relatives, so that they might not take the last detour "over the hill to the poorhouse." These men and women have been sold down the river; but this courageous warrior, battling for the protection of the American flag, appears to be quite willing, through his objections, to permit other men and women to be sold down river.

Let me read what this debenture holders' protective committee says.

(At this point Mr. BLAINE yielded to Mr. COPELAND to have read at the desk an article from the New York Times relating to the rise in stock prices and the price of seats on the New York Stock Exchange, which appears at the close of Mr. BLAINE'S speech.)

Mr. BLAINE. Mr. President, let me suggest at this point that a number of Senators have conferred with me respecting my attitude toward the passage of the naval appropriation bill. My purpose this morning is not to interfere with or obstruct the passage of the naval appropriation bill, but I think the question I am discussing is of such tremendous importance that I feel that now is the time when a sentiment should be developed in the Congress, if possible, so that these two bills might pass the Senate, and that all of the bills to which I have referred might pass the House before we adjourn. Therefore I did not want to defer discussion on these important matters until next week, when the Senate might be engaged in a tremendous amount of business and it might appear that I was merely an obstructionist.

I conceive that there is no great necessity for urging the passage of the naval appropriation bill to-day, and I also understood, though I may be mistaken, that the Senate would take an adjournment or a recess some time in the early afternoon, and by that time I can conclude my remarks.

Mr. President, I am going to have a considerable portion of the evidence in this matter read, either by myself or the clerk. I shall do so, not for the purpose of killing time but in order that there might be a complete record made of the entire proposition, so that the views of conservative newspapers might be considered by the Congress and by the country and that we might, perchance, develop an atmosphere in the Congress which would bring about the final adoption of the three bills.

Mr. President, I was reading from the notice of the debenture holders' protective committee securing the 6½ per cent gold debentures due in 1938 of said Wardman Realty & Construction Co. I repeat some that I have read from the announcement in the New York Times:

We are informed that Wardman Realty & Construction Co. has failed to make the sinking fund payment due on February 1, 1931, as provided in an indenture dated as of September 1, 1928, between said Wardman Realty & Construction Co. and American Exchange Irving Trust Co., as trustee, securing the 6½ per cent gold debentures due 1938 of said Wardman Realty & Construction Co.; and that Wardman Real Estate Properties (Inc.), all of the issued and outstanding stock of which company is owned and held by Wardman Realty & Construction Co., will be unable to pay the interest due March 1, 1931, on its first and refunding mortgage bonds. In view of this condition, it is imperative that the holders of the debentures unite for the enforcement and protection of their rights. The undersigned, representing holders of a substantial amount of these debentures, have consented to serve as members of a committee organized for the purpose of protecting the debenture holders' interests.

We stress the advisability of your prompt action in depositing your debentures in order that power may be given to the committee to take such action as in their discretion will be necessary to protect debenture holders' interests to the fullest degree. We recommend that debenture holders deliver or forward their debentures by registered mail at once to either Irving Trust Co., depositary, 60 Broadway, New York City, or Continental Illinois Bank & Trust Co., subdepositary, 231 South La Salle Street, Chicago, Ill. These debentures will be held under a deposit agreement, copies of which may be obtained from the depositary, the subdepositary, or the secretary of the committee, and appropriate certificates of deposit will be issued against the deposited debentures.

NEW YORK, *February 20, 1931.*

That is signed by the counsel, the secretary, the chairman, and the committeemen.

The name of the trust company, the depositary, is given at the close of the notice, as well as the name of the subdepositary.

Mr. President, this protective committee now being organized in New York for the Wardman Hotel Properties is made up of people closely connected with Halsey Stuart & Co. and other investment bankers responsible for the issue.

I want this noted, that the chairman of the protective committee is an employee or officer of Halsey Stuart & Co. I refer to Leonard L. Stanley.

Mr. COUZENS. Mr. President, is that the company which advises all the country how to invest money, through the "Old Counselor"?

Mr. BLAINE. The "Old Counselor" is the representative of Halsey Stuart & Co., which goes on the air very frequently, advising the country how to invest money.

Mr. COUZENS. The people of the country would have been bad off if they had followed that advice.

Mr. BLAINE. It has been exceedingly unfortunate for people who have followed Halsey Stuart & Co.'s advice in the past. This Halsey Stuart & Co., it may be of interest to note in passing, is the same company which had printed a speech made by Martin J. Insull, entitled "The Power Trust." Martin J. Insull is the president of the Middle West Utilities Co. The pamphlet which I hold in my hand, a copy of which I am sure every Senator has received by mail, is a reprint of an address delivered by Mr. Martin J. Insull, who was guest speaker on the Halsey Stuart & Co. radio program February 11, 1931, over a coast-to-coast network of the National Broadcasting Co. and associated stations.

Mr. COUZENS. May I at this point ask the Senator whether the committee made any inquiry as to the methods used by Halsey Stuart & Co. in promoting this issue?

Mr. BLAINE. Yes; I will disclose that as it occurs in the testimony.

There are quite a number of properties belonging to the Wardman properties organization, Mr. Wardman having disposed of his interest in them, as I understand, some time prior to the issuing of the last issue of stocks and bonds, and Halsey Stuart & Co. before they entered upon the sale of the stocks and bonds of the so-called Wardman properties had full access to Wardman's books. They knew that Mr. Wardman owed practically all of the banks in Washington, and it was to relieve the pressure on the banks, which were threatening to close in on Wardman properties, that the bond issue was conceived. When the bonds were issued, new books were opened and the property was marked up, new valuations were given to the property, inflated valuations on the new books over the old valuations to the extent of over $8,000,000, which represented nothing but water or air. It had no value at all. Yet that $8,000,000 was used as an asset upon which to base a stock and bond issue.

Halsey Stuart & Co. knew at the time they were financing this new arrangement that the Wardman properties had not been paying carrying charges. They knew that that organization was bound to fail. They could not help but know it. Yet they made representations to the public that these bonds and securities were gilt-edge, the very finest character of investment.

These same investment bankers are now organizing a "protective committee," and they ask default of the bonds, so they can tie up their victims' securities and prevent independent action by a friendly committee, a real protective committee for the bondholders. I pause now to express a hope—and I hope my expression will be carried to the innocent investors—that they will not deposit a single bond or other security with this so-called protective committee. They are simply changing masters, that is all, in a new form, but it will still be Halsey Stuart & Co. that will have their hands in the pot.

I mentioned just a few moments ago the fact that Halsey Stuart & Co. gave 23 minutes of their 30-minute program a couple of evenings ago to Samuel Insull. I think that is a mistake; I think it should be Martin Insull. Maybe they gave it to Samuel Insull as well. At any rate, they gave 23 minutes or a large portion of their 30-minute radio program over to the Insull interests, so that Halsey Stuart & Co. might prove that there is no such thing as a Power Trust. They are closely linked with the Power Trust, of course, through the sale of securities issued by public utilities.

Back of the Wardman activities and connected with the companies defaulting on the bonds is a gentleman by the name of Emory Coblentz, close associate and business confederate of G. Bryan Pitts, of the F. H. Smith Co. G. Bryan Pitts is the man who is now under sentence of 14 years upon a conviction had in the District of Columbia. Coblentz, however, has not been prosecuted. I understand he has powerful political allies. Then he is chairman of the board of the Potomac Edison Co., and there is no doubt in my mind but what Halsey Stuart & Co. negotiated the bond issues on the Wardman properties largely because of Coblentz's interest therein.

Mr. President, let me analyze briefly what is disclosed by the testimony taken before the subcommittee. I will summarize the evidence, which is perhaps more valuable for the benefit of the Senate. Speaking generally of the situation, the committee found that within the past six or seven years there have been issued in or sold from the District of Columbia so-called securities largely consisting of mortgage bonds or notes in an amount approximating $100,000,000. A very considerable portion of that amount is of dubious character. It is true that there are bonds and securities issued upon property within the District of Columbia that are sound investments. I do not want the inference to be drawn from what I have said that there are not honest financial organizations in the District of Columbia. There are many of them.

In the sale of such securities, many of which have been distributed to women as safe investments for insurance and savings funds and to a large class of people who have no detailed knowledge of investment principles, there has been gross misrepresentation of values and concealment of essential facts as to values amounting to fraud, and, in my opinion, of a criminal character. Not only is that my opinion but the court records disclose the fact that many of the transactions can not be characterized otherwise than as criminal transactions. In many instances investors were induced to exchange the hard-earned savings of a lifetime for securities which were not worth the paper on which they were engraved or printed.

In seeking a remedy for this situation the committee was confronted with the problem of choosing between two methods or between two bills of different character. One type of bill provides in substance for the licensing of issuers and sellers of securities and the posting of a bond of considerable amount, with specific authorization to the United States attorney or other prosecuting officer to investigate alleged cases of fraud with a view of securing injunctions to stop the issuance and sale of worthless securities. That type of bill would merely extend the injunctive process with respect to the sale of securities, but the enforcement of substantive law I am sure can not be made satisfactorily through the injunctive process.

The injunctive process as proposed in one type of bill could not be initiated until after there was evidence of fraud. In other words, there must have been acts of fraud committed before the United States attorney would be authorized to make an investigation and secure an injunction, the only purpose of which injunction would be to prevent future frauds. Clearly, that type of law can have no justification under our system of administration of laws. The injunctive process is inefficient. It does not permit of quick and decisive action. It is an equity procedure and wholly unfit for the enforcement of a securities law that would afford proper protection to the innocent purchasers of securities.

Moreover, as to that same type of law—and it has been adopted in some States, though not very many—there is another very great objection. I think in all cases where that form of legislation prevails the investigation made by the prosecuting attorney is an investigation made behind closed doors. In fact, a penal provision is inserted in that character of legislation which would punish anyone for disclosing any information that might be obtained at such a secret hearing. Even the witness who had valuable information and disclosed his information to that secret hearing would not be entitled thereafter to disclose it to anyone else. In other words, that type of legislation proposes to close and bar the door and lock it against the public and against the development of the truth, the facts, the evidence, and information to which the public ought to be entitled in the defense of its owns rights and the rights of the citizen.

Under that type of law every fictitious bond issue and every criminal act that has been charged here in the District, and for which there has been successful prosecution, would have been possible to have been committed because the injunctive process therein provided for could not be effective until after the perpetration of the fraud and the defrauding of the innocent purchaser.

The other type of law—that is, the type which the subcommittee proposed—provides for the licensing of securities dealers and salesmen and also the scanning and investigation of securities to be offered before they are actually sold to the public by a competent, official body, with legal authority to make rules and regulations requiring the submission before sale of detailed information as to values, earnings, assets, liabilities, in fact all the elements so necessary in determining the security value of a property proposed to be hypothecated upon which bonds are to be issued.

To determine the relative merits and efficacy of two types of law the subcommittee made detailed investigation of various securities, promotions, and issues in the District. Ample evidence has been obtained to support the statement that the first type of law, providing merely for licensing and injunctive procedure, would not have prevented some of the larger frauds that have been perpetrated in and from the District. Many of the promotions in the District which have resulted disastrously to investors not only locally but throughout the United States, have been sponsored by men and organizations of previous high social and business standing who would not have experienced any difficulty in obtaining licenses for their operations in the investment field. After evidence of fraud has been publicly offered it is disclosed that there have been years of delay and, in some cases, no action at all looking to the prosecution of offenders highly placed.

I am not condemning the prosecuting officers. There are many devices which promoters may employ to carry on their deceptive and fraudulent practices, and they construct those devices within the law. So, in many instances, the prosecuting officer finds, though he knows there have been fraud and cheating, that devices have been employed which enable the perpetrators to escape all responsibility, either because of their design being within the law or because of an absence of law.

There were representatives of the investment bankers' organization who were opposed to this second type of law, the type of law which the committee recommended. Those representatives preferred the injunctive procedure. So we made certain investigations in order that we might be able to apply the test of experience to those two proposed forms of legislation. We examined into two large security flotations by members of the bankers' investment organization who are in good standing in that organization. This information was obtained and is available regarding other issues of securities by members of organizations opposed to the second proposal, the proposal which the committee has submitted.

Now, let me review the situation briefly. In doing so I will use our report in order to save time. One of the two issues was that involving the sale of bonds, debentures, and so forth, of the so-called Wardman Hotel and Apartment Properties in Washington. Four members of the Investment Bankers' Association, namely, Halsey Stuart & Co., Hambleton & Co., A. B. Leach & Co., Rogers Caldwell & Co., sponsored the offering. Rogers Caldwell & Co. is the same organization as the Caldwell whose financial operations came to light respecting the failure of the bank in Louisville, Ky. They are socially reputable and regarded in the business world as of the very highest character, and yet such men, engaging in the investment business, find the greatest opportunity for the exploitation of the public.

We enact laws to punish the man who jimmies a safe. Of course, that man has no social standing; he is an outlaw, and everybody is anxious to have him incarcerated in jail—especially if he jimmies a bank safe—for a term as long as 40 years. We punish men for highway robbery, and if they should be armed with dangerous weapons—and in some cases a good-sized jackknife will be considered a dangerous weapon—they find themselves confronting jail sentences of upward of a quarter of a century. We punish men for forgery, and they must submit to imprisonment. Yet in the field of investment, which is so fruitful of widespreading fraud and deception, where the money comes easy and reaches the pockets of gentlemen of social standing, we let the perpetrators of fraud go scot-free and permit them to enjoy all the extravagances of an indulgent mind, even to the extent of putting on a party in the city of Washington at the Mayflower Hotel in order that some fair maiden may have a coming out, and that sort of character finds himself welcomed in the best society, and some men and women are tickled to death if they are invited to the dinner party. Yet that man, though he may have robbed thousands upon thousands of men and women of their life savings, goes scot-free, and the Senator from Maine declines to permit a bill to be passed that will put the investment scoundrel in the same class as the scoundrel who jimmies a safe.

Mr. President, I am not surprised at receiving letters such as I have been receiving during the last two or three weeks. I am going to quote from one of those letters, which, judging from the language and the penmanship, was written by a man of considerable experience and evidently of good standing. He lives in the city of Baltimore and is a canvasser, a salesman. He says:

> My entire family connections are Republican, but we have reason to find fault with the present administration, as it appears to have gone completely over to the special interests, and the plain people can be damned. I have always been a conservative—

He states—

> but conditions have gotten so that I believe, like millions of others, that conditions must be changed very soon to prevent a dangerous uprising of the people. As a salesman one comes in direct contact with the real conditions.
>
> If some of the stand-pat, mossback administration crowd could hear the remarks of hundreds as I have heard them, they would realize there is a storm overhead, likely to break at any time. What is wanted is some concrete remedy to rectify these conditions, to get back to a real democracy, as the country was founded—some legislation to prevent a few from having all the wealth, with the vast majority starving.

That is not directly upon the question I am discussing; but the question I am discussing is merely an accumulation of the wrongs that the people suffer. This letter, coming from a conservative, briefly outlines the condition of men and women everywhere.

Mr. President, when you destroy what has become known as the middle class in this country, the men and women who have savings of a few thousand dollars, a home, perhaps a job, an occupation—when you permit criminal rascality, through deceit and misrepresentation, to take the last dollar of their life savings, you can make up your mind that those men and women who have red blood in their veins recognize the potency of the Declaration of Independence—that is, the right to change the Government—and those changes, as history has demonstrated in the past, have not always been by peaceful means. In all ages the tyrant—political, industrial, or financial—has been the one to suffer the guillotine; and I now warn the Halsey Stuarts, the Dohertys—I warn them all—that their power to rob must cease—

> Let the thieves give up their plunder
> Ere the storm has gathered head,
> And louder peals the thunder,
> And the lightning flash more dread;
> For if once that storm does break,
> No human hand can stay
> Till the wrongs the people suffer
> Have in blood been washed away.

Mr. President, occasions such as have been called to our attention may not always present or permit pacific means. Therefore, believing, as I do, in the inherent democracy of our people and the power of that democracy, let us act in all these respects through the machinery that has been set up under our Constitution, that these wrongs may be prevented ere it is too late.

Let me just outline some more of the facts that this subcommittee have found.

I was naming the four members of the Investment Bankers' Association of America. In addition to those I named is the William R. Compton Co. They sponsored and participated in the public offering throughout the country of what they designated on their circular to be "Eleven million dollars first and refunding mortgage 6½ per cent serial gold bonds"—they put all the glitter on these things, using high-sounding phrases—"refunding mortgage 6½ per cent serial gold bonds of the Wardman Real Estate Properties (Inc.)." Even the printed description of this issue was deceptive; for, in reality, the authorized issue of bonds was $16,000,000; and the security back of the bonds was not a first mortgage on all of the property of the issuing corporation, but a second and probably a third mortgage as to some of the properties involved.

In the printed hearings of this committee will be found the advertisement to which I refer. I shall not go into the details of that advertisement. The same properties were made the basis of a $2,500,000 so-called "general mortgage," which in reality was a third or fourth mortgage as to some of the hotels and apartments listed as security for the issues. In addition, the very questionable and doubtful equities in the properties encumbered by the various mortgages mentioned were made the basis for two issues of so-called "gold debentures."

"Gold debentures." Now, to the unwary that very readily appears to be something that is gold. A "debenture"—"gold": Why, of course, all it means is that it may be payable in gold; but as far as the value of these properties was concerned, they might just as well have provided that they should be payable in platinum or diamonds. They would have made it more attractive had they said "diamond debenture"; yet not a single penny of additional security would that description afford.

These gold debentures were in the amount of $4,900,000. Then, in addition to issuing all these various securities, they also issued common stock to the amount of 200,000 shares.

Now, let us examine into the valuation of these properties. The circular issued by these five investment firms, four of them belonging to the Investment Bankers' Association, together with the William R. Compton Co., place a valuation by so-called independent engineers upon the properties constituting the security of more than $31,000,000. Of course all they advertised was that independent engineers stated that the property was valued at $31,000,000, while as a matter of fact this was nearly $2,000,000 in excess of the engineers' actual valuation. But, even at that, the engineers' valuation of $29,000,000 was far in excess of the true value of the properties, the actual value, the value that could be obtained in the market. In a good market, even in a high market, no such amounts whatever could ever have been obtained from the sale of these properties.

Now, I want to call attention to the fact that the engineering firm that made these appraisals was identically the same firm that made the appraisal for the F. H. Smith Co. The appraisals in the case of the F. H. Smith Co. were excessive, of course. Inflated values were given to those properties; and so the F. H. Smith Co. went crumbling down, and with it thousands of innocent investors lost their savings.

Some men of wealth lost their savings; yes, men who had a considerable competency for their old age, who could enjoy more than the ordinary things of life, who could enjoy some of the luxuries of life, even some of the extravagances of life, were reduced to a position little above that of poverty.

We took the evidence of the District assessor. There will be those who contend that an assessed valuation is not a reliable valuation. That all depends on the facts. We examined Mr. Richards, the local assessor, at great length, and I think that when he got through he had clearly demonstrated that with respect to these particular properties, applying every possible method of valuation to them in making his assessment, he assessed them at their full value. I have no doubt about that.

All these properties, against which had been issued a $16,000,000 liability, plus a two and a half million dollar liability, plus a $4,900,000 liability, totaling almost a $24,000,000 liability, had a full value, including lands, buildings, equipment, and furniture, of not over $17,147,000. If anyone who might question the judgment of the District assessor will study the pages of detail into which the assessor went and the various methods of valuation, he will conclude that the assessor put the value at its very top notch, $17,000,000, in round figures. That was $14,000,000 less than the valuation stated in the investment firm circular. There is no law in the District of Columbia to regulate that sort of thing.

Let me develop the facts a little farther. The result of this issue to investors that is, the issue on the Wardman properties—is that they have met disaster. The Wardman bonds, which were sold by the sponsors of the issue in 1928 for $100, par value, are admitted by Halsey Stuart & Co. to have practically no market value at all at this time. They were offered in the public market—that is, before this advertisement appearing in the New York Times of yesterday—at as low as $38, involving a loss of $62 for every share to those who reside in the District or who reside beyond the District.

We had an audit made, and the audit revealed that in the nine months from January 1 to September 30, 1930, the deficit from operations was almost a million dollars, the accrued deficit of the combined companies as of last September was in round figures $3,339,000, and by eliminating a balance sheet asset of no real value, but styled "unamortized bond discount, and refinancing expense," there is shown a deficit of over $4,300,000. Four million dollars of those bonds issued as late as 1928 are due and payable, as the so-called protective committee advertisement shows.

I note again that Halsey Stuart & Co. broadcast, over the radio, investment advice by an employee, designated, as the senior Senator from Michigan stated, "Old Counselor." The same firm advertises widely in women's magazines, and they do it designedly. Many women, especially widows, who during their married life paid little or no attention to the financial transactions of the home, outside of the household and the family budget, are not familiar with investments. They become victims upon whom these bond and securities companies feed. One of the advertisements of Halsey Stuart & Co. states that 20 per cent of the customers of Halsey Stuart & Co. are women, "some administering their husbands' estates, others making their own way in the world—still others, careful housewives, managing the family finances."

Halsey Stuart & Co. can not complain at the disclosure of these facts. Halsey Stuart & Co. were apprised that the subcommittee would hold a hearing on a certain day at a certain time at which they would be afforded every opportunity to appear and present their side of the matter. They failed to appear, and upon the record in this case that one investment company alone stands convicted as one of the greatest vultures in the investment field.

Mr. President, I now turn to another organization, Lockwood, Green & Co., an engineering organization, which advertises eight different types of appraisal on property. They were quoted in the bond circular as having valued the Mayflower Hotel at $11,000,000. I shall go into that very shortly and analyze that valuation. Before doing so I want to complete my analysis of the testimony as it refers to the bond issue sold by Halsey Stuart & Co.

I refer now to another organization, not the Wardman properties organization, but a second organization, one of the two great organizations the committee interrogated. Halsey Stuart & Co. sponsored and sold in 1928 the bonds of the Mayflower Hotel Co. The first-mortgage bonds were in the amount of $7,500,000, and the second-mortgage bonds amounting to $2,400,000. A total of $9,900,000 of bonds were issued and sold widely throughout the country.

In addition to those bond issues, the hotel company issued $1,100,000 of 7 per cent cumulative preferred stock, and authorized an issue of 80,000 shares of common stock, without par value.

Those issues were based upon extravagant valuations, shown in the circular distributed by the investment bankers.

The property was appraised by Mr. Harry Wardman, of Washington, D. C.—who, by the way, had financial interests in adjacent properties at that time—at $12,600,000. It was the same Mr. Wardman who refinanced his various old organizations through Halsey Stuart & Co., which company are participants in the Mayflower securities issue.

As I stated, the Lockwood engineering organization placed a valuation on that property at $11,000,000. The advertisements on the sale of those bonds were deceptive. They stated that the original investment in the hotel, furniture, and furnishings was in excess of a million and a half dollars. Yet, when the Mayflower Hotel Co. made its return for taxation purposes, it made a return of only half a million dollars, one-third of what was stated to have been the investment.

Proof was submitted, and the proof was credible, that the amount paid for the furnishings, and so forth, was a trifle over $1,500,000. Mr. Richards, the local district tax assessor, in great detail showed very clearly that he had assessed this property at its full value. Including land, building, equipment, and furnishings, based in part on sworn statements, the total assessment for the property complete was $5,232,120. That was less than one-half of the lowest valuation given in the Investment Bankers circular. Against this valuation of a little more than $5,000,000 there were issued $9,900,000 in securities, almost twice the amount of securities issued as was the actual value of the property.

These first-mortgage bonds, for which the investor paid $100 par value, were publicly quoted at the time of the hearings before the committee at $65. Those are the first-mortgage bonds. The second-mortgage bonds, of a par value of $100, were quoted at $25. On the first-mortgage bonds there was a loss of $35 for every $100 of investment. On the second-mortgage bonds, for which the investor paid $100 par value, there was a shrinkage to $25, a loss of $75 out of each $100 invested.

I think those facts ought to appeal to a heart of stone, and that the Senator from Maine [Mr. HALE] should yield and permit this bill to be considered and passed.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. BLAINE. I yield.

Mr. FLETCHER. I want to inquire who are the holders of these first and second mortgage bonds? Are they held by just a few people or groups of people?

Mr. BLAINE. They are widely scattered—sold in the District and throughout the country. Many of them are owned, probably, in every State in the United States.

Mr. FLETCHER. And those are the people who will lose their money?

Mr. BLAINE. Yes.

Mr. HEFLIN. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. BLAINE. The Chair is enforcing the rule. I have no objection to yielding, but I lose the floor unless I yield only for a question.

Mr. HEFLIN. It is merely a question that I desire to ask.

Mr. BLAINE. I yield for a question.

Mr. HEFLIN. Would the Senator be willing to agree, if the Senator from Maine would yield for a certain length of time, to give him half an hour to consider his bill? I understand the Senator from Maine is afraid if we get into a consideration of the bill of the Senator from Wisconsin it will sidetrack the Navy Department appropriation bill. Would the Senator from Wisconsin be willing to take up his bill and consider it for half an hour and, if it is not then disposed of, to permit the consideration of the Navy Department appropriation bill to be resumed?

Mr. BLAINE. I think we have time to-day to pass both the bills to which I have referred and also to dispose of the Navy Department appropriation bill. As I said, I am not engaged in any undertaking for delay. I am endeavoring to present all the facts as briefly as possible, and yet I think the question of such importance that the facts ought to be fully presented.

Halsey Stuart & Co. had access to the Wardman books to which I have referred, which would give Halsey Stuart & Co. all the information that the Wardman properties were not paying. That was before Halsey, Stuart & Co. undertook to sell the bonds. At that time the Wardman properties were operating at a loss. I want to be as brief as possible, but I want to show the necessity for the type of legislation to which I have referred. Halsey Stuart & Co. knew that the Mayflower Hotel was not a profitable undertaking and had not been a profitable undertaking prior to the time when the new issue of bonds was sold by Halsey Stuart & Co. The books of the Mayflower Hotel Co. disclosed that in 1927 there was a loss of a little over $300,000 and in 1928 a loss of $460,000. Nineteen hundred and twenty-eight was the year when Halsey Stuart & Co. were handling the bonds of the Mayflower Hotel Co., and they knew the properties could not and did not pay.

Mr. President, there is just one other matter which I want to discuss, and it is very material. I have undertaken to select out this information as carefully as possible in order to save as much time as possible. I will refer now to the recent failures of the Swartzell, Rheem & Hensey Co. This company dealt in mortgage notes. Its failure took place after we had had our hearings, and the information I am giving the Senate is taken from the public record of the court proceedings and some of it from newspaper reports, and I am not in doubt about the facts.

Swartzell, Rheem & Hensey have dealt in the sale of securities and notes, selling them to approximately 5,000 people in Washington and elsewhere. Its sales of notes have amounted to approximately $18,000,000. Up to a few days before filing a petition in bankruptcy on January 22, 1931, the firm advertised extensively in the newspapers to this effect:

No loss to a single investor in more than 61 years.

Even while insolvent they advertised to that effect. I have an advertisement taken from the Washington Star of January 10, 1931. That ad is headed "Harvest month." The grain was ripe and the picking was good. It was a time when the banks had settled with their customers for their savings accounts and men and women had a little money to spare. That time was the harvest month for this firm and a month when the firm knew that it was insolvent, hopelessly insolvent. They advertised:

No loss to a single investor in more than 61 years. Come in and let one of our officers advise you of the attractive offerings we now have available.

I ask that the complete advertisement may be inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The advertisement is as follows:

[From the Washington Star, January 10, 1931]

HARVEST MONTH

January is the harvest month for the investor. Do not permit your incoming interest and dividends to idle—immediate reinvestment insures against loss.

Your funds, harvested during January, can be reinvested safely and productively in the 6 per cent first mortgage notes sold through Swartzell, Rheem & Hensey Co. Placed in these securities, which are based on thoroughly investigated and improved Washington properties, they will earn you a steady, assured income.

These notes embody the two essentials of sound investment—high margin of safety and attractive yield. Their safety is attested by their record of no loss to a single investor in more than 61 years.

Come in and let one of our officers advise you of the attractive offerings we now have available.

SWARTZELL, RHEEM & HENSEY CO.,
Mortgage Bankers,
727 Fifteenth Street NW., Washington, D. C.

Mr. BLAINE. "Come in," said the spider to the fly, and the spider got the flies, too. Thousands of men and women are going to lose their savings. This was the same type of advertising as that of the F. H. Smith Co., and equally untrue, for the company had not been composed of the same stockholders and engaged in the same type of business for

the length of time advertised. These companies had changed in their personnel that were conducting the companies. The facts which have been disclosed cast no aspersions or reflections upon the older financiers who had organized these companies. But modern financing methods, modern inflation, modern devices, tempted those who succeeded to the older and substantial financiers to make their millions through misrepresentation and deceit.

After the bankruptcy petition was filed accountants of the Department of Justice discovered shortages in the firm's funds, and the managing head of the firm, Edmund D. Rheem, has been arrested and is out on bail on charges of embezzling several hundred thousand dollars of the firm's assets. About the only law in the District of Columbia under which action can be taken in matters of this kind is the law against embezzling. It is the only law that can in any degree be invoked against these bonding houses; but in all cases there is not embezzlement. It is something else. It often involves a character of finance that is not covered by the laws of the District of Columbia.

Aside from this fact, however—and the point in which the public is principally concerned—is the fact that Rheem and others connected with him, who acted as trustees under the mortgages securing notes held by the firm, received in payment $3,000,000 or more from the makers of the notes, released the deeds of trust securing the notes, but failed to pay the purchasers of the notes secured, converting the money to their own use or diverting it to other building projects which were being financed.

After the committee had tentatively agreed upon the foreclosure bill this situation was called to our attention, and so we have proposed certain amendments to the bill which would make future transactions of this kind utterly impossible.

The amendments propose that no individual shall be permitted to act as trustee under a trust deed except where the amount involved is less than $25,000. We thought we ought to take care of those who were investing their money in homes and whose transactions did not in any way involve the sale of bonds or securities; but all other trust deeds must run to a bank or trust company or building and loan association under the supervision of the Comptroller of the Currency. We offer those amendments to the mortgage foreclosure bill.

I want to suggest now that in the District of Columbia there is no such thing as a mortgage foreclosure. There is no way by which the purchaser of property or of a home can be protected. He enters into a trust deed. Of course, it is his own act and his own contract and he is bound by it, but he may lose his property by the advertisement of that property for sale in the default of a single dollar of interest, and that sale might be had upon 24 hours' notice. He has no period of redemption whatever. The bill with reference to mortgage foreclosures protects the purchaser and yet does not make the matter cumbersome for those who advance the money.

I may also say that the mortgage foreclosure bill does not by any means go as far as does the law in my State, or, for that matter, the laws in a great majority of States of the Union. It is a bill that has been recommended, as I recall, by the American Bar Association for communities that are not agricultural or industrial, but rather communities such as is the District of Columbia. Under the proposed mortgage foreclosure bill there will be an opportunity not only to redeem before sale but as well an opportunity to redeem after sale.

Another amendment we propose also makes provision for preventing the very sort of thing that I described a few moments ago. Under that amendment a trustee will not be able to release a trust deed until he presents to the recorder of deeds in the District of Columbia the canceled notes or the canceled bonds, and the recorder shall note on the margin of the instrument securing those notes or bonds the fact that they have been paid and canceled.

Notes, amounting to $3,000,000 or more—I am now speaking of Swartzell, Rheem & Hensey Co.—are still outstanding in the hands of the public, although the deeds of trust securing them have been released. I know of many people who have invested in such notes. Some friends of mine who came to Washington, having at one time lived in my own State, had, as I recall, something like $10,000 of such notes, and yet the trust deed securing them has been released and they are left with no security whatever. That is true of hundreds of men and women; the deeds of trust securing their notes have been released. In the meantime new mortgages and deeds of trust have been put on the buildings; they have been refinanced. Members of the firm or employees of the firm release the trust deeds of record, and then the firm turns about and issues a new trust deed, perhaps to a member of the firm or to an employee of the firm or to a friend of the firm, and obtains additional money on the property, although the security holders under the former trust deed had not in fact been paid.

For instance, the Swartzell, Rheem & Hensey Co. sold $600,000 of notes on which were printed in bold type, in red ink, "First Trust Notes," the purchaser being led to believe that the notes were secured by a first mortgage on the Hay-Adams House, one of the fine apartments on Sixteenth Street. In much less conspicuous type there appeared in the notes words showing that the notes represented, in reality, a first trust lien on the leasehold of the Hay-Adams House, not on the fee title, not on the actual physical property. The only security therefore for the $600,000 notes is a 99-year lease upon the hotel property, and that lease carries with it an obligation of $36,000 per year as a rental. A note issue that is subject to an obligation of $36,000 per year as rental is not very well secured.

As a matter of fact, the hotel has been operated at a loss and the property has been sold for an arrears of taxes amounting approximately to $60,000. The owners of the hotel land and buildings have the right to foreclose now because of this failure to pay taxes and the owners of the notes on the leasehold will then be wiped out; every dollar will be gone; not one penny of the $600,000 notes will they receive. The company liable on the notes owned nothing except a leasehold interest, not even the furniture and equipment of the hotel which was mortgaged two or three times to the Wardman Hotel Properties (Inc.), and to those who originally sold the furniture and equipment.

Rheem is the son-in-law of Harry Wardman. I mention this not for the purpose of casting any reflection upon individuals but simply to show that these investment companies have now connected with them men who have been connected with these properties, all of which have been financial failures, and therefore we can not rely upon the honesty and integrity that those men at one time were presumed to have had.

When Wardman became involved several years ago Rheem took over the properties. Wardman was erecting the Shoreham Building, the La Salle Apartments, and the Shoreham Hotel and others, and financed them. When he found himself unable fully to finance one with funds available he started another, and used the money from the sale of notes on the new project to finish the first project, and so on and on and on, until finally the crash came. It is not at all unlikely that there will be other similar failures here, for the whole mortgage, loan, and note business in this District has been allowed to run wild, without regulation, without supervision, and without the existence of any law under which the perpetrators of such fraudulent transactions might be brought before the bar of justice.

Mr. President, we have not gone into all the financial institutions in the District. I am not referring, of course, to banks; I am referring to bond and mortgage houses. I have no reference whatever to banks or trust companies or building and loan associations, and have not discussed them and do not intend to discuss them. We are not dealing with the financial affairs of those organizations. Mr. President, it seems to me that we ought not to have any trouble in passing this proposed legislation.

I want to say, in conclusion, that the so-called blue sky bill is a bill adapted to the peculiar conditions in the District of Columbia; it is a uniform bill, approved, as I have indicated, by the national commission.

The mortgage foreclosure bill does not go very far; it does not provide for any court foreclosure or judgment but it does give periods of redemption; it gives opportunity for the owner to redeem before sale and after sale, and does throw about owners some protection, without doing any injustice and without retarding the building of homes within the District of Columbia. The bill follows along the lines of the uniform bill worked out, as I recall, by the American Bar Association as being particularly adaptable to communities of this kind.

Mr. President, I think I have reviewed sufficiently the facts as they have been disclosed which justify the passage of these two bills.

I desire to have incorporated in the RECORD at this point three editorials. One is from the Washington Evening Star, published in the city of Washington. The editorial of the Star characterizes these bills as being emergency measures. I quote from that editorial as follows:

In the circumstances the Senate and House would be warranted in considering this an emergency condition justifying and even requiring the expedition of these legislative proposals to the point of enactment at this session.

The editorial in the Washington Post declares:

Both for the protection of the public as well as for the protection of legitimate real-estate businesses these recommendations should be acted upon favorably.

And the Washington Times in like terms comments in its editorial favorably upon these bills. The newspapers of this District have been of great service to the committee. I think pitiless publicity has done a considerable amount of good. It has driven some of the schemers out of the District; it has stopped many of the fraudulent practices which have prevailed on the part of some, and I want to take this opportunity of commending the splendid public service that has been rendered by the newspapers of the District of Columbia, as will be evidenced by the editorials to which I have referred and which I ask may be printed in the RECORD in full.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorials are as follows:

[From the Washington (D. C.) Evening Star of February 19, 1931]

AN EMERGENCY

It is most unfortunate that the present session of Congress is so far advanced that there is little time in which to act upon the report of the Senate committee, filed yesterday by its chairman, Senator BLAINE, which for a number of months has been investigating the conditions respecting the conduct of real estate transactions in the District of Columbia. Recent happenings in the District have perhaps been the cause of the hastening of this report. The conclusions which are presented, however, might easily have been reached earlier, save for the labor of detailed and painstaking inquiry, without the demonstrations of urgent necessity which these happenings have afforded.

The committee urges the enactment of a law to license and regulate real estate brokers and salesmen, the creation of a "blue sky" commission to regulate the issuance of real estate securities prior to sale, and revision of the mortgage foreclosure system, setting up greater protection for the mortgagor or borrower. The most pointedly specific recommendation is for the enactment of legislation that will prohibit the release of mortgages until proof is adduced that the funds loaned have been actually repaid to the holders of mortgage notes.

A difference of judgment respecting the precise form of regulation to be adopted in the shape of new legislation affecting real estate and other financial projects in the District has delayed enactment for so long that the Capital has been left unprotected and heavy losses have resulted to residents of this community through fraud and mismanagement. Had Congress acted more promptly in the enactment of a regulatory law, much of this loss would probably have been prevented. Now that disaster has occurred, there is preparatory action, but so late in the session that the chances of enactment before noon on the 4th of March are slender.

Revelations respecting the methods employed in the handling of large real-estate deals and developments in some instances in Washington, resulting from failures and prosecutions for fraud, have proved conclusively that the cure for the evil lies in legislation that will set up a protective system of official supervision over financing plans, over the marketing of securities, and over the methods of real estate and security offering financial organizations—just as official supervision is exercised over banks and building associations—and correct the evident fault of the present system of mortgage recording and releasing.

Prosecutions for fraudulent practices, after the fact, will not effect the restoration of losses to security purchasers who have been mulcted in dishonest transactions. What is needed, regardless of whatever the courts may do to punish fraud and breach of trust, is a system of protection under which the District can not be made the field of deals and bargains and traffic in worthless or weak or speculative securities.

In the circumstances the Senate and House would be warranted in considering this an emergency condition justifying and even requiring the expedition of these legislative proposals to the point of enactment at this session. The District has been hard hit by the dishonest and incompetent conduct of one of its major industries—the buying and selling of real estate and the marketing of the securities issued in the promotion of development projects. Delay until the next Congress may mean further losses to investors. Will there not be a realization in Congress of the urgency of this need?

[From the Washington (D. C.) Post]

REAL-ESTATE LEGISLATION

The report of the subcommittee which for two years has been investigating real-estate practices in the District of Columbia has been placed before the Senate. The recommendations as well as the findings of the committee are of great local interest.

The committee recommmends the enactment of three measures. The first would license and regulate real-estate brokers and salesmen, the second would create a blue-sky commission to regulate the issuance of real-estate securities prior to sale, and the third would revise the mortgage-foreclosure system so as to afford greater protection for the mortgagor and borrower. The first of these measures has been passed by the Senate but has not yet been acted upon by the House.

The committee finds that a large and probably excessive number of real-estate salesmen and brokers are operating in the District without legal regulation or supervision. The licensing of brokers and salesmen, it says, "would give public protection that is urgently needed by substantially reducing fraud and imposition, and would serve to protect legitimate businesses and honest realtors." With respect to foreclosures, the committee finds that the mortgagor is given no grace period in which to redeem his property following the foreclosure, nor is he advised in advance that the property is to be taken from him. The committee recommends that a bill be passed providing for 25 days' published notice before foreclosure sale, for a 15-day redemption period, and for the limitation of fees, etc. Both for the protection of the public as well as for the protection of legitimate real-estate businesses these recommendations should be acted upon favorably.

[From the Washington (D. C.) Times]

ATTACK ON ALL FRONTS!

The recommendations of the Blaine subcommittee with regard to fraud in realty transactions in the District of Columbia deserve the careful consideration of Congress, in the interest of investors, realty dealers whose business is injured by the unethical practices of unscrupulous persons, and the public generally.

It is apparently generally believed that the collapse recently of a large mortgage brokerage firm bulked largely in the deliberations of the subcommittee as it framed its report. It is declared in that report, without the slightest attempt to mince words, that fraudulent and deceptive practices have been altogether too prevalent in the local realty business, and enactment of specific laws is urged to prevent similar operations in the future.

Specific laws are unquestionably desirable, since a specific prohibition is always easier to check against than fraud or dishonesty in general. But it is a principle of the law that there is no wrong without a remedy, and the statutes with regard to embezzlement and larceny after trust are designed to cover the ground not covered by specific statutes against theft. It should be possible, if and when fraud and dishonesty are uncovered, to find and apply the proper remedies, assuming public officials are not lax in enforcing the law.

The subcommittee asserts that in some instances, after fraud had been publicly revealed, there had been long delay in prosecuting offenders, and that in other instances no action whatsoever had been taken.

That, obviously, is hardly a situation to be remedied by the enactment of new laws. If the agencies intrusted with the enforcement of the laws now on the statute books do not do their work properly, are they likely to be more energetic in enforcing new laws?

Obviously, wherever fraud or dishonesty are uncovered, in realty transactions or any other, the persons responsible should be held civilly and criminally liable to the fullest possible degree. The recent ruling of Judge Cardozo in New York that directors of a financial institution should be held responsible for the conduct of the institution's affairs is a principle that should be generally adopted, and which is probably sound law in any jurisdiction.

The Blaine subcommittee urges supervision over realty brokerage houses, and prescribes specifically for the procedure in releasing mortgages and trusts. Its recommendations are based on justice and should be enacted into law.

But meanwhile legal technicalities should not be permitted to obstruct the course of justice. There is probably ample law on the statute books to bring to book any offenders who have been guilty of fraudulent practices, and there are in the District public officials who are conscientious and able, ready and willing to enforce the law.

G. Bryan Pitts, through whose operations large numbers of investors were defrauded, faces a long and deserved prison term.

in the hands of the public, although the deeds of trust se- indicated, by the National Commission.

Possibly others who may have been guilty of equally reprehensible practices may fare no better.

Mr. BLAINE. Now, Mr. President, I want to appeal to the Senator from Maine to permit these bills to be considered. If there is going to be strenuous objection and long debate, then, of course, I will not insist unduly on their consideration. I am not disposed at this time to engage in any filibuster.

Mr. HALE. Mr. President, if the Senator can assure me that there will be no long debate and that the bills may be disposed of in 10 or 15 minutes, I am perfectly willing to have him go ahead; but I must insist that action be had on the naval appropriation bill.

Mr. BLAINE. Mr. President, I can assure the Senator that, so far as I am concerned, I shall not debate either bill further than I have. Of course, I shall be glad to answer questions which Senators may propound.

Mr. HALE. Mr. President, what I have said is with the understanding that if the bills apparently can not be finished within 10 or 15 minutes I shall have to insist on the regular order.

Mr. BLAINE. That is satisfactory.

Mr. McNARY. Mr. President, I understand that the able Senator from Maine is willing temporarily to lay aside the naval appropriation bill in order that a reasonable opportunity may be afforded to pass the bills relating to the District of Columbia sponsored by the Senator from Wisconsin. There are a number of vacant seats in the Chamber at this time, and several Senators have told me that they desired to be present when the bills are considered. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Chair suggests, unless the Senator from Oregon desires to proceed with the call for a quorum immediately, that the Senator from Wisconsin withdraw his motion to proceed with the consideration of the bill and ask unanimous consent for consideration.

Mr. McNARY. I assumed that that would be done.

Mr. BLAINE. That was my purpose, Mr. President, and I withdraw the motion.

During the delivery of Mr. BLAINE's speech—

PRICES OF STOCKS AND SEATS OF THE NEW YORK STOCK EXCHANGE

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New York for a question?

Mr. BLAINE. I yield to my friend from New York.

Mr. COPELAND. I wanted to ask that the Senator yield that I might put something into the RECORD.

The VICE PRESIDENT. The Senator has no right to yield except for a question, except by unanimous consent of the Senate.

Mr. COPELAND. I ask unanimous consent that I may have read at the desk a short article from the New York Times.

Mr. WATSON. What is it about?

Mr. COPELAND. It is about stocks increasing in price, and seats on the stock exchange increasing in price in the last day.

Mr. HALE. Mr. President, the Senator simply wants to put it in the RECORD?

Mr. COPELAND. No; I want it read.

Mr. HALE. I hope the Senator will not take the time to do that at present.

The VICE PRESIDENT. Is there objection?

Mr. HALE. I shall not object, but I leave it to the Senator.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

STOCKS RISE, LIFTING 200 TO NEW HIGH FOR YEAR—PRICE OF SEATS ADVANCES $27,000 IN A WEEK

Speculative enthusiasm broke out anew on the stock exchange yesterday, with excited trading in some of the "blue-chip" issues supplying the impulse for a general advance.

The upturn, which lifted market values from 2 to 5 points in many parts of the list, and 8 and 9 points in the case of two or three high-priced stocks, was accompanied by a sharp expansion in trading. Yesterday's turnover of 3,834,955 shares compared with 2,484,550 shares on the previous day.

The price of stock exchange seats also took another leap yesterday, arrangements having been made for the sale of a membership, through transfer of "rights," for $322,000, and for the sale of another membership for $300,000. The latter figure represented an increase of $5,000 over the price involved in a transaction last Monday, but at the $322,000 figure the increase has been $27,000 in less than a week. This price compares with a low of $186,000 in 1930, showing an increase of $136,000. At the latest price, the 1,375 seats on the stock exchange have an aggregate market value of $442,750,000.

More than 200 stocks established new highs for 1931 in yesterday's buoyant market. The advance was led by Allied Chemical, which showed a net gain of 9½ points, while Auburn Auto was runner-up, with a gain of 8¼ points. American Telephone and Telegraph was up 3¼ points for the day, A. M. Byers 3¼, International Business Machines 3, du Pont 3½, Nash Motors 2⅞, International Telephone and Telegraph 2½, Radio 2, and Air Reduction 2¼. United States Steel, after touching a new high for the year at 149, closed at 147⅞ with a fractional loss. The average price of 50 stocks advanced $2.36.

Trading in some of the speculative favorites was uncommonly heavy, and there were reports of bids being placed for huge blocks of stocks at prices just under the market.

Wall Street again ascribed the demonstration of strength on the stock exchange to forecasts of a spring revival in trade and industry.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Wisconsin yield to the Senator from New York?

Mr. BLAINE. I yield for a question.

Mr. COPELAND. The article which has just been read does not seem to indicate that the country has gone to the bowwows by reason of the passage of the bonus bill. Is that the impression of the Senator?

Mr. BLAINE. It may be that the country thinks the President will veto the bonus bill, and that Congress will sustain the veto; I do not know.

NOMINATION OF EUGENE MEYER

Mr. CAREY. Mr. President, will the Senator from Wisconsin yield to me?

Mr. BLAINE. I yield.

Mr. CAREY. I submit a unanimous-consent request.

The PRESIDING OFFICER. The clerk will read the unanimous-consent request for the information of the Senate.

The Chief Clerk read as follows:

Ordered, by unanimous consent, that immediately following final action on the conference report on Senate Joint Resolution 49, relating to Muscle Shoals, the Senate proceed to the consideration, in executive session, of the nomination of Eugene Meyer to be a member of the Federal Reserve Board, and that pending its consideration no other business shall be transacted except by unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. LA FOLLETTE. Mr. President, will my colleague yield?

Mr. BLAINE. I yield.

Mr. LA FOLLETTE. I would feel constrained to suggest the absence of a quorum before this unanimous-consent agreement should be entered into. I do not know whether that would take my colleague from the floor or not.

The PRESIDING OFFICER. Under the previous ruling of the Chair it would.

Mr. CAREY. I will withhold the request until later.

After the conclusion of Mr. BLAINE's speech—

CALL OF THE ROLL

Mr. McNARY. Mr. President, I renew my suggestion of the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Capper	Frazier	Hatfield
Barkley	Caraway	George	Hawes
Bingham	Carey	Gillett	Hayden
Black	Connally	Glenn	Hebert
Blaine	Copeland	Goff	Heflin
Borah	Couzens	Goldsborough	Howell
Bratton	Cutting	Gould	Johnson
Brock	Dale	Hale	Jones
Brookhart	Davis	Harris	Kendrick
Broussard	Fess	Harrison	Keyes
Bulkley	Fletcher	Hastings	King

La Follette	Oddie	Sheppard	Trammell
McGill	Partridge	Shipstead	Tydings
McKellar	Patterson	Shortridge	Vandenberg
McNary	Phipps	Smith	Wagner
Morrison	Pittman	Smoot	Walcott
Morrow	Ransdell	Steiwer	Walsh, Mass.
Moses	Reed	Stephens	Waterman
Norbeck	Robinson, Ark.	Swanson	Watson
Norris	Robinson, Ind.	Thomas, Idaho	Wheeler
Nye	Schall	Thomas, Okla.	Williamson

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

THE MONEY QUESTION

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD open letters from General Coxey to the President, and some other correspondence regarding the money question.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

OPEN LETTERS TO PRESIDENT HOOVER FROM JACOB S. COXEY, SR.

MASSILLON, OHIO, *March 4, 1930.*

Hon. HERBERT HOOVER,
President of the United States, Washington, D. C.

DEAR MR. PRESIDENT: One year ago to-day you took a solemn oath to support the Constitution of the United States. The fifth clause of section 8 of Article I of such Constitution provides:

"The Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

Definition and serious consideration of such provision, in view of the widespread unemployment situation caused by the withdrawal of money from the arteries of trade into the channels of speculation and destruction of bank credit, resulting in slackening of production and distribution, is what the writer wants to impress upon your mind.

DEFINITION: THE CONGRESS, WHICH IS THE PEOPLE

The Congress, comprising 1 Congressman from each of the 435 congressional districts and 2 United Senators from each of the 48 States, all elected by the people.

SHALL HAVE POWER

Means the 13 States when they ratified such constitutional provision commanded the Congress and authorized through such delegation of a sovereign right from all such States to the Congress.

TO COIN MONEY

Means to print money for the use of the Nation, States, counties, ownships, cities, towns, villages, school districts, and for the people at cost of printing and of service.

REGULATE THE VALUE THEREOF

Means the Congress gives by an act authority and debt-paying power to money, a legal instrument to pay and cancel debts.

AND OF FOREIGN COIN

Means the Congress have power to give authority and debt-paying power to foreign coin (money) coming into the United States, the same as what it authorizes to be coined or printed.

AND FIX THE STANDARD OF WEIGHTS AND MEASURES

Means the Congress, by an act, fixes the weight of the ounce, number of ounces to the pound, and number of pounds to the ton; size of the quart, peck, and bushel measure; length of the inch, number of inches to the foot, and yard measure.

Money is a representative and not a measure of value.

It is just as essential to have enough money to represent value as it is to have enough weights and measures to weigh and measure values.

On March 5, 1929, the writer addressed an open letter to your excellency, a printed copy find inclosed, which please give further consideration.

Yours truly,

JACOB S. COXEY, Sr.

ANSWER

TREASURY DEPARTMENT,
Washington, March 7, 1930.

DEAR SIR: For the Secretary of the Treasury, receipt is acknowledged of your letter of March 4, 1930, with inclosure, addressed to President Hoover, which has been referred to this department for consideration.

Very truly yours,

H. ALLEN HOPE,
Assistant Secretary of the Treasury.

Mr. JACOB S. COXEY, Sr.,
Massillon, Ohio.

OPEN LETTER TO THE PRESIDENT

HOTEL WILLARD,
Washington, D. C., or Massillon, Ohio, March 5, 1929.

Hon. HERBERT HOOVER,
White House, Washington, D. C.

DEAR MR. PRESIDENT: I here submit the following for your serious consideration:

A bill

To provide for the nationalization of legal-tender money without interest, secured by community noninterest-bearing, 25-year bonds for public improvements, market roads, employment of unemployed, and for community needs of the United States.

How it will work

All of the States, counties, townships, cities, towns, villages, and school districts may issue $2,000,000,000 of 25-year noninterest-bearing bonds for public improvements and needs of such communities during the first year, after a vote of the people has been taken, such communities authorizing the issuance of such noninterest-bearing 25-year bond issue.

Issue of money by the people

Such $2,000,000,000 of non-interest-bearing 25-year bonds having been deposited with the Treasury Department at Washington, D. C., as security, there will be an equal amount of legal-tender money printed by the Government, 1 per cent, or $20,000,000, will be retained to pay for printing and caring for the Treasury Department handling that department during the 25-year period.

How it gets into circulation

All the communities depositing such bonds and receiving from the Treasury Department $1,980,000,000 of legal-tender money pay such money into circulation to the now unemployed and others for service rendered and material furnished.

Help but not harm the banks

When the people receive such moneys for services rendered and material furnished they will pay their debts to the merchants, landlords, taxes, and then it is deposited in the banks to the extent of $1,980,000,000 the first year.

Money instead of credit

Thus it will substitute gradually a legal tender money system to take the place of a bank-credit system, represented by checks, circulating and transferring a credit in a bank, instead of checks circulating and transferring real money when deposited in a bank.

Abolish interest on public bonds

Under this system the banks will be divorced from the further dealing in States and subdivision tax-exempt interest-bearing bonds. Such banks will then confine their loans for commercial, producing, and agricultural purposes at a more reasonable interest rate and allow the banks to stop the further payment of interest on deposits.

Eliminate panics

No sudden contraction of the currency can occur, as only 4 per cent of the total amount issued, $80,000,000 annually, would be retired through taxation, cancellation, and redemption.

Steady employment

The further issues of $2,000,000,000 annually would overcome the contraction of 4 per cent, or $80,000,000, redemption the second year, and an increase of 4 per cent on the amount issued thereafter, would be redeemed, retired, and canceled through taxation each year.

The amount of money in circulation is less than $5,000,000,000, and $40,000,000,000 of loans, bank credit, represented by checks circulating which are a substitute for money and when deposited transferring credit in a bank, which allow the people (with the present system) to produce, transport, exchange, and consume one hundred and twenty-five to one hundred and fifty billion dollars of products annually.

A careful study of the foregoing will convince anyone that it is constitutional, sound, practical, and will provide money for the development of the resources of the States and subdivisions, solve unemployment, diminish (if not abolish) poverty by providing work for the unemployed that will work, and not feeding those that will not work, and make continuous prosperity to all, as well as a tax saving of 20 per cent of your taxes annually.

Yours respectfully,

JACOB S. COXEY, Sr.

ANSWER

TREASURY DEPARTMENT,
Washington, March 8, 1929.

Mr. JACOB S. COXEY, Sr.,
Massillon, Ohio.

SIR: Receipt is acknowledged by reference from the White House of your open letter to the President dated March 5, 1929, in which you submit for consideration a bill to provide for the nationalization of legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, etc.

Respectfully,

HENRY HERRICK BOND,
Assistant Secretary of the Treasury.

OPEN LETTER TO THE PRESIDENT

MASSILLON, OHIO, *March 12, 1930.*

Hon. HERBERT HOOVER,
President of the United States, Washington, D. C.

DEAR MR. PRESIDENT: If you will recommend to the Congress the following measures, when such are enacted into law it will bring about immediate and continuous prosperity:

First. A bill to provide for the nationalization of legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, and for community needs of the United States.

Second. A bill to authorize the Secretary of the Treasury to have engraved and printed a sufficient amount of legal-tender Treasury

notes to care for any deficiency that is or may occur in the Treasury Department and to pay interest on the public debt as it becomes due, as well as the debt as it matures, and prohibit such Secretary from the further issuance of interest-bearing bonds for any purpose or purposes whatsoever.

Third. A bill to authorize the Secretary of the Treasury to have engraved and printed a sufficient amount of legal-tender Treasury notes to redeem all outstanding national-bank currency and cancel all interest-bearing bonds now held by such Treasury as security for such national-bank currency and return to such national banks such Treasury notes now held by such Treasury as a redemption fund for such bank currency.

Fourth. A bill to authorize the Secretary of the Treasury to have engraved and printed a sufficient amount of legal tender Treasury notes, to loan to all utilities under the jurisdiction of the Interstate Commerce Commission, upon the approval of such commission authorizing such utilities to issue and deposit non-interest bearing 20-year bonds for all equipment and needs of such utilities.

Respectfully submitted.

JACOB S. COXEY, Sr.

Following also submitted:

TREASURY DEPARTMENT,
Washington, March 6, 1930.

Mr. JACOB S. COXEY, Sr.,
121 Second Street, Massillon, Ohio.

SIR: Under date of February 3, 1930, you requested of the Comptroller of the Currency a statement of the amount of interest that has been paid to national banks since 1863, on bonds deposited by them as security for their circulating notes.

You are advised that records are not maintained by this department to furnish such information. However, as nearly as can be computed from 1873 to 1929, inclusive, the Treasury paid to national banks the sum of $723,985,342.90.

Respectfully,

G. O. BARNES, *Assistant Treasurer.*

(No record prior to 1873.)

FROM 1873 TO 1929, INCLUSIVE

The United States Treasury paid to national banks the sum of $723,985,342.90, in interest on bonds securing national bank currency.

Such bonds of the United States, issued and held by such Treasury, as security for such national bank currency, have the taxing power of the Congress (elected by the people) to tax the property of the people to pay such sum of interest.

Such national-bank currency is (not money) receivable for debt, and when demanded, must be exchanged for legal tender Treasury notes, in order to pay and cancel a debt.

Five per cent of national bank currency outstanding (about the sum of $700,000,000) amounting to about $35,000,000, of legal tender Treasury notes, are held by such Treasury as a redemption fund for such national bank currency.

If an interest-bearing bond (under the national bank act) must be issued and sold by such Treasury to a national bank and then deposited by such bank with such Treasury issuing and selling it, as security for national-bank currency, issued by such Treasury to such bank, why not issue legal-tender Treasury notes (instead of national-bank currency) to take up the $700,000,000 of bonds bearing 2 per cent interest and redeem such national-bank currency with such Treasury notes?

Would not such redemption of $700,000,000 of 2 per cent interest bearing bonds save $14,000,000 per year?

Would not such redemption of $700,000,000 national-bank currency (which is only receivable for debt) be replaced by an equal amount of legal-tender (which would pay all debts) money?

Would the release of $35,000,000 of legal-tender Treasury notes, held by such Treasury now as a redemption fund for such national-bank currency, harm such national banks if returned to such banks by such Treasury?

Would not such national banks that have $100,000 of bonds deposited receive $100,000 of legal-tender Treasury notes for such bonds?

Would not such banks that have $5,000 (Treasury notes) deposited as a redemption fund have such $5,000 returned to such banks by such Treasury?

Would not such banks have a $5,000 (when returned) foundation upon which could be built, by such banks, $45,000 of credit loans?

Would not such credit loans be represented by checks of borrowers taking the place of money, yet answering every purpose of money?

Why does not Congress (elected by the people) give authority to the Secretary of the Treasury and command such Secretary to issue legal-tender Treasury notes instead of 3¼ per cent Treasury certificates in the sum of $450,000,000 to relieve the stringency of the Treasury at this time?

Clause 5, section 8 of Article I of the Constitution provides:

"The Congress shall have power to coin money, regulate the value thereof, and of foreign coin."

Would not such $450,000,000, of legal tenders, if issued and paid out by such Treasury, help to relieve the money stringency and give the people money to do business with?

Would the banks then have the excuse to raise interest rates, as they are doing now?

How are the people going to pay for their homes, merchants to pay their notes, and manufacturers to obtain money to do business with if we do not commence to get money at cost to the people, instead of to the banks exclusively?

Why not such Congress give authority to such Secretary at all times, when an emergency arises, to issue legal-tender Treasury notes, instead of interest-bearing bonds, or certificates of indebtedness bearing interest (which latter power such Secretary now possesses), or sold at a discount to meet a Treasury deficit or to pay interest on the public debt and the debt as it matures?

As the national debt matures issue legal-tender Treasury notes to pay it, and stop the further refunding of such debt into an interest-bearing debt.

As the interest becomes due, amounting to about $700,000,000 for 1930 on the public debt of $16,500,000,000, issue legal-tender Treasury notes to pay it.

If such Treasury expects to reduce such public debt $1,000,000,000 annually, and the interest on such debt is $700,000,000, and legal-tender Treasury notes are issued and paid into circulation for both (principal and interest) in the sum of $1,700,000,000, would not the income-tax cut be of an equal amount?

How would such tax cut of $1,700,000,000 compare with the much-heralded tax cut of $160,000,000?

Would not such increase of legal-tender money gradually take the place of bank credit to the extent of many billions of dollars that has been destroyed on account of the savings of the people in money being withdrawn from the country banks (causing destruction of such bank credit), invested in stock speculation in Wall Street on margin, and now such Wall Street banks have both the savings (money) of the people as well as stocks held as collateral, leaving such country banks without money or bank credit to loan?

Would such country banks then have the excuse to raise interest rates as they are doing now?

Building and loan companies calling in the people owing them, compelling such people to sign up for an increase of one-half of 1 per cent (interest) on loans that still have years to run, commercial banks raising interest rates from one-half of 1 to 2 per cent.

How are the people going to pay for their homes, merchants to pay their notes to the banks, when the people are unemployed and unable to buy and pay for goods and manufacturers obtain money to do business with if we do not commence to get money to the people at cost instead of to the banks exclusively?

ANSWER

TREASURY DEPARTMENT,
Washington, March 18, 1930.

DEAR SIR: For the Secretary of the Treasury, receipt is acknowledged of your letter of March 12, 1930, with inclosures, addressed to President Hoover, which have been referred to this department for consideration.

Your recommendation for legislation to provide for the nationalization of legal-tender money without interest, etc., have been noted.

Very truly yours,

H. ALLEN HOPE,
Assistant Secretary of the Treasury.

To Mr. JACOB S. COXEY, Sr.,
Massillon, Ohio.

The Government charged the Federal reserve banks about $1.10 per $1,000 (printing and franchise tax) for over ten billions of Federal reserve notes (money) during the past five years, then borrowed it back and pays 3½ per cent (interest) for the use of its own money. Why should not the Government print it at the same price to the States, counties, townships, cities, towns, villages, and school districts? To-day, March 25, being the thirty-sixth anniversary of the first march of the unemployed to Washington under Cleveland's (Democrat) administration and 16 years since the second march, under Wilson's (Democratic) administration, now comes Hoover's (Republican) administration outdoing both Democratic administrations in unemployment and depression in business, should be enough to convince the dumb bells that there is no difference between Democratic and Republican administrations.

JACOB S. COXEY, Sr.,
Massillon, Ohio.

[From the Akron Beacon-Journal, March 22, 1930]

The Federal Reserve Board will boost the money in circulation by a round $3,500,000,000. This is getting pretty near General Coxey's prescription of money at cost.

NAVY DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

Mr. BINGHAM. Mr. President, in connection with the pending appropriation bill I think the Senate will be greatly interested in two dispatches which have been released to-day by the Navy Department, one from the Assistant Secretary of the Navy for Aeronautics upon his return to Panama from viewing the annual maneuvers of the Navy in those waters and the other from Admiral Pratt, Chief of Naval Operations. They are very brief, and I ask that they may be read for the information of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The legislative clerk read as follows:

(Immediate release)

NAVY PRESS ROOM, *February 20, 1931.*

The Assistant Secretary of the Navy for Aeronautics, David S. Ingalls, upon return to Panama from viewing annual maneuvers on board the U. S. S. *Los Angeles*, sent the following message to-day to the Navy Department:

"I am exceedingly gratified at the marked success attendant upon the use of the *Los Angeles* in connection with the fleet maneuvers, although the ship was employed only in a scouting capacity and, therefore, no defense of her at all was attempted.

"One experience has conclusively established that such type ships are of material value in naval operations at sea in defense of our coast. The repeated contacts with theoretically friendly ships and the final discovery of the main body of the theoretically hostile fleet attacking the Panama Canal definitely establish the advisability or rather the necessity of the continued development and maintenance of lighter-than-air craft by the United States Navy."

(Immediate release)

NAVY PRESS ROOM, *February 20, 1931.*

Admiral William V. Pratt, United States Navy, Chief of Naval Operations, who is viewing the "war" problem being brought to completion between the "blue" and "black" fleets off the lower coast of Central America, has radioed the following comment to the Navy Department:

"Thus far the fleet problem being staged has revealed two outstanding points: First, the necessity for cruisers, and especially those of the flying-deck type; and second, the justification under favorable conditions of the lighter-than-air craft as shown by the use of the *Los Angeles*."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 69 as amended to the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9702) authorizing the payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, in connection with the rescue of survivors of the U. S. S. *Cherokee*.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES. The last action taken on the independent offices appropriation bill left but one amendment in disagreement. I submit the report of the committee of conference upon that amendment.

The VICE PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate, No. 69, as amended, to the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 69: That the House recede from its amendment to the amendment of the Senate numbered 69, and agree to the same with the following amendment: In lieu of the matter stricken out and inserted by such Senate amendment and the matter inserted by such amendment of the House to such Senate amendment insert the following:

"No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available during the fiscal year 1932 for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions, where oil of the production of the United States or its possessions is available, if the cost of such oil compared with foreign oil costs be not unreasonable.

"That in the expenditure of appropriations in this act the United States Shipping Board Merchant Fleet Corporation shall, except as provided in the preceding paragraph, unless in its discretion the interest of the Government will not permit, purchase for use, or contract for the use of, within the limits of the United States only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more if such excess of cost be not unreasonable."

And the Senate agree to the same.

HENRY W. KEYES,
REED SMOOT,
W. L. JONES,
E. S. BROUSSARD,
Managers on the part of the Senate.
EDWARD H. WASON,
JOHN W. SUMMERS,
C. A. WOODRUM,
Managers on the part of the House.

The report was agreed to.

REGULATION OF SECURITY SALES AND MORTGAGES IN THE DISTRICT

The VICE PRESIDENT. The Senator from Wisconsin [Mr. BLAINE] has withdrawn his motion to proceed to the consideration of the two bills referred to by him; and the Senator from Maine [Mr. HALE] asks unanimous consent to lay aside temporarily the unfinished business for the purpose of proceeding to the consideration of the two measures. Is there objection? The Chair hears none, and the Chair lays before the Senate the first bill, which will be stated.

The CHIEF CLERK. Order of Business No. 1716——

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. The Senator from Nebraska.

Mr. HOWELL. What is before the Senate?

The VICE PRESIDENT. By unanimous consent, the two measures of the Senator from Wisconsin [Mr. BLAINE].

Mr. HOWELL. Mr. President. I object.

The VICE PRESIDENT. The Chair very plainly put the question, and waited about a minute for some Senator to object. Of course, if the Senator says he did not hear the Chair——

Mr. HOWELL. I will admit that I did not hear the Chair, Mr. President——

The VICE PRESIDENT. Under the conditions, objection is made.

Mr. HEFLIN. Mr. President, will the Senator from Nebraska yield to me for a moment before that is done?

The VICE PRESIDENT. The Senator from Nebraska has already objected.

Mr. HEFLIN. I was going to state to the Senator what the situation is here, and perhaps he will withdraw his objection.

Mr. HOWELL. I yield to the Senator from Alabama.

Mr. SMOOT. I call for the regular order. Let us go on with the bill.

Mr. BLAINE obtained the floor.

Mr. HEFLIN. I was going to suggest to the Senator that I believe he would save time and get through quicker if he would permit the consideration of these measures now.

Mr. HOWELL and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. BLAINE. I yield to the junior Senator from Nebraska.

Mr. HOWELL. Mr. President, when the prohibition bill was pending before the Senate, on every occasion when unanimous consent was requested for the taking up of appropriation bills I was willing to grant it; but the Senator from Wisconsin objected, and ultimately displaced my bill upon each occasion. I have now asked the Senator if he would not be willing that my bill should come to a vote in the Senate, and stated to him that under such circumstances I would not object to unanimous consent to consider the measures to which he referred; but the Senator from Wisconsin feels that he can not do so, and objection is my last resource. I do not want to object to important

and necessary legislation; I do not want to take the time of the Senate unnecessarily; but I feel, under the circumstances, that there is nothing else for me to do.

However, Mr. President, upon second thought, I withdraw my objection. I am not thus apparently going to oppose important and necessary legislation on this floor because some Senator refuses to permit the consideration of another important bill and allow it to come to a vote.

The VICE PRESIDENT. The objection being withdrawn, the Chair lays before the Senate Senate bill 3489.

The Senate proceeded to consider the bill (S. 3489) to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia, with amendments.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on the District of Columbia was, in section 1, page 1, line 7, after the word "property," to insert "situated in the District of Columbia," so as to make the section read:

DEFINITIONS

SECTION 1. (1) In this act, unless the context or subject matter otherwise requires:

"Mortgage" means a mortgage of real property situated in the District of Columbia and includes an agreement or conveyance whereby the mortgagor gives to the mortgagee real property as security for payment of a debt or fulfillment of other obligation. "Mortgage" includes an equitable mortgage, an absolute deed given as security, and a trust mortgage, as well as a conveyance on condition as security.

"Trust mortgage" means a mortgage in which the mortgagor gives the real property to a third person, the trustee, to hold as security for a debt or other obligation.

"Execute" means to sign, acknowledge, and deliver with all the requirements for a deed of real property to entitle it to be recorded.

"File" means to file in the office of the recorder of deeds of the District of Columbia.

"File for record" or "record" means to file for record in the office of the recorder of deeds for the District of Columbia.

"Lienor" includes any person having a lien or encumbrance, legal or equitable, upon the premises or a part thereof, by reason of a mortgage, judgment, or other cause, and also includes a purchaser at a foreclosure, execution, or other sale from which the period of redemption has not expired.

"Mortgagee" includes any person succeeding to any of the rights of the mortgagee, and may mean the trustee of a trust mortgage or holder of the obligation secured or both.

"Mortgagor" includes any person succeeding to any of the rights of the mortgagor in the premises or part thereof, but does not include a lienor.

"Obligation" secured by a mortgage includes the performance or nonperformance of any act so secured, although there be no personal obligation involved.

"Person" includes a corporation, a partnership, and two or more persons having a joint or common interest.

"Proceeding" when used to refer to proceedings to foreclose a mortgage, includes foreclosure by power of sale.

"Purchaser" when used to mean the buyer at the foreclosure sale, includes any person succeeding to any of the rights of the purchaser.

"Real property" or "premises" includes any estate or interest in land, legal or equitable, including leasehold estates.

"Record owner of the mortgage" means the person holding title of record to the mortgage, although the debt secured be held by others, and in the case of a trust mortgage means the trustee or his successor of record; and it includes an executor, administrator, guardian, or other personal representative of the record owner, when proof of his appointment has been recorded.

"Recording office" means the office of the recorder of deeds of the District of Columbia; and "recording officer" means the recorder of deeds of the District of Columbia or his deputy.

"Marshal" means the United States marshal for the District of Columbia.

"Taxes" include other governmental levies and local assessments, and also include the lien of taxes represented by tax sales and certificates thereof.

"Trustee" includes any successor to the trustee.

(2) "Assignments" and "assignee," as used in sections 2 and 4, do not apply to the instruments secured by the mortgage; and in the case of a trust mortgage "assignment" means any instrument creating a successor to the trustee, and "assignee" means a successor to the trustee.

"Mortgagee" in section 4, in the case of a trust mortgage, means the trustee.

The amendment was agreed to.

The next amendment was in section 5, page 6, line 14, after the word "time," to strike out "in the absence of objection by the mortagor and," so as to read:

POWER OF SALE FORECLOSURE

SEC. 2. Requisites for foreclosure: (1) Every mortgage containing a power of sale, and whether or not containing a conveyance, may be foreclosed by the record owner thereof in the manner hereinafter specified.

(a) If there has been a default in some condition of the mortgage, by which the power to sell has become operative;

(b) If no action or proceeding has been instituted at law to recover any part of the debt then remaining secured by the mortgage, or if an action or proceeding has been instituted, but has been discontinued, or an execution upon the judgment therein has been returned unsatisfied in whole or in part; and

(c) If the mortgage has been recorded, and, when it has been assigned, if all assignments thereof have been recorded.

(2) No mortgage shall be foreclosed by exercise of power of sale in any manner other than as provided herein; but a power of sale in a mortgage may be exercised as herein provided, regardless of the person to whom the power runs and of the terms of the power.

SEC. 3. Power of attorney to foreclose, recorded: The foreclosure may be conducted by an agent of the record owner of a mortgage. His authority shall be by a power of attorney duly filed for record before or at the time of recording the certificate of sale and executed by the record owner or by his agent, whose authority is also evidenced by a recorded power of attorney.

SEC. 4. Contents of notice of sale: Notice of the foreclosure sale shall be given specifying:

(1) The names of the original mortgagor and mortgagee, and of each assignee of the mortgage, if any, and of the record owner of the mortgage;

(2) The date of the mortgage, and date and place of record;

(3) The amount claimed to be due thereon at the date of sale;

(4) A description of the mortgaged premises, including street address, if there be one; and

(5) The date, time, place, and terms of sale, complying with section 7.

SEC. 5. Publication of notice, postponement of sale: (1) The notice of sale shall be published three times, once in each of three successive weeks, in a newspaper of general circulation, published in the District of Columbia, the first publication to be not less than 25 days prior to the date of sale.

(2) The marshal may postpone the sale from time to time, with the consent of the person foreclosing, and shall set forth the postponements in the certificate of sale.

The amendment was agreed to.

The next amendment was, in section 6, page 7, line 1, after the word "sale," to strike out "or at such subsequent time before the sale as the name or address of any such person is learned," so as to make the section read:

SEC. 6. Mailing notice to interested parties: The notice of sale shall be given by mail as herein provided to each person known by the person foreclosing to be the original mortgagor or being of record as a subsequent grantee of the mortgaged premises or as having an estate or interest in or lien upon the premises subject or subsequent to the mortgage. Such notice shall be mailed, by registered and unregistered mail, directed to each such person at his last known address or address of record, not less than 21 days before the date of sale. Failure to mail the notice shall not invalidate the foreclosure, but any person entitled to the notice may recover all damages suffered by him from such failure. No action shall be commenced to recover such damages after two years from the date of the sale.

The amendment was agreed to.

The next amendment was, in section 7, page 7, line 16, after the word "mortgagee," to strike out "the record owner of the mortgage," so as to make the section read:

SEC. 7. Sale, how made, separate tracts: (1) The sale shall be made by the United States marshal for the District of Columbia at public auction to the highest bidder, at the time, place, and on the terms specified in the notice, or at the postponed time. The place shall be at the marshal's office in the District of Columbia or at and on the mortgaged premises; and the time shall be between 9 o'clock antemeridian and 5 o'clock postmeridian.

(2) The mortgagee or any person having an interest in the mortgage or obligation secured thereby, may, fairly and in good faith, purchase the premises, or any part thereof, at the sale.

(3) If the mortgaged premises consist of separate farms, tracts, or platted lots not used as one, they shall be sold separately, and no more tracts shall be sold than are necessary to satisfy the amount due on such mortgage at the date of sale, with costs of sale; but if the mortgage provides that the mortgaged premises shall or may be sold as an entirety, or in certain specified parcels or tracts, then the provisions of the mortgage shall govern, subject to any rights, legal or equitable, affecting the order of sale. Failure to comply with this subdivision may render the sale voidable by action brought within one month from the date of sale.

The amendment was agreed to.

The next amendment was, in section 9, page 9, line 22, after the word "shows," to insert "substantial," so as to read:

SEC. 8. Reinstatement of mortgage with acceleration clause: Where the principal of a mortgage, or any part thereof, has become due by reason of an acceleration clause, payment or tender, before sale on foreclosure, of the amount, other than such principal, due and in default under the mortgage, with costs of foreclosure up to the time of such payment or tender, shall relieve from the default whereby the principal became due and shall reinstate the terms of the mortgage, and the foreclosure for such principal shall cease.

SEC. 9. Certificate of sale, effect, as evidence: (1) The marshal making the sale, even after his term of office has expired, or his successor in office, shall execute to the purchaser a certificate containing:

(a) An identification of the mortgage, with the names of the parties and date of the mortgage and place of its record;

(b) A description of the premises sold;

(c) The name of the purchaser, and the price paid for each parcel sold;

(d) The time, place, and terms of the sale;

(e) The time allowed by law for redemption; and

(f) The name of the newspaper publishing the notice and the dates of publication.

(2) Such certificate shall be recorded within 20 days after the date of its excution shown therein, and when so recorded, upon expiration of the time for redemption, operates as a conveyance to the purchaser of all estate and interest in the premises on which the mortgage was a lien at the time of the sale, but subject to liens prior to the mortgage.

(3) The recorder of deeds shall note on the margin of the record of the mortgage foreclosed a reference to such certificate and the place of its record.

(4) The certificate of sale and the record thereof shall be prima facie evidence that all the requirements of law for the sale have been complied with and shall, after the expiration of the time for redemption, be prima facie evidence of title in the purchaser, and if the certificate as recorded shows substantial compliance with the provisions of this act affecting foreclosure sales it shall be conclusive evidence of a valid foreclosure in favor of persons who thereafter become bona fide purchasers and encumbrancers from the purchaser.

The amendment was agreed to.

The next amendment was, in section 12, page 11, line 19, after the word "less," to strike out "$35" and insert "$50"; in line 20, after "$10,000," to strike out "$50" and insert "$75"; in line 21, after the word "debt," to strike out "but in no case to exceed $250"; and on page 12, line 7, after the word "one-half," to strike out "but in no case to be less than $25," so as to read:

SEC. 10. Proceeds of sale and surplus: The proceeds of the sale shall be immediately used by the marshal to satisfy first the costs of the foreclosure, and then the mortgage. Any surplus shall be retained by the marshal for 30 days and then paid over to subsequent lienors in order of priority and the remainder to the owner of the equity of redemption.

SEC. 11. Evidence of foreclosure perpetuated: (1) Evidence of the foreclosure proceedings may be perpetuated by filing for record:

(a) An affidavit of the publication of the notice of sale with a copy of the notice, to be made by the publisher of the newspaper in which the same was published, or by some person in his employ knowing the facts; and

(b) an affidavit of mailing the notice of sale.

Such affidavits or the record thereof shall be prima facie evidence of the facts therein set forth.

SEC. 12. Costs, fees, affidavit: (1) An affidavit containing a detailed account of the costs of the foreclosure and setting forth that the same have been absolutely and unconditionally paid or incurred, shall be made by the person conducting the foreclosure and filed within 10 days after the foreclosure sale, in default of which none shall be allowed. The affidavit shall remain on file for five years.

(2) At any time within one year after the sale, the mortgagor may recover from the record owner of the mortgage three times the amount of any sums charged as costs but not absolutely paid or incurred.

(3) Costs of foreclosure which shall be allowed to the person foreclosing are the amounts actually paid or incurred (a) for publishing the notice of sale; (b) to the marshal for holding the sale and executing the certificate of sale, including the distribution of the funds realized from the sale, his fee therefor of $15, to be accounted for in the same manner as other fees authorized by law; (c) for any other expenses necessary to complete the foreclosure including mailing of notices, search of title records for names and addresses of parties required to be notified; and (d) to the attorney, trustee, or other person conducting the foreclosure as fees therefor not exceeding the following sums: When the debt secured by the mortgage is $5,000 or less, $50; over $5,000 and not exceeding $10,000, $75; and over $10,000, one-half of 1 per cent of the mortgage debt: *Provided*, That if there shall be payment or tender of the amount due and in default under the mortgage (not including the principal where due or in default only because of an acceleration clause on account of default in some other obligation under the mortgage) after foreclosure proceedings have been commenced but before sale actually has taken place, the person making such payment or tender shall also pay the costs incurred as provided in this paragraph except that the fee allowed under clause (d) hereof in such case shall be reduced one-half: *And provided further*, That if there shall be litigation in connection with any foreclosure sale, held or advertised to be held, the court may allow a greater or lesser sum than that provided under clause (d) hereof.

Costs as above specified shall be allowed without any provision therefor in the mortgage; and any provision therein for a larger amount shall be void, but any provision for a smaller amount shall be valid.

The amendment was agreed to.

Mr. KING. Mr. President, I should like to ask the Senator who is the author of the bill one or two questions, if I may.

I desire to ask the Senator whether the bill provides that no foreclosure shall be had other than by order of the court, or whether it preserves the power of sale, and provides that it may be exercised for the purpose of obtaining title to the property.

Mr. BLAINE. Mr. President, the bill includes the provision the Senator has suggested, that continuing the power of sale in the mortgage, but does not give the power of foreclosure through the courts. That is, it preserves the same situation, but hedges it about with some protection.

Mr. KING. Mr. President, I hope that will be done, because I will say very frankly that in view of the many powers of sale which have been exercised improvidently and unjustly I have about reached the conclusion that even if one has an instrument which gives him the right of strict foreclosure by sale, it should not be exercised; that no indebtedness should be enforced except by order of the court, and after a hearing.

Mr. BLAINE. Mr. President, this is not a court procedure, but there may be a court procedure begun by the mortgagor if there is any inequity brought about.

Mr. KING. Mr. President, if this were a question de novo, I think I should seek to have the bill amended so as to require every creditor who has a mortgage to resort to a court, giving the mortgagor the right to appear and defend, because the weak have been too often dispossessed of their property, strict foreclosure has too often been asserted, to the injury of the poor. I confess that I do not like a strict foreclosure proceeding, though to change it would interfere with the right of contract. It is the situation which exists here, and probably I could not at this late time change the law, if I desired to.

Mr. BLAINE. Mr. President, I agree with the Senator; but it was utterly impossible to have that kind of a bill even tentatively approved by anyone in the District.

Mr. KING. Is there any period of redemption?

Mr. BLAINE. There is a period of redemption.

Mr. KING. A 6-month period, or a year?

Mr. BLAINE. No; the time is very short.

Mr. KING. I think the Senator ought to amend that.

Mr. BLAINE. First there is a 3-week publication period, a 21-day period for notice by mail, by registered letter, and after the sale a further period of redemption; then within one year after the sale, if there is any irregularity or any inequality, the mortgagor may bring an action and have that question litigated.

Mr. KING. Mr. President, is not the bill in such shape as that the Senator can make an amendment, which would properly coordinate with the other provisions of the bill, under the terms of which any mortgagor would, after strict foreclosure, after sale at public auction under strict foreclosure, after deed has passed and been recorded, have six months within which he might redeem?

Mr. BLAINE. He has no time under the present law.

Mr. KING. I know that, and I think that most unjust. I know of many cases where men who have met with disaster, men who have given mortgages upon their lands and their property, under strict foreclosure, have had no period of redemption. I plead in behalf of the poor man, of the mortgagor. I think he ought to have at least a 6-month period of redemption, particularly where he has not been sued, where the property has just been advertised and sold at public auction. He ought to have six months in which to redeem.

Mr. BLAINE. Just one word. I might advise the Senator that our hearing disclosed that the trouble does not lie so much in the period of redemption as in other matters. The

objection by the mortagor and," so as to read:

Where the principal of a mortgage, or any part thereof, has become

redemption provided in this bill goes along the lines of the uniform act which is in effect in some eight or nine States.

Mr. KING. Mr. President, may I say to the Senator that when we meet in December, if no other bill has been offered, and if no other Senator takes the matter up, I shall offer a bill that will give to a debtor who has mortgaged his property a period within which he may redeem it after foreclosure, particularly where the foreclosure is a strict one, under advertisement, and not under decree of the court.

Mr. BLAINE. I am in entire accord with the Senator.

Mr. BRATTON. Mr. President, I am very much in sympathy with what the Senator from Utah has said. Most of the States provide a period within which a mortgagor may redeem by paying the debt and the accumulated interest, plus the costs of sale. I think some period should be given a mortgagor in the District within which he could do that.

I wonder whether the Senator from Wisconsin would accept an amendment on page 14, line 4, to strike out "15 days" and insert in lieu thereof "6 months." That is a shorter period than a great many of the States throughout the country have provided. The Senator, in his ripe experience as a practitioner, knows that oftentimes a debtor, by reason of adversity, or economic depression, or something of the kind, is unable to pay a debt promptly when due, although he may have a substantial equity in the mortgaged premises. Indeed, right now this bill could operate to take away from many property owners property in which they have a substantial equity. I believe we should provide some period, a reasonable period, of course, within which a mortgagor might redeem his property by paying the debt, plus the stipulated interest, plus the costs of the sale. I hope the Senator will accept that amendment, giving the mortgagor six months after the sale within which to redeem.

Mr. BLAINE. Mr. President, there are 19 States which grant a 1-year redemption period, 4 States 6 months, 3 States 9 months, 5 States which grant more than a year, and 17 of the 47 States provide for no redemption period. I am perfectly satisfied with the suggested amendment of the Senator from New Mexico, and if he will offer the amendment I will interpose no objection.

Mr. BRATTON. Mr. President, I offer the amendment, on page 14, line 4, to strike out the words "15 days" and to insert in lieu thereof the words "6 months," so as to read:

Within six months after the date of sale, being the mortgagor's redemption period, the mortgagor may redeem the premises sold—

And so forth.

Mr. SWANSON. Mr. President, there are two things which we desire to accomplish. The first is to enable people who have land to get loans on it. Another is to take care of the man who makes the loan. If we make it nearly impossible for a man to collect his loans, no loans will be made in the District of Columbia, for the simple reason that people will not take the risk, will not make loans.

A man is not disposed to lend money on first mortgages if, when a debt is not paid, he has to wait two or three years to make disposition of the security, and does not know whether he will get anything or not. In the State of Virginia and elsewhere recourse is allowed to the equity courts. If depression comes, the court has authority to enjoin a sale under a deed of trust, a recourse I took frequently as a lawyer when I was practicing law. If we so provide by law that a man lending money on property will not know whether he will ever get it back or not, the only effect will be to prevent a man making a loan. Consequently, there is danger of going too far and causing people to be unwilling to lend money. In Virginia we let courts of equity take care of the matter.

Mr. BRATTON. This amendment provides for only six months, while 19 States in the Union have provided a longer period.

Mr. KING. Mr. President, I have had some little experience in this matter. I do not think it would affect the making of loans one iota. A man would make a loan just as quickly if he knew that the mortgagor would have six months after sale within which to redeem by paying the costs of the sale as if he could go into possession the next day.

Mr. BRATTON. That has been my experience. Moreover, under the almost uniform holdings of the courts, in the absence of some special circumstance, the mortgagee is entitled to possession immediately upon sale, and the mortgagor has the right to regain possession upon redeeming within the period of time fixed. So that this period of six months will not deter those who have money for that purpose from lending it upon property.

Mr. SWANSON. Mr. President, if it would not deter people from lending, I think the provision should be put in.

Mr. NORRIS. Mr. President, I would like to say just a word about the suggestion made by the Senator from Virginia. He has a fear, and perhaps those who live under a system such as the one obtaining here in the District would naturally have a fear, that it would interfere with the making of loans. I want to assure the Senator, from almost a lifetime in a State where a 9-month period of redemption has been allowed, that it does not interfere with loans. If property mortgaged is not sufficient to cover a debt, and delay would work an injustice to the mortgagee, he is entitled to go into a court of equity and have a receiver appointed for the property, to collect the rents and apply them on the debt. His interest will continue. The costs are secured by the property, so that he loses nothing. It is different from making a short-time loan at a bank, something that is liquid, borrowing money for 30 days or 90 days. If there could be a stay of nine months in that kind of a loan, there would be some reason for saying that it would not be just. But the loans referred to here are long-time loans, most of them five years or longer. The mortgagee is trying to lend his money in order to get interest. He is not trying to get property. He is secured all the time during the delay.

It seems to me that the bill ought to be amended so that before a sale takes place the matter should be submitted to a court of equity, and the court should find how much is due and issue an order of sale if it concluded that should be done.

Even though the people in the District would not like that—probably some of the money lenders would not—it is no hardship to them. If they have made a conservative loan to begin with they run no risk. They have security all the time. Unforeseen circumstances may make it a terrible hardship, in a depressed season, for a man to lose his home for a debt, which would not be perhaps one-third the value of the property by a forced sale, under conditions which might be avoided if some time were extended.

The PRESIDING OFFICER (Mr. STEIWER in the chair). The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. BRATTON].

The amendment was agreed to.

The next amendments of the committee were, on page 25, line 23, to strike out the words "same rate as the rate on the inferior indebtedness" and insert in lieu thereof the words "rate of not less than 3 per centum per annum"; on page 26, line 16, to strike out the words "at the time the inferior mortgage was recorded" and to insert the words "which it supersedes"; on page 27, after line 12, to insert three new sections, as follows:

SEC. 27a. No release by a trustee or mortgagee shall affect or impair the lien of a note or other evidence of indebtedness secured by the instrument released, unless the note, bond, or other evidence of indebtedness secured shall be presented to the recorder of deeds of the District of Columbia and be by him stamped "Canceled and released," and he shall note such fact on the margin of the record of the instrument so released. If any such note or other evidence of indebtedness be lost, destroyed, or otherwise incapable of production, the lien thereof may be canceled upon release by the trustee or mortgagee of the instrument securing such note or other evidence of indebtedness and the filing with the recorder of deeds of an affidavit setting forth the reason such note or other evidence of indebtedness is not presented, together with a bond, approved by the Supreme Court of the District of Columbia or one of the justices thereof acting in official capacity, assuring the payment of such note or other evidence of indebtedness.

SEC. 27b. Any trustee of a deed of trust, or other person acting in like fiduciary capacity, who shall receive money or other thing of value for the payment of the debt or debts secured by the deed of trust, mortgage, or similar instrument and shall fail to make payment or delivery of that which is due the owner of the debt or debts by reason of unauthorized conversion of such money or

other thing to his own use or that of another without legal authorization, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than five years and not more than 20 years.

SEC. 27c. It shall be unlawful for any natural person or any firm, corporation, or association, except a bank, trust company, or building and loan association doing business under the supervision of the Comptroller of the Currency, to act as trustee of a trust mortgage when the principal sum secured exceeds $25,000, and any act of such person, firm, corporation, or association shall be null and void. Any person, firm, corporation, or association who or which acts, attempts to act, or pretends to act as such trustee shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine of not less than $100 and not more than $10,000, or by imprisonment for not less than one year and not more than five years.

On page 29, line 23, after the word "after," to strike out "19" and insert in lieu thereof "July 1, 1931," so as to read:

SEC. 13. Waste during redemption period, receiver: (1) During the period of redemption the mortgagor shall not commit waste, and the purchaser shall have such action or remedy for waste, including injunction, as he would have as owner of the premises. In case of waste committed or danger of waste, a receiver of the premises appointed before sale, shall continue, unless otherwise directed by the court, or, if there be no such continuing receiver, a receiver may be appointed to take possession of and preserve the property provided that the court is satisfied that grave and irreparable damage will be done if such receiver be not appointed.

(2) If the facts would justify the appointment of a receiver under this section, but one is not applied for, and if the premises be abandoned by the mortgagor, the purchaser may take possession, and shall be subject to the same duties and liabilities for the care of the premises and for the application of the rents and profits as would a receiver.

SEC. 14. Taxes, etc., paid by purchaser, repayment: During the period of redemption, the purchaser may pay any taxes on which any penalty or interest would otherwise accrue, the premiums upon any policy of insurance necessary to keep the buildings upon the premises insured for protection of the purchaser, any interest or any part of the principal in default upon any prior incumbrance, and in case of a leasehold any accrued rent and any other sums due under the lease; and the sums so paid, if proved before redemption as required below, with interest at the mortgage rate after due, shall be a part of the amount required to be paid to redeem. Such payments shall be proved by the affidavit of the purchaser, or his agent, stating the items and identifying the certificate of sale and its record, which affidavit shall be filed and a copy thereof forthwith furnished to the marshal at least two days prior to the expiration of the mortgagor's redemption period and before any redemption is made.

SEC. 15. Redemption by mortgagor: (1) Within 15 days after the date of sale, being the mortgagor's redemption period, the mortgagor may redeem the premises sold, by paying to the purchaser or for him to the marshal the sum for which the same were sold, with interest from the date of sale at the rate of the mortgage debt after due, together with any further sums payable pursuant to the preceding section; and a certificate of redemption shall be executed and recorded as hereinafter provided.

(2) The marshal shall forthwith pay to the purchaser or other person from whom redemption is made the redemption money paid to the marshal under this or the following section.

SEC. 16. Redemption by lienor: (1) If no such redemption be made by the mortgagor, the lienor having the lien senior according to the records, legal or equitable, upon the mortgaged premises, or some part thereof, subsequent to the mortgage, may redeem within three days after the expiration of the mortgagor's redemption period, by paying the amount required of the mortgagor by the preceding section; and each subsequent lienor in succession, according to such priority of his lien, may also redeem within three days after the time allowed the prior lienors, by paying the amount paid by the person from whom redemption is made with interest, and the amount of all such liens prior to his own held by such person as are evidenced as required in this section, or, if no lienor prior to himself has redeemed, then by paying the amount required of the mortgagor by the preceding section. No lienor shall be entitled to redeem unless within the mortgagor's redemption period he files for record a notice of his intention to redeem, and the lien appears by instrument duly recorded prior to the foreclosure sale, or the lien existed prior to such sale as a judgment lien.

(2) The lienor redeeming shall pay to the person holding the right acquired under the sale, or for him to the marshal, the amount required to redeem, and shall produce to such person or marshal documents evidencing his right to redeem as follows:

(a) The original mortgage, assignment, or other document evidencing the original lien and also any assignment thereof under which he claims a right to redeem, with the certificates of record inclosed thereon, or a certified copy thereof or of the record thereof or of any files evidencing such lien or assignment, or a certified memorandum of the place of recording or filing the same, or in case of a judgment a certified copy of the docket thereof, or if any such document is not entitled to be recorded or filed, then the original thereof verified by the affidavit of himself or some person acquainted with the signature of the assignor or maker; and

(b) An affidavit of himself or his agent showing the amount then actually owing on his lien.

Forthwith after such redemption the lienor redeeming shall deposit such documents with the marshal, who shall preserve the same in his office for one year thereafter, for which service his fee shall be $1, to be accounted for as other fees authorized by law.

SEC. 17. Certificate of redemption, record: (1) The person from whom such redemption is made, or the marshal to whom the money is paid, shall execute to the person redeeming a certificate of redemption containing:

(a) The name of the person redeeming, and the amount paid by him;

(b) A description of the sale, and of the premises redeemed;

(c) A statement of the claim upon which such redemption is made, and, if upon a lien, the amount claimed to be owing thereon at the date of redemption.

(2) If redemption be made by the mortgagor, his certificate shall be recorded within four days after the expiration of his redemption period, and if made by a lienor, his certificate shall be recorded within two days after his redemption. Unless so recorded, such certificate shall be void as against any person redeeming in good faith from the person or lien so redeemed from.

(3) The recorder of deeds shall note on the margin of the record of the certificate of sale a reference to each such certificate of redemption and the place of its record.

SEC. 18. Effect of redemption: If redemption be made by the mortgagor, it annuls the sale and leaves the premises subject to all liens which would have existed if no sale had been made, except the lien of the foreclosed mortgage, which is discharged by the sale. If redemption is made by a lienor, his certificate of redemption, duly recorded, operates as an assignment to him of the estate and interest acquired by the purchaser at the sale, subject, however, to the rights of persons who may be entitled subsequently to redeem. If a lienor redeeming be the last person to redeem, his lien claim shall be satisfied in the amount by which the fair value of the premises at the time of redemption exceeds the sum which he paid to redeem.

SEC. 19. Action to redeem, extending time: If an action is commenced prior to the expiration of the time for redemption, to redeem from or to set aside the mortgage or the sale, the court shall in such action have control over the redemption from the sale, including the power to extend the time allowed for redemption by the mortgagor or any person entitled to redeem, to such time and on such terms and conditions, as to security, possession of the premises and otherwise, as may be equitable and just, to fix the manner, terms, and order of redemption from the sale, and to permit redemption therefrom by anyone equitably entitled to redeem, although not entitled to redeem under the foregoing provisions of this act. As a condition of extending the period of redemption, a bond approved by the court shall be required sufficient in amount to pay the costs of the action and all damages arising from such extension.

SEC. 20. Recovery of possession: After the expiration of the mortgagor's redemption period the person holding the right acquired under the sale may recover possession of the premises from the mortgagor or anyone holding under him by an action as from a tenant for the nonpayment of rent, or by any other existing remedy.

SEC. 21. Limitation of action to question foreclosure: No such sale shall be held invalid or set aside unless the action or defense in which its validity is called in question be commenced or interposed before the purchaser has gone into possession of the premises under a duly recorded certificate of sale and has occupied the same for one year and paid the current taxes thereon during such period, or has without possession paid the current taxes thereon under such recorded certificate for three successive years, during which time the premises have not been occupied by the mortgagor. This period of limitation shall not be extended by any disability.

SEC. 22. Foreclosure for installment: A foreclosure by power of sale for less than the whole amount owing on a mortgage exhausts the mortgage lien on that part of the premises sold on the foreclosure, but leaves the mortgage and power of sale in force on the remainder of the premises as security for sums not due at the date of the sale.

SEC. 23. Power of sale, authority to include, one coupled with an interest, not revoked: (1) Authority given by a will, power of attorney or otherwise, to mortgage real property implies authority to include a power of sale.

(2) A power of sale given in any mortgage shall be deemed a part of the security, and in the absence of any provision to the contrary in the mortgage shall vest in and may be executed as provided in this act by any person who becomes the record owner of the mortgage by assignment or otherwise.

(3) The death, insanity, or other disability of a mortgagor, or any transfer or sale of the premises by him, occurring subsequent to the execution of the mortgage, shall not revoke or suspend a power of sale therein; but in case of such death, insanity, or other disability, the Supreme Court of the District of Columbia, in the exercise of its equity jurisdiction, shall have power to stay the sale of the property mortgaged a reasonable period of time.

SEC. 24. Forms in foreclosure: (1) The following forms of power of attorney to foreclose, notice of foreclosure sale, certificate of foreclosure sale, and certificate of redemption may be used for power of sale foreclosure and redemption therefrom and may be altered as circumstances require; but the use of other forms is not forbidden or invalidated.

(2) The blank spaces in the forms indicate where appropriate matter is to be supplied to complete the form. The words in parentheses are not part of the forms, but indicate what matter

day.

is to be supplied to complete them, or changes or additions that may be made in or to them.

POWER OF ATTORNEY TO FORECLOSE

(3) (Name and address), mortgagee in (or trustee in, or assignee of), and the record owner of, the mortgage executed by _____ mortgagor, dated the _____ day of _____, 19__, and recorded in the office of the recorder of deeds of the District of Columbia, at _____, does hereby authorize (name and address of agent) to foreclose said mortgage by power of sale.

In witness whereof this power of attorney is duly executed this ____ day of _____, 19__ (or use other testimonium clause. (Add signature and other formalities of execution.)

(4) A power of attorney in substantially the foregoing form operates as though it also contained express provisions authorizing the agent to take all proceedings to the end of foreclosing the mortgage by power of sale required by law, and to act in and about the foreclosure as fully to all intents and purposes as the principal might or could do if personally present, and ratifying and confirming all that the agent shall lawfully do or cause to be done, by virtue of the power of attorney.

NOTICE OF FORECLOSURE SALE

(5) Default having been made in the conditions of a mortgage executed by _____, mortgagor, to _____, mortgagee (or trustee), dated the __ day of _____, 19__, and recorded in the office of the recorder of deeds of the District of Columbia (give date and place of record), which mortgage was duly assigned to _____, by assignment dated _____ and recorded in said office (give date and place of record) (likewise show any further assignments, and the appointment of a personal representative when foreclosure is by him), and _____ being now the record owner of said mortgage.

Notice is hereby given, that by virtue of the power of sale therein, said mortgage will be foreclosed by a public sale of the following mortgaged premises, to wit: (Describe the premises and also give street address if there be one.)

Such sale will be held at (the United States marshal's office or the mortgaged premises) in the District of Columbia on the __ day of _____, 19__, at __ o'clock __ meridian by the United States marshal in and for the District of Columbia to satisfy the amount due on the mortgage at the date of sale and the costs of foreclosure. The amount claimed to be due on said mortgage at the date of the sale, exclusive of costs, is $_____

The terms of sale are _____

Dated _____

(Name and address) (Name and address)
Attorney for record owner. Record owner of the mortgage.

CERTIFICATE OF FORECLOSURE SALE

(6) I, _____, as United States marshal of and for the District of Columbia, do hereby certify that by virtue of a power of sale contained in a mortgage executed by _____, mortgagor, to _____, mortgagee (or trustee), dated _____, and recorded in the office of the recorder of deeds of the District of Columbia (give date and place of record), and in pursuance of the notice of foreclosure (if desired, the name of newspaper and place and dates of publication of the notice of sale can be included), I did, at the time and place specified in such notice, to wit: (Give time and place) (if the sale was postponed, recite each postponement, giving the time to which postponed, and recite that the sale was made at the last time to which postponed) expose for sale, and did sell at public auction, the following premises described in said mortgage, to wit: (Describe premises) to _____ for the sum of $_____ (describe terms if sale not all for cash) (if sold in separate parcels, give separate description of each parcel and name of purchaser and amount paid for each parcel) he being the highest bidder, and that being the highest price bidden therefor. (If the premises were offered as separate tracts and no bids or insufficient bids received, and the whole then offered as one tract, this may be recited.) That the sale was openly and lawfully conducted, and that the said premises are subject to redemption at any time within 15 days from the day of sale, as provided by law.

In witness whereof, I have executed this certificate of sale this __ day of _____ 19__. (Or use other testimonium clause. Add signature of marshal by himself or by a deputy and other formalities of execution.)

CERTIFICATE OF REDEMPTION

(7) I, _____, as United States marshal of and for the District of Columbia, do hereby certify that (name and address of person redeeming) has this day paid to me the sum of $_____ in redemption of the following-described premises (describe premises redeemed) from the sale thereof made on (date of sale) on the foreclosure of a mortgage on said premises executed by _____ mortgagor, to _____, mortgagee (or trustee), dated _____, and recorded in the office of the recorder of deeds of the District of Columbia (give date and place of record), at which sale said premises were sold to _____ for the sum of $_____ (recite terms, if any), the certificate of which sale was recorded in the office of the recorder of deeds of the District of Columbia (give date and place of record).

I further certify that such redemption was made by said _____ upon the claim that he is the owner of the premises above described. (If redemption is by a lienor, state that he redeems upon the claim that he has a lien on the premises, and identify the lien by giving parties, date, and place of record, or other identifying facts, of the original lien instrument and assignments thereof. Recite the amount claimed to be owing on the lien at the date of redemption, and that the documents evidencing his right to redeem were produced and exhibited to the marshal as required by law.)

In witness whereof I have executed this certificate of redemption this __ day of _____, 19__. (Or use other testimonium clause. Add signature of marshal by himself or by a deputy and other formalities of execution.)

(The above form is for use when redemption is made by payment to the marshal, and fitting changes must be made when the certificate is executed by the owner of the marshal's certificate of sale.)

SEC. 25. Court foreclosure not affected: The provisions of sections 2 to 24, both inclusive, of this act relate to foreclosure of mortgages by power of sale, and do not in any way affect foreclosure in court as at present exercised. Foreclosure by power of sale under the provisions of said sections is an optional method of foreclosure, and is in addition to foreclosure by suit, action, or proceedings in court.

SEC. 26. Interest or payments collected on prior encumbrance: Where any mortgage, or note, contract, or auxiliary instrument connected therewith, shall provide for payment to the mortgagee or trustee of interest or other sums to be applied on or against an indebtedness under a prior or superior mortgage, the owner or holder of the inferior mortgage, or his agent, to whom such payment is made in the first instance, shall credit the mortgagor with interest on such payment from the time it is received until it is paid to the owner or holder of the prior mortgage, at the rate of not less than 3 per cent per annum; and failure to give such credit shall make the owner or holder of the inferior mortgage subject to payment of damages in the amount of twenty times the interest withheld, together with costs of the action and a reasonable attorney's fee to be allowed by the court.

SEC. 27. Releases to enable refinancing: In the event a mortgagor (including a grantor in a deed of trust to secure an indebtedness) shall find it necessary or deem it advisable to refinance any mortgage which is a first or superior lien on the premises mortgaged, and where there are second or other inferior mortgages upon such premises, he may require the owner, holder, or trustee of any such inferior lien or encumbrance to release such mortgage pending the recording of the new mortgage constituting a substitute for the existing first mortgage: *Provided, however,* That such new mortgage does not exceed the amount of the superior mortgage indebtedness which it supersedes; and the second or other inferior mortgage shall then be reinstated of record by the recorder of deeds of the District of Columbia without loss of priority over any other lien, debt, judgment, or claim to which it was superior before such release, and without impairing the validity, security, or priority of any note, bond, or other evidence of indebtedness secured thereby; and it shall be unlawful for the owner, holder, or trustee of such second or other inferior mortgage, or any other person for them, to make any charge against the mortgagor by way of commission, attorney's fee, bonus, or otherwise, for such release and reinstatement in a sum greater than one-half of 1 per cent of the amount of the debt secured thereby. If any greater charge shall be collected or attempted to be collected, the mortgagor shall be entitled to recover damages of five times the excess, together with costs and a reasonable attorney's fee to be allowed by the court. Failure to make release as provided in this section shall entitle the mortgagor to recover double the amount of damages occasioned by such failure, together with costs and a reasonable attorney's fee to be allowed by the court.

SEC. 27a. No release by a trustee or mortgagee shall affect or impair the lien of a note or other evidence of indebtedness secured by the instrument released, unless the note, bond, or other evidence of indebtedness secured shall be presented to the recorder of deeds of the District of Columbia and be by him stamped "Canceled and released," and he shall note such fact on the margin of the record of the instrument so released. If any such note or other evidence of indebtedness be lost, destroyed, or otherwise incapable of production, the lien thereof may be canceled upon release by the trustee or mortgagee of the instrument securing such note or other evidence of indebtedness and the filing with the recorder of deeds of an affidavit setting forth the reason such note or other evidence of indebtedness is not presented, together with a bond, approved by the Supreme Court of the District of Columbia or one of the justices thereof acting in official capacity, assuring the payment of such note or other evidence of indebtedness.

SEC. 27b. Any trustee of a deed of trust, or other person acting in like fiduciary capacity, who shall receive money or other thing of value for the payment of the debt or debts secured by the deed of trust, mortgage, or similar instrument and shall fail to make payment or delivery of that which is due the owner of the debt or debts by reason of unauthorized conversion of such money or other thing to his own use or that of another without legal authorization, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment for not less than five years and not more than 20 years.

SEC. 27c. It shall be unlawful for any natural person or any firm, corporation, or association, except a bank, trust company, or building and loan association doing business under the supervision of the Comptroller of the Currency, to act as trustee of a trust mortgage when the principal sum secured exceeds $25,000, and any act of such person, firm, corporation, or association shall be null and void. Any person, firm, corporation, or association who or which acts, attempts to act, or pretends to act as such trustee

shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than $100 and not more than $10,000, or by imprisonment for not less than one year and not more than five years.

SEC. 28. Liberal construction: Any rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

SEC. 29. Rules for cases not provided for in this act: In any case not provided for in this act the rules of law and equity, including the law merchant, shall govern.

SEC. 30. Not to apply to existing mortgages or agreements: The provisions of this act shall not apply to mortgages made and delivered and/or agreements made and entered into before the act takes effect.

SEC. 31. Repeal: Sections 539 and 545 of the Code of Laws of the District of Columbia are hereby repealed except as to mortgages existing at the time the act takes effect, and all acts or parts of acts applying to the District of Columbia inconsistent with the provisions of this act are hereby repealed.

SEC. 32. Time of taking effect: This act shall take effect on and after July 1, 1931.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PREVENTION OF FRAUD IN SALE OF STOCKS, ETC.

The Senate proceeded to consider the bill (S. 3491) to prevent fraud in the promotion or sale of stocks, bonds, or other securities sold or offered for sale within the District of Columbia; to control the sale of the same; to register persons selling stocks, bonds, or other securities; and to provide punishment for the fraudulent or unauthorized sale of the same; to make uniform the law in relation thereto, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

The amendments were, on page 13, line 3, to strike out the words "this State" and insert the words "the District of Columbia"; on page 15, to strike out lines 11 to 24 inclusive; and on page 16, lines 1 and 2; on page 19, after the numeral "(4)," to insert the word "and," after "(5)," to strike out "and (6)"; on page 20, line 7, after "(4)," to insert the word "and," and after "(5)," to strike out "and (6)"; on page 21, line 15, strike out the word "subsections" and insert the word "subsection," and after "(1)" strike out "or (2)"; on page 21, line 21, after the word "subsections," insert "(2)," and in the same line after "(5)," insert the word "and," after "(6)," strike out "and (7)"; on page 40, after the word "enjoin," to insert the words "preliminarily, temporarily, and/or permanently"; on page 42, line 22, after the word "imprisonment," to strike out "but an affirmative showing that an act or omission which constituted a violation occurred in good faith, and on reasonable grounds for believing it not to be a violation shall relieve from the penalty prescribed in this section"; on page 45, line 15, after the word "than," strike out the word "eight" and insert the word "eighteen"; on page 48, strike out lines 22, 23, 24, and 25, and, on page 49, lines 1 to 6, inclusive; on page 50, line 3, after the word "such," insert the words "act of May 29, 1916, and"; on page 51, after the word "Columbia," to insert "and there is hereby authorized to be appropriated such as is necessary for the administration of this act"; and to renumber the sections, so as to make the bill read:

Be it enacted, etc.—

DEFINITIONS

SECTION 1. When used in this act the following terms shall, unless the text otherwise indicates, have the following respective meanings:

(1) "Security" shall include any note, stock, treasury stock, bonds, debenture, evidence of indebtedness, certificate of interest or participation, or right to subscribe to any of the foregoing, certificates of interest in a profit-sharing agreement, certificate of interest in an oil, gas, or mining lease, collateral trust certificate, preorganization certificate, preorganization subscription, any transferable share, investment contract, or beneficial interest in title to property, profits or earnings, or any other instrument commonly known as a security, including an interim or temporary bond, debenture, note, certificate, or receipt for a security or for subscription to a security.

(2) "Person" shall include a natural person, a corporation created under the laws of the District of Columbia, or any State, country, sovereignty, or political subdivision thereof, a partnership, an association, a joint-stock company, a trust, and any unincorporated organization. As used herein the term "trust" shall not include a trust created or appointed under or by virtue of a last will and testament, or by a court of law or equity, or any public charitable trust.

(3) "Sale" or "sell" shall include every disposition or attempt to dispose of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include a contract to sell, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular, letter, advertisement, or otherwise: *Provided,* That a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same issuer shall not be deemed a sale of such other security within the meaning of this definition and such privilege shall not be construed as affecting the status of the security to which such privilege pertains with respect to exemption or registration under the provisions of this act, but when such privilege of conversion shall be exercised such conversion shall be subject to the limitations hereinafter provided in subsection (h) of section 5: *And provided further,* That the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another security of the same issuer, when such right is issued or transferred with the security to which it pertains, shall not be deemed a sale of such other security within the meaning of this definition and such right shall not be construed as affecting the status of the security to which such right pertains with respect to exemption or registration under the provisions of this act; but the sale of such other security upon the exercise of such right shall be subject to the provisions of this act.

(4) "Dealer" shall include every person other than a salesman who in the District of Columbia engages either for all or part of his time, directly or through an agent, in the business of selling any securities issued by another person or purchasing or otherwise acquiring such securities from another for the purpose of reselling them or of offering them for sale to the public; or offering, buying, selling, or otherwise dealing or trading in securities as agent or principal for a commission or at a profit; or who deals in futures or differences in market quotations of prices or values of any securities or accepts margins on purchases or sales or pretended purchases or sales of securities: *Provided,* That the word "dealer" shall not include a person having no place of business in the District of Columbia who sells or offers to sell securities exclusively to brokers or dealers actually engaged in buying and selling securities as a business.

(5) "Issuer" shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any person who acts as a promoter for and on behalf of a corporation, trust, or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

(6) "Salesman" shall include every natural person, other than a dealer, employed or appointed or authorized by a dealer or issuer to sell securities in any manner in the District of Columbia. The partners of a partnership and the executive officers of a corporation or other association registered as a dealer shall not be salesmen within the meaning of this definition.

(7) "Broker" shall mean dealer as herein defined.

(8) "Agent" shall mean salesman as herein defined.

(9) "Commission" shall mean the Public Utilities Commission of the District of Columbia.

(10) "Mortgage" shall be deemed to include any trust instrument to secure a debt.

ADMINISTRATION OF ACT

SEC. 2. The administration of the provisions of this act shall be vested in the Public Utilities Commission of the District of Columbia.

ENFORCEMENT OF ACT

The commission shall employ from time to time such officers, attorneys, clerks, and employees as are necessary for the administration of this act. They shall perform such duties as the commission shall assign to them, and their compensation shall be fixed in like manner as other employees of the commission.

The commission or any person appointed or employed by the commission shall be paid, in addition to their salary or compensation when required to travel on official duty, the railroad fare, board, lodging, and other traveling expenses necessary and actually incurred by each of them in the performance of the duties required by this act or performed by the direction of the commission.

The commission shall keep a complete record of all its meetings, of its acts, and of the business it transacts under and in accordance with the provisions of this act, and may prepare all necessary rules, regulations, and blank forms for the conduct of its business and to make effectual the purpose and provisions of this act.

The commission shall report annually to Congress, as soon as possible after January 1, such report to contain a report of the work of the commission under this act during the preceding calendar year, and such data, information, and recommendation as may be necessary or appropriate.

EXEMPT SECURITIES

SEC. 4. Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any Territory or insular possession thereof, or by the District of

identifying facts, of the original lien instrument and assignments

Columbia, or by any State of the United States or political subdivision or agency thereof.

(b) Any security issued or guaranteed by any foreign government with which the United States is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized at the time it is offered for sale in the District of Columbia as a valid obligation by such foreign government or by such state, province, or political subdivision thereof issuing the same.

(c) Any security issued by and representing an interest in or a direct obligation of a national bank or issued by any Federal land bank of joint-stock land bank or national farm-loan association under the provisions of the Federal farm loan act of July 17, 1916, or by any corporation created and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States.

(d) Any security issued or guaranteed either as to principal, interest, or dividend by a corporation owning or operating a railroad or any other public-service utility: *Provided*, That such corporation is subject to regulation or supervision either as to its rates and charges or as to the issue of its own securities by a public commission, board, or officer of the Government of the United States, or of any State, Territory, or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada or any Province thereof; also equipment securities based on chattel mortgages, leases, or agreements for conditional sale of cars, motive power, or other rolling stock mortgaged, leased, or sold to or furnished for the use of or upon such railroad or other public-service utility corporation or where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the laws of the United States or of any State, or of the Dominion of Canada, to secure the payment of such equipment securities; also bonds, notes, or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause (d) described: *Provided*, That the collateral securities equal in fair value at least 125 per cent of the par value of the bonds, notes, or other evidences of indebtedness so secured.

(e) Any security issued by a corporation organized exclusively for religious, educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(f) Securities appearing in any list of securities dealt in on any recognized and responsible stock exchange or similar organization which has been previously approved by the commission, and which securities have been so listed pursuant to official authorization by such exchange, and also all securities senior to any securities so listed, or represented by subscription rights which have been so listed, or evidences of indebtedness guaranteed by companies any stock of which is so listed, such securities to be exempt only so long as such listing shall remain in effect. The commission shall have power at any time to withdraw approval theretofore granted by it to any exchange, and upon such withdrawal no security listed on such exchange shall be longer entitled to the benefit of such exemption. The commission shall also have power to deny this exemption with reference to any particular security listed on any such exchanges, by order published in such manner as the commission shall find proper.

(g) Any security issued by and representing an interest in or a direct obligation of any bank, trust company, or savings institution incorporated under the laws of and subject to the examination, supervision, and control of the District of Columbia or the United States; or by any insurance company under the supervision of the superintendent of insurance of the District of Columbia; or issued by any building and loan association of the District of Columbia under like supervision.

(h) Negotiable promissory notes or commercial paper: *Provided*, That such issue of notes or commercial paper matures in not more than 12 months from date of issue and shall be issued within 3 months after the date of sale.

(i) Any security, other than common stock, providing for a fixed return, which has been outstanding and in the hands of the public for a period of not less than 10 years, upon which no default in payment of principal or failure to pay the return fixed, has occurred for a continuous immediately preceding period of 5 years.

EXEMPT TRANSACTIONS

SEC. 5. Except as hereinafter expressly provided, the provisions of this act shall not apply to the sale of any security in any of the following transactions:

(a) At any judicial, executor's, administrator's, guardian's, or conservator's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

(b) By or for the account of a pledge holder or mortgagee selling or offering for sale or delivery in the ordinary course of business and not for the purpose of avoiding the provisions of this act, to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

(c) An isolated transaction in which any security is sold, offered for sale, subscription, or delivery by the owner thereof, or by his representative for the owner's account, such sale or offer for sale, subscription, or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security.

(d) The distribution by a corporation, actively engaged in the business authorized by its charter, of securities to its stockholders or other securities holders as a stock dividend or other distribution out of earnings or surplus; or the issuance of securities to the security holders or other creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith and not for the purpose of avoiding the provisions of this act, either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors; or the issuance of additional capital stock of a corporation sold or distributed by it among its own stockholders exclusively, where no commission or other remuneration is paid or given directly or indirectly in connection with the sale or distribution of such increased capital stock.

(e) The sale, transfer, or delivery of any securities to any bank, savings institution, trust company, insurance company, or to any corporation or to any broker or dealer: *Provided*, That such broker or dealer is actually engaged in buying and selling securities as a business.

(f) The transfer or exchange by one corporation to another corporation of their own securities in connection with a consolidation or merger of such corporations.

(g) Bonds or notes secured by mortgage upon real estate or tangible personal property where the entire mortgage, together with all of the bonds or notes secured thereby, are sold to a single purchaser at a single sale.

(h) The issue and delivery of any security in exchange for any other security of the same issuer pursuant to a right of conversion entitling the holder of the security surrendered in exchange to make such conversion: *Provided*, That the security so surrendered has been registered under the law or was, when sold, exempt from the provisions of the law and that the security issued and delivered in exchange if sold at the conversion price would at the time of such conversion fall within the class of securities entitled to registration by notification under the law. Upon such conversion the par value of the security surrendered in such exchange shall be deemed the price at which the securities issued and delivered in such exchange are sold.

(i) Subscriptions for shares of the capital stock of a corporation prior to the incorporation thereof under the laws of the District of Columbia, when no expense is incurred, or no commission, compensation, or remuneration is paid or given for or in connection with the sale or disposition of such securities.

REGISTRATION OF SECURITIES

SEC. 6. No securities except of a class exempt under any of the provisions of section 4 hereof or unless sold in any transaction exempt under any of the provisions of section 5 hereof shall be sold within the District of Columbia unless such securities shall have been registered by notification or by qualification as hereinafter defined. Registration of stock shall be deemed to include the registration of rights to subscribe to such stock if the notice under section 7 or the application under section 8 for registration of such stock includes a statement that such rights are to be issued. A record of the registration of securities shall be kept in a register of securities to be kept in the office of the commission, in which register of securities shall also be recorded any orders entered by the commission with respect to such securities. Such register and all information with respect to the securities registered therein shall be open to public inspection.

REGISTRATION BY NOTIFICATION

SEC. 7. 1. Securities entitled to registration by notification. The following classes of securities shall be entitled to registration by notification in the manner provided in this section:

(1) Securities issued by a corporation, partnership, association, company, syndicate, or trust owning a property, business, or industry which has been in continuous operation not less than 3 years and which has shown during a period of not less than 2 years or more than 10 years next prior to the close of its last fiscal year preceding the offering of such securities average annual net earnings, after deducting all prior charges, not including the charges upon securities to be retired out of the proceeds of sale, as follows:

(a) In the case of interest-bearing securities, not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest-bearing obligations of equal rank.

(b) In the case of preferred stock, not less than one and one-half times the annual dividend requirements on such preferred stock and on all other outstanding stock of equal rank.

(c) In the case of common stock, not less than 5 per cent upon all outstanding common stock of equal rank, together with the amount of common stock then offered for sale reckoned upon the price at which such stock is then offered for sale or sold.

The ownership by a corporation, partnership, association, company, syndicate, or trust of more than 50 per cent of the outstanding voting stock of a corporation shall be construed as the proportionate ownership of the property, business, or industry of such corporation, and shall permit the inclusion of the earnings of such corporation applicable to the payment of dividends upon the stock so owned in the earnings of the corporation, partnership, association, company, syndicate, or trust issuing the securities sought to be registered by notification.

2. Bonds or notes secured by first mortgage on real estate in any State or Territory of the United States or in the District of Columbia or in the Dominion of Canada where such real estate consists of agricultural lands used and valuable for agricultural purposes (not including oil, gas, or mining property) and where

the aggregate face value of the bonds or notes, not including interest notes or coupons, secured on such property does not exceed 70 per cent of the then assessed value of said lands on the basis defined in subsection 2 preceding plus 60 per cent of the insured value of any improvement thereon.

3. Bonds or notes secured by first mortgage on real estate in any State or Territory of the United States or in the District of Columbia or in the Dominion of Canada where such real estate consists of improved city, town, or village property and where the aggregate face value of such bonds or notes, not including interest notes or coupons, secured on such property does not exceed 70 per cent of the then assessed valuation of said property on the basis defined in subsection 2 preceding, including any improvements appurtenant thereto, and when said property is used principally to produce through rental a net annual income, after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per cent of the principal of said mortgage indebtedness.

4. Bonds or notes secured by a mortgage constituting a closed first lien on a leasehold of real estate in any State or Territory of the United States or in the District of Columbia where such real estate consists of improved city, town, or village property and where the aggregate face value of such bonds or notes, not including interest notes or coupons, secured by such first mortgage does not exceed 70 per cent of the then fair market value of said leasehold in the opinion of an official finally responsible for assessment of the fee ownership of the property leased, and when said property is so used as to produce through rental a net annual income after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per cent of the principal of said mortgage indebtedness: *Provided*, That all advertisements, circulars, and letters advertising the sale of said bonds or notes, and all receipts of payments therefor, and said bonds and notes shall bear in bold or black face type not less than the size known as 18-point upon the face thereof a legend stating that said bonds or notes are secured by mortgage on a leasehold, and all other written or printed offerings shall contain a statement to the same effect.

5. Bonds or notes secured by a first mortgage upon real estate in any State or Territory of the United States or in the District of Columbia where the mortgage is a first mortgage upon city, town, or village real estate, or leasehold, upon which real estate or leaseholds building or buildings is or are about in good faith forthwith to be erected according to the express terms of the mortgage and where reasonably adequate provision has been made by surety or otherwise for financing the full completion of said building clear of any lien superior to said mortgage and where the aggregate face value of the bonds or notes, not including interest notes or coupons, secured by such first mortgage does not exceed 70 per cent of the assessed value of such mortgaged property, on the basis defined in subsection 2 preceding or a fair value certified as under subsection 5, including the actual cost of the building or buildings to be erected thereon as aforesaid, and where said mortgaged property is to be used principally to produce through rental a net annual income, after deducting operating expenses and taxes, at least equal to the annual interest plus not less than 3 per cent of the principal of said mortgage indebtedness: *Provided*, That all advertisements, circulars, and letters advertising the sale of said bonds or notes and all receipts or payments therefor shall bear in bold or black face type, not less than 18 point in size, upon the face thereof a legend stating that said bonds or notes are construction bonds or notes, and all other written or printed offerings of said bonds or notes shall bear a statement to the like effect: *And provided further*, That where said bonds or notes are secured wholly or partly by first mortgage or leaseholds, the value of such leaseholds is required to meet the ratio of property value to face value obligations above in this subsection provided, and all advertisements, circulars, and letters advertising the sale of said bonds or notes, and all receipts of payments therefor, and said bonds and notes shall bear in bold or black face type, not less than 18 points in size, upon the face thereof a legend stating that said bonds or notes are secured wholly or partly by mortgage on a leasehold, as the case may be, and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

6. Bonds or notes secured by first lien on collateral pledged as security for such bonds or notes with a bank or trust company as trustee, which bank or trust company is incorporated under the laws of and subject to examination and supervision by the United States or by a State of the United States, which collateral shall consist of one or more of the following: (a) A principal amount of first-mortgage bonds or notes conforming to the requirements of any one or more of subsections (2), (3), (4), and (5) of section 7; (b) a principal amount of obligations secured as hereinafter in this subsection provided; (c) a principal amount of obligations of the United States; (d) cash; the aggregate to be not less than 100 per cent of the aggregate principal amount of all bonds or notes secured thereby. The portion of such collateral referred to in clause (b) shall consist of obligations secured by a first lien on a principal amount of first-mortgage bonds or notes conforming to the requirements of any one or more of subsections (2), (3), (4), and (5) of section 7, or a principal amount of obligations of the United States or cash equal to not less than 100 per cent of the aggregate principal amount of such obligations so secured thereby, and all such pledged securities, including cash so securing such obligations, shall have been deposited with a bank or trust company as trustee, which bank or trust company is incorporated under the laws of and subject to examination and supervision by the United States or by a State of the United States.

(8) The commission shall have power and authority to receive registration by notification of other securities which are substantially of the same quality and description as one or more of the specific classes above named, although not specifically heretofore described.

II. PROCEDURE FOR REGISTRATION BY NOTIFICATION

Securities entitled to registration by notification shall be registered by the filing by the issuer or by any registered dealer interested in the sale thereof in the office of the commission of a verified statement with respect to such securities containing the following:

(a) Name of issuer, location, and, if incorporated, place of incorporation.

(b) A brief description of the security, including amount of the issue.

(c) Amount of securities to be offered in the District of Columbia.

(d) A brief statement of the facts which show that the security falls within one of the classes in this section defined.

(e) The price at which the securities are to be offered for sale to the public.

In the case of securities falling within the class defined by subsection (1), a copy of the circular to be used for the public offering shall be filed in the office of the commission with the statement or within two days thereafter, or within such further time as the commission shall allow.

In the case of securities falling within the classes defined by subsections (2), (3), (4), (5), and (6), the circular to be used for the public offering shall be filed with the statement.

The filing of such statement in the office of the commission and the payment of the fee hereinafter provided shall constitute the registration of such security. Upon such registration such securities may be sold in the District of Columbia by any registered dealer giving notice in the manner hereinafter provided in section 11, subject, however, to the further order of the commission as hereinafter provided.

If at any time in the opinion of the commission the information contained in the statement or circular filed is or has become misleading, incorrect, inadequate, or incomplete, or the sale or offering for sale of the security may work or tend to work a fraud, the commission may require from the person filing such statement such further information as may in its judgment be necessary to establish the classification of such security as claimed in said statement or to enable the commission to ascertain whether the registration of such security should be revoked on any ground specified in section 10, and the commission may also suspend the right to sell such security pending further investigation by entering an order specifying the grounds for such action, and by notifying by mail, or personally, or by telephone, confirmed in writing, or by telegraph, the person filing such statement and every registered dealer who shall have notified the commission of an intention to sell such security. The refusal to furnish information required by the commission within a reasonable time to be fixed by the commission may be a proper ground for the entry of such order of suspension. Upon the entry of any such order of suspension no further sales of such security shall be made until the further order of the commission.

In the event of the entry of such order of suspension the commission shall upon request give a prompt hearing to the parties interested. If no hearing is requested within a period of 20 days from the entry of such order, or if upon such hearing the commission shall determine that any such security does not fall within a class entitled to registration under this section, or that the sale thereof should be revoked on any ground specified in section 10, it shall enter a final order prohibiting sales of such security, with its findings with respect thereto: *Provided*, That if the finding with respect to such security is that it is not entitled to registration under this section, the applicant may apply for registration by qualification by complying with the requirements of section 8. Until the entry of such final order the suspension of the right to sell, though binding upon the persons notified thereof, shall be deemed confidential, and shall not be published, unless it shall appear that the order of suspension has been violated after notice. Appeals from such final order may be taken as hereinafter provided. If, however, upon such hearing the commission shall find that the security is entitled to registration under this section and that its sale will neither be fraudulent nor result in fraud, it shall forthwith enter an order revoking such order of suspension, and such security shall be restored to its status as a security registered under this section as of the date of such order of suspension.

At the time of filing the statement, as hereinbefore prescribed in this section, the applicant shall pay to the commission a fee of one-twentieth of 1 per cent of the aggregate par value of the securities to be sold in the District of Columbia for which the applicant is seeking registration, but in no case shall such fee be less than $20 or more than $500. In the case of stock having no par value, the price at which such stock is to be offered to the public shall be deemed to be the par value of such stock.

REGISTRATION BY QUALIFICATION

SEC. 8. All securities required by this act to be registered before being sold in the District of Columbia and not entitled to registration by notification shall be registered only by qualification in the manner provided by this section.

The commission shall receive and act upon applications to have securities registered by qualification, and may prescribe forms on

which it may require such applications to be submitted. Applications shall be in writing and shall be duly signed by the applicant and sworn to by any person having knowledge of the facts, and filed in the office of the commission, and may be made either by the issuer of the securities for which registration is applied or by any registered dealer desiring to sell the same within the District of Columbia.

The commission may require the applicant to submit to it the following information respecting the issuer and such other relevant information as the commission may in its judgment deem necessary to enable it to ascertain whether such securities shall be registered pursuant to the provisions of this section:

(a) The names and addresses of the directors, trustees, and officers, if the issuer be a corporation or association or trust; of all partners, if the issuer be a partnership, and of the issuer, if the issuer be an individual.

(b) The location of the issuer's principal business office and of its principal office in the District of Columbia, if any.

(c) The purposes of incorporation (if incorporated) and the general character of the business actually to be transacted by the issuer, and the purposes of the proposed issue.

(d) A statement of the capitalization of the issuer; a balance sheet showing the amount and general character of its assets and liabilities on a day not more than 60 days prior to the date of filing such balance sheet; a detailed statement of the plant upon which the issuer proposes to transact business; a copy of the security for the registration of which application is made and a copy of any circular, prospectus, advertisement, or other description of such securities then prepared by or for such issuer or by or for such applicant (if the applicant shall not be the issuer) to be used for distribution or publication in the District of Columbia.

(e) A statement of the amount of the issuer's income, expenses, and fixed charges during the last fiscal year, or if in actual business less than one year, then for such time as the issuer has been in actual business.

(f) A statement showing the price at which such security is proposed to be sold, together with the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

(g) A detailed statement showing the items of cash, property, services, patents, good will, and any other consideration for which such securities have been or are to be issued in payment.

(h) The amount of capital stock which is to be set aside and disposed of as promotion stock, and a statement of all stock issued from time to time as promotion stock.

(i) If the issuer is a corporation, there shall be filed with the application a certified copy of its articles of incorporation with all amendments and of its existing by-laws, if not already on file in the office of the commission or of the recorder of deeds of the District of Columbia. If the issuer is a trustee there shall be filed with the application a copy of all instruments by which the trust is created or declared and in which it is accepted and acknowledged. If the issuer is a partnership or an unincorporated association, or joint-stock company, or any other form of organization whatsoever, there shall be filed with the application a copy of its articles of partnership or association and all other papers pertaining to its organization, if not already on file in the office of the commission or of the recorder of deeds of the District of Columbia.

All of the statements, exhibits, and documents of every kind required by the commission under this section, except properly certified public documents, shall be verified by the oath of the applicant or of the issuer in such manner and form as may be required by the commission.

With respect to securities required to be registered by qualification under the provisions of this section, the commission may by order duly recorded fix the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities in the District of Columbia.

At the time of filing the information, as hereinbefore prescribed in this section, the applicant shall pay to the commission a fee of one-tenth of 1 per cent of the aggregate par value of the securities to be sold in the District of Columbia for which the applicant is seeking registration, but in no case shall such fee be less than $20 or more than $500. In case of stock having no par value the price at which such stock is to be offered to the public shall be deemed to be the par value of such stock.

If upon examination of any application the commission shall find that the sale of the security referred to therein would not be fraudulent and would not work or tend to work a fraud upon the purchaser, and that the enterprise or business of the issuer is not based upon unsound business principles, it shall record the registration of such security in the register of securities, and thereupon such security so registered may be sold by the issuer or by any registered dealer who has notified the commission of his intention so to do, in the manner hereinafter provided in section 11, subject, however, to the further order of the commission as hereinafter provided.

CONSENT TO SERVICE

SEC. 9. Upon any application for registration by notification under section 7 made by an issuer, and upon any application for registration by qualification under section 8, whether made by an issuer or registered dealer, where the issuer is not domiciled in the District of Columbia, there shall be filed with such application the irrevocable written consent of the issuer that in suits, proceedings, and actions growing out of the violation of any provision of this act, the service on the secretary of the commission of any notice, process, or pleading therein, authorized by the laws of the District of Columbia, shall be as valid and binding as if due service had been made on the issuer. Any such action shall be brought either in the county of the plaintiff's residence or in the District of Columbia. Said written consent shall be authenticated by the seal of said issuer, if it has a seal, and by the acknowledged signature of a member of the copartnership or company, or by the acknowledged signature of any officer of the incorporated or unincorporated association, if it be an incorporated or unincorporated association, duly authorized by resolution of the board of directors, trustees, or managers of the corporation or association, and shall in such case be accompanied by a duly certified copy of the resolution of the board of directors, trustees, or managers of the corporation or association, authorizing the officers to execute the same. In case any process or pleadings mentioned in this act are served upon the commission it shall be by duplicate copies, one of which shall be filed in the office of the commission and another immediately forwarded by the secretary of the commission by registered mail to the principal office of the issuer against which said process or pleadings are directed.

REVOCATION OF REGISTRATION OF SECURITIES

SEC. 10. The commission may revoke the registration of any security by entering an order to that effect, with its findings in respect thereto, if upon examination into the affairs of the issuer of such security it shall appear that the issuer—

(1) Is insolvent; or

(2) Has violated any of the provisions of this act or any order of the commission of which such issuer has notice; or

(3) Has been or is engaged or is about to engage in fraudulent transactions; or

(4) Is in any other way dishonest or has made any fraudulent representations in any prospectus or in any circular or other literature that has been distributed concerning the issuer or its securities; or

(5) Is of bad business repute; or

(6) Does not conduct its business in accordance with law; or

(7) That its affairs are in an unsound condition; or

(8) That the enterprise or business of the issuer or the security is not based upon sound business principles.

In making such examination the commission shall have access to and may compel the production of all the books and papers of such issuer, and may administer oaths to and examine the officers of such issuer or any other person connected therewith as to its business and affairs and may also require a balance sheet exhibiting the assets and liabilities of any such issuer or his income statement, or both, to be certified to by a public accountant either of the District of Columbia, or of any State where the issuer's business is located, approved by the commission.

Whenever the commission may deem it necessary, it may also require such balance sheet or income statement, or both, to be made more specific in such particulars as the commission shall point out or to be brought down to the latest practicable date.

If any issuer shall refuse to permit an examination to be made by the commission it shall be proper ground for revocation of registration.

If the commission shall deem it necessary it may enter an order suspending the right to sell securities pending any investigation, provided that the order shall state the commission's grounds for taking such action.

Notice of the entry of such order shall be given by mail, or personally, or by telephone, confirmed in writing, or by telegraph, to the issuer and every registered dealer who shall have notified the commission of an intention to sell such security.

Before such order is made final, the issuer or dealer applying for registration shall on application be entitled to a hearing.

REGISTRATION OF DEALERS AND SALESMEN

SEC. 11. No dealer or salesman shall engage in business in the District of Columbia as such dealer or salesman or sell any securities, including securities exempted in section 4 of this act, except in transactions exempt under section 5 of this act, unless he has been registered as a dealer or salesman in the office of the commission pursuant to the provisions of this section.

An application for registration in writing shall be filed in the office of the commission in such form as the commission may prescribe, duly verified by oath, which shall state the principal office of the applicant, wherever situated, and the location of the principal office and all branch offices in the District of Columbia, if any, the name or style of doing business, the names, residence, and business addresses of all persons interested in the business as principals, copartners, officers, and directors, specifying as to each his capacity and title, the general plan and character of business and the length of time the dealer has been engaged in business. The commission may also require such additional information as to applicant's previous history, record, and association, as it may deem necessary to establish the good repute in business of the applicant.

There shall be filed with such application an irrevocable written consent to the service of process upon the executive secretary of the commission in actions against such dealer in manner and form as hereinabove provided in section 9.

If the commission shall find that the applicant is of good repute and has complied with the provisions of this section, including the payment of the fee hereinafter provided, it shall register such applicant as a dealer upon his filing a bond in the sum of $5,000 running in favor of the United States conditioned upon the faithful compliance with the provisions of this act by said dealer and by all salemen registered by him while acting for him. Such bond shall be executed as surety by a surety company authorized to do business in the District of Columbia.

Upon the written application of a registered dealer and general satisfactory showing as to good character and the payment of the proper fee the commission shall register as salesmen of such dealer such natural persons as the dealer may request. Such registration shall cease upon the determination of the employment of such salesman by such dealer.

The names and addresses of all persons approved for registration as dealers or salesmen and all orders with respect thereto shall be recorded in a register of dealers and salesmen kept in the office of the commission, which shall be open to public inspection. Every registration under this section shall expire on the 31st day of December in each year, but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided, without filing of further statements or furnishing any further information unless specifically required by the commission. Applications for renewals must be made not less than 30 nor more than 60 days before the first day of the ensuing year, otherwise they shall be treated as original applications. The fee for such registration and for each annual renewal shall be $25 in the case of dealers and $5 in the case of salesmen.

Changes in registration occasioned by changes in the personnel of a partnership or in the principals, copartners, officers, or directors of any dealer may be made from time to time by written application setting forth the facts with respect to such change.

Every registered dealer who intends to offer any security of any issue, registered or to be registered, shall notify the commission in writing of his intention so to do. The notice shall contain the name of the dealer and shall state the name of the security to be offered for sale, and whenever a dealer shall have prepared such notice and shall have forwarded the same by registered mail, postage prepaid, and properly addressed to the commission, such dealer, as to the contents of such notice and the filing thereof, shall be deemed to have complied with the requirements of this paragraph. Any issuer of a security required to be registered under the provisions of this act selling such securities except in exempt transactions as defined in section 5 hereof, shall be deemed a dealer within the meaning of this section 11 and required to comply with all the provisions hereof.

REVOCATION OF DEALERS' AND SALESMEN'S REGISTRATION

SEC. 12. Registration under section 11 may be refused or any registration granted may be revoked by the commission if after a reasonable notice and a hearing the commission determines that such applicant or registrant so registered:

(1) Has violated any provision of this act or any regulation made hereunder; or

(2) Has made a material false statement in the application for registration; or

(3) Has been guilty of a fraudulent act in connection with any sale of securities, or has been or is engaged or is about to engage in making fictitious or pretended sales or purchases of any of such securities or has been or is engaged or is about to engage in any practice or sale of securities which is fraudulent or in violation of the law; or

(4) Has demonstrated his unworthiness to transact the business of dealer or salesman.

In cases of charges against a salesman notice thereof shall also be given the dealer employing such salesman.

Pending the hearing the commission shall have the power to order the suspension of such dealer's or salesman's registration: *Provided*, That such order shall state the cause for such suspension.

Until the entry of a final order the suspension of such dealer's registration, though binding upon the persons notified thereof, shall be deemed confidential, and shall not be published, unless it shall appear that the order of suspension has been violated after notice.

In the event the commission determines to refuse or revoke a registration as hereinabove provided it shall enter a final order herein with its findings on the register of dealers and salesman; and suspension or revocation of the registration of a dealer shall also suspend or revoke the registration of all his salesmen.

It shall be sufficient cause for refusal or cancellation of registration in case of a partnership or corporation or any unincorporated association, if any member of a partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or revoking the registration of an individual dealer or salesman.

BURDEN OF PROOF

SEC. 13. It shall not be necessary to negative any of the exemptions in this act provided in any complaint, information, indictment, or any other writ or proceedings laid or brought under this act, and the burden of establishing the right to any such exemption shall be upon the party claiming the benefit of such exemption, and any person claiming the right to register any securities by notification under section 7 of this act shall also have the burden of establishing the right so to register such securities.

ESCROW AGREEMENT

SEC. 14. If the statement containing information as to securities to be registered, as provided for in section 8 of this act, shall disclose that any such securities or any securities senior thereto shall have been or shall be intended to be issued for any patent right, copyright, trade-mark, process, formula, or good will, or for organization or promotion fees or expenses or for good will or going-concern value or other intangible assets, the amount and nature thereof shall be fully set forth and the commission may require that such securities so issued in payment of such patent right, copyright, trade-mark, process, formula, or good will, or for organization or promotion fees or expenses, or for other intangible assets, shall be delivered in escrow to the commission or other depository satisfactory to the commission under an escrow agreement that the owners of such securities shall not be entitled to withdraw such securities from escrow until all other stockholders who have paid for their stock in cash shall have been paid a dividend or dividends aggregating not less than 6 per cent shown to the satisfaction of said commission to have been actually earned on the investment in any common stock so held; and in case of dissolution or insolvency during the time such securities are held in escrow, that the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

INJUNCTIONS

SEC. 15. Whenever it shall appear to the commission, either upon complaint or otherwise, that in the issuance, sale, promotion, negotiation, advertisement, or distribution of any securities in the District of Columbia, including any security exempted under the provisions of section 4, and including any transaction exempted under the provisions of section 5, any person, as defined in this act, shall have employed or employs, or is about to employ any device, scheme, or artifice to defraud or for obtaining money or property by means of any false pretense, representation, or promise, or that any such person shall have made, makes, or attempts to make in the District of Columbia fictitious or pretended purchases or sales of securities or shall have engaged in or engages in or is about to engage in any practice or transaction or course of business relating to the purchase or sale of securities which is in violation of law or which is fraudulent or which has operated or which would operate as a fraud upon the purchaser, any one or all of which devices, schemes, artifices, fictitious, or pretended purchases or sales of securities, practices, transactions, and courses of business are hereby declared to be and are hereinafter referred to as fraudulent practices, or that any person is acting as dealer or salesman in the District of Columbia without being duly registered as such dealer or salesman as provided in this act; the commission may investigate, and whenever it shall believe from evidence satisfactory to it that any such person has engaged in, is engaged or is about to engage in any of the practices or transactions hereinbefore referred to as and declared to be fraudulent practices, or is selling or offering for sale any securities in violation of this act or is acting as a dealer or salesman without being duly registered as provided in this act, the commission may, in addition to any other remedies, bring action in the name and on behalf of the commission against such person and any other person or persons concerned in or in any way participating in or about to participate in such fraudulent practices or acting in violation of this act, to enjoin preliminarily, temporarily, and/or permanently such person and such other person or persons from continuing such fraudulent practices or engaging therein or doing any act or acts in furtherance thereof or in violation of this act. In any such court proceedings the commission may apply for and on due showing be entitled to have issued the court's subpœna requiring forthwith the appearance of any defendant and his employees, salesmen, or agents, and the production of documents, books, and records as may appear necessary for the hearing of such petition, to testify and give evidence concerning the acts or conduct or things complained of in such application for injunction. In such action the equity courts shall have jurisdiction of the subject matter, and a judgment may be entered awarding such injunction as may be proper.

REMEDIES

SEC. 16. (1) Every sale made in violation of any of the provisions of this act shall be voidable at the election of the purchaser; and the person making such sale and every director, officer, or agent of or for such seller, if such director, officer, or agent shall have personally participated or aided in any way in making such sale, shall be jointly and severally liable to such purchaser in an action at law in any court of competent jurisdiction upon tender of the securities sold or of the contract made for the full amount paid by such purchaser, with interest, together with all taxable court costs and reasonable attorney's fees: *Provided*, That no action shall be brought for the recovery of the purchase price after two years from the date of such sale: *And provided further*, That no purchaser otherwise entitled shall claim or have the benefit of this section who shall have refused or failed within 30 days from the date thereof to accept an offer in writing of the seller to take back the security in question and to refund the full amount paid by such purchaser, together with interest on such amount for the period from the date of payment by such purchaser down to the date of repayment, such interest to be computed—

(a) In case such securities consist of interest-bearing obligations, at the same rate as provided in such obligations; and

(b) In case such securities consist of other than interest-bearing obligations, at the rate of 6 per cent per annum, less, in every case, the amount of any income from said securities that may have been received by such purchaser.

(2) Any person having a right of action against a dealer or salesman under this section shall have a right of action under the bond provided in section 11.

(3) A registration by notification made in good faith and after the commission, on application, shall have given tentative consent to such registration, shall not, as to sales made prior to revocation of such registration, result in the liabilities prescribed in this section, although the securities may not be entitled to such registration.

PENALTY

SEC. 17. Whoever violates any provision of this act shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment.

STATUTORY OR COMMON-LAW REMEDIES

SEC. 18. Nothing in this act shall limit any statutory or common-law right of any person to bring any action in any court for any act involved in the sale of securities, or the right of the United States or District of Columbia to punish any person for any violation of any law.

APPEALS

SEC. 19. An appeal may be taken by any person interested from any final order of the commission to the Supreme Court of the District of Columbia by serving upon the commission within 20 days after notice of the entry of such order a written notice of such appeal stating the grounds upon which a reversal of such final order is sought; a demand in writing for a certified transcript of the record and of all papers on file in its office relating to such order and executing a bond in a penal sum to be fixed by the court to the United States, with sufficient surety, to be approved by the court, conditioned upon the faithful prosecution of such appeal to final judgment, and the payment of all such costs as shall be adjudged against the appellant. Thereupon the commission shall within 10 days make, certify, and file with the clerk of said court such a transcript, or in lieu thereof the original papers if the court shall so order; and the appellant shall within five days thereafter file the same and a copy of the notice of appeal with the clerk of said court, which said notice of appeal shall stand as appellant's complaint, and thereupon said cause shall be entered on the trial calendar of said court for trial de novo and may be given precedence by the court over other matters pending in said court. The court shall receive and consider evidence, whether oral or documentary, concerning the order of the commission from which the appeal is taken. If the order of the commission shall be reversed, said court shall by its mandate specifically direct said commission as to its further action in the matter, including the making and entering of any order or orders in connection therewith, and the conditions, limitations, or restrictions to be therein contained: *Provided*, That the commission shall not thereby be barred from thereafter revoking or altering such order for any proper cause which may thereafter accrue or be discovered. If said order shall be affirmed, said appellant shall not be barred after 30 days from filing a new application: *Provided*, That such application is not otherwise barred or limited. Such appeal shall not in any wise suspend the operation of the order appealed from during the pendency of such appeal unless upon proper order of the court. An appeal may be taken from the judgment of the said court on any such appeal on the same terms and conditions as an appeal is taken in civil actions.

SEC. 20. The directors, officers, or agents referred to in section 16 of this act shall be liable under said section and shall also be liable to prosecution under section 17 for any unlawful act or omission of other persons who were employed by or associated with them, if by the exercise of reasonable care and diligence such directors, officers, or agents might have learned of such acts or omissions and given notice thereof to the commission, or might otherwise have prevented such acts or omissions and failed to do so.

SEC. 21. In all advertising, circulars, and other printed or written matter that may be used in selling securities there shall be specifically and distinctly stated in bold or black faced type not less than 18 point in size the amount and character of any prior or superior lien, mortgage, or incumbrance underlying the security offered.

SEC. 22. No deed of trust or similar instrument covering property in the District of Columbia encumbered or used to give value to security shall be held to be valid as such security by the commission in passing upon applications for registration by qualification or for registration by notification unless at least one of the trustees named in such deed or similar instrument is a resident of the District of Columbia and has been such for at least five years last past or is a corporation organized and existing under the laws of the District of Columbia, neither such person nor corporation to be otherwise associated or connected with other parties thereto.

SEC. 23. In any case where the commission is in doubt as to the substantial correctness of the value of property upon which securities are based, as stated by the applicant for registration by qualification or in the statement for registration by notification, it may select and appoint appraisers for the purpose of determining the value of the property, the expense of such appraisal to be borne by the applicant for registration.

SEC. 24. Where it is sought to secure registration by notification or qualification for a security payment of the principal and dividend or interest of which or payment of any part of the underlying obligation of which is guaranteed or assured by an insurance company, surety company, individual, corporation, partnership, or association, a certified copy of the guaranty, contract, or other agreement providing for the fulfillment of the obligation warranted to be paid or performed shall be filed with the commission and the commission shall have the right to require proof of the financial and legal ability of those undertaking the liability.

SEC. 25. In any statement as to the value of property sought to be used as the basis for security the commission may require a detailed itemization showing separately the value claimed for land, improvements, furnishings, equipment, machinery, and other tangible or intangible items of the total value claimed.

SEC. 26. If an issuer or dealer desires to include in any advertising, circular, or other written or printed matter an estimate of prospective or future earnings, the commission may require also the inclusion of a statement of actual earnings for such period as is deemed proper or practicable for all or any part of the property or properties covered by the security.

SEC. 27. The commission may require the use in advertising, circulars, or other written or printed matter of a statement of the assessed valuation of property covered by a security and of the actual cost of construction of improvements upon real property.

SEC. 28. Where in advertising, circulars, and other printed or written matter concerning a security there is included an estimate of prospective or future rental incomes, the commission shall have the power to order the inclusion also of a statement showing the actual percentage or proportion of occupancy and actual rental income for such period as it may deem proper or practicable.

SEC. 29. The commission shall have the power to order the statement in advertising, circulars, and other written or printed matter concerning the security of the purpose of the issue of the security; and if such purpose shall be stated as that of refunding existing obligations, the commission shall have the power to require satisfactory provision for the proper application of the fund realized to the purpose stated.

SEC. 30. The commission shall have the power to require, by any appropriate means, immediate notice to it and to security holders of any default in payment of principal, interest, dividends, sinking-fund deposit, or default in the performance of any other condition or obligation of a security by the person primarily obligated to pay or perform, notwithstanding payment or performance in his stead by any other person.

SEC. 31. If in any advertising, circular, or other written or printed matter concerning a security an appraisal value is stated, the commission shall have power to require also the inclusion of a statement showing whether such appraisal is based on earnings, actual or prospective, the original cost of the property less depreciation, or whether based on reproduction cost less depreciation.

VALIDITY OF PORTIONS OF ACT

SEC. 32. If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

UNIFORMITY OF INTERPRETATION

SEC. 33. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SHORT TITLE

SEC. 34. This act may be cited as the uniform sales of securities act.

REPEAL AND CONSTRUCTION

SEC. 35. This act supersedes and repeals the act of Congress approved May 29, 1916, entitled "An act to prevent fraudulent advertising in the District of Columbia," and any and all other laws and clauses of laws in conflict with this act, to take effect upon the day this act goes into force, to the extent only and in so far as such act of May 29, 1916, and other laws or parts of laws relate or apply to acts, transactions, or omissions with reference to securities as defined in this act subject, however, to the limitations provided in subdivisions (b) and (c) following:

(b) The provisions of all laws which are repealed by this act shall remain in force for the prosecution and punishment of any person who, before the effective date of this act, shall have violated the provisions of any laws in force at the time of such violation, and such person may be prosecuted and punished under the law as it existed when such violation occurred.

(c) In the case of sales, contracts, or agreements made prior to the effective date of this act, the civil rights and liabilities of the parties thereto shall remain as provided by the law as it existed at the time such sales, contracts, or agreements were made and all parts of laws repealed by this act shall remain in force for the enforcement of such rights and liabilities.

SEC. 36. All fees and other money paid to or coming into possession of the commisison by virtue of the provisions of this act shall be paid into the Treasury of the United States to the credit of the District of Columbia, and there is hereby authorized to be appropriated such sum as is necessary for the administration of this act.

SEC. 37. This act shall take effect 60 days after its approval.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVY DEPARTMENT APPROPRIATIONS

The Senate resumed consideration of the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

The VICE PRESIDENT. The pending amendment will be stated.

The CHIEF CLERK. The pending amendment is, on page 47, line 4, to strike out "$23,600,000" and insert "$31,100,000."

Mr. FRAZIER. Mr. President, I want to ask the chairman of the committee how much the 11 destroyers will ultimately cost, for the starting of which this $7,500,000 is to be appropriated?

Mr. HALE. The destroyers will cost $4,700,000 each for completion.

Mr. FRAZIER. That is in addition to the $7,500,000 provided in this amendment?

Mr. HALE. No. The provision in this bill is for sufficient appropriations for the first year's construction work on the destroyers.

Mr. FRAZIER. That is for starting the work on the 11 destroyers?

Mr. HALE. Yes.

Mr. FRAZIER. And the total expense will be $4,700,000 for each destroyer?

Mr. HALE. Yes.

Mr. FRAZIER. Mr. President, it seems to me that the purpose of the amendment is to start the work on the 11 destroyers which will ultimately cost $51,000,000, approximately. Of course, if the $7,500,000 provided for in this amendment is used to begin this work, then it would be an easy matter, apparently, to get the balance of the $51,000,000 to complete the work.

Mr. HALE. I should have said that with the $7,500,000 should be included an additional sum of $2,500,000 for the armor and armament of these ships, so that $10,000,000 is to be spent in the first year on the construction of the 11 destroyers.

Mr. FRAZIER. I thank the Senator for that correction. The two amendments on page 47 will amount to a total of $10,000,000. That is the amount to be used in the first year in beginning the construction of the 11 destroyers. That would leave about $41,000,000 balance to be appropriated and expended at a later time.

Mr. KING. Mr. President, I confess that this presents a new aspect to the amendment. I understood that the amendment in its entirety would be approximately $7,000,000. I was not advised that a future appropriation was contemplated which would make an aggregate of $50,000,000.

Mr. HALE. The Senator surely did not think we were going to build 11 destroyers for $10,000,000?

Mr. KING. No, I did not.

Mr. HALE. This is the customary way to appropriate for all ships of the Navy. An initial sum is appropriated for the first year's construction.

Mr. KING. I will frankly say my mind did not register when the amendment was read yesterday to the effect that we were called upon to authorize an expenditure of approximately $50,000,000. I supposed if we made the appropriation called for in the bill that would be the end of it, but my opposition to the measure will be intensified if I learn that this is just an entering wedge. We are putting the nose of the camel under the tent and the body will get into the tent when we are called upon to appropriate approximately $40,000,000 more. May I ask the Senator why he does not ask for an appropriation to complete two or three destroyers? Does the Senator intend to indicate that the Navy will lay down immediately the keels of 11 destroyers?

Mr. HALE. Mr. President, as I explained yesterday on the floor of the Senate, within a few years we shall not have any destroyers. It is highly important to go ahead with the program of completing some new destroyers.

Mr. KING. Will the Senator please answer my question? Is it the intention or expectation that the keels for 11 destroyers will be laid down immediately?

Mr. HALE. Absolutely; that is, within the next few months.

Mr. KING. The Senator is not satisfied and the Navy Department is not satisfied with an appropriation sufficient to build and complete at the earliest possible moment two or three destroyers?

Mr. HALE. I certainly should not be satisfied with that plan. Two or three destroyers, when we are going to need to build substantially 100, would be of very little use in starting the building of the destroyers under our program.

Mr. KING. I do not assent at all to the argument which the Senator made yesterday that the 300 destroyers which we had a few years ago, many of which were not completed until 1922 to 1924, are now archaic and useless. I do not agree with him that these destroyers, most of which have had no service or at least no sea service, are now obsolete and ready for the scrap heap. I have examined perhaps 100 or 200 of the destroyers within the past four years. I do not agree with the Senator that these destroyers are now out of date and unseaworthy, that because they have such powerful engines they have destroyed the fabric of the vessels, and therefore we must discard them and proceed at once to the construction of a large number of new destroyers.

Mr. HALE. I have explained to the Senate already that we have substantially 87 destroyers that are to be with the fleet. They are our best destroyers. They are not by any means in perfect condition, but they are able to go to sea. Then we have a certain number of destroyers which we are keeping in reserve. I think there are 64 of them. Of those only 17 are really in suitable condition to replace the vessels in active commission with the fleet. Our destroyer situation is a very critical one. It is up to us to build just as soon as we can ships to take the place of the old pre-war-designed destroyers.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 5114. An act to legalize bridges across the Staunton River at Brookneal, Route No. 18, Campbell County, and at Clover, Halifax County, route No. 12, State of Virginia;

S. 5255. An act to extend the time for the construction of a bridge across the Chesapeake Bay;

S. 5392. An act to legalize a bridge across the Pigeon River at or near Mineral Center, Minn.;

S. 5962. An act to authorize the Secretary of Commerce to continue the system of pay and allowances, etc., for officers and men on vessels of the Department of Commerce in operation as of July 1, 1929; and

S. 6041. An act to authorize an appropriation of funds in the Treasury to the credit of the District of Columbia for the use of the District of Columbia Commission for the George Washington Bicentennial.

TRANSPORTATION OF SCHOOL CHILDREN—CONFERENCE REPORT

Mr. CAPPER. Mr. President, will the Senator from Maine permit me to call up the conference report on House bill 12571, relating to the transportation of school children in the District, which was submitted some time since?

Mr. HALE. I yield for that purpose.

The VICE PRESIDENT. It is a privileged matter, and the report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12571) entitled "An act to provide for the transportation of school children in the District of Columbia at a reduced fare," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendment:

In line 7 of the engrossed Senate amendment, after the word "exceed," strike out the language down to and includ-

ing the word "fares," in line 8, and insert in lieu thereof the words "three cents"; and the Senate agree to the same.

ARTHUR CAPPER,
JOHN J. BLAINE,
ROYAL S. COPELAND,
Managers on the part of the Senate.
F. N. ZIHLMAN,
CLARENCE J. MCLEOD,
MARY T. NORTON,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. TYDINGS. Mr. President, I do not want to pose as a constitutional lawyer, but I do believe, and certain cases in court uphold my view, that if we fix the rate at 3 cents for school children, a proposition which I favor in a way, we, in effect, confiscate the property of the utility companies. That matter ought to be left to the rate-making organization. Obviously, if we can fix a rate at 3 cents for school children, we can compel railroad companies to carry freight for ½ cent a pound, or people for any amount we may see fit to fix. The courts have pretty generally held in some decisions which I have at hand, but which I will not call attention to now, that where Congress attempts to fix rates which in effect are confiscatory, they may be set aside. While I am in favor of the Senator's bill, I respectfully submit that the way to handle the matter is to write the bill in general terms and leave the rate-making body to fix the rate in accordance with the wishes of Congress.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from New York?

Mr. TYDINGS. I yield to the Senator.

Mr. COPELAND. The criticism of the Senator is answered in part by reason of the fact that a definite rate is left to be fixed by the Public Utilities Commission, but it is not to exceed 3 cents.

Mr. TYDINGS. Yes; but that does not answer the question.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. TYDINGS. I yield to the Senator.

Mr. TRAMMELL. The Senator will recall the cases arising originally, I think, in Alabama, where the legislature prescribed a certain specific rate for passenger traffic and the railroads attacked it as confiscatory, but upon the case reaching the court the court held that unless it was confiscatory upon its face, it was prima facie reasonable and would be put into execution, and that the only way it could be established as being confiscatory was by an attack and the sustaining of that contention on the part of the common carrier. I think that is the prevailing decision throughout the country.

Mr. TYDINGS. That is true, but the point I make is that a rate of 3 cents will show just that state of facts, because, taking the number of passengers that travel on the street cars, I am informed, they diminished considerably during the past year——

Mr. TRAMMELL. Will the Senator yield further?

The VICE PRESIDENT. Does the Senator from Maryland yield further to the Senator from Florida?

Mr. TYDINGS. Let me finish my statement, and I will yield. But, be that as it may, I want to favor the Senator's proposition. I am not attacking his desire to afford cheaper transportation rates to school children; I am thoroughly in favor of it; but this is not the place to fix those rates. We have no evidence upon which they can be fixed. There is a body created by Congress to fix those rates, and I respectfully submit that, if we can make the rate not more than 3 cents, we can make it not more than 1 cent; we can make it not more than ½ cent; we can make it not more than ¼ cent; and when I ask, Is the rate confiscatory on its face?——

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield further to the Senator from Florida?

Mr. TYDINGS. I yield.

Mr. TRAMMELL. The common carrier has its rights in the court. If it can show that the rate is confiscatory, of course, it is set aside; but it has to go into the court for the purpose of establishing that fact. I recall a case which arose in Florida when I was attorney general of the State. There was one railroad that, in spite of the order of the railroad commission, charged a 3½ cent rate for passenger traffic, while all the other railroads in the State were charging only 2¾ cents. As the attorney general of the State, exercising my prerogative to recommend laws, I recommended a law to fix the rate, and the rate was fixed and the railroad reduced its rate according to the statute. It realized that it could not go into court and establish that the rate was confiscatory. If they could establish in court that the rate was confiscatory, it could be set aside; otherwise it would stand. We have a right to adopt a certain policy, and, in pursuance of that policy, I think, under the court decisions, we can fix the rate.

Mr. TYDINGS. May I ask the Senator from Kansas what was the House proposal?

Mr. CAPPER. As the bill passed the House it provided a rate not exceeding 2 cents. The Senate amended the bill by fixing a rate of not more than one-half of the rate of fare charged to adults, which in this instance would be 3¾ cents.

Mr. COPELAND. Based on the price of tokens.

Mr. CAPPER. The fare for adults being 4 tokens for 30 cents. The conference committee agreed on a compromise, which provides that the rate shall not exceed a flat rate of 3 cents. The bill that is now before the Senate meets the approval of the Public Utilities Commission; it has been examined by the corporation counsel, and, so far as I know, it is satisfactory to practically everyone. I hope the Senator from Maryland will not press his objection.

Mr. TYDINGS. If the Senate were to disagree to the conference report, then the procedure would be to send the bill back for further conference. I shall make such a motion, and I hope it will prevail, for the reason that I think the law relative to this matter ought to be examined carefully before we fix any standard fare. All of us want to provide reduced rates for school children, but it would be accomplishing nothing to enact a measure which would be held to be unconstitutional. I do not feel that the conferees have sufficiently gone into this question. I very much doubt the wisdom of fixing rates here on the floor of the Senate. I think it would be better to pass the bill as it came from the Senate committee, and then the Public Utilities Commission could allow a further reduction if conditions should permit; but for the Senate to put in an arbitrary rate without any realization of how it is going to effect rates in general is wrong. We are not in possession of the information necessary to fix the rate.

Mr. CAPPER. The Senator understands that the conference report fixes a rate of not to exceed 3 cents.

Mr. TYDINGS. Yes; but it could just as well fix a rate not to exceed 1 cent. When does the rate fixed become confiscatory? How low can we go before on its face it will be held to be confiscatory? I do not want to defeat this legislation; I should like to see the school children obtain reduced fares. I believe the principle of the bill is sound; it has been tried over and over again; but I call the attention of the Senator from Kansas to the fact that if the 3-cent rate is confiscatory and the courts so hold, no reduced fares will then be granted to the school children of the District.

My reason for asking that the report go back for further conference is in the hope that a provision may there be drafted which will be legal, which will really bring reduced fares to the children as a result of this legislation.

I therefore move, Mr. President, that the report of the conferees be not accepted and that the Senate conferees be instructed to confer further with the conferees on the part of the House.

The VICE PRESIDENT. The proper motion would be to recommit the conference report with instructions. Is that what the Senator desires?

Mr. TYDINGS. With instructions that the half-fare rate be inserted in lieu of the 3-cent flat rate.

Mr. COPELAND. Let me suggest to the Senator that he move that the report be recommitted and the conferees be instructed to take the legal advice the Senator has in mind, and not to fix now what the rate shall be. In other words, simply move to recommit.

Mr. TYDINGS. I think the suggestion of the Senator from New York is a good one, and I move that the bill be recommitted to the conferees with instructions to ascertain whether or not the 3-cent rate is legal and proper in view of all the circumstances.

Mr. CAPPER. Mr. President, I inquire whether it is proper to instruct the conference committee in the manner suggested by the Senator from Maryland?

The VICE PRESIDENT. The motion is in order at this time, because the House has not as yet acted upon the conference report. The question is on the motion of the Senator from Maryland. [Putting the question.] The noes seem to have it.

Mr. TYDINGS. I ask for a division, Mr. President.

The question being put, on a division, the motion of Mr. TYDINGS was rejected.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. KING. Mr. President, just a word. I regret exceedingly that we have not sufficient information or that the Public Utilities Commission has not sufficient information to warrant a 1-cent or a 2-cent fare for the school children in the District of Columbia. I am very much in favor of a reduced fare for them, and the lower the better. There is a principle involved, though, as I see it, that constrains me briefly to state why I think this bill ought to go back to conference.

Experience has demonstrated the wisdom of setting up public utilities commissions. We have set up the Interstate Commerce Commission for the purpose of passing upon the judicial and quasi-judicial questions which come before it. After years of controversy we created in this District a Public Utilities Commission. I think the members of that commission are men of integrity and of ability and that they command the confidence and esteem of the people of the District. Obviously one of the functions of the Public Utilities Commission is to pass upon questions which deal with public utilities; what would be a fair rate for children and for adults riding upon the street cars; what would be a fair rate for utilities that furnish us water and light and power and heat, and other service which is public in character. If we now are to say to the Public Utilities Commission, "We have created you to determine these questions, but we are going to take those questions out of your hands, we are going, in a legislative way, to declare what the fair rate and what the price of gas and electricity shall be," it does seem to me, Mr. President, that we are nullifying the law under which this instrumentality has been set up and are exercising a function that ought not to be exercised by Congress.

It is not a question, Mr. President, with me as to the lowering of the fares; I am very anxious to have the fares lowered; I want them lowered as far as possible; but the Public Utilities Commission know the condition of the railroads, what would be fair, what would be a confiscatory rate, what would be approximating a confiscatory rate. We may legislate to-day and say that 2 cents would be a fair rate, and the court may declare that to be confiscatory. The Public Utilities Commission's finding upon this question, while not a finality, would be infinitely more persuasive with the courts, because they would have made the investigation, than a determination by a legislative body. So I am merely asking for the maintenance of a principle which underlies the establishment of the Public Utilities Commission in the District of Columbia as well as other such commissions throughout the Nation.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

NAVY DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The CHIEF CLERK. The pending committee amendment is, on page 47, line 4, after the word "authorized," to strike out "$23,600,000" and to insert "$31,100,000," so as to make the clause read:

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $31,100,000, to remain available until expended.

Mr. KING. I desire to ask the Senator from Maine whether or not the House committee considered this item?

Mr. HALE. No, Mr. President; it was not brought before the committee in the other House. The Senate committee has inserted the item and has the estimate from the Budget Bureau for the amount required.

Mr. KING. But the House committee formulated the naval appropriation bill which is before us?

Mr. HALE. Yes; but I will say to the Senator that this matter was not taken up with the House committee for the reason that the department believed that the naval construction bill, which is now before the Senate, would probably become a law before the appropriation bill came up in the Senate, and that then there would be inserted the appropriation for destroyers in the appropriation bill, along with appropriations for the remainder of the building program. The construction bill, however, has not as yet passed the Senate nor has it passed the other House. Therefore the House committee did not take any action in the pending bill as to appropriations covering any of the Navy building programs.

Mr. KING. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] yesterday read a statement made by Mr. FRENCH, who is a member of the Appropriations Committee of the other House, and who perhaps is better informed upon naval matters than is any man in either branch of Congress unless it be the distinguished Senator from Maine. My recollection of that statement is that it was to the effect that the matter had been considered and that he was averse to this proposition.

Mr. HALE. No; I think the Senator is mistaken about that. The department did not put it up to the Appropriations Committee of the House.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. KING. I yield.

Mr. LA FOLLETTE. The statement made by Mr. FRENCH was that he was opposed to considering any part of the so-called treaty navy in the appropriation bill. He took the position that in order for the Congress intelligently to pass upon that question, it must have before it the complete program. He also stated that in so far as the committee of the House was concerned, the Navy Department had not asked to have these destroyers provided for in the pending appropriation bill.

Mr. HALE. That is quite right.

Mr. KING. May I ask the Senator whether, if this appropriation is made, that means that the so-called naval construction bill to which he has referred will be pressed; or will it be abandoned for the rest of the session?

Mr. HALE. Mr. President, I am not prepared to make any statement about that. If I thought that bill could possibly go through both branches of Congress and that we could appropriate at this session for the construction of the vessels authorized in it, I most certainly should insist upon taking it up at the earliest possible moment; but I think at this late stage of the program—and I have been so advised

by the leaders in this body—there is very little chance, or perhaps no chance, of being able to get the bill through Congress and to get appropriations for the construction under the bill at this session of Congress.

Mr. KING. Mr. President, I assume, then, from the statement made by the Senator, that no effort will be made to bring up for consideration the construction bill to which I referred and to which he has referred.

This bill commits the Government to an outlay of over $50,000,000. This, of course, is merely the beginning of the appropriation, seven to eight or nine million dollars, to be followed by deficiency bills or by direct appropriations as fast as those boats are constructed.

The Senator apparently is not satisfied with an appropriation bill for the Navy of approximately $450,000,000 when we are a peaceful Nation, have no foe at our gates, and no danger whatever from invasion by any military power or any power. He is not satisfied with that appropriation, together with the $30,000,000 which we appropriated a few days ago for the modernization of three battleships. He is not satisfied with the appropriation of more than $400,000,000 for the Army, so that when we shall have adjourned we will have appropriated for military purposes for the next fiscal year more than $800,000,000—more than any country, in any age of the world, ever appropriated in any one year when at peace.

Germany, when she was preparing, as many believe, to conquer the world—or, at least, to assert her hegemony in Europe—never asked for more than $400,000,000 in any one year for her army and for her navy; and yet a Christian Nation—the leading Nation educationally, culturally, spiritually, morally, as we assert, in all the world—in a day of peace, with no foe at our gates, demands for the next year $800,000,000.

Mr. HALE. Mr. President, the Senator from Utah is asking whether I am satisfied with the provisions of this bill. Let me say to the Senator that I am not at all satisfied with the provisions of this bill, and I am not at all satisfied with any situation where we do not have an adequate Navy for our national defense; and that I conceive to be the situation at the present time. I must, however, make the best of the present situation.

Mr. KING. Mr. President, will the Senator yield?

Mr. HALE. I yield.

Mr. KING. The Senator would feel better satisfied, then, if the amount were a billion dollars instead of approximately $800,000,000?

Mr. HALE. Mr. President, the Senator from Utah is mixing up construction with maintenance of the Navy. The Senator will recall that when the London treaty was before the Senate last year it was constantly stated on the floor of the Senate that it would cost about $1,000,000,000 in construction to bring us up to a navy of treaty strength; and that billion dollars, of course, was to include not only new vessels but the replacement of old, antiquated vessels, such as our destroyers for the present Navy, which of necessity must at some time be replaced.

Mr. KING. Mr. President, will the Senator yield further?

Mr. HALE. I yield.

Mr. KING. Then, as I understand the Senator, he would be far better satisfied if we were appropriating a billion dollars instead of $800,000,000?

Mr. HALE. Mr. President, nobody has ever considered appropriating a billion dollars in one year for the Navy. A long program will be necessary before we can spend the billion dollars to which the Senator refers. Nobody ever thought of appropriating it all in one year or in two years or three years.

Mr. KING. When Germany was spending the amount that I referred to a moment ago, between three and four hundred million dollars, it was not all for new construction. It included maintenance as well as new construction. The Senator, however, would like a billion dollars for new construction and for the maintenance of the Army and Navy for the next fiscal year.

Mr. HALE. I have not so stated at all, Mr. President. We have not gone into details of the different appropriations I should want for construction.

Mr. KING. That is the only deduction to be drawn from what the Senator has said.

Mr. HALE. That is a matter that takes a long time to discuss and explain. We have not gone into anything of that sort.

Mr. SWANSON. Mr. President, since the Senator from Utah sees fit to define the position of other people, let us see the position that he occupies in this controversy.

What does it mean if we do not appropriate for these 11 destroyers the money involved? There is not even a remote chance, I think, of getting through the bill in which the department recommended the authorization of $72,000,000; and that is only an authorization, of which only four or five or six or seven or eight millions would be spent additionally this year to carry out the program necessary to reach equality with Great Britain, and a ratio of 5 to 3 with Japan, under the London treaty.

I am satisfied that there is no chance of getting that measure through. Nothing is to be done to modernize the three battleships. The House has refused to grant a rule for the consideration of that bill, though the Senate, by a vote of 73 to 12, wanted to modernize the three battleships; and that proposal was fought here by the same people who are fighting this one. They wanted our sailors to go out on battleships which can shoot only about one-third as far as the opposing ships can shoot, if a conflict should come, without gun-deck protection—to send them out in ships that would put them at every disadvantage in the world in any conflict which might come—which I was unwilling to do.

If you are not going to modernize these vessels, destroy them and let them retire, because I think it is an outrage to send sailors out on ships that can not shoot as far as those that may be opposed to them and that have gun-deck protection.

What does this amendment mean? That the Senate will send to the House, for consideration in conference, a proposal to increase the Navy by 11 destroyers—11 destroyers in our naval program to equalize us with Great Britain, and put us on a ratio of 5 to 3 with Japan—and that is antagonized here.

What does that mean? We might just as well face the issue. We can not shirk it. It means that those who antagonize this proposal do not want to pay one cent or nickel for increase of the American Navy. You can not shirk it. It means, if this goes through—and let the country understand it—that Congress will adjourn without a single authorization or appropriation for the construction of anything that is not already begun.

If Senators want to do that; if the American people do not want to pay a cent or a nickel to increase their Navy in comparison to the navies of others, vote against this proposition. That is what it means. There is no use shirking it. If you do not want to do that, do not appropriate for it.

I think this is a very small beginning on the program to have a navy equal to that of Great Britain, and on a ratio of 5 to 3 with the navy of Japan. I am not willing to let the products of the West, the products of the South, the cotton and the commerce of the United States have access to the markets of the world only by the consent of superior naval powers. I think this Nation is entitled to have its products sold in foreign markets without asking the consent of Great Britain, Japan, or any other nation; and the only way we can have that right is to have a Navy sufficient to protect our commerce.

I never shirk an issue. If you do not want to vote one cent, nickel, or dime to increase the Navy this year—and the only question involved would be the modernization of the battleships, which looks very difficult now, from the way the House has acted—the issue is plain. Beat the authorization for these 11 destroyers, and you have accomplished that. You have carried out your purpose.

We put this amendment in the bill because we knew this was the only remote chance we had of getting some money

to start the increase of the American Navy, according to the London compact. That is the issue. I, for one, think we have not gone far enough. It seems to me the Senate, by an overwhelming vote, ought to show that America has not abandoned an increase of the Navy, and does not intend to have her Navy placed second to that of Japan, or third or fourth rate compared to that of Great Britain, and finally have it surpassed by the navies of Italy and France.

That is the issue. I know that some gentlemen are willing to trust to peace and diplomacy and the Kellogg pact, and have no arms. If you are not going to have an adequate navy, have none. It is a useless expense. You can not demand your rights on the sea without an adequate navy. Do you want to trust to diplomacy? Do you want to trust to talk? If you want to trust to those things, vote against this proposition, and the issue is clear.

If you want an adequate navy to protect the wheat fields of Kansas and let their products have access to the markets of the world, and do the same thing for the cotton fields of the South and the products of America, and not make them dependent on talk and diplomacy or the good will of any nation in the world, let us go forward with our program contained in the London treaty.

If this were not a short session of Congress, if it were a long session, I, for one, would not stop with this small effort, feeble as it is, to start in a program to give us an adequate Navy to protect our rights.

I will be frank with you. If you do not want to build a single ship, if you do not want to make a single appropriation to carry out the London pact, now is the time to destroy it, and let them know that we are not going to do it.

Mr. COPELAND. Mr. President, I hope I correctly understood the Senator from Maine to the effect that he is not going to oppose the bringing up of the construction bill; but, on the other hand, that if the opportunity occurs he will aid us in bringing it forward. That, I am sure, is his attitude regarding this matter.

Mr. HALE. Mr. President, I said that I did not think there was any possibility of getting the construction bill through the Senate, through the House, and then getting appropriations to take care of the construction authorized in the bill at this session of Congress.

Mr. COPELAND. No; but, if I understand the Senator, he is going to do the best he can to accomplish the thing he has in mind.

Mr. HALE. I doubt, Mr. President, if I shall follow it up further on the floor of the Senate. I doubt if we could get anywhere by doing that.

Mr. COPELAND. I hope the Senator is not putting himself in the position of opposing bringing up the measure.

Mr. HALE. Oh, certainly not. I was simply talking about my own action on the matter.

Mr. COPELAND. I say that because there is one phase of this question which we must not overlook. I doubt if there are 20 Senators who oppose the development of the Navy; and we forget all the time about the unemployment situation in the country. If there ever was a time when we ought to put our shipyards to work, it is now; and I think it would be a calamity for us to adjourn this Congress without going just as far as we expect to go within the next two or three years in the development of the Navy.

Mr. HALE. Mr. President, the Senator does not have to talk to me about the advantages of naval construction. I have been in favor of building up the Navy ever since I have been in the Senate, and I am now. I am simply telling the Senator the existing conditions in the Congress. I would certainly do everything in my power to get the bill through if I thought it could be gotten through at this session of Congress.

Mr. COPELAND. I am trying to give the Senator a hypodermic injection, so that he will be stimulated to make an effort to put forward this building program.

Mr. HALE. Mr. President, I have been waiting for a month, ever since the bill was reported, to get the bill up, and I have tried to do so in every way in my power.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 47, line 4.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). On this vote I have a pair with the junior Senator from Delaware [Mr. TOWNSEND]. I am informed, however, that he would vote as I expect to vote on this matter, so I shall vote. I vote "yea."

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WATERMAN]. I understand he would vote as I intend to vote. I vote "yea."

The roll call was concluded.

Mr. GILLETT. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], but I am informed that he would vote as I expect to vote, and therefore I am at liberty to vote. I vote "yea."

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I am informed that he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "yea."

Mr. HASTINGS (after having voted in the affirmative). I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I understand that if present he would vote as I have voted, and therefore I allow my vote to stand.

Mr. TYDINGS. On this vote I have a pair with the senior Senator from Rhode Island [Mr. METCALF]. I understand that if he were present he would vote as I shall vote. Being at liberty to vote, I vote "yea."

Mr. GLENN. I desire to announce that my colleague [Mr. DENEEN] is confined to his home by illness.

Mr. GOULD. I have a pair with the junior Senator from South Carolina [Mr. BLEASE]. I transfer that pair to the junior Senator from Colorado [Mr. WATERMAN] and vote "yea."

Mr. SHEPPARD. I desire to announce that the Senator from Arkansas [Mr. CARAWAY], the Senator from Alabama [Mr. BLACK], the Senator from Tennessee [Mr. BROCK], the Senator from Missouri [Mr. HAWES], and the Senator from North Carolina [Mr. MORRISON] are absent on official business.

Mr. NORBECK. I wish to announce the unavoidable absence of my colleague [Mr. McMASTER]. If he were present, he would vote "nay."

Mr. HATFIELD (after having voted in the affirmative). I have a general pair with the junior Senator from North Carolina [Mr. MORRISON], but I am informed that he would vote as I have voted, and therefore I allow my vote to stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. KEAN] with the Senator from Washington [Mr. DILL];

The Senator from Illinois [Mr. DENEEN] with the Senator from Oklahoma [Mr. THOMAS]; and

The Senator from Oklahoma [Mr. PINE] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 63, nays 10, as follows:

YEAS—63

Ashurst	Glenn	McGill	Shipstead
Barkley	Goff	McKellar	Shortridge
Bingham	Goldsborough	McNary	Smith
Bratton	Gould	Morrow	Smoot
Broussard	Hale	Moses	Steiwer
Bulkley	Harris	Oddie	Swanson
Capper	Hastings	Partridge	Thomas, Idaho
Carey	Hatfield	Patterson	Trammell
Connally	Hayden	Phipps	Tydings
Copeland	Hebert	Pittman	Vandenberg
Couzens	Heflin	Ransdell	Wagner
Dale	Howell	Reed	Walcott
Davis	Johnson	Robinson, Ark.	Walsh, Mass.
Fess	Jones	Robinson, Ind.	Watson
Fletcher	Kendrick	Schall	Williamson
Gillett	Keyes	Sheppard	

NAYS—10

Blaine	Frazier	Norbeck	Wheeler
Borah	King	Norris	
Brookhart	La Follette	Nye	

NOT VOTING—23

Black	Dill	McMaster	Stephens
Blease	George	Metcalf	Thomas, Okla.
Brock	Glass	Morrison	Townsend
Caraway	Harrison	Pine	Walsh, Mont.
Cutting	Hawes	Simmons	Waterman
Deneen	Kean	Steck	

So the amendment was agreed to.

The next amendment was, on page 47, line 17, before the word "to," to strike out "$4,700,000" and insert "$7,200,000," so as to read:

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels heretofore authorized, $7,200,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 47, after line 22, to strike out—

That in the expenditure of appropriations in this act the Secretary of the Navy shall, unless in his discretion the interest of the Government will not permit, purchase for use, or contract for the use of, within the limits of the United States only articles of the growth, production, or manufacture of the United States, notwithstanding the provisions of any law to the contrary.

And in lieu thereof to insert:

That in the expenditure of appropriations in this act the Secretary of the Navy shall, unless in his discretion the interest of the Government will not permit, purchase or contract for, within the limits of the United States, only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more, if such excess of cost be not unreasonable.

The amendment was agreed to.

The VICE PRESIDENT. That completes the amendments, except one passed over, which will be stated.

The CHIEF CLERK. On page 29 the committee proposes to strike out lines 3 to 6, inclusive, as follows:

Provided further, That no part of this appropriation shall be available for the purchase of or payment for any kind of fuel oil of foreign production, except by or for vessels in a foreign port.

The amendment was agreed to.

Mr. HALE. Mr. President, there are some amendments I have been authorized to offer on behalf of the committee.

The VICE PRESIDENT. The clerk will state the first amendment submitted by the Senator from Maine.

The CHIEF CLERK. On page 25, line 24, after the word "law," insert:

Provided further, That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint as ensigns in the line of the Navy all midshipmen who graduate from the Naval Academy in the year 1931; but if the number so commissioned should exceed the total number of officers of the line of the Navy authorized by existing law, the excess shall be carried in the grades of lieutenant (junior grade) or ensign.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. LA FOLLETTE. Is not that amendment subject to a point of order?

The VICE PRESIDENT. The Chair does not like to pass upon such a question unless the point is made.

Mr. LA FOLLETTE. I make the point of order that it is new legislation on an appropriation bill.

Mr. HALE. Mr. President, will the Senator withhold the point of order?

Mr. LA FOLLETTE. I withhold the point until the Senator explains the amendment.

Mr. HALE. Mr. President, the purpose of this amendment is to make it possible to commission all members of the class of 1931 who graduate from the Naval Academy.

Unless this legislation is adopted about 174 of these midshipmen may be denied commissions this year, depending upon a decision of the Attorney General of the United States as to what constitutes the total authorized enlisted strength of the Navy, on which the number of officers of the Navy is based.

Under existing law this total authorized strength has always heretofore been based on 131,485 men of the Navy, plus 6,000 apprentice seamen. In 1918 there were temporarily added to the enlisted men of the Navy 14,000 men for trade schools.

No legislation since that time has been enacted changing the law providing for these men, and the question has come up and has not yet been decided by the Attorney General as to whether these 14,000 men for the trade schools should not be added to the 137,000 already included in the authorized enlisted strength.

Should the Attorney General decide that the trade-school men ought to be included it will increase the authorized enlisted strength by 14,000 men, which will allow for 560 more officers. In such a case there would be ample vacancies to take care of all of the midshipmen in the class of 1931 at the Naval Academy, and of subsequent classes for more than 10 years. The total increase thus provided would not be achieved for a long period of years, and the yearly increase would be a slow and gradual one. There is a very considerable feeling in Congress, and in the Navy Department, that these men, who have been trained by the Government at an expense of about $13,000 each and who have been led to expect a naval career, should not be turned back to civil life through no fault of their own.

Should the Attorney General rule against the inclusion of the 14,000 trade-school men in the authorized enlisted strength, such strength will remain at 137,485, which will provide, under the law, for 5,499 officers, plus some 60 officers known as "extra numbers," a total of 5,559. This will mean that 174 members of this year's graduating class at Annapolis will not receive commissions as ensigns in the Navy.

The proposition to commission these ensigns has been submitted to the Bureau of the Budget and recommended by it in a legislative bill, H. R. 14991, which is now before the House of Representatives. However, it is questionable whether it will be possible to secure action on said bill prior to the close of the session, and if these men are to be saved for the service the committee regards it as necessary to pass this legislation.

Mr. LA FOLLETTE. Mr. President, will the Senator from Maine yield for a question?

Mr. HALE. I yield.

Mr. LA FOLLETTE. Has this amendment any relation to the increase in the number of men to be appointed each year to the Naval Academy?

Mr. HALE. No; that is provided for in the bill specifically. The committee recommended an amendment to raise the number who might be appointed by each Senator and Representative from three to four, as provided in the House bill. This amendment relates to the men who are already in the academy.

Mr. LA FOLLETTE. Mr. President, I wish to ask the Senator from Maine a little further about the matter. The Senator makes the definite statement that this amendment has nothing to do with and does not facilitate the maintenance of an excessive officer personnel which he is providing in the bill.

Mr. HALE. This will increase the officer personnel without any question. There is a provision in the amendment that these men shall not be used in the future for computation purposes for the higher ranks of officers in the Navy. They are simply to be counted in the grades of ensign and lieutenant until they come within the authorized number permitted by law, when they would have their regular chance for promotion.

Mr. LA FOLLETTE. The point is this: I am opposed to the provision in the bill which the Senate has already approved that permits an increase over the House bill in the officer personnel by allowing four appointments instead of three to Annapolis. I would not want to do an injustice to the men who are to graduate in 1931. On the other hand, I do not want to lose any right which I have under the rule to prevent there being incorporated in the bill legislation which facilitates the maintenance of an excessive officer personnel in the future. If the Senator from Maine can assure me positively that this amendment, which he has offered ostensibly to relieve the situation concerning the graduating class of 1931, does not assist in creating a situation which permits of an increase in the personnel in the future as provided in the bill, I would be willing to withhold the point of order.

Mr. HALE. I can not give any such assurance to the Senator. The addition of these men undoubtedly would increase the number of officers later on in the Navy. I hoped that the Senator would not make the point of order.

Mr. LA FOLLETTE. I make the point of order reluctantly, in so far as it does any injustice to the graduating class of 1931 from Annapolis, but I am opposed, as I find that Members of the House who are much more familiar with the naval program than I am are opposed, to maintenance of an excessive officer personnel by permitting four appointments instead of three appointments to be made each year by Senators and Representatives to Annapolis. In view of the Senator's statement that this amendment facilitates that increase in officer personnel, I insist upon the point of order.

Mr. SWANSON. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. The Senator from Maine has the floor.

Mr. HALE. I yield to the Senator from Virginia.

Mr. SWANSON. First, as to the point of order. This amendment is directed by a standing committee of the Senate.

Mr. LA FOLLETTE. I want to be heard on that point at a later time.

Mr. SWANSON. I want to say to the Senator from Wisconsin that we have a certain authorized number of officers that can not be increased, being a certain percentage of the personnel of the Navy. When these young men graduate if their appointment causes an excess above the number authorized, they will be dismissed out of the Navy. They can not be taken into the Navy, and that would terminate their naval career. All the provision does is to provide as to those who graduate this year; that if the number shall exceed the authorized officer personnel of the Navy, they shall be carried as additional numbers in the lowest grades. It does not increase the number of the officer personnel except to the extent that the class of 1931 may increase it in that way.

That is a fair statement of it. It simply authorizes that much of an increase. If we graduate 176 cadets this year and the authorized strength of the Navy will not permit the admission of more than 150, then it is provided that the surplus number of 26 cadets may be taken into the Navy; that is, the authorized personnel of officers which is limited by the act of 1916, providing that there shall be a certain percentage of officers according to the enlisted personnel may be increased in order to take into the Navy the members of this graduating class. It increases the authorized strength of the officer personnel to the extent that this graduating class may exceed the number of authorized officers under the law. There may be 30 or 40 graduates involved. These men may not otherwise be taken into the Navy.

This provision will apply only to the 1931 class. What we shall do next year or the year following that will have to be determined at that time. My idea is that we ought to take into the Navy in the future the excess number graduating when they exceed the authorized strength. We expect to graduate 200 this year. If the number of graduates exceeds the authorized personnel of officers in the Navy, then that excess number should be taken into the Navy as provided in this amendment. It is only applicable to this year. Of course, they would stay in the Navy, but it only increases the officer personnel in this way this year. Next year we would have to have another authorization to take in the excess number graduating in that class if there should be any such.

Mr. LA FOLLETTE. Mr. President, I have listened to the Senator from Maine and the Senator from Virginia and I am somewhat confused about the situation. If the Senator from Maine, who has the floor, will yield, I should like to ask a question of the Senator from Virginia.

Mr. HALE. Certainly; I yield.

Mr. LA FOLLETTE. As I understand the proposition, it is something like this: The committee proposes to increase the officer personnel of the Navy by permitting four appointments to be made to Annapolis each year by Senators and Representatives instead of the three which are provided in the House bill.

Mr. SWANSON. I think that is in a different amendment.

Mr. LA FOLLETTE. Of course it is; but the question I am trying to get answered is this: If this amendment offered by the Senator from Maine is agreed to, while ostensibly it is designed to take care of those who are graduating from Annapolis this year, yet, as I understood his answer to my question, the adoption of the amendment assists in creating a situation whereby the additional men provided for in this bill for the officer personnel will be taken care of in the future.

Mr. SWANSON. I do not think they will be taken care of in the future except by future legislation.

Mr. HALE. They would be in the Navy, of course.

Mr. SWANSON. Mr. President, I would like to have the amendment read again.

The VICE PRESIDENT. Let the amendment be read again.

The CHIEF CLERK. On page 25, line 24, after the word "law," insert the following:

Provided, further, That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint as ensigns in the line of the Navy all midshipmen who graduate from the Naval Academy in the year 1931, but if the number so commissioned should exceed the total number of officers of the line of the Navy authorized by existing law, the excess shall be carried in the grades of lieutenant (junior grade) or ensign.

Mr. SWANSON. In other words, if there were 36 excess over the present authorized officer personnel of the Navy, those 36 men would be commissioned by the President as officers of the Navy and then they would continue in the Navy. To that extent it increases the personnel. But this does not affect next year or the year after that. If we continue to have graduates in excess of the authorized number, we will have to fix a basis upon which they can be admitted either by increasing the authorized officer personnel of the Navy or else by making some provision whereby the excess number may be taken into the Navy after graduation. I have an idea that the best way to handle it would be to confine it to the first 10 or first 5 on the list so we would not lose the most valuable graduates in the class. The amendment only applies to this year. We recognize that something must be done to take care of the class graduating this year or else they will all be dismissed from the Navy. Next year the same problem may be before us, but we hope by next year to fix a basis upon which certain of the graduates can be included in the Navy, but not the entire class.

Mr. LA FOLLETTE. But it is proposed here to increase the officer personnel by increasing the number of men to be appointed annually, and therefore the number who will graduate, so that this is just the first step in an attempt to accommodate the increased officer personnel.

Mr. SWANSON. The House only authorized three appointments.

Mr. LA FOLLETTE. That is what we have now, is it not?

Mr. SWANSON. No. The House reduced the number from four to three, and the Senate committee thought we ought to have four. But that is a different proposition. The graduating class of 1931 will be dismissed and will not be in the Navy unless we adopt this amendment.

Mr. LA FOLLETTE. It is true there are two different proposals, but the same fundamental question is involved. Under the plan for the appointment of four to Annapolis, which the Senator says we now have, and I accept that correction, we are now about to graduate more men in the 1931 class than can be taken into the Navy under existing law. The House has reduced that number in order to remedy this very situation.

Mr. SWANSON. I am satisfied that if we continue building under the naval program as outlined in the London con-

ference we will not have any excess officer personnel. We have gotten rid of only three battleships under the London conference, and, consequently, until the cruisers we have authorized and now building are completed there might be an excess of officers. But the class of 1931 ought not to be treated in this way. I do not think it is just. All we ask the Senate to do is to permit this class to be taken care of. That is all the amendment does. The question is, Shall we take care of the class of 1931 or let its members be dismissed?

Mr. LA FOLLETTE. May I ask the Senator from Maine whether the matter was considered by the House committee?

Mr. HALE. The House legislative committee has a bill——

Mr. LA FOLLETTE. I mean the House Appropriations Committee. When the bill was originally in the House was the matter brought to the attention of the House Committee?

Mr. HALE. I am not aware that it was. I know there is a legislative bill before the Naval Legislative Committee of the House authorizing an increase, and that has been reported out favorably by the committee.

The VICE PRESIDENT. The Chair is ready to rule if the Senator insists on his point of order.

Mr. LA FOLLETTE. I withdraw the point of order until the matter is straightened out.

Mr. HALE. If the Attorney General makes a favorable ruling on the 14,000 trade-school men, those men will be able to stay in the Navy. There is ample opportunity for them to do it and there will be plenty of vacancies in the Navy to take care of them. But it is not yet known what the decision will be. If he decides against counting the 14,000 trade-school men and the number of men goes down to 5,559, as at present fixed, while these men this year will be over the authorized limits of the officer personnel, yet in 1935 even with these men counted in there is going to be such an attrition in the Navy on account of the going out of the service of a lot of men who were given commissions from civil life after the war and from warrant officers and from the enlisted men who have been given commissions, that in 1935 we shall have less than the authorized number of officers and less than we have at the present time. Really it is merely tiding them over until a few years from now, when they will come in or will be allowed to be in in the regular course of procedure. The committee put this provision in the bill because they thought it was extremely important that these men should not be compelled to give up their career through no fault of their own.

Mr. LA FOLLETTE. Mr. President, as I stated when I made the point of order a few moments ago, I would not want to do an injustice to these young men who have spent four years in the academy at Annapolis. Since the Senator from Virginia and the Senator from Maine have convinced me that this has nothing to do with the fundamental question of increasing the officer personnel of the Navy, I shall not insist upon my point of order.

The VICE PRESIDENT. The point of order is withdrawn. The question is on agreeing to the amendment submitted by the Senator from Maine in behalf of the committee.

The amendment was agreed to.

Mr. HALE. I have another amendment which I have been authorized by the committee to offer.

SURVEYS BY WICKERSHAM COMMISSION

Mr. TYDINGS. Before the Senator offers that amendment, may I ask for the consideration of a resolution, about which I hope there will be no debate?

Mr. HALE. Will the Senator not let the committee amendments to the appropriation bill be completed?

Mr. TYDINGS. I am in a position where I am forced to leave town in a few moments. I have waited a long while to present the resolution, and I would appreciate it if the Senator would let me have the resolution considered.

Mr. HALE. If it will not take any time I will yield to the Senator.

Mr. TYDINGS. I hope it will not consume more than a few minutes.

Mr. HALE. If it does take any time the Senator will withdraw his request, as I understand?

Mr. TYDINGS. I do not think it will consume the rest of the afternoon, but I should like a chance to explain it.

Mr. HALE. I think we ought to go on with the naval appropriation bill.

Mr. TYDINGS. If the Senator wants me to discuss the whole Wickersham report, I will be glad to do so, but I think it would save time if the resolution could be considered.

Mr. HALE. Can not the Senator wait? We are nearly through with the pending bill.

Mr. TYDINGS. As I have said, I am forced to leave the city shortly.

Mr. HALE. Very well, but I shall object if it shall take any time to discuss the resolution.

The PRESIDING OFFICER (Mr. FESS in the chair). In the absence of objection, the clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 463), as follows:

Whereas the Commission on Law Enforcement and Observance, in response to a request from the Senate, has submitted certain evidence and other documents upon which it based its conclusions and recommendations as to enforcement and enforceability of the prohibition laws; and

Whereas the documents submitted relate to only 32 States, with no mention made of 16 other States, including several of the most populous industrial States; and

Whereas there is no contention made that everything which the commission may have learned with respect to conditions in the 16 States should be considered confidential: Now, therefore, be it

Resolved, That the Commission on Law Enforcement and Observance be, and it is hereby, requested to transmit to the Senate its reasons for withholding any information as to prohibition enforcement or enforceability in the 16 States and the District of Columbia, and, in addition thereto, any information with respect to these 16 States and the District of Columbia as may, upon further consideration by the commission, be submitted to the Senate in conformity with the terms of the previous request of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. WATSON. Mr. President, I think I shall have to ask that the resolution go over.

Mr. TYDINGS. Will not the Senator from Indiana withhold his objection for just a moment?

Mr. WATSON. Very well.

Mr. TYDINGS. I should like to make a brief explanation. The Wickersham Commission, in response to the resolution adopted by the Senate, sent up a great deal of material which it had gathered, and that material is now in the Committee on Printing. However, it is disclosed that the surveys as to only 32 States were considered by the commission and that as to 16 States there was no survey made, or for some reason the surveys have not come to the Senate. It so happens that of the 16 States not included in the survey sent to the Senate there are some of the most populous States of the Union; for example, the State of New York. I think the facts ought to be before us as to how the prohibition law is obeyed and observed in that great State of more than 10,000,000 people.

The purpose of my resolution is to ask the commission if they will not either furnish us the surveys for the 16 States which have been omitted or give us their reasons for not having done so. If they obtained these surveys under a pledge of secrecy, they should not send them to us; but why 16 States are omitted and the surveys as to 32 other States are presented, I do not know. Obviously there must be some reason.

My resolution simply asks the commission either to send to us the surveys for the other 16 States or to tell us the reason why it is impossible to send them.

We have expended half a million dollars to acquire this information. Do we want that money expended merely to educate the 11 men on the commission or should the Senate, which in the last analysis must pass remedial legislation, have the information, the evidence, the facts so that it can act intelligently? I feel that the commission gathered facts so that we might upon those facts base suitable legislation; and all my resolution proposes to do, in line with the other resolution which the Senate adopted some days ago, is to request the commission to send us the other bits of information pertaining to the 16 States or to tell us why it is not able to do so.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. SWANSON. I have no objection to the pending bill being temporarily laid aside in order to consider the resolution, and if it takes much time we can object to further consideration.

Mr. TYDINGS. I hope it will not take any further time.

Mr. SWANSON. Then, the unfinished business can be temporarily laid aside.

Mr. HALE. I have already announced that if there is going to be any discussion, I would call for the regular order.

The PRESIDING OFFICER. The Chair will state that if the resolution be considered by unanimous consent it will not displace the unfinished business. Is there objection to the consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The preamble was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 506. An act for the relief of Patrick P. Riley;

H. R. 16415. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 16738. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes; and

S. 5458. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 87.

REPORT OF THE PENSIONS COMMITTEE—JESSIE R. GREENE

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (S. 6225) granting an increase of pension to Jessie R. Greene, reported it without amendment.

NAVAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

Mr. HALE. I offer the amendment which I send to the desk, having been authorized by the committee to submit it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 25, line 24, after the word "law," it is proposed to insert the following:

Provided further, That any officer, other than commissioned warrant or warrant officers, commissioned in the line of the Navy from sources other than the Naval Academy, may, upon his own application, in the discretion of the President, be retired from active service and placed upon the retired list with retired pay at the rate of 2½ per cent of his active-duty pay multiplied by the number of years of service for which entitled to credit in computation of his pay on the active list, not to exceed a total of 75 per cent of said active-duty pay.

Mr. LA FOLLETTE. Mr. President, is the Senator from Maine going to make an explanation of the amendment?

Mr. HALE. Mr. President, the purpose of this amendment, which I have also been instructed by the committee to offer on the floor, is to provide fair treatment to certain former commissioned warrant, warrant officers, and enlisted men of the Navy, and reserve officers who, shortly after the close of the war, were given line commissions in the Navy.

I have heretofore referred to these officers this afternoon. There are about 623 of these men now in the service, none of whom have as yet risen above the rank of lieutenant. About 1,000 of them were men appointed shortly after the war, but attrition has now brought down the number to 628. These men will shortly come up for promotion and due to their lack of basic naval education it is estimated by the department that not more than 25 per cent of these men will make the grade for promotion. In that event those who were formerly of commissioned warrant and warrant rank will revert to their former status, and the enlisted men and reserve officers will go out of the service with one year's pay. This is a very considerable hardship to these men who have served through the war and since, and the department feels that they are entitled to relief.

This provision is analogous to the present practice in the Army, in that the Army provides—and I think the Senator from Pennsylvania will confirm this statement—that officers placed in class B shall be retired at a graded retired pay equal to 2½ per cent for each year of service, the same provisions that are included in this amendment for the Navy.

The committee feels that this legislation is only a matter of fairness to these men.

Of course, this is also legislation, but it is the only way by which provision can be made to take care of these men at the present time.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maine on behalf of the committee.

The amendment was agreed to.

Mr. HALE. I offer another amendment which I have been authorized to offer by the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 49, in line 19, after the word "plant," it is proposed to insert the following:

; and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government: *Provided*, That nothing herein shall be construed as altering or repealing the proviso contained in section 1 of the act to authorize the construction of certain naval vessels, approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States, except such material or parts as are not customarily manufactured in such Government plants.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maine on behalf of the committee.

Mr. HALE. I will say that this is the regular labor clause that has been carried in the appropriation bills for the last half dozen years.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is on its second reading and is open to amendment.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The Chief Clerk. On page 49, after line 19, it is proposed to insert the following:

The scale of wages established January 1, 1929, by the Navy Department for civil employees of Groups I, II, and III (laborer, helper, and mechanical service) shall not be reduced, nor shall the proportion of such employees in the maximum rate at the several navy yards be less than the proportion of such employees in the maximum rate on January 1, 1929, nor shall the proportion of workmen employed in the minimum rate be greater than obtained on that date. The pay of employees at the arsenals and Coast Guard stations shall correspond to the average pay received by workmen of corresponding occupations and trades, as hereby made effective for the Boston, New York, Philadelphia, Washington, Norfolk, Mare Island, and Puget Sound Navy Yards.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, this amendment merely seeks to carry out the policy that wages shall not be reduced on Government work. It is in harmony with the bill which has passed the Senate, and is now awaiting action in the House, concerning contracts for public buildings.

While the amendment is subject to a point of order, it being general legislation, I trust that no one will make the point of order. In view of the situation throughout the country, the Government should maintain its wage standards as an example to private industry.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Indiana.

Mr. WATSON. Has the matter been submitted to the Navy Department?

Mr. LA FOLLETTE. No, Mr. President; I will say to the Senator from Indiana that the amendment has not been submitted to the Navy Department. The situation was brought to my attention only to-day, and I have had the amendment prepared by the legislative drafting service. If it shall be enacted into law, the amendment will maintain the prevailing wage scales in the navy yards and in Government arsenals and Coast Guard stations. Perhaps the language can be improved, but I think the amendment is well drawn. I do not think it can result in any other purpose than that which it seeks to accomplish, namely, to maintain the present standard of wages in the navy yards, the Government arsenals, and the Coast Guard stations; and I hope the Senator from Indiana is in sympathy with the purpose of the amendment.

Mr. WATSON. I am in full sympathy with it, but I want to ask whether or not it provides for maintaining existing wages that are now paid in the various governmental activities to which the Senator refers?

Mr. LA FOLLETTE. It does; it is confined to them; and it will result in no increase in pay, may I say to the Senator. It merely provides for the maintenance of the standards which now prevail, and, in so far as the navy yards are concerned, has prevailed since January, 1929.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Michigan.

Mr. COUZENS. Is it not also for the purpose of preventing the discharge or laying off of employees, and having them rehired in the second and third grades?

Mr. LA FOLLETTE. Exactly. My information is that certain reductions in pay have been accomplished not by a change in the standard of wages but by laying off men who have been employed in class 1 and then, when they are rehired, hiring them in class 2, which automatically results in their receiving less pay.

Mr. COUZENS. That is the point I was trying to make.

Mr. LA FOLLETTE. While this will not prevent a reduction in force, it will prevent a reduction in the higher-paid grades and then the rehiring of the same men at the lower grades, and therefore will provide a maintenance of the 1929 wage scale.

Mr. COUZENS. That is my understanding.

Mr. HALE. Mr. President, I will not make the point of order against the Senator's amendment; but this is a matter with which I am not at all familiar, and it will have to be looked into very seriously before we can adopt any such legislation.

I am willing to have the amendment go in the bill with the understanding that it will go to conference and be considered there.

Mr. LA FOLLETTE. If the Senator will only fight for it in conference with the same vigor that I know he will fight for the 11 destroyers, I shall be satisfied.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. SWANSON. Mr. President, I have an amendment that I desire to offer, and I call the attention of the Senator from Maine to it.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The Senator from Virginia offers the following amendment:

On page 46, after line 24, insert:

"For participation by the band of the United States Marine Corps in the celebration to be held at Yorktown, Va., October 16, 17, 18, and 19, 1931, permission for said participation being hereby authorized, and for the purpose of defraying the expenses of the band, the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated."

Mr. HALE. Mr. President, I shall be willing to accept that amendment.

Mr. SWANSON. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Virginia.

The amendment was agreed to.

Mr. VANDENBERG. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following as a new paragraph:

The amount appropriated by the independent offices appropriation act, 1932, under the heading "Adjusted-Service-Certificate Fund," shall be available July 1, 1931.

Mr. VANDENBERG. Mr. President, I understand perfectly well that this amendment is subject to a point of order; but I desire to make a very brief statement respecting it to the Senate, and I am very sure the obvious propriety of the purpose will justify the Senate in consenting to the amendment.

Under the terms of the adjusted-compensation program as agreed to by the House and the Senate, there are two sources from which the proposed new loans can be made. One source is through the transfer into cash of the securities that are deposited in the United States Government life-insurance fund. The other is through the conversion into cash of the securities that are deposited in the adjusted-service-certificate fund, which may be briefly identified as the maturity fund.

Mr. President, here is the situation which we will confront, and I desire to emphasize it, because I seem to see in the country a new myth growing up—one more synthetic effort to misrepresent the purpose and objective which this legislation seeks to reach.

It is now being sought to be said that Congress has provided this loan plan without having provided an adequate reservoir out of which the loans may be made. I desire to show that this is not so. It is another species of self-serving fiction.

There are $756,000,000 of free certificates of indebtedness now on deposit in the maturity fund in the Veterans' Bureau. Out of that sum, $21,000,000 must be retained for death claims. That leaves $735,000,000 available in the certificate-maturity fund for conversion into these loans. In addition, $50,000,000 is still available, I am told to-day by General Hines, in the war-risk insurance fund for these loans.

That makes a total now available in this reservoir out of which these loans shall be funded of $785,000,000, which, in the judgment of most of us, will far more than cover any possible demand that shall be made between now and the time Congress reassembles.

But, Mr. President, there is still one other factor of safety that can be perfectly properly added; and it is to this factor of safety that my amendment is addressed.

We have just appropriated in the independent offices bill $112,000,000 as our contribution for the fiscal year 1932 into this maturity fund in the Veterans' Bureau; but, under the terms of the general law, that is not available until January 1, 1932. In other words, the general law requires that it shall become available in calendar years instead of fiscal years. The purpose of the amendment I have offered is to make that particular appropriation available at the beginning of the fiscal year, namely, July 1, 1931, instead of the middle of the fiscal year. It does not increase any appropriation by a single penny. It simply makes this additional $112,000,000 which we have already appropriated available on July 1, 1931, instead of January 1, 1932.

If it is available on July 1, 1931, then the total reservoir available out of which these loans may be made through the transposition of securities into cash is $897,000,000, which is nearly 90 per cent of the highest estimate that any person has yet made as to the amount that the veterans will require and ask of us under the pending plan to which the two Houses have agreed.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. VANDENBERG. I yield.

Mr. LA FOLLETTE. May I ask the Senator if his estimate agrees with that of General Hines, or whether he places it lower?

Mr. VANDENBERG. Let me answer the Senator in this way: If the same number of veterans avail themselves of this new privilege as have appealed to the Veterans' Bureau for aid during the last 12 months of disaster, this reservoir is twice the fund necessary to meet that demand. Put differently, this reservoir is equal to the demand of twice all the veterans who have asked for any aid under the existing loan plan during the past year; and the sole purpose of this amendment—a purpose to which I am sure the entire Senate will agree—is simply to make available this additional $112,000,000 which we have already appropriated at the beginning of the new fiscal year as a final addition to this reservoir which will finance the proposed program.

Mr. JOHNSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from California?

Mr. VANDENBERG. I yield to the Senator.

Mr. JOHNSON. Because the Senator is so familiar with the mathematics of this proposition, and because the matter of the mathematics has been so grossly misrepresented, not only in officialdom but in the press of the Nation, I desire to ask the Senator whether, in his opinion, without taking a single dollar by taxation, there will be sufficient money available to pay every penny that may be sought under the law that we passed the other day concerning the veterans?

Mr. VANDENBERG. Mr. President, my unequivocal answer to the Senator would be that in my judgment not one single penny of necessary securities and cash will be lacking in this reservoir to meet all the loan demands; and, further, that the plan is so automatically self-contained that there can not be any tax obligation involved, no matter how far the demand goes.

Mr. JOHNSON. The Senator referred to the misrepresentation in respect to the finances of the plan as one of the manufactured myths, I think, with which we have become familiar in the past here. From his view, then, I take it that the statements that have been published and circulated regarding the finances of the Nation are utter, gross misrepresentations of what the Senate has done and what will be required from the United States Government in relation to the payment of that which the Senate has done in behalf of the veterans.

Mr. VANDENBERG. The Senator's statement adds emphasis to the thought I have been undertaking to present; and in whatever degree there is any remaining possibility that there might be a lack of resources in this reservoir out of which the funds must come, the amendment I have suggested will provide the lack.

Mr. SMOOT. Mr. President——

Mr. VANDENBERG. I yield to the Senator from Utah.

Mr. SMOOT. The Senator does not want the Senate to understand, does he, that there will be no financing on the part of the Treasury Department if this amendment becomes a law?

Mr. VANDENBERG. Mr. President, I have never even remotely suggested such a thing. I am saying that the operation on the part of the Treasury is through the sale of existing securities that have already been issued and deposited in these funds or already authorized; and I am saying that under the terms of the act as passed by the Senate day before yesterday there is authority for the sale of those certificates, and that with the addition of the amendment to which I am now asking the Senate's consent there will be approximately $900,000,000 of those securities already issued or already authorized out of which to finance the loans.

Mr. SMOOT. Then, of course, I misunderstood the Senator from California and the answer of the Senator from Michigan to what he stated.

Mr. VANDENBERG. No; the Senator from California, as I understand him, was referring to the extravagant estimates that have been given to us and to the country as to the probable number of the men who will embrace this plan, and therefore to the amazingly exaggerated, or shall I say amazingly conservative, estimate of the amount of financing which will be involved.

Mr. SMOOT. Of course, I must have misunderstood the Senator's statement.

Mr. JOHNSON. Well, that is not unlikely.

Mr. SMOOT. I know it. I am perfectly aware of it.

Mr. JOHNSON. I speak an English at times that may be misunderstood by my friend from Utah. I grant it.

Mr. SMOOT. And the Senator from Utah grants it.

Mr. JOHNSON. All right.

Mr. SMOOT. From the question of the Senator from California, and the answer of the Senator from Michigan, and the reply of the Senator from California, I took it for granted, and I thought that was what was agreed to, that there would be practically no financing required to meet the present obligation.

Mr. JOHNSON. There will be no money required by taxation to meet it. That is exactly what I said. Then, if the Senator will recall, when first this thing came up it was blazoned all over this country that three and a half billion dollars would be required to carry out this scheme, and that was continued for a considerable period; and now it has got to be such an enormous sum that even a part of the press that was blazoning forth that it would take three and a half billion dollars talks of a possible extra session in order that the Congress may enact legislation providing for additional taxation; and I take it from what has been said by the Senator from Michigan that no additional taxation will be required in order to do the financing that is essential to pay the amount that may be due.

Mr. SMOOT. Mr. President, nobody has ever stated, and no publication I have ever seen has stated, that under the amendment agreed to it would take $3,400,000,000.

Mr. JOHNSON. The idea was given forth that this legislation would require three and a half billion dollars. Then it has been asserted repeatedly and continuously that we were raiding the United States Treasury, that by the enactment of this law under pressure by this Congress we were doing something that was most reprehensible, so far as the finances of the Nation were concerned. If what the Senator from Michigan says is accurate, and no one here disputes it, there is not a scintilla of truth in any one of those statements.

Mr. SMOOT. There is not a scientilla of truth in the statement that under the provisions of the bill it would cost $3,400,000,000, and such a thing was never mentioned in the committee. Nobody ever dreamed that any proposition before either the House or the Senate would cost that. I thought it was understood that there would be no financing at all necessary, but that the amount of money to the credit of all of the veterans, if the securities held in the Treasury of the United States to meet the certificates were disposed of at the present time, would be sufficient to pay whatever the legislation passed on Thursday would require. There is no doubt about that at all. Of course, there will be that financing, and the Treasury will have to sell the securities, or raise the money in some other way, and of course they will raise the money by the selling of the securities now held by the

Treasury Department for the purpose of paying the bonus in the end.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I yield.

Mr. COPELAND. I understand from what the Senator says that not a dollar will have to be raised by taxation to meet the payment of these loans.

Mr. SMOOT. If they use all the money realized from the sale of bonds or securities now in the Treasury of the United States, purchased for the purpose of paying the certificates when they become due.

Mr. COPELAND. Then these stories which are now being printed, even now, that there may have to be an extra session of the Congress in order to provide a new revenue bill, are not well founded.

Mr. SMOOT. I do not know about the rumors, but I have never thought, nor has any member of the Finance Committee ever thought, that there would have to be an extra session of Congress for that purpose.

Mr. COPELAND. There is no foundation for that. In other words, the securities which are now available are ample to take care of all the loans, without the addition of one dollar of tax to the taxpayers of the United States.

Mr. SMOOT. If the Government can sell those securities, and the sale of such an amount of securities would not injuriously affect the bond market or the business of the country, I think the amount realized would be sufficient to meet whatever loans might be made.

Mr. COPELAND. Mr. President, if the Senator will yield further, it is certainly apparent in Wall Street to-day that there is no panic on. Yesterday we found all the stocks increasing in price. The prices paid for stock exchange seats are larger than they have been for months before, increasing $25,000 or $30,000 per seat. There is to be no increase in taxation; there will be no extra session to provide revenue. In other words, we have on hand now money belonging to the soldiers out of which these loans will be made. The country still lives, and God is in His heaven still.

Mr. SMOOT. Mr. President, we have not the money, but we have securities.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. SWANSON. I wanted to request that Senators delay the debate until the veto of the President of the bonus bill comes. I want to get through with this naval bill to-night.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Michigan.

Mr. HALE. Mr. President, I am willing to accept the amendment of the Senator from Michigan and take it to conference.

The amendment was agreed to.

The PRESIDENT pro tempore. If there are no further amendments to be offered, the question is, Shall the amendments be engrossed and the bill read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HALE. Mr. President, I ask that the clerk be authorized to make any necessary changes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HALE. I move that the Senate insist upon its amendments, ask for a conference with the House, and that the Chair appoint the conferees.

Mr. COPELAND. Mr. President, before the motion made by the Senator from Maine is acted on, I want to say that I hope that when we say "we insist on our amendments," we mean it. We have been saying that all winter, and yet we have not been able to have many of our most important amendments adopted.

We might just as well have had no meeting of the Committee on Appropriations on most of these bills. We have taken what has come to us from the House. We have put amendments on, the committee has worked day and night. We never had better leadership in the committee or more faithful service on the part of its members. I never worked so hard myself since I have been in the Senate as I have as a member of the Committee on Appropriations this year. But what good did our work do? We have had amendments made by subcommittees and then by the general committee, and made on the floor, and we have insisted on our amendments; but when the bills have come back, the amendments have been wiped out.

Mr. President, I want to say that I hope the Senator from Maine means what he suggests in his motion. If the Senate votes that it insists on its amendments, I hope it will insist on them. Then we will have brought back a bill which will have some tinge, at least, of the activities of the Senate. Then it will not be simply a House bill, as practically all the appropriation bills have been when they have been returned.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Maine [Mr. HALE].

The motion was agreed to; and the President pro tempore appointed Mr. HALE, Mr. PHIPPS, Mr. KEYES, Mr. GLASS, and Mr. SWANSON conferees on the part of the Senate.

PHILIPPINE INDEPENDENCE

Mr. HAWES. Mr. President, Mr. Perry Evans is professor of law in the University of California, and is a member of the California Code Commission.

As the subject of Philippine independence will come before the Congress at its next session, a discussion by an American, giving the American viewpoint, by a man trained in economics and the law will prove valuable.

I ask unanimous consent that the article by Mr. Evans be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, and it is as follows:

PHILIPPINE INDEPENDENCE

By Perry Evans

The case for Philippine independence is not based upon theory or sentiment but upon facts; and I wish to outline some of the basic facts:

The first of these is that the Filipinos want their independence. The propoganda which has been referred to by our Filipino friends this evening as a "whispering campaign" has lulled some of us into the belief that possibly there was something in it, but the evidence to the contrary is so overwhelming that I think there can be little doubt left.

The Senate Committee on Territories and Insular Affairs, in its hearings on the Hawes-Cutting bill, which has been reported favorably to the Senate, took a great deal of evidence upon this matter. The report contains exhibits introduced to show the sentiment of the Philippine people. There are some 28 documentary exhibits, and such resolutions as that adopted by a convention of Filipino business men, held only last November in Manila, with a preamble that says, in effect, "Whereas it is declared by some people that it is only the politicians of the Philippines who are agitating for independence, we now therefore, as business men, declare that it is the desire of all Filipinos for their independence." The resolution was passed unanimously by the 3,000 in attendance. There were resolutions of the chamber of commerce, the Milk Dealer's Association, and so on, every one of them in favor of independence. The report of the Hawes committee states that no one appeared before them who could name five Filipinos opposed to independence.

It is a natural hope. We would not seem to need to take evidence on the proposition that all races desire their independence as soon as they are integrated enough to be able to express themselves in a governmental way. It does not matter how good a government you give them. I remember talking to an Englishman some 10 years ago about the situation in Ireland. He said, "I do not see what the Irish people are complaining about. We are giving them an excellent government." But that is not what the Irish people wanted. They did not want anybody to give them an excellent government; they wanted to govern themselves.

"NEVER BEFORE IN HISTORY A PEOPLE SO UNANIMOUSLY FOR LIBERTY AS FILIPINOS"

Mr. Bunuan has referred, very aptly, to the fact that the Filipinos not only, like all other people, desire independence but they have been particularly educated up to the idea of the right of independence by ourselves in the teaching of our history.

In the October number of the World's Work there is an article by Sherwood Eddy, in which he says that never before in history has there been an example of a nation so eagerly and unanimously desiring its independence as in the case of the Filipinos at the present time.

Nobody intends to turn the Philippines loose against their wish. If it is true that they do not desire independence, we are going to give them a vote on it. Every proposal for independence includes the vote of the Philippine people, and if they are not in favor of it now, or if they conclude finally not to accept independence, they do not have to take it.

JONES ACT, WORDS OF FOUR PRESIDENTS, PROMISED INDEPENDENCE FOR PHILIPPINES

Promises that we have made to the Filipinos have been referred to; and not only have we definitely given them a promise in the Jones Act, but four, at least, of our Presidents have implied these promises. At the very inception of our rule in the Philippines President McKinley, in 1898, in addressing the Philippine Commission, stated to them that "we go there as a liberating rather than a conquering nation." The implication was that we were not to retain those islands as conquered people. Governor Taft, then Governor of the Philippines, in 1903 made the pronouncement of "the Philippines for Filipinos"; and four years later, when he was still governor, in addressing the Philippine Assembly, he said that it was "the purpose of our Government to reduce and finally end the sovereignty of the United States over the islands." The next year President Roosevelt made the pronouncement which has been referred to, that he believed that within a generation the Filipinos would determine for themselves whether they desired their independence; and it is nearly a generation since he made that pronouncement. Five years later President Wilson, in an address to both Congress and the Philippine people through the Governor General, stated: "Every step we take will be taken with a view to the ultimate independence of the islands."

These declarations can not be lightly put aside as mere personal expressions of statesmen who happened to hold the office of President.

Some people say that the Jones Act, with its preamble to the effect that it is not our intention to retain the islands any longer than to allow them to establish a stable government, was just an unfortunate declaration of a particular party that had control of Congress. They say that the American people had a sort of mental aberration and elected a Democratic Congress when they really did not intend to, and therefore the act did not express their real opinion, notwithstanding that it was passed by the House and by the Senate and signed by the President. Well, whether from mental aberrations or not, every election for the following decade the people elected Republican Houses, and they did not do anything to counteract that declaration. If we did not mean it, why has not something been done to indicate that state of mind? The silence of the Congresses since that time is a support of that declaration.

STABLE GOVERNMENT DOES NOT MEAN THAT EVERY INDIVIDUAL SHOULD BE A STATESMAN

That they have maintained a stable government, of course, hardly needs an argument. Stable government does not mean, as some people would imply, that everybody in the Philippine Islands shall be educated up to the point that he is a Solon and able to act as a statesman. We have recently recognized four or five stable governments in South America that have only been in office for a few weeks. There is a stable government that arose overnight in Peru, and another in Bolivia, another in the Argentine, and I suppose the government in Brazil will be stable in a day or two. It means that there is a government in power with the support of the people of the nation. That is what it means from an international viewpoint.

It is claimed by some that the Filipinos have not evidenced their capacity to maintain a stable government because, under an American governor general, they have not yet had full charge of the executive branch of their government. But how can they furnish evidence which we will not permit them to furnish?

Some of you may remember the story of Davy and the Goblin, which appeared in the St. Nicholas back in the eighties. Maybe you can recall the occasion when Davy and the Goblin were hurrying away from a crowd of peculiar looking men who were following them. Davy timidly asked, "Who are they?" to which the Goblin replied, "Oh, don't be afraid. They are only butterscotchmen. They can't run until they get warm, and they can't get warm until they run."

I think the story applies to the point we are discussing.

As to the capacity of the Filipinos for independence, I want to read you a list of adjectives describing the Filipino people that has been taken solely from talks made by people who are opposed to independence. From these people, we learn that the Filipinos are intelligent, alert, kindly, faithful, peaceful, loyal, sober, industrious, orderly, law abiding, and, above all, that they are particularly astute in politics. Well, my gracious, if people have all those characteristics, why are not they able to govern themselves?

FIFTY-SEVEN OUT OF FIFTY-NINE TRIAL COURT JUDGES IN ISLANDS ARE FILIPINOS

They have had legislative experience for 30 years. For half of that time they have had control of both houses of the legislature, and only two years ago the then Governor General Stimson declared that the record of legislation produced by the Philippine Legislature was "most creditable." They have not, of course, had the opportunity of full self-government, because we have appointed the governor general.

There are 900 municipalities in the Philippines that practically ever since the American occupation have been ruled by Filipinos, elected by the Philippine people. The courts are controlled almost entirely by Filipinos. Justice Finley Johnson, who addressed our section and who has been a judge for many years in the Philippines, said that in the 59 trial courts all but two of the judges are Filipinos.

EIGHTY PER CENT OF REGISTERED VOTERS GO TO POLLS; NO REVOLTS AFTER ELECTIONS

The question of education and literacy has been sufficiently touched upon. It is shown that, according to the test of literacy, the Filipinos stand at least among the first half of the independent nations of the world. Their interest in their government is shown by their voting. Not only does their vote equal at all times 80 per cent and sometimes as high as 95 per cent—which ought to put us to shame—but they accept the results. The party out of power does not revolt when the vote is taken. That principle of democracy they have learned.

I do not contend that the Filipino people are so thoroughly educated that they can carry on a democracy without any failures. I do not know of any country in the world that is educated to that point, even including ourselves. Nevertheless, if they have capable leaders who can steer the ship of state properly, it is sufficient for our purpose to give them their independence. If they do not have a true democracy, if the leaders there are going to impose their will upon the majority of the people, why, probably they are doing it now. They have practical self-government, and, to a certain extent, I suppose these evils exist there as they do here.

The question of immigration has become crucial. It is impossible for us to treat the Filipino people as subjects of the United States and, at the same time, treat them as aliens and prevent their entry into the United States. Whether it would be legally possible or not is beside the question. It would be unfair and grossly unjust. It would be a tyrannical act, and if we wish to exclude the Filipinos from this country, the only logical way to do it is to give them their independence, make them aliens, and then they can have no objection to it. The fact that we have this immigration problem can not be debated on the question of whether we ought to be annoyed at their immigration. The experience of California with the Chinese and Japanese immigration shows that, whether logical or not, the clash of the races is unfortunate, both from a social and economic standpoint. If the Filipinos tend to come here in large numbers our people will insist upon their exclusion. That, I think, logically must go hand in hand with severing our relationship with them and granting them their independence.

PHILIPPINES A BURDEN FROM MILITARY POINT OF VIEW, ESPECIALLY SINCE PACIFIC TREATY

Now, what are some of the obstacles or supposed obstacles to Philippine independence? From a military point of view the Philippines have become a burden rather than an asset. Military people tell us so—especially since we have entered into the Pacific treaty with Japan and Great Britain, under which we have limited our right to fortifications and limited our Navy. Of course, we got quid pro quo by that treaty. One of the reasons we entered into it was to get the Japanese to agree to a certain limitation of their navy. Their navy is limited to approximately 60 per cent of the force of our Navy, and, in return for that, we have surrendered the idea of entrenching ourselves in the Philippines in such a position as to be a danger to Japan. We can, if we desire, retain naval bases in the Philippines. The Filipinos, I am sure, would be willing, in return for what we have done for them, to give us bases for our ships to coal and obtain stores for their work throughout the Orient, in China, and elsewhere.

The matter of commerce is the topic that has probably aroused the most interest in discussing this question. But I want to refer to an article that appeared in the San Francisco Chronicle a few months ago. It is headed "Manila Service Dropped." It refers to the "discontinuance of the Matson Line's service to the Philippine Islands" and to the possibility that "the Dollar Line will discontinue its San Francisco to Manila service," and ends with the statement that "business in this trade is exceptionally light, with cargo offerings far below what was expected and passenger business amounting to little."

So that, balanced against the important political questions that we have to consider, that of the amount of our commerce with the Philippines should not stand in the way. And the present would be a fortunate time to take this step, before economic ties become so much stronger that it would be extremely difficult to sever them.

IT IS NOT IMPOSSIBLE TO ELIMINATE SUGAR TARIFF—PERHAPS NOT EVEN OVERGENEROUS

Some people claim we should not give the Filipinos their independence because they will suffer financially by our imposing a tariff on their sugar. If we are so particular about their interests, we do not have to impose a tariff on sugar. It is just possible that within a few years, the 120,000,000 Americans who buy sugar might conclude to buy their sugar in the cheapest markets and not pay a tariff in order to help the planters of Louisiana or the owners of beet-sugar factories.

There will be, of course, some economic disruption, but there will certainly be less now than there would be in the future. And I think that can be somewhat discounted anyway. I remember that when prohibition went into force 10 years ago I was riding through the country in the fall and looked, with a sad eye, over the vineyards, with the thought that they would be utterly destroyed and dug up because of prohibition, and I felt it would be a great loss to California. But we could not, of course, then know that 10 years later the people in the United States would be drinking more wine than they did before they had prohibition. So with this disturbance in the Philippines possibly the same thing will happen. There may be an inspiration gathered from independence that will lead them into developments that will offset the temporary difficulties.

LUST FOR MERE CONQUEST IS PASSING; NO NATION LIKELY TO ATTEMPT PHILIPPINE FOOTHOLD

It is pointed out that, if we give them their independence, Japan is apt to grab the Philippines. But there are a number of nations vitally interested in seeing that Japan does not get a foothold there; Great Britain (and Australia), France, the Netherlands, China would all be jealous of Japan and of each other. None of those nations wants to see any of the others get a foothold so as to get preponderance there. Premier Hara, of Japan, made the statement a few years ago that "when the United States decides to give the Philippines their freedom the Japanese Government will be the first to sign an agreement for their neutralization." Japan might want them, but she recognizes that it would be a dangerous escapade. The lust for mere conquest is passing, I think, since the Great War and since the establishment of the League of Nations and the signing of the Kellogg peace treaty. Although they might be considered, in some sense, as mere paper agreements, nevertheless they indicate definitely such a change in international sentiment that an attempt at conquest would not be lightly regarded in the future. And the Philippine people are not a lot of sheep to be slaughtered at will. They are armed and willing to fight. They have fought in the past. While it is probable that, if Japan set upon them with determination, she could conquer them, she would not just step in there and take them. And she will think twice before undertaking an invasion, as would any other nation.

If we gave them their independence, I think the relations between Japan and the United States would be better. Japan, I think, feels nervous at the idea that the United States has possession of the Philippines and military forces there even under the present limitations.

PHILIPPINES, THOUGH PERHAPS SHORT ON CASH, HAVE ENORMOUS NATURAL RESOURCES

Some people say that if the Japanese do not take possession of the islands politically they will take possession economically by infiltration and establish their shops and stores and commerce. Well, that should not concern us. If they help build up general world trade, we will share in it. If they help to develop the Philippine Islands, we will share in the increased production and in the increased trade.

The matter of finances is of considerable concern. I am not familiar with the technical questions of finance; I am not a banker. I know that financial difficulties confront everybody, whether it is in the matter of the household budget or a club or a Commonwealth, there are always things that people want and have not enough money for. But, as far as the Philippines are concerned, it seems to me the one and sufficient answer is that they have tremendous natural resources. And with these valuable resources the question of gathering sufficient taxes and carrying out their obligations is not going to be a burdensome one.

It is argued that they should not have their independence because they can not borrow money at the same rate that the United States can. Well, they may have to pay more than we do. The people of Brazil issue 8 per cent bonds and sell them below par, but that does not furnish any reason for the United States to go down there and impress a government on that country simply to impose on them the benefits of 4 per cent bonds. The Filipinos, at any rate, are willing to pay this price.

MOROS ARE MALAYS—DIFFER FROM FILIPINOS MAINLY IN RELIGION

If an independent Philippine government should get into financial difficulties and need our assistance and advice, there is no reason why they should not receive it. During the past decade Persia, Peru, and Poland have had financial advisors and directors from the United States. Austria and Hungary have both received financial assistance from the League of Nations. Either alone or in conjunction with other powers, we could extend a helping hand, not merely as a matter of charity, but because of an international interest in the economic and financial stability of a particular country.

One of the most frequently advanced objections to Philippine independence is the matter of the relation of the Filipinos with the Moros. The question is whether we should turn the Moros over to the Filipinos or erect a separate government. Now, as a matter of fact, the Moros are Malays. They simply differ from the Christian Filipinos in religion. They represent only 4 or 5 per cent of the population. The essential fact is that for the past 13 years the Filipinization of the Moro Provinces has been steadily going on.

The following is a brief history of our dealings with the Moros:

"In 1899 General Bates entered into a treaty with the Sultan of Sulu which was not approved by our Government because it recognized the existence of polygamy. So far as the treaty constituted a promise on our part in any respect, it was abrogated by President Roosevelt in 1904 upon the claim that the Moros had not kept their part of the agreement. In 1913 Mr. Carpenter, at the request of the governor general, entered into negotiations with the Sultan of Sulu, which resulted in the Sultan renouncing his claim to sovereignty upon receiving a certain stipend and the guaranty of religious freedom for his people. From that time on the Moro country has been under the control of the Philippine government. In 1920 the former secretary of state of the Sulu Sultan declared that his people were glad that the government was in the hands of the Filipinos. The disarmament of many of the Moros was brought about because of complaint of and information furnished by the Moro people, who stated that they were tired of being imposed upon by desperadoes.

At the present time the Moro Provinces are represented in the Philippine Legislature by persons appointed by the Governor General. I am informed by Mr. Wright, the former auditor of the islands, that the Governor General always appoints Filipinos to these offices because it is impossible to find Moros with sufficient ability to discharge the duties. Mr. Wright further says that there are few clashes now between the Philippine constabulary and the Moros, and these few are usually caused by Moro robberies.

The mere fact that there is a sizable minority differing in race, language, or religion is not a sufficient reason for establishing a separate government. We did not hesitate to incorporate Louisiana into the Union, notwithstanding New Orleans was a French settlement. New Mexico was admitted as a State, notwithstanding its large Mexican population. Many of the judges and other officials there are of Mexican descent, and the proceedings in the courts are often conducted and the testimony given in Spanish without an interpreter.

IF WE OWE ANY DUTY TO THE WORLD AT LARGE, IT IS TO LEAVE ASIA

I am very much inclined, therefore, to believe that the Moro difficulty is greatly exaggerated. At any rate, this is a matter which the Filipinos and Moros should be able to adjust between themselves. The Filipinos are astute politicians, and should be able to deal with the Moros in a diplomatic fashion. They will probably not bite off more than they can chew, and if the Moros are strong enough to maintain their individuality in certain respects, they will be let alone. As to the guaranty of religious freedom, unquestionably we would see to it that there is such a provision in the Philippine constitution.

Our duty to other powers has been touched upon, and I will say little further in regard to that. If we owe any duty to the world at large, it is to get out of Asia. By the Monroe doctrine we order the old world out of the new. It would be becoming if we would apply the same principle to ourselves and get out of the old.

If we are ready to recognize that the Filipinos should have their independence, the quicker we go about it the better. There does not seem to be any sufficient reason for stringing the thing out. Nobody is willing to put forward a program definitely stating that they shall not have their independence for a period of 30 or 50 years. But unless we do that or grant independence, the thing will continue to drift along in the present unsatisfactory manner.

If we give them their independence or promise it within a definitely short time, we could impose immigration restriction now without being offensive.

CONTINUATION OF PRESENT RÉGIME IS REPUGNANT TO OUR IDEALS, VIOLATES PROMISES

It seems to me that it would be rather refreshing if we were able again to read the Declaration of Independence, to the effect that it is the right of all people to organize their government "in such form as to them shall seem most likely to effect their safety and happiness," without having to add "except Filipinos."

A continuance of the present régime is repugnant to our ideals, is in violation of our promises, and is dangerous. We must not suppose that the Filipino people are going to continue indefinitely simply to desire their independence and do nothing about it. We may think that there will be no rebellion, but why take the chance? Many people thought there would be no collapse of the stock market. Remember that the Filipinos sacrificed 25,000 men in their stubborn resistance to our invasion of their country. The American people will never stomach waging a new war merely to keep the Filipinos in subjection. The cost in money and lives of quelling an insurrecton would be greater than the commercial advantages which we are seeking.

We had, it seems to me, better take time by the forelock and get the prestige of doing an honorable act in an honorable way. Ten years ago President Wilson, in addressing Congress, said: "It is now our liberty and duty to keep our promise to the people of these islands by granting them the independence which they so honorably covet."

If it was our duty 10 years ago, it is a more pressing duty now.

HOSPITALIZATION OF WORLD WAR VETERANS

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of House bill 16982, to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment.

Mr. SMOOT obtained the floor.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Virginia?

Mr. SMOOT. I yield.

Mr. SWANSON. I call the attention of the senior Senator from New York to the fact that the last time the calendar was called——

Mr. ASHURST. Mr. President, it is a painful thing to me to object to anything which the distinguished Senator from

Virginia wishes—it causes me poignant grief—but I beg of him to let us pass this bill, and then we will vote for anything he wants.

Mr. SMOOT. Mr. President, if the Senate will give me its attention, I will briefly state what the bill proposes.

Mr. LA FOLLETTE. Will the Senator yield to me to suggest the absence of a quorum? There are only a few Senators here, and I think Senators should be here, because if they are not, when the question comes on the bill later, they will not be informed about it.

Mr. SMOOT. There are quite a number here.

The PRESIDENT pro tempore. Does the Senator yield for that purpose?

Mr. SMOOT. I do not want to be disrespectful, but I believe we have as good an attendance as we could get.

Mr. President, the Committee on Finance conducted hearings for the purpose of determining the need, if any, for new construction to meet the demand for hospitalization under the World War veterans' act, 1924, as amended, and for domiciliary care under the various statutes administered by the Bureau of National Homes (formerly the National Home for Disabled Volunteer Soldiers), and after careful review and study of the evidence submitted, the committee is of the opinion that a program of construction should be initiated and completed as soon as possible to meet the needs of such services up to 1935. To this end the amount included in the House bill, namely, $12,500,000, has been increased to $18,027,000. To this amount has been added $2,850,000 to provide certain additional construction for national homes, which were covered by H. R. 16858, making a total of $20,877,000. Various construction programs were submitted to the committee, including the estimates of needs furnished by the Administrator of Veterans' Affairs. Your committee, however, believes that the location of the new hospitals and homes and the additions to existing hospitals and homes can better be left to the discretion of the Federal Board of Hospitalization with the approval of the President. This board is composed of outstanding men thoroughly versed in the subject of hospitalization and domiciliary care and after comprehensive study will be in a position to best locate facilities authorized in this bill where they are most needed.

Sections 1, 2, 3, and 4 of the bill are for the purpose of generally authorizing the appropriation and are in the same language previously used in authorization acts of a similar nature.

Section 5 of the bill authorizes the Administrator of Veterans' Affairs, with the approval of the President, to reallocate, if found desirable, certain projects heretofore authorized by the public acts enumerated therein. This section will permit of the building of certain projects either at the places heretofore authorized or elsewhere and will permit distribution of the money authorized for more than one unit.

Section 6 of the bill authorizes a reduction in monetary payments, effective as of the first day of the first calendar month following the approval of the act, to any veteran who is being maintained by the Veterans' Administration in an institution to 50 per cent of the amount to which he would otherwise be entitled so long as he shall remain in such institution. A proviso is added, however, to the effect that in no event shall the amount of the monetary payment be reduced to less than $20 per month, and, further, if the veteran has a wife, child or children, or dependent parent or parents, that the difference between the amounts specified in the section, namely, 50 per cent, and the amount which would otherwise be payable is to be paid to the wife, child or children, or dependent parent or parents, in such proportions as may be prescribed by regulations.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. SWANSON. As I understand, this bill proposes to increase the appropriation from $12,500,000, as it was passed by the House, to $20,000,000?

Mr. SMOOT. To $20,000,000; yes.

Mr. SWANSON. I understand the House committee in their report, while it was not specified in the law, designated the places where the hospitals were to be located.

Mr. SMOOT. The law was based upon the places where they should be located.

Mr. SWANSON. And Congress made appropriations in view of those provisions. In connection with the seven million and a half by which the committee has recommended that the appropriation made in the House be increased, has the committee made any recommendation as to where the hospitals shall be located?

Mr. SMOOT. No; that is left to the members of the Federal Board of Hospitalization. Let me call the Senator's attention to the members of the board, so that he will know the character of men they are.

Mr. SWANSON. I know who the members of the board are, but Virginia is one of the seven States in the Union that has not a veterans' hospital. South Carolina has not one. Virginia is one of the seven, and these hospitals are being accumulated in the different States. What I want to know is this: Is this provision left so that if Virginia proves her case that she is entitled to have a veterans' hospital, she will get it? In other words, there is no provision made for the particular places where the hospitals are to be located?

Mr. SMOOT. The committee felt that the members of the Federal Board of Hospitalization should select the places because they know better than we where to locate them.

Mr. SWANSON. They are left unfettered in the distribution of the $7,500,000?

Mr. SMOOT. They are.

Mr. SWANSON. They have hitherto refused to give us a veterans' hospital in Virginia. We have a naval hospital at Norfolk and there is a naval hospital here in Washington. But if we have veterans in either of those hospitals they are required to move out on account of members of the Army and Navy wanting to come. I understand that if I appear before the board and if the people of Virginia appear and present the situation, the board will be left unfettered so far as the $7,500,000 is concerned, and can expend it where the best interests require.

Mr. SMOOT. There is no question about it. I will say to the Senator from South Carolina [Mr. SMITH] that it applies to South Carolina or any other State so far as that is concerned.

Mr. SMITH. Mr. President, since the Senator has referred to my State, I want to say that there is no hospitalization of any kind, naval or otherwise, within its borders. It is perhaps the only State in the Union that has no facilities for taking care of those who need hospitalization. I feel that if the bill becomes a law my State will be adequately taken care of.

Mr. SMOOT. I have not any doubt of it.

Mr. LA FOLLETTE. Mr. President, I merely wish to say to the Senator from Virginia that while the bill leaves the board unfettered, as he terms it, nevertheless the Director of Veterans' Affairs did submit a breakdown of the appropriation to the committee, and if that is carried out it will mean that every State in the Union will have a veterans' hospital, with the exception of Delaware, which is surrounded with hospitals in other States.

Mr. SWANSON. I had intended to offer an amendment to increase the appropriation $1,500,000 for the purpose of giving us a hospital in Virginia. But if the present plan intends to give one to each State in the Union, I shall not offer the amendment and I shall cheerfully support the bill and hope that we will have a hospital in Virginia as soon as possible.

Mr. SMOOT. I may say that the only reason why Delaware does not have one provided for is that they have hospitals in adjoining States all around Delaware within just a few miles.

Mr. SWANSON. Delaware is ably represented in this body and her representatives will look after her interests.

Mr. SMOOT. Virginia will have a hospital.

Mr. SWANSON. The Senator can assure me that if this bill is enacted into law Virginia will have a hospital?

Mr. SMOOT. Yes; that is true.

Mr. COPELAND. Mr. President, I understand under the terms of the bill—I think the Senator said it, but I will be glad if he will repeat it—the exact location and the choice of

posed upon by desperadoes.

the site or place where the hospital is to be erected will be left to the Federal board?

Mr. SMOOT. Yes.

Mr. COPELAND. Regardless of the breakdown made before the House committee?

Mr. SMOOT. Yes.

Mr. COPELAND. If the bill is enacted into law, it will leave the absolute power in the Federal board to determine the location of the hospitals. Am I correct?

Mr. SMOOT. The Senator is correct.

Mr. FESS. Mr. President, the statement of the Senator from South Carolina [Mr. SMITH] is rather surprising to me. Is there not a hospital at the navy yard?

Mr. SMITH. Not one. We have not one. South Carolina is not only left out so far as hospitals of the Navy are concerned, but is left out so far as all kinds of hospitalization are concerned. There is a Government shack down there that would accommodate about eight men, but it is such a shack that a decent man would hardly want to go into it. We have not a hospital of any kind for soldiers or sailors in South Carolina.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. I desire at the proper time to offer an amendment to strike out section 6 of the substitute amendment. Would it be in order to offer that before the substitute is agreed to and thus perfect it, or to await the adoption of the substitute and then offer the amendment?

The PRESIDENT pro tempore. It should properly be done before the adoption of the substitute.

Mr. LA FOLLETTE. When the Senator from Utah shall have concluded I wish to be recognized to offer such an amendment.

The PRESIDENT pro tempore. The Chair will bear that in mind.

Mr. SMOOT. Mr. President, I do not think there is anything further I desire to say about the provisions of the bill. I think I have stated the object of each section of the bill.

Mr. LA FOLLETTE. Mr. President, on page 8 I move to strike out section 6, beginning with line 1 and ending with line 22.

I am in sympathy with the general purpose sought to be accomplished by the provision, namely, to attempt to induce men who are in a national home or in a hospital to leave as soon as they are in physical condition to do so. However, this provision has not been considered by any of the veterans' organizations. No legislation to this effect is pending in the Congress, as I am advised, and it seems to me that to adopt such a provision without giving the veterans an opportunity to consider it is unjust. It may be, of course, that they would not find themselves in a position to indorse such a provision. It might be also that the Congress, despite their opposition, would think that such legislation is justified. But I felt when the proposition was advanced in the committee that it was hardly fair to all of the men who will be affected by the terms of the provision if it becomes a law that it should be enacted without their having an opportunity to express their views concerning it and without giving more attention to the provision than the committee of necessity could give it in the closing hours of the Congress.

Furthermore, I wish to point out the provision which gives to the Administrator of Veterans' Affairs the right to say how much each dependent of a veteran in a hospital or home shall receive. That will be found in the last proviso, reading as follows:

Provided further, That if such veteran has a wife, a child or children under the age of 16 years or of any age if permanently incapable of self-support by reason of mental or physical defect, or dependent parent or parents, the difference between the amount specified herein and the amount which would be payable except for the provisions hereof, shall be paid to the wife, child or children, and dependent parent or parents in such proportions as may be fixed by regulations prescribed by the administrator.

I believe I attended all of the hearings on the hospital legislation. None of these provisions was discussed or under consideration while representatives of the veterans' organizations were before us. It is true that the Administrator of Veterans' Affairs did bring the situation to the attention of the committee. I may say that I offered in the committee the same amendment which I now seek to have adopted, but it was rejected there. I feel that in justice to the veterans this matter should be brought to the attention of the Senate, and that the deliberate judgment of the Senate should be taken upon the wisdom of enacting such legislation in this hasty fashion.

Mr. ROBINSON of Arkansas. Mr. President, I would like to ask the Senator in charge of the bill what is the primary purpose of section 6? Is it to effect economies?

Mr. SMOOT. No; it is not. The Administrator of Veterans' Affairs feels that the legislation is absolutely necessary so that all disabled veterans will be treated alike and in the same way. The limit to which the administrator can go is fixed in the bill.

The Senator from Arkansas will remember that when the first legislation was enacted affecting veterans there was provided in the way of compensation so much for a wife or for a child or for children under the age of 16 years. We have tried to follow that plan clear through from the time of the enactment of the first legislation up to the present time. The Administrator of Veterans' Affairs feels that this is absolutely necessary in order properly to administer the provisions of the law.

Mr. ROBINSON of Arkansas. Perhaps my question was not clear. The Senator's answer, as I understand it, relates to the last proviso, giving the Administrator of Veterans' Affairs the power to determine the proportionate amount which should be paid to the respective dependents of a veteran who is in the hospital and comes within the class referred to under the proviso. My inquiry was, What is the primary purpose of requiring one who is so unfortunate as to need hospitalization to sacrifice one-half of his pension, disability allowance, or retirement pay?

Mr. SMOOT. He has no expenses whatever while he is in the hospital.

Mr. ROBINSON of Arkansas. It is because the Government is incurring an additional expense in providing for him in the institution.

Mr. SMOOT. Yes. The Government is taking care of him while he is there. He has every care while he is in the hospital. Everything is paid for by the Government. If he were not in the hospital, it would take the full amount of his compensation to meet his expenses. But while he is in the hospital the Government is paying all of his expenses, and so it was felt justifiable that his compensation should be reduced 50 per cent.

Mr. ROBINSON of Arkansas. It is the equivalent of charging him 50 per cent of whatever his pension, disability allowance, or retirement pay might be under the disabled emergency officers' retirement act?

Mr. SMOOT. Yes; while he is in the hospital.

Mr. ROBINSON of Arkansas. The division would be in varying amounts for identical service; that is, a colonel, for instance, would pay much more than a private, of course, because his retirement pay is much more than the compensation which is awarded to a private.

Mr. SMOOT. Yes; that is true.

Mr. LA FOLLETTE. Mr. President, I think, in fairness to the Administrator of Veterans' Affairs, it should be stated that the reasons which he advanced for this amendment were not in the nature of any appeal for the legislation on the ground that it would produce economy. His whole theory about it is that the World War veterans, who are of the average age of 36 years, should be encouraged to get out of the hospitals and to get out of the homes as quickly as they are physically able to do so. He feels that by taking 50 per cent of the compensation to which they are entitled the moment they enter the hospital, an inducement would be furnished them to hurry out of the institution as quickly as they are able to do so, in order that they may get back their compensation.

I do not attack the amendment on the ground that I think the object the director seeks to obtain is not a sound one. My criticism of the amendment is that it has been injected here in the closing hours of the Congress without an opportunity for the representatives of the veterans' organizations to be heard upon it; and further that it confers a wide power on the director in fixing the amount which the dependents of veterans shall receive.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will pardon me, his first two suggestions would appear immaterial, provided the legislation is well considered and necessary. The mere fact that a long time has not elapsed since it has been presented and that some who are interested have not had an opportunity to be heard would not be a conclusive argument against it.

Mr. LA FOLLETTE. It would not be conclusive, but I submit that it is persuasive. It has been the custom of the Congress to give those who desire to be heard and who are affected by legislation an opportunity to enter their protest if they desire to do so.

Furthermore, in so far as the committee are concerned, this bill was considered during the closing hours of this Congress and, so far as this particular amendment is concerned, it had about 15 minutes consideration in the committee.

Mr. SMOOT. Mr. President, may I suggest to the Senator from Wisconsin that he let the amendment be adopted in its present form? It will then go to conference, where the questions to which he refers will be considered. If the Senator does not desire to do that, I want a vote on the amendment.

Mr. LA FOLLETTE. So do I want a vote on the amendment in the Senate. The Senator and I are as one on that proposition.

Mr. ROBINSON of Arkansas and Mr. BRATTON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Utah has the floor. Does he yield, and, if so, to whom?

Mr. SMOOT. I yield first to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Mr. President, referring now to the last proviso to which the Senator from Wisconsin [Mr. LA FOLLETTE] made reference, it gives the administrator no discretion as to the allowance of the 50 per cent where the veteran has a wife, a child, or other dependents—referring to parents—but it apparently does give him complete discretion as to the manner in which that 50 per cent shall be disbursed as between dependents.

Mr. LA FOLLETTE. Exactly; that is the point. If I did not make that clear in my statement, I am glad the Senator from Arkansas has raised that question. I do not contend that it gives the director any right to subtract from the 50 per cent that is to be given to the dependents. The point I make is that it gives the director the power to decide how that 50 per cent of the veteran's compensation shall be divided among his various dependents, if he has more than one.

Mr. ROBINSON of Arkansas. That might——

Mr. SMOOT. Somebody must have discretion.

Mr. ROBINSON of Arkansas. Just a moment, if the Senator will yield to me, and then I shall not interrupt further in this connection.

That discretion in some cases might not be wisely used, but, on the other hand, I can conceive of cases in which it would be rather difficult to apply an arbitrary rule such as the Congress would necessarily prescribe if it withheld any discretion from the administrator in the matter of the amount to be apportioned to the respective persons to be benefited.

Mr. SMOOT. That is exactly the position the director took. Somebody has got to fix the amount; I think that is absolutely necessary.

Mr. ROBINSON of Arkansas. For instance, suppose one veteran had a dependent wife and also dependent parents, and another veteran had a wife and five children and dependent parents; it would be quite difficult, I conceive, to fix in the law itself a formula for the proper apportionment in all cases. It could be very easily done in any given case, but since the cases will be much varied in respect to who shall constitute the dependents, it seems to me it may be a very wise provision. I bring that suggestion to the attention of the Senator from Wisconsin for whatever he may think it is worth.

Mr. LA FOLLETTE. I wish to suggest to the Senator that these men are on the average 36 years of age. A great tribute was paid to their intelligence by the senior Senator from Pennsylvania [Mr. REED] the other day. Why should we not permit them to have some discretion concerning the manner in which their compensation is to be divided among their dependents?

Mr. ROBINSON of Arkansas. Some of them, of course, are in a class of institutions where the presumption is that they are not able to exercise that discretion.

Mr. LA FOLLETTE. But many of them are not; many of them are physically disabled, but not mentally impaired at all. This legislation, if enacted, would give that power to the Administrator of Veterans' Affairs concerning all veterans. I called attention to it to show that the legislation has not had the mature consideration which I think its importance merits.

Mr. SMOOT. Mr. President, the Administrator of Veterans' Affairs, General Hines, I am quite sure, would not recommend anything to the committee that he thought was not for the best interests of the veteran himself and of the veterans' wife and other dependents. Somebody has got to exercise the discretion, and who better can do it than the administrator? It does seem to me that section 6 ought to be agreed to just as it is.

Mr. BRATTON obtained the floor.

Mr. SMOOT. Will the Senator from New Mexico allow a vote to be taken upon the amendment?

Mr. BRATTON. No; I want to speak to that amendment.

Mr. SMOOT. I beg the Senator's pardon.

Mr. BRATTON. Mr. President, I find myself in full accord with the views expressed by the Senator from Wisconsin. This proposal has not had adequate consideration; it has not received the mature deliberation of the Finance Committee, so much so that the report of the committee fails to carry any expression from the Administrator of the Veterans' Affairs.

I do not question for a moment the statement of the chairman of the committee as to what the administrator stated to the committee; of course, I would not do that; but I emphasize the fact that this proposal, sweeping in its effect, is brought forward as an amendment to a House bill during the closing days of the session, when those representing the various veterans' organizations are denied the opportunity to present their views to the Congress. It may be that such a proposal has meritorious features, but at least those who are affected in a financial way should be afforded an opportunity to come here through their representatives and present the matter to the Congress. That opportunity has not been afforded them.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from South Carolina?

Mr. BRATTON. I yield.

Mr. SMITH. Of course the hospitals provided for in this bill will be of the same nature and character as the hospitals which are already in existence and which have been in existence for some time. Up to the present time has any such regulation been applied to veterans who are being treated in existing hospitals?

Mr. BRATTON. I understand not; this is an entirely new proposal.

Mr. SMITH. This bill proposes to reduce the compensation the veterans receive while in hospitals to 50 per cent of their allowance, with certain modifications with respect to dependents. As I understand, it is proposed to treat the veterans who hereafter will undergo hospitalization in a different manner from that accorded veterans who have been cared for in hospitals since the World War; in other words, those who have heretofore received hospital treatment have obtained their full compensation plus the hospitalization. I am rather of the opinion that it might be

well for us not to enact this legislation until we obtain more definite data as to its fairness.

Mr. BRATTON. Mr. President, that was the thought I was endeavoring to express when the Senator from South Carolina interrupted to express it more effectively than I could do.

Mr. President, the adoption of this amendment now will not enrich the Federal Treasury; its rejection now will not impoverish the Federal Treasury. There is not enough involved to do either thing. The veterans who would be penalized under this provision have the right to be heard before the ax is drawn over their necks. We appropriate money for every other conceivable purpose, and do it lavishly at times. I make no criticism now against that; but has the time come, during the closing days of a session, when in this fashion and with this slight consideration—indeed, with no opportunity for the veterans affected to be heard—we must rush through a provision which would penalize a veteran who is hospitalized as a result of illness?

It is suggested by the Administrator of Veterans' Affairs that this penalty should be fixed as a means of encouraging veterans to hasten their departure from the hospitals. That implies, Mr. President, that a veteran, in order to have the benefits of hospitalization, would stay in a hospital longer than he should stay there, and remain even after he has recovered.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. BRATTON. I yield.

Mr. SMOOT. I would not want the Senator to make such a sweeping statement as to all veterans. It has developed in the past, however, that there are veterans in hospitals who do not want to leave and will not leave.

Mr. BRATTON. Yes.

Mr. SMOOT. But the vast majority, perhaps over 90 or 95 per cent of them, of course, want to leave just as quickly as they can. There are, as I have said, though, some—and this has to do with those few—who do not desire to leave when they are cured. I do not see any objection to the provision at all.

Mr. BRATTON. Then, under that statement, the Senator would penalize 90 or 95 per cent——

Mr. SMOOT. No.

Mr. BRATTON. Of those who enter hospitals to the extent of 50 per cent of their compensation, in order to drive 5 or 10 per cent out of the hospitals. That statement, upon its face, shows the weakness of this proposal.

Mr. SMOOT. Does the Senator desire, then, that they should remain in the hospitals indefinitely?

Mr. BRATTON. Let the director dismiss a veteran who has regained his health and accordingly should leave the hospital.

Mr. SMOOT. There would be a row about it if a veteran should not want to go; and the newspapers would be filled with accounts of the injustice of the administrator.

Mr. BRATTON. Let me say to the Senator from Utah that I live in a section of the country where perhaps an undue proportion of sick veterans go in order to regain their health, and I have never had my attention drawn to a single case where the director had any trouble in dismissing a veteran who had recovered and should leave. However, let us concede that there are such cases—and I doubt not the statement of the Senator from Utah, but I think they are rare exceptions to the general rule—let us concede the facts to be as stated, are we going to penalize to the extent of 50 per cent of their compensation the vast majority of veterans who are so unfortunate as to lose their health and, therefore, are required to go to hospitals in order to encourage some other veteran to leave the hospitals?

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRATTON. In just a moment. The average veteran would prefer to be outside a hospital than to be on the inside, even though he received his 100 per cent compensation.

I now yield to the Senator from Ohio.

Mr. FESS. Mr. President, I desire to submit a parliamentary inquiry as to what is pending. Is there an amendment pending to strike out section 6?

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. LA FOLLETTE] has moved an amendment to the amendment as proposed by the committee, to the effect that section 6 shall be stricken out.

Mr. FESS. The inquiry I had in mind was this: The whole Senate committee amendment is one amendment—to strike out all after the enacting clause of the House bill and insert one amendment. The amendment now offered is to strike out section 6, I understand.

Mr. LA FOLLETTE. I believe my amendment to be in order, because, as I view it, it proposes to perfect the committee amendment, and therefore should be acted upon before the question is put upon the substitute amendment of the committee.

Mr. FESS. That was my inquiry.

The PRESIDENT pro tempore. The Chair is of that opinion, also.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. BRATTON. Yes.

Mr. SMOOT. Did I understand the Senator to state that this 50 per cent is taken out by the Government because of the fact that the veteran is in a hospital?

Mr. BRATTON. It is, in the case of a single man.

Mr. SMOOT. If he is a single man, then——

Mr. BRATTON. His compensation is decreased 50 per cent while he is in a hospital.

Mr. SMOOT. Yes, while he is in a hospital; but if he is a married man, then the compensation would go to his wife or children.

Mr. BRATTON. Yes.

Mr. SMOOT. It does not cost him anything in that event.

Mr. BRATTON. Or a dependent parent.

Mr. SMOOT. Of course—a dependent parent.

Mr. BRATTON. My recollection is that either in the original World War veterans' act of 1924 or some amendment thereto it was provided that at a named future date the compensation to a single veteran should be reduced; I do not recall whether it was 50 per cent or to a certain figure in dollars. Later, and before that date arrived, Congress repealed that provision, thereby declaring itself in favor of continuing unreduced the compensation to a single veteran while he was in a hospital. We went on record upon that question at that time.

I recall distinctly that I offered the amendment on behalf of my then colleague, the late Senator Jones, who was ill at the time.

Now it is proposed, as an amendment to a veterans' hospital program, without consideration, without hearings, without giving the representatives of the veterans involved and affected an opportunity to present their side of the situation, to cut down their compensation 50 per cent.

What is the reason for it? Why should we do it? The Senator from Wisconsin tells us that the Administrator of Veterans' Affairs said that we must urge the veterans to leave the hospitals when they have recovered sufficiently to do so with safety; that we should urge those who are disinclined to leave at the proper time to take their departure.

I repeat, Mr. President, that if there are such cases they are rare exceptions to the general rule of the veterans of the World War. My observation of the veterans has been that they stay out of the hospitals as long as possible; that they wage a valiant fight—sometimes against great odds—to hold their own in the arena of life. I am unwilling to give my approval to a proposal which will penalize these veterans to the extent of 50 per cent of their fixed compensation during the period while they are compelled of physical necessity to go into a hospital and there fight to regain their health. The Federal Treasury is not embarrassed to that extent. We do not need to practice economy in that way.

Mr. President, I hope the amendment of the Senator from Wisconsin will prevail; that this section will be stricken out,

and that no such penalty will be visited upon these veterans in this hasty, immature, inconsiderate fashion.

Mr. SMOOT. Mr. President, the first proviso in section 6 of the committee amendment is as follows:

That the amount payable shall not be reduced to less than $20 per month.

If the veteran had $30 compensation, if he went to a hospital he would receive only $10. If he had one child, there would be no penalty under this provision. If he had a wife, there would be no penalty under this provision. It is only a single man who has any reduction made, and then it is provided that the amount payable shall not be reduced to less than $20 a month. In no case shall it be reduced to less than that. Then, again, if he is a married man, if he has a wife or child, all of the amount goes to him, and the Government of the United States takes care of him without any compensation whatever. He gets the full amount.

Mr. President, this is in conformity with the program that was mapped out and presented by the Veterans' Bureau; and I want to say to the Senator that we did hold hearings on the subject, as the Senator will remember, not during the consideration of this bill, but hearings were held upon a similar proposition.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. SMOOT. Yes.

Mr. COUZENS. Did not the American Legion representative, the day that we reported out this bill, urge us not to do this until they had had an opportunity to consider it? He urged us not to put in this provision until after hearings were had on it; and there were no hearings on this bill, were there?

Mr. SMOOT. Not on this particular one.

Mr. LA FOLLETTE. Mr. President, I think the Senator from Utah is mistaken in stating that there has been any hearing on any provision such as this in connection with this hospitalization legislation, because I think I have attended every meeting of the committee.

Mr. SMOOT. Not in connection with the present bill, Mr. President; I do not mean that. The same matter arose, however, when we were considering the last bill, as the Senator will remember; and at that time the director spoke of the conditions existing in the hospitals, and said that there ought to be some legislation on the subject. I do not say that this identical wording was submitted even at that time, but the principle was discussed at that time.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield, that was before I was a member of the committee; but I wish to confirm the statement made by the senior Senator from Michigan [Mr. COUZENS] that Mr. Watson Miller, in making an informal statement before the committee—which was not taken down, because there was no shorthand reporter there—stated that he protested the enactment of this legislation without an opportunity for the veterans' organizations, and particularly the one he represented—the American Legion—to have an opportunity to be heard upon the question, to consider it in their own organizations, and to deliberate and decide what their position would be concerning it.

Mr. SMOOT. That is true; but other members of the American Legion have told me that they were in favor of the bill and wanted it passed the way it is. The Senator is right in stating that the party mentioned was in the committee room while we were discussing the proposal, and he thought we ought to have a hearing on it before we acted upon it. I promised the Senate, however, that I would report the bill to the Senate the next day; and that is what we did.

Mr. LA FOLLETTE. I do not want the Senator to think that anything I have said is criticizing him or the committee for not extending the hearings; but I point out that we got to the consideration of this legislation at such a late day in the session that it was impossible to grant the hearings that were requested and secure enactment of the legislation.

Mr. SMOOT. I am very much surprised at what has happened to-day, because I thought the Senator from Wisconsin was in favor of the proposition. I know he voted for it.

Mr. COUZENS. Oh, no!

Mr. SMOOT. I mean the substitute proposition.

Mr. LA FOLLETTE. I offered the amendment to strike out this section in the committee. When it was voted down, of course I voted for the substitute. I am wholeheartedly in favor of the main provisions of the Senator's amendment. All that I am seeking to do is to strike out this section, which, I believe, should not be enacted in this fashion.

Mr. COUZENS. Mr. President, I desire to say that this is an unusual piece of legislation to be brought out without any hearings by the interested parties.

This proposal was sprung on the committee with hardly any consideration. No one voiced his approval of it except the Administrator of Veterans' Affairs; and while we all have great respect for him, I do not know that we have to put aside our own judgment because he recommends anything.

No one is more strongly opposed than I am to persons being lazy. The whole motive of this amendment is to drive out of hospitals and soldiers' homes veterans who, they fear, will become lazy and not desire to go out and earn a living.

If that is the sole purpose of this provision, it could be easily fixed up so that the veteran who did not leave the hospital after he had been declared well and able to go might have his compensation reduced; but why, immediately he goes in the hospital, should his compensation be cut 50 per cent? No one knows what obligations he has incurred. No one knows whether he may not be sending his brothers or sisters through school. He may be purchasing a home in anticipation of getting married. Any number of things might have been arranged prior to his entering the hospital; but immediately he goes into the hospital, and his earning capacity is automatically reduced, the Government steps in and says, "We will cut your income still more," and we take away from him that which he had before he went into the hospital.

It seems to me there is no justification for this amendment under any consideration, even if it were proposed after having hearings.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the fact that in 1924 a somewhat similar proposition was made which applied to single men, and we held hearings on it. However, there was attached to that proposal a provision that in no case should the reduction in compensation exceed $40. That was a provision that was almost exactly the same as this—in fact, I think it was exactly the same as this—with the exception that we limited to $40 the reduction that could be made.

Mr. LA FOLLETTE. Yes; but it was not acted on.

Mr. SMOOT. No; it was not acted on at that time.

Mr. BARKLEY. Mr. President, I hope the amendment offered by the Senator from Wisconsin will be adopted.

I recognize the fact that in some individual cases, more or less isolated, an ex-service man who has no dependents may be able to have more money while he is in the hospital than he would have while he is out; but during the last days of the legislative session, in which we are now engaged, I do not believe this sort of proposal ought to be tacked on to a hospital bill.

It may be that it would be wise to make some revision of the compensation laws so as to discourage, as General Hines indicated it, the tendency of young men without dependents to hang around the hospitals in order to draw their compensation and at the same time be supported by the Government while in the hospital; but certainly that sort of a proposal ought to receive more deliberation and consideration than it has had at the hands of the Finance Committee at this time.

This proposal was suggested the other day rather incidentally, while we were holding hearings on the hospital bill. It came rather suddenly from General Hines, for whom I have the greatest respect; and it came because of his fear that after a while the hospitals would be filled up largely with young men because of the attractiveness of the compensation and the hospitalization all at the same time.

If there is any such danger, it is at this time at least remote, and there will be ample time when we can deliberate over this legislation, and not put it in a bill which we must rush through at the end of the session, providing additional hospital facilities for the ex-service men.

Mr. SMITH. Mr. President, will the Senator from Kentucky yield to me?

Mr. BARKLEY. I yield.

Mr. SMITH. Admittance into a hospital certainly will have to be after examination by a physician, and is it possible to suppose that physicians who examine these men will enter into collusion with soldiers to get them into hospitals?

Mr. BARKLEY. Of course, such a suggestion would be a reflection upon the medical force of the Veterans' Bureau itself.

Mr. SMITH. This is a reflection on the soldier.

Mr. BARKLEY. Whatever compensation is being paid the ex-service men now is also the result of medical examinations, and the result of a finding of the bureau that the injury or disability which the soldiers received as a result of the war justify the compensation which they are receiving.

It is proposed, further than that, that if they are in such physical condition that they need hospitalization, and they enter a hospital to receive the treatment furnished by the bureau, their compensation shall automatically be cut 50 per cent as long as they are in the hospital. I do not think that is just. I do not think it is fair to the Senate to ask us to vote that provision into this bill, at this time, under the circumstances. Certainly there have been no hearings in the Finance Committee in the last four years, since I have been a member of it, suggesting any such amendment as this.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SMOOT. I wanted to say to the Senator from South Carolina that this bill would not change in the slightest the mode by which a soldier would enter a hospital.

Mr. BARKLEY. No; it would not change the mode of entering, but it would change his mode of living after he got there.

Mr. SMITH. Mr. President, I want to make myself clear. Those who enter hospitals do so as the result of examinations which show obvious disability.

Mr. SMOOT. This would not change that.

Mr. SMITH. But it is proposed to penalize the veteran because he is already afflicted, to add another affliction to his present affliction, by saying, "Because you are so badly off that you must go to a hospital, we will cut your pay in half."

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McKELLAR. Is not this in effect making the soldier pay his way at the hospital?

Mr. BARKLEY. Yes; in effect it is, because if he does not happen to have a wife or children dependent upon him, his compensation will be cut in two.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will yield, I want to suggest one thought. The purpose of the provision is sound, but this thought might be worthy of consideration. When a veteran enters a hospital his earning capacity is entirely suspended. No veteran in a hospital is expected to earn anything either for himself or for his dependents, and assuming that his hospitalization is imperative or necessary it does seem improper to provide that while his earning capacity is suspended his compensation shall be diminished. There is, I think, an unsound principle involved in the provision as presented. It would be entirely consistent to deny any veteran who insists on the Government providing for him in a hospital when he does not need hospitalization merely to get the advantage of that much increased compensation, but my thought is this, that most of the veterans who receive compensation are engaged, when they are not in the hospital, in some sort of lucrative business; they are lawyers, they are doctors, they are business men, they are farmers, and they earn something. When they go into a hospital that earning ceases. This provision would accentuate that condition by cutting off their compensation when, in a sense, they may need it worst, because, as the Senator from Michigan pointed out a moment ago, you can not take a man into a hospital and segregate him from the relationships in life so completely as to relieve him of the responsibilities which are upon him in the ordinary affairs of life.

Mr. BARKLEY. The Senator is undoubtedly right, and I thank him for calling attention to that phase of the matter.

Let us assume, for instance, that a man is now drawing compensation for a 50 per cent disability.

Mr. SMOOT. A single man.

Mr. BARKLEY. Yes; a single man.

Mr. SMOOT. That is the only class of veteran it would apply to.

Mr. BARKLEY. Let us assume he is drawing $50 a month. He is disabled one-half of his capacity, presumably, but he uses the other half to earn additional money, which supports him outside of the hospital.

Mr. ROBINSON of Arkansas. But the point is, Mr. President, the obligation to support himself may be only a small part of the duty that is on him as a citizen.

Mr. BARKLEY. I understand that.

Mr. ROBINSON of Arkansas. He may have activities which are just as necessary to carry on, and he carries them on through the compensation which he receives, and through the sums he earns by his own efforts.

Mr. BARKLEY. Absolutely. I am trying to illustrate what happens to a man in that situation. He is drawing $50 a month compensation for disability he incurred in the war. By his own efforts he is making $50 more, in private industry, whatever it is he is working at. He becomes disabled. He goes into a hospital, and of course that $50 he earns by his own labor is eliminated, and it is proposed that after he gets into the hospital the Government shall cut in half what he gets by way of compensation.

Mr. ROBINSON of Arkansas. He might find himself in this situation: He may have contracted obligations on the basis of his earning capacity and on the basis of his compensation. He might be attempting to pay for a home, or for anything else he might have found it necessary to purchase. When his earning capacity is cut off and his compensation is divided in two, it is made impossible for him to carry out the obligations he has assumed on a basis he had a right to rely upon.

Mr. BARKLEY. And it would be made almost economically impossible for disabled men to enter hospitals because of that situation.

Mr. ROBINSON of Arkansas. If the Senator will permit me, upon the finding of the hospital authorities that there was no longer need for a veteran's hospitalization, why it would not be better to make some provision like this effective rather than to penalize him, as has been said, for the misfortune which requires him to go into the hospital?

Mr. SMOOT. Mr. President, this applies only to a single man.

Mr. BARKLEY. I think the merits of this provision, if any, are so outweighed by the injustice that is likely to follow that the language ought to be eliminated.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. ASHURST. Mr. President, on behalf of my colleague and on my own behalf also I offer an amendment which is simply a rescript of section 5 of this bill as it passed the House.

Mr. SMOOT. Mr. President, the committee has no objection to that amendment.

Mr. GEORGE. Let it be reported.

The PRESIDENT pro tempore. The clerk will report the amendment.

The LEGISLATIVE CLERK. The Senators from Arizona propose to add at the end of the bill the following section:

SEC. —. Subject to existing leases, easements, and rights of way, title to military reservation described in "Temporary transfer of hospital property, Army General Hospital No. 20, Whipple Barracks, Ariz.," dated February 15, 1920, is hereby permanently transferred from the War Department to the Veterans' Administration.

The amendment was agreed to.

Mr. ASHURST. I ask to have printed in the RECORD a letter addressed to me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 17, 1931.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: With reference to your telephone call of this morning requesting certain statistics, the following information is given:

Bed capacity of United States veterans' hospital, Tucson, Ariz.	261
Number of patients	286
Bed capacity of United States veterans' hospital, Whipple, Ariz.	600
Number of patients	518

These figures are taken from the report of January 31, 1931. It is hoped that they give you the information you desire.

Very truly yours,

GEORGE E. IJAMS, *Director.*

Mr. HAYDEN. Mr. President, I ask leave to have inserted in the RECORD a letter addressed to the chairman of the Committee on Finance and a letter received by my colleague from the Secretary of War relating to the amendment just agreed to.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 18, 1931.*

Hon. REED SMOOT,
Chairman Committee on Finance, United States Senate.

DEAR SENATOR SMOOT: The House of Representatives, in section 5 of H. R. 16982, to provide additional hospital facilities for World War veterans, has transferred title to the old Whipple Barracks Military Reservation from the War Department to the Veterans' Administration. We urge the Senate to concur in this action by the House for the following reasons:

1. Whipple Barracks has been abandoned as an Army post for 20 years. In 1912 we were officially advised by the Secretary of War that, the Indian wars being over, Whipple possessed no strategic value, and that a garrison would never again be maintained there.

2. During the World War control over the vacant buildings and the reservation was transferred from the Quartermaster General to the Surgeon General, Army General Hospital No. 20 was established, and large expenditures for new construction were made.

3. In 1920 the hospital was transferred from the Army to the Public Health Service, and afterwards to the United States Veterans' Bureau.

4. After being continuously occupied for over 12 years as a hospital for the care of disabled veterans suffering from tuberculosis the buildings constructed during the World War are greatly in need of repair.

5. The Veterans Administration has properly adopted the policy of not making further improvements at hospitals which can be taken away from its control on demand of the War Department.

6. The War Department has no intention to again station troops at Whipple Barracks, and the Veterans' Administration fully realizes that there will be need for this hospital for many years to come. The only satisfactory way to meet the situation is to permanently transfer title to the reservation in the manner proposed by the House.

Yours very sincerely,

CARL HAYDEN,
HENRY F. ASHURST,
United States Senators.

WAR DEPARTMENT,
Washington, D. C., February 18, 1931.

Hon. HENRY F. ASHURST,
United States Senate.

DEAR SENAROR ASHURST: Referring further to your letter of February 14, 1931, the department is pleased to furnish you with the following brief history of Whipple Barracks, Ariz., in compliance with your request:

Fort Whipple was first occupied by troops on September 14, 1864, and became the headquarters of the District of Arizona. The site as selected was a small plateau half a mile above the town. The post originally consisted of a rectangular stockade, the wall of which formed the outer wall of the various buildings inclosed in it. The cavalry quarters, erected in 1867, for temporary shelter of scouting troops, were about 100 yards lower down and nearer the creek. The name of the post was changed to "Whipple Barracks, Prescott, Ariz.," by General Orders, No. 53, Adjutant General's Office, May 22, 1879. The order specified that the posts known as Fort Whipple and Prescott Barracks were thereafter to be considered as one establishment, named in honor of Bvt. Maj. Gen. A. W. Whipple, United States Army.

Whipple depot, as a part of Fort Whipple, known as the "Corral," was established May 18, 1866. The depot was constituted a separate command by Special Orders, No. 25, Department of Arizona, October 13, 1870, was broken up in February, 1871, and was reestablished by General Orders, No. 19, Department of Arizona, October 10, 1871. On April 27, 1872, an incendiary fire destroyed the corral, stables, storehouses, shops; in fact, everything belonging to the depot. The old site was then abandoned for the present one, and the depot rebuilt and completed in July, 1872. It is located on the right bank of Granite Creek, to the west and southwest of Whipple Barracks, to which post it is adjacent, and is distant about three-fourths of a mile easterly from the town of Prescott. It is no longer used as a supply depot for Arizona posts, and the buildings have been utilized for the purposes of the garrison.

By General Orders, No. 92, War Department, December 16, 1886, the headquarters Department of Arizona were transferred from Whipple Barracks, Ariz., to Los Angeles, Calif. It was ordered that the public quarters made vacant by the removal should be utilized as far as practicable in the shelter of troops in the Department of Arizona.

The post was directed to be discontinued by General Orders, No. 14, Adjutant General's Office, 1898, the portable property to be distributed, unserviceable sold, etc.

The post was regarrisoned April 29, 1902.

Upon the recommendation of the board of officers, approved by the Secretary of War, July 21, 1902, it was decided to begin the work of rehabilitating the post.

During the period from 1903 to 1906 permanent buildings of brick and concrete were erected to provide quarters for a single battalion post.

In 1911 the post was abandoned, placed in the hands of a caretaker, and the troops transferred to the Mexican border.

In 1918 Whipple Barracks was converted into a hospital for tubercular patients, to be known as United States Hospital No. 20.

February 15, 1920, Hospital No. 20 was closed and Whipple Barracks transferred to the Treasury Department for use of the Public Health Service.

April 29, 1922, by Executive order, Whipple Barracks was transferred by the Treasury Department to the Director, United States Veterans' Bureau, and designated as United States Veterans' Hospital No. 50.

Sincerely yours,

PATRICK J. HURLEY,
Secretary of War.

Mr. HALE. Mr. President, I offer an amendment to section 5 of the bill.

The PRESIDENT pro tempore. The amendment will be reported.

The LEGISLATIVE CLERK. On page 7, line 17, after the word "of," to strike out the words "the act approved May 16, 1930 (Public, No. 230, Seventy-first Congress)."

Mr. HALE. Mr. President, I would like to explain my amendment.

A little over a year ago there was a fire in Maine, at the Togus Soldiers' Home, and the hospital there was destroyed. Legislation was enacted last May providing for a new hospital at Togus, at an expense of $750,000. In the independent offices bill, the conference report on which has just been agreed to, there is an appropriation for that $750,000 to build a new hospital for the Togus home.

I can see no reason why that appropriation should be used as is provided in section 5, which states that the money authorized to be appropriated in these provisions, including the provision for the Togus hospital, may be used for extending facilities at the national homes designated therein, or at any other national home or hospital under the jurisdiction of the Veterans' Administration.

We have the money already appropriated to take care of our own institution. That is the only veterans' hospital in Maine, New Hampshire, or Vermont, and I can not see why Congress should provide that the money already appropriated for us should be diverted, if the authorities see fit, to some other place.

Mr. SMOOT. Mr. President, I took the question up with the Director of Veterans' Administration——

Mr. HALE. I will say to the Senator that I have talked to the Veterans' Bureau officials and I have had no explanation which in any way satisfies me.

Mr. BROCK rose.

Mr. SMOOT. Mr. President, the director told me this afternoon about 3 o'clock that he would write the Senator from Maine and the Senator from Tennessee also, since

there are public buildings provided for in Maine and Tennessee, in connection with the provision as to section 5, just referred to by the Senator from Maine.

The director told me that there was no question but that if this bill passed the appropriation would be used just as provided for in the act of May 16, 1930, and the act of June 21, 1930.

Mr. HALE. Then why do we need the legislation? Something might happen to General Hines and somebody else might take his place. We do not know whether his successor would follow the course indicated by General Hines or not.

Mr. SMOOT. It has already been changed.

Mr. HALE. What good does it do here? I can not understand that.

Mr. SMOOT. It provides:

The Administrator of Veterans' Affairs, with the approval of the President, is further authorized to use all or any part of the money authorized to be appropriated by the provisions of the act approved May 16, 1930 (Public, No. 230, 71st Cong.).

Mr. HALE. They can use it in any way they see fit, not in the way Congress has indicated.

Mr. SMOOT. How could you say that, after the authorization is made, it is going to be used for any other purpose?

Mr. HALE. Why is it necessary to put the provision in here?

Mr. SMOOT. I do not care whether it goes in or not.

Mr. HALE. Very well. Will the Senator accept the amendment.

Mr. SMOOT. Yes; I accept it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Maine.

Mr. FLETCHER. What is the amendment?

Mr. SMOOT. It is to strike out the provision referring to the act of May 16, 1930, line 16, and the act of June 21, 1930, Public, No. 405.

Mr. REED. Mr. President, will the Senator yield?

Mr. SMOOT. It refers to a hospital provided for in Maine and one provided for in Tennessee.

Mr. REED. Mr. President, my information about this was that the soldiers' home at Togus, Me., which was burned down, was not considered to be in the most advantageous position in that neighborhood. One of the purposes of inserting section 5 was to enable the Administrator of Veterans' Affairs to move it to a point closer to the sea, but still in Maine and still in the same general vicinity. I do not think the section is very important, but if we are going to strike out any part of it we had better take out the whole section.

Mr. FLETCHER. Would that take out the authorization for the establishment of a branch of the old soldiers' home in one of the Southern States?

Mr. REED. No; it would not. That will continue to be the law.

Mr. FLETCHER. And the appropriation made to take care of that under the law will still apply?

Mr. REED. My understanding is that the appropriation will take care of one of the four soldiers' homes on the list which was submitted to us.

Mr. FLETCHER. It refers to extending the facilities of the national homes designated therein, and so forth.

Mr. SMOOT. The same principle applies to that that applies to the hospitals.

Mr. REED. We are not proposing to take money that is not already appropriated for particular homes and give it to any other institution. I think it is taken care of by the breakdown of $20,000,000 item carried in section 1.

Mr. FLETCHER. I see no objection to section 5 as it stands.

Mr. SMOOT. I do not either, but if the Senator from Maine wants it taken out and wants to run the risk, let it go out.

Mr. COPELAND. Mr. President, may I inquire of the Senator from Utah what it is that the Senator from Maine proposes to strike out?

Mr. SMOOT. Section 5, on page 7, of the bill. If he wants to take it out, I say let it go out.

Mr. COPELAND. This is the matter about which I want to be certain. I do not want anything taken out of the bill so far as I am concerned that leaves to the board the location of the hospitals.

Mr. SMOOT. That provision has nothing to do with the section that the Senator from Maine proposes to strike out. He has reference to section 5, on page 7.

Mr. COPELAND. I think I have no objection.

The PRESIDENT pro tempore. Without objection, the amendment proposed by the Senator from Maine——

Mr. SMOOT. That is, that the whole of section 5 shall go out?

Mr. FLETCHER. Let us vote on it.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine was merely to strike out about two lines.

Mr. SMOOT. I understood the proposition now to be to strike out the whole of section 5.

Mr. WATSON. Where does that leave the authority to locate the hospitals?

Mr. SMOOT. It changes nothing in that respect. It changes nothing with the exception of the authorization for a hospital in Maine and a hospital in Tennessee. If the two Senators from those States want the provision to go out, let it go out.

Mr. SMITH. May I ask the Senator from Utah whether under the terms of section 5 these particular points are not in better shape than if the section goes out?

Mr. SMOOT. I tried to tell the Senators from Maine and Tennessee that, but they do not see it, so let the section go out.

Mr. SMITH. I think they misunderstand the purport of it.

Mr. COUZENS. Mr. President, I think the Senator from Maine has a wrong understanding about it. I think the Senator from Utah has explained it satisfactorily. Where there is not any money allocated, it will be used at the discretion of the board, but where the money has been allocated it will not be disturbed.

If we are going to itemize every single proposition as the House did, there will be no end to the details of the bill. The bill ought to stand as it is, because it is perfectly clear that they are going to take care of hospitals which they have promised to take care of.

Mr. SMOOT. That is why the amount of the appropriation was increased. There is no hospital that is provided for that will not be covered by the appropriation.

The PRESIDENT pro tempore. Does the Senator from Maine withdraw his amendment?

Mr. HALE. No; I do not.

The PRESIDENT pro tempore. The Chair understands the amendment of the Senator from Maine now to be to strike out the whole of section 5.

Mr. HALE. No. I leave my amendment as it was originally offered.

Mr. SMOOT. The whole section refers to the two hospitals, one in Maine and one in Tennessee. Why have anything left in there as that is all it applies to?

Mr. HALE. There is a third proposition in there.

Mr. SMOOT. Not for a hospital.

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McNARY in the chair). The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Connally	Goldsborough	Jones
Barkley	Copeland	Gould	Kendrick
Bingham	Couzens	Hale	Keyes
Black	Cutting	Harris	King
Blaine	Dale	Harrison	La Follette
Borah	Davis	Hastings	McGill
Bratton	Fess	Hatfield	McKellar
Brock	Fletcher	Hawes	McNary
Brookhart	Frazier	Hayden	Morrison
Broussard	George	Hebert	Morrow
Bulkley	Gillett	Hedin	Moses
Capper	Glenn	Howell	Norbeck
Carey	Goff	Johnson	Norris

Nye	Robinson, Ark.	Steiwer	Wagner
Oddie	Robinson, Ind.	Stephens	Walcott
Partridge	Schall	Swanson	Walsh, Mass.
Patterson	Sheppard	Thomas, Idaho	Waterman
Phipps	Shipstead	Thomas, Okla.	Watson
Pittman	Shortridge	Trammell	Wheeler
Ransdell	Smith	Tydings	Williamson
Reed	Smoot	Vandenberg	

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from Maine [Mr. HALE] to the amendment proposed by the committee.

Mr. GEORGE. Mr. President, may the amendment to the amendment be stated?

The PRESIDENT pro tempore. The amendment will be reported for the information of the Senate.

The LEGISLATIVE CLERK. On page 7, in line 17, strike out the words "the act approved May 16, 1930 (Public, No. 230, Seventy-first Congress)."

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Maine.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TRUCKEE RIVER RESERVOIR, CALIF.

Mr. ODDIE. Mr. President, on the last occasion when the calendar was called the bill (S. 5172) for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, was objected to by the Senator from Washington [Mr. JONES]. Since then the Secretary of the Interior has written the Senator from Washington a letter and I understand the Senator has withdrawn his objection. I would like to have the bill considered at this time and action taken upon it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada?

Mr. ODDIE. The junior Senator from Utah [Mr. KING] objected also at the time. I spoke to him about it and I understand that he is not going to object further to the bill.

Mr. SMOOT. O Mr. President, he asked me to object.

Mr. ROBINSON of Arkansas. Mr. President, may I ask what is the bill?

Mr. ODDIE. It is Calendar No. 1468, a bill providing for the construction of a reservoir on the Little Truckee River, in California.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. Mr. President, let me say to the Senator from Nevada that before my colleague [Mr. KING] left the Chamber this afternoon because he was not feeling well he came to my desk and asked me to object if the bill was called up this afternoon.

The PRESIDENT pro tempore. Objection is made.

LEO N. LEVI MEMORIAL HOSPITAL

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1735, the bill (S. 6106) to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park. If it requires prolonged discussion I shall withdraw the request.

This is a bill which would authorize the Leo N. Levi Memorial Hospital Association to mortgage certain property located on lands which by act of Congress it is permitted to use, the lands belonging to the Government of the United States. The bill is favorably reported by the Department of the Interior. It is necessary in order to enable the hospital to carry on its activities.

While the hospital is maintained by Jewish charities, its services are available for persons of all races and nationalities. It is a wonderfully effective and valuable institution. I ask unanimous consent for the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Leo N. Levi Memorial Hospital Association is hereby authorized, with the approval of the Secretary of the Interior, to execute mortgages upon its rights in and properties upon lots Nos. 1, 2, 3, and 4 in block No. 114 in the city of Hot Springs, Ark., and such mortgages, together with the approval of said Secretary of the Interior, may be filed for record in the office of the Secretary of the Interior, and when so recorded shall have all the effect of a public record.

REGULATION OF BUSSES AND TRUCKS IN INTERSTATE TRANSPORTATION

Mr. FESS. From the Committee on Interstate Commerce I report back favorably, with amendments to the preamble, the joint resolution (S. J. Res. 250) directing an investigation and study of transportation by the various agencies engaged in interstate commerce.

Mr. President, regarding the joint resolution, I should like to have the attention of the Senate for just a moment. There has been a great deal of interest in proposed legislation affecting the regulation of busses and trucks in interstate transportation. We found that we could not get any action upon such a measure at the present session, and there is a desire on the part of the committee to have the Interstate Commerce Commission during the summer conduct an investigation and submit a report to the Senate by the 1st of December next as to whether there should be any regulation of transportation agencies outside of railroads.

I have polled the entire committee, and the committee unanimously favored reporting the joint resolution. I ask unanimous consent for its immediate consideration.

Mr. ROBINSON of Arkansas. What power will the Interstate Commerce Commission exercise?

Mr. FESS. None except to collect facts.

Mr. COUZENS. May the joint resolution be read, Mr. President?

Mr. LA FOLLETTE. Mr. President, if the Senator from Ohio will yield to me, I suggest that he allow the joint resolution to go over until Monday. I think I have an amendment which I desire to offer to the joint resolution. I will assist the Senator in getting it up, if I can, on Monday next.

Mr. FESS. Very well; let it go over until Monday.

The PRESIDENT pro tempore. Objection is made, and the joint resolution will go over until Monday.

EMBARGO ON OIL IMPORTATIONS

Mr. CAPPER. Mr. President, on February 12 last there was a very able editorial printed in the St. Louis Globe Democrat entitled "A Flooded-Market Carburetor," having to do with a proposed embargo on the importation of foreign oil. I ask unanimous consent that it may be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis (Mo.) Globe Democrat, February 12, 1931]

A FLOODED-MARKET CARBURETOR

Either in or outside of Washington not much impression was made by the demand of western oil interests for a protective duty on petroleum.

This industry, which had its origin in the United States, is no infant industry entitled to Government interposition against longer established, better organized competitors abroad. The Hawley bill included some strange provisions, but this one was excluded.

Of a different character, however, is the oil bill introduced by Senator CAPPER. The overproduction that has brought stagnation to so many lines of business is, perhaps, relatively more serious in the oil industry than in the average industry. We have no means of knowing to what figures the excess of supply over demand would now mount but for measures applied with some success for retarding the development of new fields and limiting the flow in the chief producing areas. To keep the great flood of new oil below a certain maximum is the object of a statute in Oklahoma and of voluntary cooperative agreements in other places.

The Capper bill would fix a similar maximum on imports of crude oil and prohibits all imports of gasoline. Whether or not

wants to take it out, I say let it go out.

Capper	Glenn	Howell	Norbeck
Carey	Goff	Johnson	Norris

crude oil and prohibits all imports of gasoline. Whether or not

the 16,000,000 barrels a year named in the bill is a reasonable figure depends on a showing of fact. There may be reasons why it should be fixed at a few millions more or even a few millions less. Why, however, should restrictions made operative at no small effort and bearing rather heavily on small producers be imposed on the domestic supply if foreign producers are free to send here any quantities they may desire?

That a limit, which it is professed is only to be temporary, may when once applied become permanent, is one thing to be feared, but relief at both sources of supply seems to be needed for an overstocked market. If it is wise to conserve our own oil against future demands, it will be wise also to conserve the oil in other near-by territory.

MONUMENT TO STEPHEN A. DOUGLAS—ADDRESS BY CORNELIUS J. DOYLE

Mr. GLENN. Mr. President, I ask unanimous consent that there may be printed in the RECORD as a part of my remarks an address on the life of a former Member of this body, a distinguished Democrat, perhaps the most distinguished Democrat who was ever a citizen of the State of Illinois. I refer to Stephen A. Douglas. The address was delivered by Mr. Cornelius J. Doyle, former secretary of state of Illinois, on the occasion of the dedication of the monument erected by Illinois to Stephen A. Douglas at Winchester, Ill., on July 5, 1930.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From Journal Illinois State Historical Society]

ADDRESS OF CORNELIUS J. DOYLE, FORMER SECRETARY OF STATE OF ILLINOIS, AT THE DEDICATION CEREMONIES OF THE MONUMENT ERECTED BY ILLINOIS TO STEPHEN A. DOUGLAS, AT WINCHESTER, ILL., JULY 5, 1930

It was Oliver Cromwell who said to a portrait painter: "Paint me as I am; leave out not one wrinkle, scar, or blemish, at your peril." For him, who is privileged to deliver an address of historical character, it is as difficult to be restrained and factual as for one who undertakes to write the biography of his ideal character. The life of Stephen A. Douglas requires no fulsome eulogy nor extravagant panegyric; rather, it is far more appropriate to attempt an appraisal of his true character and an estimate of the place in history of the man in whose memory we have come to memorialize to-day.

The spring of 1813—April: In the granite hills of Vermont, the peaceful village of Brandon is unmelting, winter has loosened his hoary grip, and the verdure of nature again peeps through the hard and rocky soil of a rough land. On the broad prairies of Illinois, in the same April of 1813, the hut village of Winchester struggles in the gumbo of the spring thaw—a pioneer settlement of hardy adventurers just above the lowlands of the Illinois, with scarcely 50 families, and the hard existence of the frontiersman.

Between the old village of the Green Mountain State and the new town of the Illinois prairie are the impassable, the insurmountable mountain ranges, deep rivers, long vacant distances, hunger, fever, fatigue, futility itself. Had Kipling been writing then, he might have penned that couplet, so often quoted to emphasize the racial barriers of Occident and Orient, and applied it to the physical barriers of the American continent.

"East is East and West is West,
And never the twain shall meet."

Brandon is Orient—old, fixed, habituated, placed, cultured, contented, satisfied, philosophical, the seat of an academy, the home of men of learning. Winchester is Occident—new, shifting, restless, ambitious, raw, irritable, bereft of schools and scholars, fighting pests and disease, enduring hardships, building a new civilization. The two, it seemed, ne'er shall meet.

April 23, 1813: Brandon still sleeps fitfully amidst the echoes of the War of 1812. The Indian has returned to his camp, pledged to peace. The effort of England to recapture her lost American possession has left bitterness and hatreds. The reverberations of the revolutions still rumble through the former Colonies, and the contentions and controversies of the formative period of our Government have not eased. Among the people of April, 1813, in Brandon, are heroes of the War of Independence, men who have survived to tell its horrows, to paint its romance, to delight in its experiences, and to revel in its glories.

There is in the Brandon of that day, a respected citizen, a man of culture and learning, a physician who ministers to his neighbors with all the skill the medical profession knows in his times. Happiness and cheer reign in Dr. Stephen A. Douglas's home—an heir, a boy, has arrived, and the Douglas household and all Brandon rejoice. The child is called Stephen A., after his father. An event in Brandon; Winchester hears it not. Hearing it, Winchester would not have given heed. Destiny had not yet imparted her secret to the hut dwellers of the mud prairies.

The babe has ancestry. The Douglases trace back to Scotland, to 1610. The first of the line to settle on colonial soil is William D., whose son, William, is born in Boston in March, 1645. The infant's paternal grandfather is Benajah Douglas, a farmer near Brandon. The mother is proud of her forbears, associates of Roger Williams in his Rhode Island colony. Both families have been imbued with the spirit and zeal of colonists. They have traveled from place to place, leaving deep impression wherever they have stopped. The force that was to send this babe, grown to youth, with irresistible feet, into the Occident of the American world came with him into life from the spirit and the will of his father and mother and their ancestors.

The years pass. Brandon languishes in its peace and contentment. Winchester adds to its population of few families and struggles with the elements that hate to be disturbed. The boy grows with ambition awakening in his breast. The mountains are his companions; vast, vacant spaces, he fills with dreamful fancies. His father passes on, leaving upon the boy's shoulders the responsibility for mother and sister, a responsibility he does not shirk.

He follows the plow through the isolated, lonely fields. He is happy, wholesome, wistful, determined. He never complains, but in his heart is forming a resolution—an education first; that's clear; then a vague picture he can not understand, but it does not include Vermont and her granite hills. It dimly outlines a new country and opportunities. Horses pull his plow by instinct. He dreams at its handles. There is working upon him a force which some call foreordination. Some day it is Divinity that guides our steps; some pronounce it fate or destiny.

At 15 he wishes to go to the academy at Brandon. An uncle who had promised him help suddenly finds himself with a bride. He can do nothing but advise. Young Douglas listens attentively as his uncle minimizes education and the professions. Farm life means security against want and hunger; its awards are sure and regular. Better stay with the farm, he tells his nephew. The nephew promptly ignores an advice that is contrary to his predetermined course.

Fourteen miles the undersized, slender, pallid-faced lad tramps to Middlebury, apprentices himself to a cabinetmaker, and earns money—money to pay his tuition in the academy. This experience is brief and ends in disappointment. When his master insists upon his performing menial household duties, Douglas quits and tramps back to Brandon, there to apprentice again as a cabinetmaker.

Now the primal instinct in his nature begins to assert itself unmistakably. He is controversial. He loves to debate; he is skillful at it. When more vigor is demanded than mere words will supply, he adds the strength of his fists. National politics are absorbing him. Jackson is the issue throughout the land, and Douglas admires the rugged character and unconventional methods that already have distinguished him.

Next, his first important step in the achievement of ambition—with enough money earned, he enters the academy. He is brilliant but not studious. Douglas does not distinguish himself as a writer, nor as a thinker in classroom routine. In debate he gains new laurels. Eighteen hundred and thirty and Douglas is 17. He is meditative; great questions of state concern him and strike deep into the foundations of his life.

His only sister marries Julius N. Granger and leaves the old home to live in Ontario County, N. Y. His ties to the place of his birth are weakened. At their Ontario home the bride's smile and intellectual endowments please her father-in-law and inspire him with a secret desire to know her mother. Suddenly he disappears from home. As suddenly he reappears and with him as his bride the widow of Dr. Stephen A. Douglas, the mother of his son's wife. Her boy comes with them.

Gebazi Granger is rich and loves the promising lad and puts him in the famous academy at Canandaigua. Necessity no longer prods Douglas; money is easy. Diligence in classroom lets down. He seldom writes, and often he is indifferent. But all the while interest and knowledge in politics increase and his fame as a debater spreads. The Jackson issue has grown and holds the country in its clutches. Douglas has many opportunities to defend his political idol.

January 1, 1833, he leaves school to study law with a local attorney. Six months later, he abandons this plan and is off on the supreme adventure of his career, the one that is to lead to success and commanding position in the world itself. "When shall we expect you to come home to visit us, my son?" asks the mother as she bids him good-by. And the boy replies without emotion: "On my way to Congress, mother." The books describe no heart-rending scenes as mother and son part. Douglas is determined; the mother love and mother instinct sense an imperative command in his soul. She interposes no obstacles and represses her tears. The sacrifice is hers to make and to bear. The boy can not resist a prompting that has become the overmastering influence in his life.

Can any of us realize what it meant in those days for son and mother to part in this manner, one to go into that vast, dark, hidden, and forbidding region beyond the mountains, the other to remain, Promethean bound, to the isolated granite hills? "When shall we expect you to visit us, my son?" It's all so indefinite, so vague, so mysterious. "On my way to Congress, mother." That, too, is all so indefinite, so vague, so mysterious, for he is only 20, and Congress is for the old, the experienced, and the fortunate.

Might she not visit him in his new home? No thought of that for East is East and West is West, and between them the barrier that her son may scale, but she? Never. Is there one among us who can understand, or who possesses the imagination to visualize what it means to be without transportation. What stagnation, in living and thinking, to be isolated and unable to move beyond the strength of one's legs. Was ever Prometheus more thoroughly bound to his rock than those of our ancestors who lived without boat or locomotive or open road or automobile or airplane? Can any of us conceive what courage it took to break away from that isolation, and with no aid, except that of muscular energy, to plunge into the wilderness, seeking a new destination, not yet even marked upon a map?

So Douglas breaks away from home ties, from the affectionate hold the birthplace has upon him, from the love of mother and of sister. In his own eyes his course is not yet clear; he has fixed no destination for his feet. Only one thing is settled; he is going, and he will not return until he carries with him a certificate to a seat in Congress. It is of record that he tells his roommate, of whom he is fond, that his goal is the United States Senate. We shall now see the undisguised hand of destiny. She has planted the impulse; she has fanned it into heat. She drives him, he knows not wither. He has broken his chains, and now she sets along the way, her sentries to direct him.

His first stop is Cleveland, to tarry a few days with relatives. A lawyer induces him to remain a year. Fever strikes him down and it is October before he may leave his room. Certain traditions about fever prevail and are accepted even by doctors. His doctor advises him not to return home nor to remain in Cleveland. The advice fits the Douglas plan. By stream and road he reaches Portsmouth; he pushes on by boat to Cincinnati. No work; he arrives by boat at Louisville and still no work. The new country seems unfriendly.

A stranger whispers the magic word, "Jacksonville," named after his idol, "Old Hickory," on the Illinois prairies. He bears a letter of introduction to Maj. Murray McConnel. On the boat from Louisville to St. Louis he meets Samuel Wolcott, son of Elihu Wolcott, who lives in Jacksonville. The young man advises him to go there. He meets also Senator Linn and Governor Miller, of Missouri. Politics is the subject of discussion as the primitive old boat ploughs through the Ohio. At St. Louis he finds Edward Bates, great lawyer of his day, who tries to persuade Douglas to read law in his office. He does remain for a brief period and then resumes his journey to Jacksonville.

In all history there is no more dramatic story of the magnet and the man, and the triumph of the magnet. He crosses the Mississippi at Alton, and by stage reaches Jacksonville in November, 1833, five months after his farewell with his mother. In his pocket is $1.25, and he still lacks five months of his majority. Douglas is youth and Illinois is only 15 years old. The affinity of years makes them one. He finds no employment in the city that has lured him. He sells his books to gain food. Major McConnel advances him money and directs him to Pekin to open an office. He walks to Meredosia to take the boat. He waits a week and then the slow-moving news that it has blown up at Alton and there will be no boat until spring.

His bills paid, 50 cents remain. A farmer tells him it might be possible to organize a school at Exeter, near by. Douglas rides home with the farmer, occupying a place behind him upon the back of a faithful old horse. Not one pupil can be found for the school. Even in those days news has a way of getting through the lines. He hears of a chance at Winchester and to Winchester he walks in the nighttime, arriving here at dawn. It is a cabin town on this fertile, now conquered prairie—not the prairie you and I know, but a bleak, wind-swept, unhospitable prairie, tough and hard and unyielding, jealous of its majestic loneliness and determined to resist invasion. It is filled with fever and pestilence, and its advanced lines of defense are pests and parasites that breed disease and death. We have little conception of the magnitude and the seriousness of the expression "breaking the prairie sod." How difficult it was! How dangerous!

Here Douglas finds friends. They succor him. The bachelor, E. G. Miner, takes him in to his store to sleep and eat. The innkeeper lends a hand. Citizens help him organize a school with 40 pupils at $3 per quarter. He picks up odd jobs. He officiates as assistant clerk at an auction and makes $2.50 in three days, but, more valuable, creates sympathy by his brilliant mind and winning personality. At the end of the school term he has $130 in cash.

March, 1834, and Douglas leaves Winchester and obeys the lodestone of Jacksonville, there to begin one of the most remarkable careers of which we have record in human annals. March 4, 1834, seven weeks before his majority, he is licensed to practice law. The door to fame and fortune stands open. East is no longer East nor West West. The twain have met and the scene is set for the most thrilling drama Illinois ever has witnessed.

His hero, Jackson, demands his first attention. Originally a Jackson country, Morgan County has been alienated by the results of some of Jackson's policies, and his friends have lost confidence. There are 25 members of the bar, young Douglas the only one to speak for Jackson. Douglas is unafraid. He resolves on a bold stroke which the remaining few Jackson leaders oppose. He calls a public meeting to indorse Jackson.

The resolutions are opposed by Josiah Lamborn, known throughout Illinois as its most vituperative orator, and greatest master of invective, whose victrolic utterances had struck terror to the hearts of those whom he opposed in court and forum. Young Douglas leaps to a chair to reply to the older and experienced lawyer. The first few words of the young champion of Jackson quiets the audience. His heart and brain aflame with patriotic zeal and devotion to his ideal, he turns a hostile audience into one of cheering approval. Young Douglas is triumphant. He reestablishes confidence in his party and reelevates Jackson to his lost estate. He is carried on the shoulders of admirers around the square at Jacksonville. He receives the title of "Little Giant."

The fame of this young orator spreads over Illinois. His services are sought in all sections of the State in the succeeding campaign. His continued success commands attention in other States. The news of the remarkable effectiveness of the young orator reaches President Jackson. He invites young Douglas to visit him at the Hermitage, and the old warrior receives him with unrestrained admiration and affection.

Great occasions in the midst of a multitude, in an arena of excitement, have made sudden national reputations. Such scenes and opportunities were those of William Jennings Bryan at Chicago, Gen. James A. Garfield and Col. Robert G. Ingersoll at Cincinnati; but no place is there recorded where one speech made in one small locality was the means by which a speaker passed almost immediately into State and national prominence as did Douglas at Jacksonville.

The ninth general assembly presents to the world, among its members, Lincoln and Douglas, each in his first public office. It elects Douglas State's attorney for the district against the distinguished John J. Hardin, for whom Lincoln votes. His success as State's attorney makes it possible for him to secure the office of secretary of state in 1840. From the office of secretary of state, he is yet to become in 1841 to 1843 the youngest member ever elected to the supreme bench in Illinois, which he resigned upon his election to Congress as a Democrat.

Douglas goes about preaching his political doctrine and making friends, neglecting his law practice. He organizes the first Democratic State convention in Illinois and nominates electors pledged to vote for Van Buren and Johnson.

His first legislative experience brings him into contact with unreasonable and extravagant public demand for internal improvements. A man who has had his experience of hardship of travel might well be excused if he easily succumbed to any program that promised easier and more rapid transportation. Douglas fights the extravagances of the time, but unsuccessfully. He offers to the assembly a practical program of internal improvements, including the completion of the Illinois & Michigan Canal, a railroad from its western terminus to the mouth of the Ohio River, a railroad from Quincy to the east State line, the improvement for navigation of the Wabash and Illinois Rivers, and surveys and estimates on such other works as might be considered of general utility. But this plan is defeated, and Illinois plunges into days of dark debt and unrealized dreams.

Immense numbers of applications for special charters of all kinds and descriptions are presented to the legislature. Douglas unsuccessfully attempts to arrest this whole system of legislation as unjust, impolitic, and unwise, and failing in this, he saw to it that there was inserted in each special charter a clause: "Reserving the right to alter, amend, or appeal this act whenever the public good shall require it."

Later in his life it becomes his opportunity to use his influence in the United States Senate to aid the Illinois Central Railroad project, in which he had full confidence. An investigation of the records indicates quite clearly that to Douglas belongs the credit for the aid that Congress gave this public improvement, making it possible and exerting upon later history of the State and the Mississippi Valley a far greater and more determinative influence and benefit than any of us understand.

To his political achievements and to his sanity and probity in handling internal improvements and to his Illinois Central success must be added his interest in the great need of education and chief beneficence, the founding of the University of Chicago. Douglas acquired considerable real estate on the south side of Chicago near what is now Thirty-second Street and the lake. To the Presbyterians he offers 10 acres of it for an educational institution. They do not accept it. The Baptists undertook it. After many years of vicissitudes they complete a marble building and matriculate its first students. But hard times and unfortunate management end in mortgages and foreclosures and the sale of the property.

The university idea that Douglas has conceived and crystallized and has done so much to promote seems to be dead and cold in its grave. But an idea never dies. The seed he has planted revives and pushes through. To-day it flourishes in that magnificent institution on Chicago's midway, another monument to Douglas's far-sighted judgment and his broad, liberal viewpoint. In due course it is to be hoped that outstanding recognition by the University of Chicago will honor the name of Stephen A. Douglas in a deserving and conspicuous manner.

Nor was the vision of Douglas confined to the limits of Illinois and the Mississippi Valley; it embraced the then almost boundless sweep to and over and beyond the mighty Rocky Mountain region and on to the Pacific Ocean. Douglas thus early visualized the possibilities of what to-day millions of our citizens enjoy.

Out of these legislative experiences, as well as in the courts and the social events of the village of Springfield, destiny had brought together two men who were to become the principal actors in the greatest drama in the political life of the Nation; of these figures—one, straight but not tall, of dignity, great charm of person and of manner, with hair flung gracefully off of a high, fine brow, with voice and gesture, poise and intellectual force harmonizing in graceful and effective, eloquent, and persuasive charm; the other, a tall, ungainly, uncouth figure, whose appearance generally carried with it nothing impressive of dignity—by the side of the polished, immaculate, and scrupulously dressed Douglas; Lincoln, slow and halting of speech, a voice at times high pitched and unpleasant—each the antithesis of the other, but both most able and well matched in presenting their views with telling effect upon their audiences; each with wholesome respect for the ability of the other. These two great men were destined to oppose each other until the tragic hour in the Nation's history when they stood as one for the cause of the Union.

The recital of the birth of the American Republic is one that thrills the heart and quickens the pulse of him who reads, and

the story of the struggle of the men of the Revolution gives to each American a solid historical platform on which to boldly stand. As there are spots on the sun, and the microscope reveals flaws in burnished steel, so there was a spot and a flaw upon the early record of this land; but with this exception—no other form of government on earth has been so blessed under a written constitution as our own beloved country. History records that our Constitution excels even the idealistic one brought forth by the Athenian minds of long ago. True, one unfortunate factor was a part of our Government from the beginning—the question of slavery. It had its genesis in the commercialism of African slave trade, first made possible by the New England States, and later to be transferred on account of climatic conditions and the cultivation of cotton to the States of the South. In the beginning it was tolerated, with the thought of the fathers that it would soon die. It was destined, however, to bring its terrible harvest of dissension and disaster before final determination in the greatest internecine war since man has gone to war with man.

It involved that greater question of the rights of the States. "State rights" was to become the greatest subject of debate ever held in legislative halls at any time in any place throughout the world. Those devoted to the rights of the States recalled again and again the obvious truth that all power in the beginning was in the several States, and the Constitution adopted at Philadelphia gave to the Federal Government only such powers as the several States had granted to the Union, retaining to the States all powers not granted.

When we recall the masterful arguments made by Jefferson, Patrick Henry, Jackson, and Douglas in defense of the rights of the States, we doubt not that they and others sounded a note of prophetic warning that might be well applied to the fear of later tendencies of Federal encroachment. All were in agreement that a strong centralized government was necessary to take the place of the original Articles of Confederation, but even these men could not foresee the continuing tendency toward the vanishing powers of the several States.

With the powerful presentations made by Stephen A. Douglas in defense of the rights of the States, the question of human slavery was incidental. He believed with all his great heart and mind and soul that the perpetuity of this Nation rested upon the preservation of the rights of the several States working coordinately with the Federal Union, the States exercising fully those powers not granted to the Union, and the Federal Government limiting its exercise of power to those specifically granted within the limits of the Constitution. He recognized slavery as a condition preceding the formation of the Government, known at the time of the adoption of the Constitution, and which it did not prohibit.

He spoke directly to the rights of the people within a State to determine within themselves whether or not this unfortunate condition should continue. We have but to turn to the first inaugural address of President Lincoln to find the assurance that slavery, where it then existed, was not to be disturbed. To the peace convention he said, "Write the word 'Union.'" We find the counterpart of that assurance in the first inaugural address of War Governor Yates, of Illinois—a masterful, patriotic document—when he said there was no disposition on the part of the Republican Party to disturb the fugitive slave law.

As the extent and intensity of the war progressed, President Lincoln admonished the States of the South that, if the conflict did not cease against Federal authority, acting under his war-time power as Chief Magistrate, he would issue a proclamation of emancipation. The war did not cease, the emancipation proclamation was issued, and as the last gun was fired in the great War between the States, the question of human slavery, which had troubled our Nation from its birth, was forever determined.

The culmination of events which occurred in 1860 by the election of President Lincoln could not longer be postponed. Ten years previous to this time Stephen A. Douglas was in the midst of the most heated and bitter forensic debate that ever has taken place in the history of any government. The country was in breathless suspense, apprehensive of a war crisis in 1850.

Henry Clay, the great pacifier, then enfeebled and soon to die, was physically supported into the Halls of the Senate Chamber in 1850 to deliver his last pathetic and powerful appeal against the threatened disruption of the Union. He said: "I have never before addressed any assembly so pressed, so appalled, so anxious." Jefferson Davis, as a Senator, concluded his argument with the statement: "I see nothing short of conquest on the one side or submission on the other." Daniel Webster arose in the same forum to deliver the greatest speech of his career, as he pleaded in that earlier great crisis for the preservation of the Union. These debates thrilled the crowds that were able to gain admittance to the Capitol, and the country was never before in such suspense.

The question in the minds of all was, Could these conflicting theories between State rights and strong Federal Government be composed, the Constitution preserved, and the Union saved? It was to be the last appearance of three of the greatest figures in American statesmanship—Clay, Calhoun, and Webster. Outstanding as were these three intellectual giants, they did not greatly overshadow Douglas, Davis, Chase, and Seward. For 17 days the House could not elect a Speaker. The records show that disunion was advocated not alone in 1850 by the men of the South. Senator Hale, of New Hampshire, presented a petition praying for immediate and peaceful dissolution of the Union.

The result of sectional war was postponed 10 years by the reporting of the fugitive slave bill which finally became law. The immediate peril of disunion had temporarily passed. The contribution of Webster to this conclusion was to end all hope of his future political preferment. He was fully conscious that such would be the case. Webster, by advocating this law was misunderstood, his motives impugned, and he found himself execrated, as was Douglas for espousing the principle embodied in the fugitive slave law, although, like Douglas, he pleaded throughout in masterly argument for the cause of the Union. It was in this exciting scene and under this stress of circumstances that Douglas announced that only by friendly legislation and local favor and the choice of the people within the State, could slavery exist in a territory or anywhere else.

No one could see that eight years later, in the great debates between Lincoln and Douglas, at which the attention of the country was focused, that Lincoln at Freeport, was to ask Douglas a question based upon this same principle which gave to Lincoln the advantage to be gained by asking this particular question in a State where sentiment was manifestly and overwhelmingly against the encroachment of the system of human slavery.

In the calm light of history, the position of Stephen A. Douglas, in defense of the rights of the people of the State to determine questions vouchsafed the States by the Constitution, was and is sound, and from this principle he could not be swerved, even though at the cost of an ambition to achieve the highest office in the gift of the American people. This doctrine, which became known as popular sovereignty, was particularly championed and defended by Douglas. This issue was to become the subject of the series of great debates between Lincoln and Douglas, and partisan indeed would be he who would attempt to award supremacy of presentation as between these two participants in those historical debates.

Running through the tempestuous political discussions of that day and time was the charge often made that Stephen A. Douglas lashed himself to the mast of expediency, with the one objective of the Presidency, and that while everywhere his outstanding ability was recognized, he followed the trade winds looking for popular approval of those in high command of his party and especially in his overtures to the South.

May we again recall two conspicuous situations which in the light of history refute the charge that the mind of Douglas turned to expediency at the sacrifice of principle. Douglas championed popular sovereignty with full knowledge of its unpopularity in Illinois, and by so doing his keen political mind knew full well that such a position might work to his utter political destruction in Illinois. His colleague, Senator Shields, went down to defeat in his candidacy for reelection under the avalanche of this disapproval, and only the force and magnetic and personal brilliancy of Douglas made possible his own return to the United States Senate in his contest with Lincoln.

Again, when the Democratic national administration, under President Buchanan and other outstanding leaders of the party, especially of the South, espoused the plan to obtain the admission of Kansas on a proslavery constitution that had not been properly submitted to the people of the territory, Douglas, without hesitancy, sprang to the front to lead the opposition to the Democratic national administration, the prominent leaders of his party, and to the South, to whom he would in the very nature of the situation look, for a presidential nomination. He declared the support of such a plan involved the surrender of popular sovereignty, and that he would not do, no matter what might be the cost to be paid for his future political ambitions.

With characteristic prompt decision and undaunted courage in taking his stand on this issue, Douglas was at his best. Brilliantly did he fight on the floor of the Senate and before the country. He had cause to feel the heavy hand of opposition to his aspirations by the national administration for assuming this position. His courage, logic, and manful bearing through that critical time drew even the praise of political enemies. His gain in popularity in the North was not confined to his own party, but was augmented by the approval of such outstanding Republicans as Greeley, Colfax, Banks, Burlingame, and Blair, and they went so far as to counsel the Illinois Republicans to unite with the Douglas Democrats and return him to the Senate.

Douglas won the Senatorship, and Lincoln in defeat was to win the Presidency. Stephen A. Douglas possessed the commendable ambition to become President of the United States, and it was in every way justified. His natural and acquired talents, abilities, training, and experience focused the attention of the Nation upon him. Four years before his nomination in 1860, he was the leading candidate of his party at the age of 39, and would have been nominated in 1856 and elected, as subsequent events revealed, had it not been for the recess taken by the Democratic National Convention of that year. Pierce was finally nominated and elected, Douglas supporting him.

In 1860 he became the nominee of his party for President. In his advocacy of the rights of the States it is well to consider that by the popular vote he represented the major thought and will of the American people. There were four presidential candidates in 1860—Abraham Lincoln, against the encroachment of slavery, the Republican candidate; Douglas, Breckinridge, and Bell, all standing for the rights of the States in relation to determining the question of slavery. The vote for the Republican nominee was 1,866,352, being somewhat more than 39 per cent, while the vote for Douglas, Breckinridge, and Bell was 2,910,501, or somewhat more than 60 per cent of the entire vote of the country. Thus it may be seen that in the firm espousal of the rights of the States by Douglas he would have been elected had it not been for the sectional division of the three nominees within his own party.

The announcement of the election of Abraham Lincoln was the spark which ignited the tremendous powder magazine of sectional strife. The slave-holding States regarded it as an ultimatum for the abolishment of slavery. The conciliatory and temporizing words of Lincoln himself could not relieve the situation, fraught with such terrible consequences. His journey to Washington to assume the oath of office as President was filled with dangerous foreboding.

The deep solicitude in his great heart to perpetuate the Union at any cost found its counterpart in the soul of Douglas. The great scene when the newly elected President raised his hand to take the oath of office was breathlessly impressive in its solemnity. Many of the Southern States had declared that they were no longer members of the Federal Union. The very life of President Lincoln and the life of the Nation at that hour was in the balance. This scene was the meeting of the roads which Lincoln and Douglas had traveled in opposition to the principles of each other. The previous questions which had honestly divided them disappeared into oblivion, as they both stood foursquare in that momentous hour, with Douglas engaging the hat of Lincoln as Lincoln assumed the oath of office to uphold the Constitution and preserve the Union. The quickly following events attested that both were to give their lives for the preservation of our National Union.

The dark clouds of war were gathering; the mutterings of the fury of the storm that was destined to sweep over the Nation were distinctly heard on every side. One after another, in quick succession, the States of the South set in motion the machinery of secession. Sumter was fired upon. Families were to be divided; brothers were to fight against brothers.

The sentiment on one hand in Northern States was for upholding the Union at whatever cost. The other sentiment was to permit the erring States to go in peace. Illinois was to become one of the principal actors in this terrible drama. A goodly portion of the southern section of the State was peopled by Virginians and Kentuckians. Geographically, our State extended farther south than any of the Northern States affected. Cairo is on a parallel line with Richmond, Va. It was to be expected that human sympathies in southern Illinois would be extended actively or otherwise with the cause espoused by the South.

No one knew better than the President the loyal heart of Stephen A. Douglas. No one understood better the tremendous power of his influence. In that dark hour a conference was held at the White House, with Lincoln and Douglas alone as the conferees. Nicolay and Hay, in Abraham Lincoln—A History, said: "Having, through a friend, signified his desire for an interview, Douglas went to the Executive Mansion between 7 and 8 o'clock on this Sunday evening, April 14, and being privately received by the President, these two remarkable men sat in confidential interview, without a witness, nearly two hours." Senator Douglas, after the meeting, gave this statement to the press: "April 18, 1861, Senator Douglas called on the President and had an interesting conversation on the present condition of the country. The substance of it was, on the part of Mr. Douglas, that while he was unalterably opposed to the administration in all its political issues, he was prepared to fully sustain the President in the exercise of all his constitutional functions, to preserve the Union, maintain the Government, and defend the Federal Capital. A firm policy and prompt action was necessary. The Capital was in danger, and must be defended at all hazards and at any expense of men and money. He spoke of the present and future, without any reference to the past."

The result of this conference indicated that the grave situation in Illinois was the object of this momentous and historical meeting. The attitude of Senator Douglas is best set out in a letter from Chicago of May 10, 1861, in which he expressed the thought "that some of his friends were unable to comprehend the difference between arguments used in favor of equitable compromise with the hope of averting the cause of war and those urged in support of the Government and flag of our country when war is being waged against the United States for the avowed purpose of producing a permanent disruption of the Union and the total destruction of its Government.

"He, too, cherished the same thought until actual war was levied at Charleston and it was the fixed purpose of the secessionists utterly to destroy the Government of our fathers and obliterate the United States from the map of the world. In view of this state of facts there was but one path of duty left to patriotic men. It was not a party question; it was a question of Government or no Government, country or no country; and hence it became the imperative duty of every friend of constitutional liberty to rally to the support of our common country, its Government and flag, as the only means of checking the progress of revolution and preserving the Union of States." What a magnificent patriotic spirit was revealed in this communication!

Senator Douglas, at the instance of President Lincoln and impelled with lofty patriotic impulse, hastened to Illinois. His was the important task and mission to solidify our people to uphold the Constitution and the cause of the Union. He went before the Illinois Legislature to present the cause for which he was soon to give his life. His argument and eloquence reached the heights of sublime rhetoric, and with his magnetic and charming personality, inspired by the fervor of his patriotism, left an impress upon the minds and hearts of his hearers never to be forgotten.

He had embarked upon the solemn and important duty of a series of similar engagements. On one of these, unmindful of the attending dangers from the exposure of inclement weather, he contracted a cold which rapidly developed into pneumonia. Within a few days the sad intelligence was borne across the continent that Senator Stephen A. Douglas had died.

With all the deserved honors that had come to him there were intermingled many disappointments. No doubt the greatest of these was that his life was not to be spared until he could see once more a reuniting of the sections, the hateful question of human slavery forever eliminated from our form of government, and to behold one country, one flag, no North, no South, no East, no West.

Stephen A. Douglas, defender of the Constitution, mighty protagonist of the rights of the States under that Constitution; lawyer, far-visioned statesman, and patriot—we honor ourselves in paying homage to the pages of the impartial history of our country which record and are dedicated to your indefatigable industry, sacrificing courage, and lofty patriotism.

On the shores of Lake Michigan all that is mortal of Senator Stephen A. Douglas lies. On the monument which marks his last resting place there appears the simple but eloquent words of admonition, giving expression to his last lingering thought of love of country as his soul was about to wing its flight to eternity, "Tell my sons to obey the law and support the Constitution."

Senator Stephen A. Douglas gave his life in answer to his country's call as much as any man who fell with his face toward the foe on the battlefields of the Southland.

"God of our fathers, known of old,
Lord of our far-flung battle line,
Beneath whose awful hand we hold
Dominion over palm and pine,
Lord God of Hosts, be with us yet,
Lest we forget; lest we forget!"

INTERNATIONAL EXPOSITION OF COLONIAL OVERSEAS COUNTRIES

Mr. SWANSON. I call the attention of the Senator from New York to the statement I am about to make. On the last night the calendar was called the Senator from New York objected to the consideration of House joint resolution (H. J. Res. 416) to increase the amount authorized to be appropriated for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931. The joint resolution had been unanimously reported by the chairman of the Committee on Foreign Relations, and, of course, had passed the House. It proposes to increase the appropriation for the participation of the United States in the exposition. There was a very thorough hearing on the measure in the House and in the Senate. There is being erected, as a part of the exhibit of the United States, a replica of Mount Vernon, but additional money is needed to complete the work. The Senator from New York objected the other night when the joint resolution was reached on the calendar, but I understand he has now withdrawn his objection, and I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. COPELAND. Mr. President, I interposed objection or had it done for me the other night, but my genial friend from Virginia has promised to give me his support for a measure in which I have been interested and which will be brought up at a later time. Therefore I withdraw my objection. [Laughter.]

Mr. HOWELL. How much does the joint resolution propose to appropriate?

Mr. SWANSON. There was an original appropriation of $250,000 and the joint resolution proposes to increase it to $300,000.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the joint resolution was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That section 4 of the joint resolution entitled "Joint resolution for the participation of the United States in an exposition to be held at Paris, France, in 1931," approved June 24, 1930, is amended by striking out "$250,000" and inserting in lieu thereof "$300,000."

MESA VERDE NATIONAL PARK, COLO.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution coming over from the House of Representatives, to which he invites the attention of the Senator from Oregon. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 48), as follows:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representa-

tives and of the Vice President in signing the bill (H. R. 15876, 71st Cong., 3d sess.) to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes, be rescinded, and that in the reenrollment of such bill the words "township 36 west" in section 2 of such bill be stricken out and the words "township 36 north" be inserted in lieu thereof.

Mr. McNARY. I move that the Senate agree to the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

EXECUTIVE SESSION

Mr. McNARY. At the request of a number of Senators, who desire a very brief executive session, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore laid before the Senate sundry messages from the President of the United States, transmitting nominations, which were referred to the appropriate committees.

REPORTS OF POSTAL NOMINATIONS

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably sundry post-office nominations, which were placed on the Executive Calendar.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably sundry post-office nominations in the State of Tennessee, which were placed on the Executive Calendar.

FEDERAL RESERVE BOARD

The PRESIDENT pro tempore. The calendar is in order. The clerk will state the first nomination on the calendar.

The Chief Clerk read the nomination of Eugene Meyer to be a member of the Federal Reserve Board.

Mr. LA FOLLETTE. Mr. President, in the absence of the Senator from Iowa [Mr. BROOKHART], I ask that the nomination may go over.

The PRESIDENT pro tempore. The nomination will go over.

POSTMASTERS

The Chief Clerk proceeded to read the nominations of sundry postmasters.

Mr. PHIPPS. I ask that the nominations of postmasters may be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters on the calendar will be confirmed en bloc.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

Mr. REED. I ask that the Army nominations may be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the Army nominations will be confirmed en bloc.

RECESS

Mr. McNARY. As in legislative session, I move that the Senate take a recess until 12 o'clock on Monday next.

The motion was agreed to; and (at 4 o'clock and 27 minutes p. m.) the Senate, as in legislative session, took a recess until Monday, February 23, 1931, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 21 (legislative day of February 17), 1931

FOREIGN SERVICE OFFICERS

The following-named persons for promotion in the Foreign Service of the United States:

From Foreign Service officer of class 3 to Foreign Service officer of class 2:

Edwin C. Wilson, of Florida.

From Foreign Service officer of class 4 to Foreign Service officer of class 3:

David B. Macgowan, of Tennessee.

From Foreign Service officer of class 5 to Foreign Service officer of class 4:

Charles J. Pisar, of Wisconsin.

From Foreign Service officer of class 6 to Foreign Service officer of class 5:

Harold S. Tewell, of North Dakota.

From Foreign Service officer of class 7 to Foreign Service officer of class 6:

Edwin A. Plitt, of Maryland.

Loy W. Henderson, of Colorado.

From Foreign Service officer of class 8 to Foreign Service officer of class 7:

Alfred D. Cameron, of Washington.

Lawrence S. Armstrong, of New York.

Paul W. Meyer, of Colorado.

From Foreign Service officer unclassified, at $3,000, to Foreign Service officer of class 8, and from vice consul of career to consul:

John B. Ketcham, of New York.

Thomas F. Sherman, of Massachusetts.

George H. Butler, of Illinois.

ASSISTANT SECRETARY OF THE TREASURY

Arthur A. Ballantine, of New York, to be Assistant Secretary of the Treasury, in place of Walter E. Hope, resigned.

UNITED STATES DISTRICT JUDGES

Louie W. Strum, of Florida, to be United States district judge, southern district of Florida. (Additional position.)

Luther B. Way, of Virginia, to be United States district judge, eastern district of Virginia, to succeed D. Lawrence Groner, appointed an associate justice of the Court of Appeals, District of Columbia.

UNITED STATES ATTORNEYS

Alexander C. Birch, of Alabama, to be United States attorney, southern district of Alabama. (He is now serving in this position under an appointment which expires February 23, 1931.)

A. V. McLane, of Tennessee, to be United States attorney, middle district of Tennessee. (He is now serving in this position under an appointment which expires February 23, 1931.)

Frederick R. Dyer, of Maine, to be United States attorney, district of Maine. (He is now serving in this position under an appointment which expired June 22, 1930.)

UNITED STATES MARSHALS

Allen B. Kale, of South Carolina, to be United States marshal, eastern district of South Carolina, to succeed Samuel J. Leaphart, whose term expired June 7, 1930.

Osmund Gunvaldsen, of North Dakota, to be United States marshal, district of North Dakota. (He is now serving in this position under an appointment which expires March 1, 1931.)

B. B. Montgomery, of Mississippi, to be United States marshal, northern district of Mississippi, to succeed Charles R. Ligon, whose term expired May 5, 1930.

G. Fred Flanders, of Georgia, to be United States marshal, southern district of Georgia, to succeed George B. McLeod, whose term expired January 4, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 21 (legislative day of February 17), 1931

TRANSFER IN THE ARMY

Col. Edward Dennis Powers, to Finance Department.

PROMOTIONS IN THE ARMY

Joseph Asa Marmon to be colonel, Infantry.

George Frederick Ney Dalley to be lieutenant colonel, Infantry.

Bert Marshall Lennon to be major, Infantry.

Edward Joseph Rehmann to be major, Infantry.

Sam Love Ellis to be captain, Air Corps.

George Godfrey Lundberg to be captain, Air Corps.

Milton Taylor Hankins to be first lieutenant, Signal Corps.

John William Gaddis to be first lieutenant, Infantry.

Robert Clarence McDonald to be lieutenant colonel, Medical Corps.

Clemens Wesley McMillan to be lieutenant colonel, Medical Corps.

William Joseph Adlington to be major, Dental Corps.

OFFICERS' RESERVE CORPS

GENERAL OFFICER

Thomas Edward Rilea to be brigadier general, reserve, Oregon National Guard.

POSTMASTERS

ARKANSAS

Leo W. McKenney, Black Rock.
Estella Cherry, McRae.

CALIFORNIA

Josephine M. Tomola, Downieville.
Hazel M. McFarland, Folsom City.
Frederick W. Ammann, Larkspur.
Paul Huneke, Lemoncove.
George P. Ide, Orcutt.
Elizabeth B. Reynolds, Randsburg.
William Junkans, Redding.
Francis C. Harvey, Rivera.
George H. Gischel, Tracy.

CONNECTICUT

Edwin H. Keach, Danielson.

INDIANA

Frank Lyon, Arcadia.
Charleton H. Baum, Avilla.
Paul R. Ashby, Bruceville.
Fred Irvin, Cannelton.
Gail M. Hennis, Clinton.
Harvey H. Galloway, Cromwell.
Edna Whitman, Depauw.
Otto C. Wulfman, Huntingburg.
Nannie E. Sparks, Kewanna.
James E. Gilkison, Loogootee.
Earl L. Rhodes, Milltown.
Lee H. Pillers, Monroeville.
Benjamin F. Pearson, New Salisbury.
Arthur B. Wobith, North Judson.
Lillian R. Stuck, Orland.
Clarence E. Sparling, Osgood.
Hubert Tanner, Plymouth.
Frank R. Hawley, Williamsport.

LOUISIANA

Pierre O. Broussard, Abbeville.
Adrian I. Wilcombe, Hammond.
Theophile P. Talbot, Napoleonville.
Silvio Broussard, New Iberia.
Albert G. Boudreaux, Thibodaux.

MISSISSIPPI

Nicie R. Evans, Bassfield.
Ida E. Roberts, Cleveland.
Willie Ramsey, Drew.
Thomas F. Kirkpatrick, Hollandale.
Lida N. Oldham, University.

NEBRASKA

Chancey J. Sittler, Anselmo.
Wilbur B. Alexander, Ansley.
Paul R. Lorance, Auburn.
Mina R. McCulley, Bassett.
Charles C. Mills, Carroll.
Roy B. Gould, Coleridge.
Sturley T. Stevens, Comstock.
Harry C. Haverly, Hastings.
Verne W. Langford, Laurel.
Richard L. Roach, Maywood.
Edward T. Best, jr., Neligh.
Virgil E. Barker, Newport.
Arthur H. Babcock, North Loup.
Claude A. Barker, Pawnee City.
Frederick H. Crook, Paxton.
Dayle G. Stallman, Petersburg.
Ray L. Mallory, Pierce.
James W. Holmes, Plattsmouth.
Charles G. Anderson, Shelby.
Harry S. Prouty, Spencer.
John Becker, Stanton.
Herbert C. Wilkinson, Weeping Water.
George W. Howe, Wisner.

NEW MEXICO

Charles E. Gibbs, Madrid.

NORTH DAKOTA

Ira L. Walla, Arnegard.
Inez Grams, Bowbells.
Odin Stompro, Columbus.
Milo C. Merrill, Flaxton.
Gus W. Hokanson, Fort Yates.
Aloysius A. Allers, Garrison.
Paul Keller, Hebron.
Lottie E. Just, Judson.
David L. Rourke, Osnabrock.
Ruth Ellickson, Regent.
James Zelenka, Solen.

OKLAHOMA

Charles M. Henry, Carmen.
John P. Rookstool, Hominy.
Estella Sahland, Locust Grove.

PENNSYLVANIA

Robert M. Smith, Centre Hall.
Robert M. Barton, Duncannon.
Inez B. Rex, Irvona.
George D. Claassen, Natrona.
Newton N. Eppinger, North Bessemer.
Frank H. McCully, Osceola Mills.

WYOMING

George J. Snyder, Glendo.
Frank F. Bristow, Greybull.
Reuben A. Faulk, Luck.

HOUSE OF REPRESENTATIVES

SATURDAY, FEBRUARY 21, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We bless Thee, our Father in Heaven, that we are still in the bosom of Thy love, and pray that we may be lifted up into the relationship of the sons of God. Let Thy Spirit arouse in us all dormant affections and clear our vision that we may behold in the evolutions of human affairs Thy goodness and power. May charity abound among us; all gentleness and graciousness; all love and fidelity; all simplicity and purity. Let that which is contrary to Thy law be repressed and that which is good, wholesome, and helpful, O let it flame forth, even as a sacred fire. Be with us this day and allow not our hearts and minds to shiver in the valley of forbidding isolation, but lead us to the hill slopes of hope, faith, and love. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 5959. An act authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26).

The message also announced that the Vice President had appointed Mr. METCALF and Mr. COPELAND members of the joint select committee on the part of the Senate as provided in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

GEORGE WASHINGTON'S BIRTHDAY

Mr. TILSON. Mr. Speaker, on Monday next, February 23, the one hundred and ninety-ninth anniversary of the birth of George Washington will be celebrated. In the House we have agreed to meet at 11 o'clock a. m., the hour between 11 o'clock and 12 o'clock to be devoted to appropriate recognition of that event. The gentleman from Pennsylvania [Mr. BECK] has consented to address us at that time, and we all know that he is capable of handling the subject in a masterly and interesting manner. I rise to call the attention of the membership to the fact that such an address will be delivered and to express the hope that a large attendance of Members will be in their seats at that hour.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. LaGUARDIA. But at 12 o'clock we start upon the regular work?

Mr. TILSON. Yes. Only the first hour, between 11 o'clock and 12 o'clock, will be devoted to the purpose indicated.

Mr. LaGUARDIA. I wanted to have that understood.

PRIVATE CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Monday next, February 23, 1931, it be in order to take a recess until 8 o'clock p. m., and that at the evening session, between the hours of 8 o'clock and 11 o'clock p. m., bills on the Private Calendar unobjected to may be considered in the House as in Committee of the Whole, beginning where the House left off on the last call.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Monday next it shall be in order to recess until 8 o'clock p. m., and that between the hours of 8 and 11 o'clock it shall be in order to consider bills unobjected to on the Private Calendar, beginning with where the House left off on the last call, and to consider the bills in the House as in Committee of the Whole. Is there objection?

Mr. BLANTON. Mr. Speaker, yesterday afternoon, merely for the purpose of finding out whether the Members who look after the Consent and Private Calendars could be present Monday evening, I temporarily objected to this request. Since that time I have found that there will be enough of them here to properly look after the calendar. I therefore withdraw my objection.

Mr. COLLINS. Mr. Speaker, reserving the right to object, and I shall not object, when, after Monday evening, will there be another call of the Private Calendar?

Mr. TILSON. I should not like to cross that bridge until we come nearer to it, or at least until we see what progress we make Monday evening.

Mr. COLLINS. I hope the gentleman will give the House at least one evening in which to study these bills before the Private Calendar is called again; in other words, that the gentleman will not ask to meet either Tuesday or Wednesday evening for that purpose.

Mr. TILSON. I do not wish to make any promises at this time. Let us wait until we see what progress is made on Monday evening. It may not be necessary to have another evening session, but if it is, we must not be precluded from asking for it.

Mr. LaGUARDIA. I reserve the right to object. Monday next as I understand will be given over to the Committee on the Judiciary under a rule. There are several bills which the committee may call up on that day under the rule. One of the bills, which is of national importance, is at the foot of that list. I ask the gentleman from Connecticut, whether in the event that we recess at 5 o'clock or 6 o'clock, the rule will hold over until the next day?

Mr. TILSON. I do not understand so. As I remember the rule it is simply for the one day.

Mr. LaGUARDIA. Mr. Speaker, it is extremely dangerous at this time to enter into an agreement which will cut off that day. We are ready to stay here until midnight if necessary to pass the employment bill, but if we are confronted with an 8 o'clock session under general consent, we are naturally cut off at 8 o'clock. Unless I can get assurance—because I know there is some unfriendliness to that bill in my own committee and there are more ways of killing a cat than one—I shall feel constrained to object to this request. I do not want to see that day petered out with a discussion of small pop-gun bills that are on the list ahead of this employment bill.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. BANKHEAD. It seems to me that that is a matter which the gentleman from New York [Mr. LaGUARDIA] might well take up with the chairman of his own committee, and in that way determine the priority of the consideration of bills.

Mr. LaGUARDIA. I have taken that up, and that is why I make this statement at this time. The important bill is at the foot of the list.

Mr. BANKHEAD. The Committee on Rules has given to the gentleman's committee a full day for the consideration of such bills as it desires to bring up. Does not the gentleman think, in view of the present status of affairs, that that is rather a generous arrangement for his committee?

Mr. LaGUARDIA. It is very generous; the Committee on Rules could not give us more; but I want to hold the whole day, if it is within my power to do so.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. MOORE of Virginia. Will the gentleman take us into his confidence sufficiently to tell us why a bill of great importance, in his estimation, is not taken up first?

Mr. LaGUARDIA. I tried that in my committee and I could not do it. If the gentleman from Connecticut will consent that if we are compelled to recess in order to go into a session for the Private Calendar that we may go over until the next day, I shall not object.

Mr. TILSON. I can not ask consent to change a rule that has been brought in here by the Committee on Rules. If the gentleman wishes to object to my request, he must do so. He has the right to do so.

Mr. IRWIN. I hope the gentleman from New York will not object. There are 435 Members who are interested in these private bills. We have been booted around for the last two or three weeks. Yesterday we were to have a day, but we did not get a minute.

Mr. LaGUARDIA. Does the gentleman know to which bill I refer?

Mr. IRWIN. I am asking the gentleman not to object to the Private Calendar.

Mr. LaGUARDIA. Does the gentleman know that I am trying to get consideration of the national employment agency bill?

Mr. IRWIN. I understand that. The gentleman's committee has all day Monday up to adjournment time at 5 o'clock, but I feel that it is time that bills on the Private Calendar should receive some consideration.

Mr. LaGUARDIA. I know that, and I have had just a little experience in frittering away time. I have done it myself.

Mr. TILSON. The gentleman's committee will have the whole day.

Mr. LaGUARDIA. But I know what is ahead of us.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. LaGUARDIA. I yield.

Mr. COCHRAN of Missouri. I suggest that the gentleman from New York [Mr. LaGUARDIA] ask to amend the unanimous-consent request of the gentleman from Connecticut [Mr. TILSON] to provide that if we are not finished at the time of recess we may continue during the evening. As far as I am concerned, I agree with the gentleman from New York [Mr. LaGUARDIA] that the bill he desires considered is more important than the Private Calendar.

Mr. TILSON. I am not going to ask now for a night session to consider anything else but the Private Calendar. I am trying to have the Private Calendar considered. Does the gentleman object?

Mr. LaGUARDIA. Does the gentleman fix any time for recess?

Mr. TILSON. No. The House can continue right up to 7.59 if it so desires.

Mr. LaGUARDIA. But will the gentleman say we may have a night session without fixing the time when we must commence the Private Calendar?

Mr. TILSON. Oh, no. I am asking that from 8 o'clock until 11 o'clock it shall be in order to consider the Private Calendar. I think that is fair.

Mr. LaGUARDIA. That is extremely dangerous.

Mr. BLANTON. Will the gentleman yield?

Mr. LaGUARDIA. I yield.

Mr. BLANTON. If the House were in favor of the gentleman's bill, the House could refuse to adjourn and could proceed in consideration of it right up to 8 o'clock if the Members wanted to.

Mr. LaGUARDIA. Well, up to 8 o'clock; but we might not be reached at 8 o'clock.

Mr. BLANTON. You still could do that under the request of the gentleman from Connecticut [Mr. TILSON].

Mr. STAFFORD. Mr. Speaker, we have a very long Consent Calendar, and I think there should be a decision on this matter.

Mr. LaGUARDIA. There are two of my colleagues from the Committee on the Judiciary on the floor now. May I ask them if they will call up this bill first?

Mr. MICHENER. I will answer that by saving that under this rule the Committee on the Judiciary is authorized to call up the bills named in their order as determined by the committee.

Mr. STAFFORD. Regular order, Mr. Speaker.

Mr. TILSON. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Reserving the right to object——

Mr. DYER. Will the gentleman yield?

Mr. LaGUARDIA. I yield.

Mr. DYER. I may state that the gentleman from New York [Mr. LaGUARDIA] knows the Committee on the Judiciary has decided on the order in which these bills are to be presented.

I do not think it would be proper to attempt to change that situation at this time. I believe there will be ample time on Monday to consider every bill that the Rules Committee has provided for, and I am sure there will be ample time to consider the bill to which the gentleman from New York [Mr. LaGUARDIA] refers, the employment bill. There will be no filibuster on the bill, as far as anybody is concerned who is opposed to it, that I know of, and I know the gentleman from New York is not going to filibuster. I think we can get through by 5 o'clock with all of the bills. That would be my judgment.

Mr. MICHENER. The bills listed in the rule are listed in the order in which they were reported out by the committee. Then later the gentleman from New York [Mr. LaGUARDIA] made a motion in the committee that this particular bill to which he refers, should be considered first. It was not the order of the committee that it be considered first. Therefore the bills, as I understand it, will be taken up in the order in which they appear in the rule. Whether I am with the gentleman from New York [Mr. LaGUARDIA] on this matter or against him, I feel that under the orderly procedure of the House we can do nothing but call up the bills in the order which the majority of the committee directs.

Mr. STAFFORD. Mr. Speaker, I press my demand for the regular order.

The SPEAKER. The regular order is demanded.

Mr. LaGUARDIA. I object for the present.

Mr. TILSON. Mr. Speaker, I move that the rules be suspended and the resolution which I have sent to the Clerk's desk be adopted.

The SPEAKER. The gentleman from Connecticut moves to suspend the rules and pass a resolution, which the Clerk will report.

The Clerk read the resolution, as follows:

House Resolution 371

Resolved, That on Monday next, February 23, 1931, it shall be in order to move that the House take a recess until 8 p. m. and that at the evening session until 11 o'clock it shall be in order to consider bills on the Private Calendar unobjected to in the House as in the Committee of the Whole, the call of bills on the said calendar to begin at No. 785.

Mr. LaGUARDIA. Mr. Speaker, I demand a second.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] is recognized for 20 minutes, and the gentleman from New York [Mr. LaGUARDIA] is recognized for 20 minutes.

Mr. TILSON. Mr. Speaker, I do not desire to take the 20 minutes allowed me. I think the membership is thoroughly acquainted with the situation. It was my earnest desire to go on with the Private Calendar. I therefore hope the membership of the House will support the resolution.

Mr. GARNER. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. GARNER. I heard the reading of the proposed motion. I do not know what the Speaker would rule, but on Monday, after the gentleman from Pennsylvania [Mr. BECK] finishes his address, I take it from the wording of the resolution it would be in order then to move recess until 8 o'clock.

Mr. TILSON. It would be in order.

Mr. GARNER. How often could that motion be made during the day?

Mr. TILSON. Until it was carried, I suppose, unless it were ruled to be dilatory.

Mr. GARNER. I just wanted to make that observation so that we can see the difficulty of what we term a filibuster at this time.

Mr. TILSON. The House will be in possession of the matter and can do as it sees fit at that time. All I am asking now is to get time for the consideration of the Private Calender, which the gentleman from Texas agrees with me should be considered. [Applause.]

Mr. GARNER. I merely want to call attention to the fact that the gentleman may find this state of affairs, that some gentleman will move to take a recess until 8 o'clock, then in about 10 minutes some other gentleman will make the same motion, and you will have that motion renewed every 10 minutes during the entire day.

Mr. STAFFORD. That would be considered dilatory.

Mr. LEHLBACH. Could not the same situation be brought about by motions to adjourn? There is no force in that at all.

Mr. RAMSEYER. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. RAMSEYER. Under this arrangement the Judiciary Committee could run right up to a minute before 8 o'clock, could it not?

Mr. TILSON. Yes.

Mr. RAMSEYER. And then the House recess until 8 o'clock?

Mr. TILSON. Yes.

Mr. RAMSEYER. So that the Committee on the Judiciary would have practically eight hours at their disposal if a majority of the House stood with them?

Mr. TILSON. That is true. Mr. Speaker, I reserve the balance of my time.

Mr. LaGUARDIA. Mr. Speaker, let the House be advised now as to the parliamentary situation. The gentlemen who applauded the statement of the gentleman from Connecticut that he desired to have the Private Calendar considered, can vote that way if they so desire, but we have coming up Monday one of the bills that has attracted more national attention than any other bill during the entire session of Congress. There seems to be an organized effort to kill that bill with kindness, because it is known that when the Wagner employment agency bill comes before this House, we can pass that bill with an overwhelming majority. The Rules Committee gave that bill a preferential status by giving the Committee on the Judiciary a day on which they might call up certain bills, and Senate bill 3060, the employment measure, is one of them. It is a bill to provide a national system of employment agencies to cooperate with the various States. That bill is at the foot of the list. There are several small bills ahead of it, one of them highly controversial.

Now, then, gentlemen, if you want to defeat the employment agency bill the way to do it is to vote for this motion, which would make it possible at 5 o'clock to recess until 8 o'clock, and then take up private bills. Gentlemen, I plead with you in the name of organized labor of this country, who are clamoring for help, and this is the only piece of constructive legislation that has been offered which would better conditions in the future. Vote down this motion and give us the day. We are willing to come on the floor, present the bill, and take your decision on the merits of it, but do not cut us off. There are several bills ahead of it, and unless we have time ahead of us that bill may never be reached.

Mr. CULLEN. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. CULLEN. Is it not a fact that there is a disposition on the part of the powers that be in the House to substitute another bill for the Wagner bill, which originally was before the Judiciary Committee?

Mr. LaGUARDIA. Yes; but I will say to my colleague that I do not believe that when this House understands the substitute and hears the evidence it will support that substitute. I am sure we can vote the substitute down. All I am asking is to have a day in court, not for myself but for labor, which has been clamoring for some consideration.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. COCHRAN of Missouri. Is it not a fact that not more than 500 people are interested in the bills on the Private Calendar while 5,000,000 people out of work are interested in the unemployment bill?

Mr. LaGUARDIA. We can take up the Private Calendar at any time. I will agree not to be on the floor when the Private Calendar comes up and I will not object to anything. How is that? [Applause.]

Mr. McKEOWN. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. McKEOWN. The fact is that we tried to have this Wagner bill brought up first.

Mr. LaGUARDIA. Yes.

Mr. McKEOWN. But they voted us down on that proposition.

Mr. LaGUARDIA. Certainly; in the committee. Now, gentlemen, that will indicate just what the predisposition on the part of some of the committee toward that bill is.

Mr. YON. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. YON. Does the gentleman think the substitute Doak bill would be amended so as to carry the provisions of the Wagner bill?

Mr. LaGUARDIA. There is no such thing as a Doak bill.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. BANKHEAD. In order to get the issue clarified, is it the gentleman's idea that if we vote down the pending motion that would leave it open for the House to remain in session after the usual time for adjournment on Monday and remain in session on these bills?

Mr. LaGUARDIA. That is correct. If we have the day before us I am sure that once we get the bill before the House it will not take long to dispose of it, but if we have a dead line at 5 o'clock or at 6 o'clock, then, gentlemen, of course, the committee can fritter away the time on the other bills.

Mr. BANKHEAD. Then it is the gentleman's purpose to remove the barrier for any possible obstruction of the consideration of that bill, even if it takes until midnight?

Mr. LaGUARDIA. Even if it takes until midnight, because we can not do any less for labor in this country.

Mr. TILSON. I think the gentleman from New York is laboring under a very serious misapprehension.

If the gentleman thinks that the order I am asking binds the House irrevokably, he is very much mistaken. The gentleman evidently has not heard it. The House does not have to recess unless it so desires. There is no compulsion whatever upon the House to recess. The resolution simply gives the House an opportunity to recess if it so desires, and that is all it does.

Mr. STAFFORD. And if the gentleman will permit, under the rules of the House it requires a majority to recess.

Mr. TILSON. Certainly. There is nothing whatever in what the gentleman has stated.

Mr. LaGUARDIA. If there is nothing in what I have said, then there is no purpose in the gentleman's resolution.

Mr. TILSON. The purpose of the resolution is to give the House an opportunity on Monday, if it so desires, to recess and consider the Private Calendar.

Mr. LaGUARDIA. May I ask the gentleman a question?

Mr. TILSON. And it also gives the membership notice in advance. There is really nothing whatever in the gentleman's contention.

Mr. LaGUARDIA. May I ask the gentleman this question? Can not the gentleman move to recess for this purpose at any time on Monday without this resolution?

Mr. TILSON. No; he can not.

Mr. LaGUARDIA. Why?

Mr. TILSON. Because it is not a privileged matter.

Mr. LaGUARDIA. The gentleman can call up the Private Calendar by unanimous consent.

Mr. TILSON. But we do not wish to wait until Monday before giving the Members of the House notice that they will have an opportunity to consider the Private Calendar.

Mr. LaGUARDIA. I want to appeal to the floor leader that it is manifestly unfair at this late hour when Monday is the only opportunity we will have in the closing days of the session to get this bill up.

Mr. TILSON. The House will have the opportunity to decide.

Mr. FITZPATRICK. Why not take up the Private Calendar on Tuesday?

Mr. LaGUARDIA. Yes.

Mr. TILSON. I insist that there is nothing whatever in the contention of the gentleman from New York.

Mr. LaGUARDIA. Gentlemen, I am willing to leave it to the membership. [Cries of "Vote!" "Vote!"]

Just one moment, before you gentlemen vote, because in November, 1932, you will be very glad that I made this point. There is nothing that is more important than this matter, and if you vote for this resolution I predict now that there may be great danger in not getting an opportunity to vote for the national employment agency bill.

Mr. TILSON. A recess can not be taken, as the gentleman has indicated, unless a majority of this House says so, and that question can be decided on Monday.

Mr. DYER. Will the gentleman yield me two or three minutes?

Mr. TILSON. I yield the gentleman from Missouri three minutes.

Mr. DYER. Mr. Speaker, I would like to explain the parliamentary situation as regards the bill (S. 3060) which the gentlemen from New York has called to the attention of the House. It is a bill providing for the establishment of an employment service.

The Judiciary Committee of the House reported the bill out some time ago. A majority report and a minority report were filed, and later on, the Secretary of Labor asked to appear before the committee for the purpose of offering a substitute for the bill which the committee had reported. He appeared before the committee with a substitute bill and the committee adopted his bill as a committee amendment to the bill (S. 3060), which we had previously reported to the House. Hence when this bill (S. 3060) is reached on Monday, the chairman will offer this committee amendment as a substitute for the Wagner bill.

The Secretary of Labor was very earnest in his opposition to the Wagner bill. His objections were based not only upon the fact that it was an invasion of State rights and the undertaking to do by the Federal Government in the States what the States themselves should do, but to him it was a controversial matter as to how much farther the Federal Government should go in extending Federal aid to the States. He also urged the danger of launching upon such a program by the Federal Government because of the fact that once such a step was taken it would be difficult to get away from it and the expediture from the Treasury would grow from time to time until it would become a very great financial burden. He also stated that there were a number of States that prohibit taking employees from one State to another and hence the Wagner bill would get the Federal Government into all kinds of difficulties with the States in regard to securing labor in one State for use in another State. Among these States he mentioned Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Texas. These States, he said, have laws that would, in one way or anotner, make very difficult the enforcement of the Wagner bill.

The Secretary of Labor also stated to the committee that if this legislation (the Wagner bill) were enacted into law, it would take his department probably at least two years or more to get it in workable shape. He said, therefore, that it would not benefit the present unemployment situation and that it would hamper and cripple what the Department of Labor is now doing to help out employment.

I was in favor of the original bill, and so reported, but the Secretary of Labor is the one who, under the law, must administer it, and when he appeared and said that he could not administer the bill as it was set out originally and that it would take a long time to put it in force, and asked for consideration of a substitute that would be effective and helpful, I felt it was our duty—and so did the committee—to give him a hearing. The result is that the committee has reported a committee amendment to the original bill, the amendment being the bill which the Secretary of Labor submitted.

The matter will come up Monday and there will be no delay, I am sure, and full opportunity will be had to discuss it and to act upon it.

Mr. TILSON. Mr. Speaker, what the gentleman from Missouri [Mr. DYER] has just said is all very interesting in regard to the merits of one of the bills to be considered, but it has nothing whatever to do with this particular resolution, which provides only that on next Monday there shall be opportunity, if the House so wishes, to take a recess and consider the Private Calendar at an evening session. There certainly can not be any valid objection to making such an order.

The SPEAKER. The question is on the motion of the gentleman from Connecticut to suspend the rules and pass the resolution.

The question was taken; and on a division (demanded by Mr. LaGUARDIA) there were—ayes 205, noes 34.

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

H. W. BENNETT

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9702), an act authorizing the payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, in connection with the rescue of survivors of the U. S. S. *Cherokee*, with a Senate amendment and agree to the Senate amendment.

The Senate amendment was read, as follows:

Page 1, line 7, strike out "$253.50" and insert "$400."

The Senate amendment was agreed to.

CONFERENCE REPORT ON THE INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WASON. Mr. Speaker, I call up the conference report on the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate (No. 69, as amended) to the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 69: That the House recede from its amendment to the amendment of the Senate numbered 69, and agree to the same with the following amendment: In lieu of the matter stricken out and inserted by such Senate amendment and the matter inserted by such amendment of the House to such Senate amendment insert the following:

"No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available during the fiscal year 1932 for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions, where oil of the production of the United States or its possessions is available, if the cost of such oil compared with foreign oil costs be not unreasonable.

"That in the expenditure of appropriations in this act the United States Shipping Board Merchant Fleet Corporation shall, except as provided in the preceding paragraph, unless in its discretion the interest of the Government will not permit, purchase for use, or contract for the use of, within the limits of the United States only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more if such excess of cost be not unreasonable."

And the Senate agree to the same.

EDWARD H. WASON,
JOHN W. SUMMERS,
C. A. WOODRUM,
Managers on the part of the House.

HENRY W. KEYES,
REED SMOOT,
W. J. JONES,
E. S. BROUSSARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to the amendment as follows:

On No. 69: The Senate had stricken from the bill the following House provision:

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available during the fiscal year 1932 for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions.

remain in session on these bills?

out some time ago. A majority report and a minority report

And had inserted in lieu thereof the following:

That in the expenditure of appropriations in this act for the United States Shipping Board Merchant Fleet Corporation, the said corporation shall, when in its discretion the interest of the Government will permit, purchase for use, or contract for the use, within the limits of the United States only articles of the growth, production, or manufacture of the United States, notwithstanding any existing laws to the contrary.

The House had then receded from its disagreement to the amendment of the Senate and had voted to agree to the same with an amendment, as follows:

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available during the fiscal year 1932 for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions, where oil of the production of the United States or its possessions is available.

That in the expenditure of appropriations in this act the United States Shipping Board Merchant Fleet Corporation shall, except as provided in the preceding paragraph, unless in its discretion the interest of the Government will not permit, purchase for use, or contract for the use of, within the limits of the United States only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more if such excess of cost be not unreasonable.

The Senate had then further insisted upon its previous action and had asked for further conference, to which the House had insisted upon its amendment to the amendment of the Senate and agreed to the conference.

The conference committee agreed upon the language set forth in the accompanying report, to be in lieu of all previous action of both Houses in the matter.

The recommendation of the committee of conference includes the language of the amendment of the House to the amendment of the Senate, with the following language added at the end of the first paragraph:

If the cost of such oil compared with foreign oil costs be not unreasonable.

EDWARD H. WASON,
JOHN W. SUMMERS,
C. A. WOODRUM,
Managers on the part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

RECONSIDERATION OF HOUSE RESOLUTION 364

Mr. McFADDEN. Mr. Speaker, I move to reconsider the vote by which the House Resolution 364 to strike from the RECORD remarks made by me on February 18 was agreed to.

The SPEAKER. The gentleman from Pennsylvania moves to reconsider the vote by which House Resolution 364 was agreed to yesterday.

Mr. BOYLAN. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. McFADDEN) there were 110 ayes and 34 noes.

Mr. McFADDEN. Mr. Speaker, I object to the vote on the ground that there is no quorum.

The SPEAKER. The gentleman from Pennsylvania makes the point that there is no quorum present; the Chair will count. [After counting.] Two hundred and thirty-five Members present, a quorum.

Mr. McFADDEN. Mr. Speaker, I demand the yeas and nays.

The question on ordering the yeas and nays was taken, and 19 Members arose in favor thereof; not a sufficient number. So the motion of Mr. BOYLAN to lay the motion of Mr. McFADDEN on the table was agreed to.

EVERGLADES NATIONAL PARK

Mr. COLTON. Mr. Speaker, as a privileged matter, by direction of the Committee on the Public Lands, I call up the bill S. 5410, an identical bill having been reported from the Committee on the Public Lands and being now on the calendar.

The SPEAKER. Is the gentleman acting under the direction of the majority of his committee?

Mr. COLTON. I am.

Mr. SNELL. Mr. Speaker, I make the point of order that the bill S. 5410, on the Union Calendar, can not be called up as a privileged matter.

Mr. COLTON. Mr. Speaker, I would like to be heard on the point of order. Mr. Speaker, when this identical matter was brought before the House two years ago I took the position that a similar bill was not a privileged matter, and I thought then that the position of the Speaker on that occasion and of the House on a previous occasion was wrong. But the ruling of the Speaker was against the position which I took. At that time it was decided, Mr. Speaker, that the test of parliamentary legitimacy was whether the bill showed upon its face an expenditure of public money or the disposition of public property. The Speaker, in making his ruling, called attention to the fact that the House had previously overruled his decision and had established the rule that the true test of parliamentary legitimacy was as I have just stated.

Mr. BANKHEAD. Will the gentleman kindly refer us to the precedent of which he speaks?

Mr. COLTON. I refer to the ruling of the Speaker made on February 27, 1929, to be found on page 4569 of the daily CONGRESSIONAL RECORD of that date. It was my contention that on that occasion the position taken was wrong, but my point of order was overruled. The Speaker indicated in that ruling that there should be some discretion given to the Speaker, and if it was a matter of common knowledge that the bill would as a matter of fact entail an expenditure of public moneys, it ought not to be called up as a special privilege. In other words, it ought to be considered by the House in Committee of the Whole House on the state of the Union. That, Mr. Speaker, is the test; should a bill be considered in the Committee of the Whole, but the House had ruled, and the Speaker ruled in accordance with the statement made in Hinds' Precedents, volume 4, paragraph 410. That paragraph reads as follows:

A bill that may incidentally involve expense to the Government but does not require it is not subject to the point of order that it must be considered in the Committee of the Whole.

And I may say incidentally, in reply to the gentleman's point of order, that while this bill is on the Union Calendar, that is not a determining factor. If the bill is wrongly placed upon the Union Calendar, it is a privileged matter if it ought to have been placed on the House Calendar. The test, I repeat, is whether it shows on its face that it involves an expenditure of public moneys or the disposition of public property, and if a bill does not so show upon its face, then its position on the Union or the House Calendar makes no material difference whatever.

The test is, as I have indicated, the expenditure of money or disposition of property and whether the House should go into the Whole House on the state of the Union to consider the bill. My position before was that the Speaker should be allowed some latitude, but the ruling was otherwise, and the Speaker is bound by that precedent. He is bound more by the action of the House in overruling the Speaker on a former occasion, and I submit now that it is not fair to go up the hill, so to speak, when one bill is before the House, and then when an identical proposition is before the House that we may not care so much for, to march down the hill. If we are to do that, there will be no sanctity to the rules of this House and to the rulings of the Speaker.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. SNELL. Has the gentleman changed his own opinion as to whether the decision was right before or not?

Mr. COLTON. I will answer the gentleman by saying that I believe in law and order. I believe in sustaining the precedents of this House. I have not changed, but the Speaker's ruling and the vote of the House are against me; but my opinion is not the governing factor. This House has acted, and the Speaker, in accordance with that vote, ruled subsequently, and as a Member of this House it is my duty to

acquiesce in that ruling and in that precedent. I accept it as binding. I am arguing now against changing a well-established precedent. There is a proper way to change the rules of this House.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. MICHENER. As I understand the matter, the present Speaker has ruled on this particular point, and held in a similar case that it was not necessary for the bill to show that a specific sum of money was to be spent, but if the bill clearly showed on its face that it authorized the expenditure of money even though indirectly, that the bill should be on the Union Calendar. The House, because it desired to pass a particular bill, overruled the Speaker and later when a similar point of order was before the House, the Speaker sustained the decision of the House in overruling him. Therefore, if the Speaker overrules the pending point of order, and if an appeal is taken from the ruling and if the ruling is not sustained, the action of the House will, in fact, be a sustaining of the original ruling of the Speaker.

Mr. COLTON. The gentleman from Michigan has attempted to say what was in the minds of the Members of Congress when we voted on that occasion, and I submit that there is nothing in the RECORD to indicate that they overruled the Speaker on the first occasion simply because they wanted to pass a bill. That is the opinion of the gentleman from Michigan. The record stands that the House overruled the Speaker when he ruled as I thought he ought to have ruled at that time. I believe that it was never intended that the Speaker should be just a mere machine in the chair—that he should not be allowed to use some discretion—but the House took the other position, and then when the bill came up two years ago the Speaker, following the precedent, ruled that he was bound by what was shown on the face of the bill. The Committee on Public Lands have acted in accordance with that decision, and this bill has been passed by the Senate, and it comes before the House to-day upon the belief that the House would act in good faith and sustain its previous position. It is now a privileged matter. I submit that it is no time now to go back and correct several rulings simply because some of the Members may not be in favor of the particular bill which is before the House. There are other ways of changing the rulings of the Speaker if they are not right.

Mr. SNELL. Mr. Speaker, I desire to be heard very briefly on this point of order. I am not so much interested in the bill before the House as I am in the practice and precedent that might be established to come back to bother us here in the future. It seems to me that in interpreting the rules of the House we should keep in mind the intent and purpose of the rules. We have to take into consideration what was intended by the rule when it was originally incorporated in the rules of the House. We have established by long precedence two calendars, a House Calendar and a Union Calendar. There must be some reason for having two calendars. The reason for the Union Calendar was to place upon it those bills which made appropriations of property or money that belonged to the Government.

Mr. COLTON. Does the gentleman contend that if a wrong reference has been made by the parliamentarian and a bill placed erroneously on the Union Calendar, that that is the determining factor?

Mr. SNELL. No. Not at all. I claim the bill was properly on the Union Calendar.

Mr. COLTON. Does the gentleman contend that this bill shows upon its face an expenditure of money or a disposition of public property?

Mr. SNELL. Absolutely; and I will attempt to show it to the gentleman. I maintain that when we established these two calendars it was for a specific purpose, and the reason we established a Union Calendar was so that it would not be so easy to get money out of the Treasury of the United States. It was for the protection of the people that we established the Union Calendar. If we should adopt the practice which the gentleman from Utah [Mr. COLTON] has expressed a desire to adopt, eventually every chairman of a committee in this House will be careful to draw his bills in such way that on the face of them there will not be the dollar sign. Then, if we can not get the bill through the House he will go to another body, where they sometimes put them through easier than we do here, and then bring it back to the House, and the gentleman will be able to call up his bill as a privileged matter. In a short time you will have all of these matters here as privileged matters, regardless of the rules of the House that bills authorizing appropriations shall be considered in the Committee of the Whole.

Mr. COLTON. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. COLTON. The gentleman is in a better position than any Member of this House to bring in a rule, under proper conditions, to change this situation. I will go along with the gentleman, but I submit it is not the right time to change it now.

Mr. SNELL. The fact that we have made one or two mistakes is no reason why we should continue to make them. We have overruled some good decisions. There are just as many decisions against the position of the gentleman as there are in favor of it.

Mr. COLTON. If there was any evidence whatever that this committee had acted for the purpose which the gentleman has indicated, there might be some strength in his argument, but until that situation presents itself I submit the House is not justified in overruling the precedents because it may be against a bill.

Mr. SNELL. I make the statement that if you desire to continue this practice you can do exactly as I have said. If the gentleman from Illinois [Mr. BRITTEN] desires to bring in a bill for the Committee on Naval Affairs, authorizing the construction of a battleship, that does not place any limit on the cost, it will be just as properly on the House Calendar as this bill.

Mr. COLTON. Surely the gentleman does not argue that.

Mr. SNELL. I argue it would be just as properly on the House Calendar as this bill, because the bill he would bring in would not have the dollar sign on it, and the only thing the gentleman is arguing as a reason for getting his bill on the House Calendar is that it does not show on the face of it that it takes money out of the Treasury of the United States. The other bill, authorizing construction, would not show on the face of it that it took any money out of the Treasury. If you carried this to the extreme, a great deal of our legislation could be done in that way and it would cause considerable trouble and break down the precedent of years of consideration of certain bills in the Committee of the Whole.

Permit me to call attention to section 3 of this bill:

The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916.

Does the gentleman maintain there will not be any expense to the Federal Government under those considerations? Does the gentleman maintain that under the act establishing national parks in 1916, which provides for the care, maintenance, construction, and development, there will be no expense to the Federal Government? It is absolutely inconceivable that anybody should maintain that would be the effect. As a matter of fact, several years ago there was a ruling made by Mr. Speaker Cannon, after considerable careful study on this very same subject, in which he said that where you set in motion the machinery that eventually is going to bring about a charge on the Public Treasury the bill should be on the Union Calendar, and be considered in the Committee of the Whole.

I maintain, even though we do overrule the Speaker and overrule the House itself, we are doing what is right, and we are doing what we ought to do to protect the House in the future on this kind of proposition.

Mr. COLTON. Will the gentleman yield further?

Mr. SNELL. Certainly.

Mr. COLTON. The gentleman then admits that under the precedents of the House, established both by a vote of the House and by ruling of the Speaker, this is a privileged matter?

Mr. SNELL. If the gentleman is going to follow that, yes; but as a matter of fact when the original decision was made on the bridge bill, which the Speaker followed on the Arkansas park bill, there were several outside conditions that arose at that time, in which case it was not really directed at the decision of the Speaker. It was more of a geographical and political proposition, to a certain extent, than the mere fact that the House desired to overrule the decision of the Speaker or even thought the Speaker was wrong in his position.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. SNELL. Certainly.

Mr. BANKHEAD. I understand the gentleman takes the position that this bill should properly be upon the Union Calendar for the reason that by inference, at least, it will some time carry an appropriation out of the Treasury.

Mr. SNELL. I even go further than saying "by inference." If section 3 does not provide for the expenditure of funds out of the Federal Treasury, I do not understand the English language.

Mr. BANKHEAD. The gentleman will agree that there is certainly no specific authorization for any appropriation carried in this bill?

Mr. SNELL. There is no dollar sign on the bill. I admit that.

Mr. BANKHEAD. And the gentleman will further agree that there is a specific proviso in the first section of the bill that the Government of the United States shall be at no expense in the acquisition of this territory?

Mr. SNELL. I admit that the territory is going to be given to us.

Mr. BANKHEAD. So that summing up the argument of the gentleman, it is that there might some time in the future be, inferentially, a charge against the Treasury because of the fact that the administration, protection, and development of the park is placed in the hands of the Secretary of the Interior?

Mr. SNELL. Does not the gentleman agree with me and does not the gentleman believe that if we take over this land there will be a charge on the Federal Government? I ask the gentleman to answer that.

Mr. BANKHEAD. I will answer the gentleman.

Mr. SNELL. Does not the gentleman believe that?

Mr. BANKHEAD. If any inference is to be drawn at all, it must be drawn from the language of the bill, and strictly interpreting the language of the bill it might be that an appropriation would not necessarily be involved, and for this reason that the Secretary of the Interior might say that the administration of the details of carrying on this park shall be under general regulations already prescribed for other parks in the country, and there might be the logical conclusion drawn from other inferences that there would not necessarily be any specific charge against the Treasury in the future. Certainly there is no immediate charge contemplated and no deduction is authorized to be drawn that it is set up in the language of this bill.

Mr. SNELL. Answering the gentleman along that line, I will say that one of the most earnest proponents of this bill, in talking with me a few days ago, said this: He told me how valuable the land was and that they were giving something to the United States. I said: "Why do you not keep it yourselves?" He said: "We can not afford to maintain, develop, and protect it." Furthermore, I understand that Mr. Albright himself has said that one of the first things he was going to ask for was a road leading through it to cost at least $1,000,000.

Mr. BANKHEAD. Certainly, a private conversation between the gentleman and Mr. Albright would not bind the Speaker in interpreting the rules of the House.

Mr. SNELL. The gentleman did not answer my question as to whether he believes there will be no expense to the Federal Government in the future.

Mr. BANKHEAD. I do not know, but I would not undertake to say that some 10 years in the future a charge might not be levied against the Government, but the inquiry addressed to the Chair is whether or not there is an inference that may be legitimately drawn from the language of this bill as now presented that it makes a charge upon the Federal Treasury.

Mr. SNELL. If the gentleman will couple the language here with the language contained in the act establishing the national parks, I am sure he could not get away from the conclusion that that means an expenditure on the part of the National Government.

Mr. BANKHEAD. The Speaker is not required to couple this language with any other language.

Mr. SNELL. The bill refers to the provisions of the act of August 25, 1916, and that is made a basis for this bill.

Mr. BANKHEAD. I know; but that does not carry any charge.

Mr. SNELL. Yes; it does. It further provides for the maintenance, care, and expense of the park. Therefore, Mr. Speaker, I maintain that because it authorizes expenditure, and because if we do not rectify an error in judgment that was made some time ago, we will have many more matters of this kind to plague us, just as this one has. The point of order should be sustained.

Mr. LAGUARDIA. Mr. Speaker, in response to the inquiry made by the gentleman from Alabama, permit me to call the Speaker's attention to the fact that this bill in and of itself carries an authorization under which appropriations might be had. Let me call the Speaker's attention to section 3, which provides that—

> The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916 (39 Stat. 535).

Which is now included in title 16 of the United States Code of Laws. Why, it is sufficient to read section 1 of the National Park Service law:

> SECTION 1. Service created; director; other employees: There is created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director. The Secretary of the Interior shall appoint the director, and there shall also be in said service such subordinate officers, clerks, and employees as may be appropriated for by Congress. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The very first section of that act provides that—

> There is created in the Department of the Interior a National Park Service.

Then it provides for the employment of the necessary personnel. No further authorization is necessary to obtain appropriations, so that reference to this statute in the bill now before the House is sufficient authorization for the National Park Service to go before the Committee on Appropriations and obtain the necessary funds to carry out the intent and purpose of this bill.

The Speaker can not be deprived of common sense by any decision or any vote overruling any previous decision made by the Speaker. If this were a bill by which the State of Florida presented 50 horses to the United States Government, the Speaker would necessarily have to take judicial notice of the fact that these horses had to eat and had to be fed. Such a bill naturally involves a charge on the Treasury. Likewise, in the bill now before us, which provides for the donation of land, it also provides for the creation of a national park. If the bill stopped with the simple donation of land, it would not be subject to a point of order; but it provides that this land shall be used as a national park, and the bill refers to the act creating the National Park Service, in which act there is sufficient authority to obtain all the necessary appropriations.

Surely there can be no question but that this is a bill which must be considered in the Committee of the Whole. It involves an expenditure; the authority for the expenditure is right here before us, and you can not get away from it.

Mr. COLTON. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. COLTON. I will say I think the gentleman has made a very good argument, because I made exactly the same argument two years ago.

Mr. LAGUARDIA. That is where I got it.

Mr. COLTON. But the Speaker and the House have said the gentleman is wrong.

Mr. LAGUARDIA. But the Speaker said that although the Chair was bound by the decisions, he must examine the face of the bill. Mr. Speaker, it is not necessary to find a dollar mark in the bill; but by examining the face of the bill the Speaker will find in this instance that it is mandatory to use this land as a national park, to supervise it, to operate it, and to protect it and to develop it in accordance with the provisions of the act in the bill recited. That is on the face of the bill, and the Speaker can not avoid it.

Mr. TREADWAY. Mr. Speaker, a question has been raised here as to the likelihood of expense on the Federal Government. It happens that I have had two interesting interviews with Mr. Albright on this matter, and it need not be hearsay evidence or secondhand evidence. I can testify that Mr. Albright has said to me within a week or 10 days on two different occasions that the first thing necessary would be the building of a road costing $1,000,000.

Mr. COLTON. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. COLTON. Will the gentleman contend that the Speaker could take into consideration a conversation of Mr. Albright in determining what is contained in this bill?

Mr. TREADWAY. Inasmuch as Mr. Albright is the person who will administer this bill under the direction of the Secretary of the Interior, provided the bill is passed, I think we very well may get Mr. Albright's view on the measure.

He said further, Mr. Speaker, that in addition to the construction of this road it would be necessary to police it and have park rangers, the same as in the other parks, naturally, at an expense for their salaries and maintenance. He further said that in order to explore the park or make it accessible these rangers would probably need a hydroplane to get about in policing and investigating the park itself. This is language that Mr. Albright used to me—that the rangers would explore this park by hydroplane.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CLARKE of New York. Why could they not charter that boat with its extra power that the Senate committee had?

Mr. TREADWAY. I was about to suggest to the Speaker, when the gentleman from New York asked me the question, that it is not necessary to await the adoption of this bill to see whether there is to be expense on the Federal Government or not, because during the Christmas holidays a group of Members of another body investigated, or tried to investigate, this park, and we find in the records of one of the committees of another body an expense account of $3,000, including $1,687.50 for the employment of a yacht——

Mr. BANKHEAD. Mr. Speaker——

Mr. TREADWAY (continuing). Exploring the bayous and the passageways in this particular location, and it was also remarked that this was too large a yacht to get into some of the creeks and bayous, so that it was necessary to have an auxiliary boat, smaller in size and capacity.

Mr. BANKHEAD. Mr. Speaker, I make the point of order——

Mr. TREADWAY. Therefore, it does not seem to me possible that there is any question about money being expended if the bill is passed.

Mr. BANKHEAD. Mr. Speaker, I make the point of order the gentleman is not discussing the point now before the Speaker; but inasmuch as the gentleman has taken his seat, I withdraw the point of order.

Mr. STAFFORD. Mr. Speaker, may I say a word?

As the Speaker and Members know, I was not a Member of the House when the present occupant of the chair made his decision upon the Ouachita National Park bill. I have examined the RECORD, and that RECORD does not disclose the contents of the bill then before the Speaker for determination, but this bill, as pointed out by the two respective gentlemen from New York [Mr. SNELL and Mr. LAGUARDIA] clearly on its face, when taken into consideration with the organic act creating the National Park Service, imposes a charge upon the Treasury which would be warrant, if this authorization were adopted, to permit an appropriation from the Committee on Appropriations under the National Park Service.

I call attention to the general authority in the organic act creating the National Park Service, namely chapter 408, of the Sixty-fourth Congress, found at page 535, Thirty-ninth Statutes at Large, where the following authority is lodged in the National Park Service:

> SEC. 3. He—
>
> The Secretary of the Interior—
>
> may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where, in his judgment, the cutting of such timber is required in order to control the attacks of insects or disease—
>
> And so forth.
>
> Further—
>
> He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks or monuments or reservations.
>
> Further—
>
> He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors to the various parks.

All these respective authorities confiote the idea of expenditure, a charge on the Treasury which, if we pass this bill, would be a warrant, as I said a moment ago, for the Appropriations Committee or any Member on the floor here to offer an amendment to provide for these respective services.

I can not say now whether the Ouachita National Park bill contained this section 3, but clearly here there is specific authorization, when considered with the organic act referred to, imposing a charge upon the Treasury.

Going one step further, in amplification of the position of the gentleman from New York [Mr. SNELL], what is the philosophy of having bills considered on the Union Calendar when they make a charge upon the Treasury? The theory is that one Member, like the gentleman here, can foreclose debate on the consideration of the bill.

The theory is that every Member of the House has a right to determine after discussion whether we should impose any burden on the taxpayers of the country. Here the gentleman can move the previous question without one word of debate, and the Members would be foreclosed—a rush method. A method that the parliamentary leaders of the House when they put into the rules the provision that these bills should be considered on the Union Calendar, so that the respective Members may have the privilege under the 5-minute rule to offer amendments.

Mr. BANKHEAD. Mr. Speaker, I shall detain the Chair but a few moments. I remember with a great deal of interest the discussion upon the point of order when it was decided by the present occupant of the chair in 1929. Every contention now made by those arguing in favor of the point of order was at that time presented to the Chair. There is only one proposition now pending, as I understand it, before the Chair, and that is whether or not any new facts have been presented or any new arguments have been offered that would impel the Chair to change his opinion then rendered after mature consideration.

The Chair will recall that Mr. Garrett, of Tennessee, in arguing a point of order which was based on this identical procedure——

Mr. COLTON. And the same language in the bill.

Mr. BANKHEAD. And the same language in that bill as the bill now before the Chair—the gentleman from Ten-

nessee cited four rulings made by other occupants of the chair upon this identical point of order.

Hinds' Precedents were cited in Mr. Garrett's argument to the effect that a bill which might involve a charge on the Government that does not necessarily do so need not go on the Calendar of the Committee of the Whole.

Thus a bill that may incidentally involve expense to the Government, but does not require it, is not subject to the point of order that it must be considered in Committee of the Whole.

Paragraph 4811: to require consideration of the Committee of the Whole, the bill must show on its face that it involves an expenditure of money, property, and so forth.

The next paragraph where it is a mere matter of speculation the rule requiring consideration in Committee of the Whole House on the state of the Union does not apply.

Now, here is what the Speaker said when the same argument, the same precedents were then presented, the same parliamentary construction of language apparently identical with that now before the Chair. He made this decision:

The Chair is prepared to rule.

Were it not for the decision cited by the gentleman from Tennessee [Mr. Garrett] and others, wherein the House decided the question, the Chair would feel itself in some doubt about this bill, as he did on the bridge bill. With all due humiliation—

And I presume the Chair to-day is imbued with as much humility as he was on that occasion—

the Chair still thinks he was right in his decision in that case, although he bows, of course, to the combined wisdom of his colleagues in the House. The Chair believes that some day this decision of the House is going to come up to plague us, but for the time being he feels bound by it, and he feels that this case is on all fours with it.

The Chair concluded with this statement:

The Chair thinks that he is bound by that decision, that he must examine the case of the bill alone, and not use any discretion or judgment or knowledge or inclination of any kind. The Chair therefore overrules the point of order.

Mr. COLTON. Mr. Speaker, just one moment. During the presentation of this identical proposition a few years ago in an argument before the Speaker I used almost the same language that the gentleman from Wisconsin has just used. May I read two sentences from that statement?—

The act of August 25, 1916, which is expressly made a part of this act, authorizes the Secretary of the Interior to employ whatever help he needs in the administration of a park; in other words, it is a general authorization act for the use of money.

So that that question was as squarely before the Speaker at that time as it is to-day; there is not a particle of difference. This is exactly the same as the question before the Speaker at that time.

The SPEAKER. It is scarcely necessary for the Chair to say that in this instance he is not considering in the remotest degree either the merits or demerits of this bill any more than he was on the two previous occasions on which he delivered a ruling, and he hopes also that in all cases which are purely a matter of the construction of the rules of the House and the adherence to proper precedents that Members will not be influenced on the question by the merits or demerits of any particular bill that may be before the House.

The Chair finds himself in exactly the same situation that he was in on the occasion referred to by the gentleman from Alabama [Mr. BANKHEAD], and he may say also to the gentleman that he is in an equally humble frame of mind. The Chair states with entire frankness that if this bill was presented to him for analysis, were it not for the decision of the House in overruling the Chair on a previous occasion—and may the Chair say that he is very happy to state that in all of the six years he has been Speaker he has been overruled but once [applause]—he would say, without hesitation, that it is quite apparent that this bill creates a charge upon the Treasury. Section 3 of the bill provides:

The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service.

Is it conceivable that it does not cost money to administer a national park? Is it conceivable that it does not cost money to protect it? Is it conceivable that it does not cost money and possibly very large sums of money to develop it, particularly such a park as this, embracing as it does, as I understand, some 2,000 square miles? Is there anyone who has any power of mental reasoning who would say it would not cost money to develop a park 2,000 square miles in extent? Yet this bill does not say so on its face; it has not, as the gentleman from New York said, the dollar mark upon it. The Chair does not believe it to be necessary that an immediate charge should be had. The Chair thinks the correct ruling is that of Mr. Speaker Cannon, on December 12, 1904, to be found in volume 4, Hinds' Precedents, section 4837:

A bill which sets in motion a train of circumstances destined ultimately to involve certain expenditure must be considered in Committee of the Whole.

That was confirmed in almost the same language by Mr. Speaker Clark on June 30, 1914. (Cannon's Precedents, section 9352.) Is there anyone here who will say that a proposition to administer, protect, and develop a park, situated in swampy ground, 2,000 square miles in extent, does not set in force a train of circumstances—

Destined ultimately to involve certain expenditure?

Is there anyone who will say that? But the Chair under the decision of the House is not permitted to exercise even that very slight degree of intelligence which would be necessary to come to such a conclusion.

On January 6, 1927, a bridge bill was under consideration. The building of the bridge was a matter of great concern to two States. One State, the State of Oregon, was very strongly against it, and another State, the State of Washington, was very strongly in favor of it. The provision in the bill was that the work should be undertaken and estimates made, and so forth, by three different Secretaries—the Secretary of War, the Secretary of Commerce, and the Secretary of Agriculture. Provision was made for the summoning of witnesses from all parts of the country. It seemed to the Chair, on that occasion, exercising that very slight degree of intelligence to which he referred, that that on the face of it was going to cost money, but in order to be perfectly sure he corresponded with the various Secretaries, and they submitted to the Chair preliminary estimates of the amount of money it was going to cost to make that investigation. It involved, they stated, a good many thousand dollars. The Chair thus had official information from the heads of the departments undertaking the work that a large sum of money would be necessary if the bill should become a law, and the Chair has been informed since then that very much money, many thousands of dollars, has been expended by the Government on this bridge proposition. The Chair knew as well as he knows that he is standing here to-day that that bill would create a charge on the Treasury, inevitably, but the argument used by the gentleman from Tennessee, Mr. Garrett, the former very able minority leader and an excellent parliamentarian, was apparently very appealing to the House. On that occasion (January 6, 1927, CONGRESSIONAL RECORD, pp. 1173–1179) Mr. Garrett said:

Mr. Speaker, take my own situation. The Chair speaks of the knowledge the Chair has of the controversy. The Chair I know is perfectly familiar with it. Now, I am not. It may be that inasmuch as there have been various publications in the papers in connection with this bill, I ought to have known more about it, but all I know of the matter, excepting what has been developed here this morning, I derive from the reading of the bill itself, from the bill only, and I dare say that every Member of the House who has not had personal knowledge touching the situation, such as naturally comes to the Chair, derives the information from the bill, and the bill does not show upon its face the fact that expenditures will be engendered.

The Chair finds himself in the position that, in order to agree with the statement of the gentleman from Tennessee and a subsequent decision of the House in matters of this sort, he must endeavor to be a profound ignoramus; and he feels that in the face of the decision of the House which he

held two years ago binding upon him he can not undertake to overrule it. However, such action as the House might see fit to take, the Chair would abide by with equanimity. The Chair overrules the point of order.

Mr. LAGUARDIA. Mr. Speaker, I respectfully appeal from the decision of the Chair.

Mrs. OWEN. Mr. Speaker, I move to lay that appeal on the table.

The SPEAKER. The gentleman from New York [Mr. LAGUARDIA] appeals from the decision of the Chair, and the gentlewoman from Florida [Mrs. OWEN] moves to lay the appeal on the table.

The question is on the motion of the gentlewoman from Florida.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 59, noes 185.

So the motion was rejected.

The SPEAKER. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and the House decided that the decision of the Chair should not stand as the judgment of the House.

The SPEAKER. The Chair is overruled. [Laughter.]

UNITED STATES NAVAL HOSPITAL, WASHINGTON, D. C.

Mr. BRITTEN. Mr. Speaker, by direction of the Committee on Naval Affairs, I move to take from the Speaker's table the bill (H. R. 9676) to authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C., with Senate amendments, and agree to the Senate amendments.

The Clerk reported the bill by title and read the Senate amendments, as follows:

Page 1, line 4, strike out "construct suitable buildings for hospital purposes" and insert "replace, remodel, or extend existing structures and to construct additional buildings with the utilities, accessories, and appurtenances pertaining thereto."
Page 1, line 6, strike out "$1,500,000" and insert "$3,200,000."
Page 1, line 7, strike out "$250,000" and insert "$100,000."
Page 2, after line 4, insert:
"SEC. 2. The Secretary of the Navy is hereby authorized to employ, when deemed by him desirable or advantageous, by contract or otherwise, outside professional or technical services of persons, firms, or corporations to such extent as he may require for the purposes of this act, without reference to the classification act of 1923, as amended, or to section 3709 of the Revised Statutes of the United States, in addition to employees otherwise authorized and expenditures for such purpose shall be made from the naval hospital fund."

Mr. McCLINTIC of Oklahoma. Mr. Speaker, reserving the right to object, this bill materially increases the amount of appropriation over the legislation that was passed by the House. Recently a bill was passed and has been signed by the President, I understand, appropriating several million dollars for the construction of a hospital at Philadelphia, Pa., for the purpose of taking care of veteran patients. Since the passage of that bill legislation has been passed authorizing some twelve or fifteen million dollars, if I remember correctly, for the construction of additional hospitals by the Veterans' Bureau to take care of veteran patients. When those hospitals have been completed then there will be provided, so I am informed, about 10,000 additional beds. The Veterans' Bureau has already made the statement that as soon as the hospital facilities are available they will withdraw veteran patients from the naval hospitals, thereby leaving a number of hospitals with a number of beds which will be empty. I have opposed this class of legislation as a policy, believing that each bureau of the Government should stand upon its own legs and that the Veterans' Bureau should pass the kind of legislation that would take care of its own patients. If they do not have a sufficient amount of money to provide hospitals, it is the duty of Congress to give it to them. So, if this comes up by unanimous consent I shall be compelled to object.

Mr. BRITTEN. Mr. Speaker, I made a motion to take the bill from the Speaker's table. I did not ask unanimous consent.

The SPEAKER. The gentleman from Illinois moved to take from the Speaker's table the bill H. R. 9676, with Senate amendments, and agree to the Senate amendments.

Mr. STAFFORD. Mr. Speaker, I make the point of order that the Senate amendments involve a charge on the Treasury and accordingly they are not privileged amendments.

Pending the examination by the Speaker of the point of order, I wish to make inquiry of the gentleman from Illinois [Mr. BRITTEN] as to the merits of the proposed Senate amendments. As I recall, although my memory may be at fault, when the House bill was under consideration, as the bill passed the House it provided for the establishment, in the discretion of the Navy Department, of this naval hospital somewhere else than the present site.

Mr. BRITTEN. No; there is nothing in the bill to that effect.

Mr. STAFFORD. I was under the impression that the argument made was that the present site was circumscribed and it would be advantageous and advisable to remove the naval hospital in the District of Columbia to a new site, rather than to enlarge the present quarters.

Mr. WOODRUFF. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. WOODRUFF. I think the gentleman has in mind the establishment of a great health center having nothing whatsoever to do with the naval hospital. On the naval hospital grounds now there are certain laboratories of the Health Department of the United States which, under the establishment of the new health center, would be moved to the location selected for that purpose, and the land now occupied by these laboratories would revert to the Navy Department and be available for use in the location of the buildings contemplated by this bill.

Mr. STAFFORD. The proposed Senate amendments are very radical, as I remember them.

Mr. BRITTEN. Oh, no.

Mr. STAFFORD. They provide a much larger appropriation than was carried in the House bill.

Mr. BRITTEN. The Senate amendments improve the bill.

The SPEAKER. Will the gentleman from Wisconsin [Mr. STAFFORD] please point to the particular paragraph which he regards as the subject of the point of order?

Mr. STAFFORD. Mr. Speaker, I have before me H. R. 9676 with Senate amendments. The copy of the print shows the first amendment is to strike out $1,500,000 and substitute $3,200,000. Certainly that is an additional charge on the Treasury of the United States of $1,700,000. It is increasing the charge on the Treasury by that amount. If the House is going to consider a proposal of this character which involves a charge on the Treasury, then the House should be given the privilege of discussing the propriety of the increase.

The SPEAKER. The Chair will call the gentleman's attention to a decision by Mr. Speaker Randall, found in Hinds' Precedents, Vol. IV, section 4797:

A Senate amendment which is a modification merely of a House proposition, like the increase or decrease of the amount of an appropriation, or a mere legislative proposition, and does not involve new and distinct expenditure, is not required to be considered in Committee of the Whole.

The Chair thinks that is this case exactly.

Mr. STAFFORD. I call the Chair's attention to the change in language. The provision as it passed the House authorized the Secretary of the Navy to construct suitable buildings for hospital purposes. The Senate amendment struck out that language and inserted this language:

Replace, remodel, or extend existing structures and to construct additional buildings with the utilities, accessories, and appurtenances pertaining thereto.

The question arises, Mr. Speaker, whether that additional language, "with the utilities, accessories, and appurtenances pertaining thereto," is supplementary to the original authorization to construct suitable buildings for hospital purposes.

The SPEAKER. The Chair would think that language was rather restrictive than otherwise. The provision "to construct suitable buildings for hospital purposes" is very

broad authority, while the language inserted by the Senate is restrictive.

Mr. STAFFORD. I would hold that authority to construct suitable buildings does not grant to the Secretary of the Navy the right to purchase utilities, accessories, and appurtenances, which have been added by the Senate. I grant, Mr. Speaker, that the language providing for the replacing, remodeling, and extension of existing structures does not elaborate the language as passed by the House, but I do contend that the authority to purchase utilities, accessories, and appurtenances is nowhere involved in the original language.

The SPEAKER. It would seem to the Chair that an authorization to construct suitable buildings for hospital purposes would necessarily include appurtenances to make the hospital useful.

Mr. BRITTEN. And, Mr. Speaker, the Senate wanted to make certain that the cost of the hospital completed would not exceed $3,200,000, so it put that language in the bill.

The SPEAKER. The Chair thinks this comes under the decision made by Mr. Speaker Randall and therefore overrules the point of order.

The question is on the motion of the gentleman from Illinois to concure in the Senate amendments.

The Senate amendments were agreed to.

On motion of Mr. BRITTEN, a motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

GEORGE WASHINGTON BICENTENNIAL

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 6041, to authorize an appropriation of funds in the Treasury to the credit of the District of Columbia for the use of the District of Columbia Commission for the George Washington Bicentennial.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of funds in the Treasury to the credit of the District of Columbia, the sum of $100,000, to be expended by the District of Columbia Commission for the George Washington Bicentennial: *Provided*, That the expenditure of the money by the District of Columbia Commission for the George Washington Bicentennial herein authorized shall be made under such regulations as may be prescribed by the Commissioners of the District of Columbia.

Mr. STAFFORD. Will the gentleman from Maryland yield to me for a parliamentary inquiry?

Mr. ZIHLMAN. Yes.

Mr. STAFFORD. Mr. Speaker, will the Speaker acquaint the membership of the House as to whether he has arrived at a decision as to the suspensions to-day under the order of the House?

The SPEAKER. The Chair is unable to state at this moment. He has quite a large list of suspensions but is not quite sure which he will recognize. The Chair will state, however, that he will make no recognitions before quarter to 4, as he thinks bills on the Consent Calendar should be considered up to that time, and the bills to be taken up under suspension will not be of a highly controversial nature. Is there objection to the request of the gentleman from Maryland?

Mr. BLANTON. Mr. Speaker, reserving the right to object, will the gentleman from Maryland yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. Has this matter been approved by the gentleman from Indiana [Mr. WOOD]?

Mr. ZIHLMAN. The gentleman from Nebraska is here.

Mr. SIMMONS. I think this is an emergency and that the bill ought to go through.

Mr. BLANTON. Has the matter been approved by the gentleman from Indiana [Mr. WOOD], the chairman of the Committee on Appropriations?

Mr. SIMMONS. I do not know; but I think the gentleman from Indiana would take my judgment on it, and I think the bill should pass and it is necessary that it pass to-day.

Mr. BLANTON. The matter, then, has not been submitted to the gentleman from Indiana [Mr. WOOD]?

Mr. SIMMONS. Not by me; no.

Mr. BLANTON. Has the matter been submitted to the President's Budget?

Mr. SIMMONS. The Budget Bureau has approved the legislative bill, as I understand.

Mr. BLANTON. When we have a joint commission looking after this matter and have given them all the funds they require, why is it necessary to appropriate another $100,000 and put it in the hands of the Commissioners of the District of Columbia?

Mr. ZIHLMAN. This is the contribution on the part of the District to the celebration.

Mr. BLANTON. How is this going to be spent by the District Commissioners?

Mr. ZIHLMAN. In the interest of the celebration.

Mr. BLANTON. In overhead and in salaried jobs?

Mr. ZIHLMAN. I can not answer that question specifically.

Mr. BLANTON. Has the gentleman from Maryland or the gentleman from Nebraska had any estimate as to the way in which this $100,000 is going to be spent by the District of Columbia?

Mr. ZIHLMAN. I will state that the president of the Federation of Citizens' Associations in the District appeared before the committee and gave an outline of their plans in connection with their contribution to this celebration. This $100,000 is to come from District funds and not from Federal funds.

Mr. BLANTON. I am not going to object, but I want to get before the membership the fact that gentlemen can bring in a matter involving as much as $100,000, get it up on the floor by unanimous consent, and pass it, when it has not even been submitted to the chairman of the Committee on Appropriations.

Mr. SIMMONS. This is merely an authorization. It is not an appropriation.

Mr. BLANTON. But the gentleman from Indiana, who watches the exchequer of the Government, ought to be apprised of these matters that will force him later to take $100,000 out of the Treasury.

Mr. PATTERSON. The gentleman from Texas does not take the position, I hope, that every measure providing for an authorization should first be submitted to the gentleman from Indiana?

Mr. BLANTON. I think it ought to be.

Mr. PATTERSON. I do not think so.

Mr. BLANTON. Because the chairman of the Committee on Appropriations, however extravagant he might have been as an ordinary Member, when he becomes chairman of that great committee begins to look after the Government's side of every proposition.

Mr. COLLINS. Will the gentleman yield to me?

Mr. BLANTON. I am through. I shall not object.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire, because $100,000 is a tidy sum for expenditure by the Commissioners of the District of Columbia in connection with the celebration of the bicentennial, as to whether any budget has been arranged with respect to the major items of this authorization.

Mr. ZIHLMAN. I will say to the gentleman that they have in the District of Columbia, in addition to the National Commission on the George Washington Bicentennial, a local commission made up of a number of the most prominent citizens, educators, and clergymen in the District, and this money will be spent under the direction of this commission, as I understand it.

Mr. STAFFORD. Yes; but $100,000 is quite a large amount. Is it purposed under this bill to pay the traveling expenses of specially invited guests of the District Commissioners or what is the real purpose in the use of the $100,000? It is not $25,000. I can readily conceive how $25,000 would be expended, but how will $100,000 be expended? Just give us some general idea as to the purpose for which the appropriation is to be used. I am serious in the matter and the report does not show anything whatsoever about how the money is to be expended.

Mr. ZIHLMAN. I will say to the gentleman that this fund, if it is authorized, will come from the funds of the District of Columbia.

Mr. STAFFORD. That is one reason why we should be more circumspect in its appropriation.

Mr. ZIHLMAN. And various trade bodies, civic organizations, the District Commissioners, and the Federation of Citizens' Associations have all urged that this authorization be made in order that they may make a proper contribution to this great celebration on which the Federal Government will expend approximately millions of dollars.

Mr. STAFFORD. Oh, not millions.

Mr. ZIHLMAN. Yes; they have spent that already.

Mr. STAFFORD. I challenge that statement, because on the floor of the House the distinguished Representative from New York [Mr. BLOOM] said in reply to an inquiry made by me that the total authorization up to date is something less than $800,000.

Mr. ZIHLMAN. I will say to the gentleman that the Mount Vernon Boulevard was authorized as a further testimonial by the National Government and as a contribution to the celebration and that involves the expenditure of a million dollars.

Mr. HOLADAY. If the gentleman will yield to me, perhaps I can give the gentleman from Wisconsin some information. It is my understanding that the citizens of Washington, feeling that the George Washington celebration will rather center here in Washington, desire to put on some pageants and things of that kind at the expense of the citizens of the District. The business men are raising some funds from private sources, and I understand in a general way what the program is to be. I think the first pageant they intend to have is a reproduction of the inauguration of George Washington, and from time to time there will be other things of that character for the benefit and the entertainment of the citizens of the United States generally who may come to Washington.

Mr. ZIHLMAN. I failed to state to the gentleman——

Mr. STAFFORD. Now, we have some informing facts as to what is contemplated by the commission, but the letter of the commissioners and the report gave no definite information. I am in hearty sympathy with some amount being voted, but I wanted to know how $100,000 was going to be expended.

Mr. ZIHLMAN. I may also say to the gentleman that it was stated before our committee that an equal amount would be raised by private subscriptions here in the District of Columbia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATION OF EXTERIOR ADVERTISING IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN presented the following conference report on the bill (S. 4022) to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia.

ADDRESS BY HON. CHARLES A. EATON OF NEW JERSEY

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech of my colleague the gentleman from New Jersey [Mr. EATON] on Abraham Lincoln, delivered by him in Trenton.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following speech before the Republican Club Lincoln dinner, Trenton, N. J., February 12, 1931:

THE INSPIRATION OF LINCOLN

On the morning of Good Friday, April 14, 1865, five days after Lee had surrendered at Appomattox, a Cabinet council was held in Washington. President Lincoln, at that meeting, told his colleagues that further good news must be on the way, for he had dreamed a dream which had come to him several times before and which had always been followed by news of a victory during the war. In the dream he said he seemed to be sailing in a ship of a peculiar build with great speed toward a dark and undefined shore.

That night Mr. and Mrs. Lincoln went to the theater. Shortly after 10 o'clock a shot was heard and Abraham Lincoln fell forward upon the front of the box unconscious and dying. They carried the President to a little house near the theater and summoned his sons and friends. He did not regain consciousness. His secretaries, who were present, record that a look of unspeakable peace come over his worn features. At 22 minutes past 7 on the morning of April 15 the President died. Secretary Stanton, who had kept sleepless vigil through the long night beside his chief, said, "Now he belongs to the ages." And thus the dream was realized and the great burden bearer passed to his eternal rest.

The story of Abraham Lincoln's humble birth and struggles amidst the crude conditions of frontier life has become the inspiration of aspiring manhood throughout the world. In this fateful hour when every society on earth confronts vast and challenging problems it is well for us to ask what we may learn from the mind and character and service of this great child of America that will serve as a light to guide us through the fogs of fear and failure which shadow every land.

The first outstanding fact in the life of Lincoln is this: He was the pioneer. In his history, his character, his experience, and his service he exemplified the spirit and method of the pioneer. His ancestral rootage was in old England, but the peculiar qualities of the pioneer character were developed in himself and in his immediate forebears in the crucible of the frontier.

The second outstanding quality of Lincoln's character was a profound faith in a divine Providence, whose long purposes of good outlived the vicissitudes of human experience and finally shaped to His own ends the actions and institutions of mankind everywhere.

During his first presidential candidacy Lincoln expressed this faith in a remarkable statement made in answer to criticism which he received from a group of clergymen:

"I know that there is a God and that He hates injustice and slavery. I see the storm coming, and I know that His hand is in it. If He has a place and work for me, and I think He has, I believe I am ready. I am nothing, the truth is everything. I know I am right because I know that liberty is right, for Christ teaches it, and Christ is God. I have told them that a house divided against itself can not stand, and Christ and reason say the same, and they will find it so."

And in his second inaugural address he sets forth this belief in a passage of incomparable beauty, which reads like the inspired utterance of an ancient prophet:

"The Almighty has His own purposes. 'Woe unto the world because of offenses! For it must needs be that offenses come; but woe to that man by whom the offense cometh!' If we shall suppose that American slavery is one of those offenses, which, in the providence of God, must needs come but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away; yet, if God wills that it continue until all the wealth piled by the bondman's 250 years of unrequited toil shall be sunk and until every drop of blood drawn with the lash shall be paid with another drawn with the sword, as was said 3,000 years ago, so still it must be said, 'The judgments of the Lord are true and righteous altogether.'

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

A third fundamental in the thinking of Abraham Lincoln was his invincible belief that right and wrong can not permanently exist in amity side by side. In his great debate with Douglas he expressed this view in language which has become historic:

"A house divided against itself can not stand. I believe this Government can not endure permanently half slave and half free. I do not expect the Union to be dissolved; I do not expect the house to fall; but I do expect that it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it and place it where the public mind shall rest in the belief that it is in course of ultimate extinction, or its advocates will push it forward till it

shall become lawful alike in all the States. Old as well as new—North as well as South."

One other central idea in Lincoln's philosophy of life is of peculiar value to the world to-day. I refer to his theory of democracy, which he expressed as follows:

"As I would not be a slave, so I would not be a master. This expresses my idea of democracy. Whatever differs from this, to the extent of the difference, is no democracy."

He based his whole theory of government upon the doctrine of the essential equality of men; not a dead level of intellectual or economic equality, but the equality of spiritual dignity and worth, and the equality of opportunity for every man to realize to the utmost all his powers.

When we apply these foundation principles of Lincoln's philosophy to the problems which we must solve, we find the real inspiration of Lincoln for our age.

It must be self-evident to every thoughtful mind that civilization has come to a distinct pause in its forward march throughout the world. We stand in the twilight zone between two ages in the history of the race, one dead, the other in the pangs of birth. The World War marked the break up of the old. The uncertainty, the pessimism, the baffling sense of failure everywhere evident reveals the necessity for a reconstruction of human institutions upon principles with which as yet we are unfamiliar. These conditions are common in differing degrees to every organized society in the world at the present time, and the central problem engaging the attention of every society in the world is identical for the first time in history. That problem is how to eliminate and finally abolish economic poverty for the masses of men. To the solution of that problem we must apply the foundation principles which animated the thinking and action of Abraham Lincoln.

We are facing absolutely new frontiers. Unless we have a revival of the pioneer spirit, adventorous, courageous, hopeful, these frontiers will mark the failure of the past rather than the glorious beginning of a new and better time for men everywhere.

If the spirit of man is to support the vast and complicated relationships of the present and the future, it must find a new foundation in the spiritual realities which Lincoln expressed in his invincible faith in a divine Providence.

If we are to go forward, as I believe we will do, we must have the moral vision and courage to determine what is right and therefore permanent in our social structure, what is wrong and therefore ephemeral, and resolutely establish the one and eliminate the other.

And last, but by no means least, if democracy in any form is to become the recognized social philosophy of the world, it will have to be in essence the democracy of Lincoln. Its foundation will have to be in the nature of self-government which can only be possible in a society of sufficient intelligence and character to support, modify, and use the external machineries of its political and economic structure.

The choice of the future lies between dictatorship and democracy; between authority clamped down from the top or authority originating in the mind and hearts of the masses of men.

We are fortunate that these tragic and challenging problems are being tested out on a gigantic scale in two of the greatest countries of the world—America and Russia. I believe that eventually the world will become all Russian or all American. These two theories of life are mutually destructive. They can not permanently exist side by side. They will, as they are now doing, modify each other profoundly, but in the end one or the other must become the chief instrument, either for the advancement of civilization through the golden age of complete freedom for all men, intellectual, spiritual, political, and economic, or for the complete enslavement of the world to the demonination of brute force.

In his immortal Gettysburg speech Abraham Lincoln plucked from the palsied hand of death the torch of progress and passed it on to become the permanent possession and inspiration of the living in generations yet to come. "It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced."

As we scan the long and toilsome journey which mankind has traveled out of the shadows of the distant past to this age of light and learning and liberty we must believe that the future beckons us to even nobler and greater achievements. This is the age of the great romance. The world has shrunken to a neighborhood and must eventually become one family in fact as for long it has been in theory. No longer can any people or society live or die unto itself. The tides of human failure, passion, progress, evil, and good beat untrammeled upon every shore. The test of any civilization is the quality of the manhood which it produces. And in turn the test of that manhood is the kind of social institution which it creates and perpetuates.

I believe that in this world age the race of man is being summoned, in the providence of God, to its greatest opportunity and its greatest achievement. As yet we are not equipped to meet the problems and bear the burdens of this golden age. Our intellectual and spiritual machinery is outworn; much of it has had its day and ceased to be. The time has come for a new vision of the meaning and purpose and dignity of life for the individual and for the societies which he has created.

I believe that in the deep foundations of thought and ideal which underlie the life and work of Abraham Lincoln we shall find real guidance and inspiration. There is no hope for a world without God. Man needs an eternity for the full fruition of those qualities which he develops under the limitations of time. He needs to ally his relatively small purposes with the vast and timeless purposes of an overruling Providence.

As we face the undefined frontiers of the new age we must possess and be possessed by the dauntless adventurous spirit of the pioneer. We must, if we are to win our battle, as I believe we shall do, find a new standard of moral values so that we can determine both for the individual and for the group those objectives which are permanent and worthwhile as against those which contain within themselves the seeds of failure and disappointment. And whether we call the new form of society democracy or something else, in every land it must eventually give to the individual equal scope and opportunity for the development of all his powers; for the undisputed possession of his own rightful share of the product of his toil; and for his safe enjoyment of those eternal rights and the observance of those high duties which lend to the humbiest citizen a dignity and glory beyond any material possession.

In a word, these are days for fundamental thinking, for enlargement of all spiritual and intellectual horizons; for the warming and enriching of human sympathies and understanding; for cultivation of the ability to cooperate, and for a resolute and invincible faith that the world is moving toward the light and we, each one, are endowed with faculties which enable us to keep step with the general progress.

A great German philosopher once said that the world can not remember too often that a man named Socrates lived. To that I would add that America, first of all, and then every man in every land who is striving toward the light and the right, can not remember too often the fact that once there lived and served a man named Abraham Lincoln, and that he still lives and will continue to live until government of the people, for the people, and by the people has become the common possession of the race.

RELIEF OF CERTAIN TRIBES OF INDIANS IN MONTANA

The Clerk called the first bill on the Consent Calendar, S. 873, to supplement the act entitled "An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington," approved March 13, 1924.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, legislation was passed some years ago to permit these claims to go to the Court of Claims. One of the attorneys representing the Indians at that time, if I am correctly informed, was one A. A. Grorud. Because the case was allowed by him to drag along so they did not get into the Court of Claims within the time fixed by the statute. Since that time Mr. Grorud has been disbarred by the court of Montana and the Federal court, and is still, as I understand, disbarred. He does happen to be on the pay roll of Congress as an investigator notwithstanding this disbarment, but I do not believe we ought to take any chance of his further handling this claim.

I would want to suggest, therefore, certain amendments to the bill. One, to make sure that he should not be employed as attorney under approval by the department if this bill is passed; and, second, either to cut down the attorneys' fees from 10 per cent to 5 per cent or to strike out section 9.

Section 9 provides that the expenses incurred by the attorneys may be paid out of the funds of the Indians as the case goes along, which, of course, is a great convenience to the attorneys.

More than that, if the case goes against the Indians the Indians will have paid the expenses and are out. If the attorneys are to have that protection then I think the fees should be cut down from 10 per cent to 5.

Mr. LAGUARDIA. Does not the gentleman think, under the circumstances, the bill ought to go over without prejudice?

Mr. STAFFORD. In view of the fact that the former Commissioner of Indian Affairs did not recommend the wholesale opening of investigation of facts, but merely the fishing and hunting rights I think it should.

Mr. CRAMTON. I would not want to ask that.

Mr. LAGUARDIA. I will ask it. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks by including an amendment which I would have proposed.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The proposed amendment is as follows:

Provided, That no such contract of employment of attorney or attorneys shall be so approved except it carries a provision that Albert A. Grorud is not to be directly or indirectly connected with the conduct of the suit and that he shall not share in the fees paid attorneys for services in connection with said suit.

AMENDING SECTION 3 OF HOUSE JOINT RESOLUTION PROMOTING EFFICIENCY IN UTILIZATION OF RESOURCES OF THE UNITED STATES

The Clerk read the title of the next resolution on the Consent Calendar, House Joint Resolution 392, to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918.

Mr. DOUGLAS of Arizona, Mr. BLANTON, and Mr. LAGUARDIA objected.

AMENDMENT TO SECTION 24 OF THE IMMIGRATION ACT OF 1917

The Clerk read the title of the next bill on the Consent Calendar, H. R. 10881, to amend section 24 of the immigration act of 1917, as amended.

Mr. COLLINS, Mr. CRAMTON, and Mr. LAGUARDIA objected.

PROTEIN IN WHEAT

The Clerk read the title of the next bill on the Consent Calendar, S. 101, an act to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes.

Mr. DOUGLAS of Arizona, Mr. GREENWOOD, and Mr. LAGUARDIA objected.

MEDALS OF HONOR AND AWARDS TO GOVERNMENT EMPLOYEES

The Clerk read the title of the next bill on the Consent Calendar, H. R. 12922, a bill providing for medals of honor and awards to Government employees for distinguished service in science or for voluntary risk of life and health beyond the ordinary risks of duty.

Mr. BLANTON. Reserving the right to object, I understand that if this bill is passed it will set a precedent whereby claims may be filed for several years back by employees of the Government, and there would be no end to the future claims of this kind. While the bill and report do not indicate it, I understand that to be the fact.

If an employee of the Government finds some means of bettering the manner of doing the work, it is only the duty he owes the Government to furnish the Government with it. Just as if a Member of Congress can find a better way to handle the public business, as did the gentleman from Massachusetts [Mr. UNDERHILL]—something that will stop expense and taking the time of Congress on immaterial questions—then it is his duty to do it without extra compensation.

While I hate to oppose a bill that my good friend from New York seems to be very much interested in, I feel that the bill ought not to pass.

Mr. GRIFFIN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GRIFFIN. I have not a particle of selfish interest in this bill. It has been practically framed by the Bureau of Research, composed of scientific men from scientific bodies of this Nation. Everywhere medals of honor are granted for bravery on the field, and medals are issued by private associations and industry for distinguished service in science. The employees of the Government have no recognition whatever. This bill is self-limiting. It provides for granting three medals of honor a year to the men who have rendered distinguished services in science—like those who devised the tide-calculating machine in the Coast and Geodetic Survey, which saves the Government $150,000 a year; or Sergeant Nelson, of the Artillery, whose fire-control device saves the Government $100,000 a year. There is no opportunity for recognition for these men unless some such bill as this is passed.

Mr. BLANTON. If it were simply a question of recognition for services by granting these medals there would hardly be any objection to it from anyone. The main thing they are after is not the medal; it is the extra $1,000 that they are asking the Government to pay.

Mr. GRIFFIN. Oh, no,

Mr. BLANTON. And everyone who invents some little means of better doing the work for the Government will come in and want this $1,000 and a medal.

Mr. CRAMTON. Of course, one purpose is to inspire them to render the service.

Mr. BLANTON. A sense of duty ought to inspire that.

Mr. CRAMTON. However many may make claims, only three can be granted in one year.

Mr. PARKS. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. BLANTON. Mr. Speaker, while it will not stop its passage, I object.

The SPEAKER pro tempore. It takes three objections. Only one is heard. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to present, in the name of Congress, bronze medals of honor, with insignia, written testimonials, and honoraria (a) to scientific workers who, while in the employ of the Federal Government, have made outstanding contributions to the advancement of scientific knowledge or the application of its truths in a practical way for the welfare of the human race; (b) to citizens who, while in the employ of the Federal Government, have rendered conspicuous service to humanity at the voluntary risk of life or health over and above the ordinary risks of duty.

SEC. 2. The official designation of the medal of class (a) shall be the Thomas Jefferson medal of honor for distinguished work in science. The official designation of the medal of class (b) shall be the Jesse W. Lazear medal of honor for distinguished self-sacrifice for humanity.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. Far be it from me to wish at this time to detract in any way from the memory of that great philosopher and publicist, Thomas Jefferson; but my reading of the history of Jefferson's life and achievements does not bring me to a recollection anywhere that he was identified with any scientific work. Outstanding in my recollection as the man of science in the early history of our Government is Benjamin Franklin. I think he stands out much more prominently as a man of science in the early history of our Government than does Thomas Jefferson. I ask the author of the bill or the chairman of the committee how it comes that the name of Thomas Jefferson should be associated with the medal of honor for distinguished work in science? Did the committee consider the propriety of using the name of Benjamin Franklin or some other outstanding scientist in connection with this medal? We might even go to the living, and consider the name of Thomas Edison. I yield to the gentleman from Massachusetts [Mr. LUCE] to state the reason why the name of Thomas Jefferson is used in connection with a medal of honor for scientific achievement.

The SPEAKER pro tempore. The Chair thinks he was in error in recognizing the gentleman from Wisconsin when he did, because the bill has not yet been entirely read.

Mr. STAFFORD. O Mr. Speaker, some time ago I propounded an inquiry to the then occupant of the chair as to whether in the consideration of a bill on the Union Calendar the proper time for amending it was at the conclusion of the reading of the sections or at the conclusion of the reading of the bill. We are considering this bill in the House as in the Committee of the Whole House. The ruling was made by the then occupant of the chair that the proper time to offer an amendment was at the conclusion of the reading of the sections.

The SPEAKER pro tempore. The Chair will not undertake to decide that question at this time.

Mr. STAFFORD. That is why I proceeded.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin. Has the gentleman from Wisconsin offered an amendment?

Mr. STAFFORD. I made the pro forma amendment with the idea of perhaps substituting the name of Benjamin Franklin for the name of Thomas Jefferson. I yield to the gentleman from Massachusetts.

Mr. LUCE. Mr. Speaker, undoubtedly the gentleman's familiarity with the life of Thomas Jefferson is greater than my own, but I have not been wholly without reading a good deal of the story of his life and of his writings. I think the gentleman is in error in not accepting Thomas Jefferson as a man distinguished in his interest in science. To the best of my recollection he took an interest in that subject all through his life, particularly in the matters relating to science connected with agriculture.

Mr. STAFFORD. I did not know that in those early days agriculture was recognized as a science.

Mr. LUCE. I suggest to the gentleman that before he commits himself positively on that he read all of the 25 volumes of the writings of George Washington that are about to be printed.

Mr. STAFFORD. I know that Thomas Jefferson did design his own home at Monticello; that he did have some acquaintance with architectural work; but I never knew that he was ever regarded as a scientist.

Mr. GREENWOOD. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GREENWOOD. I recall, in visiting Monticello, that there are several inventions in and about the place that were the work of Jefferson himself. I recall the clock that is over the front vestibule that shows the time on both sides. It is a really ingenious arrangement, and there are several mechanical devices.

Mr. STAFFORD. Will the gentleman from Massachusetts please explain how the name of Thomas Jefferson was selected, and also how the name of Jesse W. Lazear was selected?

Mr. LUCE. My interest in this matter was so great, and my fear of my own judgment was so great, that I asked the National Research Council to take up the study of the bill. That council is a semiofficial organization, and the gentleman can easily find its name in the Congressional Directory. I asked it to carefully consider the matter and advise us in respect to it.

Mr. TEMPLE. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. TEMPLE. The gentleman asked about Jesse Lazear.

Mr. STAFFORD. Well, I know something about his work.

Mr. TEMPLE. He was one of the men who undertook a risk of life beyond ordinary duty and sacrificed his life in the investigation of the yellow fever.

Mr. STAFFORD. I am well aware of that.

Mr. TEMPLE. And the cure and prevention of yellow fever is due to his efforts.

Mr. STAFFORD. Anyone can pass encomiums upon either of these gentlemen.

Mr. TEMPLE. I would not have volunteered the information but the gentleman asked for it.

Mr. STAFFORD. I respectfully submit there are other men of outstanding work, especially connected with science, who could more appropriately have their names connected with these medals of honor, than Thomas Jefferson. I will not press the amendment Mr. Speaker.

Mr. GRIFFIN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. GRIFFIN. The adoption of the name of Thomas Jefferson for the class of medals to be awarded for distinguished service in science was the idea of the late lamented Col. E. Lester Jones, who was the director of the Coast and Geodetic Survey for so many years. His heart was in his work, and I think he was particularly impressed with the grateful recollection that Thomas Jefferson was practically the founder of the Coast and Geodetic Survey, which is the oldest scientific organization of the United States Government. There was no need to add further to the laurels of Benjamin Franklin, since he is the accredited leader of scientific research in this country and his fame is perpetuated by a medal of very high grade which is awarded by the Franklin Institute. In my speech in the House, which was printed in the RECORD of February 5, 1931—page 4066—I included an article by Colonel Jones on the achievements of Thomas Jefferson to which I respectfully refer.

The Jesse W. Lazear medal of honor was agreed upon by the National Research Council as a fitting tribute to that distinguished surgeon, who while in the United States Army of occupation in Cuba, sacrificed his life in his experiments to determine the origin and cure of yellow fever. He voluntarily allowed himself to be infected with the yellow-fever germ in order to observe the progress of the disease. His researches led to the segregation of the germ of that dread disease and was the foundation of effectual methods of prevention, diagnosis, and treatment. As the report on this bill truly states: "His name may well be the symbol of sacrifice on the altar of science."

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 3. That recommendations to the President of persons to be considered for the honors contemplated in this act shall be made by the National Academy of Sciences, which shall consider and recommend on all cases certified to it as especially meritorious by heads of departments and independent offices of the Government.

SEC. 4. That not more than three medals of each class shall be awarded in any one year, and that each person so honored shall receive the sum of $1,000 on the presentation of the medal and testimonial, which said sum shall be in addition to his salary or pension.

SEC. 5. That said medals and awards may be granted posthumously, provided the employee has died after the passage of this act. In that event the cash shall be paid to the widow or widower. In case no widow or widower survives, the award shall go to the child, or be divided among the children of said employees. If there survive no widow, widower, or children, the medal and award shall go to the father and mother of the employee or the survivor of them.

SEC. 6. There is hereby authorized an appropriation to the Smithsonian Institution of $8,500 to defray the expenses of obtaining suitable designs for the medals and providing such medals, testimonials, and awards for the first year, and necessary expenses incidental thereto; and there is hereby authorized an annual appropriation for the purposes herein provided, not exceeding $6,500.

SEC. 7. This act shall take effect immediately.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ABRAHAM LINCOLN

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a very able and scholarly address delivered by our colleague, Mr. JOHNSTON of Missouri, upon the occasion of the anniversary of the birth of Abraham Lincoln.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, on the anniversary of the birth of the Great Emancipator, Abraham Lincoln, my friend and colleague, Hon. ROWLAND L. JOHNSTON, from the great State of Missouri, delivered an address before the Young Men's Republican League, of Washington County, Md., on the life, achievements, and outstanding lessons of the great career of the martyred President.

Congressman JOHNSTON'S address made a profound impression upon the people of my State, and I desire, under the leave granted me to extend my remarks, to have same printed in the CONGRESSIONAL RECORD.

The speech is as follows:

Mr. Toastmaster, members of Young Republican League of Washington County, and assembled guests, my pleasure in being among you on this memorial occasion is sincere, and I am not unmindful of the honor conferred upon me by your committee on arrangements in according to me the esteemed privilege of addressing this splendid gathering whose countenances register the true spirit of American patriotism.

Mr. Toastmaster, the subject of my remarks on this occasion has justly called forth the greatest eloquence of which the human voice is capable, a subject that, mindful of my own mediocrity, I approach with awe and timidity. If I make use of platitudes and the words and thoughts of others, I ask your indulgence of the fault.

One hundred and twenty-two years ago to-day an infant boy first opened his eyes to the world in a rude cabin in the Kentucky hills, and from that moment the star of destiny in all its resplendent glory marked that child for its own. That child was Abraham Lincoln, destined to become the most colossal figure in enduring statesmanship the world has ever known. Did he advance by rapid strides to the dizzy heights of fame? Was he the favored son of fortune? Did circumstances or opportunity clear the barriers and obstructions from his path to success? No! Lincoln, more than any other successful statesman of the ages, past and present, was beset, engulfed, and entangled with difficulties, opposition, and failures that would have quenched the fires of ambition, smothered the hopes, and ended the career of any save a Lincoln.

And here, if you will pardon the brief digression, I will voice a thought that has frequently come to me—that of the difference between the career of the statesman and that of success attained in any other calling or vocation. Statesmen, even the greatest, have rarely won the same recognition, the same permanency in the annals of history, as falls to the lot of the man of military fame, of art, of science, or literature. Alexander, Napoleon, Grant, Lee, Foch, all are remembered for their military achievements; Mozart, Verdi, Strauss, for their masterful achievements in the realm of music; the artist lives in his canvas, the scientist by his invention.

Even our own Washington, whose name we revere, calls to mind his career from Valley Forge to the British surrender at Yorktown, statesman though he was. The commander of an army has it subjected to his will. His objective must be attained, though the death of thousands be the price. He knows that his country awaits to acclaim him the victor over its enemies. One campaign, one signal victory, and his fame is secure. The applause of an opera acclaiming its success, and its creator knows that he has won a coveted place in the world of music; and so it is with the great inventor, author, or poet. Their names adorn the hall of fame, often as the result of a single successful achievement. But with the statesman how different! For him there is no such exact measure of greatness. He can not mold the minds of a heterogeneous people to think and reason his way and his alone. He must do all his work in a society of which a large part can not see his object and another large part, as far as they do see it, oppose it. Hence his work at best is often incomplete, and he has to be satisfied with the rough average in lieu of his ideal.

What I have just said is not altogether a digression. It may be used by way of illustration, for Lincoln, one of the few preeminent statesmen of all centuries, was no exception to the rule enunciated. From the time he entered the arena of public life to the early morning of his tragic death he met with misunderstanding and opposition. We will not dwell to-night upon his early manhood, his struggles with poverty, hardship, and toil, his lack of books with which to satisfy his insatiable appetite for reading, for all this is of universal knowledge.

Briefly, I will deal with his latter years. At the time of his first election to the Presidency in 1860 this Nation was even then on the threshold of armed rebellion. Proslavery and antislavery had long been widening the breach between North and South, involving the West and our Territorial possessions into the seething caldron of bitter dissension. The binding force of the Missouri compromise was challenged. Guerrilla warfare waged along the Missouri-Kansas border. The fugitive slave law was being violated with impunity. The administration of President Buchanan, weak and impotent, had lost the confidence of the people.

Just prior to the election the fanatic, John Brown, had made his raid upon Harpers Ferry in an attempt to incite a slave insurrection, followed by his execution on December 2. And even while Lincoln was journeying from Springfield, Ill., to Washington to assume the Presidency Jefferson Davis was chosen as President of the Southern Confederacy at a convention held at Montgomery, Ala. And these were the conditions, and even worse, that Lincoln, of humble birth, meager learning, and untried in executive ability, was called upon to cope with to bring order out of chaos.

The Nation faced the greatest crisis in its history. Treason, sedition, betrayal, and desertion permeated every branch of the Government. The Union of States, one and indivisible, was tottering upon its base, and in the midst of this wild hysteria of contending factions, torn by fear, hate, and jealousies, there was one master mind that seized the helm of State saying, "This Union shall be preserved." It was the voice of Lincoln speaking those prophetic words. Undiscouraged, unperturbed, he viewed the situation as a game of chess. He knew his own weakness and he knew his own strength, and, likewise, he weighed the strength of the enemy against its weakness. Towering above all obstacles, his powerful intellect molded the thoughts of the Nation to his own indomitable will by the very simplicity of his judgment, a simplicity wherein lay its controlling force; this intellectual giant of statesmanship broke the will of objectors and dissenters and subjected it to his own. He heard within his soul the voice of the sheeted dead who died on the battlefields of the War for Independence, died that liberty might live. The blood of these heroic dead cried out for the preservation of the Union lest they had died in vain.

The shades of the signers of the Declaration of Independence held that sacred document before his steady gaze with the silent command, "To you, Lincoln, is intrusted the fulfillment of this solemn declaration of principles upon which the Union stands; its preservation inviolate is your responsibility."

In accepting that executive trust, that responsibility, the like of which had never been thrust upon a potentate of ancient times or ruler of nations down to our present day, the acid test had come, and with it the revelation of Lincoln's supergreatness as the one man master of the arena wherein the contending forces of a mighty nation were the performers. The eyes of the world were upon him, both at home and abroad. England and France, with their pretended policy of neutrality, wondered and doubted if the Union could survive the strain and were ever ready to recognize a confederacy of Southern States, while Lincoln, disdaining a thought upon any subject save that of the Union preserved, threw that irresistible force of leadership into the gigantic task before him, resolved that not a star should be dimmed in the silken folds of Old Glory; that it should ever wave o'er the land of the free and the brave, its stars as resplendent as those of the heavenly dome, burning like beacons of hope, guiding the oppressed to the light of liberty and freedom.

Wherein lies Lincoln's greatness? As a man, the beautiful simplicity of his nature, his love of truth, of righteousness. He delved deep into the souls of his fellow beings and from that vantage ground he learned to know and understand mankind; he sympathized with its weakness, forgave its faults, and was ever ready to succor its distress. As a statesman—why dwell upon it? It is testified to in the most enduring pages of the world's history. His unrivaled achievements and accomplishments are an answer to the question. His moral convictions as a ruler of men may be summed up in that phrase which was so often on his lips: "If this must be done, I must do it."

What a clear, understandable distinction he could draw between right and wrong! He denounced the Rebellion as a grievous wrong and denied the right of the Southern States to secede, and yet upheld the right of the Colonies to rebel against the British Government. Here is his distinction, and I will try to quote his own words: "Anyone may have a moral right to secede from any State for the purpose of securing some moral end, such as personal liberty, which is incompatible with citizenship of that State." Our Colonies were fortified with this moral right to confederate together against a common wrong, while, on the other hand, the Southern States rebelled against the Union of States in an effort to perpetuate a moral wrong.

Lincoln recognized the rights of property in the slaveholder, at the same time condemning the principle. Again and again he recommended gradual emancipation by purchase as a policy of economy. He weighed the terrible cost of war in human lives, money, and property damage as against the comparative small cost of purchase of the slaves from their owners. Why, to think, the aftercost of the Civil War in pensions alone would have purchased thrice over every slave that had ever lived within our borders! Had this policy been adopted, the curse would have ceased, bitterness would have turned to praise, the Union would have risen proudly from the conflict, the flag would have waved over a united people, loved and revered by all. But no; the slaveholder rejected it; the radical abolitionist of the North rejected it. Lincoln loved the South as an integral part of the Union; he loved its people, and they ever had his heartfelt sympathy in their dark hours of distress. While others saw only the panorama of battle and the immediate present, he visioned the future, bringing with it the inevitable days of reconstruction which he knew were bound to come. Many there were of northern radicals who, while wildly clamoring that Jefferson Davis be hung as a traitor, were ready to treat with him as the accredited representative of the rebellious States. Lincoln, on the other hand, would not have harmed a hair of his head, though he would have died before he would have recognized him as the head of a confederacy of States which still were of the Union, and where he was determined they should ever remain.

I have touched briefly and hurriedly upon his achievements, his powers as a leader of men, his force in shaping the destinies of a great nation, marking him as a statesman, the greatest among the great. Now, let us turn to the human of him, the soul and heart of him.

Why is it that no other name in the long roll of distinguished statesmen stirs the heart of a nation so deeply as does that of Abraham Lincoln? It is not enough to say that he was a wise and patriotic President, who died a martyr to a great cause. We have had other wise and patriotic Presidents. The memory of Washington we revere; Jefferson, we admire; Lincoln, we love. His memory is enshrined in the heart of the Nation and there is none so close as he to the source of tears and emotion. This can not be explained by the fact that he rose by manly effort from the humblest ranks of backwoods life to the highest position in the gift of a people. It can not be accounted for by the fact that he was a noble embodiment of that splendid spirit of self-reliance that is bred of generations of lonely struggle in the shadow of the forest primeval.

These things are a part of the reason for the esteem in which we hold Lincoln, as is his inexhaustible humor, his intense earnestness, his tireless industry, his honesty and fairness, his courage, and steadfastness of purpose. His homely and unaffected words and ways had something to do with his popularity and so had his sturdy common sense. But not all these commendable traits could make a Lincoln without something additional; nor is the secret revealed by naming what is usually regarded as the crowning trait of his magnificent character—the fact that he always sought the right as God gave him to see the right. This will explain much, but it will never explain the flood of tender emo-

tion that wells up from the human heart at mention of his incomparable name.

Mr. Toastmaster and friends, I believe that the true secret of our love for Lincoln was his own love for his fellow men. In his giant, ungainly form there was a heart of infinite human sympathy, and this, above all other of his noble traits, created the imperishable halo that lingers around the memory of this man of sorrow, as he is often called, a sorrow that he felt for the distress of others.

It was this same deep, human sympathy that enabled him to hold that marvelous balance of judgment which could put the Union above all else and could hold back emancipation until the right time had come. He could put himself in the place of the citizen of the border States and feel that any radical move would impede the preservation of the Union itself. This note of human sympathy sounded forth in his first inaugural address; it ran through his relations with the soldiers of the Union Army and animated his last acts as it did his first.

My friends, the fast-falling shadows of the past leave few names of men not enshrouded by their gloom. Many of the heroes of to-day will be lost to sight in the dimness of the approaching twilight. To-morrow's sun will lighten up new shrines surrounded by tireless hosts of hero worshipers. But the lustrous diadem of immortal glory, crowning the brow of the great emancipator, the great reconciler, the great humanitarian, will never lose a ray of its eternal light. At mention of his name the human breast will thrill until nature's clock shall have ceased to beat upon the shores of time. The star of hope ever beamed within the heart of Lincoln. It ruled his life and consecrated his deeds. Others turned their backs and bowed their heads in despair and trembled in fear for the Union's future. He, through densest darkness, saw with prescient light and gaze the glory of the coming dawn.

Mr. Toastmaster, our love and admiration for Lincoln, our reverence for his name and memory, is now universal. The doctrines and principles for which he lived and died have journeyed far from the homeland into foreign lands 'neath alien skies, carrying their message of hope and courage into the humblest walks of life. They guide and mold the thoughts and actions of the nations of the earth that search for the true spirit of justice and righteousness in government. But, alas! this was not always so. The tongues of calumny and falsehood were not silenced by his untimely death, and the fangs of venom continued to strike. But now all this bitterness, all vile slander lies buried in the deep shadows of the past and time has placed upon that unhallowed ground the seal of forgetfulness, while the name of Lincoln, in all its transcendent glory, like the Phoenix bird of ancient mythology, has risen from the dead ashes of the past and reigns supreme in the hearts of a grateful Nation. From the land of Dixie, where the Swanee River flows, the southern breezes sing his praise. Among palmetto groves from base of southern mountains to lofty summit heights ring the glad echoes of his name—a name now enshrined in the hearts of all, both North and South, both East and West.

Through all the vanishing after years the name of Abraham Lincoln shall endure, defying ages yet to come to dim its luster, and as the cycles of time move on his memory shall ever remain as the greatest heritage left to humanity by mortal man, and when we think of all that he was to his country and of all that he is to us to-day, truly we can say, "O Death, where is thy sting? O Grave, where is thy victory?" How fitting seems this close upon his life:

"In the beauty of the lilies
Christ was born across the sea,
With a glory in his bosom
That transfigures you and me;
As He died to make men holy,
Let us die to make men free."

MARINE BAND ATTENDANCE AT YORKTOWN, VA.

The Clerk called the next bill on the Consent Calendar, H. R. 15623, to authorize the attendance of the Marine Band at the sesquicentennial celebration, to be held at Yorktown, Va., in October, 1931.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

CONSTRUCTION OF DAM ACROSS THE OWYHEE RIVER

The Clerk called the next bill on the Consent Calendar, H. R. 16302, to authorize an investigation with respect to the construction of a dam across the Owyhee River within the Duck Valley Indian Reservation, Nev., and for other purposes.

Mr. COLLINS. Mr. Speaker, reserving the right to object, this is not some power scheme, is it?

Mr. ARENTZ. No; there is no power involved here at all. This is merely for an examination or for the completion of an investigation of a dam site, and is not for the construction of a dam.

Mr. COLLINS. Is this for the benefit of the Indians?

Mr. ARENTZ. Only for the benefit of the Indians. It is to give something to the Indians that they otherwise would not have. It is to protect them from the encroachments of the whites. That is what the bill is for.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to make further surveys, investigations, and completion of inspection of foundation of Reed Creek Reservoir site for purpose of constructing a dam across Owyhee River, to be located within the Duck Valley Indian Reservation, Nev.

Mr. ARENTZ. Mr. Speaker, I offer four amendments, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment by Mr. ARENTZ: Page 1, line 5, strike out "$10,000" and insert in lieu thereof "$15,000."

Mr. UNDERHILL. Will the gentleman from Nevada explain the necessity for this amendment?

Mr. STAFFORD. Mr. Speaker, it is generally accepted that when a bill is up for consideration and there is no objection, the bill is acceptable to the mover of the bill, and the bill goes through as is. The gentleman is now increasing the authorization 50 per cent. What is the occasion for this increase?

Mr. ARENTZ. I want to say to the gentleman that when the report came down to me and the form of the bill was presented to me, $15,000 was recommended by the Secretary of the Interior and the Commissioner of Indian Affairs. I thought $10,000 was enough, and I told them so. I said that all I wanted was an investigation of this dam site and a few borings made. The Secretary came back with his report, which I have here, and said that $10,000 is not enough and that it will take $15,000 to do the work we want because we want not only to examine Red Creek but two other creeks.

Mr. STAFFORD. Mr. Speaker, that is sufficient information, and I withdraw my opposition.

The amendment was agreed to.

The Clerk read as follows:

In lines 7 and 8, change the word "foundation" to foundations," and insert immediately thereafter in line 8 the following words: "And preparation of plans and specifications."

The amendment was agreed to.

The Clerk read as follows:

In line 8, after the word "Creek," insert the words "and other"; also, in line 8, change the word "site" to "sites."

The amendment was agreed to.

The Clerk read as follows:

In line 9, after the word "dam," insert the words "or dams"; also, in line 9, after the word "River," insert the words "or other streams"; also, in line 9, after the word "within," insert the words "or adjacent to."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the title be amended to conform with the amendments just adopted.

The SPEAKER. Without objection, it is so ordered.

ATTENDANCE OF THE MARINE BAND AT THE SESQUICENTENNIAL CELEBRATION, YORKTOWN, VA.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to return to Calendar No. 961, the bill (H. R. 15622) to authorize the attendance of the Marine Band at the sesquicentennial celebration to be held at Yorktown, Va., in October, 1931, which I objected to.

I understand an amendment will be offered which will clarify the language of the bill and prove satisfactory to everyone concerned.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the title of the bill.

Mr. JENKINS. Mr. Speaker, reserving the right to object, I would like to know what is the proposed amendment.

Mr. SCHAFER of Wisconsin. The amendment will be to strike out the proviso commencing on page 2, line 3, and insert the words "and subsistence," after the word "expenses" in line 9, on page 1.

Mr. JENKINS. That does the same thing that my proposed amendment would have done and I therefore withdraw any objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the celebration to be held at Yorktown, Va., in the month of October, 1931, to commemorate the surrender of Lord Cornwallis and the establishment of American independence.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such celebration there is authorized to be appropriated the sum of $8,012, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $5 per day each for actual living expenses while on this duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer the following amendments:

The Clerk read as follows:

Amendments by Mr. SCHAFER of Wisconsin: Page 1, line 9, after the word "expense," insert the words "and subsistence."

In line 3, page 2, strike out the semicolon, insert a period, and strike out the remainder of the bill.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PAY AND ALLOWANCES FOR OFFICERS AND MEN ON VESSELS OF THE DEPARTMENT OF COMMERCE

The Clerk read the title of the next bill on the Consent Calendar, H. R. 16696, to authorize the Secretary of Commerce to continue the system of pay and allowances, etc., for officers and men on vessels of the Department of Commerce in operation as of July 1, 1929.

Mr. GREENWOOD. Reserving the right to object, I want to inquire if this is to continue the method of paying the employees of the Commerce Department as it is now being carried on in order to set aside a ruling of the Comptroller General?

Mr. MERRITT. It is.

Mr. GREENWOOD. I want to ask the gentleman whether it would be cheaper to continue the present method for the Federal Government or whether it would be less expensive to come under the classification as the Comptroller General rules?

Mr. MERRITT. The ruling of the Comptroller General would require a classification and it would cost the Government $67,000. The present method has been in use for a long time and since the classification bill was passed. The comptroller last September changed his previous ruling, but, as I say, it will increase the cost to the Government by $67,000 and be of no benefit to the men, who do not want it.

Mr. GREENWOOD. The officers and men of the Coast and Geodetic Survey and the Lighthouse Department believe it will be just as serviceable to the Government and less expensive.

Mr. MERRITT. Yes. I ask unanimous consent to substitute the bill S. 5962 for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized, in his discretion, to continue the system of pay and allowances, including allowances for longevity, for officers and men on vessels of the Department of Commerce, that was in operation as of July 1, 1929, until such time as legislation shall be enacted pursuant to section 2 of the act approved May 26, 1928 (45 Stat. 785), or similar legislation affecting the classification of vessel employees in the field service of the Government.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE STAUNTON RIVER AT BROOKNEAL, VA.

The Clerk read the title of the next bill on the Consent Calendar, S. 5114, an act to legalize bridges across the Staunton River at Brookneal, route No. 18, Campbell County, and at Clover, Halifax County, route No. 12, State of Virginia.

Mr. UNDERHILL. Mr. Speaker, I notice that there are a whole page of bills reported from the Committee on Interstate and Foreign Commerce with reference to bridge bills, to which there is very seldom any objection. I was wondering if we could not consider them en bloc.

Mr. LAGUARDIA. No; we can not do that; we have tried it and it is not a success.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the highway bridges built by the authorities of the State of Virginia across the Staunton River at Brookneal, on Route No. 18, Campbell County, and at Clover, Halifax County, on Route No. 12, are hereby legalized and the consent of Congress is hereby given to their maintenance by the said State for the use of the general public: *Provided*, That any changes in said bridges which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the said State.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS CHESAPEAKE BAY

The Clerk called the next bill, S. 5255, to extend the time for the construction of a bridge across the Chesapeake Bay.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved February 15, 1927, and by act of Congress approved April 10, 1928, to be built by the Chesapeake Bay Bridge Co., a corporation, across the Chesapeake Bay heretofore extended by acts of Congress approved April 10, 1928, and June 21, 1929, are hereby further extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS PIGEON RIVER, MINN.

The Clerk called the next bill, S. 5392, to legalize a bridge across the Pigeon River at or near Mineral Center, Minn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the bridge heretofore constructed by the State of Minnesota, across the Pigeon River at or near Mineral Center, Minn., and located on Trunk Highway No. 1, connecting the State of Minnesota and the Province of Ontario, Canada, shall be a lawful structure and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring approval of plans by the Secretary of War and Chief of Engineers before the bridge is commenced.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS MISSOURI RIVER, BROWNVILLE, NEBR.

The Clerk called the next bill, S. 5473, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.

Mr. LAGUARDIA. I object.

BRIDGE ACROSS MISSOURI RIVER, DECATUR, NEBR.

The Clerk called the next bill, H. R. 16154, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.

Mr. LAGUARDIA. I object.

BRIDGE ACROSS RED RIVER OF THE NORTH

The Clerk called the next bill, H. R. 16334, to extend the times for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, across the Red River of the North on the boundary line between said States.

The SPEAKER pro tempore. Is there objection?

Mr. HOWARD. Mr. Speaker, I rise to make a statement.

The SPEAKER pro tempore. The Chair does not recognize gentlemen to make statements. The gentleman from Nebraska can object or reserve the right to object.

Mr. HOWARD. I am not fully acquainted with peremptory language, but I desire to make a reservation.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HOWARD. Mr. Speaker, I want to help conduct the legislation here in an orderly manner, if I can. I recognize the right of every gentleman to lodge objection, but if it is to be the practice to object to one of these bills for an extension of time, why not all of them? It does not seem fair otherwise. I want to protect the interests of my own people, but I do not want to injure the interests of any other people. It does seem to me cruel that a little extension bill of mine should be objected to, while the one right next to it should not be objected to.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. LaGUARDIA. I think the gentleman is entitled to an answer to that. The answer is very simple. These matters are submitted to the Bureau of Public Roads, and they look into the facts and make recommendation. I assume the gentleman is referring to H. R. 16154. That bureau recommends as follows:

When the original bill to authorize construction of this bridge was pending in Congress adverse report thereon was submitted by this department. It still is the view of the department a private toll bridge should not be constructed at this point. It therefore recommends against further extending the time, as proposed in the bill.

Many of the bills not objected to are permits given to States or political subdivisions of States to construct and operate bridges. Some private toll bridge bills get by by being passed first in the Senate and then coming over here and being called up as a privileged matter. In that case I can not object. The next time the gentleman's bill is called it will require three objections. I am not going to put myself up against the House, and I would not if I could; but I can at least attempt to break down this monopoly in toll bridges by following the recommendation of the Bureau of Public Roads. The gentleman knows that I would not arbitrarily or without reason object to any matter in which he is interested.

Mr. HOWARD. I know the gentleman is always very sweet in his treatment of me. I merely want to know whether he is going to deal with all others with like sweetness.

Mr. LaGUARDIA. I am.

Mr. HOWARD. Very well.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

That the act approved July 1, 1922, granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North, at or near the section line between sections 24 and 25, township 145 north, range 49 west, fifth principal meridian, on the boundary line between Minnesota and North Dakota, be, and the same is hereby, revived and reenacted.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was agreed to, and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

The title was amended to read: "An act to revive and reenact the act entitled 'An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North, on the boundary line between said States,' approved July 1, 1922."

BRIDGE ACROSS BLACK RIVER, POCAHONTAS, ARK.

The Clerk called the next bill, H. R. 16337, to extend the times for commencing and completing the construction of a bridge across Black River, at or near Pocahontas, Ark.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Black River at or near Pocahontas, Ark., authorized to be built by the Arkansas State Highway Commission, by act of Congress approved April 12, 1930, are hereby extended one and three years, respectively.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 8, after the word "respectively," insert "from April 12, 1931."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER, BATON ROUGE, LA.

The Clerk called the next bill, H. R. 16246, to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.

Mr. LaGUARDIA. Mr. Speaker, I object.

BRIDGE ACROSS MISSOURI RIVER AT NIOBRARA, NEBR.

The Clerk called the next bill on the Consent Calendar, H. R. 16254, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.

Mr. LaGUARDIA. I object.

BRIDGE ACROSS OHIO RIVER AT THE LICKING RIVER

The Clerk called the next bill on the Consent Calendar, H. R. 16416, authorizing the Dixie Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River and the Licking River at or near the junction of the Ohio and Licking Rivers to connect Cincinnati, Ohio, with Covington, Ky., and Newport, Ky.

Mr. LaGUARDIA. I object.

Mr. THATCHER. Will the gentleman reserve his objection?

Mr. LaGUARDIA. I reserve it.

Mr. THATCHER. The author of the bill is absent to-day on account of illness. I am wondering if the gentleman from New York is unyielding and obdurate in his objection?

Mr. LaGUARDIA. If the gentleman will convince the Bureau of Public Roads that the bill should be passed, I will withdraw my objection.

Mr. THATCHER. They object to any bridge that is not a municipally owned or toll-free bridge. They do that on general principles, but the House does not respect the judgment of the Bureau of Public Roads on that question.

Mr. LaGUARDIA. I am one Member of the House who does.

Mr. THATCHER. If the gentleman is obdurate, of course that is his privilege.

Mr. LaGUARDIA. I object, Mr. Speaker.

BRIDGE ACROSS THE ST. FRANCIS RIVER AT MADISON, ARK.

The Clerk called the next bill on the Consent Calendar, H. R. 16419, granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Arkansas State Highway Commission and their successors and assigns to construct, maintain, and operate a free highway bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation, at or near Madison, Ark., on State Highway No. 70, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS ST. CLAIR RIVER AT PORT HURON, MICH.

The Clerk called the next bill on the Consent Calendar, H. R. 16471, to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich., authorized to be built by the Great Lakes Bridge Commission by an act of Congress approved June 25, 1930, are hereby extended one and three years, respectively, from June 25, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 8, strike out the figures "1930" and insert "1931."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

QUAY IN MILBURN CREEK, BALDWIN HARBOR, N. Y.

The Clerk called the next bill on the Consent Calendar, H. R. 16632, to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the quay owned by Daniel S. Quigley, located in Milburn Creek at Baldwin Harbor, Nassau County, N. Y., be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said quay: *Provided*, That any changes in said quay which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MODIFICATION OF BOUNDARY LINE, PANAMA CANAL ZONE

The Clerk called the next bill on the Consent Calendar, H. R. 15608, to authorize the modification of the boundary line between the Panama Canal Zone and the Republic of Panama, and for other purposes.

Mr. COLLINS. Reserving the right to object, has the gentleman inquired into the cost of the land that is in controversy here?

Mr. TEMPLE. There is no cost at all. It is a mere transfer of land that belongs to the United States Government and is now under control of the War Department. It is adjacent to the city of Panama, and, of course, a legation building for the American minister to Panama can not be built outside the Republic of Panama. In order to get a site in Panama free of cost the proposal is to change the boundary of Panama so as to throw a few acres of American ground into the Republic of Panama and construct on it our legation building. It will cost nothing but the bookkeeping between the War Department and the State Department; that is, nothing at all.

Mr. COLLINS. The statement that I have before me states it is a modification of a boundary line between the Panama Canal and the Republic of Panama.

Mr. TEMPLE. That is correct.

Mr. COLLINS. And deals with a parcel of land, and I want to find out about the cost, if there is any cost.

Mr. TEMPLE. There is no cost. It is a point of land adjacent to the city of Panama and is quite suitable for a legation building. When we transfer the land and put it inside the Republic of Panama we retain all rights of private ownership and the right to build military roads and all that. The War Department is thoroughly satisfied and the State Department will be grateful if there is no objection.

Mr. THATCHER. This is a very beautiful location.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That with respect to that parcel of land in the Panama Canal Zone known as the Paitilla Point Military Reservation, title to which was acquired by the Government of the United States under the conventions concluded on November 18, 1903, and September 2, 1914, between the United States and Panama, the Secretary of State be, and he is hereby, authorized and empowered to effect with the Republic of Panama a modification of the boundary line between the Panama Canal Zone and the Republic of Panama so that such line shall then run as follows:

Beginning at a concrete monument marked "E," which is a point on the line on the north boundary of the Paitilla Point Military Reservation as shown on Panama Canal Drawing No. X-6058-1, whose geodetic coordinates are latitude 8° 58' plus 4,445.06 feet and longitude 79° 31' plus 923.50 feet, and following along a course of south 33° east for 790 feet to a concrete monument marked "F"; thence along a course of south 21° 45' east for a distance of 490 feet to a concrete monument marked "G"; thence along a course of south 52° west for 870 feet to a concrete monument marked "H"; thence along a course of south 76° 30' west for 780 feet more or less to a point marked "I" on the map, which is an imaginary point located on the center line of the Matasnillo River, which forms the west boundary of the military reservation. All bearings are true. All coordinates are referred to the Panama Colon Datum.

SEC. 2. Nothing contained in this act shall be construed to authorize the Secretary of State to convey or to surrender to the Government of Panama the title which the Government of the United States now holds in that parcel of land which may be detached from the Panama Canal Zone by virtue of the provisions of section 1 of this act.

SEC. 3. No civil or criminal case that may be pending in the courts of the Panama Canal Zone at the time this act shall become effective shall be affected thereby, either as to its present status or as to future proceedings, including final judgment or disposition.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TO AMEND THE NATIONAL PROHIBITION ACT

The Clerk called the next bill on the Consent Calendar, H. R. 11199, to amend sections 22 and 39, Title II, of the national prohibition act.

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, I would like the proponent of this bill, or a member of the Committee on the Judiciary, preferably an antiprohibition member, to explain briefly the necessity for the enactment of the pending bill.

Mr. CHRISTOPHERSON. This is merely a matter of the correction of the procedure allowing service by publication in these cases just the same as in other civil matters.

Mr. SCHAFER of Wisconsin. Will its enactment make it easier to create injustices in padlock proceedings?

Mr. CHRISTOPHERSON. It will create no injustice whatever.

Mr. WILLIAMSON. I understood the gentleman from Wisconsin [Mr. SCHAFER] to say he wanted an explanation from an antiprohibition member. Does the gentleman come within that category?

Mr. CHRISTOPHERSON. I did not hear that statement. I certainly do not.

Mr. SCHAFER of Wisconsin. In view of the statement of the antiprohibition member of the Committee on the Judiciary, I do not object.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 22, Title II, of the national prohibition act (sec. 34, title 27, U. S. C., sec. 22, Title II, ch. 85, pt. 1, vol. 41, U. S. Stat. L.) be, and the same is hereby, amended by adding the following:

"If in any proceeding under this section it is made to appear to the court that any person or persons unknown have or claim an interest in such room, house, building, structure, boat, vehicle, or place, or some part thereof, which would be affected by the order prayed for, it may order that such person or persons unknown be made parties by designating them as unknown owners of or claimants of some interest in the property described, and such person or persons, and any defendant or defendants who are absent from the jurisdiction, or whom, whether within or without the jurisdiction, it is impracticable to serve otherwise, or who are shown to the satisfaction of the court to be concealing themselves for the purpose of evading service of process or any order of the court, may be served in accordance with the provisions of section 57 of the Judicial Code (U. S. C., title 28, sec. 118)."

SEC. 2. That section 39, Title II, of the national prohibition act (U. S. C., title 27, sec. 62) be, and the same is hereby, amended to read as follows:

"SEC. 39. In all cases wherein the property of any citizen is proceeded against or wherein a judgment affecting it might be rendered, and the citizen is not the one who in person violated the provisions of the law, summons must be issued in due form and served personally, if said person is to be found within the jurisdiction of the court, or there must be substituted service as provided in section 22 of this title (U. S. C., title 27, sec. 34) as amended by this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDITIONAL JUDGE OF DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF NEW YORK

The Clerk called the next bill on the Consent Calendar, H. R. 12059, to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York.

Mr. BOYLAN, Mr. COLLINS, and Mr. GREENWOOD objected.

APPOINTMENT OF TWO ADDITIONAL DISTRICT JUDGES FOR THE SOUTHERN DISTRICT OF NEW YORK

The Clerk called the next bill on the Consent Calendar, H. R. 12032, to provide for the appointment of two additional district judges for the southern district of New York.

Mr. BOYLAN, Mr. COLLINS, and Mr. GREENWOOD objected.

TO MAKE PERMANENT CERTAIN TEMPORARY JUDGESHIPS

The Clerk called the next bill on the Consent Calendar, H. R. 14055, to make permanent certain temporary judgeships.

Mr. BOYLAN. I object.

TO AMEND SECTION 284 OF THE JUDICIAL CODE

The Clerk called the next bill on the Consent Calendar, S. 4425, to amend section 284 of the Judicial Code of the United States.

Mr. BOYLAN. I object.

ORGANIZATION OF AGRICULTURAL CREDIT CORPORATIONS

The Clerk called the next bill, S. 5441, to assist in the organization of agricultural credit corporations.

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, this bill sets aside $5,000,000 of the $45,000,000 appropriated by Public Resolution 115, approved January 15, 1931. I do not exactly understand the operation of it. If the $45,000,000 was for the relief of farmers in the drought-stricken areas, then why does the gentleman want to take $5,000,000 from that and make loans through intermediate credit banks?

Mr. HAUGEN. No money will be available under the $45,000,000 to take care of livestock, milk cows, and other matters outside of the seed.

Mr. JENKINS. Under this bill, will it be permissible to use the $5,000,000 for dairymen, use it to buy feed for their cattle?

Mr. HAUGEN. They will subscribe to the stock, and then they will make loans through the intermediate credit banks.

Mr. JENKINS. Here is my interest in this thing: My district, in southern Ohio, was badly stricken by this drought condition, and the $45,000,000 bill which we passed did not bring our people the relief that was expected, because it contained no provision whereby they could buy feed for milk cows.

Mr. HAUGEN. This will take care of that very thing, and that is the purpose of the bill.

Mr. JENKINS. I am glad to receive that information, because that would be a very fine amendment.

Mr. STAFFORD. I do not recall exactly the phraseology of the extended provision for farm relief passed last week whereby we provided additional authority and loans to credit associations. As I understand this bill, it is to provide similar relief. Wherein is it necessary, in view of the Senate amendment that was agreed to by the House conferees on the Interior Department appropriation bill? In that amendment there was a specific provision granting additional authority to credit associations. In Arkansas and other States, in order to provide for rehabilitation, it was necessary to provide financing. The Senate amendment made provision for that very condition. This bill was reported before that agreement was had, and I am wondering whether you are not duplicating the authority as carried in the Senate amendment to the Interior Department appropriation bill which is now law?

Mr. HAUGEN. This is simply to permit various localities to provide for their local banks and that they may apply to the intermediate credit banks.

Mr. STAFFORD. As I recall, that was the purpose of the Senate amendment. Is the gentleman acquainted with the Senate amendment that was agreed to?

Mr. HAUGEN. No; I am not.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

OIL-SHALE LANDS

The Clerk called the next bill, H. R. 15002, concerning oil-shale lands.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. COLTON. Will the gentleman withhold that request?

Mr. STAFFORD. Yes.

Mr. COLTON. Since the printing of the report the Secretary of the Interior has transmitted to the chairman of the committee a letter indorsing this legislation, and I think if permission were given to read this letter it would probably remove the gentleman's objection.

Mr. STAFFORD. I have read the letter of the Secretary of the Interior under date of November 6, 1930.

Mr. COLTON. In that letter the Secretary called attention to the necessity for clarifying legislation, and since then the committee has held extensive hearings and reported out this bill. I have in my hand a letter dated February 12, in which the Secretary says that some legislation is absolutely imperative.

Mr. STAFFORD. I thought it was a matter of some importance when you provide $500 to be paid by any entrymen in lieu of $100 worth of work yearly so that they may present their oil claims. This is a matter which would involve many, many acres of land of considerable moment to everyone, and I question whether it should be considered under unanimous consent.

Mr. COLTON. As a matter of fact, this bill applies only to those claims that were valid, existing claims prior to February 25, 1920, and their exact status has been uncertain. Some legislation is absolutely necessary.

Mr. STAFFORD. And they amount to thousands of claims?

Mr. COLTON. Yes; about 6,400 claims.

Mr. WELSH of Pennsylvania. Mr. Speaker, I demand the regular order.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. EATON of Colorado. Mr. Speaker, I ask unanimous consent that there may be incorporated in the RECORD at this point the letter of the Secretary of the Interior on the bill that has just been passed over without prejudice.

The SPEAKER pro tempore (Mr. MICHENER). The gentleman from Colorado asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The letter referred to follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 12, 1931.

Hon. DON B. COLTON,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. CHAIRMAN: I have your request for my report on H. R. 15002, a bill concerning oil-shale lands.

On November 6 I wrote, calling your committee's attention to the probable necessity for legislation clarifying the uncertainties in the existing law respecting oil-shale lands, arising from the adverse Supreme Court decision of Wilbur *v.* Krushnic (280 U. S. 306). I pointed out that as part of this general problem it should be made clear whether the policy of the mineral leasing act is or is not to require the performance of $100 worth of assessment work each year on oil-shale claims, under penalty of forfeiture to the United States. This question under the mining laws, prior to the mineral leasing act, would necessarily have been answered in the negative. The effect of that act on this point is not clear in view of the Supreme Court decision mentioned above. The department has resolved the ambiguity in favor of the Government, has posted and taken repossession of over 6,400 claims in default, and faces the huge task of adjudicating the status of these claims. The posting of the claims has occupied the time of all mining engineers in the field service with two exceptions, has occasioned great expense, and has required the transfer of a large number of other employees to this work, to the detriment of activities of the field service all through the West.

In my letter I pointed out that there were at least three possible viewpoints: (1) Advocated by oil-shale claimants, that the United States should waive the claim that default in assessment work forfeits a claim to the United States; (2) that Congress should specifically reaffirm the department's policy of forfeiting these claims for failure to do assessment work; (3) that the controversy should be ended by fixing some future date upon which all claims whose assessment work has not been resumed shall be deemed abandoned, and providing that after some later date no further applications for patent will be granted.

I made no recommendation, pointing out that the problem is one of clarification of existing legislation and presents a question of policy for congressional rather than departmental decision.

H. R. 15002 as amended apparently adopts the third of these alternative suggestions. It provides that all claims shall be deemed abandoned on July 1, 1932, except claims then pending in applications for patent and claims upon which assessment work has been performed for the year ending July 1, 1932, and an affidavit thereof filed on or before October 31 of that year. It provides further that assessment work must be done for the year ending July 1, 1933, on penalty of forfeiture. It provides, however, that in lieu of doing assessment work the claimant may pay $100 into the Treasury, which can be credited on the law's requirement of $500 of expenditure as a condition to issuance of patent. This provision is designed to obviate the wide controversy between departmental employees and claimants as to the value of physical labor. Section 37 (a) would protect innocent purchasers for value against charges of dummy locations by their predecessors. Section 37 (b) would fix July 1, 1934, as the date by which all applications for patent must be filed. On that date there would thus be a final conclusion to the claims started under the old mining laws, superseded by the mineral leasing act in 1920; those which had not ripened into an application for patent would be forfeited. Section 37 (c) restricts the act to oil-shale claims.

As pointed out in my letter of November 6, I regard the necessity for clarifying legislation as imperative, but the form which it takes is a matter for congressional rather than departmental determination. The House committee has given careful attention to this subject. The bill which it has reported out presents no administrative difficulties and I have no objection to its enactment. I believe that the whole question deserves consideration by Congress at the very earliest opportunity.

Very truly yours,

RAY LYMAN WILBUR.

TUCSON FIELD, TUCSON, ARIZ.

The Clerk called the next bill on the Consent Calendar, H. R. 15437, to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $53,000 for improvements, construction, and installation at Tucson Field, Tucson, Ariz., as follows:

Hangar and appurtenances thereto, $50,000; gas-storage system, $3,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ATTENDANCE OF MARINE BAND AT SPANISH-AMERICAN WAR VETERANS' CONVENTION, NEW ORLEANS

The Clerk called the next bill, H. R. 14680, to authorize the attendance of the Marine Band at the Spanish-American War veterans' convention at New Orleans.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, this bill falls within the line which was fairly well discussed earlier in the afternoon, as to the policy of sending a Government-paid band out to compete with the regular organized and private bands of the localities in which these bands appear.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. McCORMACK of Massachusetts. I notice No. 961 on to-day's Consent Calendar, a bill to authorize the attendance of the Marine Band at the sesquicentennial celebration to be held at Yorktown, was reconsidered and an amendment agreed to and the bill passed.

Mr. UNDERHILL. The circumstances were entirely different. That is a matter which is a governmental function and the Marine Band is in no wise competing with other bands. Now, here is the great city of New Orleans, and in New Orleans and vicinity undoubtedly they can furnish musicians enough for the occasion. The gentleman who advocated this measure a few days ago confessed that the purpose of sending this band to New Orleans is commercial; that it would draw people from outside of the city in no wise interested in the convention of the veterans of the Spanish-American War; and that they were going to have bands enough; but this was simply for the purpose of attracting trade for the merchants of the city of New Orleans.

Mr. MONTET. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. MONTET. Is not the same thing true with reference to the celebration at Yorktown?

Mr. UNDERHILL. There are no merchants in Yorktown. It is a little bit of a place and the Yorktown proposition is a national celebration.

Mr. MONTET. What is this but a national celebration?

Mr. YON. This is the national convention of the United Spanish-American War Veterans.

Mr. MONTET. Does the gentleman mean to say that this is a private affair?

Mr. UNDERHILL. It is an organization affair and it is not paid for out of the Treasury of the United States.

Mr. MONTET. But the gentleman does not submit that this is a private affair?

Mr. JENKINS. Would this fact have any weight with the gentleman? The last time the bill was up it was brought out clearly that every band that was organized in New Orleans would be hired and would be present on this occasion, and would be paid, if that were necessary, and that there could be no objection on the ground that this band would take the place of any other band.

Mr. UNDERHILL. If that is the case, then there will be bands enough.

Mr. PARKS. Regular order, Mr. Speaker.

Mr. UNDERHILL. I object.

The SPEAKER pro tempore. Three objections are required.

There being no further objections, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the Spanish-American War Veterans' convention to be held at New Orleans, La., on September 6 to 10, inclusive, 1931.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such reunion there is authorized to be appropriated the sum of $8,171.44, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $5 per day each for actual living expenses while on this duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

With the following committee amendment:

In line 5, on page 1, before the word "Spanish-American," insert the word "United," and after the word "veterans'" insert the word "national."

The amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer an amendment. On page 1, line 8, after the word "expenses," insert the words "and subsistence," and on page 2, line 1, strike out the colon, insert a period, and strike out the balance of the section.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: On page 1, in line 8, after the word "expenses," insert "and subsistence," and on page 2, line 1, after the word "act," strike out the colon, insert a period, and strike out the remainder of the section.

Mr. COLLINS. Mr. Speaker, the gentleman's amendment does something that was not done in the bill that just passed relating to Yorktown?

Mr. SCHAFER of Wisconsin. No; it does the identical thing that was done in that case.

Mr. COLLINS. I was thinking $5 a day was provided in that bill.

Mr. SCHAFER of Wisconsin. No; I offered an amendment to strike out the $5, the same as the $5 provision is stricken out of the bill under the amendment which is pending.

Mr. STAFFORD. Mr. Speaker, I ask recognition in opposition to the amendment. I was about to make the same suggestion when the other amendment of similar purport was under consideration, but the amending stage was passed before I could gain recognition.

I ask the attention of the chairman of the Committee on Military Affairs to this question: As I recall the present law relating to members of the Army, they may be paid while on travel to an amount not exceeding $8 a day on their presenting vouchers showing expenditure, or a per diem pay of $6.

Mr. JAMES of Michigan. Yes; that applies to all except the Air Corps.

Mr. STAFFORD. Now I would like to ask some member of the Naval Affairs Committee if there is a like provision relating to the expenses of members of the Marine Corps as to a per diem allowance?

Mr. HALE. I think there is. I remember of registering my opposition to the amendment of the gentleman from Ohio, because I think the purpose of the provision is misconceived. All that this $5 a day limitation does is to get away from the necessity of herding the men all together and feeding them at the same table and putting them in the same hotel, so that some one can pay the total bill. This allows $5 for subsistence and lets them find their meals wherever they want to. Of course, the amount provided is sufficient to pay their expenses, and the expenses will be paid, but in a different manner from that which they would have been paid had the proviso remained in the bill.

Mr. STAFFORD. Under the Army practice Army officers traveling in connection with their duties are obliged to furnish certificates of expenditure in amounts not to exceed $8 or in lieu thereof they may be allowed $6 per diem. I think the provision in the bill is restrictive so that they can not get the $6 per diem as described under Army rules. So I think the $5 is a cutting down of the allowance and relieves them from the necessity of returning vouchers showing expenses up to $8. I think it is a provision in the interest of economy and the amendment should be defeated. My colleague, I think, is under a misapprehension as to the real purpose of the proviso.

The SPEAKER pro tempore (Mr. MICHENER). The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were 5 ayes and 26 noes.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ESTABLISHING A UNITED STATES PASSPORT BUREAU AT LOS ANGELES, CALIF.

The Clerk read the title of the next resolution on the Consent Calendar, House Joint Resolution 494, authorizing the establishment and maintenance of a United States passport bureau at Los Angeles, Calif.

Mr. LAGUARDIA. I object.

Mr. TEMPLE. Mr. Speaker, in the absence of the Member who reported the resolution, I ask unanimous consent that this resolution be passed over without prejudice.

Mr. LAGUARDIA. I have no objection.

The SPEAKER pro tempore. Without objection, it is so ordered.

YORKTOWN SESQUICENTENNIAL CELEBRATION

The Clerk read the title of the next bill on the Consent Calendar, H. R. 16590, to permit the Army to participate at the Yorktown Sesquicentennial Celebration.

There being no objection, the Clerk read the committee amendment to the bill, which was to strike out all after the enacting clause and insert the following:

That the Army of the United States is hereby authorized to participate in the 4-day celebration at Yorktown, Va., October 16 to 19, 1931, in commemoration of the surrender of the British forces under Lord Cornwallis, ending the Revolutionary War and establishing the independence of the United States; and the expenses, not to exceed $30,000, incident to training, attendance, and participation in the said celebration, including the use of such supplies, materials, and equipment as in the opinion of the Secretary of War may be necessary, may be charged to the appropriations for the support of the Army: *Provided*, That applicable allowances which are or may be fixed by law or regulations for participation in other military activities shall not be exceeded.

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DISPOSITION OF CERTAIN LIGHTHOUSE RESERVATIONS, MICHIGAN

The Clerk called the next bill, H. R. 9413, to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I suggest to the author of the bill that inasmuch as the bill provides for certain reversionary provisions the use of the word "permanently" in line 6, on page 1, seems to be rather inconsistent. I suggest that it be stricken out so that it would read:

The same to be held by said State for public park purposes.

Mr. MCLAUGHLIN. I have no objection to an amendment of that kind, although the bill was drafted by the Lighthouse Service.

Mr. GREEN. Mr. Speaker, reserving the right to object, as I understand it, this bill permits the Lighthouse Department to deed land for park purposes. I have a similar bill to this which is on the Private Calendar. The only difference is that the land in my bill is deeded to a city, while this is deeded to a State. It seems to me that mine is on all fours with this. I shall ask unanimous consent to put my bill on the Consent Calendar and let it go along with this.

Mr. LAGUARDIA. Is the gentleman sure that his is deeded to a city?

Mr. GREEN. To a city.

Mr. LAGUARDIA. Not to an individual?

Mr. GREEN. No. With that understanding I would not object if mine is put on the Consent Calendar.

Mr. STAFFORD. Oh, if his bill is on the wrong calendar, the gentleman has his remedy under the general rules of the House. This bill is up for consideration on this calendar,

and it is properly on this calendar. I know nothing about the merits of the gentleman's bill. If it is on the wrong calendar, he can correct that situation.

Mr. GREEN. I have a copy of the Senate bill here that I hope to take up.

The SPEAKER pro tempore. The Chair will not recognize the gentleman from Florida to make that request at this time. Is there objection for the consideration of this bill?

Mr. GREEN. I reserve the right to object. I ask unanimous consent that the bill be passed over without prejudice. I do not want to injure the gentleman's bill, but mine is on all fours with it.

Mr. STAFFORD. I suggest the gentleman bring it up and put it in the same situation as this.

Mr. LAGUARDIA. The gentleman is not helping his bill in this way.

Mr. GREEN. All I want to do is to put my bill on the Consent Calendar.

Mr. BANKHEAD. Is the gentleman's bill erroneously on the Private Calendar?

Mr. GREEN. I feel it is.

Mr. BANKHEAD. For what reason?

Mr. GREEN. Because if this is on the wrong calendar, mine is on the right one, and if this bill is on the right calendar, then mine is on the wrong one.

The SPEAKER pro tempore. We are dealing to-day with the Consent Calendar by unanimous consent. Under those conditions the Chair would not be justified in recognizing the gentleman to take up a bill on another calendar.

Mr. GREEN. In order to settle the matter, I make the point of order that this bill is erroneously on the Consent Calendar.

The SPEAKER pro tempore. The Chair overrules the point of order. Is there objection?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to dispose of to the State of Michigan the lighthouse reservations at Mission Point and Grand Traverse Point, in the State of Michigan, the same to be held permanently by said State for public-park purposes, on such terms as he may determine and with such reservations and restrictions as may be necessary or proper for the maintenance and operation of lighthouses and Coast Guard station and for construction, maintenance, and use of such building or other property thereon as the needs of navigation may now or hereafter require; reserving also full and permanent right of ingress and egress to and from and travel upon lands which may thus be disposed of, for construction, maintenance, and operations of lighthouses, Coast Guard station, and of buildings and property in connection therewith: *Provided*, That should the State of Michigan fail to keep and hold said land for park purposes title thereto shall revert to and be reinvested in the United States.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 6, strike out the word "permanently."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

FORT ONTARIO MILITARY RESERVATION

The Clerk called the next bill, H. R. 15063, to authorize the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to reconvey to the State of New York, upon such terms as he may deem advisable, such portion of the land comprising the Fort Ontario Military Reservation as was granted to the United States of America by letters patent from the Governor of the State of New York dated August 15, 1839, as may be deemed by him as no longer required for military purposes.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

ADDITIONAL DISTRICT JUDGES IN NEW YORK STATE

Mr. BOYLAN. Mr. Speaker, I objected to Calendar Nos. 985 and 986, bills to provide additional district judges for the southern and eastern districts of New York. I now withdraw my objection to these bills and ask that we return to them for consideration.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to return to bills Nos. 985 and 986 on the calendar, H. R. 12059 and H. R. 12032. Is there objection?

Mr. DENISON. Mr. Speaker, I object.

STATE OF ALABAMA

The Clerk called the next bill, S. 5649, for the relief of the State of Alabama.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the State of Alabama be, and is hereby, relieved from all responsibility and accountability for certain quartermaster and ordnance property to the approximate value of $1,098.29, the property of the War Department, which was lost, destroyed, or used for flood-relief work incident to the Elba (Ala.) flood of March, 1929, while in the possession of the Alabama National Guard; and the Secretary of War is hereby authorized and directed to terminate all further accountability for said property."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

UNITED STATES PASSPORT BUREAU, LOS ANGELES, CALIF.

Mr. CRAIL. Mr. Speaker, Calendar No. 994, House Joint Resolution 494, was passed over without objection. I now ask unanimous consent to return to the resolution (H. J. Res. 494) authorizing the establishment and maintenance of a United States passport bureau at Los Angeles, Calif.

The SPEAKER. The gentleman from California asks unanimous consent to return to Calendar No. 994. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I objected to the consideration of the bill when it was called, whereupon the distinguished gentleman from Pennsylvania, Doctor TEMPLE, asked if I would object to it going over without prejudice. I had no objection to it going over without prejudice; but if it is to be called up for consideration, I shall object, so I do not see that the gentleman from California would be in any better position except that the next time it would require three objections.

Mr. CRAIL. I think it should either be objected to or passed. I believe there is not a port in the United States where there are as many passports originated as at Los Angeles, and I do not think there is any reason why the city of Los Angeles should not have a passport bureau.

Mr. STAFFORD. Will the gentleman yield?

Mr. CRAIL. I yield.

Mr. STAFFORD. I was impressed in reading the report with the number of steamship lines leaving Los Angeles directly for the far eastern ports. I would like to inquire of the gentleman how many steamship lines depart from Los Angeles direct for the Orient?

Mr. CRAIL. I do not think the gentleman from New York should object to this.

Mr. LAGUARDIA. Has the Department of State indorsed this?

Mr. CRAIL. They have made no objection.

Mr. LAGUARDIA. Did they indorse it?

Mr. CRAIL. They gave us a letter, signed by the Secretary himself, stating that the State Department had no objection to it.

Mr. LAGUARDIA. But they did not say they indorsed it, because they told me they did not indorse it. Let us be frank about it. I object for the present, Mr. Speaker.

ORDER OF BUSINESS

The SPEAKER. In so far as suspensions are concerned, the Chair has a tentative program. The Chair will first recognize a motion for consideration of the bill (H. R. 15865) for the retirement of certain employees in Panama.

After that a bill introduced by the gentleman from New York [Mr. SNELL], providing for the reconstruction of Plattsburg Barracks.

After that the Hawley bill (H. R. 16517) relating to convict labor.

After that a bill introduced by the gentleman from Ohio [Mr. SPEAKS] (H. R. 12918) relating to the National Guard.

After that the bill (H. R. 10560) introduced by the gentleman from Georgia [Mr. BRAND] making it a criminal offense to make slanderous statements with regard to the condition of banks.

After that the bill (H. R. 16296) with reference to deportation of communists.

After that the joint resolution (H. J. Res. 467) introduced by the gentleman from New York [Mr. WAINWRIGHT], which relates to a memorial in Washington to the Second Division.

After that a bill from the Post Office Committee relieving postmasters from liability for wrongful acts of their subordinates under certain conditions.

Mr. BANKHEAD. Mr. Speaker, may I ask a question of the Speaker as to just what the Speaker's statement means. Is it the purpose of the Speaker, in the event we do not conclude all of the bills, to follow hereafter the same order that the Speaker has indicated in recognizing Members?

The SPEAKER. That will depend on circumstances. The Chair thinks there might be a chance of finishing these bills this afternoon. The Chair thinks there is only one of them that may possibly encounter any serious objection.

RETIREMENT OF EMPLOYEES OF PANAMA

Mr. DENISON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 15865) for the retirement of employees of the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama who are citizens of the United States.

The SPEAKER. The gentleman from Illinois [Mr. DENISON] moves to suspend the rules and pass the bill H. R. 15865, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That all employees of the Panama Canal on the Isthmus of Panama, and all employees of the Panama Railroad Co. on the Isthmus of Panama, who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration, shall come within the provisions of this act.

AUTOMATIC SEPARATION

SEC. 2. All employees to whom this act applies shall, after reaching the age of 62 years and having rendered at least 15 years of service on the Isthmus of Panama, be automatically separated from the service and retired on the annuity provided for herein; and all salary, pay, or compensation shall cease from that date: *Provided*, That if the Governor of the Panama Canal certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the service, the continuance of such employee therein would be advantageous to the service, such employee may be retained for a term not exceeding two years, upon the approval and certification by the Civil Service Commission, and, at the end of the 2-year term, by similar approval and certification, be continued for an additional term not exceeding two years: *Provided, however*, That no employee shall be continued in the service beyond the age of retirement for more than four years, except that where the Governor of the Panama Canal certifies, and the Civil Service Commission agrees, that by reason of expert knowledge and special qualifications the continuance of the employee would be advantageous to the service, further extensions of two years may be granted.

All employees to whom this act applies who would be eligible for retirement from the service upon attaining the age of 62 years shall, after attaining the age of 60 years and having rendered at least 30 years' service, computed as provided in section 7 of this act, be eligible for retirement on an annuity as provided in section 6 of this act. Retirement under the provisions of this paragraph shall be at the option of the employee, but if such option is not exercised prior to the date upon which the employee would otherwise be eligible for retirement from the service, the provisions of this act with respect to automatic separation from the service shall apply.

VOLUNTARY RETIREMENT

SEC. 3. (a) Any employee to whom this act applies who shall have attained the age of 55 and rendered at least 25 years of service, of which not less than 15 years shall have been rendered on the Isthmus of Panama, may voluntarily retire on an annuity equivalent in value to the present worth of a deferred annuity beginning at the age at which the employee would otherwise have become eligible for retirement, computed as provided in section 6 of this act, the present worth of said deferred annuity to be determined on the basis of the American Experience Table of Mortality and an interest rate of 4 per cent, compounded annually.

(b) Any employee to whom this act applies may voluntarily retire on an annuity computed as provided in section 6, who shall have attained the age of 55 and rendered at least 30 years of service on the Isthmus of Panama (inclusive of absences while in the service of the United States during the World War), of which not less than three years shall have been in the employment of the Isthmian Canal Commission or the Panama Railroad Co. between May 4, 1904, and April 1, 1914.

DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

SEC. 4. (a) Any employee to whom this act applies who shall have attained the age of 55 years and shall have rendered at least 15 years of service on the Isthmus of Panama, and who shall have become physically or mentally disqualified to perform satisfactorily and efficiently the duties of his position or of any other position of approximately equal compensation to which he might be assigned, because of the strenuous or hazardous nature of such position, shall, upon the request or order of the Governor of the Panama Canal, be retired on an annuity computed in accordance with the provisions of section 6 hereof: *Provided*, That no such employees shall be so retired except after an examination and finding as to his mental or physical disqualifications as hereinafter provided.

(b) Any employee to whom this act applies who shall have served for a total period of not less than five years, and who, before becoming eligible for retirement under the conditions defined in section 2 hereof, shall have become totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon request or order of the Governor of the Panama Canal, be retired on an annuity computed in accordance with the provisions of section 6 hereof.

No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employee shall be retired under the provisions of this section unless he or she shall have been examined by a medical officer of the United States, or a duly qualified physician or surgeon or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which he was retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 2 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to determine the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching the age at which he would otherwise have become eligible for retirement and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 90 days from the date of the medical examination showing such recovery.

If the annuitant shall fail to obtain reemployment through no fault of his own within the 90-day period in any position included in the provisions of this act, he shall be considered as involuntarily separated from the service as of the date he shall have been retired for disability, and if otherwise eligible, entitled to an annuity under section 5 of this act to begin at the close of said 90-day period based on the service rendered prior to his retirement for disability.

The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section. Should an annuitant fail to appear for any examination required under this section, payment of the annuity shall be suspended until the requirement shall have been met.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the amount credited to his individual account as provided in section 11 (a) hereof, together with interest at 4 per cent per annum compounded on June 30 of each year, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 11 (b) hereof, upon application therefor in such form and manner as the Commissioner of Pensions may direct. In case of reemployment in a position within the purview of this act the amount so refunded shall be redeposited as provided in section 11 (b) hereof.

No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries

while in the performance of their duties, and for other purposes," or such act as amended, covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

INVOLUNTARY SEPARATION FROM THE SERVICE

SEC. 5. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 2 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he may elect, either—

(a) The amount of the deductions from his basic salary, pay, or compensation, including accrued interest thereon computed as prescribed in section 11 (b) hereof;

(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity beginning at the age at which the employee would otherwise have become eligible for retirement, computed as provided in section 6 of this act, the present worth of said deferred annuity to be determined on the basis of the American Experience Table of Mortality and an interest rate of 4 per cent, compounded annually; or

(c) A deferred annuity beginning at the age at which the employee would otherwise become eligible for retirement computed as provided in section 6 of this act.

Any employee who has served for a period of not less than 15 years, and who is 45 years of age, or over, and less than 55 years, and who becomes separated from the service under the conditions set forth in this section shall be entitled to a deferred annuity, but such employee may, upon reaching the age of 55 years, elect to receive an immediate annuity as provided in paragraph (b) of this section.

Should an annuitant under the provisions of this section be reemployed in any position included in the provisions of this act, payment of annuity shall not be allowed covering the period of such reemployment, and an annuity based upon involuntary separation shall not be allowed upon subsequent separation from the service unless such subsequent separation shall be involuntary.

METHOD OF COMPUTING ANNUITIES

SEC. 6. The annuity of an employee retired under the provisions of this act shall be composed of—

(1) A sum equal to $37.50 multiplied by the number of years of service, not to exceed 30 years, rendered (a) on the Isthmus of Panama, or (b) in the military or naval service of the United States in the Tropics; and

(2) The annuity purchasable with the sum to the credit of the employee's individual account, including accrued interest thereon computed as prescribed in section 11 (a) hereof, according to the experience of the Canal Zone retirement and disability fund as may from time to time be set forth in tables of annuity values by the board of actuaries; and

(3) Thirty dollars multiplied by the number of years of service rendered and not allowable under paragraph (1) hereof: *Provided*, That the number of years of service to be used in computing the allowance under paragraph (3) shall not exceed the difference between 30 and the number of allowable years of service under paragraph (1); and

(4) Thirty-six dollars multiplied by the number of years of service rendered on the Isthmus of Panama, either in the employ of the Isthmian Canal Commission or the Panama Railroad Co., between May 4, 1904, and April 1, 1914.

In no case, however, shall the total annuity paid, exclusive of that provided in paragraph (4) hereof, be less than an amount equal to the sum of—

The average annual basic salary, pay, or compensation, not to exceed $2,000 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service used in computing the annuity under paragraph (1) hereof, and divided by 40; and the average annual basic salary, pay, or compensation, not to exceed $1,600 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service used in computing the annuity under paragraph (3) hereof, and divided by 40: *Provided*, That the annuity paid a retiring employee of the Panama Railroad Co. in such service on June 30, 1931, shall be an amount equal to 2 per cent of the average annual basic salary, pay, or compensation, not to exceed $5,000 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of allowable service rendered prior to July 1, 1931; plus the amount to which the employee is entitled under the provisions of this section, exclusive of paragraph (4), for service rendered subsequent to June 30, 1931: *Provided, however*, That the sum to be used in computing the annuity purchasable under paragraph (2) of this section shall include only contributions made subsequent to June 30, 1931: *And provided further*, That the number of years of service to be used in computing the annuity under paragraphs (1) and (3) of this section shall not exceed the difference between 30 and the number of years of allowable service rendered prior to July 1, 1931.

The annuity granted under paragraphs (1), (3), and (4) of this section shall not exceed three-fourths of the average annual basic salary, pay, or compensation received by the employee during any five consecutive years of allowable service at the option of the employee.

Any employee at the time of his retirement may elect to receive, in lieu of the life annuity herein described, an increased annuity of equivalent value which shall carry with it a proviso that no unexpended part of the principal upon the annuitant's death shall be returned. For the purposes of this act all periods of service shall be computed in accordance with section 7 hereof, and the annuity shall be fixed at the nearest multiple of 12.

The term "basic salary, pay, or compensation," wherever used in this act, shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

COMPUTATION OF ACCREDITED SERVICE

SEC. 7. Subject to the provisions of section 8 hereof, the service which shall form the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee, in the civil service of the United States or under the municipal government of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and service on the Isthmus of Panama with the Isthmian Canal Commission, the Panama Canal, or the Panama Railroad Co.; also periods of service performed overseas under authority of the United States and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States. In the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the war risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his right to a pension, or to retired pay, or to compensation under the war risk insurance act in addition to the annuity herein provided.

In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence without pay as may exceed six months in the aggregate in any calendar year, shall be excluded.

In determining the total periods of service upon which the allowances are to be computed under section 6 hereof, the fractional part of a month, if any, shall be eliminated from each respective total period.

CREDIT FOR PAST SERVICE

SEC. 8. All employees coming within the provisions of this act after the effective date thereof shall be required to deposit with the Treasurer of the United States to the credit of the Canal Zone retirement and disability fund referred to in section 9 hereof, under rules to be prescribed by the Commissioner of Pensions, a sum equal to 2½ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to July 1, 1926, and also 3½ per cent of the basic salary, pay, or compensation for services rendered subsequent to June 30, 1926, together with interest computed at the rate of 4 per cent per annum compounded on the last day of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved: *Provided*, That no such deposit shall be required on account of services rendered for the Panama Railroad Co. prior to January 1, 1924: *Provided further*, That failure to make such deposit shall not deprive the employee of credit for any past service for which no deposit is required under the provisions of this section.

DEDUCTIONS

SEC. 9. Beginning July 1, 1931, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 5 per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall be deposited with the Treasurer of the United States to the credit of a special fund to be known as the Canal Zone retirement and disability fund, in accordance with the procedure now or hereafter prescribed for covering into the United States Treasury the deductions from salaries under the civil service retirement act of May 22, 1920, as amended, and said fund is hereby appropriated for the payment of the annuities, refunds, and allowances as provided in this act.

The Commissioner of Pensions is hereby authorized and directed to ascertain the amount, including accrued interest, due employees of the Panama Canal coming within the purview of this act from the civil service retirement and disability fund created by the act of May 22, 1920, and to certify same to the Secretary of the Treasury, who is hereby authorized and directed to transfer such amount on the books of the Treasury Department to the Canal Zone retirement and disability fund.

The board of directors of the Panama Railroad Co. shall cause to be transferred to the Secretary of the Treasury, for credit to

the Canal Zone retirement and disability fund, the gross assets in the Panama Railroad pension fund at the close of business on June 30, 1931, applying to employees included within the provisions of this act, subject to the assumption of the liabilities of that fund as of the close of business on June 30, 1931, by the Canal Zone retirement and disability fund.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons to whom this act applies.

INVESTMENTS AND ACCOUNTS

SEC. 10. The Secretary of the Treasury shall invest from time to time in interest-bearing securities of the United States or in Federal farm-loan bonds such portions of the Canal Zone retirement and disability fund as in his judgment may not be immediately required for the payment of the annuities, refunds, and allowances herein authorized, and the incomes derived from such investments shall constitute a part of such fund.

RETURN OF AMOUNTS DEDUCTED FROM SALARIES

SEC. 11. (a) Under such regulations as may be prescribed by the Civil Service Commission the amounts deducted and withheld from the basic salary, pay, or compensation of each employee for credit to the civil service retirement and disability fund or the Panama Railroad pension fund, covering service rendered prior to the effective date of this act, shall be credited to an individual account of such employee to be maintained by the Panama Canal, and the amounts deducted and withheld from the basic salary, pay, or compensation of each employee for credit to the Canal Zone retirement and disability fund, covering service from and after the effective date of this act, less the sum of $1 per month or major fraction thereof, shall similarly be credited to such individual account.

(b) In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the amount credited to his individual account shall be returned to such employee together with interest at 4 per cent per annum compounded on June 30 of each year: *Provided*, That when any employee becomes involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, the total amount of his deductions with interest thereon shall be paid to such employee: *And provided further*, That all moneys so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

(c) In case an annuitant shall die without having received in annuities purchased by the employee's contributions as provided in (2) of section 6 hereof an amount equal to the total amount to his credit at time of retirement, the amount remaining to his credit shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor, unless the annuitant shall have elected to receive an increased annuity as provided in section 6 hereof.

(d) In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of his deductions, with interest thereon, shall be paid to the legal representatives of such employee.

(e) In case a former employee entitled to the return of the amount credited to his individual account shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

(f) If the amount of accrued annuity or of refund due a former employee who is legally incompetent does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

PAYMENT OF ANNUITIES

SEC. 12. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued; and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Administrator of Veterans' Affairs in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government or the Panama Railroad Co. in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Veterans' Administration.

Annuities granted under the provisions of sections 2 and 3 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 4 and 5 hereof shall be subject to the limitations specified in said sections.

BENEFITS EXTENDED TO THOSE ALREADY RETIRED

SEC. 13. In the case of those employees of the Panama Canal or the Panama Railroad Co. who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, or under the provisions of the Panama Railroad pension plan, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date.

All those who were separated from the service of either the Panama Canal or the Panama Railroad Co. on the Isthmus of Panama subsequent to August 1, 1920, and before the effective date of this act, not by removal for cause on charges of misconduct or delinquency, without having been granted retirement annuities due to the fact that all of their service which would be allowable under the provisions of this act was not counted in arriving at their total service, and who are otherwise eligible by having made the necessary contributions to the retirement and disability funds as herein provided, shall, from the effective date of this act, be paid annuities in accordance with the provisions of this act.

BOARD OF ACTUARIES

SEC. 14. The board of actuaries selected by the Commissioner of Pensions under the provisions of section 16 of the act of July 3, 1926, shall make a valuation of the Canal Zone retirement and disability fund at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions.

ADMINISTRATION

SEC. 15. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Administrator of Veterans' Affairs, is hereby authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Administrator of Veterans' Affairs shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Administrator of Veterans' Affairs.

The Commissioner of Pensions shall make a detailed comparative report annually, showing all receipts and disbursements on account of annuities, refunds, and allowances under this act, together with the total number of persons receiving annuities and the total amounts paid them; and he shall transmit to Congress, through the Administrator of Veterans' Affairs, the reports and recommendations of the board of actuaries.

The Administrator of Veterans' Affairs shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the Canal Zone retirement and disability fund, and to continue this act in full force and effect.

EXEMPTION FROM EXECUTION, ETC.

SEC. 16. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

EFFECTIVE DATE

SEC. 17. This act shall take effect July 1, 1931, and from and after that rate the provisions of the civil service retirement act of May 22, 1920, as amended, shall not apply to employees of the Panama Canal on the Isthmus of Panama or to any other employees coming within the provisions of this act: *Provided, however*, That any employee of the Panama Canal who shall attain the age of eligibility for retirement without having rendered sufficient service on the Isthmus of Panama to entitle him to be retired on an annuity as provided by section 2 hereof, but whose aggregate employment under the United States would be sufficient in character and duration to entitle him to receive an annuity under the provisions of the Civil Service Retirement Act of May 22, 1920, as amended, will be eligible to retire and receive an annuity under the provisions of that act and payable from the civil service retirement and disability fund; and in such event the employee shall be entitled, upon separation from the service, to the refund, under such regulations as the Commissioner of Pensions may prescribe, of any excess in the deductions made from his salary, pay, or compensation under the provisions of this act, with interest, over those which would have been made at the rate fixed by the Civil Service Retirement Act as amended; and the Commissioner of Pensions shall certify to the Secretary of the Treasury the amount remaining to the credit of such employee in the Canal Zone retirement and disability fund, and said amount shall be transferred on the books of the Treasury Department to the civil service retirement and disability fund.

The SPEAKER. Is a second demanded?

Mr. LaGUARDIA. Mr. Speaker, I demand a second.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. DENISON] is recognized for 20 minutes and the gentleman from New York [Mr. LaGUARDIA] is recognized for 20 minutes.

Mr. DENISON. Mr. Speaker, I think I can explain this bill in less than 20 minutes.

In the Panama Canal Zone there are two classes of American employees, those working for the Panama Canal and those working for the Panama Railroad Co., which is a New York corporation, all of the stock of which is owned by the Government. So that while the employees of the railroad company are not technically working for the Government, they are really Government employees.

The employees of the Panama Canal were placed under the general retirement law applicable to all employees of the Government in the States, and the employees of the Panama Railroad Co. have a retirement plan of their own, put into effect some years ago by the trustees of the Panama Railroad Co. It is purely a voluntary plan and may be abolished or changed at any time by the trustees of the railroad company.

The provisions of the two retirement plans are different; the annuities are quite different; and, under existing law, the employees of the Panama Canal who worked for the railroad company during construction days are not allowed credit for any time they worked for the railroad company. During the 10 years of construction, employees of one organization were shifted to the other upon orders from superior officers, so that many of the employees of the Panama Canal can not now receive credit for the years they worked for the Panama Railroad during the construction of the canal.

The purpose of this bill is, briefly, to take all of the American employees in the Canal Zone, those working for the Panama Canal and those working for the Panama Railroad Co., and place them both under the same retirement system so that they may all be treated exactly alike, as they should be, because they are all working under identical conditions.

The differences between the provisions of this bill and existing law are briefly these: This bill was drafted along the lines of the Lehlbach bill. In other words, we used exactly the phraseology that is used in the Lehlbach bill. The same principles are applied. But this bill allows employees of the Panama Canal and the Panama Railroad Co. slightly larger annuities than are allowed to employees of the Government in the United States, because of the tropical conditions where they have to live and work and spend their lives.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. EATON of Colorado. But the employees pay more for that annuity under this bill than they pay under the Lehlbach system?

Mr. DENISON. Yes. The employees down there felt that they would rather contribute more to the retirement fund and receive a somewhat increased annuity. So this bill provides that they must contribute 5 per cent of their salaries or wages to the retirement fund instead of 3½ per cent, as is required under the law applicable to the United States. The Panama Canal act provides that all employees who work in the Tropics on the Panama Canal shall receive 25 per cent higher wages than is received for similar work in this country. This bill follows that principle and applies the same principle to the retirement annuities as is applied to the wages paid down there.

Mr. THATCHER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. THATCHER. The provisions of the bill are only applicable to those employed on the Isthmus.

Mr. DENISON. The provisions of the bill apply only to those employees on the Isthmus of Panama.

Mr. HUDSON. Does the gentleman mean the employees on the Isthmus who are employed by the Panama Canal Zone government and also by the Panama Railroad?

Mr. DENISON. Yes.

Mr. HUDSON. The Panama Railroad does have some employees who are in the States?

Mr. DENISON. Yes; and the provisions of this bill do not apply to them, nor do the provisions of the bill apply to the employees of the Panama Canal working here in Washington.

Mr. HUDSON. There is no question about that.

Mr. DENISON. No; none at all.

Mr. EATON of Colorado. It applies to American citizens who are employees of the Panama Canal Zone or the Panama Railroad Co. on the Isthmus of Panama.

Mr. DENISON. It only applies to American citizens. We have a great number of employees who are West Indians, but they are not covered by the provisions of this bill and never have been under any retirement law.

This bill allows retirement at 62 years of age, just as is the case under the Lehlbach bill. It allows retirement in some cases at 60 where the employee has worked 30 years for the Government.

No one can take advantage of the provisions of this act unless they have worked 15 years in the Tropics on the Canal Zone. This bill also contains a provision allowing voluntary retirement at the age of 55 under certain conditions which are definitely set out in the bill, where, for instance, an employee finds that his health is broken and that he ought to change climate, or where he finds that the health of his family has broken, as is very often the case down there, and he has to move back to the States. It allows voluntary retirement in such cases at the age of 55, but the person who retires, retires at a reduced annuity, so that that provision does not cost the Government any more in such cases of retirement than it would if an employee should continue in the service until he reaches 60 or 62 years of age.

Mr. DOWELL. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. DOWELL. Is retirement compulsory at any age?

Mr. DENISON. The age of retirement is fixed at 62, but under certain conditions described in the bill, they can be continued for two periods of two years each, after which they have to be retired.

Mr. EATON of Colorado. But that is at the option of the Panama Canal government and not at the option of the employee?

Mr. DENISON. Yes; that is correct.

Mr. DOWELL. That is, certain officers there have authority to continue them in the service if they so desire?

Mr. DENISON. Yes. In other words, the age of retirement is 60 or 62, but an employee may apply to be continued in the service for two periods of two years each, which can be granted under the terms of the bill by the governor.

Mr. DOWELL. That is the same provision, as I understand it, as is found in the Lehlbach bill?

Mr. DENISON. Exactly. There is also a provision in the bill which allows compulsory retirement at the age of 55 in certain cases of employment where, for instance, the work in which the employee is engaged is of such a character as to require peculiar alertness of mind. If the governor finds that the health or efficiency of such an employee has failed to such an extent as to make it no longer desirable for him to remain in that class of employment, the governor is given the right, after certain physical examinations provided in the bill, to retire such an employee at the age of 55 years. That provision has been put in the bill at the request of the administrative authorities, and it will be in the interest of preserving a higher efficiency among the canal employees who are employed in work of a particularly hazardous or responsible character.

Mr. EATON of Colorado. As soon as the Lehlbach retirement bill for civil-service employees was passed the last session it was immediately in order to apply similar retirement provisions to the Canal Zone employees. No one here to-day is any better posted concerning the compensation of employees and conditions under which they work in the Canal Zone than the gentleman from Illinois [Mr. DENISON], whose bill, now under discussion, has been finally drafted to meet practically every objection heretofore made and in a manner that has produced a proper plan for retirement pay for Canal Zone employees.

There is one element which enters into the consideration of this bill which I have not heard mentioned, and that is that the employee who serves out his whole time to the date of retirement is not permitted to have a home on the Canal Zone or remain where his friends of the past 20 to 30 years may be seen from time to time.

Many of us, possibly, do not recognize that the government of the Canal Zone is a military government. A civil government, as such, is existent in name only. There is a major general in command of the Army forces. You will find there an admiral in command of the naval forces. There is an official with the title of Governor of the Canal Zone, but he is a colonel of the Army. His immediate subordinate, with the title of deputy governor, is also an Army officer with the grade of lieutenant governor. Under the present system when the governor is changed he is replaced by the deputy. No civilian has held the office of governor since before the World War.

One of the rules of the Canal Zone is that no one may remain in the zone who is not in the employ of the United States or in some one of its activities, whether they are military or compare in some way with activities of civil life.

My understanding is that quarters are furnished for all white persons living within the zone and that no employee is compelled or permitted to live outside the zone.

When a man's work in the zone is done, neither he nor his family may stay there any longer. His quarters must be vacated, some one else moves in, and the man who moved out, with his family, comes on back to the United States. I do not mean to say that he must come back to his own country. But even with those who take a little visit to other countries for a while it is not long until they are back home. And, of course, those who have spent 20 to 30 years in the Canal Zone come back to what proves to be, practically, a strange land.

I am not entirely clear what is to be done with the amounts put into the retirement fund by those who will only stay in the Tropics a few years. How do they get out their deposit? Does any part of the Government's contribution become payable back to him; and if so, how much? What part, if any, of the earnings of the employees and Government's money is forfeited, if the employee does not stay until the day he may be lawfully retired?

When I have been in the Canal Zone, I have listened with a great deal of interest to the representatives of the employees and the administrative heads. There seems to be a unanimity of opinion on this subject of retirement which may be somewhat unusual; on this subject there seems to be no dispute. Even those who spoke for the employees of the railroad could agree that if their retirement plan which had been in effect since 1924 were protected in legislation for the balance of the employees, they had no objection. I know of none now put forth, as it is understood that adjustment will be made as to all payments heretofore paid in by the railroad employees in the zone, and upon July 1, 1931, they will be placed on the same future basis as the employees of the canal. As a matter of administration, there seems to be a good excuse for dividing the employees into canal and railroad employees; but with respect to retirement cost as well as reward, there certainly is no reason why there should not be a permanent uniform retirement plan for all, instead of the special plan for railroad employees now in effect.

It must be remembered that all work in the Canal Zone is the subject of special consideration and award. The scale of wages is 25 per cent greater than in the United States. The vacation privileges are greater. And in this plan proposed for the employees it meets their desire to pay not merely 25 per cent more than is required for the retirement funds of civil-service employees in the United States but almost 43 per cent. Under the Lehlbach retirement bill civil-service employees pay 3½ per cent of their wages into the retirement fund. Under the bill before us the Panama Canal Zone employees will pay 5 per cent into the retirement fund. Of course, this will provide a higher retirement pay, but that is entirely consistent with the representations made by the Government pay for work in the Canal Zone, which have resulted in the 25 per cent increase in the civil-service wage scale and other privileges incident to their work.

Will the gentleman from Illinois now answer this question? When an employee is retired at 55 does he get less retirement benefits than if carried through to 62 years of age?

Mr. DENISON. Not if his retirement is compulsory; but if he retires at 55 years of age upon his own application, he does so at a reduced annuity; if he retires at 55 years of age upon the orders of the administrative authorities of the zone, he is retired upon the regular annuity.

Mr. STAFFORD. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. STAFFORD. In following the gentleman's explanation of this bill, I do not believe I heard him make any reference as to whether any additional charge will be imposed on the Treasury.

Mr. DENISON. The additional cost will be about this: If you take the cost to the Government under the present general retirement law, and add to that the cost of the Panama Railroad retirement plan, and then take the cost that will accrue under this bill, there is only a difference of about $30,000, which will amount to about $10 per man on the zone. So it will be practically nothing.

Mr. GIBSON. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman from Vermont.

Mr. GIBSON. As I understand it, we have now in operation two plans of retirement, one for the employees of the Panama Railroad and one for the employees of the Panama Canal.

Mr. DENISON. Yes.

Mr. GIBSON. And this bill puts them all under one plan.

Mr. DENISON. Yes.

Mr. GIBSON. And it has the approval of the employees of the railroad as well as the approval of the employees of the Canal Zone?

Mr. DENISON. The gentleman is correct.

Mr. GIBSON. And also the approval of the Governor of the Canal Zone and of the officials of the United States Government?

Mr. DENISON. The gentleman is correct.

This bill has been in course of preparation for several years. The governor has urged it very forcefully for several years. Various bills have been prepared, but the cost ran too high; and finally, in cooperation with the Bureau of Efficiency and committees of the employees and the Pension Bureau also, this bill has been very carefully worked out and prepared, and follows the general provisions of the Lehlbach bill. It is now satisfactory to both classes of employees on the zone and is satisfactory to all the administrative officers on the Canal Zone.

Mr. STAFFORD. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. STAFFORD. From the gentleman's study of the general retirement law, can he state whether the existing law, the so-called Lehlbach bill, applies only to citizens of the United States?

Mr. DENISON. Yes.

Mr. STAFFORD. It does not apply to any aliens who have been living in the country and who are declarants for citizenship, or the like?

Mr. DENISON. No; it only applies to American citizens.

I do not think any legislation can be prepared more carefully than has this bill. Numerous hearings have been held by the Committee on Interstate and Foreign Commerce. It is, of course, not important to the rest of the country, but it is of very great importance not only to all the Government employees in the Canal Zone but also to the administrative officials who are in charge of the canal and the Canal Zone.

We have a splendid organization of American employees living and working in the Canal Zone. There are about 2,600 or 2,700 American citizens employed on the canal and about 500 employed by the Panama Railroad Co. They have left their homes in the States and are working for the Government down near the Equator, where the Government is operating this great project, and where living conditions are not what they are in the United States. Those who have to work in the Tropics are subjected to all the dangers and the adverse conditions that are peculiar to tropical climate.

The death rate there is higher than in the United States, and the influence of the climate is such that it is necessary for our white employees who go down there with their families to return to the States periodically for rest and a change of climate. Our employees down there have to sever their business and other connections in the States and live under conditions which are not as favorable as they are in the States. The committee believes that our employees working in the Canal Zone ought to receive somewhat larger annuities upon retirement than do the Government employees who can live in their own homes in the United States.

But there is a very important question of policy involved in this legislation which makes it very important to the Government that the bill be passed as soon as possible. One serious question that is confronting the administration officials of the Canal Zone is what to do with the retired employees. We are now reaching the time when some of our employees there will be retired. What are we going to do with them? Most of them have been living in the Canal Zone for from 15 to 25 years. They have become more or less acclimated. They have their families there and their children may be working for the Government there. We do not have sufficient housing to take care of the necessary employees of the Government.

There are two courses that are open for the Government to follow. One is to ask Congress for increased appropriations and enter upon a building program to provide houses for employees who have retired from actual service. This will involve large expenditures from the Treasury. The other course is to compel all employees upon retirement to return with their families to the United States.

Obviously it will be a hardship upon old men and women who have worked long years in the warm climate of the Canal Zone to leave and return to the United States. After having been gone from the States for from 15 to 25 years, they have no home connections or business connections in the States. They have to go back and make new homes among strangers. It seemed to the committee obvious that if the Government adopts the policy of requiring retired employees to move back to the States, they should be allowed somewhat larger annuities than are allowed to Government employees who have the opportunity of living in their own homes and under more favorable conditions in the States after their retirement. After very careful consideration the Government officials on the zone have decided to follow the policy of requiring these retired employees to move back to the States immediately after they retire, and they have urged Congress to provide a retirement system for our employees on the zone that would allow annuities sufficient to enable the employees to return to the States and reestablish their homes here. Since the employees are willing to themselves contribute 5 per cent of their wages or salaries to the retirement fund, the committee believed that this legislation would not only be better and more just to the employees themselves but equally better and more advantageous to the Government.

The last three Governors of the Canal Zone have urged the enactment of this legislation. The employees who live down there have been looking forward to it for years. They have no votes and they have no representative in Congress. They must depend upon the committees of the House and Senate to study their conditions and provide the legislation that they need. The Committee on Interstate and Foreign Commerce has given long and careful study to this subject and has unanimously reported this bill, and believes that its enactment will contribute materially to the welfare, the contentment, and the efficiency of our employees in the Canal Zone, as well as to greater economy and efficiency of the government of the Canal Zone.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGUARDIA. Mr. Speaker, this bill provides for retirement of employees of the Panama Canal and the Panama Railroad, and it is very interesting that it should come up to-day, right after the discussion we had yesterday. My memory is still fresh on the many allusions which were made, always evoking applause, to the inefficiency and the wastefulness of Government operations.

Here you have a typical Government-operated business, the Panama Railroad steamships running in competition with private steamship companies, and you have also the Panama Railroad and a department store, one of the largest department stores, I may say, certainly south of the United States, and one of the biggest department stores in the world.

Mr. JOHNSON of Washington. Oh, no.

Mr. LAGUARDIA. Oh, the gentleman does not know the turnover.

Mr. JOHNSON of Washington. It is a pretty good sized store, but that department store itself makes trouble with the Government at Panama, and only a few thousand people live within the whole range of that department store.

Mr. LAGUARDIA. Is the gentleman advocating abolishing that department store?

Mr. JOHNSON of Washington. Oh, I think not, if it is necessary for the United States employees.

Mr. LAGUARDIA. Of course not. Here is this department store in competition——

Mr. JOHNSON of Washington. I am not so sure but what I would object to certain sales to American travelers being made at that store of goods that are brought to the United States tariff free legally. Haviland china, fine silks, table linens, and things of that sort, on which we have tariffs. That might be a good reason for objecting to it.

Mr. LAGUARDIA. The gentleman has registered his objection to that.

Mr. DENISON. Of course, the gentleman knows there is no competition on the Canal Zone, because there is no other business conducted on the Canal Zone except by the Government.

Mr. LAGUARDIA. But across the street is the city of Panama, and there are stores of all kinds, as the gentleman from Washington suggests.

Mr. JOHNSON of Washington. And a number of them are run by Hindus who have got into old Panama, and now they can not get rid of them, even though that Government is trying to prevent others from coming in.

Mr. LAGUARDIA. Because they have not the benefit of the gentleman from Washington writing their immigration laws.

Mr. JOHNSON of Washington. That is right; thanks. [Laughter and applause.]

Mr. LAGUARDIA. This department store is managed and operated not only efficiently but very economically, and the steamship company is one of the best operated and managed companies flying the American flag [applause], although it meets with all sorts of obstacles put in its way. However, with all this, they can meet the competition and still operate at a profit.

Mr. THATCHER. Will the gentleman yield to me?

Mr. LAGUARDIA. Yes.

Mr. THATCHER. Ought we not to have another Panama steamship in that service?

Mr. LaGUARDIA. Yes; and they have the money. I am sure the gentleman from Illinois [Mr. DENISON] will bear me out in the statement that they have a surplus, and this surplus is dissipated from time to time for purposes entirely outside of the steamship business or the railroad business. They ought to have another ship, but they are purposely kept down, and with all that I say they are operating so efficiently and economically as to operate on a profit and a very substantial one.

I wish the gentlemen who were here yesterday throwing stones at all sorts of Government operations would just look at the financial statement of this company.

Mr. GIBSON. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. GIBSON. May I remind the gentleman that the Panama Canal itself, a Government project, is operated successfully.

Mr. LaGUARDIA. Yes; and it was built by the Government. It amused me yesterday when my friend, the gentleman from Massachusetts [Mr. TREADWAY], got up here and with great indignation opposed Government operation, the Government competing with business; but I remember when some of his friends in Massachusetts went into the canal business and could not make a go of it, they then dumped it on the United States and made it a Government operation. I did not hear the gentleman from Massachusetts protesting at that time.

Mr. COLE. The Canal Zone is operated by the United States Army or by the War Department, and they are doing it well.

Mr. LaGUARDIA. The engineers of the Army are very efficient.

Mr. COLE. And yet we hear statements made that the Army is extravagant and wasteful.

Mr. LaGUARDIA. The Military Establishment is costly. When they are not producing, of course, it is costly; they can not help that. But in every job they are assigned to they have performed it very well.

Mr. COLE. I think well of the Army operations myself, but I wanted to get the gentleman's opinion.

Mr. LaGUARDIA. In all likelihood we may have the Army down to Muscle Shoals.

Mr. COLE. I hope not.

Mr. LaGUARDIA. I hope so. If they go there, they will do a good job.

Mr. COLLINS. The gentleman from Iowa does not seem to know that the Canal Zone is not being run by the Army.

Mr. COLE. By the War Department.

Mr. COLLINS. No.

Mr. DENISON. The canal government is run by the President. He is authorized to designate an agency and he designated the Secretary of War.

Mr. LaGUARDIA. And the Secretary of War usually has designated an Engineer officer as governor.

Mr. COLE. The War Department operates that zone.

Mr. LaGUARDIA. Yes; and anything that is operated for the benefit of the public you can always depend on any branch of the Government doing it efficiently and successfully. Of course, if you take something that a private corporation can not operate successfully, that is different. In one case many opponents of Government operation came here and stated that the Government had to establish the Inland Waterways Corporation. They must have tugboats and barges. Private business could not do it at a profit, so the Government had to do it. We gave them an appropriation. Then they increased the capital stock of the corporation and then again they said that this business is a bad thing; it can not be operated at a profit. So the Government went into it and found that the Government could do the job very well. So the law was changed to provide that as soon as a profit was had the corporation must be given over to private operation. Yet Government operation is criticized on the floor of this House.

Mr. COLE. The gentleman from New York does not seem to be in any hurry about the matter under consideration.

Mr. LaGUARDIA. Yes; I am.

Mr. COLE. I thought the gentleman might have some ulterior purpose.

Mr. LaGUARDIA. I never have any; I am going to resent that and stop right away. [Laughter.]

Mr. COLE. I will say that if the gentleman has an ulterior purpose I might be willing to help him out.

Mr. LaGUARDIA. No; seriously, I wanted to point out the inconsistency of many gentlemen on the question of Government operation. I am glad the gentleman from Illinois got up and advocated this bill. If the United States Government can operate a steamship company and a railroad and a canal and a department store, why, surely a State or a municipality can operate a bridge.

Mr. DENISON. I want to say in that connection that I have made a study for a number of years of the whole project of the Panama Canal operation. I think it is one outstanding example of efficient, economical Government operation, the greatest example I know of.

Mr. LaGUARDIA. After what has been said by the gentleman from Iowa and the exhaustive statement by the gentleman from Illinois, I yield the floor.

Mr. DENISON. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. THATCHER].

Mr. THATCHER. Mr. Speaker, the gentleman from Illinois [Mr. DENISON], whose committee has had this bill under consideration, has explained its general provisions to the effect that the retirement laws of continental United States are laid down and adjusted to the conditions existing on the Isthmus of Panama. In my judgment no more meritorious bill could come before this body for consideration. I believe the thanks of Congress and the country generally are due the committee, and especially to the gentleman from Illinois for the exhaustive study thus made of the subject, and for the excellent bill that has been brought here for consideration. The Panama Canal and the Panama Railroad employees did a great job during the construction days of the canal. The construction constituted the greatest industrial enterprise in all history; and it was carried through with marvelous efficiency. The canal, to-day, is functioning with the smoothness of a Swiss watch. I join in a tribute to Col. Harry Burgess, the present governor of the canal, who is doing a splendid piece of work in handling the affairs of the canal; and I am glad, also, to pay my tribute to the men who will be the beneficiaries under this legislation. The bill is highly meritorious, and I am very happy to be able to aid in its passage. Some of the beneficiaries will be those who served in the canal and railroad work during the period of the construction of the great waterway, when I had the privilege of official service in that connection. Hence, I am very grateful for the opportunity which to-day is mine to vote for a measure that will accord them—and the subsequent isthmian workers, as well—the benefits which they have so richly earned. No finer body of employees was ever assembled than that which dug the great "ditch"; and in the force there to-day operating the canal and the railroad, the same high spirit carries on. In passing this measure we are discharging a long-delayed and most sacred obligation.

Mr. McCORMACK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THATCHER. Yes.

Mr. McCORMACK of Massachusetts. Can the gentleman state definitely whether or not these men, these employees of the railroad, are for all practical purposes in the employ of the Federal Government?

Mr. THATCHER. For all practical purposes they are.

Mr. COLLINS. Mr. Speaker, will the gentleman from Illinois yield?

Mr. DENISON. Certainly.

Mr. COLLINS. How much above the ordinary rates are the rates carried in this bill?

Mr. DENISON. Twenty-five per cent, the same as their rate for wages.

Mr. COLLINS. I had understood that the rates were higher than that.

Mr. DENISON. Not at all, except in this respect: The bill carries a special provision for the benefit of the old-timers, as they are called, who went down to the Canal Zone and worked under the very unhappy conditions that existed during the construction days. A few of those employees are left. The Government years ago made special provision for the officers of the Army and the Navy and the Public Health Service who worked down there during construction days, who made sacrifices by remaining and working there under very unhealthful conditions. We advanced their rank and their pay as a reward for what they did. President Roosevelt recommended that we do the same for the other men who made the same sacrifice in working down there in construction days, when it was not healthy. This bill carries a slight recognition in favor of those few remaining men who worked there during construction days.

Mr. EATON of Colorado. If the gentleman will permit, this is the answer to his question. Instead of 3½ per cent it is 5 per cent of their wages that the employees contribute.

Mr. COLLINS. I understand that; but how much above the 25 per cent do these men receive?

Mr. DENISON. Thirty-six dollars a year for each year they worked during construction days.

Mr. COLLINS. And of course the gentleman knows that at President Roosevelt's suggestion the Army officers who were employed there were given credit for that time, but that the physicians in the Army that were employed on that work were not given credit for that time.

Mr. DENISON. I did not know that.

Mr. COLLINS. I understand that is the case.

Mr. DENISON. The public health officials were.

Mr. COLLINS. The physicians in the Army, I am advised, were not.

Mr. DENISON. I did not know that. President Roosevelt recommended that some kind of recognition be given to the men who helped dig the ditch, and so did General Goethals; but we have never gotten to it and this is the first time that we have had an opportunity to do what we ought to have done years ago for the men who made those sacrifices.

Mr. COLLINS. Then, with the exception of these men, none of the others will receive more than 25 per cent in excess of the amount received by other employees of the Government? They are the only exceptions above the 25 per cent?

Mr. DENISON. The Panama Canal act of 1912 provides that the employees working on the canal shall receive 25 per cent above what is paid for similar employment in the United States.

Mr. COLLINS. Does the gentleman not think that the reason for that rule is over?

Mr. DENISON. Oh, not at all. The conditions in the zone are such that the health officials recommend the employees to take a vacation at least every two years, with their families.

Mr. COLLINS. They are paid for that time?

Mr. DENISON. Not at all.

Mr. COLLINS. They are allowed leave?

Mr. DENISON. Of course. They are allowed 30 days' leave of absence with pay each year.

Mr. COLLINS. They are allowed 60 days per year.

Mr. DENISON. Not at all. They have 30 days' leave with pay, and they can allow that to accumulate, and every two years they will have 60 days, but that does not pay their own expenses or for taking their families away for two months or more.

Mr. COLLINS. And they can travel on Government steamship lines at a reasonable fare.

Mr. DENISON. Oh, I have talked with many of them and I find that it costs them very much to bring their families back to the States for vacations.

Mr. COLLINS. What are the maximum rates carried in the bill?

Mr. DENISON. There is no maximum rate. The highest rate for the Government is $1,125 a year.

Mr. COLLINS. There are those who will receive a larger amount than that.

Mr. DENISON. Oh, yes; depending upon their salaries and adding the earnings accruing from their own contributions.

Mr. COLLINS. What will be the maximum rate?

Mr. DENISON. I think the highest rate that can be drawn under this bill is $2,750 a year.

Mr. STAFFORD. Mr. Speaker, will the gentleman in his time permit me to ask whether the provisions of the bill apply to employees of the Panama Canal Steamship Line which was formerly operated as an adjunct of the Panama Railroad Co.?

Mr. DENISON. It applies to those working on the steamships, but it does not apply to any employees working in the United States. It does not apply to any canal employees living in the United States or who have an office in the United States. It does not apply to anybody unless they are working in the Tropics.

Mr. STAFFORD. Does it apply to some of those who are employed on the Panama Canal steamship lines operating between New York and the Canal Zone?

Mr. DENISON. No; not unless they work in Panama.

Mr. STAFFORD. This is one of the bills which I did not have an opportunity to study carefully. What additional provisions are being made as to the old-time employees who went there to construct the canal, back in 1909 and 1910, in the early days of the canal?

Mr. DENISON. In addition to their annuity allowed under the law, each one will be allowed $36 a year for each year's service during the construction days between 1904 and 1914.

Mr. STAFFORD. But they had to be in the employ of the Isthmian Canal Commission at the time?

Mr. DENISON. Yes.

Mr. STAFFORD. It has no other retroactive features granting pay to those who, at the present time, are retired from service?

Mr. DENISON. No.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. DENISON] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PLATTSBURG BARRACKS, PLATTSBURG, N. Y.

Mr. JAMES of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 15071) to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] moves to suspend the rules and pass the bill (H. R. 15071), which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $150,000 to be expended for the construction of a gymnasium, service club, theater, and library, at Plattsburg Barracks, Plattsburg, N. Y., and such utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary to replace the building destroyed by fire in 1917, and the temporary building that was destroyed by fire in 1930.

The SPEAKER. Is a second demanded?

Mr. COLLINS. Mr. Speaker, I demand a second.

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JAMES of Michigan. Mr. Speaker and ladies and gentlemen, this is a very important bill. Up to 1917 there was a drill hall at Plattsburg owned by the War Department. At that time it was burned. There was a community building, built by the Young Men's Christian Association, and the citizens of Plattsburg and the Army could use that for a recreation hall and drill barracks. In December last year that building was burned and there is no other place for a community center or drill hall or anything of that nature. The membership are all acquainted with the climate of Plattsburg. It is necessary to have a building in

which to drill. The committee unanimously reported this bill, which has the approval of the War Department.

I reserve the balance of my time, Mr. Speaker.

Mr. COLLINS. I would like to ask the gentleman some questions.

This bill seems to be for the construction of a gymnasium, service club, theater, and library. Is this building to be used for any purpose other than those purposes mentioned?

Mr. JAMES of Michigan. Only for the purposes mentioned in the bill.

Mr. COLLINS. Just for those purposes?

Mr. JAMES of Michigan. Service club, theater, library, and gymnasium, which also means a drill hall.

Mr. COLLINS. A drill hall?

Mr. JAMES of Michigan. Yes.

Mr. COLLINS. I see no mention of "drill hall" in the bill.

Mr. JAMES of Michigan. That is the only place they can drill.

Mr. COLLINS. How many troops are quartered at Plattsburg?

Mr. JAMES of Michigan. About 1,000 troops.

Mr. COLLINS. The gentleman does not think that $150,000 will provide sufficient funds for doing all the things contemplated in the bill, does he?

Mr. JAMES of Michigan. The gentleman is very much convinced that it will.

The SPEAKER. The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONVICT LABOR IN INDUSTRY

Mr. HAWLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16517) to prohibit importation of products of convict labor and forced labor, to protect labor and industry in the United States, and for other purposes, with an amendment.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] moves to suspend the rules and pass the bill H. R. 16517, with an amendment. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That all goods, wares, articles, and merchandise mined, produced, manufactured, transported, handled, loaded, or unloaded, wholly or in part, in any foreign country by convict labor, or/and forced labor, or/and indentured labor under penal sanctions, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this act relating to goods, wares, articles, and merchandise mined, produced, manufactured, transported, handled, loaded, or unloaded by forced labor or/and indentured labor, shall take effect on April 1, 1931, and shall remain in full force and effect until Congress provides otherwise, but shall not be applicable to goods, wares, articles, or merchandise so mined, produced, manufactured, transported, handled, loaded, or unloaded which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

In any proceeding under or involving the application of any provision of this act reports and depositions of officers or agents of the United States shall be admissible in evidence.

The SPEAKER. Is a second demanded?

Mr. RAMSEYER. I demand a second.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] is recognized for 20 minutes and the gentleman from Iowa [Mr. RAMSEYER] is recognized for 20 minutes.

Mr. HAWLEY. Mr. Speaker, ladies and gentlemen of the House, the purpose of this bill is to protect the free American labor of this country from convict, forced, or indentured labor employed in the course of production abroad.

In this country there is free labor. That is, that every citizen can choose his occupation, the place and time where he will engage in it, and agree upon the compensation he is to receive. We do not believe that our free labor should be brought into competition or forced into competition with the nonfree labor of other countries of the world, and for the reason that this bill is so based, all labor and its organizations in this country are very earnestly advocating its passage.

The bill is the present law with three changes. In the course of the manufacture and distribution of commodities there is transportation, handling, loading, and unloading; and because they are necessarily a part of the general course of commerce those four words have been added to cover all the operation in the manufacture and distribution of commodities. Our labor is employed in all of those activities.

The second amendment is to advance the date from January 1, 1932, to April 1, 1931. The purpose of that is to bring into more speedy operation the operation of the present law.

The third amendment is the last paragraph. We have found great difficulty, if not impossibility, in obtaining information from certain countries. Under the ordinary course of our importations, if the Treasury of the United States is in doubt about any fact concerning a particular import, its value, its character, cost of production, character of labor employed, and various other items, we have the right and the privilege of sending to the country in question our agents to obtain the facts. But in some countries we are not permitted that privilege or opportunity. The latter paragraph provides that—

In any proceeding under or involving the application of any provision of this act reports and depositions of officers or agents of the United States shall be admissible in evidence.

At present these are not admissible as evidence in the court. This will, in a measure, enable our Government to carry out the mandate of the law and to supply evidence that may be receivable in court to determine questions arising under the law.

As I said a moment ago, this is the existing law, with three amendments. The second amendment would have been carried in the law had it not been for the condition of the conference when the tariff act was under consideration. The Senate conferees were advised by their parliamentarian that they could not agree to any earlier date than the one in the existing law. It was believed that the date we have proposed should have been put in and it would have been put in at that time had the parliamentary situation in the Senate permitted its insertion.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HAWLEY. Gladly.

Mr. LAGUARDIA. I can readily understand how these facts can be ascertained concerning any country with which we have relations, simply by sending our representatives there, but how will these facts be ascertained in order to determine whether or not these goods come under any of the prohibitions contained in the law?

Mr. HAWLEY. We have consular agents, commercial agents, and diplomatic agents in all countries of the world except a few, and these officers can get in contact with persons and officials and ascertain from them what they believe to be the facts, certify that their investigation shows them to be the facts, and that will, in a way, enable us to receive evidence on the subjects involved in the bill.

Mr. LAGUARDIA. Would it not have been possible to write into the law a provision that any country exporting to the United States would have to give our customs representatives the right to ascertain these facts, regardless of whether they are recognized or not?

Mr. HAWLEY. I think the State Department was of the opinion that we could not do that without tacitly recognizing that country.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. COCHRAN of Missouri. Does the gentleman feel that pauper labor is covered by the terms of this bill?

Mr. HAWLEY. The descriptions of labor are convict labor, which we understand; forced labor, which is defined in the bill; and indentured labor, which is contract labor.

Mr. COCHRAN of Missouri. My reason for asking is that about 1914, when I was secretary to the late Senator Stone, of Missouri, he introduced a resolution in the Senate providing that our consular agents abroad should make reports on what they found in the various countries to which they were assigned as to the activities of convict labor, pauper labor, and so forth. The war broke out and those reports were slow in coming in, and if I am not mistaken I have those reports in my possession to-day. Some of the reports showed that a great mass of goods was being shipped into this country made by convicts and paupers in foreign countries in competition with our free labor. I am absolutely in favor of the passage of this bill, the thought originating in the mind of Senator Stone, of Missouri, back in 1914.

Mr. MONTET. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. MONTET. I am wondering if the gentleman will explain why the committee did not deem it advisable to make this prohibition apply to all industries alike. I call the gentleman's attention to the last section of the first paragraph of the committee amendment, which reads as follows:

But shall not be applicable to goods, wares, articles, or merchandise so mined, produced, manufactured, transported, handled, loaded, or unloaded which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

Mr. COLLINS. Mr. Speaker, this is a very important measure and I suggest the absence of a quorum.

The SPEAKER. Evidently there is not a quorum present.

Mr. HAWLEY. Mr. Speaker, I move a call of the House.

Mr. RAMSEYER. Mr. Speaker, I move that the House do now adjourn.

The motion was rejected.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 35]

Abernethy	Douglass, Mass.	Johnson, S. Dak.	Pratt, Harcourt J.
Aldrich	Doutrich	Johnston, Mo.	Pratt, Ruth
Andresen	Doyle	Kahn	Ransley
Beck	Drewry	Kearns	Romjue
Bell	Edwards	Kendall, Pa.	Rowbottom
Bland	Elliott	Kennedy	Sabath
Bloom	Ellis	Kerr	Schafer, Wis.
Brand, Ohio	Estep	Kiefner	Short, Mo.
Brunner	Evans, Mont.	Korell	Sirovich
Buchanan	Fenn	Kunz	Somers, N. Y.
Burdick	Fish	Langley	Spearing
Busby	Fitzpatrick	Larsen	Sproul, Ill.
Butler	Garrett	Lea, Calif.	Stevenson
Carley	Gavagan	Leech	Stobbs
Carter, Calif.	Gifford	Lindsay	Stone
Celler	Golder	Linthicum	Sullivan, N. Y.
Chase	Graham	Loofbourow	Sullivan, Pa.
Chiperfield	Granfield	McClintic, Okla.	Sumners, Tex.
Christopherson	Hall, Ill.	McCormick, Ill.	Swick
Clague	Hall, Miss.	Mansfield	Taylor, Colo.
Clark, Md.	Halsey	Menges	Thompson
Clark, N. C.	Hancock, N. Y.	Michaelson	Thurston
Connolly	Hancock, N. C.	Montague	Timberlake
Cooke	Hardy	Moore, Va.	Tinkham
Cooper, Ohio	Hartley	Nelson, Wis.	Tucker
Corning	Haugen	Newhall	Underhill
Coyle	Hickey	Niedringhaus	Watson
Craddock	Hill, Wash.	O'Connor, La.	White
Cross, Tex.	Hoffman	O'Connor, N. Y.	Whitehead
Crowther	Holaday	Palmisano	Whitley
Cullen	Hudspeth	Parks	Williams
Dempsey	Hull, William E.	Parsons	Wolfenden
Dickinson	Hull, Tenn.	Perkins	Woodrum
Dickstein	Igoe	Pittenger	Yates
Douglas, Ariz.	Johnson, Ind.	Pou	Zihlman

The SPEAKER. Two hundred and ninety Members present, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

Mr. HAWLEY. I will conclude the remarks I was making with this statement: The officers of the Treasury in charge of customs have given the matter very careful attention, and they say the three amendments proposed in this bill are necessary, practicable, and will be of great value in the administration of the act. This bill will not prevent the importation of rubber, tea, coffee, and articles not produced here.

Mr. Speaker, I reserve the balance of my time.

Mr. RAMSEYER. Mr. Speaker, ladies and gentlemen of the House, if I may have your attention a few minutes, I want to explain to you what is before us. This is a make-believe bill. It is not going to accomplish anything that can not be accomplished under existing law. Furthermore, it has a provision in it which, I think, is unjust and inequitable to our traders.

In the next place, it has two provisions in it that I shall come to presently that the learned chairman of the Ways and Means Committee and no other member of the Ways and Means Committee can tell you what they are or what they mean.

We have in the present tariff law section 307, which deals with convict, forced, and indentured labor.

The provision as to convict labor is not new. It has been a part of our law for many years, and that is that goods produced or manufactured by convicts can not come into the country. The present law adds the words "mined" so that goods mined or produced or manufactured can not come into this country under the tariff act of 1930.

If you have the report on this bill before you, you will see that the bill proposes changes in section 307, and the last page of the report gives the comparative print and the following words are added, "transported, handled, loaded or unloaded," to "mined, produced, manufactured"; to the addition of these new words there is no objection.

The convict-labor part of the bill is in effect now; that is, with respect to goods produced by convicts. Such goods are excluded and have been excluded for many years.

The terms "forced labor" and "indentured labor" were new in the tariff act of 1930, so under this act the provision excluding goods manufactured, mined, or produced by forced or indentured labor was not to go into effect until January 1, 1932. We have a somewhat definite idea about what indentured labor is, but I repeat that there is no person on the Ways and Means Committee who can give any understandable definition of forced labor; and if the chairman of the Ways and Means Committee can get up here and define "forced labor" I will let him do it in my time. Nobody seems to know what it is and the definition in the law does not define anything, as I will show you presently.

Now, the chief thing that this bill does is that it changes the date with respect to the time after which goods produced by forced and indentured labor shall be excluded from this country from January 1, 1932, to April 1, 1931.

This does not only apply to Russia but it applies to all the world. Russia has no indentured labor. The indentured labor is employed in the Orient and in the Tropics, from which we get many things that we need in this country.

Our traders who buy or import goods from countries that have indentured labor, depending on the law going into effect on January 1, 1932, have already made arrangements that the labor after January 1, 1932, should not be indentured labor, so that the goods may come in here. A lot of contracts have been made for this year. So if there is any forced or indentured labor existing in any part of the world used in producing the goods imported into this country, the contracts for such goods for this year have already been made, and this fixing the exclusion date at January 1, 1932, which is the date after which such goods can not be imported, placed the traders on their guard, and they must see to it that the imported goods after that date are produced by labor other than forced or indentured.

This changing of the date, I think, is not only unfair but is dishonest to our American citizens who import products that are needed here, but which happen to be made by forced or indentured labor. These traders acted in good faith, relying on the effective date set by Congress at January 1, 1932. I am just as much opposed to forced and indentured labor as anybody, but Congress should be fair and honest with our citizens who engage in foreign trade.

We come now to this definition of forced labor. Some one asked the gentleman from Oregon [Mr. HAWLEY] when he

was on the floor here, what is forced labor, and the gentleman said that that is defined in the bill. Let me read you what the bill says:

"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

I asked every witness before the committee his definition of forced labor, or just what that provision I just read meant, and I think probably the gentleman from New York [Mr. FISH] came as near defining forced labor as anybody. I asked him what is forced labor when he was discussing that question before our committee, and he said, "Forced labor is labor that is not free." Then I asked him what free labor is, and he said, "Free labor is labor that is not forced." [Laughter.]

Mr. HAWLEY. Will the gentleman yield?

Mr. RAMSEYER. I will.

Mr. HAWLEY. This language to which the gentleman refers is now in the law and will be the law if the bill should not be passed. So it is not an issue at this time.

Mr. RAMSEYER. It is an issue, only in this respect: Some Members may think that they are voting something to benefit labor, when in truth and in fact they are not. When they vote to push up the date on forced labor—a form of labor that the committee can not define—they do not help our labor, but they do harm our traders.

Now as to indentured labor. Let me tell you what indentured labor is, such as they have in the Orient and the Tropics. That is where a man signs a contract, selling himself for a certain period of years for a certain fixed fee—maintenance, support, and so forth, for a fixed period of years. That is indentured labor. That is a term pretty well recognized in the law. The term "forced labor" is not recognized in the law, no court decision has defined it, and as defined here in this bill nobody knows what it means. I repeat that neither the chairman of the Ways and Means Committee nor any member of the committee has the least idea of how this law attempting to define forced labor should be construed by the administrative officials.

When the Assistant Secretary of the Treasury Lowman was before our committee I asked him this question:

Now, define what is meant by "the menace of any penalty for its nonperformance."

Mr. Lowman is the fellow who has got to administer the law. Mr. Lowman said, "I do not know what that means, I would like to have you tell us."

Up to date nobody has told him, and nobody can tell him, and I challenge anyone who speaks for the bill, who thinks that he is helping labor by this provision to get up and define forced labor or give the meaning of the definition in the law.

Mr. JOHNSON of Washington. I will define it.

Mr. RAMSEYER. I have asked the members of the Ways and Means Committee to define it.

Mr. JOHNSON of Washington. I believe the word means conscripted labor—that is, labor of those who are drafted as if drafted into the Army to do what the commander tells them or starve.

Mr. RAMSEYER. That is not the definition in the bill. The way it is defined here is that it means all work or service which is exacted from any person under the menace of any penalty for its nonperformance. Neither Secretary Lowman nor anybody else in the Treasury Department has the least idea of what it means.

Mr. BANKHEAD. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. BANKHEAD. The chairman of the committee says that the language that the gentleman is criticizing is in existing law. When was it written into existing law?

Mr. RAMSEYER. In the present tariff act.

Mr. BANKHEAD. Did the gentleman vote for it?

Mr. RAMSEYER. It was put in in conference and escaped my attention.

Now, there is another addition to the law here. Here for the first time in the history of the country we have in the last paragraph in the bill this provision:

In any proceeding under or involving the application of any provision of this act reports and depositions of officers or agents of the United States shall be admissible in evidence.

There is nothing like it in existing law. The chairman seemed to think that that would apply to cost production of anything that comes in under the tariff act.

Mr. HAWLEY. No; I did not make that statement. It applies only to what is in this bill.

Mr. RAMSEYER. All right, then I misunderstood the chairman; that is out of the way. Let me repeat:

Reports and depositions of officers or agents of the United States shall be admissible in evidence.

That makes competent in evidence in any lawsuit involving this act reports of officers. It does not say whether they are officers of the Treasury Department, or officers specially designated to investigate such a situation, but the report of any officer with any department of the Government can be admitted as competent evidence, without opportunity for cross-examination. Of course depositions have always been admissible in any lawsuit if gotten in compliance with law, but a deposition gotten for one case can not be used in another case. I think the person who wrote this provision probably meant affidavit instead of deposition, but as it is here it is meaningless and does not help out anything. This provision is either vicious or meaningless.

Mr. Speaker, I reserve the remainder of my time. I yield five minutes to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Speaker, former Vice President Marshall achieved a great deal of fame when he said that what the country needs is a good 5-cent cigar. In this period of discontent and distress, if this amendment be passed you will deprive the country of a good 5-cent cigar, because all cigar manufacturers outside of a few in the Southeast agree absolutely as experts that the best 5-cent cigar can not be made without a Sumatra wrapper. What the gentleman from Iowa [Mr. RAMSEYER] said, that this bill is not keeping faith with legitimate industry, is true. When the Smoot-Hawley tariff bill was enacted, notice was given to legitimate industry that the indenture labor provision would not go into effect until the first of next year, January 1, 1932.

This bill puts that indenture labor clause into effect almost immediately, April 1, 1931. It cuts down the period nine months so that the contracts which these people have made will be nullified; they will be left in the lurch with indentured crops on their hands. It throws out of business immediately 200 employees in one cigar factory in my district in Detroit and in many others in Detroit and throughout the country. Innocent people will suffer a very definite loss. That is true of the Sumatra tobacco business. They went forward in good faith.

After the first of next year they will produce the Sumatra crop with free labor. There is going to be nothing indentured about it and there will be no suspicion about it.

To prove that the Ways and Means Committee did not know just what effect this bill will have, as has been alleged by the gentleman from Iowa [Mr. RAMSEYER], I cite you the fact that the Treasury Department is holding hearings today to clarify and determine just what the bill does mean, and what these gentlemen promise you is this: That if you take the bill as it goes through here to protect the manganese people and the lumber people and to hit at Russian Soviet business, then, if the Treasury Department sees that it interferes with other legitimate business, they may amend the bill in the Senate.

Mr. LEHLBACH. Will the gentleman yield?

Mr. CLANCY. No; I regret I can not yield. I have not the time. What is true of the Sumatra tobacco business may also be true of the rubber business. When the Blaine indentured labor amendment was put through in the Senate recently they did not know that immediately they destroyed

a $30,000,000 investment of the United States Rubber Co., of Detroit, alone, in Siam. They did not know that they made it impossible to bring here such basic and necessary drugs as quinine and camphor and many other products. So the Blaine amendment was amended so as to protect rubber and drugs. I led that battle. We have the Sumatra tobacco industry crippled, but we do not know now whether the contracts on drugs and the contracts on rubber and other products will lead to a loss of millions or not. Everyone knows that Henry Ford went into the Tropics in Brazil to go into the rubber business. You all know that he is having trouble with his labor. Americans do not understand labor in the Tropics. If the people there get a few dollars they quit, and the crop is ruined. Indentured labor is a necessity. I ask the chairman of the Committee on Ways and Means to explain just what is in the minds of the committee, whether it is to hit at lumber and manganese importation, and to go into a Temperate Zone such as Russia, and whether it is also the intention to destroy legitimate American business in the Tropics.

I insert the following letters and lettergrams:

DETROIT, MICH., *February 20, 1931.*

Hon. ROBERT H. CLANCY,
Congressman, Washington, D. C.:

Seriously object to embargo on Sumatra tobacco. Will ruin 80 per cent of the cigar business, as there is no wrapper grown in this country that will satisfactorily substitute.

FRED P. CHILD,
Sales Manager, General Cigar Co.

DETROIT, MICH., *February 21, 1931.*

Hon. ROBERT H. CLANCY,
Member of Congress:

We seriously object to prohibiting importation of Sumatra wrapper at this time, as it will ruin the 5-cent cigar, which constitutes about 70 per cent of the cigar business. In our 50 years' experience as cigar jobbers we can not recall any 5-cent cigar having attained any volume of business that was made exclusively of domestic tobaccos. Consumers are demanding a good 5-cent cigar, and to make it good Sumatra wrapper must be used. Will appreciate anything you can do to defeat this bill.

JOHN T. WOODHOUSE & CO. (INC.).

DETROIT, MICH., *February 21, 1931.*

Hon. ROBERT H. CLANCY,
Congressman:

The measure to prohibit importation of Sumatra wrappers for cigars will seriously effect the cigar business of our country; a business which is at a low ebb and tottering now. Your best offices to defeat this bill will be of great help to the industry as well as its many workers.

THE DETROIT INDEPENDENT CIGAR DEALERS' ASSOCIATION,
By HERMAN LIEBERMAN, *Treasurer.*

DETROIT, MICH., *February 21, 1931.*

Hon. ROBERT H. CLANCY,
House Office Building:

Bill prohibiting importation convict-labor goods has not been considered by board of commerce officially, but wholesalers, including cigar manufacturers, strongly opposed to bill. Will continue study of its effects, advising you.

DETROIT BOARD OF COMMERCE.
L. C. MACOMBER.

DETROIT, MICH., *February 20, 1931.*

Congressman ROBERT CLANCY,
United States Congress, Washington, D. C.:

If the Kendall bill proposing placing embargo on Sumatra tobacco April 1 passes it will be ruinous to the cigar industry and would deprive over 200 of our employees of work in our factory. Would suggest allowing entry of Sumatra up to December 31, 1931, as we have assurance that the crop following the present one will be raised by free labor in the Dutch East Indies. Kindly use your best effort to have same amended.

SPIETZ CIGAR CO.,
Per CHARLES J. SPIETZ.

BAY CITY, MICH., *February 19, 1931.*

Hon. ROBERT H. CLANCY,
United States Congressman, Washington, D. C.

DEAR CONGRESSMAN: A bill has been passed through the Ways and Means Committee and is now before the House of Representatives, known as House bill No. 16517 as amended. It refers to section 307 of the tariff act of 1930, and proposes to move forward the effective date of embargo on Sumatra tobacco raised by indentured labor from January 1, 1932, to April 1, 1931.

We very strongly protest against the enactment of this bill on the ground that there is not sufficient wrapper in this country now to carry the cigar manufacturers through until the next crop of Sumatra is raised by free labor. We have assurances that the crop following the present one is to be raised by free labor in the island of Sumatra.

Therefore, if the date is moved forward it will cause immediate disaster to the cigar business, which would be avoided if the effective date of this bill remains as it was in section 307 of the tariff act of 1930, or if an amendment could be attached to this bill permitting the importation of Sumatra tobacco up to December 31, 1931.

We respectfully ask your cooperation in helping to protect the cigar-manufacturing interests of your State.

Respectfully yours,

THE HEMMETER CIGAR CO.
HERBERT S. HEMMETER.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. COLLIER].

Mr. COLLIER. Mr. Speaker, ladies and gentlemen of the House, my distinguished friend Mr. RAMSEYER has said that this bill does not make any changes in existing law for the benefit of labor. I call his attention to one concrete case. A cargo came into the United States recently and it was clearly proved that this cargo was loaded on the vessel by convict labor but while the presumption was great, yet there was no direct evidence to show that it had been manufactured by convict labor and the cargo was admitted.

Under this bill that particular cargo would not have been admitted because it was loaded by convict labor. This bill does not interfere with nor embarrass us in any of our international relations. It does not violate any rule adopted by the other civilized nations of the world. We find that all of the civilized countries have adopted the same rule in respect to subjecting their labor to competition with convict labor of other countries.

The policy has long been established in the United States. In the tariff act of 1909 we find—

SEC. 14. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

In the Underwood Act of 1913 we find this provision—

SEC. IV. • • • I. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

The Fordney-McCumber Act of 1922 followed the same principle and recites—

SEC. 307. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

The Hawley-Smoot Tariff Act followed the same unbroken custom but the provisions were broadened, and new classifications made.

The acts of 1909, 1913, and 1922 recited that all goods, wares, articles, and merchandise manufactured wholly or in part by convict labor should not be entitled to entry at any port of the United States, but the act of 1930 broadened the provision by including the words mined and produced, in addition to the word manufactured.

In the act of 1930, we find for the first time the inclusion of the provision forbidding the entry of goods, wares, and merchandise when mined, produced, or manufactured by forced or indentured labor. There was also included a definition of "forced labor."

The provision relating to forced and indentured labor was qualified by postponing its enforcement until January 1, 1932, and also by specifically providing that the forced and indentured labor clause should not be applicable to goods, wares, articles or merchandise, which are not so mined, produced, or manufactured in such quantities in the United

States as to meet the consumptive demands of the United States.

Mr. CONNERY. Will the gentleman yield?

Mr. COLLIER. I yield.

Mr. CONNERY. I am in favor of the principle of this bill, but I would like the gentleman to explain the last proposition in the bill:

Shall not be applicable to goods, wares, articles, or merchandise so mined, produced, manufactured, transported, handled, loaded, or unloaded which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

I would like to ask the gentleman if that means that we do not want anything to come in from Europe which is mined or manufactured by convict labor unless we need it in the United States, but if we need it, then we are going to take this commodity that is produced by forced labor? I do not like that provision in the bill.

Mr. COLLIER. The purpose of that provision is this: For instance, take as an illustration goods of rubber which are produced by indentured labor——

Mr. CHINDBLOM. Will the gentleman yield?

Mr. COLLIER. I yield.

Mr. CHINDBLOM. The provision to which the gentleman from Massachusetts [Mr. CONNERY] refers does not apply to productions of convict labor at all. It is limited to productions of forced and indentured labor. Convict labor is already prohibited, whether we need it or not.

Mr. CONNERY. But are we going to take the products of forced labor if we happen to need them, but not take them if we do not need them? Is that it?

Mr. COLLIER. In a sense, that is it. In those cases where the United States can not produce, mine, or manufacture a sufficient supply to meet the needs and demands of the American people, then this bill will permit those products to come in.

Mr. CONNERY. I shall support the bill, but I hope it will be amended in the Senate.

Mr. YON. Will the gentleman yield?

Mr. COLLIER. I yield.

Mr. YON. This is an interpretation of the bill and the setting up of the provisions of section 307 of the tariff law, is it not?

Mr. COLLIER. Part of it. Most of section 307 is already existing law. As the gentleman from Iowa [Mr. RAMSEYER] said, we make the indentured and forced labor clause effective April 1, 1931, instead of January 1, 1932.

Mr. BLACK. Will the gentleman yield?

Mr. COLLIER. I yield.

Mr. BLACK. It seems to me the word "deposition" in the bill will require agents in those countries where we have no consular officers to run over on a bicycle or airplane to another country to get the depositions authenticated. I think the word "deposition" is too binding. A broader term should be used, like "unsworn statement."

Mr. COLLIER. There was some effort to get the language broadened, but this was the best bill we could get under the circumstances.

Mr. DAVIS. Will the gentleman yield?

Mr. COLLIER. I yield.

Mr. DAVIS. Is it not a fact that our exports to Russia are five times our imports from Russia?

Mr. COLLIER. About that.

Mr. DAVIS. The gentleman stated he knew of no protest. Did the gentleman not see the dispatch the other day to the effect that if this bill were passed Russia would cut off trade relations?

Mr. COLLIER. This bill has been in effect since the last tariff act, or most of it, and there has been no protest on that account.

Mr. DAVIS. Oh, no.

Mr. COLLIER. I believe the gentleman's apprehensions along that line are unfounded.

This bill does not in principle differ from section 307 of the Hawley-Smoot Act, from which no unpleasant international complications have arisen. I am speaking now about section 307, for many expressions of hostility from foreign countries have reached us in relation to many sections of the last tariff act, and many retaliatory measures have been, and doubtless will be, enacted against us until we repeal or amend many of its monstrous rates and indefensible provisions; but I am now speaking specifically about section 307, and I repeat that this section has not brought upon us any hostile criticism that I can find from any foreign country.

The present bill does not change the principle of existing law. It simply makes it stronger, adds to it, and will make it easier to enforce. It applies to all countries alike, and only goods, wares, and merchandise from those countries which attempt to violate its provisions will be excluded.

The bill before the House materially differs from existing law only in three particulars. First, it adds the words "transported, handled, loaded, or unloaded" in addition to the words, "mined, produced or manufactured" in the tariff act of 1930. Second, it makes the date in relation to the "forced and indentured labor" clause effective April 1, 1930, instead of January 1, 1931, as provided in existing law, and third, it recites that in any proceeding under or involving the application of any provision of the act, reports and depositions of officers or agents of the United States shall be admissable as evidence.

I do not believe that the passage of this bill will involve us in any unpleasant controversies with any foreign country. I believe it is in the best interests of our country and of American labor and I hope it will pass the House by a large majority.

CHANGES IN EXISTING LAW

This proposed legislation has the effect of superseding section 307 of the tariff act of 1930. For the convenience of the House, a comparison of H. R. 16517, as amended, with section 307 of the tariff act of 1930 is shown below, as follows:

[Existing law roman type; matter omitted in brackets; and new matter in italic type]

[All] *That all* goods, wares, articles, and merchandise mined, [produced or manufactured] *produced, manufactured, transported, handled, loaded, or unloaded*, wholly or in [part] *part*, in any foreign country by convict [labor] *labor*, or/and forced [labor] *labor*, or/and indentured labor under penal [sanctions] *sanctions*, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this [section] *Act* relating to goods, wares, articles, and merchandise mined, produced, [or manufactured] *manufactured, transported, handled, loaded, or unloaded* by forced labor or/and indentured labor, shall take effect on [January 1, 1932;] *April 1, 1931, and shall remain in full force and effect until Congress provides otherwise*, but [in no case] shall [such provisions] *not* be applicable to goods, wares, articles, or merchandise so mined, produced, [or manufactured] *manufactured, transported, handled, loaded, or unloaded* which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

In any proceeding under or involving the application of any provision of this act reports and depositions of officers or agents of the United States shall be admissible in evidence.

Mr. RAMSEYER. I wish to correct my friend from Mississippi. This is not an embargo bill. The Secretary of State was asked to come before our committee on the embargo bills, among others, an embargo against Russia. The Secretary of State was not asked to come before the committee on this bill.

Mr. COLLIER. Will the gentleman yield for just a moment?

Mr. RAMSEYER. Certainly.

Mr. COLLIER. I think the chairman of the committee will bear me out that we adjourned over one day on this bill to permit the Secretary to appear before us. It is true there were a number of embargo bills, and I may be mistaken; but I think we adjourned over one day to hear from the Secretary of State and the Secretary of Commerce, and Mr. Klein came down the next day.

Mr. RAMSEYER. That was on the embargo bills.

Mr. COLLIER. That was on this particular bill which we are considering.

Mr. RAMSEYER. The gentleman is mistaken.

Mr. RAGON. That was on the embargo bills.

Mr. COLLIER. My colleagues both say I am wrong, so I will withdraw that.

Mr. RAMSEYER. Of course, this bill has the imperfections I pointed out before, but the worst feature of this bill is that it pushes up the provision of existing law from January 1, 1932, the date which all of our traders and merchants had in mind, and contracted accordingly to April 1, 1931. I think that part is unfair and unjust. As I stated before, the whole bill is a make-believe bill. It is not going to do anybody any good, and it may hurt a number of people engaged in foreign trade and affect our trade with Europe and the rest of the world.

The SPEAKER. The question is on the motion of the gentleman from Oregon [Mr. HAWLEY] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EXTENSION OF REMARKS—CONVICT LABOR IN INDUSTRY

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, under leave to extend remarks on the bill to define "convict labor" I beg to say that I had the privilege of appearing before the Ways and Means Committee in support of the bill of the gentleman from South Dakota [Mr. WILLIAMSON] in behalf of his bill, H. R. 16035, to place a general embargo on all goods coming from countries where trade systems such as that being developed in the Union of Socialist Soviet Republics. I desire to append the statement made by me before that committee, as follows:

Mr. WILLIAMSON. The next witness, Mr. Chairman, that we would like to call is Representative JOHNSON, chairman of the Immigration Committee.

STATEMENT OF HON. ALBERT JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

The CHAIRMAN. Being a Member of the House, you understand, of course, how the 10-minute rule operates.

Mr. JOHNSON. I hope I can get along on less.

Mr. Chairman and gentlemen, my duties and my position as chairman of the House Committee on Immigration and Naturalization have brought me, for a long time, an opportunity to have more or less knowledge as to the development of the activities of the Soviet Union, and particularly its attempt to establish and to carry on the 5-year program.

My activities have also given me an opportunity to know quite a bit of the activities of the American coalition, and how and why it works, and I may say that I have had the pleasure of knowing Captain Trevor, who just testified before you, for 10 or 12 years, and I do not know a more earnest, hard-working man engaged in the intensive study designed to bring out all facts on this and other problems at his own expense. He is a man who is not an extremist along any line. He is not given to extravagant statements, and he writes and speaks with care and caution. Because of these attributes, his testimnoy is especially valuable.

As a basic plan this idea of joining together of fifty-odd patriotic societies to do certain things was with the purpose of having their delegates, a large number of whom are residents here, such as Mrs. Walker, of the Daughters of American Revolution, and Mr. Gray, representing the farm organization, meet frequently to find out what bills are likely to be acted on, and to secure them and send them to the national officers of their organizations. It eliminates a great deal of mail to Members of Congress, and it eliminates many demands for printed matter. This central body of the coalition does take part in problems that might be considered as political, but only with those which they think endanger or affect the whole United States; in other words, from a unified patriotic standpoint.

As an illustration, this organization will find out from the Immigration Committee what the key bills happen to be, and, if there is time, those bills are sent out. If there is not time, these men and ladies, a large number of whom are legislative agents right here, meet and use their best judgment in the formulation of petitions, protests, and indorsements to be submitted to Congress, and they come in en bloc, and I have found their efforts quite valuable and helpful.

I was glad that I got into the room just in time to hear a part of the testimony and the cross-examination of the young man who went to Russia and who tried to work in the rolling mills there. The reason that I was so interested is that I have personally interviewed men in the third congressional district of Washington State, which I have the honor to represent, who are fishermen, and a few who are loggers, who went over to Russia under similar contracts and allurements, over $300 a month, and who managed to break their contracts and run away and come back.

Take the fishermen; they are husky people, in North Pacific and Alaskan waters, and the Columbia River; some of them are the descendants of the Norse country, such as Sweden and Finland, and it was very easy to interest them when offered an opportunity to earn $300 a month in Russia with the understanding that they were to be teachers in the important business of fishing. So they made contracts to go to Russia. It turned out that those who made the contracts with them were either fourth-rate agents of this Amtorg, not the big ones in the east, but fourth-rate agents, and also certain agents of western steamship lines.

Well, these boys got over there and, as one man said to me, he would not have stayed under the circumstances there for a million rubles, because after he got his $300 or $400 a month, he could not buy butter or anything that he wanted to eat, and so he decided to get out if he had to run out.

Now, he said that they tried to make it comfortable for these fellows who were to be the teachers and directors in the task of enlarging the fishing industry.

And right while I was inquiring about this, I happened to be at Astoria, Oreg., in Chairman Hawley's own district, and there was a ship loaded with a part cargo of tin plate—tin plate that had been manufactured in Pittsburgh, shipped to Astoria on the lines of the Union Pacific west of Chicago onto this boat, bound for Vladivostok. I made some inquiries about it, and it developed that that plate, when it arrived at Vladivostok, was to be taken in charge by the soviet system, which runs the fishing business, and made into cans under the same plan of conscripted labor, cheap wages—$15 supposed to be, in exchange, equivalent to ours, but not so. The fishing was to be done by the same kind of labor, as well as the dressing of the fish and the packing into the cans, and then the stuff was to be shipped, not necessarily to the United States but to France and Sweden and elsewhere. The labor was to be furnished by the Soviet Government itself, to be paid this low wage, the product to go out into the markets of the world; and it disturbs the United States market whether that product is sold in France or Sweden or here.

Now, look at the other side. The holders of stock in a certain corporation that makes the tin plate want the dividend, the profit; the working people in that great industry here in the Eastern States want the pay that comes to them; the railroad, getting this long haul, wants the transportation pay; and the steamship line wants the cargo.

Can we afford to strike all that down in order to do our part for this breaking down of the soviet system of control? I do believe we can afford to do it.

Now, it is a tremendous guess as to whether the soviet system of control can survive. At first blush I think any man would say that the system will break of its own weight, that human beings won't stand against that control and force; but I have talked to the workmen out in my country, where we have had very little in the way of pay rolls since July, and only intermittently for months before that, because our industries have all been hurt, and they said, "Put yourself where I am, out of work; suppose that I am told I will have to work the way the United States Government tells me to work or that I will starve; which would I do? I will work."

That is the way they have to do it in Russia, and their people have to swallow it. Our people now there can get out, but they can not; and this boy who testified was dead right in everything he said, and he was honest.

If I could afford it I would have some of our fishermen and a few loggers come here, but I have the affidavits upstairs. I have worked a year on this, and I have tried to collect some information on it, and I have enough to make a scrapbook as big as a dictionary, and I have a manuscript of a man from my district who traveled for one year in Russia, who described some of these things, and he said that where these gigantic projects are under way, like that great electric proposition on the Dnieper River, there are many Americans, skilled people and engineers, who are able to get together as if in a great colony, you might say, and get the equivalent of Russian rubles, and they have better chances for exchange with which to buy and a better opportunity to buy the kind of food that they want, so that they are comfortable.

Then there is that great dam, and that tremendous industry will be there; it is being built while we are building Boulder Dam, and no matter how their Government swings, that electric project is an addition to the assets of that part of the country, and so on with other projects. Also the building of railroads. The Government may have to change and twist, but those things are there. We all know that this communistic system has been operating for years. They keep changing fronts and generals just like an army has to do. Take the great struggle between our States; the armies on each side had to change plans to keep up a commissary and to feed and clothe. This whole Russian system as far as they can handle it at all is like an army, and it keeps straining that government tremendously to feed and to clothe. I hope and pray that it will fall down; but, Mr. Chairman, I am mortally afraid that the grips have got to come between this, the United States, the land of the so-called capitalistic government, with living on a very high plane, and this newest scheme in

government in a country much larger than this with a population larger than ours, mobilized to bring on a desperate struggle economically. And gentlemen if we do not lead what other country in the world can?

It is a tremendous problem, and I think every member of this committee knows it, and it is an enormous problem, a year's work for Mr. RAINEY or any of you gentlemen, or a student like our friend RAMSEYER, from Iowa, to bring these changing facts together and get a square view at the situation.

I have been offered money by certain magazines if I would write something on this soviet survey that I alone made, but it is hard to guarantee my facts at any given hour.

I am glad to see this bill in this shape. The quicker we can throw out a bill in defense, to meet the efforts of that government, the better we put ourselves in shape to hold up our end of the great economic and other disturbances that are shaking the world. Loose every bit of the export and import trade, if we have to. As one witness here said, you will never sell the wheat again at a price that will even pay anything in the way of profit to the man that grew it, and that will soon apply to fish, and it applies to manganese and other articles.

The chairman himself knows that in his district and mine the lumber and pulp business has been badly injured, and there is little in sight to revive it.

It is going to take nerve, gentlemen of the committee; and, of all the committees that I know of in Congress, your committee has got the courage.

I thank you for your attention, and ask for permission to revise my remarks.

The CHAIRMAN. Any questions?

Mr. CRISP. It is hardly necessary for me to say that I am not in sympathy with the Bolshevik Government of Russia, but I wanted to ask you this question. This committee has reported out a bill amending section 307 of the tariff act; which provides that no goods can be imported in the United States from any country if, in the manufacture or production of them, or in loading them or transporting them, convict, forced, or indentured labor is used.

The Treasury Department has rules and regulations, and those rules and regulations prescribe that if the question is raised as to whether those goods were produced, manufactured, or transported, or even loaded, by convict, forced, or indentured labor, the importer has the burden of proof and the importer must establish that the goods do not fall within any of those inhibited classes.

Mr. JOHNSON. I have read the bill.

Mr. CRISP. Does not that give ample power to deny imports from Russia, if the information that we have as to conditions in Russia is true?

Mr. JOHNSON. It will go part way. If we can not get anything else, it will help your whole situation maybe for a year, but I am afraid that it will not reach far enough. If the importer is connected in any way with the Amtorg or the Russian Government, directly or indirectly, he is a man whose oath or affidavit you can not believe because it is part of their system that this oath business is all capitalistic, and you would have considerable difficulty.

Mr. CRISP. The gentleman is quite able to realize, of course, that it does not prescribe what evidence the Treasury Department shall accept, or what weight it shall give to certain evidence.

That is left to the Treasury officials, and I think it is a fair assumption that the Treasury Department will use common sense and good judgment——

Mr. JOHNSON. I have always thought so, too.

Mr. CRISP (continuing). In passing upon evidence adduced before it.

Mr. JOHNSON. I think the committee has gone a long ways in what it got into the last tariff act, which I think was badly needed, at a time when we were sending money abroad to make goods to send back here, and there is merit in your bill, but not enough teeth in it, and I am willing to make the prophecy that less than one year will go by until you find it out.

I sat in with some men who were in conference last night. They have been students of the unemployment proposition of the United States, and from the statistics that have come to my committee I estimate that 7,000,000 people at this time are out of work in the United States; and, assuming that the Government does all that it can in the way of providing so many jobs, and that all of those who hire labor do all that they can in the way of getting men back into manufacturing and building and everything of that kind, and allowing for the normal number of men that are always out of work in this country on account of maladjustment, October will come and you will find out that there will be 3,000,000 men out of work who want work and can not obtain work.

Mr. RAMSEYER. Suppose that we put on an embargo against Russia and shut off the $30,000,000 in imports and $150,000,000 in exports, how many men will that put into employment in the United States?

Mr. JOHNSON. It would not put any.

Mr. RAMSEYER. But it would put these 60,000 to 100,000 out of employment?

Mr. JOHNSON. Yes; but continued unloading of conscript-made goods on to us is putting and will put more out of work.

If time had permitted, I would have carried this statement out, to the effect that the coming in of these products is more damaging now, and will be still more damaging, than the loss of labor now engaged in making certain articles to be sold to the Soviet Government of Russia.

Mr. RAMSEYER. I want to know whether you are arguing this from an economic standpoint?

Mr. JOHNSON. I am going at it from an economic standpoint.

Mr. RAMSEYER. Or whether you are here advocating an attitude to destroy the Russian Government?

Mr. JOHNSON. I am advocating that the Russian Government has the right to set up any kind of government it desires, but that the Russian Soviet has not the right to attempt to destroy our United States Government, where the people have a right to own property and to be protected in that ownership, and have the right to have and protect other rights to which they are entitled. Our people have had hard times many times before and have pulled out through their own efforts.

Mr. RAMSEYER. Let us stay on the economics of it for a moment.

Mr. JOHNSON. I will try.

Mr. RAMSEYER. You concede that an embargo right now would not better the employment situation, but that, in fact, it would make it worse right now?

Mr. JOHNSON. Yes; slightly, right now.

Mr. RAMSEYER. Well, slightly—at least, it would be that much worse?

Mr. JOHNSON. Apparently; slightly.

Mr. RAMSEYER. Now, the importations of lumber are not the cause of your distress out there. We went through that lumber situation; the distress in the lumber industry is chiefly that the farmers in recent years have not made enough money to buy building material.

Mr. JOHNSON. That is a part of it, but the big part is this: Tables were hung up over in the Speaker's lobby showing the loss of exports to China, Japan, South America, and so on, and that export market has been picked up more or less by everything that can be manufactured in Russia with this conscript labor.

Mr. RAMSEYER. But the Russian foreign trade is only about 2 per cent of the total world international trade; it is only about half as large as it was before the World War.

Mr. JOHNSON. If we have lost our cargo business, that is one item, is it not? There is very little cargo going out from the Pacific coast, and little coming in. What is the reason?

Mr. RAMSEYER. Mr. Johnson, it is the world's economic situation. Of course, we have lost in the world trade since this depression, but as far as I can find out our loss is relatively no greater than the loss of other trading countries. All of the countries have lost in their foreign trade.

Mr. JOHNSON. Then why should this country stand around and issue statements here, there, and everywhere, as if we can pick ourselves up by our boot straps and become prosperous in another 90 days' time?

Mr. RAMSEYER. Nobody is saying that.

Mr. JOHNSON. They are doing it in financial papers all the time.

Mr. RAMSEYER. This economic situation is world-wide.

Mr. JOHNSON. Certainly. It is going to stay that way for a long time, I am afraid.

Mr. RAMSEYER. I have my own views about it. It is largely due to war financing, blunders during the war in international financing, and the men in the world who control the finances have made a mess of international finance.

Mr. JOHNSON. I agree with you.

Mr. RAMSEYER. And unless the men who control the credits of the world loosen up very shortly and come to their senses Russia will not be the only country in the world that is communistic.

Mr. JOHNSON. I agree with that.

Mr. RAMSEYER. If this embargo would improve our economic situation, I might be favorably inclined toward it; but we, after all, as a committee consider the economics of the thing, not the international politics. It is not our business here as a committee to tell the Russians what kind of a government they shall have.

Mr. JOHNSON. I agree with that.

Mr. RAMSEYER. If that government does not fit into the character of the Russian people, it will collapse of its own weight in the course of years. If it fits into the character of the Russian people, no matter how much we denounce it here, how much we may dislike it here, it is going to continue to live, even though we shut off this $180,000,000 of trade.

Mr. JOHNSON. The minute the United States gets its backbone up against any kind of serf trade, going or coming, some other countries will get up their backbones. Up to date the only one I have heard of that has had any nerve was little old Mexico.

Mr. RAMSEYER. That is a conclusion to which you are entitled, and I am not saying that you are not right about it; but for the immediate future to shut off this $150,000,000 a year in exports would make economic conditions worse than they are.

Mr. JOHNSON. The reverse is just as true, but keep in mind which country's valuation we use in the figures. The sets of figures cheat each other. And I do not care whether it is $5,000,000 worth of manganese, $20,000,000 worth of wheat, $10,000,000 worth of coal, $2,000,000 worth of matches, a few millions worth of pulp, $15,000,000 or $20,000,000 worth of lumber——

Mr. RAMSEYER. But as to the manganese, if I am correct, we produce about 2 per cent of our consumption.

Mr. ESTEP. Six and ninety-five one-hundredths.

Mr. RAMSEYER. And of the imports, how much comes from Russia?

Mr. ESTEP. We import 50 per cent of our domestic needs from Russia, and the rest from Brazil and other places.

Mr. RAMSEYER. If we were to shut off Russia, it would simply mean that that much more manganese would come in from some other place.

Mr. JOHNSON. You are a member of this great committee and infinitely better prepared to state that than I am, as well as to know the exact figures, and I know that you are a close student of the situation, but we could debate back and forth till midnight. We must not forget whether or not we place Russian or American valuations on these imports.

I want to thank you for the time given me.

The CHAIRMAN. We thank you for the information that you have given the committee.

Mr. Speaker, I knew when I was addressing the Ways and Means Committee that the time was pretty short for consideration of a bill for general embargo against products from a country using convict, conscripted, drafted, induced, or forced labor. The gentleman from Georgia [Mr. CRISP] asked me if the bill of the gentleman from Pennsylvania [Mr. KENDALL], H. R. 16517, would do. I replied that it might help if we could get nothing with more teeth in it. That bill has passed the House, but the Senate Committee on Finance has laid it aside.

Next comes the struggle for consideration of separate bills for embargo on oil, and on coal, and on lumber, and on pulp. Confusion worse confounded. Mark the predictions made in my testimony printed above. Who wins for another season? The Union of Socialist Republics.

SUSPENSION OF IMMIGRATION

Mr. JOHNSON of Washington. Mr. Speaker, I make further use of this time to say that I expect H. J. Res. 500 to suspend for two years a large part of the immigration to the United States to be called up for consideration at any hour—perhaps this afternoon. I beg to ask Members to remain on the floor to prevent time being lost in quorum calls. This will help the whole program.

CANADA SUSPENDS IMMIGRATION FOR TWO YEARS

Canada has recently suspended immigration to that country for two years. The United States can not lag behind. Immigration and emigration enter into present world economic conditions in a very large way.

I desire to call attention to the following clipping from a Canadian daily newspaper:

IMMIGRATION HOLIDAY TO LAST TWO YEARS—GOVERNMENT DECIDES CANADA HAS ENOUGH WORKERS FOR PRESENT NEEDS—NO ASSISTED PASSAGES

OTTAWA, February 15.—A 2-year immigration holiday has been decided upon by the Dominion Government. It is estimated there are at present available in the country sufficient farm workers, unskilled laborers, household workers, and the like to supply all demands without bringing in any more until 1933.

The death knell of assisted passages has been sounded. The British trainee farms, which were established at great cost to fit city-bred workers for the wide-open spaces, may cease operations for the time being, so far as Canada is concerned, and that virtually applies to the other Dominions also, because Canada absorbed more British migrants than all the other Dominions combined.

When House Joint Resolution 500 is called up I shall try, if time permits, to give the exact meaning of Canadian restriction.

In the meantime I call attention to the headlines over a dispatch of the same date in the same Canadian newspaper:

Factory workers sent back to United States—Close check up carried out at border by immigration men—All leave voluntarily.

Canada will let no alien take a place needed by a Canadian workman. Canadian officials are combing the factories of that Dominion for Americans and others who have entered surreptitiously.

The United States will do well to take a lesson from Canada.

COMMUNITY COOPERATION

Mr. JOHNSON of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. JOHNSON of Nebraska. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an address delivered by myself at the sixth annual dinner of the Columbia Heights Business Men's Association, February 19, 1931, New Amsterdam Hotel, Washington, D. C.

The address is as follows:

Mr. Toastmaster, ladies and gentlemen, you do me greater honor than I am worthy of. It was with a great deal of pleasure, coupled with a keen sense of responsibility, that I accepted Mr. Burgett's kind invitation to address you on this occasion. It should always be a pleasure for anyone to meet an ambitious, industrious, community-loving people, who believe that in cooperative efforts there is security and strength. I feel my inability to bring you a message worth while. I can only hope, at my best, to give you a suggestion.

Two young business men were walking across the London Bridge when suddenly Abie said to Isaac, "I bet you $5 I can tell you what you are thinking about." Isaac replied, "I bet you $5 you can not." "Alright, it's a go then," said Abie. "I bet you were thinking about going over to Liverpool and buying a little business for $20,000, then insuring it for $30,000 and make $10,000 for yourself." "Ach! Here is the money," said Isaac. "Vell, den I guessed it, didn't I?" said Abie. "No, you didn't guess it, but the suggestion is worth the money," replied Isaac. I do hope that somewhere during my rambling remarks to-night I shall be able to say something that will bring a suggestion to you that will be worth your while and your money.

We know that America is the land of opportunity. We know that the American people are the most alert, active, progressive, best fed, and best clothed people in all the world to-day. This is due to the fact that in our country we still maintain the spirit of Washington and Lincoln, which is unity of interest in community, State, and Nation. We know the people whom we love and respect are the men and women of character, honor, and standing, who are determined to be the leaders in every practical movement for the betterment of humanity. They are a constructive people, building a nation, materially, politically, socially, and spiritually on a foundation of equality of opportunity. How can we have equality of opportunity without cooperative efforts in your community? I may not be able to tell you what always constitutes cooperative efforts, but I think I can give you an illustration of what they are not.

A man and his wife were shopping one Saturday night in a small town and he rather hastily purchased a new pair of overalls. When he reached home he discovered, in the presence of his wife, that these overalls were 6 inches too long. She being rather tired and realizing that it meant additional work for her to alter the overalls began to scold her husband for being so careless and not getting a pair that would fit. Of course he then began to realize that he had made a mistake. He really did not want to make his wife additional work so after they had retired and he thought his wife was asleep he got up and quietly went out into another room and cut 6 inches off the new overalls. Then quietly retired, feeling that he had done a very kind act for the wife. A little later when he was asleep his wife woke up and she was rather sorry for the harsh things she had said to her husband, so she quietly slips out of the room and cuts 6 inches more off of the overalls and she retires without waking the sleeping husband. A little later when both of them were sound asleep the mother in law (that ever-present help in the time of trouble), who had heard the argument when they returned home, thought she would protect the family ties and so she gets up and slips out to where the overalls are and cuts off 6 inches more. They were all working, they were all interested, almost to the extent of community interest, but it certainly was not cooperation. Cooperation and community interest brings us face to face with opportunities to help ourselves and to help others. What is an opportunity if it is not a condition that permits you to be of service to some one else? And service to others whereby you help them to help themselves is the greatest philanthropic work one can do. Sometimes we get a little tired trying to help others, and we feel like the little girl whose mother had continually been telling her that we were here to help others. One day when the little child thought it had gone about far enough she said to her mother, "Well, mother, what are the others here for?"

We are often looking for the opportunity to make money, and that is not to be condemned in its entirety; but opportunity in its broader sense is more than the mere chance to make money; that is the gambler's opportunity. Washington had opportunities to make money and he made it, but he did not let those opportunities keep him from seizing the greatest of all opportunities—to serve his fellow countrymen. Lincoln, seemingly, never had the opportunity to make money. He seemed always to be thinking of others; he gave his very life for his community, State, and Nation. We now honor him as the greatest of Americans. His religion was the Christ religion. He went about doing good, and that was the only opportunity he looked for.

The early settlers in America pushed the hostile Indian tribes back, broke the sod, killed the rattlesnake, built the bridges over the turbulent streams, and made life easier for the oncoming generations. They sat by the sick bed and gave succor to the weak and suffering without thought of pay. If you were to write your life's history to-night, I think you would be more likely to recall your service to mankind rather than the opportunities you have had to make money or acquire other wealth. Our forefathers had time and the opportunity to think for themselves; we are hardly granted that privilege nowadays—there are so many orators, daily newspapers, and books of fiction in this day and age that if we

listen to the orators and read the books and magazines we have no time to do our own thinking. I am reminded of a college professor who went out on a western ranch to spend his summer vacation. The first morning he was there he told the lady of the house, who was not so young any more, that he had certain hours for the study of English, Latin, science, and various other studies until he had taken up the entire day, so it seemed to her, and she turned to him and said, "When dost thou think?" An orator, it seems to me, is one who so couches his ideas—if he really has any—in flowery figures of speech until you or he or anyone else can not tell what he is thinking about.

My short experience in Congress leads me to believe that there are two distinct classes of men there, the thinkless talker and the talkless thinker. The men I like best are the talkless thinkers—they do the work—but on account of the other class it takes them a long time to get it done. You know, we do a lot of things up on Capitol Hill; some are wise and some otherwise. I think but very little of "the otherwise" gets into the statutes, but it does get into the daily records and the newspapers, usually confusing, misleading, and quite often very disgusting to the general public.

It seems to me it should be a primary duty of the people to make it their business to understand the fundamental principles of community, State, and National welfare and not to take their ideas too much from writers and speakers who have the gift of words but not the gift of ordinary common sense. In connection with this line of independent thought I like to think of Daniel, that fine young fellow in Bible history, who always kept himself so physically and mentally fit for all emergencies that he could be of service to anyone, friend or foe, even the king of a different nationality, and thereby free himself and his fellow countrymen. You recall the story wherein the king had a dream and forgot it, and for a king to do a thing like that, "it was just too bad," so he called in all the wise young men of his realm, who had attended their colleges and universities, for counsel in the matter. They could not tell him his dream and, of course, could not interpret it for him. The king had given Daniel and his three associates a sort of a civil-service examination and had made the remark that they were ten times smarter than any of his own young men. Daniel, not being of the same nationality as the king, one might think, would hesitate to offer his services, but here was his opportunity, so he called his associates to him and they did their own thinking. Daniel had never been to college or to a university, but somewhere he had learned to think and pray, so he and his associates went to God for His divine guidance, and with His help they were able to figure out the king's dream and to interpret it for him. None of them were put to death, which would have been the result if the king's dream had not been interpreted. Daniel was never considered to be a rich man, but he was a very successful man because he had the ability and the willingness to serve others.

A very beautiful and impressive memorial service was held in the House of Representatives to-day in memory of nine Members of the House who had departed this life since June 27, 1930. They were memorialized not because of any amount of wealth they had accumulated; in fact, not one word was said about their material wealth, but they were eulogized for the good they had done and the service rendered to others. Nowhere in this city of monuments and memorials, in Statuary Hall or Arlington, do we find statues erected to the memory of any man because of his ability to acquire wealth. We honor them for their heroic acts, deeds of valor, and service to their fellow countrymen.

An inventor is successful if his invention does what it was made to do. An author is successful if his book accomplishes its purpose. A man is successful if he does well that for which a man is made. If you have used your God-given faculties and powers to the best of your ability, you have been successful.

During the past few years I have had the occasion to cross the United States from ocean to ocean and to criss-cross it from northwest to southeast and southeast to southwest, and just recently returned from a 4,000-mile trip by water to Panama. It seems to me that the whole country is full of opportunities if we can just marshal our forces, individually and collectively, and seize them; that life is good and opportunities for doing good, socially and economically, are always with us. It seems to me that the Middle West is the door where opportunity is knocking to-day. There is where we have the substantial things of life.

It is really the bread basket and the meat platter of the world. You will pardon me if I seem to be a little boastful of my State, and especially the fifth congressional district, which I represent, when I tell you that in this district we have the two largest cooperative creameries in the world, the largest hog ranch in the world, and wonderful fruit and vegetable farms. It is true there are problems we must solve, and that is the case everywhere. Our main problem is the moisture question. We usually have an abundance of moisture during the year, but it often comes too early in the spring or too late in the fall. We have an abundance of fertile soil and an abundance of sunshine. A just right altitude ranging from 900 feet in the southeast and increasing to a mile high in the northwest, making a most wonderful climate for the production of all kinds of vegetables, fruits, grains, hay, livestock that is known to the Temperate Zone, if we could just have reservoir control of flood waters, that we might stabilize the climate and use the waters for irrigation and power purposes. With this problem solved I think a great many of the people from the congested cities would be glad to come and live with us, where they can fully enjoy the wholesome things of life.

Some might say this would cause an overproduction of food and grain, but I hardly think so. We are told to-day that there are millions of people not getting nearly enough to eat and are not comfortably clothed. Their Representatives in Congress have been insistent that the Government Treasury take care of them. As long as this condition exists there is no overproduction of supplies, but there is an improper distribution of labor and supplies. For the past few years we have been neglecting the country and the small town, and we have been building large cities and concentrating our wealth and labor in these cities until employment became top heavy and tumbled over with no one to pick it up.

There are thousands among the unemployed who were coaxed away from the farms because the agricultural interests have been belittled by demagogue politicians, and the industrial wage has been exalted by industrial greed, and because of this, too, those having money to invest (from the rural districts) have been tempted and induced to invest in securities offered by the high financiers of the cities who, when they fail, do not do it in any halfway manner but fail in the millions. We in the Middle West do not have the millionaires you do, and you wouldn't have them if we didn't help make them. When each and every community in the United States learns to combine its own efforts and money in a cooperative way for its own preservation and advancement, we will have the reservoirs in the Middle West to control the flood and run-off water for agricultural and other economical purposes, and you people who do not have this problem to solve will solve your problems by the same methods. There are some things our Government can do and some it can not do, with safety. There is one thing we, the people, should learn and that is to help ourselves and not run to the Government for everything we want.

Gentlemen, you are business men, doesn't your daily business, touching other business at a hundred points, lead you inevitably to the conclusion that the general run of business is fair play—a regard for the rights of others, competitors and customers alike—in short, a decent respect for the opinion of mankind? And being a good sport in business is not a matter of definition; it is a spontaneous quality that rises to opportunity and emergency. Its greatest inspiration often comes from disaster and disadvantage. An emergency exists to-day, an opportunity presents itself. You have had disaster caused by drought and unemployment, and disadvantages caused by the general depression. A greater Chicago, a greater Baltimore, and a greater San Francisco rose from smoldering ruins because the faith of those men triumphed under fire.

I believe we, as business men, should accept—in spirit if not in words—as our slogan: "Let experience be our teacher." While I have to some extent advocated individuality, community interest, and local cooperation I fully realize that no one (not even a farmer, though he can come as near it as anyone, if he is a good one) can live unto himself alone. Neither can a community, State, or Nation. Neither can anyone or a community long exist and scatter itself or himself all over other affairs. The others exist as an outlet for our surplus and we exist as an outlet for their surplus. There must be an intermingling of trade and commerce with all if all are to prosper. What I have said to-night about community interest and cooperative efforts as an aid to economic conditions is equally applicable to the enforcement and obedience to the law.

The daily press and the magazines call our attention continually to the disobedience and the laxity of the enforcement of our laws until we are virtually tired of the subject, but why do we disobey them and why are they not enforced? We disobey the laws just like we disobey our parents in childhood. If they caught us in our disobedience we were punished, but if we were not caught we thought we were smarter than they and the disposition to disobey grew on us.

But with all our man power and money why are not the laws enforced? Some one has said because every man has his price. That may be partly true, but not wholly true. Our individual and community respect for and obedience to the law has a whole lot to do with it. As to every man's price, I am reminded of a story of a very fond uncle who was teasing his nephew about his love for his mother. The little fellow declared that he loved his mother more than anyone in the whole world. His uncle said, "Oh, I don't think you care very much for your mother; I'll give you $20,000 for her." The little fellow replied, "No, you won't give me $20,000 for my mother; I won't take it." Then the uncle said, "I'll give you $30,000." "Oh, no you won't," the lad replied. Then as the last resort the uncle said, "I'll give you my old jackknife for her." The lad began to edge up to his uncle and said, "Let's see your old jackknife." There may be some men in office and there may be some out of office who will fall for money, there may be some who want position, popularity, or publicity of any kind, and then there are some who can not stand the gaff of society, which I believe is even cheaper than the old jackknife.

I believe the only way we can have our laws obeyed and enforced is for us as individuals—and as we join our forces in community interest—to fully realize that we are coequal with the Government in obeying the laws and in aiding our peace officers and courts in enforcing them.

In closing may I sum up what I have said in this thought—community interest is good will to others, and that is constructive thought. It helps build us up, it makes our blood purer, our muscles stronger, and our whole form more symmetrical in shape. It is the real elixir of life, and the more of such thought we attract to ourselves the more life we will have.

PIKE'S STOCKADE—H. R. 13521

Mr. EATON of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. EATON of Colorado. Mr. Speaker, I recently introduced a bill to authorize the study, investigation, and survey for commemorative purposes, the place where the flag of the United States was first erected in that part of the west now within the boundaries of the State of Colorado.

"Pike's Stockade" has been the subject of fable, fiction, poetry, and official report. It was located January 31, 1807, laid out the next day, February 1, and occupied by Lieut. Zebulon Montgomery Pike and the remnant of his exploration party until February 26, when an expedition sent by the Spanish governor at St. Affe, or Santa Fe, as we now pronounce and spell it, presented the request of the Mexican governor for Pike to go to the palace and give an account of himself and his expedition. Whereupon, on that date, according to Pike's diary—

I immediately ordered my flag to be taken down and rolled up.

It was upon the 28th day of January, 1807, that Pike crossed over a pass in the Sangre de Cristo range after completing an exploration of the Arkansas River to its source near the present site of Leadville, Colo., and saw the sand hills which are at present the subject of study by the Director of National Parks for withdrawal and designation as the Sand Dune National Park. Pike's description of the view is set forth in his diary in the following words:

The sand hills extended up and down the foot of the "White" Mountains about 15 miles and appeared to be about 5 miles in width. Their appearance was exactly like that of the sea in a storm, except as to color; not the least sign of vegetation existing thereon.

A writer, under date of February 16, 1931, tells us that—

The sand dunes of the San Luis Valley rival the Arabian Desert in their lure and mystery, and may soon become a national monument.

The sand dunes include 60 square miles of drifting sand of a hundred hues, and are nestled in a pocket 40 miles northeast of Alamosa.

Towering on three sides are Mount Sierra Blanca, Mount Garfield, and Mount McKinley, all more than 14,000 feet high.

The dunes themselves rise nearly one-half a mile high. The drifting sand—sighing as it shifts constantly—gives the dunes a new contour while visitors watch.

Origin of the dunes remains a mystery, although an accepted theory is that the sand was swept up into the pocket from the huge inland lake bottom which once formed the San Luis Valley.

LIEUTENANT PIKE

After crossing over these sands Lieutenant Pike continued in a southerly direction, crossed the Rio Grande to the Mexican side and reached the prairie lands opposite the mineral springs (Ojo Caliente) and high hills on the banks of the Conejos River, the West Fork of the Rio Grande Del Norte. The site chosen was under a hill from which flows a mineral or thermal spring which never freezes, at a point where the current of the river would meet the ditch built around the work. It is a little north of the center of section 7, township 35, range 11.

The stockade was built 36 feet square and 12 feet high, of heavy cottonwood logs about 2 feet in diameter. An inside ditch was dug in which was planted sharp-pointed stakes, making a pointed frise which required removal before the works could be scaled. Then there was an outside ditch 4 feet wide filled with water all around. The earth taken out formed an excellent rampart against small arms, 3 or 4 feet high.

The mode of entering was to crawl over the ditch on a plank and through a small hole sunk below the level of the work near the river.

The portholes were about 8 feet from the ground, to shoot through which a platform was built.

Pike wrote in his diary:

Thus fortified, I should not have the least hesitation of putting 100 Spanish horse at defiance • • • resting under a full confidence of our not being panic struck by their numbers or force.

At this date it is interesting to read the views of Pike's contemporaries and later commentators, who remind us that the arrest of Pike by the Mexican authorities was attributed to their suspicions that he was connected in some way with the adventure then being charged against Aaron Burr. It was natural that they should regard his conduct the result of design rather than mistake, particularly when considered in connection with the events of Burr's conspiracy, and that Pike was establishing himself upon this foreign soil intentionally. The trial of Burr was beginning or in progress when Pike returned to Washington.

Pike's misapprehension of the geography may be excusable. No doubt he was bewildered among the mountains and streams that were likely to confuse all his calculations. And to-day we may well appreciate the gratitude of Pike upon his return after his enforced sojourn with the Mexicans, which caused him to write in his diary:

Language can not express the gayety of my heart when I once more beheld the standard of my country waved aloft! All hail! cried I, and ever sacred the name of my country, in which is embraced that of kindred, friends, and every other tie which is dear to the soul of man.

The Colorado State Historical Society and the Sons of Colorado have preserved the site, and this year the Twenty-eighth General Assembly of the State of Colorado is making arrangements for further and more permanent preservation of this historical shrine.

In conclusion, it is with pleasure that I may state that the Secretary of War has listed Pike's stockade for investigation for the purposes first mentioned, and to include an amount to cover the cost thereof in the next estimate to be submitted to Congress.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 12571. An act to provide for the transportation of school children in the District of Columbia at a reduced fare; and

H. R. 16415. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, the bill (H. R. 16969) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes."

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House thereon, and appoints Mr. HALE, Mr. PHIPPS, Mr. KEYES, Mr. GLASS, and Mr. SWANSON to be the conferees on the part of the Senate.

CONFERENCE REPORT—TRANSPORTATION OF SCHOOL CHILDREN IN THE DISTRICT OF COLUMBIA AT A REDUCED FARE

Mr. McLEOD. Mr. Speaker, I call up the conference report on the bill (H. R. 12571) to provide for the transportation of school children in the District of Columbia at a reduced fare.

The SPEAKER. The gentleman from Michigan calls up the conference report on House bill 12571, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12571) entitled "An act to provide for the transportation of school children in the District of Columbia at a reduced fare," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the

following amendment: In line 7 of the engrossed Senate amendment, after the word "exceed," strike out the language down to and including the word "fares," in line 8, and insert in lieu thereof the words "three cents"; and the Senate agree to the same.

F. N. ZIHLMAN,
CLARENCE J. MCLEOD,
MARY T. NORTON,
Managers on the part of the House.

ARTHUR CAPPER,
JOHN J. BLAINE,
ROYAL S. COPELAND,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12571) to provide for the transportation of school children in the District of Columbia at a reduced fare submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House recedes from its disagreement to the amendment of the Senate with an amendment. The Senate amendment struck out all after the enacting clause and inserted a substitute. Under the terms of this substitute the Public Utilities Commission would be empowered and directed to establish reduced rates of fare for school children, provided that such rates would not be in excess of one-half the adult fare on street cars and busses in the District of Columbia. The amendment agreed upon by the conferees has the effect of restricting the commission to a maximum rate of 3 cents for children going to or from school.

F. N. ZIHLMAN,
CLARENCE J. MCLEOD,
MARY T. NORTON,
Managers on the part of the House.

The conference report was agreed to.

QUARANTINE INSPECTION SERVICE

Mr. PARKER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5743, to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of Senate bill 5743, which the Clerk will report.

The Clerk read the title of the bill.

Mr. STAFFORD. Mr. Speaker, I ask the gentleman to withdraw this bill. It is a long bill, and the Members will be able to read it between now and Monday.

Mr. PARKER. Is the gentleman going to object?

Mr. STAFFORD. Yes.

Mr. PARKER. Then, Mr. Speaker, I withdraw the bill.

CONFERENCE REPORT—NAVY DEPARTMENT APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H. R. 16969, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Idaho asks unanimous consent to take from the Speaker's table House bill 16969, disagree to the Senate amendments, and agree to the conference asked by the Senate. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. FRENCH, HARDY, TABER, AYRES, and OLIVER of Alabama.

CLASSIFYING CERTAIN OFFICIAL MAIL MATTER

Mr. SANDERS of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table, House Joint Resolution 357, classifying certain official mail matter, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table House Joint Resolution 587, disagree to the Senate amendment, and ask for a conference. Is there objection?

Mr. RAMSEYER. Mr. Speaker, I object.

STATE LABORATORY AT HAMILTON, MONT.

Mr. MAPES. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5959, authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 5959. The Chair understands a similar House bill is on the calendar.

Mr. MAPES. Yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to purchase from the State of Montana, at the actual cost of the same, to be determined by him, the laboratory of the State of Montana, at Hamilton, Mont., with its equipment, constructed for the purpose of carrying on, and at which are carried on jointly by said State and the Bureau of Public Health, studies and research for the prevention, eradication, and cure of spotted fever, and at which serum is produced for the treatment of patients suffering from such malady or likely to contract the same. Title to the ground upon which the said laboratory is situated with all equipment and supplies therein shall be taken in the name of the United States and shall be administered and maintained as a part of the United States Public Health Service, Treasury Department.

SEC. 2. There is hereby authorized to be appropriated the sum of $75,000 for the purpose hereinabove set forth, and an additional sum of $75,000 for constructing and equipping on the ground so to be acquired another building for the same purpose, for making alterations to the existing laboratory referred to, and for the construction of the necessary outbuildings.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I voted against that bill in the committee because I did not think it had had sufficient consideration, and also it was not explained why it was emergent in its nature or why any immediate action should be taken on it. For that reason I am constrained to object.

Mr. CRAMTON. It is a real emergency.

Mr. LEAVITT. Will the gentleman withhold his objection?

Mr. HUDDLESTON. I will be very glad to withhold it in order that the gentleman may make an explanation.

Mr. LEAVITT. The purpose of this bill is to allow the Public Health Service to take over a laboratory that was constructed in Montana a number of years ago for the making of a serum to meet the menace of spotted fever, which comes from the bite of the woodtick.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. HUDDLESTON. I wish the gentleman would address himself to the question as to why this bill was only introduced on the 6th day of this month and why it is necessary to take immediate action upon it.

Mr. LEAVITT. It was introduced earlier in the Senate. Hearings were held in the Senate, and their report is much more complete. The situation of emergency is this: That whereas the study for the prevention of spotted fever began in Bitter Root Valley in Montana a number of years ago, that disease, which is a terrible disease and which comes from the bite of the woodtick, has now spread over one-eighth of the area of the United States, and it has gotten beyond the possibility of Montana producing the serum which makes it possible to fight that disease. There is an emergency. This bill has already passed the Senate,

and if it can be passed by the House to-night, it will go to the President immediately.

Mr. HUDDLESTON. When did those facts come to the gentleman's knowledge?

Mr. LEAVITT. I have known of the work being done for many years, but the proposition of taking it over by the Federal Government did not develop until comparatively recently, and that was the result of conferences between the health authorities of Montana and of the Public Health Service.

Mr. HUDDLESTON. The fault is not with us who do not always let a thing go by without any consideration. The fault is with those who fail to afford us an opportunity to know about these things.

Mr. LEAVITT. We introduced this bill and started the movement here reasonably soon after this agreement was reached between the Public Health Service and the Montana Health Service. I will say further to the gentleman that there is a general movement covering the entire United States for the enactment of this bill.

Mr. HUDDLESTON. The committee had no hearings on the bill, nobody was ever before us with respect to the bill. It was said that a letter was sent to the committee, but the letter was not read. If we are to legislate intelligently, certainly we need to know something more about it. I do not understand why, if the situation is what the gentleman appears to believe it to be——

Mr. LEAVITT. I know it to be that.

Mr. HUDDLESTON. Some attention has not been given to it before.

Mr. LEAVITT. Simply for the reason that Montana alone, with some cooperation in the last few years from the Public Health Service, has been carrying on this work. We have not asked that the laboratory be taken over by the Public Health Service until the situation had developed to a point where the disease had attracted the attention of the whole country.

Mr. HUDDLESTON. That has not been since the 6th of February.

Mr. LEAVITT. Oh, no.

Mr. HUDDLESTON. That has been going on for years. The condition with reference to spotted fever has been known to the medical profession for many years. There is nothing new about it.

Mr. LEAVITT. Four men have lost their lives in this work.

Mr. HUDDLESTON. Oh, more than that.

Mr. LEAVITT. The gentleman does not understand me. I mean in the experimental work four lives have been lost. It is very dangerous work, and these men have given their lives for humanity in an effort to find a way to stop this disease. We are particularly anxious to have the bill passed so that the item can be included in the deficiency bill and the enlarged work carried on. The disease extends, as I have stated, into one-eighth of the area of the United States and has now gotten far away from Montana.

Mr. ALLGOOD. It is a fact, then, that they absolutely have a serum that will cure spotted fever?

Mr. LEAVITT. Yes; one which is very helpful, but we can not manufacture it fast enough with our facilities in Montana to meet a national situation. The United States Public Health Service, backed by the health organizations of the entire country, desire to take it over and expend it and to carry it on in a way that will more completely meet the situation.

Mr. HUDDLESTON. All that is waived and assumed. What I object to is railroading a piece of legislation through without consideration, and that can not be defended so far as I can see.

Mr. LEAVITT. The gentleman does not blame me for that?

Mr. HUDDLESTON. I do not blame anybody in particular. I blame myself if I allow it to be done.

Mr. LEAVITT. As I understand, the committee had before it a statement from the Treasury Department setting forth these facts and the committee considered that sufficient. There is no necessity that I can see of calling witnesses with regard to a fact that is so well known. The gentleman himself has said that this danger has been known for years, so what was the use of bringing testimony into the case in this particular way?

Mr. HUDDLESTON. I presume we ought to just take somebody's word for it and not know a thing about it and just go on and pass a law about it.

Mr. LEAVITT. I would be very sorry if the gentleman should object, because it is a tremendous emergency.

Mr. HUDDLESTON. The impression made upon me, may I say, that this is an emergency is very faint.

Mr. LEAVITT. Well, it is.

Mr. HUDDLESTON. I hesitate very much to block the passage of the bill. I can not fail to attribute fault to those who are interested in the measure in not giving those who are not unfriendly to it a fair opportunity to understand it and to approve it.

Mr. LEAVITT. If the gentleman will permit me a little further there, we in Montana have been doing this work for years.

Mr. HUDDLESTON. Why can you not do it for another year?

Mr. LEAVITT. We can not do it any longer in the way that the Nation is demanding that the work be done. We have had the cooperation of the Public Health Service to some extent. We have had four sacrificial deaths among those who have been representing the Public Health Service. Let me say to the gentleman that death from the spotted-fever bite is probably the most horrible form of death that afflicts the human race. It is a terrible thing. In some States 90 per cent of those who are bitten by the fever tick die. In some other sections the percentage is smaller, but it seems to carry through consistently in percentages of death as a result of this bite.

We now have a valuable serum, but it is very dangerous to handle this serum even in its manufacture, and the work needs expansion for the benefit of one-eighth of the area of the United States. The disease is rapidly spreading. That is our trouble now. The problem has got clear out of the Bitter Root Valley and out of Montana and is now covering one-eighth of our area.

Mr. GREEN. If the gentleman will yield, I would like to say right here that the State health officer of my State has recently apprised me that the dread now is that it may spread to the south.

Mr. LEAVITT. It is in the East to-day. Within the last few months it has made its appearance in the eastern country.

Mr. GREEN. And it is very important that we cooperate in this work.

Mr. LEAVITT. Yes; it is. It threatens every State in the Union and I hope the gentleman from Alabama will not object.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, I feel that I ought to object but I am inclined to let it go. Members know that it has not been well considered. I know now more than I did before the bill was voted out.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill was laid on the table.

On motion of Mr. MAPES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CLASSIFICATION OF MAIL MATTER

Mr. SANDERS of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 357, classifying certain official mail matter with a Senate amendment, disagree to the Senate amendment, and ask for a conference.

Mr. STAFFORD. Reserving the right to object, I thought the purpose of the Senate amendment was reasonable. It puts the size and weight of the package sent under frank as it is in the parcel-post system. The gentleman does not want to send a whole truck load of merchandise?

Mr. SANDERS of New York. That is up to the Members themselves.

Mr. STAFFORD. I thought the amendment was reasonable and should be agreed to.

Mr. SANDERS of New York. This only applies to documents.

Mr. KELLY. The whole purpose of the amendment is to permit a Member to send his official files to his own address. It is on the same basis now as public documents. The Senate put on an amendment changing it to mail of the first and fourth classes, which is 70 pounds weight. If the package weighs 80 pounds, it would be unmailable.

Mr. STAFFORD. I think every Member of Congress should be restricted to the size and weight of the parcel-post package. Why not? If you send it to conference, you may kill the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. SANDERS of New York, Mr. KELLY, and Mr. MEAD.

Mr. LaGUARDIA. Mr. Speaker, I move that all bills passed to-day on the Consent Calendar be reconsidered and that motion lie on the table.

The SPEAKER. The Chair is informed by the Journal clerk that motions to reconsider have been made and have been laid on the table.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 5410. An act to provide for the establishment of the Everglades National Park in the State of Florida, and for other purposes; to the Committee on Public Lands.

S. 5782. An act to extend the times for commencing and completing the construction of a bridge across the Maumee River at or near its mouth, in Lucas County, Ohio; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 506. An act for the relief of Patrick P. Riley;

H. R. 16415. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 16738. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 5458. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 87.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 458. An act for the relief of Catherine Panturis;

H. R. 504. An act for the relief of James Earl Brigman;

H. R. 2694. An act for the relief of the widow of Robert Graham Moss;

H. R. 3187. An act for the relief of Agnes Loupinas;

H. R. 7272. An act to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation;

H. R. 9803. An act to amend the fourth proviso to section 24 of the immigration act of 1917, as amended;

H. R. 14246. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 15256. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 15593. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 16110. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1932, and for other purposes.

ADJOURNMENT

And then, on motion of Mr. TILSON (at 5 o'clock and 40 minutes p. m.) the House, under its previous order, adjourned until Monday, February 23, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

862. Under clause 2 of Rule XXIV, a letter from the Secretary of Labor, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14063. A bill to amend Act No. 4 of the Isthmian Canal Commission entitled "An act to prohibit gambling in the Canal Zone, Isthmus of Panama, and to provide for the punishment of violations thereof, and for other purposes," enacted August 22, 1904; without amendment (Rept. No. 2810). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14064. A bill to amend Act No. 3 of the Isthmian Canal Commission relating to the suppression of lotteries in the Canal Zone, enacted August 22, 1904; without amendment (Rept. No. 2811). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14065. A bill to amend an Executive order promulgated August 4, 1911, prohibiting promotion of fights between bulls, dogs, or cocks; without amendment (Rept. No. 2812). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14066. A bill to prevent, in the Canal Zone, fire-hunting at night and hunting by means of a spring or trap, and to repeal the Executive orders of September 8, 1909, and January 27, 1914; without amendment (Rept. No. 2813). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14067. A bill to regulate the carrying and keeping of arms in the Canal Zone; without amendment (Rept. No. 2814). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14068. A bill to repeal the Executive order of November 23, 1909, making the enticing of laborers from the Isthmian Canal Commission or the Panama Railroad a misdemeanor; without amendment (Rept. No. 2815). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14071. A bill to provide for the extradition of fugitives from the justice of the Republic of Panama who seek refuge in the Canal Zone; without amendment (Rept. No. 2816). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14072. A bill to provide for the protection of birds and their nests in the Canal Zone; without amendment (Rept. No. 2817). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14073. A bill to repeal an ordinance enacted by the Isthmian Canal Commission August 5, 1911, and approved by the Secretary of War August 22, 1911, establishing market regulations for the Canal Zone; without amendment (Rept. No. 2818). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14074. A bill to regulate radio equipment on ocean-going vessels using the ports of the Canal Zone; without amendment (Rept. No. 2819). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14075. A bill to provide for the inspection of vessels navigating Canal Zone waters; without amendment (Rept. No. 2820). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14076. A bill to authorize certain officials of the Canal Zone to administer oaths and to summon witnesses to testify in matters within the jurisdiction of such officials; without amendment (Rept. No. 2821). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14077. A bill to punish persons deported from the Canal Zone who return thereto; without amendment (Rept. No. 2822). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14078. A bill to regulate the operation of street-railway cars at crossings; with amendment (Rept. No. 2823). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14080. A bill to amend section 5 of the Panama Canal act; without amendment (Rept. No. 2824). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14083. A bill to provide for the establishment of a customs service in the Canal Zone, and other matters; without amendment (Rept. No. 2825). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14084. A bill in relation to the keeping and impounding of domestic animals in the Canal Zone; without amendment (Rept. No. 2826). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14086. A bill to provide for the transportation of liquors under seal through the Canal Zone; without amendment (Rept. No. 2827). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16555. A bill to amend the Penal Code of the Canal Zone; without amendment (Rept. No. 2828). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16556. A bill to amend an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; with amendment (Rept. No. 2829). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14081. A bill to provide for the appointment of a public defender for the Canal Zone; without amendment (Rept. No. 2830). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14082. A bill in relation to the Canal Zone postal service; without amendment (Rept. No. 2831). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 15001. A bill to amend sections 7, 8, and 9 of the Panama Canal act, as amended; with amendment (Rept. No. 2832). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANKFORD of Virginia: Committee on Naval Affairs. H. R. 17135. A bill to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," as amended by the act of March 2, 1929; without amendment (Rept. No. 2839). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 5813. An act to provide for the consideration of wild-life conservation in connection with the construction of public works or improvement projects; without amendment (Rept. No. 2841). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. 2354. An act to amend the agricultural marketing act so as to include dip or crude gum; with amendment (Rept. No. 2842). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 14046. A bill providing for a survey of the loss sustained by Florida farmers and fruit growers in the Mediterranean fruit-fly eradication campaign; with amendment (Rept. No. 2843). Referred to the Committee of the Whole House on the state of the Union.

Mr. COX: Committee on Flood Control. H. R. 15995. A bill to provide a preliminary examination of the Edisto River and its branches, South and North Edisto, S. C., with a view to the control of its floods; without amendment (Rept. No. 2844). Referred to the Committee of the Whole House on the state of the Union.

Mr. BECK: Committee on Interstate and Foreign Commerce. S. 5746. An act granting the consent of Congress to the county commissioners of Baltimore County, Md., to construct, maintain, and operate a free highway bridge across Deep Creek at or near Marlyn Avenue, Baltimore County, Md.; without amendment (Rept. No. 2845). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17134. A bill authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State; with amendment (Rept. No. 2846). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 16950. A bill granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.; without amendment (Rept. No. 2847). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 16970. A bill granting the consent of Congress to Missouri Valley Pipe Line Co., of Iowa, to construct, maintain, and operate a pipe-line bridge across the Missouri River; with amendment (Rept. No. 2848). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 17053. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.; with amendment (Rept. No. 2849). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 17070. A bill granting the consent of Congress to Missouri Valley Pipe Line Co., of Iowa, to construct, maintain, and operate a pipe-line bridge across the Missouri River; with amendment (Rept. No. 2850). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 17071. A bill authorizing the construction of a bridge across the Mahoning River near New Castle, Lawrence County, Pa.; with amendment (Rept. No. 2851). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17073. A bill granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois; without amendment (Rept. No. 2852). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17136. A bill granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.; with amendment (Rept. No. 2853). Referred to the House Calendar.

Mr. WOLVERTON of New Jersey: Committee on Interstate and Foreign Commerce. H. R. 17141. A bill authorizing the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, George A. Casey, of Wilmington, Del., Clifford R. Powell, of Mount Holly, N. J., their heirs, executors, administrators, or assigns, to construct, maintain, and operate a vehicular tunnel or tunnels under the Delaware River between New Castle County, Del., and Salem County, N. J.; with amendment (Rept. No. 2854). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17144. A bill to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.; with amendment (Rept. No. 2855). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17145. A bill to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.; with amendment (Rept. No. 2856). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17146. A bill to legalize a bridge across the James River at Galena, Stone County, Mo.; with amendment (Rept. No. 2857). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17147. A bill to legalize a bridge across the St. Francis River 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.; with amendment (Rept. No. 2858). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17148. A bill to legalize a bridge across the White River at Forsyth, Taney County, Mo.; with amendment (Rept. No. 2859). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17149. A bill granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.; without amendment (Rept. No. 2860). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17170. A bill to legalize a bridge across the St. Francis River, one-fourth mile south of Greenville, Wayne County, Mo.; with amendment (Rept. No. 2861). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 17198. A bill granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.; without amendment (Rept. No. 2862). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 5568. A bill to establish uniform requirements affecting Government contracts, and for other purposes; with amendment (Rept. No. 2863). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FITZGERALD: Committee on Claims. H. R. 8986. A bill for the relief of Frank Baglione; without amendment (Rept. No. 2833). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 10747. A bill for the relief of Laura Goldwater; with amendment (Rept. No. 2834). Referred to the Committee of the Whole House.

Mr. KINZER: Committee on Claims. H. R. 10849. A bill for the relief of Charles W. Dworack; with amendment (Rept. No. 2835). Referred to the Committee of the Whole House.

Mr. KINZER: Committee on Claims. H. R. 13114. A bill for the relief of Col. Richard M. Cutts, United States Marine Corps; with amendment (Rept. No. 2836). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 15894. A bill for the relief of certain United States naval officers; without amendment (Rept. No. 2838). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 16031. A bill authorizing the Secretary of War, under the direction of the President, to order Joseph E. Myers, major, United States Army, retired, before a retiring board for a rehearing of his case and upon the findings of such board, either confirm his retirement under the provisions of section 24–b, act of Congress of June 4, 1920, or place him on the retired list as provided by section 1251, of the Revised Statutes, for disability incurred in line of duty; without amendment (Rept. No. 2840). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PARKER: A bill (H. R. 17226) further to regulate the acquisition of control of carriers by railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. HARE: A bill (H. R. 17227) granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. GLOVER: A bill (H. R. 17228) to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park; to the Committee on the Public Lands.

By Mr. HAUGEN: Joint resolution (H. J. Res. 513) to amend section 6 of the migratory bird conservation act, approved February 18, 1929; to the Committee on Agriculture.

By Mr. CROSSER: Joint resolution (H. J. Res. 514) proposing to amend the Constitution of the United States to authorize the Congress to reduce the daily period of time for which contracts of employment may be lawfully made; to the Committee on the Judiciary.

By Mr. PARKER: Concurrent resolution (H. Con. Res. 49) to print 1,700 additional copies of House Report No. 2789, Regulation of Stock Ownership of Railroads; to the Committee on Printing.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of North Dakota, memorializing Congress to pass Senate bill 5109, known as the farmers' farm relief bill; to the Committee on Agriculture.

By Mr. HASTINGS: Memorial in the nature of house resolution, memorializing Congress of the United States for the return of that portion of the filing fee of homesteaders of land in the State of Oklahoma which was originally set aside in the Federal Treasury to be expended for reclamation purposes west of the ninety-ninth meridian; to the Committee on Irrigation and Reclamation.

By Mr. EVANS of Montana: Memorial in the nature of House Joint Resolution No. 2, Montana Legislature, petitioning Congress to pass, and the President to approve, at this session of Congress, House bill 14277, known as the Selvig bill, as amended, providing for a tax on the manufacture of flour in order to create a fund for the relief of the wheat growers; to the Committee on Ways and Means.

By Mr. LEAVITT: Memorial in the nature of House Joint Resolution No. 2, adopted by the Twenty-second Legislative Assembly of the State of Montana, urging passage of House bill 14277, by Mr. SELVIG, and for the relief of the wheat growers of the United States; to the Committee on Ways and Means.

By Mr. HALL of North Dakota: Memorial of the Legislative Assembly of the State of North Dakota, memorializing the Congress of the United States to refrain from enacting any laws imposing a tariff or embargo on petroleum products or the refined products thereof; to the Committee on Ways and Means.

Also, memorial of the Legislative Assembly of the State of North Dakota, urging an early enactment by the Congress of the United States of legislation providing for the immediate payment, upon application, of full face value of such adjusted-compensation certificates; to the Committee on Ways and Means.

By Mr. JOHNSON of Texas: Memorial of the Legislature of the State of Texas, urging relief of oil industry by limiting importation of crude oils into the United States; to the Committee on Ways and Means.

By Mr. SANDERS of Texas: Memorial of the Texas Legislature, memorializing Congress to secure relief for present conditions in the oil business by an adequate tariff on such imported commodities; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HICKEY: A bill (H. R. 17229) granting a pension to Emma Koller; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 17230) granting a pension to Cora M. Peters (with accompanying papers); to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 17231) granting a pension to Mattie Randolph; to the Committee on Invalid Pensions.

By Mrs. OWEN: A bill (H. R. 17232) granting a pension to Mary Kimmel; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 17233) granting an increase of pension to Josephine W. McCullough; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 17234) granting an increase of pension to Jennie M. Pitman; to the Committee on Invalid Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 17235) granting a pension to Martha Day; to the Committee on Invalid Pensions.

By Mr. SHOTT of West Virginia: A bill (H. R. 17236) granting a pension to Lewis Plumley; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 17237) granting a pension to Charles E. Morris; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10064. By Mr. BRIGHAM: Petition adopted at a meeting of 800 New England dairy farmers in Springfield, Mass., February 19, 1931, favoring the passage of the Brigham-Townsend bill, H. R. 16836, regulating the sale and manufacture of oleomargarine; to the Committee on Agriculture.

10065. By Mr. BRUNNER: Resolution of the Alumnæ Auxiliary Catholic Summer School of America, protesting against Senate bill 4582, tariff act of 1930, and Penal Code and birth control; to the Committee on the Judiciary.

10066. By Mr. CAMPBELL of Iowa: Petition of 18 citizens of Des Moines, Iowa, urging immediate action on Senate bill 3060, known as the Wagner bill; to the Committee on the Judiciary.

10067. Also, petition of 37 citizens of Sioux City, Iowa, urging the immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10068. By Mr. CANFIELD: Petition of Rev. F. H. Austerman and 50 other citizens of Evansville, Ind., urging the passage of the Sparks-Capper amendment; to the Committee on the Judiciary.

10069. By Mr. CANNON: Resolution of House of Representatives of Missouri, General Assembly, opposing tariff or embargo on oil importation; to the Committee on Ways and Means.

10070. By Mr. CHALMERS: Letter and resolution from Mr. Henry B. Herman, secretary the American Legion, Toledo, Ohio, calling the attention of the United States Veterans' Bureau to the need which exists and requesting said bureau to supply hospital facilities for the treatment of northwestern Ohio veterans by contract arrangements with a suitable hospital in said locality, providing accommodations for a minimum of 50 men; to the Committee on World War Veterans' Legislation.

10071. By Mr. CHRISTGAU: Petition adopted by the Witoka Creamery Association, protesting against the ruling of the Commissioner of Internal Revenue with respect to the use of palm oil in the manufacture of oleomargarine, and in support of the Brigham bill (H. R. 15934) providing for a tax of 10 cents per pound on all yellow-colored oleomargarine; to the Committee on Agriculture.

10072. By Mr. COCHRAN of Pennsylvania: Petition of Albert C. Snyder, and other citizens of Hadley, Pa., in support of the Sparks-Capper resolution, providing for an amendment to the United States Constitution excluding unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10073. Also, petition of Guy Coulter and other residents of Hadley, Pa., and vicinity, in support of the Sparks-Capper resolution providing for an amendment to the United States Constitution excluding unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10074. Also, petition of W. P. Gilger and other residents of Hadley, Pa., and vicinity, in support of the Sparks-Capper resolution providing for an amendment to the United States Constitution excluding unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10075. By Mr. CONDON: Petition of Frank D. Roy and several other World War veterans of Rhode Island, urging passage of legislation looking toward the immediate cash payment of the adjusted-compensation certificates at their full face value; to the Committee on Ways and Means.

10076. By Mr. EVANS of California: Petition of Gid Shaw and approximately 37, favoring the cash payment of the adjusted-compensation certificates; to the Committee on Ways and Means.

10077. By Mr. FITZGERALD: Petition of Ohio Manufacturers' Association, by Charles B. King, president, Columbus, Ohio, opposing Government operation of Muscle Shoals; to the Committee on Military Affairs.

10078. Also, petition of Vivian D. Corbly, national adjutant, Disabled American Veterans, Cincinnati, Ohio, and Theodore Combs, Hamilton, Ohio, protesting against adoption of amendment to veterans' hospital bill reducing compensation 50 per cent of veterans hospitalized; to the Committee on World War Veterans' Legislation.

10079. Also, petition of 12,000 women of the American Legion Auxiliary of Ohio, urging passage of bill for appro-

priation for the entire Navy construction program as submitted by the Navy Department and in accordance with the London naval treaty; and also urging passage of World War bonus bill over President's veto; to the Committee on Naval Affairs.

10080. By Mr. GARBER of Oklahoma: Petition of Hunter Woman's Christian Temperance Union, Hunter, Okla., urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10081. Also, letter of Katherine Goebel, president, Perry Council of National Council of Catholic Women, Perry Okla., protesting against passage of Senate bill 4582; to the Committee on the Judiciary.

10082. Also, petition of Walter O. Bannon, Tulsa, Okla., indorsing Senate bill 5365; to the Committee on the Post Office and Post Roads.

10083. Also, petition of Ministerial Association, Phillips University, Enid, Okla., indorsing House bill 9986; to the Committee on Interstate and Foreign Commerce.

10084. By Mr. HARE: Petition of Mary E. Riley and others, protesting against passage of Senate bill 4582; to the Committee on the Judiciary.

10085. By Mr. HOPE: Petition of Mrs. C. H. Taylor and 26 others of Chase, Kans., urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10086. Also, petition of Mr. E. A. Pearce and 108 others of the seventh district of Kansas, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10087. Also, petition of Mrs. L. A. McCaffree and 55 others of Nickerson, Kans., urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10088. By Mr. JOHNSON of Texas: Petition of Gibb Gilchrist, State highway engineer, Austin, Tex., favoring Senate bill 5499; to the Committee on Roads.

10089. By Mr. KADING: Petition signed by residents of Fox Lake, Wis., urging the enactment of legislation providing for the elimination of unnaturalized aliens from the count in connection with apportionment of congressional districts; to the Committee on the Judiciary.

10090. By Mr. KELLY: Petition of citizens of Natrona, Pa., urging the passage of House bill 356, providing for an amendment to the United States Constitution excluding unnaturalized aliens from the count of the population of the Nation, for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10091. By Mr. KINZER: Petition of citizens of Lancaster County, Pa., urging support of the Sparks-Capper amendment, alien representation bill; to the Committee on the Judiciary.

10092. By Mr. KVALE: Petition of the Olivia League of Women Voters, Olivia, Minn., submitted by Mrs. W. A. French, secretary, favoring enactment of Senate bill 255; to the Committee on Interstate and Foreign Commerce.

10093. Also, petition of the League of Women Voters, Olivia, Minn., submitted by Mrs. W. A. French, secretary, favoring enactment of House Joint Resolution No. 292; to the Committee on Election of President, Vice President and Representatives in Congress.

10094. By Mr. LINTHICUM: Petition of Baltimore Chapters of Daughters of the American Revolution and other organizations, urging favorable action on House bills 6810, 14688, and Senate bill 4750; to the Committee on Naval Affairs.

10095. Also, petition of Bertha and Jessie L. King, Mrs. Robert B. Jones, Dr. Samuel Kendig Wallace, urging favorable action on Sparks-Capper bill; to the Committee on the Judiciary.

10096. Also, petition of Ellicott Machine Corporation, Young Women's Christian Association, Elizabeth Gilman, Dr. Harry Friedenwald, Ammidon & Co., Municipal Commission on Employment Stabilization, and Baltimore Federation of Labor, all of Baltimore, urging passage of Wagner bill, S. 3060; to the Committee on the Judiciary.

10097. By Mr. McCLINTOCK of Ohio: Petition of C. F. Hartline and 24 citizens of Strasburg, Ohio, favoring passage of the Sparks-Capper alien representation amendment to the Constitution of the United States; to the Committee on the Judiciary.

10098. By Mr. HENRY T. RAINEY: Petition of J. H. DeLong and 93 other apple growers of Calhoun County, Ill., favoring apples from certain provisions of the pure food and drug act; to the Committee on Agriculture.

10099. By Mr. RICH: Petition of citizens of Tioga County, Pa., favoring House Joint Resolution 356, known as the Sparks-Capper alien bill; to the Committee on the Judiciary.

10100. By Mr. ROBINSON: Petition of Angie Baines, president of the Woman's Christian Temperance Union, Rowan, Iowa, and 122 other citizens of Rowan, Iowa, urging the passage of the Sparks-Capper stop alien representation amendment in Congress; to the Committee on the Judiciary.

10101. By Mr. SHOTT of West Virginia: Petition of the directors of the Princeton Chamber of Commerce, Princeton, W. Va., opposing the consolidation program of the eastern railroads, in so far as the disposition of the Virginian Railroad is concerned, and urging that the Virginian be allocated to the New York Central system; to the Committee on Interstate and Foreign Commerce.

10102. By Mr. SELVIG: Petition of Women's Cooperative Alliance, Minneapolis, urging enactment of Senate bill 1812, authorizing collection of annual statistics; to the Committee on the Census.

10103. Also, petition of superintendent State Hospital, Fergus Falls, Minn., urging passage of Senate bill 1812, authorizing the collection of annual statistics; to the Committee on the Census.

10104. By Mr. SMITH of West Virginia: Resolution of the Charleston West Side Woman's Christian Temperance Union, by Mrs. W. W. Reif, president, of Charleston, W. Va., urging the passage of a law for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

10105. By Mr. PARKS: Petition of the Young Women's Christian Association, of Oshborne, Kans., at a monthly meeting, for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10106. Also, petition of Woman's Christian Temperance Union, of Logan, Kans., favoring Federal supervision of the motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10107. Also, petition of Woman's Christian Temperance Union, of Phillipsburg, Kans., favoring Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10108. By Mr. STRONG of Kansas: Petition of the Parent-Teachers' Association, of Tescott, Kans., favoring the enactment of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10109. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana County, Pa., favoring the amending of the Constitution of the United States to exclude unnaturalized aliens from the count of population for congressional apportionment; to the Committee on the Judiciary.

10110. By Mr. WOLFENDEN: Petition of George R. Crosgrove and others of Chester and Marcus Hook, Pa., favoring the passage of the proposed Sparks-Capper stop alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

SENATE

MONDAY, FEBRUARY 23, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Barkley	Frazier	La Follette	Sheppard
Bingham	George	McGill	Shipstead
Black	Gillett	McKellar	Shortridge
Blaine	Glass	McMaster	Smith
Blease	Glenn	McNary	Smoot
Borah	Goff	Metcalf	Steiwer
Bratton	Goldsborough	Morrison	Stephens
Brock	Gould	Morrow	Swanson
Brookhart	Hale	Moses	Thomas, Idaho
Brousard	Harris	Norbeck	Thomas, Okla.
Bulkley	Harrison	Norris	Townsend
Capper	Hastings	Nye	Trammell
Caraway	Hatfield	Oddie	Tydings
Carey	Hayden	Partridge	Vandenberg
Connally	Hebert	Patterson	Wagner
Copeland	Heflin	Phipps	Walcott
Couzens	Howell	Pine	Walsh, Mass.
Cutting	Johnson	Pittman	Walsh, Mont.
Dale	Jones	Ransdell	Waterman
Davis	Kean	Reed	Watson
Dill	Kendrick	Robinson, Ark.	Wheeler
Fess	Keyes	Robinson, Ind.	

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is detained from the Senate by illness. I ask that this announcement may stand for the day.

Mr. BARKLEY. My colleague [Mr. WILLIAMSON] is unavoidably detained on necessary business.

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present. Under the general order of the Senate the Senator from New Mexico [Mr. BRATTON] will now read Washington's Farewell Address.

READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. BRATTON read the address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that

it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence, likewise, they will avoid the necessity of these overgrown military establishments, which under any form of government are inauspicious to liberty and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the

organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of the kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrections. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments, ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to dis-

charge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justification. It leads also to concessions, to the favored nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens), the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsel of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

WASHINGTON AND HIS CONTEMPORARIES

Mr. BARKLEY. Mr. President, in the short time which I shall feel at liberty to consume to-day it would be difficult, adequately, to portray Washington's character or his contribution to the solution of the problems of human government.

It is dangerous ever to assert that any man in any circumstances has been indispensable. But if there was one man who may be regarded as having been indispensable in the formation of the American Government, that man was George Washington. It is impossible to conceive how the Revolution could have been won or the Nation established without the magnitude of his personality.

It is for this very reason that historians have to some extent, and perhaps unconsciously, done him the injustice of dehumanizing him; of robbing him of the human attributes which inspire affection; of picturing him as above the mortal frailties that beset other men.

It is interesting sometimes to speculate on what might have been the course of human history if, apparently, accidental incidents had been different. For instance, what would have been the history of the American people if Washington had, at the age of 14, completed his enlistment in the British Navy, which he abandoned on account of his mother's pleadings? We might still be a part of the British Empire instead of the great independent Nation which we are to-day.

One of the most illuminating characteristics of this stupendous figure was his intense human nature. Artemus Ward once remarked that "one man has about as much human nature in him as another, if not more." This was undoubtedly true of Washington.

Whether we view him as a Virginia lad of more or less aristocratic ancestry, as a young surveyor setting metes and bounds to a wilderness, as the bearer of an important message from Governor Dinwiddie; whether we see him swimming the Susquehanna and lying on the frozen ground in his wet clothing in the service of his colony, or as a handsome, chivalrous, and gallant admirer of the youth and beauty of his pioneer community, it is the human touch of this youth of growing fame which draws him closer to us.

It does not detract from the majesty of his greatness to recognize that Washington possessed human frailties just as we all possess them.

It does not detract from the splendor of his character and achievements to remember that, while in every great crisis of his life he sought the closet and the lonely spot to ask the aid and guidance of a Divine Providence upon whom he was not ashamed to lean, he could curse the treachery of Charles Lee at Monmouth like the thunderings of Jehovah.

We can not feel otherwise than that Washington was the instrument of the God of Nations in the establishment of the new Nation.

Without funds, without proper cooperation from the Continental Congress, without pay for himself, beset on every side by treachery and envy, he pressed forward to the accomplishment of the greatest task ever performed by any political movement to liberate the human soul.

It was not a mere accident that Washington was chosen for the multitude of delicate missions which he was called upon to undertake.

It was not an accident that, on the motion of John Adams, of Massachusetts, he was selected to be the Commander in Chief of the Continental Army.

It was not an accident that after the Revolution had been won and quarrels were arising among the States over matters

of commerce and navigation, Washington was chosen as one of the delegates from Virginia to assist in composing a quarrel with Maryland over the navigation of the Potomac River.

It was not an accident that this small conference developed into the convention which assembled at Philadelphia to write the Constitution of the United States, and it was not an accident that George Washington was by unanimous vote chosen to preside over this body, which set the mark for all future generations in writing a charter of human liberties.

It was not an accident that in consequence of all these exhibitions of superior ability he was lifted to the Presidency of the Nation which he had established.

It is difficult to assess the value of these services which he rendered, not only to America but to the world, because it is difficult for the human mind to comprehend the results which have come to the people of the world in the last century and a half.

It is difficult to grasp the sweep of all the events which have culminated in the establishment of self-government throughout the world; for when Washington was leading the forlorn hope of the American patriots of his day, 10 per cent of the world's population held the rest of mankind in political or economic slavery. To-day the proportion is reversed and 90 per cent of the world's population have enjoyed to a large extent the boon of self-government. Not only did Washington strike at the shackles which bound men in political and economic bondage, but with his contemporaries lifted the flag of religious liberty to a height where all men might look upon it and be inspired by it.

In all probability Washington and his contemporaries who won the right to form a new government but faintly realized the adaptibility of their handiwork to the solution of future problems of the people. It is not necessary to dwell in detail upon the military skill of this first American. That is embalmed in a national history with which we are all familiar; but I wish to emphasize the foresight, the prophetic vision which Washington and his compatriots displayed in the formation of this Government.

And what great figure in history was ever surrounded by such contemporaries?

Thomas Jefferson, who wrote the Declaration of Independence, and whose political philosophy revolutionized the theory and practice of government.

Patrick Henry, the inspired orator, whose fiery apostrophes kindled the light of human freedom in every patriotic heart.

George Mason, the author of the bill of rights.

James Madison, the father of the Constitution, to whose industry and genius we owe what knowledge we possess concerning the deliberations which produced it.

James Monroe, the author of the great doctrine which bears his name.

Richard Henry Lee, who moved the adoption of the Declaration of Independence and first described Washington as being "first in war, first in peace, and first in the hearts of his countrymen."

Alexander Hamilton, born in lowly circumstances and without a name, to become the greatest financier of his day.

John Marshall, who bore by Washington's side the horrors of Valley Forge, whose great influence turned the tide in Virginia for adoption of the Constitution, and whose interpretation of that instrument as Chief Justice of the Supreme Court breathed into its elastic provisions the breath of national life.

All these but one were Virginians. What State ever gave to any great cause a greater galaxy of anointed spirits?

In all the other Colonies men of equal devotion to the cause of liberty were called into service by the great event. John Adams, John Hancock, Robert Livingston, Benjamin Franklin, Charles Carroll, and all that immortal list whose names were attached to either the Declaration of Independence or the Constitution, or whose sacrifices in their behalf made possible their fulfillment.

Those of us who live to-day can realize but feebly the masterful work of these men of genius and prophecy in the fight for the liberation of a people. Our problems to-day are so complex and have been worked out under the spur of so feverish a growth and expansion that we stand in awe before these great figures when we remember that it was due to their genius and intellectual equipment and singleness of purpose in the service of mankind that we have been able to arrive at a leadership among all the nations that is cheerfully accorded to our institutions.

We often hear the complaint that the Nation which Washington and his contemporaries established and bequeathed has grown too strong in the exercise of its power; that like some mighty avalanche, moving irresistibly upon the surface of the earth, it has crushed individual effort and initiative and has sought to regulate the minute affairs of all the people.

Yet, I dare say, that considering the complexity of our national life, we enjoy as much liberty as it is possible for us to enjoy and maintain orderly progress and the recognition of rights that are common to us all.

It is true that under the Constitution which Washington helped to establish the exercise of national power has undoubtedly expanded, but it could not be otherwise, for in that document was written a simple clause under which problems that are national in their scope must be dealt with in a national way. The power to regulate commerce among the States was a necessary power if the Nation was ever to become more than a mere confederation.

It was because of the jealous and selfish quarrels that had already arisen among the States that this authority was conferred upon the General Government, and it is a tribute to the wisdom of that policy and its founders to recognize that without the exercise of that national function in the commercial and economic life of our day we would still be suffering from the envious and jealous provincialism which made it so difficult to establish the Constitution in the first instance.

It is no discredit to the framers of the Constitution to say that they themselves probably did not understand how wise and far-sighted was their own language in conferring this power, for Madison and Monroe both vetoed acts of Congress appropriating money for the improvement of rivers and harbors and for the construction of interstate highways, on the ground that the Constitution conferred no such power on Congress, and as late as 1847 President Polk vetoed a similar measure for the same reason.

Yet the expansion of our commerce by rail and water and of our communication systems by wire and wireless have so fused the various geographical sections from the standpoint of commerce and intelligence that, without an amendment to the Constitution the National Government now exercises the power to regulate and control not only the transportation of actual commodities in commerce but to regulate and control the instrumentality by which these commodities are transported. If the viewpoint of those who held to a narrow and restricted construction of the mere nomenclature of the Constitution had been followed in judicial interpretation, we might not now be able to regulate the great interstate carriers by rail, water, or air, or to provide for the inspection of all these instrumentalities for the preservation of life and property, or to regulate the hours of service of the men and women who are engaged upon these great enterprises, or to regulate or control the combinations in the industrial and economic world which have sought and might have succeeded in the effort to stifle competition and make of our country one great mass-producing monopoly.

We have been recently engaged in the discussion of the propriety and justice of certain decisions of our highest court in what is regarded as a tendency toward the exultation of property rights above human rights. Undoubtedly some of these decisions have gone farther in that direction than many of our people believe wise or justified. But in our effort to assess the value of the contribution to the welfare of the people made by the different branches of our

Government we can not overlook the great part played by the Supreme Court in the liberal interpretation of our Constitution so as to effectuate the power and will of the people in dealing with all the changing problems that are national in their scope and effect.

It is because of this flexible and adaptable thread running through our whole constitutional system and the interpretation placed upon it by the judicial branch of our Government that we are to-day not only regulating the transportation of commerce and the transmission of intelligence on the surface of the earth but have found it necessary to invade the heavens and parcel out the atmosphere among those entitled to use it for the service of the people.

It is because of this that the most modern method of transportation by air has been brought under national discussion and action.

It is because of this that there is now agitation and congressional consideration of the question of forming new commissions and new departments to deal with interstate and international communication, which is a part of that commerce which Congress has the power to regulate.

It is because of this that the Federal Government long ago asserted and established its right to protect the people against impure and destructive foods and drugs, whose repeal would not now be advocated by the most provincial among us. For while politics may divide and sever States and sections because of local or inherited prejudice, the march of intelligence and the expansion of commerce have brought a unity of understanding and cooperation which have cemented us into a nation more united than at any other time since the Declaration of Independence.

It is, therefore, a wonderful conception of our obligation to those who established the Nation that in every State, city, and hamlet on this day we lay aside our personal pursuits not only to pay tribute to the name and fame of America's first citizen but also to rededicate ourselves to the perpetuation of that institution which he set in motion.

We can not go far astray by following his counsel; we can not go far astray by keeping the institution upon which he so forcefully impressed his personality true to the fundamental objects of all government.

We in America do not believe in a static government. The very fact that Washington and Jefferson and Hamilton and Marshall and all those who labored with them to establish a new order were willing to break away from a loyalty which they cherished demonstrated that they likewise did not believe in a static government. The right of self-government as well as economic and religious liberty will perish from the earth if we should ever arrive at a point where we look only into the past, where we deem all human progress as having reached its full fruition, and that there is nothing further to be accomplished in the evolution of man's destiny. The complexity of our personal and international existence requires constant readjustment in business and in the Government's conduct of the people's business.

We must continue to recognize that all government and all law are matters of growth, and that to take the legalistic view that they are all finished will result in political and economic stagnation, resulting in ultimate death.

It is one of the glorious traditions of America that while we rejoice in our loyalty to the memory of her founders we also rejoice in the progressive, forward-looking, and prophetic wisdom which they exercised in establishing a nation under a constitution that could adjust itself to the settlement of problems incident to the growth of a modern, progressive people.

We of our day can show our sense of obligation and devotion by defending these institutions in peace no less than in war, by preserving them from the insidious encroachment of their enemies from whatever source, foreign or domestic; by respecting not only the Constitution of our country but the laws that are made in pursuance of it; by preserving and exercising local authority in the solution of problems that are local without becoming mendicants at the door of the National Government; by maintaining our independent identity among the nations of the world, but at the same time recognizing our obligation and rising to our opportunity to cooperate with, if not to lead them in the establishment of permanent peace among all the nations of the earth.

To such tasks, let us as Americans dedicate all that we have or hope to be in the spirit in which Washington dedicated himself to the cause of the struggling colonies.

As we reflect this day upon the character, the personality, the achievements of this marvelous world figure, may we not repeat the tribute paid to him by another great American, Abraham Lincoln, when he said:

> To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on.

WASHINGTON'S ATTITUDE TOWARD THE FRENCH REVOLUTION

Mr. BORAH. Mr. President, it has been said that if Napoleon had not been regarded as the greatest military genius of his age, he would have been regarded as the greatest statesman of his time. In some respects Washington has been considered the greatest soldier of the modern world. We think of him as the commander in chief of our Revolutionary forces and as the poised and trusted leader of men in the formative period of the Government. But in the realm of statecraft his biographers have been prone to picture him as a man of no great ability and as leaning heavily upon others in meeting the problems of the statesman. I venture the opinion that his transcendent ability as a statesman has been overshadowed by his commanding personality and his reputation as a soldier.

Among other incidents in his career which reveal his courage and his vision as a statesman was his treatment of the French Revolution and the policy which he adopted with reference to it. The course which he pursued, though discarded at the time by many leaders in Europe; came afterwards to be recognized as just and wise. I want to illustrate that by recalling very briefly some of the facts which were before Washington when he acted in this matter.

On June 20, 1789, the representatives of France, finding the Great Hall closed, adjourned to the tennis court, and there took a solemn oath that they would not adjourn until France should have a new constitution.

July 14, 1789, the Bastille fell, and the mob took control of Paris.

In August, 1789, the assembly made the declaration of the rights of man—a general statement of the principles as basis of civil society which completely uprooted that which had theretofore obtained in Europe.

In August, 1789, the assembly abolished orders of nobility, peerage, hereditary distinctions of all kinds, and prerogatives of all kinds.

In January, 1790, the Jacobin Club became the real political power in Paris and throughout France. It was a case of mob rule for a time.

In June, 1790, France was geographically redistricted and rearranged; the whole judicial system was revised; the power of the national assembly enlarged; church lands were confiscated, and all the old landmarks of government were wiped out. The guillotine was set up and daily did its work and executed hundreds of people.

June 20, 1791, the King and Queen undertook to escape from France, but they were captured and brought back and thereafter for all practical purposes were prisoners.

April 20, 1790, France declared war on Austria, and the long wars growing out of the French Republic began. Belgium was shortly thereafter invaded.

June 20, 1792, the mob of Paris overawed the assembly and forced their way into the King's palace.

August 10, 1792, Danton, at the head of a vast mob, swept over the assembly and the monarchy, overpowering everything; the streets of Paris ran with blood; other cities were

laid bare to the mob. About this time the fearful massacre in the prisons began.

September 21, 1792, the convention abolished royalty and proclaimed a republic.

In November, 1792, began the trial of the King, and shortly thereafter the Queen.

November 19, 1792, the French assembly issued what Pitt called a universal declaration of war, proclaiming their willingness to aid all peoples who wished to throw off their governments and become free.

December 15, 1792, they issued another declaration of the same nature, declaring that the French army would go to the assistance of all peoples who wished to abolish their governments and establish a government in harmony with the principles of the French Revolution.

January 21, 1793, Louis XVI was executed, and thus the French Revolution threw down the glove to all Europe.

May 18, 1793, under these circumstances and with this record before him, Washington recognized the French Revolution and received Genêt as minister. What was the Government of France at the time Washington recognized the French Revolution? It consisted of a committee of public safety composed of 12 men, later, if I remember correctly, of 9. They were the judicial power, the legislative power, and the executive power of France. They held in their hands and under their control the lives and property of every citizen of France. The river Seine was running red with blood to the sea; the guillotine had been in operation for months; the King had been beheaded a short time before and the Queen was beheaded a short time thereafter.

It was under these circumstances that Washington called together his Cabinet to determine whether or not the improvised government of the French Revolution should be recognized. It is said that that Cabinet was in session for a little less than an hour, and they determined to recognize the then Government of France. In that Cabinet were Alexander Hamilton and Thomas Jefferson. Perhaps, all things considered, it was the most remarkable group of men who had ever assembled in a Cabinet session.

June 2, 1793, the city of Lyon, by a decree of the convention, was ordered to be destroyed; its name was to be blotted out; 3,500 people were arrested; half of them were massacred. Toulon and Marseilles suffered likewise.

On October 16, 1793, the beautiful Queen Marie Antoinette was beheaded.

Mr. President, these were the circumstances under which Washington and his associates determined to recognize the French Revolution.

No one in that Cabinet approved of the principles or of the practices of the French Revolution; but Washington saw, as he afterwards said in effect, that while it was a bloody road over which they were traveling it was the only road to a sane and stable democracy. It was a marvelous exhibition of courage and vision that under those circumstances he should recognize the French Revolution.

In Lodge's Life of Washington, at page 140, is a letter written to Mr. Pickering, with which I conclude:

> My conduct in public and private life as it relates to the important struggle in which the latter is engaged—
>
> Speaking of France—
>
> has been uniform from the commencement of it, and may be summed up in a few words: That I have always wished well to the French Revolution; that I have always given it as my decided opinion that no nation has a right to intermeddle in the internal concerns of another; that everyone had a right to form and adopt whatever government they liked best to live under themselves.

APPROVAL OF THE JOURNAL

Mr. FESS. I ask unanimous consent that the Journal for the calendar days February 20 and February 21 may be approved.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Journal for the calendar days mentioned stands approved.

WICKERSHAM REPORT—PROHIBITION IN GEORGIA

Mr. McNARY obtained the floor.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Oregon yield to the Senator from Georgia?

Mr. McNARY. I yield.

Mr. GEORGE. I crave the time of the Senate just for a moment.

The exhibits sent to the Senate in compliance with a resolution adopted by the Senate contain much of the evidence upon which the Wickersham report is based, and, referring particularly to the State of Georgia, on the whole, deal very fairly and justly with the State. Moreover, Mr. President, the conditions as found by the commission in that State, or by the investigators sent to the State for the purpose of surveying the situation, indicate a satisfactory and wholesome condition. I quote just one sentence:

> The large majority of enforcement officers throughout Georgia are responsive to the strong sentiment prevalent there for vigorous enforcement of all laws. Most of such officers are especially active against prohibition violators, and work in harmony with the Federal forces. The combined efforts of both Federal and State organizations have practically eliminated major liquor violations in the State.

I rose to call attention, Mr. President, however, to one of the exhibits attached to this report. The exhibit is simply a feature story by a newspaper writer in the Atlanta Journal, but the committee, or a committee investigator, has attached this note to the photostatic copy of the article, to wit:

> The following article published in the Atlanta Journal, notoriously wet publication, under date of January 5, 1930, is an interesting commentary upon prohibition-enforcement conditions throughout Georgia.

Mr. President, the phrase "notoriously wet publication" applied to the great newspaper from which the article is taken is entirely unjust. I am confident that this note made by the investigator of the Wickersham Commission was inadvertently made. It is certainly based upon erroneous information and is not founded upon fact. I am pleased to say that the Atlanta Journal, to which reference is made, is and has been for a long number of years a constructive and progressive newspaper, and its leanings and, indeed, its entire influence have been in behalf of the enforcement of the prohibition law.

PREVENTION OF FRAUD IN SALE OF STOCKS, ETC.

Mr. BLAINE. Mr. President, on Saturday the Senate passed Senate bill 3491, commonly referred to as the "blue sky act." In the enactment of that bill section 2 was stricken out. The engrossing clerk calls my attention to the fact that in three places reference is made to the section stricken out.

I desire merely to have the bill amended so as to strike out those references. It will have nothing to do with the substance of the bill.

I therefore ask unanimous consent that the votes by which the bill was ordered to a third reading and passed shall be reconsidered.

The PRESIDING OFFICER. Is there objection to the reconsideration? The Chair hears none, and the Chair lays before the Senate Senate bill 3491, to prevent fraud in the promotion or sale of stocks, bonds, or other securities sold or offered for sale within the District of Columbia; to control the sale of the same; to register persons selling stocks, bonds, or other securities; and to provide punishment for the fraudulent or unauthorized sale of the same; to make uniform the law in relation thereto, and for other purposes.

Mr. BLAINE. On page 16, lines 11 and 12, the words "on the basis defined in subsection 2 preceding" occur. I ask that those words be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 16, line 11, strike out "on the basis defined in subsection 2 preceding."

The amendment was agreed to.

The CHIEF CLERK. On lines 21 and 22 of the same page, the same amendment.

The amendment was agreed to.

Mr. BLAINE. Similar language appears on page 18.

The CHIEF CLERK. On page 18, line 12, strike out "defined in subsection 2 preceding or" and insert "of."

The amendment was agreed to.

Mr. BLAINE. Then the number of section 5 should be changed to 4.

The CHIEF CLERK. On page 18, line 13, strike out "5" and insert "4."

The amendment was agreed to.

The CHIEF CLERK. And on page 20, line 17, strike out "8" and insert "7."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUES OF JUNIPERO SERRA AND THOMAS STARR KING

Mr. SHORTRIDGE submitted a concurrent resolution (S. Con. Res. 40), which was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the statues of Junipero Serra and Thomas Starr King, presented by the State of California, to be placed in Statuary Hall, are accepted in the name of the United States, and that the thanks of Congress be tendered said State for the contribution of the statues of these eminent men, illustrious for their distinguished services as pioneer patriots of said State.

Resolved further, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of California.

WAKEFIELD

Mr. SWANSON. Mr. President, I have here a poem entitled "Wakefield," which was sent to me with the suggestion that it be inserted in the RECORD. I ask unanimous consent that that may be done.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

WAKEFIELD

In the heart of Westmoreland, Virginia,
Back when power laughed justice to scorn,
That such tyranny might not continue,
Freedom's unafraid founder was born.
Making Wakefield—the home of his parents—
As the banner of hope was unfurled,
Wherein virtue scorned further forbearance,
The Bethlehem of the New World.

Tho' no star hovered over his manger
To direct the Wise Men from the East
To the spot where this newly born stranger
Lay, unchristened by prophet or priest,
As he humbly was born into being,
'Ere the Stars and Stripes were unfurled,
Wakefield woke, as the shadows were fleeting,
The Bethlehem of the New World.

In the soft swaddling clothes of affection,
Up through infancy, Washington grew
Into childhood, approaching perfection—
Nearer still than his own parents knew.
And the site of the home of his childhood
Stands to-day, 'neath Old Glory unfurled,
Souvenir from the primitive wildwood,
The Bethlehem of the New World.

—HORACE C. CARLISLE.

RELATION OF RAILROADS TO BUS TRANSPORTATION

Mr. SMITH. Mr. President, I ask unanimous consent to insert in the RECORD two editorials on the question of the relation of the railroads to bus transportation.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Charleston (S. C.) News and Courier of Wednesday, December 17, 1930]

THE MOTOR AND THE RAILROADS

Newspapers are not safe in the generalization that motor trucks and autobusses are subsidized from the Public Treasury, to which the railroads contribute, and are therefore unfair competitors with them. The truth or untruth of the saying turns on the character of the taxation in the particular locality.

In South Carolina the highways are built and maintained entirely from the revenues of a 6 cents a gallon gasoline tax and graduated motor licenses, with relatively small assistance from Federal funds. The railroad companies contribute not a penny in this State to construction and upkeep of highways, although the owner of a motor also pays a property tax upon it, of which the revenues are turned into the general fund. For the most part, rights of way have cost the railway companies nothing; they were a free gift to them long ago.

Further, there are buried in many railroad properties large contributions made through taxation by generations long dead. Grandfathers and great grandfathers of the people now in being were taxed to build railroads, and States, counties, cities, and townships have nothing to show for it except, in some cases, evidences of debt they owe. Some of us are being taxed to this day for railroad construction.

Whether the motor-truck and autobus companies operating as common carriers are paying a due proportion of the costs of highways as compared with private owners of motors is another question. Where the evidence is that they are damaging the roads and bridges seriously without compensating for it or endangering the safety of traffic in a measure that can not be prevented by regulation they should be prohibited from using them. It is likely that the average intrastate motorbus or truck in South Carolina pays its share of the gasoline tax, fuel consumption bearing a fairly accurate and direct relation to weight of the machine and its load. The scale of license fees is obviously for experts to arrange. Manifestly, in South Carolina, is no argument for taxation of automotive vehicles to balance taxes paid by railroad companies—taxes so imposed would be penalties on motors to neutralize whatever inherent advantage they may possess as a means of transportation. They would be an indirect tax on owners and users of motors for the sake of the railroad companies.

If other States, New York, Pennsylvania, for examples, have built and are building highways wholly or partly by general taxes and are so maintaining them, are thus "subsidizing" railroad competition, that is a matter of concern to those States, for them to correct or not as they choose.

As for Federal aid, South Carolina would better surrender it, even pay back what has been received, than to consent to penalizing motor transportation. This State, asking for no subsidy of highways from property or other than motor taxes, would protest against an indirect subsidy of the railroads at the expense of the public. In the century of railroad history in the United States much more has probably been contributed through general taxation to railroad than to highway construction.

The News and Courier is not concerned for the autobus and motorbus companies operating as common carriers, whether intrastate or interstate. The public should be on its guard against the acquisition of "vested rights" by these companies, and they should be looked upon as enjoying rights limited in time. In the public mind should be the reservation that one day it may be expedient to prohibit them altogether, the decision to turn upon their usefulness and necessity as servitors of public convenience and economy. Certainly the roads are not built for them, they are the grantees of privileges which may be withdrawn. The utmost caution should be observed in chartering and licensing them, especially in respect of the duration of their privileges.

In respect of interstate transportation of every description, it should be remembered that its regulation is a power conferred upon the Congress by the Constitution to promote free trade, not to hinder or restrict it, among the States. That should be the guiding principle of legislation, should control it.

Any statute that would interfere with or embarrass a citizen of South Carolina in hauling a load of goods or of passengers into North Carolina or New York and in bringing back other goods and passengers, for hire, would be aimed to destroy the tremendous benefits that the invention of the internal-combustion engine has conferred upon the people. The chief of those benefits is that it has made the individual a transportation agency capable of a large measure of competition with the strongest combinations of capital or of labor.

The problem is to draw the line at a point where this independence shall not be impaired by motoring corporations or combinations and when at that point it shall be correctly and justly drawn it will probably work for whatever protection the railroad companies shall deserve.

In short, the value of the motor is that it is the individual citizen's vehicle for unhindered travel for profit or pleasure and for free trade. That value Americans will conserve unless and until they have lost the capacity to value individual liberties.

[From the Charleston (S. C.) News and Courier of Sunday, January 18, 1931]

TAX COMMISSION SEEMS CONFUSED

When the State tax commission declares that "passenger and freight automobiles using the highways for the purpose of carrying on a profitable business" are not paying taxes "commensurate with damages done to the roads," and should therefore pay higher taxes, it is a reasonable suggestion, but of that somewhat abstruse subject what does the State tax commission know?

How does it derive a conclusion smacking of cocksureness that 6 cents a gallon paid in taxes and the license fees are not a fair proportion of what these profit-making vehicles should pay for road building and maintenance as compared with other vehicles? If it has masterful knowledge of that subject, it is entitled to speak unqualifiedly; but that is a knowledge that the railroad commission, the highway commission, and other agencies have given no evidence of possessing to a degree enabling them to speak with finality.

Implication that a vehicle should pay more taxes merely because it is profit making is unsound. To the contrary, the pleasure car, the luxury, the joy-riding car, should bear heavier taxation than the working car, if any discrimination is to be made. If the tax

commission does not know, the News and Courier can tell it that the sole hope of preventing automobiles from bankrupting the people of South Carolina (with their annual bill of $100,000,000 or more), is to make automobiles work and pay, which to do they should be encouraged.

The close coupling of the damage-to-road suggestion with the following from the tax commission provokes inquiry and should arouse apprehension:

"Motor vehicle transportation is in direct competition with railroad transportation and the burden of taxation on motor-bus transportation should be equalized with the burden imposed upon railroad transportation, bearing in mind that the railroad companies have constructed and maintained their own roadbeds and tracks, on which they are paying substantial taxes, while their competitors, the motor-vehicle operators, are using the highways constructed and maintained by the taxpayers of the State.

"The loss of business on the part of the railroads has decreased the gross receipts and net income taxes paid by them to the State, and will lessen the value of all their property because of smaller earning power, which will affect every tax unit in which railroad property is located."

Would the tax commission penalize, handicap, commercial motors because they compete with railroads?

Would it deprive the public of lower-cost transportation deliberately by taxing it?

Shall the people muzzle themselves lest they enjoy what is their own?

Some of the facts in the case are:

The railroad companies have rights-of-way to which for the most part they came by as a free gift.

They maintain their tracks, bridges, and stations out of revenues from hauling passengers and freight.

The motor cars maintain their tracks and bridges by license fees and a tax paid on the fuel they consume.

On steam locomotives and cars a property tax is paid. So it is paid on the gasoline engine and car.

To relate the motor-car tax to the inherent limitations of the railroad car would be no more sound than to tax this vehicle so that more horses would be used whereby the lost business of the farrier and harness maker would be restored.

Why does not the tax commission speak for the farmers who raised horses and mules and corn, fodder and hay to feed them, whose products have been supplanted by gasoline?

The motor or road tax burden is now carried by about one-eighth of the State's population and the other seven-eighths have direct or indirect benefit from it. Shall the one-eighth be further taxed lest railroads suffer? To put the question is to ask if the public is an ass.

But the railroad companies are taxed on their stations and tracks. To be sure they are—and the companies own and operate them as private properties, pocketing a profit when they can make it—and profits they have made a hundred years. Shall you, Messrs. Brown and Smith, Roe and Doe, because you have found a way to own and operate rolling stock and to keep up tracks for it be taxed that private concerns, owning another kind of rolling stock and tracks, shall continue to earn private profits?

Who hauls 9,000 of 10,000 persons to a Carolina-Clemson football game that railroads formerly hauled? Railroad men know. Owners of private vehicles, not busses, haul them. If to save the railroads be the purpose, why not a higher tax on the private cars; why pick on the car that makes a living for the driver? Is it not the better principle to tax luxuries than utilities?

Seemingly the tax commission is so bent on collecting taxes, which is its business, so intent that the State shall have revenues, in such consternation lest one class of taxpayers—railroad companies—shall be reduced in tax-paying ability that its perception of the larger principles involved is dimmed. It is disappointing.

The News and Courier has no objection to the railroad companies owning and operating automobile busses and trucks as common carriers for profit on equal terms with other operators of these lines, with this reservation:

The highways belong to the people. Primarily, they are for everybody's use. The public right to the public roads comes and must come first, now and ever. Therefore, no permanent rights should be vested in railroads or other concerns operating motor stage or freight lines as common carriers. All franchises of that kind should be regarded as temporary, subject to cancellation. Above all, the public must be on its guard, through legislatures and courts, lest railroads or other corporations take the highway from them, capture them, use them to strengthen and fortify a transportation system whose goal might be private monopoly.

As long as John Smith may load his sedan or his truck with persons or goods, hauling freely or for hire whom and what he chooses, going where he wills with let or hindrance from no man as long as he obeys the rules of the road, the check on monopoly will be effective and complete. When the time comes that there are too many cars on the road, the cars of the common carriers must get off the highways—so let their owners, be they railroad or other corporation, remember that they use the public highways by suffrance, to serve a convenience not primary.

The automobile has brought to the people a new liberty the extent and value of which they scarcely dream. Nothing so good has come to them in a hundred years. Will they let it be insidiously taken from them? Are they fools?

BOARD OF CIVIL-SERVICE APPEALS

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a report on the board of civil-service appeals filed by the Senator from Iowa [Mr. BROOKHART], the bill introduced by the Senator from Iowa which is the subject of the report, and certain communications relating thereto.

There being no objection, the report, bill, and communications were ordered to be printed in the RECORD, as follows:

[Senate report No. 1881, Seventieth Congress, second session]

BOARD OF CIVIL-SERVICE APPEALS

Mr. BROOKHART, from the Committee on Civil Service, submitted the following report (to accompany S. 5785).

The Committee on Civil Service, to whom was referred the bill S. 5785, having considered the same, report thereon with the recommendation that it be passed.

It is the general belief of the committee that the civil service should be encouraged, supported, and made more efficient in all particulars; also that proceedings should be simplified and more direct, and that all employees under the civil service should have a fair opportunity for the final trial and determination of their complaints. Under the present organizations this is practically impossible.

The bill under consideration abolishes the Personnel Classification Board and transfers its functions to the Civil Service Commission. It also provides a uniform system of efficiency ratings to be used by all of the departments and establishments. It seeks definitely to prescribe and allocate the duties and powers of the Civil Service Commission and also of the departments with respect to matters relating to salary schedules under the classification act of 1923 as amended. It then creates a new and entirely independent board of three members to be appointed by the President and confirmed by the Senate, with jurisdiction to try all appeals by employees from the final decision of either the Civil Service Commission or the heads of the departments, thus creating an independent and responsible tribunal to whom all Government employees can go with their complaints.

Its proceedings are intended to be informal, but upon a record that will disclose the evidence and the reasons for its action. Its decision shall be final as to both the Civil Service Commission and the heads of the departments, and they will in no way be limited except by the constitutional power of the President. The board will be nonpartisan in its organization, and one member must be a woman.

In its investigation the committee have found that the administration of the classification act by the Personnel Classification Board as now constituted is very unsatisfactory and prejudicial to the interests of the service, numerous complaints having been made not only by employees but by heads of departments, and that there are many Government employees who have been reduced, transferred, or discharged without any adequate hearing or reason for such action, and many of them are intimidated into submission for fear of other discriminations. This board will have the power to prevent all such acts of injustice, and the committee believes it will also add to the efficiency of the service.

S. 5785

A bill to establish a board of civil service appeals and to amend an act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service," approved March 4, 1923 (ch. 265, 42 Stat. 1488), and for other purposes

Be it enacted, etc., That there is hereby created a board of civil service appeals, hereinafter referred to as the board, to be composed of 3 members, not more than 2 of whom shall be of the same political party and 1 of whom shall be a woman, who shall be appointed by the President, by and with the advice and consent of the Senate, with salary at the rate of $10,000 per annum: *Provided*, That the first members appointed shall continue in office for terms of 2, 4, and 6 years, respectively, the term of each to be designated by the President, but their successors shall be appointed for a regular term of 6 years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. No member of the board shall hold any other official place under the United States during his term of office as such member. The board shall at all times have a chairman, to be chosen by it from its members, and shall have such employees as may be provided for by law. The disbursing clerk of the Civil Service Commission shall also act as disbursing clerk for the board. Quarters for the board shall be furnished by the Public Buildings Commission as authorized by law.

SEC. 2. The Personnel Classification Board created by section 3 of the classification act of 1923, approved March 4, 1923, is hereby abolished, and all of its books, records, papers, and equipment are transferred to the custody of the United States Civil Service Commission, hereinafter referred to as the commission.

SEC. 3. Section 4 of the classification act of 1923, approved March 4, 1923, is amended to read as follows:

"That the head of each department shall allocate all new positions in his department in the District of Columbia to their appropriate grades in the compensation schedules prescribed by section 13 of the classification act of 1923, as amended. Such allocations shall be reviewed and may be revised by the commission and shall become final upon their approval by the commission, except that there shall be a right of appeal from the action of the commission by either the head of the department or the employee concerned to the board of civil service appeals hereinbefore created. Whenever the head of a department, or an employee concerned, believes that any position heretofore or hereafter allocated is not properly allocated according to law, application may be filed by either or both with the commission for reallocation of such position. The action of the commission thereon shall be final, except that there shall be a right of appeal within 60 days from receipt of notice of the action of the commission by either the head of the department or the employee concerned to the board. Action on such appeals shall be taken by the board only after the head of the department concerned, the incumbent of the position affected, and the commission have been afforded an opportunity to be heard, and the board shall render its decisions in writing, giving the reasons for its action. The action of the board shall be final and conclusive."

SEC. 4. There shall be established and used by all departments a uniform system of efficiency rating under which there shall be four groups, as follows: (1) Excellent, 90 to 100; (2) good, 80 to 89; (3) fair, 65 to 79; (4) inefficient, below 65: *Provided, however*, That a rating above 60 shall not be regarded as inefficient in the case of employees eligible for retirement within five years or those entitled to military preference. The efficiency ratings shall constitute the basis for an annual increase in the rate of compensation to the next higher rate within the salary range of the grade for all employees who have not attained the maximum of the grade to which their positions are allocated. The efficiency rating shall be made annually as of May 15, effective the following July 1 by the heads of departments. Reduction in compensation within the grade, transfer to a position in a lower grade, and dismissal for inefficiency shall be made by the heads of the departments subject to the approval of the commission: *Provided*, That the employees concerned shall have the right of appeal within 60 days of receipt of notice of the action of the commission to the board, the board's action to be final, and the reduction, transfer, or dismissal to be effective from the first of the month succeeding that in which notice of the final action of the board is received in the department concerned. The procedure as to hearings and written opinions shall be the same with respect to efficiency ratings, dismissals, transfers, and reductions as required herein with respect to allocation and reallocation of positions.

SEC. 5. That the appeals of employees from allocation or reallocation of their positions, or from their efficiency ratings, shall be without prejudice to them, and no salary shall be paid to any administrative officer of the United States who shall deny any officer or employee of the Government any advancement because of such appeal.

SEC. 6. Sections 3 and 9 of the classification act of 1923, approved March 4, 1923, and all other laws and parts of laws in conflict or inconsistent with this act are hereby repealed.

AMENDMENT TO SENATE BILL 5785, SEVENTIETH CONGRESS, SECOND SESSION

In view that the committee found that a number of persons have been reduced, transferred, and discharged without adequate hearing or reason in the various executive departments:

That the Secretary of the Treasury is hereby directed to restore to duty, and pay out of the Treasury the said claims as filed by the following persons: Lincoln Wedel, William Stirling Putzki, Eppes V. Jones.

A special committee of the United States Senate was appointed in May, 1928, to investigate the illegal appointments and dismissals in the civil service since July 1, 1919, pursuant to Senate Resolution No. 154. This committee was composed of Senator DALE, chairman, and Senators BROOKHART, PINE, HEFLIN, and GEORGE.

Several sessions were held in June, 1928, and then the committee recessed without completing its hearings or making a report. On December 12, 1928, Senator HEFLIN asked that the life of this special committee be extended so as to complete the hearings and report to the Senate.

As a result of the testimony of the witnesses appearing in June, 1928, the members realized that an independent tribunal should be provided, to be known as the board of civil service appeals, to hear cases of illegality, persecution, and discrimination against employees of the Government.

After this, in January, 1929, Senator BROOKHART introduced a bill, known as S. 5785, to establish such a board of civil service appeals. Then the hearings were resumed in February, 1929, when Mr. John A. Savage, president of the American Equity Association, presented several cases of injustice, and members of our own Civil Service Committee also appeared. Acts of discrimination against Federal employees were clearly shown, as well as discrimination against various States in the quota of apportionments. (See the hearings on S. Res. 154, 70th Cong., 1st sess., pp. 192, 206, 215, 239, and pp. 2 to 47 and 65 to 100, inclusive. See information submitted in reference to S. Res. 345, 69th Cong., 2d sess.; S. Res. 285, 71st Cong., 3d sess.; S. Res. 398, 71st Cong., 3d sess.)

While these special hearings were being held, the standing Civil Service Committee of the Senate reported out S. 5785, accompanied by a report known as No. 1881, on February 22, 1929, showing there have been illegalities, discriminations, and the intimidation of employees in various executive departments. We quote from this document (No. 1881, 70th Cong., 2d sess.):

"It is the general belief of the committee that the civil service should be encouraged, supported, and made more efficient in all particulars; also that proceedings should be simplified and more direct, and that all employees under the civil service should have a fair opportunity for the final trial and determination of their complaints. Under the present organization, this is practically impossible."

And further:

"In its investigation the committee have found that the administration of the classification act by the Personnel Classification Board as now constituted is very unsatisfactory and prejudicial to the interests of the service, numerous complaints having been made not only by employees but by heads of departments, and that there are many Government employees who have been reduced, transferred, or discharged without any adequate hearing or reason for such action, and many of them are intimidated into submission for fear of other discriminations. This board will have the power to prevent all such acts of injustice, and the committee believes it will also add to the efficiency of the service."

The committee admitted in No. 2, on page 1, and in No. 5, on page 2, of the report 1881 accompanying Senate bill 5785, that there should be a separate tribunal to hear complaints of civil-service employees, and many Government employees have been reduced, transferred, and discharged without an adequate hearing and reason. (Example of such cases may be found on pp. 192 to 206 and 215 to 239, inclusive.)

The persons who appeared with their attorney, John A. Savage, president of the American Equity Association, before the special senatorial committee, as shown in the preceding paragraph, are a few of the persons who were discharged without adequate hearing or cause, namely, Lincoln Wedel and William Sterling Putzki.

We ask you to call up Senate Report 1881, Seventieth Congress, second session, attached to Senate bill 5785, with amendment concerning the claims of the above-mentioned persons, and ask action thereon.

Hoping that this request will be granted, we are,

Respectfully yours,

LINCOLN WEDEL.
WM. STERLING PUTZKI.

RADIO ADDRESS BY SENATOR BARKLEY ON CONSTITUTIONAL AMENDMENT RELATIVE TO TERMS OF PRESIDENT, VICE PRESIDENT, AND MEMBERS OF CONGRESS

Mr. BRATTON. Mr. President, on last Saturday evening the senior Senator from Kentucky [Mr. BARKLEY] delivered a very able address over a nation-wide radio hook-up in which he discussed the proposed amendment to the Constitution changing the beginning of the terms of the President, Vice President, and Members of Congress in such a way as to abolish the so-called lame-duck session. I ask unanimous consent that the address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen, through the courtesy of the Washington Star I have been asked to discuss the so-called lame-duck amendment to the Constitution of the United States, which has been pending before Congress for many years, and which, in one form or another, has been under consideration by Congress ever since the formation of the Government.

Before discussing the situation which gives rise to this amendment it may be worth while to discuss the origin of the date, March 4, as the beginning of presidential and congressional terms.

It will be remembered that the Constitutional Convention which met in Philadelphia in 1787 to amend and strengthen the Articles of Confederation under which the new Government had been operating had on September 17 of that year submitted to Congress a draft of the new Constitution. Congress by resolution submitted it to the several States, with a proviso that the ratification of nine of them should be sufficient to establish the new Government under under the Constitution, and that when these nine had so ratified, then Congress should fix a date for the election of a President and for the beginning of proceedings under the new Constitution.

The Constitution was submitted, the various States selected delegates to a State convention for the purpose of considering it, and one by one the required number passed resolutions of ratification. These nine States were Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, and New Hampshire. The other four of the original 13 ratified subsequently. The ratification of New Hampshire, the ninth State, occurred on June 21, 1788.

On September 13, 1788, about three months after the required number of States had ratified, the Congress, still operating under the old Articles of Confederation, proceeded by resolution to fix a date for electing a President and for the organization of the Government under the Constitution in the city of New York.

It fixed the first Wednesday of the following January as the date for the appointing of electors in the States which should have by that time ratified the Constitution. It fixed the first Wednesday in February as the day for the electors to assemble in their respective States and vote for a President; and it fixed the first Wednesday in March following, which was the first Wednesday in March, 1789, as the date for commencing proceedings under the new Constitution in the city of New York, which was then the capital of the new Nation.

The first Wednesday in March, 1789, happened to be March 4, which was purely an accident.

have printed in the RECORD a report on the board of civil-

commission by either the head of the department or the employee concerned to the board of civil service appeals hereinbefore cre-

From September 13, 1788, to the first Wednesday in March, 1789, it was necessary to elect Members of Congress, who were to assemble for the first session under the new Constitution. It was necessary to choose electors who were to elect a President, and it was necessary for those electors to meet and choose a President. They accordingly met on the first Wednesday in February and elected Washington as President and John Adams as Vice President, and both of them, together with the newly chosen Congress, were supposed to begin proceedings under the Constitution on the first Wednesday in March. But a quorum of the new Congress did not arrive in New York until about April 30, and instead of Washington being inaugurated on March 4 he was inaugurated on April 30, 1789.

The Constitution provided that Congress should meet at least once each year, and that unless it fixed a different date the meeting should occur on the first Monday in December.

There can be no real doubt that what the framers of the Constitution intended was that the new Congress and not the old one should meet in December after their election. Throughout the debates on this particular phase of the Constitution this intention is clearly shown. For instance, a suggestion was made that May instead of December should be the date of assembling Congress, in order that the latest advices from Europe might be at hand, but this suggestion was defeated on the argument of Mr. Randolph that "the time with which the elections of the national Representatives would no doubt be made to coincide would suit better with December than with May. If it had been the old Congress who were to assemble the dates of their election would have been immaterial. The fact that December was chosen as the date for the convening of Congress, because the time suited better with the date of their election, shows not only that it was intended that it should be the new Congress that should assemble in December, but that the framers intended that the new Congress should assemble reasonably soon after their election.

As the Constitution fixed a 2-year term for Representatives, 4 years for the President, and 6 years for Senators, and the 4th of March was fixed as the beginning of their terms, which was later ratified by law, and as the first Monday in December is the constitutional date for the assembling of Congress, and as no mere statutory enactment of Congress can cure the defects to which this system has given rise, only an amendment to the Constitution can bring this system into harmony with the manifest intention of the constitutional fathers and with the manifest needs of a modern parliamentary government.

The Senate has overwhelmingly voted on several occasions in recent years to submit such an amendment to the States, and the proposal is to be voted on in the House of Representatives before the adjournment of the present Congress. I sincerely hope that it may be adopted there and sent on to the States for their ratification.

There are so many reasons why this change should be made that it would be impossible to give them all in detail in the time at my disposal. I have favored this amendment ever since I have been a Member of Congress, and even before that. When I came to the House of Representatives in 1913, one of the first measures I introduced there was a resolution submitting such an amendment as that now under discussion. But no such amendment proposed by either the Senate or any Member of the House could ever secure the privilege of being voted on in the House until in the last Congress the House voted on a similar Senate resolution, although it should be said in justice that the Judiciary Committee of the House in previous years had reported such a resolution with a favorable recommendation.

One of the chief reasons for the change which I am suggesting is that a newly elected Congress does not assemble to bring into effect the mandate of the people until 13 months after it is elected. It is inconceivable that the framers of the Constitution were moved by any such absurd notion when they set in motion the machinery of the new government. While it is true that they withheld from the people the right to the direct election of United States Senators, in order no doubt that the Senate might be somewhat removed from direct contact with or responsibility to the people, they provided not only that Members of the House should be chosen directly by them but that they should be chosen often in order that they might be held to account frequently for their stewardship to the people. To ascribe to them the intention of withholding from these representatives the opportunity to enter upon the discharge of their duties for 13 months after they are chosen is to dim the luster and dull the wisdom which crowned their efforts in forming the most wonderful constitution ever framed by the brain of man.

Such a system makes ours the most immediately unresponsive legislative body in any civilized nation in the world. It makes it necessary for Members of Congress to become candidates for reelection before they have taken their seats or begun their duties or made any kind of legislative record as a result of their previous election. No such condition exists in any other parliamentary government.

In Great Britain if Mr. Ramsay MacDonald's government should fail to-morrow and the King should be unable to designate a Prime Minister who could organize a government from the opposition, an election would be held for members of the House of Commons and the newly elected members would assemble within a few weeks as the direct representatives of the people who had chosen them and carrying a mandate to enact their will into law.

During the past summer I was in Germany, and I happened to be there just two weeks before the German election following the dissolution of the Reichstag by President Von Hindenburg. On September 15 more than 34,000,000 German citizens voted for members of the Reichstag, and they were required to assemble in Berlin in November following their election in September as members of the German Parliament. Only about six weeks elapsed between their election and the assumption of their duties.

In France members of the Senate are elected for nine years and members of the Chamber of Deputies for four years, and both bodies must remain in session not less than five months in each year. It is their custom to meet the first Wednesday in January of each year. Under this system both chambers are called into session immediately after their election, and even when they are in vacation one-half of the members of both houses may demand of the government that they be called into session.

All of our 48 States elect members of their legislatures in November, except Louisiana, which elects in April, and Maine, which elects in September. In Louisiana they are elected in April and meet the following May. In Maine they are elected in September and meet the following January. In Florida they are elected in November and meet the following April, while in Georgia they are elected in November and meet the following June. In all the other 44 States the legislature is elected in November and meets the following January. In none of the 48 States does the legislature wait 13 months to assemble after its election. In Georgia it assembles within 7 months, in Maine within 4 months, in Louisiana within 1 month; and in all the other 44 States within 2 months. Is there any reason why the Congress of the United States should be held back for more than a year after the people have selected its Members? To make such a contention is not only absurd on its face but is an actual denial of representative government to the people of the entire country.

Under this system we may have, as Lincoln said, "Government of the people, by the people and for the people"; but we must wait 13 months to begin it, unless the President should see fit to call Congress into extra session, which no President ever does unless he is compelled to, because most Presidents prefer to occupy the stage alone rather than share it with an inconvenient or an independent Congress.

The result of this parliamentary situation is that a defeated and repudiated Congress still hangs on to the job for one whole session after its defeat and repudiation. No parallel can be found to this in either government or business. There is not a private enterprise worthy of investment in the United States that would retain its entire force in operation for four months after finding it wholly unsatisfactory in the performance of its duties; and there is not a private enterprise in the whole country which, after firing one set of employees, would wait for 13 months before allowing the new set to begin work. If no private business would tolerate such a plan, why should the people's business be compelled to tolerate it?

In every congressional election and in every presidential election there is usually some outstanding condition or issue upon which the people are called on to pass. They are expected to register their will by accepting or rejecting the theories of those who submit themselves as candidates. Candidates ought to be encouraged to reveal to the people their views on important and vital questions of policy and principle in government. And when the people, after full discussion and consideration, have passed upon those policies and those principles by choosing one set of men and rejecting another, there ought not to be such a postponement of fulfillment that those who are elected may grow indifferent or forgetful of the platforms upon which they have been chosen. Such a system is not permitted in a State legislature, or even in a city council. Why should the Congress of the United States, supposed to be responsive to and the servant of 120,000,000 people, sit on a log and whittle for 13 months, while its predecessor, defeated, repudiated, and held to be faithless, remains in session for at least three months to pervert and reproach the will of the people?

Another cogent and compelling reason why this condition should be changed is because it would not only abolish the short, or so-called "lame-duck" session of Congress, for the reasons already suggested, but it would remove the power of a few men in the Senate to engage in filibusters against legislation at the end of the session. At present the last session of any Congress meets on the first Monday in December after another one has been chosen. It must adjourn automatically on the 4th of the following March, whether business is completed or not.

During this entire three months' session it must work with a stop watch at its side, which necessitates haste and lack of proper consideration. During the last few days of any session any group of Members of the Senate who may wish to organize to prevent legislation have the opportunity to do so, and frequently the temptation is great and may be prompted by laudable motives and by a sense of public duty and responsibility. But it is likewise capable of much harm when abused.

The short session also places entirely too much power in a small group of Members of the House of Representatives by giving into their hands the power to determine what, or whether any, legislation shall be considered during the whole of the session. No such autocratic power should be lodged in the hands of any half dozen men in any parliamentary body that calls itself free. The evils of this whole system have been and are being manifested in the present session. The whole Congress has been compelled to work at high speed and with a nervous tension which are incompatible with careful and deliberate consideration of important problems, all because everybody has had his eyes on the 4th of March, when we must quit whether through or not. At best our work will be

incomplete, and while for personal reasons practically every Member would wish to have a long vacation of nine months it is almost incomprehensible that the American people have so long permitted a system which sends Congress home for nine months in the midst of conditions which might demand important legislative action, but which can not be had unless the President wants to call Congress in extra session. It is no answer to this to say that the people may need a relief from legislation. It is only another step to say that the people might well exist without a legislative body and that the autocracy of the dictator is after all to be preferred to the will of the people expressed through their chosen representatives.

Therefore I favor the amendment to the Constitution which I have been discussing, because—

It will restore what was manifestly the original intention of the framers of the Constitution.

It will make Congress more immediately responsive to the will of the people, which is the object of all self-government.

It will remove the autocratic power of a few men in the House and make unnecessary the further limitation of debate in the Senate.

It will remove the temptation of repudiated Members of both branches to shape their course in a post-mortem session by bending "the pregnant hinges of the knee that thrift may follow fawning."

It will afford ample time for real deliberation on measures of transcendent importance and will bring our parliamentary procedure in line with modern methods of legislation throughout the world.

It will go far toward restoring in the people that confidence in their legislative methods and the integrity of their Government which is essential to the full enjoyment of liberty.

It will bring into greater harmony the conceptions of Federal, State, and local Government, which, after all, are all ordained alike that organized society may enjoy an orderly progress and the people may feel a pride in the processes by which this is accomplished.

In short, the change ought to be made because it will be in the interest of promptness, efficiency, responsibility, and propriety.

The people all over the Nation desire it. The press in every State, with few exceptions, has urged it. The American Bar Association, made up of conservative lawyers from all parts of America, has repeatedly indorsed it. The complexity of our modern legislative system requires it. The voice and the conscience of progressive and enlightened men and women demand it. Let us have it.

ARTICLE BY PAUL U. KELLOGG ON "DROUGHT AND THE RED CROSS"

Mr. ROBINSON of Arkansas. Mr. President, I ask leave to have printed in the RECORD a comprehensive discussion by Mr. Paul U. Kellogg on the subject Drought and the Red Cross. The article contains information which I believe is of value.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DROUGHT AND THE RED CROSS

By Paul U. Kellogg

When in 1927 floods swept the Mississippi Valley there was a general lifting of spirits as Herbert Hoover dropped his work at the Department of Commerce and set out for the bottom lands. He was the field marshal for the job. The work of succor and rehabilitation moved with swiftness and competence.

Last summer the most severe drought in the climatological history of the United States scorched not only much of that same region but areas in 21 States. The devastation was not so spectacular but the distress may mount to vaster proportions. Yet with Mr. Hoover chained to the White House, not the field marshal this time but a sort of war cabinet and general staff rolled into one, things were still at loose ends into February, with feelings upset at both ends of Pennsylvania Avenue, with a belated Red Cross drive for ten millions for drought relief at loggerheads with the Senate's attempt to appropriate twenty-five millions to the Red Cross, and with more public attention centered on controversy than on the tremendous human stakes in crossroad villages, parched farmlands, and dropless plantations.

The size of those human stakes were set forth by DeWitt Smith, assistant national director of domestic operations, in the Red Cross Courier for January 1. By the Mississippi flood of 1927, "170 counties were affected in 7 States, involving a population in the flooded territory of approximately 930,000." Red Cross assistance was extended to a total of 120,732 families.

"Enormous as was that operation, the figures are dwarfed by comparison with those of the present drought situation. Measured by the counties to which reduced freight rates are extended upon certification of the Department of Agriculture, about one-third of the entire country is affected—a total of more than a thousand counties in 21 States. The rural population of these counties alone has been estimated at 17,000,000. And some of them embrace territory in which transportation and communication are particularly difficult. No one knows the number of families that may need assistance during the winter."

President Hoover was quick to sense the situation last August. He called a meeting of governors and appointed a Federal Drought Committee under the chairmanship of the Secretary of Agriculture, including representatives of the Federal departments concerned and the Red Cross. Twenty State and many local committee organizations were set up to deal with the situation. The objectives, as stated at the time, and as recapitulated by Mr. Smith, were to "assist families over the winter who were deprived of means of support through failure of crops, to prevent unnecessary sacrifice of livestock and to protect the public health. It was designed to accomplish these purposes through the development of new opportunities for employment, the creation of additional credit facilities, the reduction of freight rates and finally, as a last resort, through the administration of relief by the Red Cross."

Information as to local needs was gathered, reduced freight rates obtained on shipments of livestock and foodstuffs into and out of the drought-affected areas, certain additional Federal road funds were made available.

The Drought Committee could draw on a balance of half a million dollars left over from the original $6,000,000 appropriated for loans in States affected by storms the year before. Such credit could be made available through the county agents of the Department of Agriculture, but of the drought States, it was available only in Missouri, Oklahoma, Virginia, and Alabama and could not be drawn on for some of the most seriously affected areas.

Late in November a conference was held at the Department of Agriculture at which representatives of the State committees, Red Cross officials, and congressional leaders were present. This was at the time when a moratorium on politics was announced at the White House, and the ground laid for cooperation between leaders in both parties so as to speed up emergency measures with the assembling of Congress in December. This conference breathed the spirit of such a united front. Reports from the drought States indicated the seriousness of the crisis, and those present united behind a program for loans to families in the stricken areas, similar to the storm-credit measure of the year before, for the purchase of seed of suitable crops, fertilizer, feed for work stock, and fuel for tractors used for crop production.

The participants were conscious of the need for food, but there was talk against doles and the Department of Agriculture was disinclined to be regarded as a relief agency in that sense. On the other hand, there was practical recognition of the fact that a lot of the money would ultimately go for food anyway, as the borrowers were not likely to use it for mules if their children were hungry. No public announcement was made as to the amount of the loan fund, but the figure frequently mentioned in the discussions was $60,000,000.

The President recommended emergency legislation along these lines in his message. Meanwhile Senator MCNARY, Republican, and Congressman ASWELL, Democrat, had set about drafting a nonpartisan measure which would carry out what they conceived to be the intent of the conference. Their figure was $60,000,000 and they included loans to families for food. This was a departure, but I was credibly informed that experts of the Department of Agriculture were called in to go over the draft, and offered no objection. The bills were introduced concurrently at the opening of Congress. It was at this point that cooperation broke down—or took that form which Senator ROBINSON of Arkansas, the democratic leader in the Senate, described as of the sort when "one man shall walk away and another follow." Without conference or warning, an alternative administrative measure was introduced with the food loans excluded and the amount scaled down to $25,000,000. The Senate passed the $60,000,000 measure; the House the $25,000,000; and in due course, to get some measure through before the holidays that would lay the ground for relief, a compromise was reached in the sum of $45,000,000 and with the food provision left out.

But meanwhile the fat was in the fire. The Capitol was full of Senators and Congressmen, just come from the drought States, to whom the distress there was not a matter of statistics but of bitter human needs in terms of their constituents. Both Democratic and Republican leaders, associated with what they conceived to be the common understanding, felt that they had been let down. There was rebellion and vehemence. There was some hard sledding for the measure asked for by the administration, appropriating $110,000,000 to be allotted by the President and Cabinet for immediate emergency construction projects previously authorized. On the day it passed, the President issued a statement at his regular press conference, lumping together all the bills of one sort or another, "mostly in the guise of giving relief," introduced by Members according to their own lights or at the request of constituents. His round sum of a four and a half billion increase in expenditures over and above what he himself recommended was something like saying that the Members of Congress wanted to live a thousand years because they individually hoped to reach the allotted span. "Prosperity can't be restored by raids on the Public Treasury," he said; and while what he went on to say was aimed specifically at organizations and agencies outside Congress, what the Hill caught was the phrase, "playing politics at the expense of human misery."

Those who had fought for the $60,000,000 appropriation and regardless of technicalities wanted to get food to hungry countrysides, and who felt that they had been short-circuited by an administration which had talked cooperation, were especially sore. Secretary Hyde had denounced the extra thirty-five million of the original bill as a dole. Senator ROBINSON of Arkansas, the Democratic leader, led the fight for the full sixty million. "It is all right to put a mule on the dole," he said "but it is condemned, I see, to put a man on a parity with a mule." And Senator LA FOLLETTE introduced his resolution that "the relief of human suffering in this emergency should take precedence over consideration of the interests of wealthy income-tax payers." Senator

CARAWAY, of Arkansas, was one of the most vigorous in his plea for the drought sufferers and scathing in his attacks on the President.

"You can't tell me that Herbert Hoover hasn't as big a heart as any man in the country," said one of his ardent supporters in commenting on developments to me, "and you couldn't have told me that he would let men like CARAWAY beat him to it in projecting aid to those drought areas; but he did." There had been more feeling in the President's call to defend the Treasury against raids than in his public espousal of the needs of the drought areas. And it had had sharper focus.

What then had been the President's line? It is known that in October men in the confidence of the White House, notably Ogden L. Mills, Assistant Secretary of the Treasury and treasurer of the American Red Cross, favored a joint drive for voluntary contributions for unemployment and drought relief. Figures as high as $200,000,000 were mentioned, and some of his friends visualized the great organizer of European relief marshaling his countrymen in the conquest of domestic misery.

This project ran into a snag. Leaders in the community-chest movement throughout the country dug in their heels. They were anxious lest it take the wind out of the sails of their local fall drives on which the whole range of community activities in city after city would depend this winter. Their objections reached deeper; such a centralized money-raising scheme might weaken the sense of local responsibility. The move was not projected after conference with the people who would be expected to shoulder the load of money raising or the load of carrying on the work. But accepting it as inevitable, a sort of inverted war-chest scheme was suggested as an alternative; the larger share of whatever was raised in any city to stay there to meet local needs.

From another angle the project was questioned as something which would boomerang upon the President if launched in the midst of the fall political campaign. The point was made that he would be charged with playing politics with human misery—a thought which, if it reached the President, may unconsciously have led him into his later reflections. The upshot of these negotiations was that the national fund was deferred until after the elections and until after the chest drives, and then faded out of the picture.

In the sketchy budget associated with this move the share mentioned as likely to go to the Red Cross was as high as forty millions. There is no indication, however, that the Red Cross was the instigator of the plan. Throughout the fall it had been extending its work in the drought area, and its central committee had appropriated as much as should be needed of its disaster reserve of five millions. Up to January 1 roughly half a million of this had been spent.

The Red Cross is, of course, a semiofficial organization, chartered by Congress, with the President of the United States as its titular president.

Its war-time home service work has persisted and developed in rural areas, its rural nursing grown, its varied services to Army and Navy continue in peace time; but its largest responsibility is as an emergency organization ready in time of war or disaster. It operates through chapters, with their voluntary members; but has built up an experienced and able operating staff of which James L. Fieser, vice chairman, is chief. It looks to its annual roll call for current funds, but not only has it conserved as reserves to be used in emergencies some of the funds unspent when the war stopped short but has played safe by having also in reserve the money that would carry it for a year. With so large an organization, charged with such serious responsibilities, the course seems eminently sound. The grant of power in its charter is affirmative, but its experience has led it not to attempt to extend relief in strikes, business depressions, failures of crops, or other forms of unemployment which have been considered part of the normal hazards to which agriculture and industry are subject from time to time.

"However," reads its Disaster Relief handbook, "where there is suffering and want from any cause and the fundamental needs are not being met, chapters may participate in community action in extending relief. If a continued widespread condition of drought produces a famine situation, it may be necessary for the national organization to carry on a relief program in accordance with the obligations of its congressional charter."

Funds held by the national organization of the Red Cross

(Based on the balance sheet of November 30, 1930, and supplied by James H. McClintock, vice chairman, American Red Cross)

ENDOWMENT AND RESERVE

The Red Cross has a permanently invested endowment of $6,255,000 and reserve of $5,000,000, or a total of $11,253,000, the interest on which is approximately $500,000 per year, is available for the general purposes of the organization	$11,253,000

GENERAL FUNDS—COMMITTED

1. The disaster fund of $5,000,000, which last fall was appropriated for drought relief, of which $1,487,900 has been expended to Jan. 21	3,000,000
2. The sum of $2,226,000 to provide for the budget of the Red Cross for the balance of the fiscal year from Dec. 1, 1930, to June 30, 1931, including normal disaster service and the other normal programs	2,226,000
3. Balance of war-time funds, amounting to $1,734,000, which is held and committed for the continuance of work for the benefit of disabled ex-service men and women over and above the part of such work which can be included in the general annual budget above	$1,734,000
4. The sum of $850,000 set aside for the cost of a permanent building (including equipment and treatment of the site as recommended by the Commission of Fine Arts) to replace the war-time frame office building, the use of which must be discontinued. The Congress has made an appropriation of $350,000 toward the cost of this building	850,000
5. Balances of miscellaneous funds amounting to $158,000, which have been given to the Red Cross restricted for certain definite purposes	158,000
	9,968,000

GENERAL-FUND BALANCE

There remains the sum of $4,658,000 for the continued support of the other obligations of the organization, including immediate response to any other domestic disaster which may occur; the continuance of our regular program of public-health nursing, first aid and life-saving, nutrition, home hygiene and care of the sick, Junior Red Cross, work for the Regular Army and Navy, and the regular work for ex-service men	4,658,000
Total general funds	14,626,000

(Tabulation of figures, ours. The total, all funds for all purposes, including endowment, is $25,879,000.—Editor Survey.)

Since July, 1919, the national organization of the Red Cross has expended $87,000,000 over and above all of its receipts during that period. Its annual expenditures, therefore, have averaged more than $3,250,000 per year in excess of its total annual receipts during that 11-year period, largely for disaster relief and ex-service work.

So we find the Red Cross feeling its way deeper and deeper into the drought situation throughout the fall. Red Cross relief is based upon need, not loss. John Barton Payne, the chairman, assured the President that it was "prepared to relieve actual distress in the premises." Those premises, it was soon discovered, were much complicated by industrial unemployment, lowered commodity prices, preceding floods and crop losses from other sources, and the general economic depression which followed the stock-market crash of October, 1929, and which considerably discounted the charitable resources of the drought States. On the other hand, national headquarters felt that the "need could be dealt with effectively only by decentralizing it to the local chapters and branches," and a special organization was set up with headquarters in each of the States of Arkansas, Kentucky, Louisiana, Mississippi, Oklahoma, and Texas under the direction of experienced disaster-relief workers.

The situation varied so much in the different regions affected that no rigid program was laid down but rather a "strict case consideration by States, counties, and families." The early emphasis was on self-help—on seed for pasturage and gardens to families not otherwise able to obtain it for a fall crop. This was designed to supplement the program of the Department of Agriculture which was in position to make loans for seed in only a few of the States. The work went forward in 238 counties, and 240,000 acres were planted. More turnips, we are told, were grown in Arkansas last fall than ever before in its history. The seed program cost of $326,832, of which $55,179 came from local chapters.

By the end of December food, clothing, and other relief (in addition to seed distribution) had been given to 49,963 families, representing 250,000 individuals, in 338 counties in 17 States. Over $500,000 had been spent for food and other items. And up to the first of the year local-chapter funds and collections had turned in roughly $400,000, the national organization about $450,000. It has ever been the policy of the Red Cross to stimulate local self-help so far as possible. Throughout the fall it laid the framework for the stress the winter would bring. It stimulated local committees, distributed the blanks which are the basis for reimbursement to the local chapters for their outlays to families, and projected into the areas 150 special field representatives, all experienced Red Cross people drawn from its varied activities or recalled from private life.

At the same time, so far as publicity went, Red Cross relief was kept in the background. It was felt to be "psychologically unsound to have the impression gain ground that the Red Cross would extend relief until after other resources were fully developed." Thus before the Senate Committee on Appropriations on January 6 Mr. Payne testified that "our feeling has been, and I so advised President Hoover perhaps six or eight weeks ago, that if we are permitted to proceed in our normal way—that means without clamor—we might get through the winter with our present resources [the $4,800,000 left in the disaster reserve fund]."

In his message to Congress in early December President Hoover referred to the Red Cross as the agency to be looked to to handle the job. That was not exactly clamor. Yet at least it was a loud whisper. It left the Red Cross in the position of holding the bag of a big situation without new emergent funds. Yet a month later, in his testimony before the Senate committee, Mr. Payne, while recalling that $17,000,000 was raised for flood relief in 1927,

put aside the queries of the Senators as to whether more money were not needed for the drought area. "I do not say that we can get through on four and one-half millions, but I say if we get toward the bottom of the barrel, we will yell." On the same day Secretary Hyde, after a conference with Judge Payne, reiterated that the Red Cross could handle the emergency alone; he was "perfectly certain it has the funds, the ability, and the organization."

Within the week the Red Cross "yelled," or rather on January 10 the President, in a letter to Chairman Payne, approved of a public appeal for ten millions to aid the farmers of the drought area. It does not seem likely that Mr. Payne changed his mind in the intervening days; certainly the barrel was not exhausted (it was drawn on for $155,255 the first five days of January). If the central committee of the Red Cross held a meeting in the interval, I did not hear of it. Mr. Payne is an able, courageous, and realistic Virginian, who has given time and means in his later years to the Red Cross. He has kept the drought negotiations between the society and the Government in his own hands. He was mindful of the need in the drought area. He had 76 acres of excellent land in corn on his farm in the Piedmont district last summer, and said he did not gather a bushel from it. He was proceeding on the principle that the Red Cross might be able to swing the situation quietly on its disaster reserve, whereas with a drive and the attendant publicity local resources would fade, demands would roll up, and two or three times that amount of money would be needed. He doubtless hoped to recoup the five millions by an appeal later on and link with it whatever sum was found to be needed to tide over the winter.

The President's appeal precipitated a deadlock between the House and Senate over an amendment which would have added $15,000,000 for food loans to the drought credit bill. Some were quick to assume that the President took things into his own hands and reached for the Red Cross to spike that amendment. Others felt it represented an alternative method to accomplish the same purpose, one more to his mind; and once his mind really came to focus on that phase of the drought situation, he was for swift action of a caliber more commensurate with the mounting need. The weakness of the situation had been that the Red Cross had hung on his decision rather than developed its own position by competent assays by its experts in the field. Such an appraisal by early December at least must have foreshadowed the situation as it has since been uncovered and would have been an adequate basis for reconsidering resources and acting accordingly. Or the situation would have been clarified in a long-headed way had the Red Cross sent an experienced commission of inquiry to the drought areas in November. The personnel of the Red Cross central committee itself would scarcely qualify for such a body; it is distinguished but not expert.

Up to the end of December, the local chapters were meeting half of the load, but they were about at the end of their tether. On January 15, 552 chapters in 19 States were extending aid. Of these 222 were being given financial assistance from headquarters; by the 20th, 276 chapters were drawing on Mr. Payne's barrel; by the 26th, 364 chapters; and total outlays of the national body had passed two millions.

The slowness with which drought credit could be available had left the Red Cross up till mid-January the only agency bringing such help into drought States which did not coincide with the storm States of the year before. In addition, when help from the drought loans should come, its scope was further narrowed by the interpretation put upon it by the Department of Agriculture The phrase "for such other purposes" was construed as too vague to mean anything. On the other hand, the bill specifically focuses on loans for "work stock." Thus sheep, cattle, hogs, poultry are by the rulings excluded, and feed for these animals which would mean food for humans—mean mutton, milk, ham and eggs—was added to the load of the Red Cross. And a succession of bank failures throughout the Southwest had further crippled the local resources to be counted upon.

It is at once the weakness and strength of such a decentralized organization that the whole is often judged by either the excellences or the mistakes of its far-flung units. The pressure from headquarters has been not only to counsel against loose spending by some units but to lift the standards of others. The press dispatches from England, Ark., may have mixed the 500 families being cared for with the number which clamored for relief; the incident unfairly represented the work of the organization, but, as Will Rogers put it, "Paul Revere just woke up Concord. These birds woke up America." And perhaps more than Mr. Rogers himself, ex-President Coolidge, Amos and Andy, and the other cast of characters the Red Cross swung into line, they gave a shove to action all up and down Pennsylvania Avenue.

As invariably happens—when the Red Cross unlimbers a drive for emergency relief it was subject to the cross-fire that it was concealing and hoarding huge funds in the face of human misery almost impossible to picture." This time the attack came from Mercer G. Johnson, director of the People's Legislative Service, who charged that the Red Cross was holding back "$38,000,000 now available for disaster while it disclaims responsibility for feeding America's 5,000,000 jobless and helps block direct congressional relief." And in the Senate debate on January 14 Senator THOMAS of Oklahoma read into the RECORD a list of securities totaling $26,480,665 from the report for June 30, 1930, of Ogden L. Mills, American Red Cross treasurer.

Vice Chairman James K. McClintock gave me a condensed balance sheet for November 30, 1930 (see p. 537), which shows a total for all purposes, including endowment, of $25,879,000. It would seem that outside of its five million endowment and its committed funds, and in addition to the five million disaster reserve which it appropriated last fall to drought relief, the Red Cross could throw in its five million general reserve and perhaps an equal amount from its general funds, recouping the latter from its current roll call. But such a course would strip the organization, jeopardising its going work, and give it shaky footing in facing any new emergency. At the close of the war the Red Cross had unexpended reserves of fifty millions; these it has eaten into; but a long-headed, common-sense defense can be made of its stewardship in conserving some cushion. It was unfortunate that Chairman Payne did not place the five million disaster reserve, a revolving fund, enabling it to swing into any emergency without delay, against the whole structure of Red Cross finance in his testimony before the Senate Appropriations Committee. It is only by reiterated and all-round candor that misconceptions on this point can be avoided.

But, on another side, the situation confronted by the Red Cross was in no sense ordinary. If there is such a thing as a normal disaster or a disaster in normal times, the rest of the country can be counted upon to come forward with help. Such was not the case this winter. There was not the customary swift mustering of quotas. None the less, by January 31 the Red Cross had raised half its ten millions, or as much as its original disaster reserve.

Meanwhile the Senate leaders, who had yielded to the forty-five million compromise on the drought credit bill and had lost out in the eleventh-hour-effort to add fifteen millions specifically for food relief, had returned to the attack from another quarter. On January 14, the day that the Senate receded on the credit measure and by a viva voce vote adopted the conference report, Senator ROBINSON served notice of his intention to attach a rider to one of the department appropriation bills which would turn over twenty-five millions to the Red Cross, singling it out as a nonpartisan, nonpolitical channel down which Federal funds might be sent to the easement of human discomfiture.

For the insurgent elements in the Senate had by no means taken their defeat lying down. "Wouldn't it be a glorious Christmas present to give a man money to buy food for his horse and hogs," Senator HEFLIN had asked, "and refuse it to him?" "The best way to feed the unemployed would be to move them to China and Russia," argued Senator BARKLEY, referring to the Federal grants which in earlier years Mr. Hoover had sponsored overseas. "Why is not money loaned to feed a mule a dole," asked Senator CONNALLY, "just as much as money loaned to feed women and children?" And Senator CARAWAY, noting that the United States Treasury had just turned back to the estate of one man more money than the proposed grant to the Red Cross, went on: "In the name of God and in the name of humanity I want to ask, Is it possible we have become such a hardened race of people that we, to save a few dollars of taxes, are willing not only to doom a million American people to suffering, to a winter of cold and hunger and rags and scant rations, but to send many of them to their graves and leave others hopeless cripples to struggle with the years to come?"

Back of such flare-ups there was serious lack of conviction in the Senate as to the administration's course in the whole matter and a determination that Congress should not default in getting Government aid, one way or another, through to the drought sufferers themselves. As ROBINSON put it, "The President and the Red Cross did little and would have continued that policy of doing the least possible had not the Senate taken the initiative and made a drive which has forced both the President and the Red Cross to a partial realization of the danger ahead." And on January 19 the Senate, by a vote of 56 to 27, passed his amendment to the Interior Department bill appropriating $25,000,000 for use by the Red Cross in extending relief to the drought sufferers and the unemployed. For, in deference to Congressman LAGUARDIA and other champions of city districts, the scope of the fund was broadened. Southern Democrats, whose first concern was relief to the drought sufferers, were thus, by these delays and inhibitions, brought to make common cause with Republican progressives in the Senate, who were primarily concerned with constructive measures with respect to unemployment but were rallying to the idea of Federal relief to tide over the mounting distress in our industrial centers. At the Senate hearings Mr. Payne had made clear that Red Cross funds, whether adequate or inadequate, did not touch unemployment, which was considered outside its scope. Arthur Woods, as chairman of the President's Emergency Employment Committee, had told of stimulating city and State relief committees, but fund raising was not part of his commission. Especially concern was expressed for the plight of workers in one-industry towns and outlying areas who fell between the rural work of the Red Cross and the city work of the chests and emergency funds. In the Presidential camp the move was regarded as the entering wedge of Federal outdoor relief, the camel's nose of the "dole," with the bonus payments to war veterans as its haunches. The divergence between the two moves, however, is illustrated by the Scripps-Howard press, Hoover supporters in the 1928 campaign, which has been battling daily against the cash payment on bonus insurance certificates while championing a rounded program of drought relief, unemployment relief, and the long-range Wagner unemployment bills.

The day before the Senate vote the President announced a committee for the Red Cross drive, under the honorary chairmanship of Mr. Coolidge, and with two Democratic presidential nominees, Mr. Davis and Governor Smith, among the vice chairmen. Incidentally, in the list of 52 sponsors for the drive there was no social worker, although the cause was central to the

normal disaster service and the other normal programs	2,226,000

while recalling that $17,000,000 was raised for flood relief in 1927,

total for all purposes, including endowment, of $25,870,000. It

activities of this new profession. It was like a broadside in an epidemic without a doctor of medicine.

In his call for support, the President laid down the gage of what he designated as the "American way of meeting such a relief problem," "through voluntary effort." "For many years this effort has been concentrated on the Red Cross." He went on:

"It is essential that we should maintain the sound American tradition and a spirit of voluntary aid in such an emergency and should not undermine that spirit which has made our Red Cross the outstanding guardian of our people in time of disaster."

Next day, the day of the passage of the Senate amendment, the Central Council of the Red Cross adopted a statement which read in part:

"In our opinion it is best as a question of public policy that the Red Cross should remain a purely voluntary organization. We believe that the interests of the country and of the Red Cross will best be promoted by continuing to rely on the generosity of the Nation and by adhering to the fundamental principles on which this organization was founded.

"We consider ourselves charged with the responsibility in the drought area; we are meeting the needs and will continue to do so.

"It is realized that the generosity of the American people is being severely taxed to meet the various acute situations which are developing in our industrial centers. The necessities of the case, however, demand serious sacrifice. It is a situation comparable with that existing during the war and we urge the people to recognize this responsibility to the end that this money will be forthcoming from voluntary contributions as it has been in every major disaster in the past."

And when on January 28 Chairman Payne testified before a subcommittee of the House Committee on Appropriations, which was considering the Interior Department bill and the Senate rider, he offered a further resolution of the Central Committee of the Red Cross. This affirmed its ability "adequately to complete the task it has undertaken in the drought-stricken areas," assumed "responsibility for completing said task without public appropriations"—and expressed the sense of the committee that "the Red Cross can not accept the administration of the funds for general-relief purposes as provided for under the terms of the bill."

The Scripps-Howard press later brought out that of the 18 members of the Red Cross Central Committee, 11 were present when this resolution was adopted and of these five were presidential appointees.

Judge Payne added his own opinion that the Red Cross would be able to cope with the situation even if it should grow to "three times what we have estimated." The Red Cross could easily raise the 10,000,000 if "Congress would let us alone" and not "paralyze our efforts." He told of wires from the St. Louis and Kansas City chapters to the effect that they would refund subscriptions if Congress should make an appropriation. In the central committee's statement of the 19th, individuals were cited who had been asked to subscribe to the fund but "questioned the necessity of subscribing because of various proposals in Congress to appropriate funds." Unquestionably the Senate's overtures have hampered the Red Cross drive; but that is only part of its hard sledding. It was not till January 14 that Senator ROBINSON served notice of his amendment; the President's announcement of the drive was on January 10. Lacking preparation, and competing with local appeals for help, it got off to a slow start in those few days. From sources outside of the Red Cross I learned that at least two of the leading city chapters which had not been canvassed in advance of the move, wired stiff protests because those cities were already overwhelmed by the need for unemployment relief.

The following day Judge Payne gave out a statement, underscoring that the amendment was a general relief bill and not a drought bill. It would, he contended, embarrass the 360 community chests and other relief agencies. Providing just a fraction over $1 per person for the 5,700,000 estimated as unemployed, it invited "certain failure and probable disaster." "For these reasons," he said, "the central committee, after mature consideration, felt constrained to refuse the administration of the bill." By a vote of 18 to 11 the House Appropriations Committee rejected the amendment; and on January 30 the House did likewise, 224 to 90, sending it to conference; and rejecting substitutes to put the fund in the hands of the President. Apparently no move was made on either hand to save the baby in throwing out the bath—by limiting the appropriation to drought relief.

The Senate Democrats thereupon ended their truce and issued an ultimatum laying down prerequisites "in order to escape what many of us would like to avoid—an extra session." These measures included fifteen millions in loans for food in the drought area, twenty-five millions in general relief, five millions (of the original forty-five) to be used as capital stock of agricultural credit cooperatives, the purchase and distribution of 20,000,000 bushels of wheat from the Farm Board, three millions for rural sanitation, and the reappropriation of moneys returned under the seed, feed, and fertilizer appropriation of 1930.

So this clash between two courses of action with respect to drought relief, which has its counterpart with respect to the enfolding question of unemployment relief, has become a major issue amidst the tensions of the closing weeks of the present Congress. What new and expanded forms it will take before March 4 is a matter for speculation. No one can overestimate the stress President Hoover has been under, or the unstinted hours he puts in at his desk—with the congressional elections, an ebullient Senate, the prospect of an extra session, the Wickersham report, the power fight, the drive of the World War veterans, unemployment, the budget undermined and overburdened. Slowly and piecemeal have the elements in his program with respect to drought relief taken shape so that the public could grasp them.

The concern of the southwesterners was altogether natural, and a conservative Republican Senator from the North told me that had the original joint bill for $60,000,000 been permitted to go through (everybody knew the distinction between feed and food would not hold, in any event, if a family was up against it) all this coil might have been prevented. With our greatest relief expert in the White House, here was a field where an early and convincing lead would have had the country with him. And only more tragic has been the contrast between the vivid cooperation of Herbert Hoover in action, drawing in every element in the flood area of 1927, and the breakdown this winter in Washington when it came to conserving team play among the congressional leaders from those very areas, in the face of a similar crisis.

With his dogged belief in our "rugged individualism," the President has naturally recoiled at the prospect that his administration should see wholesale raids on the Public Treasury. But in his espousal of the "American way" he has tended to confuse things. The contention that historically American reliance has been solely on voluntary contributions, slipped a bit when at the Senate hearings it was brought out that in the Mississippi flood disaster substantial materials and supplies were furnished the Red Cross for which Congress later reimbursed the War Department. In the mid-west tornado of 1925 the State of Illinois made a public grant to the Red Cross, the utilization of which was kept separate, however. It handled a similar local grant at the time of the Ohio flood. At the time of the San Francisco fire and earthquake, Congress appropriated one million and again a million and a half to relieve suffering; and this was the occasion when Edward T. Divine pioneered disaster relief work for the Red Cross and laid the groundwork for its subsequent achievements in this field. Apparently the Federal grant to San Francisco did not dry up that development. Nonetheless the Red Cross record since has been consistently one of reliance on volunteer funds. The only question is whether the flexibility which led it to break tradition and engage in drought relief at all this year, might not lead it to go farther and prove a rule by breaking it—by accepting Federal aid at a time when the need after March 4 is so uncertain and when its normal sources of support are involved in the even wider emergency of unemployment.

"Is the Red Cross holding to the fetish to the extent that it would not accept * * * money from the Government?" asked Senator COPELAND at the Senate hearing.

"If the Congress of the United States should say that they want the Red Cross to do something, we would do it," answered Chairman Payne. That was early in January.

The contention that the American way is solely that of voluntary contributions slipped further when Senator MCKELLAR read into the CONGRESSIONAL RECORD on January 15 a list of grants, including not only aid extended to Russia, Italy, China, but for the relief of sufferers from domestic disasters, the list ranging over Missouri, New York, Florida, Virginia, Illinois, the Ohio and Mississippi Valleys; ranging over fires, cyclones, earthquakes, floods, and what not, and reaching back decade by decade to 1803.

The contention slipped further when in the midst of the controversy Mr. Prosser, who had raised the greatest relief fund of the winter, $8,000,000 (see The Job Line, by Gertrude Springer, Survey Graphic for February), and representatives of the two leading private charitable organizations of New York City, one of them a member of the Central Committee of the Red Cross, called on Mayor Walker, of New York, to solicit a grant of ten millions for the furtherance of this work relief, on the ground that the voluntary fund would not hold out. Of the unemployment relief given in American cities this winter as high as 80 per cent is coming from public sources. As a matter of fact, we have this dual tradition in America, ranging from Detroit, where all relief comes from the municipality, to Cleveland, where practically none does. And the public's bill is likely to get higher rather than lower until by employment reserves or unemployment insurance we shift back onto industry some of the cost of its broken work which is now burying our social agencies.

When it comes to an "act of God," like the drought, clearly, also, there is another and divergent American way—but not necessarily antagonistic. If by doles we mean relief from outside sources rather than mutual aid or self-dependence, help coming from either the Red Cross or the Federal Treasury would fall into that category; and from the standpoint of a back-county household in the Kentucky hills, the thought that it comes from a Government toward which you at least bear the relationship of a citizen may be more palatable than that it comes from a contribution by the X Steel Co., or the Y Bond & Share Corporation, or even generous strangers. The issue concerns rather the process of giving on the one hand and the psychological drag on the other, should great numbers of Americans come to look to Washington for a living. Our experience with pension rolls and pork barrels shows the reality of that danger. And the President would have the saner reaches of the public with him in fending against it. Such dangers should not, however, paralyze practical and pragmatic action in a specific emergency, and the Senate was on as solid historic ground as the White House in wanting to count in the drought situation.

When it comes to the Red Cross, the quandary takes on sharper focus. As a semipublic agency, it has developed a flexibility, a capacity to enlist vast reserves of volunteer service, cooperation, and backing which would scarcely be true of a Federal department.

It has a freedom in relief operations very different from that of any agency whose resources could be called on as a right. Relief giving is a delicate business. If in taking a Federal grant in this instance, the circumstances were not extraordinary enough to make the move self-explanatory, the Red Cross would run the risk that hereafter in every emergency people would say, "Let Congress do it," drying up the sources of generous response and undermining the power of the Red Cross to help as a voluntary association.

On the other hand, there is an equally grave risk in another direction, and that is lest the Red Cross lose its rare position in the public imagination as an agency of action, swift and adequate, in truth a national association conscious of needs, competent to make its own decisions as to when and where and how those needs should be met; not merely an appendage of the administration of the day. Least of all, lest it be conceived, as has been charged in the heat of debate, as something to be manipulated as a pawn in a political clash.

Under the clash is the profound unrest occasioned by the cave-in of our postwar prosperity; the antithesis of a rich nation and its bread lines. The hundred million bushels of excess wheat against the hungry drought lands points this up so that the average man gets it. Will Rogers, for instance, who has the faculty for sensing and expressing what the average man feels—"I don't want to discourage Mr. Mellon and his carefully balanced budget," he wired from Hollywood shortly before he took a hand in the Red Cross drive, "but you let this country get hungry and they are going to eat, no matter what happens to budgets, income taxes, or Wall Street values. Washington mustn't forget who rules when it comes to a show-down." The drought and its aftermath will be over; but if business is down for any length of time, the issue which Mr. Rogers states in the vernacular will have mounting insistence. Since the war the Red Cross has put between four and five millions into Arkansas because of floods, storms, drought. How much more it will put into Senator ROBINSON'S State this winter can only be guessed. But the situation lies deeper than these disasters; it lies in the sunken economic levels of rural life in the Mississippi bottom lands, which leaves the people themselves without reserves. Whether the disheveiment is in agriculture or in industry, relief is a palliative. The solution of the trouble lies neither in one method of relief or another—but in striking out affirmatively to control the causes of the trouble so far as they are of human origin. And there Washington seems even more at loose ends. Or, as Arthur Woods, chairman of the President's Emergency Committee on Employment, put it at that same Senate hearing, "Our composite leadership in this country" has fallen short.

FEBRUARY 1, REPRESENTATIVE TILSON (MAJORITY LEADER IN THE HOUSE)

"Once the Red Cross is destroyed, as it must inevitably be by a Federal dole, and our local charities paralyzed, as they will be when the Federal Government takes over responsibility for charitable relief, the appropriations that must follow as a consequence of such a policy would now stagger relief.

"We are now at the crossroads so far as our charities are concerned. Straight ahead lies the way in continuation of our course thus far as a nation. This road is lined on both sides with 10,000 charitable agencies maintained by generous givers ready to minister to those in need, while the Red Cross, the big brother of them all, keeps loving watch upon every portion of the way, ready to come to the rescue whenever and wherever the need may develop.

"Back of the Red Cross are the hearts of the American people in solid phalanx. This great organization may be appropriately called 'the heart of America.' Shall we stab it to death and make it a cold, lifeless thing by substituting for it a governmental bureau, bound with red tape, administering a Federal dole?"

FEBRUARY 2, SENATOR BORAH

"So far as the drought regions are concerned, no new principle is presented to the American people * * *.

"We are simply proposing to deal with a condition which again and again has been presented to the Congress of the United States—an affliction visited upon our people or upon a foreign people through some cataclysms of nature and in a way which renders it impossible for them to retrieve their condition.

"To my mind, it is no less than intellectual dishonesty to speak of the conditions in those States which we are called upon to relieve as a precedent for establishing a dole system * * *.

"I am perfectly willing, if a majority of the Senate is willing to do the same thing, to say that not another appropriation bill shall pass this body until the hungry are fed, until the sick are taken care of, until the Government of the United States has met its obligations to its citizens.

"To take care of people in 21 States, a million and a half people, and five to six million unemployed, with from eight to ten million dollars is an absurdity. We will either feed these people or we will stay here and tell the American people why we do not feed them."

JURISDICTION OF DISTRICT COURT OF APPEALS ON APPEALS FROM FEDERAL RADIO COMMISSION

Mr. DILL. Mr. President, I introduce a joint resolution to define the jurisdiction of the Court of Appeals of the District of Columbia on appeals from the Federal Radio Commission, and for other purposes, and I should like to have it printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S. J. Res. 256) to define the jurisdiction of the Court of Appeals of the District of Columbia on appeals from the Federal Radio Commission, and for other purposes, was read twice by its title, referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Whereas under the administrative powers conferred by Congress the Federal Radio Commission, after long hearings held in 1928, did, on December 22, 1928, grant certain licenses for point-to-point communications to the Universal Wireless Communications Co., Press Wireless (Inc.), RCA Communications (Inc.), Mackay Radio & Telegraph Co., and Western Radio & Telegraph Co., which licenses, under the radio law of 1927 then in effect, were limited to one year and would have expired on December 22, 1929; and

Whereas said RCA and Mackay companies were not satisfied with the number of such short-wave frequencies granted to them, and therefore appealed to the Court of Appeals for the District of Columbia, which granted a stay order restraining said Federal Radio Commission from issuing the licenses so granted; and

Whereas since said short-wave hearing and since said December 22, 1928, said RCA and Mackay companies have agreed to merge their wireless systems so that there would no longer be any competition between them, although that competition was one of the claims presented by them to the commission in said hearings as the basis for their respective applications for these frequencies; and

Whereas the representatives of these companies, in congressional hearings, have admitted the illegality of the aforesaid merger but have refrained from canceling the merger agreement in the expressed hope that Congress would legalize it and thereby sanction this elimination of short-wave wireless competition; and

Whereas also since said December 22, 1928, the said Universal Wireless Communications Co. has been declared a bankrupt and the commission has taken steps to revoke the 40 frequencies allotted to said company; and

Whereas the Court of Appeals of the District of Columbia now retains jurisdiction over the allocation of said frequencies and indicates that they shall be allocated only to the appellant RCA and Mackay companies; and

Whereas the provision for a 1-year limit on short-wave licenses in the radio law of 1927 was adopted by Congress because the rapidly growing radio art continually developed new uses for such channels, as well as to prevent a monopolization of these valuable Government rights by private companies; and

Whereas such new uses have now become manifest and should be considered by said Federal Radio Commission instead of being compelled to allot them under applications filed for then existing needs three years ago; and

Whereas the criterion as to whether such frequencies shall be allocated, and to whom, is whether public convenience, interest, or necessity will be served thereby; and the issue is between the public and each and all of the applicants, and not between the applicants; and

Whereas section 13 of the radio act of 1927 provides that "the licensing authority is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person, firm, company, or corporation, or any subsidiary thereof, which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, after this act takes effect, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means or to have been using unfair methods of competition"; and

Whereas the United States Court of Appeals at Philadelphia recently rendered a decision in the case of De Forest v. Radio Corporation of America et al., in which said court held that the Radio Corporation of America had unlawfully attempted to monopolize the manufacture and sale of vacuum tubes, etc.; and

Whereas the Supreme Court of the United States (in the WGY case) held that in appeals from the Federal Radio Commission to the Court of Appeals of the District of Columbia, under the radio law of 1927, the said appellate court had "purely administrative powers" as a "revising agency in the same field" as the Federal Radio Commission; that its function was "not judicial in the sense of the Constitution but was legislative and advisory"; and

Whereas as a result of said decision of the United States Supreme Court, Congress has amended the radio law of 1927, materially curtailing the jurisdiction and powers of said Court of Appeals of the District of Columbia and restricting its jurisdiction to a review of questions of law and findings of fact by the commission, and the power to affirm or reverse the decisions of the commission; and

Whereas, it is now more important than ever that said Federal Radio Commission should assign these valuable short-wave frequencies to the most valuable public uses, which can only be determined after public hearings: Therefore be it

Resolved, etc., That the jurisdiction of the Court of Appeals of the District of Columbia of an administrative, legislative, or advisory nature under section 16 of the radio act of 1927 is hereby

in which the natives get free medical and dental attention, but

Mr. McNARY. Mr. President, I ask unanimous consent

at his desk—with the congressional elections, an ebullient Senate, the prospect of an extra session, the Wickersham report, the power

capacity to enlist vast reserves of volunteer service, cooperation, and backing which would scarcely be true of a Federal department.

remarks.

visory nature under section 16 of the radio act of 1927 is hereby

revoked, and the future jurisdiction of said court is hereby restricted to the authority conferred in the amendment to said section 16 of the radio act of 1927, approved July 1, 1930; and that the Federal Radio Commission, after the revocation proceedings against the Universal Wireless Co. shall have been completed, is directed to hold public hearings concerning the allocation of such frequencies, and thereupon to consider the advisability of allotting them at this time, and to whom, in accordance with the provisions of the radio law as now amended.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Interstate Commerce.

Mr. DILL. I desire to say just a word in explanation of the joint resolution.

The hearings affecting the frequencies referred to in this joint resolution were held more than two years ago. The matter has been held in court all this time, and entirely new uses have arisen for these frequencies; and it seems highly improper that the court should attempt to retain jurisdiction of them. The applicants for these frequencies would have been compelled to make at least two new applications for renewal of 1-year licenses. As new uses for frequencies arise, the commission is free to assign them for new uses. No court order should interfere with that freedom, especially when the law has placed stricter limitations on the powers of the court.

THE ALASKA RAILROAD

Mr. JONES. Mr. President, I have a letter from Mr. J. Howard Allen, on behalf of the National Grocery Co. of Seattle, giving a very clear statement of his views with reference to the situation connected with the railroad in Alaska. Attached to it is a brief letter by D. E. Dunbar, of Seattle. I ask that these letters may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., *February 16, 1931.*

Senator WESLEY L. JONES,
Senator C. C. DILL,
Washington, D. C.

GENTLEMEN: As a closing statement to you on our part, expressing not only our own ideas but the ideas of many individuals with whom we have dealings and contact through our commercial relationship with Alaska, and our long personal contact with that Territory, the following is our answer to Senator HOWELL's committee in a limited way, inasmuch as there is not sufficient time before the present session of Congress adjourns to marshal facts and produce a lengthy argument based thereon.

In the treatment of the question formulating their recommendations, the special committee, it appears, has gotten up a splendid brief, as would be expected of any lawyer in behalf of a client. The "client" in this instance, it would appear to our mind, is that it is ill-advised to continue the support of the Alaska Railroad. Those who have such conclusions in their mind must be prejudiced either for lack of the facts or they can not see anything except the actual amount of money that is being spent by the Government on the road. For example, it is foolish, if you will excuse the expression, for the committee to dwell on the fact that so many millions have been spent in Alaska and only a half million per year received. They evidently do not stop to consider that Alaska, according to statistics, has turned into this country several hundred millions of dollars. This is an admitted fact. Returns are constantly coming into the exchequer of the Government in the way of taxes from one source or another, for which Alaska should be given credit. Moreover, that Territory through its business has helped many firms such as ours, and hundreds more, individuals and firms, to show a profit in their undertakings, and on such profits taxes have been paid to the Government. If one were to stop to analyze this source of revenue to the Government, it would be found to be far-reaching and surprising to anyone who is not posted.

We are inclosing a note that our Alaska representative, Mr. Dunbar, passed to the writer as showing in part his reaction to the report of the special Senate committee. He refers to the other two railroads in Alaska, both of which are private undertakings, and which in their own good judgment have foisted exorbitant rates on the communities they serve, and it is easy to deduce that a similar chaotic condition would result if the Alaska Railroad should do what is now proposed; that is, advance their rates to what might easily be termed prohibitive and destructive heights. You will also note from Mr. Dunbar's memorandum what has occurred to the transportation facilities of Alaska since the railroad was created. They killed off the Yukon River Navigation Co., who were operating on a lower basis of freight rates. The country has since adjusted itself to the railroad service, and now to readjust themselves again to river service would leave part of the section of Alaska which we might term the central section high and dry. This section could not possibly by itself maintain this road.

Another thing that is not generally known. People travel from all sections of Alaska now by airplane and consign shipments of furs by airplane to the railroad during all the months of winter, when many parts of Alaska are frozen in and unnavigable, and through this means establish credits in the States. Such transportation from a passenger standpoint makes it possible for these people to have contact with the outside world for the purpose of promoting their different industries.

The question should be considered by taking the standpoint of looking at Alaska as a whole from the Seward Peninsula to the southern part, known as southeastern Alaska. Alaska can not be split up and divided and so be treated fairly. We must stand by the whole Territory and our obligation to it as a whole; else why does this Nation own the Territory at all? We have it, and history tells us we got it for a song. To the people of the West it is not necessary to explain what Alaska has meant to the country since it began to develop its resources through the hard toil and hazards of many individuals. This is particularly so in the case of the people of the Pacific coast, because of their particularly close relations with Alaska.

The committee brings up the question of efficiency in the management of the road. Why should this point be brought into the discussion? Certainly no one has had anything to say on that score excepting the Government. If a governmental department makes a mistake, it is simply an error in judgment, and surely not the first that has been made, though some of them are doubtless not as bad as critics would make them appear.

From letters we have received from Washington it would appear that the committee favored abandonment of the road, and in order to avoid this the Secretary of the Interior agreed to raise the rates and thus try to produce sufficient revenue to cover any deficit. Would it not be possible to prevail upon Senator HOWELL and his committee to tell Secretary Wilbur they are willing to prolong this agony, so to speak, now that the country is informed and advised of the Senate's attitude, and tell Secretary Wilbur not to raise rates at this time, but to wait and see if means can not be found to provide the needed funds next fall to cover any estimated deficit at that time, thus letting the matter lie over until some future time, and so avoid precipitating such an unreasonable and destructive burden on the people of Alaska and the commercial interests that are so much concerned in that territory? Certainly economic conditions do not to-day justify such a destructive policy as the plan outlined.

Some of your senatorial colleagues must certainly have received appeals from their constituents against the proposed treatment of Alaska. We ourselves have letters from New Brunswick, Me., from people with whom we have important commercial relations, informing us of communications they have sent to Senator HALE and Senator-elect WHITE protesting against this action; also a letter from Mr. West, president of the Weiser (Idaho) Chamber of Commerce, telling of their protest to Senator HOWELL; also a similar letter from the Weiser Milling & Elevator Co., of that city, with similar information. We could go on and cite many other instances of cooperation as a result of our own personal efforts, so goodness knows how many could and would rally to the cause of Alaska if a broadside should be started by the entire Pacific coast, which we think will eventually be the case if it comes to a question of seriously considering the abandonment of the road.

Now that the Seattle Chamber of Commerce has taken hold of this question we as a firm feel that we should not attempt to exercise further leadership. This is our duty to our chamber here. We hope for the best.

Yours truly,

NATIONAL GROCERY CO.,
J. HOWARD ALLEN.

SEATTLE, WASH., *February 16, 1931.*

Mr. ALLEN: Reference to the Alaska Railroad situation. Does it not occur to you that the population that is dependent upon the White Pass & Yukon Road, operating only 22 miles of railroad in Alaska, and the Copper River & Northwestern Road, operating 198 miles in Alaska, have not increased since the construction of either of these roads? The reason is the extremely high cost of the necessities of life. As a matter of fact, the population in these two particular sections has shown a considerable decrease.

Before the construction of the Alaska Railroad the American Yukon Navigation Co. operated a fleet of boats from St. Michael up the Yukon River as far as Dawson, besides taking care of the movement of freight and passengers on the Innaho River, the Koyukuk River, and the Tanana River. The advent of the railroad into the steamboat business forced the withdrawal of the competing lines, and they sold their boats, barges, terminals, and equipment for a mere pittance.

The railroad started with an advance of $5 a ton over the rate charged to Nenana and all river points on the Tanana and Yukon Rivers from the mouth of the Tanana down as far as Holy Cross. Since that time they have materially advanced the rates so that their present rate to Marshall in carload lots is $59 per ton, which is very materially higher than it was when boats were being operated from St. Michael to the mouth of the Yukon and up the Yukon.

The Government is complaining quite bitterly because they have taken care of a number of sick people at the Government hospital at Anchorage, but they evidently will not do for a white man or woman what they do for a native. They are just constructing a large hospital at Mountain Village, lower Yukon River,

in which the natives get free medical and dental attention, but when they treat a white man or woman it is a crime if they can not pay.

D. E. DUNBAR.

IMPROVEMENT OF WILLAMETTE RIVER BETWEEN OREGON CITY AND PORTLAND, OREG.

Mr. McNARY. Mr. President, the Senate Committee on Commerce has reported unanimously a bill relating to the improvement of the Willamette River between Oregon City and Portland, Oreg.

By an error, the Board of Army Engineers required a small contribution which upon further study they have found to be a mistake; and they ask that the report submitted in House Document numbered 372 be amended so as to bring about the waiver of the contribution. It is necessary to have early action so that the bill may go to the House, so that the work can go on which is so much desired by the Government.

I present the report (No. 1729) on the bill and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Without objection, the report will be received. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 6024) relating to the improvement of the Willamette River between Oregon City and Portland, Oreg., which was read, as follows:

Be it enacted, etc., That the conditions requiring a contribution by the local interests toward the estimated first cost of the improvement of the Willamette River between Oregon City and Portland, Oreg., authorized to be carried out in accordance with the report submitted in House Document No. 372, Seventy-first Congress, second session, are hereby waived.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MUSCLE SHOALS CONFERENCE REPORT

Mr. McNARY. Mr. President, I ask unanimous consent at this time for the consideration of the report of the conferees on the Muscle Shoals project.

The PRESIDING OFFICER. Is there objection?

Mr. McNARY. If the Chair will withhold the submission of the request for just a moment, I think, in fairness to the Members of this body, it might be well for me to suggest the absence of a quorum, as some Member may desire to object, or to suggest a question relating to the matter.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	La Follette	Shipstead
Barkley	George	McGill	Shortridge
Black	Gillett	McKellar	Smith
Blaine	Glass	McMaster	Smoot
Blease	Glenn	McNary	Steiwer
Borah	Goff	Metcalf	Stephens
Bratton	Goldsborough	Morrison	Swanson
Brock	Gould	Morrow	Thomas, Idaho
Brookhart	Hale	Moses	Thomas, Okla.
Broussard	Harris	Norbeck	Townsend
Bulkley	Harrison	Norris	Trammell
Capper	Hastings	Nye	Tydings
Caraway	Hatfield	Oddie	Vandenberg
Carey	Hayden	Partridge	Wagner
Connally	Hebert	Patterson	Walcott
Copeland	Heflin	Phipps	Walsh, Mass.
Couzens	Howell	Pine	Walsh, Mont.
Cutting	Johnson	Pittman	Waterman
Dale	Jones	Ransdell	Watson
Davis	Kean	Robinson, Ark.	Wheeler
Dill	Kendrick	Robinson, Ind.	
Fess	Keyes	Schall	
Fletcher	King	Sheppard	

The VICE PRESIDENT. Eighty-nine Senators having answered to their names, a quorum is present. The Chair lays before the Senate the conference report on the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes.

(For report see CONGRESSIONAL RECORD, Senate proceedings, Thursday, February 19, 1931, p. 5346).

Mr. McNARY. Mr. President, I ask unanimous consent for the present consideration of the conference report.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the question is on agreeing to the report.

The report was agreed to.

THE CALENDAR

Mr. McNARY. Mr. President, I move that the Senate proceed to the consideration of the calendar under Rule VIII.

The motion was agreed to.

The VICE PRESIDENT. The clerk will call the first bill on the calendar.

The bill (S. 166) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as first in order on the calendar.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 76) to amend Rule XXXII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

Mr. BRATTON. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

PROMOTIONS IN THE MARINE CORPS

The bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. FRAZIER. Let that go over.

Mr. TYDINGS. Mr. President, the Senator from North Dakota probably has a very good reason for asking that the bill may go over, but I should like to present some facts for his consideration.

As the Marine Corps is now constituted, it is so crowded, there is such a large "hump" in the lower commissioned grades—lieutenants, captains, and majors—that unless this or some similar bill is passed, many men will be retired as captains in the Marine Corps after having served their entire lives in that service, because without this legislation it will be impossible so to arrange promotions that a man spending his entire life can achieve any higher rank than captain. I therefore hope there will be no objection to the bill, because if objection is made, and if some remedial legislation is not passed at this session of Congress, it will mean that many men will become so discouraged with their service in the Marine Corps that we will virtually force them to resign.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. LA FOLLETTE. May I ask who it was who moved for the reconsideration of the vote by which the bill was passed?

Mr. TYDINGS. The Senator from North Dakota objected to the bill, and I asked him to withhold his objection until I might make a brief explanatory statement.

Mr. LA FOLLETTE. This bill once passed the Senate, and I note that on June 9, 1930, the vote whereby the bill was passed was reconsidered, and I am asking the Senator if he knows which Senator it was who moved a reconsideration.

The VICE PRESIDENT. The junior Senator from Texas [Mr. CONNALLY] moved the reconsideration.

Mr. LA FOLLETTE. Has the Senator from Maryland conferred with that Senator about the bill?

Mr. TYDINGS. No; but I would like very much to have the bill passed. If we do not pass some bill dealing with Marine Corps promotions, we are going certainly to demoralize the Marine Corps, to a large extent.

I submit to the fairness of the Senate, suppose a man enters the Marine Corps, spends his entire life in that service, and has the prospect of being retired, after 25 or 30 years, as a captain, two grades higher than the rank he held when he entered the service. How can we have a Marine Corps under those conditions? There may be inequalities, there may be some inequities, in this bill; I do not know that there are such, but even so, if we want to save the Marine Corps from demoralization, we certainly ought to pass this

high and dry. This section could not possibly by itself maintain this road.

man or woman what they do for a native. They are just constructing a large hospital at Mountain Village, lower Yukon River,

bill. There are men in that corps who served over in France, men who fought through the war, men with splendid records, doomed finally to be retired as captains after 25 years of service. I say it is an outrage, an act of ingratitude.

Mr. FLETCHER. Mr. President, the bill passed the Senate, and a motion was made to reconsider.

The VICE PRESIDENT. The Chair is advised that the motion to reconsider has already been disposed of, and the question is now on the disposition of the bill.

Mr. TYDINGS. I appeal to the Senate not to penalize men who in many cases fought on the other side, men with splendid records, and condemn them to serve in inferior grades, while officers in the Army and the Navy are entitled to promotion. I say it is unfair.

Mr. FRAZIER. Mr. President, I withdraw my objection, now that the junior Senator from Texas is on the floor.

Mr. CONNALLY. I do not withdraw my objection.

The VICE PRESIDENT. Does the Senator from Texas object?

Mr. CONNALLY. I object.

Mr. TYDINGS. Mr. President, will the Senator withhold his objection a moment? He was out of the Chamber a moment ago when I made a statement regarding the bill.

Mr. CONNALLY. I withhold the objection to enable the Senator to make a speech, if he desires to do so.

Mr. TYDINGS. I will make a brief explanation; time will not permit a long one.

I may say to the Senator from Texas that due to the war a number of officers are now in the Marine Corps, particularly in the grades of first lieutenant, second lieutenant, and captain, and there are so many such officers that there is no way of eliminating this "hump," as the Marine Corps calls it, in order to give the officers who hold lower rank a chance of promotion, as is offered in the Army and the Navy proper.

Under the present system, unless some legislation of this kind is enacted, men who served in France as officers will be retired as captains after 25 or 30 years' service. That is all they have to look forward to; they can not get any higher. They will be retired as captains after life service in the Marine Corps. I know the Senator from Texas does not want that situation to exist.

Mr. CONNALLY. Mr. President, I will say to the Senator that I have no objection to that feature of the bill, but I am not in favor of other features of the bill which would force men now in the service out of the service who do not want to go out, in order simply to afford some other men further down the line a chance to be promoted and get those officers' jobs. That is why I am objecting.

Mr. TYDINGS. Perhaps the Senator's objection is a good one, but will he not offer an amendment to the bill to take care of that situation? I ask him not to oppose the whole bill because, as he sees it, there is one inequality in it. I would be very glad if he would offer an amendment to eliminate that inequality; but let us give these men who have had honorable careers, meritorious careers, men who led troops over in France, a chance to get some recognition in the service to which they are devoting their lives.

Mr. CONNALLY. Mr. President, let me say to the Senator from Maryland that I refuse to be placed in the position which the Senator's remarks would indicate—that I am fighting men who were overseas, and all that. That does not go to the question at all. The calendar will probably be called again before we adjourn, and if the Senator wants to urge the matter, I will look into it further. My objection to this bill is that it makes provision for the promotion of certain officers by eliminating other officers who do not want to be eliminated, and I think the man who is already in should have as much consideration when he wants to stay in as some man who is also in and wants to get a higher rank. That is why the Senator from Texas objected to this bill, and I shall certainly continue to object unless those particular features which I have in mind are eliminated, and I do not think they can be eliminated.

Mr. LA FOLLETTE. I ask for the regular order.

The VICE PRESIDENT. The regular order is called for, and the clerk will report the next bill.

WORKING CONDITIONS IN SOUTHERN STATES

The resolution (S. Res. 49) authorizing the Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. REED. Mr. President, I understand this resolution has been objected to by the senior Senator from Rhode Island [Mr. METCALF] each time it has come up. I think, in his behalf, I will enter an objection now.

The VICE PRESIDENT. Objection is made, and the resolution will be passed over.

INVESTIGATION OF AIRPLANE ACCIDENTS

The resolution (S. Res. 119) authorizing and directing the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco* and certain matters pertaining to interstate air commerce, was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

MUSCLE SHOALS—CONFERENCE REPORT

Mr. HEFLIN. Mr. President, I rise at this time to thank the Senate for its consideration of the Muscle Shoals conference report this morning, especially to thank the conferees for their good work in helping to bring this matter once more to a close. My good friend the senior Senator from South Carolina [Mr. SMITH], one of the conferees, has been in close touch with me since the matter has been under consideration, as well as the Representative from the State of Mississippi, Mr. PERCY QUIN. They have done fine work in bringing about a settlement of this difficult question. It will greatly benefit our farmers for it will provide cheaper fertilizer for them. I know the difficult things they have had to overcome in reaching an agreement. I want to thank them on behalf of the people of Alabama and the people throughout the country who are interested in the disposition of Muscle Shoals and to thank the Senate for adopting the conference report this morning.

Mr. BROOKHART. Mr. President, the last quorum call was had for the consideration of the Muscle Shoals conference report. I think many Senators did not know we were then going to a consideration of the calendar. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Barkley	Frazier	La Follette	Sheppard
Bingham	George	McGill	Shipstead
Black	Gillett	McKellar	Shortridge
Blaine	Glass	McMaster	Smith
Blease	Glenn	McNary	Smoot
Borah	Goff	Metcalf	Stelwer
Bratton	Goldsborough	Morrison	Stephens
Brock	Gould	Morrow	Swanson
Brookhart	Hale	Moses	Thomas, Idaho
Broussard	Harris	Norbeck	Thomas, Okla.
Bulkley	Harrison	Norris	Townsend
Capper	Hastings	Nye	Trammell
Caraway	Hatfield	Oddie	Tydings
Carey	Hayden	Partridge	Vandenberg
Connally	Hebert	Patterson	Wagner
Copeland	Heflin	Phipps	Walcott
Couzens	Howell	Pine	Walsh, Mass.
Cutting	Johnson	Pittman	Walsh, Mont.
Dale	Jones	Ransdell	Waterman
Davis	Kean	Reed	Watson
Dill	Kendrick	Robinson, Ark.	Wheeler
Fess	Keyes	Robinson, Ind.	

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

Mr. BINGHAM. Mr. President, I desire to propound a unanimous-consent request. A little while ago I was told that there was to be debate following the taking up of the conference report on Muscle Shoals. Therefore I went to lunch. When I came back from lunch, to my consternation, I found that the conference report had been agreed to unanimously without a roll call. I ask unanimous consent that the vote by which it was adopted may be reconsidered in order that we may have an opportunity to make some inquiries with reference to the report and in order that those of us who are opposed to it may go on record in that regard.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I shall have to object to the request of the Senator from Connecticut. The fullest opportunity was accorded every Member of the Senate, in connection with the consideration of the conference report, for its discussion, and the vote thereon. I said, when I first asked for the consideration of the conference report, that in order to inform Members of the Senate that it was before the Senate a call of the Senate should be had, which was then had. I then moved the adoption of the conference report. No one seemed to respond, and consequently the Chair, as it was his duty to do under the circumstances, put the question and it was carried and the conference report was adopted.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. McNARY. Not for a moment. I am not going to bring the matter back on the floor of the Senate for interminable discussion. Ample opportunity was given for its discussion. But I shall be glad, so far as I am personally concerned, to give unanimous consent, so far as one Member of the Senate may do so, that there may be a vote upon the adoption of the report. If that meets with the Senator's view of the situation I am agreeable so far as that is concerned.

Mr. BINGHAM. I am willing to change my unanimous-consent request so as to provide that there may be a roll call on the question.

Mr. REED. Mr. President, may I suggest to the two Senators who have just been speaking that some of us who wanted to make some inquiries with reference to the report ought not to be precluded from doing so. I think that the matter would not take over an hour to dispose of. If the Senator from Connecticut would couple with his request an agreement that there should be a vote taken at not later than 4 o'clock this afternoon it would give us a chance to make some inquiries of the conferees and to vote intelligently. I do not think it ought to be delayed over to-day or anything like that; there ought to be no opportunity for prolonging the debate unreasonably, but surely an hour and 50 minutes is not unreasonable in connection with a project which involves a couple of hundred million dollars.

Mr. BINGHAM. Would the Senator be willing to agree that there shall be a unanimous-consent agreement that we reconsider the vote by which the conference report was adopted, and that after the reconsideration each Senator shall be limited to 15 minutes?

Mr. REED. I do not think we need that much time. If some one familiar with the scheme will take the floor and permit me to ask him three or four questions, I shall be satisfied.

Mr. BINGHAM. Would the Senator from Oregon be willing to accept that suggestion?

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. The Senator from Connecticut has the floor. Does he yield to the Senator from New Mexico?

Mr. BINGHAM. I yield.

Mr. BRATTON. Would not the Senator be willing to change the request so as to provide that we take up the Muscle Shoal conference report at the conclusion of the call of the calendar? We are now considering the calendar and probably will complete its consideration within an hour or so. Let me suggest to the Senator that his unanimous-consent request be that we take up the Muscle Shoals conference report immediately upon the completion of the call of the calendar.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Alabama?

Mr. BINGHAM. I yield.

Mr. HEFLIN. I do not see why we should grant unanimous consent to take up this matter again. The Senator from Oregon [Mr. MCNARY] made the point of no quorum for the purpose of getting Senators here to see whether or not they wanted to object to the consideration of the conference report. If we can not get a limitation on debate and an hour fixed to vote on the adoption of the conference report, I object now.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BINGHAM. I yield.

Mr. McNARY. I could not accept the suggestion made by the Senator from New Mexico [Mr. BRATTON] to take up the conference report immediately following the completion of the call of the calendar because the calendar will require the remainder of the afternoon. I do not want to foreclose anyone or deprive anyone of the fullest opportunity to acquire information concerning the Muscle Shoals conference report; but, Mr. President, the subject has been before us for discussion for 14 years. The House recently discussed the matter for two days. I filed the report of the committee of the conference several days ago. The joint resolution under consideration is not dissimilar from those which have passed heretofore. I assume that Members did not want to discuss the question and therefore did not come into the Chamber because they were familiar with the subject matter.

I am willing, as one Senator who can speak for himself alone, to agree so far as it may be done that there may be a full and accurate understanding of the subject matter, but I would not agree to any scheme to bring the matter again upon the floor either following the consideration of the calendar or under a limitation of debate. But if some Senators feel they are not fully advised and if it meets the unanimous views of those Senators present, I would be willing, so far as I am personally concerned, to approve a unanimous-consent agreement that we shall consider the conference report for one hour, if that be sufficient time.

Mr. BINGHAM. That is agreeable to me.

Mr. REED. That is all right if we may have some Senator who knows something about it take the floor in the course of that hour and answer a few questions.

Mr. McNARY. And it is to be followed by a roll call on the adoption of the conference report.

Mr. BINGHAM. Mr. President, in accordance with the suggestion of the Senator from Oregon, I change my unanimous-consent request to the following:

I ask unanimous consent that the vote by which the Muscle Shoals conference report was adopted may be reconsidered; that the Senate immediately thereupon shall proceed to the consideration of the conference report; that no Senator be permitted to speak more than once or longer than 10 minutes; and that a vote be taken not later than one hour after the Senate proceeds to the consideration of the report.

Mr. HEFLIN. If that is done, it delays the call of the calendar. It prevents Senators from having measures passed in which they are very much interested.

Mr. BINGHAM. It will only delay it one hour.

Mr. HEFLIN. I know; but the Senator from Oregon [Mr. MCNARY] told Senators that the Muscle Shoals conference report would not come up on Saturday, but that it would come up Monday. To-day he gave notice that he was going to bring it up and he called for a quorum so that Senators would come into the Chamber and know it was before the Senate. Now, when Senators come in at this late hour from somewhere they ask to reconsider the matter. It is very important that it be closed, and closed finally.

Mr. ROBINSON of Arkansas. Mr. President, in reply to what the Senator from Alabama has said, the proposal for a unanimous-consent agreement contemplates the final conclusion of the matter within one hour after the agreement to reconsider has been entered into. This is an important question. The arrangement that has been suggested will not unduly delay a final decision. In view of the statements

ings, Thursday, February 19, 1931, p. 5346).

Corps from demoralization, we certainly ought to pass this

not think they can be eliminated.

Mr. LA FOLLETTE. I ask for the regular order.

Mr. BINGHAM. I yield.

which have been made by the Senator from Pennsylvania [Mr. REED] and the Senator from Connecticut [Mr. BINGHAM], I think it is fair to enter into the arrangement which has been proposed.

Mr. HEFLIN. Then I withdraw my objection.

Mr. BLACK. Mr. President, I simply want to say that I am favorable to the suggestion of the Senator from Connecticut. I have no objection to it. It would give us only an hour and we can then get a record vote, which I think would be better anyhow.

Mr. NORRIS. Mr. President, in order that I may not be put in a false attitude let me say that I told Senators around me that I would object to a reconsideration as proposed in the original request. I was not in the Chamber when the request was submitted. I know how the motion came about as made by the Senator from Oregon. I think everybody was put on notice. An agreement to reconsider, if it were unlimited, might hold up the joint resolution for the balance of the session. But the Senator from Connecticut submitted his second request, which shows on its face that it is a good-faith proposition. I have no objection to it, and I hope the vote will be reconsidered and that his proposed agreement will be entered into.

Mr. McNARY. Mr. President, I think I have only one objection, and that is with reference to the limitation of time. I should like to add "except in the case of the Senator from Nebraska [Mr. NORRIS]," who has fathered the movement for a good many years. I am going to ask him to make a statement for the conferees, and I am sure he would want more than 10 minutes. I ask that he be allotted 20 minutes under the proposed agreement.

Mr. BINGHAM. Would the Senator consent that those opposed shall have one half the time and those in favor have the other half of the time?

Mr. McNARY. It is very fair that the time should be equally divided.

The VICE PRESIDENT. Will the Senator from Connecticut restate his unanimous-consent request?

Mr. BINGHAM. I ask unanimous consent that the vote whereby the Muscle Shoals conference report was agreed to may be reconsidered; that immediately upon its reconsideration the Senate proceed to the consideration of the conference report; that one hour thereafter a record vote be had upon the motion to adopt the conference report; and that the hour be divided equally between the proponents of the measure and its opponents.

The VICE PRESIDENT. There was a suggestion made that the Senator from Nebraska be granted 20 minutes.

Mr. NORRIS. I have no objection to the request as stated.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Chair lays before the Senate the following conference report.

The CHIEF CLERK. Conference report on the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes.

(For report see CONGRESSIONAL RECORD, Senate proceedings, Thursday, February 19, 1931, p. 5346).

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. REED. Mr. President, in my own time, I should like to ask some questions of the Senator from Nebraska in good faith, as he knows, and solely for the purpose of getting information.

On reading the new bill, which is submitted to us by the conferees, I find the statement that the Muscle Shoals Corporation is to go ahead and complete Cove Creek Dam. I want to ask the Senator about how much he thinks it will cost to do that?

Mr. NORRIS. Mr. President, the bill authorizes the Secretary of War to do that, not the Muscle Shoals Corporation.

Mr. REED. Then, the Government is going to do it?

Mr. NORRIS. Yes.

Mr. REED. How much will it cost?

Mr. NORRIS. Speaking now from memory, the building of the dam at Cove Creek, including the locks—which I do not believe it will be necessary to put in, and in that event the cost will be reduced considerably—and including the transmission line from Cove Creek to Muscle Shoals, would be about $37,000,000.

Mr. REED. I thank the Senator. I am not sure from reading the bill—I read it over hastily only a few minutes ago——

Mr. NORRIS. I assure the Senator I realize he is asking the questions in good faith, and in the same good faith I am going to try to answer them to the best of my ability.

Mr. REED. Does the bill provide for new construction at Muscle Shoals itself, other than a transmission line?

Mr. NORRIS. Yes; the bill provides for another unit for the steam plant, which is already provided for and which has already been built, in fact, except for the additional unit which has not been put in. It also provides for putting in at Muscle Shoals Dam additional generating units according to the original plans, none of which, I may say, has been changed. The additional unit for the steam plant will increase the steam power there to about 120,000 horsepower.

Mr. REED. Approximately, how much will it cost to do that new work at Muscle Shoals, disregarding the transmission lines?

Mr. NORRIS. I have all that information, as the Senator knows, and if I had known I was going to be asked the questions I would have had it here and would have been able to give the information definitely.

Mr. REED. Will it cost $10,000,000 or $20,000,000?

Mr. NORRIS. No; the cost will not be that much, in my judgment.

Mr. REED. Will the Senator tell us what is meant by the phrase that I find in a number of sections, "transmission lines"? Can the Senator define that in miles?

Mr. NORRIS. Yes; I think so.

Mr. REED. About how many miles is covered by that term?

Mr. NORRIS. Of course, transmission distance, the Senator must understand, is something that is likely to vary.

Mr. REED. I presume so.

Mr. NORRIS. A year from now it may be double what it is to-day; it is continually changing. At the present time, for practical purposes, as I understand, transmission distance is about 300 miles. I presume by the use of heavier wire the current could be carried farther than that; but between 250 and 300 miles is about the limit for practical purposes. The current can be carried farther, but more electricity is lost in the greater distances.

Mr. REED. In the present state of the art, then, from 250 to 300 miles is the practical limit?

Mr. NORRIS. Yes.

Mr. REED. Now, can the Senator tell how much it will cost to build the transmission lines for which the bill calls within that radius?

Mr. NORRIS. The bill does not call for any particular number or any particular mileage.

Mr. REED. It provides for building transmission lines within transmission distance.

Mr. NORRIS. Yes.

Mr. REED. Does that mean a network or does it mean a few radial lines?

Mr. NORRIS. The Senator can see, I think, at a moment's glance, that we could not very well define in the bill just where the transmission lines should go. The board will have to exercise discretion in that matter. It is not the intention of the authors of the legislation to provide a network of such lines or that the board shall be allowed to go wild and build transmission lines everywhere.

Mr. REED. I should like to ask a few more questions. Can the Senator tell us how much horsepower of hydraulic current and how much horsepower of steam-generated current will be under the control of the corporation when this project shall have been completed?

Mr. NORRIS. Speaking in round numbers—and some of the figures are estimates, of course—there will be about 120,000 horsepower developed by the steam plant.

Mr. REED. That is at Muscle Shoals?

Mr. NORRIS. That is at Muscle Shoals. And the bill provides that in the dam that is to be built at Cove Creek there must be provision made for 225,000 horsepower. A good deal of the power at Cove Creek will be secondary power. There will not be so very much primary power there, because it is the theory, at least, of those of us who have drawn this legislation, that Cove Creek Dam is a flood-control proposition. That means, as the Senator knows, that the water will have to be let out of the reservoir, and as it is let out there will be much less flow; in fact, we feel that it is one of the reasons why no private party should ever be allowed to build the Cove Creek Dam, because he would want to make all the money he could out of it; he would keep it full all the time; and when a flood came it would simply run over the dam. More power could be obtained in that way.

Mr. REED. I understand Cove Creek dam is regarded as a source of secondary and not primary power?

Mr. NORRIS. Yes. There would be a time when a large quantity of the water would be let out, and it was to take care of that condition that provision is made for the installation of machinery capable of developing 225,000 horsepower.

Mr. REED. What will be the amount of horsepower generated electrically at Muscle Shoals on the completion of this plant?

Mr. NORRIS. In round numbers, the primary power at Muscle Shoals at Dam No. 2 is a little less than 100,000 horsepower.

Mr. REED. But the secondary power?

Mr. NORRIS. Sufficient water goes over the dam at times during most years to develop a million horsepower. So the Senator can realize the large amount of secondary power at Dam No. 2.

Mr. REED. I do; but it is proposed to put in turbines and turbogenerators, and I wondered how much horsepower those generators would be able to produce after the plant shall have been finished?

Mr. NORRIS. I think there can be something over 500,000 horsepower developed by the machinery which will eventually be installed. Engineers estimate that the regulation of the flow of the Tennessee River by the construction of Cove Creek Dam will practically double the primary power at Dam No. 2, and by the use of the steam plant as a stand-by it will increase the primary power 120,000 horsepower. Then there will be times at Muscle Shoals—and there is some provision in relation to it in this very bill—when there will be a large amount of secondary power that will be for sale, if there is a market for it.

Mr. REED. Would the Senator say that after this scheme shall have been completed we may expect from 350,000 to 400,000 primary horsepower?

Mr. NORRIS. I should think so; yes, sir.

Mr. REED. And about a half a million secondary power?

Mr. NORRIS. Yes, sir; some such amount.

Mr. FLETCHER. May I ask the Senator from Nebraska a question?

Mr. NORRIS. Certainly.

Mr. FLETCHER. The completion of Cove Creek Dam will not only serve to develop power and control floods but will also be greatly advantageous to the navigation of the river?

Mr. NORRIS. Oh, yes.

Mr. FLETCHER. That is a very important consideration.

Mr. NORRIS. In fact, I would not advocate the construction of this dam and the installation of the machinery in connection with it as a power proposition alone.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. NORRIS. Mr. President, under all the circumstances I do not want to take the floor in my own time now, but I will be glad to answer any questions which any Senator may desire to ask in his time, and then I should like a few minutes at least to close the debate.

Mr. BINGHAM rose.

Mr. NORRIS. I inquire if the Senator from Connecticut desires to speak?

Mr. BINGHAM. Mr. President, I do not desire to delay the matter at all. I merely want to say that I know most of the people in my State—in fact, nearly all who have written me or spoken to me about this subject—are opposed to the Federal Government doing anything more than either selling or leasing the Muscle Shoals plant in its present state. I respect and honor the Senator from Nebraska for his consistent, constant, and persistent fight in favor of Government ownership. He believes in it; but, just as conscientiously, Mr. President, I do not believe in it. All my life long I have been taught to believe that the prosperity and advancement of our country were due, in large measure, to the opportunity given the individual citizen to proceed as far as he could go within the law. I realize that there was a time when the railroads had a motto, as it was said in my boyhood, "To hell with the public." I know that the express companies treated many customers—I had some personal experiences with them as a customer—with scant courtesy. They had a monopoly, and the customers had to "take it or leave it." I know that some of the public-utility companies have acted in a harsh manner toward the public. Therefore, Mr. President, I believe in Government regulation.

Nevertheless, I do not believe in granting to the commissions that we have set up such power as they have to-day. I do not believe in the present set-up, legally, of the Interstate Commerce Commission. I think that their present powers are contrary to the spirit of the Constitution; that they lead to tyranny. They have the power to make rules; that is a legislative power. They have the power to put them into effect; that is an executive power. They have the power to judge whether those rules have been carried out or not; that is a judicial power.

My ancestors, Mr. President, were among those who came over here in the early part of the seventeenth century, who protested against Star Chamber proceedings, who protested against the power of the Crown to make rules and to put them into effect and judge them. When we set up our Government we expressly put those three powers into separate compartments, believing that such a division was essential for the liberty and happiness of the individual citizen.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Connecticut yield?

Mr. BINGHAM. Not at present. I shall not take long.

However, not being satisfied with the way in which certain public utilities, certain organizations, were running, we have, in an attempt to correct the abuses—and I do not deny that there have been abuses—set up commission after commission with legislative, executive, and judicial powers; and in many cases I believe that there have resulted tyranny and hardship on the individual citizen. I am not referring to any particular thing that the Interstate Commerce Commission has done, or that the Federal Trade Commission has done, or any especial thing that these other commissions have done; but I do protest against the tendency which we have seen on this floor repeatedly to set up commissions with executive functions.

I believe that executive functions should rest in the hands of one individual who can be held responsible. Legislative functions should rest in the hands of a group, a committee, or the Congress itself. Judicial functions should rest in the hands of a group of judges, who have nothing to do with making the laws which they adjudicate, and who have nothing to do with putting them into effect. We should avoid abuses by regulation, not by operation.

Mr. President, this matter of the public utilities, in which the Senator from Nebraska is so deeply interested, and the

tion.

current and how much horsepower of steam-generated cur-

municipal ownership or the Government ownership of which he has been fighting in favor of for so many years, is, to my way of thinking, contrary to the interests of the United States, contrary to the theory on which our Government was founded, contrary to the principles on which we have become a great and prosperous nation. I am just as conscientious in my opposition to Government ownership as the Senator from Nebraska is conscientious in his advocacy of it.

We have here before us to-day, in this Muscle Shoals report, a decision on the part of the conferees to proceed with Government ownership, Government operation, and to a certain extent with a Government lease, provided we can lease the property. Personally, I doubt whether the lease can be carried out. To my mind it is merely another step toward Government ownership.

Mr. President, as a student of history, I believe that Government ownership leads straight toward tyranny and despotism. Every time we create a Government bureau in times of emergency, or because something has gone wrong and we want to correct it, we add a few thousand dollars' worth of more clerks; we add four or five hundred thousand dollars' worth of more bureaus; and we never get rid of them. Look at the size of the Government buildings that are now being built in Washington! See how the Congress frequently takes away from the States and the municipalities and the citizens the right to make their own decisions!

Mr. President, liberty does not consist in the license to hurt your neighbor, and as we become more and more crowded in our cities I agree that it is necessary to curb liberty to a certain extent. Liberty, however, does consist in the liberty to make mistakes. It is from mistakes that we learn more often than it is from successes. It has been said that it is more difficult for a man to stand prosperity and stand success than it is failure. Why? Because success frequently leads to mistakes, whereas failure teaches you that the mistake you have made must not be repeated.

When we take away from our citizens private initiative, and put it in the hands of a bureau in Washington, of employees of the Government, we put it in the hands of bureaucrats who can not be reached except by the long and tedious process of impeachment, who very frequently—as the Senator from Nebraska well knows—treat the ordinary citizen with scant courtesy, although they treat us, when they know who it is talking, with very great courtesy. It has sometimes amused employees of the Senate in the Senate Office Building to call up a bureau and ask a question and receive very scant courtesy in the answer, and then say, "I am speaking for Senator So-and-so," and immediately that scant courtesy becomes superabundant courtesy. The Senator well knows that that is true.

Mr. BORAH. Mr. President——

Mr. BINGHAM. Senators of the United States have visited foreign countries and gone into our consulates and legations at times without announcing their position in the United States, and they have thought they did not receive the courtesy due American citizens traveling abroad, but when it has been discovered who they were the doors were flung wide open, and they received all the courtesy in the world.

I do not find fault with human nature, Mr. President. Human nature has been going on too long for us to find fault with it, but I do think we ought to take it into account. Therefore, I do not like to see any measure passed which means more bureaus, which means more bureaucrats, which eventually means inefficiency, injustice, tyranny, and despotism.

In the Middle Ages the government was the whole thing. No business man could succeed on his own account. The nobles who owned a province owned it and all the business in it, and all the other people there were merely their servants. The governments of Europe in the Middle Ages practiced municipal ownership; they practiced government ownership of everything; and what was the result? It was a long series of wars, told to us boys in the Story of Liberty that so many of us read with such great interest many years ago, when that book first came out. The struggle for liberty that went on through the Middle Ages and through the Renaissance and down to our own time was a struggle of the people against an all-powerful government; and now the Senator from Nebraska and those who believe with him desire to go back to those times. I do not mean to say that they desire to go back to the period of despotism and tyranny and an all-powerful government, but that is the direction in which they are heading. They are heading right back to those days when the government was the business man, when the government owned all business, when the government or the king saw to it that everything was done that he wanted, and no individual had a right to succeed in business or to acquire any property or to make any profit at all. If he succeeded, frequently he was a member of that race which suffered so much in the Middle Ages, a member of the Hebrew race, and his prosperity brought down the hard hand of the government upon him.

Mr. President, since those days the citizens of the United States have proceeded to exercise their own initiative, to exercise their own ingenuity. They own more patents, they invent more things than all the rest of the world put together; and why is it? It is because we have permitted every man who has the ingenuity and the inventive ability to invent something to get a patent from which he may succeed in becoming very prosperous in the course of time. If, however, the Government is to do everything, if we are to go forward along these steps that the Senator from Nebraska desires us to take, we shall eventually discourage individual initiative. We shall eventually discourage the man who has ingenuity and inventive ability, because, as frequently happens to-day in the Army and the Navy, if a sailor or soldier invents something it is held to be the property of the United States, and therefore we do not find many inventions coming out of the Army or the Navy, even though they are just as good Americans, just as keen, just as likely to invent things as other Americans are.

Therefore, Mr. President, with all due respect to my good friend from Nebraska, I oppose this conference report with all the strength that there is in me, because I believe it leads straight toward eventual Government ownership of what should be private enterprises; because it puts more power in the Federal bureaus, in the Federal departments, and in Federal commissions; and that means, in the course of time, inefficiency, injustice, tyranny, and despotism, and does not lead to the liberty and freedom for which we have been fighting for centuries.

Mr. JOHNSON. Mr. President, first let me congratulate and felicitate the Senator from Nebraska [Mr. NORRIS] upon his marvelous accomplishment.

It matters not what may be done in the future so far as this particular report is concerned. It is of no consequence that the Power Trust may exercise its unparalleled influence and ultimately prevent that which the Senate and the Congress are about to do. This is the day of the achievement of the Senator from Nebraska. This his hour of triumph.

Mr. President, the Senator from Nebraska exemplifies that the race is not always to the swift, nor the battle to the strong. His pertinacity, his industry, his ability, and his righteousness have prevailed in this report.

I do not minimize at all what others have done; but his, after all, is the master hand in this particular work and in this success in the Muscle Shoals decision.

Mr. President, I have listened with some amazement to what has been said by the Senator from Connecticut [Mr. BINGHAM]. Tyranny—tyranny there is, says he, in such a thing as we do for Muscle Shoals. The people shall contribute one hundred and fifty millions to a giant enterprise, and then it must not be used in behalf of the people of this land because, forsooth, some private enterprise or some private individual may want to make profit out of what the people themselves have paid for.

Talk to me about big business or about individual initiative! Who so often comes to Congress for aid as big business? Is there an enterprise of consequence to-day in this land that does not come in reality to the Congress of the United States asking its interposition that it may make

more profit? And yet when we say here, and the Senator from Nebraska says, that out of the money of the people expended in their enterprise—money wrung from them by taxation—the people may go forward, and the people may have some benefit, some Senator cries "Tyranny!" and what an awful thing it is for private initiative and for private enterprise.

I stood upon this floor once when this question was being discussed; and I heard a gentleman for whom we had not only an admiration but an affection, who has gone to his reward, a distinguished leader of the Democratic Party, refer to the activities of the Senator from Nebraska as an "iridescent dream" so far as Muscle Shoals was concerned. I bade him then not to despair; for of the dreams that he had empires were made and peoples were freed; and what was then characterized as a mere dream to-day sees the realization; and I congratulate him. Aye, more than that, and in greater degree, I congratulate the people of the United States that finally in this matter the people have triumphed.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. BLACK. I call for the yeas and nays.

Mr. DILL. Mr. President, I desire to join the Senator from California in extending my congratulations to the Senator from Nebraska [Mr. NORRIS] for what he has done.

The Senate of the United States has repeatedly passed a bill to provide for the disposition of Muscle Shoals in the interest of the people of this country. The compromise that has been agreed to here is not exactly what the Senate desired, but it is near enough to it that we are justified in accepting it; and I just want to make this suggestion:

If the President, in his judgment, shall see fit to veto this bill, and it shall be impossible for this Congress to override that veto, I remind those who are interested that the coming Congress will have more supporters for this kind of legislation on Muscle Shoals than this Congress has.

I venture to say that in the next Congress we will not only repass the bill as it passed the Senate, in case it is vetoed by the President, but we shall probably have enough in both Houses to pass it over his veto by a two-thirds majority. If that should fail, the campaign of 1932 is just ahead and we shall make the power issue one of the dominant political issues in the country. We will go to the people upon the power question, with the Muscle Shoals veto as an illustration of where the President stands as against a man who will administer not only Muscle Shoals but the other great undeveloped power sites of this country for the future benefit of the people.

So I say we do well to adopt this conference report and give the President a chance to show whether he proposes to administer this great property, in which the people's money is invested, in the interest of the people, or whether he will listen to the arguments of those who think only in terms of private profits, regardless of the public weal.

Mr. HARRIS obtained the floor.

The PRESIDING OFFICER. The Chair will remind the Senator from Georgia that he has 3 minutes if the Senator from Nebraska is to have 20 minutes.

Mr. NORRIS. I will not take any time, then, Mr. President.

Mr. HARRIS. Mr. President, the Senator from Connecticut and others who are opposing this legislation usually give as an excuse for opposing this measure that they object to putting the Government into business; but every year the same Senators who take that position vote for the appropriation of millions of dollars for arsenals in other sections for the making of arms and munitions by the Government, a thing no different from this proposition, and none of them oppose such measures.

This legislation was inaugurated originally because we were dependent upon Chile for nitrates. We are the one large country in the world that has no nitrate plant sufficient to take care of the needs of our Army and Navy in time of war, and I can not understand how the Senator from Connecticut and others can make objection to this bill. The development of Muscle Shoals for nitrates in time of war and to manufacture cheap fertilizer for the farmers will do more to aid agriculture than any farm relief bills. The farmers surely need help.

Mr. REED. Mr. President, will the Senator from Georgia yield for a question?

Mr. HARRIS. I yield for a question.

Mr. REED. I have been told that our capacity for producing synthetic nitrogen will be over 300,000 tons before the end of this year, and that that will be enough to take care of not only our peace-time requirements but of our peace-time and probable war-time requirements put together. Is not that so?

Mr. HARRIS. If the Senator will listen to the fertilizer manufacturers, representatives of the power interests, and also to the others who are interested selfishly in defeating this legislation, he can hear most anything. One of the best speeches I ever heard in the Senate in favor of the Government making arms, and so forth, was by the Senator's predecessor, Mr. Knox, one of the ablest men who have served in this body, in an address in which he urged the Senate not to abandon an arsenal in his section which manufactured arms, even though it would cost us much more to make arms at Government arsenals than by private industry.

Mr. BLACK. Mr. President, will the Senator from Georgia yield to me to answer that question of the Senator from Pennsylvania?

Mr. HARRIS. I yield.

Mr. BLACK. I may state to the Senator that in 1914, before the World War was declared, we were importing 606,000 tons of Chile nitrate into this country. In 1929 we imported over a million tons.

Mr. REED. In 1929?

Mr. BLACK. In 1914 we imported about 606,000 tons. In 1929 we imported over a million.

Mr. REED. Wait a moment. We are talking about different things. How much pure nitrogen was included in that million tons?

Mr. BLACK. Something like 20 per cent of it; but I am showing the Senator that from 1914 to 1929, instead of our reducing the amount of nitrogen imported, we increased it.

Not only that, but in 1929 we imported nitrogen from Germany, although Germany in 1914 was importing more from Chile than we were. We imported in 1929 more than 50,000 tons of cyanamide nitrogen from Niagara Falls, Canada, made by the cyanamide process. Even though it was claimed that we would do away with all importations of nitrogen we imported about 180,000 tons of pure nitrogen in 1930.

I am familiar with Mr. Brand's letter. I have seen the alluring diagrams drawn as to how we were increasing nitrogen production from year to year. But the fact is that to-day this country and Russia, of all the countries on earth which are civilized, depend upon the importation of nitrogen, and would still have to depend on it in case of war.

Mr. REED. Mr. President, I used to know Doctor Brand when he was in the Department of Agriculture, and I knew him when he left there and went with a private institution in Pittsburgh. I have not talked with him about this matter, but I have received a number of letters from him, and one of them, which he sent me about three weeks ago, states that the production of synthetic nitrogen in the United States in 1919 was 276 tons, that in 1926 it was 14,000 tons, that in 1929 it had grown to 84,000 tons, that in 1930 the production was 140,000 tons, and that the capacity before the end of this year will be 300,000 tons.

Mr. BLACK. May I state to the Senator——

Mr. REED. Those are not opinions, they are either misstatements, or correct statements of fact.

Mr. BLACK. I received letters written by Mr. Brand in 1929 when it was said we were rapidly increasing our nitrogen production and would soon be independent of Chile for our nitrates. In 1928 he wrote us letters to the same effect. The fact remains, however, that we imported into this country last year more than 180,000 tons of pure nitrogen. The capacity of nitrate plant No. 2 at Muscle Shoals, as origi-

nally built, was only 40,000 tons of cyanamide nitrogen, and in 1929 we imported more than 50,000 tons from abroad. Not only that, but the same Mr. Brand who wrote those letters asked this Congress for a 20 per cent tariff against the nitrogen which Germany is now making, although Germany has freed itself, and it is receiving this year about $750,000 bonus not to manufacture nitrogen in order that our farmers shall continue to pay tribute to the Nitrate Trust.

Mr. REED. I can not lay my hand on it at the moment, but I remember a letter from Mr. Brand in which he stated that the cost of nitrogen in the United States, in the form of fertilizer or nitrates, is to-day lower than it has ever been in history. Is that correct?

Mr. BLACK. The cost of the sulphate of ammonia in nitrogen, it is true, has gone down.

Mr. SMITH. Was the question whether it was cheaper now than it had been?

Mr. REED. Cheaper than ever before. That statement was made in a letter to me.

Mr. SMITH. I think that is incorrect.

Mr. BLACK. I just started to say that it was incorrect, but that sulphate of ammonia has been reduced in price.

When I talked to the Senate some time ago about Muscle Shoals I showed that Chile nitrate at that time was selling at the port at $43 a ton. To-day it has gone down to $39 at the port. So that the Senator sees there is a reduction of $4. But in the meantime Germany has driven Chile nitrate out, and other countries have driven it out. To-day all those foreign countries have an agreement, and Chile is paying them over $2,000,000, as I recall the amount, to curtail their nitrogen production, so that Chile and the trust can continue to sell to us at an exorbitant price.

Mr. Brand came to Congress and asked for a tariff against fertilizer manufactured in Germany by the process we want to use down at Muscle Shoals, and he showed that the fertilizer against which he sought a tariff was made from nitrogen extracted from the air in Germany; that phosphate rocks were shipped from Florida to Germany, over the ocean, 150 miles up a canal, over a small railroad 100 miles in length, crushed, mixed up with nitrogen and potash, and then brought back to this country, and Mr. Brand's testimony before a committee of the Congress was that it would take a 20 per cent tariff to enable this country to compete with that fertilizer manufactured in part out of Florida phosphate rocks.

Mr. REED. I do not know anything about that——

Mr. BLACK. The statement that we are supplying our demand is not correct. Take Mr. Brand's book and the Senator will find that it shows that that is not true. I have his little red book, and if the Senator will look in his files I daresay he will find that he has it.

Mr. REED. I do not think so.

Mr. BLACK. We imported over a million tons of Chile nitrates in 1929. Mr. Brand is careful to state in his letters that there is "no shortage of nitrogen," and that is correct. But there is a shortage of American nitrogen for American use. There is no shortage of nitrogen in Germany. They are exporting. There is no shortage of nitrogen in Chile. The Guggenheims are digging it up and exporting it, while the southern farmers are paying about $50 a ton for it.

Mr. REED. As far as the farmer who consumes it is concerned, is it true that it is selling cheaper to-day than it has sold in our history?

Mr. BLACK. No, I think not; and I have a statement on my desk from a recognized authority to the effect that the price will be very little changed during the present year. I placed in the RECORD last week a telegram from Florence, Ala., stating that fertilizer was costing the farmers as much this year as it cost them last year. No; the price is not down, to the actual farmer.

Mr. REED. I am impressed by the great growth of the productive capacity in this country of private plants. There are none in Pennsylvania, as far as I know, and I am not talking parochially; but down in Hopewell, Va., and some place in West Virginia, the name of which I have forgotten——

Mr. NORRIS. Belle, a small town 4 or 5 miles out of Charleston, W. Va.

Mr. REED. And in Belle, W. Va., there are two big plants, run by private concerns, which have immensely increased the output of this country.

Mr. BLACK. That is correct; they have increased it, but they started from nothing, and the fact remains, and if the Senator will look at the record he will find, that while we have increased to that extent, we have lagged behind every other country in the world but Russia.

Mr. REED. I understand that we have lagged behind, and I wish the Senator would get my position. I am looking for information.

Mr. BLACK. I understand that.

Mr. REED. Muscle Shoals is one of the 10,000 things about which I know nothing, or next to nothing; but I am rather inclined against the Government going into business if it can be avoided, and I am trying to find the necessity for its getting into business in this case.

Mr. BLACK. Let me say to the Senator, in connection with that——

Mr. REED. That is my point, and I wish the Senator would address himself to it.

Mr. BLACK. We have increased nitrogen plants and their capacity, there is no question about that; but I will state, from a thorough and complete investigation—and I have the authorities at my desk and will be glad to show them to the Senator later, the Commerce Yearbook, the National Fertilizer Yearbook, and Mr. Brand's articles, and other matters—that if we were to engage in war to-day, it would be necessary for us to send our battleships first to protect the coast of Chile, exactly as we did at the beginning of the World War. We can not fight a war without nitrogen. One hundred and eighty thousand tons of pure nitrogen is a great deal; that is equivalent to about a million tons of Chile nitrates. We might be in a position where we could not import nitrogen from Canada, or Germany, or even from Czechoslovakia, or from Great Britain.

Those countries have entered into a cartel, or agreement, and to-day this country alone, due to the continuing misleading propaganda which has been issued, has lagged behind, and we are not meeting the situation. We can not meet it. We could not increase our nitrogen production 180,000 tons this year. Increase has come about by a slow and gradual process. But as I recall it—though I will not be positive as to the number of years—four years after the war Germany was independent of Chile. France is independent of Chile. Great Britain is independent of Chile. Practically every one of the European countries except Russia is independent of other countries for nitrogen. So to-day, due to this fetish of ours—because the other countries have subsidized their nitrogen plants—we have allowed the wheels of our plants to remain idle and have not met the responsibility, and I claim, just as did my distinguished predecessor, Mr. Underwood, on one occasion when he made a speech on this subject, that if it were necessary to manufacture nitrogen down there in so far as war purposes were concerned and as it was manufactured destroy it by letting it float down the Tennessee River, that this would be better than longer to lag behind the other countries of the world and not be ready in case of national emergency.

Mr. REED rose.

Mr. BLACK. I know the Senator's feelings on national defense.

Mr. REED. Mr. President, will the Senator yield for a question?

Mr. BLACK. I yield.

Mr. REED. I quite agree with the Senator that this is one product on which we should not put a tariff, at least until conditions in agriculture are completely reversed. But I am impressed with the fact that with no tariff to protect, American production of this stuff went up from 14,000 tons four years ago to 140,000 tons last year.

Mr. GEORGE. Mr. President, will the Senator permit me?

Mr. REED. Just in a moment. What I do not understand is: If the conditions justify private industry in multiplying its capacity ten times in four years, why we can not pretty safely allow that process to work itself out.

Mr. GEORGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BLACK. I yield.

Mr. GEORGE. We have not had a tariff on nitrogen, as such. We had a duty under the 1922 tariff act of $5.60 a ton on sulphate of ammonia which is the direct competitor of nitrates. In the 1930 act we removed the duty and the price of sulphate of ammonia immediately went to $32 a ton. It remained there until August 15, 1930, when it went back to the old price as the result of the cartel it is believed in the city of Paris, which I am happily able to say is receiving investigation, so far as its activities in this country are concerned, by the Department of Justice. To-day the price of sulphate of ammonia is $35 a ton while the price of nitrate of soda, which is only about 15 or 16 per cent pure nitrogen, is about $41 a ton. The price is relatively cheaper, but the price is higher to-day than it was during August of last year because the producers of synthetic ammonia in Germany, France, and in the United States were able through a combination practically to circumvent the relief which we sought to give through the tariff.

It is not so much a question of the capacity to produce in the United States, although last year we produced only 135,000 tons of nitrogen, but I submit that it is also a question of cost of production and cost to the farmers, to those who must use nitrates. It is a fact, and I state it as a fact upon information, that almost 80 per cent and perhaps more of the sulphate of ammonia produced in the United States and sold in the United States, whether produced here or imported, is controlled by one selling agent out of New York, so that there is virtually a monopoly in distribution in the United States even though there is not a monopoly in production.

I wish to press the thought upon the Senator from Pennsylvania that there has been a tariff not upon nitrogen as such, but upon sulphate of ammonia which carries a high percentage of nitrogen.

Mr. BLACK. I would like to respond to the Senator's question and then I want to surrender the floor. The Senator made a very pertinent inquiry as to why private capital could not be depended upon in the circumstances. It has had since the war to meet the situation and it has not done it yet. There is no indication that it is proceeding any more rapidly. Of course, the cartel and the prices have a great deal to do with it. What we have in this bill is a chance for private capital to go down to Muscle Shoals and lease the plant. It can, and in my judgment will, lease it if the bill is passed and signed, and the farmer will then get the benefit of fertilizer at 8 per cent profit. Our farmers will no longer have to support the Government of Chile. This would be of incalculable benefit to the farmers of the United States, and in addition it would prove a further stimulus and incentive to the private capital of which the Senator from Pennsylvania speaks to get busy and do what it should do so this country may produce its own nitrogen.

I am exceedingly hopeful that the President will sign this measure and give to our farmers relief from the heavy burden which high-priced fertilizer has been to them for so many years.

Mr. REED. Mr. President, first let me say about the cartel and the agreement in Paris, that if there was a conspiracy in Paris to fix the prices of the material here in the United States and those conspirators, or any of them committed an overt act in this country, I should not think it would trouble the Department of Justice very long in getting after them.

As to the price to the farmer, I am told that in 1919 a unit of nitrogen in sulphate form cost the farmer $4.86, while this year it is $1.70 for the same thing.

Mr. HEFLIN. Mr. President, I have discussed this question over and over again so often in the Senate that it is not necessary for me to go into any detail in what I shall have to say now.

I can not understand why the Senator from Pennsylvania [Mr. REED] would oppose making the Government independent of the nitrate makers of the outside world. If we did not make very much nitrate at Muscle Shoals, the fact that we had this machinery in operation and were equipped to make nitrates for the Government if we should become involved in another war, would be a tremendous blessing to our country. We should not be beholden to other manufacturing sources in our own country. Suppose they should want to take advantage of their Government when embroiled in war with some foreign power and should want to put the price sky high on the nitrates that they should sell to their Government, like many of the dollar-a-year men did during the late war when they sold their stuff to the Government at tremendous prices, it would be well for the Government to be able to refrain from purchasing from any of these private concerns, and all of them, and make its own supply at Muscle Shoals.

The original bill offered in the first place by the Senator from South Carolina [Mr. SMITH] provided that nitrates should be made for the Government at Muscle Shoals in time of war and fertilizer for the farmer in time of peace. We are now reaching a point where we are going to have that done. The Power Trust does not want this matter disposed of. The Fertilizer Trust does not want it disposed of. We have those two giant interests here opposing a final disposition of the matter.

Mr. President, I hope the Senate, by an overwhelming vote, will adopt the conference report.

Mr. SMITH. Mr. President, I want to make just one observation apropos of the colloquy between the Senator from Pennsylvania [Mr. REED] and others, and the statement that during the war the price of Chilean nitrates went as high as $90 to $100 a ton. It reached the point in price where it was prohibitive for ordinary use as fertilizer. I introduced a bill and secured an appropriation of $20,000,000 for a revolving fund to enable Government vessels to go to Chile and buy Chilean nitrate under contract for war purposes and bring it to this country and sell it to the farmers at cost. That transaction immediately broke the price some $35 or $40 a ton.

I have not taken part in the debate to-day because I thought I had contributed enough in being the author of the original law which made this plant possible. I think the proposition we have agreed to comes nearer realizing, in the face of opposition, that for which we dedicated the plant than anything else we might hope to attain.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SMITH. Certainly.

Mr. ROBINSON of Arkansas. With respect to the question of Government or private operation, there is a provision in the bill which gives a 12-month period in which to make a lease of the property. In the opinion of the Senator from South Carolina, is it practical for the Government to lease these properties within the 12-month period, or are the terms of the lease such that it will be improbable that any lease can be obtained?

Mr. SMITH. I think that in the term of 12 months it would be possible to make a lease, because I think most of the conditions are such that the boards which the President sets up could within that time negotiate a lease.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit a brief statement?

Mr. SMITH. Certainly.

Mr. ROBINSON of Arkansas. While I think private operation generally is to be preferred to public operation, the question has been before the Congress for the entire period that has elapsed since the close of the World War. I believe it is high time that we make some disposition of the Muscle Shoals proposal.

Mr. SMITH. Mr. President, I wish to make just one further observation and then I am through. I think under the terms of the bill the President of the United States has an opportunity to show his sympathy for that great class whom he called the last extraordinary session of the Congress to relieve. I believe this is a practical method by

which he can demonstrate his sympathy for that class. I hope he will not veto the bill.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. JOHNSON and Mr. HEFLIN called for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLENN (when Mr. DENEEN's name was called). My colleague the senior Senator from Illinois [Mr. DENEEN] is detained at home by illness. He has a general pair with the Senator from Missouri [Mr. HAWES].

Mr. RANSDELL (when his name was called). On this vote I have a pair with the senior Senator from Arizona [Mr. ASHURST]. If I were permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. LA FOLLETTE. I have been requested to announce that the junior Senator from New Mexico [Mr. CUTTING] is unavoidably absent. If present, he would vote "yea."

I make the same announcement concerning the senior Senator from Minnesota [Mr. SHIPSTEAD]. If present, he also would vote "yea."

Mr. GILLETT. I have a general pair with the Senator from North Carolina [Mr. SIMMONS]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is necessarily absent. If present, he would vote "yea."

Mr. BLEASE. I have a pair with the Senator from Maine [Mr. GOULD]. I transfer that pair to the Senator from Kentucky [Mr. WILLIAMSON] and vote "yea."

Mr. BARKLEY. My colleague [Mr. WILLIAMSON] is unavoidably detained on account of important business. If he were present, he would vote "yea."

Mr. MORRISON. My colleague the senior Senator from North Carolina [Mr. SIMMONS] has a general pair with the Senator from Massachusetts [Mr. GILLETT]. If the senior Senator from North Carolina were present, he would vote "yea."

Mr. McNARY. The senior Senator from Utah [Mr. SMOOT] is necessarily absent on account of business. If he were present, he would vote "nay."

Mr. SHEPPARD. I desire to state that the Senator from Missouri [Mr. HAWES] is absent on account of illness.

The result was announced—yeas 55, nays 28, as follows:

YEAS—55

Barkley	Couzens	Kendrick	Sheppard
Black	Dill	La Follette	Smith
Blaine	Fletcher	McGill	Steck
Blease	Frazier	McKellar	Stelwer
Borah	George	McNary	Stephens
Bratton	Glass	Morrison	Swanson
Brock	Harris	Norbeck	Thomas, Idaho
Brookhart	Harrison	Norris	Thomas, Okla.
Broussard	Hatfield	Nye	Trammell
Bulkley	Hayden	Pine	Wagner
Capper	Heflin	Pittman	Walsh, Mass.
Caraway	Howell	Robinson, Ark.	Walsh, Mont.
Connally	Johnson	Robinson, Ind.	Wheeler
Copeland	Jones	Schall	

NAYS—28

Bingham	Hale	Morrow	Shortridge
Carey	Hastings	Moses	Townsend
Dale	Hebert	Oddie	Tydings
Fess	Kean	Partridge	Vandenberg
Glenn	Keyes	Patterson	Walcott
Goff	King	Phipps	Waterman
Goldsborough	Metcalf	Reed	Watson

NOT VOTING—13

Ashurst	Gillett	Ransdell	Williamson
Cutting	Gould	Shipstead	
Davis	Hawes	Simmons	
Deneen	McMaster	Smoot	

So the conference report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3614. An act to provide for the appointment of two additional district judges for the northern district of Illinois;

S. 4425. An act to amend section 284 of the Judicial Code of the United States; and

S. 5959. An act authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever.

The message also announced that the House had passed the bill (S. 5649) for the relief of the State of Alabama, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8812) authorizing the Menominee Tribe of Indians to employ general attorneys.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12571) to provide for the transportation of school children in the District of Columbia at a reduced fare.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4022) to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 404) to change the name of B Street NW., in the District of Columbia, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the joint resolution (H. J. Res. 357) classifying certain official mail matter, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SANDERS of New York, Mr. KELLY, and Mr. MEAD were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FRENCH, Mr. HARDY, Mr. TABER, Mr. AYRES, and Mr. OLIVER of Alabama were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 11199. An act to amend sections 22 and 39, Title II, of the national prohibition act;

H. R. 12922. An act providing for medals of honor and awards to Government employees for distinguished service in science or for voluntary risk of life and health beyond the ordinary risks of duty;

H. R. 14680. An act to authorize the attendance of the Marine Band at the Spanish-American War Veterans' convention at New Orleans;

H. R. 15063. An act to authorize the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y.;

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes;

H. R. 15437. An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes;

H. R. 15608. An act to authorize the modification of the boundary line between the Panama Canal Zone and the Republic of Panama, and for other purposes;

H. R. 15622. An act to authorize the attendance of the Marine Band at the sesquicentennial celebration to be held at Yorktown, Va., in October, 1931;

H. R. 15865. An act for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States;

H. R. 16302. An act to authorize an investigation with respect to the construction of a dam or dams across the Owyhee River or other streams within or adjacent to the Duck Valley Indian Reservation, Nev., and for other purposes;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922;

H. R. 16337. An act to extend the times for commencing and completing the construction of a bridge across the Black River at or near Pocahontas, Ark.;

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70;

H. R. 16471. An act to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.;

H. R. 16517. An act to prohibit importation of products of convict and forced labor, to protect labor and industry in the United States, and for other purposes;

H. R. 16590. An act to permit the Army to participate at the Yorktown sesquicentennial celebration; and

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.

PAY AND SUBSISTENCE OF THE ARMY, 1931 (S. DOC. NO. 298)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation pertaining to existing appropriations of the War Department, fiscal year 1931, namely "Pay of the Army, 1931" and "Subsistence of the Army, 1931," which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL POWER COMMISSION (S. DOC. NO. 297)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation pertaining to existing appropriations for the expenses of the Federal Power Commission, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, BUREAU OF INDIAN AFFAIRS (S. DOC. NO. 295)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, supplemental estimates of appropriations for the fiscal year 1931, $165,000; for the fiscal year 1932, $75,000; amounting in all to $240,000; for the Department of the Interior, Bureau of Indian Affairs, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC BUILDING PROJECTS IN THE DISTRICT—COURT OF CLAIMS BUILDING, WASHINGTON, D. C. (S. DOC. NO. 296)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation pertaining to an existing appropriation for the Treasury Department, for sites and construction, public buildings, act of May 25, 1926, as amended—projects under section 5, Washington, D. C., Court of Claims Building, Washington, D. C.—for construction of a building, under an estimated total cost of $1,225,000—which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. WALCOTT presented letters in the nature of petitions from Harry W. Congdon Post, No. 11, American Legion Auxiliary, of Bridgeport, and Greenwich Unit No. 29, American Legion Auxiliary, of Greenwich, both in the State of Connecticut, favoring the passage of legislation for carrying out the naval construction program in accordance with the London naval treaty, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Hartford, Bridgeport, Woodbury, New London, Hamden, Meriden, New Britain, East Hartford, Washington, Milford, Ellington, Portland, and South Manchester, all in the State of Connecticut, praying for the adoption of the so-called Sparks-Capper amendment to the Constitution, providing that only naturalized citizens be counted when making apportionments of congressional districts, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Stony Creek, Waterbury, Ansonia, Hartford, West Hartford, Columbia, Hebron, Oneco, Sterling, Moosup, Norwalk, and New Haven, all in the State of Connecticut, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Sunday Evening Forum, held under the auspices of the Center Church, United Church, and First Methodist Church at New Haven, the congregation of the First Baptist Church of Branford, and the Ministers Association of Waterbury, all in the State of Connecticut, favoring the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. TYDINGS presented a resolution adopted by the Conference of State and Provincial Health Authorities of North America, opposing the passage of legislation to exempt dogs from vivisection in the District of Columbia, and also the prevention or restriction of experimental work involving the use of animals, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Baltimore County Medical Association, of Maryland, opposing the so-called Sheppard-Towner maternity and infancy act, which was referred to the Committee on Education and Labor.

He also presented petitions numerously signed by sundry citizens of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. PARTRIDGE presented petitions and papers in the nature of petitions of sundry dairy and other organizations and citizens in the State of Vermont, praying for the passage of legislation placing a tax of 10 cents on the manufacture of yellow oleomargarine (in the semblance of butter), which were ordered to lie on the table.

Mr. BRATTON submitted the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Foreign Relations:

STATE OF NEW MEXICO,
OFFICE OF THE SECRETARY OF STATE.
Certificate

I, Mrs. Marguerite P. Baca, secretary of state of the State of New Mexico, do hereby certify that on February 20, 1931, there was filed an enrolled and engrossed copy of Senate Joint Memorial No. 5, a joint memorial relative to United States Senate, Senate Resolution No. 442; and United States Senate, Senate Resolution No. 443; and subcommittee report of the Foreign Relations Committee on trade relations with China and causes and remedy for depressed conditions of commerce, properly signed by the officers of the senate and house of representatives and approved by the governor on February 20, 1931.

Given under my hand and the great seal of the State of New Mexico, at the city of Santa Fe, the capital, on this 20th day of February, A. D. 1931.

[SEAL.] MRS. MARGUERITE P. BACA,
Secretary of State.

TENTH LEGISLATURE,
STATE OF NEW MEXICO.

Senate Joint Memorial 5, relative to United States Senate, Senate Resolution 442, and United States Senate, Senate Resolution 443.

Whereas there has been introduced in the Seventy-first Congress of the United States of America legislation providing for permanent veterans' hospitalization for the State of Montana; and

Whereas the passage of said pending legislation is necessary for

Whereas there has been introduced in the Seventy-first Congress of the United States of America legislation providing for permanent veterans' hospitalization for the State of Montana; and

Whereas the passage of said pending legislation is necessary for

that goes into the making of a loaf of bread is approximately 1 cent a loaf; and

Whereas the Department of Agriculture of the United States in 1928, when wheat averaged $1.19 per bushel in Minneapolis, made

try. If other millions of dollars could be added beside moneys expended for public and private improvement, it would not be long before normalcy would be restored.

"It seems if Uncle Sam was able to pay the railroads and con-

TENTH LEGISLATURE.
STATE OF NEW MEXICO.

Senate Joint Memorial 5, relative to United States Senate, Senate Resolution 442, and United States Senate, Senate Resolution 443, and subcommittee report of the Foreign Relations Committee on trade relations with China and causes and remedy for depressed conditions of commerce. (Introduced by A. M. Edwards and Frank Vesely)

Whereas on the 11th day of February, 1931, there was introduced in the Senate of the United States Senate Resolution No. 442, advising the President of the United States to take certain action relative to dumping of silver on the market of the world derived from the melting up of silver coins, also in addition to call or obtain an international conference or conferences looking to an agreement or understanding with regard to the use and status of silver as money; and

Whereas on said 11th day of February, 1931, there was also introduced in the United States Senate Senate Resolution No. 443, advising the President of the United States to consider the practicability of our Government alone or in connection with other governments establishing a silver pool or fund for the advancement of silver to the National Government of China for coinage and use for specific purposes; and

Whereas also on the 11th day of February, 1931, there was filed with the Foreign Relations Committee of the United States Senate, a report of the subcommittee thereof making certain findings regarding the commercial relations between China and the United States, the causes of the great and sudden depression in such commerce, and suggesting remedies for relief: Therefore be it

Resolved, That the Legislature of the State of New Mexico hereby approves said report of said subcommittee and indorse said resolutions hereinabove referred to and introduced in the Senate of the United States as aforesaid and urges the Foreign Relations Committee of the United States Senate to favorably report such resolutions and approve the report of said subcommittee and also urges the Senate of the United States to pass said resolutions and also urges the President of the United States to carry out the purposes of such resolutions as expeditiously as may be possible; and be it further

Resolved, That certified copies of this memorial be forwarded by the secretary of state to the United States Senators and to the Congressman from New Mexico; also to the Hon. WILLIAM E. BORAH, chairman Committee on Foreign Relations, United States Senate; also to the Hon. KEY PITTMAN, chairman subcommittee on Foreign Relations, United States Senate.

A. W. HOCKENHULL,
President of the Senate.

Attest:

R. H. POOLER,
Chief Clerk of the Senate.
ALVAN N. WHITE,
Speaker of the House of Representatives.

Attest:

GEORGE W. ARMIJO,
Chief Clerk of the House of Representatives.

Approved by me this 20th day of February, 1931.

ARTHUR SELIGMAN,
Governor of New Mexico.

Filed in office of secretary of state of New Mexico, February 20, 1931, 1.50 p. m.

Mrs. M. P. BACA, *Secretary.*

Mr. WHEELER presented the following joint memorials of the Legislature of the State of Montana, which were referred to the Committee on Finance:

House Joint Resolution 2, petitioning Congress to pass and the President to approve of at this session of Congress House Resolution 14277, known as the Selvig bill, as amended, providing for a tax on the manufacture of flour in order to create a fund for the relief of the wheat growers

Whereas there is now pending before the Seventy-first Congress House Resolution 14277, by SELVIG, providing for the levy and collection of a tax of 1 cent per pound upon flour manufactured, milled, or produced from wheat in the United States, which said fund, amounting to approximately $3,000,000 a year, will be refunded and distributed by the Secretary of Agriculture to producers of wheat in the United States in proportion to the number of bushels sold by the wheat growers under the provisions of this act; and

Whereas urgent petitions signed by several hundreds of wheat growers from many of the wheat-growing counties in the State have been filed with this legislative assembly urging that this assembly indorse the provisions of the Selvig bill; and

Whereas the condition of the wheat growers of Montana is the most acute in the history of the State and immediate remedial legislation is essential for the very existence of one of the chief industries of the State, we believe that this plan is one of the most feasible and simple means of assuring the farmers of fair return on their wheat without working an undue hardship on the consumers of flour; and

Whereas we believe that this tax will not materially affect the cost of bread and statistics show that wheat prices can fluctuate as much as 75 cents a bushel without apparently affecting the price of bread to the consumer and that the present cost of wheat that goes into the making of a loaf of bread is approximately 1 cent a loaf; and

Whereas the Department of Agriculture of the United States in 1923, when wheat averaged $1.19 per bushel in Minneapolis, made a comprehensive table of the cost of bread and of the various factors that went into such cost, and the report of said Department of Agriculture was as follows:

Retailer's margin	$0.0200
Baker's margin	.0324
Materials other than flour	.0125
Transportation of flour	.0029
Miller's margin	.0048
Freight on wheat	.0015
Elevator margin	.0012
Wheat grower's portion	.0147
Total	.09

And

Whereas apparently the price of bread to the consumer in the cities does not vary materially whether wheat sells at 60 cents, 75 cents, or $1.25 per bushel, we believe that this additional tax in the shape of an income to the farmer would soon be reflected in better employment conditions in our cities and towns as the purchasing power of the community would be materially increased; and

Whereas the Montana farmer, from a geographical standpoint is penalized and the passage of this act would materially compensate for his distance from market and is of vital importance to all the citizens of this State: Now therefore be it

Resolved, That the Legislative Assembly of the State of Montana, the governor concurring, earnestly request the immediate passage and approval of the Selvig bill; and be it further

Resolved, That the secretary of state shall forward copies of this resolution to the United States Senators and Congressmen from Montana, to the Secretary of Agriculture, and to the chairman of the Federal Farm Board.

W. R. FLACHSENHAR,
Speaker of the House.
FRANK A. HAZELBAKER,
President of the Senate.

Approved February 12, 1931.

J. E. ERICKSON, *Governor.*

UNITED STATES OF AMERICA,
State of Montana, ss:

I, W. E. Harmon, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of House Joint Resolution No. 2, a concurrent resolution petitioning Congress to pass and the President to approve of at this session of Congress House Resolution 14277, known as the Selvig bill, as amended, providing for a tax on the manufacture of flour in order to create a fund for the relief of the wheat growers, enacted by the twenty-second session of the Legislative Assembly of the State of Montana and approved by J. E. Erickson, governor of said State, on the 12th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 14th day of February, A. D. 1931.

[SEAL.]

W. E. HARMON,
Secretary of State.

House Joint Memorial 4, memorializing Congress for the passage of pending legislation relating to permanent veterans' hospitalization for the State of Montana

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas for more than three years past the veterans' organizations of the State of Montana have, in anticipation of the needs of hospitalization for veterans in the State of Montana, urged upon Congress the necessity of providing legislation for the permanent veterans' hospitalization for the State of Montana; and

Whereas no action has been taken on such legislation and the condition anticipated by the veterans' organizations is now upon us, when we find that at this date the hospital at Fort Harrison is filled to capacity and there are now pending the following applications for admission to the hospital from ex-service men of this State who are unable to enter because of lack of facilities: 99 general medical, 57 surgical, 5 nerve cases, and 1 tuberculosis, and in addition we have 70 neuropsychiatric cases at the hospital at Sheridan, Wyo., and 34 confined in the State Insane Hospital at Warm Springs, Mont., who, owing to lack of facilities at the veterans' hospital at Fort Harrison, are unable to be treated there. In addition there are a large number of neuropsychiatric cases in Montana needing treatment, who are not considered in the above figures, for the reason that the hospital at Fort Harrison has no facilities for treating neuropsychiatric cases, but entertains applications only from men suffering from nerve injury as distinguished from mental afflictions. These cases are such as to require treatment, but should not be sent to the insane hospital at Warm Springs or to Sheridan, Wyo., which is a proper place only for advanced cases. There are no facilities at Fort Harrison for the treatment of neuropsychiatric cases, and a man must either stay out of the hospital until he reaches an advanced stage or go to the insane hospital at Warm Springs, Mont., or Sheridan, Wyo., at a time when the environment may make certain the permanency of his disability; and

Whereas there has been introduced in the Seventy-first Congress of the United States of America legislation providing for permanent veterans' hospitalization for the State of Montana; and

Whereas the passage of said pending legislation is necessary for the immediate care and treatment of all veterans in the State of Montana: Now therefore be it

Resolved by the House of Representatives of the State of Montana (the Senate concurring), That the Congress of the United States of America be, and it is hereby, memorialized to pass the now pending legislation relative to permanent veterans' hospitalization for the State of Montana, and be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to Senate and House of Representatives of the United States of America, and to each of the Senators and Representatives of the State of Montana in Congress.

W. R. FLACHSENHAR,
Speaker of the House.
FRANK A. HAZELBAKER,
President of the Senate.

Approved February 18, 1931.

J. E. ERICKSON, *Governor.*

UNITED STATES OF AMERICA,
State of Montana ss:

I, W. E. Harmon, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of House Joint Memorial No. 4, being "A resolution memorializing Congress for the passage of pending legislation to permanent veterans' hospitalization for the State of Montana," enacted by the twenty-second session of the Legislative Assembly of the State of Montana, and approved by J. E. Erickson, governor of said State, on the 18th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 19th day of February, A. D. 1931.

[SEAL.]

W. E. HARMON,
Secretary of State.

THE ECONOMIC SITUATION

Mr. HOWELL presented an article from the Butler County Press, David City, Nebr., of February 12, 1931, respecting the economic situation, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

[From the Butler County Press, David City, Nebr., February 12, 1931]

ON QUESTIONS OF THE DAY—HENRY BOCK HAS SOME OPINIONS THAT SEEM SENSIBLE

In a recent issue of the Lincoln Evening Journal, former State Representative Henry Bock had a letter expressing some sensible thoughts and opinions on certain questions of the day. His letter is as follows:

"I believe it to be a duty of the Nebraska Legislature by resolution to memorialize the United States Congress, and also our representatives in both branches of the Congress, to be responsive to the demand to pay the World War veterans the bonus or adjusted compensation due them for service in the World War. It is apparent that it is national necessity at this time. There is due them about three and one-half billion dollars. This money would go into circulation, into different channels of trade. It would be used by the soldiers in building homes and buying the necessities of life. This would be one of the superacts to help relieve the financial and economic depression of the country.

"The economic demoralization of the country is caused by the deflation of the currency of the country, and it will have to come back into circulation by some means to restore prosperity. The cause of the financial depression is now so plain that the ordinary layman can figure it out for himself. We believe part of the blame can be laid to the wheat poolers of Canada and the United States, and in addition thereto the crash in the stock market of Wall Street.

"No doubt that storage of millions of bushels of wheat of the poolers in terminal elevators withdrew millions of dollars of currency from circulation, and in like manner the Federal reserve banks withdrew its money from stock gamblers on Wall Street. And further millions of dollars have been called in from subsidiary banks of the Federal reserve bank system.

"Another act should be called to the attention of the Congress, and that is one to abolish the Federal Farm Board. We believe that the policy and activities of the Farm Board have been instrumental more than any other agency to depress farm prices. The grain that was hoarded in terminals for higher prices should have been shipped out of the country to feed the empty stomachs of the world. While the poolers sat upon their pools Europe was flooded with wheat from other nations.

"No doubt but what there is a farm commodity overproduction in this country and a financial or currency deflation. The two conditions have created an unbalanced economic equilibrium; the relationship between currency and commodities is unbalanced. To balance this lopsided condition is either to lessen or curtail commodity production or increase the circulation of the currency of the country. This is no new idea of anyone. The idea has come down from the higher-ups in Washington and Wall Street that millions of dollars are to be expended for public improvements as a cure for the insolvency of the unemployed of the country. If other millions of dollars could be added beside moneys expended for public and private improvement, it would not be long before normalcy would be restored.

"It seems if Uncle Sam was able to pay the railroads and contractors three and one-half billions of dollars after the war, cancel billions of France's war debt, the United States should loan money to pay bonuses to her soldiers. We have been generous in dealing with nations that were in the World War. Why not conform our generosity to our overseas soldiers?

"HENRY BOCK."

RAIL AND WATER TRANSPORTATION

Mr. LA FOLLETTE. I present and ask to have printed in the RECORD and appropriately referred resolutions adopted by the Board of Harbor Commissioners of the City of Milwaukee, Wis.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Whereas the secretary of the National Rivers and Harbors Congress, in a letter dated January 8, 1931, has called attention to the possibilities of legislation adverse to the interests of waterborne commerce; and

Whereas the National Rivers and Harbors Congress has adopted on December 10, 1930, a statement of purposes of the organization; and

Whereas the Board of Harbor Commissioners of the City of Milwaukee has as its duty as provided by the statutes of the State of Wisconsin the development of an adequate port at the city of Milwaukee to provide for the proper interchange between rail and water transportation and is now actively engaged in the development of the port; Now therefore be it

Resolved, That the Board of Harbor Commissioners of the City of Milwaukee indorses the statement of purposes adopted by the National Rivers and Harbors Congress December 10, 1930, at its twenty-sixth annual convention; and be it further

Resolved, That the Board of Harbor Commissioners of the City of Milwaukee, being duly constituted by law for the purpose of promoting the water-borne commerce of the city, will do all in its power and authority to aid in the proper coordination of rail and water transportation to the end that the most economic system of transportation be developed to the best interests of the public, the vessel owners, and the railroads; and be it further

Resolved, That the Board of Harbor Commissioners of the City of Milwaukee is opposed to any legislation that will restrict by regulations, rates, tolls, or otherwise water-borne commerce on the Great Lakes and that said board is not opposed to the proper and orderly development of inland waterways where same are to be improved for the economic development of transportation.

USES OF SILVER

Mr. MCKELLAR. It will be remembered that on Friday the resolution of the Senator from Nevada [Mr. PITTMAN] was agreed to by the Senate, and in this connection I want to have printed in the RECORD a letter of February 20, 1931, from the foreign freight traffic manager of the Southern Railway System on the subject of the use of silver.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SOUTHERN RAILWAY SYSTEM,
FOREIGN COMMERCE SERVICE,
Louisville, Ky., February 20, 1931.

Hon. K. D. MCKELLAR,
United States Senate, Washington, D. C.

DEAR KEN: The effect of the price of silver upon trade with China and India and other silver-standard countries.

The October issue of the Nation's Business contains a very interesting article on silver by Mr. John Hays Hammond, entitled, "Cheap Silver Means Reduced World Buying Power."

The Manufacturers' Record of February 5 also carries an article on silver by Guy Morrison Walker, which expresses a view somewhat at variance with that of Mr. Hammond.

As we have a substantial movement of cotton and tobacco from points on our line to China, my attention has been invited to a subcommittee report of the Foreign Relations Committee of the Senate, which report is found on pages 4701 to 4708 of the CONGRESSIONAL RECORD of February 12. This report covers our trade relations with China. I took a day off and waded through this report and find that a large part of it also dwells upon the present low price of silver, which has dropped from an average of 57½ cents an ounce during the last 10-year period to 26½ cents an ounce on February 9, 1931.

The world's population approximates 2,000,000,000 people, and of this total almost 40 per cent are represented by two silver-using countries—China and India. Other countries using silver as a monetary medium bring silver-using countries up to about 1,000,000,000 people, or fully one-half of the world's population.

These silver-using countries are also among the largest consumers of cotton and cotton goods, therefore, whatever affects the value of silver is reflected in the value of cotton, which, as you know, is the leading money crop of our Southern States.

Our tobacco trade also figures in this consideration.

As I see it, the two silver-using countries offering the greatest trade potentialities are China and India.

China, with its population of between four hundred and five hundred million, has only about 10,000 miles of railroad and no [illegible] miles worthy of the name.

States to enter the Convention of Berne for the Protection of Literary and Artistic Works, reported it with amendments and submitted a report (No. 1732) thereon.

Mr. BORAH, from the Committee on the Judiciary, to

trict of Columbia, to be an associate justice of the Supreme Court of the District of Columbia, which was placed on the Executive Calendar.

Mr. WALSH of Montana, from the Committee on the

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the

As I see it, the two silver-using countries offering the greatest trade potentialities are China and India.

China, with its population of between four hundred and five hundred million, has only about 10,000 miles of railroad and no substantial highway mileage worthy of the name.

India, with somewhat less population than China, is somewhat better equipped with both railroads and highways, having about 65,000 miles of railroads, and I am told that it has some very fine roads constructed by the British as military roads.

The standard of living and the purchasing power of these two immense countries are exceedingly low, and it seems obvious that if Great Britain could stabilize the Indian Government and give it a stabilized financial system, that country alone would afford Great Britain a desirable market for the greater part of its surplus production; and in like manner, if the United States could, with propriety, undertake to do the same thing for China, the latter country would afford a market for the greater part of our surplus production.

Our principal exports to China now are petroleum products, cotton, tobacco, flour, and silver, with some little machinery. Should that country become stabilized, both in government and in its financial system, and perfect arrangements for the building of railroads and highways, resulting in a higher standard of living and an increased purchasing power, it would be hard to estimate what would be our increase in exports in the way of machinery, building material, automobiles, auto trucks, petroleum products, and wide variety of manufactured products.

For a year or more I have been carrying in the Southern Railway Monthly Directory of Steamship Sailings the following item:

"The problem of surplus production will be solved when world peace is insured and the purchasing power of now impoverished and backward nations is increased by internal development. Such development will be immensely stimulated by railroad building, highway construction, and municipal and port improvements. It will be furthered by a more extensive use of water power, motor cars and trucks, telephones, radio and other forces, and factors of contemporary civilization. By contributing to the spread of higher, more modern standards of living throughout the world we shall be helping to advance our own economic welfare here in the United States."

I regard Senator PITTMAN's report as being timely and well founded, and I think he should be congratulated upon submitting such a comprehensive picture. It was no doubt conceived and written partly in the interest of silver, but its findings are unquestionably of much importance to such leading commodities as cotton, cotton goods, tobacco, and petroleum products.

This silver question recalls the voice of Bryan, and while I never voted for him I heard his famous "Cross of Gold and Crown of Thorns" speech at the Chicago Democratic Convention in 1896, which won for him the nomination for the Presidency. At that same convention I saw "Silver Dick" Bland, of Missouri, crucified. He was the only candidate with an organized following present and he was first defeated for the presidential nomination and next humiliated by losing the vice-presidential nomination.

It appears that silver is again in need of a Bryan voice, and we have one—possibly not quite as silvery as Bryan's, nevertheless when he speaks his voice is usually heard with interest around a good part of the world. I hope that Chairman BORAH will give this report definite direction and not let it die in committee or lay buried in the CONGRESSIONAL RECORD.

Very truly yours,

R. L. MCKELLAR.

REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (H. J. Res. 192) extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico, reported it without amendment and submitted a report (No. 1728) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 15258) to permit the development of certain valuable mineral resources in certain lands of the United States, reported it without amendment and submitted a report (No. 1730) thereon.

Mr. SCHALL, from the Committee on Interoceanic Canals, to which was referred the bill (S. 5718) for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States, reported it without amendment and submitted a report (No. 1731) thereon.

Mr. HEBERT, from the Committee on Patents, to which was referred the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works, reported it with amendments and submitted a report (No. 1732) thereon.

Mr. BORAH, from the Committee on the Judiciary, to which was referred the bill (H. R. 9674) to amend an act to parole United States prisoners, and for other purposes, approved June 25, 1910, reported it without amendment and submitted a report (No. 1733) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois (Rept. No. 1734);

S. 6179. An act to legalize a bridge across the St. Francis River, one-fourth mile south of Greenville, Wayne County, Mo. (Rept. No. 1735);

S. 6180. An act to legalize a bridge across the St. Francis River, four miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark. (Rept. No. 1736);

S. 6181. An act to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo. (Rept. No. 1737);

S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo. (Rept. No. 1738);

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo. (Rept. No. 1739);

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo. (Rept. No. 1740);

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo. (Rept. No. 1741); and

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo. (Rept. No. 1742).

ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, February 23, 1931, that committee presented to the President of the United States the enrolled bill (S. 5458) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 87.

REPORTS OF NOMINATIONS

As in executive session,

Mr. HEBERT, from the Committee on the Judiciary, reported favorably the namination of E. Marvin Underwood, of Georgia, to be United States district judge, northern district of Georgia, to succeed Samuel H. Sibley, appointed United States circuit judge, which was placed on the Executive Calendar.

He also, from the same committee, reported favorably the nomination of Osmund Gunvaldsen, of North Dakota, to be United States marshal, district of North Dakota, which was placed on the Executive Calendar.

Mr. DILL, from the Committee on the Judiciary, reported favorably the nomination of Frederick H. Tarr, of Massachusetts, to be United States attorney, district of Massachusetts, which was placed on the Executive Calendar.

Mr. STEIWER, from the Committee on the Judiciary, reported favorably the nomination of A. V. McLane, of Tennessee, to be United States attorney, middle district of Tennessee, which was placed on the Executive Calendar.

Mr. GILLETT, from the Committee on the Judiciary, reported favorably the nomination of Frederick R. Dyer, of Maine, to be United States attorney, district of Maine, which was placed on the Executive Calendar.

Mr. KING, from the Committee on the Judiciary, reported favorably the nomination of James M. Proctor, of the District of Columbia, to be an associate justice of the Supreme Court of the District of Columbia, which was placed on the Executive Calendar.

Mr. WALSH of Montana, from the Committee on the Judiciary, reported favorably the nomination of Alexander C. Birch, of Alabama, to be United States attorney, southern district of Alabama, which was placed on the Executive Calendar.

Mr. BLAINE, from the Committee on the Judiciary, reported favorably the following nominations, which were placed on the Executive Calendar:

E. Coke Hill, of Alaska, to be district judge, division No. 3, district of Alaska; and

Harry A. Holizer, of California, to be United States district judge, southern district of California.

Mr. METCALF, from the Committee on Education and Labor, reported favorably the nomination of Harry Bassett, of Indiana, to be a member of the United States Employees' Compensation Commission for a term of six years from March 15, 1931 (reappointment), which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably sundry post-office nominations, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 6228) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.; and

A bill (S. 6229) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.; to the Committee on Commerce.

By Mr. TYDINGS:

A bill (S. 6230) to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 6231) to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy"; to the Committee on Military Affairs.

A bill (S. 6232) granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.; to the Committee on Commerce.

By Mr. STEPHENS:

A bill (S. 6233) for the relief of Grover Cleveland Ballard; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 6234) relative to the transportation of merchandise or property by common carrier for hire between ports of the United States via the Panama Canal; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 6235) for the relief of Benson Frank Tallman; to the Committee on Naval Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 6236) authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. PHIPPS:

A bill (S. 6237) fixing the salary of the Director or the Acting Director of the United States Veterans' Bureau; to the Committee on Finance.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922;

H. R. 16337. An act to extend the times for commencing and completing the construction of a bridge across the Black River at or near Pocahontas, Ark.;

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State highway numbered 70; and

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.; to the Committee on Commerce.

H. R. 11199. An act to amend sections 22 and 39, Title II, of the national prohibition act; to the Committee on the Judiciary.

H. R. 12922. An act providing for medals of honor and awards to Government employees for distinguished service in science or for voluntary risk of life and health beyond the ordinary risks of duty; to the Committee on the Library.

H. R. 14680. An act to authorize the attendance of the Marine Band at the Spanish-American War veterans' convention at New Orleans; and

H. R. 15622. An act to authorize the attendance of the Marine Band at the sesquicentennial celebration, to be held at Yorktown, Va., in October, 1931; to the Committee on Naval Affairs.

H. R. 15063. An act to authorize the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y.;

H. R. 15865. An act for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States; and

H. R. 16471. An act to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.; ordered to be placed on the calendar.

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes;

H. R. 15437. An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes: and

H. R. 16590. An act to permit the Army to participate at the Yorktown Sesquicentennial Celebration; to the Committee on Military Affairs.

H. R. 15608. An act to authorize the modification of the boundary line between the Panama Canal Zone and the Republic of Panama, and for other purposes; to the Committee on Foreign Relations.

H. R. 16302. An act to authorize an investigation with respect to the construction of a dam or dams across the Owyhee River or other streams within or adjacent to the Duck Valley Indian Reservation, Nev., and for other purposes; to the Committee on Indian Affairs.

H. R. 16517. An act to prohibit importation of products of convict and forced labor, to protect labor and industry in the United States, and for other purposes; to the Committee on Finance.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. TRAMMELL submitted an amendment proposing to appropriate $134,466.69 for reimbursement to the State of Florida for 50 per cent of the expenditures of said State or subdivision thereof for repairing and rebuilding Federal highways as a result of the floods in 1928 and 1929, intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TRAMMELL. I desire to give notice that I shall move to suspend the rules for the purpose of submitting an amendment to the second deficiency appropriation bill.

The notice was read, as follows:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 1 of Rule XVI, for the purpose of proposing to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending

CLASSIFICATION OF CERTAIN OFFICIAL MAIL MATTER

Mr. PHIPPS. I ask the Presiding Officer to lay before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to House Joint Resolution 357.

ferees agreed to recede, with an amendment declaring that such regulations shall be made "in so far as necessary to promote the public health, safety, morals, and welfare."

Mr. ROBINSON of Arkansas. That gives the District of Columbia Commissioners the power to make the law and to determine what shall be in violation of law.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

The notice was read, as follows:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 1 of Rule XVI, for the purpose of proposing to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, the following amendment, viz, on page 159, after line 12, and the numerals $303.99, add:

"For reimbursement to the State of Florida, for 50 per cent of the expenditures made by said State or subdivision thereof for repairing and rebuilding Federal highways as a result of the floods of 1928 and 1929, the sum of $134,466.69."

WILLIAM A. FOLGER

Mr. ROBINSON of Indiana submitted the following resolution (S. Res. 465), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is authorized and directed to pay to William A. Folger, out of the contingent fund of the Senate, compensation at the rate of $600 per annum until otherwise provided by law, for services to Members of the Senate as expert examiner, Bureau of Pensions.

DISPLAY OF PENNANT ON NAVAL VESSELS

Mr. HEFLIN. I submit a resolution, which I ask may be printed and go over under the rule.

The resolution (S. Res. 466) was ordered to lie over under the rule, as follows:

Whereas the United States flag is the symbol of our national sovereignty, and is the emblem of both civil and religious liberty, and as such is entitled to occupy the first and uppermost place on its own staff or hoist, and

Whereas the hoisting of a pennant on American ships is for the purpose of giving notice that religious services are being held on the ship; and

Whereas the hoisting of a pennant and the noble purpose that it serves can be accomplished by displaying and hoisting it at some other place on the ship instead of lowering the American flag on its staff and putting the pennant above it, as is now being done: Therefore be it

Resolved, That it is the sense of the Senate that the Secretary of the Navy be, and he is hereby, requested to formulate such rules and regulations as will provide for the use of a pennant in such a manner as will accomplish the purpose desired without having to pull down on its staff the United States flag in order to display a pennant when religious services are held on the ship.

RELIEF OF THE STATE OF ALABAMA

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 5649) for the relief of the State of Alabama, which was to strike out all after the enacting clause and insert:

That the State of Alabama be, and is hereby, relieved from all responsibility and accountability for certain quartermaster and ordnance property to the approximate value of $1,098.20, the property of the War Department, which was lost, destroyed, or used for flood-relief work incident to the Elba (Ala.) flood of March, 1929, while in the possession of the Alabama National Guard; and the Secretary of War is hereby authorized and directed to terminate all further accountability for said property.

Mr. BLACK. I move that the Senate concur in the House amendment.

The motion was agreed to.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on February 21, 1931, the President approved and signed the following acts:

S. 2231. An act to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes;

S. 2854. An act for the relief of Mrs. A. K. Root;

S. 4619. An act to authorize the disposition of effects of persons dying while subject to military law; and

S. 5557. An act to amend the act of May 23, 1930 (46 Stat. 378).

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States making nominations in the Customs Service were referred to the Committee on Finance.

CLASSIFICATION OF CERTAIN OFFICIAL MAIL MATTER

Mr. PHIPPS. I ask the Presiding Officer to lay before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to House Joint Resolution 357.

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the joint resolution (H. J. Res. 357) classifying certain official mail matter, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PHIPPS. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PHIPPS, Mr. MOSES, and Mr. MCKELLAR as the conferees on the part of the Senate.

REGULATION OF ADVERTISING IN THE DISTRICT—CONFERENCE REPORT

Mr. MCNARY obtained the floor.

Mr. CAPPER. Mr. President——

Mr. MCNARY. I yield to the Senator from Kansas.

Mr. CAPPER. I submit a conference report on Senate bill 4022 and I ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Kansas submits a conference report which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4022) to regulate the erection, hanging, placing, painting, displaying, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 8.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, and 9, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the said amendment insert " (in so far as necessary to promote the public health, safety, morals, and welfare) control, restrict, and "; and the House agree to the same.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,
Managers on the part of the Senate.

F. N. ZIHLMAN,
ALBERT R. HALL,
MARY T. NORTON,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Kansas to state what will be the general provisions of the bill and their effect if the conference report he has submitted shall be agreed to?

Mr. CAPPER. Mr. President, I will explain the various amendments which have been made to the bill. Amendment numbered 1 requires the Commissioners of the District to hold public hearings before making regulations with respect to exterior advertising within the District of Columbia. The Senate conferees receded from that amendment.

Amendment numbered 2 involves merely a clerical change.

Amendment numbered 3 as the bill passed the Senate authorized the commissioners to make and enforce such regulations as they might deem advisable to govern exterior advertising in the District. The House provision provided the commissioners should also control and restrict such advertising by means of regulations. The Senate conferees agreed to recede, with an amendment declaring that such regulations shall be made " in so far as necessary to promote the public health, safety, morals, and welfare."

Mr. ROBINSON of Arkansas. That gives the District of Columbia Commissioners the power to make the law and to determine what shall be in violation of law.

Mr. MCNARY. Mr. President——

The VICE PRESIDENT. The Senator from Arkansas [Mr. ROBINSON] has the floor.

Mr. MCNARY. I had the floor and yielded to the Senator from Kansas [Mr. CAPPER].

The VICE PRESIDENT. The Senator can not hold the floor when a conference report is being considered. The Senator from Arkansas has the floor.

Mr. ROBINSON of Arkansas. I am simply trying to get information about the pending conference report. I have no disposition to hold the floor as against the Senator from Oregon [Mr. MCNARY]. The Senator from Kansas [Mr. CAPPER] has submitted a conference report on a bill that seems to be of some importance, and I have asked him to explain the effect of the conference report. He was proceeding to do that. I do not think the Senator from Oregon can retain the floor while yielding it to the Senator from Kansas to take up a conference report.

Mr. MCNARY. I did not yield for that purpose. I assume that I now have the floor.

The VICE PRESIDENT. If the Senator yielded for the consideration of the conference report, the conference report is before the Senate and the Senator does not have the floor. If he yielded for a question, then the Senator still has the floor.

Mr. MCNARY. I yielded for a question only.

Mr. President, if there is going to be any controversy, I shall not yield.

Mr. CAPPER. Mr. President, I asked for the immediate consideration of the conference report when I made my request.

Mr. MCNARY. I have no objection.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. ROBINSON of Arkansas. Mr. President, I can not consent that the conference report may be agreed to until the Senate has some opportunity of understanding what it is. There is no occasion for excitement and hurry here.

Mr. CAPPER. The bill was handled by a subcommittee of the Committee on the District of Columbia, of which the junior Senator from Wisconsin [Mr. BLAINE] was chairman, and I yield to him.

Mr. BLAINE. Mr. President, I have a printed copy of the conference report, but it refers to the amendments by number, and I have not had an opportunity to examine the report. The bill attempts to do two things. I am just a little fearful with respect to the validity of the second attempt, which is an attempt to regulate signs on private property under the theory of safeguarding public health and safety. I should like to have the conference report go over until I can study the particular provisions which are now proposed.

The VICE PRESIDENT. Without objection, the conference report will go over.

THE CALENDAR

Mr. WALSH of Montana. Mr. President, I inquire if the regular order now would not be to proceed to the consideration of the calendar?

The VICE PRESIDENT. The Chair was about to order the next bill on the calendar stated. That will now be done.

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. COPELAND. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, was announced as next in order.

Mr. COPELAND. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

Mr. HOWELL. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3229) to provide for the appointment of an additional district judge for the southern district of New York was announced as next in order.

Mr. COPELAND. Over.

The VICE PRESIDENT. The bill will be passed over.

REGULATION OF PRACTICE BEFORE THE PATENT OFFICE

The bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

Mr. WATERMAN. Mr. President, was order of business 630, being House bill 699, passed over?

The VICE PRESIDENT. It was passed over on objection.

Mr. WATERMAN. Mr. President, I now move that House bill 699, being order of business 630 on the Calendar be laid before the Senate and immediately considered.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado.

Mr. WALSH of Montana. Mr. President, is that motion debatable?

The VICE PRESIDENT. The motion is in order and not debatable.

Mr. WALSH of Montana. I thought that the Senate was to proceed to the consideration of unobjected bills.

The VICE PRESIDENT. The agreement was to proceed to the consideration of the calendar under Rule VIII.

Mr. WATERMAN. Mr. President, this bill has been continuously objected to and I should like to know what the sentiment of the Senate is regarding it.

Mr. WALSH of Montana. That means, of course, that we will not do any more business on the calendar this afternoon.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRATTON. Is it in order to take up this measure on motion in face of the unanimous-consent agreement that we should consider the calendar under Rule VIII?

The VICE PRESIDENT. A motion to proceed to the consideration of a bill which is objected to is in order under Rule VIII.

Mr. LA FOLLETTE. Will the Senator from Colorado explain briefly what the bill is?

Mr. WATERMAN. I have not heard as yet the announcement of the vote on the motion to take up the bill.

Mr. ROBINSON of Arkansas. It being after 2 o'clock, the motion is subject to debate.

The VICE PRESIDENT. The Chair is advised that the unanimous-consent agreement was to proceed to the consideration of bills on the calendar under Rule VIII, which would make the motion not debatable. Is there objection?

Mr. LA FOLLETTE. I ask unanimous consent that the Senator from Colorado may explain briefly what the bill proposes to do in order that we may know whether or not to vote to consider it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Colorado is recognized.

Mr. WATERMAN. Mr. President, this is House bill 699. It is a bill for the purpose of preventing fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes.

The bill provides, in the first instance, a limitation upon those who may practice or hold themselves out as practitioners before the Patent Office.

Everybody who knows anything about the practice of the Patent Office knows that there are people all over this country who filch money from people who think they are inventors, who get fees from those people although they are not admitted to practice before the Patent Office and have no business to solicit fees for that purpose. The bill is to prevent that in the future, and also to prohibit the admission of corporations to practice before the Patent Office. They are not permitted to practice law; they are not permitted to practice dentistry; they are not permitted to practice any of the professions, as a rule; and there is nothing tangible about whom the parties may represent or what they may represent.

Under present conditions people solicit money from inventors or people who think they have the right to make application to the Patent Office; and when they get to the point where an application is to be made to the Patent Office they have to say to their so-called client that he will have to get an attorney who is admitted to practice before the Patent Office, thus gaining fees in the preliminaries and thus gaining fees from a legitimate practitioner before the Patent Office.

This bill has been gotten up by the leading patent associations of the country after prolonged and continuous study. The bill has been before one or both of the Houses in several Congresses past. It is said by those who are skilled in this business of applying for patents before the Patent Office that it is the best conception that has yet been written. I know that it will take a considerable time for anybody to investigate the law on the subject and finally to bring it down to a point where it is clearly conceived and clearly expressed.

The bill also prevents anybody who is not admitted to practice in the Patent Office under the provisions of this statute from advertising and soliciting business as such patent attorney or from holding himself out as a patent attorney and therefore deceiving the public. He can not, under the provisions of this bill, establish or maintain an office or represent to the public that he is qualified and recognized as a qualified patent attorney before the Patent Office.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Arkansas?

Mr. WATERMAN. In just a moment.

The bill also provides that hereafter nobody shall be admitted to practice before the Patent Office unless he is an attorney at law admitted in the State or the Territory or the District of Columbia, wherever he may reside. In other words, the purpose of the bill is to limit those who may come before the Patent Office, who may hold themselves out as legitimately practicing before the Patent Office, and to prevent misrepresentations and frauds in connection with the Patent Office business.

This bill, substantially in its present form, has been recommended by the Secretary of Commerce, frequently by the Commissioner of Patents, by the leading patent lawyers of the country who are quite skilled in the matter, and by people generally who would like to have the Patent Office conducted upon the lines on which the practice of law is conducted in the courts.

That is the general outline of the bill.

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. WATERMAN. I do.

Mr. HOWELL. What about an attorney who is now recognized by the Patent Office who may not be admitted to the bar?

Mr. WATERMAN. Under the provisions of this bill he will continue to be recognized the same as though the bill should not pass. He will not be affected in any way.

The VICE PRESIDENT. The Senator from Arkansas rose to ask a question. Does the Senator desire to ask it now?

Mr. ROBINSON of Arkansas. No; I shall reserve the right to take the floor myself.

Mr. WATERMAN. Mr. President, I may say that since the bill was reported—I did not know it at the time it was reported—it has come to my attention that there has been one corporation admitted to practice in the Patent Office, and only one. This bill in its present form would prohibit that corporation, admitted presently to practice in the office, from practicing in the future. At the proper time, and after the committee amendments are agreed to, I shall offer an amendment to relieve from the ban of the statute the corporation which is now practicing.

Mr. KING. Mr. President——

The VICE PRESIDENT. The motion is not debatable. Is there objection to the Senator from Utah addressing the Senate on the subject? The Chair hears none.

Mr. KING. Mr. President, I do not care to discuss the merits of this bill at this time. As I understood, we were to have had the calendar before us; and I know that Senators are very anxious to have bills in which they are interested reached and disposed of.

The consideration of this measure, because it is a very important one, will take more time, I think, than is available this afternoon. I shall be glad to join with the Senator in asking for a special order to-morrow or next day, at which the matter may be taken up and disposed of. I hope it will not be taken up at the present time, for the reasons I have indicated.

Mr. WATERMAN. Mr. President, if this bill can be put on the calendar as the unfinished business for to-morrow morning, and proceeded with at that time, I shall not object to its going over until to-morrow morning. If the Senator desires to submit a unanimous-consent agreement to that effect, I am willing to go on with it.

The VICE PRESIDENT. The Chair will state that if the motion of the Senator is carried the bill would become the unfinished business, and could be put off until to-morrow if there were no objection.

Mr. McNARY. Mr. President, may I inquire what is the request?

Mr. WATERMAN. Mr. President, unless this bill can have a status to-morrow morning, I must insist that it be proceeded with, unless the Senate sidetracks it.

Mr. WATSON. Well, Mr. President——

Mr. ROBINSON of Arkansas. Of course the Senator is not in a position to make that insistence. The motion has not yet carried to proceed to the consideration of the bill; and, in view of the Senator's reference, I suggest that perhaps the correct course is to vote down the motion to proceed to the consideration of the bill.

A good deal of objection has been offered to this bill, and I do not know that Senators are to be criticized for not being familiar with its terms, or for not accepting them without the slightest investigation. The country has been operating a long time without this proposed statute. A great many patents have been granted, and I should like to ask the Senator from Colorado the question that I sought to ask him a little while ago.

Reference is made in the bill to section 487 of the Revised Statutes. The provision is that unless an attorney is duly recognized to practice before the United States Patent Office in accordance with the provisions of section 487 of the Revised Statutes, he commits a crime to hold himself out as being qualified to handle patent business. What are the steps that are required to secure recognition? That is rather a queer term—unless he is "recognized to practice."

Mr. WATERMAN. That means that he is admitted.

Mr. ROBINSON of Arkansas. Why is the word "recognized" used?

Mr. WATERMAN. I can not tell the Senator why.

Mr. ROBINSON of Arkansas. What are the steps that are necessary to get admitted to practice before the Patent Office?

Mr. WATERMAN. Now?

Mr. ROBINSON of Arkansas. Yes.

Mr. WATERMAN. All that anybody has to do, as I understand, is to apply to the Patent Office, show that he is a proper character and that he is somewhat skilled in the matter of patent business, and he goes in.

Mr. ROBINSON of Arkansas. Who passes upon his eligibility?

Mr. WATERMAN. The Commissioner of Patents.

Mr. ROBINSON of Arkansas. Why, in the Senator's opinion, should there not be an examination and a procedure similar to that which prevails with respect to other attorneys? Why should the Commissioner of Patents be vested with the exclusive right to determine when a lawyer is entitled to practice?

In that connection, let me say that the reason for the question I am asking grows out of the fact that it has been said that there is a possibility of great partiality being displayed by the Patent Office; that this bill would give the Commissioner of Patents more or less arbitrary power to favor attorneys who happen to enjoy his good graces, and to deny the right to appear to other attorneys who might be equally well qualified.

Why should not a patent attorney be admitted to the bar regularly? Why has the committee concluded that the proper thing to do is to vest in one man, the Commissioner of Patents, the sole power to determine who shall practice law before his department?

Mr. WATERMAN. This bill, I think, practically answers the Senator's question. It provides that hereafter nobody, unless he be a lawyer in good standing, admitted to the bar in the jurisdiction in which he practices, can be admitted to practice before the Patent Office. Furthermore——

Mr. ROBINSON of Arkansas. Who determines his eligibility under the proposed statute?

Mr. WATERMAN. I am talking about the proposed statute.

Mr. ROBINSON of Arkansas. Yes; but who determines his eligibility?

Mr. WATERMAN. It is determined by the Commissioner of Patents, under rules to be promulgated by him.

Mr. ROBINSON of Arkansas. That shows the confusion that exists about the matter. The Senator from Florida [Mr. FLETCHER], here behind me, volunteered the statement that he would have to stand a regular examination. The Senator in charge of the bill says the Commissioner of Patents determines the matter; and those of us who are impartial between the two Senators still have difficulty in making up our minds.

Mr. LA FOLLETTE. I call for the regular order, Mr. President.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado [Mr. WATERMAN].

The motion was rejected.

NOMINATION OF EUGENE MEYER

Mr. McNARY. Mr. President, I send to the desk a proposed unanimous-consent agreement which I ask to have stated.

The VICE PRESIDENT. The proposed agreement will be stated.

The Chief Clerk read as follows:

Ordered, by unanimous consent, that upon the convening of the Senate on to-morrow it proceed to the consideration in executive session of the nomination of Eugene Meyer to be a member of the Federal Reserve Board, and that pending its consideration no other business shall be transacted except by unanimous consent.

The VICE PRESIDENT. Is there objection?

Mr. WHEELER. Mr. President, I did not catch the reading of the proposed agreement.

The VICE PRESIDENT. It will be stated again.

The Chief Clerk restated the proposed unanimous-consent agreement.

Mr. WHEELER. I object at this time.

Mr. McNARY. Is it particularly with respect to the hour of taking up the consideration of the nomination that the Senator objects?

Mr. WHEELER. I will speak to the Senator about it after I have an opportunity to examine the proposed unanimous-consent agreement.

Mr. ROBINSON of Arkansas. Mr. President, I hope the agreement may be made to consider this nomination. It has been here a long time and I think it is fair to proceed with it.

Mr. WHEELER. Mr. President, I will say to the Senator that my reason for objecting at this time is that I have received a wire from people in my own State saying that they were sending me some facts with reference to this particular matter, and I would like to wait until such time as their letter arrives. It may mean that I shall not object, it may mean that I will object, but I want at least to have an opportunity to examine the facts which I am told people in my State are sending in regard to this nomination.

Mr. McNARY. When does the Senator expect to receive the letter?

Mr. WHEELER. I expect to receive it to-morrow. It should be here then.

Mr. McNARY. As stated by the distinguished Senator from Arkansas, the matter has been pending a great while, and it was deferred at another time in order to meet the convenience of the junior Senator from Iowa [Mr. BROOKHART]. If we can not come to some unanimous consent in regard to it, I shall feel constrained, when we next have an executive session, to move to take up the nomination of Mr. Meyer.

Mr. LA FOLLETTE. Mr. President, I ask for the regular order.

THE CALENDAR

The VICE PRESIDENT. The Senate will resume the consideration of the calendar.

The bill (S. 4357) to limit the jurisdiction of the district courts of the United States was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3344) supplementing the national prohibition act for the District of Columbia was announced as next in order.

Mr. TYDINGS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3558) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, was announced as next in order.

Mr. ROBINSON of Arkansas. We certainly ought to understand what the bill is before we act on it.

The VICE PRESIDENT. On objection, the bill will be passed over.

The bill (S. 3399) to amend section 2 (e) of the air commerce act of 1926 was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence, etc., was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 4015) to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. On behalf of my colleague (Mr. BLAINE), I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

SETTLEMENT OF CLAIMS UNDER TRANSPORTATION ACT

The bill (S. 4254) to provide for the compromise and settlement of claims held by the United States of America arising under the provisions of section 210 of the transportation act, 1920, as amended, was announced as next in order.

Mr. HOWELL. Let that go over.

Mr. FLETCHER. Mr. President, I ask the Senator to withhold his objection. My understanding is that that is a very important bill. It is not very long, but it is important to the Government. It would be in the interest of the Government if we could dispose of it. Does the Senator object to its consideration?

Mr. HOWELL. Mr. President, I object to the consideration of this bill because this is hardly a time to reorganize the railroads. Conditions are such that securities can not be sold.

Mr. FLETCHER. My understanding was that we probably would be able to get an adjustment with the roads now which would be of advantage to the Government.

Mr. HOWELL. The advantage that would be obtained would go to the roads, because the Government is the main creditor. They want to have the debts which they owe the Government scaled down. They think this is the best time for them to accomplish the result.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. ROBINSON of Arkansas. There is force in the suggestion made by the Senator from Nebraska, but his attention is also called to the fact that some of the roads are in such a condition that they may discontinue operations unless some arrangement is permitted by which they can carry on.

Mr. HOWELL. I do not think one of them will discontinue operations. I have gone into their financial condition, and it has been my conclusion that now is not a proper time to present the Secretary of the Treasury with a mandate that he should scale down the Government securities in favor of these roads. In better times we might give this authorization, but now it might be deemed a mandate.

Take, for instance, the case of one road. The Government owns all the securities that are outstanding, amounting to $75,000, with the exception of some receivers' certificates. The only result would be for the Government to make a concession so far as its security is concerned.

Mr. ROBINSON of Arkansas. That will always be true. Assuming the legislation is ever to pass, the same rule would apply. The thought is that the power to compromise would be more helpful now than it would be in what we may call good times.

Mr. HOWELL. No, Mr. President. The only way these roads can be helped is for them to be refinanced, and if they are refinanced now, it will be greatly to the disadvantage of the Government, because the Government is the chief creditor. The time to refinance and find a market for new securities is when market conditions are favorable for the sale of new securities.

Mr. LA FOLLETTE. I ask for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. Does the Senator from Nebraska maintain his objection?

Mr. HOWELL. I do.

Mr. COUZENS. I move that the Senate proceed to the consideration of the bill.

Mr. HOWELL. Mr. President, is the question of taking up this bill debatable?

The PRESIDENT pro tempore. It is not debatable under Rule VIII, and the Senate is operating under Rule VIII. The Senator from Nebraska, however, has three minutes more under his five minutes, if he wishes to take it.

Mr. HOWELL. Mr. President, several years ago the railroads of this country owed the Government $300,000,000. A bill was brought before the Senate extending that debt at the same rate of interest, and providing that at the end of the time the indebtedness was to be canceled on the basis of the rate of interest then in effect. I opposed that measure. I prevented its passage, and all but about fifty-five or sixty million dollars of that indebtedness have been paid to the Government.

In my opinion, after going into this matter quite carefully, I have concluded that this is not a good time to give a mandate to the Secretary of the Treasury, as it will be interpreted to decrease in favor of other creditors our security in connection with these railroads.

The PRESIDENT pro tempore. The time of the Senator from Nebraska has expired. The question is on agreeing to the motion of the Senator from Michigan.

The motion was rejected.

The PRESIDENT pro tempore. The regular order being demanded by the Senator from Nebraska, the clerk will proceed with the call of the calendar.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 2497) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes, was announced as next in order.

Mr. REED. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4561) for the relief of Sally S. Twilley was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4555) to amend certain sections in the Code of Law for the District of Columbia relating to offenses against public policy was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 105) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 191) for the relief of George B. Marx was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3238) for the relief of Martin E. Riley was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5212) for the relief of George Charles Walthers was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4597) to provide educational employees of the public schools of the District of Columbia with leave of absence with part pay for purposes of educational improvement, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. FLETCHER. Mr. President, in view of the adverse report on House bill 3238, why can we not indefinitely postpone the bill and take it off the calendar?

The PRESIDENT pro tempore. Is there objection to recurring to the consideration of Calendar 1118? The Chair hears none, and the bill will be indefinitely postponed.

Mr. BRATTON. Mr. President, there was some confusion and I did not understand the request of the Senator from Florida.

The PRESIDENT pro tempore. The Senator from Florida suggested that in view of the adverse report of the Committee on Claims it would be well to dispose of House bill 3238 on the calendar.

Mr. BRATTON. I did not hear the request when the Senator submitted it.

The PRESIDENT pro tempore. The proceedings announced by the Chair will be abrogated. The Senator from New Mexico is recognized.

Mr. BRATTON. I prefer that that bill go over, if the Senator from Florida will withdraw his request.

Mr. FLETCHER. I have no objection.

The PRESIDENT pro tempore. A single objection would prevent what the Senator from Florida sought to have done. Objection is heard.

SUITS AGAINST THE UNITED STATES

The joint resolution (S. J. Res. 201) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the fiscal years ending June 30, 1866, 1867, 1868, and vesting the right in each State to sue in its own name, was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

WAIVER OF TRIAL BY JURY

The bill (H. R. 12056) providing for the waiver of trial by jury in the district courts of the United States was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

REGISTERED MAIL

The bill (H. R. 5659) to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail and for postal money orders was announced as next in order.

Mr. DILL. Let that go over.

Mr. McKELLAR. Mr. President, I think this a very proper bill. The committee very carefully considered it, and I believe the Senator could safely withdraw his objection to it. I have no interest in the world in it except to secure good administration of affairs in the Post Office Department, and I think it provides for that. I hope the Senator will not object.

Mr. DILL. Mr. President, I should like to object temporarily, until I can look at the bill.

Mr. BLAINE. Mr. President, I have a very serious objection to the bill.

Mr. McKELLAR. If the Senator has, that is all right.

The PRESIDENT pro tempore. The bill will be passed over.

DEATH GRATUITIES TO ESTATES OF OFFICERS, ETC.

The Senate proceeded to consider the bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provision contained in the act approved June 4, 1920 (41 Stat. L., p. 824; U. S. C., title 34, sec. 943), as amended by the act approved May 22, 1928 (45 Stat. L., p. 710; U. S. C., Sup. III, title 34, sec. 943), is hereby amended to read as follows:

"SEC. 943. Allowance on death of officer or enlisted man or nurse, to widow, child, or dependent relative. Immediately upon official notification of the death from wounds or disease not the result of his or her own misconduct, of any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of such officer, enlisted man, or nurse previously designated by him or her, an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the pay of the Navy and pay of the Marine Corps, respectively: *Provided*, That if there be no widow, child, or previously designated dependent relative, the Secretary of the Navy shall cause the amount herein provided to be paid to any grandparent, parent, sister, or brother shown to have been actually dependent upon such officer, enlisted man, or nurse prior to his or her death: *Provided*, That the determination of the fact of dependency in all cases of dependent relatives of personnel of the Navy or Marine Corps, whether previously designated or not, by the Secretary of the Navy, shall be final and conclusive upon the accounting officers of the Government: *Provided*, That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers, enlisted men, or nurses of any forces of the Navy of the United States other than those of the regular Navy and Marine Corps, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent or probationary appointments in the regular Navy or Marine Corps: *Provided*, That the provisions of this section shall apply to the officers and enlisted men of the Coast Guard, and the Secretary of the Treasury will cause payment to be made accordingly."

JAMES J. LINDSAY

The Senate proceeded to consider the bill (S. 3929) for the relief of James J. Lindsay, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy James J. Lindsay shall be held and considered to have served honorably as a fireman, second class, United States Navy, for more than 90 days during the war with Spain: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

REGULATION OF PARCEL-POST RATES

The bill (S. 5365) to repeal section 7 of the postal act, approved May 29, 1928, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

Mr. McKELLAR. Mr. President, the Senate has already taken exactly the position recommended by this bill in the passage of a resolution, and I hope the Senator from New Hampshire will permit the bill to pass at this time. There is no reason why it should not pass. I am afraid the House of Representatives will not pass it, but I would like to see the Senate pass it. The Senator knows that the Senate is overwhelmingly in favor of the repeal of this section of the postal act.

The PRESIDENT pro tempore. Since the Chair is handicapped somewhat by his present position, he will merely say that he also entertains the fear spoken of by the Senator from Tennessee about the action of the House, and therefore asks that the bill go over.

Mr. McKELLAR. I regret that, Mr. President.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 5285) to amend the organic act of Porto Rico, approved March 2, 1917, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5416) to provide for the filling of certain vacancies in the Senate and House of Representatives of Porto Rico was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 132) extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to Porto Rico was announced as next in order.

Mr. McKELLAR. Let it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 120) authorizing the President to reorganize the administration of the insular possessions was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 5288) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

CONSTRUCTION OF PUBLIC BUILDINGS

The bill (H. R. 14255) to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in any proceeding in any court of the United States outside of the District of Columbia which has been or may be instituted by and in the name of and under the authority of the United States for the acquisition of any land or easement or right of way in land for the public use, the petitioner may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the lands described in the petition, declaring that said lands are thereby taken for the use of the United States. Said declaration of taking shall contain or have annexed thereto—

(1) A statement of the authority under which and the public use for which said lands are taken.

(2) A description of the lands taken sufficient for the identification thereof.

(3) A statement of the estate or interest in said lands taken for said public use.

(4) A plan showing the lands taken.

(5) A statement of the sum of money estimated by said acquiring authority to be just compensation for the land taken.

Upon the filing of said declaration of taking and of the deposit in the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in said declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per cent per annum on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the court. No sum so paid into the court shall be charged with commissions or poundage.

Upon the application of the parties in interest the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall exceed the amount of the money so received by any person entitled, the court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

SEC. 2. No appeal in any such cause nor any bond or undertaking given therein shall operate to prevent or delay the vesting of title to such lands in the United States.

SEC. 3. Action under this statute irrevocably committing the United States to the payment of the ultimate award shall not be taken unless the chief of the executive department or agency or bureau of the Government empowered to acquire the land shall be of the opinion that the ultimate award probably will be within any limits prescribed by Congress on the price to be paid.

SEC. 4. The right to take possession and title in advance of final judgment in condemnation proceedings as provided by this act shall be in addition to any right, power, or authority conferred by the laws of the United States or those of any State or Territory under which such proceedings may be conducted, and shall not be construed as abrogating, limiting, or modifying any such right, power, or authority.

SEC. 5. In any case in which the United States has taken or may take possession of any real property during the course of condemnation proceedings and in advance of final judgment therein and the United States has become irrevocably committed to pay the amount ultimately to be awarded as compensation, it shall be lawful to expend moneys duly appropriated for that purpose in demolishing existing structures on said land and in erecting public buildings or public works thereon, notwithstanding the provisions of section 355 of the Revised Statutes of the United States: *Provided*, That in the opinion of the Attorney General, the title has been vested in the United States or all persons having an interest therein have been made parties to such proceeding and will be bound by the final judgment therein.

Mr. KING. Mr. President, may I ask the Senator from Oregon [Mr. STEIWER], with reference to the bill just passed, whether this method of condemnation in the various States contravenes the statutes of the State in which lands may be condemned for public uses? Does it recognize the procedure in the State? If the State requires the payment of money or the giving of a bond, does this do the same, or is it a new statute absolutely ignoring the proceedings in the State where lands are sought for public purposes?

Mr. STEIWER. Mr. President, I do not know that I can make a satisfactory and authoritative answer to the Senator's question. It is my impression, and I think it was the impression of the senior Senator from Idaho [Mr. BORAH], that the State law, wherever in conflict, would still be paramount. I think that would be a correct statement.

Mr. JOHNSON. Mr. President, the bill provides a procedure for the United States Government for the taking of land in the various States. It is repugnant to every legal sense that I have. I objected to it, therefore, on various occasions, but I did not want to stand in the way of a speedy condemnation where the United States Government might desire it; and so, finally, although I had studied the matter with some degree of care, I withdrew my objection, and I do not object now.

Some States have such a law, but that it is violative of what formerly was thought a fundamental principle of condemnation, I think, will be obvious to any lawyer. The United States Government may take a piece of property outside of the District of Columbia, because it is that of which we are now speaking, wherever it desires. It may go into possession. It may demolish that property. It may, through any agent of its own, pay into court what that agent, of course, being the Government, may deem an appropriate sum, but proceeding to demolish the property and take possession of it, leaving the owner to litigate his rights, a proceeding which is repugnant to every idea I have of eminent domain and condemnation. Such laws do exist in various States. They have been held to be constitutional. But they are an invasion of individual rights. I simply rebel at that mode of legislating.

BILLS AND RESOLUTIONS PASSED OVER

The bill (H. R. 12063) to amend section 16 of the Federal farm loan act was announced as next in order.

Mr. TYDINGS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5515) to amend section 29 of the act of August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 406) authorizing the special committee on campaign expenditures to impound the ballots and ballot boxes was announced as next in order.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 5540) to authorize an emergency appropriation for special study of, and demonstration work in, rural sanitation was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, an item relating to this subject has been included in the general Department of Agriculture appropriation bill and therefore no action need be taken on this bill.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

Mr. ROBINSON of Arkansas. I object.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ROBINSON of Arkansas. A situation might arise under which it would be desirable to take some action to modify the bill or some other action regarding it, although I do not expect such a situation will arise. I suggest that the status quo be preserved.

The PRESIDENT pro tempore. The status quo will not be disturbed. The bill will be passed over.

MOUNT VERNON MEMORIAL HIGHWAY

The bill (S. 5644) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended, was announced as next in order.

Mr. FESS. Mr. President, the bill has been before us for a considerable time. The Senator from Nebraska [Mr. HOWELL] has objected to its consideration. He is ready to take it up, but does not want to take it up under the 5-minute rule. I had hoped, this being the one hundred and ninety-ninth anniversary of the birth of Washington, that we might celebrate to an extent in the passage of the bill which provides for the completion of the Mount Vernon Highway. The Senator has agreed that it must be completed, but is somewhat dissatisfied with some of the estimates and the expenditures which have already been authorized and made. I hope the Senator will let us pass the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Library without amendment.

Mr. HOWELL. Mr. President, I wish to offer an amendment to the bill, and before doing so I desire to make a brief statement.

I am a member of the Committee on the Library, and I remember when this measure first came before the committee. It was urged that there were two routes for the construction of the boulevard to Mount Vernon. One, as I understood, was across the hills, which would cost $3,100,000. The other proposed to follow the shore line and would cost $4,200,000. Subsequently a bill was passed authorizing the construction of the boulevard at a cost not to exceed $4,500,000.

The boulevard is 14.6 miles long. Deducting the 1 mile through the town of Alexandria, the portion that must be graded and fully constructed is but 13.6 miles long. Every dollar of the $4,500,000 authorized has been obligated. Out of that $4,500,000 there has been expended $612,000 for land, and all of the rest of it is obligated to construction at a cost of $286,000 per mile, and it is now claimed that there is not enough money within about $2,450,000 to complete the construction. In other words, the limit placed upon the cost of the boulevard by the Congress has been utterly disregarded and Government officials have gone ahead and done as they pleased so that to-day the boulevard is impassible, the grading is not completed, the surfacing has not even been begun, and yet the $4,500,000 is all expended or must be expended upon existing contracts for grading and incidentals.

Deducting the 1 mile through Alexandria, the boulevard, according to the latest estimate, will cost $462,000 a mile without one dollar for land or right of way added. It is an astounding expenditure—this $2,700,000 in addition to the $4,500,000 that has already been authorized.

I took occasion recently to go over the route of the proposed boulevard. I must say that I believe ultimately it will be found disappointing. The Government will have expended $7,200,000 on a stretch of road 13.6 miles in length. I felt that this matter ought not to be passed without calling the attention of Congress to it, and that we should make a renewed determination that when we grant an authorization for a project, those who are in control—governmental servants—shall cut their coat according to the cloth they are authorized to have.

In connection with this bill I wish to propose an amendment granting the additional authorization of $2,700,000, but with certain qualifications. Of course, we must go through with the construction of this boulevard, but it should be remembered that out of the $7,200,000 all that has been and will be paid for land amounts to but $838,000. The rest of that enormous amount is for the construction of a boulevard 14.6 miles in length, 1 mile of which is already satisfactorily constructed through the city of Alexandria, except for certain improvements that will cost about $80,000.

Mr. WATSON. Mr. President, how wide is the boulevard to be?

Mr. HOWELL. I am asked how wide the boulevard is to be. The surfacing is to be about 40 feet wide.

Mr. WALSH of Montana. Mr. President, may I inquire who are the engineers that make an estimate of cost of $4,000,000 and then propose to spend $7,000,000?

Mr. HOWELL. The construction has been conducted under the Bureau of Roads of the Department of Agriculture.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HOWELL. I yield.

Mr. KING. My information was that the highway was to be 300 feet wide.

Mr. HOWELL. I spoke of the paved section only.

Mr. KING. Will the Senator tell us how such an enormous sum of money could be expended in the construction of 13 miles of highway?

Mr. HOWELL. Great sections have been filled, and in some cases where they have filled the embankment settled and they had to refill. A proper estimate evidently was not made. That is another thing to which I want to call the attention of the Senate. We must insist when these projects come here that they shall come with proper plans and specifications and that those who are responsible for the plans and specifications and for the estimated cost of the project shall be held responsible for results.

For years there has been no penalty evidently for such results. I am convinced, however, we ought to make a new departure, respecting the observance of authorization limits by Congress, and that is why I am calling the attention of the Senate to these facts, and am suggesting that in the future we be sensitive to and resentful of this kind of treatment at the hands of the servants of the Government. In this particular case I offer the following amendment:

Provided, That before any moneys by this measure authorized—

It proposes to authorize $2,700,000 more—

to be appropriated shall be available for obligating there shall be such showing of fact made as shall satisfy the Comptroller General that by the use of the appropriation by this measure authorized, together with the amounts heretofore appropriated, the entire project will be satisfactorily completed.

In other words, I now propose that there shall be a final summing up, and that they shall not come back here again

for several more million dollars, which they might do, and I fear may do, unless we adopt an amendment of this kind.

Mr. KING. Mr. President, before the Senator leaves that phase of the subject will he permit an inquiry?

before we will have the celebration in which the whole world will take part.

ing to do about it? Is it claimed that there is now extrava-

for several more million dollars, which they might do, and I fear may do, unless we adopt an amendment of this kind.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. FESS. Mr. President, I somewhat sympathize with the Senator from Nebraska in the matter of the low estimate that was made in contrast with the expenditure that seems to be necessary. However, we passed the authorization for the construction of the boulevard without having selected the route. Then in the authorization we placed a limit of four and one-half million dollars, because that had been the estimate of cost made by the Government agencies that had conducted the survey. The question came up, as the Senator has suggested, whether one of the established routes should be used or a new roadway constructed along the shore of the Potomac River. That question was submitted to the Bicentennial Commission, and that commission, which was in charge of the work, decided that it would be preferable to adopt the river-shore route, although it would involve entirely new construction all the way from Washington City to Mount Vernon. While the boulevard will go through Washington Street, Alexandria, of course we shall be required to pave that street. The question of the material to be used for the paving is now being considered, and that item has not been excluded but is included in the cost.

Mr. HOWELL. Mr. President, pardon me for interrupting, if I may?

Mr. FESS. Yes.

Mr. HOWELL. The estimate for that 5,300 feet is from $75,000 to $80,000, but the rest of it has cost about $425,000 or $430,000. That is the point to which I call attention.

Mr. FESS. Yes.

Mr. President, I do not know whether I ought to undertake a defense of the highway commission in this matter or not, but when we decided—and the decision was approved by Congress—to take the river route rather than the upper route, although we knew it would involve a much greater cost, there developed following the survey some very unexpected expenditures, such, for example, as that involved in crossing Hunting Creek, the area being about a mile across. That had to be filled in, except for the small space where bridges are being built.

The estimate for the bridges originally was $986,433, but it has developed that the bridges are going to cost double that amount. That is due almost entirely to the decision to adopt the shore route rather than the upper route. So, while there was an estimated expenditure of $986,433 for bridges, the estimate now is $985,200 more to complete the bridges. So that the amount in that item has been doubled. That was unexpected.

In addition, there was no thought in the beginning that we would be required to remove two spans of the Highway Bridge and provide a detour, involving an outlay of over $50,000. That was not in the original plan at all. When we realize the great amount of filling, pumping from the river, which it became necessary to do—and that work has been done not by private corporations but by Government engineers—we can understand what an enormous cost is involved in that respect.

The first unit of this cost was the contract awarded the Smoot Sand & Gravel Co. amounting to $104,175, which has been expended to date, and it will take $10,000 more to complete it. The contract that was given to the Army engineers called for an expenditure of $913,612. There is nothing additional required to complete that work, because that is virtually all completed. It involves the pumping from the river to make a roadway for miles and miles along the shore, much of it in what had formerly been the water.

Grading, draining, and incidental construction up to date have cost $400,706, and $69,300 additional are required to complete that work. I have referred to the item for the bridges. On that item $986,433 have already been expended and $985,200 are required to complete it. The land purchases have amounted——

Mr. KING. Mr. President, before the Senator leaves that phase of the subject will he permit an inquiry?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FESS. Yes.

Mr. KING. How many contracts were given to private corporations or individuals; and if all were not given to private companies or individuals, why not?

Mr. FESS. Bids were received on the work involved in all the various units, of which there are four; but no bid from a private company was satisfactory so far as the pumping operation was concerned, and therefore that contract was given to the Army engineers. The contract for grading and drainage was given to a private company; the contracts for bridges also were given to a private company. The items listed here do not include land purchases nor the parkway item. The land purchases amounted to $612,122. There has been some complaint that we paid too much; but in looking over the prices paid and comparing them with the prices paid by the Government for land in the triangle in the city of Washington, the advantage is shown to be with the purchases of land for the highway rather than those by the Government within the city. In other words, the percentage above the appraised value for taxation purposes is less in the case of lands purchased for the right of way of this boulevard than in cases where the Government has condemned property within the city for the erection of public buildings.

Mr. KING. Mr. President, will the Senator yield further?

Mr. FESS. Yes.

Mr. KING. The reason for my inquiry is that a number of complaints have come to me from individuals who pretended to have knowledge of the lands purchased. One gentleman stated that some swamp lands were purchased——

The PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. KING. May I complete my question in my own time?

The PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. KING. That an extortionate price was paid for a number of acres of land which he denominated swamp land. I know nothing about it. I told him I would make inquiry to ascertain whether the prices paid were fair and just. Will the Senator answer in my time, please?

Mr. FESS. I talked with the chief of the construction division to-day about that very item. He stated that from the standpoint of his division there were no exorbitant prices paid for any of this property. I assume that in some individual cases the Senator from Utah and I might think that the prices paid are somewhat out of range, but it appears to me, in view of the fact that nothing has been done by the highway commission that we have not from time to time approved—because all such matters have always been laid before us—we ought not at this stage to obstruct completion of this work. I was told to-day that those in charge are ready to let the contract for pouring concrete. If we do not go on with this work at this time, it will be completed at some time, and postponement now would only defer it. The roadway being constructed to Mount Vernon is going to be, beyond a doubt, the greatest boulevard anywhere in the world.

Mr. LA FOLLETTE. And it ought to be.

Mr. FESS. It ought to be; that is true. Not only that, but we ought to have control of a good portion of the parking, not for automobiles but for landscape purposes.

While I am in sympathy with the idea of being economical, I do not believe we ought to economize to the extent of doing less than we ought to do on this splendid possibility in the way of a memorial roadway from the most beautiful capital in the world to that shrine of the American people, which was once the residence and is now the sleeping place of the greatest man the United States has ever produced. I should like to see this bill go through unencumbered on this anniversary of his birth one year

before we will have the celebration in which the whole world will take part.

The PRESIDENT pro tempore. The time of the Senator from Utah has expired.

Mr. HOWELL. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska may not be recognized on the bill but he may be recognized for five minutes upon the amendment.

Mr. HOWELL. As I understand, the Senator from Ohio accepts the amendment I have offered?

Mr. FESS. Mr. President, I have not looked into it to ascertain whether it is going in any way to interfere with the completion of the boulevard. As I see it, I do not think it will, but I should feel very much distressed if it should interfere in any way with its completion.

Mr. HOWELL. Mr. President, I am not criticizing the commission. The commission is not composed of engineers. What would a private enterprise do if costs of construction outran estimates as in this case?

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question? The increased cost is due to the change of the route, is it not? It s entirely due to that.

Mr. HOWELL. No, Mr. President.

Mr. SHORTRIDGE. That is the statement made by the Senator.

Mr. HOWELL. The $4,200,000 estimate was for the route down the river. The $3,100,000 estimate was for the route toward the right, keeping away from the river. The engineers knew what was intended. Estimates were made and Congress misled. That is what I am complaining of. I am not complaining of building a beautiful boulevard.

Mr. SHORTRIDGE. Certainly not.

Mr. HOWELL. But I am insisting that when our servants come here and ask for appropriations to complete a project, and tell us what it will cost, their estimates should mean something.

Mr. SHORTRIDGE. Will the Senator permit me? I do not wish to get into the discussion other than to say that as I understood the Senator from Ohio, he said, in effect, that the greatly increased cost of this boulevard was due to a change in the route.

Mr. FESS. Originally, when the estimate was made, the river route was not in contemplation.

Mr. SHORTRIDGE. And am I not right in my understanding of what the Senator from Ohio has stated?

Mr. FESS. The Senator is.

Mr. SHORTRIDGE. If so, then much of the criticism of my friend from Nebraska is not altogether justified.

Mr. HOWELL. May I ask the Senator from Ohio if a river route was not proposed at the time the original bill was before the committee?

Mr. FESS. I think not. There was not a question as to where it should be.

Mr. HOWELL. There were two estimates—one for $3,100,000 and one for $4,200,000.

Mr. FESS. That was subsequently, after we passed the joint resolution.

Mr. HOWELL. No; that was what was presented to the committee.

Mr. FESS. Oh, no; I beg the Senator's pardon.

Mr. HOWELL. There was one estimate of $3,100,000 and another estimate of $4,200,000.

Mr. FESS. But that was subsequent to our authorization of the boulevard. That was submitted to us by the highway commission and laid before us to determine which we would take.

Mr. HOWELL. Very well. Which was taken—the $4,200,000?

Mr. FESS. We took the river route.

Mr. HOWELL. The $4,200,000 route. Then that was their estimate for the river route; and I am again calling attention to that fact, also that the authorization was in keeping therewith $4,500,000.

Mr. SHORTRIDGE. I only wanted to know the facts. I understood the Senator as I have indicated; but assuming, therefore, that there was a miscalculation, what are we going to do about it? Is it claimed that there is now extravagance or boodling involved in it?

Mr. HOWELL. I have made no such charge.

Mr. SHORTRIDGE. If it is a necessary expenditure, we can not pause here now and abandon this great project. We must go forward.

Mr. HOWELL. Mr. President, I have made no charge of boodling, or anything of that character, nor have I proposed blocking the project.

Mr. SHORTRIDGE. All right. What are we doing, then?

Mr. HOWELL. What I am doing here is calling the attention of the Senate to the fact that Congress was induced to go into a project based upon an estimate, and without authorization the cost is practically doubled, that we ought to stop this sort of thing.

Mr. SHORTRIDGE. I agree with the Senator.

Mr. HOWELL. Because engineers can make far closer estimates than was made in this case.

Mr. SHORTRIDGE. But none of us is infallible—none of us.

Mr. HOWELL. I realize that is true, and have merely offered an amendment to the effect that when we authorize the expenditure of $2,700,000 more, before this money is expended they shall satisfy the General Accounting Office that they can complete the enterprise with this additional $2,700,000 and not regard it as an invitation to come back for more.

Mr. FESS. How can they do it?

Mr. SHORTRIDGE. Something might develop that would necessitate an additional expenditure.

Mr. HOWELL. Very well, then they can come to Congress again.

The PRESIDENT pro tempore. The time of the Senator from Nebraska has expired.

Mr. NORBECK. Mr. President, I desire to remind the Senator from Nebraska that this is about the way engineers' estimates come to us all the time. When the Government engineers come on with their reports and blue prints regarding reclamation projects, they tell our farmers that they can irrigate the land for $20 an acre. When the project is completed, the farmer has to pay $60 an acre; and we do not know what to do except to go through with it.

I think the Senator from Nebraska is rendering a real service in calling attention to the discrepancies we have to face; but I do not think we can gain anything by tying this kind of a string to the authorization at this time. We might refrain from taking on so many projects, however.

Mr. HOWELL. But the engineers are here with an estimate. Is it a correct estimate, or does it not mean anything? It simply means that we are going to spend $2,700,000, and then they are to come back here and be permitted to say, "We need more money." Now is the time for them to state what money they need; and I trust this amendment may be adopted. It is necessary in this case, in my opinion.

Mr. SWANSON. Mr. President, I want to talk to the Senator from Nebraska for a few minutes. He has offered an amendment which I think is excellent as a general provision of law. We have the same trouble in our river and harbor improvements, the same trouble in connection with our public buildings, the same trouble in connection with irrigation projects.

This project must be completed by next year. Congress has decided to have the most monumental road in the world from the Capitol at Washington to the tomb of Washington, which is a sacred spot to every man in the United States. We celebrate next year the two-hundredth anniversary of Washington's birth. Mount Vernon will be absolutely inaccessible unless this road is completed.

I am afraid the amendment the Senator has proposed is of such a nature that it will make it impossible to complete the road, for the simple reason that I do not believe the Comptroller General would allow a cent to be expended until it is nearing completion. He can not consent to any expenditure until he is satisfied that the whole boulevard can be completed within this amount. We are anxious to have the road completed. Last year there were half a million visitors to Mount Vernon—not Virginians. The Vir-

ginians have a road there, but it is the ordinary 25-foot road. It is expected that next year there will be 20,000,000 people here in Washington who will go to Mount Vernon. Some people think there will be 30,000,000. If that road is not completed, I do not know how they can have the celebration there.

The Senator has called attention to the fact that the engineers ought to have made a better estimate; but it is nearly impossible, in going over swamp land, to tell how a road can be made permanent over that ground. It is necessary to make borings. It is useless to build a road and then have it cave in afterwards. To some extent the engineers have exceeded what would ordinarily be expended; but that is because the situation was such that it was inevitable.

The Senator has made this speech, and I have no objection to his amendment as a general statute. I should be glad to have something of that character passed at this time. I do hope, however, that he will not insist on objecting to this bill unless the amendment is included, for the simple reason that it means that the road will not be completed in time for the two hundredth anniversary celebration.

Mr. HOWELL. Mr. President, I am agreeing to the authorization. We have here a request for $2,700,000 more. I am agreeing to it; but I say the engineers should so conduct themselves in the expenditure of this money that they will complete the project by next year with the $2,700,000 and not come back to us with a deficiency estimate.

Mr. SWANSON. The trouble with the Senator's amendment is that not a cent can be expended until the Comptroller General is satisfied that the road can be completed within that amount. Not a cent could go out until that time.

Mr. HOWELL. I took up this amendment with the General Accounting Office, and it is perfectly practicable. It is the only way, in fact, in which a matter of this kind can be handled.

Mr. COUZENS. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over. The amendment proposed by the Senator from Nebraska will be regarded as pending.

The clerk will state the next measure on the calendar.

The resolution (S. Res. 305) opposing action by the State Department with respect to the flotation of foreign investment loans in the United States and its assumption of certain authority over the Federal Reserve Board and banks was announced as next in order.

Mr. FESS. Mr. President, one reason why I was so very much interested in having the Mount Vernon Boulevard bill pass to-day is that to-morrow is the last day that we can get it in the deficiency bill. It carries an item which, if we put it in the deficiency bill, will be subject to a point of order as matters now stand. If we authorize it to-day, it will not be subject to a point of order. I am very seriously concerned as to whether we are not tying up the project so that this tremendous work will have to stop. Therefore I am going to be compelled to move to take up the bill, Mr. President.

I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Ohio.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 5644) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended, which was read, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended, is hereby further amended by inserting after the first sentence thereof the following new sentence: "The Secretary of Agriculture is hereby authorized to acquire, in accordance with the provisions hereof, such additional lands adjacent to said highway as in his judgment may be necessary for the development, protection, and preservation of the memorial character of the highway."

Sec. 2. Section 6 of such act of May 23, 1928, as amended, is further amended by adding at the end thereof the following new sentence: "In addition to such sums there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,700,000, or so much thereof as may be necessary, to provide for the completion of said highway, and to acquire such lands as may be deemed necessary therefor."

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. HOWELL] offers an amendment, which will be stated.

The CHIEF CLERK. On page 2, at the end of line 14, it is proposed to insert:

Provided, That before any moneys by this measure authorized to be appropriated shall be available for obligating, there shall be such showing of fact made as shall satisfy the Comptroller General that by the use of the appropriation by this measure authorized, together with the amounts heretofore appropriated, the entire project will be satisfactorily completed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was rejected.

Mr. HOWELL. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska is recognized for five minutes on the question of the third reading of the bill.

Mr. KING. Mr. President——

Mr. HOWELL. Do I understand that debate is cut off?

The PRESIDENT pro tempore. We are operating under Rule VIII. No; the Senator from Ohio [Mr. FESS] moved to proceed to the consideration of the bill. The Senator from Nebraska has unlimited time, under the rules of the Senate.

Mr. HOWELL. Mr. President, I regret indeed the necessity of objecting. It was my understanding that this amendment would be accepted. I went into the matter carefully and presented the amendment to the Senator from Ohio [Mr. FESS] before I offered it on the floor—yes, two days ago. I do not say that the Senator from Ohio said positively that he would accept the amendment; but he did say that he did not know that he had any particular objection to it, and I assumed that it would not be objected to, that it would be accepted. It is evident now, however, that the engineers have been heard from and that they say, "We can not complete the boulevard for $2,700,000. Do not agree to the amendment."

Mr. FESS. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. FESS. The Senator from Nebraska is mistaken if he draws any inference that the engineers have given me any information to that effect. The amendment was read a while ago by the Senator. I was not certain about the practicability of it. I went to the desk and reread it. I am convinced that with that amendment nothing can be done until the Comptroller General says, "You can complete the boulevard with that amount of money."

How can the Comptroller General be called upon to make a decision of that sort? He is not an engineer, and has no more opportunity to knowing what can be done with the money than we have. We must leave it to the engineers. For that reason I feel that by adopting the amendment we should be tying up the thing so that we can not go ahead with it. I know the Senator does not want to do that, and I do not want to do it.

Mr. HOWELL. Mr. President, corporations budget their expenditures. They set aside a certain amount for the construction of a certain work, and their engineers make plans and estimates, and they allow enough for contingencies so that they are sure they are safe.

Mr. NORBECK. Mr. President, they are not civil-service engineers, however, are they?

Mr. HOWELL. No; they are not civil-service engineers; but that is done constantly in business.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from California?

Mr. HOWELL. Certainly.

Mr. SHORTRIDGE. If I understand the proposed amendment, it amounts to this: Until the officer named should find that this great project can be and will be carried out within the limits set, nothing can be done. How can he now foresee, and until he does so, and so finds, as a matter of law, I venture to state that not a dollar can be expended. In other words, as the Senator from Ohio has said, the great enterprise will be stopped here and now unless the Senate is perfectly willing to accept the ipse dixit of the accounting officer.

CONFERENCE REPORT—AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACTS

Mr. KEAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "*Provided*, That hereafter, congressional tags shall be issued by the commissioners under consecutive numbers, one to each Senator and Representative in Congress for their official use, which when used by them individually while on official business, shall authorize them to park their automobiles in any available curb space in the District of Columbia, except within fire plug, fire house, loading station, and loading platform limitations, and such congressional tags shall not be assigned to or used by others"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 1, line 4, of the engrossed Senate amendments strike out the word "may" and insert in lieu thereof the word "shall"; and the Senate agree to the same.

ARTHUR CAPPER,
HAMILTON F. KEAN,
WILLIAM H. KING,
Managers on the part of the Senate.

F. N. ZIHLMAN,
GALE H. STALKER,
MARY T. NORTON,
Managers on the part of the House.

Mr. KEAN. Mr. President, I ask unanimous consent for the present consideration of the conference report.

The PRESIDENT pro tempore. Is there objection?

Mr. LA FOLLETTE. Mr. President, I inquire of the Senator from New Jersey if this is not the conference report on the District of Columbia traffic bill.

Mr. KEAN. This is the report on the traffic bill, which has been agreed to by all the conferees.

Mr. LA FOLLETTE. What became of the Senate amendment regarding substantial injury?

Mr. KEAN. We kept that in the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report? The Chair hears none, and the question is on agreeing to the report.

The report was agreed to.

BUREAU OF PROHIBITION MONOGRAPH

Mr. WATSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HOWELL. I yield.

Mr. WATSON. The last time the calendar was considered the junior Senator from Ohio [Mr. BULKLEY] was greatly interested in the passage of Senate Resolution 459, requesting certain information concerning a monograph published by the Prohibition Bureau. At the time I objected and asked to have it go over in order that I might examine it. I have examined the resolution, and I now have no objection. The Senator from Ohio is ill and requested me to ask to have the measure passed to-day. Therefore I ask unanimous consent that we recur to the consideration of that resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. BLAINE. Mr. President, I call attention to the fact that the junior Senator from Ohio is not now present.

Mr. WATSON. The junior Senator from Ohio is ill and asked me to bring the matter up.

Mr. BLAINE. Very well.

There being no objection, the resolution was read and agreed to, as follows:

Resolved, That the Attorney General is requested to report to the Senate, as soon as practicable, the following information relative to the monograph prepared and published by the Bureau of Prohibition in October, 1930, entitled "The Value of Law Observance, a Factual Monograph":

(a) The procedure followed by the bureau in the compilation and interpretation of the factual material embodied in such monograph and in investigating reliable and authoritative sources in order to insure the truth and accuracy of the observations and conclusions contained therein:

(b) The action, if any, taken by the Bureau of Prohibition or any other bureau in the Department of Justice to verify and substantiate the factual material the accuracy of which was emphatically questioned or directly denied (1) by E. Clemens Horst, Esq., of San Francisco, Calif., in his letters of October 31, 1930, and November 1, 1930, addressed to Hon. Amos W. W. Woodcock, Director of the Bureau of Prohibition, or (2) by Hon. FIORELLO H. LAGUARDIA, of New York, in his letter of December 13, 1930, addressed to Hon. William D. Mitchell, Attorney General of the United States, or (3) by Hon. JOHN J. COCHRAN, of Missouri, in an address in the House of Representatives on January 6, 1931;

(c) The corrections or changes, if any, in the second and third prints of such monograph, and the total number of copies published in each of the three prints, the dates of publication, and the method of distribution of copies of the monograph.

THE MERCHANT MARINE

Mr. McKELLAR. Mr. President, I ask unanimous consent to return to Calendar No. 419, House bill 9592, to amend section 407 of the merchant marine act, 1928, for the purpose of offering an amendment and to have it pending. This bill was passed over this afternoon, and I want my amendment to be pending.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment will be received, printed, and regarded as pending.

PAYMENTS TO SEAMEN ON FOREIGN VESSELS

Mr. COPELAND. Mr. President, Senate bill 314, relating to the payment of advance wages and allotments in respect of seamen on foreign vessels, and making further provision for carrying out the purposes of the seamen's act, approved March 4, 1915, was passed over. I asked a legal adviser to give me a legal opinion on this bill. He has done so, and I ask that it be printed so that those who are interested may have opportunity to read and ponder on the opinion. I have no desire to delay passage of the bill, but, according to the advice I have, this bill involves international matters of importance, and I think the legal minds of the Senate ought to read this memorandum. I ask that it be printed in the RECORD at this point.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

MEMORANDUM

S. 314 purports to prevent vessels of foreign countries from advancing wages to seamen on board their vessels in foreign ports by providing that such advances may not be deducted when wages are demanded in ports of the United States.

The effect of the law at the present time is that the advancing of wages is unlawful on American vessels either in the United States or in foreign countries, and it is also unlawful for foreign vessels to advance wages to their seamen while in waters of the United States. With respect to the class of cases now covered by law, such advances not only may not be deducted but involve persons making them in a crime, but with respect to the proposed extension to advances made on foreign ships in foreign countries, the criminal element is eliminated. Regardless of the

questions of the merits of such inhibitions, it is conceded that legislaton wth respect to Amercan vessels anywhere and with respect to foreign vessels while within the territorial waters of the United States are proper subjects of regulation by the United States, but when this country attempts, directly or indirectly, to regulate the relations of foreign vessels and their seamen in foreign ports, the thought is immediately suggested that this is not a proper sphere of regulation by the United States but is a subject of regulation for either the country in which such advances are made or the country whose flag the vessel flies.

In the case of Jackson v. The "Archimedes" (275 U. S. 463, 72 L. Ed. 374, 377), the Supreme Court of the United States states:

"Congress could not prevent the making of such contracts in other jurisdictions. If they saw fit to do so, foreign countries would continue to permit such contracts and advance payments no matter what our declared law or policy in regard to them might be as to vessels coming to our ports."

If such regulation can properly be exercised by the United States over foreign vessels in foreign countries, similar powers must necessarily exist in such foreign countries, with the result that hopeless conflicts in maritime law would obtain, and vessels would frequently find themselves inhibited from doing a thing under the laws of one country which it would be required to do by the laws of another.

All legislation and regulations heretofore seem to have appreciated this contingency and restricted their sphere of operations to their own vessels and vessels of foreign countries within their territorial waters and any departure from this policy must necessarily result in the confusion heretofore referred to.

In the Jackson case, just referred to, the Supreme Court stated:

"Congress certainly did not intend to punish criminally acts done within a foreign jurisdiction; a purpose so wholly futile as not to be attributed to Congress."

It is respectfully suggested that the civil aspects of such advances are no more the proper subjects of regulation by the United States than the criminal aspect declared futile by the Supreme Court.

Whether the enactment of such legislation would violate our international treaties or not is relatively unimportant because there is no question but that such proposed legislation does violence to the limits within which nations have confined their regulatory powers by virtue of the necessities of international commerce.

In the report submitted by Mr. NYE on the bill (S. 314) he states that one of the purposes of the La Follette Seamen's Act was to raise to American level the wage standards for crews of foreign vessels by abolishing the remedy of arrest and imprisonment for desertion in ports of the United States. Inasmuch as wages are higher in the United States ports, Senator NYE points out it was contemplated that foreign seamen should take advantage of the higher wages prevailing in United States ports, and that such a plan was dependent upon seamen having sufficient money upon reaching the American port to carry him until he procured himself a new job, which financial status he could not enjoy if permitted to make advances, etc. In this connection, it is considered wise to call attention to the fact that there is a prevalent misconception as to the effect of the La Follette Act upon desertion. Such arguments as that suggested by Senator NYE in his report presuppose that the La Follette Act legalizes desertions. Such is not the case for all the La Follette Act did was to abolish arrest and imprisonment as a penalty for desertion, but it is still an offense under the navigation laws, punishable by the forfeiture of wages and effects. In private life inducing employees to violate or breach their contracts is looked upon as unethical, to say the least, and it is questionable how far the United States should go toward any such purpose with respect to inducing seamen on foreign vessels to violate their contracts.

Not only is inducing parties to breach their contract unethical but in Angel v. Chicago, St. P. M. & O. R. Co. (15 U. S. 1, 38 L. Ed. 55), the Supreme Court of the United States ruled:

"It has been repeatedly held that if one maliciously interferes in a contract between two parties and induces one of them to break that contract to the injury of the other, the party injured can maintain an action against the wrongdoer."

Therefore, not only does this legislation propose the furtherance of unethical acts but purports to place the United States in the position of doing an act which, if done by a private party, would subject them to an action for damages.

The position of the proponents of this legislation is not quite clear, for unquestionably it is designed to encourage desertions of foreign seamen in ports of the United States, whereas, with respect to S. 302, providing for the deportation of certain alien seamen, Mr. Andrew Furuseth, president of the International Seamen's Union, the organization behind both these measures, complains to Congress of desertions from foreign vessels of alien seamen and urges that they be punished, but, in connection with S. 314, he complains that the steamship companies will not make it possible for their seamen to desert. In any event, the seamen's act was passed several years before the United States found it necessary to adopt a policy of restricting immigration, and even if the desertion of seamen should have been encouraged at that time, certainly this is not the case at the present time when the desertion of seamen is such a difficult problem to those administering our immigration laws.

In conclusion, therefore, it seems to me that not only does this legislation propose the regulation of matters not properly the subject of regulation by the Congress of the United States but is unwise from the standpoint of international policies and ethics. It seeks to promote the very desertion of alien seamen that its proponents complain of in connection with another measure passed by the Senate a few days ago.

BOARD OF VISITORS TO THE PHILIPPINE ISLANDS

Mr. BINGHAM. Mr. President, Senators will realize that there has been objection to the first bill on the calendar, providing for a biennial board of visitors to the Philippine Islands, ever since it was placed on the calendar May 16, 1929. A number of Senators have told me that they would not object to it if the biennial feature were removed, and it provided merely for one board of visitors. I ask that we return to that bill so that I may offer that amendment, and for no other purpose, and to have the title amended accordingly.

The PRESIDENT pro tempore. Is there objection?

Mr. WALSH of Massachusetts. I am constrained to object.

Mr. BINGHAM. I do not ask to do anything further than to consider it for the purpose of amending it by striking out the word "biennial" and then let the bill go back to the calendar.

Mr. WALSH of Massachusetts. I do not object.

The PRESIDENT pro tempore. Is there objection to recurring to the consideration of Senate bill 168? The Chair is informed that the word "biennial" has already been stricken out of the bill by action of the Senate.

Mr. BINGHAM. That does not appear on my copy. Then I ask that the word be stricken from the title.

Mr. SWANSON. Mr. President, before I consent to this, I would like to have an understanding that it will not interfere with the bill which has been made the unfinished business.

Mr. BINGHAM. It would not interfere with that at all. If the word "biennial" has been stricken from the bill, then I ask that the title be changed in order that Senators may realize what the bill is.

The PRESIDENT pro tempore. Is there objection to recurring to the consideration of Senate bill 168? The Chair hears none, and without objection the title is amended as requested, and the bill will go back to the calendar in its amended form.

AMENDMENT OF FEDERAL FARM LOAN ACT

Mr. NORBECK. Mr. President, House bill 12063, to amend section 16 of the Federal farm loan act, when it was reached on the calendar, was objected to, according to the record, by the Senator from Maryland [Mr. TYDINGS]. That Senator tells me he did not object to the consideration of the bill. I therefore ask unanimous consent that it may be taken up at this time.

The PRESIDENT pro tempore. The Chair is informed by the clerks at the desk that the bill before the Senate when the Senator from Maryland entered his objection was the one to which the Senator refers. However, if the Senator from South Dakota wishes to ask unanimous consent to recur to its consideration, the Chair asks, Is there objection?

Mr. SWANSON. Would that interfere with the unfinished business?

The PRESIDENT pro tempore. Not at all.

Mr. SWANSON. Very well.

Mr. BROOKHART. I object.

Mr. NORBECK. This is a real farm relief bill. It will permit the joint-stock banks to lend the money to farmers who have loans due and can not get them renewed. I am sure the Senator will not object to the bill if he looks it over.

Mr. BROOKHART. I have looked it over, and I object.

Mr. TYDINGS. Mr. President, what I objected to was the bill which was explained by the senior Senator from California [Mr. JOHNSON], which immediately precedes on the calendar the bill in which the Senator from South Dakota is interested. After his explanation I meant to object to the bill which the Senator from California was discussing. If the RECORD shows that I objected to the consideration of House bill 12063, I did not mean to object to the Senator's bill, but to the other one.

TRUCKEE RIVER RESERVOIR

Mr. ODDIE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. HOWELL. I yield.

Mr. ODDIE. I ask that Calendar No. 1468, Senate bill 5172, for the construction of a reservoir in the little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, be taken up again. The senior Senator from Washington [Mr. JONES] had an objection when the bill was reached on the calendar, but the department has notified him that it has withdrawn its objection, and I understand the Senator has a statement to make regarding the matter.

The PRESIDENT pro tempore. Is there objection to recurring to the consideration of Calendar 1468?

Mr. JOHNSON. We have not reached it yet.

The PRESIDENT pro tempore. Is there objection to taking up the bill?

Mr. KING. Mr. President, I have examined the report on the bill, and under the circumstances I feel that I shall have to object.

The PRESIDENT pro tempore. Objection is made. The Senator from Nebraska [Mr. HOWELL] has the floor. To whom does he yield?

Mr. HOWELL. I yield to the Senator from New York.

ELIZABETH OCKEL—RETURN OF PAPERS

Mr. COPELAND. Mr. President, the bill (S. 5385) granting a pension to Elizabeth Ockel (70th Cong., 2d sess.) was rejected by the committee. I ask unanimous consent that the Secretary of the Senate be directed to return to Mrs. Ockel the papers on file in connection with the bill.

The PRESIDENT pro tempore. Ordinarily that is done only when no adverse report has been made upon a bill. The Chair will submit the question, however. Is there objection?

Mr. McNARY. What is the request?

Mr. COPELAND. I am asking that certain papers filed with a bill which the committee did not see fit to consider, but pigeonholed, be returned. They include a marriage certificate and other matters of no interest to the committee but of interest to the person in quesion.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RECESS

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. HOWELL. I yield the floor.

Mr. McNARY. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 2 minutes p. m.) took a recess until to-morrow, Tuesday, February 24, 1931, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 23 (legislative day of February 17), 1931

COLLECTOR OF CUSTOMS

Philip Elting, of Kingston, N. Y., to be collector of customs for customs collection district No. 10, with headquarters at New York, N. Y. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE

William Duggan, of New York, N. Y., to be collector of internal revenue for the second district of New York, to fill an existing vacancy.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 23, 1931

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be Thy name, O Thou Most High. We beseech Thee to hear us as we pray the prayer of him who was first in war, first in peace, and first in the hearts of his countrymen; may it measure the test of our manhood and our dependence upon the God of our fathers: "Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection and Thou wilt incline the heads of the citizens to cultivate the spirit of subordination and obedience to government and entertain a brotherly affection and love for one another and their fellow citizens of the United States at large. And finally Thou wilt be most graciously pleased to dispose us all to do justice, love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were characteristic of the Divine Author of our blessed religion, without the imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ, our Lord. Amen."

The Journal of the proceedings of Saturday, February 21, 1931, was read and approved.

WASHINGTON AND THE UNION

The SPEAKER. Pursuant to the order of the House, the Chair takes pleasure in recognizing the gentleman from Pennsylvania [Mr. BECK] for one hour. [Applause.]

Mr. BECK. Mr. Speaker and fellow Members, I am again greatly indebted to this House for the very honorable privilege of voicing the reverence and gratitude with which the immortal memory of George Washington inspires the American people on the anniversary of his birth.

Two years ago I addressed this House on the same anniversary and had its indulgent attention in my interpretation of Washington's political philosophy and more especially his conception of our Constitution as set forth in the Farewell Address. I shall not repeat what I then said, but I will ask your attention to a possibly more interesting speculation. If Washington again appeared in our midst, how would he, who guided the Republic in its infancy with such deep and affectionate concern, to-day view its future in the light of some of our present difficulties and problems?

With his habitual modesty Washington cherished little hope that anything that he had said could long influence future generations. He little appreciated that he would remain a vital force in the councils of the Republic "to the last syllable of recorded time." Looking into the dark abysm of time, which precedes and succeeds our little mortal lives, he regarded his continuing influence as fleeting as the clouds of a summer day, that soon "melt into the infinite azure of the past." He voiced this diffidence in one of the most pathetic passages of the noble Farewell Address, when he said:

> In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

Washington was not unmindful in his lifetime of the unique place which he held in the affections of the world of his day, but he little appreciated how his fame would grow until it reached that "naked, deathless splendor" of which Lincoln spoke and which has made any eulogy an idle superfluity.

He could as little appreciate the permanence of his influence in the after ages as he could grasp the present dominat-

ing power of the Republic which he, of all men, helped to create. It may be questioned whether any name in profane history is held in greater or more general veneration throughout the world than that of George Washington.

I find confirmation in a letter, written by the most scholarly statesman of the nineteenth century, William E. Gladstone, to an American correspondent. The great commoner of England then said:

When I first read in detail upon the life of Washington I was profoundly impressed with the moral elevation and greatness of his character and I found myself at a loss to name, among the statesmen of any age or country, many, or possibly any, who could be his rival. • • • If, among the pedestals supplied by history, I saw one higher than the rest and if I were required at a moment's notice to name the fittest occupant for it, I think my choice at any time during the last 45 years would have lighted, and it would now light, upon Washington.

[Applause.]

Such is the deliberate verdict of the world and such unanimity has few, if any, precedents in history. It gives exquisite propriety to our own memorial to Washington, which, in its overtopping height and its noble simplicity, symbolizes a character unique in the annals of mankind.

[Applause.]

I am not unappreciative of the fact that there have been a few scholars and biographers, who, while fully recognizing his unsullied rectitude, have questioned his intellectual powers. I do not condemn an honest purpose of a biographer to represent a man, who belongs to history, "in his habit, as he lived." Washington would have shared the wish of Cromwell, to be painted as he was, and not unduly glorified by pious imagination. Like the noble warrior of Shakespeare's fancy, Othello, he would have said:

Speak of me as I am; nothing extenuate,
Nor set down aught in malice.

A clear distinction must be made between an honest attempt to rescue a great historic personality from excessive laudation and a selfish effort to achieve notoriety, or earn a few dirty dollars by defiling an honored reputation by resort to discredited traditions, or by unfair inferences from backstairs gossip. Fortunately, in Washington's case, his fair fame defies the power of malicious defamation.

[Applause.]

Other personalities in history are not always so fortunate and this generation should recall with profound humiliation how eagerly a scandal-loving public accepted as racy reading a malicious attack upon the memory of another President—one of the most kindly and lovable of men—and his wife, when neither were living to refute these cowardly slanders. Every well-regulated cemetery has regulations to keep dogs out of the sacred precincts of the dead, and it is a pity that immortal reputations may not have the same immunity from wanton desecration as their mortal remains. [Applause.]

The supreme concern of history should be to tell the truth, and any sincere attempt to revaluate an historic character by a new estimate is not to be condemned because it may run counter to a flood tide of opinion.

Therefore I do not challenge the right of that small minority of historical writers who voice the opinion, expressed a few years ago by an American professor at Oxford, that Washington "was a man of few natural gifts, self-educated, and somewhat slow-witted," although I am at a loss to understand how anyone could read the voluminous works of Washington and question the power of his intellect. Let me quote the deliberate judgment of one who had the best reason to know the strength and power of Washington's mind. I select a witness who knew him from the time of their joint service in the House of Burgesses in Virginia to the end of Washington's career. The witness was himself one of the greatest intellects of the eighteenth century and a man of wide reading and inspired vision. His testimony is the more valuable because he was not altogether in sympathy with some of Washington's political policies, although he was Washington's Secretary of State. I refer to Thomas Jefferson, than whom no one, not excepting Hamilton, had greater opportunities to pass a judgment upon his great rival in fame.

Only a great man can pass a fitting judgment upon a great man and, before reading Jefferson's testimony, it may be interesting to dwell for a moment upon the expert character of the witness thus summoned to the bar of history.

Jefferson's ruling passion and dominant characteristic was that of the student. No one of his time, with the exception of Franklin, ever gave so much of a life to intellectual pursuits. He was a valued correspondent of four great colleges; the successor of Franklin as president of the American Philosophical Society and the founder of the University of Virginia. Art, music, literature, history, politics, science, agriculture, philosophy, religion—all engaged his thoughts, and when his library was purchased by our Government, it required 16 wagons to transport his more than 10,000 books to the Capitol. It adds to the value of his estimate of Washington that Jefferson was expressing late in life, after the storms of party strife had passed away and in a private letter to an intimate friend, to whom he could write freely, his deliberate opinion of Washington's character. In this letter, written from Monticello on January 2, 1814, Jefferson said:

I think I knew General Washington intimately and thoroughly; and were I called on to delineate his character, it should be in terms like these:

His mind was great and powerful, without being of the very first order; his penetration strong, though not so acute as that of a Newton, Bacon, or Locke; and as far as he saw, no judgment was ever sounder.

Let me pause to say that in thus mentioning three of the greatest intellects that the world has known, it is evident that Jefferson meant that Washington's intellect, while "great and powerful," was not of the exceptional "first order" of Newton, Bacon, or Locke. We can acquiesce in this judgment without detracting from Washington's intellectual powers, for his mind was concentric and not eccentric. Of the latter class could be mentioned Mozart, Raphael, Beethoven, or Einstein, whose intellectual powers were eccentrically developed, but to the former, and, as I think, the greater, class belong the concentric intellects, like those of Bacon, Leonardo da Vinci, Franklin, and, in a lesser degree, Washington. Self-taught, Washington did not pretend to be a scholar. His scholastic attainments were not great and yet, if the powers of the intellect can be measured by a sane estimate of existing realities and a profound vision of the future, then Washington's intellectual powers can not be questioned.

Jefferson further says:

It [Washington's mind] was slow in operation, being little aided by invention or imagination, but sure in conclusion. Hence the common remark of his officers, of the advantage he derived from councils of war, where, hearing all suggestions, he selected whatever was best; and certainly no general ever planned his battles more judiciously. But if deranged during the course of action, if any member of his plan was dislocated by sudden circumstances, he was slow in readjustment. The consequence was that he often failed in the field and rarely against an enemy in station, as at Boston and New York. He was incapable of fear, meeting personal dangers with the calmest unconcern. Perhaps the strongest feature in his character was prudence, never acting until every circumstance, every consideration, was maturely weighed; refraining if he saw a doubt, but, when once decided, going through with his purpose, whatever obstacles opposed. His integrity was most pure, his justice most inflexible I have ever known, no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision. He was, indeed, in every sense of the words, a wise, a good, and a great man. His temper was naturally irritable and high toned; but reflection and resolution had obtained a firm and habitual ascendancy over it. If ever, however, it broke its bonds, he was most tremendous in his wrath. In his expenses he was honorable, but exact; liberal in contributions to whatever promised utility; but frowning and unyielding on all visionary projects, and all unworthy calls on his charity.

His heart was not warm in its affections; but he exactly calculated every man's value, and gave him a solid esteem proportioned to it. His person, you know, was fine, his stature exactly what one would wish, his deportment easy, erect and noble; the best horseman of his age, and the most graceful figure that could be seen on horseback. Although in the circle of his friends, where he might be unreserved with safety, he took a free share in conversation, his colloquial talents were not above mediocrity, possessing neither copiousness of ideas nor fluency of words. In public, when called on for a sudden opinion, he was unready, short, and embarrassed. Yet he wrote readily, rather diffusely, in an easy and correct style. This he had acquired by conversation with the world, for his education was merely reading, writing, and common arithmetic, to which he added surveying at a later day. His time was employed in action chiefly, reading little, and that only in agriculture and English history. His correspondence became necessarily extensive, and, with journalizing his agricultural proceedings, occupied most of his leisure hours within doors.

On the whole, his character was, in its mass, perfect, in nothing bad, in few points indifferent; and it may truly be said, that never did nature and fortune combine more perfectly to make a man great, and to place him in the same constellation with whatever worthies have merited from man an everlasting remembrance. For his was the singular destiny and merit of leading the armies of his country successfully through an arduous war, for the establishment of its independence; of conducting its councils through the birth of a government, new in its forms and principles, until it had settled down into a quiet and orderly train; and of scrupulously obeying the laws through the whole of his career, civil and military, of which the history of the world furnishes no other example.

Such is Jefferson's pen portrait of his illustrious contemporary. It is not unmixed praise. Its sincere purpose to depict the Father of his Country as he was is unmistakable. It is like a portrait of Rembrandt, and the very defects, which Jefferson imagined he saw in a lifelong friend, add to the portrait as the shadows of Rembrandt deepened his master works. To be slow in conclusion was to be deliberate, and Washington's hesitation in conversation or public speech simply reflects the modesty of a man, diffident in the presence of men who had enjoyed a college education; but this did not deceive his contemporaries, of whom one, Patrick Henry, said that for "sound judgment and solid information" Washington was the greatest man in the Continental Congress.

It is true that Jefferson does refer to his lack of education and wide reading, much as that learned pedant Ben Jonson superciliously said of Shakespeare, that he "had little Latin and less Greek," but Hamlet will long outlive Volpone and Julius Cæar, Jonson's Cataline. Washington's education, like that of Franklin, was in that best of schools, the university of an arduous life. He had that highest and rarest form of reason, common sense.

Let us, then, imagine that, by some gracious interposition of the God of our fathers, on this, the one hundred and ninety-ninth anniversary of his birth, Washington would again come to the Nation he created and, for a little while, sit again in its Capitol and at the head of the President's council board. He would see his own vision of the future greatness of his country realized more splendidly than his wildest anticipations, for the Republic that he founded has, in the short period of 142 years, became the most stable and powerful nation in the world. But his natural gratification at so stupendous an achievement, which remains his greatest monument, would assuredly not be his only thought. When he wrote the Farewell Address, like Moses on the top of Mount Nebo, he looked with searching eyes into that "promised land" of the future that he could not hope to enter. What would be his special concern as to that future to-day?

With his accustomed prescience he would doubtless see much that would give him cause for acute anxiety. He would see, with profound concern, that the Constitution which he, above all men, helped to secure had suffered in the intervening years a slow but serious disintegration. In many respects he would not recognize his own handiwork, and I think he would view with as much concern as Jefferson the persistent destruction of the functions and even the once proud consciousness of the constituent States and the ever-increasing centralization of all governmental powers in Washington. He would realize how vainly he had warned his countrymen in the Farewell Address against this centripetal tendency; but when acquainted with the immense development of our mechanical civilization he would also realize that much of this centralization was inevitable.

It would be interesting to discuss what his views might be as to many of the problems of our national life, but time only permits me to refer to two, and I select those only because in his lifetime they were the dearest subjects of his thoughts.

The one is the perpetuity of our Union and the second its relation to the rest of the world.

The first was the great theme of his Farewell Address. He said:

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize.

He added that—

It is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety; • • • and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

What did he mean by the words, "your national union"? It is interesting to note that Washington, both in the Farewell Address and in many of his public utterances, rarely referred to our country by its corporate name, "The United States," but generally preferred its older and dearer name of "The Union." In every period of stress and danger the American people have also instinctively reverted to that older name of the American Commonwealth—the name which its founders used before either the Declaration of Independence or the Constitution of the United States were even dreamed of. Inchoate as was that union of the Colonies, yet they felt from the beginning a mutual sympathy and a rudimentary organic existence, to which they gave the name, "The Union." Again and again this ideal of the Union has recurred to our people in any crisis. When, a century ago, the Union was on the verge of disintegration, Webster, in his great reply to Hayne, immensely stimulated the common purposes of the American people by his passionate appeal for "Liberty and union—now and forever—one and inseparable!" On an even more critical occasion, when Jackson attended the Jefferson birthday dinner a century ago, he did not say that the United States should be preserved, but, in the most effective speech ever made by an American publicist, he said:

The Federal Union—it must and shall be preserved!

The Constitution was not formulated to form a union, but "a more perfect union."

Lincoln, in his first inaugural, when he pathetically appealed for a better understanding that would avert the Civil War, spoke of—

Those mystic chords of memory • • • which would yet swell the chorus of the Union, when touched as they will be by the better angels of our nature.

"The Union forever" was the rallying cry of the Federal Armies in 1861–1865, and in defense of that inspiring ideal thousands went to their graves as to their beds.

In considering the future continuance of that union, Washington to-day would be very deeply impressed by a danger, of which the American people are seemingly only half conscious. The antecedent cause which led to the formation of our Constitution was undoubtedly the abolition of commercial restrictions between the States, but the underlying purpose which brought our present form of government into being lay much deeper. Prior to the Constitution there had been profound dissatisfaction with the inequality which characterized the contribution of the several States to the common treasury, and the unfair distribution of political power, due to the equality of representation in the Continental Congress, in which each colony, irrespective of size or fiscal contributions, had one vote. Nothing concerned Washington so deeply or did more to frustrate his purposes than the fact that the thirteen States unequally responded to the expenses of the infant Government and yet each had the same power to make appropriations. The Confederation could only make requisitions upon the States, and many States failed to contribute their quota, while some at times failed to contribute anything.

The result was the tragedy of Valley Forge, when Washington's little but heroic army nearly starved in a land of

plenty, and, later, a period of utter demoralization brought on by the impotency of the old Confederation, when our Nation nearly died stillborn.

It seems to me, Mr. Speaker, that if there was one poignantly pathetic hour in Washington's life it was when, sitting in that little house in Valley Forge, he saw the snow falling upon the heroic remnant of an army that had barely clothes to cover the nakedness of the soldiers, whose feet were unshod and left bloody tracks in the snow. A cabal in Congress was conspiring to destroy him and to deny his little army the means of subsistence. I refer to the Conway cabal that tried to stab him in the back. He must have looked out on that wintry scene and recalled that pathetic poem from As you Like It:

Blow, blow, thou winter wind,
Thou art not so unkind
As man's ingratitude;
Thy tooth is not so keen,
Because thou art not seen,
Although thy breath be rude.

Freeze, freeze, thou bitter sky,
That dost not bite so nigh
As benefits forgot:
Though thou the waters warp,
Thy sting is not so sharp,
As friend remember'd not.

The great purpose of those who were most instrumental in calling the Constitutional Convention was to construct a government upon a more equitable foundation. Taxation was to be imposed directly by a new government in proportion to the relative ability of the States to contribute and the political power to appropriate was to be distributed in the same equitable proportion. Such was the policy of Washington, Franklin, Wilson, Morris, Madison, and Hamilton.

We know how their wise purpose was defeated by the smaller States' threat of secession from the convention of 1787, and, to secure any constitution, Washington and his colaborers, after many months of fruitless discussion, felt obliged, to end the anarchy of those evil days, to accept the compromise of equal representation in the Senate and proportionate representation in the House. As a result, a State which has less population than a single ward in the city of New York has as many Senators as the great State of New York.

Defeated in an equitable distribution of power in both Houses of Congress, Washington and his colaborers did secure a provision that direct taxation and representation in the House of Representatives should be apportioned among the States in proportion to population, to be ascertained by a decennial census. That equitable apportionment of the burdens of government was destroyed by the sixteenth amendment, which did not, as so commonly supposed, vest a power to impose an income tax—for such power the United States had from the beginning—but permitted an income tax without the equitable apportionment provided by the Constitution of the Fathers.

In the Farewell Address Washington expressed his deliberate opinion that this Union could not forever rest simply upon a piece of parchment with red seals, however wise the Constitution might be in other respects. Nations make constitutions, but constitutions can not make nations. He believed, and so expressed himself, that the Union could only lastingly endure upon the sure foundation of political justice and economic solidarity.

It may be doubted, moreover, that a majority of the great convention, including Washington, Franklin, Madison, Wilson, and Hamilton, ever regarded the compromise as a just distribution of political power. Fortunately this disproportionate distribution of power was ameliorated by the party system, for, as political parties developed, each party had some of the larger and some of the smaller States, and thus the evil effects of a disproportionate representation in the Senate were to some extent neutralized in the struggles of parties in Congress.

In a book which I wrote on the Constitution [1] I attempted by this argument to vindicate the great compromise of the convention, but further reflection has led me to wonder whether it might not have been better if the Constitutional Convention had refused to yield to the unreasonable demand of the minority, for after a further period of social disorder it is probable that the States would have reunited on a more equitable basis. However, this belongs to the great possibilities of history, as to which conjecture is fruitless. It is fair to assume that Washington and his associates knew better than we of a later day the necessity of this compromise to the formation of a "more perfect Union," for if they had not yielded, the smaller States might have entered the Union in a grudging and ungenerous spirit. It was the price we paid for the Union and the price may not have been too high.

Moreover, there was then no such great disparity between the thirteen original States in population or wealth as to make the situation intolerable, but the time may come, if some of our smaller States shrink in population and the larger States become as great in population as many European nations, when this injustice may again impress future generations as it did the great men of the generation that formulated the Constitution.

As this is the only respect in which the Constitution is unamendable, it is difficult to see how it can be corrected except by a new constitutional convention, and the possibilities of such a convention are so abhorrent to the reasoning man that, like Hamlet, we would—

Rather bear those ills we have
Than fly to others that we know not of.

Our Nation has had but a short life, for two lives will span it, and who can say what is in the womb of the future? Certainly the inequalities in taxes and appropriations may some day bring future generations of Americans to a realizing sense of the undue burdens now imposed upon the larger States. Three States pay more than one-half of all the income taxes, and the benefit they draw from Federal appropriations is but an infinitesimal part of their contribution. Other States make an insignificant contribution to the Treasury and draw from it for their own local needs far larger sums than they contribute.

Let me give a few illustrations of my meaning. Eliminating from the calculation large and important public improvements, which, while primarily local in character, are yet of general benefit, and including only direct subsidies from the Federal Treasury to the States for non-Federal purposes, there are six States which draw from the Treasury in such subsidies $2 for every dollar that they pay into the Treasury. Two States draw more than $3 for every one they contribute, while New York, which contributes nearly a third of the public revenues, derives less than 1 cent to every dollar it contributes.

Gross as is this disparity between the burdens and benefits of the different States, it is insignificant as compared with the injustice of our income taxes as between individuals and classes. Less than one-fiftieth of our population pay any individual income tax, and in 1928, 16,000 citizens paid over 60 per cent of the great total of nearly $2,000,000,000. About 380,000 citizens paid over 97 per cent of the staggering total. Indirectly the very few who thus pay, also pay through the corporation income taxes. Why should the man, who pays no income tax, be concerned about the extravagance of our Government, which now spends nearly $5,000,000,000 each fiscal year? How long will the spirit of the Union survive a system which in practical effect is a partial redistribution of property?

An extreme conception of our national unity might cause us to ignore these gross inequalities if the political power to distribute these revenues was distributed in some fair proportion, but I can readily name 17 States, which, collectively, have less population than that of New York State and,

[1] The Constitution of the United States, by JAMES M. BECK. Doubleday, Doran & Co., 244 Madison Avenue, New York.

nevertheless, have 34 Members of the Senate to the two Senators which represent New York. Twenty-five States have a majority of the Senate and yet have only one-fourth of the population of the Union. One State has only 86,000 people and New York has over 12,000,000, and yet each has the same voting power in the Senate. Only the great ideal of the Union can reconcile the thoughtful man to this travesty on democracy. It was against such gross injustice that Washington and Franklin vainly protested in the constitutional convention.

This is the very condition of inequality which broke down the Articles of Confederation and vainly invoked a new Constitution as a corrective.

In view of his own experience with a like problem, it would seem to-day to Washington that this inequality, both in raising revenues and in appropriating them, may be a cloud upon the future of the Union, even though it be at present no bigger than a man's hand. He would wonder whether that spirit of union, without which, as he said, the United States could not endure, would not be slowly impaired by an unjust system, which provokes the wildest extravagance in Congress due to the consciousness of many States that their Representatives can appropriate the public revenues with unbridled prodigality—often for purely local benefits—because their constituencies will not be called upon to pay more than an infinitesimal part of the cost. There is no spendthrift like the one who spends other people's money, and the present saturnalia of extravagance in Congress will not end while inequality in contribution remains.

It may be fairly asked that, if all this be true, how then has the Republic endured for nearly a century and a half and, excepting only the Civil War period, with so much harmony of spirit and unity of purpose? The answer is that the spirit of union, which Washington so eloquently invoked in the Farewell Address and which he regarded as the very life of the Nation, has proved the great palliative to an undoubted injustice. He dwelt at length in the Farewell Address upon the identity of interests between the North and the South and the West and predicted for all sections—to quote his words—"an indissoluble community of interests as one Nation."

Responsive to this noble and unselfish ideal, the American people learned, except in one fatal conflict, to disregard sectional interests and regard the Nation as a unit. "One for all and all for one" slowly became the prevailing spirit, and when Calhoun asserted that South Carolina had no interest in a lighthouse in Massachusetts, this narrow sectionalism fell upon deaf ears. Welded together by the steamship, the railroad, and the telegraph, the Nation became educated to the lofty and altruistic view that each State was equally interested in the welfare of every other State, and that therefore a benefit to Florida and California, however local in character, was a benefit to every State.

This generous view need not be deprecated, for it is essential to the spirit of the Union; but to preserve it, it is necessary that the States which contribute the least and yet have the greater power of appropriation should be moderate in their demands and should not too sorely tax the larger States which must bear the greatest part of the burden.

Certainly it is not in the interests of the smaller States to strangle the prosperity of the Nation by excessive taxation, and they would be blind to their own interests if they destroyed by undue demands upon the Public Treasury that generous spirit of mutual helpfulness which still animates the American people and constitutes the Union of which Washington spoke.

WASHINGTON'S FOREIGN POLICY

If Washington were here to-day he would also feel profoundly concerned as to the duty of our Nation to the rest of the world. He would at once recognize a great similarity in the conditions of his time and our own. Then, as now, the world was slowly recovering from a fratricidal world war; then, as now, civilization seemed to have gone stark mad—as Washington said, "the whole world was in an uproar." Then, as now, the United States had a most delicate and difficult task—again to quote him—" to steer safely between Scylla and Charybdis."

Concurrently with his inauguration as President, the French Revolution exploded as a long-suppressed volcano. Nearly all of Washington's utterances with respect to our foreign policy were predicated upon this extraordinary condition, and his wise and sagacious counsels must be read in the light of the conditions and problems to which they were specifically directed.

Writing to Lafayette on January 29, 1789, he said:

My endeavors shall be unremittingly exerted, even at the hazard of my former fame or present popularity, to extricate my country from the embarrassments in which it is entangled through want of credit. • • • I think I see its path as clear and direct as a ray of light. Nothing but harmony, honesty, industry, and frugality are necessary to make us a great and happy people.

His fear that his wise foreign policy would be at the expense of his popularity was fully justified, for it is humiliating to recall that the day came, according to John Adams, when President Washington was brutally jeered at in the streets of the then Capital of the Nation. This, however, did not deter him, for he was never the demagogue. No one in history ever better deserved the tribute, which the poet Horace paid to the just man, of whom he said that—

the wild fury of his fellow citizens, ordering evil measures to be pursued. • • • could not shake from his settled purpose the man that is just and firm in his resolve.

With scant cooperation, even from his immediate Cabinet advisers, of whom Knox and Hamilton were ardent in their sympathies for England, and Jefferson and Randolph were partisans of France, Washington, with extraordinary sagacity, kept the ship on an even keel, for he saw that nothing could be more fatal than to steer the infant Republic into the then seething maelstrom of European politics.

Defending his policy in a letter to Patrick Henry, he said:

My ardent desire and my aim has been • • • to comply strictly with all our engagements, foreign and domestic, and to keep the United States free from political connection with every other country, to see them independent of all and under the influence of none. In a word, I want an American character that the powers of Europe may be convinced that we act for ourselves and not for others. This, in my judgment, is the only way to be respected abroad and happy at home, and not by becoming partisans of Great Britain or France, create dissension, disturb the public tranquillity, and destroy, perhaps forever, the cement which binds the Union.

Fully conscious that his exhausted country needed peace and quiet for its convalescence, he was nevertheless not a "peace-at-any-price" adherent. He did not cherish the illusion that even in his day our Nation could have the immunity of a hermit nation.

When he delivered, in December, 1793, his second inaugural address, war had already broken out in Europe, and the burden of his message naturally dealt with the many novel problems which then confronted the infant Republic. He said:

I can not recommend to your notice measures for the fulfillment of our duties to the rest of the world without again pressing upon you the necessity of placing ourselves in a condition of complete defense and of exacting from them the fulfillment of their duties toward us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation for weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

Let me add, without any reflection whatever on any man or party, that had our Nation followed the advice of Washington prior to 1914 and had it then been "in a condition of complete defense," it is possible that the World War might never have been, and it is certain that in vindicating our just rights upon the high seas we would have been spared the loss of hundreds of thousands of lives and literally billions in treasure. [Applause.]

It was, however, in the Farewell Address that he framed in the most deliberate and precise manner his views as to the foreign policy of the Government. This address, the

noblest testament of a departing founder of a State in the annals of mankind, represents the mature wisdom and voices the very soul of Washington.

Solemnly he warned us against—

excessive partiality for one foreign nation and excessive dislike of another. * * * The great rule of conduct for you in regard to foreign nations is, in extending our commercial relations to them, to have as little political connection as possible. Europe has a set of primary interests which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by unofficial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Please note the reiteration of the word "ordinary." It suggests by necessary implication a belief on the part of Washington that there might arise extraordinary vicissitudes in European politics or some world-wide crisis which would involve the welfare of civilization itself, and as to these he was careful not to exclude the legitimate right and interest of the United States to take a part. Thus our intervention in the World War was no departure from his policy.

He continues:

Our detached and distant situation invites and enables us to pursue a different course.

I need hardly suggest that that "detached and distant position" has been overcome by events which he could not possibly have anticipated. With all his prophetic vision he never could have anticipated the steamship, railroad, telephone, cable, or the Marconi wireless, which have welded the world into a community of interests not possible in his age, when the nations were detached and segregated communities.

Again, in his Farewell Address, he expressly predicates his observations on the conditions which then prevailed and again prophetically calls attention to the fact that if the infant Republic simply abstains in its infancy from intervention in the "ordinary" policies of the Old World a day will come when all nations must reckon with it, for he says:

If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interests, guided by justice, shall counsel.

The truth of that prediction was fully realized in the World War. Even more pointedly at the close of the Farewell Address he says, in further explanation of his policy of neutrality in the then pending war between England and France:

With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which it may be necessary to give it, humanly speaking, the command of its own fortunes.

Did Washington intend to commit this country for all time to a policy of political isolation? I can not believe it. When he strongly and sagaciously advised his country against having "alliances" or "political connections" with other countries, the precise meaning which he gave to those terms must be clearly borne in mind. Civilization was then a congeries of detached and isolated states, between whom there was no cooperative effort for the maintenance of international law and the preservation of peace. Alliances and treaty relations between nations then were for purposes of offense and defense and bound the respective nations in a community of purely selfish interest. International arbitration was almost unknown, and any political coordination of the world to maintain its peace was as undreamed of a possibility as Marconi's instantaneous transmission of intelligence "by the sightless couriers of the air." It was an age in which each nation was an Ishmael and international morality was almost nonexistent. The great ideal, to which I venture to predict mankind is marching—even though slowly and painfully—namely, the collective responsibility of civilization for the preservation of peace and the maintenance of international law, was also far beyond the ken of Washington's day.

I here pause to disclaim any suggestion that Washington would have favored a permanent connection with the League of Nations in its political functions and objectives. While no one can say with certitude that he would or would not, yet it can be fairly questioned whether he would have favored such a permanent entanglement in European affairs.

But if disinclined to compromise our independence by such an implication in the ordinary affairs of Europe, it does not follow that he would favor a policy of isolation. Is there anything in his writings or deeds which justifies the assumption that the Lion of Trenton did not intend his Republic to realize its full destiny as a great, masterful, and beneficent people in proportion to its strength? Could he, who witnessed and directed the mysterious and puissant impulse, which led the Colonies to throw off their allegiance to Great Britain and assume an independent station among the nations of the world, ignore the fact that that instinct for expanding power would remain with us while Anglo-Saxon blood flowed in our veins? If he were alive to-day would he reject the locomotive for the stagecoach, or the repeating rifle for the flint-lock musket? When he lived, the Atlantic coast was our cradle. Had he lived to see our Nation in its lusty youth on the banks of the Mississippi, and later reaching the shores of the Pacific, and still later had seen our flag greeting the rising sun in the harbor of Manila, would he, of all men, accept a policy which seeks to limit the power and influence of the Republic to the Western Hemisphere, and which attempts to surrender the world-wide and beneficent influence in the affairs of man, to which the greatness of our people and the strength of our resources alike entitle us? Would Washington, of all men, ignore the truth that, as our people have derived from civilization inestimable rights and privileges, we owe and should recognize our corresponding responsibility to the world as a potent and beneficent force in the councils of mankind?

If Washington's foreign policy be in part limited to his times and the then prevailing conditions, yet in part it is intended to be our guide for all time. Thus he says:

Observe good faith and justice toward all nations, cultivate peace and harmony with all. Religion and morality enjoin this country, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence.

That golden rule of our foreign policy "time can not wither or custom stale." This is our chart by which the ship can be safely guided throughout all future time. To observe that policy in its spirit and in its letter is to be true to Washington, to be true to ourselves, and, if we are thus true, we can not then be false to any nation.

I am constrained to this line of reasoning because, in my judgment, the world is to-day in a more critical condition than at any time within the life of anyone now living. The economic crisis, which now involves the whole world as with the shadow of a huge eclipse, is far graver than the World War. The latter was a question of physical and moral endurance; the present is a far more deadly paralysis of human thought and action. Lloyd George once said to me that Europe could have survived three years of the war but that the fourth was fatal.

It has been my lot at various times in my modest public career to play the rôle of Cassandra. When the World War broke out I predicted in a public speech in New York City before the New England Society of that city on December 22, 1914, that the United States would inevitably be drawn into the war, and to stop a world-wide conflagration I then urged the immediate intervention of the United States—not by arms but by a moral protest—and I was denounced as a fool by a large section of the American press. Moreover, speaking at Gettysburg 37 years ago, I made the following prediction:

If these preparations for war, which cover our waters and darken our lands, mean anything, they indicate that civilized man is on the verge of a vast cataclysm, of which he is apparently as unconscious as were the people of Pompeii on the last fatal day of their city's life, when they witnessed with indifference the ominous smoke curl from the crater's mouth.

I proceeded to predict that when the great European World War came, "before it would be ended the civilized world might be enveloped in universal flame, such as that with which the glories of Valhalla passed away and the twilight of the gods began," and I predicted then that the United States would be drawn into the maelstrom.

The present unhappy state of Europe does suggest a "twilight of the gods," for never has there been in many centuries such a dissolution of ancient forms and stable governments as has happened in the last decade. The very foundations of civilization seem to be crumbling. If there were no greater danger than the Russian menace, with all its infinite economic and social possibilities, one could say that the prophecies of the Great Teacher had been realized when He predicted 2,000 years ago, "upon the earth the distress of nations * * * men's hearts failing them for fear."

After the Napoleonic wars Europe was in a similar turmoil for another generation, and it was not until after the revolutions of 1848 that the European civilization seemed again to settle upon reasonably stable foundations. To-day the situation of the world is infinitely more perilous, and no one can exaggerate the danger that confronts this generation.

As the America of Washington proved the liberator of mankind, it can now, if it be worthy of so exalted a mission, be its pacificator. Its influence is immeasurable. To-day the Nation which Washington created is the political Colossus which bestrides a narrow world, and the future of civilization may depend upon the wisdom with which America can play its fateful part in the present crisis. Independence and not isolation should be our policy. [Applause.] For our Nation to abandon the rest of the world to its fate would be treachery to the highest ideals of civilization. Great as is the fame of Washington, it will be still greater if the Nation which he founded, obedient to his teachings, shall lead the world out of its present "slough of despond" and toward the "Delectable Mountains" of a better day.

How inspiring is Washington's Birthday!

How strange the mystery of birth! From the unknown, millions of human beings come and as quickly pass into the unknown. But in the long intervals of centuries there is born a man whose influence long outlives his mortal life, and we to-day commemorate the birth of such a man.

Thrice blessed is the name of Mary in history! A Syrian Mary bore a Son who "with His pierced hand lifted the gates of empires off their hinges and turned the stream of the ages into a new channel."

An English Mary—Mary Shakespeare of Stratford—bore a son who, the monarch of the human imagination, has inspired the thoughts and feelings of man as no other poet.

Nearly two centuries ago a Virginia Mary bore a son who created a Nation, which, with all its human failings, is yet the noblest Republic in recorded time, and that Nation can again save human society if it will, in the language of its founder—

give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence.

[Prolonged applause, the Members rising.]

TO AMEND SECTION 1 OF THE ACT OF MAY 12, 1900

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat., 177) as amended (U. S. C., sec. 1174, ch. 21, title 26) with a Senate amendment, disagree to the Senate amendment, ask for a conference, and appoint conferees.

Mr. CRISP. Reserving the right to object, may I ask the gentleman from Oregon [Mr. HAWLEY] if he has consulted with the gentleman from Texas [Mr. GARNER] relative to this request?

Mr. HAWLEY. I endeavored to find the gentleman from Texas after the meeting this morning, but I have not been able to do so. This bill having been reported from our committee unanimously, as I recall, I am confident the gentleman from Texas has no objection.

Mr. CRISP. What is the amendment?

Mr. HAWLEY. In the bill as it was passed in the House, there was a limit of two years within which claims could be presented. The amendment makes it an indefinite period. It seems to me that is too long for the purpose, and it disagrees with the action of the House. It was discussed in the committee.

Mr. CRISP. The request of the gentleman from Oregon is to disagree to the amendment and provide for a conference?

Mr. HAWLEY. Yes.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. LaGUARDIA. That matter was discussed when the bill was before the House, and the gentleman will remember that either the gentleman or the gentleman from Kentucky stressed the fact that the 2-year limit was in the bill.

Mr. HAWLEY. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. HAWLEY, TREADWAY, BACHARACH, GARNER, and COLLIER.

OUTDOOR ADVERTISING SIGNS, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report on the bill (S. 4022) to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs, and other forms of exterior advertising within the District of Columbia.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4022) to regulate the erection, hanging, placing, painting, displaying, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 8.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, and 9, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the said amendment insert "(in so far as necessary to promote the public health, safety, morals, and welfare) control, restrict, and "; and the House agree to the same.

F. N. ZIHLMAN,
ALBERT R. HALL,
MARY T. NORTON,
Managers on the part of the House.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4022) to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments:

On amendment No. 1: This amendment requires the Commissioners of the District of Columbia to hold public hearings before making regulations with respect to exterior

advertising within the District of Columbia; and the Senate recedes.

On amendment No. 2: This amendment makes a clerical change; and the Senate recedes.

On amendment No. 3: The Senate bill authorized the commissioners to make and enforce such regulations as they might deem advisable to "govern" exterior advertising within the District. The House amendment provides that they should also "control and restrict" such advertising by means of regulations. The Senate recedes with an amendment declaring that such regulations shall be made in so far as necessary to promote the public health, safety, morals, and welfare.

On amendment No. 4: This amendment limits the authority of the commissioners to the regulation of outdoor signs and other forms of exterior advertising on public space under their control and on private property within public view; and the Senate recedes.

On amendment No. 5: The Senate bill required a license for "erecting, hanging, placing, painting, or displaying" any sign for outdoor display within the District of Columbia. The House amendment also requires a license for "maintaining" such signs; and the Senate recedes.

On amendment No. 6: This amendment strikes out so much of section 3 of the bill as provides for the repeal of the act of March 4, 1913, relating to the erection of real estate signs; and the Senate recedes.

On amendment No. 7: This amendment makes a clerical change made necessary by the action on amendment No. 6; and the Senate recedes.

On amendment No. 8: This amendment increases from $5 to $10 the minimum penalty provided in the Senate bill for violation of the act; and the House recedes.

On amendment No. 9: This amendment increases from $100 to $200 the maximum penalty provided in the Senate bill for violation of the act; and the Senate recedes.

F. N. ZIHLMAN,
ALBERT R. HALL,
MARY T. NORTON,
Managers on the part of the House.

The conference report was agreed to.

B STREET NW., DISTRICT OF COLUMBIA

Mr. COOPER of Wisconsin. Mr. Speaker, I call up the conference report on the joint resolution (H. J. Res. 404) to change the name of B Street NW., in the District of Columbia, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 404) to change the name of B Street NW., in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments numbered 1 and 2 of the Senate and agree to the same.

HENRY ALLEN COOPER,
MARY T. NORTON,
CLARENCE J. MCLEOD,
Managers on the part of the House.
JOHN J. BLAINE,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to House Joint Resolution 404, to change the name of B Street NW., in the District of Columbia, to Constitution Avenue, submit the following statement explaining the effect of the action agreed upon by the conference committee and submitted in the conference report heretofore filed.

The Senate adopted House Joint Resolution 404 in its entirety. The Senate also amended the resolution by inserting on page 2, after line No. 7, two amendments, as follows:

Resolved, etc., That in honor of the State of Louisiana and that territory comprised in the Louisiana Purchase, from which 13 other sovereign States of this Union, in whole or in part, were carved, the thoroughfare running from the Union Station Plaza, crossing North Capitol Street and New Jersey and Indiana Avenues and running into Pennsylvania Avenue shall hereafter bear the name Louisiana Avenue.

That the portion of the avenue now known as Louisiana Avenue, not absorbed by the enlarging of the park and plan system of the planning commission, shall no longer be known as Louisiana Avenue.

The second amendment simply amended the title by adding the words "and for other purposes."

The effect of the conference report, if adopted, will be, in honor of the Constitution of the United States of America, to change the name of B Street NW., in the District of Columbia, to Constitution Avenue; and, further, in honor of the State of Louisiana and that territory comprised in the Louisiana Purchase, to give to the thoroughfare running from Union Station Plaza, crossing North Capitol and New Jersey Avenue, to Pennsylvania Avenue, the name Louisiana Avenue; and to take that name from the portion of the present Louisiana Avenue not absorbed by the enlarging of the park and plan system.

HENRY ALLEN COOPER,
CLARENCE J. MCLEOD,
MARY T. NORTON,
Managers on the part of the House.

The conference report was agreed to.

EMPLOYMENT OF ATTORNEYS BY MENOMINEE TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8812) authorizing the Menominee Tribe of Indians to employ general attorneys, with a Senate amendment, and agree to the Senate amendment.

The Clerk reported the bill by title and read the Senate amendment, as follows:

Page 2, line 7, strike out all after "tribe" down to and including "attorney" in line 8.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Senate amendment was agreed to.

DEPORTATION OF CERTAIN ALIENS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that I may be permitted to have until midnight to-morrow within which to file minority views on the bill (H. R. 17152) to expedite the deportation of certain aliens, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

GEORGE WASHINGTON

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent that immediately following the splendid address of the distinguished gentleman from Pennsylvania [Mr. BECK], which we have heard to-day, there be printed in the RECORD a picture of the first President of the United States, George Washington.

The SPEAKER. The Chair can not recognize the gentleman for that purpose, as that is contrary to law.

"HAWAII, THE PEARL OF THE PACIFIC"

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a very interesting address on Hawaii, delivered by our esteemed colleague the Delegate from Hawaii [Mr. HOUSTON] at the

Shoreham Hotel in Washington last evening under the auspices of the Bureau of Commercial Economics.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker, under leave granted me, I am inserting in the CONGRESSIONAL RECORD the very interesting lecture or address delivered by our esteemed colleague, Hon. VICTOR S. K. HOUSTON, Delegate from Hawaii, under the auspices of the Bureau of Commercial Economics at the Shoreham Hotel on February 22, 1931. Upon that occasion there was shown to a very large and appreciative audience typical views to be encountered in the Hawaiian Islands, and the lecture and the showing of the pictures fell under the title, "Hawaii, the Pearl of the Pacific." The Bureau is performing a splendid work. It has available for use by its members educational films of Hawaii and all parts of the world. Bureau membership is open to individuals, clubs, universities, and other recognized institutions.

Thus the Bureau of Commercial Economics, under the very efficient supervision of Dr. Anita Maris Boggs, director, and Randolph M. Boggs, dean, once again demonstrates its great usefulness as an agency for the dissemination of invaluable pictorial and other information touching interesting countries of the world. The work of the bureau is touched upon in the course of the lecture, which follows:

Last year the Bureau of Commercial Economics asked me if I could help them get a moving-picture film of Hawaii that could be used in one of the series of lectures that they were sponsoring. I did not at that time expect that I would be called upon to speak upon the subject, expecting that a man of greater ability and more experience in lectures would be called upon.

However, after the film was obtained through the courtesy of the Hawaii Tourist Bureau the director of the bureau finally induced me also to appear and speak upon the subject. I realize full well my deficiencies to accurately describe to you the beauties of our islands and the multitude of human factors of interest that have developed therein since Hawaii was made known to the world at large. I apologize for my deficiencies and hope that you will bear with me until the pictures are shown, and I believe that they will speak for themselves and give you the principal enjoyment of the evening.

May I not now remind you that Hawaii, sometimes spoken of as the "Pearl of the Pacific" and at other times referred to as the "Paradise of the Pacific," is a small group of islands lying in the middle of the Pacific Ocean, an ocean so vast and large that all of the earth's surface, all of the continents combined, would not cover its vast extent. It measures 8,000 miles north and south, and at the equator, where it is widest, it is 9,000 miles from one end to the other. In this ocean are to be found many islands, mostly small, but some large, and at least one which is generally spoken of as a continent, Australia. There are 30,000 islands in the Pacific, more than there are in all the other four oceans combined. It is a deep ocean, the depths averaging nearly 14,000 feet and deeps occurring down to 32,088 feet.

The islands may be roughly grouped into continental islands and oceanic islands, the former near the coasts of the continent or on the continental shelf, possibly having been at one time or another part of the continent. The oceanic islands are of two principal groups, those that are of volcanic origin and the coral islands.

Hawaii belongs to the volcanic group of islands that are composed of lava, having at one time or another issued from a fissure or vent in the bottom of the sea, and spreading over the sea floor, an island was gradually built up. These volcanic islands usually contained or have contained active volcanoes, which were the source from which the islands were built up. In each one of the Hawaiian Islands may be found evidences of volcanic origin, with cinder cones, vents, and broken crater walls. At the present time there is only one island of the group upon which there is active volcanic indication. That is the southeastern one of the group, the island called Hawaii, upon which are to be found two active craters.

The islands in the Pacific are further segregated into three broad groups, principally based upon the inhabitants, Melanesian, next to the Asiatic coast and Australia; the Micronesian, farther north; and the Polynesian Islands, which occupy most of the central and eastern areas both north and south in the Pacific. The peoples that occupied these islands are the Polynesians, Micronesians, and Melanesians. We are concerned here to-night only with the Polynesians, to which race the Hawaiians belong.

Notwithstanding the fact that the Pacific Ocean has been known for many centuries and that the Spaniards had navigated this ocean since early in the sixteenth century in their intercourse between Mexico and the Philippine Islands, the world did not hear of, and Caucasian civilization probably was not aware of the existence of Hawaii It was not until 1778, that Capt. James Cook, of the British Royal Navy, commanding an exploring expedition, discovered Hawaii and the modern history of Hawaii dates from that period, January 18, 1778.

It should be of interest to us in America to know that Captain Cook, like so many of our own great men, rose from the humblest of origins. He first joined the British Navy as an ordinary seaman and rose through his own exertions to the rank of master's mate, serving in America during the French and Indian War. He surveyed the approaches to the Gulf of St. Lawrence and took part in the campaign of General Wolfe against Quebec. Later he was engaged in the survey of the coast of Newfoundland, and as a result of this work he was selected as the commander of an expedition that was being sent to Tahiti to observe the transit of the planet of Venus. He twice circumnavigated the globe and was on his third expedition when he discovered Hawaii. He died at Kaawaloa, Kealakekua Bay, island of Hawaii, on February 14, 1779, whilst attempting to have carried off to his ship as a hostage King Kalaniopuu, because of the theft of one of the boats of the *Discovery*.

The first American vessels to visit the islands arrived about 10 years later; in 1789 to 1790, the *Columbia*, commanded by Capt. Robert Gray, visited the islands. This is the same ship that was the first American ship to circumnavigate the globe. Another one of the early visitors was the *Lady Washington*; certainly the first of these vessels have good American names. Since that time the world's vessels have made use of this group of islands as a base from which to operate and from which to obtain supplies.

Whence came the Hawaiians? This has never been definitely established, though it is assumed and felt by those that have studied the question that they came from the Asiatic Continent, but the large distances involved and the apparently meager facilities for navigation that were found create a very interesting problem as to how they made the long voyage. Suffice it to say, in a talk of this character, that the journey undoubtedly must have been made in canoes following the groups of islands trailing off into the Pacific from the southeastern end of the Asiatic Continent until, perhaps, Fiji and Tonga and Samoa were reached. Up to this point the distances between islands were not so great, but from here on there were ocean jumps of from 800 to 2,000 miles in length. Yet all of these islands in the Polynesian area are peopled by the same race of people speaking a similar language, and it taxes one's credulity to believe that they could have made this journey in the frail craft that were found in use when they were discovered.

None of the Polynesians had developed a written language, hence a record of their travels is not to be had from documentary evidence, but their civilization had developed a system of legends that were memorized by professional historians and bards, and from them we gather that the various groups of islands of the central Pacific have been occupied for about 2,000 years. These legends likewise speak of journeys to the eastward, and it is possible that some of these Polynesians traveled to the American continent, and returned therefrom.

The legends in Hawaii tell us that during a period of 500 years prior to Captain Cook's discovery there had been no distant voyages, so that we can take it for granted that during these years the people lived a completely isolated life. There is not in Hawaii any metal nor is there clay for pottery making, so that the Hawaiians know not the use of metal implements nor the use of pottery, and they had no beasts of burden and consequently had neither developed the art of weaving. It can quite accurately be said that the Hawaiians at the time of the discovery were living in the stone age. All of their tools, weapons, and utensils were made of stone, wood, shell, teeth, or bone. Yet the Hawaiian had learned to make good use of what he had at hand and his civilization was by no means undeveloped.

It has been estimated that at the time of Captain Cook's visit there was a population of about 300,000 in the islands. They were living under their own chiefs; there were kings in the smaller islands, and the large island of Hawaii was divided into several kingdoms. They were happy, healthy, and derived a complete living from the produce of the soil and the fisheries of the sea. Their language, though primitive, was soft and musical and the vocabulary contained upwards of 20,000 words, said to be remarkably large for a people not having a written language. When later on the missionaries came they reduced this language to writing employing only 12 letters in order to simplify the alphabet. This simplification undoubtedly has failed to carry out many of the original varieties and shades of sound that occurred, for much attention must be given to pronunciation and accentuation even to present-day words.

Hawaiians have frequently been referred to as having been savages and barbarians. I admit that they were primitive, but they were neither wild, untamed, uncivilized, or uncultured. They were not barbarians for they were not cruel or brutal but were undoubtedly kind, friendly, courteous, and hospitable. It must be remembered that both the Greeks and the Latins referred to foreigners as barbarians, and even now Italians in certain parts of the country refer to foreigners as "forestiere," in other words, people coming from the forests.

But the day of the Hawaiian civilization has passed. Contact with the white civilization impressed on them an alien civilization, to which they reacted favorably in some respects, and unfavorably in other respects. The missionaries came in 1820 and the Hawaiian readily took to the teachings of Christianity, absorbing perhaps first the form and then the substance, until at the present day I believe we can say that there are no better Christians than are to be found amongst Hawaiians. But the development of Caucasian civilization affected seriously the health of the people. Their own psychology was not understood, and through

the importation of disease that had not been prevalent, the physical well-being of the natives was almost shattered. The restrictions laid upon their behavior by their well-intentioned moral teachers, subsequent provisions which allowed of land alienation, literally almost decimated the population which in 1872 reached its low point when, including all nationalities, there were only 56,987 people left in the group, with only 51,000 Hawaiians.

With the new civilization came commerce and industry. First, there was only the trade in sandalwood. This was one of the unfortunate experiences in the Hawaiian's national life. Needless to say that without scientific control, the sandalwood trees gradually disappeared until now it is very difficult to find a specimen. Then came the whale-oil industry, and the islands were made a base of operation from which the whalers operated, where they got their provisions and from which they recruited a large part of their boat crews. And finally the sugar industry was established, the first permanent impulse beginning about 1835. Latest of all the major industries is pineapple growing and canning.

Hawaii, as we know it now and as you will see it, presents a completely different picture principally because of the establishment of the sugar industry. Sugar has been king there for many a year, and is still our first industry But pineapples, the new queen, is pressing sugar a very close second. In the last year the Territory produced a total of more than 12,000,000 cases of canned pineapples, valued at approximately $51,000,000. During the same year the sugar crop was valued at about $65,000,000.

As the result of these two industries that have been sponsored, nurtured, and developed by American industry, perseverance, and capital, the whole tone of life in the islands has been changed. From a Polynesian group it has become a polyglot group and we find now in Hawaii a great variety and distribution of racial groups. The total population now in the islands is, according to the last census, 368,336, and the last figures showing racial grouping are those of June 30, 1929, which show the following:

Hawaiian	20,479
Caucasian-Hawaiian	16,687
Asiatic-Hawaiian	10,598
Portuguese	29,717
Porto Rican	6,923
Spanish	1,851
Other Caucasian	38,006
Chinese	25,211
Japanese	137,407
Korean	6,393
Filipino (includes citizens)	63,869
Others	508
Total	357,649

But lest it be thought that such figures show a larger proportion of aliens than citizens, I hasten to add that figures as of the same date show that on June 30, 1929, there were 236,577 American citizens, 54,693 Filipinos owing allegiance, and only 66,379 aliens, or close to 80 per cent of citizens and persons owing allegiance to the flag.

This brings us down to the present day, and I merely want to remind my hearers that since July 7, 1898, when the joint resolution providing for the annexation of the Hawaiian Islands to the United States was approved these islands have been an integral part of the United States.

Thanks to the New England contacts established when the missionary fathers arrived, thanks to the commercial contacts that were established about the same time, Hawaii has developed upon lines that have made for thorough Americanization. The schools early were patterned after American public schools and to-day we have in Hawaii the primary and secondary schools of the American public-school system, and in addition a University of Hawaii, whose last matriculation figures rose to 1,500. The boys and girls of whatever race they may come from, are taken in hand and molded in these schools and in the daily contacts into perfect Americans. We think that they are as good as, and in some respects better than, the average of the younger generation in the rest of our country. It may interest you to know that in 1925 a young citizen of Hawaii of Chinese ancestry, in competition with all the children of the country, won the prize offered by the American Legion for the best essay on the "Duties of an American."

On this subject of the younger generation I would like to quote a short article that was written by Mr. Fred Lockley, staff correspondent of the Oregon Journal, on this subject, because of its understanding treatment of the subject. He wrote:

"When I interviewed Gov. Wallace R. Farrington in his office in what in the days of royalty was Iolani Palace, but is now the capitol, I said, 'What about your race problem here?' Governor Farrington is too courteous and tactful to look bored, but a rather fatigued expression flitted over his face and he said, 'That is a question that people from the mainland almost invariably ask. We have no race problem. You will find here in the islands no racial prejudices.'

"When people from the mainland see on the streets of Honolulu representatives of so many races they usually assume that we have a race problem and are rather annoyed that they can find no evidence of such a problem. They seem to think it is impossible for people of so many races to dwell together in harmony and to have only the most kindly thoughts for each other. If you will go to our schools, I think you will be thrilled, as I have been. Though we pour into the melting pot here many ingredients, the result of the mixture is a high type of American citizen. I am more or less familiar with schools on the mainland, and it is my settled conviction that the schools here in Honolulu have developed a higher degree of self-government and that the students have more initiative and are happier in their surroundings than in any other city with which I am familiar.

VISITS ROYAL SCHOOL

"With James B. Mann and John K. Clarke, who is one of the school commissioners, I recently visited the Royal School. Hundreds of little children were playing in the yard. They seemed to be playing without supervision, and if shining eyes, smiling faces, and happy voices are any criterion, they were thoroughly enjoying themselves. There seems to be a gentleness, a kindliness, an innate courtesy in the people of the islands that is not always in evidence on the mainland. In their play the children do not play roughly or boisterously. Hawaiian, Japanese, Chinese, Portuguese children formed the brunette motive on the playground. Mingled with these races were fair-haired, blue-eyed children, Germans and children of the Viking breed, with an occasional red-haired, freckled-faced little tike, whose forbears hailed from Ireland.

"We were met at the school door by Prof. Cyril Smith, principal of the Royal School, who took us to a balcony overlooking the school yard, saying as he did so, 'You are just in time to witness the flag salute. We hold that ceremony each Friday morning.'

"I wish I could describe the next half hour, but I find myself unequal to the task. The children in charge of the ceremonies were members of the fifth grade. The teachers are conspicuous by their absence. A little Japanese girl had charge the morning we were there. There were no oral commands. She sounded a bell. Instantly the children scampered from their play and formed a line. Another signal, and like bits of glass in a kaleidoscope they wove in and out, forming a living message on the campus the letters, A-L-O-H-A. Another signal, and the children who had the honor of being color bearers marched to the head of the steps near where the flagpole stood. They were carrying the flag extended. A little Chinese boy stepped out and made a short talk about our country's flag. The thing that astonished me beyond measure was that not a child seemed self-conscious. There was nothing perfunctory about any of the exercises. At the command, 'Hats off to the flag,' the children stood at attention, and one of the color bearers, touching the flag, said, so the children all over the playground could hear, 'This is our country's flag, children, I bring to you. Tell me what its colors are.' The children at once repeated, 'Red, white, and blue.' Once more the color bearer, pointing to the flag, said, 'What do these colors mean to you?' Three dark-skinned children stepped out, and one said, 'Red is for war, for the rattle of drums, with blare of trumpets and boom of guns.' Another said, 'White is for peace when the war is o'er, and all the brave soldiers come home once more.' And the third said, 'Blue is true blue, we'll always be true; true to our flag and our country, too.'"

STAND AT ATTENTION

The color bearers by this time had fastened the flag to the halyard and the children stood at attention as the flag was raised. As it reached the top of the flagstaff and fluttered before the breeze one of the children, pointing to it, said:

"And as it rises to the breeze it seems to say to me, 'Where I am there is honor found, where'er I wave, 'tis free.' At a command from the little Japanese girl, as one, the hundreds of children saluted the flag. Three other children stepped out and one said, 'This beautiful flag should always wave o'er the home of the good, the true, and the brave.' The next child stepped forward and said, 'But can we be sure this will always be the home of the good, the brave, and the free?' The third child responded, 'Listen, children, listen to me; we can make our land what we wish it to be. And every child can do his part if he loves his country with all his heart.' There was a moment's silence, and then at the signal of the bell the children, every eye fastened on the flag, said in unison, 'We give our heads and our hearts to God and our country—one country, one language, one flag.' I turned my head to one side so my companions would not see the tears in my eyes and discover that I was not as hardboiled as a newspaperman wants people to think he is."

I hope that you will understand that we in Hawaii are Americans first, last, and all the time, and that we look hopefully to the consummation of our destiny—statehood in the American Commonwealth.

I trust you will like the pictures that follow, and in conclusion I wish to express my appreciation to the Bureau of Commercial Economics for this opportunity of bringing to you a little of Hawaii's history. Should you want to know what is the Bureau of Commercial Economics, I can do no better than to quote from an article that appeared in the Washington Star of February 1, 1931, written by Mr. Will P. Kennedy, as follows:

[The Sunday Star, Washington, D. C., February 1, 1931]

"CAPITAL SIDELIGHTS"

By Will P. Kennedy

"Official Washington, including Cabinet members, justices of the Supreme Court, United States Senators, Members of the House of Representatives, and the diplomatic corps are taking a de luxe educational course in travel and in industrial developments by way of the motion picture.

"The Bureau of Commercial Economics (Inc.) has for the past 18 years been conducting free showings of the best films obtainable from all parts of the world, displaying the beauty spots of all countries, improvements in industrial processes, and scientific advancements which have been of epochal advantage to humankind.

"Just now the Bureau of Commercial Economics is conducting a series of "Diplomatic Sunday Evenings" in the new Shoreham Hotel ballroom, each devoted to pictures of some particular country, with the ambassador from that country as the honor guest and with a lecture accompanying the films. For example, last Sunday the affair was in honor of the Italian ambassador. The pictures included a trip from Lake Como to Rome, the Dolomites, the building of the new railway station at Milan, and of the new port of Genoa. The lecturer was Dr. Diego Petruzzelli, from the Royal University of Italy. The preceding Sunday night the affair was in honor of the French ambassador, M. Paul Claudel. The pictures were the city of Pau, the Mohammedan Paradise, the French Sahara, "Le Touquet-Paris Plage," and the Blue Bird. The lecturer was Maj. Georges Thenault, French military attaché for aeronautics.

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"Several speeches have been made by leaders in Congress, who have emphasized that the same type of films as are shown at these gatherings of the highest officials not only of the United States Government but of the most important nations of the world, are available also for schools, churches, clubs, and civic organizations for educational purposes.

"The Bureau of Commercial Economics, these leaders in Congress have explained in the CONGRESSIONAL RECORD, is an association of governments, institutions, manufacturers, producers, and transportation lines of America and other countries to engage in disseminating geographical, commercial, industrial, and vocational information by the graphic method of motion pictures, some of which show how things in common use are made or produced and under what conditions.

"The bureau's stock of films includes the most recent and best obtainable, covering Great Britain, Peru, Mexico, Italy, Brazil, Spain, France, Chile, Belgium, Germany, Japan, Switzerland, Hungary, Finland, Colombia, Panama, Austria, Egypt, Bulgaria, Dominican Republic, Siam, Rumania, Canada, Netherlands, Bolivia, Lithuania, Poland, Serbia, as well as those of the United States Army, Navy, and Marines.

"In its series of Sunday night entertainments the Bureau of Commercial Economics has shown on the screen the work of most of the United States Government. Among its most popular programs were Forty Thousand Miles With Lindbergh, with music by the United States Army Band; Tales and Trails of the Rockies, with an address by Col. Philip A. Moore; Old French Canada, at which L. O. Armstrong, a pioneer nearly 80 years of age, reminisced of his adventures. An especially interesting series of eight subjects included A Mediterranean Cruise, Half the World, The St. Lawrence Seaway, Through Canada's Rockies, Across Canada, Beautiful Nipigon, The Banff Country, and Lake Louise.

* * * * * * * *

"Other speakers in Congress have referred to the history of this bureau, which was founded in 1912. They point out that the motive power of the bureau comes from "two modest persons who have the characteristics of the old Philadelphia Quaker family from which they sprang of never talking about themselves. They are native-born Americans, one of their forefathers being a signer of the Declaration of Independence."

"Members of Congress are advising schools and other institutions throughout their home districts that these reels are loaned to universities, colleges, technical and agricultural schools, public libraries, State armories, high schools, people's institutes, public institutions, State granges, chambers of commerce, boards of trade, commercial clubs, Rotary, Kiwanis, Lions, and, in fact, almost any gathering interested in a broader view of life. For the larger audiences the bureau provides, without expense, special lecturers on current subjects, travel, industry, and banking.

"Members of Congress have been particularly interested in the question of how this bureau is maintained, and they have made it plain in speeches in the legislative body that "no film is shown for a money consideration under any circumstances, nor preference given a film or a subject on account of a contribution. Contributions are received only to an amount sufficient to cover transportation charges, insurance, and upkeep of the films. The bureau is not operated for profit and has no capital stock. No film will be shown which is untruthful, or misleading, or which awakens hope of opportunity where none exists.

"The work of the bureau is perpetuated through the election of its directing officers by an advisory council composed of men of international distinction in science and letters."

Aloha!

CONSIDERATION OF BILLS FROM THE COMMITTEE ON THE JUDICIARY

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged resolution, House Resolution 355.

The Clerk read the House resolution as follows:

Resolved, That upon the adoption of this resolution the Committee on the Judiciary shall have one legislative day for the consideration under the general rules of the House of the following bills:

S. 3614, to provide for the appointment of two additional district judges for the northern district of Illinois;

S. 4425, to amend section 284 of the Judicial Code of the United States;

H. R. 11199, to amend sections 22 and 39, Title II, of the national prohibition act;

H. R. 14055, to make permanent certain temporary judgeships;

H. R. 12059, to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York;

H. R. 12032, to provide for the appointment of two additional district judges for the southern district of New York; and

S. 3060, to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes, this rule not to interfere with privileged business.

Mr. SNELL. Mr. Speaker, this rule simply provides that the Committee on the Judiciary shall be authorized to call up during the present afternoon the bills that have been enumerated, and in order enumerated, under the general rules of the House. That is all the rule provides for, and I know of nothing specially that needs be said about it at this time.

I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and Members of the House, I understand that one of the bills referred to in the rule, namely, H. R. 11199, to amend sections 22 and 39 of Title II of the national prohibition act, was passed in the House on Saturday, on the Consent Calendar.

Mr. SNELL. If that is correct, then, of course, the Committee on the Judiciary will not call it up.

Mr. O'CONNOR of New York. I regret that, due to illness, I was not able to be present. That is a highly controversial bill, for which a rule had been applied, and a rule granted. To my mind, it is one of the most pernicious prohibition measures ever introduced in the House, extending the already iniqitous equity proceeding in the handling of violations of the prohibition law. If there were any method of procedure in this House whereby I would be able to vacate that proceeding, I would certainly so move. I do not believe there has ever come here a prohibition bill that violates the fundamental elements of justice in this country as the original padlock bill, and it is further made inequitable and un-American under this extension passed Saturday.

Mr. DYER. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. DYER. The gentleman, of course, knows that he or any other Member of the House could have prevented the passage of this bill.

Mr. O'CONNOR of New York. I know that very well, but as I say, I was unavoidably absent because of illness. The title of the bill gave little indication of what it provides, and I am sure there were at least 50 men in the House who would have objected to the bill had they known its real purpose. It was another example of what often happens in the consideration of the Consent Calendar, that the title often gives little clue to the contents of the bill. One of the worst offenders among all the committees of this whole House in bringing bills here where their purpose is concealed in the title is the Judiciary Committee. That committee brings in, for instance, bills to amend certain sections of the judicial code, but that does not disclose just exactly what the bill is intended to do. The title of the bill to which I have referred did not disclose its far-reaching purpose.

Mr. DYER. Why does not the gentleman move to vacate those proceedings?

Mr. O'CONNOR of New York. The gentleman from Missouri knows that the Chair would not recognize me for any such purpose. If I could get any indication from the Chair that the Chair would, I would certainly move to vacate those proceedings. The gentleman will notice that the Chair does not answer.

But what I wanted to call attention to particularly are these judge bills to be considered to-day. I shall oppose them in my humble and probably futile way, as I have consistently heretofore. I am opposed to these additional Federal judges in any section of the country and I shall particularly and continually oppose them in the State of New

York, whether they are to be appointed in the southern district or in the eastern district. Before we start on their consideration I want to know the attitude of the committee in reference to the bills for judges in the southern district of New York. One bill provides for two additional judges for the southern district of New York. The report on that bill states it only adds one new judge because the other judge takes the place of Judge Winslow, who resigned, and who held one of the temporary appointments, so that if that vacancy did not exist there would only be provision in this separate bill for one judge. But there is also a bill here which provides for the filling of some 20 temporary judgeships. I call the chairman's attention to this, that Judge Winslow's place is again included in that bill, under clause 4, so that if you continue with both of those bills you will have filled Judge Winslow's place twice. The bill for the two judges is brought in on the theory that one is to fill Judge Winslow's place.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. O'CONNOR of New York. And yet you have another bill providing for temporary judges, which, under section 4, fills Judge Winslow's place again. In all justice and fairness you ought to abandon either that provision in the temporary judge bill or reduce your two additional judges to one.

Mr. DYER. Do they not need three more judges?

Mr. O'CONNOR of New York. They do not need any, in my opinion.

Mr. GRAHAM. I will say to the gentleman that the theory is that there was a bill reported out from the committee providing for two judges for the southern district. I have a committee amendment striking out two and inserting one, so that only one judge will be appointed under that bill. The filling of the place of Judge Winslow is provided for in the other provision of the bill.

Mr. O'CONNOR of New York. So that the total would be two judges?

Mr. GRAHAM. Would be two judges; yes.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDITIONAL DISTRICT JUDGES FOR THE NORTHERN DISTRICT OF ILLINOIS

Mr. GRAHAM. Mr. Speaker, I call up the bill (S. 3614) to provide for the appointment of two additional district judges for the northern district of Illinois.

The SPEAKER. The gentleman from Pennsylvania calls up Senate bill 3614, which the Clerk will report.

The Clerk read the title of the bill.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, two additional district judges for the United States District Court for the Northern District of Illinois. The judges so appointed shall reside in said district and their compensation and powers shall be the same as now provided by law for the judges of said district. A vacancy occurring at any time in the offices herein provided for is authorized to be filled.

Mr. GRAHAM. Mr. Speaker, this bill is amply explained in the report of our committee. The bill was recommended and passed unanimously by the Judiciary Committee. It provides for two additional judges for the northern district of Illinois. This district now has three judges. The population of the district is approximately 5,000,000 and with the passage of this bill there will be a ratio of one district judge for each one 1,000,000 inhabitants. The northern district includes the city of Chicago. The bill has the approval of the Department of Justice.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT OF THE JUDICIAL CODE OF THE UNITED STATES WITH RESPECT TO GRAND JURIES

Mr. GRAHAM. Mr. Speaker, I call up the bill (S. 4425) to amend section 284 of the Judicial Code of the United States, and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 284 of the Judicial Code (U. S. C., title 28, sec. 421) be, and the same is hereby, amended so as to read as follows:

"SEC. 284. No grand jury shall be summoned to attend any district court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants shall certify in writing to the district judge or the senior district judge of the district that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue, for a second grand jury: *Provided, however*, That if the United States attorney for the southern district of New York shall certify in writing to the senior district judge of said district that the extigencies of the public service require it, said judge may, in his discretion, also order a venire to issue for a third grand jury. And said court may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. And the district judge or the senior district judge, as the case may be, may, upon request of the district attorney or of the grand jury or on his own motion, by order authorize any grand jury to continue to sit during the term succeeding the term at which such request is made, solely to finish investigations begun but not finished by such grand jury: *Provided, however*, That no grand jury shall be permitted to sit in all during more than three terms. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found."

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield for a question?

Mr. GRAHAM. Yes.

Mr. DICKSTEIN. Is this the bill that was requested by the Grand Jury Association of New York?

Mr. GRAHAM. Yes; and by the Department of Justice.

Mr. JONES of Texas. If the gentleman will permit, I would like to know if the Judiciary Committee has ever given consideration of the question of reducing the number that may constitute a grand jury. The bill provides for an increased number of grand juries.

Mr. GRAHAM. Not for an increase.

Mr. JONES of Texas. And under the code it is now provided that a grand jury shall be composed of not less than 16 or more than 23. Does the gentleman think that a grand jury should necessarily be composed of that many men?

Mr. GRAHAM. I have no opinion on that subject.

Mr. JONES of Texas. It seems to me that half that number would be much less expensive and much less burdensome to the business community and at the same time give the breadth of view that a number would furnish.

Mr. GRAHAM. That may be a very sound theory.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed, was laid on the table.

TEMPORARY JUDGESHIPS

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 14055) to make permanent certain temporary judgeships, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, I do not do this for the purpose of delaying the matter, but I would like an opportunity to strike out section 4.

Mr. STAFFORD. I may say to the gentleman from New York that he will have that privilege under the procedure.

Mr. GRAHAM. We will consider the bill by sections under the 5-minute rule, so the gentleman can make the motion when section 4 is reached.

Mr. O'CONNOR of New York. Then I have no objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the provisions of the third paragraph of section 1 of the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922 (U. S. C., title 28, sec. 3), shall not apply to the following district judgeships created by such act: Two for the district of Massachusetts, and one each for the southern district of New York, the eastern district of New York, the district of New Jersey, the western district of Pennsylvania, the northern district of Texas, the eastern district of Michigan, the western district of Missouri, the northern district of Ohio, the eastern district of Missouri, the southern district of California, and the district of Arizona.

SEC. 2. That section 2 of the act entitled "An act to create an additional judge in the district of Minnesota," approved March 2, 1925 (U. S. C., title 28, sec. 4), is hereby repealed.

SEC. 3. That section 2 of the act entitled "An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa," approved January 10, 1928 (U. S. C., title 28, sec. 4 (1)), is hereby repealed.

With the following committee amendment:

Page 2, line 15, strike out "10" and insert "19."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint a judge to fill a vacancy created in the District Court of the United States for the Southern District of New York, occasioned by the resignation of Hon. Francis A. Winslow, who was appointed as an additional judge in said district under the provisions of the act of Congress entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922. A vacancy occurring at any time in the office of district judge created by this section is authorized to be filled.

Mr. O'CONNOR of New York. Mr. Speaker, I move to strike out section 4.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 17, strike out section 4.

Mr. GRAHAM. Mr. Speaker, I hope this motion will not prevail for the reason that section 4 is simply intended to fill the vacancy caused by the resignation of Judge Winslow. He was appointed under the act of 1922, which contained a provision that his place should not be filled without action on the part of Congress.

This is the action now recommended by the council of senior judges and recommended by the Department of Justice; in fact, the bill was drawn by the Attorney General for the purpose of carrying into effect the recommendation of the council of senior judges.

It would mutilate the bill without accomplishing any purpose except to leave this vacancy in New York without any authority to fill it.

Mr. O'CONNOR of New York. Mr. Speaker, as to mutilating the bill, of course my amendment to strike out section 4 would not do anything like that at all, because this Winslow vacancy is separately dealt with in another bill. I imagine this particular vacancy requires a separate paragraph because Judge Winslow resigned, whereas with respect to most of the other vacancies the incumbents had died.

Now, here is what happens, Mr. Speaker, many times in legislation. Unable to get through a bill for permanent relief of a permanent character, Congress is asked to do something temporarily, when any far-seeing person knows that that temporary period is going to become permanent, that the legislative body is being imposed upon. As soon as the temporary situation ends Congress is going to be asked to and usually does make it permanent. My opposition to filling Judge Winslow's place is based on the fact that there are no statistics, no records of the business of that court offered to the House in support of this proposal. In fact for the last two years we have no figures. There is nothing in support of this legislation except a letter from the Department of Justice. In other words, the Department of Justice is drafting and passing this legislation. We have no facts to go on; we have no statistics presented in any report; we have had no hearings within two years to show the necessity for filling this temporary vacancy. It is common knowledge in New York that the court's business has not increased by reason of Judge Winslow's vacancy.

Now all these places which were temporary were not included in the bill. New Mexico is left out. Leaving out Judge Winslow's vacancy in New York, by reason of his resignation will not mutilate the bill. The judges' bills come here at the request of two groups of people—first the judges themselves—the judicial council; and any executive or legislature that relies solely on the arguments or advice of people who themselves are interested can not be said to be true to their oaths of office. When these judges come and ask for more judges we are violating our duty to first investigate the judicial system as to this need. These judges and lawyers intuitively—as I have said before every lawyer is inchoately a candidate for judgeship—should not have the whole say. Many lawyers fear to oppose the appointment of a judge for he feels that some day he may stand before him and his interests may be in jeopardy.

Yes, some lawyers have been the beneficiaries of judges in many States of the Union. I say that we in New York know best whether we need any more Federal judges. We do not need a judge to fill Judge Winslow's place. There is no proof, no evidence here, that we do. I hope my motion to strike out section 4 will prevail.

Mr. GRAHAM. Mr. Speaker, this bill does not create any new judgeship. It does not increase or diminish the judges by a single one. The council of judges here in Washington has considered the whole matter and recommended this clause filling the vacancy of Judge Winslow. The Attorney General agrees in that recommendation. Section 4 was specially provided because Judge Winslow was not appointed under the act of 1922, but under another act. It makes it possible to fill that vacancy occurring through a resignation.

Mr. DYER. Mr. Speaker, I move to strike out the last word. In this case, Mr. Speaker, that of Judge Winslow in the southern district of New York, about three years ago I was chairman of a special committee appointed by this House to investigate charges made against the judge by the gentleman from New York [Mr. LAGUARDIA].

I had occasion then, Mr. Speaker, to learn a great deal about the work of the judges in the southern district of New York. I live in a pretty good-sized city myself, and have had occasion during my service in this House on the Committee on the Judiciary to know something about the need for judges in the various parts of the country. I have not in my service known of any place where they need district judges more than they have needed them and do need them now in the southern district of New York. This vacancy should have been filled when this judge resigned. They have needed additional judges there for years, but there has been a continuous opposition to their creation. Judge Winslow resigned nearly two years ago, during the time that we were there making an investigation of the charges against him pertaining to his conduct as a judge of the United States district court. Those charges, as I say, were brought by the gentleman from New York [Mr. LAGUARDIA].

those districts bringing all of their cases there. When you

Mr. CELLER. I am aware of that. We can not pry the

Our committee had only gotten into the investigation in a preliminary way, before taking testimony on the question of whether or not he should be impeached, when this judge voluntarily, while the charges were pending, resigned. We need a judge to take his place. We need the other one provided for in this bill and we should have had them some time ago.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. O'CONNOR of New York. In arguing in support of the bill for two additional judges in the district in Illinois the chairman of the gentleman's committee said that bill would give one judge for each million people in the city of Chicago. We have now, I think, 14 judges in the southern and eastern districts of New York. We have one judge for each half million or less of people.

Mr. LaGUARDIA. Oh, we have not 14 judges.

Mr. DE PRIEST. May I suggest that the crime situation in New York is very much worse than it is in Chicago and that they need more judges in the city of New York?

Mr. O'CONNOR of New York. That may be. We have too many of your Chicago boys over there now who did not do so well at home. We have surely 12 judges in New York in the two districts, and we have one Federal district judge for each half million people, I am sure. How can gentlemen reconcile that with the argument that in Chicago they have one for each million and that that is enough?

Mr. LaGUARDIA. The eastern district takes in all of Long Island and the southern district takes in several counties besides New York City, while the gentleman is figuring only on the population of the city.

Mr. O'CONNOR of New York. I am figuring on a population of 7,000,000 people. I saw the figures the other day. These two courts represent something like 7,000,000 people.

Mr. MICHENER. But the real criterion is what is the condition of business, regardless of the number of people.

Mr. O'CONNOR of New York. We have no facts here as to the condition of business.

Mr. MICHENER. We had the Attorney General's report before the committee, and we had the facts showing that in admiralty matters in New York City they are more than a year and a half behind, and they are more than a year behind in any cases to be tried. Therefore it seems to me unreasonable, it does not seem right, that we should ask a man to go into court and wait for a year and a half before he can have his case tried.

Mr. DYER. And may I say in addition, Mr. Speaker, to what has been said by the gentleman from Michigan [Mr. MICHENER] the council of judges has recommended these judges upon more than one occasion, and we have been trying our best to pass legislation to create these positions, and we ought to do it in aid of public business.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SEC. 5. That section 2 of the act entitled "An act for the appointment of an additional circuit judge for the ninth judicial circuit," approved March 1, 1929 (U. S. C., title 28, sec. 213b), is hereby repealed.

With the following committee amendment:

Page 3, after line 10, insert:

"SEC. 6. That section 2 of the act entitled 'An act to create an additional judge in the district of South Dakota,' approved February 26, 1929 (U. S. C., title 28, sec. 4 (1)), is hereby repealed."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL JUDGE, EASTERN DISTRICT OF NEW YORK

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 12059) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 12059, and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

Mr. CELLER. Mr. Speaker, I move to strike out the last word. My opposition to this bill is only formal. I have no actual objections, mainly because the bill will pass, and there is no use in spitting against the wind. You have the votes. I enter this formal objection to the bill only because of certain conditions obtaining in the New York Federal district courts. We have been receiving in this House statistics and data with reference to the cases on the calendars in these courts, and they are given to us in the hope that we will be moved to grant more judges. Repeatedly the judicial council, composed of the various circuit judges, cooperating with the United States Supreme Court, has cautioned district courts throughout the States—New York and elsewhere—to examine carefully the dockets of pending cases, and it has repeatedly pointed out that the data and statistics submitted are often quite misleading. This may be particularly so in New York and in Brooklyn, because those dockets may be lumbered up with a lot of deadwood, cases that have been on the calendars for years, and which may be continued on the calendars I should say with an eye sometimes singly to induce this House to pass bills creating more judges because of imaginary congestion. I do not affirm or deny congestion in the New York district courts.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. Yes.

Mr. MICHENER. The criterion, so far as I am concerned, is not the number of cases on the calendar in any court. It is how near is the work current. As a matter of fact, the gentleman lives in the eastern district, and knows that the admiralty cases are from a year and a half to two and three years behind, and that if you bring a case into your court you can not hope to have that case disposed of within a year or two years. Is not that true?

Mr. CELLER. The admiralty bar and the patent bar of New York City and Brooklyn deliberately bring all their cases in the New York and Brooklyn courts. For instance, take the patent cases. A patent lawyer has a right to select his own tribunal. Instead of bringing it elsewhere he deliberately brings the cases in New York and in Brooklyn. The result is that New York and Brooklyn get all the patent cases, and they get most of the admiralty cases. If the patent bar and the admiralty bar would distribute their cases, we would not have the courts of New York cluttered up. Many of these cases, particularly patent cases, should go elsewhere.

Mr. MICHENER. Will the gentleman yield further?

Mr. CELLER. I yield.

Mr. MICHENER. Does the gentleman, as a lawyer, seriously suggest that this question be solved by asking litigants throughout the country to select other forums than the forums in which they are entitled to appear for the purpose of having their cases tried?

Mr. CELLER. No. I would say that more cooperation should be given by the Members of the patent bar of New York City, for example, with the request that they bring their cases elsewhere if they can do so, to their own benefit. They stand in their own light. If they bring all these cases in the New York courts, they postpone the time when they can get hearings on those cases. Attorneys in New York have repeatedly complained about the patent lawyers in those districts bringing all of their cases there. When you have a case involving an infringement or unfair competition the gentleman knows you can bring your case anywhere you want to. You have a sort of roving commission to bring the case in your own district or in my district, depending on where the infringed article may be bought or sold. The articles are usually widely distributed and the cases may be brought in any number of districts. But all gravitate to New York.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. DICKSTEIN. I would like to ask the gentleman from Michigan [Mr. MICHENER] a question. The gentleman from Michigan has repeated the statement several times that the calendar is behind a year and a half or two years. Assuming that that statement is correct, and I will say it is correct for the purpose of the argument, does the gentleman contend that this additional judge will decrease the number of cases in that court? I mean the number of admiralty cases?

Mr. MICHENER. No; I do not——

The SPEAKER. The time of the gentleman from New York [Mr. CELLER] has expired.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. I do not contend it will reduce the number of cases, but I do contend that it will come nearer making the work current, because if there are two judges working there are a certain number of cases disposed of, and it will certainly bring the cases that much nearer current.

Mr. CELLER. I wish to point out certain other conditions that obtain in my district and in the adjoining district of New York.

Some years ago this House refused to appropriate money for the purpose of having the Supreme Court of the State of New York, in New York City, to take care of naturalization cases. The United States district court judges on both sides of the river, in Brooklyn and New York, have one day and sometimes two days given over exclusively to the consideration of naturalization cases. Why should not the State of New York, through its tribunal, the Supreme Court of the State of New York, share with the United States district courts the carrying on of these naturalization cases?

If you will reinstate that appropriation, you will thereby relieve many of the duties of the United States district courts now given over to naturalization cases.

But politics dictated the policy. Our supreme court was robbed of its jurisdiction by your hamstringing it, by your refusal to continue appropriations to the various county clerks and court clerks in Brooklyn and in various New York City counties to enable them to carry on the fine naturalization work that they were doing for many years. I do not say this with absolute certainty, but I am sure that if you will give that money back you will relieve to a great extent much of the work that now devolves upon these Federal judges in Brooklyn and New York.

Also, if you will repeal the Overman Act, which ousts State courts of jurisdiction where public-utility corporations are involved, you will do much to relieve the situation. In rate cases and matters affecting franchises, where the State courts should have jurisdiction, they are ousted under the Overman Act, and the respondents in those cases have the right to invoke the so-called constitutional court, comprised of two district judges and one circuit judge, who sometimes sit for weeks hearing these involved and intricate rate cases. I sternly advise repeal of that act, and these rate cases would be tried in State courts. Congestion can be relieved by either of two ways: Ease the courts' burdens or increase the judges. The former is the better way.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. LaGUARDIA. The gentleman knows I have had a bill before our committee for six years trying to repeal the Overman Act.

Mr. CELLER. I am aware of that. We can not pry the committee open on that score. I do not know why that bill should not be reported out. We also add to the business of the Federal court there in cases where an officer or person acting under the United States revenue or customs laws is involved, either in a criminal or civil action.

The Attorney General also seeks to oust the State court from jurisdiction in all prohibition cases and in all customs cases involving officers or agents. Where an officer of the Federal Government is involved and the case is started in the State court, immediately a wire is sent to Washington and the defendant is yanked into the Federal court. Much can be done to relieve this congestion if it exists—and I do not admit it exists—by repealing the Overman Act, by amending the Judicial Code, by permitting the State courts to retain jurisdiction over customs or revenue officers violating State laws.

Mr. BACHMANN. Does the gentleman say there is no congestion in the eastern district of New York?

Mr. CELLER. I said I am not certain. I do not admit that there is or is not. I am telling you that you have it within your power to relieve this congestion if it exists. I am not going to debate with the gentleman whether congestion exists or does not exist, but you can relieve that congestion if it does exist, by following the procedure I have outlined.

Let me digress a moment, however, to speak of Mr. Percy G. B. Gilkes, the clerk of the United States District Court for the Eastern District of New York. He has served the Government with painstaking ability for many years. He has grown old in a service as clerk that has won commendation from both bench and bar. If this bill passes, I cherish the hope that the power that appoints the judge will not fall among others to consider Mr. Gilkes for that high preferment.

The SPEAKER. The time of the gentleman from New York has again expired.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL DISTRICT JUDGES FOR THE SOUTHERN DISTRICT OF NEW YORK

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 12032) to provide for the appointment of two additional district judges for the southern district of New York, and I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up House bill 12032, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, the bill which we have just passed provides for an additional judge for the southern district of New York. I am so much interested in one of the greatest measures that this Congress will have to deal with, which is the next bill, that, if it will save the time and the good humor of my friends from my city across the aisle, as far as I am concerned, I am willing to withdraw the bill, because I do want to get to Senate 3060. If the chairman wants to withdraw the bill, it certainly will not hurt my feelings. It is my bill. It is my child.

Mr. GRAHAM. The gentleman from Pennsylvania is not possessed with that degree of impatience which characterizes his brother from New York, and therefore he declines to take such action.

Mr. O'CONNOR of New York. Was it the gentleman from New York who introduced this bill?

Mr. LaGUARDIA. Yes. I will not peep on it, as I do not want to waste one precious moment.

Mr. STAFFORD. The gentleman is wasting precious moments now.

Mr. LaGUARDIA. Then I will keep quiet.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, two additional judges of the District Court of the United States for the Southern District of New York.

Mr. GRAHAM. Mr. Speaker, I offer a committee amendment. In line 5 strike out the word "two" and insert the word "one" and change the word "judges" to the word "judge."

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: In line 5, strike out the word "two" and insert the word "one" and change the word "judges" to the word "judge."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 20, 1931:

H. R. 318. An act for the relief of William S. McWilliams;
H. R. 566. An act for the relief of Charles Smith;
H. R. 589. An act for the relief of Abram H. Johnson;
H. R. 780. An act for the relief of George Selby;
H. R. 783. An act for the relief of Mary Neaf;
H. R. 1526. An act for the relief of Thomas J. Hayden;
H. R. 2505. An act for the relief of William Parish;
H. R. 2584. An act for the relief of Thomas F. Sutton;
H. R. 2729. An act for the relief of Anna E. Stratton;
H. R. 4269. An act for the relief of William L. Wiles;
H. R. 4731. An act for the relief of Frederick Rasmussen;
H. R. 4876. An act for the relief of Joseph Bratten;
H. R. 5926. An act for the relief of Lillian N. Lakin;
H. R. 10652. An act to authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio-research investigations;
H. R. 11268. An act for the relief of Mary C. Bolling;
H. R. 11967. An act to provide for the appointment of an additional district judge for the southern district of Illinois;
H. R. 12350. An act to provide for the appointment of an additional district judge for the eastern district of Michigan;
H. R. 14049. An act to provide for special assessments for the paving of roadways and the laying of curbs and gutters;
H. R. 16159. An act authorizing an appropriation of the sum of $15,000 to defray the expenses of the Pan American Commercial Conference, to be held in Washington, D. C., in 1931;
H. R. 16248. An act authorizing the Secretary of War to exchange with the Rosslyn Connecting Railroad Co. lands on the Virginia shore of the Potomac River near the west end of the Arlington Memorial Bridge; and
H. R. 16654. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1932, and for other purposes.

On February 21, 1931:

H. R. 6259. An act for the relief of Alma Rawson;
H. R. 9803. An act to amend the fourth proviso to section 24 of the immigration act of 1917, as amended;
H. R. 11820. An act to authorize issuance of a patent for certain lands to J. R. Murphy;
H. R. 12094. An act to provide for conveyance of certain lands in the State of Alabama to vocational or other educational uses or to dispose of the lands upon condition that they shall be used for such purposes;
H. R. 15064. An act to reserve 440 acres of public-domain land for addition to the Temecula or Pechanga Reservation, Calif.;
H. R. 15267. An act to amend an act entitled "An act to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States."
H. R. 15877. An act to authorize exchanges of land with owners of private land holdings within the craters of the Moon National Monument; and
H. R. 16215. An act authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado.

On February 23, 1931:

H. R. 2550. An act for the relief of Joseph Pulitzer;
H. R. 9110. An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor;
H. R. 9215. An act for the relief of Jessie Axton;
H. R. 15593. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes; and
H. R. 16913. An act to amend the act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii," approved March 10, 1924.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 416. Joint resolution to increase the amount authorized to be appropriated for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931.

The message also announced that the Senate had concurred without amendment in a concurrent resolution of the House of the following title:

H. Con. Res. 48. Concurrent resolution rescinding the action on H. R. 15876.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3489. An act to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia, and for other purposes;
S. 3491. An act to prevent fraud in the promotion or sale of stock, bonds, or other securities sold or offered for sale within the District of Columbia; to control the sale of the same; to register persons selling stocks, bonds, or other securities; and to provide punishment for the fraudulent or unauthorized sale of the same; to make uniform the law in relation thereof, and for other purposes; and
S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park.

The message also announced that the Senate insists upon its amendments to the joint resolution (H. J. Res. 357) entitled "Joint resolution classifying certain official mail matter," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PHIPPS, Mr. MOSES, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 49) entitled "Joint resolution to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14922) entitled "An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc."

NATIONAL EMPLOYMENT SYSTEM

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

Mr. DYER. Mr. Speaker, pending the motion to go into the Committee of the Whole, I would like to see if we can get an agreement upon time for debate and also control of the time. The original bill was reported by the committee. I reported it myself on behalf of the committee. Since that time we have adopted a committee amendment to the bill which is in the nature of a substitute for the bill. I voted for the substitute for the original bill. Therefore I do not rise for the purpose of asking that I control the time. The chairman of the committee, I take it, will want to control the time in opposition to the bill itself and in favor of the committee amendment, and the gentleman from New York [Mr. LAGUARDIA] is opposed to the committee amendment and in favor of the original bill. Therefore I wish to suggest that my rights in the matter be waived and that the chairman of the committee control one-half the time in opposition to the bill and in favor of the committee amendment, and that the gentleman from New York [Mr. LAGUARDIA] be permitted to control the same amount of time in direct opposition.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. DYER. Yes.

Mr. SUMNERS of Texas. There are a number of requests on this side of the aisle for time in opposition. I think it is rather unusual, on an important bill like this, to have all of the time controlled on the Republican side. I think the minority should have some time to use as it sees fit.

Mr. DYER. How much time does the gentleman suggest?

Mr. SUMNERS of Texas. I will ask the chairman of the committee to give me some idea as to how much time, in his judgment, he and his associates desire to take on the bill. Can the gentleman give me some notion about how much time he and his associates desire?

Mr. DYER. I will state that I am sure it is the desire of all of us that we dispose of this bill to-day. We have now some three or four hours to devote to the bill, and I was going to suggest that two hours be the amount of time taken in general debate. I yield to the chairman, Mr. GRAHAM, to answer the gentleman from Texas [Mr. SUMNERS].

Mr. GRAHAM. Replying to the inquiry made by the gentleman from Texas I will say that I have requests for time from members of the committee who desire to speak on the bill—not for the purpose of consuming time but for the purpose of speaking upon the merits of the bill—amounting to 1 hour and 35 minutes, and I would like to have at least one-half hour for myself.

Mr. LAGUARDIA. In addition to that time?

Mr. GRAHAM. In addition; yes. That would be 2 hours and 10 minutes.

Mr. SUMNERS of Texas. Do the requests to which the chairman refers include the time which will be used by Mr. LAGUARDIA in opposition to the bill?

Mr. GRAHAM. No.

Mr. SUMNERS of Texas. May I ask the gentleman from New York how much time he and those on the Republican side would like to have?

Mr. LAGUARDIA. I will be pleased to divide the time with the gentleman from Texas, and I presume, of course, we will be allowed whatever time is allowed to those favoring the substitute.

Mr. SUMNERS of Texas. I think it would be more satisfactory if some time were accorded this side of the aisle.

Mr. LAGUARDIA. The gentleman knows the situation we are in and I think the amount of 1 hour and 35 minutes included the time of the gentleman from Pennsylvania.

Mr. SUMNERS of Texas. No.

Mr. LAGUARDIA. I know the gentlemen want to be practical, and we can not run too late because a resolution has been adopted whereby we can recess to-day for the Private Calendar. I think if we have three hours' debate, one hour and a half on the side, that would be enough.

Mr. CULLEN. That would give us an hour on this side?

Mr. LAGUARDIA. Yes.

Mr. CULLEN. Mr. Speaker, reserving the right to object, if we on this side may have one hour of the time, that will be perfectly satisfactory.

Mr. LAGUARDIA. And I will take 30 minutes on this side, and the gentleman from Texas [Mr. SUMNERS] will control the time.

Mr. GRAHAM. I would like to say to the gentleman from Texas that I think he should control the time on that side. The gentleman voted in opposition to the substitute.

Mr. SUMNERS of Texas. If the gentleman agrees, then, and will accord one hour to this side, we will distribute the time.

Mr. GRAHAM. And the gentleman's suggestion is that we have three hours of general debate.

Mr. DYER. And that includes one-half hour for the gentleman from New York [Mr. LAGUARDIA].

Mr. SUMNERS of Texas. Certainly; the gentleman is not on this side yet.

Mr. LAGUARDIA. As I understand, the time is to be three hours, one hour and a half on each side, and of the one hour and a half allotted to him, the gentleman from Texas will yield me 30 minutes.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that time for general debate be limited to three hours, one half to be controlled by the gentleman from Texas, who will yield time to the gentleman from New York [Mr. LAGUARDIA] and the other one half by myself.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that time for general debate be limited to three hours, one half to be controlled by himself and the other one half by the gentleman from Texas [Mr. SUMNERS]. Is there objection?

Mr. DYER. Mr. Speaker, pending that, because this bill is not known generally to the Members of the House, including the committee amendment, I think we should have the Members here, and I shall make the point that there is not a quorum present.

Mr. GRAHAM. We have not yet come to an agreement on the time.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. DYER. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 363, not voting 68, as follows:

[Roll No. 36]

YEAS—363

Abernethy	Auf der Heide	Blackburn	Brumm
Ackerman	Ayres	Bland	Brunner
Adkins	Bacharach	Blanton	Buchanan
Aldrich	Bachmann	Bohn	Buckbee
Allen	Bacon	Bowman	Burdick
Allgood	Baird	Box	Burtness
Almon	Bankhead	Boylan	Busby
Andresen	Barbour	Brand, Ga.	Butler
Andrew	Beck	Briggs	Byrns
Arentz	Beedy	Brigham	Cable
Arnold	Beers	Browne	Campbell, Iowa
Aswell	Black	Browning	Campbell, Pa.

Canfield	French	Leech	Rogers
Cannon	Fuller	Lehlbach	Sanders, Tex.
Carley	Fulmer	Letts	Sandlin
Carter, Calif.	Gambrill	Lindsay	Schafer, Wis.
Carter, Wyo.	Garber, Okla.	Linthicum	Schneider
Cartwright	Garner	Loofbourow	Sears
Celler	Gasque	Lozier	Seger
Chalmers	Gavagan	Luce	Seiberling
Chindblom	Gibson	McClintic, Okla.	Selvig
Chiperfield	Gifford	McClintock, Ohio	Shaffer, Va.
Christgau	Glover	McCormack, Mass.	Short, Mo.
Christopherson	Golder	McCormick, Ill.	Shott, W. Va.
Clague	Goldsborough	McDuffie	Shreve

Mr. Hartley with Mr. Igoe.
Mr. Kiefner with Mr. Fou.
Mr. Reid of Illinois with Mr. Sullivan of New York.
Mr. Taber with Mr. Douglass of Massachusetts.
Mr. Britten with Mr. Hill of Washington.
Mr. Watson with Mr. Taylor of Colorado.
Mr. Chase with Mr. Larsen.
Mr. Elliott with Mr. McMillan.
Mr. Haugen with Mr. Kennedy.
Mr. Swing with Mr. Montague.
Mr. Johnson of South Dakota with Mr. Rutherford.
Mr. Sproul of Illinois with Mr. Moore of Virginia.
Mr. Fish with Mr. Garrett.

difficulties and agree upon some reasonable substitute that would be workable under which the department could operate; but Mr. Doak, Secretary of Labor, as explained in the paper, a copy of which is in the hands of every Member—I had a copy of it sent to each Member, hoping that they might have it in time for its perusal before the meeting to-day—as he said, headed by one of those altruistic citizens brought into the discussion, reported that there should be no substitute for the bill; that the proponent would stand on his bill and take that or nothing.

ment? In other words, what is left out of the Wagner bill and what changes are made of importance?

Mr. GRAHAM. The chief thing that is left out of the substitute is what I call the dole, or the gift from the Public Treasury to the States in order to establish a system of employment offices in the States, with the consent and cooperation of the States or without it. That is taken out.

Mr. Chairman, once we establish a proposition of that kind, we are fastening on the Government another bureau to be added to the bureaucracy that already exists in Wash-

Canfield	French	Leech	Rogers
Cannon	Fuller	Lehlbach	Sanders, Tex.
Carley	Fulmer	Letts	Sandlin
Carter, Calif.	Gambrill	Lindsay	Schafer, Wis.
Carter, Wyo.	Garber, Okla.	Linthicum	Schneider
Cartwright	Garner	Loofbourow	Sears
Celler	Gasque	Lozier	Seger
Chalmers	Gavagan	Luce	Seiberling
Chindblom	Gibson	McClintic, Okla.	Selvig
Chiperfield	Gifford	McClintock, Ohio	Shaffer, Va.
Christgau	Glover	McCormack, Mass.	Short, Mo.
Christopherson	Golder	McCormick, Ill.	Shott, W. Va.
Clague	Goldsborough	McDuffie	Shreve
Clancy	Goodwin	McFadden	Simmons
Clark, Md.	Goss	McKeown	Simms
Clarke, N. Y.	Graham	McLaughlin	Sinclair
Cochran, Mo.	Granfield	McLeod	Sloan
Cochran, Pa.	Green	McReynolds	Smith, Idaho
Cole	Greenwood	McSwain	Smith, W. Va.
Collier	Gregory	Maas	Snell
Collins	Griffin	Magrady	Snow
Colton	Guyer	Manlove	Somers, N. Y.
Connery	Hadley	Mansfield	Sparks
Connolly	Hall, Ill.	Mapes	Speaks
Cooke	Hall, Ind.	Martin	Sproul, Kans.
Cooper, Ohio	Hall, N. Dak.	Mead	Stafford
Cooper, Tenn.	Halsey	Menges	Stalker
Cooper, Wis.	Hancock, N. Y.	Merritt	Steagall
Corning	Hancock, N. C.	Michener	Stobbs
Cox	Hardy	Miller	Stone
Crail	Hare	Milligan	Strong, Kans.
Cramton	Hastings	Montet	Strong, Pa.
Crisp	Hawley	Mooney	Sullivan, Pa.
Cross	Hess	Moore, Ky.	Summers, Wash.
Crosser	Hickey	Moore, Ohio	Sumners, Tex.
Crowther	Hill, Ala.	Morehead	Swanson
Culkin	Hoch	Morgan	Swick
Cullen	Hogg, Ind.	Mouser	Tarver
Dallinger	Hogg, W. Va.	Murphy	Taylor, Tenn.
Darrow	Holaday	Nelson, Me.	Temple
Davenport	Hooper	Nelson, Mo.	Thatcher
Davis	Hope	Niedringhaus	Thurston
Denison	Hopkins	Nolan	Tilson
De Priest	Houston, Del.	Norton	Timberlake
DeRouen	Howard	O'Connor, N. Y.	Tinkham
Dickinson	Huddleston	O'Connor, Okla.	Tucker
Dickstein	Hudson	Oldfield	Turpin
Dominick	Hull, Morton D.	Oliver, Ala.	Underhill
Dorsey	Hull, William E.	Oliver, N. Y.	Underwood
Doughton	Hull, Tenn.	Owen	Vestal
Douglas, Ariz.	Hull, Wis.	Palmer	Vincent, Mich.
Doutrich	Irwin	Palmisano	Vinson, Ga.
Dowell	James, Mich.	Parker	Wainwright
Doxey	James, N. C.	Parks	Walker
Drane	Jeffers	Parsons	Warren
Driver	Jenkins	Patman	Wason
Dunbar	Johnson, Nebr.	Patterson	Watres
Dyer	Johnson, Okla.	Peavey	Welch, Calif.
Eaton, Colo.	Johnson, Tex.	Perkins	Welsh, Pa.
Eaton, N. J.	Johnson, Wash.	Pittenger	White
Edwards	Jonas, N. C.	Pou	Whitehead
Ellis	Jones, Tex.	Prall	Whitley
Englebright	Kading	Pratt, Harcourt J.	Whittington
Erk	Kahn	Pratt, Ruth	Wigglesworth
Eslick	Kelly	Purnell	Williams
Estep	Kendall, Ky.	Quin	Williamson
Esterly	Ketcham	Ragon	Wilson
Evans, Calif.	Kinzer	Rainey, Henry T.	Wingo
Evans, Mont.	Knutson	Ramey, Frank M.	Wolfenden
Fenn	Kopp	Ramseyer	Wolverton, N. J.
Finley	Kurtz	Ramspeck	Wolverton, W. Va.
Fisher	Kvale	Rankin	Wood
Fitzgerald	LaGuardia	Ransley	Woodruff
Fitzpatrick	Lambertson	Rayburn	Woodrum
Fort	Langley	Reece	Wright
Foss	Lanham	Reed, N. Y.	Wyant
Frear	Lankford, Ga.	Reilly	Yates
Free	Lankford, Va.	Rich	Yon
Freeman	Leavitt	Robinson	

NOT VOTING—63

Bell	Garrett	Kerr	Rowbottom
Bloom	Hale	Kiefner	Rutherford
Bolton	Hall, Miss.	Korell	Sabath
Brand, Ohio	Hartley	Kunz	Sanders, N. Y.
Britten	Haugen	Larsen	Sirovich
Chase	Hill, Wash.	Lea	Spearing
Clark, N. C.	Hoffman	Ludlow	Sproul, Ill.
Condon	Hudspeth	McMillan	Stevenson
Coyle	Igoe	Michaelson	Sullivan, N. Y.
Craddock	Johnson, Ill.	Montague	Swing
Dempsey	Johnson, Ind.	Moore, Va.	Taber
Douglass, Mass.	Johnson, S. Dak.	Nelson, Wis.	Taylor, Colo.
Doyle	Johnston, Mo.	Newhall	Thompson
Drewry	Kearns	O'Connor, La.	Treadway
Elliott	Kemp	Pritchard	Watson
Fish	Kendall, Pa.	Reid, Ill.	Wurzbach
Garber, Va.	Kennedy	Romjue	Zihlman

So the motion to go into Committee on the Whole was agreed to.

The following pairs were announced:

General pairs until further notice:

Mr. Kendall of Pennsylvania with Mr. Drewry.
Mr. Treadway with Mr. Stevenson.
Mr. Hartley with Mr. Igoe.
Mr. Kiefner with Mr. Pou.
Mr. Reid of Illinois with Mr. Sullivan of New York.
Mr. Taber with Mr. Douglass of Massachusetts.
Mr. Britten with Mr. Hill of Washington.
Mr. Watson with Mr. Taylor of Colorado.
Mr. Chase with Mr. Larsen.
Mr. Elliott with Mr. McMillan.
Mr. Haugen with Mr. Kennedy.
Mr. Swing with Mr. Montague.
Mr. Johnson of South Dakota with Mr. Rutherford.
Mr. Sproul of Illinois with Mr. Moore of Virginia.
Mr. Fish with Mr. Garrett.
Mr. Coyle with Mr. Bell.
Mr. Wurzbach with Mr. Clark of North Carolina.
Mr. Bolton with Mr. Hall of Mississippi.
Mr. Hale with Mr Bloom.
Mr. Nelson of Wisconsin with Mr. Ludlow.
Mr. Sanders of New York with Mr. Romjue.
Mr. Kearns with Mr. Lea.
Mr. Zihlman with Mr. Kerr.
Mr. Dempsey with Mr. Spearing.
Mr. Garber of Virginia with Mr. Condon.
Mr. Johnson of Illinois with Mr. Sabath.
Mr. Korell with Mr. O'Connor of Louisiana.
Mr. Pritchard with Mr. Sirovich.
Mr. Michaelson with Mr. Doyle.
Mr. Johnston of Missouri with Mr. Kunz.
Mr. Brand of Ohio with Mr. Hudspeth.
Mr. Craddock with Mr. Thompson.
Mr. Hoffman with Mr. Newhall.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MAPES in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will read by title.

The Clerk read the title of the bill, as follows:

An act (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

Mr. GRAHAM. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Chairman and members of the committee, I wish to make a clear statement of the position of this bill which is now before the House.

Senate 3060 is one of three bills that were prepared by a group of people, and one of these bills was referred to the Committee on Labor, of this House, reported back from that committee and finally passed, and is now a law.

The second of these bills came to the Judiciary Committee of this House, and that committee reviewed the bill with great care, made some very material amendments, reported it to the House with the recommendation that it pass as amended.

The House subsequently passed it, and then the Senate disagreed to our amendments to the bill, and it was sent to conference.

When the conferees saw that there was no harmony between the proponents of the bill who attended the conference and the conferees the conference was on the point of adjourning when the Senator from California suggested an additional delay.

In the meantime the committee, headed by Mr. Arthur Wood, came into communication with the Senator from New York [Mr. WAGNER], and it was suggested that they take up the matter with him and if he could suggest amendments to make the bill workable, or anything like that, we might make an agreement that would secure the passage of the bill.

There was no disposition on the part of any of us to retard the legislation or prevent its accomplishment. We only insisted that it should be in proper form.

Finally an agreement was made, and Senator WAGNER was asked to introduce the bill in the Senate, and I introduced it in the House. The Senate bill was passed, and the bill introduced in the House was approved by our committee, and finally the Senate bill was substituted and passed, and it is now a law.

It was my earnest hope that when Senate 3060 came up for consideration that we might remove the trouble and

difficulties and agree upon some reasonable substitute that would be workable under which the department could operate; but Mr. Doak, Secretary of Labor, as explained in the paper, a copy of which is in the hands of every Member—I had a copy of it sent to each Member, hoping that they might have it in time for its perusal before the meeting to-day—as he said, headed by one of those altruistic citizens brought into the discussion, reported that there should be no substitute for the bill; that the proponent would stand on his bill and take that or nothing.

It is said that there were certain defects in the bill which ought to be considered for the sake of the bill, but under the Andrews dictation the bill was refused amendment and is now brought up in the House for our consideration.

In our committee, as originally considered under the propaganda that was sent out, the bill was reported out favorably with certain amendments, and the gentleman from Virginia [Mr. TUCKER] on that side of the House and myself on the Republican side filed minority views by which we hoped to call the attention of the House to the fact that this bill violates constitutional law, it invades the rights of the States, treads upon the independence of the States, and provides that the director general could walk into your State or my State and, without the consent of the governor or the legislature, establish this employment office. It had in it the pernicious doctrine also of contributions out of the Public Treasury made to the States without authorization of law—I should say, without constitutional backing. In other words, an appropriation was to be made of a million and a half dollars, 75 per cent of which was to be set aside and allocated to the States, and they were supposed to join in producing a like amount. This taking of so many millions of dollars out of the Public Treasury for this purpose can find no gesture in the Constitution which warrants it or authorizes it.

Features like this could be eliminated and the essential feature of intruding into the State against the State's will could also have been eliminated, and the bill made workable under the amended provisions so that satisfactory results could be had; but the proponents of this bill, and my learned friend from New York [Mr. LAGUARDIA] have taken the stand that they want the Wagner bill or nothing. We requested Mr. Doak, the new Secretary of Labor, to come before our committee. I wish the Members of the House would read his manly and straightforward remarks and the position which he takes. He made it so clear to us that when a vote was taken upon a substitute in that committee the vote was 13 to 6 in favor of a substitute being offered in place of the Wagner bill. Those men on the committee did not change their opinion for idle fancy, those men were not actuated by an impulse, those men were actuated by a desire to do that which is best and that which would help promote the very object for which the bill was sought to be passed, and secure the benefits that will result therefrom. I submit to the House that this bill, S. 3060, ought to be defeated in this House, and the bill which Mr. Doak advocates should be enacted. Mr. Doak is himself a strong labor man, and he said he took up this bill solely because of the behest upon him by the organic law under which his department acts, that he must look after the rights of the wage earners and protect the wages of the men. With that primary purpose he endeavored to see what could be done, after a careful analysis of this bill, to perfect it and make it workable. As a result he presented to us a committee amendment, which was adopted in our committee, and which I am authorized to present upon the floor and ask its adoption. By that committee amendment the phraseology of the bill has been changed, but it is a workable bill to-day, whereas the other is not. The Wagner bill, even if adopted, would take over two years to put in operation, requiring as it does the consent of certain legislatures and officials of the various States.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. DYER. Will the gentleman state just what is the difference between the Wagner bill and the so-called substitute which we are to consider as the committee amendment? In other words, what is left out of the Wagner bill and what changes are made of importance?

Mr. GRAHAM. The chief thing that is left out of the substitute is what I call the dole, or the gift from the Public Treasury to the States in order to establish a system of employment offices in the States, with the consent and cooperation of the States or without it. That is taken out.

Mr. Chairman, once we establish a proposition of that kind, we are fastening on the Government another bureau to be added to the bureaucracy that already exists in Washington. We would be establishing a system of employment offices throughout the United States that we would never get rid of, for as long as that dole would be kept up the States would hold onto it.

Mr. DYER. If the gentleman will permit, the States would not get any of this money unless they appropriate a like amount from their treasuries.

Mr. GRAHAM. That is true, but the money would be distributed by the States, the employees would be appointed largely by the States, and the whole system would be under the control of the director general.

The other part that differs from the Wagner bill is the coercive part. Under the Wagner bill the director general has the right to go into a State without its consent and establish an office there and put his own people in charge.

Mr. BEEDY. What section is that?

Mr. GRAHAM. That is in paragraph (a) of section 10:

In States where there is no State system of public employment offices, in establishing and maintaining a system of public employment offices under the control of the director general.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. LAGUARDIA. They can do that under the Doak bill.

Mr. GRAHAM. Not without the consent of the governor or the legislature, but under this clause as a lawyer I contend that the power is given to the director general to enter and take possession and create his own offices in a State. The Secretary of Labor further said to us that so far as this legislation is concerned it would be of no use. I shall take the time now to read a few remarks by Mr. Doak. He came at the request of our committee at great personal sacrifice to himself, for he had been called away upon what is perhaps the saddest duty a man can be called upon to perform, to attend the funeral and burial of his mother. He left there to come back at my solicitous request to make his statement before the committee.

He said:

I was sworn in as Secretary of Labor on the 9th day of December, and one of the first things which was called to my attention by President Hoover was this employment bill. He said:

"I hope you will make, as quickly as possible, a thorough investigation of this entire situation, with a view of rendering the very best service we can in the establishment of a real employment service."

I say that without any other reason except to say that it is a fact.

I went into the situation very thoroughly, and the further I went into it the more convinced I was that we should have a real Federal Employment Service, and instead of expending $200,000 or $285,000 a year, that perhaps we should spend a million and a half.

I think it was a year ago, just about this time, when Senator WAGNER of New York introduced his series of bills, three, I believe; one dealing with labor statistics, one having to do with long-time planning, and one dealing with the employment service.

At that time I was instructed by the president of our organization to present a brief to the Senate committee, which I did, calling attention to the situation, so far as it affected railroad employees.

After very short hearings, and after a very few days lapse of time, the Wagner bill was reported out by the Senate Committee on Commerce. Nothing had been done more than to have it passed by the Senate. It was awaiting action in the House, and no action had been taken when I came in as Secretary of Labor.

Then I thought I would do what I should reasonably and properly do. I made some inquiries as to the probability of the passage of the Wagner bill, and made a study of the Wagner bill.

I want you gentlemen to bear in mind that the Secretary of Labor has a very specific charge as to what his duties will be. In the first sentence of the organic act creating the Department of Labor it is provided that he must foster and promote the welfare of the wage earners.

I took that rather seriously, and tried to analyze these bills and see what would best promote the welfare of the wage earners in this country.

After so doing I set forth my views in this letter dated February 17, which Mr. White filed with your committee.

But in the meantime I had a conference with the chairman of your committee, and he suggested that I talk with Senator WAGNER.

After some considerable difficulty because of the illness of Senator WAGNER, I finally had a conference with him. I met Senator COPELAND, who was authorized to speak for Senator WAGNER, in the meantime.

I finally assembled a conference, which was, I think, as representative a labor conference as you could possibly get up on short notice. There were about 30 or more present, and we invited Senator WAGNER to meet with us, and we sat down around the table and had a frank discussion of this general situation.

I was apprehensive of what might happen. First of all, without saying to you what was requested, which we are not privileged to do, of the Director of the Bureau of the Budget, we came out of the Budget with $385,000 approved, and $100,000 of this amount was to be used for the veterans.

Now, I was confronted with this situation, either to take a chance on having no legislation—and I doubt sometimes the necessity of having any, so far as we are concerned, because we are already functioning under the organic act—or taking a chance of losing the entire matter; and I vigorously pressed for some compromise or some common ground on which we could stand. But we could get none from the patron of the bill; it was only his bill or nothing.

Then there was only one other thing to do, and that was to prepare a substitute bill, and in the event that the substitute bill failed, to ask Congress to give us an appropriation and we would carry on with the present set-up that we had. That is just what I did, despite any accusation to the contrary, or any implied motives.

We hope to get it passed; we do not know whether we will get anything or not.

Our appropriation bill has not passed the Senate, and it provides $385,000.

I prepared and submitted to the Bureau of the Budget a supplemental estimate for $500,000, in case we got wiped off on this legislation.

That was likewise rejected, and I was forced to do as I have done, to propose a substitute that will take care of this emergency, that will tide us over, and, if we need additional legislation, that will give us a chance to see what we can do, if we have some machinery established here to carry on the work of the Federal Employment Service.

But no. I will say this; I found that the labor men were in a rather embarrassing position. Senator WAGNER had paved the way for this legislation, and I said to him, as I said to Chairman GRAHAM and everybody else with whom I talked, that I did not want to take any credit away from Senator WAGNER. I wanted to let him have the credit for initiating this program; if there was any way to get by with this matter and still have it carry his name, I wanted to do that.

But when the Senator said no, that he wanted to stand pat as to these men who had committed themselves to the Wagner bill, there was not anything left for them to do except to go along, because they had made these commitments.

I called in Mr. Andrews, of the American Association for Labor Legislation, and I discussed this with him and told him what we had in mind, and said, "Let us get something up that we can agree on." But what did he do?

The first thing I knew there was a letter sent out to all labor organizations and many others, broadcast over the country, saying, "Now is the time to act, and we will get this bill through."

In other words, they showed no disposition whatever to cooperate with the Secretary of Labor or with anyone else. And I had some rather little unpleasant talk with the doctor.

But instead of trying to go along and do the proper thing to take care of this emergency so that we could get through with it until next fall, until Congress convenes, at least, he tied everything to the passage of the Wagner bill in the House.

Mr. YATES. That is Senate bill 3060?

Secretary DOAK. Yes, sir; Senate bill 3060. Listen to what he says in the last part of his letter:

"Wire or write immediately to your own Representative at Washington, D. C., urging him to work actively for the passage of the public employment office bill (S. 3060) now on House Union Calendar. It is also important that you address Hon. BERTRAND H. SNELL, Hon. JOHN Q. TILSON, and Hon. NICHOLAS LONGWORTH, at the Capitol, Washington, D. C., urging that they give House Members an opportunity now to vote on this bill."

That was the measure of reception that his efforts to compromise met with.

Mr. BEEDY. Will the gentleman yield for a question?

Mr. GRAHAM. I yield.

Mr. BEEDY. In order to clarify the issue in my own mind, do I understand from the gentleman's explanation that there are two essential differences between the Doak substitute and the bill now pending before the House, namely, that in the Doak substitute the provision to appropriate $4,000,000, which is contained in the second line on page 4 of this bill, is omitted?

Mr. GRAHAM. That was omitted in the Wagner bill also. We reduced it to $1,500,000.

Mr. BEEDY. What is the bill S. 3060 before the House now? Is it the Wagner bill?

Mr. GRAHAM. The Wagner bill.

Mr. BEEDY. In this bill $4,000,000 is appropriated, if I understand the English language, on page 4, line 2, for distribution among the States.

Mr. GRAHAM. That is right, but that was reduced by an amendment in the Judiciary Committee to $1,500,000.

Mr. BEEDY. But the first line appropriates in the present fiscal year, in the bill before the House, $1,500,000. That is for the fiscal year ending June 30, 1931, and $4,000,000 for each fiscal year thereafter. How does the Doak bill modify that provision in the pending bill?

Mr. GRAHAM. It provides for only $1,500,000.

Mr. BEEDY. For each succeeding fiscal year?

Mr. GRAHAM. No. At this time.

Mr. BEEDY. That is what this bill provides for.

Mr. GRAHAM. No. It provides for each succeeding year $4,000,000.

Mr. BEEDY. And there is no appropriation for each succeeding year in the Doak bill?

Mr. GRAHAM. None recommended.

Mr. BEEDY. The next change: On page 8 of this bill is a provision that authorizes the Federal director general to go into States where there is no State system of public employment offices and set up an office under section (a), but in section (b) he may go further, and set up an office and distribute this fund, even where a State has not signified through its legislation any intention of contributing a dollar for every dollar expended by the Federal Government. Now, the gentleman says that in the Doak substitute sections (a) and (b) are taken out?

Mr. GRAHAM. We provide for general cooperation, and there is an Assistant Secretary of Labor created in a bureau in that department. But there is no Federal director concerned.

Mr. BEEDY. And no Federal director has the right to go into a State where the State legislature has not declared its own policy and set up this bureau?

Mr. GRAHAM. No, sir.

Mr. BEEDY. Now, is there any difference between the gentleman from New York [Mr. LAGUARDIA] and the gentleman from Pennsylvania [Mr. GRAHAM] on that?

Mr. GRAHAM. Mr. Chairman, I reserve the balance of my time.

Mr. LAGUARDIA. Yes. Under the Doak bill they can not go into any State.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. GRAHAM. I yield.

Mr. COCHRAN of Missouri. As to Missouri, I notice in the report my State is listed as not making any appropriation for employment offices. What is going to be the situation under this set-up, as far as Missouri is concerned?

Mr. GRAHAM. It would not get any of the dole until it does.

Mr. COCHRAN of Missouri. Under the original bill that is true, but what will happen under the Doak bill?

Mr. GRAHAM. It does not get anything until it comes in and cooperates.

Mr. COCHRAN of Missouri. So, in both instances, we are not included now. Our legislature is in session, however, and can meet the situation.

The CHAIRMAN. The gentleman from Pennsylvania reserves the balance of his time.

Mr. BROWNING. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I yield myself 15 minutes and reserve the balance of my time.

Mr. Chairman, I recognize the right of any Member to differ with me or to be opposed to the bill. I recognize the right of anyone to vote against any measure, but in the name of fair play and legitimate legislation I ask you, if you are against the bill, to vote against it and not try to subterfuge on an impossible substitute. [Applause.]

Now, what is the situation? Let us be frank, at least, as to the chronological facts, if we can not agree on anything else.

A bill was introduced by Senator WAGNER, of my State, in the early part of 1930. Hearings were held by the Senate on the 18th and 21st days of March and the 1st day of April, 1930. The bill was passed in the Senate and referred to our committee. Our committee held hearings on June 11 and 12, 1930. On June 26, 1930, the bill was favorably reported from our committee, the gentleman from Missouri [Mr. DYER] making the report, the gentleman from Pennsylvania [Mr. GRAHAM] and the gentleman from Virginia [Mr. TUCKER] dissenting on constitutional grounds. The bill has been on the calendar of this House since June 26, 1930. The Committee on Rules gave it a preferential status, and after that, gentlemen—I am sure the distinguished chairman of the committee, the gentleman from Pennsylvania [Mr. GRAHAM] inadvertently stated that the committee asked Secretary Doak to come before us—Secretary Doak asked to come before the committee, and that request was granted, although the bill was out of the committee's control. I took exception to my committee's action. The committee had lost control of the bill after it had been reported.

Now, if my Democratic colleagues will pardon me just a moment, I want to speak to my side of the House. This bill was approved by the Secretary of Labor, Mr. JAMES J. DAVIS. Speaking for the administration in his letter of approval, which you will find on page 111 of the Senate hearings—I will read the letter:

MARCH 10, 1930.

Hon. HIRAM JOHNSON,
United States Senator, Washington, D. C.

MY DEAR SENATOR: You will recall in my conversation with you last week and also with Senator WAGNER concerning Senate bill 3060, known as the Wagner bill, I stated that, while I was in hearty accord with the general purposes of the proposed legislation, I desired to confer with the Director General of the United States Employment Service, after which I would write you in the matter.

We have given careful and thoughtful consideration to the bill. There are two schools of thought abroad as to whether the Federal Government or the States should establish and maintain public employment offices, and I am well convinced that the general public favors that the State be the unit in conducting public employment offices, with the Federal Government cooperating and acting as a national clearing house for labor. This maintains the time-honored principle of State rights. I favor in all cooperative enterprises that the interests of the Federal Government be protected, and when Federal financial assistance is given, a certain amount of authority should naturally follow. This the bill has safeguarded.

I am in full sympathy with section 3. The Public Employment Service should not engage in any controversial questions. All of its acts should be impartial. It should avoid entering into labor disputes. In order that it may perform its duty to the highest degree of efficiency it should be free from political influences.

Cogent reasons can be advanced favoring a national employment service rather than State cooperation. My experience is that at times it is rather difficult for the States to cooperate efficiently owing to the frequent political changes which occur and have a tendency to create a state of flux. I am very happy that section 3 has made provision in this respect.

Section 5 provides for an authorized appropriation of $4,000,000 for the first fiscal year. In my opinion it would not be possible to spend this amount of money judiciously the first fiscal year. It appears to me that an appropriation of $1,500,000 for the first year would be adequate for the purpose of establishing the public employment service in accordance with the provisions of the bill. However, it is believed that for the second and following years an additional appropriation would be required.

Sincerely yours,

JAMES J. DAVIS, *Secretary.*

Why, we even adopted the Secretary's recommendation and reduced the appropriation for the first year to $1,500,000.

Mr. Doak, in his capacity representing the railroad trainmen, appeared before the Senate committee, filed a brief, and did not peep one word as to its constitutionality, or as to all the other objections he now expresses since he has become a Cabinet officer.

Mr. BEEDY. Is his brief in favor of the bill?

Mr. LAGUARDIA. His brief is there. It gives the facts.

Mr. BEEDY. But the gentleman does not state what it was.

Mr. LAGUARDIA. Well, his statement is there. Not one word in opposition. He appeared as a friend of the bill.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. COOPER of Ohio. The gentleman stated that Mr. Doak appeared before the Senate committee. Did he approve of the bill?

Mr. LAGUARDIA. Certainly. His attitude was one of approval.

Mr. MOORE of Ohio. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. MOORE of Ohio. Will the gentleman read what he said?

Mr. LAGUARDIA. The gentleman has it before him and he can read it. The gentleman called my attention to it.

This is what Mr. Doak said in hearings before our committee. On page 13 of the hearings on the bill providing for the establishment of a Federal unemployment agency there appears this statement:

At that time I was instructed by the president of our organization to present a brief to the Senate committee, which I did, calling attention to the situation, so far as it affected railroad employees.

Now, Mr. Chairman, I want to read another statement concerning labor conditions in this country:

What our people wish is the opportunity to earn their daily bread, and surely in a country with its warehouses bursting with a surplus of food and clothing, with its mines capable of indefinite production of fuel, with sufficient housing for comfort and health, we possess the intelligence to find solution.

That is not a statement from a radical labor leader; it is not even my statement; that is a statement made by the great humanitarian, your President, Herbert Hoover. I am going to tell you when he made it, when he approved of every idea and every provision in the Senate bill now before you. He was then chairman of the President's Conference on Unemployment, and he made that statement on September 26, 1921, to that conference. This is what that conference agreed to, and Mr. Hoover was chairman of that conference:

Your committee feels that in any permanent system the State should be the operating unit of such employment offices, and that the extension of such offices should be encouraged. The Federal Government itself should not operate local offices or do placement work.

That is exactly what Senate 3060 provides.

Mr. GRAHAM. Is not that what the Wagner bill provides, that the director general of the Federal service shall control everything?

Mr. LAGUARDIA. Of course not. He simply presents the standards of State agencies to be entitled to Federal aid. If the standard is not kept the State agencies naturally would not be entitled to such Federal aid.

Mr. BEEDY. I do not want to interrupt the gentleman because he is making a very helpful argument, but I am troubled by sections (a) and (b) at the bottom of page 8, which provides that if this bill now before us ever becomes a law the Federal director general may go into States where they do not have a system of public employment offices but also into States where they do have such offices but where the legislature has not indicated its desire to cooperate with the Federal Government. Does that conference recommend the passage of this bill?

Mr. LAGUARDIA. I have not finished. That is No. 1, and I will now read No. 4 of the conference report of September 26, 1921.

Mr. BEEDY. They do not contradict each other, do they?

Mr. LAGUARDIA. Just listen to this:

The existing provision of the Federal Government and many State governments for all branches of such work is inadequate, and should be strengthened. The work is of first-rate importance, and should be recognized as a job for men of first-grade ability from the top down. The director should be appointed directly by the President. Adequate salaries should be provided and adequate safeguards to secure the proper personnel and to protect the tenure of office.

In other words, if the gentleman will read the recommendations of the conference, the President's Conference on Unemployment, of which the present President was chairman, then Secretary of Commerce, he will find that every recommendation therein made is contained in Senate bill 3060. The bill here recommends that same system and yet some gentlemen here who previously approved this provision and this bill are now arguing against it.

Now, as to the constitutional question: When this bill was under consideration there were only two sources of opposition—one the Manufacturers' Association and the other the private employment agencies. I do not see the gentleman from Washington [Mr. JOHNSON] here, but I would like to have him tell this House something about the Manufacturers' Association's interest in labor.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. COOPER of Ohio. This bill has been before the Congress for almost a year. The gentleman stated that it has been reported favorably by the Judiciary Committee of the House and a rule has been given for its consideration. Now, can the gentleman tell the House why in the last week of this session they bring in a substitute bill and want some of us who have been favorable toward the Wagner bill to surrender our position and vote for the substitute?

Mr. LaGUARDIA. I will say to my colleague from Ohio that it is because the Manufacturers' Association thought they had this bill whipped, licked, beaten, and defeated, but when they saw that this House was restive and wanted an opportunity to vote for this bill they cooked up this substitute. I can not for the life of me understand—and I appeal to the gentleman from Virginia, who knows more about constitutional law than I ever will, to tell me—how the gentleman from Virginia and the gentleman from Pennsylvania, who is also a great constitutional lawyer, can oppose the Senate bill on the ground of its infringement upon State rights and come here and support the so-called Doak substitute, which leaves no say or control with the State, but plants Federal agencies in every State?

The Senate bill provides machinery for carrying out the recommendations contained in the report of the President's conference on unemployment in order to help States set up their own agencies under uniform rules and regulations so as to bring uniformity of operation throughout the country, while the Doak bill permits the Federal Government to go in and establish a Federal agency in every State.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. DICKSTEIN. Is it not a fact that it will take power away from the present Department of Labor and take away a certain amount of expenditures which the present Commissioner of Labor now has?

Mr. LaGUARDIA. What the substitute plan will do is best left to Mr. Secretary Doak, its alleged father. Do not take my word for what this substitute will do. The substitute will do nothing except to create a new Assistant Secretary of Labor. It does not add anything to the existing law and he says so. Mr. Doak himself, on page 18 of the hearings, before the Judiciary Committee, was asked certain questions by the gentleman from Texas [Mr. SUMNERS], and Judge SUMNERS is always right there with his questions. He said:

> Mr. Secretary, right in that connection, will you be good enough to tell us what additional powers you would have if this bill was passed? It is not, as a matter of fact, very largely a matter of increased appropriations? Have you not got the machinery now?
>
> Secretary DOAK. You are quite right, Mr. SUMNERS. The only thing in there that would be required, that we do not now have, although perhaps we are doing it now, in a way, is to have an administrative officer. This bill provides for an additional Assistant Secretary of Labor.

Are you going to fool American labor with anything like this in the closing days of the session?

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. LaGUARDIA. I yield.

Mr. GOLDSBOROUGH. Why is the Manufacturers' Association opposed to this bill?

Mr. LaGUARDIA. That is a fair question. Because in times of depression, in times of unemployment, when men have their families to feed and are out of employment, some employers use the opportunity to bring down wages, to squeeze them down, even discharging old employees to take on others at lower wages. Some of these representatives of employment agencies appeared before our committee, and it was clear from their testimony that they had that condition in mind. The relation of an employment agency with the employer is confidential, they testified, but the relation of an employment agency with an employee is public. The gentleman can read the testimony, and I am sure he will discover the vicious system of private labor agencies in helping to bring down wages.

That is the whole thing, gentlemen—a tendency, a hope on the part of some greedy employers without vision to bring down wages, and the very purpose of a Federal employment service, as recommended by President Hoover repeatedly, is to have State agencies of high standard, under central control, exchanging information, exchanging statistics, exchanging data, and thereby preventing the tearing down of the American standard of living.

Mr. CROSSER. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. CROSSER. Do I understand the gentleman then to indicate that the Manufacturers' Association really wants a continuance of the army of unemployed?

Mr. LaGUARDIA. They do not want the Wagner bill and they want to bring down wages.

Mr. BANKHEAD. Will the gentleman yield for one question?

Mr. LaGUARDIA. Yes.

Mr. BANKHEAD. The gentleman stated a moment ago that the only effect of the Doak substitute would be to create a new position as third assistant secretary of labor. The gentleman overlooks the fact that it also has a provision in section 2 that the Secretary is authorized to appoint and fix the compensation of such other officers, clerks, and employees as may be necessary to carry out the provisions of the act.

Mr. LaGUARDIA. I think that is in existing law.

Mr. MICHENER. That is the same as in the Wagner bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LaGUARDIA. Mr. Chairman, I yield myself five minutes more.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. MORTON D. HULL. What will the Wagner bill do that can not be done now, aside from the question of additional appropriations?

Mr. LaGUARDIA. The Wagner bill provides authority to make arrangements with the States and the States to create their local employment services and the Federal Government to contribute to the maintenance of the service as long as it is kept up to the required standard. The Wagner bill permits the Federal service going into a State which has no system of its own and does not care to avail itself of the benefits of Federal aid. We have learned from experience that it is necessary to have agencies in all sections of the country. Unemployment is a national problem. Therefore the State can maintain full control of its employment agencies and receive Federal aid under the Wagner bill. If it does not, then the Federal service may step in.

Mr. MORTON D. HULL. Could not that be done under existing law?

Mr. LaGUARDIA. No. Under the present law and under the so-called substitute the Federal Government can put up Federal agencies in any State and in every State, according to available appropriations.

Mr. MORTON D. HULL. But with additional appropriations it could be done.

Mr. LaGUARDIA. Yes; Federal agencies, but not the State's own agencies. Why, that is just the point. The sponsors of the substitute, while arguing against Federal encroachment of States, are sponsoring that very thing.

Gentlemen, this question of appropriating funds for Federal aid to States is not new. We do it in the case of roads, we do it for vocational rehabilitation, we do it under the maternity act, and we do it under the national defense act. Why, we appropriate $38,000,000 or more which we pay to the National Guard. I insist that this idea is not novel. It goes back further than the recommendations of Mr. Hoover's commission.

The gentleman from New York, Colonel WAINWRIGHT, who sits right here, in 1911, when he was chairman of a State legislative investigating committee on this proposition, recommended the necessity of uniform employment services throughout the country and deplored the fact that we were behind European countries in this respect.

Mr. WAINWRIGHT. And I feel impelled to say to the gentleman that the finding of that commission at that time was that the proper way to perform this function was through the medium of State employment agencies with Federal cooperation.

Mr. LaGUARDIA. Exactly.

Mr. PRALL. Will the gentleman explain to the House the nation-wide indorsement that the bill (S. 3060) has received?

Mr. LaGUARDIA. It has the indorsement of the American Federation of Labor, it has the indorsement of Mr. Doak's own labor organization—the Brotherhood of Railroad Trainmen, it has the indorsement of every State commissioner of labor, and it also has the indorsement of the leaders of thought in this country, which the gentleman will find in the RECORD of Tuesday last, which I read in my statement. I have just received the indorsement of several important women's organizations, which I shall read:

> WASHINGTON, D. C., *February 23, 1931.*
>
> Hon. F. H. LaGUARDIA,
> *House of Representatives, Washington, D. C.*
>
> MY DEAR MR. LaGUARDIA: We respectfully urge that you use your good offices to help secure the immediate enactment of Senate bill 3060, in order that the working men and women of the country may have made available to them the practical relief which this measure affords.
>
> We earnestly hope that no legislative obstructions will prevent its immediate enactment.
>
> Respectfully,
>
> SELMA M. BARCHARDT,
> *American Federation of Teachers.*
> ELIZABETH EASTMAN,
> *National Board of the Young Women's Christian Associations.*
> FLORENCE KELLEY,
> *National Consumers' League.*
> MARY WINSLOW,
> *National Women's Trade Union League.*
> HARRIET NOBLE,
> *Service Star Legion (Inc.).*

We must have one comprehensive service dealing with this problem, and, considering our dual system of Government, the Wagner bill provides that system and at the same time respecting the autonomy of each State.

Gentlemen, this is the Seventy-first Congress. This is the Congress that appropriated most generously for the benefit of the farmers. This is the Congress that even reduced the taxes of the fortunate prosperous. This is the Congress that appropriated millions for the assistance of the shipping industry and the aviation industry. Now, this is the one constructive request that American labor has asked this same Congress to give them.

This is not a dole. Why, you can not, by the craziest stretch of your imagination, say that a contribution to the States, such as we make with respect to roads and the other laws I have referred to, in our financial arrangements with the States, call this a dole. That is the Manufacturers' Association's brand for this bill, and this proposed amendment is not the Doak substitute, it is not the Graham substitute, it is the Grundy substitute. That is a vehicle brought in the last minute to give this important and constructive measure a legislative ride. [Applause.]

The Manufacturers' Association has attempted in this last minute to come here and defeat this necessary piece of legislation.

Mr. GRAHAM. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. GRAHAM. I must challenge the truthfulness and the accuracy of that statement.

Mr. LaGUARDIA. If the gentleman does not want to be coupled and associated with the distinguished former Senator from his State, I will accept his apology. He is not my friend, he is yours. [Laughter and applause.]

Mr. GRAHAM. That may be a very witty remark, but it does not meet the proposition that the gentleman has stated things that are not accurate. This bill was framed by the Secretary of Labor and nobody else.

Mr. LaGUARDIA. Not one word of it does Mr. Doak say he wrote. I believe it is most unfair to put Mr. Doak in that position.

Mr. GRAHAM. He says he wrote it all.

Mr. LAGUARDIA. He wrote it in a great hurry, if he did.

Mr. GRAHAM. And yet it is better than the other bill that the gentleman is advocating. [Laughter.]

Mr. LaGUARDIA. The Manufacturers' Association thinks so.

Mr. GRAHAM. The Manufacturers' Association has nothing to do with this matter.

Mr. LaGUARDIA. The Manufacturers' Association has everything to do with it. Why, the learned chairman quoted from the testimony of this association's counsel quite extensively in his minority report.

I repeat, I think Mr. Doak has been placed in a most unfortunate position. I feel that his heart is for the Senate bill, and I am sure that he will make a good job of it when the bill becomes a law.

Now, gentlemen, this is a fight on behalf of American labor. I have no quarrel with anyone who does not agree with me. The whole country can not be wrong on this bill. I say that Herbert Hoover can not be wrong on this bill. Let me say that no one on this floor has authority to say that Herbert Hoover is against S. 3060. As far as I am concerned, there are no politics in it. I have a great deal of respect for the judgment of Senator WAGNER, of my State. He knows and understands the problems of the wage earner. He has given a great deal of thought and study to these matters. It was Senator WAGNER, when a member of our State legislature, who wrote our employers' liability law, which to-day is one of the best in the Union.

I am sure my colleague from New York, General WAINWRIGHT, who has also given this problem a great deal of study, will vote against the substitute and for the original bill. Anyone who knows the subject will do so.

Now, gentlemen, on the question of labor I appeal to you as Republicans, do not be a political negation, do not be in opposition to every constructive measure that comes before Congress. Get back of the Senate bill—you know it, you understand it, you have been familiar with it since June, 1926. It had the approval of your Committee on the Judiciary, it has the approval of your Committee on Rules.

The substitute is not a party measure and I challenge anyone to say that it is.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. LaGUARDIA. I yield.

Mr. WAINWRIGHT. Apart from the heat of the discussion, is not the real question this: Which is the best and most effective system, to accomplish results—the system of independent agencies throughout the country, or the State agencies with Federal aid and Federal supervision? I believe the best thought on the subject is that the latter is the best way to accomplish the results.

Mr. LaGUARDIA. And that is S. 3060. [Applause.]

Mr. GRAHAM. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Chairman, if we may get away from sentiment, from hysteria, in the consideration of this bill and not allow our imagination to run away with us as to the persons who are behind it, but get right down to brass tacks and a discussion of what is involved, I am sure we may make considerable progress.

I think the gentleman from New York [Mr. WAINWRIGHT] has touched the keynote of this situation—the question is as to what instrumentality can best effect what we desire to accomplish.

Now, there are two schools of thought. At the present time the unemployment situation, as far as the Federal Government is concerned, is being carried on by the Department of Labor as a part of the organic act. Mr. Doak, Secretary of Labor, came before our committee and simply stated that he wanted to carry on this work of the Federal employment by cooperation with the States but leave to each State the handling of its own individual labor problem.

That is the Doak amendment. There are 22 States in the Union that have passed appropriations to handle their own labor problem. Nevada has appropriated the smallest amount, $2,000, and the State of Illinois has appropriated $266,000, the largest amount. Each State has its own individual problems.

In New England we have the skilled-labor unemployment problem. In California and elsewhere you have a problem dealing with unskilled labor, which problem is distinct in itself.

The question comes, how far Federal Government can cooperate, not by making a generalization, not by making one general law to apply to all the United States dealing with the New England skilled unemployment problem and the western unskilled employment problem alike, but by cooperating with existing State agencies, leaving each State, in the last analysis, to work out the solution of its own problem.

That is the thought behind the Doak amendment. When we are considering it I want you men to realize that what you are voting for is whether you are trying to leave it to the State to work out its own problems simply with the cooperation of the Federal Government. The Wagner bill, on the other hand, takes the other view. The Wagner bill provides that the Federal Government shall go into each State and finance what each State will appropriate on a 50-50 proposition. It further provides that each State shall then handle its labor problems according to the dictates of the Department of Labor. It provides that the Department of Labor shall lay down rules and regulations and if the State, after it takes its appropriation, does not follow those general rules to be applied all over the United States, then that appropriation may be revoked and shall go back to the Federal Government. Not only does the Wagner bill say that, but it provides that if the State does not function, if a State does not see fit to create its own agency, then the Federal Government may go into that State, against the consent of the legislature, against the consent of the governor, temporarily at least, and establish a Federal agency of its own. That is one of the provisions of the Wagner bill. Not only are you thereby encroaching further upon the rights of the individual States but you are taking one more step toward the carrying out of that pernicious doctrine of meeting a 50-50 contribution by the State, and calling upon the Federal Government to supply money to be expended by the State. Bear in mind that when the Federal Government puts that money into the States, it is turning over what the Federal Government will raise not to be expended through Federal agencies, but through State officials appointed by the State. They will be the ones to expend the Federal money. This appropriation is going to be divided up proportionately to the population in the different States, and a very large amount of Federal money will thereby be expended by officials appointed by the different States.

Mr. MORTON D. HULL. But it will be expended under Federal supervision.

Mr. STOBBS. Yes.

Mr. MORTON D. HULL. And that Federal supervision will be corrective of any mistakes on the part of the local organization.

Mr. STOBBS. In the sense that certain rules and regulations have to be followed, but the agencies to carry that out are appointed by the State, and they are State officials.

One other thought and I am through. At the present time the Federal Government is doing a very good work along the line of unemployment. It has found places for something like 500,000 to 600,000 farm laborers. In the month of December alone, in cooperation with the Veterans' Bureau, the Federal Department of Labor found employment for between 5,000 and 6,000 veterans. Mr. Doak came before us and said frankly, "Let the States alone; let them carry out their own problems." He said, "I would like to cooperate and keep on with this work of assisting the Veterans' Bureau, and if you will give me more money to spend and not turn it over to the States, but leave the money with the Department of Labor, and let me carry on the work I have already been doing, having in mind all that we have been able to do for the farm laborer and in assisting the Veterans' Administration in finding work for veterans, then I think I can accomplish a real work, but if you go ahead and adopt the Wagner bill you not only, ipso facto, undo the work that I am doing to-day, but you will have also made it impossible for any work to be done for unemployed people within the next year or two, because the Wagner bill could not function until different legislatures in different States adopt its provisions, and there are some States where the legislature will not meet for the next year or two, and you will thereby be holding the matter up and doing what you can to retard help for the unemployed rather than aiding it."

Mr. Chairman, aside from all of this hysterical talk as to the motives behind Mr. Doak or the motives behind the people who are behind this bill, it comes down simply to a question of two different schools of political philosophy, and you gentlemen must decide which, in your judgment, you believe to be the right theory to adopt, whether to let the States work out their own problems in cooperation with the Federal Government, or let the Government create one more great big bureau and further encroach upon the individual rights of the States.

Mr. PRALL. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. PRALL. How many years, in the gentleman's opinion, would it take to carry out the Doak plan?

Mr. STOBBS. The Doak plan will start to function the minute this bill is passed, and instead of giving to the Department of Labor something like $200,000 or $300,000, which it has at the present time to help out veterans' unemployment and seasonal occupation, you will give them a million and a half and they will function right away.

Mr. PRALL. Is it not true that we would have to wait until certain legislatures of the States meet and agree to this plan?

Mr. STOBBS. The Doak plan?

Mr. PRALL. Yes.

Mr. STOBBS. Oh, no. You do not have to have the consent of any one to do that. The Department of Labor will function right away without the consent of the legislature.

Mr. DICKSTEIN. I call the gentleman's attention to page 20 of the hearings before the gentleman's committee.

The gentleman asked the following question of Mr. Doak:

> And under your proposed bill the Federal Government would control its own expenditure, and under the Wagner bill the State controls the expenditure?
>
> Secretary DOAK. Absolutely.
>
> Mr. STOBBS. You are opposed to putting it out of your control?

Is that not the sum and substance of the whole argument, that Mr. Doak did not want to lose control of the expenditures in the Department of Labor, and in addition thereto create a new department of which he would have no control?

Mr. STOBBS. That is absolutely not so.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. STOBBS. I yield.

Mr. LAGUARDIA. The gentleman stated that under the so-called Doak plan we appropriated $1,500,000 and the Secretary of Labor could extend this employment service in all States?

Mr. STOBBS. Yes.

Mr. LAGUARDIA. And that would be the big bureaucratic machine?

Mr. STOBBS. I beg the gentleman's pardon. I said he would extend the work he is now doing.

Mr. LAGUARDIA. But to do that he must go into the localities and establish agencies.

Mr. STOBBS. Well, he is not going to establish agencies in the different States. He is going to cooperate with the agencies already existing, created by the States themselves.

Mr. LAGUARDIA. That is not the Doak plan.

Mr. STOBBS. Oh, yes, it is. There is no question about it at all.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. STOBBS] has expired.

Mr. GRAHAM. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, ladies and gentlemen of the committee, I had not intended to say anything about this bill, but it seems to me we are going far afield in the consideration of the measure. We are all aiming at the same goal. I am quite sure we all want to reach the same result. It is just a question of which road we are going to travel.

To-day in the Department of Labor there is an employment service. It is functioning. It is doing splendid work. No one will deny that. It is just a question of whether or not we can get better results and quicker results by some other method. It has been suggested that the Wagner bill is similar to the maternity bill or the public road bill so far as Federal contribution is concerned; but, gentlemen, there is one thing diametrically different in this bill from any bill which this Congress has ever passed or ever thought of passing, where Federal aid was contemplated, and that is, in all of the other laws in the final analysis it is up to the States to say whether or not they will take it or leave it alone. Here we go further. We say to a State legislature, "You may accept this on these terms." But if the State legislature refuses or neglects, then the director general may make an arrangement with the governor of the State and, in spite of the State legislature, he may go into the State and establish boards the same as if the legislature had acted favorably.

I ask my friend the gentleman from Texas [Mr. SUMNERS], a member of the committee, or any other lawyer on this floor if that can be done constitutionally. In other words, the governor can not bind the State to contribute toward the expense of this undertaking unless so authorized by the legislature.

Mr. CELLER. Will the gentleman yield?

Mr. MICHENER. I will yield.

Mr. CELLER. Under our present employment bureau, established in the department, the Government can go into a State whether the State consents or not.

Mr. MICHENER. No; it can not go into a State at all unless the State consents. That is, the Government can not go in and get any State contribution. Of course, it may enter the State independently. But if you will permit me to digress a minute—because my friend always has the happy faculty of asking a question that takes you away from the thing that you are talking about—I am going to follow up the gentleman's question. It has been asked time and again if it were not possible under the Doak amendment for the director general to go into a State and establish agencies. Yes; of course; but not in connection with a State other than the cooperation which the State voluntarily gives and for which the State receives no pay from the Federal Treasury. It is just exactly as the Department of Justice functions to-day. We can send a wire to Los Angeles, San Francisco, or Seattle and in a few minutes find out, through the Department of Justice, just the condition of things out there with reference to communism or anything else. Why? Because the Government has its agencies out there. It controls its agencies there. We pay for them. We appropriate money for them. That is just what we should do in this case. We should keep within the control of the Federal Government the right to control these things and accord to the States the same right. We should cooperate with the States if the States are willing and if the States desire; but we should not, as contemplated in section 10 of this bill, compel the States to submit and accept Federal control if they do not want interference by the Federal Government.

Mr. HARE. Will the gentleman yield?

Mr. MICHENER. If the gentleman will excuse me just a moment, there are one or two things that I had in mind which my friend, Mr. STOBBS, did not refer to.

There is much more in this bill than people are aware of. Whose bill is it? Much has been said here about this being the Wagner bill. Senator WAGNER is not the author of this bill.

Doctor Andrews, legislative agent for the labor organizations, came before the committee and told us that which some of us who have been there for a number of years already knew, that this same bill was introduced in the House in 1917 by Mr. Nolan, of California, and by Senator Kenyon in the Senate. It was discussed then before a joint committee of the two Houses, but it was not given consideration. It is not any new idea.

To-day we hear much about unemployment. Our friend the gentleman from New York [Mr. LAGUARDIA] went into hysterics about the conditions in the country and what this bill was going to do. I challenge a single advocate of the Wagner bill to say that there can be any effect under the Wagner bill for the next four or five years at the best. The purpose of the Wagner bill is to plan for long-range action. It has nothing to do with present-day conditions. I do not know but what I might be for the Wagner bill—and I did not oppose it because I was not in the committee when it was reported—if we had time to give it proper consideration, but to-day I am in favor of doing something. My friend LAGUARDIA and I do not differ on all things. To-day I am in favor of doing that which I believe will inure to the immediate benefit of the unemployed man and woman in this land. In the bill it is stated that we have an employment service. We have an organization that is ready to go. All we need is the money and that organization can do every single thing that this new bill could accomplish in the near future.

There are a number of things in the bill to which I wish I had the time to refer. There is section 11, about which no one has spoken. Mr. LAGUARDIA has not spoken of it.

Mr. LAGUARDIA. I like it.

Mr. MICHENER. He likes it, and I do not know but what I like it. Understand, I am in favor of organized labor, and right here I want to pay a tribute to the American Federation of Labor for its splendid stand on communism. I have not talked with Mr. Grundy; I do not know him; I have not talked with the Manufacturers' Association, and I have not talked with the labor organizations about this matter. I am talking here for myself. I am calling your attention to section 11 of the bill. Of course, organized labor wants section 11, but I am sure there are not a half dozen men in the House who know it is in the bill and who, if they did know it was in the bill, would know the possibilities under the section. That section permits this set-up to name a Federal council composed of employer and employee. This will require the States to set up a State council, a similar council, where these people can go and talk these things over. I said I believed in organized labor, but there are some parts of the country where they do not; there are some parts of the country where you have the open shop and things of that kind. Well, now, this section of the bill may cause you boys a lot of trouble in those sections of the country.

Mr. LAGUARDIA said this is a labor bill; that labor wants it. He said vote for it. He told us the other day to beware of the ides of November. He said election is coming, election is coming, and he shouted, "Vote, because election is coming." Ah, folks, do not vote because election is coming. Vote because you are upstanding American citizens, Representatives of the people standing on your own feet. [Applause.] Decide these questions as you believe they

should be decided for the best interests not of your constituents alone or of my constituents alone but upon broader grounds—the constituents throughout the length and breadth of the land. Stop, look, and listen, and after you understand this bill vote intelligently. [Applause.]

This Kenyon-Nolan bill now introduced by Senator WAGNER was considered in committee in the Senate and has passed the Senate. Hearings were held by the Judiciary Committee in the House last June, and important amendments were made to the bill so that some of the objectionable features in the Wagner bill have been eliminated by the House committee. The bill thus amended was favorably reported by the House committee and it was my understanding that the Department of Labor favored the bill; however, recently Secretary Doak of the Department of Labor, who a year ago was the legislative representative of one of the railroad brotherhoods in Washington, and who has always been a keen advocate of the best things in which organized labor was interested, appeared before the Judiciary Committee of the House and pointed out serious objections to the Wagner bill, and offered as a substitute a bill which he insists will go further in accomplishing the desired purpose than the Wagner bill, and which substitute is unquestionably constitutional and which does not infringe upon State rights in any way. Either one of these bills will be administered by this same Secretary of Labor, and so far as the set-up in the department is concerned, outside of the names of the officers, the differences are immaterial as between the two bills.

If the Wagner bill is enacted it ipso facto abolishes the employment service now functioning and existing in the Department of Labor, and the good work which this agency is doing will be cut short and nothing can be done until the machinery to carry out the Wagner bill has been set in motion. This will take time, and in these days of unemployment time is of the very essence of this legislation. The general structure provided for in the Doak substitute is so flexible that if later it is desired to elaborate and include some features of the Wagner bill, that can readily be done. In short, the Doak bill deals with every material matter dealt with by the Wagner bill, with the exception of requiring State contribution, and making it possible to practically force State contribution.

If the Wagner bill is enacted into law the director general of employment, with some limitations imposed by the Secretary of Labor, will set up these employment agencies in every State in the Union. He will establish a Federal advisory council and similar councils will be established in each State. The members of such council will be selected in such manner as the director shall prescribe. Possibly some municipalities, and even States, would prefer to name the qualifications and personnel of their own councils, and it might be more harmonious if a council is to be set up in Los Angeles, for instance, to have the members of that council named in California, without dictation from a director in Washington.

I am convinced that the average taxpayer of the country, especially in the rural districts where the property is in sight and is taxed, wants Congress to go a little slow in passing laws requiring States to raise more money by taxation, even though for the laudable purpose of matching dollars held out as an inducement to the State for the purpose of permitting the Federal Government in the end to dictate exactly how and when the money must be spent in the State. It is the local tax that is bothering the taxpayers in my section of the country. It is not the Federal tax.

The Wagner bill authorizes an appropriation of $4,000,000 for the first year and $4,000,000 for each fiscal year ending June 30, 1934. The Doak bill carries an appropriation of $1,500,000 for one year, leaving the Congress free to appropriate whatever is necessary to carry on proper activities when it has been demonstrated during this year just what can be and should be done.

Prejudice should be eliminated from the consideration of this important matter. It is employment the working people want, and they want it now, and we should not enact legislation in the name of assisting in getting immediate employment, when we know that such is not the purpose of the law. I believe that organized labor is reasonable. I am sure that they want some legislation along this line, and I am convinced that under the leadership of Secretary Doak, than whom organized labor has no better friend, this substitute amendment will do more in the immediate future than the Wagner bill, and I am just as convinced that if this is not the case that Secretary Doak will be the first man knocking at the doors of Congress asking for additional legislation, and I for one shall respond to that request if this substitute is enacted and does not prove effectual.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. MCKEOWN. Mr. Chairman and gentlemen of the committee, the difference here is simply this: In the bill that is brought here known as the Wagner bill, it is a permanent policy set out in regard to the matter of what we will do with the question of unemployment in the Nation in future years as well as in the present. The Doak substitute bill does nothing more than provide for an additional appropriation, the appointment of an additional Assistant Secretary of Labor and permits him to function under additional appropriations.

The Doak substitute bill is not a substitute for the Wagner bill, and I may say here that I have the highest personal regard for Secretary Doak and I refute any implication that he is coming here trying to injure labor by his action in this matter. But we are all practical men and we all know that if we do not pass the Wagner bill now, then you mean to turn down this program for which labor has stood for the past 10 years and which has been knocking at the door of Congress for that length of time.

Mr. Doak finds himself in an embarrassing position, and as much as I like him and as much as I think of him personally, I can not afford to follow him in this situation, knowing that here in the last hours of this Congress, this bill for which labor has been asking for 10 years, will be jeopardized in the closing hours of the last session of this Congress.

Gentlemen, they talk about States rights. Why, under the Doak bill they can do just what they are doing now. They just get more money by which they can put more agents into States without the agreement or consent of anybody, if they want to, or they can cooperate with whomever they want to; but the Wagner bill is a far-reaching and a forward-looking measure and a progressive measure that has for its object the purpose of trying to allocate labor so that one crowd of laborers will not be running over here to another place for a job and then get over there and find that the work is all taken up and that they have lost their money traveling from their homes.

Another purpose is to readjust the employment of men that the machine age is putting out of employment, skilled men who are put out of employment by reason of the increased use of machinery. These men have to be taken care of, and there is nothing in the Doak bill that looks toward taking care of them. There is nothing in the Doak bill that they can not do to-day under the law, and the passage of the Wagner bill does not repeal the powers that are in the Doak bill.

So why do you want to substitute the Doak bill for this bill, when the Wagner bill does not repeal any of the Secretary of Labor's powers but only provides additional legislation? In other words, you are now trying to put the Wagner bill out of business with the Doak bill, when you are not adding anything by the passage of the Doak bill.

Mr. MICHENER. Will the gentleman yield?

Mr. MCKEOWN. Yes.

Mr. MICHENER. Section 1 of the bill, at the bottom of page 1, states:

> The Employment Service now existing in the Department of Labor is hereby abolished.

Mr. MCKEOWN. The department service is abolished, but all the duties are transferred over to the director general.

The only objection I have to the Wagner bill is the provision where it calls this man a director general. If I had the writing of the bill, I would make him an Assistant Secretary of Labor and fix his salary at $9,000 and have that as a part of the Wagner bill. That is what I would have done if I had had the writing of it.

I want to say to you men that this Wagner bill has been asked for by the most forward-looking people of the country. What does it do? It sets up a certain system. It is more protective of State rights than the Doak amendment, because under the Doak amendment they can go anywhere, and they can still go anywhere if you pass the Wagner bill, and they can do all the things that my colleague from Michigan has referred to. Under the present law they can do all the things that the gentleman says ought to be done, and, in addition to that, they can make studies and cooperate with the States and give the States 75 per cent and the States provide 25 per cent in the matter of coordination.

Let me show you what now takes place: Down in Oklahoma we used to have the wheat harvesting and men would come from all over the United States to go in the wheat fields and follow this line of work clear through to the Dakotas. They have now invented a machine that not only cuts the wheat but actually threshes the wheat and sacks it in the field, and these men can not now go down there and get such employment.

Then you have the berry pickers in Arkansas. Men out of employment in Texas and Oklahoma will rush to the berry fields, but under the Wagner bill, through the cooperation of the State of Arkansas and the State of Oklahoma and other States and the Federal Government, they will be notified how many will be needed over there and where they will come from, so there will not be a rush of people into the berry fields of Arkansas who will get over there and then find they are without jobs. The most pitiable thing to my mind is a man hunting a job. He hears about work over at some place and he rushes over there and finds he can not get work. Then he goes somewhere else and is out his traveling expenses. This proposed system will confine these laborers to the particular neighborhood where they reside.

Now, my friend, Secretary Doak, knows the peculiar situation in which he finds himself, and he is not be criticized. I do not propose to criticize him. It is a situation of circumstances, and he said himself that he could not blame the Congressmen where they had committed themselves if they did not adopt his method. The labor people have been expecting this measure and we have been held back here all this time and have been denied the right to advance the legislation.

Why, Secretary Davis, from the great State of Pennsylvania, indorsed this bill. Is Secretary Davis right or is he wrong? Secretary Doak, as a legislative representative, presented a brief to the Senate committee supporting the bill before he became Secretary of Labor. Was he right then or is he right now?

Mr. LANKFORD of Virginia. Will the gentleman yield?

Mr. MCKEOWN. Yes.

Mr. LANKFORD of Virginia. Who does the gentleman understand appoints the agents if the Wagner bill is passed?

Mr. MCKEOWN. The Government will appoint its own agents and then there will be agents appointed by the States and the Government agents cooperate with the State agents. Gentlemen, talk about section 11. What is section 11? It is one of the most meritorious provisions in the bill. It undertakes to get the capitalists, the employers, and the employees together, so that they can sit around the table and come to an agreement. That is the reason that section 11 is in the bill. The agent has the right to notify labor people everywhere where the strike exists, so that there will not be a rush of people going into the place where the strike is going on. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BROWNING. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, ladies and gentlemen of the committee, it is very strange indeed that the bill that we are urging you to pass, the bill reported from the Judiciary Committee away back in June, 1929, is now finding much opposition on the part of the very Members who at that time seemed to be in favor thereof. It is a rather late hour indeed for this dissent, and it is passing strange that the Secretary of Labor, who was erstwhile in favor of all of the provisions of the bill, should now right about face. Very likely he is now wearing a different collar; he is now more under the whip and scourge of an administration that is opposed to doing anything really and truly favorable to labor, an administration that indulges in a lot of lip service, but never performs.

This bill, in a word, sets up a national employment system in cooperation with the various States and endeavors to promote the establishment and maintenance of a national system of public employment offices; and for that purpose creates in the Department of Labor a bureau to be known as the United States Employment Service, under the control of a director general. An appropriation of $1,500,000 is authorized for the fiscal year ending June 30, 1931, and $4,000,000 for each fiscal year thereafter, up to and including the fiscal year 1934. Seventy-five per cent of the appropriation is to be apportioned by the director general among the several States in proportion to their population, and the balance of 25 per cent of the money appropriated shall be available for administrative purposes. However, no money shall be expended in any State unless and until an equivalent sum has been appropriated for any year by the State; so that unless the State matches the appropriation of the Federal Government, it shall not be permitted to participate in the benefits of this legislation. Moneys appropriated by both the Federal Government and the States shall be used in the maintenance of public offices as a part of the federally controlled system of public employment offices, in cooperation and coordination with the State-controlled system of public employment offices.

Now at the last minute Secretary of Labor Doak comes along and seeks to destroy this Wagner bill by making fundamental changes. Whereas the Wagner bill provides for a nation-wide system of employment offices, operated by local management, under local initiative, with local responsibility, and with full regard to local conditions, but in cooperation with the Federal Government, the Doak amendment rejects all local phases of the bill and would substitute a system whereby the Federal Government would directly enter into the domain of the States that operate employment offices on their own account, with or without the consent of the States, and if necessary, even in competition with the States. The Doak amendment would destroy local responsibility, whereas the Wagner plan would encourage local responsibility. Furthermore the Doak plan eliminates civil-service requirements and would involve the appointment by political ward healers of political henchmen, so that a vast number of "jobs to the faithful" would be created. Believers in the "spoils system" would rejoice. The Doak amendment, therefore, must be rejected.

When Senator WAGNER introduced his series of three bills over a year ago, Doak, who was then representing one of the brotherhoods of railroad employees, sponsored this very bill. He approved of it then. Now he disapproves of it. There is political cunning in this volte-face. Neither Secretary Doak nor President Hoover want to give Senator WAGNER credit for this constructive legislation.

This Wagner bill is only a part of the general Wagner program. There were three bills submitted. They all dovetailed, one with the other. .

You passed two of the bills, one for the compiling of unemployment data, and the other for long-range planning of public-works construction; but I would say that it was only grudgingly that the opponents of this bill allowed the other bills to come before this House that you might vote upon them. The opposition that this bill meets is the same deliberate opposition that these other bills met.

The proponents of this bill have been compelled to fight every inch of the way to get labor its due.

Talk about endeavoring to relieve the present depression or future depression! There has been no help whatever so far as these bills are concerned from the White House or the administration. It was left to the distinguished Senator from New York who had the foresight and the rare wisdom to see the effect of these bills and fight single-handed, as it were, to bring some modicum of relief.

Now you have the last bill before you, and you must act favorably to bring about the complete labor-relief program.

It was natural that the constitutionality of this legislation should be questioned. The same constitutional question was raised against the act of November 23, 1921, called the maternity act, which authorized appropriations to be apportioned among such of the States as accept and comply with the provisions of the act:

> For the purpose of cooperating with them to reduce maternal and infant mortality and to protect the health of mothers and infants; it provides for its administration by a Federal bureau in cooperation with State agencies, which are to make such reports of their operations and expenditures as the bureau may prescribe, and that whenever the bureau shall determine that funds have not been properly expended by any State, payments to that State may be withheld.

This question of constitutionality of the maternity act was presented to the Supreme Court of the United States in the cases Commonwealth of Massachusetts against Mellon, Secretary of the Treasury, et al., and Frothingham against Mellon, Secretary of the Treasury, as an appeal from the Court of Appeals of the District of Columbia, reported in United States Reports, volume 262, page 447. It is to be remembered that the first case, Commonwealth of Massachusetts against Mellon, was one brought by a State, while the other case, Frothingham against Mellon, was a suit brought by an individual. The court held:

> First. A State may not, as parens patriæ, institute judicial proceedings to protect her citizens (who are no less citizens of the United States) from the operation of a Federal statute upon the ground that, as applied to them, it is unconstitutional (p. 485).
>
> Second. A suit by an individual, as a past and future Federal taxpayer, to restrain the enforcement of an act of Congress authorizing appropriations of public money, upon the ground that the act is invalid, can not be entertained in equity (p. 486).

The court therefore affirmed the original dismissal of the case.

But although the cases were disposed of on the score that there was want of jurisdiction, nevertheless Mr. Justice Sutherland, delivering the opinion of the court, deemed it important enough to express the following opinion as to the constitutionality of the maternity act of 1921:

> What, then, is the nature of the right of the State here asserted and how is it affected by this statute? Reduced to its simplest terms, it is alleged that the statute constitutes an attempt to legislate outside the powers granted to Congress by the Constitution and within the field of local powers exclusively reserved to the States. Nothing is added to the force or effect of this assertion by the further incidental allegations that the ulterior purpose of Congress thereby was to induce the States to yield a portion of their sovereign rights; that the burden of the appropriations falls unequally upon the several States; and that there is imposed upon the States an illegal and unconstitutional option either to yield to the Federal Government a part of their reserved rights or lose their share of the moneys appropriated. But what burden is imposed upon the States, unequally or otherwise? Certainly there is none, unless it be the burden of taxation, and that falls upon their inhabitants, who are within the taxing power of Congress as well as that of the States where they reside. Nor does the statute require the States to do or to yield anything. If Congress enacted it with the ulterior purpose of tempting them to yield, that purpose may be effectively frustrated by the simple expedient of not yielding.
>
> In the last analysis, the complaint of the plaintiff State is brought to the naked contention that Congress has usurped the reserved powers of the several States by the mere enactment of the statute, though nothing has been done and nothing is to be done without their consent.

The instant bill, setting up a national employment system, is in principle the same as the legislation embodied in the maternity act. Instead of reducing maternal and infant mortality and protecting the health of mothers and infants by setting up Federal agencies to function in the various States in cooperation with State agencies, we have here a Federal agency set up to work in the various States in cooperation with the State employment agencies for the purpose of reducing unemployment and for the purpose of stabilizing labor conditions throughout the States. In both cases the State agencies make reports to the Federal bureau. In both cases the Federal agency passes upon the efficiency with which the respective States expend not only their own funds but Federal funds as well to reduce unemployment and stabilize labor conditions. In both cases no State is to receive moneys out of Federal appropriations unless and until it, of its own accord, matches the Federal appropriation by a State appropriation.

In neither case is there any coercion or invasion of the rights of the States. In either case the States may take it or leave it. No State is asked to yield anything. There may, however, be an enticing and persuasive bait held out to the States; but that does not involve duress, or force, or compulsion; and any State feeling aggrieved can simply say "no." It can avoid being tempted by simply refusing to join in the scheme and plan.

There is, therefore, nothing unconstitutional about S. 3060.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. COOPER of Ohio. I have a profound respect for the gentleman from Michigan [Mr. MICHENER], a member of the Judiciary Committee. He warned the House against section 11. As I understand section 11 correctly, it merely provides for the appointment of an advisory council of employers and employees to try to remedy the unemployment situation. What is wrong with that?

Mr. CELLER. I can not conceive anything wrong with it, but I do not want my time taken up by a discussion of that. We have heard the objection to this Wagner bill because it seeks to do something for the States and allows the director mentioned in the bill to go into the States and do certain things. The Secretary of Labor to-day has that very right, and he exercises that right every day. We have the machinery provided now for that sort of thing. Let me read you something further with reference to that. I call attention to the immigration act of February 20, 1907 (34 Stat. L. 898), which created within the Bureau of Immigration and Naturalization a division of information charged with the duty of promoting "a beneficial distribution of aliens," and the services rendered by that division included among others the very service actually performed by employment agencies. It placed aliens, newly arrived from foreign shores, in jobs in various States. In other words, you already say, by statute, that the Secretary of Labor shall provide employment agencies for aliens. If you do it for aliens, why not do it for citizens? That is all we ask you to do. Do it indiscriminately for all inhabitants. No objection was raised to that bill when it was presented. It is the law to-day. It allows the distribution of aliens into sections of the country where they will be gainfully employed. I could tell you of instance after instance in the Department of Labor where amendments were made to the act creating the Department of Labor, strengthening the right of the Secretary of Labor to do that very thing, to go into the States and expend the taxpayers' money for the purpose of helping those not in employment.

Furthermore, in 1917, the attention of Congress was forcibly called to the need of an adequate Federal employment system by the emergencies of the war then existing. As was pointed out by John B. Andrews, secretary of the American Association for Labor Legislation, at the hearings, at that time employers were stealing workers away from each other and it was quite essential that there be a public employment system, with local officers to carry it out efficiently. Congress appropriated $250,000 to the Department of Labor to improve the Federal employment service, and the President supplemented this appropriation with $2,000,000 from the President's emergency fund. The result was the creation of an emergency employment office under Federal direction, with something over 800 employment offices scattered throughout the country. This Federal employment system proved invaluable to the country during the period of the war and subsequently during demobilization.

The Department of Labor in April, 1919, called a conference to which came delegates representing the governors of the various States and the Federal employment service. This conference urged the continuation of the United States employment service as a permanent bureau in the Department of Labor and drew up detailed recommendations for the establishment of such a permanent Federal employment bureau. The Kenyon-Nolan bills, introduced in Congress in 1919, embodied these recommendations. They were supported by a message to Congress from President Wilson, who, in his wisdom, urged the necessity of legislation to meet the unemployment problem by developing and maintaining the Federal employment agencies.

President Hoover for some time past is on record as having approved a Federal employment system. In 1920 President Wilson called a second industrial conference. Mr. Hoover was vice chairman of that conference. The conference recommended "the enactment of appropriate legislation by the Congress making provision for an employment clearing house under Federal control," cooperating with State bureaus. In 1921 Mr. Hoover was chairman of the President's conference on unemployment. That conference recommended "an adequate permanent system of employment offices," and declared that the existing Federal provision for same was inadequate. In 1923 Mr. Hoover appointed a committee on business cycles and unemployment. That committee recommended a "national system of employment bureaus." In 1924 Mr. Hoover appointed a committee on seasonal operations in the construction industries. That committee called special attention to the report of the President's conference on unemployment relative to a permanent system of unemployment exchanges.

I personally am opposed to all private employment agencies. Throughout the country we hear of abuses practiced by these agencies. Many restrictive measures have been passed by the various States, but the serious abuses, particularly the charging of excessive fees, have not been scotched. Has it never occurred to you that it is almost cruel to charge a man or a woman a fee to get a job? The world owes every man a living, that is, a job to earn a living. Why should payment be demanded at the very time when the man needs the money most? I strongly favor this Wagner bill, if for no other reason than this one, to wit, that a man should not be compelled to pay for that to which he is entitled, and compelled to pay for it at a time when he can ill afford to pay.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BROWNING. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. OLIVER.]

Mr. OLIVER of New York. Mr. Chairman, as I view the substitute, it is merely a credit-snatching proposition. A few days ago the President signed one of the Wagner bills, and, oh, what praise he heaped on some of the employees of the Labor Department to whom he gave the major part of the credit.

I now see him desirous of saying, "Oh, what a great Cabinet officer this man Doak is. I never heard of WAGNER, but Doak is one of the greatest statesmen in the United States." But let me tell him and those that seek fame out of this measure, that the Doak measure will die in conference and everybody knows it, and the people of the country will demand an accounting, asking who it was that destroyed the Wagner bills. The Democrats have been trying to give a little brains and leadership to the Republican party, but you have been unwilling to take it.

We have been trying to make a leader out of the President and he is unwilling to be one. He has lead us only to the places where we drove him. Instead of standing up and accepting the brains that we offer him, he wants to dash the brains out of this bill. Perhaps he will destroy it.

Mr. MICHENER said he would not vote just because of the coming election. Let me tell the gentleman from Michigan [Mr. MICHENER] in the election you will account for the destruction of this bill. The people of this Nation want the bill and you can talk about constitutional provisions and powers, but that will not explain and that will not answer. You have an administration that will be famous for its production of suicide and soup. You promised an era of prosperity and gave us human misery. Four million people are out of work. They do not want arguments about the Constitution. They want a Government that helps them to get jobs, and jobs are the only things which will satisfy them. If you keep them from getting jobs, they will get your jobs. President Hoover can angle all he likes to try to make a great man out of the new Cabinet officer whom very few of us ever heard of before, but he will not succeed by this process.

Mr. Doak will go down in the annals of this Congress as the man that destroyed the Wagner bill, offered not for politics, but over two years ago for the benefit of the unemployed. Mr. Doak will be known as another destructive statesman. WAGNER foresaw the day when 4,000,000 people would walk the streets of America while the President was blinded by the alluring promises he made to keep prosperity permanent and to eliminate poverty. He mistook speculation for solidarity. The President must not be blind much longer—at least he need not be deaf. Four million people are praying, "Give us this day our daily bread." They pray for jobs to earn their bread. All over the country, if I read the press aright and if I read the demands of statesmen aright, they want the Wagner bill and not the Doak bill. They do not want constitutional arguments. They want to see men get work and get it quick. They want us to fight this bill through. I think before another week has passed the President will either sign no bill or will sign the Wagner bill. [Applause.]

Mr. GRAHAM. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. DYER]. [Applause.]

Mr. DYER. Mr. Chairman, I was hopeful that in the consideration of legislation purely in the interest of American labor, it could be considered without some Members trying to make it a purely partisan subject.

The gentleman from New York [Mr. CELLER] openly charged in discussing this legislation that the President of the United States is hostile to American labor. I think 90 per cent of the Members on both sides of the House, and I know the American Federation and the great brotherhood of labor will say that there has not been a man in the White House in years that has done as much for them during this crisis as has President Hoover. [Applause.] He is the man who called together the labor leaders and the manufacturers for the purpose of maintaining prices and wages for labor during the great trial which we have gone through. For anyone to raise that question at this time, which is without foundation, is, in my judgment, inexcusable.

Ladies and gentlemen of the House, there are several things about this bill which are entitled to your consideration. I supported the Wagner bill. On behalf of a majority of the committee, I reported that bill to the House, and I did so believing that we needed legislation along this line. A short time ago, after the Committee on Rules had voted to give this legislation preferred consideration, the Secretary of Labor came to me and said he would like to appear before the committee and present what, to him, was a situation which would justify the committee in changing the legislation. He said the legislation provided in the Wagner bill would not be helpful to unemployment, because, he said, it would take several years at least to make it effective.

One of the things to which attention should be directed is the thought that there are a number of States in the Union which have State laws which prohibit anyone from any other place going into those States and attempting to get labor to go into another State where there is a shortage of labor. That is one of the provisions of this bill. If under this system they find there are many people needed to do

certain work in one State and the men are not there, it would be impossible to go to other States to get that labor without some change in the situation. Let me give you the number of States which have provisions of different kinds to prevent the activities of anyone recruiting labor in those States.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. DYER. I yield.

Mr. O'CONNOR of New York. The gentleman was aware of all of that when he approved of the Wagner bill, was he not?

Mr. DYER. Of course, the gentleman wants to be facetious. I will read the names of the different States to which I referred: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Those States all have laws which regulate the activities of agents who try to secure labor in those States for the purpose of taking it outside. That is one of the things about which the legislation suggested by Mr. Doak will not cause any trouble.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. DYER] has expired.

Mr. GRAHAM. I yield to the gentleman from Missouri five additional minutes.

Mr. DYER. Mr. Chairman, there are a number of States which provide no appropriations for employment service. That is another proposition regarding which trouble would arise in attempting to establish joint employment agencies. They have taken no steps and have provided no money heretofore for that purpose. Among those States are Alabama, Arizona, Colorado, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming. In none of those States has any money been appropriated for employment service.

When the Secretary of Labor came before our committee he said he could immediately go ahead with this work of assisting the unemployed if his suggestions were agreed to, because they had certain machinery set up in various places in connection especially with the World War veterans, and if they had additional money they could go ahead and do things now, whereas under the Wagner bill they could not operate for some time to come.

Regardless of party politics, regardless of whether the bill was introduced by the distinguished Democratic Senator from New York or whether the Secretary of Labor is favorable to his proposition or not is not to my mind material. It is a question of whether we can enact some legislation that will be helpful to labor under present conditions. I was glad to yield my judgment to that of the man who must execute any law that we pass upon this subject, and that is the Secretary of Labor. He has had large experience in labor work and labor organizations, and I have great regard for him and his organization as I have for the American Federation of Labor. But it comes to a question as to who is best able to judge as to this law, how to enforce it, and who can do it, and to my mind the best man is the man who is charged with the responsibility. He comes and says he can do it in a way that seems feasible and sensible, and I think we ought to let him do it in that way if we are going ahead with this work. We should not try to make it a cheap political issue or as a means of attack on the President, who is one of the best friends that American labor has ever had in the White House. [Applause.]

Mr. DICKSTEIN. Will the gentleman yield?

Mr. DYER. Yes.

Mr. DICKSTEIN. The gentleman is on this committee, and I note that on page 23 of the hearings he had quite a discussion with Secretary Doak. Through the gentleman's efforts and clever examination he brought out the fact that Secretary Doak and the Department of Labor had had the Wagner bill before them almost a year. That being so, why did they not present a substitute a year ago, six months ago, or some time ago? Why is it done at the last minute, after the bill was before them for a whole year's consideration?

Mr. DYER. Perhaps the chairman can answer the gentleman better than I can, but Mr. Doak, as soon as he became Secretary of Labor, took up this matter, among other things, for study in connection with his office as Secretary of Labor. He called upon the chairman of our committee, and I will let the chairman answer the gentleman further.

Mr. DICKSTEIN. But under your own clever examination you brought out the point that the only objection of the Department of Labor was the fact that it would cost $1,500,000, and it was too much money. There was no question about the operation of the Wagner bill as compared with the Doak amendment?

Mr. DYER. Oh, no. The committee amendment suggested by the Secretary of Labor provides for $1,500,000.

Mr. GRAHAM. The gentleman said that this measure had been pending for about a year. That is an error. It came to our committee in June.

Mr. DICKSTEIN. I did not say it was before the gentleman's committee. I said this Wagner bill had been before the department for about a year.

Mr. GRAHAM. We could not suggest any substitute until it was before our committee.

Mr. DICKSTEIN. What I said was that this bill was before the Department of Labor and that department had the Wagner bill under consideration for about a year.

Mr. GRAHAM. This man did not come into the Department of Labor until December.

Mr. DICKSTEIN. The only objection it made, according to the record, is because it would cost $1,500,000 and they did not have an opportunity to have the patronage.

Mr. GRAHAM. Oh, no. The matter was taken up in our committee after that.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BROWNING. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, following the statement just made by my distinguished colleague from Missouri [Mr. DYER] I wish to call the attention of the House to the committee's report submitted by Mr. DYER, in which he says:

The Committee on the Judiciary, to whom was referred the bill, S. 3060, after consideration, reports the same favorably with amendments and recommends that the bill, as amended, do pass.

Then Mr. DYER said this:

President Hoover for some time past is on record as having approved a Federal employment system. In 1920 President Wilson called a second industrial conference. Mr. Hoover was vice chairman of that conference. The conference recommended "the enactment of appropriate legislation by the Congress making provision for an employment clearing house under Federal control," cooperating with State bureaus. In 1921 Mr. Hoover was chairman of the President's Conference on Unemployment. That conference recommended "an adequate permanent system of employment offices," and declared that the existing Federal provision for same was inadequate. In 1923 Mr. Hoover appointed a committee on business cycles and unemployment. That committee recommended a "national system of employment bureaus." In 1924 Mr. Hoover appointed a committee on seasonal operations in the construction industries. That committee called special attention to the report of the President's conference on unemployment relative to a permanent system of unemployment exchanges.

Mr. Chairman, I ask unanimous consent to put Mr. DYER's report bearing on this bill into the RECORD at this point.

The CHAIRMAN. Is there objection?

Mr. DYER. Mr. Chairman, reserving the right to object, and I shall not object, I want to make this statement, to go in connection with it: I am advised that Mr. Hoover favored an employment system but one in which the States would cooperate without the Federal Government contributing financially to the States' participation.

Mr. LAGUARDIA. But the fact is that the gentleman from Missouri recommended Senate 3060, and cited the President's stand as approving this very bill, and I renew my request to put Mr. DYER's report in the RECORD, as it is a splendid argument for this bill.

Mr. DYER. I have no objection. It is a very good report.

The CHAIRMAN. Is there objection?

There was no objection.

The report referred to follows:

[Report No. 2033, Seventy-first Congress, second session]

TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL EMPLOYMENT SYSTEM AND FOR COOPERATION WITH THE STATES IN THE PROMOTION OF SUCH SYSTEM, AND FOR OTHER PURPOSES

Mr. DYER, from the Committee on the Judiciary, submitted the following report (to accompany S. 3060):

The Committee on the Judiciary, to whom was referred the bill S. 3060, after consideration, reports the same favorably with amendments and recommends that the bill, as amended, do pass.

The committee amendments are as follows:

Page 1, line 10, strike out the figure "$10,000" and insert in lieu thereof "$8,500."

Page 2, line 4, after the word "appoint" strike out the balance of the line and strike out lines 5, 6, 7, 8, 9, and down to and including the word "appoint" in line 10.

Page 3, line 3, after the word "States" strike out the comma, insert a period, and strike out the balance of the line and all of lines 4, 5, 6, 7, 8, and 9.

Page 4, line 1, strike out the figure "$4,000,000" and insert in lieu thereof the figure "$1,500,000."

Page 4, line 2, after the first "and," insert the figure "$4,000,000."

Page 9, line 3, after the word "general" insert a period and strike out the balance of the line and all of lines 4, 5, 6, and 7.

It has been argued that there is no authority vested in the Congress to pass Senate bill 3060, which bill passed the Senate and was referred to the House Committee on the Judiciary.

This bill, in a word, sets up a national employment system in cooperation with the various States and endeavors to promote the establishment and maintenance of a national system of public employment offices; and for that purpose creates in the Department of Labor a bureau to be known as the United States employment service, under the control of a director general. An appropriation of $1,500,000 is authorized for the fiscal year ending June 30, 1931, and $4,000,000 for each fiscal year thereafter, up to and including the fiscal year 1934. Seventy-five per cent of the appropriation is to be apportioned by the director general among the several States in proportion to their population, and the balance of 25 per cent of the money appropriated shall be available for administrative purposes. However, no money shall be expended in any State unless and until an equivalent sum has been appropriated for any year by the State; so that unless the State matches the appropriation of the Federal Government, it shall not be permitted to participate in the benefits of this legislation. Moneys appropriated by both the Federal Government and the States shall be used in the maintenance of public offices as a part of the federally controlled system of public employment offices, in cooperation and coordination with the State-controlled system of public employment offices.

It was natural that the constitutionality of this legislation should be questioned. The same constitutional question was raised against the act of November 23, 1921, called the maternity act, which authorized appropriations to be apportioned among such of the States as accept and comply with the provisions of the act:

"For the purpose of cooperating with them to reduce maternal and infant mortality and to protect the health of mothers and infants; it provides for its administration by a Federal bureau in cooperation with State agencies, which are to make such reports of their operations and expenditures as the bureau may prescribe, and that whenever the bureau shall determine that funds have not been properly expended by any State, payments to that State may be withheld."

This question of constitutionality of the maternity act was presented to the Supreme Court of the United States in the cases Commonwealth of Massachusetts *v.* Mellon, Secretary of the Treasury, et al., and Frothingham *v.* Mellon, Secretary of the Treasury, as an appeal from the Court of Appeals of the District of Columbia, reported in United States Reports, volume 262, page 447. It is to be remembered that the first case, Commonwealth of Massachusetts *v.* Mellon, was one brought by a State, while the other case, Frothingham *v.* Mellon, was a suit brought by an individual. The court held:

"First. A State may not, as parens patriæ, institute judicial proceedings to protect her citizens (who are no less citizens of the United States) from the operation of a Federal statute upon the ground that, as applied to them, it is unconstitutional. (P. 485.)

"Second. A suit by an individual, as a past and future Federal taxpayer, to restrain the enforcement of an act of Congress authorizing appropriations of public money, upon the ground that the act is invalid, can not be entertained in equity." (P. 486.)

The court, therefore, affirmed the original dismissal of the case.

But, although the cases were disposed of on the score that there was want of jurisdiction, nevertheless Mr. Justice Sutherland, delivering the opinion of the court, deemed it important enough to express the following opinon as to the constitutionality of the maternity act of 1921:

"What, then, is the nature of the right of the State here asserted and how is it affected by this statute? Reduced to its simplest terms, it is alleged that the statute constitutes an attempt to legislate outside the powers granted to Congress by the Constitution and within the field of local powers exclusively reserved to the States. Nothing is added to the force or effect of this assertion by the further incidental allegations that the ulterior purpose of Congress thereby was to induce the States to yield a portion of their sovereign rights; that the burden of the appropriations falls unequally upon the several States; and that there is imposed upon the States an illegal and unconstitutional option either to yield to the Federal Government a part of their reserved rights or lose their share of the moneys appropriated. But what burden is imposed upon the States, unequally or otherwise? Certainly there is none, unless it be the burden of taxation, and that falls upon their inhabitants, who are within the taxing power of Congress as well as that of the States where they reside. Nor does the statute require the States to do or to yield anything. If Congress enacted it with the ulterior purpose of tempting them to yield, that purpose may be effectively frustrated by the simple expedient of not yielding.

"In the last analysis, the complaint of the plaintiff State is brought to the naked contention that Congress has usurped the reserved powers of the several States by the mere enactment of the statute, though nothing has been done and nothing is to be done without their consent."

The instant bill, setting up a national employment system, is in principle the same as the legislation embodied in the maternity act. Instead of reducing maternal and infant mortality and protecting the health of mothers and infants by setting up Federal agencies to function in the various States in cooperation with State agencies, we have here a Federal agency set up to work in the various States in cooperation with the State employment agencies for the purpose of reducing unemployment and for the purpose of stabilizing labor conditions throughout the States. In both cases the State agencies make reports to the Federal bureau. In both cases the Federal agency passes upon the efficiency with which the respective States expend not only their own funds but Federal funds as well, to reduce unemployment and stabilize labor conditions. In both cases no State is to receive moneys out of Federal appropriations unless and until it, of its own accord, matches the Federal appropriation by a State appropriation.

In neither case is there any coercion or invasion of the rights of the States. In either case, the States may take it or leave it. No State is asked to yield anything. There may, however, be an enticing and persuasive bait held out to the States; but that does not involve duress, or force, or compulsion; and any State feeling aggrieved can simply say "no." It can avoid being tempted by simply refusing to join in the scheme and plan.

There is, therefore, nothing unconstitutional about S. 3060. Furthermore, in 1917, the attention of Congress was forcibly called to the need of an adequate Federal employment system by the emergencies of the war then existing. As was pointed out by John B. Andrews, secretary of the American Association for Labor Legislation, at the hearings, at that time employers were stealing workers away from each other and it was quite essential that there be a public employment system, with local officers to carry it out efficiently. Congress appropriated $250,000 to the Department of Labor to improve the Federal employment service, and the President supplemented this appropriation with $2,000,000 from the President's emergency fund. The result was the creation of an emergency employment office under Federal direction, with something over 800 employment offices scattered throughout the country. This Federal employment system proved invaluable to the country during the period of the war and subsequently during demobilization.

The Department of Labor in April, 1919, called a conference to which came delegates representing the governors of the various States and the Federal employment service. This conference urged the continuation of the United States employment service as a permanent bureau in the Department of Labor, and drew up detailed recommendations for the establishment of such a permanent Federal employment bureau. The Kenyon-Nolan bills, introduced in Congress in 1919, embodied these recommendations. They were supported by a message to Congress from President Wilson, who, in his wisdom, urged the necessity of legislation to meet the unemployment problem by developing and maintaining the Federal employment agencies.

President Hoover for some time past is on record as having approved a Federal employment system. In 1920 President Wilson called a second industrial conference. Mr. Hoover was vice chairman of that conference. The conference recommended "the enactment of appropriate legislation by the Congress making provision for an employment clearing house under Federal control," cooperating with State bureaus. In 1921 Mr. Hoover was chairman of the President's conference on unemployment. That conference recommended "an adequate permanent system of employment offices," and declared that the existing Federal provision for same was inadequate. In 1923 Mr. Hoover appointed a committee on business cycles and unemployment. That committee recommended a "national system of employment bureaus." In 1924 Mr. Hoover appointed a committee on seasonal operations in the construction industries. That committee called special attention to the report of the President's conference on unemployment relative to a permanent system of unemployment exchanges.

It is interesting to note that more recently the Senate Committee on Education and Labor, after an exhaustive study, recommended that the Federal Government should provide an agency to coordinate State public employment bureaus and assist in the national functioning of the unemployment exchanges.

Mr. BROWNING. Mr. Chairman, I yield 10 minutes to the gentleman from New York, [Mr. MEAD].

Mr. MEAD. Mr. Chairman, I want to bring to your attention briefly some ideas that have occurred to my mind

since hearing the discussion this afternoon, as well as some reasons why I am going to vote for the Wagner bill (S. 3060).

If we consider the parliamentary situation, recognizing the jam of legislation that exists in the Senate, friends of this program, whether they favor the substitute bill or the original bill as sponsored by Senator WAGNER, will of necessity vote down the substitute bill, because it can not pass. Even though the Senate favored it, under existing circumstances it can only result in failure, at least during this session of Congress, and therefore no good will be accomplished by favoring the substitute bill. It is therefore the Wagner bill or no legislation.

A statement has been made here on the floor that the enactment of the Wagner bill may interfere with some of the relief program now in progress. The passage of the Wagner bill will interfere with no legislative program having for its end the relief of unemployment.

I say that no better time will ever present itself for the enactment of this legislation than here and now. It will be an outstanding contribution by the American Congress to the ultimate solution of this serious and pressing problem of nation-wide unemployment. It will be one of the chief accomplishments of the men and women of this House if they join in the enactment of this bill at this time.

The legislation has been very well explained. It certainly has been well considered both in the House and in the Senate, and no man will raise the point that it has not been well recommended. In 1919 this same system was in effect throughout the States of the Union as a war-time measure. The then Secretary of Labor called a conference of governors of the States and others interested in the problem of employment, and a continuation of this system was recommended by that conference. Again in 1920, with President Hoover a member of a similar conference, this plan was recommended. Since then every thoughtful and sincere organization or body or individual that has come to a conclusion on the question has recommended this same legislative plan. It has therefore been indorsed all along the line, and now when we have but one more step to take for it to reach the White House, this barrier rises in its pathway, when certain organizations and individuals who from the start have been against the Wagner bill now recommend this substitute, is there any reason in the world why we should not doubt them?

I say to you, my colleagues, we can achieve no other result than the killing of both measures if we adopt the amendment proposed here this afternoon.

Many Members have suggested that this will further bureaucracy in the Nation, and they plead again with us the old argument of State rights; and yet a number of the Members who make that urgent appeal here this afternoon have forgotten bureaucracy and State rights as an argument when legislation in which they were specially interested was before the House for consideration. I say it is a Federal problem, because unemployment extends beyond State lines, and even beyond those of nations, and the only intelligent way for this Nation to fight this terrible scourge is to finish this program given to Congress over a year ago by Senator WAGNER.

We have already passed two of the three bills included in this program. One creates a Federal commission to plan large programs of public work, to be released in times of unemployment. Another establishes a bureau of statistics in the Department of Labor which will furnish the country and the Congress with intelligent, accurate, and complete information on the question of unemployment. This measure is a vital part of this program, and this bill will enable the other two laws to function with greater force and effectiveness. I plead with you, my friends, to complete this program this afternoon by supporting this bill.

Another thing this bill will do is this: It will substitute a free, dignified system of employment exchanges where the applicants for work may register for the despised fee system which now disgraces our country. [Applause.] We not only have bread lines throughout the Nation, but we have lines of men without work, men without funds, standing before the offices of private employment agencies, there to register their names and pay a fee for work which in many instances is never secured. I say, substitute this free Federal system for the obnoxious private fee system that can not cope with the problem; above all, kill the amendment, because the amendment is but a subterfuge, introduced, in my judgment, at this late day to kill both measures. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman and members of the committee, I am going to support the Wagner bill for these reasons: I believe it is the only chance you will have for legislation on this subject at this session of Congress. If I wanted to kill the bill and have no legislation at all at this session I would vote for the substitute. I will vote for the Wagner bill again because I feel that there is a need for some legislation along this line. However, I do not feel that it will solve all the problems that need to be solved.

The distinguished gentleman from Michigan a while ago referred to this as being legislation of a permanent kind. I am sure the gentleman from Michigan would not object to end—this paper says that employment declined, or unemment being of a permanent nature. I challenge any man here to point out any other legislation which can be called permanent legislation to relieve unemployment in this country, to build up a system where unemployment will not exist or make it less likely to occur in the future.

I notice in Labor an article showing the need for this legislation. During the month of January unemployment—although it was prophesied a few weeks ago that we were about to begin starting up and unemployment would soon end—this paper says that employment declined or unemployment increased during the month of February 4.2 per cent, and that wages or the pay roll declined 8.2 per cent, so that we may see where we are when we find that the wage of the American people for 1930 declined nearly $10,000,000,000, and then this further decline in wages during the month of January.

Whenever you take wages away from labor business is going to be stagnated.

There is one other thing I want to refer to, and that is, when the Secretary of Labor appeared before the Senate committee. Some said he did not advocate this bill. I will say that page 95 of the hearings shows that he made a statement and submitted a brief and he did not point out any constitutional defects in this measure. I say that he was in the position of supporting the bill by appearing there and filing the brief and he did not point out anything to the contrary. [Applause.]

Mr. Speaker, we are at the crossroads in some things and I feel that the problem is of taking care of the common people in our country and seeing that the laborer, farmer, and other people besides the monopolies and trusts have a larger share of the national income, and have better opportunities to build homes and rear families. I hope the Wagner bill will be passed by this House.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman, ladies, and gentlemen, this bill has been smothered since last June, and I say "smothered" advisedly. This bill was reported out and could have been taken up about two weeks before the end of the session last year.

On the floor of this House last June I called attention to it on several occasions. There never was any intention of bringing up the bill. It was only very recently when the pressure of unemployment and the pressure of depression became so severe that the bill was practically forced out from a reluctant administration for consideration in this House.

Now, Members of this House, there must be some sportsmanship in legislation, as in every other walk of life. We ought to be sportsmen here with each other at least. The Rules Committee was asked for a rule to consider judicial bills; to give a day to bills which were listed in the rule to be taken up. I may say in passing that the rule was unanimously agreed to in the Rules Committee. I understood, as did every other member of that committee, that it was the Wagner bill which would be brought up for consideration. If I had known that that was not the case, if I had known it was the Doak bill which would be offered, I, and other members of the Rules Committee, would have voted against the rule.

When the chairman of the Rules Committee presented that committee's report to the House I asked that the House be informed as to what bills would be considered under the rule, and the last bill was S. 3060, the Wagner bill. There was no suggestion then that the Doak bill was to take the place of the Wagner bill. I say that to make the substitution now is a rank imposition on this House. The chairman of the Judiciary Committee knows that if he had asked to take up the Doak bill for consideration to-day a point of order would lie against its consideration, as it was not on the schedule contained in the rule.

Mr. GRAHAM. Neither was the Wagner bill on the schedule.

Mr. O'CONNOR of New York. Oh, yes, it was. The gentleman knows that if he came in here and asked to call up the Doak bill instead of Senate 3060 a point of order would lie against it. What is being done? By subterfuge, by unsportsmanship, the Judiciary Committee is doing indirectly what it could not do directly, the chairman saying, "I move to strike out all of the Wagner bill after the enacting clause and substitute the Doak measure." That is not fair to this House; that is not the way to enact legislation between honest-dealing men.

Sitting here I find much amusement and I get many a laugh out of hearing rock-ribbed, dyed-in-the-wool Federalists on the Republican side of the House taking the floor and shedding crocodile tears over the invasion of State rights, weeping over the rise of bureaucracy, hysterical over further centralization of government in Washington, when for years Federal centralization has been the characteristic of the Republican Party. If the wailing and weeping came from this side of the House, I would not be surprised at all. Hats off to you, Judge TUCKER, because you are at least consistent. You are still the rara avis, a State-rights Democrat; but you are not on the Republican side of the House. It does not ring true when Republicans stand up and say that "we must not invade the rights of the States," when nine-tenths of the bills that we have passed this session have invaded State rights and have built up bureaucracies, and never has a man sat in the White House who was more of a bureaucrat with his multitudinous bureaus and commissions than the present occupant of that high position.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRAHAM. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. SHREVE].

Mr. SHREVE. Mr. Chairman and members of the committee, I am in favor of the Doak amendment, and I will give some reasons for it. First, you all know that for the last 12 years I have been chairman of the subcommittee that has handled the appropriations for the Department of Labor. The Department of Labor from its very organization has been a development until to-day it is one of the best institutions we have in the Government. And I say to you in all candor that no department spends its money so economically and so carefully as does the Department of Labor. There are a number of bureaus down there of great importance—the Bureau of Conciliation, the Woman's Bureau, the Children's Bureau, the Naturalization and Immigration Bureau. The committee, of which I have the honor of being chairman, has been helpful to the department during all of these years. We are in favor of labor; we are in favor of labor organizations; we want to help them in any way that we can, and if I did not believe that the passage of the Doak amendment is the best thing that this House can do I would not stand here and advocate it, and you gentlemen know that to be true.

We have the organization right here now. In the Department of Labor we have an Employment Service. We have able men down there conducting it. We are in a good many of the States of the Union now. I call attention to what happened when Director Jones came before the subcommittee. The chairman said:

> We will proceed with the Employment Service. Mr. Director, for 1931 you had $385,000 and for 1932 your estimate is the same, $385,000.

Then I asked him how he was getting along with the work, and Director Jones replied:

> Well, Mr. Chairman, we are working. We have many problems confronting us. The conditions during the past year have been somewhat different than in some of the preceding years. As you are well aware, we have more or less unemployment; it has been quite stubborn; it is a little different in character. • • • We have placed during the last fiscal year 1,345,936 persons in employment in cooperation with the States and municipalities. It has been a little more difficult this year to obtain jobs than it was last year.

Now let me read something from the bill. On the second page of the bill I find this:

> The Employment Service now existing in the Department of Labor is hereby abolished.

I know of no greater calamity that could befall the laboring people of the United States than to have that branch of the Department of Labor abolished at this time. Everyone in the House knows that it takes years to organize a bureau and get it so that it will function, and here at a time where everywhere in the country we need the assistance of these men and these agents they propose to abolish this service. A little further along Mr. Jones says that he has over 200 agents scattered over the United States to assist the authorities in the States where required. I asked the question:

> So you are able to provide all of the men that are necessary?
> Well, we intelligently direct men and not misdirect them. We intelligently direct them by making surveys at the end of the season. • • •
> I presume you have the cooperation of the States?
> Yes; the States are very anxious to work with us.

The States are anxious to work along the plans laid down by the Department of Labor. We do not need any new machinery, as the gentleman from Michigan [Mr. MICHENER] said. We have the machinery, it is all set and ready to go, and why stop the work of these men and go out and start something new that is untried, that we know nothing about, that we all know can not function inside of a year, with these millions of men all over the United States out of employment at this time. Let us use the agency that we have. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman and members of the committee, I have asked for a few minutes in order that I may explain my position on the bill now before the committee. In the first place, it has been my good fortune and pleasure to have had close personal acquaintance and relationship with the present Secretary of Labor, Mr. William Doak, for 16 years. I do not agree with the gentleman from New York in the statement that he made a short time ago that he believed Mr. Doak would go down discredited as a member of the President's Cabinet. I believe Mr. Doak is the friend of labor. He has devoted his entire life to its cause. He is honest and sincere in the things that he advocates in behalf of labor.

On the question before the House to-day, however, I can not agree with Mr. Doak. I take it that the great Committee on the Judiciary when it considered the Wagner bill last May or June gave very careful consideration to the same. Can it be possible that the members of the great Committee on the Judiciary, with its great constitutional lawyers, some of the greatest men in the House, overlooked all of the serious and somewhat vicious things in the Wagner bill at that time? [Applause.] No. I do not believe they did. They reported that bill out, and it was reported almost unanimously by that committee.

Mr. GRAHAM. Will the gentleman yield?

Mr. COOPER of Ohio. I would rather not yield at this time.

Mr. GRAHAM. I question the pertinence of what the gentleman is saying about the committee.

Mr. COOPER of Ohio. They reported that bill almost unanimously.

Mr. GRAHAM. Oh, no.

Mr. COOPER of Ohio. A rule was given by the Rules Committee for its consideration, and then the House adjourned before we could take any action on the bill.

The news was broadcast throughout the country that the Wagner bill had been reported by the Committee on the Judiciary, favorably reported, and that a rule was about to be given for its consideration; then the friends of this legislation came to the Members of Congress and requested the passage of the bill. Members of labor organizations, officials of labor organizations, even some of the manufacturers and employers of labor, solicited Members of this House to support that bill. I am one of the Members who believes that if this bill had been given careful consideration by the Committee on the Judiciary and they thought it was right and a rule was about to be given for its consideration, then I could follow the great Committee on the Judiciary and support the bill, and therefore I pledged my support to the same. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BROWNING. I yield two additional minutes to the gentleman from Ohio.

Mr. COOPER of Ohio. But what is the situation we find ourselves in to-day? After various Members of this House have agreed to support the legislation, then within a week or 10 days of the adjournment of this Congress you come in with an entirely different proposition, a new bill, and ask us to surrender on the Wagner bill and support this new bill which the Committee on the Judiciary has just reported.

I want to call attention to the position of labor on the Wagner bill. Mr. William Green, President of the American Federation of Labor, is an honest, kind-hearted, and efficient labor leader. There is no more capable, honest labor leader in the world than William Green. Do you suppose he would be in favor of the Wagner bill if he thought it would be a detriment to the workingmen of the States, or even of the States themselves? He is whole-heartedly back of the original bill and I am going to support the Wagner bill when it comes to a vote this afternoon. [Applause.]

Mr. GRAHAM. I yield 5 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS of North Carolina. Mr. Chairman and ladies and gentlemen of the committee, as a member of the Committee on the Judiciary I voted to report out the Wagner bill. I did it because I have always tried to be a friend of the laboring man, having lived that life myself all the way through. But, by voting for the Wagner bill, I did not mean that I thought it was the last word in perfection and that no improvement could be offered that I might desire to support. At that time Mr. Doak was not Secretary of Labor. He is now. He says this bill can be improved and made more workable by adopting the substitute. He is the gentleman who will have to administer this act. I say, ladies and gentlemen, that the burden therefore rests upon those who oppose the substitute offered by the gentleman who is fixed with the responsibility of administering the act.

I want Senator WAGNER to have all the credit there is due him in this matter. I am for labor legislation. I hope I never will become so partisan that I am not willing to yield credit to a gentleman of opposite political faith for any original thought or constructive legislation he may originate. I am sick and tired of sitting here listening to men try to bolster up arguments by imputing bad motives to those who do not agree with them. It has been said here to-day that the President of the United States is the enemy of labor. It has been said that William Doak never wrote this bill, that somebody who had an ulterior motive wrote it. Does it mean that there is nobody with pure motives in this House except those who advocate the original Wagner bill? Is that the idea?

I am suspicious of any proposition that has to be bolstered up by abuse and vilification of those who happen to be on the other side.

Mr. CELLER. Will the gentleman yield?

Mr. JONAS of North Carolina. No; I can not yield now. I would yield if the gentleman would take back his statement that the President of the United States had never been the friend of labor.

Mr. CELLER. The President of the United States now refuses to abide by this provision——

Mr. JONAS of North Carolina. I refuse to yield.

Mr. CELLER. The gentleman is attacking me, and I should have the right to answer him.

Mr. JONAS of North Carolina. No; I am not.

Mr. CELLER. Will the gentleman yield now?

Mr. JONAS of North Carolina. No; I do not yield. As was stated a moment ago, the first section of the Wagner bill abolishes the Employment Service in the Department of Labor. But the third and fourth sections go on to fix duties upon that same service, and yet they tell us that it is the last word in perfection of legislation. In other words, they abolish a section of the Department of Labor and then proceed to fix duties upon that same section.

One other thing. Somebody read a while ago from the Towner decision with reference to State rights. The two are as far apart as the poles. In the Towner decision they said there was no effort to force upon the States what they did not want, but that is exactly what the Wagner bill does.

It provides that where a legislature refuses to act the Federal Government can go in and act anyhow; that it can go to South Carolina and set up a Federal employment agency if the State refuses to do so.

Mr. BECK. Will the gentleman yield?

Mr. JONAS of North Carolina. Yes.

Mr. BECK. May I suggest that as to the Sheppard-Towner Act, in the case of Massachusetts against Mellon, which I had the honor to argue as Solicitor General, the Supreme Court did not sustain the constitutionality of that act, but simply held that neither Massachusetts nor a citizen had any status to question it.

Mr. JONAS of North Carolina. But they certainly did not hold that the Federal Government had the right to go into my State or into South Carolina and set up a Federal agency to control a local matter in opposition to the wishes of the authorities of that State, and that is exactly what the Wagner bill does.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. GRAHAM. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. JONAS of North Carolina. Only for the purpose of reading the gist of the substitute. Section 3 provides:

> The function of said bureau shall be to advance opportunities of employment for men, women, and minors, who are legally qualified to engage in gainful occupations, to cooperate with the Veterans' Administration to secure employment for veterans and to coordinate the public employment offices maintained by the United States, any State, municipality, or other political subdivision by collecting, compiling, furnishing, and publishing information as to opportunities for employment between the several States and between such States and the District of Columbia.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, ladies and gentlemen of the committee, I would like to discuss the matter at some detail, since I do not believe that this House has given full consideration to this bill, S. 3060, which is only a part of the constructive program introduced by my colleague in the Senate, Senator WAGNER, to relieve conditions of unemployment in the United States and to lay down a future policy for this country in times of stress like the present one. We realize that a constructive program for unemployment relief is a hard thing to accomplish in times of prosperity, and that when everything goes well and the

people are at work and everybody is happy and contented no one thinks that the time may come when conditions will take a turn for the worse and when we may not be as contented as we are in times of prosperity. It required an emergency like the present one to make this House realize the importance of Senator WAGNER's program, and I do not doubt that a close analysis of its important provisions will convince the Members of the House, as it has convinced me, that this bill deserves to pass and pass by unanimous vote.

My good friend from Michigan [Mr. MICHENER] told us that we ought to vote according to the dictates of our conscience. I agree with him, and I am of the opinion that if every one of us were to vote in accordance with the dictates of his conscience a good many laws which are on the statute books to-day would have to be repealed and all of us would lead a happier and pleasanter life. We also heard the other gentleman, the chairman of a Subcommittee on Appropriations [Mr. SHREVE], says that he had been taking care of all the appropriations made by the Department of Labor and that the Department of Labor has so well administered all of the laws placed upon them to administer and that the Department of Labor is now equipped with a machinery to perform more accurately the work of employment than the Wagner bill would do if passed. Let me call the gentleman's attention to the fact that he refused the Department of Labor sufficient money to deport criminal aliens. He also refused for years, and so has his committee, to supply sufficient funds for that purpose. I therefore can not agree with the gentleman when he says what wonderful things he is doing for the Department of Labor.

However, we are not discussing the Department of Labor at the present time except in so far as it may act as the agency to maintain a system of registration of people who desire to work in accordance with the provisions of the bill S. 3060. This bill provides for the establishment of a national employment system and for cooperation with the States in the promotion of such system. It creates in the Department of Labor a new bureau, to be known as the United States Employment Service, at the head of which shall be a director general charged with the duty of organizing and directing this new service. This new bureau will establish a national system of employment agencies for men, women, and juniors who are looking for work. This bill will have branches throughout the country and will maintain a complete system for acting as a clearing house of labor between the several States and throughout the country. The bureau will give us for the first time a clear picture of the wants of labor throughout the United States, the opportunities for labor in the several States, the advisability of migration of labor from State to State as the occasion arises, and will in every possible way bring employer and employee together wherever desired. If at any time it should turn out, for instance, that the State of Michigan demands labor of a certain kind of which there may be a surplus in the State of New York, it will act as a stimulant for workers from my State who seek employment in any particular line to migrate to Michigan, or vice versa. It will do away with depressions for seasonal demand for labor and it will permit to arrange a system whereby workers will be employed the year round by finding out definitely just where they can find gainful employment when they want it.

In order to do away with any constitutional objections, particularly in view of the fact that our Assistant Secretary of Labor, Mr. Robe Carl White, saw fit to express himself against the bill as it came over from the Senate, this bill provides for close cooperation between the Federal and State employment agencies. Thus, each State in the Union will be enabled to establish its own agency, which will exchange information with the Federal bureau so that the Federal bureau will be in a position not only to furnish information to the State bureau but also act as a clearing house of information given from all States to advise directly the people of the United States of conditions as they actually exist. As I said, this bill is only a part of a series. It means the intelligent tackling of a very vexatious problem. This problem is with us to-day and may be with us in years to come, although I hope not in as virulent a form as it exists to-day. Economists and students of the social sciences have offered all kinds of solutions. The solutions range all the way from government ownership down to the individualization of all industrial effort. No solution, as yet attempted, has given any practical way out of this difficulty, which can be obtained only by a knowledge of conditions. How can we possibly legislate against unemployment if we do not know all the facts constituting it?

The great benefit the Nation at large will derive from this bill (S. 3060) is that both our State and Federal agencies will be in full possession of all the facts. It will not be merely a general summary of unemployment conditions, but by utilizing the information service established for the agency on this bill, it will be possible for every citizen to acquaint himself at a moment's notice with actual conditions as they affect the labor mart. It will no longer be a groping in the darkness and inability to comprehend a proper solution because of the scarcity of information of the service of the authorities. We will have information which will be as complete, as thoroughgoing, and as accurate as human ingenuity can furnish it, and I do not doubt that with the aid and assistance of the other measures advocated by my colleague from New York we will be as much ahead in our fight against the tragedy of unemployment as can be done by the limited strength our human beings can bring to the solution of the gravest of economic problems.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Minnesota [Mr. MAAS]. [Applause.]

Mr. MAAS. Mr. Chairman, ladies and gentlemen of the committee, I am in favor of the original Wagner bill, and it is not in any sense a political matter. Unemployment is neither a temporary nor a local problem. I do not believe this country, nor probably any other country, has ever nor will ever be called upon to face so serious a situation as that of unemployment. The progress of civilization to-day has brought many great problems, but I think perhaps the greatest failure of modern civilization is the utter destruction of jobs, the destruction of a man's opportunity to provide for his family. I think the most terrifying thing to-day is the feeling of insecurity on the part of a man that he can not or at any time may not be able to support his family and that he is not going to have that opportunity because of the crushing progress of civilization around him. It is essentially a national problem. It is one that must be dealt with more than simply by a local employment agency that may find jobs for a few men. The problem is not simply finding jobs for them. We need a national service that will bring us a survey which will probably in the end mean a complete readjustment of our whole industrial structure. It may mean the movement of whole industries from one part of the country to another. It may mean the setting up of an entirely different system of transportation of labor. We have gone beyond the point where the local community can deal with such a problem. The invention of merely one machine may throw 90 per cent of the people in a given community entirely out of work, and we must have the machinery of a national agency to meet this situation.

I think that the Wagner bill, which is a part of a comprehensive program, must be enacted or you will destroy the whole program. You can not destroy one part of it and leave the rest of it effective and efficient.

I think this unemployment problem strikes to the very heart of modern civilization. The purpose of government is to protect the citizen and the home; and there is no greater protection of the home than to have a man given the opportunity to secure employment, support his family, and know he can do it with some reasonable assurance of continued employment. [Applause.] I believe the Wagner bill offers a real opportunity to do that. I think it gives us more assurance of meeting the problem we are facing to-day, which,

is far more important than many of the other problems to which we give more of our time.

The argument has been presented that the so-called Doak amendment, which we are asked to accept in place of the original bill, is more workable and largely carries out existing Federal machinery for relieving unemployment. That is just the point. The Doak amendment to a large extent merely reenacts existing laws on the subject. The present system is inadequate and has failed of its purpose. It has not and can not meet the emergency. That is why new legislation is necessary. Had the existing system been capable of successful operation, we should not now find ourselves in the present unemployment crisis. No! Something far more effective is needed. Unemployment is not merely a by-product of the present business depression. It probably has been an important contributing cause, in fact, to the depression.

The rapid changes in the whole economic structure have brought about conditions the relief from which is beyond local remedy. The tremendous increase in the development and use of new inventions and machinery that replace individual man power has created a problem distinctly modern, the solution of which is unavoidably the responsibility of organized society. Sometimes the development of one machine will at one fell stroke replace hundreds of skilled workers, men and women who have spent years of apprenticeship and then the best part of their lives in the service of a trade suddenly destroyed by man's inventiveness.

We can not escape the responsibility that is involved in finding an outlet for the gainful occupation of such workers when their means of livelihood has been taken away from them through no fault of their own.

The rapid development of chain stores, large mergers, and consolidations have acted to accelerate the process of destroying jobs faster than new ones can be created. This is a matter out of the hands of the individual and out of the power of the local community to successfully cope with.

It is a problem created by the advances of modern civilization, and as an obligation and an absolute necessity to continued prosperity must be met by corporate society. It presents a national problem and must be dealt with on a national basis, with State and local aid and cooperation.

The problem is far more important, far more potent than merely how to deal with the present emergency.

It is dangerous to deal with this fundamental problem for mere political expediency. We can not avoid facing the day when as a nation, as organized society, we must as ingeniously create the solutions of the intricate and basic problems that society is itself creating or see that society crumble and perish of its own weight.

Foremost in seriousness among the really vital problems created by the complex advance of mechanized civilization is that of employment, and a reasonable degree of an assurance of continuous employment to all who are willing, able, and want to work is absolutely necessary.

Should modern civilization, through inability or insensibility to its obligation, fail to provide to take up the slack in employment so that an ever-increasing number of people are not left without a means of supporting themselves and of raising families in self-respect and decency, then modern civilization has failed and government has been futile. All else we may do, all other progress is in vain if we fail in the main objective—a chance to the individual to pursue life, happiness, and liberty. Economic slavery, governmental charity, and debasing humility can never produce happiness to a people.

This great country no less than modern civilization is on trial, and the issue is the assured opportunity of respectable employment to all who honestly want to work. That much every individual has an inalienable right to expect. Nothing less than that is possible if civilization is to continue. Government can not justify its existence if it fails to provide means to accomplish just that.

I can not commend too urgently to you the great necessity to devote our best energy and efforts to a study of this problem, and a vigorous, active campaign to meet the ever-growing seriousness involved.

I do not feel that the present Wagner bill is the ultimate in this connection. I do not hold that it is the panacea, but I do think it is a great step in the right direction, and a most essential one right now. Its enactment more than any other single thing at this time will point the way and aid in finding the solutions so necessary if our whole economic structure is not to collapse around our very ears. The Wagner bill has had a great deal of consideration on both sides of the Capitol, and I favor it. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GRAHAM. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. TUCKER.] [Applause.]

Mr. TUCKER. Mr. Speaker and gentlemen of the committee, my friend from New York [Mr. DICKSTEIN] has complained that no one has offered any constitutional objection to this bill. I want to give him one or two.

This bill gives to a Federal officer the power to direct the distribution of an appropriation made by a State. How do you like that?

This bill gives to a Federal officer the power to control a State officer. How do you like that?

Mr. Speaker, I have some views on this subject, but as I have only five minutes I shall take that time in saying this: The Secretary of Labor came before our committee and gave four reasons why he thought this Wagner bill would not do; and, by the way, he knew what he was talking about. He had his own opinions. I could have told he was a Virginian if I had not known where he came from. [Laughter and applause.]

He said, first, that he objects to the Wagner bill because it is impossible of operation for one or two years or more; that is, to get it into operation.

Second, it would create a gift of money to the States. My friend Mr. O'CONNOR of New York does not like to hear a Republican say that? I do. Why, my friend from New York just now deplored the fact that so many of you Republicans are coming over to our view. Why, when I look in the faces of many of you, my beloved friends, I have often wondered about your future [laughter] and if you take away the right of repentance for your sins, that is the only hope of your salvation. [Laughter and applause.] Clear these front seats and bring up the mourners. Yes; I want to hear them talk that way.

Third, it would tend to create officers in the States partly controlled by the State and partly under Federal control.

Mr. Doak is not a lawyer, but he struck the bull's-eye. A Philadelphia lawyer, even our great BECK, who is not only a lawyer but an orator, can not answer these objections when you look at this bill. [Laughter and applause.]

Doak comes out openly and says, "I can not execute this law. If you pass it I will do the best I can, but it is not the thing we need." I have known of Doak. I never knew him until the other day, but he has been a prominent citizen of Virginia for years. He is a man who has worked his way up from off the railroad track. He is a self-made man, and, make no mistake, he has made a good job of it. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK. Mr. Chairman and gentlemen of the committee, so far to-day we have not found a job, but we have had discoveries on two important matters. One is that the President is the greatest friend labor ever had, and the other is that the conservatives of this House are protecting State's rights. I knew this man Einstein was not going to do this country a bit of good.

I agree with Major LAGUARDIA that there should be no politics about this bill, and there is none, not in the denominational sense of the word of Democratic and Republican politics; but there is politics in this bill between the conservatives of this House and the liberals of this House. The liberals of this House have been winning out, and the country welcomes the change. They won out on the bonus,

they won out on Muscle Shoals, and I hope they win out on this bill.

There is a reason why legislators should vote for this bill in the name of Senator WAGNER. He is not a captain of industry, not an efficiency engineer, not a social-welfare worker, or an expert, but out of his mind, the mind of a trained legislator and a practical politician, has come this piece of legislation that is welcome to labor and welcome to the editorial opinion of the country; and we owe it to ourselves to sustain one of our own colleagues who has met the situation by a constructive idea.

The conservatives of this House are going to be shocked as we go along in the next Congress. This is the first piece of legislation whereby a political change parallels the economic changes that have come upon the land. This is the first measure, the Wagner bill, that has been proposed by politics to meet changing economic situations.

The gentleman from Massachusetts [Mr. STOBBS] had it right. He said this is a struggle here between two philosophies. One philosophy is his, a philosophy that struggles to do nothing in order to preserve nothing. They will do nothing for labor in order to preserve something that does not exist, to wit, the Constitution of the United States.

Governor Smith recently made a statement about ducking and dodging, trying to avoid doing something. This Doak amendment is a fine example of ducking. It ought to be called the Duck bill.

The unemployed of this country came to the Congress and first asked for a dole. We are giving them a "Doak." They asked for a job and we are giving them a joke.

Now, I welcome the line-up of Republicans and Democrats back of these liberal ideas that we see advancing these days in the Congress. The administration is on the other side. Half of that side of the House is now divided against the administration merely because they are responding to a liberal background of opinion that is urging them to do something constructive in these perilous days. It is well for the country that men see fit to break away from their party lines, see fit to break away from White House leadership in order to accomplish something for the public.

This, the Wagner bill, is the first march of political reform to meet economic changes, and the liberals of this House will get back of it, whether they are Republicans or Democrats, and I hope they are triumphant in the cause of labor. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman and ladies and gentlemen of the committee, I regret exceedingly to have the word "partisan" brought into the consideration of this bill. I do not think there is anything partisan about it. I do not believe there is a single man or woman in this House but who wants to do something for labor. I fully believe that inasmuch as we have legislated for the farmer, we have passed farm relief bills, we have passed drought bills, we have passed seed bills, we have passed rehabilitation bills without any thought of partisanship, so in this bill there is nothing before us but a measure to help labor. We want to do something for labor, and I know you all want to help do it.

I am jealous of our prerogatives here. I believe that we are the representatives of the legislative branch of the Government. If we are going to abrogate our power to the commissioner of this department or the secretary of that department, we might as well shut up shop and go home. If we are going to let the secretaries run the legislative branch of the Government, what is the use of this enormous pay roll, paying Senators and Representatives? A constitutional amendment would be the thing in order to eliminate the Congress.

I believe that we ought to have their advice and any information they can give us, but they should not be the court of last resort with us; we should consider and assimilate all the information that they give us.

I have been endeavoring all the afternoon to find out what the Doak substitute is, and the only thing I have been able to find out about it is that it creates a new job, a new Assistant Secretary of Labor.

Now, I have the greatest respect in the world for the Philadelphia lawyer who can solve problems that no other lawyer can solve, and I have great respect and admiration for our Judiciary Committee. They came in with the Wagner bill last June and said it was a fine bill, a wonderful bill, and urged its passage. To-day they say, "Oh, gentlemen, this is a vicious bill. We have found some underlying things in the bill that will wreck the very foundation stones of the Republic."

Of course we here are supposed to have nimble minds, we are supposed to possess agility of thought, we are supposed to be at least of the ordinary intelligence. But, if our distinguished Judiciary Committee composed of eminent Philadelphia lawyers and lawyers from elsewhere—if they are going to change their minds so fast that we can not change with them, what is going to become of our interest in the matters presented to us? [Laughter.]

Now, gentlemen, we generally speak of men on the Judiciary Committee as being of judicial timber; they are supposed to have receptive minds and to hear all arguments and weigh them before rendering a decision. We presume that was done with this bill; and, yet, what is it that brings them in at the last minute saying, "Oh, gentlemen, we were all wrong last June but now we are right"? [Laughter and applause.]

The trio of Wagner bills is interwoven, one depends on the other. Two of them have been enacted into law. President Hoover took occasion to praise them.

The third bill of the series is now before you. In order to have the bills work to the benefit of the unemployed it is necessary to pass this bill. It provides for the establishment of a nation-wide system of employment offices, where idle men and women can be helped to secure positions. Labor wants the Government to discharge its obligations to its citizens by assisting the unemployed to get work.

The American Federation of Labor is for the Wagner bill. I will read a letter from William Green, its president:

WASHINGTON, D. C., *February 20, 1931.*

Hon. JOHN J. BOYLAN,
House Office Building, Washington, D. C.:

DEAR SIR: Permit me to appeal to you for the passage of Senate bill No. 3060. Laboring people are deeply interested in this proposed legislation. The widespread unemployment conditions prevailing throughout the country emphasize the necessity of the enactment of legislation of this kind.

Through the establishment of a nation-wide system of employment offices, as provided for in Senate bill No. 3060, men and women rendered idle through mechanical displacement, seasonal and periodical unemployment, can be materially assisted in seeking and securing new employment. This is particularly true of the thousands of working people who are constantly being thrown idle because they have been displaced through the introduction of new and improved machinery. The tragedy of our industrial situation is reflected in the fact that hundreds of thousands of working men and women are thrown out of work unprepared and without warning simply because new machines or improved machinery performs the work which human hands had formerly done. This class of people not only suffers from unemployment but also suffers from the destruction of skill acquired through years of training. They lose their jobs and their skill as workers, simultaneously. All this seriously affects standards of living built up as the worker became more proficient as a skilled and trained mechanic.

In every city and town within the United States are many skilled mechanics who have been displaced through the introduction of machinery and have been forced to seek work as common laborers at a greatly reduced income. Unfortunately society through organized government, has failed to meet the requirements of this tragic situation. The least they could do would be to render assistance to workers thus displaced and to extend them the help which an employment agency only could give under such circumstances.

Senate bill No. 3060 combines strength with the highest degree of cooperation. It unites local and national employment offices under local initiative, with local management and local responsibility. It destroys duplication and centralizes in employment agencies the best obtainable expert and trained service. In my opinion, it represents the best plan yet devised for the establishment of practical, constructive, employment agency service.

Employment agencies, such as proposed in the Wagner bill, would assemble information regarding opportunities for employment, localities where it might be possible for a skilled worker to find a new position, and would give expert advice, through trained em-

ployment agencies, which would be very valuable and helpful. Under the present situation the displaced worker, facing a tragic

throughout the land to administer the same. If anyone has any doubt that this is not another governmental agency

unemployment. Let us do all we can to relieve it. The Wagner bill provides permanent legislation on unemploy-

them in any and every State. Why, the remedy offered by the substitute is infinitely worse than the alleged evils in the

ployment agencies, which would be very valuable and helpful. Under the present situation the displaced worker, facing a tragic situation, such as I have just described, suffering very greatly not only from a loss of employment but also a loss of skill, is subjected to further exploitation through private employment agencies.

Labor wishes that the Government shall meet this situation, discharge its obligations, assist displaced idle workers, render all service possible, and protect those who are suffering physical and mental distress because of unemployment at a time when the need is greatest.

There are other reasons why this measure should be passed promptly. I am sure that many of these convincing reasons have been brought to the attention of your colleagues in the House of Representatives.

In behalf of the working people of the United States, I not only request but I earnestly and sincerely appeal for the enactment of Senate bill No. 3060 promptly and expeditiously.

Respectfully yours,

WM. GREEN,
President American Federation of Labor.

Also the American Association for Labor Legislation, of which the Secretary of Labor, Mr. W. N. Doak, is a vice president, is for the Wagner bill, as is shown in a letter I will read to you:

AMERICAN ASSOCIATION FOR LABOR LEGISLATION,
New York City, February 21, 1931.

DEAR MR. BOYLAN: You know that we have worked hard for an adequate system of public employment offices which both employers and workers may patronize with confidence.

The carefully considered, widely supported Wagner bill (S. 3060) was passed by the Senate after public hearings nine months ago and favorably reported to the House after further public hearings last June. The Rules Committee on February 12 gave it preferential position for a vote at this session.

Now, at the eleventh hour, without opportunity for public hearings, a destructive substitute is presented. It proposes a plan which is obnoxious to the States. (See CONGRESSIONAL RECORD February 17, p. 5241.)

Admittedly the Doak substitute would extend and perpetuate a Federal system which is discredited before all informed people.

Those who support this eleventh-hour "administration substitute" must be held responsible for a ghastly mistake. Within a year the results would seriously embarrass them in their own States.

Better by far to do your utmost now for a genuine bill, even under threat of veto, than in this time of distress to make a mockery of the unemployed.

We ask you, in the public interest, to work actively for S. 3060 and to oppose the Doak substitute.

Sincerely yours,

JOHN B. ANDREWS, *Secretary.*

In conclusion, Mr. Chairman, I ask all the Members of the House to unite in passing this splendid advanced legislation sponsored by Senator WAGNER, that is indorsed by labor, by social-service organizations, city clubs, relief committees, and by the forward-looking men and women of our country. [Applause.]

Mr. GRAHAM. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. CHRISTOPHERSON].

Mr. CHRISTOPHERSON. Mr. Chairman and members of the committee, I have listened with much interest to the arguments for and against this measure this afternoon. I can fully appreciate the importance of the issues involved in this legislation. I can also realize the feelings regarding unemployment, and it is not surprising that there have been some animated arguments bearing on that question. I feel confident and assured that every Member on this floor stands ready to do whatever can be done to alleviate the unemployment situation in the country. There is no disagreement on that. The only question is how best to attain that. The Wagner bill, so called, as has been pointed out this afternoon, is another step in the direction of extending Federal activities into the States. It is my belief that we have gone a long way in the last few years toward extending Federal activities throughout the States of the Union. I think sometimes in our legislative procedure we have overlooked the fact that the Colonies when they joined this Union reserved to themselves all authority which had not been specifically granted in the Constitution. Apparently it was their desire to have control over their local affairs and their local functions. I believe we have sometimes gone beyond that provision in our Constitution, and in the passage of the Wagner bill we would be taking another step in creating another Federal agency with bureaucratic powers extending into the States, with added Federal employees located throughout the land to administer the same. If anyone has any doubt that this is not another governmental agency which will have authority and power throughout the States, the first paragraph of the bill should settle that. It provides:

In order to promote the establishment and maintenance of a national system of public employment offices, there is hereby created in the Department of Labor a bureau to be known as the United States Employment Service.

That means that this department will have authority to establish and maintain Federal employment offices throughout the land and through its regulative orders and powers exercise complete management of these offices, wherever they may be located.

As has been pointed out, there are only 22 of the States so far that have enacted legislation which would enable them to take advantage of the Wagner bill, if it should become a law. Therefore, it would be at least a number of years before this bill could become effective and helpful in many of the States. So far as I am concerned, I shall be glad to support any measure that has in it promise of alleviating the unemployment situation, but to my mind the Wagner bill does not embody such relief. I believe the so-called Doak amendment does hold forth that promise. Under either one of these bills the Secretary of Labor is charged with the responsibility of the administration of the measure; and when Mr. Doak, the Secretary of Labor, comes before the Judiciary Committee and tells us frankly that he can not function as well under the Wagner bill as he can under the present law, that the Wagner bill will abolish his present organization and greatly hinder and delay the work now going forward, then I think it is time for us to take note of that warning and shape our legislation accordingly. My good friend from New York [Mr. LAGUARDIA] characterized the Doak amendment as an impossible substitute. That, of course, is the clever manner in which my good friend casts doubt on legislation to which he is opposed. Let us see whether it is an impossible substitute. My good friend from North Carolina [Mr. JONAS] read to you section 3 of that bill. That embodies a plain, simple procedure, outlining just exactly what the duties and responsibilities of the Department of Labor would be under the substitute offered.

It is a plain program for cooperation and coordination between the Federal Government and the States. It will enable the Federal Department of Labor to cooperate with the States, to join in with them in whatever may be their procedure, at present, for meeting these problems and enables the department to join in with them without any arbitrary rules or the exercise of coercive authority, and without contribution from the Federal Government to the States. The amount you appropriate under the Doak amendment will be used by the Department of Labor in carrying on this work. When the Secretary of Labor, the man charged with this responsibility, comes to us and solemnly says that he can not be helpful, that he can not carry on this work under the Wagner bill, that he can only function in a few of the States, and that years will pass before it can be effective in many of the States, yes, in at least 26 of them, and then submits another bill which is plain and simple and provides for a method whereby he can cooperate and coordinate with the States, immediately function and bring about immediate results, does it not seem that is the wise step for us to take; adopt that plan and give him the agency, the means and the provisions whereby he can overcome this unemployment problem? I ask you to take heed of the words of the Secretary of the Department of Labor who is the man charged with the administration of this law, which we are about to pass on. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield one minute to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Chairman, the Department of Labor has accomplished and will accomplish much good. I am a friend of labor and support all legislation in favor of labor. As between the Wagner bill and the Doak amendment, I am heartily in favor of the Wagner bill. If we do not enact the Wagner bill this session, there will be no legislation in the interest of unemployment. There is much distress due to

unemployment. Let us do all we can to relieve it. The Wagner bill provides permanent legislation on unemployment. It has the indorsement of the American Federation of Labor and its distinguished president, Mr. Green. I believe that it will accomplish much good for labor. This is probably the last opportunity we will have at this session to do something for unemployment, and for that reason I sincerely hope this bill will be adopted by a unanimous vote. I know that Mr. Doak is a friend of labor, and I believe he will make a fine record as Secretary of Labor. He is my friend, but I do not agree with him on this subject. I believe more can and will be accomplished under the provisions of the Wagner bill than under the Doak amendment. So let us pass it. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the remainder of my time to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. The gentleman from New York [Mr. LAGUARDIA] is recognized for six minutes.

Mr. LAGUARDIA. Mr. Chairman, just to clarify a few statements that have been made. First, I submit to every senior Member of this House if he can recall an instance where a bill has been reported by a committee and a rule given for the consideration of that particular bill, that the committee has reported out a new proposition and called it a "committee substitute." The committee loses control of a bill once it is reported, and certainly after a rule has been granted for it. That has never happened before.

Second, I am willing to accept the argument of the opposition [Mr. MICHENER], the gentleman from Michigan who is very deliberate in his statements and who has the confidence of his colleagues. He made the startling statement, "Can we take something we have not had time to consider and pass it this afternoon?"

Of course not, Mr. Chairman. I agree with my colleague. The Senate bill has been before us for seven months. The new proposition has been before us for four days. We have never studied, digested, or considered the so-called substitute.

The gentleman from Michigan [Mr. MICHENER] points as a great danger to something which I consider the most constructive provision of the bill, namely, section 11, which establishes a Federal advisory council, composed of an equal number of employees and employers, for the purpose of formulating policies and discussing problems relating to unemployment.

Mr. MICHENER. Will the gentleman read the rest of it?

Mr. LAGUARDIA. The gentleman from Michigan suggests that I read the balance of it. "And insure impartiality, neutrality, and freedom from political influence in the solution of such problems."

Mr. MICHENER. Now, the next sentence.

Mr. LAGUARDIA. "The members of such council shall be selected from time to time in such manner as the director general shall prescribe."

Mr. MICHENER. That is the part to which I referred.

Mr. LAGUARDIA. Mr. Chairman, if that is not the ideal way of solving our labor problems I do not know what is. Employees and employers sit at a conference table. That is the American way of solving labor problems. I submit there can be nothing objectionable in that particular provision of the bill.

The distinguished gentleman from Massachusetts [Mr. STOBBS] points to two schools of philosophy and thought. One he pictures as the bureaucratic Federal Government, and he holds that in horror. I submit if you consider the Doak amendment it provides that very bureaucratic agency which the gentleman deplores, because here is the proposition in a nutshell: Under the Senate bill there is machinery for the Federal Government and the States to cooperate, by the States establishing their own agencies to meet their problems and simply keeping up to a required standard set by the Federal Government as a condition to receive Federal aid. Under the so-called substitute the Federal Government comes in and establishes its own bureaus and may place them in any and every State. Why, the remedy offered by the substitute is infinitely worse than the alleged evils in the Senate bill.

Mr. STOBBS. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. STOBBS. The gentleman knows very well indeed that under the Doak amendment it simply means cooperation with existing State agencies, and there is no question of creation of Federal bureaus in the different States at all.

Mr. LAGUARDIA. In answer to my questions, Mr. Doak frankly stated that he would go to the States and establish agencies. Only the department is doing that now and the service is admittedly insufficient and ineffective. There are Federal employment agencies now in the States. Mr. Chairman, Mr. Doak frankly and honestly stated that the only difference between the existing system, under existing law, and his proposition was the creation of an assistant Secretary of Labor instead of a director. The existing system apparently is unsatisfactory and inefficient. The Senate bill, I submit, contains the original Hoover plan. It is the plan recommended by the President's conference on unemployment, of which Secretary Hoover was then chairman. Every provision contained in those recommendations is written into the Wagner bill.

The so-called substitute is a makeshift, hurriedly slapped together and means nothing. It has just been submitted to us. Taking the words of the gentleman from Michigan [Mr. MICHENER], "How can the House consider something in a hurry without time to consider it?"

We have had the original proposition, I repeat, at the risk of becoming tiresome, for seven months. We have had the new proposition for four days. This is the first time I have seen anything opposed by something which creates conditions worse than the conditions supposed to be corrected. I can naturally and rightfully draw the inference that the purpose is to becloud this whole question and get no legislation.

Now, gentlemen, the time has about expired. The distinguished gentleman from Pennsylvania will close. I simply want to call attention to the parliamentary situation. As soon as we go under the 5-minute rule after reading the first paragraph, the gentleman from Pennsylvania will offer a substitute for that section, serving notice that if it is adopted he will strike out the balance of the bill.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BANKHEAD. Has the gentleman given any consideration to the parliamentary question as to whether or not the substitute would be in order?

Mr. LAGUARDIA. Oh, there will be a point of order made on that, too. The substitute is not within the contemplation of the rule at all. So, after we pass that step, if the point of order is overruled, the vote will come on the substitute. If you are in favor of the Federal employment service cooperating and coordinating with the State agencies, then vote down the substitute. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRAHAM. Mr. Chairman and members of the committee, of course, in the brief time remaining I can not cover or attempt to cover all the points that have been made pro and con in the discussion of this measure. I can only touch certain salient features and ask your consideration of them as most important in determining this question.

As to the point of order I have no question about it. I am quite sure the committee amendment is in order, and it will be voted upon, and you will express your pleasure whether or not that will be substituted for this bill that is most inartistically drawn, that contains vital objections, and which the proponents refuse to reconsider or receive any suggestions concerning its make-up. If we are honest with ourselves, the question we must determine is, Do we wish to pass any legislation on this subject at this session?

Many Members have been prolific in assertions that they are for the laboring men and they are for the establishment of these offices. Where is your consistency when it is pointed

out to you clearly, as the Secretary of Labor has said, that this bill will not function properly?

Why do you clamor, then, for its adoption, when he gives you one under which the department can work and execute properly? If we are honest with ourselves and want legislation upon this subject, take the substitute and vote down this bill, which has so many defects.

Let me ask your attention to this: What answer has been made by anybody against the feature of this bill, which is one of the most pernicious in it, and that is the dole, as I call it—the delivery of money from the Treasury of the United States to the States and simply creating a system of offices? Once you let that be fastened upon your neck and it will be worse than Sinbad the Sailor and the Old Man of the Sea. You will never dethrone it. It will cling to you, and you will be making these doles every year to the end of time.

I ask you again, where in the substitute bill is there a single word that provides for the invasion of the States' sacred rights? Not one. Everywhere it says that the agent in the Department of Labor shall cooperate with these State agencies, make arrangements with any State, municipality, or other subdivision of power that may be accessible. It means cooperation. It means honest working together, and not a great director general, who, as the gentleman from Michigan [Mr. MICHENER] pointed out, is not only to be the manager of this whole system of employment offices but is to be the director under whom this council is to be placed. What has section 11 to do with the purpose of this bill? Nothing whatever.

Mr. TUCKER. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. TUCKER. I want to call my friend's attention to the last paragraph in that section, where the director general may require the States to have these councils.

Mr. GRAHAM. Certainly; and the bill says in the body of it that he may withdraw his certificate of participation from any State that does not obey the rules, whatever rules he may see fit to adopt. I never heard of a more tyrannical and unjust invasion of the rights of the States than is contained in this bill.

With all these defects you still clamor for its passage. My friends on the other side want this bill passed willy-nilly, whether or no, when the man who is to administer its working, who is to carry it on, who has the intelligence and the ability to do it, and is now doing it in part, tells you this bill is ineffective and useless and that it will not work. He provides you with a substitute for which you can vote. It is a bill that is acceptable to the department and that can be carried out.

Gentlemen, I ask every conscientious man in this House to ponder over these things and to vote in accordance with his best judgment and conviction. I think the substitute ought to be adopted and the Wagner bill sent where it belongs—to the wastebasket. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That in order to promote the establishment and maintenance of a national system of public employment offices there is hereby created in the Department of Labor a bureau to be known as the United States Employment Service, at the head of which shall be a director general. The director general shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of $10,000 per annum. The Employment Service now existing in the Department of Labor is hereby abolished.

With the following committee amendment:

On page 1, line 10, strike out the sign and figures "$10,000" and insert in lieu thereof the sign and figures "$8,500."

The committee amendment was agreed to.

Mr. GRAHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: Strike out all of section 1 and insert in lieu thereof the following:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby created in the Department of Labor a bureau to be known as the United States Employment Service, at the head of which shall be an Assistant Secretary of Labor, whose title shall be Third Assistant Secretary of Labor. He shall be appointed by the President and receive a salary of $9,000 per annum. He shall perform such other duties as shall be prescribed by the Secretary of Labor.

"SEC. 2. The Secretary of Labor is authorized to transfer to the said bureau such officers, clerks, and employees of the existing employment service, Department of Labor, as he shall deem necessary in carrying out the purposes of this act, and he is authorized to appoint and fix the compensation of such other officers, clerks, and employees as may be necessary to carry out the provisions of this act. The compensation of positions within the District of Columbia shall be fixed in accordance with the classification act of 1923, as amended.

"SEC. 3. The function of said bureau shall be to advance opportunities of employment for men, women, and minors, who are legally qualified to engage in gainful occupations, to cooperate with the Veterans' Administration to secure employment for veterans, and to coordinate the public employment offices maintained by the United States, any State, municipality, or other political subdivision by collecting, compiling, furnishing, and publishing information as to opportunities for employment between the several States, and between such States and the District of Columbia.

"The Secretary of Labor is authorized to conclude with any Federal, State, municipal, or other official bureau or agency arrangements under which public employment offices authorized by this act may be maintained in cooperation with any such Federal, State, municipal, or other official bureau, or agency: *Provided*, That in any State where there is a system of public employment offices, operated in whole or in part by the State, any such arrangement for cooperation between the State, or such offices, and the public employment offices authorized by this act, shall be subject to approval by the governor of such State, as well as the Secretary of Labor.

"The bureau shall continuously investigate the changes in industrial conditions resulting in technological unemployment arising from new inventions and discoveries, and shall assist in the discovery of substitute employment, and facilitate the finding of such substitutes, and is authorized to cooperate with manufacturers and other employers to this end.

"SEC. 4. In carrying out the provisions of this act, the Secretary of Labor is authorized to provide for the giving of public notice of strikes and lockouts.

"SEC. 5. This act shall take effect 30 days after its passage, and thereupon the unexpended part of any appropriation for the Employment Service, Department of Labor, shall be available for expenditure in carrying out the provisions of this act. There is authorized to be appropriated the sum of $1,500,000 to be used for the purposes of this act, to be immediately available and to continue available until expended."

During the reading of the amendment the following occurred:

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. Is the gentleman from Pennsylvania offering this as a substitute for the pending bill or offering it as a committee amendment?

Mr. GRAHAM. As a committee amendment. I move to strike out all after the enacting clause and adopt this bill.

Mr. BANKHEAD. The distinguished gentleman from Pennsylvania is not following the usual practice in cases of this sort if he is offering a substitute.

The CHAIRMAN. The Chair will hear the gentleman from Alabama as soon as the amendment is read.

The Clerk concluded the reading of the amendment.

Mr. GRAHAM. Mr. Chairman, I want to give notice that if this motion prevails, it is my purpose to move that each succeeding section be stricken out.

Mr. O'CONNOR of New York. Mr. Chairman, I make a point of order and desire to be heard.

My point of order is based on two grounds. The first ground is that this substitute can not be considered within the rule which was adopted by the House. I believe it is the first time that such an attempt has been made. The rule provided for the consideration of the bill S. 3060. This bill, of course, has not yet been considered; and the offering, immediately after the reading of the first section, of another bill in its entirety is a clear violation of the rule adopted by the House and an evasion of the purpose of that rule.

My second point of order is that the substitute amendment is not germane, and I desire the careful consideration

by the Chair of the so-called Doak amendment or substitute which I contend provides for an entirely different method of meeting this question of unemployment from the so-called Wagner bill.

While the Doak amendment has copied some of the language of the title and of the purpose clause of the Wagner bill, by a little transposition of words the entire system or the approach to this question is different. First, the Wagner bill provides for a director general to take charge of this work. The Doak bill provides for an Assistant Secretary of Labor. The Wagner bill provides for a system which is fundamentally well established, a method of 50-50 division of costs with States. The Doak bill has nothing whatsoever in it in reference to that particular method.

In every section of the Wagner bill there is a different method provided, except in minor instances, from the Doak bill.

The Wagner bill follows the scheme of our other contributions to the States, such as the Federal road act, the Sheppard-Towner Act, and no one can say that the Doak amendment does this. It simply announces a general and indefinite policy of cooperation with the States, while the Wagner bill provides for a system of national employment agencies actually existing in the States.

I therefore submit, Mr. Chairman, that, in the first place, this attempt should not be allowed under our rules, because in the matter of the farm relief bill and the other measures which we have passed here, including the McNary-Haugen bill, when it was proposed to offer a complete substitute, the rule provided that the particular substitute would be in order, and the Rules Committee was very careful to provide that the substitute, which was an entire change of the proposal to be submitted to Congress, should specifically be in order under the rule. This was not done in this case, and even if it were in order, I say it is a violation of the rules of the House to bring it up in this inadvertent way. In the second place, I maintain it is not germane to the bill to which it is offered as a substitute.

Mr. MICHENER. Mr. Chairman——

The CHAIRMAN (Mr. MAPES). Does the gentleman from Michigan desire to support the point of order? The Chair is ready to rule.

The Chair thinks with reference to the first point of order raised by the gentleman from New York that the resolution making it in order to consider the Senate bill, as it says, simply makes in order the consideration of the bill under the general rules of the House, and, of course, the general rules of the House permit the offering of a substitute that is germane after the reading of the first section of the bill. The gentleman from Pennsylvania has followed this course, and the Chair thinks that the gentleman's first point of order is not good.

As to the second point, the Chair feels that the substitute which the gentleman from Pennsylvania has offered—and, of course, in ruling on the point of order the Chair does not consider the merits of the proposed legislation at all—the substitute, it seems to the Chair, is along the same general lines as the bill, but somewhat more restrictive, and, of course, an amendment which is restrictive is always in order.

The Chair overrules the points of order.

Mr. O'CONNOR of Oklahoma. Mr. Chairman and members of the committee, I am glad to have the privilege to address the House and state my views on this important piece of legislation.

It is only fair to assume that our able and honest Judiciary Committee gave this bill full, thorough, careful, and fair consideration before they reported the same to the House last June. The bill, which I assume they so considered and after such consideration reported, they now discover to be full of viciousness and ambiguity.

The learned and distinguished Member from Michigan [Mr. MICHENER] warned the House against becoming hysterical. If there has been any hysterics developed here, I believe it was due to the great shock which the Members felt to find the Judiciary Committee, which is always so stable, sound, and well balanced, exhibiting such extreme fickleness as they have in this bill. They considered it and gave it their blessing, and now they come in here and disown it and ask that an entirely different bill be substituted for it.

Labor, and I for one am not afraid to say organized labor, because all labor, whether it recognizes it or not, is knit together, and one of the tragedies is that all labor so often fails to see that that is the case. Every forward step in legislation, as improvement in standard wages, and working conditions, and effort to meet and solve the problems of the laborer has been due to the efforts and progress of organized labor. They have made mistakes and blunders and have paid for the same in loss of public confidence, but who has not? The whole history of civilization has been one of experiment, often followed by disappointment but often the means of securing valuable and permanent results.

Regardless of whose name appears on a House or Senate bill, we all know that both of these bills were introduced at the request of labor and for the purpose of embodying therein and enacting the result of their interpretation of how best to meet the matter of providing proper and adequate employment agencies.

Labor has been courting Congress for a number of years, trying to secure this legislation; and now, like a young suitor, they thought they had wooed and won the much-sought maiden. The Judiciary Committee gave its consent by reporting out the bill, the Rules Committee brought the bill in under a special rule, the father (the then Secretary of Labor DAVIS) gave his consent, and the wedding was all arranged. But now, a sudden change occurs. A new stepfather (Secretary of Labor Doak) comes on the scene and labor goes to the new stepfather to get his consent, and what does he say? He says to labor, being the prospective bridegroom, "I believe in marriage, I believe you should marry, but I want you to be very happy—you can not have my consent to marry the girl you want, but here is the girl that I want you to marry"; and then he brings out this amended, cross-eyed spinster, who looks both ways at the same time and says, "Take her for better or for worse." [Laughter and applause.]

Now from the practical standpoint the parliamentary result of adopting the so-called Doak amendment will be this. That bill will not pass the other Body this late in the session. It may not even be considered and this Congress will adjourn without any legislation whatever authorizing the set-up of employment agencies.

To me the pathetic thing in it all is this, gentleman, that the most that can be done and is sought to be done by employment agencies is to connect the man with the job that already exists, while the big problem that must be worked out by labor and industry, with whatever assistance the Government may render, is to create an economic condition where there will be jobs with which to connect idle men.

Unemployment is the biggest unsolved problem to-day in a world where there is plenty of everything but jobs. We boast of our machine age and how with the modern labor-saving devices we have taken the burden off the laborers' backs. That is true, and I am glad to see the drudgery of labor lessened, but I do not grasp the advantage of taking the burden off of the laborer's back when in doing it you take the food out of his mouth. This is called the machine age, and economically the machine is taking the place of man, but no sound economic society can exist where the machine is more important than the man. Machines do not eat, sleep, think, live, love, and rear offspring. Men do. I am a disciple of efficiency, but I refuse to be blinded by that gospel. When the world's work is done under the means and methods of so-called efficiency that results in making it a harder world in which to live and raise your children, then it is not efficiency.

The same test is involved, in my judgment, from mergers, more mergers, and merging yet again. They may lead to efficiency and to an economic saving in many indirect ways, but they undoubtedly lead directly to the throwing of many

men out of employment. The acid test of how far mergers may be permitted to go depends on whether or not they cross the line where they no longer promote the public good but are in fact a public calamity. If it goes on unchecked and unrestrained some bright promoter one of these fine days will merge Heaven and Hell and then what will the angels do?

I have been, as is well known to the House, a loyal supporter of the administration and I regret being put in the position of opposing the administration, but where my conscience tells me one thing and my party the other I follow my conscience.

A strange situation is created, indeed, if as soon as there is a change in one of the departments of the Government a committee of Congress abandons proposed and approved legislation and makes an about face and comes out for something other and different.

It may be that the Doak bill is the best bill, but the problem that confronts us is, Are we going to have employment agency legislation and have it at this session? The only time when we get legislation is when the need for it is pressing and it is demanded, like now, by a period of depression. It is probably true that the machinery proposed by either the present bill or the Doak bill would not be set up and functioning in time to meet the present situation, which we hope will soon pass away, but the legislation should be enacted now and the machinery established and functioning so as to meet the necessities of the future when they arise.

If you believe that the Federal Government should do anything at all in the matter of employment agencies, vote down the Doak amendment and pass this bill. Those who are opposed to the Government doing anything should not stall around and kill the chance of having any legislation by adopting the Doak amendment.

We are going to have either a wake or a wedding. I am in favor of a wedding and trust that the Doak amendment will be voted down. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania in the nature of a substitute to the first section.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GRAHAM. Mr. Chairman, I demand a division.

Mr. LaGUARDIA. I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. LaGUARDIA and Mr. DYER.

The committee divided, and the tellers reported that there were 84 ayes and 182 noes.

So the substitute amendment was defeated.

The Clerk read as follows:

SEC. 2. The Secretary of Labor is authorized, in accordance with the civil service laws, to appoint, and, in accordance with the classification act of 1923 as amended, to fix the compensation of a woman assistant director general who, subject to the director general, shall have general supervision of all matters relating to the obtaining of employment for women and, in accordance with the civil service laws, to appoint, and, in accordance with the classification act of 1923, as amended, to fix the compensation of, such other officers, employees, and assistants, and to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary to carry out the provisions of this act.

With the following committee amendment:

On page 2, line 4, after the word "appoint," strike out all down to and including the word "appoint" in line 10.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 3. (a) It shall be the province and duty of the bureau to establish and maintain a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations, and, in the manner hereinafter provided, to assist in establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof. The bureau shall also assist in coordinating the public employment offices throughout the country by furnishing and publishing information as to opportunities for employment, by maintaining a system for clearing labor between the several States, by establishing and maintaining uniform standards, policies, and procedure, and by aiding in the transportation of workers to such places as may be deemed necessary, for the purpose of obtaining employment. It is hereby declared to be the policy of the Congress that the service authorized by this act shall be impartial, neutral in labor disputes, and free from political influence.

Page 3, line 3, after the word "States" strike out the balance of line 3, and lines 4, 5, 6, 7, 8, and 9.

The committee amendment was agreed to.

Mr. HOUSTON of Hawaii. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, after line 17, add a new subsection to be known as subsection (c). "Whenever in this act the word 'State' or 'States' is used it shall be understood to include the Territory of Hawaii."

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. (a) For the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated the sum of $4,000,000 for the fiscal year ending June 30, 1931, and for each fiscal year thereafter up to and including the fiscal year ending June 30, 1934. Seventy-five per cent of the amounts appropriated under this act shall be apportioned by the director general among the several States in the proportion which their population bears to the total population of the States of the United States according to the next preceding United States census, to be available for the purpose of establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof in accordance with the provisions of this act. The balance of the amounts so appropriated shall be available (1) for administrative expenses under subdivision (b) of section 3, and (2) for expenditure as provided in section 10, or, in the discretion of the director general, for the purpose of carrying out the provisions of subdivision (a) of section 3 other than for establishing and maintaining public employment offices. Except as provided in section 10, no payment shall be made in any year out of the amount of such appropriations apportioned to any State until an equal sum has been appropriated for that year by the State, including appropriations made by local subdivisions thereof, for the purpose of maintaining public employment offices as a part of a State-controlled system of public employment offices; except that the amounts so appropriated by the State shall not be less than 25 per cent of the apportionment according to population, made by the director general for such State for the current year, and in no event less than $5,000.

(b) The amounts apportioned to any State for any fiscal year shall be available for payment to and expenditure by such State, for the purposes of this act, until the close of the next succeeding fiscal year; except that amounts apportioned to any State for any fiscal year preceding the fiscal year during which is commenced the first regular session of the legislature of such State held after the enactment of this act, shall remain available for payment to and expenditure by such State until the close of the fiscal year next succeeding that in which such session is commenced. Subject to the foregoing limitations, any amount so apportioned unexpended at the end of the period during which it is available for expenditure under this act shall, within 60 days thereafter, be reapportioned for the current fiscal year, among all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and treasurers of the States in the same manner, as if it were being apportioned under this act for the first time.

With the following committee amendment:

Page 4, line 1, strike out the figures "$4,000,000" and insert "$1,500,000."

Line 2, after the word "and," insert "$4,000,000."

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 10. During the current fiscal year and the two succeeding fiscal years the director general is authorized to expend in any State so much of the sums apportioned to such State according to population, and so much of the unapportioned balance of the appropriation made under the provisions of section 5 as he may deem necessary, as follows:

(a) In States where there is no State system of public employment offices, in establishing and maintaining a system of public employment offices under the control of the director general.

(b) In States where there is a State system of public employment offices, but where the State has not complied with the provisions of section 4, in establishing a cooperative Federal and State system of public employment offices to be maintained by such officer or board and in such manner as may be agreed upon by and between the governor of the State and the director general; except that pending the conclusion of such agreement, but for not more than one year, the director general may establish and maintain in any such State a system of public employment offices under the control of the director general.

With the following committee amendment:

Page 9, line 3, after the word "general," strike out the semicolon and the balance of the line and lines 4, 5, 6, and 7.

The committee amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. LaGUARDIA. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and the bill, as amended, do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. DYER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LaGUARDIA a motion to reconsider the vote whereby the bill was passed was laid on the table.

NATIONAL EMPLOYMENT BILL—EXTENSION OF REMARKS

Mr. CULLEN. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRANFIELD. Mr. Speaker, recently in debate on the floor of the House a Member from Massachusetts remarked with a great deal of satisfaction that the Congress had acted upon the adjusted compensation certificate bill with unusual expedition. Whatever was said with reference to that bill can not be said in behalf of Senate bill 3060, known as the Wagner employment agency bill.

This bill, which provides for a system of employment agencies throughout the United States, the Federal Government cooperating and coordinating with each State in a comprehensive system of employment agencies, for the exchange of information, and for the location of employment, has been before this Congress for the past two years. As you know this is a companion bill filed along with two other bills of which Senator WAGNER, of New York, is the author, both of which have been enacted into law to relieve unemployment.

About eight months ago the Senate of the United States passed this bill. It has been permitted to remain on the calendar of this House for a period of eight months without action. This bill has received the consideration of the best minds of this Nation. Its passage has been approved and urged by economists of high rank and organizations of nearly every description throughout the United States. It was the duty of the administration, in view of the condition of the times, to have given this legislation a place of preference; it should have been given an emergency status at the last session of Congress, so that the benefits to be derived from its passage would accrue to the unemployed throughout this Nation as early as possible. I charge that the leadership of this administration has failed to give this bill and the other Wagner bills the consideration which they merited.

I am convinced that the action of the Secretary of Labor, presenting to this Congress as he did on February 17, 1931, with 13 legislative days remaining, a substitute for this legislation, is an effort to prevent its passage. This substitute is rushed in at the last minute of this session to save the face of the administration and to deprive Senator WAGNER of the credit which he so richly deserved. To the Committee on the Judiciary the Secretary of Labor stated that in consequence of a suggestion from President Hoover, he made a study of this bill. His attempt at this time to substitute his bill for the Wagner bill is an attempt to deprive the distinguished junior Senator from New York of the credit and distinction to which he is entitled as sponsor of this bill. This is not the first time that the administration has assumed this attitude toward the Wagner bills. After emasculating the Wagner bill for the gathering of statistics recently signed by the President, we observe to-day, by reason of the Doak substitute, further evidence on the part of the administration to take the junior Senator from New York out of the picture altogether.

I trust this House will forget politics, forget the fact that Senator WAGNER is a Democrat, and vote down the Doak substitute.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, we have now before us for consideration a Senate bill by Senator WAGNER which has been reported out by the Judiciary Committee and has been on the calendar for some time. This bill seeks to set up an agency by the United States Government, in cooperation with the States of the Union, for the relief of the unemployed.

This bill has had the indorsement of every labor organization, so far as I know, in the United States. The unemployment situation is now deplorable. We have more than 5,000,000 men out of employment and seeking work so they may support their families. There are many places where their services are needed if we could bring the man and position together. That is the purpose of this bill.

I regret very much that at the last moment when this bill is ready for passage that the committee now comes in with a substitute which is not nearly so good a bill as the Wagner bill and seeks to pass that in lieu of the Wagner bill. I am sure that this House will vote down the substitute and will pass the original bill. The substitute goes but very little farther than the existing law that we have now and provides for an Assistant Secretary of Labor at $9,000 per year. The Wagner bill provides for a permanent set-up for the relief of the unemployed, and we hope that its effects will be that we will never have another situation just like we have now.

The Wagner bill carries with it ample funds for the carrying out of the proposed bill. Under the Wagner bill 75 per cent of the money appropriated goes to the States and the States set up their organization and control it under the provisions set out in this bill.

I have had two legislative sessions in the general assembly of my State, and I have a certificate from the representative of labor that in neither of those sessions have I ever cast a ballot against labor, nor have I cast a ballot against labor since I have been in Congress, and I shall not do so.

The wealthy classes are amply able to take care of themselves and do so. If the workingman is not carefully represented by the man who he elects to send to Congress, then his needs are never known to the public.

Every telegram, letter, and resolution of indorsement that I have had from labor since this question has been under consideration has been asking my support of the Wagner bill. This I have promised to do and shall do. The labor organizations through their representatives make a close and careful study of the labor problems, and it is their judgment that the set-up in the Wagner bill may give much relief that is now needed.

I am glad to cast my ballot in the interest of labor and for the Wagner bill, and I shall always be found as long as I am in Congress fighting the battle for the man who goes out and toils to make a living for himself and family.

JOSEPH MARKO (H. DOC. NO. 779)

The SPEAKER laid before the House the following message from the President of the United States, which was read and ordered spread upon the Journal.

To the House of Representatives:

I am returning without approval House bill No. 3368, entitled "An act for the relief of Joseph Marko."

This bill proposes to provide that Joseph Marko, who was honorably discharged as a private, Battery E, Three hundred

and tenth Field Artillery, on the 6th day of December, 1918, on account of being a neutral alien nondeclarant of Russia, shall, upon application within six months after the passage of this act, be entitled to all the rights, privileges, and benefits of the World War adjusted compensation act, notwithstanding his discharge on account of alienage.

From the report of the Secretary of War to the Committee on Military Affairs, House of Representatives, at the time this bill was pending before it, I note that Mr. Marko was honorably discharged from the service on December 6, 1918, pursuant to the telegram dated November 14, 1918, from the War Department directing that "neutral alien nondeclarants will be discharged upon their own request. For the purpose of these instructions Russia will be considered neutral."

I further note that there were thousands of men who were discharged under like conditions, and that there is no special or peculiar merit in Mr. Marko's case which would single him out for relief that is not extended to all others in the same class. As long as Congress deems it wise to exclude from the benefits of the World War adjusted compensation act all persons who, at any time during the war period or thereafter, were discharged from the military or naval forces on account of alienage, I do not feel that it would be just or proper for me to approve a bill selecting a particular individual for exception from that general provision.

HERBERT HOOVER.

THE WHITE HOUSE, *February 23, 1931.*

Mr. JAMES of Michigan. Mr. Speaker, I move that the message and the bill be referred to the Committee on Military Affairs and ordered printed.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the message and the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

HOSPITALIZATION OF CERTAIN FORCES (H. DOC. NO. 778)

The SPEAKER also laid before the House the following message from the President of the United States, which was read and ordered spread upon the Journal.

To the House of Representatives:

I am returning without approval House bill 6997, entitled "An act to confer to certain persons who served in the Quartermaster Corps or under the jurisdiction of the quartermaster general during the war with Spain, the Philippine insurrection, or the China relief expedition the benefits of hospitalization and the privileges of the soldiers' homes."

This bill proposes to open the doors of the hospitals and homes under the jurisdiction of the Veterans' Administration, which have been constructed from funds authorized by the Congress for the care and treatment of disabled exmembers of the military and naval forces of the United States, to a group of civilians employed by the Quartermaster Corps during the war with Spain, the Philippine insurrection, and the China relief expedition. It is thus a departure from the policy of the Government with respect to the extension of such privileges.

It would commit the Government to a policy which, if once embarked upon, could not justifiably be restricted to this selected group of civilians who served during the three periods of hostility mentioned. In every war, the Government is obliged to avail itself of the assistance of many who are not a part of the enlisted, enrolled, or commissioned personnel of the Army and Navy, but who perform their duties under contracts providing, we must assume, for their proper compensation, inasmuch as they are entirely voluntary and terminable at the will of the employee. Their services under such contracts, no matter how effective or valiant, have never been regarded as giving them the same claim upon the bounty of the Government as those who entered the military or naval service and were subject to military law and to the rigors and hazards of war, until the restoration of peace or disability or death released them. The Committee on Pensions, House of Representatives, was probably impressed by this thought when they amended the bill originally to eliminate the provision for a pension for this group.

I do not think we may lose sight of the fact that during the World War there were thousands of civilians engaged in occupations necessary to the carrying on of the combat forces who might argue as consistently as this group that they are entitled to consideration and hospitalization at the hands of the Federal Government. We quickly recall the arduous service performed by the many civilians who served with the troops overseas during the World War, to say nothing of those who served in cantonments and ports of embarkation and debarkation in the United States. Some were in the employ of the Government and others were not but they worked in a common cause and it would be hard to draw the line between them.

I am advised by the Administrator of Veterans' Affairs that it has not been possible to estimate the number who would become eligible for admission to hospitals and homes should this bill be approved but that the Secretary of the Interior has furnished figures indicating that there were approximately 14,000 who had such service as would bring them within the provisions of this bill, approximately 7,000 of whom are now living.

From the legislative history, I note that no consideration was given to this bill by the Committee on World War Veterans' Legislation, House of Representatives; the Committee on Finance of the Senate; or the Committee on Military Affairs of either House. These committees, under the rules, handle all legislation providing for the construction of additional hospital and domiciliary facilities for beneficiaries under the laws administered by the Veterans' Administration. They now have before them for action several bills which propose to authorize millions of dollars for additional construction for ex-service men who are already within the purview of the provisions of law relating to hospital and domiciliary care, but for whom facilities are not available. I am informed that there are now on the waiting list 2,440 veterans who are in immediate need of hospitalization and 7,417 who are in need of treatment but whose necessities may be characterized as less urgent. Certainly this bill should not be approved before the number of persons who might be eligible under it has been considered in relation to the present hospital-construction program.

For these reasons I do not feel that I can approve this legislation.

HERBERT HOOVER.

THE WHITE HOUSE, *February 23, 1931.*

Mr. KOPP. Mr. Speaker, I move that the message and the bill be referred to the Committee on Pensions and ordered printed.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry. Would it be in order to offer an amendment to the gentleman's motion to refer it to the Committee on World War Veterans' Affairs? It seems to me that that ought to go to that committee.

Mr. SNELL. Which committee had the legislation?

Mr. KOPP. The Committee on Pensions.

Mr. SNELL. It should go to the committee that passed the original bill.

The SPEAKER. The Chair thinks that the bill should go to the committee having original jurisdiction.

Mr. RANKIN. Very well.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

To Mr. ROMJUE, for to-day, on account of illness.

To Mr. WURZBACH, for the remainder of the session, on account of serious illness in his family.

POLICIES OF THE DEMOCRATIC PARTY

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein the statement issued yesterday by the gentleman from Tennessee [Mr. HULL].

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, under the permission granted me on yesterday to extend my remarks in the RECORD, I insert below a statement issued by the distinguished gentleman from Tennessee, Hon. CORDELL HULL, Senator elect from that State.

I wish every American, and especially every Democrat, could read this lucid discussion of one of the most vital and fundamental policies of the Democratic Party. It is one of the most forceful statements of its length that I have ever read. It sounds a warning which the American people in general, and the Democratic Party in particular, will do well to heed in this critical hour of distress and depression, which the violations of the policies he advocates have helped to produce.

The statement reads as follows:

For some days it has been persistently reported that a part of the program of the coming meeting of the Democratic National Committee is as diplomatically but as definitely as possible to commit the Democratic Party to high tariffs.

The Democratic and Republican Parties must not be merged on economic policies, including high tariffs, under the false but attractive plea "to take the tariff out of politics." It is contrary to human nature for Presidents or Congresses or Tariff Commissions belonging to the school of high-tariff philosophy "to take the tariff out of politics" to any greater extent than to stabilize it in the same range or neighborhood of the high level favored by the chief beneficiaries. Such fatuous course, instead of securing the results claimed for it, would simply require the Democratic Party to surrender and abandon its most cherished economic doctrines and policies—those which heretofore have fundamentally differentiated it from the Republican Party. There is only one way "to take the tariff out of politics," and that is to permit no political party in close partnership with the chief tariff beneficiaries to control and administer the affairs of government.

The past eight years under American leadership have witnessed the development of unprecedentedly high tariffs in most all countries, and have culminated in more unemployment and idleness, more human distress and privation, more bankruptcies, and more utter dislocation and maladjustment of production, credit, and distribution throughout the nations of the world than was ever before known. Colossal failure and incapacity on the part of our dominant political and business leadership either to avoid the chief injuries of the existing panic or to promulgate basic economic policies for its cure must now be patent to everyone.

In the face of this unspeakable situation, it would be shocking and amazing if the great historic Democratic Party should complacently turn away from its manifest and imperative duty to place first on its program the task of grappling with and solving the huge and pressing economic problems confronting this and other countries. The American people are thus entitled to new leadership with such vision and constructive capacity as will avoid the most destructive nation-wide panics every six years, with the indescribable distress, suffering, and losses inevitably resulting. Practically to merge the two old parties on tariffs and general economics and call it "taking the tariff out of politics" at the very time business prostration everywhere is calling for relief would, in my humble judgment, constitute the supreme political blunder and tragedy of this generation.

SPEAKER PRO TEMPORE FOR EVENING SESSION

The SPEAKER. The Chair designates the gentleman from New York [Mr. SNELL] to preside at the session of the House this evening.

WIDOWS AND ORPHANS OF WORLD WAR VETERANS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CONNERY. Mr. Speaker, I would not take up any time now except that I have a letter which I can not get before the House in any other way. A bill will soon be reported from the Committee on World War Veterans' Legislation, known as the widows' and orphans' bill, which I understand the Speaker will recognize under suspension of the rules. This letter is on that matter, and I received it from a woman in a hospital in Baltimore. I think the letter will be of interest to every Member of the House. It is as follows:

BALTIMORE, MD., *February 20, 1931.*

Representative CONNERY, of Massachusetts,
House of Representatives, Washington, D. C.

HON. MR. CONNERY: I have just read in the Baltimore Sun where the Veterans' Affairs Committee to-day approved a bill to provide pensions for dependents of World War veterans regardless of whether there was any service connection with the cause of death.

You should be congratulated on this wonderful piece of legislation which I know will be deeply appreciated by many poor widows who have children to support. It should have been accomplished long ago as there are so few veterans who die from their service-connected disability, therefore the widows of all the others are just plain "out of luck," so to speak.

As the law now stands the blind veterans' widows, especially, have not much chance of ever getting a pension as a blind man seldom dies from his blindness.

I am a blind veterans' widow for two years now. My husband was a double total case, yet because he did not die from his service-connected disability I receive not a cent after serving him eight years through his misery.

Don't misunderstand me; I don't expect any credit or glory for serving him. I did it because I loved him and because he was a good man and had served honorably in all the major battles in France; but in nursing him my own health broke down. The year before he died I had two very serious operations and am a nervous wreck from the strain of caring for him who had become a mental case.

I tell you all this because I notice your bill would exclude widows without children. I have no children, therefore would again be excluded from any benefits. Now, I am very sick again. I am writing you this from my sick bed in the hospital where I am hardly able to sit up and write. My doctor says it will be months before I am well enough to go to work and earn my own living, and I have no parents to help me, which makes the road tougher to travel. Fortunately, I still have enough money left from my husband's bonus to pay my hospital expenses if I don't have to stay any longer than two weeks. After that I don't know what I shall do. I have been sick so long it has taken all the money I had saved for doctors' bills and living expenses.

Now, my dear Mr. CONNERY, couldn't you possibly take my particular case and include it in your bill so that I, too, will get a pension? That would be a little help to me in this serious time of need. You have no idea how this would be appreciated.

I have heard of your good deeds and kindness toward the veterans and feel sure that you can accomplish this if you will. You may read my letter on the floor, if you wish, to your brother Representatives, and I hope they will feel how very much I am in need of some assistance and consideration, even if I haven't any children. I hope and pray you can do something for me. I feel sure you can, if you will.

Please let me hear from you at your earliest convenience.

Anxiously awaiting your reply, I am,

Respectfully yours,

MRS. FRIEDA HILLMAN,
Franklin Square Hospital, Baltimore, Md.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee has examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 9702. An act authorizing the payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, in connection with the rescue of the survivors of the U. S. S. *Cherokee*;

H. R. 12571. An act to provide for the transportation of school children in the District of Columbia at a reduced fare;

H. R. 15876. An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes; and

H. J. Res. 416. Joint resolution to increase the amount authorized to be appropriated for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 5114. An act to legalize bridges across Staunton River at Brookneal, route No. 18, Campbell County, and at Clover, Halifax County, route No. 12, State of Virginia;

S. 5255. An act to extend the time for the construction of a bridge across the Chesapeake Bay;

S. 5392. An act to legalize a bridge across the Pigeon River at or near Mineral Center, Minn.;

S. 5959. An act authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever;

S. 5962. An act to authorize the Secretary of Commerce to continue the system of pay and allowances, etc., for officers and men on vessels of the Department of Commerce in operation as of July 1, 1929;

S. 6041. An act to authorize an appropriation of funds in the Treasury to the credit of the District of Columbia for the use of the District of Columbia Commission for the George Washington Bicentennial; and

S. J. Res. 49. Joint resolution to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama; to authorize the letting of the Muscle Shoals properties under certain conditions; and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 506. An act for the relief of Patrick P. Riley;

H. R. 16415. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 16738. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House now stand in recess until 8 o'clock this evening.

The motion was agreed to; and accordingly (at 5 o'clock and 59 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SNELL) at 8 o'clock p. m.

THOMAS J. ALLEN, JR.

The SPEAKER pro tempore. Under the special order of the House, bills on the Private Calendar unobjected to will be considered, beginning with No. 783, which the Clerk will report.

The Clerk called the first bill on the Private Calendar, H. R. 8183, for the relief of Thomas J. Allen, jr.

Mr. STAFFORD. I object.

CHICAGO

Mr. DE PRIEST. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, that will only delay the consideration of bills that much longer. I am anxious to get as many bills considered tonight and the following night as possible.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DE PRIEST. Mr. Speaker and my colleagues of the House, I rise for the purpose of trying to correct a few wrong impressions that have gone out through the country about the city of Chicago.

I am from the great city of Chicago, where there is a population of about three and one-half millions, and in the metropolitan area about 5,000,000 people.

The impression has gone out recently that Chicago is a crime city. We are celebrating in 1933 a century of progress. We expect people from the United States and from all over the world to visit us. I wish to call attention to some of the things that Chicago is trying to do so that you will readily understand that we are a great city of progress.

Chicago in the last century has grown to be the second largest city in America. We have more acreage of park space and more miles of boulevard than any other city in the world. We have the greatest packing industry in the world, producing more food than any other one locality.

I want the people of America to understand that Chicago is not a crime city. There are several cities in the United States that have a greater percentage of crime than Chicago. According to statistics, Washington, D. C., has more crime per capita than Chicago. We do not want this reputation which Chicago is getting through the newspapers of Chicago which are fighting political battles to go among the rest of the people of the country creating a wrong impression and thereby helping to destroy the great exposition that we propose to hold two years from now.

I am going to ask you to look up the crime statistics, and you will see that Chicago is sixty-eighth on the list, and you will find that Washington, D. C., is about thirtieth on the list of cities of over 100,000 population. I hope you will not be impressed about the crime situation by reading the Chicago newspapers. Back of all that you will find factional political fights. They are fighting for control of the political parties of the city.

SIXTY-SEVEN CITIES TOP CHICAGO IN CRIME RANK

Sixty-seven cities of the United States with a population of over 100,000 have more crime than Chicago.

The foregoing is revealed from an exhaustive tabulation of "known offenses" prepared by Frederick Rex, head of the municipal reference library. The table is based on figures compiled by the bureau of investigation of the United States Department of Justice and published on pages 6 and 7 of the Federal pamphlet entitled "Uniform Crime Reports," dated September, 1930. The figures cover the 9-month period ended September 30, 1930.

The Rex table shows that of the 81 cities listed there are only 13 cities which have a lower ratio of known crimes and offenses for each 10,000 of their population than has the city of Chicago, namely, Rochester, N. Y.; Richmond, Va.; Philadelphia, Pa.; Paterson, N. J.; Lynn, Mass.; St. Paul, Minn.; Fall River, Mass.; Lowell, Mass.; New Bedford, Mass.; Evansville, Ind.; Peoria, Ill.; Jersey City, N. J.; and Tampa, Fla.

The number of known offenses included in this compilation are: (1) Murder and nonnegligent manslaughter, (2) manslaughter by negligence, (3) statutory, (4) robbery, (5) assault, (6) burglary, (7) larceny, and (8) auto theft.

The Federal pamphlet referred to does not give the number of offenses reported in Chicago for aggravated assault, statutory, and larceny for the 9-month period ending September 30, 1930. The totals for the three last-named offenses for the first nine months of 1930 have since been supplied by the Chicago police department and are included in the total of Chicago "known offenses." The Rex table follows:

Number of known offenses in 67 cities with a population over 100,000 [1]

Rank	City [2]	Population, census of 1930	Known offenses	
			Number [3]	Ratio for each 10,000 population
1	Toledo, Ohio	290,803	6,847	236.1
2	Norfolk, Va.	128,908	2,985	233.3
3	Indianapolis, Ind.	364,073	8,225	225.9
4	Spokane, Wash.	116,010	2,587	223.0
5	Seattle, Wash.	365,518	8,000	221.6
6	San Antonio, Tex.	254,502	5,508	216.8
7	El Paso, Tex.	101,975	2,028	200.7
8	Miami, Fla.	110,514	2,166	196.9
9	Columbus, Ohio	290,056	5,695	196.1
10	Gary, Ind.	100,749	1,883	186.4
11	Fort Worth, Tex.	160,802	2,919	182.4
12	Tacoma, Wash.	106,885	1,904	179.5
13	Wichita, Kans.	111,039	1,992	179.4
14	Salt Lake City, Utah	140,184	2,492	178.0
15	St. Louis, Mo.	822,032	14,082	171.3
16	Omaha, Nebr.	214,175	3,560	166.3
17	Los Angles, Calif.	1,233,501	20,448	165.8
18	Canton, Ohio	105,524	1,729	164.6
19	Oklahoma City, Okla.	185,383	3,003	162.3
20	Kansas City, Mo.	399,494	6,445	161.5
21	Youngstown, Ohio	170,004	2,715	159.7
22	Des Moines, Iowa	142,469	2,268	159.4
23	Flint, Mich.	156,492	2,429	155.7
24	Cleveland, Ohio	900,430	13,714	152.3
25	Oakland, Calif.	284,213	4,258	149.9

[1] Based upon monthly reports made by cities of over 100,000 population to the bureau of investigation of the United States Department of Justice, and published in No. 2, vol. 1, of Uniform Crime Reports for September, 1930, pp. 6-7.

[2] No reports received from New York City and Pittsburgh, Pa. Mr. H. V. Nearey, secretary to the police commissioner of the city of New York, in a letter dated December 31, 1930, replied as follows: "The police commissioner directs me to inform you that it would be impossible to furnish you with the statistics you request at this time. However, the same will be contained in our annual report for the year 1930, which will be printed and ready for distribution about Mar. 1 next."

[3] Offenses included are: (1) Murder and nonnegligent manslaughter, (2) manslaughter by negligence, (3) statutory cases, (4) robbery, (5) aggravated assault, (6) burglary, (7) larceny, (8) auto theft.

Number of known offenses in 67 cities with a population over 100,000—Continued

Rank	City	Population, census of 1930	Known offenses	
			Number	Ratio for each 10,000 population
26	Cincinnati, Ohio	49,331	6,681	148.7
27	Denver, Colo.	287,644	4,250	148.0
28	San Francisco [1]	637,212	9,208	144.5
29	San Diego, Calif.	147,897	2,105	143.1
30	Washington, D. C.	486,869	6,008	142.1
31	Hartford, Conn.	163,818	2,316	142.0
32	Birmingham, Ala.	257,657	3,852	139.3
33	Newark, N. J. [1]	442,842	6,146	139.0
34	Worcester, Mass.	196,837	2,693	137.3
35	Jacksonville, Fla.	129,809	1,772	137.3
36	Dayton, Ohio	200,225	2,741	137.0
37	Kansas City, Kans.	122,327	1,657	135.8
38	Louisville, Ky. [1]	307,808	4,073	132.6
39	Akron, Ohio	253,633	3,350	132.4
40	Portland, Oreg. [1]	301,860	3,954	131.3
41	Long Beach, Calif.	141,528	1,831	129.8
42	Knoxville, Tenn.	105,797	1,302	124.0
43	Detroit, Mich.	1,573,985	19,154	121.7
44	South Bend, Ind.	104,066	1,254	120.5
45	Elizabeth, N. J.	114,557	1,294	113.5
46	Somerville, Mass.	103,604	1,126	106.3
47	Milwaukee, Wis.	572,557	6,007	105.0
48	Boston, Mass.	787,271	7,804	100.3
49	Chattanooga, Tenn.	119,539	1,178	98.9
50	Waterbury, Conn.	101,025	995	98.5
51	Providence, R. I.	252,386	2,477	98.2
52	Bridgeport, Conn.	147,206	1,433	97.4
53	Dallas, Tex.	260,397	2,523	97.0
54	Nashville, Tenn.	153,153	1,407	91.9
55	Grand Rapids, Mich.	168,650	1,545	91.6
56	Erie, Pa.	115,922	1,053	91.5
57	Houston, Tex. [1]	289,579	2,622	90.7
58	Wilmington, Del.	106,632	943	88.9
59	Baltimore, Md.	805,753	6,921	85.9
60	Utica, N. Y.	102,683	861	84.4
61	Albany, N. Y.	127,358	1,009	79.4
62	Scranton, Pa.	143,428	1,120	78.3
63	Minneapolis, Minn.	464,753	3,584	77.2
64	Springfield, Mass.	149,861	1,145	76.8
65	New Orleans, La.	455,792	3,139	68.9
66	Trenton, N. J.	122,610	814	66.7
67	Buffalo, N. Y.	573,070	3,738	65.2
68	Chicago, Ill. [1]	3,376,438	21,633	64.1
69	Rochester, N. Y.	325,019	2,026	62.3
70	Richmond, Va.	182,883	986	54.1
71	Philadelphia, Pa.	1,964,430	10,027	51.0
72	Paterson, N. J.	138,267	674	48.8
73	Lynn, Mass. [1]	102,327	478	46.8
74	St. Paul, Minn.	271,418	1,266	46.7
75	Fall River, Mass.	115,301	498	43.3
76	Lowell, Mass.	100,300	346	34.6
77	New Bedford, Mass. [1]	112,836	337	30.0
78	Evansville, Ind. [1]	103,151	280	27.1
79	Peoria, Ill. [1]	104,788	266	25.5
80	Jersey City, N. J.	315,642	778	24.6
81	Tampa, Fla. [1]	101,334	134	13.2

[1] Incomplete for second quarter of 1930.
[2] Incomplete for first quarter of 1930.
[3] Incomplete for first and second quarters of 1930.
[4] No. 2 of vol. 1 of Uniform Crime Reports, upon which this tabulation is based, cited above under note (1), does not give the number of offenses reported in Chicago for aggravated assault, statutory cases, and larceny for the 9-month period ending Sept. 30, 1930. The totals for the three last-named offenses for the first 9 months of 1930 have since been supplied by the Chicago police department and are included in the total number of offenses for Chicago shown in the above table.
[5] Incomplete for 7-month period ending July 31, 1930.
[6] Incomplete for 8-month period ending Aug. 31, 1930.

SOPHIA A. BEERS

The Clerk called the next bill on the Private Calendar, H. R. 9390, for the relief of Sophia A. Beers.

Mr. STAFFORD. I object, Mr. Speaker.

Mr. KORELL. Will the gentleman reserve his objection and state the point of his objection?

Mr. STAFFORD. I will reserve it. As I read the report, and it is only upon the report that I base my objection, this claimant's husband left some machines that had been ordered by an underofficial of the navy yard who had no authority to order them. After they had been ordered and put in use for a little while he was directed to take them away. He did not take them away, but left them there. Now he wishes to have payment for the full purchase price. Am I in error in the statement of my position?

Mr. KORELL. I think the gentleman is in error with respect to his position. This bill has been advocated by the Navy Department as the settlement of a much larger claim, a claim aggregating something like $20,000.

If the gentleman will permit, I have a letter from the Assistant Secretary of the Navy, from which I would like to read two or three excerpts. I think that they will clear up the matter in the mind of the gentleman from Wisconsin. I think that the excerpts will clear up any doubt the gentleman may have with respect to the merits of this bill.

This letter reads, in part, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington.

The Hon. FRANKLIN F. KORELL,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN KORELL: In reply to your letter of December 17, 1929, relative to the claim of William H. Beers for compensation for pipe-bending machines delivered in 1919 to the navy yard, Puget Sound, I have the honor to inform you as follows:

Early in 1919 Mr. Beers offered to place in the pipe shop of the navy yard, Puget Sound, one each of the two sizes of the Victory pipe-bending machine for trial, without expense or obligation on the part of the Government. The shop superintendent at the navy yard accepted the offer and two machines, a No. 1 and a No. 2 type, were installed in April, 1919.

The two machines proved satisfactory on trial, and by an arrangement made between the shop superintendent and Mr. Beers two more machines of each size were installed in June, 1919, upon the same conditions as the original installation.

This whole procedure, carried out without the knowledge of the administrative officers of the navy yard, was entirely irregular, due, apparently, to the lack of experience of both parties.

In February, 1920, Mr. Beers requested payment for the six machines. The shop superintendent who had acted in the matter originally had been detached and retired from the service. Owing to the fact that no proper record had been made of the transaction, the chief production officer, to whom the request for payment had been referred, found difficulty in establishing the facts in the case. Pending investigation of the matter, Mr. Beers, at the request of the chief production officer, on February 10, 1920, removed the machines. The six machines were placed in storage in Bremerton, Wash., and on November 3, 1923, sold to cover unpaid storage charges.

Under date of July 10, 1922, Mr. Beers offered to sell the six machines to the Government at the following prices: Three No. 1 machines at $750 each, three No. 2 machines at $1,250 each, less a discount of 15 per cent, or a total net price for the six machines of $5,100.

When the matter had been thoroughly investigated the yard reported that the machines had given excellent service, were of an advanced design, and had been used on the yard work for nearly a year. Accordingly on October 6, 1922, the yard submitted a proprietary requisition for the purchase of the six machines at the net price of $5,100 offered by Mr. Beers. The purchase, however, was not one that could be classified as proprietary, and in the absence of such a classification the statute required that purchases be made only after advertising and competitive bidding. For this reason the requisition was not submitted to the Secretary of the Navy for signature.

Owing to the informality of the transaction by which the machines were placed in the possession of the yard authorities, the Navy Department has been unable up to this time to allow any part of the claim by administrative action.

I am of the opinion that the heirs of William H. Beers are entitled to some relief, and that if a bill for that purpose is to be introduced an equitable basis for such relief would be the payment by the Government of the sum of $5,100, the net price at which the six machines were offered by Mr. Beers to the Navy Department in July, 1922.

With reference to item of the within claim for compensation for one 3-4 model pipe-bending machine, at $7,500, there is no record of a machine of this type having been delivered or installed in the navy yard. The Navy Department, therefore, recommends that no allowance for this item be made.

The Navy Department is further of the opinion that no allowance should be made for interest and storage charges, as there was no legal obligation on the part of the Government to purchase the machines.

In accordance with your request the correspondence submitted with your letter of December 17, 1929, is returned.

Sincerely yours,

ERNEST LEE JAHNCKE,
Acting Secretary of the Navy.

Mr. TARVER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Regular order is demanded.

Mr. STAFFORD. I am obliged to object, Mr. Speaker.

BARNET ALBERT

The Clerk called the next bill on the Private Calendar, H. R. 10631, for the relief of Barnet Albert.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Barnet Albert, out of any money in the Treasury not otherwise appropriated, the sum of $50 in full settlement of all claims against the Government on account of rental of property at Beverly Farms, Mass., for postoffice purposes for the period of May 1 to May 15, 1925, inclusive.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MANNER OF CONSIDERING THE PRIVATE CALENDAR

Mr. HOOPER. Mr. Speaker, I had intended to favor the House to-night with one of my addresses on the Private Calendar, but to save time I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOOPER. Mr. Speaker, for more than two years past I have been from time to time calling to the attention of the House the injustice of our present system of handling private bills. Without fault on the part of the leadership, and with no responsibility which can be charged to party, this system has become outworn and to-day is a reproach to the dignity of the House and to popular government in America. It is a blemish which should be removed before it leads to greater reproach and scandal.

It is easy to understand that in the past this method of handling private bills was an improvement over the system under which the Speaker alone had the right to recognize Members for the purpose of having such bills passed. At that time one man, clothed for the purpose with arbitrary power, was able to say just what bills might be passed and what ones might not. To-day any Member has the right to be recognized at proper time for the consideration of his private bill; but have we progressed far from the arbitrary power which once clothed the Speaker when one man, one four hundred and thirty-fifth part of the membership of the House, can veto for a full session and for many sessions the carefully wrought result of the labors of an impartial subcommittee and committee?

This is the story of a private bill in hundreds of cases. Somewhere in the vast complexity of modern life, one of our 120,000,000 citizens comes into conflict with the Government of the United States. Perhaps he has been run down by a carelessly driven mail truck; perhaps a false charge of desertion has lain against him on the military or naval records; perhaps his property was wrongfully taken from him; the instances are legion and constantly growing in number and variety. He exhausts, perhaps, his remedy in the courts, or, as is usually the case, he has no strictly legal remedy at all, for the Government is not liable generally for its torts. Finally, his Representative enters a bill in his behalf and it is placed on a long waiting list, with hundreds of bills ahead of it. At last the day comes when having been referred to a subcommittee witnesses appear and give evidence for and against the claimant. A departmental witness for the Government is near at hand and nearly always appears; frequently the distance and the small size of the claim forbid that the claimant go to the expense of appearing in person.

At this point let me say that it has been my experience, at least, that the scrutiny given all claims is of the closest and most searching character. Many of these hearings last over days and sometimes weeks. They are debated with all of the zeal and vigor which marks debates on the floor of the House itself. Opinion is sharply divided, and sometimes acrimonious; but out of this discussion comes the report of the subcommittee for or against the bill. The committee of the House then debates it in similar manner, although necessarily for a shorter time. At last it is placed on the calendar, and in the course of time is called by the Clerk at the behest of the Speaker.

The bill at this point has run the gantlet twice, once of a subcommittee of perhaps 5 and once of a committee of perhaps 21 members.

The bill is called, a Member arises—a Member who, like the rest of us, answers thousands of letters, reads thousands of pages of printed matter, attends to departmental calls, and otherwise discharges his duties, "even as you and I"—and says, "I object." Gone is the work of subcommittee and committee; wasted the laborious hours spent by them in hearing witnesses and in discussion of their evidence. The bill is dead, and another weary year of waiting comes to the claimant.

A minority of one under this system becomes a majority. It is as though the opinion of one Justice of the Supreme Court in a given case should be considered as the majority opinion and should be decisive of the case. It is perhaps as arbitrary a power as could be given to a human being from the legislative standpoint. It enables him to say, when the House has agreed to work on the Private Calendar till 11 o'clock at night, that the House shall adjourn at 10.30, for if the House refuses to adjourn he can prevent the passage of any bill by his ukase, "I object." This power may be the means of bringing untold happiness to its possessor, but it is the source of untold chagrin to scores of other Members and of misery and despair to untold numbers of claimants.

No one claims that committees are infallible. All of us have seen instances where the judgment of a committee has been rejected by the vote of the House. But the House ordinarily gives full faith and credit to the work and to the superior knowledge of a committee of the House on a given subject. But when the House is considering bills on the Private Calendar the hard work of the committee reporting the bill has but little weight.

If reasons for objection are given, some of them are amazing. I have many times heard objectors say, "The amount of the appropriation is too large to be considered on the Private Calendar. I am constrained to object for that reason." This might be an excellent reason if there existed any other way to handle the matter; but how many Members here can remember the last time a rule was granted for the consideration of a private bill? Who can remember when the Speaker has recognized a Member to move a suspension for such a bill?

I have sometimes wondered if Members who object to bills on the Private Calendar because of their size have a certain secret satisfaction in sitting down at the close of a session and balancing their books, so to speak. Do they add up in one column the amounts carried in the bills to which they have not objected, and in another the amounts of the bills of which they have disapproved? Do they tell their constituents in their campaigns, "I personally have saved the people so many millions, or billions"? If they do, do their constituents believe it? Do they ever tell their constituents of the delay they cause to claimants for months and years? Do they tell them of the maimed children, the impoverished men and women, who do not understand the reason for their delay in securing justice? Do they tell them of the long hours spent by committees in grinding, thankless labor? Is it possible that in at least half of these cases the objector is wrong and the committee right?

I do not wish to speak too harshly of the work of the objector. I give him credit for wanting to stop bad legislation. But it is impossible for a man performing the multitude of duties which fall to the lot of a Member of this body to inform himself on all phases of public and private legislation.

It is easier to state these abuses than to devise a remedy. The question of submitting these claims to a small claims court has been earnestly and ably discussed. The gentleman from Massachusetts [Mr. DALLINGER] has suggested the rapid calling of all cases on the calendar and having Members who desire any bill passed over to do so in a word, "pass" or "over"; and then to have all other bills considered as ready for calling and passage. It has been suggested that there be five or six objections required to bills both on the Private and Consent Calendars.

Whatever is done will, of course, involve a somewhat radical change in the rules. But the time has come for such a change. The present rule has outlived its usefulness. It has become an engine of oppression. It subverts faith in the honesty and integrity of the Government. It gives arbitrary power to the smallest possible fraction of the membership of the House. This system need not be wholly destroyed but it must be radically changed.

Already there is a rising tide of resentment against the abuses of this system. Members on both sides are protesting more and more against its inequity and absurdity. No one would consider the election of an official censor of private bills, however able. No one would think of returning to the Speaker the full right of recognition in these matters, for they would say, and properly—and so would the present Speaker—that no such power should be given one man. But one man still has it. He should be deprived of this power. Republican government will be the better for his deposition from a power that no one individual should possess.

LOWELA HANLIN

The Clerk called the next bill on the Private Calendar, H. R. 10798, for the relief of Lowela Hanlin.

Mr. BLANTON. Reserving the right to object, may I ask the gentleman who is the chairman of the committee whether or not if this bill is passed he will be one of the conferees, and in case there is an attempt on the part of the Senate to allow the amount for which this bill was originally introduced, namely, $50,000, he would permit the Senate to so change this bill?

Mr. HUDDLESTON. May I say to the gentleman from Texas that it is my purpose to ask that the Senate bill be substituted for the House bill and considered in lieu of it?

Mr. BLANTON. If that is the case I shall not object, as the Senate bill carries only $10,000. The gentleman from Alabama knows how easy it is in the dying hours of Congress for a bill to go to the Senate in conference, and when it carries $50,000, as this bill does, and is amended properly to allow only $10,000, such as has been done respecting this bill, that the original sum is put in; then it comes back to the House and in a helterskelter fashion and in the twinkling of an eye it goes through without any chance to stop it. We want to hold this bill to $10,000, and not permit another body to raise it back to the $50,000 originally claimed.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, may I inquire of the gentleman from Alabama, the author of the bill, as to the amount of damages he expects this young lady to recover?

Mr. HUDDLESTON. May I say that it is my purpose, if consent is given, to ask that the Senate bill be considered in lieu of the House bill. The Senate bill carries $10,000 and that is the amount I expect to ask for.

Mr. STAFFORD. With that understanding, Mr. Speaker, I have no objection to the consideration of the bill.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, does the Senate bill contain the usual attorneys' fees limitation?

Mr. HUDDLESTON. It does; although I may say to the gentleman from Wisconsin that in this case there is no attorney and there will be no attorney.

Mr. SCHAFER of Wisconsin. I understand that; but I also understand that many of the Members expect there will be no attorney's fee, and then when a bill is passed they find that there are attorneys who put in a claim for fees. I just wanted to make sure that there would be no unreasonable attorney's fees in this meritorious case.

Mr. HUDDLESTON. My correspondence has been with this lady, and if I felt there was an attorney in the matter I should certainly insist that there be no fee paid, because I have done everything.

Mr. BLANTON. Mr. Speaker, further reserving the right to object, I want to state that this should not be considered as a precedent for passing bills of $10,000 for parties who have been injured, because that is far beyond the amount that we usually allow, even in death cases. But in this case the facts are even worse than death, because this young lady was a music teacher, compelled to use her hands and her fingers in her avocation; some of her fingers are gone and her wrist is stiff from this accident so she is not able to perform any of her usual duties. So it is really worse than death for a woman in her situation, but I hope this will not be setting a precedent for other cases.

Mr. IRWIN. As the gentleman from Alabama knows the House bill carries $150 a month. As I understand, the gentleman says there will be no attorney's fees in this case.

Mr. HUDDLESTON. There will be no attorney's fees. May I say to the gentleman from Illinois that the Senate bill, which I propose to ask be considered in lieu of the House bill, gives the level amount of $10,000?

Mr. BLANTON. In full settlement?

Mr. HUDDLESTON. In full settlement.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to substitute Senate bill 4598 for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Lowela Hanlin, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 in full settlement of all claims against the Government for personal injuries sustained on October 4, 1929, when she was knocked down and run over by a post-office truck in Birmingham, Ala.: *Provided*, That no part of the amount appropriated in this act in excess of $200 shall be paid or delivered to or received by any agent or agents, attorneys or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of $200 on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

IRMA UPP MILES

The Clerk called the next bill, H. R. 10804, for the relief of Irma Upp Miles, the widow, and Merideth Miles, the child, of Merideth L. Miles, deceased.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire for fuller information as to whether the deceased was in the employ of the State or of the National Government at the time of this accident.

Mr. O'CONNOR of Oklahoma. The deceased was in a way in the employ of both the State and the National Government. He was paid by the State of Oklahoma but he was under the supervision, direction, and control of the Federal Government, Bureau of Mines. There is a cooperative agreement, which is set out in the report, between the State and the Federal Government.

Mr. STAFFORD. From my reading of that agreement, I concluded that he was an employee of the State and not of the National Government.

Mr. O'CONNOR of Oklahoma. Well, it is a question.

He was under the direction of the Federal Government. If the gentleman wants an explanation, they are conducting there an experimental station dealing with oils and gases. All of the equipment is designed and furnished and the station is managed by and conducted under the supervision of the United States Bureau of Mines. In this large pressure tank, which was furnished by the Government, the vertical seam was not riveted. It was a butt joint and through some error in putting on too much pressure, or through a defect in the joint, the gas escaped and either exploded before or after it escaped, and this man and another man were burned to death in the fire there. The other man was paid direct by the United States Government and was under the Federal employees' compensation act. Mr. Miles was paid by the State of Oklahoma but in all other respects was under the direction of the United States. They were both young men. This young man had just been graduated from the engineering department of the State university.

Mr. STAFFORD. Does not the gentleman's State make some provision for compensation to persons injured while in their employ?

Mr. O'CONNOR of Oklahoma. Not in the employ of the State, and it would not have covered this man, anyway.

Mr. STAFFORD. He was in the employ of the State when the accident occurred.

Mr. O'CONNOR of Oklahoma. No; the State simply put up $50,000 to help meet the running expenses of the plant, and if the gentleman will notice the letter here with respect to notice of employment, and so forth, he will see that that is shown by the statement furnished from the Bureau of Mines.

Mr. STAFFORD. I read from the letter of the chairman of the United States Employees' Compensation Committee:

Mr. Miles, at the time of his accidental death at the petroleum experiment station, was not a civil employee of the United States.

How can we justify putting him under the provisions of the compensation law?

Mr. O'CONNOR of Oklahoma. If the gentleman will read further from the letter of the bureau he will see that it is stated:

The commission believes that in the circumstances of the employment it should be determined that Mr. Miles was a civil employee of the United States and the widow and child would be entitled to the benefits of the compensation act of 1916.

Get this picture. The Government furnishes the equipment, determines the experiments, tells the men where to go and what to do, and the only reason he could not be considered a Government employee was that the people of Oklahoma were liberal enough to put up money to defray part of the expense, some of which paid Mr. Miles's salary.

I might say for the gentleman's information that the Senate has already passed a similar bill. This young woman gave birth to a posthumous child a month or so after the death of her husband in this explosion.

Mr. STAFFORD. Let me get the facts, because I could not allow this bill to go through if this man were an employee of the State. Do I understand the gentleman to say that the United States Government furnished the equipment?

Mr. O'CONNOR of Oklahoma. Yes; it is a petroleum experiment station conducted by the United States Bureau of Mines.

Mr. STAFFORD. And because of the defective condition of this equipment this person lost his life.

Mr. O'CONNOR of Oklahoma. I have here a complete report of the accident by the Bureau of Mines.

Mr. STAFFORD. I asked whether the cause of the accident was defective equipment furnished by the National Government, whereby the deceased lost his life?

Mr. O'CONNOR of Oklahoma. The Federal Government in this report made by the Bureau of Mines said that it was either a defect which caused this seam in the pressure tank to spread, or else they put into the tank more pressure than was intended. There is no way of knowing exactly. I will show the gentleman this picture.

Mr. STAFFORD. We have not time to-night to examine pictures.

Mr. O'CONNOR of Oklahoma. The gentleman has time to look at it. Smart as the gentleman is, I do not think he could go on the ground and tell what caused an explosion of this kind.

Mr. STAFFORD. There have been a great number of explosions down in Oklahoma which nobody could explain [laughter], but in this instance the explosion perhaps did occur because of defective equipment.

Mr. O'CONNOR of Oklahoma. On account of the condition of the equipment after the explosion, it would be next to impossible to determine the cause.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Oklahoma if he has submitted this matter to the Bureau of the Budget?

Mr. O'CONNOR of Oklahoma. I submitted it to the Bureau of Mines and to the Claims Committee.

Mr. BLANTON. That does not answer my question. I want to know if it meets with the approval of the President's Budget.

Mr. O'CONNOR of Oklahoma. It went to the Claims Committee.

Mr. BLANTON. The gentleman knows that in all these matters which affect the Treasury of the United States, they are supposed to be passed upon by the Budget and they are to recommend whether or not it is against the financial program of the President. The President to-day has sent back two bills to the Congress vetoed, because he said there is no authority in law whatever for them to be passed, and yet they have passed this Congress even with the watchful eyes of the two gentlemen from Wisconsin.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER of Wisconsin. The gentleman does not advocate abolishing the Claims Committee and letting some clerk in the Budget Bureau pass on these bills?

Mr. BLANTON. I do not think there are any crooks in the Budget Bureau.

Mr. SCHAFER of Wisconsin. I did not say "crooks," I said some clerk.

Mr. BLANTON. Oh, I think the Budget Bureau is the safest bureau we have to pass upon the financial situation of the Government.

Mr. SCHAFER of Wisconsin. I think the Claims Committee, of which I am a member, is better able to pass upon the merits of private claims of this kind than some petty clerk in the Budget Bureau.

Mr. BLANTON. Because of the fact that the chairman of this commission, Mrs. Bessie Brueggeman, certifies that in her judgment this man Miles was an employee of the Federal Government, I shall make no objection. If there is any question about this, I would object, because it would be embarking upon a wrong policy to pay for accidents that occur to State employees, but she has certified she believes that this man was an employee of the Government and therefore it sets no precedent and I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. O'CONNOR of Oklahoma. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 4477, a similar bill, may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, Meredith L. Miles shall be held and considered to have been an employee of the United States within the meaning of that act at the time of his injury and death, resulting from an explosion at the petroleum experiment station of the United States Bureau of Mines at Bartlesville, Okla., on December 13, 1929.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

OKAW DAIRY CO.

The Clerk read the title of the next bill on the Private Calendar, H. R. 9354, for the relief of the Okaw Dairy Co.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to call the attention of the House to the report on this bill made by no less an authority than Mr. Secretary Mellon himself. I do not always follow Mr. Mellon, but I do in this case. He says:

So far as the department is able to ascertain, after considerable correspondence, the claim does not appear to be a meritorious one. Therefore the bill does not meet with the approval of the department.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Under that certification by the so-called "greatest Secretary of the Treasury since Alexander Hamilton," I object.

Mr. IRWIN. Will the gentleman reserve his objection?

Mr. BLANTON. I will.

Mr. IRWIN. Mr. Speaker, I would like to explain the merits of this bill. This particular company, the Probst Pure Products Co., before prohibition ran a brewery. When the prohibition law was passed they closed their brewery and advertised to run it as a cold-storage proposition for all the merchants and farmers in that vicinity.

Now, the farmers and business men stored potatoes, eggs, apples, and the butchers stored meats, and this dairy company, that had nothing to do with the brewery, stored their products, using it as a refrigerator plant.

A little later on this brewery began to cheat, as you might say, and later on they found that some beer was stored in this same room.

Mr. BLANTON. You will always find beer in an old brewery.

Mr. IRWIN. The Okaw Dairy people were using this for a storage room for butter and milk. When they found the beer there the refrigeration was cut off and other people were allowed to take their products out of the plant. The merchants were allowed to take their potatoes and apples out, the butchers took their meat out, but the president of the Okaw Dairy Co. went and asked that they be allowed to take out the butter and milk. They gave them permission to take out the milk for one delivery but they refused in the presence of witnesses to allow them to take out their other products.

Mr. BLANTON. Will the gentleman yield?

Mr. IRWIN. Yes.

Mr. BLANTON. Mr. Mellon is the head of this department and this department had charge of this business. Mr. Mellon knows more about this transaction than the gentleman who is now speaking.

Mr. IRWIN. No; he does not. I practiced medicine in that town for 10 years, and I know all the circumstances in connection with this case. I know the place was used for a cold-storage place and the dairy company had no knowledge of this place being used for illegal purposes, and I know that they refused when the president went there to get his butter and other products. He was refused by an agent of the Government.

Mr. BLANTON. I am remembering that the gentleman from Illinois has done such splendid work as chairman of the committee, and he is soon to leave us, to our regret; I wish he were going to come back. This is his pet bill from his home town. I have called the attention of the House, and especially the attention of the gentleman from West Virginia [Mr. BACHMANN] and other watchdogs of the Treasury on the Republican side, to the Secretary's recommendation against the passage of the bill, and I am going to leave it with the gentlemen.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to Okaw Dairy Co., New Athens, Ill., the sum of $1,185 for damages for loss of butter and cheese which was being held in cold storage for said company by the Probst Pure Products Co., New Athens, Ill., and which was spoiled when United States prohibition officers refused to permit the withdrawal of said butter and cheese when the Probst Pure Products Co. was seized by prohibition officers in June, 1926.

With the following committee amendment:

In line 7, strike out the figures "$1,185" and insert in lieu thereof the figures "$960."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELWOOD G. BABBITT

The Clerk called the next bill, H. R. 3131, for the relief of Ellwood G. Babbitt and other officers and employees of the Foreign Commerce Service of the Department of Commerce, who, while in the course of their respective duties, suffered losses of Government funds or personal property by reason of theft, catastrophes, shipwreck, or other causes.

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent that this bill be laid on the table, as it has already been passed as an amendment to another bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

THOMAS C. EDWARDS

The Clerk called the next bill, H. R. 8953, for the relief of Thomas C. Edwards.

Mr. BLANTON. Mr. Speaker, I reserve the right to object, and ask the gentleman from Texas [Mr. MANSFIELD] to explain this bill.

Mr. MANSFIELD. Mr. Speaker, the bill is a claim for damages alleged to have been sustained by a contractor who had contracted to furnish hay to the War Department for a certain price, deliveries to be made beginning on July 1, 1917, and ending on September 30 of the same year. Orders were given for the deliveries to be made beginning with six carloads of hay a day, and a few days thereafter the time for delivery was postponed for a period of 15 days, one-half month. The contractor, who had made contracts for all the hay for prices agreed upon, was unable to get his subcontractors to agree to a postponement, and the price of hay was going up rapidly, and inside of two weeks it almost doubled in price. When they renewed the orders he was unable to secure the hay for the price formerly agreed and he actually lost $7,481.

Mr. BLANTON. Does the gentleman know that this sum was actually lost to the contractor?

Mr. MANSFIELD. Yes; I have been there on the ground and talked with the man.

Mr. BACHMANN. Mr. Speaker, I reserve the right to object. The report shows that there is no record of any claim or the amount of the claim that has been filed with the Secretary of War.

Mr. MANSFIELD. If the gentleman will read the letter of the Secretary of War, I think he will find it was filed a good many years ago.

Mr. BACHMANN. I refer to this language:

With respect to the merits of this claim, no evidence has ever been presented by contractor to prove the fact that he suffered damage, or that he incurred any extra expense due to the change in date for beginning delivery.

Mr. MANSFIELD. The affidavits filed with the committee show the extent of the damage.

Mr. BACHMANN. I understand, but this committee has not the benefit of these affidavits, and that is the reason I am making the inquiry.

Mr. MANSFIELD. They were with the committee at the time of the hearing.

Mr. BACHMANN. Affidavits were filed showing what the loss was?

Mr. MANSFIELD. Yes.

Mr. BACHMANN. And no part of this claim is for interest?

Mr. MANSFIELD. No; it is for principal.

Mr. BLANTON. The committee, by Chairman STRONG, says:

Soon after the delivery of the hay claimant entered the Army during the World War and was later promoted to a first lieutenancy and was passed for overseas service. He was first ordered to Camp Logan, later to Fort Sill, where, in the line of duty, he suffered a broken arm, and, being released from the hospital, was honorably discharged. In view of all of the above facts, your committee is of the opinion that the proposed legislation should be enacted into law.

Mr. BACHMANN. The trouble with that is that although the claimant was taken into the Army, it does not make this claim valid or equitable against the Government. The thing that bothers me about this claim is this further report from the Secretary of War, in which he says:

It is not believed that the contractor was put to any extra expense in connection with the procurement of forage with which to fulfill his contract. No evidence is contained in the files of this department to show that the contractor ever protested against the change made in the delivery schedule nor that payment was not made in full for all hay delivered and accepted by the Government under his contract.

Mr. STRONG of Kansas. If the gentleman will read the third paragraph of the letter from the Secretary of War he will find——

Mr. STAFFORD. Oh, the third paragraph shows it is through this attorney, who has a great many reclaims pending before this committee.

Mr. BACHMANN. This man Hendry seems to be a claim attorney here, presenting these equitable claims.

Mr. MANSFIELD. Here is what the letter of the Secretary of War says:

The records show that under date of May 15, 1922, claimant through his attorney, M. Walton Hendry, Washington, D. C., filed a claim with the Quartermaster General for losses in the amount of $7,481.20.

That is back in 1922.

Mr. STAFFORD. But the contract was back in 1917, and no claim was filed until this attorney dug it up.

Mr. BACHMANN. I yield to the chairman of the committee.

Mr. STRONG of Kansas. Mr. Speaker, the evidence before our committee made it very plain that after this hay was ordered this claimant went out and arranged the purchase of hay. Then the War Department canceled the order and he in turn canceled the contract.

Within about 15 or 20 days the War Department again ordered the hay, and in the meantime a drought had set in in that country and he could not replace the hay. Then the War Department came in and bought up what little there was, so that he was unable to fulfill his contract, and finally went out and bought the hay and lost some money.

Mr. BLANTON. There ought to be a restricting amendment on this bill, with the usual attorneys' fee clause.

Mr. STRONG of Kansas. I have no objection to that.

Mr. MANSFIELD. I have no objection to that.

Mr. BLANTON. The claim seems to be a just claim.

Mr. BACHMANN. In view of the fact that the chairman of this committee, while this report does not fully advise us, feels that this is a just claim, and also that the gentleman from Texas, Mr. MANSFIELD, and the gentleman from Texas, Mr. BLANTON, are satisfied, I shall make no objection.

Mr. BLANTON. I am satisfied if we attach the proper amendment with respect to attorneys' fees.

Mr. STAFFORD. I reserve the right to object. I would like to ask further explanation from the gentleman from Texas, Mr. MANSFIELD, as to what he knows in this respect to this claimant really suffering loss.

Here is a letter from the Secretary of War which is almost adverse in every particular against this claim. I look with suspicion upon it because of the association of a claim attorney who does nothing but try to stampede claims through this Congress.

Mr. BACHMANN. I will say to the gentleman from Wisconsin [Mr. STAFFORD] this report is not full, but I do not believe the gentleman would object to this bill simply because some attorney handled it. I do not like that feature of it either.

Mr. STAFFORD. No. I was not paying the enrapt attention that I should when the gentleman was replying to the query propounded by the gentleman from West Virginia.

Mr. MANSFIELD. While I do not know what the records of the War Department show as to when the claim was made, I do know that soon after the war he was talking with Army officers and was personally making his claim to them.

Mr. STAFFORD. But I want more information about the loss.

Mr. MANSFIELD. There is no question in the world about the loss. He had to pay nearly double the price for much of that hay, and he was taken away and sent into the Army and he put up his money and paid every cent of it and had every pound of the hay delivered.

Mr. BACHMANN. I asked the same question and the chairman of the committee stated that affidavits pertaining to the loss were filed with the committee, but were not in the report.

Will the gentleman from Texas agree to an amendment containing the usual attorney fee provision, being added to this bill?

Mr. MANSFIELD. I have no objection to that.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas C. Edwards, out of any money in the Treasury not otherwise appropriated, the sum of $7,481.20, being loss suffered due to war conditions and to cancellation of order given by the Government and encountering of a severe drought in supplying hay during war times under contract of June 13, 1917, to the Quartermaster Corps, Fort Sam Houston, Tex.

Mr. BACHMANN. I offer an amendment to the bill which I have sent to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELLWOOD G. BABBITT

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to indefinitely postpone the bill (S. 4584) for the relief of Ellwood G. Babbitt and other officers and employees of the Foreign Commerce Service of the Department of Commerce, who, while in the course of their respective duties, suffered losses of Government funds or personal property, by reason of theft, catastrophe, shipwreck, or other causes, and for the relief of W. R. Webb, commander, Medical Corps, United States Navy, which is identical with the House bill that was laid on the table a few moments ago.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

JOHN H. HUGHES

The Clerk called the next bill on the Private Calendar, H. R. 7338, for the relief of John H. Hughes.

Mr. BLANTON. Reserving the right to object, why is there no report from the Secretary of the Interior on this bill?

Mr. SUTHERLAND. This amount was agreed upon in the Committee on Territories in full session, with representatives of the Interior Department and the man who made the claim present.

Mr. BLANTON. Did the Interior Department representative agree to it?

Mr. SUTHERLAND. No. Neither side agreed to it.

Mr. BLANTON. Did the Interior Department say they would raise no objection to the bill?

Mr. SUTHERLAND. No; they did not say so. The Interior Department was left out of it entirely, because they appeared in person before the committee.

Mr. BLANTON. Then I presume they would have objected if they had been called upon. Otherwise their report would have been here.

Mr. SUTHERLAND. Oh, they objected to the award, but so did the other man. The gentleman from Kansas [Mr. STRONG] was there and knows the history of it.

Mr. BLANTON. This bill was introduced for $2,500. It has been amended by the committee to carry only $500. May we be assured that if we pass this bill with the $500 provision, it will not be raised in another body to $2,500 and passed in the closing hours of Congress without our being able to stop it?

Mr. SUTHERLAND. I do not think so.

Mr. BLANTON. If the gentleman will insist on the $500 being kept in the bill and not permit it to be raised to the $2,500, I shall not object.

Mr. STAFFORD. Reserving the right to object.

Mr. BLANTON. Well, I have not yet yielded the floor.

Mr. SUTHERLAND. The amount was accepted by Mr. LEA, the author of the bill.

Mr. BLANTON. Who will be the conferees from the House on this bill?

Mr. SUTHERLAND. I do not anticipate there will be any conferees. I think the Senate will accept it as it is.

Mr. BLANTON. But if the Senate does increase this to $2,500, there would be conferees.

Mr. SUTHERLAND. Well, I do not think there is any likelihood of that at all, but I do not want to speak for Mr. LEA to the extent of saying just what he will accept in the Senate. I do not think I should be expected to.

Mr. STRONG of Kansas. If the gentleman will yield, I think I will be one of the conferees.

Mr. BLANTON. Will the gentleman from Kansas give us that assurance?

Mr. STRONG of Kansas. I assure the gentleman that if I am one of the conferees it will not be raised.

Mr. SUTHERLAND. The gentleman from Kansas [Mr. STRONG] is the man who settled on the $500.

Mr. STAFFORD. Reserving the right to object, can some Member give the House some reason why the Secretary of the Interior was not called upon to pass upon the equities of this case?

Mr. STRONG of Kansas. Not being chairman of that committee, I can not say.

Mr. SUTHERLAND. He sent two representatives before the committe on the bill.

Mr. STRONG of Kansas. There was a representative from the Interior Department there.

Mr. STAFFORD. What positon did they take? From reading the report it is a rather flimsy claim.

Mr. SUTHERLAND. They were opposed to the payment of it, but the Committee on Territories adjudicated the matter. There was no question that the man was entitled to something. They had sold his property and he did not have an opportunity to redeem it.

Mr. STAFFORD. This item is in full payment of all claims he may have against the Government?

Mr. SUTHERLAND. Yes, sir.

Mr. STRONG of Kansas. We felt he had a claim for $500 and no more, and we allowed that.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to John H. Hughes, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, in full satisfaction of all claims against the United States on account of the sale for alleged storage charges, not in fact due, by the Alaska Railroad Co. at Nenana, Alaska, on July 31, 1926, of a drilling outfit belonging to such John H. Hughes.

With the following committee amendment:

On page 1, line 5, strike out "$2,500" and insert in lieu thereof "$500."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HAROLD M. REED

The Clerk called the next bill, H. R. 5813, for the relief of Harold M. Reed.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to call attention to the report made by the War Department through the Adjutant General, Maj. Gen. C. H. Bridges. He says:

After the armistice he served with the Twenty-sixth Infantry in Germany. He was arraigned and tried by general court-martial in Germany January 4, 1919, before which he was found guilty of violation of the ninety-fifth article of war, and by sentence of this court-martial he was dismissed from the service May 18, 1919.

The Adjutant General does not make any favorable recommendation.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. STAFFORD. I direct the gentleman's attention to the memorandum from the Judge Advocate General, found on page 4 of the report.

Mr. BLANTON. I was going to read that. Is the gentleman in favor of this bill?

Mr. STAFFORD. I went over this case very thoroughly, reading the entire report, and I came to the conclusion that this soldier was unjustly punished and that he was not guilty of the charge.

Mr. BLANTON. If the gentleman from Wisconsin has reached a favorable conclusion with reference to this bill I certainly shall not put my judgment against his.

Mr. STAFFORD. I was not only present in the committee when the bill was considered but I also read over the report a second time and came to that conclusion.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Harold M. Reed, who was a member of Company L, Twenty-sixth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a second lieutenant of that organization on the 4th day of January, 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Page 1, line 9, strike out "4th" and insert "18th."
Page 1, line 10, strike out "January" and insert "May."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. L. HEDDING

The Clerk called the next bill, H. R. 1049, for the relief of A. L. Hedding.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I call attention to the unfavorable report made by the Department of Agriculture and from this report I quote the following:

From Mr. Hedding's statement of the case it would seem clear that this collision was due to his own negligence. Certainly we have received no information which would appear to justify payment of his claim by the United States.

Under the circumstances I object.

MARY FORD CONRAD

The Clerk called the next bill, H. R. 4175, to extend the benefits of the employers' liability act of September 7, 1916, to Mary Ford Conrad.

Mr. HOLADAY. Mr. Speaker, reserving the right to object, I would like some explanation of this bill.

Mr. MOORE of Virginia. Mr. Speaker, I can give the gentleman an explanation in two or three words. This claimant was employed in the Accounting Division of the Treasury Department from 1918 to 1921. According to the statements of the officials of the department she was subject to work which in all probability impaired her health very seriously. The fact is, that her condition became such that she had to retire from the service. She is out of employment now and without any financial resources. I think all of that is pretty well shown by the testimony, including the statements of officials of the department. This claim is not retroactive. The disability occurred after the compensation law was enacted, and the only equity upon which the bill is founded is that she failed to give notice of her disability within a year and the fact is that she failed, because she was ignorant of that requirement of the law.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, how does it happen that she waited so long before she asked this right?

Mr. MOORE of Virginia. The evidence shows that she waited because she was ignorant of the law. The disability ran on between 1918 and 1921. Shortly after I came here she called on me in reference to the matter, talked about it generally, and stated she had not filed her claim within the year as required by the statute because she was ignorant of that requirement. It is simply a case of ignorance of the law.

Mr. BACHMANN. Is the gentleman personally acquainted with this claimant?

Mr. MOORE of Virginia. Yes.

Mr. BACHMANN. And knows these facts are true?

Mr. MOORE of Virginia. I believe them to be true from the statements I have had. Her affidavit is here; she has discussed the matter with me, and there is a statement from Mr. Speelman, who was her chief in the Accounting Office of the Treasury Department. The bill simply provides that she may submit her case to the Compensation Commission.

Mr. BACHMANN. What I am disturbed about is the paragraph in the report made by the Secretary of the Treasury.

Mr. MOORE of Virginia. I think I have in mind the point that the gentleman has in mind. The Secretary says there is no record in the office of her disability or of her having made a claim.

Mr. BACHMANN. The point is that there is no record showing unfavorable working conditions or anything else of that kind.

Mr. MOORE of Virginia. There is no written record, but the gentleman will find that Mr. Speelman, who was a very responsible official in this service, says that her work was of such a character that it might very well have caused the disability of which she complains.

Mr. COLLINS. Mr. Speaker, reserving the right to object, this bill ought to be objected to by somebody unless it is amended.

Mr. MOORE of Virginia. I hope the gentleman will be tender-hearted enough to withhold any objection he may have to this bill.

Mr. COLLINS. Let me get in the RECORD what this bill undertakes. This lady was a machine-operator typist. She claims that her work was such that she was disabled because she had to do her ordinary routine work and some overtime work. The gentleman knows that if we start the practice of compensating for such flimsy excuses there will be no end to it. This bill ought not to pass.

Mr. MOORE of Virginia. The gentleman knows this, though, that if she had been aware of the law she could have made her claim before the Compensation Commission and had it considered.

Mr. COLLINS. Yes.

Mr. MOORE of Virginia. And she was not aware of the law, and she is only asking Congress now to permit her to assert her claim and have it considered. Mr. Speelman, who is a very well-known official of the accounting office, says this:

> The work of Mrs. Conrad and of others consisted of listing disbursing officers' checks, and on account of the large number of checks each day, and of the rapidity with which it was necessary to accomplish the work, balances frequently were not obtained until long after the regular closing time of the office. This overtime work was not intermittent, but was continuous over a long period of time, and this strain of overtime work and of the noise of the large number of adding machines I believe affected Mrs. Conrad's health, necessitating absence from duty at various times.

Mr. COLLINS. For the same reasons every Member present here to-night could propound a claim against the Government for injuries due to overtime work and have their claims considered by the Compensation Commission.

Mr. MOORE of Virginia. But I would like to say to my friend that this is the only case arising out of this service.

Mr. COLLINS. Oh, we have numerous claims of this nature. Some claim writers' cramp, weak backs due to overwork, and so on. Some are claiming that they contracted diseases. This class of claims is getting larger each year.

Mr. MOORE of Virginia. I will say to my friend that we would not have anything on this calendar unless there was some equity in the case that appealed to us outside of strict legal rights.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. SCHAFER of Wisconsin. The gentleman is not serious in his objection, I hope, in the final analysis——

Mr. COLLINS. I understand the gentleman's usual buncombe just as do the rest of the membership of the House.

Mr. SCHAFER of Wisconsin. And I may understand the gentleman's buncombe, too. Regular order, Mr. Speaker.

Mr. COLLINS. I object.

LIEUT. H. W. TAYLOR, UNITED STATES NAVY

The Clerk called the next bill on the Private Calendar, H. R. 5911, for the relief of Lieut. H. W. Taylor, United States Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $52 to Lieut. H. W. Taylor, United States Navy, to reimburse him for travel expenses incurred in connection with an airplane flight from Philadelphia, Pa., to Key West, Fla., in December, 1925, under orders issued by naval authorities.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK RIZZUTO

The Clerk called the next bill on the Private Calendar, H. R. 6288, for the relief of Frank Rizzuto.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the United States Treasury be authorized and is hereby directed to pay, out of funds not otherwise appropriated, the sum of $252 to Frank Rizzuto in complete payment and settlement of hospital expenses and money expended during illness contracted while serving in a citizens' military training camp under the authority and direction of the War Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CHASE E. MULINEX

The Clerk called the next bill on the Private Calendar, H. R. 7467, for the relief of Chase E. Mulinex.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Chase E. Mulinex, postmaster at Tolley, N. Dak., in the sum of $1,209.35, due the United States on account of the loss of postal funds resulting from the failure of the First National Bank of Tolley, Tolley, N. Dak.: *Provided*, That the said Chase E. Mulinex shall assign to the United States any and all claims he may have to dividends arising from the liquidation of said bank.

With the following committee amendment:

Page 1, line 5, strike out "$1,209.35" and insert "$529.33 in his postal account and in the sum of $680.02 in his Treasury savings account."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LIEUT. COL. H. H. KIPP, UNITED STATES MARINE CORPS

The Clerk called the next bill on the Private Calendar, H. R. 7553, for the relief of Lieut. Col. H. H. Kipp, United States Marine Corps, retired.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieut. Col. H. H. Kipp, United States Marine Corps, retired, the sum of $243.19. Such sum represents the amount deducted from the pay of Lieutenant Colonel Kipp for expenses incurred by the United States in transporting his wife and daughter from Mare Island, Calif., to Boston, Mass., less the cost of transportation of such dependents from the District of Columbia to Boston, Mass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MRS. L. E. BURTON

The Clerk read the title of the next bill on the Private Calendar, H. R. 7784, for the relief of Mrs. L. E. Burton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. L. E. Burton, of Scio, Oreg., out of any money in the Treasury of the United States not otherwise appropriated, the sum of $175, in full compensation for losses sustained by her on account of damages to her property caused by the negligence of an employee of the United States Geological Survey acting within the scope of his employment, according to House Document No. 295, Sixty-ninth Congress, first session.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

H. L. LAMBERT

The Clerk read the title of the next bill on the Private Calendar, H. R. 7833, for the relief of H. L. Lambert.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of H. L. Lambert on account of his personal injury and property damages resulting from the Army airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921, and to allow said claim in an amount not exceeding $581.50 as recommended by the Comptroller General of the United States in his report to the Congress dated October 30, 1929, set forth in House Document No. —, Seventy-first Congress, — session, pursuant to the act of March 5, 1928 (45 Stats., pt. 2, p. 7). The sum of $581.50, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of said claim.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALASKA RAILROAD AND CONNECTING STEAMSHIP LINES

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on freight rates of the Alaska Railroad.

The SPEAKER pro tempore. Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mr. SUTHERLAND. Mr. Speaker, I herewith submit for the RECORD an analysis of the through rate freight tariff entered into several years ago between the Alaska Railroad and the steamship companies operating between Seattle and Seward, the ocean terminal of the Alaska Railroad.

This analysis is contained in correspondence between the Hon. John Rustgard, attorney general of the Territory of Alaska, and Col. O. F. Ohlson, manager of the Alaska Railroad, and I believe it clearly shows that the share of through-freight rates received by the railroad is all out of proportion to the share received by the steamship companies if land and water rates now in effect on American transportation lines are taken for comparison.

If the comparison of rates presented herein by Attorney General Rustgard are carefully inspected I am sure that one will be convinced that a portion of the annual deficit of the Government-owned Alaska Railroad is here accounted for. It would, I believe, be well for the Secretary of the Interior to learn just what saving to the treasury of the railroad can be accomplished by a fair readjustment of these through-freight rates before the proposed advancement of railroad freight and passenger rates as recommended by the Senate investigating committee is put into effect.

TERRITORY OF ALASKA,
OFFICE OF ATTORNEY GENERAL,
Juneau, Alaska, October 12, 1929.

Col. O. F. OHLSON,
Manager Alaska Railroad, Anchorage, Alaska.

MY DEAR COLONEL: After my return to Juneau I have found that I have very little to add to what I have said in my various reports on transportation, copies of which reports are in your possession. Under the circumstances I shall give you a brief résumé of my general contentions with the hope that the same may be of some aid to you.

It seems quite clear to me that the railroad is paying for the ocean haul out of the joint tariff considerably more than private shippers pay for similar service. Even the merchants at regular ports of call pay less, generally, than the railroad pays. An exact comparison is difficult to make because the railroad follows the western classification based on weight while the ocean tariff is based on weight or measurement ships option.

The Shipping Board at one time issued a publication entitled "Storage of Ships' Cargoes," Miscellaneous Series No. 92 of the Shipping Board. With that document at hand the comparison would be easy to make, but unfortunately, I have mislaid my copy of it and find myself unable to secure another.

However, if we, for example, take such a common commodity as canned salmon, we find it belongs to class 3 if shipped less than carload and to class 5 if shipped carload. Through routed in small commodities it would yield the steamship $17 per ton, and shipped in carloads would yield $14 per ton. But the tariff sheets of the Alaska Steamship Co. show that company is carrying that class of freight from Prince William Sound and Cook Inlet points for from $3.85 to $5 per ton weight or measurement, which would mean not to exceed $6 per ton weight. All other canned goods yield the steamships approximately the same revenue, which is more by several dollars than those carriers receive when they carry freight for individuals between Seattle and Seward.

Salt fish in barrels belong to class 4 and yields the steamer $15 per ton under joint through rates, but shipped over the same water route for private individuals it yields the steamer only $6.75 per ton, irrespective of the amount carried, or less than half of what the railroad pays for the same service.

Cordage belongs to class 3 and through routed yields the steamer $17 per ton, but shipped to Seward or near-by ports it yields the steamer only $5.50 per ton weight or measurement, which would probably be from $7 to $10 per ton weight according to the character of the cordage—at any event much less than the railroad pays. Means for determining the exact differences between weight and measurement of the various commodities are not conveniently at hand, but the United States Shipping Board will be able to furnish exact data.

Building cement or lime is carried to Seward for $9 per ton weight irrespective of quantity. But if joint routed, the railroad pays the steamer for the ocean haul $17 per ton if less than carload and $12 if carload.

Turnips and rutabagas are carried from Seattle to Seward for $10 per 2,000 pounds, but if shipped out over the railroad the steamer receives $24 per ton for such service.

It should be remembered that there is more freight going south than north. The space on south-going voyages is therefore more valuable than on north-going voyages, except during about two or three months in the spring when cannery freight moves north. It would therefore seem logical to contend that north-going freight should take the lower rates. That is the system adopted on the intercoastal routes.

It should also be remembered that cannery freight is the most expensive to handle because it presents only a "one-way haul," going north in the spring and south in the fall. The expense of handling this class of freight is also increased by the fact that it is either received or delivered at out-of-the-way places and not at regular ports of call.

It may be true that fish and cordage and similar commodities are not handled except very seldom by the railroad, but do not the steamer rates on those commodities show the rate at which such freight can be profitably handled, even though carried to out-of-the-way places?

Another feature of the joint tariff which I wish to call attention to is the difference in ocean rates between carloads and less than carloads.

On the railroads it is perfectly fair to charge less for carloads than for less than carloads, because it costs the railroad less to handle carloads. But to steamers receiving and discharging cargoes at regular ports of call it is next to immaterial whether the cargo is carried for one shipper or for a hundred different shippers. The only difference is in the amount of bookkeeping required, and whether a hundred tons are carried for one or for a hundred different shippers is of comparatively little consequence. It will be observed that this is evidently the view taken of this subject by the steamship companies, because the steamer rates are generally the same on all commodities (except cannery freight), irrespective of quantity when carried between regular ports of call. It would seem that the railroad would be entitled to carload rates on joint routed freight, irrespective of quantity. It is all unloaded at one wharf each sailing and, combined, is always more than one carload.

The feature which often misleads is the fact that the steamers have two tariffs—the public or maximum tariff and the confidential or minimum tariff. When they wish to show what rates are maintained on some other route they show you the maximum tariff. Copy of the minimum tariff can not be had from the steamship companies. But some years ago I secured from the Shipping Board copies of both the public and the confidential tariffs on the intercoastal route and, comparing them, found that the rates of the public tariff were some three or four times as high as the rates of the confidential tariff. I am inclosing for your convenience a tabulation of that comparison so far as the same deals with the ordinary commodities.

In one of my reports I called attention to the impossibility of having competition between ocean carriers on the Alaska routes, where one of the carriers is engaged in shore industries which furnish large freight cargoes. I have nothing to add to what I there said.

There was a law enacted by Congress some years ago prohibiting railroads from engaging in coal mining for the market and also prohibiting coal miners from operating railroads as common carriers. The reasonableness of such law is obvious. What I contend is that a similar statute covering all industries ought to be enacted regulating steamship operations in Alaska. At present the Alaska Steamship Co. is absolute master of the situation and the Pacific Steamship Co. is out of the picture. But the latter has not

seen fit to support me in my contentions, much to its own disadvantage.

Yours very truly,

JOHN RUSTGARD, *Attorney General.*

TERRITORY OF ALASKA,
OFFICE OF ATTORNEY GENERAL,
Juneau, Alaska, October 19, 1929.

Col. O. F. OHLSON,
General Manager Alaska Railroad,
Care of Secretary of Interior, Washington, D. C.

MY DEAR COLONEL: Inclosed I send you some freight bills which I have borrowed temporarily and which you will kindly return as soon as you are through with them. They are illuminative of the transportation situation in Alaska.

Bill No. 1 is for mixed canned goods. It shows separately the freight charge from San Francisco to Seattle, and from Seattle to Juneau. It represents 3,204 pounds by weight and 71 cubic feet by measurement. The charge from San Francisco to Seattle was $3.29, or at rate of 10 cents per 100 pounds.

The charge from Seattle to Juneau (the same distance) was $15.23, besides wharfage of $2.70, or nearly six times as much.

If this shipment had been sent from Wilmington, Calif., the freight charge would have been about 50 per cent more to Seattle, or $4.94.

If joint routed to some point on the railroad, the steamer charge from Seattle to Seward would have been $33.45, or eight times as much as for the equal distance from Wilmington to Seattle.

For the same service a private shipper at Seward would have paid $24, besides wharfage.

In the foregoing I have based my calculation on the actual rates charged by steamers on the Pacific Coast routes and not the official tariffs which they show you when they wish to convince you of the reasonableness of their charges.

Bill No. 2 represents 1,980 pounds by weight and 45 cubic feet by measurement. The rate from San Francisco to Seattle was 15 cents per hundred, or $3.01 with State tolls. Steamer charge from Seattle to Juneau was $9.57 (and $11.25 including wharfages), or nearly four times as much as over the same distance from San Francisco to Seattle.

From Wilmington to Seattle the freight would have been not over $4. Joint routed over the railroad the steamer charge would have been $16.83, or more than four times the equal distance from Wilmington to Seattle.

For the same service a private shipper at Seward would have paid $15 besides wharfages.

In case of bill No. 3 I do not have the separate expense bill from San Francisco, but it shows the freight charges from the California port to Seattle were only $1.46, while the charge from Seattle to Juneau was $5.10, not including the wharfages, which would be an additional $1.35.

I am submitting this in confirmation of my general contention that even if it were true (which it is not) that the railroad is paying less than private shippers, it is paying too much, because the general freight rates on the water routes of Alaska are so much too high as to be out of all reason.

The argument in extenuation of our high freight rates I think I fully exploded in my printed reports, and shall not here repeat.

When you take in consideration that you can ship a ton of freight from Seattle to New York and back for what it costs to ship that ton from Seattle to Seward, you will observe that the steamship companies have put Alaska 14,000 miles away from the nearest American port, for distances must be judged by the cost of transportation.

Finally, I offer the following solution of the problem:

1. Prohibit common carriers from engaging in other industries and prohibit owners of industrial plants from operating common carriers; this is to facilitate fair competition.
2. Eliminate tramp steamers by placing a tax of $3 per gross ton on any steamer operating on Alaska.
3. Take the fund thus collected and award subsidies to those lines which guarantee to furnish transportation regularly and at fixed prices with ships of fixed types throughout the year.
4. Give Secretary of the Interior authority to regulate rates on the Alaska routes.

You ought to be able to get the support of the Pacific Steamship Co. for this scheme.

There is still another phase of the situation which must be borne in mind by those operating the railroad. It is this:

If the freight described in bill No. 1 had been joint routed from San Francisco to Anchorage instead of to Juneau, the steamer charge from San Francisco to Seattle would have been $26.84 instead of only $3.29. Assuming it would take only class 3 rate, the bill would still be $22.43. The reason, of course, is that the Interstate Commerce Commission has jurisdiction over joint rail-and-water routes, and that body has fixed for such traffic the tariff between Pacific coast ports so high as not to compete with the railroads along that coast. This is how so many people living along the Alaska Railroad get badly bumped on their shipments from California.

Yours truly,

JOHN RUSTGARD, *Attorney General.*

LYMAN L. MILLER

The Clerk read the title of the next bill on the Private Calendar, H. R. 7861, for the relief of Lyman L. Miller.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money not otherwise appropriated, to Lyman L. Miller the sum of $400 as reimbursement for the amount paid by said Lyman L. Miller to the Department of the Interior as advance royalty accompanying application for proposed coal-mining leases, which said application was rejected on March 6, 1926, under regulations governing the disposition by fiscal officers of payments under the mineral lease act of advanced royalty of $400 was covered into the United States Treasury and that no request or refund was filed within two years from the date of rejection of application and that the same is now barred by statute act of December 11, 1919 (41 Stat. 366).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LUCIEN M. GRANT

The Clerk read the title of the next bill on the Private Calendar, H. R. 7872, for the relief of Lucien M. Grant.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucien M. Grant, lieutenant, Construction Corps, United States Navy, the sum of $184.02, for actual and necessary expenses incurred by him in transportation of his dependents and personal effects from Philadelphia, Pa., to Pensacola, Fla., and return, while carrying out orders of the Navy Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK KANELAKOS

The Clerk read the title of the next bill on the Private Calendar, H. R. 7936, for the relief of Frank Kanelakos.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to Frank Kanelakos, of Newport News, Va., one permanent United States coupon bond in the denomination of $100 of the fourth Liberty loan 4¼ per cent bonds of 1933–1938, with coupon due April 15, 1921, and coupons to maturity attached thereto, in lieu of temporary coupon bond No. 220087 of the same loan in the denomination of $100 with no coupons attached or presented, the upper portion of which bond has been presented to the Treasury Department: *Provided*, That the lower portion of the said bond shall not have been previously presented or ascertained to be in existence, and that no payment shall be made hereunder for any coupons which may have been attached to the temporary bond: *Provided further*, That the said Frank Kanelakos shall first file in the Treasury Department a bond in the penal sum of double the amount of the bond and the interest which would accrue until the principal becomes due and payable, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the mutilated bond hereinbefore described.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

The Clerk called the next bill, H. R. 8024, for the relief of the Atchison, Topeka & Santa Fe Railway Co.

Mr. BLANTON. Mr. Speaker, reserving the right to object, the report shows that this work was done without any understanding whatever on the part of the Government that the Government would be held liable for it, and if the gentleman from Missouri [Mr. ELLIS] is here, I would like to have an explanation.

Mr. DOXEY. Mr. Speaker, I do not see the gentleman from Missouri here, but I reported this from the committee.

Mr. BLANTON. This work was done without any understanding whatever between the railroad and the Government that the Government would be held liable for it.

Mr. DOXEY. That was the reason the Comptroller General did not honor the voucher that the War Department was entirely in favor of.

Mr. BLANTON. We have been so generous with the railroads during and since the war, rehabilitating them and lending them money in large sums and doing this and that

for them, that I do not know that we ought to extend that policy any longer.

Mr. DOXEY. Regardless of our agreement in that regard, I think the gentleman will find that this is a case where the work was absolutely necessary to be done.

Mr. BLANTON. But it was necessary to be done in the interest of the railroad company and not in the interest of the people of the United States.

Mr. DOXEY. It was done under the supervision of the Government engineers.

Mr. BLANTON. And to that extent the railroad company had the advantage of the advice and help and assistance of our Army engineers gratis.

Mr. DOXEY. And the general policy and implied contract was that the Government was to pay one-fourth of the revetment work.

Mr. BLANTON. Where is that agreement?

Mr. DOXEY. It was the custom, and it was an agreement indulged in between the railroad company and the Government.

Mr. BLANTON. That was an assumption on the part of the railroad, but the War Department said that there were no grounds for that assumption.

Mr. DOXEY. The War Department said that they were in favor of it, but that there was no appropriation for that particular work at that particular time.

Mr. BLANTON. Does the gentleman himself have any personal knowledge of the fact?

Mr. DOXEY. I live in Mississippi. The investigation that I made was in the subcommittee of the Committee on Claims. I went through all the records carefully, and while it is somewhat voluminous, it is my belief that it is a just claim.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STAFFORD. I have examined the letter of the Secretary of War very carefully.

Mr. BLANTON. I am familiar with all of that.

Mr. STAFFORD. It says:

And if the work had not been done by the railroad company, it would have been done by the Government in order to save the remainder of the existing stretch of revetment.

There it shows that the obligation was on the Government, and if the railroad company had not done this work, the Government would have had to do it. The railroad company did it under existing custom, that under similar conditions the Government would reimburse it.

Mr. BLANTON. They did it to save their railroad trackage.

Mr. COCHRAN of Missouri. In other words it shows in the report that if the railroad company had not made the repairs, it would have cost the Government of the United States a good deal more.

Mr. BLANTON. Because of that one statement I will not object, but I think we are going far afield to allow these claims.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Atchison, Topeka & Santa Fe Railway Co., out of any money in the United States Treasury not otherwise appropriated, the sum of $7,420.83 as a reimbursement to the said railway company of one-fourth of the cost and expense of work performed in 1923 in protecting the bank of the Missouri River near Eton, Mo., the same having been done by the railway company at its own cost and expense to meet an emergency, at the request of the engineer officers of the United States and upon assurances of said officers that one-fourth of the cost of the work would be borne by the United States.

With the following committee amendment:

Page 2, line 2, after the word "emergency," strike out "at the request of the engineer officers of the United States and upon assurances of said officers" and insert "with an understanding."

The committee amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 7, after the word "reimbursement" insert "in full settlement of all claims against the Government."

The amendment was agreed to.

Mr. STAFFORD. I ask unanimous consent that the amendment be again reported.

The SPEAKER pro tempore. Without objection, the Clerk will again report the amendment.

Mr. BLANTON. I object. The amendment was to be inserted after the word "reimbursement."

Mr. STAFFORD. I do not think it is grammatically correct.

Mr. BLANTON. It will do the work, whether it is good grammar or not.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

D. W. TANNER

The Clerk called the next bill, H. R. 8224, to reimburse D. W. Tanner for expense of purchasing an artificial limb.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That D. W. Tanner, of Brighton, Mass., retired after 30 years' military service, including service during Indian wars and the World War, be reimbursed in the amount of $125, covering payment for an artificial limb supplied by the Hammer Limb Co., of Boston, Mass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BOARD OF UNDERWRITERS, NEW YORK

The Clerk called the next bill, H. R. 8785, for the relief of the Board of Underwriters, of New York.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I notice the way this bill is drawn that lines 3 and 4, page 1, seem to be unnecessary. Can the gentleman from New York explain the reason?

Mr. GRIFFIN. Mr. Speaker, the reason for that is that the bill as originally introduced was for a larger amount of interest, but the Comptroller General, in approving the expenditure, made a different calculation.

Mr. BACHMANN. There will be no objection on the gentleman's part to an amendment striking out those two lines?

Mr. GRIFFIN. I have no objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That H. R. 7500 of the Seventy-first Congress, first session, be, and hereby is, amended as follows, to wit:

"That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of the Board of Underwriters of New York for a balance of $308.07 which remains from the proceeds of sale of cargo salvaged from the U. S. S. *Plave*, which grounded on January 29, 1919, on Goodwin Sands, England, and became a total loss, after all salvage and other claims arising in connection with salvage operations had been satisfied, it appearing that the owners of the cargo of said vessels have been fully compensated by the insurance companies concerned for the value of the cargo of that vessel and as a consequence are entitled to be subrogated to the rights of the owners, and that the amount was erroneously covered into the Treasury of the United States. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $308.07, or so much thereof as may be necessary, for payment of said claim."

Mr. BACHMANN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 1, strike out all of lines 3 and 4.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed and a motion to reconsider laid on the table.

CHARLES S. GAWLER

The Clerk called the next bill on the Private Calendar, H. R. 8983, for the relief of Charles S. Gawler.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow in the accounts of Charles S. Gawler, disbursing officer of the regional office of the Veterans' Bureau at Columbia, S. C., the sum of $67.50, paid by him to Alfred E. Moser for reimbursement for the loss of wages incurred by the said Alfred E. Moser while at the United States Veterans' Hospital at Oteen, N. C., during the month of October, 1925, which was disallowed by said Comptroller General.

Mr. DOMINICK. Mr. Speaker, I offer an amendment which I have sent to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read, as follows:

Amendment offered by Mr. DOMINICK: Page 1, line 7, strike out "$67.50" and insert in lieu thereof "$67.60."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

HUNTER P. MULFORD

The Clerk called the next bill on the Private Calendar, S. 3301, for the relief of Hunter P. Mulford.

Mr. SCHAFER of Wisconsin. Reserving the right to object, this is a Senate bill, and the Senate report does not contain any evidence indicating the extent of the damage to this Ford coupe other than that submitted by the claimant. The report of the District Commissioners indicates very minor injuries to this Ford coupe, merely that the bracket carrying the extra tire was demolished, a fender mutilated, and a small injury to the body. In view of those facts I think it would be outrageous to pass this bill with the evidence now before the House, and I object.

Mr. COCHRAN of Missouri. Will the gentleman reserve his objection for a moment?

Mr. SCHAFER of Wisconsin. I will reserve it.

Mr. COCHRAN of Missouri. I ask the gentleman to reserve his objection for the purpose of calling the attention of the House to the fact that it is the duty of Congress to legislate for the District of Columbia. In the District of Columbia there are to-day about 3,000 service cars running wild, with absolutely no insurance upon the cars.

I have an automobile. Last May I wanted to buy a new one. A dealer offered me $300 for my old car. I paid $2,300 for my automobile three years ago. I refused to sell it, and I am using it to-day. Only a few days ago I paid insurance on that automobile to protect the people of the District of Columbia, as well as myself, to the amount of $190. Now, I think it is an outrage that the Congress of the United States does not pass legislation that will require the service-car drivers in the District of Columbia to carry insurance that will protect the people they are carrying, as well as the people on the street, your constituents and mine.

Mr. BACHMANN. Would the gentleman, as a Member of this House, vote for this claim when there is no itemized statement?

Mr. COCHRAN of Missouri. I am not asking the gentleman to vote for the claim. I am not talking about the pending bill. I am calling attention to a situation in the District of Columbia that the Congress has failed to correct, and it is the duty of Congress to act.

Mr. SCHAFER of Wisconsin. I thank the gentleman for his remarks, and I object to the consideration of the bill.

BARBER-HOPPEN CORPORATION

The Clerk called the next bill on the Private Calendar, H. R. 5915, for the relief of Barber-Hoppen Corporation.

Mr. COLLINS. Reserving the right to object, I would like to ask the chairman of the committee a question. This bill provides that the sum of $375 be paid to this corporation on account of a moving contract. The contract that it entered into with the Government provided that it would do the work for $550. It is contended the work could have been done in two days, but on account of an elevator being out of repair it could not do the work in two days, and it required three days to do the work. This would be at the rate of $275 a day, therefore this bill should provide $275 rather than $375 for the extra days' work.

Mr. IRWIN. The author of the bill is not here. If the gentleman feels that is the correct amount, that will be satisfactory to me. The committee felt there was merit in the bill.

Mr. COLLINS. The rate is $275 a day, and the bill ought to provide $275 rather than $375.

Mr. IRWIN. The reason the extra $100 is there is because it became necessary to carry a lot of heavy stuff up the stairs.

Mr. COLLINS. I think the bill ought to provide for $275.

Mr. IRWIN. If the gentleman wants to amend it, I am satisfied.

Mr. COLLINS. I think that is the proper amount.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Barber-Hoppen Corporation, a corporation organized under the laws of the State of New Jersey, the sum of $375 in full compensation for additional service rendered in moving the office of the collector of internal revenue of the fifth district of New Jersey in the city of Newark in said State.

Mr. COLLINS. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore (Mr. HOOPER). The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. COLLINS: Page 1, line 6, strike out "$375," and insert in lieu thereof "$275."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment, which I have sent to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: In line 6, after the words "New Jersey," insert "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WIDOWS OF CERTAIN MEMBERS OF THE POLICE AND FIRE DEPARTMENTS OF THE DISTRICT OF COLUMBIA.

The Clerk called the next bill, H. R. 9792, for the relief of the widows of certain members of the police and fire departments of the District of Columbia who were killed or died from injuries received in the line of duty, and for other purposes.

Mr. SIMMONS. Mr. Speaker, I object.

Mr. BLANTON. Will the gentleman withhold his objection for a moment?

Mr. SIMMONS. I will; but I am going to object.

Mr. BLANTON. I want to present this to the gentleman: There have been firemen and policemen who have given their lives here in the District in the faithful performance of their duties, and some of them recently have risked their lives in trying to save the lives of a Congressman and his family. [Applause.] Now, when they do risk and lose their lives in the performance of a risky, dangerous, and menacing business, such as occurs to firemen and policemen every day, does not the gentleman from Nebraska believe that out of their own money—this comes out of their own money that they have saved up and which is taken out of their salary; it does not come out of the Government—does not the gentleman believe that the paltry sum of $5,000 ought to be paid to the widows of firemen and policemen who risk their lives and who lose their lives in the performance of their duty?

Mr. SIMMONS. The answer is so simple that the gentleman usually comprehends it. The gentleman's statement is not correct.

Mr. BLANTON. In what particular?

Mr. SIMMONS. Because the firemen and policemen pay only about 25 per cent of the total contributed to the policemen's and firemen's pension relief fund. All of these widows are drawing pensions now, and this is merely an effort to break down the present pension law and add something to that which they are now receiving.

Mr. BLANTON. The bill provides—

All payments made under the provisions of this act shall be from the policemen's and firemen's relief fund, District of Columbia, and shall be in addition to any other relief which now is or hereafter may be allowed by law.

It does not come out of the public Treasury.

Mr. SIMMONS. The gentleman usually knows what he is talking about, but in this instance he does not. Seventy-five per cent of the policemen's and firemen's pension fund comes out of the Treasury. Mr. Speaker, I object.

DELLA D. LEDENDECKER

The Clerk called the next bill, S. 2662, for the relief of Della D. Ledendecker.

Mr. STAFFORD. Mr. Speaker, I object.

MARGARET DIEDERICH

The Clerk called the next bill, S. 917, for the relief of Margaret Diederich.

Mr. STAFFORD. Mr. Speaker, I object.

WILLIAM K. KENNEDY

The Clerk called the next bill, S. 1571, for the relief of William K. Kennedy.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to adjust and settle the claim of William K. Kennedy for salary and expenses incident to transporting three prisoners from the Philippine Islands to the United States marshal at San Francisco, Calif., in the year 1921, and to allow not to exceed $539.09 in full and final settlement of any and all claims of the said William K. Kennedy arising under and growing out of said service. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $539.09, or so much thereof as may be necessary, for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

FRANCIS B. KENNEDY

The Clerk called the next bill, S. 1849, for the relief of Francis B. Kennedy.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I do not see where there is any moral obligation on the part of the Government to pay this claim. I wish somebody could enlighten me on this bill.

Mr. STAFFORD. Mr. Speaker, I object.

S. VAUGHAN FURNITURE CO.

The Clerk called the next bill, S. 1851, for the relief of S. Vaughan Furniture Co., Florence, S. C.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of S. Vaughan Furniture Co., its legal successor or assign, on account of services rendered and expenses incurred on or about March 1, 1923, in connection with the burial of Rowland M. Curtis, at the request of the United States Veterans' Bureau, and to allow in full and final settlement of said claim not to exceed $85. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $85, or so much thereof as may be necessary, for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

GERMAINE M. FINLEY

The Clerk called the next bill, S. 2013, for the relief of Germaine M. Finley.

Mr. STAFFORD. Mr. Speaker, I object.

NICK RIZOU THEODORE

The Clerk called the next bill, S. 2774, for the relief of Nick Rizou Theodore.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nick Rizou Theodore the sum of $25, representing the amount of allotment and allowance check No. 12999231, drawn January 2, 1919, for $25, over symbol 11234, in favor of said Nick Rizou Theodore.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

R. A. OGEE, SR.

The Clerk called the next bill on the Private Calendar, S. 3553, for the relief of R. A. Ogee, sr.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I do not know who is the author of this bill——

Mr. McKEOWN. This is a Senate bill and the gentleman involved comes from my district.

Mr. STAFFORD. According to the report,

In 1927 complaint was made by Mr. Ogee that the drainage ditch had damaged rather than benefited his land, for which reason the Government should, in his opinion, cancel its claim for reimbursement of the damage assessments. An investigation in the field was made which disclosed that the drainage ditch had not benefited the lands of Mr. Ogee to the extent contemplated. No negligence or failure on the part of the drainage district to construct the ditch according to the approved plans was disclosed.

Mr. McKEOWN. Mr. Ogee is an Indian and the law required the department to approve the plans and specifications. They took this money out of money belonging to him in the Treasury of the United States and, as a matter of fact, the work destroyed his place. The water stands over his place now and this is the fault of the plans that were adopted. The drainage ditch was dug as agreed, as I understand it, but it has destroyed this man's land instead of helping it.

Mr. BACHMANN. If the gentleman will permit, I see that the Commissioner of Indian Affairs has approved this bill, and so has the Secretary of the Interior.

The regular order was demanded.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to credit to the account of R. A. Ogee, sr., of Maud, Okla., the sum of $2,076, representing the amount of the assessment against the allotted lands of said R. A. Ogee, sr., paid by the United States and reimbursable in accordance with the provisions of the act entitled "An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla., approved July 21, 1914.

SEC. 2. The Secretary of the Interior is further authorized and directed to issue to said R. A. Ogee, sr., a release from the payment of the amount of such assessment, and such release, when duly recorded by the recorder of deeds of Pottawatomie County, Okla., shall operate as a satisfaction of the lien of the United States on the allotted lands of said R. A. Ogee, sr.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MOSES M. BANE

The Clerk called the next bill on the Private Calendar, H. R. 1514, for the relief of the estate of Moses M. Bane.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to have some person explain why this receiver should receive this rent.

Mr. IRWIN. The husband of this lady had to pay the rent that the Government should have paid, and they are just asking for reimbursement. I think the gentleman from Virginia can explain the matter.

Mr. STAFFORD. It is a very old claim, dating way back to 1878. Will the gentleman from Virginia explain why this claim has been smoldering in the moldy past for so long and has been unearthed so recently?

Mr. MOORE of Virginia. It seems to have been introduced in Congress several times and it has passed the House and the Senate, but never in the same Congress. It has received favorable consideration to that extent.

The simple facts are that this decedent, Bane, was in charge of the land office at Salt Lake City and he provided quarters in which the Government operations were carried on. He paid the rent, and when he sought reimbursement it was found that he had exceeded his legal authority and that

there was no appropriation. The case went to the Court of Claims, and the Court of Claims, in substance, ascertained this to be the condition. They did not claim it was not meritorious, but said there was no appropriation out of which the rent could be allowed.

Mr. STAFFORD. I find this statement, which has rather prompted me to incline toward the objectionable stage in the consideration of the bill: In the letter of Mr. Moore, the commissioner, dated February 5, 1930—

I am advised that this official received the maximum salary during his service, viz, $3,000 per annum, and that in the early administration of land offices there were other cases——

The regular order was demanded.

The SPEAKER pro tempore. The regular order is demanded. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object, if the regular order is going to be demanded in this way.

Mr. BLANTON. I make a point of no quorum, if we are not going to be permitted to discuss these bills properly.

Mr. MOORE of Virginia. I hope the gentleman will not demand the regular order.

Mr. COLTON. Mr. Speaker, I make a point of order the gentleman was not on his feet when he called for the regular order.

Mr. STAFFORD. There is no disposition on the part of anybody to delay consideration of these bills. We have passed 50 bills already.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to speak for one-half minute.

Mr. BLANTON. I do not think that is proper, because we ought to have five minutes or more if necessary to discuss these matters if we are to perform our duties properly.

Mr. MOORE of Virginia. I shall not object to the gentleman having whatever time he may desire.

Mr. O'CONNOR of New York. Mr. Speaker, I make the point of order that the RECORD should show at all times who utters every word spoken in this Chamber, and not one of us knows who made the demand for the regular order.

The SPEAKER pro tempore. And, of course, the Chair was unable to tell.

Mr. O'CONNOR of New York. Then I maintain that the demand for the regular order should not be recognized by the Chair.

The SPEAKER pro tempore (Mr. HOOPER). The Chair will reverse his former ruling and hold that the point of order was not properly made.

Mr. BLANTON. And I withdraw my point of no quorum.

Mr. STAFFORD. And I therefore withdraw the objection and enter a reservation of objection.

I will now continue to read from this letter for the information of the House:

And that in the early administration of land offices there were other cases where registers and receivers paid the rent of their quarters out of their salaries.

If this was the practice of other receivers with respect to paying the rent of their offices out of their own salaries, why should we single out this man for special preferment at this late date? This happened half a century ago.

Mr. MOORE of Virginia. Only the statements of others in which the receivers paid the rent out of their salaries and non constat they were not reimbursed for the same reason that this man was not, because there was no appropriation.

Mr. BLANTON. I want to say, Mr. Speaker, that back in 1917 I filed an adverse report on this bill. Since that time the distinguished gentleman from Virginia [Mr. MOORE] has brought the bill up before every Congress. It has passed the House and the Senate possibly more than once, and the gentleman from Virginia has convinced me that there is merit in it. He is personally acquainted with the widow of this man and thinks there is merit in this bill. Because of my confidence in the gentleman from Virginia I withdraw my objection to it.

Mr. STAFFORD. Knowing the marital status of the gentleman from Virginia and how susceptible he may be in his declining years to the influence of widows, I withdraw my objection. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Senate bill was substituted for the House bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Moses M. Bane, deceased, who was receiver of public money for the Territory of Utah, and paid office rent at Salt Lake City for the years 1877 and 1878 for the first quarter of 1879, the sum of $1,080, out of any money in the Treasury not otherwise appropriated, the said sum for office rent having been advanced by the officer out of his private means.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

WILLIAM KNOUREK

The Clerk read the title of the next bill on the Private Calendar, H. R. 6652, for the relief of William Knourek.

Mr. SWING. Mr. Speaker, I move to strike out the last word.

Gentlemen of the House, I am in favor of this bill, but I want to take this opportunity to pay a merited tribute to the chairman of the Claims Committee, the gentleman from Illinois [Mr. IRWIN], and to the members of the Claims Committee, and I want to include the clerk of the Claims Committee, for the manner in which they have handled a very arduous job during this session of Congress.

I named the chairman first as the most important, because I think it was he who put life into this committee and promoted its very efficient work. You know and I know that for years the Claims Committee has been called "the cemetery," and that many of the bills referred to it were buried in the committee, and it was only with the greatest effort and personal persuasion that you could bring about their consideration. I mean to cast no aspersion on anyone who has heretofore been connected with the Claims Committee, but this Congress has witnessed the most earnest effort on the part of this committee to do justice to the claimants. Their work is without glory. It is the hardest-worked committee of the House. They have more bills than probably all of the other committees put together. And yet in face of all this the committee has functioned. It has given to citizens who had claims against the Government their day in court; some of them have received nothing in the end, but at least they have had a hearing. I congratulate the committee, and, above all, I congratulate its chairman, Mr. IRWIN, and I do not want this session to close without some acknowledgment being made of the very splendid work they have done. [Applause.]

Mr. BLANTON. Mr. Speaker, I rise in opposition to the pro forma amendment. In connection with what the gentleman from California has said I want to state that during my service here the gentleman from Massachusetts [Mr. UNDERHILL] became chairman of the Committee on Claims, which at that time had very little standing on the floor of this House. The Members of the House before that had very little confidence in the bills reported favorably from that committee.

Mr. TUCKER. What is the matter with JOHN SCHAFER?

Mr. BLANTON. When the gentleman from Massachusetts [Mr. UNDERHILL] became chairman, and he was the predecessor of our present chairman, all of us know that he inaugurated a fair and just policy in that committee, and it was understood that the bills that were meritorious should have consideration and should be reported favorably, and he would back them up on the floor of the House, as chairman, but the bills that did not have merit in them he had the nerve to stand up and object to them, and keep them from being reported.

The membership of this House had confidence in Mr. UNDERHILL. He caused us to have confidence in his Claims Committee. I want to say that he has done the very best service in this House that is possible since I have been here. He has been worth much to the people of the United States. My friend from Illinois [Mr. IRWIN] inherited that committee with that kind of a policy, and we have continued to have confidence in it, but once in a while a bad bill slips through, once in a while a bad bill slips by the vigilance of the gentlemen on this floor who watch these bills, and even the President has had to send two bills back here to-day vetoed, and tell us that we pass bills that have no merit in them, and that we pass them against the law of the country, and the House backed him up by burying those two vetoed bills in sending them back to the committees. So it is the splendid work of the gentleman from Massachusetts [Mr. UNDERHILL], lately carried on by our friend from Illinois [Mr. IRWIN], that gives us confidence in this committee.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I move to strike out the last three words. Tributes have just been paid to the former chairmen of the Claims Committee, of which I have the honor to be a member. At this time I rise to call attention of the House to the fact that the Congress, the Claims Committee, and the country will not only lose our very able chairman at the next session but also one of the most distinguished and faithful members of that committee. He will not be a Member of the next Congress.

I refer to a Member of Congress whom I have looked to for leadership when it came to private claims since I have been a Member. A man among men of exceptional character and ability, who is conscientious, able, efficient, and diligent, who will not sit in the next Congress because he stood true to his convictions and opposed to the best of his ability and to the last ditch a bill that originated in his own State, which was sponsored by people and organizations in that State who had a great deal of political influence. During the last session of Congress when that bill was under consideration by the Claims Committee he was informed, as I understand it, that those who were sponsoring and supporting the bill would oppose him in the election, and I have heard since the last election that the threat was carried out. I refer to one of the ablest Members in the present Congress or in any past Congress, a man who faithfully served his country and stood by his principles, even though it cost him a seat in the Congress. No matter how able and efficient may be the successor of Judge Box [applause], the ranking Democratic member of the Claims Committee, no matter how he applies himself in serving the people of his district and in serving the people of the country, he will have to go a long way to fill even one of Judge Box's boots. I regret, and I believe the country will regret, that so distinguished and able a representative of the people and guardian of the Treasury will not be with us in the next Congress. [Applause.]

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

JAMES M. PACE

The Clerk called the next bill, H. R. 8818, for the relief of James M. Pace.

Mr. BLANTON. I object.

Mr. IRWIN. Will the gentleman withhold his objection?

Mr. BLANTON. Mr. Speaker, this bill appropriates $21,000.

Mr. IRWIN. It does not appropriate a dollar. It clears the books. This is a robbery case. We have been passing bills of this kind for the last four years.

Mr. BLANTON. This claim amounts to some $21,000.

Mr. IRWIN. Yes; but the Post Office Department that examines carefully into these cases knows full well that this postmaster should not be held responsible for a robbery. If we have passed one of these bills we have passed 20 in the last four years. I feel that the Government is simply canceling an account against this man so as to clear the books.

Mr. BLANTON. Has the gentleman gone into this case personally himself?

Mr. IRWIN. Yes.

Mr. BLANTON. And the gentleman knows the facts?

Mr. IRWIN. I do.

Mr. BLANTON. But the gentleman does know that out of this great horde of post-office losses that come in here, first to the Postmaster General, and are then turned down and then to our committees, many of them are not robberies. Does the gentleman think that this large sum of money that was taken away from a post-office clerk down here in Union Station the other night should have been canceled under similar circumstances? Does the gentleman think that the man in charge of that money was doing faithful service when he let those men take it away from him and nobody was hurt?

Mr. IRWIN. Mr. Speaker, I would say to this gentleman that in this case this occurred in a town in Illinois, at Macomb, a large city with a large post office.

Mr. BLANTON. Half of these stolen stamp cases are bunkum thefts.

Mr. IRWIN. The Government goes into these cases very carefully. It has been the practice all of the time during these years.

Mr. BLANTON. If the gentleman has given his personal investigation then I have no objection.

Mr. IRWIN. I have.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit James M. Pace, postmaster at Macomb, McDonough County, Ill., in his accounts with the sum of $21,476.99, the amount of money and postage stamps lost in the burglary of the post office at Macomb, Ill., on April 5, 1929.

Mr. SLOAN. Mr. Speaker, I move to strike out the last word.

I listened with a great deal of interest and approval to the *n*th degree to all that was said by all of the Members with reference to the chairman, the membership, and the clerk of this great committee. I was delighted to have a question determined in my mind, because I knew every member of this committee. I personally have the highest and finest appreciation of every one of them, but from the way they have been treated in the several sittings of this Congress, it would appear that they had never given any consideration, never carefully deliberated over any of these claims; that they were negligent in every respect, if we are to measure it by the assaults that are made upon their findings in nearly every case.

I take it that the opinion of the gentleman from Texas, the gentleman from Wisconsin, and all of the other gentlemen of the membership of this committee now is practically the same as mine, and that hereafter they will give decent consideration to the findings and deliberations of this committee and let legislation proceed, and give this committee credit for honesty and integrity and fidelity to the Government's interests. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. SLOAN. I yield not to the gentleman, for yielding would be a sin, for the gentleman is always butting in; and I will give you a little more rhyme if you want it.

Mr. BLANTON. Mr. Speaker, I rise in opposition to the pro forma amendment. That will give me the floor.

Mr. SLOAN. I did not yield.

Mr. BLANTON. When the gentleman from Nebraska comes back he will be in a better humor; and when he does come back, whether it be two years or four years or six years from now he will find the gentleman from West Virginia, our distinguished and valuable Member [Mr. BACHMANN]; and he will find the gentleman from Wisconsin [Mr. STAFFORD]; and he will find the gentleman, our good friend from Mississippi [Mr. COLLINS]; and our good friend from Alabama [Mr. PATTERSON]; and myself here still on the watch; and perhaps he will find in another body the other gentleman from Wisconsin [Mr. SCHAFER] over there on the watch against bad bills.

The pro forma amendment was withdrawn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HENRY HARSIN

The Clerk called the next bill on the Private Calendar, H. R. 8835, for the relief of Henry Harsin.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, this is another claim like the claim which the gentleman from Texas [Mr. BLANTON] just reserved an objection to. I would like to inquire of the chairman of this committee whether or not this postmaster had given a bond?

Mr. IRWIN. All postmasters must give a bond. That is the first requisite after their appointment. They must give bond.

Mr. BACHMANN. Bills for the relief of these postmasters are intended to relieve bonding companies which have received a premium for the protection of the postmaster and for going on his bond. Is that not correct?

Mr. IRWIN. No. The Postmaster General sends these bills down to the committee after a careful examination and inspection by Government officials, by post-office inspectors, of the merits of this case, and requests that the bills be passed. When the merits of the case have been gone into, where there are robberies and burglaries, where the postmaster can not in any way protect himself, and the bonding company has not paid, all that is necessary is to clear the books in those cases. The Government does not pay the bonding company.

Mr. BACHMANN. As I understand the claim, the postmaster has given a surety bond and there has been a robbery out there——

Mr. IRWIN. But it does not cover that.

Mr. BACHMANN. That is what I am trying to find out. I am trying to find out whether this bill is relieving the bonding company for which a premium has been paid for going on the bond.

Mr. IRWIN. No, sir. When a postmaster gives a bond he gives a bond for the purpose of keeping safe the Government's money, but the bonding company does not bond him against burglary or anything like that. It is simply that he is to turn the money over when he receives it into legitimate channels. But if there is a burglary or a robbery, or something like that for which the postmaster is not responsible, it is not covered by the bonding company.

Mr. PATTERSON. Will the gentleman yield?

Mr. IRWIN. I yield.

Mr. PATTERSON. I appreciate that explanation which the distinguished chairman has given, but should there not be some way provided to take care of burglaries? Here is $50,000, or a little more, and the gentleman has cleared up that point that I was interested in, but it does look to me as if we should have some kind of a bond.

Mr. IRWIN. Well, I might ask the gentleman who should give this bond. The postmaster never knows when the post office may be robbed in the night. Is the gentleman going to ask that every post office in the United States shall give a bond? Who is going to pay for it?

Mr. BACHMANN. Every postmaster now has to give a bond.

Mr. IRWIN. Not for robbery.

Mr. BACHMANN. For the faithful performance of his duties.

Mr. IRWIN. As long as the postmaster uses diligent care and looks after the money, his duty is clear. The bonding company does not protect him against any robberies. It protects him for turning the money over to the proper authorities.

Mr. BACHMANN. The chairman of the Committee on Claims is giving his assurance to the House that this is not for the relief of a bonding company that has collected premiums for the protection they gave.

Mr. IRWIN. I absolutely am, because I have considered something like 50 of those very cases and they are all the same, in order to clear the books.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit Harry Harsin, postmaster at Asbury Park, N. J., in his accounts with the sum of $28,022, the amount of money and postage stamps lost in the burglary of the post office at Asbury Park, N. J., on July 6, 1929.

Mr. PATTERSON. Mr. Speaker, I move to strike out the last word. The gentleman from Illinois asked me a question and I want to counter with a question. He asked me if I would advocate that each postmaster in the United States make a bond against robbery or burglary. I am going to ask our distinguished chairman whether we are going to continue the policy, every time a post office is robbed or burglarized, of coming here and having the money paid to the postmasters?

Mr. IRWIN. I will say to the gentleman that this has been the procedure for years and years. If the gentleman feels there ought to be legislation enacted in order to protect the post offices of the United States from robbery, of course he can introduce such legislation, and it might be very worthy legislation, but at the present time we have no such legislation.

Mr. O'CONNOR of New York. I understand this claim is for $28,000.

Mr. IRWIN. Yes.

Mr. O'CONNOR of New York. That would cost $1,000 a year for a burglary policy, and the postmasters could not possibly pay such a premium. That is beyond all possibility.

The pro forma amendment was withdrawn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WALTER L. TURNER

The Clerk called the next bill, H. R. 9035, for the relief of Walter L. Turner.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This bill is to credit another postmaster with $24,430.25 in postage stamps, and an aggregate of $42,693.34. The bill that we just passed credited another postmaster with $28,022 and the one just preceding that credited the postmaster with $21,476, totaling in the three bills $92,191.34 that the Government must lose on account of robberies of postal funds. I believe that if this Congress would give some postmasters to understand that in the future the Congress is going to hesitate to credit their accounts and is going to make them responsible for losses of funds intrusted to their care, we would not have so many losses in postal funds.

Postmasters are just as honest and dependable as any other class of honorable men. Some of my very best friends in life have been postmasters. Some of the finest men of strict honor and integrity whom I have ever known have been postmasters.

But like all other classes of honorable men, there are some black sheep among postmasters. Some lawyers are not honest, though they are as honorable as any other class. Some preachers are not honorable, though as a class they will favorably compare with every other class of men. Even some Members of Congress have been charged with dishonesty, though they are as honest and as high principled as any other class of men.

Because we have so many postmasters and assistant postmasters in the service scattered all over the United States the dishonest ones number more than a few because they are in a class that numbers many men.

Losses in post offices are increasing. Claims made by postmasters are increasing in every Congress. Many postmasters are careless. Many are indifferent. Many do not exercise the same degree of care in looking after public funds and public property that they use in managing their own properties.

This Congress must impress upon the postmasters of the country that they must be more careful, that they must be less indifferent, that they must be more watchful and energetic, and they must understand that they will be reimbursed only when the facts clearly demonstrate that they were without fault and that they exercised the greatest degree of care.

I have not objected to these three bills, aggregating the huge sum of $92,191.34, which the Government is losing because the department has certified that the postmasters were without fault. But I am going to continue to inspect these claims for losses in post offices with great care, and am going to continue to fight against the passage of every bad bill, as I have done in the past, when it is shown that the postmaster failed to do everything within his power to prevent loss to the Government.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit Walter L. Turner, postmaster at Lagrange, Ga., in his accounts with the sum of $227.14 in postal funds and $24,430.25 in postage stamps lost in the burglary of the post office at Lagrange, Ga., on February 16, 1928, and for $500 in postal funds; $17,433.66 in postage stamps and $102.29 in money-order funds lost in the burglary of the post office at Lagrange, Ga., on September 11, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

E. F. ZANETTA

The Clerk called the next bill, H. R. 9122, for the relief of E. F. Zanetta.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, a similar Senate bill will be considered in lieu of the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle, adjust, and certify to the Congress the claim of E. F. Zanetta in the sum of $2,315.32 in full settlement for damages sustained by reason of a collision between his truck and an Army tractor on the Castroville-Monterey Highway on or about June 6, 1927.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

POCAHONTAS FUEL CO.

The Clerk called the next bill, H. R. 9262, for the relief of the Pocahontas Fuel Co. (Inc.).

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pocahontas Fuel Co. (Inc.), a corporation duly organized and having a usual place of business in New York, N. Y., the sum of $224.18, in full compensation for property damage done to the coal wharf owned by said corporation at New Bedford, Mass., by the United States Coast Guard cutter *Acushnet* on January 10, 1927.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

J. P. MOYNIHAN

The Clerk called the next bill, H. R. 9780, for the relief of J. P. Moynihan.

There being no objection, the bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. P. Moynihan, of Chicago, Ill., the sum of $1,000. Such sum represents the amount of a bail bond deposited with the District Court of the United States for the Northern District of Illinois to secure the appearance of Joseph Krawchuk and which was forfeited.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PORTLAND ELECTRIC POWER CO.

The Clerk called the next bill, H. R. 10503, for the relief of the Portland Electric Power Co.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Portland Electric Power Co., a corporation, the sum of $6,721.65, with interest thereon at the rate of 4 per cent per annum from July 7, 1917, in full compensation and settlement of the claim of said company as the successor of the Portland Railway, Light & Power Co. for the return of the sum of $6,721.65 paid to the United States on July 7, 1917, as the amount of compensation awarded by the court in a condemnation suit wherein said last-mentioned company sought to acquire title to 52.40 acres of Oregon & California Railroad Co. grant lands in the State of Oregon, said lands not having been conveyed to said company or its successor, the Portland Electric Power Co., and it being deemed to be in the public interest that title to said lands be retained by the United States.

With the following committee amendment:

Page 2, line 10, after the word "States," insert the words "the amount so paid to be chargeable to the Oregon and California land-grant fund."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

C. M. WILLIAMSON

The Clerk called the next bill, S. 1299, for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith.

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill appropriates $8,824.10. The Commissioner of Indian Affairs recommended adversely, as follows:

It is accordingly recommended that S. 1299 do not receive favorable consideration.

The Secretary of the Interior, Doctor Wilbur, says:

I concur in recommending that this bill be not enacted.

On the unfavorable report filed by those two departments of the Government, I object.

Mr. SMITH of Idaho. Will the gentleman withhold his objection?

Mr. BLANTON. Certainly.

Mr. SMITH of Idaho. I would like to make an explanation. The Government contracted with quite a number of people in the Fort Hall Indian Reservation to place water upon their lands, and as the development of the project proceeded it was found there were about 400 acres that were too high to be irrigated by gravity. It was necessary to pump the water upon these lands, and the people who had contracted with the Government to be furnished water waited some time for the Government to put water on the high lands and finally they concluded, instead of waiting until the system was entirely completed, they would buy their own pumps and pump their own water. Later the Government came in and built the siphon which brought water to these high lands, and this bill is to reimburse these farmers for the expense of the machinery and the tolls they had to pay the power company for putting water upon their lands.

Mr. BLANTON. Mr. Speaker, the Indian Commissioner, Mr. Burke, states:

The facts in this case do not place the Government under any obligation to pay these landowners sums expended by them in constructing and operating their pumping machinery for their own benefit.

Mr. SMITH of Idaho. I know, but if the gentleman will read the contract he will find the contract provided that

water should be placed upon the land at the price it was furnished to other farmers.

Mr. BLANTON. But the Indian Commissioner, in passing on that contract, states that it did not obligate the Government to pay for it, and the Secretary of the Interior, Doctor Wilbur, says that it ought not to be allowed; and I am following these distinguished gentlemen who stand high in the Republican administration.

Mr. SMITH of Idaho. The gentleman is a lawyer, and if he would read the contract which is printed in the report he would find the Government is bound to furnish water to these lands.

Mr. BLANTON. I am sorry, but I object. I cannot allow this $3,824.10 to be taken out of the Treasury when two Government officials certify that it is not just.

LAKESIDE COUNTRY CLUB

The Clerk called the next bill on the Private Calendar, S. 1748, for the relief of the Lakeside Country Club.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have gone over this bill rather carefully. I do not like the form in which it comes before the House for consideration, because it would involve the payment of back interest. I have no objection to allowing the $6,000 without any interest; and if the gentleman has no objection to the following amendment, "The Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated to the Lakeside Country Club of Pulaski County, Ark., the sum of $6,000, the balance of taxes illegally collected in 1921, as a full settlement and accord thereof," I shall not object.

Mr. IRWIN. We will accept the amendment.

Mr. BOX. That will be acceptable. As a matter of fact, I think it is not contemplated that any interest should be paid, and we are perfectly willing for the amendment to be adopted.

Mr. STAFFORD. Under the law interest would run, and I have provided against that in this amendment.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to reopen and allow the claim of the Lakeside Country Club, of Pulaski County, Ark., and refund the sum of $6,000, the balance of taxes illegally collected under existing laws and decisions.

Mr. STAFFORD. Mr. Speaker, I offer a substitute amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lakeside Country Club, of Pulaski County, Ark., the sum of $6,000, the balance of taxes illegally collected in 1921, as a full settlement and accord thereof."

Mr. COCHRAN of Missouri. Mr. Speaker, I rise in opposition to the amendment. I want to address myself to the gentleman from Wisconsin [Mr. STAFFORD]. I would like to know from the gentleman from Wisconsin how he can conscientiously approve of this bill after he has refused on two occasions to permit the passage of a bill which I introduced providing for a refund of about $7,000 to the United States Bank of St. Louis. It is identically the same kind of case, where the Commissioner of Internal Revenue and the auditors of the Internal Revenue Office have stated that my constituents on two occasions have paid the same amount to the Government of the United States, and the only reason that the money was not refunded was because the statute of limitations applied. Further, in my case there is no doubt but that the representative of the Bureau of Internal Revenue in St. Louis told the officials of the United States bank, "If you will pay this assessment of $15,000 plus, you will get a refund of $7,000 plus, which you paid last year." I would like to know from the gentleman from Wisconsin where he gets the idea that a claim from Arkansas is any different than a claim from the city of St. Louis.

Mr. STAFFORD. I will accommodate my friend from St. Louis and try to point out the difference. I want to say that I have gone over this bill very carefully in view of the fact that I had objected not only to the gentleman's claim but to others, and I reconcile my position in this. In this case the claimant filed a claim in abatement for the payment of these taxes prior to the running of the statute of limitations. He not only filed a plea in abatement but I believe if the gentleman will read the report he would not tear the air to tatters and claim that his bill is on all fours with this.

Not only that but the claimant from time to time made inquiry of the officials as to the status of the representation of the question involved and was advised that the claim was being adjudicated.

The real distinction in this case from the others is that there was plea in abatement filed before the statute of limitations had run. I will ask the gentleman to postpone his criticism until he reads carefully the report in this case and then he will see that there is a distinction with a real difference.

Mr. COCHRAN of Missouri. I will conclude by reading to the gentleman from Wisconsin from the report of the committee. I will say that I have read the full report:

The only contention now made by the Government against the payment of the $6,000 is that the club did not file the proper demand for a refund and that it is barred by the statute of limitations. No question as to the justice of the demand is raised by the Government. It rests solely upon a plea of statute of limitations.

Mr. Speaker, I am not going to object to the payment of a legitimate claim by the Government of the United States where it is shown by the report that a responsible committee of the House has recommended a refund. I withdraw my reservation.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DANIEL COAKLEY

The Clerk read the title of the next bill on the Private Calendar, H. R. 4281, for the relief of Daniel Coakley.

Mr. STAFFORD. I reserve the right to object.

Mr. THATCHER. I call attention to the report made by the Secretary and the report made by the Compensation Commission. This beneficiary was employed as a messenger in connection with improving the Ohio River at Louisville, Ky., which then was and now is under Government supervision. He fell off of a moving train while in discharge of his duty.

Mr. STAFFORD. I beg the gentleman's pardon; he did not fall off the train in the discharge of his duty. If the gentleman will read the report, it says:

He mounted the coal car attached to a westbound train and rode as far as a switch or siding, east of the bridge, where the eastbound train was waiting. Mr. Hughes was on the eastbound train, and Coakley in attempting to jump off of the coal car while the train was moving slipped and fell with his right leg across the rail. One or more cars passed over the limb, crushing it off just below the knee joint.

There are two objections to the bill. First the accident occurred in 1891, 24 years before the Compensation Commission act. It has been the policy of Congress not to pay claims or give them the benefit of the compensation act which was passed 24 years after the accident occurred. Next he was injured through his own fault, stealing a ride on a coal car. In view of the circumstances, Mr. Speaker, I object.

VIOLA WRIGHT

The Clerk called the next bill, H. R. 8898, for the relief of Viola Wright.

Mr. COLLINS. Mr. Speaker, I reserve the right to object. I had understood that employees of the Government who were entitled to compensation must have suffered injuries while in the performance of their duties. I learn that by the terms of an act of date June 5, 1924, the term "injury" was made to include injury by accident, and also any disease directly caused by the employment. If the gentleman will accept an amendment which will merely refer this claim to the Employees' Compensation Commission for adjudication under the law, I shall not object; otherwise I shall.

Mr. IRWIN. Mr. Speaker, I accept the amendment.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is hereby authorized and directed to extend the benefits of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended, to Viola Wright, former nurse, United States Indian Service, in the same manner and to the same extent as if said Viola Wright had made application for the benefits of said act within the 1-year period required by sections 17 and 20 thereof.

Mr. COLLINS. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Beginning in line 4 after the word "authorized" strike out down to and including the word "to" in line 8 and insert in lieu thereof "to consider and determine the claim of."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of line 12 strike out the period, insert a colon, and add the following:
"*Provided*, That no benefit thereunder shall accrue prior to the enactment of this act."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MARY FORD CONRAD

Mr. COLLINS. Mr. Speaker, in view of the fact that I objected to a similar bill, Calendar No. 797, H. R. 4175, to extend the benefits of the employers' liability act of September 7, 1916, to Mary Ford Conrad, if the author of that bill will accept a similar amendment to the one just offered in H. R. 8898, I shall ask unanimous consent to return to the bill.

Mr. MOORE of Virginia. Mr. Speaker, that is satisfactory to me.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 797.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. The gentleman would have no objection to the amendment that I just proposed?

Mr. MOORE of Virginia. No.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend to Mary Ford Conrad, on account of the results of injury sustained while in the performance of duty as an employee of the Accounting Division of the Treasurer's Office, Treasury Department, at Washington, D. C., from August 5, 1918, to October 31, 1921, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

With the following committee amendment:

Beginning in line 4, on page 1, after the word "to," strike out the remainder of the bill and insert: "receive and determine the claim of Mary Ford Conrad, a former employee of the Accounting Division of the Treasurer's office, without regard to the limitation of time within which such claims are to be filed under the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended."

The committee amendment was agreed to.

Mr. COLLINS. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Line 4, page 1, strike out the words "and directed to," and on page 2, in line 4, strike out the word "receive," and insert "to consider."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of the committee amendment on page 2, line 11, strike out the period, insert a colon and add the following proviso: "*Provided*, That no benefit thereunder shall accrue prior to the enactment of this act."

The amendment was agreed to.

Mr. BOX. Mr. Speaker, I move to strike out the last word. I do this for the purpose of taking a moment to discuss the work of this committee and to express my appreciation of the very kind things my colleagues on the committee—the former chairman, the gentleman from Massachusetts [Mr. UNDERHILL], and a present associate, the gentleman from Wisconsin—have said about me and my work, far beyond my deserving. I have served some 10 years under three different chairmen of an opposing political party. My relations with them and the membership have been uniformly pleasant. We have not always agreed, but we have always worked together. I shall always remember with the greatest pleasure my association with those gentlemen and my participation in that important work.

May I say one thing more to the House and in a further effort to further perform my duty in this connection. The importance of the work of this committee, I think, is not fully appreciated. There is too much chaos in the consideration of these claims. Something will have to be done to bring order out of this confusion. It is not at all satisfactory for one who loves justice and wants it done by the American Congress to have business handled as that work is. In the first place, your committee can not consider anything like all of these bills. There are probably 500 resting now in our files which we have not been able to dispose of. This work is constantly increasing. Sooner or later some better method of handling this business will have to be provided unless the Government is going to fail to do justice to claimants and to itself. Under the present method some claims get through which should not be paid and many meritorious claims are not adequately considered. I had hoped that the chairman would be able to get consideration of the general torts bill which our committee has reported.

I believe it would go far toward the ascertainment of the right involved in many of these claims and help to accomplish the work this committee was designed to accomplish. It is one of the oldest, it is one of the most important committees of the House. It seems so to me after I have been engaged in this work for 10 years.

I have this additional thing to say to gentlemen who have not served on that committee or to men coming into Congress for the first time: If an opportunity to render genuine service is desired, if men want to work instead of advertise themselves, that is a good place to render good service, and the substantial men of this House will know it and a Member rendering such service will have the consciousness of duty properly performed, and, after all, that is one of the best rewards of public service. [Applause.]

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GRANVILLE W. HICKEY

The Clerk called the next bill on the Private Calendar, H. R. 5450, for the relief of Granville W. Hickey.

Mr. SCHAFER of Wisconsin. Reserving the right to object, I notice the report from the committee indicates that the beneficiary of this bill would have received an honorable discharge after his desertion if he had returned to service. I find no information in the committee report upon which the committee could make that statement, other than the

statement of the beneficiary of the bill, which is uncorroborated. The War Department record which is incorporated in the report does not indicate those facts to exist. Unless we can have some additional information other than the affidavit of the beneficiary, we might save the President from using the time in the preparation of another veto message.

Mr. EVANS of Montana. I do not know that that is the fact, other than from the statement by the claimant himself. The War Department record does show that he served some 80 days in Cuba and came back and then deserted. His statement is that he was a boy of 19 and that he was ill.

Mr. SCHAFER of Wisconsin. He served just about six months and he deserted December 13, 1898. That is all the War Department record indicates. The War Department does not indicate that if he had not deserted and had returned to his outfit he would have received an honorable discharge, under the order mentioned in the affidavit of the beneficiary.

Mr. EVANS of Montana. There is no suggestion that he did not serve five or six months.

Mr. ARENTZ. Does the gentleman not think, in view of the number of months he served, and that he served in 1898, a long time ago, that a long period of time has elapsed and he is entitled to this recognition at this time?

Mr. EVANS of Montana. Yes. He is an old man, an invalid. He was a boy only 19 when he was in the Army.

Mr. SCHAFER of Wisconsin. Is the gentleman who is the author of this bill firmly convinced that this man would have received an honorable discharge if he had not deserted, as outlined in the body of the report?

Mr. EVANS of Montana. I have no evidence on that question except his own statement, but the War Department report does not indicate he would not have received it.

Mr. SCHAFER of Wisconsin. But I believe the gentleman who introduced this bill, or the committee at least, should have ascertained from the War Department whether the facts existed as the beneficiary stated in his affidavit. If we are going to clear up cases of desertion and allow monthly pension benefits as long as the deserter shall live, 10 or 20 or 30 years, at considerable expense to the Government, I believe the Congress ought to have some evidence in addition to the affidavit of the beneficiary.

Mr. EVANS of Montana. I think it is quite immaterial whether or not he would have been discharged the next day. There is no question about his serving five or six months.

Mr. SCHAFER of Wisconsin. I think it is material. I do not want to take the stand that we are going to give deserters in time of war the same pension benefits that we give men who do not desert.

I shall object to the bill, Mr. Speaker.

UNITED STATES BANK OF ST. LOUIS

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to return to Calendar No. 760, H. R. 4084, for the relief of the United States Bank of St. Louis, Mo.

The SPEAKER pro tempore. That is behind the star and not in order to call up this evening.

Mr. COCHRAN of Missouri. Well, Mr. Speaker, I ask unanimous consent. The House can go behind the star by unanimous consent.

The SPEAKER pro tempore. That was not the understanding when we met this evening.

Mr. COCHRAN of Missouri. But can the House not set aside any rule that might have been made?

The SPEAKER pro tempore. The Chair would not recognize the gentleman for that purpose at this time. The Clerk will report the next bill.

DAISY BALLARD

The Clerk called the next bill on the Private Calendar, H. R. 12215, for the relief of Daisy Ballard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles E. Ballard, who was a member of Companies M and B, Second Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of July, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 5, after the word "Charles," strike out the letter "E."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JEANIE G. LYLES

The Clerk called the next bill on the Private Calendar, H. R. 525, for the relief of Jeanie G. Lyles.

Mr. COLLINS. Mr. Speaker, reserving the right to object, this bill relates to a saddle in the Army. Did this lieutenant discover that saddles in the Army are obsolete? If he did, he is entitled to have $1,500, and more, out of the public Treasury.

Mr. GAMBRILL. This officer invented this pack saddle attachment when he was serving in the Philippine Islands in 1902. He died in 1903, and this bill is for the benefit of his mother, a widow.

I want to say that a similar bill was presented in the Sixty-second Congress, in May, 1912, a bill introduced at that time by Mr. Rucker, of Colorado, for the relief of Mrs. Lyles.

According to the report in that Congress and of that date it is quite evident to me that there was a contract with the War Department whereby the War Department agreed to pay to this widow the sum of $2,500 for the use of this saddle attachment.

Mr. COLLINS. It was not a saddle attachment, according to the report. The report states that it was customary to put a pack on an animal and put under the pack a blanket, and this man discovered that it was better to put a saddle on top of the blanket, and he now claims $2,500 as the result of this discovery. The statement just made is from the report.

Mr. GAMBRILL. The gentleman is mistaken.

Mr. BLANTON. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BLANTON. I had this bill marked for objection, but in looking the matter up I found that the Secretary of War, as the gentleman knows, recommends that even $2,500 be paid. He said that would be a very reasonable sum for the value of this service, but the committee has reduced the sum from $2,500 to $1,500.

Mr. STAFFORD. There is nothing in the report to show that this man was the inventor of this device.

Mr. BLANTON. The War Department says so.

Mr. BACHMANN. Even though he was, does the gentleman recall that the other evening when we were considering the Private Calendar there was a bill considered to pay some employee of the Post Office Department a sum of money for an invention, and the Post Office Department recommended it?

Mr. BLANTON. I objected to it because I did not believe men ought to be paid extra for giving their best services to the Government as the Government is entitled to their very best, but the House passed that bill under suspension.

Mr. BACHMANN. I beg to differ with the gentleman.

Mr. BLANTON. That was the Griffin bill to which I refer. I objected to it, but finally, under the Speaker's recognition, the House passed the Griffin bill under suspension of the rules.

Mr. BACHMANN. But the gentleman from Wisconsin permitted that bill to go through.

Mr. BLANTON. The one I refer to is the Griffin bill, which finally passed the House under suspension of the rules, and we ought to treat everybody alike.

Mr. BACHMANN. I think so, too.

Mr. GAMBRILL. The gentleman from Wisconsin said there was nothing in the report to show that this man was the inventor of this device. I have in my hand a letter dated July 11, 1930, from Mr. Payne, the Acting Secretary of War, in which he says, among other things:

The files disclose correspondence in which the adoption and use of Lieutenant Lyles's invention is frankly admitted and the opinion expressed that the sum of $2,500 would represent fair compensation for the use of the invention by the War Department.

Mr. STAFFORD. The gentleman is acquainted with the decisions that hold that when any person in the employ of the Government invents any device he is not entitled to any compensation, but the invention is for the benefit of the Government.

Mr. GAMBRILL. Let me call the gentleman's attention to the proceedings held in the Sixty-second Congress, when this bill came up for consideration and was favorably considered at that time. On May 31, 1912, Mr. Rucker, of Colorado, made this statement:

Now, as I have said, he did not take out a patent and she did not take out a patent because the Government had already agreed with her for a 10 per cent royalty upon this invention.

Mr. BEALL of Texas. Did the Government pay that royalty?

Mr. RUCKER of Colorado. They gave her credit for it, and the reason why it is put here at the sum of $2,500, I want to show to you, and it is because it was agreed with the Secretary of War that $2,500 should be paid instead of carrying the account from year to year upon a 10 per cent royalty.

I have studied the proceedings in that Congress and I am convinced that there was an understanding between Mr. Rucker of Colorado, the then Representative from Colorado, and the Secretary of War, that this lady should be paid the sum of $2,500. It seems to be but fair at this late date, when justice has been so long delayed, that this bill should be passed in the sum of $1,500.

Mr. STAFFORD. A similar bill was under consideration on the last call of the Private Calendar. I felt impelled to object then to that bill, and I will have to object at this time.

GRANVILLE W. HICKEY

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent to return to Calendar No. 836, the bill (H. R. 5450) for the relief of Granville W. Hickey.

There being no objection, the Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Granville W. Hickey, who was a member of Company C, Twentieth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

In line 9, after the word "organization," insert "on the 13th day of December, 1898."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REGINE PORGES ZIMMERMAN

The Clerk called the next bill on the Private Calendar, H. R. 918, for the relief of Regine Porges Zimmerman.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. O'CONNOR of New York. Mr. Speaker, of course, I would not waste much time if the gentleman were going to insist on objecting, but I want to prevail upon him that this is a meritorious claim, and that the amount and the justness of it have been settled by the Supreme Court of the State of New York. The most the department says is that they refrain from expressing any opinion on the matter. They do not disapprove. The injuries were sustained by this lady by reason of being hit by a Motor Transport Corps truck, driven by an employee of the Government. She sued in the supreme court, her damages were proven, she recovered for her injuries, and so forth, and, of course, the driver was not financially responsible.

The department, taking the usual position, is not opposed to the bill, does not take any position against the bill, and there is no opposition to the bill from any source, and the committee recommends it. I do not see why there should be any objection. It is only in the amount of $1,700, and there is the report of the doctor as to the extent of her injuries.

Mr. STAFFORD. I would certainly have to object to that clause which provides interest from October 13, 1921.

Mr. O'CONNOR of New York. I consent that that may be stricken out.

Mr. STAFFORD. I did have it marked for consideration of objection. The Acting Secretary of War says, "The United States is wholly immune from liability." I do not recall just now the facts in the case. Perhaps the gentleman can refresh my memory as to how the accident occurred. However, let me read here:

Operated by the Motor Transport Corps and driven by John J. Flood, civilian chauffeur, was returning to New York from Rahway, N. J., on official business, was being driven along Richmond Terrace, Staten Island, about 1.20 p. m., at a reasonable rate of speed, that the pavement was somewhat slippery and oily.

Where is there any showing that the driver was negligent?

Mr. O'CONNOR of New York. The driver says he was going at 9 miles an hour, but this is refuted by the fact he did not stop for some 30 feet and also by an affidavit of an eyewitness who says he was going 40 miles an hour. If he were going only 9 miles an hour, he would not have dragged the lady 15 feet. When the Government says it is not responsible, it is talking, of course, about technical liability. That is why we have these bills here. If it was responsible, we would not be here.

Mr. STAFFORD. The gentleman has already consented to having the interest waived; would the gentleman be willing, as I know he will, to strike out the words "being the amount of a judgment recovered by her," and say "in full settlement for personal injuries"?

Mr. O'CONNOR of New York. That is all right.

Mr. STAFFORD. I withdraw the reservation of objection, Mr. Speaker.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Regine Porges Zimmerman, of New York City, the sum of $1,752.91, with interest from October 13, 1921, being the amount of a judgment recovered by her on said date against one John J. Flood, in the Supreme Court of the State of New York, county of New York, for personal injuries sustained by her on July 17, 1919, through the careless and reckless operation of a United States Army automobile while being driven during official service by said John J. Flood, a civilian employed as a chauffeur by the United States Army.

With the following committee amendment:

After the word "Army," on page 2, line 3, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 15 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 15 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment striking out all of lines 7, 8, 9, and in line 10, down to the word "York," and insert in lieu thereof "in full settlement."

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 1, strike out all of lines 7, 8, 9, and down to and including the words "New York," in line 10, and insert "in full settlement."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider was laid on the table.

MARGARET B. KNAPP

The Clerk read the title of the next bill on the Private Calendar, H. R. 1072, for the relief of Margaret B. Knapp.

Mr. BACHMANN. Here is a bill that seeks to pay $2,000 to the claimant, Margaret B. Knapp, because of an injury she claims she received to her eyes while employed in the War Department during the years 1913 to 1915. I would like some one to explain why the bill should pass.

Mr. IRWIN. This bill was referred to our committee, and after due consideration the committee came to the conclusion that her eyesight was damaged by work that she had been doing. One eye was injured and it was most likely that the other eye would be impaired and cause total blindness.

She was asking for a moderate amount, and I believe that the gentleman from West Virginia would agree that the compensation commission——

Mr. BACHMANN. Oh, this has been to the Compensation Commission on two occasions. Once it was turned down because the provisions of law did not apply and the Comptroller General refused to permit the compensation commission to pay it.

Her eyes grew worse because of the class of work she was doing. The law was amended and then it was resubmitted to the compensation commission and they turned it down again. I can not see why Congress should pass the claim now.

In addition to that, since 1924 she has been drawing at the rate of $432 a year from the Government as an annuity. I do not think there is any further obligation on the part of the Government in this case and I am compelled to object.

Mr. DOXEY. A part of the merit in this case lies in the fact that during the time this woman was doing this work she twice called the bureau's attention to the fact that her eyes were rapidly losing vision. She wanted leave of absence and they refused the request, so she was forced against the advice of her physician to remain, and that enforcement finally led to a condition where she could not see more than a foot or two ahead.

Mr. BACHMANN. The woman was nearsighted when she entered the service. Her case went to the Compensation Commission, and they turned it down.

Mr. DOXEY. It was thrown out on a technicality.

Mr. BACHMANN. That was the first time, and the second time it appears in the report as follows:

It appears from the evidence submitted that in so far as her case had merit, it was based upon the conditions of work during 1912 to 1914, which probably aggravated certain defects of the eyes which Mrs. Knapp had had for many years. The condition at that time was one which, according to medical opinion, was likely to become progressively worse, regardless of the work done. The three medical examinations referred to above seem to have been entirely adequate to support this medical opinion. It does not appear that the work upon which Mrs. Knapp was engaged after the enactment of the present law was such as to constitute an eyestrain or to be accepted as the probable proximate cause of her progressive loss of vision.

I am compelled to object.

FRANK R. SCOTT

The Clerk read the title to the next bill on the Private Calendar, H. R. 2434, for the relief of Frank R. Scott.

Mr. BLANTON. Reserving the right to object, this bill when originally introduced, carried $3,283. The committee has amended it so that it carries only $1,283. May we have the assurance from the chairman of the committee that this amount will not be raised back to the original amount in the other body?

Mr. IRWIN. I think I can say that the Senate is not given to raising the sums above what we grant. As a rule, they cut the amount.

Mr. BLANTON. Oh, I can not agree to that. I have seen case after case where the amount would be raised, and there would be no way to stop it when it came back.

Mr. IRWIN. In this case, if I am on the conference committee, I say to the gentleman that I shall not permit any more than this amount.

Mr. BLANTON. Then I shall not object.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank R. Scott the sum of $3,283. Such sum shall be in full satisfaction of all claims against the United States on account of damages sustained by him on January 24, 1928, when United States Army truck No. 214243 collided with his automobile at a place known as Halls Hill, in the town of Killingly, in the State of Connecticut.

With the following committee amendments:

Page 1, line 6, strike out "$3,283," and insert "$1,283."

Page 2, line 1, at the end of the line, strike out the period, insert a colon and the following: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

LAURA ROUSH

The Clerk called the next bill, H. R. 2647, authorizing the payment of compensation to Laura Roush for the death of her husband, William C. Roush.

Mr. BLANTON. I object.

SAMUEL SCHWARTZ

The Clerk called the next bill, H. R. 5520, for the relief of the estate of Samuel Schwartz.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. May we have the assurance of the chairman that this amount will not be raised from $3,500, allowed by the committee, to $5,000, claimed by the bill, when it is acted upon by another body?

Mr. IRWIN. I can only say this: That if I am on the conference committee I shall insist upon the amount fixed by the House.

Mr. BLANTON. Then I shall not object.

Mr. STAFFORD. I reserve the right to object. As I read the report this man was negligent in carrying a bundle on his shoulder, and although the chauffeur sounded the whistle on the mail truck, the man walked obliquely across the street and was injured.

Mr. O'CONNOR of New York. Oh, that walking obliquely does not mean what the gentleman has in mind. He was a newspaperman carrying a bundle of papers under his arm. If the gentleman will read the affidavit on page 4 of the report, he will see that an issue of fact is raised, and that the statement of the chauffeur, a Government employee, is both unreasonable and improbable, that he was going at a slow rate of speed. If he was, he would have been able to stop the truck.

Mr. IRWIN. A disinterested witness was called and testified that he was going at the rate of 40 miles an hour.

Mr. STAFFORD. Where is that testimony?

Mr. O'CONNOR of New York. On page 4 of the report.

Mr. STAFFORD. That is the affidavit of the claimant.

Mr. O'CONNOR of New York. Oh, no; not the claimant. Suppose such a case was submitted to the jury on that question of fact, the jury surely would have been entitled to find that the testimony of this uninterested witness was more reliable than the testimony of an interested witness.

Mr. STAFFORD. There is no reason why the chauffeur should misrepresent the fact.

Mr. O'CONNOR of New York. He is an interested witness, and any court would instruct the jury that he is such. He would be liable to lose his job in case he was guilty of negligence.

Mr. STAFFORD. He sounded the whistle of the mail truck. The statement is that the man ran into the front fender of the mail truck and was thrown down.

Mr. O'CONNOR of New York. That is the statement of the driver of the truck. Surely he is trying to cover himself. Read the affidavits of the witness who is disinterested.

Mr. SCHAFER of Wisconsin. The committee report also indicates that the speed governor on the truck was not properly adjusted, indicating that the truck was going at a greater rate of speed.

Mr. STAFFORD. Where is that evidence?

Mr. O'CONNOR of New York. Near the top of page 2.

Mr. SCHAFER of Wisconsin. While the evidence apparently is not contained in the committee report, a great deal of evidence before the Claims Committee can not be contained in these committee reports, because we would have in some cases reports an inch thick. It is my recollection that the testimony before the committee showed that the speed governor was not in order.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Samuel Schwartz the sum of $5,000. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from the death of Samuel Schwartz, who, on January 23, 1926, died from injuries received when run down and struck by a United States post-office truck, January 22, 1926, in New York City.

With the following committee amendment:

Page 1, line 6, strike out "$5,000" and insert "$3,500" and on page 2, line 1, after the word "city" strike out the period, insert a colon and the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time; was read the third time and passed, and a motion to reconsider laid on the table.

LOUIS CZIKE

The Clerk called the next bill, H. R. 5521, for the relief of Louis Czike.

Mr. BACHMANN. I would like to ask the gentleman from New York whether this man is a communist?

Mr. O'CONNOR of New York. From his name, being Anglo-Saxon, as I read it, I should imagine that he is a good American citizen.

Mr. BACHMANN. The claim is for the return of $500 which he deposited as a bond in an alien deportation case.

Mr. O'CONNOR of New York. Yes. He turned the man over to the Government for deportation and through some neglect of the Government he was not taken. This man did everything as an American citizen, as a bondsman. The Government said it went to an expense of some $46, which we are deducting from the amount of his claim.

Mr. BACHMANN. I direct the gentleman's attention to page 2 of the report.

Mr. O'CONNOR of New York. Of the letter to me?

Mr. BACHMANN. I would like to be informed a little further on this matter. In one of his letters he says:

I am still under the opinion that the help, or what you might call them, employed on Ellis Island are having their fine time on securing money from both sides. When I found the character of my brother-in-law I wanted to surrender him to the authorities at Montreal and even was to take to Ellis Island and they refused to accept him. What right have they to hold my money? They did not the alien but the money. I have shown the letters to friends of mine here in this district. They might, up there, mind that there is no justice here, but just protecting undesirables, and when you look for justice they call you uneducated and all sorts of words.

My friends at this election have decided that if there was a ballot instead of machine, would mark the ballot, "Down with those who have received money that does not belong to them."

You might think, your honor, that this letter is from an uneducated gentleman, but, thank God, I am thankful the education I received in Hungary is far more supreme than that of the previous letter from Commissioner General Hull, when he stated that I only go to bed, and have the same thoughts in mind when I get up. I feel that a letter of apology is due me on the letter mailed by the commissioner general. My next step now is to lay this case before President Coolidge and see what redress I can get.

Did he ever lay the case before President Coolidge?

Mr. O'CONNOR of New York. I think he left it entirely to me.

Mr. BACHMANN. I am inclined to believe that if the gentleman will give the House his assurance that this is a meritorious claim, in view of the fact that this man appears to be a communist, I will have no objection.

Mr. O'CONNOR of New York. I think he is just a philosopher.

Mr. SCHAFER of Wisconsin. He is just a Tammany Democrat.

Mr. O'CONNOR of New York. I am not so sure. He does not sound like it.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis Czike, of New York, N. Y., the sum of $500, representing the amount of a cash bond which he deposited in behalf of Joseph Chumpelik, an alien, who has been deported.

With the following committee amendment:

Page 1, line 6, strike out "$500" and insert in lieu thereof "$453.56."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DAVIS, HOWE & CO.

The Clerk called the next bill on the Private Calendar, H. R. 9245, for the relief of Davis, Howe & Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Davis, Howe & Co., Salt Lake City, Utah, the sum of $2,660. Such sum represents the amount deducted as liquidated damages from the price received by such company, as subcontractor of the Burnham Manufacturing Co., Woods Cross, Utah, for furnishing two high-pressure emergency gates and conduit linings for the Echo Dam, Salt Lake Basin project, Utah.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM S. STEWARD

The Clerk called the next bill on the Private Calendar, H. R. 9387, for the relief of William S. Steward.

Mr. STAFFORD. I object.

Mr. JONES of Texas. Will the gentleman reserve his objection?

Mr. STAFFORD. I will reserve it; yes.

Mr. JONES of Texas. This is a case where a man was injured before the general law of 1916 became effective. If he had been injured in the same service in 1916, he would have been entitled to the benefits of the act of 1916. It seems to me, in view of the fact that he was injured in the service at a previous time, he certainly should be entitled to receive the benefits of the act which was passed.

Mr. BACHMANN. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. BACHMANN. I see he has already received $1,788.48.

Mr. JONES of Texas. That is just the one year's salary that they all receive. This man was permanently injured. One leg is 2 inches shorter than the other.

Mr. BACHMANN. That was the maximum provision provided by law at that time.

Mr. JONES of Texas. Yes; and under the law of 1916 this is charged to a compensation fund, and there is provision made for that purpose, and he would come within the provisions of that act under this bill.

Mr. STAFFORD. But there are many, many persons injured on the canal who would be entitled to claims of this character, in addition to the one year's salary.

Mr. JONES of Texas. There are not many beyond 1916.

Mr. STAFFORD. Oh, yes; there are hundreds of them.

Mr. BACHMANN. This was prior to the enactment of the compensation act?

Mr. STAFFORD. Yes. Mr. Speaker, I am still constrained to object.

EXTRA LABOR AT CERTAIN NAVY YARDS

The Clerk called the next bill on the Private Calendar, H. R. 9539, for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards, certified by the Court of Claims.

Mr. STAFFORD. Reserving the right to object, I would like to have the gentleman from New York [Mr. SNELL] make some explanation as to the reason why we should pass these old claims dating back to 1878.

Mr. SNELL. I may say that I started on this proposition with about the same view that the gentleman has, and in trying to protect the good name of Congress I became interested in this bill, and finally I had to take back what I said to the gentleman who had written me a letter. The gentleman knows I am not very anxious to pay claims. I have been through the records of these claims as carefully as I could. There is not a black mark against them from 1880 down to the present time. Every member connected with the administrations of all the Presidents has approved them; every Secretary of the Navy has said they were absolutely honest and just, and the men performed the extra labor at the direction of Mr. Thompson, who was then Secretary of the Navy. He told them they would receive their pay, but they have been before Congress all of these years. Every one of the claims have been to the Court of Claims, and I have in my hand the record of every claim in the bill. There is not a single reason in the world that I know of why these claims are not absolutely legitimate, and the Government owes the money, and as long as they do, I do not see why they should not pay it.

Mr. BLANTON. Will the gentleman yield?

Mr. STAFFORD. Yes; I yield.

Mr. BLANTON. This bill would appropriate $332,342.74, and it is 91 printed pages long. It must not be passed under unanimous consent at this late hour near midnight. The gentleman from New York [Mr. SNELL] should allow a rule, and then we might have at least 40 minutes to debate his $332,342.74 bill, or the gentleman could call it up under suspension of the rules, which would give us 40 minutes' debate.

Mr. SNELL. The gentleman knows that we never call up a special rule or suspend the rules on private claims.

Mr. BLANTON. I object to the bill.

Mr. PATTERSON. Will the gentleman withhold his objection?

Mr. BLANTON. Yes; I withhold it to allow the gentleman to speak, but I intend ultimately to object, as this $332,342.74 should not be taken out of the Treasury at this time.

Mr. SNELL. Will the gentleman tell me his reason for objecting? There is not a black mark against these claims in the 40 years. Every one has been before the Court of Claims, and I have before me the record. No man is in my district. I do not know one of these claimants.

Mr. BLANTON. I can not believe that the Congress of the United States during the past 40 years, with such men in it as Jim Mann, Uncle Joe Cannon, Martin B. Madden, and the gentleman from Wisconsin [Mr. COOPER], would do an injustice to these claimants for 40 years, and I am unwilling to pass a bill containing 91 printed pages and appropriating $332,342.74 under unanimous consent without debate.

Mr. COLLINS. Will the gentleman yield to me?

Mr. BLANTON. Certainly, I yield; but I am going to object.

Mr. COLLINS. I went over this bill very carefully.

Mr. BLANTON. This is too big a bill to pass at this late hour under unanimous consent. It appropriates $332,342.74 out of the people's Treasury.

Mr. COLLINS. Every one of these claims has been adjudicated by the Court of Claims and it is a debt the Government owes.

Mr. BLANTON. It will take $332,342.74 of the people's money out of the Treasury. Until the ex-service men are granted their loan of one-half of what we justly owe them I am going to object to this bill.

Mr. SNELL. Will the gentleman allow me to make one more statement?

Mr. BLANTON. Yes; certainly.

Mr. SNELL. This claim has been passed by the House of Representatives twice and by the Senate once but never by both branches in the same session of Congress.

Mr. BLANTON. Does the distinguished gentleman from New York [Mr. SNELL], who is chairman of the Rules Committee, believe that the President, who is going to veto and send back to us Thursday the ex-service men's loan bill, which provides for the loaning to them one-half of their own money, vetoing it because of economy and because he says we have not the money—does the gentleman believe he would permit this $332,342.74 bill to get by the White House and his veto?

Mr. SNELL. Every one of these claims has been to the Court of Claims and the claim adjudicated, and the Federal Government owes this debt. I believe we ought to pay it.

Mr. PATTERSON. So do I.

Mr. BLANTON. I want to see how the gentlemen vote on that veto of the President's when he vetoes the loan bill of the ex-service men. I am going to object and keep this $332,342.74 in the Treasury.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. Yes; but I am going to object.

Mr. STAFFORD. I know the conscientious work the gentleman does in connection with the Private Calendar, but I wish to submit this suggestion: The gentleman makes his objection on the ground that there are so many claims. The mere fact that this is an omnibus bill is not necessarily a reason for objecting to it. You could introduce some 2,000 or more bills for as many claims and they could come up for consideration under separate bills.

Mr. BLANTON. I want to say this to the gentleman from Wisconsin, that if the President would not veto the soldiers' loan bill because of economy, and because he says we are not able to pay it, then there would be more reason for passing this bill.

Mr. SNELL. Why did not the gentleman object to the other bills that have been passed to-night?

Mr. BLANTON. I have objected to the ones that should not be passed.

Mr. STAFFORD. At first I looked askance at this bill, not only because of the large amount involved but because of the fact that there are so many claims in it.

Mr. BLANTON. The gentleman from Wisconsin knows that every big bill we send to the President will give an extra excuse to the President for vetoing the adjusted soldier's compensation bill. If we pass this bill appropriating this $332,342.74, it will give the President another excuse for not paying what we owe to the ex-service men of the country.

Mr. STAFFORD. The gentleman knows we have been passing appropriations very liberally in this Congress.

Mr. BLANTON. If this 91-page $332,342.74 measure is such a meritorious bill I know the Speaker will recognize the gentleman from New York [Mr. SNELL] to pass it under suspension of the rules.

Mr. SNELL. The gentleman knows the Speaker never recognizes anyone to move to suspend the rules for the passage of claims bills. This is the only opportunity it has to go through.

Mr. BLANTON. Mr. Speaker, however much I regret to do it, I am going to object. This bill must not pass at this late hour.

AWARD OF NATIONAL WAR LABOR BOARD

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 587, to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.

The SPEAKER pro tempore (Mr. SNELL). That bill is beyond the star and the Chair will not recognize the gentleman to make that request.

Mr. STAFFORD. Mr. Speaker, I make the point of order there is not a quorum present.

ADJOURNMENT

Mr. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 24, 1931, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 24, 1931, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To provide for the deportation of alien seamen (S. 202 and H. R. 7763).

EXECUTIVE COMMUNICATIONS, ETC.

863. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting draft of a bill to amend the existing law governing the retirement of disabled nurses of the Army and Navy was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SWING: Committee on Irrigation and Reclamation. H. R. 13575. A bill for the protection of the Palo Verde Valley, State of California, against injury or destruction by reason of Colorado River floods; with amendment (Rept. No. 2864), Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Idaho: Committee on Irrigation and Reclamation. H. R. 16976. A bill to provide for the disposition of power revenues on Federal irrigation projects; with amendment (Rept. No. 2865). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16554. A bill to amend the Code of Criminal Procedure for the Canal Zone; with amendment (Rept. No. 2866). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16557. A bill to provide a new Code of Civil Procedure for the Canal Zone and to repeal the existing Code of Civil Procedure; with amendment (Rept. No. 2867). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16558. A bill to provide a new civil code for the Canal Zone and to repeal the existing civil code; with amendment (Rept. No. 2868). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 17196. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.; without amendment (Rept. 2869). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 17238) to further the commerce of the United States by creating the world commerce corporation; to the Committee on the Judiciary.

By Mr. JAMES of Michigan: A bill (H. R. 17239) to authorize the appropriation for construction of permanent improvements at Fort Sill, Okla.; to the Committee on Military Affairs.

By Mr. SHOTT of West Virginia: A bill (H. R. 17240) to provide for cooperation with the several States and Territories in the physical rehabilitation, education, vocational guidance, and vocational education of physically handicapped children and their placement and follow-up in employment, and for other purposes; to the Committee on Education.

By Mr. SPROUL of Kansas: A bill (H. R. 17241) to aid labor in its old age; to the Committee on the Judiciary.

By Mr. TINKHAM: A bill (H. R. 17242) to prohibit the maintenance of quarters near the Capitol by certain organizations engaged in lobbying; to the Committee on the Judiciary.

By Mr. CANNON: A bill (H. R. 17243) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17244) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 17245) granting the consent of Congress for the construction of a tide gate across Davis Slough in section 28, township 26 south, range 13 west of Willamette meridian, in the State of Oregon; to the Committee on Rivers and Harbors.

By Mr. ANDREW: Joint resolution (H. J. Res. 515) providing for the preparation for publication and publication of the important official records and maps relating to the participation of the military forces of the United States in the World War, and authorizing appropriations therefor; to the Committee on Military Affairs.

By Mr. DAVIS: Joint resolution (H. J. Res. 516) to define the jurisdiction of the Court of Appeals of the District of Columbia on appeals from the Federal Radio Commission, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. PARKER: Joint resolution (H. J. Res. 517) to provide for the further investigation of corporations engaged in interstate commerce, and for other purposes; to the Committee on Rules.

By Mr. CRISP: Resolution (H. Res. 373) for consideration of Senate bill 2354; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Montana, memorializing the Congress of the United States for the passage of pending legislation relating to permanent veterans' hospitalization for the State of Montana; to the Committee on World War Veterans' Legislation.

Memorial of the State Legislature of the State of Oregon, memorializing the Congress of the United States for channel improvement on the Columbia River and its tributaries as a project, and appropriate $858,000 of funds necessary for such channel improvement work and development of inland waterways system, and an aid to agriculture and industry; to the Committee on Rivers and Harbors.

By Mr. LEAVITT: House joint Memorial No. 4, adopted by the Twenty-second Legislative Assembly of the State of Montana, urging adequate hospitalization facilities for veterans in that State; to the Committee on World War Veterans' Legislation.

By Mr. EVANS of Montana: House Joint Memorial No. 4 of the Montana State Legislature, memorializing Congress for the passage of pending legislation relating to permanent veterans' hospitalization for the State of Montana; to the Committee on World War Veterans' Legislation.

By Mr. KORELL: Memorial of the Oregon Legislature, memorializing Congress for an appropriation to deepen and widen the channel of the Columbia River from Portland to the mouth of the Snake River; to the Committee on Rivers and Harbors.

By Mr. McKEOWN: Memorial of the State Legislature of the State of Oklahoma, memorializing the Congress of the United States for the return of that portion of the filing fee of homesteaders of land in the State of Oklahoma which was originally set aside in the Federal Treasury to be expended for reclamation purposes west of the ninety-ninth meridian; to the Committee on Irrigation and Reclamation.

By Mr. HAWLEY: Memorial of the State Legislature of the State of Oregon, memorializing the Congress of the United States for channel improvement on the Columbia River and its tributaries as a project, and appropriate $858,000 of funds necessary for such channel improvement work and development of inland waterways system, and an aid to agriculture and industry; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYLAN: A bill (H. R. 17246) granting an increase of pension to Helen K. Snowden; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 17247) granting a pension to Rebecca A. Smith; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 17248) granting an increase of pension to Thomas E. Cruess; to the Committee on Pensions.

By Mr. GARBER of Virginia: A bill (H. R. 17249) for the relief of Samuel Irick; to the Committee on World War Veterans' Legislation.

By Mr. HOGG of Indiana: A bill (H. R. 17250) granting a pension to Lydia Wear; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 17251) for the relief of A. E. Clark; to the Committee on Claims.

By Mr. KOPP: A bill (H. R. 17252) granting an increase of pension to Mary Willoughby Osterhaus; to the Committee on Pensions.

By Mr. PERKINS: A bill (H. R. 17253) granting an increase of pension to Catherine E. De Wolfe; to the Committee on Invalid Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 17254) granting a pension to Nancy Ann Whitehead; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 17255) granting an increase of pension to Martha E. Worth; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 17256) for the relief of Edward Carlin; to the Committee on Claims.

By Mr. GASQUE: Resolution (H. Res. 372) to pay Mattie Long, sister of Samuel J. Long, six months' compensation and an additional amount not exceeding $250 to defray funeral expenses of the said Samuel Long; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10111. Petition of citizens' committee of St. Thomas, Virgin Islands, representing all phases of island activities, resolved that St. Thomas prefers to remain as is under administration by Navy Department, even if separated from St. Croix, and identified as United States naval station; to the Committee on Insular Affairs.

10112. By Mr. BARBOUR: Resolution of the Board of Supervisors of Fresno County, Calif., urging enactment of House bill 16336 to facilitate the use and occupancy of national forest lands, etc.; to the Committee on Agriculture.

10113. Also, resolution of Methodist Episcopal Church, of Earlimart, Calif., urging enactment of law for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

10114. Also, resolution of Earlimart (Calif.) Parent-Teachers Association, urging enactment of House bill 9986 for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

10115. Also, petition of residents of the seventh congressional district of California, urging passage of House bill 7884 for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

10116. Also, petition of members of the Methodist Episcopal Church, of Turlock, Calif., relative to House Joint Resolution 356, which would exclude aliens from the count in the apportionment of Representatives; to the Committee on the Judiciary.

10117. By Mr. CHRISTGAU: Resolution adopted by the Leon J. Wetzel Post, No. 9, the American Legion, at Winona, Minn., providing for the immediate cash payment of the adjusted-compensation certificates; to the Committee on Ways and Means.

10118. By Mr. COOPER of Wisconsin: Petition of residents of Walworth County, Wis., urging passage of Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10119. By Mr. DAVENPORT: Petition of National Council of Catholic Women, Herkimer, N. Y., unit, protesting against the passage of the Gillett bill relating to birth-control information; to the Committee on the Judiciary.

10120. Also, petition of Woman's Christian Temperance Union, Poland, Poland Baraca Class, Poland Baptist Sunday School, and Rev. N. E. Miller, pastor of Poland Baptist Church, Poland, N. Y., favoring the passage of the Grant Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

10121. Also, petition of Court Halpin, Catholic Daughters of America, Herkimer, N. Y., protesting against the passage of the Gillett bill, relating to birth-control literature, etc.; to the Committee on the Judiciary.

10122. Also, petition of Knights of Columbus Auxiliary, of Herkimer, N. Y., protesting against the passage of Senator Gillett's bill relating to birth-control information; to the Committee on the Judiciary.

10123. By Mr. FINLEY: Petition of sundry citizens of London, Ky., to the House of Representatives, asking passage of House Joint Resolution 356; to the Committee on the Judiciary.

10124. By Mr. HALL of North Dakota: Petition of 69 citizens of Goodrich, N. Dak., against proposed calendar change of weekly cycle; to the Committee on Foreign Affairs.

10125. By Mr. HAWLEY: Petition of F. Bernert, Seattle, Wash., urging the creation of a fund for age retirement; to the Committee on the Civil Service.

10126. By Mr. MAPES: Petition of Catherine Hutt and 24 other residents of Grand Rapids, Mich., recommending the enactment of the Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10127. By Mr. RICH: Petition of the Woman's Christian Temperance Union, of Jersey Shore, Pa., favoring House Joint Resolution 356, known as the Sparks-Capper alien bill; to the Committee on the Judiciary.

10128. By Mr. SELVIG: Petition of Farmers' Cooperative Creamery Co., Roseau, Minn., supporting the Brigham bill (H. R. 15934) and urging its enactment during the present session of Congress; to the Committee on Agriculture.

10129. Also, petition of Rollis Cooperative Creamery Association, of Gatzke, Minn., urging immediate enactment of Brigham bill (H. R. 15934); to the Committee on Agriculture.

10130. Also, petition of Ashby (Minn.) Cooperative Creamery Association, urging enactment by this Congress of the Brigham bill (H. R. 15934); which provides for a definite standard of color in oleomargarine to be taxed 10 cents per pound; to the Committee on Agriculture.

10131. By Mr. SPARKS: Petition of the Kansas district Young Women's Christian Association at a meeting in Menlo, Kans., favoring Federal supervision of motion pictures as provided in the Grant-Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

10132. Also, petition of 13 citizens of Phillipsburg, Kans., urging support of the Sparks-Capper stop-alien amendment, being House Joint Resolution 356, to exclude unnaturalized aliens from the count of the population for apportionment of congressional districts; to the Committee on the Judiciary.

10133. By Mr. SPROUL of Kansas: Petition of citizens of Kansas, urging the passage of House Joint Resolution 356, providing for an amendment to the United States Constitution excluding the approximately 7,500,000 unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10134. By Mr. STONE: Resolution signed by J. I. Cunningham, of Shawnee, Okla., urging the passage of the Sparks-Capper bill, alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10135. By Mr. SWING: Petition of the East San Diego Woman's Christian Temperance Union, signed by 90 citizens of San Diego, Calif., urging the passage of the Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10136. By Mr. THURSTON: Resolution unanimously adopted by 86 members of the Reformed Presbyterian Church, urging the passage of House bill 9986 to establish higher moral standards in moving-picture films; to the Committee on Interstate and Foreign Commerce.

10137. By Mr. TREADWAY: Unanimous vote of Holyoke League of Women Voters, Holyoke, Mass., favoring the so-called "lame duck" amendment to the Constitution; to the Committee on Election of President, Vice President, and Representatives in Congress.

10138. By Mr. WOLVERTON of West Virginia: Petition of the Woman's Christian Temperance Union of Weston, W. Va., by Alfaretta Fetty, president, and Margaret S. Jackson, secretary, uring Congress to take action for legislation providing for the supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

10139. By Mr. WYANT: Petition of the adult Bible classes of the United Brethren Church, of Youngwood, Pa., favoring an amendment to the Constitution excluding unnaturalized aliens when making apportionment for congressional districts; to the Committee on the Judiciary.

10140. Also, petition of members of First Baptist Church, of West Newton, Westmoreland County, Pa., favoring an amendment to the Constitution excluding unnaturalized aliens when making apportionment for congressional districts; to the Committee on the Judiciary.

10141. Also, petition of Vandergrift Woman's Christian Temperance Union, urging support of Sparks-Capper amendment providing for elimination of approximately 7,500,000 unnaturalized aliens from count in making apportionment for congressional districts; to the Committee on the Judiciary.

10142. Also, petition of Association of Craft Employees, Monongahela division, the Pennsylvania Railroad, favoring more stringent immigration laws; to the Committee on the Judiciary.

10143. By Mr. YATES: Petition of D. R. Lucas, commander Roseland Post, No. 49, Chicago, Ill., urging the passage of the bill in Congress for immediate cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

10144. Also, petition of R. D. Newland, 1026 Greenwood Avenue, Maywood, Ill., urging the passage of legislation for cash payment of the full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10145. Also, petition of Clyde H. Andrews, 7319 Yates Avenue, Chicago, Ill., urging the defeat of any legislation calculated to pay in cash the adjusted-compensation certificates of World War veterans; to the Committee on Ways and Means.

10146. Also, petition of Mrs. S. F. Coone, 132 Circle, Forest Park, Ill., requesting the passage of the bill for the immediate cash payment in full of the adjusted-compensation certificates; to the Committee on Ways and Means.

10147. Also, petition of Emma Kezich, 935 Elgin Avenue, Forest Park, Ill.; urging the passage of an act of Congress to pay immediately in cash the adjusted-compensation certificates; to the Committee on Ways and Means.

SENATE

TUESDAY, FEBRUARY 24, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 5644) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Barkley	Frazier	La Follette	Sheppard
Bingham	George	McGill	Shipstead
Black	Gillett	McKellar	Shortridge
Blaine	Glass	McMaster	Smith
Blease	Glenn	McNary	Smoot
Borah	Goff	Metcalf	Steck
Bratton	Goldsborough	Morrison	Steiwer
Brock	Gould	Morrow	Stephens
Brookhart	Hale	Moses	Swanson
Broussard	Harris	Norbeck	Thomas, Idaho
Bulkley	Harrison	Norris	Thomas, Okla.
Capper	Hastings	Nye	Townsend
Caraway	Hatfield	Oddie	Trammell
Carey	Hayden	Partridge	Tydings
Connally	Hebert	Patterson	Vandenberg
Copeland	Heflin	Phipps	Wagner
Couzens	Howell	Pine	Walcott
Cutting	Johnson	Pittman	Walsh, Mass.
Davis	Jones	Ransdell	Walsh, Mont.
Deneen	Kean	Reed	Waterman
Dill	Kendrick	Robinson, Ark.	Watson
Fess	Keyes	Robinson, Ind.	Wheeler

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is detained from the Senate by illness. I ask that this announcement may stand for the day.

Mr. BARKLEY. My colleague [Mr. WILLIAMSON] is unavoidably detained on necessary business. This announcement may stand for the day.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

CONSERVATION OF PUBLIC HEALTH

Mr. RANSDELL. Mr. President, I wish to announce that when the Senate meets to-morrow I shall seek recognition in order that I may address the Senate on how to conserve public health, the most important problem confronting mankind.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was ordered to lie on the table:

House Joint Memorial 3

A resolution memorializing Congress for the passage of legislation now pending toward the conversion into cash of the adjusted-compensation certificates

Whereas there have been introduced in the Congress of the United States of America various measures looking toward the conversion into cash of the adjusted-compensation certificates at their full face value; and

Whereas there are a great many disabled veterans and their dependents who are in sore distress and dire need of the relief that will be afforded by such legislation; and

Whereas there are in the State of Montana approximately 35,000 veterans who would be directly benefited by the passage of such legislation; and

Whereas the immediate distribution and circulation of funds from such conversion would at this time materially assist in relieving the present distressful economic condition which prevails throughout this State: Now, therefore, be it

Resolved by the House of Representatives of the State of Montana (the Senate concurring), That the Congress of the United States of America be, and it is hereby, memorialized to pass the legislation now pending looking toward the conversion into cash of the adjusted-compensation certificates; and be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to the Senate and House of Representatives of the United States of America, and to each of the Senators and Representatives of the State of Montana in Congress.

W. R. FLACHSENHAR,
Speaker of the House.
FRANK A. HAZELBAKER,
President of the Senate.

Approved February 18, 1931.

J. E. ERICKSON, *Governor.*

UNITED STATES OF AMERICA,
State of Montana, ss:

I, W. E. Harmon, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of House Joint Memorial No. 3, being "A resolution memorializing Congress for the passage of legislation now pending toward the conversion into cash of the adjusted-compensation certificates," enacted by the twenty-second session of the Legislative Assembly of the State of Montana and approved by J. E. Erickson, governor of said State, on the 18th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 19th day of February, A. D. 1931.

[SEAL.]

W. E. HARMON,
Secretary of State.

The VICE PRESIDENT also laid before the Senate House Joint Memorial No. 4 of the Legislature of the State of Montana, memorializing Congress for the passage of pending legislation relating to permanent veterans' hospitalization for the State of Montana, which was referred to the Committee on Finance. (See joint memorial printed in full when presented by Mr. WHEELER on February 23, 1931, page 5718 of the CONGRESSIONAL RECORD.)

He also laid before the Senate a concurrent memorial of the Legislature of the State of Utah, commending the report and recommendations of the subcommittee of the Senate Committee on Foreign Relations on trade with China, and the resolution submitted to the Senate by Mr. PITTMAN on behalf of the committee, which was ordered to lie on the table. (See concurrent memorial printed in full when presented to-day by Mr. SMOOT.)

He also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Commerce:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Hal E. Hoss, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify: That I have carefully compared the annexed copy of House Joint Memorial No. 9 with the original thereof adopted by the Senate and House of Representatives of the Thirty-sixth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state February 17, 1931, and that the same is a full, true, and correct transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 17th day of February, A. D. 1931.

[SEAL.]

HAL E. HOSS, *Secretary of State.*

House Joint Memorial 9

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the State Legislature of Oregon, in session at Salem, Oreg., on this 26th day of January, 1931, respectfully represents that the Columbia River and its main tributaries, the Snake and Willamette, are navigable streams but require further improvement of channels to meet up-to-date navigation conditions, and that such improvements will make possible the towing of fleets of loaded barges carrying products, which to-day lie dormant or suffer restricted market outlet because of transportation costs; and

Whereas it is possible not only to produce the cheapest possible transportation but also cheap electric power to aid in the development of industries; and

Whereas the people of the Columbia, Snake, and Willamette Rivers districts have organized themselves together and formed the Columbia Valley Association for the purpose of carrying out their program; and

Whereas the program of the Columbia Valley Association provides for development as follows:

(1) By navigation of the rivers so far as possible in the present condition of their channels;

(2) By improvement of the channels so that navigation may be further facilitated and extended;

(3) By canalization through the building of dams whereby such channels may be still further improved;

(4) By reclamation of arid lands through diversion of water stored behind the dams;

(5) By development from the water so stored of hydroelectric power for pumping water for reclamation and all industrial purposes; and

(6) By fostering and securing such industries as require large amounts of electrical energy for their successful operation; and

Whereas the use of these rivers is the Pacific northwestern connecting link for the national inland waterways of the United States; and

Whereas there is now a bill before Congress presented by Senator STEIWER asking for the deepening and widening of the channel of the Columbia to 7 feet in depth and 100 feet wide from Portland to the mouth of the Snake, and 5 feet in depth and 100 feet wide from the mouth of the Snake to Asotin, Wash., and asking for an appropriation of $858,000 to carry on this work: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring therein), That we approve the program of the Columbia Valley Association and urge that Congress establish this channel improvement as a project and appropriate the $858,000 of funds necessary for such channel-improvement work, and we believe that this program is in full harmony with that proposed by President Hoover for the development of our inland waterways system and an aid to agriculture and industry; be it further

Resolved, That the secretary of state be instructed to forward one copy of this memorial to the President of the United States, one copy to the President of the United States Senate, Speaker of the House of Representatives, and each member of the Oregon, Washington, Idaho, and Montana delegations in Congress, and to the president of the senate and speaker of the house of the Washington, Idaho, and Montana Legislatures.

Adopted by the house February 6, 1931.

F. J. LONERGAN,
Speaker of the House.

Concurred in by the senate February 13, 1931.

WILLARD L. MARKS,
President of the Senate.

Indorsed: House Joint Memorial No. 9. Introduced by Mr. John B. McCourt and Senators J. E. Bennett and J. H. Upton. W. F. Drager, chief clerk. Filed February 17, 1931. Hal E. Hoss, secretary of state.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Immigration:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Hal E. Hoss, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate Joint Memorial No. 7 with the original thereof adopted by the Senate and House of Representatives of the Thirty-sixth Legislative Assembly of Oregon and filed in the office of the secretary of state of the State of Oregon February 14, 1931, and that the same is a full, true, and correct transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 16th day of February, A. D. 1931.

[SEAL.]

HAL E. HOSS,
Secretary of State.

Senate Joint Memorial 7

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas unemployment is widespread and of growing concern to all people and interests of our Nation; and

Whereas the influx of foreign labor, from whatever country and particularly from Mexico, bringing lower-grade workers into direct competition with American labor, is an added affliction to an already intolerable situation; Now, therefore, be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein), That we, your memorialists, the Legislative Assembly of the State of Oregon, do hereby petition the Congress of the United States of America to take action at the earliest possible date to prevent the immigration to this country of all foreign peoples whose economic status is such as to warrant their classification as possible competitors with American labor in American industry or service of whatever kind or character; and be it further

Resolved, That the secretary of state of the State of Oregon be, and he hereby is, authorized and directed forthwith to transmit a certified copy of this joint memorial to the Vice President of the United States, the Speaker of the National House of Representatives, and to each of Oregon's Senators and Representatives in the National Congress urging their support in behalf of the prayer of this memorial.

Adopted by the senate February 3, 1931.

WILLARD L. MARKS,
President of the Senate.

Concurred in by the house February 12, 1931.

F. J. LONERGAN,
Speaker of the House.

Indorsed: Senate Joint Memorial No. 7. Introduced by Senators Hall and Dunne. John P. Hunt, chief clerk. Filed February 14, 1931. Hal E. Hoss, secretary of state.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Agriculture and Forestry:

DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Robert Byrne, secretary of state of the State of North Dakota and keeper of the great seal thereof, do hereby certify that the following copy of Senate Resolution C, Twenty-second Legislative Assembly, State of North Dakota, has been compared by me with the original resolution on file in this department, and that the same is a true copy thereof and of the whole of such resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Bismarck, this 18th day of February, A. D. 1931.

[SEAL.]

ROBERT BYRNE,
Secretary of State.
By CHARLES LIESSMAN,
Deputy.

Concurrent resolution for memorial to Congress. (Senate Resolution C, Hamilton and Atkins)

Be it resolved by the Senate of the State of North Dakota (the House of Representatives concurring), That—

Whereas during the World War and at time that the price fixing act of Congress became effective and was put in operation No. 1 northern wheat was selling as high as $3.49 per bushel at Minneapolis, and other agricultural products were selling accordingly; and

Whereas the minimum price of $2.17 per bushel for No. 1 northern wheat at Minneapolis fixed by Congress was in fact made the maximum price; and

Whereas during this time No. 1 northern wheat was selling at an average price of $4.41 per bushel in the allied governments; and

Whereas during the war the price on all other commodities used by the farmer in connection with agriculture, together with freight and transportation rates, were increased by leaps and bounds, and these prices were for a long time and many of them still are maintained on such commodities, and especially is it true of freight and transportation rates; and

Whereas a large part of the agricultural indebtedness was created during the time that the price of agricultural products was considerably higher than at present, and then during the period of inflation of our currency; and

Whereas the farmer during the period of deflation was made the shock absorber, so that now it takes approximately 6,220 bushels of wheat to pay an indebtedness that could have been paid with 1,000 bushels prior to the price fixing and the deflation periods; and

Whereas as a result of these conditions thousands and hundreds of thousands of once prosperous farmers in this State and Nation have lost their homes and their all by mortgage foreclosures; and

Whereas the price of agricultural products during the present year have in fact been below the cost of production; and

Whereas there is no adequate way of refinancing existing agricultural indebtedness, and the farmers are at the mercy of their mortgagees and creditors throughout this State and Nation; and

Whereas unless immediate relief is given thousands and hundreds of thousands additional farmers will lose their farms and their homes and millions more will be forced into our cities and villages and the army of unemployed will necessarily increase to alarming proportions;

Now, therefore, the Legislative Assembly of the State of North Dakota respectfully petitions the Congress of the United States of America to pass Senate bill 5109, known as the "farmers farm relief bill," in order that the agricultural indebtedness of this State and Nation may be speedily liquidated and refinanced and agriculture saved from utter ruin and destruction.

The farmers ask for no charity; they simply ask "that American agriculture be placed on a basis of equality with other industries." They ask that the Federal reserve system be made to function for them as it is functioning for other industries. Since the Federal reserve bank is now loaning Federal reserve notes to New York banks at 2 per cent interest, and since our Government refinanced the foreign nations to the extent of $15,000,000,000 at less than 2 per cent interest, we feel that this bill asks nothing but simply justice and a square deal for agriculture. As a Nation we have protected industries by tariff laws for generations and we feel that the farmer is now entitled to first consideration at the hands of Congress; be it further

Resolved, That sufficient copies of this resolution be printed and the secretary of the state requested to mail a copy to the President of the United States and the President of the Senate of the United States, with the request that the resolution be read from the desk, and a copy to the Speaker of the House of Representatives of the United States with the request that the resolution be read from the desk; and a copy to the governors of all of the States in this Union, and a copy to the presidents of the senate of all of the States in the Union with the request that it be read from the desk; also a copy to be mailed to the speaker of the house of representatives of all of the States in this Union with the request that it be read from the desk.

JNO. W. CARR,
President of the Senate.
J. L. ROSHOLT,
Secretary of the Senate.
C. VERNON FREEMAN,
Speaker of the House.
C. R. VERRY,
Chief Clerk of the House.

Filed in this office this 17th day of February, 1931.

ROBERT BYRNE,
Secretary of State.
By CHARLES LIESSMAN,
Deputy.

The VICE PRESIDENT also laid before the Senate the following concurrent resolutions of the Legislature of the State of North Dakota, which were ordered to lie on the table:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, Robert Byrne, secretary of state of the State of North Dakota and keeper of the great seal thereof, do hereby certify that the annexed copy of Senate Resolution H, Twenty-second Legislative Assembly, State of North Dakota, has been compared by me with the original resolution on file in this department, and that the same is a true copy thereof and of the whole of such resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Bismarck, this 16th day of February, A. D. 1931.

[SEAL.]

ROBERT BYRNE,
Secretary of State.
By CHARLES LIESSMAN,
Deputy.

Resolution memorializing the Congress of the United States to refrain from enacting a law placing a tariff or embargo on crude petroleum and the refined products thereof. (Senate Resolution H, Ployhar)

Whereas certain oil producers from the petroleum-producing States are urging the Congress of the United States to enact a law placing a tariff or an embargo on petroleum and its refined products, claiming that such a measure is necessary as a relief measure to the petroleum-producing industries in these States; and

Whereas such a tax would place an additional burden on a product already heavily taxed by excise and sale taxes, in addition to general property and production taxes; and

Whereas the tariff as proposed would place an additional burden of over $350,000,000 on said product, which must be borne and paid by all owners of automobiles, trucks, and farm tractors by increasing the selling price of gasoline and kerosene from 1 to 5 cents per gallon, and such tariff would benefit but comparatively few citizens; and

Whereas only four or five States of the United States produce oil to any considerable extent and only a few of the citizens of such States, comprising but a small proportion of the population of the United States, would benefit thereby; and

Whereas petroleum and its refined products are necessary in order to carry on farming, trade, and commerce; and

Whereas the condition as now exists in the petroleum industry is only temporary and no more serious than conditions existing in other classes of business; and

Whereas it has been a well-settled policy for the past decade, both by petroleum producers and the Government, to conserve our petroleum deposits; and

Whereas an embargo or tariff would result in hastening the depletion of our petroleum deposits; Be it

Resolved by the Senate of the State of North Dakota, That the Congress of the United States be memorialized to refrain from enacting any laws imposing a tariff or embargo on petroleum products or the refined products thereof; and be it further

Resolved, That the secretary of state be instructed to forward duly authenticated copies of this resolution to both United States Senators from the State of North Dakota at Washington and the

Members of the House of Representatives from the State of North Dakota, to the President of the Senate of the United States, to the Speaker of the House of Representatives at Washington, and to the President of the United States.

JOHN W. CARR,
President of the Senate.
J. L. ROSHOLT,
Secretary of the Senate.

Filed in this office this 14th day of February, 1931.

ROBERT BYRNE,
Secretary of State.
By CHARLES LIESSMAN,
Deputy.

DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Robert Byrne, secretary of state of the State of North Dakota and keeper of the great seal thereof, do hereby certify that the following copy of Concurrent Resolution B–2 has been compared by me with the original resolution on file in this department, and that the same is a true copy thereof and of the whole of such resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Bismarck, this 16th day of February, A. D. 1931.

[SEAL.]

ROBERT BYRNE,
Secretary of State.
By CHARLES LIESSMAN,
Deputy.

Concurrent Resolution B–2, requesting the Congress of the United States to enact legislation to provide for the immediate conversion into cash of World War veterans' adjusted-compensation certificates. (Holte and Ericson of Kidder)

Be it resolved by the House of Representatives of the State of North Dakota (the Senate concurring):

Whereas a general economic depression, producing a depreciation in the value of all commodities, a stagnation of business, an aggravated condition of unemployment, and serious individual suffering, now exists in the State of North Dakota and throughout the whole Nation; and

Whereas there are now pending before the Congress of the United States certain measures the purpose of which is to alleviate in some degree the existing distressing conditions by providing for the immediate conversion into cash of World War veterans' adjusted-compensation certificates; and

Whereas the American Legion, Department of North Dakota, has just completed a poll among the 20,000 World War veterans resident in this State, which conclusively demonstrates that such veterans almost unanimously favor the enactment by the Congress of the measure providing for the immediate payment, upon application, of the full face value of such adjusted-compensation certificates; and

Whereas the passage of such legislation would bring immediate relief to thousands of veterans and their dependents who are now in need, create new markets, instill new life into American business, and be a well-deserved demonstration of the gratitude of the Nation to those who carried its arms in 1917 and 1918: Now therefore be it

Resolved, That the House of Representatives of the State of North Dakota (the Senate concurring) most respectfully urge upon the Congress of the United States the early enactment of legislation providing for the immediate payment, upon application, of the full face value of such adjusted-compensation certificates; and be it further

Resolved, That the secretary of state of the State of North Dakota be, and is hereby, instructed to forward a duly authenticated copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each representative of the State of North Dakota in the United States Senate and House of Representatives.

C. VERNON FREEMAN,
Speaker of the House.
JNO. W. CARR,
President of the Senate.
C. R. VERRY,
Chief Clerk of the House.
J. L. ROSHOLT,
Secretary of the Senate.

Filed in this office this 14th day of February, 1931, 3 p. m.

ROBERT BYRNE,
Secretary of State.
By CHARLES LIESSMAN,
Deputy.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the New York State Woman's Republican Club, at New York, N. Y., favoring the passage of the so-called Brookhart bill, to require physicians and surgeons administering to or prescribing for patients, under their professional charge, to inform them of the nature of the drugs being administered or prescribed if such drugs or any part of them are narcotic, and warning them of the effects of their continued used, and to regulate the filling of such prescriptions by pharmacists, and regulating the manufacture of medicinal preparations containing narcotic drugs, and also the passage of legislation to repeal section 3229 so far as it applies to narcotic drugs, etc., which were referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the Associated Employers of Indianapolis, Ind., opposing the calling of a special session of the Seventy-second Congress, which was ordered to lie on the table.

He also laid before the Senate resolutions adopted by the junior committee of the National Patriotic Association, at Chicago, Ill., and Du Pont Chapter, No. 78, National Sojourners, of Delaware City, Del., favoring the passage of legislation providing that the transportation into the United States or any territory subject to the jurisdiction thereof of any article or merchandise from any territory subject to the jurisdiction or control of the Government of the Union of Soviet Socialist Republics (Russia), mined, produced, or manufactured wholly or in part in any such territory, or produced or manufactured from materials, any of which have been mined, produced, or manufactured in any such territory, be prohibited, which were referred to the Committee on Finance.

He also laid before the Senate a communication from L. L. Kisselintcheff, vice president of the Macedonian Political Organization of the United States and Canada, at New York, N. Y., relative to the treatment accorded Mr. Traiko Minoff, a naturalized American citizen in Macedonia, etc., which, with the accompanying papers, was referred to the Committee on Foreign Relations.

He also laid before the Senate papers in the nature of petitions from the committee on legislation of the Men's Association of the First Presbyterian Church, of Yonkers, N. Y., praying for the passage of the so-called Sparks-Capper constitutional amendment, forbidding the counting of aliens in reapportioning the House of Representatives, which were referred to the Committee on Commerce.

He also laid before the Senate a letter in the nature of a petition from Kenneth MacGowan, of MacGowan & Reed (Inc.), of New York, N. Y., praying for the passage of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a memorial, from the American Paper and Pulp Association, in convention assembled at New York, N. Y., opposing the calling of an extra session of the Seventy-second Congress, which was ordered to lie on the table.

Mr. JONES presented petitions of sundry citizens of Sumner, Wash., praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted by the Merchants' Association of Kansas City, Mo., favoring the passage of legislation placing a limited embargo on the importation of crude petroleum or imposing an adequate tariff thereon, which was ordered to lie on the table.

Mr. SHEPPARD presented the petitions of Mrs. F. O. Weyrick and other ladies, of Eagle Pass; Mrs. Sophie Bodenheimer and other ladies of San Antonio; and of Rabbi Ephraim Frisch, of Temple Beth-El, and sundry other citizens of San Antonio, all in the State of Texas, praying for the ratification of the World Court protocols this winter or spring, which were referred to the Committee on Foreign Relations.

Mr. SMITH presented a letter in the nature of a memorial from the Diocesan Council of Catholic Women of Charleston, S. C., remonstrating against the passage of the so-called birth control bill, being the bill (S. 4582) to amend section 305 (a) of the tariff act of 1922, as amended, and sections 211, 245, and 312 of the Criminal Code, as amended, which was referred to the Committee on the Judiciary.

Mr. SMOOT presented the following concurrent memorial of the Legislature of the State of Utah, which was referred to the Committee on Foreign Relations:

STATE OF UTAH,
SECRETARY OF STATE'S OFFICE.

I, M. H. Welling, secretary of state of the State of Utah, do hereby certify that the hereunto attached is a full, true, and correct copy of Senate Concurrent Memorial No. 1, memorializing the President and the Congress of the United States to further an international agreement whereby silver may be used as a supplement to gold to form an adequate international monetary base.

Received from the senate on the 28th day of January, 1931, and approved February 3, 1931, by George H. Dern, governor, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah at Salt Lake City this 4th day of February, 1931.

[SEAL.]

M. H. WELLING,
Secretary of State.

Senate Concurrent Memorial 1, memorializing the President and the Congress of the United States to further an international agreement whereby silver may be used as a supplement to gold to form an adequate international monetary base. (By Mr. Hunt)

Be it resolved by the Legislature of the State of Utah (the governor concurring therein):

Whereas Utah is the largest producer of silver among the States and, in consequence of the unprecedented low price of this metal, the prosperity of all classes of business and industry in this State is seriously and adversely affected; and

Whereas a study of the relation of gold and silver to world commodity prices and world commerce has led to the conclusion that the subject is one which affects the prosperity and happiness of all nations and all peoples; and

Whereas it is apparent that the world's monetary stock of gold is barely sufficient to stabilize with any degree of security the currencies of only a few of the wealthier nations, and that the debts contracted as a result of the World War will for many years to come cause the future supply of gold to be held in reserves for the protection of currency issues and the payment of interest and principal on such debts and will not add a fluid medium for the settlement of international trade balances, and that all authoritative reports agree in estimating a decreasing rather than an increasing future world's gold production; and

Whereas silver, by long usage, is employed as the exclusive money metal by more than one-half the world's population and represents the accumulated savings of generations of these people whose prosperity and purchasing power largely determine the prosperity of the gold-using countries; that silver is of world-wide distribution, generally in combination with other metals useful and necessary to man, so that any added stability in the price of silver will lead to greater production and less cost of these other useful metals; and that the greater use of silver as a money metal will not restrict its use in the arts and sciences; and that therefore silver is the logical metal to serve in whole or in part as a supplement to gold to form an international monetary base; and

Whereas we believe that if peace can be maintained between nations the people of all countries will continue to progress, and that this progress will be limited only by their environment and their willingness to labor and make use of the tools of invention, provided the world's monetary base is adequate to meet the needs of expanding commercial interchanges; and

Whereas we believe that man, if protected in his liberty and rights of possession, will labor more effectively and enjoy a greater degree of happiness under a system of social organization which permits each individual to enjoy the fruits of his own labor; and

Whereas we believe that the inadequacy of the world's monetary stock of gold to provide for the growing requirements of a higher standard of living will bring into serious question the wisdom of retaining a social system based on the theory of individual initiative and reward: Therefore be it

Resolved by the Legislature of the State of Utah (the governor concurring therein), That we urge upon the President and the Congress of the United States that all possible efforts be made toward the conclusion of an international agreement whereby silver may be used as a supplement to gold to form an international monetary base adequate to meet the needs of all the nations of the world.

The foregoing senate concurrent memorial was publicly read by title and immediately thereafter signed by the president of the senate in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 28th day of January, 1931.

RAY E. DILLMAN,
President of the Senate.

Attest:

H. L. CUMMINGS,
Secretary of the Senate.

The foregoing senate concurrent memorial was publicly read by title and immediately thereafter signed by the speaker of the house in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 28th day of January, 1931.

JAMES C. HACKING,
Speaker of the House.

Attest:

E. L. CROPPER,
Chief Clerk of House.

Received from the senate this 28th day of January, 1931.

GEO. H. DERN, *Governor.*

Approved February 3, 1931.

Received from the governor and filed in the office of the secretary of state this 3d day of February, 1931.

M. H. WELLING,
Secretary of State.

Mr. SMOOT also presented the following concurrent memorial of the Legislature of the State of Utah, which was referred to the Committee on Irrigation and Reclamation:

STATE OF UTAH,
SECRETARY OF STATE'S OFFICE.

I, M. H. Welling, secretary of state of the State of Utah, do hereby certify that the hereunto attached is a full, true, and correct copy of House Concurrent Memorial No. 3, memorializing the Congress of the United States to pass and the President to approve Senator THOMAS's (of Idaho) bill appropriating $5,000,000 to the reclamation fund.

Received from the house this 17th day of February, 1931. Approved February 18, 1931, by George H. Dern, governor, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah at Salt Lake City this 19th day of February, 1931.

[SEAL.]

M. H. WELLING,
Secretary of State.

House Concurrent Memorial 3, memorializing the Congress of the United States to pass and the President to approve Senator THOMAS's (of Idaho) bill appropriating $5,000,000 to the reclamation fund. (By Mr. Callister)

Be it resolved by the Legislature of the State of Utah (the governor concurring therein), That whereas the Thomas bill appropriating $5,000,000 to the Federal reclamation fund, which recently passed the Senate, will very materially aid in developing the West, and assist in relieving the unemployment situation;

We, therefore, respectfully urge the House of Representatives to pass, and the President to approve, said bill, that the provisions thereof may become effective at an early date; be it further

Resolved, That the secretary of state forward certified copies of this memorial to the President of the United States and Speaker of the House of Representatives and to Utah's delegation in Congress.

The foregoing, House Concurrent Memorial No. 3, was publicly read by title and immediately thereafter signed by the president of the senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 17th day of February, 1931.

RAY E. DILLMAN,
President of the Senate.

Attest:

H. L. CUMMINGS,
Secretary of the Senate.

The foregoing, House Concurrent Memorial No. 3, was publicly read by title and immediately thereafter signed by the speaker of the house, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 17th day of February, 1931.

JAMES C. HACKING,
Speaker of the House.

Attest:

E. L. CROPPER,
Chief Clerk of House.

Received from the House this 17th day of February, 1931. Approved February 18, 1931.

GEO. H. DERN, *Governor.*

Received from the governor and filed in the office of the secretary of state this 18th day of February, 1931.

M. H. WELLING,
Secretary of State.

Mr. SMOOT also presented the following concurrent memorial of the Legislature of the State of Utah, which was ordered to lie on the table:

STATE OF UTAH,
SECRETARY OF STATE'S OFFICE.

I, M. H. Welling, secretary of state of the State of Utah, do hereby certify that the hereunto attached is a full, true, and correct copy of Senate Concurrent Memorial No. 4 entitled "Be it resolved by the nineteenth session of the Legislature of the State of Utah, the governor concurring therein, etc."

Received from the Senate this 16th day of February, 1931, approved February 16, 1931, by George H. Dern, governor, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah at Salt Lake City, this 18th day of February, 1931.

[SEAL.]

M. H. WELLING,
Secretary of State.

Senate Concurrent Memorial 4. (By Mr. Hunt)

Be it resolved by the nineteenth session of the Legislature of the State of Utah (the governor concurring therein), We approve the report and recommendations presented February 11, 1931, to the United States Senate Committee on Foreign Relations by its subcommittee on trade relations with China and the resolutions presented to the Senate by Chairman PITTMAN, of said subcommittee, therewith.

We highly commend the exhaustive research conducted by the above subcommittee, especially in connection with the relation of silver to world trade, heartily indorse the findings and recommendations resultant therefrom, and urge upon the Foreign Relations Committee of the United States Senate a favorable report to the Senate upon the resolutions offered by the chairman of the said subcommittee.

We respectfully request the Senate of the United States to act promptly and favorably upon said resolutions and the President to carry out their purpose.

We urge the Senators and Representatives of the State of Utah in Congress to use their utmost efforts to expedite action by Congress and by the President in accordance with the report and resolutions referred to herein.

Resolved, That copies of this resolution be sent by the secretary of state to the following: The President; the President of the Senate and the Speaker of the House; Senator WILLIAM E. BORAH, chairman Senate Committee on Foreign Relations; Senator KEY PITTMAN, chairman subcommittee on trade relations with China; Senator REED SMOOT; Senator WILLIAM H. KING; Representative DON B. COLTON; and Representative F. C. LOOFBOUROW.

The foregoing memorial was publicly read by title and immediately thereafter signed by the president of the senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 16th day of February, 1931.

RAY E. DILLMAN,
President of the Senate.

Attest:

H. L. CUMMINGS,
Secretary of the Senate.

The foregoing Senate Concurrent Memorial No. 4 was publicly read by title and immediately thereafter signed by the speaker of the house, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 16th day of February, 1931.

JAMES C. HACKING,
Speaker of the House.

Attest:

E. L. CROPPER,
Chief Clerk of House.

Received from the senate this 16th day of February, 1931. Approved February 16, 1931.

GEO. H. DERN, *Governor.*

Received from the governor and filed in the office of the secretary of state this 17th day of February, 1931.

M. H. WELLING,
Secretary of State.

Mr. KING presented a concurrent memorial (No. 1) adopted by the Legislature of the State of Utah, memorializing the President and the Congress to further an international agreement whereby silver may be used as a supplement to gold to form an adequate international monetary base, which was referred to the Committee on Foreign Relations. (See concurrent memorial printed in full when presented to-day by Mr. SMOOT.)

He also presented House Concurrent Memorial No. 3 of the Legislature of the State of Utah, memorializing Congress to pass and the President to approve the bill of Senator THOMAS of Idaho appropriating $5,000,000 to the reclamation fund, which was referred to the Committee on Irrigation and Reclamation. (See concurrent memorial printed in full when presented to-day by Mr. SMOOT.)

He also presented a concurrent memorial of the Legislature of the State of Utah, commending the report and recommendations of the subcommittee of the Senate Committee on Foreign Relations on trade relations with China and the resolutions submitted to the Senate by Mr. PITTMAN on behalf of the committee, which was ordered to lie on the table. (See concurrent memorial printed in full when presented to-day by Mr. SMOOT.)

IMPORTATION OF LIQUID SUGAR

Mr. WATERMAN presented telegrams from sundry organizations in the State of Colorado relative to the importation of sugar in liquid form, which were ordered to lie on the table and to be printed in the RECORD, as follows:

LA JUNTA, COLO., *February 21, 1931.*

Hon. CHARLES W. WATERMAN:

In grave danger of losing beet-sugar industry in Arkansas Valley. We fear no 1931 contract for raising beets will be written if liquid sugar is admitted on tariff of sirup. The beet-sugar industry is the major agricultural industry of the Arkansas Valley and its loss would mean serious disaster to the farming and business interests of our valley. Immediate relief is imperative.

LA JUNTA CHAMBER OF COMMERCE.

TRINIDAD, COLO., *February 23, 1931.*

Hon. CHARLES W. WATERMAN,
United States Senate:

The importation of sugar in liquid form threatens the destruction of Colorado's sugar industry. We urge something be done to bring liquid sugar under all tariff provisions of the other forms of sugar.

TRINIDAD LAS ANIMAS COUNTY CHAMBER OF COMMERCE.

OLATHE, COLO., *February 24, 1931.*

Hon. CHARLES W. WATERMAN,
Washington, D. C.:

If liquid sugar is permitted to enter United States practically free, we, the beet growers of western Colorado, will not be able to grow beets this year on account of the factories not being able to operate, and as sugar beets are one of our main crops, it would mean a loss of several million dollars to the farmers of Colorado and will compel beet growers to grow other crops, which are already overdone. We earnestly solicit your efforts to do all in your power to uphold the decision of the Customs Service to retain the same tariff on liquid sugar as on raw sugar.

WESTERN COLORADO BEET GROWERS' ASSOCIATION,
H. BRUCE TURNER, *Secretary.*

HOLLY, COLO., *February 23, 1931.*

Hon. CHARLES W. WATERMAN,
United States Senate, Washington, D. C.:

Reported to us all sugar factories in Colorado have declared they will write no 1931 beet contracts unless a suitable tariff is placed on liquid sugar. This means thousands of acres additional corn, wheat, and other crops of which we have overproduction will be planted. Sugar beets only crop not overproduced, and seems worth saving to us. Will appreciate your efforts in our behalf.

HOLLY COMMERCIAL CLUB.

TRINIDAD, COLO., *February 23, 1931.*

CHARLES W. WATERMAN,
United States Senator of Colorado, Washington, D. C.:

Relative to the sugar-tariff situation which is vitally affecting our State as well as our community we urge that you introduce some measure for our protection that will also insure the future of the sugar-beet industry. We request that you use your influence and office immediately to accomplish this, as our beet growers will be unable to obtain contracts this year unless something is done to relieve this condition.

EXECUTIVE COMMITTEE OF THE LASANIMAS COUNTY BOOSTERS,
REPRESENTING MORE THAN 200 INDEPENDENT MERCHANTS,
A. MCDONALD,
President of the Lasanimas County Beet Growers Association.

ADJUSTED-COMPENSATION CERTIFICATES

Mr. COUZENS presented a letter in the nature of a petition from Theodore Dubrish, of Ludington, Mich., favoring the legislation recently passed by Congress extending the loan privileges on adjusted-compensation certificates, which was ordered to lie on the table and to be printed in the RECORD, as follows:

LUDINGTON, MICH., *February 20, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am a World War veteran and I am not asking favors, but simply asking you to preserve our World War veterans' rights.

You are trying (I mean the United States Congress) "very hard" to pass the law granting loans on World War veterans' "bonus" certificates up to 50 per cent at 4½ per cent interest. That is a "great deed." You loan the money to European nations at 2 per cent interest and you are charging 4½ per cent interest to your own soldiers. I think they are cheap legislators. You want to pass the bill granting pensions to World War veterans' widows and their children—$20 to mothers and $6 to each child. My dear Senator, I don't see how mother and child can live on $26 a month. Besides being soldiers—country's defenders' wife. Oh, yes: Mrs. Woodrow Wilson, Mrs. Thomas Marshall, and Mrs. Leonard Wood were pensioned by the United States Congress with $5,000 per year. I want to ask you, Mr. Senator, are those women any better than our wives? Who did more for this country? The soldiers or those women? I think the United States Congress is conspiring against their ex-soldiers. This should be corrected.

And United States Congress always talks to cut the pensions to disabled soldiers, and General Hines always approves. Why, Hines, Veterans' Bureau Director, ought to be cut in wages. Six thousand dollars is too much for him per year, while disabled World War veterans now are getting starving pensions. Standard of living in Washington, D. C., is $1,800 a year. That is what the clerks get in Government service. And what the disabled soldiers are getting? Eighty dollars per month. Is that not starving pensions? Something ought to be done, and I want you, dear Mr. Senator, to do it. We have enough of that stuff. That Hoover-Mellon gang has ruled the United States Congress long enough.

You don't ask what the soldiers want from the soldiers, but you ask Mellon, Young, or Sloan to tell what the soldiers want. When the war broke out you didn't ask, or the United States Congress didn't ask what the soldiers wanted; but Congress consulted Wall Street to find out what they wanted. United States Congress does not believe in George Washington's motto that "Right is might."

Mr. Senator, I want you to have the Senate clerk to read this on the Senate floor and at the same time publish it in CONGRESSIONAL RECORD.

Respectfully,

THEODORE DUBRISH,
801 North Rath Avenue, Ludington, Mich.

THE SILVER PROBLEM

Mr. ODDIE. Mr. President, I submit for the RECORD a resolution of the Legislature of the State of Nevada indorsing the resolution of the subcommittee of the Foreign Relations Committee of the Senate, of which my colleague [Mr. PITTMAN] is chairman, which resolution states the case so clearly that I submit it for the RECORD at this point.

The resolution is as follows:

Senate Joint Resolution 7

Senate joint resolution memorializing the Committee on Foreign Relations of the United States Senate to report favorably Senate Resolutions 442 and 443, introduced in the United States Senate February 11, 1931, by Senator PITTMAN, the Senate of the United States to adopt said resolutions, and the President of the United States to carry out the purposes of said resolutions as expeditiously as possible. (Approved February 19, 1931)

Whereas the recent depreciation in the price of silver has had a serious harmful effect on world financial conditions and particularly on the trade and commerce of the United States; and

Whereas the subcommittee of the Foreign Relations Committee of the Senate of the United States on trade relations with China and causes and remedy for depressed conditions of commerce has made its report to said Foreign Relations Committee setting forth the results of its investigations and showing the effect of the fall in the price of silver upon the commerce of the United States with the silver-using countries; and also the need of stabilizing the Government and finances of China and making certain recommendations as to action of the Senate and the President of the United States; and

Whereas Senator PITTMAN has introduced in the Senate of the United States Senate Resolutions 442 and 443, having for their objects the making effective of recommendations contained in the report of said subcommittee: Therefore be it

Resolved by the Senate and the Assembly of the State of Nevada, That the said report of the subcommittee of the Foreign Relations Committee of the Senate of the United States is approved and commended; and be it further

Resolved, That the Foreign Relations Committee of the United States Senate is respectfully requested to favorably report said Senate Resolutions 442 and 443 and that the United States Senate is respectfully requested and urged to pass said resolutions and that the President of the United States is respectfully urged to carry out the purposes of said resolutions as expeditiously as possible; and be it further

Resolved, That the President of the United States is respectfully requested to enter into discussions or negotiations with the Governments for India, Great Britain, France, Belgium, and other governments looking to the suspension of the policy and practice of governments melting up or debasing silver coins and sales by governments of silver, and that the President take such other and further action in the premises as he may deem necessary to eliminate the abnormal fluctuations and depressions in the price of silver; and that he call or obtain an international conference or conferences to the end that agreements or understandings may be obtained with respect to the uses and status of silver as money; and be it further

Resolved, That the secretary of state of the State of Nevada be, and is hereby, directed to transmit certified copies of this resolution to the President of the United States, the President of the Senate of the United States, the chairman of the Committee on Foreign Relations of the Senate of the United States, and to each of the Senators and Representatives in Congress from the State of Nevada.

MORLEY GRISWOLD,
President of the Senate.
V. R. MERIALDO,
Secretary of the Senate.
D. H. TANDY,
Speaker of the Assembly.
F. E. WALTS,
Chief Clerk of the Assembly.

STATE OF NAVADA,
Department of State, ss:

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original Senate Joint Resolution 7, approved February 19, 1931, 11.15 a. m., now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office in Carson City, Nev., this 20th day of February, A. D. 1931.

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.
By JOHN W. BROOKS,
Deputy.

The VICE PRESIDENT. The memorial will lie on the table.

Mr. ODDIE. The Senate on February 20, 1931, adopted the resolution submitted by my colleague. I hope and believe that the President of the United States will soon act favorably on this resolution.

The resolution (S. Res. 442), as agreed to by the Senate, is as follows:

Resolved, That the Senate, having had under investigation and consideration, through its Committee on Foreign Relations and a subcommittee thereof, our commercial relations with China, the causes of the great and sudden depression in such commerce, and remedies for such depression, and such committee having reported to the Senate, the Senate submits to the President the reports, hearings, and other data in respect thereto, with the respectful suggestion that he shall, if he deem it compatible with the best interests of the Government, enter into discussion or negotiation with governments looking to the suspension of the policy and practice of governments of melting up or debasing silver coins and sales by governments of silver, and that he take such other and further action in the premises as he may deem necessary to eliminate the abnormal fluctuations and depressions in the price of silver.

The Senate further respectfully suggests that the President, if he deem it compatible with the best interests of the Government, call or obtain an international conference, or international conferences, to the end that agreements or understandings may be obtained with respect to the uses and status of silver as money.

Mr. ODDIE. My colleague [Mr. PITTMAN] has for many years made intensive studies of the silver problem and is recognized as one of its foremost authorities. He has worked hard and effectively for a long time on this problem and the results he has already accomplished should have a very important bearing on the advance in the price of silver, which we confidently expect. One result will be the rapid recovery of business and industry throughout the world.

CONTINUATION OF RECLAMATION PROJECTS

Mr. ODDIE. Mr. President, I also present for the RECORD a joint resolution of the Legislature of the State of Nevada in regard to the bill introduced by the junior Senator from Idaho [Mr. THOMAS], providing for a Federal loan of $5,000,000 to continue the work on reclamation projects in the West. I will state that this was included in the bill to be reported by the Committee on Appropriations this morning, and I hope it will pass.

The memorial was referred to the Committee on Irrigation and Reclamation and ordered to be printed in the RECORD, as follows:

Assembly joint resolution memorializing the President of the United States and Congress to support the so-called Thomas bill for a Federal loan to the reclamation fund. (Approved February 19, 1931)

Whereas practically all construction and betterment work on reclamation projects in the West are being stopped owing to depletion of Federal reclamation funds; and

Whereas Senator THOMAS of Idaho has introduced a bill for a Federal loan of $5,000,000 to continue this work; and

Whereas we feel that a continuation of this work is imperative at the present time, and that it's cessation would precipitate hardships of far-reaching effects: Now, therefore, be it

Resolved, That the President of the United States and the Congress of the United States be memorialized to exert every legitimate aid toward the approval of the so-called Thomas bill; and be it further

Resolved, That the United States Senators from Nevada and our Representative in Congress be urged to render every possible aid in the progress of this measure; and be it further

Resolved, That the secretary of state of the State of Nevada be, and is hereby, authorized and directed to transmit, duly certified copies of this resolution to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives, and to our Senators and Representative in Congress.

MORLEY GRISWOLD,
President of the Senate.
V. R. MERIALDO,
Secretary of the Senate.
D. H. TANDY,
Speaker of the Assembly.
F. E. WALTS,
Chief Clerk of the Assembly.

STATE OF NEVADA,
Department of State, ss:

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original

Assembly Joint Resolution No. 8, approved February 19, 1931, 11.22 a. m., now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office, in Carson City, Nev., this 20th day of February, A. D. 1931.

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.
By JOHN W. BROOKS,
Deputy.

SECRETARY STIMSON'S POLICY

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent to have printed in the RECORD in connection with my remarks a communication published in the State, a newspaper printed at Columbia, S. C., over the signature of A. L. King, on the subject of Secretary Stimson's policy. The article is an interesting discussion of the subject referred to.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECRETARY STIMSON'S POLICY

To the EDITOR OF THE STATE:

I was interested in your editorial of February 11, commenting on Secretary Stimson's recent speech, when he undertook to justify the policy of the State Department under the Hoover administration as being in line with what he calls the "Jeffersonian policy," and as being a reversal of the Wilson policy.

Mr. Stimson is a partisan politician; otherwise he would not make the United States Government ridiculous in the eyes of the world by trying to blow hot and cold with one and the same breath.

Mr. Wilson said to Huerta in Mexico:

"The Government of the United States will refuse to extend the hand of welcome to anyone who obtains power in a sister Republic by treachery or violence."

He also said to the Bolshevik Government in Russia (speaking through Secretary of State Colby):

"That the present rulers of Russia do not rule by the will or the consent of any considerable proportion of the Russian people is an incontestable fact. Although nearly two and one-half years have passed since they seized the machinery of the government, promising to protect the constituent assembly against alleged conspiracies against it, they have not permitted anything in the way of a popular election. At the moment when the work of creating a popular representative government based upon universal suffrage was nearing completion, the Bolsheviki, although in number an inconsiderable minority of the people, by force and cunning seized the powers and machinery of government and have continued to use them with savage oppression to maintain themselves in power. It is not possible for the Government of the United States to recognize the present rulers of Russia as a government with which the relations common to friendly governments can be maintained."

The note from the State Department of the United States, from which the foregoing is taken, is spoken of by the editor of Current History as a masterly, vigorous, and candid statement, and that editor states that it is pronounced by John Spargo as now universally recognized as one of the great outstanding landmarks in the development of American policy.

It is a well-known fact that it "charted the course" which has been consistently followed by Secretaries Hughes, Kellogg, and Stimson with reference to Russia. Of course, there is this important difference between the Russian situation under the Bolshevik régime and the Mexican situation under Huerta. The Bolsheviki have repudiated the debts made by their predecessors in power and, therefore, so far as Mr. Stimson is concerned, they must be cast out into utter darkness.

In a very informative article in Forum (October, 1930), Raymond Leslie Buell (research director of foreign policy, former professor of government at Harvard University, and writer of international reputation), points out the total lack of any policy in our foreign affairs under the Hoover administration. This article is entitled: "Economic Imperialism, or the Makings of the Next War." Dollar diplomacy backed up by the "big stick" is the order of the day. Present conditions in several Latin American countries, notably Venezuela and Cuba, are a disgrace to civilization and call imperatively for the same action as was recently taken by the American State Department with reference to Liberia. The first cardinal principle of international law recognizes that the right to govern partakes of the nature of a trusteeship, necessarily carrying certain duties and responsibilities. Indeed, Mr. Stimson points this out when he says: "The basic principle of equality in international law is an ideal resting upon postulates which are not always consistently accurate. For independence imposes duties as well as rights."

Surely one of the most cardinal duties resting upon a government seeking to live within the family of nations is that such government must treat its nationals humanely, and also (so far as the Government of the United States is concerned) that it must have as an ideal consent on the part of the governed as to who their rulers shall be.

These rights have been totally denied in Venezuela, and Cuba is under the heel of a despot. To charge all of the unrest and political upheaval in Latin American countries, which has been so much in evidence recently, to "financial depression" is but to make a smoke screen to cover up and hide the outrageous violations of the cardinal rights of the citizens of those countries.

Woodrow Wilson in his Mobile speech put his finger on the trouble when he said that "concessions" granted to big business interests in America and elsewhere as a condition precedent to investments in those countries invariably violated the laws of justice and fair dealing.

To admit that the United States Government can not use its moral influence to bring about reforms in countries where political conditions violate every principle upon which civilized society is supposed to operate is to admit that civilization itself has failed. When Mr. Stimson undertakes to show that the Wilson policy was contrary to the Jefferson policy, he should recall that it was Jefferson who said:

"Life, liberty, and the pursuit of happiness are the inalienable rights of all men."

A. L. KING.

COLUMBIA.

REPORTS OF COMMITTEES

Mr. JOHNSON, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 6114. An act to authorize the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J., to the Port of New York Authority (Rept. No. 1744); and

S. 6204. An act prescribing regulations for carrying on the business of lighter service from any of the ports of the United States to stationary ships or barges located offshore, and for the purpose of promoting the safety of navigation (Rept. No. 1745).

Mr. JOHNSON also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 5781. An act granting to the commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the commissioners of Lincoln Park (Rept. No. 1746);

S. 6202. An act to provide for conveyance of a certain strip of land on Fenwick Island, Sussex County, State of Delaware, for roadway purposes (Rept. No. 1747); and

S. 6206. An act to provide for conveyance of a portion of the Liston Range Rear Lighthouse Reservation, New Castle County, State of Delaware, for highway purposes (Rept. No. 1748).

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the following bill and joint resolution, reported them each without amendment and submitted a report, as indicated:

S. 1444. An act for the conservation of rainfall in the United States; and

H. J. Res. 153. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926 (Rept. No. 1749).

Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 377) providing for an investigation of the mineral resources of the country as related to farm lands, reported it without amendment.

Mr. SMOOT, from the Committee on Finance, to which was referred the joint resolution (S. J. Res. 112) concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va., reported it without amendment and submitted a report (No. 1750) thereon.

Mr. THOMAS of Idaho, from the Committee on Irrigation and Reclamation, submitted a supplemental report to accompany the bill (S. 5172) for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, heretofore reported by him with amendments from that committee, which was ordered to be printed as part 2 of Report No. 1418.

Mr. BINGHAM, from the Committee on Territories and Insular Affairs, to which was referred the bill (H. R. 11368) to fix the annual compensation of the secretary of the Territory of Alaska, reported it with amendments and submitted a report (No. 1751) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 2047) for the relief of R. P. Biddle, reported it with an amendment and submitted a report (No. 1752) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11015) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, reported it without amendment and submitted a report (No. 1753) thereon.

Mr. McMASTER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 921. An act for the relief of Andrew Kline (Rept. No. 1754);

H. R. 922. An act for the relief of William S. Murray (Rept. No. 1755);

H. R. 923. An act for the relief of Louis J. Stroud (Rept. No. 1756); and

H. R. 925. An act for the relief of George Curren (Rept. No. 1757).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 6233) for the relief of Grover Cleveland Ballard, reported it without amendment and submitted a report (No. 1758) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, February 24, 1931, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 1571. An act for the relief of William K. Kennedy;

S. 1851. An act for the relief of S. Vaughan Furniture Co., Florence, S. C.;

S. 2625. An act for the relief of the estate of Moses M. Bane;

S. 2774. An act for the relief of Nick Rizou Theodore;

S. 3553. An act for the relief of R. A. Ogee, sr.;

S. 3614. An act to provide for the appointment of two additional district judges for the northern district of Illinois;

S. 4425. An act to amend section 284 of the Judicial Code of the United States;

S. 4477. An act for the relief of Irma Upp Miles, the widow, and Meredeth Miles, the child, of Meredith L. Miles, deceased;

S. 4598. An act for the relief of Lowela Hanlin;

S. 5114. An act to legalize bridges across the Staunton River at Brookneal, route No. 18, Campbell County, and at Clover, Halifax County, route No. 12, State of Virginia;

S. 5255. An act to extend the time for the construction of a bridge across the Chesapeake Bay;

S. 5392. An act to legalize a bridge across the Pigeon River at or near Mineral Center, Minn.;

S. 5649. An act for the relief of the State of Alabama;

S. 5959. An act authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever;

S. 5962. An act to authorize the Secretary of Commerce to continue the system of pay and allowances, etc., for officers and men on vessels of the Department of Commerce in operation as of July 1, 1929;

S. 6041. An act to authorize an appropriation of funds in the Treasury to the credit of the District of Columbia for the use of the District of Columbia Commission for the George Washington Bicentennial; and

S. J. Res. 49. Joint resolution to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama; to authorize the letting of the Muscle Shoals properties under certain conditions, and for other purposes.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 6238) providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Fla.; to the Committee on the Judiciary.

By Mr. REED:

A bill (S. 6239) granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.; to the Committee on Commerce.

By Mr. COPELAND:

A joint resolution (S. J. Res. 257) creating a joint committee to formulate a plan for the retirement of officers and employees of the legislative branch of the Government; to the Committee on Rules.

By Mr. McNARY:

A joint resolution (S. J. Res. 258) to amend section 6 of the migratory-bird conservation act, approved February 18, 1929; to the Committee on Agriculture and Forestry.

PROHIBITION OF IMPORTS PRODUCED BY CONVICT LABOR

Mr. ODDIE submitted an amendment intended to be proposed by him to the bill (H. R. 16517) to prohibit importation of products of convict and forced labor, to protect labor and industry in the United States, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. McKELLAR submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and to be printed:

At the proper place in the bill to insert the following:

"Bureau of Public Roads: For an additional amount for paving and other expenses of constructing the highway from Washington, D. C., to Mount Vernon, Va., including all necessary expenses for the acquisition of such additional land adjacent to said highway as the Secretary of Agriculture may deem necessary for the development, protection, and preservation of the memorial character of the highway, $2,700,000, to remain available until June 30, 1932."

PRODUCTION COST OF CRIN VEGETAL

Mr. BROUSSARD submitted the following resolution (S. Res. 468), which was ordered to lie over under the rule:

Resolved, That the United States Tariff Commission is hereby directed to investigate, for the purposes of section 336 of the tariff act of 1930, the differences in the cost of production between domestic and foreign crin vegetal.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1571. An act for the relief of William K. Kennedy;

S. 1851. An act for the relief of S. Vaughan Furniture Co., Florence, S. C.;

S. 2625. An act for the relief of the estate of Moses M. Bane;

S. 2774. An act for the relief of Nick Rizou Theodore;

S. 3553. An act for the relief of R. A. Ogee, sr.;

S. 4477. An act for the relief of Irma Upp Miles, the widow, and Meredeth Miles, the child, of Meredith L. Miles, deceased; and

S. 4598. An act for the relief of Lowela Hanlin.

The message also announced that the House had passed the bill (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3213) for the relief of E. F. Zanetta, with an

amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26), requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAWLEY, Mr. TREADWAY, Mr. BACHARACH, Mr. GARNER, and Mr. COLLIER were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 2434. An act for the relief of Frank R. Scott;

H. R. 4175. An act to extend the benefits of the employers' liability act of September 7, 1916, to Mary Ford Conrad;

H. R. 5450. An act for the relief of Granville W. Hickey;

H. R. 5520. An act for the relief of the estate of Samuel Schwartz;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 5813. An act for the relief of Harold M. Reed;

H. R. 5911. An act for the relief of Lieut. H. W. Taylor, United States Navy;

H. R. 5915. An act for the relief of Barber-Hoppen Corporation;

H. R. 6288. An act for the relief of Frank Rizzuto;

H. R. 6652. An act for the relief of William Knourek;

H. R. 7338. An act for the relief of John H. Hughes;

H. R. 7467. An act for the relief of Chase E. Mulinex;

H. R. 7553. An act for the relief of Lieut. Col. H. H. Kipp, United States Marine Corps, retired;

H. R. 7784. An act for the relief of Mrs. L. E. Burton;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 7861. An act for the relief of Lyman L. Miller;

H. R. 7872. An act for the relief of Lucien M. Grant;

H. R. 7936. An act for the relief of Frank Kanelakos;

H. R. 8024. An act for the relief of the Atchison, Topeka & Santa Fe Railway Co.;

H. R. 8224. An act to reimburse D. W. Tanner for expense of purchasing an artificial limb;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 8818. An act for the relief of James M. Pace;

H. R. 8835. An act for the relief of Harry Harsin;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9245. An act for the relief of Davis, Howe & Co.;

H. R. 9262. An act for the relief of the Pocahontas Fuel Co. (Inc.);

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 9780. An act for the relief of J. P. Moynihan;

H. R. 10503. An act for the relief of the Portland Electric Power Co.;

H. R. 10631. An act for the relief of Barnet Albert;

H. R. 12032. An act to provide for the appointment of one additional district judge for the southern district of New York;

H. R. 12059. An act to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York;

H. R. 12215. An act for the relief of Daisy Ballard; and

H. R. 14055. An act to make permanent certain temporary judgeships.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 5114. An act to legalize bridges across the Staunton River at Brookneal, route No. 18, Campbell County, and at Clover, Halifax County, route No. 12, State of Virginia;

S. 5255. An act to extend the time for the construction of a bridge across the Chesapeake Bay;

S. 5392. An act to legalize a bridge across the Pigeon River at or near Mineral Center, Minn.;

S. 5959. An act authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever;

S. 5962. An act to authorize the Secretary of Commerce to continue the system of pay and allowances, etc., for officers and men on vessels of the Department of Commerce in operation as of July 1, 1929;

S. 6041. An act to authorize an appropriation of funds in the Treasury to the credit of the District of Columbia for the use of the District of Columbia Commission for the George Washington Bicentennial;

H. R. 8812. An act authorizing the Menominee Tribe of Indians to employ general attorneys;

H. R. 9676. An act to authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C.;

H. R. 9702. An act authorizing the payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, in connection with the rescue of survivors of the U. S. S. *Cherokee;*

H. R. 12571. An act to provide for the transportation of school children in the District of Columbia at a reduced fare;

H. R. 15876. An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes;

S. J. Res. 49. Joint resolution to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama; to authorize the letting of the Muscle Shoals properties under certain conditions, and for other purposes;

H. J. Res. 404. Joint resolution to change the name of B Street NW., in the District of Columbia, and for other purposes; and

H. J. Res. 416. Joint resolution to increase the amount authorized to be appropriated for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931.

REDEMPTION AND ALLOWANCE FOR INTERNAL-REVENUE STAMPS

The PRESIDING OFFICER (Mr. ODDIE in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26), and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMOOT, Mr. WATSON, and Mr. HARRISON conferees on the part of the Senate.

ADJUSTED-SERVICE CERTIFICATES

Mr. VANDENBERG. Mr. President, I want again to refer briefly to a subject that has attracted much critical editorial attention during the last few days respecting the real purport of the pending congressional agreement upon the adjusted-compensation certificates legislation.

I never knew a subject to suffer from more incorrigible editorial misunderstanding in some quarters than this agreement which the House and Senate by overwhelming majorities have reached respecting this highly important piece of legislation. Perhaps it could be said, parenthetically, that there are none so blind as those who will not see and none so deaf as those who will not hear. It is not surprising that the country gets an erroneous idea respecting the things Congress has in mind and to which by overwhelming majorities in both Houses the Congress has agreed, in view of this type of persistent misunderstanding which is relentlessly fed to them in certain editorial columns of the country.

Mr. President, this phase of the matter becomes somewhat important when great groups of representative citizens similarly find themselves unwittingly misled, and I am now referring particularly to a newspaper release from New York City on yesterday morning in which Mr. John E. Edgerton, president of the National Association of Manufacturers, gave publicity to a letter addressed to the President of the United States, from which I quote as follows:

Expressing what I know to be the general feeling of manufacturers of the United States, and what I believe to be that of most other thoughtful citizens, I beg you to veto the so-called veterans' loan bill which has already passed Congress.

Mark you these words—

It would inevitably result in larger tax burdens upon an already oppressed productive industry, and thereby retard, if not completely hinder, full recovery from the business depression.

I want to repeat and particularly emphasize those words—

It would inevitably result in larger tax burdens.

Mr. President, when that appeared yesterday morning I sent the following telegram to Mr. John E. Edgerton, president of the National Association of Manufacturers, at New York City:

FEBRUARY 23, 1931.

Your public statement this morning says that pending veterans' loan bill will inevitably result in larger tax burdens. Will you be good enough immediately to wire me how and why? I fear you are still thinking about original full cash-payment plan for which pending loan plan is a substitute. Do you know that the loan bill does not increase the actual values of compensation certificates by a single penny? Do you know that the bill only provides that the veterans shall borrow from their own insurance maturity funds appropriated during the last six years and now in the Veterans' Bureau in Government securities? Do you know that the Government can not lose even incidentally on the transaction, because it will charge higher interest on these loans than it pays for its own money? Do you know that Senator SMOOT said on the floor of the Senate last Saturday as follows: "I thought it was understood that there would be no financing at all necessary, but that the amount of money to the credit of all of the veterans, if the securities held in the Treasury of the United States to meet the certificates were disposed of at the present time, would be sufficient to pay whatever the legislation passed on Thursday would require. There is no doubt about that at all." Under these circumstances, do you not wish to withdraw your statement which misleads American business into believing that the pending loan law will burden it to its fatal detriment? Is not your statement itself a needless and unfortunate menace to business under these circumstances?

ARTHUR H. VANDENBERG,
United States Senator.

Mr. President, I waited all day yesterday for an answer to this telegram, assuming that this very prominent and distinguished citizen of the country, having assumed to commit himself positively to this specific criticism of the pending plan, would be ready immediately to respond. No answer having been received, I wired him again last evening, because in good faith I did not wish to discuss his statement until he had had an opportunity to reply. No reply has as yet been received.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Montana?

Mr. VANDENBERG. I yield.

Mr. WHEELER. Does not the Senator think that he is giving undue dignity to the statement issued by Mr. Edgerton? Does not the Senator know that nobody pays very much attention to any statement that is issued by Mr. Edgerton, because of the fact that on almost every occasion he misrepresents all types of legislation that are passed by the Congress of the United States?

Mr. VANDENBERG. The Senator asks me whether or not I do not think I am giving undue emphasis to Mr. Edgerton's statement. To that part of his question I want to reply: I think that when the chief executive of the largest group of manufacturers in the United States is virtually notifying that vast group that something is impending in Congress of vital menace to them because of a statement of alleged facts, when that statement is erroneous, it becomes exceedingly important that this vast membership of his organization should be correctly advised.

As I have said, I have had no answer to my telegram, so I want to answer these questions myself, Mr. President, and I want to ask any member of the Senate Finance Committee to check me as I do answer them, because I fail to understand why this disagreement respecting fundamental facts should persist in the United States.

Do you know that the loan bill does not increase the actual values of compensation certificates by a single penny?

There is no question in the world that the values are not increased by a single penny. Furthermore, there is no question in the world that a one-payment 20-year endowment insurance policy in any old-line insurance company in this land would have a loan value to-day of 53 per cent instead of 50 per cent, as proposed in the pending loan law.

Now, continuing with these unanswered questions so far as the broadcasting president of the National Association of Manufacturers is concerned:

Do you know that the bill only provides that the veterans shall borrow from their own insurance maturity funds appropriated during the last six years and now in the Veterans' Bureau in Government securities?

I pause for any denial that that is a precise, specific, correct, and scrupulously accurate statement of the reality.

Do you know that the Government can not lose even incidentally on the transaction, because it will charge higher interest on these loans than it pays for its own money?

Neither can there be any question about the answer to that interrogation. If anybody has a right to complain about this pending proposal it is not the Treasury or the taxpayer. It is the veteran himself.

I apprehend that there may be some subsequent suggestion that the added administrative cost will represent some casually increased incidental item; but even upon that score, Mr. President, I am advised that the saving in administration during the subsequent six years when this loan privilege otherwise would be taken up in driblets from year to year will far more than offset any casual increase in administration cost at the present time.

Mr. President, I do not blame the president of the National Association of Manufacturers for having an erroneous idea respecting this proposed legislation. Streams of information can rise no higher than their source, and the streams of misinformation which have flowed across the country respecting the fiscal structure that is involved in this legislation are perfectly amazing. I think it is extremely unfortunate, because the prophecy of menace frequently can itself precipitate a disaster which otherwise would be absolutely impossible.

A man can yell "Fire" in a crowded theater, although there be not the tiniest flame within 10 blocks of the theater and can precipitate a panic just as deadly and disastrous as if actually the place was in devastating blaze. I protest against this constant and persistent effort to make some sections of the country believe that within this plan lurks some awful raid upon the Public Treasury, when there will not be a single cent taken from the Public Treasury by this legislation, except such funds as are in trust for the veterans themselves, and except such loans as are supported by the certificate values themselves; and it is nothing less than a disaster that misinformation upon this indisputable point should constantly be fed to the American people. There is no new tax whatever involved in this loan plan.

Before I take my seat, I want to call attention to one other very significant thing in this connection, and this is a very encouraging exhibit. I now read from the financial page of the New York Herald Tribune of the issue of last Sunday morning:

Preliminary announcement of a new United States Treasury offering of securities was sent yesterday by the Federal Reserve Bank of New York to member banks, State banks, trust companies, and other institutions in this district. Details of the issue are to be disclosed March 2, and it is assumed by bankers that it relates to the extensive refunding operation on March 15, when $1,100,000,000 of called 3½ per cent notes are payable.

* * * * * * *

Bankers are of the opinion that the Treasury will offer approximately $500,000,000 in 3¼ or 3⅜ per cent bonds with a maturity of 12 or 15 years. In addition, a large issue of certificates of indebtedness with maturities of six months to a year appears inevitable. Such certificates could be marketed, it is held, with

of our history that this clause had to be eliminated. If the slave trade could have been stopped at that date, slavery would never coupons of 1½ to 2 per cent. It is possible that the Treasury will also utilize the discount-bill method of financing in connection with the refunding operations.

Now, Mr. President, mark you this sentence:

In calling the $1,109,000,000 of 3½ per cent notes for payment next month, the Treasury anticipated the maturity by about a year.

Mark you also these sentences:

Owing to the great ease in the money market and the lack of other maturities on March 15, it appears certain that a twofold benefit will accrue to the Treasury from the refunding operation. There will be, firstly, a very substantial saving in interest charges since the refunding bonds will bear interest at a slightly lower rate than the notes, while the certificates of indebtedness will be at a far lower figure. The Treasury, secondly, will reduce by the amount of the long-term issue its problem of meeting the heavy maturities of issues due in the next two weeks.

Mr. President, I want to call attention to three phases of our compensation-certificate situation that are directly and significantly involved in this statement.

First, despite all the new difficulties which veterans' compensation legislation is said by its enemies to have precipitated upon the Treasury, yet the Treasury, with complete confidence, voluntarily projects itself into this alleged dilemma by anticipating on its own motion $1,109,000,000 of other financing by one whole year. I congratulate the Treasury upon having precisely the same view evidently, Mr. President, as does the Congress respecting the fiscal situation in which we find ourselves. The refinancing contemplated in the veterans' bill is not considered sufficiently difficult to deter the Treasury from voluntarily adding to these refinancing operations.

Secondly, I call attention to the fact that it is anticipated that there will be a substantial saving in interest rates. Yes; and I shall be greatly surprised if when the Treasury takes its 4 per cent certificates of indebtedness out of the maturity fund of the Veterans' Bureau and turns them into cash for the purpose of making these veterans' loans and reissues those certificates of indebtedness to the public they will bear a substantially lower rate of interest than 4 per cent, and the Government in this connection actually will be involved in a profit-taking operation instead of a deficit-creating operation.

I may say again, parenthetically, that I submitted this question on January 20 in the form of a letter to the Secretary of the Treasury, to which thus far I have no answer.

Thirdly, I think it wants to be emphatically noted right now that the Treasury plans to issue refunding bonds during the next four weeks without any respect whatsoever and without any relationship whatsoever to any fiscal responsibilities involved in the veterans' compensation legislation which is pending upon the President's desk. I want to make it plain this morning, the 24th day of February, that the Treasury is contemplating a large issuance of refunding bonds within the next three or four weeks related exclusively to its general fiscal operations; I want to make it plain for the reason that, otherwise, a few weeks hence when these refunding bonds shall be issued the same type of critics who now misrepresent this legislation will promptly say, "See, we told you so. Congress passed the veterans' legislation and now the Treasury has got to issue refunding bonds."

I think it is important again for the sake of the realities that the situation should be kept clear; and with these observations, Mr. President, I repeat the hope—perhaps a vain one—that truth yet may catch up with error in this connection.

SECOND DEFICIENCY APPROPRIATIONS

Mr. JONES. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, and I submit a report (No. 1743) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. WATSON. Mr. President, may I ask the Senator from Washington a question? When does the Senator expect to proceed with the consideration of the deficiency bill just reported by him?

Mr. JONES. I shall ask the Senate to proceed with its consideration to-morrow.

Mr. WATSON. And when does the Senator expect that the conference report on the naval appropriation bill will be presented?

Mr. JONES. The Senator from Maine [Mr. HALE] is chairman of that committee; I am not a member of it, so I can not tell the Senator when the report will probably be presented.

Mr. PHIPPS. Mr. President, in answer to the question of the Senator from Indiana, I may say that the conferees will meet again this afternoon. They spent yesterday afternoon in conference and intend to proceed this afternoon.

Mr. WATSON. With some hope of arriving at a speedy conclusion?

Mr. PHIPPS. Absolutely; that is the purpose of the meeting to be held.

SINKING OF THE "MAINE"

Mr. BORAH. Mr. President, I ask permission to have printed in the RECORD a radio address by the junior Senator from Iowa [Mr. BROOKHART] on the sinking of the *Maine*.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

SINKING OF THE "MAINE"

The sinking of the *Maine* was one of the acute causes of the Spanish-American War, like the murder of an archduke 16 years later exploded the magazine that started the World War. I visited the *Maine* at Norfolk in May, 1896, and was shown through it by Iowa members of the crew. In less than 2 years, and 33 years ago to-day, most of that gallant crew and the ship itself were at the bottom of Habana Harbor, victims of that cruel monster we call war.

It was not certain then—it is not certain now—that Spanish authorities had anything to do with this awful disaster, but the circumstances pointed an accusing finger and the war spirit, already risen high for other and humane reasons, answered "Guilty." And yet we would not have gone to war with Spain for the sinking of the *Maine* alone. It might be accident; it might even be treachery of irresponsible agents, and still the United States would have stood calmly and patiently for the adjustments of peace. Surrounded as it was by a great cause of human liberty, its impulse was irresistible, and we appealed to the force of arms. This has always been the American spirit. Americans do not believe in war for war's sake and we have now outlawed war as a means of international arbitrament.

The spirit of this new code runs through all American history. The pioneers of our country were men of peace. They fled from the oppressions of arbitrary power and sought freedom from the rule of the sword of the autocrat.

When oppression followed them to the New World they submitted through long years of injustice and misrule. Then, as a last resort, they arose in revolution and promulgated the greatest instrument of human rights in the history of humankind—the American Declaration of Independence.

This great document not only sets out the reasons for taking up arms in our Revolution, but in prophetic terms it outlines the defense of human liberty as the only cause that will justify any side of any war. Freedom is the word and freedom is Americanism.

Let us now take a glance down the path of time and see if we have been true to this ideal. Our next war was with Great Britain again. The issue this time was the freedom of the seas. While it was not settled by the clash of arms, still the achievements of the American Navy are a bright landmark upon this new road of world freedom.

Our next resort to arms was with Mexico. This is the hardest to defend of all our wars. Many humanitarians have denounced it as a war of aggression. Abraham Lincoln was against it. But whatever the actual fact may be in the established record of history, the American people believed it to be a war for freedom. Texas had arisen in revolution against the tyranny of Mexico and had established an independent republic. This republic wanted to enter the United States and the resulting friction brought on the war. The achievements of Gen. Sam Houston are a proud chapter in the annals of American arms, and the victories of the whole war were the most uniform in our history, but justice must give much credit to superior equipment and training. The taking of so much territory at the mouth of the cannon is hardest to defend, and perhaps its only defense is the march of civilization, with which we defend the taking of most of our country from the Indians.

Next came the great Civil War. The initial cause as proclaimed was the preservation of the Union, but the great underlying cause was the freedom of men. In the original draft of the Declaration of Independence Thomas Jefferson had a clause for the abolition of the slave trade. It is the most regrettable event

have spread far enough to cause a civil war. But the great father of democracy was forced to yield, and then slavery went into the Constitution of the United States. For over 70 years it was the great disturbing issue in politics and the great blot upon the ideals of Americanism. The Congress compromised it and the courts set aside the compromise. Finally it arose in its arrogance and sought to destroy the Union itself—then war, the greatest single war in history up to that date. It has also been the greatest war victory in history. It ended human slavery. This victory has been greater even for the vanquished than for the victors. A generous and big-minded South now asserts this noble truth itself. The pictures of Grant and Lee now hang side by side as the emblems of peace, liberty, and union.

Our next war was the Spanish-American, but for the moment I pass it. We meet in memory of its heroes and their achievements, and it shall therefore be my last words.

Why did we enter the great World War? It was on the other side of a broad ocean. Our people were divided in their sympathies. Have we at last reached a point where our ideals fall down? No. First there arose the old question of the freedom of the seas. The sinking of the *Lusitania* was as provoking as the sinking of the *Maine*. Then the great autocracies seemed on the verge of overrunning the democracies of the world. We owed it as a duty to humanity to make the "world safe for democracy." Lastly, why should not this be a war to end war? So again we called to arms. How glorious was the response! Perhaps the greatest glory was the patriotic loyalty of our German population, who forsook the ties of blood and motherland and stood true to American ideals.

The victory is great also. The emperors of the world have abdicated. Kaiserism and czarism are swept away. A republic rules the German Empire, her greatest soldier at the helm—Hindenburg, the George Washington of Germany. In Russia, too, autocratic tyranny of the most virulent type is displaced by a dictatorship of the people who were slaves or serfs for 500 years under the czars, and this country has declared for economic equality as well as political equality.

Lastly, we have outlawed war by solemn treaty. It is not yet effective, but the die is cast and the hope arises that the World War may yet end war. Beside this great ideal history will place the name of Woodrow Wilson.

Now, in conclusion, I will ask, Does the Spanish-American War fit into this picture of American ideals? Is there a cause in human rights that justified the course we took? The oppression of the Cuban people by Spanish autocracy is a close parallel to the causes of our own revolution. In fact, the cruelty of Spanish rule was more offensive than the rule we ourselves had suffered. From the first American sympathy went out for Cuba Libre. When the *Maine* went down the impulse became irresistible and we decided to drive the last king from the American continent. This is a prophetic forerunner of the greatest act of Woodrow Wilson when from the White House in chief command of an American Army he drove the Kaiser from his throne for the freedom of Germany and the democracy of the world.

"Remember the *Maine*" not as a slogan of war and hatred but as a beacon of the liberty and peace of the world.

VALIDITY OF THE EIGHTEENTH AMENDMENT

Mr. SHEPPARD. Mr. President, I ask permission to publish in the RECORD a memorandum in support of the validity of the eighteenth amendment, upholding the right of Congress to submit it for ratification by the legislatures instead of by convention in the States. The memorandum was prepared by Edward B. Dunford, attorney for the Anti-Saloon League of America.

The VICE PRESIDENT. Without objection, it is so ordered.

The memorandum is as follows:

MEMORANDUM IN SUPPORT OF THE VALIDITY OF THE EIGHTEENTH AMENDMENT, UPHOLDING THE RIGHT OF CONGRESS TO SUBMIT IT FOR RATIFICATION BY THE LEGISLATURES INSTEAD OF BY CONVENTIONS IN THE STATES

By Edward B. Dunford, attorney for the Anti-Saloon League of America

MEMORANDUM IN SUPPORT OF VALIDITY OF RATIFICATION OF EIGHTEENTH AMENDMENT—UNITED STATES OF AMERICA *v.* WILLIAM H. SPRAGUE AND WILLIAM J. HOWEY—APPEAL FROM THE UNITED STATES DISTRICT COURT FOR NEW JERSEY

Statement of facts

This is a direct appeal under section 238 of the Judicial Code, as amended (T. 28, sec. 345, C. C. A.), from the judgment of Judge Clark, of the United States District Court of New Jersey, entered December 18, 1930, quashing an indictment under the national prohibition act charging the unlawful transportation and possession of 50 half barrels of beer on the ground that the eighteenth amendment to the Constitution of the United States, for the enforcement of which the statute was enacted, is invalid because it was submitted by Congress for ratification by the legislatures of the States rather than by conventions in the States.

Summary of argument

It is respectfully submitted that the decision of the district court should be reversed for the following reasons:

I. The Supreme Court settled the validity of the eighteenth amendment in 1920, holding it referred to a subject within the amending power, that it was lawfully submitted and legally ratified.

II. The Constitution, Article V, provides the method of ratification of amendments, "by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

III. The Supreme Court has expressly declared, "The method of ratification is left to the choice of Congress."

IV. The question is res judicata. The point made by Judge Clark was raised in 1920 and, in effect, overruled by the unanimous conclusions of the court.

V. Judge Clark's ruling is based upon an implication not found in the Constitution, which he deduces from a vague theory of political science that is contrary to 141 years of constitutional practice and political action.

VI. The Supreme Court in 1920, in the Hawke case, involving the validity of the ratification of the eighteenth amendment, held that there was no implied right of the people, by the States, to pass directly on constitutional amendments by referendum. That being settled, there is less reason to imply a right to act indirectly exclusively through conventions.

VII. The eighteenth amendment was adopted in the same manner as all previous amendments. If it is invalid, then others are also.

VIII. The tenth amendment is an amendment which was adopted in exactly the same manner as the eighteenth amendment. It did not amend Article V.

IX. The practice of ratifying constitutional amendments by conventions was not so well known at the time of the framing of the Constitution as to justify the implication that the framers intended that to be the exclusive method of ratification in any case.

X. Proceedings of Constitutional Convention of 1787 show choice of method of ratification left to Congress.

XI. Congressional debates upon ratification of amendments under Article V show choice of method always held discretionary.

XII. Nature of amendment does not render ratification by legislatures invalid.

XIII. Resolution for eighteenth amendment showed Congress chose ratification by the legislatures.

XIV. Repeated acts of legislation by Congress, the administration of those statutes for 10 years by the executive department, a consistent upholding of such legislation by the courts, a recognition of the amendment by political parties in their platforms and by candidates for public office is conclusive of any doubt upon the validity of the amendment in the absence of a clear conflict with some express provision of the Constitution.

Constitutional provisions involved

Article V of the Constitution provides:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths thereof, AS THE ONE OR THE OTHER MODE OF RATIFICATION MAY BE PROPOSED BY THE CONGRESS. • • •" (Capitals ours.)

The tenth amendment provides:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The eighteenth amendment provides:

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation."

Argument

I. The Supreme Court settled the validity of the eighteenth amendment in 1920, holding it referred to a subject within the amending power, that it was lawfully submitted and legally ratified.

In 1920 eight cases arising in different parts of the country and presenting various contentions as to the validity of the eighteenth amendment were consolidated and argued together. They are reported and officially cited as the National Prohibition cases (253 U. S. 350). These cases involved the validity of the amendment from the standpoint of its subject matter, the legality of its submission, as well as its ratification. The court through Mr. Justice Van Devanter announced its conclusions, which were unanimous in support of the validity of the eighteenth amendment, as follows:

"The prohibition of the manufacture, sale, transportation, importation, and exportation of intoxicating liquors for beverage purposes, as embodied in the eighteenth amendment, is within the power to amend reserved by Article V of the Constitution.

"That amendment, by lawful proposal and ratification, has become a part of that Constitution, and must be respected and given effect the same as other provisions of that instrument."

The legality of the ratification of the eighteenth amendment was further considered by the court in Hawke *v.* Smith (253 U. S. 221), where it held that the referendum provisions of State constitutions and statutes had no application to the ratification of amendments to the Federal Constitution. The legality of its ratifi-

cation was again before the court in the case of Dillon v. Gloss (256 U. S. 303), in which the court once more unanimously upheld the validity of the amendment as against the contentions that it was invalid, since section 3 required ratification by the legislatures within seven years from the date of submission to the States.

II. The Constitution, Article V, provides the method of ratification of amendments "by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

See text of Article V, page 2.

III. The Supreme Court has expressly declared, "The method of ratification is left to the choice of Congress."

In Hawke v. Smith (253 U. S. 221) the precise question was the right of the people to submit to a popular referendum the proposed eighteenth amendment to the Federal Constitution pursuant to the provisions of State constitutions or statutes. Concerning Article V the court declared:

"This article makes provision for the proposal of amendments either by two-thirds of both Houses of Congress, or on application of the legislatures of two-thirds of the States; thus securing deliberation and consideration before any change can be proposed. The proposed change can only become effective by the ratification of the legislatures of three-fourths of the States, or by conventions in a like number of States. The method of ratification is left to the choice of Congress. Both methods of ratification, by legislatures or conventions, call for action by deliberative assemblages representative of the people, which it was assumed would voice the will of the people.

"The fifth article is a grant of authority by the people to Congress. The determination of the method of ratification is the exercise of a national power specifically granted by the Constitution; that power is conferred upon Congress and is limited to two methods—by action of the legislatures of three-fourths of the States or conventions in a like number of States. Dodge v. Woolsey (18 How. 331, 348; 15 L. ed. 401, 407). The framers of the Constitution might have adopted a different method. Ratification might have been left to a vote of the people or to some authority of government other than that selected. The language of the article is plain and admits of no doubt in its interpretation. It is not the function of courts or legislative bodies, national or State, to alter the method which the Constitution has fixed.

"All of the amendments to the Constitution have been submitted with a requirement for legislative ratification; by this method all of them have been adopted. * * *

"The power to ratify a proposed amendment to the Federal Constitution has its source in the Federal Constitution. The act of ratification by the State derives its authority from the Federal Constitution to which the State and its people have alike assented."

Whatever may be the view of political theorists, the nature of the action of the people in ratifying amendments to the Constitution of the United States is clearly set forth in the language of Mr. Justice Wayne, in speaking for the United States Supreme Court in Dodge v. Woolsey (18 How. 331, 15 L. ed. 401), where he said:

"The departments of the Government are legislative, executive, and judicial. They are coordinate in degree to the extent of the powers delegated to each of them. Each in the exercise of its powers is independent of the other, but all rightfully done by either is binding upon the others. The Constitution is supreme over all of them, because the people who ratified it have made it so; consequently anything which may be done unauthorized by it is unlawful. But it is not only over the departments of the Government that the Constitution is supreme. It is so, to the extent of its delegated powers, over all who made themselves parties to it; States as well as persons, within those concessions of sovereign powers yielded by the people of the States, when they accepted the Constitution in their conventions. Nor does its supremacy end there. It is supreme over the people of the United States, aggregately and in their separate sovereignties, because they have excluded themselves from any direct or immediate agency in making amendments to it, and have directed that amendments should be made representatively for them by the Congress of the United States when two-thirds of both Houses shall propose them, or where the legislatures or two-thirds of the several States shall call a convention for proposing amendments, which in either case become valid, to all intents and purposes, as a part of the Constitution when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths of them, as one or the other mode of ratification may be proposed by Congress. The same article declares that no amendment which might be made prior to the year 1808 should in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State without its consent shall be deprived of its equal suffrage in the Senate, the first being a temporary disability to amend and the other two permanent and unalterable exceptions to the power of amendment.

"Now, whether such a supremacy of the Constitution, with its limitation in the particulars just mentioned, and with the further restriction laid by the people upon themselves and for themselves as to the modes of amendment, be right or wrong politically, no one can deny that the Constitution is supreme, as has been stated, and that the statement is in exact conformity with it.

"Furthermore, the Constitution is not only supreme in the sense we have said it was, for the people in the ratification of it have chosen to add that 'this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitutions or laws of any State to the contrary notwithstanding.' And in that connection, to make its supremacy more complete, impressive, and practical, that there should be no escape from its operation, and that its binding force upon the States and the Members of Congress should be unmistakable, it is declared that 'the Senators and Representatives, before mentioned, and the members of the State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by an oath or affirmation to support this Constitution.'"

In Leser v. Garnett (258 U. S. 130), in upholding the validity of the nineteenth amendment, the court declared:

"The first contention is that the power of amendment conferred by the Federal Constitution, and sought to be exercised, does not extend to this amendment, because of its character. The argument is that so great an addition to the electorate, if made without the State's consent, destroys its autonomy as a political body. This amendment is in character and phraseology precisely similar to the fifteenth. For each the same method of adoption was pursued. One can not be valid and the other invalid. That the fifteenth is valid, although rejected by six States, including Maryland, has been recognized and acted on for half a century. See United States v. Reese (92 U. S. 214, 23 L. ed. 563), Neale v. Delaware (103 U. S. 370, 26 L. ed. 567), Guinn v. United States (238 U. S. 347, 59 L. ed. 1340, L. R. A. 1916A, 1124, 35 Sup. Ct. Rep. 926), Myers v. Anderson (238 U. S. 368, 59 L. ed. 1349, 35 Sup. Ct. Rep. 932). The suggestion that the fifteenth was incorporated in the Constitution, not in accordance with law, but practically as a war measure, which has been validated by acquiescence, can not be entertained.

"The second contention is that, in the constitutions of several of the 36 States named in the proclamation of the Secretary of State, there are provisions which render inoperative the alleged ratifications by their legislatures. The argument is that, by reason of these specific provisions the legislatures were without power to ratify. But the function of a State legislature in ratifying a proposed amendment to the Federal Constitution, like the function of Congress in proposing the amendment, is a Federal function, derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a State."

See also Hollingsworth v. Virginia (3 Dall. 378) regarding the nature of the amending process and holding valid the eleventh amendment although the resolution for its submission was not signed by the President. See also Peter Hand Co. v. United States (C. C. A. 7th) (2 Fed. (2) 449); Thibault v. United States (C. C. A. 2d) (not yet reported).

IV. The question is res judicata. The same point made by the district court was raised in 1920, and, in effect, overruled by the unanimous conclusions of the court.

That the same question was presented to this court in the national prohibition cases is conclusively shown from the following language taken from the original bill of complaint in Feigenspan v. Bodine, No. 788, page 11, paragraph 9, subsection 5:

"Whatever might be the power of the people of the United States acting through conventions elected for that purpose or otherwise to include in their national Constitution ordinary acts of legislation in contravention of Article I and of the tenth amendment of the present Constitution of the United States, no such power has been exercised or delegated or ratified by the people of the United States in respect of said alleged eighteenth amendment; that the proposal of the alleged amendment was submitted, not to the people of the United States or of any State, but to the several legislatures, which acted in alleged exercise of a special power purporting to be conferred upon them by Article V of the Constitution of the United States."

In No. 30, original, State of New Jersey v. Palmer, Attorney General, in the bill of complaint filed by Hon. Thomas F. McCran, attorney general, paragraph 9, subsection 4, page 19, it is said:

"Whatever might be the power of the people of the United States, acting through conventions elected for that purpose or otherwise, to include in the National Constitution ordinary acts of legislation unalterable by the people of the respective and several States contrary to any grant conferred or delegation of power given in the Constitution, and expressly reserved by the tenth article of amendment, and in contravention of ordinary acts of legislation under the power granted to the Congress by Article I of the Constitution of the United States, such as purports to be exercised by the prohibitions and alleged authority of said so-called eighteenth amendment, no such power has been exercised by the people of the United States in respect of such alleged eighteenth amendment, but the proposal was submitted, or attempted to be submitted, in the manner provided in Article V of the Constitution in the alleged exercise of a special power conferred by that article contrary to the true intent and meaning thereof, and that in most of the States the so-called ratification was made by the senate and house of assembly therein, as in each State respectively denominated, some of the houses of which, particularly as in the case of Florida, were elected by the people before the joint resolution containing the proposal was adopted by the Congress."

In the brief of Attorney General McCran, on the motion to dismiss, there appears also the following at page 15:

"If, however, this court shall conclude that Article V indicates a method of alteration by way of incorporating in the fundamental law such legislative matter which restricts the people in their habits of life, heretofore exclusively a State function under the police power, it nevertheless is clear, it is submitted that such a revolutionary proceeding may only take place by the action of the people assembled in convention, as in the first instance, when the Constitution was originated, though acting under the amending clause by the affirmative vote of three-fourths of the respective States."

The point having been made a part of the original bill of complaint in the national prohibition cases, incorporated in the record, urged upon the court, and a ruling upon it being necessary to a decision, the announced conclusions of the court holding the eighteenth amendment valid render the present question res judicata.

V. The ruling of the district court is based upon an implication not found in the Constitution, which is deduced from a vague theory of political science that is contrary to 141 years of constitutional practice and political action.

There is no express provision of the Constitution requiring any amendment to the Constitution to be submitted to conventions in the States rather than to the legislatures. The district judge's opinion rests upon an implication predicated upon a theory of political science. In the Hawke case, supra, this court declared:

"The framers of the Constitution might have adopted a different method. Ratification might have been left to a vote of the people, or to some authority of government other than that selected. The language of the article is plain, and admits of no doubt in its interpretation. It is not the function of courts or legislative bodies, national or State, to alter the method which the Constitution has fixed."

And in Dodge v. Woolsey, supra, the court declared with respect to political theories:

"Now, whether such a supremacy of the Constitution, with its limitations in the particulars just mentioned, and with the further restriction laid by the people upon themselves, and for themselves, as to the modes of amendment, be right or wrong politically, no one can deny that the Constitution is supreme, as has been stated, and that the statement is in exact conformity with it."

With respect to the nature of the judicial function, that eminent jurist, Mr. Justice Story, declared, in Martin v. Hunter's Lessee (1 Wheat. 304, 346):

"It is manifest that the Constitution has proceeded upon a theory of its own, and given or withheld powers according to the judgment of the American people, by whom it was adopted. We can only construe its powers, and can not inquire into the policy or principles which induced the grant of them."

The district court cites no provision in the Federal Constitution which expressly requires any amendment to be submitted for ratification to conventions in the States. His opinion turns upon an implication which he reads into the Constitution through abstruse reasoning based upon a vague theory of political science which is no part of our basic law.

VI. The Supreme Court in 1920, in the Hawke case, supra, involving the validity of the ratification of the eighteenth amendment, held that there was no implied right of the people, by States, to pass directly on constitutional amendments by referendum. That being settled, there is less reason to imply a right to act indirectly exclusively through conventions.

VII. The eighteenth amendment was adopted in the same manner as all previous amendments. If it is invalid, then others are also.

No amendment to the Constitution has ever been submitted by Congress for ratification by conventions in the States. The Supreme Court, in Hawke v. Smith (253 U. S. 221), in upholding the method of ratification of the eighteenth amendment, pointed this out when it said (p. 227):

"All of the amendments to the Constitution have been submitted with a requirement for legislative ratification; by this method all of them have been adopted."

If the opinion of the district court is sound, it must follow that either all amendments to the Constitution are void or there is something peculiar about the eighteenth amendment which differentiates it from all others. For a discussion of this see, infra, Paragraph XII.

VIII. The tenth amendment is an amendment which was adopted in exactly the same manner as the eighteenth amendment.

The first 10 amendments were proposed at the first session of the First Congress of the United States, September 25, 1789, and were finally ratified by the constitutional number of States by December 15, 1790. In that Congress were many who had been in the Constitutional Convention of 1787. None of these amendments were submitted to conventions. That the tenth amendment did not amend Article V of the original Constitution is succinctly pointed out (since the decision of Judge Clark) in the unanimous opinion of the United States Circuit Court of Appeals for the Second Circuit, holding the eighteenth amendment valid as against the same contentions urged upon Judge Clark. Manton, P. J., declared:

"The tenth amendment could have no application to Article V because the former only reserved 'powers not delegated to the United States' and the power to choose the 'method of ratification * * * (had been) left to the choice of Congress.' (Hawke v. Smith, 253 U. S. 226.) * * *

"The tenth amendment embodied a rule of construction affecting the Constitution as it stood and all the preceding amendments, but it had no bearing on the power to choose the method of adoption of amendments already delegated to Congress by Article V."

In Ohio, in 1919, the attempt was made to enjoin the governor from submitting the resolution for the eighteenth amendment to the legislature. In State of Ohio v. Cox (257 Fed. 334, 342), District Judge Hollister, in denying the injunction, said:

"It is urged that such a subject as involved here is within the powers reserved to the States or to the people, and article 10 of the Constitution is invoked. * * *

"Counsel do not favor the court with decisions on this subject, but, granting to the claim all that may be argued for it, it must be said that the Members of the Senate and the Members of the House are the representatives of the States and the representatives of the people, respectively, to whom is given the power to propose amendments to the Constitution, which become such only when the representatives of the people in three-fourths of the States concur. Reserved powers are so called because they have never been surrendered. When the requisite number of States concur, the people surrender to the United States additional power. It may be absolute, or it may be concurrent, becoming absolute only when Congress shows an intention of occupying the whole field embraced by the particular subject."

IX. The practice of ratifying constitutional amendments by conventions was not so well known at the time of the framing of the Constitution of the United States as to justify the implication that the framers intended that to be the exclusive method of ratification in any case.

Jameson, in his work on Constitutional Conventions, at page 498, says:

"The science of politics, as especially adapted to our system of republics, scarcely existed at the time that (convention system) originated."

Again, at section 527:

"But it would be wrong to imagine the existence among the people of the United States during the Revolutionary period of a ripened public opinion on the subject of amending their Constitution."

The colonies which formed the United States were originally governed by charters granted by the English Crown. (For text see Thorpe on American Charters.) In Watson on the Constitution it is said (Vol. II, p. 1301 et seq.):

"The doctrine that a constitution can be amended is of comparatively recent origin in the growth of constitutional government * * *.

"The first provision for the amendment of a charter is found in the Pennsylvania Frame of April 2, 1683. That instrument contained a provision that it might be amended by the consent of the 'governor and six parts of seven of the freeman in provincial council and general assembly.' The Pennsylvania Frame of 1696 contained a similar provision.

"The Pennsylvania charter of privileges of 1701 provided that, 'The first article of this charter relating to liberty of conscience and every part and clause therein, according to the true intent and meaning thereof, shall be kept and remain, without any alteration, inviolably forever' * * *.

"The other colonial charters did not contain provisions for amendments."

Article XIII of the Articles of Confederation of 1777 provided for its amendment if agreed to by the Congress of the United States and afterwards affirmed by the legislature of every State. It did not require changes to be submitted to conventions in the States.

Even the State constitutions in force when the Federal Constitution was framed did not uniformly require amendments to be adopted by the convention method.

In Watson on the Constitution, Volume II, at page 1302, it is said:

"With few exceptions the State constitutions first framed contained no provision for their future amendment.

"But by the year 1787 eight State constitutions embodied such provisions (for amendment). Three—Maryland, Delaware, and South Carolina—conferred the power to amend on the legislatures, under certain restrictions. The other five States—Pennsylvania, Vermont, Georgia, Massachusetts, and New Hampshire—conferred the power upon conventions which should be called for the purpose."

Not only was there no uniform requirement in the State for the consideration of constitutional amendments by conventions in the States, but the vast majority of the State constitutions themselves, in force at the time, had never been submitted to the people for ratification. Of the constitutions adopted during the Revolutionary period only one—that of Massachusetts in 1778—was submitted to the people for popular approval. In the following States the constitutions adopted in the years indicated were not submitted to a popular vote: New Hampshire and South Carolina in 1775; Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and Virginia in 1776; and Vermont in 1777. Rhode Island and Connecticut had no written constitutions at that time. (See Thorpe on American Charters, Constitutions, and Organic Laws.)

Therefore, it appears from the political practice contemporaneous with the framing of the Constitution of the United States that not only was there no well-established principle of political science which required the intervention of a constitutional convention in adopting amendments but that there was likewise no established practice requiring the submission of the entire constitution to a vote of the people for ratification. Indeed, there has been no uniform practice since that time of submitting constitutions to the people. Virginia, the oldest Commonwealth in the Union, has had six constitutions. Three of them (1830, 1850,

1870) were submitted to a vote of the people for ratification, and three (1776, 1864, 1902) were not submitted. The present constitution of Virginia, adopted in 1902, was never submitted to the voters of the State for their approval. In Taylor *v.* Commonwealth (44 S. E. 754), the Supreme Court of Appeals of Virginia held:

"The constitution of 1902, having been acknowledged and accepted by the officers administering the government, and by the people of the State, and being in force throughout the State without opposition, must be regarded as the existing constitution, irrespective of the question as to whether or not the convention which promulgated the constitution had power to do so without submitting it to the people for ratification or rejection."

X. Intended exceptions to amending power expressly made in 1787:

Where any limitation on the amending power was intended it was provided in express terms. Thus there was added the clause prohibiting restriction upon the importation of slaves prior to 1808, and the proviso that no State, without its consent, should be deprived of its equal suffrage in the Senate. Other than the foregoing, that the Constitutional Convention refused to discriminate between the kinds of amendments or matters which might be subject of the amending process is shown by the fact that the convention expressly rejected a proposal to add a clause that would have provided that, "No State, without its consent, shall be affected in its internal police." Where limitations with respect to the amending power were intended they were stated in express terms and not left to implication. This is shown by the following outline of the proceedings of the convention upon Article V providing for amendment. (Watson on the Constitution, vol. 2, p. 1303.)

"There was but little to guide the convention upon the subject of amendments, and it has been said, 'The idea that provision should be made in the instrument of government itself for the method of its amendment is peculiarly American.'

"The first clause of this section is attributable to Mr. Madison, that part which relates to an amendment, prior to 1808, to Mr. Rutledge, and the last clause to Gouverneur Morris.

"The Articles of Confederation provided: 'No alteration should at any time be made in any of the articles unless such alteration be agreed to in a Congress of the United States and be afterwards confirmed by the legislatures of every State.' But this method was not considered desirable for amending the Constitution. Notwithstanding the weakness of the articles and their evident insufficiency, no amendment was made to them. This was doubtless due to a belief that it would be impossible to secure the two requisites, the agreement in Congress to the alteration and the confirmation of such alteration by the legislature of every State of the Union. A different method was determined upon for amending the Constitution, and we will trace that method through the debates of the convention.

"In the plan of Mr. Randolph for a constitution there was a resolution that 'provision ought to be made for the amendment of the Articles of Union whensoever it shall seem necessary, and that the assent of the National Legislature ought not to be required thereto.'

"In the plan submitted by Mr. Pinckney there was the provision. 'If two-thirds of the legislatures of the States apply for the same, the Legislature of the United States shall call a convention for the purpose of amending the Constitution; or, should Congress, with the consent of two-thirds of each House, propose to the States amendments to the same, the agreement of two-thirds of the legislatures of the States shall be sufficient to make the said amendments parts of the Constitution.'

"When the matter first came up in the convention it received very slight consideration and was postponed, but at that time Mr. Gerry remarked: 'The novelty and difficulty of the experiment requires political division. The prospect of such division also gives intermediate stability to the Government.' Later the matter was taken up, when 'several members did not see the necessity of the resolution nor the propriety of making the consent of the National Legislature unnecessary.'

"Colonel Mason urged the necessity of the provision. 'Amendments,' he said, 'will be necessary; and it will be better to provide for them in any easy, regular, and constitutional way than to trust to chance and violence. It would be improper to require the consent of the National Legislature, because they may abuse their power and refuse their assent on that very account.'

"Mr. Randolph concurred in these views. That part of the resolution which read, 'Without requiring the consent of the National Legislature,' was then postponed, while the other provision of the resolution was passed without objection.

"The Committee of the Whole reported to the convention, 'Provision ought to be made for the amendment of the Articles of Union, whensoever it shall seem necessary.' This was adopted without objection and referred by the convention to the committee of detail. The committee changed the article on amendments and reported it to the convention in the following form: 'On the application of the legislatures of two-thirds of the States in the Union, for an amendment of this Constitution, the Legislature of the United States shall call a convention for that purpose,' and in this form it was passed by the convention by unanimous vote and without debate.

"On the 10th of September following, Mr. Gerry in the convention moved to reconsider the article as it had been adopted by the convention, and in support of his motion said: 'This Constitution is to be paramount to the State constitutions. It follows, from this article, that two-thirds of the States may obtain a convention, a majority of which can bind the Union to innovations that may subvert the State constitutions altogether,' and asked if this was a situation proper to be run into.

"Mr. Hamilton seconded the motion; but, he said, with a different view from Mr. Gerry. He did not object to the consequences stated by Mr. Gerry. There was no greater evil in subjecting the people of the United States to the major voice than the people of a particular State. It had been wished by many, and was much to have been desired, that an easier mode of introducing amendments had been provided by the Articles of the Confederation. It was equally desirable now that an easy mode should be established for supplying defects which would probably appear in the new system. The mode proposed was not adequate. The State legislatures will not apply for alterations, but with a view to increase their own powers. The National Legislature will be the first to perceive and will be most sensible to the necessity of amendments, and ought also to be empowered, whenever two-thirds of each branch shall concur, to call a convention.

"The motion of Mr. Gerry to reconsider was carried by a vote of 9 to 1.

"Mr. Sherman voted to add to the articles the following: 'Or the legislature may propose amendments to the several States for their approbation, but no amendments shall be binding until consented to by the several States.'

"Mr. Wilson moved to insert 'two-thirds of' before the words 'several States,' but this was lost by a vote of 5 to 6. Mr. Wilson then moved to insert 'three-fourths of' before the words 'the several States,' which was agreed to.

"Mr. Madison then moved to postpone consideration of the amended proposition in order to take up the following: 'The Legislature of the United States, whenever two-thirds of both Houses shall deem necessary, or on the application of two-thirds of the legislatures of the several States, shall propose amendments to this Constitution, which shall be valid to all intents and purposes as part thereof, when the same shall have been ratified by three-fourths at least of the legislatures of the several States, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by the Legislature of the United States.' This motion was seconded by Mr. Hamilton.

"At this point Mr. Rutledge said that he could never agree to give a power by which the articles relating to slaves might be altered by the States not interested in that property, and prejudiced against it. In order to obviate this objection, the following words were added to the proposition: '*Provided*, That no amendments, which may be made prior to the year 1808, shall in any manner affect the fourth and fifth sections of the seventh article.' This amendment was agreed to, and the proposition of Mr. Madison was then carried by a vote of 9 States to 1, Delaware voting no, and New Hampshire being divided. Mr. Rutledge's amendment referred to slavery, and had no practical effect after 1808, when the importation of slaves was to cease.

"The committee on style reported the article as proposed by Mr. Madison with the amendment as proposed by Mr. Rutledge. When this report was made to the convention there was objection to it.

"Mr. Sherman expressed fears that three-fourths of the States might be brought to do things fatal to particular States; as abolishing them altogether, or depriving them of their equality in the Senate. He thought it reasonable that the proviso in favor of the States importing slaves should be extended, so as to provide that no State should be affected in its internal policy, or deprived of its equality in the Senate.

"Colonel Mason thought the plan of amending the Constitution exceptionable and dangerous. As the proposing of amendments is in both the modes to depend, in the first immediately, and in the second ultimately, on Congress; no amendments of the proper kind would ever be obtained by the people, if the Government should become oppressive.

"Mr. Gouverneur Morris and Mr. Gerry moved to amend the article so as to require a convention on application of two-thirds of the States, and this was adopted.

"Mr. Sherman moved to annex to the article the proviso: 'That no State shall, without its consent, be affected in its internal police, or be deprived of its equal suffrage in the Senate.' This motion was lost."

The proceedings of the conventions in the States which were called to ratify the Constitution of the United States also clearly show that it was the understanding that Congress should have discretion as regards the method of ratification of proposed amendments. Thus Mr. Iredell, a member of the North Carolina convention and afterwards a member of the Supreme Court of the United States, speaking before the State convention, said:

"Any amendments which either Congress shall propose or which shall be proposed by such general convention are afterwards to be submitted to the legislatures of the different States, or conventions called for that purpose, as Congress shall think proper, and, upon the ratification of three-fourths of the States, will become a part of the Constitution. By referring this business to the legislatures, expense would be saved, and, in general, it may be presumed, they would speak the genuine sense of the people. It may, however, on some occasions, be better to consult an immediate delegation for that special purpose. This is therefore left discretionary. It is highly probable that amendments agreed to in either of these methods would be conducive to the public welfare, when so large a majority of the States consented to them. And in one of these modes amendments that are now wished for may, in a short time, be made to this Constitution by the States adopting it." (4 Elliot, 176, 177.)

XI. Congressional debates on submission of amendments under Article V do not support theory of positive duty to submit any amendment for ratification to conventions rather than legislatures.

The history of the attempts to require ratification of proposed amendments by conventions is set forth by Ames in Proposed Amendments to the Constitution. (American Historical Association Reports, 1896, Vol. II, p. 286), where he says:

"Several notable attempts have been made to have certain amendments submitted to conventions in the several States instead of to State legislatures for their ratification or rejection. Such propositions were made in connection with several of the amendments proposed in 1860 and 1861, notably in the case of the Crittenden amendments. The so-called Corwin amendment of 1861, although 'proposed by Congress' to the legislatures of the several States for ratification, was 'ratified' by a constitutional convention ordained by the people of the State of Illinois on February 14, 1862. As the other mode of ratification had been prescribed by Congress, the question naturally arises whether this could be considered a valid ratification, although in connection with this amendment it has no practical significance, as only two other States ratified it, and the progress of the war placed its adoption out of the realm of possibility. This is the only case where a constitutional convention in any State has acted upon an amendment submitted by Congress.

"Since that time attempts have been made by the opponents of the proposed amendments, then under consideration by Congress, to make provision for this method of ratification. It was suggested by them as offering a better chance for the defeat of the amendment in the States. When the thirteenth amendment was about to be submitted to the States this method of ratification was proposed. The true reason for the introduction of this resolution was soon shown to be an effort to accomplish its defeat, for the speech of its author, Mr. Pendleton, of Ohio, instead of being an argument in favor of the ratification by conventions, consisted simply of a statement of his reasons for thinking the time inauspicious for changing the Constitution, the country being engaged in a civil war. The resolution was rejected by a decisive vote.

"A similar attempt was made in vain by Senator Dixon, of Connecticut, when the fifteenth amendment was under consideration. His objection seemed directed against the unequal system of representation in the Connecticut Legislature. He therefore urged his plan when the House suffrage amendment was before the Senate, and he also presented it as an amendment to the resolution which later became the fifteenth amendment. Congress had power, he said, if it ordered the ratification of the amendment to be by conventions, to declare that 'the convention should be chosen in such a manner that it should represent the people.' He further maintained that this was a question upon which the people had never had an opportunity to canvass or to express their opinion, therefore the body called upon to ratify it should be chosen subsequently to its submission. The previous amendments which were submitted to the State legislatures for ratification, especially the first 12, did not relate to the States at all but simply curtailed the powers of Congress. Now the proposition is to provide that a power which has always heretofore been held by the States as their own power and their own right shall be taken from them. It is therefore proper that the people should have an opportunity of making known their will in regard to the proposed change. He was answered by his colleague, Senator Ferry, who declared that the question had been discussed before the people, and he further asserted that the same reason that prevented this mode of ratification from being adopted in the previous cases was pertinent now. Congress and the people have never used that power of submission to convention, because the machinery of conventions was dilatory, expensive, and unwise. The Constitution has provided for the speediest correction by the submission of an amendment to the legislatures. The delays incident to the assembling of a convention may be so many that it may be years before the evil can be removed which the amendment was proposed to remedy."

Judge Clark in his opinion cites the speech of Senator Dixon upon the fifteenth amendment as supporting his contention. It will be noted, however, that Senator Dixon expressly said, "Of course, the intention was that Congress would select and judge as between these forms of submission." In his argument the Senator was seeking to prevail upon Congress to choose submission of the fifteenth amendment to conventions rather than to the legislatures, not because he thought the Constitution required it but because he felt it the better policy.

The sixteenth amendment

When the resolution proposing the sixteenth amendment to the Constitution, S. J. Res. 40 (61st Cong., 1st sess.), to authorize Federal income taxes, was pending before the Senate, Senator Bailey, of Texas, on July 5, 1909, offered an amendment for its submission to conventions in the States rather than to the legislatures. In explaining the reason for offering it he said (p. 4108 of the CONGRESSIONAL RECORD):

"I vote for this amendment, under any circumstances with reluctance, because I do not think it necessary, and I know the submission of it is fraught with extreme danger; but I think the danger of its rejection will be greatly diminished if its ratification is submitted to conventions chosen for the sole and only purpose of passing on it. For that reason I offer this amendment, committing its consideration to conventions instead of to the legislatures."

Senator BORAH said (p. 4110, CONGRESSIONAL RECORD):

"I desire to indorse the amendment suggested by the Senator from Texas [Mr. Bailey] providing for the submission of this amendment to the Constitution to State conventions rather than to State legislatures. I believe it a wise policy for the reason that then it will be an issue before the people, freed entirely of what might be controlling local questions and what might be conditions which would prevent a fair and unprejudiced presentation of the matter upon its merits."

Mr. Sutherland, at that time a Member of the Senate from Utah, now a member of the United States Supreme Court, in speaking of the power of Congress with respect to submission, said (CONGRESSIONAL RECORD, p. 4111):

"In other words, Congress may propose that either the legislature shall act upon the matter or that a convention shall act upon it."

The Bailey amendment was submitted to a vote and defeated by a vote of yeas 30, nays 46, not voting 16. (CONGRESSIONAL RECORD, p. 4120.)

When the resolution was before the House on July 12, 1909, Mr. Henry, of Texas, served notice of intention to offer an amendment to submit it for ratification to conventions instead of legislatures. (CONGRESSIONAL RECORD, p. 4392. See also p. 4438.) A point of order was made against Mr. Henry's amendment, and the Speaker ruled that under the unanimous-consent agreement under which the House was working his amendment was not in order. It was not brought to a vote and there was little discussion of it. The debate in the Senate, however, shows that those who supported the proposal to submit it to conventions did so on the ground that they felt it would offer a better opportunity of securing an expression of the people rather than that there was any constitutional necessity for doing so.

The seventeenth amendment

The agitation of the States for an amendment to the Constitution to permit direct election of United States Senators led the House of Representatives four times to vote to submit to the States such an amendment, but in each Congress the Senate blocked the passage of the resolution. The votes in the House were as follows: On July 21, 1894, the House of Representatives by vote of 141 to 50 (CONGRESSIONAL RECORD, vol. 26, p. 7783), and on May 11, 1898, by vote of 185 to 11 (CONGRESSIONAL RECORD, vol. 31, p. 4825), and on April 13, 1900, by vote of 242 to 15 (CONGRESSIONAL RECORD, vol. 33, p. 4128), and on February 13, 1902, by a viva voce vote (CONGRESSIONAL RECORD, vol. 35, p. 1722).

In 1901 a number of State legislatures petitioned Congress to call a convention, as provided in Article V, to consider an amendment for the popular election of Senators. Other States followed, until in 1909 when the last such resolution was passed, 26 States had formally made this petition. Such a resolution was passed in some States at several sessions of the legislature. For a citation of the resolutions see: "Is a Constitutional Convention Impending?" by Wayne B. Wheeler, 21 Illinois Law Review, pages 782, 786 (April, 1927).

The resolution for the seventeenth amendment, which was submitted and finally ratified on May 15, 1912, was House Joint Resolution 39, Sixty-second Congress, first and second sessions. When this resolution was under consideration no amendment was offered in either House or Senate proposing to submit it to conventions instead of to the legislatures of the States for ratification. There were several references to the resolution passed by the State legislatures petitioning for the calling of a national constitutional convention, a distinctly different matter. (See pp. 1539–1544, 1741, 1743, 1957, 62d Cong., 1st sess.)

Resolution for prohibition amendment preceding one adopted

Prior to the passage of the resolution which became the eighteenth amendment there was under consideration in the Sixty-third Congress House Resolution No. 687, for national constitutional prohibition. That resolution was voted upon in the House on December 22, 1914, the vote being—yeas 197, nays 190, not voting 40, present 1. (CONGRESSIONAL RECORD, 63d Cong., 3d sess., p. 616.) It failed to receive the necessary two-thirds vote. It was not acted upon by the Senate. When that resolution was being considered by the House, Representative Mann, of Illinois, offered an amendment which would have required its ratification by conventions rather than by the State legislatures. As the reason for his action Mr. Mann said (CONGRESSIONAL RECORD, vol. 52, p. 609):

"Under the Constitution of the United States an amendment may be submitted by Congress to become a part of the Constitution when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. I think it is wiser, if this question is to be submitted to the States, that they vote directly for members of a convention in the State, called for the purpose of determining this question, instead of throwing it into legislative bodies elected for and necessarily dealing with many other questions."

Mr. Mann's proposal was rejected by a vote of 211 to 177. (CONGRESSIONAL RECORD, vol. 52, p. 610.) There was little discussion. The point was not made that ratification by conventions was a constitutional necessity.

The eighteenth amendment

When the resolution which became the eighteenth amendment, Senate Joint Resolution 17, Sixty-fifth Congress, was being considered in Congress no attempt was made to have it submitted for ratification to conventions in the States rather than the legis-

latures. The debates upon the resolution fail to show that there was any thought upon the part of the membership that either because of the nature of the subject treated by the proposed amendment or on account of any requirement of Article V of the Constitution was it necessary that it be submitted to conventions in the States for ratification rather than to the legislatures. The proceedings upon that resolution are found in the CONGRESSIONAL RECORD, as follows:

April 4, 1917. Sixty-fifth Congress, first session, by Mr. SHEPPARD, Senate Joint Resolution 17. Introduced and referred to Judiciary Committee. (CONGRESSIONAL RECORD, vol. 55, p. 198.)

June 11, 1917. Reported favorably, with amendments, by Mr. Overman, of the Senate Judiciary Committee. Senate Report 52. (CONGRESSIONAL RECORD, vol. 55, p. 3438.)

July 9, 1917. Unanimous consent asked for consideration. Objection. (CONGRESSIONAL RECORD, vol. 55, p. 4811.)

July 12, 1917. Unanimous consent asked for consideration. Request withdrawn. (CONGRESSIONAL RECORD, vol. 55, p. 4997.)

July 23, 1917. Unanimous consent asked for consideration. Request withdrawn. (CONGRESSIONAL RECORD, vol. 55, p. 5379.)

July 25, 1917. Unanimous consent asked for consideration. Request withdrawn. (CONGRESSIONAL RECORD, vol. 55, p. 5442.)

July 26, 1917. Unanimous agreement for vote agreed to. (CONGRESSIONAL RECORD, vol. 55, pp. 5522–24.)

July 30–31, 1917. Debated in the Senate. (CONGRESSIONAL RECORD, vol. 55, pp. 5548–60, 5585–5627, 5636–5666.)

August 1, 1917. Debated, amended, and passed Senate. (CONGRESSIONAL RECORD, vol. 55, p. 5666.)

August 3, 1917. Referred to House Judiciary Committee. (CONGRESSIONAL RECORD, vol. 55, p. 5723.)

December 11, 1917. Sixty-fifth Congress, second session. Unanimous consent for consideration. (CONGRESSIONAL RECORD, vol. 55, p. 128.)

December 14, 1917. Amended and favorably reported to House by Mr. Carlin (H. Rept. 211; pt. 1). Minority views by Mr. DYER (H. Rept. 211, pt. 2). Minority report by Messrs. Gard, Igoe, Graham, Steele, Dyer, Flynn, Walsh, and Magee (H. Rept. 211, pt. 3). (CONGRESSIONAL RECORD, vol. 55, p. 337.)

December 17, 1917. Debated, amended, and passed House. (CONGRESSIONAL RECORD, vol. 55, pp. 340, 422–470. Appendix, p. 30.)

December 18, 1917. Senate concurred in House amendments. (CONGRESSIONAL RECORD, vol. 55, pp. 477–478.) Signed by the Speaker of the House and the President of the Senate (pp. 490, 529).

The debate turned upon the policy represented by the amendment rather than upon any suggestion that ratification by the legislatures would render it invalid. Senator Penrose did raise the question whether an amendment transferring police power could be adopted without the consent of all the States. (CONGRESSIONAL RECORD, vol. 55, p. 5636.) A question, among others, settled by the decision of the Supreme Court in the national prohibition cases (253 U. S. 350). Senator SHEPPARD, who sponsored the resolution for the eighteenth amendment on July 30, 1917, in speaking upon the procedure being followed, said: "The method ordained by the Federal Constitution for its own alteration is being strictly followed." (CONGRESSIONAL RECORD, July 30, 1917, vol. 55, p. 5548.) He also quoted from John C. Calhoun and others respecting the amending process.

Senator Kirby, on August 1, said (p. 5647 of the CONGRESSIONAL RECORD):

"There can be no objection certainly to submitting it as all other amendments to the Constitution have been submitted, and there can be no objection, so far as I am concerned, in having it submitted in the language that its friends think ought to be used in its submission and that will tend most strongly to secure its adoption when it shall come to the time for adoption by the different States."

Vice President Curtis, at that time Senator from Kansas, said, August 1, page 5643 of the CONGRESSIONAL RECORD:

"I have listened with some surprise to the speeches of the Senator from Alabama [Mr. Underwood], the Senator from Pennsylvania [Mr. Penrose], the Senator from Ohio [Mr. Pomerene], and the Senator from New York [Mr. Calder]. One would imagine from these speeches that the friends of this measure were proceeding in some way not authorized by the Constitution, when as a matter of fact, the friends of this resolution are proceeding in the only regular way to amend the Constitution of the United States. * * *

"All the friends of this proposition are doing is to ask that this question shall be submitted in the regular way. The Senators might just as well complain about the representation in the United States as to complain that three-fourths of the States shall not have the right to amend the Constitution because their population might be less than that of the one-fourth unfavorable to the amendment of the Constitution. In this body, while the great State of Kansas may not equal the State of Pennsylvania in ability in its representation, yet we equal the State of Pennsylvania in our vote. The State of Kansas equals the vote of New York and all the other more heavily populated States, and it is right that we should have equal power with our vote. The Senators from Pennsylvania, Massachusetts, New York, Ohio, and Alabama might just as well complain of the vote we have and the power that the State of Kansas has here."

XII. Nature of eighteenth amendment does not render ratification by legislatures invalid.

The opinion of Judge Clark attempts to distinguish between the subject matter of amendments and holds that certain amendments are of such a character as must of necessity be submitted by Congress to convention in the States for ratification, saying:

"The purpose of the amending clause, as we have tried to develop it in this opinion, would be violated by the submission of amendments transferring powers from the States to the United States, and such submission would then constitute an abuse of discretion on the part of Congress in its capacity as an administrative agency."

Aside from the reservations named in Article V respecting the importation of slaves and equal representation of the States in the Senate, the Supreme Court has repeatedly refused to make any judicial discrimination with respect to subjects covered by amendments to the Constitution. Great emphasis was laid before this court by counsel in the national prohibition cases upon the theory that the eighteenth amendment prohibiting the manufacture, sale, etc., of intoxicating liquors related to a subject that was not within the amending power under Article V. The court in its conclusions with respect to that matter declared:

"The prohibition of the manufacture, sale, transportation, importation, and exportation of intoxicating liquors for beverage purposes, as embodied in the eighteenth amendment, is within the power to amend reserved by Article V of the Constitution."

Later, in the case of Leser *v.* Garnett (258 U. S. 130) the precise point of attack against the nineteenth amendment, which prohibited the abridgement of the right of suffrage on account of sex, was that it was not a subject within the amending power under Article V, since it in effect destroyed the autonomy of the State. The court upheld the validity of the nineteenth amendment, declaring (p. 136):

"The first contention is that the power of amendment conferred by the Federal Constitution, and sought to be exercised, does not extend to this amendment because of its character. The argument is that so great an addition to the electorate, if made without the State's consent, destroys its autonomy as a political body. This amendment is in character and phraseology precisely similar to the fifteenth. For each the same method of adoption was pursued. One can not be valid and the other invalid. That the fifteenth is valid, although rejected by six States, including Maryland, has been recognized and acted on for half a century."

In a recent treatise, The Making of the Constitution, by Charles Warren, page 680, it is said:

"Another theory has been advanced that amendments of those parts of the Constitution (and of the first 10 amendments) which contain certain rights reserved to the people as distinguished from the States can only be ratified by conventions of the people, and that State legislatures are competent to ratify amendments relating to the 'frame of government.' Nothing in the debates in the convention, or in the State conventions of 1788, or in the decisions of the Supreme Court, would seem to afford any basis for discriminating between the various parts or sections of the Constitutions, with respect to its amendability."

XIII. Resolution for eighteenth amendment showed Congress chose ratification by the legislatures.

The point has been made that the wording of the resolution submitting the eighteenth amendment differed in phraseology from the form usually followed, and that it was submitted to the States rather than to the legislatures of the States. This is refuted by the text of the resolution. The resolution and section 3 clearly show that Congress exercised its choice under Article V and elected to submit the question of ratification to the legislatures of the States rather than to conventions in the States. The resolution reads (S. J. Res. 17):

"Sixty-fifth Congress of the United States of America.

"At the second session begun and held at the city of Washington on Monday, the 3d day of December, 1917.

"Joint resolution proposing an amendment to the Constitution of the United States.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

XIV. Repeated acts of legislation by Congress, the administration of those statutes for 10 years by the executive department, a consistent upholding of such legislation by the courts, a recognition of the amendment by political parties in their platforms and by candidates for public office, is conclusive of any doubt upon the validity of the amendment in the absence of a clear conflict with some express provision of the Constitution.

The Sixty-fifth Congress, by Senate Joint Resolution 17, proposed to the States the eighteenth amendment on December 19, 1917. It was ratified by the legislatures of 46 States on the dates and by the votes shown in the table attached in the appendix (Exhibit A). The Secretary of State proclaimed its ratification, by three-fourths

of the States, on January 29, 1919. Section 1 of the amendment declared its prohibitions should become operative one year after ratification. In Druggan *v.* Anderson (269 U. S. 36) the Supreme Court held it became a part of the Constitution on January 16, 1919, the date upon which the last of the necessary three-fourths of the States had acted, although by its terms its prohibitions were suspended for one year, and that the date of its proclamation by the Secretary of State was not controlling. Congress enacted the national prohibition act for its enforcement on October 28, 1919. Since that date it has enacted the following statutes directly related to its administration:

The supplemental prohibition act of November 23, 1921. (Ch. 134, sec. 5, 42 Stat. L. 222.)

The act of March 3, 1925, relating to forfeited vehicles. (Ch. 438, sec. 2, 43 Stat. L. 116, as amended May 27, 1930, ch. 342, sec. 9, 10, 46 Stat. L. 430.)

The act of March 3, 1927, to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury. (Ch. 348, sec. 1, 44 Stat. L. 1381.)

The Jones-Stalker Act of March 2, 1929. (Ch. 473, sec. 1, 45 Stat. L. 1446.)

Prohibition reorganization act of May 27, 1930. (Ch. 342, sec. 1, 46 Stat. L. 427.)

The Stobbs Act of January 15, 1931.

More than 60 cases involving the validity and construction of these statutes, as well as of the amendment itself, have been considered in which written opinions have been rendered by the Supreme Court. The validity of the eighteenth amendment has been recognized by political parties in their national platforms by direct reference. It has been the subject of discussion by candidates for public office. The Supreme Court many years ago declared in Maynard *v.* Hill (125 U. S. 190):

"A long acquiescence in repeated acts of legislation on particular matters is evidence that those matters have been generally considered by the people as properly within legislative control."

All 19 amendments to the Constitution have been submitted by Congress to the legislatures of the States for ratification. These embrace the first 10 submitted by the First Congress, which included some of the same men who framed the Constitution; the Civil War amendments; and one, the nineteenth, adopted since the eighteenth, and all ratified in the same way.

If, after 10 years, the present case presents a justiciable issue, then a similar question may be raised with respect to each amendment, namely, whether it is of such a nature as could have been lawfully ratified only by conventions in the States. If so, the President may be illegally elected; slavery may still be lawful; citizens improperly mulcted of income taxes over many years; Senators entitled to no pay; and women to no vote, because the twelfth, thirteenth, sixteenth, seventeenth, and nineteenth amendments, respectively, may likewise be void. Such a statement carries its own refutation. The right of Congress to choose the method of ratification is now settled by its 141 years of uniform practice in submitting amendments, the unanimous decision of the Supreme Court, and the acquiescence of the people in the exercise of such a choice. The argument of the District Court is one properly addressed to the legislative branch of the Government but without status in a court of law, since it involves a political question. (Luther *v.* Borden, 7 How. 1.)

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- Wheeler, Is a Constitutional Convention Impending? (21 Ill. Law Review, April, 1927).

THE TARIFF AND AGRICULTURE

Mr. NORRIS. Mr. President, I ask permission to insert in the RECORD an address by H. E. Miles on the tariff, and a short article by Mr. Miles entitled "Agriculture's Road to Ruin."

The VICE PRESIDENT. Without objection, it is so ordered.

The address and article are as follows:

AN INDUSTRIAL REVOLUTION IMPENDING—THE WAY TO PROSPERITY WORLD-WIDE—EXCESSIVE TARIFFS A PRINCIPAL HINDRANCE—A PROTECTIONIST'S VIEWPOINT

By H. E. Miles, chairman Fair Tariff League

The world is on the eve of an industrial revolution that will give it prosperity, physical comforts, and culture scarcely dreamed of a generation ago. I say this upon two assumptions only: First, that the United States will, from the protectionist's standpoint, reasonably lower its tariff rates and meet its definite responsibilities in helping other nations to adopt American practices and philosophy in production and consumption; and, secondly, that other nations will adopt these, without which they face ruin, and will lower their tariffs, as their statesmen know they must.

The new practices have been proven and firmly established in the United States, there only, and mostly since the World War. They are the antithesis of all that Europe believes and does. It is the task therefore of the United States to show the way.

Having said that marvels are to be accomplished in the next few years, let us first indicate briefly with what accelerating pace the world now progresses.

There elapsed 300,000 dreadful years from the time when man fashioned his first implement by chipping a stone to a scraping or cutting edge until the industrial revolution of 1760–1790, when steam power was first harnessed and began to lift from men's shoulders nine-tenths of their physical strain.

For the next two or three generations, however, improvements came slowly. Men still worked from sunup to sundown, and often 16 hours a day. Children entered the mills almost as soon as they could walk. This with the approval of philanthropists, who said that it was better than the only alternative—starvation. The employer, his family, and apprentices lived together and mostly upon porridge, each person dipping with his spoon from a common bowl.

Wages in England, for instance, were fixed by law at the level of bare subsistence, and, if from any misfortune a family resorted often to the poor relief, officers of the law lessened the family expenses by taking away some of the children, never to be seen again. They were sent to remote places to work, without pay, without instruction, and for the meanest necessities only, under conditions conducive to crime, disease, and death, until 24 years of age, as says Thorold Rogers in his Six Centuries of Work and Wages.

It was as bad as present-day bootlegging for anyone to make and sell merchandise unless he had served an apprenticeship without pay and unmarried until his twenty-fourth year. Rogers tells of a child apprenticed in his eighth year and of 300 mill workers, only 6 of whom had finished their apprenticeship and received wages.

We have come far in the last hundred years, and especially the last fifteen.

Now is to come the second industrial revolution, to do as much for mankind in a single generation as was accomplished in the last 100 years, or in the 300,000 years before that.

This revolution is based upon two interrelated American accomplishments—the development of automatic machinery whereby a single worker's output equals that of 50 and sometimes a thousand workers a few years ago, and upon mass consumption proportionate to this increased production.

Mass production and mass consumption are interdependent. Without both neither is possible. They are now possible only in the United States because only here is there free distribution of manufactured products over a vast area with a population of 123,000,000 people. Allowing for differences in per capita purchasing power, this market is five or six times greater than Germany's, Great Britain's, or France's.

International tariffs account in the main for the differences in methods in the United States and elsewhere. I say this as a confirmed protectionist whose views were earnestly approved by Presidents Roosevelt, Taft, and Wilson, and by Secretary of Commerce Mr. Hoover, now President, and now by representatives of one and

one-half million farmers and wage earners, and by economists and others now working with me. It is because there is no tariff between our States that we mass produce, and that we alone concentrate intensely upon the production of semiautomatic and automatic machinery of almost limitless capacity; that we own nearly half the railroad mileage of the world, three-fourths of the telephone and telegraph equipment and other like commercial facilities, and that American salesmanship and consumption are keeping pace with production.

In age a child among the nations, our wealth under George Washington was about $7,000,000,000; at the end of the Civil War, about $50,000,000,000; in 1900, only $88,000,000,00; and now about $400,000,000,000. It equals the combined wealth of the six other great powers acquired in all the centuries by Great Britain, France, Germany, Italy, Russia, and Japan. The increase in the eight years since 1922—$80,000,000,000—nearly equals the total wealth of $88,000,000,000 in 1900 acquired in the 300 preceding years.

Lest we think too well of ourselves, be it noted that all these estimates of national wealth are "dollar estimates" as commonly made, giving the money values as of the several periods with no allowance for price appreciations. The gain in physical possessions is much less than the dollar figures indicate, but significant indeed, especially the international comparisons, inasmuch as they are figured on the same basis. Also our enormous war losses are absorbed in the postwar figures. The amount of these losses is indicated by the expenditures of our Federal Government of over $44,000,000,000 in the four years, 1918–1921, or $11,000,000,000 annually against pre-war expenditures of about $700,000,000 annually.

The United States, because of its methods, now impossible elsewhere, produces 50 per cent of most of the world's basic manufactured commodities; steel and petroleum, 64 per cent; copper, 49 per cent; coal, 43 per cent. Of print paper, a measure of general enlightenment, it produces 43 per cent and consumes 50 per cent; of cotton it produces 69 per cent. It produces 40 per cent of the world's total output of manufactures.

In the service of commerce it possesses nearly one-half of the world's railway mileage, 75 per cent of its telephones and telegraphs, about 90 per cent of its automobiles. It possesses nearly one-half of the world's gold, and thereby in its own will largely determines the prices of all commodities in all countries, as shown by Reginald McKenna, England's great banker and economist.

It is not right that this one-fifteenth of the world's population and one-nineteenth of its land area produces and consumes 40 per cent of all its manufactured commodities with $90,000,000,000 of net profits annually and more and more hours for leisure and for the culture that naturally follows.

The other fourteen-fifteenths of the world's people must rapidly approach our level. We must do our utmost to this end, both for the good of the world and that our own prosperity may grow apace through enormously increased exports and services.

Our mass production has already wrought what I call the miracle of American production by coupling the world's lowest wage costs of production with incomparably its highest returns to wage earners.

In 1883 Charles F. Hill, statistician of the Department of State, submitting his evidence, said: "Here is the positive proof that American mechanics in the aggregate accomplish exactly double the result of the same number of British mechanics. They are therefore very justly paid double the wages."

In 1910 the average American factory worker used two and one-half times more horsepower and produced two and a half times more output than the English worker, always our nearest competitor. Our wages were correspondingly higher with our wage costs about the same.

In 1920 our output per worker was about 25 per cent more than pre-war and Europe's 12 per cent less. To-day our output per factory worker averages 55 per cent to 60 per cent more than in 1910. Now we seek only to better our own records.

In 1920 the American female operator easily wove 4,500 yards of cotton cloth per week for a wage of $14.50. Now, she weaves 12,500 yards for $16.50. She operates from 75 to 90 looms against 6 to 12 looms in England. Of our 9,000,000,000 yards of cotton cloth produced annually two-thirds is made at less cost than in England, though our wages are two or three times higher.

In 1920 in India the average weekly wage of cotton-mill operatives was $1.25 per week; but India was buying denims and drills in the United States because they cost less here.

A new automatic machine makes 73,000 electric-light bulbs every 24 hours, displacing 2,000 hand operatives.

An American worker shapes 50,000 bricks per hour with a not-expensive machine for 2 cents per thousand bricks. He shapes so many that he earns $10 per day. A woman knits 1,800 pairs of good cotton socks per day for one-sixth of 1 cent per pair and earns $3 a day and three or four times the European wage.

Of the wage cost in making glass bottles, 97 per cent has been eliminated recently. A man who used to produce 100 2-ounce prescription bottles by hand now produces 3,906 bottles. A single machine produces 8,000 5-gallon glass bottles (carboys) every 24 hours. It can produce all that are consumed in the United States.

In St. Louis recently 70 men digging sewers with machines did the work of 7,000 men with pick and shovel.

In harvesting wheat with the sickle still used in some countries 45 to 50 hours of labor are required per acre of 15 bushels. The hand cradle, common in Europe, requires 35 to 40 hours. The horse-drawn harvester requires 3 to 4 hours, with an accompanying thresher charge of 10 cents per bushel. The new "combine," harvester and thresher, takes from ¾ to 1 hour at a total cost of 3 cents to 5 cents per bushel. With four and a half million less people on our farms than in 1909, the output of our farms has increased 50 per cent in the last 30 years and 20 per cent in the last 10 years. Agriculture keeps step with manufacturing.

Mr. Ford is said to predict a $24 daily wage, a 5-day work week, and a 9-month work year with the remaining time for leisure, enjoyment, and culture. However nearly this is achieved, the prediction is prophetic and sane.

Automatic and semiautomatic machinery is in its infancy, with apparently nothing that it can not do. As Mr. Edison says, our great need is for training facilities to multiply the number of inventors of these machines.

Europe can not use them as we do, because each country is relatively small, with limited home consumption; it lives largely by exports and gets only small orders of great variety to meet the strangely varied requirements of various countries.

The average Scotch tweed mill has 70 looms and 8,400 different patterns and color combinations. America's greatest woolen maker has 10,000 looms with relatively few patterns. The best silk mill in Lyon, France, has about 40 looms and is constantly changing its patterns. America's largest producers have from 1,000 to 2,000 looms each. In Bradford, England, men's suitings are made in eight different widths to meet the fixed requirements of foreign markets. American producers make almost exclusively a single width that finishes at 52 to 54 inches. Yorkshire steel mills almost never see an order for 500 tons. They will make 25 tons at a time. Orders for 10,000 to 40,000 tons are not unusual in the United States.

From America's experience in production has come a new philosophy, that of unstinted consumption. If you want anything, get it. The poor shall possess equally with the rich all ordinary comforts and many luxuries. Indeed, there shall be no poor who are normal and willing to work.

This would be a philosophy of insanity were it not predicated upon the accepted and practiced principle that he who possesses must produce in proportion.

Such is the will of our people to make good that the loss on $5,000,000,000 of credits for installment purchases is little greater than on the customary retail credits to people of means.

With all our spending our savings deposits have quadrupled in 30 years. They total $29,000,000,000. The lean year of 1930 greatly exceeded the fat year, 1929.

Europe's philosophy is the opposite of ours. It is a philosophy of deprivation and thrift. Do without, stint, stint, stint. Save, save, save, however small your income. All this so that exports may be large. Her output per worker can not increase, while authorities predict that if America maintains her present rate of increase for the next 25 years, 45 men will do the work now done by 75 men and formerly by 100, with corresponding increases in wealth, comfort, and leisure.

This will require, however, an enormous increase in American exports and such doubling and trebling of consumption abroad as the world longs for and needs.

Europe overemphasizes exports. If, and only if, she virtually abolishes the tariffs within her borders, she will have a free area of distribution greater than ours, a population three times greater, and per capita consumption and prosperity like ours. We will benefit from this enormously.

Now her tariff barriers strangle her. She can not mass produce because she can not mass distribute and consume. With few exceptions, steel and toys in Germany and chinaware in some countries, were one European country to export a competing commodity into another, England excepted, it would pay some 30 per cent duty, and sometimes twice this, only to meet in the receiving country the same product produced there at virtually the same cost and paying no duty. Under this condition each country produces for export mostly articles of quality and design peculiar to itself in relatively small quantities and of such special interest that rich people, and they only, careless of prices, will buy despite tariff charges.

If a European country should mass produce in our fashion, it would have to throw one-half of the products into the sea for want of buyers. Shut off Ohio, Pennsylvania, or Massachusetts from other States by a high tariff and in six months, after great distress and possible bloodshed, its condition would duplicate Europe's in wages, output, and consumption. Our original thirteen States were approaching this condition with its attendant hatreds and discriminations, because under our first Constitution each State made its own tariff and was as mean as could be about it. New York paid tariff duties on its firewood from Connecticut and its cabbages from New Jersey.

Europe's best statesmen see their difficulty and are making headway in the formation of an economic (not political) United States of Europe with free distribution among its 350,000,000 people. They fail, however, to see the attendant revolutionary changes in production methods, wages, per capita consumption, and wealth consequent upon free distribution within her borders. Europe can't, but she must. Union or ruin. She must; but when will hatreds and contentions yield to cooperation and mutual benefit?

Meantime, with our declining costs of production, our exports of finished manufactured products have quadrupled in 20 years, rising from $654,000,000 in 1910 to $2,532,000,000 in 1929, and nearly one-half of our total exports go to Europe.

Europe, unable to compete, lives only because she is using a great part of our $24,000,000,000 of foreign loans, and with other countries is borrowing about $800,000,000 from us annually. She says that we are making of her countries American dependencies.

THE AMERICAN TARIFF OF 1930

Customs tariffs determine the extent and flow of international trade. Europe must minimize her internal barriers and lower her external barriers. America must reduce her tariff greatly.

It is time to tell the truth. Other countries rightly hate and despise us for our present tariff, because upon its face, fairly interpreted, it portrays us as flagrantly dishonest, self-convicted out of our own mouths. Our tariff dishonesty immeasurably injures countless millions here and abroad.

Rightly devoted to the protection of our standards and ideals, we know and universally declare that a just protective tariff rate must fairly represent the difference in costs of production here and abroad, and then we permit of the nomination and election of Representatives and Senators who, under the pressure of selfish interests, make almost all of our protective duties from three to five and fifty times those differences in costs.

For 50 years our tariffs have virtually prohibited the importation of thousands of articles that we should receive in moderate quantities. Our tariffs require that virtually all of the imported articles sold in our standard retail stores shall retail at five times the foreign factory selling price.

The common assertion that our rates on dutiable imports average from 36 per cent to 40 per cent is utterly untrue except as applied to goods actually brought in. Rates running from 60 per cent to 90 per cent, 150 per cent, and sometimes 200 per cent and more are often prohibitive and therefore not disclosed in the figures commonly used. Other relatively low rates are sometimes almost as dishonest and discriminatory, for, as Secretary Mellon says: "In many lines we more than meet competition," i. e., our costs are lower than foreign costs.

In 1908 Andrew Carnegie, shaking his finger at the tariff-making committee of the House of Representatives, said: "Take back your protection on steel. We are men now, and we can beat the world at the manufacture of steel." Years before Mr. Schwab had shown him that we could sell rails in England at the Englishman's cost of production, and with nearly as good profits to us as on domestic sales. Chairman Payne, of this committee, had said that our steel makers needed no protection, because their costs were as low as abroad. Under pressure, however, the committee gave substantially the same duties that now add $300,000,000 to domestic mill prices, with a cost to consumers of about twice this sum. It was to this committee that Speaker Joseph Cannon took a prominent Member of Congress and exclaimed, "What is the matter with you fellows? Why don't you give this man what he wants and ask him why afterwards? Why! Four of you are on this committee upon his suggestion." That is the way rates are always made.

Speaking to me of the wool and woolens schedule which President Taft called indefensible, Chairman Payne flushed with shame and anger said, "I could change them just as easily if they would only let me." Dalzell, of Pittsburgh, and four other members, wholely inexperienced and under Cannon's lash, virtually wrote the entire bill, which was forced through the House, almost without debate or explanation, as was the bill of 1930 and the present tariff. Not one Congressman in twenty knew with any exactness what he voted for.

Since its formation in 1901 the Steel Trust has made us pay for every pound as if it were made in Europe and had paid ocean freights and the tariff. Consequently the common stock of one producer, originally all water, has yielded in dividends and market value $3,000,000,000. Another like trust in electrical machinery has done as well. Aluminum has done better.

The present tariff authorizes and invites the makers of finished steel products, hardware, cutlery, cash registers, nails, screws, files, kitchen ware, etc., to add one and one-third billion dollars to their factory prices and permits no imports except as each import pays its share of this huge total. Whatever part of this total is added is doubled to consumers in retail prices.

If only one-half of the legalized tariff allowances are added to the merchandise sold in our general stores, the cost to consumers is $10,000,000,000 annually, as computed by experienced Federal statisticians. And one-half of this is over and above the requirements of honest protection.

The common alarm clock with bell top costs 40 cents at a German factory. The duty of 200 per cent makes it retail here at about $2.40, or six times the foreign factory price.

The tariff on the mechanical toys in which Germany specializes is so high that when added to the usual buyer's costs for foreign travel, freights, etc., they fairly retail here for five times the German price.

The lowest duty on razors is 18 cents each plus 65 per cent, although a safety razor is made and sold in Brooklyn, N. Y., for 5 cents, with one blade, and Gillette razors in 1928 monopolized the Italian market.

Our higher duties on scissors run from 125 per cent to 250 per cent Duties on knives of from 100 per cent to 175 per cent cause high quality imported knives to retail at five times foreign costs. These duties so decrease imports and encourage the production of poor qualities here that not one man or woman in a thousand knows what a good knife is nor the joy in good cutting tools.

Our edge tools—chisels, planes, screw drivers, saws, etc.—retail throughout England, but we embargo hers by 45 per cent duties.

In 1927 the duties paid by our women on imported cotton braids totaled $303,000, while the duties on nine metal products of which we produced $1,400,000,000 worth were only $225,000. Imports were virtually prohibited, while the tariff sanctioned the addition of $302,000,000 to domestic factory prices, this amount to be doubled in retail prices. Wearing apparel upon which is the least bit of embroidery, lace, braid, ruching, fringe, etc. (par. 1529, tariff of 1930), pays 90 per cent duty and retails at five times foreign costs.

Agriculture is the tariff profiteers' milch cow, in that it gets exceedingly little from the tariff and pays about one-third of all the graft, or one and one-quarter billion dollars too much in its purchases of manufactured supplies.

Europe writhes under these exactions, because for each dollar of her necessaries bought from us—wheat, cotton, copper, and the like—she must pay in the main with a dollar's worth of merchandise so attractive and so different from our like products, and at such low cost there as to retail to such rich folk as will pay five times the foreign factory price, as against twice the factory price for domestic products of like sort. There are so few such buyers that Europe's annual debtor balance to us totals hundreds of millions of dollars.

I imported women's linen sport suits from Paris at $4.50 each, especially attractive because each was ornamented with about 30 cents worth of embroidery. If plain, the duty would be 35 per cent or $1.57 each, but the embroidery raised the duty to 90 per cent or $4.05—an extra $2.48 tax and $4.96 in retail prices for 30 cents' worth of embroidery on a $4.50 gown. Likewise the duty was raised $4.80 and the retail price $9.60 on a $16.50 knit silk sport suit because its three pockets were edged with 4 cents' worth of braid. Increases like these are mere tricks and not easily discovered in reading the tariff. Their purpose is to shut out especially attractive products from France, Italy, and Czechoslovakia. Their effect upon public opinion in those countries is evident, and upon such American tourists as bring these garments in.

The tariff on wool costs consumers about $530,000,000, or more than twice the total value of the clip. It gives growers only $40,000,000. Of this only $18,000,000 go to dirt farmers who lose as consumers of wool $85,000,000. The wool tariff is written under pressure of western flockmasters, who are city people and run their sheep on semiarid lands and in the Federal reserves at slight expense with two herders to each band of 2,000 sheep. Despite our enormous tariff tax we grow only one-third of the wool we need, scoured weight. No other manufacturing nation has a tax on raw wool. Our wool tariff can easily be greatly reduced and still be protective.

The market value of our sugar-beet and sugarcane corps averages about $62,500,000. The 1930 tariff of 2 cents per pound against Cuba adds $250,000,000 to consumers' prices, or two and one-third times the value of our product. Of this huge sum our growers get less than $25,000,000, or one-eleventh of the tax to consumers. Our farmers as consumers lose $65,000,000. Our production costs are so high that our growers in the principal sugar States fare no better than their neighbors who grow potatoes and other crops not benefited by the tariff. Incidentally we toss $80,000,000 of tariff benefits to our island possessions who have no right to it because they produce sugar at substantially Cuba's cost. Our tariff is killing Cuba, once our excellent customer, and with about the same right to our consideration as the other islands. The sugar tariff is dictated by the refiners who profit exceedingly by it and are especially powerful politically. As many of the Colorado growers know, the tariff could easily be changed so as to make the growers prosperous and at the same time save consumers $100,000,000 annually.

The foreigner has some right to judge us by the laws we make. Dishonesty is a poor basis for trade extension at home or abroad.

We are in fact fairly honest as a people and somewhat altruistic. The trouble is that Americans vote only for the principle of protection, with no care whether the principle is honestly applied.

The rates are determined in the main by the Senate Finance Committee, 5 of whose 11 majority members come from six northeastern States. In consequence of their efforts the manufacturers in these six States (Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey) are authorized and encouraged by law in the tariff to add $5,000,000,000 to their factory prices. Many add all, and the others add all they dare. The rates are probably twice what they ought to be. Certain cooperating manufacturers in other States are given the same privileges and competing imports are prohibited except as each pays its share of this $5,000,000,000.

The dishonesty in the tariff, i. e., the excess above fair protection, costs American consumers in retail prices well above $5,000,000,000 annually, and yet the benefit of this graft goes to relatively few but powerful manufacturers. Most manufacturers get nothing from the tariff. Our farmers lose one and one-fourth billion dollars from the sheer graft in the manufactured goods they buy. Greater than these losses is the loss of exports and international respect.

This tariff graft that desperately hurts other countries hurts us grieviously. It pays to be honest. Take the dishonesty from the tariff and our overprotected captains of industry will quickly rejoice, for, after all, they would sooner play the game honestly if they must. Many of them say this privately.

The value of the Ten Commandments is in the living of them in their practice rather than their profession. So of the protective tariff. The rates must accord with the principle.

Our tariffs are purposely worded so that no layman can understand them. Said Colonel Tichenor, the expert who wrote the Dingley and McKinley tariffs: "The people won't stand for more than 40 per cent. Consequently, I am making the rate look like 40 per cent, but by words and phrases that the public won't under-

stand I am lifting them the Lord only knows how high." Said he: "Duties upon many articles were made prohibitive." So they are now.

Only foreign producers know how dishonest our tariff is. If they know how we voters are fooled, they might repeat the prayer, "Father, forgive them, for they know not what they do." But they are too much hurt and they are human.

Every foreign exporter must learn the meaning of our rates that affect his product. Then he and all those about him have to hate us.

In one of the loveliest small towns in Switzerland 15,000 people with lifted hands have sworn never to buy an American product. This because our present tariff virtually ruins their considerable export of watches to us. It is much higher than needed.

In western Canada every candidate for office under the slogan "Blow for blow" against us won. All others lost.

In Italy the new tax on our cheapest automobiles is about $1,000 and makes the Ford and Chevrolet prices in Italy $2,000. Exports of automobiles declined 50 per cent in 1930 and will decline further in 1931. This means much to the millions of workers employed in their construction directly and indirectly. Europe wonders if we are worse than Shylock, who would let Antonio pay with his life. She fears that she must die without paying. We must mend our ways. We must "put our creed (protection) into our deed, nor speak with double tongue."

Since the gates of Eden closed upon man he has sought relief from physical toil. Athenian culture resulted largely from the leisure consequent upon the possession of five slaves per family. The American family now has 35 slaves—machines—better than human because they never think nor tire and therefore never make mistakes. The number grows apace.

God has seldom given to one nation such opportunity for service and growth as now to America.

America moves very slowly in the correction of legislative evils, but, once aroused, she moves quickly. Americans are born pioneers. As Virginia once helped Kentucky, as New York helped Illinois, as Illinois helped Oregon, so must the United States now help other nations.

To quote Mazur (America Looks Abroad), "Europe must become industrially minded and America world-minded." The outcome: "Millions upon millions with higher standards of living, enjoying material benefits such as hundreds of noble-minded social reformers are impotent to achieve for them, and a gain in cultural advantages beyond expectation; a new synthesis of spiritual and material life embracing more members of the human family than ever before."

AGRICULTURE'S ROAD TO RUIN

Purpose: A just tariff, adequately protecting American industry and labor, free from exploitation, and consideration of world conditions.

The membership of the league includes representatives of 1,500,000 farmers, 800,000 wage earners, leading economists, manufacturers, and others.

It is astonishing that the public generally is indifferent to the condition of agriculture. The Nation can not be healthy with a farm population of 27,500,000 and 2,300,000 other people in rural towns dependent upon near-by farmers in almost hopeless distress since the World War and going from bad to worse.

After never a good year our farmers in 1930 got $2,400,000,000 less for their crops than in 1929 and $229,000,000 less for their livestock. The price of wheat and other cereals and of cotton in November, 1930, was 25 per cent less than pre-war. The prices of all farm products averaged only 3 per cent above pre-war, while the prices of the commodities the farmers buy were 49 per cent above pre-war. The farmer's dollar was worth only 69 cents in exchange value for his purchases. It was short 45 per cent, while the cereal and cotton grower's dollar was short 49 per cent. And the volume of production was decidedly less than in 1929—short crops and short prices.

"Agriculture is the milch cow of protection," as now applied.

In the tariff of 1922–1929, instead of taking the dishonesty out of manufacturer's rates and thereby saving themselves one and one-quarter billion dollars annually, our farmers accepted extra high rates for themselves, thinking thereby to prosper like these manufacturers, but tariff rates are more than figures on paper. Farm rates are too like counterfeit money, because our tariffs can not raise prices in Liverpool and Hamburg where the prices are made for the bulk of our farm products.

Again in 1930, instead of reducing manufacturer's rates to honest protection, farm rates were further increased to the extent of $950,000,000 in face value. On their face the 1930 rates promised to raise farm prices above the international level $3,640,000,000. Instead under normal conditions the cash value of the increase is only $12,500,000, or 0.7 of 1 per cent, and the total value of the duties is only $103,000,000. This on 19 major products—the cereals, hay, cattle, hogs, tobacco, etc.,—of a total value of about $9,000,000,000. For particulars see the CONGRESSIONAL RECORD of November 22, 1929, page 6290. Sugar and wool are not here included, because each is a special story with their tariff losses to farmers many times their gains. These two schedules require alteration without decreases of protection and to the great benefit of farmers and consumers.

The above calculations are by the best Federal experts and based upon the year 1928 and other normal years. They do not consider the utterly unusual year 1930, the worst for farmers in this century, despite the new Farm Board's heroic endeavors and its losses estimated in January, 1930, as high as $200,000,000 on wheat and cotton alone, with the outcome entirely uncertain. The board has been miraculously helped on wheat by the removal of the usual dreaded "export surplus," which is being fed to livestock to offset the shortage of 700,000,000 bushels of corn, the greatest shortage in 30 years. With the surplus thus providentially removed, the board in January, 1931, lifted the wheat price 30 cents above the export basis with the help of the 42-cent tariff. On the other hand, in January Thomas Campbell, the world's greatest wheat grower, sold wheat at exactly the tariff rate of 42 cents. If under 1930 conditions the Farm Board wins out, this will be no criterion for normal years. Every like endeavor in governmental control and price fixing has failed; witness: Brazil in coffee and Great Britain in rubber.

Farmers should know by now that they can not profit by the tariff while acquiescing in profiteering rates on the manufactured goods they buy, carrying a loss to them in the last eight years of $10,000,000,000 over and above fair protection.

Our farm population in January, 1929, was 27,500,000, or 4,500,000 less than in 1909, and yet the value of farm products increased 50 per cent in the last 30 years and 20 per cent in the last 10 years. In increasing production agriculture is keeping step with industry and must.

Gone is the hope that domestic consumption will overtake production. Our birth rate is decreasing 50,000 annually and will be stationary in 1960 at about 140,000,000, except as science ultimately lifts this to 160,000,000 through the lengthening of the span of life. Also there are 500,000,000 untilled acres awaiting the plow, if conditions warrant. So says the Bureau of Agricultural Economics after two years of study.

From the standpoint of economics and of morals, our farmers must see to it that our manufacturers' tariff rates are reduced to the level required by honest protection. Farmers are great enough in numbers and character to do this quickly, if they will.

THE COST OF THE TARIFF TO CONSUMERS

Imported articles must retail at five times foreign factory prices. Domestic producers are authorized to charge accordingly.

Consumers have no idea how much the graft in the tariff over and above honest protection costs them.

As a fair illustration, who knows that a superior pocketknife costing 87 cents in England must retail in the United States for $4.50 because the duty is 110 per cent? This prevents imports and makes domestic products second rate for lack of competition.

A linen summer gown with 30 cents of embroidery on it, costing in Paris $4.50, must retail for $20 because the duty is 90 per cent. Such women as can afford this price delight in these gowns. They should retail for $11 under a 35 per cent duty.

The standard bell-top alarm clock costs at German factories 40 cents. The duty is 35 cents plus 65 per cent, or 81 cents. It equals 200 per cent. Possibly the consumer thinks that he pays only this 81 cents of tariff tax. He pays twice this, or $1.60—$1.60 on a 40-cent clock. He pays this because the importer must add the duty to his cost. It is as much a part of the cost as the original price of 40 cents. He adds also 6 cents for freight and expense—total cost $1.27. To this he adds 25 per cent for profit and sales expense, making the price to the retailer $1.59. To his cost, $1.59, the retailer adds 50 per cent for expense and profit—retail price $2.40, or six times the foreign factory price. Thus, substantially, all imported articles in our standard stores must retail at five times or more of their foreign cost.

BILLIONS OF DOLLARS OF TAXES PRIVATELY LEVIED AND PRIVATELY USED

Tariff-profiteering manufacturers get excessive rates so as to add them to their prices and gain billions of dollars annually.

For each dollar that the Government collects on imports:
Six heavy steel makers collect $56, or a total of $300,000,000.
Aluminum makers collect $91, or a total of $24,000,000.
Electrical machinery collects $466, or a total of $89,000,000.
Hardware is allowed to collect $1,726, or a total of $78,000,000.
Sewing machines are allowed to collect $71, or a total of $17,000,000.
Cash registers, etc., are allowed to collect $3,879, or a total of $24,000,000.
Sixteen highly finished steel products can collect $1,029,000,000.

Against these huge sums the Government in 1927 collected in revenue only $16,200,000. Exports were large and imports almost negligible. Costs of production were about the same as abroad. Each dollar added to prices is doubled at retail. The cost to consumers is exceedingly great. If only one-half of the tariff allowances are added to the general merchandise that fills our retail stores the cost to consumers is $5,000,000,000 annually. The higher the duties the less the Government collects and the more consumers pay to private interest.

The tariff made each $100 share in January, 1904, of Aluminum common stock plus dividends worth $33,350 in 1930. It made the United States Steel common stock, once all water, worth, plus dividends, $3,000,000,000. General Electric common had a market value in 1913 of $189,000,000, and, including dividends nearly $3,000,000,000 in 1930.

It is fun for some of us to note these amazing figures. It is not fun when we realize that these dishonest profits are destroying our farmers and are unfairly made by congressional action. Our Congress is the greatest price-boosting, trust-making agency on earth, and at the expense of the general public. Honest protection has nothing to do with this.

Our farmers and others in common honesty and for their own salvation can check these abuses quickly enough if they will.

EXPEDITION IN THE DEPORTATION OF CERTAIN ALIENS

Mr. KING obtained the floor.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I would only take a moment. I should like to have the attention of the Senator from Maine and the Senator from Pennsylvania.

Mr. President, Order of Business No. 1703, being the bill (S. 6172) to expedite the deportation of certain aliens, and for other purposes, was brought up before the Committee on Immigration a few days ago. As a member of the committee I received notice of the meeting of the committee, as did the Senator from New York [Mr. COPELAND]. I went to the committee room and inquired what bills were coming up for consideration, and one was mentioned, but not the one to which I have referred. It was also stated that possibly a report from the subcommittee of which the Senator from Pennsylvania is chairman might be brought up. I stated that I had another committee meeting, and if those were the only matters to be considered I would not remain. The Senator from New York [Mr. COPELAND], who is here, can speak for himself. Acting upon that information, I did not remain. I find that after my departure—and I charge no one, of course, with bad faith; there was merely a misunderstanding—this bill was taken up and ordered reported out. I had had some applications for hearings and I had one or two amendments which I desired to offer to the bill. I ask now that the bill may be recommitted to the Committee on Immigration. I have no objection to the committee taking it up to-morrow, for I have no desire to delay it at all.

Mr. REED. Mr. President, the bill was introduced by the Senator from Arizona [Mr. HAYDEN]. I do not like to consent in his behalf and in his absence. Will not the Senator postpone his request until the Senator from Arizona shall be in the Chamber?

Mr. KING. Certainly.

DATA FURNISHED BY WICKERSHAM COMMISSION

Mr. TYDINGS. Mr. President, I rise to inquire from some of the members of the Committee on Printing if that committee intends to have any of the Wickersham evidence printed, so that the Members of the Senate may see what the commission adduced at its various hearings.

I do not want to offer a resolution asking that copies be printed if the Committee on Printing is going to make a recommendation; but it does seem to me to be an utter waste of Government funds for this commission to sit for 20 months gathering evidence and then to dump it all in a cubby-hole out here, where no one can see it, after we have expended half a million dollars on the general subject of law observance and enforcement.

Can any member of the Committee on Printing give us any information on this subject?

I therefore move, Mr. President, that 5,000 copies of the Wickersham Commission's evidence be printed.

Mr. ROBINSON of Arkansas. Mr. President, has the Senator procured an estimate of the cost of printing?

Mr. TYDINGS. No; I have not.

Mr. ROBINSON of Arkansas. I suggest that the Senate should first be apprised as to what the expense would be.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. TYDINGS. Yes; I yield to the Senator.

Mr. FESS. The chairman of the Printing Committee is the Senator from Minnesota [Mr. SHIPSTEAD]. I have been trying to get in touch with him on another matter yesterday and to-day. He is not available. I hope the Senator will wait until he can be consulted.

Mr. TYDINGS. I will withhold my request, Mr. President. All I want is an assurance that the committee is going to consider the matter and make some sort of a proposition, so that we may get copies of this very important information.

NATIONAL EMPLOYMENT SYSTEM

Mr. WAGNER. Mr. President, on yesterday the House passed Senate bill 3060, with amendments. I ask the Chair to have the House message handed down, so that I may move to concur in the amendments.

The PRESIDING OFFICER (Mr. ODDIE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes, which were, on page 1, line 10, to strike out "$10,000" and insert "$8,500"; on page 2, line 4, to strike out all after the word "appoint," down to and including the word "appoint" in line 10; on page 3, line 3, to strike out all after the word "States" down to and including the word "influence" in line 9; on page 3, after line 17, to insert:

(c) Wherever in this act the word "State" or "States" is used it shall be understood to include the Territory of Hawaii.

On page 4, line 1, to strike out "$4,000,000" and insert "$1,500,000"; on page 4, line 2, after the word "and," where it appears the first time, to insert "$4,000,000"; and on page 9, line 3, to strike out all after the word "general" down to and including the word "general" in line 7.

Mr. WAGNER. I move that the Senate concur in the amendments of the House of Representatives.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator explain the effect of the House amendments?

Mr. WAGNER. They do not affect the substance of the bill at all. One of them provides for the reduction of the salary of the director. The Senate provided a salary of $10,000 a year for the director, which was reduced by the House amendment to $8,500. The objection of the House to the provision which is the subject of the other principal amendment was that it might provide for the financing by the Federal Government of interstate placements of employees; and the House eliminated a provision which might have been so interpreted.

Those are the two principal amendments.

Mr. BINGHAM. Mr. President, I should like to ask the Senator from New York if the bill still contains the proposal that if a State does not wish to accept the Federal aid, and does not wish to have an employment bureau run on the plan set forth by the director of unemployment bureaus in the Federal Government which this bill sets up, the director may then go into that State and set up an office, in opposition to the wishes of the people of the State?

Mr. WAGNER. That is the other amendment which I should have mentioned, and which has also been eliminated. No; the bill does not provide for that. That feature of it has been eliminated by the House.

Mr. BINGHAM. I am very glad, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York that the Senate concur in the amendments of the House.

The amendments were concurred in.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 1748) for the relief of the Lakeside Country Club, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 8898) for the relief of Viola Wright, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the following concurrent resolution (H. Con. Res. 50), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That there be printed 1,700 additional copies of the report of the Committee on Interstate and Foreign Commerce of the House of Representatives (H. Rept. 2789), entitled "Regulation of Stock Ownership in Railroads," of which 500 copies shall be for the use of the House, 200 for the use of the Senate, 600 copies for the use of the Committee on Interstate and Foreign Commerce of the House, 100 copies for the use of the Committee on Interstate Commerce of the Senate, 200 copies for the use of the House document room, and 100 copies for the use of the Senate document room.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1571. An act for the relief of William K. Kennedy;

S. 1851. An act for the relief of S. Vaughan Furniture Co., Florence, S. C.;

S. 2625. An act for the relief of the estate of Moses M. Bane;

S. 2774. An act for the relief of Nick Rizou Theodore;

S. 3553. An act for the relief of R. A. Ogee, sr.;

S. 3614. An act to provide for the appointment of two additional district judges for the northern district of Illinois;

S. 4425. An act to amend section 284 of the Judicial Code of the United States;

S. 4477. An act for the relief of Irma Upp Miles, the widow, and Meredeth Miles, the child, of Meredith L. Miles, deceased;

S. 4598. An act for the relief of Lowela Hanlin; and

S. 5649. An act for the relief of the State of Alabama.

AIRCRAFT ACCIDENTS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate a communication from the Acting Secretary of Commerce, reporting, in response to Senate Resolution 206 (submitted by Mr. BRATTON and agreed to May 16, 1930), relative to aircraft accidents which occurred between May 30, 1926, and May 16, 1930, which was ordered to lie on the table.

MANUFACTURE OF WOOD ALCOHOL (S. DOC. NO. 300)

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to Senate Resolution 437 (submitted by Mr. BROUSSARD and agreed to on February 16, 1931), copies of cooperative agreement between the Bureau of Mines, Department of Commerce, together with correspondence, names of officers, and agents of the United States carrying out the study and the amount of money paid to the Bureau of Mines by any manufacturer of wood alcohol, together with a memorandum from the Acting Director of the Bureau of Mines to the Secretary of Commerce, etc., which, with the accompanying papers, was ordered to lie on the table and to be printed.

LAKESIDE COUNTRY CLUB

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1748) for the relief of the Lakeside Country Club, which was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Lakeside Country Club, of Pulaski County, Ark., the sum of $6,000, the balance of taxes illegally collected in 1921, as a full settlement and accord thereof.

Mr. CARAWAY. I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. CARAWAY. I ask unanimous consent to insert a telegram in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LITTLE ROCK, ARK., *February 24, 1931.*

United States Senator T. H. CARAWAY,
United States Senate Building:

RAGON advises Lakeside bill passed House last night with amendment eliminating interest and now goes to Senate for concurrence. Will you please see that necessary concurrence of Senate is obtained this session, as we urgently need this $6,000 and agree to accept same without interest. Will appreciate your opinion by immediate wire as to possibility of Senate concurring this session.

S. M. BROOKS, *Secretary.*

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 2434. An act for the relief of Frank R. Scott;

H. R. 4175. An act to extend the benefits of the employers' liability act of September 7, 1916, to Mary Ford Conrad;

H. R. 5520. An act for the relief of the estate of Samuel Schwartz;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 5911. An act for the relief of Lieut. H. W. Taylor, United States Navy;

H. R. 5915. An act for the relief of Barber-Hoppen Corporation;

H. R. 6288. An act for the relief of Frank Rizzuto;

H. R. 6652. An act for the relief of William Knourek;

H. R. 7338. An act for the relief of John H. Hughes;

H. R. 7467. An act for the relief of Chase E. Mulinex;

H. R. 7553. An act for the relief of Lieut. Col. H. H. Kipp, United States Marine Corps, retired;

H. R. 7784. An act for the relief of Mrs. L. E. Burton;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 7861. An act for the relief of Lyman L. Miller;

H. R. 7872. An act for the relief of Lucien M. Grant;

H. R. 7936. An act for the relief of Frank Kanelakos;

H. R. 8024. An act for the relief of the Atchison, Topeka & Santa Fe Railway Co.;

H. R. 8224. An act to reimburse D. W. Tanner for expense of purchasing an artificial limb;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 8818. An act for the relief of James M. Pace;

H. R. 8835. An act for the relief of Harry Harsin;

H. R. 8898. An act for the relief of Viola Wright;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9245. An act for the relief of Davis, Howe & Co.;

H. R. 9262. An act for the relief of the Pocahontas Fuel Co. (Inc.);

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 9780. An act for the relief of J. P. Moynihan;

H. R. 10503. An act for the relief of the Portland Electric Power Co.; and

H. R. 10631. An act for the relief of Barnet Albert; to the Committee on Claims.

H. R. 5450. An act for the relief of Granville W. Hickey;

H. R. 5813. An act for the relief of Harold M. Reed; and

H. R. 12215. An act for the relief of Daisy Ballard; to the Committee on Military Affairs.

H. R. 12032. An act to provide for the appointment of one additional district judge for the southern district of New York; ordered to be placed on the calendar.

H. R. 12059. An act to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York; and

H. R. 14055. An act to make permanent certain temporary judgeships; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 50) of the House of Representatives was referred to the Committee on Printing, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 1,700 additional copies of the report of the Committee on Interstate and Foreign Commerce of the House of Representatives (H. Rept. 2789) entitled "Regulation of Stock Ownership in Railroads," of which 500 copies shall be for the use of the House, 200 for the use of the Senate, 600 copies for the use of the Committee on Interstate and Foreign Commerce of the House, 100 copies for the use of the Committee on Interstate Commerce of the Senate, 200 copies for the use of the House document room, and 100 copies for the use of the Senate document room.

MOUNT VERNON MEMORIAL HIGHWAY

The Senate resumed the consideration of the bill (S. 5644) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended.

Mr. FESS. Mr. President, I am ready for a vote, without further discussion.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. What is the pending amendment?

The PRESIDING OFFICER. There is no pending amendment.

Mr. SHORTRIDGE. The question is on the third reading and passage of the bill itself?

The PRESIDING OFFICER. On the third reading and passage of the bill itself.

Mr. HOWELL. Mr. President, some years ago the late Senator du Pont presented the State of Delaware with a magnificent highway extending from the southern end of Delaware to its northern extremity. As I recall, that highway complete, between 30 and 40 feet in width, cost the late Senator du Pont about $7,000,000. This will give a notion of what a highway costs when built without respect to roads, the cost including the right of way and the construction.

Congress authorized the construction of a highway from the end of the Memorial Bridge to Mount Vernon. Two estimates of cost were presented—one, $3,100,000; the other, $4,500,000. This highway is to be but 14.6 miles in length. The $4,500,000 has been expended or committed; and Congress is confronted with a request to authorize the appropriation of $2,700,000 additional, with no assurance that that will complete the highway.

In other words, this highway, 14.6 miles in length, is now to cost the Government as much as that magnificent highway, including right of way and construction, from one end of Delaware to the other.

You are all familiar in a general way with the cost of the construction of highways. From forty to fifty thousand dollars will grade roads and metal them up to the average width; but how much a mile is this highway to cost? Exclude the mile through Alexandria, for the improvement of which $80,000 is set aside; deduct that $80,000 from the $7,200,000, leaving $7,120,000; and we find that this highway, not including a dollar for right of way or land, is to cost $462,000 a mile, with no assurance that this is all.

This is not the first time that Congress has been led into an enterprise by a low estimate, with seemingly no feeling of obligation upon the part of the engineers to complete the construction within the cost of the authorization. It is time that Congress made a new departure and demanded of its responsible officials what a corporation demands of its officials—that when they propose a project and submit estimates, those estimates shall be sufficient to carry out the project. If that were not true in connection with private corporations, we would have failures not merely because of bad business but because of inexcusable conduct on the part of their employees.

The Government can not run its business any differently than the business of a private corporation is conducted unless it is to be subject to the charge of inefficiency—such a charge as would blast the reputation of the executive of a private corporation.

But, Mr. President, that is not all. There has been expended for lands $612,000, and it is expected to expend enough more to increase this amount to about $824,000. The cost of this highway, including land, excluding the mile in Alexandria, but allowing for it the $80,000 to be expended thereon, is $523,000 a mile; and we have no assurance that that is all.

Mr. President, this highway is in honor of the Father of his Country. But there is no man now living who would more thoroughly deprecate such action on the part of officials than the Father of his Country.

Mr. FESS. Mr. President, will the Senator yield, or would he prefer that I not interrupt him?

Mr. HOWELL. I yield.

Mr. FESS. The additional cost above the estimate I have investigated since we met yesterday, and it can all be accounted for, and the Senator will approve of it when the facts are submitted.

Mr. HOWELL. But the Senator will admit here that he does not want to accept an amendment that will assure the Senate that this highway will not cost more than $7,200,000. He wants leeway because he expects to come back here asking for more money.

Mr. FESS. No; if the Senator will yield. The Senator means not $7,000,000, but $6,000,000.

Mr. HOWELL. Seven million two hundred thousand dollars is what is asked as the total authorization.

Mr. FESS. Four million five hundred thousand already authorized, and we are proposing to authorize here $2,700,000. That would make $7,200,000, it is true.

I have no thought that there will be any additional requirement. If there is a requirement, I want the way open so that we can meet it. I want this boulevard built the way it ought to be built, without having to pare it down simply to get it within a specified limit of cost. This is a memorial. It is to be a reminder to the generations to come, and we are not going in any way to prevent its completion because of dispute over the expenditure of amount of money that was not foreseen when the estimate was made. I know the Senator agrees with me in that.

I recognize that the Senator has a feeling that bureaus pay no attention to the estimates and authorizations of Congress, and, in spite of what we have authorized, go ahead and spend without regard to limits of cost. I join the Senator in attempting to stop that. I voted for a measure which is now on the statute books making it a crime to expend more than is authorized.

Mr. President, I want to lay before the Senate the various items inquired into yesterday, as to which I did not have the facts then, and when I state them there will not be a Senator who will not approve what we are doing. After reading the amendment offered by the Senator, I would not think of accepting it, because it would give authority to the Comptroller General—and I have great admiration for the Comptroller General, who for six years was my secretary, and I know him—to prevent any step being taken until he is convinced that the whole project can be completed with this amount of money, and there is not a man alive who can be assured of that at this stage. I do not want the project tied up with that sort of provision, and I feel sure the Senator from Nebraska does not. If he had an amendment that would limit the cost, so that they could go ahead, I would accept it, but I could not accept the amendment he has offered after I have studied it.

Mr. SWANSON. Mr. President, I would like to say in connection with this that a bureau does not build this road. I understand it is built by a commission appointed by Congress.

Mr. FESS. The Senator is correct. The commission known as the George Washington Bicentennial Commission is the authority building the road. We turned the building of it over to the Bureau of Public Roads, and no move is made by that agency that is not laid before the executive committee of the Bicentennial Commission for approval. There has been no additional expenditure that has not been approved by the executive committee of that commission. So that this criticism of the expenditure of this money is unfair, because, if there is to be criticism at all, it should be against the commission and not the Bureau of Public Roads.

Mr. HOWELL. Mr. President, the commission is not composed of engineers who are giving their attention to this matter. This work has been delegated. The highway has been under construction for nearly two years, and the Senator from Ohio now admits and states that there is not a person living who can tell within what limits of cost the boulevard can be completed.

Mr. FESS. Mr. President, will the Senator yield to me for just a brief observation at that point?

Mr. HOWELL. I yield.

Mr. FESS. In the hydraulic work, which will comprehend 2½ miles, the builders found, in pumping the heavy material out of the river, that the route of the highway was to be over silt that was in places 40 feet deep, and as the material was pumped out of the river onto the highway, the weight of it pressed down and spread out the silt until they had to pump as much as 30 feet more than the entire width, because, with the riprap inefficient, the highway was

spread out beyond the 40 feet that was intended to be the width.

They found at Little Hunting Creek that the heavy material put on the roadway resulted in small trees on either side being uprooted by the pressure of the weight of this heavy material bulging out and pushing the side out of position. The Senator can see that if he will go down there. That was wholly unexpected, and nobody anticipated it.

In addition to that, the situation at Fort Hunt is very important. At that place there is a Government reservation, where we have an Army post, renewed in the Spanish-American War. The highway runs along the bottom of the hill near the water. It was found that in order to keep the way open from the river to the fort it was necessary to build an underpass. That meant that it was necessary to fill in for a quarter of a mile a grade nearly 30 feet deep in order to furnish an unobstructed passage, not over the highway, but under the highway, so that the Government could have access to the wharf. That was all unexpected. It was laid before our commission, and the officials asked us what they ought to do with it. We replied they should proceed to do the new construction work.

In addition to that—and this the Senator knows about, for he was on the committee and we had three different meetings of the committee in reference to it—there was a question as to the traffic control out at the south end of the Highway Bridge. According to the original plan the boulevard was to go under the bridge as it then existed, but we found that as the traffic came in from the south, coming through Washington Street at Alexandria, it would continue on the boulevard rather than take what is now called the lower road. If travelers did that and approached the bridge, they could not get from the boulevard onto the Highway Bridge, but have to go on around and over Columbia Island across the Memorial Bridge.

That matter was laid before the executive committee, which was the appropriate committee of the commission to consider it, and the builders asked whether they would be authorized to remove two spans of the Highway Bridge, build an abutment there, and make an approach from the boulevard onto the Highway Bridge. After we had three meetings on that matter we finally decided that that was the thing to do. That meant an additional outlay of at least $100,000.

We did not take that action without bringing it to Congress. It came to the Committee on the Library, of which the Senator is a member. We agreed to make a change. The commission came to Congress and asked for it, and it was granted us.

These are all additional items which were not included in the original estimate, and while we have asked an enormous amount, every one of these additions is justified. Nobody wants to go back to the original estimate, and I know there is nobody here who is more anxious about it than the Senator from Nebraska; but he has a feeling that we are here ignoring, through a Government agency, the authority of Congress and that there ought to be a halt called to that. I share in that opinion, but it is not a fair criticism of the Bureau of Public Roads of the Government in the building of this boulevard. The criticism should come to us and not to them.

That is the statement I want to make. The Senator will realize, when he speaks of the $612,000 that we pay for the right of way, that 110 acres of this right of way were donated to the Government by the residents out in Virginia, and the average price per acre of the land included in that donation is now estimated to be $537. The price paid for what we purchased was below that. So that while we purchased 412 acres 110 acres were donated to us, and what we pay for the right of way is not an exorbitant price.

Then, if the Senator will yield, the Government is paying $14,000,000 for the building of the Memorial Bridge, while under the Mount Vernon Boulevard project 12 bridges are being constructed at a cost of something like $2,000,000. That amount was not originally estimated. It was thought those bridges could be built for a million dollars, but they are going to cost $2,000,000. So while I share with the Senator a keen desire to not permit Government agencies to exceed proper estimates, I think he is not quite fair to the Bureau of Public Roads in his criticism. If any criticism may be indulged, perhaps it should be directed to the commission.

Mr. HOWELL. Mr. President, I have uttered no criticism of the commission, as I have stated before. Every suggestion that has been made by the Senator from Ohio as to why this project has cost more could have been determined by engineers familiar with that kind of work. No engineer would attempt to estimate the quantities necessary to fill across a lagoon open to tide water without sounding the muck in that lagoon. He would know that if he imposed upon the muck heavy material—sand, gravel, and stone—of course it would ultimately settle until it reached the solid foundation underneath.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. HOWELL. I yield.

Mr. SWANSON. The Senator has said that he does not intend to reflect on the commission. The substance of his amendment is to put the final determination for expenditures in the construction of this road in the hands of the Comptroller General and to take it from the commission appointed by the Congress and selected to build this memorial road. That is my objection to the amendment. Congress has selected the commission. The road was intended to be monumental. Its control and construction were placed in the hands of the commission. They were to determine whether or not the road was sufficiently monumental. My objection to the Senator's amendment was that it would transfer the decision with reference to the construction of the road from that commission to the Comptroller General.

Mr. HOWELL. Mr. President, the Senator from Virginia realizes that the General Accounting Office is the place where every expenditure must finally go for approval. The General Accounting Office is responsible.

Mr. SWANSON. That is the reason why I am anxious to confine it to passing on money already expended, and not that it be allowed to direct the commission how the money shall be expended.

Mr. GLASS. Mr. President, there is no amendment pending. We voted on the amendment of the Senator from Nebraska and voted it down; so there is no amendment pending.

Mr. HOWELL. The Senator is correct. I am speaking on the bill.

Mr. GLASS. But my colleague seems to be under a misapprehension that there is an amendment pending. There is no amendment pending.

Mr. HOWELL. The Comptroller General must ultimately pass upon every expenditure. He has a great organization. He is familiar with governmental expenditures. The engineers connected with this enterprise, who have been working on it for nearly two years, certainly ought to be able to make it plain to the Accounting Office that their plans will be fully covered by the $2,700,000 additional, should Congress see fit to authorize and appropriate that much more. Somebody must pass upon matters of this kind, somebody who has the facilities to do so, and the Accounting Office is best equipped for that kind of service.

On yesterday there was discussion as to the estimates which had been made in connection with this project. I stated very clearly that it was my memory that there was an estimate of $4,200,000 submitted to the committee for the project; not an estimate for just any route, but an estimate for the river route as I stated.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. HOWELL. I yield.

Mr. BLEASE. Does not the Senator think that the mere fact of the Senate having voted down his amendment yesterday shows that this effort upon his part will be of no particular avail?

Mr. HOWELL. Oh, there is no question about that.

Mr. BLEASE. Does not the Senator think it would be just as well to let the bill pass and save time?

Mr. HOWELL. The engineers feel that there should be further expenditures made, that they may be necessary, and they want to come back to Congress and ask for a further authorization. I admit they have a right to do that, but we ought to understand it thoroughly, now that we have made an authorization of $4,500,000, that they have proceeded with the work in such a way that it is to-day not more than 60 per cent completed and that all the money is either spent or pledged in connection with contracts uncompleted, and yet they come back to us now and say, "We want $2,700,000 more." They are not willing to say to us that this shall complete the enterprise. I should like to ask the Senator from Ohio how much more he thinks will be necessary?

Mr. FESS. Mr. President, I have no idea that there will be a dollar more required. When the Senator says the engineers want the matter kept open, he speaks gratuitously. I do not know of any engineer who wants it kept open. I opposed the Senator's amendment because under it there could not have been a step taken in the completion of the boulevard from the day of the adoption of his amendment until we had convinced the Comptroller General that the enterprise could be completed with this amount of money. I would not trust it to him or any other man to say we could not move a peg until we had shown that it could be done for this amount. I want it kept open, but I have not the slightest idea that there will be a single dollar more asked for.

Mr. HOWELL. I would like to ask the Senator if he does not think that the expenditure of $523,000 per mile on this boulevard is an excessive expenditure?

Mr. FESS. I assume that it is not, because of the character of right-of-way over the river route, which is a very unusual character. When the Senator speaks about Delaware, he speaks of a State which is perfectly level all the way through. The Senator knows that undoubtedly we could pave the streets of Washington or Alexandria much more cheaply than we could build a road out in the section where we have had to fill in as in the case of this highway. If we had the grade all made by nature, it would cost a very small sum, but if we build the boulevard along the shore line with all of the indentations of Four Mile Run and Little Hunting Creek and those waters 2½ miles in length, it is clear that we do not have a situation comparable with that found in a level country such as Nebraska and Delaware.

Mr. HOWELL. But the Senator will admit that the engineers who planned the boulevard knew all about the physical features of the region to be traversed?

Mr. FESS. They did not know many things that they now know, as I have suggested before. When the Senator said they should bore and find out how deep the silt was, he stated just what was done. They found it was 40 feet deep in places and come back and said, "We can not do this work within the limit estimated." That is when we authorized them to proceed.

Mr. HOWELL. Then, does not the Senator think the commission should have come back to Congress and said, "There has been authorized $4,500,000 for this work. The engineers now report that they were mistaken and the work can not be completed for this sum. The question is whether we shall choose another route or whether we shall go through with this one."

Mr. FESS. They came back and laid the two propositions before us—and when I say "us," I mean the executive committee of the commission—and we recommended the river route and stated that we would recommend that the Government authorize an additional amount necessary to build it. That is what we are doing now.

Mr. HOWELL. Everything that the Senator from Ohio states is clearly in support of the correctness of my attitude that the authorizations of Congress should be seriously regarded.

On March 5, 1928, a report on the Mount Vernon Memorial Highway was printed. It said, in part:

On account of the heavy fills and crossings of soft marshes, time should be given for thorough settlement before permanent pavement is laid.

They were familiar with the soft marshes at that time.

For this reason the most economical construction would require several years, and any appropriation made for the purpose could be spread over that period, say four equal annual installments.

There are transmitted herewith—

1. Map showing location of surveys made by General Hains in 1889.

2. Aerial photographic map showing the two routes surveyed by this bureau.

Two routes were surveyed, as I have stated.

3. Drawing showing typical cross section of proposed highway.

4. Sketches for proposed bridges.

In closing this report I desire to express appreciation of the cordial cooperation of the Commission of Fine Arts, the National Capital Park and Planning Commission, the Corps of Engineers, and the Army Air Service, also to commend for his excellent work Mr. Clifford Shoemaker, highway engineer of this bureau, who has had immediate charge of the survey.

Respectfully submitted.

P. ST. J. WILSON, *Chief Engineer.*

PROPOSED MOUNT VERNON BOULEVARD

Preliminary estimate of cost of construction along river route on basis of 120-foot roadbed and 40 feet of paving and omitting the filling of basins at Roaches Run and Four Mile Run

[Right of way, 200 feet in width; length of project, 14.6 miles]

60 acres clearing and grubbing, at $150	$9,000
Moving buildings from right of way	6,000
1,000,000 cubic yards excavation, unclassified, at $0.50	500,000
2,500,000 cubic yards hydraulic embankment, at $0.30	750,000
Grade separation, culverts, and bridges	1,000,000
Small drainage structures	50,000
Relocation of electric railway at Alexandria	25,000
325,000 square yards pavement (high type), at $2.60	845,000
Landscape treatment	75,000
Right of way	100,000
Terminal facilities	100,000
Subtotal	3,460,000
Engineering and contingencies	740,000
Estimated total cost of construction	4,200,000

As I stated yesterday, this is a report which was made two years ago; at that time the cost of construction was very much higher than now, and yet the engineers have so changed their plans and specifications that the paving alone, they state, will cost $1,500,000 instead of $845,000. In other words, after proposing one project no attention was paid to what they proposed and another project was adopted. The engineers did not make their disposition in accordance with the proposal submitted to the committee two years ago.

The Senator from Ohio has stated that the commission has authorized these various changes, but it should be understood that even if the commission did so it violated a principle which Senators and Representatives certainly ought to regard, and that is that when Congress grants an authorization for a project such authorization should be considered the limit of the cost until Congress shall again be consulted. That is what I am trying to impress, and I do not know any other way to impress it except to stand here and emphasize this outstanding example. How else can we check such business methods—prevent just such inattention to the orders and directions of Congress?

As I recall, the Senator from Ohio recently stated in his remarks that a certain hundred acres or more had been donated for the use of this highway and that the land was worth in the neighborhood of $500 or $600 an acre now, or about the average cost of land for the construction of this project. I ask the Senator from Ohio if I am correct in this statement?

Mr. FESS. I beg the Senator's pardon. I did not catch his question.

Mr. HOWELL. It was my recollection that the Senator from Ohio stated that about 100 acres had been donated to the project and that the land was worth about $500 or $600 an acre, or about what the commission was paying for land.

Mr. FESS. The Senator's last statement is not in accordance with what I said. The Senator has a letter from the Chief of the Bureau of Public Roads, a copy of which he sent to me. In that letter all the acreage is listed, first the acreage amounts are given, second the assessed values, third the price paid per acre, and fourth the total amount paid. In that list of purchases are 410.8 acres, which cost $634,849.23. The average assessed value of the land acquired by purchase was $573 per acre.

What I said in regard to donations was not that 100 acres were not donated in a tract, but there were several sections here and there between Washington and Mount Vernon which were donated, the donations amounting to 101.1 acres. There were 11 different donations, one being from Bucknell University, of 21 acres, and another from Jesse Walker Landon, of 22 acres. The assessed value of the land donated was on a basis of $107 per acre. The average assessed value per acre of the donated property, estimating the value of the Mount Vernon Ladies' Association tract at $100 per acre, was $125. The actual average value of the property donated on the basis of the assessment was $567 per acre. The item of $567 is the one to which I referred, in contrast with the cost per acre of the land that was purchased.

Mr. HOWELL. Mr. President, it is interesting to note in connection with the acquisition of land for this enterprise that the assessed valuation averages $573 an acre, whereas the land cost nearly three times as much. It is all situated on the other side of the Potomac River and extends 14 miles down the river. However, the cost of this land is a matter that I have not discussed to any extent. I eliminated the cost of land and right of way from the first estimate of cost of the boulevard. I realize that in purchasing land under such circumstances excessive prices will be asked, and there is no question that in this case the Government has paid excessive prices. I presume this could not be avoided. However, it is my view that where excessive prices are asked the Government for land, condemnation proceedings should always be resorted to. In this case such a course has not generally been followed.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Barkley	Frazier	La Follette	Sheppard
Bingham	George	McGill	Shipstead
Black	Gillett	McKellar	Shortridge
Blaine	Glass	McMaster	Smith
Blease	Glenn	McNary	Smoot
Borah	Goff	Metcalf	Steck
Bratton	Goldsborough	Morrison	Steiwer
Brock	Gould	Morrow	Stephens
Brookhart	Hale	Moses	Swanson
Brouaard	Harris	Norbeck	Thomas, Idaho
Bulkley	Harrison	Norris	Thomas, Okla.
Capper	Hastings	Nye	Townsend
Caraway	Hatfield	Oddie	Trammell
Carey	Hayden	Partridge	Tydings
Connally	Hebert	Patterson	Vandenberg
Copeland	Heflin	Phipps	Wagner
Cousens	Howell	Pine	Walcott
Cutting	Johnson	Pittman	Walsh, Mass.
Davis	Jones	Ransdell	Walsh, Mont.
Deneen	Kean	Reed	Waterman
Dill	Kendrick	Robinson, Ark.	Watson
Fess	Keyes	Robinson, Ind.	Wheeler

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

Mr. HOWELL. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following proviso:

Provided, That such disposition shall be made and orders given by the responsible authorities as shall assure the full completion of said highway project at a cost not to exceed $7,200,000.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska.

Mr. HOWELL. Mr. President, I should like to ask the Senator from Ohio [Mr. FESS] if he will accept this amendment.

Mr. FESS. Mr. President, I see no particular objection to accepting that amendment, because it simply limits the cost to the amount of this authorization. However, I should want it distinctly understood that this would not bind me in case it should develop that the highway can not be completed within this amount of money. It would not prevent my asking for an additional amount, because we want the highway completed.

Mr. HOWELL. Mr. President, no one realizes better than myself that such an amendment can not prevent a further authorization by Congress. I have stood here and urged that even this authorization would not complete the highway and that the authorities would be back here again; but if this amendment is accepted, I am willing to allow the bill to pass.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska. [Putting the question.] By the sound the noes seem to have it.

Mr. HOWELL. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. The bill is before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

Mr. HOWELL obtained the floor.

Mr. HEFLIN. Mr. President——

Mr. HOWELL. I yield to the Senator from Alabama.

SENATOR FROM ALABAMA (S. DOC. NO. 299)

Mr. HEFLIN. I send to the clerk's desk a formal petition of my contest, and ask that the clerk may read it in my time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the petition will be read. The Senator from Nebraska yields for that purpose?

Mr. HOWELL. I yield.

The Chief Clerk read as follows:

PETITION OF J. THOMAS HEFLIN

To the Senate of the United States:

Comes now J. Thomas Heflin and files this his contest for a seat in the United States Senate as Senator from the State of Alabama and contests the seat claimed by John H. Bankhead for the term beginning March 4, 1931, and as grounds for this contest shows to this honorable body that heretofore your petitioner, having been defrauded of the right to run in the regular Democratic primary held in the State of Alabama on the 12th day of August, 1930, the said John H. Bankhead was nominated in a primary known as the regular Democratic primary and held on the 12th day of August, 1930, and that said primary was reeking with fraud and corruption and that this fact was known to the said John H. Bankhead, and that as a result of said primary the said John H. Bankhead was known as the regular Democratic candidate for United States Senator from Alabama for said term, and that the said J. Thomas Heflin was nominated at a State convention held at Montgomery, in the State of Alabama, the 1st day of September, 1930, known as the Jeffersonian convention and was known as the independent Democratic candidate on the Jeffersonian ticket. There were no other nominees on any ticket in the said State of Alabama as candidates for United States Senator from Alabama for said term.

That there are in the said State 67 counties, divided into about 1,400 election precincts, beats, or divisions; that the election for said office was held on the 4th day of November, 1930; that by the laws of the said State of Alabama the votes cast in the said various beats or precincts are canvassed and counted by the beat or precinct election officials in the respective beats or precincts in which the votes are cast; that said various election beat or precinct officials certify the results thereof to the various county canvassing boards composed in each county of the sheriff, judge of probate, and clerk of the circuit court, which board is authorized to receive such results in the counties in which the various beats or precincts are situated; that within brief interval thereafter the county boards of canvassers scrutinized such returns and in accordance with the laws of the State of Alabama an abstract of the various returns is made and certified to the secretary of the State.

That as a result of the canvass of the returns as certified to the secretary of state of Alabama it was declared that the said John H. Bankhead was shown by the returns to have received 150,985 votes for the said office of United States Senator at said election, and that the said J. Thomas Heflin had received a total of 100,969 votes for said office, the difference thus giving the said Bankhead an apparent plurality of 50,016 votes, and the said Bankhead claims his election on the basis of said apparent plurality and will probably present his claims upon the first convening of the Senate on or after March 4, 1931.

For the purpose of this complaint the said Bankhead is hereinafter described as the claimant and the said Heflin as the contestant.

That said contestant, Heflin, avers on information and belief that in truth and in fact there were cast at the said election many thousand more votes for the contestant, Heflin, than were cast for the claimant, Bankhead, for said office of United States Senator from the State of Alabama for said term; and said contestant further avers that there were errors, fraud, and irregularities in said election affecting the result, which, if corrected, would show that this contestant received a decisive majority of votes legally cast at said election for said office, and that contestant's majority would have been considerably larger had it not been for fraud and intimidation practiced by the friends, supporters, and colleagues of the said claimant, Bankhead, to the hurt and injury of said contestant, Heflin.

That among the illegalities complained of and affecting the result are:

(a) That various local canvassing boards, in precincts in practically every county in the said State of Alabama, unlawfully counted for said claimant, Bankhead, votes which in truth and in fact were cast, or intended to be cast, for the contestant, Heflin.

(b) That a large number of ballots lawfully cast for the contestant, Heflin, were not counted for him, but were utterly ignored by various election boards in making up the count, and they were not returned for the contestant, to whom they rightfully belonged.

(c) That many ballots in many precincts, duly marked and cast for the contestant, were rejected by the respective election boards and not counted at all.

(d) That many votes were allowed to be cast by persons not qualified to vote and that these votes were cast and counted for claimant, Bankhead.

(e) That there was gross violation of the absentee ballot law and many absentee ballots were illegally obtained, many purporting to be ballots of persons known to have been dead or otherwise disqualified, and said illegal absentee ballots were cast and counted for said claimant, Bankhead.

(f) That many votes were cast and counted for said claimant, Bankhead, by parties who wanted to vote for said contestant, Heflin, but were prevented from doing so by friends, supporters, and colleagues of said claimant, Bankhead, said parties voting for claimant for fear they would lose their jobs or be otherwise financially punished if they voted for said contestant.

(g) That large sums of money were unlawfully spent for the purpose of qualifying voters who had been in arrears on their poll-tax payments for many years past as an inducement to get said voters to vote for said claimant, Bankhead, and that said voters did unlawfully vote in said election of November 4, 1930, for said claimant, Bankhead, thus materially changing the results in said election.

(h) That large numbers of friends and supporters of said contestant, Heflin, who were duly qualified to vote in said election of November 4, 1930, were knowingly and purposely left off the lists of qualified voters furnished election officials in various beats or precincts, and every known difficulty thrown in their way to prevent them from voting for said contestant, Heflin, and that this action materially affected the results in said election.

Said contestant therefore comes to your honorable body with the sincere and profound belief that upon a fair and lawful recount of the ballots legally cast, and upon a complete audit of the poll list of voters participating in said election, together with a full and accurate survey of the ballots rejected, and on the elimination of fraudulent returns and results he will be shown to be the duly and lawfully elected United States Senator from the State of Alabama; and for that purpose and for all the purposes of truth and justice he therefore prays that your honorable body will make a full and complete examination into the situation and will so decide.

J. THOS. HEFLIN, *Contestant.*

DISTRICT OF COLUMBIA, *ss:*

J. Thomas Heflin, being first duly sworn, upon oath deposes and says that he is the contestant named in the foregoing matter; that he has read the foregoing statement and knows the contents thereof; that the matters and things as therein set forth are true except as to those matters stated on information and belief, and as to those matters he believes it to be true.

J. THOS. HEFLIN.

Subscribed and sworn to before me this the 24th day of February, 1931.

[SEAL.]

CHARLES F. PACE,
Notary Public, District of Columbia.

My commission expires February 12, 1936.

The VICE PRESIDENT. The petition will be referred to the Committee on Privileges and Elections and printed as a Senate document (S. Doc. No. 299).

Mr. HEFLIN. Mr. President, I send to the clerk's desk a resolution which I introduced a few days ago, but I have modified it, and I want the resolution as modified to go to the Committee to Audit and Control the Contingent Expenses of the Senate. I will ask that committee to substitute this resolution for the one they now have. I ask to have the resolution read.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read the resolution (S. Res. 467), as follows:

Resolved, That the Committee on Privileges and Elections of the Senate is hereby authorized and empowered forthwith to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes, which were used in the general election of November 4, 1930, in the election of a United States Senator in the State of Alabama, and to impound the same, and in the event that a contest is filed, the said committee is authorized to examine and consider the same and all other matters pertaining to said contest.

Resolved further, That the expense incurred in the carrying out of these provisions shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee or any subcommittee thereof, and approved by the chairman of the committee.

Mr. CARAWAY. Mr. President, may I ask the Senator from Alabama a question?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. Is it the purpose of the Senator from Alabama to have the ballot boxes in all the precincts in the State impounded, or does he want to file a list showing those he wants taken?

Mr. HEFLIN. I am not sure yet. I think it will be wise to impound all of them.

Mr. CARAWAY. My reason for asking the question was that it costs quite considerable to gather up all the ballot boxes in a State, and I thought if there were some counties or some precincts the boxes in which the Senator did not want to go into, he might furnish a list of those.

Mr. HEFLIN. I think there were irregularities in every precinct in the State.

The VICE PRESIDENT. The resolution offered by the Senator will be printed and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

MOUNT VERNON MEMORIAL HIGHWAY

The Senate resumed the consideration of the bill (S. 5644) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended.

Mr. FESS. Mr. President, there is no disposition to limit the cost of this project. I think the Senator from Nebraska has an amendment to offer to which we can all agree. The only concern I have is that it shall not interfere with legislation we have already enacted in reference to the parkway, for which we have authorized $7,000,000, known as the George Washington Memorial Parkway. It would have nothing to do with that.

Mr. HOWELL. This amendment refers entirely to the boulevard.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. The Senator from Nebraska proposes to add to the last section of the bill the following proviso:

Provided, That the George Washington Bicentennial Commission shall direct the full completion of said highway project at a cost of not to exceed $7,200,000.

Mr. FESS. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The question now is, Shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed and read a third time.

The bill was read the third time and passed.

ALLEGED PAYMENT TO A SENATOR

Mr. BORAH. Mr. President, I desire to call the Senate's attention to an article appearing this morning in the New York World entitled "Hear Senator Got $100,000 in Fight Over Sugar Tariff. Lobby Committee Expected to Investigate Clues Obtained Through Nye Inquiry into Campaign Expenses. Head of Corporation Admits Money Deals. Ex-

plained They Related to Stock Trades, Though Shares Then Were Declining."

The body of the article, over the signature of Mr. William C. Murphy, jr., reads:

WASHINGTON, February 23.—Evidence has been laid before the Senate lobby committee purporting to show that a Member of the Senate received sums aggregating between $100,000 and $150,000 from the head of a domestic sugar company interested in obtaining a high sugar duty during the period when the Hawley-Smoot tariff bill was before Congress.

Senators cognizant of the facts so far developed have expressed themselves as shocked, and it has been indicated that a formal investigation will be initiated in the near future, either on the initiative of the lobby committee or in conformity with an order from the Senate.

The evidence now before the lobby committee was unearthed in the first instance by the Nye investigating committee during its inquiry into the campaign expenditures of the Senator involved. Witnesses were found who are willing to testify that the Senator did receive money, but no definite evidence could be obtained to indicate that the money was used or intended to be used for campaign purposes. On the contrary, there was a statement from one witness that the money was intended as compensation for services in the fight for a higher sugar tariff.

EVIDENCE TURNED OVER

It was because of this situation that the evidence has been turned over to the lobby committee.

However, it has been brought out that some of the reported payments occurred in the Senator's recent campaign for election.

The president of the sugar company, in an appearance before the Nye committee during an executive session, admitted financial transactions with the Senator, but explained they related to purchases and sales of stocks in the president's companies. As against this, the committee was told by a former officer of one of the companies that during this period the stocks were declining and were paying no dividends, and that there could have been no occasion arising out of normal business transactions for the payment of any large sums to the Senator.

Both the president of the company and his former secretary have admitted that the president at one time held a personal note for a large amount. They differed as to the amount involved, the president saying it was for $22,000, which has since been paid off, and the secretary saying it was between $50,000 and $100,000.

OTHER SENATORS CURIOUS

This incident has excited the curiosity of other Senators who have learned of it. Because the Senator who signed the note is a man of large financial resources. Most of evidence regarding the evidence regarding the relationship between the Senator and the president of the sugar company rests on the testimony available from a former vice president of one of the corporations involved.

One of the things the former vice president has said he would be willing to swear to is that after a telephone conversation between the president in New York and the Senator in Washington, the president issued orders to send the Senator another $10,000.

After another conversation between the president and the Senator, the vice president said, he was told that the Senator had given asecurance that there would be a sugar tariff of 3 cents a pound. In this assurance the Senator was mistaken, for the rate finally accepted was 2½ cents, with a 20 per cent differential in favor of Cuban sugar.

Mr. President, no name is mentioned in the article, but I take it that the Senate would not want this matter to go uninvestigated, would wish that the facts should be secured and reported to the Senate. I understand the Senate lobby committee is still authorized to make such investigation, and I desire to urge that that committee make investigation immediately, or as quickly as practicable, and report the facts to the Senate.

Mr. ROBINSON of Arkansas. Mr. President, I support the suggestion made by the Senator from Idaho. If the lobby committee chooses to enter upon the investigation, it may be necessary to extend the authority of that committee.

Certainly a charge of this nature should not go without notice on the part of the Senate. If the lobby committee declines to pursue the matter, I think it will be necessary to adopt a resolution creating a special committee to investigate the charges referred to by the Senator from Idaho. I would like to know whether it is understood that the lobby investigating committee will pursue the investigation of the charges.

Mr. BORAH. Mr. President, I was informed by the chairman of the lobby committee that if the matter were called to the attention of the Senate and brought to the attention of the committee in that way, the investigation would be made.

Mr. ROBINSON of Arkansas. If that is not to be done, I think, in justice to the Senate itself, a resolution should be proposed instructing the lobby committee to make the investigation, or creating a special committee to deal with the subject.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield.

Mr. WATSON. The Senator from North Dakota is the chairman of the lobby committee——

Mr. ROBINSON of Arkansas. No, the Senator is wrong; the Senator from North Dakota is chairman of the Select Committee to Investigate Contributions and Expenses of Senatorial Candidates.

Mr. WATSON. I had in mind that to-day the Senator from North Dakota gave a statement to the press on this subject, and I think it might illuminate it if he would state on the floor of the Senate the substance of the report given to the press about this $100,000 affair.

Mr. ROBINSON of Arkansas. May I inquire whether the report spoken of by the Senator from Indiana has been submitted to the Senate?

Mr. WATSON. No; it has not been submitted to the Senate. I thought the Senator from North Dakota might orally make a statement here which might throw some light on the situation.

Mr. NYE. Mr. President, I have been delayed in getting into the Chamber, and even now am not aware of what is pending. Has a resolution been offered, or has a motion been made, or what is before the Senate now?

Mr. ROBINSON of Arkansas. No resolution has been offered. I take it that unless objection is made, the lobby committee will proceed with the investigation of the charges referred to by the Senator from Idaho.

Mr. NYE. Mr. President, when the article to which I understand the Senator from Idaho [Mr. BORAH] has called the attention of the Senate was called to my attention this morning I was rather distressed to think that on the basis of what was known or what had been called to the attention of any Senate committee there would be built such stories as would reflect upon any Member of the Senate. There have been whisperings and murmurings for many, many weeks in this Chamber and among representatives of the press regarding these certain charges. When they were called to my attention this morning I felt that it was only fair play that, as chairman of the Select Committee to Investigate Contributions and Expenses of Senatorial Candidates, it was my place to reveal what, if anything, our committee had encountered in a study of these particular charges. I said, in effect, in the statement I released to the press that as a result of our inquiry into the matter I had been impressed that there was nothing reflecting upon the honesty, the honor, or the integrity of any Member of the Senate.

Since releasing this statement to the press I have had revealed to me some question as to my meaning. I do not want the conclusion drawn that our committee went thoroughly into the charges which were made. We could not go into the matter only in so far as the allegations laid before us related to the conduct of a senatorial campaign. That being the case, I can not help but feel that the one thing, in view of the display that is now being made, is for a proper Senate committee to make that more complete investigation to the end that the truth may be known and to the end that no Member of the Senate will be forced to carry about with him for the rest of his days any reflections growing out of this particular case.

Mr. President, I know something of what can happen and what does happen by reason of the publication of some story that may seem to have splendid grounds and foundation. It has been only a matter of the last two weeks since a Member of this body saw fit to insert in the CONGRESSIONAL RECORD a statement of the expenditures of the Senate Committee Investigating Senatorial Campaign Expenditures, and from that statement editorial writers have drawn conclusions, which have prompted them, for instance, to publish editorials without any qualifications whatsoever, saying in effect that Senator NYE had employed his own brother to be disbursing clerk of the committee, and that his brother had drawn between $4,000 and $5,000 of the committee funds for personal compensation, whereas as a matter of fact his brother drew not one penny of compensation from the funds given to this committee to be spent for that purpose, not one penny; and yet I do not expect during the remainder of my days to catch up entirely with that sort of story. For that reason, and because that is the case, I hope there may be a sweeping and complete investigation made in this case now before us.

Mr. ROBINSON of Arkansas. Mr. President, the article upon which the statement of the Senator from Idaho was based implies that the so-called Nye committee communicated some evidence or suggestions to the so-called lobby committee. May I inquire of the Senator from North Dakota, in view of the statement he has just made, whether he assumes or is convinced that the charges embraced in the article referred to by the Senator from Idaho are unfounded and unjust?

Let me say that I have no disposition whatever to enter upon an investigation of subjects which reflect upon Senators unfairly and unjustly, and that I would prefer to avoid any investigation if those who are familiar with the facts are prepared to state to the Senate that there is no foundation or justification for an inquiry.

Mr. NYE. I think I gather the import of the question of the Senator from Arkansas.

Mr. ROBINSON of Arkansas. If I have not made it plain I will do so.

Mr. NYE. I am sure the Senator has done so.

Mr. ROBINSON of Arkansas. The Senator, according to the article referred to, is chairman of the committee that made the discovery which constitutes the basis of the charges. He referred it to another committee. Now is the Senator prepared to state, in view of his suggestion just made, that in his opinion there is an element of persecution in the charges and that there is no justification for them? If there is, I for one would be strongly disposed to oppose the humiliation, the degradation, that would inevitably result from the course which is suggested. But if the Senator in his capacity as chairman of the Committee Investigating Senatorial Campaign Expenditures believes there was sufficient foundation for the charges to refer them to another committee and to impliedly suggest that that committee should proceed with the investigation, I should like to be informed of that fact now.

Mr. NYE. Mr. President, I think it must appear obvious that if the committee investigating into campaign expenditures encountered an allegation revealing something other than what our committee has jurisdiction over, we would have no right to go into it at all. Because that was the case here, because in our investigation we found there was not good foundation for the story, or for the allegation rather, that certain campaign contributions had been made which had not been reported to the committee—finding——

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. NYE. May I finish my sentence first?

Mr. ROBINSON of Arkansas. Certainly.

Mr. NYE. Finding there was not ground for that allegation and yet knowing the remainder of the story that went with it, I felt duty bound to submit to the chairman of the lobby committee a memorandum covering the rest of the story which our committee had no right to delve into whatsoever.

The Senator from Arkansas has asked in a way if I want to discount the stories which have been told. I want to discount any story, until it is shown to have proper background and authorization, before I will look seriously upon it. These, however, were matters which had been laid before the committee, charges which have persisted from week to week, and I say here and now that a committee, one committee, if not the lobby committee, another committee—and I feel that the lobby committee is the proper one—ought to go thoroughly into it to the end that the facts may be known and to reflect in the end credit upon every Member of the Senate who now is under suspicion as perhaps having been the Senator who was involved in this particular controversy.

Mr. ROBINSON of Arkansas. Then the Senator supports the suggestion that an inquiry be made into the charges?

Mr. NYE. I most assuredly do.

Mr. WATSON. Mr. President, I would like to ask the Senator from North Dakota a question. Were there some rumors that reached the ears of members of the Senator's committee to the effect that $100,000 had been given by somebody to some Senator to lobby for the Sugar Trust?

Mr. NYE. There was no specified amount named.

Mr. WATSON. Without the amount, was there something of that kind in substance which reached the ears of the Senator's committee?

Mr. NYE. There was.

Mr. WATSON. Did the Senator or any member of his committee, either he alone or operating in conjunction with another member of the committee, investigate that charge?

Mr. NYE. Mr. President, we investigated that charge in so far as any part of the amount reported might have related to a campaign expenditure.

Mr. WATSON. What did the Senator find in this investigation?

Mr. NYE. The Senators found that there was not proper justification to proceed with that inquiry any further.

Mr. WATSON. Did that involve the whole sum? Was a part of it to go to a certain Senator to pay him for his services as lobbyist and part of the sum to go as campaign expenses, so the Senator could distinguish between the two?

Mr. NYE. As we were forced finally to draw conclusions, no part of this transaction necessarily took place after the campaign of this particular Senator was under way.

Mr. BORAH. Mr. President, as I understand, the Senator ceased his investigation because he thought the jurisdiction of his committee compelled him to do so?

Mr. NYE. If we had gone any farther than we did go, I think we would have been challenged immediately upon our jurisdiction.

Mr. BORAH. The Senator did not cease the investigation because he came to the conclusion that there was nothing convincing?

Mr. NYE. No; indeed not.

EXECUTIVE SESSION

Mr. McNARY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE

A message in writing from the President of the United States nominating Fred A. Bradley, of Buffalo, N. Y., to be collector of customs for customs collection district No. 9, with headquarters at Buffalo, N. Y. (reappointment), was communicated to the Senate by Mr. Latta, one of his secretaries, which message was subsequently referred to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

Mr. SMOOT, from the Committee on Finance, reported favorably the following nominations, which were ordered to be placed on the Executive Calendar:

Arthur A. Ballantine, of New York, to be Assistant Secretary of the Treasury in place of Walter E. Hope, resigned;

Philip Elting, of Kingston, N. Y., to be collector of customs for customs collection district No. 10, with headquarters at New York, N. Y. (reappointment); and

William Duggan, of New York, N. Y., to be collector of internal revenue for the second district of New York, to fill an existing vacancy.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were placed on the Executive Calendar.

FISHERIES TREATY WITH GREAT BRITAIN

The Chief Clerk announced the first order of business on the Executive Calendar to be Executive K (71st Cong., 2d sess.).

Mr. BORAH. Mr. President, I ask for the consideration of the treaty.

There being no objection, the treaty was considered as in Committee of the Whole, and it was read, as follows:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States of America and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, concluded at Ottawa on May 9, 1930, for the purpose of securing the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, and intended to supplant the convention signed on March 2, 1923, having the same object.

The attention of the Senate is invited to the statements in the accompanying report of the Secretary of State concerning the modifications made by the new convention. As the closed season provided for in this convention would begin on the 1st day of November next, it is desirable that action by the Senate on the convention be taken during its present session.

HERBERT HOOVER.

THE WHITE HOUSE, *May 21, 1930.*

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on May 9, 1930, by the respective plenipotentiaries of the President of the United States of America and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada.

This convention embodies recommendations made by the International Fisheries Commission established under the halibut convention between the United States and His Britannic Majesty, signed at Washington on March 2, 1923, and would supplant the latter convention. The new convention advances the beginning of the closed season from November 15 to November 1 of each year, and grants to the International Fisheries Commission, which will continue to function as at present constituted, additional regulatory powers. Under the terms of the new convention the International Fisheries Commission, when circumstances so warrant, will have power to adopt regulations without regard to the established closed season, which will limit or prohibit the catch of halibut. It may also fix the size and character of halibut fishing appliances and provide for the collection of statistics concerning the halibut fishery.

The new convention also provides that the regulations adopted by the commission shall be subject to the approval of the President of the United States of America and of the Governor General of the Dominion of Canada.

Respectfully submitted.

H. L. STIMSON.

DEPARTMENT OF STATE,
May 20, 1930

The President of the United States of America,

And His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada,

Being equally desirous of securing the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, have resolved to conclude a Convention for this purpose, and have named as their plenipotentiaries:

The President of the United States of America: Mr. B. Reath Riggs, Chargé d'Affaires of the United States of America in Canada; and

His Majesty, for the Dominion of Canada: The Right Honourable William Lyon Mackenzie King, Prime Minister and Secretary of State for External Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

The nationals and inhabitants and fishing vessels and boats of the United States of America and of the Dominion of Canada, respectively, are hereby prohibited from fishing for halibut (Hippoglossus) both in the territorial waters and in the high seas off the western coasts of the United States of America, including the southern as well as the western coasts of Alaska, and of the Dominion of Canada, from the first day of November next after the date of the exchange of ratifications of this Convention to the fifteenth day of the following February, both days inclusive, and within the same period yearly thereafter.

The International Fisheries Commission provided for by Article III is hereby empowered, subject to the approval of the President of the United States of America and of the Governor General of the Dominion of Canada, to suspend or modify the closed season provided for by this article, as to part or all of the convention waters, when it finds after investigation such changes are necessary.

It is understood that nothing contained in this convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of the United States of America or of the Dominion of Canada, from fishing in the waters hereinbefore specified for other species of fish during the season when fishing for halibut in such waters is prohibited by this Convention or by any regulations adopted in pursuance of its provisions. Any halibut that may be taken incidentally when fishing for other fish during the season when fishing for halibut is prohibited under the provisions of this Convention or by any regulations adopted in pursuance of its provisions may be retained and used for food for the crew of the vessel by which they are taken. Any portion thereof not so used shall be landed and immediately turned over to the duly authorized officers of the Department of Commerce of the United States of America or of the Department of Marine and Fisheries of the Dominion of Canada. Any fish turned over to such officers in pursuance of the provisions of this article shall be sold by them to the highest bidder and the proceeds of such sale, exclusive of the necessary expenses in connection therewith, shall be paid by them into the treasuries of their respective countries.

It is further understood that nothing contained in this convention shall prohibit the International Fisheries Commission from conducting fishing operations for investigation purposes during the closed season.

ARTICLE II

Every national or inhabitant, vessel or boat of the United States of America or of the Dominion of Canada engaged in halibut fishing in violation of the preceding article may be seized except within the jurisdiction of the other party by the duly authorized officers of either High Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be agreed upon. The authorities of the nation to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of this Convention, or any regulations which may be adopted in pursuance of its provisions, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other High Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

ARTICLE III

The High Contracting Parties agree to continue under this Convention the Commission as at present constituted and known as the International Fisheries Commission, established by the Convention between the United States of America and His Britannic Majesty for the preservation of the halibut fishery of the Northern Pacific Ocean including Bering Sea, concluded March 2, 1923, consisting of four members, two appointed by each Party, which Commission shall make such investigations as are necessary into the life history of the halibut in the convention waters and shall publish a report of its activities from time to time. Each of the High Contracting Parties shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Commission. Each of the High Contracting Parties shall pay the salaries and expenses of its own members, and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

The High Contracting Parties agree that for the purposes of protecting and conserving the halibut fishery of the Northern Pacific Ocean and Bering Sea, the International Fisheries Commission, with the approval of the President of the United States of America and of the Governor General of the Dominion of Canada, may, in respect of the nationals and inhabitants and fishing vessels and boats of the United States of America and of the Dominion of Canada, from time to time,

(a) divide the convention waters into areas;

(b) limit the catch of halibut to be taken from each area;

(c) fix the size and character of halibut fishing appliances to be used therein;

(d) make such regulations for the collection of statistics of the catch of halibut including the licensing and clearance of vessels, as will enable the International Fisheries Commission to determine the condition and trend of the halibut fishery by banks and areas, as a proper basis for protecting and conserving the fishery;

(e) close to all halibut fishing such portion or portions of an area or areas, as the International Fisheries Commission find to be populated by small, immature halibut.

ARTICLE IV

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulation adopted thereunder, with appropriate penalties for violations thereof.

ARTICLE V

The present Convention shall remain in force for a period of five years and thereafter until two years from the date when either of the High Contracting Parties shall give notice to the other of its desire to terminate it.

This Convention shall, from the date of the exchange of ratifications be deemed to supplant the Convention between the United States of America and His Britannic Majesty for the Preservation of the Halibut Fishery of the Northern Pacific Ocean including Bering Sea, concluded March 2, 1923.

ARTICLE VI

This Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties. The ratifications shall be exchanged at Ottawa as soon as practicable, and the Convention shall come into force on the day of the exchange of ratifications.

In faith whereof, the respective plenipotentiaries have signed the present Convention in duplicate, and have hereunto affixed their seals.

Done at Ottawa on the ninth day of May, in the year one thousand nine hundred and thirty.

[SEAL] B. REATH RIGGS
[SEAL] W. L. MACKENZIE KING.

Mr. BORAH. Mr. President, this is a treaty between the United States and Great Britain with respect to Canada. The treaty has for its prime purpose that of preserving the halibut fishery, which is being rapidly depleted. In 1923 we entered into a treaty with Great Britain with respect to Canada under which a commission on fisheries was created. This treaty is really the result of the work of that commission, which has been carried on since 1923.

The fundamental change which is made is that of increasing the closed season by advancing the date from the 16th of November to the 1st of November; in other words, the closed season is extended some 16 days.

In addition to that, the treaty gives the commission the power to make certain rules and regulations with reference to the manner of carrying on fishing. These rules and regulations, however, must be submitted for approval to the President of the United States and to the Governor General of Canada.

There were some objections to the treaty, but based almost entirely upon matters of detail. It was agreed upon all hands that the halibut fisheries are being depleted; it was agreed upon all hands that there must be a treaty. The committee came to the conclusion that this treaty will go far toward preserving this important industry and that it ought to be ratified. It was not felt that the objections go to the real merits of the treaty.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification, which will be read.

The resolution of ratification was read and agreed to, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive K, Seventy-first Congress, second session, a convention with Great Britain for the preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed at Ottawa, May 9, 1930.

NOMINATION OF EUGENE MEYER

The Chief Clerk read the nomination of Eugene Meyer to be a member of the Federal Reserve Board.

The VICE PRESIDENT. The question is on the confirmation of the nomination.

Mr. BROOKHART obtained the floor.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. BROOKHART. I yield.

Mr. McKELLAR. As the nomination which has just been read is to be contested, I wonder if we could not go ahead and act upon the uncontested nominations?

Mr. McNARY. I think we should follow the regular order. It has been desired for some time to dispose of this nomination, and I prefer to do it now.

Mr. McKELLAR. Very well.

Mr. BROOKHART. Mr. President, I desire to oppose the confirmation of the nomination of Mr. Meyer. The RECORD, I think, discloses the following facts without contradiction: First, Mr. Eugene Meyer's business prior to entering into the Government service was that of investment banker or stockbroker. The RECORD does not disclose that he had any other principal business. For more than 20 years he was a member of the New York Stock Exchange, and was engaged in what I shall call stock gambling. I used to be called a radical for denominating margin deals on the stock exchange or the board of trade as gambling, but, Mr. President, during the latter days of last November the Supreme Court of the State of Illinois, the State where the Chicago Board of Trade is located, officially decided that margin deals were gambling and refused to enforce a promissory note for $58,000 that was given upon margin deals. The principal qualification of Mr. Meyer for this, the greatest economic office in the world, is that of a stock gambler. The RECORD discloses without contradiction in any way that he retired with a large fortune and then went into the Government service.

WAR FINANCE CORPORATION

His first service had something to do with the War Industries Board, of the activities of which no investigation was made, and I believe no facts are in the record except the

mention of that employment. Then he was appointed at the head of the War Finance Corporation, and we find him in the operations of that corporation engaged in speculating with the War Finance Corporation's funds in Government bonds, in buying and selling Government bonds. The reason given by Mr. Meyer for that operation was that it was done in order to stabilize Government bonds; but, Mr. President, that to me is not a reasonable explanation of those transactions. If the Treasury of the United States wanted to stabilize Government bonds, and had the money to do so, all it had to do was to bid par for those bonds in any market, and that certainly would have stabilized them. However, we find Mr. Meyer's operations were in buying and selling Government bonds; in fact, I think the record of the Senate hearings, together with the record of the House committee investigation of the War Finance Corporation, shows that the principal profits made by Mr. Meyer at the head of the War Finance Corporation were the profits in those Government bond deals. Perhaps but for those profits there would have been a deficit as a result of the operations of the War Finance Corporation.

The War Finance Corporation at the time he took charge of it was extended for the purpose of aiding agriculture. It was given a capital of $500,000,000 for that purpose. Mr. Meyer never used but about $200,000,000 of that $500,000,000 for the benefit of agriculture in any way, although agricultural products grown and sold by the farmers amount to some $9,000,000,000 even in times of depression, even when the prices are so low as almost to ruin agriculture. Therefore, in connection with the management of the War Finance Corporation, instead of using the fund provided for it to sustain and benefit agriculture, as was contemplated by the law, those funds were used mainly in speculation in Government bonds, and agricultural conditions continued to grow worse throughout all that time, as they have continued to grow worse up to the present time.

It is one of my charges against Mr. Meyer that he did not use the instruments given him by the Government for the benefit of agriculture; that he did not try to use them for the benefit of agriculture. He used those funds for a certain few of the cooperative pools; he used them to support certain rich farmers in certain of the States; but the small amount of about $200,000,000 as applied to the whole agricultural situation was only an aggravation. Mr. Meyer, who has been described as an economic genius, knew that fact. Ordinary people might be fooled—they might believe that $200,000,000 would actually relieve the agricultural situation—but Mr. Meyer knew better. He knew it was playing with the proposition; he knew it was striking down agricultural prosperity.

THE MELLON-MEYER PHILOSOPHY

In this regard I think Mr. Meyer became a disciple of the philosophy of the Mellon family, so far as agriculture is concerned.

I have here an article from the New York Times of Tuesday, February 18, 1926, under the following headlines:

R. B. Mellon optimistic. Banker says 1926 should be a year of phenomenal prosperity.

Then, from the body of the article I quote as follows:

Richard B. Mellon, president of the Mellon National Bank of Pittsburgh, who sailed yesterday on the *Mauretania* for a Mediterranean cruise, said that from present indications he expected the business year of 1926 to be better than 1925 throughout the country generally. "Fundamental conditions underlying business are sound and favorable," he said. "The steel business in the vicinity of Pittsburgh is showing a great improvement over a year ago. Steel rolling mills are operating at greater capacity, and railroad orders are coming in in larger volume than this time a year ago. Grain prices, I notice, have fallen off, which is as it should be."

Mr. President, that, I believe, expresses the philosophy of Mr. Meyer toward agriculture as well as the philosophy of the Mellons.

We are aware in this country that about 70 per cent of the raw materials for our factories come from the farm, and it is the purpose of those who believe in this philosophy to get cheap raw materials. They do not care whether the farmer has a cost-of-production price or not.

I think the method which Mr. Meyer used in handling the War Finance Corporation was to carry out that philosophy. I think it was intentional, and he did it by following a policy of restriction in accordance with which only a small portion of the funds given him by the Government were in any way employed in aid of agriculture; but he shrewdly distributed over the country the funds he did use. He found the bigger fellows in agriculture; he made loans to them; he carried them along, and all the time continued his operations in Government bonds on the side.

Mr. President, if my theory as to these facts—and the facts themselves are not disputed—is correct, Mr. Meyer is the worst enemy of the farmers in the United States, and, as will be shown before I get through, that means the worst enemy of general prosperity, because agriculture is the foundation and basis of all enduring prosperity.

FEDERAL FARM AND INTERMEDIATE CREDIT BANK

After the War Finance Corporation was discontinued Mr. Meyer became commissioner of the Federal farm loan bank, and as such the principal officer of the intermediate credit bank. The intermediate credit bank is another system of financing the farmers; the intermediate credit bank is another reserve bank; in fact, it is authorized to issue bonds up to $660,000,000 and to raise that amount of funds for the suppport of agriculture. Again, however, we find Mr. Meyer during all the operations of that Government bank using only about $180,000,000 at any one time for the benefit of agriculture in the entire United States.

That is not enough for one State alone; and again we find the same policy of restriction which he followed through the War Finance Corporation.

Then, in reference to the Federal land bank itself, in reference to the long-time loans to the farmers of the United States, they require more than $9,000,000,000. Mr. Meyer, with all his genius for helping agriculture, was able to secure for them only a little over $1,000,000,000 of these loans through this great institution which the Government had created for the support of agriculture.

Mr. President, in my State there are two loan associations in the Federal farm loan organization—one of them at Marion, Iowa; one at Ottumwa, Iowa. These two associations were on the honor roll of the Federal land bank for 11 years. That means that they never had a default of interest payments, let alone a foreclosure of a mortgage. Every time the interest on every loan in these two associations was paid when that interest was due. While Mr. Meyer was still at the head of the farm land bank, in one year they applied for a considerable number of new loans. I do not remember the figure at this moment, but I think it was about 31. Upon these loans these same farmers were jointly liable—those who had been on this honor roll and paid their interest for 11 years. These loan applications went into the Federal land bank at Omaha. They were all rejected, because, as they said, the appraisements showed the land values to be too low for the loans. The farmers in these loan associations were provoked at the appraisements, and they raised a question as to the integrity of the appraisements. Then somebody sent word to them from the office, either accidentally or wanting them to know the real truth, and they found that every appraisement was all right, and that every loan should have been granted upon the appraisement, but they had been turned down in the office.

They had a very shrewd method of turning down those loans. For instance, if a farmer wanted $12,000 they would allow him $10,500, or something like that. Of course, however, if he needed $12,000 he could not get along with the smaller amount. That compelled him, then, to go to the other loaning companies and to pay a higher rate of interest for the loans.

This loan association, while Mr. Meyer was still at the head of the system, wrote a letter to the Federal farm land bank here at Washington setting out these facts quite fully; and Mr. Meyer's answer was that it was not called to his attention.

Mr. President, that policy was not the policy only of these two particular farm-loan associations. The policy was general throughout the United States; and the total figures given by Mr. Meyer himself for these loans showed that they did not increase as legitimate demands arose for loans. In other words, Mr. Meyer developed this loan system up to a point where it would take care of the overhead expense, and then he froze it up at that point. He did it deliberately, in my judgment—more deliberately than any other man, because the financial genius that he is said to possess is such that he knew the effect of denying these loans. The result has been practically to stop the Federal land bank from functioning all over the United States and, therefore, to the very great detriment of agriculture instead of its protection, as the law contemplated when this bank was established.

JOINT-STOCK LAND BANKS

Along with these Federal land banks, Mr. President, was created another called the joint-stock land bank. The joint-stock land bank is a private institution. However, it is under the supervision of the Federal Farm Loan Board. The joint-stock land bank can issue tax-exempt bonds, the same as the Federal land banks; and in those respects it is, to that extent at least, a governmental institution. However, its stock is a private stock, and it pays dividends and has earnings like any other private mortgage company.

Mr. President, this sort of a policy was put into force in that bank, and was approved and carried through by Mr. Meyer while he managed it: They were permitted to speculate in their own bonds, repeating the policy which Meyer put into effect while he was in the War Finance Corporation of speculating in Government bonds. The two policies are very nearly parallel.

What has been the result of that policy of buying in and retiring their own bonds? Of course the law contemplated that when a mortgage was paid off, or when interest was paid in, or when amortization payments were made upon loans, or money was received from foreclosures, or when it was received from any other source, after paying the operating expenses that would constitute a fund for new loans to take care of the demands of the farmers of the United States. Instead, however, of carrying out the real policy of the law, these funds were used to buy their own bonds; and those bonds, of course, were then canceled and retired; and, of course, to that extent the joint-stock land bank was liquidated.

A part of the money obtained for investing in these joint-stock land-bank bonds was obtained through the foreclosure of mortgages upon the farms where loans had been made; and here is the way that worked out:

Let us take a $20,000 farm. It can get a $10,000 loan, in the joint-stock land bank, if it shows an appraisement of $20,000. The farmer defaults in the payment of his interest or amortization payment, or a part of it, or his taxes, or some of the other elements, such as insurance. That default gives a right to foreclose the mortgage against him; and this policy was followed by the joint-stock land bank.

They would then foreclose this mortgage—a $10,000 mortgage on a $20,000 farm—and sell the farm at a forced sale. These bonds had depreciated down until the present farm loan commissioner, Mr. Bestor, says they average only 70 cents on the dollar for all the joint-stock land banks in the country. Some of them are 40 cents on the dollar; some as low as 20 cents on the dollar. Take an instance of 40 cents, about which I happen to know a specific case. In that case the mortgage on this $20,000 farm could be foreclosed and it could be sold at forced sale for $4,000; and that $4,000 would buy $10,000 of these bonds, and keep the books of the joint-stock land bank balanced in that way.

Mr. President, the forced sale of those farms at those low prices is doing more at this moment to depress land values in the United States, and especially in the Northwest—in Iowa and Missouri and the other States where they are operating—than any other one cause. That is another Eugene Meyer policy; and Eugene Meyer knew and understood the effect of that policy from the very first. Others might be fooled as to where it led, but not Eugene Meyer.

These facts are not disputed in this record so far. Others may dispute my construction of them but not the facts themselves. They may say that Meyer is not responsible for them; but, Mr. President, Meyer was the dictator of the whole system every moment he was in there, and even for a considerable time before he went in. He is responsible. He could have stopped these practices. He could have inaugurated different policies that would have carried out the purposes of these laws. This he did not do.

Mr. President, with this discussion of Mr. Meyer's personal relation to these big matters, I shall leave the personal features of this situation. I desire now to discuss the general economic situation in the United States, only a portion of the causes of which would be due to anything on the part of Mr. Meyer; but perhaps from time to time as I discuss the situation I will point out the relation his actions have had to it.

WEALTH PRODUCTION IN UNITED STATES

Mr. President, there are some basic propositions in reference to the business of the United States, in reference to the relation of all industries and to the production and distribution of wealth, that ought to receive consideration in the Congress of the United States, but that do not receive such consideration.

I want to present to the Senate some of the facts which are overlooked constantly in the passing of legislation and in the administration of laws in reference to the production and distribution of wealth.

In the first place, if we are to pass any law relating to wealth distribution, we ought to know something about what wealth we have to distribute.

From the census reports of 1912 it is stated that the whole capital of the United States at that time was $186,300,000,000. I have described the wealth increase in discussions on this floor, and in many presentations to the people of the country, as being 5½ per cent a year. That is all the new wealth we produce, but that figure is excessive when we take a longer period of years. The period I have used for that figure was from 1912 to 1922, and the increase was from this $186,300,000,000 to $320,804,000,000.

Mr. President, if we take the first figure and multiply it by 5½ per cent, and add the result in, and do that for the 10-year period of the census estimates, from 1912 to 1922, we will get about the $320,804,000,000, or the latter figure. Still, in 1922 the values of many things were considerably inflated. Agriculture had been heavily deflated, but other capital had not been deflated in anything like the same proportion. There will be no other census estimates upon the wealth of the country until 1932, figured out of the 1930 census. They are made only by 10-year periods.

Mr. President, the National Industrial Conference Board has made estimates for each year and has followed as nearly as possible the rules of the Census Bureau. I have those estimates up to 1928, and the wealth of the country in current dollars at that time was estimated at $360,062,000,000.

If we start with 1912 and take the figure of that date, $186,300,000,000, and multiply that by 4¼ per cent, adding in each year to 1928, we will get a total of about $360,069,000,000. So, continuing the estimate for six years longer than 1922, we find the wealth production of our country reduced to about 4¼ per cent.

There are no estimates up to date; but, taking the general condition of 1930, it is quite certain that we will drop back below 4 per cent, and that 4 per cent of wealth production of the country is all we have to distribute.

Mr. President, that 4 per cent will date back even to the Declaration of Independence. The junior Senator from Nebraska [Mr. HOWELL], who is a wizard upon these propositions, figures it clear through, and down to 1912 he found that the wealth increase of our whole country had been a little less than 4 per cent a year.

I think that is the most important economic fact any Senator or any Representative or President or anybody else ought to think about in considering laws relating to the production and distribution of wealth.

Prior to 1912 there was a vast increase in our territory. All of the Louisiana Purchase goes into that 4 per cent prior to 1912; all of Florida that we got from Spain, and all of the southwest territory that we took from Mexico, and all of the improvements in all of those territories we have to add in, as well as all the new wealth produced in the old territory. All unearned increment, and even all depreciation of the dollar, is figured in this estimate.

Therefore, Mr. President, there was a wealth production of about 4 per cent a year prior to 1912. Since that there was an increase in wealth in our country due to what we might term the "machinery age," and in the future we will perhaps have to depend upon that for wealth increase. There will be no longer an increase because of new territory, and I doubt very much, as we count these last figures, whether even the machinery age is going to produce wealth faster than it has been produced throughout the entire history of our country. It seems to me we can quite safely count that we have 4 per cent for dividends, and that is all we have when all capital is considered.

The national income since 1920, or about that time, has been approximately $90,000,000,000 a year. It takes a thousand million to make each one of those billions. Ninety billion dollars would mean about $750 for each man, woman, and child in the United States, or about $3,750 for each average family of five.

We spend about $75,000,000,000 for living and operating expenses of our industries, and that leaves about $15,000,000,000 as the net income of all our country. That represents the 4 per cent of wealth increase which I have described.

Mr. President, if we distribute all of that net income to capital and give nothing to labor, invention, genius, or management, except their living, capital would get a return of only about 4 per cent a year.

The significance of that fact becomes great when we look at the earnings of certain of the great corporations in our country, which earn 5 per cent, 10 per cent, a hundred per cent, and in some cases even greater percentages. Whenever we notice a block of capital dipping out of this 4 per cent pool more than 4 per cent some other block of capital must take less than 4 per cent or nothing; because there is only a 4 per cent net production in all our country.

Mr. President, from that fact it follows that the great stable and certain and well-settled industries of our country ought to operate at the lower percentage. They can afford to do it. But instead of doing that they are dipping out the larger percentages, and that is the cause of the industrial depressions we have. As they dip out these greater percentages somebody else takes less, and who is it who takes less, mainly? Since 1920 it has been agriculture, and I want to point out now some of the facts of the discrimination against agriculture.

About one-third of the American people are farmers, but they own now about one-seventh of the property value and are getting less than one-tenth of the national income. I have a letter of date February 5, 1931, from the Department of Agriculture, and it is shown that in 1928, the last year for which I have the total estimates of property value in the whole country, agricultural capital was reduced to $54,904,000,000, as against $360,062,000,000 for all capital in the United States. Senators can figure that out themselves. Although agriculture comprises a third of all our people, and about 40 per cent of them are in fact getting their incomes from the farms, the capital value is now reduced to about one-seventh of the capital value of the whole country. Then, when we come to their share in the national income, we find it is still less. It is less than one-tenth of the national income.

The statement of that fact at once indicates a gigantic discrimination against agriculture, because in this 4 per cent pool of production, which is all we have in the United States, some blocks of capital are dipping out so much more than 4 per cent that nothing is left for agriculture, and in fact it is worse than nothing. They are not only dipping out all the earnings of agriculture, but they are destroying agriculture's capital value itself.

The total of agricultural capital in 1920 was $79,325,000,000, but, as I have shown, it was reduced in 1928 to $54,904,000,000, a reduction of nearly $25,000,000,000 in eight years. That means that agriculture had no net income as a whole. It did not have the 4 per cent which capital of the country averaged and which is all there is in the country. It had nothing in the way of net income as a whole, and its capital was depleted by $25,000,000,000.

AGRICULTURAL EARNINGS CONTRASTED WITH OTHER LINES

Agricultural capital has gone back nearly to the level of 1912, while other capital has doubled in value.

Mr. President, I desire to make some more general comparisons of agriculture with other industries. Agricultural capital, starting with $79,000,000,000, averaged around $60,000,000,000 up to date. Of course, it is a good deal less than that right now, but there was that much capital on the average invested in agriculture. There are about 12,000,000 workers on the farms in the United States—that is, men who make a hand upon the farm, and that does not count the women and children who also work the year around on the farms, but who get nothing out of it, so I do not count them. This $60,000,000,000 of capital and 12,000,000 workers produced a gross income averaging since 1920 about $12,000,000,000 a year. During the same time there has been invested an average of about $40,000,000,000 of capital in manufactures, about two-thirds as much as in agriculture. There are fewer than 9,000,000 workers in the factories, about three-fourths as many workers as on the farms; but this smaller amount of capital and smaller number of workers produced a gross value of about $60,000,000,000 a year out of the prices received for manufactured products as compared to only $12,000,000,000 produced on the farms.

But the manufacturer says to me that is not a fair comparison. He says, "My raw-material bill is bigger than the raw-material bill of the farmer in percentage," and that is true. I wanted this comparison to be as nearly fair as it could be made, so I looked into the raw-material proposition. I found that 27 per cent of farm production is raw material. Its feed, its seed, its work and breeding animals, and fertilizer, things that must be used on the farm to operate the farm and which can not be converted into income, consume 27 per cent of the gross farm production.

But the manufacturers' raw-material bill is a larger percentage. I find in order to reduce it to 27 per cent that I have to deduct $16,000,000,000 from the $60,000,000,000 of gross production, and that still leaves $44,000,000,000 of gross production in the factories in the United States which is produced by two-thirds of the capital and three-fourths of the workers that can produce only $12,000,000,000 on the farm. I care not how closely we make the comparison and how scientifically it may be made, there is still existing a gigantic discrimination as against agriculture.

The railroads of the United States have a value now as fixed by the Interstate Commerce Commission of something like $24,000,000,000. I will show a little later that $7,000,000,000 at least of that was water to start with in 1926. There are 1,750,000 workers on the railroads of the United States, so there is a little more than one-third as much capital and about one-seventh as many workers as on the farm; but they receive a gross revenue of $6,500,000,000, more than half as much as all the gross return of all the capital and all the workers on the farm.

Then I want to make a comparison with the capital of the national banks. I want to compare that to agricultural capital. I would like to get the different businesses and industries to thinking something about what they are taking out of the pool of production and what agriculture is taking.

A bulletin of the National City Bank of 1925 said that the national banks of the United States as a whole earned an average of 8.34 per cent upon capital surplus and undivided profits. I would have you think of this block of capital invested in national banks earning 8.34 per cent when there is only 4 per cent in the American pool of production. If they can dip out a percentage like that, some other block of capital must take less. I am figuring all of our wealth production to capital alone in these estimates I am making. If we only produce 4 per cent of new wealth, and capital gets it all, still these blocks supported and created by corporation laws under the favor of the Government itself are dipping out twice that rate of return. I do not think capital is entitled to all of this 4 per cent. I think labor, invention, genius, and management are entitled to something over and above their mere living.

In the last few months we have heard a great howl again coming from the railroads. In the last few days they are saying that they will earn only about 3 per cent on their capital investment. If we subtract $7,000,000,000 of water out of the capital investment and then multiply by 3 per cent, that would be about right; but 3 per cent on the inflated value is too much. The same is true of the national banks.

Mr. President, while the national banks as a whole earned 8.34 per cent, there were 6,000 banks that failed in the United States since 1920—that is, State banks as well as national. They earned nothing. They lost so much they went into bankruptcy and into receiverships. But, notwithstanding the loss of all this great number of banks, the big New York banks earned enough to make up for this average and held the average of all national banks in the country up to 8.34 per cent. These same big New York banks earned more in 1930 than they did at any other time, right during the year of depression, when agriculture is in its worst depression and when many other lines are now in depression. I have here a reprint from the American Banker of December 1, 1930, in which it was said:

Dividends disbursed to shareholders in 20 of the largest banks and trust companies of New York City during the year ended September 24, 1930, were the largest in the history of the group, totaling $137,826,000, according to the New York bank-stock compendium compiled by statisticians. The present record-breaking total represents an increase of more than 25 per cent over the preceding year.

Mr. President, even in the year of depression these great New York banks are able to increase their net earnings by 25 per cent, with agriculture in a state of bankruptcy and many other lines of business in a similar condition.

Here is another comparison I desire to make, and that is upon the payment of taxes. The farmers of the United States on an average pay in taxes about $28 out of every $100 gross revenue. That is out of their gross revenue and not their net. It takes all of their net and more in a great many cases. One of the strongest things we hear about the railroads in these days is their payment of more than $1,000,000 taxes a day. Railroad properties are only paying a little less than $7 out of every $100 of gross revenue that they receive. That quite fairly represents the tax rate on property generally throughout the United States.

Here is another comparison with agriculture: In one year the farmers sold 41,000,000 hogs and two years later they sold 48,000,000 hogs, but they got $200,000,000 less for the 48,000,000 than they got for the 41,000,000.

For a whole generation it has been true that the farmers of the United States have received less total income for a short crop than for a large crop, unless that rule is reversed by the depression year of 1930, which I think it is, because in some way, through the control of credit, through the control of price fixing in this year of 1930 the farmers on the average are getting the lowest prices in 24 years for a short crop—I mean on the average for all crops.

BANKRUPTCIES

The result of these discriminations against agriculture since 1910 have caused farm bankruptcies to increase by more than 1,000 per cent, while commercial bankruptcies have remained practically the same. A million and a half farmers have lost their homes or, if tenants, their life savings or their property as a result of this discrimination.

Mr. President, this 10-year depression of agriculture—and it has been constant for 10 years—has at last had an effect upon every other business in the country. It is the direct cause of a great proportion of the depression which we are now suffering. I say we can not strike down the buying power of one-third of the American people or, perhaps, 40 per cent of the American people, who depend directly upon agriculture, and at the same time keep all other business prosperous.

ONLY UTILITIES AND BIG BUSINESS PROSPEROUS

Who was prosperous in 1930? I have here a list of a large number of them. The public utilities are a part of this prosperity. Nearly all of them had greater earnings in 1930 than they had in 1929. I notice the Baldwin Locomotive Works and many other big industries kept their earnings up to those of 1929 or even surpassed them last year in spite of the depression. Mr. President, from Monthly Earnings Record, I ask leave to insert in the RECORD at this place in my remarks statements showing the great earnings of some of these corporations.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

	1929	1930
American Community Power Co., net earnings	$4,239,209	$4,477,449
American Power & Light Co., net earnings	44,708,643	45,801,051
American Telephone & Telegraph Co., net earnings	140,684,115	148,036,029
Coca-Cola Co., net income	12,758,276	13,515,535
Electric Power & Light Corporation, net earnings	28,256,641	34,889,073
Metro-Goldwyn Pictures Corporation, net income	6,818,919	9,024,869
Middle West Utilities Co., total earnings	28,522,967	35,472,724
National Power & Light Co., net earnings	35,944,390	36,652,377
Nevada-California Electric Corporation, total income	3,078,880	3,108,448
North American Light & Power Co., net earnings from operations	19,827,682	21,066,236
North West Utilities Co., total earnings	2,118,163	2,824,512
Ohio Edison Co., net income	7,119,194	8,068,172
Pacific Gas & Electric Co., net profit	12,039,161	15,720,176
Pacific Lighting Corporation, net profit	7,344,422	7,972,218
Peoples Gas Light & Coke Co., net income	6,782,959	7,197,072
Scott Paper Co., total income	1,031,514	1,157,438
Sioux City Gas & Electric Co., total income	1,557,513	1,636,701
Sun Oil Co., net income	3,637,540	3,688,157
Union Electric Light & Power Co., St. Louis, net income	8,543,857	9,707,502
United Light & Power Co. (and subsidiary companies), net income	8,840,723	11,015,338
Utilities Power & Light Corporation, total net earnings	13,860,911	15,797,178
Washington Water Power Co., total income	5,252,420	5,509,331
Wisconsin Public Service Corporation, net earnings	2,341,200	2,342,549

Mr. BROOKHART. In addition to striking down the buying power of agriculture in the way I have described, its credit has been almost entirely destroyed. The policy followed in administering the War Finance Corporation which I have described, the policy adopted in administrating the Federal land bank and the intermediate credit bank which I have described, have contributed heavily to destroy the credit of agriculture throughout the United States.

DEPRESSIONS

Mr. President, I want to inquire what is the cause of depressions anyway? Why must we have a series of depressions? For euphony and a high-sounding name the word "cycles" is used. I have found a picture of "cycles" in the United States. It is on the farther chart to my left. The lower part of that chart in black gives a picture of American business for the last 50 years.

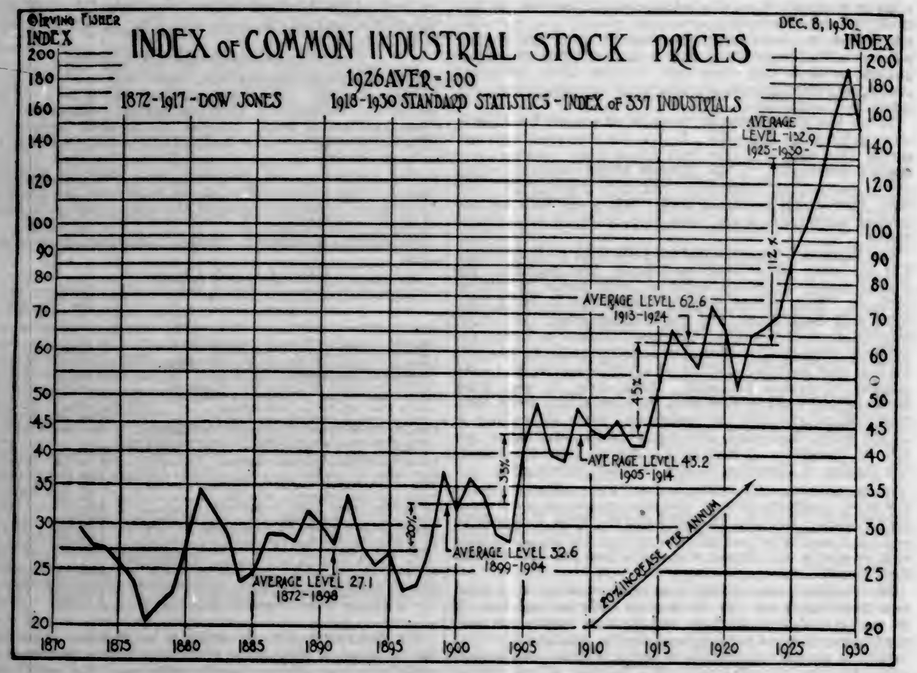
I ask leave to have this combined chart of Irving Fisher and the Cleveland Trust Co. inserted in electrotype in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

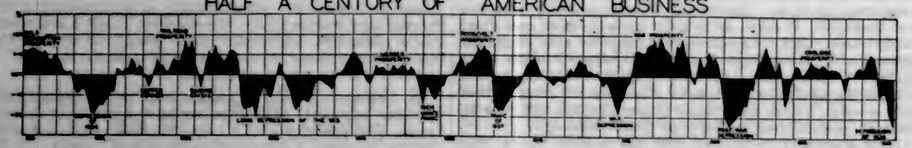
Mr. BROOKHART. I, myself, did not make this picture. It was made by the Cleveland Trust Co. I have the original of it in my hands. The statistician of the Cleveland Trust Co., Col. Leonard P. Ayres, one of the most noted statisticians in our country, formerly statistician of the United States Army and since the war the leading statistician of big business, drew this chart. He says of the chart:

In the past 50 years there have been 15 periods of business depression. Eight of them, including this one, have been major depressions, while the other seven have been minor ones, like those of 1927 and 1924.

Upon his chart one can count those eight major depressions. The normal line is that straight line [indicating] running through the middle of the chart, and the black spots below that line indicate the depressions. One can count eight of those big ones, including the last one, which



HALF A CENTURY OF AMERICAN BUSINESS



we are in at the present moment but which is not completed on the chart, because the chart only goes up to December, 1930. There are those eight major depressions, and then the seven little ones, which are thrown in for good measure.

What is the condition of business during the remainder of the time? How long in those 50 years has business been on this normal line? From the looks of that chart it might appear that business has hardly been normal 30 minutes during the whole time; we have either been in a period of speculation and inflation or in a period of depression.

Mr. President, you will notice on that chart [indicating] the base of those depression periods, and if you will add those up, you will find that in the last 50 years we have been about half our time either in or getting in or getting out of depressions. I want to say that any system of business that leaves the people of the country half the time in depressions is an unsound system of business; there is something wrong with the entire business structure; and the thing that is wrong with it is that certain organizations and blocks of capital in our country are in a scramble and a fight to dip out of this 4 per cent pool a great deal more than 4 per cent.

I think the upper part of this chart illustrates the cause of some of these depressions. Let us examine that portion of the chart. It has been prepared by Prof. Irving Fisher, the noted economist of Yale University. The line on that chart shows the course of stock values. It begins in 1870 and comes up to December, 1930. However, the last seven years, from 1923 to 1930, are consolidated in one space, so that the rise in stock values is relatively faster upon that portion of the chart than on the other portion. However, on the other chart over here [indicating] the exact proportion is maintained, and the black line is the line of American stock prices.

Now let us see what has happened to American stocks according to the Fisher chart. For the 1914 level, the index figure is given as 43.2; for the 1930 level it is given as 132.9, and that is after the stock panic of 1929. So from that chart we find that, even since the stock panic of 1929, stock values are still 208 per cent above the level of 1914. The panic of 1929 did not squeeze the wind and water out of the vast stock manipulation in this country, and we are still on a volcano of inflation even after months of depression.

Now let us read what Professor Fisher said about that proposition. I quote from an article by him printed on December 8, 1930, as follows:

My correspondent evidently assumes that the stock-market crash and the further fall in stocks a year later have carried the price index below the 1913 level. Yet a glance at the accompanying chart—

Which is the same as the chart on the wall, although the latter has been enlarged—

will show that the level of stock prices, as shown by the Dow Jones and Standard Statistics indexes of common industrials, is still 112 per cent above the next preceding plateau, extending from 1915 to 1924—

I omitted to mention that plateau in my remarks—

further, that plateau was 45 per cent above the pre-war plateau which prevailed between 1905 and 1914—

That is the plateau I mentioned—

Moreover, the pre-war plateau stood 33 per cent above the plateau of 1899 to 1904, which, in turn, had risen by 20 per cent above the long plateau beginning in 1872 and ending in 1898.

That is, after the stock-market crash and the further deflation of the stock market up to December, 1930, the present level of common industrial stock prices shows a rise above the war level about two and one-third times greater than the next greatest rise, namely, from the pre-war level to the war level. Stock prices to-day are nearly three times as high as they were before the war and four and three-quarters times as high as the 1872-1898 level. In order to get down to the pre-war level of stock prices, we should now have to endure the effects of a stock deflation nearly three times as intense as that experienced during 1929 and 1930.

My correspondent's misconception illustrates the enormous exaggeration of the extent of the break in the stock market which exists in the minds of many who have felt its impact. It illustrates the prevailing underestimation, during the current pessimism, of the tremendous increase in valuation of the Nation's underlying securities which occurred during and since the war. This increase has been reduced only about one-half by the slump in stock prices of 45 per cent during the break of 1929-30.

PRE-WAR BASIS IMPROBABLE

I, therefore, repeat what I said in January, 1929, that anyone who expects a recession in stock prices to the pre-war levels is destined to be undeceived.

There are substantial reasons why the general plateau of the stock market is still 208 per cent above the plateau of 1905-1914, and vastly above any previous plateau.

And that 208 per cent is the figure which is used in this description.

Mr. President, can a country that only produces 4 per cent for all capital, that only has a 4 per cent dividend for all capital, if it were evenly distributed, pay dividends upon stocks inflated even as stocks are inflated at this moment? I hope the American people will quit buying those gambling-inflated stocks.

What is the situation, then? The period of inflation, the period of speculation, swells to gigantic proportions; it swells to the bursting point and then explodes. Then there are called in the credit reserves of the whole country—$7,000,000,000 in brokers' loans were used during the last great period of speculation—to stop this stock crash. They stopped it at a point still 208 per cent up in the air, if we count 1914 the proper level, and even 1914 was too high when compared with agriculture and other businesses of the country.

What is it that produces these inequalities in the United States? Why is it that we must be in a system of business that rotates from speculation to depression as this map shows? I do not believe it is necessary. I do not believe in the cycle theory of business; and I think if business were organized upon a sound basis, with a due consideration of the basic facts of business, we would not have these cycles; that there would be something like stability in our country, and the awful calamities that succeed one another, covering half the time of our last 50 years' history, would not be repeated.

What are the particular causes of this situation? I say to you that it is caused largely by laws, and by laws of the Congress of the United States, assisted in some particular by certain State laws; and I am not going to stop with that general statement. I am going to name those laws, and I am going to point them out specifically.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Iowa yield to the Senator from Maryland?

Mr. BROOKHART. I do.

Mr. TYDINGS. I think the Senate of the United States ought to take down the laws which the Senator is going to name; and I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. BROOKHART. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Barkley	Frazier	La Follette	Sheppard
Bingham	George	McGill	Shipstead
Black	Gillett	McKellar	Shortridge
Blaine	Glass	McMaster	Smith
Blease	Glenn	McNary	Smoot
Borah	Goff	Metcalf	Steck
Bratton	Goldsborough	Morrison	Steiwer
Brock	Gould	Morrow	Stephens
Brookhart	Hale	Moses	Swanson
Broussard	Harris	Norbeck	Thomas, Idaho
Bulkley	Harrison	Norris	Thomas, Okla.
Capper	Hastings	Nye	Townsend
Caraway	Hatfield	Oddie	Trammell
Carey	Hayden	Partridge	Tydings
Connally	Hebert	Patterson	Vandenberg
Copeland	Heflin	Phipps	Wagner
Couzens	Howell	Pine	Walcott
Cutting	Johnson	Pittman	Walsh, Mass.
Davis	Jones	Ransdell	Walsh, Mont.
Deneen	Kean	Reed	Waterman
Dill	Kendrick	Robinson, Ark.	Watson
Fess	Keyes	Robinson, Ind.	Wheeler

The PRESIDING OFFICER. Ninety-two Senators have answered to their names. A quorum is present.

Mr. BROOKHART. Mr. President, I was just starting to name the laws that have contributed to the cause of the economic discriminations which I have described. The Senator from Maryland [Mr. TYDINGS] called for a quorum, and then I believe he skipped out. I do not see him present now, so I think he is not interested in the remark he made.

THE TRANSPORTATION ACT—WATERED CAPITAL

The first law I shall name is the transportation act, the railroad law of 1920. This law directed the Interstate Commerce Commission to fix the value of the railroads for rate-making purposes. It laid down the rules and regulations under which that value should be fixed. It passed about the 1st of March, 1920. The commission immediately entered upon its job. It completed the tentative value about the 1st of September, 1920, and fixed the value at $18,900,000,000. At the moment that value was fixed by operation of the law itself, the market value of these railroads, as shown by the quotations of their stocks and bonds upon the stock exchange where they themselves listed them, and where they sold them to anybody who would buy stocks and bonds, was less than $12,000,000,000—in fact, about eleven and three-quarter billions.

In other words, at the very time the Congress of the United States sold to the people of the United States these railroads at a value of nearly $19,000,000,000 for rate-making purposes, their market value was less than $12,000,000,000. If you had gone out and bought them at their market value, that is all they would have brought; and yet the Congress laid down a set of rules and directed the commission to fix a value which amounted to almost $19,000,000,000. That means that $7,000,000,000 of water was legalized and given a value as a basis of levying rates upon the people of the United States.

Mr. President, I see that the Senator from Maryland [Mr. TYDINGS] is back now. I hope he will stay.

GUARANTY OF THE LAW

Then this law commanded the commission, using the words "the commission shall," to initiate rates high enough to pay the operating expenses—that includes taxes and all other proper operating expenses—and, over and above these operating expenses, to yield a return upon all this value, water and all.

I ask you to think for a moment about a law which fixes value in this way, first fixing the rate of return at 6 per cent, and later, and now, 5¾ per cent upon $19,000,000,000 of value, when there were less than twelve billions of market value in the property at the time. Five and three-quarters per cent upon nineteen billions means more than 9 per cent upon twelve billions; and the twelve billions was something like the amount at which the farms in the United States were valued.

Now I ask you to think about a law of Congress that will give to the block of capital invested in the railroads of the United States 9 per cent return upon their honest value, when the American people are producing only 4 per cent with all their labor, all their capital, all increase of property values, and all other sources of production.

In the last few years, under this guarantee of the law, they have collected excess rates; but call it a guaranty of the law and what a howl comes down from Wall Street. Every Wall Street newspaper, from the Chicago Tribune to the New York Times, howls itself black in the face at once. They say, "There is no guaranty under this law out of the Treasury of the United States." Well, what did I say about the Treasury of the United States? I said nothing about a guaranty out of the Treasury, though I will say something a little later, under this very law.

What I said was that the law commanded the Interstate Commerce Commission to levy rates upon the people of the United States, and it is a command; the commission has no discretion. I am not particularly blaming the commission for the value they fixed on the railroads. I think they substantially followed the law and the rules and regulations fixed in the law. It is the law itself which is to blame for this extortionate situation. So the command of the law is that these rates be initiated.

I think the commission fixed the value in accordance with the law, and the rate of return is perhaps what the law contemplated, but that item is partly what caused the collection of extortionate rates. It and other items increased the farmer's rate about 50 per cent.

Then this law collected out of the pockets of the people about $400,000,000 a year in excess rates the last few years. It is said that is not a guaranty out of the Treasury, because they did not collect all of the 5¾ per cent, and the Treasury did not make it up. They did not collect it all on about fifty or sixty-five thousand miles of lines, but on about two hundred thousand they collected. The reason they did not collect all of it was because our people did not have enough money in their pockets to pay it. The guaranty was out of the pockets of the people of the country, a command of the law against the pockets of the people. Perhaps that is more pleasant than a guaranty out of the Treasury, but I rather think the Treasury would be more convenient, anyhow.

This is only one item in the situation. There are several others, some of them under previous laws regulating the railroads, and some of them under this.

WASTE OF COMPETITION

Another one of the items is the waste of competition. All these roads are divided up into these separate organizations, each with its high, expensive overhead, overlapping service, and all that, which causes an immense and an enormous waste. They themselves have admitted it. Edward Dudley Kenna, of the Santa Fe, said in his book 10 years ago that the waste of competition in the United States amounted to more than $400,000,000 a year, which had to be paid in excess rates which went into the operating expenses, and must be paid by the people under the operation of this law. Collis P. Huntington, away back in his day, said the waste of competition in New York City alone was more than $100,000,000 a year.

UNEARNED INCREMENT

That is not all. The capitalization of the unearned increment is an enormous sum. Even a large part of the $12,000,000,000 of value that was in the market value at the time the law fixed the $19,000,000,000 was unearned increment, and not original investment in any railroad. Nobody had ever invested $12,000,000,000 in them at that time.

A railroad manager said to me, "A farmer gets the unearned increment in the value of his farm; why should I not get the increase in the value of my railroad?" That sounds so reasonable one is about ready to give up the argument, but that proposition leaves out one important consideration, and that is the laws relating to public utilities. A railroad is a public utility, and always has been a public utility, under the law. Even before the transportation act of 1920 it was the law, the common law, the holding of the Supreme Court under the Constitution, that the railroads had the right to charge rates and the people were compelled to pay rates high enough, first, to pay the operating expenses. The transportation act did not change that. Then, over and above the operating expenses, they must pay a reasonable and an adequate return on the prudent investment. That was the old law, the common law. So under that law the railroads had a guaranty out of the pockets of the people for their operating expenses and a reasonable and adequate return on their prudent investment.

The people, then, had to guarantee that sort of a return to the railroads by command of the law itself. The people also created this unearned increment. Unearned increment, or increase in property value, is due to the growth of population and the development of the country. So it is the people who create that, and is it right that the law should first come along and take from the people a guaranty from their pockets, that they should pay a reasonable and adequate return, and then further say to the people, "The roads shall also have the right to add in this speculative, unearned increment value which you, the same people, have created," and then charge them rates to get a return on that speculation? No; it is not right, and two or three hundred million dollars a year of excess rates are going out of the pockets of the people because of this vast unearned increment in the railroads of the United States.

SUBSIDIARY CORPORATIONS

That is not all. There are some other big items. There are the excess profits of inside or subsidiary corporations taken out of the railroad proposition. I have here a book showing that the Baldwin Locomotive Works had the biggest earnings in their experience in the depression year 1930. They have a monopoly, practically, in furnishing locomotives to railroads. About everything a railroad uses is furnished to it by some big inside corporation, owned and controlled and operated by the same men who control and operate the roads. When they come to sell those things to themselves, they never sell them at the lowest figure at which they can afford to sell such articles to a railroad; they sell them at the highest price they can collect out of the pockets of the people under this guaranty provision of the law against the pockets of the people.

The furnishing of supplies is not all. There is the Pullman Co. It is not owned by the railroads; it is another subsidiary. There are the express companies. They are not owned by the railroads; they are subsidiaries. The same applies to the telegraph companies, the refrigerator-car companies, and the oil-tank-car companies.

Every one of these subsidiary companies is dipping out of this railroad business a profit under a monopoly arrangement with the railroads, through interlocking directorates and subsidiary control, dipping out many times the 4 per cent which the American people are able to produce, and there are two or three hundred million dollars a year of excess charges put upon the people of the United States through that item.

I want to add these up. There are about $400,000,000 of extra charges because of watered capital, which have actually been collected in the last few years; over $400,000,000 more in waste of competition; two or three hundred million dollars of excess profits of the inside, subsidiary corporations, and two or three hundred million dollars more due to the capitalization of the unearned increment. So that altogether there are twelve to fourteen hundred million dollars of excess charges put upon the people of the United States as the result of the manipulation of railroad capital and which is a part of the item in that gigantic stock speculation which appears in the charts which I have shown.

That falls more heavily, perhaps, upon the farmers than on anybody else, although it hits everybody to some extent, because everybody pays freight, and I have not yet mentioned the guaranty out of the Treasury.

Mr. President, this is only an illustration of one of the laws which the Congress itself has given this country that has

helped to create the so-called cycles, the so-called speculations, followed by the terrible depressions. I have not myself charged more than about 10 per cent of the original cause of our trouble in 1920 up to this railroad discrimination, because I found some other causes very great at that time, but at the present time I believe it is about 25 per cent of the cause of our trouble, although that is my own estimate, and it is only an estimate, without scientific support.

BANKING LAWS

Mr. President, the next set of laws I desire to mention as having worked in this discrimination are the banking laws, and especially the Federal reserve bank law of 1913. Under the banking laws of the United States a monopoly practically of the deposit business of the country is given to national and State banks. You can not deposit your money in any other kind of a bank, because the law will not permit you to organize any other kind of a bank in the United States. So by law we fence around the savings of the people and force them into this class of competitive or commercial bank, national and State. The credit unions and mutuals are for savings only and therefore practically feeders for the other system.

Then, over the top of this system of banks we created a Federal reserve system, and established it under a Federal Reserve Board, appointed by the President and confirmed by the Senate, a governmental institution entirely so far as that board is concerned.

That banking system, in its banking operation and in its effect upon industries and agriculture, is created and established and controlled by laws of the States and of the Nation. I am not at this time going into a technical discussion of the State and national bank acts, but I do want to refer to some phases of the Federal reserve act and to some parts of the history of its operation.

FEDERAL RESERVE BANKS

First, what is a reserve bank? The Wall Street crowd would have us believe that a reserve bank is some great mysterious power away above the minds and comprehension of the common people, sending its protecting tentacles out all over the country and dispensing prosperity and happiness everywhere. That is the kind of picture they have painted, but it is a false face. I am going to tear it off and see if we can find what is behind that face.

There is no mystery about a reserve bank. A reserve bank is as simple a proposition as any bank. It is only one more bank, but it is a bank for banks and not for individuals. The individual deposits no money in the reserve bank and he borrows no money from it. Those two things are done by its member banks and those are the only two basic things which it does for a member bank. A member bank in the course of a year will have a surplus of credit more than its people at home or its regular customers want to borrow. It would like to redeposit that surplus in its reserve bank and it would like to get an interest rate for the use of it while it is so deposited. That is the redeposit business of the reserve bank and it is the biggest item of the reserve bank business.

At another time of year the member bank may be short of funds. Its customers may be asking for more money than it has to lend. Out in our country the farmers will be buying cattle. We buy range cattle all the way from Texas to Canada and bring them in upon our farms and feed them.

Merchants will be buying stocks of goods, manufacturers raw material, and all together they will be asking the banks for more money than they have to lend at the moment. It may be for a short period—30 or 60 or 90 days—but it is a legitimate demand, and during that short period the member bank would like to go to is reserve bank and borrow enough money to take care of that demand. It does that by what is called a rediscount transaction. It sends the notes of its customers up to the reserve bank as security and upon those notes borrows the money that is needed at home. Those two items of redeposit business and rediscount business are all of the basic things that the Federal reserve bank can do or ought to do for its member banks.

ELASTIC CURRENCY

The Wall Street crowd says the reserve bank must furnish an elastic currency, and then we are all up in the fog again. What is an elastic currency? What is any currency? Currency is money, and under the Constitution Congress shall coin the money and regulate the value thereof. Congress can delegate some of those functions to the banks if it wants to do so. It did delegate some of these functions to the national banks before we had a reserve bank, and they issued national-bank notes to circulate as money upon the credit of Government bonds. Under the Federal reserve law that privilege was extended to assets and the Federal reserve banks can issue Federal reserve notes as money upon mere assets. It is supposed under this operation that as business demands it these assets will be put up as security. Of course 40 per cent of them have to be gold. Under the demands of business more assets would be put up and more money issued, and thus they extend the currency; and then as business demands reduce, the assets would be called in and the notes paid off and canceled. That would contract the currency. That is the expansion and contraction of the currency which constitutes this mysterious elasticity or this mysterious elastic currency.

Some of us think that the Government itself ought to take care of this elastic money proposition; that it is a governmental function and ought not to be delegated to any bank. But whatever we may think about that proposition there is no mystery about it.

FINANCING THE WAR

Then the Wall Street crowd says, "Oh, but the reserve banks have a great mysterious power of financing the big things which the ordinary person can not understand. How would we have financed the war if it had not been done by the Federal reserve bank system?" How many times we have heard that passed around in praise of the Federal reserve banks. Let us see. How did we finance the war? Did anybody ask you to buy Liberty bonds? Did you buy any? Yes; everybody bought them, and that is the way the war was financed.

What did the Federal reserve bank have to do with it? Perhaps when you bought your Liberty bonds you turned your money into your local bank. You could have turned it in to the post office just as well. Your local bank was a member of the Federal reserve bank and perhaps sent the money on up to the reserve bank. The reserve bank turned it over to the Secretary of the Treasury. He turned it over to the War Department and the Navy Department, and they turned it over to the war profiteers, and so the war was financed. But who put up the money? The people of the country everywhere, as we shall see a little later, to their great detriment in some instances.

STOPPING PANICS

Mr. President, the Wall Street crowd also will say that the reserve bank has a great and mysterious power to stop panics, and that the ordinary mind can not understand anything about that. Let us see about it. Perhaps they did stop the tail end of the panic last year. It only went down to 208 per cent above the previous level anyhow. I noticed there was a panic among some of the banks in Florida not long ago and that a reserve bank put some money in an airplane and sent it down to those banks. It did not get there in time or they did not have enough money; but whatever the difficulty was, the panic did not stop.

What is a panic? It is a run on a bank. It may be caused by some false story put out about the bank. It gets circulation and a good many people believe it. They have deposits in the bank, and they get scared about their deposits and they rush to the bank in order to withdraw them. Of course, if a thing like that were general with all banks in the country it would close them all, because the bank does not have the ready cash to pay all its deposits at any one time. It receives deposits and loans them out on securities, and what the bank holds is securities and not cash. Of course, it must have a reserve. In case a run like that is started on a bank, what does the reserve bank do to stop the panic? The bank involved will wire to the reserve bank and say, "There

is a run on us down here. We have $500,000 of eligible paper to rediscount."

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. BROOKHART. I yield.

Mr. TYDINGS. Is the Senator telling us his own personal experiences in relating these occurrences?

Mr. BROOKHART. I have had some experience in bank failures, if that is what the Senator means.

Mr. TYDINGS. I mean about the $500,000 and taking it over in an airplane.

Mr. BROOKHART. That is merely an illustration. The Senator from Maryland has not been listening or he would have caught that statement of mine.

The bank wires, "We have $500,000 or $1,000,000 here of good eligible paper to rediscount. Put that much money in an airplane and sent it over before the bank opens in the morning and we will put up that paper as security and rediscount it and get the money for our customers as they come in." The next morning the customers come in and say, "We want our money." The banker says, "All right; we have plenty of money." Then the customers say, "Oh, we did not think you had it. If you have it, we do not want it." The panic is over. All the reserve bank did to stop a panic was to rediscount a little more paper and do it a little more speedily than usual. There is no mystery about it at all.

REDUCED INTEREST RATES FOR GAMBLERS

Mr. President, there is one other function of the reserve bank that Wall Street never mentions, and, so far as the people of the country are concerned, it is perhaps the most important of all its functions. The greatest service the bank can do for the public is to insure a more efficient use of the credit supply of the country and thereby, under the law of supply and demand, reduce the interest rate to the people at large. For instance, one State at harvest time may be calling for more money than is in that State; it may be at a time when some other State is selling its manufactured products, and through the reserve bank the funds can be shifted from one to the other and at a different season the operation is reversed and this brings about a more efficient use of the credit supply. This ought to reduce the interest rate to business in general as well as to agriculture, but such has not been the result. The law and the manipulation together have reduced it only to gamblers.

Mr. McNARY. Mr. President, will the Senator yield to me to propose a unanimous-consent agreement?

Mr. BROOKHART. I yield.

Mr. McNARY. I propose the following unanimous-consent agreement.

The PRESIDING OFFICER (Mr. Fess in the chair). The clerk will read the proposed agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, that on to-morrow, at the hour of 3 o'clock p. m., the Senate will proceed to vote upon the question, Will the Senate advise and consent to the nomination of Eugene Meyer to be a member of the Federal Reserve Board?

The PRESIDING OFFICER. That will require a roll call.

Mr. ROBINSON of Arkansas. No, Mr. President; no roll call is required on a request to fix a time to vote on the confirmation of a nomination.

Mr. BROOKHART. I think we had better have a roll call.

Mr. ROBINSON of Arkansas. Of course, if the Senator wishes to insist upon it the roll can be called. A roll call, however, is not necessary; it is only necessary in connection with an agreement to fix a time of a final vote on a bill or a joint resolution.

The PRESIDING OFFICER. The Chair stands corrected. The Chair was under the impression at the moment that the proposal would require a roll call. Is there objection to the request for unanimous consent?

Mr. LA FOLLETTE. I suggest the absence of quorum.

Mr. BROOKHART. Will the Senator withhold his suggestion for a moment?

Mr. LA FOLLETTE. I will withhold it if the Senator from Oregon will withhold his request for unanimous consent.

Mr. McNARY. I thought probably the Senator wanted the request preferred at this time, and that is the reason I asked the Senator if he would yield.

Mr. BROOKHART. I thought I would be ready to close for the day in a little while.

Mr. McNARY. Let us have this determined. I think we might go ahead with the roll call, and the Senator can rest for a moment.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Barkley	Frazier	La Follette	Sheppard
Bingham	George	McGill	Shipstead
Black	Gillett	McKellar	Shortridge
Blaine	Glass	McMaster	Smith
Blease	Glenn	McNary	Smoot
Borah	Goff	Metcalf	Steck
Bratton	Goldsborough	Morrison	Steiwer
Brock	Gould	Morrow	Stephens
Brookhart	Hale	Moses	Swanson
Broussard	Harris	Norbeck	Thomas, Idaho
Bulkley	Harrison	Norris	Thomas, Okla.
Capper	Hastings	Nye	Townsend
Caraway	Hatfield	Oddie	Trammell
Carey	Hayden	Partridge	Tydings
Connally	Hebert	Patterson	Vandenberg
Copeland	Heflin	Phipps	Wagner
Couzens	Howell	Pine	Walcott
Cutting	Johnson	Pittman	Walsh, Mass.
Davis	Jones	Ransdell	Walsh, Mont.
Deneen	Kean	Reed	Waterman
Dill	Kendrick	Robinson, Ark.	Watson
Fess	Keyes	Robinson, Ind.	Wheeler

The PRESIDING OFFICER. Ninety-two Senators having answered to their names, a quorum is present. The clerk will again read the request for unanimous consent, as proposed by the Senator from Oregon.

The Chief Clerk read as follows:

Ordered, by unanimous consent, that on to-morrow, at the hour of 3 o'clock p. m., the Senate proceed to vote upon the question, Will the Senate advise and consent to the nomination of Eugene Meyer to be a member of the Federal Reserve Board?

The PRESIDING OFFICER. Is there objection?

Mr. BROOKHART. I should like to have the proposed agreement modified so as to read 5 o'clock.

Mr. McNARY. Mr. President, I discussed this matter with the Senator from Iowa and others, and I understood that 3 o'clock would be satisfactory. To-morrow we will have other matters coming before the Senate, and I think 3 o'clock will give ample opportunity. I should rather modify the agreement so as to provide for meeting at 11 o'clock in the morning and voting at 3. That would give four hours to-morrow.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. McNARY. If it is to be modified, I should much prefer having it modified by moving up the hour of meeting an hour than extending the hour for voting, and I am just proposing that to the Senator from Iowa at this time.

Mr. LA FOLLETTE. Mr. President, if the Senator from Iowa will yield, I wish to suggest to the Senator from Oregon that the Finance Committee has a very important meeting on two important bills to-morrow, and to meet at 11 o'clock would interfere with that meeting.

Mr. McNARY. Very well; I should like to conform to the wishes of as many Senators as possible. Let us compromise at 4 o'clock.

Mr. BROOKHART. I am fearful that might not afford sufficient time for other Senators.

Mr. McNARY. I am quite sure, from conversations I have had with others, it will be very satisfactory. If we meet at 12 o'clock and vote at 4, I am sure it will give every Senator ample opportunity to be heard upon the subject. I suggest that to the Senator, and I make the proposal.

The PRESIDING OFFICER. Is there objection to the modified request of the Senator from Oregon, changing the hour for a final vote to 4 o'clock instead of 3 o'clock? The Chair hears none, and it is so ordered.

SPECULATION

Mr. BROOKHART. Mr. President, so far I have described the workings of the Federal reserve bank itself, and I think with that description we can understand the Federal reserve law and what it means.

At the time the Federal reserve law was before the Congress, the then President of the United States, Mr. Wilson, in a message to the Congress, said:

We must have a currency, not rigid as now, but readily, elastically responsive to sound credit, the expanding and contracting credits of everyday transactions, the normal ebb and flow of personal and corporate dealings. Our banking laws must mobilize reserves; must not permit the concentration anywhere in a few hands of the monetary resources of the country or their use for speculative purposes in such volume as to hinder or impede or stand in the way of other more legitimate, more fruitful uses. And the control of the system of banking and of issue which our new laws are to set up must be public, not private, must be vested in the Government itself, so that the banks may be the instruments, not the masters, of business and of individual enterprise and initiative. (CONGRESSIONAL RECORD, vol. 50, 63d Cong., 1st sess., p. 4643.)

From that, Mr. President, it is easy to glean that the main purpose of President Wilson in the enactment of this law was to control speculation.

The Senator from Virginia [Mr. GLASS], who as chairman of the House committee had charge in the other House of Congress of the bill providing for the creation of the Federal reserve system, gave this as the principal reason why the Federal reserve law should be enacted:

The whole fight of the great bankers is to drive us from our firm resolve to break down the artificial connection between the banking business of this country and the stock speculative operations at the money centers. The Monetary Commission, with more discretion than courage, absolutely evaded the problem, but the Banking and Currency Committee of the House has gone to the very root of this gigantic evil, and in this bill proposes to cut the cancer out.

Mr. President, he called this accumulation of the surplus credit for speculation a cancer; and I think he was justified in calling it a cancer.

Again:

Under existing law we have permitted banks to pyramid credit upon credit and to call these credits reserves. It is a misnomer; they are not reserves. And when financial troubles come and the country banks call for their money with which to pay their creditors they find it all invested in stock-gambling operations. There is suspension of payment and the whole system breaks down under the strain, causing widespread confusion and almost inconceivable damage.

This speech of the Senator from Virginia is found in volume 50 of the Sixty-third Congress, first session, page 4648.

Then he further said, in the same volume, on the same page:

The avowed purpose of this bill is to cure this evil; to withdraw the reserve funds of the country from the congested money centers and to make them readily available for business uses in the various sections of the country to which they belong. This we propose to do cautiously, without any shock to the existing arrangement, graduating the operation to prevalent conditions and extending it over a period of 36 months. This affords ample time to the reserve and central reserve city banks to adjust themselves to the reserve requirements of the new system. Out of abundant precaution we have actually given them a longer time than the best practical bankers of the country have said was needed. But, Mr. Chairman, the plaint of these gentlemen is not as to time, but as to fact. They do not want existing arrangements disturbed; they desire to perpetuate a fictitious, unscientific system, sanctioned by law, but condemned by experience and bitterly offensive to the American people—a system which everybody knows encourages and promotes the worst description of stock gambling. The real opposition to this bill is not as to Government control, upon which we shall never yield; it is not as to the capital subscription required, which is precisely that of the Aldrich scheme unanimously indorsed by the American Bankers' Association; it is not as to the 5 per cent dividend allowed member banks, the exact limit prescribed in the Aldrich bill; it is not as to compulsory membership, which was provided in another way in the Aldrich scheme; it is not as to the bond-refunding proposition, infinitely simpler and less expensive than the Aldrich device. It is none of these things, Mr. Chairman, that vexes the big bankers. It is a loss of profits derived from a system which makes them the legal custodians of all the reserve funds of the country, $240,000,000 of which funds on the 24th day of November, 1912, they had put into the maelstrom of Wall Street stock operations.

Mr. President, this situation was so impressive to the chairman of the Banking and Currency Committee that $240,000,000 invested in stock speculations impressed him as an alarming condition; and the Federal Reserve Act was enacted to stop the accumulation of this surplus credit in New York for these speculative purposes. The Senator was wrong in his figure of about $240,000,000. It was $766,000,000. That was the total of brokers' loans at that time. Of course all of that did not come through the banks; but that was the total amount in this system of speculation.

CUTTING THE CANCER OUT

What did this law do to cut out this cancer? What do we find in the law that would stop speculation? We find that it prohibits the reserve banks from rediscounting speculative paper. Speculative paper is not eligible for rediscount in any reserve bank. Recently I asked two members of the Federal Reserve Board, and they said, "The board has lived up to that law, and speculative paper has not been rediscounted." Then you ask, "Why did not the law stop speculation? If they have obeyed the law, and it was enacted for this purpose, why does speculation go on?"

I want to explain that. I have already explained that the reserve bank does two things for the member banks. One is to rediscount paper, and lend money to its member banks by that process. As to rediscounting, speculation has been stopped by this law; and no bank can take a speculative note into a reserve bank and rediscount it. I think they have substantially lived up to that law; but I also explained that the reserve bank does another thing, and that is to receive deposits or redeposits from its member banks.

Under the law, the member bank is required to redeposit its reserves in the Federal reserve bank—that is, the 7 and 10 and 13 per cent, depending on the size and nature of the bank. But is the reserve all of the surplus credit of a member bank? No; it has a greater surplus at some times during the year. It may have three or four times its mere reserve in surplus that it would like to redeposit in its reserve bank.

What is the law as to that surplus? The law prohibits the Federal reserve bank from paying any interest rate upon those redeposits. Therefore, a member bank will not redeposit in the reserve any more than it has to. It will put its reserves there, because the law requires them to be redeposited in the Federal reserve. Why send all the rest of its surplus to the reserve bank? It would not get enough in the transaction to pay for a postage stamp.

That prohibition gives to the big New York banks a virtual monopoly upon all the redeposit business of the country over and above these mere reserves, since they can pay an interest rate for these redeposits. They have offered 1¾ per cent most of the time. Some of the time they offered 2 per cent. The most they ever offered was 2½ per cent, and now they are offering only 1 per cent. The banks of the country have practically no place to send their surplus credit and get anything for it except to these big New York banks. They can send some of it to Chicago or Cleveland or Detroit, but from there it goes on into New York; and New York is the one big source of this investment. Now, they have managed it until their interest rate is down to 1 per cent, and with that low rate of interest they steal right away from the reserve banks all of this reserve-bank business over and above the mere reserves.

Mr. President, this provision of the law which prohibits the reserve banks from paying anything for the use of redeposits draws vast sums of money back to New York, to the big New York banks. When that money reaches New York there is no prohibition in the law about how it shall be loaned, and the New York banks can lend it for speculative purposes. That flow of credit back through this channel of redeposits is the basis and the foundation of the big sum that is used in speculation in New York, and it comes from the savings of the people of the whole country. When it is driven back there in that way, by the operation of this law, by the hundreds of millions and even by the billions of dollars, after it reaches New York they lend it out as they please.

When the Senator from Virginia [Mr. GLASS] called this accumulation of the surplus credit of the country in New

York for speculation a cancer, those loans, as I have said, were $766,000,000; but in the recent speculation they rose to more than seven thousand million dollars, more than seven billions of dollars; and the cancer was nine times as big as when it was cut out. At the present moment they are about one and three-quarter billions; so, instead of stopping speculation, the operation of this law has actually promoted speculation.

Mr. President, I desire to proceed at the opening of the session to-morrow, but I will desist now for the day.

The Senate resumed legislative business.

PAYMENTS TO ESTATES OF DECEASED OFFICERS, ETC.

Mr. McMASTER. Mr. President, I ask unanimous consent to be permitted to enter a motion for the purpose of reconsidering the votes by which House bill 7639 was ordered to a third reading and passed; and I move that the House of Representatives be requested to return the bill. It is entitled "A bill to amend an act entitled 'An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct,' approved May 22, 1928."

Mr. REED. Mr. President, will the Senator tell us what that bill is?

Mr. McMASTER. The bill has to do with a change of authority in determining dependency in regard to deceased officers, soldiers, members of the Navy, and so forth, from the Comptroller General's office to the Secretary of the Navy. The circumstances surrounding the bill were that I had an amendment on the desk; and the understanding between the chairman of the Naval Affairs Committee and myself was that when the bill came up, if either one of us was present he would make an objection until we could enter into an agreement as to the differences.

The PRESIDING OFFICER. Without objection, the order requested by the Senator will be made.

CONSTRUCTION AT TUCSON FIELD, TUCSON, ARIZ.

Mr. REED. Mr. President, in order to justify the insertion of certain relatively small items in the second deficiency bill to-morrow, the Committee on Military Affairs has unanimously authorized me to report favorably four small bills.

I ask unanimous consent now, as in legislative session, to report favorably from that committee H. R. 15437 and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the submission of the report? The Chair hears none.

Mr. McKELLAR. Mr. President, as I understand, the Senator desires to have these bills passed so that they can be made in order on the deficiency bill?

Mr. REED. Yes, Mr. President.

Mr. McKELLAR. I think it ought to be done.

Mr. BRATTON. Let them be read.

The PRESIDING OFFICER. The clerk will read the first bill.

The Chief Clerk read the bill (H. R. 15437) to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $53,000 for improvements, construction, and installation at Tucson Field, Tucson, Ariz., as follows:

Hangar and appurtenances thereto, $50,000; gas-storage system, $3,000.

Mr. REED. Mr. President, a word of explanation.

Mr. McNARY. Mr. President, may I ask whether the bill is on the Senate calendar?

Mr. REED. No; I am reporting it out now by direction of the Military Affairs Committee unanimously in order that an amendment may be put on the second deficiency bill to-morrow.

The hangar is needed because there is no facility at Tucson to store the larger types of Army planes; and that is one of the regular stopping places for the westward and eastward bound transcontinental planes.

Recently, a plane worth half as much as this hangar will cost was destroyed by the elements during the night while the pilot had stopped there. It is believed that we would save the cost of the hangar in a very short time.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

CONSTRUCTION AT PLATTSBURG BARRACKS, PLATTSBURG, N. Y.

Mr. REED. Now, I make the same request with regard to House bill 15071, and I ask that it be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill (H. R. 15071) to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $150,000 to be expended for the construction of a gymnasium, service club, theater, and library at Plattsburg Barracks, Plattsburg, N. Y., and such utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary to replace the building destroyed by fire in 1917, and the temporary building that was destroyed by fire in 1930.

Mr. REED. Mr. President, the building contemplated by this bill is to replace one destroyed by fire at Plattsburg last year. It is absolutely necessary during the winter—and there are hard winters at Plattsburg—for drill and for entertainment. The building is constantly in use, in other words, and the work of the garrison has been much impeded by the destruction of the old building.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The bill was ordered to a third reading, read the third time, and passed.

CONSTRUCTION AT SELFRIDGE FIELD, MICH.

Mr. REED. Mr. President, I ask that the Senate proceed to the consideration of House bill 9224, to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.

Mr. FLETCHER. Mr. President, I suggest that the senior Senator from Michigan [Mr. COUZENS] make an explanation with regard to the necessity for this legislation.

Mr. REED. Let it be read first.

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $50,000 for completion of a sea wall and necessary fill at Selfridge Field, Mich.

SEC. 2. That the Secretary of War be, and he is hereby, authorized to construct a water main extending from the limits of the city of Mount Clemens, Mich., to and connecting with the distribution system of the Selfridge Field Military Reservation, Mich.; and there is hereby authorized to be appropriated the sum of $37,000, out of any money in the Treasury not otherwise appropriated, for such purpose: *Provided*, That the right of way for said main shall be conveyed to the United States free of any cost.

SEC. 3. Harrison and Clinton townships of Macomb County, Mich., may, under such regulations as the Secretary of War may prescribe, make connections with said main for the purpose of supplying water to residents of said townships, but no such connections shall be made until said townships shall have paid to the Secretary of War one-fourth of the cost of construction of said main between the said city limits and the boundary of the reservation, which sum so paid shall be covered into the Treasury to the credit of "Miscellaneous receipts": *Provided*, That all water used through said main for other than post purposes shall be without expense to the United States: *And provided further*, That should there be any interference with the post supply the Secretary of War shall have the right, from time to time, to suspend the use of water through part or all of said connections, or remove and discontinue the same.

SEC. 4. That not to exceed $55,000 is hereby authorized to be appropriated for construction of a quartermaster warehouse at Selfridge Field, Mich.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McNARY. Mr. President, was the report from the committee unanimous?

Mr. REED. The committee was unanimous in regard to all three of these bills. I can explain the pending bill very briefly, if the Senate wishes.

The first item is for $50,000 additional for the completion of a sea wall at Selfridge Field. It was originally estimated that it would cost $150,000 to build it, but it is now found that the authorities have an advantageous contract. The contractors bid very low in Detroit at the present time, apparently, and they can complete the work for $50,000 instead of $150,000. It is desirable to have the work done at once, as part of the present contract, because it would cost a great deal more if it were let as a separate contract, possibly to another contractor. The department recommends the item.

The second paragraph authorizes a connection with the city water supply at Mount Clemens, Mich. Some genius during war time put the intake of the water supply for Selfridge Field quite close to the outlet of the sewer system of that post. From the standpoint of health, as well as the standpoint of economy—they can get their water for about 5 cents a thousand gallons less from the city than the cost of pumping it themselves—the War Department asks the authorization of $37,000.

The third item is for the construction of a quartermaster warehouse there at a cost of $55,000, to take the place of one which was destroyed by fire some years ago, which has been since supplanted by a hangar. They have been using a hangar there for a quartermaster warehouse in the emergency. They can not keep their meat or their butter fresh, and they are losing supplies constantly. The War Department asks to be allowed to build a proper warehouse with an ice box in it.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

RETIREMENT OF NURSES

Mr. REED. Mr. President, I make a similar request as to Senate bill 6231, to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy." I can explain the bill very briefly.

The PRESIDING OFFICER. The clerk will read the bill for the information of the Senate.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy," shall be construed, from its effective date, as authorizing the pay of members of the Army Nurse Corps and the Navy Nurse Corps retired thereunder to be computed upon the basis of the entire amount of the active-service pay received by each, respectively, at the time of her transfer to the retired list, including in the cases of superintendents of Nurses Corps, assistant superintendents, directors, assistant directors, and chief nurses the money allowance prescribed as part of their compensation by section 13 of the act of June 10, 1922 (42 Stat. 631).

Mr. REED. Mr. President, we passed a retirement act for Army and Navy nurses last year. The committee reports, both in the House and in the Senate, contained a tabulation showing the retirement pay these ladies would get, depending on the length of their service. The Comptroller General, for some reason that is obscure to me, rules that the chief nurses and the superintendents of nurses may not receive retirement pay based on their present pay and allowances, but only upon the base pay of a nurse of their term of service.

There are two very estimable ladies who have rendered long service in the Navy who ought to be retired now for disability.

Mr. McKELLAR. The bill applies only to those two?

Mr. REED. It will relate only to those two at the present time. Of course, it will affect chief nurses and superintendents in the future, but there are only two now, and the War Department is very anxious that we pass the bill at the present session.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed.

PRINCIPLES OF THE DEMOCRATIC PARTY

Mr. McKELLAR. Mr. President, much has been said in the newspapers lately about the purpose of the National Democratic Committee meeting which has been called to assemble in Washington on March 5.

I am not a member of that committee, and have not been advised from any authentic source what the purpose of the meeting is, but the papers say it is to agree upon a Democratic platform for 1932. Assuming that this information is correct, I have prepared a rough draft of a platform setting forth modern Democratic principles and policies as I interpret them, and I here set them out for such consideration as they may deserve.

Frankly, I think it is too early for the committee to be considering a platform. I do not believe that is a proper function of the committee, and I hope they will not do it, but if it is to be done, then I am desirous that these views of mine be considered by members of the committee.

Mr. President, unless we Democrats make a mistake in our platform, it seems like a foregone conclusion that we will win in 1932. We have had no such opportunity since 1912. But we can not win on a wet platform, in my judgment, nor can we win on a high-tariff platform. The American people are not going to return to the open saloon, and the repeal of the eighteenth amendment, without more, means, of course, a return to the open saloon. Nor are the American people going to tolerate long the interference with and destruction of our foreign trade brought about by the present exorbitant and indefensible high tariff rates.

In my view, we should have a short, unequivocal, and wholly progressive platform, one which the people can read quickly and understand without difficulty. In such a platform let us leave the past for once and adopt a living, breathing, up-to-date declaration of principles and policies having to do with present-day issues and concerns. In this rough draft I have made I have tried to adopt that course. I hope my effort will not be deemed in any sense officious, as I am moved solely by a desire to serve the party in the principles of which I so sincerely believe.

I may add, Mr. President, that the President and the Vice President of the United States only are to be elected on a national platform. The President, as we all know, has neither vote nor veto in repealing a constitutional amendment. The President may be the wettest of the wet and if either branch of the Congress is more than one-third dry, it is impossible that a repeal should be had. On the other hand, the President may be the driest man in the world, and if two-thirds of the Congress are wet, a repeal may take place. Therefore it seems to me to be idle to involve a candidate for President in the wet or dry issue. The only way the wet or dry issue can be fought out is in the election of Representatives and Senators.

It may be argued that the President could aid in the modification of the dry statutes. Theoretically he could, but as the Constitution prohibits the sale of intoxicating liquor as a beverage, then the courts, of course, would prevent any such modification becoming effective. We should look at this question as at all other questions. There is no reason for the Democratic Party to raise the liquor question as an issue in a presidential campaign. It can and will be raised in congressional campaigns, and that is the only place where it can be made effective.

I now submit the views I have of a Democratic platform for 1932.

This is the outline of my views. It is very short.

DEMOCRATIC PRINCIPLES AND POLICIES AS I VIEW THEM

First. We stand for human rights before property rights wherever there is a conflict between the two.

Second. We stand not only for human rights but for property rights as against communism, socialism, or fascism, and

we believe that every legal safeguard should be thrown around both man and property.

Third. We stand for the rights of the producer of wealth to have a fair and just share in the wealth that he or she produces.

Fourth. It has been estimated that 3 per cent of the American people own about 90 per cent of the wealth of the country. This is an unjust and harmful distribution of wealth which has been brought about largely by legislation in favor of special interests, and we pledge ourselves to measures which will correct these inequalities and abuses.

Fifth. We favor the enactment of farm legislation which will enable the farmers to obtain greater profits from the products of their toil.

Sixth. The Government now owns Muscle Shoals. We favor the operation of that plant, including related sites, in the interest of the people who own it rather than to turn it over to the power companies or other selfish interests for its exploitation. We should use it for farm fertilizer purposes and for the users of current to the end that both fertilizer and current may be made cheaper.

Seventh. We stand for the conversion of the readjusted-pay certificates heretofore awarded our ex-service men into cash and paid over to them.

Eighth. We favor the payment of ex-service men's certificates in as large measure as possible from individual income taxes, the only kind of taxation that can not be passed on to the consumer, the larger fortunes of the country having been greatly increased by the soldiers' successful efforts in the war.

Ninth. We favor proper anti-injunction legislation for the protection of human labor.

Tenth. We favor the strict enforcement of all antitrust laws and the strengthening of those laws, if necessary.

Eleventh. We are opposed to all mergers, trusts, combinations, holding companies, chain stores, chain banks, or other merging or trust methods, the effect of which is to exploit business for private aggrandizement and greed and against the public weal.

Twelfth. We favor laws prohibiting any governmental agency, like the Farm Board, gambling on future markets, and we believe that the strictest kind of regulations should be had as to all exchanges or other methods of speculation. The Government should not permit another stock debacle like the one of October, 1929.

Thirteenth. No political party can endure by flouting any law. Accordingly, we favor the strict enforcement of all laws and constitutional provisions.

Fourteenth. In view of the present deplorable unemployment condition in this country, we should immediately pass a law providing for an immigration holiday for a reasonable time, with proper provisions governing the separation of families.

Fifteenth. We favor the enactment of unemployment insurance legislation under Government supervision by which the disaster of unemployment may be mitigated.

Sixteenth. We favor the immediate withdrawal of our marines from Central America.

Seventeenth. We favor immediate independence of the Philippine Islands, first negotiating a treaty with the leading nations guaranteeing their permanent independence.

Eighteenth. We favor the immediate repeal of the burdensome and iniquitous Smoot-Hawley tariff bill and a reduction of such tariff rates as are now stifling our foreign trade and ruining our foreign markets.

Nineteenth. We favor putting the women of America upon exactly the same plane as the men, under the law, but without prejudice to existing laws for their benefit.

Twentieth. We are opposed to return of the open saloon.

Twenty-first. We favor a constitutional amendment such as has several times passed the Senate, providing for the abolition of the short sessions of Congress, and providing for new Senators, Representatives, and the Executive to be inducted into office in January after their election in November.

Twenty-second. We protest any material change in the Federal Reserve Act.

Twenty-third. We favor legislation which will preserve to the American people, who own them, the great undeveloped power resources of the Nation, these resources to be used for the benefit of all the people rather than to be turned over to exploiting companies.

Twenty-fourth. We believe that radio is one of the greatest discoveries of the modern age. We believe that it belongs to the people and that it should be preserved for the benefit of all the people and that no vested rights should be granted to any company contrary to the peoples' primary interest.

Twenty-fifth. We favor decreasing Federal taxation by decreasing our expenditures and by rigid economy in Government.

Twenty-sixth. We favor the abolition of all useless bureaus, commissions, and of other instrumentalities of a similar nature heretofore set up by our Government. We do not believe that the commission form of Government should be applied to the Federal Government.

Twenty-seventh. We favor promoting peace and good will with all nations, entangling alliances with none, and encouraging in every proper way foreign trade.

Twenty-eighth. We favor the continuance of the present Federal road system initiated by a democratic administration.

Twenty-ninth. We favor an adequate national defense.

Thirtieth. We favor laws tending to promote all better labor conditions, better business conditions, securer banking conditions, and laws seeking to restore individual initiative, laws encouraging men and women to work rather than to speculate, and laws protecting capital in every legitimate activity and enterprise.

INDUSTRIAL LIFE INSURANCE

Mr. BLEASE. Mr. President, the approaching end of the session makes it impossible for many important measures to be considered. One of them which I hope will be favorably acted upon by the next Congress is Senate bill 1903, introduced by the Senator from Wisconsin [Mr. BLAINE], for the protection of the holders of industrial life insurance policies in the District of Columbia.

My own experience in South Carolina before coming to the Senate showed the existence of many abuses in connection with such policies, and the evidence presented to the District Committee shows that they exist all over the country. I ask leave to have printed as Exhibit A some expressions from State insurance departments on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit A.)

Mr. BLEASE. The number of these policies is almost unbelievable. About 89,000,000 are in force in the United States, over 700,000 in the District of Columbia alone. The policies are for two or three hundred dollars each, are designed to cover funeral expenses primarily, and the premiums are collected each week in amounts of 5, 10, and 25 cents or more. Yet over $5,000,000 is collected in this city each year in such tiny installments.

At the recent hearing before the committee of which I am a member these facts were brought out:

(1) Most industrial policies are issued without medical examination. The companies, however, are unwilling to be bound by acceptance of the applicant after a medical examination, where one is made, and the leading company states flatly in its brief (p. 114 of hearings) that if such examinations are to bind the companies undoubtedly they will be discontinued altogether. Litigated cases introduced at the hearing show that the companies have contested and won cases where their own physicians had reported favorably. I submit a brief extract from the leading case on the subject:

In Gallant *v.* Metropolitan Life Insurance Co. (167 Mass. 79) the company made a medical examination of the risk before accepting her. The physician certified her to be in sound health, and she was accepted. No claim of fraud by the insured is shown by the report of the case. Upon presentation of a death claim payment was refused by the company, because it claimed that its medical examiner had been in error.

The policy was issued in February, 1895. Rejecting the report of its own examiner, made 12 days before the date of the policy

to determine insurability, the company relied upon the testimony of the family physician, who attended the insured in her last illness in May, 1895, that it was his opinion that she was not in sound health in February, 1895. He had not previously treated her since 1893, though he saw her in 1894. The Supreme Judicial Court of Massachusetts (of which at that time the great Mr. Justice Holmes was a member) said, in a unanimous opinion:

"The examining physician was only the agent of the defendant to make the examination and report the result of it. He had no authority to make a contract of insurance for the company in which the results of his examination should be conclusively taken by the company to be true. The company made its own contract, a part of which was that no obligation was assumed by the company unless at the time when the policy was issued the insured was 'alive and in sound health.' If in fact the insured at that time was not in sound health, the defendant is not liable on the policy, and this fact can be shown by any competent evidence."

(2) During the contestable period—usually two years—the policyholder can not be sure he is actually insured. In fact, without knowing it, he becomes his own insurer. If he is perfectly healthy, and lives, he pays his money to the company, which keeps it. If he dies during the contestable period, and it appears that the fatal disease must have existed at the date of application, the company will return the premiums to his heirs, but does not have to pay a cent of the insurance itself. The ignorance of the policyholder that any disease existed does not make the slightest difference, legally. I submit at this point brief extracts from two cases on this subject:

As stated by the Supreme Court of Tennessee in Metropolitan Life Insurance Co. *v.* Chappell (151 Tenn. 299), decided in 1924—

"It is the fact of sound health of the insured which determines the liability of the defendant in this character of policies, not apparent health, or his or anyone's opinion, or belief that he was in sound health."

The same language is used by the Supreme Court of Minnesota in Murphy *v.* Metropolitan Life Insurance Co. (106 Minn. 112). The principle is also well expressed in Connell *v.* Metropolitan Life Insurance Co. (16 Penn. Sup. Ct. 520), where the insured died of Bright's disease. Though the policyholder won in the lower court, the Superior Court held that—

"whether the policy was void was dependent upon actual conditions, past or present, and not upon the knowledge of these conditions possessed by the parties."

(3) While the companies assert that they go beyond their obligations under the policies, and pay claims where good faith was exercised, even if there was an undiscovered disease, they decline to assume any legal obligation to do so, and insist on being the exclusive judges of good faith. Not content with this, or with other defenses on the merits, the leading company, with over 45,000,000 policies in force, specifically claims in its brief the right to make technical defenses as well (p. 114 of hearings). It even objects to a provision that the policy shall be valid unless the disease complained of as preexisting actually caused death, but insists that it shall be allowed to decline payment when death resulted from some other cause. I invite attention to a brief extract from such a case:

In Dietz *v.* Metropolitan Life Insurance Co. (168 Penn. State 504) the court says:

"There was no evidence of fraud or misrepresentation in obtaining the insurance, and the sole question for the jury was whether the insured was in sound health when the policy was issued."

The insured died of typhoid pneumonia. The company alleged that he had been subject to epileptic fits before the policy was issued and refused payment.

The trial court instructed the jury that if they believed from the evidence that the insured was afflicted with chronic epilepsy at date of policy he was not in sound health, and the verdict should be for the company. The Supreme Court of Pennsylvania expressly approved this instruction.

(4) Contrary to the usual custom, no copy of the written application is furnished to the applicant, who has no way of knowing what statements he is alleged to have made to the company to induce it to issue the policy. By reference to Exhibit A, it will be seen that the State insurance departments testify that the agent frequently has knowledge of the existence of diseases which he conceals from the company in order to profit by the issuance of the policy.

(5) Many years ago, the Court of Appeals of this District criticized the harshness of industrial policies, and urged that legislation be passed to mitigate their terms. The Commissioners of the District, in reporting on Senate bill 1903, called attention to this opinion of the appellate court, and expressed general sympathy with the purposes of the Blaine bill. I submit for the RECORD the letter of the commissioners:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, November 21, 1930.

Senator ARTHUR CAPPER,
Chairman Committee on the District of Columbia,
United States Senate, Washington, D. C.

DEAR SENATOR CAPPER: Referring to S. 1903, Seventy-first Congress, a bill for the protection of industrial insurance policies in the District of Columbia, introduced by Senator Blaine, the commissioners desire to state that they are generally sympathetic to additional legislation upon this subject.

The Court of Appeals of the District of Columbia, in Eureka Life Insurance Co. *v.* Hawkins (39 Ap. D. C. 329), stated:

"Industrial * * * policyholders are frequently illiterate and generally little versed in business matters. * * * It is to be regretted that more adequate protection against the harshness of such contracts is not provided by statute."

We understand that there is considerable difference of opinion as to what legislation is desirable and as to how far it should go, and that your committee is likely to hold a hearing upon the subject. We believe that such a hearing would be desirable.

Very truly yours,

L. H. REICHELDERFER,
President Board of Commissioners of the District of Columbia.

(6) Most of the policies are payable only to the executor or administrator. A beneficiary may be named, and the agent may assure the policyholder that the beneficiary will receive the money; but the involved terms of the policy give him no enforceable rights. The company reserves the right to pay any relative or creditor, as it sees fit. Here is the sort of case to which this leads:

In Diggs *v.* Metropolitan Life Insurance Co. (70 Pittsburgh Legal Journal, pt. 4, 988), the designated beneficiary, a brother of the insured, acting upon his supposed right to the money, incurred the expenses of burying the insured—the primary purpose of industrial policies being to defray such expenses. The company, however, disregarded the beneficiary and paid the money to the husband, who not only was not named as beneficiary but paid no part of the funeral expenses. The court said:

"We do not understand why people buy and pay for insurance of this kind. * * * It certainly puts in the hands of the agents of companies * * * a power which is very likely to be abused. * * * We can not help but believe that a great injustice has been done to the plaintiff in this case, but we do not see how it can be remedied, in view of the terms of the policy."

(7) Formerly, industrial policies were worded like standard policies, and the applications were made part of them. The Supreme Court of the United States, however, in the leading case on the subject (111 U. S. 335) held unanimously that a layman could not be supposed to know of the existence of unmanifested internal diseases such as tuberculosis, heart disease, and so forth, and that where the application was part of the policy an erroneous answer in good faith as to such a disease did not invalidate the policy. Shortly after losing various industrial cases on the strength of this decision the companies abandoned the customary form of policy and wrote a special form for industrial applicants. In this form the application is ignored, no statements in it are referred to, but the policy itself constitutes a written agreement between company and policyholder that it shall be void if any disease whatever exists. The Supreme Court had reluctantly decided that such a contract would be valid. I present for the RECORD brief extracts from its opinion in the case referred to (Moulor *v.* Ins. Co., 111 U. S. 335):

The applicant was required to answer yes or no as to whether he had been afflicted with certain diseases. In respect of some of those diseases, particularly consumption, and diseases of the lungs, heart, and other internal organs, common experience informs us that an individual may have them, in active form, without at the time being conscious of the fact, and beyond the power of anyone, however learned or skillful, to discover. Did the company expect, when requiring categorical answers as to the existence of diseases of that character, that the applicant should answer with absolute certainty about matters of which certainty could not possibly be predicated? Did it intend to put upon him the responsibility of knowing that which, perhaps, no one, however thoroughly trained in the study of human diseases, could possibly ascertain?

* * * * * * *

"Suppose, at the time of his application, he had a disease of the lungs or heart, but was entirely unaware that he was so affected. In such a case he would have met all the requirements of that particular question, and acted in the utmost good faith, by answering no, thereby implying that he was aware of no circumstance in

his then physical condition which rendered an insurance upon his life more than usually hazardous."

* * * * * * *

"In the absence of explicit, unequivocal stipulations, requiring such an interpretation, it should not be inferred that a person took a life policy with the distinct understanding that it should be void and all premiums paid thereon forfeited, if at any time in the past, however remote, he was, whether conscious of the fact or not, afflicted with some one of the diseases mentioned in the question to which he was required to make a categorical answer."

Here is the part of the Supreme Court's opinion to conform to which the present industrial policies are framed:

"If those who organize and control life insurance companies wish to exact from the applicant, as a condition precedent to a valid contract, a guaranty against the existence of diseases, of the presence of which in his system he has and can have no knowledge, and which even skillful physicians are often unable, after the most careful examination, to detect, the terms of the contract to that effect must be so clear as to exclude any other conclusion."

I ask leave to print, as Exhibit B, a comparison of a standard life policy with an industrial life policy which was submitted at the hearing on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit B.)

Mr. BLEASE. Senators know that when the tariff is under consideration the unprosperous companies are put forward to secure high protective rates; and, if they are granted, the big trusts profit by them. At the hearing on this bill only the two largest and best companies were put forward to make the argument in opposition to it, though there are some 30 industrial companies doing business in the District and about 100 in the United States, ranging from the very good to the very bad. The biggest company has comparatively few lapses. Out of 260,000 policies in force here only about 22,000 terminate each year. Many of the small companies, however, have a lapse ratio of nearly 100 per cent, and this results in a tremendous waste of money, for most of the policies do not even survive the contestable period. I ask leave to print, as Exhibit C, two brief tables showing the heavy lapses among the smaller concerns doing business here.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit C.)

Mr. BLEASE. The American Bar Association is urging Congress to enact an insurance code for the District—Senate bill 1470—which carefully prescribes approved forms and prohibits certain other provisions for standard life casualty, marine, fire, group, and fraternal insurance policies, but expressly excludes by its language industrial life policies, the most numerous of all. That is to say, the poor people who take out such policies and who through lack of education or business experience can not safeguard themselves, are to have no protection given them by the American Bar Association's bill, while, on the other hand, the comparatively experienced and well-educated people who take out the other forms of insurance have the most stringent provisions made to protect their interests. It is to be hoped suitable amendments will be offered to this bill, either by the American Bar Association or by the local insurance department, to protect those most in need of protection.

The leading company doing an industrial business asserts in its brief—page 117 of hearings—that the comments of the courts upon and their characterization of the practices of the industrial companies "have generally been favorable." As a matter of fact, the law books are full of severe criticisms of these very companies. In fact, judicial criticisms of insurance companies are largely confined to the industrial concerns. To support these statements, and to show the need of remedial legislation, I ask leave to print as Exhibit D brief extracts from a number of industrial insurance cases.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit D.)

Mr. BLEASE. It is urged that no one is compelled to take out life insurance, and that if the policy is not satisfactory it should be refused. As to this, the New York Appellate Division (22 App. Div. 495) has something to say, as well as upon the claim that the companies must be protected from fraudulent claimants. This is the court of the domicile of the largest industrial company:

It is small comfort to say that parties must be bound by their contracts, for the fact remains that thousands of persons neither read such contracts, nor would they understand their legal effect if they did.

The company is the party that understands this condition perfectly, is presumed to understand the character of its agents, presumptively vouches for their integrity, gave them employment, and yet is permitted by the law to stipulate for immunity from their acts. It would seem as if such a contract comes dangerously near to offending against the requirements of a sound public policy. Nor is it an answer to say that the contracts are voluntarily made by the insured, or that the companies seek to protect themselves from fraud being practised upon them. The contracts are ignorantly made, and are only voluntarily entered into because not understood. The company possesses the power to protect itself by the selection of its agents, and should not be exempted from liability when selection is made of a person without character, who is thus foisted upon the public to commit wrongs and defraud a class of persons who are in a measure helpless. The argument which pleads for the company as respectable is not a whit stronger than the one which pleads for the people as honest.

And, in conclusion, the British commission which investigated industrial insurance a decade ago used this significant language:

They [the policyholders] have doubtless been unwise to enter into such oppressive contracts, but * * * the contract was made between two parties of very unequal position. On the one side was the company, * * * fully informed, looking for profit and eager to issue the policy; on the other side was the prospective assured, ignorant, as a rule, of business, and unable to realize the need to scrutinize the contract pressed upon him.

Since the insurance codes of various States protect every other class of policyholders, the same protection should be extended to the holders of industrial policies. Conceding that the best companies mean to do the right thing, there is at present no appeal from their decisions if they should be mistaken. The cases where the courts were able to afford a remedy arose almost entirely under the old form of industrial policy, of which the application formed a part. The largest company says (p. 117):

Of course, mistakes have sometimes been made by company representives in their determination of claims.

But at the present there is no appeal from such mistakes. At the hearing it was shown that in 1929 payment was refused of about 4,000 industrial policies by two companies alone in the country at large, mainly because of alleged impairment of health. Every Senator had constituents among this number. Many of the refusals, no doubt, were just. It is inconceivable, in view of court records, that all of them were. I trust Congress will remedy the present situation in the near future.

EXHIBIT A

VIEWS OF STATE INSURANCE DEPARTMENTS

Massachusetts

"Since the Massachusetts laws were amended in 1924 to permit the writing of industrial life insurance * * * on a nonmedical basis, the number of complaints relative to rejection of claims during the contestable period has materially increased."

* * * * * * *

"Under a high-pressure system of salesmanship such as is employed in the writing of industrial life insurance, the agent has every incentive for omitting from the application answers which might result in refusal of the risk by the company. This department has had a large contact with the insuring public and is called upon to handle numerous complaints of various sorts made by policyholders. Experience with complaints regarding nonpayment of claims under industrial policies written on a nonmedical basis indicates that many agents, although knowing the true facts, actually complete the answers to questions contained in the application and withhold from the application anything which would result in its refusal by the company. The applicant assumes full legal responsibility by signing the application but does so at the agent's direction without troubling to read the answers contained in the application. Policy provisions as to sound health and voidance under certain conditions mean nothing to the insured, because, generally speaking, they are not stressed by the agent and are not read by the insured. Again the insured has no legal redress for lack of knowledge of policy provisions. If death occurs early and during the contestable period, the company makes a careful investigation and often determines that the insured died from a disease that in the opinion of the last attending physician existed at the time of the policy's issue, perhaps without knowledge on the part of the deceased. Or it may find a history of medical attendance of the insured prior to the policy's issue which was not admitted to the company, although in many cases it was admitted to the agent. In either event, the company may refuse payment of the insurance and offers a refund of premiums, which is a poor substitute for the face amount provided by the policy. Complaint is made to the department and no relief can be afforded * * * because it has no powers to make decisions relative to questions of fact which would be binding on either the company or the complainant. * * * In many of these cases the department is advised that witnesses can be brought to testify that all facts relative to insurability were made known to the agent.

* * * * * * *

"The policy provisions previously mentioned (i. e., the sound health clause) are designed to protect the company against the taking of uninsurable cases and against fraud. In the majority of complaints heard by this department relative to rejected claims, it is our opinion that the insurance was taken in good faith with complete confidence placed in the agent, who, because of pecuniary advantage to himself, failed in both his duty to the company and the insured. In fact, the agent is the company to this class of policyholders, who are inclined to accept without reservation any statements which he may make. Therefore, it would appear that in cases where facts material to the insurability of a risk are to be obtained through its agents, the company should be required to accept a greater responsibility for the acts of such agents."

(From memorandum of December 27, 1929, signed by Arthur B. Kines, actuary, Massachusetts Insurance Department, transmitted to one of the Senators from Massachusetts by Merton L. Brown, commissioner of insurance, on same date.)

"Since the statutes were amended in 1924 to permit the issue of industrial insurance aggregating $500 or less on any one life without medical examination, complaints from the public relative to the refusal of companies to pay claims where death occurs during the 2-year contestable period have increased materially. The reason for denial of liability in these cases is usually either because the insured was not in sound health when the policy was issued or because of omission from the application of the past medical history of the insured. In many of these cases it is apparent that the agent in writing up the application is fully aware that the applicant is not a proper risk and withholds from the application any statement that would support this fact. He has the applicant sign the application without reading it and assures him that he is fully covered. When these statements were made in the presence of a doctor they usually appeared in the application because there was no incentive for their omission.

* * * * * * *

"Most industrial policies issued to-day contain the so-called 'facility-of-payment' clause instead of a designated beneficiary. This clause gives the company the right to pay the proceeds of a death claim to whoever it believes has the best right to such proceeds. The company usually pays to the person who has cared for the insured's burial expenses and accepts a receipted undertaker's bill as such evidence. The undertakers are aware of the practice, which results in expensive funerals and deprives the beneficiaries of much of the protection which the insurance should afford. In my opinion the 'facility-of-payment' clause should be used only in cases where a designated beneficiary has predeceased the insured or the insured's estate has been designated as beneficiary."

(From Annual Report of Commissioner of Insurance of Massachusetts, Wesley E. Monk, for year ending December 31, 1927, pp. 4 and 5.)

Pennsylvania

"From experience of this office in the adjustment of claims, we have had numerous instances where a great many worthy assureds holding industrial insurance have legally been deprived of benefits where too literal an interpretation has been placed by the company on statements contained in the applications. I have in mind particular reference to statements regarding certain diseases and illnesses which the assured had no knowledge of when the insurance was acquired, and, when a claim was presented, these facts which had been developed perhaps and had existed 2, 3, or 4 years prior to the acquiring of the insurance, were used as the basis of denying liability.

* * * * * * *

"I am particularly interested and in favor of the present legislation (i. e., S. 1903) for the reason that it applies and gives greater protection to that class of policyholders who need protection most and applies to that class the advantages and legal protection afforded ordinary policyholders which, under the laws of most jurisdictions, grant exemption when applied to industrial policies.

"When a company writes insurance without a medical examination, it is showing its willingness to accept and underwrite the risk. If prior adverse medical history develops, knowledge of which was not had by the assured, the company should not have the right to deny liability merely by the fact of medical history unless fraud can be proven. This is the purpose of the act—that the company must prove fraud—and the burden of proof is placed on the company to prove same. * * * I have discussed the provisions of this bill in conjunction with Messrs. Parsons, Young, and Webster of this office. We conclude that the bill * * * is a constructive piece of legislation and meritorious."

(From letter of November 27, 1929, signed by A. G. Costello, second deputy insurance commissioner of Pennsylvania, addressed to Matthew H. Taggart, insurance commissioner of Pennsylvania, and transmitted by him to insurance commissioner, District of Columbia, with the statement:)

"I submitted Senate bill 1903 to the deputy in charge of examinations, the actuary, and the chief examiner of life companies, and I take the liberty of inclosing herewith a copy of their letter to me on the subject. I have confidence in their judgment, knowing that they have a very direct and continuous contact with this problem."

Georgia

"We have had occasion to make a rather careful study of the situation for the past nine years. * * *

"Complaints that never reach the courts: There are undoubtedly a larger number of these than are tried in the courts. * * *

"Agents are naturally careless in filling out applications, but the companies seem to be stubborn and slow to realize that the agents are agents of the company and not of the insured, and that the company is to that extent a party to the negligence of the agent.

"Where competition is keen the companies are fairly liberal in their interpretation of the policies when a claim is presented; although in some cases those in charge of the claim departments seem to lean backward decidedly in favor of the company, and do not recognize that equity demands that a doubt shall be resolved in favor of the insured. The writer has been trying for years to have the companies change their methods in this particular, and has been insistent that the companies recognize that the responsibility of the agent as to accuracy in filling out an application, and of the home office in filling out a policy, are responsibilities of the company rather than of the insured.

"There is a great deal of trouble and dissatisfaction with irresponsible agents. As a rule industrial agents are recruited from the wrong class of people, and except with companies like the Metropolitan, the Prudential, and a very few others, they may be regarded largely as 'floaters,' who are in the business only temporarily, or certainly not for a very long period with any particular company, and therefore with no regard for the proper building up of a business which shall be permanent with them as well as with the company. Under such circumstances, they promise anything in order to get an application. This naturally leads to trouble later.

"As now conducted by the smaller companies (we are not now including the large industrial companies above referred to), the business is decidedly not on as high a plane as standard or so-called legal-reserve life insurance. There is no reason why it should not be, but to our mind the whole situation is due to the quality of the bulk of solicitors, the lack of training given them, and the further fact that the managements of the companies themselves have not until quite recently made any effort to raise the standard. * * * The same fellowship existing among the personnel of the managements of the larger old-line companies is very largely absent among the personnel of the smaller industrial companies."

(From letter of February 26, 1930, signed by Lewis A. Irons, deputy insurance commissioner.)

Alabama

"We note this bill, S. 1903, is, as its name implies, for the protection of holders of industrial insurance policies in the District of Columbia. We think it is a good bill and that it is fair both to the companies and to the policyholders, and that it ought to be passed. * * * This department has, in effect, accomplished the purpose of the Blaine bill by department ruling."

(From letter of February 24, 1930, signed by R. P. Coleman, deputy superintendent of insurance for Alabama.)

New York

(While the insurance department of New York does not favor the passage of the bill, the following extracts from letters from its superintendent are important in connection with matters to be presented in argument:)

"The point has been raised in connection with sound health clauses that the insured can never know definitely whether or not any real protection is extended by the policy during the contestable period. Such clauses would appear to be most severe if the companies generally did not follow a liberal practice in construing them."

(From letter of November 30, 1929, signed by Albert Conway, superintendent of insurance, to T. M. Baldwin, jr., superintendent of insurance for the District of Columbia.)

"One of the problems of industrial insurance is that of obtaining correct information at the time application is made as to the true physical condition of the insured * * * so that the company will be in a position to decide as to whether the risk is acceptable or not. * * * A considerable importance must necessarily be placed on the good faith of the insured in fully and truthfully answering the questions in the application and of the agent in recording such answers. The industrial companies have very strict rules in this respect. * * * While contested cases are occasionally due to the intentional dishonesty of the agent, the situation more often is that the insured does not understand the importance of the information being asked in the application."

(From letter of February 28, 1930, signed by Albert Conway, superintendent of insurance.)

"One of our four industrial life companies follows this practice (i. e., attaching application to policy) although it depends chiefly

upon the sound health clause in its contracts in contesting fraudulent claims. Our other three companies do not attach copies of the application, presumably on account of the item of expense and because the application would not be used in any legal proceedings."

(From letter of November 30, 1929, above referred to, from Mr. Conway to Mr. Baldwin.)

Michigan

"I had hoped to give some time and study to the conditions in regard to industrial insurance with a view of originating certain legislation for the regulation of this class of insurance in this State, but owing to the great work involved in the revision of the code last year, I was unable to include industrial insurance. * * * Dishonest agents are a curse to the insurance business, and should be eliminated, as we are trying to do in this State, but I would not say that agents writing industrial life insurance are more dishonest than those writing other classes of insurance. In fact we have the most trouble with agents of health and accident companies. This, I believe, is because in the health and accident business there are a great many very small companies, sometimes not honestly managed.

"My own personal opinion in the matter of agents is that every State should require a written examination of all applicants for licenses. Dishonest agents would not be entirely eliminated by a written examination, but a great many of the ignorant agents would be eliminated, and it would force companies to spend some time in the education of an agent before turning him loose upon the public, as ignorance of the insurance business on the part of an agent is just as bad for the public as dishonesty."

(From letter of March 20, 1930, signed by C. D. Livingston, commissioner of insurance of Michigan.)

District of Columbia

"I have had any number of cases on industrial life insurance business in the District where the agents have written applications without ever seeing the applicants. In fact, quite a number of claims have been brought to my attention where the company refused to pay the benefits to the beneficiary owing to the fact that the agents had violated the specific instructions of the company.

"Relative to applicants signing applications without reading the various questions propounded therein, a great mass of this industrial business is sold to persons who can neither read nor write, as well as to persons who do not possess very much education and consequently know very little about the meaning of the same.

"Cases have been brought to my attention where agents have promised almost anything in order to get the application, which, of course, is against the positive instruction of the company, and if the insured would read their policies they would find out that the application and the policy constitute the whole contract between the company and the insured.

"Occasionally I have run across cases where agents have suppressed illness of the applicant, which, if known to the company, the policies would not have been issued.

"In the city of Washington there are many agents known as 'floaters,' and are irresponsible, but in deference to the companies I am compelled to say that as soon as they find out the character of their work they immediately dispense with their services."

(From letter of April 1, 1930, signed by T. M. Baldwin, jr., superintendent of insurance.)

"The trouble back of this rejection of claims is the fact that at the present time in the District of Columbia there are so many crooked agents and, perhaps, a policy will be paid on for several years before the company discovers that the person at the time of making the application to the insurance company was really not insurable. I hardly know of a company in the city of Washington writing this industrial business where the answers to the questions propounded on the applications for insurance are not filled out by the agent, who is supposed to ask the questions to the applicant. Of course the applicant is supposed to sign the application. I quite agree with the contention that many times these questions are not asked, but on the other hand the person receiving the policy certainly has the information before him or her as to what the policy calls for and how important it is to truthfully answer all the questions.

"Companies, it is true, should, and I believe they try to employ only reliable agents, but it may be that several years pass before a company discovers that it has in its employ unreliable and scheming agents. Every insurance company, as far as I know, wants to treat the public fair and wants to live strictly up to the terms of its policy. In doing so, it expects the policy holder to act accordingly."

(From letter of September 11, 1929, signed by T. M. Baldwin, jr., superintendent of insurance.)

"I know there are times when unscrupulous and crooked agents (over whom under our semblance of an insurance law I have no jurisdiction) are able to put things over on insurance companies. The only way, in my humble opinion, to handle any kind of insurance is by medical inspection or examination and even then I have known cases where doctors have fallen down. * * * What we really should be able to do is stop the licensing of the unworthy insurance representative. If the agents know that they can not put anything over on the public or their companies and get by with it, they will be more particular. I doubt if there is a city in the Union where we have such a condition of switching of agents from one company to another and the things that are pulled off from time to time."

(From letter of Oct. 29, 1929, signed by T. M. Baldwin, jr., superintendent of insurance.)

"Without doubt many of the present-day abuses could be prevented if we had a law with 'teeth.' There are many representatives who should be kept out of the insurance business in justice to the insuring public."

(From p. 5 of the Report of the Department of Insurance, District of Columbia, for the year ended June 30, 1929, signed by T. M. Baldwin, jr., superintendent.)

EXHIBIT B

STANDARD LIFE INSURANCE POLICY	INDUSTRIAL LIFE INSURANCE POLICY
This is a real insurance policy.	This is an imitation insurance policy.
Both are based upon written applications signed by the prospective policyholder. Both are in mutual companies.	
The application is attached to this policy, so that the applicant may have a check on every statement in it.	The application for this policy is suppressed, and filed away in the company's archives. The applicant never sees it after signing it.
This policy protects the insured person from its date.	This policy does not protect the insured person for two whole years, unless he is so splendidly healthy that it is a waste of money for him to pay for insurance.
This policy is issued after a careful medical examination. If anything should be overlooked by the examiner, however, the company is still liable on the policy, in the absence of fraud.	This policy is issued as a rule without any medical examination whatever; but if one should be made, it does not bind the company in this or many other jurisdictions; and the company has frequently dishonored its industrial policies because of alleged mistake of its physicians.
The applicant for this policy does not guarantee his health in any way. He has to answer truthfully as to matters within his knowledge, but that is all.	The applicant for this policy unwittingly gives an ironclad guaranty that his health is unimpaired in any respect whatever, and that he has never had any lung, heart, kidney, or liver trouble, or cancer.
This policy is issued to an intelligent person who is able to, and usually does, understand what he signs.	The applicant for this policy is frequently illiterate, and almost always inexperienced in business matters.
	He has no idea that by accepting a plausible-looking policy, which he did not sign, he has bound himself hand and foot as to the condition of his health.
This policy is definitely and surely payable to the beneficiary named in it.	This one is payable only to the executor or administrator of the insured; and though a beneficiary is frequently named, he has no rights in the matter. The company does not even have to pay the executor or administrator, but can pay any relative or creditor it sees fit.
The provisions of this policy are carefully safeguarded in most jurisdictions by the insurance laws.	The provisions of this policy are almost entirely unregulated; and the industrial companies have had enough influence to secure the specific exemption of their policies from recent State enactments. They are also exempted from the American Bar Association code now pending here as Senate bill 1470.
This policy is assignable, and the policyholder can raise money on it during his life if he wishes.	This policy is unassignable. It is not possible for either the insured or his heirs to assign it in payment of funeral expenses, though it is primarily for burial purposes.

EXHIBIT C

SOME OF THE INDUSTRIAL COMPANIES HAVE A LAPSE RATE OF APPROXIMATELY 100 PER CENT ANNUALLY

The tremendous number of lapses among the smaller companies operating in the District is shown by the following figures, all of which relate to the year 1928:

A Virginia company (Continental Life) began the year with 17,464 policies in force, issued 13,223 during the year, and terminated 12,300.

A Tennessee company (Life & Casualty) began the year with 11,193, issued 9,407, and terminated 9,273.

A Virginia company (Southern Aid) began the year with 4,034, issued 3,619, and terminated 3,390.

An Ohio company (Supreme Life & Casualty) began the year with 1,313, issued 1,650, and terminated 1,598.

A Virginia company (Virginia Life & Casualty) began the year with 1,388, issued 2,330, and terminated 2,134.

A North Carolina company (North Carolina Mutual) began the year with 2,780, issued 2,307, and terminated 2,163.

A Maryland company (Mutual Life of Baltimore) began the year with 7,228, issued 7,227, and terminated 6,423.

A Maryland company (Sun Life) began the year with 2,345, issued 4,552, and terminated 2,571.

An Illinois company (Washington Fidelity National) began the year with 1,080, issued 2,856, and terminated 2,490.

A District of Columbia company (Federal Life) began the year with 1,892, issued 1,680, and terminated 1,662.

A Virginia company (Home Beneficial) began the year with 35,942, issued 34,505, and terminated 32,861.

A Maryland company (Liberty Life) began the year with 4,126, issued 10,795, and terminated 8,916.

A Virginia company (Richmond Beneficial) began the year with 1,149, issued 860, and terminated 775.

A Maryland company (Home Friendly) began the year with 6,248, issued 6,994, and terminated 7,218.

A North Carolina company (Home Security) began the year with 2,146, issued 4,130, and terminated 3,056.

LAPSE RATES OF THE SAME COMPANIES FOR THE YEAR 1929

To show that the exceedingly high lapse rate of the smaller companies heretofore quoted is typical of their operations, and not confined to one year, the 1929 figures of the same companies are given below:

A Virginia company (Continental Life) began the year with 18,387 policies in force, issued 18,510 during the year, and terminated 17,555.

A Tennessee company (Life & Casualty) began the year with 11,374, issued 10,218, and terminated 10,801.

A Virginia company (Southern Aid) began the year with 4,263, issued 4,049, and terminated 3,590.

(The Supreme Life & Casualty, mentioned in the list for 1928, consolidated with another company.)

A Virginia company (Virginia Life & Casualty) began the year with 1,584, issued 2,797, and terminated 1,618.

A North Carolina company (North Carolina Mutual) began the year with 2,924, issued 3,838, and terminated 3,270.

A Maryland company (Mutual Life of Baltimore) began the year with 8,032, issued 7,007, and terminated 6,384.

A Maryland company (Sun Life) began the year with 4,326, issued 3,762, and terminated 2,577.

An Illinois company (Washington Fidelity National) began the year with 1,448, issued 2,085, and terminated 2,039.

A District of Columbia company (Federal Life) began the year with 1,910, issued 1,107, and terminated 1,387.

A Virginia company (Home Beneficial) began the year with 37,586, issued 33,662, and terminated 35,077.

(The Liberty Life of Maryland, mentioned in the list for 1928, consolidated with another company.)

A Virginia company (Richmond Beneficial) began the year with 1,234, issued 482, and terminations are not stated in the report.

A Maryland company (Home Friendly) began the year with 6,024, issued 6,550, and terminated 6,269.

A North Carolina company (Home Security) began the year with 3,220, issued 5,565, and terminated 5,098.

EXHIBIT D

SOME CRITICISMS BY THE COURTS OF INDUSTRIAL LIFE-INSURANCE POLICIES, COMPANIES, AGENTS, AND METHODS

District of Columbia Appellate Court appeals for legislative relief from harsh industrial provisions

"Courts of justice do not look with favor upon forfeitures which are the result of technical provisions in contracts of insurance. Especially is this true where there is involved a so-called industrial insurance policy, like the one here in issue; since policyholders of this kind are frequently illiterate and generally little versed in business matters, hence more likely to be guided by the conduct and acts of the company than by the technical provisions of the policy. Indeed, it is to be regretted that more adequate protection against the harshness of such contracts is not provided by statute." (Eureka Life Insurance Co. *v.* Hawkins, 39 App. D. C. 329.)

Maryland Appellate Court also feels concerned about industrial policyholders

"The policyholders of this kind of an insurance company (industrial life insurance policyholders) are generally poor and illiterate people who most need protection against harsh, technical forfeitures, because least able to appreciate their significance and because easily induced by the conduct of the company to act upon the belief that their policies are in force." (Baltimore Life Insurance Co. *v.* Howard, 95 Md. 244.)

Maryland Appellate Court takes judicial notice of fact that agents sometimes falsify applications

"It is unfortunately true that agents, in order to effect insurance, sometimes write in their applications, or in some way report to their principals, statements which either are not justified by what the applicants say, or do not disclose the whole truth, as related by such applicants." (Forwood *v.* Prudential Insurance Co., 117 Md. 254.)

Virginia Appellate Court can not believe that any person would ever accept policy guaranteeing that he was entirely free from latent diseases

"When one says he is in good health, he does not mean, and nobody understands him to mean, that he may not have a latent disease of which he is wholly unconscious. It is doubtless competent for a life insurance company, in its policies, to take the expression 'good health' out of its common meaning and make it exclude every disease, whether latent or unknown or not (assuming that any person would ever accept a policy of that kind), but it must do so in distinct and unmistakable language. The mere statement by a party that he fully warrants himself to be in good health is not sufficient." (Greenwood *v.* Royal Neighbors, 118 Va. 329.)

District of Columbia Appellate Court says clause in former Metropolitan policy is "well calculated to mislead" policyholders

"The statement in the policy that the application upon which it was written 'omits the warranty usually contained in applications' is well calculated to mislead the people who purchase this form of insurance." (Healy *v.* Metro. Life Ins. Co., 37 App. D. C. 240.)

New York Appellate Court condemns throwing the policyholder off his guard by warranties not clearly understood

"Where a warranty is understandingly and clearly given by an insured * * * he will be held strictly to his contract. But when thrown off his guard and induced to enter into such a contract by declarations of the insurer, * * * the declaration in the same paper that the statements are warranties and the basis of the contract, etc., must be so construed, if possible, as to harmonize with the explanations and declarations of the insurer; and if this is not possible they should be rejected." (Fitch *v.* Am. Popular Life Ins. Co., 59 N. Y. 557.)

New York Appellate Court scores methods adopted in writing industrial policies; says they are ignorantly made, not understood by policyholders, and experience shows a large percentage of mistake or fraud by the companies' agents

"Little used to business or business forms, * * * he * * * (the applicant) finally signs his name in the place where he is directed to sign upon the application; he does not read the same, nor is it read to him. * * * He continues to pay his premiums until death ensues, and then those for whom he hoped to make provision and for whom he has made payment find that the contract is void; that no provision was made for them, because of the mistake or fraud of the agent soliciting the insurance. * * * In the volume of insurance business which is done, a percentage of it which experience in the courts shows is quite large must result as above outlined. It is only necessary, therefore, that the finely printed contract be drawn strong enough in order to exempt the company for liability for * * * the fraud of its own agent. * * * Thousands of persons neither read such contracts, nor would they understand their legal effect if they did. * * * Such a contract comes dangerously near to offending against the requirements of a sound public policy. * * * The contracts are ignorantly made, and are only voluntarily entered into because not understood. * * * A person without character * * * is thus foisted upon the public to commit wrongs and defraud a class of persons who are in a measure helpless. * * * A contract ought not to be upheld which in its practical working exempts the company from liability for the fraud and mistake of its agent. * * * It employed him and should be held liable for the consequence of his acts." (O'Farrell *v.* Metropolitan Life Ins. Co., 22 App. Div., N. Y., 495; later affirmed in 44 App. Div. and in Court of Appeals of New York, 168 N. Y. 592.)

Contract lacking in mutuality

"The defendant's position * * * is that it so framed its contract with this girl that, although it got its pay, the plaintiff can not get hers; and we shall examine this position with the gravity and care that it merits." (Kelly *v.* Met. Co., 15 App. Div. 220.)

Warranties should not be "a trap for applicants"

"The purpose of warranties * * * is not to set a trap for applicants. * * * 'They (the company) have taken the money. Now, just as soon as the boy died and the beneficiary asks to be paid, then their records are looked up.' The company had exactly the same information * * * at the time the contract was made that it has now." (O'Rourke *v.* John Hancock Mut. Life, 23 R. I. 457.)

Company thought insured "a good risk while alive"

"If they (the company) were satisfied and issued the policy, they can not now be heard to say that the doctor selected by them to represent them made a mistake and that the insured was not healthy and had cancer, in the absence of a false or fraudulent representation made by the insured, and there is not the slightest evidence of this in the whole testimony. * * * The company's physician had every opportunity to satisfy himself as to her state of health and physical condition, and if he did not see fit to do so, then it was his fault. * * * The company * * * thought her a good enough risk to receive her money; she was a good risk while alive." (Baker *v.* Metropolitan Life Ins. Co., 106 S. C. 419.)

Company's position "a fraud upon the insured"

"To permit the company to claim, after the lapse of the time specified in the incontestability clause, that the policy could be contested * * * would be to work a fraud upon the insured and his beneficiary." (Chinery *v.* Metro. Life Ins. Co., 182 N. Y. Supp. 555.)

Company "knew precise extent of illness"

"When the company accepted this risk they knew the precise extent of the illness * * * which they now desire to have this court hold * * * was a serious one. It did not then deem it

sufficiently serious to prevent it from issuing the policy." (Smith v. Prudential Life Ins. Co., 83 N. J. Law 719.)

Company is liable for "fraud and mistake of its agent"

"There was no attempt to deceive the company. • • • A contract ought not to be upheld which • • • exempts the company from liability for the fraud and mistake of its agent. An insurance company which employs an agent of so little moral sense that he will • • • swear that he committed a fraud in writing the application ought not to be heard to plead an exemption." (O'Farrell v. Metropolitan Life Ins. Co., 22 App. Div., N. Y., 495.)

Company knew the facts when it issued policy

"The defendant was chargeable with knowledge of the facts when it issued its contract and took the money for it; it can not now defeat it by asserting that Clute (the insured) did not truly state them. It knew then • • • what it knows now." (Singleton v. Prudential Ins. Co., 11 App. Div., N. Y., 403.)

"Fraud of agent alone"—"Good faith upon part of insured"

"It is not claimed that the insured gave false answers. • • • The fraud of the agent alone will not be allowed to • • • defeat liability where there is good faith upon the part of the insured." (Quinn v. Metropolitan Life Ins. Co., 10 App. Div., N. Y., 483.)

Company could not take money during life and later allege in defense what it knew all along

"The company • • • could not take the money of the insured while he lived and, when he was dead, claim a forfeiture on account of what it knew at the time it made the contract of insurance, for that would be a fraud." (Sternaman v. Metropolitan Life Ins. Co., 170 N. Y. 13.)

Ignorant Italian—perfunctory examination by company's doctor

"The insured was an Italian, apparently not well acquainted with the English language, confronted with an English-speaking doctor, who probably conducted the examination in the usual more or less perfunctory manner and had the insured sign the paper more or less as a matter of form." (Guarrala v. Metropolitan Life Ins. Co., 101 Atlantic Rep. 299.)

Old lady without glasses signed where told to sign by company's representatives; contest based on what she thus signed

"The sole proof which defendant relies upon • • • consists of the statements in the doctor's certificate. • • • The evidence • • • is uncontradicted that the plaintiff made the doctor's certificate part of the proof of death in the hour of her bereavement, amidst the distractions incident thereto. They were not read by or to her, nor were their contents or purport explained. She was without her glasses, hence could not read. She signed where she was told to sign." (Frazier v. Metropolitan Life Ins. Co., 161 Missouri App. 709.)

Illiterate plaintiff signed blank application, filled out later by company's superintendent at his office

"The plaintiff can neither read nor write. • • • The agent • • • had the plaintiff make his mark to a blank application. This was taken to one of the local superintendents of the defendant, who was informed of the condition of the woman insured. The answers to the questions • • • were then filled up in the superintendent's office and a policy issued." (Robinson v. Metropolitan Life Ins. Co., 1 App. Div., N. Y., 269.)

Medical examiner recorded falsehood, though he was told the truth

"The case is clear. It is one in which the truth is told to the medical examiner; where the latter, instead of the truth, writes down a falsehood." (Grattan v. Metropolitan Life Ins. Co., 92 N. Y. 274.)

Company's attitude a "deceptive inducement to insured"

"Such a contest is within the scope of that clause which makes the policy incontestable after one year from its date. • • • To hold otherwise would be to permit such a clause • • • to remain in a policy as a deceptive inducement to the insured." (Mohr v. Prudential Ins. Co., 32 Rhode Island 177.)

Insured acted honestly, company negligently

"The applicant appeared to be in good health. • • • The defendant had the right to and could have examined him. If it did and issued a policy, • • • that would seem to indicate that the deceased was in good health at the time of issuance of the policy. • • • There is no proof that he was aware at the time of applying for the insurance that he was suffering from tuberculosis or that he was in fact suffering therefrom." (Meyers v. Metro. Life Ins. Co., 128 Misc. 703.)

Company's attitude a "trap for the unwary"

"When the insurance company fails to follow out this statutory provision it should not be permitted, on being brought into court, for the first time to confront the • • • claimant with such a very material matter. • • • We all know • • • that applicants for insurance sign such papers without careful scrutiny. It was to guard against such traps for the unwary that our statute was enacted." (Schuler v. Metropolitan Life Ins. Co., 191 Missouri App. 68.)

Company's claim makes statute a "mere idle form of words"

"If we say that the company may disregard this statute and issue its policy without attaching a copy of the application, and still have the right to assert and rely upon such application as a part of the contract, the legislative enactment is reduced to a mere idle form of words." (Rauen v. Prudential Ins. Co., 129 Iowa, 725.)

Company's position as to beneficiary makes policy "a delusion and a snare"

"The plaintiff was entitled to recover. Any other construction (i. e., relative to beneficiary) would make such a policy a delusion and a snare. No one could tell, when he named a beneficiary, whether the person sought to be benefited could possibly ever derive any benefit from the insurance." (Golden v. Metropolitan Life Ins. Co., 35 App. Div., N. Y., 569.)

Company acts with "indifference"; pays person having no legitimate claim to proceeds

"The insurer • • • may not act with such indifference that the funds are diverted from the estate by payment to one who has no legitimate claim upon them." (Zornow, Admr., v. Prudential Ins. Co., 210 App. Div., N. Y., 339.)

Facility-of-payment clause "of a questionable nature susceptible of fraudulent abuse"

"The writer is of the opinion that the clause referred to (i. e., facility-of-payment clause) is itself of such a questionable nature, so susceptible of fraudulent abuse, that settlements made under it should be carefully scrutinized by the courts." (Sheridan v. Prudential Ins. Co., 128 Ill. App. 519.)

Option retained by company can not be used to "defeat payment of insurance"

"The right granted defendant • • • to exercise its option in the matter of payment • • • can not be used to defeat the payment of the insurance or to entirely escape the payment of its obligation." (Williams v. Metro. Life Ins. Co., 233 Southwestern Rep. 248.)

According to company, it can settle on any basis with person of its own selection

"If the company may select their own party and settle with him on his own terms, they can pick up anybody and discharge themselves with a mere song." (Brennan v. Prudential Ins. Co., 32 Atl. Rep. 1042.)

Court declares company has committed "a great injustice," but policy terms prevent the court remedying it

"We do not understand why people buy and pay for insurance of this kind. It • • • puts in the hands of the agents of companies • • • a power which is very likely to be abused. • • • We can not help but believe that a great injustice has been done to the plaintiff, • • • but we do not see how it can be remedied, in view of the terms of the policy." (Diggs v. Metropolitan Life Ins. Co., vol. 70, pt. 4, Pittsburgh Legal Journal, p. 988.)

Courts "should not lend their sanction" to company's attitude

"If appellant (i. e., the company) has any real defense to the policy, it has not asserted it. • • • As a result this small fund ($88), instead of being at once available for the payment of the undertaker's bill, has been the subject of litigation for more than three years. The courts should not lend their sanction to the attitude here assumed by defendant. • • • No defense whatsoever on the merits is suggested, and we can find no just or reasonable ground for the appeal." (Wallace v. Prudential Ins. Co., 174 Missouri App. 110.)

Attitude of company "extremely unfortunate"

"It is extremely unfortunate that the attitude of defendant necessitates the appointment of an administrator • • • and that this small fund ($144), if recovered, must be subject to the expense and delay incident upon administration." (Manning v. Prudential Ins. Co., 202 Missouri App. 125.)

Attitude of company "perverts real object" of insurance

"To place a policy of this small amount • • • into the hands of an • • • administrator would be to tie up the whole fund, obviously intended to meet burial and other immediate expenses, • • • to pervert it from its real object and to cause it to be eaten into seriously by court expenses." (Renfro v. Metropolitan Life Ins. Co., 148 Mo. App. 258.)

Company induces owner of policy to surrender receipt book, then pays some one else

"The clause (facility-of-payment clause) • • • does not contemplate • • • that the company has the right to obtain the surrender of the book from the real owner of it and then pay the amount • • • at its option to any other beneficiary." (Wilkinson v. Metropolitan Life Ins. Co., 63 Mo. App. 404.)

Company not allowed to profit by "its own fraud"

"The evidence establishes convincingly that the assured made truthful answers to all questions asked of her, neither committed nor intended to commit any fraud, but if a fraud was committed, the jury have found that it was committed by the agent of the defendant company in taking advantage of the inability of the assured to read and write by recording • • • false statements which had not • • • been made by the assured, and by inducing her to sign • • • in the belief that he had correctly recorded her answers. • • • The fraud alleged having been committed, not by the assured but by the defendant company, through its agent, the company can not avail itself of its own

fraud, and invalidate the policy, where it has collected the premiums thereon and enjoyed the full benefits of its contract." (Gioia v. Metropolitan Life Ins. Co., 161 N. Y. Supp. 234.)

Requirement for attaching application was intended to "remedy a mischief," District of Columbia Appellate Court says

"The section was intended to remedy a mischief. The purpose of the provision is that the insured shall be furnished with a copy of the application, upon the representations in which the validity of the policy and its binding force may be made to depend." (Metropolitan Life Ins. Co. v. Burch, 39 App. D. C. 397.)

Agent falsified application, but was not even put on stand by company to testify for it

"The plaintiff introduced evidence tending to show that the answers were not correctly written down by the agent. • • • The plaintiff's testimony as to what occurred when the applications were prepared was wholly uncontradicted, as the defendant did not put the agent on the stand. • • • The answer was true. The agent wrote down 'No,' which was false. For this falsity the defendant is responsible." (Peters v. U. S. Industrial Ins. Co., 10 App. Div., N. Y., 533.)

Company knew facts; can not have immunity for "its own negligence"

"Sound public policy prohibits the company from stipulating for immunity from the consequences of its own negligence, or, what is the same thing, the negligence of its agent. • • • When the company issued the policy • • • it knew, through its medical examiner, that the answers as given were not correctly recorded, and that this occurred through no fault of the insured." (Sternaman v. Metropolitan Life Ins. Co., 170 N. Y. 13.)

Illiterate Greek man and woman deceived by agent

"The evidence fully warranted the finding of the jury that the plaintiff and the insured correctly stated the true facts to the agent, and that he wrote false answers in the application and falsely interpreted to the medical examiner." (Insured woman was an illiterate Greek.) "To hold that the plaintiff can not collect this policy of insurance, which was obtained through no dishonesty on his part or that of the insured, but was written by reason of the fraudulent conduct of the defendant's own agent, would fall far short of meeting the demands of justice. • • • It was the fault of the company that this dishonest man was made its agent with authority to solicit insurance; • • • and the defendant, and not the plaintiff, who has done no wrong, must suffer on account of his fraudulent conduct." (Domocaris v. Metropolitan Life Ins. Co., 81 N. H. 177.)

Company and illiterate policyholder both deceived by dishonest agent of company

"Both the plaintiff and the defendant were deceived by the fraudulent conduct of the defendant's agent. By his fraud the plaintiff, an ignorant person who was unable to read or write, was induced to procure • • • policies of insurance • • • which were void by the express terms of one of the company's by-laws. • • • The defendants • • • can not claim and enjoy the benefits they have received under them without making themselves parties to the fraud." (Delouche v. Metropolitan Life Ins. Co., 69 N. H. 587.)

Contents of application and policy unknown to insured—Assistant superintendent of company knew facts, but company refuses payment

"The defendant's assistant superintendent of agents • • • was at the plaintiff's store at least twelve times during the continuance of the policy • • • knew the business there carried on, and made no objection. • • • The application was written by the defendant's soliciting agent, and neither that nor the policy was ever read by or to the plaintiff. The plaintiff did not know the contents of either. • • • He made no attempt to conceal his business. • • • It would be a fraud on their (the company's) part to hold him (plaintiff) to the truth of the representation which he did not in fact make. • • • By receiving the subsequent premiums, collected by their agents with full knowledge of the business, they continued to be chargeable with such knowledge. • • • They can not adopt that part of the agent's acts beneficial to them, and reject the rest. • • • No fraud is imputable to the plaintiff. • • • The facts show that both parties acted in good faith and were alike deceived by the agent. By his fraudulent conduct the plaintiff was unwittingly placed in the position of making a false representation." (McDonald v. Metropolitan Life Ins. Co., 68 N. H. 4.)

Fidelity & Casualty Co. held responsible for mistake or omission of its agent

"If an agent • • • undertakes the preparation of an application for insurance • • • and suggests or advises what facts are material to the risk • • • and by mistake or omission fails to record material facts within his knowledge, the company can not avoid liability • • • if the applicant has acted in good faith throughout and has fully disclosed the facts to the agent." (Fidelity & Casualty Co. v. Cross, 95 Southern Rep. 631.)

Agent never saw insured.—Questions truthfully answered

"The agent had never seen the insured in his life. • • • The witness answered all questions truthfully which the agent asked him and the agent wrote the answers down. • • • It is not alleged • • • that there was any collusion. • • • There is no proof whatever that any fraud was perpetrated upon him (the agent) by the appellee." (Arkansas State Life Ins. Co. v. Allen, 266 Southwestern Rep. 449.)

Illiterate Italian gives "correct information"; agent makes "false entry in application"

"Where a soliciting agent • • • is given the correct information by an applicant who can not read or write" (applicant was an illiterate Italian) "and the agent fills out the application and does not read same to nor tell the applicant what he has written • • • the act of the agent in making the false entry in the application is chargeable to the company." (Home Ben. Assn. v. Salvate, 295 Southwestern Rep. 638.)

Ignorant Pole, unable to read, signs application which had been falsified by agent

"The company was not deceived, for its agent knew the actual facts, and so filled out the • • • application as to conceal them. • • • According to his own testimony, he knew that thereby he made the application blank false on its face. The application so filled out was submitted • • • to the plaintiff, a Pole, who could not read English, and he signed it." (Stanulevich v. St. Lawrence Life Assn., 170 N. Y. Supp. 161.)

Company's managing agent tells uneducated person application is "mere formality"; applicant makes "truthful disclosures"; agent records "false answer"

"If the insured makes truthful disclosures • • • but the agent • • • either carelessly or fraudulently writes a false answer, the same becomes the act of the company.

"If the managing agent presents an application for life insurance to the applicant, which the company has already prepared, with a request that he sign it, and is informed that it is a mere formality required by the company • • • and he signs it without reading or having it read to him, (he) is not negligent, and where he is a person of little or no education • • • he has a right to rely on the statements of the agent." (Federal Life Ins. Co. v. Whitehead, 174 Pacific Rep. 784.)

"No merit to defense; no merit in appeal"

"The alleged connection between a cold and a dose of castor oil on November 23, 1925, and the appendicitis on April 16, 1926, is rather fanciful. There was no merit to the defense in this case and there is no merit in the appeal." (Clayton v. Gen. Accident, etc., Co., 104 N. Y. Law 364.)

Company refuses payment because of asthma and bronchitis where death was due to accident

"When a forfeiture of an insurance policy is alleged on merely technical grounds not going to the risk, the contract will be upheld if it can be without violating any principle of law." (Insured died from accident; company defended on ground he had suffered from chronic asthma and bronchitis.) (French v. Fidelity & Casualty Co., 135 Wis. 259.)

Company's physician makes thorough examination and unreservedly recommends applicant; company refuses payment

"It appears that the insured was thoroughly examined by appellant's examining physician, who found him in good condition, and who unreservedly recommended him as a good risk." (Roedel v. John Hancock Co., 176 Mo. App. 584.)

Company's physician declared negligent; court says there is "not the slightest evidence" of misstatement by policyholder

"The defendant had ample opportunity to investigate and satisfy itself as to the statements made by Mrs. Dill before the policy was issued. If they were satisfied and issued the policy, they can not now be heard to say that the doctor selected by them to represent them made a mistake • • • in the absence of a false or fraudulent representation made by the insured, and there is not the slightest evidence of this in the whole testimony. • • • The defendant's physician, who in person saw the insured, gave his opinion that she was in good health, and he recommended her as 'first class.' • • • The agent of the defendant who took the application by his certificate stated that the applicant appeared to be a good risk. • • • The company's physician had every opportunity to satisfy himself as to her state of health, • • • and if he did not see fit to do so then it was his fault." (Baker v. Metropolitan Life Ins. Co., 106 S. C. 419.)

Company's medical examiner makes thorough examination, and finds insured "absolutely free from disease;" but company refuses payment

"The report of defendant's own medical examiner • • • stated • • • that he made a thorough examination of the insured • • • and found her absolutely free from disease and in excellent health." (Bultralik v. Metropolitan Life Ins. Co., 233 Southwestern Rep. 250.)

Company's physician forced to admit that if policyholder could determine she had consumption, he could have done so

"The statement of the • • • medical inspector • • • set out that he • • • had personally • • • inspected the applicant, • • • and • • • was 'of the opinion that said life is in good health' • • • and he closed by recommending the life to be accepted as first class. • • • The defendant introduced as a witness this same physician • • • and he answered that under this form of application there is not any form of examination made at all; no medical examination, no test of the lungs • • • relied entirely upon the statements of the applicant. • • • Admitted that he had certified that Mrs. Shea's health was good • • • and that he believed so then, or he would not have so certified. • • • On recross-examination witness testified that if the patient had consumption and

had determined that for herself, he as a physician could have detected it." (Huls v. Metropolitan Life Ins. Co., 207 Southwestern Rep. 270.)

Kidney disease unknown to insured—company's physician negligent

"Was the defendant's physician * * * obligated to make such an examination of the assured as would disclose her actual physical condition? It does not appear that any answers were given by the insured to his questions which would lead him to make or omit an examination which would disclose the existence of a disease of the kidneys. It also does not appear that the insured knew that she had such a disease." (Holloway v. Metropolitan Life Ins. Co., 154 N. Y. Supp. 194.)

Medical examination by company, and no subsequent change in condition, but payment refused

"In the case at bar the defendant had a medical examination before it issued the policy, and there was no proof offered of any change in the condition of the insured's health between the time of that examination and the issuance of the policy." (Chinery v Metropolitan Life Ins. Co., 182 N. Y. Supp. 555.)

Company must suffer for its own "bad bargains"

"A company * * * is entitled to no more consideration than an individual in being compelled to suffer the consequences of bad bargains. * * * The insured * * * did not knowingly mislead the medical examiner as to his physical condition, nor was such examiner deceived. The deceased was examined by a physician acting for the defendant, who recommended the risk. It is estopped then from setting up as a defense 'that the insured was not in the condition of health required by the policy.'" (Rea v. Nat. Life Ins. Assn., 137 Iowa 696.)

Medical examiner recommends risk after examination, but company contests policy

"The testimony of * * * the medical examiner of the company that he recommended the risk, not upon her statement that she had never had pneumonia or consumption, but upon his own examination and diagnosis of her physical condition, was clearly competent." (Brock v. Metropolitan Life Ins. Co., 156 N. C. 112.)

Company's physician finds no disease; insured persistently urged to take policy; she acted honestly, though mistaken, but company refused to pay her

"The doctrine of the foregoing cases" (i. e., that if the policy contains inconsistent provisions it should be sustained rather than forfeited) "is peculiarly applicable to industrial insurance * * * for the persons * * * thus insured are usually people of limited means, many of them women, children, and busy laboring men, not versed in matters of contract, and frequently illiterate and dependent upon the agent, in a large measure, for their information. * * * The physician who examined her" (the insured) "for the insurance company found her to be a good risk, and stated that there was nothing in her appearance to indicate that she was in any way diseased. * * * She did not seek the insurance, but was persistently solicited and urged to take it. * * * The evidence and the answers to the interrogatories exclude the idea of fraud on the part of the decedent, and strongly tend to show that she acted honestly and in good faith, though mistaken as to her conditions." (Metropolitan Life Ins. Co. v. Johnson, 49 Ind. App. 233.)

Company's agreement to incontestability "must have some force"; company's construction of clause makes it a "mere snare to delude the insured"

"Agreements by life insurance companies not to contest payment of a policy must have some force, and when a company solemnly asserts that it has made all the examination it desires and one that is satisfactory to itself respecting the health of the insured and, therefore, agrees not to contest payment in case of death, its assertion and agreement should be given effect. Any other interpretation would render the incontestability clause absolutely meaningless and a mere snare to delude the insured into the taking of a policy which appeared incontestable but which in fact was not." (Webster v. Columbian Natl. Life Ins. Co., 131 App. Div., N. Y., 837.)

Company agrees to pay wife; she pays premiums on policy; company pays mother

"An agreement was entered into by the company and the assured and his wife that if the latter would pay the premiums the policy would be assigned to her and the company would, upon the death of the assured, pay the amount named in the policy to her. * * * She paid the premiums. The company paid the amount named in the policy to the mother of the assured." (Thomas v. Prudential Ins. Co., 158 Ind. 461.)

Company seeks to take advantage of "fraudulent and dishonorable act of its superintendent"

"The superintendent of the * * * company procured the husband of the insured * * * to execute a release * * * upon the policies for one-fifth of their amount. * * * The plaintiff could neither read nor write; * * * the contract of insurance was not read to her" (except the facility of payment clause). * * * "The scheme by which this company seeks to defeat this result is a fraud upon the rights of the plaintiff. The obliquity which prompted the superintendent * * * to resort to the means which * * * he did resort to in order to escape payment of these policies is quite astonishing and calls for severe condemnation. * * * This defendant now seeks to avail itself of this fraudulent and dishonorable act of its superintendent. * * * The law permits the defeat of this unconscionable and fraudulent scheme, for so we must characterize it." (Shea v. U. S. Industrial Insurance Co., 23 App. Div., N. Y., 53.)

Company issues policy "after such investigation as it chose to make," but refuses payment

"The company saw fit to write this policy after such investigation as it chose to make in regard to the health of the applicant. It is a matter of common knowledge that life insurance companies do not issue such policies until they have received what they regard as satisfactory evidence that the person to be insured is in good health." (Lee v. Prudential Co., 203 Mass. 299.)

Duty of company to exercise diligence

"It is also common knowledge that policies are issued at the solicitation of the company, and it may well be said that it is the duty of the insurance company not to enter into a contract of such a character until it is convinced that the insured is in good health. * * * The insured has a right to believe that the company has become so convinced, and to rely on his contract, in the absence of fraud or misrepresentations on his part." (Mumaw v. Southern Life Ins. Co., 119 N. E. 132.)

Illiterate foreign woman—Slavic agent of company

"The insured was an ignorant woman of foreign birth, unable to read in the English language, and not able to write her name in any language. * * * On account of the small spaces provided the agent * * * who filled out her application, himself of Slavic origin, may have unduly abbreviated the answers, and * * * she may have been, and probably was, ignorant of their meaning." (Malchak v. Metro. Co., 236 N. Y. Supp. 300.)

District of Columbia company leads ignorant persons to believe policy is in force

"The insured and the beneficiary, apparently ignorant persons, were led to believe * * * that the policy was in force. The association ought, therefore, to be, and is, estopped, after the death of the insured, to say that the policy had been forfeited." (Natl. Benefit Assn. v. Elzie, 35 App. D. C. 295.)

*Company is able to "know its own act * * * when its interest is stimulated" by demand for payment of policy*

"The defendant" (insurance company) "urges the magnitude of its business * * * as evidence of its incapacity to know such things." (I. e., previous rejection for insurance.) "Its capacity to know its own act in this respect when its interest is stimulated does not appear to be defective." (The court further refers to "the expression of this rule of self-stultification.") (Kelly v. Metro. Co., 15 App. Div. 220.)

Latent disease—No medical examination—Good faith on part of policyholder

"There is no evidence * * * that the insured or his beneficiary, or even the agent who took his application, knew that Frank Kinney (the insured) was not in good health at the date he made his application. * * * It would seem unjust to avoid a policy based upon statements made in good faith by proving after death by expert medical examiners that in their opinion death was caused by some latent ailment of which the insured and the agent knew nothing and had no means of knowing, in the absence of a medical examination. Not having required a medical examination, and having relied upon * * * statements * * * made in good faith * * * and it not having been shown without dispute that the * * * disease * * * was the proximate cause of * * * death, we think the insurance company may not now rely upon the medical examinations." (Natl. Life & Accident Ins. Co. v. Kinney, 282 S. W. 633.)

Death due to cancer of stomach—Payment refused because of a cold

"Statement that one is 'in good health' is not shown to be false by proof that insured had a cold when he made said statement and that he died a few weeks later of cancer of the stomach, which later disease was not discovered until shortly before his death. * * * It would be most unreasonable to construe the term 'sound health' * * * to mean that the insured is absolutely free from all bodily infirmities. * * * If this were its true meaning, few persons of middle age could truthfully say they were in sound health." (Sieverts v. Ben. Assn., 95 Iowa 710.)

Georgia court says refusal to pay because of latent disease would "render doubtful and uncertain" the value of every life-insurance policy

"To permit the insurer, upon the death of the insured, to go back of and behind the bona fide contract and set up its invalidity on account of some unknown and unmanifested disease, which from its nature and customary course must have been existent in some incipient form, although its existence was in no way manifest * * * and despite the fact that the assured was * * * in the actual enjoyment of good health, would be to render doubtful and uncertain the protection afforded by every policy of life insurance, unless, perchance, it might contain other and independent provisions limiting the time of contestability. * * * In the instant case the medical testimony indicates that the disease must have originated * * * from 5 to 15 years prior to the contract of insurance. The cause or causes of death are ofttimes as subtle and obscure as any fact which relates to the life of man. * * * All life carries within itself the germ of its own dissolution; * * * to live is to begin to die." (National Life & Accident Insurance Co. v. Martin, 35 Ga. App. 1.)

"How can one be bound by application he never signed, and whose contents he never knew?"

"On the death of the insured, an illiterate negress, the defendant company refused to pay the policy because of falsehood in answering certain interrogatories in the application. Plaintiff * * * gave notice of proof that insured was old, and unable to read; that all questions asked her she truthfully answered; that the application had not been read over to her or signed by her, and that she did not know its contents, and that the false answers were made solely through the fraud of defendant's agent taking the application." (The foregoing is from the syllabus. The court says:) "How can it be inexcusable negligence not to read, when one can not read? How can one be bound by an application he never signed, and whose contents he never knew? How can one ascertain and correct errors in the answers contained in an application, when the company keeps that, and puts no copy of it with the policy?" (Lewis v. Mutual Reserve Fund Association, 27 Southern Rep. 649.)

Company had special obligation to deal fairly with illiterate Hungarian

"The deceased was a Hungarian, with a very imperfect knowledge of the English language. At the time of making her answers she spoke through an interpreter, and there is no evidence that she either did or could read the policy or the application. In such a case a greater burden rests upon the insurer to deal fairly with the insured. This is especially true as to the acts of the agent in soliciting the insurance and writing down the answers." (Suravitz v. Prudential Co., 244 Penna. St. 582.)

The Senate resumed executive business.

ORDER OF BUSINESS

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 2125, the nomination of E. Marvin Underwood to be United States district judge for the northern district of Georgia.

Mr. REED. Has that been considered?

Mr. GEORGE. It is now upon the Executive Calendar, and I am asking that it be considered.

Mr. REED. Can we not finish the entire Executive Calendar?

Mr. GEORGE. I hope so.

Mr. McNARY. Mr. President, if the Senator will defer his request, I may state to him that I expect to ask for the completion of all nominations on the Executive Calendar before we recess this afternoon.

Mr. GLASS. Mr. President, I should like to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLASS. When I left the Senate Chamber a short while ago I understood that the Senator from Iowa [Mr. BROOKHART] was to occupy the entire remainder of the afternoon, and for that reason I left. What has become of the calendar?

The PRESIDING OFFICER. We are still on the Executive Calendar.

Mr. GLASS. Does the Senator from Oregon expect to move a recess now?

Mr. McNARY. I desire to return to the Executive Calendar, conclude its consideration, and then I shall move a recess until 12 o'clock to-morrow noon, at which time the Senator from Iowa [Mr. BROOKHART] will take the floor to further discuss the nomination of Eugene Meyer. We have a unanimous-consent agreement to vote upon that matter at 4 o'clock to-morrow afternoon.

Mr. GLASS. What becomes of the calendar in the meantime?

Mr. McNARY. The Legislative Calendar?

Mr. GLASS. Yes.

Mr. McNARY. The Legislative Calendar will be before us as soon as we conclude consideration of nominations on the Executive Calendar, following the vote to-morrow afternoon at 4 o'clock.

Mr. BLAINE. Mr. President, I want to suggest to the Senator from Oregon that I know many Senators assumed that the address of the Senator from Iowa would consume the entire time of the Senate this afternoon and that the balance of the Executive Calendar would not be taken up. I know that personally. Senators have either returned to their offices or possibly gone to their homes with that understanding.

Mr. REED. Mr. President, may I make a suggestion to the Senator from Wisconsin? The Executive Calendar is very long, but comprises mostly postmaster nominations. If there is any name on the calendar that is objected to, it is perfectly easy to get a reconsideration to-morrow so that no damage would be done to any absentee Senator if we finish the Calendar to-day.

Mr. McKELLAR. The President will not be notified of any confirmations.

The PRESIDING OFFICER. Does the Senator from Wisconsin object to the request of the Senator from Georgia?

Mr. BLAINE. I think it is unwise to proceed without a quorum call. I have no objection to taking up the Executive Calendar, but I think Senators who have left the Chamber under the impression I have just stated ought to have an opportunity to return. There may be some objection to a nomination. I notice there are many nominations reported from the Judiciary Committee. To some of those nominations there were objections in the committee and perhaps Senators interested in them will want to be present.

Mr. GEORGE. Mr. President, I submitted the request that we consider Calendar No. 2125, being the nomination for United States district judge in the northern district of Georgia, solely for the reason that I understood the calendar would not be finished or completed this afternoon. I therefore again ask unanimous consent with the statement that for several days, many days in fact, the northern district of Georgia has been without a Federal judge. It is a matter that ought to be disposed of. My colleague the senior Senator from Georgia [Mr. HARRIS] is present and we have no objection, and I know of no objection to the confirmation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. McNARY. Mr. President, I think my request should take precedence. I am sure no one is absent who is interested in the calendar at all, because it was generally understood that we would finish it to-day. I am satisfied no absent Senator would object to the Executive Calendar being completed.

Mr. BLAINE. My suggestion to the Senator is that Senators mentioned the fact to me that if the Senate undertook to take up the balance of the Executive Calendar or dispose of any business under unanimous consent, they would desire to be present. I told them I would remain here and ask for a quorum if such a request should be made or if we proceeded to take up the rest of the Executive Calendar. I have no personal objection to taking up the calendar, but I feel a personal responsibility to Senators who mentioned it to me. I do not want to suggest the absence of a quorum at this time.

Mr. McNARY. Mr. President, may I ask the Senator from Georgia [Mr. GEORGE] and the Senator from Alabama [Mr. HEFLIN] if they will be satisfied if we prceeed immediately following the vote to-morrow at 4 o'clock upon the Meyer nomination to complete the Executive Calendar?

Mr. HEFLIN. It will be satisfactory to me.

Mr. GEORGE. I assume before we finally resume legislative business that there will be consideration of the unobjected nominations on the Executive Calendar?

Mr. McNARY. I propose to the Senator, in view of the statement made by the Senator from Wisconsin, that he withdraw his request at this time upon my assurance that to-morrow, immediately following the vote on the Meyer nomination, we will conclude consideration of the nominations on the Executive Calendar.

Mr. GEORGE. I do not understand the Senator from Wisconsin to object to the request I have submitted, because I confined it to one name. I would not be disposed to insist except, as I said, that the northern district of Georgia has been for some weeks without a judge.

Mr. McNARY. I can assure the Senator that there will not be more than one day's delay, and to-morrow we will have the Executive Calendar concluded immediately following the vote on the Meyer nomination.

Mr. GEORGE. Very well.

RECESS

Mr. McNARY. I move that the Senate recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate, in executive session (at 5 o'clock and 8 minutes p. m.), took a recess until to-morrow, Wednesday, February 25, 1931, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate February 24 (legislative day of February 17), 1931

COLLECTOR OF CUSTOMS

Fred A. Bradley, of Buffalo, N. Y., to be collector of customs for customs collection district No. 9, with headquarters at Buffalo, N. Y. (Reappointment.)

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 24, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Turn again, O Divine Redeemer, and cause Thy face to shine upon us, and may we recognize in Thee a loving Father. Endow us with that deep consciousness that we derive whatever is best from Thee and that which will outlive all earthly glory. Sustain us with that life of trust and fidelity which is patiently borne. Do Thou bless all parents and their children, and may all homes be established in truth, purity, and love. In the presence of questions and perplexities give us clear understanding; always point out the way of personal rectitude and persuade us that the highest culture is to speak no ill. In the Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

REGULATION OF STOCK OWNERSHIP IN RAILROADS

Mr. BEERS. Mr. Speaker, I send House Concurrent Resolution No. 50 to the desk, and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

House Concurrent Resolution 50

Resolved by the House of Representatives (the Senate concurring), That there be printed 1,700 additional copies of the report of the Committee on Interstate and Foreign Commerce of the House of Representatives (H. Rept. 2789) entitled "Regulation of Stock Ownership in Railroads," of which 500 copies shall be for the use of the House, 200 for the use of the Senate, 600 copies for the use of the Committee on Interstate and Foreign Commerce of the House, 100 copies for the use of the Committee on Interstate Commerce of the Senate, 200 copies for the use of the House document room, and 100 copies for the use of the Senate document room.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GARNER. Reserving the right to object, I think the gentleman from Wisconsin [Mr. STAFFORD] had a suggestion about this; I do not know what it was.

Mr. BEERS. I spoke to the gentleman from Wisconsin. He wanted 500 additional copies for the House, but I do not think the expense warrants it.

The SPEAKER. Is there objection?

There was no objection.

The concurrent resolution was agreed to.

HOUSE MANUAL

Mr. BEERS. Mr. Speaker, I present another resolution and ask unanimous consent for its present consideration.

The Clerk read as follows:

House Resolution 374

Resolved, That the House Rules and Manual of the House of Representatives for the Seventy-second Congress be printed as a House document, and that 2,500 copies be printed and bound for the use of the House of Representatives.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

WASHINGTON AND LINCOLN

Mr. FRANK M. RAMEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address made by myself over the radio.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FRANK M. RAMEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by myself over the radio on February 19, 1931, on the subject of Washington and Lincoln:

In February of each year we celebrate the birthdays of our two greatest heroes, George Washington, the Father of his Country, and Abraham Lincoln, the Great Emancipator. Other countries have their heroes, but no country has produced any two men in the affairs of its nation who rose to such high distinction, having so vast a difference in surroundings and environments at the time of their birth and during their early life.

The parents of Washington had considerable wealth, considering the time in which he was born; while, on the other hand, Lincoln was born in extreme poverty. Washington, as a young man, instead of seeking a commission in the British military force and pursuing a life of luxury and ease, chose to become a surveyor and to endure hard work and toil in the western wilderness. The early life of Lincoln was spent in the lowest limits of poverty with day after day of endless sorrow, the loss of his mother, and many, many other events tending to break the proud spirit which Lincoln possessed.

But Washington and Lincoln alike had tremendous courage and were absolutely fearless when they were convinced that their cause was right, and once they decided upon a course of action, time nor place nor person could swerve them from their path of duty as it appeared before them.

George Washington belongs to all America. He is a national heritage. His plans were always executed with the view of benefiting the entire Nation. It was his vision which was the driving force in those momentous years which made out of 13 colonies, colonies sharply defined by jealousy and customs, a united nation, united in culture, commerce, and sentiment.

Washington was a true and loyal friend. The great friendship between him and Lafayette is almost as tender as the great Bible story of David and Jonathan and the story of Damon and Pythias.

In a statement just issued by the George Washington Bicentennial Commission, it is pointed out that of all the men whom the fortunes of war brought across George Washington's path there was none who became nearer to him than Lafayette. The generous, high-spirited young Frenchman, full of fresh enthusiasm and brave as a lion, appealed at once to Washington's heart.

It is stated that Washington quickly admitted the gallant Frenchman to his confidence, and the excellent service of Lafayette in the field together with his invaluable help in securing the French alliance, deepened and strengthened the sympathy and affection which were entirely reciprocal. After Lafayette departed, a constant correspondence was maintained, and when the Bastille fell, it was to Washington that Lafayette sent its key, which still hangs on the wall of one of the rooms at Mount Vernon.

As Lafayette rose rapidly to the dangerous heights of leadership in the French Revolution he had at every step Washington's advice and sympathy. When the tide turned and Lafayette fell headlong from power, ending in an Austrian prison, Washington spared no pains to help him, although his own position was one of extreme difficulty. Lafayette was not only the proscribed exile of one country, but also the political prisoner of another, and President Washington could not compromise the United States at that critical moment by showing too much interest in the fate of his unhappy friend. He nevertheless went to the very edge of prudence in trying to save him, and the ministers of the United States were instructed to use every private effort to secure Lafayette's release, or, at least, the mitigation of his confinement. All these attempts failed but Washington was more successful in other directions.

Washington sent money to Madam de Lafayette who was absolutely without funds at the time. When Lafayette's son and his own namesake, George Washington Lafayette, came to this country for a haven of safety President Washington had him cared for in Boston and New York by his personal friends—George Cabot in the one case and Alexander Hamilton in the other. As soon as public affairs made it appear proper for him to do it he took the lad into his own household, treated him as a son, and kept him near him until events permitted the boy to return to Europe and rejoin his father.

The sufferings and dangers of Lafayette and his family were indeed a source of great unhappiness to Washington, and it is said that when he attempted to talk about Lafayette he was so much affected that he shed tears—a very rare exhibition of emotion in a man so intensely reserved.

The life of Washington was filled with many vocations and enterprises, but on being asked what his vocation was he would invariably say that he was a farmer. By nature George Washington was essentially a farmer, a high-grade farmer. He loved his land, and his farm was an active one. He kept his roads constantly repaired with the best of improvements thereon.

He was very proud of his trees and flowers. His was a beautiful garden. Friends sent him seeds from all parts of the world. Once describing his love for farming, he wrote:

"I think that the life of husbandry of all others is the most delectable. It is honorable, it is amusing, and with judicious management it is profitable. To see plants rise from the earth and flourish by the superior skill and bounty of the laborer fills a contemplative mind with ideas which are more easy to be conceived than expressed."

Washington was farsighted, and the future America was uppermost in his mind, as is evidenced from the following extract from his Farewell Address:

"Be united. Be Americans. Let there be no sectionalism, no North, no South, no East, no West. You are all dependent one upon another. Beware of insidious attacks upon the Constitution, which is the great bulwark of your liberties. Beware of the evil effects of partisan politics. Keep the departments of government separate. Promote education. Preserve the public credit. Avoid public debt. Observe justice and good faith toward all nations. Have neither passionate hatred nor passionate attachment for any, and be politically independent of all."

The character and reputation of all great men have at some time been assailed. The late Henry Cabot Lodge, referring to criticism of Washington, said:

"There are but few very great men in history—and Washington was one of the greatest—whose declaration of principles and whose thoughts upon the policies of government have had such a continuous and unbroken influence upon a great people and through them upon the world. The criticism, the jeers, the patronizing and pitying sneer will all alike pass away into silence and be forgotten just as the coarse attacks which were made upon him in his lifetime have faded from the memory of men; but his fame, his character, his sagacity, and his ardent patriotism will remain and be familiar to all Americans who love their country. In the days of storm and stress when the angry waves beat fiercely at the foot of the lofty tower which warns the mariner from the reefs that threaten wreck and destruction, far above the angry seas, and in the midst of the roaring winds, the light which guides those who go down in ships shines out luminous through the darkness. To disregard that steady light would mean disaster and destruction to all to whom it points out the path of safety. So it is with the wisdom of Washington, which comes to us across the century as clear and shining as it was in the days when his love for his country and his passion for America gave forth their last message to generations yet unborn."

Thomas Jefferson, a great friend of Washington, said:

"The only man in the United States who possessed the confidence of all. There was no other one who was considered as anything more than a party leader.

"The whole of his character was in itself mass perfect, in nothing bad, in a few points indifferent. And it may be truly said that never did nature and fortune combine more perfectly to make a man great, and to place him in the same constellation with whatever worthies have merited from man an everlasting remembrance."

Lincoln estimated Washington as follows:

"Washington's is the mightiest name of earth—long since mightiest in the cause of civil liberty; still mightiest in moral reformation. On that name no eulogy is expected. It can not be. To add brightness to the sun, or glory to the name of Washington, is alike impossible. Let none attempt it. In solemn awe we pronounce the name and in its naked, deathless splendor leave it shining on."

The great Napoleon said:

"The name of Washington is inseparably linked with a memorable epoch. He adorned this epoch by his talents and the nobility of his character, and with virtues that even envy dared not assail. History offers few examples of such renown. Great from the outset of his career, patriotic before his country had become a nation, brilliant and universal despite the passions and political resentments that would gladly have checked his career, his fame is to-day imperishable, fortune having consecrated his claim to greatness, while the prosperity of a people destined for grand achievements is the best evidence of a fame ever to increase."

Eighty-three years ago Abraham Lincoln came from Springfield, Ill., to the Capitol of our Nation as a Representative in Congress from the Springfield, Ill., district.

Little was known of this quiet man at that time east of the State of Illinois, although later he was destined to make the same trip from Springfield to Washington on two different occasions to take up his duties as President of the United States.

Abraham Lincoln's life was unique for its successes and tragedies, and his birthday this month has been celebrated over the length and breadth of our Nation.

Having the good fortune to represent the district in Congress once represented by the immortal Lincoln, it is, indeed, a pleasure to pay tribute to the memory of his illustrious name. Living as I do in the locality where Lincoln once lived, where he practiced law, where he went about the streets in his humble way spreading kindness and cheer, where his great heart went out in sympathy for the unfortunate and the downtrodden, where he bestowed so many acts of kindness, where he lived as a loving husband and father, and living as I do almost in the shadow of his tomb, wherein is all that remains of him, I wish to express my appreciation for being permitted to have the opportunity to make a few remarks about my illustrious predecessor.

The name of Lincoln will live forever in the heart of a grateful Nation. Born in humble obscurity in a cabin among the hills of Kentucky, he was destined to amaze the world with his simple life and the nobleness of his purpose.

In his early life he met reverse after reverse; the cup of joy was never his, but bitterness crept into his life from every angle. From early youth until his tragic death his heart bled for his fellowmen. Hungry, half clad, and living in poverty in his youth, his horizon forever dark, this man had an undaunted courage, and with faith in his country and in the people, both of whom he loved with a great tenderness, Lincoln, saddened in heart and soul, drank of the cup of bitterness day after day until that fateful night in the city of Washington when he met death at the hands of an assassin.

On this occasion it may not be amiss to reflect a little upon the influence of Lincoln upon America and the American youth. With the life of Lincoln as an example, America has taught the world that in this country a boy, although born in humble and lowly surroundings, may achieve the highest honors of the Nation. In the life of Abraham Lincoln America has taught the world that in bestowing honors upon its people it does not look alone to the rich and powerful, but it selects its leaders by reason of worth and not by reason of birth.

The life of Lincoln has been a source of inspiration to thousands of young men starting out in life's career, and the story of his early reverses has caused many a young man to climb the ladder of fame who without the tragic story of Lincoln before him might have become discouraged and fallen by the wayside. It has taught America that she can say to the young man, although born in poverty and want, "Sir, you are a prince; you may attain the highest honors in the gift of the Nation."

This man's life history is considered by many as the most interesting narrative in the annals of all history. Ushered into the world in extreme poverty, of uneducated parentage, he was destined to be the chief actor in a period of our national life which threatened to tear our Nation from its foundation.

Although spending only a few years of his life in school, the products of his pen are considered by many to rank among the literary classics of the world. His Gettysburg address has long been considered as the acme of perfection.

To Lincoln there was no North nor South, and the noble sons of the South have been quick to respond to the noble purpose emanating from the great heart of Lincoln.

I quote from a distinguished Senator from Arkansas on the anniversary of the birth of Lincoln:

"As a representative in this body of what has come to be known as the new South, I bow my head to-day in reverence. I pluck a white rose, blooming in the gardens of Dixie, and lay it on the tomb of the brave, humble, awkward, patient, immortal Lincoln, whose courage and charity have been excelled by the leader of armed forces nowhere at no time in the annals of human history.

"In what other land, under what other sky could one of such humble birth, of such simple attributes, but of such determined principles, have attained the prominence which crowned Abraham Lincoln?

"If he could come back to life and move again among the men who served this Nation, he would find nowhere a more secure abiding place, nowhere would he be more cordially received than in the land of Dixie."

What a wonderful tribute to the memory of Lincoln from a son of the South!

Lincoln loved his home folks. Nothing is more touching or more expresses his deep feeling and sympathy for the people among whom he lived than his address from the rear platform of the train in Springfield, Ill., the morning he started to Washington to assume his duties as President of the United States.

It was on February 11, 1861, that Lincoln, standing in the rain, said to a small number of his friends and neighbors, who had met at the station to bid him farewell:

"My friends, no one not in my situation can appreciate my feelings of sadness at this parting. To this place and the kindness of this people I owe everything. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children were born and one lies buried. I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested on the shoulders of Washington. Without the aid of that Divine Being, who ever aided him, who controls mine and all destinies, I can not succeed. With that assistance I can not fail. Trusting in Him who can go with me and remain with you and be everywhere, for good, let us confidently hope that all will be well. To His care commending you, as I hope in your prayers you will commend me, I bid you, friends and neighbors, an affectionate farewell."

Lincoln will live forever in the hearts of men and women of America. His honesty will ever be taught in our schools. His success against great odds will ever be an inspiration to the struggling American youth. The sadness of his life will ever bring tears to the eyes of all true Americans. His reverence for his mother will ever be heralded to the youth of the land, for it was he who said:

"All that I am, all that I have, all I expect to be, I owe to my angel mother."

His strange, sad face will ever be before the American people. Those wistful eyes that had a tear for every fallen soldier of the Civil War will never be forgotten and will be the guiding star to this and future generations

A child of the wilderness, his picture now adorns the palaces of kings and the homes of the rich and the poor alike, for all join in doing honor to this humble, sad, martyred son of America, who seemingly bore a crown of thorns from the cradle to the grave.

Years will come and go, time will pass, the thrones of kings may totter and fall, the fame of distant heroes may be forgotten, but the American people will forever behold the image of this man—the most sorrowful, the most tender, and the most pathetic personage in history.

So we are not surprised that Secretary Stanton, at the deathbed of Lincoln, after the last drop of his crimson blood had been shed, remarked: "He now belongs to the ages."

Within the last few weeks a book has been published tending to belittle and blacken the memory of Abraham Lincoln. The general consensus of opinion is that this uncalled-for attack upon the Great Emancipator is for the purpose of increasing the sale of the book. If that is the purpose, it is sincerely hoped that it will fail.

When, in due time, the pages of this book are brown with age and the book, with its cruel, bitter sarcasm, has been confined to the garret and entirely forgotten, the memory of Lincoln will be more deeply enshrined in the hearts of the American people; the lessons of his honest and faithful service to his country in the time of its greatest peril will still be remembered; his great struggle for success against the greatest of adversities and his magnificent rise from poverty to the highest gift of the Nation will be a shining star and a beacon light to our American youth. The heart of America will not permit the memory of our great Lincoln to be crucified upon a cross of silver dollars.

Washington and Lincoln were, of course, much more than great believers, great advocates of education, of Federal union, and of individual industry. They were legislators, executives, politicians, and diplomats. They were all these and more. But I consider their chief distinction is that they gave to the world and humanity its chiefest example of free government. We should all highly resolve that they shall not have struggled in vain, that we will not fail them, and that we will do all that feeble finite hand and mind can do to make real that which was their ideal.

It seems that this dear country of ours was divinely ordained. I believe that the curtain of waters of the Atlantic Ocean was held down on the Western Hemisphere until the prow of Columbus parted these western waters in 1492 for a mighty purpose. I believe that that mighty purpose was and is to establish—yea, to maintain—here on this western continent a mighty and model Republic. I believe that it is part of that mighty purpose that this mighty Republic should be and become in truth and in fact the heir of the ages, the child of the centuries, the beacon light of liberty, the last hope of humanity, utterly regardless of what it costs—in men or in money, in brain or in bayonets, in treasure or in tears.

Wise and just, brave and firm, our forefathers and our fathers have gone away for awhile and have left in our hands the work of their hands. It is worth saving; it is worth serving. Let us do so right now in humble imitation of their august example, pledge to the mighty work—our lives, our fortunes, and our sacred honors.

Washington and Lincoln—the founder and preserver of our country. Washington made and Lincoln preserved our great ship of state. May their memory live forever. Permit me in conclusion to quote from the majestic poem:

"Thou, too, sail on, O ship of state!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!"

PRINTING THE ADDRESS BY MR. BECK ON GEORGE WASHINGTON

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the address delivered yesterday by the gentleman from Pennsylvania [Mr. BECK] on George Washington, be printed as a House document. I make this request because, among other things, the same gentleman delivered an able address two years ago which was printed as a House document and which has been useful to the George Washington Bicentennial Commission in its work of carrying forward the celebration to be held next year. The address delivered yesterday will be helpful in the same direction.

Mr. EDWARDS. How many copies does the gentleman provide for?

Mr. TILSON. The usual number for House documents.

Mr. EDWARDS. I think it would be desirable to have them distributed through the folding room.

Mr. TILSON. If they are printed without a provision for an extra number they are made available in the document room. If we have the usual number printed we can take care of the situation later if additional copies are desired.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

EVENING SESSION ON THE PRIVATE CALENDAR

Mr. TILSON. Now, Mr. Speaker, I ask unanimous consent that to-morrow it shall be in order to move to take a recess until 8 o'clock p. m. and that at the evening session private bills on the calendar unobjected to may be considered in the House as in Committee of the Whole, beginning where we left off on Monday night, the session to continue not later than 11 o'clock.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on to-morrow it shall be in order to move to take a recess until 8 o'clock p. m.; that at the evening session, which shall last not longer than 11 o'clock, private bills on the calendar unobjected to may be considered in the House as in Committee of the Whole beginning at Calendar No. 848. Is there objection?

Mr. UNDERHILL. Reserving the right to object, may I ask if the gentleman from Connecticut proposes to have evening sessions right along on the Private Calendar, or is this the last opportunity that we will have?

Mr. TILSON. That depends on the progress made. If we make substantial progress it may be the last opportunity. If we do not make good progress, I shall ask for a session every available evening for the remainder of the session.

Mr. CRAMTON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CRAMTON. Would it be possible to include in that request that in the case of any bill that heretofore has been objected to, that upon the withdrawal of the objection made by the person who made it when it was called that bill may be called subject to objection?

Mr. TILSON. It can be done without any agreement.

Mr. CRAMTON. No. I understand that it has been ruled that it could not be done. For instance, take a bill that may be back of the star, to which some one has objected. With fuller information the objector may feel that he is willing to have the bill go through. It seems to me that it would be advisable that such a request might be made in respect to further considering the bill.

Mr. COLLINS. There are over 100 bills on this calendar that have been considered several times. Others have not been called. If the practice that the gentleman from Michigan suggests is adopted, the Congress would spend the whole evening on bills that have already been considered and objected to.

Mr. CRAMTON. Then bills that have been objected to only once might on a statement of withdrawal by the objector be called again.

Mr. STAFFORD. That would refer only to those bills that were considered last night.

Mr. CRAMTON. No.

Mr. STAFFORD. Because we had reached last night only those bills that had not been given a hearing before. If we are going to adopt the proposal of the gentleman from Michigan to-morrow night, we will not make much headway.

Mr. CRAMTON. Then, I make this request: That it apply to those that have been called only once, that being those that were called last night. It gives those bills that were objected to last night a rehearing, which the others have had.

Mr. TILSON. I think that might be done, if my request is granted, unless somebody objects to it.

Mr. CRAMTON. With the statements made, I am agreeable.

Mr. CLARKE of New York. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. CLARKE of New York. Will the oleo bill come up to-morrow?

Mr. TILSON. That has nothing to do with my request.

Mr. SNELL. That bill will be called up the first thing to-morrow. Reserving the right to object, Mr. Speaker, as I understand the request of the floor leader it is that it shall be in order to consider bills on the Private Calendar beginning at the star. That was the request under which we worked last evening. I happened to be in the chair, and I ruled that I did not think it was proper to go back of the star. I think there should be a definite understanding in respect to that. If we are going to go back of the star, we should say so; and, if not, we should stick to it.

Mr. HASTINGS. Mr. Speaker, I shall set the whole thing at rest. So far as I am concerned, I shall object to going back of Calendar No. 848, at the star. Some of us have been here watching for local bills to be called up for a long time. There are 500, or approximately that many, that have not had an opportunity of being called. We ought to have our day in court. If the provision or exception or condition suggested by the gentleman from Michigan is placed on the request of the gentleman from Connecticut, it will simply be an invitation to every Member here who has had a bill passed over to interview the person who objected to it, and as a result to-morrow night will be spent in going over those bills that have once been called. I think it is only fair to the membership of the House that they have an opportunity before the closing of this session to have their bills called at least once.

Mr. TILSON. I am making every effort possible, as the gentleman will bear me witness, to secure an opportunity for all of these bills to be called.

Mr. HASTINGS. Let us run through the calendar once, and then let us go back over them and have an opportunity of calling them a second time, but we ought not to take up all of the time to-morrow night giving opportunity to a few Members who have had their bills called to go and importune those who objected to their bills to withdraw the objection.

Mr. SNELL. We will not get very far if we do that.

Mr. TILSON. Under any condition, one objection will stop it.

The SPEAKER. Does the Chair understand that the gentleman from Connecticut couples with his request the condition suggested by the gentleman from Michigan?

Mr. TILSON. No, Mr. Speaker; I make the simple request that to-morrow evening from 8 to 11 be devoted to the consideration of bills unobjected on the Private Calendar, as heretofore.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. IRWIN. Mr. Speaker, reserving the right to object, I understand that the gentleman from Connecticut wishes to go through the calendar. There are 500 bills on the calendar after the star. Is the gentleman intending to have another night session after Wednesday night?

Mr. TILSON. Unless very substantial progress is made to-morrow, I shall certainly ask for another night to consider these bills.

Mr. IRWIN. Would that be on Friday night or Saturday night?

Mr. TILSON. Probably Friday.

Mr. SIMMONS. I suggest to the gentleman that there is the dedication of a new building at the Zoo to which all of the Members of Congress have been invited by the Smithsonian Institution on Friday night.

Mr. TILSON. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HASTINGS. Mr. Speaker, I am going to be here to-morrow night, and I shall object to going behind the star, No. 848 on the calendar.

Mr. STAFFORD. The occupant of the chair so ruled, and it will be considered as the ruling for to-morrow night.

SUITS AGAINST THE UNITED STATES

Mr. GRAHAM. Mr. Speaker, I call up a conference report on the bill (H. R. 980) to permit the United States to be made a party defendant in certain cases and ask for its adoption.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, without taking the time to read the report, when this bill was sent to conference the Commissioner of Reclamation called my attention to the fact that the bill would be inadequate to properly protect the Government's interest in reclamation cases. I do not know whether the substitute now proposed has been framed with due consideration of that criticism or not. Yesterday I tried to ascertain, but the offices were closed. I sent a letter down and I will know to-day whether the director feels their interests are now protected. I ask the gentleman to withhold the request for the present.

Mr. GRAHAM. I would answer the gentleman from Michigan [Mr. CRAMTON] by saying that in my opinion the rights of that department have been thoroughly protected and this bill comes with the approval of every conferee and the Attorney General. The bill was practically drafted by the Attorney General after a number of our conferences had been held upon the bill.

Mr. CRAMTON. If the gentleman will permit me, I am sure he desires every interest protected, and if the gentleman would defer it until later in the day, I will attempt to ascertain at once.

Mr. GRAHAM. I have no objection to that, although I think it is entirely covered in the bill.

I withdraw the conference report, Mr. Speaker.

Mr. CRAMTON. Under leave granted me I extend my remarks on this conference report by inserting the following letters from the Commissioner of Reclamation and the Secretary of the Interior. I especially call attention to the amendment suggested in the letter of February 24, 1931, from the commissioner.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, February 24, 1931.

Hon. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: Reference is made to your letter of February 23. The conference revision of H. R. 980, as set out on page 5578 of the CONGRESSIONAL RECORD, is subject, from the standpoint of this bureau, to the objections which were pointed out in the Secretary's letter of February 13, 1930, to Hon. GEORGE W. NORRIS, chairman of the Senate Judiciary Committee, a copy of which letter is inclosed for ready reference.

As explained in that letter, the United States in contracting for the sale of water rights from reclamation projects does not examine the title of the proposed water-right applicant, and often, as a matter of fact, the land is heavily encumbered when the Government lien attaches. Section 3 of the proposed law would permit the senior lienors to wipe out the Government's security unless the bureau has the funds with which to redeem within one year. The matter is very important on the Grand Valley, Uncompahgre, Salt River, Strawberry Valley, and Orland projects, where these liens are the only security that the Government has, other than the personal liability of the water users, to secure the return of the construction charges.

Under present laws, those foreclosing a mortgage on land under Government water-right application are unable to make the United States a party defendant, and the result is that the foreclosure sale leaves the land still subject to the Government lien. So far as we are aware, no objections have been raised by the landowners to this result, and it would seem that the proposed bill should be amended by the addition of a section reading somewhat as follows: "This act shall not apply to any lien of the United States held by it or for its benefit under the Federal reclamation laws."

Very truly yours,

ELWOOD MEAD, *Commissioner.*

THE SECRETARY OF THE INTERIOR,
Washington, February 13, 1930.

Hon. GEORGE W. NORRIS,
Chairman Senate Judiciary Committee,
United States Senate.

MY DEAR SENATOR NORRIS: From the CONGRESSIONAL RECORD for February 5, 1930, pages 3235 to 3239, I note that the House has passed a bill, H. R. 980, to permit the foreclosure as against the United States of junior liens held by the Federal Government.

This bill will affect adversely the return of Federal moneys invested in the reclamation of arid lands under the provisions of the act of June 17, 1902 (32 Stat. 388), and amendatory acts, known as the Federal reclamation laws.

Under these laws the Government constructs reclamation projects and the department apportions the cost to the lands benefited, the landowners, where land is in private ownership, executing a contract to pay the construction and other charges in installments over a period of years. Under this contract, called a water-right application, a lien is created upon the benefited land to secure the payment of the installments of the charges as they come due.

At the time of taking water-right applications the land titles are not examined, as the task of doing so would be onerous where many contracts are executed within a short time. It results, therefore, that the United States often accepts a second or even later lien. In the past this has made no practical difference, as the impossibility of removing the Government's lien, except by payment, has permitted the lien of the United States in process of time to become a first lien. However, even if the Government holds a first lien, it is liable at any time to be made a second lien by the accruing of taxes.

The theory of the Federal reclamation laws is that the money invested in irrigation works is to be returned undepleted for in-

vestment in further irrigation enterprises. The revolving feature of the law is important, and it appears that H. R. 980 may be utilized to cut down the receipts into the reclamation fund from beneficiaries of the law. The Government has advanced and is advancing its funds for a period ranging from 10 to 80 years without interest, and no reason is seen why the present law should be modified so as to permit the Government's lien to be defeated by senior lien holders. On a number of the reclamation projects these liens are the Government's sole reliance for the payment of the charges, and to the extent that landowners are enabled to secure the release of the liens without payment the returns from the project will fail to meet the capital investment of the United States. It is the water right chiefly that gives the land its value. In an arid country often land that can be used only for grazing purposes and has a value of $5 or $10 an acre is increased in value by the water right to $100 and often much more. There is no apparent reason why on foreclosure the sale should not be made subject to the water right and the unpaid charges on account of it. This is the result of the present practice, and little or no complaint has been heard because of it on the reclamation projects of the Government.

It appears that the status quo, so far as reclamation liens are concerned, would be preserved if the following words were added at the end of section 10 of H. R. 980, "Nor to liens held by or for the benefit of the United States under the Federal reclamation laws," so that section 10, as so amended, would read as follows:

"SEC. 10. This act shall not apply to any lien of the United States upon any vessel or vehicle if a violation of the customs, prohibition, narcotic drug, or immigration laws is involved, nor to any maritime or preferred vessel-mortgage lien, nor to liens held by or for the benefit of the United States under the Federal reclamation laws."

If the bill is referred to your committee, as appears probable, it is hoped that you will give the foregoing comment your consideration, and recommend amendment of the bill as suggested, if you conclude the amendment to be appropriate.

Very truly yours,

RAY LYMAN WILBUR.

DISTRICT OF COLUMBIA TRAFFIC ACTS

Mr. ZIHLMAN, from the Committee on the District of Columbia, presented a conference report for printing, under the rule, on the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc.

PROPOSED AMENDMENT TO THE CONSTITUTION

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 356) which I send to the desk.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself in the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 292, proposing an amendment to the Constitution of the United States. That after general debate, which shall be confined to the House joint resolution and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Election of President, Vice President, and Representatives in Congress, the House joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the House joint resolution for amendment the committee shall rise and report the House joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the House joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. May I ask how much time is desired on the other side?

Mr. BANKHEAD. We would like 10 minutes on this side.

Mr. MICHENER. Mr. Speaker, ladies and gentlemen of the House, this resolution makes in order House Joint Resolution 292, known as the Gifford resolution, and which is sometimes affectionately designated as the "lame-duck amendment." In many particulars it is similar to a resolution which has been passed by the Senate at least six times, and which has been thoroughly considered by the House on previous occasions.

If this rule is adopted, it will make in order the consideration of the resolution under the general rules of the House. General debate, however, will be limited to four hours. The time will be divided equally between the chairman of the committee reporting the resolution and the ranking member on the minority side.

In other particulars this is the usual rule.

Let us remember in the beginning that this proposed amendment in no way changes fundamental constitutional principles, but deals entirely with the mechanics or procedure, so to speak. If adopted, it makes it possible for the Government to-day to function under the Constitution as intended by the forefathers, but in the light of present-day conditions. The resolution is not lengthy. The first section provides that the terms of the President and Vice President shall end at noon on the 24th day of January, and that of Senators and Representatives at noon on the 4th day of January, and the terms of their successors shall then begin.

Of course there has been much discussion about whether or not this change should be made. I feel that possibly a large part of the opposition to this resolution in the past has been due to the provisions of this section.

There is nothing sacred about March 4. We should not forget that in the beginning it was the intention of the forefathers and the framers of the Constitution that the new Congress should function as soon as possible, after election. That matter was thoroughly discussed. Finally, on September 13, 1788, the Continental Congress provided for the selection of presidential electors and Representatives in Congress, and fixed the first Wednesday in January for the selection of the electors in the respective States, and the first Wednesday in February for the electors to assemble and vote for the President and Vice President, and the first Wednesday in March for the commencement of proceedings under the Constitution. They selected the first Wednesday in March, not the 4th of March, but the first Wednesday in March, because it was presumed at that time that would be the first opportunity under which it could reasonably be expected that Congress could be assembled and the new President might be inaugurated. It was intended at that time that the President-elect should be installed on March 4. However, the exigencies of the occasion were such that the Continental Congress even in those days, misjudged and it was not possible to inaugurate the President until the 30th of April, 1789. In these days of improved transportation and communication the reason which deferred the inauguration and the meeting of the new Congress has disappeared, and if this were a new question there would be no doubt as to what the Congress would do.

Mr. BLANTON. Will the gentleman yield?

Mr. MICHENER. I would rather not yield at this time.

Mr. BLANTON. I would like to ask one question.

Mr. MICHENER. If the gentleman will make it a short question, and not a comment, I will yield.

Mr. BLANTON. The present membership is elected for two years from March 4 to the succeeding March 4 two years. How would it affect their tenure of office?

Mr. MICHENER. That matter will be thoroughly discussed and explained by the legislative committee when the matter comes before the House. Of course, that same question was considered on the previous occasion and no one ever raised any question about the matter.

However, the gentleman from Massachusetts [Mr. GIFFORD], in charge of the bill, will fully explain that.

The time intervening between election and the convening of the legislative bodies is much longer here than in any of the principal nations of the world. Indeed, there is no precedent for the expiration of so long a period. In England the Parliament usually convenes two or three weeks after election. No definite time is fixed by law in Canada, but the time is usually short. In France the Chamber of Deputies, in case of prorogation and a new election, must convene within 10 days after the election. The latest action of any country is in Germany, where it is provided in their Constitution, approved in August, 1919, that the Reichstag shall assemble for the first meeting not later than 30 days after the election. So it seems an anomaly that here in America, where we have a democratic government, where we boast that we have the rule of the people, that when the people have spoken at an election the Representatives selected by the people can not begin to function until 13 months after the election, unless they are called into extraordinary session by the President.

Section 2 of the resolution is the section which will probably cause more or less controversy in debate, more or less discussion, and more men and women in this House to-day are undecided as to whether or not they will vote

for this resolution because they fear that there will be no limitation placed on either of the sessions.

The section as suggested provides that—

The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January unless they shall by law appoint a different day.

This provision is flexible. If it is found that the time is wrong, the Congress can change the time without interfering with the Constitution.

I am one of those who hope that there will be an amendment to this section. I favor a limitation on the second session. We to-day have three months in the short session. I favor a limitation to make the last session four months, or possibly five months, in length. So far as the question of filibustering is concerned, of course, there may be a filibuster if there is a limitation, but you can not eliminate the filibuster, because, assuming that there was no limitation and that the Congress sat throughout the entire summer and approached the new session of Congress, when the new Congress comes into being, a filibuster is just as effective there as it is at any other time. I am happy to say that an amendment proposing a limitation will be presented to the House by the Speaker of the House when we are considering the bill under the 5-minute rule, and I think I have authority to say that the Speaker of the House favors the adoption of the Gifford resolution and will vote for the same with that amendment.

Section 3 and section 4 of the bill deal with the succession in case of death and with some other matters. These sections are somewhat technical and will be fully explained by those best able to explain them, and, in my judgment, there will be little discussion about those matters.

Then we come to section 5. Section 5 fixes the date when the amendment, if ratified by three-fourths of the States, shall become effective.

Section 6 provides for the ratification of the amendment by the States. This section is unique in that it contains provisions never heretofore embodied in a constitutional amendment. The section reads as follows:

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress.

Listen:

And the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission.

In other words, we have heard complaints about some of the existing amendments to the Constitution on the ground that unfair advantage was taken of the people, that the issue was not before the legislatures, and that the legislatures hastily and willy-nilly ratified because of pressure brought upon them by organized minorities. So in this amendment as submitted this issue will be squarely before the citizens of every State in this Union in the election of at least one branch of its legislative body. For one I want to commend the committee for bringing this fair provision before the Congress.

Mr. DYER. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. DYER. Does the gentleman approve of this amendment to the section?

Mr. MICHENER. I approve of the proposed amendment to the section. There is just one other thing of which I want to speak and that is this: It is oftentimes said that Congress acts hastily on constitutional amendments. I say that the Congress is not acting hastily on this constitutional amendment. This matter has been before the country for 10 or 15 years; indeed, it has been a live issue in practically every section of the country. I dare say that in the last few years few subjects of national importance have received the editorial and newspaper comment which this particular amendment has received, and I say further, and without fear of successful contradiction, that the preponderance of editorial comment and that the overwhelming proportion of the editors and newspaper people of this country stand squarely committed to this amendment. They have not only been requesting it but they have been demanding it. They have been finding fault with the Congress of the United States and they have said that the leadership in Congress has refused to permit this constitutional amendment to come before the people for action.

This is not emergency legislation and the leadership of the present House announced early in this session that an opportunity would be given to vote on this resolution before adjournment and that promise has been kept. This is a very controversial question.

So far as I know no legislation of major importance which has been inimical to the best interests of the country has ever been enacted by a hold-over Congress, yet the converse might be true. Ours is a Government functioning through political parties. These parties go to the people in the elections on specific platforms, and there are great national issues involved. The people pass on these issues at the election and have a right to have their representatives representing their views on these issues placed in a position where the principles involved in the election may be put into operation. Under existing conditions the election is held in November, and there is no possible way whereby the legislative branch of the Government may function for more than a year after the election, unless, of course, the Executive convenes the Congress in extraordinary session. The people of the country want this condition remedied. Careful study has convinced the committee that two months between election and the convening of Congress is a sufficient time, and that 20 days between the convening of Congress and the inauguration of the President is a sufficient time to permit the Congress to organize and prepare for the President's message. It may be pointed out that this is too short a period. On the other hand, it may be said that 20 days will not be required. Experience will tell, and if the time is not properly adequate the Congress may by legislation change the date. The Constitution may be changed so that in case the House of Representatives is ever required to elect a President that this important duty will be performed by a Congress elected on the same issues on which the President was elected and not by a Congress which was elected two years preceding and many Members of which have possibly been repudiated at the polls.

We must not forget that the Burr and Jefferson, the Adams and Jackson, and the Tilden and Hayes elections were decided in the House, and we all remember that with three candidates in the field, Coolidge, Davis, and La Follette, in 1924 there was much apprehension as to what might have happened had the result at the election been different.

Since the Constitution was framed we have made changes in the manner of selecting United States Senators. These officials are now elected in the same elections at which Representatives are voted upon, and it is not necessary to make the convening of Congress dependent upon the meeting of State legislatures, who formerly selected the Senators.

We are agreed that we should be very careful about meddling with our fundamental law, yet when the conditions of the country have so changed that an amendment is essential to the best interests of our people I am sure that none have such reverence for the Constitution that they will object to making its terms and provisions applicable to present-day necessities, and I hope that this rule will be adopted and that the Gifford resolution with the Longworth amendment will pass the House and be approved by the States.

Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD], a member of the committee.

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I shall not consume any of the time allotted to me in a discussion of the rule or of the constitutional amendment, further than to say that, as I remember it, there was no opposition to the granting of this rule in the committee. So far as I am personally concerned, although I have heretofore opposed this amendment, after further reflection and consideration, I have reached the conclusion to support it when submitted at this time.

I desire, Mr. Speaker, to take advantage of the opportunity afforded to call attention to the language of a decision made by the gentleman from Michigan [Mr. MAPES] in presiding over the Committee of the Whole upon yesterday, which I do not think should be allowed to remain as a permanent decision and possibly as a precedent for the future deliberations of the House, without protest.

When the so-called Wagner bill was up for consideration upon yesterday and the substitute was offered, the gentleman from New York [Mr. O'CONNOR] made a point of order against the substitute on two grounds, the second of which was that the substitute was not germane to the original bill. I think the gentleman from New York offered sound and cogent reasons why the point of order should be sustained.

I am not quarreling, however, with the decision reached by the gentleman from Michigan in rendering his decision, but the language in which he couched it might possibly be misleading to some future occupant of the chair in ruling upon an identical proposition. We know how the Speaker and Chairmen of Committees of the Whole are bound by the precedents. We had a rather illuminating example of that a few days ago when the present distinguished Speaker was ruling upon a point of order with reference to the Florida Park bill, in which he meticulously observed the precedents of the House, while at the same time making a very persuasive argument for his side of the House to overrule his decision, which was thereafter effective; but, nevertheless, the circumstances show that the Speaker is anxious to preserve intact the position of the House on its former precedents.

The gentleman from Michigan [Mr. MAPES] rendered this decision and I think every parliamentarian here will agree with me it is an unsound decision. It may have been an ill-considered one; it may have been hastily delivered, but he ruled thus:

> As to the second point, the Chair feels that the substitute which the gentleman from Pennsylvania has offered—and, of course, in ruling on the point of order the Chair does not consider the merits of the proposed legislation at all—the substitute, it seems to the Chair, is along the same general lines as the bill, but somewhat more restrictive, and, of course, an amendment which is restrictive is always in order.

I do not think the gentleman from Michigan, however learned he may be in the parliamentary precedents, can find any well-considered precedent that holds that this is a correct interpretation of the rules of the House. Necessarily, under all the rulings, it must be germane to the original proposition involved, but if we follow this precedent—and it is set out in definite terms and may be taken as a precedent hereafter by any occupant of the chair—it would be held that all substitutes that might be along the same general lines and were merely restrictive in their force and effect would be germane and, for one, Mr. Speaker, anxious to preserve some consistency in the precedents I want to note this protest against the decision.

Mr. DYER. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. DYER. I know the gentleman wants to quote the Chairman of the committee correctly. I do not recall that in his decision he spoke of the committee amendment as a substitute.

Mr. BANKHEAD. I quoted the exact language of the Chair in rendering his decision, and I will have that incorporated in my remarks, and he used the term "substitute."

Mr. Speaker, I now yield two minutes to the gentleman from Arkansas [Mr. GLOVER].

ANNOUNCEMENT

Mr. GLOVER. Mr. Speaker and gentlemen of the House. I shall take these two minutes to make an announcement to the House. We have in the city now Judge J. P. Lightfoot, the president of the association fostering the Broadway of America, which leads from New York to San Diego. He is here for the purpose of extending an invitation to the President of the United States to address a national meeting which is to be held at Hot Springs National Park on the 20th and 21st of April next. I am requested by him to extend an invitation to the Speaker of the House and the Members of the Congress to be present at that time and to participate in this great meeting which means so much to America.

The commission that has been working on this matter now has a highway, 97 per cent paved, from New York to San Diego, and I am extending to each of you, through the president of the association, an invitation to be present at that time, on April 20 and 21 at Hot Springs, Ark. [Applause.]

PROPOSED AMENDMENT OF THE CONSTITUTION

Mr. MICHENER. Mr. Speaker, I yield five additional minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, I yield that time to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and gentlemen, in reference to the "lame-duck" amendment, permit me to say that I am glad it is going to be considered by the House, but I want to state that I believe that altogether too much importance has been attached to it. I believe that there are many more important things for the consideration of this Congress than this particular measure.

I have been surprised at the sources of such enthusiastic support it has received, for instance, that so many women's organizations throughout the country have taken such a keen interest in the bill.

I think the great pressure for its adoption illustrates the magnifying of the unimportant. We have pending in Congress, yet to be considered, in this very serious situation in which we find the country, many much more important measures.

I do not object to the consideration of this measure, but I would like to see it perfected in some particulars.

I was very much interested in hearing the gentleman from Michigan [Mr. MICHENER] call particular attention to section 6, wherein is provided, as he says, for the first time in the history of the country, the proposal that this constitutional amendment must be adopted after the election of at least one branch of the legislature. If that is a new departure or "unique" as the gentleman called it, it is not unique enough for me. Undoubtedly many Members will oppose it as too unique. Throughout this country to-day, from Maine to California, there is no more violent protest on any subject than against amendments to the Federal Constitution for any purpose. Many people oppose any amendment. Next there are a legion of sound-thinking men and women in this country who oppose amendments to the Constitution by piecemeal. They insist on an opportunity to have the Constitution amended revised in a general national convention. The matter has been discussed thoroughly, and many persons want this tinkering with the Constitution stopped.

Next, there are countless persons like myself who are opposed to the submission of any amendment to the Constitution for ratification by the legislatures of the States. Why is it provided in Article V of the Constitution that there be two methods of submission—the method of ratification by legislature and by conventions in the States? Was the "conventions" a useless or superfluous alternative put into the Constitution? Why should we not submit this amendment to conventions in the States—what is the objection to such a method? It is provided for in the Constitution. Our forefathers thought well enough of it to place it there. Why has Congress continually dodged that method? Throughout the country there is a real demand for the submission of constitutional amendments to conventions. If you do not use that method and heed this demand, I believe that some day you will have the referendum as the method of adoption in the States.

I suggest now that we take the middle course between ratification by referendum or by the legislature. Electing one branch of the legislature after submission does not meet the demand of the people of the country that they have a more direct vote on the subject of amending the Federal Constitution.

I shall propose at the proper time—and I can see no real grounds for anybody to oppose it—an amendment to section 6 that this article be submitted to a convention of the States. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MICHENER. I yield the gentleman one minute more.

Mr. O'CONNOR of New York. I do not want it.

Mr. MICHENER. How much time does the gentleman want?

Mr. O'CONNOR of New York. I think this side should have had 30 minutes; I want at least 5.

Mr. MICHENER. I asked the ranking member how much time he desired and he stated the time, and I have yielded all the time requested. If the gentleman made a mistake in regard to the time, I yield five minutes more to the gentleman.

Mr. GIFFORD. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. GIFFORD. The gentleman proposes to offer an amendment. I think it is proper to say that the reason that this has never been done before by the legislatures is that you can not bind a convention to deal with this matter alone.

Mr. O'CONNOR of New York. The gentleman is confused, and I want to dissipate that confusion right now, because I have heard that old bromide of an argument for some time. This is what the gentleman has in mind: Under Article V of the Constitution, the Constitution may be amended in a national convention at the request of two-thirds of the States. There the question might arise as to whether or not a limit could be placed upon the deliberations of the convention, as, for instance, if the States requested a constitutional amendment to pass on the sixteenth amendment, whether they could go beyond the consideration of that particular provision and generally into a revision of the entire Constitution. That is the situation the gentleman has in mind; but when you submit one amendment to the conventions in the States for ratification and you submit it to separate conventions called in each State, that is a limitation on the action of those conventions, and they can not go outside of that particular amendment.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. LUCE. This matter has perplexed various State conventions. Different views have been taken by the conventions. The weight of authority, in my judgment, after reading everything I could find on the subject, is to the effect that the gentleman is in error. A state convention once having assembled is the embodiment of the sovereignty of the State, is a law unto itself, and may consider any question that it sees fit to take up.

Mr. O'CONNOR of New York. I have read everything that has been said in the last year on this much-controverted question. If that is so, gentlemen, what could happen? Let us say that a convention is assembled in the State of New York to act on the submission of this so-called "lame-duck" amendment. Suppose the convention wants to take up something else and does take up something else. How can that possibly affect Congress or the Constitution? They have either to adopt the proposed amendment or not adopt it.

Mr. LUCE. There are States in the Union that, for one reason or another, do not want any convention. Indiana, for example, has long resisted a convention, and Illinois has resisted holding any convention because if once called it will redistrict the State and give more power to Chicago and less to the rest of the State. The practical result of the gentleman's suggestion would make it impossible to ratify amendments to the Constitution unless there were overwhelming demand for them.

Mr. O'CONNOR of New York. Oh, the gentleman is one of those who worship at the shrine of the Constitution, which is the embodiment of Deity to him. But he says at the same time that Congress should not proceed under this Constitution because a couple of States protest in the matter and do not intend to follow the mandate of the suggestion of Congress or the provision of the Constitution.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. GIFFORD. In the debate in the Congress in 1803, when the twelfth amendment was presented, it was debated and decided that if the States were called to ratify an amendment presented to them, there was no way by which you could prevent them from acting on other matters affecting the Constitution.

Mr. O'CONNOR of New York. They could not do anything if they did act. They could act for the rest of time, and what could they do? They have but one question that pertains to this matter and one course to pursue, and that is to either vote it up or vote it down. They can hold their town meeting and discuss everything under the sun. That is the practical answer to the gentleman's suggestion. I do not believe it is the sentiment of this country to evade that provision of the Constitution. A democratic procedure is the proper one to follow, and we should submit this to conventions in the States.

Mr. MICHENER. Mr. Speaker, I yield 15 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker, I discussed the merits of the pending resolution when it was before the House of Representatives in March, 1928. The proposed amendment has in a way been before the country for a number of years. I do not think there is much excitement about it. There is probably more excitement right here in the House over this proposal than in any other place in the country. Although I have been for the proposed amendment for 10 years, and introduced the American Bar Association proposal to amend the Constitution as contemplated in the pending resolution back in 1923, I have received but very few communications favoring or opposing the resolution.

The proposed amendment was carefully and thoughtfully considered in this House in March, 1928. It was thoroughly discussed. I never saw the House of Representatives in a more deliberative mood than during the time that this proposal was under consideration. One whole day was given to general debate. The House was crowded and attentive. Then another day was given over to the consideration of amendments. After the matter had been disposed of there was printed House Document 331 of the Seventieth Congress, first session, in which you will find all the debates and the proceedings on the proposed amendment to change the dates of the meeting of Congress and of the inauguration of the President.

To-day I shall confine my discussion to section 6 of the resolution that is before you. The gentleman from Michigan [Mr. MICHENER] stated that this section 6 is new. Section 6 was offered as an amendment on March 9, 1928, to the then pending resolution of the same nature as the one that is before us to-day by the gentleman from Tennessee, Mr. Garrett, word for word as it appears in section 6 and was adopted by a vote of 184 to 23. I shall now read section 6, and then speak for a few minutes upon the importance I attach to it as a reform in the process of Constitution amending:

> SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission.

The first clause of section 6 is in substance a part of the eighteenth amendment to the Constitution. This clause provides that the proposed amendment to the Constitution shall be inoperative unless ratified by the legislatures of three-fourths of the several States within seven years from the date of submission by Congress to the States. The second clause provides that the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected after such date of submission.

One ground of attack against the validity of the eighteenth amendment was based on that part of the eighteenth amendment which is similar to the first clause of section 6, which I am now discussing. That provision in the eighteenth amendment to the Constitution was held by the

Supreme Court of the United States to be a reasonable limitation in Dillon *v.* Gloss (256 U. S. 368). On page 376 the court says:

Whether a definite period for ratification shall be fixed, so that all may know what it is and speculation on what is a reasonable time may be avoided, is, in our opinion, a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification.

As you know, there are two modes of ratification of constitutional amendments proposed by Congress—one by the State legislatures and the other by State conventions—and Congress in submitting resolutions to amend the Constitution may designate either one of the two modes. The Supreme Court in Dillon against Gloss held the 7-year limitation valid as an incident to the power of Congress to designate the mode of ratification.

The Supreme Court says on page 374 of this same case:

Thus the people of the United States, by whom the Constitution was ordained and established, have made it a condition to amending that instrument that the amendment be submitted to representative assemblies in the several States and be ratified in three-fourths of them. The plain meaning of this is (a) that all amendments must have the sanction of the people of the United States, the original fountain of power, acting through representative assemblies, and (b) that ratification by these assemblies in three-fourths of the States shall be taken as a decisive expression of the people's will and be binding on all.

The Constitution of the United States is the people's law. The people alone have the power to change that law. Laws passed by Congress are laws enacted by the agents of the people. Therefore, any law of Congress, which is a law passed by the agents of the people, in violation of any provision of the Constitution, or the people's law, is by the courts held to be unconstitutional and void.

The quotation which I have just given you contains this clause:

All amendments must have the sanction of the people of the United States, the original fountain of power, acting through representative assemblies.

I quote now from Hawk *v.* Smith (253 U. S. 221), on page 27:

The method of ratification is left to the choice of Congress. Both methods of ratification, by legislatures or conventions, call for action by deliberative assemblages representative of the people, which it was assumed would voice the will of the people.

The Congress in submitting a proposed constitutional amendment to the State legislatures does not submit it to the State legislatures as such but to the State legislatures as agents of the people. The State legislators elected last year have no commission from the people of their respective States and are not the agents of the people of their respective States to pass on constitutional amendments submitted by Congress after such elections. Before any State legislature has a right under our theory of government to pass upon a proposed constitutional amendment, the members of such legislature should have been elected after the people have had an opportunity to consider and have in mind the proposed amendment to the Constitution of the United States upon which the legislature will be called upon to act. How can a legislature "voice the will of the people" on a proposition of this kind before the people have had an opportunity to consider it and to elect members to the legislature to express by their votes on the proposed constitutional amendment "the will of the people"?

The legislatures now in session were not selected as the agents of the people to act upon the pending proposed constitutional amendment. The idea back of the second clause of section 6 is to bring proposed changes in the Constitution, the people's law, nearer to the people and to permit the people to voice their own will on changing the fundamental law.

If Congress should designate State conventions as the method or mode of ratification, such conventions would be composed of delegates elected by the people. Such delegates, of course, would voice the judgment and will of the people upon the particular amendment submitted. The method of ratification by State conventions has never been used. Congress does not seem to be in a mood to designate this method of ratification. A proper respect for the people's will in changing the Constitution of the United States, it seems to me, demands that Congress should in designating the State legislatures as the method of ratification, require "as an incident of its power to designate the mode of ratification" by State legislatures, that action on the proposed amendment should be delayed until the people have had an opportunity to study the proposal and to instruct the membership of at least one branch of the legislature for or against such ratification.

I have made a study of the ratification of all the amendments to the Constitution since the Civil War. Nearly every amendment to the Constitution that has been submitted since the Civil War was submitted at a time of more or less hysteria and fanaticism. In each case there were ratifications by State legislatures that were elected before the amendment was submitted by Congress. In every instance where the legislatures acted before there was an election subsequent to the submission of the amendment the members of such legislatures were not elected by the people on the issue of the proposed constitutional amendment.

The thirteenth amendment was submitted by Congress on February 1, 1865, and in the same year of 1865 27 States ratified it. I doubt whether there was a single State legislature so ratifying whose membership was elected after this amendment was submitted.

The fourteenth amendment was submitted June 16, 1866. Within the year 1866, 6 States ratified it, within the year 1867, 16 States ratified, and within the year 1868, 8 States ratified. To give you an insight into the haste with which proponents of constitutional amendments desire to get them put over without consulting the people I will read one sentence from a thesis on the fourteenth amendment by Flack. The Mr. Stevens referred to in what I am about to read was Thaddeus Stevens, Republican leader of the House of Representatives at the time. The fourteenth amendment was under discussion in the House of Representatives. The author says on page 101 of this book:

At the time the resolution was reported Mr. Stevens stated that he wanted it to pass before the sun went down in order that it might be acted upon by the State legislatures, 22 of which were in session at the time.

It has frequently been charged that organized minorities get constitutional amendments submitted by Congress and then these same organizations rush before State legislatures to get action before the people have had an opportunity to consider the proposed amendment and to voice their will through the election of legislators upon the issue of the proposed amendment.

The fifteenth amendment was submitted by Congress February 27, 1869. Within the year 1869, 20 States ratified it, and the next year 10 States ratified it.

The sixteenth amendment, which is the income-tax amendment, was submitted July 12, 1909. In the consideration and ratification of this amendment there was more deliberation and more opportunity for the people to voice their will than on any other amendment that has been submitted by Congress since the Civil War. One State ratified this amendment within the year 1909. In 1910, 8 States ratified it; in 1911, 21 States ratified; in 1912, 4 States ratified; and in 1913, 4 States ratified.

The seventeenth amendment, providing for the election of United States Senators by the people, was submitted by Congress May 6, 1912. Three States ratified it within 1912 and 33 States within 1913.

The eighteenth amendment, providing for national prohibition, was submitted by Congress to the State legislatures December 17, 1917. Fifteen States ratified this amendment within the year 1918, 30 States ratified it during the year 1919, and 1 State ratified it during the year 1922.

The nineteenth amendment, the woman's suffrage amendment, was submitted June 5, 1919. This amendment was ratified with greater haste than any other amendment with the exception of the thirteenth amendment. Twenty-two States ratified it during 1919, seven of which ratified the amendment within less than one month after its submission. Fifteen States ratified it in 1920; one State in 1921.

Up to this time the Congress has deemed the mode of ratification by State conventions as impractical. There is no question but what the submission of constitutional amendments to State conventions would come nearer getting a real expression of the people's will. Section 6 in the proposed amendment is an important step in the right direction and will give the people a chance to consider what is being submitted and to instruct their legislators before the legislatures act.

In my speech on March 9, 1928, in support of an amendment which was identical to section 6, I said:

Congress must determine the mode of ratification, and in that determination is limited to one of two modes prescribed in Article V of the Constitution. As an incident to its power to designate the mode of ratification, Congress may prescribe that if a proposed constitutional amendment is not ratified within seven years after the date of submission it shall be inoperative.

In order to assure the assent of the people of the United States, "the original fountain of power," to a proposed constitutional amendment and to prevent hasty, ill-considered, and at times hysterical action on the part of the State legislatures, why is not the delay imposed in the second clause "a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification" in order to make more certain legislatures that "would voice the will of the people" and give "a decisive expression of the people's will"?

This second clause under consideration in no way violates any provision of Article V of the Constitution. It is sound and sensible. It is conducive to an orderly consideration of the constitutional amendment submitted by Congress to the States. It is a reasonable limitation or regulation to give the people of the States an opportunity to become advised in what way it is proposed to change their fundamental law. It brings the proposed constitutional amendment before the people for discussion and consideration and gives a reasonable time in which the legislatures can learn that "decisive expression of the people's will." It simply tends to make more certain that the legislatures of the several States shall "voice the will of the people" and "that all amendments must have the sanction of the people of the United States, the original fountain of power."

The difference between the two clauses is: The first clause inhibits action on the part of the legislatures after a designated time, and the second clause inhibits action on the part of the legislatures before a designated time. The object of the first clause is to prohibit action on the part of legislatures after the proposal has gone out of the people's minds, while the object of the second clause is to prohibit action on the part of legislatures before the proposal has entered the people's minds.

We all know that there has been a great deal of criticism recently charging that the eighteenth amendment was put into the Constitution before the people had full opportunity to instruct their legislators how to vote on that amendment. This provision of section 6 brings Constitution amending back closer to the people.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. O'CONNOR of New York. It brings it back closer to the people; but if the gentleman is opposed to conventions, why does the gentleman not go farther and say both bodies of the legislature?

Mr. RAMSEYER. I am not opposed to conventions. Heretofore Congress has deemed the mode of ratification by submitting amendments to State conventions as impractical and expensive. Congress now is not in a mood to submit the pending amendment to State conventions. Therefore, I am insisting that section 6 be retained in this resolution so as to give the people an opportunity to instruct their legislators.

Furthermore, at this time I do not know of a State in the Union that has the machinery for calling State conventions for this purpose. The legislatures of the States would have to provide for State conventions by enabling acts and it might be that in some States it would require a constitutional amendment.

Mr. O'CONNOR of New York. The gentleman did not understand my question. I said if you would not go so far as to designate conventions—and I believe State laws could provide for them—that if you would not go that far, why do you not have both bodies of your legislatures elected after the submission, because one body could block the action of the other body.

Mr. RAMSEYER. There is force to the gentlemans' statement, but the idea of section 6 is to get the proposed amendment before the people at least for one campaign in each State for the election of legislators before the legislature acts.

Mr. O'CONNOR of New York. That is only partly before the people.

Mr. RAMSEYER. That is true. Better have it partly before the people for that length of time than not at all.

I will now give you a brief statement on the submission of each of the amendments by Congress since the Civil War and the dates that the legislatures of the several States acted thereon. In my view, this furnishes proof positive of the importance of section 6 and especially for the necessity of the second provision of section 6.

The thirteenth amendment was submitted to the legislatures of the several States, there being then 36 States, by a resolution of Congress passed on the 1st of February, 1865, at the second session of the Thirty-eighth Congress, and was ratified, according to a proclamation of the Secretary of State dated December 18, 1865, by the legislatures of the following States:

Illinois, February 1, 1865.
Rhode Island, February 2, 1865.
Michigan, February 2, 1865.
Maryland, February 3, 1865.
New York, February 3, 1865.
West Virginia, February 3, 1865.
Maine, February 7, 1865.
Kansas, February 7, 1865.
Massachusetts, February 8, 1865.
Pennsylvania, February 8, 1865.
Virginia, February 9, 1865.
Ohio, February 10, 1865.
Missouri, February 10, 1865.
Indiana, February 16, 1865.
Nevada, February 16, 1865.
Louisiana, February 17, 1865.
Minnesota, February 23, 1865.
Wisconsin, March 1, 1865.
Vermont, March 9, 1865.
Tennessee, April 7, 1865.
Arkansas, April 20, 1865.
Connecticut, May 5, 1865.
New Hampshire, July 1, 1865.
South Carolina, November 13, 1865.
Alabama, December 2, 1865.
North Carolina, December 4, 1865.
Georgia, December 9, 1865.

The following States ratified this amendment, subsequent to the date of the proclamation of the Secretary of State, as follows:

Oregon, December 11, 1865.
California, December 20, 1865.
Florida, December 28, 1865.
New Jersey, January 23, 1866.
Iowa, January 24, 1866.
Texas, February 18, 1870.

The fourteenth amendment was submitted to the legislatures of the several States, there being then 37 States, by a resolution of Congress passed on the 16th of June, 1866, at the first session of the Thirty-ninth Congress, and was ratified, according to a proclamation of the Secretary of State dated July 28, 1868, by the legislatures of the following States:

Connecticut, June 30, 1866.
New Hampshire, July 7, 1866.
Tennessee, July 19, 1866.
New Jersey, September 11, 1866.[1]
Oregon, September 19, 1866.[2]
Vermont, November 9, 1866.

[1] New Jersey withdrew her consent to the ratification in April, 1868.
[2] Oregon withdrew her consent to the ratification October 15, 1868.

New York, January 10, 1867.
Ohio, January 11, 1867.[1]
Illinois, January 15, 1867.
West Virginia, January 16, 1867.
Kansas, January 18, 1867.
Maine, January 19, 1867.
Nevada, January 22, 1867.
Missouri, January 26, 1867.
Indiana, January 29, 1867.
Minnesota, February 1, 1867.
Rhode Island, February 7, 1867.
Wisconsin, February 13, 1867.
Pennsylvania, February 13, 1867.
Michigan, February 15, 1867.
Massachusetts, March 20, 1867.
Nebraska, June 15, 1867.
Iowa, April 3, 1868.
Arkansas, April 6, 1868.
Florida, June 9, 1868.
North Carolina, July 4, 1868.[2]
Louisiana, July 9, 1868.
South Carolina, July 9, 1868.[2]
Alabama, July 13, 1868.
Georgia, July 21, 1868.[2]

The State of Virginia ratified this amendment on the 8th of October, 1869, subsequent to the date of the proclamation of the Secretary of State.[2]

The States of Delaware, Maryland, Kentucky, and Texas rejected this amendment.

The fifteenth amendment was submitted to the legislatures of the several States, there being then 37 States, by a resolution of Congress passed on the 27th of February, 1869, at the first session of the Forty-first Congress, and was ratified according to a proclamation of the Secretary of State dated March 30, 1870, by the legislatures of the following States:

Nevada, March 1, 1869.
West Virginia, March 3, 1869.
North Carolina, March 5, 1869.
Louisiana, March 5, 1869.
Illinois, March 5, 1869.
Michigan, March 8, 1869.
Wisconsin, March 9, 1869.
Massachusetts, March 12, 1869.
Maine, March 12, 1869.
South Carolina, March 16, 1869.
Pennsylvania, March 26, 1869.
Arkansas, March 30, 1869.
New York, April 14, 1869.[4]
Indiana, May 14, 1869.
Connecticut, May 19, 1869.
Florida, June 15, 1869.
New Hampshire, July 7, 1869.
Virginia, October 8, 1869.
Vermont, October 21, 1869.
Alabama, November 24, 1869.
Missouri, January 10, 1870.
Mississippi, January 17, 1870.
Rhode Island, January 18, 1870.
Kansas, January 19, 1870.
Ohio, January 27, 1870.[4]
Georgia, February 2, 1870.
Iowa, February 3, 1870.
Nebraska, February 17, 1870.
Texas, February 18, 1870.
Minnesota, February 19, 1870.

The State of New Jersey ratified this amendment on the 21st of February, 1871, subsequent to the date of the proclamation of the Secretary of State.[2]

[1] Ohio withdrew her consent to the ratification in January, 1868.
[2] North Carolina, South Carolina, Georgia, and Virginia had heretofore rejected the amendment.
[4] New York withdrew her consent to the ratification Jan. 5, 1870.
[4] Ohio had heretofore rejected the amendment May 4, 1869.
[2] New Jersey had heretofore rejected the amendment.

The States of California, Delaware, Kentucky, Maryland, Oregon, and Tennessee rejected this amendment.

The sixteenth amendment was submitted to the legislatures of the several States, there being then 48 States, by a resolution of Congress passed on July 12, 1909, at the first session of the Sixty-first Congress, and was ratified according to a proclamation of the Secretary of State dated February 25, 1913, by the legislatures of the following States:

Alabama, August 17, 1909.
Kentucky, February 8, 1910.
South Carolina, February 23, 1910.
Illinois, March 1, 1910.
Mississippi, March 11, 1910.
Oklahoma, March 14, 1910.
Maryland, April 8, 1910.
Georgia, August 3, 1910.
Texas, August 17, 1910.
Ohio, January 19, 1911.
Idaho, January 20, 1911.
Oregon, January 23, 1911.
Washington, January 26, 1911.
California, January 31, 1911.
Montana, January 31, 1911.
Indiana, February 6, 1911.
Nevada, February 8, 1911.
Nebraska, February 11, 1911.
North Carolina, February 11, 1911.
Colorado, February 20, 1911.
North Dakota, February 21, 1911.
Michigan, February 23, 1911.
Iowa, February 27, 1911.
Kansas, March 6, 1911.
Missouri, March 16, 1911.
Maine, March 31, 1911.
Tennessee, April 11, 1911.
Arkansas, April 22, 1911.
Wisconsin, May 26, 1911.
New York, July 12, 1911.
South Dakota, February 3, 1912.
Arizona, April 9, 1912.
Minnesota, June 12, 1912.
Louisiana, July 1, 1912.
Delaware, February 3, 1913.
Wyoming, February 3, 1913.
New Jersey, February 5, 1913.
New Mexico, February 5, 1913.

The States of Connecticut, Rhode Island, and Utah rejected this amendment.

The following States ratified this amendment subsequent to the date of the proclamation of the Secretary of State, as follows: Vermont, Massachusetts, New Hampshire, and West Virginia.

The seventeenth amendment was submitted to the legislatures of the several States (there being then 48 States) by a resolution of Congress passed on the 16th day of May, 1912, at the second session of the Sixty-second Congress, and was ratified, according to a proclamation of the Secretary of State dated May 31, 1913, by the legislatures of the following States:

Massachusetts, May 22, 1912.
Arizona, June 3, 1912.
Minnesota, June 10, 1912.
New York, January 15, 1913.
Kansas, January 17, 1913.
Oregon, January 23, 1913.
North Carolina, January 25, 1913.
California, January 28, 1913.
Michigan, January 28, 1913.
Idaho, January 31, 1913.
West Virginia, February 4, 1913.
Nebraska, February 5, 1913.
Iowa, February 6, 1913.
Montana, February 7, 1913.
Texas, February 7, 1913.
Washington, February 7, 1913.

Wyoming, February 11, 1913.
Colorado, February 13, 1913.
Illinois, February 13, 1913.
North Dakota, February 18, 1913.
Nevada, February 19, 1913.
Vermont, February 19, 1913.
Maine, February 20, 1913.
New Hampshire, February 21, 1913.
Oklahoma, February 24, 1913.
Ohio, February 25, 1913.
South Dakota, February 27, 1913.
Indiana, March 6, 1913.
Missouri, March 7, 1913.
New Mexico, March 15, 1913.
New Jersey, March 18, 1913.
Tennessee, April 1, 1913.
Arkansas, April 14, 1913.
Connecticut, April 15, 1913.
Pennsylvania, April 15, 1913.
Wisconsin, May 9, 1913.

The eighteenth amendment was submitted to the legislatures of the several States—there being 48 States—by a resolution of Congress passed on the 17th day of December, 1917, at the second session of the Sixty-fifth Congress, and was ratified, according to a proclamation of the Acting Secretary of State dated January 29, 1919, by the legislatures of the following States:[*]

Virginia, January 11, 1918.
Kentucky, January 16, 1918.
North Dakota, January 28, 1918.
South Carolina, February 12, 1918.
Maryland, March 12, 1918.
South Dakota, March 22, 1918.
Texas, March 4, 1918.
Montana, February 20, 1918.
Delaware, March 26, 1918.
Massachusetts, April 2, 1918.
Arizona, May 23, 1918.
Georgia, July 2, 1918.
Louisiana, August 9, 1918.
Michigan, January 2, 1919.
West Virginia, January 9, 1919.
Maine, January 8, 1919.
Mississippi, January 8, 1918.
Florida, December 3, 1918.
Oklahoma, January 7, 1919.
Washington, January 13, 1919.
New Hampshire, January 15, 1919.
Nebraska, January 16, 1919.
Minnesota, January 17, 1919.
Indiana, January 14, 1919.
California, January 13, 1919.
Colorado, January 15, 1919.
Alabama, January 15, 1919.
Oregon, January 15, 1919.
Ohio, January 7, 1919.
Illinois, January 14, 1919.
Wyoming, January 17, 1919.
Idaho, January 8, 1919.
Wisconsin, January 17, 1919.
North Carolina, January 16, 1919.
Utah, January 16, 1919.
Kansas, January 14, 1919.
New Mexico, January 22, 1919.
Tennessee, January 14, 1919.
Iowa, January 27, 1919.
Vermont, January 29, 1919.
Missouri, January 17, 1919.
Nevada, January 27, 1919.
Pennsylvania, February 26, 1919.
New York, January 29, 1919.
Arkansas, January 14, 1919.
New Jersey, 1922.

[*] But see Dillion v. Gloss (256 U. S. 368), in which the court said that this amendment became part of the Constitution on January 16, 1919, when ratification by the States was consummated, not on date when ratification was proclaimed by the State Department.

This amendment was ratified by the legislatures of all the States except Connecticut and Rhode Island.

The nineteenth amendment was submitted to the legislatures of the several States—there being 48 States—by a resolution of Congress passed on 5th day of June, 1919, at the first session of the Sixty-sixth Congress, and was ratified, according to a proclamation of the Secretary of State dated August 26, 1920, by the legislatures of the following States:

Wisconsin, June 11, 1919.
Illinois, June 10, 1919.
Michigan, June 10, 1919.
Ohio, June 16, 1919.
Massachusetts, June 25, 1919.
Iowa, July 2, 1919.
Missouri, July 3, 1919.
Nebraska, August 2, 1919.
Montana, August 2, 1919.
Minnesota, September 8, 1919.
New Hampshire, September 10, 1919.
Utah, October 2, 1919.
California, November 1, 1919.
Maine, November 5, 1919.
Pennsylvania, June 27, 1919.
Kansas, June 16, 1919.
Arkansas, July 28, 1919.
Texas, June 28, 1919.
New York, June 16, 1919.
South Dakota, December 4, 1919.
North Dakota, December 5, 1919.
Colorado, December 15, 1919.
Rhode Island, January 6, 1920.
Indiana, January 16, 1920.
Kentucky, January 19, 1920.
Oregon, January 13, 1920.
Wyoming, January 27, 1920.
Nevada, February 7, 1920.
Arizona, February 12, 1920.
New Jersey, February 17, 1920.
Oklahoma, February 28, 1920.
West Virginia, March 13, 1920.
New Mexico, February 21, 1920.
Idaho, February 11, 1920.
Washington, March 22, 1920.
Tennessee, August 24, 1920.
Connecticut, September 14, 1920.
Vermont, February 8, 1921.
Rejected by Alabama September 17, 1919.
Rejected by Virginia February 12, 1920.
Rejected by Maryland March 26, 1920.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. MICHENER. Mr. Speaker, I yield the balance of my time to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. First, I wish to corroborate what the gentleman from Michigan [Mr. MICHENER] said in opening, that there had been no opposition whatsoever to bringing this matter before the House for its consideration. So far as I know, this has been unanimous. Therefore I am not opposed to the rule, and am not opposed to having it considered to-day, although I am still opposed to the submission of the resolution itself.

I think that no one has characterized the proposed amendment more clearly than the brilliant columnist of the Washington Post—he has since transferred to another paper—George Rothwell Brown, about three years ago, when we were considering a similar Senate resolution, the Norris resolution, as it was at that time. He characterized it as a quack remedy for a disease of the Constitution which it does not have. [Applause.] I think this about as clearly describes this resolution as anything possibly could. It proposes to cure a disease in the Constitution which it does not have.

I think I can show—and I shall try to do so a little later on in the general debate, if I can get the time—that this resolution is absolutely unnecessary to do the very thing it

is apparently desired to do. The general desire seems to be that hereafter there shall be no session of the Congress after a new Congress has been elected. This seems to be the one thing upon which all the newspapers of the country are agreed. Most of the editorial comment comes right down to this one point: They do not wish to have another session of the Congress after there has been an election. Of course, there is something to be said in favor of such a session, to which I may have an opportunity to refer later on.

If a gentleman living in Oregon, for instance, should be defeated at the election he would have to come back here at his own expense to prepare his office for turning over to another and to pick up his traps to go home. There would be a certain degree of unfairness in this, to be sure, but I shall not dwell on that feature of it. Let us suppose this is the thing we wish to accomplish, that we may have no more "lame-duck" sessions, although that term, to my mind, is very unjustly one of opprobrium.

The Constitution now provides that Congress shall meet on the first Monday in December, unless it shall otherwise order. In some 20 cases or more Congress has ordered a different day upon which to meet. I wish to call your attention at this time to the fact that in January, 1867, when the passions of the Civil War were still fierce, and when there was at least a pretended unwillingness to trust the President to administer the affairs of government, Congress passed a statute on January 22, 1867, providing that thereafter each succeeding Congress should meet on the 4th day of March. It lasted less than six years, and three Congresses met under that statute; but then, after the bitterness of those days had passed away, it was found that it was not best to have Congress meet so soon. Therefore, in April, 1871, after having met on March 4, Congress itself repealed the law, and never since has Congress legislated upon the subject. Since that time the President has on many occasions called Congress together in an earlier session, which he can do at any time that he deems the public interests demand. If he would call Congress together on the 4th of March, this would be only 60 days later than this resolution provides for and only 40 days after the President would be inaugurated under this plan; that is, he would be inaugurated on the 24th of January under the proposed plan instead of March 4.

Mr. MICHENER. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. MICHENER. Does the gentleman think that it is in keeping with our system of government that in case the President dies, as provided for in sections 3 and 4 of the bill, that the new President should be elected by the old Congress or by the Congress elected at the same election and on the same issues on which the President was elected?

Mr. TILSON. This is a feature that is not much dwelt upon, but let me call the gentleman's attention to the danger that will arise in this connection, and I think it is a far more serious danger than to have the old Congress elect a President: Suppose Congress were teetering as to which side is to control the organization. Congress must organize in order to canvass the votes under the Constitution. If a presidential election depended upon it, can you not see the danger that might arise? Congress has failed to organize for weeks and weeks heretofore when there was nothing depending upon it. I am sure that the Speaker of the House has been elected as late as February before the House could organize.

Mr. TUCKER. Banks was.

Mr. TILSON. Speaker Banks was elected in February.

Suppose it devolved upon the new Congress to meet and canvass the vote and it was close. The danger of a failure to organize would be great.

In 1876 Congress was organized and so a way was finally found to get out of the difficulty, and all because Congress was actually organized and in session so that it could do something. If Congress had not been in existence, if by constitutional limitation there had been no provision for meeting again with a newly elected but unorganized Congress in existence, where would we have landed in 1876?

There is serious danger in making it necessary to have Congress meet immediately. The President must be inaugurated within 20 days after the Congress meets if this resolution be ratified. There is serious danger in this provision.

Let me cite an example in my own State. It happens that in my State it was provided that the governor hold office until his successor is elected and has qualified. There was a contest over the election, and one branch of the legislature was Democratic and one Republican. It was required by our constitution that the legislature meet and organize. They would not organize and could not count the votes. It happened that there was a very stalwart man in the office of governor already, and although one of the candidates who claimed he was elected tried to take the office, this sturdy gentleman, who later became a Senator of the United States, held on; but there was no legislature to appropriate money. For two years we had no legislature, no appropriations. It happened that the old governor was a man of large means and connected with a large insurance company. He paid out of his own pocket for two whole years the entire expenses of the State; but I know of no man in the United States now who could pay out of his own pocket for four years the running expenses of this Government, especially at the rate we are going now.

Mr. MONTAGUE. No man should do it.

Mr TILSON And, meanwhile, who would be President? I tell you, my friends, there is more to this proposition than you may think. I hope that we may not be rushed headlong into amending the Constitution. It is a serious matter. Our experience along this line has not been very good or altogether satisfactory [applause], and I look forward with a great deal of apprehension upon further tinkering with the Constitution. What amendment next after this one?

We do not need this proposed amendment. We can do the thing you have in mind without it, and we have got along for over a hundred and forty years without it.

It is said that other nations do not follow our plan. Well, have other nations gotten along any better than we have? Have they done so much better in the other government of the world than we have? Besides, there is no analogy at all. The governments of other nations are entirely different. Where, under a parliamentary form of government, the parliament is also the executive, of course it is necessary that they shall meet at once so that the executive work may go on; but here our departments of government are separated into three distinct branches of government, so that it is not analogous at all.

There is no danger that the country will ever suffer from the fact that a newly elected Congress is not able to appear upon the scene and begin at once attempting to enact into legislation all the various preelection promises the candidates may have made.

Mr. CELLER. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CELLER. The gentleman recognizes that the term of the first President, the first Vice President, the first Members of the House, and the first Members of the Senate started on the first Wednesday in March following the act of September 13, 1788, so that the term of the first Members of Congress was fixed by the first Wednesday in March, which happened to be the 4th of March.

Mr. TILSON. Yes; the date was accidental.

Mr. CELLER. And the Constitution provides that the Members of the House shall be elected for two years.

Mr. TILSON. Yes.

Mr. CELLER. So if the Congress wished to change the date of the convening of Congress or the commencing of the term, you would have to do that by an amendment of the Constitution, because you would be lengthening or shortening the term.

Mr. TILSON. I believe it is claimed that this proposal would effect all this, but I do not wish to take the risk. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CLAIMS OF THE CHIPPEWA INDIANS OF MINNESOTA (H. DOC. NO. 780)

The SPEAKER laid before the House the following message from the President, which was read and ordered spread upon the Journal:

To the House of Representatives:

I return herewith without my approval H. R. 13584, an act to amend an act approved May 14, 1926 (44 Stat. 555), entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims."

The act of May 14, 1926, authorized the Chippewa Indians of Minnesota to submit to the United States Court of Claims for adjudication any legal and equitable claims which they may have against the United States arising under or growing out of the act of January 14, 1889, or any subsequent act of Congress, in relation to the affairs of these Indians.

This bill would amend that act of May 14, 1926, by adding to section 1 the following language:

In any such suit or suits the plaintiff, the Chippewa Indians of Minnesota, shall be considered as including and representing all those entitled to share in either the interest or in the final distribution of the permanent fund provided for by section 7 of the act of January 14, 1889 (25 Stat. L. 642), and the agreements entered into thereunder. That nothing herein shall be construed to affect the powers of the Secretary of the Interior to determine the roll of the Chippewa Indians of Minnesota for the purpose of making the final distribution of the permanent Chippewa fund. This act shall apply to any and all suit or suits brought under said act of May 14, 1926, whether now pending or hereafter commenced.

A number of suits have been filed by these Indians and are now pending in the Court of Claims.

The act of January 14, 1889, was entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota." These Indians were tribal Indians under the guardianship of the United States living upon their reservations as tribal lands comprising approximately 4,700,000 acres. Pursuant to that act of 1889, these tribal lands, except portions thereof needed for allotments to these Indians, were ceded to the United States to be sold and the net proceeds thereof to be held in the United States Treasury for 50 years, to bear interest at the rate of 5 per cent to be expended for the benefit of the Indians. Three-fourths of the interest was to be paid annually to the Indians in equal shares per capita and one-fourth to be devoted to the establishment and maintenance of free schools for these Indians, and the act further provided that at the expiration of said 50 years the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares.

Many of these Indians since 1889 have severed all of their tribal relations and are scattered in various sections of the country, but the Chippewa Tribe still exists in the White Earth and Red Lake Reservations under the guardianship of the United States, which is continuing to maintain free schools for their civilization.

Quite a number of these Indians who had severed their tribal relations continued to receive their distributive share of the interest fund until 1927, when the Solicitor of the Interior Department held that the fund established from the sale of these lands was a tribal fund administered by the United States for the benefit of the tribe which had not been dissolved but was recognized by Congress, and that therefore the right to share in the interest annuities depended upon existing tribal membership. Accordingly, such Indians who had severed their tribal relations were stricken from the roll by the Secretary of the Interior and no longer entitled to participation in the interest annuities.

Several of these Indians, in the case of Wilbur against The United States, petitioned for a writ of mandamus commanding the Secretary of the Interior to restore them to the rolls of the Chippewa Indians and to pay to each of them their per capita share of these interest annuities and of all future distributions of interest and principal from the fund created under the act of 1889. The Supreme Court of the United States denied this writ of mandamus, holding that the Secretary of the Interior had administrative jurisdiction to make such a decision, which was not contrary to the provisions of the act of 1889, whose purpose was to accomplish a gradual rather than an immediate transition from the tribal relation and independent wardship to full emancipation and individual responsibility. The Supreme Court also said in this case, which was decided in April, 1930, that the time fixed for the final distribution of the fund is as yet so remote that no one is now in a position to ask special relief or direction respecting that distribution.

It thus appears that it is unnecessary to amend the act of May 14, 1926, to bring in as parties plaintiff those Indians who have severed their tribal relations, as their claim for a distributive share of this interest fund has been adjudicated by the decision of the Supreme Court in the above case, Wilbur against The United States, known as the Kadric case.

Neither is it necessary to amend the act of May 14, 1926, for the purpose of compelling restoration by the United States to the interest fund of amounts that may have been heretofore erroneously distributed to Indians who had severed their tribal relations. Obviously the plaintiffs in such an action would be only those who had not severed their tribal relations and were still entitled to their distributive share of this interest fund.

The Supreme Court of the United States has said that the Secretary of the Interior had administrative jurisdiction to determine the rights of these Indians to that interest fund and that his decision was not contrary to the provisions of the act of 1889. I am not in favor of legislation designed to have the courts again review that decision and assume such administrative jurisdiction.

HERBERT HOOVER.

THE WHITE HOUSE, *February 24, 1931.*

Mr. LEAVITT. Mr. Speaker, I move that the message and the accompanying papers be referred to the Committee on Indian Affairs and ordered printed.

The motion was agreed to.

THE VETO MESSAGE ON H. R. 13584

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent that I may have three days in which to extend my remarks in connection with the veto message on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, under leave given me I wish to comment briefly on the subject matter of H. R. 13584, and on the veto message returning the same.

Under the act of January 14, 1889, the Chippewa Indians of Minnesota ceded certain lands to the United States, which were to be sold and a trust fund established, for these Indians.

On May 14, 1926, an act was passed by Congress authorizing the Chippewa Indians of Minnesota to bring action in the Court of Claims against the United States in connection with this fund created by the act of 1889. Those suits are now pending.

At the beginning of this session of Congress my attention was directed to a defect in the jurisdictional act of 1926. It was pointed out by the attorneys representing the Indians, who were selected subject to the approval of the Indian Bureau, that the jurisdictional act of 1889 recognized certain Indians leading a tribal existence and other Indians who would be entitled to share in the distribution of the trust fund at the end of 50 years. In other words, it recognized two classes of Indians—those who had certain rights now in connection with the trust funds and those who would have rights to share in the distribution of the fund at the end of the 50-year period. Both classes are interested in the fund. Certain rights and interests in the pending litigation may involve one class, while the other class may be interested in other or additional rights and questions. It was pointed out to me that under the act of 1926 there was some question as to whether both classes or groups of Indians would have a standing in the Court of Claims. Further, there is a serious question whether all claims which might be made against the Government under the act of 1889 can be asserted in the pending lawsuits.

In other words, under the act of 1926 it may develop that only part of the Indians or groups interested in the funds

held under the act of 1889, may have a standing in court. It may be that only part of the claims can be presented to the court.

I introduced H. R. 13584 to remedy this defect in the act of 1926. The bill was amended by the committee, recommended favorably, and passed both the House and Senate. It was clearly understood by the Members of Congress that the amended bill was to perfect the jurisdictional act of 1925 so as to permit the claims of tribal Indians, and also the claims of the Indians who would share in the distribution of the trust fund at the end of 50 years to be presented and adjudicated by the Court of Claims. The amendment had no other purpose. It should have become a law, for as matters now stand it may develop that only part of the Indians are in court and that only part of the claims respecting the fund may be determined. There may be only half of the parties interested before the court and only half of the claims in dispute that can be settled. As long as the Chippewa Indians are involved in the expense of litigation it was distinctly to their interest to have all groups of Indians before the court and all claims and matters in dispute before the court. Such a position is sensible and not subject to any valid or meritorious objection.

It is to be regretted that the President and his advisers have been misled as to the purpose of the bill. They have not had the facts correctly presented to them. It is well to note that clerks from the Indian Bureau appeared before the committees in the House and viciously opposed the bill. They were treated fairly and had full opportunity to present all their facts and theories and misconceptions and bureaucratic ideas and ideals before Members of Congress. After they were fully heard the Committee on Indian Affairs redrafted the bill to meet their fancied objections. The committee then recommended the bill for passage. These were the circumstances under which it passed.

It is foolish for the clerks in the Indian Bureau who appeared before the committee and opposed the bill to talk about the question of enrollment and allotment. Neither of these questions are involved in this bill, although they are an issue in another bill I introduced at this session. The question of what constitutes a tribe, if there are tribes, the question of who has severed tribal relationships, if possible, the question of who is entitled to share in the distribution of the interest, or what particular persons will be entitled to the trust fund when the time comes to distribute it, the question of the effect of various court decisions, the question of the authority of the Secretary of the Interior to determine who should be enrolled, or who not enrolled—none of these matters are involved in H. R. 13584. Of course, two or three clerks in the Indian Bureau claimed they were involved, but the facts presented to the committee that heard testimony on the bill clearly disclosed that the clerks were wrong. But the clerks—they were not even convinced against their own ill-founded objections. It is evident that they have been more successful elsewhere than they were in Congress. It is unfortunate that bureaus should shape the policy of legislation.

I want it to be understood that the question of getting both groups of Indians and all of their claims before the Court of Claims is the only one involved in this bill. Its failure of passage may deprive the Indians of substantial rights, cause them needless expense, and can be charged up as just another instance of the mistaken policy of some clerks in the Indian Bureau who do not appear to be capable of having in mind the best interests of the Chippewa Indians of Minnesota.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 7639. An act to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928; and

H. R. 14255. An act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3929. An act for the relief of James J. Lindsay;

S. 6024. An act relating to the improvement of the Willamette River between Oregon City and Portland, Oreg.; and

S. Con. Res. 40. Concurrent resolution accepting the statues of Junipero Serra and Thomas Starr King, presented by the State of California, to be placed in Statuary Hall.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1748. An act for the relief of the Lakeside Country Club;

S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes; and

S. 5649. An act for the relief of the State of Alabama.

A further message from the Senate announced that the Senate requests the House of Representatives to return to the Senate the bill (H. R. 7639) entitled, "An act to amend an act entitled 'An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct,' approved May 22, 1928."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10658) entitled, "An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. p. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26)" disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. WATSON, and Mr. HARRISON to be the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on February 23, 1931, the President approved and signed bills of the House of the following titles:

On February 23, 1931:

H. R. 10542. An act for the relief of John A. Arnold;

H. R. 14246. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 15256. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 16110. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 16415. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 16738. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes.

PROPOSED AMENDMENT OF THE CONSTITUTION

Mr. GIFFORD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 292, proposing an amendment to the Constitution of the United States.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Joint Resolution 292, proposing an amendment to the Constitution of the United States.

Mr. GIFFORD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. GIFFORD. Mr. Chairman, the hour has arrived for action on this constitutional amendment. There is an undeniable necessity for it, and the country looks to us to act in this matter. If we wish to have the people increase their confidence in representative government, we should pass this resolution.

For 50 long years the subject has been agitated. Senator Lodge, from my own State, brought it up 30 years ago. Senator Cummins, of Iowa; Senator Shafroth, of Colorado; and many others interested themselves therein up to the year 1921, when Senator ASHURST put the subject matter in the form of a resolution which was referred to the Judiciary Committee of the Senate. If any one man should receive special credit for the measure, it would be Senator ASHURST.

It was learnedly discussed by the American Bar Association before that committee, and the hearings are available.

Then in 1922 another resolution, containing three brief sections, was introduced in the Senate and reported out by the Committee on Agriculture, without hearings. That resolution was the one first to be passed by the Senate and came to us for examination and legislative action. It merely provided that after its passage and ratification by the States the terms of the President, Vice President, Senators, and Representatives should begin on the first Monday in January. That is all. It did not say when the terms of those who were then holding office should end, and under its provisions we should have had two Presidents, two Vice Presidents, and a double set of Senators and Representatives. Section 2 would have made variable terms and had to be revised.

The inconsistencies of that resolution were so obvious that the House committee began to study the whole matter exhaustively and we have been considering it for eight years.

We found that the so-called lame-duck feature of the resolution was by no means the only thing deserving of consideration, but that there were also no less than 15 other very serious problems dealing with the succession to the Presidency requiring solution, which might properly be incorporated in the next constitutional amendment.

At one time, not so very long ago, we were disturbed by the thought of what might happen if a presidential election should be thrown into the House. I refer to the year in which Calvin Coolidge, John W. Davis, and Robert M. La Follette were the nominees for the Presidency. If Mr. Coolidge had died, after the election was held, we Republicans would have been forced to vote for one of the other two nominees; and if Mr. Davis had died, the Democrats would have had to take either Mr. Coolidge or Mr. La Follette. There is now no provision in the Constitution as to the successor to a President elect who may have died before taking the oath of office. Surely this is something which should be rectified, and I can not conceive of you gentlemen refusing to amend the Constitution to cure such a condition now that it has been forcibly brought to your attention.

If you feel that you can not favor sections 1 and 2 of the resolution, strike them out, but pass the balance of it, since the need therefor is serious and undeniable. This does not mean that I do not believe in the first two sections. I do; thoroughly. The present situation is one which should no longer be tolerated. Personally I should greatly dislike to come back to Congress and legislate as a "lame duck." I should feel much better about it to retire if I were defeated for reelection, and I believe that most of you would feel the same.

I wish that all of you might have heard, or that you would read, the remarks made by our late colleague, Mr. Burton, of Ohio, during the discussion on this subject three years ago. I wish that you would measure his exact language with the exact language used by the House leader this afternoon on the necessity for this resolution.

I claim that the necessity does exist. I appeal to your patriotism to "clean house" in this respect, for the public mind is now fully aroused to that necessity and demands the change.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. MOORE of Virginia. As I understand, sections 1 and 2 of the resolution the gentleman is advocating correspond exactly with the so-called Norris resolution which has passed the Senate. Is that correct?

Mr. GIFFORD. The last version of the Norris resolution is, in many respects, similar to ours.

Mr. MOORE of Virginia. Then, the Norris resolution is in the same language as sections 1 and 2 of the pending resolution?

Mr. GIFFORD. I would say that it does not conform exactly. The copy which I have here, dated April 17, 1930, still has as the date on which the President shall be inaugurated the 15th of January, and that on which the House shall convene the 2d of January, an interval of only 13 days. One of the objections which has been advanced to our amendment is that the longer period of 20 days will not be sufficient.

Attention has been called to a "teetering" House of Representatives that may not have been organized; perhaps some of the Members may have contests. We all fully understand that a temporary organization can be effected in the House to carry out any mandate of the Constitution, so far as the counting of the votes for President is concerned.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. CELLER. I am curious to know whether or not the gentleman's committee considered ratification by conventions, rather than by the legislatures of the various States?

Mr. GIFFORD. Yes; the committee did consider it. It was also discussed at length in this House in 1928, and it was found that no article of the Constitution had been ratified in that manner. I spent many weary hours reading the debates of the old Congresses, and when the twelfth amendment to the Constitution was being considered, the language in respect to the method of ratification in the fifth article of the Constitution was long debated. The two methods were then considered, and it was finally concluded that if a constitutional convention were called for the purpose of ratifying an amendment, such convention or conventions could propose and ratify such other amendments as they pleased, and no legislative mandate could prevent them from doing so. Hence, no constitutional convention has ever been called to ratify one of the amendments to the Constitution.

Mr. CELLER. I think the gentleman confuses the idea of presenting an amendment and the ratification of an amendment. I do not mean to imply that there should be a convention to suggest amendments. I mean purely and simply whether the gentleman's committee came to a conclusion that it would be preferable to have a ratification of this particular amendment by State legislatures rather than by State convention.

Mr. GIFFORD. Our committee is very desirous that the people shall have some way of considering this matter in the future, before their legislatures act upon it. We have supplied a method whereby one branch of the State legisla-

tures, at least, shall have been elected by the people prior to the ratification.

The language of Article V is as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments.

But we can not bind any constitutional convention by a limitation fixed by this body.

Mr. CELLER. Oh, the gentleman confuses the question of proposing amendment with the ratification of amendments. I am not interested in a constitutional convention proposing amendment. If the gentleman will read further, he will find that there are two methods of ratification proposed and that they are separate and distinct and have nothing to do with presenting amendments at all. Amendments may be presented either by Congress or by a general convention.

Mr. GIFFORD. I have the language before me and am not at all confused regarding it.

Mr. CELLER. It is a duofold method; either may be chosen by Congress. I was curious to know whether the gentleman considered that problem.

Mr. GIFFORD. I wish to remind the House of the public document containing all the debates of three years ago. Those debates were of a high order and many Members extended their remarks in the RECORD. That document has undoubtedly been carefully studied by those of you who are especially interested in this subject. I wish that all might have read it. To-day we have only four hours for general debate and are supposed to finish the bill to-day. You do not wish to hear historical dissertations. You will desire only practical answers to practical objections which may be advanced.

In the document to which I have referred you will find that our House leader placed in the RECORD, most fully and earnestly, his reasons for being against the amendment. He denied the necessity of action. You must determine that for yourselves. He further stated that while it might possibly prevent filibusters, a filibuster was not an evil. Few would dare to suggest to the public at large, in these days, that it is a good thing.

Mr. WARREN. Will the gentleman yield?

Mr. GIFFORD. There is one more phase of the question about which I wish to speak. Then I will yield. The argument has been advanced that everything suggested in this resolution can be done by legislative act. We know that such is not the case. We could not shorten the terms without a constitutional amendment. The so-called lame-duck Congress would count the votes for President and decide the election if it were thrown into the House.

We do not wish to come here on March 4 and labor during the hot months of summer—all of us realize that it is not practical to do this.

Nor can we take care of the sections providing for the succession of President and Vice President by legislation. We should not try to usurp extraordinary powers not expressly granted to us by the Constitution.

Mr. WARREN. Will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. WARREN. I happen to be one who voted against this resolution three years ago and I am still very much opposed to it in its present form. It has been stated that the Speaker will present an amendment for a limitation of the second session. What is the gentleman's attitude, as chairman of the committee, toward that amendment when it is presented?

Mr. GIFFORD. This committee three years ago reported a bill with such a limitation. Because we were defeated on the floor at that time, we reported the present resolution without such limitation. Personally I very much desire the limitation. [Applause.] I feel that I should say that my belief is that if we will agree to this limitation at this time the resolution will pass. If we vote down that limitation, I rather fear that we may not have the necessary two-thirds. Why not adopt a spirit of compromise here to-day? [Applause.]

The CHAIRMAN. The gentleman has consumed 15 minutes.

Mr. GIFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, I dislike to oppose my friend, for though there may be a present difference of opinion in the Massachusetts delegation is no indication that we are not ordinarily a unit on matters of legislation.

I do not propose to discuss in detail the features of this bill, but discuss it more or less as a general proposition. I particularly desire the attention of my good Virginia colleague, Mr. ST. GEORGE TUCKER, who is usually a steady, firm, and steadfast defender of the Constitution. He can be of great service in this instance if he will only put himself to it.

A statesman has been defined as "a dead politician." What is the definition of a lame duck? I would say a good definition is "a defeated statesman," particularly recently, for those who have been defeated for office in recent years were more entitled to the designation of "statesmen," as a rule, than those who succeeded them. It is a splendid plan to have a lame-duck session and have in that session the advice and counsel of those who have served over a period of years, and whose experience and well-known ability often will save Congress from taking action contrary to that which would have been taken by those who were elected to succeed them. I challenge anyone on the floor of the House to mention one single piece of legislation which was to the detriment or injury of the Nation as a whole that has been passed in a lame-duck session. [Applause.] I challenge anyone on the floor or elsewhere to present one single scintilla of evidence that a lame-duck session ever refused to pass vital legislation that was for the good of the Nation.

Now, let us analyze this lame-duck proposition before we go more particularly into the merits of the bill. A lame duck, a defeated statesman? I will prove it. William H. Taft was a lame duck, but he subsequently became Chief Justice of the Supreme Court. Charles Evans Hughes, our present Chief Justice, was a lame duck. John W. Weeks had no superior as Secretary of War, yet he was a lame duck.

In our own circle of friends and acquaintances Jimmy Byrnes, one of the most genial and delightful gentlemen it was ever my privilege to know, and with it all, a man of extreme ability, was a lame duck only four years ago, and to-day he stands ready to take his position in the Senate of the United States. He displaces another man, COLE. BLEASE. Is COLE. BLEASE any less capable of transacting the business of the Senate to-day, because he happens to have been defeated at the last election, than he would be had he been successful? Not one bit more or less.

Take the instance of Finis Garrett. Had I been one of his constituents I would have appreciated his service here, and I think his constituents made a grave error not to retain his services to the Nation. He was defeated. He was a lame duck, but a Republican President found his services were of such great value that he placed him on the bench, and he serves there with distinction as he did here.

So I might go through the list of many who have served with us in the past, but I want to bring to your attention two or three who have served in this so-called lame-duck session. I know of no man who has done more to further the interests of the Nation in recent years than LOUIS CRAMTON. [Applause.] His services have been invaluable, not only in the House but to the Nation as a whole. This lame-duck session has given him an opportunity to gather up the loose ends, to put across many of the measures which have been proposed from year to year, to finish up his work and to prepare the place for his successor. I would also call to your attention DICK ELLIOTT. DICK ELLIOTT is more conversant with the great building program that has been provided for, at an expense of hundreds of millions of dollars, than any other man in the Congress. [Applause.] There is no man in the House who could have taken up his work at the close of the last session and have completed the work which he had already started, and surely no one who might succeed him would have had the information and the knowledge of the subject he had in order to carry out this great program. JOHN BOX has been one of the most valuable men in the House. JOHN BOX served with me for eight years on the Committee on Claims.

There is no man who has displayed more courage, more good judgment, and more self-sacrifice than JOHN BOX has on the Committee on Claims. [Applause.] The House will sorely miss his services. Let me call your attention to one of our former colleagues for whom I have the highest regard, a man whom I believe every man on this side of the House will say was not a partisan but was a patriot, and that is Gene Black, of Texas. I can not see what came over the voters in Texas when they decided to deprive the Nation, to say nothing of themselves, of the services of so outstanding a statesman as Gene Black. And do you think that in the lame-duck session in which he served his integrity, his honesty, his ability, and his many superior qualifications were lessened because an unappreciative constituency refused to send him back?

After all, what is a lame duck? He is the victim of circumtances. He is a victim of mob psychology. He is the victim of an undefined something. He has served his people and served his Nation for years without any criticism, or little criticism, except by the opposing party. He comes up for election and because of one vote, which in all probability was the bravest and the best he ever cast, he is defeated by an organized minority. Does that make him any less capable of performing the duties of his office, because he happened to meet with the disapproval of a certain organized minority, because a constituency was unappreciative or indifferent, or because his supporters were overconfident?

Those, however, are arguments which are only incidental to the question. To my mind, the Constitution, next to the Bible, is the most sacred document that was ever written. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SLOAN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. UNDERHILL. Who were the fathers of the Constitution? Washington, Madison, Randolph, Hamilton, Ben Franklin, John Rutledge, the Morrises, the two Pinckneys, and other great men of their day. They were the men who helped to write the Constitution. John Marshall, Patrick Henry, and Jefferson did more, perhaps, to secure its adoption by the States after it was passed by the convention than any other men. Were these men patriots? Were they men of vision? Did they look ahead to the present time and see the evils which were likely to confront us now? I believe they did. I do not believe that you can to-day improve upon their copyright of yesterday. I do not want to leave the leadership of these men. I do not want to discredit their ideas and ideals and follow the new Messiah from Nebraska. [Applause.] If his gospel of government is sound, if his conceptions correct, then George Washington was a piker, Jefferson was a bum, Madison and Patrick Henry were morons, Jefferson and John Marshall were socialists, Ben Franklin was senile, and John Rutledge and Charles Pinckney were ward heelers.

Mr. SLOAN. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SLOAN. I would like to ask the gentleman to reduce his emphasis as much as he can consistently with making his great speech, as the Senator he referred to happens to be a Senator from Nebraska.

Mr. UNDERHILL. I care not whether he comes from Nebraska or from any other State in the Union. I do not believe there is a Member of the Senate to-day who can compare with any of the men who wrote the Constitution. I do not believe their political vision, their experience, their self-sacrifice, or lack of self-interest is equal to or anywhere near approaches that of the men who wrote this sacred document. I do not think we are wise in departing from the tenets of our fathers. Will any one of you men on the floor of the House tell me which amendment has brought to this country greater peace or prosperity?

Mr. STOBBS. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. STOBBS. How about the first 10 amendments to the Constitution, the bill of rights, which was not included as a part of the Constitution?

Mr. UNDERHILL. The bill of rights was written by Thomas Jefferson and it was really a part of the Constitution. The Constitution was not ratified by the States until the bill of rights had been attached.

Mr. SEARS. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SEARS. What particular part of the Constitution did Patrick Henry have to do with?

Mr. UNDERHILL. Well, as the proceedings with reference to the Constitution were absolutely secret and even George Washington himself never wrote a word in his diary as to what transpired at the Constitutional Convention, I can not tell what part Patrick Henry had in the writing of the Constitution, but he was one of the delegates and afterwards he was one of the leading spirits in Virginia to influence that State to adopt the Constitution.

Mr. SEARS. From a hazy recollection I think the membership in that convention was about the same as that of Senator NORRIS, of Nebraska, and, further than that, I think the gentleman will find, if he will look at the record, that Patrick Henry opposed the Constitution and said he would just as soon live under the Czar of Russia as under such a Constitution as that was.

Mr. UNDERHILL. He did—until the bill of rights was attached, and after that he gave it his support.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. GLOVER].

Mr. GLOVER. Mr. Chairman and gentlemen of the committee, I have the honor as a new Member to be a member of the committee that has drafted this resolution. For the past 15 years or more we have had a demand from the public for the change that is proposed in this constitutional amendment. I agree very heartily with the expression of a number of the Members who have spoken this morning, that we should not tamper with the Constitution unless there is necessity for a change. I do not agree with some who believe that the Constitution should not be amended at all; that it is an absolutely perfect document that should never be amended. Some of the most important parts of the Constitution have been added to it by way of amendment.

There is a demand now for a change in the Constitution, and it is provided for by this resolution. There is considerable difference between the resolution as it is drawn here and the one referred to a moment ago from another branch of this body. I think this is a much better resolution.

We had some criticism here on the floor of the House with reference to our good Speaker having held the resolution on the table for a time. An explanation of that is that for many months we did not have a committee organization to receive the proposed amendment for consideration, but we did have that proposed amendment before us when this matter was considered and when this resolution was reported out, and it received due and proper consideration.

Much has been said about the "lame-duck" amendment. I am sorry that this ever crept into the argument of this question. That is not the cause of this resolution. I refute any imputation that has been charged to those who are going out of office here that they are not faithful or that they are lame ducks. Some of the most efficient men we have had in this Congress are going out, men who by force of circumstances were defeated, but who have been just as faithful as any Member of this body up to this good hour. For example, take my good friend, who is a member of this committee, the gentleman from Nebraska, Judge SLOAN, a man who has been faithful and a man whose judgment and judicial mind and soul have been put into a study of this question. He has been as faithful as myself or any other man who was newly elected to the Congress. This is true of our good friend from Texas, Judge Box, and many others that we could mention, who are men of like character.

This proposed amendment does away with the short session as it is now, and I want to say that I am not one who wants to criticize and say that the short sessions have not been, as the gentleman suggested a moment ago, fruitful of good legislation. If you consider this short session, the accomplishments of the short session will favorably compare with the long session we have had. We have had much good legislation. We have had our appropriation bills, we have had Muscle Shoals, we have had the soldiers' bonus, and we have had many bills of much importance that have been considered and passed by this body.

However, that is not the real question. That is not the thing that this resolution is driving at exactly. Here is what we want to reach: I believe the people ought to rule. Now, here is a party in power and the party in power to-day has brought about certain legislation. Suppose we go into the next presidential election and issues are proposed and enacted into law by the administration, and we come to another election and the matters are presented to the voters as issues. They go before the people and present them. The people speak their voice and they either indorse or refuse to indorse the acts of those who have brought these things about. They cast their ballots at the same time for the election of Members of both Houses. Now, what is the present situation? You have to wait 13 months. Here is the judgment of the people of the United States, expressed at the ballot box, demanding certain reforms in legislation, demanding that certain things be done, and yet under the provisions of the Constitution, as we have it now, you have to wait 13 months or about that time before you can have the wishes of the people put into law.

Mr. UNDERHILL. Will the gentleman yield?

Mr. GLOVER. Yes.

Mr. UNDERHILL. Does not the gentleman consider that, at the tme of the Know-Nothing movement and at the time of the A. P. A. movement, it was a pretty good thing to wait 13 months before the Members of the Congress that were elected at that time took their seats and began to put into operation their bigoted ideas?

Mr. GLOVER. I did not live in the days of the Know-Nothing movement. The gentleman may have lived back in those days, but I was not educated in that school.

Mr. UNDERHILL. But the gentleman knows something about history.

Mr. GLOVER. I say to you that we are a great, progressive Nation. We are a Nation that says the people ought to rule and we ought not to stifle the will of the people and say that 13 months shall pass before we may carry out their will. [Applause.]

If this proposed amendment is adopted Congress will meet on the 4th day of January. If nothing else was in the amendment than that I believe it would justify its submission to the people and its passage or adoption by them.

In the short session we have three months. We have about 20 days of the session before Christmas, then the holidays come and we are two weeks on a vacation, and we get out of touch with the legislation and then come back and really we have about 2½ months for consideration of legislative business.

Now under this proposed amendment the holidays would be taken out and we would come here in session on the 4th day of January. Then the President of the United States and the Vice President would take their office on January 24. That would give 20 days for Congress to be in session and organize and function. I think if we had these changes it would be beneficial.

Mr. COX. Will the gentleman yield?

Mr. GLOVER. I yield.

Mr. COX. I do not intend to combat the gentleman's argument, but the statement has been made that there is a public necessity for the adoption of the proposed amendment. I have heard it stated that there is no evidence of any inferiority in the class of legislation adopted at the lame-duck session than is adopted at the long session. Therefore the necessity does not arise on bad legislation.

I have followed the gentleman closely and other speakers, and the only ground I find existing for the legislation rests on the fact that it will be an added convenience to the new Members in that they will go into office and function as representatives of the people within a shorter time than 13 months as is now the case.

Mr. GLOVER. That is only one reason. This provides in a case of death of the President, the Vice President to supply the vacancy, and you could imagine a condition that might arise when we would be thrown into a situation without a guide to get anywhere. We ought to have legislation on this subject. I think we ought to have authority to pass legislation that will take care of that situation in case of vacancy. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, ladies, and gentlemen, I will say in answer to the remarks of the gentleman from Connecticut [Mr. TILSON] that the constitutional amendment is absolutely essential if we are going to change the proroguing of Congress from the method now in vogue—change the method from meeting 13 months after election to a month or month and a half after election.

The First Congress, by virtue of the statute passed September 13, 1788, by the Continental Congress after three-fourths of the States had ratified the Constitution, met in the first session on the first Wednesday of March of the following year. It so happened that the first Wednesday was the 4th of March, at which time the First Congress came into being.

Now, the gentleman from Connecticut says that we would have the right to change the date any time we want to; but the minute we do that, we vary the term of office of Members of this House; we either lengthen or shorten the terms of at least one Congress.

The Constitution provides that the term of office shall be but two years and we can not vary those terms a day or the fraction of a day. Therefore an amendment is quite essential. For example, the Seventy-second Congress was elected last November, 1930. Its Members do not take office till March 4, 1931. They do not meet, unless called into extraordinary session by the President, till the first Monday in December, 1931, 13 months after election. Since they do not take office till March 4, 1931, they can not be, constitutionally, called into session till March 4, 1931. If we pass a statute starting this session, say, January 4, 1931, we would be shortening the terms of the Members of the Seventy-first, the present Congress, since they run from March 4, 1929, to March 4, 1931—shortening their terms by two months. And we can not do this by statute. We can not change the term. That can only be done by a constitutional amendment.

Similarly, by another act, March, 1792, Congress provided that the terms of the President and the Vice President should commence on the 4th of March after they were elected. They are elected for four years. Their terms can not be lengthened or shortened. There, again, we can not change the time when the President and Vice President shall begin their terms by an act of Congress. That must be done by constitutional amendment.

There have been Presidents in our history who arbitrarily changed the time when they commenced terms of office, but the procedure was quite illegal.

For example, there was an interregnum of one day when President Monroe refused to take office because March 4, 1821, came on Sunday. He took the office on the following day. He had no right to do so; it was unconstitutional to vary the commencement of his term of office.

Zachary Taylor also refused to take the oath of office on March 4, 1849, and took it on the following day. Rutherford B. Hayes refused to take his office on March 4, 1877, and took it instead on Saturday, the day before. He increased the term of his office by one day. That thing should not occur. There should not be any uncertainty. We should have it definitely stated in the Constitution when

these terms shall begin and when they shall end. The pending bill rightfully does away with the "lame-duck" Congress.

Mr. Speaker, a lame duck is usually a wild bird that has been wounded and brought down to earth by the hunter. Ofttimes the shot lames the wild duck and the very lameness in time tames it. All wildness is gone and the bird becomes very docile.

There is another species of "lame duck," and that is the Senator or Representative who has been brought down to defeat by the constituents in the election but who continues on for four months with full power of voting in the congressional short session. They are political lame ducks. They are very tractable, very docile, and usually under the promise of a job will vote any way demanded of them.

The Seventy-first Congress is about to die. During the present short session, which is about to end, the Congress has contained a considerable number of Senators and many Representatives who were defeated at the polls in November, 1930, but whose terms do not expire until March 4, 1931. Despite their defeat they have served during this short session. Although not wanted by their constituents, a hackneyed and worn-out provision of our Constitution forces those same constituents to be represented by men that they have unseated. Usually little service is rendered by these "lame ducks," or rather "sore ducks"; more often it is disservice. Surely their head is not in their work. They are disgruntled and dissatisfied, and their tempers are usually bad. The remedy for this wretched system is the adoption by Congress and the State of the so-called Norris amendment to the Constitution.

A man newly elected to Congress under the present system must cool his heels for 13 months before he can function as a Representative. The Representatives elected last November do not function until next December.

When the Constitution was adopted we were an agricultural people, and travel was by horse and stagecoach. It took months to go to Washington, and then there had to be considered the spring planting and the autumn harvest. In order that the orderly procedure of farming might not be interrupted, and to allow for long distances, Congress was not to convene until more than one year after election.

We are now no longer exclusively an agricultural people, and the distance to Washington has been greatly lessened by the railroad, the telegraph, the telephone, and the aeroplane, and the stagecoach has become a curiosity.

There is practically no opposition to the Norris amendment. There are, however, some who feel that the new Congress should not meet so soon after its election. They contend that the period of 13 months between election and the convening of Congress affords a "cooling-off" period—"affords opportunity for reflection and would prevent half-baked emotional legislative action born of the heat, the excitement, and the animosity of a political campaign."

That argument, however, vanishes into thin air when we consider that our constitutional system is one of checks and balances. The House may be newly elected every two years, but the Senate is not. Only one-third of the Senate is elected each two years. That is sufficient check upon House action born of passion or prejudice or the heat of the campaign. Then there is the further brake in the presidential veto.

It is interesting to note that three times in our history the election of a President has been thrown into Congress, and each time "lame ducks" had a part in determining who should be our President, namely, the contests between Jefferson and Burr, Adams and Jackson, Tilden and Hayes. Three times, therefore, men who had been repudiated at the polls, and could not represent, in all political honesty, their constituents, had a voice in the election of the President. Men who have been defeated at the polls are not really qualified to have a voice in our legislature after that defeat.

The real vice, however, lies in the fact that the "lame duck," under promise of a job, becomes very tractable and votes as the administration desires without consulting the wishes of the people in his district.

I am opposed to the amendment offered by Speaker LONGWORTH, namely, that the second session shall terminate on May 4. This is an admission of weakness. Within the 2-year constitutional term the Members of Congress have the right to determine the date of adjournment of the second session. They can trust themselves as to when they shall end their deliberations. Having the date fixed in advance by the Constitution creates a sort of log jam during the last few days of the session. This is always the vice of the short session ending constitutionally on March 4. Usually more bills are passed in the last two or three days of the session than during all the days preceding. Action is therefore hasty and often ill-advised, and the door is left wide open for the filibuster. Those who filibuster usually do so during the legislative jam just prior to March 4 of a "lame-duck" or short session—March 4, when the Constitution requires adjournment. Those who filibuster know that by unreasonably drawing out debate at the end of the session they can waste time until March 4, at noon. The same thing would occur under the Longworth amendment, if the date were fixed as May 4. If the date is to be fixed, let it be fixed by consent of the Members, and not by the Constitution, so that if a filibuster is in the offing the date of adjournment can again be postponed. This would balk much filibustering and the majority could then vote as it saw fit and wise.

Furthermore, we can not disregard the wisdom of other nations with reference to the time that shall elapse between the election of the more popular branch of the legislature and the time they shall commence their duties. For example, in England the practice in the past has been to make the interval between the elections and the assembling of Parliament as short as possible, and the history of England tells us it has always been comparatively short. It never is 13 months, as here. The same is true of the practice in Canada, New Zealand, Australia, and other British dominions.

The administrative branch of the British Government must always possess the confidence and support of the Parliament. To determine this the house must be called into session. Under the procedure in England and the British Dominions it would be impossible for members of Parliament to continue to legislate for months after the people had expressed their wishes at the polls. In France the electoral college must be summoned after a new election within the space of two months and the Chamber of Deputies within 10 days following the close of the elections. In Germany article 23 of the German constitution of August, 1919, provides that the Reichstag shall assemble for the first meeting not later than 30 days after the elections. In Norway the Storthing assembles every year on the first week day after January 10, while the elections must be concluded before the end of the month of November. The practice is similar in Sweden. The Austrian constitution stipulates that the Nationalrat must be summoned by the President of the Austrian Republic to meet within 30 days after its elections. In Hungary a new election of representatives takes place six weeks prior to the opening of the first annual session of the new diet. In Brazil the election of members for the Chamber of Deputies occurs on the first Sunday in February preceding the 3d day of May, which is the first session of the new legislature. In other words, there is a lapse of about three months between elections and the calling of the session. In Argentina the election of deputies takes place on the first Sunday in March of all years of even numbers, while the first meeting of the chamber occurs on May 1. Thus approximately two months elapse between the elections and the convening of the Chamber of Deputies. All of this indicates that the system in this country is unique.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GIFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman and members of the committee, I am in favor of this resolution. I have spent some time with, perhaps, the most pleasantly working committee in the service of this House in the extensive hearings had,

and bringing this measure to a condition valuable to the country and not as a perennial gesture.

I recognize two distinct features in this proposition. One relates to the time of the convening and adjournment of Congress, which, under the Constitution, is flexible and can be made certain by legislation up to a certain point. The other proposition is based upon many conditions involving contingencies and uncertainties in the election and succession of President and Vice President which are not provided for in the Constitution. Many of these contingencies are suggested in legislative questions submitted in 1928 by Hon. SCOTT LEAVITT, of Montana, as follows:

(a) Does the Secretary of State succeed to the Presidency if for any reason there is no constitutionally elected President by the March 4 when the term of the Chief Executive begins?

(b) Shall there be a special election, or does the person succeeding to the Presidency fill out the unexpired term?

(c) If the election were ordered in case of a vacancy in the office, could it be for the unexpired term, or would it have to be for a term of four years, thus disarranging the 4-year period of the Government?

(d) Does the commission of a Cabinet officer expire on March 4, and would this prevent succession?

(e) For what length of time would a Cabinet officer act as President?

(f) Shall the choice of a Chief Executive be intrusted to the House of Representatives about to go out of existence, when such House may even be under control of the party defeated at the preceding November election?

(g) Where the President elect dies before the second Wednesday in February, the day fixed by law for counting the electoral vote, may the House of Representatives elect a President?

(h) In case of failure to count the votes and declare the results by the 4th of the March when the term of the Chief Executive begins, where the electors have not failed to elect but Congress has failed to declare the result, may the count continue?

(i) Would the Vice President or Vice President elect succeed to the Presidency should the President elect die before the 4th of the March, when the term of the Chief Executive begins?

(j) Who would be President in case both President elect and Vice President elect should die before the March 4 when the term of the Chief Executive begins?

(k) If more than three persons voted for as President should receive the highest number and an equal number of votes in the Electoral College, and suppose there were six candidates, three of whom had an equal number, who is to be preferred?

(l) If there should be more than two of the candidates for the Vice Presidency in a similar category, for how many, then, and for whom would the Senate vote?

(m) If a candidate for President should die after the election and before January 12 of the following year and before the electors met, how should they vote?

(n) If the President elect should die after the Electoral College has met and before Congress counted the vote, how could the vote be counted? Or could it be postponed?

If it were just a question of shifting the initial congressional meeting from the first Monday in December to March 4, which can be done by legislative act, I should not support this amendment. Because an amendment to the Constitution of the United States is a reverend and solemn step to be seldom taken. It should never be taken unless in response to a great demand, a great necessity, and undoubted wisdom. So standing alone the feature that men speak of as the "lame duck" feature of this resolution would not have received my support. It would not have been reported from the standing committee without at least a very respectable and emphatic minority report.

I am not of those who see in the Constitution or in the history of its making any great concern for immediate response to the apparently expressed views by the people at the November election. That view, wise or unwise, is a tendency somewhat dominating now, but guarded against in the convention. The fathers never intended that, and in so far as safety lies we should not follow it now, to remove an ancient landmark.

I regret to hear men argue here that because the nations of Europe and the rest of the world immediately respond after elections to what they consider the demands of the people to be that we should follow in their wake to the destruction awaiting many of them. This great Republic attained, occupies, and maintains its present proud position, dominant in the world, because it is different from any other nation on earth. [Applause.]

We pattern after no nation. Our strength and stability are largely due because we chose our course, selected our forum, espoused our own principles, and avoided the mistakes of other nations of the earth. [Applause.]

I believe as a citizen and Representative from one of the smaller States of the Union, speaking in terms of population, that our presidential electoral system must be held intact. In other words, we should perfect our electoral system so that the advantage small States have will be retained. It is a fact that a citizen of such a State counts for much more than one in a very populous State in determining the Presidency of the United States. That, true in the electoral vote, is also true when the electoral vote fails, because then it goes to the House of Representatives. There we, a small unit in appearance, are just as strong as any State in the Union.

Of the 531 electoral votes, 96, or 2 for every State, is a fixed factor. In that 18 per cent Nebraska is as big as New York. In the other 82 per cent New York is nine times as big as Nebraska; Pennsylvania seven times; Illinois six and one-half times; and Ohio five times.

Under the present system and recent census, in determining the election of a President, 100 Nebraskans are equal to 137 New Yorkers, 135 Pennsylvanians, 134 Illinoisans, and 131 Ohioans; while under the system advocated by the author of Senate Resolution No. 3 a Nebraskan would be precisely the same theoretical force as a resident of any of the four States named.

Nebraska is an agricultural State with high degree of literacy and prone to cast discriminating votes. It is liable to have, therefore, smaller relative majorities than those of industrial States containing many populous centers. Under the popular-vote system, New York could easily give a majority ten to fifteen times as great as Nebraska, and therefore be that many times more influential than Nebraska in electing a President.

In the interest of historical accuracy I desire to correct a prevalent impression that the 1st Monday in December was selected on account of meager means of transportation. Nothing is further from the fact. The Constitution makers knew that Congressmen and Senators could travel, reaching Washington on the 4th day of March or any other convenient date, as well as the President. You will find if you read in Hunt and Scott's or any other edition of Madison Papers, that on the 7th of August, 1787, when fixing the time, they did not talk of bad roads, floods, or the difficulty of getting to Washington; but they did consider whether or not it would accommodate the farmers of the country by convening in December in the winter season rather than in May. Although Madison himself, and he does not usually magnify his own defeats, tried to make it May, he was defeated, and on the vote there were 8 for December and 2 for May. The other three States did not vote. I submit from pages 348, 349, and 350 of Hunt and Scott's Madison Papers, copyright 1920, the following:

Mr. Madison wished to know the reasons of the Com. for fixing by ye Constitution the time of meeting for the legislature; and suggested, that it be required only that one meeting at least should be held every year leaving the time to be fixed or varied by law.

Mr. Gov. Morris moved to strike out the sentence. It was improper to tie down the legislature to a particular time, or even to require a meeting every year. The public business might not require it.

Mr. Pinkney concurred with Mr. Madison.

Mr. Ghorum. If the time be not fixed by the Constitution, disputes will arise in the legislature; and the States will be at a loss to adjust thereto, the times of their elections. In the N. England States the annual time of meeting had been long fixed by their charters & constitutions, and no inconveniency had resulted. He thought it necessary that there should be one meeting at least every year as a check on the executive department.

Mr. Elseworth was agst. striking out the words. The Legislature will not know till they are met whether the public interest required their meeting or not. He could see no impropriety in fixing the day, as the Convention could judge of it as well as the Legislature.

Mr. Wilson thought on the whole it would be best to fix the day.

Mr. King could not think there would be a necessity for a meeting every year. A great vice in our system was that of legislating too much. The most numerous objects of legislation belong to the States. Those of the Natl. Legislature were but few. The chief of them were commerce & revenue. When these should be once settled, alterations would be rarely necessary & easily made.

Mr. Madison thought if the time of meeting should be fixed by a law it wd. be sufficiently fixed & there would be no difficulty then as had been suggested, on the part of the States in adjusting their elections to it. One consideration appeared to him to militate strongly agst. fixing a time by the Constitution. It might happen that the Legislature might be called together by the public exigencies & finish their session but a short time before the annual period. In this case it would be extremely inconvenient to reassemble so quickly & without the least necessity. He thought one annual meeting ought to be required; but did not wish to make two unavoidable.

Col. Mason thought the objections against fixing the time insuperable; but that an annual meeting ought to be required as essential to the preservation of the Constitution. The extent of the country will supply business. And if it should not, the Legislature, besides *legislative*, is to have *inquisitorial* powers, which can not safely be long kept in a state of suspension.

Mr. Sherman was decided for fixing the time, as well as for frequent meetings of the legislative body. Disputes and difficulties will arise between the two Houses, & between both & the States, if the time be changeable—frequent meetings of Parliament were required at the Revolution in England as an essential safeguard of liberty. So also are annual meetings in most of the American charters & constitutions. There will be business eno' to require it. The Western country, and the great extent and varying state of our affairs in general will supply objects.

Mr. Randolph was agst. fixing any day irrevocably; but as there was no provision made any where in the Constitution for regulating the periods of meeting, and some precise time must be fixed, until the legislature shall make provision, he could not agree to strike out the words altogether. Instead of which he moved to add the words following—"unless a different day shall be appointed by law."

Mr. Madison 2ded. the motion, & on the question,

N. H. no. Mas. ay. Ct. no. Pa. ay. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. ay. Geo. ay.

Mr. Govr. Morris moved to strike out Decr. & insert May. It might frequently happen that our measures ought to be influenced by those in Europe, which were generally planned during the winter and of which intelligence would arrive in the spring.

Mr. Madison 2ded. the motion, he preferred May to Decr. because the latter would require the travelling to & from the seat of govt. in the most inconvenient seasons of the year.

Mr. WILSON. The winter is the most convenient season for business.

Mr. ELSEWORTH. The summer will interfere too much with private business, that of almost all the probable members of the legislature being more or less connected with agriculture.

Mr. RANDOLPH. The time is of no great moment now, as the legislature can vary it. On looking into the constitutions of the States, he found that the times of their elections with which the election of the Natl. Representatives would no doubt be made to coincide, would suit better with Decr. than May. And it was advisable to render our innovations as little incommodious as possible.

On question for "May" instead of "Decr."

N. H. no. Mas. no. Ct. no. Pa. no. Del. no. Md. no. Va. no. N. C. no. S. C. ay. Geo. ay.

Therefore, it was not a question of the difficulty of getting here, but, in my opinion, it was based very largely on the will of the two most important factors in the Constitution making of this country. I heard with a good deal of interest the tribute paid to George Washington, who presided over that great assembly, and of Benjamin Franklin, the diplomat, who kept the forces steady, subduing passions and diplomatically controlling them all. I desire to tell you, as I read the history of that time, the two great forces in dominating that convention were one who was not there and another who was handicapped in the New York delegation. I refer, of course, to Thomas Jefferson and Alexander Hamilton. [Applause.]

The one by shrewd present control, and the other in absentio was vocal through Madison and others.

Jefferson's followers, believing that that country is governed best which is governed least, saw in the December meeting a recovery of Congress from the passion and acrimony of a campaign. This with the near approach of the next election would favor short sittings, little legislation, and that of a conservative character.

Of course the progress in the world's activities, in which government must take some part, prompts me to favor a much shorter period to elapse between November elections and convening of Congress and inauguration. I regret that throughout the debate on this question all Members did not refrain from using the term "lame duck" when referring to the proposed amendment. My aversion to the word has been of long standing. Before I was defeated, or ever expected to be, I criticized the word as to individuals. What is repulsive to the individual is repulsive to the nth degree when applied to the solemn process of amending our National Constitution.

It is not to be wondered that this proposed amendment's progress for a decade was slow, when we recall that it was in the Senate referred to the Agriculture and Forestry Committee. This was probably on the theory that it must under its peculiar designation have some relation to poultry or winged game. Its conduct from that side suggests that it was designed to win on a fowl.

In the hearings before the standing committee I asked several witnesses what their reading and observation had shown as to nonelected Members manifesting less interest, industry, and patriotism than those who were returning with certificates of election. The uniform answer was there was no evidence or appearance of lessening zeal and rectitude in the discharge of duty. In substance those who were defeated, fell in fight, not in flight.

Permit me to suggest a few names of whom I believe their contemporaries, neither from lack of respect or paucity of vocabulary, ever used the opprobrious term:

Speakers: Cannon, Clark, and LONGWORTH.

HENRY ALLEN COOPER, dean of this House.

Presidents: The two martyrs, Lincoln and McKinley, and hosts of others, now among the white-robed throng where calumny can not reach them from across the chasm of gloom to the Palace of Light.

In the course of this debate the real contest has been between those who desire solely a shorter period between November elections, and the first meeting of Congress, and those favoring safe-guarding presidential elections and successions. As it is now, roundly speaking, 13 months to be reduced there are two methods: First, by a short legislative act, authorized under the Constitution now which could cut it down to the 4th of the following March, or a nine months' cut which is about 70 per cent of the whole intervening period. Second, by the proposed amendment the period would be reduced nine months, or about 85 per cent, a difference of only 15 per cent between the statutory and the constitutional method.

For the purpose of response to November-election verdicts the difference is not sufficient to warrant the turmoil and dislocation incident to the adoption of a constitutional amendment, especially as the present arrangement has existed almost continuously for nearly 150 years.

The limiting amendment, known as the Longworth amendment, adopted on the floor of the House was not deemed necessary by the fathers. Because then statesmen spoke and reasoned to convince others and obtain early action. Now, their successors, speaking audibly to themselves, and few others, chew one ear while the other listens in a vain effort to convince the speaker of the policy to be followed. This process has recently lasted five hours at a time.

So that a surcease of this procedure may be given the country a few months before a national campaign shall begin, attest the wisdom of the Longworth amendment. Many members of the standing committee favored this, but, fearing it would not carry in the House, did not report it. But the great vehicular consideration for this amendment's adoption is to make the election and succession of President and Vice President certain. Further, have the saving of our electoral system which works well when two parties dominate the country, but which would stagger under the cliques and blocs which popular votes for Presidency would tend to create.

So I cheerfully support the amendment as a unit. I believe that the fathers were deeply concerned in the arrangement of the terms of office in which they sought to carve out periods within which settled policies should be started and continued to the end. The modifications should come after the new factors should be revealed at the November election, and the newly elected should take their seats in a new period set apart by the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. GIFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Chairman and members of the committee, it seems to me the committee which has had this matter under consideration for the House, off and on for several years, has made an admirable effort to solve a great many perplexing problems of governmental structure and machinery in this one enactment. For that they are entitled to the thanks of the House, whether we agree with the results of their work or not. But when we come to the question of amending the Constitution of the United States, particularly upon phases of that Constitution which relate in their major significance to the workings of this Congress, this body as a whole should give to its deliberations not only the most serious attention, as it would to any other amendment, but the fullest and most complete discussion, in order that there may be before the people and before the legislatures of the various States the views of this House and its Members on a matter which most intimately affects its operations. It is in that spirit that I am speaking here to-day, feeling that some phases of this question must be considered very seriously by the country as well as by the Congress.

I agree with the gentleman from Nebraska [Mr. SLOAN] that we should retain the Electoral College system. I would have preferred, however, that this amendment should have substituted a convention meeting of the Electoral College for the present system of meeting by mail, and should have substituted that convention meeting of the electors for election by the House of Representatives in the event of a failure of the first vote to elect. It seems to me that while we are discussing that question we should very seriously consider whether the Electoral College, now that communications are as simple as they are to-day, should not become an actual, operating, and electing body, and not merely a group of messengers transmitting their verdict by mail, and in the event of their disagreement throwing back the burden of the choice of the President upon a House necessarily divided in many groups and many strata. As the matter now stands—and will stand if this amendment carries—in the event the electors on their first mailed ballot fail to cast a majority for one candidate the duty of selecting a President devolves upon this House, with the vote of each State counting as 1. In other words, Nevada, with 86,000 people and 3 electoral votes, counts as heavily as New York, with 12,000,000 and 47 electoral votes. In my view we should call the electors together in convention under such circumstances and have them choose the President. Generally speaking, our electors are the highest type of our citizenship, and the making of a wise choice in the event of no election on the first ballot could safely be left to them, thus preserving the same proportionate voice to the States as in the election by the people.

That, however, is not in the amendment proposed here to-day. It seems to me, however, that the legislatures of the various States should consider, if this amendment is submitted to them, whether they prefer to continue the system of election of the President by the House in the event of nonelection by the electors, or whether they prefer the method I have here suggested.

The amendment, however, is popularly known as the "lame duck" amendment, and probably that view of it will carry it to passage in the States whatever this Congress submits to the legislatures. For I think it clear that a strong popular prejudice has been created on this subject. I do not agree that any harm has resulted in the past from so-called "lame-duck" sessions worthy of correction by constitutional amendment, but the country apparently dislikes the system.

I want to suggest to the House, however, one feature of the advancement of the date of meeting which perhaps may not enter the minds of men after they have once taken their office here. Let us look at what the 4th of January commencement date of service means to a man serving his first term in the House. It means, especially if he lives at a point remote from the city of Washington, that, before considering whether he can become a candidate for membership in Congress, he must determine whether his business or his professional work is in such condition that he can leave it for at least six months, and possibly for two years, instantly upon his election. His position differs from that of the man who is a candidate for State office, whose service, when selected, is to begin and continue in the immediate vicinity where he has heretofore been conducting either his professional or his business activities.

I ask any Member of this House who is a lawyer whether his law practice in the November of his first election to the House was in such condition that he could, with justice to his clients, throw it all to one side in six weeks to begin his official duties here, particularly if the location of his home and his practice was at a distance of a thousand or two thousand miles from the seat of government? In my own case—and I have no doubt it is true of a majority of the Members of this House—I could not have been a candidate for election to Congress if that election had meant leaving home in six weeks after election. I do not believe we can maintain the high standard of membership of the House of Representatives by putting upon newly elected Members the obligation of forsaking every home tie and duty the performance of which has produced the kind of position in their business or profession which justifies their election to the House on any such short notice after the strain of a campaign for election. [Applause.] It is all very well for those who are already Members. It may weaken the quality of their opposition for reelection, but I do not believe there is a Member here who, if he looks back to the date of his first election, will say that he could, with justice to the other interests which he represented, throw them all aside on such short notice and come here for six or eight months. That is one factor that has been completely overlooked in this discussion so far as I have heard it in the six years I have been a Member of the House.

There is one other thing in this legislation which merits serious thought, and that is the question of the fixation of an adjournment date. We may just as well face the fact that there will always be in one of the bodies, which make up the Congress of the United States, some men who would like to see Congress in session practically unceasingly. On the other hand, no one can read the press of the Nation to-day, without distinction of party or section, and not recognize that there is a very grateful feeling throughout the land that the Constitution ends this session on the 4th of March.

If we are to pass this type of constitutional amendment I am personally convinced that somewhere in it there must be either the fixation of an adjournment date or power to either body to end its sessions without the consent of the other. The Constitution to-day provides that neither the House nor the Senate may recess for longer than three days nor adjourn without the consent of the other. I propose to offer an amendment to this resolution—providing no amendment is inserted fixing an adjournment date—conferring upon either body the power to recess for longer than three days, or to adjourn after they have been in continuous session for four months, without the consent of the other body. I see no reason why such an absurdity, such a legislative farce should continue as the situation that existed in this Congress in its first special session, when we operated on a series of 3-day recesses for five months, dependent upon a gentleman's agreement against points of no quorum. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman and members of the committee, it seems to me there is some confusion with reference to this proposed amendment. In the first place, the necessity for the amendment, whatever it may be, arises not from the language of the Constitution but from the date at which the Government under the Constitution began. The scheme originally was that we would have the election

in the fall and the sessions of Congress begin on the 1st of the following December. The Continental Congress fixed the time at which the Congress provided for by the Constitution began to function. The Constitution having provided that the Members of the House should be elected for two years, that two years began at the beginning of the first session. But it is not profitable to go further into that phase of the matter. The result has been that it is 13 months after a Member of Congress is elected until he begins the performance of his duties unless there is a session called by the President, but in the meantime in any event the short session is held during which the legislative duties naturally belonging to an elected Member may be discharged by his defeated opponent. As I view it, this proposed amendment does not alter the plan established by the Constitution. It relieves the plan from the interesting effect of the more or less accidental date at which the functioning machinery set up by the Constitution began to function. Many questions, now important, in the infancy of the country were of no concern. There were many great men in those days, but I have never been one of those who have made in their behalf the absurd claim of almost infinite wisdom. It is perfectly clear that the Members of the First Congress did not fully comprehend the Constitution. For instance, when the First Congress convened the Members did not at all appreciate the difference between the Constitution of the Congress, called into existence by the Constitution and ending only by the limitation fixed by the Constitution, and the Constitution of the British Parliament, called into being by the writ of the King and dissolved by his mandate. When the first second session was convened they followed the procedure of the British Parliament, reintroducing all bills which had been pending at the end of the first session. It was almost at the beginning of the Civil War before the present plan was fully established in the Congress. It was during that same time, and based upon the same erroneous conception, that the practice of the pocket veto began.

There is another very interesting thing. When we put into the Constitution our provision with regard to impeachment we followed the language of the constitution of Massachusetts and eliminated entirely the power to punish for crimes. However, when we came to our first case of impeachment, the Members of Congress seeking for precedents, having none of their own, followed the precedents of the British procedure developed in real criminal prosecution where the death penalty and confiscation of property might result. I cite these facts to illustrate the absurdity of ascribing to our forefathers well-thought out and intended consequences for all their acts. As a matter of fact this proposed amendment does not change the Constitution as drafted and ratified, but restores it by removing the consequences incident to the beginning of operation to which I have referred. I am speaking now of the House sessions. I will be candid with the members of the committee when I make the statement that I think the effect and influence of what is known as the lame ducks in Congress is very much exaggerated in the country. Still it must be admitted that for a person to continue to represent a constituency after his defeat, is contrary to the whole plan and philosophy of a representative system of government.

I arose however in anticipation of the amendment which we are advised is to be offered to limit arbitrarily and fixedly the duration of the second session of Congress. That amendment if adopted would take from the Congress the power to continue until in its judgment its business is finished. For the Congress to propose such an amendment to the country would be a confession that in its judgment it is unworthy to be intrusted with that responsibility of the Government. Two schools of thought have clashed from the very beginning of this Government and they are going to clash this afternoon. Those who believe in the people and those who mistrust the people. I am not willing to yield to the executive branch of the Government the determination of how long Members of Congress should have in which to discharge their constitutional responsibilities. I challenge the basis of that fear of the Congress. It is such things as this proposed amendment which shakes the confidence of the people in the Congress. Why should the country trust the Congress if it proclaims by this amendment that it is its judgment of itself that it can not be trusted to fix the date of its own adjournment. There is nothing to justify such a thing.

It is a fact that in the great crises of the past it has been the legislative branch of the Government that stood against tyranny, oppression, and corruption. It makes mistakes; yes. God Almighty has not sought to guard human beings against the possibility of making mistakes. After all we must have a constituency which will not tolerate the abuse of power and discretion on the part of their elected agents. It is not a bad thing for it always to be possible for mistakes to be made. It is to be proposed to fix this date of adjournment rigidly in the Constitution, as though all wisdom and patriotism would die with us. I am willing to leave to each generation as it comes to responsibility the opportunity to determine for itself how and with what instrumentalities it is to do its work. There is nothing to justify this spectacle which it is proposed the Congress shall make of itself before the country. The very idea of gentlemen standing on the floor of this House and saying we can not trust the Congress with the determination as to when it is to adjourn, when it is a fact that at the beginning of this Congress you gentlemen on the Republican side of the House had the power under the Constitution to prevent every Democrat from taking his seat. The framers of the Constitution were not afraid to intrust Congress with that power, and the history of this country is that that power has not been abused. The Constitution gives to the personnel that constitutes the House and the Senate the power to take the President from the White House.

The Constitution gives to the personnel that constitutes the two Houses the power to take every member of the Supreme Court from the bench. The Constitution gives the two Houses of Congress the power to send my Nation to war. I challenge the history of this country for any evidence of the abuse of that power. The Constitution gives to Congress the power to appropriate money, every dollar that the people of the Nation has, and without limit.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JEFFERS. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. SUMNERS of Texas. Ladies and gentlemen of the committee, are you this afternoon going to confess to the country which sent you to this Chamber, that when you judge of your own conscience and capacity and of your fellows you feel that for the public security you must write into the Constitution a limitation upon yourselves, saying, in effect, to the country, "We do not believe we have the capacity and patriotism to adjourn when we shall have finished the business of the country. We want the President of the United States as a sort of guardian over us to be intrusted with the determination as to whether the second session of Congress shall function beyond the 4th of May." I will never agree to that. I will never agree that the men and women with whom I associate here can not be trusted to determine when they shall have finished their business and are ready to go home. I understand that this afternoon the Speaker of this House, for whom I have great respect, will leave his place and come to the floor of this House and offer to the men and women over whom he presides the opportunity to tie their own hands, and as I see it, to make a pathetic spectacle of themselves in a public admission of unfitness for custodianship of those great governmental responsibilities with which the Constitution has intrusted them. [Applause.] If they can not be intrusted, and they admit it, to fix the date of their own adjournment, how can they claim for themselves public confidence in those great transactions incident to the life of a great nation? We ought to defeat the amendment.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. JEFFERS. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. KNUTSON] such time as he may desire.

Mr. KNUTSON. Mr. Chairman, ladies and gentlemen of the committee, for years it has been one of the favorite pastimes of newspapers and magazines to attack the so-called lame-duck sessions of Congress, and humorous writers have made much of our failure to act.

I am one of those old-fashioned individuals who believe that the framers of the Constitution had a very definite purpose in mind when they drafted the present provision of the Constitution whereby we meet 13 months following an election. In the heat of campaigns candidates are apt to make rash promises that are incapable of fulfillment, and I may say to you it would be dangerous to convene a new Congress within 60 days after an election unless we took the newly elected Members and placed them on ice, thereby giving them an opportunity to reflect and cool off before taking their seats in this body.

Mr. KVALE. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. KVALE. Would the gentleman say that that should apply also to those elected to fill unexpired terms?

Mr. KNUTSON. In certain instances. [Laughter.]

Under section 2 of this resolution Congress will meet on the 4th day of January, and may sit for two years without interruption or intermission. Now, what would that do to the country? One of the great sources of worry to the Nation in the past few weeks has been that we would fail to pass one or more of the supply bills, which would compel the President to convene the next Congress in extraordinary session prior to July 1. If an extra session of the Congress would be bad for business at this time, why would not that be true in future years?

I do not know, but I presume a majority of the American people feel that the lame-duck session of the Congress should be abolished. I do not. I sincerely believe there is very grave danger, my friends, in convening a newly elected Congress 60 days after election. We should give the newly elected Members at least six or seven months in which to cool off and reflect upon the duties which they are called upon to assume.

I yield back the balance of my time.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and members of the committee, the resolution now under consideration has been before the Congress and the country for 8 or 10 years. It has been debated extensively in all the great newspapers of the Nation, and I think I can state with certainty that public sentiment in America is overwhelmingly in favor of the pending resolution.

I have frequently discussed this question in detail in this Chamber, as a reference to the CONGRESSIONAL RECORD will show, especially in March, 1928, when I attempted in my feeble way to consider every phase of the problem and endeavored to answer the arguments urged against this proposed amendment. I shall not attempt to discuss this question in detail this afternoon, because, in my opinion, the time for debate has ended and the time for action is here.

May I say to my good friend from Massachusetts [Mr. UNDERHILL] that he completely misinterprets and misconstrues the fundamental principles underlying this resolution. He is no more correct in his analysis of the purposes and the effects of the proposed amendment than he is accurate in his historical references when he talks about Alexander Hamilton and Patrick Henry having helped write our Federal Constitution.

Every student of American history knows that Alexander Hamilton had only a negligible part in the writing of our Constitution. On the contrary, early in the convention he stated his views as to the character of document he would favor, but his views, as he himself stated, were so contrary to the sentiment of a large majority of the members of the convention that he practically withdrew and attempted to exercise no influence in framing that immortal document. While Alexander Hamilton had but little to do with determining the theory on which our institutions should be reared, and practically nothing to do with the details of the Constitution, and while the convention rejected the plan and theory he advocated, still after the Constitution had been written, largely as a result of the efforts of James Madison and those who labored with him and were in harmony with his theories of government, no man in America had more to do with securing the adoption of the Constitution than Alexander Hamilton.

And my good friend from Massachusetts talks about Patrick Henry having been an advocate of the Constitution and that to amend it would be to discredit him and other great men of the Revolutionary period. The gentleman ought to know that Patrick Henry was one of the most violent opponents of the Constitution. He denounced it as a base surrender of the rights of the individual States. In the Virginia convention he led the opposition to the adoption of the Constitution and voted against it, but after the Constitution had been adopted, Patrick Henry accepted the decision of his countrymen, and was instrumental in securing the adoption of the first 10 amendments to the Constitution.

My distinguished friend from Massachusetts travels far afield when he lauds the men who are the so-called lame ducks. He tells how great and patriotic many of them are. No Member of this House has challenged the integrity or good faith of the so-called lame-duck Members, but that is not the issue presented by this resolution. Elimination of the lame-duck sessions of Congress, meritorious as that proposal may be, is nevertheless only one of the wise provisions of this resolution.

The Norris resolution relates primarily to the lame-duck proposition, but the resolution which you are considering to-day goes much farther and corrects other serious evils. Two sections, 3 and 4, deal with situations not touched, or at least not cured, by the Norris resolution, and these two sections, 3 and 4, furnish to the Congress and to the American people strong and convincing reasons why the resolution should be adopted.

Now, no one can challenge the good faith of many of the so-called lame ducks or Members who fall outside of the breastworks in elections. We concede their honesty and integrity, but here is the proposition: We have representative government in America, and under our scheme of government every two years the Members of this body must go to the electorate and ask the people at the ballot box to express their opinions on their legislative records and policies. I say it is contrary to the genius and spirit of our institutions for a Member of Congress, no matter how honest and patriotic he may be, if the policy for which he stands and for which he has voted has been repudiated by his constituents; it is un-American, undemocratic, unrepublican to allow him to remain in office two or three months following his defeat and after the repudiation of his policies by his constituents. It is not a question of good faith. The question is, Shall the American people be permitted to have their views, as expressed at the ballot box, enacted into legislation? After great issues have been submitted to the American people in a nation-wide referendum and the electorate has spoken in no uncertain terms, and the policies for which a Member stands have been repudiated by his constituents, that Member should not be permitted for three months to vote for legislative policies which his constituents have repudiated.

Now let me call your attention to sections 3 and 4 of the resolution. In my argument two years ago I called attention in detail to the full scope of the pending resolution and the reforms it would accomplish. I called attention to the fact that in 1924 if no party had secured a majority in the Electoral College, and the election had been thrown into the House of Representatives, if Calvin Coolidge had died between the time of the meeting of the electors and the time Congress met to choose a President, not a single Republican in this House would, under the Constitution, have been permitted to vote for any Republican for President, but would have been compelled to vote either for John W. Davis or Robert M. La Follette. And under the conditions I have mentioned, if John W. Davis had died between the time the Electoral College convened and the time Congress met to elect a President, then no Democrat in the House of Representatives could have voted for any Democrat for President. Every Democrat under those conditions and under our present Constitution would have been compelled to vote for Calvin Coolidge or Robert M. La Follette. By reason of the rigid and inelastic provisions of our existing Constitution, under the conditions to which I have referred, the House of Representatives would have been powerless to vote in a way that would reflect the will of the American people, and the President selected might have belonged to a political party that had been repudiated at the polls. Sections 3 and 4 of the pending resolutions will make it impossible for the will of the people to be thwarted by reason of the rigid and inelastic provisions of the present Constitution.

Now, sections 3 and 4 of the House resolution are not found in the Senate or Norris resolution. By odds these sections embody the most important and far-reaching provisions of this measure. They propose real, constructive legislation. They will correct grave and well-recognized evils in our electoral machinery and avert conditions that might result in sedition, growing out of a defeat of the will of the people as expressed at the ballot box. These disquieting conditions may arise at any time under the inelastic and archaic provisions of our Constitution relating to the election of President and Vice President.

Sections 3 and 4 provide remedies for several other complicated situations that may arise at any time to plague our people, and which grow out of our complicated political life, and which were never contemplated by our constitutional fathers when they wrote our Federal Constitution. In my discussion of this amendment on former occasions I have tried to show that the provisions embodied in sections 3 and 4 declare wholesome and wise public policies and should have been enacted many years ago.

Sections 3 and 4 clarify the electoral situation in presidential elections and provide for contingencies that may arise at any time. They are, in effect, an insurance policy against disputation and perhaps turmoil in closely contested elections, and when death touches one or more of the rival candidates for the presidency or vice presidency. It is almost a miracle that grave complications have not heretofore arisen by reason of the indefinite character of existing constitutional provisions relating to our election machinery. If the pending resolution contained nothing more than sections 3 and 4, its submission to the States for ratification would be amply justified.

I desire to make a comparison of the provisions of S. J. Res. 3 and H. J. Res. 292. The first is known as the Senate or Norris resolution, and the other is the House resolution which we are now considering.

1. *Terms of office.*—(*a*) Under S. J. Res. 3, the terms of office of the President and Vice President end at noon on January 15. Under H. J. Res. 292, such terms end at noon on January 24. (*b*) Under S. J. Res. 3 the terms of office of Senators and Representatives end at noon January 2. Under H. J. Res 292 such terms end at noon January 4.

This difference in dates is inconsequential, except under the House resolution 20 days elapse between the time Congress convenes and the time the President is inaugurated, while under the Norris resolution this time is only 13 days. In the opinion of the House committee 20 days should be allowed between the convening of Congress and the inauguration of the President so as to give Congress an opportunity to canvass the electoral votes and take any other action that may be necessary before the inaugural.

2. *Meeting day of Congress.*—Under S. J. Res. 3 the meeting day is January 2 unless a different day is fixed by law. Under H. J. Res. 202 such day is January 4 unless a different day is fixed by law. This difference in dates is of no consequence.

3. S. J. Res. 3 relates only to the case where the election is thrown into House and Senate and there is a failure to choose a President or Vice President before the beginning of the term. If the House has failed to choose a President before the time, the Vice President acts as President. Congress is given power to provide by law for the case in which the Vice President is not chosen before the beginning of his term.

The Senate resolution does not provide for the following contingencies which are covered in the House resolution:

(1) Death of a President elect.

(2) Death of a President elect and a Vice President elect.

(3) Failure of a President elect to qualify before the beginning of his term.

(4) Death of any of the persons from whom the House may choose when the election of President is thrown into the House.

(5) Death of any of the persons from whom the Senate may choose when the election of Vice President is thrown into the Senate.

4. *Effective date.*—S. J. Res. 3 becomes effective on the 15th of October following its ratification. That part of H. J. Res. 292 relating to the terms of office of the President and Members of Congress becomes effective on the 30th of November of the year following its ratification, while the part relating to the contingencies occurring with respect to the Presidency is effective on ratification.

5. *Mode of ratification.*—H. J. Res. 292 provides for ratification by legislatures the entire membership of at least one branch of which has been elected subsequent to the submission of the amendment to the States and further provides that it shall be inoperative if not ratified within seven years. S. J. Res. 3 contains no such provisions.

All things considered, I am quite sure that you will find from a comparison of the two resolutions that the House resolution is a decided improvement over the original Senate resolution, because it contains provisions in relation to the presidential successions, which are not found in the Norris resolution. In making this statement, I do not wish to be understood as criticizing the Norris resolution. It is the foundation on which the House resolution is bottomed, but the House committee by a careful study of the problems involved, extending over a long period of years, have been able to improve on the original Norris resolution and include therein remedies for substantial defects in our present Constitution, for the cure of which the Norris resolution offered no remedy.

In making these observations, I would not detract one iota from the credit and honor which is due to Senator NORRIS for having brought about the submission of this proposed amendment under adverse conditions, which would have discouraged a less resolute public servant.

The big question involved in this resolution is whether or not we are to make definite and certain the presidential successions; whether or not representative government in America is to survive; whether or not Congress will be the servant and agent of the people or their master; whether or not the American people when they go to the polls and express their opinion on principles, policies, and parties have the right, without waiting 13 months, to have their mandates crystallized into legislation. [Applause.]

Mr. GIFFORD. I yield one minute to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, I think nothing during my term in Congress has given me more satisfaction than to see this bill reported out and with real prospects to become a law. I am particularly pleased because the bill reported out is identical in every detail with one that I introduced, and naturally I think it is good legislation and ought to pass. I think the country wants this legislation, and if gentlemen will read the editorials throughout the length and breadth of the land I think they will realize that the people are in a temper where they will insist upon it. The conditions that necessitated the present system long ago changed.

A change in public sentiment should be readily reflected in the complexion of Congress. Members should meet im-

mediately after their election and carry out in legislation their campaign pledges. They should not be permitted to "cool off" and forget their solemn promises to the people who elect them.

Nor should there be any fixed date for adjourning, which permits filibustering and tricks to delay legislation and thereby defeat the rule of the majority. The present mandatory adjournment on March 4 of each odd-numbered year places too much arbitrary power in the hands of the Executive, for it is he alone who calls Congress into extra session.

The fear of Congress overriding a presidential veto may keep him from calling a special session after March 4 and thereby thwart the legislative will of the people.

It is far more important that Congress remain in session when the need exists than to provide an automatic adjournment to permit Members to return to their districts to campaign for reelection.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GIFFORD. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. NOLAN].

Mr. NOLAN. Mr. Chairman and members of the committee, I do not yield to anyone in this body in my respect for the Constitution of the United States. It has met the needs and requirements of the American people for almost 150 years, but, wonderful as that Constitution is, it would have been absolutely ineffective unless we had a people in America who were capable of making it effective. I have listened to those who feel that any change in the Constitution will undermine our fundamental government. I am not in accord with those who feel that way. Time and experience have proven that changes are necessary. If this document had been absolutely perfect in its inception and the men who wrote it thought it was perfect, they would not have provided in it for future amendments. I know there is a type of mind that feels that the things that are, must be, and that any change in the existing order means inevitable disaster. I realize we need men of this kind in society and that they are valuable so long as they are in a minority. They act as a brake sometimes on too rapid progress, but if a majority of the men who comprised the Constitutional Convention had been of this type of mind, we never would have had a Constitution of the United States. It seems to me that in this amendment which is proposed we are not striking at anything fundamental in the Constitution. It merely provides for a change in the machinery of government. It has to do simply with the mechanics of the Constitution and not with anything therein that is fundamental. The necessity for this amendment, I believe, grows out of the fact that the present procedure under the Constitution is inconsistent with representative government, and that as long as we have representative government those who represent the people in the lawmaking body should act as quickly as possible after they have been elected, and the inconsistency is that in the short session following an election we attempt to legislate in Congress with men who do not come fresh from the people representing their ideas in government.

Something has been said about the fact that this amendment will make it inconvenient in some way for Members of Congress. I understand that we are here to legislate, not for the interest of Members of Congress, but in the interest of the people of the United States; that the first consideration is not that which is going to be acceptable or convenient to Congress itself, but that which is going to be acceptable and of benefit to the public. In this amendment we simply provide that under our representative system of government, so far as Congress is concerned, it will be representative in the very best sense of the word by meeting as quickly as possible following an election to express the will of the people at that election. My colleague from Minnesota has said that he felt there should be a cooling-off process after men were elected to Congress. That is assuming that the people in electing these men on issues involved in the election were acting without full judgment and that they were electing men to Congress to represent them who could not represent the country properly if they immediately acted as their representatives. I do not know whether the Members of this Congress want to go back to the constituency that elected them and tell the people of that constituency that in the selection of their Representatives in Congress they did not use good judgment and it would be a good thing for the country if those Representatives did not meet until after a cooling-off period had taken place. This amendment will not make for a serious change in the Constitution, as the Government will continue to function if the change does not take place. It is a necessary change in the mechanics of our Government which we have found to be needed after long experience. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GIFFORD. Mr. Chairman, I would like to give notice to those who have asked for time and to whom it has been granted, that they must be here if they expect to use it. They do not all seem to be available for debate. I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, no doubt the House is ready for a vote on this amendment. It has been before the country for several years. The purpose of the proposed amendment simply brings the Constitution in keeping with the age in which we are living. That is all there is to it. I hardly believe that reference to the viewpoint of the framers of the Constitution in fixing a distant date for the convening of Congress has any bearing on the conditions which confront us to-day. It is possible, after the returns of an election are known, to come to the Capitol in a very few hours with the present means of communication and transportation. A great deal has been said about the cooling-off period, but, gentlemen, consider conditions under the present situation. We are elected in November and do not convene until 13 months later, the following December. We are hardly in session when the time runs right into the next primary and the next election. Instead of having a cooling-off process, we have a heating process. I put into the RECORD, when this matter was before us last, a list of several States that have their primary elections in the first few months of the first regular and long session under the present system.

All the proposed amendment will do is to have the elected Representatives of the people meet at a reasonable time following the election. I do not believe there is any real sound opposition that can be offered to this change in our Constitution. I am one who does not believe that our Constitution is so inflexible that it should not be amended. It necessarily must be amended to meet the requirements of new conditions and new times. Why, if the Constitution had not been amended we would still have slavery in this country. If the taxing powers of the Federal Government had not been enlarged by constitutional amendment we could not possibly finance the Government to-day. It is quite true that one of the amendments does not meet with my approval. I have, nevertheless, not lost confidence in our form of government, and believe the people can always correct a mistake by another amendment.

Gentlemen, that Constitution was adopted before electricity was known; before steam, before the railroads were in existence, before telegraph and cable and radio, and even before oil was discovered. You can not possibly adjust conditions of to-day to a fundamental law which was written in an another age entirely. As I said, I am not afraid of amending the Constitution. The Constitution must necessarily be amended as we go along. But this amendment is not a drastic change. It is no novel proposition. The country has been clamoring for it for years and years. No State legislature that is elected to-day convenes 13 months after the election. There is no use making anything mysterious about this. This question of the session following the election is not as important as the necessity of convening following that election within a reasonable time and not 13 months later, thereby running into the next congressional election.

Mr. KETCHAM. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. KETCHAM. As far as the cooling-off proposition is concerned, is it not the gentleman's experience that the House of Representatives contains, in practically every instance, four-fifths of the Members who have served a considerable time and that is a pretty fairly good cooling-off process of its own?

Mr. LAGUARDIA. I have heard of this cooling-off process applied to kindergartens, but not to a deliberate legislative body composed of responsible men and women.

Mr. KETCHAM. Has the gentleman ever known a time when a group of newly elected Representatives, amounting to one-fifth of the total, came in and stampeded the other four-fifths into doing something that should not be done?

Mr. LAGUARDIA. Not with the hard-boiled legislators in this House.

Mr. KETCHAM. It seems to me that is a good and sufficient answer to the cooling-off idea.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman and my colleagues, I am conscious that I can contribute nothing new to this discussion. The gentleman from Minnesota [Mr. NOLAN] expressed my views better than I can express them. I simply take the floor to evidence and express my hearty approval of this legislation. To my mind it is a travesty upon popular government that, when the people elect a new Congress to carry out certain principles of Government, 13 months should elapse before those Congressmen are inducted into office. Over half of their term of office has expired. Under ordinary procedure the primaries for reelection come in the spring. A man has only been functioning for three or four months before he must again go before the electorate for reelection.

I do hope no amendment inserting a limitation as to the second session of Congress will be adopted. In my judgment, one of the evils that this amendment seeks to correct is to do away with the limitation by law as to the second session of Congress. We are now approaching the end of the second session of Congress, and there are many important pieces of legislation pending before the Congress that can not be finally acted upon before the 4th of March. They will die, and the whole procedure must be initiated in another Congress. If there was no limitation, Congress could remain in session two or three weeks longer and probably dispose of all of the important pieces of legislation that have been pending before it for months.

I am not going to trespass upon parliamentary law by making any reference to the other legislative body. I think it is clearly within the rules of the House for me to refer to something that a distinguished Senator said over a national hook-up on the radio. Last Saturday night my friend the distinguished Senator from Kentucky [Mr. BARKLEY] in discussing this amendment, called attention to the fact that when the second session of Congress ended by limitation of law a few Senators could hold out the threat of forcing an extra session of Congress by defeating appropriation bills unless particular legislation in which they were interested was acted upon before the 4th of March. Gentlemen, you know that is true. I do not believe that is conducive of good legislation or good government. Therefore, I hope when our distinguished Speaker shall offer an amendment to limit the time of the second session of Congress it will be defeated.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. JEFFERS. I yield one additional minute to the gentleman from Georgia.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CRISP. I yield.

Mr. JOHNSON of Washington. The gentleman from Georgia began his remarks politely and nicely with reference to a Senator speaking over the radio. The gentleman from Georgia does not think that if a Senator of the United States goes outside the Senate Chamber and makes a speech over a national hook-up his remarks are not entitled to be considered here or anywhere else?

Mr. CRISP. I perhaps expressed myself very poorly, but I expressly stated the Senator having made that statement over the radio I was at perfect liberty to refer to it. May I say in behalf of the Senate, the Senate is not asking to preserve to themselves the right to exercise the function of defeating legislation because the second session is limited by law, for the Senate has repeatedly passed this constitutional amendment eliminating any limitation as to the second session. The Senate is willing to give up that power. Shall the House insist upon them retaining it? [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. JEFFERS. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. GIFFORD. Mr. Speaker, I yield two additional minutes to the gentleman from Massachusetts.

Mr. CONNERY. Mr. Chairman, ladies and gentlemen of the committee, I am in favor of this proposed amendment of the Constitution. First, I will not say that any Member of Congress, so popularly referred to as a lame duck, ordinarily has done much harm in the so-called lame-duck sessions of Congress.

But I do feel that the American people, when they elect Representatives in Congress in November, do not wish their Representatives to be obliged to wait 13 months before having any voice in the legislation passed by the Congress. I have heard the arguments that we should have a cooling process; that there should be a certain period of time to allow flare-ups which developed in a campaign and prejudices that might have come up during a campaign to be dissipated and give the Congress a chance to cool down. I think that between November and January is plenty of time for the ordinary human being to cool down.

I have heard the statement that no legislation is passed in a short session of Congress which is bad; that usually we pass only the supply bills, and that no legislation has ever been passed in the short session which is bad for the people. Well, I think the gentleman from Texas [Mr. PATMAN] and I will disagree with that statement. We feel that one piece of legislation was just passed a few days ago which, if it had been considered in a new Congress, would have given the soldier full payment of the face value of his adjusted-service certificate, and that a new Congress would not have passed a bill which is going to give the soldier a chance to borrow 50 per cent of that value and then lose the rest of it because he has to pay 4½ per cent interest, compounded annually, which will eat up the rest of his policy when he can not pay back what he borrowed. That is merely one bill. As a general proposition, I do not think that much evil comes to the people because of bills which are passed by Congress in the so-called lame-duck session. I have heard my colleagues to-day mention different distinguished Members of this Congress and previous Congresses who were lame ducks, former Presidents of the United States, Speakers, and Members of the House. I do not think anybody is going to take issue with that. We do not feel that because a man is defeated for Congress that makes him any the worse Member. We do not feel that that shows him up in any bad light. A Member may vote ninety-nine times right in Congress, and the way his constituents want him to vote, and then vote once wrong and be defeated for Congress. It certainly is no discredit to a Member of Congress to be defeated for public office, but I do feel that the American people are dissatisfied with the present condition of the short session of Congress. This is a relic of the old days, when they had to take the stagecoaches and come in here from far-distant points. It took some Members a long time to get to Washington after election, but those days have gone by.

With your railroad facilities and now your airplanes a Member can arrive here in a day or two days, and even from California in two or three days. So that reason for meeting in March is eliminated. It is a question of whether a man should take office when he is elected to Congress in January

or take office in December. It is said that he takes office March 4, but only when the President calls a special session; in practice ordinarily a Congressman does not take office until December. In many cases, when the people have voted in November to send a man to Congress and have defeated another Member they have the idea in their minds that certain legislation will be passed in which they are interested and that certain things will be done by the new Congress. It is unfair to our constituents for a Congressman not to take his seat and have a voice in legislation until 13 months after his election. I intend to favor this resolution. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GIFFORD. Mr. Chairman, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman and members of the committee, I am in a rather interesting position at this time, that of replying to an argument which I myself made three years ago when a similar measure was before the House. At that time I was in opposition to the proposal.

Mr. GIFFORD. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. GIFFORD. I want to call the attention of the committee to the fact that the gentleman from Montana [Mr. LEAVITT] has given this matter long and serious attention. He brought to our attention many of these very serious arguments, and I bespeak for him your great interest in what he might say at this time, because he was against the amendment before, but is now, I think, enthusiastically for it. At least, I hope so.

Mr. LEAVITT. I thank the gentleman. Three years ago I spoke in opposition to this proposal because I felt that the consideration which had been given to it, even though that consideration extended over a considerable period of years, had not been a sufficiently careful consideration, as it had to do with a number of important features in the amendment to the Constitution of the United States then proposed. I felt, for example, that since the RECORD showed that there had been up to that time 30 amendments and changes offered in the other body, many of them, after the proposal reached the floor, had been accepted without any particular amount of debate, the effort seeming to be to press through this proposal in any form. It seemed to me that it was not safe for us, without considerable additional study, to accept it and submit it to the people of this country as an amendment of the basic law of our Nation. I consequently proposed at that time, as the RECORD will show, that there be appointed a joint committee of the Senate and the House to make a study of the entire problem and see if it was not possible to present some form of a joint resolution to the Congress that could be considered in the Senate and in the House without the probability of bringing up amendments on the spur of the moment as we considered the weaknesses developing before us. I believed that there should be considered by that joint commission a list of questions which I listed, going to the fundamentals of this proposition, and a joint report brought back to the Congress.

That bill of mine was not considered in the Rules Committee and brought out, but in this House committee which has brought this present proposal to us to-day, then set itself to perform that very function. The House committee, headed by Mr. GIFFORD, set itself to perform that function in a careful and constructive way. It has held extended hearings and has carried on the study I then proposed should be had through a joint committee of the two Houses. This committee has brought to us now a much more carefully considered amendment, worthy to be offered to the people for their adoption or rejection.

I find myself now in this position. This longer consideration having been given, this studious attention having been turned to the proposal, we now have under consideration a proposed amendment to the Constitution that we can safely give to the States for the ratification of their legislatures. I can see many arguments favorable to this change in the Constitution.

From my own standpoint I did not consider when I was first elected to Congress that my duties began in 13 months. I began on the 4th of the next March after my election to study my duties here in Congress. I have a district that in area is as large as New York, Pennsylvania, and New Jersey combined, and I devoted all of the time between the beginning of my term until the convening of Congress to studying the needs of my district. I went all over it, and I think any Member of Congress can very constructively and helpfully devote the time between the beginning of his term and the convening of Congress to studying his district and in this way be of greater value to his constituents as a result of such study. No; it is not because a new Member can not go to work on the 4th of March that I am favoring this proposed amendment. It is because there has grown up in this Nation of ours a feeling that the Congress of the United States, composed of two bodies of direct representatives of our people, if it is to be as representative as it is supposed to be, while endowed with direct and fresh authority from the people, ought to go into operation legislatively sooner than has been the practice in the past. In my judgment, to do so will build up a greater degree of confidence in the representative quality of the legislative bodies of our Nation. Shortly after we are elected, we should come here and begin to function in performing the duties that the people generally consider we have been especially selected to perform. I have changed my position on this question for the reasons I have given, and I shall cast this afternoon my vote to submit this proposed amendment to the Constitution of the United States to the States of the Union for ratification. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, the last three years have caused me to change in just the other way from the change that we have found in our friend who has just spoken. I supported this proposition three years ago under the assumption that the people of the United States were demanding it.

I do not believe that 5 per cent of the people in any district in the United States care a continental whether we pass this proposal or not. I do not believe they are interested in it. We, who have our ears to the ground, know that it does not matter whether the control of the Congress is in the hands of Republicans or Democrats, the people of the United States want the Congress in session just as infrequently as possible, and for just as short a time as possible. [Applause.]

Why, every Member of this House who was elected last November becomes a Member of the Congress on the 4th of March. The duties that we render our constituents are not simply the duties that are performed upon this floor. They are duties that we perform as their Representative every hour and every day of our term of service, and there are duties that you perform as Representatives off of this floor that are of far more importance to your constituents than are the duties performed here. Every man and woman who has been elected becomes a Congressman on the 4th of March. They become the representatives of their respective districts. They begin functioning for the people whom they represent, and I am one of those, after three years' careful study of this proposition, who believe the Members who come here on March 4 should have time for readjustment, if they are new Members. They are leaving their vocations in life, assuming new duties, and they should have the few months that intervene between the November election and March 4 to study and acquaint themselves with their new duties, and I am one of those who believe that some of the most valuable and prominent Members of this House have, in their turn, been lame ducks on certain occasions. I have never been a lame duck myself, because my constituents have always reelected me whenever I have asked them to do it. A man who has given 20 years of his life in service here, after being unexpectedly defeated in the November election, should have a few months in which to readjust himself back into private life again.

It is a safeguard to the people for the trained, experienced Members to have charge of affairs here for a few months after each election.

They, too, should have time for readjustment before they go back into private life. Take the man who spends 30 years of his life in Congress—do you think you ought to shunt him out, put him back into private life immediately after election? It is not fair to him, it is not fair to his constituents, and it is not fair to the Congress nor to the people. I am one of those who believe that some of the most valuable services that are rendered here are rendered by lame ducks representing their people to the end of their term.

Mr. GIFFORD. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GIFFORD. Will the gentleman state what has changed his mind from three years ago?

Mr. BLANTON. There has not a single convincing argument been presented for a change in the Constitution, not one, and I have been trying to find one. I have been taught from childhood that we should never change the Constitution of a State or the Nation unless some good can come from it. I have been unable to see where any good can come from this proposed change. We do not need a change of the Constitution. Six of these propositions embraced in the resolution can be effected by legislation. We do not need to change the Constitution.

Mr. LEAVITT. Will the gentleman yield?

Mr. BLANTON. The speech that the gentleman from Montana made three years ago almost then persuaded me to vote against it, and I can not understand why he has changed, but I yield to him if he wants to excuse himself. [Laughter.]

Mr. LEAVITT. The gentleman from Texas has changed, so that there can be no fault found if I change——

Mr. BLANTON. The wise man has a right to change his mind.

Mr. LEAVITT. Does not the gentleman recall that in my speech I made the same statement that the gentleman from Texas has now made, that we could do all of these things by legislation?

Mr. BLANTON. Yes; and it is unanswerable.

Mr. LEAVITT. And immediately after we had failed to present this amendment to the people various bills were introduced to do the thing he refers to but not one of them came out of the committee.

Mr. BLANTON. That is our fault; but on the 4th day of March the new Congressman can come to Washington and have charge of his office, assume the functions of his duties, and represent his people in every department of the Government, and every department will recognize the new Congressman, and he can demand the rights of his people. He can represent them in every department, he can look after their rights. If Congress is called to legislate on March 5, he is immediately a legislator on the floor; and it will take him from November to March to learn the manual and rules so that he can operate, and without which he can not do much.

Mr. JEFFERS. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, for many years I have advocated the passage of this legislation, the purpose of which is to eliminate what is commonly called the lame-duck session of Congress. This House resolution goes further than the original Norris resolution, and is preferable, in my judgment, to the Senate resolution.

The measure we are now considering, in sections 2 and 3, makes provisions in case of the death of the President elect and the Vice President elect, or in case the President should fail to qualify. Provision is also made in the event an election of the President should be thrown in the House, or the election of the Vice President to the Senate.

Mr. Chairman, I was somewhat surprised to hear the gentleman from Texas [Mr. BLANTON] give his reasons or excuses why he is opposed to this legislation. He is usually progressive, and I am glad to say I usually find myself voting with him. I was interested in the statement of the gentleman from Texas that we should not change the Constitution without good reason, to which I heartily agree; but I can not see the force of his argument that there is no real reason for this legislation.

May I say to my friend from Texas that the present Congress offers sufficient argument, in my opinion, why the lame-duck session should be forever eliminated. I do not mean to cast aspersion on the fifty-odd so-called lame ducks in the present session who were defeated at the polls last November. Many of them are my personal friends. The fact remains, however, that they were repudiated at the polls. They were repudiated almost without exception because they had become indifferent to the wishes of the people they were elected to represent. Many of them, for example, supported a high tariff bill that was lobbied and logrolled through Congress—the most outrageous and unreasonably special-privileged measure ever enacted. Then the people spoke in no uncertain tones. More than 50 Members of this House were defeated. Yet they are here legislating nearly four months after being defeated, and their successors will not have the opportunity to be sworn in until next December—13 months after their election to Congress.

There may have been ample reason for the present custom before the days of railroads, but the stage-coach day has passed. A long-suffering public has demanded this proposed reform, and if this session ends without the passage of the pending measure it would be a travesty——

Mr. RAGON. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes; I yield with pleasure to the distinguished gentleman from Arkansas.

Mr. RAGON. What reaction does the gentleman have as to the proposed amendment to be offered by the Speaker?

Mr. JOHNSON of Oklahoma. In reply I will say that I have not seen the amendment that our distinguished Speaker proposes to offer, but if I am correctly advised it will limit the second session to four months—from January 4 to May 4—on the theory that the Congress and the country need a breathing spell. While I admit the force of the argument, especially that the country needs a breathing spell, I feel that Congress should not be hamstrung by any limitation that would permit defeat of wise legislation or tend to cause the passage of ill-considered legislation. We are trying to get away from a "lame-duck" session. It occurs to me we should hesitate to limit the deliberations of either session of Congress.

Another reason why I shall oppose the Longworth amendment is for the reason that I am fearful its incorporation into the pending measure so near the close of the session might have the effect of killing the bill. I am fearful, judging from what leaders on both sides of this aisle say, that it will at least endanger final passage.

But the thought I desire to leave with you is, let us pass this resolution now with or without amendments and with no further delay. It is progressive, constructive, and needed legislation. It is legislation that our people want, and have every reason to demand. It is a mighty forward step in the history of this great Republic. Shall we take that step to-day?

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, ladies and gentlemen of the committee, I am usually in accord with my distinguished colleague who comes from my State [Mr. BLANTON], who has just spoken, but I find myself to-day unable to subscribe to the conclusions he reaches. I differ from him in this respect: He thinks there has been no valid reason why this resolution should be adopted, while I think there has been no valid reason why it should not be adopted. I think this measure is one that should appeal to the House.

It is a type of legislation that differs in several respects from other measures we have had passed upon at this session. In the first place, it is one of the few pieces of legislation that we have considered whose destination is not the

Treasury of the United States. In the second place, it is sponsored by those who seek no pecuniary gain. There is no organized propaganda in its favor. Those who advocate it are actuated alone by the conviction that it is for the common good and the general welfare. There is no selfishness involved. In the third place, I am interested in it because it deals not with a statutory law for to-day or to-morrow but with an amendment to the organic law to last throughout the years to come, because constitutional amendments when once adopted, we have observed, endure for a century or more.

This resolution is a proposed amendment to the Constitution to be submitted to the States for adoption. Its effect would be that Members of Congress would begin their legislative functions within about 2 months after their election instead of 13 months, as is now the case. Furthermore, it would abolish what is popularly known as the lame-duck session of Congress, so that all sessions of Congress convening after congressional elections would not have in its membership those who were not elected at the last preceding election.

Under existing law the terms of Members of Congress begin on March 4 subsequent to their election, but there is no session of Congress until 13 months after their election. Furthermore, the short session of Congress is now composed of the old Congress rather than the newly elected one.

Another defect in the present law is that if the Electoral College should fail to select a President, then that duty would devolve upon the House of Representatives, and Members of the House who had been defeated in the preceding November election would, subsequent to their defeat, select the President of the United States.

It appears, therefore, that there are three outstanding reasons why this change should be made:

First. Congress should convene sooner than 13 months after the congressional election.

Second. Any session of Congress convening after the congressional election should be composed of those chosen at such election.

Third. In case of a failure of the Electoral College to select a President and Vice President, the choice of these officials should be made by the incoming Congress, instead of the outgoing Congress. The Congress that selects the President and Vice President should be a Congress whose membership was selected by the people at the same time the President and Vice President were voted upon.

We boast in America of our efficiency and alacrity in doing things, and yet ours is the only Government in the world that has this long period of marking time before its legislative body begins its work.

In England the Parliament usually convenes in two or three weeks after election. In Canada there is no definite time fixed by law, but the time has generally been short, in analogy to conditions prevailing in England. In France, the Chamber of Deputies, in case of prorogation and a new election, must convene within 10 days following the close of the elections.

The German constitution of August, 1919, provides that the Reichstag shall assemble for the first meeting not later than 30 days after the election.

In Hungary the date of assembling is within six weeks; in Australia 30 days after the day fixed for the return of the writs of elections; in Brazil the elections are held on the first Sunday in February, except that when they occur in the same year with elections for President and Vice President they are to be held on the 1st of March, and the Congress must assemble May 1. In the first case there is an interval of three months, and in the second two months. In Argentina the elections take place on the first Sunday in March, and the constitution requires the Congress to meet on May 1, an interval of two months. In the Netherlands the States-General must assemble within three months. The Polish Parliament must convene on the third Tuesday after election.

You will observe that the other leading governments of the world have only from 30 to 90 days after the election before their legislative body convenes. It is unthinkable that in the great Republic of the United States, where we boast of our representative Government and our ability to achieve and accomplish things in much shorter time than any other nation on earth, there should be an enforced intermission of 13 months after the National Congress is elected before it is permitted to begin its labors.

The term of the Members of the House is for two years, which begins on March 4. The chief purpose for which these Members are chosen is to exercise legislative functions as Members of Congress. Under existing law three-eighths, or nearly one-half, of the term has expired before they begin the exercise of such duties.

It has been said that this change can be made by statute rather than by change in the Constitution. At the beginning of this session of Congress I made some remarks in the House in which I undertook to discuss the impracticability of making this change by statute rather than by constitutional amendment. The distinguished gentleman from Wisconsin [Mr. STAFFORD] introduced a bill seeking to do that. I read and analyzed his bill very carefully. He did it as well as it could be done by statutory enactment. But here, to my mind, are the objections that prevail against trying to do it by statute rather than by constitutional amendment. Let us first stop to look at the purposes sought to be accomplished by the change. They are two. One is that Congress shall convene sooner than 13 months after the election. The other is that no session of Congress shall be held after the election which is composed of the old rather than the new Congress. In order to obviate that, the gentleman from Wisconsin, in the bill which he introduced, had the sessions alternate. If the term begins and ends on March 4, if we eliminate the lame-duck session we will have to have one of these sessions convene subsequent to March 4. That is what the gentleman did in his bill.

Mr. STAFFORD. My provision was that the short session of Congress should convene immediately on March 6, that would run until say June, and then the long session would begin on the second Monday in November, and continue until the last Friday in October following, so as to do away with the lame-duck session.

Mr. JOHNSON of Texas. There would be a session after March 4 which would mean that that session would extend into the summer months, and those of us who have been here in the summer know that the climate here is not conducive to good legislation.

Mr. STAFFORD. It would extend not later than the middle of June, giving four months for the consideration of appropriation bills.

Mr. JOHNSON of Texas. I am opposed to limiting the length of the session by constitutional provision. The other session would convene prior to that, and if you have them alternating, one before March 4 and one after March 4, the practical effect is going to be that one session is going to run into the other, or there will be a short intervening space of time between the two sessions.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. BLANTON. If we ever pass this amendment I predict that this Congress will be in session nine months every year. Does the gentleman think that the people of the country want that situation, regardless of which party is in power?

Mr. JOHNSON of Texas. I think there is room for argument with referenee to whether or not there should be a limitation on one of the sessions of Congress. I can see reasons pro and con. But if there is to be a limitation as to the length of the session, this is a detail that should be prescribed by statute rather than by the Constitution.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. WILLIAM E. HULL. Does the gentleman believe that if we change this thing so that we are going to have our sessions as he just states, that we could keep anybody here during the months of July and August?

Mr. JOHNSON of Texas. No; I do not think so. I think Congress would adjourn. I think the gentleman answers his own question. You would not have to limit the session, because the Members will want to go home, and they will end the session by adjournment within a reasonable time.

Mr. WILLIAM E. HULL. But say you do hold them in session, you could not keep a corporal's guard here, and everybody knows it.

Mr. BLANTON. But the gentleman has seen us here in July and August and September and October.

Mr. JOHNSON of Texas. During my service the long session has never adjourned later than July. I do not think it is wise to restrict the length of a session by the Constitution. That could be done by statute if deemed desirable. But I have not given you my other reason why I think it can not be done by statute. It can not be effectively done if the Constitution is left as it is now, for under the terms of the Constitution as now written the old Congress and not the new Congress would elect the President of the United States if the election of the Presidency should be thrown into the House.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GIFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Chairman, ladies and gentlemen of the committee, I think it is extremely unfortunate that the discussion of this legislation goes off, very largely, on what seems to me to be a wrong issue. A great deal of the debate this afternoon, as I have listened to it, has been along the line of whether or not the so-called lame-duck session of Congress does efficient work. I think the reason for that is that the newspapers, in commenting on this amendment, have universally described it as the lame-duck amendment, so that the issue has been defined wrongly, namely, as to whether or not we should allow men to come back to Congress who have been defeated. The issue has gone along the lines of whether or not men in coming back to Congress after they have been defeated, have done good and efficient work. That is not the real issue involved in this legislation. To make the statement is to answer it. We all know that men who come here after they have been defeated, or if they are retiring voluntarily, as I am myself, come back here imbued with just as conscientious motives to do their work in behalf of their country and their constituency as if they had been reelected or were coming back in the succeeding Congress. I think nobody in this House can claim for a moment that a lame-duck session, so called, has proved that the men who have failed of reelection have not performed their full duty to the utmost.

Another argument which is made is the old argument that we need time for cooling off. Some of our leaders in the House seem to be much impressed by that time-honored, stock argument that the 13 months which elapse between election and the time a man takes his seat is necessary as a cooling-off process. We all know it is a pure accident that the period between the date of a Member's election and the time he takes his seat happens to be exactly 13 months. We all know the reasons why the framers of the Constitution put it in. It was because they were dealing with old stage-coach conditions, and we all know that simply because it happens to be in the Constitution is no reason why the Constitution should not be changed if there is real reason to change it. The Constitution is not infallible. The framers of the Constitution thought the finest thing they created in that whole document was the Electoral College—the presidential electorate—but in 1803 they had to come back with the twelfth amendment changing it. If the framers of our Constitution were here to-day and realized our modern methods of transportation, and that the situation was entirely changed from the old stage-coach days, they would not hesitate a moment to support this amendment. So I say the cooling-off process has absolutely no weight.

Then, the argument is also made along the same line that we need this cooling-off time because we need those men to come back in the lame-duck session who have had experience in legislation in order that we may have the stability and balance that is given by those men who have served in Congress, and to preserve the equilibrium and the balance of sound legislation. How many men in any Congress are defeated? In the Congress in which I came in—in 1924—there were 69 new Members. That is about one-sixth, and that was considered a very large change in the membership. If you will look back over the records, you will find that in no case has there ever been a change in the personnel of the membership of more than one-fifth or one-quarter at the most. So that old Members are remaining to preserve the balance and give stability in the enactment of legislation.

The real issue in this entire legislation, which it seems to me has been lost sight of in the discussion, is how soon after the people have spoken do you want to give expression to their judgment? We all believe in a democracy. We say we believe in doing what the people may decide and we want to follow their instructions as expressed in any particular election. If we believe that, then the question is how soon after they have spoken on any great fundamental issue are we going to give expression to those sentiments as expressed?

Mr. MONTAGUE. Will the gentleman yield?

Mr. STOBBS. I yield.

Mr. MONTAGUE. If that be the issue, and I concede to the gentleman that is thought to be the great object, why is it so unanimously thought by everybody, in Government and out of Government, that we do not wish this speedy and fresh expression of the Congress that has recently been elected? It is apparent that all wish the recently elected Congress to keep away from here as long as possible.

Mr. STOBBS. I think the answer to my friend from Virginia is simply this: I have heard that expression on all sides, but the very people who make that statement privately would not dare do so publicly. If we believe in democracy and we believe in government by the people, we believe that the Representatives sent here by the people are competent to legislate for the American people and for the American Government. It is absolutely a travesty on democracy for any man in this House to say that he wants this amendment defeated because he does not dare trust a new Congress to convene until several months have elapsed. I say that is a travesty. To make the statement is to give the answer to it.

Now, if the people have expressed themselves on any one great fundamental issue they have the right to have that issue put into effect as soon as possible. Thirteen months is too long a time to elapse after the people have spoken. In Great Britain only three weeks elapses after Parliament dissolves before an election is held. I do not for a minute compare our system of government with Great Britain, because it is an entirely different proposition. There you are dealing with a system of responsible ministries. But in England they have three weeks to discuss great issues of fact before the people and then let the people decide. In this country we have an election lasting four or five months, and during that time the people have a chance to study and discuss and hear the issues discussed and make up their minds.

Mr. GIFFORD. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. STOBBS. When we say the people are not to be trusted after four months of a campaign and after having expressed their minds on any particular issue I say we are not true lovers of democracy.

Now, just one other thought. Did you ever stop to realize how this amendment is going to work out so far as the election of a President is concerned, especially when there has been no majority in the Electoral College? Under the present régime you may have the election of a President of the United States thrown into Congress with the opposite party in power. If you adopt this amendment the Congress that will elect a President of the United States is the Congress which has been elected by the people in the same election in which the President was elected. If there was no other argument for this legislation than this, in my opinion,

the legislation would be justified. I say that all you true lovers of Thomas Jefferson and all of you men who believe in the Jeffersonian theory of government—and I personally believe in it from the bottom of my heart—should make it possible by your votes for the people of this country to give expression to their sentiments on any great issue of the day through the convening of a session of Congress containing the newly elected Representatives as speedily as possible after election. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. JEFFERS. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman and members of the committee, I do not think you need any better argument for supporting this legislation than just exactly what is occurring here to-day. If the Members elect of the Seventy-second Congress were in this Chamber to-day you would not be considering House Resolution 292 but you would be considering the resolution that passed the Senate known as the Norris resolution. You might amend it, but you would not be discourteous to the Senate as you are to-day, by considering a House resolution when the Senate passed upon this question long ago and sent the resolution to the House. You are doing nothing here to-day but defeating this legislation if you pass the House resolution. The proper procedure, as an act of courtesy to the Senate, was to substitute whatever language you desired for the Norris resolution, bring it in on this floor, and let the Members of this House say whether they wanted to support the Norris resolution or whether they wanted to support the substitute. I hope in the end this resolution is voted upon as a substitute to the Norris resolution. I make the prediction now, that if this question is not submitted to the States at this time it will be sent to the States by the Seventy-second Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Chairman, ladies and gentlemen of the committee, I remember that when the House and Senate were first formed they said the House of Representatives was like a cup into which the coffee was poured hot, and that the Senate was like the saucer in which it cooled off. Now time has changed that and the saucer has been filled with tabasco sauce, dynamite, and gasoline, and the only cool body left is the cup, or the House of Representatives. I think the only objection that could be made to the passage of this resolution would be the peril that the House of Representatives might be afflicted with some of the emotions, mercurial and volatile, hysterical and investigational that the other House is now suffering from. That would be the only sound objection. Of course, when we come fresh from the people we will be a little redder, a little more heated, but I dare say that even at that we will still be the only sound, sane, and dignified body in this Government.

There is one thing about this resolution that I am not exactly clear about. Suppose this went into effect right after a presidential election? I would like to know who would count the electoral vote. Would the old Congress count it or the new? It is not clear in my mind that this makes provision for that point. Let me say this to my beloved friends on the other side: I think you are all fine gentlemen, but if we ever enter into a controversy over a presidential election we will not think so much of each other, and it is to prevent a friendly murder that I ask the chairman or one of his able assistants, like the gentleman from Montana [Mr. LEAVITT] to answer that inquiry.

Mr. LEAVITT. Under this proposed amendment the term of the new Congress will begin the 4th of January and the term of the new President will begin the 24th of January.

Mr. OLIVER of New York. Yes; but let me say to the gentleman that when you provide for the new term of Congress on the 4th of January, you have not wiped out the short session of the old Congress as provided for in the Constitution, which under the law now would count the electoral votes. You would have the old Congress contesting with the new for that right, and maybe in that contest you will have sown the seed of revolution in this country.

Mr. LEAVITT. The gentleman has made a very strong argument for the proposal that is soon to be offered, I understand, that there is to be a limit set on that particular session of the old Congress so that it will not be in session after the election.

Mr. OLIVER of New York. But that is simply a proposal, and who is going to bring it in here?

Mr. LEAVITT. I am sure it will be offered in due time.

Mr. OLIVER of New York. I would like to know from the chairman or from some one who is going to offer it and in what form it will be offered.

Mr. GIFFORD. I will say to the gentleman that the amendment will be offered later, as was told by the leader of the House, probably by the Speaker of the House.

Mr. OLIVER of New York. Yes; but I did not understand that that amendment would contain a provision eliminating the short session of Congress in the event this proposed amendment took effect in a presidential election year.

Mr. GIFFORD. If the gentleman will permit, I would like to answer the first question he propounded. It is impossible to know when this proposed amendment may be ratified, and because eight or nine acts of the Congress must be enacted into law after the amendment is adopted we had to make it take effect a year after the year in which it is ratified.

Mr. OLIVER of New York. But even that, Mr. Chairman, does not answer my question. We can now provide that if this proposed amendment takes effect in a presidential election year, there shall be no short term of Congress in that year or that such short-term Congress shall not count the electoral vote. This is plain language and we can put it in here and in this way provide for any emergency.

Mr. GIFFORD. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman and members of the committee, answering the strictures of the gentleman from Missouri charging that we the committee were showing disrespect to the Senate, and answering what he has said from the depths of his misinformation, I desire to say that the resolution involving practically only the lame-duck feature, and not the constructive part, has been coming from the other body for about 10 or 12 years, and yet the hearings they have had upon that resolution amount to practically nothing. The committee that brought out this resolution had long hearings, 130 pages, and no one representing the other body, the author or anybody else from the other body, appeared at these hearings or showed the least interest in them.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. SLOAN. Yes.

Mr. COCHRAN of Missouri. Is it customary for Members of the other body to come over here and appear before House Committees?

Mr. SLOAN. It certainly is if they are interested in the matter under consideration. Their marked absence marks their absence of interest.

Mr. COCHRAN of Missouri. Will the gentleman yield further?

Mr. SLOAN. Yes.

Mr. COCHRAN of Missouri. Does not the gentleman from Nebraska feel that no matter what changes may have been made, they should have been made as amendments to the Senate resolution and not brought here on the floor in a new resolution?

Mr. SLOAN. I do not feel so because authorship and other factors give weight or strength to a proposition, and we wanted to bring in a proposition without hobbles on it, so the House would adopt it. [Laughter and applause.]

Mr. COCHRAN of Missouri. I may say to the gentleman that that is just the trouble here to-day. Authorship is having too much weight in the consideration of this matter by this body.

Mr. SLOAN. No; it is the legislation itself.

Mr. COCHRAN of Missouri. The author of the original resolution was Senator NORRIS. Any constructive legislation he advances always has hard sledding.

Mr. SLOAN. And the gentleman knows that if that resolution stood alone it would not receive a majority, to say nothing about a two-thirds vote of this House. We are not responsible for the hard sledding and are not interested therein. We desire to accomplish results. Some careers are based upon accomplishments, while in others accomplishments destroy or terminate careers.

Mr. JEFFERS. Mr. Chairman, at this time I would like to ask unanimous consent that all Members may have permission to extend their own remarks in the RECORD on this subject.

The CHAIRMAN. The Chair can not entertain that request, because it must be made in the House.

Mr. JEFFERS. Then, Mr. Chairman, I ask unanimous consent that all Members who speak on this measure in committee may have permission to revise and extend their remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman and members of the committee, I am very strongly in favor of this resolution, but I am not for some of the reasons that I have heard discussed here. I am not afraid of any so-called lame-duck Congress, because any man or woman who is fit to be a Representative in the great Congress of the United States is almost always a patriotic legislator and can be trusted either before defeat or after.

I do not feel it is necessary for Members of Congress to have any additional time to cool off. I believe the average membership of this Congress is patriotic and can be trusted; but I am for this measure because, as has been expressed by several gentlemen who have spoken here, it is necessary to meet the changes of the age in which we live.

I think there is no question about it, if the framers of the Constitution were here to-day and could place themselves in our position, with responsibility to speak and vote on this question to-day, two-thirds or more of them would vote for a resolution similar to this.

I believe that it is a necessary move to meet the changes which have come upon us with all the modern modes of travel and communication. Then I believe also that it is more democratic for the people who meet at the polls every two years to have their chosen Representatives to meet to legislate in their interest. I am right opposite the gentleman from Texas [Mr. BLANTON], who, if I understood him, intimated that he had not heard a single logical argument for this amendment. I say that I have not heard what seems to me to be a logical argument against the submission of this amendment.

Mr. COLE. Will the gentleman yield?

Mr. PATTERSON. I yield to the gentleman from Iowa.

Mr. COLE. Will the gentleman enlighten the House as to what the verdict was in the last election and what he would do?

Mr. PATTERSON. I do not think any man can completely interpret the complete verdict of a people in an election like we had last fall, for there are so many local and other conditions entering, and I certainly would not assume in my humble capacity to interpret that vote, but I do believe we might come to a time under our system when the people would speak in unmistakable terms that could be interpreted.

Many excellent gentlemen and legislators are eliminated in the primaries, perhaps some of them the best men in the House. They are called lame ducks, but I do not believe that is a proper term. It is nothing against a man to have been defeated in Congress; many here to-day will be defeated in the future, and, so far as I know, if I live two years longer I may be in the same condition. Those things are for our people to determine, as they should be. But I hope this House passes this amendment to-day and submits it to the legislatures of the States for their action.

Mr. JEFFERS. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, I desire at this time for the purpose of getting some information from the chairman of the committee in regard to the point raised by the gentleman from New York [Mr. OLIVER]. He propounded a question some time ago as to who is to count the presidential vote—the incoming or the outgoing Congress. The answer of the chairman, as I understood him, was to the effect that some amendment is to be proposed which would clarify that situation. What I would like to know is what is the effect of the amendment to be proposed with reference to that question propounded by Mr. OLIVER.

Mr. GIFFORD. We do not know the year when the amendment would be ratified. This will take effect the year after the year it is ratified, so as to give time for Congress——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JEFFERS. I yield the gentleman two minutes more.

Mr. GIFFORD. Whatever the year it may be ratified some time thereafter will be needed for Congress to pass legislation to conform with it, and that particular President would be elected by the new Members of Congress. That is why we made it one year after the year of its ratification.

Mr. SUMNERS of Texas. I believe I have not made myself clear. What I want to know, Is the committee satisfied that the language of the proposed amendment as now presented free from confusion as to who is to count the votes for President?

Mr. GIFFORD. Yes.

Mr. LEAVITT. If I might be permitted, I think I might answer that question from the manual. The Constitution says:

> The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.
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> • • • • • • •
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> The time for choosing electors has been fixed on "the Tuesday next after the first Monday in November, in every fourth year"; and the electors in each State "meet and give in their votes on the first Wednesday"——

Mr. SUMNERS of Texas. Will not the gentleman make a statement, instead of reading? My time is running.

Somebody from the committee ought to take the floor and clarify this question that has just been raised.

Mr. GIFFORD. The committee has no doubt whatever that after the ratification of this amendment the incoming Congress will count the vote for President.

Mr. LEAVITT. I would like to complete this paragraph, because what I have already said will have no meaning if I do not:

> The time for choosing electors has been fixed "on the Tuesday next after the first Monday in November in every fourth year"; and the electors in each State "meet and give in their votes on the first Wednesday in January following their appointment, at such place in each State as the legislature of such State shall direct."

Where they meet in the first Wednesday in January, would not that throw the choosing of a President over into the time of the new Congress, which is to convene on the 4th of January under this proposed amendment?

Mr. STAFFORD. I assume from my reading of the proposed amendment that the reason why the inauguration is postponed until the 24th of January, with the assembling of Congress on the 4th of January, is for the express purpose of providing time for the Congress to pass upon the electoral vote. If we adopt this amendment, then Congress will provide the machinery for the new vote, to count the electoral vote. That is the purpose of putting off the inauguration for three weeks after the time the Congress assembles.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GIFFORD. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. GUYER].

Mr. GUYER. Mr. Chairman, I do not rise to pronounce a eulogy upon the "lame duck." Rather I would congratulate him. But my object is to say a word in behalf of the first martyr of the Republic. It has been said on this floor this afternoon that Alexander Hamilton had only a negligible part in the writing of our Constitution; that his views were so contrary to the sentiment of the majority of the members of the convention that he attempted to exercise no influence in framing that immortal document; that Alexander Hamilton had but little to do with determining the theory on which our institutions should be reared, and practically nothing to do with the details of the Constitution; and that the convention rejected the plan and theory he advocated.

My good friend and neighbor, the gentleman from Missouri [Mr. LOZIER], fell into an all too prevalent inclination to deny to one of the most unselfish patriots and without doubt the most constructive statesman of his time—and it was an age of Titans—the just tribute that this Republic owes to the genius who not only had a most potent influence in the framing of our Constitution, but whose supreme administrative endowment above all others launched the Government under that instrument upon the stormy and uncharted sea of national existence. That Constitution then and now reflects his primal idea of a republic rather than a democracy, a republic forged from a union of States under the dominant supremacy of the Constitution.

Was his part negligible in the writing of the Constitution? John Clark Ridpath says that Hamilton wrote the preamble to the Constitution. That is the greatest sentence in all the literature of liberty, every eloquent and potent phrase of it like a polished pillar in the temple of liberty.

Guizot, one of the greatest historians and political philosophers of the nineteenth century, said that there was not "in the Constitution an element of order, strength, or durability to the introduction and adoption of which he did not powerfully contribute."

Is it conceivable that this versatile and fascinating personality, with all the enthusiasm of precocious youth, confident and audacious, with all his superlative gifts of logic, reasoning, and eloquence, could mingle in such intimate association and have only a negligible influence upon the thought and action of the members of that convention? Jefferson always blamed Hamilton for duping that great pillar of democracy into the pious undertaking of the national assumption of the Revolutionary debts, by which our credit was established. It required no merely ordinary persuasive power to lead Thomas Jefferson against his inclination.

Randolph, who was familiar with contemporary history, with his sharp tongue, testified to the power of Hamilton's captivating personality when he said, "James Madison was the mistress of two great men—first of Alexander Hamilton and then of Thomas Jefferson." We know the friendship that existed between Madison and Hamilton and of their collaboration in securing the ratification of the Constitution and of their coauthorship of the Federalist, more than half of which Hamilton wrote, a work which to this day remains the profoundest exposition of the Constitution and the greatest treatise on human government ever penned by the hand of man. Who can believe that this master author of the Federalist could have had only a negligible part in the writing of the Constitution? Did that convention "reject the plan and theory he advocated"? When adopted it was a Hamiltonian Constitution, and in its interpretation it has steadily become more and more a Hamiltonian Constitution. As a great Democrat said recently, "We talk Jefferson, but we keep on voting Hamilton."

I am aware that the gentleman from Pennsylvania [Mr. BECK] has said of Hamilton in his admirable work, The Constitution of the United States, "apparently his one contribution to the details of the convention was the Electoral College, and this was its worst folly and has proved its greatest failure." No doubt the gentleman from Pennsylvania means that it was a failure merely in that the Electoral College did not function as it was intended, surely not in the men who were chosen through its instrumentality, however modified in the details of its administration. Under it it seems to have produced some fairly good Presidents, and in the end it, like other human institutions, should be judged by its fruits and not by the technical change in its form of action.

The same eloquent and learned gentleman has given Washington great credit for aiding in formulating the Constitution, and very properly so, saying:

> Without his influence it would never have been formulated by the convention or ratified by the States.

This is unquestionably true, yet Washington in all the deliberations of that convention said only this in opening them:

> It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and just can repair. The event is in the hand of God.

No doubt the best speech that was made, but it related in no way to the text of the Constitution, and in the discussions of the convention he was a model president, saying nothing about the subjects in controversy. But who can doubt his expressions of wisdom to Doctor Franklin and to his young military secretary, Alexander Hamilton, the only man on whom he ever deigned to lean.

If Washington with all his diffidence was indispensable, what shall we say of the influence of Hamilton with mind as quick as an electric flash and a natural love of controversy? Silent for a long time after the convention convened, at least in its open deliberations, on account of the fact that the other two New York delegates, Mr. Yates and Mr. Lansing, were ardent State-rights advocates, he spoke only when Mr. Patterson, of New Jersey, presented the "New Jersey plan," which proposed to retain the Continental Congress under revised Articles of Confederation with the monstrosity of a 2-headed President, a dual Executive. Hamilton could no longer hold his peace, and in a 6-hour speech sounded the death knell of an impotent and weak government, and nationalism sprung to life like Minerva, full grown, from the brain of Jupiter. At that moment a vast majority of the people favored the "New Jersey plan"—a weak government rather than a strong one. It took the devastating logic of the Federalist to shake them loose from that conclusion.

Careless and ignorant partisans have said Hamilton favored a monarchy, and even the gentleman from Pennsylvania [Mr. BECK], in his work on the Constitution, says that Hamilton favored "an elective monarchy." Why not let the master, Hamilton, speak for himself?

> The idea of introducing a monarchy or aristocracy into this country * * * is one of those visionary things that none but a madman could meditate.

He never advocated either unless he was a blatant demigogue or a Mephistophelean hypocrite. He advocated a representative government with ample powers, such as we have, and it was the kind of government he favored or he would not have written the Federalist papers.

A great historian of a later age tells us how Hamilton touched our destiny in a supreme crisis, a crisis such as Lincoln had in mind when in his lucid diction he said that it was to be determined "whether any nation not too strong for the liberties of the people could yet be strong enough to maintain itself in a great emergency." This eloquent author refers to such an emergency:

> When Daniel Webster poured out the flood of his tremendous argument he was only the living oracle of the dead Hamilton. Every syllogism of that immortal plea can be reduced to a Hamiltonian maxim. When the "Little Giant of the Northwest" blundered across the political stage with his feet entangled in the meshes of "squatter sovereignty" he stumbled and fell among the very complications and pitfalls which Hamilton's prescience had revealed and would have obliterated. When the immortal Lincoln put out his great hand in the shadows of doubt and agony and groped and groped to touch some pillar of support it was the hand of the dead Hamilton that he clasped in the darkness. When, on the afternoon of July 3, 1863, Pickett's Virginians went on their awful charge up the slopes of Gettysburg they met among the jagged rocks the invincible lines of blue who were to rise victorious or never rise at all. But it was not Meade who commanded them, nor Sickles, nor Hancock, nor Lincoln. Behind those dauntless and heroic lines, rising like a shadow in the battle smoke, stood the figure of Alexander Hamilton. When the grim-visaged and iron-hearted Lee offered the hilt of his sword to the "Silent Man of Galena" it was the spirit of disruptive and destructive democracy doing obeisance to Hamilton.

Mr. GIFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Chairman, my approval of the pending resolution springs from the experience of 12 years in the House and from what study I have been able to give to the legislative systems both of this country and of the rest of the civilized world. From observation, from experience, from study, I have come to the conclusion that however admirable the Congress of the United States is in many respects, it falls woefully short in matters of time-saving efficiency. Gentlemen hitherto in discussing this matter have addressed themselves largely to the principles involved, and with the arguments advanced in favor of the resolution on that ground I heartily concur. I, too, am of the belief that it is a travesty on the representative system of government to have a Congress sit here after the credentials of a part of its membership have been in effect withdrawn. It seems to me a travesty upon our political theories to have an incoming President chosen by a body quickly to be replaced, and perhaps of a political faith adverse to that of the majority of the electorate as shown by the election just held. But, most of all, I object to the present archaic, inefficient schedule under which we conduct our work.

Without addressing myself further to questions of principle, let me call attention to some of the details that have been brought in issue and first try to answer some specific objections. In the debate three years ago it was manifest that the mind of the House became befogged by minor questions, sometimes almost trivial, always confusing. But for the same criticisms which have already been brought out here to-day or will doubtless be brought out in the course of reading for amendment, success would now be assured as it came so near being assured three years ago.

Let me bring you back, if possible, to the resolution itself, by pointing out the weakness of some of the suggestions made.

With all due respect to my good friend from Texas [Mr. SUMNERS] I would point out to him that, while it is true under this resolution we may abandon the power to convene ourselves through seven or eight months of every second year, we already are deprived of that power through the nine months before the first session by the fact that we can not convene until the 1st of December unless the President sees fit to call us together. While I myself would deplore any lessening of the power of Congress, I welcome at least one month more of reliance upon our own judgment.

To my friend from New York [Mr. O'CONNOR] I would express my condolences that he made his remarks about the question of ratification by conventions without having heard from the Supreme Court at the other end of the corridor, which but an hour or two before had blown sky high all this fairy structure of casuistries about what the Constitution of the United States means. Once more the Supreme Court of the United States has declared the words of the Constitution mean what they say. Had the gentleman known that fact, perhaps he would not have advanced the contention in his argument.

But chiefly I would address myself to my good friend from Connecticut [Mr. TILSON], for whom I have a high regard, and with whom I ordinarily agree. The gentleman has put forward what, in the minds of many, is the most serious argument in this whole matter. He has said we can fix this thing now if we want to, by legislation. He would have the life of Congress shortened by four months. Of course, we could not regain those four months in the fall when the campaigns are on, and no one would expect to regain those four months in the heat of summer. They would be regained by going right on after the 4th of March. If you want an answer to his argument, look around you and see what is the state of affairs at the present moment. See what will happen next week. Ask whether this House is efficient under the archaic system now prevailing. Ask if it is not wise to try to accomplish something for the better.

I find that on yesterday's calendars of the two bodies there were 1,118 measures pending upon which there had been no action. If the same number should be signed by the President in the last eight days of the session as were signed a year ago, about 700 of our bills will go by the board because we shall not have concluded our work. One-third of those will be public bills and two-thirds will be private bills. We shall go home faced with the humiliation that we have failed to act upon 700 measures which our committees have passed judgment upon, which they have approved, and which they have laid before the House or Senate. I say that is a disgrace to the American Congress. Of course I make no personal charges. I blame no individual. I tell you that until we face this situation, until we find some remedy for it we shall go home every two years with guilty consciences.

Mr. TILSON. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. TILSON. Does the gentleman believe that all the bills which have been reported should be enacted into law?

Mr. LUCE. Of course I have no such absurd idea. I think the House should have a chance to say whether they ought to be enacted into law or not. [Applause.]

It is to be observed that few bills, once brought on the floor, are rejected. In part this reflects credit on the committee, testifying to their wisdom in making selection from the mass of proposals with which they are confronted; and I have no wish to deny credit to those whose responsibility it is to make further winnowing. They perform admirably a burdensome task which I think should be lightened. At present, by reason of lack of time for consideration on the floor, they are forced to deny opportunity to many measures they do not in fact disapprove. The result is that apart from the appropriation bills and a comparatively few measures of exceptional importance we handle little other than the minor bills that can pass by unanimous consent. Bills in the middle range, most of them designed to perfect the administrative processes of government, are delayed for year after year.

Calendar Wednesday was devised to meet this situation. Of the 47 committees listed in the calendar, only 18 have had their turn in this Congress. Nowadays the committees lower down in the list are never reached. I am on two committees that can never get a bill considered by the House save by unanimous consent—or without three objectors on the second trial—or by suspension of the rules, or by a special rule. Our hard luck in not being well up on the list prevents us from ever using our own judgment as to whether the House should pass upon any controversial matter we may wish to present.

I criticize nobody. It is the system that is wrong. The moment we try to modify the system, try to get time to do our work in orderly fashion, then we are confronted with the suggestion that we are attempting to upset the Constitution, tear down its pillars, abandon the ancient ways. I wish the old methods might be destroyed if this House might thereby be made more efficient, if it might save the lost motion that now takes place.

Here is a proposal looking in part to that end. It saves the delay and the loss of time that result directly or indirectly from the holiday recess of 10 days or so. Even if the second session should end in May, as proposed by the contemplated amendment of the resolution, we would still have added a month to the normal schedule. We would get decided benefit from having more nearly the same amount of work in each of the two years of a term.

I have served in this House for 12 years, and I find in that time, omitting recesses, the House has averaged to be in session 5 months and 11 days in each year. Could those sessions have been held evenly we would have been saved four special sessions in that period, three of them coming in the summer time. What we ask now is an opportunity to do our work in a systematic way, in an orderly way, as it is done in all other legislative bodies of the world; that we shall not be exposed to the jam now impending before us,

when we are faced with the prospect of losing so many measures in which we have a vital interest, and to which we have given so much time.

Mr. DOUGLAS of Arizona. Does the gentleman not think there would be the same congestion at the end of any Congress, no matter how long that Congress might have been in session?

Mr. LUCE. But we are proposing a system, if the amendment that has been outlined should be accepted, under which the second Congress, the first Congress having been able to sit all through the year, if it chooses, shall end in May. I point out to the gentleman that if we then had this jam, this congestion, the President might call us together the very next day to continue our work. The trouble now is there is no power on earth that can prolong the life of this Congress beyond the 4th of March.

I have observed, sir, that there is nothing so beneficial to the soul of a filibusterer as the hot season in Washington. Nothing discourages the ambitions of a man who would tax to the utmost the patience of his fellows as to try to sleep night after night with the thermometer above 90. It may be that if by rules we can not distress and repress the filibusterer we might at least discourage him by calling upon the rays of the sun to help us out.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JEFFERS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. McCORMACK] such time as he may desire to use.

Mr. McCORMACK of Massachusetts. Mr. Chairman, while sections 3 and 4 of the pending resolution relate to the correction of an important defect that exists at the present time, for which the committee reporting this resolution are to be commended, that portion of it which I will refer to relates to the elimination of the so-called "lame duck" sessions of the Congress. This is more familiarly known as the Norris amendment. Its purpose is simple. I doubt if there is any question pending in Congress that the people generally are more familiar with than the one that we are discussing to-day. There is no question but what its passage will be approved by the country at large. Whatever reasons that may have existed in the past for the present system none exist to justify the same to-day.

The difficulty of travel and of communication that existed in the past no longer exist to-day. To permit, under existing conditions, Members of the Congress to continue to legislate for several months after a new Congress has been elected is a crime against representative government. This effort to abolish the so-called "lame duck" session is not a reflection upon the retiring Members of this body. The principle involved goes beyond mere individuals. It is absurd to permit conditions to exist where persons elected to the Congress must wait, unless a special session is called, 13 months before they actually assume the duties of their office. This is particularly so when we realize that within one month after their election a regular session of the Congress meets, composed of the Members of the Congress that have submitted themselves to the voters at a general election, many of whom have been defeated. There is absolutely no justification in these days to allow such a condition to continue. No such situation exists in any other parliamentary government; no such conditions exist in any of our State governments. The effect of the passage of this resolution will be a strengthening of representative government in the operation and conduct of Federal legislative affairs. Under the present system a party may be repudiated by the voters and yet remain in power for several months after defeat and controlling the legislative policies of a session of the Congress. It is not only absurd but dangerous to the best interests of the country. In a representative government it is essential that the will of the voters immediately go into effect and operation. The present system is a negation of that will.

This is a matter that is distinctly understood by the people. It has been before the Congress for many years, and has passed the Senate overwhelmingly on several occasions. It has been acted upon favorably by the House Committee on the Judiciary in the past. It comes before us to-day with a favorable report from the committee to which it had been referred.

Under the present conditions a newly elected Congress does not assemble to bring into mandate the will of the people until 13 months after it has been elected. To contend that candidates elected to the Congress should wait over one year before taking office while defeated Members or a repudiated party continue to legislate is absurd. It violates clearly understood principles of representative government. There may have been necessity for the existence of such conditions in the past; there are none to-day. Such a parallel will not be found in any other country professing representative government; neither will it be found in any of the 48 States that comprise the Union. Private business would not permit such conditions to exist. Assuredly private industry would not retain in its employ for several months employees that it no longer desired, when it had others to take their places.

The making of a legislative body responsive to the will of the people is the object of self-government and of representative government. The passage of this resolution will permit newly elected Members of the Congress to take their office at the next regular session, and to assume the responsibility that the people reposed in them by their election. The pending resolution should be passed by the House. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman, I have always supported the Norris resolution, and this is the Norris resolution with some amendments to it. However, I prefer it just like it came from the Senate; but I am for anything which will give the people of the United States a square deal in the national legislative body.

According to my conception, a Congress that comes fresh from the people should not have to wait to take office for 13 months after the election. They have gone through the campaign and they know what the people want. We elect a President every four years, one-third of the Senators of the United States every two years, and every Member of the House of Representatives every two years, and in order for the expressed will of the people to be carried out it is necessary for that Congress to come ready to go to work. You take in 1928. We had a presidential election. A President was elected for four years and the Congress was elected at that same time. In 1930 the people of the United States decided to make some changes in that Congress. You heard the rumblings all the way from New York City clear over to the Golden Gate on the Pacific; you heard them from the Gulf of Mexico clear up to Michigan. What was it all about? It was because legislation passed by that Congress was not satisfactory to the voters of this country. Fifty-one Republican Congressmen who were standing by the President of the United States went down to defeat. I believe they were defeated because they stood for the plundering and pillaging of the common people of this country through special privileges granted through the high tariff and other legislation to the great and powerful, the great mergers, the great trusts, and the great combines that were exploiting the people of this country. I believe that caused the people to march up to the polls and relegate those gentlemen to the rear. However, not all of them.

Some of the men who were defeated were here standing for the people, but they happened to belong to the Republican Party that was responsible, and the indignation of the folks in the country reached out all the way in some of the States and took down some good men. Yet the new men who were elected to this Congress in their places are not able to be here to legislate. We have the same President and the same Cabinet, and the folks at home, after voting for these new Congressmen, are unable to have them come into action until December, 1931. Is that compatible with modern conditions in the United States? It was all right at the time the original Constitution was adopted, but in this great age of progress, in this age when conditions change practically every five years—almost a new country within the last 15 years—it behooves us to wake up and pass such meritorious measures as this in order that the United States will be in a position to do its very best at all times.

It is my judgment that when the people elect a Congress that Congress ought to go into action instead of being delayed like we are. Who knows what may happen? You say the President of the United States can call an extraordinary session of Congress. We know that will not happen this time. He is not going to call it. The new Members of the Senate and of the House will have no voice whatever until 13 months after they were elected. This resolution prevents that. I believe that the people of the United States by more than three-fourths would vote for this resolution or the Norris resolution. Then why should this House fail by a two-thirds vote to amend the Constitution? Surely we all love the Constitution and it ought not to be amended except under dire necessity, and this is one of the necessities, in order that the people may get justice through the representatives who have been elected to both branches of this Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Under the rule adopted by the House for the consideration of this resolution, are we considering the resolution by sections? The rule says under the 5-minute rule of the House. Does that mean we shall consider the various sections under the 5-minute rule, the resolution under consideration being on the House Calendar?

The CHAIRMAN. The rule does not prescribe, and whether the resolution is to be read by sections or whether it is to be treated in its entirety is in the sound discretion of the Chair, and the Chair will follow the procedure adopted two years ago when a similar proposition was before the House, and will have the resolution read for amendment by sections.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. To offer an amendment to this preamble, do I have to offer it at this time?

The CHAIRMAN. The gentleman must offer his amendment now. If the next section is read, it would then be too late.

Mr. O'CONNOR of New York. Mr. Chairman, I offer an amendment, on page 1, line 7, strike out the words "the legislatures of" and insert "conventions in."

The Clerk read as follows:

Amendment by Mr. O'CONNOR of New York: Page 1, line 7, strike out the words "the legislatures of" and insert in lieu thereof the words "conventions in."

Mr. O'CONNOR of New York. Mr. Chairman, ladies, and gentlemen, this morning I gave notice I would propose such an amendment. I had in mind, then, it would be offered in connection with section 6. I find at this late moment a correction would also have to be made in the introductory paragraph.

Gentlemen, I believe this is a matter worthy of serious consideration. I believe it is one that should not be passed by with only superficial thought. I believe when Article V of the Constitution provided for alternative methods of ratification by the legislatures or in conventions in the States, the framers of the Constitution had in mind that some day the convention method would be used.

To-day, on the floor here the only argument advanced against such a method of ratification was that in these conventions they might go into the question of amending or revising the entire Constitution, and I pointed out, and I am firmly of this opinion after a great deal of study, that the gentlemen are confused in their thought. The first part of Article V provides for the calling of a constitutional convention at the request of two-thirds of the States. There, if the States asked Congress to call a constitutional convention to consider one or more articles or amendments of the Constitution, the question is not yet decided whether or not that convention might go into a subject not specifically mentioned in their request to Congress. But in this case no such question can arise.

In this case if we insert here that this amendment or this article shall be ratified in conventions in the States, Congress, through the Secretary of State, submits to each State this particular article for adoption and separate conventions are called in each one of the States. The only matter before them is this particular amendment to the Constitution.

I have heard it said, "Well, they might never call a convention in some States." My answer to that is that the legislatures do not have to act on this question when it is submitted to them. We can conceive of a legislature never acting on a proposed Federal amendment.

Another argument is, "You would have to set up the machinery to elect delegates to the convention; how would you do that?" Your State law provides how you shall elect the members of the houses of your legislative branch of government.

Another argument has been made that it would take too long, but you have seven years in which to do this.

Gentleman, for the first time, unless there is some fundamental, valid objection to it, we ought to adopt this method because, as I have said, throughout this country there is a demand from the people to have a voice in the adoption of amendments to the Federal Constitution. You recognize it. That is why you put in this futile, half-considered provision in section 6 that one branch of the legislature must be elected before the submission of the article to the legislature. Why did you not go further? As I pointed out to-day, if you believe in giving the people a voice in it, why did you not say both branches, because one branch could stop it, composed of the old crowd, those who were not elected after its submission. My amendment brings it to the people.

Let me say again that in this country there is coming referendum, referendum in the States, and referendum in the Nation. The people are now demanding that they have a referendum on amendments to State constitutions and on amendments to the Federal Constitution. I do not go that far.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'CONNOR of New York. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Without objection, it is so ordered.

Mr. O'CONNOR of New York. I take the middle road, not going to the extreme, if you want to call it that, of a referendum every time you have an amendment to the Constitution, but as between that method and the adoption or ratification by the legislatures, with such unfortunate results as we know of, I believe in the middle course of submitting them to conventions.

I submit this to the committee in good faith, with no subject in my mind. I take the position that no amendment should be submitted to the legislatures. I hope the amendment is adopted. If it is not adopted, I shall then offer an amendment that both Houses of the Legislature shall be elected after its submission, and I do not know why that should be opposed. You should either be willing to go the whole way or not go at all.

I just heard a gentleman holler "Vote," because he imagines I am talking about prohibition, and whether the gentleman believes me or not—and I do not care whether he does believe me or what he may think of me—I never had

that thought in mind. I have offered the amendment because I am in favor of this method with respect to any proposed article that is submitted.

It is just such spirit as that that prevents consideration here; it is the spirit of narrowness, as demonstrated by one lame duck preventing consideration of a really meritorious proposition. I submit this in good faith, and it should be adopted, although we have been 150 years reaching this point.

Mr. GIFFORD. Mr. Chairman, just one word. The other amendments to the Constitution have been ratified by the State legislatures. It is not a new topic. When amendments are presented to the country they are thoroughly debated. It is urged that a constitutional convention, when called in a State, might possibly tinker with the rest of the Constitution. Whether there is any truth in that argument or not I do not know. It has not been determined. This has been the policy for all these years. I have no doubt that this amendment will have no standing in the House.

Mr. SLOAN. Is it not a fact that the Supreme Court has decided that it is proper to adopt a constitutional amendment by the legislatures of the United States?

Mr. GIFFORD. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. O'CONNOR].

The question was taken; and on a division (demanded by Mr. O'CONNOR of New York) there were 28 ayes and 129 noes.

So the amendment was rejected.

The Clerk read as follows:

SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Mr. BANKHEAD. Mr. Chairman, I offer a substitute for section 1.

The Clerk read as follows:

The terms of the President and Vice President shall end at noon on the 24th day of January and the terms of Senators at noon on the 4th day of January of the years in which such terms would have ended if this article had not been ratified; and the terms of Representatives at noon on the 4th day of January two years after such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Mr. GIFFORD. Mr. Chairman, I reserve a point of order to the amendment.

Mr. BANKHEAD. Will the gentleman make the point of order?

Mr. GIFFORD. Is this amendment——

Mr. BANKHEAD. I do not want the gentleman to make the point of order under a misapprehension. The purpose of the amendment is to extend the term of Members of the House of Representatives from two years to four years.

Mr. GIFFORD. I make the point of order that it is not germane. The same point of order was debated at length three years ago, it is in the RECORD, and it is entirely unnecessary to debate it at this time.

Mr. BANKHEAD. Mr. Chairman, I know that Members are impatient to vote on this resolution and on the amendments that may follow. I present this amendment for the serious consideration of the House in the event that the point of order should be overruled. It is true, as the gentleman from Massachusetts states, that in 1928, when we had the question up before in the House on the proposition for the consideration of the committee an amendment similar in tenor to this was offered, but it was in entirely different form from the amendment now before you.

I am sure the present occupant of the chair, who presided when the question was under consideration two years ago, is thoroughly familiar with the discussion that took place at that time. I do not propose to restate the argument now. I assume the Chair has before him the CONGRESSIONAL RECORD containing that debate and the precedents that I then cited.

However, I ask the Chair to be kind enough to refer for a moment to page 4366 of the RECORD of March 8, 1928, because I desire to have him seriously consider the precedents as to the germaneness of this proposition then cited, in the fifth volume of Hinds' Precedents, sections 5824, 5839, and 5882. The Chair on that occasion evidently based his opinion upon the proposition, referring to an opinion by Mr. Garrett, of Tennessee, on the principle that fundamentally the proposition involved should be identical in purpose with the text of the resolution proposed to be amended. I submit for the consideration of the Chair the present substitute now offered to section 1 is fundamentally in line with the purposes set out in section 1 of this resolution. I call the attention of the Chair to the terms of this section:

The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

It will be noted by the Chair that the fundamental thing involved here deals with the ending of the term of the President and Vice President and the ending of the terms of Senators and the ending of terms of the Members of the House of Representatives. That, it seems to me, is the fundamental thing involved in this section. What is the effect of my proposed substitute on the proposition of its germaneness? Of course, the Chair is familiar with the rules governing amendments; that where one or more subjects are involved an amendment is germane which includes another subject of the same character. This section provides that the term of President shall end on such and such a date. As presented, it provides that the terms of Senators and Representatives shall end on the same date, and the purpose and the fundamental purpose of the substitute is to give the House an opportunity to submit a constitutional amendment for ratification providing that the terms of Members of the House of Representatives shall end two years after the terms for which they were elected, in the event this should not be ratified, and the purpose, therefore, of the amendment is to provide a 4-year term for the Members of the House of Representatives.

Mr. SLOAN. Does the gentleman's amendment in any place provide that the term hereafter shall be four years? Does it only apply to the particular period immediately ahead of us and not to succeeding terms?

Mr. BANKHEAD. No; it would apply by judicial construction just as the terms for the ending of the term for President and Vice President. In other words, it would fix a permanent system under which Representatives every four years would be elected for a term of that period. Mr. Chairman, I do not want to tax the patience of the Chair or the committee with any extended argument on this proposition, but I submit it to the opinion of the Chair particularly in view of the fact that two years ago I offered this proposition as an entirely new section to the pending amendment, and it involved substantially different matter from that now set up. The only thing I am now proposing to do is to provide that the term shall end at another period of time. It would certainly be in order for us to amend the resolution by providing that the term of the President shall end at noon on March 24 or July 24 instead of January 24. If we could do that, then certainly it is permissible for us to change the time with reference to the terms of Representatives, and instead of providing that they shall end on one day, provide that they shall end on another date. That is the substance of the substitute now proposed.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Alabama reads:

The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators at noon on the 4th day of January of the years in which such terms would have ended if this article had not been ratified; and the terms of Representatives at noon on the 4th day of January two years after such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

The purpose of the amendment and its effect as stated by the gentleman introducing it are to extend the term of office of Representatives in Congress from two to four years. This is offered as an amendment to section 1 of the joint resolution under consideration, which reads:

The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, in the years in which said terms would have ended if this article had not been ratified, and the terms of their successors shall then begin.

The purpose of the section to which this amendment is offered is not to alter the terms of Senators or Representatives in Congress, but merely to change the time of the beginning and ending of the term in order to effect the result of doing away with sessions of Congress by Representatives after their successors have been elected. The mere statement of that proposition shows that the amendment is an entirely different subject matter from the subject matter contained in the resolution. The Chair rendered an exhaustive and probably exhausting opinion on this subject on March 8, 1928, which decision is paragraph 952–A of the House Rules and Manual.

For that reason the Chair does not deem it necessary to go farther into the reasons that impelled him to render that decision when this subject was considered before. The Chair merely wishes to point out that on that occasion an appeal from the decision of the Chair was laid and the committee sustained the ruling of the Chair by a vote of 207 to 33.

The point of order is sustained.

Mr. BANKHEAD. Mr. Chairman, I respectfully appeal from the decision of the Chair, and I would like to be recognized on the motion.

The CHAIRMAN. The gentleman from Alabama [Mr. BANKHEAD] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee? The gentleman from Alabama is recognized.

Mr. BANKHEAD. Mr. Chairman, ladies, and gentlemen, I do not know that I shall consume the entire five minutes to which I am entitled under the rule. The members of the committee have heard the presentation of the argument I submitted to the Chair upon this question. I feel the Chair is fundamentally wrong in making this decision. I feel that the decision violates well-established precedents of the House that where two or more subjects are dealt with in one section, an amendment dealing with either one of those, in extending the time or putting other qualifications on it, or adding even a third subject to the section, is always admissible. That is all this amendment proposes to do. I submit to the members of the committee that it is a very narrow and a very technical construction of the rules allowing amendment that would prohibit the House from expressing itself on a proposition which merely extends the time set out in the resolution itself in which an event shall occur. That is all that is done under this proposition.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BANKHEAD. I yield.

Mr. LaGUARDIA. There is some misapprehension on this side as to the effect of the gentleman's amendment. As I read it, it simply fixes the time of the new Congress, but does it extend the term of the Members of the House?

Mr. BANKHEAD. It extends the terms of the Members of the House who shall be elected after the ratification of this amendment.

Mr. LaGUARDIA. For how long?

Mr. BANKHEAD. To four years instead of two years, as at the present time.

I believe that is all I desire to say, Mr. Chairman.

Mr. STAFFORD. Mr. Chairman, I ask for three minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. Mr. Chairman, there is no question in my mind that the ruling of the Chair is absolutely correct. The effect of the amendment proposed would be merely to extend the term of the Congress that is then in session to four years. It would in no way affect section 2 of Article I, which says the House of Representatives shall be composed of Members chosen every second year by the people of the several States.

We are not, in this amendment, seeking to lengthen the terms of Representatives, but as the Chair says, we are seeking to change the date when the term begins. If you adopt this amendment you are not going to get the voice of the membership of this body on the one question, and the only question as to whether we should do away with lame-duck sessions of Congress. It will confuse the issue, bring up another subject entirely, as to whether the term of Representatives shall be 3 years or 4 years or 6 years. [Applause.]

Mr. BANKHEAD. Will the gentleman yield?

Mr. STAFFORD. Let us narrow it down to the matter before the House.

Mr. BANKHEAD. How can the gentleman read into the language of this section his construction that it deals with the shortening of the term, when the very language of the section itself prescribes the ending of terms?

Mr. STAFFORD. The language of the gentleman's amendment would only permit the lengthening of that session of Congress when this constitutional amendment becomes effective.

I ask the Members to uphold the decision of the Chair. Thoughtful consideration has been given by the Chair, not only at this time, but three years ago when he made a like ruling.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair announced he was in doubt.

Mr. BANKHEAD. Mr. Chairman, I ask for a division.

The committee again divided; and there were—ayes 147, noes 76.

So the decision of the Chair stands as the judgment of the committee.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

I would like to inquire of the chairman of the committee as to the reason why the committee postponed the date to January 24 rather than January 15, as is contained in the Norris resolution? What is the real logic of prolonging the date for three weeks after Congress has convened before the President takes the oath of office?

Mr. GIFFORD. The committee thought that 20 days was much better than 13, and they might need it in an emergency.

Mr. STAFFORD. What is supposed to be done in that intervening period by Congress awaiting the message of the President? Are we just to mark time or what?

Mr. GIFFORD. The gentleman knows that the Appropriations Committee is now practically a continuing body, and that much could be done during that time under temporary action.

Mr. STAFFORD. Is it thought that perhaps there might be a contest by which there would be no vote in the Electoral College and that the House would have to elect a President? Is that the reason the time has been prolonged?

Mr. GIFFORD. That is the reason exactly.

The pro forma amendment was withdrawn.

Mr. KNUTSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 2, line 3, after the word "begin" add "The House of Representatives shall be composed of Members chosen every fourth year by the people of the several States and their terms shall run concurrently with that of the President."

Mr. GIFFORD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January unless they shall by law appoint a different day.

Mr. LONGWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May."

Mr. LONGWORTH. Mr. Chairman, as you all know, I infrequently take the floor during the consideration of a bill or offer an amendment to a bill, but this is such an extremely important and vital matter that I think it is not only a privilege but a duty to offer this amendment.

I do not intend to debate the merits or demerits of this resolution. I desire, however, to call your attention to what, to my mind, is the fundamental objection to it in its present form. Under this resolution, as is obvious, it will be entirely possible for Congress to be in session perpetually from the time it convenes. There is no provision in the resolution for a termination either of the first session, or particularly of the second session. It seems to me obvious that great and serious danger might follow a perpetual two years' session of the Congress.

I am not one of those who says the country is better off when Congress goes home. I do not think so, but I do think that the Congress and the country ought to have a breathing space at least once every two years. [Applause.]

The effect of this amendment is simply to provide that the second session of the Congress shall terminate upon the 4th day of May in the even-numbered years. That is a fair proposition. It will give at least one month more for the consideration of legislation in the second session than is given now. There will be a clear four months' period between the assembling of the Congress in the second session and its adjournment. Can there be any real reason for opposition to a proposal which will give the Congress four months during the second session and then having May, June, July, August, September, and October clear? Those are the years when we all come up for election. Those are the years—every four years—in which national conventions are held. It is not wise that Congress should be in session during the holding of national conventions. It is wise that men should have time in which to canvass their districts and prepare for election.

The history of this matter, in so far as I have been concerned with it, is this: Something over three years ago, just before this resolution came up in the House, I was invited by perhaps the strongest organized body of intellectuals in the country, the American Bar Association, to give my views on this matter. I gave my views and stated, as I state now, that with the adoption of this amendment, providing for the termination of the second session, all my objections to this resolution would be withdrawn. The committee of the Bar Association with which I conferred adopted my views. Having indorsed the resolution previously, they withdrew that indorsement and unanimously indorsed the resolution with the inclusion of a provision such as I am now offering.

It seems to me that from every point of view this amendment ought to be adopted. I will do anything I can to help the passage of this resolution provided this amendment is adopted. This afternoon I propose to even go farther than that. In the interest of the speedy passage of this resolution, with this amendment, I will recognize a request that the Senate resolution, as amended by the House resolution, be considered in lieu of the House resolution. [Applause.] That will offer an opportunity to immediately send the bill to conference, and, under all the circumstances, is, I think, a proper courtesy to the Senate.

Mr. MONTAGUE. Will the gentleman yield?

Mr. LONGWORTH. Certainly.

Mr. MONTAGUE. I could not hear the entire amendment as it was read. Would this amendment interfere with the President's calling an extra session?

Mr. LONGWORTH. Not at all. This is precisely the provision that was in the original resolution three years ago. In case of any emergency the President may call the Congress to meet on the 4th day of May and continue the session long enough to satisfy the emergency. The amendment would have no effect in that direction.

Gentlemen, I sincerely hope this amendment may be adopted. [Applause.]

Mr. JEFFERS. Mr. Chairman and gentlemen of the committee, I rise in opposition to the amendment proposed by our distinguished and beloved Speaker, and will ask the indulgence of the committee while I try to point out my reasons therefor.

In the first place, Mr. Chairman and my fellow members of the committee, we are placing an amendment in the Constitution of the United States, and if we place a limiting date on the second session of the Congress, as proposed, we will be following procedure which is not only unnecessary but which may in the future prove to be undesirable, in the light of events of the future, and it would be very hard then, of course, to eliminate or to change it. If 10 or 20 years from now it should appear that this certain date written into the Constitution is undesirable or wrong, it would, of course, at that time require another constitutional amendment to remove it or change it.

Let me call the attention of the members of the committee to another point. The amendment as introduced reads, "The Congress shall assemble at least once in every year," and I invite your attention to the next sentence, "In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day."

This at least leaves it to the Congress as to that date, and if the Congress shall see fit in the future to appoint a different day for the meeting of the Congress in the odd-numbered year they can do so, but it is entirely another matter as regards the even-numbered year. Not even the date for the meeting of the Congress is left to the will of the Congress in the even-numbered year.

The clause "unless they shall by law appoint a different day" applies only to the odd-numbered year. Even the meeting day of the Congress is not left to the will of the Congress in the even-numbered year, because it says in the next sentence, after the clause to which I have called your attention, "in each even-numbered year such meeting shall be on the 4th day of January," without the saving clause that appeared in the first sentence, "unless they shall by law appoint a different day," and then it goes on to say, "and the session shall not continue after noon on the 4th day of May," again without the saving clause we find in the first sentence relative to the odd-numbered years, "unless they shall by law appoint a different day."

Now, there, my friends, that is clearly a serious defect in the amendment. It treats the session of the Congress with regard to the meeting date in the odd-numbered year different from the way it treats the session in the even-numbered year, and, fundamentally, it is wrong to write that arbitrary, unchangeable date, the 4th day of May, into the Constitution of the United States.

The Congress of the United States and the Congress alone should retain control of when it shall meet and when it shall end, and be in position to determine by law its meeting date and its adjourning date.

Gentlemen, we are giving away year after year, more and more, the power, the rights, the supremacy, and the prerogatives of the legislative body of the Union, and I trust that the language of the resolution shall be adopted as reported and not changed by this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. GIFFORD. Mr. Chairman, I simply want to call the attention of the committee to the fact that our committee reported this matter three years ago exactly as the Speaker has presented it to you in his amendment. In considering the proposal and in presenting this resolution this year our committee thought that inasmuch as the amendment was defeated three years ago we would present the resolution in the form in which it was finally agreed to in the Committee of the Whole at that time, reserving to ourselves the right to favor or not to favor this particular amendment if it were offered.

Mr. JEFFERS. Can the chairman give any reasonable explanation why you put in the clause "unless they shall by law appoint a different day" in the odd-numbered years and leave it out in the other years?

Mr. GIFFORD. The year that we must vote for President and Vice President must be very definite, because there is definite work to be performed.

Mr. JEFFERS. But you have made it just the opposite.

Mr. SUMNERS of Texas. Mr. Chairman and members of the committee, it is only the sense of high duty which prompts me to oppose the proposition made by the Speaker of the House, whom we all honor and love, regardless of which side of the aisle we sit. The proposition of the Speaker is a limitation on the present provision of the Constitution.

Article I of the Constitution provides that the legislative powers shall be in Congress. In section 4 it provides:

The Congress shall assemble at least once in every year, and such meetings shall be on the first Monday in December, unless they shall by law appoint a different day.

So the Constitution as it was drafted and ratified left to the Members of Congress the entire control over the length of their sessions. The Speaker expresses the judgment Congress ought not to be in session all of the time. Nobody proposes that it shall be. That question is not involved. Whatever of wisdom there is in that suggestion will address itself to Congresses as they come and as they go. The question is whether Congress shall be deprived of latitude and discretion shaping the length of its sessions according to the public business. There is no reason why this particular Congress or this particular generation should make it impossible by a constitutional limitation for another Congress serving another generation to remain in session longer, as the necessities of that generation may require. Such provision has no place in a constitution. It is not a fundamental provision. It is a statute. Why make this voluntary surrender to the Executive? Why substitute the judgment of the President for the judgment of Congress as to whether the Congress should function beyond May of the last session?

Some people believe that there ought not to be any Congress. I do not. [Applause.] Congress can declare war. According to the implied lack of confidence in Congress, that power ought to be withdrawn from Congress and given to the President. Certainly if the Congress can not trust itself to fix the date of its own adjournment it ought not to be intrusted with the power to send a nation to war.

I submit to the sound judgment of Members of the House that we ought not to write this new provision of limitation into the Constitution.

You speak about the fathers—the fathers left it to the Members of Congress to decide when they would adjourn. They fixed a certain time for Congress to convene, but left it to Congress to change the date by law. Now, when the country has grown, when it has become more populous, you come in with a proposition that would limit the Congress in the second session. I do not believe that is wise in a popular government to undertake to establish by a rigid Constitution a guardianship over the Congress in the determination of so important a thing as when its legislative duty shall have been discharged. Of course, Congress will make mistakes. You can not protect the people against the possibility of making mistakes. God has not undertaken to do it. The thing to do in a popular free government is to leave those agencies of government that have responsibility free to discharge their responsibility. The first provision of the Constitution puts legislative responsibility upon the Congress, and another provision in the same section provides that we shall meet once a year. Are we going now in the amendment proposed by the gentleman from Ohio [Mr. LONGWORTH] to undertake to limit all of the generations that shall come after us? It ought not to be done.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GLOVER. Mr. Chairman, I rise to support the amendment offered by the gentleman from Ohio [Mr. LONGWORTH]. As stated by the chairman, this is a question in which we were not fully agreed, and we were left free to do our own thinking and voting. It is my judgment that there ought to be a limitation on this session. I realize the force of the argument made by the gentleman from Georgia [Mr. CRISP] that much legislation in three months would lapse and could not be enacted into law. This takes care of that. This adds another month for the consideration of legislation. I agree heartily with the Speaker when he says that the people ought to have a breathing spell, and I would go further than that and say that I believe the Members of Congress ought to have a breathing spell, and that we ought not to be kept here entirely in session, with much of the time frittered away as it would be if we should be kept here all of the time. If we have a given task to be performed in a given time we will devote ourselves to that. Another argument made by the Speaker, I think, is worth being emphasized, and that is the fact that in presidential election years, regardless of whatever party is in power, politics would enter; if we were in power, of course we would make it hard for you, and if you were in power you would do the same thing to us. In other words, politics would be played in Congress that ought not to be played. I believe we can finish our business in the presidential year by the time specified in this resolution, and that we can accomplish our purpose, and that we can go out and have a little rest ourselves and give the people one. I believe the resolution ought to be adopted, and I would be glad to see the chairman of the committee accept it as it is offered.

Mr. BROWNE. Mr. Chairman, if this amendment becomes a part of the Constitution of the United States, it is a confession to the world that the greatest legislative body in the world is afraid to trust itself. [Applause.] No matter what the emergency is, the President of the United States possibly against this legislative body, yet our hands would be tied and we could not sit a day over the time set by the Constitution of the United States. This is a time when the powers of the legislative branches not only of this Government but of every parliament in the world are being usurped by the executive, and when the legislative powers are being encroached upon. We have seen what happened in Germany. The Reichstag became a mere debating society. In Spain the Cortez has not met since 1922. In Italy the legislative body is not consulted at all; it does not convene. The legislative branch of the Government, the only branch which is directly responsible to the people, should protect itself and its sovereignty and not be a party tying its own hands.

Mr. O'CONNOR of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BROWNE. I can not yield at present. In answer to the argument made by the Speaker that we have national conventions, and that Congress might hold through 365 days in the year and Members could not attend the convention, I challenge anyone to cite a case in the history of the American Congress where we have held through a national-convention year so that it interfered with Members going to a national convention which are usually held in June or July. The practical effect of adopting this amendment is to kill the resolution. It will have to go back to the Senate, and at this late date we know that this means its defeat. The people who want to defeat this resolution have proposed this amendment. The resolution has passed the Senate several times and the House once, but not by a two-thirds vote. It was introduced years ago by Senator Lodge, and it has been passed three of four times by the Senate by almost a unanimous vote. The people of the country want it. Therefore I hope the amendment proposed by our distinguished Speaker will be voted down and that this resolution will go back to the Senate as quickly as possible and be submitted to the people. I yield to the gentleman from Oklahoma.

Mr. O'CONNOR of Oklahoma. The gentleman stated that the greatest legislative body in the world is not willing to trust itself. We are not afraid to trust ourselves, but we have to have the agreement of another legislative body to adjourn, and we are afraid to trust them.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SIMMONS. I trust I may have the attention of the House to briefly express the views I hold as to why the amendment offered by the gentleman from Ohio [Mr. LONGWORTH] should not be accepted. Every purpose sought by the gentleman from Ohio could be accomplished by legislation. A constitutional amendment is not necessary to effect his desires. As I see it, in the first place you will have a Congress under these circumstances, if its term expires on the 4th of May, where from that time on until the 4th of the succeeding January the Congress of the United States will be absolutely impotent to serve except at the call of the President. You surrender the power that Congress has to the will of the Executive, so that if every Member of the American Congress desired to stay in session after the 4th day of May it would be absolutely impotent to do that unless the President saw fit to call it into extra session. The Congress ought not to surrender its powers to any Executive at any time. One of the reasons that we are proposing this change is that we may get away from the necessity of bad legislation forced by a filibuster or the killing of good legislation by the same method.

You are setting up machinery again whereby a filibuster can be used either to force the passage of bad legislation or kill good legislation.

I see no reason why the Congress of the United States should send notice to the world that it is afraid to trust the American people and afraid to trust subsequent Congresses; Congress should not surrender its power to the Executive. This amendment goes, as I see it, to the fundamental right of the American people to govern themselves through a legislative body. The purpose of the Constitution is to enable the American people to govern themselves. When the Constitution is amended it should be made easier and not more difficult to accomplish that purpose. Congress should retain control of the legislative machinery of the Nation. [Applause.]

Mr. STAFFORD. Will the gentleman yield?

Mr. SIMMONS. I yield.

Mr. STAFFORD. Would not the effect of the proposal be to curtail the long session of Congress, when we really legislate, by three months? Under the existing practice we have invariably met on the first Monday of December and continued usually until June or July and then adjourned. Now, in the second session, under this new order, the House of Representatives will not be privileged to convene for more than four months.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word.

Mr. GIFFORD. Mr. Chairman, I move that all debate on this section, and all amendments thereto, shall close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GIFFORD] asks unanimous consent that all debate on this section, and all amendments thereto, shall close in five minutes. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Chairman and colleagues, I am surprised that the amendment offered by our distinguished Speaker [Mr. LONGWORTH] should meet with the approval of any considerable part of the membership of this House. While I do not challenge the good faith and sincerity of the Speaker in tendering this amendment, I nevertheless declare that its adoption will emasculate this resolution, neutralize its benevolent provisions, and destroy the real purpose sought to be accomplished.

This amendment in even years limits the regular session of Congress to four months and compels an automatic adjournment May 4 no matter how much important legislation might be pending and undisposed of at that time. This amendment will place Congress in a strait-jacket and prevent the enactment of legislation in the interest of the American people. It will make it easy for a small group of leaders to strangle wise and progressive legislation.

We are trying to get away from the baneful effect of our present short sessions of Congress, during which, owing to the limited time, very little legislation of a constructive character can be enacted. We are trying to abolish short sessions of Congress, at which only appropriation bills are enacted and such unimportant legislation as the leaders are willing to approve, and during which sessions filibustering is not only possible but easy.

The American people are disgusted with a system under which at a short session of Congress a few Representatives or Senators can by filibustering prevent the enactment of legislation designed to promote the general welfare of the Nation and which has the approval of a majority of the American people speaking through the ballot box. Lame-duck sessions of Congress have been weighed in the balance and found wanting, and there is a nation-wide sentiment demanding the submission of the pending resolution.

By the adoption of the Longworth amendment we would do away with one short session and create another one, which would go a long ways toward destroying popular government and make it exceedingly easy to thwart the will of the people as expressed at the ballot box. It would make our Constitution so static and inelastic that Congress could not function efficiently in even-numbered years because the sessions would be limited to four months, most of which time would be necessary to pass routine legislation and appropriation bills, and practically no time would remain for the enactment of general legislation.

If this Longworth amendment is adopted it will be a confession of the impotence of Congress, an acknowledgment of our inability to function as a legislative body, and a declaration to the world that Congress does not dare to trust itself to determine how long it shall remain in session for the transaction of public business. The Longworth amendment enunciates a principle and declares a policy, which is obviously unsound and fundamentally opposed to the genius and spirit of our institutions. [Applause.]

May I say to my colleagues that no one can read the Constitution of the United States and escape the conviction that this Government is built around the Congress; that it is not built around the Executive; that it is not built around the Judicial Department; that it is not built around departments, bureaus, and commissions. Ours is essentially and preeminently a congressional Government, made so by the letter and spirit of the Federal Constitution.

Two-thirds of the language in the Constitution has reference to Congress, its powers, prerogatives, its duties, and its limitations. The Congress was first in the minds of our constitutional fathers when they set themselves to the historic task of formulating a scheme of government for the but recently liberated colonists. The men who wrote our Constitution, the men who reared our governmental structure were the men who fought the battles of the Revolution and won our independence. They earnestly desired to devise a system of government the supreme purpose of which was to promote the general welfare of the American people.

Our constitutional fathers were men familiar with history. They were not ignorant of the tyranny by which kings and princes had enslaved and mercilessly exploited their subjects. They had scanned the bloody annals of the past whereon the historic muse had penned the woes and tribulations of subjects suffering under the iron heel of despotism. They had studied the various systems of government from the beginning of time, and remembering the slow and cruel processes by which man had struggled from despotism to a breath of freedom, they determined to provide a scheme of government for the American people that would not only insure their tranquillity but promote their comfort and happiness.

In studying the different systems of government which have dominated mankind from the beginning of time they could not escape the realization that most of the woes and oppression from which peoples had suffered in the past resulted from an abuse of power by the executive branches of government. They realized that from the beginning of history kings, princes, and other executives had exploited and oppressed mankind.

The men who wrote our Federal Constitution realized that our Revolution was a result of an abuse of executive power, although the English Parliament protested against the acts of oppression initiated by King George and his pliant ministers. In all the history of the world I do not recall a single struggle between the executive upon the one hand and the people on the other in which the legislative branch of the government did not espouse the cause of the people.

Realizing these great historic facts, it is not surprising that the men who wrote our Constitution built our Government primarily upon and around the Congress; and while I recognize that we have three so-called separate, coordinate branches or departments of government, yet, in the first and last analysis, it is undeniable that our scheme of government is essentially a government based primarily on and built around the Congress.

If Congress has become so impotent that it can not function as an independent and self-respecting body; if it has degenerated to such a degree that it is incapable of determining how long it shall remain in session to transact public business; if it has become a menace to the business, social, and civic interests of this Nation; if it has become so thoroughly irresponsible that the people find it necessary to write into our organic law a hard and fast provision to the effect that in even-numbered years Congress must adjourn not later than May 4, and that the welfare of the Nation would be menaced by Congress remaining in session later than May 4 of even-numbered years, then indeed the scheme of government devised by our constitutional forefathers has ended in failure, and under these conditions Congress should be abolished and all power to make and administer laws and to levy taxes should be vested in the President and his several departments, bureaus, and commissions.

I repeat, the adoption of the Longworth amendment is a confession of the incapacity of the Congress to perform its constitutional duties and the surrender of its most sacred and valuable prerogative. If a proposition to require the Congress to adjourn at a given date had been submitted to the convention that formulated our Federal Constitution, it would have been scornfully rejected, because it was intended that the representatives of the people, the Congress, when assembled should continue in session as long as its membership considered necessary to transact the public business and to enact legislation to carry out the plans and purposes for which our Government was created.

Our scheme of government, though an improvement upon, is nevertheless patterned after, the unwritten constitution of the English people, from whom we inherited our conception of an independent, self-respecting, and self-regulating legislative body. The origin of the English Parliament is lost in the mists of antiquity.

The unchallenged prerogatives it now enjoys are the fruitage of a struggle reaching back 10 centuries, during which long and bloody period the Parliament aggressively contended for the rights of the people against the unwarranted abuse of the royal prerogatives, and more than one successful revolution resulted from efforts of the Crown to prorogue Parliament; and no doubt a knowledge of these facts influenced our constitutional fathers, in creating the Congress, to leave it free to determine the date of its adjournment.

If the Congress is a self-respecting body, striving to promote the public weal, it will not continue in session any longer than is necessary to transact the public business and enact such legislation as will promote the comfort and welfare of the people; and this is the supreme purpose for which all just governments are created.

On the other hand, if the membership of the Congress has degenerated to such a degree that it can not be trusted to determine when it has finished its legislative program, then Congress should either be abolished or its membership changed.

One of the arguments urged in favor of the Longworth amendment is that the weather becomes uncomfortably warm in Washington in the late spring and summer time. But is that any reason why public business should be neglected? Is that any reason why Congress should adjourn without enacting constructive legislation in interest of American people? Do a few warm days incapacitate a Member of Congress from performing the duties he was elected to discharge?

If the interest of the American people will be promoted by Congress remaining in session and passing progressive legislation during the warm season, which one of you will say that Congress should adjourn under those conditions? According to my theory, it is the duty of Congress to adjourn when it has finished its legislative program, and by the same token it is the duty of Congress to remain in session until it has enacted all possible legislation for the benefit of the American people, notwithstanding disagreeable weather conditions. I do not think that there is a patriotic American who would oppose Congress remaining in session as long as the right brand of legislation is being enacted. [Applause.]

If the warm weather in Washington in even-numbered years justifies a mandatory adjournment of Congress May 4, why would not the same weather conditions compel an adjournment May 4 in odd-numbered years? Now there is not a Member of this House who really wants to serve his constituents who will consider the weather argument seriously or hesitate to keep Congress in session during the warm season if Congress could thereby promote the public welfare.

But the argument is advanced that Congress in even-numbered years should adjourn by May 4 so as to give the Members an opportunity to look after their fences in the primary and general elections. Reduced to its lowest terms, this argument means that the public business must be sacrificed in order to enable the Members of Congress to safeguard their political interests and promote their political fortunes. This argument does not appeal to me, nor do I think it would be very convincing if you should attempt to present it to your constituents. The Member who votes to prematurely adjourn Congress, with important legislation undisposed of, has not any very convincing reasons why his constituents should give him another term. And the history of the American Congress is remarkably free from instances when sessions were unnecessarily prolonged.

Mr. STEAGALL. Will the gentleman yield?

Mr. LOZIER. I yield to my friend from Alabama.

Mr. STEAGALL. Has the Congress ever abused the power now vested in it under the Constitution to remain in continuous session? Is it not true that Congress has on its own motion limited its sessions, and is it not true that at this very hour, regardless of party division, Members of Congress are working night and day to prevent an extra session to finish necessary legislation without bringing about an extraordinary session?

Mr. LOZIER. Congress has never abused its power to determine when its sessions shall end. It is idle to assume that the Members of Congress will remain in session for a longer time than is necessary to transact public business and enact such legislation as, in the opinion of the majority, will inure to the benefit of the American people.

Gentlemen, by voting for the Longworth amendment you are confessing the failure of congressional government; you are admitting your inability to legislate or to be trusted by the American people, and you are surrendering the most vital and valuable prerogative which our Constitution has vested in Congress. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LONGWORTH].

The question was taken; and upon a division (demanded by Mr. JEFFERS) there were—ayes 193, noes 125.

So the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas [Mr. JOHNSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Texas: At the end of the amendment just adopted insert "When the day fixed for the convening of Congress shall fall on Sunday, the following day shall be the date of assembly."

The CHAIRMAN. The amendment offered by the gentleman from Texas is an amendment to the amendment offered by the gentleman from Ohio, and should have been offered before the original amendment was passed upon. The Chair is therefore constrained to hold the amendment offered by the gentleman from Texas out of order.

Mr. JOHNSON of Texas. May I not offer the amendment now?

The CHAIRMAN. An amendment must be perfected before it is finally adopted. The amendment offered by the gentleman from Ohio [Mr. LONGWORTH] having been finally adopted, it is no longer subject to amendment.

The Clerk read as follows:

SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission.

Mr. O'CONNOR of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. O'CONNOR] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR of New York: On page 3, in line 9, strike out the words "at least one branch" and insert in lieu thereof "all branches."

Mr. O'CONNOR of New York. Mr. Chairman, this amendment goes further than the amendment suggested by the Democratic minority leader three years ago. When I proposed it on the floor this morning it was admitted to have force. It requires that the entire legislature be elected before the submission of the amendment. Many Members on both sides indorsed it this morning. I believe it is safe to go that far. I think it is meritorious. I do not know how there can be any objection to it. It brings the ratification closer to the people to have the amendment adopted by an entirely new legislature, so that one body can not hold up action on the ratification. The way you have it now, while one body must be elected after submission, the existing legislative body might not answer the will of the people and might block the adoption of the amendment.

Mr. LEAVITT. The gentleman understands that many of the States elect a part of their senate in one election and the remainder of the senate, perhaps, in another election, similar to the procedure in electing the United States Senate. The result of the gentleman's amendment would be, in the case of my State, for example, to postpone any possibility of action on this proposed amendment for at least four years.

Mr. O'CONNOR of New York. You have seven years in which to ratify the amendment, plenty of time to meet the situation suggested by the gentleman; and, furthermore, postponed action sometimes is very helpful.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The CHAIRMAN. Under the rule the committee automatically rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 292, proposing an amendment to the Constitution of the United States, and under the rule he reported the same back with the amendment adopted by the committee.

The SPEAKER. The previous question is ordered under the rule.

The question is on the amendment.

Mr. JEFFERS and Mr. CRISP demanded the yeas and nays.

The yeas and nays were ordered.

Mr. KETCHAM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KETCHAM. Will the Chair please advise the Members by what majority the amendment would have to carry? Is a two-thirds majority necessary?

The SPEAKER. No; a majority is only necessary on an amendment.

The question was taken; and there were—yeas 229, nays 148, not voting 54, as follows:

[Roll No. 37]

YEAS—229

Adkins	Cullen	Irwin	Reece
Aldrich	Dallinger	James, N. C.	Reed, N. Y.
Andresen	Darrow	Jenkins	Rich
Andrew	Davenport	Johnson, Ill.	Rogers
Arentz	Davis	Johnson, Nebr.	Sanders, N. Y.
Aswell	De Priest	Johnson, Wash.	Sanders, Tex.
Auf der Heide	Dickinson	Jonas, N. C.	Schafer, Wis.
Bacharach	Dickstein	Kading	Sears
Bacon	Dorsey	Kendall, Ky.	Seger
Baird	Douglas, Ariz.	Kerr	Selberling
Bankhead	Doutrich	Ketcham	Shaffer, Va.
Beck	Drewry	Knutson	Short, Mo.
Beedy	Eaton, Colo.	Kopp	Simms
Beers	Eaton, N. J.	Korell	Sloan
Blackburn	Elliott	Lambertson	Smith, Idaho
Bland	Ellis	Langley	Smith, W. Va.
Blanton	Englebright	Lanham	Snell
Bloom	Estep	Lankford, Va.	Sparks
Bohn	Evans, Calif.	Leavitt	Sproul, Kans.
Bolton	Finley	Leach	Stalker
Bowman	Fish	Lehlbach	Stobbs
Boylan	Fitzgerald	Letts	Strong, Pa.
Brand, Ga.	Fitzpatrick	Lindsay	Sullivan, N. Y.
Brand, Ohio	Fort	Linthicum	Sullivan, Pa.
Brigham	Foss	Loofbourow	Summers, Wash.
Britten	Free	Luce	Swick
Browning	Freeman	McClintock, Ohio	Taber
Burdick	French	McCormick, Ill.	Tarver
Busby	Fuller	McDuffie	Taylor, Tenn.
Butler	Fulmer	McKeown	Thatcher
Cable	Gasque	McLeod	Thurston
Campbell, Iowa	Gibson	Manlove	Tilson
Campbell, Pa.	Gifford	Mansfield	Timberlake
Canfield	Glover	Martin	Tinkham
Carley	Goodwin	Mead	Treadway
Carter, Calif.	Goss	Menges	Turpin
Carter, Wyo.	Green	Michener	Underhill
Cartwright	Guyer	Mooney	Vestal
Chalmers	Hadley	Morgan	Vincent, Mich.
Chindblom	Hale	Mouser	Wainwright
Chiperfield	Hall, Ill.	Murphy	Walker
Christopherson	Hall, Ind.	Nelson, Me.	Warren
Clancy	Halsey	Niedringhaus	Wason
Clark, N. C.	Hancock, N. Y.	Norton	Watres
Clarke, N. Y.	Hardy	O'Connor, Okla.	Welch, Calif.
Cochran, Pa.	Hartley	Oliver, N. Y.	Welsh, Pa.
Cole	Hastings	Owen	White
Collier	Haugen	Palmisano	Whitley
Colton	Hess	Parks	Wigglesworth
Connolly	Hoch	Perkins	Williamson
Cooper, Ohio	Hogg, Ind.	Pittenger	Wolverton, N. J.
Corning	Hogg, W. Va.	Pou	Wolverton, W. Va.
Cox	Holaday	Pratt, Harcourt J.	Wood
Coyle	Hooper	Pratt, Ruth	Woodrum
Cramton	Hope	Purnell	Wright
Cross	Hopkins	Ragon	
Crowther	Hudson	Ramey, Frank M.	
Culkin	Hull, William E.	Ransley	

NAYS—148

Abernethy	Cooper, Wis.	Gregory	Lozier
Ackerman	Craddock	Griffin	Ludlow
Allen	Crail	Hall, N. Dak.	McCormack, Mass.
Almon	Crisp	Hancock, N. C.	McFadden
Arnold	Crosser	Hare	McLaughlin
Ayres	Dempsey	Hickey	McMillan
Barbour	DeRouen	Hill, Ala.	McReynolds
Black	Dominick	Hill, Wash.	McSwain
Box	Doughton	Houston, Del.	Maas
Briggs	Dowell	Howard	Magrady
Browne	Doxey	Huddleston	Mapes
Brumm	Driver	Hull, Morton D.	Merritt
Brunner	Dunbar	Hull, Tenn.	Miller
Buchanan	Edwards	Hull, Wis.	Milligan
Burtness	Eslick	James, Mich.	Montague
Byrns	Esterly	Jeffers	Montet
Cannon	Evans, Mont.	Johnson, Okla.	Moore, Ky.
Celler	Fisher	Johnson, Tex.	Moore, Ohio
Christgau	Frear	Jones, Tex.	Moore, Va.
Clague	Gambrill	Kearns	Moorehead
Cochran, Mo.	Garber, Okla.	Kelly	Nelson, Mo.
Collins	Garner	Kinzer	Nelson, Wis.
Condon	Gavagan	Kurtz	Nolan
Connery	Goldsborough	Kvale	O'Connor, N. Y.
Cooke	Granfield	LaGuardia	Oldfield
Cooper, Tenn.	Greenwood	Lankford, Ga.	Oliver, Ala.

Palmer	Rayburn	Somers, N. Y.	Vinson, Ga.
Parker	Reilly	Speaks	Whittington
Parsons	Robinson	Stafford	Wilson
Patman	Romjue	Steagall	Wingo
Patterson	Rutherford	Stone	Wolfenden
Peavey	Sandlin	Summers, Tex.	Woodruff
Prall	Schneider	Swanson	Wyant
Quin	Selvig	Swing	Yon
Rainey, Henry T.	Shott, W. Va.	Taylor, Colo.	Zihlman
Ramseyer	Simmons	Temple	
Ramspeck	Sinclair	Tucker	
Rankin	Snow	Underwood	

NOT VOTING—54

Allgood	Garrett	Kennedy	Sirovich
Bachmann	Golder	Kiefner	Spearing
Bell	Graham	Kunz	Sproul, Ill.
Buckbee	Hall, Miss.	Larsen	Stevenson
Chase	Hawley	Lea	Strong, Kans.
Clark, Md.	Hoffman	McClintic, Okla.	Thompson
Denison	Hudspeth	Michaelson	Watson
Douglass, Mass.	Igoe	Newhall	Whitehead
Doyle	Johnson, Ind.	O'Connor, La.	Williams
Drane	Johnson, S. Dak.	Pritchard	Wurzbach
Dyer	Johnston, Mo.	Reid, Ill.	Yates
Erk	Kahn	Rowbottom	
Fenn	Kemp	Sabath	
Garber, Va.	Kendall, Pa.	Shreve	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Graham with Mr. Stevenson.
Mr. Buckbee with Mr. Hall of Mississippi.
Mr. Dyer with Mr. Allgood.
Mr. Hawley with Mr. Larsen.
Mr. Golder with Mr. Williams.
Mr. Reid of Illinois with Mr. Igoe.
Mr. Shreve with Mr. Drane.
Mr. Erk with Mr. Kennedy.
Mr. Bachmann with Mr. McClintic of Oklahoma.
Mr. Johnson of South Dakota with Mr. Bell.
Mr. Watson with Mr. Douglass of Massachusetts.
Mr. Chase with Mr. Kemp.
Mr. Denison with Mr. Garrett.
Mr. Kendall of Pennsylvania with Mr. Kunz.
Mr. Wurzbach with Mr. O'Connor of Louisiana.
Mr. Sproul of Illinois with Mr. Sabath.
Mr. Pritchard with Mr. Whitehead.
Mr. Kiefner with Mr. Lea.
Mr. Garber of Virginia with Mr. Sirovich.
Mr. Fenn with Mr. Hudspeth.
Mrs. Kahn with Mr. Doyle.

Mr. HOGG of West Virginia. Mr. Speaker, my colleague, Mr. BACHMANN, is in Harrisonburg addressing the American Legion. I am unable to state how he would vote were he present.

The result of the vote was announced as above recorded.

The SPEAKER. At this point the Chair is prepared to recognize a request for unanimous consent that Senate Joint Resolution 3 as amended by the present House resolution be considered in lieu of the House resolution.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Do I understand the Speaker's suggestion to be to move to substitute, by unanimous consent, the Senate resolution and pass the Senate resolution with all after the resolving clause stricken out and substituting therefor the language that the Committee of the Whole has just agreed to?

The SPEAKER. Exactly. The Chair thinks that perhaps the best method would be, if consent is given, for the gentleman from Massachusetts to move to strike out from the Senate resolution all after the resolving clause and substitute the language of the House resolution.

Mr. CRISP. If no member of the committee desires to make that request, in order to expedite matters—which sends the Senate resolution to the Senate and it will be immediately in order to ask for a conference—I will make the request.

Mr. GIFFORD rose.

Mr. CRISP. If the gentleman from Massachusetts is going to make the request, I do not desire to make it. He is entitled to make it.

The SPEAKER. The Chair thinks that is the fair, square thing to do.

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 3 at this point instead of the House joint resolution, substituting the language of the House resolution.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of Senate Joint Resolution 3 instead of the House joint resolution just passed, and to substitute the language of the House resolution for that of the Senate resolution. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Senate Joint Resolution 3

Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

Mr. GIFFORD. Mr. Speaker, I move to strike out all after the resolving clause and insert in lieu thereof the following, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. GIFFORD moves to strike out all after the resolving clause in Senate Joint Resolution 3 and insert in lieu thereof the following:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"'ARTICLE —

"'SECTION. 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"'SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

"'SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where neither a President elect nor a Vice President elect has qualified, declaring who shall then act as President, or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified.

"'SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

"'SEC. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified.

"'SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission.'"

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. GIFFORD].

The motion was agreed to.

The joint resolution (S. J. Res. 3) was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

Mr. UNDERHILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERHILL. This requires a two-thirds vote?

The SPEAKER. Yes.

Mr. UNDERHILL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 290, nays 93, answered "present" 1, not voting 47, as follows:

[Roll No. 38]

YEAS—290

Abernethy	Arnold	Bankhead	Bolton
Adkins	Aswell	Barbour	Bowman
Allgood	Auf der Heide	Beedy	Box
Almon	Ayres	Black	Boylan
Andresen	Bacon	Bloom	Brand, Ga.
Arentz	Baird	Bohn	Brand, Ohio

Briggs	Evans, Calif.	Korell	Ramseyer
Britten	Evans, Mont.	Kvale	Ramspeck
Browne	Fish	LaGuardia	Rayburn
Browning	Fisher	Lambertson	Reed, N. Y.
Brunner	Fitzgerald	Lanham	Reilly
Buchanan	Fitzpatrick	Lankford, Ga.	Robinson
Buckbee	Frear	Lankford, Va.	Romjue
Burtness	Free	Leavitt	Rutherford
Busby	Freeman	Letts	Sanders, Tex.
Butler	Fuller	Lindsay	Sandlin
Byrns	Fulmer	Linthicum	Schafer, Wis.
Cable	Gambrill	Loofbourow	Schneider
Campbell, Iowa	Garber, Okla.	Lozier	Sears
Canfield	Garber, Va.	Luce	Seger
Cannon	Garner	Ludlow	Selberling
Carley	Gasque	McClintock, Ohio	Selvig
Carter, Calif.	Gavagan	McCormack, Mass.	Shaffer, Va.
Carter, Wyo.	Gibson	McCormick, Ill.	Short, Mo.
Cartwright	Gifford	McDuffie	Simmons
Celler	Glover	McKeown	Simms
Chalmers	Goodwin	McLaughlin	Sinclair
Chindblom	Goss	McLeod	Sloan
Christgau	Granfield	McMillan	Smith, Idaho
Christopherson	Green	McReynolds	Smith, W. Va.
Clague	Greenwood	McSwain	Snow
Clancy	Gregory	Maas	Sparks
Clark, N. C.	Guyer	Manlove	Speaks
Clarke, N. Y.	Hadley	Mansfield	Sproul, Kans.
Cochran, Mo.	Hall, Ill.	Mapes	Stafford
Cochran, Pa.	Hall, N. Dak.	Martin	Stalker
Collier	Halsey	Mead	Stobbs
Collins	Hancock, N. Y.	Michener	Stone
Colton	Hancock, N. C.	Miller	Sullivan, N. Y.
Condon	Hare	Milligan	Summers, Wash
Connery	Hastings	Montet	Swanson
Cooke	Haugen	Mooney	Swing
Cooper, Ohio	Hess	Moore, Ky.	Tarver
Cooper, Tenn.	Hickey	Moore, Ohio	Taylor, Colo.
Cooper, Wis.	Hill, Wash.	Morehead	Taylor, Tenn.
Corning	Hoch	Morgan	Thatcher
Cox	Hogg, Ind.	Mouser	Thurston
Coyle	Hogg, W. Va.	Nelson, Me.	Timberlake
Craddock	Holaday	Nelson, Mo.	Turpin
Crail	Hooper	Nelson, Wis.	Underwood
Cramton	Hope	Niedringhaus	Vestal
Crisp	Hopkins	Nolan	Vincent, Mich.
Crosa	Howard	Norton	Vinson, Ga.
Crosser	Huddleston	O'Connor, Okla.	Wainwright
Culkin	Hudson	Oldfield	Walker
Cullen	Hull, Morton D.	Oliver, Ala.	Warren
Dallinger	Hull, William E.	Oliver, N. Y.	Watres
Davenport	Hull, Tenn.	Owen	Welch, Calif.
Davis	Hull, Wis.	Palmisano	White
DeRouen	James, Mich.	Parks	Whitley
Dickinson	James, N. C.	Parsons	Whittington
Dickstein	Jeffers	Patman	Williamson
Dominick	Jenkins	Patterson	Wilson
Dorsey	Johnson, Ind.	Peavey	Wingo
Doughton	Johnson, Nebr.	Pittenger	Wolverton, N. J.
Dowell	Johnson, Okla.	Pou	Wolverton, W. Va.
Doxey	Johnson, Tex.	Prall	Woodruff
Drewry	Johnson, Wash.	Pratt, Ruth	Woodrum
Driver	Jones, Tex.	Purnell	Wright
Edwards	Kading	Quin	Yon
Ellis	Kelly	Ragon	Zihlman
Englebright	Kerr	Rainey, Henry T.	
Ezlick	Ketcham	Ramey, Frank M.	

NAYS—93

Ackerman	Dunbar	Kinzer	Shott, W. Va.
Aldrich	Eaton, Colo.	Knutson	Snell
Allen	Eaton, N. J.	Kopp	Somers, N. Y.
Andrew	Elliott	Kurtz	Steagall
Bacharach	Erk	Langley	Strong, Pa.
Beck	Estep	Leech	Sullivan, Pa.
Beers	Esterly	Lehlbach	Sumners, Tex.
Blackburn	Finley	McFadden	Swick
Bland	Fort	Magrady	Taber
Blanton	Foss	Menges	Temple
Brigham	French	Merritt	Tilson
Brumm	Goldsborough	Montague	Tinkham
Burdick	Griffin	Murphy	Treadway
Campbell, Pa.	Hale	O'Connor, N. Y.	Tucker
Chiperfield	Hall, Ind.	Palmer	Underhill
Cole	Hardy	Parker	Wason
Connolly	Hartley	Perkins	Welsh, Pa.
Crowther	Hawley	Pratt, Harcourt J.	Wigglesworth
Darrow	Hill, Ala.	Rankin	Wolfenden
Dempsey	Houston, Del.	Ransley	Wood
Denison	Irwin	Reece	Wyant
De Priest	Johnson, Ill.	Rich	
Douglas, Ariz.	Kearns	Rogers	
Doutrich	Kendall, Ky.	Sanders, N. Y.	

ANSWERED "PRESENT"—1

Jonas, N. C.

NOT VOTING—47

Bachmann	Fenn	Johnson, S. Dak.	Larsen
Bell	Garrett	Johnston, Mo.	Lea
Chase	Golder	Kahn	McClintick, Okla.
Clark, Md.	Graham	Kemp	Michaelson
Douglas, Mass.	Hall, Miss.	Kendall, Pa.	Moore, Va.
Doyle	Hoffman	Kennedy	Newhall
Drane	Hudspeth	Kiefner	O'Connor, La.
Dyer	Igoe	Kunz	Pritchard
Reid, Ill.	Sirovich	Strong, Kans.	Williams
Rowbottom	Spearing	Thompson	Wurzbach
Sabath	Sproul, Ill.	Watson	Yates
Shreve	Stevenson	Whitehead	

So (two-thirds having voted in favor thereof) the joint resolution was agreed to.

The following pairs were announced:

Mr. Jonas of North Carolina and Mr. Chase (for) with Mr. Graham (against).

Mr. Reid of Illinois and Mr. Johnson of South Dakota (for) with Mr. Hoffan (against).

Mr. Sirovich and Mr. Kennedy (for) with Mr. Kendall of Pennsylvania (against).

Mr. Kiefner and Mr. Igoe (for) with Mr. Shreve (against).

Mr. Pritchard and Mr. Larsen (for) with Mr. Fenn (against).

Mr. Bell and Mr. Sabath (for) with Mr. Moore of Virginia (against).

Mr. Garrett and Mr. Douglass of Massachusetts (for) with Mr. Golder (against).

Mr. McClintic of Oklahoma and Mr. Sproul of Illinois (for) with Mr. Watson (against).

Additional general pairs:

Mr. Dyer with Mr. Drane.
Mrs. Kahn with Mr. Lea.
Mr. Johnston of Missouri with Mr. Stevenson.
Mr. Strong of Kansas with Mr. Williams.
Mr. Yates with Mr. Doyle.
Mr. Newhall with Mr. Hall of Mississippi.
Mr. Clark of Maryland with Mr. Hudspeth.
Mr. Michaelson with Mr. Spearing.
Mr. Wurzbach with Mr. O'Connor of Louisiana.

Mr. HOGG of West Virginia. Mr. Speaker, my colleague, Mr. BACHMANN, is absent in Harrisonburg addressing the American Legion. I do not know how he would vote if here.

Mr. JONAS of North Carolina. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. GRAHAM. I withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

House Joint Resolution 292 was laid on the table.

On motion of Mr. GIFFORD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. JEFFERS. Mr. Speaker, I ask unanimous consent that all Members have five legislative days to extend their remarks on the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. SELVIG. Mr. Speaker and Members of the House, in the protracted fight which has been made to pass a resolution abolishing the so-called "lame-duck" sessions of Congress support for the resolution has been steadily growing. I have viewed this legislation favorably for a long time. To me it is in line with the progressive political thought and should be given approval.

Volumes have been written and multitudinous speeches have been made for and against this proposal. Its terms are familiar to all Members of this body and to the country as well. The principal change involved is the abolition of the so-called "lame-duck" session of Congress. It is this part of the resolution that, in my opinion, is of the greatest importance to the country.

Let me briefly recall the provisions of the Constitution now in effect and the effect of the proposed changes. The Constitution went into operation on March 4, 1789, although ratification had been completed the previous September. It followed that the terms of Members of Congress and of Presidents, being fixed hard and fast as to duration, would always begin and end on March 4. The Constitution also provides that the regular sessions of Congress shall convene on the first Monday in December, with power reserved for Congress to appoint a different day. Members elected in November, therefore, do not take office until the following March 4. In the meanwhile, however, there will have been a session of Congress. This session, lasting from December to March 4, is known as the "lame-duck" session, because it contains Members who may have been defeated in November.

The proposed amendment would start the sessions of Congress as well as terms of Members on January 4. Members elected in November would begin serving in January. In this way the will of the people would go into action immediately, instead of being held in suspension while Members who were not reelected through their own voluntary retirement or through being retired by will of their constituents continue to exercise authority.

Another result would be the abolition of the alternate short session. Instead of having a short session from December to March 4 every odd-numbered year, all sessions would begin in January. Each session should continue until Congress was ready to adjourn. It is clear that under such a system many of the worst evils of the filibuster would disappear, since the possibility of effectively tying up Congress's business by protracted delay is good only where there is an imminent and forced adjournment.

The whole argument in favor of the adoption of this resolution can be summed up in the statement that it is not a sound principle for any session of Congress to be held after the people have expressed themselves in any election on any issue except by the new Congress and new Representatives coming into power as the result of that election.

At the present time a new Member elected in November of an even-numbered year does not enter upon his duties as a lawmaker on the floor of the House until the Congress convenes in December of the year following, although his term begins on the 4th of March following his election. Thirteen months elapse before he can take his seat. Thirteen months elapse before the will of the people who elected him can find expression through his voice and vote on the vital issues of the day.

There was a reason for this procedure in the early years of our Republic when means of travel and of communication were poor. This condition no longer exists. The archaic system under which we are operating has no place in this age when news is flashed without an instant's delay to the farthest corners of our country. Congress, if need be, could be assembled within a very few days after the election day.

A most important provision that must be guarded against is the retention of a fixed date for the adjournment of Congress. I am against a fixed date for adjournment. The inclusion of an amendment to fix the date of adjournment would vitiate the effectiveness of the pending resolution to abolish the "lame-duck" session. The Members of Congress themselves can decide this question of adjournment on the basis of the legislative program before them. The fixed date should be eliminated.

Efficient self-government requires that the machinery thereof be made simple, and that Congress shall be responsive to the will of the people.

The discussion of this important measure has been carried on for many years. The time for action has come. The American people will not brook further delay in changing a provision in our Constitution which has been found to be obsolete. True progress demands that this be done.

Mr. CABLE. Mr. Speaker, this proposed amendment provides that the new Congress shall convene and the President elect shall be inaugurated approximately two months after the election. The House resolution sets January 4 as the date for Congress to convene, and January 24 for the inauguration of the President. This proposed change is the well-known lame-duck provision of the amendment. By its terms Members of the new Congress, and not the old, would legislate immediately after a general election.

The present Congress is the seventy-first. Its Members were elected in November, 1928, but they did not take office until March 4, 1929. Had President Hoover not called a special session the Members of this Congress would not have assembled for the first time until December 2, 1929—13 months after the election. So it will be too with the Seventy-second Congress. The Members were elected last November, but they will not convene until next December, unless a special session is called.

This resolution, however, contains provisions of even greater importance than the lame-duck provision. Under our present system there is a possibility that the President elect might die, might become disabled, or might be found disqualified prior to the time for his inauguration. The same thing might happen to the Vice President elect. Then, who would be President?

It was a difficult task for our forefathers to decide upon the method of electing a President when they were drafting the Constitution. In fact, many different methods were proposed by the Delegates to the Constitutional Convention at Philadelphia in 1787. Some of the delegates suggested that the Chief Executive be elected by Congress. Others insisted that he be elected by a direct vote of the people, while still others felt that he should be elected by the governors of the different States.

After thorough study and debate, the delegates agreed upon a compromise plan by which the President would be elected indirectly by the people. Each State was to appoint as many electors as that State had Senators and Representatives in Congress "in such manner as the legislature" of each State "may direct." The idea was to place the choice of the President in a small body of citizens. The electors were to be carefully chosen—men who could consider the fitness of all persons available for the Presidency, free from the influence of a heated and excited campaign.

While the States were to select the electors, the delegates to the Constitutional Convention gave Congress authority to determine when they should be chosen and when they should cast their votes. Later Congress by law placed the national election on "the Tuesday next after the first Monday in November, in every fourth year." The day for the electors to meet and cast their votes was set as the second Monday in January following the election. Congress also fixed the second Wednesday in February as the day Congress should count the electoral votes.

The Constitution did not set the day for the inauguration of the President. This was one of the many details of starting the machinery of the new government which were left to the old Continental Congress. The delegates to the Constitutional Convention did not know when the Constitution would be ratified. It was ratified by the ninth State on July 2, 1788, and thereupon became operative. But in the meantime arrangements had to be made for the election and inauguration of the President and for commencing the proceedings under the Constitution. On September 13, 1788, the Continental Congress set "the first Wednesday in March next" (March 4, 1789) as the day when Congress should convene and the President should be inaugurated.

While some of the Representatives and Senators elect did meet in New York City on March 4, 1789, the House did not secure a quorum until April 1, and the Senate not until April 6. In those days people had to travel on horseback or by coach. Transportation and communication were extremely slow and difficult. It was because of these circumstances that the officers of the new government were unable to arrive in New York and assume the duties of their offices until after March 4, the date specified by the Continental Congress.

The House was organized on April 2, and the Senate on April 6. John Langdon, of Virginia, was elected President of the Senate. The Senate then advised the House that it was organized and prepared to open the certificates and count the votes of the electors in the choice of a President and Vice President. The House passed a resolution, and the—

Speaker accordingly left the chair, and, attended by the House, withdrew to the Senate Chamber.

Langdon, as President of the Senate, in the presence of the two Houses, opened the certificates and counted the votes of the electors. Twelve candidates were named by the electors, but every one of the electors voted for George Washington as President. This left 11 candidates for Vice President. However, John Adams received the second highest number of electoral votes, and therefore was elected Vice President.

The record of that count appears on page 18 of Gales and Seaton's History of the Debates and Proceedings of the United States Congress, and is as follows:

State	George Washington, Esq.	John Adams, Esq.	Samuel Huntington, Esq.	John Jay, Esq.	John Hancock, Esq.	Robert H. Harrison, Esq.	George Clinton, Esq.	John Rutledge, Esq.	John Milton, Esq.	James Armstrong, Esq.	Edward Telfair, Esq.	Benjamin Lincoln, Esq.
New Hampshire	5	5	....	....	....	....	....	....	....	....	....	....
Massachusetts	10	10	....	....	....	....	....	....	....	....	....	....
Connecticut	7	5	2	....	....	....	....	....	....	....	....	....
New Jersey	6	1	....	5	....	....	....	....	....	....	....	....
Pennsylvania	10	8	....	....	2	....	....	....	....	....	....	....
Delaware	3	....	....	3	....	....	....	....	....	....	....	....
Maryland	6	....	....	....	....	6	....	....	....	....	....	....
Virginia	10	5	....	1	1	....	3	....	....	....	....	....
South Carolina	7	....	....	....	1	....	....	6	....	....	....	....
Georgia	5	....	....	....	....	....	....	....	2	1	1	1
Total	69	34	2	9	4	6	3	6	2	1	1	1

By this vote of the electors George Washington, Esq., was elected President and John Adams, Esq., Vice President of the United States of America.

When the approval of the House was received, the Senate appointed a committee to notify Washington and Adams of their election. Charles Thomson notified Washington that he had been elected the first President of the United States, and Sylvanus Bourn notified Adams that he had been chosen Vice President. Washington was inaugurated to the Presidency on April 30, 1789.

Thus, in 1789 the electoral system worked as its authors intended. Again in 1792 every elector cast his vote for George Washington, although there were four candidates for the Presidency. In 1796 there were 13 candidates. Out of that number John Adams was elected President and Thomas Jefferson Vice President. The electors were still exercising their judgment quite independently and in the manner the framers of the Constitution had in mind when they adopted the Electoral College plan.

But in 1800 the system broke down completely. By that time two strong and hostile parties, the Democrats and the Federalists, had developed. In advance of the November election each party had named its candidates for President and Vice President and had placed before the voters in each State lists of names of persons who, if chosen as electors, would vote for their candidates.

Thomas Jefferson and Aaron Burr were the candidates of the Democrats, and John Adams and C. C. Pinckney were those named by the Federalists. When the electoral votes were counted it was found that Jefferson and Burr were first, with 73 votes each, while Adams had 65. Because of the tie between Jefferson and Burr the election was thrown into the House of Representatives. After considerable effort Jefferson was elected President over Burr.

Within 12 years after the ratification of the Constitution political parties had developed and defeated the one purpose for which the electoral system existed. Electors no longer exercised independent judgment; they were committed beforehand to vote for the candidates of their parties, and the registering of their votes had become a mere formality. This was exactly what the voters at the general election of 1800 expected. But in this short decade a remarkable change was made in the operation of the Constitution without altering a single word of its text, and the Electoral College, as a body only to register the votes of the people, continues to exist to this day.

Before another presidential election occurred, arrangements were made to prevent the recurrence of such a contest as that between Jefferson and Burr—the twelfth amendment was adopted. That amendment provides that the electors shall—

Name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President.

If none of the candidates is elected President by the majority vote of the electors—

Then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.

If no person receives a majority vote of the electors for Vice President, "then from the two highest numbers on the list, the Senate shall choose the Vice President." If the election is thrown into the House and if it fails by March 4 to elect a President—

Then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

After this amendment went into effect the two offices were dealt with separately. The difficulty of 1800 could not reappear, although the election of President might still be thrown into the House, and the election of Vice President into the Senate.

Under the original electoral plan all candidates considered by the electors were candidates alike for President and Vice President. But when political parties arose and the Electoral College became merely a means for registering the votes of the people for the candidates the parties had named, it was found that there was no definition of the qualifications for Vice President. A foreigner might be elected as Vice President and then, upon the death, disability, or disqualification of the President, become President of the United States. Since the electoral plan of the framers of the Constitution had fallen, some provision had to be made concerning the qualifications of the Vice President. This also was taken care of in the twelfth amendment, which provides:

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

Thereafter the offices were dealt with separately, but the same qualifications applied to both. The Vice President, like the President, must be a natural-born citizen, 35 years of age, and for 14 years a resident of the United States.

The twelfth amendment did not take care of some of the problems arising in the election of the President and Vice President. But the machinery is not yet perfect. There are still many serious situations which might arise in this connection for which there is no provision in either the Constitution or the Federal statutes.

These problems have been well stated by the Hon. William Tyler Page, author of the American's Creed, a thorough student of history, and for many years the able, efficient, and courteous Clerk of the House of Representatives.

Among the questions raised by Mr. Page are the following:

If the election of the President were thrown into the House of Representatives and the election of the Vice President into the Senate, who would act as President in case neither a President nor Vice President were elected by the House and Senate by March 4?

Suppose the President elect and the Vice President elect both should die, become disabled, or be found disqualified before March 4; who would be President?

Would there have to be a special election, or could some official already in office serve as President?

As the law now stands there is a provision for succession to the Presidency in the event both the incumbent President and Vice President should be impeached, die, or become disabled during the term of their office. There is also a provision that where the election of the President is thrown into the House and that body—

Shall not choose a President * * * before the 4th day of March next following, then the Vice President shall act as President.

But this latter provision is not at all clear. Does it mean that the retiring Vice President or that the Vice President elect shall act as President?

Then, too, the possibility of the President elect and the Vice President elect both dying or becoming disabled or disqualified before the inauguration is not provided for in either the Constitution or our statutes. There would be no President of the United States if this were to happen, for the term of the incumbent President would by law end on March 4.

The only provisions in our law now deal with succession to the Presidency in case both the incumbent President and Vice President should die, become disabled, or be impeached. The act of 1886 provides that in this particular case the

Presidency should successively fall to the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of the Navy, and the Secretary of the Interior.

If no new President or Vice President should be elected, the Presidency would then stand vacant after March 4. The same thing is also true in the event both the President elect and Vice President elect should die, become disabled, or be found disqualified prior to the date for the inauguration. Furthermore, since Congress has only delegated powers and powers necessarily to be implied from those delegated powers, and since nowhere in the Constitution is the power given Congress to pass laws which would provide for the election of a President if the President elect and Vice President elect should die before March 4, Congress now has no authority to pass such a law.

All of these serious problems would be fully taken care of by the passage and ratification of the lame-duck amendment. Two of the principal provisions of that amendment are explained in the report of the Committee on Election of President, Vice President, and Representatives in Congress, prepared by the chairman, the Hon. CHARLES L. GIFFORD, of Massachusetts. Part of that report reads:

The Vice President elect will act as President in the event that the President elect should die before the time fixed for the beginning of his term.

Congress is also given power to provide for the case where neither a President nor a Vice President has qualified before the time fixed for the beginning of the term, whether the failure of both to qualify is occasioned by the death of both, by the failure of the House to choose a President, if the right devolves upon them, and of the Senate to choose a Vice President, if the right of choice devolves upon them, or by any other cause.

The resolution itself also provides:

If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified.

This amendment, therefore, would eliminate the possibility of serious difficulty arising because no President has been elected. Should the President elect die, become disabled, or prove unqualified, or should the House fail to elect a President when that duty falls upon it, the Vice President elect would become President. Furthermore, Congress would be empowered to provide by law for an acting President in the event that there is not a duly elected or qualified President or Vice President to assume the Presidency. No longer would there be a possibility that at some time we might find ourselves without a President of the United States.

Aside from the problems presented by Mr. Page there is still another serious contingency which might arise in connection with the election of the President.

If the electors fail to elect a President, the election is thrown into the House of Representatives. If they fail to elect a Vice President, the election must be made by the Senate. Under the present law, by the provisions of which the Members of the new Congress do not take office until March 4, the day of inauguration, and do not convene regularly until nine months after the inauguration, the duty of electing a President and Vice President under these circumstances would fall upon the Members of the lame-duck session of the old Congress. In other words, the President and Vice President might be elected by a Congress soon to go out of existence and whose Members belong to a party which may have been defeated in the election. Consequently, the Congress might constitutionally elect a President and Vice President who in no way would reflect the will of the people expressed at the general election.

This lame-duck provision, of course, is not as important as the provisions dealing with presidential succession; but it is an important incident to those major provisions of the amendment.

In my mind the principal objection to the lame duck provision as it is now written is that the 20-day period between the time specified for Congress to convene and the day for the inauguration of the President is not sufficiently long. In the near future we may have more than two strong political parties. This might result in throwing the election into the House. With a 3-party system and the election thrown into the House, 20 days would not be a sufficient time to organize and elect a President. The same situation would no doubt arise in the Senate, so that on the day of inauguration the Union would be without a duly elected President and Vice President.

The resolution, as passed by the Senate, provides for a still shorter time, 13 days, for the House to elect a President when that duty falls upon it. It is true that the amendment also carries the provision—

And the Congress may by law provide for the case where neither a President elect or a Vice President elect is qualified, declaring who shall act as President and the manner in which a qualified person shall be selected, and such person shall act accordingly until a President and Vice President have qualified.

While this is a saving clause, yet, with the Presidency as a prize, the 15 or 20 days intervening between the assembling of the new Congress and the inauguration day would very likely be so filled with political intrigue that the election of a President would be impossible.

The reasons which prompted the provision for a delay in convening Congress no longer exist. Compare conditions to-day with those which existed in Washington's time. In those days it sometimes took six weeks to go from Baltimore to Philadelphia. There was no telephone, no telegraph. The mails were slow. People traveled only on horseback, in coaches, or on slow river boats. It might take months to communicate the results of an election to the successful candidates. In that period of our history life was relatively simple. Now we have fast trains, automobiles, telephones, the telegraph, and radio. Our country is vastly larger than it was then. Our problems are more complex. New problems are arising all the time. We need new governmental machinery which will respond to the needs of the American people.

If we should have more than two political parties and the election should be thrown into the House, the will of the people might not be expressed, should those defeated in the last general election vote for a candidate of their own political party.

It is most unfortunate that no action can be taken on this resolution during the present short session of Congress. The Members of the House and Senate who were appointed conferees to iron out the differences between the resolutions passed by the House and Senate have been unable to agree. The resolution is therefore dead. It is my opinion that when the resolution comes up in the next Congress it should provide for more time between the convening of Congress and the inauguration of the President.

When the resolution is finally passed by a two-thirds majority of both Houses of Congress, it will be enrolled, signed by the Speaker of the House and the Vice President, and transmitted to the various States of the Union.

The editor of one of America's leading newspapers just a few days ago wrote in an editorial appearing in his paper:

This resolution ought to be vetoed by President Hoover.

This statement surprises me, for a moment's reflection would have recalled to that editor's mind the fact that no resolution to amend the Constitution ever goes to the President for his approval. After the resolution passed by both Houses is received by the Secretary of State, he transmits copies of it to the executive authority in each of the several States. When the resolution has been ratified by the legislatures of three-fourths of the several States, the Secretary of State issues a proclamation of that fact. But it is not the proclamation of the Secretary of State that makes the amendment operative. The amendment becomes effective as soon as it has been ratified by the legislatures of two-thirds of the States.

Mr. SCHNEIDER. Mr. Speaker, the joint resolution proposing an amendment to the Constitution which we are now considering has been sent to the House by the Senate on five different occasions. It has been passed by that body in every Congress since the Sixty-seventh and has been sidetracked or defeated by this body on each occasion. It is

now time that we perform the duty that we have so long neglected. It is our imperative obligation to the people of the United States that we act upon and pass this resolution.

Briefly the resolution contemplates:

Section 1: That the terms of the President and Vice President shall end on the 24th day of January and the terms of Senators and Representatives at noon on the 4th day of January of the years in which such terms would have ended if this article had not been ratified.

Section 2: That the Congress shall assemble at least once each year, and that such meeting shall be on the 4th day of January unless the Congress shall by law appoint a different day.

Section 3: That upon the death of the President elect the Vice President elect shall become President and shall serve as President until a President is chosen. This section also authorizes Congress to provide by law for the choosing of a President and Vice President should such a contingency arise in which neither is ready to take office at the expiration of the term of the previous incumbent.

Section 4: That the Congress may provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and the same power is given the Senate in choosing the Vice President.

Section 5: That the first two sections shall take effect on the 30th day of November of the year following the year in which this article is ratified.

Section 6: That ratification shall be by State legislatures the entire membership of at least one branch of which shall have been elected after the amendment is submitted to it.

There is no reason in creation why this bill should not pass. The practice of allowing a body of men repudiated by the people in our biennial fall elections to remain in office for a full term thereafter is contra to the very fundamental principles of democracy upon which the entire governmental structure of these United States is based.

Under present conditions a year and one month elapse before those Members who have been newly elected meet in regular session. Elected in November, they actually take office as of March 4, but the next regular session of the Congress following that which terminates on that date does not meet until the first Monday in December. At the time of the adoption of the Constitution there was some justification for such a long delay. We were living in what might be termed a stage-coach era. We had no railroads and telegraphic communication was undreamed of. With the very slow means of transportation and communication of those days it was a matter of months before the results of an election were known. To-day, however, we know the result of an election within a few hours of the closing of the polls. Washington, D. C., may be reached within a few days from the remotest section of the country.

Until the adoption of the seventeenth amendment there was a measure of justification in retaining March 4 as the date of taking office. That amendment provided for the popular election of Senators. Before its adoption Senators were elected by the legislatures of their States, and the great majority of these legislatures did not meet until after the beginning of the new year. It was therefore difficult for these State legislative bodies to settle upon the election of the Senator until February or March. Now Senators are elected by the people at the same time their Representatives are elected. There is therefore no longer any reason why newly elected Representatives and Senators should not be sworn in and enter upon their duties as soon as the beginning of the new year after their election.

The reactionary forces in this House are determined that the old order and the present order shall stand. They are determined that we shall not make a forward step lest liberalism enter and interfere with their ability to serve specially privileged interests. Others regard the Constitution as the holy of holies, which must never be removed from the ark in the inner temple. The very thought of changing a word therein is blasphemy. I revere our Constitution. I should be the last person to advocate discarding it. I think the Constitution the mightiest document for the Government of man which has been conceived of by mankind. However, with that famous old English poet, Pope, I say:

> Whoever thinks a faultless piece to see,
> Thinks what ne'er was, nor is, nor e'er shall be.

I do not think that I can accept the whole of the philosophy expressed in that couplet of Pope's, but it is certainly a truism as to its past and present application.

Here is a condition any reasonable man must admit is in need of correction. The right of the people to express themselves through their chosen representatives is the crowning achievement of history, yet we continue to tolerate a situation whereby those who have been repudiated continue through an entire session of Congress representing a people who have expressed lack of confidence in them. I have not heard any argument worthy of the name against this proposal, nor can I conceive of any logical reason to permit the so-called lame-duck session to continue.

The establishment of January 4 as the date for the convening of the Congress is excellent. I believe it the best possible time to meet. It is the time in which practically all of our State legislatures convene. Sufficient time is thereby allowed newly elected Members to arrange their private affairs prior to leaving for the Capital City.

The change in the date for inauguration of the President and Vice President to January 24 is also a wise amendment. I am in hearty accord with it. The inauguration must be set to follow the convening of the Congress, for should a situation arise in which no candidate for the Presidency received a majority of votes cast the election would be thrown into the House of Representatives, and some time must be allowed to that body to make its choice. Under the present arrangement a Congress repudiated by the people would select the new President. If this resolution is passed and becomes ratified by three-fourths of the States, that situation, so much in need of correction, will be changed so that the Members of Congress elected at the time the President was also voted upon will make the choice. It is obvious that this change is necessary.

While I concur heartily in the purpose of this resolution I must protest against the amendment which has been offered by Speaker LONGWORTH. The Speaker proposes that a further provision should be added to this resolution, namely, that the Congress adjourn each even year on May 4. I think it would be a tragic mistake to accept this amendment. To do so would nullify one of the greatest purposes of this resolution, namely, the elimination of the evils of the short session of the Congress. I can not see a single advantage of limiting any session of the Congress. On the contrary I see only the greatest disadvantage. As we all know filibustering is conducted with a view to forcing legislation under threat of continuously holding the floor on other unimportant legislation. The same situation which has arisen in so many of our short sessions is going to face us again each time we approach that termination date. There will be the usual rush at the end of that period just as there is now before the 4th of March, and the same incentive to delay important legislation so that unimportant bills can be forced through. This amendment should be defeated. I will vote against it.

I must also say that it has been a surprise and a keen disappointment to see the Speaker descend from his powerful position and, by proposing such an amendment, virtually kill all chance of passing this badly needed measure. Does he think the gentleman at the other end of the Capitol are going to accept this resolution, tying the generations to come to the same unhappy spectacle we have so often witnessed at the termination of short sessions? Definite termination can be accomplished by statute. If it must be provided at all, why make it a part of the Constitution? Such a provision would bind them to adjourn on that date, even though there be the greatest need for remaining in session. The only way it could ever be released from that adjournment date would be by a further amendment to the Constitution. I think the Speaker unfair and high handed in proposing this amendment and using his great power to practically force the amendment upon us. He gives us no alternative. He says if you will accept my amendment I will support the passage of the resolution. The will of this great body of Representatives is asked to bow to the wishes of a single individual. This is, indeed, an unfortunate condition. I believe the Speaker guilty of a gross misuse of his power.

With all due respect for the system of checks and balances established by the Constitution upon the three branches of our Federal Government, there is little doubt that the legislative bears the direct mandate of the people and is therefore in the last analysis the supreme body. Why should it therefore be condemned to die each even year on May 4 and subject itself to the Executive for renewal of life if conditions of the country require. Congressmen and Senators are elected to serve the people of the country by the year. It is their duty to remain in session until the public business is complete. Those who fear a Congress continuously in session are setting up a scarecrow. I am of the firm opinion that the work of the Congress can be expedited more effectively without a definite adjournment date. Members of Congress are eager to return to their homes as soon as the public business can be properly settled. Without the incentive for delay which a definite adjournment date establishes and the possibilities of clever tactical maneuvering which it allows, I feel sure that the public business will be better cared for and far more expeditiously handled than otherwise.

This proposed amendment is not a new or novel proposition. It has been discussed for at least 50 years. Thousands of words have appeared in editorials and news articles regarding it. A great many textbooks on American Government discuss it and suggest the advisability of this amendment. Textbook writers are almost universal in their expressions that the present practice is not in conformity with the theory of representative government.

I earnestly hope, ladies and gentlemen, that we will defeat the amendment which the Speaker has so unwisely offered and pass the resolution.

Mr. GRIFFIN. Mr. Speaker, outside of this Chamber, I dare say the average citizen will imagine that we are considering the Norris proposal to do away with what has been called "lame-duck" sessions. Every Member of this House knows that that is not the case. The committee to which the Norris resolution (S. J. Res. 3) was referred has seen fit to report an entirely different proposal, namely, House Joint Resolution 292, introduced by the gentleman from Massachusetts [Mr. GIFFORD].

Many of us who would have supported the Norris resolution feel that we can not vote for the Gifford resolution, because it has introduced new propositions which ought in themselves to be the subject of a separate vote and a separate submission to the States.

The Norris resolution confined itself to the one purpose of having the terms of the President, the Vice President, and the Members of Congress, begin in January instead of in March following their election. As an incidental feature it empowers Congress to provide for the succession where the President and Vice President shall not have been chosen before the time fixed for the beginning of their terms.

The Gifford resolution goes further and introduces an entirely new proposal, namely, that "if the President elect dies, then the Vice President elect shall become President."

This is entirely unnecessary and an obvious solecism. Strictly speaking, there is no such thing as the President elect or the Vice President elect until the Electoral College makes its pronouncement, or rather, until its findings are announced on the second Wednesday in February, when the President of the Senate, in joint session of both Houses opens the certificates of the electors from the various States and the votes are counted. Furthermore, the Gifford proposal steals the authority already vested in the Electoral College.

Let us suppose the Presidential candidate receiving the majority vote for his electors in all the States should die before the electors meet on the first Wednesday in January. Is it likely that they would do aught else than designate the Vice Presidential candidate for the higher office?

If, on the other hand, the President elect should die after his selection on the second Wednesday in February the situation on the Fourth of March following would be simply this: That the Vice President elect would be sworn in as Vice President and then immediately sworn in as the successor of the President under the terms of the Constitution. We need no further amendment for that.

It is generally known that when Hamilton suggested the idea of an Electoral College it was his plan that that body, composed of the most disinterested citizens, should have complete authority to exercise their own judgment. It is true that they have never in the past disregarded the sentiments of the voters who elected them. They have invariably taken the popular vote in their States as a mandate. Nevertheless, the Constitution gives them plenary authority. It would seem that they ought to be allowed to exercise their judgment as the twelfth amendment provides.

A further innovation is proposed in the Gifford resolution, namely:

> SEC. 4. The Congress may provide for the case of the death of any of the persons from whom the House of Representatives may choose a President, whenever the right of choice devolves upon them (it) and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them (it).

This is also quite unnecessary. The twelfth amendment provides that where there is a tie and the House of Representatives shall have the choice, the President shall be selected from the persons having the highest number of votes—

> Not exceeding three on the list of those voted for as President.

In the case of the election of Vice President by the Senate the choice must be made—

> From the two highest numbers on the list.

The Gifford resolution proposes to vest in Congress a power which belongs exclusively to the framework of the Constitution and which should not be left to the caprice or fluctuating opinions of successive Congresses. Any amendment providing for the succession to the Presidency should be specific and not left as an open question for interminable debate and alteration.

I am no admirer of the Electoral College system. I believe that the election of the President and Vice President should be by popular vote and the Electoral College preserved simply as a "committee to fill vacancies," but any change in the system should first be submitted to the people for general discussion and should be the subject of a separate amendment. It should not be tacked on to a proposal, simple and well understood in itself, which has already been passed in the Senate.

The whole question on this issue has been further complicated by the adoption of the Longworth amendment putting a time limit on the last session of a Congress in the even-numbered years. A fixed time of closing a legislative session is one of the worst evils in our democratic system of Government. The closing days are inevitably crowded with the pressure of bills and their sponsors, with its inevitable rivalry, intrigue, and logrolling. It is the conviction of every experienced legislator that in the closing days, before a fixed adjournment day, some of the most vicious bills are slipped through. The membership is impatient, each anxious about the fate of his own pet bill and determined to cut down proper debate and deliberate consideration. The Rules Committee takes charge and, between it and the Speaker or other presiding officer, they exercise a domination amounting to an insufferable tyranny, entirely incompatible with the principle of democratic institutions.

The popular notion is that there must necessarily be a 13-month interval between the election of a new Congress and its convening in regular session.

The Constitution says:

> The Congress shall assemble at least once in every year, and such meeting shall be the first Monday in December, unless they shall by law appoint a different day.

So there is nothing to prevent Congress setting a different day or days. It can pass a law prescribing that Congress

shall meet on March 4 as well as on December 4 in the odd-numbered years and on January 4 in the even-numbered years.

Thus Congress will be enabled to begin its duties precisely on the date when its term begins and within four months after its election.

The Continental Congress, September 13, 1788, declared the first Wednesday in March next (1789) to be—

The time for commencing proceedings under the said Constitution.

The Congress convened at that time and performed very important work and might well have continued the practice.

If that practice were resumed and Congress met on March 4, following the election, the lame-duck session would be avoided. An interval of only four months would have elapsed, and that is short enough to enable Representatives elected from distant parts of the country to gather up the loose ends of their business and prepare themselves for their complicated duties in the new Congress.

The opening and the count of the certificates of the Electoral College in the presence of the Senate and House of Representatives at 1 p. m. on the second Wednesday of February succeeding the election is a humbug and a farce. The whole country knows the decision before this mummery takes place, and the whole proceedings are looked upon by the Members of both Houses as a solemn joke.

The twelfth amendment should be amended so as to permit the certificates of the Electoral College to be sent to the United States Supreme Court. This would dispense with the necessity of having Congress in session before March 4. Why is this not the solution of the whole problem?

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REQUEST OF THE SENATE TO RETURN A BILL

The SPEAKER laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES,
February 17 (calendar day, February 24), 1931.

Ordered, That the House of Representatives be requested to return to the Senate the bill (H. R. 7639) entitled "An act to amend an act entitled 'An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct,' approved May 22, 1928."

The request was agreed to.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 202. An act to provide for the deportation of certain alien seamen, and for other purposes; to the Committee on Immigration and Naturalization.

S. 3489. An act to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 3491. An act to prevent fraud in the promotion or sale of stock, bonds, or other securities sold or offered for sale within the District of Columbia; to control the sale of the same; to register persons selling stocks, bonds, or other securities; and to provide punishment for the fraudulent or unauthorized sale of the same; to make uniform the law in relation thereto, and for other purposes; to the Committee on the District of Columbia.

S. 3929. An act for the relief of James J. Lindsay; to the Committee on Naval Affairs.

S. 6024. An act relating to the improvement of the Willamette River between Oregon City and Portland, Oreg.; to the Committee on Rivers and Harbors.

S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park; to the Committee on the Public Lands.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 8812. An act authorizing the Menominee Tribe of Indians to employ general attorneys;

H. R. 9676. An act to authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C.; and

H. J. Res. 404. Joint resolution to change the name of B Street NW., in the District of Columbia, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1571. An act for the relief of William K. Kennedy;

S. 1851. An act for the relief of S. Vaughan Furniture Co., Florence, S. C.;

S. 2625. An act for the relief of the estate of Moses M. Bane;

S. 2774. An act for the relief of Nick Rizou Theodore;

S. 3553. An act for the relief of R. A. Ogee, sr.;

S. 3614. An act to provide for the appointment of two additional district judges for the northern district of Illinois;

S. 4425. An act to amend section 284 of the Judicial Code of the United States;

S. 4477. An act for the relief of Irma Upp Miles, the widow, and Meredeth Miles, the child, of Meredith L. Miles, deceased;

S. 4508. An act for the relief of Lowela Hanlin; and

S. 5649. An act for the relief of the State of Alabama.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 8812. An act authorizing the Menominee Tribe of Indians to employ general attorneys;

H. R. 9676. An act to authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C.;

H. R. 9702. An act authorizing the payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, British subject, in connection with rescue of survivors of the U. S. S. *Cherokee;*

H. R. 12571. An act to provide for the transportation of school children in the District of Columbia at a reduced fare;

H. R. 15876. An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes;

H. J. Res. 404. Joint resolution to change the name of B Street NW., in the District of Columbia, and for other purposes; and

H. J. Res. 416. Joint resolution to increase the amount authorized to be appropriated for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 25, 1931, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 25, 1931, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To provide for the deportation of alien seamen. (S. 202 and H. R. 7763.)

COMMITTEE ON EDUCATION

(10.30 a. m.)

Authorizing an annual appropriation for the maintenance of headquarters for the National Council of Intellectual Cooperation for the United States. (H. J. Res. 510.)

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 3593. A bill to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.; without amendment (Rept. No. 2874). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 15493. A bill to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark.; with amendment (Rept. No. 2875). Referred to the Committee of the Whole House on the state of the Union.

Mrs. KAHN: Committee on Military Affairs. H. J. Res. 472. Joint resolution to authorize the acceptance on behalf of the United States of the bequest of the late William F. Edgar, of Los Angeles County, State of California, for the benefit of the museum and library connected with the office of the Surgeon General of the United States Army; without amendment (Rept. No. 2876). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 14912. A bill to authorize an appropriation for construction at Randolph Field, San Antonio, Tex., and for other purposes; with amendment (Rept. No. 2877). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULLER: Committee on the Public Lands. H. R. 17228. A bill to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park; without amendment (Rept. No. 2878). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 17165. A bill to authorize the construction of a laundry building at Fort Benjamin Harrison, Ind.; without amendment (Rept. No. 2879). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOOPER: Committee on the Public Lands. H. R. 17005. A bill to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes; with amendment (Rept. No. 2880). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. S. 4391. An act for the relief of John Herink; without amendment (Rept. No. 2871). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 5219. An act for the relief of John A. Pearce; without amendment (Rept. No. 2872). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 13221. A bill for the relief of Zinsser & Co.; without amendment (Rept. No. 2873). Referred to the Committee of the Whole House.

Mr. KOPP: Committee on Pensions. H. R. 17262. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 2881). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 16965) granting an increase of pension to Lizzie Pennington, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KENDALL of Pennsylvania: A bill (H. R. 17257) granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY: A bill (H. R. 17258) making an additional appropriation for mineral-mining investigations by the United States Bureau of Mines; to the Committee on Appropriations.

By Mr. McSWAIN: A bill (H. R. 17259) to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy"; to the Committee on Military Affairs.

By Mr. FREE (by request): A bill (H. R. 17260) to stabilize shipping conditions and further promote safety at sea, to provide for cooperation between steamship lines engaged in foreign commerce, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. GARBER of Oklahoma: A bill (H. R. 17261) to regulate for a temporary period commerce between the United States and foreign countries in crude petroleum and certain of its products; to the Committee on Ways and Means.

By Mr. KOPP: A bill (H. R. 17262) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

By Mr. McFADDEN: Joint resolution (H. J. Res. 518) to authorize an investigation of the activities of the International Committee of Bankers on Mexico; to the Committee on Rules.

By Mr. PARKER: Joint resolution (H. J. Res. 519) directing an investigation and study of transportation by the various agencies engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. LaGUARDIA: Concurrent resolution (H. Con. Res. 51) to provide for the printing of papers, surveys, testimony, and other matter submitted to the Senate by the National Commission on Law Observance and Enforcement; to the Committee on Printing.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Arizona, memorializing the Congress of the United States for the passage of the so-called Thomas bill for a Federal loan to the reclamation fund; to the Committee on Irrigation and Reclamation.

Memorial of the State Legislature of the State of Utah, memorializing the Congress of the United States to pass, and the President to approve, Senator THOMAS's (of Idaho) bill appropriating $5,000,000 to the reclamation fund; to the Committee on Irrigation and Reclamation.

Memorial of the State Legislature of the State of Utah, memorializing the Congress of the United States, approving report and recommendations of the Senate Subcommittee on Trade Relations with China, and resolutions presented to the Senate by Senator PITTMAN; to the Committee on Ways and Means.

By Mr. SANDERS of Texas: Memorial in the nature of Senate Concurrent Resolution No. 9, Legislature of Texas, requesting the establishment of one national park in the State of Texas; to the Committee on the Public Lands.

By Mr. ARENTZ: Memorial in the nature of Senate Joint Resolution No. 7, Legislature of Nevada, memorializing the Committee on Foreign Relations of the United States Senate to report favorably Senate Resolutions 442 and 443, introduced in the United States Senate February 11, 1931, by Senator PITTMAN; the Senate of the United States to adopt said resolutions, and the President of the United States to carry out the purposes of said resolutions as expeditiously as possible; to the Committee on Ways and Means.

Also, memorial in the nature of Assembly Joint Resolution No. 8, Legislature of Nevada, memorializing the President of the United States and Congress to support the so-called Thomas bill for a Federal loan to the reclamation fund; to the Committee on Irrigation and Reclamation.

By Mr. EVANS of Montana: House Joint Memorial No. 3, Montana Legislature, urging the passage of legislation now pending toward the conversion into cash of the adjusted-compensation certificates; to the Committee on Ways and Means.

By Mr. LEAVITT: House Joint Memorial No. 3, adopted by the Twenty-second Legislative Assembly of the State of Montana, requesting enactment of legislation for the conversion into cash of adjusted-compensation certificates; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 17263) granting an increase of pension to Margaret Speakman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17264) granting an increase of pension to Kate Glover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17265) granting an increase of pension to Belle Butters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17266) granting an increase of pension to Nannie A. B. Wilkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17267) granting an increase of pension to Margaret E. Kellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17268) granting a pension to Carrie E. McGown; to the Committee on Invalid Pensions.

By Mr. CLARKE of New York: A bill (H. R. 17269) granting an increase of pension to Adelia B. Folsom; to the Committee on Invalid Pensions.

By Mr. CONDON: A bill (H. R. 17270) for the relief of A. C. Messler Co.; to the Committee on War Claims.

By Mr. COYLE: A bill (H. R. 17271) granting an increase of pension to Mary Ellen Price; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 17272) granting an increase of pension to Mary V. Calderwood; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 17273) granting an increase of pension to Cora L. Cole; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 17274) granting a pension to Joseph G. Adams, alias Joseph G. Barnes; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 17275) granting an increase of pension to Pauline Hartman; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 17276) granting a pension to Mary A. Mitchell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10148. By Mr. BACHMANN: Telegram from the Tau Gamma Sigma Sorority, of Wheeling, W. Va., protesting against the passage of Senate bill 4582, to amend the tariff act, 1930, and the Penal Code to permit the importation, distribution, and sale of contraceptive literature and devices; to the Committee on the Judiciary.

10149. By Mr. BACON: Petition of sundry residents of Long Island, N. Y., urging the adoption of legislation prohibiting the use of dogs for vivisection purposes in District of Columbia; to the Committee on the District of Columbia.

10150. By Mr. BEERS: Petition of members of Post No. 255, Veterans of Foreign Wars, favoring enactment of legislation providing for immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10151. By Mr. BOYLAN: Letter from the Milk Wagon Drivers, Chauffeurs, and Helpers Local, No. 584, New York City, and the New York State Grange, urging the passage of the Townsend-Brigham bill regulating the manufacture and sale of oleomargarine; to the Committee on Agriculture.

10152. By Mr. BROWNE: Petition of the Bonanza Equity Local Union Cooperative, Shawano, Wis., favoring the passage of the Brigham bill regulating the sale and manufacture of oleomargarine; to the Committee on Agriculture.

10153. By Mr. CAMPBELL of Iowa: Petition of the Russel West Post, No. 95, American Legion, of Paullina, Iowa, indorsing the payment in full of the adjusted-service certificates; to the Committee on Ways and Means.

10154. Also, petition of 40 citizens of Moville, Iowa, and vicinity, urging support of the Sparks-Capper amendment to the Constitution (H. J. Res. 356) excluding unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts; to the Committee on the Judiciary.

10155. By Mr. CANFIELD: Petition of Rev. J. H. Allen and 28 other citizens of Milan, Ind., urging the passage of the Sparks-Capper amendment; to the Committee on the Judiciary.

10156. Also, resolution of Mrs. Frank Sellers, president of the Woman's Christian Temperance Union, of Franklin, Ind., urging the passage of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10157. Also, resolution of Mrs. A. E. Balser, president of the Methodist Episcopal Women's Foreign Missionary Society, of Franklin, Ind., urging the passage of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10158. Also, resolution of Mrs. Milas Drake, president of the Presbyterian Missionary Society, of Franklin, Ind., urging the passage of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10159. By Mr. EATON of Colorado: Petition of 125 citizens of Denver, petitioning for immediate cash payment at full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

10160. By Mr. FITZGERALD: Petition of Emma A. Jennings, as recording secretary, and 35 other patriotic members of Patterson Council, No. 36, Daughters of America, Dayton, Ohio, urging favorable action on House Joint Resolution No. 473, to change the constitutional provision for the convention and adjournment of Congress; to the Committee on the Judiciary.

10161. By Mr. HALL of North Dakota: Petition of 19 citizens of Ellendale, N. Dak., urging the passage of the Sparks-Capper amendment (H. J. Res. 356); to the Committee on the Judiciary.

10162. By Mr. HOOPER: Resolution of Oneida Center, Parent-Teachers' Association, of Oneida Center, Mich., earnestly petitioning Congress to enact a new law taxing all yellow oleomargarine at least 10 cents a pound; to the Committee on Agriculture.

10163. By Mr. KVALE: Petition of members of the Benson, Minn., unit of the Woman's Christian Temperance Union and others, urging enactment of the proposed Sparks-Capper amendment; to the Committee on the Judiciary.

10164. By Mr. LEAVITT. Petition of water users on the Big Horn district of the United States Indian irrigation service on the Crow Indian Reservation in Montana, requesting that collection of irrigation maintenance charges be deferred to a later date; to the Committee on Indian Affairs.

10165. By Mrs. McCORMICK of Illinois: Petition bearing the signatures of 40,000 citizens of Chicago, Ill., praying for the immediate payment in cash of the soldiers' bonus certificates; to the Committee on Ways and Means.

10166. By Mr. MANLOVE: Petition of Harry Brown, John L. Evans, and 49 other residents of Schell City, Mo., favoring the regulation of busses and trucks in the use of the highways; to the Committee on Interstate and Foreign Commerce.

10167. By Mr. REED of New York: Petition of Portville, N. Y., Woman's Christian Temperance Union, indorsing House bill 9986; to the Committee on Interstate and Foreign Commerce.

10168. By Mr. RICH: Petition of citizens of Williamsport, Pa., favoring House Joint Resolution 356, known as the Sparks-Capper alien bill; to the Committee on the Judiciary.

10169. By Mr. SELVIG: Petition of Ada (Minn.) Cooperative Creamery Association, supporting the Brigham bill, H. R. 15934, for the control of colored oleomargarine; to the Committee on Agriculture.

10170. Also, petition of Argyle (Minn.) Cooperative Creamery Association, urging enactment at this session of Congress of the Brigham bill, H. R. 15934; to the Committee on Agriculture.

10171. By Mr. SPARKS: Petition of 61 citizens of Beloit, Kans., urging the support of the Sparks-Capper stop alien amendment, being House Joint Resolution 356, to exclude aliens from the count of the population for apportionment of congressional districts; to the Committee on the Judiciary.

10172. Also, petition of the Woman's Christian Temperance Union, of Zurich, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10173. Also, petition of Kansas Yearly Meeting of Friends, representing 233 members, of Northbranch, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10174. Also, petition of the Woman's Christian Temperance Union, of Almena, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10175. By Mr. STRONG of Kansas: Petition of 71 citizens of Delphos, Kans., urging passage of the Sparks-Capper stop alien representation amendment; to the Committee on the Judiciary.

10176. By Mr. SUMMERS of Washington: Petition signed by Mrs. Roy Smith and 14 other citizens of Yakima, Wash., urging support of the Sparks-Capper stop alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10177. Also, petition of V. C. Sorensen and 17 other citizens of Lyle, Wash., urging support of the Sparks-Capper stop alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10178. By Mr. SWANSON: Petition of Mrs. Jean Titsworth and others, of Avoca, Iowa, favoring an amendment to the Constitution whereby apportionment in the House of Representatives would be determined without regard to alien population; to the Committee on the Judiciary.

10179. By Mr. WOLFENDEN: Petition of J. M. Norris and others, of Chester, Pa., urging support of proposed Sparks-Capper stop alien representation amendment; to the Committee on the Judiciary.

10180. Also, petition of Charlotte E. Maxwell and 20 others, of Oxford, Pa., urging support of proposed Sparks-Capper stop alien representation amendment; to the Committee on the Judiciary.

SENATE

WEDNESDAY, FEBRUARY 25, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 3) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, with an amendment, in which it requested the concurrence of the Senate.

The message returned to the Senate, in compliance with its request, the engrossed bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928.

CONSERVATION OF PUBLIC HEALTH

Mr. RANSDELL. Mr. President, when the Senate met yesterday I announced that I would seek recognition to address the Senate to-day on the subject of how to conserve public health, the most imperative duty confronting mankind. Inasmuch as we have an executive session to-day as the order of business, I now wish to announce that I shall ask recognition to-morrow for that purpose.

GEORGE WASHINGTON BICENTENNIAL COMMISSION (S. DOC. NO. 302)

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for expenses of the District of Columbia George Washington Bicentennial Commission, fiscal year 1931, to remain available until June 30, 1932, amounting to $100,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL EXPOSITION OF COLONIAL AND OVERSEAS COUNTRIES, PARIS, FRANCE (S. DOC. NO. 303)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of State, fiscal year 1931, to remain available until expended, amounting to $50,000, for an additional amount for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries, to be held at Paris, France, in 1931, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM OF H. W. BENNETT (S. DOC. NO. 304)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of State, fiscal year 1931, amounting to $400, for payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 301)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, an estimate of appropriation submitted by the Department of the Interior to pay a claim for damages to privately owned property in the sum of $49, which had been considered and adjusted under the provisions of law

and requiring an appropriation for its payment, which was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by Hope Council, No. 1, Sons and Daughters of Liberty, of Washington, D. C., favoring the passage of the so-called Johnson joint resolution providing stringent restriction of immigration, which was referred to the Committee on Immigration.

Mr. GILLETT presented resolutions adopted by the Round Table on International Relations of the Middlesex (Mass.) Women's Club, favoring the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. TYDINGS presented petitions of members of the Women's Guild of the Memorial Methodist Episcopal Church and sundry citizens of Baltimore and vicinity, in the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented petitions and papers in the nature of petitions from numerous organizations and citizens in the State of Maryland, praying for the passage of legislation for the stringent restriction of immigration, which were referred to the Committee on Immigration.

He also presented petitions of several Polish organizations in the city of Baltimore, Md., praying for the passage of legislation appropriating $5,000 for a marker in memory of Gen. Casimir Pulaski, which were referred to the Committee on the Library.

IMPORTATION OF PULP AND PULP PAPER

Mr. JONES. Mr. President, as in legislative session, I ask that the telegram which I send to the desk may be read and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance, and it was read, as follows:

PORT ANGELES, WASH., *February 25, 1931.*

Senator W. L. JONES,
Washington, D. C.:

Just received advice that the Kendall bill has passed the House of Representatives with clause No. 2 eliminated, which brings under the provision of the bill goods available from foreign countries from which they may be lawfully imported. With this clause eliminated the bill permits the importation of pulp and paper from Soviet Russia. This will be ruinous to the most important and thriving industry in the Northwest. Without this clause reinstated the pulp and paper industry is better safeguarded without the passage of such bill at all.

THOS. T. ALDWELL,
President Port of Port Angeles.

IMPORTATION OF FOREIGN OIL

As in legislative session,

Mr. CAPPER. Mr. President, I send to the desk and ask to have read a telegram from the Farmers' Union of Kansas in opposition to the importation of oil.

There being no objection, the telegram ordered to lie on the table and was read, as follows:

WINFIELD, KANS., *February 24, 1931.*

Senator ARTHUR CAPPER:

At a regular meeting the Bethel Farmers' Union resolved that it was the sense of the meeting that our Representatives and Senators at Washington be requested to support the Capper-Garber resolution for embargo against the importation of foreign oil, as its prompt passage is important and a delay would be disastrous to this community.

F. M. GILTNER,
FRANK YOULE,
W. LOGAN.

REPORTS OF COMMITTEES

As in legislative session,

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 7) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended, reported it without amendment and submitted a report (No. 1775) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2350) providing for the improvement and extension of the game breeding and refuge areas in the Wichita National Forest and Game Preserve in the State of Oklahoma and authorizing appropriations therefor, reported with an amendment and submitted a report (No. 1759) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 4908) for the relief of certain officers of the Dental Corps of the United States Navy, reported it without amendment and submitted a report (No. 1760) thereon.

Mr. TYDINGS, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5779. An act for the relief of Capt. Jacob M. Pearce, United States Marine Corps (Rept. No. 1761); and

H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy (Rept. No. 1762).

Mr. DAVIS, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 752. An act for the relief of Wesley B. Johnson (Rept. No. 1763); and

H. R. 816. An act for the relief of Lieut. Commander Cornelius Dugan (retired) (Rept. No. 1764).

Mr. BROUSSARD, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3032. An act for the relief of Commander Francis James Cleary, United States Navy (Rept. No. 1766); and

H. R. 14680. An act to authorize the attendance of the Marine Band at the Spanish-American War veterans' convention at New Orleans (Rept. No. 1767).

Mr. METCALF, from the Committee on Naval Affairs, to which was referred the bill (S. 6218) granting permission to Harold I. June to transfer to the Fleet Reserve of the United States Navy, reported it without amendment and submitted a report (No. 1776) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 5867) to amend chapter 15 of the Code of Law for the District of Columbia, reported it without amendment and submitted a report (No. 1765) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported each without amendment and submitted reports thereon:

H. R. 305. An act for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers Co-operative Dairy & Produce Co., a corporation, bankrupt (Rept. No. 1771); and

H. R. 7555. An act for the relief of Andrew Markhus (Rept. No. 1772).

Mr. BROOKHART, from the Committee on Claims, to which was recommitted the joint resolution (H. J. Res. 303) to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms, reported it with amendments and submitted a report (No. 1768) thereon.

Mr. GLENN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased (Rept. No. 1770);

H. R. 1891. An act for the relief of Vincent Baranasies (Rept. No. 1769); and

H. R. 9245. An act for the relief of Davis, Howe & Co. (Rept. No. 1778).

Mr. CONNALLY, from the Committee on Finance, to which was referred the bill (S. 3924) for the relief of the First State Bank & Trust Co., of Mission, Tex., reported it without amendment and submitted a report (No. 1773) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the bill (S. 6173) authorizing an appropriation to defray the expenses of participation by the United States Government in the Second Polar Year Program, August 1, 1932, to August 31, 1933, reported it without amendment and submitted a report (No. 1774) thereon.

Mr. SHIPSTEAD, from the Committee on Printing, to which was referred the concurrent resolution (S. Con. Res. 39) providing for the printing of a manuscript entitled "Washington, the National Capital," reported it with amendments and submitted a report (No. 1777) thereon.

Mr. McKELLAR (for Mr. FESS), from the Committee on the Library, to which was referred the bill (S. 5546) to amend section 2 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," reported it without amendment and submitted a report (No. 1779) thereon.

BILLS INTRODUCED

As in legislative session,

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 6240) to prohibit the broadcasting of lotteries by radio; to the Committee on Interstate Commerce.

A bill (S. 6241) to provide for preliminary examination and survey to be made of Tillamook Bay and Entrance; and

A bill (S. 6242) for the improvement for fishing purposes of Siltcoos and Takenitch Lakes in the State of Oregon; to the Committee on Commerce.

By Mr. WAGNER:

A bill (S. 6243) for the relief of Zinsser & Co.; to the Committee on Military Affairs.

By Mr. HASTINGS:

A bill (S. 6244) exempting building and loan associations from being adjudged involuntary bankrupts; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 6245) to amend section 29, Title II of the national prohibition act; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 6246) providing for an appropriation toward the alteration and repair of the buildings of Eastern Dispensary and Casualty Hospital; to the Committee on the District of Columbia.

By Mr. NORBECK:

A bill (S. 6247) granting a pension to Emma Crow Dog Stewart (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 6248) for the relief of Lieut. Col. Harry Walter Stephenson, United States Army, retired; to the Committee on Military Affairs.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

As in legislative session,

Mr. HEFLIN. Mr. President, I have been requested by citizens interested to offer an amendment to the second deficiency appropriation bill. I ask to have it printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

The amendment intended to be proposed by Mr. HEFLIN to House bill 17163, the second deficiency appropriation bill, is as follows:

Hereafter the law for apportionment of positions in the Federal service at Washington among the States and the District of Columbia on the basis of population shall be enforced by all branches of the Government, the executive departments, commissions, boards, agencies, and Library of Congress as to appointments, promotions, and reductions, and employees shall be classified according to their civil-service status; and the Civil Service Commission shall include in its annual report to Congress each year a list of employees in both the apportioned and unapportioned service, segregated by States, showing where they work and salary they receive; the Civil Service Commission shall also include in its annual report to Congress each year a list of new appointees and those who retire or are dropped, showing their residence and salaries. An officer or clerk who violates this act shall be removed from office.

Ex-service men and women and permanent civil-service employees, residents of States whose quotas are in arrears, who have been discharged because of reductions of force, shall be restored to duty as of date they were discharged, as much unemployment exists in all the States, and necessary reductions shall be made of residents of the District of Columbia, Virginia, and Maryland, or States whose appointments have been exceeded. Applications for restoration to duty shall be made within six months after passage of this law.

Mr. PHIPPS submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 41, line 6, to strike out the period and insert a colon and the following: "*Provided, however*, That nothing done in pursuance hereof or under the authority hereof shall be construed to initiate any water right or water priority or right to any appropriation of water whatever."

Mr. ASHURST and Mr. HAYDEN submitted an amendment proposing to appropriate $53,000 to carry out the provisions of the act entitled "An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes," approved February —, 1931," fiscal years 1931 and 1932, intended to be proposed by them to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and be printed.

Mr. BARKLEY submitted an amendment proposing to appropriate $100,000 for the erection of a suitable monument to the memory of the first permanent settlement of the West, at Harrodsburg, Ky., etc., intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and be printed.

Mr. NORRIS submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and be printed, as follows:

Under the title "Department of the Interior," insert at the bottom of page 45 the following:

"BUREAU OF RECLAMATION

"North Platte project, Nebraska-Wyoming: For the purpose of enabling the Secretary of the Interior to construct rural trunk transmission lines, including necessary transformers, into farm settlements, communities, and municipalities within the North Platte irrigation project, the inhabitants of which are able to finance feeder or distribution systems and to guarantee to the power system a fair measure of profit, not to exceed $30,000 shall be available from the power revenues of the Lingle and Guernsey power plants, North Platte irrigation project."

Mr. REED, on behalf of the Committee on Finance, submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 12, after line 7, to insert:

"The salary of the Director or of the Acting Director, United States Veterans' Bureau, is hereby fixed at the sum of $12,000 per annum, effective as of July 23, 1930, for any period or periods during which said director or acting director functions or has functioned as such."

Mr. SMOOT submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 12, after line 7, to insert:

"For carrying into effect the provisions of section 3 of the act entitled "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," approved ———, 1931, $20,877,000, fiscal year 1931, to remain available until expended."

Mr. TYDINGS submitted an amendment proposing to appropriate $10,000 to enable the Committee on Printing of the Senate to have printed and bound the documentary evidence, statistics, and other data submitted to the Senate by the National Commission on Law Observance and Enforce-

ment in response to the request of the Senate, etc., intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and be printed.

Mr. WAGNER submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and be printed, as follows:

On page 136, after line 16, to insert:

"Plattsburg Barracks, Plattsburg, N. Y.: To carry out the provisions of the act entitled 'An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes' approved February —, 1931, fiscal years 1931 and 1932, $150,000."

He also submitted an amendment proposing to appropriate $1,500,000 to carry out the provisions of an act entitled "An act to provide for the establishment of a national employment system, and for cooperation with the States in the promotion of such system, and for other purposes," etc., intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and to be printed.

AMENDMENT OF THE COPYRIGHT ACTS

As in legislative session,

Mr. WAGNER submitted an amendment intended to be proposed by him to the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works, which was ordered to lie on the table and to be printed.

COPYRIGHT REGISTRATION OF DESIGNS

As in legislative session,

Mr. KING submitted an amendment intended to be proposed by him to the bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs, which was ordered to lie on the table and to be printed.

PRINTING OF PRAYERS OF THE SENATE CHAPLAIN

As in legislative session,

Mr. MOSES submitted the following resolution (S. Res. 469), which was referred to the Committee on Printing:

Resolved, That the prayers offered by the Rev. Z[illegible]Barney T. Phillips, D. D., Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Seventieth and the Seventy-first Congresses be printed as a Senate document.

INVESTIGATION OF PRODUCTION COSTS OF DEAD OR CREOSOTE OIL

As in legislative session,

Mr. COPELAND submitted the following resolution (S. Res. 470), which was ordered to lie on the table:

Resolved, That the United States Tariff Commission is hereby directed to investigate under section 332 of the tariff act of 1930 the difference in the costs of production and delivery to the principal market or markets of the United States during the calendar years 1928, 1929, and 1930 of dead or creosote oil provided for in paragraph 1651 of the tariff act of 1930, when produced in the principal competing country and a like or similar article produced in the United States, and to report thereon to the Senate as soon as practicable.

Resolved further, That if this investigation discloses that the domestic cost of production exceeds the cost of production abroad in the principal competing country, the commission shall include in its report a statement as to the rate or rates of duty necessary to equalize said cost difference based on the American selling price as defined in section 402 (g) of the tariff act of 1930.

CONTINUING EMPLOYMENT OF A NIGHT WATCHMAN

As in legislative session,

Mr. WATSON submitted the following resolution (S. Res. 471), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 269, agreed to June 2, 1930, authorizing and directing employment of a night watchman by the Secretary of the Senate, to be paid out of the contingent fund of the Senate, hereby is continued in full force and effect until otherwise provided by law.

ADJUSTED-SERVICE CERTIFICATES

As in legislative session,

Mr. VANDENBERG. Mr. President, on yesterday I called to the attention of the Senate the fact that on Monday morning John E. Edgerton, president of the National Association of Manufacturers, had issued a statement in which he declared that the pending veterans' compensation program would "inevitably result in larger tax burdens and retard, if not completely hinder, business recovery." I immediately sent him a telegram and asked how the pending legislation would produce inevitable tax burdens and hinder business recovery. To-day I have his answer, and I think in fairness to him it should be printed in the RECORD.

I want to call this much attention to it in detail. He now urges general objections to the legislation, which, of course, it goes without saying that he is entitled to do. So far as the specific facts in our controversy are concerned, he offers only two exhibits as supporting the original suggestion that this inevitably would result in a larger tax burden. I assume, therefore, that these are the only exhibits available. The first exhibit is the alleged adverse effect upon the general market by avoidable public financing at this time. I think this is completely answered by the fact that the Treasury is proposing to anticipate by one full year over a billion dollars of public financing within the next three weeks.

The other exhibit relates solely to the cost of administration, and he himself admits that this will not "be very great." As a matter of fact, it is a relatively negligible item which is more than offset by subsequent savings in cost of administration during the next six years when the bureau is relieved from making year-to-year loans up to 50 per cent in driblets.

Mr. REED. Mr. President, will the Senator yield?

Mr. VANDENBERG. Certainly.

Mr. REED. I only want to call the Senator's attention to the fact that the Treasury Department was committed to the payment of that $1,100,000,000 of Treasury notes by notice given last September. Under the term of the notes notice had to be given six months in advance.

Mr. VANDENBERG. But this refinancing does not arise out of veterans' certificates. Completing the exhibit I now ask that my telegram and Mr. Edgerton's reply be printed in the RECORD. I submit to the Senate's judgment whether Mr. Edgerton has justified his notice to the country that the pending veterans' legislation will inevitably result in "tax burdens" which will "completely hinder" business recovery, or whether his extravagant warning is demonstrated to be without factual warrant. I am solely discussing these underlying facts. I ask for publication of the telegrams.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

FEBRUARY 23, 1931.

Your public statement this morning says that pending veterans' loan bill will inevitably result in larger tax burdens. Will you be good enough immediately to wire me how and why? I fear you are still thinking about original full cash-payment plan for which pending loan plan is a substitute. Do you know that the loan bill does not increase the actual values of compensation certificates by a single penny? Do you know that the bill only provides that the veterans shall borrow from their own insurance maturity funds appropriated during the last six years and now in the Veterans' Bureau in Government securities? Do you know that the Government can not lose even incidentally on the transaction because it will charge higher interest on these loans than it pays for its own money? Do you know that Senator SMOOT said on the floor of the Senate last Saturday as follows: "I thought it was understood that there would be no financing at all necessary, but that the amount of money to the credit of all of the veterans, if the securities held in the Treasury of the United States to meet the certificates were disposed of at the present time, would be sufficient to pay whatever the legislation passed on Thursday would require. There is no doubt about that at all." Under these circumstances, do you not wish to withdraw your statement which misleads American business into believing that the pending loan law will burden it to its fatal detriment? Is not your statement itself a needless and unfortunate menace to business under these circumstances?

ARTHUR H. VANDENBERG,
United States Senator.

NEW YORK, N. Y., *February 24, 1931.*

Senator ARTHUR H. VANDENBERG,
Senate Office Building, Washington, D. C.:

On account of holiday yesterday and engagement away from office your wire of 23d did not reach me until late to-day. Hence was unable to reply by hour suggested by you. In my public statement touching veterans' loan bill the cost only was stated as an objection, because that touches the interest of the largest number of people. There are other potent objections to the measure which are well known and which would make it unwise, we think, even if cost consideration were eliminated. But replying directly to your animadversions regarding cost, I had in mind the warning of Secretary Mellon that this bill would involve extensive and untimely financing and sale of Government bonds, in which process costs would accrue to the seller; also his letter of February 13 to Chairman HAWLEY, in which he said that "the important consideration is the amount of cash that can be obtained by the Treasury through borrowing without disorganizing the finances of the Government and adversely affecting the security market to which the Government must resort to cover its obligations." Furthermore, every law that is passed, whether good or bad, costs money to administer and adds to the cost of Government, and every cost of Government means eventually more taxes. In this instance the net cost might not be very great and would be justified fully if the relief promised by it were to be confined to those who need it. We believe that the dangers of abuse inherent in this type of legislation are too great to justify even small cost.

JOHN E. EDGERTON,
President National Association of Manufacturers.

DECLINATION OF BEQUEST TO UNITED STATES GOVERNMENT

Mr. GOFF. Mr. President, as in legislative session, I ask unanimous consent for the consideration of the joint resolution (S. J. Res. 112) concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va., which was unanimously reported out of the Committee on Finance on yesterday. I desire to state, prior to the clerk being requested to read the joint resolution, that it involves merely the question of a bequest of $5,000 by an old man in West Virginia to the United States Government. The Secretary of the Treasury has consented that the Government can properly refuse to accept the gift. The will was made under circumstances which do not indicate testamentary capacity. The matter having been reported out of the Finance Committee yesterday with no objection whatsoever, I now ask that the joint resolution be read, considered, and adopted. It should be passed, Mr. President, and I trust it will be.

The VICE PRESIDENT. Is there objection?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va., in his last will and testament dated August 27, 1927, and recorded in book 14, page 308, of the records of the county court of Harrison County, W. Va., be declined by the Government of the United States and that the estate of the said S. A. Long be forever discharged from any obligation to the United States growing out of said last will and testament.

CHANGE IN DATE OF INAUGURATION

Mr. NORRIS. Mr. President, as in legislative session, I ask the Chair to lay before the Senate the message from the House of Representatives relating to Senate Joint Resolution 3.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 3) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, which was to strike out all after the resolving clause and insert:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

"SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where neither a President elect nor a Vice President elect has qualified, declaring who shall then act as President, or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified.

"SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

"SEC. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission."

Mr. NORRIS. I move that the Senate disagree to the amendment of the House, ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

Mr. ROBINSON of Arkansas. Mr. President, pending the motion, will the Senator from Nebraska state the differences between the House amendment and the Senate provision?

Mr. NORRIS. There are some amendments which in my judgment are of slight importance. In the Senate we fixed the day for the beginning of the term of House and Senate Members as of the 2d of January and for the assembling of Congress as of the 2d of January. The House changes it to the 4th of January. We fixed the beginning of the term of the President as of January 15. The House fixes it as of January 24.

There are two new provisions in the House amendment. One gives to Congress the authority to declare who shall act as President in case the election is thrown into the Congress and the candidates or any of them from whom the Senate and the House must elect should die. Another one is the fixing of the date of final adjournment of the session of Congress on the 4th day of May. I think all the difficulties can be easily threshed out in conference.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to; and the Vice President appointed Mr. NORRIS, Mr. BORAH, and Mr. WALSH of Montana conferees on the part of the Senate.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on February 24, 1931, the President approved and signed the following acts:

S. 3277. An act to provide against the withholding of pay when employees are removed for breach of contract to render faithful service;

S. 5458. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 87; and

S. 6041. An act to authorize an appropriation of funds in the Treasury to the credit of the District of Columbia for the use of the District of Columbia Commission for the George Washington Bicentennial.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3820) to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1748. An act for the relief of the Lakeside Country Club;

S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes;

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 14255. An act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain;

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes; and

H. R. 15437. An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes.

ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, February 25, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 1748. An act for the relief of the Lakeside Country Club;

S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

The Senate resumed executive business.

NOMINATION OF EUGENE MEYER

The VICE PRESIDENT. The question is on the confirmation of the nomination of Eugene Meyer to be a member of the Federal Reserve Board. The Senator from Iowa [Mr. BROOKHART] has the floor.

Mr. BROOKHART. Mr. President, on yesterday I was explaining the flow of credit back to the big New York banks as due to the operation of the Federal reserve law. I did not blame the Federal Reserve Board for that condition. That is due to the law itself. I asked Mr. Eugene Meyer about the matter. He had no opinion about it; he knew nothing about it. The examination of that man developed the most remarkable case of ignorance I ever knew of when it comes to important things. On nearly every proposition, including the bill of the Senator from Virginia [Mr. GLASS] to tax speculative sales, he had no opinion whatever, he knew nothing about them and crawled away from them.

DEFLATION

Mr. President, while there is no blame to attach to the Federal Reserve Board itself for the law, yet there are some policies of the board in its history to which blame must attach. The important one is the deflation policy of 1920. I think a reserve bank has no right ever even to consider a general policy of deflation. I think such a policy is always an economic crime. But, notwithstanding that fact, they did consider it in 1920.

Before we can decide about deflation perhaps we must see what caused the inflation. In this case there had been an inflation, and here is what I think was the principal cause of it: Early in 1919, after the war was over, the Federal reserve banks, at least of the Northwest, began issuing letters. I have seen any number of letters written to member banks in which it was said, substantially, "You are not taking advantage of your privilege as a member of the Federal reserve bank. Why do you not send in more paper and rediscount it and borrow more money and lend it out to your people at home to start new enterprises and enlarge old enterprises?" Bankers relied upon these letters. They had a right to rely upon them. They did send in more paper and rediscounted it and borrowed more money and loaned it out, and thus did start some new enterprises and enlarged many old enterprises.

Then, after all of this had been done in the early part of 1919, in the latter part of 1919 there was a new rumbling started over in Wall Street. That rumbling was to the effect that we were overinflated, with too many Federal reserve loans, and that they must be reduced and deflated. It continued over until 1920, and finally the Federal Reserve Board took notice of it.

As I have said, they had no right to consider a general policy of deflation and here is my reason for that contention: There can be no inflation of reserve-bank loans unless the reserve banks approve those loans. They have a right at the beginning, when the member banks apply for the loans, to refuse them, and to turn them down because they would result in undue inflation; but after they have approved them they have no right then to turn around and, in a wholesale way, call those loans and destroy the enterprises that have been created by them. In this case there was not only that reason against deflation, but they had actually solicited these loans a year before. That is an added reason why they had no right to consider a deflation policy at that time. But, notwithstanding all that, they met on May 18, 1920.

We do not have to guess at what was said or done in that meeting. We have here the stenographic reports of every word uttered in it. There were present the Federal Reserve Board, the Class A directors, and the advisory council. The names of all the men who were in that meeting are printed in these minutes.

The meeting started with a speech by the Governor of the Federal Reserve Board, Governor Harding. In that speech he pointed out that the country was inflated; that there were too many Federal reserve loans, and that they must be reduced. Then he even put into the mouths of the directors of the Federal reserve banks the words they should say to the member banks in order to bring about deflation. On page 8 of these minutes he says:

> Thus the directors of the Federal reserve banks are clearly within their rights when they say to any member bank: "You have gone far enough; we are familiar with your condition; you have got more than your share, and we want you to reduce; we can not let you have any more."

There is much more of the same tenor in this speech. Then, after the conclusion of the speech, the meeting unanimously adopted a resolution, which will be found on page 34 of the minutes, indorsing that speech as the policy of the meeting.

Then, Mr. President, they adopted another resolution; they did not stop with this one. On page 42 is found a resolution in accordance with the terms of which they appointed a committee to go to the Interstate Commerce Commission to ask for an increase of railroad rates.

Mr. President, I have listened to apologies for this meeting; I have heard it excused and defended by its strongest defenders; but when I have laid that railroad resolution down before them, no word of defense for that action has ever come to me.

I would have the Senate and the country think for just a moment about that situation. Think of a great board with greater economic power than any board ever had in the history of the world, greater than the combined economic power of the Kaiser and of the Czar in their palmiest days, meeting for the purpose of considering a general deflation of the country, and then at the same time proposing to inflate the railroads of the country by raising their rates!

SECRECY

That is not all they did in this meeting, Mr. President. More than half of all the proceedings recorded in these minutes have to do with the proposal to force deflation by raising the discount rate so high that the member banks could not afford to pay it. That portion of the proceedings was in secret. I have here the release of the statements which were given to the Congress and to the press, and there is not one word about raising the discount rate for the purpose of forcing deflation. When the meeting came to adjourn, Governor Harding said to them:

> I would suggest, gentlemen, that you be careful not to give out anything about any discussion of discount rates. This is one thing there ought not to be any previous discussion about, because it disturbs everybody, and if people think rates are going to be advanced there will be an immediate rush to get into the banks before the rates are put up, and the policy of the Reserve Board is that that is one thing we never discuss with the newspaper man. If he comes in and wants to know if the board has considered any rates or is likely to do anything about any rates, some remark is made about the weather or something else and we tell him we can not discuss rates at all; and I think we are all agreed it would be very ill advised to give out any impression that any general overruling of rates was discussed at this conference.

Under that injunction of secrecy the meeting adjourned. I have asked about a million people if they knew about that policy at that time, and no hand has ever yet been raised in assent. The country at large did not know about it; the farmers did not know about it; the merchants did not know about it; the manufacturers did not know about it; the bankers, even some pretty big bankers, did not know about it. Three and a half years after this meeting was held I talked with the president of the American Bankers' Association at his office in Omaha, Nebr., and he did not know of it until the junior Senator from Nebraska [Mr. HOWELL] and I showed him the minutes of the meeting on that day.

LOANS TO BIG BUSINESS

Mr. President, while the ordinary banker and the ordinary business man knew nothing about this meeting, big business men knew about it. In defense of this action it has been stated to me that the question of discount rates ought always to be kept secret. I would concede that, if it could be kept secret for everybody alike; but, Mr. President, for instance, Armour & Co.'s banker was in that meeting, and the next day he was out after a loan for $60,000,000 for Armour & Co. for 10 years, thus predicting a 10-year depression that was to follow the action contemplated by this meeting. Eight per cent was offered for that money, and Armour & Co. got it. They sold their paper all over the country, while the country was unaware of the purpose of that great loan. Some of it was sold in my State.

I know that a Representative in the Congress from my State bought $2,000 of that 8 per cent 10-year Armour paper because he did not know what it all meant or what the purpose was. The paper was sold all over the country in that way; the loan was obtained in a very short time, and that during this period of secrecy. There was no open discussion of this deflation policy until October. Then they came out publicly, and let the whole public know they intended to force a deflation.

Swift & Co. got a loan of $50,000,000 just a little later for the same purpose. The Sinclair Oil Co.—and all Senators have heard of that patriotic institution—got a loan for $46,000,000; and they were forehanded; they got their loan a few days before the meeting was even held. I have here the testimony of Mr. Sinclair before the committee presided over by the then senior Senator from Wisconsin, Mr. La Follette—the elder La Follette—when he was investigating the oil business. I, myself, asked Mr. Sinclair why he got that loan at that time, and he said, substantially, that he got it to guard against the Federal Reserve Board's deflation policy. At that time they had no policy, so far as was known; they had not even held their meeting at that time to formulate a policy; yet Mr. Sinclair knew what the baby was before it was born. In that way, Mr. President, big business was informed of this policy, and big business went out and protected itself against the depression that would surely follow, by gathering in all the available credit there was in this country.

FURTHER INFLATION

Yes, Mr. President; even more than that was done. This meeting decided we were overinflated, that there were too many Federal reserve loans, and they must be reduced. Did they follow their own decision? No. When I first quoted that decision, they themselves came back at me and said they did not deflate at all, that they further inflated to the extent of several hundred million dollars. Why was that done? Why did they disregard their own opinion and their own injunction? There is only one explanation which can be made for that act, and that is that they proposed to make it easier for the big business of the country to obtain the necessary credit to tide it over the depression that must follow.

After that was done, they came out publicly. This action was delayed until October, 1920, the meeting having been held on May 18, 1920. They held public meetings because now the big men were ready for deflation. Absolutely the only big man I know of that did not have this tip and did not act on it was Henry Ford. They seemed to be after Ford, anyway; he was then, at least, not playing the game according to Wall Street Hoyle. But in October, Mr. President, they came out and held public meetings. They held them all over the West; they held four of them in my State; they held them as far west as California.

DEFLATION MEETINGS

I was at the last of these meetings at Ottumwa, Iowa, where the representative of the Chicago Federal Reserve Board said to us something like this: "We have been awfully good to you out here in Iowa; we have loaned you $91,000,000 in Federal reserve loans, when your loan allotment for the whole State was only $36,000,000; but the time has now come when the people entitled to this $55,000,000 excess that you have, want it; so you will have to sell your crops and reduce these loans."

Then, Mr. President, I got up and asked him, "Who made this allotment of $36,000,000 to the State of Iowa of Federal reserve loans?" but he said he did not know. I have asked members of the Federal Reserve Board that question, but nobody knows. In fact, Mr. President, no such allotment was ever made. There was no authority in the law for any such allotment, and there is no sense in any such allotment. Iowa, even in these bad times and at these low prices, will produce $600,000,000 worth of agricultural products net, and Iowa will produce five hundred million or six hundred million dollars of industrial products, because they are worth two or three times as much at the prices they get as agricultural products. Yet with this eleven or twelve hundred million dollars of original production in the State, the announcement was made we had an allotment of only $36,000,000 of Federal reserve loans against all that production. The unfairness of it, the unsoundness of it, is apparent as soon as the facts are made known.

Mr. President, here is the way deflation was worked out so far as my section of the country was concerned: The banks, when they got this injunction from the Federal Reserve Board, sent for their customers. Another Member of the House of Representatives from Iowa, the most prosperous farmer in his county, feeding ten or twelve hundred head of cattle and having bought $16,000 of Liberty bonds, was sent for by his banker, who said to him, "The Federal reserve is demanding a reduction of these loans." The Iowa farmer replied: "I can not reduce my loan now; my stuff is not ready to go to the market, and if I am forced to sell, it means a very great sacrifice." The banker said to him, "You have your Liberty bonds." He said, "Yes; I know that, but I did not buy those bonds to sell them; I bought those bonds for my children. I want to keep them as a permanent investment. I do not owe you much compared with the value of my cattle, and you are sure to get your money." But the banker said, "The Federal reserve is demanding a reduction of these loans," and under the threat of a suit, he was forced to sell those Liberty bonds at 87 cents on the dollar.

DEFLATION OF LIBERTY BONDS

As I told this story down in South Carolina a business man said to me, "I was forced to sell my Liberty bonds at 83 cents on the dollar." When I told it over in Tennessee, a business man said to me, "I was forced to sell my Liberty bonds at 80 cents on the dollar." When I told it over in Ohio, a business man said to me, "I was forced to sell my bonds at 78 cents on the dollar." There are people all over the country, and especially farmers, who were forced to, and did, sell those Liberty bonds as low as 80 cents on the dollar, because they went that low before the speculation ended.

How did they break down the Liberty bonds, the obligations of the Government of the United States itself? They raised the discount rate up to 7 per cent, as planned in that secret meeting; and when the discount rate is 7 per cent, the ordinary interest rate is about 9 per cent—about 2 per cent higher. When New York money will yield 9 per cent, a 4¼ per cent bond goes down below par, just as water runs downhill. Then the big men who had gathered in all this credit had money to buy bonds, and they bought them at these low figures. After they have bought them in, then they take a look into this high discount-rate proposition again, and they say it is unsound and that it ought to be reduced. Then it is reduced back down to 3, 3½, even down now to 2 per cent. Then the 4¼ per cent bonds come back up to par, and even go above par, and two or three billions of speculative profits are taken from the pockets of the common people of the United States who had bought those bonds for the life of the Government itself. Not all of the farmers had enough Liberty bonds to meet this demand, and that forced them to dump their livestock and their grain into the market in October and November of 1920, when the market was oversold anyhow, and when prices were nearly always depressed; and this extra pressure caused the greatest panic in farm prices in all the history of agriculture.

AGRICULTURE DEFLATED MOST

The Manufacturers' Record says it deflated agriculture $32,000,000,000. Eighteen billions of that it places upon land values, and that is not far different from the Agricultural Department's own figure; and the other fourteen billion it places upon the two crops of 1920 and 1921. It says other business was deflated about eighteen billions more. If that be correct, agriculture was deflated about six times as much in proportion as the other business of the country, and that is because the deflation was timed to begin in October. In October the whole year's production of the staple crops of the farmers of the United States is ready for the market; and if the deflation occurred at that time, it deflated the whole 12 months all at once.

That is why and how this deflation could hit agriculture harder than the other business of the country. Besides, at that time agriculture is entitled to increased loans instead of a reduction.

Mr. President, Mr. Eugene Meyer did not approve this policy. That is one item in the examination where he seemed to know something. It is the only one of importance, I think, all the way through.

The Federal Reserve Board was directly responsible for that policy of deflation; and all of the eulogies of the Federal Reserve Board for all it has ever done are offset a hundred times by the damage that was done by this deflation policy. It was so drastic that it has been my estimate that it is 65 per cent of the cause of the farmers' troubles. I am aware that the Senator from Virginia [Mr. GLASS] and some others say this policy was not the cause of the decline in farm prices; but I quote from the speech of the Senator from Virginia in defense of the Federal Reserve Board, on page 13, and his figures are fatal to that argument. They corroborate exactly the story which I have told in the Senate to-day.

In January, 1920, cotton was worth 35.9 cents; wheat was worth $2.32; corn, $1.40; oats, 78 cents. In October, when the deflation began in earnest, cotton had already gone down from 35.9 cents to 25.5 cents, and wheat down from $2.32 to $2.14, corn from $1.40 to $1.21, and oats from 78 cents to 61 cents.

That was at the beginning of the open policy. By December cotton was down to 14 cents from 35.9 cents in January, and wheat down to $1.44 from $2.32, and corn down to 68 cents from $1.40, and oats to 47 cents from 78 cents. So, when we get the inside facts as well as the outside facts, those figures of the distinguished Senator corroborate exactly what I have said about this deflation policy.

Mr. President, I made the statement that the causes of these depressions and of these discriminations against agriculture were due to laws of Congress. I have analyzed the transportation act, and now I have analyzed the Federal reserve act and the deflation policy. I think those two are the biggest causes, but there are some other laws that have contributed to this situation. For the rest of those causes I want to name the tariff laws, the patent laws, and the corporation laws. I shall not take the time to analyze them separately, because their effects have been much in the same line.

TARIFF AND PATENT LAWS

The tariff law operates to give the protected industry the power to fix the price of its products at its factory without foreign competition. The patent law gives an absolute monopoly, and the patented manufacturer can fix the price of his product without any competition.

CORPORATION LAWS

The corporation laws are mostly State laws. The Federal Government has chartered few corporations except the national banks. Most of them get their charters from the States, and then enter interstate commerce; and, of course, interstate commerce is the biggest portion of our commerce. About 85 per cent of railroad transportation is interstate. These corporations combine a big volume of capital and then enter interstate commerce without any regulation except the antitrust law. There is nothing in the Federal laws that controls their profits or tells them in any way how much they shall charge the people for the privilege of being corporations created by the law.

A corporation has no existence but under the law; and I maintain that, since the law creates it, the law has the right to say to it what kind of a life it shall live, and what profits it shall charge the people for the privileges of combination that are given to it by the law.

FARM SURPLUSES

Along with that go the industries, patented and protected; but here is the farmer. The farmer has a little surplus. It is about 10 per cent of what he produces, on an average. It is about 50 per cent of cotton, about 20 per cent of wheat, less than 1 per cent of corn—and this year it is a good deal less than no per cent, because there is a shortage—and it is not more than 1 per cent of oats. It will average up, for all staple crops, about 10 per cent. The farmer is forced to sell that little surplus of his in the domestic market.

He sells his surplus first at home. He is forced to do that. If he borrows money to hold the crop, still, finally, when he sells it, he sells it in the home market. He is not financed in any way collectively to separate and segregate this exportable surplus from the domestic market, unless, as we shall see, that was modified to some slight extent by the Federal Farm Board.

Therefore, as he sells his surplus, it floods the market by the amount we will say on the average of about 10 per cent in a series of years; and that breaks down his tariff protection. He has tariff rates upon his products, too; but they are not effective for that reason. This surplus floods over them into the free-trade market of the world, and it is sold there in competition with all the world, and the price is fixed by that sale. Then that price is cabled back in a few minutes to the board of trade or the cotton exchange, as the case may be, and then the price of the farmer's whole product is fixed at substantially the same figure, less, however, the expense and freight of reaching the foreign free-trade market.

In that way the farmer has no voice in the price he pays for what he gets. That is fixed for him at the factory. On the other hand, he has no voice in the price he gets for what he sells. That is fixed for him by the sale of his surplus in the free-trade market of the world.

That is not true of the industries. When the big industries have a surplus, they are financed. They separate and they segregate it from the domestic market. It is never even offered for sale in the domestic market. That is true of steel products; it is true of aluminum products; it is true of practically every big industry that sells a surplus abroad. When the industries sell their surplus abroad, they get the best price they can; and usually they take a lower price than they charge the people of the United States under a protective tariff or a patent law. That is unfair to agriculture; and agriculture can not be prosperous when the prices it pays and the prices it gets are fixed in that way.

We shall see a moment later about the effect of the Farm Board's actions upon that situation.

I have attributed about 25 per cent of the cause of our trouble to these tariff laws, patent laws, and corporation laws, operating in this way. I would attribute to them a bigger percentage than that at this particular time or at any other time that is not associated with the great deflation policy of 1920; but, as I see that policy, its cause was so great that it takes up a bigger percentage in the estimates.

POLITICS OF LAWS

Mr. President, with the exception of the State corporation laws, these are laws of the Congress for which the Congress and the Government of the United States are responsible. Who is responsible for the railroad law? Its authors in both Houses of Congress were Republicans; but it was signed by a Democratic President, and got a considerable number of Democratic votes. We had cooperation, Mr. President, when that law came up, whereby $7,000,000,000 of water was to be injected into the capitalization of the railroads.

The Wall Street crowd was on hand with their cooperative movement in full force, they were able to break down party lines in both Houses of Congress, and the bill passed without really being a party measure.

The Federal reserve act was a Democratic measure, but it was supported by many Republicans, and at the time of the deflation meeting every member of the Federal Reserve Board was a Democrat. But they called in the class A directors, and the advisory council, and they were nearly all Republicans. Again we find this great principle of cooperation operating 100 per cent for the deflation of the people of the United States, and especially the farmers of the United States, and at the same time protecting the big business of the United States.

REMEDIES—RAILROADS

Therefore, if the people of this country want to understand the fundamental causes in this history of speculation and depression, they must realize that the cause is not partisan; party lines fade away whenever the big crowd comes along with a big proposition of that kind.

What are the remedies for it? Let us consider the railroad proposition. You may consider that from any standpoint you choose, but the only remedy that suggests itself that will be effective and permanent and in the interest of all the people, which can be applied, is to do what the Canadians have done with their railroads. They took them over, and all but one are operated by the Government.

Some one says to me that we had a terrible experience with Government operation in the United States. We did, and I want to tell the story of that. When a committee of the Congress was considering the railroad question, previous to the taking over of the roads by the Government, a showing was made for Government ownership. The railroads brought over an economist from England to reply to that showing. His name was W. M. Ackworth, and he was perhaps the most noted railroad economist in the world at that time. He went before the committee and made a very radical statement against Government operation of railroads. It was discovered afterwards that he had just sat on a royal commission to determine what should be done with the Canadian railroads, and that commission had just officially decided that the Government of Canada should take over and own and operate all the roads in Canada except one. So, after an official decision so momentous in favor of Government ownership, he probably had to make a very radical statement to our committee against government ownership to produce any effective impression. Then it was shown from his own book that practically all of the propositions he made to the committee were untenable, and that ended the hearing as to Government ownership. The railroads had no more to say about Government ownership in the United States.

Then they adopted a new line of tactics. The law had been passed permitting the Government to take over the roads during the war. Then the private managers, who still continued to manage the roads under the Director General of Railroads, evolved a scheme of padding their pay rolls and expense accounts enormously, in order to discredit Government operation and the Government of the United States itself.

In 1917 the total operating expenses of the roads—and that included the Adamson law, and all—were $2,956,000,000, nearly $3,000,000,000. But in 1918 the expenses were $4,137,000,000. A part of that was necessary, but a large part was padded accounts, padded for the purpose of discrediting the Government even in time of war. Then in 1919 they increased nearly $500,000,000 more to $4,569,000,000, and on the 1st of March, 1920, the roads were turned back.

GUARANTY FROM TREASURY

I said in the beginning that I would mention a guaranty to the railroads out of the Treasury of the United States in this transportation act, and here it is. The transportation act guaranteed the war-time profits to the roads for six months after they were turned back to private ownership, and that period began the 1st of March, 1920.

As soon as they got that guaranty, these patriotic railroad managers, who had been these two years and more padding their pay rolls and expense accounts against their own Government to discredit it, further decided to pad those accounts still more, over what they had already done, and we find the operating expenses jumping from that $4,569,000,000 in 1919, to $6,054,000,000 in 1920. Over the top of all this padding which had been done these years before they padded those expenses $1,485,000,000 more, nearly a billion and a half dollars, and that made a deficit in the guaranty. We have written checks on the Treasury of the United States for $529,000,000 to pay that deficit.

They claim about six hundred millions of this increase was due to increase in wages, but the other nine hundred millions was due to graft of every kind known to the science and art of grafting.

Mr. President, that was not a guaranty to pay losses or to pay damages; we paid those two or three times over, too. That was a guaranty to pay war-time profits through a period of six months, which ended about two years after the war was over and six months after the roads were turned back to private ownership, a subsidy direct out of the Treasury of the United States; and this subsidy was paid during the same six months of deflation of agriculture and other business.

That is not the only subsidy the railroads have had. They got 158,000,000 acres of public lands as a subsidy direct, territory equal in extent to four and a half States as big as my State of Iowa, and they got $529,000,000 in cold cash out of this guaranty. Then they got a valuation in 1920, with $7,000,000,000 more of water. We can talk of subsidy, but the private owners of the railroads in the United States have been the biggest grabbers of subsidies in the history of the world, always under the laws passed by the Congress of the United States.

Mr. President, if our Government will honestly operate the roads as the Canadian Government has done, it can do it and make savings in all the items I have pointed out. It can not do it with dishonest traitors padding the accounts of the railroads to discredit the Government of the United States. Even in spite of this, the last year of Government operation was $1,485,000,000 less in operating expense than the next year, 10 months of which was private operation.

I have been at pains to find out whether or not the Members of Congress have gone home and told their constituents about the facts in reference to this railroad operation, and I find they have not told the people. I have been in 20 States, and I have heard it mentioned in only two or three in the whole list. The people of this country are

entitled to know the facts, and I propose to keep talking them in the Senate and out of the Senate until the people do know them, as far as it is in my power.

PATENTS

In reference to the patent laws, I feel that the Government ought to hold all the patents and make them free, fix a royalty for the real inventor who obtains the patent, and not allow the profits to go to somebody who jockeys the real inventor out of the patent in a financial transaction. I do not know whether that can be done under the Constitution of the United States or not. I have had the drafting committee working on the constitutionality of it for some time. If it can be done, I shall certainly propose a law to that effect; if not, then a constitutional amendment.

HANDLING FARM SURPLUSES

Mr. President, what is the remedy for handling the farmer's surplus, and what has the Farm Board done to carry out that remedy? Herbert Hoover, during the war and after the war, taught us how to handle agricultural surpluses. On the 15th of July, 1917, he wrote President Wilson and said that England, France, and Italy had combined and appointed one buyer to buy all their wheat, and they had decided to bid a dollar and a half a bushel for No. 1 Northern, Chicago, and they were the only bidders we had. He said a Government corporation would have to be organized, with funds to buy and hold the surplus at a cost of production price, because the farmers could not afford to produce wheat at such a figure.

Mr. Hoover also pointed out that the year before, in 1916, the farmers had received $1.51 for their wheat, on an average, and that the speculator sold it for as high as $3.25, but that the consumers paid for their bread at the speculator's price rather than at the farmer's price. He called for the ending of speculation in food products.

President Wilson got the law passed on the 10th of August, 1917. Four days later he appointed a Farm Board. Sixteen days later that board completed its deliberations on the subject, and fixed the price of wheat; and there was no argument about price fixing; they fixed it at $2.20 a bushel for No. 1 Northern, Chicago.

On the same day that price was fixed, Mr. Hoover bid that price for all the wheat that was offered, not for any little part or portion of the crop, not for half or one-third of the surplus, but for all the wheat that was offered, and the Board of Trade went out of business the same day. It never sold another bushel of wheat on futures during the next three crops of 1917, 1918, and 1919. All of that was handled through the wheat corporation and direct sale and delivery markets.

Congress had given Mr. Hoover $150,000,000 in cash to buy the surplus wheat, but it had authorized him to borrow more if he needed it. He needed $385,000,000, and he borrowed that, and he bought $535,000,000 worth of wheat alone, and held it. He did not sell part of it and then buy more back again. He stayed out of the gambling market entirely, and he announced as a policy that he would hold the wheat until he got his money back, that it was not for sale until then.

Mr. President, the present Farm Board has never had such a policy as that. It has gone into the market like another gambler, and has been a detriment to the market rather than a help, even breaking down the world market.

In the fall of 1918 the slogan went out, "bread will win the war," and the President called upon the farmers to sow more wheat. They did sow more. They sowed 18,000,000 acres more. But after that winter wheat was sowed, in 1918, the armistice was signed, and the war was over.

Then it appeared that we might not need all that wheat. We went through the winter all right. By the 1st of March the department was predicting 1,200,000,000 bushels as the probable yield. Eight hundred million is the ordinary crop. Mr. Hoover was then alarmed about financing such a big prospective surplus. He did not know whether he would be able to raise the funds from the banks, and he wanted to make sure. So he sent Julius Barnes to Congress, and Barnes came before the Committee on Appropriations of the House and asked for a thousand million dollars to handle wheat alone—a billion dollars—and he got it; Congress voted it all without batting an eye.

The season came on, and it was not good. The yield was low, although the acreage was large. We got about 968,000,000 bushels when we were expecting 1,200,000,000. That was still more than the ordinary crop of 800,000,000 bushels. Barnes had to buy and did buy and hold 138,000,000 bushels of that crop. The price had now gone up to $2.26. That was an increase of 6 cents which was granted by the board. That was for the railroads and not for the farmers, however, because the railroad rate had gone up by that amount. Then they sold all that surplus wheat and got all that money back and got $59,000,000 of profit, which was tucked away into the Treasury of the United States, and remains there to-day.

That is the only way I know of to handle an exportable surplus. That is the only way anybody has ever successfully handled it. That is exactly the way the Steel Trust is handling its exportable surplus now, and has all these years. It is the way the Aluminum Co. is handling its exportable surplus now. That is the way every other industry that has an exportable surplus is handling it.

I was in hopes that when the farm relief bill was enacted it would contain some of these principles with enough funds to back them up. It only had a part of them, and it did not have anything like enough funds to support them. Can we successfully handle our agricultural exportable surplus in that way? Not with $500,000,000 while the surplus amounts to two thousand millions. In the first place, there never has been a 6-year period in the history of the world when the agricultural products were not used up. They have always been used; there has always been a demand for them in all the history of the world if financed over a long period of time.

Let us take cotton. That is the most outstanding proposition of export. It is the biggest item of all. Let us take the most unfavorable time, 1926, when we had had three big crops in succession and the carry-over for a surplus of about 8,000,000 bales. Suppose we had been operating in that way with cotton at that time. Suppose the Farm Board had fixed the price at 23 cents a pound. In my opinion the farmer must get about 23 cents a pound at his principal markets in order to be prosperous. Suppose the Farm Board had had the funds to pay 23 cents a pound for all the cotton that was offered when we had that big surplus and had bought it as Hoover did the wheat. It has been variously estimated to me that they would have had to buy $400,000,000 or $500,000,000 or even $600,000,000 worth, but nobody has made a higher estimate than $600,000,000. But Mr. Hoover with his wheat corporation bought and held $535,000,000 worth of wheat, and it is ordinarily only about half as big an item of export as cotton. Suppose that had been done in 1926. All of that cotton would have been used up by 1927 and 1928 without the loss of a dollar and we could even have taken a profit on it as Hoover did on wheat.

Instead of that what actually happened? The farmers of Oklahoma got 6 cents a pound for their cotton. They would have gotten 17 or 18 cents if the price had been fixed at 23 cents at New Orleans. The farmers anywhere in the South hardly got more than 10 or 11 cents a pound. These low prices sent farmers into bankruptcy by the thousands and tens of thousands all over the South. Those bankruptcies injured every other business in the South and brought on a terrible depression in the South.

Then the South could not do business with the North and that brought on a depression in the whole country. If this price of 23 cents per pound had been fixed, then the farmers of Oklahoma and the whole South would have been prosperous and that would have made every other business in the United States prosperous. I do not need to argue to the Senate of the United States that if the business of the South had been prosperous it would have bought immensely more from the North and that would have added greatly to the prosperity of all the States of the North. Yet instead of following that successful policy of financing this surplus for agriculture as industry finances and controls its surplus, we turned it over to a few speculators and gamblers. They were on the bear side of the market and the bull side of the market, and they broke the market down and broke the world market down. They brought on this terrible disaster to agriculture and now later to our whole country.

Mr. President, I would like to see the Farm Board have authority to do about all these agricultural surpluses everything that we did with wheat and to have enough money to handle it all in that way. It is said, "You will cause an overproduction and that will be worse in the end than if you had not protected the surpluses." A scientific survey of production in the United States shows that since 1900 the per capita agricultural production of the country has been slowly declining. In other words, the population is growing faster than agricultural production and the surplus is gradually getting less instead of more. Perhaps in 25 or 30 years we will have no surplus, but 25 or 30 years is just a little too long to stay in bankruptcy.

ONLY TEMPORARY REMEDY

Mr. President, I regard this as only a temporary remedy for the situation. The support of the Farm Board by the Treasury should only continue until a permanent financing system can be established. A moment later I shall discuss what I regard as a permanent remedy.

PROHIBIT SPECULATIVE LOANS

For the defects in the Federal reserve banking system I have offered an amendment providing that member banks be prohibited from making speculative loans on the same terms that the Federal reserve bank itself is prohibited from rediscounting them. No one has ever shown me any reason why the big overhead bank, the Federal reserve bank itself, should be prohibited from rediscounting gambling loans, and yet the member banks be permitted to make them. That would stop that portion of speculation.

But an observer says that would drive all the business over into the State banks. I have anticipated that. I have offered an amendment requiring the State banks to follow the same rule or to be denied the use of the United States mails and privileges of interstate commerce. That would bring them all in under the same rule and would stop the use of our banking system to promote this great speculation in New York.

PERMANENT REMEDY

But there is a further and more permanent remedy that will wipe out this mass of alternative periods of speculation and depression that I want to discuss in conclusion. In order to illustrate that remedy I want to go back for a moment to Henry Ford. He wakened up about the same time the farmers did in the fall of 1920 and in the same way. He owed $75,000,000. The banks wanted that money just as they wanted the Iowa Congressman's money. That was not much for Ford, but when he looked around Cleveland, Detroit, New York, and Chicago, there was no money to be had. All the available credit of the country had been gathered in by the big financial crowd, who knew the situation or had been tipped off to it. Ford was about to be sued for $75,000,000, and Wall Street chuckled. At last they even had Ford where he would listen to them. Then they sent a man out to see him.

This story was told to me by his Iowa representative who was in the office when the man came in there. Mr. Ford asked about this loan, and the man said, "We have been giving it very serious consideration. At last we have formulated a plan so we can organize a syndicate and take care of it. But," he said, "before we do that we will have to appoint an auditor in your business so he can check through everything and see that everything is all right." Henry Ford did not want any Wall Street auditor in his business. He said, "When does the next train leave for New York?" The man said, "About 7 o'clock to-night." Ford said, "You can take that train back to New York," and that ended the interview.

Then Ford organized a little Wall Street of his own, and here is the way he operated it. He shipped his cars out to his dealers all over the United States. Anyone can ask a Ford dealer in his town anywhere and he will find that this is true. These boys had not ordered the cars, but that made no difference to Ford; he shipped them anyhow. Then he said to them, "Pay for them or get out of the Ford business." They did not want to get out because it was a good business. "If you have not got a Ford, you ought to have one," you know. They went to their local banks crying about it and said, "We have to have some money to pay for these cars or we lose our agency." Then the bankers took pity on them. They still had some of the farmers' money, some of the laboring people's money, and some other folks' money that they had not yet sent to New York. So they loaned it to the boys, and in a few days Henry Ford had his $75,000,000 and a good many million more.

That took $75,000,000 away from the financing of the farmers and holding back their crops and preventing them from being dumped into the market and breaking the markets down, just as truly as did the loans to Armour, and Swift, and Sinclair, and all the other big fellows. It did not help the farmer, but of course it saved the jitney.

Mr. President, I am willing to forgive Henry Ford for that autocratic act—and it was an autocratic act—perhaps there never was a more autocratic act in the history of American business; but I will forgive him if we can get the farmers of the country, the laboring people, yes, the little merchants and the manufacturers, too, and the little banks—to profit by Henry Ford's experience. If I can get these people to learn the same lesson out of this transaction that Henry Ford learned, it will be worth the price. Look through the statement of his business now and you will not find at the bottom that item of "bills payable, $75,000,000." It does not read that way now. It reads now, "Cash on hand, $400,000,000," or something of that kind. Henry Ford has decided to become his own banker. Never again will he risk the life of his business by taking out a great loan in a banking system controlled down in New York.

I want to say now to the farmers, to the independent merchants, which are being destroyed by chain-store organizations financed by this same flow of credit back to New York, to the manufacturers—yes, to the banks, 6,000 of them who have been destroyed by this chain-bank operation in the United States—that there is only one way to meet this situation and that is to do exactly as Henry Ford has done. You must become your own banker in a cooperative banking system with cooperative reserve bank, and all under your own control. You ask why we can not have that under our laws now. The big financial interests of this country have looked after the cooperative laws in the United States and kept out cooperative banking. We have cooperative laws in every State. We have a start in the national enactment. But, Mr. President, every time cooperative banking has been kept out. The only thing that has ever been permitted is a little cooperative credit union or mutual bank which must be organized separately and flounder along by itself without any reserve or any associated support. The financial crowd have looked after that item in our banking laws and our cooperative laws.

Nobody in the United States will argue against cooperation now. The farmers have all been converted to it long ago. Labor has long known it, and now the independent merchants are finding it the only remedy by which they can battle the chain-store monopoly. The independent manufacturer will soon find out the same thing. We have appropriated $500,000,000 to the Federal Farm Board to organize cooperatives, but too many decoy ducks of the Eugene Meyer type have assumed to lead the organization of those cooperatives. The intermediate credit bank is really a cooperative reserve bank or ought to be, but it has been frozen up and made useless practically under the management of Eugene Meyer.

FOUNDATION COOPERATIVE BANKING

Mr. President, will the cooperative banking system serve as a foundation for a permanent remedy for the evils which I have pointed out? I think it will; I am sure it will. I made some investigation of this subject in other countries in 1923. The first man I called upon was the American

ambassador to France, Myron T. Herrick. I met him at his office in Paris and told him my mission. If there was any ambassadorial reserve or dignity it disappeared at once. He sat down and he said to me, "You are on the greatest mission in the world." Then he pushed a button, a boy came in, and he said, "Bring me a copy of my book, Rural Credits. The boy was back with this book [indicating] in a little while. Mr. Herrick autographed and handed it to me, as I hold it here, and added the date, May 14, 1923. He then said to me:

"I want you to read this book as you go around the countries of Europe. You will find that the United States is the only civilized country in the world that by law is prohibiting its people from organizing their own savings in a cooperative banking system with a cooperative reserve bank and all under their own control."

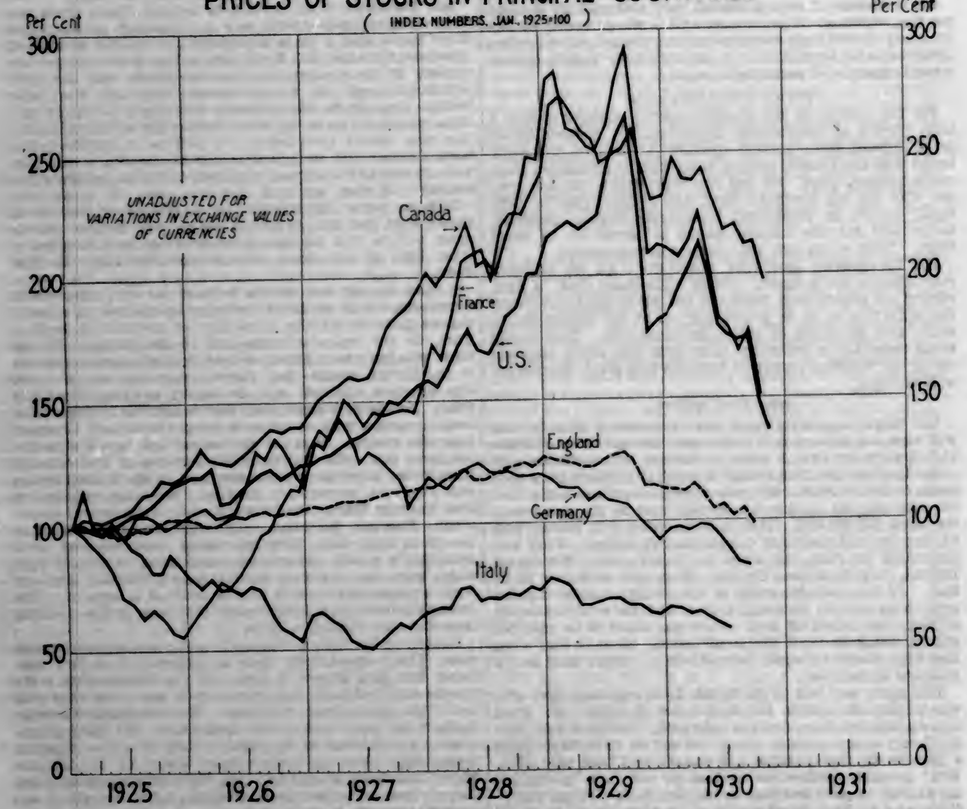
Mr. President, I have just read another work upon the subject of banking by Mr. Paul M. Warburg. It consists of two volumes. He describes how he created, formulated, and evolved the Federal reserve system. When one gets through reading those volumes he has no doubt left, if he believes them, that Paul M. Warburg is the great founder of this great system. But regardless of the validity of his claims, the principal argument upon which he sustains the Federal reserve system is that there are central banking systems in Europe and those banks had stabilized business better than had our banking systems in the United States.

Mr. President, the second chart I have had drawn and had placed on the wall to the left shows something of the stabilization of business. Through the center of that chart runs the English line marked "England."

I ask that this second chart be inserted in the RECORD by electrotype at this point in my address.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The chart is as follows:



Mr. BROOKHART. It will be noticed that from 1925 up to date there has been very little variation in stock values; they run along even, they are stable, as it were. Some of the other countries have a variation much like our own. One can see the great variation, fluctuation, and instability of values in the United States compared to those English values.

But, Mr. President, did Mr. Warburg in his work give the reason for that stability? No; not one word of it is found there. The only reference he makes is to the central banking systems of the various countries.

However, there is another banking system, Mr. President, in those countries, and that is the system that Mr. Herrick

mentioned to me—the great cooperative system. I want now to quote briefly some of his statements about the cooperative credit system as it relates to the farmers of the United States. On page 8 of this book he says:

Furthermore, the shortest period needed for agriculture is too long for the banks, and so the 90-day paper of the merchant gets the preference over the 6-month or 1-year paper of the farmer. As a result, the major portion of the farmer's credit is not bankable under the present system, and only a comparatively small amount of their paper reaches the outside world. Consequently, when they wish to realize upon their credit to its fullest extent the farmers must pay a premium for the risk incurred, besides the highest interest charged in their immediate vicinity. A new system to be added to the old is necessary to rectify this trouble also, in spite of the powers recently granted to national banks by the Federal reserve act of 1913.

On page 9 he says:

Agricultural wealth and production in the United States are greater than in any other country. The figures are stupendous. In 1910 the farm property was valued at $40,991,449,090, of which $28,475,674,169 was in land. If this capital were mobilized, the credit needs of farmers could be supplied for all time to come. The annual returns were $8,417,000,000. This is more than sufficient to finance a banking system for the exclusive use of the farmers. Mobilization can be accomplished, however, only through institutions capable of lengthening the period of loans, allowing repayment by amortization, and able to make heavy and constant sales of debentures issued against the mortgages taken. As regards short-term credit, the best banking system ever devised for enabling farmers to utilize their own funds and revenues for their own purposes is a cooperative system.

Then, Mr. President, on page 479 Mr. Herrick concludes:

There are no Federal or State laws in the United States under which the farmers might organize themselves into systems with credit societies as the basic units. The laws of Massachusetts on credit unions of 1909, of Texas on rural credit unions of 1913, of Wisconsin on cooperative credit associations of 1913, and of New York on credit unions as finally enacted in 1914, provide for the organization of associations intended for thrift and small credit for feeble folk. Texas limits the loans to $200 at not over 6 per cent for productive purposes, thus absolutely preventing large undertakings, while the restrictive measures of all four laws render them useless for rural banking and credit systems. All require the members to be natural persons; none allows associational members. This alone would prevent credit societies from being the basic units of a system. All forbid the acceptance of deposits from outsiders, thus closing the greatest source of funds for operation. All require share capital and prohibit the societies from doing any other business and from using their funds for any other purpose than that of making loans. This rejection of Raiffeisen principles is the most serious and regrettable defect in the law. The farmers of the United States are capable and independent men, and they should have the right under the laws to organize themselves as best suits their own ideas or circumstances, whether it be in associations with shares or without shares, or with collective liability limited or unlimited. Moreover, they should be able to decide for themselves whether they will have syndicated local associations or just one Raiffeisen credit society for each neighborhood. They have no choice under any of these laws, and thus the play of private initiative and freedom of action is blocked.

It has always been a mystery to me, Mr. President, how the Wall Street crowd has been able to succeed in keeping cooperative banking out of our laws everywhere, and yet they have done that identical thing. I have some evidence that they have given it specific attention. I went to New York some years ago to talk to about 200 of those big fellows. That was shortly after my election to the Senate. They have a way when one is first elected to the Senate of inviting him up to New York to look him over. In my case they wanted to see how long my horns were and find out whether or not I could be dehorned. So they invited me there, and I spoke on cooperation in a general way. That night, after it was all over and we were standing around waiting for my train, a slick looking chap came up to me, called me off to one side and said, "I want to tell you something. I think Paul Warburg is the greatest financier this country has ever produced and what I want to tell you is that he believes much more in your cooperative ideas than you think he does, and if you want to consult anybody about the big business of cooperation he is the man to consult because he believes in you and you can rely on him." Then he slipped away. Ten minutes later I was steered against Paul Warburg himself. He said to me, "You are absolutely right on this cooperative proposition. I want to let you know that the big bankers are with you. I want to let you know that now, so that you will not start anything on cooperative banking and turn them against you." I said, "Mr. Warburg, the heaviest burden the farmers have to carry is, first, the accumulation of all the surplus credit of the country down here in New York for speculative purposes, increasing the interest rate to the farmers; and, second, the deflation policy of the Federal reserve system which ruined them in 1920." And then I said, "I have already prepared and tomorrow I am going to offer an amendment to the Lenroot bill" (that was the intermediate credit act then pending) "to authorize the establishment of cooperative national banks." Then he faded away, and I have not heard from him since; he had no more business with me. He was seeking then to stop even the inauguration of discussion and agitation for a cooperative banking system. Yet this is the man who claims to be the builder of the Federal reserve system of the United States, and this is the man who in a book describing the stability of European business neglects to say anything about the great cooperative systems that have actually stabilized business in those countries.

COOPERATIVE PRINCIPLES

Mr. President, what is this cooperation of which I speak? It is founded upon three simple principles: The first one is one man has one vote in the cooperative enterprise; capital does not vote at all. It makes no difference how many shares one may have, he is one man with one vote, just like one man has one vote in the Government of the United States, and as now one woman has one vote in the Government of the United States. The earliest successful cooperative society that ever was organized was the first institution in the history of the world, so far as I know, that recognized in business affairs women as being on equal terms with men.

The second of those principles is that the earnings of capital are limited; capital is given a fixed and definite wage. I want to ask why should not capital be given a fixed and definite wage, as men are given a fixed and definite wage? Why should men be limited to a fixed wage, and then capital be turned loose to gather in all the wealth production of the country through organization and credit control?

The third principle is called the trade dividend. Under that principle about 25 per cent of the net earnings are kept in the enterprise, so that it may grow and become larger and be sound and safe and have a surplus to meet losses, if any should occur, and the other 75 per cent is distributed among the members in proportion to the amount of business they transact with the enterprise. The whole system is founded upon those three simple principles. If we should amend the articles of incorporation of the United States Steel Corporation itself with those three amendments, it would turn it into a cooperative.

Mr. President, this system started with 28 flannel weavers on the 21st of December, 1844. Twice on the anniversary of that date I have inserted their names in the RECORD. They had a little store. For a year and a half they saved their pennies until they got a pound each, $5 each; and with that $140 of capital they opened this little store at Toad Lane, in the little town of Rochdale. They had four articles of food, and they were open two nights a week, and they were a joke and the butt of ridicule; but they persisted, and finally, upon those principles, they succeeded. Charles Howarth invented the third of those principles, and that is the one that gave them the final success. Cooperation on the other two had failed, because they sold their goods for cost, and not at a reasonable profit to be distributed back in trade dividends. They would have losses when they sold for cost, and then had to assess their membership, and that made dissatisfaction, and the organization broke up. The trade dividend remedied that, however, and this store succeeded.

GROWTH OF COOPERATION

After it succeeded, other stores were organized—finally, several hundred of them. Then they said, "We would do better if we had our own wholesale"; and they met together in convention and figured out the amount of capital they needed to start a wholesale. Stores only subscribed for all that capital. No individual took any of it. Then they started the wholesale upon the same three prin-

ciples. Each store had a number of votes equal to its membership, carrying the 1-man 1-vote idea through to the top; and the earnings of capital were limited. Five per cent was the maximum they ever allowed. Then the trade divided went back to the stores, keeping 25 per cent of the net in the wholesale, so that it would grow. Each store got the rest of the net earnings in proportion to the amount of business it transacted with the wholesale. Then these stores had that profit to distribute on down to their members in proportion to the business each member had done with the store, thus tying the membership into the system from the very top to the bottom; and that wholesale succeeded at once.

I want to say to the independent retail merchants of the United States that I have just described the only organization with which they will ever successfully combat the chain-store monopoly; and we are doing it out in Iowa now, where 700 stores have organized a cooperative wholesale grocery.

Mr. President, after a time these English cooperatives said they would do better if they had their own soap factory; so they organized a factory on the same three principles. When I was there in 1923 they had 158 of those factories, doing nearly everything in human civilization, and doing business all around the world.

They got a couple of thousand of those stores, and they noticed that a great many of them failed, as our independent stores fail in this country. Then they said, "We would do better if we had our own cooperative banking system"; and now they tell you that that is the foundation of cooperative success, and ought to have been organized the very first thing. They had to learn that by bitter experience, but they can tell us of that now. So they put a little deposit bank in each of the stores, as a sort of department in the store, and in the wholesale they established the reserve bank.

I have here their yearbook for 1927. It was published in 1929, but it covers the business of 1927. The frontispiece is a picture of the new cooperative reserve bank building, erected since I was there. When I was there, this bank had a turnover of two and one-half billion dollars. When this book was published, in 1929 for 1927, it had over three and one-half billions. It has more than four billions to-day. It is one of the big banks of the world; and it is the safest, soundest, most successful bank in the world to-day. It is safe and sound because in the cooperative system no loan is ever made to anybody, anywhere, at any time, for speculative purposes. Loans are made for productive and necessary purposes only. That rule is followed; and that is the rule, together with the limit to the earnings of capital, that stabilizes the business of Great Britain.

This great system has grown to these proportions and mostly since the World War. They have 11 flour mills there that grind 35 per cent of all the wheat used in England, Ireland, Scotland, and Wales. Here is a picture of the great mill at Manchester which I myself saw in operation; and there are 10 other mills of that type. They are the biggest buyers of wheat in the United States or in Canada; and when they buy wheat in our country they pay no more attention to Paul Warburg or the Bank of England than if they were not on earth, because they have the deposits in the vaults of their own bank against which they check for those payments. They are absolutely an independent system, and upon that was founded their cooperative success.

Mr. President, former Senator Pepper, once a distinguished Member of this body, said that 92 per cent of American business ultimately fails. Former Senator Harreld, an expert in bankruptcy matters, put in the RECORD the statement that 96 per cent of American business ultimately fails. The proportion of failures has been estimated as high as 97 per cent, and I never saw an estimate lower than 80 per cent.

BUSINESS FAILURES

Think of a system of business in which there are 92 per cent of failures before it gets off its own doorstep. On the other hand, here is this great English system with 6,000 of those stores now, with a wholesale at Newcastle-on-the-Tyne as big as Marshall Field, with one at Glasgow bigger, and one at Manchester three and a half times as big as that at Glasgow, with all of this vast banking system, with all of these factories, growing in percentage several times faster than the commercial or competitive business of Great Britain. This great system is 99½ per cent successful, and is doing business upon half the margin of American business, because this system has taken the extortionate profits out of capital and has stopped speculation entirely. It has now grown so great and so powerful that it has affected all business in Great Britain; and that is why this line runs so straight through the chart.

Mr. President, that was not discovered and not mentioned by Mr. Warburg, who wanted nothing along the line of cooperative banking started in the United States. The proof of that is not found in this chart alone. The chart that I have last inserted in the RECORD was made for me by the Federal Reserve Board. It was brought up to last December by the Federal Reserve Board itself.

COOPERATION STABILIZES

I have here, Mr. President, the report of the president of the New York Stock Exchange from May 1, 1927, to May 1, 1928. On page 12 of this report he has a chart of the same stock values; and here is this English line running through it, almost as straight as if drawn by a ruler. There is one other line running almost as straight as the English line, that is the Holland line—another cooperative country. The same thing would be true in Germany, with its Raiffeisen and its Schultze Delitz cooperative credit systems, were it not for the terrible slaughter of the war to business as well as to people. Every country of Europe where Mr. Warburg tells you that business has been stabilized by these central banking systems has this cooperative banking system along beside it. If we can get that established in the United States, and organized to the extent that it is in those countries, it will take the gambling out of Wall Street. It will end this constant cycle of speculation, followed by this terrible depression each time. Never again will we have eight major depressions in 50 years. There will be no occasion for them. Why, England was hit a hundred times harder by the war than the United States. There is more reason, a hundred times over, for instability of business in that country than in ours, so far as general world conditions are concerned; but a better system, a cooperative system, against which no man can argue, is the cause of that stability.

One of the reasons I put in the record why I opposed Mr. Eugene Meyer was that as I investigated this cooperative system around Europe he followed me up—it is in the record—and he called on me twice, both in London and in Paris, and he told me that we did not need the cooperative system in the United States. When I asked him for the reason for that, he said, "We have the best basis of credit. These are consumers' cooperatives over here. The farmers of the United States are producers, and they have the basis of credit." I asked him, "Why should not a producer have control of his credit system, the same as a consumer?" Then I called his attention to the fact that they already then had 158 big factories, producing nearly everything in civilization, which were financed by this cooperative system. In Denmark most of that country is agricultural. Its cooperative organizations, founded on exactly the same principles as the Rochdale system, are for the farmers of Denmark. It was a farmer in my own State who helped organize, as one of the committee of seven, the farmers of Denmark. He recently was the State organizer of the Farm Bureau Federation in Iowa. We call him Uncle Peder Pedersen. When I was in London I visited the farm cooperatives there, and the manager told me he then had a committee in Denmark studying cooperation, to bring it back to England. Then I told him how Uncle Peder Pedersen, of my State, 40 years before had gone to Rochdale, in England, from Denmark to study cooperation there and take it back to the farmers of Denmark. They had to do it in secret, because the King was opposed to them, and they would have been put in jail if it had been known; but they succeeded, and Denmark is perhaps the best-organized cooperative country in all the world to-day, with an almost perfect cooperative banking system upon which it rests.

Mr. President, the way we are driving in this country, with all our business turned into a gambling system, I can not believe that there is any remedy in sight for the situation if we go ahead upon the lines we have followed in the past. I can only see 50 years more of speculation and depression. That is un-American. That is unsound. We can get away from that, but we can get away from it only by putting in charge of this system somebody who will see it on different lines. There is no man in the country who has done more to develop the evils of this system, perhaps, than Eugene Meyer himself. So far as I am concerned, I can not consent to his confirmation for that reason.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Keyes	Robinson, Ind.
Barkley	Fletcher	King	Sheppard
Bingham	Frazier	La Follette	Shipstead
Black	George	McGill	Shortridge
Blaine	Gillett	McKellar	Smith
Blease	Glass	McMaster	Smoot
Borah	Glenn	McNary	Steck
Bratton	Goff	Metcalf	Steiwer
Brock	Goldsborough	Morrison	Stephens
Brookhart	Gould	Morrow	Swanson
Broussard	Hale	Moses	Thomas, Idaho
Bulkley	Harris	Norbeck	Thomas, Okla.
Capper	Harrison	Norris	Townsend
Caraway	Hastings	Nye	Trammell
Carey	Hatfield	Oddie	Tydings
Connally	Hayden	Partridge	Vandenberg
Copeland	Hebert	Patterson	Wagner
Couzens	Heflin	Phipps	Walcott
Cutting	Howell	Pine	Walsh, Mass.
Dale	Johnson	Pittman	Walsh, Mont.
Davis	Jones	Ransdell	Waterman
Deneen	Kean	Reed	Watson
Dill	Kendrick	Robinson, Ark.	Wheeler

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is detained from the Senate by illness. I ask that this announcement may stand for the day.

Mr. BARKLEY. My colleague [Mr. WILLIAMSON] is unavoidably detained on necessary business.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

Mr. SMOOT. Mr. President, from the Committee on Finance I desire to report favorably a House bill.

Mr. LA FOLLETTE. I object to the bill being received out of order.

The VICE PRESIDENT. The report can not be received at this time. The Senate is in executive session.

Mr. FRAZIER. Mr. President, I want to say a few words on the pending nomination of Eugene Meyer to be a member of the Federal Reserve Board.

When the Federal reserve law was written and passed by Congress the intentions were undoubtedly good. I recall reading reports to the effect that some of the big bankers were opposed to the law at that time. But after the Federal reserve law was enacted it seemed that immediately the large banking institutions and the big bankers of the country got control of the system and have run it ever since for their benefit and not for the benefit of the people.

The junior Senator from Iowa [Mr. BROOKHART] has gone into the situation very fully, especially as it affects the agricultural interests. I want to repeat, however, that in my opinion there is no question but that the action of the Federal Reserve Board in bringing about the deflation in 1920 started the so-called depression, or hard times, or panic, or whatever one wants to term it. The farmers have been hit harder than any other group of people. They have been put out of business by the millions all over the Nation. They have been forced into bankruptcy, they have been foreclosed upon, they have had their homes taken away from them, homes they had worked a lifetime to secure. They have been the ones who have suffered the most, and they are still suffering more than any other group of people on account of this so-called depression, which was started back in 1920 by the action of the Federal Reserve Board.

The Federal reserve law turned the credit of the Nation over to the Federal reserve banking system, and gradually the Federal reserve banking system has come under the control of Wall Street banking interests. The appointment of Eugene Meyer as a member of the board now will only promote that control and make it stronger than it has been in the past.

Eugene Meyer, of course, is recognized as a good banker and as well qualified for this position, I suppose. Yet he is a Wall Street banker. He has made his money in Wall Street. He has helped to manipulate the stock market there, undoubtedly, and knows the Wall Street game from start to finish. If the Wall Street interests are going to control the Federal reserve banking system and the credit of this Nation, I do not think a better appointment could be made than the appointment of Eugene Meyer as a member of the Federal Reserve Board.

I do think, however, that the whole system is a detriment to the common people of the Nation and that drastic changes should be made. I am opposed to Mr. Meyer's confirmation because in my estimation he is not in sympathy with the common people, not in sympathy with the farmers or other workers of this Nation, but has the viewpoint of the big banker, the Wall Street banker especially, and that it will be expected that his attitude on that board will be more in favor of the big bankers, and especially of the Wall Street type, than of anyone else.

Mr. Meyer was commissioner of the Federal Farm Loan Board for a time. While in that position I think he assumed much the same attitude that other members of the bureau have assumed, but I am frank to say that, in my opinion, his attitude was not friendly to the farmers during the time he was with the Federal Farm Loan Board. In fact, in my opinion, we have never had a Federal Farm Loan Board that has been friendly to the farmers.

They give the excuse, of course, that under the existing legislation they are compelled to depend upon the regular bond buyers for the money they lend to the farmers through the Federal farm land-bank system or through the intermediate-credit bank system, and that is quite true. They say they are compelled to pay their interest semiannually to the bonding companies which buy the debentures or bonds, furnishing the money, and that those bond companies insist that the Farm Loan Board shall conduct their business on a business basis and demand the interest from the farmers every six months. Of course, there is something to that. Yet it seems to me that if the Federal farm-loan bank is ever to function for the benefit of the farmers, the law should be changed and a provision made whereby the Treasury of the United States should buy the bonds to furnish the money, or at least there should be some other provision for the raising of the money with which to make loans to the farmers under the Federal land-bank system and the intermediate-credit bank system. But, of course, men of the type of Mr. Meyer are opposed to that kind of change, and I can see no hope, as long as men of that type are in control of the Federal reserve system and the land-bank system, of the farmers and the common people of the Nation ever getting anything like a square deal.

Much might be said about Mr. Meyer's connection with some of the big financial interests of the Wall Street group. Some of those interests are controlled by foreign capital, at least very largely so. Of course as I see it, Mr. Meyer belongs to the so-called international group in New York City. While there may be some excuse for international banks, yet I can see no benefit to the small bankers of the country or to the people in general through an international banking system. We have had some examples, since I have been in the Senate, in the so-called settlements of the war debts of some of the allied nations. I have always thought that those matters were put across at the request and with the support of the international bankers.

of those stores now, with a wholesale at Newcastle-on-the- in jail if it had been known; but they succeeded, and Den-

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. FRAZIER. Certainly.

Mr. SMOOT. I hope the Senator will revise his ideas, because that is not the case.

Mr. FRAZIER. I stated that had been my opinion.

Mr. SMOOT. I hope the Senator will revise his opinion.

Mr. FRAZIER. I will have to have a little more evidence than the mere request of the Senator before I can revise that opinion. Our bankers have loaned a great deal of money to those foreign nations and are interested in getting their loans repaid. The more that can be discounted from the Government loans the better are the chances of the international bankers to collect their debts from those foreign countries. I repeat that it is my opinion that the great Wall Street bankers were the men who were back of the reductions which were granted by the Senate in the matter of the loans to the allied nations.

Mr. President, I realize that it is useless to present any discussion against the confirmation of Mr. Meyer. While there might be a great deal said, especially from the standpoint of the agricultural interests, and there is a great deal to be said upon the banking situation and upon the control of that situation by the Federal reserve system. But it is practically useless at this time to attempt to discuss it. Inasmuch as the time is fixed to vote upon the confirmation, I personally see but little benefit to be gained by going into the situation any further.

I want to repeat that in my opinion the action that will be taken in confirming the nomination of Mr. Eugene Meyer to be a member of the Federal Reserve Board means that the Wall Street interests will absolutely control the banking situation in the United States. While I suppose we have to submit to it at the present time, yet I want to go on record right now as opposing that kind of control. I believe the fight will be kept up until the system is changed.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from California?

Mr. FRAZIER. I yield.

Mr. SHORTRIDGE. I understand that the Senator admits that Mr. Meyer is an honest, honorable man?

Mr. FRAZIER. I did not say anything about his honesty or honor. I said he is a good banker.

Mr. SHORTRIDGE. Will it not be admitted or conceded that he is a man of character, of honorable character?

Mr. FRAZIER. So far as I am concerned I have no charges to make against Mr. Meyer's honesty or his honor.

Mr. SHORTRIDGE. May I assume that the Senator admits that Mr. Meyer is a competent man, familiar with the duties of the office to which he has been nominated?

Mr. FRAZIER. He is undoubtedly familiar with the duties and, as I said, a very competent Wall Street banker.

Mr. SHORTRIDGE. May we not then assume, he being an honest man, a competent man, familiar with the duties of the office in question, that he would perform his duty honorably; that he would not be unduly swayed or influenced; that he would not consciously or, indeed, unconsciously, violate his duty under the law? My view always is to inquire, first, is the nominee an honest man, is he an honorable man? Second, is he a competent man? If those two questions are answered in the affirmative, then I think I am justified in assuming, and voting accordingly, that he would perform his duty as we of the legislative branch of the Government have declared that duty to be. That is my philosophy. That is my view. If these assumptions are correct, namely, that Mr. Meyer is an honorable man and a capable man, and will perform his duty under the law, why is he not the ideal man for the position?

Mr. FRAZIER. The definition of "honesty" and "honor" depends largely upon the individual. It is a matter of opinion. There are a number of Senators here who have argued at different times that men whom I would term gamblers in Wall Street and in the Wall Street market are honorable men. I have never looked upon a gambler in the stock and bond market or in the cotton or grain market as being honorable. Of course, it is lawful and all that, but from my standpoint it is simply gambling and much worse than it is to gamble with dice or a deck of cards.

SECOND DEFICIENCY APPROPRIATIONS

Mr. JONES. Mr. President, if there is no one else who desires to proceed with discussion in regard to the Meyer nomination I move, as in legislative session, that the Senate proceed to the consideration of the second deficiency appropriation bill.

The VICE PRESIDENT. Is there further debate on the Meyer nomination?

Mr. BLAINE. Mr. President, if we are going to take up an appropriation bill may I suggest that it might be well to make the point of no quorum?

Mr. JONES. That is all right, although we had a quorum call just a few moments ago.

Mr. BLAINE. That is true, but the quorum call was not known to be for this purpose.

Mr. JONES. Very well.

Mr. BLAINE. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Keyes	Robinson, Ind.
Barkley	Fletcher	King	Sheppard
Bingham	Frazier	La Follette	Shipstead
Black	George	McGill	Shortridge
Blaine	Gillett	McKellar	Smith
Blease	Glass	McMaster	Smoot
Borah	Glenn	McNary	Steck
Bratton	Goff	Metcalf	Steiwer
Brock	Goldsborough	Morrison	Stephens
Brookhart	Gould	Morrow	Swanson
Broussard	Hale	Moses	Thomas, Idaho
Bulkley	Harris	Norbeck	Thomas, Okla.
Capper	Harrison	Norris	Townsend
Caraway	Hastings	Nye	Trammell
Carey	Hatfield	Oddie	Tydings
Connally	Hayden	Partridge	Vandenberg
Copeland	Hebert	Patterson	Wagner
Couzens	Heflin	Phipps	Walcott
Cutting	Howell	Pine	Walsh, Mass.
Dale	Johnson	Pittman	Walsh, Mont.
Davis	Jones	Ransdell	Waterman
Deneen	Kean	Reed	Watson
Dill	Kendrick	Robinson, Ark.	Wheeler

Mr. BARKLEY. I wish to announce that my colleague the junior Senator from Kentucky [Mr. WILLIAMSON] is unavoidably detained from the Senate.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

Mr. JONES. Mr. President, if no Senator desires to speak on the pending nomination, I ask unanimous consent that the Senate resume legislative business and proceed to the consideration of House bill 17163, being the second deficiency appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES. I ask unanimous consent that the formal reading of the bill may be dispensed with and that it may be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The legislative clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head "Legislative establishment," on page 2, after line 2, to insert:

SENATE

To pay William A. Folger for extra and expert services rendered the Committee on Pensions as assistant clerk to said committee by detail from the Bureau of Pensions, fiscal year 1931, $600.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert:

For miscellaneous items, exclusive of labor, fiscal year 1931, $50,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 9, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1931, $50,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, fiscal year 1931, $2,500.

The amendment was agreed to.

The next amendment was, under the subhead "Architect of the Capitol," on page 4, after line 2, to insert:

Fire protection, Senate wing of the Capitol and Senate Office Building: To enable the Architect of the Capitol to remedy fire hazards found by a survey under Senate Resolution 364, Seventy-first Congress, third session, and for all labor and materials, personal and other services, repairs and alterations, and every item connected therewith, fiscal years 1931 and 1932, $100,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to insert:

FEDERAL POWER COMMISSION

Any unexpended balances on June 30, 1931, of the appropriations for expenses of the Federal Power Commission, provided by the independent offices act, 1931, approved April 19, 1930, and the second deficiency act, fiscal year 1930, approved July 3, 1930, are continued and made available until June 30, 1932, and the limitation for personal services in the District of Columbia, for the fiscal year 1932, contained in the independent offices act, fiscal year 1932, is hereby increased to $265,000.

The amendment was agreed to.

The next amendment was, under the heading "Veterans' Administration," on page 12, after line 3, to insert:

Adjusted-service certificate fund: The amount appropriated by the independent offices appropriation act, 1932, under the heading "Adjusted-service certificate fund" shall be available July 1, 1931.

The amendment was agreed to.

The next amendment was, on page 16, line 9, after the figures "$420," to insert a semicolon and "for temporary personal services, fiscal year 1932, $4,500; in all, $4,920," so as to read:

Public employment service: For an additional amount for personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, fiscal year 1931, $420; for temporary personal services, fiscal year 1932, $4,500; in all, $4,920.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Plant Industry," on page 24, line 3, after the figures "1932," to strike out "$50,000" and insert "$75,000," so as to read:

Blister-rust control: For an additional amount for the eradication or control of the white-pine blister rust, including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1931, fiscal years 1931 and 1932, $75,000.

The amendment was agreed to.

The next amendment was, under the subhead "Forest Service," on page 24, line 10, after the figures "1932," to strike out "$150,000" and insert "$200,000," so as to read:

Protection and administration, national forests: For an additional amount for maintenance, improvement, protection, and general administration of the national forests, including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1931, fiscal years 1931 and 1932, $200,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 18, to insert:

MISCELLANEOUS

For carrying out the provisions of the act entitled "An act to authorize the construction on Government Island, Alameda, Calif., of buildings required by the Bureau of Public Roads and Forest Service of the Department of Agriculture and the Coast Guard of the Treasury Department," approved February 20, 1931, fiscal years 1931 and 1932, $600,000: *Provided*, That no part of the funds herein appropriated shall be expended until the United States has accepted title to land on Government Island, Alameda, Calif., conveyed under authority of joint resolution of July 3, 1930 (46 Stat. 1018).

The amendment was agreed to.

The next amendment was, under the heading "Department of Commerce," at the top of page 28, to insert:

FEDERAL EMPLOYMENT STABILIZATION BOARD

Salaries and expenses: To enable the Secretary of Commerce to carry out the provisions of the employment stabilization act of 1931, approved February 10, 1931, including personal services in the District of Columbia and elsewhere, traveling expenses, purchase of equipment, furniture, stationery, and office supplies, printing and binding, repairs to equipment, law books, books of reference, and other necessary publications, and to procure by contract or otherwise any information or data concerning construction which may be considered pertinent, and all other incidental expenses not included in the foregoing, fiscal years 1931 and 1932, $90,000, of which amount not to exceed $70,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Foreign and Domestic Commerce," on page 28, after line 21, to insert:

District and cooperative office service: For an additional amount for district and cooperative office service, including the same objects specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1931, fiscal years 1931 and 1932, $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 29, to insert:

BUREAU OF STANDARDS

Facilities for radio research investigations: For carrying out the provisions of the act entitled "An act to authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio research investigations," approved February 20, 1931, fiscal years 1931 and 1932, $147,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Indian Affairs," on page 32, after line 14, to insert:

Uintah, White River, and Uncompahgre Bands of Ute Indians: To carry out the provisions of the act entitled "An act authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes," approved February 13, 1931, fiscal years 1931 and 1932, $1,217,221.25.

The amendment was agreed to.

The next amendment was, on page 33, after line 3, to insert:

Additional land for Papago Reservation, Ariz.: For the acquisition of certain privately owned lands, improvements, and equipment for the use of the Papago Indians, Arizona, in accordance with the act of February 21, 1931, fiscal years 1931 and 1932, $165,000, together with the unexpended balance of the appropriation of $9,500 contained in the Interior Department appropriation act for the fiscal year 1929, for the purchase of land as an addition to the agency reserve of the Papago Indian Reservation, Ariz.

The amendment was agreed to.

The next amendment was, on page 37, line 22, after the word "Congress," to insert "fiscal years 1931 and 1932," so as to read:

Frazer, Mont., school district No. 2: For cooperation with school district No. 2, Frazer, Mont., in construction of a public high-school building at that place as authorized by public law, 652, Seventy-first Congress, fiscal years 1931 and 1932, $25,000.

The amendment was agreed to.

The next amendment was, on page 38, line 2, after the word "Congress," to insert "fiscal years 1931 and 1932," so as to read:

Poplar, Mont., school district No. 9: For cooperation with school district No. 9, Poplar, Mont., in extension and betterment of the public high-school building at that place as authorized by public law, 657, Seventy-first Congress, fiscal years 1931 and 1932, $60,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 12, to insert:

Support of Indians and administration of Indian property: For an additional amount for general support of Indians and administration of Indian property, including pay of employees, fiscal year 1932, $75,000.

Mr. KING. Mr. President, I should like an explanation of the amendment on page 39, beginning in line 13. I make

the request in view of the fact that the appropriation bill passed at the last session carried several million dollars in excess of preceding appropriation bills, and we have within a few days passed an appropriation bill carrying $28,000,000 for the next fiscal year, being double what the appropriations were seven or eight years ago.

Mr. JONES. An additional Budget estimate was sent down requesting the $75,000.

Mr. KING. I should like to know what that is for, and I should also like to know whether the Indians have to pay it——

Mr. JONES. I do not think so.

Mr. KING. Whether it is to be taken from the Indian tribal funds.

Mr. JONES. Here is the Budget estimate:

The purpose of this estimate is to carry into effect the act of February 21, 1931, authorizing an appropriation for the acquisition of certain privately owned lands in Arizona for the use and benefit of the Papago Indians as an addition to their reservation.

Apparently we have passed an act during the present month providing for the acquirement of these lands. This item is to carry out the provisions of that act.

Mr. KING. I have no objection.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Bureau of Reclamation," on page 40, after line 17, to insert:

Advances to the reclamation fund: To carry out the provisions of the act entitled "An act to authorize advances to the reclamation fund, and for other purposes," approved March —, 1931, $5,000,000.

The amendment was agreed to.

The next amendment was, at the top of page 41, to insert:

Secondary projects: For continuation of investigations of the Seminoe Dam and Reservoir and other possible storage sites and power development in connection with proposed and existing reservoirs on the North Platte River and its tributaries in Wyoming, fiscal years 1931 and 1932, $75,000.

The amendment was agreed to.

The next amendment was, on page 45, line 17, before the word "Hospital," to strike out "Freedman's" and insert "Freedmen's," so as to make the subhead read "Freedmen's Hospital."

The amendment was agreed to.

The next amendment was, on page 45, line 21, before the word "Hospital," strike out "Freedman's" and insert "Freedmen's," so as to read:

The appropriation of $155,000, contained in the Interior Department appropriation act for the fiscal year 1931, for a hospital addition for obstetrical patients at the Freedmen's Hospital, including necessary equipment and supervision of the work of construction of said building, shall continue available for the same purpose until June 30, 1932.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, Department of Justice," on page 46, after line 9, to strike out:

For contingent expenses, Department of Justice, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1931, and for the purchase of a motor-propelled passenger-carrying vehicle at a total cost of not to exceed $3,000, excluding the exchange allowance of any vehicle given in part payment therefor, fiscal year 1931, $3,000.

And in lieu thereof to insert:

For contingent expenses, Department of Justice, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1931, and for the purchase of two motor-propelled passenger-carrying vehicles at a total cost of not to exceed $6,000, excluding the exchange allowance of any vehicle or vehicles given in part payment therefor, $6,000.

The amendment was agreed to.

The next amendment was, under the subhead "Judicial," on page 48, after line 14, to insert:

United States Court of Customs and Patent Appeals: For printing and binding for the United States Court of Customs and Patent Appeals, fiscal year 1931, $2,900.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Labor Statistics," on page 55, after line 5, to insert:

Salaries and expenses: For an additional amount for salaries and expenses, including the same objects and purposes specified under this head in the act making appropriations for the Department of Labor for the fiscal year 1932 and including not to exceed $105,000 for personal services in the District of Columbia, $140,000, of which $40,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead, "Public works, Bureau of Yards and Docks," on page 57, after line 8, to insert:

Navy yard, Charleston, S. C.: For improvement of shipbuilding ways, $150,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 3, to insert:

ALTERATION TO NAVAL VESSELS

Toward the alterations and repairs required for the purpose of modernizing the U. S. S. *New Mexico*, *Mississippi*, and *Idaho*, as authorized by the act entitled "An act to authorize alterations and repairs to certain naval vessels," approved February 28, 1931, fiscal years 1931 and 1932, $10,000,000, of which approximately an equal amount shall be expended on each ship.

The amendment was agreed to.

The next amendment was, under the subhead "International obligations, commissions, etc.," on page 72, after line 20, to insert:

Fourth Pan American Commercial Conference: To enable the Pan American Union to meet the expenses of the Pan American Commercial Conference to be held in Washington, D. C., in 1931, as provided by the act approved February 20, 1931, fiscal years 1931 and 1932, $15,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 2, to insert:

International Technical Consulting Committee on Radio Communications: Not to exceed $290.58 of the appropriation for International Technical Consulting Committee on Radio Communication, made in Public Resolution No. 17, approved June 21, 1929, is hereby made available for the payment of expenses incurred for purposes of entertainment in connection with the meeting of such committee.

The amendment was agreed to.

The next amendment was, on page 73, after line 9, to insert:

Arbitration between the United States and Sweden of the claim of Rederiaktiebolaget Nordstjernan, a Swedish corporation: For the expenses of the arbitration under the special agreement between the United States and Sweden, signed December 17, 1930, of the claim of Rederiaktiebolaget Nordstjernan, a Swedish corporation, arising out of the alleged detention in the United States of two motorships belonging to the corporation, including the share of the United States in the joint expenses of the two Governments under the terms of the agreement; honorarium of the arbitrator or arbitrators; compensation of employees in the District of Columbia and elsewhere (without regard to the civil-service laws and regulations or to the classification act of 1923, as amended), stenographic reporting and translating services, by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent in the District of Columbia and elsewhere; traveling expenses and subsistence of per diem in lieu of subsistence (notwithstanding the provisions of any other act); cost of necessary books and documents; stationery; official cards; printing and binding, and such other expenditures as may be authorized by the Secretary of State, and the Secretary of State is authorized to reimburse from this appropriation any other appropriation from which payments may have been made for purposes herein specified, fiscal years 1931 and 1932, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health Service," on page 77, after line 23, to insert:

Laboratory at Hamilton, Mont.: For the acquisition by the United States of the laboratory erected and established by the State of Montana, at Hamilton, Mont., at which are being carried on jointly by said State and the Bureau of Public Health Service studies and research for the prevention, eradication, and cure of spotted fever and in which is produced serum for the treatment of patients suffering from such malady or likely to contract the same, together with the ground owned by the said State on which such laboratory is situated and the equipment and supplies therein, $75,000; for the construction on the ground so to be acquired and equipment of another building to be devoted to the same purpose, $75,000; in all, fiscal years 1931 and 1932, $150,000.

The amendment was agreed to.

The next amendment was, under the subhead "Projects under section 5 outside the District of Columbia," at the top of page 85, to insert:

Bingham Canyon, Utah, post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $75,000.

The amendment was agreed to.

The next amendment was, on page 95, after line 16, to strike out:

Durham, N. C., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $550,000: *Provided*, That the building shall be so constructed that court accommodations may be provided later.

And in lieu thereof to insert:

Durham, N. C., post office, courthouse, etc.: For acquisition of site and construction of a building, under an estimated total cost of $650,000: *Provided*, That the building shall be so constructed to afford court accommodations.

The amendment was agreed to.

The next amendment was, on page 97, line 8, before the word "City," to strike out "Elwood" and insert "Ellwood," so as to read:

Ellwood City, Pa., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $135,000.

The amendment was agreed to.

The next amendment was, on page 113, line 7, after the word "of," strike out "$420,000" and insert "$620,000," so as to read:

New London, Conn., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $620,000.

The amendment was agreed to.

The next amendment was, on page 118, line 1, before the word "and," to insert "post office," so as to read:

Port Chester, N. Y., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $320,000.

The amendment was agreed to.

The next amendment was, on page 120, after line 9, to strike out:

Rockingham, N. C., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $125,000, in lieu of acquisition of site authorized under the act approved March 4, 1913 (37 Stat. 878); and the amount appropriated under the authority of such act is hereby made available toward the purposes herein: *Provided*, That the building shall be so constructed that court accommodations may be provided later.

And in lieu thereof to insert:

Rockingham, N. C., post office, courthouse, etc.: For acquisition of site and construction of a building, under an estimated total cost of $210,000, in lieu of acquisition of site authorized under the act approved March 4, 1913 (37 Stat. 878); and the amount appropriated under the authority of such act is hereby made available toward the purposes herein: *Provided*, That the building shall be so constructed to afford court accommodations.

The amendment was agreed to.

The next amendment was, on page 124, line 12, after the word "of," to strike out "$115,000" and insert "$130,000," so as to read:

Silver City, N. Mex., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $130,000.

The amendment was agreed to.

The next amendment was, on page 126, after line 6, to insert:

Texas City, Tex., post office, etc.: For construction of a building on a site to be donated, under an estimated total cost of $80,000.

The amendment was agreed to.

The next amendment was, on page 132, after line 5, to insert:

Washington, D. C., Court of Claims Building: For construction of a building, under an estimated total cost of $1,225,000.

The amendment was agreed to.

The next amendment was, on page 135, after line 2, to insert:

FINANCE DEPARTMENT

Pay, etc., of the Army: The sum of $400,000 of the appropriation for "Subsistence of the Army," contained in the War Department appropriation act, fiscal year 1931, approved May 28, 1930, is hereby made available for expenditure for "Pay of the Army, 1931," including the same objects specified under that head in the War Department appropriation act for the fiscal year 1931.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps," on page 135, after line 21, to insert:

For an additional amount required for construction of buildings, utilities, and appurtenances in Porto Rico, authorized by the act approved February 25, 1929, notwithstanding the restriction contained in the War Department appropriation act for the fiscal year 1931, fiscal year 1931 and to remain available until expended, $188,850.

The amendment was agreed to.

The next amendment was, on page 136, after line 7, to insert:

Government road across Fort Sill (Okla.) Military Reservation: To carry into effect the act entitled "An act to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation," approved February 27, 1931, fiscal years 1931 and 1932, $73,528.61.

The amendment was agreed to.

The next amendment was, on page 136, after line 13, to insert:

Repair of docks, Fort Screven, Ga.: For repair of docks at Fort Screven, Ga., fiscal year 1931, $15,000.

The amendment was agreed to.

The next amendment was, under the heading "War Department—Nonmilitary activities: Quartermaster Corps," on page 139, after line 14, to insert:

The sum of $126 of the appropriation "National Cemeteries, fiscal year 1929," is hereby continued and made available until June 30, 1932, for the payment of obligations incurred under contract executed prior to July 1, 1929.

The amendment was agreed to.

The next amendment was, on page 140, line 10, after the figures "1932," to strike out "$118,615" and in lieu thereof to insert "$237,230," so as to read:

Paving Missionary Ridge Crest Road: For improving and paving the Government road known as the Missionary Ridge Crest Road in the Chickamauga and Chattanooga National Military Park, from Sherman Heights, at the north end of Missionary Ridge, in Tennessee, to the Tennessee-Georgia State line, a distance of approximately 7.2 miles, fiscal years 1931 and 1932, $237,230.

The amendment was agreed to.

The next amendment was, on page 140, line 13, after the word "road" and the colon, to strike out the following additional proviso:

"*Provided further*, That no part of the appropriation herein made shall be available until the State of Tennessee, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same, shall contribute at least an equal amount for the same purpose, such equal amount to be expended by the Secretary of War concurrently with the appropriation herein made."

And in lieu thereof to insert—

"*Provided further*, That none of the money herein appropriated shall be expended until the State of Tennessee, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same, shall have given satisfactory assurances to the Secretary of War that it will at all times maintain said road in good repair."

The amendment was agreed to.

The next amendment was, on page 141, after line 2, to insert:

Paving Missionary Ridge Crest Road and Crest and Gap Road: For improving and paving the Government roads known as the Missionary Ridge Crest Road and the Crest and Gap Road in the Chickamauga and Chattanooga National Military Park, from the

Lafayette Road, in the State of Georgia, to the Tennessee-Georgia State line, a distance of approximately 1.1 miles, fiscal years 1931 and 1932, $37,770: *Provided*, That none of the money herein appropriated shall be expended until the State of Georgia, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same, shall have given satisfactory assurances to the Secretary of War that it will at all times maintain said road in good repair.

The amendment was agreed to.

The next amendment was, on page 143, after line 9, to insert:

Tablet to Nancy Hart: For an additional amount for furnishing and erecting a tablet or marker to commemorate the memory of Nancy Hart, in accordance with the provisions of the act approved February 26, 1929, as amended by the act approved February 19, 1931, fiscal years 1931 and 1932, $650.

The amendment was agreed to.

The next amendment was, on page 144, after line 22, to insert:

CORPS OF ENGINEERS

Muscle Shoals: For beginning the construction of the Cove Creek Dam in Tennessee, as provided in Senate Joint Resolution No. 49, approved February —, 1931, $10,000,000, to be available until approved.

The amendment was agreed to.

The next amendment was, on page 145, after line 2, to insert:

Survey of flood control, Salmon River, Alaska: For survey of the Salmon River, Alaska, with a view to the prevention and control of its floods, as authorized by the act approved January 31, 1931, fiscal years 1931 and 1932, $800.

The amendment was agreed to.

The next amendment was, under the heading "Judgments and authorized claims: damage claims," on page 169, line 1, after the word "in," to insert "Senate Document No. 284 and"; in line 7, after the name "Navy Department," to strike out "$661" and insert "$949.03"; in line 9, to strike out "$4,768.03" and to insert "$5,968.20"; and in line 12, after the words "in all," strike out "$7,805.55" and insert "$9,293.75," so as to make the paragraph read:

SECTION 1. For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., title 31, secs. 215–217), as fully set forth in Senate Document No. 284 and House Document No. 765 of the Seventy-first Congress, as follows:

Veterans' Administration, $194.20;
Department of Agriculture, $652.51;
Department of Commerce, $23.55;
Navy Department, $949.03;
Post Office Department (out of the postal revenues), $5,968.20;
Treasury Department, $510.16;
War Department, $996.10;
In all, $9,293.75.

Mr. JONES. I offer an amendment to the committee amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 169, lines 1 and 2, it is proposed to strike out "Document No. 284" and insert in lieu thereof "Documents Nos. 284 and 301," and after line 6, to insert "Department of the Interior, $49."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Judgments, United States courts," on page 170, after line 2, to insert:

For the payment of the judgments, including costs of suits, rendered against the Government by United States district courts in special cases and under the provisions of certain special acts and certified to the Seventy-first Congress in Senate Document No. 285, under the Treasury Department, $19,906.23.

The amendment was agreed to.

Mr. JONES. I ask unanimous consent that the amendments covering judgments rendered, which are next in order in the bill, may be considered en bloc.

Mr. ROBINSON of Arkansas. What are the amendments to which the Senator refers, and where are they found?

Mr. JONES. They are found in the last part of the bill and relate to judgments and audited claims sent down by the department.

Mr. SMOOT. All of them have been passed on by the Court of Claims.

Mr. ROBINSON of Arkansas. If they have all been approved by the Court of Claims, I have no objection.

Mr. JONES. They have been audited and approved.

Mr. ROBINSON of Arkansas. Very well.

The VICE PRESIDENT. Without objection, the amendments will be considered and agreed to en bloc.

The amendments agreed to en bloc are as follows:

Under the subhead, "Judgments, Court of Claims," on page 170, line 19, after the word "in," to insert "Documents Nos. 286 and 294 and"; in line 23, after the name "Navy Department," strike out "$16,198.58" and insert "$152,200.24"; in line 24, after the name "War Department," to strike out "$398,703.25" and insert "$525,220.42"; and in line 25, after the words "in all," to strike out "$582,-904.56" and insert "$845,423.39," so as to make the paragraph read:

SEC. 3. For payment of the judgments rendered by the Court of Claims and reported to the Seventy-first Congress in Senate Documents Nos. 286 and 294 and House Document No. 760, under the following departments and establishments, namely: United States Food Administration, $167,026.35; Department of Justice, $11.15; Navy Department, $152,200.24; Treasury Department, $965.23; War Department, $525,220.42; in all, $845,423.39, together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in such judgments.

And on page 176, after line 14, to insert:

AUDITED CLAIMS

SEC. 5. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1928 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), as fully set forth in Senate Document No. 281, Seventy-first Congress, there is appropriated as follows:

INDEPENDENT OFFICES

For Interstate Commerce Commission, $2.20.
For salaries and expenses, Veterans' Bureau, $3.
For vocational rehabilitation, Veterans' Bureau, $64.16.
For military and naval compensation, Veterans' Bureau, $10.

DEPARTMENT OF AGRICULTURE

For general expenses, Bureau of Animal Industry, $257.33.
For general expenses, Forest Service, $2.50.

DEPARTMENT OF COMMERCE

For increase of compensation, Department of Commerce, $160.33.
For party expenses, Coast and Geodetic Survey, $53.61.

DEPARTMENT OF THE INTERIOR

For relieving distress and prevention, etc., of diseases among Indians, $45.

DEPARTMENT OF JUSTICE

For detection and prosecution of crimes, $2.40.
For salaries, fees, and expenses of marshals, United States courts, $96.06.
For pay of special assistant attorneys, United States courts, $3,000.

NAVY DEPARTMENT

For pay, miscellaneous, $5.50.
For transportation, Bureau of Navigation, $2.90.
For ordnance and ordnance stores, Bureau of Ordnance, $189.26.
For pay of the Navy, $1,103.15.
For pay, subsistence, and transportation, Navy, $128.78.
For freight, Bureau of Supplies and Accounts, $400.25.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For compensation to postmasters, $50.98.
For indemnities, domestic mail, $113.85.
For indemnities, international mail, $37.41.

DEPARTMENT OF STATE

For salaries, Foreign Service officers, $154.38.

TREASURY DEPARTMENT

For collecting the revenue from customs, $124.52.
For Coast Guard, $2,006.16.
For pay and allowances, Coast Guard, $1,126.17.
For enforcement of narcotic and national prohibition acts, internal revenue, $1,045.34.
For pay of other employees, Public Health Service, $1.

WAR DEPARTMENT

For pay, etc., of the Army (longevity act of January 29, 1927), $1,206.88.
For pay, etc., of the Army, $2,568.89.
For pay of the Army, $123.84.
For arrears of pay, bounty, etc., $43.73.
For mileage of the Army, $49.92.
For increase of compensation, Military Establishment, $291.56.
For Army transportation, $53.80.
For clothing and equipage, $682.88.
For general appropriations, Quartermaster Corps, $105.38.
For subsistence of the Army, $8.40.
For medical and hospital department, $82.76.
For Signal Service of the Army, $465.
For Air Service, Army, $362.50.
For arming, equipping, and training the National Guard, $5.
For pay of the National Guard for armory drills, $90.60.
Total, audited claims, section 5, $16,327.38, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The VICE PRESIDENT. That completes the committee amendments.

Mr. JONES. I have a few committee amendments I desire to offer.

The VICE PRESIDENT. The Secretary will state the first amendment offered by the Senator from Washington on behalf of the committee.

The CHIEF CLERK. On page 4, after line 2, it is proposed to insert:

Traveling expenses: The limitations of $2,500 placed on expenses for travel on official business under the Architect of the Capitol contained in the legislative appropriation act for the fiscal year 1931 is hereby increased to $4,000.

The amendment was agreed to.

Mr. JONES. Mr. President, I offer another committee amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 4, after line 21, it is proposed to insert:

The Public Printer may continue the employment under his jurisdiction of William Madden, CONGRESSIONAL RECORD messenger at the Capitol, notwithstanding any provision of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and any amendment thereof, prohibiting extensions of service for more than four years after the age of retirement.

Mr. ROBINSON of Arkansas. Mr. President, what is the explanation of that amendment?

Mr. JONES. This man is the one who carries the speeches around at all times of the day and night for correction by Senators. Everybody seems to think he is such an efficient man, especially in that line of work, that they felt that they would not like to have his services terminated until absolutely necessary, so the committee recommends this extension of time.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I offer a further amendment on behalf of the committee.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, after line 18, it is proposed to insert:

GEORGE WASHINGTON BICENTENNIAL COMMISSION, DISTRICT OF COLUMBIA

For expenses of the District of Columbia Commission for the George Washington Bicentennial, as authorized by the act approved February 24, 1931, fiscal years 1931 and 1932, $100,000, including rent of offices, postage, traveling expenses, employment of personal services without reference to the classification act of 1923, as amended, and all other necessary and incidental expenses.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I offer the amendment which I send to the desk to take care of an act that has passed both Houses, and, as I understand, has just been signed by the President.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, after line 18, it is proposed to insert:

DEPARTMENT OF VEHICLES AND TRAFFIC, DISTRICT OF COLUMBIA

For personal services, fiscal year 1932, $34,300, together with the amount of $36,060 for personal services, office of the director of traffic, contained in the District of Columbia appropriation act for the fiscal year 1932, payable in like manner as other appropriations for the District of Columbia for the fiscal year 1932 are paid: *Provided*, That the appropriation of $80,100 contained in the District of Columbia appropriation act for the fiscal year 1932 for purchase and installation of electric traffic lights, etc., office of the director of traffic, shall be available for similar expenditures under the department of vehicles and traffic, District of Columbia (act of February —, 1931).

Mr. ROBINSON of Arkansas. Mr. President, what is the department of vehicles and traffic?

Mr. JONES. This amendment is really to carry out a new law that we have passed for the control of traffic here in the District of Columbia. We have done away, I think, with the director of traffic, and have provided a new organization to handle it.

Mr. ROBINSON of Arkansas. That is the name of the new organization—the department of vehicles and traffic?

Mr. JONES. I understand so.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I also offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 4, after line 21, it is proposed to insert the following as a new paragraph:

Western irrigation agriculture: For an additional amount for western irrigation agriculture, including the same objects specified under this head in the Agricultural appropriation act for the fiscal year 1931, fiscal years 1931 and 1932, $35,000.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of that amendment.

Mr. JONES. The Senator from Oregon [Mr. STEIWER] can explain the necessity for the amendment. It relates to the Hermiston irrigation project, and the $35,000 is for a transfer of the experiment station there.

Mr. STEIWER. Mr. President, it should not be necessary to make a detailed explanation of this amendment; but for the information of the Senate I will state that on the Umatilla project, which is a Government project, there is now an experiment station. It has been there, I think, for some 15 years. It is a very small station, and it has proved to be absolutely inadequate.

This station is operated by the Government of the United States and the State College of Oregon as partners. On account of certain troubles on the project the State has threatened to withdraw its participation. Indeed, I think it may have already given notice that it will do so unless a more adequate station is provided.

It happens that the United States owns in the same neighborhood another tract of land upon which it has a water right. The purpose of this amendment is merely to provide the money with which the Government and the State may jointly continue their operations and move them over to the other tract of land.

Specifically the money is for constructing the necessary buildings and improvements on the new tract. It is a station that is very much desired by the people, and is supported both by the department and by the State college.

If it were necessary to make a fuller explanation I should be glad to do so, but I hope that will suffice.

Mr. TRAMMELL. Mr. President, will the Senator yield for a question?

Mr. STEIWER. I yield.

Mr. TRAMMELL. I do not know that I have any objection to the amendment, but I should like to ask the Senator if it is in accordance with a bill that has been passed at this session of Congress.

Mr. STEIWER. Yes; I neglected to state that. The same item passed the Senate once before.

Mr. TRAMMELL. At this session of Congress?

Mr. STEIWER. Yes.

Mr. TRAMMELL. Since we convened in December?

Mr. STEIWER. Yes. I can not tell the Senator the date upon which it was done, but it was agreed to once before.

Mr. TRAMMELL. I should like to know, just for information, whether it was since the Senate convened in December.

Mr. STEIWER. Yes; it was since December. If the State is permitted to withdraw its participation, the Department of Agriculture has indicated that it will abandon the station, and this station which is under irrigation will be permitted to dry up and blow away. The damage will all have been done long before the next session of Congress. If we are going to save the station, we must take the necessary action now.

Mr. TRAMMELL. I have no objection to the amendment.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. STEIWER. I yield.

Mr. KING. I am interested to know whether this is a reclamation project that is payable out of the reclamation fund, or is it a project which has no connection with the reclamation law, the Newlands Act, and comes out of the General Treasury?

Mr. STEIWER. Oh, no; it is one of the reclamation projects of our Government. I might say in that connection that this project was established by the Reclamation Service on an area that was then sagebrush and desert; and the Government then invited the settlers to go upon it, representing to them that the land was desirable and useful for certain agricultural and horticultural purposes. It happens that the Government's representations, made in writing and in literature scattered all over this country, have not proved to be true. All that the settlers here now ask is that the Government cooperate with them in trying to work out a new and different system of agriculture that may survive.

Mr. KING. I was not objecting; but I was wondering, if this is a reclamation project, why it is not payable out of the reclamation fund, instead of charging the Treasury and the people of the United States with a matter that belongs to the Reclamation Service.

Mr. STEIWER. There are two reasons, I think. There is no money available in the reclamation fund at this time. Besides that, I think there is no precedent for the procedure suggested. In all cases where experiment stations are maintained by the Government they are operated by the Department of Agriculture.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington on behalf of the committee.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, before the Senator from Washington presents the next committee amendment, may I ask him what has been the action of the committee, if any, concerning the veterans' hospital and soldiers' home bill which passed the Senate recently? Is anything included in this bill to carry out the provisions of that measure?

Mr. JONES. There is nothing in this bill for that. Nothing was called to our attention with regard to it.

Mr. SMOOT rose.

Mr. LA FOLLETTE. Then may I ask the Senator from Utah what the program is concerning that work?

Mr. SMOOT. Mr. President, I understand that the program is to send over a specific appropriation for that purpose.

Mr. JONES. I may say to the Senator and to the Senate that I understand some legislation may be enacted after this bill gets through.

Mr. ROBINSON of Arkansas. Mr. President, I presume the reason why the hospital item was not embraced in the deficiency bill under consideration is that it has not finally passed yet.

Mr. SMOOT. This bill was in the hands of the Senate at the very time the hospital bill was passed; so, of course, the House could not attach it.

Mr. JONES. Under our rules we have authority to put an item in a bill to carry out legislation that has passed the Senate at this session; and several of our items come under that head.

Mr. ROBINSON of Arkansas. I join in the inquiry as to why the hospitalization item was not incorporated.

Mr. JONES. That, I think, had not passed the Senate when this bill was reported.

Mr. LA FOLLETTE. Mr. President, the Senator from Washington reported the bill on yesterday, as I understand; but, in any case, may I say to the Senator from Arkansas that in several instances this year the Senate has attached amendments to appropriation bills to carry out bills which the Senate has passed and which are awaiting action in the House.

Mr. JONES. Yes.

Mr. LA FOLLETTE. It did seem to me that if we wanted to make sure that we were going to carry out this program it might be wise to include an authorization in this bill.

Mr. JONES. It would be in order for some Senator to prepare an amendment to carry out the hospitalization bill. It would be in order on this bill now.

Mr. SMOOT. I will prepare the necessary amendment. I shall get the exact amount before the bill passes, although I hope the House will not take exception to it, because they have already stated that they will pass a bill in the House and send it over here.

Mr. LA FOLLETTE. But the Senator realizes the lateness of the time in the session; and if we are going to get it in, it seems to me the wise thing to do is to put it into this appropriation bill, in which so many Senators and Congressmen are interested.

Mr. SMITH. Mr. President, may I ask the Senator from Utah what plan he said was being proposed, other than incorporating the matter in this bill?

Mr. SMOOT. Mr. President, the House intends to send over an appropriation bill at the last moment to cover a number of items; and included in that bill will be the money for the hospitalization bill.

Mr. ROBINSON of Arkansas. For myself, I do not see any objection at all to that arrangement. We, of course, desire to understand about it. There probably will be other measures passed, even after this date, that will call for deficiency appropriations, and they can be incorporated in the bill to which the Senator from Utah refers. In all probability there will be no difficulty in securing its passage.

Mr. SMITH. Mr. President, may I ask the Senator what information he has as to the time when the appropriation for the soldiers' hospital bill will be available for us to act on it—both this body and the other?

Mr. SMOOT. I think it may be made immediately available, but I do not know.

Mr. SMITH. No; I mean how long will it be before the question is settled after we have voted down the President's veto, as I presume we will do? I desire to know if then we will have ample time in which to make the appropriation of the necessary amount.

Mr. SMOOT. I am quite sure that if the program is carried out, the bill will be over here in the early part of next week, Monday or Tuesday. I am quite sure it will not be later than that.

Mr. SMITH. I have no objection to that procedure; but I should like to be sure about the appropriation.

Mr. SWANSON. Mr. President——

Mr. JONES. I yield to the Senator from Virginia.

Mr. SWANSON. As I understand, the appropriations for the construction of hospitals by the Federal bureau amount to $20,877,000. There are provided in this bill, as has been very properly stated, appropriations to carry out measures which have been passed by the Senate, and which, under the rule, are not subject to points of order. I do not see why the Senator from Utah——

Mr. JONES. I think the Senator from Utah is making arrangements to have an amendment prepared.

Mr. SWANSON. I think he ought to, because he had charge of the bill that was passed; and, if he does not prepare the amendment and offer it, some of us interested in this matter will insist that such an amendment be voted into this bill. I think the Senator from Utah ought to offer that as an amendment to this bill, as he had charge of the bill, and not let it go over and take the chance of getting a separate appropriation. I will not consent to that.

Mr. SMOOT. If the Senator will yield, I will have the amendment ready in a few moments.

Mr. REED. I think the reason for the difficulty is that when we passed the veterans' hospital bill we increased the amount from $12,500,000 to $20,877,000. We have been expecting to get a message from the House asking for a conference on that bill, but up to the present time that has not come. Presumably, the item was not put into this bill because it was not known how much was to be needed.

Mr. ROBINSON of Arkansas. Mr. President, the House is considering the question now, or was just a few moments ago.

Mr. REED. I thank the Senator. May I suggest that we have only six business days left of this session. There is no telling how long the conference on the hospital bill will last. It seems to me that it is highly wise for us to put the item in this bill, as suggested by the Senator from Wisconsin and the Senator from Virginia, in the amount of $20,877,000; and when the conference on the hospital bill is settled and the amount finally fixed the conferees on this bill can, without any further action, fix the exact amount of the appropriation. I hope that will be done.

Mr. SMOOT. Mr. President, I thought I had a copy of the bill here, but I find I have not, and I have sent to the document room for it. I am quite sure that before the pending bill is disposed of, as there are a number of individual amendments to be offered, I will be prepared to offer the appropriate amendment to the pending bill. It will cover the full amount, $20,877,000.

Mr. SMITH. Mr. President, how much was the House appropriation? It was $12,000,000, was it not?

Mr. SMOOT. Twelve million five hundred thousand dollars.

Mr. SMITH. We increased it by about $8,000,000?

Mr. SMOOT. Yes.

Mr. SMITH. It is about $20,000,000 now?

Mr. SMOOT. Twenty million eight hundred and seventy-seven thousand dollars.

Mr. SMITH. If we could incorporate an amendment covering that amount in this bill, and then adjust the difference, if there is any, in the conference report, that would be safe.

Mr. JONES. That will be done. Now, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The Senator from Washington offers the following amendment on behalf of the committee: On page 74, after line 11, insert:

Payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject: For payment to the British Government as full reimbursement for losses sustained by H. W. Bennett, a British subject, in connection with the rescue of survivors of the U. S. S. *Cherokee*, in February, 1919, as authorized by the act approved February 24, 1931, $400.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I offer the following committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 74, after line 11, insert:

International Exposition of Colonial and Overseas Countries, Paris, France: For an additional amount for the expenses of participation by the United States, as authorized by public resolutions approved June 24, 1930, and February 24, 1931, in an International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931, and for all purposes of the said resolutions, fiscal year 1931 and to remain available until expended, $50,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I offer the following committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 112, after line 15, insert:

New Bern, N. C., courthouse, customhouse, and so forth: The proviso in the act of July 3, 1930, that no new site shall be acquired unless the city of New Bern shall agree to purchase the old site and building for a sum not less than the cost of the new site, and in the event that such an agreement is entered into, the Secretary of the Treasury may sell such a site and building to the city on such terms as he may deem proper, is hereby repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

Mr. JONES. I also offer the following committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 115, after line 15, insert:

Omaha, Nebr., Federal office building: For demolition of building and construction of a new building on a site owned by the Government, under an estimated total cost of $740,000, and there is hereby transferred from the War Department to the Treasury Department the land comprising the site of the old Post Office and Customhouse Building at Omaha, Nebr., together with the improvements thereon, which was turned over by the Secretary of the Treasury to the Secretary of War, under authority of the act of Congress, approved January 21, 1889 (25 Stat. 652).

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

Mr. JONES. Mr. President, I am going to offer now an amendment on behalf of the committee, but I think I should make a brief statement about it. I shall not consider this a precedent for the future. It is an item which reads:

Fort Pierce Harbor: For dredging the channel of Fort Pierce Harbor, Fla., fiscal years 1931 and 1932, $20,000.

This is not an adopted project. It has never been reported upon by the engineers. But it was shown to the committee that the people of this locality have constructed a channel in connection with a harbor out to deep water at an expense of over $2,000,000. That was done without any aid or assistance on the part of the Federal Government.

The community has suffered a great many disasters recently. One of them was the hurricane about which we have heard, which did a great deal of damage. All the banks in the locality have closed. Many of the people have gone into bankruptcy, and they are in a very deplorable financial condition.

A bar has formed in the channel which the people constructed. It is informally estimated by the engineers that it will cost about $20,000 to take out the bar. The bar hinders the passage of ships between this port and other ports along the Atlantic coast. The people of the locality say that it is absolutely impossible for them to raise the money to do this work, and they have appealed to the Congress for this $20,000, giving us assurances that they will maintain the channel hereafter.

As I have said, this channel has not been surveyed; it is not a project which Congress has approved; but the deplorable condition of things appealed to the committee, so we recommend the adoption of the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

Mr. JONES. Mr. President, the junior Senator from Illinois [Mr. GLENN] has an amendment to offer on behalf of the committee.

Mr. GLENN. Mr. President, I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The Senator from Illinois, on behalf of the committee, moves, on page 171, after line 20, to insert:

The United States Court of Claims be, and it is hereby, authorized and directed, notwithstanding any rule of court, proceedings had, or provision of law to the contrary, to grant the United States a new trial in the case of Pocono Pines Assembly Hotels Co. *v.* United States of America, No. J-543, and hear the testimony, find the facts, and render judgment accordingly on the matter of the responsibility under the facts and the provisions of the lease agreement involved for the fires and the damage and destruction of leased property thereby which occurred during the lease term. The Department of Justice is hereby authorized and directed, on behalf of the United States, defendant in said action, to present to the Court of Claims all available evidence bearing upon the cause and origin of said fires and such other matters as will fully protect the interests of the United States therein. Any

right in either party to said action to obtain review by the Supreme Court of the United States of the proceedings had pursuant hereto shall not be curtailed by any provision hereof.

Mr. ROBINSON of Arkansas. Mr. President, this appears to be an unusual provision. It directs a court to grant a new trial. Of course, there may be some justification for such action, but I think legislative direction to a court to render a particular decision should be open to very careful scrutiny. The courts are presumed to decide cases before them in accordance with rules of law.

Mr. JONES. I think the Senator from Illinois can explain it fully.

Mr. ROBINSON of Arkansas. I think an explanation is due.

Mr. GLENN. Mr. President, some years ago the Government leased a hotel property in Pennsylvania.

Mr. ROBINSON of Arkansas. How long ago?

Mr. GLENN. About 8 or 10 years ago. The Government leased a hotel property, including the main hotel building and a number of cottages and a garage, in the Pocono Hills in the State of Pennsylvania, for hospitalization purposes, for the veterans. The lease contained among others a provision that at the expiration of the term the property should be delivered back to the owners in the condition in which it was taken by the Government, loss by fire and on account of some other causes excepted.

Two fires occurred during the term of the lease. First the garage building was destroyed by fire, which was a small loss. Then later the entire main hotel building was destroyed by fire.

A suit was entered by the owners, under the provisions of the lease, making claim that the Government had not complied with the lease because it failed to return the property in the condition in which it was received. Counsel for the Government relied exclusively upon a question of law, taking the position that the fire having been proved, the burden of proof was upon the lessors to prove that the fire was the result of the negligence or the fault of the Government. The court ruled against the Government's contention upon that point of law.

The Government lawyers rested their case. They introduced no proof as to value of property or the amount of loss or the origin or cause of the fire.

A judgment was entered by the Court of Claims for some $227,000, and the usual motion for new trial and rehearing were entered and denied by the Court of Claims.

The facts, as shown by the report of the Comptroller General, are about as follows:

This property, a large building, had a large porch out over the first floor. The porch was not covered with metal or slate, but there was a wooden covering. A large number of veterans were in the hotel building from time to time. A fire broke out, and the evidence seemed to indicate that the fire came as the result of defective wiring in the roof of the porch.

There was a rain on the day of the fire before the fire. The contention of the lessors was, apparently, that the fire came as the result of a lighted cigarette or cigar being thrown out upon the roof.

That question was not contested. There is evidence submitted now in the form of affidavits that the fire when first seen was breaking out between the boards of the roof and not upon the surface of the roof. There is also evidence at least tending to establish the fact that at the time immediately prior to the breaking out and discovery of the fire there were no persons on the floors above the porch where the fire broke out. That is one element of defense, that the fire was not the result of the negligence of the Government, but came as a result of defective wiring. I think it is probably unnecessary to go into any detail about that matter.

Another possible defense for the Government is a provision in the lease which required the lessors of the property to establish and maintain fire protection. The affidavits disclose that there was not only no water pressure at the hotel building at the time the fire broke out, but that the pressure was turned off and the superintendent for the lessors—they kept one superintendent there to superintend the property—had to go a distance of half a mile to start the pumps to make the water supply available. By the time he had made that trip and the pressure came on, the building was destroyed or the fire was so far along that the building could not be saved.

Those are the main elements of possible defense for the Government. I may say further that the Government introduced no proof, as I said, as to the value of the property destroyed. The only proof in the record is the proof of the owners, which went to the reconstruction cost of the building, making no allowance for depreciation.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. GLENN. Certainly.

Mr. ROBINSON of Arkansas. What was the amount of the judgment rendered by the court?

Mr. GLENN. It was in the sum of $227,000.

Mr. ROBINSON of Arkansas. Against the Government?

Mr. GLENN. Yes; against the Government.

Mr. ROBINSON of Arkansas. May I point out to the Senator from Illinois, who has had very great experience as a lawyer, that this, in my judgment, is a very questionable proceeding. What happened is that the Government tried the cause and lost its case. I wonder if there is a Senator here who thinks if the other parties to the controversy had lost the case and it appeared that the losing side in that event had not been as well represented as it might have been, the Congress of the United States should be asked to direct the court to render a judgment which the court itself is not willing to render.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Washington?

Mr. GLENN. I yield.

Mr. JONES. May I suggest to the Senator that the Court of Claims is not a usual court? It is considered as more in the nature of an adviser to Congress than otherwise, and this is not an unusual proceeding, so far as the Congress and the Court of Claims is concerned.

Mr. ROBINSON of Arkansas. I can not recall in my experience when the Court of Claims has been directed to grant a new trial.

Mr. JONES. I can not say that it has been directed to grant a new trial, but it has been directed to report to the Congress.

Mr. ROBINSON of Arkansas. Oh, yes; but that is a different matter. The Court of Claims, like all other judicial bodies, tries the cases before it in accordance with the rules fixed by the Congress. In this case there is no complaint that the court acted arbitrarily. The implied complaint is that the Government attorneys did not try their case well. In a great many lawsuits it happens that one side or the other is better presented, and the natural advantage that comes from that sort of procedure results.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. GLENN. I yield.

Mr. BORAH. Unless there is something in the creation of the Court of Claims that puts it under the control of Congress the proposition here made would be a nullity. We could not direct the ordinary court to render a judgment. I do not know of anything in the creation of the Court of Claims that would place it on a different footing.

Mr. ROBINSON of Arkansas. Certainly not. The Congress does direct the Court of Claims to try cases, and it sometimes fixes the rules, but I have never before in my entire experience, either as a legislator or as a lawyer, heard of changing the rule after the trial had been had. If the Senator from Washington or the Senator from Illinois can cite an instance in which a case has been referred to a court in any jurisdiction in this country, the rules fixed, the trial had, and then by legislative procedure the rules changed after the trial had been had and the case decided, I should be glad to have him do so.

Mr. GLENN. Mr. President, I may say that this struck me as a very unusual procedure. I have been a member of the Committee on Claims just long enough to learn that in matters of claims against the Government the statute of limitations, for instance, is frequently waived. Nearly every day a bill is presented waiving the statute of limitations or some recognized and established law of the Government. I have seen it happen often that we have given a claimant against the Government, who had a case that appeared meritorious in good morals and good equity and good conscience, the opportunity to have his case tried before the Court of Claims despite the statute of limitations. We have changed that law frequently in favor of claimants against the Government. But I thought this was not a usual case.

Mr. ROBINSON of Arkansas. The Senator concluded that a similar act of injustice, if I may term it such, might be done in favor of the Government against its citizens. Let me point out to the Senate just what the language is. It is extraordinary. The lawyers in this body should listen to it. It directs a judgment. The language is:

That the United States Court of Claims be, and it is hereby, authorized and directed, notwithstanding any rule of the court, proceedings had, or provision of law to the contrary—

And so forth. The proposal is that the Congress shall direct the court to violate the law which Congress has enacted. It is the most unconscionable proposal I have ever heard of being submitted to Congress. I do not, of course, refer to the conduct of the Senator from Illinois in presenting it. I refer to the representatives of the Government who, having tried and lost their case, come here now and ask the Congress to say that, notwithstanding the law is against the Government, and in spite of the law which has been enacted governing the matter, the Congress shall direct the court to render a decision.

I thank the Senator from Illinois for yielding to me.

Mr. GLENN. Mr. President, I may say to the Senator from Arkansas that this provision is proposed to be inserted in the bill not for the benefit of the Government. We do not need the provision for that purpose at all. It is put in for the protection of the claimant. That may seem strange, but it is true. Why? The judgment of the Court of Claims is unavailing unless we make an appropriation to pay it and it is not final or binding until we make that appropriation.

I have no feeling about the matter at all. It was referred to me as a member of the subcommittee. But I say that when we put this provision in we put it in so that we would not deny to these people the right finally to be heard. We can stand arbitrarily without the provision, if the Senator from Arkansas please; we can just stand on our rights and say we do not believe that this is a just claim against the Government, and the claim would fail. But we do not do that. We say, "You can go into court and have this case fairly heard."

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. GLENN. I yield.

Mr. REED. I do not think the Appropriations Committee has been very fair in this matter. I agree with every word said by the Senator from Arkansas [Mr. ROBINSON], but I want to add this statement:

When the first deficiency bill was up this item was included; that is to say, there was included an item of appropriation to pay this identical judgment. The Appropriations Committee invited me to come before them and asked then if there would be any objection to striking out the item from the first deficiency bill so that the Comptroller General might investigate it. I said, "There is a judgment that would seem to bind the United States, but if you want to investigate it certainly pass it over to the second deficiency appropriation bill."

Now, without a word further this amendment is authorized by the committee, which not only does not appropriate the money but would strike down the judgment altogether without hearing from the claimants, without giving any notice to the Senators from their State, without any opportunity for those on the other side to be heard. I say, Mr. President, that it is offensive to one's sense of justice, and I am going to offer an amendment adding to the amounts appropriated for the payment of judgments the amount by which this claimant has received judgment against the United States.

Mr. GLENN. May I say to the Senator from Pennsylvania that I knew nothing about the matter——

Mr. REED. I do not blame the Senator from Illinois about it. It is not personal to him, and I hope he understands that.

Mr. GLENN. Certainly.

Mr. ROBINSON of Arkansas. Mr. President, when the Senator from Illinois [Mr. GLENN] was first interrupted the sole information that I had was derived from the language of the amendment itself. I have already said that never before in my experience either as a legislator or as a lawyer have I seen a legislative body attempt to direct a court to violate and disregard the law which that same legislative body had prescribed for the government of the proceedings of the court. But now, from the statement of the Senator from Pennsylvania, the information is derived that it is a positive effort on the part of the Government to prevent the proper execution of a judgment which has been rendered in accordance with due process of law. If it is necessary to do so, in order to prevent the incorporation of this amendment in the bill, I shall take a considerable amount of time in discussing it.

Mr. LA FOLLETTE. Mr. President, may I suggest to the Senator from Arkansas that it is clearly subject to a point of order?

Mr. ROBINSON of Arkansas. I make the point of order then.

The PRESIDENT pro tempore. The Senator will state the grounds upon which he makes the point of order.

Mr. ROBINSON of Arkansas. That it is legislation on a general appropriation bill. Plainly it attempts to confer an authority of law on the Court of Claims which that court does not now have. It undertakes to set aside by legislative action a judgment by the Court of Claims. Undoubtedly it is obnoxious on the ground that it is legislation on a general appropriation bill.

Mr. GLENN. I confess the point of order.

Mr. BRATTON. Mr. President, when this matter was brought to the attention of the Committee on Appropriations the chairman of that committee referred it to a subcommittee consisting of the Senator from Illinois [Mr. GLENN], the Senator from Oregon [Mr. STEIWER], and myself. We gave the matter thorough consideration. I think the Senator from Arkansas employs rather intemperate language when he characterizes it as "the most unconscionable thing ever done by the Congress."

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Tennessee?

Mr. BRATTON. I yield.

Mr. McKELLAR. Does the Senator recall any other instance in the history of Congress where by act of Congress a judge of a court was directed to enter a new trial in a case——

Mr. ROBINSON of Arkansas. And in violation of law.

Mr. McKELLAR. Which may or may not be in violation of law.

Mr. BRATTON. This is not in violation of any law.

Mr. McKELLAR. But here is what is proposed to be done, in terms: It is proposed to direct the judge who has already passed on the case, after the three months have expired in which a new trial can be granted, again to take up that case and enter a new trial. It seems to me that that is something which is absolutely unheard of under the law of the land.

Mr. BRATTON. Mr. President, if I may have the Senator's attention, I will state the facts. It is a matter of utter indifference to me what Congress does with the claim. If it shall be paid, Mr. President, the claimants will get from the Treasury $227,000 to which they are not entitled in law or under the facts.

Let me repeat that the Senator from Illinois, the Senator from Oregon, and I gave the matter thorough consideration, and if we stamped our approval upon an unconscionable proposal, we did not intend to do so. I say that in view of the statement of the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I raise no question of that kind.

Mr. BRATTON. Here are the facts.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield; and if so, to whom?

Mr. BRATTON. I should like to state the facts. I am not going to take much time in discussing them.

The corporation in question leased certain property to the Government. The lease contained a provision requiring the return of the property, acts of God excepted. This hotel building burned and, of course, was not returned at the expiration of the lease. The owner then filed suit for the value of the property. The attorney representing the Government felt that under the terms of the lease upon showing destruction by fire the burden shifted to the plaintiff to show that the fire was the result of negligence on the part of the Government, the attorney for the plaintiff believing, on the other hand, that, under the terms of the lease, when he showed that the property was destroyed by fire, the burden rested upon the Government to show that it was not at fault, the legal proposition between them being where the burden rested. So the attorney for the Government tried his case upon that theory.

Judgment was rendered for $227,000; a motion for rehearing was presented and denied. A second motion for rehearing was presented, to which was attached, in affidavit form, proof showing that the Government has three separate defenses to the merits of the case. In my opinion, the Government can prevail upon any one of those three contentions. They are these:

According to the theory of the plaintiff, the fire originated by throwing a lighted cigarette or cigar upon a shingle roof. There is no doubt but that the Government notified the owner weeks before the fire occurred that that shingle roof was dangerous, and that it should be replaced with an asbestos or metal roof. Instead of heeding the warning and replacing the roof with an asbestos or metal covering, the owner let it remain in that condition. According to his theory, the fire originated by a lighted cigarette or cigar being thrown upon the roof, the danger of which had been called to his attention.

Mr. REED. Mr. President, will the Senator from New Mexico yield for a question?

Mr. BRATTON. Yes.

Mr. REED. Admitting all that for the purpose of the argument, suppose the claimant's lawyer had made a mistake about the burden of proof, and had neglected to apply in time for a rehearing, or for reasons that seemed just to the court a rehearing or a new trial had been denied, would the Senator be in favor of putting a provision in an appropriation act ordering the Court of Claims to give that claimant another trial?

Mr. BRATTON. That is an entirely different situation.

Mr. REED. It involves exactly the same question.

Mr. BRATTON. It is a different situation entirely.

The second point is this——

Mr. REED. Mr. President——

Mr. BRATTON. If the Senator will let me state the facts, then I shall be glad to answer any question either from him or the Senator from Arkansas.

According to evidence in the hands of the Government, the fire originated from defective wiring between the shingle roof of the porch, to which I have referred, and the ceiling of the porch.

The third theory on which the Government can prevail, according to my view, is that the lease required the owner to maintain an adequate supply of water for protection of the property, but when the fire occurred there was no water available; the caretaker, an employee of the owner, had to go half a mile to start the pump before any water was available. Of course, if the owner failed to provide water, as the lease required him to do, that was contributory negligence on his part. So it is my belief that under either one of those three theories the Government can defeat recovery in the case. No one of them has ever been passed upon by the court.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BRATTON. Yes.

Mr. ROBINSON of Arkansas. Suppose it were possible, which I do not think it is, for the Congress to compel the court to grant a new trial and to render the decision which the Senator from New Mexico thinks ought to have been rendered in the first place, and the attorney for the Government should decline to take the view of the case the Senator from New Mexico takes, but should try the case and lose it again, would the Senator from New Mexico think that Congress ought to continue to set aside the judgment of the court until a lawyer could be procured by the Government who would try the case efficiently and successfully?

Mr. BRATTON. No.

Mr. ROBINSON of Arkansas. Mr. President, it is perfectly apparent to me that the Government had its day in court and that the case was tried in accordance with the policy adopted by the Government's attorneys. That is what the Government has attorneys for. If the case had been lost by the other side, no one here would be suggesting that a new trial be granted in the interest of the claimant. He would have to take the responsibility for the incompetency, if I may use that term, of his lawyer. There has been no direct suggestion here that the Government's attorney was incompetent or corrupt or indifferent in the performance of his duty. The suggestion is that he just did not try the case in the way that Members of the Senate who have studied the case think it ought to have been tried. They may be right and the attorneys may have been wrong; or, on the other hand, a different rule may apply; but to say that, in spite of the law governing the procedure of the court, in spite of the court's rules adopted pursuant to law, the court should be directed to enter a different judgment from that which the court found ought to be rendered, I repeat, is repugnant to a sense of justice.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The Chair is ready to rule.

Mr. BORAH. I should like to ask the Senator from New Mexico a question.

Mr. BRATTON. I yield.

Mr. BORAH. I have great respect for the legal judgment of the Senator from New Mexico. I inquire would not the setting aside of this judgment be a judicial act?

Mr. BRATTON. I should think it would be.

Mr. BORAH. Can the legislature perform a judicial act or make anybody else do so?

Mr. BRATTON. I do not know that we could do that. The court has merely passed upon a legal proposition in the case; it has never considered the facts; the facts have never been determined. The effect of the amendment is to remit the controversy to the court with directions to hear the facts and render such judgment as the court may determine should be rendered in view of its determination of the facts. That is the effect of the amendment. That is all that the amendment seeks to do.

Mr. BORAH. I know nothing about the equities of the matter, but it is an exceedingly interesting proposition to me that a legislative body may direct a judicial body to perform a judicial act in a certain way.

Mr. ROBINSON of Arkansas. Suppose the judge refused to pay any attention to what the legislature told him to do?

Mr. BORAH. I think that is what he would do.

Mr. ROBINSON of Arkansas. If he had any self-respect at all, of course he would. Then, what would be the remedy?

The PRESIDENT pro tempore. The Chair is clearly of the opinion that the amendment proposes legislation upon a general appropriation bill, and therefore the point of order is sustained.

Mr. BRATTON. Mr. President, how did I lose the floor?

The PRESIDENT pro tempore. The Senator from New Mexico did not lose the floor.

Mr. BRATTON. I should like to keep it, if I have it.

Mr. JONES and Mr. McKELLAR addressed the Chair.

Mr. BRATTON. I desire merely to complete my statement.

The PRESIDENT pro tempore. The Senator from New Mexico has the floor.

Mr. BRATTON. I merely wish to state the facts to the Senate. It is then immaterial to me what becomes of the controversy. If the judgment shall be paid, the claimants will get $227,000 of public funds to which under the facts they are not entitled. At least the facts before us indicate that strongly. What we intended to do by the proposed amendment was to have the tribunal created by Congress to pass upon such questions in an advisory way, review the facts in this case, and then tell Congress whether the claimant should be paid.

Mr. JONES obtained the floor.

Mr. REED. Mr. President, will the Senator yield to me?

Mr. JONES. Mr. President, I will take only a moment. I have an amendment which I wish to offer in my individual capacity and not as chairman of the Appropriations Committee or on behalf of that committee. I want to explain it for just a moment.

The amendment has to do with the Employment Service. An estimate of $500,000 has been sent down by the Budget Bureau. The subcommittee thought that that was not necessary. However, not only the Department of Labor but the President feels that, under the peculiar conditions now confronting us, this appropriation ought to be made, in view especially of the prospect of the labor or unemployment bills which have been passed. However, whether the last one of those bills shall become a law or not this money is so necessary to meet the unemployment situation all over the country that I am going to offer the amendment for the consideration of the Senate.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator.

Mr. WAGNER. There is pending before the President for his consideration a bill which has been finally passed by both Houses, the last steps in its passage by Congress having been taken yesterday. That bill abolishes the bureau for which the amendment of the Senator would provide an appropriation. I suggest that if the appropriation shall be made at all, it ought to be increased, in the first place, and, in the event the President should sign the bill which has been passed—and I have every expectation that he will—the item should be phrased in such way as that the appropriation will become available to the bureau newly created under the legislation to which I have referred.

Mr. JONES. As I understand, if this appropriation shall be made it will be available, whether the legislation to which the Senator from New York refers shall be finally enacted or not.

Mr. WAGNER. No. I say "no"; my opinion is that it will not be, because the appropriation is made for the use of a bureau which will have been abolished and which will be out of existence in the event the President should sign the bill now before him.

Mr. JONES. The bill to which the Senator refers does not create a new bureau entirely outside of the Department of Labor, does it?

Mr. WAGNER. It creates a separate bureau, the head of which is to be appointed by the President.

Mr. JONES. Yes; but it will still be a bureau in the Department of Labor.

Mr. WAGNER. But I think it is a very serious question whether the appropriation would be available for this newly created bureau. For that reason I suggest that the amendment be so worded as to be available to the existing Bureau of Employment or to its successor.

Mr. JONES. I will read the amendment now:

For an additional amount for the Employment Service, including the same objects specified under this head in the act making appropriations for the Department of Labor for the fiscal years 1931 and 1932, $500,000, of which not to exceed $17,650 may be expended for personal services in the District of Columbia.

Mr. WAGNER. Will the Senator defer offering the amendment, so that I may have a chance to confer with him?

Mr. JONES. Surely.

Mr. WAGNER. I make that request because I have under preparation an amendment which I intended to offer.

Mr. McKELLAR. Mr. President, I offer an amendment, which I ask to have stated.

Mr. REED. Will not the Senator withhold that until we have a chance to act on this Court of Claims matter?

Mr. McKELLAR. This will take but a very few moments.

The VICE PRESIDENT. The amendment offered by the Senator from Tennessee will be stated.

The CHIEF CLERK. The Senator from Tennessee offers the following amendment:

Insert at the proper place in the bill the following:

"Bureau of Public Roads: For an additional amount for paving and other expenses of constructing the highway from Washington, D. C., to Mount Vernon, Va., including all necessary expenses for the acquisition of such additional land adjacent to said highway as the Secretary of Agriculture may deem necessary for the development, protection, and preservation of the memorial character of the highway, $2,700,000, to remain available until June 30, 1932."

Mr. JONES. Mr. President, I beg to say that that is in accordance with the act that has passed the Senate at this session, and therefore is not subject to a point of order.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I ask unanimous consent to return to the amendment that was adopted on page 2, which I will read, as follows:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1931, $50,000.

I ask unanimous consent to return to that for the purpose of offering an amendment making the amount $100,000.

The PRESIDENT pro tempore. Is there objection to the reconsideration of the vote whereby the amendment was agreed to?

Mr. JONES. Mr. President, I shall have to make the point of order against that amendment.

Mr. McKELLAR. Why is it subject to a point of order?

Mr. JONES. It is increasing an item in the bill, and there is no Budget estimate for it. The $50,000 carries a Budget estimate. That is all that the disbursing officer asked of the committee.

Mr. McKELLAR. I know; but I want to say this to this Senate: A number of investigations have been asked for, and the Committee to Audit and Control the Contingent Expenses of the Senate state that they have only $43,000 left, and they can not authorize these investigations because they have not the necessary money. This matter does not have to go to the Bureau of the Budget. Is it possible that the Bureau of the Budget has to be consulted about the contingent expenses of the Senate? I am inclined to think no Senator would claim that it makes any difference whether the Budget has undertaken to deal with this matter or not. If the Senate can not control its own expenses, surely we are in a very unfortunate situation.

There are Senators on the floor who have important resolutions of investigation pending before the committee. There is the senior Senator from Alabama [Mr. HEFLIN], who has before the committee an application for an investigation which will cost some money, and the money is not there. There is the senior Senator from Wisconsin [Mr. LA FOLLETTE], who has made an application of like kind, and the committee claims that the money is not there. I, myself, have a very important resolution of investigation; and the committee claims they have not sufficient money to authorize it.

Under these circumstances, I hope the Senator will permit the amendment to be agreed to.

Mr. JONES. Mr. President, I suggest to the Senator that this $50,000 only runs up until the 1st of July, 1931, the remainder of this fiscal year.

Mr. McKELLAR. But they will not authorize the appropriation of the money. They say it will put Mr. Pace in an awkward situation if they appropriate the money without having it in hand.

Mr. JONES. Mr. Pace is at liberty to call on the Committee on Appropriations and tell us what he needs. He stated to us that $50,000 was necessary, and that was all he asked us to appropriate.

Mr. LA FOLLETTE. Mr. President, may I have the attention of the Senator from Washington?

Mr. McKELLAR. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. The situation, as I understand it, is somewhat as follows:

The Committee to Audit and Control the Contingent Expenses of the Senate take the position that they can not authorize the report of any resolutions calling for more money than is now in the contingent fund of the Senate up to July 1, 1931. Mr. Pace, in appearing before the Appropriations Committee, has merely included in this $50,000 item those resolutions which have already passed the Senate and are therefore authorized. With the Committee to Audit and Control the Contingent Expenses of the Senate taking the position that they can not authorize any resolutions excepting those which can be taken care of from this fund which will be available up to July 1, 1931, it simply puts the Senate in the position that those who have introduced resolutions early in the session have had them acted on and they will have the money available. Those who may have equally meritorious resolutions calling for the expenditure of money are unable to get consideration of them by the committee because the committee say there will not be sufficient money in the contingent fund of the Senate to take care of them.

It seems to me that the proposition of the Senator from Tennessee is a very reasonable one. There are resolutions pending before the Committee to Audit and Control the Contingent Expenses of the Senate which I have no doubt will receive the overwhelming support of the Senate if they are reported. There is the resolution of the Senator from North Dakota [Mr. NYE] to provide for a special committee to look into the oil question. There is the resolution of the Senator from New York [Mr. WAGNER], providing for an investigation of this most important question of unemployment insurance. There is the resolution of the Senator from Tennessee [Mr. McKELLAR] and many other important resolutions.

Mr. McKELLAR. It has been agreed upon by the Post Office Committee, too.

Mr. LA FOLLETTE. Some of these resolutions have already been approved unanimously by legislative committees of the Senate. In view of the fact that none of the money which we might appropriate in this bill will be expended unless the Senate itself subsequently authorizes the passage of resolutions now pending in the Committee to Audit and Control the Contingent Expenses of the Senate, it does seem to me that it is a matter of proper procedure for the Senate at this time to increase the sum by the amount suggested by the Senator from Tennessee; and then the Committee to Audit and Control the Contingent Expenses of the Senate, and the Senate itself, may pass upon these important resolutions on their merits.

Mr. McKELLAR. Mr. President, I suggest to the chairman of the committee that we take this matter to conference and get from Mr. Pace an exact statement about what is necessary.

Mr. JONES. I desire to suggest to the Senator from Tennessee that it is not Mr. Pace's business to determine what he shall recommend to Congress on the basis of resolutions that may be pending before a committee.

Mr. LA FOLLETTE. I understand that.

Mr. JONES. It seems to me there is nothing in the rules of this body that prohibits the Committee to Audit and Control the Contingent Expenses of the Senate from reporting any resolution that it thinks ought to be reported. If the committee has reached a decision not to do it, it is simply an arbitrary decision of the committee. Mr. Pace can not base his estimates to the Committee on Appropriations on the resolutions that are pending, because he does not know whether or not they are going to be acted upon.

Let me say, in addition, that Mr. Pace does not hesitate to recommend to the Committee on Appropriations all the money that he feels is necessary for these investigations. If the Committee to Audit and Control the Contingent Expenses of the Senate should report additional resolutions to the Senate, and the Senate should agree to them, and Mr. Pace then should feel that he ought to have more money, he would so recommend.

Mr. McKELLAR. But the Committee to Audit and Control the Contingent Expenses of the Senate are taking the position that they can not report out these resolutions because Mr. Pace will be rendered liable to criminal prosecution if they do.

Mr. JONES. I do not see how the action of the committee could do that.

Mr. McKELLAR. The Senator from Washington and I are in agreement on that point. I do not think he would be committing any offense; but the fact is that the committee have taken that position, and the only way we can correct that position is to give them the money. I think we ought to do it. I hope there will be no objection to doing it.

Mr. JONES. I was not referring to Mr. Pace; I was referring to the Committee to Audit and Control the Contingent Expenses of the Senate. I think they ought to report whatever resolutions they think ought to be passed.

Mr. COPELAND. Mr. President, I was off the floor for a moment. Is it the purpose of the Senator from Tennessee to provide for some new investigations which have not yet been passed upon by the Senate?

Mr. McKELLAR. No; the purpose is to increase the $50,000 provided for on page 2 of the bill by making it $100,000.

Mr. COPELAND. For what purpose?

Mr. McKELLAR. For the purpose of permitting the Committee to Audit and Control the Contingent Expenses of the Senate to report out certain resolutions which they say they can not report out now because there is not sufficient money in the contingent fund to permit them to do it.

Mr. COPELAND. What are those resolutions?

Mr. McKELLAR. One of them is the resolution of the senior Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. COPELAND. For what purpose?

Mr. McKELLAR. I will let the Senator from Wisconsin state the purpose. I yield to him to state the purpose, if I may.

Mr. LA FOLLETTE. Mr. President, my interest in this matter is not very vital. I am asking for only a small sum of money to authorize the Committee on Manufactures to study a bill which I have introduced providing for the creation of a national economic council. The Senator's colleague, however, the junior Senator from New York [Mr. WAGNER], has what I regard as one of the most important resolutions that have been pending in this body during this session, namely, the one to authorize a select committee of the Senate to make a study of the question of unemployment insurance.

The Committee to Audit and Control the Contingent Expenses of the Senate take a position which I do not think is justified. Nevertheless, they are the committee having control of these resolutions. They take the position that they can not report out any more resolutions, because the amount carried in this bill is not sufficient to care for all of the expenditures which might possibly be made between now and the 1st of July, 1931.

In order to take care of that situation, the Senator from Tennessee has asked to make this amendment. As I pointed out a moment ago, if the Senator from Tennessee will bear with me, not a dollar of this money will be spent unless it is subsequently authorized by the Senate and its expenditure approved upon vouchers signed by the chairmen of committees that are authorized to conduct these various inquiries.

Mr. McKELLAR. There is a further resolution that I have introduced, which has been reported almost unanimously by the Post Office Committee, providing for an investigation into air mail and ocean mail. That resolution is also before the committee. These are all most important matters; and surely the Congress should furnish the money to be used.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. COPELAND. It seems to me a very strange thing to put in a blanket amendment which will invite a lot of investigations. I am not sure but that we have had enough investigations. However, the Senator from Wisconsin has a reasonable proposition. Why does he not bring it here in the regular way?

Mr. McKELLAR. It has been brought here in the regular way.

Mr. COPELAND. I have a proposal myself for an appropriation. It has not yet been approved by the Senate. When it is approved I am going to try to find the money somewhere. It would seem to me the proper procedure is to come here first with a definite proposal as to what is to be done with the money, and then there must be found a way to provide it.

Mr. McKELLAR. Mr. President, all of these resolutions have taken the regular, ordinary, everyday course as provided under the rules of the Senate. The only question that remains now is the one that the Committee to Audit and Control the Contingent Expenses of the Senate have raised; namely, that they have not the money with which to authorize the investigations.

Mr. LA FOLLETTE. Mr. President, if the Senator from Tennessee will yield further——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. McKELLAR. Yes; I yield.

Mr. LA FOLLETTE. I should like to suggest to the Senator from New York that all that is sought to be obtained here is an opportunity for the Senate itself to pass upon these resolutions calling for inquiries or studies of various questions upon their merits. Unless this amendment is adopted the Committee to Audit and Control the Contingent Expenses of the Senate take the position that they can consider no further resolutions, because this is the last appropriation bill to pass the Senate.

Mr. McKELLAR. Mr. President, I judge from the statements made that an objection will be had to the reconsideration of this item of the bill on page 2, and therefore I move that the Senate——

Mr. JONES. Mr. President, I want to say to the Senator that if the point of order is overruled I shall not object.

Mr. McKELLAR. I want to ask unanimous consent to return to that item.

Mr. JONES. I would like to have a ruling of the Chair on the point of order.

The VICE PRESIDENT. Does the Senator want the Chair to rule before the question is submitted?

Mr. McKELLAR. It has to be submitted first. I ask unanimous consent for a reconsideration of the vote by which the amendment on page 2, lines 10 to 15, was agreed to.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. McKELLAR. Mr. President, I offer the following amendment, on page 2, line 15, to strike out "$50,000" and insert in lieu thereof "$100,000."

Mr. JONES. Mr. President, to that I make the point of order that it will increase an item of the bill, and that it has not been estimated by the Budget or by any other agency.

The VICE PRESIDENT. The Chair sustains the point of order. The question now is on agreeing to the amendment on page 2, lines 10 to 15.

The amendment was agreed to.

Mr. REED. Mr. President, I send to the desk an amendment, and I want to say a word about it.

The VICE PRESIDENT. The Senator from Pennsylvania proposes the following amendment, which the clerk will report.

The LEGISLATIVE CLERK. On page 171, after line 3, the Senator from Pennsylvania proposes to insert:

For payment of the judgment of the Court of Claims in favor of the Pocono Pines Assembly Hotels Co., as certified to the Congress in the report embodied in Senate Document No. 244, Seventy-first Congress, third session, $227,239.53.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

Mr. REED. Mr. President, this is the matter which was discussed at some length when an amendment was offered by the junior Senator from Illinois [Mr. GLENN] directing the Court of Claims to grant a new trial in the case of the hotels company mentioned in the amendment against the United States. That amendment went out on a point of order.

The judgment in the case referred to was certified to the Congress in strict accordance with law. The amendment is not subject to a point of order. It merely carries out the existing law under which the Court of Claims operates. For that reason I hope the Senate will see fit to preserve the good faith of the United States and honor the judgment rendered against it after trial, in which the Government was represented by counsel, in which the case was argued, followed by judgment which stands unreversed.

I might say that the House of Representatives in the first deficiency bill in this session of Congress passed this claim and directed that it be paid, and it was only stricken out in the Senate in order to give a chance to the committee to make inquiries about it. I am sorry now that I consented to the amendment in the first deficiency bill, but as a matter of good faith, this judgment ought to be paid now.

Mr. HEFLIN. Mr. President, I appeal to the Senator from Washington to withdraw his point of order against the amendment offered by the senior Senator from Tennessee [Mr. McKELLAR].

Mr. Pace was before the Committee to Audit and Control the Contingent Expenses of the Senate this afternoon. He did not know until he attended that meeting of the committee of a good many matters for which money would be needed until he was told about them at this meeting. I have talked with him since he came from the meeting of the committee, and he told me in view of the many demands to be made on these funds that if we could increase this amount whatever was needed would be used and what was left over July 1 would be transferred over into the next year's contingent fund. I informed him of the contest I had in my State, and I do not think the Senator from Washington would want to have a contest pending without sufficient funds appropriated to carry it on.

I want to read to the Senate, and to the Senator from Washington in particular, who has this bill in charge, excerpts from some letters I have received upon the subject of the senatorial election in Alabama held on November 4, 1930. I would like to have the attention of the Senator from Washington while I am going into this matter.

The VICE PRESIDENT. The Senator from Alabama has requested the attention of the Senator from Washington. The Senate will be in order so that the Senator may be heard.

Mr. HEFLIN. I want the attention of the Senator from Washington while I am discussing this phase of the matter, and I trust that Senators interested in other items will not try to talk to the Senator at this time. I take it that the Senator is interested in keeping elections clean and honest in every State in the Union——

Mr. JONES. Mr. President——

Mr. HEFLIN. In a moment—whether it would take $50,000 or $500,000 or a million dollars to have honest elections, fair and clean elections of United States Senators. A government that can appropriate $100,000,000 to people in Europe for any purposes, to relieve them of distress and of hunger, can certainly appropriate the money needed to see that we have a clean election, a fair election, and a fair

count of the votes polled for candidates for the United States Senate.

I have filed a contest in which I claim that I was elected by an overwhelming vote, and that the election—primary and general—reeked with fraud, intimidation, and corruption. I am asking for an opportunity to prove irregularities, fraud, and corruption in the senatorial election in Alabama.

Mr. President, there are, as I understand, only $32,000 in the contingent fund, and that things pending will require the expenditure of a hundred and odd thousand dollars, and among other things on the list is a contest for a seat in the United States Senate from Alabama. Senators, some few of them, are now seeking to save money by withholding funds which must be had if the Senate is to remain truly a body of representatives honestly selected by the people of the various States.

I contend that one of the greatest frauds ever perpetrated in a general election was perpetrated in my State in the last senatorial election. I contend that the man who holds the certificate of election as Senator from my State is no more entitled to that certificate than some person who was not a candidate.

Let me read to the Senate excerpts from a letter from a good citizen of my State addressed to me.

Do you know one among the accursed tricks to defraud you in our State election was practiced by certain probate judges and tax collectors?

Had you learned that they arranged among themselves to fix bogus registrations and tax receipts for anyone they thought would vote for Bankhead and against you?

I find men who don't know how they got registered after the registration books had been closed, and they don't know who paid their poll tax.

I am sure from what I can learn this crooked work was done in most every county in the State, and there is no telling the extent of this one rascally trick.

Mr. President, I have another memorandum from a citizen in the State to the effect that they paid as much as $36 on one man's back poll tax in order to vote him against me on November 4.

I have another one which charges that the superintendent of the electric-car lines in Montgomery, the Alabama Power Co.'s agent, threatened the employees, telling them that if they did not vote against me and for Bankhead every one of them would be fired, that they would lose their jobs.

Mr. President, there are many instances of intimidation, one where a captain of industry in Birmingham went up into St. Clair County, called his workers over into a community hall, and told them that if they did not vote for Bankhead they would lose their jobs Wednesday following the election Tuesday.

Senators, money has been spent, thousands, tens of thousands, and hundreds of thousands of dollars. I hope to show that large sums of money have been expended in the campaign against me.

My contest is filed and is pending, and I am seeking to impound the ballot boxes in my State, and we are faced with an adjournment of Congress next Wednesday with only $32,000 in the contingent fund. What are we to do?

I want the members of the Committee on Privileges and Elections to go at once and seize the ballot boxes in my State, to go and seize them as they seized them in the Southern State of Texas, as they seized them in Pennsylvania, as they seized them in Illinois in their efforts to prevent fraud and corruption in the election of United States Senators. You had all the money you needed to go into those States. Are we going to be denied the money necessary to go into my State to show up fraud and corruption there?

I have another letter here from a citizen of my State saying:

First of all, I wish to express my sincerest and deepest regret to you, whom I firmly believe was illegally defeated November 4 in the election for United States Senator from Alabama. I believe you are by far the choice of the majority of the voters of Alabama uncoerced and unintimidated.

Here is an excerpt from another letter from Alabama:

I see from Friday's Montgomery Journal that Bankhead is quoted as saying in substance that he invited a senatorial investigation of the recent election, and amongst other things that our side had managers and clerks in every precinct where we had a "known following."

Think of that for a moment, Senators. Mr. Bankhead stated—yes, and he also stated that in an interview down there, and there has been no denial of it—that I had representation in every voting place where I had a "known following." Just think of that! If in his judgment I had no "known following" in a certain county I had no management at the polls; but where I did have a "known following," according to his judgment, I did have representation.

Mr. President, the law requires that a candidate for the United States Senate, whether he has any following at all or not, is entitled to managers and markers and watchers in every precinct and at every voting box in the Commonwealth. Listen to this:

This—

A citizen writes me—

is not true in Russell County, Ala. I filed a list of election officers with the judge of probate for every precinct except Girard, and in only three precincts were we represented.

There is a whole county, and we had representation in only three of the precincts, representation denied in all the rest of them.

These were small beats or beats with small numbers of voters, and it was not practical for the opposition to select all the officers from their forces.

The truth is they did not have enough Bankhead following in those three precincts against me to have the entire management made up exclusively of Bankhead managers.

NOMINATION OF EUGENE MEYER

The VICE PRESIDENT. The hour of 4 o'clock having arrived the Senate will resume the consideration of executive business.

The Senate resumed the consideration of executive business.

The VICE PRESIDENT. The pending question is, Will the Senate advise and consent to the nomination of Eugene Meyer to be a member of the Federal Reserve Board?

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Keyes	Shortridge
Barkley	Fess	King	Smith
Bingham	Fletcher	La Follette	Smoot
Black	Frazier	McGill	Steck
Blaine	George	McKellar	Stelwer
Blease	Gillett	McNary	Stephens
Borah	Glass	Metcalf	Swanson
Bratton	Glenn	Morrison	Thomas, Idaho
Brock	Goff	Morrow	Thomas, Okla.
Brookhart	Goldsborough	Moses	Townsend
Broussard	Gould	Nye	Trammell
Bulkley	Hale	Oddie	Tydings
Capper	Harris	Partridge	Vandenberg
Caraway	Hastings	Patterson	Wagner
Carey	Hatfield	Phipps	Walcott
Connally	Hayden	Pine	Walsh, Mass.
Copeland	Hebert	Ransdell	Walsh, Mont.
Couzens	Heflin	Reed	Waterman
Cutting	Johnson	Robinson, Ark.	Watson
Dale	Jones	Robinson, Ind.	
Davis	Kean	Sheppard	
Deneen	Kendrick	Shipstead	

Mr. BARKLEY. I wish to announce that my colleague [Mr. WILLIAMSON] is unavoidably detained from the Senate.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present. The question is, Will the Senate advise and consent to the nomination of Eugene Meyer to be a member of the Federal Reserve Board?

Mr. REED. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FRAZIER (when his name was called.) On this question I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. If I were permitted to vote, I should vote "nay." If the senior Senator from Mississippi were present and voting, he would vote "yea."

Mr. GILLETT (when his name was called). I have a general pair with the Senator from North Carolina [Mr. SIMMONS], but I am assured that on this question he would vote the same as I wish to vote. Therefore I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. WALSH of Montana. My colleague the junior Senator from Montana [Mr. WHEELER] is absent on account of illness. He is paired on this question with the Senator from Missouri [Mr. HAWES].

Mr. LA FOLLETTE. On this question I am paired with the junior Senator from Kentucky [Mr. WILLIAMSON]. I understand if he were present he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. BARKLEY. I wish to announce that my colleague the junior Senator from Kentucky [Mr. WILLIAMSON] is unavoidably absent.

The result was announced—yeas 72, nays 11, as follows:

YEAS—72

Ashurst	Deneen	Kean	Shipstead
Barkley	Fess	Kendrick	Shortridge
Bingham	George	Keyes	Smith
Black	Gillett	King	Smoot
Borah	Glass	McNary	Steck
Bratton	Glenn	Metcalf	Stelwer
Brock	Goff	Morrison	Stephens
Broussard	Goldsborough	Morrow	Swanson
Bulkley	Gould	Moses	Thomas, Idaho
Capper	Hale	Oddie	Townsend
Caraway	Harris	Partridge	Tydings
Carey	Hastings	Patterson	Vandenberg
Connally	Hatfield	Phipps	Wagner
Copeland	Hayden	Ransdell	Walcott
Couzens	Hebert	Reed	Walsh, Mass.
Cutting	Heflin	Robinson, Ark.	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Waterman
Davis	Jones	Sheppard	Watson

NAYS—11

Blaine	Dill	McKellar	Thomas, Okla.
Blease	Fletcher	Nye	Trammell
Brookhart	McGill	Pine	

NOT VOTING—13

Frazier	La Follette	Pittman	Wheeler
Harrison	McMaster	Schall	Williamson
Hawes	Norbeck	Simmons	
Howell	Norris		

So the Senate advised and consented to the nomination of Eugene Meyer to be a member of the Federal Reserve Board.

The VICE PRESIDENT. The clerk will state the next order of business on the Executive Calendar.

THE JUDICIARY

The Chief Clerk read the nomination of James M. Proctor to be associate justice, Supreme Court of the District of Columbia.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Harry A. Hollzer to be United States district judge, southern district of California.

Mr. BLAINE. I ask that that nomination go over until after to-morrow.

The VICE PRESIDENT. Without objection, it will be passed over without prejudice.

The Chief Clerk read the nomination of E. Marvin Underwood to be United States district judge, northern district of Georgia.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of E. Coke Hill to be district judge, division No. 3, district of Alaska.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Alexander C. Birch to be United States attorney, southern district of Alabama.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Frederick R. Dyer to be United States attorney, district of Maine.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Frederick H. Tarr to be United States attorney, district of Massachusetts.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of A. V. McLane to be United States attorney, middle district of Tennessee.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Osmund Gunvaldsen to be United States marshal, district of North Dakota.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

The Chief Clerk read the nomination of Harry Bassett, of Indiana, to be a member of the United States Employees' Compensation Commission.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

TREASURY DEPARTMENT

The Chief Clerk read the nomination of Arthur A. Ballantine, of New York, to be Assistant Secretary.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

CUSTOMS SERVICE

The Chief Clerk read the nomination of William Duggan to be collector of internal revenue, second district of New York.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Philip Elting to be collector of customs, district No. 10, New York, N. Y.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read the nominations of sundry postmasters.

Mr. PHIPPS. Mr. President, I ask that No. 2094, the nomination of Ernest H. Smothers, Camden, Tenn., be passed over without prejudice.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLAINE. I ask that No. 2282, the nomination of Bernard A. McBride, Adams, Wis., go over without prejudice.

The VICE PRESIDENT. Without objection, it will go over without prejudice.

Mr. PHIPPS. I ask that the remaining postmaster nominations be confirmed en bloc.

The VICE PRESIDENT. Without objection, all remaining postmaster nominations on the Executive Calendar are confirmed en bloc.

ISAAC R. HITT

Mr. KING. Mr. President, the other day I was instructed by the Judiciary Committee to report two nominations, James M. Proctor and Isaac R. Hitt, in the District of Columbia. I supposed I had reported Judge Hitt's nomination to the Senate, but apparently did not as I find it to-day on my desk. The Proctor nomination was reported and has been confirmed. I now report and ask unanimous consent for the present consideration of the nomination of Isaac R. Hitt to be judge of the police court of the District of Columbia.

The VICE PRESIDENT. Is there objection? The Chair hears none and, without objection, the nomination is confirmed.

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States, transmitting sundry nominations were referred to the appropriate committees. (For nominations this day received see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on Foreign Relations, reported without amendment Executive I (71st Cong., 3d sess.), being the International Load Line Convention and its accompanying final protocol, signed at London on July 5, 1930, which was placed on the Executive Calendar.

He also, from the same committee, reported favorably the nomination of James Grafton Rogers, of Colorado, to be an Assistant Secretary of State, and also the nominations of sundry officers in the Diplomatic and Foreign Service, which were placed on the Executive Calendar.

He also, from the Committee on the Judiciary, reported favorably the nomination of Raymond J. Mulligan, of New York, to be United States marshal, southern district of New York, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably sundry post-office nominations, which were placed on the Executive Calendar.

LEGISLATIVE SESSION

Mr. JONES. I move that the Senate resume legislative business.

The VICE PRESIDENT. Without objection, the Senate will resume legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 16982) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LUCE, Mr. PERKINS, Mrs. ROGERS, Mr. RANKIN, and Mr. JEFFERS were appointed managers on the part of the House at the conference.

The message also announced that the House insisted on its amendment to the joint resolution (S. J. Res. 3) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GIFFORD, Mr. PERKINS, and Mr. JEFFERS were appointed managers on the part of the House at the conference.

HOSPITALIZATION OF WORLD WAR VETERANS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 16982) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist on its amendments disagreed to by the House, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. WATSON, Mr. REED, Mr. HARRISON, and Mr. KING conferees on the part of the Senate.

SECOND DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

Mr. LA FOLLETTE. I desire to offer an amendment.

Mr. JONES. There is an amendment pending.

The VICE PRESIDENT. There is an amendment pending. The question is on the amendment of the Senator from Pennsylvania [Mr. REED].

Mr. JONES. Mr. President, I wish to say just a word with reference to the matter discussed by the Senator from Alabama [Mr. HEFLIN]. Of course, I think every Senator here wants to make available all the money that may be necessary for a full and complete investigation of the contest he has instituted. No Senator would seek to hamper that investigation in any way, shape, or form; but I find this to be the present situation with reference to the contingent fund: There are $45,000 available already, and, with the $50,000 additional in this bill, $90,000 will be available up to the 1st of July. Then $250,000 will be available for the next fiscal year. So it seems to me plenty of money is made available, all that will be needed, at any rate, up to the 1st of July, and the $250,000 which will then be available will certainly not be used up before Congress shall meet again in December.

Mr. HEFLIN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. I yield.

Mr. HEFLIN. Several resolutions are pending to-day before the Committee to Audit and Control the Contingent Expenses of the Senate; I do not know how much money from the contingent fund those resolutions call for or how many of them will be favorably reported; but will the $95,000 to which the Senator referred, in his judgment, take care of all the expenses that will be incurred between now and the 1st of July?

Mr. JONES. I certainly think it will.

Mr. HEFLIN. If it should not, then what would happen?

Mr. JONES. It would not be very long, anyway, until the 1st of July, when $250,000 will be available, and I am satisfied that the $95,000 will not all be used by the 1st of July.

Mr. BLACK. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. I yield.

Mr. BLACK. I desire to state to the Senator that I join with my colleague in a desire to have a sufficient amount of money appropriated for the purpose of expediting the contest which he has filed as to the Senatorship from Alabama. I desire also at this time to read a short statement from a letter written by Mr. Bankhead with reference to the same proposition.

The VICE PRESIDENT. Does the Senator from Washington yield for that purpose?

Mr. JONES. I yield for that purpose.

Mr. BLACK. Mr. Bankhead says in this letter:

> I am perfectly willing for the committee to proceed during vacation, and would much prefer to have the whole matter disposed of before actively entering upon the discharge of my duties next December.
>
> If the committee decides to recount the ballots, I am willing to have it done without any court order impounding them, and I will agree for the committee's agents to make the recount at the various courthouses if that will save any cost and expense and delay.

In the statement of Mr. Bankhead, which I shall not read in full, he takes the position that he desires, just as stated by my colleague, that the contest shall be expedited. I think that if there is any question at this time about the amount of money available being sufficient, there should be appropriated a sufficient sum, and that, if necessary, the point of order should be withdrawn, by reason of the fact that it is of exceeding importance that a contest should not be stopped or delayed on account of any lack of funds.

Mr. JONES. I do not feel, under the circumstances, with $95,000 available when this bill shall have passed, with $250,000 available on the 1st of July, that I should withdraw the point of order, and I respectfully decline to do so. I do not take that position to hamper the Senator from Alabama. As I said a while ago, I want him to have the full and complete and fair hearing that he should have.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. JONES. I yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator from Illinois, who is chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, is present. I may say, however, that the committee did not feel that, with a total of $95,000 available for all purposes, if the contest is to be carried on and a recount had, there would be available a sufficient sum. I am not arguing with the Senator about it; we have just gone over that matter; but I do not feel that the fund is sufficient.

Mr. McKELLAR. Mr. President, will the Senator from Washington yield to me in order that I may ask the Senator from Arkansas a question?

Mr. JONES. I yield.

Mr. McKELLAR. As I understood the Senator, he said that there were not available under the control of the committee sufficient funds for the purpose?

Mr. CARAWAY. The committee feels—and I think properly so—that it has no right to deal with an appropriation that is to become available at some time in the future; that it should consider only the money now available, and $10,000 is all that the committee felt would be available for this purpose at this time.

Mr. McKELLAR. There are other resolutions of investigation, and I am wondering if that was the theory on which the committee acted?

Mr. CARAWAY. That is the theory on which the committee proceeded, and it is one that I approve, and one that I think the committee ought to follow. I do not think the committee ought to undertake now to consider an appropriation that will not become available until the beginning of the next fiscal year. I am not arguing with the Senator, but I think, if a recount is to be undertaken this summer, that a sufficient sum ought to be allowed, and I doubt if $10,000 will be enough.

Mr. JONES. I do not think in the case of a contest that there ought to be any limitation on the amount of money if it is necessary and needed. If anything has to be delayed, the other resolutions that provide for investigations that do not involve the seat of a Senator can be delayed just a little bit. As I said a while ago, I feel satisfied that the $95,000 will take care of every expenditure which may be necessary between now and the 1st of July.

Now, Mr. President, I want to say a word with reference to the amendment proposed by the Senator from Pennsylvania [Mr. REED]. I rather think the Senator from Pennsylvania entertains the thought that he has hardly been treated right by the committee. We did cut this item out of the first deficiency bill, and we did, I think, assure him that action would be taken before the next deficiency bill came up. We did take that action; we appointed a committee to look into this case. I insisted on the committee preparing and submitting its report and recommendation before the deficiency bill should come up. I think the subcommittee felt—and I shared that feeling—that the recommendation they made was in the interest of the claimant as well as in the interest of the Government. I felt, at any rate, that if the claimant had to depend upon an appropriation after presenting his claim to Congress, it might take a good while to get through the necessary legislation providing for the payment of the claim. So I think the subcommittee as well as myself were acting in perfect good faith toward the Senator from Pennsylvania; at any rate, we thought so. We would not have thought of taking any advantage of him in any way, shape, or form, and we thought by putting in the bill the amendment proposed that it would expedite the adjudication and final settlement of the claim.

Mr. President, the question that confronts the Senate is this: Shall we pay the judgment of the Court of Claims without any investigation? There are some serious facts presented with reference to this claim which would seem to indicate that if it shall be paid, the Government of the United States will be paying what it ought not to pay. I do not think we ought now to act on this claim without some further investigation, at any rate, by a committee of Congress and that will examine the merits of the case, as it has a perfect right to do. I do not think we ought to say that the Congress is bound by the judgment of the Court of Claims, which is really an advisory body of the Congress.

We often refer claims to the Court of Claims, sometimes asking it to report upon the facts and submit its recommendations and sometimes authorizing it to render judgment. Yet in such cases where judgment is rendered, the claim has to come back to Congress for investigation before it is paid. Why are such judgments sent back to Congress? Not only that appropriations may be made but in order that we may have an opportunity to investigate the claims.

I think, Mr. President, that sufficient facts were pre-

I think, Mr. President, that sufficient facts were presented to the subcommittee and submitted by that committee to justify the Senate at least in giving an opportunity to the commitee to investigate this claim very carefully before we provide for its payment. If we are not willing to have the Court of Claims pass on this case again, then we ought to refer it to a committee of the Senate for investigation.

I appointed on the subcommittee three of the leading lawyers who are members of the full committee. They investigated it very carefully and came to the conclusion as indicated by the amendment that has been proposed. A point of order has been sustained. As I have said, one of the purposes of offering that amendment to this bill was to hurry the matter along, hoping that we would avoid any unnecessary delay, that we would get the claim back to the Court of Claims, and the court would pass on it again. Then, when it shall come back to Congress, of course, whatever their judgment may be will be favorably acted upon. I think the Senate should reject the amendment of the Senator from Pennsylvania.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from Pennsylvania.

Mr. REED. The Senator from Washington speaks of the difficulty of obtaining an appropriation, and he implies that it is because of kindness to the claimant that it is proposed to order a new trial of this case.

There will not be the slightest difficulty in getting an appriation if the conferees of the Senate will stand for this amendment, even in the most perfunctory way, because the House of Representatives has already adopted it. They sent it over to us on the first deficiency bill, and, unless the Senate surrenders without the request of the House that they do so, there is the legislation, and the judgment will be paid.

Mr. JONES. May I interrupt the Senator from Pennsylvania?

Mr. REED. Certainly.

Mr. JONES. Of course, if the Senate provides the appropriation, there may not be so very much difficulty in getting it, because, I want to say to the Senator that in conference, no matter what my personal views may be, I have always made it a rule to follow the position and recommendation of the Senate.

Mr. REED. I am perfectly sure the Senator will be loyal to the Senate in the conference; and I want to assure him now, in advance, that he will meet with victory on this point, because the House has already passed the item.

Mr. ASHURST. Mr. President, may I ask a question?

Mr. REED. Certainly.

Mr. ASHURST. Am I to understand that the Court of Claims has rendered a judgment in this matter?

Mr. REED. Absolutely.

Mr. ASHURST. And the Senator now seeks an amendment directing the payment of the judgment. What objection can there be to paying a judgment duly rendered? Has the time for appeal gone by?

Mr. REED. I am very glad the Senator has asked that question. He was not here when the Senator from Arkansas [Mr. ROBINSON] was debating the former amendment that dealt with this matter.

Mr. ASHURST. No; I was not.

Mr. REED. This was a case where the United States Government took a hotel building for use as a veterans' hospital. The hotel burned down after the hospital had been there a while; and therefore the United States, which had covenanted to return the hotel in good order, could not do so.

The claimants brought suit in the Court of Claims. The case was defended. The Comptroller General says that the

lawyer who represented the United States did not defend it well. Be that as it may; I do not know. I know nothing about the merits of the case. I only know that it was not a judgment by default but was a contentious case, litigated through to a judgment.

I understand that a new trial was applied for and refused. I understand that the Government allowed the time for appeal to elapse without taking any appeal. The judgment was certified to us for payment in the usual way. The House of Representatives passed an item in the first deficiency bill to provide for the payment of this judgment. The matter came over to us in the first deficiency bill. Our Committee on Appropriations was approached by Comptroller General McCarl, who said that from what he could gather the United States had not been well represented by its delegated counsel; that the question of the burden of proof of negligence in the cause of this fire was one which should have been otherwise disposed of than it had been; and that we ought to refuse to pay this final judgment, and in some way order a new trial.

Thereupon the Committee on Appropriations called me before it and asked if there was any objection to disagreeing to that item in the House bill, the first deficiency bill. I said, "If you want to look into it, and want delay, all right; strike it out of this bill, and put it in the second deficiency bill." They did that. Now, without further consultation with me, or as far as I know with anybody representing Pennsylvania or the claimant, they actually report out an amendment commanding the Court of Claims to vacate that judgment and order a new trial—a grand piece of legislative exercise of power if I ever saw one.

Of course, the court ought to tell the Congress to mind its own affairs if we did pass such a thing. That amendment, however, after being attacked by the Senator from Arkansas [Mr. ROBINSON] and the Senator from Idaho [Mr. BORAH] went out on a point of order. Now I have offered an item to pay this certified judgment; and that is what the Senator from Washington [Mr. JONES] asks the Senate to reject.

Knowing nothing whatever of the merits of the case except that it was tried and went to final judgment unappealed from, I very earnestly say that the good faith of the United States is involved. When the tribunal which it has set up for the consideration of such cases renders final judgments and they are certified to the Congress, I say the good faith of the United States Government is involved in the payment of those judgments.

Mr. ROBINSON of Indiana. Mr. President, I desire to say a word about the amendment. I certainly think it should be rejected. It amounts to just this, as I understand, having listened very carefully to the debate thus far:

It is true that the item came over from the House, with the recommendation that it be paid, in the first deficiency bill; but evidently there was something about it that looked queer from the beginning to the Committee on Appropriations of the United States Senate. The distinguished chairman of that committee, the Senator from Washington [Mr. JONES] appointed a subcommittee composed of eminent lawyers of this body. Among others on that committee were the distinguished Senator from New Mexico [Mr. BRATTON], himself a judge of great ability before he came into this body, and the Senator from Illinois [Mr. GLENN], an eminent lawyer of his State; and they felt so certain that this bill should not be paid and this judgment not honored that they sought to find a way to prevent the United States Government from being mulcted of nearly a quarter of a million dollars.

The amendment proposed went out on a point of order. Immediately upon its going out the Senator from Pennsylvania [Mr. REED]—whose motives I do not question in the slightest degree—it happens that the hotel keeper is a constituent of his—offered this amendment providing for the immediate payment of this judgment in the sum of almost a quarter of a million dollars.

Mr. President, those of us who were on the floor a while ago heard the Senator from New Mexico [Mr. BRATTON] make the statement that if the judgment were paid it meant that the United States would be mulcted out of approximately $225,000, and that certain interests in Pennsylvania would receive from the United States Government nearly a quarter of a million dollars to which they are in no wise entitled.

Remember, the merits of this question were never gone into by the court. The matter was decided largely on a technicality. The Senator from Pennsylvania admits on the floor that he knows nothing about the merits of the case, or whether or not the money is due or should be paid on the merits of the case.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from California?

Mr. ROBINSON of Indiana. In a second. That being true, Mr. President, why should the Senate here, in all haste, now, vote away $225,000 of the people's money, when responsible Members of this body say it is simply thrown away; that the Government does not owe it, and should not be made to pay it? Perhaps another way can be found between now and next December by which the Government may be saved this money.

I now yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, was action regularly commenced against the Government?

Mr. ROBINSON of Indiana. That I do not know. I am proceeding largely on the statement of two responsible Members of this body, who as members of a subcommittee have studied this question thoroughly, one on this side of the Chamber and one on the other side, and have finally concluded that the United States does not owe this money, and that the interests involved in Pennsylvania ought not to be presented this money with the compliments of the United States when they are not entitled to it.

Mr. SHORTRIDGE. Assuming what has been stated, I understand that an action was commenced regularly and properly; that answer was duly filed; that issue was joined; and that the case was tried upon its merits.

Mr. ROBINSON of Indiana. No, Mr. President; that is where the Senator, I think, is mistaken. I understand from the Senator from New Mexico—he can correct me if I am wrong—who studied this case very carefully, that the case never was tried on its merits. That is just the point, Mr. President.

Mr. SHORTRIDGE. Now, note what I said: I understood that answer was entered, and issue joined; that the case was thereupon tried upon the facts and the law; and that the court, made up of five presumably competent judges, rendered judgment; and that thereafter that judgment became final, and is final.

Mr. REED. Absolutely.

Mr. SHORTRIDGE. So the Senator is attacking the proceedings of the court, imputing either dishonesty or incompetency or other demerit to the court.

Mr. ROBINSON of Indiana. Oh, no, Mr. President; I am not impugning the courts in the slightest degree, nor their honesty to any extent whatever. I am suggesting that there is no occasion to rush into this matter. This subcommittee of the Committee on Appropriations, composed of members of the bar, have carefully studied it, and have considered that the United States ought not to pay this judgment. Therefore, I say, why the rush in paying it? Why should we present $225,000 to these Pennsylvania interests in such great haste? Why not let it go until next December, and find a way to save this money for the United States, if there is a way? Then, in the event no way can be found in the law, if the United States must pay it, I suppose there is no alternative; but certainly there is no haste about it, Mr. President, no reason to rush into it so rapidly as to amend this appropriation bill with an amendment to which the distinguished chairman of the committee himself is thoroughly opposed.

Mr. GLASS. Mr. President, I desire to inquire from some one of the lawyers who have given consideration to this matter what would or might be the effect of deferring this appropriation for a while—whether there would be any way to get the case before the court again.

Mr. BRATTON and Mr. DILL addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. GLASS. I yield to the Senator from New Mexico.

Mr. BRATTON. Mr. President, I have not given much thought to that phase of the matter, because I had assumed that one of two things would happen: Either that the Senate would accept the recommendation of the committee to insert in the bill an appropriate provision remitting the whole matter to the Court of Claims to inquire into the merits of the case and render judgment—a thing that has not been done by the Court of Claims or any other tribunal—or that the whole matter would be kept out of the bill.

If the amendment proposed by the Senator from Pennsylvania is not inserted in the bill, the Committee on Appropriations or some other agency will have adequate time before the next session of Congress, or during the consideration of an appropriation bill in the next session to inquire into the merits of this matter, and then report to Congress whether the claim should be paid.

Let me say to the Senator from Virginia that the item in question amounts to $227,000 plus; that the liability of the Government on the merits of the case has never been passed upon by the Court of Claims, the Committee on Appropriations, or any one else acting for the Government.

Mr. REED. Mr. President, will the Senator yield there?

Mr. BRATTON. It is now proposed to appropriate the money and pay the claim without the Court of Claims or the Committee on Appropriations inquiring into the merits of the case to determine whether the Government is liable.

Mr. REED. Mr. President, will the Senator yield?

Mr. BRATTON. I am speaking at the sufferance of the Senator from Virginia.

Mr. GLASS. I yield to the Senator from Pennsylvania.

Mr. REED. Here is the point:

The Comptroller General says that the lawyer who represented the United States ought to have tried his case differently from the way he did. Perhaps he should. I do not know. Nobody representing this claimant has ever spoken to me about it. I do not know who the people are; but I do know that the matter went to final judgment on the merits, after issue joined on the merits, and judgment was rendered, not by default but after argument on both sides; that if a new trial was asked for the court refused it, and that no appeal was taken, and the judgment remains unreversed and unappealed from.

Mr. GLENN rose.

Mr. GLASS. I understand those facts because I listened very intently to the Senator from Pennsylvania.

As all Senators know, the Appropriations Committee is never advised as to the merits of a claim sent down by the Court of Claims.

Mr. REED. That is right.

Mr. GLASS. These claims go into the bill automatically. The assumption is that the court has decided the case upon the merits, and that the award is just. I would not be willing to vote against the Senator's proposed amendment with a view to having the Committee on Appropriations of the Senate, or the Committee on Appropriations of the House, or both, determine the merits of the case. But if there is any way to get the matter again before the court in a proper and just way, I would be inclined to vote against the Senator's amendment in order that that might be done.

Mr. REED. Mr. President, there is no proper way. This judgment was certified to us last May. The term at which it was rendered has long since expired. It is too late to appeal; it is too late to move again for a new trial. The judgment remains final. Nothing will happen if the amendment is rejected except that on the records of its own tribunal will stand a repudiated judgment against the Government, repudiated not because of any hearing on the merits, but because of ex parte representations by the Comptroller General of the United States.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New Mexico?

Mr. GLASS. I yield.

Mr. BRATTON. Let me remind the Senator, in connection with what he has just said to the effect that there is no way of getting this matter before the court, that an amendment was proposed less than an hour ago to remit this case to the court, with the direction to inquire into the facts; and that amendment went out on a point of order made by the Senator from Arkansas [Mr. ROBINSON], with the hearty support of the Senator from Pennsylvania.

Mr. REED. Exactly.

Mr. BRATTON. We were then attempting to do exactly what the Senator from Virginia thinks should be done, and we were prevented from doing it through the united efforts of the Senator from Pennsylvania and the Senator from Arkansas.

Mr. GLASS. Mr. President, I did not favor the proposition. I may say that I was not at the committee meeting which acted on this matter, and therefore I am derelict in that respect. As an original proposition, I would not favor legislation on an appropriation bill undertaking to direct a legal process. But if there be any way properly to get the matter again before the court so that it may be tried upon its merits, I should vote against the amendment proposed by the Senator from Pennsylvania.

Mr. REED. Mr. President, I know of no such way.

Mr. GLASS. If there be no way, I am not willing that the Senate Committee on Appropriations shall set itself up as a tribunal to try the case on its merit as against a regularly constituted tribunal.

Mr. REED. Mr. President, the Senator has put his finger right on the point at issue. The Senate Committee on Appropriations, on an ex parte representation by the Comptroller General, is undertaking to reverse a judgment rendered after argument and hearing of both parties before a court. That is just the situation.

Mr. STEIWER. Mr. President, will the Senator from Virginia permit me to make one observation in answer to what has been said?

Mr. GLASS. I yield.

Mr. STEIWER. The Senator from Pennsylvania upon three or four occasions in this debate has made the statement that the Committee on Appropriations acted upon the ex parte representations of the Comptroller General. I want to say to the Senator with respect to that that the matter is all spread at large upon the record of the case. The subcommittee had that record, including the pleadings. The various motions, the affidavits in support of the motions, the briefs, and every aspect of that case were exhibited to us. I do not think it is true that any member of the subcommittee was actuated by anything said to us by the Comptroller General of the United States, but we were impressed by the record, which is made by both participants to the litigation, and we unanimously felt that it would be almost a fraud upon our Government to permit this bill to be paid.

Mr. REED. Mr. President——

Mr. GLASS. I yield.

Mr. REED. Does the Senator mean that the five judges of the Court of Claims, sitting there and looking at exactly that same record, have rendered a judgment which is a fraud upon the United States? Surely that is a savage way to talk about our courts.

Mr. BRATTON. Mr. President, may I interject a remark there?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New Mexico?

Mr. GLASS. I yield.

Mr. BRATTON. The Court of Claims has never passed upon the merits of the controversy.

Mr. REED. How can the Senator say that?

Mr. BRATTON. Because the Court of Claims held that the burden of proof rested upon the Government.

Mr. REED. Precisely; and the Government did not sustain the burden. Are we to keep remitting the case, so that the Government can go fishing around for further evidence? Does not a judgment estop anybody?

Mr. GLASS. Mr. President, let me ask a question right there. Not being a lawyer, I want to be initiated into the mysteries of the law. Suppose the claimant, through some fault of his attorney, had lost this case. Would we be called upon here to give the claimant another chance before the court?

Mr. REED. Indeed we would not. We would laugh him out of court if he came in here and asked us to reverse the judgment.

Mr. GLENN. Mr. President, I will say that the Committee on Claims does that very thing right along. Anyone who has been on the Committee on Claims knows that statement is correct. We waive the statute of limitations where the lawyer for the claimant, in a claim against the Government, has allowed the time to go by, and the statute, if it were strictly construed or reasonably construed, would bar the claim. Scarcely a day goes by but a bill is introduced to waive the statute because the lawyer for some claimant has done what the lawyer in this case did for the Government, has not capably represented his client.

Mr. GLASS. If the court is authorized to do that for an individual, why is it not authorized to do it in this case for the Government?

Mr. GLENN. I do not know. Perhaps it was authorized to do it if it had seen fit to do it.

Mr. GLASS. Why does it not do it?

Mr. GLENN. I do not know why it does not do it.

Mr. REED. Mr. President, the Senator surely does not mean to give the impression that there is any question of the statute of limitations here?

Mr. GLENN. No; not in this case.

Mr. REED. And the Senator surely does not mean to give the impression that if the Court of Claims had decided, not on the ground of the statute of limitations but on the merits, that the claimant had not produced the proof to sustain his allegation, that the Committee on Claims would give him relief?

Mr. GLENN. I do not know about that. I think a number of Senators have come in who did not hear the previous discussion, and in order that everyone may know about the case I think it should be discussed briefly. I have no feeling about the matter at all. I was merely appointed chairman of the subcommittee.

Mr. GLASS. Mr. President, I do not yield to the Senator for a speech. I will yield the floor in just a moment, with a single observation.

Mr. GLENN. I beg the Senator's pardon; I thought he had finished.

Mr. GLASS. If we deny this appropriation, we have a record which impugns the honor of the Court of Claims; and if we grant the appropriation, apparently we have a record here of paying a company $227,000 which is not entitled to a cent of it. It is a very embarrassing situation.

Mr. McKELLAR. Mr. President, I want to say to the Senator from Virginia that this is a case where a judgment has been rendered by a court, and the time for appeal or for a writ of certiorari or any other process to take it up to a higher court has expired. Under the law, after that has happened, the court has no jurisdiction of the matter at all, and the only thing to be done is for its officers to carry out the decree or judgment of the court, which has been done. For the legislature to put into the law a provision directing that the judge of a certain court, or the judges of a certain court——

Mr. GLASS. That is no longer proposed. That was thrown out on a point of order.

Mr. McKELLAR. I just wanted to say to the Senator that to my mind the proposal for this body to undertake, or for the Congress to undertake, to direct a court what judgment to enter, I do not believe would be valid legislation.

Mr. GLASS. I do not disagree with the Senator in that, and at the same time I find myself very reluctant to vote $227,000 out of the Treasury for some claimant not entitled to it.

Mr. BRATTON. Mr. President, if the Senator will yield, the only question pending is whether we shall pay this amount now or postpone its consideration to the next session of Congress, giving the Congress in the meantime, through a committee or some other agency, an opportunity to inquire into the merits of this claim. Those are the two alternatives presented to us.

Mr. GLASS. Suppose we inquire into the merits of the claim and find that in our judgment it is without merit. Shall the Committee on Appropriations set its judgment up against the orderly judgment of the Court of Claims? That is the question involved here.

Mr. BRATTON. It could submit the facts to the Congress and let Congress determine what should be done. It would give the Government an opportunity to know the facts as to whether it is liable for the payment of $227,000.

Mr. BARKLEY. Mr. President, will the Senator from Illinois yield?

Mr. GLENN. I yield.

Mr. BARKLEY. Does it lie in the mouth of the Government of the United States, through Congress or any other branch of the Government to impugn the integrity and the ability and the fidelity of the Court of Claims, which is another branch of the Government of the United States, in passing on a claim of this sort? And how much more proper will it be for us to do it when we meet than it is to do it now?

Mr. BRATTON. The merits of the controversy, the thing we now seek to have investigated, were never passed upon by the Court of Claims.

Mr. BARKLEY. That may be the fault of the court, but we have established that court there for that purpose.

Mr. BRATTON. Let me call the Senator's attention to the fact that the act creating the Court of Claims was designed to create an agency to inquire into claims and report to Congress.

The report of the Court of Claims is advisory to the Congress. It is not binding upon Congress. It has no obligatory effect. When a report comes here in the form of a judgment which we know was confined purely to a technical question of law and did not involve a review or consideration of the facts, I assert that the Congress can appropriately look into the merits of the controversy without impugning the motives of the court, because the court passed upon one question and we would review another.

Mr. BARKLEY. Why did not the court pass on the question of fact?

Mr. BRATTON. Three defenses to this claim, which I undertook to outline to the Senate an hour ago, any one of which, in my judgment, would afford a bar to recovery by the claimant, were interposed.

Mr. GLASS. Right there, before the Senator goes into that question, let me ask him a single question. Had the judgment gone against the claimant in the case, does the Senator dream that for a moment the Congress would have given the claimant another chance to appear before the court?

Mr. BRATTON. I do not think so.

Mr. GLASS. Then why should we give the Government another chance to appear before the court?

Mr. BRATTON. Because in this case, according to my view, the claimant is trying to get $227,000 of public funds out of the Treasury to which it is not entitled. I think Congress is the trustee for the public respecting those funds. We should not take that much money out of the Treasury merely because we have the power to do it, and merely because the Court of Claims has determined a case on a technical question, without considering the facts.

Mr. GLASS. On the contrary, the claimant might contend that the Government was trying to deprive it of $227,000 to which it was justly entitled. Had the case gone differently, would we have given the claimant an opportunity to reassert its claim?

Mr. GLENN. In answer to the inquiry of the Senator from Virginia, may I suggest that the plaintiffs, under those conditions, could very well have presented their claim to the Committee on Claims, introduced a bill and had it considered. If they had been deprived of their rights, if they had had a just claim against the Government for $227,000 and had been deprived of their rights through some technical ruling, I think the Committee on Claims might have had a sympathetic ear for them. I have seen it happen so often that I feel that way about it.

Mr. WALSH of Massachusetts. Has it been done in the past?

Mr. GLENN. We have had the statute of limitations waived frequently.

Mr. REED. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. GLENN. I yield.

Mr. REED. I would like to say to the Senator from Massachusetts that issue was joined upon the question of negligence. The court held that the party on whom rested the burden of proof had not furnished sufficient evidence to make out their case. Judgement was thereupon rendered upon the merits, judgment against the Government for the value of the hotel building, which they had leased and did not return to the owner. That is what is called a "judgment on a technicality." If it is a technicality to furnish an insufficient amount of proof to prove the point on which issue has been joined, then that is a technicality. But had the judgment gone against the claimants because of their inability to furnish sufficient evidence to sustain the burden that was on them, a very slender chance they would have had to get through the Committee on Claims a bill for relief in the face of that judgment.

Mr. ROBINSON of Arkansas. May I inquire if a copy of the judgment is available for study of the Senate?

Mr. REED. Yes; it was certified to us and appears in the Senate document which is mentioned in the amendment. It has been certified to the Senate in the regular way.

Mr. BARKLEY. Did the Government make a motion for a new trial?

Mr. GLENN. Motion for a new trial was made and overruled.

Mr. BARKLEY. I suppose all the reasons for a new trial were available to counsel and were heard by the court, including the fact that the judgment was rendered on a technicality?

Mr. GLENN. I think so.

Mr. BARKLEY. So that after hearing on those arguments the court overruled a motion for a new trial?

Mr. GLENN. That is true.

Mr. BARKLEY. Now an appeal is made to us to grant a new trial which the court itself would not grant after rendering judgment.

Mr. GLENN. The facts have been stated two or three times. The question of whether the case was tried on its merits or not has been asserted on one side and denied by the other. Lawyers may look at a trial upon the merits differently from the way a layman does. Let me state the facts, about which I think there is no dispute.

A suit was filed in the Court of Claims here in Washington on the lease which the Government had taken from the owners of the property in Pennsylvania. The lease provided, as I have stated before during the absence of some Members of the Senate who are now present, that the Government should return the property at the expiration of the term, loss by fire, and some other extraordinary happenings excluded. The buildings burned during the term of the lease. There were two fires there at least; a garage was destroyed and the hotel building itself was destroyed.

I am merely stating the facts. I have no interest in the matter except that I want the Senate to know the real situation and then decide the question because it is a question of considerable importance, it seems to me, upon the correct statement of the facts and, of course, no one has endeavored to state them incorrectly.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question or two?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from California?

Mr. GLENN. I yield.

Mr. SHORTRIDGE. A complaint was filed. Is that true?

Mr. GLENN. Yes.

Mr. SHORTRIDGE. Certain specific allegations were made?

Mr. GLENN. Yes.

Mr. SHORTRIDGE. The Government came into court in due time, I assume, and made answer. Is that right?

Mr. GLENN. That is right.

Mr. SHORTRIDGE. Were the issues joined, as we understand the term?

Mr. GLENN. Yes; they were joined.

Mr. SHORTRIDGE. The case came on for trial?

Mr. GLENN. That is right.

Mr. SHORTRIDGE. The case came on for trial ultimately before the court made up of presumably learned men?

Mr. GLENN. I do not know anything about that presumption.

Mr. SHORTRIDGE. I say presumably, and some of them I know to be learned lawyers, perhaps not as great as some here who are listening, but presumably they are learned lawyers. The case went to trial did it?

Mr. GLENN. Yes.

Mr. SHORTRIDGE. Evidence was introduced and arguments made?

Mr. GLENN. I do not know. I was not present.

Mr. SHORTRIDGE. Presumably arguments were made. Presumably the court listened to the arguments. Ultimately the court made certain findings and there was entered a certain judgment.

Mr. GLENN. I stated that a while ago.

Mr. SHORTRIDGE. The Government, losing the case, made a motion for a new trial, as I understand it?

Mr. GLENN. Yes.

Mr. SHORTRIDGE. And presumably the court listened to that motion and denied the motion. Is that right?

Mr. GLENN. I have asserted that.

Mr. SHORTRIDGE. The Government failed to appeal from the order denying the motion. Is that right?

Mr. GLENN. Yes.

Mr. SHORTRIDGE. They could have appealed to the Supreme Court of the United States from that judgment, could they not?

Mr. GLENN. I am not sure about that.

Mr. SHORTRIDGE. Whatever the procedure is, there was a higher tribunal.

Mr. GLENN. I have never practiced in the Court of Claims.

Mr. SHORTRIDGE. There is a higher tribunal than the Court of Claims, is there not?

Mr. GLENN. I am not sure about that. I really do not believe there is.

Mr. SHORTRIDGE. I think there is. At any rate, the judgment became final. Is that correct?

Mr. GLENN. Yes; that is correct.

Mr. SHORTRIDGE. If we go behind that judgment, or seek to set aside that judgment or modify it or coerce the judges to modify their views, may we not do so in every judgment that may be rendered?

Mr. GLENN. Of course. The very point in this whole situation, as I view it, is that the judgment of the Court of Claims is merely advisory to the supreme court, which in this instance, it seems to me, is the Congress of the United States. They have made their findings.

Mr. SHORTRIDGE. Does the Senator think we have appellate jurisdiction?

Mr. GLENN. We have final jurisdiction in the matter. When we vote upon this amendment of the Senator from Pennsylvania we pass upon it.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Montana?

Mr. GLENN. I yield.

Mr. WALSH of Montana. I am hopeful that the Senator may be permitted to go on and tell us what the facts are in the matter.

Mr. GLENN. I believe I had better begin again. I had only proceeded a little way when I was interrupted.

The facts are that the Government about 1920 leased the hotel property, including a number of cottages and a garage, from a hotel company in Pennsylvania called the Pocono Pines Hotels Co., to be used for hospital purposes for veterans. The lease provided, among other things, that at the expiration of the term the property should be returned to the owners, loss by fire excepted and certain other extraordinary possibilities and contingencies excepted. Two fires occurred. The garage was destroyed, which was a small loss, and finally the entire hotel property was destroyed by fire before the expiration of the term of the lease.

When the lease term expired, of course, the Government could not return the building, and thereupon suit was filed in the Court of Claims against the Government. In that suit there was a difference of opinion as to a legal question. Counsel for the Government took the position that under the law when the fact was established that the failure to deliver up the property was occasioned by a loss by fire, thereupon the burden shifted to the owners and that the duty was then upon them to show that the loss was occasioned by the fault or negligence of the Government.

The court held otherwise and the Government attorneys stood by their position and introduced no proof. I think that is absolutely true. At any rate they introduced no proof as to the cause of the fire. They introduced no proof as to the value of the property. The only proof offered as to the value of the property was on the part of the claimants. That evidence was in the record which was before the subcommittee, showing that it only went to the cost of reconstructing the building; in other words, without any element or any percentage deducted for depreciation. The amount of the judgment is the amount that it would cost to erect a new set of buildings without anything deducted for depreciation.

Mr. WALSH of Massachusetts. Did the Government pay the entire sum due under the lease?

Mr. GLENN. The Government paid up to the time of the fire and refused to pay after the fire, taking the position that the fire was not its fault. I believe the balance of the rent from the time of the fire to the expiration of the term is included in the amount of the judgment. That is my recollection.

Mr. WALSH of Massachusetts. Is it not true that the owners had insurance and collected the insurance, and they therefore may be collecting twice the value of the property?

Mr. GLENN. The facts are as shown in the statement that the owners collected about $85,000 or $90,000 of insurance, and under the subrogation clause those claims had been assigned to the insurance company. The comptroller called attention to a statute which he says makes the assignment illegal. I am not familiar with that statute and did not think it was very pertinent, and so did not examine it.

Mr. BLEASE. Mr. President, may I propound a question to the Senator from Illinois?

Mr. GLENN. Certainly.

Mr. BLEASE. Was the cause of the fire traceable to the fact that the United States troops were occupying the building?

Mr. GLENN. I am coming to that point now. There was no contention in the lawsuit as to what occasioned the fire. The claimants contended that it came possibly from a cigarette stub thrown upon a roof by a veteran. There seemed to be practically no proof upon that point. The Government introduced no evidence as to what occasioned the fire, but supplementing the motion for a new trial or a rehearing submitted numerous affidavits. The claim of the Government as to the origin of the fire—and I think they have two or three witnesses or affidavits to establish it—is that when the fire was first seen it was breaking out between the boards of the roof of the porch, not on top of the porch as it would have been if it had been caused by a cigarette or cigar stub, but between the boards, evidently caused by defective wiring.

There was also proof that on the day of the fire and preceding the fire there had been a rain and that the roof was wet, so it was unlikely that it would have been caused by a stub of a cigar or cigarette thrown on the roof by a veteran. Further, there was proof that at the time of and immediately prior to the fire there was no one above the first floor of the building, so, according to that theory, no one could have thrown a cigar or cigarette stub out on the roof of the porch.

I simply want to tell the facts to Senators, so they may do as they see fit about the amendment which is now pending. The lease provided that the owners of the property should keep a person in charge there and should maintain water pressure and fire protection.

At the time of the fire, when the fire broke out and they began their efforts to extinguish the fire, it was found that the lessors or the owners had utterly failed to comply with that provision of the lease. There was no water pressure. The superintendent had to travel half a mile to start up the pumps. By the time he did that the fire was under such way that the building could not be saved.

There is one other element which the Senator from New Mexico [Mr. BRATTON] has in mind, a defense to which I have not alluded.

Mr. BRATTON. I was out of the Chamber for a moment. Has the Senator referred to the defective wiring?

Mr. GLENN. Yes, I did; and to the lack of water pressure.

Mr. BRATTON. And that the agent of the Government called the attention of the owner of the property to the fact that the shingle roof was dangerous?

Mr. GLENN. Further, there was proof, in the affidavits at least, that the Government had called the attention of owners of the building to the fact that the roof was very inflammable and that they had had two or three little fires started because of that fact. They had asked the owners to put on a metal or slate roof or something of that kind, which they had failed to do.

Mr. SWANSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Virginia?

Mr. GLENN. I yield.

Mr. SWANSON. The Senator has served on the Committee on Claims, has he not?

Mr. GLENN. I have, and I am still a member of that committee

Mr. SWANSON. As I understand it, there is a different impression as to what the Court of Claims does in these matters. I have had some experience in a great many cases which I have been compelled to send there. Usually we give jurisdiction to the Court of Claims to find facts and the amount of damage and certify the result to the Congress, and a conclusion is reached as to the responsibility. Was this claim submitted under the general law creating the Court of Claims, or was it submitted under a special act authorizing the court to find the facts, or was it submitted to the Court of Claims on account of damages in connection with the war?

Mr. GLENN. My understanding is that it was submitted under the general provisions of the law.

Mr. ROBINSON of Arkansas. What I can not understand is why we are not able to secure a copy of the judgment and see what it is the court decided. That might throw a very great light on the controversy.

Mr. GLENN. I am going to conclude in just a moment, but I quite agree with the Senator as to that.

Mr. ROBINSON of Arkansas. I am not complaining about the Senator occupying the floor at all. What I am attempting to do is to ascertain the nature of the judgment and what the decision of the court actually is.

Mr. McKELLAR. Mr. President, will the Senator from Illinois yield to me for a moment?

Mr. SWANSON. I have not finished.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and if so, to whom?

Mr. GLENN. I yield first to the Senator from Virginia, and then I will yield to the Senator from Tennessee.

Mr. SWANSON. I had not finished my question when I was interrupted. Is it the opinion of the Committee on Claims in passing on these claims that a decision of the Court of Claims is final, or does the committee consider such a decision as a finding of facts which are certified to Congress for the exercise of its judgment?

Mr. GLENN. My understanding is—and other Senators have been here much longer than I and are more familiar with these questions—that when we submit—certainly that is true so far as the Committee on Claims is concerned—a claim to the Court of Claims it is merely for their advice and it comes back to Congress for final action.

Mr. SWANSON. It is left to the judgment and conscience of Congress.

Mr. GLENN. The decision of the Court of Claims is advisory rather than mandatory.

Mr. SWANSON. Nine times out of ten Congress accepts the decisions of the Court of Claims. Are there any cases where the Congress refuses to accept them in instances where the facts are glaring, so far as the Senator knows?

Mr. GLENN. I do not know of any.

Mr. REED. Will the Senator yield to me there?

Mr. SWANSON. Let me get through with my question.

Mr. REED. I want to answer the Senator's question. The Court of Claims has two kinds of jurisdiction, and——.

Mr. SWANSON. I know that. It has jurisdiction to find the facts and jurisdiction to render judgment. I am trying to ascertain whether the court entered judgment in this case or merely certified as to the facts.

Mr. GLENN. I have heretofore answered that question.

Mr. SWANSON. Let me ask this question: When judgments are rendered by the Court of Claims, of course, each one is paid individually, is it not? Congress does not appropriate a lump sum to be placed in the hands of the Secretary of the Treasury to pay all the judgments rendered, but they are sent to Congress and Congress passes on them individually, does it not?

Mr. GLENN. It passes on each case individually.

Mr. GLASS. It does not do anything of the kind.

Mr. SWANSON. I want to get the facts then.

Mr. GLASS. If the Senator please, it does not do anything of the kind. We get in the Appropriations Committee a certification of these cases from the Court of Claims, and we dump them in the bill en bloc.

Mr. SWANSON. I mean each case is appropriated for separately.

Mr. GLENN. Each claim is a separate item, as I understand.

Mr. SWANSON. We do not make an appropriation and put it in the hands of the Treasury Department to pay all judgments rendered without an opportunity to determine whether a given judgment should be paid or not?

Mr. REED. If the Senator will look at page 170, he will see exactly how it is done.

Mr. SWANSON. I want to know whether Congress ever makes the appropriations in the manner I have indicated.

Mr. GLENN. I refer that question to the chairman of the Appropriations Committee.

Mr. SWANSON. As I understand, every case is appropriated for separately?

Mr. JONES. Certainly.

Mr. SWANSON. And Congress has never made an appropriation of a lump sum to the Treasury Department, the payments to be made out of such fund in accordance with the judgment of the Secretary of the Treasury.

Mr. JONES. No; not so far as I know.

Mr. SWANSON. Showing that it is not final, as in the case of other items of appropriation.

Mr. JONES. Congress passes on each one.

Mr. SWANSON. As I understand, the appropriations are individually made and the payment of judgments is never provided for by a lump sum, which would indicate that the judgments were considered final.

Mr. JONES. Not that I know of.

Mr. REED. Will the Senator from Illinois yield to me for a moment?

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Illinois yield?

Mr. GLENN. I promised to yield next to the Senator from Tennessee.

Mr. REED. The Senator from Tennessee will not insist on being first, I am sure, as I want to answer the Senator from Virginia.

Mr. GLENN. Very well.

Mr. REED. If the Senator will look at section 3, on page 170, he will see that Congress does exactly what he has suggested, namely, appropriates a lump sum for all of the "judgments rendered by the Court of Claims and reported to the Seventy-first Congress, in Senate Document Nos. 286 and 294 and House Document No. 760."

Mr. SWANSON. I know that. Of course, that is done to cover them in the aggregate, but what I want to know is, does Congress appropriate, for instance, $75,000,000 to pay judgments of the Court of Claims that are not certified here?

Mr. REED. Oh, no.

Mr. SWANSON. Then, does not that show that Congress still retains its jurisdiction over them?

Mr. McKELLAR. Mr. President——

Mr. GLENN. I now yield to the Senator from Tennessee.

Mr. McKELLAR. Before I read what I have in mind to read I want to ask the Senator from Illinois has this judgment been rendered within the last two years?

Mr. GLENN. Yes.

Mr. McKELLAR. Within the last two years?

Mr. GLENN. That is my understanding.

Mr. McKELLAR. Then I wish to read to the Senate from section 282, on page 900, of the Judicial Code:

> The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion, on behalf of the United States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States.

If that is the law—and it appears to be the law—if the Congress does not pay the judgment and the limitation of two years has not run, upon proper proceedings in the Court of Claims, the case can be reopened at any time within two years.

Mr. BARKLEY. I understand that action for a rehearing was taken and the court declined to grant a rehearing.

Mr. SWANSON. Mr. President——

Mr. GLENN. I yield to the Senator from Virginia.

Mr. SWANSON. No one disputes that the court can not rehear the case; nobody disputes that the time has passed. The only question for us to decide—and action here will establish a precedent for all time to come—is, Are the judgments of the Court of Claims final, so that Congress can not give them any consideration, but, on the contrary, must simply appropriate the money regardless of whether the judgment is right or wrong?

I am not prepared to vote for this amendment and have Congress take that position. If we should do so in the case of this claim, other cases might arise in the future where individual claimants might come here and try to get us to take similar action. I have never understood, so far as Congress is concerned, that the findings and judgments of the Court of Claims were final. I know that nine times out of ten whenever there has been a judgment in a case in which I have been interested the Congress has paid it; but I do not know whether that is the law. If that is the law, we ought to stick to it. If the Government loses in a case, it ought to stand by the decision like a man and accept the result of the litigation.

There are, as I have said, two functions on the part of the Court of Claims, one to find the facts and the other to render judgment. Congress has a right to satisfy itself as to the findings of fact and the judgments of the court, so that the case may still be left with us. I am going to satisfy my conscience before I vote on this question.

Mr. GLENN. Mr. President, as I indicated to the Senate a moment ago, I believe that this is a matter of very great importance not on account of the rather large sum involved but because of the precedent it may establish and which may be followed for years to come. It is a new matter, and is, I think, one of very great importance.

It means nothing, of course, to me. I have merely endeavored to present the facts in this case in order that the Senate may decide for itself whether or not it wants to do as the Senator from Virginia has suggested, whether it thinks it is its duty to accept as absolutely final judgments coming from the Court of Claims, no matter whether or not it is developed that they are full of fraud and absolutely without merit and whether or not it is developed that the Government's case has not been fairly presented.

Mr. HEFLIN and Mr. ROBINSON of Arkansas addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Illinois yield?

Mr. GLENN. Just a moment.

Mr. HEFLIN. Mr. President, I was just going to suggest, inasmuch as it seems that the matter can not be settled for quite a while, that we take a recess until to-morrow morning.

Mr. GLENN. I think the Senator from Arkansas wanted to read a case or some quotation first, and to that I have no objection.

Mr. ROBINSON of Arkansas. The opportunity has not been afforded me to read the entire decision which is reported in 69 Court of Claims Reports, page 91, and covers 20 printed pages. The syllabus——

Mr. McNARY. Mr. President, would the Senator like to have the bill go over so that he may have an opportunity to read the decision to-night and discuss it to-morrow?

Mr. ROBINSON of Arkansas. If the opportunity is afforded, I should like to familiarize myself with the decision. I will state, though, that it appears to be a judgment in the ordinary form:

> The judgment herein, therefore, will be for the total sum of $227,239.53, and it is so ordered.

That is the final sentence in the very long decision which I have before me. The point is that the Government elected to stand on a question of law. That happens in almost every jurisdiction in which I ever practiced. A demurrer may be filed either to an answer or a complaint. If the demurrer is sustained, the adverse party has a right then to plead further. If he elects to stand on the demurrer, the court will render its decision in accordance with the pleadings and other portions of the record. That is a practice that prevails in almost every State of the Union and in nearly all the courts, and that, I think, from a casual inspection of the record, is what happened in this case. It was a final judgment, conclusive and binding. A motion for a retrial, it is said, was subsequently made and overruled. Unquestionably the statute read by the Senator from Tennessee has application. The party may present the grounds that the statute sets forth as a reason for securing a new trial, but the presumption is that the attorneys presented every reason that existed. It seems to me to be just a question whether the Congress wishes to recognize the judgment. There is no power, of course, to compel Congress to make the appropriation.

Mr. SWANSON. Does the Senator think that it will be contrary to the laws of Congress to reserve action on the case submitted and ask the court to send us a statement of facts?

Mr. ROBINSON of Arkansas. Yes; I think the court would cite the judgment and say that the case was res adjudicata in so far as the Court of Claims was concerned.

Mr. McNARY obtained the floor.

Mr. REED. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. Yes.

Mr. REED. From the Committee on Finance, I ask leave to present a proposed amendment to this bill and have it referred to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and referred to the Committee on Appropriations.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. SMOOT. Earlier in the day, Mr. President, I was asked to prepare an amendment and offer it to this bill to provide an appropriation of $20,877,000 for the war veterans' hospitals. In accordance with that request, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Utah offers an amendment——

Mr. McNARY. I present a proposed unanimous-consent agreement and ask that it may be entered into.

Mr. SMOOT. I ask unanimous consent for the adoption of the amendment submitted by me.

Mr. McKELLAR. Let us know what it is.

The PRESIDING OFFICER. Let the amendment be stated.

Mr. McNARY. Mr. President——

Mr. NORRIS. Mr. President, has the amendment of the Senator from Pennsylvania been withdrawn?

Mr. REED. No, Mr. President.

The PRESIDING OFFICER. The Senator from Utah presented his amendment by unanimous consent.

Mr. NORRIS. By unanimous consent, can we take up the other amendments that are going to be offered and that will probably take but little time? If we are going to act on one by unanimous consent, can we not extend the same privilege to all of them?

Mr. SMOOT. The amendment introduced by me relates only to hospitalization of the veterans.

Mr. NORRIS. I know.

Mr. REED. Mr. President, I do not give consent to anything that is going to displace the pending amendment.

Several Senators. Regular order!

The PRESIDING OFFICER. The regular order is the request for unanimous consent preferred by the Senator from Oregon.

Mr. SMOOT. I withdraw the amendment I have offered.

EVENING SESSION ON THURSDAY FOR THE CALENDAR

The PRESIDING OFFICER. The Senator from Oregon submits a request for unanimous consent, which will be read.

The legislative clerk read as follows:

> *Ordered*, by unanimous consent, that at the hour of 7.30 o'clock p. m. on to-morrow, February 26, 1931, the Senate proceed to the consideration of unobjected bills on the calendar, subject to the limitation of debate provided for under Rule VIII, beginning with Order No. 1418.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SECOND DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

Mr. TYDINGS. Mr. President, out of order, I ask unanimous consent to offer an amendment to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARKLEY. I send to the desk an amendment to the pending bill, which I desire to have printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NORRIS. I send to the desk an amendment which I ask to have printed and lie on the table.

The PRESIDING OFFICER. Without objection, that order will be made.

AUTOMATIC COPYRIGHT LAW

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Louisville Courier-Journal on the automatic copyright law.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal of Tuesday, February 24, 1931]

COMMITTEE APPROVAL OF A GOOD BILL

During the days when Will Shakespeare was writing fame-destined dramas for the Elizabethan stage he suffered considerably both in purse and in reputation by the unscrupulous pirating of his works. No remotely adequate copyright laws protected the products of creative genius in those times, and the larceny of popular poems and plays was what would now be called an organized "racket." Often when the actors trod the boards of the Globe Theater, speaking the glorious lines of a new play from Shakespeare's pen, several deft copiers sat in the audience taking down the dialogue as it came to them from the stage.

What with the vagaries of the actors and the crude system of shorthand employed by those who took down the lines, it is small wonder that fidelity to the true text was a thing unheard of.

These pirated versions of the plays were then published and sold "over by Paul's Churchyard" and all through the streets of London town, but the author received not one penny of the profits. Often the pirated edition of the play appeared long before an authorized edition could be prepared for the press, and thus the unscrupulous publisher skimmed off the cream of the profits on a play to which he had no right whatever. The garbled text of these hurried, stolen editions often reduced immortal scenes to sheer nonsense and ringing lines to driveling absurdities. In some cases these confusions have lingered on to vex the Shakespearean student even to-day. But the greatest of playwrights was helpless against the inroads of the literary plunderers.

With a painful slowness difficult to understand, the legislators of England have gradually worked toward a state of protection for the creative artists whose names have brought glory to the nation. The latest step in this worthy progression was the adoption of an automatic copyright law. This invaluable reform protects the unpublished works of the artist in whatever form of art he espouses. The moment he sets his pen to paper and produces a poem, a play, or a symphony that work automatically becomes his property without the tedious formality of a registration. The creative artist thus at last achieves equal rights with the carpenter. The carpenter fashions a chair out of the stock of wood he has on hand, and that chair belongs to him, though he has not registered his ownership in a government office. The author fashions a novel out of the raw material of his own mind, and that novel is his by natural right and now at last by law.

This automatic copyright provision, the logical goal of all legislation designed to protect those craftsmen who produce the art, the music, and the literature of the world, has become the law in over 40 nations. The American artist has no such protection. But this reform is an outstanding feature of the Vestal copyright bill now pending in Congress. All those who respect the achievements of the creative artists of America will demand the passage of a bill which grants them their natural right to the products of their own brains.

The Senate Committee on Patents has just favorably reported the measure. Kentucky's two Senators have announced themselves in favor of its passage, and probably a majority of the membership feels the same way. But that is not enough. Senators should be alert to see that the bill is brought up and passed and not lost in the shuffle during the closing days of the session.

DROUGHT RELIEF—WORK OF THE RED CROSS

Mr. WHEELER. Mr. President, I ask leave to have published in the RECORD an article from Labor, of Washington, D. C., in its issue of the 24th instant, on the subject of drought relief and the work of the Red Cross.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Labor, Washington, D. C., Tuesday, February 24, 1931]

VICTIMS OF THE DROUGHT ARE COMPELLED TO WORK FOR 15 CENTS AN HOUR—GET PAY IN STORE ORDERS—SOME FORCED TO LABOR FOR PRIVATE CREDITORS ON PAIN OF LOSING "DOLE"

LITTLE ROCK, ARK., February 19.—For the last 10 days this writer has been wandering over the drought-stricken areas in Arkansas and adjacent States, commissioned by the editor of Labor to report conditions as he found them.

A similar assignment from Labor carried me into this same region in 1927, when great floods caused immense loss of life and property. At that time it was necessary to speak plainly concerning some of the Red Cross activities, pointing out that many of its representatives were guilty of gross favoritism, giving lavishly in some instances to those who did not need help while neglecting others who were in dire straits.

FACTS CAN NOT BE DENIED

What was written at that time was not denied, because denial was impossible. I am equally confident that what is set forth below will not be questioned, for it is only a recital of proven or admitted facts, and the supporting evidence may be obtained by anyone sufficiently interested to make the effort.

Figures compiled by the Arkansas State Bureau of Statistics show one-fourth of the population of this State in need of food—500,000 in the farming regions and 30,000 unemployed in the cities—unemployment having increased 2 per cent since January 1.

Thus, out of the 1,000,000 people the Red Cross is supposed to be looking after, some 500,000, one-half, are in Arkansas.

BARRIERS TO RELIEF

The average reader of the daily papers naturally thinks that the Red Cross is doing its utmost to alleviate suffering, and that all a man lacking food has to do is to ask for it and he will get it. That may be the general idea, but it is not the way the relief program is working out.

Dr. Julius Klein, Assistant Secretary of Commerce, in a radio address on business depressions delivered on the evening of February 12, offered 10 pieces of advice, including the following:

"Don't fall into the fallacy of expecting the wage earner to bear the brunt of readjustment. Talk of drastic slashes in American living standards borders closely on lunacy."

Evidently many of the representatives of the Red Cross in the drought areas do not feel that Doctor Klein's advice was addressed to them.

WAGE-CUTTING CAMPAIGN

There is ample evidence to sustain the charge that some of these Red Cross officials have knowingly and deliberately adopted a policy of cutting wages and thus breaking down American standards of living.

The average man who contributes his dollar, $5, or $10 to the Red Cross thinks that organization gives his contribution to some starving man or woman. Well, that is not the way it works in the drought regions. The Red Cross makes men work for what they get at the rate of $1 a day, and in many instances compels them to work for some one to whom they owe a debt.

Go to Benton, Ark., and you'll find this to be true.

RUN BY EMPLOYING CLASS

The Red Cross there, as in the whole of Arkansas, with a few shining exceptions, is run by employers of labor, plantation owners, and the local self-appointed guardians of the rest of the populace.

Benton is a city of 3,000, 22 miles southwest of Little Rock, with factories shut down or working part time and 300 men out of work. The city scale for work done by ordinary labor was from $2 a day up.

The mayor and other Red Cross officials evolved a scheme to have the unemployed clear out ditches, cut underbrush, and clean up a cemetery. They were paid by the Red Cross 15 cents an hour, or $1.20 a day, each man getting three days' work. But they were paid in orders on local merchants.

Naturally, there was considerable objection to forcing men to work for 15 cents an hour. Anybody could see that would tend to lower the wages of those who had jobs. It might be well to note that those forced to work for 15 cents an hour were white Americans.

"MAKE 'EM WORK"

Protests against this wage-cutting campaign were answered by well-fed gentlemen loafing around hotel lobbies with the statement:

"That's the way to do. Make 'em work for what they get. Those 'bums' wouldn't work at all if they weren't forced. I don't believe in giving anybody anything. Make 'em work for it. Why, if those 'hill billies' find out they can get something without working they'll never work."

That brand of insult is not the least of the burdens that sufferers in Arkansas have to bear, and they are beginning to manifest resentment.

About 4 miles from Benton the State is to build a hospital for the insane at a cost of $300,000. A subcontractor started to clear the grounds preparatory to building. It is said he is from Oklahoma and some men working for him told the men of Benton that the contractor paid 35 cents an hour for common labor.

CONTRACTOR FOLLOWS EXAMPLE

The mayor of Benton called on the contractor's representative, told him there were 300 jobless men in Benton whom he would like to see employed, and incidentally mentioned the fact that those unemployed worked for 15 cents an hour.

The contractor thereupon fixed a rate of 20 cents an hour, and the men of Benton were soon up in arms, some of them saying the mayor told the contractor not to pay more than 15 cents an hour. An investigation shows that all the mayor did was to tell what the Red Cross was paying men who were working for the city. His honor and the other officials of the Red Cross at Benton had fixed a rate of 15 cents for city work, and naturally the contractor took advantage of the situation.

TWO DOLLARS A WEEK

Right in that city of Benton the Red Cross "gives" part of your dollar to a sufferer in the following manner: Let us suppose the unemployed man is married with a wife and two children.

He must unload potatoes for $1 a day, and then only for two days. Two dollars a week on which to feed four people. And, remember, he doesn't get money, but an order on a merchant for $2 worth of food.

It may be said that is an isolated instance and not general—unfortunately it is general.

In Clay County the Red Cross is compelling those who are indebted to plantation owners and others to work out their debts at a dollar a day.

The Red Cross gives them an order for one dollar's worth of food for every day they work for their creditor.

BECOMES COLLECTION AGENCY

Understand, those unfortunates do not owe the Red Cross a cent. They are not working for the Red Cross. They are working for a private individual to whom they owe money, and the Red Cross will not feed them unless they take the employment offered.

Thus the Red Cross is used as a collection agency that makes unfortunates work for twice as many days to pay off a debt as they would in normal times.

Then over in Poinsett County the regular price for clearing and grubbing an acre of ground was $10. The Red Cross has taken over the job of clearing and grubbing for $6 an acre and makes drought sufferers work at that clearing and grubbing if they want to eat—gives them an order for $1 on a local merchant for each day's work.

AFRAID TO TALK

Those are facts. Any investigating committee can discover them as easily as the writer did. In fact, no one tries to hide them. Those responsible are rather proud of what they're doing—they "ain't going to let those bums get into the habit of not working."

Here is something that sticks out like a sore thumb: The unfortunates receiving "benefits" from the Red Cross—whites, not negroes—are afraid to be seen talking to anyone seeking information. They'll tell you, "I'm afraid, mister. If I say anything, I'd most likely get taken off the list."

Afraid of losing even the dole they are working a whole day for!

The Red Cross in Arkansas is run by a Power Trust official and minor and local officials of the Red Cross are of the same type.

CHARITY IS COMMERCIALIZED

Many citizens of Arkansas who are able to take care of themselves are not happy over the situation. A prominent merchant said to this writer:

"The whole trouble with the Red Cross is that it is commercialized. Men who have something to sell should not be placed in control, either in the State or locally.

"Here in this store I have filled an order for $6 for a brother of a Red Cross official—given him though he had not earned it—while in no other instance has any order for more than $3 been presented. Usually the orders are for $2.

"The county agricultural agent and the county physician should be made the dispensers of relief funds. They know who are in need. They are not in politics or business, have no financial or political axes to grind, and would not be used to cut down wages and thereby make destitution and misery a permanent condition, as the present management of the Red Cross is doing.

"The Red Cross is not a charitable institution at present, nor will it be while those who now control are in power."

PLANS OF RED CROSS

John Barton Payne, chairman of the American Red Cross, last week issued an emphatic denial of the statement that his organization expected to abandon its charitable work in the drought regions on March 1.

A short time before, Congressman SANDLIN, of Louisiana, had received a letter from Everett Dix, assistant manager of the Red Cross for the eastern area, informing him that instructions to shut down on March 1 had been sent into Southern States.

Red Cross headquarters supplemented Mr. Payne's declaration with the statement that "general feeding" would stop on March 1. It is difficult to reconcile these conflicting statements.

RELATION OF INLAND WATERWAYS TO AGRICULTURE

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to have printed in the RECORD a thoughtful and scholarly address by Col. George C. Lambert, of St. Paul, Minn., secretary-treasurer of the Farmers' Union Terminal Association and chairman of the executive committee of the Mississippi Valley Shippers' Conference. The address was delivered over the radio on February 23, 1931, and explains the relation of the development of the inland waterways to agriculture.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE RELATION OF THE INLAND WATERWAYS TO AGRICULTURE

(By Col. George C. Lambert, of St. Paul, Minn., secretary-treasurer, Farmers' Union Terminal Association, chairman executive committee, Mississippi Valley Shippers' Conference)

In the brief time allotted to me I propose to discuss more specially the relation of the inland waterways to agriculture. I am fully conscious, however, of the importance of water transportation to industry and labor, whose interests are so closely identified with the welfare of agriculture. One economic group can not continue to prosper while either of the others is in distress and deprived of its income.

PRODUCER-CONSUMER

Under the complex relations created by the covenant of society, individuals have become absolutely dependent upon one another for existence. They must rely upon their ability not only to produce but also to exchange or sell their product, their labor, or their services in order to procure the necessaries of life and the things that make up our established standard of living. In that sense all members of society are both producers and consumers. These functions are inseparable and reciprocal. The consuming power of the public is therefore measured by the ability of the individual members or groups of society to find and reach a market for their product. And, under modern conditions and the pressure of competition, transportation has become a great factor, indeed the controlling factor, in bringing into close contact the various activities of a country and establishing its markets.

THE FARMER AND INDUSTRY

In the United States, and more particularly in the mid-West, agriculture is the principal industry, the basic industry, and upon its welfare largely hinges the prosperity of the other groups. The farmer, as a class, is the biggest shipper in the world, and pays freight on his products for a longer distance than any other shipper. As a rule, he has no control over his selling price, either foreign or domestic; that is fixed in the world's markets. He can not, like the dealer or distributor, add the freight to his cost and pass it to the consumer. He stands at the end of the line and pays the freight both ways. The farmer is now concededly operating at a loss, and is therefore vitally interested, not only in the relative level of freight rates but in the primary cost of every form of transportation which is deducted from his selling price or added to his costs. Industry and commerce, in the agricultural States, are to a large extent dependent for their markets on the net income or purchasing power of the farmer. They are, therefore, equally interested in the reduction of the farmer's costs and in the restoration of his income.

THE FARMER PAYS ALL THE FREIGHT

On the staple commodities, of which we produce a surplus, the farmer pays the freight, not only to the primary market but also to the foreign market, regardless of the fact that his product may never reach that market. To illustrate: The price of wheat at a local point in Montana is based on the Minneapolis price less freight (and other charges) from the local point to Minneapolis, and the Minneapolis price is based on the Liverpool price less freight (and other charges) from Minneapolis to Liverpool. The farmer thus bears the entire burden of transportation, and pays the freight and all intermediate charges from the farm to Liverpool. And that is true, not only of the grain moved to Liverpool but of grain that never moves beyond the local or primary market. This situation was clearly brought out by Mr. Hoover, then Secretary of Commerce, in his statement before the Committee on Rivers and Harbors, January 30, 1926, when he said:

"It seems to be certain that the cost of transportation to these competitive markets must be deducted from the farm price, and that it not only affects the actual grain moved to these markets but establishes a lower comparative price level for all grains produced.

And that is not all. When the farmer buys the rule is reversed and he pays the freight on everything that enters into his cost of production. It is a typical case of "heads I win and tails you lose." It would, therefore, be difficult to find an economic group more vitally interested in the cost of transportation than agriculture. At the same time there is, perhaps, no group so helpless and so unprepared to solve the complex transportation problems that confront it. Unlike industry, agriculture is not organized; it has no traffic bodies of trained men whose business it is to study these problems, to meet the traffic experts of transportation companies, and resist the constant pressure of the carriers for higher freight rates.

DISTANCE TO MARKET

From the flagpole on the agricultural college campus at Fargo it is over 1,500 miles to the Atlantic Ocean, to the Pacific Ocean, to Hudson Bay, or to the Gulf of Mexico. We are in a landlocked area, far from the seaboard. Our products, to be of any value, must reach the consumer, and the centers of consumption are on the seacoast or in foreign lands. Ten years ago the Secretary of Agriculture, describing the plight of agriculture in his official report, said:

"The cost of getting farm products from the farm to the consumer's table has increased tremendously during the past three years. The freight charge is very nearly doubled, and in some cases more than doubled. When wheat was selling at $2.50 per bushel, corn at $1.75, cattle and hogs at $16 to $22 per hundred, cotton at 30 cents per pound, the increased freight rate was not a serious matter. It amounted to but few cents, relatively, and was a small item in the total price. But with wheat at $1, corn at 48 cents, cattle and hogs at $7 to $10 per hundred, cotton at 17 to 20 cents (all these being primary market prices, not farm prices), the addition of even 10 cents per bushel or per hundred pounds imposes a burden grievous to be borne. When farm prices are ruinously low any addition to the freight charge means added distress. At the present time the cost of getting some farm products to market is greater than the amount the farmer himself receives in net return. And the heaviest freight burden naturally falls on those farmers who live in our great surplus-producing States.

"Not only do the very large advances in freight rates impose a heavy burden on the producers of grain and livestock, cotton and wool, but on the growers of fruits and vegetables as well. Indeed, some of the latter have been compelled to see their products waste in the fields because the prices offered at the consuming markets were not large enough to pay the cost of packing and transportation."

Conditions have not improved for agriculture since these words were spoken. Little hope is entertained for reduced rail rates; the tendency is the other way because of the fixed relation between the rate and the capital charge. No substantial relief is held out by the Interstate Commerce Commission under present decisions of our courts. Commissioner Joseph B. Eastman, a member of the commission, a man of recognized ability and long service, tersely states the situation in these words:

"Under the valuation doctrine the capital charge, in the case of privately owned utilities, can apparently never be reduced or eliminated by any sinking fund or other similar provision; it is a perpetual millstone around the public neck; and it may double in weight without any change in the underlying property if the reproduction-cost theory is finally sustained."

And that theory has since been sustained. Obviously, the only remaining hope of agriculture, and for that matter of industry, in this region lies in the development of water carriage to supplement rail transportation. The Mississippi system and the Great Lakes offer such opportunities. In spite of the unfinished condition of most of these channels they are already exerting a powerful influence in the regulation of rail rates.

RAIL AND WATER COSTS

The relative cost of transportation by rail and by water was aptly shown in a statement of the Secretary of Commerce issued at Kansas City, Mo., October 19, 1925. He said:

"If we have back loading, 1,000 bushels of wheat can be transported 1,000 miles on the Great Lakes or on the sea for $20 to $30; it can be done on a modern-equipped Mississippi barge for $60 to $70, and it costs by rail from $150 to $200. These estimates are not based upon hypothetical calculations but on the actual going freight rates. The indirect benefits of the cheaper water transportation to the farmer are of far wider importance than the savings on individual shipments might indicate. In those commodities where we are dependent upon exports for a market—and upon some domestic markets—the price level will be determined at the point where the world streams of that commodity join together in the great markets. Thus the price of wheat is made at Liverpool, and anything that we can save on transportation to Liverpool is in the long run that much in addition to the farmer's price. And it is not an addition solely to the actual goods which he may have shipped to that market, but it lifts the price level in our domestic market on the whole commodity in this same ratio. Thus, if we can save from 5 to 7 cents a bushel additional by the completion of the Mississippi and Great Lakes systems, we will have added a substantial amount to the income of every farmer in the Middle West."

Freight is carried on the Great Lakes at 1¼ mills per ton-mile and yields a profit. Ocean shipping earns from 1 to 3 mills per ton-mile, depending on the class of tonnage, the port of destination, and the return cargo. On the inland rivers, freight is carried by the Mississippi-Warrior service at 3.92 mills per ton-mile on incompleted channels, and it has been carrying bulk commodities, such as wheat, profitably at 2½ mills per ton-mile. On the Class I railroads, in 1929, freight was carried at 11 mills per ton-mile. Last year the Monongahela River, a tributary of the Ohio, carried 30,000,000 tons of freight, mostly coal, from the mines in West Virginia to Pittsburgh at a rate of 19 cents per ton as against a rail rate of $1.14 per ton, or six times the water rate.

The Pittsburgh Traffic Bureau is authority for the statement that rail freight on steel products from Pittsburgh to New Orleans is from $10 to $13 per ton, depending on classification, and the barge rate (Steel Co. fleets) is a flat $3 per ton, with all proper charges against the operation, including the return of empties. The Ohio is completely canalized (slack water) for its 1,000-mile length, and it has 50 locks and dams.

COMPETITIVE AND NONCOMPETITIVE RATES

The prices of all commodities, including transportation services, are greatly influenced by competition. Hence where competition is eliminated rates are higher. Water transportation, where its influence can be felt, either directly or through joint relations with railroads, acts as a stabilizer of rail rates.

For instance, the rail rate on grain from Havre, Mont., to the Twin Cities, 905 miles, is 39½ cents per hundred pounds. The rail rate, Duluth to Buffalo, 976 miles, is 32 cents, and the water rate for the same haul is 3½ cents.

The grain export rate, Twin Cities to New Orleans, 1,240 miles by rail, is 31 cents. By barge over the Mississippi River, 1,829 miles between the same points, the rate is 14.8 cents.

To illustrate the crushing weight of dry-land rates on those sections that are not favored with water competition, let us take the case of a farmer in Montana Last week, February 18, 1931, the local market price of rye at Ledger, Mont., was 5 cents per bushel. This price was based on the Minneapolis price of 97 cents, less 35 cents per bushel (44½ cents per hundredweight) for freight, and 7 cents for intermediate handling charges and commissions. And out of this local price of 5 cents, this farmer had paid not less than 7 cents for threshing besides his entire cost of production.

The Interstate Commerce Commission recently prescribed new maximum rates which the railroads are permitted to charge for carrying wheat from country elevators to primary markets, such as the Twin Cities, the Missouri River, and St. Louis. These rates must be put into effect by April 1, 1931.

Farmers at Forsyth, Mont., on the Milwaukee and Northern Pacific, 743 miles west of the Twin Cities, and Glasgow, Mont., 752 miles west on the Great Northern, under this order will pay 20.4 cents a bushel for having their grain hauled to market at the Twin Cities. If this wheat is marketed in Liverpool, the railroads will haul it east from the Twin Cities to Montreal, 1,125 miles, for the same freight rate, because the water lines down from Duluth to Montreal during the season of open navigation on the Lakes will haul it much cheaper than this and the railroads want to encourage some of the wheat to move over their lines while the Lakes are closed by ice. From April to November the wheat can move down by water from Duluth to Montreal for 8 cents a bushel. With the completion of a good dependable 9-foot channel from the Twin Cities to St. Louis, this wheat can be profitably hauled from the Twin Cities down to New Orleans, a distance by water of 1,850 miles at the same rate of 8 cents a bushel.

This is also the rate which, on April 1, the railroads will charge for bringing the farmers' wheat to the market at the Twin Cities from Staples, on the Northern Pacific, a distance of 141 miles, from Evansville, 159 miles west on the Great Northern, from Glenwood on the Soo, 133 miles west, or from Appleton, Minn., 157 miles west of the Twin Cities, on the Milwaukee Road. In other words, on the basis of the facts as they now exist, the Mississippi River or the Great Lakes can and do haul the wheat of the Minnesota farmer ten times as far toward the markets which fix his price as the railroads can afford to haul it for the same money. This is a fact of such tremendous importance to all the farmers of the Northwest that it ought not to be lost sight of, and it is the point I desire to emphasize. The early completion of the 9-foot channel in the Mississippi River to the Twin Cities, now authorized by Congress and under construction, gives to all Northwestern grain the choice of the Lake market at Duluth and the River market at the Twin Cities, with its great milling demand. And the price at both these markets, when the river is fully in use, will be controlled by a transportation cost beyond the Twin Cities which is but a small fraction of the cost of bringing the grain to these markets by rail. Without these cheap water outlets grain farming in the Northwest must soon become ruinous because of the great distance of these grain fields from the world markets which fix the price to be paid for grain at the farm.

The same thing is true of the wheat fields of the Southwest, another land-locked section.

The commission has fixed the export rate by rail on wheat from St. Louis to New Orleans, to become effective April 1, at 8.4 cents a bushel. The rail distance is 700 miles. The barges will carry it down to New Orleans from St. Louis, a distance by river of 1,150 miles, for 5 cents a bushel, or less. Scott City, Kans., is 700 miles west of St. Louis on the Missouri Pacific. Liberal, Kans., is 700 miles west of St. Louis on the Rock Island, and Shattuck, Okla., 700 miles west on the Santa Fe. The rate on wheat from these stations by rail to St. Louis markets on April 1 will be not less than 18.5 cents a bushel. This is more than twice the rate which the commission has ordered the railroads to charge for carrying the farmers' wheat on down from St. Louis to New Orleans, where there is active water line service. This rate from these Kansas and Oklahoma points 700 miles distant from St. Louis is nearly four times as great as the rate of 5 cents a bushel, at which the barge lines will take the wheat from St. Louis on down to New Orleans, a water distance 60 per cent greater than the rail haul to St. Louis.

The manufacturer, under these conditions, does not fare much better than the farmer. One of the largest manufacturers of agricultural implements in the world is located at Moline, Ill., with an extensive market on the Pacific coast. The rail rate on agricultural implements from Moline to the Pacific coast is $1.86 per 100 pounds. The rail and water rate from Moline to the Pacific coast, traveling 1,000 miles east to Baltimore and thence by water around the Panama Canal to the West coast, is $1.28 per 100 pounds. The water rate from Baltimore to the Pacific coast is 65 cents per 100 pounds. Baltimore is near the steel districts, and agricultural implements can be manufactured there at least as cheap as in Moline. This industry was saved, however, for the mid-West by the barge line recently established on the Mississippi River, and is now shipping through the Gulf at an all-water rate of 75 cents per 100 pounds. This case is typical of many others and explains the gradual loss or migration of our industries to more favorable locations.

THE TRANSPORTATION ACT AND THE PANAMA CANAL

We are now witnessing the culmination of a legislative policy, far-reaching in its consequences, which had its inception in the enactment of the fifteenth section of the transportation act of 1920. This section, in effect, directs the Interstate Commerce Commission to so mold rate adjustments as to secure a fair return for investors in rail securities, a privilege accorded to no other form of transportation. The result has been a persistent, unremitting urge for higher and higher rates. These additional levies could not be made upon those sections where the rate structure was anchored by water competition. The burden, therefore, fell and must continue to rest with ever-increasing weight upon the dry-land areas, the agricultural districts, who are least able to bear it. And the end is not in sight. The recent decision of the Interstate Commerce Commission in the Western Trunk Line class rate case, to become effective April 1, 1931, is so harsh in its application to mid-West shipping that Commissioner Porter, dissenting, exclaims:

"Such increases are staggering; they are bound to put many shippers out of business."

With the adoption of this policy came the completion of the Panama Canal, which opened a new water route between the Atlantic and Pacific seaboards, longer when measured by distance, but substantially shorter when measured by water rates. The Middle West, though assessed for the cost of this improvement, was excluded from its benefits because it then lacked the fore-

sight to demand access to the canal through the Mississippi system. The result was complete isolation and the loss of our Pacific coast markets.

Mr. Hoover, in a report filed by him in Congress in 1927, describes the situation as follows:

"In the mid-West, the territory tributary to any of these projects, the economic situation is considerably distorted; there is much agricultural distress and incessant demands for remedial legislation. This situation to a large extent has been brought about by transportation changes. Increases in railway rates since the war force the mid-West farmer to pay from 6 to 12 cents more per bushel to reach world markets than before the war. Foreign farmers produce close to ocean ports and pay but little, if any, more than pre-war costs, because shipping rates are substantially at pre-war levels. While it is true that these rate increases apply only on the exports of grain, nevertheless the price which the farmer receives in foreign markets is the principal factor in determining his return upon the whole crop, not alone the export balance. It is this transportation differential that is, unquestionably, one of the most important causes for our present agricultural depression.

"Coincident with these increased rail rates, the mid-West has also been affected adversely by the operation of the Panama Canal. Cheapened water transportation has brought the coasts relatively closer together at the same time that increased rail rates, figuratively speaking, have moved the mid-West farther from seaboard. This situation has been expressed graphically by setting up a new measuring unit in the shape of the number of cents that it takes to move a ton of freight. By using this measuring rod it can be stated that for a certain manufacture these postwar influences have moved Chicago 336 cents away from the Pacific coast, while New York has been moved 224 cents closer to the Pacific coast. These factors operate reciprocally and not only place a handicap on the outbound products of the mid-West, but also add to the costs of inbound supplies."

THE RETROGRESSION OF THE MID-WEST

The effect of these handicaps on the economic development of the mid-West is most serious. We are not only failing to progress, but we are actually losing ground. The number of manufacturing establishments in the mid-Western States has steadily decreased since the opening of the Panama Canal, and to-day the number of these establishments is smaller than it was 30 years ago. This confirms the recent findings of the special board of United States Engineers assigned to the survey of the upper Mississippi River, who reported that "industries have not located in this area because transportation costs, both on raw material and on finished products, have been so high as to dictate their location elsewhere," and that "the grain producer has had little choice but to sell at one price to the one market."

Even our population has not kept pace with the rest of the country, and as a result of the last census our representation in the next Congress will be materially reduced. Missouri will lose 3 Representatives in the next Congress; Kansas, 2; Nebraska, 1; South Dakota, 1; North Dakota, 1; Minnesota, 1; Wisconsin, 1; Iowa, 2; Indiana, 2; Kentucky, 1, and Tennessee, 2. These States will suffer a total reduction of 17 in their representation in Washington, while the States of Michigan, Ohio, New York, New Jersey, Florida, Texas, California, and Washington, all of which enjoy the blessings of cheap water transportation, have gained a total of 25 Representatives in Congress.

This situation presents a grave problem for the Middle West, a problem which involves not only the farmer, the manufacturer, the laborer, and the merchant but the western railroads as well. For how long will the farmer, whose income has been wiped out, continue to ship grain which he can only raise at a loss? How long will the factory continue to employ labor and create tonnage for the railroad in a section where it must sooner or later be crushed by outside competitors enjoying more favorable rates? Yet, under the conditions I have described, the railroads can not alone meet our problems, and their executives have frankly said so.

Clearly the remedy lies in a cheaper form of transportation which will bring this landlocked interior closer to the seaboard and closer to the markets of the world. Water transportation through the development and use of our rivers—the great highways which nature has provided—is our only solution.

James J. Hill, the empire builder of the Northwest, who boldly pushed his road to the Pacific coast, was guided by his vision of ultimate returns, predicated not on a division of existing tonnage but on the development of new tonnage to be created in the midst of northwestern industry and agriculture. Mr. Hill had a keen appreciation of the waterway to the railroad when he said:

"You can not find a man eminent in the railroading in this country who is not also an ardent advocate of waterway improvement. The future of the waterway is assured, not so much as a competitor but as a helper of the railroad."

And the prediction of Mr. Hill has already been realized on the Ohio River, whose banks are lined with factories receiving their raw material by water and distributing the finished product by rail. The tonnage of the railroads paralleling this stream has been materially increased, while the water tonnage carried by the Ohio River and its tributaries is nearly double that of the Panama Canal.

The helpful relation of the waterway to the railroad is further brought out in the report of the Chief of Engineers, United States Army, 1929, which shows that the total tonnage on all rivers, canals, and connecting channels of the United States (exclusive of the tonnage handled on the Great Lakes and seaports) amounted, in 1922, to 111,800,000 tons, valued at $3,177,900,000, or a unit value of $28.42 per ton. In 1928 this tonnage had increased to 227,300,000 tons, valued at $3,886,000,000, or a unit value of $16.88. These figures are highly significant and suggest that the rivers, while increasing their tonnage rapidly, are gradually yielding to the railroads the more profitable classes of freight. They are assuming the burden of carrying the raw material to the factory at rates which will make possible the development of new industries. And this explains the greater increase in tonnage enjoyed by railroads paralleling rivers and in competition with barge lines.

THE MISSISSIPPI RIVER SYSTEM

A glance at the map reveals the Mississippi and its tributaries as the natural channels of mid-West trade. Rooted at the Gulf, the trunk and branches of this system penetrate our best fields of production. The Mississippi Valley contains 98 per cent of the iron ore of this country, 70 per cent of its known petroleum resources, 82 per cent of its coal deposits. It produces 70 per cent of our agricultural products and 68 per cent of our exportable products. In the improvement of these arteries of commerce lies the hope of the mid-West for relief from the oppressive rates now stifling its development.

Of special interest to western agriculture is the improvement of the Missouri River and of the main channels of the Mississippi River with its western tributaries. These streams tap the States of Montana, North Dakota, South Dakota, Minnesota, Wisconsin, Nebraska, Iowa, Illinois, Kansas, Missouri, Kentucky, Oklahoma, Arkansas, Tennessee, Mississippi, Texas, and Louisiana. Eastern tributaries of the Mississippi River bring in the products of the States of Alabama, Indiana, Ohio, Pennsylvania, West Virginia, and North Carolina.

Through joint relations with railroads, now provided in the Shipstead-Denison Act, these products can be brought by rail to the river crossings, and thence participate in the benefits of water transportation to destination

The clear vision of President Roosevelt, the builder of the Panama Canal, as to the potential value of the Mississippi system is revealed in his special message to Congress dated February 26, 1908:

"Our river systems," said President Roosevelt, "are better adapted to the needs of the people than those of any other country. In extent, distribution, navigability, and ease of use, they stand first. Yet the rivers of no other civilized country are so poorly developed, so little used, or play so small a part in the industrial life of the Nation as those of the United States. In view of the use made of rivers elsewhere, the failure to use our own is astonishing, and no thoughtful man can believe that it will last."

IMPROVEMENT OF INLAND WATERWAYS

The waterway, like the road, is a public highway. It is not reserved to the use of a single transportation company like the railroad right of way. It is free to all, not only to common carriers but also to private carriers and to the public generally. It is a part of the national domain and should be treated as such. The application of public funds to the construction, improvement, and maintenance of roads and waterways is in the nature of a capital investment. It creates a new asset, the value of which is measured by its potential and beneficial use to the public and to the Nation.

The consideration, therefore, which should influence the expenditure of funds in the improvement or construction of a public highway, by land or by water, are its cost and its benefits; its cost under the most efficient methods of financing and construction, its benefits when all elements have been taken into consideration and each factor has been assigned its proper weight.

The appraisement of benefits to be reasonably expected from this expenditure should be based on the life, nature, and extent of the improvement. These benefits include the economic necessity for the improvement, the opportunities for savings in the cost of transportation services, the proper readjustment of economic relations, the development of new markets and new industries, the control of floods, the conservation of waters in lakes and streams for recreational and commercial purposes, the strategic value of the improvement in the scheme of the national defense, possible water-power development, and any other elements that may contribute to the prosperity of the country or to the taxable income of its people.

The Midwestern States, who have been injured by the construction of the Panama Canal, have a special right to demand that their balanced trade relations, destroyed by governmental action, be speedily restored, and that the benefits of the Panama Canal be extended to all those who were assessed for its cost. The duty to correct these distorted conditions rests with the Government responsible for their creation.

THE NATIONAL WATERWAYS PROGRAM

A broad view of our economic needs and a study of these problems led Mr. Hoover, then Secretary of Commerce, to formulate a program for the development of our inland waterways. Describing the two great trade routes, Mr. Hoover said in his Minneapolis address, July 20, 1926:

"One of them is an east and west waterway across half the continent, from Pittsburgh to Kansas City, along the Allegheny, the Ohio, the Mississippi, and the Missouri Rivers. The other, a great north and south waterway across the whole Nation, reaches up the Mississippi from the Gulf, dividing into two great branches, one to Chicago and extending thence by the Lakes to Duluth, the other through the upper Mississippi to the Twin Cities."

The necessity for a speedy development of this program was also emphasized by Mr. Hoover when he said, in the November, 1928, issue of the National Inland Waterways:

"The Nation has dilly-dallied upon it for years, and to-day even the work which has been well done lies in disconnected segments which are as much the negation of a real transportation system as the New York Central would be if it were made of alternate narrow and broad gage tracks."

And finally the President, in announcing the program of his administration in relation to the development of an inland waterway system, at Louisville, October 23, 1929, said:

"Some have doubted the wisdom of these improvements. I have discussed the subject many times and in many places before now, and I shall not repeat the masses of facts and figures. The American people, I believe, are convinced. What they desire is action, not argument. We should establish a 9-foot depth in the trunk system. We should complete the entire Mississippi system within the next five years. It is of the nature of a capital investment."

This program is now well under way as far as it covers the States east of the Mississippi River. The Ohio River project, including the Monongahela, is completed. Means have been provided to complete the Illinois River project within 18 months. This improvement will connect Chicago by water with the Gulf. Harbor improvements on the Atlantic and Pacific Oceans are being vigorously pushed. But that part of the program covering the dry-land sections west of the Mississippi River, the agricultural sections in greatest need of relief, has not progressed as rapidly as to justify its completion within five years. Unless positive action is taken to properly finance the works of construction authorized by Congress on the upper Mississippi, the Missouri, the Arkansas, and other western tributaries of the Mississippi River, the completion of these improvements may be delayed beyond the life of the present generation. These delays are due in part to opposition, now gaining in force, and more specially directed at this form of relief for the Northwest and Southwest.

THE OPPOSITION

It is inconceivable that anyone could be found in this section so disloyal as to oppose a development in which the economic life of the mid-West is at stake. Yet we have opposition, and strong opposition, and it is well to analyze it so that it may be properly met. This opposition proceeds from two sources, from those interests who are engaged in the exploitation of the Middle West and are not concerned in its development, and from those who lack information or have been supplied with misinformation as to the needs of their section.

To the latter group my remarks are specially addressed, for in a democracy no group, social or economic, can progress beyond the understanding of its own members. This truism accounts for the inertia or stagnation of many individuals and groups and for much ill-advised action in matters involving their immediate welfare. It explains their seeming acceptance of a state of subservience to other groups in the economic life of the Nation.

The other class of opposition is dangerous because it is active and well financed. It is composed of those who have, or believe they have, become the beneficiaries of the economic losses of the mid-West and refuse to relinquish their temporary advantage. We find the railroad executives, under strong pressure from eastern holders of railroad securities, oppose anything which will interfere with their demands for more revenue and higher rates. And this was not wholly unexpected or unforeseen. The passing of western railroad ownership to eastern control so impressed the substantial western business interests that the Chicago Tribune, reflecting the views of these business men, has for years kept at the head of its editorial columns the slogan "Purchase of western railroads by western investors." Western railroad owners and executives of the type and vision of James J. Hill have passed away, and we have now absentee ownership and distant control, not only of western railroads but of many lines of business that have been acquired or absorbed by eastern firms. We are confronted with a policy of exploitation as against a policy of development.

And the railroads of the country as a body are now preparing to ask Congress to see that busses and trucks on highways, steamships and barges on waterways shall pay taxes or license fees greater than they are now paying. They also demand that every vehicle which operates on a public highway or on a navigable lake, river, or canal shall have its rates fixed by the Interstate Commerce Commission. The clear purpose of all this agitation is to put all shipments back on railroad cars by making the cost of shipping by any other form of transportation so expensive that the shipper can use nothing but the railroad. And, beyond all this, the railroads insist that their own rates must not be further reduced. These proposed measures, they intimate, would tend to restore "the normal growth of freight traffic on the railroads." Yes, and it will continue the process of attrition which slowly strangles the mid-West.

At their meeting in Washington last November the railroad executives decided on a definite plan of campaign against the waterways. Their insidious attacks may be seen in newspapers and magazines. Professing to favor waterways, they oppose what they term a "subsidy" in their development and operation. Yet the records of the Interior Department in Washington show that the land grants to the railroads from the Federal Government alone amounted to 158,293,376 acres, consisting of fine agricultural lands, lands valuable for grazing, lands covered with valuable timber or filled with oils and precious metals. This acreage comprises an area twenty times the size of the State of Massachusetts and as large as the original thirteen States of the Union. In addition to this the railroads received valuable lands and other contributions from various States and subdivisions thereof.

As bearing upon the value of these lands in Minnesota, North Dakota, Montana, Washington, and Oregon, permit me to call your attention to an advertisement which the Northern Pacific Railroad inserted in the June issue, 1871, of the Manufacturer and Builder, a magazine published by Western & Co., 37 Park Row, New York, which reads, in part, as follows:

EXCERPT FROM AN ADVERTISEMENT

"The land grant of the Northern Pacific Railroad consists of 12,800 acres to each mile of track through Minnesota, and 25,600 acres per mile through Dakota, Montana, Idaho, Washington, and Oregon—the branch to Puget Sound having the same grant as the main line. The average for the whole length of the road and branch is over 23,000 acres per mile, and the total exceeds 50,000,000 acres.

"Governor Stevens, who repeatedly passed over the route, estimates that fully four-fifths of the Northern Pacific Railroad grant is good for cultivation or grazing, while much of the remainder is in the mountain belt, and is covered with valuable timber, or filled with the precious metals. With the road built through the midst of these lands, what is their money value? The lands of the Union Pacific thus far sold have averaged $4.46 per acre; the school lands of Minnesota, $6.30 per acre; the lands of the Illinois Central Railroad grant, $11 per acre. At even the average of $4 per acre, the lands of the Northern Pacific Railroad will pay for its construction and equipment, and leave the road free from debt, and one-half the lands unincumbered in the company's possession. At only $2.50 per acre, Government price, these lands will build and equip the road, leaving it free of debt, and place a surplus of $25,000,000 in the company's treasury."

Some of this propaganda paints the railroads as heavy taxpayers. The truth is that railroads, like other public-service corporations, merely act as tax collectors. The tax is included in the rate and passed to the shipper. The shipper is the taxpayer. The shipper, in his rates, also pays interest on the huge securities issued against the land grants converted into railroad property and capitalized by their owners.

THE MID-WEST PROGRAM

The program of the mid-West is as simple as it is urgent. It contemplates the speedy completion of the works of improvement ordered by Congress on the channels of the Mississippi system, and especially on the western tributaries which have been delayed in the past. The Secretary of War has promised that work on these improvements "will be continued as rapidly as sound engineering and sound economics will permit and as funds therefor are provided by Congress." And here again we meet the opposition. The program can be delayed by delaying the appropriations, and the opposition is for delay, for piecemeal work, which may continue indefinitely and leave all economic readjustments in such a state of uncertainty as to prevent investments in the work of rehabilitation and reconstruction.

They would have these projects dependent on small annual Budget appropriations, as was done in the last 25 years, and with similar results. The mid-West has suffered enough delay; it wants action; it demands a financial program which will give it the full beneficial use of these streams as soon as the engineers can complete the improvements thereon.

Roosevelt has shown the way in the construction of the Panama Canal by making available the proceeds of an internal loan, as needed, to supplement Budget appropriations and carry on the work on a scale that would insure its completion within the shortest period of time. And that is the business way, the only efficient way, of financing any adopted project.

The Shipstead-Mansfield bill, now pending in Congress, provides such a method of financing and completing all adopted river and harbor projects, including the connecting channels of the Great Lakes, within five years. This measure is timely in view of the depressed condition of the country. If passed, it will immediately furnish employment to hundreds of thousands of men; it will start in motion the wheels of industry and of transportation in manufacturing and handling the material needed in the construction of these works; it will save hundreds of millions of dollars in the primary cost of these improvements, and above all, it will remove the element of uncertainty and insure the early completion of these works for the beneficial use of the present generation.

UNEMPLOYMENT INSURANCE SYSTEMS

Mr. WAGNER. I desire to enter a motion. I move to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of Senate Concurrent Resolution 36.

The PRESIDING OFFICER. The order will be entered.

INVESTIGATION OF POSTAL AFFAIRS

Mr. McKELLAR. I desire to enter a motion to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of Senate Resolution 436, to investigate air and ocean mail contracts, use of mail tubes, proposed postal rate increases, and the erection of public buildings in small towns.

The PRESIDING OFFICER. That order will be entered.

RECESS

Mr. McNARY. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate took a recess until to-morrow, Thursday, February 26, 1931, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 25, (legislative day of February 17), 1931

CONSUL GENERAL

George C. Hanson, of Connecticut, now a Foreign Service Officer of class 4 and a consul, to be a consul general of the United States of America.

APPRAISER OF MERCHANDISE

Robert E. Lee Pryor, of Tampa, Fla., to be appraiser of merchandise in customs collection district No. 18, with headquarters at Tampa, Fla., to fill an existing vacancy.

COLLECTOR OF CUSTOMS

Edward M. Croisan, of Oregon, to be collector of customs for customs collection district No. 29, with headquarters at Portland, Oreg. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate February 25 (legislative day of February 17), 1931

ASSISTANT SECRETARY OF THE TREASURY

Arthur A. Ballantine to be Assistant Secretary of the Treasury.

MEMBER OF THE FEDERAL RESERVE BOARD

Eugene Meyer to be a member of the Federal Reserve Board for the unexpired term of 10 years from August 10, 1928.

ASSOCIATE JUSTICE, SUPREME COURT OF THE DISTRICT OF COLUMBIA

James M. Proctor to be associate justice, Supreme Court of the District of Columbia.

UNITED STATES DISTRICT JUDGE

E. Marvin Underwood to be United States district judge, northern district of Georgia.

DISTRICT JUDGE

E. Coke Hill to be district judge, division No. 3, district of Alaska.

JUDGE OF THE POLICE COURT, DISTRICT OF COLUMBIA

Isaac R. Hitt to be a judge of the police court, District of Columbia.

UNITED STATES ATTORNEYS

Alexander C. Birch to be United States attorney, southern district of Alabama.

Frederick R. Dyer to be United States attorney, district of Maine.

Frederick H. Tarr to be United States attorney, district of Massachusetts.

A. V. McLane to be United States attorney, middle district of Tennessee.

UNITED STATES MARSHAL

Osmund Gunvaldsen to be United States marshal, district of North Dakota.

MEMBER OF THE UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

Harry Bassett, of Indiana, to be a member of the United States Employees' Compensation Commission for a term of six years from March 15, 1931.

COLLECTOR OF INTERNAL REVENUE

William Duggan to be collector of internal revenue, second district of New York.

COLLECTOR OF CUSTOMS

Philip Elting to be collector of customs, district No. 10, New York, N. Y.

POSTMASTERS

ARIZONA

Arthur E. Weech, Pima.

ARKANSAS

James F. Hudson, Lake Village.
James G. Brown, Magnolia.

COLORADO

John M. Deitrich, Center.
James S. Proctor, Englewood.
Samuel H. Leipziger, Spivak.

DELAWARE

W. Bateman Cullen, Clayton.

GEORGIA

Clifford J. Williams, Bainbridge.
Lois A. Roberts, Bowman.
Ertha Garner, Buford.
Jacob S. Eberhardt, Carlton.
Herman E. Malaier, Chattahoochee.
Olivia F. Anderson, Chipley.
Charles E. Walton, Columbus.
Esther McCollum, Conyers.
George B. Wilkes, Cordele.
Herbert J. Knowles, Cuthbert.
Robert T. Broome, Danielsville.
John R. Barrett, Demorest.
Dallas Thompson, Fair Mount.
Fletcher N. Carlisle, Flowery Branch.
Stevens R. Owen, Gordon.
Columbus W. Fields, Hampton.
John C. Massey, Hartwell.
Mary F. Harris, Hogansville.
Bessie Waldrop, Jackson.
John L. Wilson, Locust Grove.
Edison Harbin, McRae.
Gertrude McCranie, Milan.
David M. McKee, Moultrie.
George H. Ray, Norwood.
John T. Bird, Oxford.
Frederick Bonner, Perry.
Bernie C. Chapman, Porterdale.
Dana M. Lovvorn, Richland.
William E. Fitts, Rocky Ford.
Thomas H. Anthony, Shellman.
Sam Tate, Tate.
Laurens G. Dozier, Thomson.
E. Stelle Barrett, Union City.
Robert Barron, Zebulon.

HAWAII

Alfred Ornellas, Makawao.

IDAHO

Wilber J. Selby, Eagle.

ILLINOIS

Edwin J. Langendorf, Barrington.
Thomas Turiglatto, Benld.
Paul M. Green, Bluffs.
Bert W. Gillis, Brocton.
Orville L. Davis, Champaign.
William S. Brownlow, Chapin.
A. Luella Smith, Chatham.
Harry B. Rigsbee, Downers Grove.
Fred S. Sharp, Elburn.
Thomas E. Richardson, Flanagan.
Walter C. Yunker, Forest Park.
Benjamin A. Miller, Geneva.
Herbert L. East, Highwood.
Syrena B. Roth, Hinsdale.
Charles T. O'Boyle, Ingleside.
Walter V. Berry, Irving.
Roy F. Dusenbury, Kankakee.
Walter P. Smith, Lake Forest.
Blanche V. Anderson, Leland.
Albert Krause, McHenry.
Michael J. Moore, Maple Park.

Ruth V. Nelson, Milford.
Robert M. Farthing, Mount Vernon.
Edward F. Davis, New Berlin.
Herman Meyer, Niles Center.
Albert O. Kettelkamp, Nokomis.
Charles F. Gaffner, Pana.
Russell Young, Rossville.
Mary A. Barkmeier, San Jose.
Gerald B. Weiss, Shipman.
Michael J. Donahue, Streator.
William W. Renton, Wheaton.
Emery S. Waid, Winchester.
Joseph C. Braun, Winnetka.
Lyman S. Graves, Wyoming.

INDIANA

Charles E. Elkins, Bourbon.
Burr E. York, Converse.
Ernest J. Gallmeyer, Fort Wayne.
William B. Hays, Garrett.
Charles W. Foulks, Goshen.
Ira A. Dixon, Kentland.
Don D. Nelson, Lagrange.
Charles H. Olinger, North Manchester.
Howard W. Dubois, Rochester.
Maude W. Zaring, Salem.
Arthur Tomson, Wabash.
Amanda B. Gosnell, West Terre Haute.

IOWA

Judson P. Holden, Delhi.
Wesley L. Damerow, Dows.
Frank P. Rotton, Essex.
William J. Campbell, Jesup.
John G. Ranous, Keota.
Albert L. Clark, Lanesboro.
Karl J. Baessler, Livermore.
Ben W. Stearns, Logan.
Ava Rigdon, Menlo.
Otto Anderson, Ossian.
Charlie M. Willard, Persia.
Clinton E. Myers, Radcliffe.
Leila N. Horn, South English.
Spencer C. Nelson, Tama.
Fred A. Hall, Van Wert.

KANSAS

Henry A. Luebbe, Horton.
Roger M. Williams, Lansing.
Frank E. Chapin, Minneapolis.
John P. Pierce, National Military Home.
Jessie I. Dickson, Neosho Falls.

KENTUCKY

Lucille C. Yates, Grayson.
Sister Marie M. LeBray, Nazareth.

MAINE

George J. Gott, Brooklin.
Ralph T. Horton, Calais.
Alma R. Weed, Monticello.

MARYLAND

Irving S. Biser, Frederick.

MASSACHUSETTS

Albert Holway, Bournedale.
William J. Lockhart, Falmouth.
John G. Faxon, Fitchburg.
Alice D. Robbins, Littleton.
Henry T. Maxwell, Millbury.
Alfred E. Smith, Nantucket.
Edgar O. Dewey, Reading.
Helen K. Hoxie, Sunderland.

MICHIGAN

David A. Kooker, Ewen.
Andrew Bram, Hancock.
Edward Barstow, Menominee.
Dorr A. Rosencrans, Reed City.

MINNESOTA

John Grutsch, Avon.
William C. Wiench, Bagley.
John O. Gullander, Belgrade.
Nelse Monson, Belview.
William B. Stewart, Bemidji.
Walter N. Ostrom, Braham.
Raymond R. Swanson, Bronson.
Nettie Layng, Bruno.
Patrick M. Dunn, Caledonia.
Walter B. Brown, Chisholm.
John R. Forsythe, Cohasset.
Nels A. Thorson, Crookston.
Helmer C. Bacon, Dawson.
Benjamin H. Peoples, Detroit Lakes.
Gunstein D. Aakhus, Erskine.
Odin D. Krogen, Fountain.
James Crane, Gilbert.
Frank H. Griffin, Good Thunder.
William Guenther, Hokah.
Fred G. Fratzke, Janesville.
Marie C. Bergeson, Lake Park.
Joseph J. Barta, Lonsdale.
Anna Thoennes, Ogema.
Herman O. Hoganson, Perley.
George L. Chesley, Pipestone.
Floyd H. McCrory, Rockford.
Otto C. H. Heinzel, Sauk Rapids.
Marion E. Isherwood, Sebeka.
James W. Featherston, Staples.
Jonas W. Howe, Stewartville.
Christian Scott, Truman.
Harry S. Gillespie, Virginia.
George N. Breher, Wadena.
William A. Clement, Waseca.
Fred F. Campbell, White Bear Lake.

MISSISSIPPI

Henry E. Wamsley, A. and M. College.
Huey O. Cash, Artesia.
Ethelbert B. Jones, Enterprise.
William O. Thompson, Lexington.
Laura E. Turnage, Tchula.
Luella H. Riser, Terry.
George O. Robinson, Tunica.

MISSOURI

Abraham B. Peters, Bonnots Mill.
James L. Creason, Camden.
John R. Edwards, Dawn.
Margaret C. Lester, Desloge.
Owen S. Randolph, Gideon.
Herbert S. Wilson, Hardin.
A. Russell Little, Holland.
Melvin Lutes, Lutesville.
Loyd R. Kirtley, Madison.
William E. Hodgin, Maitland.
Lewis M. Gamble, Mexico.
Samuel A. Chapell, Monett.
Fred A. Grebe, New Florence.
Dora S. Weise, New Franklin.
Henry C. Brantley, Newtown.
Ida F. Zeller, Oregon.
Charles Litsch, Perryville.
Ben B. Smith, Potosi.
Charles A. Bryant, Richland.
Nelle Woodall, Rushville.
Joseph V. Forst, Silex.
Alpha DeBerry, Stoutland.
Athol J. Michener, St. Louis.
Carl C. Wilson, Vandalia.
William F. Meier, Wentzville.

NEBRASKA

Robert W. Finley, Bradshaw.
Elmer E. Gockley, Edison.
Richard J. Ward, Rushville.

Harvey A. Loerch, Tekamah.
William E. Brogan, Tilden.
Wayne Mead, Western.

NEW HAMPSHIRE

Philip G. Hazelton, Chester.
Cora H. Eaton, Littleton.
Joseph H. Geisel, Manchester.

NEW JERSEY

Daniel A. DeVries, Carlton Hill.
Charles G. Wittreich, Chatham.
Elmer G. Houghton, Cranford.
William R. Mayer, Cresskill.
Norbert O. Simpson, Fort Hancock.
Richard Watt, Garwood.
Clayton E. Green, Glen Gardner.
Milton K. Thorp, Hackettstown.
Thomas J. Raber, Hampton.
Wilbert F. Branin, Medford.
Mina A. Crowell, Minotola.
Joseph R. Forrest, Palisades Park.
Harry Simmons, Rahway.
Henry R. Parvin, Ramsey.
James A. Harris, Wildwood.

NEW YORK

Elmer A. Arnold, Burdett.
Florence J. Davis, Cold Brook.
Alger Davis, Munnsville.
Robert A. Lundy, Ray Brook.
Albert A. Patterson, Willsboro.

NORTH CAROLINA

Theophilus H. McLeod, Buies Creek.
William R. Freshwater, Burlington.
William H. Parker, Carrboro.
Walling D. Vreeland, Fort Bragg.
Jasper R. Guthrie, Graham.
Elinor C. Cleaveland, Highlands.
Giles B. Goodson, Lincolnton.
Luther J. Tucker, Maxton.
Don H. Gosorn, Old Fort.
Samuel W. Watts, Southport.
Montgomery T. Speir, Winterville.
William F. Outland, Woodland.

OHIO

Linden C. Weimer, Dayton.
Lenna E. Seaver, Dorset.

OKLAHOMA

Otis C. Reed, Blanchard.
Isaac N. Ferguson, Harrah.

PENNSYLVANIA

George R. Steiger, Albion.
Whitfield Pritchard, Bangor.
John D. Moll, Bernville.
George C. Noblit, Brockway.
James C. Whitby, Bryn Mawr.
William Z. Mahon, Carlisle.
Patrick S. Lomire, Coalport.
Charles E. Taylor, Columbia.
William D. First, Conneaut Lake.
Earl H. Hilgert, Cresco.
Charles E. Ehrhart, Dallastown.
William E. Mutthersbough, Driftwood.
Joseph A. Hanley, Erie.
Winfield S. Smathers, Girard.
Thomas F. Fenstermacher, Halifax.
Liola R. Thoman, Hatboro.
Fred Etnier, Huntingdon.
Daniel M. Saul, Kutztown.
Edwin W. Dye, Lawrenceville.
George B. Stevenson, Lock Haven.
John H. Miller, Marietta.
Ira A. Dinger, Mayport.
Shem S. Aurand, Milroy.
Myles D. Hippensteel, Nescopeck.
James I. Decker, New Freedom.
Luna J. Sturdevant, North Warren.
Paul C. Rupp, Pitcairn.
Wade H. McKinley, Polk.
Moses C. Holtzinger, Red Lion.
Wallace C. Dobson, Southampton.
Anthen C. Messinger, Tatamy.
Hugh T. Williams, Union Dale.
William H. Smith, Valencia.
Russell C. Parry, Walnutport.
John W. Munnell, Waynesburg.
George S. J. Keen, Wiconisco.
Annie H. Washburn, Wyncote.
Nathaniel B. Klinedinst, York.
Elmer E. Brunner, York Haven.

PORTO RICO

Jenaro Vazquez, Central Aguirre.

RHODE ISLAND

May B. Lamb, Greenville.

SOUTH CAROLINA

Thomas E. Stokes, Darlington.
Fred Mishoe, Greelyville.
John H. Payne, Johnston.
Otis L. Edwards, Saluda.
Mary C. Price, Whitmire.

SOUTH DAKOTA

Bessie A. Drips, Gannvalley.
Israel R. Krause, Java.
Benjamin W. Ryan, Kimball.
Charles E. Smith, Lemmon.
Arnold Poulsen, Lennox.
Albert P. Monell, Stickney.
Frank E. Stephan, Tolstoy.
Olof Nelson, Yankton.

TENNESSEE

Sam A. Winstead, Dresden.
Edward C. Roberts, Harriman.
William T. Starbuck, Hohenwald.
Joseph R. Mitchell, Mascot.
Rufus C. Thompson, Milan.
Conley Collins, Morristown.
Methyr G. Booth, Oliver Springs.
Claris E. Akin, Rutherford.
Alice M. Greer, Sunbright.
Michel K. Freeman, Westmoreland.
Edgar S. Childers, Whitwell.

TEXAS

Mildred A. Wilder, George West.
Trevor W. Powell, Channing.
Peter W. Henry, Henrietta.
Harry B. Strong, Iredell.
Leroy H. Perry, Spur.
Perry Wendtland, Yoakum.

UTAH

Emerson B. Nason, Soldiers Summit.

VERMONT

Bernard W. Crafts, Bradford.
William B. Needham, Bridgewater.
Earle H. Fisher, Danville.
George H. Millis, Groton.
William C. White, Northfield.
Preston C. Skinner, Orleans.
Ruth S. Sheldon, Pawlet.
Cecil K. Hughes, Saxtons River.

VIRGINIA

Francis A. Haynes, Barboursville.
J. Gratt Gillespie, Bluefield.

Edwin L. Toone, Boydton.
William D. Austin, Buena Vista.
Blodwyn R. Jones, Cambria.
Agnes L. Ivey, Catlett.
Mary I. Wight, Charlotte Court House.
Rankin L. Emory, Chase City.
Gatewood L. Schumaker, Covington.
Blanche M. E. Harris, Crozet.
John W. Delaplane, Delaplane.
Daniel V. Richmond, Ewing.
Gunyon M. Harrison, Fredericksburg.
John D. Williamson, Fries.
Margaret I. Lacy, Halifax.
Robert A. Anderson, Marion.
Auburn L. P. Corder, Norton.
George W. Horton, Pennington Gap.
Ruth J. Stanley, Stanleytown.
Harry E. Marshall, Thaxton.

WASHINGTON

Fred W. Hoover, Eatonville.
Levi H. Niles, Ephrata.
Tolaver T. Richardson, Northport.
John F. Samson, Oroville.
James F. Greer, Pe Ell.
Andrew J. Cosser, Port Angeles.
Sydney Relton, Richland
Jessie A. Knight, Shelton.
Edward Hinkley, Snohomish.
Clyde J. Backus, Tacoma.
Augustus B. Eastham, Vancouver.
Elmer M. Armstrong, Washougal.
Matthew W. Miller, Waterville.
Ira S. Fields, Woodland.

WEST VIRGINIA

David C. Garrison, Morgantown.
Harry R. Tribou, Tams.

WISCONSIN

Harry T. Ketcham, Abbotsford.
Ora C. Thompson, Argyle.
Joseph R. Frost, Avoca.
Henry J. S. Hanson, Bayfield.
Gleason E. Stoddart, Beaver Dam.
Nicholas Hubing, Belgium.
Floyd D. Bartels, Blue River.
Leon F. Pallister, Brandon.
Henry R. Pruemers, Burlington.
Elden T. Bentsen, College Camp.
Bernard A. Faust, Cross Plains.
Annie E. Nelson, Dresser Junction.
James W. Carlisle, Durand.
Richard J. Hansen, Elcho.
Ida Englesby, Eleva.
Albert L. Marsh, Elroy.
Grace E. Skinner, Endeavor.
Edward Schroeder, Granton.
Andrew J. Bosch, Gratiot.
Albert Liebl, Luxemburg.
Robert J. Harland, Marshall.
James D. Nicholson, Milltown.
Stephen S. Summers, Milton.
George B. Keith, Milton Junction.
Earle R. Schilling, Minocqua.
Carl V. Dahlstedt, Port Wing.
Louis A. Busse, Reedsville.
Cornelius P. Shea, St. Nazianz.
Charles L. Wolf, Sharon.
Susan D. Olson, Siren.
Joseph E. Kuzenski, Stetsonville.
John M. Albers, Thiensville.
Alphonse R. Eichman, Trempealeau.
Joseph F. Matts, Verona.
Mathias F. Adler, Waunakee.
Adolph C. Sveen, Westby.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 25, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

When we lift our thoughts and affections to Thee, Heavenly Father, we know that Thou art there. We would join the choral melody of the universe and ascribe honor and power, dominion and glory unto Him who sitteth upon the throne. O God, enable us to be courageous in every cause that is just, for there is no legacy richer than honesty. We have the power to stand and we have the power to fall, but ours is the divine right to stand. The Lord God help and support us. O it is fair fortune that extends her hand to the one of honest might. Succor those who may be in danger; break the snare for those who might fall and let the innocent go free. Abide with us, so that we shall be patient under trials, strong under burdens, and full of faith under clouds. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes; and

H. R. 15437. An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 5644. An act to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy"; and

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.

The message also announced that the Senate disagrees to the amendment of the House to the joint resolution (S. J. Res. 3) entitled "Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NORRIS, Mr. BORAH, and Mr. WALSH of Montana to be the conferees on the part of the Senate.

STOCK-RAISING HOMESTEADS

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3820) to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill and Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Page 2, lines 5 and 6, strike out "other than naval petroleum reserves."

Page 2, line 11, after "same," insert "*And provided further*, That the provisions of this act shall not apply to naval petroleum reserves and naval oil-shale reserves."

Mr. GARNER. Mr. Speaker, I reserve the right to object. I do this for the purpose of propounding a query to the Speaker, if I may, and I do it in view of so many requests that have come to me in respect to when we are likely to vote upon the presumed veto of the President of the adjusted compensation bill. As I understand it from the press, the veto message is likely to be here to-day, or not later than to-morrow, if it comes at all. Would it be the disposition of the Speaker and the Republican organization to take it up immediately for consideration and vote?

The SPEAKER. The rule is that veto messages are immediately considered. It is in order to move to refer the message to the committee, to postpone until a day certain, or to table. Of course, the Chair would be guided by whatever action is taken at the time.

Mr. GARNER. And if the veto message came to-day or to-morrow it would be immediately considered in some way?

The SPEAKER. If no one of the motions to which the Chair has referred is made, the Chair would at once put the question.

Mr. GARNER. I have obtained the information for the reason that many gentlemen are away and want to know when this vote is coming up, because they want to be present.

Mr. RANKIN. And if a motion were made, the vote would come upon the motion immediately, would it not, Mr. Speaker?

The SPEAKER. Yes. Just as soon as the message is read some action is taken at once.

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object to the request of the gentleman from Utah. Will the gentleman state briefly what effect these amendments will have upon the bill which we passed?

Mr. COLTON. I yield to the gentleman from California [Mr. BARBOUR], the author of the bill.

Mr. BARBOUR. The bill as it passed the House provided for the filing of stock-raising homesteads on lands on which oil-prospecting permits had been filed. A reservation was made in the House bill excepting naval oil reserves. The Senate amendment adds to that exception naval oil-shale reserves.

Mr. LAGUARDIA. That is the only difference?

Mr. BARBOUR. Yes. In the exception naval oil-shale lands are included.

Mr. LAGUARDIA. As I recall the bill, it simply provided for grazing permits.

Mr. BARBOUR. It applies to the surface of the land only and provides that a stockman may go in and file a stock-raising homestead on the surface of the land, reserving all other rights to the Government.

Mr. COLE. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. COLE. Why are only the naval oil-shale reserves excepted? Why not all shale lands?

Mr. LAGUARDIA. The Government can not control private lands.

Mr. COLE. I mean all other Government property.

Mr. BARBOUR. These are public lands upon which oil prospecting permits have been issued, and the General Land Office has held that such lands are reserved and not subject to the stock-raising homestead act. The use of large tracts of land have thus been taken from the stockmen of the country as they have been unable to avail themselves of the benefits of the stock-raising homestead act. This bill permits them to file stock-raising homesteads on the surface of the land, and all other rights are reserved to the Government.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. STAFFORD. Then as I understand these two Senate amendments, the right to additional acreage for homestead entry shall not apply to the lands reserved for naval petroleum reserves or naval oil shale reserves?

Mr. BARBOUR. That is correct.

Mr. STAFFORD. It is restrictive and protective of the rights of the Government?

Mr. BARBOUR. Yes.

Mr. DYER. And it is not likely to result in another Teapot Dome affair?

Mr. LAGUARDIA. Oh, we can trust the cows and the bulls.

Mr. STAFFORD. It removes all possibility of such a condition?

Mr. BARBOUR. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Senate amendments were concurred in.

ACTIVITIES OF COMMUNISTS

Mr. ESLICK. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Mississippi [Mr. HALL], may be granted the right to extend his remarks on communist activity.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Mississippi [Mr. HALL] may be granted leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HALL of Mississippi. Mr. Speaker, I feel that I can add but little on the subject of communists in the United States, since my colleagues, the gentleman from Tennessee [Mr. ESLICK] and the gentleman from West Virginia [Mr. BACHMANN] have so masterfully presented to the House the high points of the communist activities in America.

However, I feel too much can not be said regarding this important question, nor can the facts be marshaled too often to present to the public gaze this menace completely.

While I am aware that there is a large percentage of the membership of Congress who have from the beginning of the consideration of this subject, at the time of the creation of the committee of which I am a humble member, at the time its report was presented to this body, since which time, and at the present time, minimize our efforts and in one way or another scoff at the sacrifice which has been put forth to bring to the attention of Congress this subject. I am convinced that if this percentage of the membership of Congress understood the despisable methods of the communists in America, as I believe I do, their attitude would be different, and instead of contenting themselves in what they conceive to be mirth by employing expressions and insinuations to bring our disclosures into contempt, would be more serious in their consideration, and with more information would view the situation somewhat with alarm.

I have been often asked, "What is a communist?" In short, a communist is a human being that seeks to achieve his distorted conception of government through and by the most cruel and outrageous means, often criminal, always with a contempt of orderly government. The definition found in the report of my committee is as near accurate and descriptive as possible: (1) Hatred of God and all forms of religion; (2) destruction of private property and inheritance; (3) absolute social and racial equality, promotion of class hatred; (4) revolutionary propaganda through the Communist International, stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war; (5) destruction of all forms of representative or democratic governments, including civil liberties, such as freedom of speech, of the press, of assembly, and trial by jury; (6) the ultimate and final objective is by means of world revolution to establish the dictatorship of the so-called proletariat into one world union of soviet republics with the capital at Moscow.

The present Communist Party received its inspiration from two apostate Jews, Karl Marx and Friedrich Engels, in 1848. It was they who conceived and issued the manifesto of the Communist Party in the year mentioned. The following quotation from the manifesto discourses the underlying principles of the faith:

> The history of all human society, past and present, has been the history of class struggles; incessant warfare between the exploited and exploiter, between oppressed classes and ruling classes at various stages in the evolution of society; the struggle has now reached a stage of development when the exploited and oppressed class (the proletariat) can not free itself from the domination of the exploiting and ruling class (the bourgeoisie) without at one and the same time and forever ridding society of exploitation, oppression, and class struggles.

Later Engels, in speaking of the purpose of communism or proletariatism of all lands, said:

> Communists scorn to hide their views and aims. They openly declare that their purpose can only be achieved by the forcible overthrow of the whole extant social order. Let the ruling classes tremble at the prospect of a communist revolution. Proletarians have nothing to lose but their chains. They have a world to win. Proletarians of all lands, unite.

From the year of the issuance of the manifesto until 1917 this doctrine had no significant foothold in the miserable land of Russia or elsewhere. Yet it sporadically accumulated sufficient disciples to demonstrate activity at several different periods.

When many great nations were involved in the last Great War and Russia had cast its lot with the allied forces of Europe, true to the thought and disloyalty of a communist, leaders of that unholy conception were able to muster considerable strength, which was used to hamper the cause of the Allies, spreading disloyalty, causing discord in the hearts of many of the Russian people, so much so that it became a great detriment to the forces of the Czar, which were then engaged in the awful struggle on the side of democracy.

However, there was enough loyalty at this particular period in the army of the Czar and the Russian people to dissipate the attempt of the communist and to put to flight its main leaders, who fled to different countries.

When the Russian Army had met with serious defeat on the battlefields of Europe and when the German Government, with its stupendous army and matchless discipline, was able to echo consternation in the land of Russia, and when the morale of this unhappy, misgoverned, and unfortunate people was at its lowest ebb, the element of disloyalty, which is so pronounced and controlling in the heart of any communist, unfortunately was able to accomplish the downfall of the czarist government. A provisional government had been established, but the people of Russia were in chaotic and distressing condition. The German general staff, appreciating the disloyalty of one of the leaders of communism, Nikolay Lenin, by ruse succeeded in transporting him, disguised and unknown, from the land of Switzerland, through the German Empire and back into Russia. Lenin being one of the advocates and an aggressive leader of communism, with the cooperation of Stalin and others, succeeded in overthrowing the provisional government and establishing the cruel, withering, devastating rule of the Communist Party in the land of the murdered Czar.

This ruse occurred in 1919. It is useless for me to go into the history of Russia since that day until the present time. The most casual student of history knows well the suffering and decadence of this seemingly hopeless empire.

Certainly, the rule of the Czar and his predecessors for generations was tyrannical and in many phases horrible; a government without honor, a government without consideration for the masses, a government of plunder, a government necessarily calculated to plant in the hearts of its subjects anarchy. I have no defense to make of this régime, but I do regret that amid all the strife and tumult, beneath the cloudy sky of a republic rich in natural resources, it did not receive the glitter of some bright star of hope that could have lead the people from a wilderness of darkness, suffering, and dejection to a happy existence.

But, unfortunately, not only for the Russian people, its welfare and its destiny, but for the entire world the Communist Party entrenched itself in this dissolute period so supremely and deeply it shall require the wisdom and generosity of the civilized world, perhaps for generations, to remove the cancerous, destructive influence of the communists.

Yet, among this sad, depressed, ignorant, and helpless people, comprising 150,000,000 of human beings, there are only 1,500,000 communists, but who, like cruel vultures which tantalize the sick and dying animal, continue to spread and fan their filthy wings over and around their slowly but surely perishing countrymen, thriving and feasting upon helplessness, misery, and death.

I regret the committee was unable to secure more accurately the economic condition as carried on by convict and inforced labor as is mentioned in our report. I do assure Congress, however, that the committee diligently and eagerly sought every avenue of information possible as reflected in its hearings. Let the Congress consider how impossible it was and is for the committee to do more than was done when it is considered that recently the Soviet Government refused the great nation of England the privilege and opportunity of sending a selected commission to glean and to know accurately the suffering and oppression of these peoples.

The committee recommended to the Congress that this Nation take steps to acquire this information definitely, but if the suggestion of the committee is accepted and this Nation should undertake to secure in a legal manner such information, I am persuaded to believe the cruel and unconscionable masters of the Russian people would not for a minute tolerate it.

I believe the conception of and carrying on of the industrial and agricultural condition in Russia by convict and enforced labor has influenced largely the present chaotic world-wide economical situation.

Let us realize that Russia possesses more natural resources than any other government on the face of the earth. Much of its resources is so stupendous that it has not yet been accurately estimated. If the 5-year plan succeeds, and 150,000,000 human beings continue to develop it, under the present terrifying leadership of Stalin and his cohorts, through and by the dictation of the Communist Party, this world will be a different place to live in from what it has been the last several generations. Such basic products as lumber, coal, oil, manganese, furs, wool, and so forth, is near nigh inexhaustible. Russia contains agricultural lands the equal of any country. It has more fertile acres capable of the highest development than any other government. Millions of acres of its best land are rapidly being placed in the highest state of cultivation. There has never yet developed any authority capable of accurately stating the millions of bushels of wheat, the millions of tons of potatoes, the millions of bushels of corn, or the millions of bales of cotton and other basic commodities possible to produce in that land of misrule and sorrow.

Contrary to the opinion of most people, the Communist Party is a select party. The manipulation of the party does not seek to, and in fact would not, permit an average citizen of Russia to become a member. The million and a half who now constitute the party and are manipulating that Government would not desire in that country a much larger membership. Hence few adults are permitted to get in the inner chamber of its manipulations, yet select, bright, young men and women are especially trained to become members with the hope of perpetuating the present iron-handed régime.

Contrary to public opinion, this is also true of the designs of its leaders and sponsors in America. About 70 per cent of its members in America are sent here through the influence of Moscow and, of course, are aliens. It is through them and by means of the money sent from Moscow in America that they are gradually obtaining a foothold in this land of liberty.

It is not the purpose of these sponsors of the Communist Party to at any time admit in the controlling element of the party any great number of Americans or aliens who may be in this country. It is true, however, that they have set up various schools of instruction, and that the leaders meet and discuss labor problems with various organizations, not with any intention to better conditions here but to attempt to

inculcate their damnable doctrine into the minds of honest American toilers.

Yet it is not the intention of the designing, cruel, unconscionable dictators of the Third Internationale to take into full measure any great percentage of those that might become inoculated with this doctrine so destructive of civilization. I am of the belief few Americans will ever embrace communism, yet I am aware of its destructive influence upon the unsophisticated. It would require several generations in order for the American people to lose to any degree their reverence, patriotism, and love for our form of government. I believe this will never occur.

American, as all other governments, will suffer bad administrations, will suffer a period when those unfriendly to the democratic form of government will temporarily control, when economic ills and distorted ideas of government will prevail for a period to harass and retard its peace and progress; yet, as certain as the day follows the night, these unwise and unfriendly periods will fade away and Americanism will continue to press forward, evolving into a happier, a more evenly distributed, and a more just administration of government, having profited by such ills. But there will never come a period so dark, so hopeless, that the American patriot will cast to the four winds his love of our Government and embrace the distorted, misdirected, and inhuman preachments of the leaders of the Communist Party. Yet when these outlaws of civilization are permitted to mingle and counsel with the millions of the unemployed, as we have to-day, are permitted to mingle with the hungry and the desolate in all sections of our country, it is but natural to suppose they should be able to sow seeds of discontent, seeds of anarchy and of destruction which in the very nature of the situation must bear some fruit, must cause some havoc, and create some menace. This situation is being experienced in many of our larger cities to-day. Our unfortunate American people, composed of our most unsusceptible, ignorant, and helpless, follow the leadership and the dictation of these human vultures. More through ignorance than design or wilfullness, primarily from an ill-devised economical situation, they have become an organization easily manipulated and controlled by the leader of the Communist Party to the extent such are becoming a menace to the police, orderly society, and general welfare of citizens within every important city of our Nation.

Scarcely now do the citizens of any city undertake to have public celebrations of patriotic demonstrations but what they are harassed and many times dissembled by the jeers, onslaught, assault, and disreputable conduct of the communists, aided and abetted by the unsophisticated followers as mentioned.

How much longer the Congress is going to permit this condition without courageously passing ample laws to protect the American people I am not able to say. How much longer the Department of State will remain in a state of inertia, seemingly chloroformed by an unknown and perhaps mysterious influence, I am not able to state. But I do make a prophecy when the American people are fully advised in the premises and when the pressure comes, which surely will come, the Congress will pass, and the department will execute, proper laws to banish from the fair shores of this continent this nauseating, unscrupulous alien.

At this point I desire to refresh the minds of Congress with certain recommendations made by our committee, which are as follows:

(1) Enlarging the authority of the Bureau of Investigation of the Department of Justice for the purpose of investigating and keeping in constant touch with the revolutionary propaganda and activity of the communists in the United States, and to provide for additional appropriations for skilled agents to devote their entire time to investigating and preparing reports on the personnel of all entities, groups, individuals who teach or advocate the overthrow of the Government of the United States by force and violence.

(2) Strengthening immigration laws to prevent the admission of communists into the United States and providing for immediate deportation of all alien communists.

(3) Provide for additional appropriations to the Bureau of Immigration for vigorous handling of deportation cases.

(4) Amend the naturalization laws so as to forbid the naturalization of a communist.

(5) Amend the naturalization laws so as to cancel the naturalization certificate of a communist.

(6) Deny reentry to the United States to an alien who has visited Russia to secure training in communistic doctrines.

I realize there are many capitalists of America who have chosen to go to Russia, and from its chaotic condition hope to add millions to their already enormous wealth, which is sought to be reconstructed by the suffering, blood, and tears of its women and children, and who are beyond the reach of legislation under our Constitution.

If it were the sentiment of Congress, as I gladly state it is mine, to prevent their course, it would be impossible under the Constitution and our form of government. My information is all American capitalists, corporations, and combines have invested several billion dollars in the Russian nation. It may be from their investments and their sympathy for the Soviet Government they will garner a harvest of wealth. It is also true many of America's foremost engineers and experts in all lines of development and progress have engaged themselves at enormous wages to assist in carrying out the 5-year plan in order to make a success of the soviet régime. To me it seems the course of these American citizens, with their selfish desire for such wealth, if possible will hasten the day of the destruction of the world and civilization, which may be achieved if the 5-year plan is successful. They are aiding the designs and efforts of the communists who ultimately desire to overthrow, by force, every civilized nation on the face of the earth. Truly, they are aiding and abetting this horrible specter, perhaps unconsciously and ignorantly, yet in most effective manner. If they receive the harvest of wealth, they evidently contemplate, the 5-year plan must succeed, and, in my opinion, if successful, rational and legitimate economical structures of every nation will be destroyed. Their profits may be great in the land of Stalin and his heartless conferees and colleagues, yet I venture to make the prediction that they will suffer not only loss of untold billions in their investment and procession on the American continent, but they will be, and are, the greatest contributors not only to the possible destruction of democratic and well-organized governments but are the greatest factors contributing to the present economic situation.

The Communist Party in this country has for its sole aim the destruction of our democratic form of government and to substitute therefor the reign of Stalin and his cohorts, with an organized, determined effort of insidious types, both from within and without. It is their desire by tremendous activities in America now they will so weaken our economic structure that this Nation will be able to offer but small resistence to sovietism. Their greatest aids now are the "pinks" and unthinking sympathizers.

I call attention to the disposition of our State Department. It is the policy of this department to permit avowed revolutionists to come into our country to spread the insidious propaganda without any apparent activity to retard it. It is my belief that this department has been entirely too lenient in the admission of these undesirables and has been extremely lax in the enforcement of the present laws directed at this evil. It is conservatively estimated that we have a thousand agents of Soviet Russia in this country. The direct representative of the government we do not recognize, and I hope that until it has undergone a thorough revolution in sentiment and in government that this great Nation of ours will never recognize it. Until such time I shall do all within me to cause unrecognition of the present communist régime.

Yet the State Department, in possession of all the facts which are presented through the hearings of our committee, augmented by much information it has secured, seemingly turns a deaf ear to the situation and refuses to protect Americanism.

I regret the hearings of our committee discloses that the law firm of Simpson, Thatcher & Bartlett, of New York City, of whom Mr. Thatcher, of the State Department, is a partner or in close relation therewith, has only to write a letter requesting that these revolutionary agents be admitted into our country or retained, whose sole purpose it is to destroy our trade and commerce and form of government. If the relation and influence of Mr. Thatcher is such to directly or indirectly enrich this firm with filthy dollars thus acquired, it is a stigma and a shame upon the American people and the most stern remedy to destroy this means of aiding and abetting Soviet Russia should be employed. One of the vice presidents of the Amtorg stated before our committee in New York City that it was his belief that the Amtorg Trading Corporation paid a stipulated sum for each alien admitted and retained through this legal firm.

Personally, I desired that our committee ask that a speedy investigation be made of this accusation, and if true, such intolerable and traitorous practice be ended. Two extensions were granted for a year's stay by the Department of State over the protest of our committee. A courteous request by our committee to present to it absolute proof of the undesirability of these two agents was refused. You Congressmen may draw your own conclusions.

I think it is worth while to call the attention of Congress and the country generally to those engaged in commercial channels who seem eager at all hazards to carry on and accelerate their business relations with the Soviet Government, regardless of the ultimate effect upon our future prosperity.

H. L. Cooper, representative of the American-Russian Chamber of Commerce, New York City, recently furnished the Ways and Means Committee a list of the American-Russian Chamber of Commerce membership in the United States, as shown in Exhibit A of his testimony (pp. 122–125, hearings, January 27–28, 1931). In his testimony also he presented Exhibit B, revealing a list of firms with which the Amtorg Trading Corporation had placed orders in America (pp. 122–145, inclusive, hearings).

I desire to express my sentiment toward those individuals and corporations as I have previously of those who have invested their billions in Soviet Russia. I am certain that if the design of the Soviet Government is successful, if millions of working people are forced to compete with the present forced worker in Russia, and peasants of Russia shall continue to work, stagger, and many to die under the reign of the soviet cruelty, sufficient to put the 5-year plan over, little exports will go from the rest of the world into that country. If it does succeed, I am sure that billions of dollars of export will go out of Russia and that honest business, honest farmers, honest labor of the higher type and highest scale of living, as in America, will encounter the most vicious and destructive competition from this misruled government. It will necessitate a revolution in every channel of business, society, and religion, and that civilization will be set back many generations.

At the request of my committee I recently introduced in the House H. R. 16390, protecting the banking institutions of this country from the insidious, unscrupulous, and effective method of the avowed communists, by spreading false rumors of unsoundness of the national banks, and so forth. The bill is as follows:

To amend section 22 of the Federal reserve act

Be it enacted, etc., That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, or with intent to deceive, makes, publishes, utters, repeats, or circulates any false report which imputes, or tends to impute, insolvency or unsound financial conditions, or financial embarrassment, of any national bank, or any other member bank of the Federal reserve system, or which may tend to cause or provoke a general withdrawal of deposits from such bank, or tend to injure the business or good will of such bank, shall be deemed guilty of a misdemeanor, and shall, upon conviction in any court of competent jurisdiction, be fined not more than $5,000 or imprisoned for not more than five years, or both.

"(h) If two or more persons conspire to boycott or blacklist, or to cause a general withdrawal of deposits or patronage from, or to make, publish, or circulate any false report imputing insolvency, or financial embarrassment of, or otherwise to injure the business or good will of any national bank, or any other member bank of the Federal reserve system, and one or more of such persons do any act to effect the object of such conspiracy, each of the parties to such conspiracy shall be deemed guilty of a misdemeanor, and shall, upon conviction in any court of competent jurisdiction, be fined not more than $5,000, or imprisoned for not more than five years, or both."

I am pleased the Banking and Currency Committee, through the ability and activity of its chairman [Mr. McFADDEN], considered this proposed legislation and sanctioned it.

The honorable gentleman from Georgia, Judge BRAND, had previously introduced a bill of similar purport, which was favorably reported to the House.

I am pleased also that the Rules Committee of the House has recently reported a rule for the consideration of this bill. Judge BRAND and I are cooperating, hoping for the passage of his measure. He courteously, and I think wisely, accepts the features of the bill I introduced, not incorporated in his, as timely. It shall be our purpose to secure an amendment to his bill by incorporating therein the additional features of the legislation I proposed.

In view of the recent statement of the chairman [Mr. McFADDEN] making it known his committee is in possession of positive information that some of the recent runs on sound banking institutions were incited by the active, willful, vicious representative of communists, it seems to me such a brazen criminality, almost in the game and in the very face of the lawmakers of this Nation, should interest them in this legislation and stimulate unanimous effort to place on our statute books this wholesome legislation.

I hope the revolting practice and conduct I have observed on the part of the communists in this Nation and the conviction I have after listening patiently to the entire hearings of our committee have not unreasonably prejudiced or warped in any degree my normal conservativeness; but I confess I am unable to fully, in these remarks, express my contempt and my fear of the possibility of my Nation being greatly affected by this unholy conception.

There is enough red-blooded Americanism flowing in my veins and I am happy I possess sufficient courage to say to this Congress and to the world that the human or group of human beings who preaches amidst my countrymen the hatred of God and all forms of Christian religion not only has my scorn and contempt but such instinctively employs every atom of my being to marshal and use every legal source at my command to constitutionally eliminate this blot from my country.

I have the courage and the conviction to assist in banishing and to silencing as far as constitutionally possible every human or set of humans who advocates within this fair land of ours the destruction of private property and the virtue of inheritance.

I have equal contempt for any human or group, whether the thought emanates from Moscow or from any place on earth, who preaches and teaches absolute social and racial equality and seeks to promote class hatred. To me the greatest test of any human is the love he or she has of the blood that courses through their veins. If it flows from a source of white, or if it flows from a source of black, or if it flows from a source of brown or yellow, there is no greater evidence of loyalty and commendable impulse of such being than to revel in such blood and to cherish the ancestry. Words are inadequate to express my scorn, my abject contempt, and my hatred for he or she who desires the blood of my children, or that of my white neighbors, should be intermingled with the blood of some other race save that of the Anglo-Saxon.

He or she who would promote class hatred but plants the seed the fruits of which must aim at the destruction of American liberty.

He or she who advocates the destruction of the home, who has become so mentally warped in his or her belief to the extent they dare advocate the destruction of the marriage relation, who would destroy the existence and the influence of the home, who advocates utilizing the services of a mother in hard toil, likened to the beast, and advocates the offspring of that mother should be torn from her breast, blotted out of her affection and her influence, and placed in a stern, cold, inhuman institution, to be reared and disciplined in order that it may become a servant of the communists' heartless régime, is not only an enemy to all civilization but becomes a treacherous leech upon our body politic. Such

are the devil personified and the arch damnable destroyers of the most holy and dearest relations of civilized peoples.

Tell me who is willing to stop short of employing every legal method not only to deport such but to make it ever impossible for such to return or be in this land of peace, hope, and democracy.

To the elimination of this character of person, to the deportation of such, to the incarceration if need by legal methods, I am willing to concentrate my limited ability, my full service, and to suffer the greatest sacrifice possible without any thought of apology to any who may honestly differ.

They may choose their course; I have chosen mine.

REAPPORTIONMENT

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of reapportionment and redistricting of the State of Georgia, giving the population of the State by congressional districts.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Speaker, when the bill for reapportionment was passed by Congress I opposed it and voted against it. While we were told by the proponents of the reapportionment measure that it would in no way affect Georgia's representation, I could not and did not support it, for the reason that I felt Congress should make the reapportionment instead of delegating the function, imposed upon it by the Constitution, to the Department of Commerce. Then, too, I feared that it might not work out just as predicted by the proponents, and it has not. My fears have been justified; for, based upon what I believe is an incorrect census, so far as Georgia is concerned, our State is to lose two Representatives and after the Seventy-second Congress will have only 10 instead of 12 Members.

The reapportionment legislation referred to does not actually become a law until after the expiration of the present session on the 4th of March, which is close at hand. Hoping, if possible, to prevent the loss to Georgia, I introduced a bill, H. R. 16346, that would increase the membership of the House by 27, making a total membership of 462 instead of 435, and apportion the Representatives among the various States as follows:

Alabama, 10; Arizona, 1; Arkansas, 7; California, 20; Colorado, 4; Connecticut, 6; Delaware, 1; Florida, 5; Georgia, 12; Idaho, 2; Illinois, 27; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 8; Maine, 4; Maryland, 6; Massachusetts, 16; Michigan, 17; Minnesota, 10; Mississippi, 8; Missouri, 16; Montana, 2; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 14; New Mexico, 1; New York, 45; North Carolina, 11; North Dakota, 3; Ohio, 24; Oklahoma, 9; Oregon, 3; Pennsylvania, 36; Rhode Island, 3; South Carolina, 7; South Dakota, 3; Tennessee, 10; Texas, 21; Utah, 2; Vermont, 2; Virginia, 10; Washington, 6; West Virginia, 6; Wisconsin, 11; and Wyoming, 1.

I was heard on my bill before the Census Committee and advocates of the Thurston and other measures on the same subject have been heard, but as yet nothing has been reported out by the committee, and it is now quite certain the reapportionment will go into effect on March 4, under which act Georgia will lose two Members. This is a severe blow to the Empire State of the South.

AGRICULTURAL STATES LOSE

Several of the States sustain losses in membership under this act, while a few gain. The gains are mostly in the States with large cities in them, like New York, Illinois, Michigan, and California. I think it is extremely unfortunate that this should be the case, because it tends to give control of legislation in the House of Representatives to the large and thickly populated centers as against the rural or agricultural States. The Constitution calls for a reapportionment based on the census every 10 years, and, of course, reapportionments should be made, but in this case it is going to work great hardships, in my opinion, upon agricultural States like Georgia.

Being somewhat familiar with the situation in Georgia, I am going to discuss the question of redistricting under the reapportionment which will go into effect on March 4. The Georgia Legislature will be called upon to redistrict the State into 10 districts instead of 12. This, of course, is going to be a rather difficult thing and in some respects a disagreeable task. Georgia in the 1930 census has a total population of 2,908,506, and the congressional districts are as follows:

Districts as established for the Seventy-first Congress

First	260,291
Second	242,276
Third	189,719
Fourth	220,708
Fifth	415,476
Sixth	221,050
Seventh	262,219
Eighth	198,927
Ninth	225,226
Tenth	212,934
Eleventh	248,290
Twelfth	211,390
Total	2,908,506

First district	260,291
Bryan County	5,952
Bulloch County	26,509
Burke County	29,224
Candler County	8,991
Chatham County	105,431
Effingham County	10,164
Evans County	7,102
Jenkins County	12,908
Liberty County	8,153
Long County	4,180
McIntosh County	5,763
Screven County	20,503
Tattnall County	15,411
Second district	242,276
Baker County	7,818
Calhoun County	10,576
Colquitt County	30,622
Decatur County	23,622
Dougherty County	22,306
Early County	18,273
Grady County	19,200
Miller County	9,076
Mitchell County	23,620
Seminole County	7,389
Thomas County	32,612
Tift County	16,068
Worth County	21,094
Third district	189,719
Ben Hill County	13,047
Clay County	6,943
Crisp County	17,343
Dooly County	18,025
Lee County	8,328
Macon County	16,643
Quitman County	3,820
Randolph County	17,174
Schley County	5,347
Stewart County	11,114
Sumter County	26,800
Taylor County	10,617
Terrell County	18,290
Turner County	11,196
Webster County	5,032
Fourth district	220,708
Carroll County	34,272
Chattahoochee County	8,894
Coweta County	25,127
Harris County	11,140
Heard County	9,102
Marion County	6,968
Meriwether County	22,437
Muscogee County	57,558
Talbot County	8,458
Troup County	36,752
Fifth district	415,476
Campbell County	9,903
De Kalb County	70,278
Douglas County	9,461
Fulton County	318,587
Rockdale County	7,247
Sixth district	221,050
Bibb County	77,042
Butts County	9,345
Clayton County	10,360

Sixth district—Continued.	
Crawford County	7,020
Fayette County	8,665
Henry County	15,924
Jasper County	8,594
Jones County	8,992
Lamar County	9,745
Monroe County	11,606
Pike County	10,853
Spalding County	23,495
Upson County	19,509
Seventh district	262,219
Bartow County	25,364
Catoosa County	9,421
Chattooga County	15,407
Cobb County	35,408
Dade County	4,146
Floyd County	48,667
Gordon County	16,846
Haralson County	13,263
Murray County	9,215
Paulding County	12,327
Polk County	25,141
Walker County	26,206
Whitfield County	20,808
Eighth district	198,927
Clarke County	25,613
Elbert County	18,485
Franklin County	15,902
Greene County	12,616
Hart County	15,174
Madison County	14,921
Morgan County	12,488
Newton County	17,290
Oconee County	8,082
Oglethorpe County	12,927
Putnam County	8,367
Walton County	21,118
Wilkes County	15,944
Ninth district	225,226
Banks County	9,703
Barrow County	12,401
Cherokee County	20,003
Dawson County	3,502
Fannin County	12,969
Forsyth County	10,624
Gilmer County	7,344
Gwinnett County	27,853
Habersham County	12,748
Hall County	30,313
Jackson County	21,609
Lumpkin County	4,927
Milton County	6,730
Pickens County	9,687
Rabun County	6,331
Stephens County	11,740
Towns County	4,346
Union County	6,340
White County	6,056
Tenth district	212,934
Baldwin County	22,878
Columbia County	8,793
Glascock County	4,388
Hancock County	13,070
Jefferson County	20,727
Lincoln County	7,847
McDuffie County	9,014
Richmond County	72,990
Taliaferro County	6,172
Warren County	11,181
Washington County	25,030
Wilkinson County	10,844
Eleventh district	248,290
Appling County	13,314
Atkinson County	6,894
Bacon County	7,055
Berrien County	14,646
Brantley County	6,895
Brooks County	21,330
Camden County	6,338
Charlton County	4,381
Clinch County	7,015
Coffee County	19,739
Cook County	11,311
Echols County	2,744
Glynn County	19,400
Irwin County	12,199
Jeff Davis County	8,118
Lanier County	5,190
Lowndes County	29,994
Pierce County	12,522
Ware County	26,558
Wayne County	12,647
Twelfth district	211,390
Bleckley County	9,133
Dodge County	21,599
Emanuel County	24,101
Houston County	11,280
Johnson County	12,631
Laurens County	32,693
Montgomery County	10,020
Peach County	10,268
Pulaski County	9,005
Telfair County	14,997
Toombs County	17,165
Treutlen County	7,488
Twiggs County	8,372
Wheeler County	9,149
Wilcox County	13,439

REDISTRICTING GEORGIA

It will be noted from the foregoing that the first Georgia district, which I have the honor to represent, is third in population, and it is quite large in area, but compactly arranged. This district could very well be left in its present shape on account of its convenient arrangement, large population, and area. While I am a Member of Congress, I would personally hate to see any of the counties embraced in the first district taken therefrom. In my service I have tried to be faithful to each and every county and to the district as a whole. Many contacts and friendships have been made, and, naturally, I have a deep affection for the people of the district and for each and every county in it. I make mention of this for the reason that certain ambitious politicians have proposed plans that would materially change the district, to which changes I am unalterably opposed.

SIZE OF DISTRICTS

In no State of the Union are the congressional districts exactly equal in population or area. There is no reason why any great effort should be made in Georgia to get the population anything like equal in the make-up of the districts. They are not now equal nor have they ever been so.

DUTY TO REDISTRICT

The question of redistricting in our State is the responsibility and duty of the Georgia Legislature. If the legislature sees fit, in its wisdom and in the discharge of its duty to add other counties to the first district, I will be glad, while I am its Representative, to welcome such counties, and as long as I am honored by the people of that district to represent them in Congress, I will do my utmost to see that each and every county, and the district as a whole, are given earnest, attentive, and faithful representation to the very best of my ability.

It is certainly not my purpose to in anywise intrude my views upon the Georgia Legislature, for the State representatives and senators are distinctly charged with the duty of redistricting. They are men of intelligence, character, and ability, and I am sure they are going to do their duty as they see it and do the best they can for the State in the matter. There is no impropriety, I am sure, in my expressing at this time the hope that the district that has so greatly honored me, for which I am profoundly grateful, will not be gerrymandered to meet the designs of selfish politicians who are proposing the changes in question. I do not believe they can induce the legislature to attempt to legislate them into office, for it must be remembered the offices belong to the people. I recall in the last redistricting of Georgia how certain politicians calculated they could defeat me and elevate one of their group to office by taking Emanuel and Toombs Counties out of the district. The people saw through the game then as they will now, and they rebuked the gerrymandering efforts at the ballot box. I hated for the counties of Emanuel and Toombs, in which I have many close friends, to be eliminated from the first district and protested; but I was powerless and had to submit. When Emanuel and Toombs were taken from the first district I felt like I had lost two members of my family, and I am frank when I say I have never become reconciled to it.

That is how I felt by those counties, and it is how I feel by all of the counties of the district. A feeling of deep affection results from contacts, friendships, and service, and I hope I may be pardoned for now expressing the very earnest hope that no county or counties will be taken from the district to which I am so greatly indebted and so earnestly attached. What is the sense of taking out one, two, three or more counties and putting others in? It merely means to disrupt and disturb the status when it might be avoided.

I am sure the legislature will be moved by no other motive except to serve the welfare of Georgia when it reaches this task.

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, in December of last year, Secretary Hyde, following a request made by a nonpartisan delegation including more than 40 Members of this House, issued a regulation removing the discriminations which had long existed in his department against the use of corn sugar in sweetened foods.

This ruling provided a new outlet for this healthful product of American corn, and met with instant favor of all those who have the interests of American agriculture and the health of our people at heart. In view of the demands, which have been almost universal, for the adoption of farm-relief measures, I am amazed, and I feel sure that you will all be amazed, to learn that a concerted movement is now in progress in several States to destroy the effect of Secretary Hyde's ruling and deny to this American product the place it deserves in the Nation's food supply, and to perpetuate the monopoly long enjoyed by the product of Cuban sugarcane.

Refined corn sugar is pure dextrose. It is now a pure white sugar. It is healthful and wholesome. It is admittedly less sweet than cane sugar, but it has some properties which are more valuable than those of cane sugar.

Notwithstanding all this, a bill pending in the Minnesota Legislature (S. B. No. 349) would rescind the existing Minnesota law which makes Secretary Hyde's ruling effective there, and the avowed purpose is to nullify the corn-sugar ruling. In Michigan a new ice cream law (H. B. No. 51) would outlaw corn sugar as an ingredient, although its value in ice cream is fully established and generally accepted. In Texas Senate bill No. 225 discriminates against corn sugar by permitting only cane or beet sugar to be used in sweetened foods without label declaration. In Kentucky a hearing is set for February 25 for the sole purpose of changing the Kentucky food standards to exclude corn sugar.

I do not know the source of these vicious attacks against this product of American corn, but I call to your attention the strenuous but futile efforts to dissuade Secretary Hyde from removing the ancient prejudice against corn sugar put forth by the Sugar Trust, by the Canners Trust, and by the organized wholesale grocers. As a representative of one of the great corn-growing States of this country, I resent the campaign now being conducted in the States to accomplish by local legislation what this powerful group failed to accomplish here, and I express the hope that the legislatures of all the States in which laws are proposed to destroy the market for pure corn sugar will conclude as we have done, that their laws shall be administered, not in the interests of Cuban sugarcane, but in the interests of American corn, and that they will not yield to the insistent demands of those who seek to nullify the action taken by Secretary Hyde to improve conditions in the Corn Belt.

COPYRIGHT BILL

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the Vestal copyright bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LaGUARDIA. Mr. Speaker, on January 13, 1931, this House passed the Vestal copyright bill. The provisions of that bill have been before the House and the Committee on Patents for many years. In the beginning there was a great deal of misunderstanding concerning the effect of the bill. The misunderstanding was based entirely on misinformation maliciously sent out by opponents of the bill. Provisions of the bill, in a nutshell, simply seek to protect the creative property of composers and authors. It gives the same protection, and not an iota more, to the author and composer as it gives to the inventor of a mechanical or other patent. Legislation did not keep abreast with progress in mechanical reproduction of music, such as phonograph, musical machines, mechanical organs, radio, and sound pictures, and the mechanical reproduction of literary compositions and drama, such as the moving picture and the radio. It seems almost incredible that the very same people, such as the radio interests, broadcasting companies, slot-machine manufacturers, who have every part of their machinery patented, and are protected by patents, are so brazen as to oppose the same protection being given to authors and composers. If any author and composer would attempt to take any patented device to broadcast or to reproduce their own works without permission of the patent owner, these owners of patents would hail them into court on a minute's notice, and yet the same patent owners are actively engaged in opposing legislation so that they may be free to use without permission or payment the creative works of the authors and composers.

It may be interesting to the Members of the House—and for that reason I am making this statement—to know that after all these years of trying to mislead the House of Representatives, and after the copyright bill passed this House, the same tactics were employed before the committee of the other body considering the House bill. I desire to call attention to just a few facts. I am doing so because there are only a few days of the session remaining, and Congress owes it to the American authors and composers to give them the equal protection of the law and put an end to the unwarranted, inequitable, and unjust exploitation of their property by some of our citizens who have received so much protection, assistance, and benefits from Congress.

The National Broadcasters Association, through their spokesman, Mr. Caldwell, and others, in opposing the Vestal bill for copyright revision not only claim ownership of the air but everything they see and hear, irrespective of the rights of others. Since the inception of broadcasting in this country their association has made numerous attempts to have piracy legalized in the Congress.

Their violent opposition to pay for the creative matter that goes to make their existence possible is beyond comprehension. Their stations would be mute, dormant, and dead without the works of composers and authors.

Without authors and composers, whose contributions make it possible for them to charge hundreds and thousands of dollars per hour to advertisers and users of their facilities, the broadcaster would not be in business. Broadcasting to-day is a business the same as steel, automobiles, moving pictures, only it is more powerful and far-reaching. For some unknown reason the owners of broadcasting stations from the very start of their existence and by their organized activity before the Senate Committee on Patents in opposition to the Vestal copyright bill have attempted to tear down the rights granted by the Constitution to those who choose to live by the products of their brain.

A former president of the Broadcasters' Association which Mr. Caldwell represents at this hearing, who appeared before a former Senate Patents Committee, even went so far as to attempt to appropriate a wave length without waiting for the formality of obtaining a license from the Federal Radio Commission. The numerous amendments suggested by Mr. Caldwell and others at this hearing on behalf of the Broadcasters' Association, now reflected in the bill as amendments, were deliberately offered to weaken, if not destroy, the author's and composer's rights in this revision of the act of 1909 or to kill the bill altogether. As everyone knows, it is not difficult to kill a bill during the closing days of a session by loading it with destructive amendments.

Mr. Capehart, representing the manufacturers of slot machines, stood with the broadcasters in their fight to legalize

literary and musical piracy. His company and others who manufacture records and coin-operating machines desire to limit the rights of those who create their raw material. The phonograph record and automatic recording machine manufacturers make and sell instruments to mechanically reproduce the works of composers and authors—there is no limit as to what they shall charge the buyer of their product but they join with the broadcaster and the manufacturer of radio sets to limit the price by law of the creators of the material that makes their business possible.

Mr. Capehart and those he represented failed to tell the committee that besides selling his machines to drug stores and restaurants, the slot-machine manufacturers dispose of many of their instruments to road houses, restaurants, and hotels, and that they are coin operated. These machines are installed and the patron of the place in most instances inserts a nickel or a dime or a quarter in order to have some music. The committee was not told that the proprietor of the establishment invariably gets a percentage of the slot receipts.

Throughout the country to-day with the development of radio and mechanical reproduction the living musicians, who spent their lives learning to play an instrument for a livelihood, are out of employment and have been replaced in theaters, dance halls, restaurants, and so forth, by the machines the men who appear in opposition to this bill manufacture.

I respectfully call the committee's attention to the nation-wide campaign in the leading newspapers and magazines throughout the country by the musicians of the American Federation of Labor during the past year.

In urging the passing of this bill the authors, composers, artists, and creators of material in America stand as a unit in conjunction with the publishers of newspapers, magazines, books, and users of copyrightable works. The broadcaster and the mechanical reproducer seem to be alone in their efforts to hinder justice and protection to authors and composers.

The requests of the author to join the rest of the world in international copyright protection at this time is imperative and essential. American music, books, and plays lead the world to-day. In the past quarter of a century America has become the leader of the entire world in literary and musical creations. The best books, operas, songs, motion pictures, and other forms of creative work are written, published, and made in the United States, and it is only just and natural that the creators of these works want world-wide protection. That is the reason for their reasonable demand for entrée into the International Copyright Union at this time.

The authors of America desire to join this union before August 1, 1931, in order to secure the benefits of the Berne convention, which has been in operation since 1886. No intelligent person with any knowledge of the subject of copyright will oppose the author's request for automatic copyright, which puts us on a plane with the rest of the civilized world. There is nothing new in this plan; it is older than our country itself, as it was shown in these hearings.

The Broadcasters' Association has endeavored to use opposition to automatic copyright as a means to hide the real purpose of their attack on this bill. What they are really after is to influence the Senate to hog tie the composer and author in order that they may take and sell for profit the creations of his brain.

I am sure the Members of the American Congress of this Nation will see through the broadcasters' obvious attempt to use the legislative branch of our Government to deprive the author and composer of America of protection in their works. To prove that there is nothing new in the basic fundamentals of the authors' and composers' contention in regards to their rights in the creations of their brain, I submit an editorial published in the Monthly Review in London, 1774, over a century and a half ago. In reference to an article on the rights of an author written by Doctor Enfield, LL. D., appeared the following editorial:

> Doctor Enfield has irrefragably shewn, by the clearest deduction of argument, that literary property or what is commonly understood by the term copyright, has all the foundation in nature which any kind of property can have, and more than belongs to many kinds which are, however, admitted without dispute.
>
> Some depend wholly upon occupancy or primary possession, some wholly upon labor; but an author's right to his literary composition has a clear foundation in both.
>
> No man, therefore, can have a better right to the house which he has built on his own ground and with material which he has purchased or collected from his estate, than an author has to the productions of his genius and industry.
>
> If we refer the cause to the decision of common sense, and the natural principles of equity, this right will be no less evident.
>
> In this various world different men are born to different fortunes—one inherits a portion of land; he cultivates it with care; it produces him corn and fruits and wool. Another possesses a fruitful mind, teeming with ideas of every kind; he bestows his labor in cultivating that; the produce is reason, sentiment, philosophy. It seems but equitable that a fair exchange should be made of these goods, and that one man should live by the labor of his brain as well as another by the sweat of his brow.
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> This point being established, it follows that whatever can be asserted with truth concerning property in general may fairly be applied to this particular kind of property.
>
> Literary, as well as other kinds of property, must be exclusive. That is, no person whatever can have a right to enjoy the benefit of this property except the author and those to whom he assigns over that right. An author having the same natural right to his composition as the possessor of lands to the fruits which they produce, no other man can have any claim to the profits arising from the former more than to those arising from the latter.
>
> To take possession of any work for any purpose which interferes with the interests of the author farther than he himself or his assigns assent to it is, on the principles of natural law, no less an invasion of property than that of plundering a man's granaries or his coffers.

The composers and authors of our country have done as much, if not more, by their contribution to make the United States the leading nation of the world. There was a time when all our music and most of our books were imported from other countries. The reverse is true to-day. American composers and American authors are leading the world. They are entitled not only to recognition but to protection, and it is our duty not to delay this matter any longer. It is sincerely to be hoped that the Vestal copyright bill will become a law before this Congress ends.

DISTRICT OF COLUMBIA TRAFFIC ACTS

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report on the bill (H. R. 14922), to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, and so forth, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: *"Provided,* That hereafter, congressional tags shall be issued by the commissioners under consecutive numbers, one to each Senator and Representative in Congress for their official use, which when used by them individually while on official business, shall authorize them to park their automobiles in any available curb space in the District of Columbia, except within fire plug, fire house, loading station, and loading platform limitations, and such congressional tags shall not be assigned to or used by others"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 1, line 4, of the engrossed Senate amendments, strike out the word "may," and insert in lieu thereof the word "shall"; and the Senate agree to the same.

F. N. ZIHLMAN,
GALE H. STALKER,
MARY T. NORTON,
Managers on the part of the House.

ARTHUR CAPPER,
HAMILTON F. KEAN,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc., submit the following statement explaining the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: The conference committee recommends the reincorporation in the bill, with certain modifications, of a provision stricken out by the Senate amendment. As agreed upon by the conferees, the new language of this amendment provides for the issuance by the District Commissioners to Members of the Senate and House of congressional tags for official use. These tags will permit their owners to park their automobiles in any available curb space in the District of Columbia, except spaces where parking is prohibited because of the presence of fire plugs, fire houses, loading stations, or loading platforms. The tags may not be assigned to nor used by others.

On amendment No. 2: This amendment, by substituting the word "shall" for "may," makes it mandatory on the District Commissioners to establish parking areas near Government establishments for the use of Members of the Senate and House and governmental officials when on official business.

On amendment No. 3: This amendment corrects a minor error by the addition of quotation marks.

On amendment No. 4: The amendment provides penalties for hit-and-run drivers, and prescribes procedure on the part of owners or operators of automobiles in collisions.

F. N. ZIHLMAN,
GALE H. STALKER,
MARY T. NORTON,
Managers on the part of the House.

Mr. STAFFORD. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. STAFFORD. This conference report pertains particularly to the disagreement on the proposal to allow congressional tags on the automobiles of Members of Congress. I have no objection to that provision. I yield to the opinion of those who have automobiles, but I question the propriety of the amendment, so far as it gives the right to Members of Congress to park their cars anywhere, regardless of whether there are restrictions or not.

Mr. ZIHLMAN. It does not do that, except with limitations and while on official business.

Mr. STAFFORD. The amendment says:

> Which when used by them individually while on official business shall authorize them to park their automobiles in any available curb space in the District of Columbia, except fire plug, fire house, loading station, and loading-platform limitations.

Mr. ZIHLMAN. That is right.

Mr. STAFFORD. I know it is a fact in some cities, and I can conceive where it might prevail here to forbid the parking of automobiles on one side of the street in order to aid traffic. I can conceive in Washington where it would be advisable to have freedom of space for transportation of automobile traffic during certain hours, without any obstruction, yet under the amendment agreed to by the conferees they would allow a Member of Congress, a Representative or Senator, to have carte blanche to park their cars at any time when on official business, in violation of that provision.

Mr. LAGUARDIA. I think it is poor legislation.

Mr. STAFFORD. It is not only poor legislation but it is indefensible legislation.

Mr. ZIHLMAN. The amendment referred to by the gentleman was incorporated in the bill on the floor of the House and a great many Members importuned the conferees to retain that provision in the bill, the Senate having struck it out. The House conferees therefore insisted upon its retention with modifications. The modifications were acceptable to the corporation counsel, representing the District Commissioners. The representative of the District Commissioners agreed that they would design and furnish a shield for the use of Members of Congress by them individually, a shield with a number in an attractive form, and that they should be given the privilege of parking in the vicinity of public buildings when on official business, with the idea that the Members of the House and Senate would not abuse the privilege so conferred, and I do not believe that they will.

Mr. STAFFORD. I would have thought that that restriction would have been incorporated in the amendment, but I will not pursue the protest any further, Mr. Speaker.

Mr. COLE. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. COLE. Why should Members of Congress claim any rights for themselves that do not belong to others in Washington?

Mr. ZIHLMAN. The membership of the House, by incorporating this amendment, stated they desired that privilege. Individually, I do not care for it. I do not use the congressional tag; I never have, but I would not deprive others from using them if they so desire.

Mr. COLE. We should not use our authority as lawmakers for the District of Columbia to serve our own convenience unduly. I think we ought to take some pot luck with the rest of the people.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question and the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

HOSPITALIZATION FOR WORLD WAR VETERANS

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16982) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, with Senate amendments; disagree to the Senate amendments, ask for a conference and the appointment of conferees.

Mr. GARNER. Reserving the right to object, what committee has charge of this bill, and is it agreeable with the Members from this side of the House?

Mr. RANKIN. Mr. Speaker, reserving the right to object, why should not the gentleman from Massachusetts [Mr. LUCE] agree to move to concur in the Senate amendments?

Mr. LUCE. In the opinion of the gentleman from Massachusetts, the matter is too serious to dispose of it in that fashion.

Mr. RANKIN. Mr. Speaker, this is a bill for the erection of Veterans' Bureau hospitals throughout the country. The House would agree to the Senate amendments if such motion were made. But may I say to the gentleman from Massachusetts if this bill is sent to conference it will likely be killed. I want the House to thoroughly understand that the minority members of the Veterans' Committee are in favor of a motion now, and they will support a motion now, to concur in the Senate amendments and let this bill go to the White House. I fear if it is sent to conference at this late date there will be a controversy over some of these matters and the bill will be killed.

Mrs. ROGERS. Will the gentleman yield?

Mr. LUCE. I yield.

Mrs. ROGERS. I wonder if the gentleman from Mississippi realizes the full import of that. I wonder if the gentleman realizes that everything the House did in the subcommittee and then in the main committee, and in its vote in the House about a week ago, would be wiped out by the Senate bill. Every recommendation that the House made would be wiped out by the Senate amendment.

From my reading of the record of the proceedings in the Senate on the day the bill was under consideration, I am quite sure that Senator SMOOT, the chairman of that committee and the author of the amendment to our bill, H. R. 16982, did not realize the import of it. Senator SWANSON, of Virginia, asked him if under his amendment Virginia would be given a hospital. Senator SMOOT replied that it would, but at no hearing before the Senate committee or before our subcommittee was a recommendation ever made by anyone, as far as I can ascertain, by General Hines or anyone else, for the establishment of a hospital in Virginia. In General Hines's second program additional Veterans' Bureau beds were suggested for West Virginia.

General Hines stated before our committee the following:

> One of the real problems confronting the Veterans' Bureau in handling the hospitalization phase of veterans' relief is presented by the growing tendency to consider State lines in determining the need for additional hospital facilities. Upon completion of present approved programs, there will be but six States without hospital facilities under the control of the Veterans' Administration, namely, Vermont, New Hampshire, Rhode Island, Delaware, South Carolina, and Nevada, and but three States—Vermont, Delaware, and Nevada—in which there will be no Government hospital facilities of any kind. Further, if contemplated plans under approved construction programs materialize, 36 of the bureau's 54 regional offices, at least one of which is located in every State except Delaware, will have Government hospital facilities of the general medical and surgical type within 1 to 15 miles of the regional office.

Virginia has a soldiers' home at present.

It is clear the Senate did not realize the import of the Senate amendment.

I earnestly request that this bill be allowed to go to conference. We have a week to reach an agreement, and I feel very sure we can secure an adjustment. I do not believe that the Members who were promised hospitals in the House report of this bill would be willing to give up their rights. We can not wish to fight their battles over again. Under the Senate bill General Hines could place a hospital anywhere in the country and could reallocate one anywhere. You all know that General Ireland, General Cumming, Admiral Riggs, and Judge Thatcher are too busy to be visited every day in the week by legionnaires and other service men or by chambers of commerce and by politicians begging for hospitals. Our committee spent hours and hours of work on this bill. It tried to be fair. It realized that the veterans in every part of the country must be served. It tried to fill the greatest need first.

Mr. CHALMERS. Will the gentlewoman yield?

Mrs. ROGERS. Yes.

Mr. CHALMERS. I would not be willing to give up my hope for a hospital in northwestern Ohio, where it is needed more than in any other section of this country. I personally would like very much to see this bill go to conference and have it ironed out so that we might be taken care of in northwestern Ohio. This bill should provide at once for the construction of a hospital at Toledo, Ohio, that would care for six to eight hundred patients.

Mr. TREADWAY. Will the gentlewoman yield?

Mrs. ROGERS. Yes; with pleasure.

Mr. TREADWAY. I wish to correct a very unfortunate error that occurred when this bill, known as the Rogers hospital bill, was passed a week ago. I was reported in the press throughout the country as opposing the bill. The contrary was the fact. I have never voted against any hospital bill, and I wish to take this opportunity of saying that whatever is agreed upon by the committee, of which my colleague is a member, will be entirely agreeable to me. I shall vote for it and I did vote for the bill which was passed last week.

Mrs. ROGERS. I know the gentleman is very much interested in the hospitalization of veterans all over the country, and has always voted for every hospital bill. He is always helpful with legislation for our disabled veterans.

Mr. LAGUARDIA. Will the gentlewoman yield?

Mrs. ROGERS. Yes.

Mr. LAGUARDIA. Is the Senate amendment of such importance that we could not accept it at this time?

Mrs. ROGERS. I do not see how we could, because it would wipe out everything the House has done.

Mr. LAGUARDIA. Is it an entirely new proposition?

Mrs. ROGERS. The lump sum of $20,877,000 appropriated is a larger amount—namely, $12,500—than the sum authorized in the House bill; and the report that accompanies the Senate amendment completely wipes out everything we have done, not only in this bill but in some previous bills. As it stands now the board of hospitalization could reallocate buildings anywhere. It could also use the money that has been appropriated for other building construction in other localities.

The Senate amendment has increased the sum authorized by the House to $17,027,000 and has incorporated $2,850,000, which was authorized to provide construction for national homes in a bill introduced by Congressman JAMES, of Michigan, which passed the House some two weeks ago. Part of the report by Senator SMOOT for the Committee on Finance is as follows:

> The Committee on Finance conducted hearings for the purpose of determining the need, if any, for new construction to meet the demand for hospitalization under the World War veterans' act, 1924, as amended, and for domiciliary care under the various statutes administered by the Bureau of National Homes—formerly the National Home for Disabled Volunteer Soldiers—and after careful review and study of the evidence submitted, the committee is of the opinion that a program of construction should be initiated and completed as soon as possible to meet the needs of such services up to 1935. To this end the amount included in the House bill, namely, $12,500,000 has been increased to $17,027,000. To this amount has been added $2,850,000 to provide certain additional construction for national homes, which were covered by H. R. 16658, making a total of $20,877,000. Various construction programs were submitted to the committee, including the estimates of needs furnished by the Administrator of Veterans' Affairs. Your committee, however, believes that the location of the new hospitals and homes and the additions to existing hospitals and homes can better be left to the discretion of the Federal Board of Hospitalization with the approval of the President. This board is composed of outstanding men thoroughly versed in the subject of hospitalization and domiciliary care and after comprehensive study will be in a position to best locate facilities authorized in this bill where they are most needed.
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> Sections 1, 2, 3, and 4 of the bill are for the purpose of generally authorizing the appropriation and are in the same language previously used in authorization acts of a similar nature.
>
> Section 5 of the bill authorizes the Administrator of Veterans' Affairs, with the approval of the President, to reallocate, if found desirable, certain projects heretofore authorized by the public acts enumerated therein. This section will permit of the building of certain projects either at the places heretofore authorized or elsewhere and will permit distribution of the money authorized for more than one unit.

Personally I should welcome the additional money for hospital and domiciliary, but clearly section 5 should be changed in the Senate amendment—and $20,877,000 is too much money to give to any one man to spend without suggestions from Congress. The members of the board of hospitalization are extremely busy, as stated before. Each and every one has extremely important positions, with much work to be done, and General Hines certainly has more work now than any one man can do. His position, next to the Presidency, is the most difficult one to fill in the Government.

Mr. LAGUARDIA. The House bill was a general authorization bill, was it not?

Mrs. ROGERS. Yes; of $12,500,000.

Mr. LAGUARDIA. It did not go into details as to locations?

Mrs. ROGERS. Not in the Senate amendment, but in the report.

Mr. LAGUARDIA. But not in the bill?

Mrs. ROGERS. No.

Mr. LAGUARDIA. How does the Senate bill differ from that except to increase the amount?

Mrs. ROGERS. The report differs materially. The amendment adds the provisions of a bill that was reported

by the Committee on Military Affairs authorizing $2,850,000 for soldiers' homes construction in our Southern States. The Senate report completely eliminates the locations designated by the House in past bills as well as this bill. It throws out of the window, so to speak, months of study by the subcommittee of the World War Veterans' Committee, as the hearings on this hospital construction were also held last spring. Does it seem fair to do this? It is said the Senate committee only held two hearings upon this measure.

Mr. LaGUARDIA. The gentlewoman is too good a legislator to believe that the report is what we pass upon. We pass upon the bill. Now, as I see it, the only difference is in the amount, because both bills are general authorization bills, with the exception that the Senate bill adds the proposition reported by the Committee on Military Affairs.

What I am worried about is this: If you are so far apart, what right have we to expect that you will agree in conference?

Mrs. ROGERS. Because, as stated before, from the questions on the floor of the Senate, the Senators can not understand what is in the Senate report—and if the gentleman will read now in the RECORD the Senate proceedings of last Saturday he will understand why that must be the fact. Heretofore General Hines has followed the recommendations with respect to general areas or locations as stated in our report, and the Senate bill completely eliminates suggestions of sites. The gentleman from Maine [Mr. NELSON] would like to express his reasons for not approving of the Senate amendment.

Mr. RANKIN. I have reserved the right to object. I yield to the gentleman from Maine.

Mr. NELSON of Maine. I desire to call the attention of the House to one example of the injustices that may result from the passage of this Senate bill. Within 4 or 5 miles of my home in Maine there is located a national soldiers' home, known as the Eastern Branch. It was one of the first to be established in the United States, a great collection of wooden buildings, most of them obsolete, and constituting absolute fire traps. Just before I came down here last spring they had a fire start in one wing of the hospital unit. It was in the daytime and, all attendants being on hand, they were able to evacuate the patients without loss of life; but this occurrence called attention to the tremendous danger to which these Civil War, Spanish War, and World War veterans were continually subject. Shortly after the fire last year I took up the matter of a new hospital with the Bureau of the Budget; but they refused to consider the matter on its merits. It was taken up with the War Department, and they also refused to consider it. I took it up with General Hines and could secure no remedy from him, as he had no funds that could be utilized for that purpose.

I then presented the compelling facts to the Military Affairs Committee, and the menace of existing conditions was so apparent and the danger so threatening that the bill passed that committee unanimously. It was taken up and discussed on the floor of this House and passed, providing for a sanitary, fireproof hospital down there at Togus in place of the present two and three story frame structure, with its wooden staircases and no fire stops, with 30 per cent of the patients Civil War veterans, absolutely bedridden, who could not be safely removed from the building in case of fire.

Later it was thought by General Hines that he might like to build this hospital 2 or 3 miles away from the present structure, on higher ground on the banks of the river, and I agreed with him that such action would be very desirable.

The independent offices bill provided an appropriation of $750,000 for this hospital, and stated that it might be built at or in the vicinity of Togus.

Now, here was a measure that originated in this House, originated without the approval of the Budget and without the approval of the War Department. It originated because of deplorable conditions for which we of this House were responsible. This legislation was passed by this House giving me this hospital at Togus. Later legislation was enacted providing for an appropriation with which to build the hospital; and these Civil War, Spanish War, and World War veterans housed in that old structure have rejoiced that they were to have a new hospital at this home, safe, sanitary, fireproof, and equipped to give them proper treatment. Now when all this has been done, and well done, this Senate bill comes to us with a provision that the director, "is further authorized to use all or any part of the money authorized to be appropriated," for the Togus Home, either at Togus, or "at any other national home or hospital under the jurisdiction of the Veterans' Administration, or for any of the purposes set forth in section 1 of this act."

This bill, if agreed to as it comes from the Senate, would allow the money appropriated for the Togus project to be spent anywhere in the United States, might be responsible for a continuance of the deplorable and menacing conditions at Togus.

Mr. RANKIN. Let me say to the gentleman from Maine that so far as the House Committee is concerned, all we did was to set out in the report certain allocations. It is not binding. The Senate failed to adopt any such report. We have no power on earth to make them adopt one, and the Administrator of Veterans' Affairs up to this $12,500,000 or up to the limit of the House authorization, virtually assures us he will carry out these allocations or these recommendations. If we refer this bill to conference, I will say to the gentleman from Maine, he is not only likely to lose what he has under the House allocation in the report, but he is likely to lose the entire bill.

Mr. NELSON of Maine. Let me finish my statement. The gentleman interrupted me.

Mr. RANKIN. I understand that, but I yielded to the gentleman under my reservation of objection.

Mr. NELSON of Maine. The gentleman evidently does not understand the real situation nor the cause of my complaint. This House passed the bill for the establishment of the hospital at Togus and the bill passed the Senate. This House made the appropriation and the appropriation bill has passed the Senate, has been approved by the President, and is a law to-day. There is no further legislation needed so far as this particular home is concerned and no valid excuse for its incorporation in this legislation.

Now, General Hines presented this bill, in the first place, to the Military Affairs Committee of the House, and I simply called the attention of that committee to the fact that the Togus project had no place in that general bill, that it needed no further legislation, and that there was absolutely no reason why it should be included in H. R. 16658; why General Hines, by that bill, should have the right to abrogate the act of both Houses and build that hospital at any place he might choose I could not understand—neither could the Military Affairs Committee of the House—and they cut the Togus project out of the general bill.

Now the gentleman tells me I am likely to lose something if this bill does not pass at this session. The gentleman is mistaken. All the legislation that is necessary to build a new hospital at Togus has already been passed by both House and Senate. The pending legislation might take it away from me. You gave me the hospital and I ask you now not to take it away from me at this time and in this extraordinary manner.

Mr. RAGON. Will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. RAGON. As I understand it, the bill that passed the House here in its terms did not designate any particular place for the location of a hospital.

Mr. NELSON of Maine. It certainly did; and that location was to be at Togus, Me., or in its vicinity.

Mr. RAGON. It is in the body of the bill.

Mr. NELSON of Maine. Yes; and in the appropriation measure.

Mr. LUCE. May I say that it is not the Veterans' Committee bill that contains that specific provision but a bill from the Military Affairs Committee.

Mr. RAGON. The bill we have here for conference is the hospital bill that passed the House the other day.

Mrs. ROGERS. Yes; the bill that passed the House and amended by the Senate. The Smoot amendment added approximately $5,000,000 for the Veterans' Bureau hospitals and it also added a provision providing for $2,850,000 for soldiers' homes. That provision passed the House in the James bill the same day the House passed H. R. 16982. I hope the Members on the floor who have soldiers' homes in their districts may realize that if these amendments are adopted—I want Tennessee to remember that it may lose its soldiers' home. The gentleman from Maine [Mr. NELSON] may lose his soldiers' home.

Mr. RAGON. The report of the Veterans' Committee designated one hospital for Arkansas in the northwest section. But the Veterans' Committee, without rhyme or reason, designated also that the regional officers now stationed at Little Rock, where they should be placed in the new hospital, are put up in the northwest section.

Mrs. ROGERS. I think as far as the regional officers are concerned that can be adjusted with little effort. It is not for the welfare of patients sometimes to have regional officers in the hospitals. That is really an administrative matter.

Mr. RAGON. I think it is for the welfare to have these officers in a section of the State where every Member of Congress can take their constituents there, where the boys can hitch-hike if necessary or go in their old Ford, whereas they have put these regional officers 150 miles from the center of Arkansas.

Mrs. ROGERS. In the House report the designation is simply "Arkansas—new hospital and regional office." It does not state in what part of Arkansas, or that regional offices must be together.

There is also a slight misunderstanding about South Dakota, which is perhaps my fault in writing the report. Legionnaires, all the Members of Congress from South Dakota, and people from South Dakota asked for additions to the Hot Springs hospital, and it is my belief that the appropriation for South Dakota will be used as they requested. The location of the regional office is not specified in the report.

Mr. SNELL. Mr. Speaker, if this discussion is to go on much longer, we will have to call for the regular order. We are willing to give a reasonable time, but we do not want to consume all the afternoon.

Mr. RAGON. General Hines told me that they were placing the regional officers in northwestern Arkansas, notwithstanding they have a hospital in process of erection at Hot Springs, and a hospital in Little Rock, and yet they take these regional officers and stick them up in the northwest corner of the State, 150 miles from the center.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to disagree to the Senate amendments to the bill H. R. 16983 and ask for a conference. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I move to instruct the conferees to agree to all the Senate amendments, and I would like to be heard on my motion.

The SPEAKER pro tempore. The gentleman from Mississippi moves to instruct the conferees to agree to all of the Senate amendments.

Mr. RANKIN. Mr. Speaker, we are all interested in this matter and I want to lay before the House my views of the situation.

In the first place, may I say to the lady from Massachusetts [Mrs. ROGERS] that Virginia is just as much entitled to consideration in this bill as any other State? We did not attempt in the original bill to allocate these hospitals, but we did make recommendations in the report. We have done that before. They are binding on nobody. It is merely a suggestion as to how they should go. The bill went over to the Senate and it was thoroughly discussed there. The only thing the Senate did, so far as that is concerned, is to increase the amount to $20,000,000. It is true they incorporated the James bill for the soldiers' homes in the South. Two million five hundred thousand dollars goes to that, but it still leaves $5,000,000 additional. They made no suggestion as to these allocations, but I am going to read you at this point a copy of a letter that General Hines wrote Mrs. ROGERS with reference to this proposition.

Mr. McSWAIN. What is the date of the letter?

Mr. RANKIN. February 24. That letter is as follows:

FEBRUARY 24, 1931.

Hon. EDITH N. ROGERS,
House of Representatives, Washington, D. C.

MY DEAR MRS. ROGERS: Reference is made to our discussion this morning concerning the policy of the Federal Board of Hospitalization and the Veterans' Administration in locating throughout the United States such additional hospital facilities as Congress may from time to time authorize to be constructed.

While authorities for hospital construction, with few exceptions, have in the past been general, and in the acts themselves there has not usually been specified any particular locations, it has been the policy of the Federal Board of Hospitalization and the Veterans' Bureau, prior to consolidation, and, since consolidation, of the Veterans' Administration to give full weight to such schedules outlining the need of construction as may have been recommended by the Veterans' Bureau, and which schedules, inferentially at least, have been indorsed by the appropriate committees of the Congress. Similarly, if the Congress passes a construction bill, based upon a program which its committees developed and which in turn represented modification of a program which may have been submitted by the Veterans' Administration, it would be the policy of the Federal Board of Hospitalization and the Veterans' Administration to give full weight to such a schedule, as it would be interpreted as representing the intent of Congress when taking action on the legislation before it.

Therefore, while I am unable at this time to commit the Federal Board of Hospitalization to any specific action in locating such additional hospital facilities as may be authorized, assurance may be given that the intent of Congress will be fully recognized in the considerations of the board, and such schedules as may have been presented to the Congress in authorizing additional construction will serve as a guide in the final action taken by the board.

Very sincerely yours,

FRANK T. HINES, *Administrator.*

General Hines in that letter has given as much assurance as he is going to be able to give.

What do you gain by sending this bill to conference? There are men in this House and there are men in the Senate who are opposed to this legislation. Do not forget that. Talk about moving the soldiers' home in Tennessee! All the powers of the Veterans' Administration could not move that home.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. STAFFORD. There is nothing in this bill that would authorize the administrative head to remove any soldiers' home such as was suggested by the gentleman from Maine.

Mr. RANKIN. Why, certainly not.

Mr. STAFFORD. That is just a scarecrow.

Mr. NELSON of Maine. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. NELSON of Maine. Does the gentleman mean to tell me that that bill does not say that this director can take that appropriation that has become a law from my hospital and spend it any place in the United States that he desires?

Mr. RANKIN. I say that the Veterans' Administrative can not move a soldiers' home.

Mr. NELSON of Maine. This gives him the power. I suggest the gentleman read the bill.

Mr. RANKIN. I am not willing to sacrifice this bill in order to tie the hands of the administrator on one proposition.

Mr. NELSON of Maine. Why should it be in that bill at all? Tell me that.

Mr. RANKIN. Which bill?

Mr. NELSON of Maine. It is completed legislation. It has nothing to do with this whatever. Why is it there?

Mr. RANKIN. It was none of our business; it was not before our committee. It was put on in the Senate. I am not willing to sacrifice the possibility of securing $20,000,000 worth of hospitalization for disabled veterans merely to go to conference and possibly tie this bill up and kill it.

Mrs. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mrs. ROGERS. At this point in the RECORD I would like to have the gentleman see the report of the Senate on section 5, reading as follows:

Section 5 of the bill authorizes the Administrator of Veterans' Affairs, with the approval of the President, to reallocate, if found desirable, certain projects heretofore authorized by the public acts enumerated therein. This section will permit of the building of certain projects either at the places heretofore authorized or elsewhere and will permit distribution of the money authorized for more than one unit.

It most certainly does give the power to take any money already allocated and reallocate it anywhere, and it is in Senator SMOOT'S own report, which accompanies H. R. 16982, as amended by the Senate. [Applause.]

Mr. RANKIN. A hospital that is already built the administrator could not remove if he wanted to.

Let us see what you may do. You send this bill to conference. You are dealing with men at the other end of the Capitol who have just as much ability and just as much power, even more, than we have. Suppose you add one amendment. You have to go then and get it approved by the Senate, and you have to come back and get it approved by the House. You tie this bill up in conference, and you are likely to lose the entire amount. You are never in all the world—and I know whereof I speak—going to get the Senate to write these allocations into the report as we have done. So why go to conference at all?

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. McSWAIN. The Federal Board of Hospitalization is merely created by Executive order. It has no legal status, has it?

Mr. RANKIN. Certainly not.

Mr. McSWAIN. It is purely an advisory board.

Mr. RANKIN. Yes.

Mr. McSWAIN. Whatever General Hines said there himself will bind him in the exercise of his legal authority under this bill.

Mr. ELLIS. He did not say anything.

Mr. McSWAIN. If he keeps his word, what he said will bind him.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. LUCE. The gentleman from South Carolina [Mr. McSWAIN] misunderstands the situation. The location of hospitals is determined by the President by Executive order. A Federal Board of Hospitalization was created to advise the President. The head of the Veterans' Bureau is a member of that advisory board. It lays its conclusions before the President.

Mr. McSWAIN. But I am correct in the statement that the Federal Board of Hospitalization has no legal existence.

Mr. LUCE. It has not.

Mr. McSWAIN. Nobody is bound by it. It can exist today and cease to be to-morrow.

Mr. LUCE. It exists only by Executive order.

Mr. McSWAIN. Certainly.

Mr. RANKIN. Our report is not binding on the President, is it?

Mr. LUCE. No.

Mr. RANKIN. Our report is binding on nobody.

Mr. LUCE. Our report has always been considered as strongly persuasive.

Mr. RANKIN. I understand. It is a recommendation. Even if we were to get the Senate to make a recommendation it would not be binding. The recommendations included in the House bill with reference to the distribution of this money up to $12,500,000 are just as binding as they would be if it came from both the House and Senate and no more. That means it is merely a recommendation. It shows the will of this House. The President may disregard it if he pleases.

Mr. BROWNING. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. BROWNING. Can the gentleman tell us whether the conferees of the House would be willing to insist on the allocation in the report of the balance of this, just like the House has allocated the first part of it? The gentleman knows it is a bad policy to put through legislation where there is no allocation made, even by recommendation. Can the gentleman tell me whether the conferees would insist on the allocation of the rest of it in the report?

Mr. RANKIN. Now suppose we did. Personally I think Virginia is entitled to a hospital. I have thought so all along. There are two or three projects for some States in this bill. Suppose some Senator or some Member of the House did not favor it, then you become deadlocked in conference; and that is what I am trying to avoid.

Mr. LINTHICUM. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. LINTHICUM. As I understand the House bill, if we adhere to that amount, then other States are precluded. Is that correct?

Mr. RANKIN. No. Permit me to explain the situation. If my motion is adopted, it means that our authorization, our recommendations, are made up to $12,500,000. There are five additional million that the Administrator of Veterans' Affairs, or the administration, if you please, may allocate to places not already taken care of.

Mr. LINTHICUM. If the gentleman's motion prevails, then we would have sufficient money by which other States might be recognized who are not now recognized?

Mr. RANKIN. Certainly.

Mr. HARE. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. HARE. In view of the statement just made by the gentleman from Mississippi [Mr. RANKIN] I understand that the committee of the House recommended a hospital for South Carolina?

Mr. RANKIN. Yes.

Mr. HARE. Now, if the gentleman's motion prevails, will that hospital be assured or will it be within the discretion of the Administrator of Veterans' Affairs?

Mr. RANKIN. It is as nearly assured as when it passed the House. We never can assure anything in a report of a committee, and it was not written into the bill and will not be in conference.

Mr. HARE. Will there be any possibility of it being eliminated if this goes to conference?

Mr. RANKIN. There might be a possibility, no matter what the Congress does, but not a probability. You will get your hospital in South Carolina.

Now, let me call attention to another thing. The Members from New York should listen to this. There is a disagreement to-day in the New York delegation, unfortunately, over the location of a hospital. Suppose we go back and go into conference and we get into a fight, which undoubtedly we will if this bill goes to conference. The chances are this bill will be tied up by you gentlemen and we will lose what we have already gained by the passage of this legislation.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 46 minutes remaining.

Mr. RANKIN. Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Illinois [Mr. HOLADAY].

Mr. HOLADAY. Mr. Speaker, ladies, and gentlemen, in order that the House may exactly understand the situation, the Committee on World War Veterans' Legislation reported out a bill authorizing certain hospitals. The law did not fix the location, but it placed in the report where these hospitals should be located. The Committee on Military Affairs reported out a bill carrying $2,800,000 for additions to certain soldiers' homes. The law did not fix the location, but the money was to be allocated on the estimate made by the Veterans' Bureau. I had a personal interest, because $500,000 of that amount was to go to a home in my district. At that hearing I asked General Hines if in case this money became available it would be expended according to the written statement and proposal he had furnished to the committee. He said in that hearing that the money would be spent in accordance with the estimate he had placed in the committee record. Now, as far as I am concerned with regard to my own institution, I am willing to rely on the statement that General Hines made to the committee. In the home in my district every bed is occupied. More than 200 men are being fed in that institution that can not be furnished with beds, and beds are being furnished by private and public charity of the citizens of Danville. In addition to those 200 or more, there are perhaps a hundred men coming in, not from my district but from other States of the Union. They come there and apply for admission. Under the law they are entitled to do that, but it is impossible for the home to take them in and to furnish them meals or furnish them beds.

So they are being supported by public and private charity. To-day in the city of Danville, and for many months past, public and private charity have been feeding more than 100 ex-soldiers and they have been furnishing beds to more than 300.

The deficiency bill will be acted upon in the Senate to-day, so I am informed. My position is not different than that of other Representatives from districts in which soldiers' homes are located, and I am of the opinion that about the only chance we have to secure facilities for these 300 men who are now walking the streets in my home city is by action on this bill now.

I confess that I much prefer the other system—that the bill itself fix the locations. If I had my choice that is the method I would follow; but I am faced, and other Members representing districts that have these homes are faced with the fact that every soldiers' home we have to-day, with possibly one exception, is crowded and is turning away numbers of ex-service men because they do not have sufficient room to take care of them. My interest is not so much in maintaining a principle, with which I agree, as it is that we be in a position next winter to care for these men. General Hines testified that the plans were completed and could be finished within 24 hours of the time that the money became available. So in order that we may be sure that these men will have homes during the coming winter I believe the thing to do is to agree to the Senate amendment in order that we may secure the appropriation at this session of Congress. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS. Mr. Speaker, I think the membership of the House will remember that before the general locations for hospitals were put in the reports that accompanied the hospital bills it took General Hines as much as three years, sometimes, to select a site. Since those reports have mentioned general areas for sites for hospitals the building program has gone ahead very fast.

Your subcommittee had very exhaustive hearings. They began last spring. It studied the hospital situation. I served in hospitals from 1917 until 1922 all day and sometimes all night. I do think I know something about the needs. I have inspected veterans' hospitals since 1917. I inspected hospitals in England and France in 1917. From 1922 up to the present time I inspected veterans' hospitals for three Presidents in order to try to secure better care for our disabled, and I still think I know something about the needs. You have some very gallant veterans on the subcommittee on hospitals; one of them, Mr. JEFFERS, was an extremely brave patient in hospitals overseas and at the Walter Reed Hospital, where I had an opportunity to watch his courage; and we all know his wonderful record as a soldier. No one knows better than he the hospital needs. He and Congressman RANKIN made an exhaustive inspection of hospitals some time ago, and both have a keen interest in the subject. Colonel GIBSON was responsible in recruiting many men in New England to fight in the World War, and went to France with them to fight. Mrs. NORTON, Mr. FENN, Mr. LEHLBACH, in fact, the entire committee were most helpful in preparing this bill. The members all wished to give the veterans the benefit of a very carefully prepared program. They gave the deepest, most careful consideration to the suggested general allocation suggested in the committee report. I do believe that if we send this bill to conference we can iron it out with the Senate and that we can come to an agreement. I for one will be very glad to have the larger amount, which is in the Senate bill. As I have said before, I feel very sure the Senate itself does not understand the provisions of the bill or of the report. I do beg that you will let this bill go to conference. [Applause.]

Mr. HOLADAY. Will the gentlewoman yield?

Mrs. ROGERS. Yes; gladly.

Mr. HOLADAY. I understand that the gentlewoman will be a member of the conference committee?

Mrs. ROGERS. I do not know about that.

Mr. HOLADAY. Does the gentlewoman feel there is any reasonable chance of this conference committee agreeing upon its report in time to get an appropriation through at this session of Congress?

Mrs. ROGERS. I should suppose, of course, that everybody on that conference committee, both in the House and in the Senate, would be only too anxious to have early action. I feel very sure that an appropriation can be secured. We all know the need. We know that over 10,000 men are awaiting hospitalization now, according to figures secured from the regional offices of the Veterans' Bureau, and over 6,000 from figures given to me by the central office of the Veterans' Bureau in Washington, and I should not think anyone would be hard-hearted enough to oppose or hold up this legislation. [Applause.]

Mr. HOLADAY. Does the gentlewoman realize that to-day may be the last opportunity to get an item in the deficiency bill?

Mrs. ROGERS. I think we can take care of that, because we have taken care of it in the past two years. I am sure we can take care of it. Everybody wants to pass this legislation, and now it is only a question of getting together. It is a question of taking out section 5 of the Senate amendment and at least keeping the allocations suggested in the House report. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. COOKE.]

Mr. COOKE. Mr. Speaker, some reference has been made by the gentleman from Mississippi to some unpleasantness existing between Members from New York State. I know he has in mind a little incident which occurred on the day of the passage of this bill. I want to assure the membership of this House that as far as I am concerned any unpleasantness that occurred or any ill feeling that may have been engendered at that time has been completely submerged by the interest I have in the veterans themselves. [Applause.] I am interested in procuring at this session a bill which will provide hospitals for the veterans of this country and I am not interested in any unseemly scramble that may take place between Members of Congress for the allocation of hospitals to their respective districts. [Applause.]

We have in our hands the welfare, the happiness, and health of thousands of veterans. As the gentlewoman from Massachusetts stated a few moments ago, 10,000 veterans are now awaiting hospitalization. I am not interested in where these hospitals are located, as long as they are located somewhere near the veterans to be served. I am exceedingly interested in seeing that the bill which we have passed, and which the Senate has amended, is passed at this session of Congress. I entertain the same fears and the same doubts that a good many Members of this House entertain, that if we send this bill to conference we are simply playing with time, and that the chances are very much opposed to our getting the bill through at this session of the Congress. In the interest of these men, in the interest of men who are awaiting beds and who are awaiting hospitalization, I believe we should vote to instruct the conferees to agree to the Senate amendment at this time.

Ladies and gentlemen, I want to say to you again that this is the most important bill, to my mind, affecting veterans, coming before the House at this session. We are not dealing with unemployment; we are dealing with disease, with disability, with a medical situation that we can cure by our action here; and I do not think any action of ours ought to be taken at this time that will in any way impede or

place any obstacle in the way of the passage of this bill at this session of the Congress.

Mr. DYER. Will the gentleman yield?

Mr. COOKE. Yes.

Mr. DYER. Which of the two bills does the gentleman think is better for the World War veterans, the one passed by the House or the amendment put on by the Senate?

Mr. COOKE. I am better satisfied, sir, with the bill passed by the Senate.

Mr. DYER. The gentleman thinks that is preferable to the House bill?

Mr. COOKE. Yes; I do think it preferable to the House bill.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. COOKE. Yes.

Mr. O'CONNOR of Oklahoma. I notice statements have been made that there are 10,000 veterans now without hospitalization. Is there any record to show how many of those men have service-connected disabilities?

Mr. COOKE. I have no information to that effect.

Mrs. ROGERS rose.

Mr. O'CONNOR of Oklahoma. Does the gentlewoman from Massachusetts have any information along that line?

Mrs. ROGERS. I think I can put that information in the RECORD.

Mr. O'CONNOR of Oklahoma. Can the gentlewoman from Massachusetts give the approximate number?

Mrs. ROGERS. I do not want to state it from memory, because I might quote it incorrectly. I think there are probably about 200 service-connected cases awaiting hospitalization; in all, according to telegrams received from regional offices, of over 10,000; and the central office admits a waiting load of over 6,000.

Mr. O'CONNOR of Oklahoma. I would like to remark that the report of the committee shows that 71 per cent of the beds are now occupied by people who have no service-connected disability, and I am wondering how many there are who have service-connected disability who are entitled to hospitalization but under the law we passed they can not give them such hospitalization because the bed is already occupied by a veteran whose disability is not service connected.

Mr. COOKE. Mr. Speaker, I refuse to yield further and yield back the balance of my time.

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, I am very glad to know that my distinguished colleague from New York has finally come to the conclusion that we owe something to the disabled veterans. Last year, on February 18, 1930, I introduced a bill for a hospital for western New York, and I introduced it at the request of the legislative committee of the American Legion. They made this request because of a resolution passed at the annual convention of the American Legion at Louisville, Ky., which was reaffirmed at the Boston convention of the American Legion. I introduced the bill the same day I received the letter, on February 18, 1930.

The first hearing was held on April 2 before the Veterans' Committee of the House. The second hearing was held this year on January 9, and I have pressed this bill and have worked for this bill to get a hospital for western New York.

Mr. COOKE. Will the gentleman yield?

Mr. REED of New York. No; not now.

The gentleman who has just spoken, my colleague from New York, did not introduce a bill, he did not attend a hearing, he did not manifest any interest in this proposition until three days after the hearings were closed on this bill for a hospital for western New York.

I agree with the gentleman that the first consideration is the welfare of the soldier to be served, and I have no other interest in the matter. I have made my position clear in the RECORD heretofore, and I repeat that what I want is to have this hospital in a great health center, centrally located, to serve the veterans of the district to be served, and this means western New York, a part of Pennsylvania, and the eastern part of Ohio.

I want to say, further——

Mr. COOKE rose.

Mr. REED of New York. I am not yielding now.

For months and months the Veterans' Committee of the House has given intensive study to the hospitalization needs of the soldiers of this country. I do not know of any body of men who have spent more time, I know of no woman who has spent more time for years in the interest of the soldier, the crippled soldier, the soldier in need of hospitalization, than the distinguished chairman of the subcommittee, Mrs. ROGERS, of Massachusetts. [Applause.] I believe that when the subcommittee of the House takes a certain position as to the needs of the soldiers of this country they at least have some idea of what should be done in the way of hospitalization. [Applause.] I believe this House has some rights, and I do not believe that a bill should be sent over there that has had months of study, with a report accompanying it, and that then a little conference of the Finance Committee of the Senate, consuming less than three hours of time, with less than one hour of debate on the floor of the Senate, should immediately override the careful study and investigation of the committee of the House. The House has passed favorably on this matter.

Mrs. ROGERS. Will the gentleman yield?

Mr. REED of New York. Yes.

Mrs. ROGERS. The Senate has so stated—it did not have time to study the location.

Mr. REED of New York. Exactly. The Senate stated just as the distinguished gentlewoman from Massachusetts has said to you, that they had no time to study the situation at all; that they proposed to throw the House bill on the junk heap and then force the House to take their proposition and let the whole thing be handled by one man, regardless of the wishes of the House.

Mr. CROWTHER. Will the gentleman yield?

Mr. REED of New York. Yes.

Mr. CROWTHER. Can not the two gentlemen from New York compose their differences and yield in favor of having this hospital in Schenectady County? [Laughter and applause.]

Mr. REED of New York. We have no differences. The gentleman to-day has stated where he stands and he is standing now where I have stood all the time since the day I introduced the bill.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. REED of New York. Yes.

Mr. SCHAFER of Wisconsin. The Senate provided $5,000,000 additional for hospitals. Does the gentleman take the position that the committee of the House is correct and that the Senate is wrong in putting on $5,000,000 more?

Mr. REED of New York. No; if the Senate wants to add $5,000,000, well and good; I have no objection.

Mr. SCHAFER of Wisconsin. It shows that the Senate has given more consideration to the needs of the veterans when they add $5,000,000 more.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, along with the two previous speakers I, too, come from the great State of New York and am listed as one of their colleagues. I want to compliment our junior Member, who has only been in Congress a short time, for taking the floor and favoring the Senate bill. He was not prompted by selfish motives; he wants the best bill and the safest one to secure at this session. If we accept the Senate bill, it can reach the White House this week; if you reject it, we may have no legislation this Congress.

I regret exceedingly this attack upon the gentleman from New York [Mr. COOKE] by his colleague, who comes from an adjoining district. It is most unfortunate and unfair. It is the second attack within a week. I want to say to you ladies and gentlemen on the Republican side it does not look like teamwork or fair play. You ought to cooperate by helping and assisting your new Members. Since the gentleman from New York [Mr. COOKE] came to Congress he has worked diligently to secure proper hospital facilities for our veterans. He is willing to accept the Senate bill, and in expressing his position he was both fair and logical.

Now, there is some difference between the House and the Senate bills. The Senate bill is a more liberal bill than the House bill. It provides $5,000,000 more for veterans' hospitals. Those who are in favor of adequate hospitalization should favor the Senate bill for two reasons: The first is that it insures a bill at this session; and, secondly, it provides for greater hospital facilities than the House bill. There are other arguments that can be advanced in support of this measure. One is that the plans are nearly ready for the construction of hospitals, and the expenditure of this large amount of money at this time will provide work for the unemployed. That surely should recommend the bill to us. And, above all, there are thousands of veterans, boys who went over the top—we ought to think of them above everything else. They are in need of hospitalization now. [Applause.]

I say to Republican and Democratic Members alike, do not imperil the chances of this legislation. Accept the Senate amendment, which is more liberal than the House bill, and send it on its way to the White House, where it can become a law at once. My colleague from New York [Mr. COOKE] and I are willing to accept the Senate amendment because it will assure the passage of this bill. [Applause.]

I am willing to trust the Federal hospital board to select a site, for they will protect the best interest of the veterans. I challenge the statement made on this floor by my distinguished colleague, Mr. REED, when he said he introduced the bill recommended and indorsed by the Legion. The American Legion from New York did not recommend the location Mr. REED suggests. They recommended a bill providing for a hospital in western New York that will be available and accessible to the greatest number of veterans in need of hospitalization. The American Legion stands for the disabled veterans. They stand for no district lines; they are not interested from a political viewpoint. They are interested in the humane welfare of the disabled veterans. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentlewoman from Massachusetts.

Mrs. ROGERS. Mr. Speaker, I wish to explain that the House bill provides for immediate construction, so that the unemployed would get the benefit of this immediately, and usually veterans are given the preference. The Senate bill provides for hospital construction up to 1935. The House bill is for immediate construction.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. JEFFERS].

Mr. JEFFERS. Mr. Speaker, ladies and gentlemen of the House, in my humble judgment it is not a wise idea for the House to compel our conferees to accept the Senate bill as is. Section 5 of the Senate report on the Senate bill, which you have before you, reads as follows:

> Section 5 of the bill authorizes the Administrator of Veterans' Affairs, with the approval of the President, to reallocate, if found desirable, certain projects heretofore authorized by the public acts enumerated therein. This section will permit of the building of certain projects either at the places heretofore authorized or elsewhere and will permit distribution of the money authorized for more than one unit.

Mr. Speaker, it appears to me that we are just doing away with all of the work that has been done by the House Committee on Veterans' Affairs during long hearings over an extended period of time, which resulted in the careful allocation of $12,500,000 of this $20,877,000, as you will find on page 4 of the House report. If we had any definite, hard and fast assurance from the Senate—anything in the Senate report to show that they agreed to the definite allocations of this money as set out in the House report, at least as far as the House amount of $12,500,000 is concerned—it would be entirely satisfactory to me. As to what may be done with the $5,000,000 which was added by the Senate, I have no objection, of course, to the detailed allocation of that amount being left to the Administrator of Veterans' Affairs or the Federal Hospitalization Board. I have no objection to the amount of $5,000,000 being added by the Senate; I am glad to see the total amount increased, but upon reading the above-quoted section 5 from the Senate report I feel impelled to say that it is bad from the point of view of our House committee and the House for us to vote here to accept the provisions of this Senate bill as is.

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, ladies and gentlemen of the House, I am in favor of the House concurring in the Senate amendment. The Senate has added $5,000,000 to this bill. We have been here long enough to know that notwithstanding anything that may be said about whether the Senate committee discussed this hospitalization measure, the subcommittee of the Committee on Veterans' Legislation is not the only body that knows something about hospitals in the United States. I say to you that the Finance Committee of the Senate know just as much about the hospital situation in the United States to-day as any subcommittee of the Veterans' Committee. I say to you also that that body on the other side of the Capitol, disgusted with the dillydallying that we have been having on the hospital measures for the past three or four months, decided to have hearings themselves to try to force action by the subcommittee of our own Veterans' Committee on this bill. If you are in favor of the disabled service men in the United States being hospitalized and being cared for properly, if you really are sincere in your desire to help these men to hospital treatment, to which they are entitled, then stand by the Senate amendment and add the $5,000,000 which, as we all know, is needed urgently in the veterans' hospitals of the country to-day.

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Speaker, ladies and gentlemen of the House, the difference in this bill as it stands now, if I understand it, from what it was when it left the House is this: The House passed a bill for $12,500,000 for veterans' hospitals, and along with that was a report showing tentative allocations. These allocations are not definitely binding on the hospital board any more than the building program allocations were binding when a report was furnished with the public-buildings program. That bill went to the Senate, and the Senate added about $5,000,000 for tentative projects that the Senate thought ought to go in, in addition to those provided for by the House. Now the gentleman from Mississippi has read into the RECORD a statement from the Veterans' Administrator, saying that in making these allocations under the Senate bill due weight would be given to the report filed with the Veterans' Committee of the House. So it is entirely unnecessary for any gentleman who has a project provided for in the House bill to become alarmed. Let me appeal to my friends who have their hospitals in this respect. Something has been said about Virginia. A hearing was had before the Veterans' Committee on a bill for the allocation of a hospital in Virginia. The bill was introduced by my colleague Mr. SHAFFER of Virginia. A full hearing was had. Gentlemen, there are thousands of veterans in Virginia who are unable to get hospital treatment because Virginia is one of the few States in the Union that does not have a veterans' hospital. It has been suggested that perhaps out of this additional $5,000,000 a hospital would be given to Virginia.

I do not know whether they would or whether they would not, but I appeal to you, my friends, if you have your hospital, in God's name do not stand in the way of the veterans in Virginia getting one, too. If you want hospitalization for veterans, the way to get it is to agree to the Senate report, which contains everything that the House passed, with an additional $5,000,000.

Mr. JEFFERS. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. JEFFERS. The gentleman understands, as far as I am concerned, I am not against the additional $5,000,000, but I do want the $12,500,000 allocation. There is nothing in the Senate report to assure us that will be done.

Mr. WOODRUM. The gentleman has the positive assurance of the Administrator of Veterans' Affairs, and I am

willing to trust him. I think his actions show that he and the hospital board can be trusted. That report will be given every weight and consideration when they come to the location of hospitals. Every Member of this House is committed to a hospital program for veterans.

Gentlemen, one week from to-day we adjourn. Let us adopt this conference report with Senate amendments and start this legislation on its way to the White House.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Speaker, I hope the motion of the gentleman from Mississippi will prevail. I feel we are critically endangering this legislation if it does not prevail.

I grant the sincerity of purpose of the lady from Massachusetts [Mrs. ROGERS]. I recognize the wonderful work she has done. But, Mr. Speaker, she can only promise that she hopes the conferees can reach an agreement.

If they do so, she can not promise that there will be any prompt action that will insure the enactment of this bill before we adjourn.

I only have two minutes, and I would like to use the other minute to answer the gentleman from Oklahoma who raised a valid question regarding service-connected and nonservice-connected cases. I would ask the gentleman to go into the hearings before the Committee on World War Veterans' Legislation and study the Veterans' Bureau records, which will show the percentage of cases that were nonservice connected some years ago that are now service connected.

That leads indisputably to the conviction that on the list of nonservice-connected cases now are a very large number of cases which will be service-connected cases in a short time. Standards are changing.

Remember this: That every man who goes to a hospital make application for compensation for service connection, and he works in his misery and in his illness to establish that claim. Do not penalize that man and do not set up harsh standards which will leave him out of the picture entirely.

I hope the motion will prevail.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from South Carolina [Mr. GASQUE].

Mr. GASQUE. Mr. Speaker and ladies and gentlemen of the House, I come from a State in which Congress has not yet seen fit to establish a veterans' hospital. In a recent letter from the regional office of my State, it is stated there are over 200 veterans who can not be hospitalized because of lack of beds. We are being compelled to send those veterans who are hospitalized from my State 300 to 500 miles for hospitalization, and then can not get beds for many who need it. In the House bill there is provision for a hospital in my State, South Carolina. I fear that unless the motion of the gentleman from Mississippi prevails there will be no hospitalization bill at this session of Congress. I am in favor of amply providing for the proper treatment of veterans at the earliest possible moment even though we have to sacrifice some of our personal wishes.

I have just had a conversation with General Hines regarding the Senate amendment, and I say to you that I have full confidence in General Hines and the hospital board. We were willing to leave it to them as to where the hospitals shall be placed. I feel assured if this bill passes we will get a hospital in South Carolina as suggested in House bill. I am not questioning the judgment of the hospital board, because I consider it is composed of as fair-minded, as honest, and as able men as we have in this Nation to-day. I feel sure that they will do the right thing, and I hope the motion of the gentleman from Mississippi will prevail.

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I am in favor of the motion of the gentleman from Mississippi [Mr. RANKIN]. I want to call the attention of the House to the fact that this is only an authorization bill, and then after the bill has passed the House it is necessary to provide appropriations to carry it into effect.

The longer the passage of this bill is delayed the less likely we are to get the money under an appropriation for the building of these hospitals.

The second deficiency bill is now in the Senate. If we could agree to these amendments and put this law on the statute books, we can get in that deficiency bill for sufficient money to start building. This Senate bill gives us some $6,000,000 more. It gives those States where hospitals are desired and not provided for a chance to get some portion of this $6,000,000 for hospitals in their respective States. If we agree to the motion of the gentleman from Mississippi, the bill will immediately become law and it will then bestow even more glory to the lady from Massachusetts, who has worked so hard. It merely extends hospitalization for the boys, and that is needed badly enough.

I sincerely trust the motion will prevail.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from South Carolina [Mr. MCSWAIN].

Mr. MCSWAIN. Mr. Speaker and Members of the House, the condition in South Carolina is so urgent that I feel complete confidence that one hospital of the several to be built will be placed within the borders of that State, out of whatever sum of money may be appropriated, because to-day there are 310 South Carolina boys in hospitals in other States, with 350 others now in urgent need of hospitalization and with no beds anywhere to receive them. With a soldier population of nearly 64,000 men in that State we have no soldiers' home and no hospital, and our need is so great that I am satisfied that whoever may administer this fund one hospital will be placed in South Carolina.

What is the issue? As to the $12,000,000 which was authorized by the House bill, the distribution recommended in the report was predicated upon the recommendation of General Hines. It is not written into the face of the bill. The $2,800,000 that came from the Committee on Military Affairs was predicated upon the recommendation of General Hines and was not written into the bill. That $15,000,000 stands virtually as it stood when it left this House. All the Senate did is to add $5,000,000 more, which is virtually a free fund, an undistributed fund, which can be allocated here and there, as the judgment of the Administrator of Veterans' Affairs may determine, with the approval of the President.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker, I hope the motion made by the gentleman from Mississippi will prevail and that the Republican membership of the House will not fall for the weak-kneed arguments which have been made regarding the allocation. Since when do the administrative officers of the Government in interpreting a law and the expenditure of a lump-sum appropriation provided by law look into the committee report for an allocation? If so much emphasis is to be laid on the proposition of allocations, why did not the committee write the specific allocations into the bill?

The present session of this Congress is drawing to a close and I sincerely hope that no friend of the veterans, and those who voted against the bonus and said they were in favor of caring for the disabled, will vote against the pending motion. We should to-day accept the Senate amendment, because it provides an additional $5,000,000 for buildings in which to hospitalize the veterans and because this Congress is about to adjourn and a vote against the amendment may result in no additional buildings due to a legislative jam. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Speaker, this is the most appealing part of all the veterans' legislation that has been proposed to this Congress at this session. I sincerely trust the House will not refuse to agree to the additional amounts that have been

recommended by the Senate, because they are absolutely needed. The American Legion at its Boston convention, after a survey of the entire country, recommended a hospital program which included the needs of California. The House committee recommended only about one-fifth of that program so far as it related to my State. The Senate addition would still leave it below 50 per cent. I have information from the Veterans' Bureau officials in California to the effect that their official waiting list is at least 50 per cent under the number who desire and need hospitalization. It is generally known throughout the State by disabled veterans who need hospitalization that there is no use of applying to the Veterans' Bureau, because the Government's hospitals are filled and can not take care of them. Those men are being taken care of to-day by the State and counties and by charitable organizations, when they ought to be taken care of by the Government itself.

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. O'CONNOR].

Mr. O'CONNOR of Oklahoma. Mr. Speaker, I believe we should pass the Senate bill which provides for more money and provides it now. There is no disagreement between the gentleman from Minnesota [Mr. KVALE] and myself. The hearings were not available when we passed this bill. I have never read them, and very few of you gentlemen ever had a chance to study them. I do not think the Members should consider whether their districts are to get a hospital or not. We should not put our districts ahead of the veterans. Let us put the soldiers first in what we do.

I stand on what I have already said. I have had experience with service-connected disabled veterans being denied hospitalization because there were no beds available in the hospitals. The committee report shows 71 out of every 100 beds are filled by veterans with no service-connected disability. The disabled veteran with service connection must be cared for first.

Under the hospitalization act we must build more hospitals if we are to care for service-connected disabled men, and let us take care of them by passing this Senate bill and not take the chance of failure of conferees to agree and thus pass no legislation at all. I hope you will support the Rankin motion. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. MCCLINTIC of Oklahoma. Mr. Speaker, I hope this House will adopt the motion made by the distinguished gentleman from Mississippi. You will remember that a few days ago, when I was opposing the construction of naval hospitals to take care of Veterans' Bureau patients, I said the Veterans' Bureau ought to build its own hospitals and ought to take care of its own disabled. This is the kind of a policy that ought to be carried out and put into effect. [Applause.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on this question.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEECH. Mr. Speaker and Members of the House, although I am quite willing to vote to accede to the other body of Congress in the amount appropriated for veterans' hospitalization, or to appropriate any further sum that is necessary in the hospitalization of disabled veterans, I can not accede to the other body in the placing of exclusive authority in the matter of allocating funds appropriated for veterans' hospitalization in any one man.

The veterans of Pennsylvania have not received the consideration in the matter of hospitalization in their own State to which they are entitled by all the laws of justice. However, in the House bill, allocations for the provision of 310 beds at Coatesville and 200 beds at Aspinwall were provided, which although not nearly sufficient to satisfy our needs, was at least a pronounced step in the right direction. Under the Senate bill, although carrying a larger sum for hospitalization, our State has no assurance whatever that she will receive any part of this appropriation, and the entire matter of distributing the fund will be in the hands of the Veterans' Administration. Although I have the highest respect for the present head of the Veterans' Administration, it is my belief that the present system of allocating this hospitalization and facilities is better handled as it is now, under which system, the Committee on World War Veterans' Legislation of the House has something to say.

Mr. RANKIN. Mr. Speaker, I move the previous question on the motion, and I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 206, not voting 61, as follows:

[Roll No. 39]

YEAS—164

Abernethy	Davis	Igoe	Pou
Adkins	Dempsey	Irwin	Prall
Allgood	Dickstein	James, N. C.	Pritchard
Almon	Dominick	Johnson, Ill.	Quin
Arnold	Dorsey	Johnson, Okla.	Ragon
Auf der Heide	Doughton	Johnson, Tex.	Rainey, Henry T.
Ayres	Douglas, Ariz.	Jones, Tex.	Ramey, Frank M.
Baird	Dowell	Kennedy	Ramspeck
Bankhead	Doxey	Kerr	Rankin
Black	Drane	Kvale	Rayburn
Bland	Drewry	Lambertson	Romjue
Blanton	Driver	Lankford, Ga.	Rutherford
Bloom	Edwards	Lindsay	Sabath
Box	Eslick	Linthicum	Sanders, Tex.
Boylan	Evans, Mont.	Lozier	Sandlin
Brand, Ga.	Fisher	Ludlow	Schafer, Wis.
Briggs	Fitzpatrick	McClintic, Okla.	Schneider
Browning	Fuller	McDuffie	Selvig
Brunner	Fulmer	McKeown	Shaffer, Va.
Buchanan	Gambrill	McMillan	Sirovich
Byrns	Garber, Okla.	McReynolds	Smith, W. Va.
Canfield	Garner	McSwain	Somers, N. Y.
Cannon	Gasque	Mansfield	Stafford
Carley	Gavagan	Mead	Steagall
Cartwright	Glover	Milligan	Sullivan, N. Y.
Chase	Goldsborough	Montague	Sumners, Tex.
Clague	Granfield	Montet	Tarver
Clark, N. C.	Green	Mooney	Taylor, Colo.
Cochran, Mo.	Greenwood	Moore, Ky.	Tucker
Collins	Gregory	Moore, Va.	Underwood
Condon	Griffin	Morehead	Vinson, Ga.
Connery	Hancock, N. C.	Nelson, Mo.	Warren
Cooke	Hare	Norton	Whitehead
Cooper, Tenn.	Hastings	Oldfield	Whittington
Cooper, Wis.	Hill, Ala.	Oliver, N. Y.	Williams
Corning	Hill, Wash.	Owen	Wilson
Cox	Holaday	Palmisano	Wingo
Crisp	Howard	Parks	Woodrum
Cross	Huddleston	Parsons	Wright
Crosser	Hull, Tenn.	Patman	Yates
Cullen	Hull, Wis.	Patterson	Yon

NAYS—206

Ackerman	Dallinger	Hartley	McClintock, Ohio
Aldrich	Darrow	Haugen	McCormack, Mass.
Andresen	Davenport	Hawley	McCormick, Ill.
Andrew	Denison	Hess	McFadden
Arentz	De Priest	Hickey	McLaughlin
Bacharach	Dickinson	Hoch	McLeod
Bachmann	Doutrich	Hogg, Ind.	Magrady
Bacon	Dunbar	Hogg, W. Va.	Manlove
Barbour	Dyer	Hooper	Mapes
Beedy	Eaton, Colo.	Hope	Martin
Beers	Eaton, N. J.	Hopkins	Menges
Blackburn	Elliott	Houston, Del.	Merritt
Bohn	Ellis	Hudson	Michener
Bolton	Englebright	Hull, Morton D.	Miller
Brand, Ohio	Erk	Hull, William E.	Moore, Ohio
Brigham	Estep	Jeffers	Morgan
Browne	Evans, Calif.	Jenkins	Mouser
Brumm	Fenn	Johnson, Ind.	Murphy
Buckbee	Finley	Johnson, Nebr.	Nelson, Me.
Burdick	Fish	Johnson, Wash.	Nelson, Wis.
Burtness	Fitzgerald	Johnston, Mo.	Neldringhaus
Butler	Fort	Kading	Nolan
Campbell, Pa.	Foss	Kahn	O'Connor, N. Y.
Carter, Calif.	Frear	Kearns	Oliver, Ala.
Carter, Wyo.	Free	Kelly	Palmer
Chalmers	Freeman	Kendall, Ky.	Peavey
Chindblom	French	Kendall, Pa.	Perkins
Chiperfield	Garber, Va.	Ketcham	Pittenger
Clark, Md.	Gibson	Kinzer	Pratt, Harcourt J.
Clarke, N. Y.	Gifford	Knutson	Pratt, Ruth
Cochran, Pa.	Goodwin	Kopp	Purnell
Cole	Goss	Korell	Ramseyer
Colton	Hadley	Kurtz	Ransley
Connolly	Hale	LaGuardia	Reece
Cooper, Ohio	Hall, Ill.	Langley	Reed, N. Y.
Coyle	Hall, Ind.	Lankford, Va.	Reilly
Crail	Hall, N. Dak.	Leavitt	Rich
Cramton	Halsey	Letts	Robinson
Crowther	Hancock, N. Y.	Loofbourow	Rogers
Culkin	Hardy	Luce	Sears

Seger	Stobbs	Tilson	White
Seiberling	Stone	Timberlake	Whitley
Short, Mo.	Strong, Kans.	Tinkham	Wigglesworth
Shott, W. Va.	Strong, Pa.	Treadway	Williamson
Shreve	Sullivan, Pa.	Turpin	Wolverton, N. J.
Simmons	Summers, Wash.	Underhill	Wolverton, W. Va.
Simms	Swanson	Vestal	Wood
Sinclair	Swick	Vincent, Mich.	Woodruff
Snell	Taber	Wainwright	Wyant
Snow	Taylor, Tenn.	Walker	Zihlman
Sparks	Temple	Welch, Calif.	
Stalker	Thatcher	Welsh, Pa.	

NOT VOTING—61

Allen	Douglass, Mass.	Lanham	Speaks
Aswell	Doyle	Larsen	Spearing
Beck	Esterly	Lea	Sproul, Ill.
Bell	Garrett	Leech	Sproul, Kans.
Bowman	Golder	Lehlbach	Stevenson
Britten	Graham	Maas	Swing
Busby	Guyer	Michaelson	Thompson
Cable	Hall, Miss.	Newhall	Thurston
Campbell, Iowa	Hoffman	O'Connor, La.	Wason
Celler	Hudspeth	O'Connor, Okla.	Watres
Christgau	James, Mich.	Parker	Watson
Christopherson	Johnson, S. Dak.	Reid, Ill.	Wolfenden
Clancy	Jonas, N. C.	Rowbottom	Wurzbach
Collier	Kemp	Sanders, N. Y.	
Craddock	Kiefner	Sloan	
DeRouen	Kunz	Smith, Idaho	

So the motion for the previous question was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Beck with Mr. Stevenson.
Mr. Reid of Illinois with Mr. Hall of Mississippi.
Mr. Christopherson with Mr. Busby.
Mr. Golder with Mr. Collier.
Mr. Sproul of Illinois with Mr. Lea.
Mr. Graham with Mr. Garrett.
Mr. Johnson of South Dakota with Mr. Aswell.
Mr. Esterly with Mr. DeRouen.
Mr. Lehlbach with Mr. Lanham.
Mr. Kiefner with Mr. Kemp.
Mr. Watson with Mr. Celler.
Mr. Swing with Mr. Douglass of Massachusetts.
Mr. Britten with Mr. Larsen.
Mr. James of Michigan with Mr. Hudspeth.
Mr. Leech with Mr. Doyle.
Mr. Wolfenden with Mr. O'Connor of Louisiana.
Mr. Smith of Idaho with Mr. Kunz.
Mr. Wurzbach with Mr. Spearing.

The result of the vote was announced as above recorded.

Mr. LUCE. Mr. Speaker, as acting chairman of the Committee on World War Veterans' Legislation, I wish to thank the majority of the House for giving that committee an opportunity at least to state the question at issue. By a motion to instruct the conferees the gentleman from Mississippi [Mr. RANKIN] secured an hour to present the arguments of himself and others in favor of his motion. At the end of that hour, without giving the opposition a chance, he moved the previous question. For the first time in my career in the House I have seen a committee of this House denied the opportunity to defend itself. [Applause.]

Mr. RANKIN rose.

Mr. LUCE. I will not yield one minute to the gentleman, not one second. After the discourtesy of the gentleman from Mississippi I decline to allow him to consume more of the time of the House. [Applause.]

Although there were gentlemen on the Democratic side of the House who did not favor this unique course, many others rose in its support. I have found among them so many good friends, so many gentlemen, that I know they did not understand what they were doing. I do not lay it up against them or against any other man, but I hope never again as long as I serve here will a man be denied the opportunity to present the arguments on his side of the case. [Applause.]

Now, sir, addressing myself to my fellow Republicans—I do not ask gentlemen at my right to listen—they have shown by their votes their unwillingness to consider the arguments, but to my fellow Republicans let me set forth the precise facts of the case so that they may know what they are voting upon.

Your committee proceeded as it has in previous years through the help of a subcommittee on hospitals to consider the matter of expenditures for hospital construction. The head of this subcommittee in this session has been my colleague, Mrs. ROGERS of Massachusetts. [Applause]. There is in this House, there is in this Nation, no warmer and stronger friend of the veteran than my colleague. [Applause.] To the considering of these matters she has devoted many hours of hard, intelligent, unprejudiced work, and as a result, her committee reported to the full committee a bill authorizing the further expenditure of $12,500,000 for hospital construction.

This bill passed the House, went over to the Senate, where an entirely different bill was substituted.

The amount of money was increased. No member of the Committee of the House, so far as I know, has voiced an opinion upon this increase in the amount of money. Certainly, no Member has pledged himself against it and no conferee will go into that committee averse to considering the matter on its merits. Therefore you may immediately dispose of the amount of money in the bill and turn to more serious considerations. Personally, I have no strong feeling as to the amount, but I do have very strong feeling as to certain questions of policy affecting the future most seriously which, without any action in our committee or consideration in the House itself, have been introduced without, in my judgment, adequate consideration.

Under these circumstances I doubt if I have ever seen an occasion when there was more wisdom in using a conference committee than there is in this particular instance. Following the precedents of the House in its wisdom in establishing conference committees, I most heartily indorse the eloquent plea made by my colleague [Mrs. ROGERS] that this matter be sent to conference.

That is the whole question at issue—will you give your conferees, standing for what you have stood for, an opportunity to discuss with the Senate conferees other matters in the bill which, as I have told you, are of far greater importance. I hope I have made the matter clear. I want to repeat, that there may be no misunderstanding as to the question at issue. You are to decide whether you will give to the chairwoman of the subcommittee, who will be a conferee, and myself, one-time chairman of that committee, with other House Members, an opportunity to present their views in the conference, out of which I hope will come a wise decision.

If you are willing to give those who will be House conferees an opportunity to do their duty in the usual orderly way for the best interests of the country, then you will vote against instructing the conferees. Your vote will be "no." But if you decide to follow the lead of a man on that side who would not give us an opportunity to speak you will vote "yes." Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Massachusetts moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Mississippi [Mr. RANKIN] to instruct the conferees to agree to the Senate amendment.

Mr. RANKIN. Upon that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 214, not voting 58, as follows:

[Roll No. 40]

YEAS—159

Abernethy	Clague	Doxey	Hare
Adkins	Clark, N. C.	Drane	Hastings
Almon	Cochran, Mo.	Drewry	Hill, Wash.
Andresen	Collins	Driver	Holaday
Arnold	Condon	Edwards	Howard
Auf der Heide	Connery	Evans, Mont.	Huddleston
Ayres	Cooke	Fitzpatrick	Hull, Wis.
Black	Cooper, Wis.	Fulmer	Igoe
Bland	Corning	Gambrill	Irwin
Blanton	Cox	Garber, Okla.	James, N. C.
Bloom	Craddock	Garber, Va.	Johnson, Tex.
Boylan	Crisp	Garner	Kennedy
Briggs	Cross	Gasque	Kerr
Brunner	Crosser	Gavagan	Kvale
Buchanan	Cullen	Glover	Lankford, Ga.
Campbell, Iowa	Davis	Goldsborough	Lankford, Va.
Canfield	Dempsey	Granfield	Lindsay
Cannon	Dickstein	Green	Linthicum
Carley	Dominick	Greenwood	Lozier
Cartwright	Doughton	Gregory	Ludlow
Chase	Douglas, Ariz.	Griffin	McClintic, Okla.
Christgau	Dowell	Hancock, N. C.	McCormack, Mass.

McDuffie	Oldfield	Rayburn	Sullivan, N. Y.
McKeown	Oliver, N. Y.	Reilly	Sumners, Tex.
McMillan	Owen	Romjue	Swing
McSwain	Palmisano	Rutherford	Tarver
Mansfield	Parks	Sabath	Taylor, Colo.
Mead	Parsons	Sanders, Tex.	Tucker
Milligan	Patman	Sandlin	Underwood
Montague	Patterson	Schafer, Wis.	Vinson, Ga.
Montet	Peavey	Schneider	Warren
Mooney	Pittenger	Selvig	Whitehead
Moore, Ky.	Pou	Shaffer, Va.	Whittington
Moore, Va.	Prall	Sinclair	Williams
Morehead	Pritchard	Sirovich	Wilson
Nelson, Mo.	Quin	Smith, W. Va.	Wingo
Nolan	Ragon	Somers, N. Y.	Woodrum
Norton	Rainey, Henry T.	Sparks	Wright
O'Connor, N. Y.	Ramspeck	Steagall	Yon
O'Connor, Okla.	Rankin	Stone	

NAYS—214

Ackerman	Dunbar	Johnson, Wash.	Rich
Aldrich	Dyer	Johnston, Mo.	Robinson
Allen	Eaton, Colo.	Jonas, N. C.	Rogers
Allgood	Eaton, N. J.	Kading	Sanders, N. Y.
Andrew	Elliott	Kahn	Sears
Arentz	Ellis	Kearns	Seger
Bacharach	Englebright	Kelly	Seiberling
Bachmann	Erk	Kendall, Ky.	Short, Mo.
Bacon	Eslick	Kendall, Pa.	Shott, W. Va.
Baird	Estep	Ketcham	Shreve
Bankhead	Evans, Calif.	Kinzer	Simmons
Barbour	Fenn	Knutson	Simms
Beedy	Finley	Kopp	Sloan
Beers	Fish	Korell	Snell
Blackburn	Fisher	Kurtz	Snow
Bohn	Fitzgerald	LaGuardia	Speaks
Bolton	Fort	Lambertson	Stafford
Brand, Ohio	Foss	Langley	Stalker
Brigham	French	Leavitt	Stobbs
Browne	Fuller	Leech	Strong, Kans.
Browning	Gibson	Letts	Strong, Pa.
Brumm	Gifford	Loofbourow	Sullivan, Pa.
Buckbee	Goodwin	Luce	Summers, Wash.
Burdick	Goss	McClintock, Ohio	Swanson
Burtness	Hadley	McCormick, Ill.	Swick
Butler	Hale	McFadden	Taber
Byrns	Hall, Ill.	McLaughlin	Taylor, Tenn.
Campbell, Pa.	Hall, Ind.	McLeod	Temple
Carter, Calif.	Hall, N. Dak.	McReynolds	Thatcher
Carter, Wyo.	Halsey	Magrady	Thurston
Chalmers	Hancock, N. Y.	Manlove	Tilson
Chindblom	Hardy	Mapes	Timberlake
Chiperfield	Hartley	Martin	Tinkham
Christopherson	Haugen	Menges	Treadway
Clark, Md.	Hawley	Merritt	Turpin
Clarke, N. Y.	Hess	Michener	Underhill
Cochran, Pa.	Hickey	Miller	Vestal
Cole	Hill, Ala.	Moore, Ohio	Vincent, Mich.
Colton	Hoch	Morgan	Wainwright
Connolly	Hogg, Ind.	Mouser	Walker
Cooper, Ohio	Hogg, W. Va.	Murphy	Welch, Calif.
Cooper, Tenn.	Hooper	Nelson, Me.	Welsh, Pa.
Coyle	Hope	Nelson, Wis.	White
Crail	Hopkins	Niedringhaus	Whitley
Cramton	Houston, Del.	Palmer	Wigglesworth
Crowther	Hudson	Perkins	Williamson
Culkin	Hull, Morton D.	Pratt, Harcourt J.	Wolverton, N. J.
Dallinger	Hull, Tenn.	Pratt, Ruth	Wolverton, W. Va.
Darrow	Hull, William E.	Purnell	Wood
Davenport	Jeffers	Ramey, Frank M.	Woodruff
Denison	Jenkins	Ramseyer	Wyant
De Priest	Johnson, Ill.	Ransley	Zihlman
Dickinson	Johnson, Ind.	Reece	
Doutrich	Johnson, Nebr.	Reed, N. Y.	

NOT VOTING—58

Aswell	Doyle	Jones, Tex.	Rowbottom
Beck	Esterly	Kemp	Smith, Idaho
Bell	Frear	Kiefner	Spearing
Bowman	Free	Kunz	Sproul, Ill.
Box	Freeman	Lanham	Sproul, Kans.
Brand, Ga.	Garrett	Larsen	Stevenson
Britten	Golder	Lea	Thompson
Busby	Graham	Lehlbach	Wason
Cable	Guyer	Maas	Watres
Celler	Hall, Miss.	Michaelson	Watson
Clancy	Hoffman	Newhall	Wolfenden
Collier	Hudspeth	O'Connor, La.	Wurzbach
DeRouen	James, Mich.	Oliver, Ala.	Yates
Dorsey	Johnson, Okla.	Parker	
Douglass, Mass.	Johnson, S. Dak.	Reid, Ill.	

So the motion of Mr. RANKIN to instruct the conferees was rejected.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Free with Mr. Busby.
Mr. Clancy with Mr. Jones of Texas.
Mr. Maas with Mr. Oliver of Alabama.
Mr. Frear with Mr. Dorsey.
Mr. Yates with Mr. Brand of Georgia.
Mr. Parker with Mr. Douglass of Massachusetts.
Mr. Guyer with Mr. Johnson of Oklahoma.
Mr. Bowman with Mr. Box.
Mr. Freeman with Mr. Bell.
Mr. Watres with Mr. Doyle.

The result of the vote was announced as above recorded.

The SPEAKER appointed as conferees on the part of the House Mr. LUCE, Mr. PERKINS, Mrs. ROGERS, Mr. RANKIN, and Mr. JEFFERS.

PERSONAL PRIVILEGE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, under the circumstances I shall have to object.

Mr. RANKIN. Then, Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, the Member from Massachusetts [Mr. LUCE], in language and in attitude wholly unbecoming a gentleman, attributed to me improper conduct in my official duties in the House to-day. I tried to get time then to answer him, but could not.

Under the motion which I made to instruct conferees the time allotted to me was one hour. The gentleman from Massachusetts [Mr. LUCE] did not ask me for a moment of time. Yet he stated on the floor of the House that I did not yield time to a single Member opposing my position. That statement was not true. I yielded time to all who asked it on both sides as far as it went. I yielded time to the gentleman from New York [Mr. REED], who was opposed to the position which I took, and he came to me later and thanked me for so doing. I yielded time to Mrs. ROGERS, who was opposed to my position. I not only yielded the time that she asked but offered her double the time she asked. She asked me for 5 minutes, and I offered her 10 minutes. Later she came to me and said that she would like to have one minute, and I yielded time to her again. The other Members on the Republican side who happened to ask for time were in favor of my position. I yielded to the gentleman from Alabama [Mr. JEFFERS], who was opposed to my position.

I repeat, the gentleman from Massachusetts [Mr. LUCE] never asked for any time. I denounce his statement as false and his conduct as unbecoming and unparliamentary. [Applause.]

PROPOSED AMENDMENT TO THE CONSTITUTION

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 3, proposing an amendment to the Constitution of the United States fixing the commencement of the terms of the President, Vice President, and Members of Congress and fixing the time of the assembling of Congress, insist upon the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate Joint Resolution 3, insist upon the House amendment, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. GIFFORD, Mr. PERKINS, and Mr. JEFFERS.

BRIDGE ACROSS ALLEGHENY RIVER, VENANGO COUNTY, PA.

Mr. COCHRAN of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 17196, granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa., which I send to the desk.

The SPEAKER. The Chair understands the gentleman regards this a matter of great emergency?

Mr. COCHRAN of Pennsylvania. I do.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near President, Venango County, Pa., in accordance with the provisions of an act entitled "An act

to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

OLEOMARGARINE

Mr. PURNELL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 366

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 16836, to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. PURNELL. Mr. Speaker, ladies and gentlemen of the House, owing to the lateness of the hour and the great desire upon the part of many Members for time, I shall take only a few minutes in presenting this resolution. As the membership of the House well knows, the adoption of this rule will make in order the consideration of the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended. This is the usual rule. It provides for three hours of general debate, the time to be equally divided between the chairman of the committee and the ranking minority member, the debate to be confined to the bill, the previous question to be considered as ordered at the conclusion of the debate.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. PURNELL. Yes.

Mr. BANKHEAD. Mr. Speaker, the gentleman from Texas [Mr. JONES] is the ranking member of the committee on the minority side. He is in favor of the bill. He has generously suggested that under the spirit of the rule the time on this side should be controlled by some one who is opposed to the proposition. I assume that there will be no trouble about making such an arrangement?

Mr. PURNELL. I am quite sure there will be no objection to that. This bill seeks to amend the oleomargarine act of August 2, 1886, by changing the basis of applying the tax to be levied under the act. Under existing law, white oleomargarine is taxed at one-quarter of a cent per pound, naturally colored oleomargarine is taxed at one-quarter of a cent per pound, and artificially colored oleomargarine is subject to a tax of 10 cents per pound. This bill proposes to tax all yellow oleomargarine at the rate of 10 cents per pound, if it is yellow to a degree in excess of 1.6. If it falls below 1.6 it is subject to a tax of one-quarter cent per pound. I may add that the scientific test which is to be applied for the purpose of making this determination has been in operation in the State of Pennsylvania for a number of years and is known as the Lovibond tintometer test.

The resolution as presented contemplates three hours of general debate. We had hoped to bring this matter before the House for its consideration shortly after noon. It is now 3 o'clock. We hope to finish the consideration of the bill to-night. I therefore ask unanimous consent to modify the resolution so as to provide for two hours of general debate, instead of three.

Mr. LINTHICUM. I object.

Mr. SABATH. May I suggest to the gentleman that he defer his unanimous-consent request. I shall endeavor to ascertain with what little time we can get along. We do not desire to take up any more time than is necessary.

Mr. PURNELL. There is no reason to pursue my request further, since the gentleman from Maryland has objected.

I yield 30 minutes to the gentleman from North Carolina [Mr. POU] and reserve the remainder of my time.

Mr. POU. I yield 20 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, ladies and gentlemen of the House, I am obliged to concede that the rule brought in is a fair rule as to time and procedure, because it does not deprive the membership of the right of offering amendments and considering the bill under the 5-minute rule; but I do object to the rule because I feel it is manifestly unfair to legislate in this House under a special rule, as we have been doing.

Under the proceedings of the House the all-powerful and all-influential can secure a rule on any bill, on any measure, on any proposition. The less influential, however, have no chance of having any legislation considered by the House regardless of how meritorious it may be and how strongly favored and recommended by a committee. I consider such proceedings and practices as unfair, unjust, and discriminatory, and for that reason I am opposed to legislating under a special rule.

This rule makes in order legislation to destroy an industry in the United States which, to my mind, is unwarranted and unjustifiable. The bill provides for a tax of 10 cents per pound on all oleomargarine which has 1.6 color, as determined by the Lovibond tintometer. Oleomargarine of this color is practically white. Such a law would make it necessary to bleach ordinary cottonseed oil, peanut oil, soybean oil, and oleo oil (beef fat) before they could be used in margarine at the quarter-cent tax rate.

From inquiries I have made, I am informed that very few white papers are made that would pass that test. This towel which I hold in my hand is white, but it is way above 1.6. So it simply means that we are going to put a tax on oleomargarine of 10 cents a pound; on a product that is consumed and used only by the people, mostly in the cities, because they have not the means with which to buy butter. Because they are so unfortunate as not to have sufficient means with which to buy butter, they are going to be penalized to the extent of 10 cents a pound on a substitute.

The excuse which the proponents of this legislation, namely, the dairy and butter interests, give, is merely a sham. They maintain that the use of butterine will reduce the use of butter. To my mind that is erroneous. The reduction in the use of butter which has taken place is not because of the increased use of butterine but due to the conditions which exist in the United States. People are curtailing, not only the use of butter but also in the use of meats and eggs and all other commodities, because of hard times and the Republican prosperity, which keeps 7,000,000 people out of employment.

The reason which some gentlemen give for the need of this legislation is that the price of butter has been reduced. In this as well as in their other reasons they are wrong. Gentlemen, in proportion to the reduction of other commodities the price of butter is high.

The evidence before the committee has clearly proved that the drop in butter prices has been much less than the corresponding drop in other commodities and that the real purpose of the law was to eliminate by a taxation measure all competition with butter. The argument was solely against oleomargarine because of the presence of foreign oils, yet the bill, if made law, could destroy the use in oleomargarine of such native oils as cottonseed oil, peanut oil, soybean oil, and oleo oil in their natural colors. In short, this bill would seriously hurt the oleomargarine industry and injure those related industries, in order to artificially maintain butter prices.

I read in the newspapers to-day that eggs are bringing or selling for only 12½ cents a dozen, where formerly they sold, under a Democratic administration, for 40 cents and 50 cents a dozen. Under a Democratic administration, when we had good times, wheat was selling for $2 and $2.25 a bushel, but to-day wheat is being sold for 60 cents, and on the farm for less than that. That which applies to eggs and wheat applies also to all other commodities.

To-day you can buy most of the things needed in the home for less than 60 per cent of the prices that prevailed a few years ago.

Now, it is not the abnormal use of butterine that is responsible for it. It is the conditions which exist. Therefore, to force legislation to destroy a legitimate industry and throw out of employment from 25,000 to 40,000 people is, I think, deplorable, and will be of no benefit to the dairy interests.

I am one of those who has voted for years for every bill that came before us to relieve and aid the farmers of the country. I will continue to do so, but I think it is deplorably unfair and unjust on your part to so destroy one American industry to aid another.

What will become of the employees and the property of these various people? These thousands of workers will be thrown out of employment and this industry will be legislated completely out of business. It is an unfair piece of legislation, for which this rule should not have been reported out, nor privilege given to have it considered in preference to many meritorious pending bills, which would be helpful and beneficial to the Nation.

Some gentlemen dwell a great deal on the deception practiced on the people by the manufacturers of oleomargarine on the ground that this product lacks wholesome food value. Permit me, therefore, to read from a statement by Dr. J. S. Abbott, which, I believe, completely refutes any such charges of deception or doubts as to its merit as a wholesome and nutritious food product:

In their separate and original state, the food products used in the manufacture of margarine are acknowledged to be pure and wholesome, refined to the highest degree, bland, palatable, easily digestible, and entirely suitable for human consumption. On this phase of the subject the critics of margarine are silent. But when these same products are scientifically incorporated into a palatable form as margarine and sold under Government supervision and control, suitably labeled as it is, so that there is no possibility of deception, then suddenly everything is transformed and the product in the eyes of these critics becomes anathema, something to be propagandized against, legislated against, talked about, and written about. This is little short of magic, that wholesome ingredients by mere mixing can lose their wholesomeness. The answer is not difficult to find.

The manufacture of margarine is subject to such strict and efficient Government supervision and control that the courts of the country take judicial notice of the fact that it is a pure and wholesome article of food.

The most distinguished and widely known chemists, physiologists and nutrition workers in this country and in foreign countries, such as Wiley, Luhrig, Emerson, Eddy, Osborn, Mendell, Alsberg, Evans, Brady, Halliburton, Drummond, and hosts of others, are on record that margarine is a pure and wholesome article of food. No scientific man with any training in matters of nutrition has ever made any statement to the contrary.

I also wish to call to your attention a statement by Mr. Edward F. McGrady, representing the American Federation of Labor, made before the Committee on Agriculture and Forestry of the United States Senate, at its hearings on this bill, wherein he states that—

The American Federation of Labor is opposed to any further tax being placed upon oleomargarine because of the use of palm oil. We wish it were possible to feed every man, woman, and child in the Nation pure butter, but unfortunately and obviously this can not be done because of the almost perpetual poverty of millions of our people. It has been estimated that there are in the neighborhood of 20,000,000 of people who are living in poverty. These poor people are often victims of malnutrition. They are unable to buy the kind of food that would enable them to enjoy good health. These people being unable to purchase butter have to resort to a substitute, so they buy oleomargarine. In order to make this product a little more appetizing the use of palm oil has been resorted to by manufacturers. Palm oil is a pure product and its coloring is natural.

We are opposed to any further tax being pressed upon this product because, as you know, to do so you are taxing the breakfast, dinner, and supper tables of millions of unfortunate people who are already unable to live as Americans should live and as we want them to live. We trust that this committee will not vote for this bill, or any other bill of a like nature, that would add to the burdens of our poor.

In addition, I desire to read a telegram from the National Association of Retail Grocers, sent from St. Paul, Minn., and signed by Mr. C. H. Janssen, secretary. I feel that no arguments that I might advance against this legislation can possibly strengthen my position to a greater extent than do the arguments contained in the following wire:

HON. ADOLPH J. SABATH,

House Office Building, Washington, D. C.:

Directly in behalf of the more than 30,000 individual retail food dealers, members of the National Association of Retail Grocers, and indirectly in behalf of the many thousand grocers not actually in membership, all of whom are in close daily contact with the American family and its daily food requirements, I protest against enactment of the Brigham bill, which arbitrarily places a burden upon a meritorious food and grocery product the competitive influence of which does not injure any other product. This legislation is basically wrong; it gives no added protection to, nor will it increase butter consumption. Enactment of bill is not in public interest. Question is important one and should be subjected to further extensive hearing.

NATIONAL ASSOCIATION OF RETAIL GROCERS,
C. H. JANSSEN, *Secretary*.

Some of the Members feel that this legislation will benefit the dairymen of this country. This I deny, and time will tell. You can force legislation from time to time, and may, nevertheless, have the people with you for a while, but you can not continue such a policy of special legislation forever.

For years you have persistently maintained that a high protective tariff will protect American industries. To-day, in demanding this legislation, you concede that the present high tariff on butter is not helpful in maintaining its price, or the price of any other commodity, and must, therefore, acknowledge that the laws of supply and demand control. And I will patiently wait to see whether you will be big enough to concede this elementary principle.

The SPEAKER. The time of the gentleman from Illinois [Mr. SABATH] has expired.

Mr. PURNELL. Mr. Speaker, I yield 15 minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Speaker, this is another one of those bills which is brought in because of its supposed benefit to a particular situation, which seeks to reach its result through the application of entirely improper legislative principles.

I think I may say truthfully that during my service in this House I have supported, including the tariff legislation, every legitimate demand of agriculture. But I can not support this legislation and have not found myself in the five years during which I was a member of the Committee on Agriculture able to support it or any legislation like it.

The past legislative history of this oleomargarine bill is this: Some thirty-odd years ago, when the differential in price between butter and its substitute, oleomargarine, was less than 10 cents per pound, the Congress of the United States, as a means in part of preventing fraudulent substitution of oleomargarine for butter, and in part for the purpose of suppressing competition between the two products, determined that it would put a tax of 10 cents a pound on yellow oleomargarine.

At that time the tax of 10 cents a pound was prohibitive and, therefore, effectually prevented fraud. Nevertheless, in all of the history of the legislation, until this bill, the interest of the great packing houses of America has been protected by permitting the one type of yellow oleomargarine which they make to escape the tax. That was true in the bill which passed this House in the last session, which I also opposed. In the effort, however, to protect the packers, the past legislation has left the door open for yellow oleomargarine made with natural yellow ingredients, the thought being that only a certain type of animal fat could meet that requirement. There has now been discovered a yellow vegetable oil, which is not being added for its coloring value only but being added as the proper ingredient in the product to produce yellow oleomargarine, and hence we have legislation for the first time in the history of all of this legislation imposing a 10-cent tax on any oleomargarine yellow in color.

The proponents of this bill ask for the legislation for two reasons, and I refer to the report of the committee for my

authority. They say, first, that they want this tax to prevent an alleged fraud upon the public, the fraud consisting in the utilization of yellow oleomargarine in place of butter and its representation to the public as butter. Gentlemen, if that is the purpose of the legislation, it is an iniquitous thing for Congress to consider the use of the taxing power of the American Government to license the creation of a fraud. If this bill passes, the fraud can be perpetrated by anybody who wants to pay 10 cents for that purpose. If fraud is what you are aiming at, this is not the way to hit it. It seems to me it is an utter negation of all sound legislative principles for the Congress of the United States to say to the manufacturer of any product, "You can deceive the people of the United States if you will pay us 10 cents a pound for the privilege."

In the days when the 10-cent tax was prohibitive it was a different thing, but the report of this committee shows that you can make a pound of vegetable-oil oleomargarine at a cost of 6.8 cents and a pound of animal-fat oleomargarine at a cost of 9 cents per pound. Add your 10-cent tax to that and you have less than 20 cents a pound for the highest-priced oleomargarine.

It is only a year or less when butter was selling for 60 cents a pound, and to-day it is over 30 cents a pound, and here these gentlemen, in the name of agriculture, are asking the Congress of the United States to license a fraud at a payment of 10 cents per pound for the benefit of the Treasury of the United States.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. FORT. Yes.

Mr. CLARKE of New York. I know the gentleman wants to be accurate in his statement. Is it not true that butter is selling to-day for 28 cents a pound instead of over 30 cents a pound?

Mr. FORT. Not at retail.

Mr. CLARKE of New York. It is in New York State.

Mr. FORT. I had not noticed it here.

Mr. ANDRESEN. Will the gentleman yield?

Mr. FORT. For a question, yes.

Mr. ANDRESEN. Does the gentleman contend that there is any more food value in colored oleomargarine with the tax than in the plain white oleomargarine?

Mr. FORT. I do not contend any such thing, but I say, if it is a fraud, prohibit it, and I will vote for a bill prohibiting it, and I have offered to gentlemen on the Committee on Agriculture my vote for a bill which will prohibit it. If the yellow oleomargarine is manufactured for the purpose of defrauding the American people, its manufacture should not be permitted for the purpose of revenue. [Applause.]

If it is not a fraud on the American people, we come to the next reason assigned for the passage of this legislation. This reason is that the dairy industry can not stand the competition of yellow oleomargarine without this tax on consumption. For 150 years, it has been the boast of this Nation that, within its boundaries, it constituted the greatest free-trade commonwealth in the world, yet by the legislation we are asked to enact to-day, we are deliberately imposing the protective-tariff principle against one industry of domestic manufacture in favor of another industry of domestic manufacture. For the first time in the history of this Nation, so far as I know, that issue squarely confronts the American Congress. The report of the committee concedes it. The purpose in asking for this legislation is the low price of butter. The purpose for this legislation, as stated in the report, is that the great production of American butter in contrast with the small production of oleomargarine entitles the dairy industry to this protective preference. My friends, we have gotten along pretty well in this Nation without taxing one industry within our borders for the benefit of another industry within our borders.

Mr. PURNELL. Will the gentleman yield?

Mr. FORT. Yes.

Mr. PURNELL. In stating the reason for this legislation the gentleman should not overlook this very important reason, namely, the recent ruling of the commissioner which permits the use of oil procured from abroad which pays no tax.

Mr. FORT. All right, but reach that through the tariff; reach it properly on your foreign products, but here you have a domestic industry, whether it is big or whether it is small. If it is not fraudulent and if it is honest the powers of the Government of the United States ought not to be used to tax it in competition with another industry that is also American.

Mr. KETCHAM. Will the gentleman yield?

Mr. FORT. Yes.

Mr. KETCHAM. In making the statement a moment ago that we are undertaking this propostion for the first time, has not the gentleman overlooked the fact we are attempting nothing more than what has been upon the statute books for the last 30 years?

Mr. STRONG of Kansas. Thirty-eight years.

Mr. FORT. If the gentleman proceeds on the theory that the tax is to stop fraud, he is back to the basis of the original act. If he proceeds on the facts which are that when we adopted that policy there was less than 10 cents differential in price, and the tax was, therefore, a prohibition, whereas to-day there is more than 10 cents difference in price and the tax is, therefore, a tax on consumption, then we are on new ground.

Mr. LINTHICUM. Will the gentleman yield?

Mr. FORT. For a brief question only.

Mr. LINTHICUM. If the contention which the gentleman has just made that this is to prevent fraud is true, why should they not also have a tax of 10 cents on butter when it is colored in the spring of the year when butter has not a natural yellow color?

Mr. FORT. I do not want to enter into a discussion of that point.

There is a broader question here than the mere question of these two competing products. There is a question, gentlemen of this House, as to whether we are going to enter into consumption-tax policies and pick out one product to levy taxes upon. This is new, it is concrete, and it is something which this House must face because, gentlemen of the House, no member of the committee will contend that when butter recovers to a 60-cent level, which it will do when its production comes down and business improves sufficiently to increase the consumption, and oleo still costs 9 cents a pound—no gentleman will contend that under those conditions this tax will be of any benefit whatever to the butter industry except in so far as by increasing the price to the consumer it gives him a little less favorable bargain in the buying of oleo in contrast to the price of butter.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. FORT. Yes.

Mr. STRONG of Kansas. It may only cost 8 or 9 cents a pound, out they do not sell it for that.

Mr. FORT. All right, but you are trying to make them sell it for what they sell butter for, and that is the protective-tariff principle and nothing else.

Mr. STRONG of Kansas. I want them to sell it for what it is.

Mr. FORT. I can not yield further.

One other point, gentlemen. The reason this is particularly important now is that we are just in the beginnings in this Nation of synthetic chemistry as applied to industry. It is a matter of very few years before synthetic gasoline, let us say, will be on the market. Are we then going to protect the oil producer against the inventive genius which applies itself to the production of substitutes for his product? Are we going to establish here to-day with our eyes open the precedent of taxing domestic industry because it is new in order to protect an older form of industry?

I will vote, as I said before, for a straight prohibition of the manufacture of yellow oleomargarine, if it be a fraud, if it be a deleterious product. I will not vote to tax it or any other American product for the protection of some other American product. [Applause.]

Either, gentlemen, we are voting to-day to stop fraud, in which case I resent the suggestion that we should try to make a profit for the Treasury of the United States out of the perpetration of fraud, or we are extending the protective-tariff principle to apply between competing domestic

industries. In either case this legislation should not receive the approval of this House.

This rule should be voted down because the policy involved in this legislation is not the type of policy upon which this Nation should embark. [Applause.]

The SPEAKER pro tempore (Mr. RAMSEYER). The time of the gentleman from New Jersey has expired.

Mr. POU. Mr. Speaker, I yield 20 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I do not know that I shall use all of the time that has been allowed me by the ranking Member on the Democratic side in presenting my views upon this question. I want to say in the beginning that I realize very fully that in all probability the pending bill will receive the vote of a majority of the Members of the House. I realize that the forces that have been used in crystallizing sentiment in this House have been almost overwhelming.

I believe that the dairy interests as represented by their spokesmen who have appeared before the committees and who have approached Members of Congress on this problem are probably as strongly organized as any minority group in this country, and I do not make this statement in disparagement of their activities. I realize they are seeking to protect their own personal interests. I think it is entirely legitimate for them to bring such legitimate pressure as they may see proper to bear upon the judgment of the Members of Congress, and I regret that I find myself in disagreement upon this question with a great number of Representatives upon my side of the aisle. But I have endeavored, gentlemen, to give to the consideration of this problem fair and candid judgment, and after undertaking to give it that character of consideration, however pressing may be the immediate necessities for some improvement in the dairy industry, I have been absolutely unable to bring myself to the view of supporting this character of Federal legislation.

In order that the issue may be fairly presented to the members of the committee, let us see what is really sought to be effectuated by this legislation. There is no occasion for us to have any disagreement upon the facts involved in this controversy. After the facts are fairly presented every gentleman has the right to draw his own conclusions as to the propriety and justice of this legislation.

What are the undisputed facts with reference to the issue involved? Here is a product of the dairy industry that, of course, under ordinary circumstances would take its chances with all legitimate competition. But in all of the products of agriculture or otherwise produced in this country this is the only one so far as I know that has been singled out for the express purpose of undertaking by specific legislation to give to it by law under the taxing power, opportunities for competition that no other product of industry in the country has ever asked at the hands of the country.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. BANKHEAD. I yield.

Mr. CLARKE of New York. Is not the same thing true regarding the manufacture and sale of alcohol?

Mr. BANKHEAD. That was a matter that affected the morals and health of the people—an entirely different basis from this. There is no argument made here that oleomargarine is a substance deleterious to health; no assertion can be sustained that it is dangerous in any respect. It is candidly admitted that it does not contain the number of vitamines that pure butter does. There is no occasion for us to disagree about the facts in the case, and the naked issue presented by the bill is, whether or not you are going to permanently embark on a principle of levying a consumption tax on an article of domestic production in order to put out of business an article of production in our own borders.

That is a basic principle to which I can not agree. If this were a bill to prevent the fraudulent manufacture and sale of this product, I would go as far as any man on the floor to prevent fraud in purchasing it. I have voted for every measure to prevent fraud on the public, and you have on the statute books to-day regulations requiring that every carton exposed for sale in every store of the country of oleomargarine must have marked on two sides of every carton in letters one-quarter of an inch high at least the fact that it is oleomargarine.

So when our friends come in and say that this bill is one to prevent fraudulent marking of this commodity or to prevent the fraudulent sale I point to the remedial and protective legislation already on the statute books with reference to that.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. LINTHICUM. I want to say that a restaurant keeper must have a sign up in his restaurant stating the fact that he furnishes oleomargarine.

Mr. BANKHEAD. That is true.

Now, gentlemen, this is in a large measure class legislation.

There is no man on the floor of this House more interested than I in assisting the dairy industry. It is an industry that is being rapidly promoted in my own section of the country. We people of the South feel that we have some natural and climatic advantages over other sections of the country that in years to come will make the South the great dairy section of the country. But that is not the only consideration Congress ought to bring to bear on a question of this sort. Are we who represent the dairy section of this industry to come here and say that we are going to vote for a tax on a legitimate competition in order to give a monopoly in this field to the dairy industry? Is that a sound principle of government?

There is something else involved in this question. This is an unfortunate and untimely date on which to bring legislation of this sort before the Congress of the United States. Why do I say that? Let me read to you very briefly a statement issued by the American Federation of Labor upon this question. That is an organization that in large measure represents the women in ginghams and the men in overalls, the hewers of wood and the drawers of water in our domestic life. Do you know that to-day, according to this statement, there are almost a score of millions of people out of employment in this country who must live, and here you are bringing in a bill to put an additional tax of 10 cents a pound on an article of commerce that millions of American people to-day who are unable to buy pure butter will have to buy. You are proposing to add to the price of that article 10 cents a pound under this species of special legislation. We ought to consider all phases of this question before we vote on this legislation. Here is what they say:

> The American Federation of Labor is opposed to any further tax being placed upon oleomargarine because of the use of palm oil. We wish it were possible to feed every man, woman, and child in the Nation pure butter, but unfortunately and obviously this can not be done because of the almost perpetual poverty of millions of our people. It has been estimated that there are in the neighborhood of 20,000,000 of people who are living in poverty. These poor people are often victims of malnutrition. They are unable to buy the kind of food that would enable them to render good health. These people being unable to purchase butter have to resort to a substitute, so they buy oleomargarine. In order to make this product a little more appetizing the use of palm oil has been resorted to by manufacturers. Palm oil is a pure product and its coloring is natural.
>
> We are opposed to any further tax being pressed upon this product because, as you know, to do so you are taxing the breakfast, dinner, and supper tables of millions of unfortunate people who are already unable to live as Americans should live and as we want them to live. We trust that this committee will not vote for this bill or any other bill of a like nature that would add to the burdens of our poor.

I think that is a fair statement, although it comes from an organization opposed to this legislation.

Will the passage of this bill restore immediately or at an early date the prosperity of the dairy industry in this country? Is the dairy industry the only agricultural interest that has been depressed by competition? It has been pointed out to you that wheat and corn and cotton and eggs and every other product of the farm for the last year or so has been constantly descending in price, so that butter, this particular child of favoritism in this legislation, does not stand alone in depression. As has been pointed out by the Gov-

ernment official Bureau of Home Economics, the price of butter has descended like all other agricultural products, and they point out the reason for it. One reason is overproduction and another is the diminution of the purchasing power on the part of the masses of our people. I think the argument that will be made here, that if you pass this legislation it will almost instantly restore prosperity to the dairy industry, is not based on sound ground.

There is something else also that is involved in this question. Oleomargarine a few years ago was made very largely out of vegetable oils produced in our own country. The cottonseed-oil industry in the South, the peanut-oil industry were greatly interested in this proposition, but under modern chemical processes it has been discovered that they can make out of coconut oil imported from the Philippine Islands, and are now making, 85 per cent of ingredients of this modern oleomargarine. That, I say to the dairymen of this country, is where your real trouble is coming from. Why do not you gentlemen on the Republican side, who are so in favor of this bill, meet the issue squarely and say that you will give independence to the Philippine Islands so that you can levy a protection against the importation of this article coming into competition with our own vegetable oils in this country? That is the way that you could regulate it. You could regulate it under your own theory of protection of agriculture by an embargo against coconut oil, or by a high protective duty against it. That would also help our agricultural product of soybean oil and peanut oil and cottonseed oil.

This is an unsound principle of legislation because it is admittedly a tax on the production and consumption of a domestic article that can not be criticized as far as its purity is concerned. What would you think if some man were to arise here and propose that because the price of wheat is low, and a good many people in this country prefer rye bread to wheat bread, that you would put a tax on rye and rye bread in order to put it out of competition with the wheat flour and the wheat bread? Yet in principle that would be exactly analogous to illustrate the theory of this legislation. What would the sugar-beet producers of the West say if we southern fellows offered a proposal to levy a tax on sugar beets because they were coming into competition with cane sugar in the Southern States? Yet that is an exact parallel to the principle of legislation proposed here in this bill.

I think I have said about all that I want to say because my main objection to this proposition is based on the legislative principle I have just suggested. I think it is a dangerous precedent to embark upon, and if it is followed out to its legitimate conclusion on other questions that may arise in our own country, it will bring on the Congress of the United States a vast amount of confusion and disagreeable situations because you can not get away from these organized proponents of legislation in Congress. They are going to be constantly coming out and presenting the same character of argument presented here. They are going to come and say, "My industry needs some protection, and in order to give it, if I have the votes to do it, I shall put my competitor out of business by levying a tax on his article."

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. HUDDLESTON. A great deal of so-called lard is made from cottonseed oil. Probably a third of that which is put on the market to take the place of lard is produced from cottonseed oil. If we vote for a tax on this product, how can we refuse to vote for a tax on anything that competes with lard that is not the pure product from the hog?

Mr. BANKHEAD. Of course, we could not consistently refuse to vote for it.

Mr. HUDDLESTON. It would be just as legitimate to vote for a tax on cottolene or any composition of so-called lard as on this.

Mr. BANKHEAD. Absolutely. Let me show how selfishly these things come about. I hold in my hand resolutions adopted by the American National Livestock Association. Permit me to read one of their resolutions, just to show how things like this come about to protect the selfish, personal interests. They resolve—

> That we join forces with the dairy interests for protection against the common enemy in the shape of imported vegetable oils and fats, and that we urge Congress to impose a substantial tax on all such imported substances which may be used for manufacturing oleomargarine; and be it further
>
> *Resolved*, That, on the other hand, we urge Congress to remove the present tax on all oleomargarine, yellow or otherwise, made from domestic animal fats.

Mr. STRONG of Kansas. From what is the gentleman reading?

Mr. BANKHEAD. From resolutions adopted on January 28, 1931, by the American National Livestock Association. I would be glad to furnish the gentleman with a copy of it.

So they say we can produce natural substitutes with which the oleomargarine manufacturers can color oleomargarine, and therefore we do not want any restriction attached to that, because it is our product and we packers and animal producers want to sell it to the oleomargarine people. We want a monopoly on that field, and we recommend to Congress that they put a tax on all other coloring matter used in making oleomargarine, except the character of coloring that we ourselves produce.

Gentlemen, you will find all along the line, if you allow this precedent to be established, that you will be constantly confronted with claims of this sort. I hope this committee, when it votes on this proposition, after mature consideration, which so fundamentally affects any legislation of this character, will defeat this resolution. [Applause.]

I yield back the balance of my time, Mr. Speaker.

The SPEAKER. The gentleman yields back one minute.

Mr. PURNELL. Mr. Speaker, I yield four minutes to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON of Wisconsin. I am in favor of this rule because I am in favor of the bill which the rule makes in order. [Applause.]

This bill carries remedial legislation necessary to meet a grievous wound, possibly a death wound to the dairy interests in this country. This legislation is vital to the economic well-being of my district and of my State, and therefore I want to take occasion to thank the Committee on Agriculture for having so wisely and promptly acted in this emergency, and to thank the Rules Committee for making it in order at this time.

This battle has been going on for 45 years. These arguments about taxing the oleomargarine industry to death, and all that, have been heard over and over again. We are not taxing them to death. They can sell oleomargarine until hell freezes over if they sell it as oleomargarine [applause] at one-fourth per cent tax. We do not interfere with them at all, but we say, "You shall not by fraud and stealth usurp the trade-mark of butter, its yellow hue." That is the trouble.

Mr. Speaker, what is the cause of the disturbing disruption and imminent destruction of the dairy industry of our country? The specific answer is, the recent rulings of the Commissioner of Internal Revenue. The first made in April and the second in November of last year permitted the use of soybean oil and palm oil, respectively, in the manufacture of oleomargarine without the payment of the 10-cent tax on the colored products.

The inevitable effect of these rulings is to nullify the intent of all legislation heretofore passed by Congress with reference to the 10-cent tax on butter substitutes and open wide the door for their future manufacture in unlimited quantities.

The bill before us, introduced by Mr. BRIGHAM and unanimously reported to the House from the Committee on Agriculture will effectually prevent this nullification in a simple and practical way. It provides that all oleomargarine which has a tint or shade containing more than 1.6° of yellow measured in the terms of the Lovibond tintometer will pay the 10-cent tax per pound. [Applause.]

A brief summary of the history of the efforts of the dairy industry to protect itself from this danger threatening its very life will bring out the facts and the principles now involved in its present struggle.

The trouble began with the birth of oleomargarine in France in 1869 during the Napoleonic wars. Because of the temporary lack of butter, due to causes incident to war, Napoleon offered a reward for a substitute, and the invention of "margarine" resulted. The new product was introduced into this country in 1873 and within 13 years, through fraud in its sale, it became a menace, and the dairy interests clamored for protection for its life at the doors of Congress. Congress responded by the passage of the act of August 2, 1886, which act was intended to be prohibitory; a tax of 2 cents per pound on an article defined by the act to be oleomargarine was imposed. Recognizing these insidious conditions, President Grover Cleveland in signing the bill, stated in part:

> Not the least important incident related to this legislation is the defense offered to the consumer against the fraudulent substitution and sale of an imitation for a genuine article of food of very general household use * * * notwithstanding the claim that its manufacture supplies a cheap substitute for butter. I venture to say that hardly a pound ever entered a poor man's house under its real name and in its true character.

At the time of the consideration of this bill in the House of Representatives, Hon. William W. Grout said:

> If oleomargarine be the poor man's blessing, as is claimed, it should be secured to him at the poor man's price. But this will never be till compelled, as proposed by this bill, to go upon the market in no guise but its own and under no name but its own.

Subsequently, 16 years later, due to similar conditions of fraud in the selling of yellow oleomargarine as and for butter throughout the United States, the dairy interests again demanded action, and Congress again responded and in 1902 enacted the Grout law putting a 10-cent tax per pound on all oleomargarine not "free from artificial coloration that causes it to look like butter of any shade of yellow."

After the passage of this act the bulk of the oleomargarine manufactured and sold in this country was in its natural color, nearly white, and it was thought that the problem of differentiating between butter and oleomargarine had been finally settled. However, repeatedly, the oleomargarine manufacturers have endeavored in every way to get through and under the bars to put on the market a yellow product free from the 10-cent tax per pound. Many of the biggest battles fought with the oleomargarine manufacturers did not occur on the floor of the House, but in the Agriculture Committee. Bill after bill was introduced in the interests of the oleomargarine people and threshed out in committee, notable among which was the Burleson bill, sponsored by the cottonseed-oil interests and backed by the packers, defeated in 1910.

In recent years in order to get around the law scientific research in processes and ingredients have been resorted to and carried on extensively. During the last session of Congress it was necessary to bring under the 10-cent tax regulation such yellow-colored products known as Nuine, New Nut, and so forth, products no better than cooking compounds, which, to evade the law, were emulsified in water instead of milk, and which were being manufactured and sold in imitation of butter.

Now, under the recent rulings the oleomargarine manufacturers are preparing to flood the market with their products containing substantial quantities of soybean and palm oil, especially palm oil. Unless the Grout law is enlarged to cover these products, the result will be that a product naturally colored like butter will be sold at the ¼-cent tax per pound in competition with the sale of butter to the detriment of the dairy interests of this country.

It has been the purpose of the 10-cent tax to discourage this fraudulent imitation and to cause oleomargarine to be sold in its proper guise. Our Government has followed this policy for close to 30 years, and the Brigham bill is intended to meet these new conditions which have developed. Ninety-four and one-half per cent of all margarine on the market to-day is white and not sold under the butter color. If palm-oil colored oleomargarine be permitted to be manufactured and sold under the ¼-cent tax per pound, the white oleomargarine will eventually disappear from the market.

All the principal countries of the world have laws regulating margarine. Canada prohibits it entirely, some prevent coloration in imitation of butter, some prescribe differences in packages, and others provide that butter and oleomargarine can not be sold in the same store. In the latter group we find France, where margarine was originated.

Every State in the Union has passed laws relative to oleomargarine. Many of our States have stringent laws, notable among which are Pennsylvania, Massachusetts, and my own State, Wisconsin, the leading dairy State in the Union.

Wisconsin was the first State to attempt to regulate the manufacture and sale of oleomargarine, and in 1881, even before the passage of the first Federal law, sought to protect its dairy interests by the passage of a labeling law. This law was found to be inadequate to prevent fraud, and since 1895 the law in effect has been to prohibit the manufacture or sale of oleomargarine "which shall be in imitation of yellow butter." The present law reads:

> * * * Made in imitation or semblance of pure butter, * * * with or without coloring matter * * *.

Let me quote from the various reports of the Wisconsin dairy and food commissioners to show its grapple with fraud:

> During all the years of its existence the dairy and food department has had considerable work, difficulty, and controversy relating to oleomargarine. In fact, to keep the sale of oleomargarine free from fraud has been one of its chief tasks.
>
> In all the years that have intervened the struggle has been to compel it to look like itself and not like butter and to be sold for what it actually is.
>
> We should strip oleomargarine of its power, and that can only be done by obliging manufacturers to make it look like itself and not like butter. Butter has worked all these years to make for itself a market and a demand. Now that they are established, it should not be robbed by an imitation. The attack has but just begun. No corner of the State is too remote for its presence, no table so humble, no dining room so grand, no lumber camp so rough, that oleomargarine, with its mellow name, will not walk upon and into, with a deceitful bow and brazen smile, with the claim that its name is butter.

Pertinent to the bill before us are these words:

> * * * It is clear that oleomargarine can be made as yellow as many shades of yellow butter by carefully selecting yellow oleo oils and cottonseed oils; that oleomargarine can also be made that is free from coloration or ingredient that causes it to look like yellow butter, and that the contention that the natural color of oleomargarine is the color of yellow butter is as false as the oleomargarine made in imitation of yellow butter is fraudulent. * * * Color that is produced by crafty selection and manipulation of materials is not natural color.
>
> If the article is in imitation of yellow butter, it matters not whether such imitation is brought about by the addition of a dye or by the selection of ingredients.
>
> If one forming a compound of several ingredients knowingly select and use an ingredient which imparts to the compound the color of yellow butter, he having a choice of ingredients, he will have made his compound in imitation of yellow butter just as well as if he selected a dye.
>
> Under the Wisconsin law as enforced, the laboring man or any other man who wants oleomargarine can now get it, and at oleomargarine prices. And if he wants butter, he is practically sure to get butter and not oleomargarine at butter prices. This is the end sought by legislation on this subject.

The bane of oleomargarine as a competitor of butter is strikingly brought out by this quotation from a brief of the attorney general of Wisconsin:

> The history of oleomargarine advertising has shown that the industry from its inception has clung like a parasite to the dairy industry and the reputation established by butter. It has sought to market its product as a milk product.

Dairy interests have no quarrel with the oleomargarine interest when their products are sold in their own guise and for what they really are. The controversy between these two interests ever since the introduction of oleomargarine has been that oleomargarine insists on looking like butter for the purpose of attracting the public to its purchase.

This fraudulent intent has been recognized by the United States Supreme Court in Plumley *v.* Massachusetts (155 U. S. 461):

> The statutes seek to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is, by preventing its sale for what it is not.
>
> Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is

not and thus induce unwary purchasers who do not closely scrutinize the label upon the package in which it is contained to buy it as and for butter produced from unadulterated milk or cream from such milk.

Should we not exercise our right to safeguard an industry which is fundamental and vital and should we not protect from fraud the public which can be misled by the substitute of an inferior product for the real article?

Let us look at the relative cost of producing butter and oleomargarine. Using the two standard formulas which are in general use in the manufacture of oleomargarine it has been shown that the cost of materials for 1 pound is 6.8 cents for vegetable-oil oleomargarine and 9 cents for animal-fat oleomargarine.

Prof. O. E. Reed, Chief of the Bureau of Dairy Industry, furnished a year ago some statistics as to the cost of production of cream which show that the raw material used in the manufacture of butter averages 39 cents per pound. The cost of producing butter has been slightly decreased recently but not materially.

Is it fair to allow the unrestrained trade in direct competition with butter of an article made in semblance of butter, the cost of the material of which is approximately one-fourth of the material cost of butter?

Is it fair to allow in direct competition with butter, a domestic product, the unrestrained trade of an article made principally of vegetable oils, imported free from tax from other countries and hence a foreign product?

Our national prosperity is dependent upon the prosperity of our millions of farmers directly interested in the production of butter. Colored oleomargarine and butter can not live together—one or the other must give way. Either the sale of colored oleomargarine sold as butter must be restricted or the farmers interested in the manufacture of butter must abandon their industry.

The hearings brought out the fact that in this country there are 35 oleomargarine plants, engaged exclusively in the manufacture of oleomargarine, with an employment of 1,369 wage earners, whose interests when connected with the manufacture of "yellow" oleomargarine are pitted against the interests of 3,409 creamery plants with an employment of 17,805 wage earners, plus those of the farmers, who either furnish the raw material for these creameries or produce butter for sale on their own farm.

The dairy industry represents 21 per cent of the total agricultural income of the Nation; this industry uses products from practically every branch of agriculture. Can we afford to let an industry employing 1,369 wage earners get the upper hand and close out our basic agricultural industry in which one-third of our population is interested and in which one-fifth of our national wealth is invested?

The evidence submitted at the hearings proved conclusively that oleomargarine is deficient in vitamins recognized to be important constituents of the human diet, such as vitamin A, which promotes growth and increases resistance to disease, and vitamin D, which develops sound bones and teeth.

Experiments have shown that crude palm oil contains one-third of the vitamin content of butter. The percentage of palm oil necessary in the new product to produce a color just like butter is about 12 per cent; using this percentage, the finished product will test 7.75 by the Lovibond tintometer. It has been estimated that in order to obtain the vitamin content of butter one would have to eat from 25 to 30 pounds of this palm-oil, oleomargarine product. The food value of butter is too well known to need comment. It has been said, and apparently not disputed, that there is no substitute for butterfat for growing children and invalids.

Doctor McCollum testified at the hearings as follows:

I think it would be a step in the wrong direction from the standpoint of the maintenance of the Nation's health that any invasion of so precious a product as butter or any other dairy product should be so marked that there is [no] prospect that a purchaser may be deceived as to what he is purchasing and that no economic condition should be permitted to prevail which would enable an inferior food product to displace on the American table a superior food product such a butter.

Can we afford to permit an impostor to masquerade in the guise of real butter to the detriment of our national health?

Mr. Speaker, I desire to call your attention to the fact that this Congress was called into session for the sole purpose of farm relief. President Hoover in issuing the proclamation said:

Whereas legislation to effect further agricultural relief • • • can not in justice to our farmers be postponed.

Farmer and dairy organizations are aroused and feel that an emergency now exists. They demand the immediate passage of the Brigham bill. The Agricultural Committee of the House has favorably reported this bill; the Agricultural Committee of the Senate has favorably reported the Townsend bill, which is identical; and our Rules Committee has brought in its rule making in order the Brigham bill.

Therefore, Mr. Speaker, we must not adjourn and leave our present law stripped of its protective power. It must be restored and strengthened at once. If an adjournment of nine months takes place without the law being corrected, a great damage will be done, not only to our farmers and dairy interests, due to unfair competition, but to the oleomargarine manufacturers as well. As the situation now stands, the oleomargarine interests have been invited to prepare themselves by equipment and advertisements to put their new "yellow" product on the market in enormous quantities. Then, when Congress meets next December, the law will undoubtedly be changed and they will find that this great expenditure for preparation and production has been wasted.

I therefore appeal to the House to protect its own law now and restore to the farmer that which he has won and kept for nearly 30 years—the trade-mark of butter. To me our farm relief would be a sham if we allow the biggest source of income of agriculture to be ruled out of existence.

Experience has shown that only a law which will clearly distinguish between butter and oleomargarine in some way that the one can not be sold for the other and the public deceived will meet this growing evil and avert the damage which threatens the legitimate dairy industry of the Nation. Let me warn that the welfare of our country is dependent upon the prosperity of our farmers.

It was clearly the intention of Congress at the time of the passage of the Grout Act in 1902 that all yellow-colored oleomargarine be taxed 10 cents per pound.

The law in part reads:

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound.

Hon. Redfield Proctor, chairman of the Senate Committee on Agriculture at the time of its enactment, said:

This bill proposes to increase the tax on oleomargarine colored in semblance of butter and to reduce the tax on oleomargarine not colored in imitation of butter; its purpose being to encourage the sale of the genuine article and to discourage fraudulent sale of the imitation article.

Hon. E. Stevens Henry, chairman of the House Agricultural Committee, after stating that it was not the purpose of legislation to oppose legitimate industry, added:

So far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a perceptible shade of yellow by the use of any known ingredient.

It may be further said that if time and experience demonstrated that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient, this defect in the law can be corrected by future legislation.

The time has now come to correct this defect in the law. The ingredients have been found which will color oleomargarine naturally, but it is the same oleomargarine, even though not artificially colored; it is still an imitation of butter. Can we, in the face of the struggles of the dairy industry, refuse to give the Brigham bill our favorable support? [Applause.]

Mr. SABATH. I yield one minute to the gentleman from New York [Mr. BOYLAN].

Mr. PURNELL. I yield one minute to the gentleman from New York [Mr. BOYLAN]. I have no more time.

Mr. BOYLAN. I decline with thanks.

Mr. PURNELL. Mr. Speaker, I desire to renew my unanimous-consent request to modify the resolution to provide for two hours general debate instead of three hours.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the resolution be modified so that general debate shall be two hours instead of three hours. Is there objection?

Mr. SABATH. Mr. Speaker, I am obliged to object. I have demands for more time than I have now.

Mr. PURNELL. The gentleman understands there will be ample time. In all probability this bill will have to go over until to-morrow. There will be ample time under the 5-minute rule.

Mr. SABATH. The gentleman from Maryland [Mr. LINTHICUM] desires some time. The gentleman from New York desires some time. Two or three other gentlemen desire time. I do not want to cut them short. If we can get along with a little less, we will do so.

Mr. PURNELL. Mr. Speaker, I move the previous question on the resolution.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. PURNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Aswell	Evans, Calif.	Lanham	Spearing
Beck	Finley	Larsen	Sproul, Ill.
Bell	Free	Lea	Stevenson
Bloom	Garrett	Letts	Thompson
Busby	Gifford	McCormick, Ill.	Tucker
Cable	Golder	Michaelson	Underhill
Celler	Graham	Montet	Wason
Clark, Md.	Hall, Miss.	Morehead	Watres
Collier	Hoffman	Newhall	Watson
Cross, Tex.	Hudspeth	O'Connor, La.	Whitehead
Dempsey	James, Mich.	O'Connor, N. Y.	Williams, Tex.
Douglas, Ariz.	Johnson, S. Dak.	Prall	Wolfenden
Douglass, Mass.	Jonas, N. C.	Pratt, Harcourt J.	Wurzbach
Doutrich	Kemp	Pratt, Ruth	Yates
Doyle	Kendall, Pa.	Reid, Ill.	
Drane	Kiefner	Romjue	
Esterly	Kunz	Rowbottom	

The SPEAKER. Three hundred and sixty-six Members have answered to their names, a quorum.

Mr. PURNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16836, with Mr. CRAMTON in the chair.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Vermont [Mr. BRIGHAM].

Mr. BRIGHAM. Mr. Chairman, this bill proposes to make one important change in the taxing provision of the oleomargarine act. The change is, briefly, this: The present law places a tax of 10 cents per pound upon oleomargarine, but provides that "when oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow, said tax shall be one-fourth of 1 cent per pound." The amendment provided for in this bill proposes to place a tax of 10 cents per pound upon all oleomargarine colored yellow to imitate butter if the color is deeper than a definitely established shade of yellow and to apply this tax whether the yellow color is produced by natural ingredients or artificial coloring materials. The color line is established in the terms of the Lovibond tintometer scale and the color is measured by an instrument called the Lovibond tintometer, which has been used in the State of Pennsylvania in the administration of its oleomargarine law for several years.

In the time allotted to me I shall endeavor to explain as briefly as possible the purpose of the amendment, the necessity for it, and the reason for it from the standpoint of sound public policy.

It should be clearly understood that we are not attempting to establish a new policy. We are simply revising the law to meet new conditions which have arisen and threaten to completely nullify the intent of the Congress of 1902, when the law now in force was passed. A brief review of oleomargarine legislation will make this clear.

In 1886 the Congress enacted our first legislation relating to oleomargarine. Seventeen years before that the French chemist, Mege-mouries, had made public his formula for emulsifying a combination of animal fats and oils so that there resulted a product which had the texture, flavor, and appearance of butter made from cow's milk. This substitute cost much less to produce, there was a great profit in its manufacture and sale, and it was being sold, just as oleomargarine manufacturers would sell it to-day, as and for butter. The fraud upon the consuming public became so flagrant that the issue became clearly defined: Regulate and control the sale of butter substitutes and maintain the dairy industry or give these substitutes a full field and let the dairy industry go.

The act of 1886 contained many of the provisions of our present law. It levied a tax of 2 cents per pound upon all oleomargarine; it levied special taxes upon manufacturers, wholesalers, and retail dealers, and it provided for branding of the packages in which oleomargarine is sold.

If you read, as I have, the debates in the House and Senate which occurred in 1886, you will find much that is similar to what you will hear to-day. There was great concern then, as there is now, about taxing the poor family that is not able to buy genuine butter. So much was said about this that President Cleveland, when he signed the bill, attached the following message:

Not the least important incident related to this legislation is the defense accorded the consumer against the fraudulent substitution and sale of an imitation of the genuine article of food of very general use. I venture to say that hardly a pound (referring to oleomargarine) ever entered a poor man's home under its real name and in its real character.

I venture to say that if we were to repeal our oleomargarine laws to-day, we would soon have no oleomargarine sold as such. It would all be sold as butter and at butter prices. Do not be misled by the concern of the oleomargarine industry for the poor man. If that was their concern, they would make oleomargarine in its natural color, quit imitating butter, and sell it by advertising it for just what it is.

The act of 1886 still left oleomargarine manufacturers free to color their product yellow in perfect imitation of butter. Substitution and fraud still persisted. Bootlegging is not confined to intoxicating liquors. Wherever great profit occurs from substitution and fraud you will find substitution and fraud practiced.

In 1902 this House of Representatives passed an amendment to the oleomargarine act which increased the tax from 2 cents to 10 cents per pound, but provided that—

When oleomargarine is free from coloration or ingredients that causes it to look like butter of any shade of yellow the tax shall be one-fourth of 1 cent per pound.

The Senate adopted an amendment striking out the words "or ingredients" and inserted the word "artificial." The act then assessed a tax of 10 cents per pound upon oleomargarine but provided—

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound.

Mr. Henry, of Connecticut, chairman of the House Committee on Agriculture, recommended the acceptance of this provision with this statement:

Inasmuch as it is not the purposes of this legislation to oppress a legitimate industry, this contention is conceded, and all the more willingly because, so far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a very perceptible shade of yellow by the use of any known ingredient.

It may be further said that if time and experience demonstrate that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient this defect in the law can be corrected by future legislation.

The Commissioner of Internal Revenue, in issuing regulations interpreting the oleomargarine act, made the following interpretation of the provisions relating to "artificial coloration."

SEC. 43. Artificial coloration: (a) Oleomargarine is not free from artificial coloration if it looks like butter of any shade of yellow, except where such yellow color results from naturally colored oils or other materials which are used in substantial quantities in relation to the other ingredients, and which serve some material function or functions in addition to imparting color to the finished product.

(b) The use of naturally colored ingredients in the manufacture of oleomargarine which have the effect of imparting to the finished product a yellow color in imitation or semblance of butter will not be regarded as causing artificial coloration if such ingredients form a bona fide component part of the manufactured article and serve substantial functions other than producing color.

The oleomargarine manufacturers set out to find some yellow-colored ingredients which could be used in substantial quantities in making yellow-colored oleomargarine and which would escape the 10-cent tax. They succeeded in making a limited quantity of yellow product by the selection of the highly colored body fats of old dairy cows of certain breeds which were sent to packing houses for slaughter. No definite information can be obtained as to the exact number of pounds of such colored goods now manufactured. It was said, however, that the great meat packers controlled the supply of this yellow oleo oil and the independent producers of oleomargarine were placed at a disadvantage in not being able to obtain it. Some of these independent manufacturers expressed themselves as favorable to a law similar to the one under consideration at hearings held within two years.

PALM-OIL RULING

A process has been discovered whereby palm oil can be refined so that its flavor is palatable and its color is a deep yellow. On November 12, 1930, the Commissioner of Internal Revenue issued the following ruling:

COLLECTORS OF INTERNAL REVENUE:

Reference is made to the use of unbleached palm oil in the manufacture of oleomargarine and to previous rulings of the bureau in connection therewith.

You are advised that the bureau, upon further consideration and investigation, now holds that the unbleached palm oil free from artificial coloration when used in substantial quantities in relation to other ingredients may be used in the manufacture of oleomargarine otherwise free from artificial coloration without subjecting the finished product to tax at the rate of 10 cents per pound.

All rules of the Bureau of Internal Revenue in so far as they may be contrary to this holding are hereby revoked. You are requested to forward immediately to each manufacturer of oleomargarine in your district a copy of this letter.

DAVID BURNET, *Commissioner.*

The evidence shows that palm oil exists in quantities sufficient to color more oleomargarine than is now manufactured. Since its use is permitted under the above-quoted ruling of the Commissioner of Internal Revenue, unlimited quantities of colored oleomargarine can be made by the use of palm oil as a natural ingredient, and the product will be subject to the one-fourth of 1 cent per pound tax. This completely nullifies the intent and purpose of the Congress in the passage of the Grout Act of 1902.

It is the purpose of the amendment we are now considering to meet the situation which exists to-day, to correct, as Chairman Henry said in 1902, a defect in the law placed there by the Senate which has made it possible for the research laboratories of the oleomargarine manufacturers to find a yellow-colored natural ingredient which can be used to produce a perfect imitation butter yellow in color and take only the one-fourth of 1 cent tax.

The amendment proposed in this bill, as I have said, draws a color line. If oleomargarine is colored a deeper shade of yellow than the line prescribed, it is subject to the 10 cents per pound tax; if it is of a lighter shade, it is subject to the one-fourth of 1 cent a pound tax. The instrument used to measure the color is the Lovibond tintometer, which has been used for many years in the administration of the oleomargarine law of Pennsylvania, which State prohibits the sale of oleomargarine colored a deeper shade of yellow than that to which we apply the 10-cent tax in this bill. The shade is far from pure white, but it will not permit the sale of oleomargarine colored to imitate butter without paying the 10-cent tax.

EMERGENCY CONFRONTING THE DAIRY INDUSTRY

The evidence shows that the oleomargarine trade is preparing an extensive advertising campaign to sell yellow colored oleomargarine in greatly increased quantities. Some idea of the competition which confronts the dairy industry may be gathered from the relative cost of producing the two commodities, oleomargarine and butter. Two standard formulas for the manufacture of oleomargarine which are in general use have been secured. These, of course, are varied by different manufacturers, but they are sufficiently standard to give an indication of the competition to which the dairy industry is subjected.

Oleomargarine formula containing animal fats

450 pounds oleo oil, at $8.87½	$39.94
350 pounds neutral lard, at $11.75	41.13
100 pounds cottonseed oil, at $7.10	7.10
100 pounds palm oil, at $8.50	8.50
300 pounds milk, at $2	6.00
35 pounds salt, at $1	.35
	103.02

When churned this will produce about 1,150 pounds of finished product. 103.02÷1,150=9 cents per pound cost of materials for 1 pound of oleomargarine.

Oleomargarine formula containing vegetable oils

800 pounds coconut oil, at $6.50	$52.00
160 pounds peanut oil, at $12	12.00
100 pounds palm oil, at $8.50	8.50
300 pounds milk, at $2	6.00
35 pounds salt, at $1	.35
	78.85

When churned this will produce about 1,150 pounds of finished product. 78.85÷1,150=6.8 cents per pound cost of raw materials for 1 pound of vegetable oil oleomargarine.

The prices used above are for the most part obtained from the Oil, Paint, and Drug Reporter of January 3, 1931. The new product known as refined palm oil is not quoted in that paper, but prices were obtained from a source which is considered authentic. You will see, therefore, that the raw materials used in making a pound of animal fat oleomargarine cost 9 cents per pound, while the materials used in making a pound of vegetable oil oleomargarine cost 6.8 cents.

Let us consider the cost of producing dairy butter. Prof. O. E. Reed, chief of the Bureau of Dairy Industry, furnished a year ago some figures as to the cost of producing butter, which were obtained as the result of investigations in several thousand herds throughout the country. The cost varied with the production, but in the group of herds producing 200 pounds of butterfat annually, which is better than the

average for the whole country, the cost of producing the cream at the farm, the raw material before manufacture, which is on the same basis used for the substitute, averaged 39 cents per pound of butter. Costs of producing butter may have decreased slightly in the meantime but not materially. The unrestrained sale of oleomargarine, costing as it does less than one-fourth the cost of dairy butter, will drive dairy farmers out of business.

PURPOSE OF THE TAX TO PREVENT FRAUD

It is the contention of the dairy industry that yellow is the natural color of butter and that oleomargarine manufacturers desire to color their product yellow for the purpose of imitating butter so that it will be used in larger quantities in the place of butter, and its market be, therefore, largely increased. It is the purpose of the 10-cent tax to discourage this fraudulent imitation and to cause oleomargarine to be sold in its proper guise. This has been the policy of our Government for nearly 30 years, and this bill simply meets new conditions which have developed.

DOES PUBLIC POLICY DEMAND PROTECTION OF THE DAIRY INDUSTRY?

The principal countries of the world have passed stringent laws to protect butter from its counterfeit oleomargarine. Some of these laws prevent coloration in imitation of butter, some prescribe difference in packages, and some even go so far as to provide that butter and oleomargarine shall not be sold in the same store. The Dominion of Canada absolutely prohibits the manufacture and sale of oleomargarine. The reason for this almost universal public policy is that butter made from cows' milk contains certain substances called vitamins which make it superior in the human diet to oleomargarine. On this point both Dr. E. V. McCollum, of Johns Hopkins University, and Dr. Walter H. Eddy, of Columbia University, were in complete agreement. Doctor McCollum stated to the committee that butter was rich in vitamin A and had considerable quantities of three other vitamins. A telegram from Doctor McCollum inserted in the record shows that crude palm oil contains only one-third as much of vitamin A as is found in butter, and he said, in his opinion, the method of refining palm oil would destroy its vitamin A content. Doctor Eddy, when questioned on this point, admitted that a pound of butter would have twenty-five times as much vitamin A as would a pound of oleomargarine made with palm oil as an ingredient. The evidence proves conclusively that oleomargarine is deficient in vitamin content and is not to be compared with butter as a source of supply of these elements so essential to normal growth and well-being.

Dr. E. V. McCollum, of Johns Hopkins University, leading scientific authority on this subject, testifying before our committee, said:

Now, it took a good many years to clear up the place in physiological processes of this substance vitamin A. We know now that when there is a deficiency of that substance in the diet a particular type of cell, known as the epithelial cells, is injured, and those epithelial cells cover all the mucous surfaces in the mouth, stomach, and intestinal tract; and this type of cell, specialized for peculiar functions, constitute the secretory cells in the shape of glands—salivary glands and digestive glands generally—and that these cells do not retain their physiological function unless they are provided with a satisfactory amount of vitamin A.

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In the 23 years I have been working in this field and talking about the subject of my researches and those of others, I have tried to keep in mind the quality of the human diet and to make such recommendations as would make for safety.

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Mr. PURNELL. Doctor, I think this committee would like to know your estimate of the relative nutritive value of butter and oleomargarine, for instance, whether colored artificially or with some natural product.

Doctor MCCOLLUM. Margarines have been made out of many different materials, mainly out of animal body fats and of vegetable fats, in the case of certain margarines; in the case of certain others very largely, if not exclusively, of vegetable fats. It happens that there are no vegetable fats which provide vitamin A in any considerable amount. There are a few that contain traces of it, but very little. Animal fats vary in respect to this peculiar quality of vitamin A content, which I shall stress—vary because the food of the animal producing the fats varies. If a hog is kept on alfalfa, rape, or clover pasture and eats very liberally of leaves his fat will contain a demonstrable but not a large quantity of vitamin A; in fact, it is always low.

You can depend on this, that any white fat or any fat that is nearly white, is practically lacking in vitamin A, because that quality goes with yellowness in fats, but yellowness only of a certain origin, not all kinds of yellow, are indicative of the presence of that vitamin.

The body fats, so far as assays have been made—and they are exceedingly numerous—are inferior to even a low-grade butter as a source of vitamin A. I can answer your question, therefore, with great confidence, that I tell you the truth when I say that all butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter.

* * * * * * * *

Mr. BRIGHAM. Now, the situation in this country seems to be this at the present time: Under a ruling made by the Commissioner of Internal Revenue, palm oil, yellow in color, can be used in the manufacture of oleomargarine, and unlimited quantities of oleomargarine made to imitate butter in color and texture can be put upon the market. The oleomargarine industry is planning a campaign, I am told, an extensive advertising campaign, to promote the sale of that yellow-colored product, which is taxed one-fourth cent per pound. If that should lead to the supplanting of butter by oleomargarine in the diet of the American people, what is your comment, as one of the leading food experts of the country, of the effect upon the people of the United States?

Doctor MCCOLLUM. I think it would be a step in the wrong direction from the standpoint of the maintenance of the Nation's health; that any invasion of so precious a product as butter or any other dairy product should be so marked that there is no prospect that a purchaser may be deceived as to what he is purchasing and that no economic condition should be permitted to prevail which would enable an inferior food product to displace on the American table a superior food product such as butter.

From the economic viewpoint the dairy farmers of this country constitute the largest single branch of agriculture. While almost every farmer owns a cow, those supplying milk and its products which go into general consumption number nearly 1,500,000 farm families. The total volume of milk annually produced is approximately 130,000,000,000 pounds. In normal years the value of this product at the farm will exceed $2,750,000,000. The industry is well established on a commercial basis in about 35 States and is making rapid headway in the Southern States, particularly in Virginia, the Carolinas, Alabama, Louisiana, and Texas. The relative commercial importance of the oleomargarine industry and the dairy industry are illustrated by the following comparison:

Oleomargarine produced in the fiscal year ending June 30, 1930, was 349,123,725 pounds. Of the above amount 17,102,771 pounds were colored and paid the 10 cents tax; 332,020,954 pounds were uncolored and paid one-fourth of 1 cent tax.

But dairy farmers are not the only ones interested in the economics of this question. If you will consult the table in the hearings which shows the different materials used in the manufacture of oleomargarine, you will see that the tendency is to use a less amount of such home products as oleo oil, cottonseed oil, peanut oil, and lard, and to use increasing quantities of foreign oils such as coconut oil. Palm oil is a foreign product and its permitted use will lead to a further reduction in the use of our native products.

In a pound of oleomargarine in the formula I quoted, there is but six-tenths of a cent's worth of cottonseed oil. On the other hand, we have in the South as a by-product of our great cotton industry quantities of cottonseed meal. This meal is one of the best sources of protein feed for the dairy farmer. The Yearbook of the Department of Agriculture estimates that as much as 2,000,000 tons of cottonseed meal and cake are used as feed annually. It is the usual practice for a dairy farmer to feed a cow producing a pound of butter a day 2 pounds of cottonseed meal in her ration. This is worth at least 2 cents per pound. Therefore, when a pound of butter is sold it provides a market for 4 cents worth of cottonseed meal together with additional quantities of hay, corn, and grain by-products, all the products of our soil.

Let me remind those from the South who are thinking of the oleomargarine industry as a consumer of $2,200,000 worth of cottonseed oil, that the dairy farmers of the country are customers for $80,000,000 worth of cottonseed meal.

The dairy farmers of this country are producing a food which the best experts in nutrition say, in the light of recent discoveries, is essential to the welfare of our people. That food needs protection from counterfeits. Butter has been known for ages as a spread for bread. It has a natural yellow color which is its trade-mark. Substitution of oleomar-

garine for butter, which can not be avoided if the imitation is perfect, is the substitution of an inferior article to the detriment of the health of the consumer. Oleomargine manufacturers can choose from a wide range of colors any but yellow to color their product. They can advertise it and sell it for what it is and there will be no complaint from the dairymen of this country. Fair play demands the passage of this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. LINTHICUM. Mr. Chairman, I object for the present. I do not know that I shall object when the gentleman has finished.

The CHAIRMAN. Objection is heard.

Mr. JONES of Texas. Mr. Chairman, all Members have been granted that privilege.

Mr. PURNELL. Mr. Chairman, I would like to ask what the request was and what objection was made?

The CHAIRMAN. The gentleman from Michigan asked unanimous consent to revise and extend his remarks. To that request the gentleman from Maryland [Mr. LINTHICUM] made objection. The gentleman from Texas then stated that such permission has been given to all Members.

Mr. PURNELL. That is the information I wanted to give the Chair. I made that request and it was granted by the House.

Mr. KETCHAM. Mr. Chairman and members of the committee, in the very limited time at the disposal of any member of the committee or at the disposal of any of the large number of Members who would like to speak upon this very important measure, of course, there is no opportunity to enter into any long discussion.

There are two things I want to say. In the first place, I want to call the attention of the members of the committee to the fact that in all probability the measure now under consideration affords us the last opportunity of listening to our distinguished friend, the author of this bill, who is voluntarily retiring from Congress.

As one member of the Committee on Agriculture I want to take this moment out of my time to pay my tribute to the exceptional services rendered by Hon. ELBERT S. BRIGHAM, of Vermont, not only as a member of the Committee on Agriculture but as a Member of the House of Representatives. [Applause.] Coming to the Committee on Agriculture from a fine experience in his native State, both as a successful farmer and as an exceptional administrator as commissioner of agriculture, he at once commanded the respect and esteem of all the members of that committee. [Applause.] Quiet and modest in manner, well informed, courteous, yet direct in discussion, he has always been listened to with the greatest interest, and certainly his judgments have made a profound impression upon the committee, and his views have been registered in more than one provision that has been written into the law. I am sure I voice the sentiment of every member of the committee and the Members of the House when we say we regret his retirement, voluntary though it may be, and that our good wishes go with him in whatever career he may enter upon after his retirement. [Applause.]

The other point that I wish to take just one moment to mention is this: That it seems to me that all the arguments that have been made by our opposing friends with so much feeling that this is a measure that is intended to work harm to the people in the cities is very far-fetched, indeed.

I wish to say, Mr. Chairman, that I would be glad indeed to have the opportunity, if only time permitted, to meet our friends fairly upon that issue. I believe that both in the interests of economy and the higher standards of health of the people in the cities—for whom so many tears have been shed here this afternoon—I believe those who are standing in advocacy of this bill can justify their position to a far better degree than can those who stand in opposition thereto. [Applause.]

Particularly do I desire to emphasize the extreme importance of the use of butter instead of butter substitutes as a distinct aid to good health, which in turn, of course, is a very fundamental of real economy. Dr. E. V. McCollum, in response to a direct question as to the comparative food value of oleomargarine and butter, stated:

> I can answer your question, therefore, with great confidence that I tell you the truth when I say that all butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter.

Subsequently, he stated to the committee that all butter substitutes were distinctly inferior in nutritive value to even low-grade butter. No higher authority can be quoted upon the subject of nutrition than Doctor McCollum, and any real, sincere friend of the poor is rendering them a distinct disservice when he advocates the use of a substitute for butter, either from the standpoint of health or economy.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Chairman, the oleomargarine question is not a new question by any means. I do not think there is any right-thinking man but what thinks the dairy interest of the country, as important an industry as it is and as much as it means to humankind, is entitled to and should receive all the protection that is necessary. I have got a lot of dairymen in my district. I also have a lot of men in my district producing natural oils from American farm products. I do not think many men in my district think it is good policy to tax one set of American producers in the interest of another.

The thing that has brought about this legislation, as you all know, is the recent discovery that has been made in the refining of palm oil. They have been importing it into this country and they have recently refined it down to such an extent that it makes a butter substitute, and they are beginning to use it. They have not used a great amount of it yet, but they have used enough to scare the dairyman.

We have brought in a bill here, not only to correct that but to put a 10-cent tax on all vegetable oils that are yellow in color and produced in this country. This interferes with a large number of men who are producing oil in this country. In my part of the country, for instance, we have the dairymen and we have the soybean growers and we have the corn growers, and just recently, as they have found means of refining the corn and soybean oil, they can use them in the production of oleomargarine.

Here we have on the one hand the man milking a cow and the same man raising soybeans and raising corn. One man has raised the question that one big concern has a monopoly on this oil and sells it to only one man. One man came before our committee and made a great complaint that this fellow had a monopoly; but any other man that wants to refine corn oil or that wants to refine soybean oil can do so if he will refine it down low enough. The man that is referred to sells in wholesale quantities and does not retail anything. As a matter of fact, he can sell to better advantage by wholesaling to this one man than to any other fellow, but anybody else can do it. Now, the soybean growers sell their product to this man and he refines it, and I think one little amendment to this bill would cure this situation by putting a 10-cent tax on all butter substitutes that are made from oils that are produced in foreign countries and let the ordinary administrative tax of a cent a pound go on oils produced on American farms.

If a poor man finds he can not buy butter because it is too high for him, he looks around for something else with which to spread his bread, and if the old woman can not make gravy for him to spread on his bread to take with him to his work he looks around for some other substitute, and if it is grown on an American farm, what is the difference. He will buy butter if the price is within reach of him, but

we have thousands of them in my district that are buying substitutes for butter.

I put a speech in the RECORD about a year ago when we were considering the oleomargarine bill, giving the prices for a period of 10 years, and the average price of oleomargarine on the Chicago market, which is perhaps the greatest food center there is in the world, did not vary very much, and you will find that the consumption of oleomargarine does not vary very much.

A man would rather buy butter if he can afford it and generally does, but if he buys some other article produced on a farm in this country he should not be taxed if the product is produced from fats or oils produced in this country; in some other country, then, I think the 10-cent tax should apply.

It will make very little difference, in my opinion, in the amount of oleomargarine consumed whether the fats and oils that it is made of are produced in this country or some other country, but it will make a difference with our farmers if most of it is made from fats and oils from other countries. Palm oil would naturally come in competition with oils produced here, and if cheaper will be used.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ADKINS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a telegram from the National Soybean Oil Association as a part of my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks and to include therein a telegram to which he has referred. Is there objection?

There was no objection.

The telegram is as follows:

DECATUR, ILL., *February 24, 1931.*

Hon. CHARLES ADKINS,
House of Representatives, Washington, D. C.:

Brigham bill is to be brought out on floor Tuesday, February 24. This bill primarily designed eliminate imported palm oil as an ingredient in oleomargarine. However, unless amendment made to bill, will also preclude use American farmer produced soybean oil and corn oil. Soybean growers and crushers need this market to avoid acute surplus; it is essential American agriculture be protected against foreign competition, but nothing constructive can be accomplished by benefiting one agricultural group at the expense of another. For thousands of farmers soybeans have been the only profitable crop during the last several years, and they expect you to help them prevent legislation which will destroy an important outlet for them. An amendment to the Brigham bill, permitting such domestic oils as soya and corn, should be made.

NATIONAL SOYBEAN OIL ASSOCIATION.

The CHAIRMAN. The Chair will be glad to be advised by the gentleman from Texas with respect to control of the time. Under the rule the gentleman from Texas [Mr. JONES] is in control of the time on that side as the ranking minority Member.

Mr. JONES of Texas. Mr. Chairman, I have agreed to let the gentleman from Illinois [Mr. SABATH] control the time, in view of his opposition to the bill.

The CHAIRMAN. Then the gentleman from Texas yields all his time to the gentleman from Illinois [Mr. SABATH], to be yielded in his discretion.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, this bill is for the farmer. They talk about a tax. You do not tax any natural color more than a quarter of a cent a pound and who in this world can complain about that?

This bill is fundamentally for the farmers of this country and for the cow that saves them in the hard times. When everything else fails, the old cow, if she is fed and given the proper attention, is going to keep the household from want. I am for the cow and I am for this bill. [Laughter and applause.]

This bill is fundamentally right. Why is it that some people oppose this bill which taxes the coconut oil and other products, which makes white oleomargarine all painted up, when the natural coloring has no 10-cent tax on it?

You cotton farmers—and I am one of you—know that cottonseed oil has just as yellow a color as any cow butter that ever was produced in any State of this Union. You do not tax that, and the only thing you can say is that these people who color up their oil product and make it appear just like cow butter should be taxed, and I think a hypocrite ought to be taxed all the time. [Laughter and applause.]

Why should a first-class eating house be allowed to serve butter-appearing oleomargarine under the fraudulent pretext that it is cow butter? If it is artificially colored like real butter it fools the public.

This will not keep the poor people from buying butter; they can get it at an increase of only one quarter of a cent a pound, and at the same time it will help the great dairying industry of the United States.

My friend from Kansas [Mr. STRONG] is for the bill and I am for the bill.

You have in every State in the Union, nearly, farmers who make their own butter and they ought to be allowed to sell that butter; every farmer ought to have a cow and make butter enough for himself and some to sell. [Applause.] I hope this legislation will pass.

Mr. SABATH. Will the gentleman yield?

Mr. QUIN. I yield.

Mr. SABATH. If I am not mistaken I heard the gentleman say that this would only raise the price of butter a quarter of a cent a pound. It puts a tax of 10 cents on oleomargarine.

Mr. QUIN. It puts a tax of 10 cents on colored oleomargarine but only one-fourth of 1 per cent on uncolored oleomargarine. On uncolored oleomargarine, or natural colored oleomargarine, the tax is one quarter of a cent a pound. I hope that every man in the House will vote for the dairy industry and pass this legislation. [Applause.]

Mr. SABATH. Mr. Chairman, I yield 15 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am glad to hear my good friend from Mississippi tell us that he is for the cow. That is a very good expression, but I want to say that I am for the man who is not always able to buy butter at 39 or 40 or 50 cents a pound and must purchase a cheaper product, oleomargarine or bread shortening.

I am opposed to taxing all oleomargarine with a yellow color of more than 1.6° of yellow at 10 cents a pound. If you tax oleomargarine having as little yellow color as that, then you gentlemen of the South can not sell your cottonseed oil and peanut oil, oleo, and such ingredients that oleomargarine producers have been using, because these ingredients are themselves more than 1.6 per cent yellow. Unless these products of the Southland are bleached they can not be used in oleomargarine under this bill so that the product may be sold white for one-quarter of a cent per pound tax, with the result that products from abroad will be used to the detriment of our native producers.

I am opposed to placing a tax of 10 cents a pound on oleomargarine shortening because it must increase the price by that amount.

There are 331,000,000 pounds of oleomargarine manufactured. If you place a tax of 10 cents a pound on that amount you increase the cost of living of the purchasers of this country to the extent of $30,000,000. Of course they can buy the white product of less than 1.6 per cent yellow at one-fourth of 1 cent tax, but they will not enjoy nor tolerate this. I do not know why a great industry like the dairy industry should be continually coming to Congress for protection by asking for an internal tariff.

I have been contending with the great dairy industry even since I came to Congress. I had no intention of getting mixed up with them, but the public interest seems to require me to do so.

Years ago the Federation of Labor of Baltimore came and asked me to introduce a resolution compelling the dairies of this country to submit themselves to inspection. They proved beyond contradiction that the dairies of this country at that time were not decent to manufacture and turn out

butter. That evidence you will find produced before the Rules Committee.

Why should they have protested that? Why should they not have said, "If you think you can help us improve on our product, if you think you can help us to clean up, we will be satisfied with this resolution"? But no; they protested against it and killed the resolution and continued to go on in their own way of doing business.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield.

Mr. LINTHICUM. No; not now. I am proud to say for them, however, that they did begin to clean up their dairies, and they have made a wonderful progress in cleanliness since that time; but they did not do it until they were threatened by Congress to compel them to do it. Then we proved that bovine tuberculosis extended in the herds all over the country, and it is due to my good friend from Nebraska [Mr. SLOAN] that we finally got an appropriation to help eradicate tuberculosis in cattle. That appropriation has continued to increase until it now amounts to $6,505,800. So that situation is now far better; but it is not perfect by a long ways. The average bovine tuberculosis in this country is 3.3 per cent to-day. In the States to the south it is very low, but in some of the States to the north it even goes as high as 14 per cent. Why not persevere until it is totally eradicated? Why do not these dairy interests come to us with clean hands? Take my city of Baltimore. We produce in the State of Maryland 27,995,481 gallons of milk. Maryland produces 172,000 pounds of creamery butter and consumes 23,000,000 pounds. Less than three-fourths of 1 per cent is home produced. We have a Maryland dairymen's association or league, whatever it is called. Those men collect 1 cent a gallon on every gallon of milk that they contract for between the producers and the dairies; and at a meeting at Alcazar Hall on the 31st of January last, a Mr. Heaps, of the Maryland Dairymen's Association, said that they had a surplus of between $800,000 and $900,000.

In the city of Washington the Washington, Maryland, and Virginia Dairyman's Association has a surplus of over $700,000. In Maryland the farmers are getting 31 cents a gallon for grade A milk and 20 cents for grade B milk. The dairies are selling that milk to the consumers of my city for 56 cents a gallon, making more than 100 per cent on their milk. They are doing the same thing here in the city of Washington, and yet these dairy interests come to us and ask us to put a tax of 10 cents on oleomargarine so that it can not compete with them. The dairy interest is larger than the great steel industry in this country. It is the greatest industry we have. I wish I could fight shoulder to shoulder with them, but when they come to increase the taxes on my people by 10 cents a pound on oleomargarine and shortening, I say they are unfair, unjust, and un-American. Not only are the dairies demanding these large profits but they have formed a huge trust. They first consolidated the large dairies in Baltimore, Washington, and other large cities and then these consolidations sold out to the National Dairy Association, of New York City. No longer local control.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. HOPE. Did not the gentleman himself introduce a bill which is now before the Committee on Agriculture putting a tax of 10 cents a pound on colored oleomargarine?

Mr. LINTHICUM. Yes; and I will answer that. That is but another evidence of your unfairness. Last year the packers and the dairy interests combined.

The packers did it because they had this yellow oleo oil, and they produced butter and colored it with a natural ingredient paying one-fourth of 1 cent tax per pound. I said to you, "Why put my shortening people out of business, why not let my people come in on the same basis that your packers are, and if you have to tax them 10 cents per pound make it a tax on all of them at 10 cents," and what did you say? "Oh, no," you said. You combined with the packers of the country and let them have theirs at one-fourth of 1 cent a pound, but that we people producing the shortening must pay 10 cents a pound. You were just as unfair then as you have always been unfair. My bill never had this joker of 1.6° yellow, which will play such havoc.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SIROVICH. Is there anything in the oil that goes into this oleomargarine that is obnoxious or offensive to health?

Mr. LINTHICUM. Oh, no; that is admitted in the hearings. It is a perfect product and quite nutritious.

Mr. SIROVICH. Will the gentleman be kind enough, if he can, to tell me what is the chemical difference between butter and oleomargarine?

Mr. LINTHICUM. It is a matter of butterfat, but I think the gentleman better ask the gentleman from Pennsylvania, Doctor MENGES, that question. I know very little about chemistry and chemical analysis.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BRITTEN. Is it not a fact that under this bill it will not make any difference how the oleomargarine is manufactured? If it has a certain percentage of natural yellow in it that comes from the fat or the lard itself, it will pay a tax of 10 cents a pound.

Mr. LINTHICUM. Yes; that is the joker in the bill.

Mr. BRITTEN. Of course.

Mr. LINTHICUM. The gentleman from Kansas asked me about the other bill. You can not use any of our natural products, you can not use the products from Alabama, unless you bleach them. You can not make them less than 1.6° in color test unless you do.

Mr. BRITTEN. But this bill goes further, because if your oleomargarine is made out of pure leaf lard and has a yellow tinge to it beyond a certain percentage stated in the act it is taxed 10 cents a pound.

Mr. LINTHICUM. Yes.

Mr. BRITTEN. And, of course, that is a tax on the consumer.

Mr. LINTHICUM. Mr. Chairman, to further augment my statement in reference to the tax on the poor of our country, I have a letter here which I received from the American Federation of Labor, referred to by the gentleman from Alabama [Mr. BANKHEAD], which I ask to have read in my time.

The CHAIRMAN. Without objection, the Clerk will read the letter in the time of the gentleman from Maryland.

There was no objection and the Clerk read as follows:

The American Federation of Labor is opposed to any further tax being placed upon oleomargarine because of the use of palm oil. We wish it were possible to feed every man, woman, and child in the Nation pure butter, but unfortunately and obviously this can not be done because of the almost perpetual poverty of millions of our people. It has been estimated that there are in the neighborhood of 20,000,000 of people who are living in poverty. These poor people are often victims of malnutrition. They are unable to buy the kind of food that would enable them to render good health. These people being unable to purchase butter have to resort to a substitute, so they buy oleomargarine. In order to make this product a little more appetizing the use of palm oil has been resorted to by manufacturers. Palm oil is a pure product and its coloring is natural.

We are opposed to any further tax being pressed upon this product because, as you know, to do so you are taxing the breakfast, dinner, and supper tables of millions of unfortunate people who are already unable to live as Americans should live and as we want them to live. We trust that this committee will not vote for this bill or any other bill of a like nature that would add to the burdens of our poor.

Mr. LINTHICUM. We find in the hearings that oleomargarine containing animal fats would cost on an average of 9 cents a pound; that oleomargarine containing vegetable oils would cost about 6.8 cents per pound (report, p. 5). If you add the 10 cents per pound to either the 9 cents or the 6.8 cents you will then have less than 20 cents a pound. If they can buy it at 20 cents a pound with a fair profit, they are not going to pay 39 or 40 or 50 cents a pound for butter. The consequence is they will buy oleomargarine, and the result is that they will pay 10 cents a pound tax. Now, do we want to start an internal-tariff system in this country? As has been said here to-day, if you want to do that, why not tax the rye producer so much per bushel so as to protect the wheat producers, or rayon so as to protect the silk industry, and so forth? Some one has said that if the dairy interests, represented as they are in Congress, be allowed to put this 10-cent tax on oleomargarine, why would not the oleomargarine people, if they ever attained such a position as the dairy interests have now attained, have the right to put a tax of 10 cents a pound on the butter produced in this country? One would be just as fair as the other. Just imagine what the dairymen would say if the oleomargarine people were strong enough in this House to place a tax of 10 cents a pound upon butter.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. SABATH. I yield three additional minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. CLARKE of New York. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. CLARKE of New York. In principle, is that not exactly what you have done on whisky in this country?

Mr. LINTHICUM. The gentleman does not seem to have his mind on anything but whisky, and he thinks I have my mind on whisky.

Mr. CLARKE of New York. The gentleman is chairman of the wet organization here. The gentleman should answer my question in common honesty.

Mr. LINTHICUM. Yes; I am, and I am proud of it. We will get your goat within a very few years. But the question of a tax on whisky and all spirits is an entirely different proposition and the gentleman knows it. Whisky has not any competitor; it never will have any competitor that you can tax.

Mr. STRONG of Kansas. Except water.

Mr. LINTHICUM. I would not like to suggest a tax on water.

Mr. STRONG of Kansas. It is the best drink there is.

Mr. LINTHICUM. If whisky had a competitor then the whisky interests might demand, if this competitor got strong enough, a tax on that competitor.

Mr. STRONG of Kansas. On water?

Mr. LINTHICUM. I think by general acclamation, whisky has not any competitor.

Mr. BRIGHAM. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. BRIGHAM. How about a tax on adulterated butter or renovated butter, both 10 cents a pound.

Mr. LINTHICUM. I do not know much about that, I am frank to say to the gentleman, but I would like to say to the gentleman further, that the butter that the farmers produce in the spring of the year, which is too light to sell and which is colored by them with artificial coloring, has no tax on it.

Mr. KETCHAM. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. KETCHAM. They color it to look like what it really is, whereas the oleomargarine people color it to look like what it is not.

Mr. LINTHICUM. Mr. Chairman, I yield back the balance of my time.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from New York [Mr. CLARKE] five minutes.

Mr. CLARKE of New York. Mr. Chairman and beloved colleagues.

Strange sounds were heard emanating from the old cow barn, mysterious shadows flitted hither and thither, and Rover, the faithful old shepherd dog, had been barking and howling, so I got up and hurried to the barn to see what the trouble was.

There was the mother cow and the father cow and the roosters and chickens all gathered around a strange little yellow package to look, in mysterious wonderment, at the little stranger in their midst. In a few minutes a long-haired, wild-eyed professor came rushing into the barn to acknowledge the parentage of the little child he called "Oleo."

The professor grabbed the yellow kid, rushed from the barn, and it was fortunate he did, for the papa cow was pawing the earth and roaring to beat the band, and the mother cow was weeping at this strange child, conceived in fraud, destined to unfairly compete with the healthy, wholesome product of mother cow. [Laughter and applause.]

The guilty professor hurried to Uncle Sam, acknowledged the child was illegitimate, destined to unfairly compete with healthy, wholesome butter, admitted to Uncle Sam his guilt and went further, and said he was willing to be taxed 10 cents a pound on this yellow daughter, "Oleo," for her support.

A bill was instantly prepared to make certain that Uncle Sam got this tax to support Oleo, and all went well until from the mysterious islands of the Pacific the professor found old mother Palm Oil, and a new yellow kid was born. [Laughter.]

A lot of stepchildren gathered in this unholy alliance; there was Miss Cocoanut Oleo and Master "Nutty" Margarine, and other dirty children. They all were hollering that they could not get old "mother fat" Guernsey from the packers and insisting on a 10-cent tax, and lo and behold, Miss Palm Oil opened the door for all this strange crowd of bunko artists.

All the dairy farmer wants is protection for his legitimate dairy product, and all Mr. and Mrs. Dairy Farmer want is that the parents of Miss Oleo do what they agreed to do originally, pay the tax of 10 cents a pound, where Miss Oleo, colored in the semblance of butter, enters into our family life in unfair competition with butter.

Fair play, a square deal, and meeting the obligation, Oleo's parents freely entered into with Uncle Sam, is all we ask and all this bill is expected to do when it becomes a law. [Applause.]

Mr. SABATH. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman, ladies and gentlemen of the committee, I come from the greatest milk and dairy products consuming city in the world, the city of New York. We are great milk drinkers down there. I do not believe, as has been suggested, that the city can do without the farmer, nor do I believe the farmer can do without the city. We have to coordinate in our work. One needs the other. We need your products. You need our money. So the wheels of industry move on.

I believe we made a mistake in this country in ever passing a bill legalizing the manufacture and sale of oleomargarine. Canada was wiser than we. In the Dominion of Canada there is an absolute prohibition against the manufacture and sale of oleomargarine, and yet we have a bill here which portrays, as I call it, the battle of the counterfeits. This is not a dairy bill, as I read it. It is a bill trying to make one counterfeit the equal of the other counterfeit. The great State of New York is one of the greatest dairy States in the Union, and yet friends of the farmer from that State rise here and plead on bended knee for the support of a counterfeit that is going to take the place of the farmers' butter as a real, honest form of sustenance. Everyone knows that the food value of oleomargarine is very slight. It is almost deficient in vitamin A, and I do not speak on my own authority, but I am quoting from a man who has studied food values of dairy products for the past 23 years, Doctor McCollum, of Johns Hopkins University. He and Dr. Walter H. Eddy, of Columbia University, were in complete agreement as to their findings.

Now, what do these gentlemen say? They say that butter is rich in vitamin A and contains considerable quantities of three other vitamins. They also say that butter made from crude palm oil contains only one-third as much of vitamin A as is found in butter. They also say further that the method of refining palm oil would destroy its vitamin A content.

Of course, you know that the only ones who really suffer through the sale of these substitutes are the poor in the large cities. Well, you say they must have something to put on their bread or their biscuit or whatever they might have; but yet, gentlemen, they might as well have axle grease to put on their bread as to have oleomargarine. [Applause.] What is the use of fooling ourselves? I am for the farmer. I am for good butter, but I do say that the poor of the great cities, if they are unable to pay the price of regular dairy butter, are no worse off without butter than to spend their good money for these miserable counterfeits. This battle of the counterfeits is occasioned by the fact that you can produce one counterfeit, a certain number of pounds, $25 cheaper than you can produce the same quantity of the other counterfeit. So, therefore, it follows that in order to put the counterfeits on a parity we are going to tax the second counterfeit sufficient to bring it up to the range of price of the first counterfeit. Is not this wonderful business for the Congress of the United States to be engaged in trying to settle a dispute between counterfeits? There are more important matters which I think should have our attention at this late hour of the session than the ridiculous bill now before us.

I will read further from the report by Doctor McCollum:

In the 23 years I have been working in this field and talking about the subject of my researches and those of others, I have tried to keep in mind the quality of the human diet and to make such recommendations as would make for safety.

The doctor further said:

Margarines have been made out of many different materials, mainly out of animal body fats and of vegetable fats. * * * The body fats, so far as assays have been made—and they are exceedingly numerous—are inferior to even a low-grade butter as a source of vitamin A. I can answer your question, therefore, with great confidence that I tell you the truth when I say that all butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter.

Then he further says:

I think it would be a step in the wrong direction from the standpoint of the maintenance of the Nation's health that any invasion of so precious a product as butter or any other dairy products should be so marked that there is no prospect that a purchaser may be deceived as to what he is purchasing, and that no economic condition should be permitted to prevail which would enable an inferior food product to displace on the American table a superior food product, such as butter.

Now, gentlemen, statistics have shown that the dairy industry is a much better customer of the cotton grower, because the cottonseed meal consumed by dairy cows is many times the amount of cottonseed oil used in the manufacture of oleomargarine. I do not understand why the committee in making its report favors one of these counterfeits as against the other, because in the concluding paragraph of its report it says as follows:

The passage of this bill will do no injustice to any industry and will deprive no industry of any right which it legitimately has. It will protect an essential food product necessary to the welfare of the American people.

Now, listen to this: They are upholding one counterfeit and they are urging help for the other counterfeit. They say this:

It will protect an essential food product necessary to the welfare of the American people from the competition of a counterfeit.

So they admit the other fellow is a counterfeit, although they themselves are speaking for the counterfeit in supporting as they do counterfeit No. 1, and in their report they say that they want to protect counterfeit No. 1 from the assault of counterfeit No. 2. They say:

It will protect an essential food product necessary to the welfare of the American people.

They say it will protect the American people from the competition of a counterfeit, which I have designated as counterfeit No. 2, and they say further:

And it will afford necessary protection to the dairy industry.

How can it protect the dairy industry? It is not a bill which says we should use pure butter or should use whole milk in its manufacture. No. It does not say that. It says, "We want to protect oleomargarine that is colored by animal fat against oleomargarine that is colored by palm oil." They say that one of the counterfeits is colored by animal matter and you have to have a certain degree of yellow. Why yellow? Why not have a pastel shade of pink or green? Why confine yourself to yellow? But it says that this palm oil, through a certain method, acquires a certain degree of yellow, 1.6, or whatever it might be, I do not know. But the thought occurred to me: Why center on yellow? There are other colors that are more popular than yellow. We could have different pastel shades, just as deep blue or the pastel shade of green. Why confine ourselves to yellow? We are giving yellow, I protest to you gentlemen, an undue prominence.

Mr. DAVIS. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. DAVIS. The gentleman has very properly suggested that there are several other good colors. Can the gentleman tell us why the oleomargarine manufacturers are not willing to adopt some other color for oleomargarine instead of yellow, which is the butter trade-mark?

Mr. BOYLAN. I do not know. To tell you the truth, I am opposed to all kinds of oils and all kinds of butter substitutes.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. LaGUARDIA. The gentleman is making a very interesting chemical analysis of this bill; is the gentleman for the bill or against the bill, so that we may be guided by his views?

Mr. BOYLAN. Of course, the gentleman, in his usual facetious manner, has asked a question that I will not attempt to answer. [Laughter and applause.] I have always regarded the gentleman as not being particularly obtuse and therefore I think he comprehends the trend of my remarks.

But, gentlemen, I was diverted from my color ensemble. If we take one particular color, why not take others? We should not put ourselves in the position here in the House of Representatives, representing all the people of this country, of wasting time that the distinguished Clerk of the House says is worth $1,440 an hour, trying to patch up a truce between exponents of two different butter substitutes that in themselves have no real food value——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. BOYLAN. Now, the gentlemen from the rural sections say, "Oh, they are talking the old stuff for the poor of the cities." We are glad to come here on the floor of this House and represent them. They are inarticulate, they can not speak for themselves, and we are here to speak for them and we are glad to speak for them. Let us not be like the famous French Queen when she was told that the populace was shouting for bread she replied, "Oh, why not feed them cake." Some of the gentlemen here say, "Well, if you do not have these substitutes the poor can not have any butter." What is the use of giving them a substitute for butter that has no food content. [Applause.] You might as well say that if they ask for bread you will give them a compressed loaf of sawdust. It would be practically of the same food value as a butter substitute.

I can not understand or within my limited scope of intelligence fathom what actuates the farmers and the dairymen of our country in supporting a bill of this kind. It is taking money out of their pockets. I only wish in the remaining days that are left of this session we could pass a bill repealing the act of August, 1886, and prohibit the manufacture and sale of all kinds of butter substitutes in this country. [Applause.] If we did this we would really be helping the farmer and the dairymen and you gentlemen, professional and experienced farmers that many of you are, know that such action would not only bring money to the coffers of your constituents, but would bring health and would bring happiness to the residents of the large cities of our magnificent country.

Mr. SIMMONS. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. SIMMONS. Do I understand the gentleman would support a bill to entirely prohibit the sale of butter substitutes?

Mr. BOYLAN. I would; yes.

Mr. SIMMONS. Then why not go part way and help us as far as this bill goes.

Mr. BOYLAN. I would, only as I must repeat, this is a battle of two counterfeits, one against the other. Your committee admits that it is a counterfeit and stigmatizes it as a counterfeit, and I designate it as counterfeit No. 2.

Mr. SIMMONS. Your yellow oleomargarine is one counterfeit; what is the second?

Mr. BOYLAN. The second is the fellow who colors his substitute with palm oil, and it is a battle between the two of them because the palm oil counterfeit can be produced a little cheaper than the animal fat counterfeit, and I am sure the gentleman does not want to stand for counterfeits.

Mr. SIMMONS. This bill would apply as to both the yellow counterfeits, as the gentleman terms them.

Mr. BOYLAN. Oh, no; I read what the committee said. The committee said that it is in favor of counterfeit No. 1, and opposed to counterfeit No. 2.

Mr. SIMMONS. No; there is nothing in the bill that justifies that statement.

Mr. BOYLAN. It appears in the committee report accompanying the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Texas [Mr. JONES] five minutes.

Mr. BANKHEAD. Mr. Chairman, I would like to inquire of the chairman of the committee if it is the purpose of the committee to conclude the consideration of this bill to-night?

Mr. HAUGEN. We would like to get it to the point where we take a vote and then take that vote to-morrow. We want to close general debate and the debate under the 5-minute rule to-night.

Mr. MICHENER. There seems to be some question about the session to-night. If you will look in the RECORD, you will see that the unanimous consent provided that it shall be in order to move to consider private bills—that "it shall be in order to move." So that if a filibuster is conducted against this bill up to 8 o'clock, it will not insure that the consideration will end at 8 o'clock. It will mean that this bill will go on until completion if the chairman insists, unless the House by a majority vote decides otherwise. So a filibuster can be of no effect as far as killing the bill or preventing a vote to-night is concerned.

Mr. BANKHEAD. Well, I do not know why the gentleman employs the term "filibuster." I see no evidence of it.

Mr. HAUGEN. Mr. Chairman, the Committee on Rules has been most generous in granting this rule for the consideration of the bill. If it is agreeable to the membership of the House, I would be willing to cut the time for general debate down to one hour, and then read the bill under the 5-minute rule and get to the point where we can have a vote and have that vote in the morning. If that is agreeable to the membership of the House, it is agreeable to me.

Mr. SABATH. Mr. Chairman, as one opposed to the bill and having honestly been opposed to it for many years, I want to say that I have not been guilty of any filibuster; I have been trying to go along and save the time. I have used only 37 minutes of the hour and a half allotted to me. I have not made any points of order; but if I am going to be charged with being guilty of a filibuster, of which I am as innocent as a newborn babe, then we will have a little filibuster. It seems to me we ought to have a quorum present, but I am not going to make the point now. I do not like, however, to be charged unfairly and unjustly with conducting a filibuster. Let us go on; I am willing to cut down the time on my side as much as the gentleman from Iowa will on his side. Let us adjourn and at 8 o'clock go on with the Private Calendar; give us a chance to go home and come back at 8 o'clock. We can then take the bill up under the 5-minute rule to-morrow. I have only two or three amendments to offer, and I agree not to take more than 30 minutes to-morrow.

Mr. BRITTEN. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. BRITTEN. Is it not possible for both sides to agree to finish the bill up to the point of a vote this evening, so that Members who desire to go home can do so and come back for the night session on the Private Calendar and take the vote on this bill to-morrow?

Mr. SABATH. I have a few amendments to offer, and I believe if the membership is present they will consent to these amendments that I will offer, or at least to one of them. In view of the conditions to-night, I am afraid I would not get that consideration for my amendment that I wish.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. LaGUARDIA. I do not know what the gentleman's amendments are, but I understand that one of them is as to the time that this bill shall go into effect. It seems to me that we could agree on a reasonable time as to when the provisions of the bill shall take effect. We know that the farmers have the votes in this House. Why can not you agree on the time?

Mr. STRONG of Kansas. Because it is the one thing that we can not agree on.

Mr. LaGUARDIA. The bill provides that it shall go into effect in 90 days after enactment. Why not make it six months?

Mr. HAUGEN. I could not do that without conferring with the members of the committee.

Mr. LaGUARDIA. If the gentleman advocates a law as drastic as this, it seems to me that it is a reasonable demand to give these people six months in which to clear their counters.

Mr. BRITTEN. Oh, it takes three months to close their transactions abroad, and they are only allowed three months in this bill.

Mr. STRONG of Kansas. Business abroad has nothing to do with this bill.

Mr. BRITTEN. Yes. They are buying palm oil abroad.

Mr. STRONG of Kansas. Oh, no; they are using lard.

Mr. BRITTEN. The gentleman said they were not a moment ago.

Mr. JONES of Texas. Mr. Chairman, the gentleman who spoke last said that this was a contest between two counterfeits. In its essence it is a battle between the coconut and the cow, and, to paraphrase the statement of the gentleman from Missouri [Mr. NELSON], in that kind of a battle I am inclined to favor the American cow. [Applause.] These gentlemen have been shadow boxing here on the basis that they are not in favor of taxing one domestic commodity to favor another. Neither am I. I agree with their logic and conclusion, but I deny their premise. I want to talk to the people from the South for a few moments about what kind of a commodity this is. Something has been said about cottonseed oil. According to the report of the Bureau of Internal Revenue, 6.90 per cent of this commodity is cottonseed oil and less than 2 per cent is peanut oil. There were only 30,000,000 pounds of cottonseed oil put into oleomargarine last year, while 185,000,000 pounds of coconut oil were used. The 30,000,000 pounds of cottonseed oil represented a value of $3,000,000. I have a report from the Bureau of Agriculture showing that $89,000,000 worth of cottonseed meal and cottonseed cake were fed to the cattle of America, and their estimate is that $51,000,000 of that was fed to dairy cattle. Of the 58,000,000 cattle in the United States, 32,000,000 are dairy cattle. In other words, there are seventeen times as much cottonseed products fed to dairy cattle as were put into oleomargarine. If you put the dairy cow out of business, you destroy your own products. This is a crisis not only for the dairy products but for cottonseed. It is a crisis for peanuts; it is a crisis for all domestic oils, because this country is being flooded with foreign oils. Nine hundred and eighty-two million pounds of coconut oil came into America last year. The

trouble is that we have been favoring foreign commodities. Gentlemen talk about this being a domestic commodity. It is not a domestic commodity. It is made out of foreign ingredients, and the domestic ingredients are a minor portion. If I bring a pair of gloves into this country and sew a button on them in America, does that make them an American product?

If I wash a brass watch with gold, does that make it a gold watch? Why do they color this a yellow color? Yellow is not a pretty color. Blue is much more attractive than yellow. It is because through the centuries those who have milch cows have used yellow as their trade-mark. Somebody said something about some butter being colored artificially. That is butter's trade-mark, just like the Yellow Taxicab Co. has a yellow trade-mark, artificially colored. You go out and start a taxicab in Washington painted yellow and see how quick they will get you by the nape of the neck. Why? Not because yellow is especially beautiful, but that is their trade-mark. Away down in west Texas a fellow bought himself two cabs and labeled them "Auto Service" and started to run his auto service, and in three days the Yellow Taxicab Co. from Chicago made him pay a fine and buy two yellow taxis, because he was interfering with the reputation the Yellow Taxicab Co. had built up. Those who milk the American dairy cow have built up a reputation for their commodity. Yellow is in effect their trade-mark. It protects not only them but protects the public in the hall mark of their standard.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HAUGEN. Mr. Chairman, I yield now to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman and ladies and gentlemen of the committee, we hear a great deal of talk about farm relief. This is the best farm-relief measure that we have had an opportunity to consider at this session. [Applause.] Those who are in favor of farm relief will support the bill, if they understand it. The few manufacturers of butter substitutes, oleomargarine, come here with an air of injured innocence, claiming that they are very much persecuted. Why? Simply because they are not permitted to defraud the public. The addition of yellow coloring does not enhance in any degree whatever the food value of the product, but it is added for the sole purpose and with the sole effect of deceiving the consuming public into the belief that they are using butter when they are not.

The method of imposing a tax has been criticized. I frankly say that I would rather support a bill to forbid the use of coloring in these substitutes, in order to simulate butter, but we entered upon the program of handling the situation in this way as far back as 1886, and we can not at this time, with the dairy industry in a crisis, change the policy, much as some of us would like to do. This 10-cent tax which is imposed only when they use coloring matter, the trade-mark of butter, in order to obtain the benefit and profit they receive from its use, might be termed equivalent to a royalty for using the trade-mark of butter, because it permits them to enhance the price of their products without giving the consumer one iota more in value.

When the amendment to the oleomargarine law was under consideration in the House about a year ago I then discussed the matter and among other things stated:

> In my opinion oleomargarine colored in any manner should be required to pay the 10-cent tax.

The pending bill does that very thing. That which I anticipated has resulted. The manufacturers of oleomargarine have been working assiduously in an effort to produce a product which would imitate and could be sold and served as yellow butter without paying the 10-cent tax. They have finally produced a chemically treated palm oil which when used as an ingredient in oleomargarine produces a true butter-yellow product; this palm oil can be imported into this country in unlimited quantities at a very low price. While this is an artificial coloring and should carry the 10-cent tax upon artificially colored oleomargarine, yet the Commissioner of Internal Revenue, without notice to the dairy interests, rendered the absurd decision that oleomargarine colored by this product does not carry the 10-cent tax. In so doing he gave agriculture one of the severest blows it has received in many a day. It is estimated that it is costing the dairy interests of this country a million dollars a day. This unfair ruling makes imperative the speedy enactment of the bill under consideration.

This is of such grave importance to the State which I represent that the General Assembly of Tennessee has unanimously passed a resolution in favor of the pending bill.

The dairy industry has experienced a remarkable growth in Tennessee within the past 10 years. Tennessee now ranges first among Southern States and is the twelfth State in the Union in dairy production. The district which I have the honor to represent has the largest cooperative creamery in the world together with several other creameries, two of the largest milk condensary plants, and the largest dried-milk plant in the country. It is a great Jersey section. Our thoroughbred Jerseys are shipped throughout the country.

The dairy industry has proven of tremendous value in Tennessee during these last several years which have been so disastrous to agriculture in general. However, the price of butter has fallen below the cost of production, largely due to the sale of these cheap substitutes. This situation must be remedied if the important dairy industry is to survive.

This is a contest between wholesome butter produced from American cows by American citizens on the one hand, and oleomargarine composed of the palm oil of Java and Sumatra, the soybean oil of China and Russia, and the coconut oil of the Pacific and South Sea islands. It is a contest between one of the most nutritious products containing vitamins essential to the welfare of mankind on the one hand, and poor substitutes cheap in price but cheaper in quality on the other hand.

I am for the American cow and the public health, as well as against fraud. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SABATH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, if I may have the attention of the gentleman from Iowa [Mr. HAUGEN], it is apparent that the proposition in this bill is not new. I am sure the gentleman will agree that not one vote is going to be changed by the speeches which will be delivered from now on. That being so, the gentleman from Illinois [Mr. SABATH] has a perfectly legitimate and proper amendment to offer. The main amendment is to extend the time when the provisions of this bill will take effect.

Now, gentlemen, we are interested in this bill. It seems to me that at this stage of the session it is to the interest of the legislation, this and other legislation that is coming before the House, to agree to terminate general debate now, go under the 5-minute rule, let the amendments be offered with the understanding that when we come to the point of moving to recommit with an amendment, that then we adjourn, and the gentleman from Illinois [Mr. SABATH] may have an opportuntiy of offering that amendment to-morrow morning when we can have the full membership or the gentleman can get a roll call without inconveniencing the rest of the Members.

It strikes me that is a reasonable suggestion and I think the Committee on Agriculture ought to accept it.

Mr. HAUGEN. I quite agree with the gentleman in everything he has stated. I want to say to the gentleman from Illinois [Mr. SABATH] he is always fair and asks nothing unreasonable, but I have about 30 requests for time and I have to make peace with those Members before I can enter into any agreement. I will try to effect an agreement whereby we may close general debate as suggested by the gentleman from New York.

Mr. McKEOWN. I will waive my time.

Mr. LAGUARDIA. With the understanding that when we arrive at the point of moving to recommit, we will adjourn.

Mr. STRONG of Kansas. I will waive my time.

Mr. LAGUARDIA. It seems to me the gentleman from Iowa can poll his committee now.

Mr. KVALE. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. KVALE. The proposal of the gentleman from Illinois [Mr. SABATH] is not that the chairman of the committee accept the proposed amendment but simply that there be an opportunity to let it go to a vote?

Mr. LAGUARDIA. The gentleman from Minnesota is quite right. The gentleman from Illinois has merit in his contention. With the present temper of the House it is difficult to get consideration of any amendment. He desires to safeguard his amendment so that to-morrow morning he may have an opportunity to move to recommit with any amendment he sees fit to offer. I believe it is going to be an amendment with reference to the time when the provision of the bill will take effect. Thereupon he can get a record vote if he desires without putting the entire House to inconvenience.

Mr. LINTHICUM. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. LINTHICUM. Why can we not agree on the time when this bill will go into effect?

Mr. LAGUARDIA. That is what I am trying to do.

I would like to say to my farmer friends do not forget there is another body in this Congress. If we can agree on a reasonable time to put this into effect it will expedite consideration in the other body. It does not take much stirring up to get opposition elsewhere, where they have more time to deliberate than we have here, and you will jeopardize the entire legislation by taking an arbitrary stand.

Mr. HAUGEN. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all general debate close in 14 minutes, 7 minutes to be controlled by the gentleman from Illinois [Mr. SABATH] and 7 minutes to be controlled by myself.

The CHAIRMAN (Mr. CRAMTON). The Chair may state that the matter is entirely in the hands of the gentleman from Iowa and the gentleman from Illinois. When they cease to yield time, debate will close.

Mr. HAUGEN. Is that agreeable to the gentleman from Illinois?

Mr. SABATH. Yes. [Applause.]

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I did not understand the gentleman to state whether he was going to continue after the 14 minutes.

Mr. HAUGEN. Then we will proceed under the 5-minute rule.

Mr. LINTHICUM. Will there be a vote to-night?

Mr. HAUGEN. No; not a vote on the bill.

Mr. LAGUARDIA. As I understood the gentleman, he agreed to accept my suggestion that he would not go any further than the point where the gentleman from Illinois [Mr. SABATH] could move to recommit, and that would be taken up to-morrow morning?

Mr. HAUGEN. Yes.

I yield five minutes to the gentleman from Pennsylvania [Mr. MENGES].

Mr. MENGES. Mr. Chairman and members of the committee, in a previous address on this floor about a year ago I discussed the hardening of oils by hydrogenation and showed how this chemical action has opened a large field for the use of cheap vegetable oils in the manufacture of oleomargarine in competition with the dairy industry. May I repeat here that at this time these oils sell at from 30 to 38 cents a gallon and that 1 gallon of vegetable oil, such as coconut oil, will make over 7 pounds of solid hydrogenated fat such as is used in the manufacture of oleomargarine? The law of February 6, 1930, was quite effective in curbing the use of cheap vegetable oils in the manufacture of colored oleomargarine. But since the enactment of this law it has been discovered that palm oil in its natural state, without hardening, can be used in the manufacture of oleomargarine, and by a ruling of the Internal Revenue Commissioner of the Treasury Department oleomargarine colored with the natural palm oil is not considered artificially colored and therefore not inconsistent with the act of February 6, 1930.

A reference was made this afternoon on the floor regarding insanitary butter. Listen to the following on the handling of palm oil. What is palm oil? Palm oil is derived from the fruit of the palm, which consists of a fleshy outer layer like the olive known as the pericarp, which surrounds a hard, woody shell within which is the seed kernel. The outer or fleshy part contains 50 per cent of oil, while the kernel yields about 45 per cent. The palm oil derived from the pericarp is used largely in the soap and candle industry, as well as in the manufacture of oleomargarine, while the oil derived from the kernel is used mostly in the manufacture of oleomargarine.

To separate the pericarp from the shell covering the seed, the bunches of fruit are stored under cover from 7 to 14 days and by a slow-drying process the fruit is loosened from the stalks. The stalks are given a few sharp taps with a stick, when the ripe fruit drops off. After all the chaff has been removed from the fruit the fruit is shoveled into a canoe fittingly constructed and is tramped by the bare-footed natives until the pericarp is completely removed from the shell of the kernel. This tramped mass is allowed to remain in the higher end of the canoe overnight; in the morning the oil of the pericarp has drained from the pulp and has run to the lower end of the vessels, and usually without further treatment is shipped largely to London, Hamburg, and to America. The composition of palm oil used in the manufacture of oleomargarine, according to Augustus H. Gill, Oil Analysis, pages 216 and 217—

> is of a buttery or tallow consistency of orange-yellow to dirty red in color; has an odor sembling that of the violet. Its composition is mainly palmitin with some olein and free palmitic acid, and probably about 1 per cent stearic acid and a little linoleic acid.

Mr. KETCHAM. Will the gentleman yield?

Mr. MENGES. I yield.

Mr. KETCHAM. Gentlemen of the committee, I want to take this opportunity to express on behalf of the members of the committee the particular appreciation and the great debt of gratitude which the Committee on Agriculture owes to Doctor MENGES [applause], for the exceptionally accurate and lucid discussions of these highly technical phases of questions, like the particular one now before us, with which he has favored the committee from time to time. He speaks the language of the experts, and on many occasions has rendered exceptional service to the committee in framing legislation in this particular field. I am very certain that all members of the committee regret very much his retiring from the Congress. [Applause.]

Mr. SIROVICH. Will the gentleman yield?

Mr. MENGES. I yield.

Mr. SIROVICH. When this oil is collected is it sterilized or boiled at all?

Mr. MENGES. No. It is shipped as it comes out of the vessel, and is refined in the countries to which it is shipped in such a way as to qualify it for the use which is to be made of it.

Quoting further from the Condensed Chemical Dictionary compiled by the Chemical Engineering Society, page 345, palm oil is described as a—

> fixed, reddish-yellow fatty oil of butter-like consistency, faint violet odor which is conveyed to the soap made from the oil. Chief constituents: Free palmitic acid, 12 per cent in fresh oil to 55 per cent in older oil, glycerides of palmitic and oleic acids, stearic derived by expression from the putrified or fermented pulp of the fruit of the palm.

The best grades of oil come from Lagos, Loam, Nigeria, South America, Liberia, and Sierra Leone. Soft oils are those low in fatty acid, whereas hard oils are those high in fatty acid.

The specific gravity of palm oil is 0.92 to 0.927, melting point 27° to 42.5° C., or from 82° to 108° F.

IN COMPARISON WITH THIS FAT

The fat of butter consists of about 45.5 per cent of butter oil and 54.5 per cent of solid fat. It is usually stated to consist of a mixture of the glycerides of the fatty acids, palmitic, stearic, and oleic—not soluble in water and also of the glycerides of certain soluble and volatile fatty acids, principally butyric, with small quantities of caproic, caprylic, and capric acids. It is the association of about 7.8 per cent of the triglycerides of these soluble volatile acids with the glycerides of the insoluble acids which give to butterfat its peculiar and distinctive character. It is very probable that stearin, palmitin, butyrin, and caproin do not exist in butter, their place being taken by more complicated glycerides, the glycerine being combined with two or three different acids. The general composition of butterfat as usually stated is as follows: Olein, 42.21 per cent cent; stearin and palmitin, 50 per cent; butyrin, 4.6 per cent; caproin, 3.02 per cent; caprylin and rutin, 0.10 per cent. No such composition has ever been concocted by human ingenuity. An especial effort is now being made by the manufacturers of oleomargarine to imitate butter by coloring their product with the natural palm oil—they can then say this is a naturally colored product and therefore complies with the law. The addition of palm oil, which is of vegetable origin, to oleomargarine, when added to color the product—and there can be no other reason for adding the oil, for it does not improve the product for edible purposes nor does it supply the coloring matter, carotin, which contains vitamin A, which would have nutritive value were it present—is certainly an artificial means of coloring the product and therefore illegal.

Dr. E. V. McCollum, of Johns Hopkins University, in his testimony before the committee, says:

Out of all the nutritional experiments of the last 25 years have come a knowledge of quality foods, which show us what foods and in what combination and in approximately what proportion will induce growth in the young and the maintenance of normal health in the adult. We visualize now, those of us who speak of nutrition in terms of chemistry, the diet in terms of approximately 35 substances. Seventeen or eighteen of those come from the proteins, substances contained in meat, white of egg, and various other goods; 11 are inorganic or mineral elements, one is sugar which comes from starch foods or any foods which may come from cane sugar, milk sugar, and so forth. At least six, and perhaps there may be more, are substances which we collectively designate as vitamins. The research is still in progress in that field, but we know that there are at least six of those principles, three of which are derived from fats which are soluble in fats and three not from fats. * * * It happens that there are no vegetable fats that contain vitamin A in any considerable amount.

He further states in speaking of the relative value of butter and butter substitutes so far as their vitamin content is concerned—

All butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter. * * * They are not positively harmful. Any detrimental influence on health would be due to an absence of a quality which butter would provide.

Doctor McCollum in elaborating on vitamin A which is contained in butter, says:

I am familiar with what has been written about palm oil, and I believe your question calls for this much comment on my part, namely, that the yellow pigment in certain plants, which is either the mother substance of vitamin A—that is, it is converted in the body into vitamin A—or which always accompanies that vitamin, is a substance known as carotin; that is, the yellow pigment of carrots; it is the yellow pigment in green leaves, which is not visible, because the green masks it. But there are a number of other yellow coloring matters which occur in plants. One of these is xanthrophyll; another is cycopin. The yellow color, or at least almost all of the yellow color, in palm oil is cycopin and not carotin, the mother substance of vitamin A.

It is evident that neither in chemical composition nor in vitamin content are these butter substitutes comparable to the real substance butter so far as nutritive value in the human diet is concerned.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SABATH. Mr. Chairman and gentlemen, I do not want to detain the committee. I fully appreciate conditions. I have never done it before, and I am not going to do it now, but before we start to read the bill I just want to make one observation. I want to talk to the representatives of the farmers. I think they are making a great mistake in forcing this and similar legislation through the House. I think they are pursuing a shortsighted policy. I am with the farmers. I know their needs; I know their hardships; I know their sufferings and their losses. I myself have perhaps lost more in farming than any other man in this House. So I know. What I believe the farmers should do to relieve their condition is to take the advice of people who have studied conditions and stop producing more than the country can consume. Why do they continuously grow and produce more than the country can possibly consume? When they determine to curtail production, and not until then, will conditions improve. As one who is for the farmers and has the interest of the farmers at heart, to the same extent that he has the interest of the people he directly represents, I advise them to reduce production. For the benefit of the farmers and for the benefit of the Nation I plead with them to follow that advice.

If the farmers are prosperous, the Nation is prosperous, and the people in the cities are prosperous. In the interest of the farmers I say, yield; do not go on foolishly and put in more wheat, more corn, and more of every other product than the country can possibly consume. And, gentlemen, that applies to butter just as well as it applies to anything else. This kind of legislation will not relieve you nor help you. The price of butter is not due to the large consumption of butterine but to an overproduction, which, as I stated before, is due to the conditions existing in the country at the present time and which have resulted in low market values of all other products.

I am going to conclude, and all I wish to say is this: I hope all of you who directly represent the farmers will advise them and their organizations to listen to sound advice and to desist in their demands for special legislation to relieve the conditions in which they find themselves so long as they continue to create such conditions which legislation can not cure without thereby injuring others. It is well, also, to bear in mind that the people in the cities are equally, as well as those on the farms, entitled to some consideration, attention, and relief at the hands of Congress, which to date has continuously been denied to them.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. SELVIG].

Mr. SELVIG. Mr. Chairman, the bill that the House of Representatives is considering to-day proposes to change the basis for applying the tax of 10 cents a pound and the tax of one-quarter cent a pound on oleomargarine levied by the act of August 2, 1886, and succeeding amendments. Under the law as it now stands the 10-cent tax is levied on oleomargarine artificially colored so as to cause it to look like butter of any shade of yellow, while other oleomargarine is subject to the one-quarter cent tax.

The pending bill proposes to change the basis for the application of these taxes by making the distinction rest solely upon the color of the oleomargarine whether or not the result of "artificial coloration." This bill proposes to tax yellow oleomargarine 10 cents a pound and oleomargarine which is not yellow one-quarter cent a pound. To secure accuracy and definiteness of meaning, a scientific color test, used successfully by the State of Pennsylvania, is provided by the bill.

At the hearings on this bill ample and conclusive evidence was presented to justify enactment of this measure. I do not intend to go into details regarding the facts presented nor to enlarge upon the situation which confronts the producers of butter and the vast number of consumers whose interests this bill seeks to protect.

I wish, however, to call to the attention of the House the fact that when the oleomargarine act of 1902, known as the Grout Act, was passed, it was clearly the intention of Congress to tax all yellow-colored oleomargarine 10 cents per pound. The bill as it passed the House provided—

When oleomargarine is free from coloration or ingredients that cause it to look like butter of any shade of yellow the tax shall be one-fourth of 1 cent per pound.

The Senate adopted an amendment striking out the words "or ingredients" and inserted the word "artificial." The act then assessed a tax of 10 cents per pound upon oleomargarine, but provided—

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound.

Mr. Henry, of Connecticut, chairman of the House Committee on Agriculture in 1902, recommended the acceptance of this provision with this statement:

Inasmuch as it is not the purpose of this legislation to oppress a legitimate industry, this contention is conceded, and all the more willingly because, so far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a very perceptible shade of yellow by the use of any known ingredient. It is sometimes claimed that cream or butter may be successfully used, but this is manifestly impracticable, although it is barely possible that June butter made when grasses are fresh and sweet, might, if a sufficient quantity is used, give the mixed product a slight yellow shade; but the high cost of this ingredient will prevent its use, except perhaps to a very limited extent, in a high-grade article, too expensive for general consumption when sold as oleomargarine. It may be further said that if time and experience demonstrate that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient, this defect in the law can be corrected by future legislation.

Your attention is respectfully called to Mr. Henry's statement. Note that the suggestion was made in 1902 that "This defect in the law can be corrected by future legislation."

The first instance of avoiding payment of the 10-cent-a-pound tax occurred when oleomargarine manufacturers succeeded in making a limited quantity of a yellow product by the selection of the highly colored body fats of old dairy cows of certain breeds which were sent to packing houses for slaughter. The supply of this yellow oleo oil is in the control of the great meat packers, and no definite information is available as to the exact number of pounds of colored oleomargarine made from this source.

The magic of chemistry stepped into the picture recently when a process was discovered whereby palm oil can be refined so that its flavor is palatable and its color is a deep yellow. This marks a most serious breakdown of the law. Then followed on November 12, 1930, a day of deepest gloom for the dairy farmers unless the pending bill is enacted into law, the order by the Commissioner of Internal Revenue, holding that unbleached palm oil may be used in coloring oleomargarine to imitate butter without subjecting the finished product to tax at the rate of 10 cents per pound.

The evidence shows that palm oil exists in quantities sufficient to color more oleomargarine than is now manufactured. Since its use is permitted, under the ruling of the Commissioner of Internal Revenue, unlimited quantities of colored oleomargarine can be made by the use of palm oil as a natural ingredient, and the product will be subject to the one-fourth of 1 cent per pound tax. This completely nullifies the intent and purpose of the Congress in passage of the Grout Act of 1902.

Evidence presented to the Committee on Agriculture, which reported this bill, shows that the material used in oleomargarine produced by the formula containing animal fats costs 9 cents per pound. For the materials used in oleomargarine produced by the formula containing vegetable oils, the cost is 6.8 cents per pound for the raw materials.

The cost of producing butter, according to figures furnished a year ago by Dr. O. E. Reed, Chief of the Bureau of Dairy Industry, averaged 39 cents per pound of butter. Costs of producing butter may have decreased slightly in the meantime, but not materially.

It requires no prophetic insight to realize that the untaxed sale of yellow oleomargarine, colored to imitate butter, costing as it does less than one-fourth the cost of dairy butter, will drive dairy farmers out of business.

I have repeatedly, both upon the floor of the House and in speeches given in my district, pointed out that the vegetable-oil menace—referring chiefly to the duty-free imports of vegetable oil—threatens the very foundation upon which our dairy and livestock farmers now exist. These imported fats and oils, and particularly duty-free vegetable oils, present a problem to American agriculture that must be met by protective legislative action if our American agriculture is to be maintained.

This bill is a step in the right direction, but a considerable field of necessary legislation, especially in amending our present tariff law, must be enacted before this problem is solved.

The bill under consideration to-day proposes to use the taxing power of the Federal Government to prevent fraud.

It is the contention of the dairy industry that yellow is the natural color of butter and that oleomargarine manufacturers desire to color their product yellow for the purpose of imitating butter so that it will be used in larger quantities in place of butter, and its market be, therefore, largely increased. It is the purpose of the 10-cent tax to discourage this fraudulent imitation and to cause oleomargarine to be sold in its proper guise. This has been the policy of our Government for nearly 30 years, and this bill simply meets new conditions which have developed.

The opponents of this bill would have you believe that oleomargarine "is like butter" and is "just as nutritious as butter," quoting from the statement made by the gentleman from Maryland [Mr. LINTHICUM] when he appeared against the rule for considering this bill.

There is absolutely nothing in the contention that people who wish to use oleomargarine will be deprived of that privilege. They can buy it and use it but it will be sold for what it is, that is, oleomargarine, and not under the deceptive sales talk of being substitute for butter.

A certain minimum of color in oleomargarine will be permitted under the provisions of this bill. The limit is 1.6° yellow as measured on the Lovibond tintometer, but beyond that the 10-cent tax applies.

It is unnecessary at this stage of the discussion this afternoon to elaborate in refutation against the contention that oleomargarine is just as nutritious as butter. The studies made by Dr. E. V. McCollum, of Johns Hopkins University, and Dr. Walter H. Eddy, of Columbia University, are in complete agreement as to the high-vitamin content of butter and its superior value as a food. This evidence is so inclusive and conclusive that there can be no argument upon this point at all.

Time does not permit an extended discussion of other important points. Permit me, in concluding, to summarize the reasons why this bill should be passed.

First, this bill remedies the amendment placed in the original act when the word "artificial" was inserted in place of the original words "or ingredients."

Second, this bill meets the present situation caused by the recent Burnett palm-oil ruling.

Third, this bill protects the consumers from buying as butter a class of goods that is not butter at all, but is made to look, taste, and smell like butter in order to increase the sales.

Fourth, this bill safeguards producers of butter from unfair competition.

Fifth, this bill reinforces the universally accepted fact that butter as a food is in a class by itself. Its enactment will tax the sale of an imitation product offered as a substitute for butter.

Sixth, this bill does not hamper the uncolored-oleomargarine industry.

Seventh, this bill simplifies the administration of the oleomargarine law, as testified by the Secretary of the Treasury.

Eighth, this bill, because it protects the buying public and safeguards the dairying industry, has the support of eminent food and health experts who have given this subject lifelong study. It is conceded that there is no substitute for butter, which is considered by all to be one of our most valuable foods with its abundant health-giving vitamins.

Ninth, this bill coupled with needed tariff protection against duty-free vegetable, marine, and animal fats and oils imports will go a long way in safeguarding the dairying industry from impending ruin.

Tenth, this bill gives aid and encouragement to our dairy farmers whose costs are high and whose incomes have been

greatly reduced by the prevailing low prices. Livestock farming is fundamental to our continued growth and progress as a Nation. The present low price of butter is due in part to the unfair competition of colored butter substitutes which are widely advertised as being as good and as nutritious a spread as butter.

Eleventh, this bill gives a measure of farm relief, a problem Congress and the country have been struggling with during the past 10 years. The bill attacks an urgent problem and should be speedily enacted. [Applause.]

Mr. HAUGEN. Mr. Chairman, ladies and gentlemen of the committee, oleomargarine is an old bedfellow of mine. I had a long speech in my system, which I had in mind inflicting upon the membership of the committee, but only a few days remain of this session of the Congress, and I appreciate that if this bill is to pass this session time will not permit of long debate, and, as the bill has been discussed in considerable detail, I shall therefore be brief.

H. R. 16836 is to amend the so-called oleomargarine act to regulate the marketing and sale of oleomargarine, approved August 2, 1886, as amended.

Under the present law only oleomargarine artificially colored is subject to the 10-cent tax.

Under the recent ruling of the Commissioner of Internal Revenue the use of ingredients naturally yellow in color, such as palm oil, is permitted and not subject to the 10-cent tax.

Its purpose, first, is to definitely fix a standard of coloration of oleomargarine; second, to prescribe a method for the determination of color; and, third, to fix the limit of coloration of oleomargarine subject to the 10-cent tax.

In determining or measuring the color prescribed under the act a simple and inexpensive device—the Lovibond tintometer scale—is to be used.

In other words, the color of 1.6° yellow shall determine the rate of taxation. If less than 1.6°, the tax shall be one-fourth cent, and if in excess of 1.6° the tax shall be 10 cents.

The present tax on artificially colored oleomargarine is 10 cents, and the tax on uncolored oleomargarine is one-fourth cent per pound. Hence no change in the present rate of tax.

The bill in section 8, page 2, line 12, provides as follows:

Upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax at the rate of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof; except that such tax shall be at the rate of 10 cents per pound in the case of oleomargarine which is yellow in color.

In section 8 (b) the bill provides:

Oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than 1.6° of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the Lovibond tintometer scale or its equivalent.

Why the proposed change?

At the time of the passage of the Grout Act in 1902 it was clearly the intent of Congress to tax all yellow-colored oleomargarine. As far as known at that time, no practical method had been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial coloring.

Recently a process has been discovered whereby palm oil can be refined so as to produce its color a deep yellow.

Commissioner of Internal Revenue David Burnet on November 12, 1930, ruled and now holds that the unbleached palm oil free from artificial coloration when used in substantial quantities in relation to other ingredients may be used in the manufacture of oleomargarine otherwise free from artificial coloration without subjecting the finished product to tax at the rate of 10 cents per pound.

The new discovery of unbleached palm oil necessitates the fixing of definite standard of color to carry out the purposes and intent of the act.

Why is oleomargarine colored yellow?

The answer is "the natural color of butter is yellow." Evidently the purpose of coloration is to make it look like butter, thus enabling the dishonest merchant to sell it—not as oleomargarine, but sell it as butter.

It is generally agreed that butter is far superior to oleomargarine or any substitute as food. Dr. E. V. McCollum, of Johns Hopkins University, who appeared before the committee, stated:

I say that all butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter.

Doctor McCollum, speaking of oleomargarine made to imitate butter in color and texture, stated:

I think it would be a step in the wrong direction from the standpoint of maintenance of the Nation's health that any invasion of so precious a product as butter or any other dairy product should be so marked.

It is regrettable that not only the innocent purchaser is imposed upon, deceived, and made to pay butter prices for the inferior food product; unfortunately, in many instances, it is substituted for butter to patients in hospitals; and the astonishing fact is that the Federal Government supplies it in hospitals, asylums, and other Government institutions, as indicated in public document placed in the CONGRESSIONAL RECORD by Senator BLAINE, of Wisconsin, pages 7540–7541 CONGRESSIONAL RECORD of April 17, 1930:

For the year ending June 30, 1929, in St. Elizabeths Hospital, Washington, D. C., 121,297 pounds of oleomargarine were used, when no butter was used.

Army Hospital, Hot Springs, Ark., and Army Hospital, San Francisco, Calif., 133,169 pounds of oleomargarine were used, as against 54,944 pounds of butter.

For approximately 11 months, ending April 30, 1929, in national soldiers' homes, 502,407 pounds of oleomargarine were used, as compared with 91,356 pounds of butter.

For the period April, 1927, to March, 1928, in various United States Veterans' Bureau hospitals, 157,073 pounds of oleomargarine were used as compared with 979,918 pounds of butter.

For the year ending October 31, 1929, in United States prisons, 196,627 pounds of oleomargarine were used as compared with 20,139 pounds of butter.

The contention all these years has been to prevent the coloration of oleomargarine so as to imitate butter, to thus prevent fraud and deception. It is needless to say that when oleomargarine, inferior as a food product, is sold as butter it deprives the producer of a legitimate market and the consumer of the difference in value in dollars and cents. It is unfair, unjust competition.

In my opinion, counterfeiting should not be permitted in gold butter any more than in gold dollars.

The Clerk read as follows:

Be it enacted, etc., That the second paragraph of section 3 of the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (U. S. C., title 26, sec. 207), is amended to read as follows:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any substance which causes such oleomargarine to be yellow in color, determined as provided in subsection (b) of section 8, shall also be held to be a manufacturer of oleomargarine within the meaning of this act and subject to the provisions thereof."

Mr. SABATH. Mr. Chairman, I move to strike out the words "or furnishes," in line 1, page 2.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Page 2, line 1, strike out the words "or furnishes."

Mr. SABATH. Mr. Chairman, I honestly feel that those words should be eliminated because I think they go altogether too far. Many a housewife may furnish to her neighbor a little of the butterine which she may make in her home, and if she does she will be subject to the penalties and provisions of this law. I believe those words should be stricken out of the bill.

Mr. DAVIS. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. DAVIS. If the gentleman's amendment is adopted, I want to ask the gentleman if it is not entirely possible and probable that they could get around this provision by giving a pound of oleomargarine with a dollar's worth of goods, or any amount of goods? In other words, they could furnish it without its constituting a sale, and that could be done by

a merchant and not by a housewife furnishing a little oleomargarine to her neighbor, as the gentleman suggests.

Mr. SABATH. No; I do not think so. Let us read this provision:

And any person that sells, vends, or furnishes oleomargarine for use and consumption of others.

I say a neighbor of mine may let me have a half pound of butterine and can thereupon be reported and subjected to the provisions of this law. I think the language is farfetched and should be eliminated. This is my candid opinion.

Mr. ANDRESEN. Mr. Chairman, I rise in opposition to the amendment. The amendment should be defeated.

The word "furnishes" refers to restaurant keepers, hotel keepers, boarding-house keepers, and anyone who serves food for sale where they do not sell the commodity directly. For this reason the amendment should be defeated. There is where the big fraud is practiced in many instances by furnishing oleomargarine instead of butter.

The dairy industry is the largest single agricultural industry in the United States. According to figures submitted to our committee there are more than one and one-half million farmers selling milk off their farms for human consumption. These farmers are located in every State of the Union. They own over thirty-three and one-half million dairy cattle, which includes nearly 22,000,000 milch cows. The value of the milch cows alone is approximately $1,848,000,000. These cows produce approximately 130,000,000,000 pounds of milk with an annual farm value of nearly $3,000,000,000.

According to figures submitted by the Census Bureau for 1927, the number of establishments engaged exclusively in the manufacture of oleomargarine was 36. They produced 65 per cent of the product. They employed 1,502 wage earners, who received $2,258,464 in wages that year. The balance of the production is distributed amongst the packers of meat and a few miscellaneous industries.

Approximately 10,000,000 farm families are dependent directly upon the dairy industry, and another 10,000,000 persons residing in rural cities and villages are dependent, both directly and indirectly, upon the success and prosperity of the dairy farms.

I will not discuss the relative food value of butter as compared with oleomargarine with the exception to state that all experts and dietitians agree that no manufactured product will compare in nutritive value with the products of the good old dairy cow.

During the past 50 years a decided conflict has arisen in this and other countries between butter and artificially produced products made to look and taste like butter. Legislation has been enacted to protect the public against fraud on account of deceptive practice in the sale of such manufactured products.

In the early eighties legislation was passed by Congress which placed a tax upon oleomargarine having yellow color. The law was amended in 1902 by placing a 10 cents per pound tax on all artificially colored oleomargarine, and a quarter of a cent a pound tax on uncolored oleomargarine. Laws were enacted by the legislatures in the various States of the Union to protect the product of the dairy cow as against oleomargarine.

In the beginning oleomargarine was principally manufactured from domestically produced products, such as cottonseed oil, lard, milk, and peanut oil. This situation has now changed and the domestically produced fats and oils are being rapidly displaced by imported fats and oils, such as coconut oil and palm oil.

In 1930 there was imported into the United States 287,492,580 pounds of palm oil, having a value of $16,326,853. Coconut oil was imported in the amount of 317,919,253 pounds for oleo, having a value of $19,901,053.

These foreign oils and fats are cheaply produced in the Philippines, East Indies, and Africa, and the manufacturers of oleomargarine have naturally drifted away from the higher-priced fats and oils produced in this country.

It is interesting to note the difference in cost of production of oleomargarine and butter. I wish to cite two standard formulas used in the manufacture of oleomargarine; one using animal fat and the other vegetable oils.

Oleomargarine formula containing animal fats:

450 pounds oleo oil, at 8.875 cents	$39.94
350 pounds neutral lard, at 11.75 cents	41.13
100 pounds cottonseed oil, at 7.10 cents	7.10
100 pounds palm oil, at 8.50 cents	8.50
300 pounds milk, at 2 cents	6.00
35 pounds salt, at 1 cent	.35
The total cost of ingredients is	103.02

Oleomargarine formula containing vegetable oils:

800 pounds coconut oil, at 6.50 cents	$52.00
100 pounds peanut oil, at 12 cents	12.00
100 pounds palm oil, at 8.50 cents	8.50
300 pounds milk, at 2 cents	6.00
35 pounds salt, at 1 cent	.35
	78.85

The total cost of 1,150 pounds of material of the animal-fat formula cost $103.02, or 9 cents per pound cost of material for each pound of oleomargarine. The cost of the same quantity of oleo containing vegetable oils amounts to $78.85, or 6.8 cents per pound for raw materials for each pound of vegetable-oil oleomargarine.

The Department of Agriculture has carefully estimated the cost of the manufacture of butter to be 39 cents per pound. This cost will probably vary with each farmer, depending upon cost of feed and efficiency in production.

According to a table furnished by the Department of Agriculture, the cost ranges from 32 cents to 71 cents per pound.

Records from testing year 1928–29

Number of records	Butterfat group, pounds	Feed cost per pound of butterfat	Feed cost per pound of butter	Total cost per pound of butter
2,129	100	$0.49	$0.39	$0.71
8,509	150	.37	.30	.54
44,607	200	.32	.26	.47
42,953	250	.29	.23	.42
47,420	300	.26	.21	.38
35,289	350	.24	.19	.35
19,719	400	.23	.18	.33
8,482	450	.22	.18	.32
3,222	500	.22	.18	.32

NOTE.—According to latest estimates the average cow in the United States produces approximately 4,600 pounds of milk containing 180 pounds of butterfat per year. The figures shown in this table are for cows producing from 100 to 500 pounds of butterfat per year—as obtained from records of Dairy Herd Improvement Associations for 1928–29. Records from this source give cost of feed only. Other production costs such as labor and overhead are based upon studies made in the Bureau of Dairy Industry and in the Bureau of Agricultural Economics of the United States Department of Agriculture.

At the present time the dairy farmers of the country receive approximately 12 cents per pound under the cost of production. As a consequence thousands of dairy farmers are financially distressed, and are forced out of their industry. In my opinion oleomargarine has never been sold at a loss to the manufacturers comparable with the loss now sustained by the dairy farmers.

Early in the month of November, 1930, the dairy farmers of Minnesota received approximately 40 cents per pound for butterfat. Prior to the depression in 1929 the farmers received up to 55 cents per pound for butterfat. On November 12, 1930, the Commissioner of Internal Revenue issued a ruling to the effect that palm oil could be used as an ingredient in the manufacture of oleomargarine without the payment of the 10 cents per pound tax. The use of palm oil in oleo gives the ordinarily white product a yellow color which looks like butter, and a flavoring which makes it taste like butter. As soon as the ruling went into effect the price of butterfat started on its downward trend from 40 cents per pound until to-day it stands at approximately 25 cents per pound to the average dairy farmer. No industry engaged in the manufacture of the necessities of life has suffered a similar drop in price.

The dairy industry has been cut from a $3,000,000,000 business to approximately one and one-third billion.

The passage of this bill will, in a measure, help to preserve an American market for the dairy farmers of this country, without injuring those who desire to use oleomargarine in their homes.

The natural color of oleomargarine is white. No food value is added by coloration to make it look like butter. The price of natural oleomargarine is around 13 cents per pound. The price of yellow oleomargarine is from 20 to 25 cents per pound. Those who desire to use colored oleo can buy the white product and secure with it artificial color to make it look like butter without paying the extra price for the colored oleo in order to imagine that they are eating dairy butter. The dairy farmers of the country are entitled to the protection afforded in this bill. If the enactment of this measure will contribute to the restoration of the purchasing power of the dairy farmer's dollar, it will be reflected to every branch of economic activity in this country.

The question for us to answer is very plain: Shall we stand by the 10,000,000 people directly dependent upon the dairy industry, or shall we support a program advocated by a limited few who are interested in substituting a cheaply produced product made largely from imported materials for the products of the American dairy cow?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. SABATH].

The amendment was rejected.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last two words.

I just want to take a minute to clear up a misapprehension. During my remarks I spoke about two butter counterfeits. One of the gentlemen who followed me said that if there is to be a comparison between the cow and the oil he was for the cow. The gentleman evidently misunderstood my remarks, and I want to clarify them in the RECORD by saying that in speaking of these two counterfeits I had reference, first, to the counterfeit known as oleomargarine formula containing animal fats, counterfeit No. 1; and that counterfeit No. 2 is oleomargarine formula containing vegetable oils. I did not compare the oil with the cow. I merely compared the two forms of oleomargarine designated by me as counterfeit No. 1 and counterfeit No. 2.

I have the greatest respect in the world for the cow. I like the milk of the cow and the dairy products made from it. I am with the farmer; my only regret is that the farmers will not combine and endeavor to have the law permitting the manufacture and sale of all butter substitutes repealed. [Applause.]

Mr. STRONG of Kansas. Mr. Chairman, I rise in opposition to the pro forma amendment. I move to strike out the last word at the end of line 14 on page 3.

The passage of this bill (H. R. 16836) through Congress will not increase the tax on oleomargarine that has existed in the past nor will it change the law regarding oleomargarine from what Congress intended when the same was passed. Its sole purpose is to carry out the intention of existing law which has been set aside by the ruling of the Internal Revenue Commissioner.

Unless H. R. 16836 is passed, coconut oil and palm oil, neither of which is produced in the United States and both of which are admitted without payment of duty, will become practically the sole ingredients of oleomargarine, eliminating the use of animal fats, cottonseed, peanut, and soybean oils.

There is no objection to the manufacture of oleomargarine if it is not made and sold to the public as butter, but it is being so sold. Salesmen of oleomargarine are calling attention to the fact that "oleomargarine as now manufactured and colored looks like butter, tastes like butter, and spreads like butter; and when taken from the packages, which are similar to those of butter, it can not be told from butter under ordinary conditions and can be sold for much less than the cost of producing real butter." The result will be that hotels, restaurants, boarding houses, and railroads will be induced to perpetrate this fraud upon those who desire and believe they are being served the health-giving qualities of real butter, and the dairy industry will be destroyed.

The claim that people who desire to use oleomargarine because of its lower price will be forced to pay the tax of 10 cents a pound is untrue, for the tax of one-fourth cent a pound, which uncolored oleomargarine has carried in the past, will not be increased under the passage of this bill, whose sole purpose is to protect those who produce real butter and the public from having an article sold as butter that is not butter.

The appeal to cotton producers because of the use in the past of cottonseed oil as an ingredient in making oleomargarine does not now apply, since palm oil is cheaper and used with coconut oil creates a substance more nearly resembling butter.

For many years the Department of Agriculture and agricultural colleges of the different States have been urging diversified farming and pointing out that though the milking and caring for cows meant hard work and long hours, that it would insure a fair return to those who would engage in it, with the result that millions of farmers in over half the States of the Union have invested millions of dollars in dairy herds, which they have striven constantly to improve. For the last year depressed prices for butter have forced the dairying industry to carry on with little or no profit. Since the recent decision of the Internal Revenue Commissioner permits oleomargarine, colored to look like butter, to be sold without the oleomargarine tax it has paid for years, the price of butter has fallen to where dairying is being carried on at a loss, and unless some relief from the sale of imitation butter is secured this great industry will be destroyed.

I present the following telegrams from my State with regard to the passage of this very much needed legislation:

TOPEKA, KANS., *February 25, 1931.*

Hon. JAMES G. STRONG:

We earnestly ask that the Brigham bill pass both House and Senate this session.

HOLSTEIN FRIESIAN ASSOCIATION OF KANSAS.

TOPEKA, KANS., *February 25, 1931.*

JAMES G. STRONG,
House of Representatives:

Kansas Legislature passed resolution favoring Brigham bill. Copies mailed Members.

L. E. SAWIN.

I now withdraw my pro forma amendment.

Mr. COLLINS. Mr. Chairman, I make the point there is not a quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order there is not a quorum present. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

The Clerk read as follows:

SEC. 2. Section 8 of such act of August 2, 1886, as amended (U. S. C., title 26, sec. 546), is amended to read as follows:

"SEC. 8. (a) Upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax at the rate of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof; except that such tax shall be at the rate of 10 cents per pound in the case of oleomargarine which is yellow in color.

"(b) For the purposes of subsection (a) and of section 3, oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than 1.6° of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the Lovibond tintometer scale or its equivalent. Such measurements shall be made under regulation prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and such regulations shall provide that the measurements shall be applied in such manner and under such conditions as will, in the opinion of the commissioner, insure as nearly as practicable that the result of the measurement will show the color of the oleomargarine under the conditions under which it is customarily offered for sale to the consumer.

"(c) The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

Mr. SABATH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SABATH: On page 2, starting in line 21, after the word "containing," strike out the words "more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red," and insert "more than four degrees of yellow or of yellow and red collectively."

Mr. HAUGEN. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, had come to no resolution thereon.

Mr. PURNELL. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks on this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, I rise to indorse H. R. 16836, known as the Brigham bill, a bill to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine."

It goes without saying that butter is one of the principal products of agriculture. As far as I can see, there has been no good reason for a substitute, because butter sells at a price that the average person can afford to pay, and at the present time it has a very low price.

It is necessary to protect this product in order to keep the price within the reach of the workingman. If you destroy butter making in this country, as you naturally will if the price is so low that the farmer can not make the butter, then you will be obliged to rely upon substitutes. I think this bill will, in a measure, give protection to the dairying of the country, and I desire at this time to quote a letter from a boy only 12 years old, but it speaks more to the point than any statement that I can make:

HENNEPIN, ILL., *February 9, 1931.*

Hon. WILLIAM E. HULL,
Washington, D. C.

DEAR MR. HULL: I would like to have you vote for the Brigham bill so as to help stop the sale of colored oleomargarine.

For the past three years I have been in 4-H club work with Jersey heifers as my project. I have paid a big price for my foundation stock and hoped to be able to pay for them from my cream checks. I can not do this with cream at the present prices.

I am 12 years old and a grandson of P. M. Morine.

Your friend,

HAROLD MORINE, Jr.

Mr. HALL of North Dakota. Mr. Speaker, under leave to extend remarks on this bill, I am pleased to indorse this bill on a subject which has had long and careful study before the Committee on Agriculture, of which I am a member.

For more than 50 years the dairymen and farmers of the United States have been contending with substitute products to take the place of the products of the dairy. We are not contending that margarine is not a wholesome food product but we do contend that the coloring of it to take on the semblance of butter should not be permitted. The manufacturers insist that they have the right to make and sell this product without being hampered by any more regulations and excise taxes and that the American principle of equality of opportunity shall apply to them as it does to others in the manufacture of food products. We have no fault to find with them on this ground but we do insist that the coloring of a product so that it looks like butter and has the taste of butter, but which is not butter and does not have the food value of butter, is practicing a fraud upon the public.

The bill now before us, introduced by the gentleman from Vermont [Mr. BRIGHAM], proposes to make an important change in the taxing provision of the oleomargarine act, which was passed by the Congress in 1886, section 8 of which carries a provision which reads as follows:

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound.

The amendment provided by this bill proposes a tax of 10 cents a pound on all colored oleomargarine to imitate butter, if the degree of color is greater than an established shade of yellow, whether the color is produced by natural ingredients or artificially; the degree of color to be established by the Lovibond tintometer scale, as measured by an instrument known as the Lovibond tintometer which has been in general use by the Dairy and Law Enforcement Department of the State of Pennsylvania for some years.

It will be recalled that the Congress amended the oleomargarine act of 1886 during the summer of 1930, as follows:

That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil, or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat; if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per cent or common salt. This section shall not apply to puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of 118° F. or more, nor to any of the following containing condiments and spices: Salad dressings, mayonnaise dressings, or mayonnaise products, nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds.

The act provided that this amendment should take effect 12 months after the date of its passage, which would make it effective July 1, 1931. It was the opinion of many that the oleomargarine question had been settled for a year or two. However, such was not the case, and the oleomargarine manufacturers embarked upon a program of search to find ingredients of a yellow color that could be used in the coloring of their product and which would escape the 10-cent tax provided for under the law.

They found such a product in palm oil, which is produced in certain parts of South America and Africa. Palm oil is used extensively in the tin-plate industry, and for many years it was not considered edible.

What is palm oil, anyway? Doctor MENGES, a respected member of the Committee on Agriculture, tells us that—

Palm oil is derived from the fruit of the palm, which consists of a fleshy outer layer like the olive, known as the pericarp, which surrounds a hard, woody shell, within which is the seed kernel. The outer or fleshy part contains 50 per cent of oil, while the kernel yields about 45 per cent. The palm oil derived from the pericarp is used largely in the soap and candle industry as well as in the manufacture of oleomargarine, while the oil derived from the kernel is used mostly in the manufacture of oleomargarine.

To separate the pericarp from the shell covering the seed the bunches of fruit are stored under cover from 7 to 14 days and by a slow-drying process the fruit is loosened from the stalks. The stalks are given a few sharp taps with a stick, when the ripe fruit drops off. After all the chaff has been removed from the fruit the fruit is shoveled into a canoe fittingly constructed and is tramped by the barefooted natives until the pericarp is completely removed from the shell of the kernel. This tramped mass is allowed to remain in the higher end of the canoe overnight; in the morning the oil of the pericarp has drained from the pulp and has run to the lower end of the vessels, and usually without further treatment is shipped largely to London, Hamburg, and to America.

During the past few years there has been a constant increase of coconut and other foreign oils used in the manufacture of oleomargarine with a corresponding decrease of cottonseed and peanut oil produced in this country. There is oil from the soybean used, but relatively a small amount, and oil from corn. But the reports show there has been a world-wide search made by the trade for an oil or fat that will furnish a yellow color—not for its food value, but because of its color—so as to make oleomargarine look like something it is not.

Soybean oil has been used to some extent but it has not been found wholly satisfactory because of its greenish tinge, and because the product when colored with soybean oil soon becomes rancid. There has been some attempts to use corn oil, but that, too, has been found to be unsatisfactory. In fact, the figures for 1929 show less than 500 pounds used that year. The trade wants yellow and they do not care what product furnishes it or where it comes from, and the food value cuts no figure, either. Why not color their product green or pink or a nice sky blue? Why not color it a rich chocolate brown? Why not cover their oleomargarine with an iced-chocolate casing like the Eskimo pies the youngsters like so well? Oh, no; they want their product to look like butter and to be used as butter—to look and taste like what it is not. They want to infringe on the trade-mark of the dairy cow by coloring the oil from a coconut to fool the cow's customers.

The trade reports the amount and value of the products used in the manufacture in 1930, as follows:

Principal food products used in the manufacture of margarine in the fiscal year 1930

	Pounds	Value
Beef fat	52,796,000	$4,757,640
Pork fat	19,632,000	2,257,680
Cottonseed oil	30,476,000	2,895,220
Coconut oil	183,066,000	14,805,280
Peanut oil	5,714,000	571,000
Soybean oil	910,000	72,800
Butter	2,616,000	1,151,040
Milk	97,753,000	1,955,060
Salt	28,890,000	866,700
Total		29,332,420

The report of the Internal Revenue Department gives the following:

Materials used in the manufacture of oleomargarine (colored and uncolored), year ended June 30, 1930

	Pounds
Butter	2,615,830
Coconut oil	185,066,163
Color	20,629
Corn oil	352
Cottonseed oil	30,213,562
Derivatives of glycerin	49,616
Edible tallow	16,013
Egg yolk	2,850
Lecithin	245
Letisene concentrate	183
Milk	97,752,761
Mustard oil	48,482
Neutral lard	19,631,839
Oleo oil	45,321,879
Oleo stearin	6,268,940
Oleo stock	1,188,962
Palm oil	1,101,996
Palm-kernel oil	2,644
Peanut oil	5,713,684
Salt	28,889,699
Sesame oil	871
Soda (benzoate of)	121,771
Soybean oil	618,945
Total	424,648,006

For some years wheat was North Dakota's principal cash crop, but our experiences since the World War have been many and bitter, and we have lost money every year in producing wheat, and our people have been forced into a diversified system whether they wanted to practice it or not, with the result that now my district produces more than 15,000,000 pounds of cream annually and its poultry products amount to almost as much in money value.

Butter was bringing 37 cents in the New York market on July 1, and in August it had reached 40 cents and continued for several weeks, but following the decision of the collector of internal revenue issued on the 12th of November permitting the use of palm oil in the manufacture of oleomargarine the market sagged day by day until it reached 27½ cents in December. It is estimated that the loss to the dairy industry through the decision of the Revenue Department from November 12 to January 17 amounts to fully $200,000,000, and the farmers of my district are protesting vigorously against the permitted use of palm oil without making it subject to the tax.

Dr. E. V. McCollum, of Johns Hopkins University, in testifying before our committee stated:

> Margarines have been made out of many different materials, mainly out of animal body fats and of vegetable fats, in the case of certain margarines; in the case of certain others very largely, if not exclusively, of vegetable fats. It happened that there are no vegetable fats which provide vitamin A in any considerable amount. There are a few that contain traces of it, but very little. Animal fats vary in respect to this peculiar quality of vitamin A content, which I shall stress, vary because the food of the animal producing the fats varies. If a hog is kept on alfalfa, rape, or clover pasture and eats very liberally of leaves his fat will contain a demonstrable but not a large quantity of vitamin A; in fact, it is always low.
>
> You can depend on this, that any white fat or any fat that is nearly white, is practically lacking in vitamin A, because that quality goes with yellowness in fats, but yellowness only of a certain origin, not all kinds of yellow, are indicative of the presence of that vitamin.
>
> The body fats, so far as assays have been made—and they are exceedingly numerous—are inferior to even a low-grade butter as a source of vitamin A. I can answer your question, therefore, with great confidence that I tell you the truth when I say that all butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter.

Further along in the hearing I called attention to the daily dietary ration of the United States Army, in which soldiers are permitted one-fourth of an ounce of butter and oleomargarine, and I asked Doctor McCollum if he thought that amount was sufficient; to which the doctor replied that he did not think so.

Mr. Speaker, I feel that the passage of this bill is imperative if the men and women living on American farms are to be protected in their homes and industry, and the health of our people safeguarded and assured.

Mr. SLOAN. Mr. Speaker and Members of the House, I am pleased to see the farmers living along meridians of longitude united in support of this measure instead of only those along parallels of latitude. In other words, I am pleased to see the Members from the South recognizing the importance of the great American market, and especially the very large market for cotton products which has been established in the last few years in the Corn Belt, and which is mutually profitable to the South and the North.

In my two periods of service it has several times occurred that I should participate in legislation of an agricultural character, especially relating to the livestock interests. I have frequently taken occasion to say to my southern friends that both in meat production and in the products of the dairy the southern farmer has, if he makes the most of it, a great advantage, and that, too, over his northern friends. This is because your climate is milder, and your land, speaking generally, is not so high priced. You are relieved from the high cost of keeping the dairy warm, and that covers a considerable part of the season.

The recovery of livestock and dairy interests since the Civil War period has been slower than it should have been for perhaps many reasons, not necessary or profitable to recall or recite.

When the South does fully rise to its meat and milk production capacity the Corn Belt will have a competition legitimate and strong. We northern people can not protect ourselves against it, as we do now endeavor to do against the competition of Argentina, Canada, and Denmark. And it is well that it should be so. This measure is designed to protect us against a potent competition which we can defend against only by permitting the dissatisfied children of the Pacific to "depart in peace." And in so far as we can do so, and at such an early date as we may, I am in favor of that departure, and with it go my hearty good wishes and God speed.

Years ago men from the Southland said "cotton is king." We of the North demonstrated corn to be emperor of the soil. But now for corn and cotton there is a combination with the faithful cow, which produces the largest money crop of the Nation; 33⅓ per cent greater than hogs, 50 per cent greater than cotton. The phenomenal increase of milk products since the eighteenth amendment was passed has

reached a full saturation in this country. It is represented in brew of which not only the foam but the fluid is liquid pearl, but surpassing the beverage which "made Milwaukee famous," it has made all Wisconsin prosperous, and is a saving factor in many parts of this drought-stricken Nation.

I am in favor of levying such a tax on all yellow-colored oleomargarine, colored from whatever cause or source, as will make ineffective the unfair and unwarranted competition against the golden-colored product which belonged to man, through his faithful brute servants, long before copyrights, patent rights, or trade-marks were known to the world.

To effect this I am ready, as the humorous Congressman, Adam Bede, of a quarter of a century ago, suggested, that we trade the Philippine Islands to the British Empire for Ireland that we might then produce all our own policemen. The humor of the statement does not destroy its partial application now. We are not short on policemen, though the ones we have may be short in activity. To facilitate the trade I am willing to waive a quid pro quo and yield up our claim to the islands of the western sea, where its people are clamoring for an independence which I am inclined to think will be to their ultimate disadvantage, while to keep them would certainly be to our disadvantage.

Mr. KADING. Mr. Speaker, under leave to extend remarks on this bill, I would like to state my opinion as to what I believe the House should do with this proposed legislation.

Under the law as it has existed since 1886, a tax of one-fourth of 1 cent per pound is provided on all oleomargarine manufactured and sold, to be paid by the manufacturer, excepting that if any artificial coloration is used by the manufacturer to cause oleomargarine to look like butter of any shade of yellow, then a 10-cent tax on each pound is required.

Some months ago scientists discovered that by the use of a small portion of palm oil in the manufacture of oleomargarine, the color of the finished product of oleomargarine became that of yellow butter. The Commissioner of Internal Revenue ruled that since palm oil was not an artificial coloration, oleomargarine colored by the use of palm oil to resemble butter was not employing artificial coloration, and, therefore, such brand of oleomargarine was not subject to the 10 cents a pound tax, but merely to a one-fourth of 1 cent tax per pound.

The result of such ruling has meant a loss estimated to be $1,000,000 a day to the farmers and dairymen of the United States. From the latest figures available, my home State—Wisconsin—produces annually about 153,545,000 pounds of butter. If colored oleomargarine is permitted to compete with butter on a basis of only one-fourth of 1 cent a pound tax, and butter drops only 5 cents a pound as a result thereof, the loss to the farmers of Wisconsin alone would be $7,677,250 in one year.

Wisconsin ranks third in the United States in the amount of creamery butter produced, and this ruling on the part of the Commissioner of Internal Revenue is not only a great injustice to the farmers of my State, but to the farmers and dairy interests wherever they exist in the United States.

The farmer has suffered on account of large production of farm products, loss of a foreign market, decreased consumption, and falling prices for several years. The depression was felt by the farmers long before it affected business generally, and I believe that the general depression affecting all lines of business and labor, which came upon us so suddenly about 18 months ago, is due to the fact that the farmer has not been prospering. It has been seen for some time that in order to bring back general prosperity it is necessary that the condition of the farmer must be improved.

It is hard to legislate for the benefit of the farmer. Much legislation has been proposed, and some has been enacted into law, with the object in view of benefiting the farmer.

We have long adopted the policy of a protective tariff to protect the manufacturer, and, incidentally labor, by enabling the manufacturer to pay higher wages. The manufacturing and business interests are organized. Likewise labor is organized. The farmers because of their great number, thus far have not become organized. The farmer is not in a position to state what he wants for his produce. With him it is a proposition of what some one is willing to offer him for his produce. The farmer should also be protected if possible. By the passage of this bill a little protection will be given the farmer and the dairy interests.

If this bill is not passed and yellow-colored oleomargarine is permitted to be manufactured and sold without a 10-cent tax to the manufacturer, the public will be deceived. Such yellow-colored oleomargarine will be served as butter to the public, in hotels, restaurants, on trains, and elsewhere, which will mean an increased consumption of such yellow-colored oleomargarine and a decreased consumption of butter, and a fall in the price of butter.

A great deal has been said on the floor of the House that if this bill is passed it will destroy the oleomargarine industry. Such contention is absolutely unfounded. Ever since 1886, the 10-cent tax has been levied on oleomargarine artificially colored yellow so as to cause it to look like butter of any shade of yellow, while other uncolored oleomargarine has been only subject to the one-fourth-cent tax. This bill proposes to change the basis for the application of these taxes by making the distinction rest solely upon the color of the oleomargarine, whether or not the result of artificial coloration. The bill proposes to tax yellow oleomargarine 10 cents a pound and oleomargarine which is not yellow one-fourth of 1 cent a pound. The oleomargarine manufacturer may continue to manufacture his product just the same as in the past, the only difference being that if he uses any coloring material, whether natural or artificial, to cause oleomargarine to resemble butter in color, then he is required to pay 10 cents a pound tax on such brand of oleomargarine. There is nothing to prevent him from selling any of the brands of oleomargarine uncolored, with a tax of only one-fourth of 1 cent per pound applying, the same as he has done heretofore. There is nothing to prevent the manufacturer of oleomargarine from coloring his product any other color he may choose, green, red, or blue. The natural color of butter is yellow. This color in my opinion belongs to the farmer and the dairy interests as a natural patent or copyright on the natural color of butter produced by the cow on the farm.

This law is opposed principally by the oleomargarine manufacturers for the reason that such interests desire to have their substitute article represent the true article and thus deceive the public, to the detriment of the public and to the advantage of the oleomargarine manufacturers.

If this bill is not passed the consumer will also suffer, because the manufacturer will naturally add the 10 cents a pound tax to the cost of such brand of oleomargarine so colored to resemble butter, and pass such tax on to the consumer, in raising the price just that much.

If the housewife prefers to buy oleomargarine instead of butter, she should be at perfect liberty to do so and to know that she is buying oleomargarine. Should the housewife prefer to have her oleomargarine yellow in color, she may continue the practice of using the bean that the manufacturer and retailer furnishes free with each sale of oleomargarine, and color the same.

In 1886 when the existing law taxing oleomargarine was passed, it was clearly the intention of Congress that uncolored oleomargarine should bear a tax of one-fourth of 1 cent a pound, and that oleomargarine artificially colored so as to cause it to look like butter of any shade of yellow should bear a 10 cents a pound tax. At that time no process was known by which oleomargarine could be colored to resemble butter by the use of any natural product. Since then a natural product, namely, palm oil, has been found to "do the trick." This bill proposes only to meet the situation as it now exists.

Unless the farmer prospers, no one will prosper. Our general depression has been brought on to a large extent by the fact that the farmer has not been prospering. Here is an opportunity to give the farmer and the dairy interests a

small measure of protection. If we are sincere in our desire to help the farmer, we now have an opportunity.

I sincerely hope that this bill will pass the House and the Senate and be approved by the President before Congress adjourns on March 4.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from New York [Mr. SNELL] to act as Speaker to-night.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendment to the bill (H. R. 16982) entitled "An act to authorize an appropriation to provide additional hospitals, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. WATSON, Mr. REED, Mr. HARRISON, and Mr. KING to be the conferees on the part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LANHAM, at the request of Mr. JONES of Texas, on account of illness.

Mr. CHINDBLOM. Mr. Speaker, as an exceptional matter, I ask leave of absence for my colleague the gentleman from Illinois [Mr. SPROUL], beginning yesterday, indefinitely, on account of illness.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent for leave of absence, indefinitely, for the gentleman from Mississippi [Mr. COLLIER], on account of death in family.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 14255. An act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain;

H. R. 14922. An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc.

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes; and

H. R. 15437. An act to authorize appropriation for construction at Tucson Field, Tucson, Ariz., and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1748. An act for the relief of the Lakeside Country Club; and

S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 14255. An act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain;

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes; and

H. R. 15437. An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House now take a recess until 8 o'clock p. m.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, at 8 o'clock p. m. the House was called to order by Mr. SNELL, Speaker pro tempore.

The SPEAKER pro tempore. Under the special order the House is in session to consider bills on the Private Calendar unobjected to. The Clerk will call the first bill, beginning at Calendar No. 848.

WIDOW OF JOHN CURTIS STATON

The Clerk read the title of the first bill on the Private Calendar, H. R. 9660, for the relief of the widow of John Curtis Staton.

Mr. STAFFORD. I object.

Mr. IRWIN. Will the gentleman reserve his objection?

Mr. STAFFORD. I will.

Mr. IRWIN. This bill is a very meritorious bill. This man was assistant postmaster and he was dying of cancer. The work was taken to his sick bed by a clerk and he performed the duties under adverse circumstances. I certainly think the bill has as much merit as any bill on the calendar.

Mr. STAFFORD. The author of the bill, the gentleman from Georgia, talked to me about the bill at the last session when the Private Calendar was under consideration. I have since gone over the report again out of courtesy to him.

This man was an invalid. He was granted leave of absence, and he had the maximum leave of absence of a postal official. He was in a condition that he could not perform his duties. There are hundreds of postal employees in more or less of that situation. True, he did give some attention to the records of his office while on his sick bed. I am fearful of the precedent that will be established that persons in the Postal Service incapacitated from service will be entitled to compensation.

Mr. IRWIN. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. IRWIN. As a physician I can recognize the condition of this man. The Postmaster General says that the work was done and it was not necessary to have anybody else do the same. There was a clerk who went to the man's bedside every day, and this man performed the work. It was not necessary to hire anybody else, so that the Government was not out a penny. This man died of cancer, and I do think that there is merit enough in the bill with the recommendation of the Post Office Department to warrant its passage. Now, as to its setting a precedent—in all my experience dealing with these claims for years I have not had one like it.

Mr. STAFFORD. I am impressed with the statement of the gentleman, that there has been no similar claim. I will yield to the gentleman from Georgia.

Mr. RAMSPECK. I want to call the attention to the circumstances of this case. I have a copy of a letter written by George C. Rogers, acting postmaster at Atlanta, Ga., written to Senator HARRIS, of Georgia, on November 29, 1922, in which he says, in reference to the assistant postmaster during the time that he was acting postmaster.

I went into office inexperienced in postal matters and depended on Mr. Staton, who had long experience and was a man of exceptional ability, and took great interest in postal affairs. On account of his illness he was absent from the post office from February 19, 1920, to the time of his death, July 15, 1920. While he was not on active duty in person he was always thinking of the Atlanta post office, and his heart was in our work. I called on him several times a week at his home, with the exception of about a week before he died. These visits were more business than personal, and I discussed business affairs with him and acted on his advice. I also used the telephone at times seeking information in regard to the post office. Owing to the fact that Mr. Staton was always available, I was able to conduct the business of the office without any additional expense of clerk hire, and I feel that while his salary was a saving to the Government he was clearly entitled to it.

Mr. STAFFORD. Mr. Speaker, I am impressed by two facts that have been brought out which are not in the record; one, just recited by the gentleman from Georgia [Mr. RAMSPECK], and the other by the chairman of the committee that there has been no other case similar to this. I rely on the statement that this will not be a precedent, and I therefore withdraw my reservation of an objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK W. CHILDRESS

The Clerk called the next bill, H. R. 10644, for the relief of Frank W. Childress.

Mr. STAFFORD. Mr. Speaker, I object.

MARY COOPER

The Clerk called the next bill, H. R. 11804, for the relief of Mary Cooper.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I have examined this bill very carefully, and while I think the direct responsibility rests on the city officials of the city of New York, nevertheless I believe that the immediate cause of the trouble was the action of the postal-truck driver when he was obliged to get on the sidewalk, and in that way, I believe, killed this person. Accordingly I shall not press an objection if the bill may have the customary attorney-fee amendment added to it.

Mr. FITZPATRICK. I have no objection to that.

Mr. IRWIN. That is satisfactory.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $5,000 to Mary Cooper on account of the death of her husband, Benjamin Cooper, who was killed January 29, 1930, by a truck owned and operated by the Post Office Department.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of line 9, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

COMMERCIAL COAL CO.

The Clerk called the next bill, H. R. 11973, to authorize the Commissioners of the District of Columbia to compromise and settle a certain suit at law resulting from forfeiting of the contract of the Commercial Coal Co. with the District in 1916.

Mr. HOLADAY. Mr. Speaker, that bill should be stricken from the calendar. It has already been passed and has been approved.

The SPEAKER pro tempore. Without objection, the bill will lie on the table.

There was no objection.

CHARLES HELLYER

The Clerk called the next bill, H. R. 600, for the relief of Charles Hellyer.

Mr. BACHMANN. Mr. Speaker, I reserve the right to object. I have gone into this bill very carefully, and I do not see how there is any moral obligation to submit this claim to the Employees' Compensation Commission.

Mr. MONTAGUE. It is recommended by the War Department and by two Secretaries of War, Mr. Weeks and Mr. Hurley. This man was on a defective scaffold, built by the Government, and he had nothing to do with its construction. The case could be clearly maintained in a court of justice for damages. The scaffold fell without any negligence on his part. He was seriously injured. He is a poor helpless mortal. Where else can he look for help?

Mr. BACHMANN. The gentleman understands that this happened in 1912.

Mr. MONTAGUE. That may be true. The Government has never paid him in any way.

Mr. BACHMANN. I understand that he had an injury at that time. The report says that they do not know whether the disabilities he is now suffering were caused by that injury or not.

Mr. MONTAGUE. I do not recall that. The report of the Secretary of War says that the matter ought to be referred to the compensation commission to be tried and determined. I think that a more competent body to determine that fact than a debating society like this Congress.

Mr. BACHMANN. I read from page 3 of the report:

It is impossible to say at this late date whether the present condition of Mr. Hellyer is wholly or partially due to the injury of August 15, 1912.

I should like mighty well to permit this bill to pass.

Mr. MONTAGUE. That is the statement of Harry Bassett, the commissioner, is it not?

Mr. BACHMANN. Yes.

Mr. SCHAFER of Wisconsin. The gentleman is not going to hold that against the injured person in view of the fact that the report of the Secretary of War, appearing on page 2, indicates that the man was injured while a civilian employee and was confined to the hospital. They do not have the hospital records. The gentleman is not going to penalize the man because the hospital did not keep the hospital records, is he?

Mr. BACHMANN. I have nothing to do with the statement of the gentleman from Wisconsin, nor did I refer to anything the gentleman refers to. I am talking about the merits of the case.

Mr. MONTAGUE. The gentleman is talking about the permanency of the injury. Permit me to read from the bottom of page 3, from the physician.

Mr. BACHMANN. But the gentleman will notice that that affidavit was made in 1913.

Mr. MONTAGUE. The Government does not run any risk. My information is that this man's condition is worse now than then. All he wishes is a chance to go before this particular board where he can be examined and have his case tried as if he were under the law at that time. He has no other recourse.

Mr. BACHMANN. The statement the gentleman refers to at the bottom of page 3 is dated January 20, 1915.

Mr. MONTAGUE. Has the gentleman any evidence that his condition is not bad now? The recommendation of the Secretary of War is dated February 27, 1930.

Mr. BACHMANN. The statement I refer to is signed by one of the commissioners and is dated January 30, 1930. There is another objection. I hate to object to this on the gentleman's account. There is another objection. Sooner or later we are going to reach the point where we will prevent the submission of these claims to the Compensation Commission for injuries that happened prior to the passage of the law in 1916. Many are coming in. In this session of Congress they have increased. It is only a matter of time until we will be flooded by claimants who were injured prior to the passage of the law in 1916. It is opening a wide field. It is a bad practice. I must object to all bills of this kind to-night, and from now on. I object.

HATTIE M'KELVEY

The Clerk called the next bill, H. R. 1179, authorizing the Treasurer of the United States to pay Hattie McKelvey, $1,786.

Mr. STAFFORD. I object.

Mr. WOOD. Will the gentleman reserve his objection?

Mr. STAFFORD. Yes. I may say to the gentleman from Indiana [Mr. WOOD] there have been three or four bills of similar purport on the Consent Calendar to which I have objected.

Mr. WOOD. I do not think there has been a bill like this in the time of the gentleman or in my time.

Mr. SCHAFER of Wisconsin. I had a bill like this and the gentleman from Wisconsin [Mr. STAFFORD] objected to it. It had as much merit as the gentleman's bill has.

Mr. WOOD. There have been a number of bills where applications have been made for moneys left in the treasury of the soldiers' home after the owner of those moneys had died, but in this case there was a will made by the decedent prior to the time he entered this home, whereby he willed not only what moneys he might have at the time of his death but also all of his personal effects, which amounted to but little. After his death the personal effects remaining in the soldiers' home were turned over to this niece. It strikes me that this case is so different from the other class of cases that it should be favorably considered. Prior to the time he entered this home he made a will giving whatever personal property he had to this niece. If she was entitled to receive the other items of personal property, she was likewise entitled to receive this.

Mr. STAFFORD. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. STAFFORD. About five years ago I had a very meritorious case presented to me while at practice, and the facts were very similar to this case. I appealed to the Board of Managers to have the money paid to my client. He was a man of a hundred and some years of age, and had made a will in favor of a destitute person, my client, willing all his effects to him; and yet, after an examination of the law and studying the matter, I concluded there was no ground whatsoever on which I could maintain an action in the courts to recover $2,000 which had been transferred to the post fund. I have examined all the statutes, and I find the board of managers has full authority to use these funds and that there is no recourse except by just taking the money out of the Treasury.

Mr. WOOD. If this was a case where the occupant of the soldiers' home had died without any disposition of his property and had left it in the possession of the soldiers' home, then the statute would apply.

I call the gentleman's attention to another matter. We are authorizing appropriations every time this committee meets, of millions of dollars to be paid out of the Treasury of the United States. Here is an amount of money, $1,700, that never did belong to the United States and which this man could have given to his niece if she had been present 15 minutes before his last breath left his body.

Mr. STAFFORD. If there should be relief, then it should be by general legislation, because the statute bans the payment of this money.

Mr. WOOD. The gentleman does not seem to differentiate between this case and the ordinary class of cases here. I think if the gentleman stated the facts correctly concerning his own case, in that case, like this, his client was entitled to receive the benefit of that money.

Mr. STAFFORD. Mr. Speaker, I am constrained to object.

LOUIS BENDER

The Clerk called the next bill, H. R. 2644, for the relief of Louis Bender.

Mr. COLLINS. I object.

BERYL ELLIOTT

The Clerk called the next bill, H. R. 3059, for the relief of Beryl Elliott.

Mr. STAFFORD. I object.

Mr. McKEOWN. Will the gentleman reserve his objection for a moment?

Mr. STAFFORD. I will reserve the objection for a moment.

Mr. McKEOWN. If the gentleman has his mind made up, of course, there is nothing that I can do, but I simply wanted to say this is a very meritorious bill. This woman does not live in my district. She is a widow woman living in San Antonio, Tex. She formerly lived in my country. I just wanted to say this word in her behalf.

Mr. STAFFORD. I notice the report shows that the United States Employees' Compensation Commission determined that the injuries were not the result of her employment. Under those circumstances we can not allow a bill like that to be considered.

I object, Mr. Speaker.

D. F. PHILLIPS

The Clerk called the next bill, H. R. 3136, for the relief of D. F. Phillips.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. TARVER. Will the gentleman reserve his objection?

Mr. STAFFORD. I will reserve the objection.

Mr. TARVER. This bill is of exactly the same nature as two bills which were passed when we last considered the Private Calendar. It simply relieves the claimant of the bar of the statute of limitations in presenting a claim to the Employees' Compensation Commission. He testifies that he was ignorant of the fact that he was entitled to present a claim under the law at the time he sustained his injury. He is now merely asking the right to present and have his claim passed upon. In that respect his bill, as I have said, is exactly similar to at least two other bills which were passed when the House last considered the Private Calendar.

Mr. STAFFORD. I do not recall the exact facts in those other cases, but I think this case is different in this respect, that not until 1929 did this claimant present his claim or make any claim for compensation, whereas the injury dates back to November, 1918.

Mr. TARVER. The claimant has never presented any claim by reason of the fact that he was not entitled under the law to present a claim after the expiration of the 12 months' period.

In that respect this claim is not different from those which were passed upon by the House, with the approval of the gentleman from Wisconsin, at the last meeting when we considered the Private Calendar, because I recall that in at least one of those cases the time was longer than in the instant case.

Mr. STAFFORD. Can the gentleman recall which case that was?

Mr. TARVER. I think it was 797 on the calendar. I do not recall the name of the claimant. There is certainly no reason, based on justice, why this bill should receive different treatment from those which we passed, with the gentleman's approval, at our last meeting to consider the Private Calendar.

Mr. ANDRESEN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. STAFFORD. I will have to object.

Mr. TARVER. Mr. Speaker, I make the point of no quorum, and reserving that point, if I may, I desire to say this: I do not intend to inconvenience the House in its consideration of the Private Calendar, but I do respectfully submit that I have the right to the consideration which is accorded to other Members, and that I shall have the privilege of discussing this bill.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. TARVER. Yes.

Mr. SCHAFER of Wisconsin. The gentleman does not think that by using up an hour in bringing the Members here that is going to get his bill through and help the gentleman.

Mr. TARVER. Not a bit in the world, but I certainly expect the same treatment that is accorded to other Members of this House.

Mr. SCHAFER of Wisconsin. Will it make the gentleman feel any better to have the Members called here and then have his bill objected to?

Mr. TARVER. It will not make me feel any better, but I do not intend to be denied the privilege of having a little conversation with the gentleman who is thinking about objecting to my bill for just a few minutes. If the gentleman will withdraw his request for the regular order and permit me to discuss the bill with the gentleman from Wisconsin for a few minutes longer, I will not press my point, otherwise I will.

Mr. STAFFORD. I think it would only be fair to the gentleman to permit him to continue for a few minutes longer.

Mr. ANDRESEN. Mr. Speaker, I will withdraw my demand for the regular order for the time being.

Mr. TARVER. I desire to say to the gentleman that there are several other bills on the calendar to be called during the remainder of the evening which involve exactly the same question involved in this case. I want to call the gentleman's particular attention to a bill introduced by one of his colleagues, which is No. 859 on the calendar, the third bill following the instant bill, and I ask the gentleman whether it is his intention to object to that bill.

Mr. COLLINS. I am going to object.

Mr. STAFFORD. I have it marked for objection.

Mr. TARVER. If the gentleman is going to object to that bill, he will place the author of that bill in the same position I am in, because the bills which were passed the other night were of exactly the same character.

Mr. STAFFORD. I will go over this bill another time. I do not want to do the gentleman any injustice. I object for the time being.

FRANK MARTIN

The Clerk called the next bill, H. R. 3653, for the relief of Frank Martin.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $3,168.50 to Frank Martin for injuries received when struck by a United States mail truck.

With the following committee amendment:

On page 1, in line 8, after the word "truck," insert a colon and add the following proviso: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ARTHUR RICHTER

The Clerk called the next bill, H. R. 3729, for the relief of Arthur Richter.

Mr. COLLINS. Mr. Speaker, I object.

HOWARD LEWTER

The Clerk called the next bill, H. R. 4102, to extend the benefits of the employees' compensation act of September 7, 1916, to Howard Lewter.

Mr. COLLINS. Mr. Speaker, I object.

IRENE LUNGO

The Clerk called the next bill on the Private Calendar, H. R. 5391, for the relief of Irene Lungo.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. UNDERWOOD. Will the gentleman reserve his objection a moment?

Mr. STAFFORD. I reserve my objection as a courtesy to the gentleman from Ohio.

Mr. UNDERWOOD. I trust the gentleman has carefully read the report accompanying this bill.

Mr. STAFFORD. I will say to the gentleman that I base my objection on the fact that the Employees' Compensation Commission found that this woman's condition was not the result of her employment.

Mr. UNDERWOOD. I desire to call the gentleman's attention to the third paragraph of the report on page 2, "the application of this claimant was filed with the commission on June 5, 1923," and the commission, in a finding made at a later date, stated that the claimant's disabilities were due directly to her employment, and if the gentleman will permit me, I would like to read a part of a paragraph from a letter written by the chairman of the commission to the claimant. This is what the chairman of the commission had to say:

From the evidence now before the commission it appears that in this case the disability is believed to have been the result not of an injury by accident but of disease directly caused by the employment.

Now, certainly you have two conflicting decisions by the Compensation Commission. I do not think there can be any question as to the merits of this bill.

This young lady was employed in a clerical capacity in the Quartermaster Corps at Camp Sherman. She was compelled to work in an old shack of a building, where the heating and ventilating equipment was faulty. She has no appeal from the finding of the commission.

Mr. STAFFORD. We create a commission with authority to investigate the facts as to whether a disability is of service origin. The commission finds that it is not, and now we are asked to open the doors so that all claimants who have been denied can come in and present their claims.

Mr. JENKINS. If the gentleman will permit, would it make any difference in the gentleman's consideration of this matter to know that the commission made two contrary decisions?

Mr. STAFFORD. For my own part, I do not think her injury was directly traceable to her service. She may have contracted the colds from attending a dance, she may have contracted them by being poorly clad, or she may have been constitutionally tubercular. There are any number of conditions that may have brought this about, and when the employees' commission finds it was not connected with her service are you going to have Congress then set itself up as a fact-finding commission?

Mr. JENKINS. Let me say to the gentleman that the medical evidence in this case is voluminous and it is all on the one point, and the entire evidence proves that this girl contracted this disease under the circumstances stated, and this is supported by the evidence of dozens of people who knew all about the situation, and this is what makes the case different from any of the others. The commission has found both ways, and the gentleman from Ohio [Mr. UNDERWOOD], my colleague, has had the matter up with the commission to-day, and I can say that the commission, or those who have talked with the gentleman from Ohio at least, feel that this is a meritorious claim.

Mr. STAFFORD. Then at the next session of the Congress let them send up a different report from the one which is in the record.

Mr. UNDERWOOD. The claimant was employed as stenographer and clerk in the United States Veterans' Bureau and War Department at Camp Sherman, Ohio. She served in that capacity with the War Department and Veterans' Bureau from 1918 to January, 1923.

As a direct result of her employment and the working conditions under which she was compelled to perform her duties, Miss Lungo contracted pulmonary tuberculosis. During the entire time of her employment she was compelled to work in an old shack of a building hastily constructed during war time at Camp Sherman, Ohio. It was next to impossible to ventilate such a building and the heating was faulty. As a result it was necessary for this girl at numerous times during her employment to wear a heavy coat and extra

clothing. The desk where Miss Lungo worked was near a main door of the building, subjecting her to excessive drafts and undue exposure. During the latter part of her employment at the vocational school as a part of her duties she was compelled to come in contact with trainees, many of whom were suffering from chronic pulmonary tuberculosis. Due to the limited personnel and the extra work in connection with the establishment of the vocational school Miss Lungo was compelled to do much overtime work. As a result of these conditions she contracted severe colds and influenza, which, according to the medical evidence, resulted in acute pulmonary tuberculosis. Prior to her employment her health had been excellent. According to medical evidence there was not the slightest trace of tuberculosis in her family at any time.

She was compelled to leave her position in 1923, and since that time has resided in Albuquerque, N. Mex., being wholly without means of support and dependent upon the charity, help, and assistance of her family and friends for her livelihood.

Her condition has gradually become worse. She may have but a few months more to live. Application for compensation was filed with the United States Employees' Compensation Commission on June 5, 1923. Miss Lungo's superior stated at that time that she had been a faithful and conscientious worker and that he believed her condition was directly due to the unsatisfactory conditions under which she was compelled to perform her duties. On June 14, 1923, the chairman of the commission, in a letter directed to the claimant, stated in effect, that her disease was directly caused by her employment, but due to a ruling of the Comptroller General it would be impossible to allow her compensation. After the law was amended to cover occupational diseases, on June 5, 1924, the commission reversed its former attitude and denied her claim for compensation.

Miss Lungo's condition is due wholly to the nature of her working surroundings at the time of her employment by the Government. She does not have any means of support. The enactment of this bill would be an act of justice, equity, and fairness. It would be an act of mercy and assist in part in relieving Miss Lungo's suffering during the remainder of her life. In justice and in fairness to this claimant and the merits of the claim, I had sincerely hoped that no Member would object to the passage of this act.

Mr. STAFFORD. I object, Mr. Speaker.

HOWARD LEWTER

Mr. LANKFORD of Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. COLLINS] may reserve his objection to Calendar No. 859, a bill to extend the benefits of the employees' compensation act of September 7, 1916, to Howard Lewter and let me make a statement about it.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the gentleman be given two minutes within which to make a statement.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. LANKFORD of Virginia. Mr. Speaker, I am addressing my remarks especially to the gentleman from Mississippi [Mr. COLLINS].

This case of Howard Lewter is the case of a poor negro who is absolutely paralyzed. He is on crutches and is practically helpless. It is true that he was hurt in 1908, but it is a very pathetic case, and if the Government is helping people in this situation now, I do submit that there is no reason why this boy should not receive the same consideration. I have his photograph here in the files and I wish the gentleman could see it. He has been in my office. He drags his knees along and his case is the most pathetic case I have ever seen.

Mr. COLLINS. The Navy Department says:

The bill, if enacted, would give the claimant greater compensation than was allowed by the legislation in force at the time of the injury. Moreover, it has been the consistent policy of the Navy Department to withhold its approval of legislation tending to give the benefits of the compensation act of September 7, 1916, to any individual injured before its passage. This action is based on the belief that the relief of this character if extended should be general rather than individual.

In addition to what the Navy Department has said in this communication, the same thing has been said to the Congress in another way by the President of the United States, the latest addition to our force of objectors. The President vetoed a bill recently, assigning this very reason.

Mr. LANKFORD of Virginia. I do not believe the President of the United States or anybody else would object to this poor boy being paid $1.76 a day on account of the condition he is now in. He was hurt while in the Government service, as the report will show, and if the gentleman has any heart at all, he will let this bill go through.

Mr. COLLINS. In addition to what has already been said, this particular claim is on all fours with others that have been objected to here to-night.

Mr. LANKFORD of Virginia. That is true; but this boy is worse off than any claimant whose bill has been up here to-night.

Mr. COLLINS. The gentleman is one of the most popular and useful Members of the House, and naturally, therefore, I dislike to object to a bill sponsored by him.

Mr. LANKFORD of Virginia. I am not asking the gentleman to do this on my account, but on account of this poor boy.

Mr. COLLINS. I will have to object.

NELSON E. FRISSELL

The Clerk read the title of the next bill on the Private Calendar, H. R. 7161, for the relief of Nelson E. Frissell.

Mr. STAFFORD. Reserving the right to object, the gentleman has no objection to the customary amendment in relation to attorney fees?

Mr. FOSS. None at all.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nelson E. Frissell, of East Templeton, Mass., the sum of $7,219.52. Such sum represents the money expended, the value of services performed, and the damages sustained by Nelson E. Frissell in connection with a contract with the Post Office Department for the construction and lease of a post-office building at Augusta, Me., which contract was canceled by the Post Office Department.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAY L. MARSHALL

The Clerk read the next bill on the Private Calendar, H. R. 7195, for the relief of May L. Marshall, administratrix of the estate of Jerry A. Litchfield.

Mr. BACHMANN. Reserving the right to object, I see in the report, on page 4, in a suggestion by the War Department that the same action be taken in this case as was taken in the case of George W. Boyer, which arose out of the same accident. Why should we distinguish between the two cases?

Mr. LANKFORD of Virginia. If the gentleman would read the report further——

Mr. BACHMANN. I have read it.

Mr. LANKFORD of Virginia. He will see that the case was decided in the district court of the United States, and they decided that there was negligence by the man who was killed in the same accident. The Treasury Department

did not know the case had been decided when they made this report.

Mr. BACHMANN. This was made by the Secretary of War.

Mr. RANKIN. But he did not know that the case had been decided.

Mr. BACHMANN. The court decided the case April 15, 1929, and the report was filed in 1930, so the gentleman's statement is not in accordance with the facts. I question whether we should make any distinction between the two cases.

Mr. LANKFORD of Virginia. It is admitted that this boy lost his life there, and if he brings his suit he might recover $10,000; $10,000 is the limit in Virginia, but they would be subjected to the extra expense.

Mr. IRWIN. When the committee considered this bill they took all these facts into consideration.

Mr. BACHMANN. Does not the chairman of the committee think, in view of the statement of the Secretary of War, that this case should be handled in the same way as the other case? Does not the gentleman think that we ought to accept that recommendation and make that distinction?

Mr. IRWIN. I think we ought to make a distinction, owing to the circumstances here. I think the War Department when it passed on it did not take all of the facts into consideration, but the committee did.

Mr. BACHMANN. Is it true that the Secretary of War did not have the benefit of the court decision at the time he made the statement?

Mr. IRWIN. I can not say that. I know that the committee discussed the bill in a lengthy manner, and we took all these facts into consideration. It was the unanimous opinion of the committee that the recommendation of the War Department should be ignored in this case.

Mr. LANKFORD of Virginia. I had to write and get the court decision. I did not know of it until I received it. I do not think at the time the letter was written that the Secretary of War knew that it had been decided against this man.

Mr. BACHMANN. Well, I am not going to object, and I withdraw my reservation of objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to May L. Marshall, administratrix of the estate of Jerry A. Litchfield, who was killed on the night of December 7, 1925, in a collision between the barge *Pine Grove* and the highway bridge at Colnjock, N. C., while said bridge was owned and operated by the United States, and by the lowering of the draw of said bridge on the pilot house of the barge *Pine Grove* in which said Jerry A. Litchfield was a passenger: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Insert in line 14 of the bill:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EULA K. LEE

The Clerk called the next bill, H. R. 8310, for the relief of Eula K. Lee.

Mr. COLLINS. I reserve the right to object. This woman fell on the steps of the post office.

Mr. CABLE. Yes.

Mr. COLLINS. And because she fell, the gentleman thinks the Government should pay her for whatever injuries she sustained.

Mr. CABLE. I would like to say to the gentleman that this post office is in my home city of Lima, Ohio. I am personally acquainted with the condition of the post office. It was constructed so that a person coming out of the post office, going through the revolving doors, is unable to see the condition of the steps until he has passed through the door and has practically put his foot on the step. I am acquainted with this lady. She has put in a claim for reimbursement for part of the money that she has expended in doctors' bills and hospital bills. She is permanently injured. I have asked a modest sum, in my opinion, to take care of this case.

Mr. COLLINS. I do not see why the Government ought to be called upon to reimburse somebody for injuries claimed to have been suffered merely because of a fall.

Mr. CABLE. Yes; but the Government was negligent in this particular part of the Federal building. It is a serious and dangerous condition there. I have an affidavit in the report showing where another woman had very much difficulty in going down these steps to reach the pavement. The floor of the post office proper is about 5 feet from the level of the pavement, and when the lady came out of the revolving door she stepped down, not knowing that there were ice and snow on the steps, and she fell down the steps to the pavement and received permanent and serious injury.

Mr. COLLINS. The report of the custodian of the building says that there were no ice and snow on the steps.

Mr. CABLE. With all due regard to the custodian, there is an affidavit here from Frances O'Connell stating that on that day about that same time she came onto the steps and had difficulty, and that ice and snow were on the steps.

Mr. COLLINS. I do not think we ought to begin this practice. I shall have to object.

Mr. CABLE. I wish the gentleman would reserve his objection, because this woman is not asking a large sum, not as large as she would get if she went before a jury.

Mr. COLLINS. The Government can not compensate people for falling down.

Mr. CABLE. If this case were before a jury, the jury would give her a large amount, in view of the injury she has sustained.

Mr. COLLINS. I do not know how the gentleman knows what a jury would do in a given case. I object.

HELEN PATRICIA SULLIVAN

The Clerk called the next bill, H. R. 9607, for the relief of Helen Patricia Sullivan.

Mr. STAFFORD. I reserve the right to object. Why did not the Post Office Department furnish the customary report of the inspectors as to the incidents surrounding this accident?

Mr. EVANS of California. It is all set forth in the statement in the report. I do not know why the Post Office Department did not include in this report the full statement of the inspectors. It does appear that the Post Office Department made a full investigation of this and found that the driver of the mail truck was entirely responsible for the accident. He was tried, convicted, and fined $50. There is no question about the responsibility. The Post Office Department acknowledges that.

Mr. COLLINS. Mr. Speaker, will the gentleman yield?

Mr. EVANS of California. Yes.

Mr. COLLINS. The objection I have to the bill is that the Government has settled with this woman once, as the gentleman will notice on page 2 of the report of the Postmaster General. She accepted $500 from the department, and that settlement ought to be binding.

Mr. EVANS of California. May I explain that to the gentleman? That is not the report of the Postmaster General. That is the brief by somebody representing Mrs. Sullivan.

Mr. COLLINS. It is a letter dated February 2, 1930, which is in the report, and it is signed by Walter S. Brown, who is the present Postmaster General.

Mr. EVANS of California. I had reference to the brief.

Mr. COLLINS. I am talking about one thing and the gentleman is talking about another. Let me quote what he says:

I regret my inability to comply with your request for the reason that the evidence relating to this claim was forwarded to the General Accounting Office, Post Office Department Division, on September 27, 1929, at which time Mrs. Sullivan's claim was approved by this department in the sum of $500.

Mr. EVANS of California. When this claim was presented to the Post Office Department it was presented in the full amount of her claim, approximately $10,600. The $600 was for hospitals and doctors' bills and expenses. The Post Office Department wrote her that the limit that they could pay was $500, after investigating and finding that it was liable. They said that if she would revise her claim against the department and make it $500 they would be glad to pay the claim. She is not a resident of my State. She was a visitor in Los Angeles at the time of the accident. I have never even met her.

Mr. COLLINS. Did she accept the $500?

Mr. EVANS of California. She accepted the $500 with the strict understanding that she would pursue this course for compensation for her injury. This woman was in bed for two months. She was seriously injured. There is no question as to the bona fides of the injury.

Mr. COLLINS. That is neither here nor there. If she accepted $500 in settlement of this claim, she ought to be bound by her agreement.

We ought not to be continuously appropriating money for the same injury as is stated in this case.

Mr. EVANS of California. May I say to the gentleman from Mississippi that this woman's expenses were more than $500. There is no question about her injury. I know what I am talking about because I have read the correspondence. She accepted $500 at the suggestion of the Post Office Department on the ground that that was the limit of their authority under the law, and not the limit of the liability of the Government in this matter. I do not believe it would be fair and just to refuse compensation to this woman.

Mr. STAFFORD. What is her present condition? In considering this case, the thought occurred to me that before we vote money on the ex parte testimony of the claimant's witnesses, the doctors in this case, we ought to have some testimony of the Public Health Service, or of some representative of the Government. Now, she says in her own affidavit:

At present I can not walk without pain in my left foot excepting by the use of a particularly flat-heeled shoe.

She was able to work a week after the accident.

Mr. EVANS of California. Oh, no.

Mr. STAFFORD. That is what she says.

Mr. EVANS of California. No. She was in bed for two months.

Mr. STAFFORD. She says:

After working a week keeping books and acting at times as cashier I had to stop work because of my physical condition and was confined to bed for a week as a result of the attempt.

And she was able to go to Montana within a short time after the accident.

Mr. EVANS of California. Oh, no; the gentleman is mistaken. The gentleman is reading the record incorrectly.

Mr. STAFFORD. I am just reading her own affidavit.

Mr. EVANS of California. You will have to read back further.

Mr. STAFFORD. I read all of pages 2, 3, 4, and 5. I read all of the report. The impression I got when I was reading it was that it was rather a padded claim. She is in a condition to walk, and we are asked to pay her $5,000 in addition to the $500 she got originally. Present some evidence from some representative of the Government as to her condition.

Mr. EVANS of California. The affidavit of the doctors show this woman was in bed for two months, and then on crutches for several months, during none of which time was she able to do any work.

Mr. STAFFORD. Unless we can get some evidence from the Government, I think it is throwing $5,000 away, and therefore I object.

Mr. EVANS of Montana. Will the gentleman withhold his objection a moment?

Mr. STAFFORD. I will withhold it.

Mr. EVANS of Montana. It is suggested that this party worked within a week. If the gentleman will look at the affidavit, he will find that she worked in December, 1929, while the woman was injured in April, 1929.

Mr. STAFFORD. What she says is:

I could not walk without the aid of crutches until late in June or early in July, and it was some time after that before I could walk without consfderable difficulty.

Now, what is her present condition? She can walk. She wanted $10,000. The committee finds $5,000 on the ex parte testimony of the doctors. I want some testimony of the representatives of the Public Health Service. It is a raid on the Treasury without any sufficient testimony, and I object.

EDITH BARBER

The Clerk called the next bill, H. R. 10428, for the relief of Edith Barber.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that the bill S. 1496 be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I would like to see the Senate bill first.

Mr. DOUGHTON. The Senate bill is more favorable than the House bill. The Senate bill refers the claim to the Employees' Compensation Commission.

Mr. STAFFORD. I am not satisfied with the form of the Senate bill, Mr. Speaker, "Congress having determined that she contracted tuberculosis in the performance of her duty." I have no objection to an amendment authorizing the United States Employees' Compensation Commission to inquire as to whether she suffered these injuries while employed as a nurse.

Mr. DOUGHTON. That is what they will do. They will consider that.

Mr. STAFFORD. Oh, no. The form of the Senate bill is that it absolutely finds she contracted tuberculosis while in the performance of her duties. It does not give any leeway to the commission at all to make a finding.

Mr. DOUGHTON. Has the gentleman read the report? She served as a nurse in a sanitorium in Virginia and in Tennessee for about 16 years. She broke down.

Mr. STAFFORD. Oh, she broke down and she was on vacations. She was transferred from place to place. I have no objection to giving her the benefits of the Employees' Compensation Commission; that is, allowing the Employees' Compensation Commission to consider her claim.

Mr. DOUGHTON. Will that not necessitate going back to the Senate, and that would kill the bill for this session?

Mr. STAFFORD. I hope not.

Mr. DOXEY. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. DOXEY. That will include permission to consider the claim, and if she is found to have a meritorious claim, although she is barred by the statute, the claim is allowed?

Mr. STAFFORD. That is it exactly.

Mr. DOUGHTON. I will accept the amendment.

Mr. STAFFORD. Mr. Speaker, I do not have the amendment in proper form just now.

The SPEAKER pro tempore. Without objection, the bill will be temporarily passed.

There was no objection.

ALEX BREMER

The Clerk called the next bill, H. R. 11185, for the relief of Alex Bremer.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I notify the House that I intend to offer the usual attorney's fee limitation.

Mr. STAFFORD. Mr. Speaker, I object.

A. E. WHITE

The Clerk called the next bill, H. R. 12076, authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of the postmaster at Payette, Idaho, A. E. White, with the amount of $144.55, the same being the balance of the amount of $272.72, funds belonging to the post office deposited in the Payette National Bank, Payette, Idaho, by the said A. E. White, postmaster, and which is still due the Post Office Department upon the final liquidation of the bank's assets following the failure of the said bank on November 16, 1922.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WILLIAM R. COX

The Clerk called the next bill, H. R. 12374, for the relief of William R. Cox.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of William R. Cox, postmaster at Pasco, Wash., in the sum of $103.81, due the United States on account of the loss resulting from the closing of the First National Bank, of Pasco, Wash.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PORT ARTHUR CANAL & DOCK CO.

The Clerk called the next bill, H. R. 12498, for the relief of the Port Arthur Canal & Dock Co.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Port Arthur Canal & Dock Co., out of any money in the Treasury not otherwise appropriated, the sum of $300, to reimburse the said Port Arthur Canal & Dock Co. for the deposit of like amount made with the Secretary of War in the year 1906 to secure the United States against any claim under an unsecured vendor's lien in favor of one J. H. Black upon certain property at Port Arthur, Tex., conveyed to the United States by the Port Arthur Canal & Dock Co., no claim having been made under said vendor's lien and the time within which such claim might be made having expired.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ALFRED W. MAYFIELD

The Clerk called the next bill, H. R. 3643, for the relief of Alfred W. Mayfield.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,897 to Alfred W. Mayfield, of Carlinville, Ill., to reimburse him for his loss on tubercular cattle.

With the following committee amendment:

Page 1, line 6, strike out "$2,897" and insert in lieu thereof "$700."

The committee amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: At the end of the bill add the following proviso:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ELSIE M. SEARS

The Clerk called the next bill, H. R. 7047, for the relief of Elsie M. Sears.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elsie M. Sears, of Plymouth, Mass., the sum of $250 in full compensation for personal injuries and damages to her clothing as the result of an accident which she suffered, without negligence on her own part, on the 23d day of July, 1926, while in the Federal building in said Plymouth.

With the following committee amendment:

Page 1, line 6, strike out "$250" and insert in lieu thereof "$50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WILLIAM W. DANENHOWER

The Clerk called the next bill, S. 2466, to carry into effect the findings of the Court of Claims in the case of William W. Danenhower.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

HELEN F. GRIFFIN AND ADA W. ALLEN

The Clerk called the next bill, S. 2892, for the relief of Helen F. Griffin and Ada W. Allen.

Mr. COLLINS. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection?

Mr. COLLINS. Yes.

Mr. JOHNSON of Washington. Here is a bill for the relief of two widows whose husbands, who were Federal employees, contracted poisoning on food ordered and served by the Government while they were fighting tremendous forest fires.

This is a Senate bill and the reports from the department are all favorable, and I believe it was handled in the Claims Committee of the House entirely on its merits; certainly, without a special appeal. I believe this measure should appeal to the membership of the House entirely on its merits. There is quite an extensive report on the bill. I base my appeal, in addition to the statement of fact and indorsement by the forester; also on the statements of leading physicians of Tacoma and the other officials, on particular statement made here by the Chief Forester, who says:

The thought occurs to me that perhaps the strenuous work of fighting forest fires is not fully appreciated by those who have not experienced it.

Gentlemen, in the country where I live, where the great fir trees, filled with pitch, whole forests get on fire, the situation is so desperate that sometimes every able-bodied man within a radius of 10 or 20 miles is called in by the fire warden to assist the Federal officials in fighting fires. They get no reward. These were two leaders, Government men, who were paid about $2,100 a year and the compensation these widows would have received is small, and one has two children and one has no child. The amount per month is small and if this accident had occurred a short time later, there would have been no question about it.

Mr. SLOAN. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SLOAN. Is it not the fact that these men were poisoned by food furnished by the Government itself?

Mr. JOHNSON of Washington. Ordered by the Government.

Mr. SLOAN. At the restaurant where the Government had ordered food at a time when they were exhausted fighting fire, and they died shortly afterwards as a result of it.

Mr. JOHNSON of Washington. That is the story in brief. Had the widows applied earlier they would have had compensation and this bill would not have been necessary.

Mr. SLOAN. And the gentleman knows that the physician, Dr. Grant Hicks—whom I have known for 50 years, the leading physician in the city of Tacoma, whose word is as good as that of any physician in this world—and the Department of Agriculture have recommended this.

Mr. JOHNSON of Washington. I thank the gentleman for his statement. My own rule is never to introduce a proposal for a claim sent to me unless I can see merit in it, and the affidavits to back up all statements which have been made. This is a Senate bill and was entirely handled by the House Committee on Claims on its merits.

Mr. COLLINS. Mr. Speaker, I object for the time being.

ELIZABETH T. CLOUD

The Clerk called the next bill on the Private Calendar, H. R. 269, for the relief of Elizabeth T. Cloud.

Mr. STAFFORD. Mr. Speaker, I object.

ESTATE OF W. A. COX

The Clerk called the next bill on the Private Calendar, H. R. 6207, for the relief of the estate of the late Dr. W. A. Cox.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. DOXEY. Will the gentleman reserve his objection a moment?

Mr. STAFFORD. Certainly.

Mr. DOXEY. On behalf of the gentleman who reported the claim and the author of the bill, I would like for the gentleman to tell me the nature of his objection. I am sure the gentleman is familiar with the case.

Mr. STAFFORD. I have made a note on the bill as a syllabus of my finding.

Mr. DOXEY. What does the gentleman's note say?

Mr. STAFFORD. That there was no authority on the part of any immigration official to authorize the public health officer to examine immigrants.

Mr. DOXEY. Will the gentleman permit me briefly to tell him the facts?

Mr. STAFFORD. Yes.

Mr. DOXEY. This doctor rendered the services. There is no question about that. He rendered them under the authority of the inspector of the Immigration Department at that time. He was only getting $300 a year, but there was a change of inspectors and he was informed by the new inspector that he had to have formal appointment by the department. This appointment was given. He continued to render the services as he had without the appointment, but under the authority of an inspector. This bill merely gives him $300 a year for the service he performed under the authority of this inspector who was a duly authorized representative of the Government, thinking he had the right to authorize this service, and that the service would be paid for; and he afterwards found that the service, although authorized by him, should have been approved by the department, which, no doubt, would have been approved if the request had been made, which was afterwards shown by the continuation of the doctor in this identical service.

So I respectfully submit that the gentleman from Wisconsin can see by the after-developed fact that the department gave the authority for the identical work and would have given it if they had been requested at the beginning of the term when the service was performed. It was not the doctor's duty to find out, because he was relying on the inspector in charge of the post. These are the facts.

Mr. STAFFORD. Mr. Speaker, by reason of the statement advanced by the gentleman from the Committee on Claims, I withdraw the objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $1,293.83 to the estate of the late Dr. W. A. Cox, for services performed during his lifetime in immigration inspection at the port of Pascagoula, Miss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOSE O. ENSLEW

The Clerk read the title of the next bill on the Private Calendar, H. R. 6535, for the relief of Jose O. Enslew.

Mr. STAFFORD. I object.

Mr. SOMERS of New York. Will the gentleman reserve his objection?

Mr. STAFFORD. I will.

Mr. SOMERS of New York. This girl was injured in crossing the street by a Government truck. There was no fault on her part, no negligence, and I think her family ought to be compensated.

Mr. STAFFORD. She was injured on Pine Street, New York. All of those who go to New York know the crowded conditions on Pine Street and Wall Street.

Mr. SOMERS of New York. But the driver says that there was nobody on the street at this time.

Mr. STAFFORD. She walked right across the street into the truck, into the Government truck, and was injured. I object.

HELEN F. GRIFFIN AND ADA W. ALLEN

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to return to Calendar No. 873, S. 2892.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to return to Calendar No. 873. Is there objection?

Mr. COLLINS. Reserving the right to object, these are two ignorant people who failed to file their claims within the year time.

Mr. JOHNSON of Washington. Not ignorant people, but ignorant of the law. They slept on their rights and did not file their claims.

Mr. COLLINS. I am inclined to believe that we ought to permit them to file now. Had they filed within the year they would receive the benefits that go to other employees that are injured. Ignorance of the law is responsible for their failure to file within the required time.

Mr. BACHMANN. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BACHMANN. Does the gentleman want to extend that ruling to employees of the city of Washington who have been injured?

Mr. JOHNSON of Washington. Let each case stand on its own merits.

Mr. COLLINS. I think we ought to let the House consider this bill. As far as I am individually concerned, I am willing for this bill to be considered.

Mr. BACHMANN. I can see where some employees of the Government in some State in a remote part may not be familiar with the provisions of the law, and I am asking the gentleman whether he wants to extend the ruling to employees in Washington who may be familiar with the law?

Mr. COLLINS. I seriously doubt whether added time be generally given, but these people live in a forest, in a remote section, and not being conversant with the benefits of the law, I am constrained to believe that they ought to be permitted to file their claims now for benefits that they were entitled to and would have received had they filed in time.

Mr. BACHMANN. I agree with the gentleman in this particular instance.

Mr. JOHNSON of Washington. Now we have got it. [Laughter.]

Mr. BACHMANN. But I am asking the gentleman whether he wants to extend the rules to other cases?

Mr. COLLINS. I do not think so.

Mr. SCHAFER of Wisconsin. Reserving the right to object, I understand that the two regular objectors decide to consider a case when it has been considered by the present committee where the employees have failed to file, having no knowledge of the law. I do not object.

The bill was read, as follows:

S. 2892

A bill for the relief of Helen F. Griffin and Ada W. Allen

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Helen F. Griffin, widow of Alfred A. Griffin, and to Ada W. Allen, widow of G. F. Allen, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, compensation to commence from and after the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A. W. HOLLAND

The Clerk called the next bill, H. R. 6896, for the relief of A. W. Holland.

Mr. STAFFORD. I object.

Mr. McKEOWN. Will the gentleman reserve his objection for a moment?

Mr. STAFFORD. Yes.

Mr. McKEOWN. This man Holland was appointed postmaster in 1911 at a little town in Oklahoma named Drumright. It did not amount to anything, but suddenly there was an oil boom. The man spent over $800 or $900 in trying to give service to these people. The gentleman knows Mr. Burleson's attitude toward postmasters in his day. He refused to give them any help. The man spent his money, and the department does not express any opinion about it. He is entitled to his money. He is in bad shape. He has done the work.

Mr. STAFFORD. Mr. Speaker, I do not wish to take up the time of the committee in reciting the history of the allowance for clerk hire in fourth-class postmasters during periods when there is extra work. There was a time when these men were given no allowance for additional service. If we should establish this practice, we would have any number of claims of a similar character. In later years we established the policy, where there was an extraordinary condition, of the department granting a certain allowance for extra work occasioned by exceptional conditions. In the early days there was no appropriation that permitted such an allowance.

Mr. McKEOWN. This man would have been paid if it had come along later. There were 50,000 people there.

Mr. STAFFORD. There are cases of mining towns out West where the conditions were similar, and in my own country there was extra work during the resort season. I object.

EDWARD J. DEVINE

The Clerk called the next bill, H. R. 7291, for the relief of Edward J. Devine.

Mr. GREEN. Mr. Speaker, I reserve the right to object, and I do not intend to do so, because I have never objected to a private bill. I rise to ask my colleague's indulgence at 1 minute before 11 o'clock to-night to help me pass a bill general in scope which is on this calendar. It does not call for any money; it is not a claim bill, but a whole county in my district is concerned, and it has taken months and months to get the bill out of the committee. On account of this emergency, just before 11 o'clock, after we have finished our business, I am going to ask to take up Calendar No. 1192, which is a Senate bill. It will not take more than a half a minute to pass it.

Mr. STAFFORD. We have not those bills before us now.

Mr. GREEN. I have the bill, and I will show it to the gentleman.

Mr. STAFFORD. I have it at home, but I have not the report.

The SPEAKER pro tempore. Is there objection to the consideration of the bill H. R. 7291?

There was no objection, and the Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized and directed to pay, out of the appropriation "Medical and hospital services," to Edward J. Devine the sum of $65.50. The payment of such sum shall be in full settlement of all claims against the United States for undertaking services performed by Edward J. Devine in connection with the burial of Patrick J. Murtagh.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK J. MICHEL AND BARBARA M. MICHEL

The Clerk called the next bill, H. R. 12632, for the relief of Frank J. Michel and Barbara M. Michel.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $5,000 to Frank J. Michel and Barbara M. Michel, in full for all claims they or either of them may have against the Government on account of the death of their son, Lawrence Michel, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States.

With the following committee amendment:

At the end of the bill add the following:

"SEC. 2. That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $5,000 to Sophia Mary Klima, widow, in full for all claims she may have against the Government on account of the death of her daughter, Elsie Klima, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States.

"SEC. 3. That there is hereby appropriated, and the Secretary of the Treasury is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $5,000 to Katie Kroart, widow, in full for all claims that she may have against the Government on account of the death of her son, William E. Kroart, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended to read: "A bill for the relief of Frank J. Michel and Barbara M. Michel, and others."

HARRISON SIMPSON

The Clerk called the next bill, H. R. 12659, for the relief of Harrison Simpson.

Mr. BACHMANN. Mr. Speaker, I reserve the right to object. This is another one of those cases permitting the claimant to file his claim with the Employees' Compensation Commission.

Mr. VESTAL. Mr. Speaker, I do not think this bill ought to be objected to. I think it ought to pass. It is a jurisdictional bill. This man was operating an elevator and was in the hospital for more than a year. He has not a thing on earth to live on. He did not know anything about the statute of limitations.

Mr. IRWIN. That is the point that I was going to make. Here is an old man who did not know his rights. I am always in sympathy with that kind of a bill. That is the reason we reported this bill. Where a man or woman is educated and knows his or her rights I do not feel much sympathy. I went into this thing thoroughly, and I believe we ought to waive that particular statute in this case.

Mr. BACHMANN. When I went over this case I thought there might be some extenuating circumstances and that we might consider it within the rule as suggested, but I do not find anything in the report to show that he ever made application to the Employees' Compensation Commission.

Mr. VESTAL. He did.

Mr. BACHMANN. This is 1931 and he was injured in 1927.

Mr. VESTAL. I do not know whether the report shows it or not, but he did make application to the commission. He did not know anything about his rights.

He was in the hospital for more than one year, hoping, of course that he would get better so that he could return to work. If there ever was a case where the Compensation Commission should have the right to investigate and find out the merits of the case, this is the case. I do not know whether he is going to be entitled to anything or not, but I think he should be permitted to go before the Employees' Compensation Commission.

Mr. COLLINS. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. COLLINS. In addition to what the gentleman has already stated, the affidavit filed with the report, being signed by Doctor Stevens, states that he continued to see and treat him almost continuously from day to day from that day to this; that he soon discovered that there was an infection in his left eye, and from his examination and treatment he diagnosed the trouble as being metallic poisoning, and from the history of the case as given by the said Simpson it is his opinion that this poison was a brass poison brought about by rubbing his eye with his hand after using the brass controller in the elevator. In other words, the claimant contends to-night that his trouble was from a splinter, and his doctor states that his trouble was from metallic poisoning.

Mr. VESTAL. Oh, no. The gentleman is absolutely mistaken. I do not know what the affidavit shows, but I have talked to the doctors myself. There was a splinter in his eye, and that is when he rubbed his eye with his hand, and immediately after this thing was discovered the Superintendent of the House Office Building has taken care of every one of those levers and found that there was brass poisoning and has covered all of them. It does not seem to me that this man ought to be absolutely prohibited from going before the commission to find out whether or not he is entitled to this compensation.

Mr. COLLINS. This man was in contact with Members of Congress continuously.

Mr. VESTAL. He was not in contact with Members at all. For he was not able to be away from the hospital for more than a year after he was injured.

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. I object, Mr. Speaker.

LIEUT. COL. U. S. GRANT, 3D

The Clerk called the next bill, H. R. 10026, providing that Lieut. Col. U. S. Grant, 3d, United States Army, shall have the rank and receive the pay and allowances of a brigadier general, United States Army, while serving as associate director of the George Washington Bicentennial Commission, and for other purposes.

Mr. HOLADAY. Mr. Speaker, at the suggestion of the gentleman introducing this bill, I move that the bill be tabled, as Lieutenant Colonel Grant has resigned from the Centennial Commission.

The SPEAKER pro tempore. Without objection, the motion will be agreed to.

There was no objection.

ALVINA HOLLIS

The Clerk called the next bill, H. R. 8096, for the relief of Alvina Hollis.

Mr. STAFFORD. Reserving the right to object, I notice that the original claim was for $5,000, and it has been reduced to $1,500.

Mr. PITTENGER. That is correct.

Mr. STAFFORD. The claimant said she was trying to dodge another car, and the testimony of the driver of the Government automobile was that he was only going at the rate of 4 miles an hour. What are the real merits to entitle this claimant to any relief at all?

Mr. PITTENGER. The solicitor for the Post Office Department, who made a very careful examination and investigation of this case, found that this woman had a meritorious claim and recommended it for payment. The Post Office Department would have settled it except they did not have authority to make a settlement that would be proper.

Mr. BACHMANN. Will the gentleman yield?

Mr. PITTENGER. I yield.

Mr. BACHMANN. I have gone into this case rather thoroughly, and I see the Post Office Department has recommended, as the gentleman from Minnesota has stated, and I feel this bill ought to be passed.

Mr. STAFFORD. I assume there will be no question, if this bill goes through, that it will not be returned to us for a higher amount?

Mr. PITTENGER. Oh, no. I have no intention of that.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alvina Hollis, the sum of $5,000 in full settlement of all claims against the United States because of personal injuries sustained by the said Alvina Hollis when struck and injured on or about October 4, 1928, by a motor truck owned and operated by the Post Office Department of the United States.

With the following committee amendments:

Page 1, line 6, strike out "$5,000" and insert in lieu thereof "$1,500."

Page 1, line 10, after "United States," insert:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table..

JACOB D. HANSON

The Clerk called the next bill, H. R. 3163, for the relief of heirs of Jacob D. Hanson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Jacob D. Hanson, the sum of $25,000 for all damages suffered by reason of the said Jacob D. Hanson's being shot and fatally injured, without cause or justification, while traveling on a highway near Niagara Falls, N. Y., on the night of the 5th of May, 1928, by two members of the United States Coast Guard, the said members being then and there on duty as Coast Guard men and acting as such.

With the following committee amendment:

Page 1, line 6, strike out "$25,000," and insert in lieu thereof "$5,000."

The committee amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I move to strike out the last word.

The Members of the House who have read the committee report will find that I submitted minority views, which views appear on the last page of the committee report.

Personally I do not believe that $5,000 is sufficient to do justice in this case. The facts produced before the Claims Committee clearly indicate that Jacob D. Hanson, a prominent, law-abiding citizen, was deliberately murdered by a fanatical prohibition agent. The evidence is such as would justify the incarceration of this Federal prohibition agent in prison for the rest of his natural life. This is only one of the many cases which clearly indicates that the sumptuary prohibition law——

Mr. STRONG of Kansas. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is pursuing the regular order.

Mr. SCHAFER of Wisconsin. Yes. And I will say to the gentleman from Kansas [Mr. STRONG], one of the leading drys of this House, it would be better for him to consider the facts in this case, and perhaps if he would consider the facts as presented to the Claims Committee on this murder by Federal prohibition agents, together with the facts on dozens of other murders, he might change his mind about his holiest of the holy the sumptuary prohibition laws.

Mr. Speaker, if gentlemen who, like the gentleman from Kansas, believe that the Constitution of this land only consists of the eighteenth amendment and that the only laws enacted under the Constitution are the sumptuary prohibition laws, enacted under the eighteenth amendment, would read the horrible details of this assassination, together with those of others they would not hesitate to reach a conclusion that instead of bringing law and order and respect for law in this country the eighteenth amendment and the sumptuary laws enacted thereunder have brought disrespect for law. It can not be denied that the eighteenth amendment has been the cause of many assassinations, and that is especially true in this case, where this prohibition agent killed a high official of the Elks without cause or justification. The eighteenth amendment to the Constitution has changed it from a charter of rights and liberties into a criminal statute book.

In view of the fact that we only have a few more days of this session and in order not to jeopardize the passage of this bill as reported by a majority of the Claims Committee I shall not press my minority amendment raising the amount from $5,000 to $10,000, although I am firmly convinced that the facts in the case justify the payment of at least $10,000. I am glad that the membership of this House has considered this case on its merits and that there has been no objection to the consideration of this meritorious bill on the Private Calendar, which requires unanimous consent for consideration. This is one of the most meritorious bills I have ever seen reported from the Committee on Claims, of which I am a member.

Mr. MEAD. Mr. Speaker, I rise in opposition to the pro forma amendment. This bill was introduced by my colleague [Mr. DEMPSEY] of the Niagara district. He is unavoidably detained to-night, and I just want to say a word of thanks to the chairman of the committee for reporting out this bill, and I thank the House for giving it consideration. I hope the amount will be increased in the Senate.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of line 12, on page 1, insert the following proviso: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid of delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CHARLES MORTON WILSON

The Clerk called the next bill, S. 3712, to establish a military record for Charles Morton Wilson.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, this is a bill similar to the one vetoed by the President the other day. There is no record in the War Department of any service and this man could not be any more than a civilian employee. Unless somebody can make some explanation of the bill I shall have to object.

EDWARD F. WEISKOPF

The Clerk called the next bill, H. R. 1157, for the relief of Edward F. Weiskopf.

Mr. STAFFORD. Mr. Speaker, I object.

P. JEAN DES GARENNES

The Clerk called the next bill on the Private Calendar, H. R. 12077, for the relief of P. Jean des Garennes.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this provides for retirement pay of an aged former instructor at the Naval Academy.

Mr. GAMBRILL. That is correct.

Mr. STAFFORD. I understand it is not the policy to grant retirement pay to the civilian force of the Naval Academy.

Mr. GAMBRILL. That is correct.

Mr. STAFFORD. Does the gentleman believe we should make an exception in this case?

Mr. GAMBRILL. The facts of the case are that this professor served at the academy for 27 or 29 years. He was compelled to retire when he was 74 years of age. He has now reached the age of 82 or 83. He is incapacitated and totally blind. The matter was submitted to the Navy Department, and the Navy Department recommended the passage of this bill. I may say that the civilian professors at the Naval Academy are not under the retirement act, but a bill was proposed by the Navy Department and submitted about a year ago to the Director of the Budget, but the provisions of that retirement act did not meet with the approval of the Director of the Budget. So well did the Navy Department think of the idea of retiring this professor on pay that in that general retirement act they had a special provision to take care of his case.

Mr. STAFFORD. Will this bill be used as a precedent to give retirement pay to all those civilian instructors who are mandatorily compelled to retire at the age of 65?

Mr. GAMBRILL. I think not. I might say there have been three precedents back in 1915, when the Congress passed special acts for the retirement of these professors.

Mr. STAFFORD. I think we ought to have some general legislation. I am objecting to a bill relating to retirement pay for civilian instructors at West Point, and if I allowed this to go by I would be censured for showing favoritism.

Mr. GAMBRILL. Will not the gentleman bear in mind that unless relief is given at the present time, owing to the age of this gentleman, it will probably be of no benefit to him if his case comes under the provisions of a general retirement law?

Mr. STAFFORD. That is the same character of appeal that is made in the other case. I shall have to object, Mr. Speaker.

JOHN HEFFRON

The Clerk called the next bill on the Private Calendar, S. 1683, for the relief of John Heffron.

Mr. COLLINS. Mr. Speaker, I object.

Mr. BLACK. Will the gentleman reserve his objection?

Mr. COLLINS. Yes; I reserve it.

Mr. BLACK. The man who is asking for relief under this bill is one of the 15 survivors of the *Maine*. One hundred and twenty-five men were in the forward turret of that ship when she blew up; three of them survived, and Mr. Heffron is one of them. He served in the Navy prior to that time 13 years. He served for about 53 days after the sinking of the *Maine*. Under the Spanish War pension act there is a requirement of 90 days' service. He could not reenlist through no fault of his own. He was not fit to reenlist in the Navy, else he would have served the 90 days, but he had served 13 years and 53 days and, subsequently, during the World War he became a member of the Naval Reserve when he was over the age of 60. This man is now 74. The Navy Department is rather favorable to helping this man, but does not want to recommend special legislation.

Now, I ask my good friend from Mississippi not to object. This man was one of the 15 or 16 men who survived the blowing up of the *Maine*, and I am going to ask the gen-

tleman from Mississippi to forget his objection and remember the *Maine*.

Mr. COLLINS. I shall have to object to this bill for the reason that this man served 53 days during the war and he now wants the Congress to say that he served 90 days; in other words, he wants us to say, in legislation, that he served 37 days longer than he actually served. In addition, the Navy Department recommends against the enactment of the bill.

Mr. COLE. Will the gentleman yield?

Mr. COLLINS. I yield to the gentleman.

Mr. COLE. In a recent Spanish War pension act the time of service was decreased to 70 days.

Mr. COLLINS. I understand that.

Mr. BLACK. Here is a man who was in one of the greatest disasters in the history of our Navy. He is one of the few men who survived the accident. He had served 13 years prior to this and served for 53 days afterwards. He has never asked anything of this Government, and now at the age of 74 he is asking for a pensionable status. He could not reenlist after his 53 days of service in the Spanish-American War. The Navy Department says that through no fault of his own this man could not go ahead for the required 90 days, and I think it would be pretty small of Congress to deny one of the heroes, one of the 15 surviving heroes of the disaster to the Maine, a pensionable status. If the gentleman from Mississippi wants to do that, let the responsibility rest on his shoulders.

Mr. COLLINS. This man's service has nothing to do with this matter. I am objecting because the Congress is asked to say that this man served 90 days when he served only 53.

Mr. BLACK. That is a small thing to say about a man who was on the *Maine*, and I think the gentleman will live to regret it.

Mr. COLLINS. This man's record is beside the question. It is a fact that the man served 53 days, and under the terms of this bill Congress is asked to say that he served 90 days.

Mr. HALE. Will the gentleman yield for one suggestion?

Mr. COLLINS. I yield.

Mr. HALE. The gentleman does not understand that this man had served 2 years and 312 days before the explosion of the battleship *Maine*. He was one of the survivors. He served a 3-year enlistment, for he enlisted in 1895. His enlistment ran out in June, 1898. He was in the Navy two years before the Spanish War broke out and he was one of 16 survivors of the *Maine*.

Mr. COLLINS. The gentleman wholly misunderstands my objection. Let me read the bill and let the gentleman know what Congress is asked to do:

That in the administration of the pension laws or any laws concerning rights, privileges, or benefits upon persons honorably discharged in the United States Navy John Heffron shall be held and considered to have served honorably as a cook (first class), United States Navy, for more than 90 days during the war with Spain.

In other words, we are asked to say that he served more than 90 days when he served only 53 days. Therefore, I object to the bill.

HAROLD F. SWINDLER

The Clerk read the title of the next bill on the Private Calendar, S. 2272, for the relief of Harold R. Swindler.

Mr. STAFFORD. I object.

Mr. BACHMANN. Will the gentleman reserve his objection?

Mr. STAFFORD. I will.

Mr. BACHMANN. The Navy Department has recommended that this bill be passed. I was wondering if the gentleman had something in mind that they have overlooked.

Mr. STAFFORD. The Navy Department makes recommendations freely sometimes. I have objected to the same character of bills reported from the Committee on Military Affairs. I object.

WILLIAM C. RIVES

The Clerk read the title of the next bill on the Private Calendar, S. 2608, for the relief of William C. Rives.

Mr. COLLINS. I object.

FREDERICK L. CAUDLE

The Clerk read the title of the next bill on the Private Calendar, S. 2721, an act to provide for the advancement on the retired list of the Navy of Frederick L. Caudle.

Mr. STAFFORD. I object.

WALTER P. CROWLEY

The Clerk read the title of the next bill on the Private Calendar, S. 3045, an act for the relief of Walter P. Crowley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in consideration of his subsequent good war record as an officer, Walter Paul Crowley shall hereafter be held and considered to have been honorably discharged from the United States Navy as an ex-apprentice, third class, United States Navy, on the 27th day of November, 1903: *Provided*, That no back pay, pension, or other allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD EARLE

The Clerk read the title to the next bill on the Private Calendar, S. 3648, an act to correct the naval record of Edward Earle.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed (1) to correct the records of the Navy Department to show that Edward Earle was discharged as an electrician's mate, first class, United States Naval Reserve Force, on November 21, 1918, and (2) to issue to Edward Earle such character of discharge as is warranted by his record of service in the Navy.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN SANFORD TILLOTSON

The Clerk called the next bill, H. R. 10562, for the relief of John Sanford Tillotson.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. In my reading of the report on this bill it shows that the bill seeks to give the benefit of the war term insurance to a son that was putatively adopted, but not under legal procedure. I believe the bill is reported from the Committee on War Claims. We have heard considerable repercussion talk during the consideration of this calendar about the outrageous treatment that some of us have accorded bills reported from that committee. The report shows that if we pass this bill the widow would be entitled also to claim the $10,000 war insurance. Does the chairman of the committee think that we should cause the Government a double liability?

Mr. STRONG of Kansas. The gentleman has never charged the gentleman from Wisconsin with unfair treatment. There is a waiver on the part of the widow. This man thought he properly and legally adopted this boy. The boy was killed. There is only a technicality in the adoption. We thought the Government should not seek to take advantage of this technicality, but should pay the claim as if no such technicality existed.

Mr. STAFFORD. I read from the letter of General Hines dated April 7, 1930:

The records show that the veteran left a will under which he devised all of his personal property to his second wife, Catherine M. Tillotson, who was also named executrix. In view of the fact that there was no properly designated beneficiary the right of the widow to take this insurance by virtue of the will vested at the time of the veteran's death, and she can not, of course, be legally divested. She has not yet filed claim.

Mr. STRONG of Kansas. I call the attention of my friend to the report of the committee at the top of page 2, in which we say:

The widow of Clarence A. Tillotson (his second wife, Mrs. Catherine G. Tillotson) has signed a waiver of all her rights and claims on this insurance in favor of John Sanford Tillotson, the original of which is on file with your committee, and a certified copy of which is on file with the Veterans' Bureau.

Mr. STAFFORD. Mr. Speaker, that fact was not previously called to my attention. I think the interests of the Government are amply safeguarded. I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed to pay to John Sanford Tillotson, designated beneficiary under the war-risk term insurance granted to Clarence A. Tillotson (XC 1391507, formerly captain, Medical Corps), the benefits payable by reason of the maturity of said insurance in the same manner as though the said John Sanford Tillotson were within the restricted permitted class of beneficiaries for war-risk term insurance.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WILLIAM H. CONNORS

The Clerk called the next bill, H. R. 1501, for the relief of William H. Connors.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Connors, who was a member of Battery C, Sixth Regiment United States Field Artillery, Fort Bliss, Tex., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 6th day of July, 1925: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 9, strike out "6th day of July, 1925," and insert "14th day of October, 1914."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOHN J. MULLEN

The Clerk called the next bill, H. R. 6491, for the relief of John J. Mullen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John J. Mullen, who served in Company G, Seventeenth Regiment United States Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a private in Company G, Seventeenth Regiment United States Infantry, on October 18, 1874: *Provided*, That no pay, bounty, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Line 9, after the word "on," insert "the 18th day of."
Line 10, strike out the figures "18," and after the word "no" insert the word "back."
Line 11, after the word "bounty," insert the word "pension."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

EDITH BARBER

Mr. STAFFORD. Mr. Speaker, Calendar No. 865, H. R. 10428, for the relief of Edith Barber, was passed over because an amendment was not prepared to be submitted, with the right to return to it. I ask unanimous consent that we return to Calendar No. 865.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STAFFORD. I ask unanimous consent to substitute the bill S. 1496 for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Edith Barber, who contracted tuberculosis while in the performance of her duties as a nurse at the National Soldiers' Home, Johnson City, Tenn., and the National Soldiers' Home, Virginia.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the Senate bill: Strike out all of lines 3, 4, 5, 6, 7, 8, 9, and 10 and insert in lieu thereof the words:

"That the United States Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to consider the claim of Edith Barber, who is alleged to have contracted tuberculosis while in the performance of her duties as a nurse at the soldiers' home, Johnson City, Tenn., and the National Soldiers' Home, Va.: *Provided*, That no benefits hereunder shall accrue prior to the enactment of this act."

The amendment was agreed to; and the bill as amended ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

Mr. GREEN. Mr. Speaker, I hope the gentleman from Wisconsin will now take the time to read the report which I have just given him on the public park bill, which I hope to call up. It is a bill that affects an entire county. It has passed the committee without objection and is a Senate bill.

URIEL SLITER

The Clerk called the next bill, H. R. 10113, for the relief of Uriel Sliter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Uriel Sliter, who was a member of Troop B, Seventh Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 31st day of March, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Page 1, line 5, after the word "of," strike out "Troop B, Seventh Regiment New York Volunteer Cavalry" and insert "Company H, Twenty-second Regiment Veteran Reserve Corps."

Page 1, line 10, after the word "the," strike out "31st day of March, 1862" and insert in lieu thereof the words "3d day of October, 1864."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

WILLIAM H. STROUD

The Clerk called the next bill, H. R. 10326, for the relief of William H. Stroud.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Stroud, who was a member of Troop G, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 30th day of January, 1875: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEONARD THEODORE BOICE

The Clerk called the next bill, H. R. 8784, for the relief of Leonard Theodore Boice.

Mr. COLLINS. Reserving the right to object, I would like to ask some one if the purpose of this bill is to do more than grant this man an adjusted-service certificate?

There does not seem to be anyone interested in the bill. I will withdraw the reservation of objection and will offer two amendments.

Mr. STAFFORD. I object, Mr. Speaker.

WALTER W. ADKINS

The Clerk called the next bill, H. R. 672, for the relief of Walter W. Adkins.

Mr. SCHAFER of Wisconsin. Reserving the right to object, may I ask the author of the bill to indicate briefly the merits of this bill?

Mr. TARVER. Permit me to say to the gentleman that the Civil War veteran for whose benefit this bill was introduced has died since this bill was introduced, and, as far as I know, he has no widow or other person who would acquire any pensionable status from this bill. I do not care to discuss it. I do not think it amounts to anything one way or the other, except that its passage may afford some satisfaction to his family. If the gentleman desires to object, that is his privilege.

Mr. SCHAFER of Wisconsin. The gentleman has a firm belief that there is merit to the bill?

Mr. TARVER. Yes; otherwise I would not have introduced it.

Mr. SCHAFER of Wisconsin. I do not object, Mr. Speaker.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Walter W. Adkins, who served as a private in Company H, Seventh Regiment Tennessee Volunteer Mounted Infantry, from February 1 to May 15, 1865, shall hereafter be held to have been honorably discharged from the military forces of the United States on May 15, 1865, but no pay, bounty, pension, or other emolument shall accrue prior to the enactment of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Walter W. Adkins, who was a member of Company H, Seventh Regiment Tennessee Volunteer Mounted Infantry, from February 1 to May 15, 1865, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 15th day of May, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM J. BODIFORD

The Clerk called the next bill, H. R. 11529, for the relief of William J. Bodiford.

Mr. STAFFORD. Reserving the right to object, this bill in one particular is different from the customary bills lifting the charge of desertion, to give a pensionable status, in that it specifically provides that "the charge of desertion is hereby removed from his record." I think there would be no question that this bill would be vetoed if we would allow it to go in this form. We can not, as is the position taken by the War Department, change a military record. We can give a person a pensionable status, but there is the record, and the War Department has been adamant in its position of never allowing any congressional action to change a military record. So I suggest to the gentleman that he consent to have the clause stricken "and the charge of desertion is hereby removed from his record."

Mr. GASQUE. May I say to the gentleman from Wisconsin that this man enlisted in the Spanish-American War, and when they were moving from Columbia, S. C., to Jacksonville he was sick. He was a young boy from a country district, uneducated, and he did not know what desertion meant. He asked his commanding officer to let him go home because he was sick, and the commanding officer stated to him he could not go. He was sick and he went home. He went home and he had typhoid fever, and he was confined to his bed for three months. When he got up from his bed he went directly to his command and reported. He rejoined his command, never knowing he had deserted. He stayed with his command until the Spanish-American War was over, and he was given an honorable discharge, which he holds to-day. In fact, he had been technically accused of desertion and convicted of that, but after that he was given an honorable discharge and sent home. I have in my files certificates from his colonel and from all of the men connected with his organization that he was one of the best soldiers they ever had. He is not able to get a pension because of this technical charge of desertion.

Mr. STAFFORD. If the gentleman will accept the proposed amendment that I suggested, it would give him a pensionable status.

Mr. GASQUE. I want to say this, that we passed a bill giving him an honorable discharge, but the Pension Committee has refused to give him a pension because of the fact that he has not been relieved of this charge, although he has to-day an honorable discharge.

Mr. STAFFORD. This will correct that objection. With the suggested amendment he will be given a pensionable status.

Mr. GASQUE. If that can be done that is all I ask for.

Mr. STAFFORD. With that understanding, I have no objection to the bill.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William J. Bodiford, who was a member of Company I, Second Regiment South Carolina Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on April 19, 1899, and the charge of desertion is hereby removed from his record, and he shall nevertheless be entitled to the benefits of any laws relating to pensions: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. STAFFORD. Mr. Speaker, I offer an amendment. In line 9, after the date, strike out the rest of the section down to the proviso.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Beginning in line 9, on page 1, after the figures, strike out the remainder of line 9, all of lines 10, 11, and down to the colon in line 1, page 2.

The amendment was agreed to.

Mr. IRWIN. Mr. Speaker, I move to strike out the last word. At this particular moment I want to pay a tribute of respect to our late lamented colleague, the Hon. D. J. O'CONNELL, who was one of the official censors on the minority side of the House during Private Calendar sessions. DAVID O'CONNELL was the gentleman—smypathetic; just a man with a big heart and a conscience that dictated his every action; always ready to defend the weak and to stand firm for what was just and right; intensely patriotic; and his record in this body was exemplified by his high sense of duty. His motto was the teachings of the Golden Rule, which was uppermost in his mind at all times. Members of the House, I could not separate myself from this body without paying this slight token of esteem and respect to the memory of DAVID O'CONNELL. [Applause.]

Mr. STAFFORD. Mr. Speaker, just a word. Of all the men who have labored with the unofficial committee of objectors, no one endeared himself more to me than our late lamented friend who has just been referred to, Hon. DAVID J. O'CONNELL. I did not know him until I returned to Congress in this term, but it was not long before I learned to like him very much. He had those qualities which appeal to every man. When I read, during the Christmas holidays, that he had been stricken in New York, on his way from work, there was a heavy pall in my heart when I thought I would never again work with that genial, conscientious, and able public servant. I regret that he has passed from this scene of activity and I certainly mourn his loss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BENJAMIN HAGERTY

The Clerk called the next bill, H. R. 3453, for the relief of Benjamin Hagerty.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Benjamin Hagerty, who was a member of Company I, Eighth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 9th day of December, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MILTON LOCKHART

The Clerk called the next bill, H. R. 5931, for the relief of Milton Lockhart.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and all other laws conferring rights, privileges, and benefits upon persons honorably discharged from the military service of the United States Milton Lockhart, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, shall be held and considered to have been honorably discharged from such military service: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

In line 9, after the word "service," insert "on the 6th day of May, 1899."

In line 10, after the word "pay," insert the word "bounty."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

J. WALTER SMITH

The Clerk called the next bill, H. R. 5932, for the relief of J. Walter Smith.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and all other laws conferring rights, privileges, and benefits upon persons honorably discharged from the military service of the United States J. Walter Smith, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, shall be held and considered to have been honorably discharged from such military service: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act

With the following committee amendments:

In line 9, after the word "service," insert "on the 6th day of May, 1899."

In line 10, after the word "pay," insert the word "bounty."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOSEPH C. LOONEY

The Clerk called the next bill, H. R. 5933, for the relief of Joseph C. Looney.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and all other laws conferring rights, privileges, and benefits upon persons honorably discharged from the military service of the United States Joseph C. Looney, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, shall be held and considered to have been honorably discharged from such military service: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

In line 9, after the word "service," insert "on the 5th day of May, 1899."

In line 10, after the word "pay," insert the word "bounty."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

HENRY I. POWER

The Clerk called the next bill on the Private Calendar, H. R. 10306, for the relief of Henry I. Power.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Henry I. Power, late of Company I, First Regiment South Carolina Infantry, war with Spain, shall hereafter be held and considered to have served 90 days or more of honorable service: *Provided*, That no bounty, pension, pay, or other emoluments shall accrue prior to the passage of this act.

With the following committee amendment:

Line 9, after the word "pension," insert the word "back," and in line 10, strike out the word "emoluments" and insert the word "allowances."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

GABRIEL ROTH

The Clerk called the next bill on the Private Calendar, S. 1072, for the relief of Gabriel Roth.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. DOXEY. Will the gentleman reserve his objection?

Mr. SCHAFER of Wisconsin. I reserve it.

Mr. DOXEY. The gentleman was present when we considered this bill in the Committee on Claims.

Mr. SCHAFER of Wisconsin. Yes; and I reserved the right to object to it.

Mr. DOXEY. That is perfectly all right. Now, just what is the gentleman's objection to this bill in view of the lengthy hearings had before the Senate Committee and the discussion we had in committee?

Mr. SCHAFER of Wisconsin. This is a bill that came to my attention in prior Congresses, and at that time I had spent a good deal of time going into it and had reached the conclusion there was not sufficient evidence in the files that would justify the passage of the bill, notwithstanding the fact that there was considerable lobbying in its behalf.

Mr. DOXEY. Does the gentleman from Wisconsin realize that recently in this Congress the Senate Committee on Claims had very extensive hearings and the department was given ample authority to present their views in the matter and they unanimously came to the conclusion that this is a case of false imprisonment.

Here was a man who was most unjustly treated. I will not go into the details unless that is necessary.

Mr. SCHAFER of Wisconsin. I do not want to take up much time, but when the gentleman refers me to the fact that the other body unanimously passes a bill, that is not any evidence in support of the bill whatever, because some of the most outrageous bills I have ever seen, running up to the hundreds of thousands of dollars, come out of that body by unanimous consent. However, if the gentleman has personally examined all the evidence and believes this is a meritorious bill, knowing the ability and the diligence of the gentleman who serves on the Claims Committee, I will withdraw my objection at this time. [Applause.]

Mr. DOXEY. I have done that; and I will say to the gentleman that I have given it great thought and consideration, and appreciate the gentleman's attitude, because I know this is a meritorious bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Gabriel Roth the sum of $7,564.15, out of any money in the Treasury not otherwise appropriated, as compensation for and in full satisfaction of all of his claims against the United States on account of injuries sustained and the confiscation of his property when he was falsely arrested and imprisoned by officers employed by and acting under authority of the Department of Justice, said arrest having occurred at Jacksonville, Fla., on or about January 21, 1918.

With the following committee amendment:

After the figure "1918," page 2, line 1, insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS L. LINDLEY

The Clerk called the next bill on the Private Calendar, S. 1696, for the relief of Thomas L. Lindley, minor son of Frank B. Lindley.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I assume there will be no objection to including the usual attorneys' fee provision, and with that understanding I have no objection.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas L. Lindley, minor son of Frank B. Lindley, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full and final settlement of all claims against the Government because of the loss of his right hand, through the explosion of a 37-millimeter subcaliber shell at Edgewood Arsenal, Md., on June 9, 1929.

With the following committee amendment:

In line 6, strike out "$5,000" and insert in lieu thereof "$2,500."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the usual attorney's fee amendment.

The Clerk read as follows:

In line 10, after the figure "1929," strike out the period, insert a colon, and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SAME GIACALONE AND SAME INGRANDE

The Clerk called the next bill on the Private Calendar, H. R. 5384, for the relief of Same Giacalone and Same Ingrande.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Same Giacalone and Same Ingrande, of San Diego, Calif., in full settlement against the Government, the sum of $459.55, the actual cost of repairing the damage caused to the vessel *Cornell*, owned by said Same Giacalone and Same Ingrande, by the United States Coast Guard boat *Imp*, together with the sum of $600 for loss of the use of said boat *Cornell* while same was being repaired.

With the following committee amendment:

In line 10, strike out "$600" and insert in lieu thereof "$240."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A. J. BELL

The Clerk read the title of the next bill on the Private Calendar, H. R. 10052, a bill for the relief of A. J. Bell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized and directed to pay to A. J. Bell, of Pulaski, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $1,363.50, of which amount the sum of $900, was paid on August 20, 1921, to a deputy United States internal-revenue collector for the purchase of land of Dan Howard, sold by the Government at public auction under distraint warrant, and said fund was deposited in the United States Treasury; the balance, $462.50, being the interest thereon, since the date of payment, making a total of $1,363.50. Said land was never delivered by the United States into the possession of said A. J. Bell.

SEC. 2. That payment of said sum of money to said A. J. Bell shall be made upon condition that the said A. J. Bell deliver, prior to the payment, quit-claim deed to the collector of internal revenue for the district of Tennessee conveying to the United States all the right, title, and interest of the said A. J. Bell in and to said land.

With the following committee amendments:

On page 1, line 6, strike out the words "sum of $1,363.50, of which amount the."

On page 1, line 6, after the figures "$900," insert the word "which."

On page 1, line 11, strike out all after the word "Treasury."

On page 2, strike out all of line 1.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CAPT. V. V. DE SVESHNIKOFF

The Clerk read the title of the next bill on the Private Calendar, H. R. 10719, for the relief of Capt. V. V. de Sveshnikoff.

Mr. STAFFORD. Reserving the right to object, I have had some difficulty in bringing my mind to a favorable consideration of this bill. It seems that this claimant went to Manila in the employ of the Navy Department under a contract to serve for a definite time. He did not like the climate and gave up his employment, made a breach of contract, and now wants the Government to pay for his transportation back.

Mr. IRWIN. The gentleman is in error when he says that he did not like the climate. He could not stand the climate and became ill and had to leave. It was not because he did not like it, but he could not stand it. That is the reason the committee reported the bill favorably. The man could not help it because the climate was such that his health was impaired. He did not leave of his own free will.

Mr. STAFFORD. If I was in private life and wanted to "do" the Government, and I would like to take a trip to Manila at the Government expense, I would go there under contract and find that the climate did not agree with me and then ask the Government to pay my expenses.

Mr. IRWIN. The physician said that it was necessary for him to leave at that time.

Mr. STAFFORD. Mr. Speaker, after the representation of the chairman, I withdraw my reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. V. V. de Sveshnikoff the sum of $407.12, in full settlement of his claim against the United States for reimbursement of the cost of return transportation and traveling expenses from the naval station, Cavite, P. I., to Washington, D. C., in May, 1929, upon his resignation as associate chemist in the Navy Department by reason of ill health.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RALPH E. WILLIAMSON

The Clerk read the title of the next bill on the Private Calendar, H. R. 12149, for the relief of Ralph E. Williamson for loss suffered on account of the Lawton, Okla., fire, 1917.

Mr. COLLINS. I object.

B. T. WILLIAMSON

The Clerk read the title of the next bill on the Private Calendar, H. R. 12476, for the relief of B. T. Williamson.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that the Senate bill 4677 be substituted for the House bill.

Mr. BACHMANN. Reserving the right to object, is the Senate bill identical with the House bill?

Mr. WHITTINGTON. It is identical in amount and purpose and practically the same language.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Dr. B. T. Williamson, of Greenwood, Miss., arising out of the action of the District Court of the United States for the Northern District of Mississippi in quashing an execution under which he had purchased certain land, the purchase price of which had been covered into the general fund of the Treasury, and to allow in full and final settlement of said claim an amount not to exceed $150, the amount of the purchase price. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150, or so much thereof as may be necessary to pay this claim.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

GEORGE W. EGGERLY

The Clerk called the next bill, H. R. 3117, for the relief of George W. Eggerly.

Mr. STAFFORD. I object.

Mr. HALE. Mr. Speaker, will the gentleman reserve his objection?

Mr. STAFFORD. I reserve the objection.

Mr. HALE. Mr. Speaker, I think the gentleman doubtless has studied the facts, but may I review them? The gentleman knows, as everyone knows, that the act of a mentally incompetent person is, if not void, always voidable. The trouble with this man is that he is a mentally incompetent person. He is 100 per cent mentally incompetent, and has been so found by the Veterans' Bureau, and the Veterans' Bureau has found his disability is service connected and is paying him 100 per cent compensation. Furthermore there is the record of his mental disability in the files of the War Department made at the time of his service during the World War. The man broke down mentally during the World War, and as a result of his condition he was ordered on sick leave, and instead of being given retirement, as he should have been, he was ordered back to duty. He further broke down, and he resigned after the war was over. He was not examined physically when he resigned. It was not until after he resigned that he was examined and the difficulties were found. The War Department objects to this bill because the man resigned.

The position I take is a legal one which the gentleman can appreciate, and that is that his resignation was null and void, and it is. He was not fit to do what he did do, and all this bill seeks to do is not to put him on the retirement list, but to put him back where he was before he signed the paper, and give him an opportunity to go before a retiring board of the War Department and prove that he is mentally incompetent, and that that disability was incurred in the service. I know that the gentleman, appreciating those facts, will not object to this bill.

Mr. STAFFORD. But he resigned.

Mr. HALE. Yes; he resigned; but he was in no mental condition to perform any legal act.

Mr. STAFFORD. Does the gentleman mean to say that the military forces would have any person in their service who was not mentally competent?

Mr. HALE. He broke down during the war and was given sick leave. After the war was over he resigned. The Veterans' Bureau has found that he is 100 per cent mentally incompetent and is paying compensation on that basis to-day, and has been for several years. Surely a man who is 100 per cent mentally incompetent by reason of disability incurred in the service is not capable of resigning.

Mr. STAFFORD. I shall go over this bill further, but for the time being I object.

Mr. HALE. Oh, that simply means killing the bill.

Mr. STAFFORD. It may not.

Mr. HALE. Oh, yes; it does. I hope the gentleman will withdraw his objection. Certainly the gentleman knows that a man who is not mentally sound can not execute a resignation or do any other act which is worth anything, and all we seek to say by this bill is that his act in resigning was not worth anything.

Mr. COLLINS. Mr. Speaker, will the gentleman yield to me?

Mr. STAFFORD. Yes.

Mr. COLLINS. The letter from the Secretary of War states:

Captain Eggerly voluntarily resigned from the service for his own convenience. At the date of his resignation he certified that he had no wound, injury, or disease, whether incurred in the military service or otherwise, and the medical officer who examined him found that he was mentally and physically sound.

Mr. HALE. The fact is that that is the usual form, as the gentleman knows. The usual form is a certificate that a man has no disability whatever.

Mr. STAFFORD. What has the gentleman to say as to the finding of the medical officer that he was mentally and physically sound?

Mr. HALE. The fact is that the Veterans' Bureau of the United States Government has found that he was 100 per cent disabled.

Mr. STAFFORD. Now.

Mr. HALE. And that the disability was incurred in the service, and the files of the War Department show that he was suffering from a mental breakdown during the war just as the war closed and he was sent off on sick leave.

Mr. STAFFORD. But there is the examination of the medical officer.

Mr. HALE. But the man was not examined until after he had resigned and then he was examined by the Veterans' Bureau and the Veterans' Bureau found his mind was gone. I can not see how the gentleman can ask for any clearer case.

Mr. STAFFORD. Here is a letter from the Secretary of War which says that the medical officer examined him and found he was mentally and physically sound, and in spite of that the gentleman wants me to give him a preferential consideration.

Mr. HALE. Why should he not have?

Mr. STAFFORD. Because to-day he may be mentally unsound, but not mentally unsound at the time he resigned.

Mr. HALE. I am not asserting here that he was 100 per cent mentally disabled at the time he resigned. I want him to have a chance to go before an Army retiring board and find out whether he was or not—to have his case tried, to give him his day in court. That is all that I am asking.

Mr. STAFFORD. Mr. Speaker, the gentleman has made a very persuasive argument and——

Mr. COLLINS. Mr. Speaker, I object.

GEORGE WALTERS

The Clerk called the next bill, H. R. 9709, for the relief of George Walters.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George Walters, who was a member of Company C, First Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 17th day of March, 1904: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

IRA L. REEVES

The Clerk called the next bill, H. R. 10536, for the relief of Ira L. Reeves.

Mr. STAFFORD. I object.

Mr. GIBSON. Will the gentleman withhold his objection?

Mr. STAFFORD. I will withhold the objection.

Mr. GIBSON. Has the gentleman studied the report?

Mr. STAFFORD. I have; and I read from the letter of the Acting Secretary of War of date March 29, 1930, in which he says:

He served as second and first lieutenant of Infantry until November 11, 1901, when he was retired from active service with the grade of captain for disability in line of duty due to wounds received in action.

Further he says:

After his restoration to the active list he served as permanent major and temporary lieutenant colonel and colonel until March 7, 1920, when he resigned. The medical officer who examined him on the date immediately preceding his resignation found that he was mentally and physically sound and had no disability.

On those statements I base my objection.

Mr. GIBSON. I served under and with this distinguished officer, and he had a record which is not matched by any other man of his rank who has served in the United States Army. He was wounded in the Philippine Islands and retired with the rank of captain. He was called back into the service during the World War. He went to France and was gassed and suffered further disability. After he recovered from that disability by reason of the gas attack, he became president of the A. E. F. University. He has had a most remarkable record.

Mr. STAFFORD. But he resigned voluntarily.

Mr. GIBSON. Very true.

Mr. STAFFORD. As thousands have done. Now the gentleman wishes to give him a preferential status.

Mr. GIBSON. But he, like many other officers, thought he could make a better living outside.

Mr. STAFFORD. Ah, that is it.

Mr. GIBSON. But in his case when he did get out of the Army he found that the wounds he had sustained in the Philippine Islands, plus the gassing in the World War, unfitted him for civil life.

Mr. STAFFORD. But the War Department, through their regular officers, found he was mentally and physically fit. He resigned because he thought he could make a better living outside. He had his choice and he did not remain in the Army.

Mr. GIBSON. But the fact was he could not do it.

Mr. COLE. Regular order, Mr. Speaker.

Mr. STAFFORD. I object.

CLIVE A. WRAY

The Clerk called the next bill, H. R. 7524, authorizing the President to order Clive A. Wray before a retiring board for a hearing of his case, and upon the findings of such board to determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge.

Mr. BACHMANN. I object.

Mr. WAINWRIGHT. Will the gentleman reserve his objection?

Mr. BACHMANN. I will reserve it.

Mr. WAINWRIGHT. I realize the difficulty of overcoming the objection in view of the objection that has been made to the bill of the gentleman from New Hampshire [Mr. HALE]. This is very much the same kind of a proposition, but I would like to call the attention of the gentleman who has objected to the fact that in this case this officer, during his service in Germany, had been recommended for retirement for physical disability by a board of officers and he would have retired had it not been that the act which brought all provisional officers into the Regular Army automatically took effect before the recommendation of that board could be acted upon. So he was automatically taken into the Regular Army.

What should have happened at that time was that he should have been sent before a board where he would have been retired for physical disability, but he was continued in the service and in 1922 was dropped in the reduction of the officer personnel. At that time I called the gentleman's attention to the fact that he had no medical examination.

This young man appeared before our committee, and, although it was some years afterwards, his physical condition was such as to persuade us that it was a matter of justice and fairness to give him an opportunity to appear before a board to have it determined whether he should have been discharged for physical disability and not have been simply dropped from the service.

Mr. BACHMANN. What is the purpose of the bill?

Mr. WAINWRIGHT. The purpose of the bill is to enable the Secretary of War to convene a board to consider this man's case as of the time he was dropped from the service, to determine whether at that time he should have been retired for physical disability rather than dropped from the service. No harm can be done.

Mr. BACHMANN. Suppose that is done, what is he seeking to accomplish?

Mr. WAINWRIGHT. If that is done he would be retired.

Mr. BACHMANN. Does he purpose to secure a pension?

Mr. WAINWRIGHT. The purpose, of course, is to be put in the position that any other officer who is retired for physical disability would be put.

Mr. BACHMANN. Provision has been made in the general compensation laws for that purpose now. That is the reason I can not see the purpose of this bill.

Mr. WAINWRIGHT. No, no. The general compensation laws would not apply to this officer at all.

Mr. BACHMANN. Here is the letter in the report from the Secretary of War, Mr. Dwight F. Davis, which says provision has been made.

Mr. PITTENGER. Mr. Speaker, regular order.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, I object.

ELLIS S. HOPEWELL

The Clerk called the next bill, H. R. 9416, authorizing the President to order Ellis S. Hopewell before a retiring board for a hearing of his case and upon the findings of such board to determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge.

Mr. COLLINS. Mr. Speaker, I object.

Mr. WAINWRIGHT. Will the gentleman reserve his objection?

Mr. COLLINS. Yes.

Mr. WAINWRIGHT. This bill is in behalf of a young man who was graduated from West Point in 1924. After he had had a medical record of much ill-health, involving his bronchial tubes and his lungs, he resigned in 1926. Within a year after that, or very shortly after that, he came down with what was pronounced to be tuberculosis. He appeared before our committee, and it was evident that this young man was in a serious condition.

Mr. COLLINS. Is this the bill that the gentleman, when he was Assistant Secretary of War, advised the Congress should not be passed? The gentleman has gotten me so in the habit of following the recommendations of the War Department in this class of bills that I follow it as a matter of habit.

Mr. WAINWRIGHT. This bill is not a bill of my own. I am doing what seems to me is required by this situation, as my name is upon the report as having reported this bill favorably.

Mr. COLLINS. But the trouble with the gentleman is that when he was Assistant Secretary of War he recommended one way and since he has been in the House he recommends another way. I am afraid he was right when he wrote as Assistant Secretary.

Mr. JOHNSON of Washington. At any rate, we will all have to agree that the gentleman from New York [Mr. WAINWRIGHT] is a thoroughbred to stay here at this hour of the night for the purpose of looking after his colleague's bill under the circumstances just described.

Mr. WAINWRIGHT. I wish that statement would be persuasive enough to induce the gentleman to withdraw his objection.

Mr. COLLINS. The gentleman's first argument was so effective, I have to follow him then and not to-night. Mr. Speaker, I object.

DONATION OF BRONZE CANNON TO THE AMERICAN SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to take up No. 1155 on the calendar.

The SPEAKER pro tempore. The Chair can not recognize the gentleman to make that request.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present. I would at least like to have an opportunity to state what the bill is. That is all I want to do.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the gentleman may have two minutes in which to make his statement.

Mr. LINTHICUM. I do not want more than one minute.

Mr. COLLINS. Then I modify my request.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the gentleman from Maryland may proceed for one minute. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, this is a bill to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md. The intention was to have a celebration there in July for the purpose of dedicating these cannon in that old Revolutionary fort. I would like to have this bill taken up so that these ladies will not be disappointed and so they will not have to call off their celebration. Therefore, I want these cannon donated to them, and the Secretary of War is perfectly willing to do that.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SCHAFER of Wisconsin. Does the gentleman believe this is a matter of emergency?

Mr. LINTHICUM. Certainly. It would be a great thing if you gentlemen would let these ladies have these cannon.

Mr. BACHMANN. Mr. Speaker, in view of the gentleman's statement that he considers this a matter of emergency, I think he ought to be permitted to bring up his bill at this time.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired.

Mr. STAFFORD. Mr. Speaker, I object.

WILLIAM SULEM

The Clerk called the next bill, H. R. 386, for the relief of William Sulem.

Mr. SOMERS of New York. Mr. Speaker, I object.

Mr. SCHAFER of Wisconsin. Will the gentleman withhold his objection?

Mr. SOMERS of New York. Yes.

Mr. SCHAFER of Wisconsin. What objection does the gentleman have?

Mr. SOMERS of New York. I will say that my principal objection to the bill is based entirely upon the precedent established by the colleague of the gentleman from Wisconsin, and therefore I must respect that precedent.

Mr. SCHAFER of Wisconsin. The gentleman from Wisconsin referred to United States Employees' Compensation cases.

Mr. SOMERS of New York. I am referring to a case I had up earlier in the evening, and I object.

FRANCIS A. GRENNEN

The Clerk called the next bill, H. R. 785, for the relief of Francis A. Grennen.

Mr. GREEN. Mr. Speaker, reserving the right to object, I desire to call the attention of the Rules Committee to the importance of amending our rules. Mr. Speaker, we have rules of the House by which we take up our Private Calendar. The two parties of our House designate several men to pass upon the merits and demerits of bills that come up, to see that none are passed except those which should be passed. We find ourselves confronted every night we meet to take up these bills with the situation of one or two Members who object to all bills brought for consideration, so that we only pass 30 or 40 bills after staying here until 11 o'clock at night. Now, gentlemen, I hope the Rules Committee will adopt——

Mr. PITTENGER. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

I. L. LYONS & CO.

The Clerk called the next bill on the Private Calendar, H. R. 2628, to authorize an appropriation for the relief of I. L. Lyons & Co.

Mr. GREEN. Reserving the right to object, Mr. Speaker, and I shall not object, but I do want to speak for another half minute. Gentlemen, I would like to see the rules of the House amended so that when a committee reports a bill and it is on the calendar for 10 days, if within the 10 days a Member does not file objection to it in writing, all such bills unobjected to in writing shall be taken up and passed en bloc on the first Private Calendar night following. [Applause.]

Then as to bills that are objected to, let three men be required to object to them in order to knock them off.

Here I have a general bill on the calendar which is an emergency matter affecting an entire county in my district. The county is trying to purchase land from the Government, and it is land that has been abandoned by the Government and which they desire to sell and which the county desires to buy at its fair value. The county wants to buy it for a public park, but I can not possibly get up that bill. This is all I have to say, gentlemen, but I hope the Rules Committee will so amend the rules.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to I. L. Lyons & Co. the sum of $9,045.62 as a return of the amount $4,757.38 paid for certain liquors sold to it by order of the United States district court authorizing the marshal for the eastern district of Louisiana and the Customs Service, port of New Orleans, to make such sale; and $4,288.23 in compensation for the damages suffered by it through a subsequent ruling of the Treasury Department that the said liquors were unfit for medicinal purposes and not salable by the said I. L. Lyons & Co. as permittee wholesale druggist.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to I. L. Lyons & Co. the sum of $3,793.07 in full settlement of all claims against the Government of the United States, which sum represents the amount paid to the United States by the said company for certain liquors sold to it by order of the United States district court authorizing the marshal for the eastern district of Louisiana and the Customs Service, port of New Orleans, to make such sale, and which liquors were later found and held to be unfit for medicinal purposes and not salable by the said I. L. Lyons & Co. as permittee wholesale druggist.

"SEC. 2. That the payment directed under section 1 of this act shall not be made until the liquor involved is surrendered to the Federal prohibition administrator at New Orleans, La., for destruction. The liquor to be surrendered and returned for destruction is identified as follows: 269 gallons Old Lewis Hunter Rye whisky; 548.25 gallons Atherton whisky; 220 gallons Old Boone whisky; 233.25 gallons Cedar Brook whisky; 123.61 gallons Scotch whisky; 523.90 gallons wine; and 20.75 gallons assorted liquors."

Mr. SCHAFER of Wisconsin. Mr. Speaker, I move to strike out the last two words in order to take the opportunity to inform the House that the author of this very meritorious measure is unavoidably absent due to illness. I do not believe there is a Member of this Congress who will serve in the next Congress who does not regret that the distinguished author of this bill, Mr. O'CONNOR of Louisiana, has been placed in the lame-duck category. Knowing that his defeat was an accident, over which he had no control, we expect to find him in the Congress following the one which convenes next December. [Applause.]

I want to call the attention of the membership of the House to the fact that the necessity for passing this bill is another indictment of the sumptuary prohibition law under the eighteenth amendment which has changed the American Constitution from a charter of rights and liberties into a criminal statute book. The evidence before the Claims Committee indicates that a Federal judge ordered confiscated contraband bootleg liquor sold to druggists for resale to sick people under Government permit, although the liquor was spurious, and if taken internally under a doctor's prescription would have hastened the death of the man who obtained the prescription in order to get well. As chairman of the subcommittee I was astounded to find that a judge of the United States had ordered confiscated spurious bootleg whisky sold to druggists for resale on prescription, and also find that the innocent purchasers of this spurious, bootleg whisky, following a change of policy of the Prohibition Bureau, after they had paid their good money to the Government for the same were prohibited from selling it.

I believe that this is another one of the very meritorious bills on the calendar and I am proud to have had the privilege of considering and favorably reporting it. [Applause.]

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. SCHAFER of Wisconsin. Yes.

Mr. LINTHICUM. What amount do they ask the Government to pay for this liquor?

Mr. SCHAFER of Wisconsin. The actual amount they paid, and nothing more.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

HERBERT J. WEYANT

The Clerk called the next bill on the Private Calendar, H. R. 5745, for the relief of Herbert J. Weyant.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. BARBOUR. Will the gentleman reserve his objection?

Mr. STAFFORD. Yes.

Mr. BARBOUR. In order to save time will the gentleman state his reasons for objecting?

Mr. STAFFORD. There is nothing here to show that the claimant's injury was traceable to the fall from the bicycle.

Mr. BARBOUR. There is the statement of the physician here.

Mr. STAFFORD. There is not even a sworn statement in the record to support the position of the claimant, merely an affirmation.

Mr. BARBOUR. But there is pending before the committee, as I recall, an affidavit which is not set forth here. The Postmaster General states there is no record in his department showing the injury and the man's present physical condition with the injury, but there is no record in the Post Office Department at all. I have seen this man and I have talked with him, and he has filed affidavits with the committee. I really believe it is a very meritorious case.

Mr. GREEN. And has not the committee favorably reported the bill?

Mr. BARBOUR. Yes.

Mr. GREEN. And the gentleman comes here as a Member of this House and says it is more meritorious and should pass, and even under such circumstances our rules permit one man to hold it up.

Mr. STAFFORD. I object.

IRENE BRAND ALPER

The Clerk read the title of the next bill on the Private Calendar, H. R. 6517, for the relief of Irene Brand Alper.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Irene Brand Alper the sum of $15,000 in full settlement for an injury incurred by her when 19 years old, when she was seriously injured and crippled for life by being struck down and run over on the 14th day of August, 1921, by the United States Navy car No. 2499, in the city of New York, through the carelessness and negligent operation of said car by an employee of the United States Government employed at the time to operate said car.

With the following committee amendments:

In line 5, strike out the figures "$15,000" and insert in lieu thereof the figures "$1,250."

In line 8, strike out the figures "14th" and insert in lieu thereof the figures "11th."

The committee amendments were agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

At the end of the bill insert: "*Provided* That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

ORDER OF BUSINESS

Mr. SLOAN. Mr. Speaker, a parliamentary inquiry. I see it is 15 minutes of 11 o'clock and a number of us have been here night after night. I want to know whether we are to have another session on the Private Calendar. We have been here night after night furnishing a quorum so that bills may be considered or given a decent, arbitrary burial. We would like to know whether it is the policy to have another meeting after we close at 11 o'clock to-night.

Mr. STAFFORD. Let me say to the gentleman that on Tuesday morning when unanimous consent was asked for an order to consider private bills this evening it was intimated by the majority leader, Mr. TILSON, that we would likely have another evening some time this week—probably Friday night—for further consideration of the Private Calendar.

Mr. COLLINS. Mr. Speaker, I would suggest the absence of a quorum.

Mr. SLOAN. The Chair has not answered my parliamentary inquiry, which I think was a proper one.

The SPEAKER pro tempore. The present occupant of the chair is unable to answer the gentleman, and he does not think it is strictly a parliamentary inquiry.

ADJOURNMENT

Mr. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Thursday, February 26, 1931, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 17259. A bill to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and Navy"; without amendment (Rept. No. 2882). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER: Committee on Interstate and Foreign Commerce. H. J. Res. 519. A joint resolution directing an investigation and study of transportation by the various agencies engaged in interstate commerce; without amendment (Rept. No. 2883). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. S. 5979. An act to confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emmigrant and Western Cherokee Indians of Oklahoma and North Carolina; with amendment (Rept. No. 2884). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17243. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.; with amendment (Rept. No. 2886). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17244. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo.; with amendment (Rept. No. 2887). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 17171. A bill to provide for the furnishing of food to children attending schools in the District of Columbia; with amendment (Rept. No. 2888). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 3490. An act to define, regulate, and license real-estate brokers and real-estate salesmen; to create a real-estate commission in the District of Columbia; to protect the public against fraud in real-estate transactions, and for other purposes; without amendment (Rept. No. 2889). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16761. A bill for the relief of Sherburne Mercantile Co.; without amendment (Rept. No. 2885). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 17277) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS of California: A bill (H. R. 17278) authorizing the Secretary of the Navy to appoint a board of three naval officers to investigate sites for the establishment of a Pacific coast branch of the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. HUDDLESTON: A bill (H. R. 17279) to provide a fund for Federal public works in times of business depression to stabilize business and to provide work for the unemployed; to the Committee on Ways and Means.

By Mr. DYER: A bill (H. R. 17280) to provide for service of civil process upon persons in custody or confinement in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAWLEY: A bill (H. R. 17281) to extend the jurisdiction of the arbiter under the settlement of war claims act to patents licensed to the United States, pursuant to an obligation arising out of their sale by the Alien Property Custodian, and for other purposes; to the Committee on Ways and Means.

By Mrs. KAHN: A bill (H. R. 17282) to provide for the Government purchase of American goods; to the Committee on Expenditures in the Executive Departments.

By Mr. DYER: Joint resolution (H. J. Res. 520) providing for an investigation of the prohibition laws of the United States; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Montana, memorializing the Congress of the United States to pass legislation now pending looking toward the conversion into cash of the adjusted-compensation certificates; to the Committee on Ways and Means.

By Mr. COLTON: Memorial of the State Legislature of the State of Utah, memorializing the President and the Congress of the United States to further an international agreement whereby silver may be used as a supplement to gold to form an adequate international monetary base; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 17283) granting an increase of pension to Eva Shaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17284) granting an increase of pension to Malinda House; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17285) granting an increase of pension to Lydia M. Criss; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 17286) for the relief of Jack Brooks Clay; to the Committee on Military Affairs.

Also, a bill (H. R. 17287) to correct the record of Howard Lowery; to the Committee on Military Affairs.

Also, a bill (H. R. 17288) to declare Margaretha Vandenbrook the beneficiary of John J. Vandenbrook; to the Committee on Pensions.

By Mr. GOLDER: A bill (H. R. 17289) granting a pension to Peter Furlong; to the Committee on Pensions.

By Mr. HOGG of Indiana: A bill (H. R. 17290) granting an increase of pension to Amelia A. Crampton; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 17291) for the relief of Joseph M. Verneuil and Alice G. Verneuil; to the Committee on Claims.

By Mr. RANKIN: A bill (H. R. 17292) granting a pension to Harriet McEntire; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 17293) granting an increase of pension to Emma E. Sperry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10181. By Mr. ALDRICH: Petitions of 10 residents of Rhode Island, urging passage of House bill 7884; to the Committee on the District of Columbia.

10182. By Mr. ARNOLD: Petitions from citizens of Mount Vernon, Ill., urging the passage of the alien exclusion resolution; to the Committee on the Judiciary.

10183. By Mr. BOYLAN: Letter from the national board of the Young Womens Christian Associations of the United States, New York City, opposing House Joint Resolution 500, restricting immigration; to the Committee on Immigration and Naturalization.

10184. By Mr. CAMPBELL of Iowa: Petition of nine citizens of Sioux City, Iowa, urging the early consideration and passage of House bill 7884, as reported by the committee, without qualification or amendment; to the Committee on the District of Columbia.

10185. By Mr. FITZGERALD: Petition of 47 patriotic citizens of Hamilton, Ohio, members of Fort Hamilton Council, No. 109, Daughters of America, by Elizabeth Quinlui, recording secretary, requesting early passage of House Joint Resolution 473; to the Committee on Immigration and Naturalization.

10186. By Mr. HADLEY: Petition of Eureka division, Woman's Christian Temperance Union, Bellingham, Wash., indorsing House bill 9986; to the Committee on Interstate and Foreign Commerce.

10187. By Mr. McCLINTOCK of Ohio: Petition of H. C. Chace and many citizens of Greentown, Ohio, favoring the Sparks-Capper alien amendment to the Constitution of the United States; to the Committee on the Judiciary.

10188. By Mr. MANLOVE: Petition of J. L. Francis, F. C. Brown, R. B. Thomas, L. W. McCall, J. J. Hartsell, and 48 other residents of Harwood, Mo., concerning the unfair truck and bus competition with the railways; to the Committee on Interstate and Foreign Commerce.

10189. By Mr. MARTIN: Petition of S. Ella Hopkins and other citizens of Taunton, Mass., urging support of House Joint Resolution 356; to the Committee on the Judiciary.

10190. By Mr. ROBINSON: Petition signed by Mrs. T. E. Scott, president, and Mrs. T. A. Toenjes, secretary, of the Alpha Chapter of the Delphian Club, of Waterloo, Iowa, and which was unanimously adopted by the chapter, urging the passage of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10191. By Mr. SANDERS of New York: Letter of Dr. William T. Shanahan, medical superintendent of Craig Colony at Sonyea, opposing the passage of Senate bill 4582; to the Committee on the Judiciary.

10192. By Mr. SPARKS: Petition of 47 citizens of Agra, Kans., urging support of the Sparks-Capper alien amendment, being House Joint Resolution 356, to exclude aliens

from the count of the population for apportionment of congressional districts; to the Committee on the Judiciary.

10193. Also, petition of Baptist Church of Gem, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

10194. Also, petition of Ellis Community Young Women's Christian Association, of Ellis, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

10195. By Mr. STONE: Resolution signed by the Junior Order United American Mechanics, Oklahoma City, Okla., favoring the passage of House Joint Resolution 356, providing for an amendment to the United States Constitution, excluding unnaturalized aliens when making apportionment for congressional districts; to the Committee on the Judiciary.

10196. By Mr. STRONG of Pennsylvania: Petition of citizens of Rochester Mills, Pa., and vicinity, in favor of amending the United States Constitution to exclude unnaturalized aliens from the count of population for congressional apportionment; to the Committee on the Judiciary.

10197. By Mr. SWANSON: Petition of S. R. Overholser and others, of Woodbine, Iowa, favoring a constitutional amendment for the exclusion of aliens in the apportionment of the House of Representatives; to the Committee on the Judiciary.

10198. By Mr. SWICK: Petition of Carl R. Daugherty, secretary of the Butler County Oil Men's Association, Butler, Pa., urging the enactment of the Capper-Garber bill; to the Committee on Ways and Means.

10199. Also, petition of 76 members of the United Presbyterian Church, Mars, Butler County, Pa., urging the enactment of House Joint Resolution 356, providing an amendment to the United States Constitution excluding unnaturalized aliens when making apportionment for congressional districts; to the Committee on the Judiciary.

10200. Also, petition of Annie M. Williams, 707 Croton Avenue, New Castle, Pa., and 26 residents of New Castle, Pa., urging the enactment of House Joint Resolution 356 providing for an amendment to the United States Constitution excluding unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10201. By Mr. TABER: Petition of Methodist Episcopal Church, Williamson, N. Y., favoring the passage of House Joint Resolution 356, providing for an amendment to the United States Constitution excluding unnaturalized aliens when making apportionment for congressional districts; to the Committee on the Judiciary.

10202. By Mr. WATSON: Resolution passed by the James E. Hyatt Council, No. 127, Sons and Daughters of Liberty, favoring House Joint Resolution 410; to the Committee on Immigration and Naturalization.

10203. Also, petition signed by 56 residents of Bristol, Bucks County, Pa., urging the passage of the Sparks-Capper resolution, alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10204. By Mr. WYANT: Petition of Methodist Episcopal Sunday School, of Circleville, Westmoreland County, Pa., favoring support of the Sparks-Capper amendment eliminating approximately 7,500,000 unnaturalized aliens from count in proposed congressional reapportionment; to the Committee on the Judiciary.

10205. By Mr. YATES: Petition of H. B. Anderson, secretary Citizens Medical Reference Bureau, New York, urging the defeat of the Jones-Cooper maternity bill; to the Committee on Interstate and Foreign Commerce.

10206. Also, petition of Ralph Mathews, American Legion Post, No. 69, Robinson, Ill., requesting the passage of legislation the immediate payment in cash of the adjusted-compensation certificates; to the Committee on Ways and Means.

10207. Also, petition of E. Sebring Bassett, Rockford, Ill., opposing any cash payment to able-bodied World War veterans; to the Committee on Ways and Means.

10208. Also, petition of Dr. Frank J. Novak, Jr., Chicago, Ill., urging the passage of Senate bill 4582, known as the Gillett bill; to the Committee on the Judiciary.

10209. Also, petition of Rock Island County Woman's Christian Temperance Union, urging the passage of House Joint Resolution 356, known as the Sparks-Capper amendment; to the Committee on the Judiciary.

10210. Also, petition of Herbert Montgomery, adjutant American Legion, Broadview, Ill., urging the passage of House bill 15621, Senate bills 5073 and 5074, Senate Joint Resolution 217, and House Joint Resolution 422; to the Committee on World War Veterans' Legislation.

SENATE

THURSDAY, FEBRUARY 26, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Barkley	Frazier	La Follette	Sheppard
Bingham	George	McGill	Shipstead
Black	Gillett	McKellar	Shortridge
Blaine	Glass	McMaster	Smith
Blease	Glenn	McNary	Smoot
Borah	Goff	Metcalf	Steiwer
Bratton	Goldsborough	Morrison	Stephens
Brock	Gould	Morrow	Swanson
Brookhart	Hale	Moses	Thomas, Idaho
Broussard	Harris	Norbeck	Thomas, Okla.
Bulkley	Harrison	Norris	Townsend
Capper	Hastings	Nye	Trammell
Caraway	Hatfield	Oddie	Tydings
Carey	Hayden	Partridge	Vandenberg
Connally	Hebert	Patterson	Wagner
Copeland	Heflin	Phipps	Walcott
Couzens	Howell	Pine	Walsh, Mass.
Cutting	Johnson	Pittman	Walsh, Mont.
Dale	Jones	Ransdell	Waterman
Deneen	Kean	Reed	Watson
Dill	Kendrick	Robinson, Ark.	Wheeler
Fess	Keyes	Robinson, Ind.	Williamson

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is necessarily absent because of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

THE JOURNAL

Mr. FESS. Mr. President, I ask unanimous consent for the approval of the Journal for the calendar days of February 23, 24, and 25.

Mr. LA FOLLETTE. I object.

The VICE PRESIDENT. Objection is made.

CLAIM FOR DAMAGE TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 305)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting an estimate of appropriation submitted by the Director of Public Buildings and Public Parks of the National Capital, to pay a claim for damages to privately owned property in the sum of $156.34, which has been considered and adjusted under the provisions of law and requires an appropriation for its payment, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. SHEPPARD presented the petition of Mrs. Will Evans and other ladies, being citizens of Alvarado, Tex., praying for the ratification of the World Court protocols this winter or spring, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented petitions numerously signed by sundry citizens of Pittsburg, Hutchinson, Arnold, Bunker Hill, Wichita, Waldo, Portis, Paradise, Syracuse, Whiting, Plains, McPherson, Oakley, Lucas, Norwich, Chapman, Newton, and Galena, all in the State of Kansas, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. PARTRIDGE presented petitions and papers in the nature of petitions of sundry organizations and citizens in the State of Vermont, praying for the passage of the bill (S. 5745) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, which were referred to the Committee on Agriculture and Forestry.

Mr. WALSH of Massachusetts presented a resolution adopted at a meeting held under the auspices of the National Equal Rights League and the Massachusetts Branch, at Zion African Methodist Episcopal Church, Boston, Mass., on February 12, 1931, favoring the passage of legislation making lynching a crime against the Federal Government, which was referred to the Committee on the Judiciary.

He also presented memorials, letters, and telegrams in the nature of memorials from Fitchburg Council, No. 99, Knights of Columbus; the Ladies' Auxiliary of the Ancient Order of Hibernians, of Fitchburg; Athol Circle, No. 243, Daughters of Isabella, of Athol; Trinity Circle, Daughters of Isabella, of Holyoke; Circle No. 286, Daughters of Isabella, of Greenfield; Circle No. 354, Daughters of Isabella, of North Brookfield; Mount Everett Circle, Daughters of Isabella, of Great Barrington; St. Patrick's Circle, Daughters of Isabella, of Somerset; Santa Maria Circle, No. 34, Daughters of Isabella, of Worcester; Fidelity Circle, No. 307, Daughters of Isabella, of Chicopee; Hyacinth Circle, No. 71, Daughters of Isabella, of New Bedford; Alcazaba Circle, No. 65, Daughters of Isabella, of Attleboro; Loyalty Circle, Daughters of Isabella, of West Springfield; St. Catherine's Circle, Daughters of Isabella, of Hinsdale; Leominster Circle, Daughters of Isabella, of Leominster; Cardinal Gibbons Circle, No. 165, Daughters of Isabella, of Taunton; Guild of St. Catherine, of Boston; Boston Cenacle Retreat League, of Boston; Quincy Catholic Club, of Quincy; St. Thomas Catholic Literary and Athletic Society, of Jamaica Plain; executive board of the League of Catholic Women, of Winthrop; St. Vincent's Orphan Guild, of Boston; St. Agnes Guild, of Reading; St. Vincent de Paul Society, of Pittsfield; Mothers' Association of St. Joseph's School, of Wakefield; the congregation of St. Bernard's Church, of Fitchburg; the Immaculate Conception Parish, of Fitchburg; Court Provincetown, Catholic Daughters of America, of Provincetown; members of various societies of St. Stephen's Parish, of Framingham; and sundry citizens, all in the State of Massachusetts, remonstrating against the passage of the so-called birth control bill, being the bill (S. 4582) to amend section 305 (a) of the tariff act of 1922, as amended, and sections 211, 245, and 312 of the Criminal Code, as amended, which were referred to the Committee on the Judiciary.

Mr. CONNALLY presented memorials and letters in the nature of memorials from Court Star of the Sea, No. 228, Catholic Daughters of America, of Galveston; the Catholic Woman's League, of Dallas; the Altar Guild of St. Patrick's Cathedral, of El Paso; Ladies' Union, No. 2, K. J. Z. T., the Knights of Columbus, and the St. Isidor Society of Texas, all of Hallettsville; Mexican Clinic, National Council of Catholic Women; the Sacred Heart Mothers' Club, the Catholic Daughters of America, the Sacred Heart Altar Society, the Galveston Diocesan Council of the National Council of Catholic Women, and the Altar and Rosary Society, of Austin, and sundry citizens, all in the State of Texas, remonstrating against the passage of the so-called Gillett birth control bill, being the bill (S. 4582) to amend section 305 (a) of the tariff act of 1922, as amended, and sections 211, 245, and 312 of the Criminal Code, as amended, which were referred to the Committee on the Judiciary.

Mr. BLAINE presented resolutions of the Common Council of the City of La Crosse, Wis., favoring the making of an appropriation for the construction of a new building for the post office and Federal court, etc., in the city of La Crosse, Wis., which were referred to the Committee on Public Buildings and Grounds.

Mr. COPELAND presented a resolution adopted by the Empire State Society, Sons of the American Revolution, of New York, N. Y., favoring the prompt ratification of the World Court protocols, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Brooklyn, N. Y., praying for the prompt ratification of the World Court protocols, which was referred to the Committee on Foreign Relations.

Mr. TYDINGS presented petitions and papers in the nature of petitions of sundry organizations and citizens in the State of Maryland, praying for the passage of House Joint Resolution 473, providing for the restriction of immigration for a period of two years, which were referred to the Committee on Immigration.

He also presented petitions numerously signed by sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

ADJUSTED-SERVICE CERTIFICATES

Mr. DENEEN. Mr. President, I submit the following telegram:

CHICAGO, ILL., *February 17, 1931.*

Senator CHARLES S. DENEEN,
Senate Office Building:

We are sending you by special express ballots signed by 40,000 citizens of Cook County voting yes on the question of the immediate payment in cash of soldiers' bonus certificates now outstanding as a means of aiding the unemployment situation.

CHICAGO DAILY ILLUSTRATED TIMES.

The ballots referred to are as follows:

BALLOT ON SOLDIERS' BONUS NOW

To Hon. CHARLES S. DENEEN,
United States Senator:

As a citizen of Illinois, I desire to express myself on the question of the immediate payment in cash of soldiers' bonus certificates now outstanding as a means of aiding the unemployment situation.

On this proposal I vote—

X Yes.

I also present petitions numerously signed by sundry citizens of the State of Illinois, praying for the immediate payment in cash of soldiers' bonus certificates now outstanding as a means of aiding the unemployment situation, which I ask may lie on the table.

The VICE PRESIDENT. The petitions will lie on the table.

THE OIL INDUSTRY

Mr. SHEPPARD presented the following concurrent resolution of the Legislature of the State of Texas, which was ordered to lie on the table:

House Concurrent Resolution 13

Whereas his excellency, the President of the United States, and the Congress of the United States, now assembled, have seen fit to recognize the unemployment situation throughout the country in all forms of business; and

Whereas they have recognized that the economic conditions of the country are now in a depressed state; and

Whereas the oil industry all over the United States is suffering in a like manner, which, in a large measure, is due to the importation of over 300,000 barrels daily of crude and refined oil products from other countries, which competes with and destroys the domestic market, and which causes an oversupply of oil in the United States; and

Whereas certain Representatives in Congress have seen fit to introduce several bills fixing a tariff on these petroleum commodities, and a bill declaring an embargo prohibiting such oils being brought into the United States for a certain length of time, and other such bills; and

Whereas the oil industry was neglected in the protected items of the Hawley-Smoot tariff bill passed in 1930, it is now imperative that such relief must be obtained during the present short session of Congress in order to prevent long delay, which will result in irreparable injury to the oil industry, which is already facing disaster because of present conditions: Therefore be it

Resolved by the House of Representatives of the Forty-second Legislature of the State of Texas (the Senate concurring), That we memorialize and petition the Congress of the United States, the Ways and Means Committee, a part thereof, Mr. W. C. Haw-

LEY, its chairman, Mr. JOHN GARNER, ranking Democrat on the committee, and His Excellency the President of the United States to lend their assistance during the present short session of Congress, which expires March 4, 1931, in securing relief from the present deplorable conditions in the oil business by an adequate tariff on such imported commodities; be it further

Resolved, That the chief clerk of the house be authorized to send a copy of this resolution to the United States Congress, to the President of the United States, and to each of the Members in Congress from the State of Texas.

CARL C. HARDIN,
President pro tempore of the Senate.
BOB BARKER,
Secretary of the Senate.
FRED H. MINOR,
Speaker of the House.
LOUISE SNOW PHINNEY,
Chief Clerk of the House.

TAX ON OLEOMARGARINE

Mr. TOWNSEND. I ask unanimous consent to have printed in the RECORD a communication addressed to the Senate by Mr. Fred Brenckman, representing the National Grange, Mr. Chester H. Gray, representing the American Farm Bureau Federation, Mr. Charles W. Holman, representing the National Cooperative Milk Producers' Federation, and Mr. A. M. Loomis, representing the National Dairy Union, together with a joint memorandum prepared by them on the so-called Brigham-Townsend amendment to the oleomargarine act, being House bill 16836 and Senate bill 5745.

There being no objection, the letter and memorandum were ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 26, 1931.*

To Members of the United States Senate:

The House of Representatives is to-day considering the Brigham-Townsend bill amending the Federal oleomargarine act (H. R. 16836, S. 5745).

It seems to us that it is imperative for Congress to enact this measure if the welfare of the dairy industry is not to be further jeopardized by the ruling on November 12, 1930, of Commissioner of Internal Revenue David Burnet. Under this ruling oleomargarine colored in the semblance of butter by the use of palm oil is allowed to escape with a tax of one-fourth of a cent a pound instead of a tax of 10 cents a pound which heretofore has been levied on artificially colored oleomargarine.

This ruling had a disastrous effect upon agriculture. It has been conservatively estimated that it has cost the dairy industry at least $1,000,000 a day.

You will note that under the provisions of the Brigham-Townsend amendment all oleomargarine of a higher shade of yellow than that prescribed in the bill will be required to pay the tax of 10 cents a pound as heretofore. However, oleomargarine in its natural color, which is white, will be taxable at one-fourth of 1 cent a pound as heretofore. The Brigham-Townsend bill is intended to protect both the consuming public and the dairy industry. We are attaching a memorandum of facts concerning the pending legislation.

We hope you may give the bill your whole-hearted support.

Sincerely yours,

FRED BRENCKMAN,
Representing the National Grange.
CHESTER H. GRAY,
Representing the American Farm Bureau Federation.
CHAS. W. HOLMAN,
Representing the National Cooperative Milk Producers' Federation.
A. M. LOOMIS,
Representing National Dairy Union.

JOINT MEMORANDUM ON THE BRIGHAM-TOWNSEND AMENDMENT TO THE OLEOMARGARINE ACT (H. R. 16836; S. 5745)

1. This bill proposes to amend the Federal oleomargarine act of 1902 by defining the degree of color to be termed yellow and establishing a method of testing oleomargarine to determine its degree of color. Under the bill all oleomargarine exceeding the test will be taxable at 10 cents a pound and all other oleomargarine will be taxable at one-fourth of 1 cent per pound.

2. The bill does not change the rate of taxation established by the act of 1902.

3. The need for this legislation became imperative on November 12, 1930, when United States Commissioner of Internal Revenue David Burnet issued a ruling which permitted oleomargarine manufacturers to use unbleached refined palm oil in "substantial quantities" to color oleomargarine yellow in the semblance of butter without the payment of the 10-cent color tax. Repeated conferences with the commissioner and his superiors have failed to produce any suspension of this ruling, notwithstanding the fact that the original intention of Congress was undoubtedly to tax all yellow oleomargarine 10 cents a pound. The ruling in effect nullifies the Federal oleomargarine act and the resulting situation calls for clarifying amendments to the act.

4. Passage of this bill will correct some evil practices which have sprung up in the oleomargarine industry for the purpose of evading the tax on yellow oleomargarine. Such practices include at present the use of naturally colored imported oils, such as palm oil and soybean oil, both of which are said to be refined to a yellow color by secreting processes, and the use of certain yellow intestinal fats selected from the carcasses of old dairy cows in the slaughterhouses of large packing plants.

5. A better understanding of the problem may be had by a brief examination into the oleomargarine industry. Of all oleomargarine manufactured in 1929, 94.9 per cent is uncolored and takes a quarter-cent tax. There are two kinds of oleomargarine produced. One is a combination of animal and vegetable fats, which constitutes approximately one-third of the total oleomargarine production. The other is made entirely out of vegetable oils. A certain amount of salt is used in both cases, and the practice is to churn the product in milk so as to give it a butterish flavor.

The cost of the ingredients of the first type of oleomargarine may safely be estimated as under 10 cents per pound of the finished product, and the cost of the ingredients of the vegetable margarin is under 9 cents per pound of the finished product.

Between the two types of oleomargarines there is a strong competition. The vegetable product, apparently, is steadily driving the first and older type of margarin out of production. The chief ingredients of the first type of oleomargarine are domestically produced oleo oil, neutral lard, and cottonseed oil; the chief ingredients of the second type of oleomargarine are heavy quantities of coconut oil and smaller quantities of cottonseed or peanut oil.

Unless this legislation passes the effect of the commissioner's ruling will be for palm oil to be used as one of the principal ingredients of oleomargarine, since the commissioner has defined "substantial quantities" to be 10 per cent or more of the total ingredients. Palm oil will then displace some other fat; and it is inconceivable that it will displace any but the higher-priced fats. The effect will also be that all oleomargarine produced will tend to become yellow. This will be accomplished easily in the vegetable margarin industry and will force the makers of the older product to make further substitutions; in fact, it will bring palm oil into a more direct competition with oleo and cottonseed oils than existed prior to the commissioner's ruling.

6. The inevitable effect of competition under the commissioner's ruling will be either for the oleomargarine industry to become an industry depending almost entirely upon imported oils, most of which are now duty free, or for the price of the domestic fats to be reduced to meet the competition of the imported fats. Passage of this bill will, in our judgment, retard the rate of disappearance of domestic oils and fats from utilization by the oleomargarine industry.

It can not be too strongly emphasized that the major ingredient of oleomargarine is coconut oil. This product comes into the United States free of duty from the Philippine Islands. Copra, from which it is extracted, is on the free list. Palm oil, which is now being used to color oleomargarine in the semblance of butter, is likewise upon the free list and is being imported from Africa, Java, and Sumatra. Palm-kernel oil takes a trifling duty of 1 cent a pound when imported for edible purposes. Soybean oil, almost alone, is dutiable at 2½ cents a pound, and it is profitable for the oleomargarine makers to pay this duty when the oil can be obtained yellow in color, to enable them to escape the 10-cent tax.

7. While the cost of manufacturing oleomargarine is about 9 cents per pound, when 88 butter is wholesaling at from 35 to 38 cents per pound, oleomargarine often wholesales at 25 cents per pound. Under present low prices, with certain grades of butter retailing as low as 27 cents per pound, this new yellow oleomargarine is being advertised to sell at 25 cents and other grades are selling at from 18 to 19 cents. This shows that oleomargarine is a regulated industry, with prices quoted to follow butter prices but always under butter prices.

8. An effort has been made to convince Members of Congress from cotton, peanut, and beef-cattle producing States that the proposed legislation is inimical to their interests. Instead of being inimical, the legislation is really of a beneficial character to the producers of cottonseed and its products and of beef cattle. We will deal with these two questions in the order named.

(a) Cottonseed: When the older type of oleomargarine was first made considerable quantities of cottonseed oil were used in its preparation. For example, in 1917 the oleomargarine industry consumed 36,454,000 pounds of cottonseed oil, which constituted 10.21 per cent of the total ingredients. In 1929 the industry consumed 30,214,010 pounds, which constituted only 7.11 per cent of the total ingredients. Thirty million pounds of cottonseed oil at 8 cents a pound would mean a purchase of $2,400,000 from the cotton-products interests. In contrast to this, agriculture annually purchases over $90,000,000 worth of cottonseed products. The dairy industry alone in a normal year consumes at least 1,280,551 tons of cottonseed meal valued at approximately $51,000,000. Moreover, it is estimated that cattle intended for slaughter consume 340,399 tons of cottonseed meal valued at $13,530,000. Of this amount, dairy beef claims 32 per cent, or approximately $4,339,000. The dairy farmers are then among the most important customers of the cottonseed producers and purchase in value more than twenty-two times as much product as do the oleomargarine manufacturers. Dairying is also increasing in Southern States and is becoming an important part of the farming scheme on many important farms. It benefits the southern cotton farmer for dairying to prosper, since an increasingly competitive market situation is brought about for higher protein feeds which are becoming relatively scarce in the United States.

Domestic cottonseed and peanut oil can not be used to manufacture yellow oleomargarine without adding artificial color. Therefore, the use of yellow palm oil and yellow soybean oil will inevitably decrease the use of cottonseed and peanut oils.

(b) Beef cattle: As to the beef cattle, the same pressure of competition against cottonseed oil is also being felt by oleo oil. Out of approximately 120,000,000 pounds of oleo oil produced from the fats of cattle, 65,000,000 pounds is annually exported; and only 37 per cent of the total domestic output is used in oleomargarine. This oil varies in shade from neutral to yellow, according to breed and age of cows. The principal yellow fats surrounding the vital organs of cattle come from the older Jersey and Guernsey cows. Even the fat of Holstein animals is lighter in color. Without these yellow dairy fats being available, the amount of yellow oleo oil produced from carcasses of beef cattle would be insufficient to tint any considerable quantity of oleomargarine, even if a high percentage of oleo oil were used in making the product.

The general superintendent of Armour & Co., Mr. Harding, has made a sweeping statement, unsupported by figures, to the effect that the passage of this bill would result in a lower average price of cattle of $1.50 per head, claiming that it would cause oleo oil to have to take the tallow price. Even if Mr. Harding's figures were correct our analysis of the situation, supported by calculations introduced into the House and Senate testimony, shows that a tallow value of oleo oil would reduce the price of cattle slaughtered less than 23 cents per head. We challenge the accuracy of both Mr. Harding's estimate and his reasoning as to price trends. We believe that the passage of this bill will assist Mr. Harding and his associates to maintain a price for oleo oil above the price of tallow for many years to come.

For a time producers of beef cattle were misled by the cry that the enactment of this legislation would be injurious to them. But the secretary of their national organization after a first-hand study of the problem in Washington came to the conclusion that the passage of the bill would not injure livestock interests, and that it should be passed in the interest of the dairymen and the consuming public. Accordingly, he has written certain members of the Senate giving his conclusions in the matter.

9. Failure to pass the act will permit the makers of colored oleomargarine to increase the prices at which they offer their product. In their own advertisements they admit that the yellow product has no added nutriment; but information has been obtained that price offerings of the new yellow product are at higher prices than are quoted for the uncolored. In this way they will not only escape the 10-cent tax, but will make an added profit by reason of the stronger demand which they can create for the yellow oleomargarine.

10. Failure to enact this legislation will bring about an immense advertising and sales campaign for the yellow oleomargarine. This may stimulate the sale of one hundred to two hundred million pounds more of the product annually sold. Such a stimulation will necessarily cause oleomargarine to displace an equivalent amount of butter. As the dairy industry is already producing more than this country can now conveniently consume, and as butter production is the catch-all for dairy surpluses, a displacement of a market for butter will force domestic butter into foreign markets, already overcrowded with surplus products from countries of much lower production costs than ours. Such a contingency will prolong the present depression in prices of dairy products until such time as domestic consumption equals domestic production.

11. Manufacturers of oleomargarine are fond of reciting the fact that they employ hundreds of workmen and manufacture millions of dollars worth of product. Actually the 36 firms, independent of the Chicago packers, employ less than 1,600 men, and those firms produce two-thirds of all the oleomargarine. The packers produce the rest as by-product efforts of their business. In value oleomargarine probably annually costs the consumers of this country $100,000,000.

Contrast that small, compact, controlled industry with the dairy industry. There are more than one and one-half million farmers in this country whose principal income is derived from the sale of milk and its products. These farmers milk annually over 22,000,000 cows, which produce approximately 130,000,000,000 pounds of milk. The aggregate annual value of this milk at the farm in normal years is two and three-quarters billion dollars. The production of butter alone is over 2,000,000,000 pounds. In addition, authorities are agreed that the dairy industry is the most constructive of all farming enterprises, as it builds the soil and produces the most essential article of the human diet.

12. The consumer has a concern in the passage of this legislation. It is designed to prevent fraudulent practices. It will conserve the public health. It will also make it impossible for the oleomargarine makers to increase arbitrarily the prices of their product just because they have been able to sell it in colored form without extra cost.

Finally, this bill does not constitute special-privilege legislation. It does not impose undue hardships upon the oleomargarine industry. It simply seeks to make effective the intent of Congress of 29 years ago, which has been nullified by an act of the administrative branch of the Government. Its passage will merely restore the conditions which existed in the industry prior to the unfortunate ruling of the United States Commissioner of Internal Revenue.

But unless passed in this session of the Congress, the oleomargarine industry will undoubtedly go ahead and invest many millions of dollars in advertising and plant equipment to make the new yellow oleomargarine, and enactment of the legislation at a later date may be accompanied by serious economic readjustments within that industry.

For these and other reasons which have been elaborated in the hearings of the Senate and House Committees on Agriculture, we respectfully urge the Senate to pass this legislation before the adjournment of this session of the Congress.

FRED BRENCKMAN,
Representing the National Grange.
CHESTER H. GRAY,
Representing the American Farm Bureau Federation.
CHARLES W. HOLMAN,
Representing the National Cooperative Milk Producers' Federation.
A. M. LOOMIS,
Representing the National Dairy Union.

REPORTS OF COMMITTEES

Mr. BRATTON, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8476) to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor, reported it without amendment and submitted a report (No. 1780) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 5799) authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Kiowa Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita, Caddo, and Delaware Indians, reported it without amendment and submitted a report (No. 1785) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes (Rept. No. 1781);

S. 6210. An act to amend the second deficiency act, fiscal year 1930 (Rept. No. 1782); and

H. R. 13566. An act to provide for the purchase or construction of buildings for post-office stations, branches, and garages, and for other purposes (Rept. No. 1783).

Mr. McNARY, from the Committee on Agriculture and Forestry, submitted a report (No. 1784) to accompany the bill (S. 1444) for the conservation of rainfall in the United States, heretofore reported from that committee without amendment.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 6188) to extend the times for commencing and completing the construction of a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt., reported it with an amendment and submitted a report (No. 1786) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 6205. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922 (Rept. No. 1787);

S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga. (Rept. No. 1788);

S. 6228. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr. (Rept. No. 1792); and

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa. (Rept. No. 1789).

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 5408) for the relief of Kate M.

Hayes, reported it with amendments and submitted a report (No. 1790) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3771) authorizing the Secretary of the Interior to convey certain lands to the State of Wyoming, reported it with an amendment and submitted a report (No. 1791) thereon.

Mr. METCALF, from the Committee on Education and Labor, to which was referred the bill (S. 3969) to provide for the further development of vocational education in the several States and Territories, and for other purposes, reported it with amendments and submitted a report (No. 1793) thereon.

ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, February 26, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 2892. An act for the relief of Helen F. Griffin and Ada W. Allen;

S. 3045. An act for the relief of Walter P. Crowley;

S. 3648. An act to correct the naval record of Edward Earle; and

S. 4677. An act for the relief of Dr. B. T. Williamson, of Greenwood, Miss.

REPORTS OF NOMINATIONS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were placed on the Executive Calendar.

Mr. SMOOT, from the Committee on Finance, reported favorably the nomination of Edward M. Croisan, of Oregon, to be collector of customs for customs collection district No. 29, with headquarters at Portland, Oreg. (reappointment), which was ordered to be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NYE:

A bill (S. 6249) to amend the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 6250) granting an increase of pension to Frances M. Tripp (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 6251) for the relief of the Concrete Engineering Co. (with accompanying papers); to the Committee on Claims.

By Mr. NYE:

A bill (S. 6252) granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.; to the Committee on Commerce.

E. F. ZANETTA

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3213) for the relief of E. F. Zanetta, which was, on page 1, line 9, after "1927," to insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. PARTRIDGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MR. BEAUCHAMP ON THE WICKERSHAM COMMISSION REPORT

Mr. SHEPPARD. Mr. President, I present for publication in the RECORD an article on the Wickersham Commission report by Mr. H. Beauchamp, of Dallas, Tex., architectural field secretary, Sunday school board, Southern Baptist convention.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

The article is as follows:

THE WICKERSHAM REPORT

(By Mr. H. Beauchamp, of Dallas, Tex., architectural field secretary, Sunday School Board, Southern Baptist Convention)

Those who believe in prohibition have every reason to rejoice in the report of the Wickersham Commission on Law Observance and Enforcement, and particularly in President Hoover's address accompanying its submission to Congress. True, each member of the commission made individual reports relating to various difficulties and offering their individual opinions as possible alternatives for the report of the commission. These opinions, however, do not constitute the report. When all is summed up the report of the commission says in substance, but very clearly, "Keep the eighteenth amendment and give it adequate enforcement."

The significant thing about it is that the report of the commission, a majority of whom are wet, or at least moist, and not one who may be classed as a "fanatical dry," after 18 months of investigation, study, and conferences, with all the data in their hands that the whole country could furnish them, collected and collated by trained experts, and having the opinion and advice of numerous leaders, both wet and dry, says:

"We are convinced that it [the repeal of the eighteenth amendment] would be a step backward * * * and would be likely to lead to conditions quite as bad as those we are seeking to escape."

This is the strongest indorsement that prohibition could possibly receive. A petition for prohibition signed by a million private citizens would not mean as much. The claim of the wets so widely published that the report is a "straddle" of the prohibition question, is all bunk and characteristic of the dishonesty and deception so often displayed by the liquor crowd. President Hoover most heartily agreed with the report, recommending it all except its suggestion of a possible revision of the eighteenth amendment "at some future time" "should enforcement not prove successful." In his characteristic level-headed fashion he made it very clear and emphatic that he did not recommend keeping open the question of retaining and enforcing the eighteenth amendment, saying, "My duty, and that of all executive officers, is clear—to enforce the law with all the means at our disposal without equivocation or reservation."

COL. H. W. ANDERSON'S SCHEME

The individual opinion of Colonel Anderson and his plan suggested as an alternative for prohibition, which has been given such wide publicity and some sort of indorsement by the five other wet (or moist) members of the commission, deserves some attention. Examined closely it is nothing more nor less than an outright and abject surrender to the liquor interests, which would fill this country with liquor and make it a veritable bootlegger's heaven, besides being subject to the chief objections that the wets have habitually urged against the eighteenth amendment as being "sumptuary" and usurping the police functions of the States. It is a dripping wet scheme which he picked up over in Europe and wants America to adopt, the chief virtue of which he claims is that it would put the bootlegger out of business by taking his profits away from him. In this, however, he is seriously mistaken, as we shall see.

His scheme contemplates a gigantic national privately owned corporation, created and protected by the Federal Government, that would have a monopoly of the manufacture and sale of liquor in the whole country (except that in the hands of the bootleggers), with an annual business turnover of $3,000,000,000 or more. There would be 48 State corporations and 48 State agencies to which it would sell liquor. These, in turn, would sell to the retail agents in every community. There would also be a great National Government "commission on liquor control" to cooperate with and foster the business of the corporation, with 48 similar State commissions. It would be one of the biggest businesses in the country (or the world, as for that), a gigantic octopus, with its bloodsucking talons reaching to every community in America. The distillers and brewers of other years never had one-third the political and financial influence and power that this gigantic corporation would have. No "dry" need ever think of running for any office, from constable to President, when this huge concern gets a-going. The expense of all these corporations, commissions, and agencies would be borne by the retail liquor business, with the private stockholders guaranteed ample interest on their entire investment and enough more to return to them, in a few years, their entire invested capital.

In addition to this, the Government and States must be reimbursed for all the expenses they have incurred in the matter, including the support of all these commissions, and leave a large overplus in the National and State Treasuries for various works of education and charity, such as maintaining something like Keely Institutes over the land, to, in some measure, undo the harm their liquor business has wrought. It would be good to have the Keely Institutes back again if his scheme goes over, for prohibition has just about put them all out of business by largely removing the necessity for them. Of course, there will also be all the expense of the retail liquor business, just as the old-time saloon keepers had. The Government and States would be able to dispense with their enforcement agencies, for Colonel Anderson has very graciously guaranteed that his scheme will put the bootleggers out of business. With no prohibition officers to dodge, a bootlegger who could not successfully compete with a business like that, loaded down, as it is, with all these expenses, Government and State charges, with profits piled upon profits, would be a very poor business man indeed. The bootlegger competed profitably with our old-time saloon, which was the essence of simplicity and economy compared with this gigantic, cumbersome, and complicated system, with its big aggregation of high salaries, corporation officers, commissioners, and agents over agents.

Colonel Anderson's great national commission would be a Federal "price-fixing" body, and that would be something new in this country. It would be a short step from there to "price fixing" for wheat, corn, cotton, coal, etc., and then we would have launched on a new career of paternalistic government, and then communism could easily follow—all this imported from Europe. We would be making progress, but how? The Government would be in the liquor business by proxy, but in it just the same, and participating in its profits and particeps criminis in all the harm resulting. Senator BORAH, in commenting on this, very properly objected to "flying the American flag over a dramshop."

Colonel Anderson's scheme provides that the drinker must take out a license—get a "license book." That is certainly turning the tables. It was bad enough to be a licensed saloon keeper; but being a "licensed drinker," wouldn't that shock you? Who but a shameless old toper would want to be a "licensed drinker," and carry a "license book" around with him and have the agent keep books on every purchase of liquor he makes? How embarrassing that could sometimes become. It is easy to see what would happen. The drinker would shy around the "drinker's license"; and when he wanted a quiet drink now and then, simply call his bootlegger, whom he may easily reach any hour of the day. A situation practically like this prevails in Canada, and has been cited by those familiar with the situation as one of the chief reasons why bootlegging prevails there.

The colonel mentions the possibility of certain States electing to stay out of the scheme, assuring us that the Federal Government would protect any "dry" State from rum runners from adjacent wet States. Does he think that we do not remember what a dismal failure that plan was in other years? And does he think that our present United States Army would be a force large enough to effectively patrol the boundaries of the States that are normally dry? Is it not altogether possible that the gigantic liquor corporation and its fostering national commission could probably force every State into the scheme in self-defense? When maturely considered, it is all but certain that the eighteenth amendment will be retained and possibly the national prohibition act rendered more effective by "certain secondary legislation" recommended by the commission and the President.

NATIONAL HYDRAULIC LABORATORY—REPORT BY JOHN R. FREEMAN (S. DOC. NO. 308)

Mr. HEBERT. Mr. President, at the last session of the Senate I secured the printing of a monograph by Mr. John R. Freeman, an eminent engineer of my State, upon the proposed national hydraulic laboratory. That monograph received very wide circulation among engineers all over the country and has been conducive to very much good in the development of that project. Since then Mr. Freeman has prepared a progress report. I have reason to believe that he is perhaps as conversant with hydraulic problems as anyone in our country, and I am sure that the views which he expounds in this progress report will be of value to the engineering profession as well as to those who are interested in the proposed laboratory to be built by the Government.

I now ask unanimous consent, Mr. President, to have the progress report to which I have referred printed as a Senate document, together with the illustrations.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I inquire if there are any photographs accompanying the report which the Senator desires printed?

Mr. HEBERT. There are some illustrations, Mr. President, setting out the details of the plan which Mr. Freeman has prepared at very considerable expense to himself.

Mr. SMOOT. If there are photographs accompanying the report, or anything of that nature, in order to procure their printing action must be taken by both the House and the Senate. To the printing of the report itself, of course, I have no objection, but in order to have the photographs printed in connection with it action will have to be taken such as I have indicated.

Mr. HEBERT. Let me say for the information of the Senator that there are no photographs accompanying the report. There are, however, some drawings, but they are carefully done, so that they may be reproduced, I understand, by ordinary processes.

Mr. SMOOT. There are no pictures of houses or anything of that kind?

Mr. HEBERT. No; not any.

Mr. SMOOT. If the document simply contains drawings of the character referred to, I have no objection.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the article, with illustrations, will be printed as a Senate document.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 2892. An act for the relief of Helen F. Griffin and Ada W. Allen;

S. 3045. An act for the relief of Walter P. Crowley;

S. 3648. An act to correct the naval record of Edward Earle; and

S. 4677. An act for the relief of Dr. B. T. Williamson, of Greenwood, Miss.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1072. An act for the relief of Gabriel Roth; and

S. 1496. An act for the relief of Edith Barber.

The message further announced that the House had passed the bill (S. 1696) for the relief of Thomas L. Lindley, minor son of Frank B. Lindley, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 672. An act for the relief of Walter W. Adkins;

H. R. 1501. An act for the relief of William H. Connors;

H. R. 2628. An act to authorize an appropriation for the relief of I. L. Lyons & Co.;

H. R. 3163. An act for the relief of heirs of Jacob D. Hanson;

H. R. 3453. An act for the relief of Benjamin Hagerty;

H. R. 3643. An act for the relief of Alfred W. Mayfield;

H. R. 3653. An act for the relief of Frank Martin;

H. R. 5384. An act for the relief of Same Giacalone and Same Ingrande;

H. R. 5931. An act for the relief of Milton Lockhart;

H. R. 5932. An act for the relief of J. Walter Smith;

H. R. 5933. An act for the relief of Joseph C. Looney;

H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox;

H. R. 6491. An act for the relief of John J. Mullen;

H. R. 6517. An act for the relief of Irene Brand Alper;

H. R. 7047. An act for the relief of Elsie M. Sears;

H. R. 7161. An act for the relief of Nelson E. Frissell;

H. R. 7195. An act for the relief of May L. Marshall, administratrix of the estate of Jerry A. Litchfield;

H. R. 7291. An act for the relief of Edward J. Devine;

H. R. 8096. An act for the relief of Alvina Hollis;

H. R. 9660. An act for the relief of the widow of John Curtis Staton;

H. R. 9709. An act for the relief of George Walters;

H. R. 10052. An act for the relief of A. J. Bell;

H. R. 10113. An act for the relief of Uriel Sliter;

H. R. 10306. An act for the relief of Henry I. Power;

H. R. 10326. An act for the relief of William H. Stroud;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 10719. An act for the relief of Capt. V. V. de Sveshnikoff;

H. R. 11529. An act for the relief of William J. Bodiford;

H. R. 11804. An act for the relief of Mary Cooper;
H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;
H. R. 12374. An act for the relief of William R. Cox;
H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.;
H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others; and
H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:
H. R. 3820. An act to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916; and
H. R. 14922. An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:
H. R. 672. An act for the relief of Walter W. Adkins;
H. R. 1501. An act for the relief of William H. Connors;
H. R. 3453. An act for the relief of Benjamin Hagerty;
H. R. 5931. An act for the relief of Milton Lockhart;
H. R. 5932. An act for the relief of J. Walter Smith;
H. R. 5933. An act for the relief of Joseph C. Looney;
H. R. 6491. An act for the relief of John J. Mullen;
H. R. 9709. An act for the relief of George Walters;
H. R. 10113. An act for the relief of Uriel Sliter;
H. R. 10306. An act for the relief of Henry I. Power;
H. R. 10326. An act for the relief of William H. Stroud; and
H. R. 11529. An act for the relief of William J. Bodiford; to the Committee on Military Affairs.
H. R. 2628. An act to authorize an appropriation for the relief of I. L. Lyons & Co.;
H. R. 3163. An act for the relief of heirs of Jacob D. Hanson;
H. R. 3643. An act for the relief of Alfred W. Mayfield;
H. R. 3653. An act for the relief of Frank Martin;
H. R. 5384. An act for the relief of Same Giacalone and Same Ingrande;
H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox;
H. R. 6517. An act for the relief of Irene Brand Alper;
H. R. 7047. An act for the relief of Elsie M. Sears;
H. R. 7161. An act for the relief of Nelson E. Frissell;
H. R. 7195. An act for the relief of May L. Marshall, administratrix of the estate of Jerry A. Litchfield;
H. R. 7291. An act for the relief of Edward J. Devine;
H. R. 8096. An act for the relief of Alvina Hollis;
H. R. 9660. An act for the relief of the widow of John Curtis Staton;
H. R. 10052. An act for the relief of A. J. Bell;
H. R. 10562. An act for the relief of John Sanford Tillotson;
H. R. 10719. An act for the relief of Capt. V. V. de Sveshnikoff;
H. R. 11804. An act for the relief of Mary Cooper;
H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Fayette, Idaho, with certain funds;
H. R. 12374. An act for the relief of William R. Cox;
H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.;
H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others; and
H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.; to the Committee on Claims.

REGISTERED, INSURED, OR COLLECT-ON-DELIVERY MAIL

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (H. R. 5659) to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders, which was ordered to lie on the table and to be printed.

DEPORTATION OF CERTAIN ALIENS

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (S. 6172) to expedite the deportation of certain aliens, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF TRADING WITH THE ENEMY ACT

Mr. COPELAND also submitted an amendment intended to be proposed by him to the bill (H. R. 10585) to amend section 9 of the trading with the enemy act, which was referred to the Committee on the Judiciary and ordered to be printed.

JULIA E. HAMMOND FOSTER AND OTHERS

Mr. WATSON submitted the following resolution (S. Res. 472), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay out of the contingent fund of the Senate to Julia E. Hammond Foster, Elizabeth Hammond Van Wagoner, Addie Hammond Budd, Moses Hammond, and Matilda Worden, next of kin and dependents of John Hammond, late a messenger of the Senate under supervision of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

WILLIAM E. KENNEY

Mr. BLAINE submitted the following resolution (S. Res. 473), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate is authorized and directed to employ William E. Kenney as a doorkeeper at a salary of $2,000 per annum, to be paid out of the contingent fund of the Senate until otherwise provided by law.

CONTINUING THE INVESTIGATION OF LOBBYING

Mr. CARAWAY. I submit a resolution to extend Senate Resolution No. 20 for the purposes set out in the resolution and ask that it may be referred to the Committee to Audit and Control the Contingent Expenses.

There being no objection, the resolution (S. Res. 475) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the subcommittee of the Committee of the Judiciary appointed under Senate Resolution No. 20 is hereby authorized and empowered to pursue its investigation under said resolution during the recess of Congress and to make its final report at the first session of the Seventy-second Congress. The expenses, not to exceed $3,000, to be paid out of the contingent fund of the Senate.

PRINTING OF THE EXECUTIVE JOURNAL

Mr. BORAH submitted the following resolution (S. Res. 477), which was referred to the Committee on Printing:

Resolved, That the entire Executive Journal from the end of the Fifty-seventh Congress, special session, the date to which said proceedings have already been printed and published by order of the Senate, to the end of the Seventy-first Congress, third session, be printed under direction of the Secretary of the Senate, with a suitable index to each volume, and that 500 copies be printed.

Resolved, That the injunction of secrecy be not removed therefrom until said printing has been completed, nor until so ordered by the Senate.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on February 25, 1931, the President approved and signed the following acts:
S. 3614. An act to provide for the appointment of two additional district judges for the northern district of Illinois;
S. 4425. An act to amend section 284 of the Judicial Code of the United States;

S. 4477. An act for the relief of Irma Upp Miles, the widow, and Meredeth Miles, the child, of Meredith L. Miles, deceased;
S. 5114. An act to legalize bridges across the Staunton River at Brookneal, route No. 18, Campbell County, and at Clover, Halifax County, route No. 12, State of Virginia;
S. 5255. An act to extend the time for the construction of a bridge across the Chesapeake Bay; and
S. 5392. An act to legalize a bridge across the Pigeon River at or near Mineral Center, Minn.

RAILROAD CONSOLIDATIONS

Mr. COUZENS. Mr. President, I have had placed on the wall of the Senate four maps showing in considerable detail the railroads in the eastern territory of the United States. I have had them drawn with particular reference to the proposed 4-party plan of consolidation for the eastern territory. I invite the attention of the Senate to the fact that these maps show quite conclusively what will be accomplished if the 4-party plan shall be approved by the Interstate Commerce Commission. In the meantime I want to discuss at some length the history of railroad consolidation, what it has accomplished, and the intent of Congress when it enacted the transportation act of 1920.

Mr. President, the time has come when Congress must seriously reconsider the subject of railroad consolidations that are proposed or may be hereafter proposed. The fact that Congress adopted the policy of railroad consolidations in the passage of the transportation act of 1920 is by no means conclusive that that policy is being carried out or that contemplated consolidations are in harmony with the transportation act or in the public interest. Nothing in the record or in the act indicates that it was the intention of Congress to bring about consolidations of prosperous and powerful railroad systems. That subject, however, I will deal with more in detail later.

For a period of some five years the Interstate Commerce Commission has asked to be relieved of the instructions contained in the transportation act of 1920, and of the responsibility of preparing a plan, but getting no response it concluded that it must adopt one. Until the adoption of this plan there was no authority under the act to bring about the consolidations; in fact, the transportation act specifically prohibited consolidations. Since the transportation act of 1920 there have been no consolidations or mergers particularly disturbing competitive conditions, but unless there is some action by Congress there is sufficient indication that such consolidations will take place. Therefore Congress should either reaffirm the policy set out in the transportation act, which did not contemplate consolidations of prosperous and powerful railroad systems, or it should affirmatively say that it does approve of prosperous and powerful railroad system consolidations. The public interest, it is claimed by many, is not preserved by consolidations of prosperous and powerful railroad systems. No concrete results have developed as an outcome of the transportation act of 1920 whereby it was determined by Congress that it would be in the public interest for the weak lines and short lines to be consolidated with strong lines. It now appears that the transportation act, which was obviously adopted for the purpose of taking care of the weak and short lines, is proposed to be used for the purpose of consolidating prosperous and powerful railroad systems; and Congress should determine whether it is in public interest that such prosperous and powerful railroad systems be consolidated. There seems to have been no very energetic attempt to carry out the intent of Congress in the transportation act of 1920 by bringing weak and short lines into strong and prosperous systems, but rather there is in contemplation the very reverse of what Congress intended. It is obvious that if Congress should reach the conclusion that any act of theirs is being interpreted improperly or at variance with their intent they should take action. It may not be properly said that there is in any way an interference with the Interstate Commerce Commission in the performance of its duties. If Congress has not made itself clear and if the commission delegated with authority to interpret the act is not doing so in accordance with the intention of Congress it is obviously the duty of Congress to assert itself. This is particularly illustrated by Commissioner Porter's statement in the Pere Marquette case (138 I. C. C. 538), May 8, 1928.

It may be that lurking in my mind as an individual may be serious misgivings as to whether or not the ultimate accomplishment of this new scheme of things will bring about the hoped-for benefits to the public that its sponsors so fondly anticipated. But to my way of thinking, that has nothing to do with the problem confronting us as the administrative agent of Congress created for the purpose of carrying out legislative powers and policies established by it. I am convinced that it is our duty, irrespective of individual opinions and beliefs, with all of the ability at our command, honestly to strive in sincerity and truth to carry out this declared program of Congress placed in our hands as its servants for its execution.

Since it is plain from the decision of the commission in the Great Northern-Northern Pacific case and from expressions in the Baltimore & Ohio-Western Maryland case (160 I. C. C. 791), January 13, 1930, that the commission believes that so long as the consolidation provisions are written as they are to-day in the transportation act it has the right to approve unifications or consolidations even though they involve substantial suppression of competition, unless Congress makes some change in the law we will have consolidations and mergers and acquisitions of control that will suppress and destroy competition.

This much is said by way of introduction because of the claim made in connection with the hearings on Senate Joint Resolution 161, adopted by the Senate last May, that Congress was attempting to interfere with the functions of the commission in matters which had been intrusted to its hands. It was the sentiment of the Senate when it adopted Senate Joint Resolution 161 in May, 1930, that the Interstate Commerce Commission was not interpreting the transportation act of 1920 in accordance with the intent of Congress. This resolution proposed to hold up railroad consolidations that suppressed and destroyed competition until March 4, 1931, so that Congress might state emphatically what its intention was in the matter. This resolution is still in the House of Representatives. The only purpose of it was to preserve existing conditions until Congress could determine in the light of the experience in the last 10 years what should be the future policy of the country in this very vital matter. For this reason the Senate passed a resolution, Senate Resolution 290, as follows:

That for the purpose of obtaining information as a basis for legislation the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is hereby authorized and directed to make a study of and to investigate the matter of consolidation and unification of railroad properties and the effect of such consolidations and unifications upon the public interest. The committee shall report to the Senate the results of its studies and investigations, including such recommendations for legislation as it deems advisable.

The Committee on Interstate Commerce, through its agents, has made a careful study of the matter and a tentative report has been presented to the committee for its consideration.

Mr. President, railroad consolidations are not new. They did not start with the transportation act of 1920. Practically every system of any size in the country has been built up by taking in shorter lines. These consolidations had been going on for over 60 years when the transportation act was passed. They were not regulated, but were subject to the provisions of the antitrust laws after the enactment of those laws.

The transportation act of 1920 made two material changes with reference to consolidations. It gave the Interstate Commerce Commission the control of consolidations and it exempted approved consolidations from the provisions of the antitrust acts.

PURPOSE OF CONSOLIDATION PROVISIONS WAS TO SAVE WEAK ROADS

There can be no question as to the original purposes of the sponsors of the consolidation provisions in the 1920 act. By that act the Interstate Commerce Commission was authorized to fix rates; it was commanded to fix such rates as would produce a fair return upon the aggregate value of

railway property of carriers either in the whole country or in rate groups or territories to be designated by the commission. Having attempted to provide in this way for the financial security of all the carriers, Congress was met with the practical proposition that in any territory rates which would furnish the strong carriers a fair return would not be sufficient to enable the weaker ones to live, and if rates were fixed which would adequately care for the weak roads the strong ones would receive excessive earnings. As a solution for this problem a policy of railroad consolidation by which strong lines and weak lines would be combined into systems of equal strength was devised. Senator Cummins and other supporters of the law declared time and time again that the weak roads must be saved as a necessary part of the transportation system of the country and that consolidation was the one solution for giving the railroads a uniform return and saving the weak lines. As was stated by Senator Cummins at the hearings on S. 2224 in 1924 (p. 137):

> There was one great concern when we formulated the transportation act, to take care of the short lines and to keep them running in the service of the people. That is the object of consolidation, and I think it is the one thing that will determine whether we are to have public or private ownership.

Nowhere in the debates in Congress or in the reports of committees was there any intimation that these consolidation provisions should be used for the purpose of permitting strong roads to make themselves stronger by acquiring other prosperous competing carriers.

Since the enactment of the law numerous claims have been made as to advantages which might be expected from consolidation. The strongest argument that has been made is that economies would result and this argument has been repeated so often that many people seem to assume that consolidations will necessarily result in economies and consequently in a reduction of rates.

At the hearings on S. 2224—page 73—Senator Cummins said in connection with the discussion of possible economies:

> I would like to say at this point that as the author of the bill the saving in the cost of operation was a negligible factor in my mind * * *. That was not my purpose in introducing the bill and seeking consolidation.

Mr. Alfred P. Thom, general counsel of the Association of Railroad Executives, testifying before the Committee on Interstate and Foreign Commerce of the House at the hearings on H. R. 11212 in 1926—page 354—said:

> It [the policy of consolidation] originated with the gentlemen performing their duties here in Congress in trying to create a better system of regulation which finally took form in the transportation act of 1920. At that time those of you who were in Congress realized that there was a very great interest in the question of providing for the weak lines of railroads. The method finally agreed upon and stimulated by the desire to take care of the weak roads was, first, the recognition of the group method of rate making, coupled with a percentage of value which should be a measure of the aim which the commission should endeavor to reach in providing revenues and deeming that that would mean rates higher than would be made if they had only the strong roads to consider, the conclusion was reached that a certain proportion of the earnings above a given per cent should be taken away from those carriers that had earned them.
>
> That method has been defined by the chairman of the Senate committee as an ad interim or makeshift method of dealing with this weak-road problem. The ultimate and final method of dealing with it, was in the opinion of those gentlemen, through consolidation.
>
> So that this whole policy which you gentlemen are now considering, and which I think Congress has very distinctly adopted, has its genesis in the desire to take care of these roads that are doing a useful service to the public, but are not strong enough to continue that service without some change in method of regulation.

Mr. Cain, the representative of the short lines, at the hearings on S. 1175 in 1928, said in response to a question by Senator Mayfield—page 202:

> Senator MAYFIELD. Before you get away from that, I want to ask this question in connection with it, Mr. Cain. Is not the great thought underlying the whole question of railroad consolidation to take care of these weak or short lines?
>
> Mr. CAIN. Undoubtedly, that is true Senator; and it has been true for——
>
> Senator MAYFIELD. That is the history of it?
>
> Mr. CAIN. Yes, sir.

In view of these statements by the author of the bill and by the authorized representatives of the railroads there can be no question that the real purpose of the provisions in question was to solve the weak-road problem.

WEAK ROADS WILL NOT BE SAVED BY CONSOLIDATION—STRONG ROADS WILL NOT AND ARE NOT ABSORBING WEAK LINES

Of course, the weak-road problem could not be solved by this method unless all the weak roads were taken into stronger systems. If any were left out the problem would still remain. However, from the very beginning the stronger railroads have taken the position that they could not and should not be compelled to take over weak lines except on terms which they considered commercially justified. As Mr. Thom stated at the hearings on S. 1870 (1926), in answer to a question by Senator Cummins as to who should determine whether an acquisition is commercially justified:

> The owner of the property is going to determine that question in the first instance. Under any permissive system it will remain with them to determine that question. If that does not work, it will be left to Congress whether some other method ought to be adopted. But as long as there is a permissive system, and I think that so long as there is a coercive system that there will never be acquisition of these properties by one property or another on terms not commercially justified unless Congress is willing to say, "We will take both properties."

Judge Robert S. Lovett, chairman of the board of directors of the Union Pacific Railroad Co., stated to the House committee at the hearings on H. R. 11212 (1926), page 79, that he believed that—

> Most stockholders would rather pay over to the commission, if they are bound to, the net earnings in excess of the statutory limit than be forced to accept an unprofitable road and carry that burden, which might conceivably result in there being no net earning. * * * I do not believe that solvent railroad companies, with an assured revenue, as against all competitors, will undertake the acquisition of a road that involves a certain loss unless they are forced by the Government.

At the same time, the strong roads have consistently taken the position that there should be no compulsory consolidation, and they have fought any form of compulsion at every hearing before the committees of Congress.

The result is that there is little likelihood that the weak roads will be absorbed under a voluntary system; and not only do the railroads object to a compulsory system, but there is the most serious question whether a compulsory system could be constitutionally carried out. The proposition has been advanced that as a condition of approving proposed consolidations the commission might require the taking over of weak roads and short lines by the consolidating carriers. The history of proposed legislation on this subject, however, discloses that the railroads have always insisted that the commission be given authority to waive this condition if the short roads or weak lines asked unreasonable terms.

Since, therefore, there is little likelihood that the weak lines of the country will be cared for by a voluntary system, and a compulsory system is impracticable, the argument that consolidation will solve the weak-line problem has become too threadbare for serious consideration. To repeat to-day what was argued and believed by Senator Cummins in 1920, that the railroads of the country would combine in a limited number of evenly balanced systems in which the weak roads would be absorbed by their stronger brothers and thereby enabled to live, is to hide one's head in the sand and ignore the practical situation.

In 1926 Senator Cummins filed in connection with the hearings on S. 1870 a list of 70 roads with an aggregate mileage of over 50,000 miles which, during the years 1922, 1923, and 1924, had earned an average return of less than 3 per cent, and another list of 30 roads with a total mileage of over 60,000 miles, which, during the same period, had earned an average of less than 4 per cent or more than 3 per cent. However, of the 70 roads only 37 were independent roads, and 33 were already subsidiaries of larger and stronger systems.

It is interesting to note, in view of the arguments as to the benefits of consolidation, that of the independent roads listed by him as weak, over half earned more than 3 per cent during the years 1927, 1928, and 1929, while less than one-third of the roads, which were subsidiaries and continued to be such, earned over 3 per cent; and six subsidiary roads showed deficits for that period as against only one of the independent roads. The same thing is true of the roads earning more than 3 per cent and less than 4 per cent. In 1927, 1928, and 1929 half of the independent roads reporting showed earnings of over 4 per cent, and the remaining half earnings of 3 per cent to 4 per cent, while of the subsidiaries reporting only 28.57 per cent showed earnings of over 4 per cent, and only the same percentage earnings from 3 per cent to 4 per cent.

Going back to the record of acquisition of weak lines, of the 70 roads listed by Senator Cummins as earning less than 3 per cent for the years 1922, 1923, and 1924, only 9 have been acquired by other systems. The roads referred to last are Class I roads; that is, having annual operating revenues above $1,000,000. Class II roads are those with operating revenues of from $100,000 to $1,000,000, and Class III with operating revenues below $100,000. While it is true that a number of Class II and Class III roads were acquired during that period, the total acquisitions of roads of all three classes from March 1, 1920, to October 31, 1930, which may be classed as new consolidations, excluding a small mileage of belt lines and terminals, amount to 24,251.69 miles, of which only 5,055.57 miles were Class II or III roads, the average mileage of roads of these acquisitions being 47.34 miles. An examination of the orders involving the acquisition of these short lines shows that in practically every case there was a commercial advantage to the acquiring road, and that the acquisitions were not inspired by any desire to equalize railroad systems or to save weak roads.

There has been no attempt on the part of any strong railroad to acquire the Minneapolis & St. Louis and the Chicago & Great Western, two roads which since 1919 have been pointed out as horrible examples.

The largest system built up by acquisitions of control since the passage of the transportation act has been the Missouri Pacific, and this system was largely built up and the parent road strengthened by the acquisition of stronger roads with greater earning capacity than the parent road. Of Class I roads the acquisition of the Kansas City, Mexico & Orient by the Santa Fe; of the Atlanta, Birmingham & Atlantic by the Atlantic Coast Lines; of the Cincinnati, Indianapolis & Western by the Baltimore & Ohio; of the San Antonio, Uvalde & Gulf by the Missouri Pacific; and of the San Antonio and Aransas Pass by the Southern Pacific, are the only examples of really weak Class I roads acquired.

The proposed consolidation of the Great Northern and Northern Pacific, just abandoned, certainly did not have its genesis in any plan of balancing systems or saving weak roads.

The proposed acquisition of the Lackawanna by the New York Central, of the Lehigh Valley by the Chesapeake & Ohio-Nickel Plate group, and of the Reading and Central of New Jersey by the Baltimore & Ohio, can hardly by the wildest stretch of imagination be said to fit into a picture of strong roads taking weak ones into their systems to save them from disaster. The Reading has, since 1913, paid a 4 per cent dividend on its $50 par value first preferred stock, 4 per cent on its $50 par value second preferred stock, and 8 per cent on its $50 par value common stock. The Central of New Jersey paid dividends of 12 per cent for five years ending December 31, 1928. The Lehigh Valley has, since 1904, paid 10 per cent on its preferred stock and an average of 8 per cent on its common stock, and has set up a surplus in excess of the par value of its common stock. The Lackawanna has, since 1921, declared dividends of not less than 12 per cent, and set aside a substantial amount as surplus on its common stock.

The situation was well stated by Senator Mayfield at the hearings on S. 1175 in connection with his examination of Mr. Cain as to the motive for the railroad consolidation policy being a desire to save the weak lines, when he said:

> That was the greatest argument put forth in behalf of the transportation act of 1920, but what the little railroads got out of that you can put under your thumb-nail.

Certainly if consolidations under the terms of the transportation act are to be justified, it must be upon some showing of public interest entirely aside from that of saving the weak roads in order to preserve the transportation system of the country, and if these consolidations are to be exempted from the provisions of the antitrust laws it must be upon the basis that the public will receive greater benefits from such combinations as are now proposed than may be expected from maintaining the present competitive condition.

CLAIMS OF ADVANTAGES OF CONSOLIDATION STATEMENTS OF GENERALITIES—NO EVIDENCE OF ECONOMIES

What are the advantages of railroad consolidations if we leave out of the picture the argument that such a policy is necessary to save the weak roads? For the past six years witnesses, principally representatives of the railroads, have appeared before the committees of Congress and made long recitations of benefits which they claimed might be expected from unifications. These statements have in practically every instance been mere generalizations and advanced as predictions of what probably would occur. An example of the method of statement is that of Professor Ripley, who in October, by some strange coincidence, wrote an article in World's Work favoring consolidations in eastern territory, in which he advanced practically the same arguments which appeared in the publicity incident to these proposed consolidations when they were announced. Then after the announcement of the plan by President Hoover, as stated by Barron's Weekly, he declared that the railroad consolidations agreed to—

> Would benefit railroads affected and their workers; eliminate great waste of energy, human and mechanical; would appreciably simplify regulation of railroad charges by the Government; improve service to great manufacturing and commercial centers—

I desire to emphasize that, because the greatest consideration seems to be given to the manufacturing and commercial centers of great magnitude.

Continuing:

> insure stability of rates; end financial intrigue; alleviate present business depression; and regain for railroads ground lost to the bus, barge, electric lines, and pipe lines.

These are high-sounding statements, but they do not answer the question whether economies in operation will be effected, whether the public will receive better railroad service, whether established industries and communities—not necessarily "great manufacturing and commercial centers," which appear to be the only communities considered by Professor Ripley in his October article in World's Work—will be benefited or harmed, whether labor will benefit or suffer, and whether these or other similar consolidations will result in any benefit to the public by way of reduction of rates.

An examination of the records of the hearings held before the Interstate Commerce Committee of the Senate and the Committee on Interstate and Foreign Commerce of the House for the past six years discloses the same generality of statement on the part of those advocating such consolidations. However, when it comes to specific statements we do not find the same glibness of expression. As to the matter of economies of operation Senator Cummins said at the hearings on Senate bill 2224 (p. 73), 1924:

> I want to say frankly that if this bill is to be voted up or voted down on the basis of saving that would be effected by consolidation in operation alone I have not sufficient basis for urging it.

Mr. Thom at the hearings on S. 2224 said—page 67:

> I would not be frank with the committee if I did not state a good deal of expert opinion of railroad people is to the effect that the idea of economies can be overestimated as a cause for consolidation. There is a difference of opinion among men on that subject.

Judge Lovett at the hearings on H. R. 11212 stated in answer to a question by Congressman Walter H. Newton, now secretary to President Hoover—pages 77–78, 1926:

> Mr. NEWTON. Judge, ever since the passage of the transportation act, or almost since that time, there has been a good deal of talk from the public platform, every now and then, but more from the newspapers and magazines, advocating the consolidation of railways of the country, and it has been claimed that one of the great benefits flowing to the general public from a general con-

solidation would be the resulting economies which would bring a reduction in freight rates. Now, I take it from your statement that you do not believe that there would be any great economies effected; and, consequently, no resulting reduction in the freight rates. Am I correct in that?

Mr. LOVETT. I think you are. There would be some economies, of course, in consolidation; but they would be offset in many instances by additional expense so that on the whole I believe the amount that will be saved from consolidations has been very much overestimated. I do not believe, answering your question more directly, that the economies will be sufficient to justify a reduction in the freight rates under conditions heretofore existing.

Mr. Daniel Willard, testifying at the hearings on S. 1175, said—1928:

I would not like to have it thought—and if I gave that impression I would like to correct it—that there are no economies to be realized in an operating way from consolidation. I think there will be very considerable economies, but I think the amount has been greatly exaggerated in so far as I have seen from time to time.

In view of these statements of the father of the bill and of leading railroad authorities, it can hardly be said that there is any affirmative proof that economies will result.

On the contrary, we find leading authorities and students who do not believe that economies will result.

Commissioner Eastman, appearing before the Senate Interstate Commerce Committee as chairman of the Interstate Commerce Commission at the hearings on S. 1870—page 48, 1926—said:

We have an impression that there has been a tendency to exaggerate the possible economies and other advantages of great consolidations, and we have been strengthened in this impression by the evidence which has been brought to our attention in connection with the unifications which we have been asked since 1920 to approve. We think that the country ought not to be led in the belief that great consolidations of railroad properties involve any probability that the general level of freight rates may thereby be substantially reduced.

Mr. R. C. Fulbright, representing the National Industrial Traffic League, stated at the same hearings:

We do not believe that consolidation will bring about all of the good results that are spoken of concerning it As a matter of fact, it is our observation that consolidations do not materially reduce operating expenses (p. 86).

In the testimony given by Mr. Donald R. Richberg before the Interstate Commerce Committee at the hearings on Senate Joint Resolution 161 he quoted from a publication of the National City Co. entitled "The Consolidation of Railroads." Before I read that I want to point out that the National City Co. can by no stretch of the imagination be considered "red." He quoted, as follows, from page 245:

Much has been written and said regarding the economies that may result from the wholesale railroad consolidation contemplated by the transportation act in consequence of which it may be possible for the carriers to operate at lower rates and still receive an adequate return on the property value. Not only is there no certainty that a reduction in operating costs would follow as a result of such consolidation, but if it should mean some of the steps mentioned, such as the removal and readjustment of repair shops, change in division points, etc., wide dissatisfaction would be sure to follow * * *.

The late Sir W. M. Acworth, the noted British authority on railroad transportation and a close student of railroad problems, has said:

In the United States your systems are already so large that they have probably secured all the economies which are due to large-scale production.

In a report of Dr. Howard C. Kidd, professor of commerce and transportation at the University of Pittsburgh, to the Public Service Commission of the State of Pennsylvania (1930), made by him after a careful study of consolidations as they affect that State, in setting up the arguments generally made that economies might be expected to result from consolidations, he calls attention to the fact that while there may be gross savings it is only the net savings which should be considered and that any gross savings may be reduced by more circuitous routing due to the principle of the long haul; that where bonds are issued to finance consolidations fixed charges will be increased and that mergers may result in too heavy financial structures; that there are limits to the economies that can be effected in administrative expenses; and he quotes from Sir Josiah Stamp, president of the London, Midland & Scottish Ry., who, in discussing "the glibly given and blithely estimated economies of the politicians," says:

People talk glibly about economies, but it is not realized that physically they are often most expensive to bring about and need considerable capital resources.

RATES WILL NOT BE REDUCED

The same situation is true with reference to rates. While general statements have been made as to railway rates, these statements have generally been that there would be a better adjustment of rates or a more equitable adjustment of rates or more scientific rates. The statement has not been affirmatively made that there would be any reduction in rates, and the quotations above given from the testimony of Judge Lovett and Commissioner Eastman indicate such reductions probably would not occur.

Prof. Winthrop M. Daniels, of Yale, stated in the Proceedings of the Academy of Political Science, June, 1929, page 110:

There are some things in the act of 1920 about which I wish to say a word or two in the way of adverse criticism. I think it is true that the passage of the act of 1920 with its permission of railroads to consolidate under certain circumstances was based in part upon the Utopian idea that drastic reduction of operating expenses could readily be translated into substantial reductions in the general level of rates. There never was any solid, quantitative reasoning upon which the expectation was based. A wholly superficial assimilation of railroad transportation to industries where mass production and minutely specialized fabrication have yielded astounding reductions in unit costs seems to have prompted this ill-starred illusion. Moreover, experience since the war seems to have established two facts: First, that the notable economies in railroad transportation have been realized in the main through methods that are not remotely connected with company consolidation; and second, that the gains, actual or claimed, for consolidation in the immediate curtailment of aggregate expenses are so modest in measure as to negative the idea that they can be the speedy harbingers of rate reductions. This is not to say that these economies should not be promoted and encouraged through consolidation. But we should cease to entertain unfounded anticipations on this score.

EFFECT OF CONSOLIDATIONS ON LABOR

One of the advantages specified by Professor Ripley is that consolidations would "eliminate great waste of energy, human and mechanical." In the same sentence he is quoted as saying that the consolidations referred to by him would benefit the workers on the railroads. From all the testimony which has been given it is impossible to reconcile these two statements. It is practically undisputed that if economies are to be effected, the largest percentage of these economies will be at the expense of labor.

Mr. Daniel Willard, president of the Baltimore & Ohio Railroad, testified before the committee at the interstate commerce hearings, Senate Joint Resolution 161 (p. 127):

The other economies, which can be lumped in one item, are labor and material, less of both being needed, probably—particularly labor. In fact, the only way economies can be made to any extent in railroad service is by the use of fewer employees, and with that would always go the use of some less labor. Our figures show that the wages paid for labor constitute about 60 per cent of our total operating expenses, and material about 40 per cent. It is safe to say that of that material probably 50 per cent represents wages paid to labor, so that when a railroad reduces its operating expenses by a dollar, it is a safe thought that 80 per cent of that represents less wages being paid to somebody.

The CHAIRMAN. So, if the Great Northern and the Northern Pacific consolidation went through and saved $10,000,000 a year, as one of their officials said, $8,000,000 would be taken out of the pockets of labor.

Mr. WILLARD. That would be a logical conclusion from what I have just said. I am speaking only in round terms. There may be some other matters, but those, at least, would be the more important matters.

While Mr. Willard suggested that labor could be protected by not discharging men employed at present, but effecting the economies by not hiring new men to take the place of those who went out by death or resignation, this would certainly not alleviate the general employment situation, because the men who might otherwise obtain railroad positions would be forced to look for employment elsewhere.

Hon. William N. Doak, who was then a representative of the railroad brotherhoods, now Secretary of Labor, testifying on behalf of the Brotherhood of Railroad Trainmen at the hearings on Senate Joint Resolution 161, presented a statement of the Railway Labor Executives Association which

presents concisely the views of labor as to the effects of consolidation, and especially under the present law:

For more than a year the chief executives of the railway labor organizations have been considering the effect of railroad consolidations upon railroad workers, both as employees and as a substantial part of the general public dependent upon railroad transportation. They have had special studies made of the effects of consolidation under present law and they have considered carefully legislation now pending in Congress to promote further consolidations.

They have become convinced that neither existing law, nor any measures now under consideration by Congress provide adequate protection for the interests of either the users of transportation service, or the employees who furnish that service. It has become clear that consolidation legislation is being sought largely to aid financiers and promoters to merge railroads and bring about financial reorganization highly profitable to the manipulators of railroad properties, but of doubtful value to the public.

As representatives of railway labor we know that economical, efficient operation becomes more difficult as a railroad system expands beyond the effective control of a single head. We know that the efficiency of management is distinctly impaired as the size of a property increases beyond that which can be subjected to the constant personal supervision of a single management.

I want to emphasize that fact, that the larger the railroads become the more inefficient they are because of their inability to operate efficiently under a single head. I continue the quotation:

We also know that practical managers do not approve or welcome consolidations which mean the ultimate determination of policy by persons remote geographically and remote in interest from the territory served by a railroad.

As representatives of railway labor we have also watched at close hand the destructive effects upon the employees of changes in the transportation industry, partly the result of programs of efficiency and economy and partly the result of corporate policies not productive of efficiency and economy.

When divisions have been lengthened, when terminals and other facilities have been moved and consolidated, losses amounting to millions of dollars, losses of employment which have affected over 200,000 employees, and losses through part-time employment which have affected almost all railroad employees have been brought about, and in many cases the public gain has been questionable.

Those huge losses of railroad employees are only the beginning of widespread public injury. Hundreds of communities along the lines of consolidating railroad suffer irreparable damage. When railroad workers lose their earnings, their jobs, and their homes not only are the merchants of their home towns deprived of their customers, but many a community loses its primary basis of prosperity as a shipping and distributing center of railroad traffic. There should be some real assurance of public benefit before the wholesale distintegration of prosperous cities, and towns should be encouraged by Government.

It can not be argued by any well-informed person that consolidations of railroads are necessarily advantageous to the public interest. Yet the powers which have been conferred upon the Interstate Commerce Commission and which it is proposed to confer in any pending legislation, fall far short of providing any assurance that the public interest will be protected in future consolidations. Certainly no effort whatsoever has been made up to date to protect the ultimate interests of the railway employees in these consolidations, and yet the future efficiency of steam transportation service and the continuity of that service must depend upon preserving the good will and efficient cooperation of 1,750,000 employees who must actually do the work. These men are entitled to have their interests considered and safeguarded.

Mr. Doak, I understand, is urging approval of the consolidations to which I have referred.

At the hearings on Senate Joint Resolution 161 strong protests were filed and made by the employees of the Reading, the Great Northern, and the Northern Pacific. The Reading employees stated, among other things:

We believe that if this merger or consolidation goes through as planned it will affect our men very seriously, as it will not only change our working conditions and rules but we believe, in many cases, will change our terminals and wipe out crews, and will, therefore, very materially affect men with long years of service and change our entire working conditions.

C. W. Barlow, representing the Brotherhood of Railroad Trainmen on the Northern Pacific Railroad, made the following statement as an example of the effect on employees of changes of location, even though they may not actually be discharged from service. This is an important point, and I want to stress it:

It was mentioned yesterday that the railroads ought to take care of the employees' property in some way. We know that they do not care anything about our property. That is least in their mind. In 1910 the crews in this same territory were working out of Seattle to Ellensburg, which is the main line of the Northern Pacific, and working out of Tacoma to Ellensburg. We hold rights from Ellensburg to Portland, and they subdivided that territory and made one division, terminating the freight terminal of the Northern Pacific at Auburn. We protested very vigorously because of our men owning homes in the city of Seattle and in the city of Tacoma. They did not heed our protests, and they compelled about 150 or 200 families to move to the city of Auburn. They had to sacrifice their homes in the city of Seattle, which they had already bought, and establish new homes in the city of Auburn.

Practically 50 per cent of the population of the city of Auburn is railroad men and their families. They have roundhouse forces there, and they have clerical forces, and they have a freight house, and the city is practically 50 per cent railroad men. Now, by the proposed merger they are going to eliminate Auburn entirely. How are they going to take care of the property of these men, who have already bought two homes and are now going to buy a third if there is any work for them? One hundred of them are going to be eliminated in that territory. * * *

I am going to touch again on the shop movement. Take South Tacoma, which is a part of the city of Tacoma, which employs approximately from 600 to 1,200 men. Right now I think they are at the lowest ebb, and there are approximately 600 men working in those shops. They are going to move the South Tacoma shops over to Interbay, where the Great Northern has a shop now. The property valuation of the property in the city of South Tacoma, which is a part of Tacoma, is such that you could not borrow $1 on it to-day, because of the proposed merger. Picture to yourselves those 600 men—and only 50 per cent of them will have employment in the consolidation—trying to sell those homes in the city of South Tacoma, where there is nothing but the shops of the Northern Pacific, and then trying to go to Seattle to buy homes. That is the condition on the west end of the territory.

WILL SERVICE BE IMPROVED? COMPETITION—THROUGH ROUTES

If railroad consolidations are to be justified it must be because they are in the public interest and not because they may make the operation of certain railroads simpler. If we may not expect any substantial economies in operation, and if there is no substantial hope of reducing rates, and if consolidations will result adversely to the interests of labor, we must look further to see if there is any way in which the public interest will be so benefited that the disadvantages to labor, for instance, must be overlooked.

At this point I desire to have the clerk read an editorial appearing in the Detroit News of February 8, showing how the railroads have been lax in establishing research organizations to improve the facilities of railroad operation.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the Detroit News, February 8, 1931]

RAILROADS AND AUTO TRUCKS

On the whole, what can be called light rail transportation enterprises, such as the interurban electric lines, have fallen on worse times than the heavier steam railway lines. Nevertheless, now that the larger railways are complaining so bitterly of waterway and highway competition, has there been a laggardness in recent railroad history which is more or less a factor in explaining the present troubles of the railroads in general?

Since the times before the automobiles and before the nation-wide highway developments, how many men have been required to move freight or passengers by train? There were and there are the engineer, the fireman, the conductor, and one or more brakemen. On some trains there were and there are from one or two to an entire company of other men. And as to equipment, there were and there are the locomotive, the tender, and the freight cars and caboose, or the baggage, express, and passenger cars.

While nearly anyone knows of an evolution of roadbeds, locomotives, cars, and safety appliances on the trains and along the routes, the designs and general character of the equipment do not differ radically from those in use 30 or 40 years ago. An observation less than a thorough railroad man's, and yet watchful through the years, will say that the changes have been in the line of greater size, more weight, added power, and higher expense per train in operation. While all that may be suited to a heavy traffic, when it exists, the adjustments to lighter traffic or to fluctuations evidently become difficult and expensive to make. The big and radically new idea, even since when men now old stood as boys and marveled at the choo-choo cars, seems missing.

We should wonder whether the railway research departments have been as active and as fruitful as these same departments in newer industries. To the extent that it affects the main question of the maintenance of efficient and adequate railway transportation, it is a big subject for inquiry. As the trucks and highways, after taking much short-haul business, begin to eat radically into the long haul, the fact is a notable one that one man operates a freight autotruck and one or more trailers, with no signalmen and expensive apparatus maintained along the route. Of course, the average freight train when full carries enormously more goods than a truck and trailers, and yet the relative costs over an average trunk-line haul per man employed in moving each ton of

freight in the two services might be worth more examination than yet appears to have been given to the point.

As stating a truth near the heart of the whole subject, we repeat that the public does not want too much heavy freight moved over the highways. They should be kept open at reasonable expense to the lighter forms of travel and to the necessary movement over them of local freight and passengers.

Mr. COUZENS. Mr. President, the general claim has been made often that such consolidations will result in better service and that even though there may be no reduction in rates consolidations will justify themselves by the opportunities they will give the roads to furnish better service.

While in theory there is some difference in opinion as to whether better service to the public in certain lines can be secured from a monopoly rather than by the preservation of competition, there can be no question from the reading of the debates in Congress at the time of the adoption of the transportation act and from a reading of the act itself that it was clearly intended that existing competition was to be substantially preserved if consolidations were to take place.

As was stated in the report of the Committee on Interstate Commerce when the transportation act was reported:

Competition, not in rates or charges but in service, will do more to strengthen and make public regulation successful than any other element which can be introduced into the business of transportation. Honorable rivalry among men is the most powerful stimulus known to human effort. For this reason, largely, the committee, recognizing this necessity for consolidation, determined in favor of the gradual unification of the railways into not less than 20 nor more than 35 systems; not regional nor zone systems, but systems that will preserve substantial existing channels of commerce and full competition in service.

We must remember that competition in so far as railways are concerned is not confined to parallel-line competition. That is an important point which I wish to emphasize because many of our Senators and many of the public believe that competition exists only where it is confined to parallel lines. A shipper may have his place of business on only one line of railroad but if the demand for his product extends or exists beyond the termination of that railroad he will enjoy competition of as many roads as connect with the one on which he is located which enter the territory he desires to reach. For instance, to-day shipments from and to points on the Lehigh Valley are exchanged at the Niagara frontier with the Nickel Plate, the New York Central lines, the Lake lines, the Wabash, the Michigan Central, the Pere Marquette, and the Canadian National. Shipments to and from points on the Lackawanna are exchanged at the same frontier with the same roads. Shipments to and from points on the Reading go to and are received from the Baltimore & Ohio, the New York Central, the Erie, the Pennsylvania, the Lackawanna, the Lehigh Valley, and the Western Maryland.

As long as these shorter roads keep their facilities open to all alike or, as it is sometimes said, maintain open gateways via all connecting carriers, the shippers on those roads enjoy competition which assures them the best of service.

In determining the effect of consolidations on such competition we must remember that under the transportation act a railroad can not ordinarily be required to establish through rates which will deprive it of the long haul; that is, of a haul over its own lines as far as the shipment may be carried.

If any one of the large trunk lines which now interchange traffic with the Reading, the Lehigh Valley, or the Lackawanna should acquire any one of those roads, the acquiring road would naturally want the whole haul originating on the shorter line to go over its whole system, and under the long-haul provisions of the law it would be entitled to insist upon this.

The argument is made that if certain consolidations are permitted the present through routes will be kept open and that the shipper will still have the right to dictate the routing of his shipments. Chairman McManamy, in testifying before the Interstate Commerce Committee hearings (S. J. Res. 161), discussing this proposition, called attention to the fact that after the Orient was acquired by the Santa Fe 155 direct routes were closed to protect the long haul, and that in a number of cases a short route was closed and a long one kept open. Commissioner Eastman said in the Pere Marquette case (138 I. C. C. 543):

The majority say that they understand that existing routes will be maintained * * * but there are ways of discouraging the movement of traffic over routes that are not favored.

In the opinion of the commission in the Central California Traction case (131 I. C. C. 135) the commission said:

It appears that irrespective of the method of operation shippers are inclined to look upon the line of a controlled company as a route of the company which exercises the control. The shipper is not disposed to short haul the line upon which his shipments originated for a number of reasons. * * * Even if the privilege of ordering cars from other lines were accorded the shippers, continued exercise of the privilege would be resented by the carrier upon which the initial movement would depend.

In other words, it is only natural to assume that any railroad acquiring control of another will do everything in its power to retain all the business possible originating on that road, and that while it may ostensibly maintain the same open gateways which existed prior to the consolidation the competition will not exist in fact.

Where parallel lines competing between identical points are consolidated, of course, the suppression of competition will be more obvious.

This matter of the suppression of competition is not a matter of theory. It was presented in the proposed Great Northern-Northern Pacific consolidation which has now been abandoned. In the proposed eastern trunk-line consolidation, the Pennsylvania is to receive the Wabash, although the Interstate Commerce Commission held (Commissioner Aitchison only dissenting) on December 2, 1930, that the ownership of the capital stock of the Wabash by a subsidiary of the Pennsylvania was a violation of the Clayton Act because there was substantial competition between the Pennsylvania and the Wabash and the effect of the acquisition might be to substantially lessen competition, and yet under the proposed 4-party group the Pennsylvania Co. acquires the Wabash. In this connection I want to draw the attention of the Senate to the map on the wall, showing that the Wabash and the Pennsylvania systems are absolutely competitive.

The Baltimore & Ohio is to receive the Western Maryland, although on January 13, 1930 (160 I. C. C. 785), the Baltimore & Ohio was ordered to divest itself of the stock of the Western Maryland for the same reasons. The Wheeling & Lake Erie is to be assigned to the Nickel Plate although the commission on March 11, 1929 (152 I. C. C. 721), ordered the Baltimore & Ohio, the New York Central, and the Nickel Plate to divest themselves of stock which they had acquired in that road because the ownership would constitute a violation of the Clayton Act.

While there is little question in the mind of anyone that it is probably in the public interest to permit strong roads to acquire short or weak lines, even though there may be some suppression of competition, it certainly never was in the contemplation of the framers of the transportation act that that act should be made the means of permitting consolidations of strong competing carriers and it can not be claimed that such consolidations are in the public interest.

EFFECT ON COMMUNITIES AND INDUSTRIES

In this connection another thing should be kept in mind which has been referred to in the statement of the labor organizations. In connection with present-day consolidations the only interest of some of the proponents of consolidations seems to be to straighten and shorten lines between such centers as New York and Chicago. No consideration is given to the industries and the people of the many smaller communities which have been built up and have thrived because of existing railroad competition. Neither do these advocates have in mind communities and producing sections which at the present time have the advantage of the service of railroads interested in marketing the products of those particular sections, nor of what will be the effect of the incorporation of those roads into systems equally or more interested in other communities with the same products.

As stated by a distinguished student of transportation problems, Professor Van Metre, of Columbia University—

What has just happened here in the East shows what a horrible mistake the consolidation law was. Here is a brand-new plan of consolidation, wholly unlike either of the plans formerly prepared by the commission. It violates every principle upon which our antimonopoly laws have been based. If carried out it will put the railroad business back where it was before 1887. There will be plenty of competition all right, but only at a limited number of places—the seaports and the larger industrial centers. Hundreds and hundreds of interior points will be deprived of competitive services and we shall have the evil of discrimination in service to deal with all over again.

Neither do they consider the present competition between the seaports such as New York, Philadelphia, Baltimore, and Norfolk. One of the strongest objections made by the business interests of Philadelphia to the absorption of the Reading by the Baltimore & Ohio is that the Reading is primarily interested in developing the port of Philadelphia while the Baltimore & Ohio has always been interested, naturally, in developing the port of Baltimore.

The people of Virginia, opposed to the union of the Erie and the Chesapeake & Ohio in one system, fear that if such a merger is accomplished the port of New York will be utilized to the detriment of Hampton Roads, especially in view of the deficiency of earnings of the Erie and the tendency to divert coastwise and export traffic at Chicago and other points over the Erie which would rightfully belong to the Chesapeake & Ohio and would ordinarily go out through Hampton Roads.

NO ADVANTAGE IN SYSTEMS TOO LARGE

Mr. President, it seems to be assumed by advocates of consolidation that the larger the railroad the better the service. This is not the view of some of the best authorities. Commissioner Eastman said in his opinion in the Consolidation case:

The best results in operating efficiency and service are secured when a railroad system is small enough so that the executive can maintain something like personal contact with the employees all down the line and also with the shippers in the territory surrounded.

Sir Henry Thornton, president of the Canadian National, is quoted as having once remarked that a large railroad is so impersonal that it is like a gigantic machine "with nobody to kick and no soul to damn," and referring to the consolidation policy of the United States he said:

I think it would be wise to think twice before grouping large systems of railroads in the United States. The chief difficulty in the group plan, as I see it, is that finally you get railroads so large that the administration loses contact with the men.

Hon. John W. McCardle, chairman of the Indianapolis Public Service Commission, has said:

In a large unit decisions of considerable importance have to be made by men who do not have personal contact with matters about which decisions are to be made. * * * With small units the high officers have contact and in many cases intimate acquaintance with officers and men all the way down the line. * * * I believe that the small units not only provide greater efficiency but also far greater service to the patron. (Indianapolis Sunday Star, January 19, 1930.)

HOLDING COMPANIES

During the past several years we have heard a great deal about holding companies and how certain interests were evading the jurisdiction of the Interstate Commerce Commission by organizing holding companies and effecting consolidations outside the law. The commission in its report in 1929 directed specific attention to the operations of the Pennroad Co. and the Allegheny Corporation.

The Interstate Commerce Commission in 1926 denied an application for a unification of the Nickel Plate, the Chesapeake & Ohio, the Hocking Valley, the Erie, and the Pere Marquette, and again in 1928 denied the application of the Chesapeake & Ohio to acquire control of the Erie, while permitting the acquisition of the Pere Marquette. In spite of these decisions, by means of holding companies these roads have come under the control of the Van Sweringen interests and to-day the commission is asked to put the stamp of its approval on what has already been accomplished behind its back. In his dissenting opinion in the Pere Marquette case (138 I. C. C. 543) Commissioner Eastman said:

Aside from any direct and immediate transportation effect, will public benefit be derived from placing this road in the hands of the interests which now dominate the Nickel Plate and the Chesapeake & Ohio? It seems to me that harm rather than benefit is likely to result. The policies and practices of these interests in many important respects have not been such as to inspire public confidence and were the occasion for sharp criticism in the Nickel Plate unification case. * * * Without going into details it will be sufficient for present purposes to direct attention to certain aspects of the methods which these interests have followed in the promotion and financing of their various railroad unification projects. These projects have been characterized by the creation and use of a maze of dummy corporations. A partial list follows: The Vaness Co., Special Investment Corporation, Chesapeake Corporation, General Securities Corporation, Virginia Transportation Corporation, Pere Marquette Corporation, Nickel Plate Securities Corporation, Clover Leaf Co., Western Co. Dummy corporations are legal perversions, commonly used for purposes of concealment or evasion. Without attempting to follow through the tangled operations of those above listed, it is reasonably clear that they have been here used for at least two interrelated purposes:

1. To facilitate shoe-string financial operations on a very large scale. * * *

2. To escape supervision by the commission. * * * That this sort of thing is in the public interest or ought to be encouraged I can not believe. Nor is the method of bringing about railroad unifications by operations in a stock market fevered by such operations or the prospect of them for the general good, however profitable it may be to individual operators.

And yet, with all this criticism and all these evasions, the interests controlling these properties now come to the commission and say, substantially:

We have accomplished our unifications without your approval. You denied our application once; but, now that we have done what you said we could not, we want your approval, and it is necessary for the salvation of the railroads of the country that you should give your approval.

Commissioner Eastman said in the Pere Marquette case:

These applications, and our action upon them, have many of the characteristics of stage thunder.

Is it a healthy condition in Government when a commission is set up for the purpose of regulating the transportation industry of the country; when, in defiance of it, unifications are accomplished without its supervision or regulations; and when, after all this, it is practically commanded to make stage thunder and assist in carrying out a project which it once decided was not in the public interest?

A similar situation, not aggravated by defiance of the commission, however, exists with reference to the Detroit, Toledo, Ironton. Control of this was acquired by the Pennroad Co. without authority of the commission, and now the commission is asked to assign it to the Pennsylvania.

Why a detailed investigation by Congress on the subject of holding companies, if their operations are to be given executive approval, and a legislative body—the Interstate Commerce Commission—practically commanded to approve operations which, if they had been proper, it would seem would have been brought before the commission in the first place?

On February 20 the Committee on Interstate and Foreign Commerce of the House presented a very elaborate report on holding companies, made as a result of an investigation authorized by that body. The report is quite extensive, but I commend it to those who are interested in finding out who owns the railroads in the United States. For a brief statement of the contents of the report I refer the Senate to a speech made by the chairman of the Committee on Interstate and Foreign Commerce of the House on February 20, beginning at page 5535.

THE FINANCIAL SITUATION

In his partial concurrence filed with the plan of consolidation of the commission in December, 1929, Commissioner Eastman said, with reference to sentiment for consolidation:

For the most part I think it emanates from financial circles which are likely to reap large profits from the mere process of putting the roads together.

Chairman McManamy said, in his opinion, after discussing the original theory of the consolidation act, that short and

that in a number of cases a short route was closed and a | with the same products.

weak lines should be assured life and usefulness and that the public should have the benefit of whatever increased efficiency and economies might result from single instead of multiple line hauls:

Beyond this, consolidations may profit those whose chief functions are to reorganize the corporations and market the securities; but certain it is that the public will not benefit thereby.

In his report on consolidations to the Public Service Commission of Pennsylvania, Dr. Howard C. Kidd, of the University of Pittsburgh, says:

Although the present financial position of both the Reading and the Baltimore & Ohio is sound, the wholesale consolidation of railroads would introduce new elements of uncertainty which must be considered. Railroad earnings are based primarily on two factors: The volume of traffic and the skill of management. The first determines income, the second affects costs. Who knows in what way the regrouping proposed by the commission might alter the flow of traffic? Who can tell with what success the new scheme of management would function?

The proposition to regroup the railroads into comparatively few systems means combining weak with strong, redrafting financial plans, shifting the balance of competition, altering rate divisions, changing the executive personnel, and scrambling both the property and the earning power of carriers. * * * Consolidation would probably not affect the total earnings of the railroads of America, but anyone can see what the result might be on specific carriers.

Again, in discussing the question of the likelihood of economies resulting from consolidation, Doctor Kidd said:

To the extent that consolidations are effected by issuing bonds to finance the purchase of stock of the subsidiary companies, fixed charges will be increased. From the point of view of the stockholders of the parent companies, therefore, mergers may result in financial structures that are top-heavy with funded debts.

That those statements are not mere speculations is borne out by some past experiences. One of the most outstanding cases was that of the acquisition of the Gulf Coast lines by the Missouri Pacific (94 I. C. C. 191). As stated in the opinions of the members of the commission, the Missouri Pacific employed Kuhn, Loeb & Co. as their financial advisors, with an agreement to pay them 1¼ per cent on the face value of the securities which would be issued in connection with the purchase of the Gulf Coast lines. This fee was estimated at $225,000. In addition, the Missouri Pacific was to pay W. A. Harriman & Co. and Blair & Co. $120 per share for stock of the Gulf Coast lines. Most of this stock the two latter firms bought from other stockholders at $114 per share. It was estimated by Commissioner Eastman that if Harriman & Co. and Blair & Co. acquired all the stock, their profits would amount to $900,000. Even in the majority opinion approving this consolidation the commission said:

There are certain aspects of the method by which it is proposed that the applicant shall acquire the stock in question which are so unfortunate as to cause hesitancy in giving approval to the acquisition of the stock involved on the terms proposed. Our approval of the application is in spite of those aspects. * * * It is evident that in one way or another the bankers, who on the one hand on behalf of the stockholders render services to bring about a sale to the applicant in the interest of the stockholders and on the other hand render services to the applicant in order to induce the owners of such stock to make the sale, are to receive compensation or profit on the transaction in an amount apparently in excess of $1,000,000. * * * We have no jurisdiction to determine compensation which bankers should receive, but deem it our duty to call attention to the aspects which we have mentioned.

Commissioner Eastman, in his dissenting opinion, called attention to a statement which he made to the Committee on Interstate Commerce on July 8, 1919, with reference to the proposed plan for encouraging railroad consolidations, when he said:

If experience is any criterion, the chief benefactors for some years would be bankers and lawyers in charge of the negotiations.

He said in his opinion:

This prediction is confirmed by the record in this case. * * *

Commissioner Campbell, in his dissenting opinion, said:

I can not give my sanction to a transaction which is to be consummated by wasting hundreds of thousands of dollars belonging to security holders which, if it is to be recovered at all, will have to be recovered at the expense of the shipping public.

If we are to seek economies in railroad operation, and thus secure benefits not only for the railroads but for the public, why should we rush into a situation which at the best is a gamble, which involves risk of added financial burdens to be passed on to the public?

WHY DO NOT EXECUTIVES GIVE DEFINITE REASONS FOR CONSOLIDATION?

These are some of the specific suggestions that should be answered by more than vague flag flying. As has been suggested by a former railroad president and former member of the Interstate Commerce Commission—Mr. Mark W. Potter:

Why do not railway executives give the facts that are believed to support the claim that railway consolidations will do so much in the way of correcting ills? It is said that consolidations are to be the result of 10 years of work and study by railway officials and public officials. Executives must be fully informed on every point, and all must be clear to them. Why do they not take the public into their confidence and give full opportunity to all to form opinions of our own?

Two or more railway executives desiring to do something which they call "consolidating" speak to all, in effect, as follows: "We are poorly managing our railways. The conditions are deplorable. There is waste, extravagance, and inefficiency everywhere, and the public is paying for it. Let us deal with the situation and do what we please and we will accomplish wonders. Ask us no questions. Believe that we can and will do all that is needed. We will do harm to no one and will benefit everyone. Take us on faith. That is what we mean when we ask for authority to consolidate. There is no other way to correct the ills except through consolidations which will prevent anyone from interfering with us and enable us to do what we please.

"If we are not allowed to consolidate, all present ills will continue. Unless we have our way, we can not or will not correct them." It is astonishing how satisfying this sort of talk seems to be in some high places. There is a lot that is wrong with the railways that can be seen; but, of course, what is wrong can not be so clear to the public as it is to the railway executives. It is known that consolidations will change the character and amount of outstanding securities, and perhaps their ownership. In acquiring outstanding securities to effectuate control, presumably fixed interest-bearing obligations will, to a considerable extent, take the place of stock. Consolidations will change the management. It does not appear that these things alone will be helpful, and some of them may be harmful. There is no magic in the word "consolidations." What else is there that consolidations will do, and how and why? Presumably they will bring about better coordination and cooperation between properties as such. Why are they necessary in order to make reform? The mystery could easily be cleared up and all could form intelligent opinions as to whether consolidations would be good, bad, essential, or helpful if executives would speak frankly. Let executives desiring to consolidate be asked the following questions before they are given permission:

1. What is there wrong with your present management and operation of your properties, separately or in relation to each other and to the public?

2. In what respect and how and at what points should your present methods of operating your properties be changed in order to further the best interests of your properties and of the public?

3. Can not the desirable changes of your operating methods be made at the present time under the present law and without consolidating; and if not, why not?

4. If there are changes that could and should be made now and under the present law without consolidating, is it not preferable to make these changes first under the supervision of the Interstate Commerce Commission than to ask the commission to slam the door in its own face in order that you may proceed untrammeled in your own way and in your good time on the other side?

Executives of railways desiring to consolidate can fully answer the above questions in five minutes. Analysis of their answers promptly would demonstrate whether there is virtue or vice in consolidations, and to what extent and when they are needed or desirable.

That is a quotation from a former railroad president, a former member of the Interstate Commerce Commission. It is not a statement made by a "red," a radical, or anybody who may be said to be in opposition to the railroads.

The difficulty is that we are asked to perform radical operations to cure minor difficulties. There is no reason why such consolidations as took place before 1920, subject to the antitrust laws, can not continue under proper regulation by the commission. Acquisition of short and weak lines can be provided for, if necessary, although there it is a serious question whether we have not been ghosted a good deal during the past 10 years by talk about weak and short lines, and whether there has not been an attempt to create tremendous monopolies under the guise of saving weak lines.

COOPERATION

Finally, the advocates of consolidations forget that cooperation has accomplished a good many of the things

that we were told could only be accomplished by consolidation. The car-shortage evil has been eliminated, service has been improved, traffic congestion has been relieved.

Mr. Mark W. Potter, in an article in the Manufacturers Record of December 25, 1930, discussing this matter, cited the following as some examples of methods in which the roads might practice intelligent cooperation:

They may unify terminals. They may reform terminal operations and reduce terminal costs. They may enter into arrangements which will give to all carriers and to shippers the best use of facilities that best serve shippers and carriers. They may agree to handle traffic between remote important points by the lines of greatest efficiency and economy, with a vast saving in transportation costs. They may divide the traffic and eliminate enormous waste of competitive solicitation. They may reduce train-miles and increase tonnage per train-mile and per train-hour by arranging to move the traffic of the country in a way it should be moved—efficiency and economy considered—disregarding carrier ownership. They may do these things and make such arrangements among themselves as will give every carrier in the country more net earnings than are enjoyed to-day. They may arrange to repair equipment at most convenient points and where efficiency is best and the economy is greatest. They may designate a high-class man as the common traffic representative and adviser of all to consider plans from the standpoint of the common good. They may instruct their own traffic officials to make no rate reduction not approved by such common representative unless the president of his line decided so to do. They may jointly designate a high-class transportation official to study plans for coordination and cooperation to promte efficiency and economy. They have a tribunal to go to which has full authority to protect them in the important respects mentioned against the operation of the Sherman law. They have a national policy defined by Congress in the transportation act to do these very things. It is because the carriers collectively are not doing these things that they might be open to charges of inefficiency and lack of economy and disregard of the public interests and the interests of their security holders.

* * * * * * *

It was thought that Mr. Brandeis, now a Justice of the Supreme Court of the United States, was going much too far some years ago when he said that the carriers could so reform their methods as to make a saving of $1,000,000 a day. Probably one would be thought of as exaggerating if he said that anything like that is possible at the present time. However, if the statement made by the Great Northern and the Northern Pacific as to a possible saving of $10,000,000 on their lines was justified, one would not be surprised if the carriers could save at least several hundred thousand dollars a day through the intelligent cooperation that Commissioner Eastman urges.

Why not require the railroads to help themselves first, instead of coming to Congress and asking it to disturb the entire economic situation of the Nation and set aside established governmental policies, such as are embodied in our antitrust laws, every time they feel an ache or pain?

Is it not time to stop and think before the country is plunged headlong into a mass of consolidations? If consolidation on the scale at present proposed is not necessary for the salvation of the weak roads or will not solve the weak-road problem; if there has been no substantial evidence of economies of operation to result from unifications; if there is no prospect that rates will be reduced; if labor is to suffer from this wholesale project of consolidations and the unemployment situation be intensified; if competition is to be lessened and shippers deprived of the improved service which comes from strong competition; if communities and industries are to be disturbed and long-existing conditions disrupted; if there is no particular advantage in large systems simply because they are large; if the financial condition of the railroads is to be further complicated and consolidations are likely to result in the payment of large sums to persons interested only in reorganizations for what they can earn from them, with nothing but statements of glittering generalities to back up the argument that consolidations will be in the public interest, why not call a halt until some definite evidence is presented to Congress which will justify the placing of the transportation facilities of the country in a few hands?

Mr. McNARY. Mr. President, will the Senator yield, that I may suggest the absence of a quorum.

Mr. COUZENS. I yield.

The PRESIDING OFFICER (Mr. Fess in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Barkley	Frazier	La Follette	Sheppard
Bingham	George	McGill	Shipstead
Black	Gillett	McKellar	Shortridge
Blaine	Glass	McMaster	Smith
Blease	Glenn	McNary	Smoot
Borah	Goff	Metcalf	Steiwer
Bratton	Goldsborough	Morrison	Stephens
Brock	Gould	Morrow	Swanson
Brookhart	Hale	Moses	Thomas, Idaho
Broussard	Harris	Norbeck	Thomas, Okla.
Bulkley	Harrison	Norris	Townsend
Capper	Hastings	Nye	Trammell
Caraway	Hatfield	Oddie	Tydings
Carey	Hayden	Partridge	Vandenberg
Connally	Hebert	Patterson	Wagner
Copeland	Heflin	Phipps	Walcott
Couzens	Howell	Pine	Walsh, Mass.
Cutting	Johnson	Pittman	Walsh, Mont.
Dale	Jones	Ransdell	Waterman
Deneen	Kean	Reed	Watson
Dill	Kendrick	Robinson, Ark.	Wheeler
Fess	Keyes	Robinson, Ind.	Williamson

The PRESIDING OFFICER. Ninety-two Senators having answered to their names, a quorum is present.

Mr. COUZENS. Mr. President, I want to conclude with just a statement concerning my study of the consolidation problem. Then I want to make a few comments concerning the maps on the wall of the Senate, and propaganda being circulated throughout the country in behalf of railroad consolidation.

It is my opinion that better service will be given, more attention paid to the welfare of the shippers and the public, and a much better relationship exist between the railroads and the users, if there is closer contact between the two.

Mr. President, I think that is as complete an analysis of the results of railroad consolidation and the intent of Congress when the transportation act of 1920 was passed as I care to make.

I may say that these views are my own views. They do not emanate from the Committee on Interstate Commerce of the Senate, of which I am chairman, because that committee has not passed upon the report prepared by its agents and submitted to the committee for its consideration.

A great deal of propaganda is being circulated in the country concerning the pending consolidation plan. When Chairman PARKER, of the House Committee on Interstate and Foreign Commerce, delivered a speech on this subject he presented some maps which indicated that the Nickel Plate and the Erie Railroads are already consolidated, therefore intimating that that condition was not to be considered at this time. As a matter of fact, they are not consolidated except as they have been consolidated through the creation of the Van Sweringen holding companies. As a matter of fact, the consolidation of the Nickel Plate and the Erie is clearly in defiance of the antitrust laws; they are clearly competitive, as will be seen on this first map on the left. For example, the Nickel Plate, shown on the map by the black line, running from Chicago to Buffalo, parallels the line shown in red, so that all the way and all the distance it is competitive. Then the lines east of Buffalo are indicated, and it will be seen how the consolidation of the various lines running from Buffalo to New York which are proposed to be consolidated are competitive. There is a statement printed on the map showing in detail how the competitive conditions exist and how competition will be eliminated if these plans are consummated.

It is proposed by the New York Central to take over the Lackawanna. The map shows that the competition existing from Buffalo to New York would be eliminated by taking over those lines. Particularly is that true between Oswego and New York, between Syracuse and New York, between Utica and New York, and between Corning and east and west points. It is already claimed that the percentage of cars delivered to the New York Central by the Michigan Central at Buffalo during the last quarter of 1930 was 19.6 per cent, which means the elimination of that much competition. The percentage of cars delivered to roads not in the district is 81.4 per cent, showing that that much competition will be eliminated.

The Pennsylvania Railroad proposes to take over the Wabash. It is plainly seen that the Wabash, running into Chicago and Detroit and then over another system, com-

If we are to seek economies in railroad operation, and thus secure benefits not only for the railroads but for the

Finally, the advocates of consolidations forget that cooperation has accomplished a good many of the things

petes with the Pennsylvania, which is shown in black on the map. In fact, the Pennsylvania is in competition with the Wabash from St. Louis to Buffalo, from St. Louis to Chicago, from St. Louis to Toledo, from St. Louis to Detroit, from St. Louis to Philadelphia, from Chicago to Toledo, from Chicago to Detroit, and from Chicago to Buffalo. In fact, it was claimed before the Interstate Commerce Commission in the hearings that the traffic that was competitive between the Wabash and Pennsylvania was 75.31 per cent.

The next map which I have had placed on the wall shows the condition of competition existing between the Western Maryland and the Baltimore & Ohio. Just how the people of Maryland can condone a consolidation of the Western Maryland and the Baltimore & Ohio I am unable to comprehend. It simply means a diversion from the port of Baltimore. In fact, all of these consolidations would put into the hands of four great competing railroad systems the opportunity either to make or break any of these great ports.

The Western Maryland is shown in red on the map, running to Baltimore. The Baltimore & Ohio is shown in black on the map. A glance at the map shows how completely competitive they are all the way. For instance, the Baltimore & Ohio is in competition with the Western Maryland between Baltimore and Connellsville, between Baltimore and Cumberland, between Hagerstown and Baltimore, and various other points indicated on the map. The present interchange of traffic between the Central of New Jersey, the Baltimore & Ohio, the Pennsylvania, the New York Central, the Lehigh Valley, and the Western Maryland, and other roads of similar standing is shown on the map. Anyone interested sufficiently can find out in detail just what the proposed consolidations mean.

Concerning the propaganda that is going on to promote favorable public opinion for these consolidations I wish to present just a brief statement.

PROPAGANDA

Since concluding my statement with respect to the railroad consolidations, I desire to draw to the attention of the Senate what appears to be a very extensive campaign of propaganda going on in the interests of railroad consolidations, and particularly the 4-group plan for the eastern territory. When no other argument can be made for consolidations, we hear the statement repeated that it is necessary to have large competitive systems.

In a statement appearing recently, Mr. F. J. Lisman, a New York investment banker who appeared in opposition to Senate Joint Resolution 161, says:

> My understanding is (and I am quite sure I am correct) that President Hoover merely kept insisting that the presidents of the four big companies get together on some plan. At no time did he go beyond that, but he did continue to insist on an agreement even after several meetings which broke without any accord in sight.
>
> The section of the country west of the Hudson River and east of St. Louis and Chicago never before had four strong, competitive railway systems. The Pennsylvania and New York Central have always been strong systems everywhere. The Baltimore & Ohio is a strong system in places, and the other roads did not cut a very big figure anywhere, except that Chesapeake & Ohio was important as a coal carrier and the Erie important as a freight carrier between New York and Chicago.

Commissioner Eastman discussed this proposition in his opinion in the consolidation case and correctly characterized the argument as propaganda. He said:

> There has been much propaganda to the effect that in order to secure effective competition with the Pennsylvania and the New York Central it is essential to create rival systems of equal size, and that there is insufficient mileage to create more than two such rivals. This is the keynote of the 4-system plan for the East, and those who advocate a greater number are stigmatized as "playing into the hands" of the Pennsylvania and the New York Central.
>
> To my mind this propaganda rests upon a premise which is wholly unsupported by proof. What evidence is there that it is necessary for a system to be as large as another in order to compete effectively with it? I submit that not only has there been no such proof but the evidence points distinctly the other way. If the proposition were sound, how would it be possible for the Baltimore & Ohio, the Wabash, the present Nickel Plate, the Lackawanna, and the Lehigh Valley, among others, which might be named, to live and prosper? Yet we know that they have done so, and upon the same level of competitive rates. In our working papers in this proceeding we have statistics showing average rates of return for the three years ended December 31, 1927, upon our basic valuations brought up to date by net additions and betterments since valuation date.

Commissioner Eastman then proceeded to point out the specific earnings of the systems referred to, which clearly indicate that the matter of size is not an important factor in railroad efficiency and management. For instance, during the years just mentioned the Pennsylvania earned 4.77 per cent; the New York Central 4.96 per cent; the Central of New Jersey 5.08 per cent; the Lehigh Valley 5.15 per cent; the Delaware, Lackawanna & Western 6.22 per cent; the Baltimore & Ohio 6.36 per cent; the Wabash 6.72 per cent. The Wabash is one of the railroads that is to be taken over by the Pennsylvania, a clearly competing system, and yet it earns a substantially greater percentage than the Pennsylvania. The Western Maryland earned 6.75 per cent, another railroad to be absorbed because it is alleged to be a weak system. The Reading, which is to be absorbed because it is alleged to be a weak system, earned 7.70 per cent, and the Nickel Plate 7.73 per cent.

I continue quoting from Commissioner Eastman:

> The Pennsylvania is now, I understand, making a much better comparative showing, and seems to be escaping from the doldrums toward which it was drifting some few years ago. But this shows the danger by which a very large system is peculiarly beset. High-power, intensive, progressive management is, I am inclined to believe, more difficult to achieve and maintain in the case of such a system than where the system is smaller. The fact is, also, that in order to meet this problem of management it is necessary for a very large system to divide itself into parts and manage and operate those parts almost as independently as if they were separate systems.

When President Hoover, at the close of the most disastrous year in the memory of the present generation, announced that the railway powers in the East had settled their differences and had agreed to consolidate their properties into four systems, the country received the news gratefully.

The New York Stock Exchange was the first to respond. Rail stocks bounded upward and other stocks rose sympathetically. The New York Times on the following morning reported that the market was the broadest for 14 months.

President Atterbury, of the Pennsylvania Railroad, has since announced that it will take from four to five years to carry out the contemplated consolidation, so that ample time seems afforded to consider the moral aspect of the settlement and to determine whether after all it is one which the people ought to approve and accept.

At this point it seems necessary to point out that in view of the fact that the four large eastern railroads have not yet presented their detailed plan to the Interstate Commerce Commission, there is a definite plan under way to not open up the subject while Congress is in session. There seems to be a definitely established plan to prevent the details of this proposed 4-party consolidation being discussed in Congress. We have no opportunity to find out, and so all we can do is to discuss it from the viewpoint as outlined on the maps to which I have called attention and without any consideration being given to the financial set-up.

It was stated during the last days of 1930 that this plan would be submitted to the Interstate Commerce Commission at once and that the whole matter would be consummated in three or four months. Now two months have passed and the plan has not yet been submitted to the Interstate Commerce Commission. It now seems that the plan is to be delayed until there is no forum for public discussion of the question. In other words, they are waiting quietly until this forum has adjourned, and there will then be no other forum in which to discuss the merits of the 4-party consolidation plan.

In conclusion may I express the hope that no hypodermic of morphine is being administered to the public and to Congress so as to dispel their concern about this 4-party consolidation; then have the matter rapidly rushed through the Interstate Commerce Commission before the end of the year.

Mr. FLETCHER. Mr. President, I ask permission to have inserted in the RECORD at this point a communication from Mr. James N. Purse, of Detroit, Mich., bearing more or less materially on the very splendid discussion we have just had by the Senator from Michigan [Mr. COUZENS].

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

DETROIT, MICH., *February 23, 1931.*

Hon. DUNCAN U. FLETCHER, of Florida,
United States Senator, Washington, D. C.

DEAR SENATOR FLETCHER: We noticed in one of our trade papers this morning that your name is connected in regard to investigating the tariff rates on fresh vegetables and we appreciate that your State produces a lot of fresh vegetables, and from the information that I can gather, the fresh vegetables that are grown in our country are pretty well protected by tariffs from our foreign neighbors.

What the writer feels should be done is for every United States Senator and Congressman to start a country-wide investigation covering the present freight rates that are being assessed against every commodity produced and manufactured in our country and if there could be a general revision downward in the present freight rates then we would be getting at the base of one of our greatest evils, especially covering all kinds of farm products. From all appearances to date the Farm Board has not as yet been able to bring about any conditions that have benefited the farmer; as a matter of fact, practically every item that they have attempted to stabilize has gone from bad to worse. Had our Government spent one-fourth to a half of the amount of money to bring about lower freight rates, that they have spent in trying to stabilize and to help the farmer, they would have been working in the right direction. For instance, take commodities from your own State: The freight rate is practically double to-day as to what it was 25 years ago. There is no particular reason for it. The railroads have larger locomotives, freight cars that hold twice the capacity to-day that they did 15 or 20 years ago, and they should haul freight for less if their systems were properly managed and they were not paying such fabulous salaries to their officials and all kinds of labor as well. Labor in all other fields of effort has declined within the last few months and the railroad employees should be willing to accept a reasonable decrease. Bricklayers, carpenters, and mechanics that were commanding $1.25 to $1.50 per hour two years ago are willing to work to-day anywhere from 50 cents to 85 cents.

For instance, take your State that is shipping quite a few vegetables at the present time, and in any number of instances within the last two or three months Florida oranges and grapefruit have sold around $1.75 to $2.25 per box; the freight from Florida to our market on these fruits is around $1 to $1.15; it costs in the neighborhood, as you know, of 85 cents to $1 to pick, pack, and furnish the packing material and load a box of Florida citrus on the cars. We all agree that low prices prevailed on Florida citrus as well as California citrus account of the excessive supply, but at prices secured during the months of December, January, and February, there was practically nothing left for the Florida citrous growers, and it is almost as bad with the vegetable growers, particularly the ones that are growing cabbage, beets, and carrots. Prices on these vegetables are very low; Florida cabbage is selling in the majority of markets around $1 to $1.25 per hamper, and the freight and refrigeration charges from Florida to our market, as well as to the majority of the Central Western markets, are around 90 cents to 95 cents per hamper. The railroads should not be any different from any other firm or individual, but they are guaranteed 6 per cent return on their investment. This appears unfair, and recently I noticed in the papers where the Interstate Commerce Commission had found that on account of improper valuations having been set up that the railroads had collected far more guarantees on account of inflated valuations than what they should have done. In this particular instance the amount was in the neighborhood of three millions, and if our Government is not any more successful in collecting this amount than what the shippers of our country are successful in having their freight rates reduced, they will not be able to accomplish very much.

I am attaching a clipping from the Chicago Packer, under date of the 21st, and you will note that the South Carolina shippers of vegetables and cabbage have been trying to secure a revision in freight rates covering their vegetables to the Eastern and New England territories, as they consider the rates unreasonable. They are unreasonable from that section, as well as every other section in the country. The freight on a barrel of potatoes from South Carolina to Detroit is just about the same as on a barrel of Florida potatoes from Hastings, Fla.—in the neighborhood of $1.55 to $1.60 per barrel, whereas from North Carolina the freight will vary from 95 cents to $1.15. My firm has contended for a great many years of the unfairness in any such a freight rate existing from North Carolina as compared with South Carolina, and there is a hearing set to cover this matter of unjust freight rates from South Carolina to our section in the course of the next few months, but feel confident that there will not be anything accomplished, as the railroads seem to have more power than our Government, as the clipping goes on to state that the Interstate Commerce Commission, through its examiner, Mr. Paul G. Thompson, ruled that the rates were not unreasonable or otherwise unlawful. This is the answer that is frequently given to such matters, and feel confident that if there was a general revision in freight rates, especially on all agricultural products, that we would very shortly begin to see a revival in business, or at least this would be one factor; another which is just as important is the regulation of the chain stores, as these organizations are working very much to the disadvantage of the producer; they are constantly hammering prices and seem to take a delight in selling fruits and vegetables and all farm products at practically no profit, and when will a producer ever be able to realize a satisfactory price for his commodities under conditions of this kind unless there is an exceedingly short crop.

One of the greatest obstacles that the Farm Board has met with in stabilizing the price of wheat confronted them by some of the large chain stores that were selling a pound loaf of bread for 5 cents and a pound and a half loaf for 7 cents; a dozen of pan rolls for 5 cents and expect to be able to advance the price of wheat under conditions of this kind. The same applies to potatoes; all of the potato-producing States have quite a quantity of potatoes to market; they are all anxious to get more money for the potatoes and are trying to secure a price equal from 27 cents to 30 cents a peck for their potatoes delivered to the terminal markets, and the chain stores in a great many of these markets are retailing potatoes from 25 cents a peck, as per a copy of a paper which I am inclosing.

Now, it is matters of this kind that are greatly affecting the movement and the distribution of all kinds of business in its regular channels. As far as farm products are concerned, the buying power is out of the market, and the chain store is largely responsible, and I was prompted to write you along these lines, thinking it would give you some information and something to think about. It may be, however, that these matters that I have called to your attention are ancient, but if they are, they should be brought to the forefront, and if I can say or do anything further to assist you in any way, will be very glad, indeed, to hear from you.

Yours very truly,

JAMES N. PURSE.

IMPORTATION OF CRUDE OIL

Mr. FLETCHER. Mr. President, I ask permission to have inserted in the RECORD at this point a communication from the Jacksonville Chamber of Commerce which has reference to pending legislation relating to the importation of crude oil.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

JACKSONVILLE CHAMBER OF COMMERCE,
Jacksonville, Fla., February 21, 1931.

Senator DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR FLETCHER: There is pending in the United States Senate a bill introduced by Senator CAPPER and designated as Senate bill 5518, which if enacted will limit the importation of crude oil (petroleum and petroleum products) to 16,000,000 barrels per year during the calendar years of 1931, 1932, and 1933. It is understood that this bill is designed to stabilize business within the mid-continental area.

The provisions and results of the proposed bill as enacted has had the deepest study of our board of governors, and in meeting held Thursday, February 19, it was unanimously voted that the Jacksonville Chamber of Commerce go on record as being unalterably opposed to passage of this bill, and I have been instructed to handle with you for your support in opposition to the passage. It was the sense of our meeting that while the bill, if enacted, might restore work to oil workers in the Middle West, this would probably be overbalanced by the unemployment of many more than that number in the Southeast and along the Atlantic seaboard and New England, and in addition would bring an increased cost in the product that would adversely affect both agriculture and manufacture, and in fact all users of petroleum products.

Due to its more or less remoteness from coal-producing fields, Florida as a whole has naturally turned to the use of oil for fuel purposes, and to-day it stands eleventh among the States in the consumption of that commodity; it is also the second largest user per car of gasoline. The effect of the proposed embargo on our port activities, therefore, is also apparent. It was further felt that favorable action on the pending measure, in addition to being inimical to the best interests of Florida and the Southeast, would establish a decidedly dangerous precedent in connection with similar action for other lines of industry now facing economic difficulties at a time when the country as a whole is facing necessity of stabilization along sound economic lines.

Under the circumstances we earnestly hope you will give this careful consideration and assist in opposition to this proposed legislation. Thanking you in advance for your favorable action, and with renewed assurances of our esteem and cooperation, I beg to remain,

Yours very sincerely,

J. T. DANIELS, *Manager.*

OCEAN MAIL CONTRACTS

Mr. FLETCHER. Mr. President, I ask permission to have inserted in the body of the RECORD, because it replies to

some data I had inserted a few days ago with reference to postal or ocean mail contracts, a letter from Mr. John Nicolson.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

OCEAN MAIL CONTRACTS

WASHINGTON, D. C., *February 25, 1931.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have examined the tabulation published at your instance in the CONGRESSIONAL RECORD of February 16, 1931 (p. 5158) relative to new vessels required by postal contracts under Title IV of the merchant marine act of 1928, and appreciate of course your requesting its insertion did not imply its accuracy, and I regret to say it is not accurate. The matter can not be gone into fully now, but I wish to reveal sufficient to justify this caution.

1. The caption of one column is, "Construction of vessels required." This means of course, that the number of vessels appearing opposite the respective names, is the number of new vessels the line is under definite contractual obligation to build pursuant to provisions in the postal contract.

2. The caption of another column is: "Construction of vessels required conditionally." This would naturally mean that the vessels there listed will have to be built upon the occurrence of some prescribed event or condition, including possibly, the mere demand of the Postmaster General.

The listings under both captions are incorrect, notwithstanding they were, of course, prepared in good faith.

I. AS TO VESSELS REQUIRED DEFINITELY TO BE BUILT

As previously stated we can not now analyze all the items, but submit the following:

1. American Line Steamship Corporation, route 32, New York to Balboa, Canal Zone.—The published list credits this postal contract with bringing into existence one class 3 vessel, approximate tonnage 20,526; estimated cost, $6,587,226. This postal contract is not entitled to a scintilla of credit for the building of this vessel. It would have been built had there been no such postal contract, it was in fact being constructed long before the postal contract was obtained and a definite intent to build it existed two or more years before the 1928 law was enacted, for it is one of a group of three vessels, the *Virginia*, the *California*, and the *Pennsylvania*, determined upon by the Franklin interests prior to 1927, for the development of a fine passenger service in intercoastal trade. The *Virginia* and *California* had been completed, and the *Pennsylvania* was the third—and is the vessel referred to in the published list.

The construction-loan agreement for this vessel is dated October 7, 1928, though as a matter of fact the loan was informally assured several months before—the writer conducted the negotiations and arranged the agreement.

The postal contract, however, bears date December 19, 1928—nearly three months subsequent to the execution of the formal loan agreement; and the contract for the construction of the vessel preceded the date of the loan agreement.

We repeat, as a fact definitely within our knowledge, neither the obtaining of the postal contract; nor the enactment of the 1928 law caused the vessel to be built.

2. The Grace group: We include in this group the postal contracts awarded the Grace Steamship Co., and the Panama Mail Steamship Co. According to the list in the RECORD, the three contracts to these lines require, in all, five class 3 vessels, whereas we will now show the building of two only, will meet the contractual obligations for new vessels. The three contracts involved are as follows:

(a) Route No. 8: To the Grace Steamship Co.; New York to Valparaiso, Chile, and according to this list two class 3 vessels are to be built at an estimated cost of $7,000,000.

(b) Route 38: Also to the Grace Steamship Co.; Tacoma to Valparaiso, Chile, and according to this list one class 3 vessel is to be built, at an estimated cost of $3,500,000.

(c) Route 37: To the Panama Mail Steamship Co.; San Francisco to Habana, Cuba, also owned by the Graces; and according to this list two class 3 vessels are to be built at an estimated cost of $7,000,000.

It will thus be observed that, according to this list, five new class 3 vessels are the product of these three postal contracts. This is not a fact.

Whether Grace will ultimately build five class 3 vessels is not the question. We are concerned in what the Government can demand as of right, in return for the multiple-millions it is paying these three lines; and because the several contracts contain shifting of tonnage privileges, we must treat them for present purposes as a consolidated unit.

1. Route No. 8: Neither the original contract nor the supplement thereto, nor the two together, require the building of two class 3; one only is required. The statement in the list that two are required is a plain error.

2. Route No. 37: This contract also requires, apparently, the construction of two class 3 vessels; and it would seem therefore that this contract and the route 8 contract, next above mentioned, would, under contractual obligation, produce three new class 3 vessels; but no such obligation is imposed. Here are the facts, revealed in the contracts themselves:

The requirement of the route 8 contract that the vessel shall be built gives the contractor the right, in unequivocal terms, to operate it "on any American trade route." One would have supposed it was being built for the route (No. 8) to which the contract related. But not so. Obviously it may, without the consent of the Postmaster General, and as an affirmative right in the contractor, be withdrawn from route No. 8 and operated "on any American trade route"; therefore, on route 37; and, indeed, the contract expressly states it may be transferred to and operated on route No. 37.

The contract for route 37, on the other hand, after purporting to require the building of two new class 3 vessels, expressly states the requirement may be met by using a class 3 vessel built under a contract for some other postal route provided the other contract permits this transfer; and we have seen the other contract does permit it.

The requirements of these two agreements, therefore, with respect to new class 3 vessels, can be met with two such new vessels, this quite apart from and without any concurrence by the Postmaster General.

Now, as to route 38. While the language of the contract is not that a new class 3 vessel shall be built, but shall be "substituted," we will assume for present purposes the construction of a new vessel was intended and is required. What then? Must it be operated between Tacoma and Chile? Not at all, necessarily. The contract expressly states, as an alternative, that the contractor may "provide for the operation of the said vessel and cause the same to be operated in some other ocean mail service." Please observe the care with which this provision is framed. It is not limited to use by the contractor on some other ocean mail route; the contractor can "provide" for its operation on some other route; hence this coordinates with the fact that route No. 37 is operated by a different corporation, the Panama Mail Steamship Co. (also owned by the Graces).

We thus find that the two class 3 vessels required by the contract with the Panama Mail Steamship Co. for route 37, between San Francisco and Habana, can be met by transferring, as an affirmative contractual right and without the consent of the Postmaster General, the one class 3 vessel built for route 8 and the one class 3 vessel built for route 38, the requirements of these routes being met with other vessels, not necessarily class 3, and certainly not necessarily new class 3 vessels.

The net result, therefore, is that there are contractual requirements for only two class 3 vessels, instead of 5, as stated on the list. This conclusion is not the result of special pleading or close distinctions in the meaning of words; it is the result of succinct and unambiguous provisions in the agreements themselves, splendidly coordinated from the point of view of the contractor.

II. AS TO CONSTRUCTION OF VESSELS REQUIRED CONDITIONALLY

With these, also, we will not undertake to analyze all, but submit the following:

1. The Oceanic Steamship Co.: Route No. 24; San Francisco to Australia. The list indicates that (in addition to two new vessels definitely required) a third vessel is conditionally required. This is not so. A third vessel is not required. Whether it shall be built depends on whether the parties mutually agree that it shall be built; that is, the contractor does not have to do it unless he wants to!

That is not a contractual obligation.

2. United States Lines: Route No. 44—New York to London. The list indicates this contract requires, conditionally, the construction of two new class 3 vessels; approximate tonnage 40,000; estimated cost, $14,500,000. This looks well in print, but what are the facts concerning what the contract really requires?

This contract is only for five years; but it provides, in substance, that at the end of five years the contractor (not the Postmaster General) may elect to extend it another five years; nor will this extension, to be effective, apparently, be dependent on the Postmaster General's concurrence; it refers to the extension as "automatic."

If, however, the contract is thus "automatically extended," the contractor must "put into operation on the route" two 18-knot, class 3 vessels; if he does not want to do this he does not have to, he simply need not serve the required notice extending the contract!

However, even if the contract is "automatically extended" to 10 years by the contractor, his obligation to operate two class 3 vessels on the route does not require him to add new vessels; the contract very clearly provides he may, in the alternative, operate old vessels of like class—properly reconditioned, of course.

Hence we have another contract, dated March 1, 1930, not referred to in the Senate document at all, and under it the contractor can collect subsidies approximating $12,000,000, and yet without requiring the construction of a single new vessel!

This is not one of the "early contracts."

3. The Roosevelt Steamship Co.: Route No. 46—Baltimore to Hamburg. The list states this contract conditionally requires two new vessels, class 3, 24,000 tons, estimated cost, $7,000,000. This is not correct. What are the facts?

The initial fleet with which the contract is performed is of old, though reconstructed, Shipping Board vessels, class 4. For these vessels the contractor is to receive mileage "compensation" evidently fixed at so high as $6, so that the subsidy will yield in five years a substantial part of the cost of building two new class 3 vessels, which the Postmaster General may, after five years from the commencement of the contract, require. That the scale of "compensation" for the first five years has been fixed on this basis, is clearly demonstrated by another provision of the contract, that if the Postmaster General does not require these two new vessels to be built, then, after the expiration of the first five years the Postmaster General may reduce the rate for the rest of the term of the contract.

While a subsidy should never be large enough to constitute a contribution to capital investment, nevertheless this has been violated in many of the contracts, and the rate for the first five years above is evidently another violation of it. This is so even if the vessels are built. But we have the remarkable situation that the Government's contribution for the construction of the vessels goes for naught—if the Postmaster General in power five years hence elects not to require the two new vessels.

We predict that the then Postmaster General, acting, of course, in entire good faith, may gladly avail himself of the clause that the contract may be canceled at the end of five years by mutual agreement; we predict the contractor will gladly concur to escape the liability for building the two new vessels, having gotten the cream from the transaction in the high mileage of the first five years. The attitude of the then Postmaster General may very probably be that his problem relates solely to the requirements of the Mail Service. This attitude would be justified by the text of the 1928 law, whereas it would not have been, under section 24 of the 1920 law, which provided that such contract should apply compensation for "* * * the development of a merchant marine adequate * * *," etc.—a vital clause which was expressly repealed by the 1928 act.

There are others to which we would like to refer, but time does not permit; nor is it expedient to make this letter too long. We are quite sure we have indicated sufficient to reveal to you that the underlying facts should be examined into in order to ascertain what the requirements really are.

Very respectfully,

JOHN NICOLSON.

THE WORLD COURT

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD resolutions adopted by the New York chapter, Sons of the American Revolution, urging the Senate to ratify at the earliest practicable opportunity the three World Court protocols.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions are as follows:

NEW YORK, N. Y., *February 25, 1931.*

Hon. ROBERT F. WAGNER,
Senator from New York, Washington, D. C.

MY DEAR SENATOR: At a meeting of the Empire State Society, New York Chapter, Sons of the American Revolution, held in New York City February 19, 1931, the society, with a membership of over 1,200, unanimously adopted the following resolution and instructed its secretary to forward copy of the resolution to you. I am accordingly appending it hereto.

We would appreciate it very much if you would have this resolution incorporated in the CONGRESSIONAL RECORD.

"Whereas, from its foundation, our Government has taken a leading part in promoting the judicial settlement of international disputes.

"That in pursuance of this cherished ideal, the representatives of our Government, at the first Hague conference in 1899, presented a plan for an international tribunal of permanent character which resulted in the so-called permanent court of arbitration, in reality but an eligible list of arbitrators who might be availed of as occasion required; and at the second Hague conference in 1907 resolutely strove for the development of the Hague tribunal into a permanent court, with permanent judges to speak with the authority of the united voice of the nations, and gradually build up a system of international law which should command the approval and regulate the conduct of nations.

"That the project failed because it was impossible at that time to find a satisfactory method of selecting the judges.

"That the establishment of a permanent court has continued to be a cardinal feature of American policy.

"That the Permanent Court of International Justice was established in 1920 under a statute which defines its organization, jurisdiction, and procedure, drafted by an international committee of the most distinguished jurists, among whom was Mr. Elihu Root. Fifty-four nations, including all the large nations of the earth, except Turkey, Mexico, and Soviet Russia, have given their adherence, and the Permanent Court, as thus established, has a distinct legal status created by an independent organic act voluntarily entered into as a means of achieving international peace and security and establishing the understandings of international law as the rule of conduct among governments.

"That President Harding in 1923 submitted to the United States Senate the form of statute and the Protocol of Adherence, and asked the Senate, under its constitutional prerogative, to give its consent to our becoming a member of the court, and said in presenting it: 'It is wholly a question of accepting an established institution of high character and making effective all the fine things that have been said by us in favor of such an agency of advanced civilization.'

"That the Senate, in January, 1926, voted in favor of adherence, but attached five reservations to its consent.

"That assent to the conditions or reservations imposed necessitated the amendment of the statute of the court and the ratification and consent and readherence of all the other members of the court.

"That the desire of the other nations to have our cooperation is evidenced by the fact that the amendment of the statute has been accomplished and reduced to writing and signed by the representatives of not less than 54 of the signatory powers.

"That the President has now submitted to the Senate the amended statute and the protocols providing for the acceptance of the reservations heretofore imposed and providing for our adherence upon those conditions, and has asked the consent and approval of the Senate to our adherence under the amended statute.

"That our membership in the court under the reservations imposed involves no compulsory jurisdiction and leaves the United States free to accept or to refuse to accept the jurisdiction of the court as circumstances arise or may exist.

"That American sincerity and honor demand the prompt and unqualified adherence and ratification of the protocols giving effect to the reservations imposed by the conditional consent given in 1926.

"That beyond all other considerations, the peace of the world and the enhancement of our own security demand our recognition and support of this great institution of peace and the resumption of our place of leadership in the great movement for the judicial settlement of international controversies and in the cultivation of the habit and the encouragement of the will among nations of the settlement of international differences and disputes by judicial methods: Now, therefore, be it

"*Resolved*, That the Empire State Society, Sons of the American Revolution, believing that a long-standing American tradition should now be upheld, urges the Senate to ratify at the earliest practicable opportunity the three World Court protocols which will make effective the Senate's 1926 resolution providing for our entrance into the World Court; and be it further

"*Resolved*, That a copy of this resolution be sent to the President of the United States, to the Secretary of State, and to our two Senators, and that one of our Senators be asked to have it printed in the CONGRESSIONAL RECORD."

Very respectfully yours,

RICHARD V. GOODWIN,
Secretary New York Chapter.

INVITATION TO VISIT ASH LAWN, VA.

The PRESIDING OFFICER. The Chair requests the clerk to read the following announcement.

The legislative clerk read as follows:

Mr. Laurence Gouverneur Hoes, founder of the James Monroe Law Office National Shrine, at Fredericksburg, Va., and Mr. Jay W. Johns, owner of Ash Lawn, former home of James Monroe, in Charlottesville, Va., cordially invite the Members of the United States Senate and their families to visit both of these shrines maintained in the memory of the fifth President of the United States, on Sunday, March 1, during the hours of 9 a. m. to 6 p. m.

Mr. Hoes, a great-great-grandson of President Monroe, has restored Mr. Monroe's law office in Fredericksburg and has placed in this quaint, low, brick building a most extensive and fascinating collection of the possessions of President Monroe and his family, handed down through five generations.

Mr. Jay W. Johns, the owner of Ash Lawn has restored this home of James Monroe, erected by him in a magnificent grove of ash trees and approaches through a beautiful boxwood garden planned and laid out by James Monroe himself. In the house are many mementoes of the life of James Monroe.

FINANCING BY THE TREASURY

Mr. VANDENBERG. Mr. President, on February 24 I inserted in the RECORD a statement from the New York Herald Tribune respecting anticipated financing by the Treasury. It was stated, among other things, that the financing anticipates outstanding maturities by one year and expects savings in interest rates owing to "the great ease in the money market." It now develops that this anticipation of maturities actually was planned six months ago. I am very glad to amplify and correct my statements of fact accordingly. Otherwise the conclusions which I drew from the New York publication appear to be unchallenged.

I am glad to print this letter from the Undersecretary of the Treasury. I agree with him that there is nothing to be gained by exaggerating either the difficulties or the ease with which the Treasury may meet the pending veterans' compensation legislation. Obviously these difficulties place an additional burden of a certain type on the Treasury Department. This is conceded. My recent observations have been addressed to the different proposition that this burden, however, is not an additional burden on the tax-

payer. The securities to be sold incidental to the veterans' certificates are either securities already belonging exclusively to the veterans' funds or to be supported by veterans' loans which will pay out these securities in full without any burden upon the taxpayer. This is the thing which the country does not understand. The burden upon the Treasury is a totally different thing. It is the administrative burden of translating securities into money. So far as financing veterans' loans is concerned, the securities will not and can not represent any net increase in the public debt for which new and not otherwise necessary tax resources must answer. For example, the $400,000,000 required by General Hines's estimate for the quarter ending June 15 is covered by $735,000,000 of available certificates of indebtedness long since issued, long since covered by taxes already collected, and belonging in trust to the veterans' fund. If the ultimate loans exceed the existing trust funds, the subsequent funds presumably will come from other securities which will be paid out, principal and interest, from the proceeds of the veterans' loans and not from any taxes occasioned by the loans.

Indeed, there is an administrative burden on the Treasury which I am glad to believe it is capably able to carry. But it is a credit operation and not a tax operation. I ask unanimous consent to print Mr. Mills's letter, respecting the detail of this and other contemplated Treasury financing, in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

THE UNDERSECRETARY OF THE TREASURY,
Washington, February 25, 1931.

MY DEAR SENATOR VANDENBERG: I have just read your remarks on the subject of Treasury financing as reported in the CONGRESSIONAL RECORD of February 24. I am not writing you in a spirit of controversy but solely because I know that you want to be accurately informed as to the facts, and your remarks of yesterday evidently indicate some misunderstanding as to the contemplated financial operation of this department.

The $1,100,000,000 of 3½ per cent notes, which mature on March 15, were called some six months ago, long before there was any thought of amending the adjusted service act, so that it can not fairly be said that despite the new difficulties created by veterans' compensation legislation the Treasury is anticipating on its own motion $1,100,000,000 of financing that could have been postponed for a year.

In the second place, the securities which the Treasury will offer next week are not related exclusively to our general fiscal operations. Three or four hundred million of the new issues will be due to the adjusted service certificate bill, should it become law. As you know, there is no cash available to make the loans. The required funds will have to be obtained by the sale of securities in the open market. General Hines has given me an official estimate stating that the requirements will be $400,000,000 for the quarter ending June 15. It is the duty of the Treasury to have those funds on hand. Accordingly the Government financing during the March-June quarter will be increased by that amount.

There is nothing to be gained by exaggerating the difficulties, but it is undeniable that this legislation places an additional burden on this department.

Trusting I have made the situation entirely clear, and with kind regards, believe me.

Sincerely yours,

OGDEN L. MILLS,
Undersecretary of the Treasury.

Hon. ARTHUR A. VANDENBERG,
United States Senate.

INVESTIGATION BY TARIFF COMMISSION

Mr. GILLETT. Mr. President, last December the Senator from New York [Mr. COPELAND] obtained unanimous consent from the Senate for the consideration and passage of a resolution requesting the Tariff Commission to investigate differences in the cost of production of domestic and foreign confectionery. Supplementing that, I offered a resolution to include chocolates, which he omitted. Since then he has asked and obtained permission to have the action on his original resolution rescinded. Therefore I ask unanimous consent that the vote whereby Senate Resolution 380 was adopted may be reconsidered, and that the resolution may be indefinitely postponed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the vote whereby the resolution was adopted is reconsidered, and the resolution will be indefinitely postponed.

REGULATION OF STOCK OWNERSHIP IN RAILROADS

Mr. MOSES. From the Committee on Printing I report back favorably without amendment the concurrent resolution (H. Con. Res. 50) and move that the Senate concur in the resolution.

The concurrent resolution (H. Con. Res. 50) was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed 1,700 additional copies of the report of the Committee on Interstate and Foreign Commerce of the House of Representatives (H. Rept. 2789), entitled "Regulation of Stock Ownership in Railroads," of which 500 copies shall be for the use of the House, 200 for the use of the Senate, 600 copies for the use of the Committee on Interstate and Foreign Commerce of the House, 100 copies for the use of the Committee on Interstate Commerce of the Senate, 200 copies for the use of the House document room, and 100 copies for the use of the Senate document room.

PRINTING OF PRAYERS OF THE SENATE CHAPLAIN (S. DOC. NO. 306)

Mr. MOSES. From the Committee on Printing I report back favorably, without amendment, Senate Resolution 469, and ask unanimous consent for its present consideration.

There being no objection, the resolution (S. Res. 469) was read, considered, and agreed to, as follows:

Resolved, That the prayers offered by the Rev. ZeBarney T. Phillips, D. D., Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Seventieth and the Seventy-first Congresses be printed as a Senate document.

PRINTING OF DATA SUBMITTED BY WICKERSHAM COMMISSION (S. DOC. NO. 307)

Mr. MOSES. From the Committee on Printing I report an original resolution and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The legislative clerk read the resolution (S. Res. 474), as follows:

Resolved, That the documentary evidence, statistics, records, and other data submitted to the Senate by the National Commission on Law Observance and Enforcement, in response to the request of the Senate embodied in Senate Resolutions Nos. 423 and 463, this Congress, be classified and printed with an index and illustrations as may be directed by the Joint Committee on Printing, as a public document.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and, without objection, the resolution is agreed to.

SALARY OF DIRECTOR OF VETERANS' BUREAU

Mr. REED. From the Committee on Finance I report back favorably, without amendment, the bill (S. 6237) fixing the salary of the Director or the Acting Director of the United States Veterans' Bureau. I ask unanimous consent for the present consideration of the bill. I think it will involve no debate, and the committee were unanimous in reporting it.

Mr. McKELLAR. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The legislative clerk read the bill, as follows:

Be it enacted, etc., The salary of the Director or of the Acting Director, United States Veterans' Bureau, is hereby fixed at the sum of $12,000 per annum, effective as of July 23, 1930, for any period or periods during which said director or acting director functions or has functioned as such.

Mr. REED. Mr. President, $12,000 per annum was the salary of Director Hines for years, but when Colonel Ijams was appointed to succeed him it was found that our legislation was so worded that he did not get the benefit of that salary. The passage of this bill is requested by General Hines and by the administration. As I have said, the bill was unanimously reported by the Finance Committee.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CONNALLY. I object.

The VICE PRESIDENT. Objection is made.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 2892. An act for the relief of Helen F. Griffin and Ada W. Allen;

S. 3045. An act for the relief of Walter P. Crowley;

S. 3648. An act to correct the naval record of Edward Earle; and

S. 4677. An act for the relief of Dr. B. T. Williamson, of Greenwood, Miss.

CALL OF THE ROLL

Mr. RANSDELL obtained the floor.

Mr. McNARY. Mr. President, will the Senator be kind enough to yield to me in order that I may suggest the absence of a quorum?

Mr. RANSDELL. I yield to the Senator from Oregon.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Barkley	Frazier	La Follette	Sheppard
Bingham	George	McGill	Shipstead
Black	Gillett	McKellar	Shortridge
Blaine	Glass	McMaster	Smith
Blease	Glenn	McNary	Smoot
Borah	Goff	Metcalf	Steiwer
Bratton	Goldsborough	Morrison	Stephens
Brock	Gould	Morrow	Swanson
Brookhart	Hale	Moses	Thomas, Idaho
Brousard	Harris	Norbeck	Thomas, Okla.
Bulkley	Harrison	Norris	Townsend
Capper	Hastings	Nye	Trammell
Caraway	Hatfield	Oddie	Tydings
Carey	Hayden	Partridge	Vandenberg
Connally	Hebert	Patterson	Wagner
Copeland	Heflin	Phipps	Walcott
Couzens	Howell	Pine	Walsh, Mass.
Cutting	Johnson	Pittman	Walsh, Mont.
Dale	Jones	Ransdell	Waterman
Deneen	Kean	Reed	Watson
Dill	Kendrick	Robinson, Ark.	Wheeler
Fess	Keyes	Robinson, Ind.	Williamson

The PRESIDING OFFICER. Ninety-two Senators having answered to their names, a quorum is present.

The Senator from Louisiana will proceed.

HOW TO CONSERVE PUBLIC HEALTH—THE MOST IMPORTANT PROBLEM CONFRONTING MANKIND

Mr. RANSDELL. Mr. President, I rise to discuss a matter of the greatest importance to humanity—how to conserve public health, the most important problem confronting mankind. The passage last May of the bill creating the National Institute of Health can justly be viewed as a definite and far-reaching step in the solution of this problem. It marks the beginning of a new chapter in the history of medicine; a new contribution by the United States to medical knowledge of the most far-reaching influence in the relief of human suffering. A veritable declaration of war against all the physical forces detrimental to health on a greater scale than ever before attempted, this act centers in the Nation's Capital all of the country's medical and scientific resources for combating disease and creates in Washington a clearing house of health for all the world.

Here, under a commander in chief, will be marshaled the Nation's army of experts in the sciences of medicine, surgery, psychiatry, dentistry, chemistry, physics, biology, bacteriology, pharmacology, pharmacy, and allied professions in a concerted drive to prevent disease by ascertaining its cause and applying preventive measures in advance of its outbreak.

Here in the Nation's Capital has been founded an institution devoted solely to study, investigation, and research problems relating to the health of man, where every available facility will be provided to aid and encourage scientists to combat sickness and solve the many remaining mysteries of disease, and where all knowledge and every advance in the promotion of human health will be pooled and correlated.

HEALTH INSTITUTE PLANNED ON RECORD SCALE

Here will be carried on new researches in cancer on a greater scale than ever before attempted; new investigations into the cause and cure of infantile paralysis and heart disease; new studies of the common cold, influenza, and pneumonia; here will be made new discoveries; new and better methods of cure and treatment will be found to replace those now in use; and new and greater safeguards of health in general will be devised.

No institution has ever been founded for combating disease on so large a scale, and there is no means of foretelling what may be its eventual benefits to humanity.

This act has been termed "the most forward step ever taken by the American Government." It affords the United States the opportunity to give to our country a new and powerful weapon for attack on the great problems of maintenance of health and cure of disease which is not duplicated or equaled elsewhere.

Dr. Treat Johnson, professor of chemistry at Yale University, wrote me on the 23d instant as follows:

While we are to be congratulated for what we are already accomplishing in our universities, research institutions, and other organizations, I have always had the feeling that we lacked a clearing house or center where all our work could be coordinated and judged by impartial experts. The creation of the National Institute of Health provides the facility that promises to make such a national center possible. The national institute should be the "Statue of Liberty" in America to every sick boy and girl, and also a receptive center for every health movement that promises to become of general interest. Millions of dollars can be saved by the proper organization of the institute work, and the United States can be placed before the world as a leader in all activities that have to do with the preservation of health and increase of human efficiency.

The plan of the institute is to make of it a large cooperative scientific organization in which leading experts in every branch of science connected with plant and animal life will be brought together and given opportunity to work in unison for the purpose of discovering all the laws governing life.

The act authorizes the use of the site now occupied by the Hygienic Laboratory and adjacent lands owned by the Government for suitable and adequate buildings for the use of the institute, as well as the acquisition of additional sites in or near the District of Columbia, and changes the name of the Hygienic Laboratory to National Institute of Health, with a provision authorizing the appropriation of $750,000 to erect additional buildings.

UNIQUE FEATURES

A very unusual provision of this act is that which authorizes the Treasury Department to accept donations for specific or general purposes, especially for establishing fellowships in the institute and elsewhere, the salaries of which must be paid wholly out of funds given for that purpose, and provides that donations of $500,000 or over in aid of research will be acknowledged by establishment within the institute of suitable memorials to the donors.

No precedent can be recalled of donations to assist the Federal Government in research work, with possibly two exceptions—the Smithsonian Institution and the Library of Congress. The Smithsonian, founded as the result of the gift of James Smithson, stands as a monument to his name, and its achievements are known throughout the world.

I can not suggest to the philanthropists of America, many of whom are seeking some wise use for their wealth, anything better than to contribute generously to the National Institute of Health for the purpose of combating disease. Large sums are needed to place the institute on the solid foundation required for the colossal tasks ahead of it; and while Congress can be relied upon to do its part, the demands on the Federal Treasury are so heavy that I fear long delay for its full development unless private donors come to its relief.

In this connection it is gratifying to call attention to the fact that two contributions have been made to the institute—one for $1 by Mr. C. P. Wilder, of Worcester, Mass., and one for $100,000 by the Chemical Foundation (Inc.), through Mr. Francis P. Garvan, its president.

The system of fellowships for research workers of demonstrated proficiency is regarded as a most important one. These fellowships offer an opportunity for those especially

qualified to serve their fellow men in the most useful of all ways. While it is contemplated that the bulk of this research will be carried on in the institute laboratories in Washington, it is not so limited, for under the terms of the act these "fellows" can be assigned to institutions in any part of this or other countries, wherever it would be most advantageous for health problems to be worked upon. The existence of such fellowships will direct the attention of the young men and women of our high schools, colleges, and universities to the desirability of equipping themselves for life work in this most important of all fields of applied science.

In an address to the students of the Sorbonne University in Paris, and to all France, on the occasion of a national celebration in honor of his seventieth birthday, the immortal Pasteur said:

> Young men, have confidence in those powerful and safe methods, of which we do not yet know all the secrets. And, whatever your career may be, do not let yourselves become tainted by a depreciating and barren scepticism; do not let yourselves be discouraged by the sadness of certain hours which pass over nations. Live in the serene peace of laboratories and libraries. Say to yourselves first, "What have I done for my instruction?" and, as you gradually advance, "What have I done for my country?" until the time comes when you have the immense happiness of thinking that you have contributed in some way to the progress and to the good of humanity. But, whether our efforts are or not favored by life, let us be able to say, when we come near the great goal, "I have done what I could."

To you, my colleagues, and to all men, at this moment when there is so much scepticism, sadness, and suffering passing over nations, I recall these words which Pasteur uttered 39 years ago. They are just as true to-day as then; and the application of the principles enunciated by this man, one of the greatest benefactors of the human race, will add to the happiness of the world and the usefulness of its citizens.

A great laboratory, fully equipped to cope with disease, where he can carry on his important work fruitfully and in an unlimited way, is the crying need of the American scientist. Our lagging in the matter of research has not been the result of the inefficient mentality of our scientists, but to the lack of facilities and the discouraging insufficiency of funds to stimulate recruits in science.

ESSENTIAL LEADERSHIP SUPPLIED BY INSTITUTE

No great peace movement has ever been successfully culminated, no decisive battle won, except through intensive work on the part of those serving in the ranks under the leadership of one man. During the World War the allied forces, while partially successful, were not making satisfactory headway until Foch was appointed supreme commander. The Italians, the French, the English, the Americans, and all forces opposing the Germans, retained their commanders in chief; but the one coordinating factor was Foch, who was charged with formulating plans to fight the common enemy most effectively. We need similar leadership in our battle against the countless, unseen microbian hosts, which are far deadlier than all the forces of mankind ever assembled under all the military standards since the beginning of recorded time. Senator COPELAND has said that two diseases alone, influenza and pneumonia, have taken more lives than all the wars of all history.

Could the organizing ability and inventive genius of the American people be made available for leadership in the great task of building up public health, the staggering waste of sickness and human life in the United States might be stopped and the health of the Nation immeasurably improved. The people are ready for an organized advance on the forces of ill health; what is needed is leadership!

The National Institute of Health offers such leadership. It is the one coordinating factor through which can be directed the energies and efforts of leaders in every branch of scientific research touching upon public health. Here, under one supreme commander, can come representatives of all sciences to work toward a common end—the conservation of public health—without losing the identity of their respective leaders. In the final drive of the World War America retained its Pershing, England its Haig, Belgium its King Albert, and each allied country its own chieftain, but they won victory only by close cooperation with Foch, of France, their general in chief. And so it will be with the National Institute of Health.

There will be no conflict between the learned professions in their research work in great schools, private institutions, and foundations on the one hand, and the Institute of Health on the other. All professions connected in any way with the problems of health which are conducting scientific research therein will profit by the application of the cures and preventive measures developed by the institute. In fact, all branches of human science have the same general interest in conquering disease and should cooperate closely.

Mr. HATFIELD. Mr. President——

The PRESIDING OFFICER (Mr. WILLIAMSON in the chair). Does the Senator from Louisiana yield to the Senator from West Virginia?

Mr. RANSDELL. I yield.

Mr. HATFIELD. The Senator from Louisiana made the statement that there would be no confliction between the Institute of Health which he has in mind and the different institutions to be found throughout the country, many of them maintained by private subscription. Not only would there be no confliction but there would be cooperation, would there not?

Mr. RANSDELL. I think so, beyond question.

Mr. HATFIELD. The establishment and activities of this institution of which the Senator speaks, which has been located here in the Capital City, will give the privately and publicly owned institutions an impetus toward greater achievements.

Mr. RANSDELL. That is the spirit and intent of the law. We do not contemplate in the slightest degree interfering with the work of private institutions, which are now doing wonderful work; State institutions, which are doing much; the great colleges and hospitals and laboratories, which are doing this kind of work. We simply wish to have here a center, a clearing house, so to speak, where all the representatives of all the sciences in any way connected with plant life and animal life may come together, coordinate their forces, work under one leader, and accomplish the end so much to be desired, namely, the conservation of public health.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. RANSDELL. I yield.

Mr. HATFIELD. It is the idea of the Senator to bring about, by the establishment of this institute, a condition of cooperation in this country such as has existed in foreign countries, looking toward the development of new remedies which have for their purpose the cure of some ailments and the prevention of other ailments that flesh is heir to.

Mr. RANSDELL. That is very true. The Senator has stated it so well that it is unnecessary for me to enlarge upon it, and I thank him for his contribution to my remarks.

The battle against disease is comparable to real warfare—a war between vast contending armies. In this struggle the forces are the men, women, and children on the one hand, and innumerable hosts of microbes on the other. Just as in war, success comes to those who have the heaviest artillery and the ablest generals, so in this war between humanity and disease we must have large funds and the wisest leadership.

Mr. HATFIELD. Mr. President, will the Senator yield again?

Mr. RANSDELL. I yield.

Mr. HATFIELD. When the Senator refers to the word "microbes," he means the different and varied bacteria to be found in the air, in the soil, in the water, in the food we eat. It is due only to our resistance that we are not all overcome and destroyed because of the invasion of this bacterial growth.

Mr. RANSDELL. That is very true, and that is exactly what I mean by the use of the word "microbe." I thought it was a generic word, more comprehensive than bacteria, and that is why I used it. The Senator has conveyed the idea I had in my mind in the use of that word. I suppose there are good microbes, too, which are helping to take care of us, but there are certainly innumerable microbes which are fighting us all the time.

Mr. HATFIELD. Not only are there microbes of ill omen but there are microbes of good omen. There are microbes of ill omen such as the tubercular bacilli, which we inhale daily upon the streets, in the homes, in the public institutions, and were it not for the resistance we have built up in our bodies, we would all develop tuberculosis, and sooner or later succumb from that disease.

Mr. RANSDELL. I imagine that is true.

While occasional wars claim their sacrifices in millions of lives, disease each year claims its tens of millions. Can we not use for the solution of these health problems the same methods so successfully employed in making war? The experience of the ages is now being drawn upon in this fight against disease, but the means are entirely inadequate.

CHEMISTRY A POTENT FACTOR

Prof. Julius Stieglitz, head of the department of chemistry of the University of Chicago, expressed the belief, in 1923, that the chemists of our country could contribute greatly to health if organized for an all-around campaign against disease and death as they were organized for destructive purposes during the last great war. He said:

> There is no institution in which the chemists of the United States can come together with the medical scientists to inaugurate a general attack upon the forces that kill. Let there be another war and no doubt the chemists would be mobilized again, but they would be mobilized to kill.

That statement was correct when uttered eight years ago, but it is true no longer, because the National Institute of Health is exactly such an institution as Dr. Stieglitz had in mind. In it will be brought together under one head, for a concentrated fight on microbes, "the forces that kill," not only medical scientists and chemists but disciples of every science under the sun connected directly or indirectly with plant and animal life; and all the laws of life will be examined as never before to the end that the hidden mysteries of many terrible diseases may be solved. The best minds in every branch of science will work under one leader—the Surgeon General of the Public Health Service, who is expected to become a veritable George Washington of health—to ascertain the cause of every disease which afflicts mankind; and when the cause becomes known, prevention in many cases can be applied and greater success achieved in treating others that defy prevention.

PURPOSES OF THE INSTITUTE

The definite object of the National Institute of Health is to promote the health of human beings, to improve their earning capacity, to reduce their living expenses, to increase their happiness, and prolong their lives. It serves unselfish interests, and its beneficent results will enter every home on earth.

The main purpose of the institute is to arouse our people to the imperative necessity and wisdom of preventing the innumerable diseases that afflict humanity and of making life more comfortable and happy by assuring good health, the greatest of temporal blessings. The practical effect of the legislation is to enlarge very much the work of the Public Health Service, and to enable it to cultivate a much larger field in public-health research.

There are millions of sufferers from painful consuming disease, such as the common cold, about the nature, origin, and cure of which little is known, and which probably causes more deaths and economic waste than any other. A careful statement in regard to the common cold has been prepared for me by one of the ablest authorities and I attach it hereto as part of my remarks as Exhibit A. Others are influenza, before which modern medicine remains impotent; measles, the offending organisms of which have not yet been definitely proven; pneumonia, which is still unconquered; tuberculosis and cancer, which baffle the skill of scientists; child-bed sickness so fatal to mothers; infantile paralysis, which remains a curse to childhood; Bright's disease and diabetes, which are so prevalent among adult men; mouth infections, which are productive of so many general maladies; anemia, mental troubles, heart lesions, and venereal diseases, all of which take heavy toll of human life, the greater number during the most productive periods; and leprosy, life's greatest tragedy, which is only slowly being subdued. A vast amount of research work is awaiting the attention of scientists in the field of health, and its application for the alleviation of suffering.

My friend and colleague, Senator COPELAND, an eminent doctor who for years was health commissioner of the Empire City of New York, well stated the necessity of such an agency as the National Institute of Health when my bill creating it was under consideration. He said:

> There should be one place in the United States where unceasing efforts are being made to conquer disease. It is pathetic to think that infantile paralysis, influenza, and pneumonia are just as fatal to-day as they were a century ago. There must be found means of controlling these dread diseases. The Ransdell bill will help accomplish this * * *. The economic welfare of the country will be promoted, but, better than that, there will be fewer broken hearts and fewer broken lives by the operation of this law. It marks an epoch in the history of welfare legislation.

AGE-OLD FIGHT AGAINST DISEASE

Ever since man achieved civilization he has sought to be healthy. He practiced medicine before recorded history dawned. The story of man's long warfare against sickness and death, of the various beliefs, inventions and agencies which he has utilized, makes possible an illumination greatly to be desired at the present state in the development of science, but only a few facts in this lengthy history may here be observed.

In ancient times man resorted to fetishes and superstitions, but his knowledge of sickness, its causes and cures, was not so narrowly restricted. He took measures to prevent disease, and his knowledge of preventive medicine, crude as it may have been, was far from contemptible. Among the first civilized people, the Sumerians, sanitary conveniences, including cesspools, were in use. Babylon had a sewerage system and brought its water supply a long distance through open channels. In later Babylonian times medicine had become well established; the fees of physicians were prescribed by law. Egyptian physicians practiced various specialties and used minor forms of surgery. The Hebrews, as all Biblical students know, conceived disease as an expression of the wrath of God, to be removed by moral reform, prayers, and sacrifice. They originated medical jurisprudence and are said to have been the first real founders of public health. Prescribing few remedies for disease, Moses was interested chiefly in prevention. The Jews quarantined persons with leprosy and burnt their excreta together with any articles which might be contaminated. The ancient Hindus excelled all other peoples of their time in surgery. The Persians, Cyrus the Great, boiled drinking water on his military campaigns. The Greeks gave the world Hippocrates, the father of medicine, who first described diseases definitely and accurately, and Galen, the founder of experimental physiology. The Romans are remembered chiefly for their achievements in hygiene; they provided ventilation for their houses, practiced cremation, and built drains, public baths, sewers, and great aqueducts.

The fall of Rome and the Dark Ages which followed were marked by retrogression in sanitary science. Sanitation gave way to filth and pestilence. War, ignorance, and brutal prejudices appear to have constituted the ruling spirit, and this period stands out as the most insanitary era in the annals of history.

About this time most of the towns of Europe were built in a compact form, surrounded with walls. The streets were narrow and often winding, shutting out light and air from the houses. The accumulation of filth was appalling. Sewers and aqueducts having been permitted to fall into disuse, the inhabitants were compelled to resort to wells with polluted subsoil water. All the conditions were favorable for the spread of infectious diseases. In the fourteenth century (1345–1351) the bubonic plague claimed a toll in Germany of over a million lives. Venice lost 100,000 of its

inhabitants as victims and Florence 50,000. England lost one-half of its people, and London, a city of 110,000, buried 50,000 in one cemetery. According to Dr. H. H. Moore, public-health economist of the Public Health Service, the deaths from this plague in Europe reached the 25,000,000 mark during the fourteenth century, approximately one-fourth of its population.

The repeated invasion of the bubonic plague appears to have everywhere compelled some sanitary efforts, and an imperial decree in 1426 required the appointment of city physicians throughout Germany, whose duty it was to formulate preventive measures.

In 1685 Prussia established a central medical bureau, and appointments were made of health officers and medical counselors, whose duties consisted in advising the men intrusted with the care of the government on matters relating to public health. About the same time sanitary developments in the nature of widening streets for the purposes of supplying more air and light to the habitations and better methods for the collection and removal of the wastes of human life were introduced; but at best at the close of the seventeenth century the habits of the people in Europe were generally filthy and in striking contrast to those observed among the most untutored savages of the present day.

With the development of the modern factory system of increased production in the latter part of the eighteenth century came also a concentration of the population in certain manufacturing districts, and diseases of occupation and accidents assumed more and more importance. It became apparent in countries like England, France, Germany, and Italy that death was exacting a very heavy toll in many industries. Indeed, the workmen began to believe that steam and speed had not improved their lot in life, and spoke of their condition as being one of slavery and of the factories and workshops as slaughterhouses.

This was not an unreasonable conclusion, when it is recalled that in 1833, less than 100 years ago, in factory towns like Manchester and elsewhere, the youthful population was practically worn out before manhood, and the average length of life of the laboring classes was only 22 years, as compared to 40 among the higher classes.

Toward the close of the eighteenth century sanitary reforms were adopted in some of the European countries, with special reference to infant and orphan asylums and the much-needed prison reforms. Something was also done in 1774 and 1775 toward hygiene in schools. England took the lead in sanitary reforms and other countries followed.

DAWN OF PREVENTIVE MEDICINE

In spite of all the progress man has made since the beginning, it was not until the opening of the nineteenth century that his knowledge of the human body made possible the prevention of any disease. Although in the early part of the eighteenth century the Turks appear to have been practicing for some time inoculation against smallpox, utilizing "matter" from the pustules of smallpox patients, it was not until about the close of the century that Edward Jenner, an eminent Englishman, established for the first time the use of vaccine from cowpox in the prevention of smallpox in human beings.

With the discovery of smallpox vaccine by Jenner in 1796, began the banishment of this disease from every civilized country. In spite of considerable opposition, this method was slowly but surely adopted all over the world. It was introduced in Boston in 1800, in New York in 1801, and in the same year President Jefferson was vaccinated. The result was that smallpox, which, according to the New York Medical Record of July 14, 1894, carried off over 50,000,000 persons in Europe during the eighteenth century and was the cause of one-tenth of all the deaths in New York City between 1785 and 1899, has been practically eliminated except in neglected communities.

Some 50 years after Jenner's discovery two English pioneers in epidemiology, William Budd and John Snow, began independently their remarkable studies of typhoid fever and Asiatic cholera, which led to the control of these plagues. The first discovery of what was later proved to be a disease-producing bacterium was made about 1850, when the French pathologist, Davaine, on examining the tissues of cattle which had died of anthrax discovered the constant presence of minute rods, shown later by Robert Koch, a German, to be the cause of the disease.

LOUIS PASTEUR

It was not until 1857 that Louis Pasteur, a French chemist, discovered, after long years of patient research, the true nature of the processes of fermentation, also a knowledge of the chief maladies which have scourged man and animals, and of the measures by which either the body may be protected against these diseases or the poison neutralized when once within the body. Pasteur showed that the aging of wine by bacteria could be prevented without changing its taste by heating it to a temperature of 55 to 60° C. This principle has since been applied to the preservation of milk, and now much of our milk is kept free from the harmful action of bacteria by this simple heating process, universally known as pasteurization.

Pasteur was the first man to demonstrate beyond dispute that all forms of microbian life have ancestors and a numerous progeny, thereby dispelling the idea that they come into existence spontaneously. He said:

It is within the power of man to rid himself of every parasitic disease.

If this be true, and Pasteur rarely, if ever, made incorrect statements, then it is within the power of our scientists to completely eradicate disease. It was said of Pasteur by the famous Doctor Osler that he is—

the father of modern medicine, one of the three or four greatest characters in the modern world; the most perfect man who has ever entered the kingdom of science.

I am glad to see in my presence at this moment two eminent Members of this body, Senators HATFIELD of West Virginia and COPELAND of New York, who are also eminent members of the medical and surgical profession. I beg of them to carry on with all the force of their being the fight against disease which has been started by the establishment of this Institute of Health. Senators, there is a big task before you to make of this institute the success which its merits entitle it to receive.

Stimulated by and coincident with the successful investigations of Pasteur, Joseph Lister, an eminent surgeon of Edinburgh, became convinced that many wound diseases were probably due to germs, and by using antiseptics he soon established his thesis and paved the way to the present practice of aseptic surgery. His work represents one of the most brilliant triumphs in establishing the germ theory of infectious diseases. Lister was an ardent apostle of the prevention of disease.

Robert Koch, a German, announced in 1882 the discovery of the microorganism of tuberculosis, causing a profound sensation throughout the world. So conclusive was his evidence that in a surprisingly short time it was accepted. The following year, 1883, witnessed the discovery by Koch of the germ of Asiatic cholera, and one year more brought the bacillus of diphtheria, and that of tetanus, together with new and careful studies by Gaffky, Koch's contemporary, of the bacillus of typhoid fever.

EPIDEMIC DISEASES

Until recent times, yellow fever has been one of the most horrible and shunned epidemic diseases in the United States. It appeared in this country 112 times between the years 1702 and 1878, being the most frequent and destructive in the Southern States, especially in the city of New Orleans. From 1800 to 1879 yellow fever, with two exceptions visited the United States every year. During this period the great epidemics were those of New Orleans, in which there were 290,020 cases and 8,101 deaths, and Memphis, with 17,600 cases and 5,150 deaths. Over four and a half million dollars were contributed in 1878 for the relief of the stricken cities of the South. Involving a total estimated loss to the country of not less than $100,000,000, the epidemic of that year cost New Orleans alone over $10,000,000.

The heroic work done by the United States Army under Reed, Carroll, and Lazear, in research work among the yellow-fever victims in Habana in 1900, proved conclusively that yellow fever is transmitted by the Aedes aegypti mosquito. Soon after this discovery the danger of yellow fever in the United States was virtually eliminated, and in 1905, under the direction of Dr. Joseph White, of the Public Health Service, yellow fever was driven from the South. In that campaign the very ablest leadership was displayed, and the whole country obeyed the commands of the service, as voiced by Doctor White.

Within very recent years the terrible menace of typhoid fever has been reduced by the application of scientific knowledge to a small and still reducible fraction of what it was. Figures compiled by the Prudential Life Insurance Co., of Newark, N. J., show that the rate has been reduced from 32 deaths per 100,000 in 1901 to 8 deaths per 100,000 in 1925. The great reduction in mortality from this disease during the last half century is one of the high-water marks in modern sanitary progress.

It is difficult for one who has not made a special survey of the history of diseases to realize under what improved health conditions we now live. It is probable that malaria was more responsible for the decline of the culture of both Greece and Rome than any other single factor. At the present time, due to scientific knowledge, this disease can be controlled. Bubonic plague killed approximately one-fourth of the population of Europe in the Middle Ages. Within a generation the means of its control have been learned. It is scientific knowledge and not mere circumstance which prevents epidemics of this disease in the United States at the present time. Our forefathers feared with reason Asiatic cholera, which is no respecter of climates. Science has made it a vague memory among the people of the United States and Europe, but it is still destroying many millions of lives in India. In colonial days smallpox attacked nearly everyone at some period of life, and those who survived carried the marks the rest of their lives. Now no one needs to have smallpox. Typhus fever prevailed in epidemic form in this country well into the nineteenth century. Now, that science has shown its methods of transmission, serious epidemics need no longer be feared.

These few examples indicate the potency of scientific investigation to combat the menace of disease and to release a greater and stronger man power to do the world's work. Among several scientific aids, the X ray has been of incalculable value in the study of many diseases and has helped materially in their conquest. The record of the past gives certain promise to the future. A vast field lies before the National Institute of Health, and the opportunity for it to be of assistance to man in attaining a greater measure of health and happiness is boundless. Many unconquered diseases so far have defied solution and have caused an increasing number of deaths.

DEGENERATIVE DISEASES

In marked contrast to the decline of the infectious and communicable diseases is the trend of the death rates from degenerative diseases, such as affections of the heart, Bright's disease, cancer, diabetes, mouth infections, and cerebral hemorrhage, to say nothing of influenza and pneumonia. Not only have the rates for these degenerative diseases failed to decline—they have actually increased at a rather rapid rate. These maladies are characteristic of the middle or later years of life. Diseases of the heart and circulatory system have increased from 70 per 100,000 in 1870 to over 300 in 1920. Where Bright's disease caused 50 fatalities per 100,000 in 1870, it now causes almost twice that number. Cerebral hemorrhage was causing 30 deaths per 100,000 in 1870; to-day it is causing 100 deaths for the same number of persons. And cancer, the most dreaded and deadly of this group, is steadily increasing until now more than 100 victims per 100,000 are claimed annually, whereas in 1850 approximately 30 fell victims to it.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from New York?

Mr. RANSDELL. I yield.

Mr. COPELAND. The figures the Senator has just given are very significant. According to his statement, heart and blood vessel diseases cause 300 deaths for each 100,000 of population; Bright's disease, 100; brain hemorrhage, 100; and cancer, 100. That means that 600 persons out of every 100,000 of our population die from these four diseases. Another way of putting it is that about 700,000 American citizens will die during the year 1931 from these four diseases—an amazing number. If a cyclone should wipe out every person living in the District of Columbia, that would be accounted as one of the major disasters of history; and yet, as a matter of fact, more persons will die during this year, 1931, from these four diseases, according to the figures of the Senator, than would die if a cyclone or an earthquake should destroy every living person in the District of Columbia—an amazing thing.

Mr. HATFIELD. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from West Virginia?

Mr. RANSDELL. I thank the Senator from New York for his very interesting contribution to the discussion, and I yield to the Senator from West Virginia.

Mr. HATFIELD. I wish to ask the Senator from New York a question. Has he any data dealing with the mortality from preventable diseases among soldiers during war periods in the past?

Mr. COPELAND. It is safe to say, without bringing in any figures, if the Senator from Louisiana will yield——

Mr. RANSDELL. I gladly yield.

Mr. COPELAND. That more people die every year in this world from influenza and pneumonia than have been killed in all the battles of all history. Yet, as the Senator has stated, these diseases might be studied and means of prevention found.

I think the Senator from Louisiana is to be congratulated that even in the late hours of this session he has taken occasion to tell the people what may be accomplished by the Institute of Health; and he is to be congratulated that he has succeeded in making possible this great institution. I hope that the Senator from West Virginia and I, as he has kindly placed his mantle upon us, may go forward and carry on this work.

Mr. RANSDELL. May I ask the Senator this question: Can we not derive a great deal of encouragement as to the conquering of these diseases from the remarkable discoveries, resulting in the conquest of other diseases, that have been made during the last hundred years?

Mr. COPELAND. We should derive great encouragement from that fact.

Mr. RANSDELL. We have found the cause of a number of epidemic diseases and have practically conquered them. May we not expect the same kind of success against the so-called degenerative diseases if we work hard enough?

Mr. COPELAND. I think we certainly may, Mr. President. It is certainly remarkable——

Mr. HATFIELD. Mr. President, the Senator will remember——

Mr. RANSDELL. I will yield to the Senator from West Virginia in just a moment, when the Senator from New York shall have answered the question.

Mr. COPELAND. It is a remarkable thing that the application in a limited area of what we have learned about diphtheria has accomplished such remarkable results. I hold in my hand the report of the Bellevue-Yorkville district in New York City, the section on the East Side immediately surrounding Bellevue Hospital. In that section the hospital authorities have gone into the homes, have encouraged the parents to have their children immunized, and during the last year and a half there has not been one death from diphtheria in that region. That is what has been accomplished in the case of a disease such as diphtheria. As the Senator says, the same studies and the same

application of scientific training to the degenerative diseases will accomplish what the Senator has in mind; I have no question about it; and it is just such an institution as the one he has succeeded in having established that makes possible the carrying on of that project.

Mr. HATFIELD. Mr. President——

Mr. RANSDELL. I yield to the Senator from West Virginia.

Mr. HATFIELD. As the Senator will remember, the number of deaths caused by preventable disease during the Spanish-American War period was almost on a parity, if not in excess, of the number of deaths caused by casualties.

Mr. RANSDELL. I think that is true; and the cause was largely typhoid fever, was it not?

Mr. HATFIELD. It was largely typhoid fever.

Mr. RANSDELL. And now that can be prevented by means that have been discovered.

Mr. HATFIELD. It can be absolutely prevented.

Mr. RANSDELL. Mr. President, an examination of medical literature for the past 40 years will reveal the enormous preponderance of interest in communicable diseases which tended to occur in epidemic form. The reason for this deviation of interest is apparent. For the first time in the history of science methods had been devised and placed at the disposal of investigators for discovering the microscopic agents which caused these diseases. Before this time the diagnosis and treatment of these maladies had necessarily been more or less empirical. Now they are in the way of becoming both accurate and rational. Research agencies were naturally attracted by this immensely and immediately productive field of work, and threw the bulk of their energies in their direction.

This concentration of interest could not occur without a compensatory neglect of noncommunicable diseases which showed no tendency to occur in epidemic form, although the aggregate of cases might far outnumber that of some of the acute epidemic diseases.

Despite this relative neglect of the degenerative diseases some investigation has been carried on and some significant contributions of knowledge have been made, but these have not been proportional to the importance of the subject. Moreover, it is doubtful whether any of these investigations have yet been carried far enough to result in definite preventive measures which could be characterized as more than palliations. The older-age groups are prone, for example, to diabetes, although young people often fall victims to it; also to heart disease and cancer. The discovery of insulin, although it has been followed by relief and prolonged life to thousands of sufferers, offers no solution for the prevention of diabetes. The discovery of low-grade infections as prominent causes of heart disease must be followed by far more searching studies before it will become of maximum utility in the avoidance of heart diseases. The very extensive and admirable study of cancer has not yet succeeded in telling the essential causes of this affliction or pointing a way to escape it. And so, throughout the range of the degenerative diseases, far more information is essential to control, and this can only be expected to follow upon further intensive study.

VITAL AS COMPARED WITH MATERIAL WEALTH

In a report by the Surgeon General of the Public Health Service in 1927 it was stated that the mere financial loss from preventable sickness and death amounts to more than $3,000,000,000 annually in the United States.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. RANSDELL. I yield.

Mr. COPELAND. I think the Senator is very modest in saying that, because very recent figures I have seen indicate that the economic loss is twice that—$6,000,000,000. Of course, that is a staggering figure; and I think the Senator is very modest in placing it at three billions.

Mr. RANSDELL. That is many times the loss in business, I assume, crops and manufacturing and anything of that sort; is it not?

Mr. COPELAND. The total earning capacity of our people is only ninety billions, everything added together.

Mr. RANSDELL. This loss is distributed as follows: Through preventable deaths, not less than one and one-half billions; through preventable illness, at least six hundred millions; through decreased efficiency induced by physical defects and minor ailments, at least $1,000,000,000. This enormous wastage, however, is far from expressing the actual loss, which involves factors not expressible in terms of money—the suffering, anxiety, and disturbed human relations which are incident to sickness and death.

Other studies reveal the fact that on the average about 2 per cent of the population is incapacitated on account of sickness all the time, or—what amounts to the same thing—that on the average a person is sick a little over a week during the year. This refers to readily recognized and acknowledged illness and takes no account of the disabilities which impair production but do not incapacitate, and of which the affected individual may not be aware.

If the foregoing figures roughly represent the wastage, the balance representing the health of the Nation must represent an asset far surpassing in importance any other consideration.

The economic value of a human being has been determined by a number of statisticians, and the sum total of these values in this country largely exceeds the estimates of the national material wealth.

Doctor Dublin, of the Metropolitan Life Insurance Co., has stated that the total vital assets—the men and women of our country—amount to about a trillion and a half dollars, whereas our national material wealth in 1922 was about three hundred and twenty-one billions. This includes real property, livestock, machinery, agricultural and mining products, and manufactured goods of all sorts. Our vital capital, therefore, exceeded our ordinary material wealth about 5 to 1. To-day's mail brings an interesting letter from Doctor Dublin, with copy of the report referred to therein, entitled "Public Health Service—A Sound Investment," and I ask that it be published as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit B.)

Mr. RANSDELL. Another measurable factor in estimating the importance of the human asset is the purely physical output per fuel limit. Merely on the basis of muscular output man is still superior as an energy producer to the great bulk of the machinery which he has invented. Per pound of fuel, a man produces more mechanical energy than a steam engine or dynamo.

The most forcible argument in this connection may perhaps best be put in the form of a question: Of what profit are all the advances in material prosperity if their results are to be directed and enjoyed only by sick people? Good health is essential to the full enjoyment and development of all the material benefits which science has made possible, and therefore becomes the indispensable factor which makes them worth while.

It has been possible by means of scientific research to discover the causes of many diseases, and from this knowledge to develop rational methods of preventing much sickness, developing more effective cures, postponing death, and adding to the enjoyment and productiveness of human life.

Evidence of this is available on every hand. The purely empirical methods of attempting to control disease which prevailed before the advent of scientific study accomplished little or nothing of their purpose, while the knowledge of causes and methods of transmission has made possible rational and effective methods. A number of examples could be cited—yellow fever, typhoid fever, diphtheria, malaria, and many others.

In the registration States of 1900 the general death rate (all causes) decreased from 17.2 per 1,000 in 1900 to 13.9 in 1920, a decrease of 19 per cent in the 20 years. In 1925 the death rate in the entire registration area (including 89 per cent of the total population of the United States) was 11.8 per 1,000, a decrease of 31 per cent in the 25 years.

The decrease in the death rate may be expressed as an increase in life expectancy. The expectation of life at birth or the average length of life in the United States increased from 49 years in 1900 to 56 years in 1925, an increase of 18 per cent in 25 years.

UNITED STATES LAGS IN DEATH RATE

Here is something I wish everyone to listen to carefully: Proud as we are of our commanding position in so many fields, in health matters nine countries throughout the world excel us in so far as death rates are concerned. According to figures released by the Prudential Life Insurance Co.—

New Zealand, with a rate of 8.1 per 1,000 during the years 1921–1925, had decidedly the lowest rate, Australia and the Netherlands being second with a rate of 9.4. Then come in order the Scandinavian countries—Norway with 9.5, Denmark and Sweden with 9.6. Ontario ranks seventh with a rate of 10.3, England and Wales eighth with 10.9, Switzerland ninth with 11.4, and the United States tenth with 11.7. In other words, there are nine countries among those under consideration which had a lower death rate than the United States. Even if we consider only the white population of this country, we find that the rate was 11.2 for the last five years, still leaving eight countries with lower rates. It may be said in passing that the death rate among our colored population, which comprises more than a tenth of the total, was 16.6 for the same period.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. RANSDELL. I gladly yield.

Mr. COPELAND. If public health is purchasable—and that it is purchasable is the testimony of the sanitariums—is it not rather a shameful confession we make that the United States stands ninth or tenth; that eight or nine other countries are ahead of us in their control of disease?

I am sure the Senator agrees with me that there is something wrong with our record when, instead of standing first, we are away down the line.

Mr. RANSDELL. It is very shameful, and I will say to the Senator that that is absolutely true when it is considered that we are beyond question the first in material development, the first in wealth; and here in this vital thing, the most vital of all—human health, which is so necessary to human happiness—we are tenth.

Mr. TYDINGS. Mr. President——

Mr. RANSDELL. I yield to the Senator from Maryland.

Mr. TYDINGS. We are all very much interested in the address of the Senator from Louisiana, because I believe that he has devoted more time to the consideration of this subject than perhaps anyone else in Congress, with the possible exception of our friend from New York [Mr. COPELAND]. I was wondering, however, as the Senator read the death-rate percentages, whether the figures in the United States did not include those persons who were killed in accidents, such as by automobiles and by railroad trains. I wanted to inquire of the Senator, if that was the case, what our disease death rate was as compared with these other countries, leaving out those who met accidental deaths through automobile accidents, railroad accidents, and similar accidents.

Mr. RANSDELL. I will say to the Senator that I was quoting from a very interesting report made by the Prudential Life Insurance Co. giving the mortality rates.

Mr. COPELAND. That is disease alone.

Mr. RANSDELL. I understand that it was disease alone. I may be wrong on that, but it is my understanding that it was the disease statistics, not those of accidental death.

Mr. TYDINGS. Then, if that be true, the figures presented by the Senator from Louisiana are even more significant, because I should imagine that deaths by accident in the United States are perhaps higher than in any other country in the world, first because of the great number of vehicles that we have in this country, and, secondly, because we have more large and rapidly growing cities than have other countries. Therefore, if the Senator's figures deal with diseases alone, the observation which he has made is even more striking than at first appears.

Mr. RANSDELL. I thank the Senator for his contribution.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from New York?

Mr. RANSDELL. I do.

Mr. COPELAND. I should like to say, in view of what the Senator from Maryland has said, that the most amazing thing is that the rural death rate in the United States is greater than the urban death rate. The Senator has said that public health is purchasable. In the cities they are spending the money to make available these means of living, the control of disease, and so forth, so that the death rate there, for instance, among infants, is much less than it is in the country.

So I think what the Senator has said is a very significant thing. It is an evidence that in the United States of America, progressive as we are, rich as we are, scientifically trained as we are, we are failing to make that application of our knowledge to the control of disease.

Mr. TYDINGS. Mr. President, will the Senator yield again?

Mr. RANSDELL. I yield.

Mr. TYDINGS. I may say to the Senator from Louisiana that, impelled by somewhat the same motive which I am sure impels the Senator now, namely, the preservation of human life, I felt that a better solution of the prohibition situation could be had than that which we now have, because the figures of the life-insurance companies show that since we have adopted national prohibition the death rate from alcoholism has been increasing each year, and although sometimes we appear to be on the wet side of a thing purely for the wet things which we might get through a change in the law, I want to say that as far as I am concerned that was not considered. The welfare of humanity, as exemplified by the death rate, was the thing I tried to bring to the fore. The figures did show that a comparison between the death rate from alcoholism in Quebec and the death rate in the United States demonstrated that our death rate, because of deaths from alcoholism, was eight times that in Quebec among the policyholders of the Metropolitan Life Insurance Co. It seemed to me that we could serve humanity, not by opening the saloons again, not by the unrestricted dispensation of liquor, but by taking a little more humane and forthright and tolerant view of this question that we could conserve what the Senator has always shown to have uppermost in his mind.

Mr. RANSDELL. Mr. President, the Senator may be right in his view on that question. I shall not attempt to controvert it. He is so much better authority on matters relating to prohibition than I that I would not even venture to enter into a debate with him on the subject. But I thank him for his contribution to my speech.

Mr. BARKLEY. Mr. President, the Senator from Louisiana does not intimate that the Senator from Maryland is a spirituous expert?

Mr. RANSDELL. I can not say what kind of an expert he is.

Mr. ROBINSON of Arkansas. What kind of an expert did the Senator from Kentucky say?

Mr. BARKLEY. A spirituous expert.

Mr. RANSDELL. He did not indicate that he was, in the sense in which the word "spirituous" is usually employed.

CHILD DISEASES

In spite of the fact that we have materially lengthened the span of man's life as an average—from 49 to 56 years in about two decades—we have done but little to give him a greater life expectancy during his most productive years. Giant strides have been made in reducing infant mortality, which is most commendable, and these tender lives, lengthened into periods of usefulness, are added to the general average, thus raising it 7 years in the past 25. Extensive studies into the causes of certain diseases affecting children have been made by the child hygiene section of the Public Health Service. Dr. Blanche Sterling, medical officer in charge, has prepared a very interesting report on the sicknesses afflicting children from birth to 15 years, which report I submit herewith and ask to have printed as a part of my remarks, as Exhibit C.

While we have made remarkable advances in checking and in some instances even eradicating communicable diseases, little has been accomplished in alleviating the sufferings

incident to the sicknesses which attack man during his mature years. In this field alone the National Institute of Health can assume much-needed leadership, harmonize the divergent paths traveled by experts in different lines of medical endeavor, and be the most potent means in bringing about a reduction of such complaints as come under the general heading of degenerative diseases and which have already been specifically mentioned.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from New York?

Mr. RANSDELL. I yield.

Mr. COPELAND. I think that what the Senator has just said should be emphasized. The public in general is very comfortable in the belief that disease is less fatal and the span of life longer. However, as the Senator has pointed out, it is the expectancy of life which has increased by reason of the improved conditions in child life. The average expectancy has changed. But in the mature years, in the years represented by the membership in the Senate, the prospect of death from disease is just as great at this period of life as it was a half century ago, and I think that fact should be made clear to the public, because we are not progressing so happily as we might. The degenerative diseases which have been mentioned by the Senator are so fatal and so conspicuous as causes of death that we need to have renewed activity and continued activity, as we hope to have out of the institute of health, to overcome the menace of those ailments.

Mr. RANSDELL. Mr. President, the Senator's statements are absolutely correct.

PRIVATE INSTITUTIONS AND THE PUBLIC HEALTH SERVICE

Private institutions, such as the Rockefeller Foundation, which has done truly wonderful work in trying to completely eradicate yellow fever, malaria, and hookworm from the world, also many hospitals and schools have carried on fine research along some lines of health endeavor, but their efforts have not been coordinated; they have not reached into all health problems, and though humanity has been greatly benefited there is crying need for an organized, concentrated effort to include every form of disease.

No public or private agency is so well qualified to lead this movement as the Public Health Service; and the pivot upon which it turns is the National Institute of Health.

The Public Health Service was established in 1798 as the Marine Hospital Service, it being the first medical service which the United States Government set up. It was originally intended only for the medical care of American seamen, but other duties were assigned to it as the need for Federal activity in the health field became apparent. It now operates foreign quarantine stations on all seaboards and borders, having superseded the efforts of the individual States in this direction, in the interest of uniformity and the maintenance of treaty relations with foreign countries.

The service operates a division of scientific research, under which studies of many of the public-health problems are carried out both in field investigations and the National Institute, formerly the Hygienic Laboratory, which has been in active operation as such since 1901. The subjects, studies, and publications dealing with them are too numerous to review, even by name. They touch upon every phase of health work, but necessarily have been limited in scope and extent. Some of its outstanding contributions have been as follows:

First. It has demonstrated the cause, prevention, and cure of pellagra.

Second. It has devised and demonstrated cheaper methods of malaria and mosquito control.

Third. It has revised, prepared, and distributed a vaccine for the prevention of Rocky Mountain spotted fever, a disease which appears to have a much wider distribution than was at first suspected.

Fourth. It has made studies in various branches of industrial hygiene, resulting in increased protection of workmen and the saving of turnover to industry on account of sickness.

The past record of the Public Health Service indicates that it is the agency par excellence to lead in this great public-health movement, and that Congress acted wisely in confiding to it the entire management and direction of the National Institute of Health.

The Public Health Service now has a large corps of trained personnel engaged in scientific investigations in many parts of the country, which can be most effectively used as a nucleus for developing the necessary organization to undertake the proposed researches in the National Institute of Health. Such studies require persons with special training in a number of different fields, thus affording a converging mode of attack upon the problems under consideration. This includes medical officers, psychiatrists, dentists, chemists, biologists, pathologists, physiologists, epidemiologists, statisticians, and other specialized workers.

Not only does the Public Health Service have in its ranks many experienced and scientific workers, but it also has laboratory and other equipment that is being used to great advantage in research work.

We can not say too much about the work of the United States Public Health Service, which for many years has aided the States in times of epidemic, has made exhaustive studies in health conditions, and in general has been an important factor in reducing mortality in this country.

PRESENT CRITICAL CONDITIONS

The Nation is now undergoing one of its greatest crises. To the normal rebound which comes after all periods of great prosperity and unlimited wealth, has been added the weight of nature's wrath in the form of the worst drought ever to afflict the Republic. Spurred by traditional generosity and full of compassion, the American people, under the leadership of the Red Cross, have come forward to relieve the distress of their suffering fellow men, and Congress has poured forth millions in order that no citizen may needlessly suffer. In the wake of this period of want and misery will follow a toll of sickness and death awful to contemplate. An important part of the duty of Congress is not only to give immediate relief to these citizens but to afford them protection from the ravages of the maladies that afflict the undernourished; and this can be accomplished through generous appropriations to the Public Health Service.

Mr. COPELAND. Mr. President, will the Senator yield again?

Mr. RANSDELL. I yield.

Mr. COPELAND. The Senator has just made a significant statement. He has referred to the effect of economic distress upon the development of disease. I have no doubt at all that following the present depression there will be a material increase in those diseases which are dependent upon undernourishment, particularly tuberculosis. I can see nothing else in prospect, as I look upon the situation, except an increase in the spread of that disease. As the Senator has so wisely suggested, this is a time when every public-health agency, particularly the United States Public Health Service, should be generously supported in order that the ravages of that and other diseases dependent upon economic depression may be controlled.

Mr. RANSDELL. I thank the Senator.

The county and parish health officers throughout the country have a very deep interest in the Health Institute. They now cooperate closely with the Public Health Service, and improved methods of research resulting in improved cures and preventive means developed by the institute will aid these health officers in their noble work among our people.

The practical good emanating from the institute thus becomes apparent when we realize that millions of people are contacted yearly by these health officers. The field is limitless and the opportunity to add to our national happiness boundless. I earnestly appeal to you, my colleagues in Congress, to be generous in your appropriations to this the greatest altruistic institution the world has ever known. I ask you to exhibit at least half as much generosity toward helping eradicate human diseases as you have shown in assisting to solve the problems of plant and animal life.

The wise Disraeli said:

Public health is the foundation on which reposes the happiness of the people and the power of a country. The care of the public health is the first duty of a statesman.

Let me add that good health is the most precious of earthly blessings. Nothing can take its place. With it one can enjoy life amid great hardships. Without it vast wealth can not bring happiness. To attain this invaluable blessing we should strive so earnestly that when our earthly careers are about to close each and everyone can say, in the language of Pasteur, "I have done what I could."

EXHIBIT A

THE NEED FOR FURTHER RESEARCH ON COMMON COLDS AND RELATED CONDITIONS

It is a lamentable fact that medical science has not as yet found any preventative or cure for the most frequent of human diseases, namely, colds and related disorders. Only in the last decade, in fact, has this group of diseases been seriously studied, and credit for initiation of fundamental researches on the subject should go chiefly to the United States Public Health Service. Thanks to these investigations, we have at present reliable data not only on the prevalence of these infections but on their geographical distribution, as well as their frequency in different ages and at various seasons of the year. Data are available for the general population, for college students, and for a number of industries.

As a cause of disability among industrial concerns this group of diseases takes first place. A 10-year record of absences in the Edison Electric Illuminating Co., of Boston, for example (as studied by the United States Public Health Service), revealed an annual loss of 3.2 calendar days of disability from respiratory diseases per male employee. These diseases accounted for 47 per cent of time lost and 54 per cent of absences due to illness. The great majority of illnesses classified as respiratory are included under the headings of colds, bronchitis, influenza, and grippe. Obviously the financial loss to industry is tremendous. With an average daily wage of only $2 a day, the cost of respiratory illnesses during a period of one year must closely approximate $64,000,000 among 10,000,000 employees. Such an estimate is, however, uncertain at best. Likely the loss is even greater. It is known that differences in the incidence of respiratory diseases and the severity of such illnesses as measured by the death rates exists both in different localities and in different groups of industrial workers. There is, therefore, an urgent need for study of the factors which cause these variations. Even a small degree of success in the prevention of these illnesses would contribute greatly to the number of days that the industrial population is able to work, as well as to the prosperity of the Nation.

There is no doubt of the relationship of epidemic influenza to such serious diseases as pneumonia, and to inflammation of the air sinuses connected with the nasal passages and of the middle ear. The uncertainty is with regard to the relationship of so-called common colds with influenza. Very likely a considerable proportion of ordinary colds are in reality the same disease as influenza—the interepidemic and milder forms of epidemic influenza. This possibility gives colds a great importance, not only as a cause of financial loss but as a primary cause of death. Scientists believe that further experimental work is urgently required to learn just how closely, if at all, colds and influenza are related to one another.

Among children colds frequently result in infections of the middle ear—less frequently among adults. Such a complication results at times in impaired hearing and may cause death from involvment of the mastoid cells and the coverings of the brain. It is known that respiratory illnesses have their highest incidence among children, particularly during the ages under five years. During a period of 52 weeks during 1928–29 the number of colds experienced by these ages averaged 4.8 colds per person among a group of families studied in Baltimore, Md. At present we have no method of measuring the effect of these illnesses in weakening and predisposing the body to other fatal diseases of childhood and later life. However, it seems certain that they do play an important part and that the discovery of measures to successfully combat colds will result in lowering the incidence as well as the mortality from other diseases.

Our present knowledge of the treatment and prevention of colds is very vague. General measures aimed at increasing the resistance of the body, rather than a direct attack on the disease itself, have been the vogue for many years. The reason for this is because no specific method of prevention or cure exists. The previous discussion emphasizes the need for such a specific, both from the standpoint of economic loss and from physical suffering and death. It is only by careful and ceaseless research over many years that these results may be attained. The need for such work can not be questioned.

Recent researches supported by the Chemical Foundation of New York at Johns Hopkins and Columbia Universities have demonstrated the value of the experimental approach to these problems. It is believed that the etiologic cause of colds, namely, a filterable virus, has been discovered. This result is, however, only a step toward the ultimate goal. Final solution of this important problem can only be obtained by untiring and thorough studies of the many interrelating factors of respiratory illnesses.

EXHIBIT B

METROPOLITAN LIFE INSURANCE CO.,
New York City, February 25, 1931.

Hon. JOSEPH E. RANSDELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR RANSDELL: I regret very much that because of absence from my office on account of illness I have not been able to reply before this to your interesting letter of February 12. I find that my secretary has already sent you a batch of materials which should be of some assistance in preparing your address.

To one paper which was not included I would ask you to give special attention. I am attaching the manuscript of my address entitled "Public Health Service—A Sound Investment." I think it is exactly what you want. You should know that this paper is to appear in the American Journal of Public Health in May, and if you should desire to use it and print it as a Government document, I would ask you to be good enough to so indicate in a footnote on the first page.

Please let me know whether you find this paper helpful and also if there is any additional material which I can send you. I need hardly say that I am intensely interested in your effort to build up the National Institute of Health and to further public-health service from the Federal standpoint. You have done a mighty work and deserve the grateful appreciation of all of us.

I am, with high regard, sincerely yours,

LOUIS I. DUBLIN, *Statistician.*

PUBLIC HEALTH SERVICE—A SOUND INVESTMENT

(By Louis I. Dublin, Ph. D., statistician Metropolitan Life Insurance Co., New York)

Public-health work in America has developed with little regard to its cost or to its value as an investment. It has grown primarily out of a generous desire to care for widespread illness and to check the spread of the more spectacular infectious diseases. Every epidemic of yellow fever, of smallpox, and of cholera strengthened the limited powers of the health authorities. The activities they inaugurated were common-sense reactions to the pressing needs of a dangerous situation. Later esthetic considerations played their part. The growth of our cities demanded the removal of rubbish and of other wastes, and this soon became a recognized function of many health departments. It was only in comparatively recent years that such activities as public-health education, child hygiene, nursing, infectious-disease control, and the others which constitute the routine of our best departments to-day were added one by one. But even where the work has been most extensively organized, there has been very little recognition of the economic advantages accruing from this type of service.

No wonder, then, that the public-health program has been extended in a halting fashion and has nowhere reached its full potentialities. The claims of health officers have not always been particularly convincing. There has been considerable hesitation to spend public funds on plans which often seemed tentative and experimental in character. To justify the widening scope of health service, I intend in this paper to consider whether it is not, among other things, a sound business proposition. The time has now come when we can evaluate in monetary terms the claims of public-health effort. Public-health work can be justified very much as are other communal services, such as the paving of our streets, the building of roads, and the establishment of fire departments. These undertakings pay for themselves and bring a return more than sufficient to meet their cost. I propose to show that certain phases at least of the public-health program are among the most profitable investments in which a community can place some of its funds. In fact, it is not difficult to prove that the financial returns are often out of all proportion to the cost of the effort and justify much larger outlays than even the most progressive communities have made.

I

Everyone will agree that human life has value, not only sentimental, but actual economic value. The view that men, women, and children should be looked upon as community assets is rapidly spreading throughout the civilized world. Learned books have been written to show that human life in the aggregate is the community's greatest asset, far transcending material possessions of all kinds. There is, in the first place, good indication that human beings have economic value based on the fact that it costs a great deal of money to raise them to the point where they function as productive individuals. Parents ordinarily spend large sums of money to bring their children into the world and to feed, house, clothe, educate them, and to give them all the other things that are a necessary preparation for good citizenship. Having in mind that large group of people who constitute the average of our population, it costs about $10,000 in actual cash to provide even the very modest requirements of a growing child up to the age of 16. There are, of course, large numbers of children on whom much more is spent; but, broadly, one can consider $10,000 as a figure fairly representing the cost of bringing a child to maturity in the United States to-day.

Now, it may be argued that money spent on an individual is no measure of his economic value and perhaps a good case could be made out for that point of view. Parents spend money on their children not because they expect a good return on the investment, but because they love them and wish to serve them. After all, the best proof that human beings have economic value lies not so much in their cost but rather in their capacity to produce. We shall avoid debatable ground in attacking the question of the money value of human beings by considering them in their specific relationship to other individuals and on this basis determine their value to their relatives. The commonest relationship is that of the breadwinner to a dependent wife and child. The average wage earner has very obvious money value to such dependents and it is ordinarily a relatively simple problem to calculate the value of this wage earner to his dependents. It will depend upon the man's annual earnings and his age, for his age determines his probable after lifetime. Doctor Lotka and I, in our recent volume entitled "The Money Value of a Man," have produced a series of tables which give the money value for persons of various earning capacities at different ages of life. For example, the money value to his family of a man 30 years old in the $2,500 income class is $31,000; for one in the $5,000 income class it is nearer $50,000. In other words, it would take that much money put at interest at 3½ per cent to produce for a body of persons at a stated age, the total net income which they would earn for the rest of their natural lives. For those belonging to the higher income classes the economic values to dependents are very much greater.

Such economic value of human beings to their dependents is well understood and is universally granted by the laws and our courts. Whenever an injury is done to an individual through the fault of another, he or his dependents can collect damages which bear some relation to his economic value. More and more, the courts are inclined to take into consideration authentic figures of economic value and make them the basis of awards, rather than to leave the adjudication to sentiment or to the effect of eloquent pleas to juries. The main point here is that human beings, men, women, and children, have economic value as individuals, and that in the aggregate such value transcends all other values. There is no greater asset in any community than the human beings who make it up. When some of them are destroyed or put out of action, the community thereby loses some of its wealth. When they are preserved and brought up to maturity with the least amount of wastage, the community profits and becomes enriched through the added productiveness of its citizens.

II

An interesting and instructive application of this principle that human life has money value is found in the legal cases now rapidly accumulating in which damages have been awarded against private companies and against cities which have supplied drinking water that was polluted, and hence responsible for typhoid-fever cases and deaths. It is now a settled principle of law in the United States, confirmed by the appellate court in a case against the city of Albany, that a private company or a city acting as a corporate body which supplies water for human consumption must exercise every reasonable precaution to render it safe. If it is negligent in this obligation and injury results to a consumer, it may be sued for damages. The first legal case on record, apparently, followed an epidemic of typhoid fever in Ashland, Wis., in 1893–94, which was directly traced to an infected water supply. The widow of one of the victims brought suit against the water company and was awarded $5,000 damages. Even more famous in establishing this principle of law was the case of Keever v. the City of Mankato, Minn., in which damages to the amount of $5,000 were awarded in 1910 against the city because of a typhoid-fever death resulting from the pollution of the water supply. A number of similar cases have occurred since then; but, on the whole, these important precedents have received much less attention than they deserve from health officers. In 1920, following a typhoid epidemic in Pittsburg, Calif., the supreme court of that State awarded nearly $33,000 in damages to 19 plaintiffs who had suffered from the disease. The largest penalties on record are those against the city of Olean, N. Y., which two years ago suffered from an epidemic of typhoid fever in which 212 cases and 18 deaths occurred. It was necessary to vote a bond issue of $350,000 in order to pay the claims and in 1930 this same city requested permission of the State legislature to issue bonds for an additional $75,000 in order to cover its losses.

It is true that these cases all center around the responsibility of the community to protect citizens from typhoid fever. To what extent is this principle of responsibility applicable to other situations in which the municipality has taken over the control of community needs? It is a fact recognized by everyone that, in the complex life of our cities, the individual is quite unable to protect himself and his children against infection from a host of diseases and conditions. This is the justification and warrant for the health department. Consequently, the individual looks to the organization of his city or county to protect him. In so far as such obligations are assumed by the organized agencies of government, the question may well be asked whether injury resulting from neglect of such responsibility may not justify damages in the form of compensation to the injured parties. While there have been no such cases and while there may be legal considerations which rule out such claims, it would seem that this possibility should be carefully considered. Once the principle of financial responsibility is widely established, public-health work will be placed on a more permanent and secure basis than it has hitherto enjoyed.

III

I raise these questions because they illustrate in dramatic form the thesis which I am elaborating, namely, that human life has great economic value and that public-health work, as it has developed, has long been and is now becoming to an ever-greater degree a conserver of such values. But long before the thesis that public-health work may well be regarded as a public investment was elaborated and before cases of damages occurred, proof had accumulated that the neglect of the public health was poor economy. The history of sanitary effort, as it has developed during the last 50 years, is replete with achievement. Though everyone is more or less familiar with the progress of the health-conservation movement, it may be desirable to rehearse some of the principal public-health activities which have resulted in a widespread reduction of sickness and of premature death.

First of all, typhoid fever has been almost completely controlled in the United States. It is but a short time ago that epidemics of this disease ravaged the countryside and took a heavy toll even in our large cities. As late as 1900, the death rate from this cause was 36 per 100,000 population in the registration area and it was unquestionably very much higher in the rural nonregistration States. Each death represented at least 10.

Many readers are old enough to recall the epidemics of typhoid fever in Cincinnati, Philadelphia, and Pittsburgh, and any number of other communities, in which thousands of cases and hundreds of deaths occurred because the water supply was polluted, and because little or nothing was done to prevent the spread of the disease through secondary infection. It was perfectly clear that such conditions could not long continue if the cities were to grow and prosper as residential and business centers. Finally excellent water systems were installed in the larger cities and as a result of better supervision and chlorination of water when necessary, the typhoid fever rate dropped in an amazing manner. The death rate was only 5.5 per 100,000 in 1927; for the urban part of the population it was only 3. In some communities, like New York, where hundreds of millions of dollars were spent on the water system, barely a case of typhoid fever or a death which could be traced to the city's water supply has occurred in a number of years. Because of its wise sanitary precautions this city, like so many others, has been enabled to grow to an extent consistent with its economic possibilities. Altogether, the experience has been so favorable that there is little danger at this time that any large community in the country will be tempted to skimp on the expenditure necessary to supply its citizens with plenty of good water. It does not require damage suits to prove that this kind of public-health work pays for itself and handsomely.

Other conditions have been attacked by the health authorities with similar success. The control of malaria is an excellent illustration of the large financial returns which have resulted from well-conducted public-health effort. This disease was until recently widespread over the Southern States. It lay like a heavy weight on the country sapping the energy of large populations, and in certain areas rendering them virtually nonproductive. Then came the new technique for the study and eradication of the disease. This was launched largely under the direction of the public-health movement and demonstrated not only that malaria could be controlled but that it cost a sum so small as to be out of all proportion to the value of the lives thus protected. Results of malaria campaigns are quickly discernible. In a number of demonstrations the morbidity rates from malaria have been reduced to a third in the short period of two or three years. The effort of the International Health Board of the Rockefeller Foundation in this field has been extremely significant. According to its reports, the usual methods of drainage, screening, and treatment of infected cases may be carried out at a per capita cost of from 45 cents to a dollar a year. This amount is, of course, only a fraction of what is gained through the reduction of cases and the prevention of deaths. In fact, it is not too much to say that the campaign against malaria has resulted in a complete change in the economic and social life of large areas in our Southern States. Many of the new industrial efforts, so characteristic of the new South, are entirely predicated on the elimination of malaria, as well as of typhoid fever and hookworm, the three scourges which have so heavily afflicted this part of the country.

Successful results have likewise attended the campaigns of health departments during the past 25 years to reduce infant mortality. By means of popular education and the service rendered in baby health stations, the mortality of infants has been reduced to less than half of what it used to be; so that now the infant mortality rate is under 7 per cent. There has been no greater contribution to the welfare of the community than the saving of this number of potentially valuable human lives. Nor has this effort of the public-health movement been limited to the first year of life. The same services have led to marked reductions in the mortality and morbidity of children in the pre-school years from diarrhea and enteritis and from other infections. The whole campaign of child welfare has been built around an attempt to safeguard the infant and to stimulate the growth of children into healthy and productive citizens. The child-health campaign will on careful analysis be found to have paid for itself many times over.

A claim equally far-reaching can be made for the campaign to control tuberculosis. I need not recount all the efforts which have gone into this movement. The work has not been done by health officers alone; but it is to the everlasting credit of a few farsighted public-health authorities that the entire program was organized and other groups in the community encouraged to aid the movement. Altogether, an amazing success has been achieved. In the short period of 30 years the death rate from tuberculosis has been reduced to about a third of what it was, and at the present the rate of decline is faster than ever. The gains to the country economically and socially are incredibly large. Tuberculosis used to be one of the chief causes of poverty. Social workers were in the habit of tracing the origin of many of their relief cases to its ravages. To-day relatively few such cases come to their attention; other conditions now cause the trouble.

The more recent efforts of health departments also have important economic aspects. Less than a decade ago they initiated a campaign to eradicate diphtheria, the intensive development of which goes back only three or four years. Already this disease is being erased from the list of community health problems. Active campaigns of immunization have been strikingly successful. In some cities the current figures show a reduction of 50 per cent and more during the last year or two. The death rate, which in 1910 was 21.4 per 100,000 of population in the registration area, will this year probably be close to 5. Apparently, the complete elimination of diphtheria is only a matter of a few more years. All that is required is the effective routine of educating parents to immunize every young child.

I could go on and refer to the promising efforts to reduce pneumonia, to the newer work against certain forms of heart disease and the venereal diseases, all of which show real achievement and point to even greater success in the future. Possibly, however, the largest gains will come from the efforts of health departments to inculcate a new conception of personal health among the great mass of the people and to teach the lesson of preventing disease by keeping physically fit. Whether the work is directed to the control of infection or takes the form of education, the result is pretty much the same. Life is being guarded from disease and premature death and life is being conserved on an enormous scale. We need only look back to the condition of 30 years ago. At that time, the death rate of the country was 17.6 per 1,000 annually. It was only 12 in 1928, and will be appreciably lower this year. This in itself represents an immense annual saving of lives. Possibly one may best appreciate the significance of this change by noting the extension in the average duration of life during the interval. In 1901, the mean length of life at birth was 47 years for males and 50 for females. In 1927, the corresponding figures were 57.9 and 61, a gain of about 10 years for each sex. These gains are fortunately not mere additions to the period of useless old age, but rather represent years of activity and production achieved through eliminating much premature death.

IV

It is obvious that, human life being worth what it is, its saving on an immense scale has increased the wealth of the country. For example, the gain in expectation of 10 years during the interval since the beginning of the century means an increase in the money value of a man of well over $1,000. Under the conditions prevailing in 1901 a person of age 20 in the economic class in which the maximum annual earnings were $2,500 would have a money value to his dependents of $28,800. At the present time—that is, under current mortality conditions—a person at the same age would be worth $30,200. In other words, there is a gain of $1,400 in the value of an individual because of his longer productive lifetime. A similar gain is credited to each year of age up to age 30, and even at age 40 the greater life expectation means a gain of $550 an individual. In other words, when we prevent disease and postpone death we are adding large and very tangible money values to the wealth of the community. Enormous gains to individual families, and consequently to the Nation, result when public-health activities function fully and effectively. There is every reason to believe that these gains have played a very large part in bringing about a higher standard of life and a more diffused prosperity to the people of the United States. Those who live longer, less harassed by preventable disease, can work more, produce more of value, pay larger taxes, and play an altogether more valuable part in the life of the Nation.

I do not for a moment assume that all the lives saved and all the cases of disease prevented have been due to public-health activities. Other factors have undoubtedly played their part; but no one would deny that it is to the organized health agencies of the country, whether under public or private auspices, that we owe our greatest debt. It is particularly interesting that these health agencies have performed their services at a cost so small as to be almost negligible. It has always amazed me to see how minimal the figures are which have produced results so important to the national economy. According to recent studies in a group of 183 cities, the average expenditures for public-health work were highest in the largest cities. In those with 100,000 and more the average health-department appropriation, exclusive of hospital care, was about 62 cents per capita. In the cities between 30,000 and 100,000 the appropriation was 52½ cents, and in those between 10,000 and 30,000 only 47 cents per capita. These figures do not include the expenditures of the voluntary agencies. In another group of 108 cities which were enrolled in the health-conservation contest launched by the Chamber of Commerce of the United States last year the per capita figures were somewhat higher. The average expenditure of the health departments in these cities was $1.03. In the 10 cities of over 500,000 population, the average was $1.15; in the 6 between 250,000 and 500,000, the average was $1.34. The highest expenditure was in the 16 cities between 100,000 and 250,000, with an average of $1.76 per capita. The cost of health service in the smaller cities varied from $1.03 to $1.22. These figures include the expenditures of the official health department, any health work of the Board of Education, and that of all voluntary health agencies; but do not include the cost of hospital care in any form. Even the cities which carried off the highest awards in the contest showed extremely moderate expenditures. Thus, Milwaukee reported only $1.31 per capita last year, including the cost of public-health service by private agencies; Syracuse a total of $3.05 for all expenditures; East Orange, $1.22; White Plains, $2.75; and Sidney, Ohio, $1.21. The average cost of all types of public-health service in this group of five leading cities was only $1.75. In other words, about $1.50 represents the outlay in cities that have taken their health work seriously and are achieving worth-while results. It is clear that, by and large, the municipalities of the country are running well below this figure. The costs in our rural areas are considerably lower than in our cities. Counties whose health work has attracted attention are spending little more than a dollar per capita per annum and the general run is much less. Taken all in all, if we include all types of public-health service, official and private, local as well as State and Federal, the annual figure will be considerably under $1 per capita for the people of the United States; but even if we should assume an average of $1 per capita in order to play absolutely safe, the total for public-health work would reach only a little over $120,000,000 per year for the entire country.

V

This sum is small indeed when we consider the number of lives at stake and their enormous money value. Obviously there is a great disproportion between the two accounts which we are balancing, namely, of outlay and of savings. That is why it is suggested that public-health activities, when well conducted, are among the most desirable and profitable of public investments. In many respects, these efforts are only at the beginning. The pitifully small amounts expended for health service in so many cities and in the rural areas of the country show how backward we are in making available to all people the benefits of present knowledge. Practice and application lag far behind what we now know very well how to do. While it is true that the general death rate has been reduced to a very low point, there are still close to 100,000 deaths a year from tuberculosis. I am confident that three-quarters of these could be postponed for shorter or longer periods. There are large areas in the country where little or nothing has as yet been done to cope with the tuberculosis problem. When our present knowledge regarding the care of certain types of pneumonia is put into operation on a large scale, we should succeed in reducing the number of deaths from this disease by a third to a half. Pediatricians agree that deaths from diphtheria can be virtually eliminated and those from diarrhea reduced to one-quarter of the present number. All but 5 per cent of the remaining typhoid cases can be prevented. Safety engineers are very confident of their ability to reduce by a quarter the number of accidents in industry, in our homes, and on our highways. The great problem still remains how best to prevent and treat the ailments of middle life, namely, heart disease, Bright's disease, and cerebral hemorrhage; but even here progress is being made. Information as to the causes leading to these degenerative conditions is increasing. It is not too much to expect that a perceptible proportion of deaths can be postponed for a time at least.

For these reasons, I estimate that the expectation of life can be increased by more than five years provided the knowledge now available be utilized by health organizations, public and private. The expectation of life in the country as a whole can be extended to a span of at least 65 years. This is not an idle dream, for it has virtually been done in far-away New Zealand. Progress will go considerably beyond this point; exactly how far will depend upon new discoveries in preventive medicine in our laboratories and clinics.

The vital question is whether the American people are really in earnest about expanding the public-health program and in proving its effectiveness. It will be necessary, of course, to strengthen the facilities of health departments, to build up more efficient organizations, train health workers better, make their tenure of office safer, pay them more adequate salaries, and develop a more professional spirit among them. This will necessitate larger expenditures. But so small is the amount spent at present, that there should be no difficulty in obtaining increased funds in a country as rich as the United States. Our best authority, Professor Winslow, of the Yale School of Public Health, has estimated that an expenditure of only two and a half dollars per capita for health service will provide all of the activities of a well-rounded program. Other authorities and experience attest to the soundness of this estimate. Health appropriations should, however, remain flexible. Where there are special difficulties to overcome, as in malarial regions or where special racial groups present health problems requiring additional services, the per capita figure should be higher, but taken by and large, an expenditure of two and a half dollars per capita for the country as a whole, including the rural areas, will be found adequate. This moderate sum will provide all the facilities that can profitably be used at present. As additional knowledge becomes available and health departments can safely extend their operations into new fields, the amounts may be somewhat increased. At any rate, the figure given is sum-

cient to maintain the best current practice. A total expenditure of $300,000,000 for the public health service of the entire Nation, or about $180,000,000 more than is now being spent, is all that is necessary.

I need not stress the insignificance of the amounts now expended for public-health service. As a nation we have learned how to spend money freely for things inconsequential as compared with public health. We are notorious for our large outlays for luxuries of every character. Our annual candy bill has been estimated as high as $690,000,000; perfumes and cosmetics consume another half billion, and our tobacco bill is rapidly approaching the $2,000,000,000 mark, if it has not already passed this point. In a country like ours there should be no great difficulty in making available soon the small sum which if put into the hands of our health authorities would give them the power to reduce sickness and prevent death as far as our present knowledge permits.

I am very optimistic over the prospect of achieving this ideal. The business men of the country are already waking up to the fact that it is to their interest to further the public health campaign. They realize that a good health record is a business asset for a city and they advertise this widely in their effort to attract industries, conventions, and the traveling public. Possibly no more signficant event has taken place in recent public health history than the entry of the Chamber of Commerce of the United States into a close alliance with the American Public Health Association. The launching of the city health conservation contests is really an accomplishment of the first importance. Already in 200 cities local chambers of commerce are interested and are cooperating actively with their local health officers and the public to make possible improvements of all kinds in the health service. This active interest of the business men should make a profound difference in the amounts appropriated for local health service. I hope it will not be long before 500, yes even 1,000, cities will enter the contest and make the good-natured rivalry among them a national institution. There is no better way to direct the attention of the public to the importance of their health service. When this has been achieved it will not be necessary to prove that expenditures for public health service are a sound investment. The results will be evident to all who wish to see.

NOVEMBER 11, 1930.

NOTE.—This address is to appear in the American Journal of Public Health in May.

EXHIBIT C

Report on child deaths in the registration area in continental United States, 1928

[Prepared by Dr. Blanche Sterling, of the child hygiene section of the Public Health Service]

Diseases	Under 1	Under 5	Under 10	Under 15
Measles	1,486	4,483	5,168	5,380
Scarlet fever	116	973	1,580	1,787
Whooping cough	3,552	5,990	6,188	6,210
Diphtheria	602	4,943	7,233	7,668
Influenza (with and without pulmonary complications)	6,291	10,941	12,361	13,325
Acute anterior poliomyelitis	133	558	876	1,089
Meningococcus meningitis	390	982	1,395	1,715
Tuberculosis, all forms	1,245	3,891	5,150	6,929
Acute rheumatic fever	78	146	456	857
Simple meningitis	590	1,116	1,387	1,542
Endocarditis, myocarditis (acute), and other diseases of heart	717	1,442	2,709	4,485
The pneumonias:				
Broncho	15,092	21,833	22,702	23,121
Lobar	4,947	9,092	10,331	11,407
Unspecified	1,460	2,180	2,373	2,493
	21,499	33,105	35,406	37,021
Malformations (congenital)	12,205	12,984	13,202	13,316
Early infancy (congenital debility, icterus, sclerema, premature birth, injury at birth, other diseases peculiar to early infancy)	61,495			

Of all the deaths from influenza (with and without pulmonary complications) in the registration area in continental United States in 1928 (51,741), 12 per cent occurred in children under 1 year of age; 21 per cent occurred in children under 5 years of age; 23.8 per cent occurred in children under 10 years of age; 25.7 per cent occurred in children under 15 years of age.

Of all the deaths from the pneumonias in the registration area in continental United States in 1928 (111,421), 19 per cent occurred in children under 1 year of age; 29.7 per cent occurred in children under 5 years of age; 31.7 per cent occurred in children under 10 years of age; 33 per cent occurred in children under 15 years of age.

Of all deaths in the registration area in continental United States in 1928, 17.5 per cent occurred under 10 years of age; 11 per cent occurred under 1 year of age.

There is something of high adventure in saving the life of a child. The life of the adult, which scientific research may prolong to advanced age is, after all, a tale that is told. But a little wide-eyed baby, helpless to protect itself from danger and disease is an utterly unknown quantity. So is the child of 5 or 10 whose potentialities are all undeveloped. If scientific research can subdue the diseases that take such heavy toll of child life, among the children saved may be the men and women who can supply the Nation's most vital needs. There is always the chance that a child will bring to the world gifts of untold value.

In 1928 over 240,000 children under 10 years of age died in the registration area of the United States. More than 155,000 of these were less than 1 year old. We must add to this loss almost 90,000 potential citizens who were lost to the country before they ever had a chance to really live. These were the little stillborn babies who died at or before the time of birth. In the same year 15,691 mothers died from puerperal causes. We have many statistics telling us why these mothers and babies and little children die, but we need to know more about these causes and more about their control. In the matter of maternal deaths we know that prenatal, natal, and postnatal care can do much, but there are cases in which these things do not avail. It is the part of scientific research to tell why we fail after we have done all that we know how to do. If we are to lessen the number of stillbirths and reduce the high fatality in earliest infancy, we must learn how to avoid birth injury, how to reduce causes of premature birth, and how to successfully combat infections. Of the cause or causes of congenital debility and malformations we know very little. In our present state of knowledge we can do little more than merely guess at their causes.

A study of the causes of death in children shows where we need to concentrate our efforts. In 1928 the deaths among little children—those under 5 years of age—from whooping cough, almost 6,000 in number, exceeded those from either diphtheria, scarlet fever, measles, or tuberculosis. The number was greater than that of measles and scarlet fever combined; 21 per cent greater than that of diphtheria; and over 50 per cent greater than that of tuberculosis. We have immunizing agents for diphtheria and scarlet fever and a convalescent serum for measles. No antiserum for whooping cough has ever been developed, and the vaccine that we have is not considered very valuable either in prevention or treatment, by some of the leading physicians in this country. Yet this disease, which mothers frequently regard with indifference, killed almost 6,000 little children under five in 1928. There can be no doubt that there is great need for research in the control of this disease.

After early infancy the respiratory diseases snuff out the lives of more children than any other one group. In 1928 influenza (with and without pulmonary complications) caused the death of over 10,000 children under 5 years of age. In no other 5-year-age group did so many deaths from influenza occur, and it was only in the group 75 years and over that the number approximately equaled that of the group under 5 years. In that same year the pneumonias were responsible for more than 33,000 deaths under five. This is twice the number of deaths due to the pneumonias in any other age group.

The appalling toll taken of child life by the respiratory diseases makes it imperative that further study of these diseases be undertaken.

In many cases a disease may not have a fatal termination but will leave the child with a handicap affecting his whole future. The crippling due to infantile paralysis (anterior poliomyelitis) is a pitiable example of this. An attack of rheumatic fever may leave a defective heart. Deafness is a serious complication of epidemic meningitis (meningococcus meningitis) but a serum has been developed for this disease and the percentage of cases in which sequelæ occur has been greatly diminished by the serum treatment.

There are many hampering physical defects as well as environmental conditions affecting the health of the child which need further study. The work of the National Institute of Health is not intended to include only laboratory studies. Field investigations will often provide most important data bearing on the solution of many problems.

ADVANCES IN THE MEDICAL PROFESSION

Mr. HATFIELD. Mr. President, I feel that I would be derelict as a representative of the profession of medical science did I not rise from my seat and on behalf of this profession thank the senior Senator from Louisiana [Mr. RANSDELL] for the great interest he has taken in helping to bring about and establish a research department for the welfare of mankind. It is seldom, indeed, that we find men in public life who are willing to go as far as the Senator from Louisiana in helping to establish such an institution as his ideas and ideals in the way of legislation propose to do. Indeed, Mr. President, the Senator has taken up the battle that has been carried on by outstanding and upstanding scientists in chemistry and medicine and its allied branches from the days of Hippocrates down to the present time. An institution such as is pictured by the Senator has been established in other nations, and because of this fact, up until the late war, the American medical profession, in all of its allied and kindred departments, looked to Germany, where are to be found along the river Rhine the great chemical plants of that nation engaged in making new discoveries looking toward the relief of individuals stricken with disease.

The remedies which were developed, both as to prevention and cure, often startled the scientific world when their discovery was announced. It was not until the great lesson that was taught us when the armament of the allied and the central powers were in combat that our own American statesmen awakened to the realization that the chemical industry had been neglected under the Stars and Stripes and attention was directed to what the science of surgery and medicine had wrought in the way of discoveries and accomplishments in this country. But our scientists were handicapped in accomplishing big things because of the strong arm that was extended by other nations to their citizens who had dedicated their lives to science. These nations gave support to their workers in the scientific world in order to unfold and unravel the mysteries of chemical science, which science goes hand in hand with medical science.

The vision of the Senator from Louisiana makes possible greater progress in the future than has heretofore been possible, because the strong hand of the Federal Government will be extended to support those who are willing to dedicate their lives to research work for a meager consideration, from a financial point of view, in order that greater achievements may be attained. This will be so because of the opportunity afforded for unhampered research work

When we think of the immortal Jenner discovery in 1786 which has practically eliminated smallpox in its varied forms, and when we think of the unfolding of the possibilities of chemical progress by the matchless Pasteur and the inspiration which his discovery gave to Lord Lister, and on down through the corridors of time of other great discoveries, we are reminded of the wonderful Osler, who came to our country and lingered for a considerable period here and then passed on to greater fields of opportunity in his native land. We can not forget his admonitions and his retrospection in the progress of medical science. In one of his addresses, in which he chose as the title of his subject "Chauvinism in Medicine," he quotes Professor Gomperz, and I shall read his quotation, Mr. Président, which I believe to be a fitting conclusion to the remarks of the distinguished Senator from Louisiana:

CHAUVINISM IN MEDICINE

A rare and precious gift is the art of detachment, by which a man may so separate himself from a life-long environment as to make a panoramic view of the conditions under which he has lived and moved; it frees him from Plato's den long enough to see the realities as they are; the shadows as they appear. Could a physician attain to such an art he would find in the state of his profession a theme calling as well for the exercise of the highest faculties of description and imagination as for the deepest philosophic insight. With wisdom of the den only and of my fellow prisoners, such a task is beyond my ambition and my powers, but to emphasize duly the subject that I wish to bring home to your hearts I must first refer to certain distinctive features of our profession:

I. FOUR GREAT FEATURES OF THE GUILD

Its noble ancestry: Like everything else that is good and durable in this world, modern medicine is a product of the Greek intellect, and had its origin when that wonderful people created positive or rational science, and no small credit is due to the physicians who, as Professor Gomperz remarks (in his brilliant chapter "On the Age of Enlightenment," Greek Thinkers, Vol. I), very early brought to bear the spirit of criticism on the arbitrary and superstitious views of the phenomena of life.

If science was ever to acquire "steady and accurate habits instead of losing itself in a maze of fantasies, it must be by quiet, methodical research. It is the undying glory of the school of Cos that it introduced this innovation into the domain of its art and thus exercised the most beneficial influence on the whole intellectual life of mankind. Fiction to the right! Reality to the left! was the battle cry of this school in the war it was the first to wage against the excesses and defects of the nature philosophy." (Gomperz.) The critical sense and skeptical attitude of the Hippocratic school laid the foundations of modern medicine on broad lines, and we owe to it, first, the emancipation of medicine from the shackles of priestcraft and of caste; secondly, the conception of medicine as an art based on accurate observation, and as a science, an integral part of the science of man and of nature; thirdly, the high moral ideals expressed in the most "memorable of human documents" (Gomperz), the Hippocratic oath; and, fourthly, the conception and realization of medicine as the profession of a cultivated gentleman. No other profession can boast of the same unbroken continuity of methods and of ideals. We may, indeed, be justly proud of our apostolic succession. Schools and systems have flourished and gone, schools which have swayed for generations the thought of our guild, and systems that have died before their founders; the philosophies of one age have become the absurdities of the next, and the foolishness of yesterday has become the wisdom of to-morrow; through long ages which were slowly learning what we are hurrying to forget, amid all the changes and chances of 25 centuries the profession has never lacked men who have lived up to these Greek ideals. They were those of Galen and of Aretaeus, of the men of the Alexandrian and Byzantine schools, of the best of the Arabians, of the men of the Renaissance, and they are ours to-day.

A second distinctive feature is the remarkable solidarity. Of no other profession is the word "universal" applicable in the same sense. The celebrated phrase used of the Catholic Church is in truth much more appropriate when applied to medicine. It is not the prevalence of disease or the existence everywhere of special groups of men to treat it that betokens this solidarity, but it is the identity throughout the civilized world of our ambitions, our methods, and our work. To wrest from nature the secrets which have perplexed philosophers in all ages, to track to their sources the causes of disease, to correlate the vast stores of knowledge, that they may be quickly available for the prevention and cure of disease, these are our ambitions. To carefully observe the phenomena of life in all its phases, normal and perverted; to make perfect that most difficult of all arts, the art of observation; to call to aid the science of experimentation; to cultivate the reasoning faculty so as to be able to know the true from the false—these are our methods. To prevent disease, to relieve suffering, and to heal the sick—this is our work. The profession, in truth, is a sort of guild or brotherhood, any member of which can take up his calling in any part of the world and find brethren whose language and methods and whose aims and ways are identical with his own.

Thirdly, its progressive character. Based on science, medicine has followed and partaken of its fortunes, so that in the great awakening which has made the nineteenth memorable among centuries, the profession received a quickening impulse more powerful than at any period in its history. With the sole exception of the mechanical science, no other department of human knowledge has undergone so profound a change—a change so profound that we who have grown up in it have but slight appreciation of its momentous character. And not only in what has been actually accomplished in unraveling the causes of disease, in perfecting methods of prevention, and in wholesale relief of suffering, but also in the unloading of old formulæ and in the substitution of the scientific spirit of free inquiry for cast-iron dogmas we see a promise of still greater achievement and of a more glorious future.

And lastly, the profession of medicine is distinguished from all others by its singular beneficence. It alone does the work of charity in a Jovian and Godlike way, dispensing with free hand truly Promethean gifts. There are those who listen to me who have seen three of the most benign endowments granted to the race since the great Titan stole fire from the heaven. Search the scriptures of human achievement and you can not find any to equal in beneficence the introduction of anesthesia, sanitation, with all that it includes, and asepsis—a short half century's contribution toward the practical solution of the problems of human suffering, regarded as eternal and insoluble. We form almost a monopoly or trust in this business. Nobody else comes into active competition with us, certainly not the other learned professions, which continue along the old lines. Every few years sees some new conquest, so that we have ceased to wonder. The work of half a dozen men headed by Laveran has made waste places of the earth habitable and the wilderness to blossom as the rose. The work of Walter Reed and his associates will probably make yellow fever as scarce in the Spanish Main as is typhus fever with us. There seems to be no limit to the possibilities of scientific medicine, and while philanthropists are turning to it as to the hope of humanity philosophers see as in some far-off vision a science from which may come in the prophetic words of the Son of Sirach, "Peace over all the earth."

Mr. President, these conclusions by Doctors William Osler and Gomperz are fitting and in keeping with the trend of thought in medical science as is expressed by the distinguished representative of the State of Louisiana who has just preceded me.

SERVICES OF SENATOR RANSDELL

Mr. COPELAND. Mr. President, I assume that the address to which we have just listened is the final formal address of the Senator from Louisiana [Mr. RANSDELL]. Certainly no one more than I can regret his leaving the Senate. When I say that, I am sure that I voice also the sentiment of every Member of this body. I know of no other Senator who has endeared himself more to his colleagues than has the Senator from Louisiana. His dignity, his kindliness, his sweetness of disposition, his many splendid qualities, besides his high statesmanship, have made him an honored and beloved Member of the United States Senate.

The address that he has delivered to-day is a notable one. I am sorry it was not heard by every Member of the Senate.

I hope it will be read by every Member of the Senate and by thousands of our fellow citizens. It is a notable contribution to the present-day knowledge of preventive medicine, and I hope that it will have widespread reading.

I want to thank the Senator from Louisiana for many kindnesses I have received at his hands, and I wish him happiness and long life. He has had, if I may put it in that way, better luck, or, perhaps, I should say he has been a statesman of higher capacity, because not alone has he presented to this body many measures of importance, but he has succeeded in getting passed through the Senate and House of Representatives and into law many measures of great importance.

To my mind the outstanding work of the Senator from Louisiana is, first, the establishment of a leprosarium which has done so much to relieve the various States of the Union of the care of the unfortunate persons afflicted with leprosy. More than that, however, it has led the way in the treatment of leprosy in this country and has done much to relieve the distress and fear of our people regarding that disease.

In addition to the establishment of the leprosarium has been his successful work making possible the foundation of the National Institute of Health. I hope, with him, that Congress will be generous in the future in appropriations for the maintenance of that institution. But, beyond that, I hope the Senator will never lose his interest in this and other great institutions and will never falter in his devotion to the public welfare and the public health.

So, I am sure I am expressing the sentiment not only of myself but of the entire body when I say that we have sincere regret at his departure from our midst, and hope that he will be spared for many years of useful service.

Mr. RANSDELL. Mr. President, may I say just a word of thanks to the Senator from New York for the very kind words he has just uttered? I appreciate them from the bottom of my heart. I also wish to express my cordial thanks to the Senator from West Virginia, Doctor HATFIELD, for his good words and learned contribution to my address.

COST OF PRODUCTION OF LACES AND LACE FABRICS

Mr. BINGHAM. I submit a brief Senate resolution proposing to cancel a request for information from the Tariff Commission, which is no longer necessary. I send the resolution to the desk, and I ask that it may be read.

The PRESIDING OFFICER (Mr. FESS in the chair). The resolution offered by the Senator from Connecticut will be read.

The Chief Clerk read the resolution (S. Res. 476), as follows:

Whereas the United States Tariff Commission was directed by S. Res. 311, under the authority conferred by section 336 of the tariff act of 1930, and for the purposes of that section, to investigate the differences in the costs of production of the following domestic articles and of any like or similar foreign articles: Laces, lace fabrics, and lace articles: Therefore, be it

Resolved, That such direction as to laces, lace fabrics, and lace articles be hereby rescinded.

Mr. BINGHAM. I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will go over.

INVESTIGATION OF PETROLEUM PRICES

Mr. THOMAS of Oklahoma. Under section 2 of Rule XXVI, I submit the following motion: I move that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of Senate resolution 418.

Mr. JONES. Mr. President, what is the resolution to which the motion of the Senator from Oklahoma refers?

Mr. THOMAS of Oklahoma. It is a resolution submitted by the Senator from North Dakota [Mr. NYE] providing for a study to be made of the oil situation.

Mr. JONES. Very well.

The PRESIDING OFFICER. That motion will be entered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928.

The message also announced that the House had passed a bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 3213) for the relief of E. F. Zanetta, and it was signed by the President pro tempore.

AMENDMENT OF THE OLEOMARGARINE ACT

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, which was read twice by its title.

The PRESIDENT pro tempore. This bill, being identical with a bill already reported from a standing committee of the Senate, will be placed on the calendar.

THOMAS L. LINDLEY

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1696) for the relief of Thomas L. Lindley, minor son of Frank B. Lindley.

Mr. HOWELL. I move that the Senate disagree to the amendments of the House, request a conference with the House, and that the Chair appoint the Senate conferees.

The motion was agreed to; and the President pro tempore appointed Mr. HOWELL, Mr. CAPPER, and Mr. BLACK conferees on the part of the Senate.

GABRIEL ROTH

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1072) for the relief of Gabriel Roth, which was, on page 1, line 12, after "1918," to insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney, or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. HOWELL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States transmitting sundry nominations were referred to the appropriate committees. (For nominations this day received see the end of Senate proceedings.)

"THE RETURNED SOLDIER"

Mr. GEORGE. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The Returned Soldier," written by Mr. Neal Kitchens, a citizen of my State, to the editor of the Macon (Ga.) Telegraph and News, and published in that paper in the issue of Sunday morning, February 22, 1931.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Macon (Ga.) Telegraph and News of February 22, 1931]

THE RETURNED SOLDIER

To the EDITOR OF THE TELEGRAPH:

"They jest at wounds who never felt a scar," and unless you have been under shell fire, lived in the trenches of mud, with every available part of your anatomy covered with "cooties," expecting every moment for days at a time to be blown into the Kingdom Come; unless you have left home with the highest ideals and suffered all of the tortures of the damned in order to make the world safe for democracy, and return home to find that greed and graft and plain stealing have made thousands of millionaires while you were away; and that stealing from the Government is an honorable vocation; I say unless you have been through all of this, you are not prepared to sit in judgment on the conduct of those who went through it.

There is a mental change which can not be understood by those who occupied seats on the side lines of the struggle. You may know how to edit a paper, make money, contribute to charity, and do a thousand other things, and may know all about the theory of relativity and all of the physical laws and forces; but you know absolutely nothing about the mental status of a returned soldier. The road out to war is downhill all the way, but the road back is uphill all the way, and filled with many hidden disappointments.

When you start out the people turn out to see you off, cheer you on your way, make you feel like making a sacrifice even of life itself, for the protection of such patriotic people. When you return home they give you the glad hand of welcome to-day, and the next day they give you the air. Before you can get your bearings you are turned out to starve. You are out of touch with the world, you are a stranger in a strange land. The bread gives out, you ask for more, and they give you a stone. Is this greed and selfishness?

But the meanest and lowest down of all of the jobs put over on the veterans of the World War was the penalty they put on ignorance. You were not too ignorant to risk your life on the battlefields of France, but when you came back unless you were in touch with the outside world and read the papers, you did not apply for the stone they handed out called adjusted compensation. If it was five years after the bill passed before you heard about it you were penalized five years' interest. When organized wealth wants protection, they readily find you, but when a veteran wants bread he must be kicked out. Of course, that is greed and selfishness on the part of the veteran. Three concrete examples will illustrate what we are trying to explain, two of them trying to get work, the other to get something to eat.

"The talk that pleases men of brains
Is not the talk that most explains,
But that which grapples fleeting sense
With the clinching hooks of evidence."

The first witness we wish to put on the stand is an ex-service man who was wounded while fighting in France. A vacancy occurred in the Rural Free Delivery Service. He applied for the job. Did he get it? No; the politicians got it. Was the soldier qualified? Yes; but qualifications do not mean anything to politicians. They transferred a man from another branch of the service and gave him the job, because he could not stand the examination. I called for help, and from Maine to California they came 2,000,000 strong. We demanded an examination. The soldier boy led the field without the little per cent given to soldiers on examination. Then what? The transferred man did not try the examination; he returned his appointment and was given his old job back. The politicians then divided the route between the carriers of two other routes, raised their pay to $7 per day, and turned the soldier out to graze. Is this greed and selfishness on the part of the soldier?

For the benefit of those who doubt in the least any statement of facts in this case or those that follow, send a self-addressed stamped envelope for names, dates, and places.

The next witness is known all over the United States, so we will call him by name, Charlie Jennings. Charlie served in France over a year, was given an honorable discharge with excellent character noted on it. He went back to the woods of Alabama where he came from. In 1929 the boll weevil ate up his crop and he had to get out of the woods. He came to Warm Springs, heard about the adjusted compensation for the first time. He sent to Washington for a blank. When the blank came a crowd of toughs saw the postmark and figured that the letter contained a check, so they knocked him in the head, crushed his skull, pitched him in a ditch by the roadside, and left him for dead. Twelve hours later he was discovered by passing children, and removed to a doctor's office and operated on. After six months' treatment, during which three additional operations were performed upon the skull, he was dismissed. He was mentally disqualified to earn anything, and on account of partial paralysis on the left side was physically unable to do anything. Charlie's wife was his nurse. After the first month her neighbors looked after him by day so that she could earn their living. Her washboard was all that stood between them and starvation. He received an adjusted-compensation certificate calling for $1,149 payable 20 years hence. He tried to exchange this certificate with the Government for $300 cash. He tried in vain for a pension, but in spite of his greed and selfishness his wife's washboard was all that he could get to live on.

He was not the only one to be thus rewarded by this great Christian Government of organized wealth. There were thousands of others all over the land of the free and home of the brave suffering the pangs of hunger.

Lest I forget, let me here and now on behalf of all of the veterans thank every Member of Congress who voted for the relief bill passed last July. For fear of being called selfish, let me state that I am not on the pension list nor can I ever be put on, because I was too old to carry a gun. I was only a water boy in the Three hundred and third Regiment in France.

Charlie is happy at last because he received his first check last Monday with back pay to August 23, 1930.

If you were under 55 years of age in 1918, there was nothing tied to your feet to keep you out of France. If you were over 55 years you met some obstacles. If you went, you have a right to call the veterans selfish or anything else that suits you; if you did not go, then in the name of all the gods at one time, what right have you to say anything about those who went?

The next witness is a young married man who lives just across the line in North Carolina. He is educated, honest, good character, but lost his job on account of the depression due to the big bank failure in Asheville last fall. Just before Christmas he walked nearly across the State of North Carolina and back looking for work, but could not find anything to do. He served a year in the Army in France; so he applied to the Government for a job. Nothing doing. Sitting by the fire late on Christmas eve night, waiting for his little girl about 4 years of age to go to sleep, so he could place a little toy for which he had paid his last dime in the child's stocking for her Christmas present, he heard sounds of revelry from down the valley. Two young millionaires who owned summer homes down in the valley had just arrived to spend Christmas week hunting for deer, drinking whisky, and having a high old time. The contrast in his financial condition compared to theirs was so great although their ages were near the same, he decided to investigate their war record. One was the son of a millionaire, who, as soon as the war was declared, obtained a position as superintendent in a cotton mill for his boy; had him labeled as connected with an essential industry; yes, essential to miss the front-line trenches, and mop up thousands of dollars from the Government, while the boys in the trenches drew down $1 per day. The other man's father-in-law got him a job on the same line as superintendent of a farm. He also mopped up thousands during the war. The funny part about this last job was, this young superintendent of the farm did not know or do anything about the farm, but the overseer looked after the farm as usual.

While the doughboys were being shot, frozen, and butchered on the battlefield of France, these two sons of wealth were enjoying themselves in security, never missing a meal or a drink, or anything else except the Army.

We are told that there is $750,000,000 already collected for the veterans. Why not pay them at least that much now? The argument to pay them $500,000,000 now because the veteran will be back asking for more, is a dangerous argument.

The earth is the Lord's and the fullness thereof, but the boys who fought in France have a first-mortgage lien on every dollar and every foot of soil in these United States. They are patient and long suffering, those who are able are asking for jobs, they are not beggars. Their work in France against the best organized army the world ever saw, proclaims them to be the flower of the Nation. I was only a water boy, but I know something about the thoughts and feelings of those I served. What the boy on the mountain side thought that Christmas eve night is being thought by hungry veterans all over this land; and I warn those in authority of this Government of organized wealth that unless something is done to relieve the distress of those who saved this country, that their thoughts will be connected up until they form a great tornado which will sweep over this land, changing everything in the twinkling of an eye.

NEAL KITCHENS,
Ex-Young Men's Christian Association Secretary in France.

WARM SPRINGS, GA.

CHANGE OF REFERENCE

Mr. COPELAND. Mr. President, yesterday I introduced a joint resolution (S. J. Res. 257) creating a joint committee to formulate a plan for the retirement of officers and employees of the legislative branch of the Government, and had it referred to the Committee on Rules. I think that was the wrong reference. It relates to civil-service retirement. I ask unanimous consent that the Committee on Rules may be discharged from further consideration of the joint resolution and that it may be referred to the Committee on Civil Service.

The PRESIDENT pro tempore. Without objection, the Committee on Rules will be discharged from further consideration of the joint resolution, and it will be referred to the Committee on Civil Service.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION—CONFERENCE REPORT

Mr. FESS. I present a conference report on Senate bill 2643, and, if the Senator from Washington has no objection, I should like to have it considered at this time.

The PRESIDENT pro tempore. The report will be read for the information of the Senate.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill

(S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That there is authorized to be appropriated, in addition to the sums authorized to be appropriated by the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, the sum of $500,000.

"Sums appropriated under this act or hereafter appropriated under such joint resolution, or heretofore appropriated under such joint resolution and unexpended on the date of the enactment of this act, shall be available for expenditure solely for the purpose of grading, improving, and embellishing the site of and grounds adjacent to Fort Sackville, the erection of a monumental memorial structure and its ornamentation, the ornamentation of a bridge across the Wabash River adjacent thereto to be constructed by the State of Indiana and the State of Illinois, the protection of the grounds by a river wall, and the administrative expenses of the George Rogers Clark Sesquicentennial Commission.

"Appropriations under this act may be made immediately available to the total amount of $300,000, and obligations to that extent are hereby authorized; expenditures of any or all of the remaining $200,000 shall be allowed and paid upon the presentation of a certificate or certificates signed by the chairman of the commission to the effect that an equal amount has been contributed by the State of Indiana, the county of Knox, the city of Vincennes, and/or other contributors for the purpose of grading, improving, and/or embellishing the site of and grounds adjacent to Fort Sackville, the ornamentation of such memorial structure, and/or the ornamentation of such bridge."

SIMEON D. FESS,
KENNETH MCKELLAR,
R. B. HOWELL,
Managers on the part of the Senate.
ROBERT LUCE,
JOSEPH L. HOOPER,
LINDSAY C. WARREN,
Managers on the part of the House.

The PRESIDENT pro tempore. Is there objection to the consideration of the report?

Mr. LA FOLLETTE. Mr. President, will the Senator from Ohio please explain what the bill is? It is absolutely impossible to tell from the reading of the conference report.

Mr. FESS. The Senate bill carried $750,000; the House cut it down to $500,000.

Mr. LA FOLLETTE. What is it about? What is the money to be used for?

Mr. FESS. It is to be used for the completion of the George Rogers Clark memorial at Vincennes, Ind.

There being no objection, the Senate proceeded to consider the report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

SECOND DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania [Mr. REED].

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McGill	Shortridge
Barkley	George	McKellar	Smith
Bingham	Gillett	McMaster	Smoot
Black	Glass	McNary	Steck
Blaine	Glenn	Metcalf	Steiwer
Blease	Goff	Morrison	Stephens
Borah	Goldsborough	Morrow	Swanson
Bratton	Gould	Moses	Thomas, Idaho
Brock	Hale	Norbeck	Thomas, Okla.
Brookhart	Harris	Norris	Townsend
Broussard	Harrison	Nye	Trammell
Bulkley	Hastings	Oddie	Tydings
Capper	Hatfield	Partridge	Vandenberg
Caraway	Hayden	Patterson	Wagner
Carey	Hebert	Phipps	Walcott
Connally	Heflin	Pine	Walsh, Mass.
Copeland	Howell	Pittman	Walsh, Mont.
Couzens	Johnson	Ransdell	Waterman
Cutting	Jones	Reed	Watson
Dale	Kean	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	
Fletcher	La Follette	Shipstead	

The PRESIDENT pro tempore. Ninety-three Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania [Mr. REED].

Mr. REED. I call for the yeas and nays.

Mr. JONES. Mr. President, this amendment was discussed quite fully yesterday afternoon. I am satisfied that the Senate is ready to vote; and I ask for the yeas and nays.

Mr. BLACK. Mr. President, before I vote on this amendment I should like to ask the Senator from Pennsylvania a question. I should like to know if both the motions authorized by law have been made—the motion for a new trial under the usual procedure and the extraordinary motion which is authorized to be made within two years.

Mr. REED. My impression is that the motion for a rehearing was made and denied.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Alabama yield to me?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. ROBINSON of Arkansas. I can answer that question. In the hearing before the Appropriations Committee appears a statement that has already been referred to—the statement made by Mr. McCarl, the Comptroller General. It is as follows, in part:

> On March 29, 1930, the Department of Justice filed a motion for a new trial, urging that the court had erred both as to the law and the facts, and on June 21, 1930, filed a second motion for a new trial, this time pursuant to section 175 of the Judicial Code of March 3, 1911 (36 Stat. 114), as follows—

Then is quoted the second motion for a new trial. It was made under the provision of the code cited by the Senator from Tennessee [Mr. MCKELLAR] on yesterday. That motion set up the fact that the Government was in possession of certain evidence at the time of the trial; that the evidence was not presented; that if a new trial was granted, it would be submitted to the court; and the evidence referred to was that mentioned by the Senator from Illinois [Mr. GLENN] and the Senator from New Mexico [Mr. BRATTON]. It related to defenses that might have been made by the Government if the Government had elected to make those defenses.

The court overruled the second motion for a new trial; and I take it that that decision was final, and no further motions for a new trial are permissible under the statute.

Mr. BLACK. Mr. President, for just a moment I desire to explain the reason why I shall vote for the amendment.

Section 174 of the Judicial Code provides for the regular motion for a new trial in the ordinary procedure, which motion was made and overruled. Section 175 provides for the extraordinary motion, which was made and overruled. I was of the impression that the second motion had not been made until the time had expired for making the second motion, and I had intended to vote against the amendment. I shall vote for the amendment, however, by reason

of the opinion of the Supreme Court in the case of United States against Dominick O'Grady's Executors, Twenty-second Lawyers' Edition, 772. I shall read the headnote in order that it may appear in the RECORD:

> 1. Where a claimant recovered in the Court of Claims the proceeds of cotton sold under the captured and abandoned property act, and the United States did not appeal from the judgment of Court of Claims, but acquiesced in the judgment, the Secretary of the Treasury, in paying the judgment, can not deduct from it the amount due to the Government for an internal-revenue tax on such cotton.
>
> 2. The judgments of the Court of Claims, where no appeal is taken to this court, are absolutely conclusive of the rights of the parties, unless a new trial is granted by that court, and are not subject to revision by any one of the executive departments.

I have a great deal of sympathy for the position which has been taken by the Senator from New Mexico [Mr. BRATTON] and the other members of the subcommittee. It seems to me that probably the rights of the United States were not protected as they should have been protected. At the same time, this is a final judgment, and, if it had been rendered against an individual, could have been collected by levying an execution on the property. It is final to that extent; and unless we are to establish a different rule in so far as the Government is concerned than the rule which governs with reference to individuals, I do not see that we have a right to attempt to revise the rulings of the Court of Claims.

Mr. TRAMMELL and Mr. MCKELLAR addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. BLACK. I yield to the Senator from Florida.

Mr. TRAMMELL. Mr. President, I desire to ask the Senator if the decision of the court in the case he has referred to has any application to the legislative branch of the Government. Is it not confined to the judiciary and to the executive department? Is it not true that it has no application as far as the legislative department of the Government is concerned?

Mr. BLACK. It may be possible that the legislative department has the right to ignore the judgments of its courts, because the Government is sovereign. That may be true. At the same time, it seems to me it would be improper for the Government to take a position which other litigants in the court were prohibited from taking by the Government's own statute. It would not seem to me fair or just.

Mr. TRAMMELL. I do not think that rule applies, however, to the legislative branch of the Government. I do not know that I shall vote against this amendment; but that rule sets no precedent as far as the legislative branch of the Government is concerned.

Mr. BLACK. I have just stated to the Senator that all this decision holds is that the judgments of the Court of Claims are as binding as the judgments of any other court in the land; and while the Government may take this action in its capacity as sovereign—although I do not concede that it could do it where the rights have been vested by judgment—even though it could do so, I do not think it is fair for it to take advantage when it would not permit its citizens to take advantage on the same basis.

If the judgment had been rendered against an individual it would have been final and conclusive, and his property could have been levied upon. In this case the Government attempted to put up an offset against the judgment, and the court declined to permit it to do so. It seems to me that it would not be fair for the Government, even though it might have in its capacity as a sovereign the right, after it had established the judicial tribunal, to ignore its findings. It does not seem to me fair for it to do so.

Mr. TRAMMELL. Mr. President, will the Senator yield further?

Mr. BLACK. I yield.

Mr. TRAMMELL. What if the decision had been against the individual? Would the legislative branch of the Government have been deprived of its privilege to waive that judgment against the individual when it had been rendered by the Court of Claims?

Mr. BLACK. There is no question but that the Government, in its capacity as sovereign, can give away anything it desires, if it is in accordance with the Constitution; but it would have been a vested right against the individual. It would have been a judgment just as binding as though it had been rendered between two individual parties in a court.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. MCKELLAR. I agree very largely with the Senator from Alabama in regard to this judgment. Yesterday, when it was first brought up by way of an amendment directing the Court of Claims to enter a certain judgment after the time for entering such judgment had elapsed, I opposed that amendment. I think it was very properly voted down. I do not think we should have done it. The Court of Claims, however, as the Senator knows, has not the same status that other courts in the land have. We refer a very great many questions to that court for the purpose of ascertaining the facts and reporting back to the Congress, and then the Congress makes the appropriations for carrying into effect those findings or judgments.

Now it is proposed to carry one of them into effect. When that is proposed we have a report from the Comptroller General, Mr. McCarl, who, as we all know, is one of the most efficient, one of the most competent, one of the most painstaking officers that this Government ever had in its history.

Mr. KING. And courageous.

Mr. MCKELLAR. And courageous—absolutely so, as the Senator from Utah says. He feels that the facts of this particular case should be reconsidered, and I have been informed that if this amendment is voted down, the Senator from Virginia [Mr. GLASS] intends to offer an amendment referring the matter back to the Court of Claims, as we have the power to do, to look into the facts of the case further. I am rather inclined to think that is the just and fair thing to do; and I hope the Senator from Pennsylvania will be willing to permit that course, for the reason that I think that would permit justice to be done absolutely.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. BLACK. If the Senator will just permit me to reply to the statement of the Senator from Tennessee, I will yield.

I agree with the Senator fuily in so far as he is speaking of claims referred to the Court of Claims by Congress. In many instances cases are referred for the purpose of having the facts found. But with reference to suits filed in the court, I have read the provisions of the statute. I may say that I know nothing in the world about this particular case.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. CARAWAY. Did the court ascertain what the facts were, or did it render judgment on a technicality?

Mr. BLACK. It rendered a judgment on the evidence which was before it.

Mr. CARAWAY. That is not the question I asked the Senator. Was there any evidence before it?

Mr. BLACK. There was a great deal of evidence before it, according to my information.

Mr. CARAWAY. That is not my understanding.

Mr. BRATTON. Mr. President, will the Senator from Alabama permit me to answer the question of the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. BRATTON. There was evidence before the court bearing upon the cost of the hotel destroyed by fire. The claimant offered it as the measure of its recovery. There was no evidence tending to show the contributory negligence on the part of the claimant, or the defense as a fact which the Government might interpose to a recovery.

Mr. CARAWAY. Then, all the claimant got by that judgment was that it would have cost so much to rebuild that hotel?

Mr. BRATTON. That is correct, $227,000.

Mr. CARAWAY. That statement could have been gotten from a contractor anywhere. The court did not re-

spond to the needs of the Government in this particular case, and let Congress know what all the facts were.

Mr. BRATTON. No.

Mr. CARAWAY. It failed, then, to advise Congress, because, of course, the Government could not be made to pay until it set up a tribunal and agreed to refer the matter to it. It did that, but did not get a finding of the facts.

Mr. BRATTON. As the Senator's colleague stated a while ago, the second motion for rehearing was presented, and to it was attached, in affidavit form, a statement showing that the Government was prepared to resist the case on its merits, with three several defenses, any one of which, in my opinion, would bar the claimant from recovery on the merits. The court overruled that motion without any opinion, merely a notation that it was overruled.

Mr. CARAWAY. This is what I want to find out, if the Senator will pardon me. Here was a private company urging that the Government owed it. The question of whether the Government did owe it or not was not a concluded fact. It asked the Court of Claims to ascertain that fact.

Mr. BLACK. Mr. President, if the Senator will yield, that is the line of distinction which I was trying to draw a while ago. The case was not sent to the court by the Congress. It was filed under the original jurisdiction of the court.

Mr. CARAWAY. No; Congress gave them the right to go to the Court of Claims, did it not?

Mr. BLACK. Congress did not give this individual company the right. This was a case which was filed in the court under the general jurisdiction of the court, which makes it quite different from those cases which are sent to the court by Congress for special findings of fact.

Mr. CARAWAY. I failed to recognize that.

Mr. BLACK. That is what I started to explain to the Senator from Arkansas. The Court of Claims has original jurisdiction of cases, just as a Federal district court has. A suit can be filed in that court, and when that suit is filed, a judgment may be rendered—not a finding of fact but a judgment may be rendered—and the Supreme Court has held that such a judgment has exactly the same force the judgment of any other court in the land has. If the case had been sent to the court for the purpose of having that court ascertain the facts and return a finding of fact, the Senator from Tennessee would be absolutely correct, but this was a suit exactly like any other suit, and the Supreme Court of the United States has held that the judgment in such a case is final.

Mr. BROOKHART. Mr. President, I want to ask the Senator from Alabama a question. Under the general statute giving the Court of Claims jurisdiction of cases, are they not in exactly the same relation to Congress and under the same control of Congress as when Congress refers cases?

Mr. BLACK. They are not at all; and I will explain that to the Senator. There are two ways of getting a case in the Court of Claims, as the Senator knows, having served on the Committee on Claims.

Mr. BROOKHART. I have an opinion of the Supreme Court which holds that both cases are exactly the same.

Mr. BLACK. It depends entirely upon the authority which is given by the particular act. Frequently we send the court a case under legislation containing some such statement as that they are to ascertain the facts and return findings of fact to the Congress. When that is done, the court has complied with its obligation when it has ascertained the facts and returned findings of fact to the Congress. Frequently we pass legislation containing a statement that a case is sent to the Court of Claims for the purpose of having it render judgment; "and there is hereby appropriated," the act frequently states, a sufficient amount to pay the judgment after it has been rendered by the court.

Mr. BROOKHART. Any judgment of the Court of Claims must come to Congress for appropriation.

Mr. BLACK. That is the only way we have of paying judgments. A judgment against an individual can be collected by levy of an execution.

Mr. BROOKHART. I have the report of a fairly recent case in the Supreme Court, which holds that all judgments of the Court of Claims are subject to the approval of Congress.

Mr. BLACK. They must be paid by the Congress, but if there is any opinion of the Supreme Court which holds contrary to the one which I have, so far as I am concerned, it would change my judgment.

Mr. BROOKHART. I think the opinion the Senator has is on a slightly different proposition.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. KING. It seems to me that the position of the Senator from Arkansas, if I understood him, is the correct one. I do not see much difference between a special reference to this special court—which is not a court of general jurisdiction, which is more of a fact-finding court—and a case which is brought before the court under the general law. The reports have to come back to Congress, whether the judgment is one in a special finding or one under the general law, and Congress then makes its decision, and determines whether or not it will pay the judgment or will not. It seems to me that if Congress feels that a judgment is wrong, that the Government has not been properly defended, or that the case has been improperly decided, notwithstanding judgment, it might refuse to make payment.

Mr. ROBINSON of Arkansas. Mr. President, I do not desire to take the floor to discuss the pending amendment in detail. My purpose is to try to clear up, if possible, the legal aspect of the judgment under consideration.

There is no question in my own mind but the judgment in the case involved is a final judgment, and that every step which the Government could take has either been taken or waived by the Government in an effort to have a different judgment rendered.

The Congress, in creating the Court of Claims, provided that all judgments rendered by the court should be certified to the Congress in order that the latter might have the opportunity of making an appropriation to pay the judgments. There is no power with which I am familiar which can compel Congress to make any appropriation. The power of appropriation vested in the two bodies of the National Legislature is complete within itself. No doubt there have been numerous instances in which moral obligations upon the part of the Government established in accordance with due process of law have not been complied with by the Congress in the making of appropriations, and no doubt there will be such hereafter. For instance, the treaty-making power may enter into a contract with another nation obligating the Government of the United States to appropriate public funds, but notwithstanding the complete authority of the treaty-making power to make that contract, the final execution of it devolves upon the Congress, and unless the Congress makes the appropriation contracted for the transaction is never consummated.

That is exactly true in this case. In order to retain its exclusive right of expending public money the Congress in the acts defining the jurisdiction of the Court of Claims provided that all judgments rendered by that court and all findings of fact should be certified to the Congress before payment on such findings or such judgments should be made.

Mr. BLACK. Mr. President, will the Senator yield there for just a moment?

Mr. ROBINSON of Arkansas. Certainly.

Mr. BLACK. The Senator has stated correctly with reference to bills which are specially passed, but under the act creating the Court of Claims, referring especially to section 1141 and section 1142 of the Judicial Code, it is not necessary to certify back the judgments. Specific provision is made for them to be paid without even sending them back to Congress.

Mr. ROBINSON of Arkansas. How are they to be paid?

Mr. BLACK. It may be done in either of two ways. Section 1141 provides:

> The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case——

Mr. ROBINSON of Arkansas. Yes.

Mr. BLACK. Just as I stated a while ago.[Reading further:]

> if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court.

In other words, with reference to general judgments, the rule is different, and it is not necessary to report the findings of fact.

Mr. ROBINSON of Arkansas. Oh, no——

Mr. BLACK. But the next section provides that in cases specially sent by Congress—and this was not such a case—there shall be a special finding of fact.

Mr. ROBINSON of Arkansas. Mr. President, I think the provisions of the statute just read by the Senator from Alabama confirm exactly what I was trying to say. There is no question in my mind, as I said in the very beginning of my statement, that the judgment in this case is a final judgment, and that unless it is paid, it will remain an unsettled claim against the Government for an indefinite period. But notwithstanding that fact—and I ask the attention of the Senator from Alabama to this statement—there is no power which can compel the Congress to pay this claim through an appropriation, even though a judgment has been rendered for the amount. Do I make myself clear? It is like a great many other claims which are presented from time to time. If the Congress chooses not to pay them, the claimants have no remedy except to complain.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Virginia?

Mr. ROBINSON of Arkansas. I yield.

Mr. GLASS. Confirming the particular point made by the Senator from Arkansas, I recall that I have three times been the patron of a bill making an appropriation for a judgment found by the Court of Claims for the Sibley heirs in Virginia. It has passed this body three times, but failed to pass the House. The claim is 35 years overdue and has not been paid yet.

Mr. ROBINSON of Arkansas. It might be of interest to the Senator from Virginia to know that while I had the honor of serving upon the Committee on Claims I myself at least once, and perhaps twice, reported the same claim and secured the passage of the bill through the Senate of the United States. I do not remember, however, though in this I may be mistaken, that the Sibley case to which reference is now made by the Senator from Virginia was anything more than a favorable finding of fact. It was not a judgment, as I remember, in the sense that there is a judgment in the case which we are now discussing. It was a finding that the Government owed the Sibley heirs and that the amount it owed should be paid, but it was not a formal judgment such as the court was authorized to render and did render in the case now before us.

Mr. President, I wish to make clear just what happened in the trial of the case which we are considering. The Pocono Pines Hotel Co. leased its properties to the Veterans' Bureau of the United States Government for hospital facilities. In the contract it was agreed by the Government that the property would be returned to the lessors in the same condition in which it was delivered to it. There was also a provision that the Government should reimburse the lessors for any damages accruing to the property by reason of vandalism or other forms of negligence or recklessness on the part either of the employees or the trainees of the Government.

The principal fire occurred in 1924. The suit was brought within the statutory period, the plaintiffs alleging a breach of the contract with the Government in that the Government had failed to comply with its obligations to return the property in the same condition in which it was when delivered to the Government. The Government, represented by a number of apparently able attorneys, made answer that it could not return the property and was released from liability for doing so by reason of the fact that certain portions of it had been destroyed by fire. It relied on that allegation and the case went to trial. The court held that the burden was on the Government to establish the exemption clause and to establish that it was not liable under the so-called exemption clause.

Practically no evidence was introduced. A letter found its way into the record from the superintendent of the hospital, written a year before the fire occurred, telling the owners in substance that he thought they ought to have an asbestos roof on the porch because in a number of cases fire had broken out on that porch due to the careless conduct of trainees or employees in throwing lighted cigarettes on the roof, which was composed of shingles. Nothing was done about that, and a year after the letter was written the fire occurred. The plaintiffs claimed that the Government had violated its contract and had not returned the property. The Government said that its reason for not doing so was a fire, and did not claim any facts or circumstances as exempting it from liability under the clause to which I have referred. The case was tried upon that question of law as to who should bear the burden of proof.

It is not in the record, and probably it is an assumption on my part to say that in all probability neither side was anxious to assume and discharge the burden of proof because of the difficulties which then existed in meeting the legal requirements which that involved. In all probability there was no evidence available at the time. In any event the Government refused to introduce evidence. It said, "We stand on the proposition that the plaintiffs have this burden and that the plaintiffs have not discharged the burden." The case went to the court, and the court did just what any court in the United States would have done, just what the court was compelled to do as I see it, namely, try the case on the state of the record. The court held that the burden was on the Government to establish the absence of liability under the exemption clause. The decision is pretty clear and forceful on that point, although I think any lawyer can see that it involves an issue about which there might be doubt.

But what I can not understand is why the United States elected to stand on a doubtful question of law, why it failed to put in any evidence which it had bearing on the cause of the origin of the fire, because admittedly if it had proven the facts it now claims it knew existed at the time of the trial, there would have been no liability on the part of the Government.

Mr. BRATTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. ROBINSON of Arkansas. I yield.

Mr. BRATTON. Am I to understand the Senator then to say that if the whole matter is determined upon its merits now, the plaintiffs will not recover?

Mr. ROBINSON of Arkansas. Oh, no; certainly not. Here is what I said, and I say it again: If the facts had been found to be true by the court that the Government, after the lapse of so many years, now claims it had knowledge of at the time of the trial—if those facts had been established to the satisfaction of the court—there would have been no judgment against the Government. But that was not done.

Mr. BRATTON. Then, if the Government should establish those facts now upon a trial of the case upon its merits, the Senator thinks there would be no recovery now?

Mr. ROBINSON of Arkansas. Yes; if there were a trial upon its merits and the Government established the facts which were set forth in its second motion for a new trial, though, of course, one can not say what decision a court would render, it is assumed that a different judgment would be rendered. But the point is that the Government elected to stand on the question of law. It declined to put in any evidence, and when it made its first motion for a new trial it never mentioned any evidence like that to which we have just been referring. It still stood on the question of law. It asked the court to set aside the judgment which had been

rendered, on the ground that an error in law had been made.

When that motion for a new trial was denied and some period of time elapsed, then the Government attorneys came in with a second motion for a new trial, and in that second motion for a new trial they followed the course suggested by the statute cited by the Senator from Tennessee [Mr. McKELLAR]. They said, "When this trial occurred we were in possession of facts which would have relieved the Government from liability, in our opinion. We did not establish those facts, because we believed the law imposed the obligation to discharge the burden of proof on the plaintiff, and we elected to stand on that; but now, if the court will set aside the judgment and give us a new chance, we will prove certain facts which tend to show that there is no liability on the part of the Government." The Court of Claims denied that second motion. Its action in doing that exhausted, in my judgment, all the rights of the Government.

Mr. WALSH of Montana. Mr. President, may I submit an inquiry to the Senator?

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Montana?

Mr. ROBINSON of Arkansas. Certainly.

Mr. WALSH of Montana. Did the court announce the grounds of its refusal to grant the second motion?

Mr. ROBINSON of Arkansas. So far as we know and so far as the record shows there was an oral opinion and no discussion on the record of the reasons for denying the motion for a new trial.

Mr. GEORGE. Mr. President, may I ask the Senator a question right there?

Mr. ROBINSON of Arkansas. I yield.

Mr. GEORGE. Did the court, on the extraordinary motion for a new trial, indicate that the defense then sought to be set up by the Government was not good as a defense?

Mr. ROBINSON of Arkansas. There is no record. There is nothing to show upon what facts or arguments the court rested its decision. Just as in many other courts, the motion for a new trial was overruled.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield.

Mr. FLETCHER. As I understand, it is not conceded by the plaintiffs that the alleged facts set up in the second motion were true?

Mr. ROBINSON of Arkansas. No.

Mr. FLETCHER. Those alleged facts may or may not be true?

Mr. ROBINSON of Arkansas. Oh, certainly. It is a very strange circumstance, appealing with some force to one who is experienced in the trial of lawsuits, that the Government should pursue the course which was pursued if in fact bona fide defenses existed.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Tennessee?

Mr. ROBINSON of Arkansas. I yield.

Mr. McKELLAR. The Senator perhaps does not know it, but I think it is stated somewhere—indeed, I know it is—that after the second motion had been denied the question of whether the Government should appeal came up and was referred to the Solicitor General of the United States. He decided against an appeal, showing that the Government certainly had a fair opportunity. Yet the facts set out by the Comptroller General seem to me to be so overpowering that if we could properly secure a rehearing of the facts I would be willing to do it, although I agree with the Senator from Arkansas entirely that we ought not to direct the Court of Claims as to the sort of order it should enter.

Mr. ROBINSON of Arkansas. I do not think we have the power to do that. Having created a tribunal, defined its jurisdiction, provided the rules governing its procedure, I do not think we have the power to violate those rules ourselves or to compel the court to do so.

It is not my intention to retain the floor longer than to do what I attempted to do a few minutes ago and was diverted from doing. It is doubtful whether the Court of Claims could have rendered any other decision than it did render on the state of the record. In passing on the case, among a great many other things, the court said:

> The gravamen of the plaintiff's insistence converges exclusively to the express provisions of the lease which it says obligated the Government to deliver up the premises in the same good order and condition as when acquired, subject to the express reservations in the lease, and having failed to do so, or offer proof of facts which under the lease excused it from doing so, must respond in damages, i. e., the Government having expressly assumed an obligation to do a certain thing and the plaintiff having proved it did not do it, the burden rests upon the Government to prove compliance with its obligations under the contract.
>
> The covenants of the lease respecting fires, undue carelessness, and vandalism of the trainees or employees of the Government, clearly indicate intention upon the part of the plaintiff to expressly protect itself from loss or damage from this source. The Government went into possession of the premises cognizant of the obligations it had assumed in this regard, and the obligations assumed, as both parties concede, extended to governmental responsibility for loss or damage occasioned by fire unless attributable to an act of God, or some unforeseen accident. The lease itself exempted the Government from loss through casual fires. If, then, the Government assumed an obligation to maintain an expressed condition of affairs, and not to be relieved of said obligation except under certain and expressed circumstances, and the plaintiff proves unquestionably a failure to perform the obligation to maintain, does not the burden rest upon the Government to establish the fact that the failure to perform comes within the clauses of the contract which exempt it from liability?

There is much more to the same effect, but the sum and substance of it is that the burden of proof devolves on the Government to establish that the fire occured under circumstances embraced within the exemption clause, the clause relieving it from liability, and that its failure to do so, the plaintiff having proved the failure to return the property, rendered the Government liable for damages.

I conclude as I began: There is no power that can compel the Congress to make an appropriation. That applies to a judgment just as it does to any other claim. The Congress can refuse to make this appropriation. It can not, however, in my judgment, take any action which would invalidate the judgment, because that is finally rendered by a court of competent jurisdiction, and is conclusive as between the parties, in so far as the determination of liability is concerned.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from California?

Mr. ROBINSON of Arkansas. I yield.

Mr. SHORTRIDGE. I have listened with a great deal of interest to the very thoughtful discussion of this matter by the Senator from Arkansas. I understand from the statement made by him that the case came on for trial, a certain judgment was rendered, an appropriate motion for a new trial was made and denied, and that thereafter another motion in the nature of a motion for a new trial was made and denied. The point I wish to have cleared up in my own mind—and perhaps in the minds of others, for I anticipate by saying that I agree with the Senator—is whether when the second motion was made these supposed additional grounds for granting the motion were set out and were presumably considered by the court?

Mr. ROBINSON of Arkansas. They were set out in detail.

Mr. SHORTRIDGE. Exactly.

Mr. ROBINSON of Arkansas. And they are not different in any particular, that I can discover, from the grounds justifying a refusal to pay the claim as expressed by the Senator from Illinois [Mr. GLENN] and the Senator from New Mexico [Mr. BRATTON].

Mr. SHORTRIDGE. Then, am I right in assuming the law to be that after the denial of the second motion the Government had the right of appeal?

Mr. ROBINSON of Arkansas. Oh, certainly.

Mr. SHORTRIDGE. And did not exercise that right?

Mr. ROBINSON of Arkansas. And of course an appeal from the second motion for a new trial would probably, if properly made, have determined whether the court did right in refusing to grant the motion for a new trial.

Mr. SHORTRIDGE. Exactly.

MESSAGE FROM THE HOUSE—ADJUSTED-SERVICE CERTIFICATES

A message from the House of Representatives by William Tyler Page, its Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 17054) entitled "An act to increase the loan basis of adjusted-service certificates," with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the bill pass, two-thirds of the House of Representatives agreeing to pass the same.

SECOND DEFICIENCY APPROPRIATION

The Senate resumed the consideration of the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

Mr. GLASS. Mr. President——

Mr. ROBINSON of Arkansas. I have concluded.

The PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. GLASS. Mr. President, I do not pretend to be competent to discuss the legal aspects of this case beyond developing one thought as to the nature of the Court of Claims.

The contention of the Comptroller General is that the Court of Claims is practically an advisory board to Congress, to relieve the Congress of the drudgery involved in the detailed investigation of claims of this nature. That view would seem to be sustained by a very recent decision of the Supreme Court of the United States in which it was held that—

> From the outset Congress has required it—
>
> The court—
>
> to give merely advisory decisions on many matters. Under the act creating it all of its decisions were to be of that nature. Afterwards some were to have effect as binding judgments, but others were still to be merely advisory. This is true at the present time. A duty to give decisions which are advisory only, and so without force as judicial judgments, may be laid on a legislative court.

If that is the real nature of this court in this particular case, it seems to me that the Congress is the court of last resort in the matter of payment of the claim.

Again in this connection I should like to inquire of the Senator from Arkansas if the court itself has complied with all statutory requirements, one of which is, I understand, that it shall report to Congress its decisions and its findings of fact and its reason for its decisions. If that is a requirement of the law—and I am told that it is—it seems to me that the basic reason for that requirement is that Congress shall be advised as to the facts before it shall make an appropriation in a given case. The first Congress has known of the facts involved in this case is from the statement of the Comptroller General that Congress was about to appropriate $227,000 that the Government does not owe.

Mr. SMITH. Mr. President, if the Senator from Virginia will allow me——

Mr. GLASS. I yield.

Mr. SMITH. Section 7 of the law creating the court provides:

> That said court shall keep a record of their proceedings, and shall at the commencement of each session of Congress and at the commencement of each month during the session of Congress report to Congress the cases upon which they shall have finally acted, stating in each the material facts which they find established by the evidence, with their opinion in the case and the reason upon which such opinion is founded.

Mr. ROBINSON of Arkansas. Mr. President, there are later statutes than that, and the Senator from Alabama [Mr. BLACK] cited them. Of course, when the court renders a decision such as it did in this case, it gives the reasons for its decision or what the court alleges as the reasons for its decision. I have not undertaken to say whether the decision of the court is right or not. My argument has been directed to the conclusion that the judgment of the court is final and that the Congress has no power or right to set aside the judgment of the court. It can refuse to make an appropriation to carry out the judgment.

Mr. WALSH of Montana. Mr. President, will the Senator suffer an interruption?

Mr. GLASS. Yes; I yield.

Mr. WALSH of Montana. That is why I addressed the inquiry to the Senator a little while ago. It appears that the opinion to which the Senator has called our attention gives to the Congress the material facts in the case as they were presented upon the hearing originally before the court, but it also appears that in that matter the decision passed upon really a question of where the burden of proof lay, the burden of proof being held to be upon the Government, and the Government not submitting any evidence, but contending as a question of law that the burden was not upon it but was upon the claimant. Therefore the material facts were not developed upon the original hearing. But what would be the material facts from the Government's side were presented or were attempted to be presented in support of the motion, the extraordinary motion, for a new trial. If the court had in that connection stated that it accepted those facts or that it disregarded those facts and was satisfied that those were not the true facts, then we would have the matter before us; but it occurs to me, as it stands before us now, that we have not the material facts as they were presented to the court.

Mr. ROBINSON of Arkansas. The facts were not presented to the court except within the limitations that we have discussed.

Mr. WALSH of Montana. That is what I mean, that the court not having given us any reason for denying the extraordinary motion for a new trial, we have not before us, it seems to me, the facts appertaining to the merits of the controversy.

Mr. GLASS. Mr. President——

Mr. ROBINSON of Arkansas. May I make a response to the Senator from Montana?

Mr. GLASS. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I do not wish to maintain a combative attitude in this matter. The record, as stated by the Senator from Montana, does not show why the court overruled the motion for a new trial, the considerations of law, or other considerations which prompted the decision of the court. It may be that the court reached the conclusion that the Government was not in a position to urge a new trial on the ground of this evidence because it was not newly discovered. I do not understand that the motion for a new trial attempted to set up newly discovered evidence. My interpretation of it is that the Government admitted when it went into the court on the extraordinary motion for a new trial that it had possession of these facts at the time of the trial and that it had elected to stand upon its legal right and upon its interpretation of the law and refused to submit those facts. And it may be that the court did what many courts with which I am familiar have done in other cases, namely, held that the Government, having known of the existence of the facts at the time the case was tried and having elected not to present them, was not in a position to urge a new trial. In other words, the court may have thought the Government was not entitled to take its chance on winning the lawsuit on a question of law, and to withhold from the court facts that might have reflected on the right of the Government to a recovery, and then, after having lost on the question of law, to come in and say, "Well, we knew all the time that there really was not any liability on the Government, and we knew that we had the evidence that would disclose that the Government was not liable; but we refused to put it on, because we thought the court would decide the case in favor of the Government without our doing that."

It may be that that was what prompted the court to overrule the second motion for a new trial; but it is presumption on my part to undertake to state what the reasons of the court were, because there is no record made by the court as to that particular matter.

Mr. STEIWER. Mr. President——

The PRESIDENT pro tempore. The Senator from Virginia has the floor.

Mr. GLASS. Mr. President, my only interest in this matter is as a member of the Appropriations Committee, which authorized its chairman to report a proposed amendment to this bill which went out on a point of order. I do not want to feel that I am voting away a quarter of a million dollars of the Government's money which it does not owe; and if I am correct in my interpretation of the most recent decision of the Supreme Court of the United States, delivered in May, 1929, as to the nature of the Court of Claims, it seems to me that this judgment was merely an advisory judgment, and not a final judicial judgment.

For that reason I had prepared a substitute for the amendment of the Senator from Pennsylvania remanding the case to the court without any implications whatsoever, but merely with instructions to find the facts and report them to the Senate, so that the Senate might conclude whether or not it would make an appropriation in this case. Inasmuch, however, as the proposed substitute would go out on a point of order by a single objection, and inasmuch as the Senator from Pennsylvania is averse to accepting the proposal, I shall not offer it, but shall content myself with voting on the bare proposition to make the appropriation.

Mr. HEFLIN and other Senators called for the yeas and nays.

The PRESIDENT pro tempore. On this question the yeas and nays have already been ordered.

Mr. GEORGE. Mr. President, before the vote is taken I desire to say this:

I have listened carefully to this argument. I have heard no facts stated upon which it is claimed that the Government is due this obligation; but, of course, I have heard the contention very clearly made that the Government is due this obligation by virtue of the estoppel that grows out of this judgment. That is my theory or idea of the function of the Court of Claims in this case.

If the actual merits of the case had been submitted to the court and the court had found against the Government, although as a juror or as a judge I might have thought that they were entirely unjustified in that finding, I should still think that we should pay the judgment. As I understand the facts of this case, however, what is alleged now as a defense which was favorable to the Government has not been passed upon affirmatively by the court; and the liability on the part of the Government arises not out of the facts or a determination of the facts in the case but rests upon the estoppel of the judgment, which I concede is regular and final upon its face.

I shall therefore vote against the amendment.

Mr. ROBINSON of Indiana. Mr. President, this is a very simple question, indeed. The whole question, as I see it, is whether we should pay to interests in Pennsylvania almost a quarter of a million dollars which the Appropriations Committee of the Senate, after having studied the question carefully, insists the Government does not owe.

We have this peculiar situation: The claim comes to the Committee on Appropriations. It looks queer to that committee. A subcommittee of eminent lawyers, members of the committee, is appointed to study specially this question. That subcommittee is composed of the junior Senator from Illinois [Mr. GLENN], the junior Senator from Oregon [Mr. STEIWER], and the senior Senator from New Mexico [Mr. BRATTON]. After giving the question the most careful study, this subcommittee unanimously decided against the claim, and sought means for preventing the Government from being mulcted of this amount of money.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. In just a moment I will.

Then, Mr. President, the chairman of the committee, the senior Senator from Washington [Mr. JONES], himself opposes the payment of this sum of money.

I submit, Mr. President, that there is no hurry about it. Here is almost a quarter of a million dollars. The other day I understood from the speech of the senior Senator from Pennsylvania [Mr. REED]—I think he himself made the statement—that the Treasury of the United States faces a deficit. It was even suggested that the Treasury was in no condition to permit loans to service men—loans of their own money, which must be paid in full on the certificates in 1945. Now the senior Senator from Pennsylvania, notwithstanding the condition of the Treasury, insists on inserting this amendment to pay constituents of his out of the same Treasury a quarter of a million dollars, which a subcommittee of the Committee on Appropriations and the chairman of the committee insist the Government does not owe. Why this unseemly haste?

Mr. BARKLEY. Mr. President——

Mr. ROBINSON of Indiana. Why not let this matter go over until next December and give the Appropriations Committee an opportunity to see whether or not ways and means may be found to prevent the Government from losing that amount of money, which it should not be forced to pay, according to responsible members of the committee that have studied the question?

Why the unseemly haste? That is the question. Why not refer it to the Committee on Claims for study? In any event, it can ultimately be paid if it is due.

A vote for the amendment means that we pay this amount of money which the Committee on Appropriations of this body insists the Government does not owe and should not pay. A vote against the amendment will permit study of this question, and in the end no injustice will be done to anybody.

Mr. HEFLIN and other Senators called for the yeas and nays.

Mr. ROBINSON of Indiana. I yield first to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Oh, no; the Senator has passed entirely beyond the matter I wished to call to his attention. I merely wished to point out to the Senator that I did not understand that the Committee on Appropriations had found that the claim ought not to be paid. What I thought they found was that further information was desired regarding it. Am I correct?

Mr. JONES. That is correct.

Mr. ROBINSON of Arkansas. Why does the Senator from Indiana make the statement, entirely outside the facts in the record, that the Committee on Appropriations found the claim was unjust? The Committee on Appropriations sought a process by which questions of fact might be determined. It is entirely within the power of the Congress to take any action that it desires to take in such matters; but Congress can not legislate the judgment out of existence.

Mr. ROBINSON of Indiana. I understood the Senator from New Mexico [Mr. BRATTON] yesterday to say that in the opinion of the subcommittee that studied this question the Government should not be forced to pay the claim, and that if this amendment were adopted certain interests would receive nearly a quarter of a million dollars, the amount of this claim, to which they are not entitled. He is in his seat now and can correct me if I am wrong. I understood further that that was perhaps the unanimous opinion of this subcommittee.

Mr. HEFLIN and other Senators called for the yeas and nays.

The PRESIDENT pro tempore. On this question the yeas and nays have already been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HASTINGS (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. Not knowing how he would vote, I withhold my vote.

Mr. HATFIELD (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. MORRISON]. I therefore withhold my vote.

The roll call was concluded.

Mr. SWANSON (after having voted in the negative). Has the junior Senator from Colorado [Mr. WATERMAN] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. SWANSON. I have a general pair with the junior Senator from Colorado, and I desire to withdraw my vote. If permitted to vote, I would vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Missouri [Mr. HAWES];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from New Jersey [Mr. MORROW] with the Senator from Tennessee [Mr. BROCK].

The result was announced—yeas 13, nays 68, as follows:

YEAS—13

Barkley	Goff	Reed	Watson
Black	Kean	Robinson, Ark.	
Borah	McMaster	Shortridge	
Fletcher	Moses	Thomas, Idaho	

NAYS—68

Bingham	Fess	La Follette	Shipstead
Blaine	Frazier	McGill	Smith
Blease	George	McKellar	Smoot
Bratton	Glass	McNary	Steck
Brookhart	Glenn	Metcalf	Steiwer
Broussard	Goldsborough	Norbeck	Stephens
Bulkley	Hale	Nye	Thomas, Okla.
Capper	Harris	Oddie	Townsend
Caraway	Hayden	Partridge	Trammell
Carey	Hebert	Patterson	Tydings
Connally	Heflin	Phipps	Vandenberg
Copeland	Howell	Pine	Wagner
Couzens	Johnson	Pittman	Walcott
Cutting	Jones	Ransdell	Walsh, Mass.
Dale	Kendrick	Robinson, Ind.	Walsh, Mont.
Deneen	Keyes	Schall	Wheeler
Dill	King	Sheppard	Williamson

NOT VOTING—15

Ashurst	Gould	Hawes	Simmons
Brock	Harrison	Morrison	Swanson
Davis	Hastings	Morrow	Waterman
Gillett	Hatfield	Norris	

So Mr. REED's amendment was rejected.

Mr. GLASS. Mr. President, I propose the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be reported.

The CHIEF CLERK. The Senator from Virginia proposes to insert on page 171, after line 3, the following:

The case of the Pocono Pines Assembly Hotels Co. v. United States of America, No. J-543, be, and hereby is, remanded to the United States Court of Claims with complete authority, the statute of limitations or rule of procedure to the contrary notwithstanding, to hear testimony as to the actual facts involved in the litigation and with instructions to report its finding of facts to Congress at the earliest practicable moment.

Mr. JONES. Mr. President, this is substantially the amendment reported by the committee. It has the same object in view, and therefore I think it should be agreed to.

Mr. GLASS. It is free from all implications.

Mr. JONES. That is true.

Mr. ROBINSON of Arkansas. Mr. President, I agree with the Senator from Virginia that it is free from any implications, but the amendment to which the Senator from Washington has referred is a very different matter. It sought to set aside a judgment of the court, and was filled with implications.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. President, I think in connection with this debate it would be well to have a letter from the Comptroller General on this subject inserted in the RECORD, and also the opinion of the Court of Claims in the case.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 5, 1931.

Hon. WESLEY L. JONES,
Chairman, Senate Committee on Appropriations,
United States Senate.

MY DEAR MR. CHAIRMAN: There was received January 20, 1931, your letter, as follows:

"There has been reported to the Congress for its consideration in compliance with the provisions in the act of September 30, 1890 (26 Stat. 537), and the deficiency act of April 27, 1904 (33 Stat. 422), a list of judgments rendered by the Court of Claims, among which is one under the heading, United States Veterans' Bureau, J.-543, Pocono Pines Assembly Hotels Co., dated February 10, 1930, for $227,239.53, presented for payment March 1, 1930, payable if not appealed May 11, 1930; nature of claim, 'Failure to relinquish inn after expiration of lease.' The report is embodied in Senate Document No. 244, Seventy-first Congress, third session.

"The following is quoted from the opinion of February 10, 1930, of the Court of Claims in the case:

"'The plaintiff predicates its cause of action upon the terms of the lease, and having proven the failure of the Government to deliver up the premises "in like good order and condition as the same now are" contends for a judgment. The Government produced one witness, the superintendent of the school, who testified as to the fact of a fire and under cross-examination by the plaintiff identified and admitted writing the letter of April 17, 1923, and the same became a part of the record without objection upon the part of the defendant. The Government then rested its case, insisting that the burden of proving a loss owing to the undue carelessness or vandalism of its trainees or employees, as well as the absence of accidental cause of fires, rested upon the plaintiff, and the plaintiff vigorously resists the contention in an exhaustive argument to the contrary.'

"The remainder of the opinion is devoted to a discussion as to whether the burden of proof rested on the Government or on the plaintiff to show the cause, etc., of the fire, and, having determined that the burden was on the Government, the court pointed out that it had not been met and entered judgment against the United States. In fact, the description of the judgment in the report embodied in the Senate document appears not entirely accurate.

"The proceedings had and leading up to the reporting of the judgment to the Congress for consideration with a view to an appropriation for its satisfaction apparently may not have been such as to fully conserve the interests of the Government, in that, for instance, the facts essential to the Government's defense appear not to have been placed in evidence.

"In view of the question that appears respecting such proceedings, and to aid the Appropriations Committee of the Senate in resolving its doubt as to whether it should now recommend (1) an appropriation to satisfy the judgment, (2) a remanding of the matter to the Court of Claims for further appropriate proceedings, or (3) some other available course to secure further consideration of the merits of the controversy, I have been directed to request the Comptroller General of the United States, pursuant to section 312 (b) of the Budget and Accounting Act, to investigate the proceedings so had and to report to this committee at the earliest moment practicable such facts as he may find and such recommendation as, in his judgment, the facts and the present state of the proceedings warrant."

Pursuant to your direction I have examined the proceedings had in said matter and have to report that the interests of the United States do not appear to have been conserved therein. The merits of the case have not been adjudicated, and it is recommended that no appropriation be made to pay the judgment of $227,239.53 until the merits have been judicially considered and determined.

On April 16, 1921, the plaintiff, Pocono Pines Assembly Hotels Co., leased to the United States, by written agreement, a certain hotel or resort property at Pocono Pines, Pa., for vocational-rehabilitation activities for a rental of $87,000 per annum, payable monthly. Effective August 1, 1923, by written agreement and in consideration of services rendered by the United States in cooperating with the owner in the care and protection of the property along the lines of good order, police sanitation, and discipline, the rental was reduced to $82,000 per annum, payable $6,833.33⅓ monthly.

The leased property consisted of the Pocono Pines Inn, 11 cabins dormitories, garage, and other buildings with certain furniture, fixtures, etc., therein, located on a 300-acre tract of land, and was used by the United States as a vocational school.

Complete possession of the leased property was at no time in the United States. The terms of the lease agreement required the owner to maintain and care for the property, including even janitor service, throughout the term, and for such purpose the owner maintained on the premises a superintendent and force of employees.

The United States paid the agreed rent for the premises for the entire lease period except the sum of $6,232.87 withheld from the $13,894.45 otherwise due for that part of April after the destruction of the inn by fire, and all of May and June—said $6,232.87 having been withheld, pursuant to the terms of the lease, because after the fire on April 29, 1924, a substantial portion of the property was not available for the use for which leased.

The lease period ended and the United States surrendered the leased property to the owner June 30, 1924, pursuant to written notice dated March 31, 1924.

At the termination of the lease period there was not returned to the owner of the property so leased a garage, destroyed by fire December 28, 1923; the Pocono Pines Inn and power-house annex, destroyed by fire April 29, 1924; and the property within said buildings destroyed by the two fires.

Suit was instituted in the Court of Calims to recover from the United States the value of the property so not returned at the close of the lease period. The lease thus sued upon contained

provision with reference to return of the leased property, as follows:

"And the said party of the second part further covenants and agrees to quit and deliver up the said premises and property peacefully and quietly to the party of the first part at the expiration of the period specified in like good order and condition as the same now are, reasonable use and wear thereof and damage by fire or other casualty excepted; and the said party of the second part further covenants and agrees to reimburse the party of the first part for any and all damages that may result to the said property or premises from vandalism or undue carelessness on the part of any of the trainees or employees of the Federal board."

Another provision of the lease which is of importance in view of the facts now disclosed is as follows:

"That the party of the first part covenants and agrees to furnish without additional expense to the United States of America adequate and satisfactory heat, light, water, and janitor service, and to keep the buildings and grounds in suitable condition and repair during the full term of this lease; such service being included in the amount hereinbefore stipulated as rent to be paid by the party of the second part, and to install without additional expense to the United States electric lighting and additional showers and lavatories as described in letter dated April 16, 1921, hereto attached and made a part hereof."

Because of the fires occurring on December 28, 1923, and on April 29, 1924, the garage, inn, and power-house annex, and the property therein, could not be returned to the owner at the close of the lease period and the issues as joined in the aforementioned suit in the Court of Claims submitted for the court's determination (1) the value of the leased property not returned, and (2) on which party, under the facts and the provisions of the lease agreement, rested the responsibility in the matter.

The testimony was taken by a commissioner of the court sitting in Philadelphia. Plaintiff confined its proof to the value of the leased property not returned by the United States at the close of the lease period, offering no testimony as to the cause or origin of either fire. At the close of plaintiff's case the United States produced only one witness, Mr. Friedman, superintendent of the vocational school at Pocono Pines, and the material part of his testimony, including the questions asked him, is as follows:

"Question 5. Do you know why the properties that were taken in 1921 were not turned back in 1924?

"Answer. They were not returned because there was a fire which burned certain properties up.

"Question 6. During what time was the fire? During the life of the lease?

"Answer. The principal fire was on April 29, 1924, which burned up the Pocono Pines Inn and power house.

"Question 7. And its contents?

"Answer. And its contents.

"Question 8. It is in evidence that there was a garage building that was not turned back. Do you know why that was not turned back?

"A. That burned down; I do not know the exact date, but it was a month or two prior to the burning of the inn."

There were thus offered in evidence no facts as to the cause or origin of either fire, and the United States submitted in evidence no facts to enlighten the court as to the true value of the property so destroyed by said fires. As the case reached the Court of Claims for consideration and decision there was of record only the testimony of plaintiff's witnesses as to the value of the property so destroyed and no testimony as to the cause or origin of either fire.

In introducing no testimony as to the cause or origin of the fires and as to the true value of the property destroyed thereby those representing the United States at the trial evidently relied upon the theory that under the provisions of the lease hereinbefore quoted the burden was upon plaintiff to establish that the fires were caused through "vandalism or undue carelessness" on the part of trainees or employees of the United States.

The Court of Claims held, however, by its decision of February 10, 1930, that under the provisions of the lease agreement, in order for the United States to fix responsibility upon the owner for the loss of the property not returned because destroyed by fire, the burden was upon the Government to establish by proof that the burning of said property was not caused through "vandalism or undue carelessness" on the part of its trainees or employees. The court taking this view of the applicable law and finding in the record only plaintiff's proof as to the value of the property so destroyed, and no facts as to the cause or origin of the two fires that destroyed the property, necessarily gave judgment for plaintiff in the amount by plaintiff's proof established, to wit:

For the replacement cost of the inn and power-house annex	$186,242.00
For the replacement cost of the garage	4,212.00
The value of the contents of said buildings, furniture, fixtures, etc	30,552.66
The amount of rent withheld by the United States	6,232.87
Total	227,239.53

Replacement cost is, of course, hardly the true measure of value where there is involved property such as was destroyed—an inn that had long been used for hotel purposes and a power-house annex and garage used in connection therewith. However, it is to be remembered no testimony was offered by the Government at the trial as to the true value of the property destroyed, nor as to the cause or origin of the fire, because of the view held by those representing the Government that the burden was upon plaintiff to establish that the fires were caused through vandalism or undue carelessness on the part of trainees or employees of the United States—which plaintiff had failed to do. It was a hazardous chance for the Government to take, and it resulted most disadvantageously to its interests.

On March 29, 1930, the Department of Justice filed a motion for a new trial, urging that the court had erred both as to the law and the facts, and on June 21, 1930, filed a second motion for a new trial, this time pursuant to section 175 of the Judicial Code of March 3, 1911 (36 Stat. 1141), as follows:

"SEC. 175. The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion, on behalf of the United States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative, or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same shall be payable and paid as now provided by law."

In the second motion for a new trial the Department of Justice frankly and clearly pointed out the unfortunate and unsatisfactory condition of the Government's defense due to the failure on its part to submit testimony at the trial as to the cause and origin of the fires and to establish that the resulting destruction of plaintiff's property was not due to "vandalism or undue carelessness" on the part of its trainees or employees. In this motion it was said:

"The court ruled as a matter of law adversely to the contention of the Government. Under this doctrine the burden was on the Government to prove that the causes of the fires in the first instance were accidental and not vandalism or undue carelessness of those representing the United States. *Evidence should have been offered by the defendant in support of the theory that the fire was not caused by vandalism or undue carelessness of the Government. Because of the misapprehension of the defendant of the theory of law, none of this evidence was offered. It was not within the immediate knowledge of the attorneys representing the Government, but by exercise of due diligence probably could have been discovered at the time of the original trial.*" (Italics supplied.)

This motion for a new trial was supported by affidavits, made a part thereof, in which for the first time in the judicial proceedings were revealed the facts of the Government's defense. One affidavit was by John P. Chamberlain, training officer and executive assistant of the vocational school at Pocono Pines, dated June 14, 1930, and the other by Moses Friedman, superintendent of such school, dated June 20, 1930. These affidavits are found on pages 488–503, inclusive, of the Government's second motion for a new trial.

In substance it is averred by these officers of the school who were present at the time that the fire, which occurred at approximately 10.40 a. m., April 29, 1924, and which destroyed the inn and power-house annex, together with the contents thereof, was due to faulty or defective electrical wiring installed by the owner between the ceiling and roof of the porch; that when smoke was first discovered it was found to be coming up between the wooden shingles on the roof of the porch at the southwest corner of the building; that no flame was visible until Chamberlain cut a hole through the shingles with an ax and found the fire to be confined in the space between the ceiling and shingled roof of the porch; that the fire could not have been caused by a lighted cigar or cigarette being thrown upon the roof of the porch (as apparently had been suggested as a possibility during the arguments before the Court of Claims), because there was no evidence of fire on any portion of the roof surface, other than the smoke coming up between the shingles; and further, because since early morning there had been a light rain falling and before the hour of the fire the wooden shingles had become too wet to ignite from a lighted cigar or cigarette. The Government weather report, page 503 of the motion for a new trial, gives the facts as to the rain during the forenoon of April 29, 1924.

Affiants further aver that notwithstanding it was the sole responsibility of the owner of the property, under the terms of the lease agreement, to supply water and equipment for fire protection, when the fire occurred on April 29, 1924, there was practically no water in the tank with which to fight the fire; that it was necessary for owner's resident superintendent to go to a spring, approximately half a mile from the inn, to start the pumps and thereby supply water with which to combat the fire; that by the time water was so made available by the owner the fire had made such headway as to render saving the inn or power-house annex, or any substantial portion of the contents thereof, impossible.

With reference to the destruction of the garage on December 28, 1923, it is pointed out in the affidavits the fire originated in a portion of the building to which representatives of the Government had no access, the same being reserved for the exclusive use of employees of the owner, and the keys thereto being at all times in the possession of such employees; that an investigation made at the time, however, apparently fixed the cause as defective wiring or an overheated flue.

These facts as to the cause and origin of the two fires in question were not given to the Court of Claims at the trial of the case and were not available to the court for consideration prior to its decision and judgment of February 10, 1930. There has been no adjudication thereon.

This office can not state, of course, whether the affidavits of the two officers of the school, Mr. Friedman and Mr. Chamberlain, correctly give the facts as to the cause and origin of the two fires which destroyed the property and caused judgment to be rendered in favor of plaintiff in the sum of $227,239.53. Both appear to have been eyewitnesses to the fire of April 29, 1924, and there is nothing of record to indicate that the facts are otherwise than as stated by them. Clearly, if such are the facts there exists no responsibility or duty on the United States to make good the value of the property destroyed by the fire.

Under the terms of the lease agreement it was the owner's responsibility to supply water and equipment for fire fighting. If it be the fact, as sworn to by Mr. Friedman and Mr. Chamberlain, that at the time the fire occurred during the forenoon of April 29, 1924, when the inn was destroyed, there was no water available to combat the fire, and a supply could be secured only by owner's superintendent going half a mile to start the pumps—and too late to save the property—and if it be the fact, also, that the fire was due to defective wiring installed by owner between the ceiling and shingled roof of the porch, the fault in the matter was clearly that of the owner and no responsibility could attach to the United States. One thing that may have had some weight with the court, in view of the fact that no facts were given in testimony by plaintiff or the Government respecting the cause and origin of the two fires in question, was a letter written to the owner by Mr. Friedman, superintendent of the Vocational School, on April 17, 1923, as follows:

"We have had a number of small fires in this building and the lodge which have been due to the throwing of lighted cigarette butts or lighted matches out of the windows on the shingle roof of the porch of the inn or of the lodge. Up to this date we have been extremely fortunate in discovering these fires while they were in an incipient stage, and have been able to put them out before they have had an opportunity to spread and do extensive damage.

"This matter has been called to the attention of the student body, and I am now arranging to post a notice once a month on the bulletin board of this building and the lodge calling attention to the danger connected with carelessness in this regard. I believe this is done by the men without any malicious intent and is entirely due to thoughtlessness, but we are using every possible means to bring it to the attention of the student body, both verbally and by notice on the bulletin board. However, I believe you will agree with me that the shingle roofs on the lodge and inn constitute a very dangerous fire hazard.

"On Sunday night, April 15, when there was a very strong wind, there were two such fires, one at 10.45 p. m. and the other about an hour previous. Fortunately for all concerned they were discovered immediately. If either of these fires at the inn had obtained a half hour's start, I doubt very much whether the building could have been saved. If the inn were destroyed in this way, it would be utterly impossible to continue the school, and it would have to be closed down.

"Under the circumstances I would strongly recommend that steps be taken to replace the wooden shingle roofs with asbestos or metal roofs of some kind.

"We are doing everything possible to cooperate in keeping down the possibility of such conflagrations, both by notifying the students and by the maintenance of an efficient fire organization, but where there are 200 men, and these men are changing continuously, the danger from throwing lighted matches or lighted cigarette butts out of the windows can not be entirely eliminated.

The matter is of such serious importance as to merit immediate attention."

This is the letter that was identified by Mr. Friedman while on the witness stand, as shown by his testimony, heretofore quoted. While the letter was written long before the two fires in question and supplies no information whatever as to the cause or origin of such fires, the possibility of causing destructive fires through carelessness in throwing lighted cigars or cigarettes on the roof of the porch is suggested, and in the total absence of testimony giving the facts as to the actual cause and origin of the two destructive fires may have been permitted weight by the court. It appears quoted in full in the court's decision of February 10, 1930.

As to this phase of the matter it is pointed out by Mr. Chamberlain in his affidavit of July 14, 1930, that as to the fire of April 29, 1924—

"The only two men, either trainees or staff, who were above the first floor of this building at the time immediately preceding the discovery of the fire were Trainees Osterman and Bongiovanni. Osterman was quartered in a section of the building on the opposite side from the location of the fire and at a point removed from that end of the building. Bongiovanni was away from the building at the time, having been to the post office, a distance of approximately five-eighths of a mile, and had just returned and entered the building, and it was he who first discovered the fire when he entered his room. This will show that neither man could have been responsible for the fire."

On what ground the court denied the second motion for a new trial, made pursuant to section 175 of the Judicial Code of March 3, 1911, and setting out the facts of the Government's defense, is not disclosed by the record.

Whatever may have been the court's reason for denial of the motion, the fact remains the motion was denied, and as a result there will be no judicial determination on the facts as to the cause and origin of the fires without intervention in the matter by the Congress. The interests of the United States clearly require that due consideration be given by the Court of Claims, or otherwise, the very material facts stated in the affidavits of Mr. Friedman and Mr. Chamberlain, which, if correct, fix the responsibility for the loss upon the owner of the property rather than upon the United States.

While it may be seldom that the Congress will have occasion to question a judgment rendered by the Court of Claims, it is clearly the right and the responsibility of the Congress to intervene in any such matter when the interests of the United States so require. To this end the Congress has specifically directed that judgments rendered by the Court of Claims be reported to it for appropriation before payment. See act of September 30, 1890 (26 Stat. 537), and act of April 27, 1904 (33 Stat. 422). And under Article I, section 9, of the Constitution, no money may be drawn from the Treasury for the payment of the judgment here involved unless an appropriation to pay the same be made by the Congress.

The Congress could, of course, through a committee thereof, ascertain the facts as to the cause and origin of the two fires, and give consideration thereto accordingly, or it could intrust the investigation to the General Accounting Office or other agency, with report to be made on the facts ascertained and for the consideration of the Congress, but in view of the fact that the proceedings so far had have been in the Court of Claims, and that the court has not been permitted to consider and determine the facts as to the cause and origin of the two fires, first, because of the Government's failure to introduce testimony as to such facts, and second, because of the court's denial of a new trial when the facts of the Government's defense were made known, it would seem but fair to the court, and the preferable course for the Congress now to take such legislative action as will authorize and direct the Court of Claims to reopen the case for the purpose of hearing such relevant and material testimony as may be offered by the parties to the action and find the facts as to the cause and origin of said fires. To this end it is recommended that the judgment be not appropriated for, and that there be included in the next deficiency bill a provision as follows:

"That the United States Court of Claims be, and it is hereby, authorized and directed, notwithstanding any rule of court, proceedings had, or provision of law to the contrary, to grant the United States a new trial in the case Pocono Pines Assembly Hotels Co. *v.* United States of America, No. J–543, and hear the testimony, find the facts, and render judgment accordingly on the matter of the responsibility under the facts and the provisions of the lease agreement involved for the fires and the damage and destruction of leased property thereby, which occurred during the lease term. The Department of Justice is hereby authorized and directed, on behalf of the United States, defendant in said action, to present to the Court of Claims all available evidence bearing upon the cause and origin of said fires and such other matters as will fully protect the interests of the United States therein. Any right in either party to said action to obtain review by the Supreme Court of the United States of the proceedings had pursuant hereto shall not be curtailed by any provision hereof."

While it may not be material at this time, attention is invited to an apparent assignment by the Pocono Pines Assembly Hotels Co. of this claim against the United States to Mr. Frederic H. Calkins and a reassignment by him of a part at least of the claim to certain insurance companies which paid $91,296.84 on account of loss. Such assignments appear void under section 3477, Revised Statutes.

There is transmitted herewith a copy of the court's decision, dated February 10, 1930, also a copy of the Government's second motion for a new trial. If the committee should desire further information in the matter, an endeavor will be made to furnish it upon request therefor.

Respectfully,

J. R. MCCARL,
Comptroller General of the United States.

[Court of Claims of the United States, No. J–543 (decided February 10, 1930)]

POCONO PINES ASSEMBLY HOTELS CO. *v.* THE UNITED STATES

This case having been heard by the Court of Claims, the court, upon the evidence and the report of a commissioner, makes the following

Special findings of fact

I

The Pocono Pines Assembly Hotels Co., plaintiff herein, was during all of the times hereinafter mentioned a corporation duly organized and existing under the laws of the State of Pennsylvania, with its principal office at Pocono Pines, Monroe County, in the State of Pennsylvania.

II

On the 16th day of April, 1921, plaintiff corporation, and the Government of the United States, represented by R. T. Fisher, acting under the authority of the Federal Board for Vocational Education, and for and in behalf of the United States, entered into a written lease by the terms of which the Pocono Pines Assembly Hotels Co. demised and leased unto the United States for the term commencing on the 1st day of May, 1921, and terminating on the 30th day of June, 1924, unless renewed as therein provided, the following-described land and premises, to wit:

The Pocono Pines Inn, assembly lodge, the casino, auditorium, library building, dormitories, Blakeslee Hall, barn and connecting sheds, garage, photographic studio, 11 bungalows or cabins, two portable houses, superintendent's cottage, carpenter's cabin, gas house, pump house at spring, pump house and water

tower and tank at rear of the inn, sewage-disposal plant, and about 300 acres of land with improvements, including a 9-hole golf course and three tennis courts, together with all furniture, fixtures, and equipment located thereon, except books and library furniture in the library building, excepting and reserving, however, the superintendent's cottage and grounds and the carpenter's cabin and grounds, the team of horses and wagons and suitable accommodations for the housing and care of such horses and wagons, as well as suitable accommodations in the garage for such automobiles as were requisite to fulfill the terms of the agreement for care and upkeep of the buildings and services to be rendered by the lessor.

Said lease among other things contained the following provisions:

"That the party of the first part covenants and agrees to furnish without additional expense to the United States of America, adequate and satisfactory heat, light, water, and janitor service, and to keep the buildings and grounds in suitable condition and repair during the full term of this lease; such service being included in the amount hereinbefore stipulated as rent to be paid by the party of the second part, and to install without additional expense to the United States electric lighting and additional showers and lavatories as described in letter dated April 16, 1921, hereto attached and made a part hereof.

"And the said party of the second part further covenants and agrees to quit and deliver up the said premises and property peacefully and quietly to the party of the first part at the expiration of the period specified in like good order and condition as the same now are, reasonable use and wear thereof and damage by fire or other casualty excepted; and the said party of the second part further covenants and agrees to reimburse the party of the first part for any and all damages that may result to the said property or premises from vandalism or undue carelessness on the part of any of the trainees or employees of the Federal board."

The party of the second part covenanted and agreed to pay to the party of the first part as rent for said premises and property the sum of $87,000 per annum for the fiscal years ending June 30, 1921, June 30, 1922, June 30, 1923, and June 30, 1924; said rent for each year to be paid in monthly installments of $7,250 on the first day of each month, for the month preceding, or as soon thereafter as properly prepared and approved vouchers were received by the proper disbursing officer. A copy of said lease is filed with plaintiff's amended petition, marked "Exhibit A," and is made a part hereof by reference.

III

Possession of the buildings and property described in the lease was delivered by plaintiff to the defendant on or about May 1, 1921, at which time the buildings and grounds, furniture and equipment were in good condition, but in order to meet the requirements of the lease it was necessary for plaintiff to make certain alterations specified in a letter dated April 16, 1921, and attached to said lease. It was also necessary to install a steam-heating equipment for each of the main buildings, electric-lighting equipment in place of acetylene gas, an entire new water system five feet below the surface in order to be below frost, additional pumps and engines, a new steel tower with water tank, a building to house a heating plant, a building designated as the power-house annex adjoining the Pocono Pines Inn, and to enlarge the pump house at the spring to double its size. All of these improvements were made and the work performed, together with installation of the showers and lavatories, by the plaintiff, between May, 1921, and November, 1921, at a cost of $122,000.

IV

On the 1st day of August, 1923, the written lease dated April 16, 1921, between the Pocono Pines Assembly Hotels Co., party of the first part, and the United States of America, by R. T. Fisher, acting under the authority of the Federal Board for Vocational Education, party of the second part, was amended by a written agreement entered into by and between the Pocono Pines Assembly Hotels Co., by Frederic H. Calkins, president, and the United States of America, represented by Frank T. Hines, Director of the United States Veterans' Bureau. By the terms of said amended lease it was agreed by the parties that in consideration of services rendered by the party of the second part in cooperation with the party of the first part in care and protection along the lines of good order, police sanitation, and discipline of the demised premises, a reduction of $5,000 should be made from the amount fixed as annual rent in said lease of April 16, 1921, such reduction to apply for the term beginning August 1, 1923, and ending June 30, 1924. Said amended lease contains the following provision:

"And the party of the second part further covenants and agrees to pay to the party of the first part as rent for the said premises and property at the rate of $82,000 per annum for the period commencing as of August 1, 1923, and terminating on June 30, 1924, said rent to be paid in equal monthly installments of $6,833.33½ on the first day of each month for the month preceding or as soon thereafter as properly prepared and approved vouchers are received by the proper disbursing officer."

A copy of the amended or supplemental lease is filed with plaintiff's amended petition, marked "Exhibit B," and is made a part hereof by reference.

V

The defendant occupied the premises from about May 1, 1921, until June 30, 1924, and during the time of the occupancy used the premises for the operation of a vocational school. Under date of March 31, 1924, Frank T. Hines, Director of the United States Veterans' Bureau, wrote plaintiff the following letter:

"You are hereby notified that the United States will quit, vacate, surrender, and relinquish on June 30, 1924, the premises at Pocono Pines, Pa., leased by an instrument dated April 16, 1921, from the Pocono Pines Assembly Hotels Co., and occupied and used by the United States Veterans' Bureau for the operation of a vocational school. "Please acknowledge receipt of this notice by signing and returning the attached copy of this letter."

VI

All the rent for said premises and buildings situated thereon was paid by the Government during its occupancy excetp for the months of April, May, and June, 1924. The United States Veterans' Bureau claimed the right to withhold $227.78 from the stipulated rental for the month of April, 1924; $3,002.54 for the month of May, 1924; and $3,002.55 for the month of June, 1934. Plaintiff protested against said reduction, and vouchers covering the payment of rent for April, May, and June, 1924, were certified to the Comptroller General of the United States for settlement. Under date of October 30, 1924, the Comptroller General of the United States made an allowance to plaintiff in the sum of $7,661.58, for rent for the months of April, May, and June, 1924, and certified said amount to be due plaintiff. A check for said amount was forwarded to plaintiff through the proper channels, and on November 1, 1924, the date said check was received, plaintiff notified the Comptroller General that said check would be accepted on account and that suit would be instituted to recover the balance of $6,232.87. Later a suit was filed by plaintiff against the defendant in the District Court of the United States for the Middle District of Pennsylvania for the sum of $6,232.87, as the balance due on rent for the months of April, May, and June, 1924. Said suit against the Government for the balance of rent due under the terms of the lease was never prosecuted to final termination, but was dismissed by plaintiff under date of July 2, 1928, voluntarily for the purpose of incorporating the subject matter thereof in the present suit.

VII

During the time that the Government occupied the premises under the lease with plaintiff a number of small fires occurred in the buildings situated on the leased premises. Under date of April 17, 1923, M. Friedman, superintendent of the United States vocational school at Pocono Pines, Pa., sent plaintiff the following letter:

"We have had a number of small fires in this building and the lodge which have been due to the throwing of lighted cigarette butts or lighted matches out of the windows on the shingle roof of the porch of the inn or of the lodge. Up to this date we have been extremely fortunate in discovering these fires while they were in an incipient stage, and have been able to put them out before they have had an opportunity to spread and do extensive damage.

"This matter has been called to the attention of the student body, and I am now arranging to post a notice once a month on the bulletin board of this building and the lodge, calling attention to the danger connected with carelessness in this regard. I believe this is done by the men without any malicious intent, and is entirely due to thoughtlessness, but we are using every possible means to bring it to the attention of the student body both verbally and by notice on the bulletin board. However, I believe you will agree with me that the shingle roofs on the lodge and inn constitute a very dangerous fire hazard.

"On Sunday night, April 15, when there was a very strong wind, there were two such fires, one at 10.45 p. m., and the other about an hour previous. Fortunately for all concerned they were discovered immediately. If either of these fires at the inn had obtained a half hour's start I doubt very much whether the building could have been saved. If the inn were destroyed in this way, it would be utterly impossible to continue the school, and it would have to be closed down.

"Under the circumstances I would strongly recommend that steps be taken to replace the wooden shingle roofs with asbestos or metal roofs of some kind.

"We are doing everything possible to cooperate in keeping down the possibility of such conflagrations, both by notifying the students and by the maintenance of an efficient fire organization, but where there are 200 men, and these men are changing continuously, the danger from throwing lighted matches or lighted cigarette butts out of the windows can not be entirely eliminated. The matter is of such serious importance as to merit immediate attention."

On December 28, 1923, the garage was destroyed by fire, and on April 29, 1924, the main building or inn and the power-house annex were completely destroyed by fire, together with the furnishings and equipment.

There is no direct evidence of the cause of the last two fires, nor other evidence of the surrounding circumstances, or of the precautions taken by the defendant's employees to guard against damage from vandalism or undue carelessness on the part of trainees or employees of the defendant, or of other facts indicative of the cause of the said fires.

VIII

During the time that the Government occupied the buildings there were changes made in the main buildings and the furniture was frequently moved from one part of the premises to another part. Some of the furniture was stored in the outbuildings when not in use in the main building. It does not appear from the evidence in the record just what furniture was in the main building or inn at the time it was destroyed by fire, except that the inn was completely furnished at said time.

IX

When the defendant quit and vacated the demised premises on June 30, 1924, it failed to deliver up to plaintiff the Pocono Pines Inn, the power-house annex thereto, and the garage building, and furniture, fixtures, and equipment that were in said buildings held by defendant under said lease. Defendant also failed to deliver up furniture, fixtures, and equipment contained in the assembly lodge, the casino, cabins, dormitory, barn, and other buildings included in said lease.

The replacement cost of the furniture, furnishings, and equipment, less ordinary wear and tear, which were in the Pocono Pines Inn, and the garage and the power-house annex, and the value of the articles of personal property which the defendant failed to deliver to the plaintiff on June 30, 1924, amounted to $30,552.66.

X

The replacement cost of the Pocono Pines Inn building and the power-house annex, which were destroyed by fire, was on June 30, 1924, $186,242. The replacement cost of the garage building on said date was $4,212.

XI

In May, 1926, after an unsuccessful effort to refinance and diligent effort to sell the premises, plaintiff sold all of the property, including the real estate and buildings situated thereon and the furniture and equipment that were turned back to it by the Government on June 30, 1924, for the sum of $110,000. The furniture that was in the building at that time was of practically no value.

XII

The plaintiff corporation and its officers are citizens of the United States and have at all times borne true allegiance to the Government of the United States, and have never in any way aided, abetted, or given encouragement to rebellion against the Government of the United States.

CONCLUSION OF LAW

Upon the foregoing special findings of fact, which are made part of the judgment herein, the court decides as a conclusion of law that the plaintiff is entitled to recover $227,239.53.

It is therefore adjudged and ordered that the plaintiff recover of and from the United States the sum of $227,239.53.

Opinion

Booth, Chief Justice, delivered the opinion of the court:

The plaintiff is a Pennsylvania corporation. It owned a large and extensive hotel plant located upon 300 acres of land at Pocono Pines, Monroe County, Pa. The hotel plant was composed of an inn with a rooming capacity of at least 200, and numerous additional buildings designed as adjuncts to and to be used in conjunction with the inn, the whole enterprise contemplating a complete, convenient, and attractive summer resort.

On May 1, 1921, the entire premises were leased to the Government for a period of three years, with an option to extend the tenancy to five years. The Government acquired the properties through the Federal Board for Vocational Education and went into immediate possession of the land, the buildings, and contents.

The lease contained the following, viz:

"That the party of the first part covenants and agrees to furnish without additional expense to the United States of America adequate and satisfactory heat, light, water, and janitor service, and to keep the buildings and grounds in suitable condition and repair during the full term of this lease; such service being included in the amount hereinbefore stipulated as rent to be paid by the party of the second part, and to install without additional expense to the United States electric lighting and additional showers and lavatories as described in letter dated April 16, 1921, hereto attached and made a part hereof.

"And the said party of the second part further covenants and agrees to quit and deliver up the said premises and property peacefully and quietly to the party of the first part at the expiration of the period specified in like good order and condition as the same now are, reasonable use and wear thereof and damage by fire or other casualty excepted; and the said party of the second part further covenants and agrees to reimburse the party of the first part for any and all damages that may result to the said property or premises from vandalism or undue carelessness on the part of any of the trainees or employees of the Federal board.

* * * * * * *

"And it is further agreed by and between the parties hereto that if the premises described and leased, or a part of them, shall be destroyed by fire or other casualty, or shall from any cause (not the fault of the party of the second part) become untenantable, the party of the first part shall rebuild and repair the same if required to do so by the party of the second part, as soon as practicable, and the rent of such premises, or part of premises, as shall be so rendered untenantable, and a proportionate part of the same, shall cease and remain suspended and abated for the whole period during which the occupancy thereof shall be prevented by such casualty or cause, or in such event that the lease may be canceled at the option of the party of the second part."

On April 17, 1923, the superintendent of the school addressed a letter to the president of the plaintiff company in which he disclosed the occurrence of a number of small fires due to the carelessness of certain trainees. The seriousness in this respect is pointed out, the steps taken to extinguish the fires recited, and notation made of an adopted procedure to forestall their recurrence, the letter closing with an appeal to the president to substitute a noninflammable roof on the porch of the inn for the existing shingle one which had been more than once ignited by the throwing of lighted matches and cigarette butts thereon by the trainees. The ever-present hazard of fires and destruction of the buildings from this source is emphasized. The automobile garage building and contents were totally destroyed by fire on December 28, 1923. The main inn and power-house annex, including furnishings and equipment, were likewise totally destroyed by fire on April 29, 1924. The destruction of the inn and contents, of course, precluded the use of the premises for which they had been leased. Thereafter, in accord with the terms of the lease, the Government on June 30, 1924, quit and surrendered possession of the premises to the plaintiff in their then condition. The plaintiff sues to recover for the loss suffered and for accrued rental under the lease, the Government having refused to pay the stipulated rental for the period subsequent to the fire and the expiration date of the lease.

The plaintiff predicates its cause of action upon the terms of the lease, and having proven the failure of the Government to deliver up the premises "in like good order and condition as the same now are" contends for a judgment. The Government produced one witness, the superintendent of the school, who testified as to the fact of a fire and under cross-examination by the plaintiff identified and admitted writing the letter of April 17, 1923, and the same became a part of the record without objection upon the part of the defendant. The Government then rested its case, insisting that the burden of proving a loss owing to the undue carelessness or vandalism of its trainees or employees, as well as the absence of accidental cause of fires, rested upon the plaintiff, and the plaintiff vigorously resists the contention in an exhaustive argument to the contrary.

The gravamen of the plaintiff's insistence converges exclusively to the express provisions of the lease which it says obligated the Government to deliver up the premises in the same good order and condition as when acquired, subject to the express reservations in the lease, and having failed to do so, or offer proof of facts which under the lease excused it from so doing, must respond in damages, i. e., the Government having expressly assumed an obligation to do a certain thing and the plaintiff having proven it did not do it, the burden rests upon the Government to prove compliance with its obligations under the contract.

The covenants of the lease respecting fires, undue carelessness, and vandalism of the trainees or employees of the Government, clearly indicate an intention upon the part of the plaintiff to expressly protect itself from loss or damage from this source. The Government went into possession of the premises cognizant of the obligations it had assumed in this regard, and the obligations assumed, as both parties concede, extended to governmental responsibility for loss or damage occasioned by fire unless attributable to an act of God or some unforeseen accident. The lease itself exempted the Government from loss through casual fires. If, then, the Government assumed an obligation to maintain an expressed condition of affairs, and not to be relieved of said obligation except under certain and expressed circumstances, and the plaintiff proves unquestionably a failure to perform the obligation to maintain, does not the burden rest upon the Government to establish the fact that the failure to perform comes within the clauses of the contract which exempt it from liability? In this case if the law is otherwise the plaintiff must carry the burden of proving an affirmative and a negative fact, the latter to be established by one out of possession of the premises, handicapped with a lack of knowledge of what did occur. The court does not know the cause of the fire. We can not say it was of unknown origin. Presumably the plaintiff did not know the cause; knowledge of the facts and circumstances attending the destruction of the buildings involved was peculiarly available to the Government officers present when the fire occurred, in possession of the buildings burned, and in possession of the premises for some time after the event. If the same was attributable to causes exempting the Government from liability under the expressed exceptions in the lease, there should exist no difficulty in establishing the fact upon the part of the Government. Taking the plain language of the covenant involved, it is indisputable that the Government obligated itself affirmatively to answer for the good order and condition of the property demised without relief from liability except as stated in the contract. What were the circumstances under which the Government might be relieved? They were damages for use and wear, acts of God, accidental fires, and kindred unforeseen and unavoidable causes.

If then under these circumstances the plaintiff is required to not only prove a failure to return in like good order and condition but must also bear the burden of sustaining the fact that the failure was not due to any of the excepted causes in the lease, it is contrary to the law of Pennsylvania, where the leased property was situated. In that State the defendant under similar circumstances must account for his failure to perform his covenants in a lease. The case referred to is that of McKinley *v.* C. Jutte & Co. (230 Pa. 122, 124). The lease of the premises involved contained a stipulation that the tenant should "surrender the same at the end of the term in as good order and condition as the same now are, reasonable wear and tear and acts of God alone excepted." The demised premises, including the building with all its machinery and equipment therein, were destroyed by fire. The defendant, in responding to plaintiff's suit for the recovery of damages for the loss, filed an affidavit of defense wherein in general terms it was stated that the fire was not due to defendant's negligence, nor in anywise ascribable to a default upon its part.

The affidavit further averred that the fire was unforeseen, its origin unknown, and was, in fact, due to an act of God. The lower court awarded the plaintiff judgment for want of a sufficient affidavit of defense. The Supreme Court affirmed this judgment, per curiam, on the opinion of the court below. A portion of the opinion is as follows:

"At the time of this fire the building and machinery was in the possession and control of defendant, and the burden is on it to show such facts and circumstances in its affidavit of defense as would bring it within the exception 'acts of God,' or at least to show such facts and circumstances as would rebut any inference of negligence or default on its part, and from which a jury might draw an inference that the fire was caused by an 'act of God' or some 'inevitable casualty or accident,' and the bare allegation that the fire was not caused by its negligence or default or was caused by an act of God, or that the fire was of an origin unknown, are not sufficient to prevent judgment, and for this reason alone this rule ought to be made absolute. The defense set-up, 'want of negligence or default,' is not available to the defendant in this case. The exception in the lease which relieves it from liability is the 'acts of God.'"

The Supreme Court in the case of In re Chicago, etc., Railroad Co. *v.* Pullman Co. (139 U. S. 79) had before it an issue similar to the one in suit. This was an action of the Pullman Co. for the destruction from an unknown cause of two cars owned by it and leased to the Chicago, etc., Railroad Co., under which the latter had assumed responsibility for damage occurring by "accident or casualty." The Pullman Co. assumed responsibility for "loss or damage arising from defective heating apparatus or lights furnished by it to its cars." Two cars were involved. The "Louisiana" was standing on the railroad company's tracks at its terminal in New Orleans, having just completed a trip, and was scheduled to leave in a few hours on another trip. The Great Northern was being repaired by the Pullman Co. employees in a section of the yard set apart for repair work by the Pullman Co., where it had been for six months, and was at the time entirely under the control of Pullman employees. The fire originated from "an unknown cause" in the Pullman repair shop, and destroyed, among other property, the two Pullman cars in question.

This was approximately the limit of the proof, and there was nothing to indicate whether the fire had arisen from defective heating apparatus or lights furnished by the Pullman Co. in the Great Northern, and no reference made to the necessity of the plaintiff's having the burden of first disproving any such supposition. The question turned upon the absence of proof on the part of the defendant excusing it from responsibility, and it was held, in the absence of proof, that the cause of loss was other than that for which defendant was responsible, and plaintiff was entitled to a judgment. With reference to the car Great Northern the court held, however, that it was not at that time in the possession of the railroad company, who was therefore not covered by the risk provisions of the lease.

In connection with the foregoing the court stated in part:

"There can be no doubt that the railroad company was, under the evidence, liable to the plaintiff on account of the loss by fire of the *Louisiana*. The contract covered cars that were assigned by the plaintiff to the defendant's use, while they were in actual transit over its lines or over the lines of other companies on whose roads they were sent by the defendant. It equally covered such as were under defendant's immediate control while in its own yards or sheds for the purpose simply of being cleansed and resupplied for another trip when the defendant chose to put them into actual service. That was the situation at the time of the loss by fire of the *Louisiana*. It had, a few hours before, come from active service on the defendant's road, and, but for its destruction, would have been put upon the road for another trip in the afternoon of the very day of the fire. Such a case is plainly embraced by both the letter and spirit of the contract. A peremptory instruction to find for the plaintiff in respect to the *Louisiana* would not have been erroneous."

In other words, the court held that, in the absence of proof that the cause of the fire or injury was due to the heating apparatus and lights supplied by the Pullman Co. to its cars, the railroad company must be held to be responsible for a damage caused by "accident or casualty."

In the case of Peck *v.* Scoville Mfg. Co. (43 Ill. App. 360), the lease contained a covenant upon the part of the lessee to deliver the premises "in as good condition as when the same were entered upon by the said party of the second part, loss by fire or inevitable accident or ordinary wear excepted." The lessor sued for damages. A window of the building was broken. The defendant was unable to do more than prove an unknown cause, showing only a probable one. The lessor recovered, the court holding that "the burden of proving that the window was broken by inevitable accident, the only exception to the tenant's responsibility, was upon the tenant, and having failed to do so the landlord should prevail in his demand for judgment."

A case similar to the one in suit arose in Minnesota, Rustad *v.* Lampert (149 Minn. 363). The lessee was obligated by the lease to quit and deliver up the premises at the end of the term "in as good order and condition and state of repair, reasonable use and wearing thereof, and inevitable accident excepted, as the same now are." The lessor sued and proved that when returned a furnace in the building was cracked. The lessee was unable to prove the cause. Judgment for the lessor was affirmed, the court in part saying:

"Plaintiff made out a prima facie case when she proved that the premises were surrendered in a damaged condition. It was then incumbent upon the defendant, if he would avoid liability, to prove that the damage was due to the excepted clause."

The same principle has been applied and uniformly followed in questions concerning the burden of proof in actions for damage to cargo covered by a provision of bills of lading. In re The Folmina (212 U. S. 354); Clark *v.* Barnwell (12 How. 272); The G. R. Booth (171 U. S. 450); St. Johns Corp. *v.* Campanhia Geral (263 U. S. 119).

That the burden of sustaining exceptions in insurance policies is upon the company is attested by many cases cited in plaintiff's brief. We cite but one—Home Benefit Association *v.* Sargent (142 U. S. 691).

The precise rule contended for by plaintiff has been consistently followed in litigation predicated upon nonobservance of ordinances and statutes containing provisos and exceptions relieving from liability under the stated exceptions. In the early case of United States *v.* Dickson (15 Pet. 141, 165), Mr. Justice Story said: "A proviso carves special exceptions only out of the enacting clause; and those who set up any such exception must establish it as being within the words as well as within the reason thereof."

In United States *v.* Oregon Short Line Railroad Co. (160 Fed. 526), the court in its opinion held as follows:

"Obviously it would be next to impossible for the Government (plaintiff) to anticipate and by proof eliminate all the possible contingencies covered by the excepting clause. Even if it were held to be necessary for the plaintiff to plead against the exception, it might still be relieved from making proof, because it would thus plead a negative, and, further, because it pleads the absence of conditions, the evidence concerning which in many cases would be exclusively within the knowledge of the defendant."

See also St. Louis *v.* Howard (119 Mo. 47); Newport News & M. Val. Co. *v.* United States (61 Fed. 488, 21 Ruling Case Law 546, sec. 168). We discuss the contention rather extensively, not because of an opinion of doubt with respect to the rule but rather in answer to the defendant's sedulous argument to the contrary. The cases cited in defendant's brief need not be challenged as not authoritative for the propositions involved. It is not questioned that the defendant may escape liability in the instant case, if the record disclosed a loss by fire due to inevitable accident, act of God, or the public enemy. The issue here is the absolute failure of the defendant to bring the cause of the loss within the exemption clauses of the contract. No effort was made to do so. We do not have before us conflicting testimony or the duty of weighing evidence. The defendant rests its case upon the mere proof of fire, without explanation or additional statement. This lease, like others of its character, contained a covenant to rebuild, an obligation assumed by the lessor in the event the buildings were accidentally destroyed by fire ("not the fault of the party of the second part"). Rent was to abate proportionately as to the untenantable structures. In the construction of the lease, however, we must look to all its provisions and give the instrument its intended effect. The obligation of the Government to answer for the negligence and carelessness of its trainees and employees, and return the property "in the same good order and condition as they now are" is subject to the exceptions stated in the same clause imposing the liability. The obligation of the lessor to rebuild is similarly qualified. It does not arise until as the covenant itself provides "if required to do so by the party of the second part" and has been occasioned without the fault of the second party. There is nothing in the record disclosing a request to rebuild, no suggestion in the pleadings of a defense or counterclaim because of a failure so to do. On the contrary, the plaintiff sues for the unpaid rental due under the contract, withheld because of the fire. Obviously the clause to deliver and the clause to rebuild are to be construed as the parties intended, i. e., reciprocal obligations were made dependent upon the exceptions which exempted the Government from liability, and the failure of the Government to bring itself within the exceptions entitles the plaintiff to recover. The Arrowhead Springs Hotel Co. case (67 C. Cls. 211) is without force.

The obligation of the Government in that case was subject to the usual limited stipulation excepting it from responsibility for "ordinary wear and damage by fire or other casualty," and turned upon the question whether, in the light of the particular circumstances, the Government officials had done all things required of a tenant in the exercise of ordinary and usual precaution, to protect the property from damage by fire. The court found that the Government had done so, that there was no negligence, and incidentally pointed out that, under the provisions of that lease, the Government was not responsible for the actions of the inmates. The Government met the issue by proof and sustained by testimony its observance of the lease. The mere proof of destruction by fire is not, we think, sufficient to bring the Government within the exceptions from liability stated in the lease, nor do we think the letter of April 17, 1923, and proof of the burning of the garage on December 28, 1923, sufficient proof to sustain a finding that the inn and power-house annex were burned through the negligence or undue carelessness of the trainees or Government employees. It is true the superintendent notified the plaintiff specifically of two serious fires and a number of small ones owing to the undue carelessness of trainees, and advised of the inability to entirely eliminate the hazard from this source. This testimony, it is true, stands uncontradicted and from it the plaintiff cites cases alleged to warrant an inference that the destruction of the inn from fire was due to the same cause. The cases cited involve actions for loss occasioned by passing locomotives operated by railroad companies, and the proof adduced, while it failed to identify the particular locomotive causing the damage, did sustain the fact of continuous passage of many locomotives through or near the premises of the plaintiff, each of which scattered fire and sparks. In other words, an immediate and continuing condition was established, which in the absence of contradictory evidence the court held warranted an inference as to the cause of the fire sued upon. Aside from other objections which might be interposed, we think the evidence too remote and the situation too conjectural to warrant the inference sought. The letter upon which the plaintiff relies was written more than a year before the inn and power-house annex burned, and the hazard of fire from the storage of automobiles is common knowledge.

The measure of damages is a subject of contention. The plaintiff's cause of action is solely dependent upon a breach of the defendant's covenant to return the property "in like good order and condition as the same now are." The plaintiff does not allege nor prove negligence of the trainees or employees of the defendant as a failure to observe the covenant; all that is established is a failure to deliver in accord with the above obligation. What then was the condition, not the value of improvements but the existing condition, at the time the lease was executed? The plaintiff owned, among other structures, an inn of substantial proportions, a garage, and a power-house unit; all three structures and contents were consumed by fire. If the Government reimburses the plaintiff to the extent of sufficient funds to cover the value of the buildings and contents on the dates burned, less reasonable use, wear, and tear, the plaintiff is made whole, i. e., they may be replaced by the plaintiff, or, as was done, the premises may be sold without them. If the plaintiff of its own motion had decided to rebuild the structures destroyed, it could not have recovered more than above stated. The clause in the lease upon the subject of damages is twofold: First, an obligation to deliver in same condition; and, next, an obligation to respond "for any and all damages" attributable to undue carelessness or vandalism of the trainees or employees of the defendant. We are not concerned with the last. The case here is confined to the first. What the Government undertook to do was to maintain a condition, and if it failed the measure of loss is the sum required to discharge the obligation. It is difficult to perceive—as contended for by the plaintiff but not proven—wherein the plaintiff is entitled to recover incidental damages reflected in less value for the remaining structures on the premises; they were not destroyed. Of course, the entire premises would sell for less in the open market with the three structures no longer upon the same; but if the Government reimburses the plaintiff for the destroyed buildings to the extent of their worth, less the reasonable wear and tear, the plaintiff is in possession of sufficient funds to cover the loss. There is no evidence in the record disclosing the extent to which the loss of the buildings contributed to the reduced market value of the premises when sold, nor facts upon which the court could find that the entire difference in value was due solely to the losses by fire. To simply state or attempt to prove that the premises possessed a fair market value on the date of the lease, and a much reduced market value after the fire, is to omit from the calculation the fires as a factor in the resultant loss, for the proof discloses that, in addition to the inn, garage, and power house, many other structures remained in statu quo, capable of use, and adding value to the premises. In addition to this it is manifestly impossible for the court to accept as fair market value the price received for the premises over two years after the fire. Obviously, during this long period of time numerous causes may have intervened affecting the market value of land as well as summer-resort hotels. The best proof we have here of loss is what it would cost to replace the buildings destroyed, viz, $186,242 for the inn and power-house annex, and $4,212 for the garage. The court finds from the record that the loss of the contents of the buildings involved amounts to $30,552.66. This sum represents the cost of replacement, less a deduction for ordinary wear and tear. The unpaid installments of rent total $6,232.87. The judgment herein will therefore be for the total sum of $227,239.53. It is so ordered.

Williams, judge, and Littleton, judge, did not hear and took no part in the decision of this case.

Green, judge, and Graham, judge, concur.

Mr. SWANSON. Mr. President, I have had furnished me by an attorney from the Accounting Office a memorandum concerning the various acts and a decision of the Supreme Court of the United States in connection with the jurisdiction of the Court of Claims, which is very interesting in connection with the matter we have been discussing, and as the memorandum is not very long, I ask that it be printed in the RECORD, with the letter of transmission.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 26, 1931.

Hon. CLAUDE A. SWANSON,
United States Senate.

MY DEAR SENATOR: Referring to our conversation of to-day concerning the Pocono Pines Hotel judgment of the Court of Claims, which is now before the Senate in connection with H. R. 17163 to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, I desire to invite your attention to Murphy *v.* United States (35 C. Cls. 494, 514).

Briefly, in that case, the plaintiff brought suit against the United States in the Court of Claims. Judgment was rendered by said court against the plaintiff. A motion for a new trial was made and granted and the Court of Claims again reached the conclusion that the petition should be dismissed. The case was then appealed to the Supreme Court of the United States and its opinion is reported in One hundred and fourth United States Reports, page 464, affirming the action taken in October, 1881, by the Court of Claims. By an act of July 25, 1890, which is quoted on pages 494, 495 of Thirty-fifth Court of Claims Reports, Congress provided that "the claim of Charles Murphy be remanded to the Court of Claims for further hearing upon the testimony," etc. The case came on again for hearing before the Court of Claims and judgment was finally entered for the sum of $17,325.

The only difference between the procedure which you have proposed in the Pocono Pines case and the procedure in the Murphy case in Thirty-fifth Court of Claims Reports is that the judgment in the Pocono Pines case went against the United States, while in the Murphy case the judgment went against the plaintiff; also, that in the Murphy case the case went to the Supreme Court of the United States and was affirmed before the act of Congress remanding the case for a new trial. The Pocono Pines case is even a stronger one than the Murphy case for the proposed remanding to the Court of Claims.

Sincerely yours,

O. R. MCGUIRE,
Counsel to the Comptroller General.

MEMORANDUM BY THE ATTORNEY FROM THE COMPTROLLER GENERAL'S OFFICE

Re: Statutes, etc., concerning the jurisdiction of the Court of Claims

The Court of Claims is an agency of the Congress created with a view to assisting the Congress in reaching a correct and just conclusion respecting certain types of claims against the United States the payment of which is a duty fixed by the Constitution upon the Congress. It is not a constitutional court and has no authority to render a binding judgment against the United States. Its judgments must be submitted to the Congress and may not be paid unless the Congress makes specific appropriation for such payment.

Claimants submitting their demands to such court for consideration do so in the light of its limitations as fixed by law, and have full notice that any judgment the court may render against the United States must stand such scrutiny as the Congress may see fit to give it and may not be paid unless specific appropriation be made for payment.

The Court of Claims was originally created by the act of February 24, 1855 (10 Stat. 612), and as so created it was without jurisdiction to render a judgment against the United States. Its function was limited to making reports, etc., on claims to the Congress. This statute was amended by the act of March 3, 1863 (12 Stat. 765), authorizing the Court of Claims to render judgment in certain cases against the United States and providing for appeal to the Supreme Court of the United States. The first case attempted to be taken up on appeal from the Court of Claims was Gordon *v.* United States (2 Wallace 561). The opinion in that case was written by Chief Justice Taney, but was not filed until after his death, and is printed in 117 United States 697 to 706.

The Supreme Court of the United States declined in the Gordon case to entertain an appeal from the Court of Claims, principally for the reasons as set forth in the opinion by the Chief Justice that the judgments of said court could not be paid until the Secretary of the Treasury had complied with section 14 of the act of March 3, 1863 (12 Stat. 765), which provides that no money shall be paid out of the Treasury for any claim passed upon by the Court of Claims until after an appropriation therefor should be estimated for by the Secretary of the Treasury. The apparent thought of the Supreme Court was that this gave some jurisdiction to the Secretary of the Treasury to revise the judgments of the Court of Claims, and, following earlier cases, the Supreme Court concluded that Court of Claims' judgments subject to the revisory power of an administrative official were not such judgments as the Supreme Court could review.

The act of March 17, 1866 (14 Stat. 9), repealed this section 14 of the act of March 3, 1863, and there remained in effect the seventh section of the act of March 3, 1863, which provided that the judgments should be paid out of any general appropriation made by law for the payment and satisfaction of private claims. The court held in DeGroot *v.* United States (5 Wallace 419), that this cured the defect in the Gordon case, and that the judgments of the Court of Claims rendered after the act of March 17, 1866, could be reviewed in the Supreme Court of the United States. It is interesting to note that in the act of September 30, 1890 (26 Stat. 537), the Congress returned to the procedure contained in section 14 of the act of March 3, 1863, and prohibited the payment of any judgments of the Court of Claims until such judgments had been certified by the Secretary of the Treasury to Congress for an appropriation with which to pay same. No question appears to have been raised by the Supreme Court of the United States since the act of September 30, 1890, that the principle of the Gordon case should be applied.

The act of March 3, 1863 (12 Stat. 765), was amended by the Tucker Act of March 3, 1887 (24 Stat. 505), by conferring concurrent jurisdiction on the district courts of the United States to hear and determine claims against the United States not exceeding $10,000 in amount. These acts were brought forward in the Judicial Code

of March 3, 1911 (36 Stat. 1135, 1143; Id. 1093), which provided that the Court of Claims should have jurisdiction to hear and determine all claims, except for pensions, "founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, *if the United States were suable.*" (Italics supplied.)

The above-mentioned act of September 30, 1890 (26 Stat. 537), and the act of April 27, 1904 (33 Stat. 422), provided:

"That hereafter estimates for the payment of all the judgments against the United States, including judgments in Indian depredation claims and of United States courts, shall be transmitted to Congress through the Treasury Department as other estimates of appropriations are required to be transmitted."

The act of February 18, 1904 (33 Stat. 41), as amended by the Budget and accounting act of June 10, 1921 (42 Stat. 23, 27), also provided that—

"Hereafter in all cases of final judgments and awards rendered against the United States by the Court of Claims, and of final judgments rendered against the United States by the circuit and district courts of the United States, payment thereof under appropriations made by Congress shall be made on settlements by the General Accounting Office."

The Supreme Court of the United States has had occasion in an opinion of May 20, 1929, in Ex parte Bakelite Corporation (279 U. S. 438, 461), to again consider the nature and jurisdiction of the Court of Claims. The Supreme Court there said, among other things, that—

"Legislative courts also may be created as special tribunals to examine and determine various matters arising between the Government and others, which from their nature do not require judicial determination and yet are susceptible of it. The mode of determining matters of this class is completely within congressional control. Congress may reserve to itself the power to decide, may delegate that power to executive officers, or may commit it to judicial tribunals.

"Conspicuous among such matters are claims against the United States. These may arise in many ways and may be for money, lands, or other things. They all admit of legislative or executive determination, and yet from their nature are susceptible of determination by courts; but no court can have cognizance of them except as Congress makes specific provision therefor. Nor do claimants have any right to sue on them unless Congress consents; and Congress may attach to its consent such conditions as it deems proper, even to requiring that the suits be brought in a legislative court specially created to consider them.

"The Court of Claims is such a court. It was created, and has been maintained, as a special tribunal to examine and determine claims for money against the United States. This is a function which belongs primarily to Congress as an incident of its power to pay the debts of the United States. But the function is one which Congress has a discretion either to exercise directly or to delegate to other agencies.

"For 65 years following the adoption of the Constitution Congress made it a practice not only to determine various claims itself but also to commit the determination of many to the executive departments. In time, as claims multiplied, that practice subjected Congress and those departments to a heavy burden. To lessen that burden Congress created the Court of Claims and delegated to it the examination and determination of all claims within stated classes. Other claims have since been included in the delegation and some have been excluded. But the court is still what Congress at the outset declared it should be—'a court for the investigation of claims against the United States.' The matters made cognizable therein include nothing which inherently or necessarily requires judicial determination. On the contrary, all are matters which are susceptible of legislative or executive determination and can have no other save under and in conformity with permissive legislation by Congress.

"The nature of the proceedings in the Court of Claims and the power of Congress over them are illustrated in McElrath v. United States (102 U. S. 426, 29 L. ed. 189), where particular attention was given to the statutory provisions authorizing that court, when passing on claims against the Government, to consider and determine any asserted set-offs or counterclaims, and directing that all issues of fact be tried by the court without a jury. The claimant in that case objected that these provisions were in conflict with the seventh amendment to the Constitution, which preserves the right of trial by jury in suits at common law where the value in controversy exceeds $20. This court disposed of the objection by saying (p. 440):

"'There is nothing in these provisions which violates either the letter or spirit of the seventh amendment. Suits against the Government in the Court of Claims, whether reference be had to the claimant's demand, or to the defense, or to any set-off or counterclaim which the Government may assert, are not controlled by the seventh amendment. They are not suits at common law within its true meaning. The Government can not be sued, except with its own consent. It can declare in what court it may be sued, and prescribe the forms of pleading and the rules of practice to be observed in such suits. It may restrict the jurisdiction of the court to a consideration of only certain classes of claims against the United States. Congress, by the act in question, informs the claimant that if he avails himself of the privilege of suing the Government in the special court organized for that purpose, he may be met with a set-off, counterclaim, or other demand of the Government, upon which judgment may go against him, without the intervention of a jury, if the court, upon the whole case, is of opinion that the Government is entitled to such judgment. If the claimant avails himself of the privilege thus granted, he must do so subject to the conditions annexed by the Government to the exercise of the privilege.'

"While what has been said of the creation and special function of the court definitely reflects its status as a legislative court, there is propriety in mentioning the fact that Congress always has treated it as having that status. From the outset Congress has required it to give merely advisory decisions on many matters. Under the act creating it all of its decisions were to be of that nature. Afterwards some were to have effect as binding judgments, but others were still to be merely advisory. This is true at the present time. A duty to give decisions which are advisory only, and so without force as judicial judgments, may be laid on a legislative court, but not on a constitutional court established under Article III.

"In Gordon *v.* United States (117 U. S. 697, Appx.) and again In re Sanborn (148 U. S. 222; 37 L. ed. 429; 13 Sup. Ct. Rep. 577) this court plainly was of opinion that the Court of Claims is a legislative court specially created to consider claims for money against the United States, and on that basis distinctly recognized that Congress may require it to give advisory decisions. And in United States *v.* Klein (13 Wall. 128, 144, 145; 20 L. ed. 519, 524, 525) this court described it as having all the functions of a court but being, as respects its organization and existence, undoubtedly and completely under the control of Congress."

While the Congress may infrequently have occasion to authorize and direct the Court of Claims to give further consideration to a matter once acted upon by it, such a course would appear vastly preferable to a simple withholding of an appropriation. While such withholding would, to be sure, fully protect the interests of the United States, it would in most instances satisfactorily settle nothing; and since the Court of Claims is an agency of the Congress, a legislative court created to aid the Congress in the discharge of its constitutional duty to pay the just obligations of the United States, no reason appears why, when the proceedings had by such court in a particular case fail in any respect to afford the Congress the information needed by it to fully protect the interests of the United States, the court should not be empowered and directed to take such course and give such further consideration to the case as will supply the Congress the information needed.

Any other course by the Congress might result in a failure of justice or be misunderstood as indicating that the Court of Claims may not safely be relied upon to obtain and supply the information so needed by the Congress.

In so directing the Court of Claims in such a matter the Congress would be doing no more than would be involved in referring a matter back to one of its own committees for further consideration and report or in directing the General Accounting Office, likewise an agency of the Congress, to make further investigation or to give further consideration to some matter it had reported upon to the Congress.

Mr. SMOOT. Mr. President, I send to the desk an amendment, which I ask to have agreed to.

The PRESIDENT pro tempore. The amendment will be reported.

The CHIEF CLERK. On page 12, after line 7, the Senator from Utah proposes to insert the following:

Hospital and domiciliary facilities and services, Veterans' Administration: For carrying out the provisions of the act entitled "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," approved February —, 1931, $5,000,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

Mr. ODDIE. Mr. President, in connection with the item for hospitalization which has just been inserted in the bill on the motion of the Senator from Utah (Mr. SMOOT), I offer for the RECORD a letter from General Hines, chairman of the Federal Board of Hospitalization, dated February 25, 1931, commenting on the advisability and necessity of this legislation and the necessity for one unit in particular for the State of Nevada and also certain matters in connection therewith. These show clearly the need for the increased appropriation provided for in this amendment over that voted by the House.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

FEDERAL BOARD OF HOSPITALIZATION,
Washington, D. C., February 25, 1931.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: Replying to your call of this morning in regard to my recent recommendation for the location of a hospital in the State of Nevada, I am glad to furnish you with the following information in regard thereto:

The records of the Veterans' Bureau should show that as early as 1925 you personally, and it is my recollection Senator PITTMAN and the Congressmen from Nevada, had up with me the question of locating a hospital in that State. Your files will indicate that consistently and persistently from that time on you brought to my attention the desirability of providing hospital facilities in your State.

Up to this year, in view of the policy of the Congress of only constructing hospital facilities for service-connected cases, I have not felt that consistent with such policy we could recommend the further extension of hospital facilities until the Congress acted in regard to the matter of whether they would or would not extend such facilities for the care of veterans of all wars whether they were service-connected cases or not. Having reached the point where no further facilities could be justified for service-connected cases, when asked to appear before the World War Veterans' Committee of the House and the Senate Finance Committee on the matter of hospital construction under consideration by the present Congress, I found it necessary to advise the committees that no additional beds could be justified for service-connected cases, but if the Congress had determined to proceed with hospital construction for the noncompensable cases (nonservice-connected cases), then a very extensive construction program between now and 1935 could be justified.

I submitted two programs to the committees—one which contemplated the construction of some 2,800 beds and the other a more extensive program, covering approximately 6,000 beds. Included in these programs was a new hospital unit for the State of Nevada, which is justified when we consider taking care of veterans of both classes of disability—service connected and nonservice connected—and particularly when consideration is given to the distances the veterans in the State of Nevada are required to travel to be hospitalized at the present time.

As you know, we operate a small regional office in Nevada, and it is contemplated that the new unit will be a combined regional office and a general hospital, small in character but sufficient to take care of immediate needs, and for use as a clearing unit for cases which might be sent to other larger hospitals.

The records of the Federal Board of Hospitalization indicate that at your request you appeared before that board on January 11, 1926, advocating the building of a Veterans' Bureau hospital in the State of Nevada. For your information I am inclosing herewith an extract from the minutes of that board, also a copy of a resolution passed by the board under date of February 2, 1926, and transmitted to you in my letter of February 10, 1926. Our files indicate that Senator PITTMAN, yourself, and Congressman ARENTZ have on many occasions called my attention to the necessity for a hospital in Nevada, and the fact that one has not been provided heretofore has been due entirely to the reasons above given.

If I can furnish you any further information in regard to this matter, I will be only too happy to do so.

Very truly yours,

FRANK T. HINES, *Chairman.*

FEBRUARY 10, 1926.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The Federal Board of Hospitalization has instructed me to transmit to you a copy of resolution adopted by the board at its meeting on February 2, which resolution has reference to the matter concerning which you appeared before the board, the providing of a Veterans' Bureau hospital for Nevada.

Very truly yours,

FRANK T. HINES, *Chairman.*

Resolution adopted by the Federal Board of Hospitalization

WASHINGTON, D. C., *February 2, 1926.*

Resolved, That from the information available and in view of the fact that the number of tubercular patients is being rapidly reduced, the Federal Board of Hospitalization does not feel it advisable to increase hospital facilities at this time, and for that reason will defer action on the matter of building a tuberculosis hospital at Reno, Nev.; and be it further

Resolved, That the board does not deem it advisable to determine the question of locating a hospital at Salt Lake City, Utah, until the War Department has notified the Veterans' Bureau as to the disposition they will make of the posts at Helena, Mont., and Boise, Idaho.

FEDERAL BOARD OF HOSPITALIZATION,
January 11, 1926.

General HINES. Senator ODDIE, we will be glad to hear from you on the subject of a hospital in the State of Nevada, which I understand you desire to present to the board. You may proceed in any way you desire.

Senator ODDIE. General Hines, I appreciate very much the opportunity you have given me to appear before this board. My desire is that the board carefully consider the question of building a Veterans' Bureau hospital in Nevada. I have been studying the problem quite fully as the members have, only in a different way, and I believe that the time is here now or will shortly be here when the need will be very great for that hospital. The facilities and advantages are all that could be desired and the location I suggest is in the immediate vicinity of Reno. It is on the main line of the Southern Pacific Railway. I think the proportion of sunshiny days in that section is as high as any in the country. The air is snappy and balmy. It is a particularly healthful climate, and above all else it is an attractive, cheerful place for a hospital. The surroundings are cheerful, and I believe the time has come when it should be actually considered.

General HINES. Do you think the load in that vicinity requires a hospital; that the ex-service men will eventually require other facilities in that direction?

Senator ODDIE. I believe so, General. My experience in the West in the last few years has convinced me that the military population of the State should not be considered. For instance, in the tuberculosis hospitals in Arizona I found that something like 90 per cent are from 40 States, and that a very small proportion of those patients are from Arizona. I believe the hospital load will increase as time goes on and there will be greater demand for Veterans' Bureau hospitals than the present facilities can take care of.

General HINES. I found just as you state, that in the hospitals in the States of Arizona, New Mexico, and California, we have representatives from 48 States, and the proportion from other States was greater than that for the States mentioned.

Senator ODDIE. In Nevada conditions are particularly attractive for a hospital because the air is dry and it is known to be a particularly healthful section and well adapted for the curing of tuberculosis. I would like to see a hospital of 250 beds if that can be built. Of course, it will be up to the board to determine the size and conditions surrounding it, but I will be pleased if the board will consider this.

General HINES. Does any member of the board desire to comment?

Senator ODDIE. I would like to make comment on the proportion of enlistments or inductions into the Army from that State. However, the record of the State stands on its own feet, and I do not think any comparison should be made between that and any other State.

It is on the main line from the coast, and transportation facilities are of the best. The attractive resorts in the vicinity, beautiful mountain lakes, streams, and cheerfulness which will surround them because of that location I believe will go a long way toward effecting their recovery.

General HINES. We will be very glad to give the matter consideration. The bureau has not made recommendation, but I will be glad to see that they make one.

Senator ODDIE. I will appreciate it.

Mr. JONES. Mr. President, we have passed through the Senate the bill relating to the cashing of the veterans' adjusted-compensation certificates, and we expect that to become a law. Carrying out the law will necessarily add considerably to the expenses of the Veterans' Bureau. I have had General Hines, the Administrator of Veterans' Affairs, estimate what additional appropriation they will need when the measure becomes a law, and I think we should provide for it in this bill. Therefore, I offer the amendment which I send to the desk. It will go to conference, of course, and if anything happens that we do not expect, it can be taken out.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 11, after line 1, the Senator from Washington proposes to add the following:

Administration, medical, hospital, and domiciliary service, Veterans' Administration: For an additional amount for salaries and expenses of the Veterans' Administration, fiscal year 1932, to be immediately available, including the same objects specified under this head in the independent offices appropriation act, 1932, $2,000,000, of which such amounts as may be necessary may be transferred to the printing and binding appropriation of the Veterans' Administration for the fiscal years 1931 and 1932 to meet the cost of printing blank forms incident to the making of loans on adjusted-service certificates under the act of February —, 1931.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. [Putting the question.] The ayes have it, and the amendment is agreed to.

The senior Senator from Washington is recognized.

Mr. DILL. A point of order. The senior Senator from Washington can not hold the floor——

The PRESIDENT pro tempore. The senior Senator from Washington happens to be the Senator in charge of the pending bill, and under the uniform practice the Senator in charge of a bill is recognized, and the Chair has recognized the Senator in charge of the pending bill.

Mr. DILL. A point of order. I wanted recognition to say something on the amendment, and the President pro tempore refused to recognize me. I maintain that my colleague

can not hold the floor and prevent discussion of an amendment.

The PRESIDENT pro tempore. Discussion is always in order in the Senate.

Mr. DILL. The President pro tempore would not recognize me.

Mr. JONES. I think under the circumstances the vote by which the amendment was agreed to should be reconsidered.

Mr. DILL. I do not care to have it reconsidered, but I object to the high-handed methods of the Presiding Officer.

Mr. JONES. Mr. President, there has come in a duly audited claim since we have been proceeding with the pending bill. This requires a brief amendment on page 169, lines 1 and 2, and in line 12, and I want to offer an amendment.

I first ask that the vote by which the amendment on page 169, lines 1 and 2, and in line 12, be reconsidered.

The PRESIDENT pro tempore. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The proposed amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 169, lines 1 and 2, the Senator from Washington proposes to insert the words "Senate Documents Nos. 284, 301, and 305, and," so as to read:

SECTION 1. For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., title 31, secs. 215-217), as fully set forth in Senate Documents Nos. 284, 301, and 305, and House Document No. 765 of the Seventy-first Congress, as follows:

And in line 12, in the committee amendment, to strike out "$9,293.75," and insert "$9,499.09," so as to read:

In all, $9,499.09.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment proposed by the Senator from Washington.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TYDINGS. Mr. President, earlier in the day there was adopted a resolution from the Committee on Printing authorizing the printing of the information gathered by the Wickersham Commission. I appeared before the Committee on Printing, and at their suggestion and with their support have prepared a resolution for the appropriation of the sum of money necessary to carry out the purpose of the resolution adopted earlier in the day.

The resolution has been submitted to the disbursing officer of the Senate, Mr. Pace, and also to the comptroller, and, I think, is in appropriate form. I, therefore, send it to the desk in order that it may be read, and will ask the floor so that I may explain it should Senators desire to interrogate me about it.

The PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. The Senator from Maryland proposes, on page 2, after line 17, to insert the following:

Printing data on prohibition enforcement: To enable the Joint Committee on Printing to have classified, printed, indexed, and bound the documentary evidence, statistics, and other data submitted to the Senate by the National Commission on Law Observance and Enforcement in response to the request of the Senate embodied in Senate Resolutions Nos. 423 and 463, not exceeding $25,000, including additional compensation to any employee of the United States, to be paid upon vouchers approved by the chairman of the committee and to be disbursed by the Secretary of the Senate.

Mr. BLAINE. Mr. President, I desire to inquire of the Senator from Maryland whether the resolution embraces only that portion of the commission's report that has been submitted to the Senate, or contemplates that it shall include further reports.

Mr. TYDINGS. Mr. President, the Senator from Maryland would say that he has been in communication with the commission. The reports showing the surveys made in the various States were taken from Washington by the members of the commission. The chairman of the commission is now assembling that information, and I am advised that he will have it all, possibly by Monday, and will transmit the remainder of the information to the Senate immediately. Therefore, what the resolution contemplates is the printing of all factual matter adduced by the commission.

However, the resolution was drawn in this form to eliminate the reproduction of a great many documents and the accumulation of expense without any purpose being served thereby. It was to make it as economical as possible.

Mr. BLAINE. Mr. President, as I understood the resolution when it was reported, I thought it referred to reports which had been made to the Senate.

Mr. TYDINGS. Mr. President, if I may interrupt the Senator from Wisconsin, the amendment which is pending refers to all the information which the commission should send under the resolution previously adopted by the Senate itself.

Mr. BLAINE. That is satisfactory.

Mr. JONES. This is in the form of a resolution, I understand?

Mr. TYDINGS. No; the resolution was agreed to earlier in the day as reported from the Committee on Printing. This is an amendment to the appropriation bill to provide the money to which the resolution adopted by the Senate refers.

Mr. JONES. I want to say to the Senator that I think there is $2,500,000 appropriated for printing during the next fiscal year. There will doubtless be plenty of money in the fund to print the document, but I am not going to oppose his amendment. We will take it to conference and do the best we can.

Mr. TYDINGS. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Maryland.

The amendment was agreed to.

Mr. VANDENBERG. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 136, ater line 16, insert the following:

Selfridge Field, Mich.: For completion of sea wall and necessary fill, $50,000; for construction of a quartermaster warehouse, $55,000; for construction of a water main extending from the limits of Mount Clemens, Mich., to and connected with the distributing system of the Selfridge Field Military Reservation, Mich., $37,000; in all, $142,000.

Mr. JONES. Mr. President, I understand that a bill providing for this matter passed the Senate a day or two ago, and therefore it is not subject to a point of order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

Mr. ROBINSON of Indiana. Mr. President, I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 180, after line 7, insert:

To aid the Grand Army of the Republic in its Memorial Day services, May 30, 1931: To aid the Grand Army of the Republic Memorial Day Corporation in its Memorial Day services, May 30, 1931, and in the decoration of the graves of the Union soldiers, sailors, and marines with flags and flowers in the national cemeteries in the District of Columbia and in the Arlington National Cemetery in Virginia, fiscal year 1931, $2,500, to be paid to the treasurer of said corporation and disbursed by him for the foregoing purposes.

Mr. JONES. Mr. President, I take it that no one would want the point of order made against this amendment, though it is probably subject to a point of order. We have taken care of the matter in this way for a great many years, and so I am going to make an exception and not make the point of order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Indiana.

The amendment was agreed to.

Mr. WAGNER. Mr. President, after a conference with the chairman of the Committee on Appropriations, I offer the following amendment.

The PRESIDENT pro tempore. The clerk will read the amendment for the information of the Senate.

The CHIEF CLERK. On page 55, after line 12, insert:

UNITED STATES EMPLOYMENT SERVICE

To carry out the provisions of an act entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," if said act becomes law, all unexpended appropriations available at the time of the enactment thereof for expenditure by the Employment Service of the Department of Labor, shall be available for expenditure by the United States Employment Service, Department of Labor, in the same manner and to the same extent as if the said United States Employment Service had been directly named in the laws making such appropriations; and, in addition to such sums, there is hereby appropriated for expenditure by such United States Employment Service for such purposes a sum which, together with the sums hereinbefore mentioned in this paragraph, shall not exceed $1,500,000, all of which shall be available immediately after said act becomes law: *Provided*, That if the act herein referred to does not become a law at the present session of Congress the amount herein appropriated shall not exceed $500,000.

Mr. JONES. Mr. President, I desire to say that the first part of the amendment is pursuant to a bill which has passed both Houses, but has not yet been approved by the President. The latter part of the amendment is pursuant to a Budget estimate. It is therefore not subject to a point of order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. Under the title "Department of the Interior" insert at the bottom of page 45 the following:

BUREAU OF RECLAMATION

North Platte project, Nebraska-Wyoming: For the purpose of enabling the Secretary of the Interior to construct rural trunk transmission lines, including necessary transformers, into farm settlements, communities, and municipalities within the North Plate irrigation project, the inhabitants of which are able to finance feeder or distribution systems and to guarantee to the power system a fair measure of profit, not to exceed $30,000 shall be available from the power revenues of the Lingle and Guernsey power plants, North Platte irrigation project.

Mr. JONES. Mr. President, this takes no money out of the Treasury of the United States. It simply takes money which belongs to the people under this project, and I therefore have no objection to it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. NORRIS. I ask to have inserted in the RECORD that part of the hearing before the Committee on Appropriations which related to the matter involved in the amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

INTERIOR DEPARTMENT—RECLAMATION SERVICE

STATEMENT OF SENATOR GEORGE W. NORRIS, OF NEBRASKA

North Platte irrigation project

Senator NORRIS. Mr. Chairman, I want to ask the committee to consider an amendment in regard to the appropriation or the authorization of some funds for building transmission lines from Guernsey Dam, in the North Platte irrigation project.

Perhaps I can get this before the committee as concisely as in any other way by reading for a moment.

The CHAIRMAN. You have not introduced any amendment?

Senator NORRIS. No; I have not. It is prepared, when I get to it. [Reading:]

"Bureau of Reclamation, North Platte project, Nebraska-Wyoming: For the purpose of enabling the Secretary of the Interior to construct rural trunk transmission lines including necessary transformers, into farm settlements, the units, and municipalities within the North Platte irrigation project, the inhabitants of which are able to finance feeder or distribution systems, and to guarantee to the power system a fair measure of profit, not to exceed $30,000, shall be available from the power revenues of the Lingle and Guernsey power plants, North Platte irrigation project."

Under the North Platte irrigation project there are quite a number of irrigation districts.

The CHAIRMAN. Let me ask you a question. Has that been acted upon in any way by the department, at any time?

Senator NORRIS. No; I take it, Mr. Chairman, this is not an appropriation of money from the Treasury.

The CHAIRMAN. Yes; I understand; but I just wondered whether that had been submitted to the department.

Senator NORRIS. Well, it has been. I have here a copy of the letter that was sent to the Secretary of the Interior, which, I think, explains itself pretty well, and I will read that letter and then I will make a little brief explanation as to the reason why the northwestern portion of Nebraska is particularly interested in this proposition.

First, let me say that under this project there are the Goshen, Pathfinder, Northport, and the Gering and Fort Laramie irrigation districts. They all join in making this request—all these irrigation districts. They comprise the entire North Platte irrigation project.

Senator KENDRICK. Right there, will you explain to the committee, if you have the figures, about what the net earnings of those power plants are?

Senator NORRIS. I have some papers here with a detailed statement of what the earnings have been.

The committee will realize that the income from the sale of electricity at the Guernsey and Lingle Dams in Wyoming, which are a part of the North Platte project, brings in quite a large sum of money, and it is applied, of course, to that irrigation district.

These people who are making this plea are the farmers who have paid for and will pay for these dams. This is a part of the project. It is all charged up to the land, and they are paying for it, and whatever they get out of the sale of electricity goes into the general fund to pay the expense of the entire irrigation department.

They say in this letter, as follows:

"THE GERING AND FORT LARAMIE IRRIGATION DISTRICT,
"*Gering, Nebr., February 12, 1931.*

"Hon. RAY LYMAN WILBUR,
"*Secretary of the Interior, Washington, D. C.*

"DEAR MR. SECRETARY: The boards of directors of the Goshen, Pathfinder, Northport, and the Gering and Fort Laramie irrigation districts, being the operating agencies of the North Platte Federal irrigation project, wish to urge upon you the necessity of immediate appropriation by Congress of $30,000 for the purpose of constructing rural trunk transmission lines and the installation of necessary transformers, the appropriation to come from the power earnings of the Lingle and Guernsey power plants."

Senator KENDRICK. That is, whatever we appropriate is reimbursable out of it?

Senator NORRIS. No; it would not be reimbursable. Of course the income goes into that, and it will all come back. [Continuing reading:]

"The necessity of immediate action, as we see it, in this matter is as follows:

"At the present time two power corporations are purchasing and distributing 75 per cent of all the power produced at the Guernsey and Lingle plants, and these two companies distribute their power in wholly separate territories with no apparent competition between them. It would appear that one of these corporations operating east of Guernsey is rapidly pushing its lines into rural districts and, we understand, offering fabulous sums to the smaller municipal contractors for their franchises and interests. So rapid is this aggression that time is an important factor if the various districts are to protect themselves from an absolute monopoly of the electrical field in the North Platte project. The water users whose lands are bounden for the cost of the construction of the North Platte project are anxious to secure power from the Guernsey and Lingle plants and, to insure future profits, wish to guard against 1-buyer domination wherein the purchase price of the power output at Guernsey and Lingle could be dictated."

The CHAIRMAN. I do not understand the situation, and I want to ask you a question on that. Was the power plant put in as a part of the reclamation project?

Senator NORRIS. That is my understanding.

The CHAIRMAN. And it was put in by the Government?

Senator NORRIS. Yes, sir; the Bureau of Reclamation put it in as a part of this project.

The CHAIRMAN. And it is now operated?

Senator NORRIS. Yes, sir; it is now operated.

The CHAIRMAN. Now I understand it.

Senator PHIPPS. And part of the electricity is sold to these distributing companies?

Senator NORRIS. Seventy-five per cent of it is sold to the two power companies at Lingle and Guernsey, and the electricity is then sold back in many instances to the very people who owned it in the beginning. [Continuing reading:]

"The plan would be to use this appropriation for building branch trunk transmission lines, with necessary transformers, into farm settlements, communities, and municipalities where the citizens could finance their own feeder or distribution system and guarantee some fair measure of profit to the power system. This will in no way commit the department to a policy of retailing power and no such policy is contemplated. It will in no way conflict with the present and past policy of constructing trunk lines. There are now approximately 33 miles of trunk line built by the department in successful operation on the North Platte project."

The CHAIRMAN. That was built, I assume, out of the reclamation fund?

Senator NORRIS. Yes; all of it was; these dams were constructed that way.

The CHAIRMAN. It seems to me, then, that this appropriation as asked for here should come out of the reclamation fund.

Senator NORRIS. It should; that is my idea of it; yes.

The CHAIRMAN. Is that the way you have it framed?

Senator NORRIS. Yes, sir.

The CHAIRMAN. All right.

Senator NORRIS (continuing reading):

"The books at the reclamation office at Guernsey as of December 31, 1930, show that approximately $223,000 of the accumulated power earnings has been set aside as reserve credit to the power system instead of being distributed to the annual repayments of the various districts. Considering the amount of investment in the power system (about $679,000) and the comparative newness of the system the reserve in the amount mentioned is considered at least ample, if not more than ample, to cover all items of depreciation at the present time and for the current year 1931. It is therefore requested and urged that less reserve be added to the present reserve fund for the current year and in lieu thereof that the proposed trunk transmission lines be built from earnings which would, as in the past, be normally set over into reserve. After conference between representatives of the four irrigation districts of the North Platte project and your Mr. Walters, chief engineer at Denver, your Mr. McClennan, electrical engineer at Denver, and your Mr. Gleason, superintendent of power of the North Platte project, we believe that this plan meets with the approval of your field staff.

"As an appropriation of this nature will come from power earnings of the North Platte project and not from the United States Treasury, it is believed that there will be no opposition to the bill, and this is the only means the districts have of protecting the landowners of the project against the very rapid monopolization of the entire power production and distribution by the power corporations above referred to."

Senator PHIPPS. Will you pardon me if I ask you a question?

Senator NORRIS. Certainly.

Senator PHIPPS. I just want to be clear in following you. That $223,000 has been set aside as reserve?

Senator NORRIS. As a reserve.

Senator PHIPPS. Instead of being distributed. That would be all in the reserve, and that much has been set aside as a reserve for covering the depreciation. Is not that fund available for this construction if that use is authorized?

Senator NORRIS. That is my idea of it.

Senator PHIPPS. Then the purpose is to make it available for that use?

Senator NORRIS. Yes; but I think that they will get that much in the current year; that they can take it out of the income of the current year, because their income is much more than that.

Senator PHIPPS. That was not quite clear as to the number of miles of proposed transmission lines to be built or authorized. I did not catch the figure.

Senator NORRIS. There are 33 miles already built and now in operation.

Senator PHIPPS. What is the amount of the appropriation?

Senator NORRIS. $30,000.

The CHAIRMAN. Why can not the Reclamation Service do that?

Senator NORRIS. I am of the opinion that it could do it without any appropriation.

Let me call your attention, as I said in the beginning, to the peculiar condition that exists, or did exist before, in the towns of Nebraska. All these communities and towns are located either in Nebraska or in Wyoming. Under the Nebraska law, until the last election, when by initiative the people changed the law and gave the municipalities the proper authority, no municipality could construct a transmission line outside of its own corporate boundaries, so that a municipality could not cross the road even to connect up.

They voted authority by initiative law. They voted to give the municipalities the authority to construct transmission lines, but not to go into the distributing of electricity by any means, but to let the municipality construct shorter lines, feeder lines, to meet these trunk lines and carry the electricity to the municipalities, and also to organizations and districts of farmers, most of whom are living on the land under the various irrigation systems that this would supply.

In other words, Mr. Chairman, all that this does is to take from a fund belonging to the very people who are asking this to be done, and let the people use it without the intervention of the middleman.

This is what happens now.

Senator KENDRICK. This is asking for authority to use their own money?

Senator NORRIS. That is absolutely right. This is what is happening now: This Reclamation Bureau, with the money of these farmers that they are paying for, has constructed these two reservoirs, and they have a large amount of electricity, but they have not constructed any transmission lines. This is just over the line in Wyoming, and the only way for the people to get their own electricity that they have paid for is to buy it through the middleman, paying the power companies that come in there, to buy juice at the switchboard, and carry it and distribute it to those who buy it.

There are two things in this. First, any profit that is made in the sale of electricity goes to these farmers. Whenever it is handled by a middleman, they get no profit out of it. They want to get a part of it—those who pay for it; they want to get as much profit as there is in it and all that is in it. This would enable them to have that profit.

On the other hand, when they take this as consumers they feel that they will get a great deal cheaper electricity, and in the meantime they want to sell it to municipalities where they do business.

The CHAIRMAN. It is developed as part of their fund.

Senator NORRIS. Absolutely; nothing else.

The CHAIRMAN. It looks like they ought to have the authority.

Senator NORRIS. Gentlemen, I can not see any possible objection to it, excepting one, and that is that this money, under the law, that is taken in from the sale of electricity goes in three places. First it goes to pay for the operation of these transmission lines. Its income there goes to pay for the electrical outfit, completely.

It then goes, when that is paid for, into the general fund pertaining to the entire North Platte project.

When that is paid out, then it goes into the Treasury of the United States. Now, we feel this is a comparatively new thing. They already have over $220,000 in this fund that can be used in the case of accident, or something of that kind, to these transmission lines or to some of the machinery connected with it; and nobody can touch that fund, as a matter of safety; but they feel that it is perfectly safe to invest some of this money in the enlargement of the business, and thus bring in a much larger income, and get for themselves the profit that now goes to the corporations which are distributing their own property and selling it back to them.

Senator PHIPPS. Senator NORRIS, what I can not understand is why they have to have authority to build 33 miles of transmission lines; I would like to know why they have to ask for authority to do that.

Senator NORRIS. I think I can explain that. I was there when they built this, on both sides of the Platte River. They used a large amount of electricity in digging the ditch on the Gering project. That, I think, was put in last, and they built transmission lines and constructed their works, and in doing so used large trucks to dig the ditch, and they dug that largely with electricity which they were generating themselves, and I think that is where this 33 miles that they speak of here was constructed. The electricity was used in the construction of the ditch itself.

Now, the right of way, Mr. Chairman, is mostly—to a great extent if not entirely—on land that they own. They will build these transmission lines right along the ditch, so that they can do it cheaper than any outside company could that would have to buy the right of way.

Unless anyone wants to ask questions, that is all I have to say.

The CHAIRMAN. We may want to bring some representative of the Reclamation Service here in regard to that.

Mr. BARKLEY. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 144, after line 22, insert the following:

For the erection of a suitable monument to the memory of the first permanent settlement of the West at Harrodsburg, in accordance with the terms of the bill S. 4384, which passed the Senate on February 17, 1931, $100,000.

Mr. JONES. Mr. President, this is in pursuance of a bill passed at this session by the Senate and, therefore, not subject to a point of order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. WAGNER. Mr. President, I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 136, after line 16, insert the following:

Plattsburg Barracks, Plattsburg, N. Y.: To carry out the provisions of the act entitled "An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes," approved February —, 1931, fiscal years 1931 and 1932, $150,000.

Mr. JONES. Mr. President, this also is to carry out a bill passed at this session and, therefore, not subject to the point of order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. SWANSON. Mr. President, the appropriation bill relating to the Yorktown Sesquicentennial Commission was similar to the bill providing for the bicentennial anniversary of the birth of Washington. There were some provisions in the former bill which made it very difficult to expend small sums of money. Every little item had to go to the Accounting Office. The latter bill was so amended as to allow appropriations to be transferred from one account to another, with a provision that all the vouchers had to be filed with and have the approval of the Accounting Office. I present a similar amendment relating to the Yorktown sesquicentennial celebration, and ask that it may be read.

The PRESIDENT pro tempore. The clerk will read the amendment for the information of the Senate.

The CHIEF CLERK. On page 6, line 5, before the heading "Interstate Commerce Commission," insert the following:

UNITED STATES YORKTOWN SESQUICENTENNIAL COMMISSION

The appropriations made in prior acts for expenditure under the direction of the United States Yorktown Sesquicentennial Commission shall be available for each and every object of expenditure connected with the purposes of the legislation authorizing participation by the United States in such celebration, notwithstanding the provisions of any other act relating to the expenditures of public moneys, including acts prescribing form and procedure: *Provided further*, That nothing contained in this paragraph shall be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit.

Mr. JONES. Mr. President, I am very sorry, but I shall have to make the point of order. The amendment proposes legislation on an appropriation bill.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. LA FOLLETTE. Mr. President, I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 55, after line 12, insert:

CHILDREN'S BUREAU

For carrying out the provisions of the act entitled "An act for the promotion of the health and welfare of mothers and infants, and for other purposes," approved March —, 1931, $1,000,000.

Mr. JONES. Mr. President, this is to carry out legislation which has been enacted and there is no objection. It is not subject to the point of order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

Mr. KING. Mr. President, my recollection is that the authorization called for only $1,000,000. I understand that the bill as it passed the Senate carried that authorization. If I am in error I should like to be corrected.

Mr. JONES. I did not recall that it carried only that amount.

Mr. LA FOLLETTE. The bill which passed the Senate carried an authorization for $1,000,000. The bill which the House committee has reported carries $2,000,000. I have offered the amendment providing for $2,000,000 on the assumption that the House bill will pass the Senate. It is subject to the point of order, I presume.

Mr. JONES. Mr. President, I will ask the Senator to reduce it to $1,000,000.

Mr. LA FOLLETTE. If the point of order is to be made, I will reduce it to $1,000,000.

Mr. KING. Did we not pass an appropriation bill a few days ago carrying $1,000,000 for this purpose?

Mr. LA FOLLETTE. That item was eliminated in conference. I will modify the amendment to provide for $1,000,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin as modified.

The amendment as modified was agreed to.

Mr. JOHNSON. Mr. President, I desire to submit a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. JOHNSON. To-day there was submitted to the House a veto message of the President upon what is termed the "veterans' adjusted certificate bill." That veto message has been acted upon by the House and has been messaged to the Senate. I desire to inquire of the Chair whether or not it is the privilege or the right of any Member of the Senate to ask that the message from the House be laid down and the veto message of the President taken up for consideration by the Senate.

The PRESIDENT pro tempore. It is the right of any Senator to ask that the message be read, but the message can not be dealt with until it has been entered in full upon the Journal.

Mr. JOHNSON. That has been done, I understand.

The PRESIDENT pro tempore. The Chair would hold it can not be done until the message has been read.

Mr. JOHNSON. I do not want to interfere with the appropriation bill now before the Senate.

Mr. JONES. I think it will take only a little while to finish the appropriation bill.

Mr. JOHNSON. I give notice that immediately upon the conclusion of the consideration of the appropriation bill now before the Senate, I shall ask that the veto message be read, and then it may be determined by the Senate what shall be done with respect to it.

The PRESIDENT pro tempore. May the Chair say to the Senator from California that the Senator will be spared the necessity of making the request, because it is the purpose of the present occupant of the Chair to lay the veto message before the Senate as soon as the pending bill is disposed of.

Mr. JOHNSON. That is exactly what I wish to have done; and having made assurance doubly sure, I am delighted.

Mr. ODDIE. Mr. President, I send to the desk an amendment and will state that it provides an appropriation which has already been authorized by the Senate within the last two weeks. It is a Federal-aid project.

The PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. Insert at the proper place in the bill the following:

That for the purpose of carrying out the provisions of the second paragraph of section 3 of the Federal highway act, as amended by the act approved June 24, 1930 (Public, No. 426, 71st Cong.), there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $5,000,000 for the fiscal year ending June 30, 1932.

Mr. JONES. That is to carry out a bill already passed. It is therefore not subject to a point of order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. HASTINGS. Mr. President, I send to the desk an amendment, which I offer.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. Insert at the appropriate place in the bill the following:

Refunds to railroads for interest collected: For refunds to such railroads as made payments of interest, that were covered into the United States Treasury, on overpayments made by the United States under sections 209 (g) and 212 of the transportation act, as amended, to be settled and adjusted by the General Accounting Office, fiscal year 1931, $48,852.83, to remain available until June 30, 1932.

Mr. JONES. Mr. President, this has not been estimated for. May I ask the Senator from Delaware if any legislation has been enacted at this session providing for this refund?

Mr. HASTINGS. Yes; Senate bill 3199 passed the Senate on February 10, providing for the refund.

Mr. JONES. Then it is not subject to a point of order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Delaware.

The amendment was agreed to.

ADJUSTED-SERVICE CERTIFICATES—VETO MESSAGE

Mr. REED. Mr. President, I understand the veto message of the President on the bonus bill is, of course, a matter of the very highest privilege. It can be taken up, I take it, on demand at any time, and would not displace the pending unfinished business. But I am going to suggest in the inter-

est of order that we enter into a unanimous-consent agreement that when the Senate concludes its business at the evening session to-night it take a recess until 11 o'clock to-morrow morning; that the veto message then be laid before the Senate; that speeches thereon be limited to 15 minutes for each Senator, and that a vote be taken not later than 2 o'clock to-morrow afternoon.

Mr. NORRIS. Mr. President, I should like to have the Senator from Pennsylvania yield to me.

Mr. REED. I yield.

Mr. NORRIS. As I understand the parliamentary situation, the veto message must be spread upon the Journal before it can be acted on. And before it can be spread upon the RECORD it must be read. So it ought to be read to-night in order to comply with that requirement.

Mr. REED. By unanimous consent that could be done.

Mr. ROBINSON of Arkansas. Mr. President, the Constitution requires that a bill when vetoed shall be returned to the House in which it originated, and there spread upon the Journal, and so forth, but there is no provision with which I am familiar requiring the same action on the part of the other House.

Mr. FESS. The same provision applies to the second House.

Mr. ROBINSON of Arkansas. Where is that provision found?

Mr. FESS. It is found in the Constitution.

Mr. ROBINSON of Arkansas. The language of the Constitution in Article I, section 7, the second paragraph, is:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively.

It is true that the votes must be entered upon the Journal of the Senate, but there is no requirement that before the Senate proceed to reconsider the bill on the veto message that the message shall be spread upon the Journal of the Senate.

Mr. FESS. Mr. President, will the Senator from Arkansas yield to me?

The PRESIDENT pro tempore. The present occupant of the chair is of the opinion that the word "likewise" means that.

Mr. FESS. That was the suggestion I intended to make.

Mr. ROBINSON of Arkansas. To what word "likewise" does the present occupant of the chair refer?

The PRESIDENT pro tempore. To that word in the phrase "shall be likewise reconsidered."

Mr. REED. There is no requirement that it shall be done upon the very day. The message can be spread upon the Journal to-morrow morning.

The PRESIDENT pro tempore. It may be done at any time.

Mr. REED. The discussion may proceed and the vote may be taken. I have talked with most of the Senators who, I think, are ardent in their support of this bill, and, so far as I know, the proposed unanimous-consent agreement meets with their approval. I hope it may be entered into for the sake of orderly procedure.

The PRESIDENT pro tempore. May the chair make this suggestion? The unanimous-consent agreement as proposed by the Senator from Pennsylvania requires the summoning of a quorum, but if the Senator from Pennsylvania would phrase his unamimous-consent agreement so as to read that the message shall be dealt with immediately upon the Senate convening to-morrow, and that speeches shall be limited to 15 minutes, but without fixing a time when the vote shall be taken, the time of the Senate need not now be consumed in calling the roll for a quorum.

Mr. REED. I am willing to do that, and then in the morning I shall renew the request, immediately after a quorum call, that the vote be fixed for 2 o'clock.

Mr. LA FOLLETTE. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

Mr. ROBINSON of Arkansas. Mr. President, I do not wish the precedent which I think the Chair recklessly attempted to make in his ruling on the point just considered to be passed over——

The PRESIDENT pro tempore. The Chair begs pardon. The Chair has not ruled.

Mr. ROBINSON of Arkansas. Well, the Chair announced that he held that the phrase "likewise reconsidered" meant that the same procedure must be followed in both Houses before the reconsideration of a bill following a veto message, and I am referring to that announcement of the Chair. I wish to point out that, in my opinion, there is no foundation whatever in the Constitution for a requirement that the veto message shall be spread on the Journal in any other House than the one in which it originated. The language of the Constitution is very plain:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it.

Reconsideration has nothing whatever to do with entering the objections of the President on the Journal, except the Constitution requires that the veto message shall be entered on the Journal before a reconsideration shall be had. The language further bearing upon the point is:

> If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered.

The words "likewise reconsidered" have no relation whatever to spreading the veto message on the Journal.

I merely wish to make that statement in order that the Chair may understand that I do not agree in the declaration the Chair made.

STATISTICS ON THE TARIFF (S. DOC. 310)

Mr. BARKLEY. Mr. President, I have here a compilation of expert tariff information prepared by certain experts under the Tariff Commission, in the nature of a dictionary of tariff information, which has been of much value to the Senate. It is entitled, "Statistics of Foreign and Domestic Wages, Prices, Freight and Tariff Rates and of Domestic Exports." I ask unanimous consent that it may be printed as a Senate document.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection? Without objection, that order will be made.

SECOND DEFICIENCY APPROPRIATION

The Senate resumed the consideration of the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

Mr. McKELLAR and Mr. GOLDSBOROUGH addressed the Chair.

The PRESIDENT pro tempore. The bill is still open to amendment. The Senator from Tennessee is recognized.

Mr. McKELLAR. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 3 it is proposed to strike out lines 11 to 21, inclusive, and in lieu thereof to insert the following:

JOINT SELECT COMMITTEE ON POSTAL AFFAIRS

The two ranking Republicans and one ranking Democratic member of the Committee on Post Offices and Post Roads of the Senate, and the two ranking Republican members and one ranking Democratic member of the Committee on Post Offices of the House are hereby authorized and empowered, as a joint select committee, to conduct hearings at Washington, D. C., and elsewhere, concerning foreign and domestic air mail and ocean mail contracts heretofore entered into by the Post Office Department, the use of pneumatic tubes between airports and large cities and the matter of increase of rates on parcel post, in which connection the committee is authorized to use the hearings now before the Interstate Commerce Commission.

Said committee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic and other assistants, to require by subpœna or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic service in reporting such hearings shall not exceed 25 cents per 100 words. For the purpose of such investigation there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $25,000, to be immediately available and to remain available during the fiscal year 1932, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House.

Mr. JONES. Mr. President, I intend to make a point of order against the amendment, but if the Senator from Tennessee desires to speak, I will withhold it.

Mr. McKELLAR. Mr. President, the Senator from Washington has announced his purpose to make a point of order against the amendment which I have just offered.

The PRESIDENT pro tempore. The Senator from Washington has not yet made the point of order.

Mr. McKELLAR. No; but I want to discuss it for just a moment.

On page 3 of the pending bill there is found a very remarkable provision, one which I do not think any member of the Appropriations Committee saw when the bill first came to the committee. It reads as follows:

> Those members of the Committee on Appropriations, Seventy-first Congress, third session, comprising the subcommittee on Treasury and Post Office Department appropriations, who are Members elect to the Seventy-second Congress, or a majority of them, during the period from March 4, 1931, and until the convening of the first regular session of the Seventy-second Congress, are authorized to conduct hearings at Washington, D. C., and elsewhere, concerning the foreign and domestic air mail and ocean mail work of the Post Office Department and the estimates and appropriations for such purposes.

Mr. President, I suppose that that is quite the most remarkable provision that was ever adopted by either House of Congress in the history of this Republic. It refers the air mail and ocean mail work of the Post Office Department to a committee, some of the members of which are not as yet Members of Congress and will not be until after the 4th of March; and then, in the next place, after referring these subjects to this remarkable committee thus remarkably constituted, it provides no money by which they can make any investigation at all. When the wording of the provision is examined it appears that it relates to the foreign and domestic air mail and ocean mail work of the Post Office Department.

Mr. President, as the Senate knows, there has been pending in the Senate for some time a resolution to investigate these very contracts; but we have been unable to get the money from the Committee to Audit and Control the Contingent Expenses of the Senate. So, in my judgment, the amendment which I offer is perfectly in order.

I call the attention of the President pro tempore to page 116, volume 2, of Gilfry's Precedents, where it is shown that Vice President Marshall decided the very identical question and decided that it was entirely in order after the Congress had put a provision in the bill concerning the subject matter. My amendment provides for the appointment of a committee composed of two Republican members of the Post Office and Post Roads Committee of the Senate and one Democratic member of that committee, and two Republican members of the Committee on Post Offices of the House and one Democratic member of that committee.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. SWANSON. Do I understand the Senator offers the amendment as a substitute for the provision found in the bill as passed by the House?

Mr. McKELLAR. I offer it as a substitute.

Mr. SWANSON. As the House has initiated legislation on this subject, the Senate has a right to consider any matter that appertains to it.

Mr. McKELLAR. Absolutely. I think that is so beyond question.

Mr. SWANSON. And Vice President Marshall so ruled.

The PRESIDENT pro tempore. The Chair is ready to rule.

Mr. JONES. Mr. President, I want to suggest that this is put under the heading "House of Representatives." It deals purely with the work of the House of Representatives. It provides for a committee of that body and that is all. The occasion for the provision is due to the fact that the House of Representatives dies with the 4th of March; it is not like the Senate, a continuing body, and so some provision would have to be made in order to provide for a committee at this time.

As I have said it is really under the title "the House of Representatives," and it deals only with the work of that body. The proposed amendment makes an entirely different provision, and proposes to set up a joint committee. Therefore, I think it is subject to a point of order as being legislation on an appropriation bill.

The PRESIDENT pro tempore. If the Senator from Washington will bear with the Chair for a moment, by looking on page 2 of this bill he will find in large type the general title "Legislative Establishment," and certain subheads thereunder. The Chair is of the opinion that inasmuch as the House has acted upon the matter, the Senate may amend it, and it would come under the general provisions for the "Legislative Establishment," and therefore the point of order is overruled.

The question is on agreeing to the amendment proposed by the Senator from Tennessee.

Mr. JONES and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Washington.

Mr. JONES. Mr. President, I do not think we ought to adopt that amendment. It permits the joint committee to go all over the world, if the committee desires to do it, looking into the ocean mail carried by our shipping, as well as air mail. I think it would be very unwise for us to authorize anything of that kind.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from Tennessee.

Mr. McKELLAR. On the question of where the committee should go, I use the exact words of the House bill. I am perfectly willing to limit it in any way that the Senator from Washington would suggest—certainly to this country.

Mr. JONES. I should like to see the word "elsewhere" stricken out.

Mr. McKELLAR. I could not agree to that.

Mr. JONES. Or to have it read "or elsewhere in the United States."

Mr. McKELLAR. Mr. President, I perfect the amendment by inserting, after the word "elsewhere," the words "in the United States." I suppose I have a right to do that.

Mr. JONES. The Senator has a right to do that.

The PRESIDENT pro tempore. The Senator from Tennessee has a right to modify his amendment.

Mr. McKELLAR. I so modify it.

Mr. JONES. I desire to say that I am still inclined to oppose the amendment, because I can see no good to come from such a broad investigation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. GOLDSBOROUGH, Mr. COPELAND, and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Maryland.

Mr. GOLDSBOROUGH. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 12, after line 7, it is proposed to insert:

The salary of the Director or of the Acting Director United States Veterans' Bureau is hereby fixed at the sum of $12,000 per annum, effective as of July 23, 1930, for any period or periods during which said director or acting director functions or has functioned as such.

Mr. JONES. I make the point of order against that amendment——

Mr. COPELAND, Mr. GOLDSBOROUGH, and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Senate will be in order while the Senator from Washington makes a point of order.

Mr. JONES. I make the point of order that the amendment changes existing law.

Mr. GOLDSBOROUGH. Mr. President, will the Senator from Washington withhold his point of order, that I may make a brief statement concerning the amendment?

Mr. JONES. I withhold it.

Mr. GOLDSBOROUGH. Mr. President, the World War veterans' act, June 7, 1924, as amended, states:

The Director of the United States Veterans' Bureau shall receive a salary of $12,000 per annum, payable monthly.

By the act of July 3, 1930, the President was authorized to consolidate the United States Veterans' Bureau, the Bureau of Pensions, and the National Home for Disabled Volunteer Soldiers into an establishment to be known as the Veterans' Administration.

By Executive order dated July 3, 1930, the President exercised the authority in the before-referred-to act, and the organizations mentioned were placed in the Veterans' Administration.

The following is an extract from Administration Order No. 1:

The United States Veterans' Bureau, Veterans' Administration, shall administer all laws which, prior to the creation of the Veterans' Administration, were administered by the United States Veterans' Bureau, and shall have jurisdiction over all matters which, prior to the creation of the Veterans' Administration were under the jurisdiction of the United States Veterans' Bureau.

There shall be at the head of the United States Veterans' Bureau, Veterans' Administration, a director, who shall, subject to an appeal to the administrator, have all of the powers and duties which, prior to the creation of the Veterans' Administration, were conferred by law upon and exercised by the Director of the United States Veterans' Bureau.

It is quite apparent from the administration order just cited that all of the duties and responsibilities heretofore vested in the Director of the United States Veterans' Bureau, when it existed as an independent establishment, were incorporated in the duties of the Director of the United States Veterans' Bureau when it became a part of the Veterans' Administration. Moreover, the duties of the Director of the Veterans' Bureau since its amalgamation into the Veterans' Administration have become much more arduous, due to the entirely new legislative enactment which provided for the payment of the disability allowance, which automatically added several hundred thousands of applicants for relief to the bureau's already gigantic burden. Because of existing economic conditions, the demands made upon the bureau have been more pressing and insistent than ever before in its history, with the consequent result that its director has been called upon to assume ever-increasing responsibilities.

As has already been stated, the organic law fixed the salary of the Director of the Veterans' Bureau at $12,000 per annum.

Mr. DALE. Mr. President, will the Senator yield?

Mr. GOLDSBOROUGH. I yield.

Mr. DALE. Is it not also a fact that during the six years from the time the organic law fixed the salary of $12,000, up to 1930, the salary was paid to the director?

Mr. GOLDSBOROUGH. The Senator is correct; and I thank him.

Mr. DALE. And it was cut down by a technical construction of the administration order.

Mr. GOLDSBOROUGH. That is correct; and I thank the Senator for stating it.

This salary has been denied the director, however, because it has been ruled that the statutory position of the Director of the Veterans' Bureau was incorporated with and into the statutory office of Administrator of Veterans' Affairs, and that the present position of Director of the United States Veterans' Bureau is not the statutory office referred to in the basic act, but is an office subject to allocation by the Personnel Classification Board, which is permitted to fix only a grade providing a maximum salary of $9,000 per annum in cases where statutory provision is not made for a greater amount.

Technically, this decision may be correct; but it remains as a matter of fact that the duties of the present-existing position of director are greater and more responsible, because of the great increase of work and extension of facilities thrust upon the Veterans' Bureau, than the former statutory position which has been succeeded by the present-existing office.

Mr. JONES, Mr. PHIPPS, and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Washington.

Mr. PHIPPS. Mr. President, will the Senator yield to me for a moment?

Mr. JONES. I yield.

Mr. PHIPPS. In that connection, I desire to call attention to the fact that I introduced a bill for the purpose of adjusting this unjust situation. It was referred to the Committee on Finance. The Committee on Finance has approved the bill and has reported it favorably. Under the circumstances, I hope the Senator in charge of the bill will refrain from making a point of order.

Mr. TYDINGS and other Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Washington yield, and if so to whom?

Mr. JONES. I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I want to add my appeal to the appeals of those who have already spoken.

Here is a man who is at the head of the largest bureau of the Government, and the one that expends the most money of any bureau we have. He is doing the exact work that General Hines did when he was the head of the Veterans' Bureau. It is simply through a technicality in the law that Colonel Ijams's salary has been reduced from $12,000 to $9,000. He is a man who is exercising jurisdiction over a great variety of matters and expending large sums of money. He is clearly worth the amount proposed in the amendment. In the interest of justice, I hope the chairman of the committee will not insist on his point of order, which probably will be upheld, but, in view of the bill introduced by the Senator from Colorado [Mr. PHIPPS], will let it go through; and he will even have a chance to take it out in conference if the bill of the Senator from Colorado should fail.

In view of the pendency of that bill, I hope the Senator from Washington will permit the amendment to be incorporated in the bill.

Mr. JONES. Mr. President, I do not question any of the statements that have been made with reference to this question; but this amendment, I think, is clearly subject to a point of order, and is legislation which should be carried in a regular legislative bill.

The PRESIDENT pro tempore. In view of the exceptional circumstances, the Chair submits the point of order to the Senate. [Putting the question.] Evidently the point of order is not sustained.

Mr. JONES. I ask for a division.

On a division, the Senate sustained the point of order.

Mr. COPELAND, Mr. HEFLIN, Mr. BLACK, and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from New York.

Mr. COPELAND. Mr. President, I should like to know how a Senator can get the ear of the Chair.

I have stood on my feet for 15 minutes. I wished to speak upon the amendment presented by the Senator from Tennessee [Mr. MCKELLAR], but the President pro tempore persisted in his course. He refused me an opportunity to do so, and I consider that it is unfair and unjust to me, representing a constituency of some importance.

I desire to say now that I think it was a very great mistake; I am convinced that it was violative of our rules that we should have accepted this amendment. It is certainly a legislative procedure. It is a matter which is so important that it should be given some consideration by the Senate. If we want to go on and have these investigations, and spend large amounts of money for this sort of thing, all right; but at least we ought to have an opportunity to discuss the matter.

I want to say for myself, Mr. President, that I feel that I had a right to be recognized when I was on my feet calling for recognition. I have no siren; I have no way of making noise beyond an ordinary vocal demonstration; but I was entitled to be heard before the question was put on that amendment.

Mr. TYDINGS. Mr. President——

The PRESIDENT pro tempore. The Senator from New York continues to hold the floor.

Mr. COPELAND. Since the matter is disposed of, I have no disposition to say anything more than that, except that I think my rights as a Senator were infringed upon.

Mr. HEFLIN, Mr. BLACK, and other Senators addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Alabama.

Mr. HEFLIN. Mr. President, I send to the desk an amendment which I desire to submit.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The Senator from Alabama offers the following amendment: Insert at the proper place in the bill the following:

Hereafter the law for apportionment of positions in the Federal service at Washington among the States and the District of Columbia on the basis of population shall be enforced by all branches of the Government, the executive departments, commissions, boards, agencies, and Library of Congress as to appointments, promotions, and reductions, and employees shall be classified according to their civil-service status; and the Civil Service Commission shall include in its annual report to Congress each year a list of employees in both the apportioned and unapportioned service, segregated by States, showing where they work and salary they receive; the Civil Service Commission shall also include in its annual report to Congress each year a list of new appointees and those who retire or are dropped, showing their residence and salaries. An officer or clerk who violates this act shall be removed from office.

Ex-service men and women and permanent civil-service employees, residents of State whose quotas are in arrears, who have been discharged because of reductions of force, shall be restored to duty as of date they were discharged, as much unemployment exists in all the States, and necessary reductions shall be made of residents of the District of Columbia, Virginia, and Maryland, or States whose appointments have been exceeded. Application for restoration to duty shall be made within six months after passage of this act.

Mr. JONES obtained the floor.

Mr. HEFLIN. Mr. President, will the Senator yield to me for just a moment? This is a very important amendment. It ought to be passed. I realize that it is subject to a point of order. It does change existing law, but it would be a great improvement upon existing law; and I hope the Senator will not make the point of order against it.

Mr. JONES. Mr. President, while I am in sympathy with the objects and purposes of the amendment, I feel that I must make the point of order against its going on an appropriation bill.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BLACK. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The Senator from Alabama offers the following amendment: Add at the proper place in the bill the following:

That the proviso to the first section of an act entitled "An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field," approved July 1, 1930, which reads as follows:

"*Provided*, That no part of the amount authorized to be appropriated shall be expended until it has been determined to the satisfaction of the Secretary of War that acquisition of all additional land required at Maxwell Field for the proper and necessary accommodation of the Air Corps Tactical School and one Air Corps observation squadron can be accomplished by purchase or donation without exceeding the expenditure by the Federal Government of the amount of such authorization"—

be, and the same is hereby, repealed.

Mr. BLACK. Mr. President, I desire to make a short statement with reference to this amendment.

The amendment probably would be subject to a point of order. I have been requested by the Military Affairs Committee to offer it for the following reasons:

Last year an appropriation of $200,000 was made for the purpose of acquiring certain necessary property at Maxwell Field, where the Tactical Air School is located. A proviso, however, was attached to the bill which it has been found makes it impossible to use the appropriation which has already been voted.

The proviso is to the effect that before the Secretary of War can buy any of the land, he must know to his own satisfaction that the total amount needed will not cost in excess of $200,000. The result is that the Secretary of War desires to condemn some property. He can not proceed to condemn, because he can not know exactly what it will cost until after condemnation proceedings have been completed. Therefore, since it might be over $200,000, the appropriation is there, unutilized. It is impossible to utilize it; and I am offering this amendment at the request of the entire Military Affairs Committee.

The Secretary of War has requested it, the chairman of the Military Affairs Committee of the House of Representatives has requested it, and I ask unanimous consent that it may be offered at this time to clear up this appropriation.

Mr. JONES. Mr. President, I may be in entire sympathy with the object and purpose of this amendment, but I feel that an amendment of this kind should not go on an appropriation bill, and so I make the point of order against it.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. TRAMMELL. Mr. President, I desire to offer an amendment, to which I presume a point of order will be made, but in contemplation of the fact that the chairman of the Committee on Appropriations would probably raise the point, I gave notice that at the appropriate time I would move to suspend the rules in order that I might offer the amendment.

My amendment proposes that the sum of $134,466.69 shall be paid to the State of Florida on account of expenses incurred for repairs and rebuilding of roads and bridges damaged as a result of the floods and hurricanes of 1928 and 1929.

A bill carrying this item passed the Senate on June 5 of last year. In its regular course it went to the House of Representatives. The House committee delayed action for some time. However, the House committee reported the bill favorably on the 27th day of January, and that is really the status of it at the present time. The bill has passed the Senate.

The chairman of the Committee on Appropriations raised the question heretofore, in discussing this matter with me, and also before his committee, that when the law says that a measure shall have been passed at the session in order to be in order, it does not mean during the existing Congress, but that it means the particular session of Congress, and it is only by virtue of a technicality that this amendment is not in order. The technicality works very harshly, because if I had only had the bill passed in the Senate two

weeks ago, or two hours ago, the amendment would be in order, but because I happened to have it passed in June of last year, during this Congress, but not during the current session, the amendment is technically out of order. I think the rule ought to be amended to cover a technicality of that kind. If a bill is in order if passed within two hours, or within two weeks, certainly a bill that passed during the same Congress, in common sense, ought to be in order. But the chairman of the committee raised the point, and I believe that on a previous occasion such a point has been sustained.

Mr. FLETCHER. Mr. President, will my colleague yield?

Mr. TRAMMELL. I yield.

Mr. FLETCHER. Mr. President, the same item has been taken care of in regard to New Hampshire, Vermont, Kentucky, Georgia, South Carolina, Alabama, and Arkansas. All those States have been taken care of, but Florida has not. Florida's claim has not been attended to, because we have not passed the necessary legislation.

Mr. TRAMMELL. All the States enumerated by my colleague have heretofore had bills passed and appropriations made, and have received the amounts approved by Congress, including two or three New England States, as well as Alabama, Arkansas, Georgia, Kentucky, and probably some other States, Florida being the only State left out.

A bill passed the Senate making provision for Florida, and went to the House, has been recommended by the House committee, and is on the House Calendar. It has also been approved by the department.

I desire to have spread on the RECORD the report which was made by the House committee, which is similar to the one made by the Senate committee.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Report No. 2404, Seventy-first Congress, third session]

STATE OF FLORIDA

Mr. ALMOND, from the Committee on Roads, submitted the following report (to accompany S. 4193):

The Committee on Roads, to which was referred the bill (S. 4193) for the relief of the State of Florida for the damage to and destruction of roads and bridges by the floods of 1928 and 1929, having considered same, report favorably thereon, and recommend that the bill do pass.

The bill authorizes an appropriation of $134,466.69 by the Federal Government as an aid to the State of Florida in the repairing and reconstruction of roads and bridges damaged or destroyed by the unusual floods of 1928 and 1929, and is similar to laws enacted for the relief of the States of New Hampshire, Vermont, Kentucky, Alabama, South Carolina, and Georgia. Following is the complete report of the Department of Agriculture, which was forwarded to the Senate Committee on Post Offices and Post Roads:

JUNE 2, 1930.

Hon. LAWRENCE C. PHIPPS,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

DEAR SENATOR: Further reference is made to your letter of April 18, with which was submitted for report a copy of S. 4193, for the relief of the State of Florida in the matter of damage to and destruction of roads and bridges by floods in 1928 and 1929.

The bill proposes to authorize an appropriation of $632,532.41 for this purpose. The language of the bill conforms to the language recently adopted in making similar appropriations for other States except that the county funds are included with State funds in the sentence beginning with the word "any," line 10, page 2 of the bill, and ending with the word "funds," on line 18 of said page. It is the department's understanding that the policy of Congress with respect to appropriations of this character has been and is that county funds should not be used for the purpose of meeting the Federal appropriations, but that the theory of the appropriations was that the damage so depleted the local or county resources as to render the necessary restoration and reconstruction work too burdensome to be borne locally and that the Federal Government would make a contribution if the State, from State sources, would make a like contribution. The committee therefore may desire to eliminate the reference to county funds in order to bring the bill in line with the established policy.

A copy of the bill was sent to the district office of the Bureau of Public Roads at Montgomery, Ala., with instructions that the amount of damage claimed be investigated. This has been done and the district engineer has submitted a report prepared by the State Road Department of Florida which indicates the flooded area, high-water elevations of 1928 and 1929, tables showing the 1928 and 1929 flood damage, tables of daily precipitations for April, 1928, and for March, 1929, and tables of monthly and annual precipitations for stations in Florida for the years from 1924 to 1929, both inclusive. A photostatic copy of these tables is attached hereto. The report of damages submitted by the State was carefully reviewed and checked by the district office of the Bureau of Public Roads at Montgomery. This report shows that the damage to roads and bridges on the system of Federal-aid highways by the 1928 floods amounted to $106,319.01 and by the 1929 floods to $160,614.37, or a total of $268,933.38. In addition, the district engineer reports that the State, during the same years, suffered damage to roads and bridges on the State system but not on the Federal-aid system to the amount of $134,440.72 in 1928 and $248,158.31 in 1929. It is the understanding of the department, however, that the policy of Congress is to limit flood relief appropriations to damage resulting to roads on the system of Federal-aid highways. Under this policy, the amount of the appropriation which should be made would be 50 per cent of $268,933.38, or $134,466.69.

The department would recommend favorable action on the bill in the amount of $134,466.69.

Sincerely,

R. W. DUNLAP, *Acting Secretary.*

Mr. FLETCHER. I suggest to the Senator that he call up his motion to suspend the rule.

Mr. TRAMMELL. I have heretofore given notice that I would move to suspend the rule.

The PRESIDENT pro tempore. The Senator's motion to suspend the rules has already been filed, and now the Senator from Florida makes the following motion.

The Chief Clerk read as follows:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 1 of Rule XVI, for the purpose of proposing to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, the following amendment, viz, on page 159, after line 12, and the numerals $303.99, add:

"For reimbursement to the State of Florida, for 50 per cent of the expenditures made by said State or subdivision thereof for repairing and rebuilding Federal highways as a result of the floods of 1928 and 1929, the sum of $134,466.69."

Mr. JONES. Mr. President, it is true that we have appropriated for all the flood-stricken States except Florida, I believe, and the bill taking care of Florida has passed the Senate. So I leave the matter entirely to the Senate as to whether the rules shall be suspended and this amendment put into the bill.

I want to say, while I have the floor, that we have put quite a good many amendments on this bill, based entirely on the fact that certain legislation has passed the Senate. That is according to our rule. Under our rule an appropriation to carry out a bill that has passed the Senate during the current session, whether there has been any action on it in the House or not, is in order. So we have put quite a number of items in this bill based on that fact.

I have no recollection of our being able to hold in conference any proposition of that kind. The House, I might say, takes what might be termed an adamant position against the enactment of legislation making an appropriation to carry out a bill that has not become a law, and I think there is a great deal of force in the House position. They do not believe in making an appropriation until it is authorized.

While I am going to do the very best I possibly can in the conference on this bill to retain the items which may be put into it, I thought I ought to make this statement to the Senate. As I have said, I do not remember any conference of which I have been a member where we have been able to sustain a proposition of that sort.

Mr. TRAMMELL. Mr. President, I hope the rule will be suspended and that we can have this amendment adopted and put into the bill, so that it may be considered in conference.

The PRESIDENT pro tempore. The question is on agreeing to the motion to suspend the rules. [Putting the question.] Two-thirds of the Senators present having voted in the affirmative, the rules are suspended, and the Senator from Florida offers the amendment which the clerk will state.

The CHIEF CLERK. The Senator from Florida proposes to amend the bill, on page 159, after line 12, by inserting the following:

For reimbursement to the State of Florida for 50 per cent of the expenditures made by said State or subdivision thereof for repairing and rebuilding Federal highways as a result of the floods of 1928 and 1929 the sum of $134,466.69.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I would like to have the attention of the Senator from Washington.

We passed through the Senate a bill to reimburse the city of New York for money expended by the city during the Civil War. The bill is now on the House Calendar. Is it in order for me to ask that the matter covered in that bill be put on the pending bill?

Mr. JONES. I hardly think so. That is in the nature of a claim, and our rules expressly provide that claims shall not be put on an appropriation bill.

Mr. COPELAND. It would be contrary to the rule?

Mr. JONES. I think so.

Mr. COPELAND. I would not care to submit the matter to the President pro tempore, because he might overrule the chairman of the Committee on Appropriations, and that would be embarrassing.

Mr. HAYDEN. Mr. President, I offer the following amendment in behalf of myself and my colleague the senior Senator from Arizona [Mr. ASHURST].

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 137, after line 16, the Senator from Arizona proposes to insert the following:

Tucson Field, Tucson, Ariz.: To carry out the provisions of the act entitled "An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes," approved February —, 1931, fiscal years 1931 and 1932, $53,000.

Mr. JONES. Mr. President, that is to carry out a measure which has passed the Senate at the present session, and is not subject to a point of order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 39, after line 6, the Senator from Arizona proposes to insert:

Hopi-Navajo Sanatorium, Winslow, Ariz.: For construction and equipment of a sanatorium, including quarters for employees, at Winslow, Ariz., on a site to be approved by the Secretary of the Interior and furnished to the United States free of cost, fiscal years 1931 and 1932, $150,000.

Mr. JONES. Mr. President, is that pursuant to a measure which passed at this session?

Mr. HAYDEN. It is not.

Mr. JONES. Has it been estimated for?

Mr. HAYDEN. It is not pursuant to a measure passed at this session, and it is not pursuant to a budget estimate, but it is my contention that it is authorized by law.

Mr. JONES. I make the point of order that it is not authorized by law. The Senator can make his point to the Chair.

The PRESIDENT pro tempore. The point of order on this amendment was submitted to the Senate a few days ago; and it was decided that the amendment was in order.

Mr. JONES. Very well.

The PRESIDENT pro tempore. If the Senator will refer to the RECORD, he will find that the Vice President held the amendment to be in order. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, in order that the record may be kept straight, I would like to have inserted in the RECORD a copy of an act authorizing appropriations and expenditures for the administration of Indian Affairs, together with a report by Mr. Snyder, of New York, in the House, and of Senator CURTIS in the Senate, with respect to this legislation.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[PUBLIC—NO. 85—67TH CONGRESS]

H. R. 7848, authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes

Be it enacted, etc., That the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs.

Approved, November 2, 1921.

[Senate Report No. 294, Sixty-seventh Congress, first session]

AUTHORIZING APPROPRIATIONS AND EXPENDITURES FOR THE ADMINISTRATION OF INDIAN AFFAIRS

Mr. CURTIS, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 7848):

The Committee on Indian Affairs, to whom was referred the bill (H. R. 7848) authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment. The necessity for the enactment of this legislation is fully set out in the letter of the Acting Secretary of the Interior, dated August 19, 1921, which is hereto attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, August 19, 1921.

Hon. CHARLES CURTIS,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: Further reference is made to your letter of August 12, submitting for report H. R. 7848, a bill authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes.

While the Indian appropriation bill for the fiscal year 1922 was under consideration in the House of Representatives points of order were made and sustained on a number of items appearing in the bill because of the fact that there was no basic law authorizing such appropriations.

Section 463 of the Revised Statutes provides that "The Commissioner of Indian Affairs shall • • • have the management of all Indian affairs and of all matters arising out of Indian relations." This law was enacted July 9, 1832. As treaties were made with various tribes and reservations set aside for them, the Indian problem became more complicated, and numerous activities have been undertaken in order to more speedily bring about the civilization of the Indian tribes of the United States. There has been no specific law authorizing many of the expenditures for the benefit of the Indians. Congress, however, has continued to make appropriations to carry on the activities of the Indian Service.

In view of the fact that there is no basic law at the present time authorizing many of the items appearing in the annual Indian appropriation act, and the further fact that the bill in question would give Congress authority to appropriate for the expenses of the Indian Service for all necessary activities, it is recommended that H. R. 7848 be enacted into law.

Sincerely,

E. C. FINNEY, *Acting Secretary.*

[House Report No. 275, Sixty-seventh Congress, first session]

APPROPRIATIONS AND EXPENDITURES FOR THE ADMINISTRATION OF INDIAN AFFAIRS

Mr. Snyder, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 7848):

The Committee on Indian Affairs, to whom was referred the bill (H. R. 7848) entitled "A bill authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes," having considered the same, report it back to the House without amendment with the recommendation that the bill do pass.

This is a bill to make in order appropriations for bureaus that have been added to the Indian Service since the bureau was inaugurated in 1838, which have thus become integral parts of the service, nearly all of which have been appropriated for from

year to year and which will continue, in all probability, as long as the bureau exists. Therefore the committee has deemed it wise to present a bill which will make in order these appropriations which have hitherto been subject to a point of order.

The PRESIDENT pro tempore. The bill is still open to amendment. No further amendments being proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. COPELAND. Mr. President, I dare say I shall have no opportunity to appear before the committee appointed to investigate mail contracts, so I will attempt now to place before the Senate some material.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. ASHURST. I do not know just exactly the particular matter——

Mr. LA FOLLETTE. Mr. President, it is impossible on this side of the Chamber to hear the Senators.

Mr. ASHURST. I was going to say that I do not know, and I doubt whether any large number of Senators happen to know, just what the particular matter is to which the Senator from New York wishes to address himself, but inasmuch as he states—and his word is good everywhere—that an advantage was taken of him, this is the Senate of the United States, and a victory achieved by any advantage over another Senator is withered leaves. I ask that the matter be reconsidered, so that the Senator from New York may have an opportunity to present fairly the matter he desires to present.

Mr. McKELLAR. Mr. President, I want to explain to my friend the Senator from Arizona that a similar resolution of this kind passed the Senate a year ago, or nearly a year ago, and after it was passed the Senator from New York entered a motion to reconsider, and that prevented the operation of the investigation then.

Mr. WATSON. Mr. President, may I inquire what this is about?

Mr. McKELLAR. The investigation of mail contracts. The Senator's motion prevented that investigation then, and the Senator has never been willing to take it up, and has asked me not to take it up in his absence, and I have not taken it up in his absence. He has kept this thing on the records here for nearly a year. How in the name of Heaven any person can think that the Senator from New York has been taken advantage of is incomprehensible to me. Here this afternoon we voted on it, just as we voted on any other amendment, and because——

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. ASHURST. Was the Senator from New York in the Chamber?

Mr. McKELLAR. He was in the Chamber at the time.

Mr. ASHURST. I have no more to say.

Mr. COPELAND. The Senator from New York was in the Chamber and trying to get the ear of the Presiding Officer, who would not listen, but who put the motion and declared it carried.

Mr. MOSES. Mr. President, I suppose I have some right of personal privilege to make a statement with reference to the matter. I thought as Presiding Officer that the Senator from New York wished to offer an amendment. The Senator from New York has been here eight years and he knows perfectly well that in order to get the floor, regardless of anybody in the Chair, all he had to do was to ask the Senator who had the floor to yield to him, and then he would have had the floor regardless of any Presiding Officer.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from New York yield to the Senator from Washington?

Mr. COPELAND. I yield.

Mr. DILL. I want to say in that regard that the Senator from New Hampshire as Presiding Officer took the same attitude with me.

Mr. MOSES. And for the same reason.

Mr. DILL. I repeat that no Senator has a right to hold the floor until his amendment is voted on when some other Senator wants the floor. The President pro tempore, for whom I have great respect, can not cite any rule of the Senate which permits the Presiding Officer to put the question for a vote when some Senator wants to speak, and that Senator is not required to obtain the consent of a Senator who does not want to speak.

Mr. McKELLAR. That is not true of the case which I have submitted to the Senate. The question was put in the regular ordinary way and voted on after consideration. It is the same resolution, in substance, that we passed more than a year ago, but which the Senator from New York has been holding up on a technicality under the rule for nearly a year. To say now that an advantage has been taken of him is, it seems to me, very far beyond the mark.

Mr. DILL. I do not want to argue the case of the Senator from New York, but I know about my own case, and I protest the ruling that makes a Senator who wants to speak on an amendment get the consent of the Senator who has offered the amendment. There is no such rule in the Senate Manual.

Mr. MOSES. The Senator from New Hampshire freely admits there is no such rule in the manual, but he knows from unbroken tradition and practice here that the Senator having the floor in charge of the bill is the one always recognized, no matter how many Senators are demanding recognition.

Mr. DILL. But the Senator also knows that no Presiding Officer has a right to put a motion to a vote when some Senator is demanding the floor. That is what the Senator from New Hampshire did when he was Presiding Officer to-day.

Mr. MOSES. The Senator from New Hampshire takes exception to that statement. He does not believe that he did it, although he may have. [Laughter.]

Mr. DILL. The Senator makes so much noise with his own voice when he is in the chair that he can not hear anybody else.

Mr. MOSES. That sometimes is to the advantage of legislation. [Laughter.]

Mr. DILL. It may be so, but it is not fair treatment of Senators on the floor.

Mr. ODDIE. Mr. President, will the Senator yield?

Mr. COPELAND. I am not going to yield to anyone for just a moment.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. COPELAND. Mr. President, when this matter was up I was on my feet asking for recognition. It does seem to me that a Presiding Officer ought to be attentive enough to the wishes of the Senate and the wishes of Senators so that he may see and hear a Senator. I contend in most respectful terms that the vote was railroaded. It is possible the vote would not have been any different, but I have been in the Senate eight or nine years and I represent a State of some importance in the Union, and I contend that it is my right and the right of my constituency through me as their representative to express an opinion on any debatable matter. I did not have that opportunity because the Presiding Officer did not listen to me or did not hear me. Has it come to the point that we have to get a siren in the Senate, a fire apparatus, to make noise enough to attract the attention of the Chair? If it has, I do not want to stay here any longer because I can not compete with that sort of a condition.

Mr. President, there has been pending here for a year a resolution which had in it the confessed purpose of getting information relating to mail contracts and ship loans. If the Senate wants to make an attack upon the American merchant marine after it is informed as to what is in prospect, I have no objection, and I can not complain. But I do not intend that the Senate shall take that action until it knows the purpose of the proposed investigation.

There are two schools of thought——

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I yield.

Mr. McKELLAR. The Senator will recall that a resolution similar to the one which has been adopted this afternoon, at least partially similar, was introduced more than a year ago and was debated time after time in the Senate. It was debated by the Senator; it was debated by me. A resolution similar in nature was debated.

(Mr. ASHURST at this point engaged Mr. COPELAND in private conversation.)

Mr. McKELLAR. Mr. President, the Senator from New York is doing now what he complained a while ago of the Chair doing.

Mr. COPELAND. I will do what the Chair did not do. I will beg the Senator's pardon.

Mr. ASHURST. Mr. President, I feel that the Senator from New York is being punished vicariously for what I did. I interrupted him. I seldom fail to pay attention to the very learned Senator from Tennessee. I have learned to pay attention to what he says. I think that the spirit of fairness which the Senator from Tennessee has demonstrated in the court room and in a hundred parliamentary contests in the forum should manifest its nature, and he should permit the Senator from New York to have an opportunity to present this matter or at least have a vote upon it. I probably will vote with the Senator from Tennessee, but I do not want in the closing hours of any session of the Congress to have matters of serious import go through the Senate with any Senator complaining that he had no opportunity to discuss them. I am not complaining about the President pro tempore.

Mr. McKELLAR. Mr. President, will the Senator from Arizona yield?

Mr. ASHURST. I have not the floor. The Senator from New York has the floor.

Mr. COPELAND. I yield to the Senator from Tennessee.

Mr. McKELLAR. Fairness in order to be fairness must work both ways. For nearly one year, to be perfectly literal, from April 23, 1930, to this good hour, after the Senate had arguments on both sides and passed the resolution, the Senator from New York has held it up on a motion for reconsideration. In other words, since April 23, 1930, the Senator from New York has had Senate Resolution 129 tied up by a motion to reconsider after it was passed. Here this afternoon he had an absolutely fair chance and probably would have offered a motion to reconsider if it were not for the fact that this is an appropriation bill. So I say to the Senator from Arizona that what he is asking is unfair and unjust to me and in the interest of the Senator who has now kept the resolution on the calendar of the Senate for nearly a year. I am sure under those facts the Senator from Arizona will not ask to have that done.

Mr. COPELAND. Mr. President, I want to ask the Senator from Tennessee if I have done anything that was unparliamentary?

Mr. McKELLAR. No. The Senator has relied strictly on the rules of the Senate. He has studiously stood by in the Senate and when he was not going to be here he would come to me and ask me not to bring it up in his absence. It is a motion to reconsider. He has held up the resolution by the exercise of that technicality, that unfair treatment to a brother Senator, as I believe. Though I am not imputing any improper motive to the Senator at all, yet I think he has been exceedingly unfair to me after the Senate has passed the resolution, in that he should keep it from going into effect by a motion to reconsider which he is not willing to take up in the Senate and let the Senate vote on it. For these reasons I am utterly unable to reach the conclusion which the Senator from Arizona has reached.

Mr. COPELAND. Mr. President, I have heard what the Senator from Tennessee has said. In reply I wish to say that I have not done any unparliamentary thing in connection with the matter.

Mr. McKELLAR. The Senator does not think that I have, I am sure.

Mr. COPELAND. There are rules which govern the Senate. In accordance with those rules I have been fortunate enough up to to-day, as the Senator said, to hold up the resolution. My contention is that I was not treated in a parliamentary way to-day. It is an entirely different situation. What I did in postponing action upon the Senator's pet project was done in accordance with the rule. I was debarred to-day from exercising my right under the rule. I was not permitted to be heard.

Mr. TYDINGS. Mr. President, will the Senator yield to me to enable me to make an inquiry?

Mr. COPELAND. I yield to the Senator from Maryland for that purpose.

ADJUSTED-SERVICE CERTIFICATES—VETO MESSAGE

Mr. TYDINGS. I would like to state that a great many Senators seem to wish information as to whether or not we shall vote upon the veterans' adjusted-certificate veto message to-night before we recess for the evening session. Is there anyone in the Chamber who can answer that question?

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana for that purpose?

Mr. COPELAND. I yield.

Mr. WATSON. Mr. President, that question has been asked a great many times to-day. The House passed the adjusted certificate bill and sent it over here at 4 p. m. or thereabouts. I had a conference with the Senator from Utah [Mr. SMOOT], chairman of the Finance Committee, and with the Presiding Officer at that time. The Presiding Officer held that the message would have to be spread of record and that it would have to be read before it could be spread of record. After consultation with the Senator from Utah, the chairman of the Finance Committee, and with the Senator from Pennsylvania [Mr. REED], who is particularly interested in the legislation, we concluded that it would be the wise thing to postpone until to-morrow further action; whereupon I stated—I presume at least to a dozen Senators—that no action would be taken to-day, feeling that I was justified in the statement. Since that time I have stated to many more Senators that no action would be taken to-day, but that it would be taken to-morrow. Whether I was right or wrong, the fact is that a number of Senators have left the Chamber under the assumption that the vote would not be taken until to-morrow. I think it would be absolutely unfair to them and to each of them if it were to be taken to-night.

Mr. JOHNSON. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield to the Senator from California.

Mr. JOHNSON. Mr. President, as the one who made the parliamentary inquiry that dragged into the limelight, as it were, this particular message, may I say that I have not any special desire to incommode or to cause discomfort to any Member of this body nor to vote at any specific time this evening or at any other time which would be unreasonable. I made the parliamentary inquiry and took the position I did to bring this question into the open—that was all—so that it might be possible for us to determine exactly what we were going to do and when we were going to do it. That is my sole purpose, and I hope that we may have the veto message laid down this evening and agree then to vote upon it within a reasonable time. I do not care to press a vote to-night nor in anybody's absence or while anybody is dining with anybody else [laughter]; that is not my purpose; but I did want the opportunity to have this question not in anybody's pocket nor in the custody, mentally and intellectually, of two or three gentlemen upon this side or one or two upon the other side. I wanted it in the custody of the United States Senate, so that all of the Members of the Senate may pass upon it. I am perfectly willing to agree, so far as personally I am concerned, speaking for only one, to anything that may be agreeable to the Senate itself.

The PRESIDING OFFICER. The Senator from New York [Mr. COPELAND] has the floor.

Mr. CONNALLY and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. CONNALLY. Mr. President, will the Senator from New York yield to me to make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Texas will state his parliamentary inquiry.

Mr. CONNALLY. Is not the consideration of the veto message a question of the highest privilege?

The PRESIDING OFFICER. It is.

Mr. CONNALLY. And can it not be called up by any Senator at any time when he can get the floor?

The PRESIDING OFFICER. The Chair will state that any Senator can move to have the veto message laid before the Senate.

Mr. CONNALLY. If the matter is privileged, Mr. President, it does not require a motion, but merely a request that the message be taken up; and can not the Senator from California, if he so desires, ask to have it taken up whenever he can secure the floor?

The PRESIDING OFFICER. He can move to take it up whenever he secures the floor.

Mr. CONNALLY. And being of the highest privilege, it would take precedence over the consideration of other matters, would it not?

The PRESIDING OFFICER. The Chair was about to state that it would not come up under unanimous consent, but it would come up on motion.

Mr. CONNALLY. Of course the Senator, under the claim of high privilege, would be entitled to the floor, and if he obtained the floor he could make the motion to take up the veto message?

The PRESIDING OFFICER. The Senator is correct. The Senator from New York has the floor.

Mr. COPELAND. Mr. President, if any Senator desires to bring up the veto message on the so-called bonus bill, I shall yield the floor for that purpose.

Mr. ASHURST. Mr. President, if I can get recognition——

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. COPELAND. I yield to the Senator from Arizona.

Mr. ASHURST. So far as I am concerned, I am anxious and ready to vote on the question involved in the veto message at any time; but a dozen or more Senators have left the Chamber with the positive assurance that there would be no vote on the veto message to-night, and it would not be fair to other Senators who have gone away with that absolute assurance to take a vote in their absence. I must commend the frankness of the Senator from Indiana [Mr. WATSON] in his statement that he had told Senators there would be no vote to-night. His frankness is commendable and constant. [Laughter.]

Mr. JOHNSON. Mr. President, may I make a parliamentary inquiry, with the consent of the Senator having the floor?

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. JOHNSON. Is it possible to enter into an agreement by which the veto message shall be laid down now, and then its consideration undertaken at 11 o'clock to-morrow morning when the Senate shall meet?

The PRESIDING OFFICER. That may be done by unanimous consent.

Mr. JOHNSON. Then, Mr. President, I ask unanimous consent that the veto message may be laid before the Senate now, that it be taken up at 11 o'clock to-morrow morning, and that we proceed with its consideration until concluded.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. WATSON. Would the Senator from California be willing to add a request to fix a time for voting?

Mr. JOHNSON. I can not do so, because certain Senators have told me they would not consent to that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

The Chair lays before the Senate the veto message of the President of the United States, which will be read.

Mr. COPELAND. I assume I still have the floor?

The PRESIDING OFFICER. The Senator from New York has the floor. The Chief Clerk will read the veto message.

The Chief Clerk proceeded to read the veto message.

Mr. JOHNSON. This being a message of such extraordinary importance, written as it is, may I ask for order?

The PRESIDING OFFICER. The Senate will be in order and Senators will take their seats.

Mr. WATSON. I assume that there is a sufficient number of copies of the message to supply each Senator; doubtless, each one might want to follow the reading by the clerk, and I suggest that copies be distributed, if available.

The PRESIDING OFFICER. The clerk will proceed with the reading.

The Clerk resumed and concluded the reading of the veto message of the President of the United States, which entire is as follows:

To the House of Representatives:

I return herewith, without my approval, H. R. 17054, an act to increase the loan basis of adjusted-service certificates.

In order that it may be clearly understood, I may review that the adjusted compensation act (bonus bill) passed on May 19, 1924, awarded to 3,498,000 veterans approximately $1,365,000,000 further compensation for war service. To this sum was added 25 per cent, said to be consideration for deferring the payment until about 1945, the whole bearing 4 per cent compound interest. Immediate payment to dependents upon death was included, thus creating an endowment insurance policy represented by a certificate to each veteran showing the sum payable at the end of the period—the "face value." The total "face value" of the outstanding certificates to-day after paying the sums due of less than $50 and payments in full to dependents is $3,426,000,000 held by 3,397,000 veterans, or an average of about $1,000 each.

The burden upon the country was to be an amount each year sufficient as a yearly premium to provide for the payment of the "face value" of these certificates in about 1945, and to date has involved an appropriation averaging $112,000,000 per annum. The accumulation of these appropriations is represented by Government obligations deposited in a reserve fund, which fund now amounts to about $750,000,000. A loan basis to certificate holders was established equal to 90 per cent of the reserve value of the certificates, such loans now in the sixth year being authorized to 22½ per cent of the "face value."

When the bonus act was passed it was upon the explicit understanding of the Congress that the matter was closed and the Government would not be called upon to make subsequent enlargements. It is now proposed to enlarge the loan rate to 50 per cent of the "face value," at a low rate of interest, thus imposing a potential cash outlay upon the Government of about $1,700,000,000, if all veterans apply for loans, less about $330,000,000 already loaned. According to the Administrator of Veterans' Affairs the probable number who will avail themselves of the privilege under this bill will require approximately $1,000,000,000. There not being a penny in the Treasury to meet such a demand, the Government must borrow this sum through the sale of the reserve fund securities together with further issues or we must need impose further taxation.

The sole appeal made for the reopening of the bonus act is the claim that funds from the National Treasury should be provided to veterans in distress as the result of the drought and business depression. There are veterans unemployed and in need to-day in common with many others of our people. These, like the others, are being provided the basic necessities of life by the devoted committees in those parts of the country affected by the depression or drought. The governments and many employers are giving preference to veterans in employment. Their welfare is and should be a matter of concern to our people. Inquiry indicates that such care is being given throughout the country, and it also indicates that the number of veterans in need of such relief is a minor percentage of the whole.

The utility of this legislation as relief to those in distress is far less than has been disclosed. The popular assumption has been that as the certificates average $1,000 then each veteran can obtain $500 by way of a loan. But this is only an average, and more than one-half will receive less than this amount. In fact, over 800,000 men will be able to borrow less than $200, and of these over 200,000 will be able to borrow only an average of $75. Furthermore, there are 100,000 veterans whose certificates have been issued recently who under the proposed law will have no loan privilege until their certificates are two years old. It is therefore urgent in any event that local committees continue relief to veterans, but this legislation would lead such local committees and employers to assume that these veterans have been provided for by the Federal Treasury, and thereby threatens them with greater hardships than before.

The breach of fundamental principle in this proposal is the requirement of the Federal Government to provide an enormous sum of money to a vast majority who are able to care for themselves and who are caring for themselves.

Among those who would receive the proposed benefits are included 387,000 veterans and 400,000 dependents, who are already receiving some degree of allowance or support from the Federal Government. But in addition to these, it provides equal benefits for scores of thousands of others who are in the income-tax paying class, and for scores of thousands who are holding secure positions in the Federal, State, and local governments and in every profession and industry. I know that most of these men do not seek these privileges, they have no desire to be presented to the American people as benefiting by a burden put upon the whole people, and I have many manifestations from veterans on whom the times are bearing hardly that they do not want to be represented to our people as a group substituting special privilege for the idealism and patriotism they have rejoiced in offering to their country through their service.

It is suggested as a reason for making these provisions applicable to all veterans that we should not make public distinction between veterans in need and the others, who comprise the vast majority, lest we characterize those deserving help as a pauper class. On the contrary, veterans in need are and should be the preferred class, that a grateful country would be proud to honor with its support. Adoption of the principle of aid to the rich or to those able to support themselves in itself sets up a group of special privilege among our citizens.

The principle that the Nation should give generous care to those veterans who are ill, disabled, in need, or in distress, even though these disabilities do not arise from the war, has been fully accepted by the Nation. Pensions or allowances have been provided for the dependents of those who lost their lives in the war; allowances have been provided to those who suffered disabilities from the war; additional allowances were passed at the last session of Congress to all the veterans whose earning power at any time may be permanently impaired by injury or illness; free hospitalization is available not only to those suffering from the results of war but to large numbers of temporarily ill. Together with war-risk insurance and the adjusted compensation, these services now total an annual expenditure of approximately $600,000,000 and under existing laws will increase to $800,000,000 per annum in a very few years for World War veterans alone. A total of five thousand millions of dollars has been expended upon such services since the war.

Our country has thus shown its sense of obligation and generosity and its readiness at all times to aid those of its veterans in need. I have the utmost confidence that our service men would be amongst the first to oppose a policy of Government assistance to veterans who have property and means to support themselves, for service men are as devoted to the welfare of our country in peace as in war and as clearly foresee the future dangers of embarking on such a policy. It could but create resentments which would ultimately react against those who should be given care.

It is argued that the distribution of the hundreds of millions of dollars proposed by this bill would stimulate business generally. We can not further the restoration of prosperity by borrowing from some of our people, pledging the credit of all of the people, to loan to some of our people who are not in need of the money. If the exercise of these rights were limited to expenditure upon necessities only, there would be no stimulation to business. The theory of stimulation is based upon the anticipation of wasteful expenditure. It can be of no assistance in the return of real prosperity. If this argument of proponents is correct, we should make Government loans to the whole people.

It is represented that this measure merely provides loans against a future obligation and that, therefore, it will cost the American people nothing. That is an incomplete statement. A cost at once arises to the people when, instead of proceeding by annual appropriation, the Government is forced to secure a huge sum by borrowing or otherwise, especially in the circumstances of to-day when we are compelled in the midst of depression to make other large borrowings to cover deficits and refunding operations. An increased rate of interest which the Government must pay upon all long-term issues is inevitable. It imposes an additional burden of interest on the people which will extend through the whole term of such loans. Some cost arises to the people through the tendency to increase the interest rates which every State and municipality must pay in their borrowing for public works and improvements, as well as the rate which industry and business must pay. There is a cost to some one through the retardation of the speed of recovery of employment when Government borrowings divert the savings of the people from their use by constructive industry and commerce. It imposes a great charge upon the individual who loses such increased employment or continues unemployed. To the veteran this is a double loss when he has consumed the value of his certificate and has also lost the opportunity for greater earnings. There is a greater cost than all this: It is a step toward Government aid to those who can help themselves. These direct or indirect burdens fall upon the people as a whole.

The need of our people to-day is a decrease in the burden of taxes and unemployment, yet they (who include the veterans) are being steadily forced toward higher tax levels and lessened employment by such acts as this. We must not forget the millions of hard-working families in our country who are striving to pay the debts which they have incurred in acquiring homes and farms in endeavor to build protection for their future. They, in the last analysis, must bear the burden of increasing Government aid and taxes. It is not the rich who suffer. When we take employment and taxes from our people it is the poor who suffer.

There is a very serious phase of this matter for the wives and children of veterans and to the future security of veterans themselves. Each of these certificates is an endowment insurance policy. Any moneys advanced against them, together with its interest, will be automaticaly deducted from the value of the certificates in case of death or upon maturity. No one will deny that under the pressures or allurements of the moment, many will borrow against these certificates for other than absolutely necessary purposes. The loss to many families means the destruction of the one safeguard at their most critical time. It can not be contended that the interests of the families of our country are conserved by either cashing or borrowing upon their life-insurance policies.

I have no desire to present monetary aspects of the question except so far as they affect the human aspects. Surely it is a human aspect to transfer to the backs of those who toil, including veterans, a burden of those who by position and property can care for themselves. It is a human aspect to incur the danger of continued or increased unemployment. It is a human aspect to deprive women and children of protection by reckless use of an endowment policy. Our country is rich enough to do any justice. No country is rich enough to do an injustice.

The patriotism of our people is not a material thing. It is a spiritual thing. We can not pay for it with Government aid. We can honor those in need by our aid. And it is a fundamental aspect of freedom among us that no step should be taken which burdens the Nation with a privileged class who can care for themselves.

I regard the bill under consideration as unwise from the standpoint of the veterans themselves, and unwise from the standpoint of the welfare of all the people. The future of our World War veterans is inseparably bound up with the future of the whole people. The greatest service that we can render both veterans and the public generally is to administer the affairs of our Government with a view to the well-being and happiness of all of the Nation.

The matter under consideration is of grave importance in itself; but of much graver importance is the whole tendency to open the Federal Treasury to a thousand purposes, many admirable in their intentions but in which the proponents fail or do not care to see that with such beginnings many of them insidiously consume more and more of the savings and the labor of our people. In aggregate they threaten burdens beyond the ability of our country normally to bear; and, of far higher importance, each of them breaks the barriers of self-reliance and self-support in our people.

HERBERT HOOVER.

THE WHITE HOUSE, *February 26, 1931.*

The PRESIDING OFFICER. The message will lie on the table.

REPORTS FROM COMMITTEE TO AUDIT AND CONTROL THE CONTINGENT EXPENSES OF THE SENATE

Mr. DENEEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Illinois?

Mr. COPELAND. I yield.

Mr. DENEEN. I ask unanimous consent to submit sundry reports from the Committee to Audit and Control the Contingent Expenses of the Senate, and that they may go to the calendar. I should ask to have them considered; but there are so few Senators in the Chamber that I feel there might be objection to it.

Mr. McKELLAR. Can it be announced what they are?

The PRESIDING OFFICER. The clerk will state the resolutions.

HEARINGS BEFORE COMMITTEE ON MANUFACTURES—PROPOSED NATIONAL ECONOMIC COUNCIL

The Chief Clerk read Senate Resolution 460, submitted by Mr. LA FOLLETTE on the 20th instant, as follows:

Resolved, That the Committee on Manufactures, or any subcommittee thereof, hereby is authorized and directed, during the continuance of the Seventy-second Congress, including sessions, recesses, and adjourned periods of the same, to make a study of, and to hold hearings on, the bill (S. 6215) to establish a national economic council.

For the purposes of this resolution such committee, or subcommittee, is authorized to hold hearings, to sit and act at such times and places, to employ such stenographic and other assistance, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of such stenographic service to report such hearings and testimony shall not be in excess of 25 cents per 100 words. The expenses of such committee, or subcommittee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The CHIEF CLERK. On page 2, line 5, it is proposed to strike out "$5,000" and insert "$2,500."

The amendment was agreed to.

The resolution, as amended, was agreed to.

EMPLOYMENT OF LABORERS

The Chief Clerk read Senate Resolution 427, submitted by Mr. WATSON on January 30, 1931, as follows:

Resolved, That Senate Resolution No. 125, agreed to October 5, 1929, authorizing and directing the Sergeant at Arms to employ a laborer to be paid out of the contingent fund of the Senate at the rate of $1,260 per annum until the end of the present Congress, hereby is continued in full force and effect until June 30, 1931.

The PRESIDING OFFICER. The resolution will go to the calendar unless the Senator asks unanimous consent for its present consideration.

Mr. DENEEN. I suppose there will be no objection to these resolutions; and I ask unanimous consent that they may be considered. The employment runs until June 30 of this year.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The amendment of the committee will be stated.

The CHIEF CLERK. After the words "June 30, 1931," it is proposed to insert "and no longer."

The amendment was agreed to.

The resolution, as amended, was agreed to.

The Chief Clerk read Senate Resolution 453, submitted by Mr. WATSON on the 17th instant, as follows:

Resolved, That the Sergeant at Arms hereby is authorized and directed to employ two laborers to be paid from the contingent fund of the Senate at the rate of $1,200 each per annum until otherwise provided by law.

Mr. DENEEN. I ask unanimous consent for the immediate consideration of this resolution. These laborers are needed.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution was considered by the Senate and agreed to.

SENATOR FROM ALABAMA

The Chief Clerk read Senate Resolution 467, submitted by Mr. HEFLIN on the 24th instant, as follows:

Resolved, That the Committee on Privileges and Elections of the Senate is hereby authorized and empowered forthwith to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes, which were used in the general election of November 4, 1930, in the election of a United States Senator in the State of Alabama, and to impound the same, and in the event that a contest is filed the said committee is authorized to examine and consider the same and all other matters pertaining to said contest.

Resolved further, That the expense incurred in the carrying out of these provisions shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee or any subcommittee thereof, and approved by the chairman of the committee.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The CHIEF CLERK. At the end of the resolution it is proposed to insert "the expenditure not to exceed $10,000."

The amendment was agreed to.

The resolution, as amended, was agreed to.

CONSERVATION OF WILD ANIMAL LIFE

The Chief Clerk read Senate Resolution 462, submitted by Mr. WALCOTT on the 21st instant, as follows:

Resolved, That the special committee authorized and directed by Senate Resolution No. 246 on April 17, 1930, to investigate the conservation of wild animal life, hereby is authorized to expend in furtherance of such purposes $15,000 in addition to the amounts heretofore authorized.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The amendment was, after the word "purposes," to strike out "$15,000" and insert "$10,000."

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. BORAH. Mr. President, I suppose these resolutions which are going through are all formal matters.

SECOND DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

Mr. JONES. Mr. President——

Mr. COPELAND. I yield to the Senator from Washington.

Mr. JONES. I desire to appeal to the Senator from New York to allow this bill to go through very quickly. We want to pass it to-night, because of the agreement made a while ago to begin consideration of the President's message at 11 o'clock to-morrow; and we do not know how long that will proceed. It is very important that we get this bill through and get it to conference.

I know that the Senator is interested in this bill, and does not desire to delay it unnecessarily. I appeal to him, therefore, to let us pass it just as soon as possible.

Mr. COPELAND. Mr. President, it is very difficult for me to resist any appeal made by my friend from Washington, and I am very much inclined to yield to him in a moment. I want to put myself on record before the Senate, though, that the performance to-day was far from my liking, and I think was improper treatment to accord to a Senator.

In the first place, had this provision on page 3 of the bill been proposed on the floor of the Senate it would have been ruled out on a point of order as legislation. There is not question about that. Nobody can doubt that. It was not proper material to put in an appropriation bill. It was legislative material.

All right. That provision came to us from the House. Everybody overlooked it. It provides that certain things shall be done by a committee of the House, where all these appropriations originate, where financial matters are dealt with primarily. That is the custom.

Now it comes to the Senate, and my usually genial friend from Kentucky offers an amendment, a substitute for this language.

Mr. McKELLAR. Does not the Senator mean his friend from Tennessee?

Mr. COPELAND. I refer to my usually genial friend from Tennessee, who is congenial in Kentucky when he happens to visit there. He proposes this legislative performance:

The two ranking Republicans and one ranking Democratic member of the Committee on Post Offices and Post Roads of the Senate, and the two ranking Republican members and one ranking Democratic member of the Committee on Post Offices of the House are hereby authorized and empowered, as a joint select committee, to conduct hearings at Washington, D. C., and elsewhere, concerning foreign and domestic air mail and ocean mail contracts heretofore entered into by the Post Office Department, the use of pneumatic tubes between airports and large cities and the matter of increase of rates on parcel post, in which connection the committee is authorized to use the hearings now before the Interstate Commerce Commission.

Said committee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic service in reporting such hearings shall not exceed 25 cents per 100 words. For the purpose of such investigation there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $25,000.

And so on.

No Member of the Senate will rise in his place and say that that is not legislation. That is not proper in an appropriation bill, according to the advice I received from the parliamentarians of the Senate. But the Presiding Officer, without waiting for anything or anybody, overruled the point of order made by the Senator from Washington and immediately put the question and declared it carried when I was on my feet calling for recognition. I was swept off the floor and given no opportunity whatever to present any feeling I might have had as to the matter, on the point of order or on the merits. That was not right. It was an outrageous performance, and I resent it. I do not think Senators ought to be treated that way.

Mr. President, perhaps I have served my purpose by calling attention to this as I have. I do not blame anybody. I do not blame the Senator from Tennessee. He is enthusiastic about the matter. He will get material enough, I suppose, to come and choke the merchant marine to death. However, he will only do it in a proper way. But I contend that we have a right to be heard, and the Presiding Officer, in my opinion, should not have given me the treatment which I received.

I am not going to punish the Members of the Senate, and I am certainly not going to punish the chairman of the Committee on Appropriations; he did the best he could. But I do want to protest in set terms against the treatment which I had here, and my colleague the junior Senator from Washington [Mr. DILL] was swept off the floor in the same way. We are going to have orderly procedure in the Senate or we are not. So far as I am concerned, I think we should carry on our proceedings here in an orderly fashion in accordance with the rules.

I am not going to say anything more. I can not believe it possible that the conferees will agree to legislation of this sort. However, that is for them to determine. I am entirely dissatisfied with it. I wanted to have an opportunity to discuss this question of the merchant marine on its merits. I think I did on two ocasions, when I was going to be out of the city, ask the Senator from Tennessee not to bring up the matter while I was gone, but I have assumed always that on a proper occasion he would bring it up when we might discuss it fully and present our respective views to the Senate.

Mr. HARRIS. Mr. President——

Mr. COPELAND. I yield.

Mr. HARRIS. I thought the Senator had concluded.

Mr. COPELAND. I suppose I should have finished before now.

Mr. HARRIS. I did not mean to hurry the Senator, but I have an amendment I want to offer in which the Senator will be especially interested.

Mr. COPELAND. Will the Senator wait just a moment?

Mr. HARRIS. Certainly.

Mr. COPELAND. Mr. President, it is hard for one boiling with indignation, and especially what he feels is righteous indignation, and when he has energy enough to carry on indefinitely, not to go ahead, but I want to have the Senate adjourn. I got a letter from my sister yesterday in which she said:

You must be very glad that the Congress is going to adjourn soon, and you must be glad you are going to have a rest, and so is the country.

I have no doubt the country wants us to adjourn. I am not going to be one to interfere with that, and certainly the last deficiency bill must go to conference.

Let me say to my good friend the Senator from Washington that in view of all the circumstances, and particularly on account of his appeal, I am going to leave the matter here. But I have not changed my opinion one single bit about what happened to me to-day. It was not a square deal that I had, and under other circumstances I would stand here for 8 or 10 hours, as I have done before when I felt there was abundant reason for it.

Mr. President, I yield the floor now to my friend the Senator from Georgia.

Mr. HARRIS. Mr. President, on page 77, line 23, I move to strike out "$6,860" and insert in lieu thereof "$9,160." I will say that this is recommended by the Public Health Service, it has the approval of the Budget, and the Public Health Service say that the need was not understood. I have been informed that those speaking in behalf of 10 per cent of the insane of this country are very much interested in seeing this item go into the bill.

Mr. JONES. If it comes from the Budget, I shall not oppose it.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 77, line 23, to strike out "$6,860" and insert in lieu thereof "$9,160," so as to read:

Division of mental hygiene: For an additional amount for expenses, division of mental hygiene, Public Health Service, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1932, $9,160.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, on page 40, line 6, there is an item of $100,000, to be appropriated from the private trust funds of the Osage Tribe of Indians in Oklahoma. This appropriation is in conformity with an act of Congress passed at this session. The act was passed and approved on January 31 and is Public Act No. 583, Seventy-first Congress.

Mr. President, I move that the figures on page 40, line 6, "$100,000," be stricken from the line, and that instead there be inserted "$25,000." I desire to make a brief statement of the reason for the amendment.

The authorization is for $100,000, and the reason for the authorization was as follows: The restrictions on the Osage Indian lands will expire on the 8th day of April this year, 1931. A few years ago Congress passed a bill extending those restrictions for another period of 25 years.

There are some interests in the Osage Nation which believe that the Congress had no authority to extend those restrictions. The Osage Indian Tribal Council is of the opinion that suits will be brought shortly after the 8th day of April. No suit is now pending.

It is my opinion that if this item of $100,000 stays in the bill suits will be brought, either for good and sufficient reason or otherwise, and if suits are brought, of course contests will be made to defend against those suits, and this $100,000 will be an invitation to that purpose.

If Congress shall appropriate only $25,000, and suits are brought after the 8th of April, it will be only a few months before Congress will meet again, and if the $25,000 is not sufficient, the authorization still standing, we can supplement the appropriation at the time the next Congress convenes.

I think that in the interest of good business, and for the protection of the Indians, while the authorization is for $100,000, at this time we are not justified in offering an inducement for the bringing of litigation which might not otherwise be brought.

Upon this statement I ask for a vote on the amendment.

Mr. JONES. Mr. President, the Senator has made a very strong statement in favor of the reduction, and we are always glad to make reductions.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF COPYRIGHT LAW

Mr. HEBERT. Mr. President, I ask unanimous consent that we proceed to the consideration of House bill 12549, to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

Mr. McKELLAR. Mr. President, I do not see the junior Senator from Washington [Mr. DILL] in the Chamber. That Senator asked me to have a quorum called if this bill should be brought up.

Mr. HEBERT. I do not yield for that purpose. If there is objection to my request, then I shall move that the bill be taken up.

Mr. McKELLAR. I shall be compelled to object.

Mr. NORRIS. Mr. President, we should not take up a bill of that kind at this hour. We could not finish the consideration of it before 7.30.

Mr. HEBERT. Mr. President, I move that the Senate proceed to the consideration of the bill.

Mr. McKELLAR. Mr. President, in compliance with my promise to the Senator from Washington, I am obliged to make the point of order that a quorum is not present.

Mr. HEBERT. Mr. President, if the Senator will permit me, I was intending to make a statement outlining the provisions of the bill, and I doubt very much whether there will be sufficient time between now and the hour fixed for taking up the calendar to proceed with the consideration of many sections of the bill.

Mr. McKELLAR. Mr. President, I am perfectly willing for the Senator to make his statement on the motion to take up the bill, without going any further.

Mr. NORRIS. Mr. President, a good many Senators are absent who would want to hear the statement of the Senator from Rhode Island. There is only a handful of Senators present. The Senator is in earnest about his bill, and there should be more Senators here to hear his statement.

Mr. REED. Mr. President, I suggest that if we should take a recess now until 7.30, the Senator's motion would still be pending when we met in the morning, and after the disposition of the veto of the bonus bill, he then could make his statement to a full Senate, and have his motion acted on.

The PRESIDING OFFICER. Does the Senator from Tennessee withhold his point of order?

Mr. McKELLAR. I do.

Mr. HEBERT. Might I do this: Move to have the bill made the unfinished business, to be taken up immediately after the consideration of the bonus bill?

Mr. REED. No, Mr. President; the Senator's motion to make the bill the unfinished business would be pending after the action on the veto message.

The PRESIDING OFFICER. The motion of the Senator from Rhode Island is now pending, and if a recess should be taken until 7.30, at that time we would immediately proceed to the consideration of unobjected bills on the calendar, and then to-morrow at 11 o'clock——

Mr. NORRIS. Mr. President, let me call the Presiding Officer's attention to the fact that we have a unanimous-consent agreement to take up the President's veto message to-morrow at 11 o'clock.

Mr. REED. Oh, yes; that would have to be out of the way first.

Mr. NORRIS. The Senator ought to make his motion then at that time, it seems to me. However, he can make any motion he wants to make, but he could not have it acted on now.

Mr. McKELLAR. I understand the Senator has already made a motion, so that it will be pending.

Mr. REED. The motion is entered.

Mr. HEBERT. My motion is that the Senate proceed to the consideration of the bill.

Mr. NORRIS. Pending that motion, I move that the Senate take a recess until 7.30 o'clock.

The motion was agreed to; and the Senate (at 7 o'clock p. m.) took a recess until 7.30 o'clock p. m.

EVENING SESSION

The Senate reassembled at 7.30 o'clock p. m.

The PRESIDING OFFICER (Mr. FESS in the chair). The period of recess having expired, the Senate will proceed with the consideration of unobjected bills on the calendar, beginning with Order of Business 1418.

CALLING OF THE ROLL

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Frazier	King	Steck
Black	George	La Follette	Stelwer
Blaine	Glass	McGill	Stephens
Blease	Glenn	McKellar	Swanson
Bratton	Goldsborough	McNary	Thomas, Idaho
Brock	Gould	Metcalf	Thomas, Okla.
Brookhart	Hale	Morrow	Townsend
Broussard	Harris	Norbeck	Trammell
Bulkley	Harrison	Nye	Tydings
Capper	Hatfield	Oddie	Vandenberg
Carey	Hayden	Partridge	Wagner
Connally	Hebert	Patterson	Walcott
Copeland	Howell	Phipps	Walsh, Mont.
Dale	Johnson	Reed	Watson
Deneen	Jones	Robinson, Ark.	Williamson
Dill	Kean	Robinson, Ind.	
Fess	Kendrick	Sheppard	
Fletcher	Keyes	Smith	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

ADDITIONAL REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 6221) to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes, reported it with amendments and submitted a report (No. 1794) thereon.

He also, from the same committee, to which was referred the bill (H. R. 8534) for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes, reported it without amendment and submitted a report (No. 1795) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (H. R. 16302) to authorize an investigation with respect to the construction of a dam or dams across the Owyhee River or other streams within or adjacent to the Duck Valley Indian Reservation, Nev., and for other purposes, reported it without amendment and submitted a report (No. 1796) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 6246) providing for an appropriation toward the alteration and repair of the buildings of Eastern Dispensary and Casualty Hospital, reported it without amendment and submitted a report (No. 1797) thereon.

ADDITIONAL BILL INTRODUCED

Mr. BROOKHART introduced a bill (S. 6253) granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River, which was read twice by its title and referred to the Committee on Commerce.

SAVANNAH RIVER RAILROAD BRIDGE, AUGUSTA, GA.

Mr. SMITH. Mr. President, I ask unanimous consent that a bill which is not on the calendar may be taken up at this time and passed. It is Senate bill 6220, granting the consent of Congress to the construction of a railroad bridge over the Savannah River between Georgia and South Carolina. The old bridge is not sufficient to permit a free flow of the river, and the matter is one that ought to be attended to at once. The bill is reported without amendment, and we can pass it in a moment. The House has a similar bill.

The PRESIDING OFFICER. The clerk will read the bill for the information of the Senate.

The Chief Clerk read the bill (S. 6220) granting the consent of Congress to the Charleston & Western Carolina Ry. Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga., as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Charleston & Western Carolina Railway Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation, at or near Augusta, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Charleston & Western Carolina Railway Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed.

FLOTATION OF FOREIGN INVESTMENT LOANS IN THE UNITED STATES

The PRESIDING OFFICER. The clerk will state the first business on the calendar under the unanimous-consent agreement.

The first business on the calendar under the unanimous-consent agreement was the resolution (S. Res. 305) opposing action by the State Department with respect to the flotation of foreign-investment loans in the United States and its assumption of certain authority over the Federal Reserve Board and banks, which was read, considered by the Senate, and agreed to, as follows:

Whereas the Senate by S. Res. 293, passed June 16, 1930, requested the Secretary of State to inform the Senate (1) "upon what authorization of law, constitutional or statutory, expressed or implied, does the State Department base its right either to approve or disapprove investment securities offered for sale in the money markets of the United States by foreign governments, corporations, or individuals," and (2) "by what sanction of law, constitutional or statutory, does the State Department assume the right to direct action of the Federal Reserve Board or banks with respect to their lawful powers concerning the business of banking in foreign countries or the investments of these banks in foreign securities offered in the money markets of the United States"; and

Whereas the Secretary of State, as of June 20, 1930, responded to clause 1 of said Senate resolution by referring the Senate to Article II of the Constitution of the United States and to section 202 of the Revised Statutes as authority for the exercise of the functions referred to in clause 1 of said Senate resolution; and

Whereas the Secretary of State in response to clause 2 of said Senate resolution asserts that "the Department of State has not assumed the right to direct the action of the Federal Reserve Board or banks with respect to their lawful powers," as mentioned in S. Res. 293 and, in this connection, refers the Senate to an official statement of the Secretary of State issued May 16, 1929; and

Whereas a careful inspection of Article II of the Constitution of the United States and of section 202 of the Revised Statutes discloses no single sentence which, explicitly or implicitly, authorizes the action taken by the Department of State with respect to the flotation of foreign investment loans on the money markets of the United States; and

Whereas a careful examination of the statement issued by the Secretary of State on May 16, 1929, reveals the exact declaration that the department "will not permit any officials of the Federal reserve system either to themselves serve or to select American representatives as members of the proposed international bank"; Therefore be it

Resolved, That it is the sense of the Senate that the Department of State, having no legal sanction for the action mentioned in S. Res. 293 with respect to investment securities offered in the money markets of the United States by foreign governments, corporations, or individuals, should desist from the dangerous practice of involving the United States Government in any responsibility of whatever nature, either by approval or disapproval, for foreign investment loans floated in this country; and should refrain from assuming authority over the Federal Reserve Board and banks or officials thereof with respect to matters which, by express authority of law, are confided to them and not to the Department of State.

RESERVOIR IN LITTLE TRUCKEE RIVER, CALIF., ETC.

The Senate proceeded to consider the bill (S. 5172) for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, which had been reported from the Committee on Irrigation and Reclamation, with amendments, on page 2, after line 7, to insert "No funds shall be expended under this act until a contract or contracts satisfactory to the Secretary of the Interior shall be executed by an irrigation district or districts, or other agencies organized under State law, for the repayment of the sums expended for the purposes of this act," and on the same page, line 13, after the word "hereby," to insert "authorized to be," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to provide for the construction of a reservoir in the Little Truckee River, State of California, and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, for the irrigation of lands along the Truckee River in the State of Nevada and the Newlands reclamation project.

The Secretary of the Interior is hereby further authorized to acquire, by purchase, condemnation, or otherwise, such water rights, rights of way, and lands as may be necessary to carry out the provisions of this act.

No funds shall be expended under this act until a contract or contracts satisfactory to the Secretary of the Interior shall be executed by an irrigation district or districts, or other agencies organized under State law, for the repayment of the sums expended for the purposes of this act.

SEC. 2. There is hereby authorized to be appropriated from the special fund in the Treasury known as the reclamation fund, the sum of $750,000 for the purpose of carrying out the provisions of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. JONES. Mr. President, I objected to the consideration of this bill once or twice before; but I have received a letter from the Secretary of the Interior which reads as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 19, 1931.

Hon. WESLEY L. JONES,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR MR. CHAIRMAN: I believe that Mr. Ely discussed S. 5172 with you this morning. This is a bill introduced by Senator ODDIE to authorize construction of a storage project on the Little Truckee in Nevada. As amended in committee, it provides that no funds should be expended prior to execution of a repayment contract satisfactory to the Secretary, and changes the bill from an appropriation measure to an authorization.

I have been thoroughly in harmony with your consistent opposition to unnecessary bills authorizing new reclamation projects and appreciative of that attitude; as you know, special authorization is not needed in such cases, and the problem is one of appropriation simply.

In this particular case, however, I have no objection to the enactment of the bill. Controversies over use of Truckee River waters and those of Lake Tahoe, from which the Truckee River drains, have been acute for several years; and this department was instrumental last summer in arranging a 3-year truce between California and Nevada interests pending the working out of a permanent solution. If Senator ODDIE believes that this bill will assist in solving the Nevada part of the problem and facilitate the working out of a repayment agreement among the Nevada interests, the department has no objection to its passage.

Senator ODDIE will, of course, clearly understand that passage of this bill will not expedite construction of the project contemplated by his bill. The reclamation fund has no money available and the appropriations now pending in Congress for the reclamation fund are restricted to projects already in construction, and will be so used.

Very truly yours,

RAY LYMAN WILBUR,
Secretary.

I know, as the department maintains, that the appropriation of the reclamation fund for particular projects by Congress is not encouraged, and we always take care of that in the general bill; and this special appropriation will not really amount to anything. If, however, it will help in bringing about the agreement that is referred to here, I am perfectly willing that that shall be done. I desire to have it understood, however, that I will not consider this as a precedent for legislation hereafter allotting the reclamation fund under separate measures.

Mr. KING. Mr. President, I call the attention of the Senator from Nevada to the fact that, as I read this bill, it in part provides for the irrigation of privately owned lands. I am not sure that it is a reclamation project. The language of the bill is so ambiguous that I can not tell; but if it be for irrigation of privately owned lands—and it refers to irrigation districts under the State law, from which I should assume that it refers to privately owned lands—then there ought to be some provision under the terms of which the owners of the lands should pay their share of the cost of the project, not in 40 years without interest, but within 20 years and a reasonable amount of interest.

Mr. ODDIE. Mr. President, there is a provision in the bill as follows:

No funds shall be expended under this act until a contract or contracts satisfactory to the Secretary of the Interior shall be executed by an irrigation district or districts, or other agencies organized under State law, for the repayment of the sums expended for the purposes of this act.

Mr. KING. Let me say to the Senator that the representative of the Secretary of the Interior called to see me this afternoon, because I had objected to some features of this bill. I asked him with regard to the matter I have just mentioned; and he said that so far as he knew—and he was here representing the Secretary of the Interior—the owners of lands who were not on reclamation projects would have 40 years, without interest, for the payment of their share of the water. It seems to me it is unjust.

Mr. ODDIE. There is nothing in the bill to show that, Mr. President. The contracts will have to be satisfactory to the Secretary of the Interior, and an appropriation for this purpose will have to be approved by both Houses of Congress, before this work can be done. At that time he will see that proper contracts have been made. If the bill passes he will be able to take the necessary preliminary steps in carrying it into effect.

Mr. President, this will benefit the Newlands reclamation project, which was the first reclamation project of all. Former Senator Newlands, of Nevada, was a man of great ability and high integrity. He was one of the most brilliant and distinguished Members this Senate has ever had. He has been well called the "father of reclamation." This bill will save the Newlands project from a great deal of trouble, and will be a great benefit to it. I hope the bill will pass.

Mr. KING. Mr. President, I do not object to this bill, but I do think there ought to be an amendment under the terms of which those persons who were the beneficiaries of this Federal appropriation, who own lands of their own, would pay a reasonable proportion of the cost, and they ought to pay for it within 20 years. They ought to pay reasonable interest on the deferred payments, instead of getting it for 40 years without interest at all, as those who live under the reclamation projects do.

Mr. ODDIE. Mr. President, I am satisfied they do not expect that much, and I do not believe the Secretary of the Interior would allow it in that way. I know he will see to it that this matter will be handled in a fair and businesslike manner. The passing of this bill will insure the successful carrying out of the agreement recently made between the various interests on the Truckee River watershed, namely, the Washoe County Water Conservation District, the Truckee-Carson Irrigation District—Newlands project—and the power company. These interests have for many years been in disagreement and after much hard and efficient work on the part of all these heretofore conflicting interests, in which I was privileged to take part, an agreement was reached recently, and this bill is based on and the result of this agreement. There will undoubtedly be funds in the reclamation fund available for this work when it will be needed to carry out the provisions of this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DRAINAGE CHANNEL IN THE SAN LUIS VALLEY

The Senate proceeded to consider the bill (S. 3467) authorizing the construction of a drainage channel in the closed basin of the San Luis Valley in Colorado, authorizing investigations of reservoir sites, and for other purposes.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to design and construct, at the sole expense of the United States, a suitable drainage channel for the purpose of draining the so-called closed basin in the San Luis Valley in the State of Colorado. The location of such drainage channel, including the point of its terminus in the Rio Grande River, shall be determined by the Secretary of the Interior after full investigation.

SEC. 2. The Secretary of the Interior is authorized to acquire, by purchase, donation, or proceedings in eminent domain, all necessary lands, rights of way, and other property required or reasonably necessary in connection with the construction of the works hereby authorized. Funds for the purposes herein authorized shall be expended in the manner and for the general objects of expenditure enumerated and permitted in the annual appropriations made for the Bureau of Reclamation, Department of the Interior.

SEC. 3. The drainage channel herein authorized to be constructed shall, upon completion, be turned over by the Secretary of the Interior to a drainage district organized under State law and embracing the lands benefited by said drain, or to such other organization as may be satisfactory to the Secretary of the Interior. Such drainage district or other organization shall execute with the United States a contract satisfactory to the Secretary of the Interior for assuming the control, operation, and maintenance of said drainage channel and appurtenant works.

SEC. 4. The Secretary of the Interior is hereby authorized to make necessary rules and regulations and to do all things necessary to effectuate the purposes herein specified.

SEC. 5. There is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $800,000, or such part thereof as may be found necessary and proper, for carrying out the purposes of this act. The funds so appropriated and expended by the United States shall not be reimbursable.

SEC. 6. The Secretary of the Interior is also authorized and directed to investigate the feasibility and advisability of a retaining dam in the Rio Grande River, to be constructed in connection with the drainage channel herein authorized, to make a complete survey and report on same, including estimates of cost, best available site, and details of construction. For the purpose of this investigation, survey, and report the additional sum of $10,000 is hereby authorized to be appropriated from any money in the Treasury not otherwise appropriated.

RETIREMENT OF OFFICERS OF THE NAVY

The Senate proceeded to consider the bill (S. 5761) to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders of the line of the Navy," as amended by the act of March 4, 1929.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act approved June 22, 1926 (44 Stat. L. 761), entitled "An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy," as amended by the act of March 4, 1929 (45 Stat. L. 1557; U. S. C., Supp. III, title 34, sec. 11), is hereby further amended by striking out the figures "1931" appearing in the first sentence of said act, and in lieu thereof inserting the figures "1933," so that as thus amended said act shall read as follows:

"That until March 5, 1933, the provisions contained in the act approved August 29, 1916 (39 Stat. L. 579), which provide for the retirement of captains, commanders, and lieutenant commanders of the line of the Navy who are more than 56, 50, and 45 years of age, respectively, and who have become ineligible for promotion on account of such age, be, and the same are hereby, modified to the extent that captains, commanders, and lieutenant commanders shall not become ineligible for promotion and shall not be retired until they have completed 35, 28, and 21 years, respectively, of commissioned service in the Navy, and upon the completion of such service, if not recommended for promotion, they shall be retired without regard to age under the conditions specified in said act: *Provided*, That the commissioned service of Naval Academy graduates, for the purpose of this act only, shall be computed from June 30 of the calendar year in which the class with which they graduated completed its academic course, or, if its academic course was more or less than four years, from June 30 of the calendar year in which it would have completed an academic course of four years."

OCCUPANCY OF NATIONAL FOREST LANDS

The bill (S. 5810) to facilitate the use and occupancy of national-forest lands for purposes of residence, recreation, education, industry, and commerce was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

THE STAR-SPANGLED BANNER

The bill (H. R. 14) to make the Star-Spangled Banner the national anthem of the United States of America was announced as next in order.

Mr. FRAZIER. Let that go over.

Mr. ROBINSON of Indiana. Mr. President, if the objection may be withheld for a moment, I would like to suggest that this bill is sponsored principally by the Veterans of Foreign Wars, all of whom have seen service outside of this country. It is one of the principal features of their national program, and numerous other organizations are interested in the measure. For instance, the National Flag Code Committee, of which Mr. Gridley Adams is chairman. I have a letter from this organization, and printed on its stationery are the names of members of the committee, among others those of Mrs. Anthony Wayne Cook, president general of the Daughters of the American Revolution; Mrs. Henry Osgood Holland, of the National Congress of Mothers; Mrs. Livinstone Roe Schuyler, president general of the United Daughters of the Confederacy; E. S. Martin, of the Boy Scouts of America; John L. Riley, since deceased, of the American Legion; Lieut. Col. H. S. Kerrick, of the American Legion; Maj. O. C. Luxford, of the Sons of the American Revolution. Literally thousands of patriotic citizens have signed petitions to make the Star-Spangled Banner officially, what it really is, the national anthem of the country.

This bill passed the House and came to the Committee on the Library, of which the present occupant of the chair [Mr. FESS] is the chairman, and was reported back to the Senate. I hope sincerely that no one will object to the consideration of the bill.

Mr. FRAZIER. Mr. President, I object.

The PRESIDING OFFICER. The bill will be passed over.

OLEOMARGARINE

The bill (S. 5745) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, was announced as next in order.

Mr. SMITH. Let that go over.

Mr. TOWNSEND. Mr. President, will the Senator withhold his objection while I move to substitute the House bill for the Senate bill?

Mr. SMITH. No, Mr. President; I object to the consideration of this bill.

Mr. TOWNSEND. I just want to move to substitute the House bill for the Senate bill on the calendar.

Mr. JOHNSON. Mr. President, if the Senator will yield, I think this afternoon the House bill was sent over to the Senate and was substituted upon the calendar for the Senate bill.

The PRESIDING OFFICER. Both bills are on the calendar. If there is objection, the bill will have to go over.

NATIONAL INSTITUTE (PRIX DE PARIS)

The bill (S. 915) to incorporate the American National Institute (Prix de Paris) at Paris, France, was announced as next in order.

Mr. KING. Mr. President, I ask unanimous consent of the Senate for just a moment or two to explain why objection has been made to what seems to be a very meritorious and worthy bill.

Many years ago, back in the eighties and nineties, a number of delightful ladies obtained a charter in the State of New York for the purpose of establishing an institute in Paris, to aid American students who went over to Paris. Apparently they made no progress in establishing an institute, though the city of Paris was willing to give a piece of land for that purpose, and for years and years they have been trying to get a Federal charter and a Federal appropriation, in order to carry out the scheme.

I objected to it because, first, the Federal Government has no right, in my opinion, to execute such a charter; and, secondly, it calls for a Federal appropriation, and how many others will be required for the purpose of establishment of the building and maintenance of the institution no one can determine. Therefore, I object.

Mr. COPELAND. Mr. President, is there any way I can persuade my friend from Utah to consent to this?

Mr. KING. No, Mr. President.

Mr. COPELAND. This is a very meritorious bill. It was reported years ago by a distinguished Republican.

Mr. LA FOLLETTE. I call for the regular order.

The PRESIDING OFFICER. The regular order is demanded.

Mr. COPELAND. Mr. President, I assume that under Rule VIII I can move to take the bill up.

The PRESIDING OFFICER. No; if the regular order is called for, it is equivalent to an objection.

Mr. COPELAND. Of course, that being the case, I have exhausted all possibility of passing the bill.

The PRESIDING OFFICER. The Senator may speak on the next bill if he cares to do so. Under objection, this bill will be passed over.

LINCOLN MEMORIAL BRIDGE

The Senate proceeded to consider the bill (S. 5545) to amend an act approved February 24, 1925, entitled "An act to provide for the construction of a memorial bridge across

the Potomac River from a point near the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, and for other purposes."

The PRESIDING OFFICER. The amendment of the committee has heretofore been agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, and for other purposes," approved February 24, 1925, is hereby amended by the addition thereto of the following:

"SEC. 8. That the said Arlington Memorial Bridge Commission is hereby authorized and directed to establish and construct a boulevard approach to the bridge at the Virginia terminus beginning at a point designated as station 107 adjacent to the west side of Fort Myer Military Reservation and encircling and passing through the reservation and Arlington National Cemetery as shown by and in accordance with a map entitled 'Arlington Memorial Bridge, Proposed Lee Boulevard Approach,' dated February 3, 1930, on file in the office of the Arlington Memorial Bridge Commission; and for that purpose to use such land owned by the United States of America as, in its judgment, may be necessary; and to acquire by purchase, condemnation, exchange, or otherwise such other lands as, in its judgment, may be necessary: *Provided, however*, That upon passage of this act and before any expenditure by said commission for acquisition of land, or for construction, the fee-simple title now possessed and held in trust by the National Boulevard Association for the State of Virginia shall be surrendered to the United States of America by a deed of general warranty, the value of such land amounting to approximately $175,000, the titles to all land to be approved by the Attorney General of the United States.

"SEC. 9. Whenever it becomes necessary to acquire by condemnation proceedings any lands in the State of Virginia for the purpose of carrying out the provisions of the act, such proceedings shall conform as near as may be to the proceedings authorized by chapter 472 of the 1928 acts of the General Assembly of Virginia (acts of the 1928 General Assembly of Virginia, pp. 1228–1230), empowering the State highway commissioner of Virginia to condemn lands for State highway purposes: *Provided*, That in addition to the exercise of the power of eminent domain as hereinbefore provided, the Arlington Memorial Bridge Commission is hereby authorized to enter upon and take possession of such lands and rights of way as it may deem necessary for the purposes of this act and to proceed with the construction of such highway, bridges, and other improvements on such lands without having first condemned the same: *Provided, however*, That within 60 days after taking possession of such lands and rights of way, if the United States and the owner or owners thereof have been unable to agree upon just compensation therefor, condemnation proceedings shall be instituted as hereinabove provided.

"SEC. 10. That the Arlington Memorial Bridge Commission is hereby authorized to make exchange of land with the Washington-Virginia Electric Railroad Co. in case removal of tracks to another location may make such exchange desirable.

"SEC. 11. That the Arlington Memorial Bridge Commission is hereby authorized and directed to prepare plans for the construction of said Lee Boulevard approach in keeping with the memorial-bridge project and with its character as a principal approach and gateway to Washington, the plans to include separation of grades and landscaping as said bridge commission may determine.

"SEC. 12. That in order to provide for the cost of plans and estimates and acquisition of necessary lands the limit of the total cost of the Arlington memorial project, as set forth in the said act, approved February 24, 1925, is hereby increased by the sum of $812,087.50, which additional amount, or so much thereof as may be necessary, is authorized to be appropriated from any moneys available or that may become available in the Treasury of the United States.

"SEC. 13. That upon completion of the construction of the said approach, the roadway, together with the right of way, shall be transferred to the park system under the Director of Public Buildings and Public Parks of the National Capital for maintenance, development, and policing: *Provided*, That such portions of the appurtenant lands not included in the 200-foot right of way as, in the opinion of the Arlington Memorial Bridge Commission, would be particularly useful to the Arlington National Cemetery or the Fort Myer Military Reservation may be transferred to the jurisdiction of the Secretary of War.

"SEC. 14. That this act shall take effect upon its passage."

COMMERCE IN CRUDE PETROLEUM

The bill (S. 5818) to regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

Mr. CAPPER. Mr. President, have we not the right to move to take up bills on the calendar?

The PRESIDING OFFICER. Not to-night, under the unanimous-consent agreement. Objection being made, the bill will be passed over.

REGISTRATION OF TRADE-MARKS

The bill (H. R. 2828) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes, was announced as next in order.

Mr. HEBERT. Mr. President, this is the trade-mark bill. The junior Senator from Colorado [Mr. WATERMAN], the chairman of the Committee on Patents, was unable to be present this evening and asked me to make a brief statement to the Senate about this measure.

This bill has been under consideration in the House for some seven years. It is known as the American Bar Association bill. It combines into one statute various enactments over a period of years. It simplifies procedure for securing trade-marks, and my understanding is that it has the approval of practically all of the bar associations of all of the States of the Union. It exempts from its operation intrastate trade-marks, but covers trade-marks used in interstate commerce.

The PRESIDING OFFICER. Is there objection to immediate consideration?

Mr. BLAINE. Let the bill go over.

The PRESIDING OFFICER. The bill goes over under objection.

CREDIT UNIONS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 4775) to provide for the incorporation of credit unions within the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments.

Mr. BRATTON. Let that go over.

Mr. BLAINE. Mr. President, will the Senator withhold his objection for just a moment?

Mr. BRATTON. Yes; I withhold my objection.

Mr. BLAINE. This bill is not the so-called small loan bill. This is a bill permitting the organization of credit unions in the District of Columbia, purely cooperative organizations, to which anyone may belong. It is along the lines of a uniform law which has been adopted in a great number of States.

Mr. BRATTON. Does the bill have to do with interest rates?

Mr. BLAINE. It has to do with interest rates, but not along the same line as the small loan bill. The activities are to be carried on entirely by the membership belonging to the union, but they can not charge a rate exceeding 1 per cent per month to their own membership. They control that themselves. There are to be no profits. There can be no profits. The unions are to be purely mutual-aid organizations, when the law is once adopted and in operation.

Mr. BRATTON. Twelve per cent is the maximum permitted?

Mr. BLAINE. One per cent per month.

Mr. BRATTON. I withdraw the objection.

Mr. TRAMMELL. Mr. President, what rate of interest would these organizations be permitted to charge outsiders if they transacted business with outsiders, other than members of the mutual?

Mr. BLAINE. They are not to transact business with outsiders. They are to transact business only among themselves. It is to be a purely mutual cooperative organization. They fix the by-laws and all the conditions, and they can not charge their own membership exceeding 1 per cent per month.

Mr. TRAMMELL. It does not contemplate loans, then, to other people?

Mr. BLAINE. Not at all. It is a nonprofit organization.

The PRESIDING OFFICER. The amendments will be stated.

The amendments were, on page 4, line 5, at the end of the line, strike out the period and insert a colon and the following: "*Provided, however*, That it shall be unlawful for any such credit union to transact business in the District of Columbia without procuring a license from the District of Columbia; and all such credit unions shall pay a license tax of $50 per annum to the District of Columbia. No license shall be granted for a period longer than one year: *Provided, however*, That the Commissioners of the District of Columbia may suspend or revoke a license upon proof of the bankruptcy or insolvency of any such credit union or upon conviction of a violation of any provision of this act or of any law or regulation of the District of Columbia or of the United States."

On page 5, line 24, strike out the figure "50" and insert the figure "40".

On page 8, line 24, strike out the period at the end of the line and insert a colon and the following: "*Provided*, That no person shall be elected to the board or to either committee unless he be duly elected to membership as provided in section 9 of this act."

On page 9, line 16, after the word "deposits," strike out the semicolon and insert a colon and the following: "*Provided, however*, That the interest rate on loans shall not be in excess of the maximum amount fixed by the provisions of this act."

So as to read:

Be it enacted, etc.,

SHORT TITLE

SECTION 1. This act may be cited as the "District of Columbia credit unions act."

DEFINITION

SEC. 2. A credit union is hereby defined to be a cooperative society organized for the purpose of promoting thrift among its members and creating a source of credit for them for provident purposes.

ORGANIZATION CERTIFICATE

SEC. 3. Any seven or more persons, who are actual residents of, or do business or are employed within, the District of Columbia, and who desire to form a credit union, shall subscribe before some officer in the District competent to take the acknowledgment of deeds, an organization certificate which shall specifically state—

First. The name of the corporation, which shall include the words "credit union" and "District of Columbia."

Second. The names and addresses of the subscribers to the certificate and the number of shares subscribed by each.

Third. The par value of the shares of the credit union, which shall not exceed $10 each.

Fourth. The proposed field of membership, specified in such detail as the Commissioners of the District of Columbia may require.

Fifth. The term of the credit union's existence, which may be perpetual.

POWER OF COMMISSIONERS OF THE DISTRICT

SEC. 4. The organization certificate shall be presented to the Commissioners of the District of Columbia, who are hereby authorized to approve the certificate if in the opinion of the commissioners (1) the certificate conforms to the provisions of this act, (2) the proposed field of membership is favorable to the success of the corporation, and (3) the character and general fitness of the subscribers is such as to give assurance that affairs of the corporation will be administered in accordance with law and for the exclusive benefit of the members.

RECORDING CERTIFICATE

SEC. 5. The certificate, if approved by the Commissioners of the District of Columbia, shall be filed for record in the office of the recorder of deeds for the District of Columbia, and shall be recorded by him. At such time as the approved certificate is so filed, the subscribers and their successors shall thereupon become a body corporate and as such shall, subject to the limitations of section 8 (relating to approval of by-laws), be vested with all the powers and charged with all the liabilities conferred and imposed by this act upon corporations organized thereunder as credit unions: *Provided*, That the last paragraph of section 552 of the Code of Law for the District of Columbia shall have no application to credit unions.

SUPERVISION BY COMPTROLLER OF THE CURRENCY

SEC. 6. The provisions of sections 713 and 714 of the Code of Law for the District of Columbia, as now or hereafter amended (relating to supervision by the Comptroller of the Currency of banking institutions in the District of Columbia), shall apply to credit unions, except that the Comptroller of the Currency may relieve credit unions from compliance with any such requirements to such extent and in such manner as he deems will not prejudice the proper conduct of the affairs of such credit unions: *Provided, however*, That it shall be unlawful for any such credit union to transact business in the District of Columbia without procuring a license from the District of Columbia; and all such credit unions shall pay a license tax of $50 per annum to the District of Columbia. No license shall be granted for a period longer than one year: *Provided, however*, That the Commissioners of the District of Columbia may suspend or revoke a license upon proof of the bankruptcy or insolvency of any such credit union or upon conviction of a violation of any provision of this act or of any law or regulation of the District of Columbia or of the United States.

POWERS

SEC. 7. A credit union shall have succession in its corporate name during its existence and shall have power—

First. To make contracts.

Second. To sue and be sued in its corporate name.

Third. To adopt and use a common seal and alter the same at pleasure.

Fourth. To purchase, hold, and dispose of property necessary to enable the corporation to carry on its operations.

Fifth. To make loans to its members for provident purposes upon such terms and conditions as the by-laws provide and as the credit committee may approve at rates of interest not exceeding 1 per cent per month on unpaid balances, inclusive of all charges incident to the making of the loan: *Provided*, That no loan to a director, officer, or member of a committee shall exceed the amount of his holdings in the company in shares and deposits, nor shall any such director, officer, or member indorse for borrowers. A borrower may prior to maturity repay his loan in whole or in part on any business day.

Sixth. To receive the savings of its members either as payment on shares or as deposits (including the power to conduct Christmas clubs, vacation clubs, and other such thrift organizations within the membership).

Seventh. To invest in the paid-up shares of building and loan associations and of other credit unions to an extent not to exceed 25 per cent of its capital, and in any investment legal for savings banks or for trust funds in the District of Columbia.

Eighth. To make deposits in national banks.

Ninth. To borrow in an aggregate outstanding amount not exceeding 40 per cent of its paid-in and unimpaired capital.

Tenth. To fine members for failure to meet promptly their obligations to such corporation.

Eleventh. To impress a lien upon the shares and dividends of any member to the extent of any loan made to him and any dues or fines payable to him.

BY-LAWS

SEC. 8. (a) The incorporators shall subscribe, acknowledge, and submit to the Commissioners of the District of Columbia proposed by-laws, and no credit union shall receive deposits or payments on account of shares or make any loans until such proposed by-laws have been approved by the commissioners as being in conformity with the provisions of this act.

(b) The by-laws shall prescribe the purposes for which the corporation is formed, the qualifications for membership, the date of the annual meeting, the manner of conducting meetings, the methods by which members shall be notified of meetings and the number of members which shall constitute a quorum, the number of directors and the compensation and duties of officers, the number of members of the credit committee, the fines, if any, to be charged for failure of members to meet promptly obligations to the corporation, the amount of the entrance fee, if any, to be paid, and such other regulations as are deemed necessary.

(c) Amendments of the by-laws may be adopted by a three-fourths vote of the members present at any members' meeting, but the amendments shall not take effect until approved by the Commissioners of the District of Columbia as being duly adopted and in conformity with the provisions of this act. The meeting shall be duly called for the purpose and the proposed amendments shall be set forth in the call.

MEMBERSHIP

SEC. 9. Credit-union membership shall consist of the incorporators and such other persons or organizations as may be elected to membership and subscribe to at least one share, pay the initial installment thereon, and the entrance fee, if any; except that credit-union membership shall be limited to groups the members of which are actual residents of or do business or are employed within the District of Columbia, and either have a common bond of occupation or association or reside within a well-defined neighborhood or community.

MEMBERS' MEETINGS

SEC. 10. The fiscal year of all credit unions shall end December 31. The annual meeting of the corporation shall be held at such time during the month of January and at such place as the by-laws shall prescribe. Special meetings may be held in the manner indicated in the by-laws. No member shall be entitled to vote by proxy, but a member other than a natural person may vote through an agent delegated for the purpose. No member shall, irrespective of the number of shares held by him, have more than one vote; and, after a credit union has been incorporated one year, no member thereof shall be entitled to vote until he has been a member for more than three months. All offices of a credit union shall be in the District of Columbia.

MANAGEMENT

SEC. 11 (a) General.—The business affairs of a credit union shall be managed by a board of not less than five directors, a credit committee of not less than three members, and a supervisory committee of three members, to be elected at the annual meeting, and to hold office for such terms, respectively, as the by-laws may provide and until successors qualify; except that prior to the first annual meeting all the business affairs of a credit union shall be managed by the subscribers to the certifi-

cate of incorporation. A record of the names and addresses of the members of the board and committees and the officers shall be filed with the Commissioners of the District of Columbia within 10 days of their election. No member of the board or of either committee shall, as such, be compensated: *Provided*, That no person shall be elected to the board or to either committee unless he be duly elected to membership as provided in section 9 of this act.

(b) Officers: At their first meeting after the annual meeting the directors shall elect from their own number a president, a vice president, a clerk, and a treasurer, who shall be the executive officers of the corporation. The offices of clerk and treasurer may be held by the same person. The duties of the officers shall be as determined in the by-laws, except that the treasurer shall be the general manager of the corporation.

(c) Directors: The board of directors shall have the general direction of the affairs of the corporation. They shall act upon application for membership; fix the amount of the surety bond required of any officer having custody of funds; recommend declaration of dividends; determine interest rates on loans and deposits: *Provided, however*, That the interest rate on loans shall not be in excess of the maximum amount fixed by the provisions of this act; fill vacancies in the board and in the credit committee until successors to be elected at the next annual meeting have qualified; have charge of investments other than loans to members; determine the maximum loans other than loans to members; determine the maximum individual share holdings and the maximum individual loan which can be made with and without security, except that no loan in excess of $50 shall be made without adequate security; and transmit to the members recommended amendments to the by-laws. For the purposes of this subdivision an assignment of shares or deposits or the indorsement of a note shall be deemed security.

(d) Credit committee: The credit committee shall hold meetings, of which due notice shall be given to its members, to consider applications for loans to members of the corporation, and no loan shall be made unless all members of the committee who are present when the application is considered and a majority of all the committee approve the loan. Applications for loans shall be on forms prepared by such committee, which shall set forth the purpose for which the loan is desired, the security, if any, and such other data as may be required.

(e) Supervisory committee: The supervisory committee shall make an examination of the affairs of the credit union at least quarterly, including an audit of its books; shall make an annual audit and report to be submitted at the annual meeting of the corporation; by a unanimous vote may suspend any officer of the corporation, or any member of the credit committee or of the board of directors until the next members' meeting, at which time the suspension shall be acted on by the members; and, by a majority vote, may call a meeting of the shareholders to consider any violation of this subchapter or of the by-laws, or any practice of the corporation deemed by the committee to be unsafe or unauthorized. The said committee shall fill vacancies in its membership until successors to be elected at the next annual meeting have qualified.

RESERVES

SEC. 12. All entrance fees and fines provided by the by-laws and, before the declaration of any dividend therefrom, 20 per cent of the net earnings of each year shall be set aside as a reserve fund against bad loans, which fund shall be kept liquid and intact and not distributed except in case of liquidation.

DIVIDENDS

SEC. 13. At the annual meeting a dividend may be declared from net earnings on recommendation of the board, which dividend shall be paid on all paid-up shares outstanding at the end of the preceding fiscal year. Shares which become fully paid up during such year shall be entitled to a proportional part of said dividend calculated from the first day of the month following such payment in full.

EXPULSION AND WITHDRAWAL

SEC. 14. A member may be expelled by a two-thirds vote of the members of the corporation present at a special meeting called for such purpose, but only after an opportunity has been given him to be heard. The credit union may require 60 days' notice of intention to withdraw shares and 30 days' notice of intention to withdraw deposits. Expulsion or withdrawal shall not operate to relieve a member from any remaining liability to the credit union. All amounts paid in on shares or deposited by expelled or withdrawing members prior to their expulsion or withdrawal shall be paid to them in the order of their withdrawal or expulsion, but only as funds become available and after deducting any amounts due from such members to the credit union.

MINORS

SEC. 15. Shares may be issued and deposits received in the name of a minor or in trust in such manner as the by-laws may provide. The name of the beneficiary shall be disclosed to the credit union.

TAXATION

SEC. 16. Credit unions, but not the members thereof, shall be exempt from Federal and District of Columbia taxation except taxes upon real property.

RESTRICTION ON USE OF WORDS "CREDIT UNION"

SEC. 17. It shall be unlawful for any individual, partnership, association, or corporation, except corporations organized in accordance with this act, to transact business in the District of Columbia under any name or title containing the words "credit union" or to transact business at any place in the United States under any name or title containing the words "credit union" and "District of Columbia" or "Federal" or "United States" or other words indicating that the business is transacted pursuant to authority of any act of Congress. Any individual, partnership, association, or corporation violating this section shall upon conviction thereof be subject to a fine not in excess of $100 for each day during which the violation continues.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PREDATORY WILD ANIMALS

The Senate proceeded to consider the bill (H. R. 9599) to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes.

Mr. KING. Mr. President, I suggest an amendment to the Senator from South Dakota, on line 11, page 2, after the word "with," to insert the word "States," so that it will read:

The Secretary of Agriculture may cooperate with States, individuals, and public and private agencies.

Mr. NORBECK. In what way will that change the meaning of the bill?

Mr. KING. Not at all. It will permit cooperation with the States.

Mr. NORBECK. If it does not change it at all, I have no objection to it.

Mr. WALSH of Montana. I think it is a proper amendment.

Mr. THOMAS of Idaho. Mr. President, will the Senator explain the change he desires to make?

Mr. KING. To insert the word "States." It provides that the Secretary may carry out the provisions of the act. The Secretary of Agriculture may cooperate with individuals and public and private agencies. It may be contended that the word "public" might mean States, and I want merely to insert the word "States."

Mr. THOMAS of Idaho. I think that is very proper.

Mr. DILL. Mr. President, I wish the Senator from South Dakota would explain just what the purpose of this bill is.

Mr. President, may I ask the Senator from South Dakota what need there is for more legislation? I understand that the States are taking care of the matter.

Mr. NORBECK. The theory is that while the Government does splendid work, it is not able to do it thoroughly nor to cover all the lands as they should be covered. For instance, the Government agencies go in and destroy 90 per cent of the coyotes, but the 10 per cent remaining will multiply very rapidly.

Mr. DILL. The States have the right to do the work.

Mr. NORBECK. There has been a fight going on for 50 years with reference to this matter, with the result that these animals have been eradicated in parts of the country and not in other parts. It also has reference not only to predatory animals, but to those injurious to horticulture and agriculture generally. It is proposed to put on a 10-year program with a little more intensity, to spend a little more money, to do the work a little more thoroughly, in the hope that the situation will not last forever. We are just raising enough of these animals to have new crops of them all the time, so that a good deal of the money we are spending is wasted because it does not result in extermination.

Mr. TRAMMELL. Mr. President, may I ask the Senator from South Dakota if the bill includes what are commonly known as wood rats?

Mr. NORBECK. Yes.

Mr. THOMAS of Idaho. The bill includes all kinds of rodents.

Mr. VANDENBERG. Mr. President, I want to call the attention of the Senator from South Dakota to a protest against the bill which I have received from the American Society of Mammalogists and from the Department of Zoology of the University of Michigan, headed by the president of the university. I quote just a sentence which seems to bear upon the point the Senator has been stressing:

The predacious animals serve the purpose under natural conditions of keeping in check the injurious rodents, and the reduction in the number of coyotes and other carnivorous species already accomplished has allowed the ground squirrels, mice, and rabbits to increase in many localities until they have become serious pests.

He insists there has not been a sufficient biological survey to justify this 10-year program. Will the Senator comment on that?

Mr. NORBECK. We have had for 100 years the two schools of thought—one that the animals should be eradicated and the other that we should let them run and that they would maintain a natural balance. The fact remains that where the eradication has been most effective it has been more possible for human beings to raise crops and to raise domestic animals. It has also made game more profitable where they have been exterminated. I do not think we should destroy the last of these animals and I want to assure the Senator's friend that there is no danger of reaching that point for a long time.

Mr. VANDENBERG. Is there any recommendation from the Government respecting the bill?

Mr. NORBECK. The bill originates with a Government department. The society to which the Senator refers had their representatives before the Senate committee in the hearings. There were two days spent in the hearings and we went into the matter quite thoroughly. It is just a matter of a difference of opinion, whether the wild animals should maintain their own balance or whether man has to take a hand in it.

Mr. BLAINE. Mr. President, does the Senator from South Dakota seriously propose that the Department of Agriculture shall find out the best way of destroying gophers in the corn-growing regions of the United States?

Mr. NORBECK. With the cooperation of the States, I know of no better way.

Mr. BLAINE. I know of no reason why they should be exterminated. The fact is, many believe they should be protected.

Mr. NORBECK. I said there are two schools of thought. We could get into an argument over this matter just like we could get into an argument over the Volstead Act. We could talk a week and there would still be two sets of opinions. I have explained the bill without hoping to convince anybody.

Mr. BLAINE. I happen to have been a resident all my life of a corn-growing section of my own State. The time was when those who raised corn thought they ought to destroy all the gophers. The time has now arrived when many people think they ought not to destroy any of them. This is the rodent which destroys the cutworm and grubworm more efficiently than any other manner of extermination.

Mr. NORBECK. I am not going to say to the Senator from Wisconsin that human beings have never made a mistake in the destruction of animals, because they have sometimes gone out and killed hawks that ought to be permitted to live. Those mistakes we have made, and we have experience to show for it and we mend our ways. I am simply maintaining that we should not sit down and say the situation will take care of itself.

Mr. WALSH of Montana. Mr. President, as I understand it the bill makes no provision for the extermination of rodents. It is for the extermination of predatory animals which prey upon others. It applies to animals like the wolf and the coyote, which prey on others. The argument is that they ought to be killed, because they kill the rodents.

Mr. BLAINE. The language of the bill is, "The best methods of eradication, suppression, or bringing under control on national forests and other areas of the public domain as well as on State, Territory, and privately owned lands," enumerating the category of animals and among them the gopher. It is to determine the eradication of rodents—and I understand the gopher is a rodent although I may be mistaken in that characterization; but many contend that the gopher is actually the friend of the corn grower, and there is no question now but that there are those who reside in the corn-growing sections of my own State who see to it that this animal is not unnecessarily destroyed because it is the animal that feeds upon the destructive worms—the cutworms and other worms which are very injurious to the corn-growing sections.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. BLAINE. I am not particularly interested, but I am suggesting to the Senator from South Dakota that there is no State official or Federal official who would ever be permitted on the lands belonging to many of our corn growers to destroy any of these animals that many regard as beneficial.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ROBINS DRY DOCK & REPAIR CO.

The bill (H. R. 10635) for the relief of the Robins Dry Dock & Repair Co. was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow Robins Dry Dock & Repair Co. the sum of $15,060 in full settlement for extra work performed on United States Army transport *St. Mihiel*, and demurrage deducted, in connection with contract No. W-629-qm-6320, dated May 10, 1929, of the repair of said vessel. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,060 for payment of this claim.

PAYMENT OF SEAMEN ON FOREIGN VESSELS

The bill (S. 314) relating to the payment of advance wages and allotments in respect of seamen on foreign vessels, and making further provision for carrying out the purposes of the seamen's act, approved March 4, 1915, was considered.

Mr. COPELAND. Mr. President, I do not desire to interpose any objection to the bill, but I have very serious doubts about the wisdom of its passage. I introduced in the RECORD on the 23d of February a legal opinion regarding the bill. Attention is called to the fact that it raises international questions. Senators will observe the language on page 2, beginning in line 9:

The courts of the United States shall be open to seamen for suits for payment of wages, irrespective of whether the wages were earned upon a vessel of the United States or a foreign vessel and within or without the United States or territory subject to the jurisdiction thereof.

We have 400 vessels that now touch at foreign ports. My theory is that retaliatory legislation will be enacted which will affect us adversely. But, as I said, I shall not raise an objection myself, although I have a mental and moral objection to the bill.

Mr. LA FOLLETTE. Mr. President, I think the contention of the Senator from New York is not correct. If the bill passes it will do much to remedy the discrepancy between the cost of operating American ships and the cost of operating foreign ships. I ask to have inserted in the RECORD at this point a copy of the report from the Committee on Commerce recommending the passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report is as follows:

[Senate Report No. 1583, Seventy-first Congress, third session]

PAYMENT OF SEAMEN ON FOREIGN VESSELS

Mr. NYE, from the Committee on Commerce, submitted the following report (to accompany S. 314):

The Committee on Commerce, to which was referred the bill (S. 314) relating to the payment of advance wages and allotments in respect of seamen on foreign vessels, and making further provision for carrying out the purposes of the seamen's act, approved March 4, 1915, having considered the same, report favorably thereon with the recommendation that it do pass.

This bill passed the Senate in the Seventieth Congress, but owing to lack of time it was not considered in the House committee.

As a part of this report, there is attached hereto the statement of Mr. Frederic P. Lee, legislative counsel:

"MEMORANDUM UPON ADVANCE PAYMENT OF SEAMEN'S WAGES

"This memorandum sets forth the purpose and legal background of S. 2945, Seventieth Congress, first session, relating to deduction of payments of advance wages and allotments to seamen upon foreign vessels in foreign ports.

"1. Purpose of the La Follette Seamen's Act: The United States merchant marine has suffered from the handicap of the higher cost of labor for operating its vessels than for operating foreign vessels. The La Follette Seamen's Act, 1915, proposed as one of its purposes to remove this handicap by seeking to raise to the American level the wage standard for crews of foreign vessels running to and from our ports.

"The plan was as follows: Section 16 of the seamen's act abolished the remedy of arrest and imprisonment for desertion of foreign seamen in ports of the United States, and treaty provisions requiring the specific performance of the terms of contracts for seamen's services made abroad were abrogated. Inasmuch as wages were higher in ports of the United States than in foreign ports, it was contemplated that foreign seamen who signed shipping articles at the lower wage scales prevailing at foreign ports would, since no longer prevented by legal process, take advantage of higher American wage level on reaching ports of the United States and find new jobs at the higher wages. The foreign ship must then fill up its crew at the current wages in the United States port. Thus, both vessels of the United States and foreign vessels running to and from ports of the United States would have the same labor operating costs.

"Such a plan was dependent, however, upon the foreign seaman having sufficient money upon reaching the American port to carry him until he procured his new job. He must not be compelled, by lack of money to meet his immediate necessities for food and lodging, to remain with the foreign ship. Therefore section 4 of the seamen's act provided that upon reaching the United States port the foreign seaman might demand one-half of his wages theretofore earned on the voyage. By section 11 of the seamen's act it was attempted to make impossible the evasion of the provision through the device of deducting from such half earnings advance payments of wages or allotments of wages made when the seamen signed the shipping articles in the foreign port. If payment of the half earnings could be prevented through deductions for advance pay or allotments, then the seaman upon the foreign vessel would have no ready money upon arrival at the United States port. As a consequence, he would be unable to leave the foreign ship in search of higher wages, even though the foreign ship's wages were lower than the American wage level for seamen.

"2. Section 11 of the La Follette Seamen's Act: In order to accomplish the purpose above described, section 11 of the seamen's act, among other matters, continued in force section 10 of the Dingley Act of 1884, as amended (23 Stat. 56, as amended by 24 Stat. 80, 30 Stat. 763, 33 Stat. 308, and 34 Stat. 551). Section 10 of the Dingley Act made unlawful in any case the payment of wages in advance to a seaman or the allotment of a seaman's wages except to certain persons if the payment or allotment was to be deducted from the seaman's wages. The section further provided that—

"'The payment of such advance wages or allotment shall in no case * * * absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages.'

"The section further provided that its provisions 'shall apply as well to foreign vessels as to vessels of the United States.'

"Section 11 of the seamen's act made, in the language last quoted, the following change indicated by italics:

"'That this section shall apply as well to foreign vessels *while in waters of the United States*, as to vessels of the United States * * *.'

"The language used in the change was unfortunate in the three following respects:

"First, it was not clear whether the language related to substance or procedure; that is, whether it was intended to limit the prohibited deductions to advance payments or allotments made by a foreign vessel while in territorial waters of the United States, or whether it was merely intended to authorize the libeling of a foreign vessel for wages while in territorial waters of the United States, the amount to be computed the same as in case of a vessel of the United States.

"Second, the language did not definitely set forth whether a payment of advance wages or an allotment made by a foreign vessel in a foreign port as well as one made by a foreign vessel in a port of the United States was unlawful and subject to criminal prosecution under the section, and whether any such payment of advance wages or allotment could be deducted in making wage payments in a port of the United States.

"Third, the language did not clarify the existing doubt as to whether payments of advanced wages or allotments made by a vessel of the United States in a foreign port were unlawful and could be deducted in making wage payments in a port of the United States.

"3. The Sandberg and Neilson decisions: The Sandberg case (Sandberg v. McDonald, 1918, 248 U. S. 182) settled the first and second propositions above enumerated by holding that the italicized language above set forth limited the prohibitions of the section in the case of foreign vessels to payments of advance wages and allotments made in the Territorial waters of the United States and did not cover payments of advance wages and allotments made by the foreign vessel in a foreign port. It therefore followed that payments of advance wages and allotments made in a foreign port were not unlawful or subject to criminal prosecution, and furthermore could be deducted in computing the wage payment to be made the seaman in a port of the United States. In consequence the purpose of the seaman's act to raise wage levels on foreign vessels competing with the United States vessels to the American level was defeated. Payment of advance wages and allotments made abroad would be deductible, and thereby leave the seaman without sufficient money to quit the ship in search for a new job upon arrival at a port of the United States.

"The Neilson decision (Neilson v. Ryan Shipping Co., 1918, 248 U. S. 205) settled the third proposition above enumerated by holding that section 11 should not be construed to cover payments of advance wages and allotments made in a foreign port by an American vessel, and that such payments and allotments were not unlawful and could be deducted in making the wage payments to which a seaman was entitled in a port of the United States.

"4. Merchant marine act of 1920: In order to meet the situation presented by the Sandberg and Neilson decisions, the merchant marine act of 1920, in section 32 thereof (41 Stat. 1007), further amended section 10 of the Dingley Act (as continued in force and amended by section 11 of the seamen's act) in the following respect, the italicized language being the new matter:

"'The payment of advanced wages or allotments, *whether made within or without the United States or territory subject to the jurisdiction thereof*, shall in no case * * * absolve the vessel or the master or owner thereof from the full payment of wages if the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages.'

"The sentence 'that this section shall apply as well to foreign vessels while in the waters of the United States as to vessels of the United States * * *' remain unchanged.

"5. The Jackson decision: In the Jackson decision (Jackson v. Steamship Archimedes, No. 103, October term, 1927, decided January 3, 1928) the Supreme Court construed the amendment made by the merchant marine act of 1920 as remedying the difficulty presented by the Neilson decision but not that presented by the Sandberg decision. The court emphasized the fact that the language "this section shall apply as well to foreign vessels while in the waters of the United States as to vessels of the United States * * *" was left unchanged. It also pointed out that if the provisions in question were to be construed as permitting the deduction from wage payments made while in United States ports, of payments of advance wages and allotments made in a foreign port, it would also follow under the terms of the provisions in question that such payments of advance wages and allotments in foreign ports were unlawful and subject to criminal prosecution under our law. The court felt that the making criminal of exterritorial offenses was not an intention to be imputed to Congress, except in the presence of very specific language. In consequence, section 10 of the Dingley Act as it now stands to-day, despite the amendments made to it by the seaman's act and the merchant marine act of 1920, still remains ineffective to accomplish the purpose described at the beginning of this memorandum. Foreign seamen upon arriving at a port of the United States are entitled to at least their half earnings. However, under the Jackson decision they may receive no actual money in many cases by reason of the fact of payments of advance wages and allotments made to them at a foreign port. The seaman is therefore unable to leave the foreign ship while in our ports and pay his living expenses while looking for a new job at the higher American wage level.

"6. Purpose of S. 2945.—S. 2945 attempts once more to make legally effective the purpose of the La Follette seamen's act and meet the Jackson decision. Among other things, it further amends section 10 of the Dingley Act of 1884 so as to eliminate the difficult language—

"'That this section shall apply as well to foreign vessels while in waters of the United States as to vessels of the United States. * * *'

"The proposed amendment does not attempt to make our criminal jurisdiction applicable to exterritorial offenses, but it does provide that in civil suits for wage payments at United States ports there may not be deducted from the wages due payments of advance wages and allotments, whether made at a port of the United States or foreign port and whether made by a vessel of the United States or a foreign vessel. The proposed amendment also makes clear that seamen upon foreign vessels may avail themselves of the Federal courts to collect the full amount of the wages due them without deduction, irrespective of where the wages were earned or where the payments of advance wages or allotments, if any, were made, and irrespective of the nationality of the vessel or seamen.

"Respectfully submitted.

"FREDERIC P. LEE, *Legislative Counsel.*

"Hon. ROBERT M. LA FOLLETTE, Jr.,
"United States Senate.

"JANUARY 20, 1928."

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL EXTENSION WORK

The Senate proceeded to consider the bill (S. 5833) to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928 (U. S. C., Supp. III, title 7, secs. 343a, 343b), which had been reported from the Committee on Agriculture and Forestry with amendments, on page 3, line 14, after the numerals "1934," to insert the words "and for each year thereafter," and in line 15, after the numerals "$1,000,000," to strike out "for the fiscal year 1935, $2,000,000; for the fiscal year 1936, $3,000,000; for the fiscal year 1937, $4,000,000; for the fiscal year 1938, $5,000,000; for the fiscal year 1939, and for each year thereafter, $6,000,000," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928, and known as the Capper-Ketcham Act, is amended so that it shall read:

"That in order for the county agents and other extension-service employees to be free to advance economic and cooperative marketing projects, and to cooperate more fully and more actively with farm organizations and the Federal Farm Board, and to further develop the cooperative extension system as inaugurated under the act entitled 'An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act of Congress approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture,' approved May 8, 1914 (U. S. C., title 7, secs. 341-348), there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of the cooperative extension work in agriculture and home economics, and the necessary printing and distributing of information in connection with the same, the sum of $980,000 for each year, $20,000 of which shall be paid annually, in the manner hereinafter provided, to each State and the Territory of Hawaii, which shall by action of its legislature assent to the provisions of this act. The payments of such installments of the appropriations hereinbefore made as shall become due to any State or Territory before the adjournment of the regular session of the legislature meeting next after the passage of this act may, in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury. In addition to the sum of $980,000 hereinbefore authorized, there is hereby authorized to be appropriated the following sums: For the fiscal year 1933, $500,000; for the fiscal year 1934, and for each year thereafter $1,000,000. The additional sums appropriated under the provisions of this section shall be subject to the same conditions and limitations as the additional sums appropriated under such act of May 8, 1914, except that (1) at least 80 per cent of all appropriations under this act shall be utilized for the payment of salaries of extension agents in counties of the several States to further develop the cooperative extension system in agriculture and home economics with men, women, boys, and girls; (2) funds available to the several States and the Territory of Hawaii under the terms of this act shall be so expended that the extension agents appointed under its provisions shall be men and women in fair and just proportions; (3) the restriction on the use of these funds for the promotion of agricultural trains shall not apply.

SEC. 2. In addition to the foregoing sums there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the employment of extension specialists in agricultural economics and marketing, including salaries, travel, and other necessary expenses connected therewith, the sum of $400,000 for each year, $10,000 of which shall be paid to each State and the Territory of Hawaii in the manner hereinbefore provided without requirement of State offset. The sums appropriated under the provisions of this section shall be governed by the provisions of this act, except that exceptions 1 and 2 to the provisions of the act of May 8, 1914, shall not apply.

SEC. 3. The sums appropriated under the provisions of this act shall be in addition to, and not in substitution for, sums appropriated under such act of May 8, 1914, or sums otherwise annually appropriated for cooperative agricultural extension work.

The amendments were agreed to.

Mr. KING. Mr. President, I would like to ask the Senator from Kansas to explain the purpose of the bill, and what increase is made in the appropriation.

Mr. CAPPER. Mr. President, the bill originates with the Department of Agriculture, supported by all the national farm organizations. I have here a letter from the American Farm Bureau Federation, given to me only yesterday, which will explain the purpose of the bill. The letter reads as follows:

WASHINGTON, D. C., *February 25, 1931.*

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR CAPPER: It is to be hoped that you can get action on your agricultural extension bill, S. 5833, which has been reported favorably by the Senate Committee on Agriculture and Forestry, has been approved by the Bureau of the Budget, is in keeping with the desires of the United States Department of Agriculture and the Federal Farm Board, and has the enthusiastic approval of the American Farm Bureau Federation and other national farm organizations.

This measure extends the activities of what is undoubtedly the greatest educational agency for agriculture that the Federal Government conducts. The Agricultural Extension Service carries out to the individual farmer in his home and on his farm the latest methods and processes for making his farm life more attractive, more profitable, and more permanent.

The extension work of the Department of Agriculture has given and is now giving particular attention to boys and girls in their 4-H club activities, educating them to an appreciation of farm life, and training them in methods which will make it possible when they reach maturity to make farm life attractive and profitable to them.

This bill provides an increase of $10,000 annually for each State, beginning with the fiscal year of 1933, or a total increase of $490,000 for all the States and the Territory of Hawaii. For the fiscal year 1934 it makes one additional annual increase of $500,000, to be prorated to the several States just as other extension funds are prorated. Annually thereafter these appropriations would continue to be authorized at the rate of $980,000 per year. The committee amendment simply makes the measure conform to the fiscal policy of the Government as recommended by the Bureau of the Budget, the effect of it being to stop additional or further increases after 1934.

This measure should be passed immediately at this session of Congress because—

(a) Imperative need of funds in many counties. Approximately 500 have no county agents and some 1,600 have no home-demonstration agents.

(b) In the development of the extensive program of cooperative marketing by farmers, it is essential that they have the assistance and wise guidance of trained specialists in marketing and farm economics.

(c) In order that the State legislatures that are now in session, or will be in session this year, may make provision for cooperation with the Federal Government in this work.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY,
Washington Representative.

Mr. COPELAND. Mr. President, I must confess that I have no enthusiasm for any more farm bills until we get through with the Federal Farm Board that is now operating. In my State there have been a good many protests against the passage of this bill. I will read one short telegram opposing it:

BUFFALO, N. Y., *February 25, 1931.*

Senate bill 5833, amendment Capper-Ketcham Act, provides additional activities of county agents and other governmental agencies for promotion of cooperative associations. Such activities would be distinctly disastrous to all privately owned established business enterprises now serving farm communities, we urge your efforts toward defeating an amendment providing for such unfair activities.

It does seem to me that we have gone about as far as we should go in putting the Government into the farm marketing business. I think so much of the Senator from Kansas that I do not like to oppose his bill, but I confess that I have very serious objection to its passage.

Mr. CAPPER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kansas?

Mr. COPELAND. I yield.

Mr. CAPPER. The Senator from New York has a wrong impression as to the purposes of this bill. It does not propose to confer any additional responsibilities or obligations or duties upon county agents. It simply provides for a continuation of the work that for years has been carried on

under the extension department, and especially has to do with enlarging the activities of the boy and girl clubs. That is more particularly the purpose of this increased appropriation.

The PRESIDING OFFICER. Is there objection?

Mr. COPELAND. Mr. President, this is a Senate bill, is it not?

Mr. CAPPER. It is; but let me say to the Senator that the Committee on Agriculture in the House of Representatives is looking for the bill to be sent over there, and is very anxious that it should be passed by the Senate.

Mr. COPELAND. Should it be passed, how will it help the boys and girls?

Mr. CAPPER. Throughout the country there are several thousand county agents——

Mr. COPELAND. I understand that; but do the boys and girls have any husking bees?

Mr. CAPPER. They do.

Mr. COPELAND. Of course, if they do, I should not want to stand in the way of their having them continued.

Mr. CAPPER. They do have husking bees under the direction of the county agents. That is a very frequent diversion.

Mr. COPELAND. And should one of the huskers find a red ear of corn, then what happens?

Mr. CAPPER. I can not give the Senator an explanation along that line.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESOLUTION AND BILL PASSED OVER

The resolution (S. Res. 413) continuing in force until the end of the Seventy-second Congress Senate Resolution 316, agreed to February 26, 1929, was announced as next in order.

Mr. REED. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs was announced as next in order.

Mr. DILL. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PILOT BUTTE DIVISION, RIVERTON RECLAMATION PROJECT, WYOMING

The bill (S. 6160) to remove certain restrictions on the expenditure of funds on the distribution system, Pilot Butte division, Riverton reclamation project, Wyoming, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the last proviso in the paragraph entitled "Riverton project, Wyoming," under the heading "Bureau of Reclamation" in the act entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes," approved May 14, 1930, as amended, is amended to read as follows: "*Provided further*, That no part of the funds hereby appropriated for construction purposes shall be available for expenditure on the distribution system, Pilot Butte division, during the fiscal year 1931 until a contract satisfactory to the Secretary of the Interior shall have been executed by the Midvale irrigation district for repayment of project investments."

PLACE OF HOLDING COURT, CIRCUIT COURT OF APPEALS, FIFTH CIRCUIT

The bill (S. 5025) to amend section 126 of the Judicial Code, as amended, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I should like to have an explanation of that bill.

The PRESIDING OFFICER. The bill was reported by the Senator from Mississippi [Mr. STEPHENS].

Mr. STEPHENS. Mr. President, this bill was introduced, at the request of the Attorney General, by the Senator from Nebraska [Mr. NORRIS], the chairman of the Judiciary Committee. About the same time I introduced a similar bill at the request of Judge Bryan, a member of the Circuit Court of Appeals of the Fifth Circuit. Both bills were referred to me as a member of the subcommittee, and I reported to the full committee the bill introduced by the chairman of the committee. The bill has the approval of the Attorney General, of all the judges of the Fifth Circuit and of the council of senior judges.

The object of the bill is to provide that there shall be only one fixed place in the circuit where court shall be held, but provision is made that if occasion arises where in other sections of the circuit the condition of business demands it, the judges may hold sessions of the court there.

I feel, Mr. President, that the bill is entirely meritorious. There was much publicity given to the introduction of the bill in the press, and only one objection, so far as I have heard, has been made to the bill. The objector in that instance is now satisfied and is in favor of the passage of this bill.

It happens that New Orleans is the only place in the circuit where there is sufficient room for the court to sit and hold its sessions, and it is the only place where there is an adequate library. When they go to other places the facilities are not conducive to the best results.

Mr. LA FOLLETTE. Mr. President, I have no objection to the bill.

The PRESIDING OFFICER. Without objection——

Mr. CONNALLY. I beg pardon, Mr. President. I will have to object.

The PRESIDING OFFICER. The bill will go over under objection.

Mr. FLETCHER. Will the Senator withhold his objection for a moment?

Mr. CONNALLY. Yes.

Mr. FLETCHER. Mr. President, I call attention to the fact that the senior judges called by the chief justice to meet in conference in Washington adopted a resolution which reads as follows:

Be it resolved, That it is the sense of the conference that justice would be expedited and the convenience of litigants subserved by amending the law which provides for the holding of sessions of the United States Circuit Court of Appeals of the Fifth Circuit in more than one place. It therefore recommends to Congress the passage of the Stephens bill which provides for the holding of all sessions of such court at New Orleans, La., where an adequate library, a spacious court room, and sufficient judges' chambers are already provided.

That is the action taken by the conference of United States judges which met here in Washington at the instance of the Chief Justice. They all recommend that this bill be passed.

Mr. CONNALLY. Of course, if we are going to consult only the convenience of the judges, we will not have courts held anywhere except at one place. For the present, I will have to insist upon my objection.

Mr. STEPHENS. Mr. President, will the Senator withhold his objection for a moment?

Mr. CONNALLY. Yes; I will withhold it for a moment.

Mr. STEPHENS. This is not a case in which we are consulting only the convenience of the judges. Here is the situation: At present they hold court at certain places in the district other than at New Orleans only once a year, and, if a case being heard at some other place is continued for any reason it means that the litigants have to sit quietly by for nearly 12 months in order that their case may be heard.

Mr. BLACK. Mr. President, may I ask the Senator if he does not think it would be better from the standpoint of the lawyers and litigants to provide that if a case does go over, by agreement of counsel, it may be heard at such place and at such time as will suit their convenience? I am inclined to agree with the Senator from Texas that it is not right to require lawyers in Alabama and litigants in Alabama, Florida, Texas, and other States, to go to New Orleans in order that their cases may be heard.

Mr. STEPHENS. I will say, Mr. President, that this is not a new proposition. This same provision is in effect as to about half the circuits in the United States and as to those circuits the saving provision which is now the law takes care of the situation.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired. Is there objection to the consideration of the bill?

Mr. CONNALLY. I dislike very much, on account of the Senator from Mississippi, to object. This court, however, meets in my State, and I can not agree that it be held only in New Orleans.

Mr. STEPHENS. The judge in the Senator's State is in favor of it.

Mr. CONNALLY. The judge in my State does not represent the people of Texas in this Chamber.

The PRESIDING OFFICER. The bill will go over under objection of the Senator from Texas.

BILL PASSED OVER

The bill (S. 6172) to expedite the deportation of certain aliens, and for other purposes, was announced as next in order.

Mr. COPELAND. Over.

The PRESIDING OFFICER. The bill will be passed over.

EXTENSION OF AGRICULTURAL EXPERIMENT-STATION WORK TO PORTO RICO

The bill (S. 5524) to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That beginning with the fiscal year ending June 30, 1933, the Territory of Porto Rico shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be connected with the College of Agriculture of the University of Porto Rico and it shall be conducted jointly and in collaboration with the existing Federal experiment station in Porto Rico in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial stations with that of the Federal station and of the United States Department of Agriculture in the island: *Provided further*, That the several experiment stations now conducted by the insular government shall be transferred to and coordinated with the experiment station of the College of Agriculture of the University of Porto Rico, together with whatever funds that are available for the support of the same, and the Secretary of Agriculture may at his discretion transfer such land, buildings, and equipment as he may deem necessary to the experiment station of the College of Agriculture of the University of Porto Rico: *Provided further*, That the Territory of Porto Rico shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Porto Rico the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Porto Rico: $15,000 for the fiscal year ending June 30, 1933; $20,000 for the fiscal year ending June 30, 1934; $25,000 for the fiscal year ending June 30, 1935; $30,000 for the fiscal year ending June 30, 1936; $35,000 for the fiscal year ending June 30, 1937; $40,000 for the fiscal year ending June 30, 1938; $45,000 for the fiscal year ending June 30, 1939; $50,000 for the fiscal year ending June 30, 1940; $60,000 for the fiscal year ending June 30, 1931; $70,000 for the fiscal year ending June 30, 1942; $80,000, for the fiscal year ending June 30, 1943; and $90,000 for the fiscal year ending June 30, 1944, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the Act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act, but without diminishing or increasing the amount to which any State or the Territory of Hawaii is entitled under the provisions of said act of May 8, 1914, and of acts supplementary thereto: *Provided*, That for the fiscal year 1933 the total amount available to the Territory of Porto Rico under the terms of the act of May 8, 1914, shall be $50,000, this amount to be increased by $10,000 annually, or such part thereof as may be necessary, until the total to which Porto Rico is entitled under the provisions of this act is reached. Participation in other Federal appropriations for cooperative extension work, including those authorized by the act of May 22, 1928, shall be at such times and in such amounts as shall be estimated by the Secretary of Agriculture and appropriated by the Congress.

ADDITIONAL DISTRICT JUDGE, WESTERN DISTRICT OF WASHINGTON

The bill (S. 2358) to provide for the appointment of an additional district judge for the western district of Washington was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. JONES. Mr. President, will the Senator from Utah withhold his objection for a moment?

Mr. KING. I withhold the objection.

Mr. JONES. I hope that the Senator will not insist upon his objection. The people of the western district of Washington have been urging for several years the need of another judge. I know something of the situation there. At present there are two judges in that district. They may not dispatch business so rapidly as some others, but they are two of the most industrious judges I have ever known and two of the most conscientious. They give all their time practically day and night to the business there. However, I want to call the Senator's attention to the one fact that appeals more strongly to me than any other, namely, that it is necessary to have outside judges come into the district for, as I recall, either 205 or 305 days out of the year. The people there ought not to be subjected to that condition of things; they ought not to have to depend, in my judgment, to such an extent upon outside judges to come in and attend to the business of the court. Yet that is the situation.

This bill provides that if there should be a vacancy in one of the positions that no new judge should be appointed. I know that one of the judges was not in very good health a year or two ago. What the condition of his health now is I do not know, but I do know that he is attending closely to the business, working practically all the time, especially when his health will possibly permit. I hope in the interest of the proper conduct of litigatiton and proper service to the people of the district the Senator will withdraw his objection. As I have said, the fact that it is necessary to have an outside judge practically all the year appeals very strongly to me, for I do not think that the people of this district ought to be subjected practically all the time to a judge who has no interest there and does not understand the situation nearly as well as do the judges at home.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. Mr. President, in my opinion, we have been passing too many bills providing for the appointment of additional judges. I received some information this afternoon which led me to object. I will withdraw the objection, provided that upon verification of the information, which I will receive to-morrow, if I move to reconsider it may be understood that the bill may be reconsidered and restored to the calendar.

Mr. JONES. Of course, I will consent to that rather than have the bill objected to now.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. BLAINE. Mr. President, at the time of the meeting of the Judiciary Committee when this bill was considered I was not convinced that there was any necessity for the creation of this judgeship. There is coming to the Judiciary Committee a veritable flood of bills creating temporary judges, creating additional district courts, and providing for additional district judges in States which now have twice as many judges as some other States and which have a population only half, or thereabouts, as great as larger States where two judges dispense all the business of the courts. As I gather from the statement made before the Judiciary Committee whatever congestion there is in the State of Washington is due probably to two cases, one of which consumed a great deal of time, and had to do with the prohibition question.

I do not think Congress ought to be pushed into the passage of all of the bills that are pending. This is not the only bill of the kind. There are a number of bills of this

nature. I understand that there is an omnibus bill before the Judiciary Committee.

Mr. LA FOLLETTE. I call for the regular order.

The PRESIDING OFFICER. The regular order is demanded; and the bill will be passed over.

SALE OF LAND TO HOWARD UNIVERSITY

The bill (H. R. 15496) to authorize the Commissioners of the District of Columbia to transfer to the trustees of Howard University title to certain property in the District of Columbia was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to transfer to the trustees of Howard University title to lots 821 and 822, in square 3064, with all improvements thereon, upon payment to the District of Columbia of the sum of $15,000; and the said commissioners are further authorized and directed to transfer to the trustees of Howard University title to lot 800 in square 3068, including all improvements thereon, upon payment to the District of Columbia for credit to the water revenues of the sum of $22,500.

LAYING OF CONDUIT ACROSS E AND F STREETS SW., IN THE DISTRICT

The bill (H. R. 16691) permitting the laying of a conduit across E and F Streets SW., in the District of Columbia, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to issue a permit to the Terminal Refrigerating & Warehousing Corporation, its successors or assigns, for the laying of an underground conduit and pipes from square 328 across and under E Street SW., to and into square 327; and traversing all public alleys in said square, and from square 328 across and under F Street SW., to and into square 329, for refrigerating purposes, under the following conditions, namely: The conduit and pipes therein laid shall be laid in a straight direction at right angles to the building lines of said streets; they shall be located as directed by the Commissioners of the District of Columbia and be laid under their inspection, and the cost of such inspection and the replacing of pavements, curbs, and sidewalks disturbed shall be paid by the parties to whom the permit shall be granted: *Provided*, That such conduit and pipes shall be used for no purpose other than refrigeration.

SEC. 2. That Congress reserves the right to amend, alter, or repeal this act.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 252) authorizing an appropriation for the expenses of the arbitration of the claim of George J. Salem against the Government of Egypt was announced as next in order.

Mr. KING. Mr. President, may I ask the Senator from Pennsylvania (Mr. Reed), or any other Senator, the amount involved in this case?

Mr. REED. I do not know anything about the case.

Mr. KING. It is a case in which the contention is made that the deeds of an American citizen were perhaps forged by somebody in Egypt.

Mr. SMITH. Let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over temporarily.

INTERNATIONAL GEOLOGICAL CONGRESS

The joint resolution (S. J. Res. 253) to authorize an appropriation for the expenses of the Sixteenth Session of the International Geological Congress, to be held in the United States in 1932, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the sum of $110,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of the sixteenth session of the International Geological Congress to be held in the United States in 1932, including salaries in the District of Columbia and elsewhere, without reference to the classification act of 1923, as amended, communication service, travel expenses, including local transportation, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), printing and binding, rent in the District of Columbia and elsewhere, official cards, entertainment, hire, operation, and maintenance of motor-propelled passenger-carrying vehicles, and such other expenses as the Secretary of State shall deem proper.

BILLS PASSED OVER

The bill (S. 6191) allowing the Administrator of Veterans' Affairs, on the relinquishment of his present office in good standing, to receive 50 per cent of the salary for the office as now authorized by law was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5740) to amend subsection (a) of section 1 of the act relating to the George Washington Memorial Parkway, approved May 29, 1930, was announced as next in order.

Mr. COPELAND. Mr. President, I am sorry to object to the consideration of this bill, and I would not do it on my own account, because I am in favor of it; but I have been asked by another Senator to interpose an objection.

The PRESIDING OFFICER. The bill will be passed over under objection.

The bill (H. R. 10174) authorizing the sale of a certain tract of land in the State of Oregon to the Klamath irrigation district was announced as next in order.

Mr. THOMAS of Oklahoma. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ST. CLAIR RIVER BRIDGE, PORT HURON, MICH.

The bill (S. 4769) to amend an act entitled "An act creating the Great Lakes Bridge Commission and authorizing said commissions and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," approved June 25, 1930, being Public Act No. 433 of the second session of the Seventy-first Congress, was announced as next in order.

Mr. VANDENBERG. Mr. President, this bill is the same as Order of Business 1797, House Bill 16471. I ask that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Without objection, the substitution will be made.

The bill (H. R. 16471) to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich., was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich., authorized to be built by the Great Lakes Bridge Commission by an act of Congress approved June 25, 1930, are hereby extended one and three years, respectively, from June 25, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDING OFFICER. Without objection, Senate bill 4769 will be indefinitely postponed.

OWNERS OF FRENCH BARK "FRANCE"

The bill (H. R. 9824) for the relief of the owners of the French bark *France* was announced as next in order.

Mr. VANDENBERG. At the request of the chairman of the Foreign Relations Committee, I ask that that bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill is indefinitely postponed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 244) to extend the statute of limitations, and for other purposes, was announced as next in order.

Mr. KING and Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

RADIO STATION, GRAND ISLAND, NEBR.

The bill (S. 5503) authorizing purchase of land and construction of building for radio station near Grand Island, Nebr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to purchase additional land and to contract for the construction of a building suitable for administration use in connection with the constant-frequency monitoring radio station located near Grand Island, Nebr., and for the construction of a suitable roadway and wire communication facilities at a cost not to exceed $55,000.

ESTABLISHMENT OF CONSTRUCTION SERVICE IN CENSUS BUREAU

The bill (S. 5614) to provide for the establishment of a construction service in the Bureau of the Census of the Department of Commerce was announced as next in order.

Mr. KING. Let that go over.

Mr. JOHNSON. Mr. President——

Mr. KING. I withhold the objection. I should like an explanation of the bill.

Mr. JOHNSON. Mr. President, this bill deals solely with the activities of the Census Bureau in relation to the construction industry—nothing more than that. Its passage is asked by the industry throughout the land, and is satisfactory otherwise.

Mr. KING. I have no objection.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Commerce shall, through the Bureau of the Census, continue the collection, compilation, tabulation, interpretation, publication, and dissemination of statistical data, and any other information pertaining to the construction industry, including an annual census.

AMERICAN-LA FRANCE & FOAMITE CORPORATION OF NEW YORK

The Senate proceeded to consider the bill (S. 4260) for the relief of the American-La France & Foamite Corporation of New York, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the American-La France & Foamite Corporation of New York, successor to the American-La France Fire Engine Co. (Inc.), all sums erroneously collected by the Internal Revenue Bureau as excise taxes upon fire-fighting apparatus from the American-La France Fire Engine Co. (Inc.) under the revenue act of 1916, the revenue act of 1917, and/or the revenue act of 1918 not heretofore refunded, and all claims for refund heretofore filed by the American-La France Fire Engine Co. (Inc.) which have not been allowed shall be considered, notwithstanding any statute of limitations otherwise applicable thereto.

Mr. McKELLAR. Mr. President, will the Senator from Kentucky tell us about that bill?

Mr. BARKLEY. Mr. President, the facts in reference to this measure are not disputed.

Under the Revenue Acts of 1917, 1918, 1921, and 1924, an excise tax was levied on automobiles of 5 per cent for pleasure cars and 3 per cent for trucks. The American-La France Co. manufactures fire apparatus. The Treasury Department, by a long series of contradictory and confusing rulings, held that fire apparatus were taxable under the law. This company paid these taxes under protest according to the law, and filed claims for refunds. Finally, the United States Circuit Court of Appeals held that these fire apparatus were not taxable, and the Treasury Department proceeded to make refunds; but in the confusion and contradiction of the Treasury Department's own rulings the company found itself 15 days late in making claim for refund of one payment, and the Treasury Department declined to refund that amount because of that fact. The Secretary of the Treasury admits that this amount of money was collected illegally and erroneously, and it was only through a technicality that the Treasury did not refund it. That is the situation.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF OFFICERS OF ARMY, NAVY, AND MARINE CORPS

The Senate proceeded to consider the bill (S. 4698) amending the act entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," approved May 24, 1928, which had been reported from the Committee on Finance with an amendment, on page 2, line 11, after the word "Bureau," to strike out "shall" and insert "may," so as to make the bill read:

Be it enacted, etc., That the act of May 24, 1928, entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," is amended by adding at the end thereof a new section to read as follows:

"SEC. 3. Where any person entitled to pay and allowance under the provisions of this act is confined in a hospital or where for any other reason any such person and his wife are not living together, or where the children of any such person are not in his custody, the pay and allowances of such person shall be allotted in such manner as the Director of the United States Veterans' Bureau may by regulation prescribe."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN HARDING TOWNSITE, FLA.

The bill (S. 3565) for the relief of certain purchasers of lots in Harding Townsite, Fla., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue a patent to any person (or the legal representatives of such person) who, as a result of an auction sale of lots in Harding Townsite, Fla., conducted during February, 1924, by a representative of the Department of the Interior, agreed to purchase a lot in such townsite, and who, (1) prior to the date of approval of this act, has paid to the United States 50 per cent or more of the agreed purchase price of such lot, or (2) within 12 months after the date of approval of this act, makes payments to the United States which, together with payments previously made, amount to 50 per cent of the agreed purchase price of such lot. In the event that any person entitled to a patent as herein provided has paid to the United States more than 50 per cent of the agreed purchase price of any such lot, the Secretary of the Interior is authorized and directed to refund to such person an amount equal to the amount received by the United States in excess of such 50 per cent.

SEC. 2. As used in this act, the term "person" includes an individual, partnership, corporation, or association.

SEC. 3. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

BILL PASSED OVER

The bill (S. 6169) to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes, was announced as next in order.

Mr. STEPHENS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

IZAAK WALTON LEAGUE OF AMERICA

The bill (S. 5753) authorizing the Secretary of Agriculture to issue permit to the Izaak Walton League of America to enter the Wichita National Forest and Game Preserve to make and submit plans for the development of a memorial commemorating the achievements of said Izaak Walton League of America was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That upon written application being made by representatives of the Izaak Walton League of America or by the Oklahoma State division of the said Izaak Walton League of America, the Secretary of Agriculture is hereby authorized to issue a permit to such organization for the purpose of making a preliminary survey of Mount Scott, located within the Wichita National Forest and Game Preserve and in Comanche County, Okla., for the purpose of making plans for a memorial commemorating the achievements of the said Izaak Walton League; and upon the completion of such survey the plans developed, together with an estimate of the cost thereof, shall be submitted to the Secretary of Agriculture for his approval, and, upon the approval of such plans, the said Izaak Walton League of America or the Oklahoma State division of said league shall, under rules and regulations to be prescribed by the Secretary, be authorized to go upon the land to build, develop, and complete such memorial: *Provided*, That in the making of the preliminary plans and the development of the memorial the Federal Government shall be at no expense in connection with such activity.

BOEUF RIVER BRIDGE, BUCKNER, LA.

The bill (S. 6132) granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the police jury of Richland Parish, La., or the State

Highway Commission of Louisiana, and their successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across Boeuf River, at a point suitable to the interests of navigation, at or near Buckner, within the Parish of Richland, in the State of Louisiana, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSISSIPPI RIVER BRIDGE, LANSING, IOWA

The bill (S. 6140) to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa, authorized to be built by the Interstate Bridge Co., its successors and assigns, by an act of Congress approved March 10, 1928, is hereby extended three years from March 10, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

BILL PASSED OVER

The bill (S. 6148) authorizing A. A. Lilly, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Big Sandy River at or near where it enters into the Ohio River, and between the cities of Kenova, W. Va., and Catlettsburg, Ky., was announced as next in order.

Mr. BARKLEY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MAHONING RIVER BRIDGE, NEW CASTLE, PA.

The bill (S. 6153) authorizing the construction of a bridge across the Mahoning River near New Castle, Lawrence County, Pa., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto on Pennsylvania State Highway Route No. 18, across the Mahoning River at a point just south of New Castle, Lawrence County, Pa., now served by a structure known locally as the Willow Grove Bridge, and at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

PIPE-LINE BRIDGE ACROSS MISSOURI RIVER

The Senate proceeded to consider the bill (S. 6161) granting the consent of Congress to Missouri Valley Pipe Line Co., of Iowa, to construct, maintain, and operate a pipe-line bridge across the Missouri River, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Missouri Valley Pipe Line Co., of Iowa, its successors and assigns, to construct, maintain, and operate a pipe-line bridge and approaches thereto across the Missouri River from a point in either Dakota or Dixon Counties in the State of Nebraska to a point in either Union or Clay Counties in the State of South Dakota, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Missouri Valley Pipe Line Co., of Iowa, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is fully authorized to exercise the same, as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. HOWELL. Mr. President, I wish to offer an amendment to that bill. A similar bill is pending in the House and that has been amended, and I think the amendment ought to be attached to this bill. I offer this amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 10, after the word "navigation," it is proposed to strike out the remainder of the line and all of lines 1 and 2 on page 2, and to insert in lieu thereof:

Provided, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That in approving the plans for said pipe-line bridge, such provisions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States.

The amendment was agreed to.

The PRESIDING OFFICER. Did the Senator say there is a similar House bill?

Mr. HOWELL. The House bill has not passed. It has been reported.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, BRAINERD, MINN.

The bill (H. R. 15591) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River, at or near Brainerd, Minn., was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Minnesota to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, on Trunk Highway No. 2, at or near Brainerd, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MAHONING RIVER BRIDGE, EDINBURG, PA.

The bill (H. R. 15594) authorizing the construction of a bridge across the Mahoning River at Edinburg, Lawrence County, Pa., was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Department of Pennsylvania to construct, maintain, and operate free highway bridge and approaches thereto on Pennsylvania State Highway Route No. 444, across the Mahoning River at Edinburg, Lawrence County, Pa., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable water," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

DES MOINES RIVER, ST. FRANCISVILLE, MO.

The bill (H. R. 15767) to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo., was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Des Moines River at or near St. Francisville, Mo., authorized to be built by the county of Lee in the State of Iowa, Wayland Special Road District in the county of Clark and State of Missouri, by the act of Congress approved April 8, 1930, are hereby extended one and three years, respectively, from April 8, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

FOX RIVER BRIDGE, LA SALLE, ILL.

The bill (H. R. 15860) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Fox River east of Serena, in La Salle County, Ill., between sections 20 and 29, township 35 north, range 5 east, third principal meridian, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a free highway bridge and approaches thereto across the Fox River east of Serena, in La Salle County, Ill., at a point suitable to the interests of navigation, between sections 20 and 29, township 35 north, range 5 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

MISSISSIPPI RIVER BRIDGE, LANSING, IOWA

The bill (H. R. 15861) to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa, authorized to be built by the Interstate Bridge Co., its successors and assigns, by an act of Congress approved March 10, 1928, is hereby extended three years from March 10, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

ALLEGHENY RIVER BRIDGE, EMLENTON, PA.

The bill (H. R. 15862) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Emlenton, Venango County, Pa., was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near Emlenton, Venango County, Pa., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSOURI RIVER BRIDGE, RULO, NEBR.

The bill (H. R. 15869) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr., was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr., authorized to be built by John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, by act of Congress approved March 29, 1928, heretofore extended by act of Congress approved June 10, 1930, are hereby further extended one and three years, respectively, from March 29, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSISSIPPI RIVER BRIDGE, HASTINGS, MINN.

The bill (H. R. 16113) to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn., was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Hastings, Minn., authorized to be built by the State of Minnesota, by the act of Congress approved January 14, 1929, heretofore extended by act of Congress approved April 25, 1930, are hereby further extended one and three years, respectively, from January 14, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

HOSPITAL ON CROW INDIAN RESERVATION, MONT.

The bill (S. 6097) for the construction and equipment of a hospital on Crow Indian Reservation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $120,000 for the construction and equipping of a hospital at Crow Agency on the Crow Indian Reservation, Mont.

ADOPTION OF MINORS BY CROW INDIANS OF MONTANA

The Senate proceeded to consider the bill (S. 6098) relating to the adoption of minors by the Crow Indians of Montana, which had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 8, after the word "purpose," to insert "*Provided*, That adoption by Indian custom made prior to the date of approval hereof involving probate proceedings now in process of consummation, shall not be affected by this act," so as to make the bill read:

Be it enacted, etc., That hereafter no person shall be recognized as an adopted heir of a deceased Indian of the Crow Tribe of Indians of Montana unless said adoption shall have been by a judgment or decree of a State court, or by a written adoption approved by the superintendent of the Crow Indian Agency and duly recorded in a book kept by him for such purpose: *Provided*, That adoption by Indian custom made prior to the date of approval hereof involving probate proceedings now in process of consummation, shall not be affected by this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLASSIFICATION OF CROW INDIANS OF MONTANA

The Senate proceeded to consider the bill (S. 6099) authorizing the classification of the Crow Indians of Montana, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to change the classification of any Crow Indian under the act of June 4, 1920 (41 Stat. L. 751), from incompetent to competent on the recommendation of a committee appointed for the purpose in accordance with section 12 of said act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to change the classification of Crow Indians."

BLACKFEET TRIBE OF INDIANS, MONTANA

The bill (S. 6136) for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for six months after the approval hereof the Secretary of the Interior shall receive applications for the enrollment of children born since December 30, 1919, and still living at the expiration of six months after the approval of this act, one or both of whose parents have been enrolled as members of the Blackfeet Tribe of Indians, of the Blackfeet Indian Reservation in the State of Montana; and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and said rolls shall be made and approved by the Secretary of the Interior within one year after the approval of this act, and when so approved shall be conclusive evidence of the right of such applicants to participate in the benefits provided by this act.

SEC. 2. All persons enrolled under the provisions of the first section hereof shall be entitled to participate in the distribution of only such tribal property, benefits, or money as may be hereafter distributed.

BRANCH OF NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, BILOXI, MISS.

The bill (S. 6155) authorizing the acceptance by the Administrator of Veterans' Affairs of certain lands in Biloxi, Miss., as a site for a branch home of the National Home for Disabled Volunteer Soldiers was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the event the Administrator of Veterans' Affairs shall select the city of Biloxi, Miss., as the location for a branch home of the National Home for Disabled Volunteer Soldiers authorized by the act entitled "An act to provide for the establishment of a branch home of a National Home for Disabled Volunteer Soldiers in one of the Southern States," approved June 21, 1930, the said city of Biloxi is hereby authorized to convey, and the Administrator of Veterans' Affairs is authorized to accept, as a site for such home without expense to the Veterans' Administration, all or any part of the tract of land in such city known as the Naval Reserve Park, which was granted to the city by the United States by the act entitled "An act granting certain lands to the city of Biloxi, in Harrison County, Mississippi, for park and cemetery purposes," approved April 28, 1906, which tract comprises the following-described area: That part of section 19, township 7 south, range 9 west, lying south of Back Bay of Biloxi, the northwest quarter of section 30, township 7 south, range 9 west, and all of section 24, township 7 south, range 10 west, lying south of Back Bay of Biloxi.

EDWARD B. WHEELER AND STATE INVESTMENT CO.

The bill (S. 5912) authorizing the reimbursement of Edward B. Wheeler and the State Investment Co. for the loss of certain lands in the Mora Grant, New Mexico, was

considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward B. Wheeler, of Las Vegas, N. Mex., and the State Investment Co., of New Mexico, who were declared by the Supreme Court of the United States (United States *v.* State Investment Co. (1924), 264 U. S. 206) to be the owners, respectively, of certain lands in the tract known as the Mora Grant, located in San Miguel and Mora Counties, N. Mex., an amount to be computed by the Secretary on the basis of $2.25 per acre for every acre of lands embraced within the claim of any bona fide entryman on such lands holding under patent from the United States or under any entry allowed by the Department of the Interior, the recovery of which lands by the said Edward B. Wheeler and the State Investment Co. is barred by the stipulataion entered into between such parties and the United States on January 23, 1918. Such payment shall operate as a full settlement of all claims of such Edward B. Wheeler and the State Investment Co. against the United States or the owners of such lands for damages for the loss of such lands.

STATE BRIDGE COMMISSION OF WEST VIRGINIA

The Senate proceeded to consider the bill (S. 6190) authorizing the State of West Virginia, by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State.

Mr. HATFIELD. Mr. President, there is a similar bill in the House, which has been amended. The purpose of this legislation is to enable the Bridge Commission of West Virginia to purchase toll bridges in order to complete our system of roads in West Virginia. I offer the House bill, as amended by the House committee, for the Senate bill.

The PRESIDING OFFICER. Has the bill been passed in the House?

Mr. HATFIELD. It has not; but it is on the calendar and is ready for consideration as soon as the Senate bill goes over to the House.

The PRESIDING OFFICER. The Senator from West Virginia offers an amendment, which will be stated.

The CHIEF CLERK. The Senator from West Virginia proposes to strike out all after the enacting clause and to insert:

That in order to promote interstate commerce, improve the Postal Service, and more adequately provide for military and other purposes, and to secure to the public the use of the hereinbefore-described bridges free of tolls as promptly as possible, the State of West Virginia, by and through the State Bridge Commission of West Virginia, or the successors of said commission, be, and it is hereby, authorized to acquire, purchase, rebuild, improve, maintain, and operate any or all of the following bridges and approaches thereto, at points suitable to the interests of navigation, in accordance with and upon the approval of the plans and location of said bridges as provided in an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the limitations herein provided, to wit:

A bridge across the Shenandoah River at or near Harpers Ferry; a bridge across the Potomac River at or near Harpers Ferry; a bridge across the Potomac River at or near Shepherdstown; a bridge across the Potomac River at or near Berkeley; a bridge across the Ohio River at or near Chester; a bridge across the Ohio River at or near Newell; a bridge across the Ohio River at or near Weirton; a bridge across the Ohio River at or near Middle Ferry; two groups of bridges across the Ohio River at or near Wheeling, each group consisting of a bridge from the city of Wheeling, W. Va., to an island in the Ohio River, constituting territory of the State of West Virginia, and a connecting bridge from said island to a point in Ohio; a bridge across the Ohio River at or near Benwood; a bridge across the Ohio River at or near St. Marys; a bridge across the Ohio River at or near Williamstown; a bridge across the Ohio River at or near Parkersburg; a bridge across the Ohio River at or near Mason City; a bridge across the Ohio River at or near Point Pleasant; a bridge across the Ohio River at or near Huntington; a bridge across the Big Sandy River at or near Kenova; a bridge across the Tug Fork River at or near Fort Gay; a bridge across the Tug Fork River at or near Kermit; a bridge across the Tug Fork River at or near Williamson; a bridge across the New River at or near Hinton; a bridge across the New River at or near Prince; a bridge across the Kanawha River at or near Kanawha Falls; a bridge across the Kanawha River at or near Cheiyan.

SEC. 2. Subject to the aforesaid conditions and limitations the State of West Virginia, by and through the State Bridge Commission or the successors of said commission, shall be, and it is hereby, authorized to acquire by purchase or condemnation any private property, rights, or interests relating to bridges under construction or authorized to be constructed at any or all of the following locations and to construct or rebuild said bridges, to wit: A bridge across the Ohio River at or near Sistersville; a bridge across the Ohio River at or near New Martinsville; a bridge across the Ohio River at or near Wellsburg; a bridge across the Ohio River at or near Moundsville; a bridge across the Monongahela River at or near Star City; a bridge across the Kanawha River at or near Point Pleasant.

The times for commencing and completing the construction of new bridges authorized by this section shall expire two and four years, respectively, from the date of approval hereof.

SEC. 3. There is hereby conferred upon the State of West Virginia and the West Virginia Bridge Commission, or the successors of said commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, rebuilding and/or operation of any and/or all such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 4. The State of West Virginia, by and through the West Virginia Bridge Commission, or the successors of said commission, is hereby authorized to fix and charge tolls for transit over any and/or all such bridges, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 5. The State of West Virginia, by and through the State Bridge Commission of West Virginia, or its successors, may unite or group all or such of said intrastate bridges into one or more separate projects for financing purposes as in its judgment shall be deemed practicable, and may also unite or group for financing purposes in any one issue of bonds such interstate bridges as the West Virginia Bridge Commission shall determine to be competitive, but no particular project or group shall be so united that any such project or group will include both interstate and intrastate bridges. If tolls are charged for the use of a bridge or bridges in a project, the rates of toll to be charged for the use of such bridge or bridges embraced in the particular project shall be so adjusted as to provide a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge or all of the bridges included in the particular project and their approaches under economical management, and not to exceed an amount sufficient, in addition to the foregoing, to provide a sinking fund sufficient to amortize the aggregate cost of the bridge or all of the bridges embraced in the particular project, and their approaches, including reasonable interests and financing costs, as soon as possible under reasonable charges, but within a period not exceeding 25 years from the date of approval of this act. The tolls derived from the bridge or bridges embraced in any particular project may be continued and paid into the appropriate sinking fund until all such costs of the bridges embraced in the particular project shall have been amortized. In any event tolls may be charged on the basis aforesaid for transit over the bridge or bridges in each project for which revenue bonds of said State are issued, and such tolls may be continued and adjusted at such rates as may be necessary to pay such bonds with interest thereon and any lawful premium for the retirement thereof before maturity, subject only to the power of the Secretary of War or other authorized Federal authority to regulate such rates.

SEC. 6. The failure of the State of West Virginia, by and through the State Bridge Commission of West Virginia, to acquire, purchase, construct, improve, maintain, and operate any one or more of the foregoing bridges, or to unite or group any one or more for financing purposes, shall in no wise affect its authority or powers hereby granted to acquire, purchase, construct, improve, maintain, and operate such bridge or bridges as it may deem expedient, and any one of the bridges herein authorized may be purchased, acquired, or constructed as a single project without uniting such bridge in a joint project with other bridges authorized herein.

SEC. 7. When a sinking fund sufficient to amortize the cost of any bridge or bridges in any particular project or group or sufficient to pay the principal and interest on bonds issued for the purpose of financing such particular bridge or bridges or project or group shall have been provided to the extent hereinbefore required, the bridge or bridges included in any such project or group shall thereafter be maintained and operated free of tolls. All tolls shall be uniform as between individuals and as between vehicles of the same class as to each bridge, but different rates of toll may be charged for the use of different bridges in any group of bridges included in a single project for financing purposes.

SEC. 8. The powers conferred by this act are supplementary and additional to all other authority and powers heretofore granted by law for the construction of the hereinbefore-named bridges, but all acts or parts of acts heretofore enacted authorizing the construction of the hereinbefore-named bridges which are in conflict with the terms of this act be, and the same are, hereby repealed in so far as such conflict exists. Nothing in this act shall be construed as authorizing tolls to be charged for the use of any one or more of the hereinbefore-named bridges except as hereinabove provided, and nothing herein shall be construed so as to prohibit the State of West Virginia from paying all or any part of the costs of the acquisition, purchase, construction, improvement, maintenance, and operation of any one or more of such bridges or their approaches, and any and all bonds issued for such purposes, from any funds of the State which may now or hereafter be made available for that purpose.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. VANDENBERG. Mr. President, may I say that I reported the original bill for the Commerce Committee. I have gone over this substitute with the Senator from West Virginia. I think it is entirely satisfactory.

The PRESIDING OFFICER. As the Chair understands, the Senator offers the House bill, as amended, as an amendment to the Senate bill.

Mr. HATFIELD. That is correct.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from West Virginia.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FIVE CIVILIZED TRIBES

The Senate proceeded to consider the bill (H. R. 15263) to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements, which had been reported from the Committee on Indian Affairs with amendments, on page 1, line 8, after the word "purposes," to insert "or is sold under existing law to any other person or corporation for other purposes," and on page 2, lines 6 and 7, to strike out "of said Indian sold to or acquired by the State, county, or municipality for public improvement purposes" and to insert "from which the reinvested funds were derived," so as to make the bill read:

Be it enacted, etc., That whenever any nontaxable land of a restricted Indian of the Five Civilized Tribes is sold to the State of Oklahoma, or to any county or municipality therein, for public-improvement purposes, or is acquired, under existing law, by said State, county, or municipality by condemnation or other proceedings for such public purposes, or is sold under existing law to any other person or corporation for other purposes, the money received for said land may, in the discretion and with the approval of the Secretary of the Interior, be reinvested in other lands selected by said Indian and such land so selected and purchased shall be restricted as to alienation, lease, or incumbrance, and nontaxable in the same quantity and upon the same terms and conditions as the nontaxable lands from which the reinvested funds were derived and such restrictions to appear in the conveyance.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements or sold to other persons, or for other purposes."

CONNECTICUT RIVER BRIDGE, ERVING, MASS.

The bill (H. R. 16561) granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Erving, Mass., was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Department of Public Works, Commonwealth of Massachusetts, to construct, maintain, and operate a free highway bridge and approaches thereto across the Connecticut River, at a point suitable to the interests of navigation, at or near the town of Erving, Mass., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

FORT ONTARIO MILITARY RESERVATION, N. Y.

The bill (S. 5464) authorizing the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y., was announced as next in order.

Mr. COPELAND. Mr. President, I ask that Calendar 1796, House bill 15063, authorizing the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y., be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill H. R. 15063, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to reconvey to the State of New York, upon such terms as he may deem advisable, such portion of the land comprising the Fort Ontario Military Reservation as was granted to the United States of America by letters patent from the Governor of the State of New York dated August 15, 1839, as may be deemed by him as no longer required for military purposes.

The PRESIDING OFFICER. The Senate bill will be indefinitely postponed.

BATTLE OF FORT NECESSITY, PA.

The Senate proceeded to consider the bill (S. 6078) to provide for the commemoration of the Battle of Fort Necessity, Pa., which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of commemorating the Battle of Fort Necessity, in the State of Pennsylvania, on the 3d day of July, 1757, the Secretary of War is authorized to accept title to not less than 1 acre of land, which will include the site of said fort, free of cost to the United States, and to erect a monument thereon.

SEC. 2. There is hereby authorized to be appropriated the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act.

SEC. 3. The land acquired under section 1 of this act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such monument and its site a sum not to exceed $250 per annum.

PURCHASE OF LAND FOR SOUTH DAKOTA NATIONAL GUARD

The Senate proceeded to consider the bill (S. 3016) to authorize an appropriation for the purchase of land in South Dakota for use as camp sites or rifle ranges for the National Guard of said State.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That a sum not to exceed $14,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of camp sites or rifle ranges in the State of South Dakota, for the use of the National Guard of said State. All purchase of land under this act shall be made by the Secretary of War pursuant to law governing the acquisition of land for the use of the National Guard.

TARGET RANGE AT FORT ETHAN ALLEN, VT.

The Senate proceeded to consider the bill (S. 5455) to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That a sum not to exceed $7,500 is hereby authorized to be appropriated for the completion of the acquisition of land in the vicinity of and for use as a target range at Fort Ethan Allen, Vt., and the Secretary of War is hereby authorized to complete the acquisition of said land.

G. ELIAS & BRO. (INC.)

The Senate proceeded to consider the bill (S. 4334) for the relief of G. Elias & Bro. (Inc.), which had been reported from the Committee on Claims with amendments. The first committee amendment was, on page 1, line 6, to strike out "$50,000" and insert in lieu thereof "$20,000."

The amendment was agreed to.

Mr. COPELAND. Mr. President, I wish it might be possible for this amendment to be changed so that instead of reducing the amount to $20,000 it be left at $35,000. The bill is on the House calendar for $35,000, and reference to the Post Office Department shows that they feel that there is a very strong moral obligation to purchase this plane which is the subject matter of the bill. The objection of the Postmaster General is the fact that the bill provides for $50,000, whereas the plane was to be sold to the Government for $35,000. The junior Senator from Iowa [Mr. BROOKHART] is entirely familiar with the matter, and I wish

I might prevail upon the Senate to fix the amount at $35,000 instead of adopting the amendment as suggested.

Mr. President, I say this with great respect to the committee. I doubt whether any bill has ever received more serious consideration by a committee than this one has. The equities are admitted. It is simply a question of the amount of money to be appropriated. I hope the Senate will see fit to change the sum to $35,000, which conforms with the bill on the House Calendar.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be reconsidered.

Mr. HOWELL. Mr. President, do I understand that an amendment was offered?

The PRESIDING OFFICER. No; an amendment has not been offered, but the amendment proposed by the committee was acted upon a moment ago. The Chair just stated that if there was no objection the vote by which the amendment was agreed to would be reconsidered, so that the Senator from New York may offer an amendment. Is there objection to reconsidering the vote by which the amendment was agreed to? The Chair hears none, and the vote is reconsidered.

Mr. COPELAND. Mr. President, I offer an amendment to make the amount $35,000, instead of $20,000, as proposed by the committee.

The PRESIDING OFFICER. The Senator from New York proposes to strike out "$20,000" and insert "$35,000."

Mr. HOWELL. Mr. President, the Post Office Department reports against the payment of anything. The firm, it seems to me, ought to be well satisfied if it secures $20,000. The facts undoubtedly will be stated by the Senator from Iowa [Mr. BROOKHART] now on the floor, and I may have some remarks to make thereafter.

Mr. BROOKHART. Mr. President, the situation is this: The Post Office Department, through Assistant Postmaster General Henderson, contracted for the building of five experimental airplanes and furnished the specifications. This was one of the planes. The contract price was $35,000. The manufacturers spent about $50,000 on the plane, or a little over.

The Assistant Postmaster General who handled this proposition retired from office about the time settlement was to take place, after the tests had been approved, a new Assistant Postmaster General came into office in his place, and there was some misunderstanding, which resulted in turning down the planes. However, the present Assistant Postmaster General, who appeared before the committee, said there was a moral claim, and that the amount was $35,000. I was all the time willing to allow the $35,000, but the Senator from Nebraska was willing to allow only $20,000. I will leave the matter with him in that regard. So far as I am concerned I think the $35,000 is really warranted, and I think the Government agreed to pay it legally. I looked up a decision of the Supreme Court on the action of a Postmaster General in that kind of a transaction, and that court held that such a contract was a valid contract, and I think the contract in this case was a valid contract.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOWELL. Mr. President, did I understand that the amendment was agreed to?

The PRESIDING OFFICER. The vote was taken on the amendment, and it was agreed to.

Mr. HOWELL. I ask for a reconsideration, as I want to answer the Senator from Iowa.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be reconsidered.

Mr. HOWELL. Mr. President, it ought to be understood that there is no legal liability in this case. It is purely a moral liability. The Postmaster General has not recommended the payment of $35,000; he recommends the payment of nothing.

The committee took into consideration the elements in this case, and it came to the conclusion that if this firm received $20,000 for this plane—which will never be of any use to the Government, and the Government has never used it—they will be recompensed indeed.

Mr. BROOKHART. Mr. President, I do not agree with the proposition that there is no legal liability. A former Assistant Postmaster General was in charge of the building of these planes, and he made the contract. The Supreme Court has held in a similar case, where an Assistant Postmaster General in charge of construction made such a contract, that it was a valid, binding contract, and I think this was a valid contract.

The Post Office Department says it was not, that there is only a moral obligation to pay, but I agree with the court rather than with the department on that proposition.

The Post Office Department did not recommend anything, but when the representatives of that department appeared, they said there was a moral claim for $35,000.

Mr. GLENN. Mr. President, in order that the Senate may know just a little more about the facts as to why this claim was not recommended by the Post Office Department, certain specifications were laid down by the Post Office Department, certain requirements which had to be met in the construction of this and other planes. The Post Office Department, through its experts who tested the plane, took the position and state that the plane did not comply with the requirements and specifications by some scant margin. I do not understand the technical terms, but they laid down certain requirements which these planes had to meet before the Government would pay the $35,000 for them. This plane was tested, and it failed by a slight margin to meet some of the rather important specifications, and that is why the Post Office Department failed to recommend the payment of the claim.

The representative of the department who testified before the committee said there was a moral obligation, basing his statement upon his idea that the plane came so close to meeting the specifications that the Government should pay something for it. By the way, the owners of the plane still have the plane in their possession, and it is their property, as I understand it.

Mr. BROOKHART. Mr. President, I want to make a correction of the statement of the Senator from Illinois. He is correct as to the first test of the plane. Adjustments were made, and in later tests it met the requirements. It did not climb fast enough at first, but it climbed plenty fast enough in the final test. It went to the altitude required, and every other requirement was met. There were four other planes built by other companies at the same time, for which the Government paid $40,000 each, in the same transaction, and they all went to pieces. None of them was as good a plane as this one. That is the way the matter finally terminated. There is a stronger obligation for the payment of this $35,000 than there was for the payment of $40,000 for any of the other planes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York to the committee amendment.

Mr. HOWELL. I ask for a division.

Mr. COPELAND. Mr. President, let me say one more word. The man who built this plane in all good faith, the post office being anxious to have him do it, took this contract and put $50,000, all the money he had, into the plane, and came within 2 feet of the altitude height specified. The plane was in the possession of the Post Office Department for six months, was put out on the field, and finally he was told to take it away. While he has the plane, it has no value whatever, and he has put his entire savings into it. If there was ever a moral obligation on the Government it is to pay the value of this plane, $35,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York to the committee amendment.

On a division, the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the committee was, on page 2, line 2, to strike out the words "and which airplane was used

by the said department for a period exceeding six months' duration."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WEYMOUTH KIRKLAND AND ROBERT N. GOLDING

The Senate proceeded to consider the bill (S. 2034) for the relief of Weymouth Kirkland and Robert N. Golding, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Weymouth Kirkland and Robert N. Golding the sum of $5,155.76 for legal services rendered to the Railroad Labor Board under the direction and approval of the Department of Justice.

DON C. FEES

The Senate proceeded to consider the bill (S. 2108) for the relief of Don C. Fees, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow in the accounts of Don C. Fees, disbursing clerk, Department of Justice, the sum of $33.60, paid by him under authority and direction of said department for the purchase in the open market of 2,000 manila envelopes, which was disallowed by said Comptroller General.

ALFRED W. MAYFIELD

The Senate proceeded to consider the bill (S. 5927) for the relief of Alfred W. Mayfield, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, to strike out "$2,897" and to insert in lieu thereof "$700," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $700 to Alfred W. Mayfield, of Carlinville, Ill., to reimburse him for his loss on tubercular cattle.

Mr. GLENN. Mr. President, this is a bill for the payment of $700 for the relief of a farmer on account of destruction by the Federal Government and the State authorities of Illinois of tuberculin-tested cattle. The State of Illinois has paid $700, and this is a bill to appropriate $700 on behalf of the Federal Government. A similar bill has been passed by the House, except that it adds an attorney's fee of close to 10 per cent, or $70. I ask that the Committee on Claims of the Senate, to which the House bill has been referred, be discharged from the consideration of that bill, and that the House bill be substituted for the Senate bill.

Mr. CAREY. Mr. President, may I ask the Senator whether it is customary in all States for the Federal Government to pay half the bill in such cases as this?

Mr. GLENN. There is a Federal law to that effect, as I understand, the law being that where the State pays an amount the Federal Government will not pay a greater amount than the State government pays.

Mr. CAREY. There is a Federal law which provides that the Federal Government will pay half the cost in such cases?

Mr. GLENN. Yes; a Federal law.

Mr. KING. Mr. President, I shall be glad to be advised if it is the law that the Federal Government, under the circumstances, will pay one-half under the conditions indicated. As I read the report in this case, the Federal Government had nothing to do with the destruction of the animals. The cattle were destroyed at the instance of the State and not at the instance of the Federal Government. As I understand it, the report is adverse to the claim of the petitioner.

Mr. GLENN. This is what the report states:

> The bill provides for the payment of $700 to Alfred W. Mayfield, of Carlinville, Ill., on account of the loss of certain cattle which were examined by the State of Illinois and the Federal Government in conjunction with each other, and which cattle were found to be tubercular reacters. The State of Illinois has paid its proportionate share $700, for the loss of the cattle, and the Government is now called upon to pay a similar amount, as provided by law. The bill, as amended, has the approval of the Department of Agriculture.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the Committee on Claims be discharged from the further consideration of the House bill, and that the House bill be substituted for the Senate bill. Is there objection? The Chair hears none, and without objection the House bill will be substituted for the Senate bill. The clerks at the desk ask that the Senator state the number of the House bill.

Mr. GLENN. Mr. President, the House bill has been referred to the Committee on Claims of the Senate. My request was that the Senate Committee on Claims be discharged from the further consideration of the bill.

The PRESIDING OFFICER. That order has been entered, but has the Senator the bill?

Mr. GLENN. I have not the bill in my possession. It is House bill 3643.

The PRESIDING OFFICER. The bill will be temporarily passed over.

Mr. GLENN subsequently said: Mr. President, a moment ago a bill was passed over in order that a copy of the House bill might be located. I have located that bill, and I now ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that the House bill be substituted for the Senate bill and placed upon its passage.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the Committee on Claims be discharged from the further consideration of House bill 3643, that the similar Senate bill be indefinitely postponed, and that the House bill be placed upon its passage. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 3643) for the relief of Alfred W. Mayfield, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $700 to Alfred W. Mayfield, of Carlinville, Ill., to reimburse him for his loss on tubercular cattle: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The PRESIDING OFFICER. Without objection, the Senate bill is indefinitely postponed. The Chair wishes to state to the Members of the Senate that, in order that the clerks may be able to make up the Journal, no proposal of this sort ought to be offered without having the bill at the clerk's desk for the use of the clerks.

INVESTIGATION OF PRODUCTION COSTS OF DEAD OR CREOSOTE OIL

Mr. COPELAND. Mr. President, I ask unanimous consent to bring up a resolution offered by me yesterday asking for an investigation by the Tariff Board into production costs of dead or creosote oil.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 470) was read and agreed to, as follows:

Resolved, That the United States Tariff Commission is hereby directed to investigate under section 332 of the tariff act of 1930 the difference in the costs of production and delivery to the principal market or markets of the United States during the calendar years 1928, 1929, and 1930 of dead or creosote oil provided for in paragraph 1651 of the tariff act of 1930, when produced in the principal competing country and a like or similar article produced in the United States, and to report thereon to the Senate as soon as practicable.

Resolved further, That if this investigation discloses that the domestic cost of production exceeds the cost of production abroad

in the principal competing country, the commission shall include in its report a statement as to the rate or rates of duty necessary to equalize said cost difference based on the American selling price as defined in section 402 (g) of the tariff act of 1930.

TOM SMALL

The bill (S. 2268) for the relief of Tom Small was considered. The bill had been reported from the Committee on Claims, with an amendment, on page 1, line 6, to strike out "$1,852.65" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Tom Small, United States Lighthouse Service, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 in full satisfaction of his claim against the United States for the loss of furniture, clothing, and other personal property resulting from the destruction by fire on June 7, 1929, of the Narrows Light Station, Boston Harbor, Mass.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. WILLIAMS AND ANDERSON TYLER

The bill (H. R. 9199) for the relief of John F. Williams and Anderson Tyler was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to John F. Williams, of Aiken, S. C., the sum of $200, and to Anderson Tyler, of Wagner, S. C., the sum of $220, such sums representing the duty collected by customs officials from the said John F. Williams and the said Anderson Tyler, respectively, after each had been a bona fide purchaser for value, without notice, of a platinum (diamond) ring at a duly advertised execution sale by the sheriff of Aiken County, S. C.

PRINTING OF PROCEEDINGS OF GRAND ARMY OF THE REPUBLIC, ETC.

The joint resolution (H. J. Res. 250) to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That hereafter the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War, respectively, shall, with accompanying illustrations, be printed annually as separate House documents of the session of Congress to which they may be submitted.

SEC. 2. That section 2, chapter 277, volume 43, page 473, of the Revised Statutes, approved June 6, 1924, be, and is hereby, repealed.

LAND AT FORT M'ARTHUR, CALIF., AND MAXWELL FIELD, ALA.

The bill (H. R. 2366) authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes was considered and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convey to the city of Los Angeles, Calif., by suitable instrument an easement for a right of way over a certain portion of the military reservation at Fort McArthur, Calif., to be designated by the Secretary of War, and subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation and subject to a perpetual right of way over said land for the uses of any department of the Government of the United States. Said road is described as follows:

Beginning at a point in the southerly line of said lot 13, block 5, distant thereon east 22.04 feet from the southwesterly corner of said lot 13, block 5, said point being also a point in the northerly line of Thirty-sixth Street; thence west along said southerly line of said lot 13, block 5, and along the westerly prolongation thereof, a distance of 78.84 feet to a point; thence northeasterly along a curve concave to the southeast, tangent at its point of beginning to a line bearing north 21° 21′ 30″ east and having a radius of 192.20 feet, a distance of 104.47 feet, measured along the arc of said curve to a point; thence northerly along a curve concave to the west tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 267.87 feet, a distance of 490.90 feet, measured along the arc of said curve to a point; thence northwesterly along a curve concave to the northeast tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 192.20 feet, a distance of 115.10 feet, measured along the arc of said curve to a point in the westerly prolongation of the northerly line of lot 1, block 4, Rena Harbor Heights tract, hereinbefore mentioned, distant thereon west 60.40 feet from the northwesterly corner of said lot 1, block 4; thence east along said last-mentioned westerly prolongation and along said northerly line of lot 1, block 4, said last-mentioned northerly line being also the southerly line of Thirty-fourth Street, a distance of 76.14 feet to a point; thence southeasterly along a curve concave to the northeast, tangent at its point of beginning to a line bearing south 29° 24′ 20″ east and having a radius of 122.20 feet, a distance of 64.88 feet, measured along the arc of said curve to a point; thence southerly along a curve concave to the west tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 300 feet, a distance of 626.51 feet, measured along the arc of said curve to a point; thence southwesterly along a curve concave to the southeast tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 122.20 feet, a distance of 53.07 feet, measured along the arc of said curve to the point of beginning.

Mr. BLACK. Mr. President, I have an amendment which I desire to offer to the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. The Senator from Alabama offers the following amendment to be inserted at the end of the bill:

That the proviso to the first section of an act entitled "An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field," approved July 1, 1930, which reads as follows: "*Provided*, That no part of the amount authorized to be appropriated shall be expended until it has been determined to the satisfaction of the Secretary of War that acquisition of all additional land required at Maxwell Field for the proper and necessary accommodation of the Air Corps Tactical School and one Air Corps observation squadron can be accomplished by purchase or donation without exceeding expenditure by the Federal Government of the amount of such authorization," be and the same is hereby repealed.

Mr. BLACK. Mr. President, I desire to explain the amendment very briefly in order that my reason for offering it may be understood. This is the same amendment which I offered to-day to the deficiency appropriation bill, but the chairman of the Committee on Appropriations thought it was not wise to place the amendment on that bill. I was authorized by the Committee on Military Affairs to offer the amendment to some bill.

The situation is this: Last year an appropriation was made for the purchase of certain land at the technical school at Maxwell Field. An appropriation of $200,000 was authorized. The item was contained in a deficiency appropriation bill. It had attached to it a proviso that the appropriation should not be utilized by the Secretary of War until such time as he knew he could get for the sum appropriated all the land that was needed. Some of the land has to be condemned. The result is that the Secretary of War is not able to purchase any land because he can not know in advance that condemnation proceedings will result in such a way that the land will cost less than $200,000. The land is needed. The legislative representative of the War Department prepared the amendment for me.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. BLACK. Certainly.

Mr. JOHNSON. Is the amendment satisfactory to the department?

Mr. BLACK. Yes; it was prepared for me by the legislative representative of the department.

Mr. JOHNSON. I understand the Committee on Military Affairs are favorable to it as well.

Mr. REED. The committee reported it unanimously.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes, and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930."

NORMAN DOMBRIS

The bill (H. R. 1610) for the relief of Norman Dombris was considered, ordered to a third reading, read the third time, and passed.

SYLVESTER S. THOMPSON

The bill (H. R. 3255) for the relief of Sylvester S. Thompson was considered, ordered to a third reading, read the third time, and passed.

THOMAS W. BATH

The bill (H. R. 9564) for the relief of Thomas W. Bath was considered, ordered to a third reading, read the third time, and passed.

DAVID F. RICHARDS

The bill (H. R. 3256) for the relief of David F. Richards, otherwise known as David Richards, was considered, ordered to a third reading, read the third time, and passed.

ALFRED CHAPLEAU

The bill (H. R. 395) for the relief of Alfred Chapleau was considered, ordered to a third reading, read the third time, and passed.

JOHN S. CONKRIGHT

The bill (H. R. 687) for the relief of John S. Conkright was considered, ordered to a third reading, read the third time, and passed.

SPECIAL DELIVERY AND SPECIAL HANDLING OF MAIL MATTER

The bill (H. R. 10676) to provide for the special delivery and the special handling of mail matter was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Postmaster General is authorized to provide and issue special-delivery and special-handling stamps of such denominations as he may consider necessary.

SEC. 2. To procure the most expeditious handling and transportation practicable and the immediate delivery of mail matter at the office of address special-delivery stamps shall be affixed thereto, in addition to the regular postage, in accordance with the following schedule: Matter weighing not more than 2 pounds, if of the first class, 10 cents, if of any other class, 15 cents; matter weighing more than 2 but not more than 10 pounds, if of the first class, 20 cents, if of any other class, 25 cents; matter weighing more than 10 pounds, if of the first class, 25 cents, if of any other class, 35 cents: *Provided*, That, under such regulations as the Postmaster General may prescribe, ordinary postage stamps of equivalent value may be accepted in lieu of the special-delivery stamps herein specified.

SEC. 3. For making special delivery there may be paid to the messenger or other person making such delivery 9 cents for matter of the first class weighing not in excess of 2 pounds, 10 cents for matter of other than the first class weighing not in excess of 2 pounds, 15 cents for mail matter of any class weighing more than 2 pounds but not in excess of 10 pounds, and 20 cents for mail matter of any class weighing in excess of 10 pounds.

SEC. 4. To procure the most expeditious handling and transportation practicable of mail matter of the fourth class, special-handling stamps shall be affixed thereto, in addition to the regular postage, in accordance with the following schedule: Matter weighing not more than 2 pounds, 10 cents; matter weighing more than 2 but not more than 10 pounds, 15 cents; matter weighing more than 10 pounds, 20 cents: *Provided*, That, under such regulations as the Postmaster General may prescribe, ordinary postage stamps of equivalent value may be accepted in lieu of the special-handling stamps herein specified.

SEC. 5. Section 212, Title II, of the act of February 28, 1925, reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes (43 Stat. 1069; U. S. C., title 39, secs. 166, 170), and so much of section 207 of Title II of said act as relates to the expeditious handling, transportation, and delivery of mail matter of the fourth class (43 Stat. 1067; U. S. C., title 39, sec. 294), as amended (sec. 8, act of May 29, 1928; 45 Stat. 943, 944; U. S. C., Supp. III, title 39, secs. 166, 294), and all acts and parts of acts inconsistent herewith are hereby repealed.

DISTRIBUTION TO PUYALLUP INDIANS, WASHINGTON

The bill (S. 6146) to provide for distribution of the tribal funds of the Puyallup Indians, of the State of Washington was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, under such regulations as he may prescribe, to distribute to the Puyallup Indians of the State of Washington, all or any part of the tribal funds of said Indians in the Treasury of the United States, known as the Puyallup 4 per cent school fund and proceeds of surplus Puyallup school lands, together with the interest thereon, such distribution to be made in equal shares to the 340 persons, or their heirs, whose names appear on the tribal roll approved May 12, 1930.

JOSEPH E. MYERS

The Senate proceeded to consider the bill (S. 6159) for the relief of Joseph E. Myers, which had been reported from the Committee on Military Affairs, with an amendment, on page 1, line 4, to strike out the words "and directed," so as to make the bill read:

Be it enacted, etc., That the Secretary of War, under the direction of the President, is hereby authorized to order Joseph E. Myers, major, United States Army, retired, again before a retirement board for the purpose of a new hearing in his case, to inquire into and determine facts touching the nature and occasion of his disability, and to find and report the cause, which in its judgment has produced his incapacity, and whether such cause is an incident of the service, according to the statute; and that upon the findings of such board the Secretary of War is further authorized, under the direction of the President, either to confirm the order by which the said Joseph E. Myers was retired or, in his discretion, to place him on the retired list of the Army for incapacity incurred in line of duty, under the provisions of section 1251 of the Revised Statutes: *Provided*, That no pay, bounty, or other allowance during the period between the time he was retired and the time of the passage of this act shall become due and payable by virtue of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS BARRETT

The bill (H. R. 1429) for the relief of Thomas Barrett was considered, ordered to a third reading, read the third time, and passed.

COMPENSATION OF IMMIGRANT INSPECTORS

The bill (H. R. 3309) to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service was considered. The bill had been reported from the Committee on Immigration, with amendments, on page 1, line 9, after the word "steamships," to insert the words "trains, airplanes, or other vehicles"; on page 2, line 1, after the word "water," to insert "land, or air"; on page 2, line 15, to strike out the following:

Provided, That at those posts on the land and water border of the United States where 18 hours or more inspection service is maintained no overtime shall be charged: *Provided further*, That the provisions of this act relating to extra compensation shall not apply to international bridges, or to ferries and railroad trains operating on regular schedules.

On page 2, line 23, after the word "vessels," to insert the words "or other conveyance," and on page 3, line 6, after the word "not," to insert the following proviso: "*Provided*, That this section shall not apply to the inspection at designated ports of entry of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways, when operating on regular schedules," so as to make the bill read:

Be it enacted, etc., That the Secretary of Labor shall fix a reasonable rate of extra compensation for overtime services of inspectors and employees of the Immigration Service who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian, or on Sundays or holidays, to perform duties in connection with the examination and landing of passengers and crews of steamships, trains, airplanes, or other vehicles, arriving in the United States from a foreign port by water, land, or air, such rates to be fixed on a basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and two additional days' pay for Sunday and holiday duty; in those ports where the customary working hours are other than those heretofore mentioned, the Secretary of Labor is vested with authority to regulate the hours of immigration employees so as to agree with the prevailing working hours in said ports, but nothing contained in this section shall be construed in any manner to affect or alter the length of a working day for immigration employees or the overtime pay herein fixed.

SEC. 2 The said extra compensation shall be paid by the master, owner, agent, or consignee of such vessel or other conveyance arriving in the United States from a foreign port to the Secretary

of Labor, who shall pay the same to the several immigration officers and employees entitled thereto as provided in this act. Such extra compensation shall be paid if such officers or employees have been ordered to report for duty and have so reported, whether the actual inspection or examination of passengers or crew takes place or not: *Provided*, That this section shall not apply to the inspection at designated ports of entry of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways, when operating on regular schedules.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 12095) to amend section 113 of the Judicial Code as amended (U. S. C., title 28, sec. 194) was announced as next in order.

Mr. McKELLAR. Over.

Mr. HEBERT. Mr. President, the bill provides for an additional judicial district——

Mr. LA FOLLETTE. Regular order!

The PRESIDING OFFICER. The regular order is demanded, and objection having been made the bill will go over.

SETTLEMENT OF ACCOUNTS OF CITY OF BALTIMORE

The joint resolution (S. J. Res. 194) authorizing and directing the Comptroller General of the United States to reopen, adjust, and settle the accounts of the city of Baltimore for advances made by the city in 1863 for the construction of works of defense, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen, adjust, and settle the accounts of the city of Baltimore for advances made by the city in 1863 for the construction of works of defense and to allow, in addition to the amount heretofore reimbursed to said city under the provisions of the act of March 3, 1879 (28 Stat. 385), not to exceed the sum of $171,034.31, as expenses incident to the raising of funds for such advances as shown in the Comptroller General's report of May 3, 1930, to the Senate, and to certify to Congress for an appropriation the balance found due the city of Baltimore.

AMENDMENT OF NATURALIZATION LAWS

The bill (H. R. 10672) to amend the naturalization laws in respect of posting of notices of petitions for citizenship, was considered. The bill had been reported from the Committee on Immigration with an amendment on page 2, after line 9, to insert new sections 3, 4, and 5, so as to make the bill read:

Be it enacted, etc., That section 5 of the naturalization act of June 29, 1906, as amended, is amended to read as follows:

"SEC. 5. The clerk of the court shall, if the petitioner requests it at the time of filing the petition for citizenship, issue a subpœna for the witnesses named by such petitioner to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned upon notice to the Bureau of Naturalization in such manner and at such time as the Commissioner of Naturalization, with the approval of the Secretary of Labor, may by regulation prescribe."

SEC. 2. So much of section 6 of such act, as amended, as reads "and in no case shall final action be had upon a petition until at least 90 days have elapsed after filing and posting the notice of such petition" is amended to read as follows: "And in no case shall final action be had upon a petition until at least 90 days have elapsed after filing of such petition."

SEC. 3. (a) Any person, born in the United States, who had established permanent residence in a foreign country prior to January 1, 1917, and who has heretofore lost his United States citizenship by becoming naturalized under the laws of such foreign country, may, if eligible to citizenship and if, prior to the enactment of this act, he has been admitted to the United States for permanent residence, be naturalized upon full and complete compliance with all of the requirements of the naturalization laws, with the following exception:

(1) The 5-year period of residence within the United States shall not be required;

(2) The declaration of intention may be made at any time after admission to the United States, and the petition may be filed at any time after the expiration of six months following the declaration of intention;

(3) If there is attached to the petition, at the time of filing, a certificate from a naturalization examiner stating that the petitioner has appeared before him for examination, the petition may be heard at any time after filing.

(b) After naturalization such person shall have the same citizenship status as immediately preceding the loss of United States citizenship.

SEC. 4. (a) Section 3 of the act entitled "An act relative to the naturalization and citizenship of married women," approved September 22, 1922, as amended, is amended to read as follows:

"SEC. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after this section, as amended, takes effect, unless she makes formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens. Any woman who has heretofore suffered an actual or presumptive loss of her United States citizenship by residence abroad after marriage to an alien or any woman who has heretofore ceased to be a citizen of the United States by marriage to an alien ineligible to citizenship may resume her United States citizenship in the manner prescribed in section 4 of such act of September 22, 1922, as amended, and if any woman was a citizen of the United States at birth her race shall not preclude the resumption hereunder of her United States citizenship. The provisions of such act of September 22, 1922, as amended, for the resumption of citizenship shall not apply to any woman whose United States citizenship originated solely by reason of her marriage to a citizen of the United States."

(b) Section 5 of such act of September 22, 1922, is repealed.

SEC. 5. An alien veteran, as defined in section 1 of the act of May 26, 1926 (ch. 398, 44 Stat. 654, title 8, sec. 241, U. S. C., Supp. I), shall, if residing in the United States, be entitled, at any time within two years after the enactment of this act, to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.

The amendment was agreed to.

Mr. BRATTON. Mr. President, will some one familiar with the bill tell us what changes are to be made by it?

Mr. REED. Mr. President, perhaps I can explain the bill. The first section of the bill dispenses with a lot of unnecessary clerical work under the present law whereby separate notices of citizenship are made out for each alien who applies for naturalization. These notices have been found to be entirely useless, and at the request of the department a bill was introduced and passed the House, dispensing with the requirements.

The important parts of the bill are in the amendment. Section 3 of the bill takes care of a very few Americans who have established residence in Canada by reason of connection with business there and who now desire to return and resume their American citizenship because of the completion of their Canadian work.

The Senators from Maine (Mr. HALE and Mr. GOULD) called to our attention the case of a very distinguished gentleman who had been the head of a number of important Canadian corporations, who had been required practically to take out Canadian citizenship, and who now, having passed 70, desires to resume his American citizenship.

Mr. BRATTON. I make no further point along that line. Will the Senator tell us the changes made by section 3 of the bill relating to women citizens of the United States who marry foreigners?

Mr. REED. That actually amends the Cable law, but it permits a woman who, since the enactment of the Cable law, has had a presumptive loss of citizenship, to resume her citizenship just the same as an American woman could resume if it she had married before the Cable Act of 1922. That is all it does.

Mr. BRATTON. I have no objection.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend the naturalization laws in respect of posting notices of petitions for citizenship, and for other purposes."

COLONIAL NATIONAL MONUMENT, VA.

The bill (S. 5616) to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930, was considered. The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 1, after the word "act," to insert the words "which shall not exceed the sum of $2,000,000"; in line 4, after the word "and," to strike out the words "the protection and maintenance of lands and of buildings as acquired and/or constructed, as well as"; and in line 6, after the word "lands," to insert the words "and/or lands and improvements," so as to make the bill read:

Be it enacted, etc., That section 4 of an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930, is hereby amended to read as follows:

"SEC. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act, which shall not exceed the sum of $2,000,000, to be available for all expenses incident to the examination and establishment of the said Colonial National Monument and for the acquisition of lands and/or lands and improvements needed for the completion of the monument, including the securing of options and other incidental expenses. The area of the Yorktown battlefield, authorized for inclusion in said monument, is hereby extended to not to exceed 4,500 acres, and all Government-owned lands within the boundaries of said monument as established by presidential proclamation, except those determined by the Secretary of the Interior as not necessary in carrying out the objects of said monument, are hereby transferred to the administrative jurisdiction and control of the National Park Service."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF GENERAL LEASING ACT OF 1920

The bill (S. 6128) to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437, U. S. C., title 30, secs. 184 and 226), as amended, was considered. The bill had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. WALSH of Montana. Mr. President, I feel that a brief statement ought to be made so the purport of the bill may be gathered. The bill is intended to modify the law known as the general leasing act approved February 25, 1920, so as to make permanent the policy expressed in the act approved July 2, 1930, which will permit what is known as unit development of oil or gas leases on the public domain. As the last session was coming to a close we passed a bill to reach that end, but the policy then being regarded as doubtful it was provided that it should terminate on the 31st of January, 1931. It is the purpose of this bill to make the policy of that act general and permanent.

Let me explain. A large number of leases are given within a certain geological structure or area which is gas or oil producing. Under the law each separate locator or lessee or permittee is obliged to drill within the bounds of his particular lease, and if another drills adjacent to him, he is obliged to put down offset wells. Thus a very large and unnecessary expense is incurred in the drilling of needless wells for the working of the entire claim.

In the first place, it is intended thus to reduce the cost of carrying on the development necessary to take oil out of the claim. In the second place, in the case of the Kettleman Hills, in California, particularly, an enormous production of both oil and gas was encountered, so that for the immediate future the market was entirely glutted. It was proposed to have the work done systematically and to put the material out as the market demanded it, but inasmuch as under this arrangement those adjoining could limit production, the Secretary of the Interior is authorized at all times either to extend or restrict the amount which could be produced under the cooperative agreement.

Another amendment contemplates this situation of affairs. It is applicable particularly to gas localities. The greatest area one may lease is 640 acres, and the greatest area within a permit is 2,560 acres; but no man would be justified in putting in a pipe line, of any great length at least, to take the gas that would be developed from such a region as that. The limitation is 2,560 acres.

This bill will permit a large number of people to enter into drilling contracts with organizations willing to put down pipe lines, and the extent to which they may take drilling contracts, which would give them all of the gas taken out, less a royalty, is likewise to be regulated by the Secretary of the Interior.

A paragraph which should have gone into the original report was omitted by inadvertence, and the Public Lands Committee has asked me to tender a substitute report for that which is printed in the record, including that, and including another paragraph which is asked by the Department of the Navy to protect the leases in the naval reserves and to provide that this bill shall not apply to the naval reserves.

I ask leave, Mr. President, to offer the substitute report.

The PRESIDING OFFICER. Without objection, the report will be received and printed (Rept. No. 1798).

Mr. THOMAS of Idaho. Mr. President, will the Senator from Montana yield for a question?

Mr. WALSH of Montana. I will.

Mr. THOMAS of Idaho. This bill has nothing to do with the grazing privileges, has it?

Mr. WALSH. Oh, no.

There are a number of amendments reported to the bill, Mr. President.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The first amendment of the Committee on Public Lands and Surveys was, on page 3, line 9, after the word "authority," to insert the words "limited as therein provided"; in line 23, after the article "the," to strike out "wells" and insert "well"; and on page 4, line 1, after the word "this," to strike out the word "paragraph" and insert "section," so as to make the clause read:

Any cooperative or unit plan of development or operation, which includes land owned by the United States, shall contain a provision whereby authority, limited as therein provided, is vested in the Secretary of the department or departments having jurisdiction over such land to alter or modify from time to time in his discretion the quantity and rate of production under said plan. The Secretary of the Interior is authorized whenever he shall deem such action necessary or in the public interest, with the consent of lessee, by order to suspend or modify the drilling or producing requirements of any oil and gas lease heretofore or hereafter issued, and no lease shall be deemed to expire by reason of the suspension of production pursuant to any such order. Whenever the average daily production of any oil well shall not exceed 10 barrels per day the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the well can not be successfully operated upon the royalty fixed in the lease. The provisions of this section shall apply to all oil and gas leases made under this act.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to strike out:

SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage 2,560 acres for each of said minerals, no person, association, or corporation, except as herein provided, shall take or hold at one time oil or gas leases or permits exceeding in the aggregate 7,680 acres granted hereunder in any one State, and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which together with the area embraced in any direct holding of a lease or leases, permit or permits, under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing contained herein or in sections 18, 18a, 19, and 22 shall be construed to limit the number of acres which any assignee of a lease or leases issued under said sections may take or hold, or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees

under this act, or the transportation of coal: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That for the purpose of more properly conserving the natural resources of any oil or gas pool or field, or of any area of proven or prospective value for the production of oil or gas permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in adopting and operating under a cooperative or unit plan of development or operation of said pool or field or area, whenever determined by the Secretary of the Interior to be necessary or advisable in the public interest, and the Secretary of the Interior is thereunto authorized in his discretion, with the consent of the holders of leases and permits involved, to establish, alter, suspend, change, or revoke drilling, producing, and royalty requirements of such leases and permits, to extend permits, and to make such other regulations with reference to such leases and permits with like consent on the part of the lessees and permittees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such interest.

And in lieu thereof to insert:

SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage 2,560 acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate 7,680 acres granted hereunder in any one State, and not more than 2,560 acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal or to increase the acreage which may be acquired or held under section 17 of this act: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same.

The amendment was agreed to.

The next amendment was, on page 8, line 16, after the word "field," to insert "which permit has been," so as to make the proviso read:

And provided further, That when any permit has been determined to be wholly or in part within the limits of a producing oil or gas field which permit has been included, with the approval of the Secretary of the Interior, in a unit operating agreement or other plan under this act the Secretary of the Interior may issue a lease for the area of the permit so included in said plan without further proof of discovery.

The amendment was agreed to.

The next amendment was, in line 21, after the words "*Provided further*," to strike out "That the Secretary of the Interior is hereby authorized, on such conditions as he may prescribe, to waive, modify, or suspend the acreage limits fixed by this act with respect to any permits or leases heretofore or hereafter issued whenever in his discretion conservation of natural products or the public convenience or necessity may require it or the interests of the United States may be best subserved thereby." And in lieu thereof to insert: "That the Secretary of the Interior is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more permittees or lessees, in oil or gas leases or permits, with one or more persons, associations, or corporations, whenever in his discretion and regardless of acreage limitations, provided for in this act, the conservation of natural products or the public convenience or necessity may require it or the interests of the United States may be best subserved thereby."

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will ask the Senator from Montana if there are further amendments suggested?

Mr. WALSH of Montana. I ask that the additional committee amendments I have sent to the desk may be stated.

The PRESIDING OFFICER. The amendments will be stated.

The first amendment was, on page 8, line 13, after the word "same," to insert the following:

And provided further, That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest, and the Secretary of the Interior is thereunto authorized in his discretion, with the consent of the holders of leases or permits involved, to establish, alter, change, or revoke drilling, producing, and royalty requirements of such leases or permits, and to make such regulations with reference to such leases and permits with like consent on the part of the lessee or lessees and permittees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such public interest.

The amendment was agreed to.

The next amendment was, on page 10, line 5, after the word "proceedings" and before the period, to insert a colon and the following:

And provided further, That nothing in this act shall be construed as affecting existing leases within the borders of the naval petroleum reserves or agreements concerning operations thereunder or in relation to the same, but the Secretary of the Navy is hereby authorized, with the consent of the President, to enter into agreements such as those provided for herein, which agreements shall not, unless expressed therein, operate to extend the term of any lease affected thereby.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATER SUPPLY OF LOS ANGELES, CALIF.

The bill (H. R. 11969) withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes, was announced as next in order.

Mr. JOHNSON. Mr. President, I would not occupy an instant of time upon this bill, but the Senator from Iowa [Mr. BROOKHART] has advised me that he is going to object to its consideration, and I want the record to show how very unfortunate it is that the bill can not be acted upon at the present time. It may involve the very watershed of the water supply of the city of Los Angeles, and there will be little or no opportunity between now and the adjournment of Congress to pass this bill and to do what is appropriate under the circumstances and what the department agrees to.

Every acre of land to be withdrawn under this bill by virtue of the legislative sanction that is sought is to-day withdrawn by virtue of an Executive order. Therefore, no soul on earth can be injured; no single interest can be affected; but it means much to a city that requires a large water supply. I regret exceedingly that my friend from Iowa is disposed to object to the consideration of the bill.

Mr. SHORTRIDGE. Mr. President, if I may supplement what my colleague has said, I sincerely hope that my friend from my native State of Iowa will not object to the passage of this bill. It is meritorious and ought to be passed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BROOKHART. Mr. President, I myself know nothing about the situation, but some people in my State who have an interest out there claim that there is quite a different story connected with it, and that some 1,400 farmers will be affected. In that situation I shall have to interpose objection, because I stand for the farmers first.

Mr. KING. Regular order.

The PRESIDING OFFICER. On objection, the bill will go over.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (H. R. 14248) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain was announced as next in order.

Mr. WATSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 250) directing an investigation and study of transportation by various agencies engaged in interstate commerce was announced as next in order.

Mr. REED. Mr. President, as I read that bill, it would require an investigation of every sort of private traffic across State lines, including traffic on our rivers and traffic on our lakes, whether for hire or otherwise. I should like to look into that bill, and therefore I object.

The PRESIDING OFFICER. The bill will be passed over.

JESSIE R. GREENE

The bill (S. 6225) granting an increase of pension to Jessie R. Greene was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie R. Greene, widow of Capt. Frank L. Greene, late of Company B, First Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $150 per month in lieu of that she is now receiving.

PRODUCTION OF TIMBER IN PORTO RICO

The joint resolution (H. J. Res. 192) extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico, was considered, read the third time, and passed, as follows:

Resolved, etc., That the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924, are herewith extended to the Territory of Porto Rico, and the Secretary of Agriculture is hereby authorized to cooperate with the appropriate officials of Porto Rico on the same terms and conditions as with the States: *Provided*, That not to exceed 50,000 acres of land may be acquired in Porto Rico under section 6 of the aforesaid act of Congress approved June 7, 1924.

RETIREMENT OF EMPLOYEES ON PANAMA CANAL ZONE

The bill (S. 5718) for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over on objection of the Senator from Utah.

Mr. BLAINE. Mr. President, will the Senator withhold his objection for just a moment?

Mr. KING. I withhold it.

Mr. BLAINE. Mr. President, Order of Business No. 1798 is the same as Order of Business No. 1794, the title of which has just been read, but the latter is House bill 15865. It has to do with the retirement of certain employees of the Panama Canal and the Panama Railroad. I will ask the Senator from Utah to withhold his objection in order that I may make a motion to substitute the House bill for the Senate bill.

Mr. KING. I have no objection to the substitution.

The PRESIDING OFFICER. Without objection Order of Business No. 1798, being House bill 15865, will be substituted for Order of Business 1794, being Senate bill 5718. Is there objection to the present consideration of the House bill?

Mr. KING. Mr. President, I have a number of objections brought to my attention with regard to this measure, and one amendment has been suggested to me, and for that reason I am objecting to its consideration at this time.

Mr. BLAINE. Mr. President, I appreciate the Senator's desire to present his amendment. I hope that we may be able to pass this bill before the Congress shall finally adjourn. There is a real serious situation on the Panama Canal Zone. No one can reside there except employees of the Panama Canal and employees of the Panama Railroad and officials and employees of the Army and Navy.

Many of the employees, men who helped to dig the Panama Canal, men who have gone all through the vivid experiences connected with that enterprise in a country situated almost at the Equator, are to-day reaching a status where they can no longer reside on the Panama Canal Zone. The Governor of the Panama Canal Zone and those who have control of the Army and Naval forces there are confronted with the question, What are they going to do with the superannuated men and women on the Panama Canal Zone? They will not be permitted to reside within the Panama Canal Zone, and therefore they will be put, as tramps almost, upon the high seas with nowhere to go. That is describing the situation exactly as it will be within the next two or three years.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. KING. Are the retirement provisions carried by the bill the same as those applicable to employees of the Government in the United States proper?

Mr. BLAINE. No. Let me explain. Identically the same principle is involved. The Panama Canal employees to-day are under the general civil service retirement act, while the employees of the Panama Railroad are not. They have a retirement fund created under a corporation, the capital stock of which is all owned by the Government of the United States, and so for all practical purposes employees of the Panama Railroad are employees of the Federal Government. But here is the situation in the Panama Canal Zone. The choicest men were selected—they had to be choice men, physically fit—and were sent down into that tropical climate, where their longevity has been reduced. The death rate in the Panama Canal Zone, notwithstanding the splendid sanitary conditions that have been developed there, is very high. In that country, with its hot climate and with a rainy period of seven months, as I understand, age comes on faster, and therefore it becomes necessary to treat these employees in a different way than civilian employees of the Government within the United States.

Mr. KING. May I say to the Senator——

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. KING. In my own time I should like to ask the Senator a question. One of the complaints brought to my attention—and I was urged to make an objection because of the complaint—was that the provisions of this bill gave to the employees in the Panama Canal Zone superior privileges and advantages over those enjoyed by other employees of the United States engaged in similar work. I have not had time to examine this bill——

Mr. BLAINE. That is a mistake. All the employees of the Canal Zone and all the employees of the Panama Railroad affected by this bill must be located within the Panama Canal Zone. The bill does not include the civilian employees in Washington or New York or any other place outside of the Panama Canal Zone.

Mr. KING. What is the difference between the advantages there obtained and the advantages obtained by employees here—and when I say "here" I mean in continental United States?

Mr. BLAINE. The employees covered by this bill are required to pay into the retirement fund 5 per cent of the

salary according to the standard which is fixed. That is 1½ per cent more than is paid in by the civilian employees. On the other hand, they are granted under the retirement compensation 25 per cent more than the civil service employees within the continental United States.

Mr. KING. That is one of the complaints brought to my attention; and I think it will be provocative of controversy in the future.

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER. Is there objection?

Mr. KING. I withdraw the objection, although I do not like the discrimination.

The Senate proceeded to consider the bill (H. R. 15865) for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States, which was ordered to a third reading and passed.

EXTENSION OF STATUTE OF LIMITATIONS

Mr. SHORTRIDGE. Mr. President, I was necessarily absent when order of Business No. 1726, Senate Joint Resolution 244, was reached. I ask unanimous consent to return to that measure.

The PRESIDING OFFICER. Is there objection to returning to Senate Joint Resolution 244? The Chair hears none.

The Senate proceeded to consider the joint resolution (S. J. Res. 244) to extend the statute of limitations, and for other purposes, which had been reported from the Committee on Finance with amendments, on page 1, line 9, after the word "of," to strike out the words "one year" and insert in lieu thereof the words "six months"; on page 2, line 15, after the word "of," to strike out the word "one"; and on page 2, line 16, to strike out the first word "year" and insert in lieu thereof the words "six months," so as to make the joint resolution read:

Resolved, etc., That the 3-year period of limitation provided in section 277 of the revenue act of 1926 upon the assessment of income taxes imposed by that act for the taxable year 1927 and the 3-year period of limitation provided in section 284 of the revenue act of 1926 in respect of refunds and credits of income taxes imposed by that act for the taxable year 1927 shall be extended for a period of six months in the case of any married individual domiciled in the State of California where a joint income-tax return was filed for a husband and wife for such taxable year and included therein income which under the laws of the State of California upon receipt became community property, and during such extended period for assessment, refund, or credit of income taxes the husband and wife so situated may elect to file by amendment separate income-tax returns for the taxable year 1927 to include therein for each, respectively, his or her separate income and deductions.

SEC. 2. The 2-year period of limitation provided in section 275 of the revenue act of 1928 upon the assessment of income taxes imposed by Title I of that act for the taxable year 1928 and the 2-year period of limitation provided in section 322 of the revenue act of 1928 in respect of refunds and credits of income taxes imposed by that act for the taxable year 1928 shall be extended for a period of six months in the case of any married individual domiciled in the State of California where a joint income-tax return was filed for a husband and wife for such taxable year and included therein income which under the laws of the State of California upon receipt became community property, and during such extended period for assessment, refund, or credit of income taxes the husband and wife so situated may elect to file by amendment separate income-tax returns for the taxable year 1928 to include therein for each, respectively, his or her separate income and deductions.

SEC. 3. The periods of limitations extended by this joint resolution shall, as so extended, be considered to be provided in sections 277 and 284 of the revenue act of 1926 and sections 275 and 322 of the revenue act of 1928, respectively.

SEC. 4. Nothing herein shall be construed as extending any period of limitation which has expired before the enactment of this joint resolution.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

DEVELOPMENT OF MINERAL RESOURCES IN CERTAIN PUBLIC LANDS

The Senate proceeded to consider the bill (H. R. 15258) to permit the development of certain valuable mineral resources in certain lands of the United States.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator from Wyoming [Mr. KENDRICK] to explain the purposes of this bill.

Mr. KENDRICK. Mr. President, the bill simply provides authority for the mining of placer gold in connection with a lease for the mining of oil and gas on the same tract of land. There probably is no parallel case known in all the mining records; and, so far as I know, the bill affects no other tract of land except this one. As I understand the situation, the original lessees are fully protected under the terms of the bill.

The bill was ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF ACT TO PAROLE UNITED STATES PRISONERS

The bill (H. R. 9674) to amend an act to parole United States prisoners, and for other purposes, approved June 25, 1910, was considered, read the third time, and passed.

LITTLE CALUMET RIVER BRIDGE, ILLINOIS

The bill (S. 6165) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, on the line of Cottage Grove Avenue extended, on the section line between sections 14 and 15, township 36 north, range 14 east, and just south of the east and west quarter lines through sections 14 and 15, Thornton township, in said county and State, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

ST. FRANCIS RIVER BRIDGE, WAYNE COUNTY, MO.

The bill (S. 6179) to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the bridge constructed across the St. Francis River one-fourth mile south of Greenville in the county of Wayne and State of Missouri, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

ST. FRANCIS RIVER BRIDGE, DUNKLIN COUNTY, MO., AND CLAY COUNTY, ARK.

The bill (S. 6180) to legalize a bridge across the St. Francis River 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the bridge constructed across the St. Francis River four miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark., known as the Holly Island Bridge, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

ELEVEN POINTS RIVER BRIDGE, THOMASVILLE, MISSOURI

The bill (S. 6181) to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the bridge constructed across the Eleven Points River at or near Thomasville, in the county of Oregon and State of Missouri, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

JAMES RIVER BRIDGE, GALENA, MO.

The bill (S. 6182) to legalize a bridge across the James River at Galena, Stone County, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the bridge constructed across the James River at Galena, in the county of Stone and the State of Missouri, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

WHITE RIVER BRIDGE, STONE COUNTY, MO.

The bill (S. 6183) to legalize a bridge across the White River, approximately 11 miles south of Reed Springs, Stone County, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the bridge constructed across the White River, approximately 11 miles south of Reed Springs, Stone County, Mo., is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

WHITE RIVER BRIDGE, TANEY COUNTY, MO.

The bill (S. 6184) to legalize a bridge across the White River at Forsyth, Taney County, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the bridge constructed across the White River at Forsyth, in the county of Taney, State of Missouri, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSOURI RIVER BRIDGE, WELDON SPRINGS, MO.

The bill (S. 6185) granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The authority hereby granted shall cease and be null and void unless the actual construction of the bridge be commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

WHITE RIVER BRIDGE, BRANSON, MO.

The bill (S. 6186) granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, in the County of Taney, and State of Missouri, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The authority hereby granted shall cease and be null and void unless the actual construction of the bridge be commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

CONSERVATION OF RAINFALL IN THE UNITED STATES

The bill (S. 1444) for the conservation of rainfall in the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to develop effective methods for the control of rainfall, for the prevention of erosion of farm, pasture, and woodlands, and for the conservation of the soil fertility of fields, pastures, and watersheds; to minimize the depostion of silt in reservoirs and the overwash of inert sands and gravels upon farm lands; to reduce the discharge of water and silt into streams from fields, pastures, and watersheds; and, in general, to aid in developing the best means of controlling, conserving, and utilizing the rain water that falls upon the land, the Secretary of Agriculture be, and he is hereby, authorized and directed to make such studies and investigations as he may deem necessary to carry out these purposes.

Mr. SHEPPARD. I ask to have the report on the bill printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report is as follows:

[Senate Report No. ——, Seventy-first Congress, third session]

CONSERVATION OF RAINFALL

Mr. MCNARY, from the Committee on Agriculture and Forestry, submitted the following report (to accompany S. 1444):

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 1444) for the conservation of rainfall in the United States, having considered the same, report thereon with the recommendation that the bill do pass.

The Secretary of Agriculture has reported to the chairman of the committee that "with erosion affecting all parts of the United States and causing a tangible loss of not less than $200,000,000 annually, such legislation as is provided by this bill is badly needed." His letter and a statement which he submitted to the committee follow as part of this report.

A hearing, held on May 3, 1928, on a similar bill during the last Congress, at which hearing various officials of the Department of Agriculture appeared, further demonstrated the need of controlling and conserving rainfall, as is provided for in S. 1444.

DEPARTMENT OF AGRICULTURE,
Washington, May 10, 1928.

Hon. CHARLES L. MCNARY,
United States Senate.

DEAR SENATOR MCNARY: Reference is made to your letter of March 7, relative to S. 3484 for the conservation of rainfall in the United States.

The evident intent of this bill is to authorize and direct the Secretary of Agriculture to make adequate studies and investigations of the important problem of soil erosion and conservation of the rain water that falls upon the land.

The prevention or control of erosion is the most important factor in maintaining the fertility of the soil upon which a permanent and profitable agriculture is dependent. Twenty-one times as much plant food is removed yearly by soil erosion as by crops. Furthermore, plant nutrients removed by crops can be restored in the form of fertilizers, but erosion takes both the soil and its contained plant food. For example, in Fairfield County, S. C., 90,000 acres of valuable agricultural land has been practically destroyed by gullying. Likewise, in Doniphan County, Kans., from 8 to 40 inches of soil have been removed from 86 per cent of the uplands of a valley which was cleared about 40 years ago.

When the rich mellow layer of surface soil is washed away the farmers have to till the exposed subsoil. This is not only more difficult to cultivate but it also is less absorptive of the rainfall and less retentive of that which is absorbed. Deterioration of cotton-producing lands by soil erosion has not only necessitated a much greater use of fertilizers to obtain satisfactory yields of cotton but has increased the proportion of ⅞-inch staple or less, which ordinarily can not be sold except at disproportionally low prices.

On western grazing lands the erosion of the valuable surface soil has made more difficult the maintenance of the normally scant forage stand; has increased the difficulties accompanying droughts and affected the profitable production of livestock. In the trans-Pecos region of Texas, in central New Mexico, and parts of Arizona, Colorado, and Utah enormous areas of splendid valley grazing lands have been destroyed by a peculiar type of gullying which could have been prevented.

Over the sloping areas of these less absorptive, eroded lands water flows away to the streams at a faster rate than it did from the grass-covered or timbered areas and areas under cultivation which have not lost their mellow, spongelike top soil. Much of the eroded material is carried down the stream courses to be deposited as silt in reservoirs, or as overwash of comparatively infertile sand and gravel upon valuable valley lands, or as material that tends to fill and choke water courses.

Erosion is, to a large extent, controllable. The department has done some work on this problem but has never had adequate funds or personnel to attack it on a satisfactory basis. The problem is so urgent and of such magnitude that it should be attacked aggressively and on a broad scale in cooperation with the State agricultural experiment stations and such other agencies as may be concerned.

There is attached herewith an outline for such a program of research calling for an initial expenditure of $155,000 to $230,000, and an annual expenditure thereafter of from $100,000 to $105,000, depending upon whether the lands upon which the experiments are located are rented or purchased.

Your bill (S. 3556), providing for a program of forest research in the Department of Agriculture, which was reported favorably by your committee and passed by the Senate on April 17, provides for the necessary authority and direction to the Secretary of Agriculture for the study of the influence in the conservation of the run-off and the control of erosion of tree and other vegetative cover and its management on forest lands, and of the herbaceous and shrubby cover and its management on range land. Thorough studies are equally essential on the basic soil relations to erosion and the engineering and other methods which may be followed in checking run-off and erosion. There is, therefore, no conflict between your bill S. 3556 and S. 3484. The department construes S. 3484 as aimed to provide a program in the Department of Agriculture for these important soil and engineering studies necessary for the satisfactory solution of this crucial problem which is so important to the farmers of this country. The financial and research program provided for in the attached statement, therefore, covers only the erosion and rain water conservation research needs of the Bureaus of Chemistry and Soils and Public Roads, those of the Forest Service on forest and range research having already been provided for by S. 3556.

With erosion affecting all parts of the United States and causing a tangible loss of not less than $200,000,000 annually, such legislation as is provided by this bill is badly needed. The department, therefore, would be glad to see this bill approved by Congress.

Sincerely yours,

W. M. JARDINE, *Secretary.*

Submitted to the Bureau of the Budget, pursuant to Circular No. 49 of that bureau, and returned to the Department of Agriculture under date of May 7, 1928, with the advice that the legislation contained in S. 3484 would not be in conflict with the financial program of the President.

MAJOR PROJECT FOR SOIL EROSION INVESTIGATIONS BY THE UNITED STATES DEPARTMENT OF AGRICULTURE

The object of this project is to determine the best methods of preventing or controlling soil erosion, of conserving the fertility of the soil, and, in regions of scanty rainfall, of retaining as much as possible of the rainfall in the soil. Below are outlined briefly the principal lines of research that it is proposed to take up under this project. The information that is needed about erosion and its control is that which will apply to definite kinds of lands, to soil types that vary from place to place, not only in their crop adaptations and required methods of cultivation but in their resistance to erosion and to some extent in their requirements for prevention or control.

A. Investigations in the field.

1. Measurement of the rate of erosion on the more important types of soil of especial vulnerability to erosion under varying degrees of slope and agricultural use, including crop production and grazing.

2. Determination of proper spacing or vertical distance between terraces for various types of soil and on various slopes, and the most practicable and most economical height of terrace and width of base for (a) ease in crossing in cultivating the field; (b) withstanding effect of seepage through terrace. Determination of the effect of change in the shape of terrace channel upon the capacity. Determination of the maximum permissible length of terrace on different slopes. Development of a satisfactory method of protection against erosion where drop off occurs at end of terrace into outlet channel. Determination of the cost, and comparison of methods of building terraces, with road grader, plow and steel ditcher, plow and V-shaped wooden drag, plow and slip scraper, large moldboard plow alone. Development of new machinery for use in constructing terraces. Determination of best methods and cost in maintaining terraces. Determination of cost of cultivating terraced field and similar unterraced field with modern farm equipment, with a view of ascertaining and overcoming the difficulties that occur in farming terraced land with such equipment. Development of the most economical and effective type of soil-saving dam for small washes and large gullies.

3. Determination of degree of slope for the principal vulnerable soils beyond which terraces of any type or condition of reinforcement are ineffectual, and classification of such soil conditions as forest and grazing lands. (This phase of the study would not really constitute a separate investigation from item 2, but rather an outcome of the work carried on under that head.)

4. Determination of those types of soil, and their distribution which are too susceptible to erosion to permit use for farm crops. (Some soils, such as the Susquehanna clay, obviously are too thin and erosive for profitable use as farm lands, with the exception of occasional small areas that may be made special use of.) The distribution of these soils, after they have been fixed upon, can be worked out with the aid of soil maps.

5. Evaluation of all soil surveys and other pertinent surveys in order to gain a better conception of the distribution and extent of all vulnerable soil areas, and the areas which because of this vulnerability are better suited to forestry or grazing than to farm crops. (This item would entail both field and office work.)

6. Relation of degree of soil weathering or porosity (or dispersibility) to erosivity, with particular reference to those tropiclike types, such as the friable red lands of northern California and western Oregon and Washington; that is, the Aiken and related types.

7. (a) Study of rates of soil rebuilding to replace that removed by erosion under varying methods of soil conservation, including terracing, incorporation of organic matter, and the planting of various vegetative covers; and

(b) Study of the disposition and effect of erosional débris, the weathering changes it undergoes after deposition, and the land areas covered.

8. Classification of the various types and phases of erosion, and studies of their causes and effects, the extent of land affected, and the indicated needs for checking the wastage under the various classes.

9. Preliminary quantitative measurements of the effect of erosion on different soil types with some light, portable machine that may be devised for the purpose.

Correlative field studies in relation to soil moisture, salt, etc.

1. Movement of moisture in important subhumid and semiarid soils that are subject to erosion under varying treatment, including terracing, grass stripe, or other obstacles to run-off and wash-off, and the relation of these natural and altered soil conditions to crop usage. (This item of the project would necessitate some tests with the principal crops of the regions concerned.)

2. Determination of what can be accomplished on varying soil types of the dry regions in the matter of storing "subsoil moisture" by terraces and other means for crop use during periods of light precipitation. This investigation would really be a phase of the study made under the preceding item.

3. Determination of the relation of water-soluble salts and their dispersion under varying conditions on varying soils to soil properties directly or indirectly related to soil erosion, in subhumid and arid regions especially.

B. Laboratory investigations.

Chemical work

1. Analysis of soils, of the colloids particularly, as required in connection with correlation of erosion types; and for the purpose of determining the relation of the chemical constitution of soils, if any, to physical properties that may be found to have some direct or indirect bearing upon erosion types and degrees of soil erosivity. Some relations of this nature seemingly exist in the instances of the highly weathered, tropiclike clays of the Aiken and Davidson types and possibly others.

2. Occasional analysis, as needed, of erosional débris and run-off water in order to get precise checks upon plant-food wastage, and for the purpose of assisting in determining the effect of overwash upon the value of land.

3. Determination of water-soluble salts in connection with studies of the effect of these substances upon physical properties of soils that may have some direct or indirect relation to soil sensitiveness to erosion. Data of this nature will be needed for studies outlined under item 3 of correlative field studies above.

Physical

1. Mechanical analysis for purposes of correlating physical conditions of soils with erosion type, erosion indices, etc. (Soils of high silt content, for example, erode severely as a rule, possibly because of the small amount of clay to bind and hold the dispersed particles constituting the bulk of the material.)

2. Determination of plasticity or plastic range for purposes as above.

3. Determination of shrinkage value.

4. Determination of pore space.

5. Determination of dispersibility, ease of fluidity, viscosity, and other physical properties that may show important relations between soil disturbances and rainfall under varying conditions of soil structure and consistency.

6. Amount of colloid, its degree of plasticity, shrinking, and swelling characteristics, stickiness, and other properties that may relate to soil penetrability, tensile strength of soil or modulus of rupture, etc.

These measurements will require the establishment of erosion stations for carrying on this kind of work systematically. Some of the more vulnerable soils on which studies must probably eventually be made are as follows:

1. The brown loam belt, extending from Baton Rouge, La., northward through western Mississippi, Tennessee, Kentucky, and far up the Mississippi and Missouri Rivers.

2. The Piedmont Plateau extending from central Alabama, across Georgia, the Carolinas, Virginia, Maryland, and southeastern Pennsylvania into central New Jersey.

3. Orangeburg-Susquehanna soil regions of the Gulf-Atlantic Coastal Plain.

4. Black waxy belt of central Texas.

5. Rolling limestone lands of Tennessee, southern Ohio, southern Indiana, and Kentucky.

6. Red Plains region, western Texas, Oklahoma, and Kansas.

7. DeKalb-Upshur region of the Appalachian Plateau, including West Virginia, western Virginia, eastern Tennessee, western Kentucky, southeastern Ohio, western Maryland, and southwestern Pennsylvania.

8. Rolling lands of western Iowa, eastern Nebraska, northeastern Kansas, and northern Missouri.

9. Illinois region, including Illinois, Ohio, and Indiana.

10. Grazing regions of the arid and semiarid West.

These regions represent a considerable portion of the lands where very extensive erosion is going on and the result of the studies should determine not only the erosion coefficients for the soils studied and their related types but—

1. Types of terraces or other method of control needed for a given slope on the various soil types; and

2. The slope for a given soil where the land ceases to be farm-crop land and becomes either forest or grazing land.

The work will be carried on in close cooperation by the Bureau of Soils and Chemistry, the Bureau of Public Roads, and the Forest Service. In these studies cooperation would be secured from agricultural, engineering, forest, and range experiment stations; State geological departments; colleges and universities; farm organizations; chambers of commerce; railroads and public utilities.

The results of these investigations will be made available to individuals through the State extension services, bulletins, and press reports.

Careful consideration of the situation shows that work can be undertaken to advantage at four or five stations selected to represent large areas of agricultural land on which erosion is active and serious. The duration of the experiments at a given farm is uncertain, but will probably extend through a minimum period of five years. In selecting locations for these stations attempt will be made to secure land which will give a range of soil conditions from practically a virgin soil undamaged by erosion to badly eroded lands in need of restoration to a condition of favorable productivity. It is believed that in the course of the experiment the value of the land will be considerably improved, and it would probably be more profitable for the Government to purchase these lands and dispose of them when they are no longer needed than to lease them. The size of these farms will depend somewhat upon the area it is necessary to include to secure the desired range of soil conditions. Ordinarily from 160 to 320 acres would be ample.

It is believed that if the Government is to purchase the land there should be an appropriation of $80,000 for this purpose. Appropriation for the first year for equipment and operation of these stations will require approximately $150,000. Thereafter it will require about $20,000 per station per year for operation, or, on the basis of five stations, $100,000 per year. The expenses of these farms will be offset to a considerable extent by the income from the crops grown. If the farms are rented, we assume that approximately 1,000 acres will be required for the purposes of the study. It is believed that by renting only lands which could be secured on a lease with a renewal period of at least five years, and if possible longer, the rent should not exceed $5,000 per year, and would probably be considerably less. The total cost for the first year on the rental basis then would be approximately $155,000 and thereafter $105,000 a year for the five farms.

CORRECTION OF SECTION 6 OF ACT OF AUGUST 30, 1890

The joint resolution (H. J. Res. 153) to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926, was considered, read the third time, and passed.

SALE OF PROPERTY AT HOBOKEN, N. J., TO PORT OF NEW YORK AUTHORITY

The bill (S. 6114) to authorize the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J., to the Port of New York Authority was announced as next in order.

Mr. REED. Mr. President, I should like to ask the sponsor of that bill why the price of the land should be fixed in the bill instead of putting it up for appraisal, as is done in all the sales of land by the United States that I know anything about.

The PRESIDING OFFICER. Will the Senator from New York give his attention?

Mr. WAGNER. Mr. President, the price was agreed to between the Shipping Board and the port authority, which contemplates purchasing this property if this legislation is passed. I understand that it was fixed because it is the price that was offered by the highest bidder as the result of public bidding for these very properties.

Mr. REED. Mr. President, whenever we authorize the sale of real estate belonging to the War Department, we provide for an appraisal, and that it shall not be sold for less than the appraised value. Was this property ever appraised?

Mr. WAGNER. I understand that this is a very favorable price—that is the information I received—and that it was only upon condition that the port authority would agree to purchase it for this price that the Shipping Board consented to the negotiation.

Mr. REED. The Shipping Board sold a lot of other things for less than it seemed to us they were worth.

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. REED. I yield.

Mr. COPELAND. This property was put up by the Shipping Board for bids, and the United States Lines were the highest bidder. I do not need to go into the history of the matter; but they saw fit not to go on with the contract. Then the port authority intervened, and said they would take the property at this figure which the United States Lines had fixed.

Mr. LA FOLLETTE. Mr. President, may I suggest that quite often at a public auction of that kind, if that is what took place, very valuable pieces of property go for ridiculous prices.

Mr. WAGNER. I did not hear the inquiry of the Senator.

Mr. LA FOLLETTE. I say if the Senator from Pennsylvania will yield, that the simple statement that this is the result of an auction does not necessarily convince me that the Government's interests are protected, because often at public auctions of that kind, as Senators well know, the prices that are bid are not commensurate with the value of the property.

I think the suggestion made by the Senator from Pennsylvania is a sound one, that this property ought to be appraised by impartial appraisers, and a minimum price fixed in the bill.

Mr. REED. Mr. President, can the Senator from New York tell us how much was paid to the Hamburg-American Line and the North German Lloyd by the United States Government for these piers?

Mr. WAGNER. I can not tell the Senator offhand.

Mr. REED. Was it not a good deal more than $4,500,000?

Mr. COPELAND. I think it was.

Mr. REED. Why should we pay the German owners more than we are selling the piers for now?

Mr. COPELAND. What will we do with the piers?

Mr. REED. Put them up and sell them to somebody who is willing to pay their value.

Mr. COPELAND. That is exactly what we did. We put up these properties which we had taken over, and the highest bidder was the United States Lines, Mr. Chapman's line; and it was considered by all concerned at the time that the bid was a very decent bid. Then, for various reasons, the United States Lines did not close out the transaction. If the matter is taken over by the port authority, they can finance it. They are to pay 30 per cent in cash, and they can go on with the transaction and close it out. Otherwise, the property is a drug on the market. We can not do anything with it.

Mr. REED. Can we not lease the piers?

Mr. COPELAND. No.

Mr. REED. Can we not use them for the Navy, or for the Army transports?

Mr. COPELAND. No.

Mr. WAGNER. Mr. President, if I may interrupt, as I understand, the United States Shipping Board has been operating these piers at a loss; and the highest price that was bid was so high that, I understand, the private concern is not able now to carry out the agreement.

Mr. COPELAND. That is correct; and, of course, the authorities of the city of Hoboken were very anxious to have these properties put somewhere so that they could get some tax return, and they made every effort to bring that about. At one time they thought of having the city itself buy these properties, but they found they could not make a decent lease.

My judgment is, from the way the matter was discussed in the Commerce Committee, both this year and last year, that if we have the full amount which was bid by the United States Lines paid by the port authority, which is thoroughly responsible, we shall have made a very good arrangement.

Mr. REED. How much did we pay the Germans for these piers?

Mr. COPELAND. I can not remember.

Mr. REED. Does the junior Senator from New York know?

Mr. WAGNER. I do not know. I suppose the Senator understands the nature of the transaction. It is a purchase by a public corporation, the Port Authority of the Port of New York——

Mr. REED. Yes; I know what the port authority is.

Mr. WAGNER. Which is created as the result of a compact between the two States; and, as I understand——

Mr. McNARY. I call for the regular order.

The PRESIDING OFFICER. The regular order is demanded. Is there objection to the consideration of the bill?

Mr. REED. I have the floor, Mr. President. I do not know that I can be taken from it by a call for the regular order.

The PRESIDING OFFICER. Yes; if there is objection to the bill, it goes over.

Mr. BARKLEY. The Senator has five minutes at least.

Mr. WAGNER. I just want to finish the statement that this public corporation proposes to purchase these piers from the United States Government Shipping Board at the price fixed, and the purchase was negotiated as a result of resolutions passed by the legislatures of both States at the request of the governor of the State, as well as this public body.

Mr. McNARY. I call for the regular order.

The PRESIDING OFFICER. The regular order has been again demanded.

Mr. REED. Mr. President, a parliamentary inquiry: Is not debate on the pending bill part of the regular order?

The PRESIDING OFFICER. If any Senator objects, the bill will go over.

Mr. REED. But no Senator has objected to the bill.

Mr. McNARY. I demanded the regular order. Under Rule VIII and under the unanimous-consent agreement, a Senator can speak only once and not more than five minutes. I have no objection to the bill, but we must go on through.

The PRESIDING OFFICER. The Chair will state again that if any Senator demands the regular order, the Chair must put the question, "Is there objection?" If no Senator objects, then the question will be put on the engrossment and third reading of the bill.

Mr. REED. Very well. Then, for the present, I shall have to object.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

Mr. KING. Mr. President——

Mr. LA FOLLETTE. I call for the regular order.

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

REGULATION OF LIGHTER SERVICE

The Senate proceeded to consider the bill (S. 6204) prescribing regulations for carrying on the business of lighter service from any of the ports of the United States to stationary ships or barges located offshore, and for the purpose of promoting the safety of navigation, which had been reported from the Committee on Commerce with amendments, on page 1, line 5, after the word "passengers," to insert the words "or cargo or both, for hire or otherwise"; on page 2, line 4, after the word "vessel," insert the words "to which it is issued"; on page 2, line 7, to strike out the words "vessels operate" and insert the words "vessel operates"; on page 2, line 15, to strike out the period and insert the words "and the business in which such vessel is to engage"; on page 2, lines 17 and 18, to strike out the words "is, or may become, a menace to navigation, or"; on page 2, line 19, after the word "or," to insert the words "that she"; on page 2, line 20, after the syllable "gers," to insert the words "or cargo"; on page 2, line 22, after the word "landing," to insert the words "or where such passengers or cargo are taken on board"; and on page 2, line 25, to strike out the period and add the words "and any such permit which may have been issued shall be revoked," so as to make the bill read:

Be it enacted, etc., That it shall be unlawful for any person, firm, or corporation to operate any ship, boat, barge, or other means of transportation on which passengers or cargo, or both, for hire or otherwise are carried, or transported, from any port, landing, or wharf in the United States to any ship, barge, boat, or vessel anchored, or standing 3 or more miles offshore, without first obtaining from the Secretary of Commerce of the United States a permit to operate such vessel, such permit to be in such form and of such duration as the Secretary of Commerce of the United States may prescribe. A copy of this permit shall be kept on board each vessel to which it is issued and shall be exhibited on demand by qualified boarding officers, the original of such permit to be recorded in the customhouse of the port out of which such vessel operates.

SEC. 2. Before any such permit is issued for the operation of any such vessel the owner of same, or his authorized agent, shall make application therefor to the Secretary of Commerce of the United States, in which application the name, or names, and address, or addresses, of the owner, or owners, of such craft shall be set forth; also the port or place from which such vessel or vessels are to be operated; also the maximum number of persons such vessel will carry and the business in which such vessel is to engage.

SEC. 3. If upon full investigation the Secretary of Commerce finds that the operation of such vessel endangers human life, or that she is to be operated for the purpose of transporting passengers or cargo to or from any stationary or anchored vessel, barge, or other craft of similar character engaged in any business or occupation prohibited by law at the place of landing or where such passengers or cargo are taken on board by said vessel covered by this act, the Secretary of Commerce shall deny such application and no permit for the operation of such vessel shall be issued and any such permit which may have been issued shall be revoked.

SEC. 4. The Secretary of Commerce is hereby authorized to prescribe such regulations as may be necessary to carry out the purposes of this act, and such regulations shall have the force of law.

SEC. 5. For any violation of any of the provisions of this act or of the regulations issued thereunder, the owner of the vessel shall be subject to a penalty of $500 for which the vessel shall be liable and may be seized and proceeded against in any district in which she may be found; and the master or operator of such vessel shall be subject to a penalty of $100.

SEC. 6. The Secretary of Commerce is hereby authorized to mitigate or remit any penalty incurred for violation of this act on such terms as he may deem proper.

The amendments were agreed to.

Mr. KING. Mr. President, may I ask my friend from California whether this bill has the approval of persons interested in shipping—the Shipping Board, the Emergency Fleet Corporation, and the Department of Commerce?

Mr. JOHNSON. It has the approval of the Department of Commerce, the Department of Justice, and the local authorities in the State of California. It is a bill designed to affect the palatial gambling ships that anchor outside of the 3-mile limit.

Mr. KING. I have no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BREAKWATER ON LAKE MICHIGAN

The Senate proceeded to consider the bill (S. 5781) granting to the commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the commissioners of Lincoln Park, which was read, as follows:

Be it enacted, etc., That in consideration of the acceptance of this act by the Commissioners of Lincoln Park, a municipal corporation organized and existing under the laws of the State of Illinois, subject to all the provisions, conditions, requirements, and limitations hereof, consent, permission, and authority are hereby granted to said the Commissioners of Lincoln Park to exercise complete jurisdiction over the navigable waters of Lake Michigan which lie within the following-described boundaries:

Beginning at a point at the intersection of the existing bulkhead along Lake Shore Drive in Chicago, Ill., with the existing pier which is parallel to and north of Ohio Street extended and south of Ontario Street extended, thence easterly along said pier to a point in a line parallel to and 350 feet easterly of said bulkhead along the Lake Shore Drive, thence northwesterly along said last-described line to a point in a curve of 200 feet radius and tangent both to said last-described line and to a line 350 feet southerly from the southerly side of and parallel to the shore arm extension breakwater extending into Lake Michigan from a point near the intersection of Oak Street and Lake Shore Drive, thence along said curve to a point in said line last described, thence easterly along said line to a point in a line at right angles with said shore arm extension breakwater at the eastern extremity thereof, thence northward along said last-described line to said shore arm extension breakwater, thence westward along said shore arm extension breakwater to the shore line.

The rights herein granted shall include the right to destroy the navigability of the above-described waters altogether, and to perform any other acts which said the Commissioners of Lincoln Park would be entitled to perform if the above-described waters were nonnavigable.

SEC. 2. Said the commissioners of Lincoln Park are also hereby granted the right to erect an additional breakwater to connect the said shore-arm extension breakwater near the intersection of Oak Street and Lake Shore Drive with the shore line.

SEC. 3. From and after the taking effect of this act said the commissioners of Lincoln Park shall assume possession of the said shore-arm extension breakwater near the intersection of Oak Street and Lake Shore Drive and shall thereafter be liable forever for its care and custody, and said the commissioners of Lincoln Park shall maintain the said breakwater in good order and thorough effective condition for its purpose of the inclosure and protection of Chicago Harbor.

SEC. 4. Said the commissioners of Lincoln Park shall signify its acceptance of this act by written notice to the Secretary of War within 60 days after the passage of this act, and this act shall become effective immediately upon its acceptance by said the commissioners of Lincoln Park. In the event of nonacceptance within 60 days this act shall become null and void.

Mr. LA FOLLETTE. Mr. President, I want an explanation of that bill.

Mr. JOHNSON. Mr. President, the Lincoln Park bill was a bill which came from the State of Illinois, through the junior Senator from Illinois [Mr. GLENN]. It has the approval of the department. It does not, I think, affect anything in relation to the water level of the lake, or that which the Senator from Wisconsin possibly had in mind. It is a local bill, pure and simple, to which the department has assented.

Mr. LA FOLLETTE. It has no relation at all to the matter of diversion?

Mr. JOHNSON. My understanding is that it has none.

Mr. LA FOLLETTE. Under those circumstances, I do not object.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCE OF LAND ON FENWICK ISLAND, DEL.

The Senate proceeded to consider the bill (S. 6202) to provide for conveyance of a certain strip of land on Fenwick Island, Sussex County, State of Delaware, for roadway purposes, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to transfer and convey to the Levy Court of Sussex County, State of Delaware, the following-described parcel of land situate in Sussex County and being a part of the Fenwick Island Lighthouse Reservation: A strip of land 60 feet wide and 660 feet long, extending from the west boundary line of the Fenwick Island Lighthouse Reservation to the east boundary line of the lighthouse reservation, with the center line running parallel to and 330 feet northerly from the east and west boundary line between the States of Delaware and Maryland, which boundary line is the southerly boundary of the Fenwick Island Lighthouse Reservation; the same to be held and made available permanently by said Levy Court of Sussex County, State of Delaware, as a roadway under such rules and regulations as may be necessary and proper for the use thereof by the public, and that the Lighthouse Service shall have an unrestricted right at all times to use the said roadway for the purposes of access to and egress from the lighthouse reservation: *Provided*, That should the Levy Court of Sussex County, State of Delaware, fail to keep and hold the said strip of land for roadway purposes or devote it to any use inconsistent with said purposes, then title to said land shall revert to and be reinvested in the United States.

LISTON RANGE REAR LIGHTHOUSE RESERVATION

The Senate proceeded to consider the bill (S. 6206) to provide for conveyance of a portion of the Liston Range Rear Lighthouse Reservation, New Castle County, State of Delaware, for highway purposes, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to transfer and convey to the State of Delaware the following-described parcel of land situate in New Castle County and being a part of the Liston Range Rear Lighthouse Reservation:

Beginning at a point on the westerly side of the Liston Range Rear Light Station Reservation, Del., which point is the southwesterly corner of the lighthouse reservation as described in deed dated March 18, 1904, and from which the Liston Range Rear Light Station tower bears north 40° 19' 10" east 331.73 feet, running thence from point of beginning 74° 9' true 918 feet along the center line of the concrete roadway pavement (which is also the present southerly boundary line of the reservation) to the southeast corner of the lighthouse reservation, thence 288° 24' true 53.05 feet to a stone monument, thence 254° 9' true 678.32 feet along the present fence line approximately parallel to the center line of the concrete roadway pavement to a point, thence along a curved line with radius of approximately 1,016 feet approximately parallel to the center line of the concrete roadway pavement about 168 feet to a stone monument on the westerly lighthouse reservation line, thence 196° 24' true 51.38 feet along the westerly boundary of the lighthouse reservation to the point of beginning, containing 0.62 acre, more or less, the same to be held and made available permanently by said State as a public highway under such rules and regulations as may be necessary and proper for use thereof by the public.

SEC. 2. The Lighthouse Service shall have an unrestricted right at all times to use the said highway for the purpose of access to and egress from the said lighthouse reservation: *Provided*, That should the State of Delaware fail to keep and hold the said strip of land for roadway purposes or devote it to any use inconsistent with said purposes then title to said land shall revert to and be reinvested in the United States.

INVESTIGATION OF MINERAL RESOURCES

The Senate proceeded to consider the resolution (S. Res. 377) providing for an investigation of the mineral resources of the country as related to farm lands, which was read, as follows:

Resolved, That the Secretary of Agriculture be, and he is hereby, requested to investigate, through the agency of the Bureau of Agricultural Economics, the mineral resources of the country as related to farm lands both as to the extent and as to the value of such resources as a farm asset, and to report such findings to the Senate and to recommend any legislation which may be deemed practicable and desirable to encourage cooperation among farmers with a view to the more efficient use of such resources as assets.

Mr. THOMAS of Oklahoma. Mr. President, this is simply a Senate resolution, which was offered at the request of a group of farmers in Oklahoma. It carries no appropriation. It simply asks for information from the Bureau of Agricultural Economics.

We had the director of that bureau before us, and he stated that if the resolution were passed, his department could comply with it.

I ask unanimous consent that the RECORD may show a statement explaining the purposes of the resolution.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The prevalent discussions of farm relief have failed to give consideration to the extremely important subject of mineral resources underlying millions of acres of American farm lands. This resolution is designed to obtain information which will enable the American farmer to mobilize in his behalf the acreage values of mineral resources underlying vast areas of American farm lands, through voluntary cooperative effort, along lines laid down by the Government in its Osage Indian pooling plan.

We are only beginning to realize that, while our farm lands are broad, they are also deep and that, under proper direction and organization, the farmer can safely capitalize his mineral rights and, figuratively speaking, engage in "3-dimension" farming.

The opportunity to improve the farmer's status through the recognition of mineral acreage as a neglected farm asset does not exist merely in those States now commonly recognized as productive of oil, gas, and other minerals, but, according to well-recognized authorities, exists in about 57 per cent of the area of the United States and in practically every agricultural State of the Union. In many States mineral acreage, properly mobilized for development by independent enterprise, would possibly exceed in value the surface value of farm lands.

Farmers' mineral acreage pools in the Southwest, sponsored in part by the Farmers' Unions of Kansas and Oklahoma, and in part by independent groups of landowners in Oklahoma, Texas, and New Mexico, have already cooperatively pooled mineral acreage underlying their lands through a common corporate ownership to the extent of more than 900,000 acres, owned by approximately 6,000 cooperators.

Pooled mineral rights, represented by certificates of ownership in one group, in four years' time showed an increase in appraised per-acre value of from $2 to $24 without the actual discovery of minerals.

Present consideration of the farm problem confines itself merely to the "frosting on the cake." In a single year minerals produced from the State of Oklahoma were of greater value than all agricultural products by $100,000,000, and were equal to nearly half the entire appraised value of all farm lands in the State.

It is recognized by the most competent of petroleum appraisal engineers that subsurface rights in potential mineral-bearing lands gain greatly in per-acre value merely by virtue of being held in a large diversified spread under common ownership. The farmers' pooling plan does for the landowner what the lease-pooling plan does for the oil operator—substitutes a sound business principle for a gambling risk. The plan is merely the application of the principle of the investment trust to mineral resources and is not merely of sectional advantage to the farmers of the Southwest but can be applied by farm organizations in many sections of the country.

Under its present individual ownership mineral acreage is a frozen asset to most farmers.

Under the cooperative pooling plan the Osage Indians have by Government direction become the richest people per capita in the world, receiving over $108,000 for each headright during the past 28 years.

If this situation were called to the attention of farm organizations and students of farm relief, I believe it would result in material economic betterment to farmers.

In his recent book on oil royalties Edwin I. Reeser quotes the American Petroleum Institute as authority for the statement that there are to-day in this Nation 1,105,454,459 acres in which new oil fields may be found, as compared with 827,790,752 acres in areas unfavorable for oil production. These favorable areas are scattered from coast to coast and from North to South. Mr. Reeser says:

"The likelihood is that at intervals over the entire area which has a possibility for oil production new pools will be opened during the coming years. In the eastern United States there are possibilities for new oil fields from deeper sands, such as the cornliferous limestone producing in Kentucky; the Trenton limestone producing in Indiana, New York, and Kentucky; the Oriskany sand producing in New York; and the Medina white sandstone and Clinton sand of southern Ohio.

"In the mid-continent States new pools will undoubtedly be opened in deeper sands whose existence is not now known. The prolific Wilcox sand has so far been tested in only 40 per cent of the producing fields in the mid-continent. In Texas deeper sands have hardly been tested, and Arkansas, Louisiana, and Mississippi have equal possibility for new pools.

"The Rocky Mountain States have not as yet touched the formations of the Precretaceous age, which should yield large amounts of oil. In California a large amount of acreage has been untested and deeper sands in all the pools will undoubtedly produce."

Figures gathered by the United States Geological Survey and others list likelihood of the occurrence of oil in all but 12 States, while in some of these the lack of figures is merely due to the incomplete nature of geological data.

By assembling this acreage in state-wide pools, the farmer figuratively extends the point of his plow to the development of his subsurface acreage. Drilling corporations which would place no value upon isolated tracts of unknown potential mineral value place substantial per-acre value on these same tracts when they represent a part of a million-acre spread. The farmer who holds a certificate of ownership to an undivided acreage interest in such a spread, in effect, brings his mineral rights to the surface in the form of a tangible stock certificate with a recognized market value on which he should be able to borrow money for current pressing needs, sell at the increasing values known to accrue to well-selected natural resources, or hold as a trust estate for future income from lease and production revenues.

Outside of the field of oil and gas are the many other minerals underlying farm lands known to occur in commercial quantities throughout the Nation. The farmer owns these lands now. By pooling them under adequate safeguards he could acquire a usable interest in the natural resources of the Nation which he now owns but which he can not put to work. In many areas this might restore economic prosperity to the farmer and make him once more a firm and solvent foundation for our national economic structure. The pooling plan does not contemplate the farmer's entrance into the field occupied by the great drilling corporations who, in their activities, would simply lease from the cooperative pool instead of from the isolated individual. Thoughtful leaders of the mining industry recognize that this is a more satisfactory, economical, and orderly procedure than the present methods, which require isolated bargaining with uninformed individual landowners whenever drilling blocks are to be formed.

In some of the most stricken areas of my State every farmer would be in a condition of prosperity approaching that of the Osage Indian, instead of being driven toward tenantry, if the plan which the Government adopted for the benefit of its Indian wards had been adopted voluntarily by the independent landowners, using trust-company facilities for the handling of their rental and production funds in the same manner as the Osage Tribe utilizes the United States Treasury.

The possibility for the discovery of oil in various States in this country has been largely figured out by use of data gathered by the United States Geological Survey and others. The following table of States shows the total area and that which is possible oil country:

State	Total area (acres)	Producing area (acres)	Proven undeveloped area (acres)	Areas where oil may be found (acres)	Unlikely oil areas (acres)
Alabama	33, 278, 720			21, 471, 655	11, 807, 065
Arizona	72, 931, 840				
Arkansas	33, 616, 000	35, 940	4, 290	25, 575, 530	8, 000, 000
California	101, 310, 080	165, 647	88, 357		
Colorado	66, 595, 720	2, 604	3, 241		
Connecticut	3, 177, 600				3, 177, 600
Delaware	1, 516, 800			1, 000, 800	516, 000
District of Columbia	44, 800				44, 800
Florida	37, 546, 240			37, 546, 240	
Georgia	37, 929, 600			21, 107, 200	16, 822, 400
Idaho	53, 688, 320				
Illinois	36, 265, 600	124, 000	12, 000	32, 289, 600	3, 840, 000
Indiana	23, 266, 500	30, 000	3, 000	21, 453, 500	1, 770, 000
Iowa	35, 934, 000			34, 690, 000	1, 244, 000
Kansas	52, 335, 360	139, 300	175, 700	52, 020, 360	
Kentucky	25, 982, 720	253, 344	84, 448	24, 648, 064	996, 864
Louisiana	34, 645, 000	50, 215	5, 670	34, 589, 115	
Maine	21, 145, 600				21, 145, 600
Maryland	7, 889, 280			2, 439, 280	5, 450, 000
Massachusetts	5, 290, 240				5, 290, 240
Michigan	37, 107, 200			28, 621, 200	8, 486, 000
Minnesota	51, 749, 120				51, 749, 120
Mississippi	29, 671, 000			29, 671, 000	
Missouri	43, 985, 280			19, 554, 560	24, 430, 720
Montana	94, 078, 080	2, 390	490		
Nebraska	49, 157, 120			49, 157, 120	
Nevada	70, 841, 600				
New Hampshire	5, 978, 240				5, 978, 240
New Jersey	5, 293, 360			1, 235, 360	4, 058, 000
New Mexico	78, 485, 760	640	13, 960		
New York	31, 490, 560	60, 000	2, 000	10, 893, 500	20, 535, 000
North Carolina	31, 193, 600			8, 458, 240	22, 735, 360
North Dakota	44, 917, 120			41, 613, 440	3, 303, 680
Ohio	26, 295, 600	275, 000	20, 000	23, 328, 600	2, 642, 000
Oklahoma	44, 424, 960	374, 700	264, 000	41, 560, 259	2, 225, 920
Oregon	61, 867, 360			10, 755, 360	51, 132, 000
Pennsylvania	28, 880, 640	380, 000	11, 000	10, 706, 640	17, 783, 000
Rhode Island	708, 720				708, 720
South Carolina	19, 516, 800			10, 311, 040	9, 205, 760
South Dakota	49, 196, 520			44, 182, 400	5, 013, 120
Tennessee	26, 894, 080	320	500	25, 382, 597	1, 510, 663
Texas	174, 334, 000	182, 128	423, 000	151, 695, 892	22, 081, 980
Utah	54, 393, 600				
Vermont	6, 120, 900				6, 120, 900
Virginia	27, 281, 280			2, 221, 280	25, 060, 000
Washington	44, 241, 280			8, 241, 280	36, 000, 000
West Virginia	15, 468, 800	150, 000	10, 000	7, 708, 800	7, 600, 000
Wisconsin	35, 882, 240			3, 295, 240	32, 587, 000
Wyoming	62, 664, 960	35, 880	7, 363		

NOTE.—Where acreage figures on the likelihood of the occurrence of oil are missing this is due to the incomplete nature of geological data on these States in 1929, which makes it impossible to place definite areas in either one column or another.

Quoted from Oil Royalties, by Edwin I. Reeser, Dexter Publishing Co., Tulsa, Okla., 1929.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF NEW YORK

The bill (H. R. 12032) to provide for the appointment of one additional judge for the southern district of New York was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. Mr. President, I assume the Senator insists on his amendment?

Mr. KING. I do.

Mr. COPELAND. I ask unanimous consent that Calendar No. 613, a similar bill introduced by me for this same purpose, be indefinitely postponed. It is identical with this calendar number.

The PRESIDING OFFICER. Without objection, Senate bill 3229 will be indefinitely postponed, and House bill 12032 will be passed over.

COMPENSATION OF THE SECRETARY OF ALASKA

The bill (H. R. 11368) to fix the annual compensation of the secretary of the Territory of Alaska was announced as next in order.

Mr. KING. Let that go over.

Mr. PHIPPS. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Yes.

Mr. PHIPPS. The salary of the secretary of Alaska should be adjusted. The House of Representatives, in approving the bill it sent to the Senate, fixed the annual compensation at $4,400 a year, overlooking the fact that the same official at one time drew a salary amounting to $6,000 a year, filling the position of surveyor general and ex officio secretary of the Territory.

At the time we dispensed with the surveyors general of the various States, the law also covered the Territory of Alaska, and that position was dropped out. After that time, however, the Federal Government paying him a salary as secretary of the Territory, I believe, of $3,600, the Territory made an addition to the salary, so that he was in receipt of about $5,600 per annum.

The ruling of the office here in Washington was that he could not draw two salaries—one salary from the United States and another from the Territorial government at the same time—so that he was reduced to a basis of $3,600 a year. This bill is intended to give him a salary commensurate with the duties of his office.

Mr. KING. Mr. President, may I say to the Senator that apparently the sponsors of the bill are not satisfied with having it deal with the secretary, but it deals with the governor's salary, and increases that.

Mr. PHIPPS. The Senate has already passed a bill fixing the salary of the Governor of Alaska, putting it on the same basis as that drawn by the Governors of Porto Rico and Hawaii. The only way we can get this before the House at the present time is to take the House bill and adjust the salary of the governor, adding onto the House bill the bill already passed by the Senate.

I desire to offer a further amendment, to change the rate stated for the salary of the secretary from $4,400 to $5,600 per annum. I think that is no more than right.

The CHIEF CLERK. On page 1, line 5, the Senator from Colorado proposes to strike out "$4,400" and insert in lieu thereof "$5,600."

The amendment was agreed to.

The CHIEF CLERK. On line 5, the committee proposes to insert the words "and that of the governor at $10,000 per annum."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed, as follows:

Be it enacted, etc., That from and after the date of passage of this act the salary of the secretary of the Territory of Alaska is fixed at $5,600 per annum, and that of the governor at $10,000 per annum.

The title was amended so as to read: "An act to fix the annual compensations of the secretary and the Governor of the Territory of Alaska."

ANDREW KLINE

The Senate proceeded to consider the bill (H. R. 921) for the relief of Andrew Kline.

The bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Andrew Kline, of Tompkinsville, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $91.65, on account of damage to and loss of privately owned property of the said Andrew Kline, occurring as a result of an explosion and fire at the quarantine station of the United States Public Health Service at Rosebank, Staten Island, N. Y., on July 19, 1927: *Provided*, That payment to and the receipt by the claimant of the sum herein appropriated shall be in full settlement of any and all claims and demands against the Government of the United States arising as a result of any loss or damage caused by said explosion or fire on July 19, 1927, as aforesaid.

WILLIAM S. MURRAY

The bill (H. R. 922) for the relief of William S. Murray, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William S. Murray, of the United States Quarantine Station, Rosebank, Richmond County, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $58.20 on account of damage to and loss of privately owned property of the said William S. Murray, occurring as a result of an explosion and fire at the quarantine station of the United States Public Health Service at Rosebank, Staten Island, N. Y., on July 19, 1927: *Provided*, That payment to and the receipt by the claimant of the sum herein appropriated shall be in full settlement of any and all claims and demands against the Government of the United States arising as a result of any loss or damage caused by said explosion or fire on July 19, 1927, as aforesaid.

Mr. KING. Mr. President, I want to ask a question about two or three bills here, but I will wait until the next one is reached.

LOUIS J. STROUD

The Senate proceeded to consider the bill (H. R. 923) for the relief of Louis J. Stroud, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Louis J. Stroud, out of any money in the Treasury not otherwise appropriated, the sum of $170.13, on account of damage to and loss of privately owned property of the said Louis J. Stroud, occurring as a result of an explosion and fire at the quarantine station of the United States Public Health Service at Rosebank, Staten Island, N. Y., on July 19, 1927: *Provided*, That payment to, and the receipt by, the claimant of the sum herein appropriated shall be in full settlement of any and all claims and demands against the Government of the United States arising as a result of any loss or damage caused by said explosion or fire on July 19, 1927, as aforesaid.

Mr. KING. Mr. President, let me ask the chairman of the Committee on Claims upon what theory the Government is responsible for all of these losses. There are a number of bills of the same character. I do not wish to object to them, but I would like to have an explanation.

Mr. HOWELL. Mr. President, there was an explosion at the quarantine station at Rosebank, N. Y., and several persons lost clothing and other things of that character. I think there was some personal injury. These four bills on the Calendar, House bills 921, 922, 923, and 925, are for the relief of the individuals who suffered loss, and the legislation is recommended by the Secretary of the Treasury.

Mr. KING. Mr. President, as I read the bills, they are not for personal injuries; they are for the loss of property.

Mr. HOWELL. For the loss of property.

Mr. KING. I was wondering upon what theory the Government was liable to people who are in the employ of the Government, when there is an explosion in a house where they live, where they are presumed to have their personal effects insured, as other people have their effects insured. I was wondering on what theory the Senator thinks the Government should be held liable.

Mr. HOWELL. The theory was that none of these individuals was responsible for the explosion and the loss of their property. They were on Government property, and therefore were entitled to relief.

Mr. KING. That is not an explanation that satisfies me, though it may satisfy other Senators. The point I am trying to get at is, What is the moral or legal responsibility of the Government where employees or other individuals have property in a Government house destroyed by an explosion? The Government is not responsible. It may be caused by lightning, the act of God, or what not. Upon what theory is the Government responsible for the property which is destroyed?

Mr. HOWELL. I suppose there is a moral responsibility, such as was involved in the airplane case brought up a short time ago.

Mr. KING. Mr. President, I shall not object, but I can see no liability whatever upon the part of the Government, moral or legal.

The bill was ordered to a third reading, read the third time, and passed.

GEORGE CURREN

The Senate proceeded to consider the bill (H. R. 925) for the relief of George Curren, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to George Curren of 11 Cliff Street, Rosebank, in the borough and county of Richmond, city and State of New York, the sum of $1,146.80, for damages sustained caused by the explosion and fire at the quarantine station of the United States Public Health Service at Rosebank, Staten Island, N. Y., on July 19, 1927; and the said sum of $1,146.80 is hereby appropriated from any money in the Treasury of the United States not otherwise appropriated.

GROVER CLEVELAND BALLARD

The bill (S. 6233) for the relief of Grover Cleveland Ballard was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $246.75 to reimburse Grover Cleveland Ballard, an ex-service man of the World War, for money expended for medical and surgical services in reamputating his leg, which was shot off below the knee in battle during the World War.

R. P. BIDDLE

The Senate proceeded to consider the bill (H. R. 2047) for the relief of R. P. Biddle, which had been reported from the Committee on Claims with an amendment, on page 1, line 8, to strike out "$1,320" and insert in lieu thereof "$423.56," so as to read:

Be it enacted, etc., That the Attorney General be, and he is hereby, authorized and directed to waive his objection to the title to the land which the Secretary of War desires to purchase from R. P. Biddle, of Woodlands, W. Va., and thereby permit the adjustment of the claim of the said R. P. Biddle in the amount of $423.56 in accordance with an agreement heretofore reached between the said parties.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXPLOSION AT LAKE DENMARK, N. J.

The bill (H. R. 11015) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the sum of $33,346.56 is appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Comptroller General of the United States to make payment of claims for property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, to the respective persons and in the respective amounts as recommended by the Comptroller General of the United States and as fully set forth in House Document No. 321, Seventy-first Congress, second session, pursuant to the act of March 2, 1927 (44 Stat., pt. 3, p. 1800).

WICHITA NATIONAL FOREST AND GAME PRESERVE

The Senate proceeded to consider the bill (S. 2350) providing for the improvement and extension of the game breeding and refuge areas in the Wichita National Forest and Game Preserve in the State of Oklahoma and authorizing appropriations therefor, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, to strike out section 2, as follows:

SEC. 2. For carrying out the purposes of this act there is hereby authorized to be appropriated, out of any money in the Treasury, not otherwise appropriated, the sum of $275,000, such sum to be itemized and expended as follows: For the construction of fencing, buildings, pens, coops, and other necessary equipment, and for the improvement of breeding, resting, and observation areas, the sum of $100,000; for the construction of dams for the creation of artificial lakes and marshes, and for the creation of public camping and observation grounds and providing equipment therefor, the sum of $175,000.

And to insert in lieu thereof the following:

SEC. 2. For carrying out the purposes of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $145,000 for the construction of fencing, buildings, pens, coops, and other necessary equipment, for the development of water, for the improvement of breeding, resting, and observation areas, and for the purchase of lands: *Provided*, That the Department of Agriculture is hereby authorized to acquire by gift, donation, purchase, or condemnation adjoining tracts of land, but the sum expended for the purchase of land shall not exceed $25,000.

So as to read:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to improve the Wichita National Forest and Game Preserve in the State of Oklahoma, or such parts thereof as he may select, for the purpose of increasing the use thereof as refuges, resting, and breeding grounds for wild animals and migratory and other birds, and for facilitating the study and observation of said animals and birds and their habits, both by the Biological Survey and by the public.

SEC. 2. For carrying out the purposes of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $145,000 for the construction of fencing, buildings, pens, coops, and other necessary equipment, for the development of water, for the improvement of breeding, resting, and observation areas, and for the purchase of lands: *Provided*, That the Department of Agriculture is hereby authorized to acquire by gift, donation, purchase, or condemnation adjoining tracts of land, but the sum expended for the purchase of land shall not exceed $25,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS JAMES CLEARY, UNITED STATES NAVY

The Senate proceeded to consider the bill (S. 3032) for the relief of Commander Francis James Cleary, United States Navy, which was read, as follows:

Be it enacted, etc., That hereafter Commander Francis James Cleary, United States Navy, an additional number in grade and designated to perform engineering duty only, shall be regarded as having been promoted to the rank of captain in the United States Navy on the 13th day of January, 1926, as an additional number in grade to perform engineering duty only, with rank as such immediately after Captain Earl Peck Finney, United States Navy: *Provided*, That nothing herein shall be construed to entitle Commander Francis James Cleary, United States Navy, to any back pack, allowance, or other emoluments in this permanent rank.

Mr. KING. Mr. President, I should like to have an explanation of that.

Mr. BROUSSARD. Mr. President, I reported this bill. About two years ago the same bill was up before us. Commander Cleary was in Santo Domingo, where he was sent on official duty, and in a fight he received a bruise on his foot which necessitated the amputation of his leg.

He subsequently asked that he be assigned to shore duty, and he has been on shore duty for years, in charge of the Philadelphia Naval Station. Whenever he has come up for promotion he has been met with a regulation, not a law enacted by Congress, but a regulation, that the department will not promote a man unless he has been at sea for two years before the time his promotion is applied for. Because of that fact this man has been kept in the grade of commander. He is one of the most useful men in the United States Navy to-day. He can not get promotion. He has been in the service for years, and can not get sea duty because he has an artificial leg.

Mr. KING. I have no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE MARINE BAND AT SPANISH-AMERICAN WAR VETERANS' CONVENTION

The Senate proceeded to consider the bill (H. R. 14680) to authorize the attendance of the Marine Band at the Spanish-American War Veterans' convention at New Orleans, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the United Spanish-American War Veterans' national convention to be held at New Orleans, La., on September 6 to 10, inclusive, 1931.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such reunion there is authorized to be appropriated the sum of $8,171.44, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $5 per day each for actual living expenses while on this duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

OFFICERS OF THE DENTAL CORPS, UNITED STATES NAVY

The Senate proceeded to consider the bill (S. 4908) for the relief of certain officers of the Dental Corps of the United States Navy, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That all commissioned officers now on active duty in the Dental Corps of the United States Navy who, while heretofore on active duty as reserve or temporary commissioned officers, had qualified for appointment to the Dental Corps of the United States Navy pursuant to an examination held at the United States Naval Medical School, Washington, D. C., in January, 1920, and who since that date have continuously served on active duty, shall hereafter be entitled to rank corresponding to that now held by other officers who qualified for original appointment to said Dental Corps in the same examination, and to a position on the precedence list in accordance with that attained in said examination: *Provided*, That such officers of the Dental Corps shall be assigned running mates for promotion purposes in accordance with their precedence as so determined: *And provided further*, That no back pay or allowances shall accrue to any officer by reason of the passage of this act.

AMENDMENT OF DISTRICT OF COLUMBIA CODE

The bill (S. 5867) to amend chapter 15 of the Code of Law for the District of Columbia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That chapter 15 of the Code of Law for the District of Columbia be, and the same is hereby, amended by inserting a new section, to be known as section 488a, to read as follows:

"SEC. 488a. Any party aggrieved by any final order of the court may appeal therefrom to the Court of Appeals of the District of Columbia; but no appeal from any order of the court confirming any award of damages, or any other proceeding that may be taken by any person, at law or in equity, against the confirming of any award of damages shall delay or prevent the payment of the damages awarded to other persons in respect of the property sought to be condemned, or delay or prevent the use of the property for the purposes for which it was condemned."

PAYMASTER CHARLES ROBERT O'LEARY

The bill (H. R. 1449) for the relief of Paymaster Charles Robert O'Leary, United States Navy, was announced as next in order.

Mr. REED. Mr. President, I see that that bill is objected to by the Navy Department. May we have an explanation of it?

The PRESIDING OFFICER. The Senator from Maryland [Mr. TYDINGS], who reported the bill, is not present.

Mr. REED. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CAPT. JACOB M. PEARCE

The Senate proceeded to consider the bill (S. 5779) for the relief of Capt. Jacob M. Pearce, United States Marine Corps, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That hereafter Capt. Jacob M. Pearce, United States Marine Corps, shall be regarded as having been promoted to the rank of permanent captain in the United States Marine Corps on the 23d day of November, 1919, with rank as such immediately after Capt. Thomas Eugene Bourke, United States Marine Corps: *Provided*, That nothing herein shall be construed to entitle Capt. Jacob M. Pearce, United States Marine Corps, to any back pay, allowance, or other emoluments in this permanent rank.

WESLEY B. JOHNSON

The bill (H. R. 752) for the relief of Wesley B. Johnson was considered, read the third time, and passed.

LIEUT. COMMANDER CORNELIUS DUGAN (RETIRED)

The bill (H. R. 816) for the relief of Lieut. Commander Cornelius Dugan (retired) was announced as next in order.

Mr. REED. Mr. President, again I see that the Navy recommends against the passage of the bill, and in the absence of an explanation I object.

The PRESIDING OFFICER. The bill will be passed over.

CLAIMS OF GRAIN ELEVATORS AND GRAIN FIRMS

The Senate proceeded to the consideration of the joint resolution (H. J. Res. 303) to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms, which had been reported from the Committee on Claims with amendments on page 2 to strike out after line 3 the balance of the bill and to insert in lieu thereof the following:

Provided, That the Comptroller General of the United States is authorized to waive producton of the original orders for cars, but that no claim shall be allowed and paid unless claimant shall file, under oath, a declaration based on personal knowledge showing his ownership of the wheat on which he claims interest and insurance; that the wheat was not held for any person, company, or association under any agreement, written, oral, or implied; that the wheat was not being held for seed, and that every reasonable effort was made to obtain cars each week for shipment of the grain in the elevator: *And provided further*, That no claim shall be allowed which has heretofore been adjudicated by any court nor where claimant actually profited by the delay nor where claimant filed a claim for such interest and insurance in any case prior to 1922.

So as to read:

Resolved, etc., That Public Resolution No. 80, approved February 4, 1929 (70th Cong.), authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, approved February 4, 1929, be, and the same is hereby, amended by adding thereto the following:

"*Provided*, That the Comptroller General of the United States is authorized to waive production of the original orders for cars, but that no claim shall be allowed and paid unless claimant shall file, under oath, a declaration based on personal knowledge showing his ownership of the wheat on which he claims interest and insurance; that the wheat was not held for any person, company, or association under any agreement, written, oral, or implied; that the wheat was not being held for seed, and that every reasonable effort was made to obtain cars each week for shipment of the grain in the elevator: *And provided further*, That no claim shall be allowed which has heretofore been adjudicated by any court nor where claimant actually profited by the delay nor where claimant filed a claim for such interest and insurance in any case prior to 1922."

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

VINCENT BARANASIES

The bill (H. R. 1891) for the relief of Vincent Baranasies was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vincent Baranasies the sum of $500, covering bond guaranteeing the departure from the United States of Andro Belovari (Belovan): *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

HAZEL L. FAUBER, ADMINISTRATRIX

The bill (S. 3230) conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, c. t. a., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding the lapse of time or the statute of limitations to hear, examine, adjudicate, and render judgment under the act of June 25, 1910 (36 Stat. L., ch. 423, p. 851), as amended July 1, 1918 (40 Stat. L., ch. 114, pp. 704, 705; U. S. C., title 35, sec. 68), on the claim of Hazel L. Fauber, as administratrix, c. t. a., under the last will and testament of William Harrison Fauber, deceased, or her successor, as the legal representative of the estate of said decedent, for the use of or the manufacture by or for the United States without license of the owner thereof or the lawful right to use or manufacture the same, of certain inventions of said William Harrison Fauber, deceased, described in or covered by Letters Patent Nos. 971029, 1024682, and 1121006, issued by the Patent Office of the United States on September 27, 1910, April 30, 1912, and December 15, 1914, respectively.

SEC. 2. That from any decision in any suit prosecuted under the authority of this act an appeal may be taken by either party as is provided for by law in other cases.

NORTHERN TRUST CO., TRUSTEE

The bill (H. R. 305) for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers Cooperative Dairy & Produce Co., a corporation, bankrupt, was considered and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Northern Trust

Co., of Fargo, N. Dak., as the trustee in bankruptcy of the Northwest Farmers Cooperative Dairy & Produce Co., a corporation, bankrupt, out of any money in the Treasury not otherwise appropriated, the sum of $4,914, to reimburse said corporation for stamp taxes paid by it under departmental rulings upon butter containing more than 16 per cent moisture and which ruling was declared invalid by the Supreme Court of the United States in the case of Lynch v. Tilden Produce Co. (265 U. S. 315).

Mr. BRATTON. Mr. President, there seems to be no report with the bill. I would like to have a brief explanation of it.

Mr. FRAZIER. Mr. President, I think I can explain the bill, it being a North Dakota case. Back in 1919 the Bureau of Internal Revenue found some butter, which was shipped out of the State by the Northwest Farmers Cooperative Dairy & Produce Co., which contained 16 per cent of moisture. It was held by the department to be adulterated butter. The company was fined 10 cents per pound, and a total of $4,914 was paid under protest. Afterwards a demand for a refund was made, but refused. A short time later a test case in the Supreme Court was had and the court decided that the mere fact that butter contained 16 per cent or more of moisture does not bring it within the terms of the statutory definition of adulterated butter. Under that decision of the court it is claimed that the fine was illegally collected and should be returned to the cooperative company.

Mr. BRATTON. I have no objection.

The bill was ordered to a third reading, read the third time, and passed.

ANDREW MARKHUS

The bill (H. R. 7555) for the relief of Andrew Markhus was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury, not otherwise appropriated, to Andrew Markhus, examiner, field service, General Land Office, the sum of $101.51 for salary, per diem, and traveling expenses in going from Washington, D. C., to Denver, Colo., in connection with his appointment as inspector, General Land Office.

FIRST STATE BANK & TRUST CO., OF MISSION, TEX.

The bill (S. 3924) for the relief of the First State Bank & Trust Co., of Mission, Tex., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the First State Bank & Trust Co., of Mission, Tex., United States registered bond No. 89539 for $1,000 of the third Liberty loan 4½ per cent per annum bonds of 1928, registered in the name of Alpha G. Decker, with interest from March 15, 1928, to September 15, 1928, without presentation of the bond, said bond having been assigned in blank by the registered payee and alleged to have been lost, stolen, or destroyed in the First State Bank & Trust Co., of Mission, Tex.: *Provided*, That the said bond shall not have been previously presented and paid: *And provided further*, That the said First State Bank & Trust Co. shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said bond and the final interest payable thereon September 15, 1928, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the bond hereinbefore described.

SECOND POLAR YEAR PROGRAM

The bill (S. 6173) authorizing an appropriation to defray the expenses of participation by the United States Government in the Second Polar Year Program, August 1, 1932, to August 31, 1933, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of defraying the expenses of participation by the United States Government in the Second Polar Year Program, August 1, 1932, to August 31, 1933, an appropriation of $30,000, or so much thereof as may be necessary, is hereby authorized for personal services and rent in the District of Columbia or elsewhere, contingent expenses, official cards, printing and binding, purchase of necessary books, documents, and periodicals, camp and field supplies, scientific instruments and equipment, construction of necessary temporary buildings for housing equipment and for observations, hire, maintenance, and operation of passenger-carrying motor vehicles, transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services, and purchase of supplies, materials, and equipment by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the project described; and the Secretary of State may transfer this fund, or so much as may be deemed necessary, to the Department of Commerce, with the approval of the Secretary of Commerce, for direct expenditure by the Coast and Geodetic Survey.

AMENDMENT OF WAREHOUSE ACT OF 1916

The bill (H. R. 7) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 4 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 244), is amended to read as follows:

"SEC. 4. That the Secretary of Agriculture, or his designated representative, is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder."

SEC. 2. That section 6 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 247), is amended to read as follows:

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire and/or other insurance. Whenever the Secretary of Agriculture, or his designated representative, shall determine that a previously approved bond is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked."

SEC. 3. That section 8 of the United States warehouse act of August 11, 1916, as amended (U. S. C., title 7, sec 250), is amended to read as follows:

"SEC. 8. That upon the filing with and approval by the Secretary of Agriculture, or his designated representative, of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse may be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, or his designated representative, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked."

SEC. 4. That section 9 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 248), is amended to read as follows:

"SEC. 9. That the Secretary of Agriculture, or his designated representative, may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products, and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act, and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act, and such rules and regulations, to the same extent as is provided for warehousemen licensed hereunder."

SEC. 5. That section 10 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 251), is amended to read as follows:

"SEC. 10. That the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and for each license issued to a warehouseman or to any person to classify, inspect, grade, sample, and/or weigh agricultural products stored or to be stored under the provisions of this act, the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts."

SEC. 6. That section 11 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 252), is amended to read as follows:

"SEC. 11. That the Secretary of Agriculture, or his designated representative, may, upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample, or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to condition, grade, or otherwise, and to certificate the condition, grade, or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample, or classify and weigh the same and to certificate the condition, grade, or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him."

SEC. 7. That section 12 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 253), is amended to read as follows:

"SEC. 12. That any license issued to any person to inspect, sample, or classify, or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture, or his designated representative, whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify, or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing."

SEC. 8. That section 25 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 364), is amended to read as follows:

"SEC. 25. That the Secretary of Agriculture, or his designated representative, may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license to any warehouseman conducting a warehouse under this act for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder, or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing."

SEC. 9. That section 29 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 369), is amended to read as follows:

"SEC. 29. That in the discretion of the Secretary of Agriculture he is authorized to cooperate with State officials charged with the enforcement of State laws relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers; but the power, jurisdiction, and authority conferred upon the Secretary of Agriculture under this act shall be exclusive with respect to all persons securing a license hereunder so long as said license remains in effect. This act shall not be construed so as to limit the operation of any statute of the United States relating to warehouses or to warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States."

SEC. 10. That section 30 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 270), is amended to read as follows:

"SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture, or his designated representative, under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, or change in any manner an original receipt or certificate subsequently to issuance by a licensee, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this act or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse, and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $10,000 or double the value of the products involved if such double value exceeds $10,000, or imprisoned not more than 10 years, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such products to the extent that such owner has not otherwise been reimbursed. That any person who shall draw with intent to deceive, a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this act, or who shall classify, grade, or weight fraudulently, any agricultural products stored or to be stored under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined not more than $500, or imprisoned for not more than six months, or both, in the discretion of the court."

HAROLD I. JUNE

The bill (S. 6218) granting permission to Harold I. June to transfer to the Fleet Reserve of the United States Navy was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Harold I. June, chief aviation pilot, United States Navy, shall, in recognition of the assistance rendered by him as an assistant to Rear Admiral Richard E. Byrd, United States Navy, in his nationally recognized record flight over the South Pole, be permitted to transfer to the Fleet Reserve of the United States Navy at such time as he may request, while he is serving in the Regular Navy of the United States, and shall, after transfer in accordance with this provision, receive the same pay, allowance, or other compensation as is now or may hereafter be authorized by law for enlisted men of the United States Navy who are transferred after 16 years' service in the regular Navy of the United States.

PRINTING OF MANUSCRIPT "WASHINGTON, THE NATIONAL CAPITAL"

The current resolution (S. Con. Res. 39) providing for the printing of a manuscript entitled "Washington, the National Capital," was considered. The concurrent resolution had been reported from the Committee on Printing with amendments, in line 6, to strike out the word "hundred" and insert the words "one thousand," and in line 7, to strike out the word "hundred" and insert the words "two thousand seven hundred," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed with illustrations and bound, as may be directed by the Joint Committee on Printing, 4,000 copies of the manuscript entitled "Washington, the National Capital," prepared by H. P. Caemmerer, of which 1,000 copies shall be for the use of the Senate and 2,700 copies for the use of the House of Representatives, and the remaining copies shall be available for distribution as the Joint Committee on Printing may direct.

The amendments were agreed to.

The concurrent resolution as amended was passed.

ANNIVERSARY OF SIEGE OF YORKTOWN AND SURRENDER OF LORD CORNWALLIS

The bill (S. 5546) to amend section 2 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 2 of Public Resolution No. 89, Seventy-first Congress, approved on June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not exceeding $300,000 to be expended in the discretion of the commission in carrying out the purposes of this resolution, in doing such work, securing such grounds, providing such buildings and facilities, and meeting such expenses as the commission may deem necessary for the appropriate participation of the United States in the celebration and observance of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781."

DAVIS, HOWE & CO.

The bill (H. R. 9245) for the relief of Davis, Howe & Co. was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Davis, Howe & Co., Salt Lake City, Utah, the sum of $2,660. Such sum represents the amount deducted as liquidated damages from the price received by such company, as subcontractor of the Burnham Manufacturing Co.,

Woods Cross, Utah, for furnishing two high-pressure emergency gates and conduit linings for the Echo Dam, Salt Lake Basin project, Utah.

KATE M. HAYES

The bill (S. 5408) for the relief of Kate M. Hayes was considered. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That Kate M. Hays, Nancy H. Rouse, Clara H. Simmons, W. H. Hays, Hallie H. Hamilton, and Bradford P. Hays, owners of a certain farm consisting of 3,032 acres, more or less, near Camp Knox, in Hardin County, Ky., are hereby authorized to bring suit against the United States of America to recover damages, if any, for loss or losses, which they may have sustained or suffered by reason of the establishment, construction, or maintenance of Camp Knox, in the State of Kentucky. Jurisdiction is hereby conferred upon the Court of Claims of the United States and/or the District Court of the United States for the Western District of Kentucky to hear, consider, determine, and render judgment for the amount of any such damages, if any, as may be found to have been sustained or suffered by the above owners of said property, with the same right of appeal as in other cases, and notwithstanding any lapse of time or statute of limitations: *Provided*, That such action will be brought within one year from the date that this act shall become effective.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "For the relief of Kate M. Hays, Nancy H. Rouse, Clara H. Simmons, W. H. Hays, Hallie H. Hamilton, and Bradford P. Hays."

OWYHEE RIVER DAM

Mr. KENDRICK. Mr. President, I ask unanimous consent for the present consideration of the bill H. R. 16302, Calendar No. 1868, a bill favorably reported from the Committee on Indian Affairs.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 16302) to authorize an investigation with respect to the construction of a dam or dams across the Owyhee River or other streams within or adjacent to the Duck Valley Indian Reservation, Nev., and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to make further surveys, investigations, and completion of inspection of foundations and preparations of plans and specifications of Reed Creek and other reservoir sites for purpose of constructing a dam or dams across Owyhee River or other streams, to be located within or adjacent to the Duck Valley Indian Reservation, Nev.

INVESTIGATION BY TARIFF COMMISSION

Mr. BROUSSARD. Mr. President, I have a resolution, with an amendment, asking the United States Tariff Commission to investigate the difference in the cost of production of domestic and foreign flax tow and Spanish moss, for which I ask immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the resolution (S. Res. 468) was considered.

The amendment was, in line 4 of the resolution, after the words "crin vegetal," to insert:

And be it further resolved, That the United States Tariff Commission is hereby directed to investigate the cost of production of the following competitive domestic articles: Flax tow and Spanish moss.

So as to make the resolution read:

Resolved, That the United States Tariff Commission is hereby directed to investigate, for the purposes of section 336 of the tariff act of 1930, the differences in the cost of production between domestic and foreign crin vegetal; and be it further

Resolved, That the United States Tariff Commission is hereby directed to investigate the cost of production of the following competitive domestic articles, flax tow and Spanish moss.

The amendment was agreed to.

The resolution as amended was agreed to.

BILL PASSED OVER

Mr. PHIPPS. Mr. President, I ask unanimous consent for the present consideration of calendar 1861, Senate bill 6237.

Mr. CONNALLY. I object.

The PRESIDING OFFICER. Objection is made. That completes the call of the calendar.

CHOCTAW AND CHICKASAW INDIANS

Mr. THOMAS of Oklahoma. Mr. President, at the request of the Committee on Indian Affairs, I desire to make a statement and to submit a Senate resolution. There has been before the committee Senate bill 3163. The Senate committee has not been able to make a report on the bill. Under a section of the Judicial Code the Senate had a right to refer the bill to the Court of Claims for information. I first ask that the section of the Judicial Code be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The section is as follows:

267. (Judicial Code, sec. 151.) Reference of claims by Congress: Whenever any bill, except for a pension, is pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may, for the investigation and determination of facts, refer the same to the Court of Claims, which shall proceed with the same in accordance with such rules as it may adopt and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity against the United States, and the amount, if any, legally or equitably due from the United States to the claimant. If it shall appear to the satisfaction of the court upon facts established, that under existing laws or the provisions of this chapter, the subject matter of the bill is such that it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and it shall report its proceedings therein to the House of Congress by which the same was referred to said court.

Mr. THOMAS of Oklahoma. I now desire to introduce the Senate resolution and ask for its immediate consideration.

There being no objection, the resolution (S. Res. 478) was read, considered, and agreed to, as follows:

Resolved, That the claim of the Choctaw and Chickasaw Nation of Indians for compensation from the United States for the remainder of their "Leased District" lands acquired by the United States under article 3 of the treaty of 1866 (14 Stat. L. 769), not including the Cheyenne and Arapahoe lands for which compensation was made to the Choctaw and Chickasaw Nations by the act of Congress approved March 3, 1891 (26 Stat. L. 989), be and the same is hereby referred to the Court of Claims in accordance with the provisions of section 151 of the Judicial Code (U. S. C. sec. 257; 44 Stat. 898); and the said court is authorized and directed, notwithstanding the lapse of time or the statutes of limitation and irrespective of any former adjudication upon title and ownership, or release, to inquire into the claim of the said Indian nations for just compensation for said lands and to report the amount which in fairness and justice and under all the facts and circumstances the United States should pay to the Choctaw and Chickasaw Nations of Indians, as fair compensation for said lands, and to report its findings of fact and conclusions to the Congress, taking into consideration the circumstances and conditions under which said lands were acquired and the purposes for which they were used and the final disposition thereof.

PUBLIC CONTROL OF POWER

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD an address by John H. Gray before the Academy of Political Science, entitled "The State Abdicates: Utilities Govern Themselves."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STATE ABDICATES: UTILITIES GOVERN THEMSELVES

(By John H. Gray, professor and head of the department of economics, Graduate School of American University, Washington, D. C.)

No nation can live permanently if any of its citizens or subjects, or any organized group of its citizens or subjects, is stronger than the state. This dictum conforms to the legal maxim that no man is fit to be judge in his own case and to Lincoln's statement that no man is fit to have unrestrained power over another. We are always in an emergency in America. Emergency action is always ill-considered and usually temporary.

The truth is that in all countries, at all times, the dominant economic group gives shape to governmental policies and accepted ethical codes. But this fact has taken on a new and more sinister significance in America to-day than ever before. The world never before saw a race so virile in body and mind thrown into contact with so great an extent and variety of natural resources and so far removed by nature from danger of outside interference. Furthermore, the race was not restrained by the age-old traditions of European nations. The people really believed that the natural resources were unlimited and inexhaustible. Therefore, when one appropriated and even wasted these resources he wronged no man, present or future. What he did, any other man could do. The economic doctrines of individualism, free competition, and free contract were accepted as natural laws and worshiped as a religion. The closest parallel we have of an economic doctrine becoming virtually a religion is in Soviet Russia to-day. Again, the pioneer population was chiefly agricultural, and was virtually equal in social, economic and educational power. The population was, politically speaking, free and every man was left to look after himself. The Jeffersonian doctrine of the less government in business the better prevailed. Capital was but little developed—credit less so. Transportation and credit were largely local. Such savings as were made went largely into the business that created them. Corporations were few. They were created mostly by special legislative act; in theory their capitalization in both stock and bonds was strictly limited by the state. Such were the theories, the material, social, and political backgrounds of America until after the Civil War.

To understand the transformation that has since taken place and its significance, we must look a little closer at some of these doctrines, particularly at that of competition.

The economic doctrine of competition, as formulated by Ricardo more than 100 years ago, still dominates the popular, the legislative, and the judicial mind, but has been deserted entirely by business practice. That doctrine rested ultimately on natural law and involved certain fundamental assumptions which have no rational affiliation with a capitalistic age dominated by large, fixed, specialized capital, with world-wide markets, and all resting on an ocean of credit.

Briefly stated, this highly individualistic doctrine assumed that, when two or more producers seek the same market, prices will be cut until a point is reached at which the most efficent sells at a profit, all others at a loss. It is further assumed that, thereupon, all who can not sell at a profit can and will transfer, without serious loss, their capital and labor to more promising fields. If prices are then raised, capital and labor will return and again reduce prices. In other words, both capital and labor are entirely mobile. Furthermore, so far as the assumptions are true, all prices are based on costs to the most efficient, and all reduced to a uniformity. All profits are leveled to a uniformity and to a minimum, based on costs to the most efficient plus the customary minimum profit, until only the most efficient remain; then you have monopoly. Every tyro now knows that in an age of fixed, specialized capital, serving world markets, and resting on credit, none of these assumptions are true. No company with billions, or even millions, of fixed capital stops selling goods because prices fall below cost. One of the leading retail merchants recently testified before a congressional committee that a skillful buyer could buy most of his goods below cost. Instead of ceasing to produce, under the circumstances, the producers, theory or no theory, law or no law, simply combine to limit output and to adapt the supply to the demand at a profitable price. But such a combination, to survive, must take in a great lot of inefficient producers to prevent outside price cutting. The result is that prices, instead of being based on cost to the most efficient, are based on cost to the less efficient, and the consumer is charged what the traffic will bear. Another result is a constant overproducing capacity. It is probable that from 70 to 80 per cent of the American manufacturing capacity could supply the demand to-day at any price that would yield a profit on the investment. Another result is the alternation of boom and depression, known as the business cycle. The result of depression is wholesale unemployment. The latter gives us a side glance on the mobility of labor, and on the general slowness of competition. Perhaps the English coal-mining situation throws the most light on this problem.

As overinvestment in industrial and commercial enterprises grows, the persons engaged in such fields bring more and more pressure on the Government for legislation and administrative action to enable them to hold and enlarge their opportunities. It is not too much to say that for half a century now these classes have dominated the Government, not in the interests of a permanent and worthy civilization but to their own financial advantage and to the endangerment of civilization. So far as America to-day is not planless, the plans are all in the interest of special groups and not for the public welfare. England and America, being the first capitalistic nations to attain stable Governments, were able to press this urbanization and commercialization with apparent safety so long as wealth and population were increasing at a phenomenal rate and vast overseas territory and populations could be exploited. When Germany undertook to emulate them, war was the result. The collapse of England's foreign trade showed the results of such a system. On the other hand, we, being virtually untouched by the war in man power and wealth, found an added opportunity to expand the system. But apparently the rest of the world is about exhausted and we find ourselves at present in depression, with overinvestment in manufacturing capacity, considerable unemployment, falling prices, foreign trade dropping off, and general social unrest increasing. We go at the problem by true American emergency methods, under control of the dominant element. Their cry is, raise the tariff. They attempt to save themselves at the expense of the rest of the world. They prescribe the worst possible remedy, sure to increase the hostility of all other peoples against us, to decrease the foreign trade on which we are now dependent for profits on our overexpanded productive investment, and to cause retaliatory action on the part of foreign nations. This element has not yet learned the primary lesson that impoverished people are not good customers and that in the long run a nation can not sell goods to foreigners unless it buys foreign goods.

If exploitation of natural resources was to go on after the Civil War on a large scale, larger corporations were necessary, and the corporation laws were relaxed. Up to 1889 the State determined the powers and duties of corporations, and prevented the growth of combinations and even large-scale production. But beginning in New Jersey in 1889, powers were granted to one corporation to own shares in another, and what was much more important, the incorporators were allowed to determine in their charters their own powers. Until that time corporations were organized largely by men who owned the controlling shares and managed the companies. They had grown up in the business and knew it from beginning to end. The era of combinations, trusts, and mammoth corporations then began. They were promoted by outsiders, financed profitably by bankers, and the uninitiated public was appealed to for funds. The stockholders lost all semblance of control over the management. Not only was the management separated from the ownership, with all the evils of absentee ownership, but the directors, under the new form of charter, were allowed to determine not only the policy of the corporation and the distributive shares of the income but even the values of the different shares in the ownership. The state thus abdicated its part in the control over corporate affairs. This is what Berle has so aptly called the new form of feudalism.

The answer of the voters, justly afraid of unjust exploitation and monopoly extortion, was a mass of legislation meant to enforce competition. We got the Federal Sherman antitrust law of 1890 and the Federal Trade Commission act and the Clayton Act, 1914, and antitrust acts in most of the States. If the public wanted the benefits of large-scale production all these acts were a mistake from the beginning. For they rested on the profound fallacy (explained above) that competition in the Ricardian sense is possible with large, fixed capital. The public then had its choice of doing without the benefits of large-scale production, of recognizing monopoly and attempting to regulate it, or of submitting to unregulated private monopoly. But the public was too ignorant to recognize the facts and undertook to compel competition. That effort has proved futile. Incidentally the United States alone of the great capitalistic nations has attempted to enforce competition. Interested parties found it easier to control the Government, including the Supreme Court, and caused the acts to become a dead letter rather than repeal them. Hence the rule of reason and the putting to sleep of the Federal Trade Commission. At least, we do not have competition and we do have monopoly, through single large corporations, through pools, through community of interest, through cartels, and through trade associations. The antitrust acts, State and Federal, have not enforced competition, prevented combinations, or protected the consumer.

Let us turn now directly to the public utilities. The great American public and the small business world (carefully coached on the point by propaganda of interested parties) still believe in competition. When in any field it breaks down and results in intolerable conditions, according to true American emergency action, the legislature declares the industry in question an exception to the general rule and undertakes to fix prices directly by public authority. Regulation here is supposed to be a substitute for competition. But in the theory of competition fair prices—minimum prices based on cost to the most efficient—are fixed automatically, and no public action is necessary. Natural forces furnish the standard and achieve the results without the aid of man. But there is positively no standard of fair prices for the legislature or a commission to take as a measuring rod of fair prices. For no authority, public or private, has ever made significant cost studies as to the general costs in these industries or in different classes of service. Existing prices must always be compared with hypothetical prices. Still further, the apportionment of prices to different classes of consumers is purely a matter of social policy, resting neither on law nor on statistics, but on what portion of consumers it is socially advantageous to favor. After the total operating outlay of the whole enterprise has been met, how much shall be collected for capital return and how it shall be apportioned to different classes of consumers is purely a matter of social policy, a legislative matter of determining property rights and corporate rights, and no proper business of the

courts. From what has already been said, it ought to be plain that the distinction between public utilities and other industries is simply a legal fiction with no economic basis whatever. Wherever competition, in an economic sense, fails to work, there is the same need for regulation as in public utilities. Competition actually fails to work in the case of most manufactured goods that enter into wide markets.

When regulation was forced on the public utilities in the face of tremendous opposition, it was customary for the promoters to water stock to the full extent of their ability, to unload the stock at any price whatever, within any time that they were willing to wait. It was then common for promoters to sell enough bonds to construct the property, pay themselves large construction and financing profits, and keep stock which cost them nothing. If the country grew up to the enterprise rapidly enough, they made large profits. If the enterprise failed, they had already made large profits and the loss fell on the bondholders. This was the standard set by the utilities for themselves. When regulation tightened up on formal stock watering, the interests involved, yielding no whit of their desires or aims, set about to accomplish the same end by other means. First, by their influence on government, they induced the courts by tortuous reasoning to reverse their ruling to the effect that the fixing of a rate is a legislative function, to make it in fact a judicial function. No one cares in the least who has a right originally to determine a rate, so long as he has a right to prevent its going into effect. The right to annul a rate is, economically, a right to fix a rate. No legal quibble or judicial legerdemain can change the fact.

The dragging into this field of the fourteenth and fifteenth amendments to the Constitution destroyed once for all, the power of regulation. The fifth amendment was meant to prevent arbitrary action. It was aimed at absolute kings and despots and was not meant to prevent expert opinion on complex economic facts or sound public policy. The fourteenth amendment was enacted to prevent reenslavement of the blacks and not to furnish a code for the government of vast aggregations of capital. The sole occasion for regulation was to prevent the speculative gains permitted from unregulated property. The doctrine of the court rests on the law of eminent domain, the expropriating of the title and the use of property. When the state fixes a rate it takes neither the title nor the use, but simply a part of what would be the speculative gains if there were no regulation. The aim is simply to fix a fair price when competition or natural forces fail to do so. In that sense regulation is meant to reduce what, without regulation, would be the value, based on earnings. When in Smyth *v.* Ames, 1898, the Supreme Court said that the company is entitled to "a fair return on the fair value of the property," it made all regulation impossible. The phrase fair value has never been defined by the court or by any one else. It can not be defined. The phrase is not a legal phrase. The word "fair" belongs not in law or in economics. It is an ethical term. The word "value" has a well-defined meaning in economics. The value of an industrial good is what it will exchange for and is determined primarily by its earnings, real and prospective. But the earnings of a utility depend on the rates. Therefore if a utility had a value it could not be determined until the rates were known. But value is determined on an open and unrestricted market for free and unrestricted goods. But there is no market in the sense here used for utilities, and utilities are restricted goods. Hence, there is no value. Mill truly said that where prices are not fixed by competition they are assignable to no fixed law. But we are dealing here with a field from which competition is excluded by law. We are, in fact, dealing with what the economist calls monopoly values. But by definition monopoly values are based on what the traffic will bear; that is, on what the public will pay rather than do without the service.

The object of the monopolist is always to charge what will give him the largest net profit. So far as the economist discusses what he calls monopoly value, he concerns himself with the complex fears and social restraints and psychological influences which guide the legally unrestrained monopolist in fixing his price to get the largest profit under the existing circumstances. These influences range all the way from the fear of assassination and social ostracism to the fear of expropriation or Government regulation. Such considerations do not concern us here. But in this field with which we are dealing prices are fixed by governmental fiat with the sole purpose of preventing the utility from charging what the traffic will bear. The moment the state takes an industry out of the realm of unrestricted property, calls it a public utility and declares it subject to regulation, that property ceases to have value in the economic sense of that word. The law has created a new category of property, a new phenomenon has appeared in the economic world. The property is then subject to a multitude of restrictions wholly inconsistent with and contradictory to the idea of value. Value implies and requires competition, a market and free contract, all of which are lacking from the utility field.

To introduce the idea of value or the word value into the field of regulation is to confuse ideas and to destroy the possibility of any regulation. To add any qualifying words such as "fair value," "reasonable value," "actual value," or "value for rate-making purposes," is simply to add to the confusion, not to clarify it.

The medieval schoolmen put in their time discussing how many angels could dance on the point of a needle. They are well worth reading for their intellectual acumen and logical hairsplitting. So much can not be said for the court's discussions of value. They are fully as hypothetical, but since they fail to define their terms, logic fails them. Consequently the reader lands in a morass of confusion and contradictions. He gets neither enlightenment nor pleasure, only weariness and disgust. The result of this confusion is that we have legal monopoly without regulation. The only beneficent result of this expensive and long-drawn-out attempt at regulation is considerable investigation and some degree of publicity. This, doubtless, has a restraining influence on the unregulated monopolists. They do fear expropriation and may even have some fear that an aroused public opinion may introduce effective regulation by entirely new methods.

To show how we have come to the present impasse, a brief review of Government activity in this field since the case of Smyth against Ames will be useful. The courts speak of finding value just as one would speak of finding a lost dog, as if value were a definite, fixed thing. As already indicated, value is not a fixed entity, but an opinion or judgment, fluctuating from moment to moment and determined only under circumstances and conditions that have been formally excluded by law from the whole field of public utilities.

When the court said, in 1898, that rates must be based on value, it mentioned several things that must be considered in arriving at value, but assigned no specific weights to these things and said that other things not named here might possibly be considered. Some of the things named were irrelevant to anything the court said then or has said since; some were virtually contradictory and mutually exclusive; several have since been quietly ignored by the court itself. The two that have received the most notice since are, "original cost" and "present cost." The latter has since been transformed into "cost of reproduction." A determination of any value on any basis was wholly unnecessary for the decision of the case. All of the railroads of the state were involved in the case. Each of them had cost more than the par value of the bonds. The rates declared void would not pay operating expenses and interest on the bonds. On but two of the roads would the rates pay operating expenses, and that but for a small part of the time considered by the court. Therefore, the famous reference to a "fair return on the fair value" is aside from the point and logically must be regarded as pure dictum. It is true that W. J. Bryan, special counsel for the state, urged upon the court the use of the cost of reproduction in the sense in which that phrase is used to-day, but there is no indication in the decision itself that the court paid the slightest attention to this argument. The only reference in the decision to cost of reproduction comes after the passages declaring the statute unconstitutional and consists of citations, without comment, from a report made to the transportation board by its employees seven years before this case was decided. It may be doubted whether the court, in the whole proceeding, gave any thought to cost of reproduction.

It is not impossible that in its loose phrase "present cost" it merely meant to distinguish from the cost of the original roads the additions and betterments added since the roads were originally constructed. For there is no indication in the decision itself that the court gave any consideration to the change in general prices. It was not necessary to do so to arrive at the conclusion that the statute was unconstitutional. The interested parties, however, at once seized upon the phrase "present value," and turned it into "cost of reproduction." Thus was regulation transferred from the realm of fact to one of fancy and opinion. Such properties are never reproduced. Nobody proposes to reproduce them. It would be a mere waste. In case a miracle removed a large utility, and a new one to render the service were considered necessary, no one would think of reproducing an identical property in the same locality. An improved, more modern, and better located property would naturally be produced under entirely different circumstances, and, because of improvements in the arts, at entirely different cost, even had there been no change in the general price level. When we enter upon an estimated cost of reproduction of a large property, such as the Pennsylvania Railroad, there is no possible rational basis for proceeding. It is entirely outside the realm of human experience. The whole procedure must be based upon assumptions as to conditions, prices, and time required. The hypotheses are so far removed from human experience that, within the widest limits, one set of assumptions is as rational as another. How long would it take to reproduce the Pennsylvania Railroad under one contract, by one impulse, as the Interstate Commerce Commission expresses it? What effect would such a proposition have on the price of steel or of labor? What assumptions should be made as to transportation of material and transportation facilities? Or as to clearing the right of way? Are parts of the road when completed to be put into operation and begin to earn, or must we wait until the whole system is completed? If parts are to be operated, what parts and how long?

When the Western Pacific Railroad was built no railroad crossed its right of way. It was necessary for the company to spend over a million dollars in building wagon roads and to haul the construction material hundreds of miles by wagons. To-day seven railroads cross the right of way and can deliver material at various points on the line. In estimating the cost of reproduction, are we to assume the original conditions or the present conditions with all the modern machinery and methods? The answer to this conundrum is that it depends entirely on the results one wishes to obtain. For, as already said, one set of assumptions, within wide limits, is as rational as another. All that can be said is that in practice the utilities reach a result that will equal or more than equal their capitalization and arrive at a sum as large as or larger than the company could earn a fair return upon in the absence of any pretense of regulation. Having thoroughly fortified such sum behind constitutional barriers, they then announce to the court out of the pure kindness of their hearts a willingness to accept a smaller sum as a rate base or value. But they always ask for more than their capitalization and a sum larger than the traffic will pay a return upon at any rate they hope to be able to induce the court to fix as a fair rate of return. Thus does the state abdicate and make the utilities judges in their own cases.

As the court has denied one so-called element of value after another—such as good will, franchise value, and the like—the utilities have simply invented new items and valued them on a purely hypothetical basis. Sometimes, when the courts arbitrarily wish to add to the total and excluded items are again urged upon them, the courts include the item previously excluded and solemnly rechristen it, as when recently the franchises of the Baltimore street car companies were valued as easements. For 30 years now the chief energies of the utilities have been applied to the invention or discovery of new items or elements of value, such as conceiving the idea of a street-car system in the National Capital in the twentieth century, for which they claimed a value of $2,000,000, or training employees who do not exist for a utility that does not exist. Does the state in a rate case propose to take the employees of the company? How far removed this is from the idea of condemnation or expropriation on which courts base the necessity of valuing. No one proposes in a rate case to expropriate the employees that exist, to say nothing of nonexistent, hypothetical employees that no human being wants to beget. To such extent has folly carried us by pursuing fictions and deserting facts. It must be remembered that the consumers pay all the expenses of these so-called valuation proceedings, often extending over 10 or more years and running into many millions of dollars in a single case. Such expenses are charged to operation and the company is entitled to a fair return on the value in addition.

Likewise, the expenses of propaganda to convince the public that this is regulation and in the public interest, and even the political contributions to secure newspaper support and judges and commissions that are favorable to the utilities and to corrupt teachers are all charged up to operation. That the consumers ought to pay the legitimate expenses of the companies goes without saying, but this has no relation to valuation or to the rate base. When general prices go up, expenses of operation necessarily also go up, but that has no relation to the contributions or sacrifices the owners make in serving the public. The rates should be such as to recoup the company for expenses whether prices are high or low, but this has nothing whatever to do with valuation of existing property. So long as valuation is a prime element in rate fixing, the industry will literally govern itself in its own interest, not that of the public. When the court decreed valuation, the state lost its influence and control over rates. In other words, it abdicated. But wholly apart from the question of valuation, other forces have taken the industries entirely out from under regulation and made the pretense of regulation a farce. Certain corporate forms of ownership and methods of management enable the companies to load their expense, over and above the items already mentioned, to an extent to support rates as high as the traffic will bear and thus to escape entirely from regulation so far as the general level of rates is concerned.

The electric industry above all others, under present theories of valuation, lends itself to inflation of values, because of the rapid changes in the arts; this is particularly true of the generating plants. When a holding company buys up a multitude of small plants and establishes large central generating plants, a very large part of the old investment becomes useless. But under the theories of valuing identical property on the principle of cost of reproduction it is still carried on the books nominally as stand-by equipment. The public then pays on the old and also the new investment as if the old investment were in full use and the plants depended on it for their life. Hence the company, not the public, gets all the gains from progress. With the possibility of wide transmission, consolidation was both inevitable and necessary. Here, as elsewhere, it was not a question of large-scale production or small-scale production, but of how the gains from the economies of large-scale production ought to be distributed. If regulation has any justification, in economics or ethics, here was its greatest opportunity to exercise its power in establishing a sound public policy and a just distribution of benefits from what Mill calls the progress of the arts. A generation ago, just about the time electricity became practicable, the corporation laws were relaxed to allow one corporation to hold shares in another. Groups of financiers and promoters began to buy up controlling interests in different companies. These companies are under State charters, and so far subject only to State regulation or control. But no sooner did this movement begin than the promoters began not only to own and control under one management large numbers of companies, but they organized and owned auxiliary finance companies, investment companies, engineering companies, management companies, service companies, and holding companies piled upon top of holding companies as high as the Eiffel Tower. As a result, these groups operating nationally and many of them not in law utility companies, are entirely exempt from regulation. Each State jurisdiction is limited to property in its territory. Only the local operating companies in a State are nominally subject to regulation by that State. But a holding company spread all over the country has complete control over the affairs of all the companies owned. Through promotion contracts, financing contracts, construction contracts, service contracts, interbuying and selling contracts, management contracts, material-purchasing contracts and the like, they can run up the expenses of any local company to any limit they wish. For they are always contracting with themselves for their own benefit.

The Power Trust investigation has brought out the fact that some of these contracts have called for payments by the local companies four times as large as the expense of executing the contracts. There is literally no limit to the degree of elasticity of such contracts. Expenses can be raised within practicable limits as high as the managers wish. What is going on has been concealed by the fact, on the one hand, that most of these contracts are never known to the public and, on the other hand, by the fact of the enormous progress in the arts, which has resulted in fabulous earnings for the owners with substantially stable prices to the consumers. The question arises here whether all the gains from the progress of society should go to a handful of owners and whether the mass of the people should get no advantage from the advance of science. One is reminded of the late James J. Hill's speech in New York in 1911 on the generosity of the railroads in reducing rates. He showed how many billions of dollars more the public would have paid in rates if they had paid on the traffic moving in 1911 the same rates they had paid 20 years before. The clear assumption was that the roads were entitled, legally and morally, to deprive the public of railroad service or make them pay an amount that would leave them no better off than if railroads had never been invented. He might just as well have compared the cost of transportation by ox carts.

In this age of abundant capital and universal engineering knowledge, the tacit assumption that the private owners of a fundamental necessity performing a function of the sovereign state by license—a function which even our bewildered Supreme Court declares the state has both the legal right and duty of performing directly if it does not find it more advantageous to authorize a private agent to perform it—should be able to put the public under penalty of being deprived entirely of the function seems carrying the idea of individualism and individual property rights a little too far. We had railroads before Mr. Hill was born. We have them since his death, and, probably, should have had about the same railroads we now have if he had never lived.

The conclusion of my study is that:

1. Regulation, as at present practiced, is a dead letter and a farce.

2. There can be no effective regulation so long as valuation, by any method, is made the basis of regulation.

3. Holding companies must be controlled before regulation becomes possible. This will necessitate compulsory national incorporation, and require that all the property controlled by one group be owned directly by one corporation.

4. The corporate structure must be greatly simplified and the kinds of securities strictly limited.

5. The emphasis ought to be thrown on the original organization and capitalization and on the accounting.

6. The court must be deprived of its power to declare void legislative acts and administrative regulatory orders on the mere ground that they are unreasonable or confiscatory.

7. The state should abandon all idea of determining the general level of rates, and concern itself, so far as rates are concerned, with discrimination only.

We are already in practice bearing rates based on what the traffic will bear. We attempt to regulate because the industries are monopolistic. The only safe method of dealing with monopoly profits is not by fixing rates but by direct profits taxes in every field of monopoly. Our present methods in this field are as futile as trying to enforce competition in the industrial field by antitrust acts.

If the foregoing suggestions seem radical or impracticable, I answer that everything tried so far has failed, and that serious conditions require radical treatment and fundamental remedies. At present the general public takes little or no interest in this matter. But should we have a long business depression they will wake up, and all sorts of remedies more radical and dangerous than any proposed here are likely to be tried. We may look for the proposition for the election of all Federal judges, the recall of decisions, the recall of judges, the annulling of judicial decisions by direct vote of Congress, and many more like experiments. If the civilization survives such foolish measures as are likely to be tried, let us hope that out of the welter and the chaos will come some rational and workable method of dealing with these industries so vital to our present civilization.

MONOGRAPH ON VOCATIONAL EDUCATION

Mr. SHEPPARD: Mr. President, I ask to have printed as a public document a paper entitled "Vocational Education in the United States," prepared at my request by Prof. George Schulz of the legislative reference service, and based upon the researches of the Federal Board for Vocational Education, the President's Employment Commission, and other investigations. Senators will find this publication of unusual value.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. McNARY. I move that the Senate recess until 11 o'clock a. m. to-morrow.

The motion was agreed to; and the Senate (at 10 o'clock and 10 minutes p. m.) took a recess until to-morrow, Friday, February 27, 1931, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 26 (legislative day of February 17), 1931

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Laurits S. Swenson, of Minnesota, to be envoy extraordinary and minister plenipotentiary of the United States of America to the Netherlands.

UNITED STATES DISTRICT JUDGES

John P. Barnes, of Illinois, to be United States district judge, northern district of Illinois. (Additional position.)

Ernest A. O'Brien, of Michigan, to be United States district judge, eastern district of Michigan. (Additional position.)

James Alger Fee, of Oregon, to be United States district judge, district of Oregon, to succeed Robert S. Bean, deceased.

UNITED STATES ATTORNEY

Frank K. Lemon, of Illinois, to be United States attorney, southern district of Illinois, to succeed Walter M. Provine, whose term expired July 2, 1930.

UNITED STATES MARSHAL

Arthur M. Burke, of Illinois, to be United States marshal, eastern district of Illinois, to succeed Arthur R. Clark, whose term expires March 1, 1931.

COLLECTOR OF CUSTOMS

Anthony Czarnecki, of Chicago, Ill., to be collector of customs for customs collection district No. 39, with headquarters at Chicago, Ill. (Reappointment.)

COAST AND GEODETIC SURVEY

The following-named officers of the Coast and Geodetic Survey to the position named:

To be aide with relative rank of ensign in the Navy

Ernst Erbert Stohsner, of California, vice John Laskowski, promoted.

Chester Joseph Beyma, of Wisconsin, vice Ross A. Gilmore, promoted.

APPOINTMENT, BY TRANSFER, IN THE ARMY

TO FIELD ARTILLERY

Second Lieut. Frank Neuman Leakey, Infantry, with rank from June 30, 1926.

PROMOTIONS IN THE ARMY

To be colonel

Lieut. Col. James Aloysius Higgins, Infantry, from February 22, 1931.

To be lieutenant colonel

Maj. Abbott Boone, Field Artillery, from February 22, 1931.

To be majors

Capt. John Henry Nankivell, Infantry, from February 18, 1931.

Capt. Charles Samuel Moyer, Chemical Warfare Service, from February 22, 1931.

To be captains

First Lieut. Eugene Lowry Eubank, Air Corps, from February 18, 1931.

First Lieut. Floyd Lavinius Parks, Infantry, from February 19, 1931.

First Lieut. Lawrence Augustus Lawson, Air Corps, from February 22, 1931.

To be first lieutenants

Second Lieut. Raymond Kimball Quekemeyer, Field Artillery, from February 18, 1931.

Second Lieut. William Everton Pheris, jr., Infantry, from February 19, 1931.

Second Lieut. Alexander Andrew Dobak, Infantry, from February 20, 1931.

Second Lieut. John Howard Bennett, Infantry, from February 22, 1931.

MEDICAL CORPS

To be lieutenant colonels

Maj. James Franklin Johnston, Medical Corps, from February 21, 1931.

Maj. Samuel Smith Creighton, Medical Corps, from February 23, 1931.

Maj. Henry Clay Michie, jr., Medical Corps, from February 25, 1931.

PROMOTION IN THE NAVY

MARINE CORPS

Corp. Richard W. Hayward, a noncommissioned officer of the Marine Corps, to be a second lieutenant in the Marine Corps, probationary for two years, from the 10th day of February, 1931.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 26, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We rejoice in Thee, Blessed Lord, for Thou dost pour forth life everywhere. With our imperfections and faults, Thou dost love us, and we pray that our gratitude may be consecrated in thanksgiving and praise, for ingratitude is the worst of vices. We thank Thee for the blessing and the bounty of work, for doing nothing is doing ill, and he who is idle is outside of God's plans. Teach us, O Father, that he who does his best does well. Be with us along every pathway, and may we learn, protect, and build up. Dwell in every home where there is sickness or sorrow, and be to all as the shadow of a great rock, as a fountain in the desert, and as brooding wings, underneath which we may rest. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

STEAMSHIP "LEVIATHAN"

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. LaGUARDIA. Mr. Speaker, I am sure that all the friends of the merchant marine, which is so generously subsidized by Federal funds, will be happy to hear of the business acumen and the progress of the management of these subsidized ships. I hold here an announcement appearing in the Paris edition of the Chicago Tribune. It is very brief, and I shall read it:

Sailing January 23, steamship *Leviathan* from Southampton and Cherbourg. All kinds of drinks served en route to New York. Minimum winter rate $270. United States Lines—Paris, 10 Rue Auber; London, 14 Regent Street; Hamburg, Alsterthor and Ferdinandstrasse.

FOREST CONDITIONS IN PORTO RICO

Mr. DAVILA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAVILA. Mr. Speaker, under the leave to extend my remarks in the RECORD, I wish to say a few words bearing on H. J. Res. 192, extending the provisions of sections 1, 2, 6, and 7 of the Clarke-McNary Act to Porto Rico, which is now pending of passage in the Senate.

This resolution (H. J. Res. 192) extends to Porto Rico the provisions of sections 1, 2, 6, and 7 of the Clarke-McNary Act. The proposed legislation, if enacted into law, will authorize the Department of Agriculture to investigate forest-fire conditions in Porto Rico. The officials of the Porto Rican government will be advised as to necessary measures for fire control and will receive the cooperation of the Federal Government for the protection of forests against fires.

Associate Forester E. A. Sherman visited Porto Rico in March of 1928. In his report to Governor Towner he emphasizes the necessity of cooperating with the insular forest service in the protection of our forests against fire. He states that there is distinctively a fire problem in the dry sections of the country, and especially in the case of planted forests, and recommends the extension to Porto Rico of sections 1 and 2 of the Clarke-McNary Act.

Sections 6 and 7 of this act are also extended to Porto Rico. The United States Department of Agriculture will be authorized to acquire not over 50,000 acres of forest lands either by purchase or gift for addition to the Luquillo National Forest. The Luquillo National Forest comprises an acreage of 12,443. In addition, there are 1,600 acres of adjoining land owned by the people of Porto Rico and which is being reconveyed to the Federal Government in order to bring the administration of the adjoining lands under unified control.

The provisions of sections 3, 4, and 5 of the Clarke-McNary Act have already been extended to Porto Rico. At that time the Forest Service had not investigated the forest-fire problems in Porto Rico and was not aware of the necessity of extending sections 1 and 2 of the act to the island. After Mr. Sherman's visit the extension of these sections to Porto Rico has been recommended by the Forest Service.

So that you may have an idea of the value of the Luquillo National Forest which belongs to the Federal Government I quote from Mr. Sherman's report to Governor Towner the following paragraph:

It is difficult for me to describe the impression which the virgin tropical forest of the Luquillo made upon me. Immediately upon the docking of the *Coamo* at San Juan March 7, Major Kelley and I went with Forest Supervisor W. P. Kramer by automobile to the station at Rio Piedras, and from there to the Forest Service cabin above La Catalina. The next day was spent on the forest itself. Unquestionably this is the best example of virgin tract of true tropical forest belonging to the Government of the United States. It is a type of forest of which I have often read and dreamed but never before beheld. It is a slogan of the Forest Service—"forests are for use." We consider them of value only as they minister to the needs of mankind.

The problem of deforestation is probably more acute in Porto Rico than anywhere else under the flag. The extension of this legislation to Porto Rico will be of great benefit to the island. Not only would it enable us to restore tropical forests on about 125,000 acres of land now occupied by worthless sedge, but would also go far toward ameliorating certain of the economic difficulties which Porto Rico faces.

In support of our contention that this problem is of the utmost importance and one that should speedily be remedied, not only in Porto Rico but in continental United States as well, I desire to quote an article written by former President Coolidge, published in the February 23 issue of the Washington Post, and which deals with the subject under discussion:

If the Government ever needs to give work to the unemployed, an enlarged system of reforestation would be a partial solution free from objection. It would not interfere with rates of wages or marketing of production in any of the existing industries. Operation could cease without loss.

Everyone knows we are rapidly exhausting our timber supply. The authorities state that of an original 800,000,000 acres of virgin forest only about 140,000,000 acres remain. Annually forest fires sweep over 12,000,000 acres. We are cutting off 10,000,000 acres more, which is about four times as much as is replaced by natural growth. We have planted less than 2,000,000 acres.

The Nation and some of the States already have acquired much land for growing timber. Compared with what is needed only a slight beginning has been made in reforestation. Because it has no immediate effect and would serve no private interest, governments have been too slow to conserve, encourage, and replenish our lumber supply. Yet we can not maintain our present standards without a generous use of wood.

Under the cooperation of Federal and local governments a national policy of reforestation should be adopted without delay.

Joint Resolution 192 does not appropriate any money, but it simply extends the provisions of the Clarke-McNary law, which is operative in the States and for which regular appropriations are carried in the agriculture appropriation bill. Sections 1 and 2, which provide for cooperation in fire protection, will entail a very small expenditure annually but will give considerable encouragement and impetus to the practice of forestry in Porto Rico.

An area of approximately 200,000 acres is in need of adequate protection from fire, if it is to contribute to the timber production of the island. The Federal Government's share for providing adequate protection would not exceed $3,000 annually, which represents one-fourth of the total cost at an estimated cost of 6 cents per acre. With the relatively small sums needed for this work from the funds already available, this form of Federal cooperation will give the local people encouragement and actually start the conserving and building up of the forest resources of the island.

Sections 6 and 7 will allow the acquisition of lands in Porto Rico and round out the Luquillo National Forest. Expenditures will be made from the regular appropriation. It is not contemplated that all the purchases will be made in any one year, but they will extend over a period of probably 10 or 15 years, purchases being made simply as land is offered at reasonable prices. This is the method now used in making purchases in the eastern part of the United States. Units are first established and purchases continue in them for many years before they are consolidated. In other words, the purchase work is extended over a number of years in order that the Government may purchase to the best advantage. The same policy will be pursued in Porto Rico and it will take many years to round out the Luquillo National Forest through purchases to make it a practicable administrative unit. Under the terms of this resolution, as already stated, no more than 50,000 acres can be purchased. The cost thereof will not involve special or separate appropriation, but would be met from the general appropriations for the purchase of forest lands.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

Mr. LUCE. Mr. Speaker, I present a conference report upon the bill S. 2643, to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, and ask its present consideration.

The SPEAKER. The gentleman from Massachusetts presents a conference report and asks unanimous consent that it be considered at this time. Is there objection?

There was no objection.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That there is authorized to be appropriated, in addition to the sums authorized to be appropriated by the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, the sum of $500,000.

"Sums appropriated under this act or hereafter appropriated under such joint resolution, or heretofore appropriated under such joint resolution and unexpended on the date of the enactment of this act, shall be available for expenditure solely for the purpose of grading, improving, and embellishing the site of and grounds adjacent to Fort Sackville, the erection of a monumental memorial structure and its ornamentation, the ornamentation of a bridge across the Wabash River adjacent thereto to be constructed by the

State of Indiana and the State of Illinois, the protection of the grounds by a river wall, and the administrative expenses of the George Rogers Clark Sesquicentennial Commission.

"Appropriations under this act may be made immediately available to the total amount of $300,000, and obligations to that extent are hereby authorized; expenditures of any or all of the remaining $200,000 shall be allowed and paid upon the presentation of a certificate or certificates signed by the chairman of the commission to the effect that an equal amount has been contributed by the State of Indiana, the county of Knox, the city of Vincennes, and/or other contributors for the purpose of grading, improving, and/or embellishing the site of and grounds adjacent to Fort Sackville, the ornamentation of such memorial structure, and/or the ornamentation of such bridge."

ROBERT LUCE,
JOSEPH L. HOOPER,
LINDSAY C. WARREN,
Managers on the part of the House.
SIMEON D. FESS,
KENNETH MCKELLAR,
R. B. HOWELL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, submit the following statement in explanation of the agreement as recommended in the accompanying conference report:

The amendment authorizes an additional appropriation of $500,000, the amount approved in the House amendment, $300,000 of which is to be made immediately available. Any or all of the remaining $200,000 is to be allowed and paid upon the presentation of certificate or certificates that an equal amount has been contributed by local authorities or individuals for the purposes specified.

ROBERT LUCE,
JOSEPH L. HOOPER,
LINDSAY WARREN,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman explain what the conference report does in respect to the differences between the House and the Senate. As I understand it, the Senate amendment curtailed the activities of the House provision. What has been agreed to in conference?

Mr. LUCE. The Senate originally asked that we appropriate $750,000 more. The House demurred from that. Instead of the $750,000 more that the Senate asked, we are giving them $500,000 more, of which $300,000 is to be immediately available, and the other $200,000 will be available when and so far as it is matched by contributions from the State of Indiana, the county of Knox and the city of Vincennes, and private contributors.

Mr. STAFFORD. As I understand it, originally the sum granted by the Government was to be matched by contributions from Vincennes and private contributions.

Mr. LUCE. There was nothing in the statute to that effect. Originally Congress decided to give $1,000,000 for the memorial itself; the site should be furnished by Indiana and all of the other expenses should be borne by contributions. After securing plans under a competitive process, the plans that received the approval of the commission called for somewhat more of expenditure than $1,000,000. Furthermore, it was found necessary to expend $100,000 on a river wall in front of the grounds, otherwise the memorial itself might be endangered. We decided, therefore, to go beyond our original view to the extent of $300,000, which would allow them to build the memorial and protect it, with up to $200,000 more of Federal contribution, toward what may be called the landscaping of the grounds as far as matched by other contributions.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ORDER OF BUSINESS

The SPEAKER. The Chair asks the attention of the House to a statement he desires to make in regard to business from now until the close of the session. From now on the Chair will recognize Members to ask for consideration of bills in three classes of cases: First, Senate bills where similar House bills are on the calendar; second, House bills with Senate amendments, where the purpose is to concur in the Senate amendments or to disagree to the Senate amendments and ask for a conference; third, rarely, in cases of House bills where a distinct emergency may appear to exist.

With regard to suspensions of the rules, the Chair has had so many applications that it is absolutely impossible to state now what he can recognize for. The first two suspensions, possibly to-day, will be on the National Guard bill and upon a bill relating to contracts for public buildings in respect to labor thereon.

The Chair suggests to Members bringing in conference reports, which in the last six days do not require printing, that for the convenience of the clerks they submit with the conference report a carbon copy of both the statement and the report.

With regard to business to-day, the Chair is not definitely advised, but in case a message should come from the White House the Chair will lay it before the House at about 3 o'clock this afternoon.

Mr. UNDERHILL. Does the Chair propose to recognize requests for bills passed by the Senate on the Private Calendar that have been objected to on the Calendar of the House?

The SPEAKER. That is another matter that the Chair will take up later. The statement which the Chair made did not involve bills on the Private Calendar.

Mr. TILSON. Mr. Speaker, in order to settle the order of business as far as the Private Calendar is concerned I wish to make two separate requests. First, that on to-morrow, Friday evening, the Private Calendar be proceeded with under the usual restrictions, beginning where we left off at the last call; and that on Monday evening next a session be held at which bills on the Private Calendar which have been passed by the Senate be taken up where there is a similar bill on the House Calendar, beginning at the point where we leave off on the last previous call.

Let me now submit the first request.

I ask unanimous consent that on to-morrow, Friday, it may be in order to move to take a recess until 8 o'clock in the evening; that at the evening session it shall be in order to consider bills unobjected to on the Private Calendar in the House as in Committee of the Whole, until 11 o'clock, beginning where the last call left off.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on to-morrow it may be in order to move to recess until 8 o'clock in the evening to continue until 11 o'clock, and that from 8 o'clock until 11 o'clock it shall be in order to consider bills on the Private Calendar unobjected to, in the House as in Committee of the Whole, beginning at No. 924. Is there objection?

Mr. McDUFFIE. Mr. Speaker, reserving the right to object, may I ask the gentleman if he contemplates asking for an additional time for consideration of the Private Calendar? There are 403 bills on the calendar which have not been called. I think it is impossible to give every Member who has a bill on that calendar an opportunity to have his bill called within one evening session. I very much hope the gentleman will make a further effort to give us additional time on the Private Calendar before the Congress adjourns.

Mr. TILSON. I shall be glad to do so if there is time in which we may do it, but at the present time I hope the gentleman will allow us to go on to-morrow evening.

Mr. McDUFFIE. Oh, certainly, certainly.

Mr. TILSON. After that, if there is time I shall be glad to cooperate with the gentleman to have the calendar considered again.

Mr. MONTAGUE. Reserving the right to object, on to-morrow night in consideration of the Private Calendar, private bills which have passed the Senate will be excluded, I understand, and will be deferred until Monday night?

Mr. TILSON. No. As I understand, all bills will be called in their order on to-morrow evening, Senate bills as well as others, beginning at the star.

On Monday evening Senate bills will be considered where the call leaves off to-morrow evening, the belief being that there will not be much use passing House bills as late as next Monday.

Mr. McREYNOLDS. The gentleman said Senate bills would be taken up Monday night. Does the gentleman mean by that that the calendar will be called here, and, where a Senate bill has been passed and there is a similar House bill and the Senate bill is on the Speaker's table, that will be called?

Mr. TILSON. Perhaps I do not understand the gentleman.

Mr. McREYNOLDS. For instance, where some bills have been introduced in both Houses and have been passed in the Senate and brought to the House and are now on the Speaker's desk, will that character of bills be called Monday night?

Mr. TILSON. If a similar bill is on the House Calendar; yes.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. CHINDBLOM. I have received information which indicates that at least some committees in the Senate have tabled practically everything that is pending before them. Of course in such instances there is no hope of getting any further action on House bills that might be sent to the Senate.

Mr. TILSON. There is some advantage in passing a private bill if it only goes through one House. It is in an advantageous position in the next Congress.

Mr. MONTAGUE. Will the gentleman yield further?

Mr. TILSON. I yield.

Mr. MONTAGUE. There seems to be some misunderstanding. I understood the gentleman's reply to be that you would consider bills which had passed the Senate on Monday?

Mr. TILSON. Yes.

Mr. MONTAGUE. Suppose they are reached to-morrow night, will they be considered?

Mr. TILSON. I understand so.

Mr. IRWIN. Reserving the right to object, and I shall not object, I had a conference with Senator HOWELL, chairman of the Claims Committee of the Senate, on yesterday, and he felt as they had passed something like 180 of our bills and we had only passed 40 of their bills, there was a slight resentment. I told him I thought we would be glad to take up Senate bills that have been passed, and as I understand from the remarks of the Speaker this morning, those bills which have been passed by the Senate and are now on our calendar will be considered.

The SPEAKER. The statement of the Chair did not apply to bills on the Private Calendar.

Mr. IRWIN. I am heartily in favor of the gentleman from Connecticut [Mr. TILSON] asking for Monday night, in order to give the Senate at least a square deal in this matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. LAGUARDIA. Reserving the right to object. I would like to ask one question. There has been so much grumbling about the consideration of the Private Calendar.

Would it be proper to couple with the gentleman's request that bills not having three objections shall be considered, so that every Member will feel satisfied that there has not been just an arbitrary objection to his bill?

Mr. UNDERHILL. Mr. Speaker, I would object to that immediately.

Mr. VESTAL. Mr. Speaker, reserving the right to object, I want to make the same request that the gentleman from New York has made. I shall not object if the gentleman will couple with his request that it must be necessary to have three objections before a bill is refused consideration. I do not think it is right to permit one Member to object to bills on the Private Calendar when a great majority of the House would vote to pass such bills. I do not think one man should have the right to kill a bill, and I think this request ought to be granted.

The SPEAKER. The Chair will state that he would not feel justified in recognizing such a request, as that would break one of the fundamental rules of the House. The Chair does not think that would be the fair thing to do at this stage of the session.

Mr. SWING. Mr. Speaker, reserving the right to object——

Mr. GARNER. Mr. Speaker, why does not the Chair have the regular order and see if there is any objection?

Mr. SWING. I reserve the right to object for the purpose of asking a question of my leader, who represents the Republican Party, as I do, which believes in the protection of domestic industry. I would like to ask whether an opportunity is going to be afforded the House to vote to protect the oil industry of this country, where the independent producers are being frozen out by the "Big Four" oil companies, and whether we are going to be able to get any protection for this industry at this session of Congress?

Mr. BLANTON. Mr. Mellon is the only power who is able to tell the gentleman.

Mr. TILSON. I am not able to answer the gentleman's question.

Mr. SWING. Well, there are a lot of people who want to know what is going to be done about this.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read the resolution, as follows:

House Resolution 375

Resolved, That on Monday next, March 2, 1931, it shall be in order to move that the House take a recess until 8 p. m., and that at the evening session until 11 o'clock p. m. it shall be in order to consider Senate bills on the Private Calendar unobjected to in the House as in the Committee of the Whole; and, further, that the Speaker may recognize Members to ask unanimous consent for the consideration of Senate bills on the Speaker's table where similar House bills have been reported by a committee of the House and are on the Private Calendar.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I do not intend to object, but I wish to clarify the procedure under the proposed resolution. Is it the intention of the majority leader to have Senate bills considered from the beginning of the Private Calendar, to include those that have heretofore been considered and objected to?

Mr. TILSON. It was my intention that Senate bills which have already had a call should not be called again, but beginning at the point where the session leaves off to-morrow night that all the remaining bills should have their turn.

Mr. STAFFORD. But the gentleman's resolution does not so provide.

Mr. PATTERSON. Mr. Speaker, reserving the right to object—and I do not intend to object, because I am in favor of the gentleman's resolution—I realize, and I think other Members realize, that some meritorious bills have been passed over that ought to be considered again, some bills to which Members objected for the time being. It seems to me

there ought to be some way provided for a reconsideration of those bills.

Mr. TILSON. I do not think there will be any chance for such bills at this stage of the session.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, I want to call attention to the last part of this resolution:

And, further, that the Speaker may recognize Members to ask unanimous consent for the consideration of Senate bills on the Speaker's table where similar House bills have been reported by a committee of the House and are on the Private Calendar.

As one Member of the House, I do not think the House should express itself upon the prerogatives of the Speaker. The Speaker may recognize unanimous-consent requests at any time.

The SPEAKER. The Chair assumes that is put in for the purpose of notifying the Members that the Chair will take such action.

Mr. TILSON. I will state, Mr. Speaker, that the resolution was prepared by the parliamentarian at the Speaker's table.

The SPEAKER. The Chair is quite satisfied with the language.

Mr. CHINDBLOM. If it is not to be taken as a precedent that the House has any right or authority to express itself upon the prerogatives of the Speaker in recognizing Members for unanimous consent, of course, I am satisfied.

The SPEAKER. The Chair would, of course, reserve that right regardless of the language of the resolution. The language is simply for the information of the House.

Mr. STAFFORD. And it is understood, Mr. Speaker, that we start at the star, so far as the consideration of Senate bills is concerned.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

JAMES MONROE LAW OFFICE NATIONAL SHRINE, FREDERICKSBURG, VA.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to proceed for one minute in order to have an invitation read to the House from Mr. Laurence Gouverneur Hoes and Mr. Jay W. Johns.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read as follows:

Mr. Laurence Gouverneur Hoes, founder of the James Monroe Law Office National Shrine, at Fredericksburg, Va., and Mr. Jay W. Johns, owner of Ash Lawn, former home of James Monroe in Charlottesville, Va., cordially invite the Members of the House of Representatives and their families to visit both of the following shrines maintained in the memory of the fifth President of the United States on Sunday, March 1, during the hours from 9 a. m. to 6 p. m.

Mr. Hoes, a great-great-grandson of President Monroe, has restored Mr. Monroe's law office in Fredericksburg, and has placed in this quaint, low, brick building a most extensive and fascinating collection of the possessions of President Monroe and his family handed down through five generations.

Mr. Jay W. Johns, the owner of Ash Lawn, has restored this home of James Monroe, erected by him in a magnificent grove of ash trees and approached through a beautiful boxwood garden planned and laid out by James Monroe himself. In the house are many mementoes of the life of James Monroe.

PROPOSED PRIVATE CALENDAR RULE

Mr. CRISP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a proposed amendment to the rules that I am going to offer to-day dealing with the consideration of the Private Calendar. I am asking that it be put in the RECORD, thinking the membership of the House may be interested in reading the rule.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CRISP. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following proposed amendment to the rules that I am going to offer to-day, dealing with the consideration of the Private Calendar:

House Resolution 376, to amend paragraph 6 of Rule XXIV relating to the consideration of bills on the Private Calendar

Resolved, That upon the adoption of this resolution paragraph 6 of Rule XXIV be, and the same is hereby, repealed and the following inserted in lieu thereof: "On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order for the Speaker to entertain a motion for the House to resolve itself into the Committee of the Whole House to consider business on the Private Calendar. If the motion prevails, bills shall be called up in the order in which they appear on the Private Calendar, and general debate shall be limited to 20 minutes, 10 minutes for and 10 minutes against; then considered under the 5-minute rule. When a bill is called up it shall be read by the Clerk, and, unless objected to by five Members, the bill shall be considered. If objected to by five Members the bill shall be passed over and not considered. When bills thus objected to are on a subsequent Friday called for consideration under this rule, they shall be considered unless the question of consideration is raised against their consideration. If the question of consideration is raised, it shall be decided by the Committee of the Whole House without debate, and if the House refuses to consider the bill, the bill is automatically recommitted to the standing committee of the House which reported same."

AN ANSWER TO RAILWAY ATTACKS UPON WATERWAYS

Mr. OLIVER of Alabama. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address by former Congressman Newton on Inland Waterways, with some remarks of my own thereon.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. Mr. Speaker, I have secured permission, in connection with some brief remarks of my own on waterways, to insert in the RECORD a paper prepared by Cleveland A. Newton, a former Member of Congress from Missouri, which I invite the Members of the House to carefully read. Our ex-colleague draws attention to the disadvantages under which the Mississippi Valley is suffering due to competition via the Panama Canal and high freight rates of the railroads serving that section, and in a very conclusive way shows that this economic disadvantage can be overcome by the proper utilization of our waterways.

In the sixth congressional district of Alabama, which I have the honor to represent, the cities of Tuscaloosa and Holt are now reaping a great advantage from their location on the Warrior River served by the Federal Barge Lines under the direction of Gen. T. Q. Ashburn.

Five years ago the construction of a great paper mill on the banks of the Warrior, the construction of a great creamery distributing plant, and the location of a cotton compress in the city of Tuscaloosa would have seemed very remote. Several millions of dollars are there invested to-day, hundreds of laborers are employed, and the cotton-compress plant has expanded, until to-day I am reliably informed that more cotton is shipped from the Holt and Tuscaloosa terminal than from any point touched by the Federal barge lines. These conditions have been brought about by the cheaper freight rates furnished by water, through joint rail-water routes, enabling the farmer to market his crops more cheaply and to secure his necessities more cheaply and the manufacturer to collect his raw materials and distribute his finished products more cheaply. It can scarcely be doubted that the prosperity and opportunities brought to Alabama alone, not to mention contiguous States served by joint routes and rates brought about by the Federal Barge Lines, have more than justified the entire expenditure upon the Warrior River. For this reason I am entirely in sympathy with the reply of our ex-colleague to unwarranted attacks upon our waterways, and request unanimous consent to have this reply inserted in the CONGRESSIONAL RECORD in order that the public may be fully conversant with both sides of the case. Under leave granted by the House I here insert the very able paper by our former colleague, Mr. Newton.

Certain railway executives and other officials are constantly attacking the utilization of our waterways. These attacks are not justified. I am not an antagonist of railways. During the eight years I served in Congress I voted for the Esch-Cummins law, which railway officials have declared to be the most constructive

piece of railway legislation in half a century, and I supported every legislative measure designed and intended to strengthen the railways of the country. Railway proponents urge that rail carriers are in distress, but in considering their distress we must not overlook the fact that industry and agriculture in this great interior are likewise in distress and are in need of relief, and the problem before us is to find a solution for the distress of this land-locked section.

In recent years Congress has appropriated money and the War Department has been carrying on improvements upon the Mississippi River and its tributaries with a view to bring cheaper transportation to the valley, but thus far the Mississippi, the Missouri, and the Illinois have not been improved to a point which will permit of successful navigation, and the traffic upon these rivers thus far has been of little consequence. On the lower Mississippi, handicapped as it is, there has been a steady increase of traffic.

What the Mississippi Valley needs more than all else is industry in the midst of agriculture. We need more factories and shops and mills to give employment to men and to create freight for the carriers. We need industrial development. Upon this subject Mr. A. F. Cleveland, vice president of the Chicago & North Western Railroad, while testifying in the Western Trunk Line Class Rate case, said:

"If there is anything that this territory needs it is industrial development. There should be no rate structure required that would hamper industrial development in this territory."

Testifying in the same matter, Mr. G. A. Hoffelder, assistant general freight agent of the Burlington, said:

"Whenever you have a manufacturing industry of any size it automatically follows these industries create traffic; that is, they ship inbound raw materials and they ship outbound manufactured commodities. Or, in other words, the railroads are benefited two ways—the more cities we have, with greater population and naturally a greater production of traffic, the better off the railroads will be."

The railways during the past 50 years have had the burden of solving the agricultural and industrial problems of the Middle West and yet, because of freight rates, this section has not and is not making progress with the rest of the country, and the reason for this failure is apparent. Freight rates from this section to our centers of population and to foreign markets are too high to permit of our successful competition in those markets. As a result agriculture in this section has suffered and industry has been retarded.

HIGH RATES HURT MISSISSIPPI VALLEY

Population follows industry, and industry in the United States has been driven to the lakes and to the seashore where cheap water transportation is available.

In the days when steamboats thronged the St. Louis water front, that city was larger than Chicago. Then the boats were driven from the river and higher rail rates came in their place, with the result that Chicago, with her cheap water rates, has left St. Louis far behind, as have likewise Detroit and Cleveland.

As an illustration of the burden which freight rates impose upon industry in this section let me call your attention to the fact that the all-rail rate on agricultural implements from Moline, Ill., to the Pacific coast is $1.86 per 100 pounds. The rail-ocean rate from Moline to the Pacific coast is $1.28 per 100 pounds. The water rate from Baltimore to the Pacific coast, 65 cents per 100 pounds. Baltimore is near the steel at Pittsburgh and Youngstown, and agricultural implements can be manufactured as cheaply there as at Moline. It is apparent that an agricultural-implement manufacturer in Baltimore with his rate advantage can drive the Moline manufacturer out of the market on the western coast. There is a growing market for agricultural implements in Central and South America. Without cheaper rates to the Gulf the Moline manufacturer must move to the seashore if he competes in this great market to the south of us.

The all-rail rate on tractors from Peoria to the Pacific coast is $1.93 per 100 pounds. The rail-water rate is $1.06 per 100 pounds. The water rate from Baltimore to the Pacific is 65 cents.

The rail-ocean rate on washing machines from Peoria to the Pacific coast is $1.35 per 100 pounds. The water rate from Baltimore to the Pacific coast is 85 cents.

The rates on sulphur from the mines along the Texas and Louisiana coast are twice as much by rail to St. Louis as they are by water to Boston. These commodities are used in large quantities in chemical plants. Think what it would mean to the chemical industry in St. Louis if they had a water rate which would enable these commodities to come to them as cheaply as they are carried to North Atlantic ports.

These rates fairly illustrate the disadvantages which industries in this great interior suffer in the markets on the west coast of the United States, and they suffer a similar handicap in Central and South America when compared with industries located along our eastern seaboard and in foreign countries. Is it any wonder, in the face of these rate disadvantages, that the industries of Indiana, Tennessee, Kentucky, Iowa, Missouri, Kansas, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Minnesota should have failed to keep pace with the rest of the country?

The disadvantage in freight rates which this great interior has suffered has had its effect upon the population of these States. Industries will locate where the cost of transportation of raw materials and the distribution of finished product will enable them to reach the markets, and population follows industry.

The prosperity of a railway depends upon the prosperity of the country through which it passes. When the Mississippi Valley suffers from rate disadvantages or from any other cause the railways of the valley must also suffer. A rate structure which will enable industry to develop in the Mississippi Valley will bring prosperity to the valley and our railways will benefit from that prosperity.

We all believe that the railways are doing their best to solve the problems of this great interior, and if they could afford to reduce their rates to a point where industry in the interior could compete in the markets of the industrial centers along the seashore, in Central and South America, and other foreign countries, they would undoubtedly do so. These rates have not been reduced, but, on the contrary, all indications point to their increase as a railway necessity. As a matter of fact, the Interstate Commerce Commission has prescribed an adjustment of rates which the carriers are expected to make effective about April 1. This will generally increase the rates in the upper Mississippi and Missouri Valleys approximately 10 to 20 per cent on first-class freight, and it is understood that other class and commodity rates will be correspondingly increased in due course.

It is clearly evident that industry can not develop in this great interior unless a cheaper form of transportation to the seashore and to the markets of Central and South America can be provided.

VALLEY LOSES CONGRESSMEN

As a result of this transportation handicap and its effect upon industry in this section, our population has not kept pace with the rest of the country and our representation in the next Congress will be reduced. Missouri will lose 3 Representatives in the next Congress; Kansas, 2; Nebraska, 1; South Dakota, 1; North Dakota, 1; Minnesota, 1; Wisconsin, 1; Iowa, 2; Indiana, 2; Kentucky, 1; and Tennessee, 2. These States will suffer a total reduction of 17 in their representation in Washington, while the States of Michigan, Ohio, New York, New Jersey, Florida, Texas, California, and Washington, all of which enjoy the blessing of cheap water transportation, have gained a total of 25 Representatives in Congress. This is a serious handicap to our section, and we have a right to look for relief.

This situation presents a grave problem for the Middle West, a problem which the railroads have been unable to meet, and the solution of this problem must depend upon a cheaper form of transportation which will bring this land-locked interior closer to the seashore and closer to the markets of the world; and water transportation through the development and use of our rivers—the great highways which nature has provided—is our only solution.

As a striking evidence of the effect of water transportation upon the development of industry and the growth of population, it is well to remember that St. Louis is the only city in the United States which has a half million people which has not had the advantages of cheap water transportation, and St. Louis could not have done this had she not had the benefit of potential water rates upon the rail lines which parallel the river. Suppose the opponents of waterways, who are especially active now, should prevail. Suppose the Government should cease to operate its barge line and Congress should abandon the channels before they are completed and ready for use. How long do you think it would be before rail rates would increase? What, then, would be the effect upon industry and population in the valley?

If we can develop a coordinated and cooperating form of transportation which will enable industry to develop in the midst of agriculture in this great interior our population will grow, our volume of traffic will increase, prosperity will bless our section, and the railroads, along with industry and agriculture, will enjoy the benefits of our success.

Our future market is to the south of us. The resources of those countries are as yet only slightly developed. Their possibilities for future trade are boundless, and yet our industries can not engage in that trade unless our freight rates will permit us to compete. The value of our commerce last year with France, Belgium, Germany, and Russia was $1,384,875,000, while the value of our commerce with Central and South America was $1,818,361,000.

It is imperative that if this great interior is to develop and move forward we must find a solution for this problem which the railways have been unable to solve; and Congress, by its appropriations in recent years, has demonstrated its faith in the solution of this problem by the improvement of our inland rivers. There are those among us, particularly railway officials and those who furnish railway supplies, who oppose these improvements.

Much propaganda has been spread during the past year in an effort to prevent appropriations for completing these improvements. Adversaries of river navigation have asserted that such navigation is not cheaper than rail.

NEW YORK BARGE CANAL

Samuel O. Dunn, editor of Railway Age, and who evidently speaks with authority for the railways, in a recent speech in Washington discussed this question. In that speech he said: "The crucial test of the desirability of extensive development of inland waterways is whether they can provide cheaper transportation than the railways." In his effort to prove that water transportation is not cheaper than rail, Mr. Dunn said:

"In 1929 average total cost of carrying a ton of freight 100 miles on the New York State Barge Canal was $1.94, made up of 45 cents as the boatmen's actual charge for transportation (or the direct freight rate) and $1.49 paid by the public in taxes for expenses of operating, maintaining, and repairing the canal, and interest on the State's investment in it. Contrasted with this total cost of $1.94 for carrying 1 ton of freight 100 miles on the canal, the eastern railroads would have performed the same

service for an average charge of $1.09, or 43 per cent less than the total canal cost."

I am not one of those who believe in the promiscuous construction of canals, but I contend that the argument of Mr. Dunn with respect to the New York Canal is fallacious. To begin with, the locks of the New York Barge Canal were not properly constructed. Its channel is not of uniform width and depth. It suffers the frightful handicap of being spanned by some 300 bridges with only 15 feet clearance above the water to permit the passage of traffic. It is apparent that towboats with sufficient power to permit of economical operation can not pass under these bridges. Furthermore, the railways have persistently refused to cooperate with carriers upon the canal in the exchange of freight, in joint rates, through routes, or bills of lading. What railway could successfully operate if shut off from these privileges with the other railways of the country?

MAKING STATISTICS TELL THE TRUTH

And yet the facts which Mr. Dunn has presented, when analyzed, demonstrate the benefits to the public of navigation upon this canal. Mr. Dunn concedes that the boatmen's actual charge for transporting freight upon the canal amounts to only 45 cents per ton for each 100 miles, while the rail charge for the same service is $1.09. The New York Barge Canal last year, in spite of all its handicaps, carried approximately 3,000,000 tons of freight. The fallacy and injustice of Mr. Dunn's argument consists in his attempt to charge this small operation with the entire expense of operating, repairing, and maintaining the canal, together with interest on the State's entire investment, which he charges, amounts to $1.49 upon each ton of freight carried.

It would cost no more upon the investment and little, if any, more to operate and maintain the canal for the transportation of 20,000,000 tons of freight than it does for 3,000,000 tons of freight. When the canal carries 20,000,000 tons per annum operating and maintenance cost, together with interest on the State's investment, would amount to only 22 cents per ton on each ton carried, thus making a total cost to the shipper, after reimbursing the State, of 67 cents per ton for each 100 miles, while the rail for the same service is $1.09.

Thus it will be observed that after reimbursing the State for its entire expense and interest upon its investment the shipper would save 42 cents on each ton of freight for each 100 miles along the canal. Freight passing from the Great Lakes through the canal to the Hudson River traverses a distance of 364 miles, and hence the shipper on each ton of freight passing through the length of the canal would save $1.54 under the rail rate. And 20,000,000 tons multiplied by $1.54 per ton would make a saving to the shipper of $30,800,000 per annum, and this, too, in the face of the fact that the rail rates paralleling the canal are much lower than the average rail rate of the country.

As proof that rail rates which parallel the canal are cheaper than rail rates elsewhere, I call attention to the decision of the Interstate Commerce Commission in the Eastern Class Rate Investigation (164 I. C. C. 314), in which the commission said:

"It will be observed that those rates of the New York Central are the lowest, and most uniformly graded. These rates are said to be originally determined by canal competition, and are probably the lowest class rates in effect in official territory."

MONONGAHELA RIVER

It would have been both interesting and instructive if Mr. Dunn, in his effort to prove that transportation by water is more expensive than by rail, had discussed the traffic on the Monongahela River.

The Monongahela River is the only inland waterway in the United States which has been completed and is in full operation. The cost of this improvement amounted to $16,000,000. Approximately 30,000,000 tons of coal were carried upon the Monongahela River last year, with a saving to the shippers of 94 cents per ton under the rail rate, making a total saving to the shippers of $28,200,000 last year. But Mr. Dunn insists that the cost of operation and maintenance, together with interest on the investment, should be charged against the river traffic.

The maintenance and operation of the Monongahela River last year cost $900,000. Five per cent interest on the investment would amount to $800,000. Thus after paying the cost of operation and maintenance and interest to the Government on the investment the shippers would still save $26,500,000 per annum, or nearly twice as much as the total cost of the improvement. The Mississippi Valley Association is a shippers' organization and we insist that the shippers' interest should be considered in finding a solution for our transportation problems.

The navigation feasibility of the Monongahela River as compared with the Mississippi will be realized when we recall that the low-water flow on the Monongahela is 500 second-feet, while the low-water flow of the Mississippi at St. Louis is 40,000 second-feet.

OHIO RIVER

With respect to the Ohio River Mr. Dunn makes an argument similar to that which he urges against the Erie Canal. He concedes that the cost of the water haul is much less than the haul by rail, but he undertakes to charge the 20,000,000 tons per annum now being carried on the Ohio to the cost of maintenance and interest on the entire investment.

The War Department, after a study of the cost of rail and water transportation along the Ohio, reports that the water rate on steel from Pittsburgh to Cairo is $4.85 per ton less than the rail rate. An equal saving should be on all commodities carried by water on the Ohio. At this rate the savings on the Ohio, when the commerce reaches 50,000,000 tons, will amount to $242,500,000 per annum—approximately twice the cost of the Ohio improvement.

I beg leave to present another proof that Mr. Dunn's figures as to savings on the water haul are incorrect. The all-rail rate on steel from Pittsburgh to Cairo is $8 per ton. The Federal Barge Line is carrying heavy bulk freight profitably on the Mississippi at 2½ mills per ton mile. This rate has been verified by private carriers on the Mississippi and the Ohio. At 2½ mills per ton mile on steel you carry a ton of steel from Pittsburgh to Cairo for $2.45 per ton, or a saving under the rail rate of $5.55 per ton.

And every dollar saved on freight is profit to be divided between the producer and the consumer, and these profits would stimulate industry in the interior of our country.

Mr. Dunn's statement as to the relative cost of rail and water transportation along the Ohio is not supported by the fact that the river rate on coal on the Monongahela River for an average distance of 60 miles from the mines to mills at Pittsburgh is 19 cents per ton while the rail rate on coal from the mines to Youngstown, Ohio, a distance of 100 miles, is $1.46.

THE PROBLEM OF YOUNGSTOWN

Youngstown is a great steel center, with an enormous investment, and yet if she must continue to pay $1.28 per ton more freight on her coal and $4.85 per ton more freight on her finished product to the west than her competitors she is doomed to destruction. Her only salvation lies in the improvement of the Beaver, Mahoning, and Shenango Rivers which will enable her to bring her coal from the mines and send her manufactured products to the market at water rates, and this improvement should be extended to the lakes so that both Pittsburgh and Youngstown could have the benefit of cheaper ore from the iron mines in Minnesota.

As an evidence that river navigation upon the Ohio is practical and feasible and that heavy commodities can be carried by water much cheaper than by rail, I beg leave to call attention to the fact that the steel and coal industries along the Ohio, together with other successful industries, have invested more than $30,000,000 in steel barges and towboats, thus providing facilities to carry their products by water. If these trained, experienced executives felt that rail transportation was as cheap as water they certainly would not make these vast expenditures for river equipment.

MISSISSIPPI RIVER

With respect to the Mississippi River, Mr. Dunn makes an argument similar to that which he urges against the Erie Canal and the Ohio River. He concedes that a ton of freight can be carried 150 miles upon the Mississippi River for 60 cents, while it costs $1 to carry a ton of freight 100 miles by rail, but he undertakes to charge the 12,000,000 tons now being carried upon the Mississippi with maintenance and interest on the entire investment.

The cost of carrying freight by the Federal Barge Line is no test of the economies of water transportation on the Mississippi River. The improvement of the channel is far from complete. There is much to be done on the upper Mississippi. From St. Louis to Cairo the work on the channel is not finished. From Cairo to Vicksburg little improvement work has been made, and there are a number of places where fleets are delayed and oftimes obstructed, all of which injures the service and adds to the cost of barge-line operation. Some of the terminals are inadequate and the equipment is limited. The railroads have delayed through routes and joint rail and water rates intended by the Denison Act. And yet Mr. Dunn's figures show that the average cost to the barge line for carrying a ton of freight from St. Louis to New Orleans is $4.20, while the average cost to the railroad is $7. Visualize, if you will, the rate which the barge line could afford to make if all these difficulties and handicaps were cleared away.

The Federal Barge Line has been carrying wheat profitably on the Mississippi River, in its present unimproved condition, for 2.5 mills per ton-mile. At this rate it can carry a ton of heavy bulky freight from St. Louis to New Orleans for $2.50 per ton, or $3.50 less than the rate by rail.

Heavy bulky commodities are being carried on the Great Lakes at one-tenth of the average rail rate of the country. Coal is being carried on the Monongahela at less than one-third of the rail rate. When the Mississippi River has been improved as the Monongahela has been improved, with a dependable 9-foot channel from Minneapolis to the Gulf, there is no reason why coal, wheat, corn, lumber, coffee, sugar, sisal, salt, sulphur, tiling, stone, cement, tractors, agricultural implements, products of oil, steel products of all kinds, and many other heavy bulky commodities could not be carried as cheaply on a long haul on the Mississippi as coal is being carried a short haul on the Monongahela.

Think what a stimulus such rates would give to the industry along the Mississippi, the Missouri, and the Illinois Rivers. It would make it possible for the products of the industries in this great interior to compete in the markets of the Pacific coast and of Central and South America and other foreign ports. It would create a market in the midst of agriculture for the products of the farm. It would draw population to the valley. It would bring prosperity to our section, and the railroads would share in that prosperity.

A great advantage in favor of waterways in the cost of carrying heavy cargoes results from the enormous amount of tonnage which can be carried on the river in one tow. The steamer *Barrett* some years ago made two successful trips from Pittsburgh to New Orleans, carrying in each tow in excess of 55,000 tons of coal. When divided into railroad cars of 50 tons to each it will be observed that each of these cargoes carried in excess of 1,100 carloads, which amounts to 22 trains with 50 loaded cars to each train. It is not difficult to realize the economies of carrying cargoes of this size by water.

The Mississippi Valley Association is an organization of shippers. They are not opposed to railways; they are not interested in waterways; they are only interested in a system of transportation capable of carrying the commerce of the valley at the cheapest price obtainable, and they believe that our inland rivers, which constitute natural highways through the valley, and which offer a great economy in transportation, should be made a part of that system.

GOVERNMENT LAND GRANTS

Mr. Dunn and other railway proponents, including a number of railway presidents, have attacked river improvements because they are made at Federal expense. They charge that river navigation is subsidized. They have been especially severe in their criticisms of the Secretary of War, Mr. Hurley, for supporting these improvements. We submit that these attacks come with poor grace from railway representatives in view of the Government aid given to the railways during the early stages of their development.

The records of the Interior Department in Washington show that the land grants to the railroads from the Federal Government alone amounted to 158,293,376 acres, consisting of fine agricultural lands, lands valuable for grazing, lands covered with valuable timber or filled with oils and precious metals. This acreage comprises an area twenty times the size of the State of Massachusetts and as large as the original thirteen States of this Union. In addition to this, the railroads received valuable lands and other contributions from various States and subdivisions thereof.

Certain railway officials in attacking the Secretary of War for calling attention to these grants, have tried to belittle the value of these lands, and some executives assert that by deduction for hauling mail and soldiers they have repaid to the Government the value of these land grants many times over. As bearing upon the location and value of the land grants, we beg leave to set forth the acreage given to the railroads in certain fertile and productive States, as shown on pages 35 and 36 of the last annual report of the Commissioner of the General Land Office in Washington.

	Acres
Illinois: Illinois Central	2,595,133.00
Mississippi: Total to 3 railroads	1,075,345.12
Alabama: Total to 7 railroads	2,747,129.83
Florida: Total to 4 railroads	2,218,624.89
Louisiana: Total to 2 railroads	373,056.57
Arkansas: Total to 3 railroads	2,562,543.32
Missouri: Total to 3 railroads	1,837,968.17
Iowa: Total to 7 railroads	4,089,751.25
Michigan: Total to 8 railroads	3,133,741.39
Wisconsin: Total to 6 railroads	3,652,242.06
Minnesota: Total to 10 railroads	8,045,899.90
Kansas: Total to 4 railroads	4,634,196.61

VALUATION OF LAND GRANTS

It is idle to argue that such large blocks of land in the States above enumerated were not valuable. True, at that time, they would not sell for as much as now, but dollars were more valuable then than now—they would build more roadbed and buy more equipment. Can there be any question about the value of the oil and timber lands of the Southern Pacific in Oregon and California?

As bearing upon the value of these lands in Minnesota, North Dakota, Montana, Washington, and Oregon, permit me to call your attention to an advertisement which the Northern Pacific Railroad inserted in the June issue, 1871, of the Manufacturer and Builder, a magazine published by Western & Co., 37 Park Row, New York, which reads, in part, as follows:

EXCERPT FROM AN ADVERTISEMENT

"The land grant of the Northern Pacific Railroad consists of 12,800 acres to each mile of tract through Minnesota, and 25,600 acres per mile through Dakota, Montana, Idaho, Washington, and Oregon—the branch to Puget Sound having the same grant as the main line. The average for the whole length of the road and branch is over 23,000 acres per mile, and the total exceeds 50,000,000 acres.

"Governor Stevens, who repeatedly passed over the route, estimates that fully four-fifths of the Northern Pacific Railroad grant is good for cultivation or grazing, while much of the remainder is in the mountain belt, and is covered with valuable timber, or filled with the precious metals. With the road built through the midst of these lands, what is their money value? The lands of the Union Pacific thus far sold has averaged $4.46 per acre; the school lands of Minnesota, $6.30 per acre; the lands of the Illinois Central Railroad grant $11 per acre. At even the average of $4 per acre, the lands of the Northern Pacific Railroad will pay for its construction and equipment, and leave the road free from debt, and one-half the lands unencumbered in the company's possession. At only $2.50 per acre, Government price, these lands will build and equip the road, leaving it free of debt, and place a surplus of $25,000,000 in the company's treasury."

From this evidence it appears that the Federal Government was quite generous in subsidizing the railways. We have no quarrel with the Federal Government for making these grants or with railroads for accepting them. Railway transportation was then an infant industry that needed Federal aid and encouragement. The railways received both. Without this assistance their development would have been long delayed. River navigation is now an infant industry in this country. It needs Federal aid and encouragement. All we ask is that the rivers be given the same Federal aid and encouragement that was given to the railways.

Not only did the railroads receive land grants from the Federal Government in the days of their youth but, according to the records of the Land Office, they were still receiving land under these grants in the year of our Lord 1930. In support of this statement I beg leave to quote from page 34 of the last annual report of the Commissioner of the General Land Office the following:

Lands certified or patented on account of railroad and wagon-road grants during fiscal year ended June 30, 1930

Grant (corporations)	State	Acres
Atlantic & Pacific now Santa Fe Pacific R. R. Co.	Arizona	34,415.50
Do	New Mexico	3,792.05
Central Pacific R. R. Co	California	5,531.45
Do	Nevada	6,866.03
Do	Utah	80.00
Northern Pacific Ry. Co	Minnesota	33.16
Do	Montana	2,675.88
Do	Washington	502.88
Southern Pacific R. R. Co. (main line)	California	5,068.28
Southern Pacific R. R. Co. (branch line)	do	2,904.06
Union Pacific R. R. Co	Wyoming	320.00
Total acres		62,249.29

In the face of these undisputed records as to the vast and valuable grants which the Federal Government has given to these private corporations, how can these railway officials and representatives now oppose the Federal Government in building public highways upon which every citizen who has the equipment in the form of boats or barges can operate free of tolls?

Furthermore, our rivers are national highways which tradition and sound policy demand should be kept free and open to the public. They can not be improved and controlled by private capital. Their improvement is a function which belongs to the Federal Government.

Railway executives in their attacks upon waterways and upon the Secretary of War, who is charged by Congress with improving our rivers, declare that if the lands they received had any value the railroads have more than repaid the Government freight at reduced rates on land-grant roads. Let us examine the facts upon this point.

On January 2, 1931, the Postmaster General wrote Congressman DENISON, of Illinois, saying:

"The act of Congress of July 12, 1876 (19 Stat. 82), provides as follows:

"'That railroad companies whose railroad was constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their road at such prices as Congress should by law direct shall receive only 80 per cent of the compensation authorized by this act.'

"The same provision was incorporated in the space basis act of July 28, 1916 (39 Stat. 425 to 431).

"Under this law the amounts deducted from the pay of the railroad companies affected have been approximately as follows:

1917	$1,552,000
1918	1,682,000
1919	1,782,000
1920	1,861,800
1921	1,889,500
1922	1,912,900
1923	1,973,500
1924	2,064,800
1925	2,219,500
1926	2,380,800
1927	2,383,800
1928	2,395,600
1929	2,432,600
1930	2,447,800
Total	28,688,300

"The department has no available data on which to compute the deductions for the years prior to 1917, which was the first year in which the present 'space basis' of payment to railroad companies was in effect."

Thus it will be observed that the land-grant railroads during the past 14 years have returned to the Government in mail service an average of $2,000,000 per annum. Prior to 1917 the value of the service was much less than since.

The records of the War Department show that during the fiscal year 1930 that department paid the railroads $17,163,290.18 for transporting soldiers and supplies, and that the land-grant deductions for that year amounted to $712,313.19. Experts in the War Department estimate that the deductions for services rendered by land-grant railroads during the past 60 years amount to an average of $2,483,000 per annum.

RAILROADS HAVE NOT REPAID SUBSIDIES

The railway executives insist that those who use the waterways should pay the cost of maintenance and interest on the Govern-

ment's investment in the rivers. If such a rule is to be applied to the waterways, then the railways should be willing to pay interest on the Government's land-grant investment in the railways.

From data compiled by order of the Secretary of the Interior in 1915 it appears that the Federal land grants to the railroads amounted to 158,293,376 acres. At the Government price of only $2.50 per acre this land had a value of $395,743,440. Railway executives in their calculations charge the Government's investment in waterways with 5 per cent interest. If we charge the Government's investment in land grants to the railways with only 4 per cent simple interest, the interest would amount to $15,829,757 per annum, and the interest for 60 years since the land grants were made would amount to $949,784,220, making the principal and interest on railway land grants to date amount to $1,345,527,660.

If the mail pay deductions have averaged $1,500,000, which is a most liberal estimate, since they were only that much in 1917, and if the War Department deductions averaged $2,483,000 per annum, then the railways have repaid to the Government during the past 60 years on account of land-grant deductions a sum total of $238,980,000, leaving them still indebted to the Government on account of land grants in the sum of $1,106,547,660.

These figures indicate that the railway executives are in error when they say that they have repaid to the Government the value of the land grants many times over.

As a matter of national defense, the Mississippi River and its tributaries should be developed. During the World War New York became the bottle neck through which our munitions and war supplies were compelled to pass. As a result, the switches and sidings were blocked with a congestion of traffic for more than 25 miles back from the New York Harbor. If the Mississippi River and its tributaries had been developed, with ocean lines leading out from the Gulf, this congestion would have been avoided and our munitions and war supplies could have been expeditiously handled and speeded to the battle front.

WATERWAYS TO SAVE VALLEY PROSPERITY

With adequate channels, modern equipment, and up-to-date terminals, there is no question but what water transportation is very much cheaper than rail. This has been demonstrated upon the Lakes. It has been demonstrated upon the Monongahela River. It has been demonstrated upon the Ohio, where the channel is not finished and where navigation has not yet had time to develop to the point of efficience. When these great national highways, which penetrate the richest productive area in the world, are improved in this country as they have been in Europe, industry in this great interior section will grow. We will have rates which will enable our products to compete in the markets of Central and South America and other foreign countries. The Central States, instead of slipping backward, will then move forward and no one will benefit more than the railways which traverse these States.

Prior to 1860, England and Germany had the steel industry of the world. About that time rich deposits of iron ore were discovered in Minnesota. Experts representing English and German steel mills visited the United States to study the danger of American competition in the steel industry. These experts reported back to the steel barons of Europe that there was no danger of American competition; that our iron ore and coal deposits were separated by nearly 2,000 miles; that the cost of rail transportation to bring them together would be prohibitive; and that the steel industry of Europe, by the use of cheap ocean transportation, would continue to hold the steel monopoly of the world.

American ingenuity, however, recognizing this difficulty, improved the Great Lakes for a distance of approximately 1,500 miles, and by means of water navigation were able to transport the iron ore to the coal at one-tenth of the rail rate, thereby eliminating nine-tenths of the distance between the ore and the coal, with the result that we have developed at Pittsburgh and Youngstown the greatest steel industry in the world. Would anyone contend that the development of this great industry has injured the railroads of the United States?

The Mississippi Valley Association has sought no quarrel with railways. We have constantly endeavored to cooperate with them. We believe that the railways should be allowed a compensatory return for the service they render. We believe, however, that the shippers are entitled to equal consideration with the railways. We believe that where other facilities for transportation are available, capable of carrying a part of the burden of commerce at a greatly reduced cost, such facilities should be utilized. We believe that a failure to utilize such facilities is waste. We believe that industry should be developed in the midst of agriculture in the valley, and that the use of our waterways is the only means of achieving that result.

We agree with the railway executives that the Esch-Cummins law is a great piece of constructive legislation, and we appeal to them to join with us in the fulfillment of section 500 of that act, which reads as follows:

"It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation."

OLEOMARGARINE

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16836, with Mr. CRAMTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee was last in session it had before it the amendment offered by the gentleman from Illinois [Mr. SABATH], which the Clerk, without objections, will again report.

The Clerk again reported the Sabath amendment.

Mr. ABERNETHY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ABERNETHY. How much debate has there been on this amendment and how many speeches made?

The CHAIRMAN. There has been no debate, as the Chair recalls, on this amendment. The gentleman from Illinois is recognized.

Mr. SABATH. Mr. Chairman and gentlemen of the committee, the bill before us provides for a tax of 10 cents per pound on all oleomargarine which has 1.6° of yellow as determined by the Lovibond tintometer scale.

Oleomargarine of this color is practically white, and this law would make it necessary to bleach ordinary cottonseed oil, peanut oil, soybean oil, oleo oil, or beef fat, before any of them could be used in oleomargarine as provided under this bill.

I recognize that you gentlemen have the votes to pass the bill just as it is, but might does not make right. My amendment would increase the amount of coloring allowed. Under your bill providing for 1.6° this paper which I hold in my hand [indicating] would not be considered white.

Mr. BRIGHAM. Will the gentleman yield?

Mr. SABATH. Yes; I yield to the gentleman.

Mr. BRIGHAM. I think the gentleman is mistaken in his statement that that color would not be permitted.

Mr. SABATH. I am not an expert, but I have the opinion of experts who, I believe, are honest and sincere men, and I do not believe they would deliberately mislead me or the House.

Mr. KVALE. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. KVALE. The committee had testimony, which was not rebutted in any way, to prove that animal fats could be diluted and used in just the same way they are at present and that peanut oil could be still used in white oleo, and that this language would not affect that at all.

Mr. SABATH. And I have evidence to show that the cow fat or tallow would be obliged to go through a process which otherwise would make it prohibitive for use in the manufacture of oleomargarine.

As I said, I am not an expert—all I have is their word. I wonder what the gentlemen who come from the cotton sections of our country will say when in the near future a bill will be brought in to prohibit the coloring of any cotton fabric, in order that the American people may not be misled in the sale of cotton goods for wool, or when the silk manufacturers and silk industries will ask Congress to place a tax on rayon because thousands of American women, unable to purchase silk, purchase instead the rayon substitute. I really believe that within a short space of time the wool growers of this country and others in similar predicaments who have suffered much more than have the dairy industries, being encouraged by this tax legislation, will bring in such similar bills.

Gentlemen, you should realize that we can not eliminate all ills by legislation; yet this you are trying to do by these piecemeal, discriminatory efforts. But these will not aid you in any way. What you should endeavor to do is to reach the causes for the conditions which now exist, and which are responsible for the depression of the commerce

of the Nation, which, in turn, has led to low prices of butter and all other farm products.

Yesterday one of the Members, a prominent physician, and to-day another Member, also a very prominent physician, has each endeavored to show that oleomargarine is inferior to butter in vitamin content. And although I concede that they are excellent physicians and surgeons, I feel, however, that they have not devoted sufficient time to a study of this subject to permit them to qualify as experts on same; and not being one myself, I could not yesterday give answer to their arguments. But to-day I have in my possession this year's February issue of the American Journal of Physiology. Therein I find an article, "The Vitamin A and D Content of Some Margarines," written by Miss Dorothy Fetter and Mr. A. J. Carlson, and based on experiments made in the physiological laboratory of the University of Chicago, which, to my mind, seems to controvert the statements made on the floor of the House relative to the nutritive value of oleomargarine.

I will therefore insert part of this article in my remarks, in order to familiarize the general public with the high value of this food product. I will not insert the many tests made by them and others with butter and oleomargarine, which have proven that in many instances, oleomargarine is superior to butter in nutritive food value.

THE VITAMIN A AND D CONTENT OF SOME MARGARINES

(Dorothy Fetter and A. J. Carlson, from the physiological laboratory of the University of Chicago, received for publication October 14, 1930)

It has long been recognized that the varieties of oleomargarines made from vegetable oils are inferior to butter in vitamin A content. However, some oleomargarines prepared from beef fat are reported not to show this deficiency (1), (2). Nevertheless, the laymen commonly regard all margarines as being inferior to butter. Margarines differ from butter in flavor. But the only value of food flavors in nutrition appears to be their influence on the digestive secretions and appetite, and this influence seems to be developed in the individual mainly on the basis of conditioned reflexes and may, accordingly, be associated with any flavor. Milk and milk products are only one of the many sources of vitamins in the diets of man. And among some people of normal stature milk or milk products form a part of the diet only in infancy. Hence it is clear that the vitamin A and D requirements for man can readily be met by other foods. The paucity of xerophthalmia cases in central Europe during the war shows us that even in times of serious deficiency of fats in the diet the human organism, especially adults on a mixed diet, can quite easily make up for the lack of milk fat factors by other foods.

The vitamin A and D content of two common margarines on the market were assayed for their vitamin A and D content in comparison with butter by the standard feeding tests on rats. The fat in one of these margarines was coconut oil, and that of the other oleo oil and lard. The composition of the latter is stated by the manufacturer to be oleo oil, 41 per cent; neutral lard 33 per cent; moisture 11 per cent; vegetable oil 10 per cent; ash 5 per cent. The ingredients are churned in whole milk in such a way that nearly all of the solids in the milk go into the margarine. This probably is a factor in the vitamin A and D content of this margarine as the mixture may absorb the vitamins known to be present in skimmed milk.

I wish, also, to read a telegram sent by the National Soybean Oil Association, to show how other branches of agricultural industries view this proposed legislation.

HOUSE OF REPRESENTATIVES,
Washington, D. C.:

Brigham bill is to be brought out on floor Tuesday, February 24. This bill primarily designed eliminates imported palm oil as an ingredient in oleomargarine. However, unless amendment made to bill, will also preclude use American farmer produced soybean oil and corn oil. Soybean growers and crushers need this market to avoid acute surplus. It is essential American agriculture be protected against foreign competition. But nothing constructive can be accomplished by benefitting one agricultural group at the expense of another. For thousands of farmers soybeans has been the only profitable crop during the last several years and they expect you to help them prevent legislation which will destroy an important outlet for them. An amendment to the Brigham bill permitting such domestic oils as soy and corn should be made.

NATIONAL SOYBEAN OIL ASSOCIATION.

As I have already said, we can not cure all ills by such piecemeal legislation. I will therefore advise that you endeavor to aid us in reaching the causes responsible for the conditions which now prevail. Not until then can you expect to improve these conditions. Not until then will you receive fair prices for things we grow, produce, and manufacture.

For the present, all I wish to say is: I hope that all of you who are not desirous of completely destroying this industry, will vote for this amendment, which I feel is both a fair and just amendment.

The great appeal of the gentleman from Mississippi [Mr. QUIN] for the cow would not be so effective if you would but realize that the entire argument made for the cow, unfortunately, was the "bull." [Applause.]

Mr. KETCHAM. Mr. Chairman and members of the committee, I think I do not need to say to the friends of this legislation that the amendment introduced by the gentleman from Illinois goes straight to the heart of the legislation that we now have under consideration. If this amendment prevails, we might as well not have introduced the legislation.

In order that you may see this clearly I want to exhibit to you a color proposition, which our friend has brought before us. I hope you will give these exhibits your careful consideration.

In the first place, in this exhibit at the right, there is a degree of color of 0.2. This is by the Lovibond tintometer scale. That phrase, while it is mouth-filling, is the trade name of the instrument used in determining the color test. This one is as I said 0.2. This one here is the standard of yellow provided in the bill, and reads 1.6.

Now, if you will give me your attention, the one at the extreme left is 7.7. You will see according to the same standard that this is the ordinary butter color.

Now, in order that you may have a visual perception of about what the 4 per cent yellow content as provided in the Sabath amendment would mean, I exhibit to you this advertisement in a recent issue of the Saturday Evening Post.

In passing it is reported that this double-page advertisement cost $23,000, and that the contract for the publication of the advertisement carries with it a condition or requirement that at least 13 issues shall be published in one year—a total of nearly $300,000 in advertising a product that is really an old product in its new palm-oil color scheme. And now may I call attention to the fact that the color exhibited in this advertisement is practically a 4 per cent color, and this is the product for which $23,000 has been expended to call its excellence, and particularly its delightful natural color, to the attention of those who are expected to be buyers of it. I sum up the argument I made a moment ago by saying that if you vote for the amendment of the gentleman from Illinois [Mr. SABATH] you will kill the bill and you will vote practically for a standard of yellow color which is similar to that I exhibit here, and which is paid for in this advertisement of this new product which is given so much emphasis in these days.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. BANKHEAD. Is the gentleman in a position to state the degree of coloring that would be derived from the use of natural cottonseed oil and peanut oil and soybean oil?

Mr. KETCHAM. I am not prepared to state the degree of color exactly.

Mr. BANKHEAD. Is the gentleman prepared to state definitely that it would not transgress the provisions of this law, or the limitations being written into this bill?

Mr. KETCHAM. I will read what a good authority on that identical subject says. This is from the Secretary of Agriculture:

So far as we can determine, the limit placed on the yellow color permitted in oleomargarine is high enough to allow the use of any naturally colored oleo oil, and would exclude the use of yellow colored vegetable oils which are obviously added for the purpose of increasing the color.

I think that completely answers the question of the gentleman from Alabama.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. SABATH. Does the gentleman object to manufacturers spending money for advertising their products?

Mr. KETCHAM. Oh, certainly not. The only thing we object to is the attempt, and the very clear attempt—and nothing could be plainer, it seems to me, than the purpose of the manufacturers of this product—to take the standard of color which for centuries has been associated with butter and make use of that color in order to carry their product over to the ultimate consumer. [Applause.]

Mr. ABERNETHY. Mr. Chairman, ladies and gentlemen, I am going to vote for this bill, not because I know so much about it nor can find out much about it from any member of the Agricultural Committee, because they have all respectfully declined to even answer any question I have asked them, but I am voting for it largely because my legislature has requested me to do so. I do not know much about it, and I am not so sure that I ought to vote for it. [Laughter.]

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. O'CONNOR of New York. Does the gentleman think his legislature knows anything about it?

Mr. ABERNETHY. I do not know about that, but I am going to vote for the bill. I take this occasion to make some observations as a Member of the House. In the next Congress I am sure that the individual Member will have more rights than he has in the present session or in any other session that I have been a member of for eight years. I think that a little ordinary common courtesy from the members of the major committees of this House is due the individual Member when he wants to get some information. When the members of these major committees come in here and take up all the time and absolutely decline to yield for questions, I do not think it is treating the other Members of the House fairly. In another body you can always be yielded to, but you can not here.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Surely.

Mr. McKEOWN. The gentleman is on one of the major committees of the House.

Mr. ABERNETHY. Yes. I hope when we do get into the next Congress, when a Member will be a Member, regardless of whether he is on a major committee or not, that one can at least get a few questions answered when he rises respectfully and asks them of the Member who is on his feet. I am going to vote for this bill.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes. I yield to the next leader of the House.

Mr. KVALE. The observation I wish to make in the gentleman's time is that if this bill is enacted with the amendment that is before the committee, it will not only destroy the effect of the bill and be equivalent to striking out the enacting clause but it will defeat and nullify the protective provisions of existing law.

Mr. ABERNETHY. I am going to vote for it as it is, without any amendment.

Mr. JONES of Texas rose.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. SIROVICH. It has been proven from a scientific standpoint that palm oil has no nutritive value, that its vitamin content is absolutely nil, and that it has no physiological purpose in the human make-up. What other purpose is it used for than to camouflage and deceive the American people, in order to make oleomargarine look like butter?

Mr. JONES of Texas. Mr. Chairman, I think the question answers itself.

As a matter of fact the palm oil is not a natural oil. It goes through four different processes. They treat it with caustic soda; then they remove the sediment, then they blow hot steam through it, then treat it in such way as to remove the odor and the bitter taste, and yet the gentleman down in the department has ruled it has a natural color. The chief purpose for putting it into the commodity is to color it yellow so that it can ride the coat tail of butter into popular favor. [Applause.]

Mr. ANDRESEN. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. ANDRESEN. Is it not a fact that in order to get the same vitamin A contained in a pound of butter a person would have to eat 25 pounds of oleomargarine?

Mr. JONES of Texas. I do not know the exact amount but at the same relative price at which they are sold, you will get more nutrition out of butter than you will out of the amount you can buy of oleomargarine, for the same amount of money.

I do not like this method of legislation. I much prefer another method, if we could get it. But here is a great industry that is prostrate. If it goes down it will carry with it not only those who are engaged in the dairy business, but it will carry a great part of the market for cotton seed oil products. [Applause.]

By actual statistics, many times over the amount of cottonseed products is being fed to dairy cows to-day than is being used in oleomargarine. I do not favor a situation that makes it necessary for a man to step into a pan of coconut oil or palm oil every time he goes out to milk old "bossy" or old "spot." I think the proper way to reach this is to grant independence to the Philippine Islands. [Applause.] I think at the next session of Congress that should be one of the first things to be brought up, not only for ourselves, but also for the Philippines. American capital is going into the Philippines rapidly and they have only developed a small per cent of the territory that can produce coconut oil. If American capital is allowed to go in there in the next few years, they will put enough coconut oil into this country to destroy the dairy business and with it destroy a large portion of the market for cottonseed products that are fed to dairy cattle. That will be bad for the Philippines, and it will be bad for the United States.

Mr. SABATH. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. SABATH. Does the gentleman not think it would be proper procedure to put a tariff or a duty on those two oils and so preclude their importation, if the gentleman is so fearful of competition?

Mr. JONES of Texas. I will state that that is one of the chief purposes that could be achieved by granting independence to the Philippine Islands. Whatever the tariff might be, at whatever station it might be leveled, let it apply to all foreign products that come in competition with our own native products.

Mr. KETCHAM. Will the gentleman yield?

Mr. JONES of Texas. I yield.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. KETCHAM. The gentleman referred a moment ago to the increased importation of coconut oil. Is it not true and do the hearings not reveal that since 1917 there has been a constant decrease in the use of cottonseed oil in the manufacture of oleomargarine?

Mr. JONES of Texas. Yes. I was coming to that.

Mr. KETCHAM. I have the figures here if the gentleman would like them.

Mr. JONES of Texas. I have them before me. I would not vote to tax one domestic commodity at the expense of another, but all the decisions of the Supreme Court and all the rulings that have been made with reference to this commodity recognize that it is the major ingredients of a commodity that are controlling and that determine the kind of commodity it is. The amount of peanut oil that was used in this commodity in 1917 was 21,593,000 pounds. The amount used in 1929 was 5,000,000 pounds, just one-fourth what it was in 1917. The amount of cottonseed oil, while not decreasing so rapidly, is also going down. It is now reduced to 30,000,000 pounds and is approaching the vanishing point before the march of foreign oils. Less than 10 per cent of either of those commodities is now used as an ingredient. In fact, it is less than 2 per cent of peanut oil and less than 7 per cent of cottonseed oil.

In that connection I just want to refer to one expression in this statement by the American Federation of Labor. They have not thought this thing through, and the two representatives, when they appeared before our committee, practically admitted they had not. They say, "Palm oil is a pure product and its color is natural."

How can it be a natural color when four processes, including at least one that is chemical, are used in its preparation? They bleach palm oil before they can put it into this commodity, and then they put it in as a coloring matter after three or four different processes have been gone through.

Mr. FORT. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. FORT. I listened with a great deal of interest to the gentleman on yesterday as well as this morning. His basis for supporting this bill is purely that it permits the use of foreign oils without a tax, is that not so?

Mr. JONES of Texas. That is one of the bases.

Mr. FORT. If the making of yellow oleomargarine was limited to domestic ingredients, would the gentleman still favor this legislation?

Mr. JONES of Texas. No; I would not if it were sold for exactly what it is.

Mr. FORT. I intend to offer an amendment to that effect.

Mr. JONES of Texas. I have racked my brain for some way that would permit them to use oil that would not tax those to the extent they use domestic oils, but it would be impractical to do that. I have tried to figure out a way to do that. I would be in favor of exempting the percentage of the domestic oils from tax, but it is so small that it is inconsequential and would simply produce complications.

The representative of the American Federation of Labor came before the committee and was asked some questions which caused him to think a little, I believe. That organization wants protection against foreign labor and products of foreign labor. They all want that, do they not? Coconut oil is not only produced in the Philippines, it is produced in French Oceanica, in Sumatra, and in other tropical islands. Palm oil is produced in Africa, and in some of those countries a man can go out in his shirt tail in the morning, climb a coconut tree, get his breakfast, come down in nature's dress suit with a satisfied smile on his face, and start a savings account on 20 cents a day. [Applause.] By what peculiar theory can the American Federation of Labor, when it wants to maintain American wages, insist that the American farmer, who is compelled to buy his supplies in a highly protected market, compete with that kind of labor in the markets of the world? [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. GARBER of Virginia. Mr. Chairman and gentlemen of the committee, I am opposed to this amendment for the simple reason that, like oleomargarine itself, it is a pure fraud, and I say that with all due respect to the gentleman who offered the amendment. I submit to the intelligence of this committee that the purpose of having a 4 per cent color, a sample of which I am holding in my hand, is to destroy the very virtue and power of the bill.

Mr. SABATH. Will the gentleman yield?

Mr. GARBER of Virginia. For a question; yes.

Mr. SABATH. Does the gentleman maintain this is 4 per cent only?

Mr. GARBER of Virginia. I maintain that is approximately 4 per cent.

Mr. SABATH. Who maintains that?

Mr. GARBER of Virginia. It is generally maintained that this oleomargarine advertisement carries approximately 4 per cent of color.

Mr. SABATH. Will the gentleman agree with the gentleman who exhibited those samples that the one carrying 2½ per cent is nearly white?

Mr. GARBER of Virginia. I can not yield indefinitely.

Mr. SABATH. Is it not a fact that that is about 2½ per cent and that it is nearly white?

Mr. GARBER of Virginia. That is 1.6.

Mr. SABATH. No.

Mr. GARBER of Virginia. The other was 0.2 of 1 per cent and this is 1.6 per cent. Now, to get back to the amendment, the purpose of the amendment is purely to destroy the force of the bill. Why do you want 4 per cent? Simply because you can make your oleomargarine resemble butter more nearly than with 1.6 per cent. Why do you want a yellow color for your oleomargarine? Simply to make it resemble butter. Why do you not take some other color? Why do you not take green or baby blue or any other color of the rainbow? Why do you select this yellow color and insist upon making your oleomargarine that color? [Applause.]

Mr. SABATH. The gentleman asked me a question and I want to answer him.

Mr. GARBER of Virginia. Make it snappy.

Mr. SABATH. I will. Because the beef fat and cow fat is yellow and because the other oils that are being used in the manufacture of oleomargarine are yellow. That is the reason for retaining the natural color of these oils and of the fats. That is the reason, and it naturally must be yellow.

Mr. GARBER of Virginia. I will answer that in the course of my remarks. I am surprised at the gentleman making the statement that cottonseed oil and peanut oil or soybean oil are yellow in the same sense that butter is yellow.

Mr. SABATH. They have a yellow tint.

Mr. GARBER of Virginia. Let me call your attention to this: The whole purpose is not to destroy the oleomargarine business, and I wish the committee would let me have their attention on this point. Repeatedly it has been stated that the purpose of this bill is to destroy the oleomargarine business. I deny that absolutely, and I think we ought to get that point clearly before us. In 1902 a law was passed assessing a 10-cents-per-pound tax on any oleomargarine that was artificially colored to resemble butter. For 29 years that law obtained, and then it was that a method of refining palm oil to render it palatable and odorless was discovered, and the Commissioner of Internal Revenue ruled that palm oil, because in refining it underwent no chemical change, was not an artificial coloring, but a natural coloring. I submit that the purpose of using palm oil is precisely the same as the purpose of using artificial coloring—namely, to give oleomargarine the color of butter—and the Supreme Court held that law was valid. Therefore, all we are trying to do is to bring palm oil under the present law that has obtained for 29 years. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. OLIVER of New York. Mr. Chairman and gentlemen, I am against this bill because it contains a counterfeit tax. This tax is leveled simply for the purpose of destruction. It is not leveled for the purpose of raising revenue for the Government. It is a hoary-headed iniquity. It was passed in 1886. We are now having a review of it, and we find that merely because of the age of the iniquity we are asked to continue and perpetuate it as a part of the policy of the Government.

I am against any interference by the taxation power of the Government with a legitimate industry. It has been conceded that the oleomargarine industry is a legitimate one. No man can deny this. I believe we go beyond the power of the Government when by a mere domestic tax we attempt to regulate the commerce of the country. It is an evil thing to do, and as Pope said in his great couplet:

Vice is a monster of so frightful mien,
As, to be hated, needs but to be seen,
Yet, seen too oft, familiar with her face,
We first endure, then pity, then embrace.

This old-time evil is one we ought to destroy. Every State of the Union has the power to regulate the sale of oleomargarine. I wonder why the people in the States which have a real belief in the dignity and autonomy of States do not use State power for the purpose of regulating the foodstuffs sold to their people. The sovereign power of States is being destroyed by inaction. It is the most precious power of a republic.

Our great State of New York has an oleomargarine statute which precisely lays down the rules which the oleomargarine trade must observe, and it passed upon almost this identical question in the great case of People against Heaton, in Two hundred and tenth New York Reports. It said that the whole power of the government did not possess force enough to make oleomargarine which had as a base a substance which made it look like butter, a lawless article. I believe that this law, when it strikes against the courts as it is now framed or is proposed to be framed, will break and should break on the rock-bound proposition that a tax should be for the purpose of raising revenue and not for the purpose of destroying a legitimate industry.

Mr. BURTNESS. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. BURTNESS. Is the argument which the gentleman is making any more against this bill than against the law now on the statute books?

Mr. OLIVER of New York. Yes.

Mr. BURTNESS. In what respect?

Mr. OLIVER of New York. Because now you are attempting to put into the law a change from the old law. We taxed an incidental coloring in the old law, and now we are taxing a coloring which is not incidental, but basic, under this proposed law.

Mr. BURTNESS. But, of course, the logic of the gentleman's argument is that he is opposed to the present law?

Mr. OLIVER of New York. I am opposed to the present law; and I say it is a hoary-headed iniquity; and when it lifts itself up for review I am in favor of destroying it.

I have favored every farm bill that has come here, representing no farmers but knowing that the farmer is the basis of the prosperity of the Nation. However, I am not in favor of a measure that attempts to regulate commerce by the imposition of a domestic tax. I have never voted for such a process and I never shall. I believe that with our pure-food administration they can get a much better method of regulating this matter than they can under the proposed new law, which I believe is unconstitutional; and if not unconstitutional, it is erroneous and tyrannical in principle. I believe it is the highest form of despotism to use the power to tax for the purpose of destroying. Yea; you call it regulation, but really it is for the purpose of adding to the price of a foodstuff in order to compel that foodstuff to be manufactured in accordance with your prescription. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OLIVER of New York. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Without objection, it is so ordered.

Mr. BURTNESS. Is it more despotic in principle than the action of our neighboring, friendly country, Canada, which prevents entirely the sale of oleomargarine? And there are other countries that handle the matter in the same way that Canada handles it.

Mr. OLIVER of New York. I am not disposed to choose between tyrannical methods. I am trying to get a method that is not tyrannical. I will say to the gentleman that the State of New York attempted to destroy the manufacture of oleomargarine, such as is complained of by the proponents of this bill, and the court, in the case of People *v.* Heaton (210 N. Y.), held that our Government did not have the power to do that. We have not the power of tyranny that our beloved neighbor, Canada, has. I am not one of those disposed to criticize Canada or to reflect on Canada in any way, but the gentleman has said that it is performing a tyrannical action. Evidently it had that power, if it used it, but I say to you that we have not got the power to suppress an industry either by tax or by law if that industry is a legitimate one. There is no claim that oleomargarine, when yellow, is deleterious, vicious, unwholesome, or unhealthy. If it were, I would be with you to tax it, destroy it by law, or by any other process given to the Government. [Applause.]

Mr. MICHENER. Mr. Chairman, I move to strike out the last word, not for the purpose of making a speech or an argument but simply to express the hope that this bill will pass without amendment.

The Committee on Agriculture has given most careful consideration to this bill; and the dairy interests of the Nation, through the various farm organizations, have not only studied the bill but their experts have passed upon the terms of the bill; and these experts have appeared before the Committee on Agriculture and have agreed that this bill, if enacted as presented, will be of much benefit to a distressed dairy industry. The pending amendment is offered by an opponent of the bill, and I dare say that no amendments will be offered by the committee or by those in favor of accomplishment of the purpose sought in the bill. Therefore, it seems to me that the practical thing to do is to follow the Agricultural Committee and bring this bill to a vote as early as possible in order that it may go to the Senate, where we hope for consideration before the close of the session. It is apparent that this House is not in the mood to listen to debate. I dare say that every Member knows at the present time just how he is going to vote on this bill. We all realize that the work of Congress is done in committee; that most of the talk on the floor is for home consumption; but it does seem that in these closing hours, with so much important legislation pending, he who talks continually on the floor of the House should curb his passion for the few remaining hours in order that the committees which have given time and work to these measures may have an opportunity to present the result of their work, and that the House may have an opportunity to register its will in the passage of these bills.

This is an easy bill to understand and I am one of those who are not afraid to state the real purpose of the bill, as I understand it. It is for the relief and protection of the dairy interests of the country. It is true that under this bill this result is sought through the method of taxation. I for one would have no hesitancy in voting to make the sale of oleomargarine containing any coloring matter whatever unlawful if I thought that it were necessary to save the dairy interests. However, that question is not before us, and there is no use quibbling about what we are trying to do. It has been vehemently urged here that the sale of oleomargarine, which is colored to resemble butter, is a fraud upon the consumer. It is also urged that oleomargarine is not as nutritious as butter. Both of these assumptions are correct, and each gives a further reason for enacting this law. Let us be frank with ourselves and say that the dairy interests of the country, which are demanding this legislation, are demanding it in self-protection and not in the behalf of others. I for one believe that the American people, urban and rural, appreciate the necessity of retaining our dairy industry, and if they understood the situation would almost unanimously urge Congress to pass any constitutional legislation which will make the American cow the survivor over the coconut or palm tree. I am not unmindful of the fact that we are approaching a state of overproduction of milk in the country, and that if prices are to be kept up we can not hope to produce more than the market will consume. The protective tariff is keeping out foreign products and is doing all that we hope for it, so far as the dairy interests are concerned, and without this tariff it would be impossible for the milk producer and the butter manufacturer to produce at a profit in America.

The bill before us proposes to change the basis for applying the tax of 10 cents a pound and the tax of one-fourth cent a pound, levied by the act of August 2, 1866, as amended. Under the law as it now stands the 10-cent tax is levied on oleomargarine artificially colored so as to cause it to look

like butter, of any shade of yellow, while other oleomargarine is subject to the ¼-cent tax. The bill proposes to change the basis for the application of these taxes by making the distinction rest solely upon the color of the oleomargarine, whether or not the result of "artificial coloration." The bill proposes to tax yellow oleomargarine 10 cents a pound, and oleomargarine, which is not yellow, one-fourth cent a pound. To insure accuracy and definiteness of meaning a scientific color test is provided by the bill.

When the original oleomargarine bill was passed in 1902 it was clearly the intention of Congress to tax all yellow-colored oleomargarine 10 cents a pound. However, the scientist and the chemist and the manufacturers have devised ways and means of making an article which looks like butter, smells like butter, and in a way tastes like butter, but in fact which does not possess the health-giving qualities of butter, and which is a substitute and a sham, but which in many places is served as butter and in other places is sold to the uninformed, especially in the large cities, on the statement that it is "just as good as butter."

Those opposing the measure on the floor are composed of three classes. First, those representing districts and communities now engaged in the manufacture of oleomargarine; second, those who evidently believe that this tax will add to the cost of the poorer classes in certain communities; and third, those producing vegetable oils. I have no fault to find with either class, but as between the survival of the oleomargarine industry and the survival of the dairy industry, it seems to me that there can be no question. As to the effect of this legislation on the consumer in the cities there can be no possible cost added to the sale of oleomargarine, if it is bought in its natural state, and I believe that the American people will prefer to know what they are buying, than to be imposed upon by having foisted upon them something which looks like butter but which is in no sense butter.

The American Federation of Labor has sent every Member of Congress a statement opposing this bill. It does this in behalf of the consumer. I have talked with the gentleman from New York [Mr. LAGUARDIA], who comes from a consuming district, and who is the recognized leader of organized labor on the floor, and I am sure that later in the debate he will make some remarks on this point, and I am happy to say that I believe that Mr. LAGUARDIA has given this matter much study and I am sure that he will support this bill.

In conclusion, let us not forget that we are not here attempting to establish a new policy, but we are revising law rather to meet new conditions and which are not so dangerous now as they will be within the next year, unless this remedy is adopted. The dairy interests have no quarrel with the oleomargarine interests when their products are sold in their own guise and for what they really are. What we object to is the manufacturers of oleomargarine attempting to color their product to resemble butter. They put up the packages as butter is put up, the cartons are similar, and the advertising is most deceptive. Sell oleomargarine in its natural state and you will have no complaint from the dairy interests.

I represent one of the greatest agricultural and dairy districts in the United States. I have three milk condenseries and several creameries, and produce large quantities of raw milk for consumption in Detroit and Toledo, and know from personal experience the necessity of this legislation. If we are going to rejuvenate agriculture, this is the place to begin. This is not some theoretical matter to be worked out by boards, commissions, and economists. It is just ordinary horse-sense legislation, and will do the job, so far as it goes.

Let us have a vote and send the bill on its way to the Senate.

Mr. LAGUARDIA. Mr. Chairman, there has been a great deal of misapprehension expressed as to the effect that this bill will have on consumers. Regardless of the merits of the bill, let us make that clear. This will not increase the cost to the consumer or anyone who wants to buy oleomargarine as such. [Applause.] It will in fact protect the consumers in States that have no oleo law. It will not permit unscrupulous grocers in palming off oleomargarine for butter.

I did not rise particularly on that question, but reference has been made here to the protests of the American Federation of Labor against this bill. I believe that a man is a friend when he talks frankly. I appear on this floor very often on behalf of legislation that is sponsored by the American Federation of Labor. A few days ago this House listened attentively to the discussion of a bill in which the Federation of Labor was vitally and directly interested, and the House heeded the recommendations of the American Federation of Labor and passed their bill.

Now, I submit to my friends of the federation that they can be more helpful to their cause and more helpful to their friends in this House when we plead from this for legislation that they are interested in if they will limit resolutions, indorsements, and opposition to matters on which they have given careful study and consideration. [Applause.]

I happen to know that in this instance careful consideration could not have been given, regardless of the merits of the bill. There is not a keener mind in this country than Ed McGrady, of the federation, and when he knows his subject he can make one of the most convincing arguments of any man I ever heard either in or out of court.

There is no better-equipped man than William Green. He makes a most telling and impressive statement on any subject in which he is interested. In this case, however, a convincing presentation has not been made. Mr. McGrady, a close friend of mine, of the federation, appeared before the Committee on Agriculture, but he was not up to his usual high standard, because he either was not familiar with the subject or did not have the opportunity and time to get all of the facts.

Regardless of this bill, I simply want to take this opportunity of stating to the Federation of Labor, as I did once to the American Legion, that if they want to retain the confidence of the House, if they want to reinforce us, their friends in the House, who sponsor all labor legislation, that they should keep to the subjects in which they are directly interested and be sparing with their indorsements on unrelated and extraneous subjects, so that their great influence in this House will not be impaired. This statement is made in all friendliness and with only the best interests of labor in mind.

Mr. BURTNESS. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BURTNESS. Does the gentleman know that the American Federation of Labor has not opposed this matter by resolution for 25 or 30 years?

Mr. KETCHAM. May I call attention to the reply of Mr. McGrady to a question put to him during the hearings:

Mr. ANDRESEN. For the past six years we have had up for consideration, off and on, the subject of farm-relief legislation. Your organization has had a distinguished representative before us urging the enactment of such legislation on the theory that anything that helped agriculture will help labor.

Mr. MCGRADY. You are right.

Mr. LAGUARDIA. Now I want to say something especially to the women of the city. In our State we have a very rigid oleomargarine law which requires a large and conspicuous sign in every restaurant and grocery selling or serving oleomargarine. As deputy attorney general of my State I prosecuted violations of the State oleo law almost daily. I want to advise the mothers in that city that when they go to buy a substitute for butter that they buy uncolored substitute butter. In that way they will know what they are getting and if they want to use substitutes for butter for cooking purposes they can do so and pay only the low price normal for such substitute. Oleo and imitation butter should not be used on bread as a spread for butter. Oleo and substitutes do not contain the nutritious properties of butter which children require. When buying butter housewives should take care and see that they get butter when they are paying for butter. If there is any doubt—in my State—the matter should be immediately reported to the

State department of agriculture, which has an office in New York City.

On the other hand I want to warn the dairy interests to give the consumers in the city the benefit of their splendid products at fair, reasonable prices.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto now close.

Mr. FORT. Reserving the right to object, I have an amendment on the Clerk's desk.

Mr. SABATH. The gentleman has used twice as much time as we have.

Mr. HAUGEN. How much time does the gentleman want?

Mr. SABATH. I want five minutes at least.

Mr. HASTINGS. I would like to have one minute.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in six minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIROVICH. Mr. Chairman, ladies, and gentlemen, the fundamental principle that underlies all democratic republican government is the sentiment of equal opportunity for all and special privileges to none.

As a disinterested Member of the House I have listened for hours to the debate that has been going on regarding the subject of oleomargarine.

What is oleomargarine? It is a substance that is derived from either animal fats or vegetable oils and that is used in the markets of our country as a substitute for butter. From a chemical standpoint there is as great a difference between butter and oleomargarine as there is between day and night. It takes 25 pounds of oleomargarine to give you as much nutritive value as does 1 pound of wholesome butter made from cow's milk. Butter made from cow's milk contains certain substances called vitamins, the most important being vitamin A, which makes it superior and preeminent in the human diet. Oleomargarine contains no vitamin A.

The entire gastrointestinal tract, beginning at the mouth and ending in the rectum, is lined with special cells called epithelial cells. In the mouth these cells help to manufacture the salivary secretions. In the stomach they perfect the gastric secretions, such as pepsin and dilute hydrochloric acid. In the intestines they manufacture intestinal secretions. All these secretions help to digest, absorb, and assimilate all the food humanity eats, which is converted into blood, that circulates through our systems and gives us health and strength. Vitamin A is absolutely important to the life of these cells to continue their work.

If you deprive these epithelial cells of the wonderful, invigorating, and efficient agencies and influences of vitamin A, they ultimately disintegrate and perish, and thus bring about gastrointestinal disturbances, which cause disease and sickness.

Loving humanity as I do, I am opposed to the substitution of oleomargarine for butter because it is a willful imposition upon the citizens of our Nation in foisting upon them a food that is devoid of vitamin A, deficient in nutritive qualities, and unfit to act as a substitute for wholesome butter which has been used by civilized humanity throughout the ages. [Applause.]

In its natural state, oleomargarine looks like lard and is almost white in color. To deceive the public, the producers of oleomargarine have perfected a yellow pigment from palms which colors oleomargarine to look like the natural yellow color of butter. This yellow palm pigment has no nutritive value, has no vitamin A within it, and is simply used to camouflage oleomargarine to look like butter.

In all the principal countries of the world stringent laws have been passed to protect butter from its counterfeit, camouflaged, humbug competitor, oleomargarine. Canada absolutely prohibits the manufacture and sale of oleomargarine. Then why should we in this the most civilized nation of the world pass legislation that will be instrumental in developing and perfecting this product and deceiving the American people into the belief that they are buying butter, when, as a matter of justice, it is only a poor imitation colored by oils and pigments to deceive the gullible poor who will have to use it. [Applause.]

As a believer in pure, wholesome food laws for the people of our Republic, I am opposed to this wholesale deception through legislation in the Congress of the United States. [Applause.]

Mr. Chairman, ladies, and gentlemen, for four years, almost single handed, I have fought to prevent the Government of the United States denaturing alcohol by throwing poisons therein. This poisoned alcohol was diverted through bootleg channels and converted into beverage alcohol which has poisoned thousands of innocent and unsuspecting people throughout our country.

Congressman MENGES, the distinguished Representative from Pennsylvania, only a few months ago challenged my contention that alcohol could be denatured with drugs that were nonpoisonous in their nature. Two weeks later Doctor Doran, Commissioner of Industrial Alcohol, announced to our people that such a drug had been perfected which does not necessitate the future poisoning of industrial alcohol to make it unpotable and unpalatable when diverted to beverage usage. For the same reason that I fought the Government of the United States to prevent them from denaturing alcohol with poisons, I am battling to-day to prevent these unscrupulous manufacturers from using pigments and oils to color oleomargarine to simulate and resemble healthy, nutritious butter. [Applause.] I do not believe in imitation oleomargarine. I believe in real healthy, wholesome, nutritious butter for every man, woman, and child in our country. [Applause.]

Mr. Chairman, in the fourteenth congressional district which I have the honor to represent in the Congress of the United States there are thousands of men and women who are unemployed. These people do not want charity. They seek the privilege of working and toiling in the quarries of industry, so that they may support those who are dependent upon them. The chief reason, in my humble opinion, for their unemployment and this great economic depression we are now going through, is because 40,000,000 farmers have been the victims of tariff legislation that has put them at the mercy of the great industrial cities in the East, so that they have not any money with which to buy the manufactured products that eastern industries produce. I believe in placing agriculture upon a true, honest parity with industry. After all, agriculture and industry are two brothers that should cooperate together for their mutual welfare. [Applause.] Agriculture is the foundation upon which the superstructure of the life of our Nation is dependent. We can not live without food. That is the reason why I have uniformly supported every measure in our Congress to bring relief to the farmers of our Nation. By enriching the farmers we are perfecting and developing our own domestic markets, which to me are superior to all the foreign markets of the world. [Applause.]

Mr. Chairman, it is for that reason that I am going to vote to protect the dairy interests of the farmer, particularly wholesome butter, against the insidious ravages and attacks of oleomargarine, which should stand on its own color—white—that nature endowed it with, leaving yellow to wholesome, healthful butter, where it belongs. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HASTINGS. Mr. Chairman, this bill is in the interest of the dairy industry. It amends the oleomargarine act and proposes to place a tax of 10 cents per pound upon all oleomargarine colored yellow to imitate butter.

One of the best ways to assist the farmer is to encourage diversification. To diversify every farmer must keep some livestock. This enables the farmer to get away from a 1-crop system. By going into the dairy business in a limited way it permits every farmer to sow part of his farm to pasture and foodstuffs.

Fortunately this is not a sectional bill. There is hardly a community throughout the United States that is not interested in its enactment. The dairy business is stressed in certain sections more than in others, but it is encouraged in a limited way in every county throughout the United States.

This bill seeks to do justice to the dairy interests, and I am heartily in favor of its enactment. Two years ago when a similar bill was up for consideration I then took occasion to express my approval of it more at length.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. SPROUL of Illinois. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the Sabath amendment.

The question was taken, and the amendment was rejected.

Mr. FORT. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. FORT: Page 2, line 18, after the word "color," strike out the period and add the following: "and which is made in whole or in part of ingredients imported into the United States."

Mr. FORT. Mr. Chairman, this legislation has been forced for the consideration of the House because of an emergency which it is alleged has resulted because of a ruling of the Commissioner of Internal Revenue that oleomargarine colored with yellow palm oil as an ingredient did not come within the provisions of the old law. Yellow palm oil is an imported oil. The gentleman from Texas [Mr. JONES] and the gentleman from Illinois [Mr. ADKINS], both members of the Committee on Agriculture, yesterday stated that their objection to the situation was that foreign oils which came in free of duty were used in the manufacture of this oleomargarine. The purpose of the amendment which I have offered is to make the tax relate to any yellow oleomargarine into the manufacture of which any imported ingredient enters.

In other words, the adoption of the amendment which I have offered will place the law back in the position it was before the ruling of the Commissioner of Internal Revenue last November, and indeed, it will be yet a stronger ruling in the interest of agriculture, because it will bring not only yellow palm oil within the scope of the tax, but it will likewise bring coconut oil within that scope. Yesterday, in speaking on this legislation under general debate, I stated my personal readiness, if this legislation be urged to prevent fraud on the people, to vote to prohibit the manufacture of yellow oleomargarine. For reasons unknown to me the Committee on Agriculture does not choose to bring in a bill to accomplish that.

If it be not based upon the theory of fraud on the public, as I said yesterday, it is a protective tariff on one article of domestic manufacture for the benefit of another article of domestic manufacture. The purpose of the amendment which I have offered is to require this product of domestic manufacture to be manufactured of domestic ingredients. [Applause.]

Mr. JONES of Texas. Will the gentleman yield?

Mr. FORT. I yield.

Mr. JONES of Texas. On that basis then, should not the gentleman's amendment cover all oleomargarine made from imported ingredients whether colored yellow or not? The gentleman is going on the basis of a tax on foreign oils. Why does not the gentleman cover both phases?

Mr. FORT. I have not given that any consideration, because I was endeavoring to draw an amendment to meet the position which the gentleman from Texas took yesterday.

Mr. LEAVITT. Will the gentleman yield?

Mr. FORT. I yield.

Mr. LEAVITT. Is the gentleman considering the Philippine Islands a foreign country in connection with his amendment?

Mr. FORT. I am not, nor will I, for any purpose of legislation while I am a Member of this House, consider the Philippine Islands a foreign country. [Applause.] Unless we are prepared to grant independence to the Philippine Islands, we have no right to discriminate against them in any way whatever. [Applause.]

Mr. LEAVITT. That is my ground exactly. Under those conditions what would the gentleman's amendment accomplish in keeping palm oil out of oleomargarine as a coloring if the Philippines, from which that oil comes, is not to be considered a foreign country?

Mr. FORT. I understand that palm oil does not come from the Philippine Islands. It would not make any difference to me, however. As long as the Philippine Islands are a colonial possession of the United States they must be regarded as domestic for all legislative purposes. A protective tariff should not operate any more against them in this type of legislation than it should on tariff legislation.

Mr. LEAVITT. That being true, the gentleman's amendment would not operate to keep coconut-oil coloring out of oleomargarine.

Mr. FORT. I do not know where these things come from. My point is that if this is a domestic industry in any sense, we have no right to use the taxing power of the Government of the United States for the protection of one branch of domestic industry against another branch. It makes no difference where it comes from.

Mr. LEAVITT. That is another phase of the same question.

Mr. FORT. That is the reason I am offering the amendment.

Mr. KETCHAM. Will the gentleman yield?

Mr. FORT. I yield.

Mr. KETCHAM. I have read the gentleman's amendment, and I find the language is as follows: "Imported into the United States." Would that not include a tax upon the products which come from the Philippine Islands?

Mr. FORT. I think not. I think the Philippine Islands are a part of the territory of the United States, although not a Territory of the United States.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. FORT. I yield.

Mr. WILLIAM E. HULL. My understanding of this bill is to prohibit the use of coloring in oleomargarine, so that it will imitate butter. Why would the gentleman's amendment not still allow them to color it?

Mr. FORT. They can now do that.

Mr. WILLIAM E. HULL. I may be mistaken, but that is the theory I am proceeding on.

Mr. FORT. If that were its purpose, will the gentleman answer what will be accomplished by a 10-cent tax when the differential is 50 cents a pound? It will not prohibit it. It is simply a tax laid on yellow oleomargarine, creating a competitive disadvantage in its competition with butter. I stated to the House that I would vote for a bill to prohibit yellow oleomargarine if that be necessary to prevent a fraud, but I will not vote to tax it.

Mr. WILLIAM E. HULL. My idea has been all along—and I am for the bill—that we want to discontinue the use of oleomargarine colored yellow.

Mr. FORT. You are not doing it by putting a 10-cent tax on it.

Mr. WILLIAM E. HULL. If you are going to put in an amendment whereby they can still use yellow coloring, you will destroy the bill.

Mr. FORT. If the gentleman will read the bill he will find it provides for a tax on yellow oleomargarine. That does not stop the use of yellow oleomargarine. It does not stop the manufacture of yellow oleomargarine unless the price of butter is down so close to the price of yellow oleomargarine that the tax of 10 cents makes a prohibitive difference. [Applause.]

Mr. WILLIAM E. HULL. It is down to that price now.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. FORT] has expired.

Mr. OSIAS. Mr. Chairman and members of the committee, I rise in opposition to the amendment that has just been presented, although I am exceedingly grateful for the

interpretation given by the author of the amendment to the meaning of the word "imported," for it is apparent from his remarks that he did not have the remotest intention to discriminate against the products coming from the Philippine Islands, at least as long as those distant isles remain under the American flag. That is a principle for which the commissioners from the Philippine Islands have been contending in all questions involving apparent or real conflicts between the interests of the United States and the Philippines.

But, Mr. Chairman, in the course of the colloquy that took place here the impression was created that there is reasonable doubt as to the meaning of the amendment, and it is feared that if approved in the way it is presented it will directly and indirectly affect the products of the Philippine Islands. The amendment proposes that a tax shall be placed upon products going into the manufacture of oleomargarine if there are ingredients that are imported from outside the continental United States. In official documents and discussions products coming from the Philippines have been characterized as imports into the United States.

Furthermore, in the discussion of this measure on yesterday it was very specifically presented as an issue between the American cow and the coconut. Of course, it is but natural—and I have nothing but words of encomium—if an American sticks to the American cow, and in such an issue I trust no one will blame us if a Filipino clings to the coconut. [Laughter and applause.]

Mr. Chairman, I desire to call the attention of the membership of the House to the situation of the Filipinos. Here we are living under the same flag and yet our products are now presented as inimical to the interests of the Americans. By examining the pages of the CONGRESSIONAL RECORD of yesterday relating to the discussion of this measure you will find them replete with ideas and thoughts showing that there is a conflict between the economic interests of the United States and the Philippines. We of the Philippine Islands did not precipitate this conflict. It was not we who thrust ourselves into your province. We did not take the initiative. The coconut was not the aggressor, for it is silent and motionless. It was the American cow that moved to bump the Filipino coconut.

Mr. Chairman, I want to say frankly that some of our products do compete. If the gentleman from New Jersey will consider products of the Philippines as imports when they come to the United States, then this amendment clearly discriminates against the products of the Philippines.

We have at present considerable acreage devoted to the cultivation of coconuts. There are now some 97,000,000 coconut trees bearing nuts out of which coconut oil is manufactured. I want to apprise the Members of the fact that there are in the neighborhood of 1,900,000,000 nuts produced annually in the Philippine Islands. If you consider Philippine coconut oil as a menace to the American dairy industry, such a menace will continue as long as Congress does not apply the remedy.

Now, what is the remedy? Surely it does not consist in levying duties upon Philippine products imported into the United States, as proposed in measures that obtain in the archives of this Government and as agitated when the tariff question was being considered in this Congress. It does not consist in taxing goods from our country because that would be discrimination against the Philippines, and certainly no American who is true and loyal to the traditions of his country, will want to impose duties upon products from the Philippines as long as it is under the American flag, and while all American products go to the Philippine Islands absolutely free and without limit. [Applause.]

I wish to correct certain erroneous information brought out in statements made on this floor. Coconut oil comes from the Philippines but palm oil does not for it comes from Africa and South America.

One more point before I finish, and with this I will close. If you want to avoid a conflict between the American cow and the Philippine coconut—and I come from the greatest coconut-producing country in the world——

The CHAIRMAN. The time of the Commissioner from the Philippines has expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the Commissioner from the Philippines may proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. OSIAS. One minute's extension is sufficient to convince the Members that there is no justice in directly or indirectly discriminating against Philippine products. You refused to put an embargo on Philippine products when you enacted the tariff law. You refused to do that directly, and certainly you would not now do indirectly what you then refused to do directly. [Applause.]

Ladies and gentlemen, what is the remedy to this whole question? It was referred to by the gentleman from Texas in the course of his remarks. The effective and lasting remedy consists in not perpetuating the rule of the United States in the Philippine Islands, whose products you now claim to be in conflict with yours, but in redeeming the promise you so solemnly made to us, namely, the immediate grant of our independence. [Applause.]

Mr. HOPE. Mr. Chairman, I rise in opposition to the amendment.

This amendment is not anything new or novel. The subject has been considered by the Committee on Agriculture on numerous occasions, and it is the sense of the committee that no practical way can be worked out for such an amendment as this to protect the dairy industry.

In the first place, as has already been pointed out, this amendment would not affect any of the ingredients which go into the manufacture of oleomargarine which come from the Philippine Islands. The principal imported ingredient in oleomargarine is coconut oil, which constituted over 45 per cent of the ingredients which went into oleomargarine last year. Over 99 per cent of the importations of coconut oil into this country comes from the Philippines. In 1930 we imported 318,000,000 pounds of coconut oil from the Philippine Islands and from all other countries we imported 33,000 pounds, or about one ten-thousandth as much as we imported from the Philippines. In 1927 our Philippine importations were 293,000,000 pounds; in 1928 they were 291,000,000 pounds; and in 1929 they were 412,000,000 pounds. During the same years our imports from other countries were 38,000, 60,000, and 43,000 pounds, respectively. This is because we have a tariff on coconut oil which applies to all other countries and, of course, does not apply to the Philippines.

There are some American products which go into the manufacture of oleomargarine, but practically every pound of oleomargarine that is made contains both native and imported products and Philippine products as well. The first objection, therefore, to the amendment is that there would be no practical way by which it could be put into effect.

Mr. BURTNESS. Will the gentleman yield?

Mr. HOPE. Yes.

Mr. BURTNESS. I do not want to break into the gentleman's line of thought, but I would like to ask the gentleman what the effect of the Fort amendment will be upon the product of oleomargarine made from local products and coconut oil from the Philippine Islands, which is actually colored artificially. Does not his amendment make it entirely free of any tax whatsoever, inasmuch as you are wiping out section 8 of the present law?

Mr. HOPE. It would have the effect of making that oleomargarine free of any tax, because it would not only have to be made out of a foreign product but yellow in color, in addition, in order to be taxable. Unless both conditions were present, it would pay only the ¼-cent tax.

Mr. BURTNESS. And anything else would not be taxable, even though artificially colored, because the basic law for the tax is being wiped out in this proposed law?

Mr. HOPE. Yes; except for the ¼-cent tax. The law would permit artificial coloring in a case of that kind.

Now, while it is true that one of the arguments against the manufacture of oleomargarine in this country is that it is largely made out of foreign products, it is not particularly the object of this bill to eliminate the use of these products. The way to get at the foreign products which are being imported, is not through trying to tax them in a bill of this kind. The purpose of this bill is to tax oleomargarine so as to make it necessary to sell it for what it is, so as to prevent the counterfeiting of butter by oleomargarine. [Applause.]

Mr. BURTNESS. How could the Fort amendment, if adopted, be enforced? How could they determine whether the ingredients are foreign ingredients or domestic ingredients; and how could the Treasury ever enforce such a law?

Mr. HOPE. I think it would be absolutely impossible and that question was discussed in the committee and was one of the reasons why the committee arrived at the decision it did. [Applause.]

This bill does not establish any new policy as far as oleomargarine is concerned. Almost 30 years ago Congress passed a law imposing a tax of 10 cents per pound on all oleomargarine which was artificially colored. At that time artificial coloring was the only way in which oleomargarine could be given a yellow appearance. None of the ingredients then in use were yellow and it was not contemplated that it would be possible to make oleomargarine the color of butter except through the use of artificial coloration. This was clearly brought out by the debate in the House on the 1902 law. In other words, the purpose of Congress in passing that law was to impose a tax of 10 cents per pound on oleomargarine colored to imitate butter. Even since 1902 margarine manufacturers have been seeking some way to evade the law and make yellow oleomargarine without paying the 10-cent tax. As far back as 1904 crude palm oil was used for this purpose. Crude palm oil has a very disagreeable taste and odor, however, and very little could be used without impairing the product. A case involving its use was passed upon by the United States Supreme Court in 1904 (Cliff v. United States, 195 U. S. 159). In that case it was contended by the margarine manufacturers that palm oil was a natural ingredient of oleomargarine and its use not a violation of the law. The amount used, however, was less than 1 per cent of the total ingredients and the court held that it was obvious that it was used solely for coloring purposes and therefore constituted artificial coloration.

At a later date it was found that a certain amount of oleomargarine of a light yellow color could be produced from yellow animal fats. The Bureau of Internal Revenue has consistently held that since oleo oil, as this yellow fat is called, was a natural constituent of oleomargarine its use was permissible without subjecting the product to the 10 per cent tax. While the use of these oils has to a certain extent made possible the production of some oleomargarine of a light degree of color the amount of oleo oil available has been so limited that the production of this type of oleomargarine has not been an important factor in the trade. This type of oleomargarine has been referred to as tinted goods, and while it has some color it lacks considerable of having the appearance of butter.

Within the last year, however, it has been discovered that refined palm oil, yellow in color, can be used in the manufacture of oleomargarine and a ruling has been made by the Commissioner of Internal Revenue that although this oil gives a distinctive yellow color to oleomargarine its use is permissible. The distinction between the use of palm oil at the present time and back in 1904 is that a larger amount can now be used. The Bureau of Internal Revenue requires that at least 10 per cent be used, and it is understood that from 10 to 15 per cent is being used by most manufacturers in making this type of product at the present time.

It is obvious that palm oil is being used now for the same purpose as in 1904, namely, to add color to the product. During all this intervening time the oleomargarine manufacturers had been making a product which they contended was perfect and wholesome in every way without using any palm oil at all. It is not a necessary ingredient in any sense of the word. Its only purpose is to add color and enable oleomargarine to counterfeit the appearance of butter.

I say, therefore, that there is no new principle of legislation involved in this measure which simply brings the 1902 law up to date. It does not in any way interfere with the manufacturer who is producing uncolored oleomargarine. The dairy industry is not trying to drive oleomargarine off the market. It is not trying to put anyone out of business. It does insist, however, that oleomargarine if sold ought to be sold as oleomargarine and with its own distinctive color, which is white just as much as the distinctive color of butter is yellow. If the manufacturer of oleomargarine desires to color it either artificially or through the use of palm or soybean oils he may have the privilege of doing so by paying a tax of 10 cents per pound.

Practically every civilized country has stringent laws regulating the production and sale of oleomargarine. The Dominion of Canada prohibits its manufacture, importation, or sale. In many countries it is forbidden by law to sell butter and oleomargarine in the same place. As a matter of fact, the United States has been much more liberal than most of the civilized countries in its treatment of the oleomargarine industry.

Dairying is our largest agricultural industry. More than 1,500,000 farmers sell milk for human consumption. Dairying is an important industry in every State. There are over 33,000,000 dairy cattle owned by the farmers of this country, nearly 22,000,000 of which are milk cows. The value of milk cows alone is approximately $1,848,000,000, and they produce approximately 130,000,000,000 pounds of milk with an annual farm value of nearly $3,000,000,000.

Furthermore, until recently the dairy industry has been the most prosperous branch of agriculture. Just now, however, the industry is going through a critical stage. The production of butter and dairy product comes perilously near being upon an export basis at this time. A very slight decrease in consumption could easily put it on that basis. We have no export market for butter, and, even if it were possible to find such a market, the very fact that we were on an export basis would drive down the price of the entire product to the world level and deprive the industry of the protection which it now enjoys from the tariff.

If our great dairy industry is to be protected, it is important that this legislation be enacted as soon as possible. Manufacturers of oleomargarine are spending many thousand dollars advertising and building up a market for this new colored product. This campaign of propaganda and advertising is already having an adverse effect upon the market for butter. Unless some relief is given, we may find ourselves upon an export basis very shortly.

It should be remembered that the principal constituents of oleomargarine are imported products. Furthermore, that the proportion of foreign products going into the manufacture of oleomargarine is constantly increasing. In 1917 oils and fats of domestic origin constituted 60.43 per cent of all the ingredients of oleomargarine; for the year 1929 they amounted to 26.13 per cent, and for that portion of the year 1930 for which figures are now available they constituted only 23.52 per cent. During this same period the use of oleo oil decreased from 27 per cent in 1917 to 10.67 per cent in 1929. Cottonseed oil decreased from 10.21 per cent in 1917 to 7.11 per cent in 1929, peanut oil from 6.05 per cent in 1917 to 1.35 per cent in 1929, and neutral lard from 12.81 per cent to 3.28 per cent.

During the same period of time the percentage of coconut oil used in making oleomargarine increased from 17.30 per cent to 45.48 per cent. In 1917 the oleomargarine industry used 96,378,000 pounds of oleo oil. In 1929, the last full year for which reports are available, it used 45,322,000 pounds. In 1917 is used 36,454,000 pounds of cottonseed oil, which, in 1929, had decreased to 30,214,000 pounds. In 1917, 21,593,000 pounds of peanut oil were used. In 1930 the amount was 5,714,000 pounds. The use of neutral lard decreased from 45,702,000 pounds to 19,632,000 pounds. During the same period, however, the amount of coconut oil used rose from 61,773,000 pounds to 185,066,000 pounds.

It can, therefore, readily be seen that the percentage of foreign oils used in the manufacture of oleomargarine is rapidly increasing and that of domestic oils decreasing in the same proportion. The reason for this is found in the

price. We can produce no oil in this country which can compete with coconut oil as far as price is concerned.

Price quotations taken from the Oil, Paint, and Drug Reporter and set out in the hearings on this bill, on page 56, show that in January, 1931, coconut oil was quoted at 5⅜ cents per pound; palm oil, 5 cents per pound; palm kernel oil, 6⅜ cents per pound. It is my understanding that the 5-cent quotation on palm oil was for unrefined oil and that the price of refined palm oil varied from 7 cents to 8 cents per pound. These are all imported oils. Contrast with these prices the quotations taken from the same journal for January, 1931, for domestic ingredients of oleomargarine: Corn oil, 10½ cents; edible tallow, 6 cents; cottonseed oil, 7.15 cents; neutral lard, 11.75 cents; oleo oil, 8⅞ cents; oleo stearine, 8⅝ cents; soybean oil, the greater part of which is imported, 11 cents. It will thus be seen that, although the price of domestic oils is at an extremely low level at this time, none of them have a chance to compete with coconut oil as far as price is concerned. Furthermore, most margarine manufacturers think that coconut oil is superior for the making of margarine to any of these domestic oils.

In the past there has been much opposition to legislation of this type from the cotton-growing States. This opposition was based upon the fact that the margarine industry afforded a market for cottonseed oil. The figures heretofore given, showing the rapidly decreasing use of cottonseed oil and the great increase in the use of foreign oils, should be sufficient proof that the cotton industry has little hope of finding a substantial market for its products from margarine manufacturers. Furthermore, the various States which produce cotton are becoming great dairying States also. The 1920 census showed that the cotton States produced $289,434,270 worth of dairy products in that year. I have not seen the figures for the 1930 census, but there is no doubt but what they will show a larger increase in the dairy industry in these particular States. It is estimated also that the dairy industry over the country uses over $35,000,000 worth of cottonseed meal annually.

When it is recalled that according to the figures submitted by the Institute of American Margarine Manufacturers the total value of all the cottonseed oil used in manufacturing margarine for the fiscal year 1930 was only $2,895,220 it can readily be seen how much more dependent the cotton States are upon the dairy industry than upon the manufacturers of oleomargarine.

Peanut sections have been represented as being opposed to measures of this character. It is only necessary, I think, to call the attention of Representatives from such districts to the fact that in 1929 peanut oil constituted only 1.35 per cent of the ingredients of oleomargarine as contrasted with 1917 when it constituted 6.05 per cent; 1918 when it constituted 9.85 per cent, and 1919 when it constituted 11.72 per cent. Since that time its use has been constantly declining, and if the peanut industry is going to have to depend upon oleomargarine for a market it is in a very bad way, indeed. In addition to this it was testified at the hearings by Mr. W. M. Steele, representing the Institute of Margarine Manufacturers, that the use of palm oil was displacing some of the peanut oil and cottonseed oil which had formerly been used in the industry.

It has been aptly said that yellow is the trade-mark of butter. In recent years we have heard much about the vitamins and their influence upon nutrition. The most important of these vitamins is vitamin A. Yellow is also the trade-mark of vitamin A. Butterfat, which is yellow in color, is the outstanding source of this vitamin. Vitamin A is also found in eggs and in practically all of the leafy type of vegetables. In every case it is associated with a yellow substance called carotin, which takes its name from the yellow pigment of carrots. Carotin is the yellow pigment in green leaves which can not be seen, however, because the green masks it. Food authorities, among them Doctor McCollum, of Johns Hopkins University, perhaps our most outstanding dietary expert, confirm the statement that vitamine A is always associated with yellow. For instance, yellow corn contains vitamin A, while white corn does not. From a nutrition standpoint, therefore, there is great significance in the natural yellow color of butter. Long before we knew anything about vitamins people instinctively, and as a result of their experience, realized that there was some health-giving property in butter and other yellow food substances containing vitamin A. The color yellow naturally became associated in our minds with health and well-being.

The manufacturers of oleomargarine in making their product yellow are attempting to defraud and deceive the public by leading them to believe that in getting a yellow product they are securing some additional nutritive value. The ingredients of oleomargarine contain none of the health-giving vitamin A. Their natural lack of yellow color is sufficient proof of this. It is contended, however, that palm oil, which is reddish-yellow in color, contains some vitamin A. Doctor McCollum, however, in his testimony before the committee states that "the yellow color, or at least almost all of the yellow color in palm oil is cycopin and not carotin, the mother and substance of vitamin A." Other food experts state that crude palm oil contains some vitamin A, possibly one-third as much as is contained in butter. Assuming that none of this vitamin content is lost in refining and that around 12 per cent of palm oil is being used by manufacturers, it can readily be seen, as stated by Doctor Eddy, of Columbia University, before the committee, that an individual would have to eat 25 or 30 pounds of oleomargarine in order to get the vitamine content of a pound of butter.

No contention is made that oleomargarine is not wholesome or nutritious. It does not contain the health-giving elements, however, that are provided in butter and which are indicated by the yellow color of that product. Any attempt to color oleomargarine yellow is, therefore, not only a deception to the eye of the consumer but is a deception as to the healthful and life-giving properties of the product as well. There is no objection to the manufacturers of oleomargarine coloring their product if they do not like its white appearance. They should not, however, attempt to counterfeit butter. Let them color it pink or blue or any other color excepting yellow and there will be no objection on the part of the dairy industry. It is the attempt of oleomargarine to masquerade as butter that is objected to. It is a counterfeit, and should be labeled, branded, and treated as all other counterfeits. We have, heretofore, adopted the policy of so distinguishing it by compelling yellow oleomargarine to pay a 10-cent tax. All that this bill does is to bring the present law up to date in that respect.

Mr. ADKINS. Mr. Chairman and gentlemen, I offered this amendment in the committee, but it did not get any support. I am still for it. So far as all this talk about the consumption of oleomargarine is concerned, if I were running a packing house I would want this bill to pass. There would be just as much oleomargarine manufactured and just as much sold whether you passed this bill or not, because the big amount of it sold now is white oleomargarine. In 1929 we consumed over 2,000,000,000 pounds of butter in this country, and butter was then bringing a pretty good price. We found also that we consumed 294,000,000 pounds of oleomargarine, and only a little over 15,000,000 pounds of it was colored.

The effect of this bill, of course, will be that they will have to make white oleomargarine, and, of course, a further effect will be that the manufacturer will make it out of animal fat and send the woman her capsule, and she will color it to suit herself.

I am not opposing the bill, but am going to vote for it, and the reason I favored the amendment was because you will not reduce the cost of oleomargarine or affect its consumption, because no man will buy oleomargarine when he can afford to buy butter. For instance, in 1922 and 1923, when butter was high, the sale of oleomargarine increased from 185,000,000 pounds to 294,000,000 pounds, and this shows

that when the price of butter goes up the consumption of oleomargarine is increased. They are going to continue to use oleomargarine when such conditions exist.

However, the point I had in mind in favoring this bill is this: People are here advocating an embargo on oil and can not get it. Why? Because the leaders of this House know that if you put on an embargo there is hardly a commodity that we produce that does not need an embargo, and there is not a commodity we produce on the farm but what to-day is selling below its cost of production, and for that reason we would like to see the other fellow shut out, and the same thing that applies to the oil man applies to the butter producer. We are producing too much butter for the amount of employment the people have in this country.

Another point I have had in mind is that if we could tax the foreign oil that is used as a butter substitute we would then have a line on how much palm oil comes in here free of duty, and this is why I supported the amendment in committee. I did not expect to offer it here, because I see it has no chance to pass.

Remember what I tell you, you are going to have just as much oleomargarine consumed in the future as we do now, but it will all be white; it will all be produced by the packers.

A MEMBER. If as much as is consumed now, why do the manufacturers oppose it?

Mr. ADKINS. The packers that produce the oleomargarine are not opposing it. If I was running a packing house, I would be for the bill, because I would be able to supply the demand of white oleomargarine, and the largest percentage of the oleomargarine now consumed is white. People buy it and put the color in. They might do it with butter this time of year, but they are allowed to color butter.

Now, they held up the farm bill here for six years, and what happened? In our country they put dairy cows on the farm. The farmers there did not use to have dairy cows, but you could go and buy a good steer on almost any farm; but now they have changed to dairy cows, and they are pushing the dairymen that depend on the dairy altogether against a very hard game. [Applause.]

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

Mr. SABATH. Reserving the right to object, I have an amendment pending, but in view of the similarity to the amendment offered by the gentleman from New Jersey, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman's amendment has not been reported, but is now on the desk.

Mr. McKEOWN. Will not the gentleman make his request for 10 minutes?

Mr. HAUGEN. All right; Mr. Chairman, I modify my request and ask that all debate on this amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SNOW. Mr. Chairman, I rise in opposition to the amendment just offered by the gentleman from New Jersey [Mr. FORT]. Any butter substitute—white, green, blue, or pink in color—has its legitimate place on the markets of our country to-day, but I say to you here and now that any butter substitute colored yellow for the express purpose of aping real dairy butter, whether it is made of African oil or is composed largely of intestines of cattle raised in New Jersey, is a fake, and we ought to have some sort of legislation which will absolutely prevent it from getting on the market. [Applause.]

Mr. SABATH. Will the gentleman yield?

Mr. SNOW. Not at this time.

With all due deference to my friend from New Jersey [Mr. FORT] let me say that his amendment is just as big a fake as the amendment offered by the gentleman from Illinois [Mr. SABATH]. [Applause.]

I can show you in a minute that this Fort amendment, if adopted, is wholly in the interests of the packers of the United States.

Under the present law certain oleomargarine is now being made and sold by the packers of the United States yellow in color, made by grinding up certain parts of the intestines of cattle, which pays a tax of only one-quarter of a cent a pound, on the ground that it is not colored artificially; and I was delighted that, when the gentleman from Vermont [Mr. BRIGHAM] drew this bill, he so worded it that this unrighteous advantage the packers of the country are now enjoying under the present law will be wiped out and taken away, as it ought to be. [Applause.]

Mr. FORT. Mr. Chairman, will the gentleman yield?

Mr. SNOW. Not at this time. To continue, if there is anything in the arguments of the gentleman from New York, Mr. SIROVICH, and the gentleman from New York, Mr. LAGUARDIA, that we should protect the poorer classes from buying and eating butter substitutes, thinking that they are getting something with vitamin A in it, then this Fort amendment should be voted down, because if the Fort amendment is adopted it puts Congress on record as deciding that you can not fake yellow margarine as long as you fake it with palm oil from abroad, but that you can fake it with intestinal fat from American-grown cattle. What pure bunk!

This Fort amendment would not be enforceable. It is not practical and it could not be enforced, and I defy any Member to show how it could be enforced. Furthermore, in respect to my friend from Illinois [Mr. ADKINS] with his soybeans: I fully realize his position, but let me say to you that the evidence produced before our Committee on Agriculture showed that a very small quantity of soybean oil is used in the manufacture of butter substitutes; that it gives the substitute a greenish tinge, and that just so long as these people can fake this margarine with palm oil, soybean oil will not be used.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. SNOW. Yes.

Mr. BURTNESS. Does the gentleman agree with me and the gentleman from Kansas [Mr. HOPE] in our construction of this particular Fort amendment, that if the Fort amendment is added on to section 8, as carried in the bill, which wipes out section 8 of the present law, then you are taking out all of the wording with reference to artifical coloring, and in that event artificially colored oleomargarine, if made from United States products or from products of the Philippine Islands, will be subject not to a tax of 10 cents a pound, but to a tax of a quarter of a cent a pound. It will wipe out the present tax of 10 cents and put a lot of products down to a quarter of a cent tax.

Mr. SNOW. I think the gentleman from North Dakota is absolutely right.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. SNOW. Yes.

Mr. SABATH. The gentleman disignates the Fort amendment as well as mine as a fake. He believes that butterine is a fake, but at the same time he legalizes it by putting a tax on it of 10 cents a pound. Therefore he approves the manufacture and sale of this fake substitute if it pays a tax of 10 cents a pound.

Mr. SNOW. In answer I will say to the gentleman from Illinois that if I had my way we would have a bill passed here at this session which would prevent the manufacture of any yellow fake. This Brigham bill is the next best thing to it and at least puts all yellow butter substitutes on the same basis.

Mr. FORT. Let us do it directly. I offered to support such a bill.

Mr. McKEOWN. Mr. Chairman, the only question involved in this legislation is whether or not you are going to permit an article to be sold which is represented to be another article—whether you will permit oleomargarine in competition with butter. The Supreme Court of the United States has said in one of its well-considered opinions:

The manufacture of artificially colored oleomargarine may be prohibited by a free government without a violation of a fundamental right.

The Supreme Court says that Congress can prohibit the entire manufacture of oleomargarine without its being a violation of a fundamental right. In the case of Pumley against Massachusetts that court said:

If anyone thinks that oleomargarine not artificially colored so as to cause it to look like butter is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty to sell it in such a manner as to inform the customer of its real character.

If anyone wants to use this imitation butter he can do so, provided he informs the customer of its real character. Then why does he want to put this coloring in, except to make the customer think that it is butter? You might just as well go out here and take a codfish and put some red dye in it and sell it for a red salmon as to sell this stuff and call it butter. There is not a man here who would permit anyone to do that under any circumstances. Reading further from the decision of the Supreme Court:

He is only forbidden to practice in such matters a fraud upon the general public. This statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SABATH. Is it not a fact that the manufacturers of oleomargarine are very careful in their advertisements to bring home to the people the fact that what they manufacture is oleomargarine, because it is pure, which does not apply to much of the butter manufactured now?

Mr. McKEOWN. I will tell you what they do. They put their signs showing a cake of butter, and then they say in the corner, where you can not see it, that it is oleomargarine.

Mr. FORT. Does the gentleman believe that the proper way to reach fraud is through taxation, that merely increases the price?

Mr. McKEOWN. It is the constitutional way to do it.

Mr. FORT. The gentleman just read a decision that we have a right to prohibit its manufacture.

Mr. McKEOWN. Yes.

Mr. FORT. Why not do it?

Mr. McKEOWN. You will not vote for it.

Mr. FORT. I will. I have offered to vote for it, but I will not vote to tax it.

Mr. McKEOWN. It would be confiscatory when we came to take away these oleomargarine factories, and we could not do it.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. McKEOWN. I yield.

Mr. STRONG of Kansas. The gentleman from New Jersey always wants to vote for what is not.

Mr. McKEOWN. Well, he is a very fine gentleman anyway.

Mr. SABATH. Will the gentleman yield?

Mr. McKEOWN. I yield.

Mr. SABATH. Does the gentleman believe we should put a tax on rayon, which resembles silk and which many people do not know from silk? Does the gentleman not think we ought to put a heavy tax on rayon because it looks like silk?

Mr. McKEOWN. They do not sell it as silk.

Mr. SABATH. Oh, it is not marked "rayon."

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. McKEOWN] has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. FORT].

The amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LINTHICUM: Page 2, line 18, after the word "color," insert "said tax to be devoted to the eradication of tuberculosis in cattle in United States, in addition to the congressional appropriations for that purpose."

Mr. LINTHICUM. Mr. Chairman, that may be a laughable matter to some Members, but it is a very important matter to the public.

Mr. HAUGEN. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto shall close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa [Mr. HAUGEN]?

Mr. SABATH. Reserving the right to object, that is on section 2?

Mr. HAUGEN. Yes; on section 2 and all amendments thereto.

Mr. KVALE. Reserving the right to object, will the gentleman from Maryland [Mr. LINTHICUM] accept an amendment to his amendment, proposing that the methods of securing and separating palm oil from the product, that is, the stamping upon the kernels by the barefoot savages in the places where it is produced, also be prohibited?

Mr. LINTHICUM. I do not think the gentleman comprehends my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa [Mr. HAUGEN]?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I think this amendment should be satisfactory not only to the advocates of this bill, but likewise to the opponents.

Some years ago there was a discussion as to bovine tuberculosis. It was shown that in the city of New York alone some 6,000 infant children died every year on account of bovine tuberculosis. It was shown that throughout this country bovine tuberculosis was prevalent and that many infants die as a result thereof.

In the appropriation bill of the Department of Agriculture for this year there is an appropriation for this purpose of over $6,000,000. More than $1,000,000 of that is devoted to administration purposes. Five million dollars is intended to match the States for the eradication of tuberculosis.

The amendment which I have offered give this additional money to carry out the purposes of the act to eradicate tuberculosis. In other words, if there are $5,000,000 available now, there will be this additional amount for that purpose. If you want to purify your cattle herds in this country, if you want to make milk pure and free of bovine tuberculosis why not accept the amendment I have offered and have that much more money for that purpose? You do not have sufficient money at the present time. In my State there has not been enough money. I presume what applies in my State applies all over the country. This amendment should be supported especially by the farmers, because it gives just that much more money.

Mr. SIMMONS. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. SIMMONS. Does the gentleman believe that tuberculosis can be transmitted from an animal through the milk to a human being?

Mr. LINTHICUM. Absolutely.

Mr. SIMMONS. Would the gentleman mind communicating that fact to the Democratic Governor of Nebraska who is opposing the eradication of tuberculosis in cattle on the theory that it can not be transmitted to human beings?

Mr. LINTHICUM. Well, the Democratic Governor of Nebraska is wrong.

Mr. CLARKE of New York. Most Democratic governors are wrong.

Mr. LINTHICUM. Perhaps so; but all Republican governors are wrong.

Now, gentlemen, please consider this amendment. I ask the chairman of the committee to accept it. I am opposed to this tax entirely, but if we must have it, if this bill is going to be passed, why not take this money and help eradicate this dangerous disease from the cattle of this country?

Mr. KVALE. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. KVALE. The gentleman will forgive me for suspecting his motive in offering the amendment. Has the gentleman conferred with the department agencies which handle this? Has the gentleman conferred with the Budget? Has the gentleman received assurance that he can handle this? Why does the gentleman not join us on this phase of the matter in another measure, and at a different time than just now?

Mr. LINTHICUM. I have done what I could to add to the appropriations from time to time, together with my friend, Mr. SLOAN, of Nebraska, who started these appropriations. But the Budget has nothing to do with this money. This is a new tax. This is coming out of people who do not want to be taxed in this particular way; but if they must be taxed, why not take this money and apply it to the eradication of this bovine tuberculosis and save the children?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. NELSON of Missouri. Mr. Chairman, I rise in opposition to the amendment.

I had not thought to speak on this question, but as a member of the committee, there are one or two things I should like to say.

First, I find no fault with the gentleman from Maryland [Mr. LINTHICUM] who has just left the floor. I hold he is representing one of the leading industries of his district, the oleomargarine business. Baltimore is a center for the manufacture of this product. On the other hand, I come from an agricultural district, as do many of you, and hold that I best represent my constituents when I speak for agriculture.

The biggest farm problem in this country is that of maintaining the fertility of the soil. The greatest permanent financial loss that America has sustained since the first settlement was made on our eastern shores is represented by the loss of the fertility of our soil.

Formerly every successful farmer prided himself upon having two bank accounts, one in his home bank, the other in the soil. Unfortunately, the deposit in the town bank has, in many instances, been wiped out, and that in the farm bank largely depleted.

As you, my fellow Members so well know, plants require three main constituents; namely, nitrogen, potash, and phosphorous. Without these in sufficient quantities and proper proportions the growing of satisfactory crops is impossible. In our agricultural colleges and experiment stations valuable experiments have been conducted. These experiments show the value of the dairy cow as relates to permanent agriculture.

In the matter of soil fertility we have had in this country two rather distinct schools of thought, one represented by Doctor Hopkins and the other by Doctor Whitney. Advocates of the one have held that, in the main, soil fertility may be maintained by proper rotation of crops, and especially by use of legumes, the latter term referring to the nitrogen-gathering plans, such as cowpeas, soybeans, and the clovers, which have the power of extracting nitrogen from the air and which are easily distinguished by the nodules on the roots. The other school of thought to which I have referred contends that without the use of livestock it is practically impossible to continue the fertility of the soil or to build it up, and with this view I am in accord.

With the so-called Russian menace, the problem of soil maintenance becomes of increasing importance to America. If there is danger to our agricultural interests in the 5-year Russian plan of Stalin, it lies not in the fact that Russia has a vast farm population, but it exists because of the millions of acres of virgin soil in that great country, where modern agricultural machinery is just now being introduced on a large scale.

I repeat that the greatest loss America has sustained since the first permanent settlements were made in what is now the United States is represented in the loss of soil fertility. In this the man in the city, and to a degree scarcely secondary to the man in the country, has a deep personal interest. It costs very much more to grow foodstuffs on a poor soil than on a productive soil. If in time our soils become seriously depleted, then the cost of food products must necessarily greatly increase. This will mean an added burden to the man in the city quite as much as greater loss to the farmer and his family.

Animal husbandry, and especially dairy farming, represents permanent agriculture. On the farm where there are cows, and where they are properly cared for, there is but little loss of soil fertility as compared with that on a strictly grain farm. In fact, one herd of dairy cows will return to the farm more soil-building material than all the palm groves in all the countries of the world. [Applause.]

Van Slyke has estimated the fertilizing constituents in 1 ton of fresh cow manure, including feces, urine, and bedding, to include 12 pounds of nitrogen, 3 pounds of phosphoric acid, and 9 pounds of potash.

On the basis of studies at one of our agricultural experiment stations, the quantity of manure produced per cow per year (with 1 ton of straw added for bedding) is feces, 25,185 pounds; urine, 11,439 pounds; straw, 2,000 pounds, or a total of 38,624 pounds, or 19.3 tons.

The values per pound of nitrogen, phosphoric acid, and potash in representative commercial fertilizers, based on current bulk wholesale quotations, are:

	Per pound
Nitrogen	$0.087
Phosphoric acid	.025
Potash	.036

The total quantity and values of these constituents per cow per year are then:

	Pounds	Value per pound	Total value
Nitrogen	232	$0.087	$20.18
Phosphoric acid	58	.025	1.45
Potash	174	.036	6.26
Total value			27.89
Value per ton			1.45

I am interested in the to-morrow of agriculture, in those who are to come after us, in a system of permanent soil fertility. That is why I am to-day speaking for the American farmer and for the American cow rather than for the coconut grower overseas. [Applause.]

We ought to take what President Hoover has referred to as a long view of this agricultural problem and think what it is going to mean 10, 20, 30, or 40 years from now if we drive animal husbandry from this country, if we substitute for our own products the oils and fats of foreign countries. So, my colleagues, I invite you from the cities as well as from the country seriously to consider, and by your votes aid in continuing a safe system of agriculture, without which America must go down. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The amendment was rejected.

The Clerk read as follows:

SEC. 3. This act shall take effect upon the expiration of 90 days after the date of its enactment.

Mr. SABATH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Strike out the words "90 days" in line 16, page 3, and insert in lieu thereof the words "one year," so that section 3 of the bill will be amended to read as follows:

"SEC. 3. This act shall take effect upon the expiration of one year after the date of its enactment."

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. SABATH. Mr. Chairman, ladies, and gentlemen, this bill provides that it shall go into effect within 90 days. I offer an amendment that it shall go into effect one year after its enactment. I feel that we should not completely destroy this industry without giving it reasonable time in which to adjust itself. By legislation, you are about to ruin an industry that has been recognized for many, many years, and in which millions of dollars have been invested.

Mr. KVALE. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. KVALE. Does the gentleman recall that a few days ago the leadership of this House forced through a bill directly against foreign imports that were mined or produced by forced, convict, or conscript labor, and gave that bill effectiveness within 45 days from the time of its enactment, and the present bill provides for 90 days?

Mr. SABATH. That was a different proposition. The legislation to which the gentleman refers was enacted to protect Americans and free labor against convict, or charged—forced foreign labor. And I question the wisdom of that action, as there was no evidence, but only unproven charges behind it; yet, being aimed at Russia, it was passed. But this is directed against American legitimate business, recognized by our Government; and yet you are willing, by legislation, to completely wipe it out of existence. We are going to confiscate millions and millions of dollars worth of property without giving them any chance to adjust themselves to the manufacture of some other article or some other product. I think it is un-American, unfair, and unjust; and some day it will come back to plague us.

Mr. KADING. Will the gentleman yield?

Mr. SABATH. I yield.

Mr. KADING. The gentleman repeatedly uses the expression "completely destroy an industry." As I understand it, this matter of using palm oil has been in existence only since the ruling of the revenue commissioner.

Mr. SABATH. But this applies not only to palm oil but also to cottonseed oil; it applies to bean oil and it applies to cow fats, as well as to many other oils that are being used in the manufacture of oleomargarine.

Gentlemen, I want again to call attention to the fact that this legislation will not to my mind increase the price of butter 1 per cent. There are other causes, as I have pointed out, that are responsible for the prevailing low prices of farm and other commodities. Let us reach the causes that bring about this depression. If you gentlemen who are interested in forcing through this legislation would go after the butter speculators who fix these prices, you would accomplish something; but you are blind to the real cause. It is the speculation in butter, as well as in other farm commodities, that is responsible for low prices. If this administration were desirous of aiding the farmers they could in a short time tell the Federal Reserve Board to increase its rediscount rule and accept for rediscount certain classes of securities which are now being held as frozen assets, and in this way put more money in circulation and help the business of the Nation.

Just this morning I received a report showing that in 1930 we had in circulation only $39 per capita, whereas in 1920 we had $53 per capita. Let us increase this. Let there be more money in circulation and the prices of farm products will increase as well as the prices of all other commodities.

Let us put an end to the artificial inflation and deflation on the part of our financial manipulators and gamblers. Let us pass legislation which will, in the future, preclude a few men from causing panics in our country. Let us pass legislation which will restore confidence, to permit the resumption of business; for then, I am confident, you will not be required or forced to demand and to force such legislation as you are now persistingly forcing through this House.

Mr. GRIFFIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. GRIFFIN: Page 3, line 15, strike out all of section 3.

Mr. GRIFFIN. Mr. Chairman and my colleagues, at first I was somewhat mystified as to the purpose of this legislation. One of the last speakers, however, has crystallized its purpose in the terse saying that it is a fight between the cow and the coconut. Well, let us assume this to be so. The cow represents the dairy interests and the coconut represents the oleomargarine interests.

I suspected that the motive behind this bill was to invoke the power of taxation to destroy, and in that terse expression we find that suspicion is confirmed. If that is the purpose, can you accomplish it by this bill? Let us visualize what will happen in the event it is enacted into law. Will it stop the manufacture of oleomargarine made up and colored so as to look like butter? Let us see. The housekeeper goes into a grocery store and she asks for a pound of oleomargarine and he says, "Madam, will you have it white or colored; if you take the white you can get it for 20 cents a pound, but if you want the colored that looks like butter you will have to pay 30 cents a pound?" If the lady takes the colored oleomargarine the net result is that she pays 10 cents more without doing a particle of good to the farmer.

This bill is simply continuing the policy of iniquitous, shortsighted, unbalanced economic makeshifts to adjust the present situation to the selfish needs of certain classes; a long series of complicated, artificial economic structures to meet economic conditions which would readjust themselves in the course of nature if simply let alone.

There is not a single piece of legislation we have passed of this makeshift character which has not done more harm than good. The Farm Board, the farm loan system, and the high-tariff schedules are all in the same category, a vicious, uneconomic discrimination in favor of the few against the many.

The bill will probably pass, but if it does pass it will establish some very bad precedents, and in this connection I would like to have the Clerk read in my time some telegrams indicating what will happen if it becomes a law.

There being no objection, the Clerk read as follows:

FEBRUARY 25, 1931.

Hon. ANTHONY J. GRIFFIN,
House of Representatives, Washington, D. C.:

If the House passes H. R. 16836, imposing a tax of 10 per cent on oleomargarine, will you introduce a similar bill for the protection of the silk industry, which is seriously impaired by the competition of rayon and other cotton substitutes?

CONSOLIDATED SILK INDUSTRIES.

NEW YORK, N. Y., *February 25, 1931.*

Hon. ANTHONY J. GRIFFIN,
House of Representatives, Washington, D. C.:

Hope the bill to tax butter substitute will pass, as it will furnish a precedent for the taxation of Postum, which has made serious inroads into the coffee-importation business.

UNITED COFFEE IMPORTERS.

NEW YORK, N. Y., *February 25, 1931.*

Hon. ANTHONY J. GRIFFIN,
House of Representatives, Washington, D. C.:

The representatives of the oatmeal and hominy industries propose to ask Congress to pass a bill similar to the oleomargarine bill now under consideration, imposing a similar tax on Grape Nuts and other substitutes for the old-time substantial breakfast foods.

UNITED STATES OATMEAL AND HOMINY ASSOCIATION.

Mr. GRIFFIN. Of course, these telegrams are only imaginary. But you will have to admit they are at least plausible and indicate what you may be called upon in the future to confront in the event you pass this bill.

Mr. Chairman, I yield back the balance of my time and ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. SABATH].

The amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. LINTHICUM: Page 3, line 26, strike out "ninety days" and insert "six months."

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, it is not worth while for me to take up much of your time, but I do want to say that the people of my city have purchased a great quantity of cartons and have gone into this business in a vigorous way, not only under the recent ruling of the Department of Agriculture but the packers have operated under the old law where they used the oleo oil to color the oleomargarine. I merely ask what is fair and just in the matter. You have proposed here 90 days, and I ask you to give my people six months to close up under this law. This does not seem to me so very unreasonable, and I sincerely trust the chairman of the committee can agree to this amendment.

Mr. CHRISTGAU. Mr. Chairman, I hope the amendment just offered to extend the time that this measure is to go into effect from 90 days to 6 months will not be agreed to. The pasture season will begin in about 90 days. Invariably the production of dairy products increases when the cows are on pasture. The 10 cents a pound tax on yellow-colored oleomargarine should be in effect by that time. If it is not, the increased production within the dairy industry itself, plus the competition of yellow palm-oil oleomargarine, will ruin thousands of dairy farmers.

Arguments have been presented against the use of the taxing power to limit competition. In this case, however, the application of a tax appears to be the simplest and most effective method of limiting fraudulent and deceitful competition—fraudulent when oleo is served in hotels and restaurants as butter and deceitful when it is used in the home. And the household is deceived in thinking that the product has the food value of butter when in taste and color it seems to be the equivalent of butter. There is ample evidence that it is far from the equal of butter in food value. [Applause.]

The taste and the color of butter is distinctly a product of the farm. It should not be infringed upon to the detriment of the farmer and consumer alike.

If the farmer could have the benefit of a patent or trademark on the taste and color of butter he would not need the Brigham bill.

In this measure, therefore, we are merely extending to the farmer some of the benefits of legislation that now goes to hundreds of industries and thousands of individuals under patent, trade-mark, and copyright laws.

It is unfortunate that action on this bill has been delayed so long by the Rules Committee. That delay is a tremendous cost to agriculture. The measure should become law at the earliest possible date.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. SPROUL of Illinois) there were 43 ayes and 104 noes.

So the amendment was rejected.

Mr. SPROUL of Illinois. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. LINTHICUM. I ask for a division.

Mr. SPROUL of Illinois. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SPROUL of Illinois and Mr. HAUGEN.

The committee divided; and tellers reported that there were 67 ayes and 174 noes.

So the motion of Mr. SPROUL of Illinois was rejected.

The CHAIRMAN. Under the rule the committee will rise.

The committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and under the rule reported the same back without amendment.

The SPEAKER. Under the rule, the previous question is ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. SPROUL of Illinois. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 302, nays 101, not voting 28, as follows:

[Roll No. 42]

YEAS—302

Abernethy	Dunbar	Jones, Tex.	Reed, N. Y.
Adkins	Eaton, Colo.	Kading	Reid, Ill.
Allen	Eaton, N. J.	Kahn	Reilly
Andresen	Elliott	Kearns	Rich
Arentz	Englebright	Kendall, Ky.	Robinson
Arnold	Eslick	Kendall, Pa.	Romjue
Ayres	Estep	Kerr	Rutherford
Bachmann	Esterly	Ketcham	Sanders, N. Y.
Bacon	Evans, Calif.	Kinzer	Sandlin
Baird	Evans, Mont.	Knutson	Schafer, Wis.
Barbour	Fenn	Kopp	Schneider
Beedy	Finley	Kurtz	Sears
Beers	Fish	Kvale	Seiberling
Blackburn	Fitzgerald	LaGuardia	Selvig
Bland	Foss	Lambertson	Shaffer, Va.
Blanton	Frear	Langley	Short, Mo.
Bohn	Free	Lankford, Va.	Shott, W. Va.
Bolton	Freeman	Leavitt	Shreve
Bowman	French	Leech	Simmons
Brand, Ohio	Fuller	Lehlbach	Simms
Briggs	Fulmer	Letts	Sinclair
Brigham	Gambrill	Loofbourow	Sirovich
Browne	Garber, Okla.	Lozier	Sloan
Browning	Garber, Va.	McClintic, Okla.	Smith, Idaho
Brumm	Garner	McClintock, Ohio	Smith, W. Va.
Buckbee	Gasque	McCormick, Ill.	Snell
Burtness	Gibson	McFadden	Snow
Butler	Gifford	McKeown	Sparks
Byrns	Glover	McLaughlin	Speaks
Cable	Goldsborough	McLeod	Sproul, Kans.
Campbell, Iowa	Goodwin	McReynolds	Stafford
Campbell, Pa.	Goss	McSwain	Stalker
Canfield	Granfield	Maas	Stobbs
Cannon	Gregory	Magrady	Stone
Carter, Wyo.	Guyer	Manlove	Strong, Kans.
Cartwright	Hadley	Mapes	Strong, Pa.
Chase	Hale	Mead	Sullivan, Pa.
Chindblom	Hall, Ill.	Menges	Summers, Wash.
Chiperfield	Hall, Ind.	Merritt	Swanson
Christgau	Hall, N. Dak.	Michaelson	Swick
Christopherson	Halsey	Michener	Swing
Clague	Hancock, N. Y.	Miller	Taber
Clancy	Hancock, N. C.	Milligan	Taylor, Colo.
Clark, Md.	Hardy	Montague	Taylor, Tenn.
Clarke, N. Y.	Hare	Montet	Thatcher
Cochran, Pa.	Hartley	Moore, Ky.	Thurston
Cole	Hastings	Moore, Ohio	Tilson
Colton	Haugen	Moore, Va.	Timberlake
Connery	Hawley	Morehead	Treadway
Connolly	Hickey	Morgan	Turpin
Cooke	Hill, Wash.	Mouser	Underwood
Cooper, Ohio	Hoch	Murphy	Vestal
Cooper, Tenn.	Hogg, Ind.	Nelson, Me.	Vincent, Mich.
Cooper, Wis.	Hogg, W. Va.	Nelson, Mo.	Vinson, Ga.
Coyle	Holaday	Nelson, Wis.	Wainwright
Craddock	Hooper	Newhall	Walker
Crail	Hope	Nolan	Wason
Cramton	Hopkins	O'Connor, Okla.	Watres
Cross	Houston, Del.	Oldfield	Watson
Crowther	Howard	Palmer	Welch, Calif.
Culkin	Hudson	Parker	Welsh, Pa.
Davenport	Hull, Tenn.	Parks	White
Davis	Hull, Wis.	Parsons	Whitehead
Dempsey	Hull, William E.	Patman	Whitley
Denison	Igoe	Peavey	Williamson
DeRouen	Irwin	Perkins	Wilson
Dickinson	James, Mich.	Pittenger	Wingo
Dominick	Jenkins	Pratt, Harcourt J.	Wolfenden
Dorsey	Johnson, Ill.	Pritchard	Wolverton, W. Va.
Doughton	Johnson, Ind.	Purnell	Woodruff
Douglas, Ariz.	Johnson, Nebr.	Quin	Woodrum
Doutrich	Johnson, Okla.	Ragon	Wyant
Dowell	Johnson, S. Dak.	Rainey, Henry T.	Yates
Doxey	Johnson, Wash.	Rainey, Frank M.	Zihlman
Drewry	Johnston, Mo.	Ramseyer	
Driver	Jonas, N. C.	Ramspeck	

NAYS—101

Ackerman	Bacharach	Brand, Ga.	Chalmers
Aldrich	Bankhead	Britten	Clark, N. C.
Allgood	Beck	Brunner	Cochran, Mo.
Almon	Black	Buchanan	Collins
Andrew	Bloom	Burdick	Condon
Aswell	Box	Busby	Corning
Auf der Heide	Boylan	Carley	Cox

Crisp	Greenwood	McMillan	Somers, N. Y.
Crosser	Griffin	Martin	Sproul, Ill.
Cullen	Hall, Miss.	Mooney	Steagall
Dallinger	Hess	Niedringhaus	Sullivan, N. Y.
Darrow	Hill, Ala.	Norton	Sumners, Tex.
De Priest	Hoffman	Oliver, Ala.	Tarver
Dickstein	Huddleston	Oliver, N. Y.	Temple
Drane	Hull, Morton D.	Palmisano	Tinkham
Dyer	Jeffers	Patterson	Underhill
Edwards	Johnson, Tex.	Pou	Warren
Ellis	Kelly	Prall	Whittington
Erk	Kennedy	Pratt, Ruth	Wigglesworth
Fisher	Lankford, Ga.	Rankin	Williams
Fitzpatrick	Lindsay	Ransley	Wolverton, N. J.
Fort	Linthicum	Rayburn	Wright
Gavagan	Luce	Rogers	Yon
Golder	Ludlow	Sabath	
Graham	McCormack, Mass.	Sanders, Tex.	
Green	McDuffie	Seger	

NOT VOTING—28

Bell	Hudspeth	Larsen	Rowbottom
Carter, Calif.	James, N. C.	Lea	Spearing
Celler	Kemp	Mansfield	Stevenson
Collier	Kiefner	O'Connor, La.	Thompson
Douglass, Mass.	Korell	O'Connor, N. Y.	Tucker
Doyle	Kunz	Owen	Wood
Garrett	Lanham	Reece	Wurzbach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Carter of California (for) with Mr. Tucker (against).
Mr. Garrett (for) with Mr. Celler (against).

General pairs until further notice:

Mr. Wood with Mr. Lanham.
Mr. Kiefner with Mrs. Owen.
Mr. Wurzbach with Mr. Douglass of Massachusetts.
Mr. Reece with Mr. Collier.
Mr. Korell with Mr. Mansfield.
Mr. Thompson with Mr. Lea.
Mr. Stevenson with Mr. James of North Carolina.
Mr. Kemp with Mr. Larsen.
Mr. Spearing with Mr. Doyle.
Mr. Kunz with Mr. Bell.

The result of the vote was announced as above recorded.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On February 24, 1931:

H. R. 504. An act for the relief of James Earl Brigman;

H. R. 506. An act for the relief of Patrick P. Riley;

H. R. 2694. An act for the relief of the widow of Robert Graham Moss;

H. R. 5470. An act for the relief of Mary L. Dickson;

H. R. 9702. An act authorizing the payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, in connection with the rescue of survivors of the U. S. S. *Cherokee;* and

H. J. Res. 416. Joint resolution to increase the amount authorized to be appropriated for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931.

On February 25, 1931:

H. R. 3187. An act for the relief of Agnes Loupinas;

H. R. 9676. An act to authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C.;

H. R. 12571. An act to provide for the transportation of school children in the District of Columbia at a reduced fare; and

H. J. Res. 404. Joint resolution to change the name of B Street NW., in the District of Columbia, and for other purposes.

On February 26, 1931:

H. R. 15876. An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1072. An act for the relief of Gabriel Roth; and

S. 3213. An act for the relief of E. F. Zanetta.

The message also announced that the Senate had concurred without amendment in House Concurrent Resolution No. 50, providing for the printing of 1,700 additional copies of the report of the Committee on Interstate and Foreign Commerce of the House of Representatives (H. Rept. 2789), entitled "Regulation of Stock Ownership in Railroads."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2643, entitled "An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928."

The message also announced that the Senate disagrees to the amendments of the House to the bill S. 1696, entitled "An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. CAPPER, and Mr. BLACK to be the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and ordered spread upon the Journal:

To the House of Representatives:

I return herewith, without my approval, H. R. 17054, "An act to increase the loan basis of adjusted-service certificates."

In order that it may be clearly understood, I may review that the adjusted compensation act (bonus bill) passed on May 19, 1924, awarded to 3,498,000 veterans approximately $1,365,000,000 further compensation for war service. To this sum was added 25 per cent, said to be consideration for deferring the payment until about 1945, the whole bearing 4 per cent compound interest. Immediate payment to dependents upon death was included, thus creating an endowment insurance policy represented by a certificate to each veteran showing the sum payable at the end of the period—the "face value." The total "face value" of the outstanding certificates to-day after paying the sums due of less than $50 and payments in full to dependents is $3,426,000,000 held by 3,397,000 veterans, or an average of about $1,000 each.

The burden upon the country was to be an amount each year sufficient as a yearly premium to provide for the payment of the "face value" of these certificates in about 1945, and to date has involved an appropriation averaging $112,000,000 per annum. The accumulation of these appropriations is represented by Government obligations deposited in a reserve fund, which fund now amounts to about $750,000,000. A loan basis to certificate holders was established equal to 90 per cent of the reserve value of the certificates, such loans now in the sixth year being authorized to 22½ per cent of the "face value."

When the bonus act was passed it was upon the explicit understanding of the Congress that the matter was closed and the Government would not be called upon to make subsequent enlargements. It is now proposed to enlarge the loan rate to 50 per cent of the "face value," at a low rate of interest, thus imposing a potential cash outlay upon the Government of about $1,700,000,000, if all veterans apply for loans, less about $330,000,000 already loaned. According to the Administrator of Veterans' Affairs the probable number who will avail themselves of the privilege under this bill will require approximately $1,000,000,000. There not being a penny in the Treasury to meet such a demand, the Government must borrow this sum through the sale of the reserve fund securities together with further issues or we must need impose further taxation.

The sole appeal made for the reopening of the bonus act is the claim that funds from the National Treasury should be provided to veterans in distress as the result of the drought and business depression. There are veterans unemployed and in need to-day in common with many others of our people. These, like the others, are being provided the basic necessities of life by the devoted committees in those parts of the country affected by the depression or drought. The governments and many employers are giving preference to veterans in employment. Their welfare is and should be a matter of concern to our people. Inquiry indicates that such care is being given throughout the country, and it also indicates that the number of veterans in need of such relief is a minor percentage of the whole.

The utility of this legislation as relief to those in distress is far less than has been disclosed. The popular assumption has been that as the certificates average $1,000 then each veteran can obtain $500 by way of a loan. But this is only an average, and more than one-half will receive less than this amount. In fact, over 800,000 men will be able to borrow less than $200, and of these over 200,000 will be able to borrow only an average of $75. Furthermore, there are 100,000 veterans whose certificates have been issued recently who under the proposed law will have no loan privilege until their certificates are 2 years old. It is therefore urgent in any event that local committees continue relief to veterans, but this legislation would lead such local committees and employers to assume that these veterans have been provided for by the Federal Treasury, and thereby threatens them with greater hardships than before.

The breach of fundamental principle in this proposal is the requirement of the Federal Government to provide an enormous sum of money to a vast majority who are able to care for themselves and who are caring for themselves.

Among those who would receive the proposed benefits are included 387,000 veterans and 400,000 dependents, who are already receiving some degree of allowance or support from the Federal Government. But in addition to these, it provides equal benefits for scores of thousands of others who are in the income-tax paying class, and for scores of thousands who are holding secure positions in the Federal, State, and local governments and in every profession and industry. I know that most of these men do not seek these privileges, they have no desire to be presented to the American people as benefiting by a burden put upon the whole people, and I have many manifestations from veterans on whom the times are bearing hardly that they do not want to be represented to our people as a group substituting special privilege for the idealism and patrotism they have rejoiced in offering to their country through their service.

It is suggested as a reason for making these provisions applicable to all veterans, that we should not make public distinction between veterans in need and the others who comprise the vast majority lest we characterize those deserving help as a pauper class. On the contrary, veterans in need are and should be a preferred class, that a grateful country would be proud to honor with its support. Adoption of the principle of aid to the rich or to those able to support themselves in itself sets up a group of special privilege among our citizens.

The principle that the Nation should give generous care to those veterans who are ill, disabled, in need or in distress, even though these disabilities do not arise from the war, has been fully accepted by the Nation. Pensions or allowances have been provided for the dependents of those who lost their lives in the war; allowances have been provided to those who suffered disabilities from the war; additional allowances were passed at the last session of Congress to all the veterans whose earning power at any time may be permanently impaired by injury or illness; free hospitalization is available not only to those suffering from the results of war but to large numbers of temporarily ill. Together with war-risk insurance and the adjusted compensation, these services now total an annual expenditure of approximately $600,000,000 and under existing laws will increase to $800,000,000 per annum in a very few years for World War veterans alone. A total of five thousand millions of dollars has been expended upon such services since the war.

Our country has thus shown its sense of obligation and generosity, and its readiness at all times to aid those of its veterans in need. I have the utmost confidence that our service men would be amongst the first to oppose a policy of Government assistance to veterans who have property and means to support themselves, for service men are as devoted to the welfare of our country in peace as in war and as clearly foresee the future dangers of embarking on such a policy. It could but create resentments which would ultimately react against those who should be given care.

It is argued that the distribution of the hundreds of millions of dollars proposed by this bill would stimulate business generally. We can not further the restoration of prosperity by borrowing from some of our people, pledging the credit of all of the people, to loan to some of our people who are not in need of the money. If the exercise of these rights were limited to expenditure upon necessities only, there would be no stimulation to business. The theory of stimulation is based upon the anticipation of wasteful expenditure. It can be of no assistance in the return of real prosperity. If this argument of proponents is correct, we should make Government loans to the whole people.

It is represented that this measure merely provides loans against a future obligation and that, therefore, it will cost the American people nothing. That is an incomplete statement. A cost at once arises to the people when instead of proceeding by annual appropriation the Government is forced to secure a huge sum by borrowing or otherwise, especially in the circumstances of to-day when we are compelled in the midst of depression to make other large borrowings to cover deficits and refunding operations. An increased rate of interest which the Government must pay upon all long-term issues is inevitable. It imposes an additional burden of interest on the people which will extend through the whole term of such loans. Some cost arises to the people through the tendency to increase the interest rates which every State and municipality must pay in their borrowing for public works and improvements, as well as the rate which industry and business must pay. There is a cost to some one through the retardation of the speed of recovery of employment when Government borrowings divert the savings of the people from their use by constructive industry and commerce. It imposes a great charge upon the individual who loses such increased employment or continues unemployed. To the veteran this is a double loss when he has consumed the value of his certificate and has also lost the opportunity for greater earnings. There is a greater cost than all this: It is a step toward Government aid to those who can help themselves. These direct or indirect burdens fall upon the people as a whole.

The need of our people to-day is a decrease in the burden of taxes and unemployment, yet they (who include the veterans) are being steadily forced toward higher tax levels and lessened employment by such acts as this. We must not forget the millions of hard-working families in our country who are striving to pay the debts which they have incurred in acquiring homes and farms in endeavor to build protection for their future. They, in the last analysis, must bear the burden of increasing Government aid and taxes. It is not the rich who suffer. When we take employment and taxes from our people it is the poor who suffer.

There is a very serious phase of this matter for the wives and children of veterans and to the future security of veterans themselves. Each of these certificates is an endowment insurance policy. Any moneys advanced against them, together with its interest, will be automatically deducted from the value of the certificates in case of death or upon maturity. No one will deny that under the pressures or allurements of the moment many will borrow against these certificates for other than absolutely necessary purposes. The loss to many families means the destruction of the one safeguard at their most critical time. It can not be contended that the interests of the families of our country are conserved by either cashing or borrowing upon their life-insurance policies.

I have no desire to present monetary aspects of the question except so far as they affect the human aspects. Surely it is a human aspect to transfer to the backs of those who toil, including veterans, a burden of those who by position and property can care for themselves. It is a human aspect to incur the danger of continued or increased unemploy-

ment. It is a human aspect to deprive women and children of protection by reckless use of an endowment policy. Our country is rich enough to do any justice. No country is rich enough to do an injustice.

The patriotism of our people is not a material thing. It is a spiritual thing. We can not pay for it with Government aid. We can honor those in need by our aid. And it is a fundamental aspect of freedom among us that no step should be taken which burdens the Nation with a privileged class who can care for themselves.

I regard the bill under consideration as unwise from the standpoint of the veterans themselves, and unwise from the standpoint of the welfare of all the people. The future of our World War veterans is inseparably bound up with the future of the whole people. The greatest service that we can render both veterans and the public generally is to administer the affairs of our Government with a view to the well-being and happiness of all of the Nation.

The matter under consideration is of grave importance in itself; but of much graver importance is the whole tendency to open the Federal Treasury to a thousand purposes, many admirable in their intentions but in which the proponents fail or do not care to see that with such beginnings many of them insidiously consume more and more of the savings and the labor of our people. In aggregate they threaten burdens beyond the ability of our country normally to bear; and, of far higher importance, each of them breaks the barriers of self-reliance and self-support in our people.

HERBERT HOOVER.

THE WHITE HOUSE, *February 26, 1931.*

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. TILSON. Mr. Speaker, on that motion I claim recognition.

The SPEAKER. The gentleman from Connecticut is recognized for an hour.

Mr. TILSON. Mr. Speaker, I shall consume very little time, and that only to make a statement of my own position and of those who happen to agree with me.

When this bill was first brought before the House for consideration I made a public statement and later some remarks in the RECORD. I then made clear my opposition to the bill as it then stood and now stands. At that time I said that I would favor and support to the best of my ability a bill that would enlarge the loan possibilities to those veterans who are in need. I stand upon that statement to-day and wish it were possible for me to vote to-day for a bill which would give additional loans to those veterans who are out of employment and who are in need of additional loans. If the veto message just read should be sustained upon reconsideration—and I think it is well worthy of our most thoughtful consideration before overriding it—I should ask the Speaker to immediately recognize me to suspend the rules and pass the same bill, or the substance of it, with only an addition that would limit it to those out of employment or in need. [Applause.] With this purpose in view, I asked the Administrator of Veterans' Affairs to prepare for me a bill that would make clear to the House just what I would propose in place of the bill now before us. I shall insert in the RECORD at the close of my remarks the entire bill, but shall here read only the paragraph I would change:

Notwithstanding the provisions of the foregoing paragraph, the Administrator of Veterans' Affairs is authorized to increase the loan basis of any certificate to 50 per cent of the face value of the certificate upon determination that the veteran is not employed in a substantially gainful occupation, that he is not in receipt of a material monetary allowance from the United States or any political subdivision thereof, and that his circumstances are such as to require an additional loan.

The last half of this paragraph, after the word "certificate" where it occurs the second time, embodies all the change, in substance, I would make in the bill the President refuses to approve.

The change means that the Administrator of Veterans' Affairs would determine, under such regulations as he might formulate, the questions of unemployment and need. One means of determining those facts would probably be by reference to the American Legion posts or to the Red Cross or to some other responsible party, in addition to the statement of the veteran himself. All that it is necessary to ascertain is whether the veteran is out of employment, whether he is receiving a substantial allowance from any governmental agency, and that he requires an additional loan. If I need an additional loan, I go to the bank and say, "Mr. Cashier, I am in need of an additional loan." Simply signing my name to a note would mean much the same. This is practically all that, in effect, is required here. If this were done, it would take care of all the needy cases and take care of them speedily.

I am informed by the Veterans' Bureau that if the bill before us is passed as it stands to-day it will require at least six to eight months, with an increased force, to act upon the applications that are expected under it. Therefore, many of the most needy will have to wait for six or eight months before they can possibly receive their loans; whereas if this restriction that I have indicated were placed in the bill the number who would ask for the loan would be so comparatively small that even the present force of the Veterans' Bureau would be able at an early date to pass upon the applications, so that those needing loans might receive their loans and receive them quickly. On the other hand, if the bill as it stands becomes a law, from six to eight months must elapse before some of the most needy will be able to receive their loans.

Those of us who intend to vote to sustain the veto do not wish to be put in the position of opposing a loan to needy soldiers, because from the very beginning we have taken the opposite ground. In supporting the veto we believe that we are doing the very best thing for the needy veterans. At the same time, we believe that the passage of the bill as it stands will injure the rest of the country through the strain that will be put upon our financial structure by reason of having to raise at once a very considerable sum of money under existing conditions.

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes; and I hope the gentleman will make his question brief.

Mr. CONNERY. It is hard for me to believe that the gentleman from Connecticut [Mr. TILSON] wants to make the American soldier who served his country on the field of battle prove that he is a pauper before he gets his loan. [Applause.]

Mr. TILSON. I do not wish to do so, and there is nothing in my proposition that even smacks of such a requirement. It will be administered by the Administrator of Veterans' Affairs, who understands the veterans' needs, and would administer the act in a reasonable, friendly, humane way.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield to me?

Mr. TILSON. On account of the apparent eagerness to proceed to a vote, I prefer to stop here, though I am always glad to answer questions. [Cries of "Vote!"]

The proposed bill above referred to is as follows:

A bill to increase the loan basis for adjusted-service certificates

Be it enacted, etc., That subdivision (g) of section 502 of the World War adjusted compensation act, as amended, is hereby amended by adding thereto the following paragraphs:

Notwithstanding the provisions of the foregoing paragraph, the Administrator of Veterans' Affairs is authorized to increase the loan basis of any certificate to 50 per cent of the face value of the certificate upon determination that the veteran is not employed in a substantially gainful occupation, that he is not in receipt of a material monetary allowance from the United States, or any political subdivisions thereof, and that his circumstances are such as to require an additional loan.

Loans made by the Administrator of Veterans' Affairs under this section may at his option be made out of the United States Government life-insurance fund or out of the adjusted service certificate fund created under section 505.

In no event shall the rate of interest on any loan made after this amendatory act takes effect exceed 4½ per cent per annum compounded annually.

Section 507 of such act, as amended, is amended to read as follows:

"SEC. 507. All amounts in the fund shall be available for payment, by the administrator, of adjusted-service certificates upon their maturity or the prior death of the veteran, for payments under section 502, as amended, to banks on account of notes of veterans, and for making loans authorized by section 502."

There is authorized to be appropriated such amounts as may be necessary to provide for the making of loans to veterans by the Administrator of Veterans' Affairs under the World War adjusted compensation act, as amended.

This act may be cited as the "emergency adjusted compensation act, 1931."

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding? As many as are in favor will, as their names are called, answer "aye"; those opposed will answer "no." The Clerk will call the roll.

The question was taken; and there were—yeas 328, nays 79, not voting 24, as follows:

[Roll No. 43]

YEAS—328

Abernethy	De Rouen	James, N. C.	Pratt, Harcourt J.
Adkins	Dickstein	Jeffers	Pritchard
Allen	Dominick	Jenkins	Purnell
Allgood	Dorsey	Johnson, Ill.	Quin
Almon	Doughton	Johnson, Ind.	Ragon
Andresen	Douglas, Ariz.	Johnson, Nebr.	Rainey, Henry T.
Arentz	Doutrich	Johnson, Okla.	Ramey, Frank M.
Arnold	Dowell	Johnson, Tex.	Ramspeck
Aswell	Doxey	Jonas, N. C.	Rankin
Auf der Heide	Drane	Jones, Tex.	Ransley
Ayres	Drewry	Kading	Rayburn
Bacharach	Driver	Kahn	Reid, Ill.
Bachmann	Dunbar	Kelly	Reilly
Baird	Dyer	Kendall, Pa.	Robinson
Bankhead	Eaton, Colo.	Kennedy	Romjue
Barbour	Edwards	Kerr	Rutherford
Black	Englebright	Ketcham	Sabath
Bland	Erk	Kinzer	Sanders, N. Y.
Blanton	Eslick	Kopp	Sanders, Tex.
Bloom	Estep	Kurtz	Sandlin
Bohn	Esterly	Kvale	Schafer, Wis.
Bowman	Evans, Calif.	LaGuardia	Sears
Box	Evans, Mont.	Lambertson	Seger
Boylan	Finley	Lankford, Ga.	Selvig
Brand, Ga.	Fish	Lankford, Va.	Shaffer, Va.
Brand, Ohio	Fisher	Lea	Short, Mo.
Briggs	Fitzgerald	Leavitt	Shott, W. Va.
Brigham	Fitzpatrick	Lindsay	Shreve
Britten	Foss	Linthicum	Simmons
Browne	Frear	Lozier	Simms
Browning	Fuller	Ludlow	Sinclair
Brumm	Fulmer	McClintick, Okla.	Sirovich
Brunner	Gambrill	McClintock, Ohio	Sloan
Buchanan	Garber, Okla.	McCormack, Mass.	Smith, Idaho
Buckbee	Garber, Va.	McCormick, Ill.	Smith, W. Va.
Burtness	Garner	McDuffie	Snell
Busby	Gasque	McFadden	Somers, N. Y.
Butler	Gavagan	McKeown	Sparks
Byrns	Gibson	McLaughlin	Speaks
Cable	Glover	McLeod	Sproul, Kans.
Campbell, Iowa	Goldsborough	McMillan	Stafford
Campbell, Pa.	Goodwin	McReynolds	Steagall
Canfield	Granfeld	McSwain	Stone
Cannon	Green	Maas	Strong, Kans.
Carley	Greenwood	Magrady	Strong, Pa.
Carter, Wyo.	Gregory	Manlove	Sullivan, N. Y.
Cartwright	Griffin	Mapes	Sullivan, Pa.
Chase	Guyer	Mead	Summers, Wash.
Chiperfield	Hadley	Michaelson	Sumners, Tex.
Christgau	Hall, Ill.	Mitchener	Swanson
Christopherson	Hall, Ind.	Miller	Swing
Clague	Hall, Miss.	Milligan	Tarver
Clancy	Hall, N. Dak.	Montague	Taylor, Colo.
Clark, Md.	Halsey	Montet	Taylor, Tenn.
Clark, N. C.	Hancock, N. Y.	Mooney	Thatcher
Clarke, N. Y.	Hancock, N. C.	Moore, Ky.	Thurston
Cochran, Mo.	Hardy	Moore, Ohio	Timberlake
Cochran, Pa.	Hare	Moore, Va.	Turpin
Collins	Hartley	Morehead	Underwood
Colton	Hastings	Morgan	Vincent, Mich
Condon	Haugen	Mouser	Vinson, Ga.
Connery	Hess	Murphy	Walker
Connolly	Hickey	Nelson, Mo.	Warren
Cooke	Hill, Ala.	Nelson, Wis.	Welch, Calif.
Cooper, Ohio	Hill, Wash.	Newhall	Welsh, Pa.
Cooper, Tenn.	Hoch	Niedringhaus	Whitehead
Cooper, Wis.	Hoffman	Nolan	Whitley
Corning	Hogg, Ind.	Norton	Whittington
Cox	Hogg, W. Va.	O'Connor, N. Y.	Williams
Craddock	Holaday	Oldfield	Williamson
Crail	Hooper	Oliver, Ala.	Wilson
Cramton	Hope	Oliver, N. Y.	Wingo
Crisp	Hopkins	Palmer	Wolfenden
Cross	Houston, Del.	Palmisano	Wolverton, N. J.
Crosser	Howard	Parks	Wolverton, W. Va
Crowther	Huddleston	Parsons	Woodruff
Culkin	Hull, Tenn.	Patman	Woodrum
Cullen	Hull, Wis.	Patterson	Wright
Davenport	Hull, William E.	Peavey	Wyant
Davis	Igoe	Pittenger	Yates
Denison	Irwin	Pou	Yon
De Priest	James, Mich.	Prall	Zihlman

NAYS—79

Ackerman	Ellis	Langley	Snow
Aldrich	Fenn	Leech	Sproul, Ill.
Andrew	Fort	Lehlbach	Stalker
Bacon	Free	Letts	Stobbs
Beck	Freeman	Loofbourow	Swick
Beedy	French	Luce	Taber
Beers	Gifford	Martin	Temple
Blackburn	Golder	Menges	Tilson
Bolton	Goss	Merritt	Tinkham
Burdick	Graham	Nelson, Me.	Treadway
Chalmers	Hale	O'Connor, Okla.	Underhill
Chindblom	Hawley	Parker	Vestal
Cole	Hudson	Perkins	Wainwright
Coyle	Hull, Morton D.	Pratt, Ruth	Wason
Dallinger	Johnson, S. Dak.	Ramseyer	Watres
Darrow	Johnson, Wash.	Reece	Watson
Dempsey	Kearns	Reed, N. Y.	White
Dickinson	Kendall, Ky.	Rich	Wigglesworth
Eaton, N. J.	Knutson	Rogers	Wood
Elliott	Korell	Selberling	

NOT VOTING—24

Bell	Garrett	Lanham	Schneider
Carter, Calif.	Hudspeth	Larsen	Spearing
Celler	Johnston, Mo.	Mansfield	Stevenson
Collier	Kemp	O'Connor, La.	Thompson
Douglass, Mass.	Kiefner	Owen	Tucker
Doyle	Kunz	Rowbottom	Wurzbach

So (two-thirds having voted in favor thereof) the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Carter of California with Mr. Douglass of Massachusetts.
Mr. Kiefner with Mr. Kemp.
Mr. Wurzbach with Mr. Mansfield.
Mr. Thompson with Mrs. Owen.
Mr. Johnston of Missouri with Mr. Lanham.
Mr. Collier with Mr. Celler.
Mr. Garrett with Mr. Tucker.
Mr. Larsen with Mr. O'Connor of Louisiana.
Mr. Stevenson with Mr. Doyle.
Mr. Bell with Mr. Kunz.
Mr. Spearing with Mr. Hudspeth.

Mr. DOMINICK. Mr. Speaker, I desire to announce that my colleague, Mr. STEVENSON, is unavoidably absent on account of the serious illness of his wife. If he were present, he would vote "aye."

Mr. WILSON. Mr. Speaker, my colleague, Mr. KEMP, is absent on account of illness. If present, he would vote "aye."

Mr. RANKIN. Mr. Speaker, the gentleman from Mississippi, Mr. COLLIER, is absent on account of a death in his family. If present, he would vote "aye."

Mr. McCORMACK of Massachusetts. Mr. Speaker, my colleague, Mr. DOUGLASS of Massachusetts, is absent on account of sickness. He requested me to announce that if present he would vote "aye."

Mr. MONTAGUE. Mr. Speaker, my colleague, Judge TUCKER, is absent attending a funeral of a very close friend. If present, he would vote "aye."

Mr. EDWARDS. Mr. Speaker, my colleague, Mr. LARSEN, is unavoidably absent. If present, he would vote "aye."

The result of the vote was announced as above recorded.

ALTERATION AND REPAIR OF CERTAIN NAVAL VESSELS

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules I call up privileged resolution (H. Res. 365).

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 4750, to authorize alterations and repairs to certain naval vessels. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield for a question?

Mr. SNELL. I yield.

Mr. McCLINTIC of Oklahoma. The rule provides that all of the time shall be controlled by those in favor of the bill.

Mr. SNELL. It is definitely understood that the time will be divided equally on each side of the aisle.

Mr. McCLINTIC of Oklahoma. If that is the understanding, of course, I have no objection. I hope those who are opposed to the legislation will have an equal opportunity with those who are in favor of it, to discuss the matter.

Mr. SNELL. I guarantee the gentleman that those opposed will have equal time with those favoring the bill.

Mr. Speaker, this rule simply makes in order a bill from the Committee on Naval Affairs, which provides for major alterations and repairs on three battleships at a cost of about $30,000,000. I am not going to enter into a discussion of technicalities concerned with this bill. Those will be answered by the men who have proposed the legislation. It is the old question that has been before the House for years, those who favor a large Navy and those who favor a small Navy.

I yield two minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, there was no division of opinion in the committee with reference to the propriety of giving the House an opportunity to consider this measure. I feel, after the arguments have been made on both sides of this proposition, there will be considerable opposition to the passage of this bill at this time. As far as I am personally concerned, although I favored the rule and will vote for its adoption, I propose to vote against the bill. [Applause.]

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken; and on a division (demanded by Mr. PATTERSON) there were—ayes 230 and noes 7.

So the resolution was agreed to.

Mr. BRITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 4750) to authorize alterations and repairs to certain naval vessels.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 4750) to authorize alterations and repairs to certain naval vessels, with Mr. HOLADAY in the chair.

The Clerk read the title of the bill.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BRITTEN. Mr. Chairman, I yield myself one minute.

Ladies and gentlemen of the committee, if I may have your attention for just one minute, I would like to indicate to the House very briefly what the important items in this bill really are. I can do it in one minute.

The three ships under consideration, namely the *New Mexico*, the *Mississippi*, and the *Idaho* are out-shot, out-hit, and out-speeded by every battleship in the British Navy and by every battleship in the Japanese Navy, and this legislation is intended to modernize those three ships.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. BRITTEN] has expired.

Mr. BRITTEN. Mr. Chairman, I yield myself four additional minutes.

As I say, this legislation will tend to modernize those three ships so that they can take their places in the first line of national defense. Unless this legislation is enacted into law they can not do so. I contend, and I know every fair-minded man in this House or in the country will agree, that we should not put our fellows out on the battle line where they can not shoot the enemy, but the enemy can shoot them, with a difference in range, in preference of Japan and their ships and Great Britain and her ships of 4 or 5 miles. I am not suggesting that they are our enemies or even prospective enemies. There is that difference in their favor. Their ships outrange ours by 4 or 5 miles.

The most important item in this bill is the elevation of the big guns so that our boys may shoot as far as any prospective enemy may shoot. The second most important item in the bill is the change to be made in the antiaircraft battery, from 3-inch guns to 5-inch guns, a very, very important item, my friends. We will increase the size of the projectile from 13 pounds to 50 pounds, and that will keep an enemy airship 2½ miles in the air, where it can not be very effective. That is the second most important item in the bill. The third one is a complete change of the fire-control system, which will enable our boys to shoot over the horizon 20 miles, if need be, and hit the target, with the aid of airplanes. That is very important. We probably have the most effective as well as the most intricate fire-control system in the world on our ships, and I think our boys, if given the opportunity, can shoot with the best marksmen in the world, but they certainly can not shoot with the best if they have not the range which the other fellows have. In order to protect these ships against an air attack, even at 2½ miles in the air, we are putting in superior deck protection, so that a bomb of ordinary size would have little or no effect upon it.

Later in the day, my friends, I am going to have read by the Clerk two reports which have just come from Panama, where the Black Fleet, a prospective enemy, attacked the Panama Canal, which was defended by the Blue Fleet. Most of you, as I was, will be surprised at these reports.

In addition to the general fire-control system we will put fire-control masts on these ships. We will reboiler them completely, which is an item of very great importance.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. JOHNSON of South Dakota. As a matter of fact, there have been so many improvements in aircraft ordnance and so many improvements in all naval equipment that these ships as they stand at present are simply second-class ships.

Mr. BRITTEN. There is no question about that. Answering the gentleman particularly, the 3-inch antiaircraft guns which we have on those ships to-day——

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. BRITTEN. Mr. Chairman, I yield myself five additional minutes. The 3-inch antiaircraft guns which we have on those ships to-day are loaded by hand; the shells are very heavy to load; one of those, when a gun is at a high angle, is so heavy that it requires a very strong man to load it by hand, but these new 5-inch antiaircraft guns will carry four times as much steel and will be loaded automatically by pneumatic pressure.

Mr. HALE. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. HALE. The work that is proposed to be done was contemplated under the terms of the Washington treaty, was it not?

Mr. BRITTEN. It was.

Mr. HALE. Specifically?

Mr. BRITTEN. Yes.

Mr. HALE. It has been done on seven of our other battleships, has it not?

Mr. BRITTEN. No, 4; and these 3 will make 7.

Mr. HALE. But the gentleman is not including the three battleships which we are putting out of commission, which would make 10, I am very sure; and is it not further true that Great Britain and Japan have both modernized their ships?

Mr. BRITTEN. Yes. All of the three ships which were put out of commission were not modernized, but major alterations were made on them. The guns were never elevated; they did not have the type of blisters these ships will have, nor the fire control, and they did not have 5-inch antiaircraft guns. However, there were major alterations made on the three put out of commission.

Mr. PATTERSON. Will the gentleman yield?

Mr. BRITTEN. For a question; yes.

Mr. PATTERSON. The gentleman spoke of the battle. As I understood him, he said the battle. I want him to tell us what battle he referred to.

Mr. BRITTEN. Which battle?

Mr. PATTERSON. The gentleman said they would be needed in the battle. I want the gentleman to tell us the battle to which he refers, and then I want him to tell the House how much the ships cost on which major alterations were made.

Mr. BRITTEN. The three ships on which major alterations were made cost $3,000,000 apiece. One of them is going to be used as a radio-operated target, and it may last for many years, and the other is going to be used as a training ship.

Mr. HALE. Will the gentleman yield for another question?

Mr. BRITTEN. Yes.

Mr. HALE. Is it not true that because of its heavier armor, because of its deck reinforcements, because of its antiaircraft batteries, and because of its all-around resistance that in case of an air attack the battleship, instead of being obsolete, would be the last ship in the fleet to be sunk?

Mr. BRITTEN. That has been clearly demonstrated by the maneuvers at Panama last week.

Mr. SLOAN. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. SLOAN. Is the gentleman convinced that if these improvements are made that BRITTEN's great navy will be equal to Great Britain's Navy?

Mr. BRITTEN. I think it will be as far as battleships are concerned.

Mr. Chairman, I reserve the balance of my time.

Mr. VINSON of Georgia. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC of Oklahoma. Mr. Chairman and gentlemen of the committee, there are two separate lines of thought in connection with this proposed legislation. One group desires to modernize these battleships in such a way as to provide facilities for carrying bombing planes, thereby making a battleship a really efficient weapon of warfare. I belong to this group. The other group, apparently, is not willing to recognize the necessity and the need for this kind of an addition on battleships.

The Naval Affairs Committee unanimously adopted a motion by which they instructed the Secretary of the Navy to carefully consider any idea that might be presented for the purpose of finding out whether or not such an addition could be added to battleships without violating any of the provisions of the London agreement.

Two years ago on this floor I began by presenting an idea which, if adopted, would enable ships of this type to have an extra deck constructed suitable to take care of bombing planes on battleships. Former Chairman Butler at that time was in charge of the legislation and after I had made my presentation he rose and this is what he said:

That sounds to me like the flapping of a window blind.

This was a lovely compliment, and yet I hold in my hand a message that was received on yesterday from the fleet maneuvers, and I want to read it to you. It is from Admiral William V. Pratt, Chief of Naval Operations, United States Navy:

Thus far the fleet problem being staged has revealed two outstanding points; first, the necessities for cruisers and those of the flying-deck type.

This is just exactly what I advocated two years ago when the distinguished chairman said that my remarks reminded him of the flapping of a window blind.

It is as follows:

(Immediate release)

NAVY PRESS ROOM,
February 20, 1931.

Admiral William V. Pratt, United States Navy, Chief of Naval Operations, who is viewing the "war" problem being brought to completion between the "Blue" and "Black" Fleets off the lower coast of Central America, has radioed the following comment to the Navy Department:

"Thus far the fleet problem being staged has revealed two outstanding points: First, the necessity for cruisers, and especially those of the flying-deck type, and, second, the justification under favorable conditions of the lighter-than-air craft, as shown by the use of the *Los Angeles*."

You know when a person looks through the binoculars of some of these antiquated, superannuated officials and depends upon them for their knowledge concerning up-to-date methods, and does this to excess, then they begin to name any kind of progression as the flapping of a window blind.

The Naval Affairs Committee has since that date adopted the principle of placing flying decks on cruisers, and cruisers are nothing more than small battleships. What I have been trying to bring to the attention of this committee and this House is that right now I have in my possession plans and specifications for an addition to battleships which would make it possible for each one of them to carry not less than 20 bombing planes, and when an addition of this kind is added to a battleship it means that 15 battleships in our Navy thus equipped would be able to fly 300 bombing planes a distance of 200 miles and strike the enemy, when if such an addition is not made to such ships they are old, superannuated, floating graveyards, and the majority of the people of this Nation know this to be true.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. McCLINTIC of Oklahoma. I can not yield until I get through.

I have here, if you please, what took place with respect to battleships when they were discussing the terms of the London conference. During that period 339 newspapers in the United States published editorials with respect to whether or not the battleship would ever be of any potential value in the future as a part of our armament. Out of this number, 306 decided that the battleship was a relic of the dark ages and should be forever abolished.

They are as follows:

PRESS CLIPPINGS ON LONDON NAVAL CONFERENCE FOR ABOLITION OF BATTLESHIPS

Alabama: Birmingham, Age-Herald, 2; Birmingham, News.

Arkansas: Hope, Star of Hope (NEA 1 syn); Honesboro, Tribune (NEA 2 syn); Paragould, Press, 2 (1 syn); Pine Bluff, Graphic (NEA 1 syn); Siloam Springs, Register; Texarkana, News, 2 (NEA 1 and 2 syn).

California: Los Angeles, Saturday Night; Los Angeles, Times; Pomona, Bulletin (NEA 1 syn); Riverside, Press (NEA 1 syn); Sacramento, Union, syn; San Diego, Sun (SH 2 syn); San Diego, Union; San Francisco, News, 2 (SH 2,3 syn); Santa Rosa, Press-Democrat; Redding, Press.

Colorado: Canyon City, American; Greeley, Tribune; Denver, News (SH 2 syn); Montrose, Press; Pueblo, Star-Journal, 2 (NEA 1 and 2 syn).

Connecticut: Danbury, Times (NEA 2 syn); Norfolk, Hour, 2; Naugaruck, Journal-Courier; New Haven, Journal-Courier; New Haven, Register, 3; Stamford, Advocate (NEA 2 syn); Waterbury, Republican.

Delaware: Wilmington, Journal (NEA 1 syn); Wilmington, News.

District of Columbia: Washington (SH 2 syn).

Florida: West Palm Beach, Post (NEA 2 syn).

Georgia: Atlanta, Constitution; Columbus, Ledger; Fitzgerald, Herald (syn); Macon, Telegraph; Rome, News-Tribune; Savannah, Press, 2.

Illinois: Chicago, British-American; Chicago, The Baptist.

Indiana: Indianapolis, Times, 2 (SH 1&2 syn); Terre Haute, Tribune.

Iowa: Albia, News; Ames, Tribune (syn); Anamosa, Journal; Burlington, Hawk Eye (syn); Bloomfield, Republican; Boone, News Republican; Cherokee, Times; Des Moines, Tribune; Des Moines, Capital; Esterville, News; Oskaloosa, Herald; Union, Star; Waterloo, Tribune, 3 (1 NEA 2 syn).

Kansas: Hutchinson, Herald (NEA 2 syn); Kansas City (NEA 2 syn); Lawrence, Journal-World; Topeka, Capital; Topeka, Journal; Winfield, Courier.

Kentucky: Ashland, Independent (NEA 1 syn); Bowling Green, Times Journal, 2 (NEA, 1, 2, syn); Louisville, Courier-Journal; Owensboro, Inquirer (NEA 2 syn).

Louisiana: Fayette, Advertiser (NEA 2 syn); Baton Rouge, Advocate (NEA 2 syn).
Maine: Portland, News, 7 (2 SH 1&3 syn).
Maryland: Baltimore, Evening Star, 2; Post, 4 (SH 1 2 3 NEA 1); Sun, 2; Salisbury, News (NEA 2 syn).
Massachusetts: Boston, Congregationalist; Christian Science Monitor; Gardner, News, syn; Lawrence, Telegram; Lowell, Sun; Lynn, Telegram-News (NEA 2 syn); Milford, News; Springfield, Republican; Worcester, Post; Woburn, Times.
Michigan: Albion, Recorder, syn.; Detroit, Free Press.
Minnesota: Duluth, News; Faribault, News; Lakefield, Standard; Little Falls, Transcript; Luverne, Star; Red Wing, Eagle; Red Wing, Republican (NEA 2 syn); St. Paul, News, 2 (1 SH 2 syn); St. Cloud, Times; Stillwater, Gazette.
Missouri: Poplar Bluff, Republican (NEA 2 syn); St. Louis, Star; St. Louis, Times; Springfield, Times.
Mississippi: Clarksdale, Register, syn.; Jackson, Clarion Ledger.
Montana: Bozeman, Courier; Butte, Standard; Missoula, Sentinel (NEA 2 syn).
Nebraska: Fremont, Tribune (NEA 2 syn); Omaha, World-Herald; Lincoln, Journal.
New Hampshire: Dover, Democrat; Nashua, Telegraph.
New Jersey: Burlington, Enterprise; Leonia, Life; Newark, Ledger.
New Mexico: Albuquerque, Tribune (3) (SH 1 2 3 syn).
New York: Buffalo, Courier-Express; Brooklyn, Examiner; Canton, Advertiser; Elmira, Advertiser; Geneva, Times, 2 (1 syn); Glenn Falls, Post-Star; New York City, American, New Republic (2), Post, Telegram (3) (SH 2 3 syn), Woman's Journal (2), World To-morrow; Ogdenburg, Journal; Olean, Herald, Times; Oneonta, Star (NEA 1 syn); Rochester, Times-Herald, Times-Union; Troy, Record (3); Utica, Press.
North Carolina: Asheville, Times.
North Dakota: Bismarck, Tribune; Mandon, Pioneer (syn); Minot, News.
Ohio: Akron, Press (3); Ashland, Gazette; Ashtabula, Beacon; Cedarville, Herald; Chillicothe, Advertiser (NEA 2 syn); Cincinnati, Post (SH 1 syn); Cleveland, Press; Columbus, Citizen (SH 2 syn); Coshocton, Tribune; Dayton, Herald (3), News; Ironton, Tribune (NEA 1 syn); Middletown, Signal (NEA 2 syn); New Philadelphia, Times (NEA 1 syn); Piqua, Call (NEA 2 syn); Springfield, Sun; Toledo, News-Bee (2) (SH 1–2 syn); Van Wert, Times (NEA 2 syn); Washington County, Herald (3); Wilmington, Journal.
Oklahoma: Times, Okmulgee, Okla.; Durant Democrat (syn); Muskogee Democrat (NEA 2 syn); Okmulgee Times (NEA 2 syn); Ponca City News.
Oregon: Canyon Eagle; Klamath Falls News (NEA 1 syn); Klamath Falls Herald (syn); Portland Journal, 3; Salem Capital Journal.
Pennsylvania: Bradford Era (syn); Chester Times; Easton Express; Harrisburg News (NEA 1 syn); Kutztown Patriot; Lancaster Examiner and New Era; Norristown Times-Herald (NEA 2 syn); Philadelphia Inquirer; Pittsburgh Press, 2 (SH 1, 2 syn); Shamokin News (NEA 2 syn).
Rhode Island: Newport News.
South Carolina: Columbia State, 2.
South Dakota: Mitchell Gazette.
Tennessee: Chattanooga News, 2; Memphis Press and New Sci. (SH 1 syn); Knoxville Sentinel, 3 (SH 1, 2, 3, syn).
Texas: Austin Statesman (NEA 2 syn); Edinburg Review (NEA 1 syn); El Paso Post, 2 (SH 2, 3, syn); Fort Worth Press, 3 (SH 1, 2, 3, syn); Houston Press, 2 (SH 2, 3, syn); Midland Reporter (NEA 2 syn); Mission Enterprise; Plainview Herald (NEA 2 syn); Port Arthur News (NEA 2 syn); San Angelo Standard (NEA 2 syn); Waco Times-Herald, 2 (NEA 1, 2, syn).
Utah: Salt Lake City Telegram (NEA 2 syn).
Vermont: Brattleboro Reformer, 2 (1 syn).
Virgina: Bristol Herald-Courier; Danville Register, 2; Norfolk Virginia-Pilot, 2; Purcellville Herald; Richmond News.
Washington: Everett Labor Journal; Olympia Olympian, 2 (1 NEA 2 syn); Spokane Spokesman Review.
West Virginia: Wheeling Register.
Wisconsin: Antigo Journal (NEA 1 syn); Eau Claire Telegram; Manitowoc Herald; Merrill Herald (NEA 2 syn); Janesville Gazette; Milwaukee Journal.

CANADA

Ontario: Ottawa Morning Journal, 3; Ottawa Evening Journal, 2; Ottawa Evening Citizen; Owen Sound Sun-Times; London Morning Advertiser; London Evening Advertiser; London Canadian Observer.
British Columbia: Vancouver Star, 3; Vancouver Sun (NEA 2 syn); Vancouver Province; Victoria Times.
Quebec: Montreal World Wide.

What I am now trying to do is to build up the Navy. I am in favor of the faster, speedier types of instrumentalities that would be called on to participate in another war. As I view it, without modernizing the battleship in a correct manner, we are simply appropriating the money in a most wasteful way.

What has happened? Since I made my first speech on this floor against the appropriation of money for the purpose of modernizing battleships, we have wasted $11,000,000 on the last three ships that were scrapped under the terms of the London treaty. What does this indicate? This indicates that the chief major nations of the world are selecting the battleship as the type of craft that is the least useful. It is, by implication, a fact that this is the type of ship that is to go out of commission, and if this is true, it simply means that within four more years, or in 1935, when we are called on to participate in another conference, the same being mandatory, this is the category that will be further reduced, and the United States or its Congress will be charged with the responsibility for every dollar that you appropriate to modernize a ship unless you so modernize the same as to make it a useful instrumentality.

This is what I have been trying to impress upon the House. I am just as much interested in making the Navy efficient as you are. I am willing to keep these battleships if you will carry out the recommendation that comes here from the Chief of Operations, Admiral Pratt. He asks this Nation to give him what? More airplane deck ships or flying-deck ships.

Mr. BRITTEN. Will the gentleman yield now?

Mr. McCLINTIC of Oklahoma. Wait until I get through. And if the admiral is in favor of that as a principle on cruisers, why would he not be in favor of it on a type of ship that would make it possible to carry more bombing planes than can be carried on a ship of this type? What is the difference? One is just a little smaller than the other.

Everyone knows that our battleships in the last war were hidden up the forks of the creek as far as they could go. During the last war not a shot was fired from a battleship. Every aircraft expert that is not connected with this department of the Government that I have talked to makes bold to state that should one of these battleships ever steam within striking distance of the shores of another nation in a war immediately aircraft in superior numbers would fly out and in a few minutes each battleship would go to the bottom of the sea, carrying with it 1,200 men and officers, sunk by bombing planes.

In addition, let me say that whenever you put a blister on a battleship it retards the speed and the fleet can be no faster than the slowest ship. The battleship is too slow. If we are ever to utilize our money in the best manner possible, then let us add to the ships the kind of equipment, the kind of additions, that will make our fleet the most efficient of any nation in the world.

Mr. Chairman, I reserve the balance of my time.

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. GAMBRILL].

Mr. GAMBRILL. Mr. Chairman and members of the committee, the bill before the House for consideration is S. 4750, an act to authorize alterations and repairs to certain naval vessels.

It is just as well to bear in mind in our consideration of any authorization for the construction of naval ships or their modernization that what we secured under the Washington treaty for the limitation of armament of 1922 and the London treaty of 1930 was not immediate equality of naval armament, which was hardly to be expected in view of the requirement deemed necessary by other and friendly powers, but the possibility of equality without the expenditure of untold millions of money. There was secured a limitation in new construction beyond which the treaty nations agreed not to go and this limitation is to be in effect until December 31, 1936.

During the time of the London conference a distinguished representative from this country to the conference delivered a message over the radio to the people of the United States, in which he epitomized the feeling held by the majority of the people of this country when he said, "At the Geneva conference, as at the London conference now meeting, the United States has consistently stood for equality in naval strength" with another great and friendly power. This preliminary statement of what was accomplished by the Washington and London treaties is justified, as many unreflecting persons have entertained the thought that as a result of these treaties the necessity for the alteration and repairs of existing ships of war and the building of other naval vessels had ceased.

To my mind the outstanding accomplishment of the London and the Washington treaties combined was the extension of the time within which no capital ships would be constructed by Great Britain, Japan, and this country; and, of course, the limitation on the number of cruisers, aircraft carriers, submarines, and destroyers were the other accomplishments.

The Washington treaty provided that replacement of capital ships might begin in 1931, but under the London treaty the number of capital ships of the three countries was reduced—Great Britain from 20 to 15, Japan from 10 to 9, and the United States from 18 to 15, each country to have the right to retain one capital ship for training purposes after being demilitarized.

Probably the most gratifying outcome of the London treaty was the stipulation against any further capital-ship construction during the life of the treaty, and the extension of the life of the capital ships, authorized to be retained until December 31, 1936.

But there remains, and will ever remain until the day comes for complete disarmament, the ever-pressing and imperative duty of this Nation to keep its first line of defense, the Navy, in the highest state of efficiency and material perfection that is possible. [Applause.]

Hence this bill to authorize the repairs and alterations to the *Mississippi*, *Idaho*, and *New Mexico*.

Let us consider how we stand in relation to capital ships. The *Florida* and *Utah* are out of the picture, as the *Florida* will be scrapped and the *Utah* used as a target ship under the provisions of the London treaty. Either the *Wyoming* or *Arkansas* must be demilitarized. The *Wyoming*, *Arkansas*, *New York*, *Texas*, *Nevada*, and *Oklahoma* have been modernized. The *Pennsylvania* and *Arizona* are now being modernized.

If this authorization is passed for modernizing the three ships named in the bill, it will leave the *Tennessee*, *California*, *Colorado*, *Maryland*, and *West Virginia* on which no alterations have been made. And as to these last capital ships, five in all, the Navy Department has come to no conclusion as to the necessity of their modernization, as they are of newer construction and are more modern and more efficient fighting units than the older ships. The work considered essential in the modernization of the three ships under consideration is additional deck protection against air attack, the construction of blisters for protection against submarines, improvement in oil-burning equipment, elevation of turret guns, fire-control system, airplane launching and handling facilities, and other alterations.

In the limited time granted me to discuss this bill I want to bring out one significant point, and in doing so I will have to depart from the orderly and natural sequence of my remarks. Members may consider this authorization for the expenditure of $30,000,000 is a large sum to expend on capital ships, which, due to the development in submarines and aircraft, may have become obsolete and impotent as weapons of defense. No responsible person in the Navy of the United States and no responsible officer of the admiralties of the great powers has ventured to state as an absolute conclusion that the capital ships are useless, antiquated, and outworn as fighting weapons. And until there is this conclusion on the part of those trained in the science of naval combat I for one will not undertake to place my uninformed judgment against theirs. But the point I wish to emphasize is that the expenditure of $30,000,000, which will prolong the life of these capital ships 15 years, is an insignificant sum of money compared with what we might have been authorizing had there been no London treaty and had the replacement of our capital ships begun in 1931, as provided for by the Washington treaty.

Had there been no London treaty we would have begun in 1931 the replacement of our capital ships under the Washington treaty—2 in 1931, 2 in 1932, 1 in 1933, 2 in 1934, 1 in 1935, and 2 in 1936, 10 in the period from 1931 to 1936, inclusive, at an approximate cost of $400,000,000, or $40,000,000 for each ship. This act alone of extending the time for the replacement of capital ships until after 1936 was a significant and worth-while achievement.

If I might venture to prophesy, I believe the next conference on naval limitations will still further extend the life of the capital ships. This thought, which is generally shared, should emphasize the importance of keeping our capital ships in a high state of efficiency, and this can be done only by passing this authorization and the securing of the necessary appropriation.

Members may think, and I have heard such thoughts expressed off the floor of this House, that it is unwise to expend $30,000,000 on these capital ships when at another conference in 1936 some or all may be scrapped. The logical answer to such a contention is obvious: Other nations have modernized or are modernizing their capital ships, and if we are to refrain from doing likewise, predicated on agreements which may be entered into in 1936, and then continue this inaction based on probable subsequent agreements, we will never have a navy comparable with other great powers and will be in a position before long of humiliating inferiority.

Let us compare very briefly the capital ships of Great Britain and those of the United States. With Great Britain, the speed of her capital ships ranges from 21 to 31.5 knots, while ours range from 20.67 to 21.47 knots; their battle fleet averages about 1½ knots faster than ours. We have three capital ships with 16-mile guns as against two of Great Britain. We will have, when the London treaty is complied with, 11 capital ships with 14-mile guns and 1 with 12-mile guns, as against 13 capital ships of Great Britain with 15-mile guns; and there are other features of comparison which show the importance of modernizing our capital ships.

There is another thought I wish to leave with you: The expenditure of this $30,000,000 will do as much, in proportion to the money to be spent, to relieve the unemployment situation and industrial distress as any appropriation made by this Congress for this purpose, and I hope this bill will receive the approval of this House. [Applause.]

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, whether or not this bill should pass appropriating $30,000,000 for the modernization of three battleships is a question that may be approached from two angles.

It may be approached from the standpoint of those who are interested in navy yards, in the expenditure of money for the purpose of keeping industrial centers busy, men employed, material purchased, with all the factors that enter into expenditure of a vast sum of money.

On the other hand, it may be approached from the standpoint of national needs, national defense, and the effect that such a program would have upon other countries as they seek to work out programs for the reduction of their military and naval budgets.

May I say very frankly that if from the standpoint of national defense we should modernize these battleships within the next four years, then I should be in favor of doing the work now in the interest of unemployment. I should say, in the language of Macbeth:

> If it were done when 'tis done, then 'twere well
> It were done quickly.

But I am not satisfied that from the standpoint of national defense there is the slightest occasion for the program.

To-day the papers carry the story of negotiations for a reduction of armament between Great Britain, France, and Italy. The addition of $30,000,000 to the American Budget on top of the large budget that heretofore has passed the House for construction programs can not fail to be discouraging to the representatives of these foreign countries as they are attempting to carry forward a program of naval reduction.

Let me sum up certain of the features that should be taken into account in the working out of the naval program of the United States. Little more than 11 years ago the war was brought to an end that was proclaimed as the war that would end war. Following the peace that was signed at Versailles, the nations that were victorious, realizing the enormous burdens of armaments, began seriously the consideration of the reduction of naval and military programs. The Washington Conference for the Limitation of Armament was held in 1922. The London Conference for the Reduction of Armament was held in 1930. Under both of these conferences treaties were attained that fixed limitations upon construction programs of the greatest naval powers. The Paris peace pact came into being three years ago and received the approval within a short period of time of practically all the world powers. Under that pact the nations who are parties to the treaty renounced war as a means of settling international disputes and entered into solemn obligations not to resort to war of aggressive character.

The Pan-American Union has been carrying forward upon the American continents activities calculated to remove international misunderstandings. The Interparliamentary Union, The Hague Tribunal, the League of Nations, and other international organizations all have been dedicated to the thought of establishing better relationship among people and removing the causes that mean for war.

In spite of this great program, during the year 1930 the military and naval burdens of the world's great powers remain almost unchecked. For naval purposes alone the seven leading nations of the world, measured from the standpoint of either wealth or military power, expended more than $1,000,000,000 upon their naval establishments. The United States, during its last fiscal year, expended upon her naval establishment more than $367,000,000. This month the House of Representatives has passed the naval budget for the coming fiscal year. The measure is now in conference and represents in figures approximately $360,000,000. Of this amount for new construction work the bill carries $38,000,000, to which may be added approximately $25,000,000, representing the unexpended balance for such work for the current fiscal year, making a total amount of $63,000,000 for building new ships for the fiscal year that will commence July 1, 1931. Measured in money, the United States for the coming fiscal year is approving programs that call for vastly more money appropriations either for maintenance or new construction work than any other of the world's great powers. Measured in tonnage, the program that in all probability will be adopted by the present Congress, omitting all consideration of the modernization program, is approximately twice the size of the naval program of the nearest competing nation.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. I am sorry but I do not have the time.

I submit in the interest of national needs, in the interest of leadership upon the part of the United States, there is no justification for adding another $30,000,000 to the naval construction program under the guise of modernization of our battleships.

The observations that I have made have relationship essentially to the effect of such a program upon political thought in other world powers. But there are other and practical reasons why this expenditure should not be made.

The expenditure should not be made because the battleship belongs to a type that in my judgment is becoming obsolete.

The Washington conference it will be recalled reduced the tonnage of battleships in the fleets of the five great powers. It fixed a limit of tonnage on the ships individually and in toto. The conference held in London one year ago pursued the question still further, reducing 3 battleships from our fleet, 5 from the fleet of Great Britain, and 1 from the fleet of Japan, and extended the time of replacement of capital ships of the several powers until following the naval conference of 1935. Unquestionably this was done because of the likelihood that the reduction of battleships will be a matter of major consideration before the approaching naval conference. The obsolescence of the battleship is coming about because of the development of subsea and air craft.

The gentleman who preceded me was right when he said that the battleship will seek the place of greatest safety in the event of war and that we would better expend our money on something else.

This leads me to suggest the wisdom of omitting vast expenditures of money upon battleships until we may know what will eventuate as a result of a further naval conference.

Consider again, that it requires two years to modernize a battleship, and it will be apparent that after modernization by 1933 the ship will have brief time to serve before the question of whether or not the battleship shall be abolished will be up for active consideration two years later. Consider further that in event the battleship may not be abolished, the material condition of the three ships—the *Idaho*, the *New Mexico*, and the *Mississippi*—will not be changed in great extent by 1935, and that in event another conference may determine that ships of this type are to continue as part of the fleets of navies, then will be the time to consider a modernization program.

I am opposed to the proposed modernization program at this time, because in a comparative way, from the standpoint of defense, there is not the slightest justification.

If the battleship-modernization program is not aimed at Great Britain, then at what nation is it directed?

Great Britain is the only nation in the world with comparative battleship strength.

Japan has only nine battleships under the terms of the London treaty after eliminating one to be scrapped.

France has nine battleships with only 194,556 tonnage, as against 453,400 tons of battleships in the United States Navy. More than that, 3 of the battleships of France were completed in 1911, 2 more were completed in 1913, and the other 4 were completed—1 in 1914, and 1 in 1915, and 2 in 1916.

Italy has four battleships with a tonnage of 86,528, and all four were completed in 1914 and 1915.

No other nation in battleship strength can even compare with Italy.

A war with Great Britain is unthinkable and is not regarded seriously by thoughtful people.

Contrasted with Great Britain, the Battleship Fleet of the United States is at no disadvantage. On an average the United States battleships are slightly newer, of slower speed, but of heavier gun power.

Mr. Speaker, we must not be misled by the agitation for increase of our Navy within the United States. The proponents of ever-increasing naval establishments are crying down the inferiority of our Navy and pointing out what they call the superiority of others.

But the same kind of talk is going on abroad.

I hold in my hand articles written by Hector C. Bywater, of England, author and writer upon naval problems, and so late as January of this year he complains about the plight of the British Navy.

This is what he says:

> That some form of naval understanding with the United States was not merely desirable but essential had long been known to thinking men on this side. It was foreseen that the United States, conscious of its tremendous and ever-increasing power in the world, would never be content with an inferior navy, if only because a navy is the most impressive of all symbols of national grandeur and prestige. It was equally clear that the United States possessed the means to outbuild any competitor, and of late years there had been some evidence of a resolve to take this course if Britain did not prove amenable to moral suasion.
>
> The United States had never concealed its motive for entering into these naval negotiations; the avowed aim was to attain naval parity without the necessity of spending heavily on new construction. But thanks to Mr. MacDonald's fit of generosity it gained much more than this. In nearly every material factor the United States Navy of the future will be the strongest afloat. Great Britain will thus be reduced to subordinate rank at sea.

Again speaking of cruisers Mr. Bywater says (Baltimore Sun, January 16, 1931):

> The British Empire now has a smaller building program than any other major maritime community.
>
> The restrictions placed upon British shipbuilding give a great advantage to other navies by enabling them in the next few years to build vessels so improved in design as to outmatch our 10,000-ton ships, all of which were designed in 1924–27. On paper, at least, the new cruisers now being built in the United States, Japan, France, and Italy are better combatant units than ours. We have, therefore, accepted inferiority in the very type which is coming to be regarded as the key factor in naval power.

Much agitation here as well as in foreign countries we are compelled to believe is on account of selfish purposes that have no relation to national defense.

Do we not recall that in 1927 a conference was held at Geneva, Switzerland, called upon the instance of President Coolidge for the purpose of considering whether or not the naval establishments of the world could be reduced? Our representatives were there and in spite of our hopes and our proposals the conference ended in a fiasco and no results flowed therefrom.

Do we not recall an amazing investigation made by the Senate of the United States one year ago, as a result of a suit by one William B. Shearer against certain shipbuilding companies for something like a quarter of a million dollars alleged to be owed him from the shipbuilding concerns for his part in bringing about the collapse of the Geneva Conference?

Let me quote from the complaint of Shearer as told in the printed hearings, Alleged Activities at the Geneva Conference, Senate Resolution 114, Seventy-first Congress, page 427:

> Between the 10th day of September, 1926, and the 27th day of March, 1929, both dates, inclusive, at the special insistence and request of the defendants the plaintiff performed and rendered work, labor, and services for the defendants, as follows, to wit:
>
> Services rendered and performed by plaintiff relating and with respect to the shipbuilding industry, the business of shipbuilding, and the increase thereof, as affecting the business and financial interests and welfare of the defendants; services as representative of the defendants at Washington, D. C., Geneva, Switzerland, New York City, and other places in connection with the matters above referred to; the preparation and distribution of literature, data, and information relating to the above mentioned and other matters; interviews and conferences with various individuals, including public officials and representatives of the press; the preparation and delivery of public addresses; the organization and conduct of a publicity campaign for the benefit of and in aid of the business and financial interests of the defendants; consulting and advising with the defendants in relation to the above and other matters affecting their business and financial welfare; and generally aiding and assisting the defendants in the conduct and promotion of their business.
>
> Paragraph 7:
>
> That the agreed and reasonable value of said work, labor, and services was and is the sum of $250,000.
>
> Paragraph 8:
>
> That in connection with the performance and rendition of said work, labor, and service, and at the special instance and request of the defendants, the plaintiff necessarily expended and disbursed various sums of money, amounting in the aggregate to the sum of $58,885.
>
> Paragraph 9:
>
> That by reason of the foregoing there has become due from the defendants to the plaintiff the sum of $308,885 for said work, labor, and services and said expenditures in connection therewith, demand for which has been duly made and no part of which has been paid except the sum of $51,230, leaving a balance of $257,655 now due and owing from the defendants to plaintiff.

For what was this money claimed? For bringing about the collapse of the Geneva Conference for the Limitation of Armaments. The hearings showed that thousands of dollars were paid by shipbuilding concerns to accomplish that end.

In a letter from Mr. Shearer to representatives of the shipbuilding concerns Mr. Shearer takes full credit for the work he did.

In a letter dated March 10, 1928, Shearer recounts his work (p. 612–B):

> Pursuant to our agreement covering the Sixty-ninth Congress, ending March 4, 1927, and a further new agreement and understanding, I wish to submit to you briefly my report and activities from March 16, 1927, up to and including March 16, 1928, in and on behalf of the shipbuilding industry, for which expenses were furnished me.
>
> I sailed for France March 19, 1927, renewed my contacts in Paris, and arrived in Geneva, Switzerland, early in April, renewing there my work at the preparatory arms conference on disarmament—reports and copies of multigraphed articles, including volume of distribution sent Mr. Hunter.
>
> April 11, 1927, the preparatory arms conference collapsed. From that date until June 20, 1927, I carried on a publicity campaign both in Europe and the United States; multigraph articles were posted to the press of Europe and the United States, Members of Congress and the Cabinet, patriotic societies, business men, and many others, including the Army and Navy. These many releases had wide publicity and became the instructive guide to all press correspondents at Geneva. Many letters in my possession from the press, patriotic societies, and the American Legion acknowledge and substantiate that.
>
> At the close of the Coolidge naval conference August 4, 1927, the European press recognized and acknowledged the effect of my campaign, referring to it as the triumph of the theses of William B. Shearer, the American.
>
> I remained in Geneva until September 1, 1928, gathering information on the new line-up and the proposed plans to defeat the naval recommendations to go before the Seventieth Congress.

In a letter from Mr. Shearer of February 21, 1928, he says—page 612:

> At the close of the conference the European press announced the following: "The triumph of the theses of William Shearer, the American, gave yesterday the drop of the barrier to the most formidable marathon of modern times. To-morrow the race of armaments will recommence."
>
> All this was acknowledged and approved by the interested shipbuilding group until a small-navy paper, international and pacifistic in policy, asked the Navy Department for information about me. Then came the disavowal and damnation by the shipbuilders, accepting the fruits of victory but deserting the leader of the fight.

In a letter dated January 30, 1928, and sent to representatives of various concerns, he says (Shearer hearings, p. 610):

> Pursuant to our last private conversation and understanding in your office, that future negotiations would be with me direct, I wish to call to your attention that as the result of my activities during the Sixty-ninth Congress, eight 10,000-ton cruisers are now under construction.
>
> The understanding for which expenses were furnished me to conduct the campaign for naval preparedness was to March 5, 1928, to be paid as a salary of $25,000 a year, receipt hereby acknowledged for year ending March 4, 1928.
>
> As stated by you, and agreed to by your group, I am to receive at the rate of $25,000 a year as a reward, a bonus, or money earned as the result of the naval preparedness campaign which benefits and, in reality, saved the shipbuilding industry.
>
> The fixing of the time limit on the naval building program to five years to lay down and eight years to complete establishes the period of our understanding to the length of the naval program of eight years at $25,000 a year, or an aggregate of $200,000 due me from the result of my endeavors in the interest of the shipbuilding industry.

In a letter dated September 15, 1928, Mr. Shearer says, page 613:

> Many officers of the United States Navy have approved my efforts and appeal further to me to continue as a champion of the Navy cause.

I am directing attention to this investigation because the Members of Congress are being deluged by telegrams and letters and other form of propaganda in favor of an immense shipbuilding program. What is behind this movement? Who is responsible for the literature that is being received? It is apparent to every Member of this body that a most active organization is what is known as the Navy League of the United States. This organization in a circular letter dated February 13, 1931, was so critical of my work that I could not avoid turning aside to see what could be back of the activities of the organization. So far as my personal interests may be concerned I shall not bring them to the attention of the House. I am content with the faith that the Members of this Congress for years past have reposed in me. But, Mr. Speaker, I am concerned that a critical statement should be made of the chairman of the subcommittee that prepares the naval appropriation bill—a statement calculated to cast discredit upon the chairman and the committee itself. I am concerned because of the integrity of the committees of the Congress and the work that the Members of this House desire that their committees perform. Do Members of the House desire that their committees spend largely of their time upon the problems referred to their investigation and then bring to the House

the result of their sound judgment, or do they desire that the members of committees be as rubber stamps and place their approval upon the multitude of demands for money and programs of whatever type submitted in the name of national defense? I have no doubt what the answer of this body is.

But now, sir, let us consider what the Navy League of the United States is. Every citizen of the Republic has the right to criticize. It is a hopeful sign when people take keen interest in the affairs of state. But when criticism of severe character is used the people, on the other hand, have a right to know who the critics are and whether or not any self-interest consciously or unconsciously may have controlled the individual or the group in the shaping of the criticism. The Navy League, I understand, is a nation-wide organization and has some five or six thousand members. I am told that it has been in existence for something like 28 years. It has been actively identified with propaganda work looking to the expansion of the Naval Establishment, but there is much more about the Navy League that the public does not know than that which is known. The public does not know who the members are; the public does not know how frequently meetings are held and how commonly these meetings are attended; the public does not know who is responsible for the literature, the propaganda that is put forth; the public does not know what interests may be served by those who put forth this propaganda; the public has a right to know these things touching an organization that purports to speak to the country in the name of patriotism and purports to emphasize its attitude upon great national questions, and purports to arraign the good faith and confidence of men charged with public responsibility.

I challenge the Navy League of the United States to publish a list of all of its members and to show as to every officer of the Army, the Navy, and the Marine Corps the rank of such officer and as to all others whether or not they have relatives in the Naval Establishment of officer rank, and if so, the name and rank and kinship of such person. I challenge the league as to its members to publish the list of investments held by them individually in any company, corporation, or enterprise having to do with naval construction, the manufacture and production of armaments, or any of the considerable factors or commodities purchased for any purpose by the Navy; whether or not they are interested in or identified with aircraft corporations of any kind and the extent to which such interests exist. I challenge the organization to indicate to the public all of the sources of revenue that it possesses and to indicate such information over a period of its existence. I challenge the organization to give to the public an outline of expenditures incurred by the organization and the specific purpose for which the expenditures have been made. I challenge the organization to publish the names of the members of the board of directors or other members of the organization who have had a part in preparation either by writing or by approving the literature that the organization is disseminating. I challenge the organization to publish the names of officers of the Naval Establishment who have prepared for publication articles that have been disseminated by the Navy League and indicate specifically what those articles may be. I challenge the organization to indicate specifically the conferences held by any considerable numbers of the Navy League and the part that is taken by the members of the league generally.

Let me direct your attention to precisely what the Navy League of the United States proposes:

In a pamphlet issued from the Washington office of the league under date of February 14, 1931, an appeal is made for a building program, including replacement, to be rounded out by 1937.

The appeal is an arraignment of the course of the United States since the Washington conference of 1922, and a demand that tonnage be built to meet the tonnage permissible under the London treaty of 1930, and that replacement proceed within low periods of years.

But the pamphlet will tell the story. Let me quote, in part, what is said after a somewhat lengthy recital.

In short—

Says the Navy League—

since the Washington conference, the Harding, Coolidge, and Hoover administrations and Congresses, to date, have averaged to spend on the replacement upkeep of the United States Fleet less than a quarter of what was required.

This suggests that we now look specifically into what will have to be done to bring the United States Fleet up to treaty terms within a year or so of the end of the treaty on the 31st of December, 1936.

Throughout the last decade of disarmament talk even the more parsimonious or pacifistic of our politicians have recognized that unless a limitation could at least be twisted into appearing to permit fleet parity to the United States it would be unacceptable to the American people. Such public insistence on parity implies a popular interest not only in the requirements for the attainment of supposed parity under the present treaty but also in its maintenance. The following table summarizes that status that the United States Fleet would have if brought up to treaty terms and the replacement requirements of so maintaining it:

Replacement of the United States fleet when up to treaty terms

	Aggregate tounage	Replacement cost per ton	Replacement value	Age limit	Average annual replacement cost
Capital ships	[1] 462,300	$1,100	$508,530,000	20	$25,426,500
Aircraft carriers	133,000	1,500	202,500,000	20	10,125,000
Large-gun cruisers	180,000	1,700	306,000,000	20	15,300,000
Small-gun cruisers	143,500	1,850	265,475,000	20	13,273,750
Destroyer types	150,000	2,800	420,000,000	16	26,250,000
Submarines	52,700	4,000	210,800,000	13	16,215,383
Noncombatant auxiliaries	[2] 600,000	175	105,000,000	25	4,200,000
Airplanes	[3] 1,600	[4] 33,000	52,800,000	5	10,560,000
Total	1,723,800		2,071,105,000		121,350,633

[1] Including all modernization.
[2] Not limited by treaty.
[3] Number of planes.
[4] Average per plane.

It may have been noted that, in the above table, no mention is made of river gunboats and of several such minor types of combatant naval craft not limited by treaty, of lighter-than-air dirigibles, nor of naval bases, yards, factories, and other plants and structures ashore essential to the maintenance and operation of the fleet afloat and all of which call for replacements in addition to those conservatively shown above for the fleet proper. So it is altogether probable that the total replacement cost for the Navy, as a whole, would be in excess of $125,000,000 a year.

But now not only should the facts above stated be faced but every effort possible should be made, as already suggested herein, to clear the way for the concentration of construction planned in the London naval treaty for 1937.

But, gentlemen, what I have stated does not tell the whole story of the demand that must inevitably follow the program that the Navy League is recommending. The demand—that as reported by the table—proposes a building program that will mean an annual new construction cost to the United States of more than $125,000,000. That is not all that it means. Such a program as that can not be carried forward without there being made a part of the program other projects that will cost immense sums. Such a program as has been proposed omits much aircraft. Here will be an item that will add millions to the annual budget. The program proposed omits expansion of shore establishments. Here must be other millions. The program omits officers and men. There would need to be added, according to Navy estimates, more than 2,000 officers of the line, and I suppose about 1,000 staff officers, and there would need to be added possibly not less than twenty to thirty thousand enlisted personnel. The program that is demanded means vast expansion in upkeep. Gentlemen of the House, the program that is demanded means not a Navy budget of some $370,000,000 every year but an annual budget that would be not less than five hundred to six hundred million dollars. It is this program that I denounce.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. LaGUARDIA. Will the gentleman from Illinois yield my five minutes to the gentleman from Idaho?

Mr. BRITTEN. There is a great demand on this side in opposition to the bill as well as otherwise.

Mr. VINSON of Georgia. I yield two minutes to the gentleman from Idaho.

Mr. FRENCH. Let me say this in conclusion. I have been furnished with a copy of the names of the directors of the Navy League of the United States. I recognize among the names on the list men and women of unquestioned loyalty and patriotism; others I do not know. But again I ask, Who are the members of this group? Have we forgotten the revelations of 15 years ago, when it was disclosed that directors and active members of the Navy League of that time were the beneficiaries in construction work under the Navy? Have we forgotten the revelations of the vast amount of money that was contributed by these same interests for propaganda work in the name of patriotism and public duty?

The Members of the Congress and the public have a right to know who are behind this movement for this enormous Federal expenditure upon the Naval Establishment under the guise of national needs.

We are familiar with the part that is played through the unconscious influence of personal self-interest. For instance, if a member of the organization were a naval officer with rank, promotion, salary, career, all spread out before him, no matter what his integrity and his patriotism might be, I should hesitate to rely wholly upon his advice. If a member of the board of directors were interested in an aircraft corporation, no matter what his integrity and patriotism might be, I should question the human ability of the man to come to an honest conclusion upon the question of size of naval establishment. If a man were interested in the manufacture of any commodity whatever that entered in any substantial degree into the needs of the Navy I should question his sound judgment, though I would not question his patriotic motive so far as he, himself, understood that motive.

The point that I raise is the unconscious influence of personal self-interest upon human judgment that makes it well nigh impossible for men and women actually to reach sound conclusions where their own interests and rights are involved and who are carrying on a propaganda that challenges the good faith and integrity of public officers and that makes astounding demands upon the Treasury all in the name of liberty, in the name of national defense. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. DREWRY].

Mr. DREWRY. Mr. Chairman, the Washington conference permitted modernization as well as replacement of capital ships. The London treaty voices a naval holiday until 1936. Unless, therefore, we modernize our present vessels our Navy will be much inferior in capital ships in comparison with the other nations. The purpose of this bill is to improve three ships which would otherwise be obsolescent in from six to eight years. The proposed improvements would make them useful for 15 years after modernization.

Modernization is not a new thing, for it has been done ever since the foundation of our Navy, whenever it was found necessary to repair and bring up to date in modern improvements vessels which needed such repairs. New methods of warfare are constantly being used and it becomes essential to keep our vessels in the best condition in which to protect themselves if occasion arises. A number of the capital ships have been modernized from time to time as needed. It is exactly the same thing that is done by every citizen who repairs and modernizes the home in which he lives whenever it becomes necessary. The only decision, therefore, involved in this matter, as it seems to me, is that of whether these ships should be allowed to become obsolete, or repaired; that is, modernized and brought up to date. If these repairs are not made, these three ships become obsolete in a few years. We will then have a greater inferiority to Britain's Navy, as we will have only 12 good ships to their 15. If we modernize these three ships, we will come nearer to an equality with Great Britain. Japan is also rapidly modernizing her capital ships.

This modernization consists in elevating the guns, in placing "blisters," in increasing the speed of the ships, and increase of deck protection.

All of these things are allowed by the Washington treaty and are absolutely necessary if it is the expectation of this country that our naval vessels be put on an equality with those of other nations. There is no necessity to go into details concerning these improvements, for our naval experts, as shown in the hearings, insist that these improvements are necessary. They provide longer gun range, more speed, and greater protection from attack.

Immediately arises the question whether this repair is justified when there is a probability that some time in the future the battleship may become obsolete. The idea that the battleship will be discarded is a matter of opinion, but I submit that there is nothing to indicate that any other nation seems to have reached the conclusion that the battleship is obsolete. Notwithstanding the criticism against the use of battleships in the World War, it is a fact that they were used more generally than has been thought. The very fact that they were used with the greatest caution is absolute proof of the tremendous importance which attaches to them as a reserve force. Even Germany, which was restricted to ships of 10,000 tons by the Versailles treaty, is building a "pocket battleship" with 11-inch guns.

Others say that they are vulnerable to attack by airplanes. Of course, every vessel is to some extent vulnerable to attack by an airplane, but the defense against the airplane is no less, but is even greater, by a battleship than by other vessels. It must be remembered that airplanes also will be protecting the battleship from attack, and enemy planes would find it difficult to do much damage while they were under necessity of defending themselves. In addition, this modernization program provides increased protection from air attack.

Other nations are continuing to modernize their battleships and to keep them up to the treaty limitations. If, therefore, the other nations of the world have not yet determined that their battleships are obsolete, it would be folly for us to reach that conclusion. Under the treaties we can only keep our Navy to the classes allowed.

The cost of the modernization of these battleships is not excessive. They must be modernized in order to meet the actual conditions of warfare. The amount necessary for the purpose is reasonable in comparison with similar work heretofore done. It is false economy to let them become obsolete in a few years from lack of attention, when proper modernization will prolong their life. Under the London treaty we must recondition our old ships because they have to be carried for a greater length of time, as we can not build any more until 1936; so the replacements permitted by the Washington treaty of 1922 can not be made during the life of the London treaty. The modernization of these ships will make them useful for 15 years after modernization; but if they are not modernized, they become obsolete in about seven years; so that it is really a saving of money if it is desired to keep our fleet in a position where it may answer its purpose, namely, the protection of the commerce of the country and its people.

At the present time they can possibly be modernized more cheaply if the work is done without delay, for the organization is now existent in the navy yards to take up this work immediately. This work at this time will help to relieve unemployment and will serve the double purpose of building up a depressed condition of labor, while at the same time we are building up our Navy.

It would seem that this necessity of keeping our fleet in proper condition would be recognized. With world conditions as troublous as they now are, anyone reading that exhaustive statement by the gentleman from Wisconsin as to the imminence of war, in which he set out the opinions of the leading statesmen of the world, should be impressed with the necessity for Congress keeping our fleet up to date instead of letting it deteriorate. Everyone recognizes the unsettled world conditions. This is the time when we should be prepared. Preparedness now means a saving in men and,

money in the years to come. Our commerce and our people must be protected from aggression.

A further argument for the modernization of these ships is that it will bring us up nearer to our treaty strength as allowed by the London treaty. So long as each nation to the treaty builds up to its allowed strength, just so long will there be hope for further limitations. But if one nation allows itself to fall below its allowance, the nations who have kept up their ratio will be averse to further limitations. They will reason, "why should we decrease our navy just because the other nations have not cared to keep theirs up? We are now well protected. There is no further need for treaties." The American people would be outraged by such failure on our part. The United States is willing by agreement to decrease its Navy as far as it can in accordance with its needs, but it will not be willing to give up its position as a world power and lay itself open to aggression by stronger nations. So at the bottom of this matter of modernization and of further construction is the question of whether we shall build up to our treaty strength.

The people of the country have spoken and are still speaking. There was a Women's Patriotic Conference on National Defense held here in Washington last January—not quite a month ago. I insert at this point a list of the organizations participating.

ORGANIZATIONS PARTICIPATING—WOMEN'S PATRIOTIC CONFERENCE ON NATIONAL DEFENSE, JANUARY 29, 30, AND 31, 1931

American Gold-Star Mothers.
American Legion Auxiliary.
American War Mothers.
American Women's Legion.
Auxiliary to Sons of Union Veterans of Civil War.
Bergen County Women's Republican Club of New Jersey.
Colonial Daughters of the Seventeenth Century.
Daughters of the Colonial Wars (Inc.).
Daughters of the Defenders of the Republic, U. S. A.
Daughters of the Union Veterans of the Civil War, 1861–1865.
The Government Club (Inc.).
Ladies of the Grand Army of the Republic.
Ladies' Auxiliary, Veterans of Foreign Wars.
National American Veteran and Allied Patriotic Organizations.
National Auxiliary, United Spanish War Veterans.
National Patriotic Association.
National Society, Colonial Daughters of America.
National Society of Colonial Descendants of America.
National Society, Daughters of the American Colonists.
National Society, Daughters of the American Revolution.
National Society, Daughters of Founders and Patriots of America.
National Society, Dames of the Loyal Legion.
National Society, Daughters of the Revolution.
National Society, Daughters of the Union, 1861–1865.
National Society of New England Women.
National Society, Patriotic Builders of America.
National Society, Patriotic Women of America.
National Society, United States Daughters of 1812.
National Society, Women Descendants of the Ancient and Honorable Artillery Company.
New York City Colony of New England Women.
Service Star Legion (Inc.).
Society of Sponsors of the United States Navy.
The Guadalupe Club of 1848.
The National Patriotic Council.
The National Women's Relief Corps.
The Security League of Westchester.
The Wheel of Progress.
Women's Naval Service.
Women of the Army and Navy Legion of Valor.
Women's Overseas Service League.
Women's Constitutional League.

There were 41 organizations. They passed this resolution:

Whereas the Women's Patriotic Conference on National Defense believes that the Government of the United States of America owes protection to its 120,000,000 inhabitants; and

Whereas history, including the Great War, has demonstrated that with an inferior Navy we can not protect our commerce and the lives of our citizens on the high seas, and that our seacoast cities are open to destruction: Therefore be it

Resolved, That it is our belief that the provisions of the London naval treaty should be carried out at the earliest moment in order that we may get the maximum protection permitted by existing treaties; and further be it

Resolved, That the naval-construction program approved by the President now before the third session of the Seventy-first Congress, which program constitutes but a modest beginning toward building up to our treaty allowances, should be both authorized and appropriated for before that session of the present Congress adjourns.

Similar resolutions have been passed by patriotic organizations of men, including the American Legion, Veterans of Foreign Wars, Sons of the American Revolution, and many others. In addition, I am now receiving letters and telegrams from citizens of my district who fear that Congress may not realize the necessity of keeping up the Navy to its treaty strength. It would seem to me that Members of Congress would pause, when they consider the resolutions of the outstanding patriotic societies of the United States insisting that our Navy should be brought up to treaty strength. I personally would regret to find myself in opposition to the views of these organizations.

On the other hand, we find a number of organizations which, in my opinion, are not so much interested in the question of the size of the Navy as they are in the high ideal of peace; and some of these organizations are being used by enemies of our country to prevent proper protection of our people. These organizations are ostensibly for the purpose of preventing war, but their efforts are mainly directed toward preventing national defense. It does not logically follow that you prevent war by a failure to defend yourself. Everyone wants to prevent war, but the disagreement is on the method by which it may be prevented. Personally I would be in favor of all mutual agreements among the nations to decrease equally their armaments to the lowest point consistent with protection of their country and its commerce, but I would not find myself in favor of making our country defenseless when the other nations will not agree to our proposals along this line. Honest men and women are in these organizations striving for high ideals, but, unfortunately, some of these organizations with high-sounding names are being maneuvered into false positions by propaganda which does not definitely set out the aims of our enemies who are instrumental in organizing these groups.

As the gentleman from Idaho very well said, there are two groups in this country with reference to the size of the Navy of the United States. They are popularly called "big Navy" and "little Navy" men. Such designations mean nothing. If one man argues for 15 battleships and another for 12, the former is called a "big Navy" man—the latter a "little Navy" man, and so on through the other categories of naval vessels. There is a great deal of loose talk about a "big Navy" and a "little Navy" which hampers the correct solution of the size of the Navy that is needed for this country. I am speaking now, however, only of those groups which are conscientiously and patriotically trying to do the thing that is best for the Nation. Both groups when questioned assert that they are considering only the welfare of all the people. I am sure that my friend from Idaho will not object if I refer to his remarks as affording a striking illustration of the conflict of views on the subject for I do not agree with him in some of his conclusions as to the size of our Navy.

When asked what size Navy we shall have, his reply was "One that is adequate to our needs." He replied correctly, of course. Adequacy is the yardstick by which the size of the Navy should be measured. It is far more definitive of the matter than the words "big" and "little." However, it is hard to define the word "adequate." Many men are of many minds. What the gentleman from Idaho thinks is adequate may not be the adequacy that is in the minds of gentlemen from California and Virginia.

What is the size of the Navy that is adequate to our needs? I do not know of anyone who wants us to have a Navy any larger than is necessary to protect our commerce and our country. Of course, it is somewhat the fashion to sneer at our naval forces and to laugh and say that if it were left to the Navy they would build beyond all reasonable limits. The officers of the Navy need no defense at my hands, but as a member of the Naval Affairs Committee of this House I have come in contact with a great many of them, and I have never found a "jingo" in the whole lot. They are as patriotic as the members of the legislative branch of this Government, and I for one do not believe that they have any desire to spend unduly the taxpayers'

money in increasing the Navy, nor do I believe that a single one of them wants this country plunged into war. They are pacifistic in the true sense, they are not seeking a fight, but if one is brought to them, they want to be prepared to fight. For upon them is placed the burden of defending in the first line their country and its 123,000,000 of people.

Naturally, therefore, their views may go a little further in what they think is adequate than the opinions of the gentleman from Idaho. Because of that should we, as Members of Congress, discard their views on the ground that they are selfishly interested? On the contrary, we should pay all the more attention to their proposals because they are interested. They are the men who must do the fighting if there should be trouble. In trying to find out what is an adequate navy, do not push aside and attempt to discredit the views of the only experts we have. If these men in command of our naval forces can not tell us what is adequate—these men who have been trained from boyhood on this very subject—at a tremendous expense—if they do not know, then we might as well turn the Naval Academy into a young ladies' seminary and sink all our ships. Personally, I would hesitate before I refused to consider their views, with all the weight attached to them by their long experience and training and study in the matter which most vitally affects them. I want their definition of the word "adequate." They say that our ships should be modernized and our Navy brought up to the treaty strength.

In addition, we should be helped by considering the views of some of our leading statesmen to whom has been delegated the task of informing other nations as to the size of the Navy that is adequate to our needs. In every conference for the limitation of naval armaments every nation has contended for a navy "adequate to its needs." That has been the test of all limitation. Therefore, it would seem to me as a logical proposition that the size of the Navy under which our representatives refused further limitation would be the Navy "adequate to our needs." So at the Washington conference, then at the Geneva conference, and again at the London conference our delegates agreed to a certain limitation of naval vessels, first, as to battleships and aircraft carriers, and then at the London conference as to other categories. The results of these conferences should throw a great deal of light on the interpretation of the words "adequate to our needs." Surely in striving to do our duty by providing a navy that is "adequate," we, as Members of Congress, should not discard the results of the London treaty, as agreed upon by our able statesmen. They fixed the number and classes of ships needed by the United States and they were in favor of modernization and construction up to the limit.

Now there is one class of men here in this House who contend that they stand for an adequate navy, but they refuse to be influenced by the views of our naval experts or the results of the London treaty, or the views of the citizens in the membership of our patriotic organizations. They have reached their conclusions and must stand or fall on their own judgment. I find no fault with that position—I believe in independence of thought as well as of action. But in affirming my own thought I would call on them to give the reasons for their conclusions. They answer—I quote:

The practical reasons suggested then, in brief, are first, that we do not need to build up to the maximum from the standpoint of national defense, and, in the second place, we have to take into account in connection with the actual needs of our country the monetary considerations that would be involved.

No necessity for such a navy as was suggested by our navel experts and our diplomats. Why is there no "need"? Is the world at peace? Have the nations reached that heavenly condition visioned by Tennyson:

Till the war drums throbbed no longer and the battle flags were furl'd
In the Parliament of man, the Federation of the World.

Can the gentleman from Idaho assure me that such is the case? If so, I will gladly support him in getting rid of our military forces. Does not the gentleman know what every observer of world affairs would say if asked if there are more warlike portents in the world to-day than there were on August 1, 1914? Have the delegates of the other nations to the conferences been willing and ready to agree to such limitations as the United States has proposed? The gentleman knows they have not. Oh, but the gentleman says, "If we follow the program that ought to be followed by our country, it will be followed by others." Does the gentleman recall our magnificent gesture in 1922 when we deliberately destroyed $300,000,000 in valuable ships? What did the other nations do? Why they applauded vigorously our quixotic action and continued to build for themselves a navy that was adequate to their needs.

The other reason given is the monetary consideration. Of course, this follows the first reason given. If there is no need for a navy, or one of the size proposed, then it is willful waste and extravagance to vote the appropriations for the continuation and maintenance of the Navy. Everyone will agree to that. On the other hand, the money spent for the Navy is for protection. It is an assurance that our business shall not be destroyed and our people oppressed. The sum we pay for that insurance is small in comparison with the cost of aggression by an enemy. It is not one cent per day per capita from the people of the country. Some one has said that the people of this country spend in one year more on candy and chewing gum than is spent on our Navy. Oh, no; the amount we spend for protection is not more than this country, the richest in the world to-day, can afford. Careful estimates of the amount necessary are made by the Navy and referred to the Executive through his Director of the Budget. His recommendation is passed to Congress through the Appropriations Committee. After going through that committee you can rest assured that every item of extravagance has been eliminated—nothing is left except for stark necessity.

The bill for modernization of these three ships has been approved by the officers of the Navy, by the Secretary of the Navy, and by the President of the United States. Extensive hearings were held by the Committee on Naval Affairs of the House, and it was approved by that committee. The Senate of the United States has approved it. I trust that the House of Representatives will add its approval. [Applause.]

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to insert therein certain papers.

Mr. BRITTEN. What does the gentleman desire to insert in the RECORD?

Mr. McCLINTIC of Oklahoma. Certain statements with respect to battleships.

Mr. BRITTEN. Statements by whom?

Mr. McCLINTIC of Oklahoma. By one of the inventors. The gentleman can object if he desires.

Mr. BRITTEN. No. I merely want to know what the gentleman is asking. Is that a statement by Mr. Perkins?

Mr. McCLINTIC of Oklahoma. Yes. I also wish to extend my remarks by inserting a list of the newspapers which have printed editorials on the subject of modernization of battleships.

Mr. BRITTEN. Does the gentleman intend to include in that list the circulation of those papers or simply the names?

Mr. McCLINTIC of Oklahoma. Just the names.

Mr. BRITTEN. So that the Oklahoma Gazette, for instance, would have the same weight as the Chicago Tribune or the New York Times?

Mr. McCLINTIC of Oklahoma. It should have. It is a great deal more important.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma [Mr. McCLINTIC]?

There was no objection.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, no one can give a better description of the ships now attempted to be modernized than that given by the distinguished gentleman

from Illinois, the great naval expert, the distinguished chairman of the Committee on Naval Affairs [Mr. BRITTEN]. If I remember correctly, he said these ships were outshot, outspeeded, and otherwise down and out in every other way. That being so, I submit it is hardly good business or a good naval proposition to spend $30,000,000 on them. You will find in the report of the committee that we modernized, under the same kind of an appeal, three other ships a few years ago, which are now to be scrapped.

Mr. BRITTEN. Will the gentleman yield right there? I know the gentleman desires to be accurate always.

Mr. LAGUARDIA. Certainly.

Mr. BRITTEN. But the gentleman is not accurate now. The three ships which the gentleman has in mind were not modernized as these ships will be. Those ships cost $3,000,000 each.

Mr. LAGUARDIA. Eleven million dollars in all.

Mr. BRITTEN. And these ships will cost $10,000,000 each. The modernizing is entirely different. The guns on the other ships were not elevated at all.

Mr. LAGUARDIA. Very well.

Mr. MILLER. And there was no extra deck protection.

Mr. LAGUARDIA. Very well. Granting all that, you are not going to get added speed by putting more armor on a battleship.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. STAFFORD. That $11,000,000 was wasted, nevertheless, upon the say-so of the gentleman from Illinois, the "Admiral of the Navy," Mr. BRITTEN?

Mr. LAGUARDIA. Yes. Now, it would seem to me it might have been some argument to have come out with a cruiser program in order to bring the fleet up to a standard so that the distinguished gentleman from Chicago could sleep in peace and safety at nights, in Chicago. But what is the argument that is whispered around now in regard to spending this $30,000,000? It is that it will give employment to the navy yards. If that is the main purpose, I would much rather spend the $30,000,000 building some merchant ships, which will at least serve a useful purpose.

I do not claim to be a naval authority. I do not know anything about it, but Billy Mitchell showed this country so convincingly the vulnerability of a battleship that it seems almost impossible at this late date that an argument should be made to reinforce decks. All that is necessary, when you reinforce decks, is to increase the size and explosive of the bombs. This will not do it, and anybody knows it. The only argument is, "We can not get the other program through now, so give us this, at least." I submit, ladies and gentlemen, that at this time it is anything but prudent and wise to expend $30,000,000 on battleships which will never get into action.

It has been stated, not by legislators but by the best naval experts in the world, that it is expected never again to build a battleship, as these battleships pass out; and yet at the last moment this appeal is staged in a manner as only the Navy can do it. The Navy has the best publicity department of any concern in this country. They have an unofficial report of the referees telling us that the Black Fleet seized Panama and established a base there. What did they do? They put all the ships in the Black Fleet, and they put one ship and aviation in the Blue Fleet. [Applause.]

Mr. BRITTEN. Will the gentleman yield? Again I know the gentleman desires to be accurate.

Mr. LAGUARDIA. Yes; I yield.

Mr. BRITTEN. The truth is that the Blue Fleet was composed of the air squadrons of our country and suffered an ignominious defeat. I can prove it to every Member of this House but the colonel himself.

Mr. LAGUARDIA. On paper, yes; and if this were an appropriation for naval aviation, the other fleet would have suffered the same kind of defeat. This is not the first time the Navy has pulled something like this at the psychological moment. They are very ingenious down at the Navy Department.

Mr. PATTERSON. They have been suffering those humiliating defeats?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, one of the strongest arguments against the lame-duck session of Congress is that if we would have this session continuing this makeshift bill would not be considered but we would be considering a real naval bill, reported from the Naval Affairs Committee, providing for the building of modern vessels, naval aircraft carriers, cruisers, and up-to-date ships. No one can read the hearings on this bill without being convinced that this is but a waste of money to the extent of $30,000,000. You wasted $11,000,000 on three battleships a few years ago, and now they are being junked. Instead of wasting $3,000,000 or $3,500,000 on each of these ships you are going to waste $10,000,000, and for what purpose? Let us be frank about it. It is for the purpose of giving employment at three navy yards.

If there has been one thing proven by the demonstration at Panama, it is that a 10,000-ton cruiser was the most efficient. Read the hearings before the Naval Affairs Committee and then you will agree that the cruiser is the coming vessel and that it is going to supersede the battleship. Eleven million dollars was spent on three battleships for the same character of alterations as are now proposed for these three, and all those three under the London conference are to be scrapped, but now you are asked to spend $10,000,000 on three others which are scheduled to be withdrawn in 1937, 1938, and 1939. For what? For the replacement of boilers, so that they may last for another 10 or 12 years. You are only going to add to their speed by 2 knots an hour, when Great Britain has some battleships that go 31 knots a hour. You are going to put on some so-called blisters for protective purposes that impede the speed of the vessel.

Twenty-five years ago was there any talk of this country being endangered because our battleship squadron was inferior to that of Great Britain? In those days it was said that Great Britain was superior by many tons over the United States. Is there no lesson to be learned from the World War? Are we to launch upon a policy of a race for supremacy that begot the World War? Was the lesson of the World War the fact that Great Britain is our enemy, or is Great Britain our friend?

I appeal to my fellow members. What is the need of providing against an imaginary enemy and in doing so why should we spend $30,000,000 on the so-called modernization of battleships? I am fundamental in my belief that it is wrong to spend money on old vessels which in a few years would be withdrawn because of age. We should build anew. I am in favor of the building program recommended by the gentleman's committee, providing for new aircraft carriers, new cruisers, and other craft. That would provide something definite and tangible and would make our fleet modern, but this does not modernize it at all. There is no claim that our battleship squadron is not far superior to that of any other country save Great Britain. So what is the need of spending this money? It is purely a waste of money.

If I had not read the hearings and come to the conclusion that this was a pure waste I would not have taken the floor. Anyone who has followed the deliberations in connection with the London conference knows that it was generally accepted that the battleship is obsolete and that the 10,000-ton cruiser of the type of the *Ersatz Preussen* is the coming vessel of defense and offense.

Why should we be influenced by navy-yard admirals, represented so largely on the Committee on Naval Affairs? The membership of the Committee on Naval Affairs is largely made up of those who represent navy yards and they are determining this legislation.

Mr. ANDREW rose.

Mr. STAFFORD. And the gentleman from Massachusetts is no exception to that rule.

Mr. WOODRUFF. Will the gentleman yield?

Mr. STAFFORD. There is also one supposed doctor who has become a naval doctor, and he is trying to doctor up these old ships.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. MCCLINTIC of Oklahoma. Mr. Chairman, a battleship is 100 feet wide and 600 feet long. There are air squadrons in the Army and the Navy that can hit a battleship with a bomb from the air every time. If we should have another war, taking into consideration that each one has 1,200 men and officers on same, it simply means that 18,000 men would be withdrawn from our first line. If we are to retain battleships without taking care of the aircraft feature, then we are proceeding in a way that is anything but efficient. It seems to me that some day, some time, the Members of this House ought to recognize the efficiency of aircraft.

Mr. VINSON of Georgia. Mr. Chairman, by the terms of the Washington treaty we were authorized to commence the replacement of battleships by laying down two in 1931, two in 1932, one in 1933, and two in 1934. The total cost of such a replacement program would be in the neighborhood of $280,000,000.

Under the provisions of the London treaty this replacement in battleships can not take place, for that treaty established a battleship holiday until December 31, 1936.

You can therefore readily see the great benefit that accrued to the taxpayers of this Government by declaring a battleship holiday.

The terms of the London treaty fixed definitely the number of battleships each one of the nations could have. Great Britain was permitted to retain 15 and we were allowed the same number. Under the terms of the Washington treaty, as well as the London treaty, each nation was permitted to modernize or recondition their battleships in a specified and definite manner. Great Britain and Japan have already practically completed their modernization program.

Two years after the ratification of the Washington treaty on December 18, 1924, Congress, exercising its rights under that treaty, authorized major alterations to be made on six of its battleships. That work has been completed and the ships have rejoined the fleet.

On March 2, 1927, Congress again authorized that two additional battleships should be completely modernized. They, too, have been finished.

Again, on February 25, 1929, Congress authorized the modernization of two more battleships, and the work on these ships will be finished during this year. So you see we have completely modernized four battleships and made major alterations on six.

These three ships are the last ones of the battleships that will have to be modernized, unless something wholly new develops in naval science. This is the end of the modernization program that commenced in 1924. It will not be necessary to modernize the five remaining battleships because they are modern and up to date.

Has this modernization been a saving to the Government? There can be no doubt about it. Adding the cost of the modernization which has heretofore been authorized, which was $48,110,000, to the amount authorized in this bill, makes the total modernization expenditure $78,110,000. If we had not embarked upon this modernization program, and had not secured a battleship holiday, we would to-day be called upon to commence building battleships which would cost $280,000,000.

So, therefore, you see, from an economic standpoint, that the modernization and the battleship holiday has brought about a saving to the public of $201,890,000. That is the difference between the cost of replacement and the cost of modernization.

The ships that have heretofore been modernized and these ships, when they are modernized, will be equal in fighting efficiency to any battleship that floats, except the *Rodney* and the *Nelson*. Based on material condition, the ships should be useful 15 years after modernization.

The sole purpose and object of asking for this modernization is to make the American battleships which we have been permitted by the London treaty to retain in our fleet at least as effective as we can make them since there can be no replacement until December 31, 1936.

We want battleships in our fleet as effective as they are in any other navy.

I ask you, sir, has the time come in the American House of Representatives that we are unwilling to authorize an expenditure to make our battleships as modern and as effective as the battleships of the British Navy?

If there is one policy that is dear to the hearts of the American people, it is that our Navy shall at all times be equal to that of any other navy in the world. The day of competitive armament has passed. We are only allowed by the treaty to have 15 battleships, and are you unwilling that our 15 battleships be made as near as possible equal to those of Great Britain? That is all this bill seeks to do. Modernize these ships; place them on an equality, as far as possible, with the ships of the British Navy.

We do not ask to make our ships superior to the British ships, but we do ask and shall insist that they be at least equal to the British. That is the only way there can be an equality or parity between the battleship fleets of the two nations.

Mr. STAFFORD. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. STAFFORD. Does the gentleman claim that after this modernization takes place we will have any battleship that is equal to the *Rodney* or the *Nelson* of the British Navy?

Mr. VINSON of Georgia. There can be no approach to parity between the battleships until these ships are modernized. Remember that under the Washington treaty we did not have parity in battleships and would not obtain it until 1942.

Let me impress this one fact upon you: That the mere signing and the ratification of the London treaty by itself did not give us parity with Great Britain. While it permitted parity, our battleship fleet to-day is not equal to the battleship fleet of Great Britain.

The battleship fleet of Great Britain was superior at the London conference and is superior at this very time, and the only way we can approach parity or equality is to modernize these ships, which the treaty gives us the right to do, and the modernization program more nearly brings about the parity which we are entitled to have. After this modernization we will have obtained parity in every respect except that of speed. The British fleet will be 2 knots per hour faster than the American fleet.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. LAGUARDIA. Where was the British battleship fleet, including the *Rodney* and the *Nelson*, during the four years of the World War?

Mr. VINSON of Georgia. They were at the exact place they should have been, because it would have been the height of folly for any admiral to have sacrificed or jeopardized all of his ships or all of his men at one time.

Mr. LAGUARDIA. And, therefore, they kept them in the harbor.

Mr. BRITTEN. The *Rodney* and the *Nelson* were not completed at that time.

Mr. VINSON of Georgia. The ships referred to in this bill when designed in 1913 and 1914 were very efficient. They went into commission in 1917, 1918, and 1919, but now they require overhauling and modernizing to make them equal to our older battleships which have been modernized, and to the battleships of foreign powers which also have been modernized, or which are of more recent design and construction like the *Rodney* and the *Nelson*.

As long as we retain battleships in our Navy they must be made and kept as efficient as practicable, or they are a false security.

Each one of these ships has twelve 14½-inch guns, which now have an elevation of only 15 degrees, with a maximum range of 24,500 yards.

We propose by this modernization program to increase the elevation to 30 degrees, thereby giving a range of 35,700. We have already done this on four ships—the *Nevada*, the *Oklahoma*, the *Pennsylvania*, and the *Arizona*—older ships than these. The elevation of these guns increases the range 11,200 yards.

The elevation of the guns permits much greater ranges, increases the penetrative effect of plunging fire against the enemy, and makes the ship a much more powerful and valuable fighting unit at long ranges.

This great improvement is in turn due, in part, to the ability of aircraft to spot for the ship at these great ranges.

The advent of aviation is tied in with the effectiveness of battleships in an offensive and defensive manner. With this elevation and with the cooperation of aviation and radio, no longer is it necessary for a battleship to see the target.

In addition to the elevation of the guns it is proposed to increase the deck protection from 3½ inches to 5½ inches, an increase in deck protection of over 60 per cent, making the ship far superior to her present condition.

This affords better protection from airplane bombs and long-range plunging shots. This makes our battleships as invulnerable as it is practicable for them to be made, not only against fire from the enemies' guns but also against air attack.

I know it will be argued that it is possible to drop a bomb on the deck of a battleship and destroy it. Let me call your attention to this important fact: The penetrative effect of the best A. P. bomb known to-day might be 3½ inches at 6,000 feet. To penetrate 5 inches would require an altitude of about 13,000 feet, and to penetrate 5½ inches would require an altitude of about 15,000 feet. With a 5½-inch protective deck it requires about two and a half times the altitude required to penetrate a 3½-inch deck. Of course, the chances of hitting are less as the altitude increases. The ship is therefore far less vulnerable to bomb attack with the added deck protection.

The thickness of the protective deck, that is, from 3½ to 5½ inches, prevents penetration by armor-piercing bombs in case they are successfully developed by foreign countries. Furthermore, these decks add greatly to the structural strength of the ship, reduce explosive effect on the decks and about the decks as they are strong enough to withstand the explosive effect of bombs.

No doubt it will be argued that an air attack will destroy battleships. Let me impress this one fact upon you, that none of the other ships in the fleet of fighting ships are so thoroughly protected, as it is not possible in the smaller ships to obtain the same degree of protection.

Therefore, in the event that our fleet is seriously attacked from the air, the ships which will suffer the least amount of damage from such an attack are our modernized battleships.

Remember that the cruiser, the submarine, and destroyer, and the other types of ships have no protection against an air attack, while the modernized battleship has protection both in a protective deck and blisters.

The addition of the blisters permits far greater protection to the ship against bombs dropped alongside the ship; that is, under-water explosions. This is most important. These blisters are also an added protection against torpedo attack.

We have recently heard utterances to the effect that the battleship is obsolete; that more battleships will not be built; and that the battleship can not defend itself against the submarine and aircraft. Such ideas are not new. They have been advanced with the invention of every new weapon; the automobile torpedo, the torpedo boat, the submarine, and now the aircraft were each in turn going to render the battleship obsolete. They have failed to do so, because the battleship combines in itself the greatest offensive power and the greatest resisting power of any type of ship.

Her blisters give her protection from torpedoes or bombs such as is not enjoyed by any other type of ships.

Her antiaircraft battery is larger and better controlled than on any other type.

Her protective deck renders it impossible for aircraft bombs to penetrate the magazines or machinery spaces. No other type of ship enjoys this advantage.

If every type of ship were attacked by bombs dropped from aircraft, torpedoes lauched from submarines or destroyers, or shells fired from guns of large or small caliber, and such attack continued until all vessels were sunk, the battleship would be the last to survive.

The general consensus of responsible naval opinion is that the battleship is and will remain the backbone of the fleet. They may in future be somewhat modified in size and may perhaps be equipped with devices they do not now possess, but the ship that can deliver the maximum offensive blow against an enemy and stand up under the fire of the enemy, be it from heavy shells, torpedoes, or bombs, is with us and must remain with us so long as we have a claim to sea power.

The Navy is the first line of our national defense. In case of national emergency it must hold the battle line while the resources of a Nation are being mobilized. It must ever be in a state of readiness, both in material and personnel. Every ship is expected to do its part, and the only way that can be accomplished is to have the Navy modern and efficient in every respect, and then, sir, it will continue to write as glorious a chapter in the future as it has in the past. [Applause.]

Mr. BRITTEN. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. DARROW].

Mr. DARROW. Mr. Chairman, of course, in this brief time it will be impossible for me to make a detailed statement such as I would like to make, but I may say, in the first place, that not only our Navy Department but the officers of all the navies, including those of Great Britain, Japan, and France, realize to-day that the battleship is the backbone of any navy, and it is around the battleship they build their fleet of other auxiliaries.

Only last week it was officially announced that France, who was allowed 70,000 tons of capital ships under the Washington treaty, is now prepared to build a capital ship of 23,333 tons, of superior design to any that they have had in many years. The object of this modernization is to protect our fleet from aircraft and from torpedoes. With the addition of the antiaircraft guns of 5-inch capacity and of more rapid fire, in connection with the additional battery of machine guns, this will prevent any aircraft from sailing over the ship close enough to accurately hit a target.

The chances are that unless we do this modernization, we are not going to have parity or anywhere near parity in our battleships which are considered to be the most essential part of the fleet. Great Britain has already modernized all of her battleships, and so has Japan.

At the close of the recent World War the principal naval powers carefully reconsidered the design of their then existing battleships, many of which were designed prior to 1914, in the light of the information and experience gained during this war. The nations which were parties to the Washington conference of 1922 agreed that each should have the right to modernize the battleships they were permitted to retain under the treaty resulting from this conference. The provisions relative to the extent to which the modernization of capital ships can be undertaken are contained in Chapter II, part 3, section 1, paragraph (d), of the above-mentioned treaty. Modernizing existing capital ships is believed to be an important step toward the limitation of naval armament. To continue the pre-war competitive race in building would impose a very heavy tax burden on each nation. As an alternative means of maintaining a naval armament adequate for national defense, the nations agreed that each should be permitted to improve its existing ships by modernization, with the subsequently greatly reduced expenditures. The London treaty of 1930 does not in any way affect or alter this right to modernize previously incorporated in the Washington treaty of 1922.

The present bill under consideration by Congress provides for continuing this policy by authorizing modernization of the *New Mexico*, *Mississippi*, and *Idaho*, with a view toward starting work on two of these vessels as soon as authorized and funds provided, and on the third vessel later. They should be completed 21 months after start of work.

The *Idaho*, *Mississippi*, and *New Mexico* were very efficient ships when designed about 1913–14, and when completed about 1918, but they now require extensive overhauling and modernizing to make them equal to our older battleships which have been modernized, and to the battleships of foreign powers, which also have been modernized or which are of much more recent design and construction, like the *Rodney* and the *Nelson* of Great Britain. Obviously as long as we retain battleships in the fleet they must be made and kept as efficient as practicable or they are a false security.

Useful life of vessels of war is dependent more on military features than on material conditions and would be considered as terminated when obsolescent militarily, a period which can not be determined accurately. Based on material condition, battleships should be useful 15 years after modernization.

The principal work proposed to be done is to install blisters and additional deck protection to afford protection against attack by torpedo, bomb, and gun; to install new boilers and propelling machinery which will provide the benefits of latest designs resulting in marked economy of operation, immensely greater cruising radii, and greater flexibility and reliability; to increase elevation of turret guns from 15° to 30°, which will greatly increase their effective range; to renew masts, fire-control tops and bridges; to provide the latest fire-control systems and radio installations; to install catapults and airplane handling cranes; to install 5-inch antiaircraft guns with modern fire control in place of the present 3-inch; to install modern interior and ship-control instruments; and to give the vessels a general overhaul and repair.

The estimated cost for these three ships is higher than the cost of modernizing earlier ships for several reasons: These three ships are larger; a more complete renewal of machinery is necessary; the turret guns are heavier and the turret design more complicated, as each gun is in a separate chamber in the turret; the latest type of fire-control system is more expensive than any heretofore installed; there is considerably less left-over material available, as most of it that has been applicable has been used on earlier ships; and, finally, experience has shown the necessity of a higher expenditure to properly complete the necessary repairs and minor alterations.

The Navy Department wishes to modernize three battleships—the *Mississippi*, commissioned in 1917, the *New Mexico*, commissioned in 1918, and the *Idaho*, commissioned in 1919.

The plans of the Navy Department, if this bill is passed, are to undertake first the modernization of the *Idaho* and *Mississippi* as soon as they can be sent to navy yards to begin the work. The *Idaho* and *Mississippi* have been selected to be modernized at the same time because of their similar design of boilers and machinery, which makes it possible to order duplicate sets and thereby make a saving in expenditures. If the above ships are not modernized it will become necessary in the next year or two to at least renew the boilers of these ships, and at that time a great deal of other work should be done, such as modifying or replacing propelling machinery and renewal of wiring, and so forth, as both the machinery and the wiring have about reached the limit for economical maintenance.

The Washington treaty provides for modernizing battleships in order to provide for means of defense against air attack and submarine attack, and for this purpose it allows the installation of blisters or bulges and deck protection, which deck protection becomes more and more necessary due to the advance in use of aircraft both for attack and for spotting, for as the ranges are increased due to the efficiency of airplanes for spotting, the angle of fall of the projectiles becomes more nearly vertical and requires heavier horizontal armor for protection.

The Washington treaty provides for the replacement of the *Mississippi* and the scrapping of that ship not later than 1938, and the replacement of the *New Mexico* and *Idaho* and scrapping of those ships not later than 1939.

The London treaty, which was promulgated the 31st of December, 1930, has extended the life of battleships for five years, and it is believed that either in the conference to be called in 1935 or in the limitation of armament conference in 1932 at Geneva, the life of battleships will be further extended for purposes of economy.

Under the above conditions it is considered that everything possible should be done at this time to extend the life of these three ships so that at least they will last until the end of their 25 years and at the same time, due to the work done during modernization, will be very much more effective units of the fleet than if they continue as at present.

WHAT THE OTHER POWERS THINK OF THE CAPITAL SHIP

When the British battle cruisers showed defensive weaknesses at Jutland the Royal Navy commenced the modernization of its capital ships. After the war it systematically pursued this wise policy. Now, its last battleship is being modernized. In recent years Admiral Sir Herbert Richmond has advocated the abolition of the battleship by Great Britain. He recently has been placed on half pay. This resulted, according to Mr. Hector Bywater, "on account of his heretical views." This is a striking confirmation of the faith which the British Admiralty have in the capital ship.

For many years the Japanese have devoted all the money available to the building of the light craft necessary to round out their fleet—cruisers, destroyers, and submarines. Now, that any further building of such craft in large numbers is prohibited by the London treaty, they have wisely commenced a modernization of their capital ships. This work is being pushed rapidly.

Some 40 years ago the French came to the conclusion that the torpedo boat would serve their purposes better than the battleship. This policy soon virtually wrecked their navy. They reverted, some years before the war, to the construction of battleships. During the war this construction ceased and France became temporarily a second-rate naval power. Since the war the French have made great efforts to regain their traditional position of naval strength. Realizing that they could not challenge the three great naval powers in battleship strength for many years they concentrated on cruisers, destroyers, and submarines. This was a return to the policy of 1890.

Meanwhile a new development came from Germany. That country had been allowed by the Versailles treaty to build six ships of 10,000 tons. This limit was set in order to prevent them from having any capital ships. But the Germans decided that they would have one even on this small tonnage. So they startled the world by building a so-called "pocket battleship." This was armed with six 11-inch guns and was far superior to any cruiser. Recently the Germans have announced their intention to build a total of four such ships by 1936. Even with comparatively cheap labor these vessels are, ton for ton, the most expensive ever built. They certainly would never have been authorized unless Germany still had faith in the capital ship.

These developments in Germany were viewed with much anxiety in France. Under the Washington treaty the French had been permitted to build 70,000 tons of capital ships. The London treaty confirmed this right. Recently Mr. Hector Bywater, the noted British naval expert, stated that, according to reliable authority, France intended to build this tonnage. Within the last week it has been officially announced that France would build a battle cruiser of 23,333 tons. It is significant that this figure is exactly one-third of the 70,000 tons France may build in accord-

ance with treaty provisions. It is evident that France plans to build the remaining two ships of this type in the near future. The new ship will carry eight 13.4-inch guns and be able to steam 28 knots. Thus it will be faster and immensely more powerful than the German pocket battleships.

Says Mr. Bywater:

Paris has long been the stronghold of antibattleship policy and its capitulation is a blow to the Jeune Ecole, whose principles of naval defense by light craft and submarines alone have thus been officially repudiated. The doctrinaires have been defeated by inexorable facts.

This French decision to build capital ships has had the inevitable repercussion in Italy. Rome had just announced that when France commenced building capital ships Italy would adopt a "keel-for-keel" policy. Thus we shall probably see a general return to the capital ship by all the five great naval powers.

If any further indication is needed as to how the great powers value the capital ship we have only to recall the consternation which our proposal to replace one old battleship with one new one caused in London during the naval conference. That, more than any theoretical arguments, proved that the battleship was still the backbone of naval strength.

Mr. BRITTEN. Mr. Chairman and gentlemen, in the few minutes I have I would like to call the attention of the House to the fact that the distinguished gentleman from Oklahoma [Mr. McCLINTIC] said that the battleship was a relic of the dark ages and should be abolished. Then came the gentleman from Wisconsin [Mr. STAFFORD], who said that the battleship was a thing of the past. Then came Colonel LAGUARDIA, who said that General Mitchell showed the great weakness of the battleship. Then along came the gentleman from Idaho [Mr. FRENCH], who said that as far as the navy yards were concerned it might be all right to pass this bill, but it would be without regard to the national needs.

I will answer the gentleman from Idaho first. The President of the United States said that of all the naval legislation pending before Congress at the present moment this bill is the most important for the national needs.

Now, answering the other gentlemen let me quote first from Admiral Reeves in charge of the Naval Air squadrons at Panama:

FEBRUARY 24, 1931.

Reports from Admiral Reeves (commanding aircraft squardrons in defense of the canal) regarding the lessons learned from Fleet Problem XII are summarized as follows:

"1. Fleet Problem XII represented an action between an attacking force strong in battleships but weak in aircraft and a defending force strong in aircraft but weak in battleships. This problem confirmed lessons of previous dissimilar problems, and in Admiral Reeves opinion, clearly and conclusively proved:

"(a) That the air force alone can not stop the advance of battleships and prevent them from carrying out landing operations.

"(b) That battleships and air forces operating together increase the effectiveness of each other.

"(c) That battleships and air forces are mutually dependent.

"(d) That battleship design is directly affected by air force in the matter of gun range by making gunfire effective at greater range due to the assistance of airplane observation.

"2. That accomplishments of the defending air forces were the maximum that could be expected under similar conditions in either peace or war. The air operations were accompanied by unusual good fortune and the defending forces were enabled to deliver one effective bombing attack against the convoy before it reached port.

"3. The two defending carriers were hampered in their movements by lack of adequate battleship protection against gunfire, and several times barely escaped destruction. Twice during the problem the carriers would have been destroyed by battleship gunfire if the battleships had had a sufficient air force for adaquately controlling this long-range gunfire. The carriers escaped by steaming away at high speed. Escape by this method while operating planes is a procedure that can be followed for only a limited period.

"4. In two days' operations the strength of the defending air force in both planes and bombs was reduced by about one-half, and when the problem ended the air strength was approaching exhaustion in airplanes, bombs, and fuel for both carriers and planes.

"5. Despite the successful air operations and the damage inflicted on the convoy, the maximum efforts of the air force had no effect upon the steady advance of the attacking fleet."

Now, here is a report from Admiral Pratt:

Memorandum

FEBRUARY 24, 1931.

Reports from Admiral Pratt regarding the lessons learned from Fleet Problem XII are summarized, as follows:

"1. The consensus of opinion is that air attacks were of less value as means of defense against approaching fleets than had been expected, and that it would be impossible to successfully resist a descent on our coasts without battleship strength and auxiliary surface vessels in sufficient numbers to constitute a balanced fleet.

"2. Blue, with only air power at his disposal, could inflict serious damage to the Black convoy, but he could not withstand its steady advance when supported by battleship power.

"3. If Blue had had superior battleship power, he could have moved with determination against the Black convoy and annihilated it.

"4. Black was handicapped by a greatly inferior air force, but he was strengthened by complete superiority in battleships. With this battleship superiority Black was strong enough to successfully move his convoy across the ocean despite Blue's powerful air opposition against this movement, and this battleship superiority enabled Black to continue toward the bases he had selected and to bring his convoys into these bases. This was the most difficult part of Black's task and was successfully accomplished.

"5. The convoys would undoubtedly have been damaged by Blue's air attacks, but they were still vastly effective. On the other hand, if Blue had had at his command battleship power equal or superior to that of Black, the convoys movement could not have been made, irrespective of what Black's air power might have been, because the battleship is to a high degree immune against light bombing attacks and has powerful defense against heavy bombing attacks.

"6. After the convoys reached their bases Black would have had a tactical freedom which he did not enjoy during the approach. The subsequent phases would have been of an offensive nature against the aircraft carriers which were still threatening the convoys.

"7. The inevitable conclusion is that without battleship strength we are powerless to prevent a major hostile movement across the ocean which may at will of the enemy take unto itself the character of a raid or of an occupation of territory. United States Fleet Problem No. 12 has proved conclusively to Admiral Pratt's mind that the battleship is still the backbone of the fleet."

Now, are you going to follow the congressional admirals from Wisconsin, Oklahoma, Idaho, or follow the best expert advice in the Navy? I contend that the legislation is very important and should be enacted without delay.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Line 6, following the period, after the word "of," insert the following: "Such alterations shall include, if found feasible, facilities on each of such ships for carrying bombing planes and necessary launching equipment therefor."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I am trying to make the battleship more efficient, and I am following out the instructions of the committee, which were given to the Secretary of the Navy, in the following language:

On January 30 the Naval Committee passed a motion unanimously that the chairman be instructed to inform the Naval Department of the United States that this committee feels that a certain device is worthy of the most careful consideration and thorough testing, with a view of its adoption by the Navy for use on battleships to be modernized and which are now built and to be built. This motion related to the providing of facilities on battleships to take care of bombing planes.

A gentleman who resides in Michigan, Mr. Willis J. Perkins, has presented to the Naval Committee a claim that he can provide the necessary addition to a battleship to enable the battleship to launch and land bombing planes. His theory is based on trapeze wires stretched so as to provide a running course for planes, being of sufficient width to allow the same to land after they have performed their function, and that is the dropping of bombs. According to his statement such an attachment can be placed on a battleship running lengthwise a sufficient distance to enable the plane to take off and return without the use of catapults, and after it has performed this service this attachment can be folded up, thereby preventing it from interfering with any of the equipment on board.

I did not present that idea to the Naval Committee until there had been furnished to me the names of about 50 officers in the Navy and Army connected with aircraft or officers that had been in the Army or the Navy. I have here a list of the officers, and this proposed addition was approved by Col. Paul Henderson, former Assistant Postmaster General in charge of aviation; the manager of the N. A. T.; Robert E. Graham, of the Goethals Engineering Co.; and others, according to the statement of the inventor.

Here is what I want to do, and I think this House should adopt the amendment: I have no objection to the retention of battleships if you will provide the kind of facilities that will enable them to carry their own bombing planes. It seems to me that every Member here is charged with responsibility of making this Navy more efficient, and whenever a proposition comes up with merit, certainly the membership should be fair enough to be willing to allow an amendment to be adopted which will make it possible for the Navy Department to consider such a proposition, and if necessary put it on the ships.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC of Oklahoma. In just a moment. This amendment provides that if it is feasible, then the Secretary of the Navy shall cause to be added to battleships such an addition as will enable such battleships to carry their own bombing planes, thereby making it possible to fight an enemy at a distance of 200 miles from the place where they are in formation instead of just shooting some 12 or 15 miles. In the name of fairness, in the name of right, in the name of efficiency, in the name of all the virtues that go hand in hand, along with those who put in hours of time for the purpose of making inventions in order to help our Government, it seems to me that this House ought to be willing to adopt a simple amendment of that kind, thereby showing to the Secretary of the Navy that we are interested in aircraft and in modernizing these battleships in a proper way.

In order that the Members may know something of Mr. Perkins's proposed invention that the following have approved of his method of providing facilities on battleships to take care of bombing planes:

A GENERAL INDORSEMENT OF PERKINS PURPOSE

We, the undersigned, having familiarized ourselves with the inventions of Willis J. Perkins, pertaining to the purposes of handling:

(a) Seaplanes at sea.
(b) Airplanes on the roofs of buildings.
(c) Airplanes at the homestead of the aviator.

Hereby assert that to the best of our judgment, each of the three separate systems is feasible, and each will function satisfactorily in practice as described below, and each will eliminate the damaging strains likely to occur, and which frequently do occur, in the recovery and get-away of seaplanes under present methods.

SYSTEM OF FIRST IMPORTANCE

The recovery, get-away, and storing of seaplanes at sea, with the mother ship proceeding on its course at full speed without any interference with either military service space or military functioning.

SYSTEM OF SECOND IMPORTANCE

The recovery, get-away, and storing of airplanes on the larger buildings for aerial, postal, express, passenger, and commercial service.

SYSTEM OF THIRD IMPORTANCE

The recovery, get-away, and storing of airplanes at the homestead of the aviator, all secured through a single structure functioning above the ground obstructions, such as buildings, trees, etc.

SPECIFIC FUNCTIONING OF SECOND AND THIRD SYSTEM

(a) Airplanes always landing and starting against the wind.
(b) Airplanes always mechanically, yieldingly checked and stopped in from 150 feet or less by the Perkins elements.
(c) Airplanes always leaving mechanical control of the Perkins equipment after 100 feet or more of mechanically accelerated flight, at full flight speed and with full power development.
(d) Airplanes always safely housed, and in the roof equipment, so parked up to 10 or 20 planes, that the recovery, get-away, and storing are noninterfering.

Second Lieut. R. R. Bentley, New Orleans, La., 496 Osborne Street, June 26, 1919; A. S. S. C. Kelly Field, 9 months, 125 hours.

Ex-Officer Joseph Bernard, New Orleans, La.; October 25, 1919; Air Service, A. D. (construction), 15 months with A. E. F. in France. Note—As airdrome engineer, present occupation, architectural engineer.

Lieut. M. A. Borrisen, 4407 North Prairie Avenue, Chicago, Ill.; January 10, 1920; R. M. A. A. S. A.; Kelly Field, 500 hours.

Second Lieut. R. J. Brandi, Grand Rapids, Mich.; June 23, 1919; A. S. A.; stationed Speedway Field, Indianapolis; trained, Park Field, Memphis, Tenn.; 200 hours.

Sergt. Maj. Vernon W. Brown, Nashville, Tenn.; October 21, 1919; J. M. A.—A. M. A. S. A.; stationed Park Field, Tenn.; trained, Kelly Field, Tex.; 15 months' overseas service; 217 hours.

Ensign J. H. Bushnell, Minneapolis, Minn.; June 27, 1919; U. S. N. R. F.; trained, Key West, Miami; chief instructor Pensacola, in *H–16* flying boat, submarine patrol, Miami; 350 hours.

Frank J. Canavan, Brooklyn, N. Y.; April 25, 1919; 260th Aero Squadron, U. S. A.; 6 months Tadcaster, England; 4 months Wilbur Wright Field, Ohio, as crew chief.

First Lieut. George A. Carlton, Chicago, Ill.; May 21, 1919; A. S. A.; trained in Italy; 75 hours.

Second Lieut. Lane R. Cooper, Chicago, Ill.; May 21, 1919; A. S. A.; 8 months in U. S. A.; 8 months in France; 3d O. I. C.; Issoudon; 400 hours.

Second Lieut. John N. Desplane, Delaplane, Va.; June 23, 1919; A. S. A. R. M. A.; trained, Kelly Field; stationed, Speedway, Indianapolis; 600 hours.

R. Disbrow, Cambridge, Mass.; May 25, 1919; F. C. M. A. M.; stationed Post Field, New Orleans, La.

William K. Donaldson, Nutley, N. J.; March 30, 1920; 26 months overseas; flying since 1910; May 17, 1st R. A. S. to France; August 17, transferred to 36th A. S.; 35th A. S.; 21st A. S.; 642d A. S.; 26th A. S.; organized field service; A. E. F., October, 1917; O. I. C., field service, headquarters, Issoudon, France; decorated by General Pershing with D. S. C.; 2,000 hours.

H. E. Dujardin, Chicago, Ill., 1660 West 106th Street; June 25, 1919; instructor, Brooks Field, Tex.; 400 hours.

Second Lieut. Willis G. Ferguson, Chicago, Ill.; R. M. A. Aeronautical automotive and sales engineering, 125 hours.

Second Lieut. E. K. Ford, Detroit, Mich., May 1, 1919. Park Field, Tenn.; A. S. R. M. A. Ellington Field, Houston, Tex. Bombing pilot, 150 hours.

William Hensen, 6450 South May Street, Chicago, Ill., January 10, 1920. Fourteen years' experience, Langley, Va., and Dayton, Ohio.

Official H. L. Pilot Raymond D. Jordan, Springfield, Mass., June 30, 1919. Trained Key West, Miami, Pensacola, Anacostia, D. C., 154 hours.

L. R. Kearns, Orange, N. J., February 12, 1920. American Army service, attached to R. A. F., Harling Road, Norfolk, England.

Sergt. C. M. Kosting, Chicago, Ill., 8420 Union Street, September 5, 1919. United States Army, Kelly Field, Mineola, Tours, Claremont, Ferrand, 19½ months in France, 350 hours.

Second Lieut. Morrow Krum, Chicago, Ill., June 7, 1919; R. M. A.; in service 11 months.

Second Lieut. W. B. Mamer, residence unknown, June 7, 1919; A. S. A.; three years in Air Service; trained Kelly Field; airplane, 200 hours; seaplane, 250 hours.

Lieut. Thomas R. Martin, Paducah, Ky., October 20, 1919. Twenty-one months' service instructor, combat, and aerial photography. Trained San Diego, Calif., Wichita Falls, Tex.

J. D. Murray, Grand Rapids, Mich., January 5, 1920. Airplane Engineering Division, McCook Field, Dayton, Ohio (vice president Mississippi Valley Aviation Club Association).

Alfred O'Gara, Chicago, Ill., June 26, 1919. President U. S. Airplane Exhibit. Co.

Lieut. W. D. Phillips, Chicago, Ill.; A. S. A.; 18 months in the American Expeditionary Forces. Trained in Italy, Tours, and Issoudon, France., 150 hours.

Second Lieut. Wilbur Porter, New York, N. Y., August 31, 1919. Two years three months' service. Shot down 11 German planes. Has four French medals.

Edward C. Radel, Chicago, Ill., June 26, 1919. One year chief mechanic, United States Army, aerial mail service; six years Curtiss Aero Corporation; five seasons with Catherine Stinson and Lieut. L. Sperry.

Sergt. Maj. Rattles, Sundance, Wyo., October 21, 1919; J. M. A., A. S.; eight months overseas. Stationed Park Field, Tenn.; two years' training, Brooksfield, Tenn., 152 hours.

Harold B. Snow, Sheldon, Ill., January 11, 1920. Owner Sheldon Air Line, consisting of three Curtiss J. N.–4.

First Lieut. Della M. Speer, Chicago, Ill., June 6, 1919; A. S. A. O. R. C.; Kelly Field. Instructor on eight different fields; Carlstrom Field, 407.44 hours.

Second Lieut. Jackson E. Underhill, Chicago, Ill., 310 Frandville Avenue; R. M. A. Trained at Ellington Field, Tex., 60 hours.

First. Lieut. W. N. White, residence unknown, July 21, 1919. Air Service, 504 Italian bombing squadron. Member of Italian Aero Club; instructor on Nieuports; holding Italian and American brevets, 300 hours.

Lieut. J. S. Wilkinson, Houston, Miss., October 25, 1919; A. S. A. Trained Ellington Field, Tex., 200 hours.

First Lieut. Gary Young, Chicago, Ill., 7158 Normal Boulevard, July 21, 1919. Holds French and American brevets, Croix de Guerre, Fourragerie; pursuit pilot, 103 Pursuit Squadron, First Army, France., 450 hours.

Sergt. G. C. Young, Erie, Pa., October 21, 1919; M. S. E. A. M. Trained Mather Field, Calif.; Stationed Park Field, Tenn.; 18 months overseas, 230 hours.

AN IDEAL STATEMENT OF PERKINS'S "PURPOSE"

Quotation, November 5, 1919: "The writer is convinced that the fulfillment of the objects for which your apparatus is designed would be a step forward unequaled by any other hitherto made in the progress of aviation." Signed, Thompson Airplane Co., per W. M. Blair, manager.

SPECIAL INDORSEMENTS AS TO THE PRACTICABILITY OF PERKINS'S "PURPOSE"

Lieut. F. M. Ackerman, Chicago, Ill., June 4, 1919; R. M. A. Kelly Field, Tex., 250 hours.

"This proposition of Mr. Perkins is entirely feasible and practical, and with the necessary experiment to develop would indefinitely develop the future possibilities of aviation."

First Lieut. Lewis H. Allais, Chicago, Ill., 5145 University Avenue, November 5, 1919; trained at Rantoul Field, Ill.; Post Field, Fort Sill, eight months; instructor Kelly Field; exhibition flying, San Francisco, Calif., two months; 700 hours:

"I think Mr. Perkins's landing invention for airplanes one of the most practical aviation inventions and just what is necessary to make aviation a complete success. The trapeze system seems to me much more simple than ground landing."

Ensign Jere Austill, Mobile, Ala., Van Antwerp Building, October 27, 1919; U. S. N. R. F. C.:

"The ideas underlying your schemes are fundamentally necessary to obtain the ends desired. Your scheme for the landing of seaplanes at sea, with the mother ship under way, seems to be the most advanced idea I have learned of in this direction, but seems to be practical."

Ex-Officer A. Blankman, Chicago, Ill., June 3, 1919; aeronautical engineer and pilot; eight years' flying experience; formerly superintendent of Curtiss & Co.; built four planes designed for flight to England:

"Principle O. K. Matter of working out details, especially after practical experiments, and matter of cost and construction to be practicable."

Lieut. L. K. Callahan (English ace, five German planes), Chicago, Ill., January 12, 1920; Eighty-fifth Squadron, R. A. F.; 350 hours.

Lieut. L. C. Collinson, Detroit, Mich., February 10, 1920, 1930 Penobscot Building; R. M. A. A., S. R. C., U. S. A. S. M. A., Ithaca, N. Y.; trained Park Field, Tenn.; 125 hours.

Capt. S. E. Darby, New York City, 230 Broadway, May 5, 1918; formerly chief clerk, United States Patent Office; committee of examiners, United States Naval Consulting Board:

"I want to say that I have examined very carefully details of Mr Perkins's landing and launching apparatus, and I can not see why it should not accomplish every advantage which is claimed of it by Mr. Perkins."

Capt. Geo. Otis Draper, Milford, Mass., September 9, 1919; expert advisor and technical instructor in the specialized field of airplane navigation with the American Expeditionary Forces:

"If air navigation is ever to become practical, it will be necessary to have landing mechanism which can be used in congested areas. It is also evident that in connection with naval aviation a landing mechanism attached to the battleship would have superior advantages. Mr. Perkins seems to have worked out the necessary details in a careful and scientific manner, and I can see no reason why his device should not accomplish all that he anticipates. As an engineer with some 30 years' experience with mechanical devices, I can see nothing to criticize in Mr. Perkins's details of construction."

Ex-Officer Stephen P. Evans, Gulfport, Miss., October 22, 1919; U. S. A. A., Kelly Field, Langley, Hazelhurst, Talia Ferro Fields, two and one-half years; 200 hours:

"You are, indeed, on the right track. I am of the opinion that your hotel landing and starting station is ready for construction and test."

First Lieut. S. P. Galliard, Mobile, Ala., October 28, 1919; 15 months' service in France; trained at Chateausoux and Issoudon; Two hundred and thirteenth Aero Squadron:

"I heartily indorse the proposition of Mr. Perkins and think that he should be encouraged in his pioneer work; in theory his inventions are just what aviation needs, and I can see no reason why they should not be practicable."

Capt. Beverly Giddings, Guatemala City, Guatemala, October 26, 1919, English Air Service; 47 German airplanes; all decorations; 3,000 hours:

"I have absolute faith in the ultimate success of Mr. Perkins's inventions."

Engineer Robert E. Graham, with Geo. W. Goethals Engineering Co., New York; 1917:

"It is a simple job in engineering, the catching and bringing to rest of a moving mass in mid-air. Your principles are correct."

Ex-Officer Lee Hammond, Chicago, Ill., June 26, 1919; formerly commander in charge at Great Lakes Naval Station; at present sales manager for Curtiss Airplane & Motor Corporation at Chicago:

"I feel confident that some means will be devised in the near future which will enable an airplane by this method to land on restricted areas."

Lieutenant McCullough, U. S. A., residence unknown, 1917:

"The Navy has nothing; Perkins has something."

J. F. McMahon, technical editor, Aerial Age Co., New York, August 15, 1918:

"I am more than convinced that it is feasible, and there should be no doubt as to it working."

Engineer W. Scott Proskey, New York, September 10, 1918; with Flint & Co.:

"It is my opinion that your aviation station device is practical and worked out on the right principle. It is my belief that your device, or some modification of it that practice may indicate, will be the accepted one in the future."

Lieut. Col. L. Rees, England, December 9, 1917; Royal Flying Corps:

"Your methods are entirely practical."

Lieut. C. S. Scribner, Chicago, Ill., January 12, 1920. Kelly Field, graduate, United States of America aeronautical course, Massachusetts Institute of Technology, 500 hours:

"Your plan of landing with trapez appears to be practical and your next step should be actual test and application."

First Lieut. John R. Schroeder, Chicago, Ill., June 7, 1919, A. S. M. A. R.; flight commander, Kelly Field:

"Mr. Perkins's proposition is the most possible mechanical device for landing and starting a plane upon land or water. If his plans prove as good in a practical test as they do in theory, the future of aviation is made."

Maj. William Alden Smith, jr., Grand Rapids, Mich., December 17, 1919; R. M. A.:

"I think you have evolved a plan which will unquestionably be a great asset to both the Army and Navy of our country, as well as the future commercial aeronautical development that is at hand."

The following correspondence relates to Mr. Perkins's claim:

MEMORANDUM W—POTENTIAL ADVANTAGES IN THE PERKINS'S ABOVE-FUSELAGE, MID-AIR, STRAIGHT-AHEAD, VISIBLE, HOOKING-ON, AIRPLANE AND HYDROPLANE TRAPEZE LANDING AND TROLLEY TAKE-OFF SYSTEM—PLANES ELECTRICALLY DECELERATED AND ACCELERATED

1. Minimum skill and danger in mid-air landing and take-off, plus 12 months' flying, plus added airport service, plus increased airplane sales.

2. Substitution of an above-aerodrome landing and take-off for the conventional aviation field, thereby through spaced-apart aerodromes indefinitely multiplying airport service and safety.

3. Substitution of the homestead for the distant aviation field.

4. Substitution of hydroplanes for airplanes and amphibians for naval service.

5. Substitution of hydroplane service for lifeboats in rescue work between ships or shore in shipwrecks at sea.

6. Substitution of battleships, cruisers, hospital ships, and commercial ships for distant, independent aircraft carriers.

7. Substitution of roofs of railroad stations, post offices, hotels, and other larger buildings for distant aviation fields.

8. Substitution of portable adaptation (on trucks or cars) in place of the distant aviation field for military service, resulting in—

(a) Aviation headquarters being always adjacent to the headquarters of the commander of the Army.

(b) Elimination of all jar in both landing and take-off of airplane and hydroplane ambulance.

(c) Quick airplane transportation of wounded to base hospitals.

(d) Elimination of all jar in both landing and take-off of bomb-laden airplanes or hydroplanes.

(e) Elimination through individual widely distributed motor-truck aerodromes of aerodrome destruction by the enemy.

9. Substitution of nondelay ceiling transfers on through-line air service of mail, packages, and persons for delaying aviation-field deliveries.

10. Substitution of fast airplane ceiling taxi transfer service for auto, bus, and truck deliveries to and from aviation fields and transcontinental airplanes, homesteads, hotels, post offices, business centers, etc.

11. Substitution of fast airplane taxi transfer service in delivering mail, packages, and persons from and to outgoing and incoming ships at sea for ship's delaying deliveries.

12. Substitution for distant municipally owned airports of centrally located aerodromes, above bridges, pumping stations, filtration plants, reservoirs, markets, city hall, schoolhouses, and city parks, grandstands on baseball fields, and fairgrounds, etc.

All truly forecasting in the most "concrete summation" the world's to be adaptation of "universal aviation."

Respectfully submitted.

WILLIS J. PERKINS,
Originating engineer.

GRAND RAPIDS, MICH., *1917–1930.*

JANUARY 2, 1931.

Mr. WILLIS J. PERKINS,
Perkins & Co., Grand Rapids, Mich.

DEAR MR. PERKINS: I am very appreciative of your courtesy in giving your views relative to an idea I have been presenting for the past two years to the Naval Affairs Committee and to the House of Representatives in speeches made on the floor concerning the possibility of providing some kind of facility on board battleships which would enable the same to carry bombing planes. I am sure that you have worked out something that will be an important step along this line, and I value very much the contribution you have made in this connection. However, I respectfully wish to call your attention to this situation with the hope that you can write me in detail as to anything you may have to offer which would be pertinent.

In the first place, according to the terms of the London treaty, the United States Government is not allowed to construct on battleships anything that would be construed as a landing deck. Therefore I have proceeded on the theory that the addition I was in favor of was a take-off deck sufficiently large to allow bombing planes to function, having in mind that they would carry such bombs a distance of several hundred miles, discharge them, return to the ship, land in the water, and be picked up with a crane. The question has been raised whether or not a hydroplane type of bombing plane could be catapulted from such an extra deck, and I am of the opinion that a suitable arrangement can be provided. Following the principles that are now used on our airplane carrier it would hardly be possible to construct a landing deck if it were permitted by the terms of the London treaty for the reason the island on the battleship is in the center and such would probably have an effect upon the wind currents to the extent that it might make it very dangerous for a large plane of this type to land with any degree of success. Therefore what I am interested in is expert information as to the possibility of constructing an extra deck on our 15 remaining battleships without impairing the efficiency of the turrets and at the same time having machinery installed that will catapult a hydroplane with the possibility of picking it up with a crane after it had performed its service. I believe this can be done, and if you have any ideas along this line and will send the same to me, I shall be glad to bring them to the attention of the House when this subject comes up for consideration, having in mind that such an addition to battleships would revolutionize their use and make them an instrument that could be used effectively in case of another war. I have suggested the thought that if such a deck was constructed on a battleship the portion of the same immediately over the turrets could be hinged from the center on the same principle as a drawbridge, thus causing the same to be elevated or folded up sufficiently high as to be out of the way of such guns in case it was necessary to use them. However, the position I take is that battleships will not be used in another war unless the aircraft feature can be developed, as, should they ever reach striking distance of a major nation they would be immediately crippled or put out of business by the superior land air force. However, in combating the ideas presented by the naval so-called experts it is necessary to try and appease their desires with respect to protecting the efficiency of turret guns, and while I am not a technician or mechanically inclined, yet I have proceeded on the theory of common sense, realizing that aircraft will be the first instrumentality to play an important part should we ever be engaged in another war.

Should you have anything to offer along this line, I shall be pleased to hear from you.

With best wishes for the New Year, I am,

Very respectfully,

J. V. McCLINTIC,
Member of Congress.

GRAND RAPIDS, MICH., *January 7, 1931.*

Representative JAMES V. McCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR MR. McCLINTIC: Thanks for yours of January 3. We are both after the same results but differ radically in our methods of securing them. You state "I am not a technician or mechanically inclined." On the other hand my interpretation of my personality would be that having taken out over 100 patents, I am mechanically inclined, which statement would also be supported by the memorandum I sent you.

You will recall that Erickson worked out the problem of locating a cheese box on a raft, as his critics called the Monitor, and which cheese box was nothing more or less than the revolving turret, which is standard on all battleships to-day, and you will recall that the Government engineers turned Erickson's revolutionary design down and that the philanthropists of Philadelphia furnished the money for Erickson to build the Monitor, which changed the tide of war in favor of the North. I am up against the engineers in like manner, but as a mechanic and as an originating engineer, I am thoroughly convinced that the basis of mid-air landing and mid-air take-off on land and sea, is latent in my fundamentals.

The major objective of your aeronautical activities being to improve the airplane service on board battleships and cruisers, and not primarily to secure either personal publicity or personal cooperation in developing a landing deck, which can not be construed into violation of the London pact, I believe the following comparison between your suggested theory, as I interpret same, and the more advanced development of a straight-ahead above-fuselage, cable landing, and cable take-off will appeal to you.

It's a simple engineering proposition as to whether the pilot shall be provided with a cable-landing latitude of 10 feet or more vertically and also whether he shall be provided with a straight-ahead, visible landing latitude, horizontally, or 20 feet or more. A United States naval engineer looking over my proposition, where I had provided 15 feet vertical-landing latitude, and 30 feet horizontal-landing latitude, made the statement: "No pilot could qualify to fly in the United States Navy who could not make a landing with 10 feet vertical and 20 feet horizontal leeway provided." You realize that where the wheels of the landing gear of an airplane or a hydroplane contact with an aviation field or with the surface of a landing deck is 100 feet or more out of range of the visibility of the pilot and he has got to calculate his landing height from his position in the fuselage to the periphery of the wheel, some 6, 8, 10 feet or more below the line of his vision, according to type and size of his plane. That holds good on aircraft-carrier decks and decks of all kinds on board ships, whereas my landing hooks project above the fuselage and are right in range with the vision of the pilot. It's an above-fuselage visible landing versus a below-fuselage invisible landing.

Your proposition includes the use of the catapult with all its known faults. My system eliminates the catapult. Your system includes the landing danger due to rain, ice, and snow on the deck, or wind and wave perils in the sea. My system eliminates all those hazards which are possible at all times on the seas. My system of cable landing is so far beyond the anticipation of any of the experts at the London conference that it would be impossible to interpret the word "deck" by any lexicon as covering my cable.

My system, in its installation on board the ship and in its operation on board the ship, both battleship and cruiser, is independent of the turrets and noninterfering therewith, excepting always on the side of the ship on which the plane is either landing or taking off. It would be fatal to both the plane and pilot if a shot were fired on that side of the ship, but except unusual elevation of the guns immediately proceeded the time of the plane's landing or take-off, there would not necessarily be any danger to my equipment, and the target area of my equipment would practically be in proportion to a deck area as a three-fourths-inch cable is in proportion to that area.

I have got something radical. You are seeking originating aid to work on, and if convinced of the fallacy of your theory, I believe you are broad-minded enough to satisfy your personal ambition by being the father of our naval supremacy through providing our Navy with approved, practical, although radical, means to accomplish the results which your judgment dictates are necessary, even if the methods of their realization is on a totally different basis to that which you have outlined, and in that belief I am going to submit my analysis of the two systems, and if you agree in all or in part with my theory pertaining thereto we will cooperate as a single unit for the advancement of aeronautics on battleships and cruisers.

Sincerely yours,

WILLIS J. PERKINS.

JANUARY 12, 1931.

Mr. WILLIS J. PERKINS,
Perkins & Co., Grand Rapids, Mich.

DEAR MR. PERKINS: Before going into your proposition in detail I would like to receive your opinion relative to this angle of the battleship controversy. I would like to know your ideas as to providing space for the storing and carrying of bombing planes on battleships, having in mind that the way such ship is now constructed that it is not possible to carry on board such types of planes; also you will remember that the London treaty specifically prohibits the construction of landing decks which might cause any appliance placed on a ship for the purpose of allowing planes to land to be construed as a technical violation of the treaty.

I am inclined to believe that your plan will work out satisfactorily if installed on a battleship; however, it would be of no service to the Government if some kind of an addition could not be provided for the carrying of the number of planes necessary to be used.

Awaiting your further pleasure, and with best wishes, I am,

Sincerely yours,

J. V. McCLINTIC, *Member of Congress.*

GRAND RAPIDS, MICH., *January 14, 1931.*

Representative JAMES V. McCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR MR. McCLINTIC: Thanks for yours of January 12. Two problems presented. First, conflicting with London treaty; second, aerodrome or parking space on board the battleship. I trust the following answers will be satisfactory.

A good housewife's clothesline out in the back yard on which she hangs her wash, I do not believe, could be construed under the London treaty, as a clothes landing deck. You have been to the circus and you have seen the acrobat, at the completion of her act, grip her teeth into a strap attached to a trolley which was supported on a long inclined cable reaching down to the ringside, and I don't believe that combination under the London treaty could be classified as a landing deck; still, the acrobat negotiates the ringside landing thereby and thereon. You full well understand the Coast Guards' call to duty—a ship wrecked offshore. A cable is shot from a Coast Guard gun onto that ship and that line serves to pull a larger line or cable aboard the ship, which is attached to the topmost mast on board the ship and a breeches buoy or similar equipment is pulled from the shore to the ship and the passengers are saved thereby; and I do not believe that that cable-landing method under the London treaty could be called a landing deck; still the passengers are landed thereby and more or less of ship's valuable merchandise.

My cable is parallel with the side of the ship and overhanging the ship, and there is a trolley on that cable which supports the weight of the landing plane, both in landing and take-off; but it is a cable, and no more a deck than the aerial stretching from mast to mast on board the same ship.

You have handed the cashier in a store your hundred dollar bill (for it is my understanding no Congressman carries small change) and the clerk has placed that in a carton which she put in a basket that is supported on an endless moving cable, and it was carried thereby to the cashier's desk, the change properly made, and returned therefrom and thereby. Now, you can not construe that cable as a cash-landing deck, but it serves the purpose in handling your cash, as my cable, which is also a

moving cable, serves the purpose of decelerating and accelerating the plane. The relative speed and the proportionate size of the cash or package-carrying cable and the airplane-carrying cable is simply a question of degree, and I do not believe by any stretch of imagination that either my landing or my take-off method can be construed as a violation of the London treaty.

There is one other point which I wish to make clear, and that is that my landing cable is not aboard the ship at the time of service, but is to one side of the ship, overhanging the side of the ship 30 or 40 feet, and therefore, is not aboard the ship.

Second problem: The storage of bombing planes or any type of plane on board a battleship.

You are perfectly aware that the catapult is located athwartship and on the bow of the battleship, and that same occupies a space of not less than 60 feet. You are also aware that there must be a space provided lengthwise of the ship, always greater than the wingspread of the plane, plus the angle to the ship's side at which the plane is shot off by the catapult. My system eliminates the catapult; therefore all such space may be utilized from deck up for parking the plane, either as assembled or for the purpose of carrying a greater number of planes, dissembled. By dissembled I mean specially constructed planes, where the wings are either hinged and may be swung parallel with the side of the fuselage, or preferably, where the wings may be entirely removed from the plane. The hydroplane's fuselage could then be placed on a specially designed truck and the wings also placed on trucks made specially for them. Then, of course, the wings and fuselages may be grouped in such recovered space in such manner as to park the greatest number of planes in the least parking space.

On board a cruiser there is the 80-foot athwartship between the smokestacks which are 50 feet high, and by means of a suitable elevator may be utilized for parking a large number of planes in an airdrome built on each side of such elevator with two or more separate parking floors, and the wings of the plane would not have to be removed.

I could send you some blue prints showing the above-described method of parking a number of planes dissembled and assembled, but excepting always you have had experience in reading blue prints, it is doubtful whether you would be benefited thereby or not. In my judgment the different adaptations should be made perfectly clear to you through a personal conference. That's up to you. I am at your service.

Thanking you for this opportunity to further clarify my system of cable landing and cable take-off, and soliciting your further criticisms and comments, I remain,

Sincerely yours,

WILLIS J. PERKINS.

JANUARY 26, 1931.

MR. WILLIS J. PERKINS,
Care Perkins & Co., Grand Rapids, Mich.:

On Friday, January 23, I presented some information to the Naval Committee concerning your proposal with respect to modernizing battleships, and the following motion was adopted: "That the chairman be instructed to communicate to the Navy Department the information that this committee feels that this device is worthy of the most careful consideration and thorough testing, with a view to its adoption by the Navy for use on the battleships to be modernized and those now building and to be built." In view of this action I am going to suggest that you address a communication to the Secretary of the Navy, calling attention to the desires of the Naval Committee and make such requests as you wish.

J. V. MCCLINTIC.

GRAND RAPIDS, MICH., *January 30, 1931.*

Representative JAMES V. MCCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR MR. MCCLINTIC: I think you are going to both approve and indorse the thoughts expressed in my letter of the 29th, sent as a substitute for my previous letter, sent in your care to the Secretary of the Navy.

You see, I was in Washington on November 7, 1924, and had my interview with Commander H. C. Richardson, when he indorsed my method by the statement: "Your device will function as designed. Can you apply it to a battleship?" The commander undertook to improve and complete my invention immediately thereafter and he advised me that he had taken the proposition up with the various heads of the various departments in Washington, and they had unanimously decided that I could not apply my invention to a battleship. I simply wrote back to him and told him that it was my business to teach my baby to both walk and talk, and I did not thank him in the limited period of time that would be devoted to complete the adaptation of my invention to a battleship, with the department heads, who were not previously advised relative to same. Besides, those heads would not dare to advance an opinion contrary to their conception of their superior officer's opinion. It took me some three years to solve the problem in a manner far less developed than my present method.

The next day, on November 8, 1924, I called at the Goodyear Tire & Rubber Co.'s plant and went over my proposition with their chief engineer, H. T. Kraft, and he called in a major in the Air Service, from McCook Field, and after I had repeated my explanation of the previous day the major stated: "Mr. Perkins, by your method we can land hydroplanes on board battleships and remove the running gears from airplanes." I got to dreaming on that proposition the night of the 28th, and therefore rewrote the letter to the Secretary, sent you by air mail on the 29th.

You realize that in time of war the safety of the airplane crew is of second consideration, therefore the elimination of the pontoons from the hydroplane could not be seriously opposed by the Navy as the airplane battles unquestionably would be fought at a very great altitude over the ocean, and no hydroplane would be landed on the ocean, except through a forced landing, and undoubtedly, after either its crew or the plane was badly wrecked by the enemy's fire, all of which would lessen, relatively, the value of the pontoons, the plane being wrecked by the enemy's fire, and the crew of the plane surviving, the parachute is the answer to their descent into the water, while the air or gas inflated life-buoy, previously attached to their bodies, is the answer to the prolongation of that life through preventing their being drowned. Now, it follows that during a conflict, no battleship is going to stop maneuvering to pick up one or more airmen floating on the surface of the ocean, or are they going to dispatch a lifeboat for their recovery, but after the battle, the winning side will just naturally pick up survivors, if any, floating in the water. Therefore, why handicap an airplane with pontoons? And it is needless to point out that the running gear on an airplane is a big disadvantage when the plane lands in the water and is only good for deck and land landing. Then, why not follow the major's suggestion of removing the running gear, and thereby decreasing the height of the plane from one-third to one-half, and making it possible to crate the planes, three or four deep, while nesting them alternately with the fuselage pointing toward the stern and the bow, thereby increasing the number of planes which could be carried on the ship.

My proposition includes a structure above an aviation field, or above an aerodrome, or above a larger building, utilizing substantially the same means for landing and take-off. Now, it follows that at any anchorage, within the United States, the landing equipment may be erected on shore above a bridge, in a city, if you please, and therefore, all planes carried on the ship constructed without either running gears or pontoons can make their shore landings without difficulty, the only handicap being that in a forced landing they would not have the running gears, or the pontoons to check and stop their flight, but knowing their destination to be on a Perkins land-installed equipment and knowing that their plane was functioning properly in all respects, when it left the ship, there would be very little danger entailed in making a duplicate landing on land, to what they would make when they return to their ship. It would be the same old hooking on landing above the fuselage, with a straight-ahead visible landing with 10 feet vertical leeway and 20 feet horizontal leeway.

I want to tell you how I fixed the 10 by 20 foot leeway. We sold the United States Government a bill of less than $100, and, as usual, they always send an inspector to examine the goods before they accept them, regardless of the proportionate expense of inspection to the cost of the purchase, and this inspector came from Pittsburgh, Pa., so I wrote them, begging them, if they had any man in the office acquainted with airplane service to send such an officer, and a few days thereafter, to wit, in January, 1922, a lieutenant, who is still in the service, for I met him in November or December, 1929, in New York, and the lieutenant made the statement quoted in paragraph 7 of "excerpts": "I have been a United States naval engineer for 20 years, and 14 years of my life I spent in trying to solve the problem of landing an airplane on board a ship, and you have solved that problem." I had, at that time, planned a vertical landing latitude of 15 feet and a horizontal landing latitude of 30 feet. It's all simply a question of degree, and the lieutenant made the statement: "No man can qualify to fly in the Navy except he could negotiate a trapeze landing on 10 feet vertical and 20 feet horizontal landing latitude," and there you have it.

I do not believe that the landing hooks which are necessary to make the hooking-on landing will weigh much, if any, over 10 per cent of the weight of the present landing running gear, and, of course, proportionately less, in relation to the weight of the pontoons on a hydroplane.

One thought more. If, on a battleship, in time of peace, where there was no duplicate trapeze landing on shore, for the safety of the birdmen, a conventional hydroplane for flight to shore was advisable. What is simpler than to have in the ship's storage room, below deck, one or more sets of pontoons which have been removed from one of the planes, stacked up and parked on the front deck of the ship. Such pontoons could be replaced in times of peace, and there you have your conventional hydroplane, but it would be folly in combat to have to carry those pontoons aloft.

If I am right that every naval officer will advocate the transforming of every battleship into its own aircraft carrier, and if I am right in my assumption that considering the treaty of London, there is no other method or means for transforming such battleships into aircraft carriers, than the cable landing and cable take-off, you are bound to win in protecting the United States Navy through its adoption of this, the only system, whereby the results which you have foreseen may be accomplished.

Respectfully yours, WILLIS J. PERKINS.

GRAND RAPIDS, MICH., *January 30, 1931.*

Representative JAMES V. MCCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR MR. MCCLINTIC: There is another point which I want to call your attention to for some one is going to raise this objection to the proposed parking of planes on the forward deck. Necessarily, they would be directly under the guns in the forward turret and gunfire from one of those guns would relatively wreck all planes within the concussion area of the explosion, but that answer holds good for a plane on the catapult.

It is quite possible and probable as well that parking area for planes having neither running gears or pontoons could be found in the area between the masts, amidship, as planes so stripped could be parked in tiers, one above the other and my method of recovery of the endless cable from its overhanging position beyond the side of the boat is such that it would not interfere with stripped planes, properly stacked.

Airplane service at sea would require that the airplanes be aloft before the battle commences, and therefore the planes would have been removed from the deck before the guns in the front turret would be fired, excepting if it were possible for the enemy to have a night attack and find the United States battleships asleep, which is a condition hardly possible.

It might be possible that the concussion effect of the explosion of the forward turret guns could be offset to a certain extent by a metal shield protecting the planes from such reaction.

If, in addition to removing pontoons and running gears, the planes were made with detachable wings, on modernized battleships and on battleships to be built, why could not a hatchway be located either fore or aft and both fore and aft, through which the stripped fuselages and the wings could be lowered and same be stored below the main deck when, of the course, the planes would be immune from all damage from the guns of both the enemy and the ship on which they were stored.

The two main objections to the system heretofore raised in Washington was that I would interfere: (1) With the captain's lookout on the bridge. (2) With the nest of boats at the mainmast. (3) With the ship's crane. There is no foundation to either one of the three objections. A mere quibble by petty minds, obsessed with the idea that present methods are good enough and that they should be preserved, regardless of the advantages latent in radical and superior means.

There would be some foundation to a statement that the trapeze landing supporting a plane at 40 or 50 feet beyond the outer deck would tend to tip the ship. That is a valid objection, but, on the other hand, there being two independent installations, one on each side of the ship, in times of peace, both equipments could be placed in operative position, when one equipment would counterbalance the other, and then the only question is whether or no the weight of the plane would tip the battleship. It don't seem possible that it would have any effect on the thousands of tons of weight in the battleship giving it depth of immersion or draft with corresponding stability, for it is the slight relative weight of such overhanging plane, would tip the ship, then the ship would be much greater affected by swinging the guns in the turrets both fore and aft to fire on the same side of the ship, as the weight of their overhanging nozzles beyond the vertical center line in the ship would represent many times the tonnage disturbance on ship's transverse level, that would be latent in the overhanging plane. You must also always bear in mind that in battle the landing and take-off of the plane would always be on the opposite side of the ship, from the enemy, consequently the plane would only in a measure offset the shifting stability caused by the guns being aimed athwartship.

There being two independent installations on a battleship, there can be two planes shot off at the same time, or two planes can land thereon at the same time, wind and other conditions permitting.

Please pardon these lengthy communications, but I am trying to put you in touch with my line of thought so that you can disprove assertions made by possible objectors, and there certainly will be some, especially as this system relegates the aircraft carriers to simply handling extra plane squadrons and makes the battleship self-reliant, which it can not be on any other system.

Respectfully yours,

WILLIS J. PERKINS.

GRAND RAPIDS, MICH., *January 31, 1931.*

Representative JAMES V. MCCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR MR. MCCLINTIC: No word from the Secretary of the Navy to date, and none from you since the 26th.

In inclose you Memo. D relative to the advantages consisting in my mobile landing station. I think it will interest you and assist you to get some action following up the motion which the Naval Committee has passed.

I have advocated the omission of the running gears and pontoons for naval service. Now, as a matter of fact, to prevent a crash the best known means is the use of a parachute to hold up the plane. The pilot and crew have their own parachutes, and they, of course, can and would jump, relatively relieving the strain on a parachute aimed to hold up a plane. A parachute of sufficient open area to hold up a plane, I believe, would weigh but a fraction of the weight of either the running gears or pontoons, and if properly folded above the top plane, it would offer but very little obstruction, if any, to the passage of the plane through the air.

I think, for a mobile mechanical station for Army service, that the running gears should be omitted from the plane, and then if it were advisable, for the protection of either plane or pilot, that a plane-landing parachute should be attached thereto, which parachute would only become of service in the event that the engine ceased to function and a forced landing was necessary.

When time permits please drop me a review of the situation and advise as to how the writer can efficiently supplement your efforts.

Respectfully yours,

WILLIS J. PERKINS.

GRAND RAPIDS, MICH., *February 2, 1931.*

Representative JAMES V. MCCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR MR. MCCLINTIC: Nary a word, so far, to the anxious, but I realize that you are busy and I am inclined to believe, that my communications, enlarging upon the possibilities, may be of service to you, and that's why I keep hammering away.

I inclose you pages 1 and 2 of March of Events of Herald and Examiner issue of Sunday, February 1, and call your attention to Brig. Gen. Henry J. Reilly, O. R. C., noted authority on military affairs, article.

If you, through securing the installation of a cable system on battleships, obtained for the Navy the same service that Moffett is seeking to provide in the special 10,000-ton cruisers, there would be a relatively lessened number of same needed to protect our shipping.

I am inclosing you memorandum "JVM." It's simply a brief recapitulation and I hope it covers the situation fairly and convincingly.

Respectfully yours,

WILLIS J. PERKINS.

GRAND RAPIDS, MICH., *February 7, 1931.*

Representative JAMES V. MCCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR MR. MCCLINTIC: Thanks for your letter of February 2, and the inclosure therein contained of a copy of the letter from the chairman of the Committee on Naval Affairs to the Secretary of the Navy.

There is only one naval officer that I know of, and that is the Secretary of the Navy, so I am addressing the communication to him, and inclosing you a copy of same. I hope it will meet your approval and will likewise speed things up.

Respectfully yours,

WILLIS J. PERKINS.

P. S.—In working out my portable military aviation station, the parking of the airplanes were solved by individual motor truck aerodromes with the plane held vertically, using the two hooks on which they make their landing on the trapeze, as the main means for handling them.

A hydroplane without pontoons or a plane without running gears, if held vertically, occupies but a fraction of the space, if laying down flat or the conventional way.

I am making a drawing showing the planes parked on a battleship, vertically, on the front deck and this disposition of the planes will result in many more of them being carried aboard ship, besides, the planes can be so parked amidship, and I believe it would be an easy problem to arrange for parking from 24 to 40 planes on a ship. Of course, we have got to do a little engineering in the way of providing derricks for handling the planes so parked, but the problem will not present any very great difficulties, if any difficulties at all.

GRAND RAPIDS, MICH., *February 11, 1931.*

Representative J. V. MCCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR MR. MCCLINTIC: I inclose you copy of a letter from the Secretary of the Navy dated February 9. This is my first communication from the Secretary. My letter of last Saturday, February 7, was received by the Secretary of the Navy, Monday morning, the 9th, and he just simply ignored all other business and answered my letter and if that don't show he is thoroughly interested, I miss my guess.

I tried to make clear to the Secretary in my letter of the 7th that it would be a difficult proposition to make my fundamentals clear except through a personal conference. He evidently wants to be somewhat further convinced as to the practicability of my system before he calls for that conference and I hope my letter of this day, a copy of which I inclose, and the letter from Lieut. Commander Henry, a copy of which I inclose, will bring about the desired results.

I would be delighted to drop everything and go to Washington at my own expense; but this factory, under my management, for I am not its owner, ran behind several thousand dollars last year, and I lost my own individual fortune several years ago through a court decreeing that the difference between my total loss for the year and net loss for the year was a gain, so I have got to carry on according to my best ability to finance the matter in a limited way.

It is certainly in clear evidence, if the Secretary calls me to Washington to aid in modernizing the battleships, I have got to have a sufficient engineering force at my service, to complete the installation after preliminary tests are made, as quickly as possible.

You know what a gyroscope is. My booms are pivoted at the inner end on a rigid center which is moved up and down by elec-

trical power and my booms are held about midway by two posts to each boom, the lower ends of the posts, resting on the gunwale. It is a simple proposition in physics to locate an electrically operated gyroscope at the upper end of said support, directly on the boom. Now, it follows, that when the ship rolls, the gyroscope will remain level and it will automatically set a switch to operate an electric motor that operates a screw that screws the boom up or down, or for the gyroscope, a pendulum movement could be substituted which would produce the same results, but it would not be as reliable as the gyroscope.

Commander Henry says that a battleship's deck will not roll over 12 degrees, and as there are 40,000 tons, more or less of floating ship, mainly submerged, it has got to roll, the ship's roll will be very slow and limited, whereas our electrically lifting and lowering the ends of the ends of the boom is a question of motor speed and screw pitch. There is nothing to it, so the last and only objection raised by the Secretary has been foreseen and provided for, and eliminating that feature, I trust it will be sufficient to get his orders to come to Washington.

I want your permission to look you up if I am ordered to Washington so that we can continue cooperative efforts in putting this proposition over. I think I can make every movement perfectly clear to you, with suitable drawings, and a personal conference.

Respectfully yours,

WILLIS J. PERKINS.

GRAND RAPIDS, MICH., *February 16, 1931.*

Representative JAMES V. MCCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR MR. MCCLINTIC: Thanks for your letter and inclosure of the 10th and 11th.

As you may surmise, I have been trying for several years to get favorable action on my system, and which favorable action, if secured, would send into oblivion the catapult and the aircraft carrier, and those two means for handling planes are the culmination of the efforts of many Government engineers, and they are going to buck my proposition to the last limit, but it is very doubtful if they will give any reason for their condemnation, and without a reason based upon defective physical means I have no opportunity to come back with more perfect means to secure the same results.

I am inclined to think that only through your backing will I be able to secure an order from the Secretary of the Navy to come to Washington at the Government's expense, for if the Government can not be interested sufficiently in this system to pay my expenses, I am not inclined to meet them myself, for I have already visited Washington many times at my own expense. And the necessity of a personal conference must be in evidence to yourself as it is to myself; and that conference, if it was with open-minded, progressive engineers, will result in the "thorough test," necessitating my remaining in Washington while such test is being completed.

I am handing you herewith my original letter and a copy to the secretary in answer to the letter copied hereon from the department under date of February 12. If you think my letter a proper one, forward same; if not, return with such suggestions as you deem advisable.

Respectfully yours,

WILLIS J. PERKINS.

GRAND RAPIDS, MICH., *February 17, 1931.*

Representative J. V. MCCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR CONGRESSMAN: Yours of the 13th noted, and the best reply I can make thereto is the handing herewith to you of my letter of even date to William Randolph Hearst, publisher. You may never have personally met him, but you know that he was once a candidate for the Presidency on the Democratic Party and that he is a big factor in politics.

I had thought of your soliciting the aid of Representative MAPES and Senator VANDENBERG, both of them residents of this city and known to the writer, but it is rather doubtful whether they would aid you or not. They have not granted me interviews in regard to the same matter, but my presentation of a proposition and your putting it before them would be two different things; and I think that a little enlargement upon the advantage it would be to their home town, in the publicity that would result, might secure their cooperation as in a measure containing a political advantage.

You certainly have a very clear and correct grasp of the entire situation, and I think you are handling it in the best possible way.

You know that Edison says that a scientist proves that twice two is four and that an inventor proves that twice two is five. In other words, that invention is the accomplishment of a result not heretofore accomplished. And that's the classification this system belongs in.

To occupy a responsible position in the Government service as a Government engineer undoubtedly involves a college education, but such an education does not necessarily produce either foresight or inventive ability, and the question which confronts me is whether or no the Government engineer who is forbidden by law, and ethics, to express an opinion is competent to pass judgment on my proposition and while I am willing to submit same, I do not propose to submit same to the Government engineers except they be given the privilege to express an opinion so that I be given an opportunity to reason with them or to substitute other physical means for accomplishing a result which they claim my present adopted physical means will not accomplish. For instances, some one told the Secretary of the Navy that the sharp roll of the ship would bar the proper functioning of my device. In the first place, that's the misuse of the word "sharp." The proper word should have been quick or speedy; "sharp" applies to an angle, not to a time and when we have under consideration, a battleship with a tonnage of 40,000 tons, or thereabouts, we know that its roll by wave action is neither quick or speedy, but always occupies a period of many seconds of time. And I am advised by Lieut. Commander Dan Henry, of the United States Naval Reserve, that a 12° of ship angle is unusual, and that it takes several seconds for the ship to roll. However, by maintaining my boom level at all times, as the side of the ship rolls down, I raise my cable landing upward, and as the side of the ship rolls upward, I lower my cable landing. In other words, the ever-shifting angle of the deck, is offset by my maintaining my boom which overhangs the side of the ship some 30 or 40 feet level. It is a little electrical proposition, and the electrical motors are switched on and off, and in reverse movement by means of a gyroscope which, when the ship rolls, operates an electric switch on the boom, maintaining it level.

This same gyroscope is used on an airplane for operating the controls which maintain the plane level, and if it will work on an airplane which is subject to quick shifts, versus the slow shifting of a battleship, it certainly will work on a battleship, if properly installed and its proper installation is a simple problem in electrical engineering, which, when brought to the attention of a competent electrical engineer should not and would not puzzle such an engineer.

Your collaborator in a big proposition,

WILLIS J. PERKINS.

GRAND RAPIDS, MICH., *February 20, 1931.*

Representative J. V. MCCLINTIC,
Committee on Naval Affairs, Washington, D. C.

DEAR CONGRESSMAN: I don't know whether you remailed my letter of February 16 to the Secretary of the Navy or not, but I think you did and I so assumed in my letter of this date, to the Secretary, which letter and referred-to inclosures I am passing on to you with the usual instructions to forward or to return, with your comments.

I don't think there is a question but what the Sperry gyroscope, installed as stated in my letter to the Secretary, will hold the boom level even if the roll of the ship is more than 10 or even 15 degrees. And as it only weighs about 50 pounds, the weight is no objection. If I could interest the General Motors in this proposition they could put it over. Acting on that theory I wrote them a letter on the 13th and they held that letter, evidently, in Detroit until the 19th, when they wrote me: "We are forwarding your letter to the Fokker Aircraft Corporation and we wish to thank you very much for keeping us in touch with the situation. Yours very truly, T. O. Richards, secretary new devices committee." So that looks like progress.

The Westinghouse Electric & Manufacturing Co. have this proposition up under consideration with their director of marine engineering in New York City. I have been writing to Pittsburgh and they now advise me where their marine engineer is located. If they take it over they have got the push and the backing to get the Government's cooperation.

The party that I expect to see in Chicago next week are manufacturers of caterpillar tractors, and if I can get them interested I hope to have them finance my trip to Washington to see the Committee on Military Affairs and, of course, I will then take it up with the Secretary of the Navy, yourself, et al., but that is a hoped-for condition. I am very busy and don't like to leave home just now. In fact, I could not before the latter part of next week.

I know you are watching both sides of the line and doing all possible to win out, and hope you succeed.

The following is a letter from the Secretary of the Navy dated February 17:

THE SECRETARY OF THE NAVY,
Washington, February 17, 1931.

MY DEAR MR. PERKINS: Though we may not be able to understand your devices in every detail, it seems to me wholly probable that we shall be able to get a sufficiently clear conception of them to determine whether they are, in the opinion of this department, practicable and worthy of further study.

Under the circumstances, I think it better for me not to write letters to officers, such as you suggest.

Very truly yours,

C. F. ADAMS.

If you are acquainted with any engineer connected with the Government service who you would like to have examine my drawings, I should be glad to send them to you. If I send them to the Secretary, I know they will be passed on to parties who are married by both civil and religious weddings to the aircraft carrier and the catapult system, and they will condemn everything, condemn it flat and undoubtedly will not assign any reason for the condemnation. G. W. Lewis is the man it will go to, and I have advised him that I would not send him drawings except he first admitted the value to the service, if the results set forth in Memos. D and UVM were obtainable by my system, and to check over each item as useful or useless, and back came the following reply:

"Your letters dated January 30 and February 3 have been received.

"The military advantage of a mobile landing field for airplanes such as you propose is not a matter for the decision of the National Advisory Committee for Aeronautics, but lies with the military forces, particularly the United States Army. The committee can only render an opinion on the efficiency and possibilities of a device in advancing the progress of aeronautics. However, before such an opinion can be made, it is necessary for the committee to thoroughly understand the construction and method of operation of such a device. Under these circumstances, your memoranda are returned herewith, since they do not divulge the construction details of your device, but are merely proposals of things that might be accomplished with it.

"Very truly yours,

"NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS,
"G. W. LEWIS, *Director of Aeronautical Research.*"

Lewis has been bucking my proposition every way possible for years and I never would have gotten anywhere had it not been for you, and I have just naturally, and I think properly, have taken the stand, if he will not admit a result is desirable, why should he favor the means for securing that result?

The secretary's letter copied herein is evidently in answer to my letter of February 11. Presume he has received mine of the 16th before this, if the time has not elapsed for him to reply thereto, if he proposes to do so.

With best wishes,

Respectfully yours,

WILLIS J. PERKINS.

I am advised by Mr. Perkins that he has submitted detailed information concerning every phase of his invention. In addition, he has offered to come to Washington whenever the Navy experts desire his presence. The Nation, as a whole, should be interested in any proposition which would make our Navy more efficient. Surely, those in charge of this branch of the Government will be willing to call this inventor to Washington and give him the opportunity of explaining that which he has worked on so long. If they do not, then the motion passed by the Naval Committee will be an idle jest; and, in addition, the Congress should not, in the future, have any confidence in the desires of the Navy to adopt the newest and the latest ideas with respect to efficiency.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. FREAR. Mr. Chairman, ordinarily I would give careful consideration to the advice of the gentleman from Oklahoma [Mr. MCCLINTIC], who has just spoken, but I am opposing the amendment so as to take the floor for a few minutes because I could not obtain time in general debate. I do not understand why we are insisting on modernizing these three battleships for far more money than they originally cost, particularly after other nations have stopped that kind of construction. Let me say that on the subject of a great Navy the gentleman from Illinois [Mr. BRITTEN], in an article of nearly a column in length in the New York Times, took occasion day before yesterday to denounce a majority of the House and Senate.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. In just a moment.

Mr. BRITTEN. The gentleman is referring to me, and I think he ought to yield.

Mr. FREAR. I could not get any time from the gentleman; I can not yield. I dislike very much not to yield, but the gentleman is quoted as calling Members of the House Bolshevists and pacifists and communists and socialists, if the New York Times reporter is correct.

Mr. BRITTEN. Mr. Chairman, the gentleman is in error.

Mr. FREAR. Will the gentleman help get me extra time?

Mr. BRITTEN. Yes.

Mr. FREAR. Then I yield; certainly.

Mr. BRITTEN. I know what the gentleman is going to talk about. I am glad that this has been brought up. I assume all responsibility for the article, but the article is in error; it should not have said exactly what it did; nor is the gentleman interpreting the article correctly. The article said that the Congress was being controlled by communists and bolshevists and so-and-so in connection not with this matter but something in another body. It had nothing to do with this; but what I intended to say was that certain Members were being influenced by that sort of propaganda that reaches the House. I know the gentleman desires to be fair by me. There is no one who has a higher regard for the Members of the House than I have or for their integrity.

Mr. FREAR. That may be true, so far as this particular bill is concerned. It was the $74,000,000 naval building bill to which the gentleman was referring, and it was in relation to that that he made the statement.

Mr. BRITTEN. Yes; and not this one. The $74,000,000 bill is not in the House.

Mr. FREAR. Yes; but that is the way these Members are classed—pseudoadmirals; yes; and bolshevists and communists. That is exactly the language used if I recollect correctly.

Mr. BRITTEN. The gentleman insists on doing me an injustice. Please read it as it appeared in the paper.

Mr. FREAR. I will. I will be glad to put it in my remarks.

I ask unanimous consent Mr. Chairman, to extend my remarks, to insert the article.

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] asks unanimous consent to extend his remarks by inserting the article referred to. Is there objection?

Mr. SPROUL of Illinois. Mr. Chairman, reserving the right to object, is it a newspaper article?

Mr. FREAR. It is a statement of the gentleman from Illinois [Mr. BRITTEN] made in the press.

Mr. SPROUL of Illinois. Is it a newspaper article?

Mr. FREAR. Yes.

Mr. SPROUL of Illinois. Then Mr. Chairman, I will have to object.

Mr. FREAR. Then I will put it in my remarks anyway. I had permission from the House earlier in the afternoon and believe the language used in the article and given wide circulation will carry its own meaning.

Mr. SPROUL of Illinois. Mr. Chairman, I want to know if that is correct?

Mr. FREAR. The gentleman can find out from the RECORD.

Mr. BRITTEN. If my friend from Illinois will yield, I hope he will not do me the injustice to object to an article which is probably different from the language which the gentleman from Wisconsin [Mr. FREAR] has just quoted.

Mr. FREAR. It is an article in the New York Times.

Mr. SPROUL of Illinois. I object, Mr. Chairman.

Mr. FREAR. We have already spent $364,000,000 in this session for the American Navy, more than ever before in peace times. Now, you are asked for $30,000,000 beyond that, to recondition three useless battleships, and yet complain because we are not appropriating $74,000,000 for other warships at a time when we have just completed the Kellogg peace treaty which 53 nations ratified——

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. FREAR] has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. As the gentleman from Idaho [Mr. FRENCH] so well said a few moments ago, a peace agreement has been ratified by 53 nations, and yet we have already spent more money than any other one in the world this session for our Navy. Three hundred and sixty-four million dollars has already been appropriated by Congress or 40 per cent more than Great Britain is spending for naval purposes. It is over 200 per cent more than Japan, and if I am not mistaken, 600 per cent more than Italy has been spending, according to figures placed in the RECORD last month. I have given those percentages in the past. Yet the Naval Committee comes in with a proposition to spend $30,000,000 more on three useless battleships. The only place in which they have safety, as has been suggested, is up the Mississippi River, where they can not be reached by submarines, or in harbors where they can not be hit by the enemy.

This 3-battleship remodeling bill is a proposition in which you will note that the gentlemen who have navy yards in their States are generally present. It is a navy-yard proposition, and a gentleman over in the Senate, whom I can not mention by name, but was quoted in the RECORD awhile ago,

then said he expected to get one battleship and hoped to get two of these battleships for his navy yard. He was then in charge of the bill. The other may go to my good friend from Pennsylvania to give unemployment at that navy yard. Certainly I have no regret if it goes there, although the gentlemen from Massachusetts, who are present with a navy yard to represent, will struggle for that same boat to recondition. Its value as a warship has been discussed by those who preceded me.

That personal interest we find here in Congress to promote the passage of this bill, and I ask, are you depending upon Admiral Pratt, who is for all warships to be had, or on whom are you depending in voting on this bill? I prefer to take some of the "pseudo" admirals, as they are called by the chairman of the committee, experts and others who have testified in the hearings; and I rely on their record of the past. They say battleships are not now used in battles. I would vote to authorize fast cruisers, if necessary, to have them for national defense. I am in favor of any needed airplanes and of ships that will carry airplanes; but without any enemy to fight it is a remarkable war spirit in peace times to spend $30,000,000 on three useless battleships. Colonel Mitchell was before my committee on the aircraft investigation, and I am satisfied he is just as expert as any pseudo or rear admirals, who are asking for everything they can get, because he had charge of 1,500 planes in one battle in France during the last war. Mitchell declared that one shell from an airplane, properly directed, would sink a $40,000,000 battleship. That is one reason why battleships are now found useless.

Now, gentlemen, I am not going to take the time of the committee needlessly. I have had permission to extend my remarks, notwithstanding the opposition of my friend from Illinois [Mr. SPROUL], but I want to say that the personal interest of Members in navy yards, or in these battleships, ought not to affect the action of the House. Who goes on these naval committees? An examination of the list will be illuminating. Who are interested in them? It is like other committees, and has been frequently a basis of requests to be placed on them. I do not want to say anything that can be construed to be a reflection on any colleague, but such committees and constituencies possessing Government naval yards are interested, of course, in the passage of this bill. We, who are concerned alone in actual national defense without any personal interest involved, want to see it carried on, but not to the extent of taking three old useless battleships and putting $30,000,000 more money in them.

I quote from the minority views against this battleship waste of money, which views are filed by members of the Naval Committee. It says, in part:

> Modernizing a battleship can be properly compared to the overhauling of an old automobile. * * * According to the terms of the London agreement, we are to scrap three battleships with the privilege of retaining one for training purposes. The *Florida*, *Utah*, and *Wyoming* are the ones that have been tentatively selected for this purpose. These ships have been modernized at a cost of $11,176,000, which represents an expenditure of money that will do us no more good than if the same had been taken out and dumped in the sea. In addition, a total sum of $64,023,177 has been used for the purpose of overhauling old battleships, and it is now proposed to expend approximately $30,000,000 in addition for the purpose of overhauling or modernizing the *New Mexico*, *Mississippi*, and *Idaho*.
>
> During the World War, if we are correctly informed, all of our battleships with the exception of four were anchored as far up the York River as possible to protect the same from submarines, and the four that went across for the purpose of joining the Grand Fleet never left our shores until after the German Fleet had been destroyed. Therefore it is reasonable to deduct that the thought uppermost in the minds of the Navy officials at that time was that battleships were so slow and cumbersome that it would be impossible for them to escape if attacked by submarines. We think it can safely be said that since the World War the tendency of thought in the minds of all progressive nations is that battleships are too slow to successfully combat an up-to-date fleet of the faster type of ships. It will also be remembered when the Battle of Jutland was fought bombing planes capable of carrying projectiles weighing as much as 500 pounds had not been constructed. In fact, no planes of this type were used by either the German or the English, and it is reasonable to conclude that if such had been available they would have played an important part in this engagement. Moreover, it is now known that any type of ship can be sunk with bombs dropped from heavier-than-air machines. Therefore, when it comes to modernizing a type of ship that has been proven to the satisfaction of many to be obsolete, we doubt the advisability of expending any more money for the so-called purpose of modernizing or overhauling a lot of old ships that are, in our opinion, only fit for peace-time maneuvers.
>
> Prior to the convening of the London conference approximately 70 members of the House of Commons gave out a statement in which they voiced an opinion that battleships would no longer be used as a weapon of warfare, and when it is taken into consideration the very marked progress that has been made in aircraft and the further fact that no invading fleet can ever come within 100 miles of a major nation without being destroyed by a superior land air force, it seems foolish to continue wasting the people's money by patching up a lot of old ships that in case of war was declared would immediately be put in some safe harbor until the hostilities were over.

That positive statement seems unanswerable coming from minority members of the Naval Committee and is in harmony with the judgment so far as I have noted of foreign experts as well as "pseudo admirals" who are disinterested as contrasted with other admirals who have the greatest interest in the world in urging more warships, whether useful battleships or only fit for training ships.

In my judgment, however, the matter of $30,000,000 for three useless battleships is of little moment compared with propaganda urged by the press, and by admirals, private shipbuilding companies and other financial interests, together with the Navy League that is again to the rescue. All these are urging a "big Navy" program in time of peace when every interest that does not profit by war is seeking for our Nation to gain the confidence of other nations to secure a lasting world-wide naval agreement that will carry out the purposes of the Kellogg peace treaty outlawing war.

WHY PARITY?

To challenge the world by a "parity" program with Great Britain, something we have not had or asked for in over a century, on the heels of the Kellogg peace treaty will arouse international distrust of our intentions at a time when nations have sought to reach a better understanding.

But another phase of the question is disclosed when men who believe our peace professions mean what they say are confronted by a terrific bombardment of personalities—a reminder of criticisms offered during the war propaganda to compel Congress to declare war in 1917.

My party colleague and long-time friend, the chairman of the Naval Committee, gave expression to a remarkable outburst day before yesterday that, as covered by the press generally, reached many millions of people in this country and doubtless was read with surprise and concern by people living in the 52 other nations, parties to the Kellogg peace treaty.

He says to-day in response to my question, it did not relate to House Members, or to this bill but to the $74,000,000 bill. I am ready to accept that as a fact but how are the millions of people who read his utterances in the press to know that the House is not now trembling in its boots for fear the communists, pacifists, socialists, and Bolsheviks are about to seize the popular governmental branch and commit some offense against our own or some foreign government when so controlled.

It is particularly surprising that it should have been given to the press immediately preceding the consideration of this battleship bill although it relates to another warship building program of more than a billion dollars.

The question naturally occurs if the Bolsheviks, communists, socialists, and pacifists do not control the House, but do control Congress, then who is the guilty party that exercises that control, and what Senators or Members are subservient to such dangerous influences, whether inside or outside the Congress?

Personalities and expletives are unusual in this body, that ordinarily gives to every other Member a right to his own belief not subject to criticism. To do otherwise would be to cause recriminations and a confusion that must destroy all proper consideration of legislation and all mutual respect that after all is a first requirement in any parliamentary body. I express my personal high regard for the chairman, with whom I have served for many years, but submit the article in cold type, so that he may see the inference that necessarily will be placed upon his words by those who do not know him but do know he is chairman of a great naval committee. In some respects he has a large influence on the relations of our Government with other nations, due to friendly or threatening attitude in which naturally the chairman will be regarded as spokesman. The article is as follows:

[New York Times, February 24, 1931]

CONGRESS MURDERED NAVY, SAYS BRITTEN—"SOCIALISTS, BOLSHEVIKS, AND PACIFISTS" CAUSED BUILDING BILL FAILURE, HE ASSERTS—SEES LOSS AT 1935 PARLEY—ENGLAND AND JAPAN WILL FORCE MORE CUTS ON US, HOUSE NAVAL COMMITTEE HEAD DECLARES

(Special to the New York Times)

WASHINGTON, February 24.—Charging the failure of further naval construction authorization at the present session to the domination of Congress by "socialists and bolsheviks, communists and pacifists of butterfly ideals," Representative BRITTEN, chairman of the Naval Affairs Committee, declared to-day that rejection of the $74,000,000 naval construction bill had made "a scrap of paper" of the London treaty.

Mr. BRITTEN is author of the bill, which provides for 1 flying-deck cruiser, 1 aircraft carrier, and 4 submarines, having introduced it at the instance of the Navy Department. Senate and House leaders, who declined to give it a place in the program for the few remaining days of Congress, based their coolness toward the project on the ground that Secretary Adams had impressed upon them the preference of the Navy for the $30,000,000 battleship modernization bill and the bill for adjustment of promotions of officers of the line.

"I am deeply disappointed," said Mr. BRITTEN, "to hear that the modest naval construction program of 1 flying-deck cruiser, 1 aircraft carrier, and 4 submarines will not become a law during the present session of Congress."

LONDON PACT CALLED A "GESTURE"

He went on:

"It means that the London naval limitation treaty is but a scrap of paper as far as we are concerned; a meaningless thing that was signed by our delegates to the conference as a hollow gesture, a sop to millions of Americans who cherish a proper defense as they do their very lives; it means that the American Congress is being dominated by socialists and Bolsheviks, by communists and pacifists of butterfly ideals; it means that a solemn treaty agreeing to do our share in patroling the seven seas when an emergency arises is to be thrown into the waste basket, like any other broken pledge; it means that in the eyes of the world the United States is too niggardly to maintain a navy that is commensurate with its world position in commerce, finance, politics, and prestige; it means that the Congress and the administration under which the portentous London conference was promoted will go down in history as lacking the courage and the leadership of making effective the very first step toward international equality for the greatest Nation on earth.

PROTECTION INADEQUATE, HE SAYS

"It means that American commerce the world over will not be accorded the same measure of protection in an emergency as will the commerce of Great Britain, and it means that legislation affecting hog cholera and colored oleomargarine is more important at this time than a proper national defense and that putting the Government in the fertilizing business is a vastly more serious legislative requirement than building a Navy for the protection of American life and property.

"The Congress has not benefited by the terrible sacrifices we made in the early days of the World War when we were compelled to use secondhand planes and military equipment and when the bloom of American manhood was mown down like ripened wheat because of our complete military unpreparedness.

"When the next naval limitations conference takes place in Washington in 1935, the United States will be the only nation which will not have built up its Navy to even somewhere near the London treaty requirements. We will lag far behind, like a pauper State, and apologize for our second-class Navy.

"England and Japan will dictate a program of further diminishing our skeleton sea forces. American aviation predominate will then receive the ax which has been so successfully swung on our battleship hopes by the Washington and London treaties. The Navy is being murdered, and by its countrymen."

That article in somewhat different form was quoted by other papers, and I submit gives a viewpoint of congressional responsibility that uttered by a new Member or one so unimportant as myself might not excite serious criticism, but when uttered by the chairman of a great committee that has much to do with the naval policy of this Government, requires more consideration.

> Congress murdered Navy, says BRITTEN. Socialists, bolsheviks, and pacifists caused building bill failure, he asserts. Sees loss at 1935 parley. England and Japan will force more cuts on us, House Naval Committee head declares.

The above is the phrased headline which it is stated represents the views of our colleague, according to the Times's article that was also reported in whole or in part by the press of the country. Again—

> Charging the failure of further naval construction authorization at the present session to the domination of Congress by socialists and bolsheviks, communists and pacifists of butterfly ideals, Representative BRITTEN declared to-day that rejection on the $74,000,000 naval construction bill had made a "scrap of paper" of the London treaty.

After a somewhat lengthy expression of his disappointment over the failure of the London treaty for which treaty Ramsay MacDonald and President Hoover supposedly were largely responsible, he continues:

> It means—

He says—

> that the American Congress is being dominated by socialists and Bolsheviks, by communists and pacifists of butterfly ideals; it means that a solemn treaty agreeing to do our share in patrolling the seven seas when an emergency arises is to be thrown into the waste basket like any broken pledge; it means in the eyes of the world the United States is too niggardly to maintain a navy that is commensurate with its world position in commerce, finance, politics; it means that the Congress and the administration under which the portentious London conference was promoted—

Which necessarily includes President Hoover and other distinguished officials who differ from our honored colleague—

> will go down in history as lacking in courage and the leadership of making effective the very step toward international equality for the greatest Nation on earth. * * *

It means—

He continues—

> that legislation effecting hog cholera and colored oleomargarine—

Which Chicago manufacturers have fought before the Federal tax bureau and recently in the House—

> is more important at this time than a proper national defense—

As our colleague deems it should be—

> that putting the Government into the fertilizing business is a vastly more serious legislative requirement than building a navy for the protection of American life and property.

Including especially some fifteen or more billions of foreign loans and numerous factories abroad possessed by American citizens and corporations.

Much more our esteemed colleague professes to believe of a hoard of communists, socialists, bolsheviks, and pacifists who dominate the American Congress, as he sees it, and that's that. Uttered by the press to many millions of readers, I submit, it has but one meaning.

From the foregoing arraignment of the American Congress by our distinguished colleague, it is probable that cablegrams have already gone to the different powers of Europe notifying them of an abject surrender by the greatest Nation on earth to an army of communists, socialists, bolsheviks, and other unmentioned individuals who control the American Congress and presumably the administration. I doubt if he wants that implication to go to the four quarters of the earth in reference to the honorable body of which he is a distinguished Member.

Possibly all the war agencies of France will now comfortably recline in their chairs over the fact that the $4,250,000,000 settlement agreed to with France by the United States at a discount of 47 per cent of that nation's full debt may now be canceled with permission that France may have additional funds with which to build 46,000 tons of new warships at a cost of several hundred millions of dollars, which the press asserts is a part of her threatened naval program.

It will be remembered that England refused to be bound by the London conference in its promise to reduce the English Navy 140,000 tons unless France and Italy also agreed to reconcile their differences in the naval building race. Upon receiving word by cable of any humiliating surrender by the American Congress, as depicted by our distinguished colleague, to communists, bolsheviks, and pacifists, we can see the Duce, in far-distant Rome, cogitating over the fact that Italy's $2,042,000,000 debt to the United States, scaled down to less than 25 per cent of its cash value due to national

financial distress, may now be wiped out; although advices to us are that Italy has started to build 140,000 tons of warships to cost presumably around a billion dollars in order to meet a threatened French building program.

This suggestion I make with trepidation, because the distinguished officials and individuals in our own country speak with caution when referring to the head of the Italian Government. Apologies will be made for any improper statements rather than invite a dreaded court-martial.

Responsible officials in Great Britain in like manner will feel insecurely now if the United States has surrendered its own right under the London treaty to build over 100,000 new tons of warships in a program to cope with Great Britain's Navy when occasion requires, because the only purpose of that "parity" would seem to be to help England when she needs us in the next war to end wars.

That necessarily is the logical effect of any "surrender" of which our colleague speaks in his press utterances to the world.

Ordinary Representatives and laymen have no particular distinction in the effect of their utterances, but those who by seniority or real merit or both have reached a position of power and responsibility find any sensational utterances eagerly sought by the press that thrives on sensations and unusual occurrences.

All this by way of introduction to the serious part of the discussion which I am hurriedly offering for your consideration.

It is with regret and not in any sense of anger or distress that I submit the views of my colleague as expressed in the foregoing press utterances. We entered the American Congress at the same time, he in the position of a member of the Naval Committee and I in an inconspicuous position, a large portion of the time on comparatively unimportant committees of the House.

After four years of distinguished service upon the Naval Committee my colleague, like others in the House, including myself, were confronted with the war resolution that declared a state of war existed between the United States and the Imperial German Government, which thrust upon the American Congress the necessity of declaring war. That in substance was the resolution, and although it was stated in debate at that time by various Representatives that much of the propaganda and many of the statements regarding the loss of American lives were without foundation, the effect of the propaganda and war hysteria was upon us so that few men could resist the pressure then brought to bear.

One of those in whom I placed confidence at that time and whose views I then supported was a Representative who spoke as follows:

Mr. BRITTEN. Mr. Chairman, in justice to my antagonism to this resolution I think I should preface my remarks by saying that I have been a member of the Committee on Naval Affairs for four years. • • • I am not a pacifist in any sense, but am firm in the belief that this resolution is being jammed through Congress against the wishes of a great majority of the people all over the country. I do not believe that the great masses of our people are in favor of a declaration of war, and I am certain that they are opposed to the use of our militia in the bloody trench warfare which has already annihilated the flower of the youth of the most civilized countries on earth. • • •

Let us arm our whole Nation for its own defense and keep clear of any entangling alliances with European and Asiatic governments. • • •

The truth of the latter is that 90 per cent of your people and mine do not want this declaration of war, and are distinctly opposed to our going into that bloody mire on the other side. • • •

I have traveled over the great Central West and I tell you sincerely that 90 per cent of the people of this country are opposed to a declaration of war against Germany at this time. • • •

Based on his statement so graphically pictured, the condition of affairs that confronted many Representatives at the time my honored and able colleague offered an amendment for the consideration of the House, which was as follows:

Provided, however, That no part of the military forces of the United States shall be ordered to do land duty in any part of Europe, Asia, or Africa, until so directed by act of Congress, excepting those troops who specifically volunteer for such service.

On the defeat of his resolution, to which I subscribed, my colleague moved to recommit the resolution authorizing the declaration of war and report same back with the following amendment:

A NEEDED PROVISION

Provided, however, That no part of the military forces of the United States shall be ordered to do land duty in any part of Europe, Asia, or Africa, until so directed by act of Congress, excepting those troops who specifically volunteer for such service.

Which was the amendment previously defeated in committee.

That question was taken and the motion to recommit was refused. The motion on the declaration of war was then carried overwhelmingly, although other Representatives in the House stated that due to the submission to their constituents in one case 8,000 had sent back votes against war, compared with less than 800 for war. I then believed in the principle advocated by my colleague that American boys should not be conscripted to fight the European "war to end wars." I have not changed that opinion since the Versailles treaty made certain the European situation was made worse instead of better by that war.

A reference to Representative BRITTEN'S resolution will be made later.

With my colleague so voting at the time were distinguished Members of the House—like Representative ROYAL JOHNSON of South Dakota, who left his wife and family to fight in the World War; Representative Keating, now editor of Labor; Representative Kitchin, then Democratic leader of the House, one of the greatest debaters and most courageous men I have ever known; Representative Sherwood, of Ohio, a general in the Civil War, raised from the rank of private soldier to the highest position by reason of bravery and gallantry on the field of battle.

These men are mentioned because in this day with the new light we now have they might be included, if living, by the general public with those who have been so vigorously condemned by my colleague because of their refusal to be stampeded into a World War to end wars in 1917 or a tremendous naval building program in 1931.

With two out of three battleships, or $20,000,000 of modernization expected to go to one navy yard and anxious Members of Congress at both ends of the Capitol having navy yards in their State or district all hoping to get the other $10,000,000 battleship modernization contract, Members can understand the tremendous influence thus exerted. In the House we are confronted by rules, but in the Senate extreme senatorial courtesy is potent, all of which have a decided influence on legislation.

With this legislative situation that confronts every Member who seeks to act without prejudice for what he believes to be for the best interests of his Government, another great influence that is thrown in favor of a largely increased navy comes from every admiral and every naval officer in high position toward a larger and more powerful navy.

It is natural and can not be criticized because of their pride in the Navy, even as every Army officer is proud of the Army and desires its increase. In fact, as every Member of Congress knows, that same spirit is reflected in every department and every bureau with which we are brought in contact that seeks to enlarge its bureau and its influence consistently asks for large increased appropriations.

The press of the day, with rare exception, is in sympathy with this spirit, so far as the Army and Navy are concerned. and any opposition is generally expressed in the word "pacifist," although more vigorously and definitely pronounced by my distinguished colleague in other terms.

Admirals and naval officials of high degree are quoted every day in one of the morning papers that reaches our desks, all demanding that Congress yield to these officials or remain under a cloud of being unwilling to defend their Government, possibly under suspicion of being under the supposed influence of the array of interests named by our colleague.

It should be remembered that all these high naval officials, with rare exceptions, have been named from civil life by predecessors of these same Congressmen, who appointed the eligible boys to Annapolis, where they became imbued with the idea that theirs is the only department of the Government that requires especial consideration. That spirit is proper, but not necessarily required for the government of Congress more than the objectionables already named.

It is hard to withstand this pressure brought to bear on every Congress and particularly during the present session through a naval "parity" agreement reached in the London conference.

"ADMIRAL SHEARER" TO THE RESCUE

It must be remembered that in the investigation of lobbying, Shearer, a representative of private shipbuilding companies, stated in substance that he was present at the Geneva reduction of armament conference and did all in his power for his clients, the shipbuilding companies, to prevent a successful agreement at that conference, and the result and disagreement he attributed largely to his own influence. At the time of his service at Geneva he was receiving $2,000 a month from the Hearst publications and brought suit for $250,000 against the shipbuilding companies for failure to pay what he deemed to be his just compensation for the splendid service he rendered in preventing any reduction of arms at that conference, and incidentally in encouraging the naval race between nations, all to the advantage of his clients.

Last month Admiral Moffat stated:

I consider it our national duty to build up to the treaty strength allowed. Failure to do so can result in but one thing—a world-wide admission that we have relinquished our hard-won right to be regarded as a first power and are lacking in the spirit to take our rightful place as a nation in world affairs.

Admiral Moffat furnishes a text for our colleague, and his statement is in harmony with that of many of his brother officers.

It will be remembered that in summing up the resolutions at the London conference, President Hoover said:

In other words, the United States in the important categories may increase its Navy by 102,000 tons, while Great Britain decreases its navy by 140,000 tons, and Japan decreases hers by 12,000 tons. On January, 1937, the treaty comes to an end, except for such arrangements as may be made for its continuance.

In addition that conference provided that if through French and Italian rivalries England decided to withhold scrapping her 140,000 tons, which right she reserved, then no limitation would result, and in the viewpoint of all big-navy people, we would still be required to build our quota in order to reach demands for a "parity" that could not be reached and has no limit.

The situation between France and Italy is still uncertain and England's agreement depends upon their action. That is the effect of the last reduction-of-armament conference, and our naval officials all read "may increase" to mean "must" increase our Navy to the limit.

In this connection I quote an editorial from the Chicago Liberty Magazine of August 30, which is directly in point as to the present situation. It is published in the home city of my distinguished colleague and is an estimate of world-wide conditions in the past and future. It says:

THE WAR TO END WARS

The last war decided nothing for the future. Its success for our arms only reached failure, because the same hatreds, animosities, and fears that inspire war between nations continue throughout Europe. The Versailles treaty, that took territory from Germany, Austria, Turkey, and Russia, that violated every promise of self-determination, has intensified bitterness many fold that caused war to result in 1914 over the Alsace-Lorraine grab by Germany in the Franco-Prussian War, less than a half century before. European war is not alone a possibility, it is a certainty, as any European traveler knows—a certainty unless the peace pact and the Kellogg treaty of 53 nations outlawing war means more than an idle gesture. If war comes, will we be in or can we keep out? The junkers in England, Japan, France, Italy, and, loudest of all, in the United States demanded great preparedness. Germany and Russia had it in 1914, with England, France, Austria, and Italy close seconds. What was the result and what will be the next harvest?

Any attitude of junkerism by our Government will make it difficult to prevent the Kellogg peace treaty from becoming "an idle gesture." Last fall, on October 23, a great Chicago newspaper stated as follows:

It appears that the program when finally turned out by the Navy Department, after consultation with Budget officials and the President, will be considerably smaller than the half billion dollar bill introduced in Congress last winter by Chairman FRED A. BRITTEN (Republican, Illinois), of the House Naval Affairs Committee. The best information available is that the Hoover administration will recommend authorization at this time of only the first two or three years of the General Board's 10-year construction program, which contemplated expansion of the American Navy to the London treaty tonnage levels not later than 1942.

The plan is to cut the General Board's program into two or three sections and ask for new authorizations when the ships included in the bill sent to Congress this year finally are laid down. This plan would not necessarily cause any delay and would avert the necessity of introducing a bill in Congress which could be referred to as a billion dollar bill.

At this time last year our distinguished colleague was demanding in a half billion dollar bill a tremendous naval building program, limited to that amount so as to avert a reference to a "billion dollar bill." Eventually that program was whittled down, whether due to communists, bolsheviks, socialists, or pacifists in or over Congress or in or over the administration or due to a little common sense that sometimes penetrates the brains of those who are unprejudiced in their judgment is a matter of controversy.

My colleague from Illinois has his own views, to which he is entitled, regarding a great navy; larger than any on earth. I will not surrender to him any exclusive rights or pride in national defense up to what may be a reasonable position of national safety, and, although comparisons mean little, many years ago I enlisted at Fort Myer as a youth of 17 years and served 5 years in the Regular Army. Thereafter it was my privilege to serve 11 years in the splendid Wisconsin National Guard. On my return from the Regular Army I organized a military company that fought in the Spanish-American War. Although not a member of the National Guard at that time, a separate provisional company was organized and tendered its services to the governor of our State. It was not called into service because the war ended abruptly.

That Company C of the Third Wisconsin Regiment was in the World War, and, with replacements, engaged in some of the fiercest fighting that occurred near Chateau-Thierry. It lost 88 men in killed or those who died in France, including its captain, while both lieutenants were left on the field in one engagement. The Wisconsin and Michigan troops forming the Thirty-second Division, also engaged in France, had over 13,000 casualties, including killed and wounded.

That is not offered as a certificate of character but to explain a reason for hoping the Kellogg peace treaty signed by 53 nations is not an idle gesture.

To denounce those who opposed the $74,000,000 warship program is not surprising. It is a common practice by those who forget that others have rights for consideration and equal honesty of judgment. I will not reply because not one of those who can be chargeable with having any responsibility for the failure to appropriate the $74,000,000 for new battleships, but I do wish to offer some figures in regard to naval preparations, in which our country exceeds the entire world, that ought to cause us to pause in the wild naval race permitted by the London conference.

The recent annual naval bill, as passed by the Senate, which did not include any of the ships demanded by the London naval conference, was larger than anything ever before passed by Congress. Congress this session has already appropriated $364,000,000 for the maintenance and reconstruction of its ships and maintenance of its navy yards, admirals, and other officers and men, which is only a part of the tremendous expenditures we are now undertaking in a naval race with other nations. That is by far the greatest annual expenditure of any government.

OUR ARMY AND NAVY EXPENSES

I am wondering if the country, or even Congress, realizes that since the war to end wars and during these peace times our country has been spending double the amount for war and war preparation that was expended before the war, when the average cost reached about $30 annually for our Army and Navy borne by the average family of five persons? If that is not a fair amount of preparedness, then add to this amount over $100 annually to the same family average for pensions for wars these soldiers have fought in our behalf

while we stayed home. Together with war debts, we now pay a total of about $2,800,000,000 annually for wars past and future out of a total of about $4,000,000,000, or more than 70 per cent of the Government's annual expenditures is spent for war purposes. This is believed to be an understatement. For illustration of our "preparedness" expenditures in maintaining the Army and Navy in times of peace with 12-year intervals.

Examine these figures when reading preparedness-propaganda editorials.

	Army	Navy	Total
1914 [1]	$173, 522, 804	$139, 682, 186	$313, 204, 990
1915	172, 973, 092	141, 835, 554	314, 808, 746
1916	164, 635, 577	155, 029, 426	319, 665, 003
1926	355, 072, 296	312, 743, 410	667, 815, 636
1927	360, 808, 777	318, 909, 096	679, 717, 873
1928	390, 540, 803	331, 335, 492	721, 876, 296
1929	416, 901, 546	364, 561, 544	781, 463, 050

[1] World Almanac.
Reports for 1930, 1931, and 1932 have heretofore been quoted.

Thus far Congress has tried to brush aside a portion of the smoke screen used by private-business interests, political-preparedness adventurers, and others who profit by enormous war expenditures demanded in increasing volume from American taxpayers. Congress has not yet advanced all demanded amounts. What is their purpose? Presidents have sought to reduce the mounting war expenditures. Notwithstanding the changing methods of warfare that are rendering obsolete and useless battleships, private shipyards and munition makers are engaged in propaganda without limit when one man, Shearer, demands $250,000 for his own part in preventing any limitation in shipbuilding at the Geneva conference in 1928. Remember, this new billion-dollar naval program is in addition to $781,000,000 spent for war purposes last year and every year in rapidly mounting figures.

In the United States, England, and Japan the vast army of junkers who thrive and profit from wars and war preparations are ever on the job working the year round to advance their own fortunes. Even a budding army of commodores, captains, and admirals can not secure good naval assignments if new ships are not built for dress parade. Naturally these interested parties with personal and financial interests at stake are little concerned over the taxpayers' viewpoint. Nor is the danger on sea or land seriously disturbing to Army and naval officers who no longer follow John Paul Jones, or Lawrence, or Generals Custer or Kearney in active personal combat. That feature no longer endangers the lives of high officials and yet the medal factories were kept running overnight after the war to furnish decorations for men, some of whom were never within 5,000 miles of the fields of combat.

Can anyone contemplate the tremendous expenditures this Government is now making for its Navy, greater than any other country in the world, and not question the purposes or the necessity for such expenditures in the name of "national defense."

On January 9 I spoke on the subject of naval expenditures and preparations, and quoted authorities to the effect that another European war is likely to occur in the near future. The only barrier is to be found in the League of Nations's influence in Europe and the Kellogg peace treaty internationally.

It must be a matter of common knowledge that a great navy possessed by our Government will cause every other nation to solicit our intervention in their behalf in any European conflict which occurs. That is certain to follow, and it seems equally certain that if the war hysteria which influenced us to believe that the ears and hands of Belgian children were being cut off by soldiers, and the ravaging of women, powdered glass in foodstuffs, poison wells, and stacked arms in basements of my own State, with countless other sensational statements, is again brought to bear upon the American Congress, it will arouse hate and passion and the same war hysteria that influenced us to declare war in the last conflict. It was the same influence that forced us against Spain on supposition, with no direct evidence to support then or thereafter, that the *Maine* was destroyed by the Spanish Government.

I do not intend to repeat arguments and authorities cited in the RECORD of January 9, last month, but in reminder of results of that last war I desire to offer a brief statement of what the last war meant to us and what the next war will mean, judging from the facts.

HERE'S A GRAND PARADE

The World Almanac gives the grand total engaged in the World War as 65,038,810 men. Killed and died were 8,543,515 out of 37,499,386 total casualties, or an average of 57.6 per cent of the total were killed or suffered casualties.

Allies, total engaged	42, 183, 810
Central Powers	22, 850, 000

	Forces	Total casualties	Percent loss
Russia	12, 000, 000	9, 150, 000	76.3
France	8, 410, 000	6, 160, 800	73.3
Great Britain	8, 904, 467	3, 190, 235	35.8
Italy	5, 615, 000	2, 197, 000	39.1
United States	4, 355, 000	350, 300	8.0

NOTE.—Remainder of the Allies suffered proportionately from 71.4 losses in Rumania to 48.8 for Serbia, 34.9 for Belgium, and 20 per cent for Japan.

The Central Powers had heavy losses, as follows:

	Forces	Total casualties	Per cent
Germany	11, 000, 000	7, 142, 558	64.9
Austria-Hungary	7, 800, 000	7, 020, 000	90
Turkey	2, 850, 000	975, 000	34.2
Bulgaria	1, 200, 000	266, 919	57.6

Due to errors these figures may be only substantially exact, but they disclose that the total armies engaged were more than one-half the entire population of our own country and the casualties reached over twelve times the entire population of my own State. That is modern warfare.

WASTE AND WORSE IN WAR

The loss in man power included five years nonproductive war employment for a majority of the combatants. Possibly statistics have been gathered showing property losses. These can only be approximate for direct war losses suffered by our own country were beyond comprehension, reaching a total of $36,000,000,000. This is an estimate alone of our expenditures, reaching $300 per capita for every man, woman, and child in the country, or $1,500 war loss for the average family of five with a balance due and still outstanding of $16,000,000,000.

Those who profited from war stayed home, while those within the draft fought and faced death or died while receiving the munificent pay of $1 per day and "found." The character of the "found" depended on many conditions, but every Member of Congress then serving will recall that while we were buying several pairs of spurs for every horse and mule in the service and building railways for airplane wing beams at a cost of $140,000 per mile that ran to summer resorts in Oregon and at $110,000 per mile through tunnels in Washington State connecting with the Milwaukee Railway, one of whose directors was head of aircraft, that during all this time appeals were received to send more needed airplane supplies and clothing to our soldier boys in camp who were suffering from plain necessities of life. That failure can never be forgotten.

Let me quote a brief page from the countless chapters of our own waste, fraudulent contracts, and vicious profits that marked that war. This is the testimony of the Secretary of War before my committee of results in the air after 19 months of World War "production" and an expenditure of over $500,000,000 for aircraft by our Government during that war. It is a ghastly chapter of failure. I read to Secretary Baker—

FROM AIRCRAFT INVESTIGATION HEARINGS

Mr. FREAR. In this connection I have a letter from which I wish to read very briefly. It comes to me from one who is very close to me and was over there, but I never thought of referring to it until

a day or so ago when it was called to my attention by the boy's mother, who brought it out of the family files. It describes a condition that was generally felt by most of the soldiers who were over there at that time. It is dated August 11, 1918, and says:

"Your past experiences bring you unusually close to the service, and you can appreciate better than nine out of ten persons the soldiers' welfare. You can rest assured they are doing their part to the very last and best that is in them. I was never more proud of my country than I have been since I came up to this location. Even the French admit that their greatest efforts do not surpass those of the Americans in the present struggle. I have seen them going in and afterwards at the hospital. Their spirit is the most wonderful thing you ever saw in your life. They say the casualties in our division (the Thirty-second) are quite large, but their efforts and their driving capacity can not be surpassed. Just keep on lending them all the assistance possible—no one deserves it more. I wouldn't have missed this war for anything. I guess I have gone through all the sensations possible for me to have.

"If you will only send us more airplanes, and then more and more, it will hasten the finale. The men are coming through fine, but the airplanes have disappointed us. We depend upon these so much more than you can appreciate."

Secretary BAKER. That is a very feeling and beautiful letter, and undoubtedly every word of it is so.

Mr. FREAR. That was the sentiment of the soldiers over there, their anxiety to get airplanes, was it not?

Secretary BAKER. Yes; in as great numbers as possible.

Mr. FREAR. In as great numbers and as rapidly as possible. And we did not during the whole period of the war get a single fighting machine or bombing plane to the front.

Secretary BAKER. Not a fighting machine or a bomb of American manufacture. (Aviation investigation hearings, vol. 1, p. 46.)

The letter quoted to Secretary Baker was from my son, then at the front.

My colleague from Illinois, whose heated utterances may have unintentionally given some comfort to European authorities, but will be readily understood by the Members of this body to be a matter of personal judgment, is enthusiastic in his advocacy of a great Navy, greater than any in the world. That is his privilege, a right without personal criticism.

Realizing that great navies and great armies are only a temptation for war because of the spirit which is found in all human nature that a new gun or a new horse is not for looks alone but for use, I have introduced two joint resolutions for consideration, that are herewith submitted for study.

Mr. Chairman, there are those who view with alarm the failure of our Navy to be on a "parity" with England, yet only once in past history were we in war with England, and then only to help England. That is the reasonable purpose of "parity"—to help England in her wars. With century-old rivals at her doors and Canada unprotected at our own, it is the wildest fancy to believe England will ever give us occasion for war.

Naval "parity" is to help England, not to hurt her, and I submit the passage of resolutions such as I propose should do much to save ourselves, England, and civilization unmeasured billions of dollars, where our hearts are, and untold suffering and sorrow to humanity, where they should be.

In the words of a distinguished statesman, I quote from Senator BORAH's speech of March 1, 1921, wherein he says:

The Navy as a negotiator of peace has never been a success; as a negotiator of war it has had no equal.

In my speech of January 9 this subject was discussed at length.

Here are two proposed resolutions that I have introduced, not with the expectation that they will be passed by this body at this time, but they are offered for consideration. The first is a house joint resolution, not the creature of my own mind alone, but suggested in part by those who know far more about international conditions than I do, although I have some knowledge from traveling throughout Europe. The resolutions speak for themselves.

[Seventy-first Congress, third session. House joint resolution introduced to-day in the House of Representatives]

Joint resolution authorizing the President to call a conference of foreign governments

Resolved, etc., That whereas the United States Government has entered into a peace treaty with 62 other nations, having for its purpose the outlawing of war in the settlement of international disputes; and

Whereas different conferences have been called by several of these governments for a reduction of naval armaments which have not resulted in the material gains hoped for toward the solution of problems covered by the Kellogg peace treaty: Therefore be it

Resolved, That the President of the United States is authorized and requested to invite the Governments of Great Britain, France, Italy, Germany, and Japan, together with such other governments as may be advisable, that have signed the Kellogg treaty for outlawing war, to send representatives to a conference that shall be charged with the duty of promptly entering into an understanding or agreement on any or all of the following subjects, to wit:

First. The respective governments so represented agree not to permit any public or private interests therein hereafter to render military or naval aid to any belligerents either by selling or otherwise disposing of any ships, arms, munitions, or other war supplies to such belligerents or by gifts or loans of any money or property to those engaged in war.

Second. That prior to engaging in any war, excepting to repel invasion, any of these governments intending to declare war shall give written notice through diplomatic channels to different governments joined in such agreement or treaty, that no declaration of war or breaking of diplomatic relations shall occur until first submitted to the electorate of such governments wherever the right to popular vote exists. Where such right does not exist, a notice of 30 days of the proposed declaration of war shall be given to the respective signatories before any act of aggression occurs on the part of such government.

Third. That no military enlistments or assembling of new bodies of armed men shall be undertaken by any of the governments parties hereto for a period of one year after the signing of such agreement except for the purpose of repelling invasion.

Fourth. That in an effort to carry out the provisions of the Kellogg peace treaty all naval building operations of the several governments parties to such agreement shall cease within 60 days after the signing of the agreement and a 1-year naval building holiday shall occur with the parties to such agreement.

Fifth. That the governments so represented shall be requested to consider any further questions that may properly come within the purview of the Kellogg peace treaty, with public announcement from time to time of any agreements that have been reached and which thereafter may be submitted to the respective governments, so represented, for ratification.

Here is the other resolution, not for other governments, but for our own consideration, also introduced to-day:

Joint resolution proposing an amendment to the Constitution

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring thereto), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States.

Congress shall have power to declare war only after the proposition shall have been submitted by the President to the several States and a majority of the States, at general or special elections called by the governors thereof, shall have approved the same. This amendment shall not be construed to prevent the President from using the Army and Navy to suppress insurrections and to repel invasions.

The right of the people to be secure in their persons shall not be violated by conscription or forced military service, but when public safety demands Congress may provide for forced military service on the North American Continent, and in no other place.

Mr. Chairman, if you will read my remarks of January 9 I am convinced you will be satisfied, from the number and high character of authorities quoted, that another war is in the making; and certainly, if war comes in Europe, we are going to get into that same war.

The World War, in which we played a small part, cost our Government $36,000,000,000. The next war chapter, it is prophesied, will be written within two decades, possibly one.

A New York Times article, dated February 1, 1931, says:

The World War cost the world 23,000,000 human lives and $200,000,000,000 in gold before peace came. The toll of the next may mean extermination, for it will be waged against population centers with gas bombs.

Reference to the inception, prosecution, and results of the World War are briefly offered, only to furnish a picture of what will again happen, unless all signs fail. When an Austrian official was shot in Serbia in 1914 not one American in a hundred believed our own Government would soon be raising 4,000,000 men to fight in that war. Two years after the Serbian incident Wilson was reelected President because he kept us out of war, yet six months after his election we were in that war.

The latter resolution is similar in character to the amendment offered during the World War debate which was introduced and supported by my colleague, the present chairman of the Naval Committee.

That resolution which provides that American boys shall not be conscripted to fight in European wars that will again occur with a plea that we are to help preserve civilization contains a proposal that should meet with favor by the American Congress and by the people if submitted as a constitutional amendment.

It was the issue raised by my colleague in 1917. He was right in his prediction that only a small proportion of the American youth, if composed of volunteers, would have served in that war. I am not expressing any opinion as to the justification for that war or for what occurred through our intervention, but I am seeking as best I can to present facts that may prevent our interference in the next war, and I submit that a right of the people to vote before Congress declares war and a refusal to conscript for foreign wars would go far to that end.

We have just received a veto message from the President of the United States declaring that the boys whom we conscripted and sent into the trenches at a dollar a day shall not be entitled to a reasonable amount of loans on an additional dollar a day which in 1924 we authorized them to receive in 1945, under claim it was adjusted compensation.

THE VETO OF A 50 PER CENT VETERAN LOAN BILL

These soldiers whom we sent to war, many of whom, according to the record, were receiving upwards of $10 a day or more for their jobs, are among the thousands now unemployed and in needy circumstances. The vote in the House of 363 to 39 and the vote in the Senate of 72 to 12 was a response to these boys, and should overrule any veto that may occur.

To show a lack of understanding and consideration in such matters, I say without any personal criticism that the influence which is now supreme with the action of President Hoover was the same influence that caused the veto of the original compensation bills by Presidents Harding and Coolidge. The facts then, as now, were not fairly given to the people, but Congress knew the facts and voted its convictions in all cases.

Secretary Mellon of the Treasury Department is a man who does not understand and never can understand the position of a man, often with a family to support, who received a dollar a day during the war, one-half of which frequently was sent back to support their families. Three hundred thousand of these men are now out of employment, yet the distinguished Secretary, whose enormous wealth is variously estimated at upward of a billion dollars, according to recent figures given to me, and who receives an average daily income of more than $50,000, is not willing to permit these boys to have any increased loaning value given to their certificates, such as would be given by any old-line company if payments were made in advance, like should be given the services of these men who served their Government before the law was passed.

I speak of this to show that while Congress has been quick to permit Presidents to throw troops into European trenches, the men who urge us to do the throwing are not the men who serve but are the men whose property is being protected abroad by men who, willing or not, fought in European trenches. These boys defended our rights in that war, and to refuse them scant help is an evidence of the need of a constitutional amendment that will not permit any President to send conscripted American youth into the trenches of Europe again to end another war to end wars. For national defense on our own soil; yes; but not by stretching the meaning of national defense to cover billions of property abroad owned by Americans who are hard-boiled when any recognition for such service is urged.

"PARITY" PROPAGANDA

As frequently stated, "parity" propaganda is absurd for there is no danger from England, with Canada unprotected and all her colonies more or less in a state of unrest and with her commercial and political rivals at her doors, to ever engage in war with this Government. Four thousand miles of Canadian border unprotected is an answer to that proposition and also that all the armies in the world, if combined, which of course is impossible, from the nature of things, would be unable seriously to affect our people.

Twenty million men could be enlisted or forced into service as quickly as those sent 14 years ago to France. In such a war there would be no hesitation on the part of any patriotic citizen, and if there was, it would quickly be overcome by practically unanimous voice of Congress and the people.

It is an entirely different question to send these boys again to fight in France. I agree with the position taken by my Illinois colleague at the time of the declaration of war that while volunteers should be permitted to engage in any war that may occur abroad, that with Congress so easily affected by war propaganda and war hysteria or a President of the United States who might precipitate a foreign war, he should not be permitted to send our soldiers again into another European conflict.

Of more pressing importance possibly in an international way is the first resolution introduced that seeks to have a conference of nations for the purpose of declaring a military and naval holiday for a year or more, and that all nations furnishing munitions of war to belligerents under existing custom should join in a refusal to permit any aid of money or munitions.

This resolution is suggestive of a course that may properly be pursued by our Government in view of the fact that it has given to the world the Kellogg peace treaty, now signed by 53 nations that have agreed to outlaw war.

If this agreement means anything and is more than a mere gesture, we should by our acts, as well as our professions, show the nations of the world that we are sincere and are not carried away by wild preparedness war programs advocated by those who are belaboring Congress with their demands.

As a layman without any especial claims to recognition, I do not expect these resolutions to meet with any early attention. No newspaper would carry such immaterial or insignificant proposals.

An effort to raise the income tax from those best able to pay in order to provide for the increase in soldiers' loans may get press recognition because that affects the pockets of people who are most interested in dollars, but matters of human welfare for our Government and also for the governments of the world are not of serious moment to the press generally. What is news and sensation is reflected in the case of the man biting the dog or the dog biting the man.

There may be those who believe it is impossible or improbable that this Government would be thrown into another European war. To these doubters let me quote some direct testimony of propaganda that occurred prior to the vote of 1917, when my distinguished colleague from Illinois helped lead the opposition to that declaration, propaganda that affected Congress and influenced its declaration of war.

Remembering that the Spanish-American War occurred over 30 years ago and the World War only 14 years ago, and that "propaganda" and press power has now grown beyond the dreams of those days, a repetition of such propaganda intended to bring our country into war could easily do so again.

MR. NORTHCLIFFE'S METHODS

On page 163, Bent, in his books on press methods, says significantly in relation to the World War:

> Pomeroy Burton, managing director of Northcliff's London Mail, came to the United States to address the advertising bureau of the American Newspaper Publishers' Association and told its members how to use the advertising columns in the emergency by printing in them day after day and week after week patriotic appeals to the people calculated to stimulate their war spirit. * * * Keep the war spirit there first, last, and all the time.

Bent significantly concludes that this advice—prior to the World War—became the program. If that statement is substantially true, what of the responsibility of Congress for permitting unchallenged these conditions, when Bent adds:

> The effect of war on the press makes it the subservient channel of propaganda often wholly untrue. It is a quality of propaganda that, like bribery, stultifies him who gives as well as him who receives it. It closes the minds of both to truth, encourages arrogance, and engenders intolerance.

What can be added to this arraignment of the press by a writer who literally offers hundreds of examples of press methods that are fit subjects for severe criticism, all inviting some curtailment of the liberty of the press during war as now interpreted. If that liberty of the press, whether due to English or American agencies, contributed largely to our entry into a war in which $36,000,000,000 was spent by this Government and 100,000 American boys lost their lives, such responsibility deserves some effort at future restriction. I realize the constitutional provision of free speech and press, but other provisions insure life, liberty, and the pursuit of happiness, all scrapped during war.

If it has occurred repeatedly in the past, what of the future?

From the CONGRESSIONAL RECORD of February 13, 1917, I quote on this subject of war propaganda by the press, and I was present at the time of the discussion:

> Mr. MOORE of Pennsylvania. Mr. Speaker, on February 9 the gentleman from Texas [Mr Callaway] asked unanimous consent to extend his remarks in the RECORD, which consent was granted by the House. He did not read the remarks and they were not read to the House. They were buried under leave in the CONGRESSIONAL RECORD. I question whether a single newspaper in the United States has taken cognizance of the remarks of the gentleman from Texas. This, Mr. Speaker, is what the gentleman from Texas printed in the RECORD, and it constitutes, as I believe, a question of the highest privilege, involving the honor of the House:
>
> "In March, 1915, the J. P. Morgan interests, the steel, shipbuilding, and powder interests, and their subsidiary organizations, got together 12 men high up in the newspaper world and employed them to select the most influential newspapers in the United States and sufficient number of them to control generally the policy of the daily press of the United States.
>
> ALLEGED PURCHASE OF POWERFUL PROPAGANDA FOR WAR
>
> "These 12 men worked the problem out by selecting 179 newspapers, and then began, by an elimination process, to retain only those necessary for the purpose of controlling the general policy of the daily press throughout the country. They found it was only necessary to purchase the control of 25 of the greatest papers. The 25 papers were agreed upon; emissaries were sent to purchase the policy, national and international, of these papers; an agreement was reached; the policy of the papers was bought, to be paid for by the month; an editor was furnished regarding the questions of preparedness, militarism, financial policies, and other things of national and international nature considered vital to the interests of the purchasers.
>
> "This contract is in existence at the present time and it accounts for the news columns of the daily press of the country being filled with all sorts of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy, and the possibility and probability of the United States being attacked by foreign foes.
>
> "This policy also included the suppression of everything in opposition to the wishes of the interests served. The effectiveness of this scheme has been conclusively demonstrated by the character of stuff carried in the daily press throughout the country since March, 1915. They have resorted to anything necessary to commercialize public sentiment and sandbag the National Congress into making extravagant and wasteful appropriations for the Army and Navy under the false pretense that it was necessary. Their stock argument is that it is 'patriotism.' They are playing on every prejudice and passion of the American people."
>
> I have in my hand a little of the information that this House should have to better understand this situation. I shall refer to it, hoping that somebody upon the other side will introduce a resolution in order that we may get additional information about the influences that are said to be doctoring the newspaper sentiment of the United States in the interest of one of the great belligerents, trying to drag us into war that we may "pull their chestnuts out of the fire." And that I may not be misunderstood, let me say that I want no dictation from the Kaiser any more than I want it from Lloyd George. I want no dictation from Lord Northcliffe, the head of the great newspaper fraternity of Great Britain, with certain alliances in the United States, any more than I would accept it from Von Hindenberg. [Applause.] Let it be understood that I want to be free as an American Representative—as I assume all of us do—to help rule this country as our country and its people ought to be ruled, free from any domination in the whole world, and free from any mercenaries, whether they be in the pulpit or in the banking house.

CONGRESSIONAL RECORD, February 15, 1917, came a renewal of the debate:

> Mr. MOORE of Pennsylvania. Mr. Speaker, I can speak a little for the common people of the United States this morning. I have been hearing from them in thunderous tones during the last three or four days; the mere reference to the fact that there is a liberty bell still existing in the United States, and that the old hall where American independence was proclaimed and where the Constitution was given to the people still stands, has reechoed throughout the country. The responses coming in from every State of the Union are expressive of the American heart upon this question of foreign alliances—with almost a unanimous voice they are sounding praises to Almighty God that some men remain in the Congress of the United States who adhere to American principles

THE PRESS ALLEGED TO BE SILENT AS TO CHARGES

I stood upon this floor and quoted the gentleman from Texas [Mr. Callaway], and I read his speech into the RECORD, which speech charged that the J. P. Morgan interests had arranged with 12 great newspaper men with a view of influencing other newspapers, and that those newspapers—25 of the greatest of them—were being paid for the service they are rendering in the promotion of the war spirit, and in the teaching of a false patriotism in the United States, misleading the people into the belief that this war in Europe is an American war. It was the gentleman from Texas [Mr. Callaway] who made that charge. He put it in the CONGRESSIONAL RECORD.

So far as I know, not one newspaper in the United States published that remarkable statement; and it was not published at all until I made reference to it on the floor of the House and invited some one of the majority to introduce a resolution to investigate it. I repeat now that challenge to the majority of this House, a challenge to introduce a resolution to inquire whether or not newspapers are actually subsidized, as charged, because it is due to honest journalism in the United States that the real facts with regard to this monstrous proposition be known to the taxpayers of this land, whose blood must be let and whose burdens must be tremendously increased if we are to be driven into this fierce controversy across the seas.

I will leave that challenge stand for the day. If no one of the majority will introduce that resolution, I shall expect to introduce it myself, in fairness to those men in this country who are writing newspaper articles and publishing newspapers, who want to be free from suspicion that they are under the Morgan influence or that they are dominated by Lord Northcliffe or the moneybags of London or Berlin.

Mr. Chairman, here was a statement made 60 days before our entry into the World War in which it was charged that 25 great papers in this country had been influenced, supposedly by Lord Northcliffe, to press England's case on us so we would take up her battles. The same charge was repeated in other places; but, as Moore said, no American paper would publish a denial or ask for an investigation of the facts.

Both Callaway and Moore, with whom I served, were among the strong, independent, fearless men of the House, but the air was surcharged with efforts to force our country into war at that time, so it was a hopeless attempt to get the facts before the people. I do not make charges, but if any truth exists in the public statements made to the House, what is the remedy?

Will the same situation again arise? If not, why not? In justice to the Hearst press that is charged with fomenting discord, let me say it is my recollection that this powerful influence was not among those included in Moore's charge. Whatever may have been its influence in urging our entry into the Spanish-American War or interference in Mexico, that agency did not press us into the World War.

MAGAZINES JOIN PRESS PROPAGANDA FOR WAR

The most conspicuous American writer of this year in many respects is Sinclair Lewis, the first American winner of the Nobel prize. A forceful writer who fortifies his charges with much testimony respecting the influence of the press in precipitating war, he says in his sensational volume, Brass Check, page 378:

> The writer of this book gave his support to the war against Germany and has no apology to make for that course. * * * But any support of the war did not mean that I had given myself into the hands of war profiteers.

He continues:

> Long before America entered the war McClures turned all its energies to a campaign for "preparedness." The American, the Metropolitan, the Outlook did the same.

He names other popular magazines which he declares became "partisan organs of hate." In like manner, he quotes from leading papers of the country to show misrepresentation and sensational stories used to influence public opinion for war by propaganda.

Extreme statements and conclusions which, however true, in fact have no direct bearing on the discussion of press propaganda that precipitates war, are not here quoted but furnish interesting reading because of their warning of future possibilities.

RESPONSIBILITY OF THE PRESS FOR WAR

The war to end wars forced us into that struggle only after more than 30 months of trench fighting by Europeans which often resembled a stalemate. Wilson did not want to declare war. He was elected in the November previous because he kept us out of war. The Republican platform of 1916 said specifically:

We desire peace, the peace of justice and right, and believe in maintaining a strict and honest neutrality between the belligerents in the Great War in Europe. * * * We believe in the pacific settlement of international disputes and favor the establishment of a world court for that purpose.

Yet, within a few months after that solemn pronouncement the pressure of the press and interests that had urged war were too great to withstand by either Wilson or Congress, and both yielded to that pressure.

Lansing exercised his voice in ill-disguised threats so that he would not be overlooked as Secretary and then became belligerent at the last, but Wilson sought to avoid the whirlpool. Finally he, too, capitulated, and his message to Congress demanded in no uncertain terms that Congress should do that which under the Constitution it had the sole power and right to do—declare war. The President in effect declared war and Congress consented. These matters I have discussed heretofore more at length.

Many interests, including international bankers holding foreign investments, the Army and Navy, and various "security leagues," patriotic orders, and defense societies, were shouting in unison for our entry into the war, but undoubtedly the powerful secret propaganda put forth by British interests acting through American newspapers helped turn the trick. Vast sums were reported to have been spent in that campaign. What papers were paid and how much will never be known, nor is it now important. The question is, Will that situation again arise? If not, why not? If so, what of the outcome?

THE PRESS

Every American is proud of America's press that in enterprise stands first in the world. All know this result has been brought about by many brilliant writers, news gatherers, and able managers.

I will not discuss the oft-repeated charge that the news and editorial columns of many papers are colored by the advertising columns or that frequent well-organized propaganda gives color to the charge that directly or indirectly it is in exchange for value received. A necessary asset of every newspaper is circulation and more circulation, which is invited by sensational news items, startling headlines, and misleading news.

Because of its record and growing influence to bring on wars, a brief discussion of this threat in times of diplomatic differences between nations is not to be ignored.

Sir Philip Gibbs, described by the New York Times as England's best known journalist, recently said that "the average Englishman is not quite sure of the attitude of the United States." Sometimes he suspects that "the American people may be swept by an emotionalism fanned by a patriotic propaganda, a yellow press which would be dangerous to themselves and all others." That is a situation also understood by the average American. Mr. Gibbs remembers a press propaganda that helped sweep us into a war with Spain and which was equally responsible for like propaganda that swept us into the World War.

I may have drifted far afield from the discussion of useless battleships as afforded by this bill, into a suggestion of influences that helped bring about the last war and will be potent when another war threatens.

The courageous attitude of my colleague, chairman of the Naval Committee, during the debate on the declaration of war against Germany has led me to hope that he will extend the large influence in naval affairs he has now gained so as to support the Constitutional amendment I have introduced and which he strenuously fought for 14 years ago. His amendment if adopted would have prevented the conscription of American boys to fight in European trenches.

The passage of both joint resolutions I have introduced would do much to further international peace and to prevent our own Government from becoming involved in any needless European conflict.

It is certainly right in principle to say that every nation should be willing to join in a military and naval holiday during which these nations can continue their rehabilitation industrially and save heavy tax burdens for military and naval purposes.

It is equally certain that every nation might be induced to avoid furnishing munitions to possible belligerents during the term of the agreement. That is the substance of one resolution.

Our Government could better afford to be an influential power at the making of peace terms than by seeking to aid one or the other of the belligerents, unaware of secret treaties and other causes that have provoked wars in the past.

By permitting people who pay the bills and fight the battles to pass upon the merits of any cause for war before a declaration is made by Congress would go far to prevent needless wars.

These suggestions are offered for those who are more interested in carrying out the purposes of the Kellogg peace treaty than for admirals or "pseudo admirals" who are interested alone in the size and value of battleships, all of which are becoming an unprecedented tax burden to the people of the United States without any resulting benefit, excepting to those financially interested.

A national defense force that will give reasonable protection will be far preferable to a great preparedness program that has never yet advanced the cause of peaceful relations between the people of the earth.

Mr. COCHRAN of Missouri. Mr. Chairman and members of the committee, the bill provides for alterations and repairs to certain naval vessels. Thirty million dollars will be necessary to put the ships, three in number—the *New Mexico*, *Mississippi*, and *Idaho*—in such condition that they will be equal to if not superior to vessels in the same class in the British Navy. To-day, if these ships were in an engagement with vessels of the same class in the British Navy, they would be at a great disadvantage as the British vessels would be able to keep out of range of our guns, but at the same time our vessels would be within range of the British guns. The hearings clearly develop this fact. Therefore we should modernize our ships and I propose to support the bill.

No red-blooded American can read the statements of our naval officers made before the committee and do otherwise. Further, I am convinced from the hearings that we should pass the naval authorization bill before adjournment.

I fully realize it should be left to the judgment of the naval experts; that is, the nature of the alterations and repairs, but I desire to call to the attention of the House a factor involved and express the hope that our naval experts will give some consideration to my suggestion. The hearings show it is the purpose of the department to install new engines in the three vessels. My suggestion is that an American-constructed Diesel engine propelling plant be installed in one of the three, and I propose to tell you why I feel this should be done.

In the RECORD of January 28 you will find my remarks entitled "Naval Construction Bill and the American-constructed Diesel Engine." In the RECORD of February 9 you will find a letter addressed to me by the Secretary of the Navy, Mr. Adams, commenting on my remarks of January 28, as well as my reply to the Secretary. After my reply to the Secretary's letter I had, at his request, a conference with him, and I feel free in saying that the Secretary is in full agreement with my view that the Diesel industry in this country should be encouraged, and, if I am not mistaken in his attitude, he will see that it does receive encouragement from the Navy Department if an opportunity arises. He agrees with my contention that this industry is a valuable arm of our national defense and that in time of war will be needed by our country and it should be placed in a position where it can quickly respond in event of an emergency. There is only one way this can be brought about, and that is

by the Government having its Diesel engines constructed by private corporations in this country for use in our submarines and other vessels where the installation of a Diesel engine is practicable.

Now, why do I suggest the Dieselization of one of these three ships to be modernized? It would not only encourage the industry but by doing this the Government would be cooperating with the Diesel engine manufacturers in this country in developing proper and suitable naval engines, just what we need, and what our admirals have told our committee we need.

In this connection I would like the attention of the gentleman from Illinois [Mr. BRITTEN].

I notice in the hearings on the authorization bill the gentleman from Illinois, who is always fair, severely criticized the Diesel engine industry in this country, and I want to ask the gentleman if at the time he was talking he was only referring to the Diesel engine that goes in the submarine, the small, light engine?

Mr. BRITTEN. The only thing that was before the Committee on Naval Affairs at that particular moment was the Diesel engine for submarine use. It was not the Diesel engine for general use, and my remarks applied then, as they do now, only to the Diesel engine as it is applied to the submarine.

Mr. COCHRAN of Missouri. Let me say that the gentleman's remarks were not only printed in this country but they were printed abroad. Does not the gentleman feel that in all fairness to the Diesel engine industry in this country, when no manufacturer in this country has received a contract of any kind from the Navy of the United States to build a Diesel engine for our submarines for over 10 years, that he should not criticize the private industry for not keeping abreast with the Diesel manufacturers in foreign countries?

The Diesel engines manufactured for the Navy since the war have been manufactured in navy yards by the Navy, and if they have not kept abreast with the Diesel engine manufacturers abroad it is the fault of the Navy Department and not the fault of private industry.

Mr. BRITTEN. I think that is true, but there is only one firm in the United States that is now able to manufacture Diesel engines for submarines.

Mr. COCHRAN of Missouri. No. There are a dozen in the United States that can manufacture them now according to any specifications that the Navy might desire.

Mr. BRITTEN. I hope the gentleman is correct.

Mr. COCHRAN of Missouri. Let me ask the gentleman one more question. Is there any reason in the gentleman's mind why the Navy officials should not take the American Diesel industry into their confidence and cooperate with them in an effort to get a better Diesel engine manufactured by the American industry?

Mr. BRITTEN. That is exactly what the Navy Department and the Committee on Naval Affairs desire to have done.

Mr. COCHRAN of Missouri. I sincerely hope the Navy Department will carry out this policy. I feel I am in a position to say the American Diesel engine builders are willing and ready to cooperate at any time the Navy says the word.

It has been demonstrated beyond question that the Diesel engines with a given amount of fuel will double the cruising radius of the Navy.

In time of war the merchant marine is called into service, therefore it is proper to mention here that practically all of the merchant ships of all great maritime nations of the world are being Dieselized while the American merchant marine is still clinging on to steam. Can all of these nations be making a mistake? Surely experience with the Diesel engine has warranted this change or they would not have been installed.

Everyone has in the past, and must now, respect Germany's ability to place on the water war vessels and merchant ships equal if not superior to any afloat. Right now Germany is constructing the *Ersatz Preussen*, a Diesel ship which is understood to have a cruising radius far in excess of 20,000 miles.

There is absolutely no reason why the American industry can not duplicate these German-built Diesels, because as I said in my remarks of January 28 all of our leading Diesel manufacturers have arrangements made with the leading Diesel manufacturers of Germany and other countries in Europe whereby they exchange all technical knowledge, drawings, and designs, and whereby they collaborate freely with each other with respect to inventions, processes of manufacture, and all other Diesel-engine improvements. A comity exists whereby our leading Diesel-engine plants exchange engineers with the leading Diesel manufacturers of Europe. American Diesel engineers go personally into the Diesel plants of Europe and collaborate with them freely regarding processes, inventions, designs, and modern improvement, and engineers from the European plants do the same in Diesel-engine plants of the United States.

Then again, as I previously explained, engineers and experts from European plants have frequently conceded that American castings are superior to those of European plants. American-made tools are used in most of the Diesel engine manufacturing plants in Europe. Many European-trained Diesel engineers of the highest ability are employed in American plants. They have been attracted to American plants because of the higher wages paid in this country, thus supplying American plants with some of the most skillful and ablest engineers in the world.

Contrary to official statements from certain quarters in Washington, the leading Diesel-engine plants of the United States have operated successfully and profitably for approximately 20 years, and this notwithstanding the lack of supporting orders from our Navy and merchant marine, and most of the firms have by experimentation and collaboration with the best Diesel-engine plants in Europe kept fully abreast with the European Diesel development.

There can be no question but what American Diesel engineers are just as skillful and just as competent as any engineers of Europe. The Diesel industry of Europe is much larger because European governments support these industries. If our Government would support the Diesel industry of the United States our industry would also become large.

If this be true—and it can not be denied—then would it not be wise to Dieselize one of these great vessels? The latest type of Diesel engine can be manufactured in this country by an American manufacturer, and, while the cost would be substantially greater than a steam plant because of heavy development expense for first engines, this would be fully justified by the increased sailing radius which on foreign service would make one Diesel man-of-war equivalent to nearly two steam vessels.

It will afford a wonderful opportunity to compare the two from every standpoint.

Secretary Adams said in his letter to me:

The Navy Department fully concurs in the statement as to the necessity of encouraging Diesel engine builders in this country to produce Diesel engines suitable for naval use. It is entirely true that in time of war the Navy must depend upon commercial companies for such engines.

Here is an opportunity not only to encourage the American Diesel industry but for the Navy Department to determine for itself the real value of the Diesel engine.

Mr. Edward B. Pollister, the president of the Busch Sulzer Diesel Engine Co., of St. Louis, Mo., which has kept fully abreast with European Diesel practice, recently wrote me as follows:

For several years the American Diesel engine industry (excluding shipyards) has received no orders for either Navy Diesels or for the new merchant marine, building under Government aid.

During this period, German private Diesel builders have developed for the German Navy the 50,000-horsepower Diesel plant for the *Ersatz Preussen* type of cruiser, of highest economy and greatest sailing radius.

Ship-subsidy legislation, that has been possible only by support of the great Middle West, with Government aid for ship construction, contains the following specific safeguard, to prevent Government funds loaned to private citizens from being invested in other

than the most modern, up-to-date ships, which are the security for such loans: "*Provided*, Such vessels shall be fitted and equipped with the most modern, the most efficient, and the most economical engines."

All but one of the passenger-cargo vessels constructed under the aid of this Government legislation has been fitted with lower cost but less efficient and less economical steam equipment. In contrast, Lloyd's reports December 31, 1930, covering ships under construction throughout the world of from 6,000 to 15,000 gross tons—121 Diesel ships compared with 28 steamships.

Recently I read in the New York Times an article headed "German Battleship Astounds Engineers—London Experts Laud *Leipzig's* Use of Diesel and Steam to Develop 32 Knots."

Naval experts in London, according to the article, who had an opportunity to examine the plans for the new 6,000-ton cruiser *Leipzig*, declared that Germany had sprung another surprise in naval construction.

It had only been a year, the article stated, that Germany's pocket battleship, the *Ersatz Preussen*, created a sensation in the engineering world; and that the *Leipzig* is the first vessel to employ both steam and Diesel engines for propelling machinery.

It was brought out that the *Leipzig's* oil and turbine engines are capable of working independently, either giving a speed of 18 knots for a total radius of 7,000 miles, but together and developing full power the *Leipzig's* speed will be 32 knots, and she will be able to maintain this tremendous speed for a longer period than any naval vessel afloat.

Further, it was contended, Germany has now four pocket battleships of the *Ersatz Preussen* type, with five cruisers built or in process of building, and that when these vessels are in commission she will possess a fleet, in the opinion of one expert in London, unquestionably superior, ton for ton in fighting mobility and radius, to any naval force in the world. The *Leipzig's* hull is, provided with large bulges, primarily intended as an antitorpedo device, but capable of being used for the emergency storage of vast quantities of fuel oil. It is estimated that these, in addition to its normal supplies will give the cruiser a range of 11,000 to 12,000 miles at 18 knots. The *Leipzig* type cruiser will be armed with nine 6-inch guns, 4 antiaircraft guns, and 12 torpedo tubes. It has three propellers, two turbine units developing 60,000-horsepower each, and a Diesel engine driving the center propeller of 12,000 horsepower.

I predict that other nations will not let this go unnoticed, so why should this country not do some experimenting, if it can be called experimenting. Like Germany, we must develop improvements if we are to keep abreast with the navies of the world.

The Diesel industry in this country is not an infant industry. It is a great and growing institution, and all it asks at the hands of the Government is fair play. If we will need them in time of war, we should patronize and encourage these manufacturers during time of peace.

They ask for no subsidy, but will agree to construct any type of Diesel engine any branch of the Government desires. As an indication of the expansion of this industry I call your attention to some of the leading Diesel engine manufacturers in this country: Hooven, Owens, Rentschler Co., of Hamilton, Ohio; Busch Sulzer Diesel Engine Co., of St. Louis; Nordberg Manufacturing Co., of Milwaukee, Wis.; New London Ship & Engine Co., of New London, Conn.; Sun Building Co., of Chester, Pa.; MacIntosh-Seymour Corporation, of Auburn, N. Y.; Fairbanks-Morse Co., of Chicago; Cooper-Bessemer Corporation, of Grove City, Pa., and Mount Vernon, Ohio; Winton Engine Corporation, of Cleveland, Ohio; Hill Diesel Engine Co., of Lansing, Mich.; Worthington Pump & Machinery Co., of Harrison, N. J.; Fulton Iron Works, of St. Louis; the Atlas Imperial Diesel Engine Co., and the Union Diesel Engine Co., both of Oakland, Calif.; and the Western Enterprise Engine Co., of Los Angeles, Calif.

Mr. PATTERSON. Mr. Chairman and members of the committee, it is not my purpose to make uncomplimentary remarks in criticism of my colleagues because they have a different view of this matter than that which I have. It is not my purpose to use expressions which would tend to reflect on them and their honesty of purpose. Neither do I expect to give out any statement to the papers along that line. It is not my purpose to speak of the scientific qualities of this measure. They have been discussed, and those of you who are interested can find out about them by reading the RECORD and other available material in abundance.

I want to be modest and I want to be conservative in my statements. I believe I will say that this is an uncalled for and wasteful expenditure of money. I do not believe we should spend this money on these battleships at this time. The gentleman from Illinois brought that out in his own speech when he said that the Government had spent near $11,000,000 on three other battleships and they were either scrapped or were in a condition to be scrapped, if I understand the situation.

Mr. BRITTEN. All but two.

Mr. PATTERSON. What is the other one to be used for?

Mr. BRITTEN. One will be used as a target ship, and it may take 5 or 10 years to destroy that ship.

Mr. PATTERSON. I do not know how long it will take to destroy it. It may take 20 years to finish it. I want to try to speak in a broad way about this question. I want to speak about what it means to us as a country.

There are two schools of thought in this country with reference to this matter which we have under discussion. One is that school of thought which believes that we are in a naval race with the great countries of the world. That was well indicated when the gentleman from Illinois spoke about "the battle." He was speaking about "the battle," and I hope when he comes to revise his remarks he will tell us what battle he refers to. That school of thought believes we are in a naval race and that we should build our Navy to such an extent that it will be superior to the navy of any country in the world. When you seek to outdo any competitor it means that there is going to be a continuing race. That is what we will be in if we carry out the recommendations of the gentleman from Illinois and those who are sponsoring this legislation. It will be a continuing race to try to build the greatest navy in the world. Then, there is another school of thought which believes that we should only have an adequate Navy for defense purposes. I feel that I am of the latter school. That school of thought believes that we should not build a Navy and Army to such an extent that we will try to outrace any country in the world and boast the strength of our Army and Navy. I do not believe that the perpetuity and safety of a country is wholly in these things, but in something more and finer—its spirit and that of its people. Every nation which has entered a race to outdo the world in arms have entered trouble. Yea; I want to ask you if every nation which has entered this race and staked its hope on such things have not speedily decayed? Take Spain and the Armada, Germany, and others.

You will recall the propaganda which was shown to have existed several years ago, when it was shown how much money had been spent by the companies which were interested in selling materials for the building of these ships. You recall the propaganda that was shown to exist for a great naval-building program by those who wanted to put that into operation in our country.

I think another weakness in this matter is that it comes here at a time when the Congress and the Government could not spare a few hundred thousand or a few millions of dollars for relief of distress in the country, yet at the same time they can spend this $30,000,000, and 10 years from to-day I am sure that every Member believes there will be new projects or new inventions that will cause us to scrap these ships and continue to carry on a race for additional armament. No, my friends, this thing has no end and will lead to trouble and war. I will state what I believe to be two fundamental truths: First, that more nations get into war which are preparing for it and are prepared for war than those which are only prepared for self-defense. Second, we see this same truth manifested among our fellow men. He who prepares for peace usually has peace, and he who prepares for war usually has that.

Finally, I wish to say that no treaty should nor does it bind us to build to the limit of that treaty. In my judgment, we should not authorize this expenditure at this time.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

Mr. BLACK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BLACK. Mr. Chairman, I rise in favor of the amendment offered by the gentleman from Oklahoma.

Mr. Chairman, on this question there is a school of thought for the Navy and there is a school of fish against the Navy.

The gentleman from Wisconsin [Mr. FREAR] said that the men from the navy-yard districts had a personal interest in this matter. I want to say to the gentleman that the Democrats from New York are the most patriotic Members on this question in the House, because we fight year in and year out for a great Navy and then the administration gives all the navy-yard jobs to the Republicans. [Laughter and applause.]

They talk about money being spent for the Navy. If there is any reason for the existence of the Federal Government, if there is any reason for the existence of a Congress, if there is anything back of the Constitution at all, it is the fact that we are a central government needing a navy and an army to protect it in its treaty arrangements with foreign countries.

My good friends, the most disastrous thing that happened here to-day was that my friend, Major LAGUARDIA, lost his 100 per cent record for efficiency. He asked where were the *Rodney* and the *Nelson* during the World War. As a matter of fact, the *Rodney* and the *Nelson* were not laid down until 1922 and were not completed until 1927.

Our friend—not a friend of the Navy, but my friend—the gentleman from Idaho [Mr. FRENCH] had a lot to say about the Navy League. There was no Navy League when the Constitution was adopted and there were no pacifists. What has the Navy League to do with it? If we had no Navy League is that any reason why we should have no Navy? If we have a Navy League, is that a reason we should have a Navy? What difference does it make who is for or who is against this proposition? Our duty under the Constitution is to provide for the national defense. Time and time again, by treaty, we have solemnly said that we must have a Navy equal to Great Britain. Our Navy Department says we have not it and our Committee on Naval Affairs says we have not. Let us do our duty under the Constitution and support the Naval Affairs Committee on this proposition and build up our Navy. [Applause.]

Mr. BRITTEN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in one minute.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin and Mr. FREAR) there were ayes 102 and noes 27.

So the motion was agreed to.

Mr. BRITTEN. Mr. Chairman, I hope that the House will vote down the amendment offered by the gentleman from Oklahoma [Mr. MCCLINTIC], not because it is a bad amendment, but because it is not necessary. The matter that the gentleman from Oklahoma [Mr. MCCLINTIC] is aiming to accomplish was accomplished in the Committee on Naval Affairs when it sent the gentleman's motion to the Secretary of the Navy and got his reply of February 9, in which he said:

> When the department has had opportunity to go into the matter thoroughly I shall take pleasure in forwarding the results of this investigation.

Which investigation is with respect to attaching to these ships airplane launching and handling devices. An item for airplane launching and handling devices is already in the report at $77,000 per ship. So that the gentleman's amendment will merely throw the bill into conference, and I hope the amendment is voted down. [Applause.]

Mr. MCCLINTIC of Oklahoma. Mr. Chairman, I ask unanimous consent that the amendment may be again reported, so that the members of the committee may know exactly what we are voting upon.

The McClintic amendment was again reported.

The CHAIRMAN. The question is on the motion offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. MCCLINTIC) there were—ayes 40, noes 118.

So the amendment was rejected.

Mr. COLLINS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> Line 4, after the word "Idaho," insert a comma and the following: "in lieu of the amount described in the act of August 29, 1916 (39 Stat. 605)."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. If there is no further amendment under the rule, the committee will rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOLADAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 4750, and under the rule had directed him to report the same back without amendment.

Mr. BROWNE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that no quorum is present. The Chair will count. [After counting.] Two hundred and forty-five Members are present, a quorum. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken; and on a division (demanded by Mr. FREAR and Mr. FRENCH) there were 205 ayes and 68 noes.

Mr. BROWNE. I demand tellers.

Mr. HOWARD. The yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Nebraska demands the yeas and nays. All in favor of the yeas and nays will rise. [After counting.] Forty-seven Members have arisen, not a sufficient number.

So the bill was passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS—ALTERATION AND REPAIR OF CERTAIN NAVAL VESSELS

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent that all Members of the House may have until the end of the session in which to extend their remarks in the RECORD on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LANKFORD. Mr. Speaker and Members of the House, in connection with the program of modernization or reconditioning of the battleships *Mississippi*, *Idaho*, and *New Mexico*, I wish to say that I thoroughly disapprove of any remarks made on the floor or in the press reflecting in any way on my friend, Mr. FRENCH, the gentleman from Idaho. While we differ as far as the poles on the question of modernization of these battleships, there is no man in the House for whom I have a higher regard for his ability, his earnest work, and his sincerity—and honest differences of opinion affords no ground for personal criticism of any Member of the House.

In connection with the debate on modernization so much misinformation has been disseminated, not intentionally but through lack of information, that I feel it necessary to correct some of the statements made in the heat of debate and without accurate information.

These battleships are referred to as old and ready for the dump heap. As a matter of fact, these ships are only 12 years old, are practically as good as could be built to-day, with the exception of the improvements sought to be placed on them by this modernization program. The cost of these battleships was in excess of $30,000,000 each. When the

gentleman from Wisconsin, therefore, refers to the cost of the modernization as being in excess of the original cost of the ships he is simply misinformed. The cost of a modern battleship to-day is approximately $40,000,000, and while it is very probable, on account of the excessive cost of this type of ship, that new battleships may not be built in the future, certainly the nations that are now provided with modern battleships will not scrap them, and every effort will be made to maintain them during the life of their efficiency. The life of a battleship after modernization will be about 15 years, and under present conditions the battleship is regarded as the backbone of the fleet, and the best advice from the naval authorities is that they are absolutely essential to the operations of the fleet to-day.

Mr. STAFFORD, of Wisconsin, constantly referred to the fact that colliers were now the most efficient and useful units in the fleet. It is evident that the gentleman from Wisconsin does not know that a collier is simply a coal-bearing ship, almost antiquated now as most of the ships of the fleet are equipped with oil burners.

So opposition from Members, no doubt sincere, but with so little information on the real subject in issue should hardly be taken seriously.

The gentleman from New York, ordinarily so well informed and accurate in his statements, sought to convince the House that the day of the battleship was past because it could be destroyed by airplane attack. In the last test to determine the effectiveness of airplanes against battleships a battleship was anchored and bombed constantly for a day and a half without the protection of antiaircraft guns; the battleship anchored, and the planes dropping bombs from approximately 3,000 feet, and yet, under these ideal conditions, it took a day and a half for the planes to sink the battleship. If this battleship had been protected with 5-inch armor plate on its deck, as is contemplated under the modernization program, the aerial attack would never have been effective; and, if equipped with antiaircraft guns and protected by friendly airplanes, the attacking planes would not have approached lower than 10,000 feet, if at all, and probably not a single hit would have been made.

The 5-inch armor on the deck is also necessary by reason of the increased elevation of all modern guns in order to protect the ship from a shell of high elevation dropping on its deck. It is proposed in the modernization program to elevate the guns, increasing the range by 4 or 5 miles; increasing the thickness of the deck armor to 5 inches, which is sufficient protection from either gunfire or bombs dropped from airplanes; increasing the size and caliber of antiaircraft guns; installing blisters on the sides of the vessels to protect them from submarine attack; and renewing the boilers and engines so as to maintain the same speed and to prolong the life of the ships in keeping with the other improvements.

Every American is naturally proud of the history of the American Navy; it has never lost a battle, and no loyal American wants to see it in such condition that it may lose one. Without mentioning any particular points, every well-informed citizen to-day knows that there are half a dozen danger spots in the world liable to flare up into a widespread conflagration at any time. No one would think of owning a $50,000 home and covering it with a $10,000 insurance policy, nor is it wise for the United States, the richest nation in the world, with the longest sea line, to leave itself uninsured and unprotected in a time like this, with world conditions anything but happy and stable, and our best insurance policy is an adequate and efficient Navy.

We maintain only a skeleton Army in times of peace and the Navy is our first line of defense for protection from sudden attack until our land forces can be mobilized.

My good friend, Mr. FRENCH, referred to the fact that it was unfortunate that we should be making faces at other friendly nations by building up our fleet. Certainly we do not feel that England is making faces at us by providing for her protection and safety the 15 modern battleships allowed her under the London naval conference, nor do I believe that any nation will construe it as making faces at them for us to similarly provide ourselves with the protection agreed to by all parties at this conference.

As a matter of fact, every nation must know that the United States Navy and the United States Army has never been called into battle in an aggressive or unjust war; that our sword has never been drawn save for a just cause. Our policy is one of peace and never one of oppression or aggression and I sincerely believe that the nations of the world would look with favor on an American Navy, the equal of any nation in the world, knowing the feeling that it could depend upon us to use it only in a just and righteous cause.

Ship for ship, man for man, and gun for gun, I would back the American Navy against the world, but we have no right, with our enormous wealth and ability to provide protection, to subject our naval officers and men to unnecessary danger or risk by providing them with inferior and unequal equipment, by sending them into battle against a modern fleet and subjecting them to the danger of being destroyed before they could fire a gun; and such would be the case on these ships which are outranged by 4 or 5 miles by the modern ships of other first-class nations.

The thought was also advanced in the debate that the only purpose of some of us who stand for an adequate navy was in order to secure work for the navy yards in our respective districts. We would be unfair to the trust imposed in us by our people if we did not strive to protect them in times of distress and unemployment with work, where it could be performed beneficially, economically, and timely for national defense; but the charge is unfair and untrue that this is our primary motive. Where essential, necessary work must be done and where it can be distributed generally through the navy yards, the steel mills, the forests, the mines, and in transportation over the railroads, such as will be required in this modernization program, it fulfills the double need of providing necessary and adequate defense and of distributing work among a large class of our people in all sections of the country at a time when it is badly needed.

We who represent navy-yard districts are more sensitive no doubt to the cry of distress that has arisen from this large class of loyal, patriotic American workmen, who are losing their homes and are unable to provide for their wives and children through slackening of work in the naval centers, but we are actuated just as strongly by our belief in the necessity of adequate naval defense as we are in meeting the cry of distress that comes from our constituents.

THE UNITED STATES TO BE MADE PARTY DEFENDANT IN CERTAIN CASES

Mr. GRAHAM. Mr. Speaker, I call up the conference report on H. R. 980, to permit the United States to be made a party defendant in certain cases.

The clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 980) to permit the United States to be made a party defendant in certain cases, having met, after full and free conference, report that at the conference the Senate conferees insisted upon the Senate amendment and the House conferees refused to recede from the disagreement of the House to the Senate amendment, under which circumstances the conferees have agreed to recommend and do recommend to their respective Houses as follows:

That the conferees of the respective Houses have agreed to a substitute, to follow the enacting clause, in lieu of the provisions of the House bill and the Senate amendment, as follows:

"That, upon the conditions herein prescribed for the protection of the United States, the consent of the United States be, and it is hereby given, to be named a party in any suit which is now pending or which may hereafter be brought in any United States district court, including those for the districts of Alaska, Hawaii, and Porto Rico, and the Supreme Court of the District of Columbia, and in any State court having jurisdiction of the subject matter, for the foreclosure of a mortgage or other lien upon real estate, for the purpose of securing an adjudication touching any mortgage or other lien the United States may have or claim on the premises involved.

"SEC. 2. Service upon the United States shall be made by serving the process of the court with a copy of the bill of complaint upon the United States attorney for the district or division in which the suit has been or may be brought and by sending copies of the process and bill, by registered mail, to the Attorney General of the United States at Washington, D. C. The United States shall have 60 days after service as above provided, or such further time as the court may allow, within which to appear and answer, plead, or demur.

"SEC. 3. Any such suit brought against the United States in any State court may be removed by the United States to the United States district court for the district in which the suit may be pending. The removal shall be effected in the manner prescribed by section 29 of the Judicial Code (U. S. C., title 28, sec. 72): *Provided*, That the petition for removal may be filed at any time before the expiration of 30 days after the time herein or by the court allowed to the United States to answer, and no removal bond shall be required. The court to which the cause is removed may, before judgment, remand it to the State court if it shall appear that there is no real dispute respecting the rights of the United States, or all the other parties shall concede of record the claims of the United States.

"SEC. 4. Except as herein otherwise provided, a judicial sale made in pursuance of a judgment in such a suit shall have the same effect respecting the discharge of the property from liens and encumbrances held by the United States as may be provided with respect to such matters by the law of the State, Territory, or district in which the land is situated: *Provided*, That a sale to satisfy a lien inferior to one of the United States shall be made subject to and without disturbing the lien of the United States, unless the United States, by its attorneys, consents that the property may be sold free of its mortgage or lien and the proceeds divided as the parties may be entitled: *And provided further*, That where a sale is made to satisfy a lien prior to that of the United States, the United States shall have one year from the date of sale within which to redeem. In any case where the debt owing the United States is due, the United States may ask, by way of affirmative relief, for the foreclosure of its own lien or mortgage and in any case where property is sold to satisfy a first mortgage or first lien held by the United States, the United States may bid at the sale such sum not exceeding the amount of its claim with expenses of sale, as may be directed by the chief of the department, bureau, or other agency of the Government which has charge of the administration of the laws in respect of which the claim of the United States arises.

"SEC. 5. If any person shall have a lien upon any real or personal property, duly filed of record in the jurisdiction in which the property is located, and a junior lien (other than a lien for any tax) in favor of the United States attaches to such property, such person may make a written request to the officer of the United States charged with the administration of the laws in respect of which the lien of the United States arises, to have the same extinguished. If after appropriate investigation, it appears to such officer that the proceeds from the sale of the property would be insufficient to satisfy, in whole or in part, the lien of the United States, or that the claim of the United States has been satisfied, or by lapse of time or otherwise has become unenforceable, such officer shall so report to the Comptroller General who thereupon may issue a certificate of release, which shall operate to release the property from such lien.

"SEC. 6. No judgment for costs or other money judgment shall be rendered against the United States in any suit or proceeding which may be instituted under the provisions of this act. Nor shall the United States be or become liable for the payment of the costs of any such suit or proceeding or any part thereof."

GEO. S. GRAHAM,
A. J. HICKEY,
HATTON W. SUMNERS,
Managers on the part of the House.

T. J. WALSH,
C. W. WATERMAN,
F. H. GILLETT,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 980) to permit the United States to be made a party defendant in certain cases submit the following written statement explaining the effect of the action agreed on:

That your managers were unable to agree to the Senate amendment, striking out all after the enacting clause and inserting new language, and the conferees on the part of the Senate were unwilling to recede from the Senate amendment. Growing out of this situation a compromise was agreed to in the form of a substitute bill, embodying in substance the provisions of the House bill and Senate amendment.

In explanation of the provisions of the substitute bill, we respectfully submit the following:

1. So far as concerns suits, the substitute bill agreed to by the conferees is limited to liens on real estate. There seems to be no real demand for legislation having to do with liens on personalty, and that subject is so complicated and gives rise to so many different situations requiring special provisions to protect the United States that it is very difficult to deal with. The provision for voluntary releases by the United States of worthless liens does relate both to personalty and realty.

2. The House bill deals only with cases where the United States lien is a junior lien. The substitute bill also covers cases where the United States lien is a prior lien. Cases often may arise where a junior-lien holder needs to be informed as to the validity, amount, and so forth, of a prior lien, so as to know how much to bid on foreclosure of his junior lien, and in some cases the very question for adjudication is one of priority.

3. House bill provides that if the case is in a State court the controversy with the United States must be removed to the United States court and that the removal is effected by the plaintiff before the United States is joined as a defendant. That procedure does not fit in very well with the law on removal of causes.

The Senate amendment provides that if brought in the State courts the suit shall remain there and the only power of review by a Federal court would be the Supreme Court of the United States reviewing the judgment of the highest court of the State. That departs from general practice that the Government only allows itself to be sued in its own courts. It also compels United States attorneys to arrange their court schedules so as to attend terms of the State courts. The substitute bill allows suits in the State courts but makes the removal by the United States optional, not mandatory. Practical experience with the subject justifies the belief that in a large percentage of the cases there will be no removal where liens of the United States are inferior as they may be worthless or not disputed.

4. The time allowed for the Government to answer is made 60 days and the time allowed for removal runs from 30 days thereafter. The general removal statute requires removal within the time allowed by law for answer, but it is believed in the present case that if decision on the desirability for removal is postponed until after issue is joined, many removals may be avoided where it becomes apparent that there is no real dispute.

5. It is provided in the substitute bill that in addition to service on the United States attorney, service by registered

mail shall also be made on the Attorney General. This is in accordance with existing laws in other types of cases.

6. The House bill provides that only the part of the controversy affecting the United States shall be removed, and when decided the cause shall be remanded to the State courts where the litigation shall proceed. It is doubted whether this splitting of the cause would be to the advantage of anyone. Adjudicating the validity, amount, and priorities of the lien of the United States in most cases will require in the Federal court some decision as to the rights of the other lien holders. If the case is then remanded, a second trial might be required at which some of the same ground would be covered. The split proceeding is cumbersome. It seems that time and money would be saved by having the entire proceeding in one court.

7. It was suggested by one member that to prevent useless removals where there is no real dispute affecting the United States, the United States attorney in his removal papers be required to add a certificate that there is a real controversy. There are objections to this. It is a departure from the established practice on removals, and United States attorneys are apt to overlook it, and fail to bring about the proper removal. A provision has been inserted that the Federal court may remand the cause if it appears before judgment that there is no real dispute affecting the Government. The clause already referred to allowing removal after issue has been joined will also tend to prevent useless removals. These two provisions of the substitute bill seem to furnish a reasonable precaution against useless removals.

8. The Senate amendment contains a clause allowing the court to stay proceedings on sale until the expiration of the next session of Congress. This was no doubt intended to allow Congress to appropriate money to enable the United States, if a junior lien holder, to bid enough at the sale to take care of prior liens and thus protect its own. In place of that the substitute bill provides that if a junior lien holder, the United States shall have a year in which to redeem. That does away with any necessity for a delay of sale. In many States of the Union there are now laws allowing junior lien holders as well as fee owners a year in which to redeem from execution and foreclosure sale of real estate. It is true that in other States no such equity of redemption exists. However, the provision adds nothing to the present difficulties in States which allow no redemption period, as under present conditions where present lien holders can not sue the United States, the rights of the United States never are barred by foreclosure decree.

9. The substitute bill gives the United States, where it owns the first lien, authority to ask for affirmative relief in the form of foreclosure of its lien, and to bid at the sale up to the amount of its claim and expenses of sale. This is necessary for the protection of the United States. There is no general statute which allows the United States to be a bidder at its own foreclosure sale. (See title 26, sec. 121, U. S. C., relating to sales on distraint for taxes; title 31, sec. 195, U. S. C., execution sales.)

10. The clause providing for the release of worthless junior liens in favor of the United States has been changed in the substitute bill so as to give that duty to the Comptroller General instead of the Attorney General. The Comptroller General is in a better position to know whether the facts justify the release.

11. The House bill (sec. 5) contains a provision that where a private person obtains a judgment and proposes to sell land on execution to satisfy it, he may in the suit in which the judgment is obtained have an adjudication as to the rights of the United States and how it will be affected by the execution sale. That has all been omitted in the substitute bill. The purpose of this legislation is to give private litigants the same rights against the United States as they have against others, not to put them in a better position as against the United States than in private litigation. If any citizen obtains a judgment lien on real estate affected by a Government lien, he may before execution sale under the terms of the substitute bill bring an action against the United States to have a sale to satisfy his judgment lien and determine the rights and priorities of the United States. That should be enough. He has no greater rights against private persons.

GEO. S. GRAHAM,
A. J. HICKEY,
HATTON W. SUMNERS,
Managers on the part of the House.

Mr. SABATH. Mr. Speaker, this is a very important matter. The conferees have really brought in a new bill. I do not suppose there are half a dozen Members outside of the conferees who know anything about it. I think the membership should be familiarized with the provisions, and for that reason I am obliged to raise the point of no quorum.

The SPEAKER. Will the gentleman withhold that until the Chair recognizes two or three Members.

Mr. SABATH. I will withhold it.

BRIDGE ACROSS THE MAHONING RIVER NEAR NEW CASTLE, PA.

Mr. SWICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17071) authorizing the construction of a bridge across the Mahoning River, near New Castle, Lyons County, Pa.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto on Pennsylvania State Highway Route No. 18, across the Mahoning River at a point just south of New Castle, Lawrence County, Pa., now served by a structure known locally as the Willow Grove Bridge, and at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable water," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Amend the title so as to read: "A bill granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SWICK, a motion to reconsider was laid on the table.

LEASE OF AIR DEPOT TO LITTLE ROCK, ARK.

Mr. RAGON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15493) to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lease to the city of Little Rock, Ark., for an indeterminate number of years, upon such terms and conditions as the Secretary of War deems advisable, such portions of the Little Rock Air Depot, Ark., as are now or may hereafter become available for leasing.

With the following committee amendment:

Line 8, after the word "leasing," insert "reserving to the United States, however, the right to resume possession and occupy said tract, or any portion thereof, whenever in the judgment of the President an emergency exists that requires the use and appropriation of the same for the public defense."

The SPEAKER. The gentleman regards this as a matter of emergency?

Mr. RAGON. Yes. The city will expend $200,000 additional in constructing a flying field that will serve the transcontinental air mail route which it is desired to open on April 1.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote was laid on the table.

USE OF WATERS AT HOT SPRINGS, ARK.

Mr. GLOVER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6171) to regulate the prescribing and use of waters from the Hot Springs National Park at Hot Springs, Ark., and for other purposes. A similar House bill is on the House Calendar favorably reported by the Committee on Public Lands.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 369, title 16, United States Code, being a provision of the sundry civil appropriation act approved June 5, 1920 (41 Stat. 874, 918), is hereby amended so as to read as follows:

"The Secretary of the Interior is hereby authorized to assess and collect from physicians who desire to prescribe the hot waters from the Hot Springs National Park reasonable fees for examination and registration; and he is also authorized to assess and collect from bath attendants and masseurs operating in bathhouses receiving hot water from the park reasonable annual charges to cover the cost of physical examinations."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider the vote laid on the table.

A similar House bill was laid on the table.

Mr. GREEN. Mr. Speaker, I have an emergency bill here that is a real emergency.

Mr. STAFFORD. Is the bill to which the gentleman refers the one referred to by him last night on several occasions?

Mr. GREEN. Yes.

Mr. STAFFORD. I shall make the point of order that there is no quorum present. It will have an opportunity on Monday night.

The SPEAKER. The Chair did not understand. This is a private bill. It will be in order on Monday night.

CONFERENCE ON LIMITATION OF MANUFACTURE OF NARCOTIC DRUGS

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the present consideration of H. J. Res. 480, authorizing an appropriation to defray the expenses of participating by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931, which I send to the desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of H. J. Res. 480, which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, etc., That for the purpose of defraying the expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931, by means of delegates to be appointed by the President, an appropriation in the sum of $35,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State, is hereby authorized for travel expenses and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), printing and binding, compensation of employees in the District of Columbia and elsewhere, rent of rooms, office, and typewriters, purchase of books and documents, periodicals and newspapers, official cards, entertainment, and such other expenses as the Secretary of State shall deem proper.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

GEORGE J. SALEM

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 485, authorizing an appropriation for the expenses of the arbitration of the claim of George J. Salem against the Government of Egypt which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That the sum of $52,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the United States in the arbitration of the claim of George J. Salem against the Government of Egypt, including honorarium to the arbitrators, compensation of employees in the District of Columbia, and elsewhere, stenographic and other services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), rent, purchase of necessary books and documents, official cards, printing and binding, one-half of all reasonable and necessary joint expenses of the tribunal incurred under the terms of the arbitral agreement, and such other expenses as may be authorized by the Secretary of State, and the Secretary of State is authorized to reimburse from the said appropriation any other appropriation from which payments may have been made for purposes connected with this arbitration prior to the time when the appropriation herein authorized shall have become available.

With the following committee amendment:

Page 1, line 9, after the word "elsewhere," insert "without reference to the classification act of 1923, as amended."

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, why should the people of the United States be called on to spend $52,000 to help this man arbitrate his claim against Egypt?

Mr. TEMPLE. The man is an American citizen and entitled to the protection of the United States.

Mr. BLANTON. Why should the people of the United States pay $52,000 for his personal arbitration? In the first place, that is too large a sum for arbitration expenses, and in the second place the Government is under no such obligation to him.

Mr. TEMPLE. If the gentleman will permit me to finish my statement without interruption I think he will understand. This man is an American citizen, a graduate of the University of Missouri, and has worked for the departments of the Government. He had a claim to property from his father and uncle in Egypt and went over there to sell it.

In violation of the treaty between the United States and Egypt, when he was accused of crime, he was tried, not in the mixed court which the treaty provides for, but in the native court. He made his claim to the United States minister there, and after complete investigation by the Department of State it was found that his claim to be an American citizen was valid. Our Government protested then to the Egyptian Government that they were violating the treaty. The Egyptian Government, after investigation, recognized the fact, and ordered the native court to turn him over to the mixed court. That was not done. He was imprisoned, his finger prints were taken, and a chance to sell his property was lost. There is a longer story than that.

Mr. BLANTON. Oh, we have the rights of American citizens jeopardized in the same manner in Mexico every day, and our Government has never paid for their arbitrations or for their wrongful imprisonment. I object.

Mr. PATTERSON. Mr. Speaker, I think I shall have to object to this bill.

Mr. BLANTON. This proposed public expenditure of $52,000 would be a tremendous expense for one man to put this Government to, to prosecute his private rights. This Government owes no such duty to any citizen.

Mr. TEMPLE. Allow me to say that the arrangement is that when the recovery is made, which the Government is quite sure will be made, the expense to the United States Government will be recompensed out of the claim.

Mr. BLANTON. Across the river at El Paso, across the river at Laredo, and across the river at Brownsville every day there are American citizens arrested over in Mexico. Many are wrongfully imprisoned there. They have to pay for their own defenses. This citizen should pay for his own escapades in Egypt. I shall object, Mr. Speaker, for the present. I shall object unless the gentleman withdraws the request.

Mr. TEMPLE. I do not withdraw the request.

Mr. BLANTON. I object.

FOURTEENTH ANNUAL CONVENTION OF FRENCH VETERANS OF WORLD WAR

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5571) to provide for

the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $50,000 is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, as a contribution by the United States, for the expenses and entertainment while in the United States of delegates and members participating in the fourteenth annual convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932, during the celebration of the two hundredth anniversary of the birth of George Washington, and in honor of the birthday of General Lafayette. Such sum shall be expended by the national treasurer of the American Legion under such rules and regulations as the Secretary of State may prescribe. The United States shall not be liable, directly or indirectly, for any expense, obligation, or indebtedness incident to such convention.

Mr. GREEN. Reserving the right to object, and I shall not object, I simply want to say that I have here a bill which I have tried for the last two weeks to get considered, and I am not going to press the objection at this time, but I think it is simply a shame to have a bill on the calendar where your people are trying to buy a little piece of abandoned land which the Government wants to sell them for a public park, and to have some one continually stand in the way, although the Government wants to sell it to them. I shall not object.

Mr. CONNERY. Reserving the right to object, I would like to ask the gentleman from Pennsylvania [Mr. TEMPLE] why, with this convention coming in September, 1932, this can not wait awhile. We are always accused of taking Government money for the veterans, and I would prefer the House to consider this when the membership is here.

Mr. STAFFORD. It is on the Consent Calendar and will be reached in regular order on Consent Day. I had some question whether it was proper to vote that much money.

Mr. GREEN. Why is the gentleman from Wisconsin so zealous to guard the Treasury?

Mr. STAFFORD. I do not take instructions from the gentleman from Florida as to what I conceive to be my duty here.

Mr. TEMPLE. In reply to the first question asked me, the reason we ask it to be done at this session of Congress is for the same reason the French invitation came to the American Legion long enough ahead of the meeting to enable the men who wished to do so to put money in the savings bank to accumulate enough with which to pay their expenses on the trip to France. Now we want to extend the invitation to the French soldiers a year and a half ahead of time so that they may do the same thing and come here.

This has the support of the American Legion. The national commander asked me to introduce the bill and asked Senator REED to introduce it in the Senate. The Senate bill was passed first. Our committee reported it, and I hope that no Legion member will object.

Mr. CONNERY. I withdraw my reservation of objection.

Mr. STAFFORD. Reserving the right to object, it is on the Consent Calendar, and I wish to make some observations about it. It will be reached. It is a Senate bill. There is no reason why it can not be considered later.

Mr. CHINDBLOM. Reserving the right to object, what assurance is there that it will be reached?

Mr. TEMPLE. For fear there would be no Consent Calendar the Speaker announced that Senate bills would be taken up in this way, and I availed myself of this opportunity. Of course, if the gentleman from Wisconsin objects, that is his own responsibility.

Mr. STAFFORD. I will take the responsibility.

Mr. TEMPLE. I am afraid this is the only chance to get it through.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LANHAM, on account of illness.

To Mr. TUCKER, for two days, on account of death of a friend.

ADJUSTED-SERVICE CERTIFICATES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, although most of the publicity in regard to the payment of the adjusted-service certificates was given to Members of Congress, I know quite a few men and women in the United States who rendered substantial assistance to the cause; about these people too little has been said. However, the veterans of the World War are not unappreciative of their efforts. Without their loyal and persistent support throughout the campaign for full payment of the certificates the truth and justice of our cause would have never reached a substantial number of the people and our efforts would have been in vain. I shall not attempt to mention them all—to do so would require entirely too much space—but the following represent those who were the most active in the cause for full-cash payment:

Maj. Thomas J. Leary, 7141 Jeffery Avenue, Chicago, Ill.
Frank W. Clark, Lynn, Mass.
Arthur Peabody, Lynn, Mass.
John H. Burke, Medford, Mass.
Edward Earl and wife, Washington, D. C.
Raymond A. Burke, Washington, D. C.
Milton Noyes, Washington, D. C.
C. R. Browning, Washington, D. C.
Edward J. Mcgeough, Fleet Reserve Association, Washington, D. C.
Capt. Charles P. Smith, Angleton, Tex.
Joe Blythe, Charlotte, N. C.
L. N. Sicha, Asheville, N. C.
John E. Staley, Los Angeles, Calif.
Frank Barth, Chicago, Ill.
C. R. Doddridge, Washington, D. C.
W. J. Howell, Detroit, Mich.
Rev. Charles E. Coughlin, Detroit, Mich.
R. D. McCain, San Antonio, Tex.
G. W. Durant, Massillon, Ohio.
Hal Brennan, Laredo, Tex.
Ernest Cox, Austin, Tex.
George E. Hughes, Austin, Tex.
Robert O. Whiteaker, Austin, Tex.
W. S. James, Texarkana, Tex.
I. B. McNatt, Sulphur Springs, Tex.
L. McLarry, Sulphur Springs, Tex.

These people spent their own money and considerable time. Many hundred others could be named, but space will not permit. The Hearst newspapers made a greater contribution to the cause than all the other newspapers in the United States combined. Mr. Hearst is entitled to the gratitude of all the veterans of the World War. Other newspapers were friendly; practically all of them were fair. The many veterans' organizations rendered valuable services and their leaders were loyal to the cause.

The loan bill will grant substantial aid to millions. It was the best we could get at this session. Without the hard fight for full payment no legislation would have been passed.

For the permanent RECORD I want to thank each and every person and organization for the aid rendered the proponents of the bill for full-cash payment of the adjusted-service certificates.

HON. NEWTON CLOUD—ILLINOIS PIONEER, PREACHER, STATESMAN

Mr. HENRY T. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a paper prepared by Mrs. Sara John English for the Illinois State Historical Society on Hon. Newton Cloud, an Illinois pioneer statesman.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HENRY T. RAINEY. Mr. Speaker, under permission to extend my remarks, I print herewith a paper by Mrs. Sara John English, of Jacksonville, Ill.:

HON. NEWTON CLOUD

By Sara John English (Mrs. Henry W. English)

Newton Cloud was an Illinois pioneer, honored citizen, Methodist minister, legislator, and president of the Illinois Constitutional Convention of 1847.

Going from Waverly, Morgan County, Ill., to the settlement of Appolonia, we noticed beyond the cornfield, evergreens, sentinels of perpetual memory, standing guard about one-half mile from the road. We knew at once that there was a cemetery and we asked these sentinels, "Who sleeps here?" They answered, "Many pioneers, one of note, the Hon. Newton Cloud."

The Hon. Newton Cloud, who was he and why was he noted? In the Old North State, in Stokes County, one November day in 1804 this child was born. He was destined to play an important part in the early history of the great State of Illinois. After reaching young manhood Newton Cloud left his native State and went to Warren County, Ky., where he lived for a few years. Here he met Elizabeth C. Wood, whom he married on February 15, 1825. They left Kentucky and came to Morgan County, Ill., in 1827.

This couple were the parents of nine children, all but three of whom had died prior to the death of their father, who died on Sunday, July 22, 1877, at the homestead near Waverly, Morgan County, Ill.

Going into the Rogers Cemetery, through weeds and grass literally above one's head, we finally came upon the most imposing monument there, and lo, we found the following inscriptions:

"Newton Cloud. 1804–1877.
"Elizabeth C., wife of N. Cloud. 1802–1874.
"Newton Cloud. 1842–1843.
"Laura J. Cloud. 1842–1843."

This cemetery is located in part northeast southwest section 10–13–8, bounded on the north, east, and west by Mary J. Caldwell's land, and on the south by W. F. Miner's estate.

We began to gather facts regarding this man and found that he became a local Methodist preacher the same year (1827) that he came to Morgan County, Ill. He at once became the possessor of part of southeast southwest of section 4, township 13 range 8—34½ acres and also a part of southeast section 4, township 13 range 8—150½ acres. The tax value on this land at his death was $280 for the 34½ acres and $2,240 on the 150½ acres.

This land was held by him from 1827 until his death in 1877, and his funeral was conducted from his residence on this farm. For 50 years he was a Methodist minister and 16 successive terms he represented his county in the State legislature, beginning in 1830. During the sixteenth and seventeenth assemblies he served as a State senator from the fourteenth district, Morgan County. Throughout this long period he was a faithful Democratic leader. In 1844–45 he was clerk of the house. In 1846 he was chosen speaker of the house and had the honor of being president of the Illinois Constitutional Convention of 1847. This same year Morgan County's able delegation to this convention was composed by Samuel D. Lockwood, William Thomas, Newton Cloud, and James Dunlap. As speaker of the house, he is said to have "graced it with distinguished ability." In the Democratic convention of 1860, held in Springfield, Newton Cloud received 65 votes for governor, while Hon. William McMurty received 157 votes.

Newton Cloud also served for two years upon the canal commission. His noble character and ability made him serve ably wherever he was placed. During the 1838–39 session of the legislature a bill was introduced by Hon. O. H. Browning, senator from Quincy, praying for the establishment of an asylum for the deaf and dumb. He asked Judge Thomas, of Morgan County, to assist him in the passage of this bill. Judge Thomas was in favor of the bill and its object, and he proposed Jacksonville as the location of this institution, and assured Mr. Browning that Morgan County's delegation would give the bill their earnest support and influence. Judge Browning consented, and William Thomas, William Weatherford, William Crear, senators from Morgan County, and J. J. Hardin, Newton Cloud, John Henry, John Wyatt, William Gilham, and R. Walker, representatives, succeeded in getting the bill passed and the institution located in Jacksonville. Hon. Newton Cloud was appointed as temporary principal of the Illinois Deaf and Dumb Institute in 1855, and in April, 1856, Mr. Edward Peet, of New York, was appointed principal. So we see that many and varied were the positions he filled. In the records of the marriages of Morgan County he is cited as a justice of the peace. "Levi Deatherage and Martha Deatherage, by Newton Cloud, J. P., February 4, 1830." In 1855 he is referred to as "minister of the Gospel."

Newton Cloud had a brother, Joseph Cloud, and a sister, Polly Cloud, who married the brother of his wife, William C. Wood, married by the county commissioner, July 16, 1829.

As the years creep on errors creep in and in the account of Newton Cloud by Doctor Short in the History of Morgan County and Historical Encyclopedia, he states, "Newton Cloud was born in 1805." His gravestone in the Rogers Cemetery, Appolonia, Morgan County, we find: Newton Cloud. 1804–1877.

We may get a very good pen picture of Newton Cloud from Mr. Anderson Foreman's article in the Illinois Courier in 1828.

"Then, too, there is the Christian statesman (if that can be), the Rev. Newton Cloud, no man in this community stood higher in the State and church than he. Nature and grace combined to make him good and great. His wise counsels in the organic laws of church and state will live and keep his name and memory bright and honored as long as time shall last or civil and religious governments endure. Having reached that serene and honored round in life's fair temple and Christian exaltation he passed gently down the steps of time, and now he sleeps with the pure, noble, honored, and loved of the earth." Truly Newton Cloud's person bore the impress of nature's choicest stamps.

Newton Cloud himself told us of his coming to this State and to Morgan County in an address to the old settlers of Morgan County at one of their annual reunions. He said he located here in 1827, three years before the great snow, the prairies were covered with flowers in their native luxuriance and were untrodden by the foot of man; they were but a vast boneyard in which thousands of buffaloes killed by the Indians lay bleaching in the sun. He said he was glad he came to Illinois, though he was poor when he came and still poor. He spoke of the men and women of this county as fine characters and hospitable, noble, people.

It might be interesting to look into the possessions and family of Newton Cloud, with the light of the court records of Morgan County. After an illness of some length, during which his physicians, Doctors Kimber and Brown, made 39 day calls, 4 night calls (6 office calls by Mr. Cloud), and medicine for which his estate paid $110, he passed on, leaving no will. His son, Virgil W. Cloud, and his two daughters, Frances A. Caldwell and Mary E. Cartwright (only three children living), as per petition for letters of administration. Newton Cloud, a grandson (minor), son of Campbell Cloud, a deceased son, also survived.

This petition states date of death of Newton Cloud, July 22, 1877. This petition prayed that George W. Caldwell be appointed administrator. He was duly appointed August 10, 1877. George W. Caldwell was ordered to make the final settlement of the estate, May 16, 1881, chattels $820.35, $851.69 in notes and accounts were due, and doubtful notes, $22.34, $246.33, total $1,120.26. Cash on hand at time of death, $69.58. A letter under date of May 12, 1881, from Zanesville, Ill., signed George W. Caldwell, Montgomery County, Ill., states that "Virgil W. Cloud, Hayesville, Sedgwick County, Kans., and Mary E. Cartwright, Wichita, Sedgwick County, Kans., heirs of Newton Cloud, received from me long ago by registered letters receipts to be signed and forwarded for amount of $60.14 due them." A grandson (G. Newton) Newton Cloud, was a minor at the time of Newton Cloud's death.

Newton Cloud was a farmer for a long number of years and owned many horses and hogs. Even after his death his stock caused the estate trouble, for we learned that Mr. F. M. Reading made a claim against his estate for $15 for "damage done to growing corn by the stock of the deceased." This claim was allowed and paid by the administrator. Newton Cloud was a member of the Methodist Church at Appolonia and his subscription of $6.40 was paid to Margaret Turner, treasurer. G. H. Thayer, of Waverly, was the undertaker, and while Newton Cloud was a prominent and well-to-do citizen, the prices of articles in his expense accounts show a great difference from prices of 1930. His burial case, box, and hearse were only $31. His funeral was said to be the largest ever held in this part of the State. He was greatly beloved and held the confidence of a vast number of persons. The account of his death and burial as given in the Jacksonville Journal of Wednesday, July 25, 1877, is as follows:

HON. NEWTON CLOUD—DEATH OF THIS WELL-KNOWN CITIZEN

"Few in Morgan County are better known or more honored than Rev. Newton Cloud, and his many friends will be pained to hear of his death on last Sabbath. Mr. Cloud became a local Methodist preacher in 1827 and was among the pioneer clergymen of this section. He was born in Stokes County, N. C., November, 1804. He afterwards resided in Kentucky and removed to Morgan County, Ill., in 1827, and settled on a farm which he occupied as his homestead until the day of his death. He was married in 1825 to Miss Elizabeth C. Wood in Warren County, Ky. By this marriage there has been nine children, four of whom are deceased. Besides Mr. Cloud's 50 years' experience as a preacher he has also been called to represent his fellow citizens in the State legislature for 16 successive terms, beginning in 1830. He was also canal commissioner for two years, and a member of the convention to revise the State constitution in 1847. In private and public life he always acted faithfully and honestly.

"The funeral occurred yesterday at the family residence, a delegation of brother Masons and friends going down from this city on a special train which left here at 8 a. m. The gathering at the house was a very large one, the crowd being estimated as high as 1,000 people. The memorial discourse was delivered by Rev. Dr. Peter Akers; after this a hymn was sung and prayer offered, and then the Masonic fraternity took charge of the remains and laid them to rest with the accustomed honors of the order.

"And so we leave our statesman to quiet sleep, he needs no praises nor epitaph graven on stone for the things he lived for and accomplished tell his story and shall pass on to the coming generations. Such a life never sets but 'leaves an afterglow in the sky far into the night.'"

In obscure, out-of-the-way cemeteries and subject to destruction by the plowman lie other statesmen. As you pass these spots, think of this possibility and serve mankind by bringing their names and graves to our knowledge, that we may pay them tribute and honor them for the truths they have spoken and the things they have done.

(Information obtained from Eames's Historic Morgan, the court records of Morgan County, files of the Jacksonville Daily Journal, and inscriptions from the Cloud monument.—Sara John English.)

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 3820. An act to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2892. An act for the relief of Helen F. Griffin and Ada W. Allen;

S. 3045. An act for the relief of Walter P. Crowley;

S. 3213. For the relief of E. F. Zanetta;

S. 3648. An act to correct the naval record of Edward Earle; and

S. 4677. An act for the relief of Dr. B. T. Williamson, of Greenwood, Miss.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 3820. An act to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916; and

H. R. 14922. An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Friday, February 27, 1931, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 27, 1931, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON FLOOD CONTROL

(11 a. m.)

To consider a flood-control plan for the Bonnet Carre Spillway.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To provide for the deportation of alien seamen. (S. 202 and H. R. 7763.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

864. A letter from the Secretary of War, transmitting report from the Chief of Engineers United States Army, on Kankakee River, Ill. and Ind. (H. Doc. No. 784); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

865. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on Winooski River, Vt. (H. Doc. No. 785); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

866. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination and survey of Cape Fear River, above Wilmington, N. C., with a view to the construction of a lock and dam about 15 miles below Fayetteville (H. Doc. No. 786); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Interior Department (Rept. No. 2891). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Office of Public Buildings and Public Parks (Rept. No. 2892). Ordered to be printed.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 17197. A bill authorizing A. A. Lilly, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Big Sandy River at or near where it enters into the Ohio River, and between the cities of Kenova, W. Va., and Catlettsburg, Ky.; without amendment (Rept. No. 2894). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 17227. A bill granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.; with amendment (Rept. No. 2895). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 17257. A bill granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.; with amendment (Rept. No. 2896). Referred to the House Calendar.

Mr. REECE: Committee on Military Affairs. H. R. 14459. A bill to authorize appropriations for construction at Hensley Field, Grand Prairie, Tex., and for other purposes; without amendment (Rept. No. 2897). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 137. A bill authorizing appropriations to increase the flying-field area of Governors Island, N. Y.; with amendment (Rept. No. 2898). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. S. 1617. An act for the relief of Abraham Green; without amendment (Rept. No. 2893). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SIROVICH: A bill (H. R. 17294) to amend sections 2 and 9 of the radio act of 1927; to the Committee on the Merchant Marine and Fisheries.

By Mr. CRISP: Resolution (H. Res. 376) to amend paragraph 6 of Rule XXIV, relating to the consideration of bills on the Private Calendar; to the Committee on Rules.

Also, resolution (H. Res. 377) to amend paragraph 8 of Rule XXIV; to the Committee on Rules.

Also, resolution (H. Res. 378) to amend paragraph 3 of Rule XIII; to the Committee on Rules.

Also, resolution (H. Res. 379) to amend paragraph 7 of Rule XXIV; to the Committee on Rules.

Also, resolution (H. Res. 380) to amend paragraph 45 of Rule XI; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Minnesota, memorializing Congress to provide an adequate system of credit to put American agriculture on the basis of equality with other industries; to the Committee on Agriculture.

By Mr. GARNER: Memorial in the nature of a resolution of the Texas Legislature, memorializing the Federal Government to establish a national park in the State of Texas; to the Committee on the Public Lands.

By Mr. GIBSON: Memorial in the nature of a resolution of the General Assembly of Vermont, memoralizing the Congress of the United States in regards to reapportionment of Representatives in Congress, that there should be at least two Representatives in Congress; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRIGHAM: A bill (H. R. 17295) granting an increase of pension to Jessie R. Greene; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 17296) granting an increase of pension to Annie Paris; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 17297) granting an increase of pension to Augusta J. Barnes; to the Committee on Invalid Pensions.

By Mr. HOGG of Indiana: A bill (H. R. 17298) granting an increase of pension to Mariah A. Morris; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 17299) for the relief of Ethel Perks; to the Committee on War Claims.

By Mr. MILLIGAN: A bill (H. R. 17300) granting a pension to Harriett Lewis; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 17301) granting an increase of pension to Frances M. Emery; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 17302) granting a pension to Rose Harkin; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10211. By Mr. ALDRICH: Protest of St. Camillus Guild of Catholic Nurses of Rhode Island against passage of Senate bill 4582; to the Committee on the Judiciary.

10212. By Mr. CHRISTGAU: Resolution adopted by members of the Lanesboro Cooperative Creamery, at Lanesboro, Minn., unanimously urging that favorable action be taken on the Brigham bill, H. R. 15934; to the Committee on Agriculture.

10213. Also, petition of members of the Sweet Sommers Post, No. 1642, Veterans of Foreign Wars, in Waseca, Minn., and vicinity, submitted by J. T. Olsen, of Waseca, Minn., in behalf of the immediate cash payment at full face value of the adjusted-compensation certificates; to the Committee on Ways and Means.

10214. By Mr. CONDON: Petition of G. Laparchio and several World War veterans of Rhode Island, urging the passage of legislation looking toward the immediate cash payment of the adjusted-service certificates at their full face value; to the Committee on Ways and Means.

10215. By Mr. ESTEP: Petition of the Chamber of Commerce of Pittsburgh, Pa., urging that Congress authorize the War Department to proceed to create storage reservoirs by constructing dams on the main tributaries of the Monongahela and Allegheny Rivers; to the Committee on Rivers and Harbors.

10216. By Mr. FOSS: Letter from the Ladies' Auxiliary of the Ancient Order of Hibernians, numbering 290, stating they are emphatically opposed to the Gillett bill, S. 4582; to the Committee on the Judiciary.

10217. Also, wire from Fitchburg Council, Knights of Columbus, Fitchburg, Mass., numbering about 400 members, opposing favorable action on the Gillett bill, S. 4582; to the Committee on the Judiciary.

10218. Also, letter from Rt. Rev. Msgr. James J. Donnelly, pastor of St. Bernard's Parish, Fitchburg, Mass., stating that six different congregations of men and women who attended the masses in St. Bernard's Church, Fitchburg, Mass., on Sunday, February 22, 1931, protesting against favorable action on the Gillett bill, S. 4582; to the Committee on the Judiciary.

10219. By Mr. KINZER: Petition of citizens of Quarryville, Pa., urging the support of the Sparks-Capper stop-alien amendment, being House Joint Resolution 356, to exclude aliens from the count of the population for apportionment of congressional districts; to the Committee on the Judiciary.

10220. By Mr. KVALE: Petition of Mary A. Prevey and 17 other signers from Beardsley, Minn., indorsing the proposed Sparks-Capper amendment; to the Committee on the Judiciary.

10221. By Mr. LEA: Petition of 474 residents of the first congressional district of California, favoring passage of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

10222. By Mr. LINTHICUM: Petition of Dr. Adolph Meyer, of the Johns Hopkins Hospital, Baltimore, urging favorable action on Senate bill 1812, authorizing the Director of the Census to compile and publish annual statistics relating to crime and to the defective, dependent, and delinquent classes; to the Committee on the Census.

10223. Also, petition of General Elevator Co., of Baltimore, registering opposition to House bill 16619; to the Committee on Labor.

10224. Also, petition of Mrs. G. Frank De Grange, of Baltimore, Md., and petitioners of the Missionary Dorcas Society of the Brown Memorial Presbyterian Church, urging favorable action on the Sparks-Capper bill; to the Committee on the Judiciary.

10225. Also, petition of Baltimore Association of Commerce, Baltimore, Md., urging defeat of House Joint Resolution 449, authorizing appropriation of $25,000,000 to be allowed to postmasters in cities of the first class to relieve unemployment; to the Committee on Appropriations.

10226. Also, petition of Mr. Michael L. O'Connor, chairman of resolutions committee, Division No. 5, Ancient Order of Hibernians, of Baltimore, registering opposition to the child welfare and maternity bills; to the Committee on Interstate and Foreign Commerce.

10227. By Mr. SPARKS: Petition of Ladies' Aid of Kanorado, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10228. Also, petition of Mankato and Beloit ministers and laymen, numbering 100, of Iona, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10229. Also, petition of Woman's Christian Temperance Union, of Ionia, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10230. By Mr. STRONG of Kansas: Petition of 45 citizens of Ada, Kans., urging passage of the Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10231. By Mr. SUMMERS of Washington: Petition signed by H. E. Clark and 39 other citizens of Walla Walla, Wash., indorsing the payment in full of the adjusted-service certificates; to the Committee on Ways and Means.

10232. Also, petition of Earl C. Brownell and 75 other citizens of the State of Washington, indorsing the payment in full of the adjusted-service certificates; to the Committee on Ways and Means.

10233. Also, petition of George B. Wadsworth and 37 other citizens of Walla Walla, Wash., indorsing the payment in

full of the adjusted-service certificates; to the Committee on Ways and Means.

10234. Also, petition of Rev. F. F. Boothby and 28 other citizens of Palouse, Wash., urging support of the Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10235. Also, petition of Scott I. Wallace and nine other citizens of Oakesdale, Wash., urging support of the Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10236. Also, petition of Emma A. Siasor and 88 other citizens of Yakima County, Wash., urging support of the Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10237. By Mr. SWANSON: Petition of Chris Seebold and others of Harrison County, Iowa, favoring a constitutional amendment for the exclusion of aliens in congressional apportionment; to the Committee on the Judiciary.

10238. By Mr. SWICK: Petition of Rev. Harrison Davidson, pastor of the Enon Presbyterian Church, Enon Valley, Pa., and 30 members of the congregation, urging the enactment of House Joint Resolution 356 providing for an amendment to the United States Constitution excluding the approximately 7,500,000 unnaturalized aliens from the count of the population of the Nation for the apportionment of congressional districts among the States; to the Committee on the Judiciary.

10239. By Mr. YATES: Petition of W. M. C. Witnues, secretary local branch, Pure Food Association of Chicago, Alden, Ill., urging the passage of Senate bill 15934 and House bill 55745, relative to the ruling of oleomargarine; to the Committee on Agriculture.

10240. Also, petition of Mrs. Chester A. Stockum, regent High Prairie Trail, Daughters of the American Revolution, 7010 Thirty-fourth Street, Berwyn, Ill., urging Congress to pass Senate bill 4750 and House bills 6810 and 14688; to the Committee on Naval Affairs.

10241. Also, petition of J. B. Schmidt, 1866 House Street, Chicago, Ill., requesting the immediate cash payment in full of adjusted-compensation certificates of World War veterans; to the Committee on Ways and Means.

10242. Also, petition of Van Buckley, commander of Victor Hill Post, Casey, Ill., urging Congress to pass legislation for 100 per cent payment of adjusted-compensation certificates; to the Committee on Ways and Means.

10243. Also, petition of Matt Dienhart, 2143 Belle Plain Avenue, Chicago, Ill., urging Congress to enact legislation for the payment in cash of adjusted-compensation certificates for World War veterans; to the Committee on Ways and Means.

10244. Also, petition of Charles Smith, 4542 North Maplewood Avenue, Chicago, Ill., urging the immediate passage of legislation to pay in cash the adjusted-compensation certificates of World War veterans; to the Committee on Ways and Means.

SENATE

FRIDAY, FEBRUARY 27, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Capper	Fletcher	Hastings
Barkley	Caraway	Frazier	Hatfield
Bingham	Carey	George	Hayden
Black	Connally	Gillett	Hebert
Blaine	Copeland	Glass	Heflin
Blease	Couzens	Glenn	Howell
Borah	Cutting	Goff	Johnson
Bratton	Dale	Goldsborough	Jones
Brock	Davis	Gould	Kean
Brookhart	Deneen	Hale	Kendrick
Broussard	Dill	Harris	Keyes
Bulkley	Fess	Harrison	King
La Follette	Oddie	Shipstead	Tydings
McGill	Partridge	Shortridge	Vandenberg
McKellar	Patterson	Smith	Wagner
McMaster	Phipps	Smoot	Walcott
McNary	Pine	Steck	Walsh, Mass.
Metcalf	Pittman	Stelwer	Walsh, Mont.
Morrison	Ransdell	Stephens	Waterman
Morrow	Reed	Swanson	Watson
Moses	Robinson, Ark.	Thomas, Idaho	Wheeler
Norbeck	Robinson, Ind.	Thomas, Okla.	Williamson
Norris	Schall	Townsend	
Nye	Sheppard	Trammell	

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Ninety-four Senators have answered to their names. A quorum is present. Under the unanimous-consent agreement the question is, Shall the bill (H. R. 17054) to increase the loan basis of adjusted-service certificates pass, the objection of the President of the United States to the contrary notwithstanding?

RAILROAD CONSOLIDATION

Mr. COUZENS. Mr. President, I ask unanimous consent to print in the RECORD numerous telegrams from the States of Pennsylvania, West Virginia, and Maryland and a letter in opposition to the proposed railroad consolidation plan.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams and the letter are as follows:

MEYERSDALE, PA., *February 25, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.:

I am with you in your opposition to 4-party railroad plan. Meyersdale wants two railroads to remain here.

C. A. PHILLIPS.

BALTIMORE, MD., *February 25, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.:

Allow me to commend the stand taken by you on the 4-party plan for railroad consolidation and assure you the support of the better business interests of the city of Baltimore for the defeat of this plan. Control of industry in general is already in too few hands.

ARTHUR B. GARDNER,
President United Oil Co. (Inc.).

HAGERSTOWN, MD., *February 25, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.:

I sincerely hope the resolution introduced in the Senate deferring any further railroad consolidation will be passed before the end of this session of Congress. If there were some way it could be prohibited for all time it would be a very fine thing.

H. L. MILLS.

ASBESTOS, MD., *February 25, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.:

I hereby wish to voice my opposition to the 4-party plan for railroad consolidation. This includes the sentiment of the majority of the industries along the Western Maryland Railroad from Baltimore to the end of that line, also the Business Protective Association, of which I have the honor of being a member.

E. C. GILDENZOFF,
Superintendent Congoleum Nairn (Inc.).

BALTIMORE, MD., *February 25, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.:

We wish to go on record as being opposed to the 4-party plan for railroad consolidation and to request that you continue to use your influence against that plan.

WERTHEIMER BROS. (INC.).

BALTIMORE, MD., *February 26, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.:

Please strongly voice our sentiment against the 4-party railroad plan. Very much opposed to the Baltimore & Ohio taking the Western Maryland.

FARBOIL PAINT CO.

BALTIMORE, MD., *February 25, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.:

As a member of the Business Protective Association we are opposed to the 4-party plan for railroad consolidation, which contemplates the allocation of the Western Maryland to the Baltimore & Ohio.

BURNS BOTTLING MACHINE WORKS (INC.).

ELKINS, W. VA., *February 26, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.:

As member of Business Protective Association earnestly support your opposition to Baltimore & Ohio controlling Western Maryland as it will throttle our community. Can we be of any help?

THE GULLAND CLARK CO.

ELKINS, W. VA., *February 26, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.:

As shipper and patron of the Western Maryland Railway we are very much in favor of 5-party plan making Western Maryland and associates an independent system, which would mean competitive business in this territory, and against 4-party plan as outlined before eastern trunk railways.

THE WILSON LUMBER CO.

ELKINS, W. VA., *February 27, 1931.*

Senator JAMES COUZENS,
United States Senate, Washington, D. C.:

It would be a great calamity to the development of this section of West Virginia, with all competition vanished, if the fifth trunk line as outlined by the commission is allowed to be absorbed by the Baltimore & Ohio Railroad and other members of the four trunk lines. The Western Maryland road and other lines parties to the fifth trunk line will, if properly and economically managed, be able to become self-supporting. If our Senators are alive to the interest of our people, they will be with you in your efforts to defeat a combination that would have serious results.

I. K. DYE.

BALTIMORE, MD., *February 26, 1931.*

Hon. JAMES COUZENS,
United States Senate, Washington, D. C.

MY DEAR SENATOR COUZENS: I was delighted to hear this morning, through Mr. Rose, your views regarding the 4-party railroad system.

I have been president of the Business Protective Association since its formation, and behind this association we have some of the leading business men, large manufacturers, improvement associations, and others deeply interested in the welfare of our city and State.

We earnestly believe the Western Maryland has a great future if it can be connected with the western artery, so that we can get a through line from the Lakes and the West to tidewater. The Western Maryland is now on its feet and is making money; it has a better grade, less steep than any other road going west, and has great possibilities. If we let this go by, 25 years hence our children will look back with regret and wonder why we ever let such an opportunity slip.

Hope you will make a strong fight in opposition to this, and let us have a third artery for Baltimore instead of two, as the Baltimore & Ohio want.

Allow me to call your attention to the fact that for 100 years the Baltimore & Ohio have paid little or no taxes to the State of Maryland, while the Western Maryland pays city and State taxes. This means several million dollars in the coffers of the Baltimore & Ohio annually, but which loss our citizens have to bear. It looks unfair, therefore, considering that the Western Maryland is now on its feet and with good prospects, that it should be allocated to the Baltimore & Ohio. As one of the Baltimore & Ohio's officials stated, they would make a freight siding of the Western Maryland if they acquire it.

Wishing you great success in your good work, I am,

Yours sincerely,

W. M. MCCORMICK.

SENATOR FROM ARKANSAS

Mr. CARAWAY presented the credentials of JOE T. ROBINSON, chosen a Senator from the State of Arkansas for the term commencing March 4, 1931, which were read and ordered to be filed, as follows:

STATE OF ARKANSAS,
EXECUTIVE CHAMBER,
Little Rock.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1930, JOE T. ROBINSON was duly chosen by the qualified electors of the State of Arkansas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1931.

Witness: His excellency our governor, Harvey Parnell, and our seal hereto affixed at Little Rock, Ark., this 26th day of November, A. D. 1930.

HARVEY PARNELL, *Governor.*

By the governor:
[SEAL.]

JIM B. HIGGINS,
Secretary of State.

APPROPRIATION FOR DROUGHT RELIEF

Mr. CARAWAY. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Let it be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 479), as follows:

Whereas the President approved on February 14 last the amendment to the appropriation bill for the Department of the Interior appropriating $20,000,000 to be loaned for the relief of farmers in the drought-afflicted area; and

Whereas such funds were made immediately available; and

Whereas the administration of such appropriation was intrusted to the Secretary of Agriculture; and

Whereas the Secretary without justification has delayed to make such loan available:

Resolved, That the Secretary of Agriculture is hereby requested to inform the Senate immediately:

First. Why the fund of $20,000,000, appropriated in the Interior Department appropriation bill to be loaned for the relief of farmers in the drought-afflicted area, has not been made available for that purpose; and

Second. When he purposes to act in this matter.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BINGHAM. I object. I ask that the resolution go over.

The VICE PRESIDENT. Objection is made.

Mr. CARAWAY. Mr. President, I hope the Senator will withdraw his request that the resolution go over.

Mr. BINGHAM. Will the Senator agree to strike out the preamble?

Mr. CARAWAY. The preamble is no part of the resolution.

Mr. BINGHAM. Will the Senator strike it out?

Mr. CARAWAY. It may go out, of course. I have no objection to it going out.

Mr. BINGHAM. If the preamble goes out, I have no objection.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was stricken out.

ADJUSTED-SERVICE CERTIFICATES—VETO MESSAGE

The VICE PRESIDENT. Under the rule and the unanimous-consent agreement the Chair feels that unless some Senator wishes to discuss the pending question he should order the roll to be called upon it.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steck
Blease	Glenn	Metcalf	Stelwer
Borah	Goff	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

The VICE PRESIDENT. Ninety-four Senators having answered to their names, a quorum is present. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. VANDENBERG. Mr. President, much as I dislike to retard in any degree the immediate roll call upon the veto message, I feel that it would be unfair to those of us in the previously overwhelming majorities in both House and Senate who have supported the measure to allow the issue to stand in its present form without a final summarizing statement as to the motives, the purposes, and the expecta-

Bulkley	Fess	Harrison	King

BURNS BOTTLING MACHINE WORKS (INC.).

tions that actuate those of us who intend to continue to stand for this bill. I do not assume to speak for others, except as I know many Senators share the view I shall express. Frankly, I speak at their suggestion rather than by my own wish.

I shall ask the privilege of proceeding without interruption, first, because I want to be as brief as possible, and, second, because I should like to maintain the continuity of my statement.

Mr. President, I have the greatest respect for the President of the United States and his considered opinion. It is with the greatest reluctance that I dissent from his studied recommendations, carrying with them the responsibility of his great office; but the facts in the present problem continue to be the same as they were when the Senate previously voted. No new considerations impend; therefore, no new conclusions upon my part are possible.

Mr. President, I can not agree with the presidential analysis. I shall vote with confidence and conscience to complete the pending legislation. It is my duty to proceed upon the facts as I see them; it is the duty of every Member of the Senate to proceed similarly, no less than it has been the President's duty to exercise the like scruple.

Before proceeding to the merits of the argument, I advert to the notion urged by some that there can be no such freedom of action in the Congress upon a matter of this kind. An editorial in the New York Times entitled "Party and President," speaking of prospective Republican votes to override the veto, says:

The same men will be • • • strongly for his—

Mr. Hoover's—

renomination in 1932. • • • Yet, as regards this most important and critical stand of his—

Referring to the veto message—

they will have to keep absolutely silent, or else stultify themselves. They can not repudiate him then, as they propose to do now.

Mr. President, I think it suffices to dismiss this type of appeal by saying, in complete analogy, that I do not foreclose myself from thinking and declaring that the New York Times is a great and worthy newspaper simply because I disagree with its policy in this particular instance. No more do I discount my respect for and loyalty to the President because I can not accommodate my views to his at all times and in all details. In no sense do I repudiate him now, and in no sense do I intend to repudiate him later. There is no party mandate upon this proposition. If one were sought, it could be found as authoritatively as anywhere else in the overwhelming party majorities for this measure in both House and Senate.

But it is not a party measure in any sense whatever; it is a matter of economic fair play to the veterans of the World War. It is the unpartisan problem of finding the sanest available solution for a perplexing question which some have wanted to answer with a three or four billion dollar program. I may say parenthetically that my own State legislature in Michigan unanimously memorialized the Congress in favor of this maximum three or four billion dollar program. Most of the criticism, Mr. President, which is now showered upon the pending program was addressed originally to this infinitely larger program. It has changed its target but not its tone. The pending program was satisfactory so long as the three or four billion dollar program threatened. It can not now become unsatisfactory, so far as I am concerned, simply because the larger program has been set aside. I can not surrender my convictions at that point.

We are told by way of hostile argument that this bill does not actually aid the veterans; but we were importuned, Mr. President, not to make this aid any greater or any broader or any more liberal. Such attitudes can not be harmonized; they are absolutely anomalous.

The President's message does not rely for its major validity, I am happy to observe, upon any hysterical pretense that the pending loan bill is some sort of an iniquitous raid upon the Treasury and a fatal assault upon business recovery. It is well for the country that these dire prophecies of jeopardy should subside. They never have been justified so far as this particular measure is concerned; yet they have invited incalculable and needless damage, precisely as rumors respecting the solvency of a bank may harm a bank which actually may be as solid as Gibraltar.

Now let me turn specifically to the President's veto message. The President's discussion of the financing required by the bill chiefly challenges my interest where he uses the following general language:

It is represented that this measure merely provides loans against a future obligation and that, therefore, it will cost the American people nothing. That is an incomplete statement.

This statement, Mr. President, may be incomplete; but it is far more literally accurate than any other generality which might describe this measure. It is incomplete, according to the President, because it ignores alleged collateral considerations which are largely speculative. But it is the essence of completeness in its assessment of the main fact. This is the main fact: No new tax is caused by this extension of new credit to the veterans, because we are told that every loan in full, principal and interest. If there shall be a tax increase next winter, Mr. President—and I apprehend that there probably will be a tax increase—it will not be because of this legislation; it will be because of a budgetary deficit due to totally unrelated causes and already anticipated without any reference to this bill.

This is the main fact—let me state it again in a different way: No new addition to the public debt, to be liquidated by otherwise avoidable taxes, is involved in this bill. It merely recognizes an existing debt, and transfers it from one form to another. It is still the same debt. If anything, it might well be argued that this proposed process will ease off the 1945 burden of financing the whole three and a half billion dollars of this particular debt at one time. If anything, it might well be argued that we are forehandedly anticipating and avoiding an ultimate fiscal embarrassment in 1945.

Now let me again quote from the veto message. Referring to the money needed by the Government to make these loans, the President says:

There not being a penny in the Treasury to meet such a demand—

This is true in the sense that it might also be said that there is not a penny in any trust fund that has three-quarters of a billion dollars invested in perfectly sound securities—

There not being a penny in the Treasury to meet such a demand, the Government must borrow this sum through the sale of the reserve-fund securities, together with other issues, or we must need impose further taxation.

I should not say that this statement is incomplete; I should say that it is overcomplete. There would seem to me no reason for the final alternative clause. It is literally true that if "the sale of the reserve-fund securities, together with further issues," is inadequate, then there must be "further taxation"; but how can the former be inadequate? What constitutes the reserve-fund securities to which the President refers, meaning securities belonging in trust to the veterans' funds? I take it there is no dispute upon this score.

This trust maturity fund is $735,000,000 of 4 per cent Treasury certificates of indebtedness available, according to General Hines, for transfer into cash that shall make these loans. In addition, according to General Hines, there is $50,000,000 still available in the war-risk insurance fund. This is a total of $785,000,000 of Government securities earmarked exclusively for the benefit and use of the veterans' funds in this reservoir in which it is said there is not a penny.

In addition to this $785,000,000, here comes another $112,000,000 which, by act of the Senate within the last few days—an act undoubtedly to which the House will agree—is our contribution to the certificate maturity fund for next year, and which becomes available upon July 1, 1931, for this very purpose.

This, then, makes a total of $897,000,000 of Government money or securities in the fund from which, primarily, these loans may be obtained.

One guess is as good as another as to how much will be sought by the veterans in loans. I make no prophecy. If only those veterans, however, who have already borrowed under the existing 22 per cent loan privilege borrow under the new privilege—and it would be fair to assume that the needy are substantially embraced within this class—their loans are not calculated to exceed $430,000,000. The highest estimate that I have yet heard is that of General Hines himself. The President uses General Hines's maximum figures in his message, to wit, $1,000,000,000. Very well. Then the reserve fund securities to which the President refers—remember they already total $897,000,000—cover practically 90 per cent of the estimated peak demand; and remember that one year hence, regardless of the pending bill, we shall put another $112,000,000 into the maturity fund, thus covering within easy time the last 10 per cent of General Hines's peak estimate.

But suppose this is not the peak. Suppose every veteran, contrary to every rule of reason, avails himself of every last penny of this new loan privilege. What then? We simply confront a credit operation in which we borrow the balance and reloan it to the veterans upon unassailable security at 4½ per cent interest, while the Government borrows it probably at a considerably less rate of interest. Every loan to every veteran, according to the intentions of this legislation, pays itself, principal and interest. The plan is self-contained. I can not understand how any plan could be more favorable to the Government and to the Treasury; so I can not validate the final phrase in this particular quotation from the veto message:

Or we must need impose further taxation.

There is no "or."

But the President says this is an incomplete statement. Why? Because it does not embrace the possibility that when the Government must turn these securities into cash—and, of course, they must be marketed—the reflex will make all money more expensive, and divert some of it from industrial uses.

This realm, of course, is wholly speculative. The President and his Secretary of the Treasury may be wholly right. I certainly lack credentials to justify me in disputing that; but I call attention to these offsetting encouragements:

First. All of this transfer of securities into cash does not occur at one time. It is a continuing, progressive movement down through the months. Mr. Mills stated in a letter yesterday that the estimate of the needs to June 15 is only $400,000,000 at the heavy inception of the demand; so that whatever this burden may be it is not a sudden bulk, shock burden. It is a progressive, serial thing across the months, and ought to be safely accommodated by our thoroughly expert Treasury.

Second. The Treasury itself contemplates large refunding operations, with the expectation of cheap money, some money already having been borrowed as low as 1 and a fraction per cent a year. And, Mr. President, when I am searching for the fundamental truth in this equation, I can not forget that when the Treasury asked for $400,000,000 last November or December they were offered $1,600,000,000 of money at a rate approximating 1 per cent a year.

Third. The Government's money under no circumstances is calculated to cost more than 4 per cent. The veterans' loans are at 4½ per cent. This differential alone has been estimated to represent $300,000,000 over the years. I think the differential will be even larger. Does it not balance any speculative loss from other factors? Does it not take up any possible, unforeseen slack? It might almost be called a Government profit on the transaction if we dared to use such a sordid word in this connection. Instead of "profit," let us say that it is the final measure of safety which warrants that this whole operation will not bring to the taxpayer any new net burden.

Third, and I am speaking of the encouragements offsetting the suggestion that there may be some collateral disadvantage from this financing: So far as cash is concerned—money, not securities—the Treasury will have within the year, under appropriations already made and unrelated to this bill, $112,000,000 for the certificate maturity fund, and $409,000,000 for the general sinking fund; and it can use the annual contribution to the general sinking fund at its own option to finance any sector of the public debt, including the certificates of indebtedness in the veterans' maturity fund which must be transferred into cash in order to complete this transaction. This is a cash total of $521,000,000 applicable to this veterans' fund portion of the public debt, if it be thus dedicated. Let us not forget that the compensation certificates are just as much part of the public debt as are our Liberty bonds.

Fourth. If these loans do put a billion dollars of new money into mass circulation it does represent in some degree a stimulating economic factor of undisguisable potency. What becomes of this billion dollars to which General Hines gives his final peak estimate? It is not thrown into the sea. It is not burned in a conflagration. It is not withdrawn from the reservoir of our national resources as a people. No: it is unfrozen and put back into the reservoir of our mass resources, and it seems to me must inevitably have an economic factor of stimulant within it. I believe it will be sanely used. I know of my own knowledge of some little homes which it will save to veterans otherwise in immediate danger of losing them.

So, Mr. President, with great humility I am bound to persist in the idea that there is no preponderant fiscal menace in this self-contained program. The Government can meet the situation without new burden to the taxpayer and with advantage to the veteran who needs and asks for latitude in his compensation-certificate values. If anybody has a right to complain respecting this substitute for the three or four billion dollar program, it is not the Treasury or the taxpayer; it is the veteran himself.

Now, for the President's other general objection—namely, that we extend the option of a loan privilege to veterans not in need, many of whom resent this legislation.

I am sure that the veterans who resent it will not embrace it. The larger the group which the President thus describes the smaller will be the loan demand. In whatever proportion this objection is valid, in the same proportion any threats of excessive borrowing are depreciated.

The President says:

I have the utmost confidence that our service men would be amongst the first to oppose a policy of Government assistance to veterans who have property and means to support themselves, for service men are as devoted to the welfare of our country in peace as in war and as clearly foresee the future dangers of embarking on such a policy.

I agree that service men are devoted to their country's common welfare, and I do not believe that those who do not need this proposed reliance will generally embrace it. My confidence in them in this respect is the basis for my belief that some of these maximum estimates of the extent of the borrowings are too high. Only lack of confidence in them can support these estimates.

I hope that veterans who do not need these loans will not make them. The American Legion announces its intention to stress this sound philosophy. There is no question but that a veteran is better off if he can leave his certificate intact and if he happily is in a position where that may be done, but there are tens of thousands to whom this new loan privilege will be a blessed boon. I make this statement, and invite the Senate's attention to it: I believe it is far more tenable to ask for approval of this legislation lest needy veterans be denied all such relief than it is to ask the defeat of this legislation lest some veterans who are not needy shall share its privileges.

I do not want to be emotional in the presentation of this appeal, because I am intending to present solely a factual thesis, but I can not resist at this point reading into the RECORD a dispatch which appears in the New York Times from South Norwalk, Conn., under date of February 25. I do not mean that this extreme is typical. I mean that it is significant. I read:

NORWALK HERO OF WAR DIES OF STARVATION—OSCAR JOHNSON WON AMERICAN AND FRENCH CROSSES—CITED BY BRITAIN AND BELGIUM

SOUTH NORWALK, CONN., February 25.—Too proud to beg and too ill to work, Oscar Johnson, 37, who won the Distinguished Service Cross and the Croix de Guerre in France and was cited for bravery by the Governments of England and Belgium, died in Norwalk Hospital early to-day from hunger and exposure.

* * * * * * * * *

Johnson will receive a military funeral on Saturday afternoon and all veterans here have been ordered to attend it. He was Norwalk's outstanding hero of the World War and when the news of his tragic death became known all flags in the city were flown at half-mast.

Mr. President, so long as there are any veterans of the World War or of any other war who find themselves in that type of a desperate crisis I can not understand how we can undertake to decline legislation simply because theoretically it does not make a sufficiently fine discrimination as between men and men. I know the President of the United States favors aid to such men as this dispatch describes. Yet, this pending bill is the only bill which now permits us to provide such aid.

I did not have the privilege of wearing my country's uniform during the war, for reasons entirely beyond my control. It was and is the regret of my life. I think it was a privilege beyond price to serve in that crusade. But I know this, that because of the fact that my civilian activities were not interrupted, even though I was engaged for 17 months in civilian war work upon this side of the ocean, I was infinitely better off in dollars and cents at the end of the war than were many of my dear friends, who have not even yet recovered their economic equilibrium.

I can not bring myself at any time to maintain an attitude of technique and utterly fine discrimination when the question involved is whether there may be service rendered to those who served us, when the question is, particularly in the present instance, simply and solely whether we shall release to them that which is dedicated to them under the law absolutely as their own. My motives are no loftier than the motives of those who in equally good conscience disbelieve in this legislation. Any claim to the contrary would be offensive to me and unfair to them. I simply state my own view, so that, if possible, I may not be misunderstood.

If I read the President aright, the difference between us is that he would leave with the Government the authority to pass upon a veteran's need. We propose to leave with the veteran himself the authority to decide for himself whether he is in such need as to lead him to use his own collateral for a loan out of his own money.

I frankly state that my own original bill upon this subject embraced the tentative idea of discretion allowed to the Veterans' Bureau in making loans. But there is an emphatic distinction to be made between this case and the general rule which the President announces, and which, as an abstraction, would be sound. His message says:

This is a step toward Government aid to those who can help themselves.

I would not take that step. But I think discrimination calls for recognition of the fact that this is not "Government aid" in the ordinary meaning of that phrase. We are not basically dealing with public money. We are dealing with the veteran's own money and his own certificate of credit, earned by him 13 years ago.

This has no element of gift or gratuity. It is a release of credit already accorded to the veteran but not heretofore recognized to the full extent of its inherent values.

We are the trustees of his fund. I do not believe we can properly make ourselves the trustees of his judgment.

The President says:

I have no desire to present monetary aspects of the question except so far as they affect the human aspects. Surely it is a human aspect to transfer to the backs of those who toil, including veterans, a burden of those who by position and property can care for themselves.

I do not see that we transfer any burdens from anybody to anybody else. Each veteran's certificate meets and carries its own load at the option of its owner.

The President says:

We can not further the restoration of prosperity by borrowing from some of our people, pledging the credit of all of the people, to loan to some of our people who are not in need of the money.

It seems to me incontrovertible that the process should be differently described. We permit such of the Government's creditors as elect to do so to pledge their own property as collateral to their own loans on a basis which is bound to liquidate the loans in full and at their own expense.

Mr. President, one thing only, so far as I am concerned, is debatable, namely, whether this legislation in the long run is a good thing for the veteran himself. But that question we leave for optional decision by the veteran himself.

This, then, in conclusion.

I have no sympathy with the charge, sometimes heard, that the Government has done nothing for the veteran. On the contrary, the Government has been prodigal. We have expended some $5,000,000,000 in his behalf in the last decade, and perhaps 20 cents out of every current tax dollar, without respect to this legislation, goes directly in his behalf. He has not been forgotten or ignored by a grateful Republic.

But neither have I any sympathy with the argument also sometimes heard that we must hold back further legitimate consideration for him lest we open the door to endless raids. I shall vote for no raids. I am prepared to meet that issue if and when it arises.

This is not a raid. This is a program of rational assistance. It is not intended to add a penny to the inherent values of compensation certificates. It unfreezes legitimately existing values. It is not a bonus bill. It would clarify our perspective if that word "bonus" could be stripped from our lexicon. It is a bill to liberalize but not increase adjusted compensation, which was earned in the valley of the shadow. It is a bill to make this adjusted compensation serve the veteran's emergency in some small reciprocity for the service he rendered us in our emergency.

With greatest respect for the earnestness and the conscience and the pure motive which inspire the President to oppose this view, I must stand my own ground and persist in my support of the pending measure.

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed in the RECORD a concurrent resolution adopted by the Legislature of the State of North Dakota favoring the pending measure.

The VICE PRESIDENT. Is there objection?

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, Robert Byrne, secretary of state of the State of North Dakota and keeper of the great seal thereof, do hereby certify that the following copy of Concurrent Resolution B-2 has been compared by me with the original resolution on file in this department, and that the same is a true copy thereof and of the whole of such resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Bismarck, this 16th day of February, A. D. 1931.

[SEAL.]

ROBERT BYRNE,
Secretary of State.
By CHARLES LIESSMAN,
Deputy.

Concurrent Resolution B-2, requesting the Congress of the United States to enact legislation to provide for the immediate conversion into cash of World War veterans' adjusted-compensation certificates. (Holte and Ericson of Kidder.)

Be it resolved by the House of Representatives of the State of North Dakota (the Senate concurring):

Whereas a general economic depression, producing a depreciation in the value of all commodities, a stagnation of business, an aggravated condition of unemployment, and serious individual suffering, now exists in the State of North Dakota and throughout the whole Nation; and

Whereas there are now pending before the Congress of the United States certain measures the purpose of which is to alleviate in some degree the existing distressing conditions by providing for the immediate conversion into cash of World War veterans' adjusted-compensation certificates; and

Whereas the American Legion, Department of North Dakota, has just completed a poll among 20,000 World War veterans resident in this State, which conclusively demonstrates that such veterans almost unanimously favor the enactment by the Congress of the measure providing for the immediate payment, upon application, of the full face value of such adjusted-compensation certificates; and

Whereas the passage of such legislation would bring immediate relief to thousands of veterans and their dependents who are now in need, create new markets, instill new life into American business, and be a well-deserved demonstration of the gratitude of the Nation to those who carried its arms in 1917 and 1918: Now, therefore, be it

Resolved, That the House of Representatives of the State of North Dakota (the Senate concurring) most respectfully urge upon the Congress of the United States the early enactment of legislation providing for the immediate payment, upon application, of the full face value of such adjusted-compensation certificates; and be it further

Resolved, That the secretary of state of the State of North Dakota be, and is hereby, instructed to forward a duly authenticated copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Represenatives, and to each representative of the State of North Dakota in the United States Senate, and House of Representatives.

C. VERNON FREEMAN,
Speaker of the House.
JNO. W. CARR,
President of the Senate.
C. R. VERRY,
Chief Clerk of the House.
J. L. ROSHOLT,
Secretary of the Senate.

Filed in this office this 14th day of February, 1931, 3 p. m.

ROBERT BYRNE,
Secretary of State.
By CHARLES LIESSMAN,
Deputy.

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. REED. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steck
Blease	Glenn	Metcalf	Steiwer
Borah	Goff	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

The PRESIDING OFFICER (Mr. FESS in the chair). Ninety-four Senators have answered to their names. A quorum is present.

Mr. HASTINGS. Mr. President, I of course have followed the debate upon this question closely enough to realize that probably no speech could be made by anyone in the Senate that would prevent the bill from becoming a law. I have no notion, if that could be done by anyone, that I have sufficient influence or could bring to the attention of the Senate any argument that would have any effect on any vote. More than that, Mr. President, I do not rise merely to explain the vote which I have cast or the vote which I expect to cast upon this subject. I do want to submit a few observations, however, before the bill becomes a law.

In the first instance, I desire to read a letter from a veteran—not that it is an unusual letter. I have no doubt that many Senators who voted against the bill will realize instantly when I read the letter that it is only one of many similar to those received by them. Addressing me, the letter reads:

Being an ex-overseas veteran and a member of Delaware Post, No. 1, the American Legion, and also a member of J. F. Speer Post, No. 615, Veterans of Foreign Wars, I must confess that your recent vote on the bonus bill surprised me greatly. You disregarded the wishes of the vast majority of service men of Delaware, who were solidly for the passage of said bill. Your vote against the same has not increased your popularity with the ex-soldier, his family, and his friends of your State. If you are wise, you will surely see the handwriting on the wall and not vote to sustain the veto which President Hoover will return next week. Should you again vote against the soldiers' welfare, I will be forced to join the vast army in refusing to support you in the future.

That is one of the kind of things that is being sent to Senators to-day. But the other, and I am proud to say in my judgment that which is having the greater influence, is the kind of stories that were read from the newspaper by the junior Senator from Michigan [Mr. VANDENBERG]. In other words, we have here two forces working upon this body. One is the threat of the ex-service man and the other is that great sympathy aroused in order that the ex-service man may be properly protected. But I insist, Mr. President, that if the junior Senator from Michigan had had an opportunity to go to the front he would have been willing to sacrifice all the money that he made during the war and all that he has made between that time and the present time if it were possible for him to have written into history the heroism and the patriotism which is written there in the lives of many soldiers who served at the front.

What I complain about to Congress and what I can not understand is that there is being a constant effort made to pay the soldier for his patriotism and for his heroism. I insist that that is one thing which can not be paid for. I insist that the Congress ought under no circumstances to try to pay for it. That is my complaint. An effort is made to pay for heroism. I would give, as many Senators would give, all I have if I had the record some of these soldiers have. But I insist that the man who came from the war unharmed, although he would not go back for a million dollars and go through the same experience, if his country called him again he would willingly go without pay of any kind in order that he might properly serve his country.

I want to invite attention for a moment to the history of the so-called bonus bill. Before doing so I want to refer to a letter of Mr. McAdoo, the Secretary of the Treasury, when the business of taking care of the soldiers first came up. We undertook it early in the war. An effort was made to get rid of the policy of the pensions which the country had been paying Civil War veterans for generations. An effort was being made in the Congress at that time to see to it that Congress would not be asked to protect and take care of the soldiers in the future. They undertook cheerfully and with great deliberation to do it before the men came back from the war or while they were in France.

The committee report with reference to the matter stated:

The first, second, and third features provided for the maintenance of the families of the soldiers during service and for compensation in case of death, and it is believed this is effected much more satisfactorily in this bill than in the existing pension system and will not be so expensive in the long run.

Secretary McAdoo at the same time stated:

We ought not to leave the officers and enlisted men of the Army and Navy, who must fight this great war, to the uncertain chance of future legislation upon the old and discredited pension plan.

This scientific well-balanced, equitable, and comprehensive insurance and compensation measure will be a substitute, and should be a substitute, for the pension system as applied to the present war, and ought to make impossible, as it certainly will make unnecessary, future pension legislation with all its inequalities and favoritism.

Those who are enjoying pensions under the present system are left undisturbed; this measure does not affect them. We do not want to deprive any old soldier of any part of the recognition which his country has already given him for valorous services rendered in the past, but we do want to make certain for the future that a more equitable and just system than the old pension system shall be provided for all those who enter the military and naval service of the country in this war.

In the first place, an insurance was provided which it was believed would take care of the soldier and take care of his family; but, the war over, there came some evidence either in Congress or outside, either by the ex-soldier or by the men in Congress who were trying to secure his vote, of a plan to provide for him what has been commonly known as a bonus. That legislation came before the Congress and after

a long time it was enacted. There was a method of figuring what was due each particular man—so many days overseas, so many days in this country, and thus an amount was arrived at which, as I understand it, was increased by 25 per cent because it was not proposed to pay him in cash, but it was proposed to give him a certificate which would not be payable for a period of 20 years, namely, in 1945. That amount was taken as due to ex-service men. Interest was then compounded upon it at 4 per cent, and he was given a certificate of a certain face value due at a certain period of time. In the meantime, if he died his family would get the full face value of the certificate, so that it became a paid-up insurance policy, as has been shown here.

Now, 14 years before it becomes due, either by the soldiers themselves or by Members of Congress, if we are to believe what the newspapers say, a movement is started to do what? To pay to the soldier in advance by a period of 14 years the full face value of that certificate. The newspapers took considerable notice of that theory and many articles were written about it. Speeches were made here and there with respect to it. It was found that there was much sympathy for it and much determination to enact it into law. The statement is made here now that if we had not passed this bill, if we had not agreed upon this plan, we would have confronting us a bill providing for payment of a soldiers' bonus at this time amounting to approximately $3,500,000,000. We are told, "We have gotten you out of a terrible mess, because here you and the President were confronted with the possibility of having to raise $3,500,000,000. We have saved you all that difficulty. We have here a different proposition. We have a proposal merely to loan the soldier that which it is admitted is due him, and you have no right to complain."

Mr. President, this is called "the great compromise." It is called a compromise in the interest of the soldier and in the interest of the country. From the soldier's point of view it is not a compromise; it is a surrender. Here is an effort made to get $3,500,000,000; here is a demand upon the Congress to pay the veterans $3,500,000,000, 14 years before it is due, and then another bill is presented and we are told, "This is a compromise, this is satisfactory to the soldier, and therefore you ought not to complain."

Mr. President, the truth of the matter is that we are not fair to anybody, we are not fair to the soldiers, we are not fair to the Government, we are not fair to the people of the country in passing this legislation. As an illustration, $500 was determined six years ago to be due a soldier. Taking that upon the 4 per cent basis, at this time it would be worth $632.66. Upon that basis a certificate would be issued for $1,094, so the veteran is now able to borrow $547, while if he got cash for his certificate, it would be worth $632.66. If he borrows that $547, then at the end of the period of 14 years more it will be worth to him much less than $100, so that he gets the $547 now and practically surrenders his certificate. The only thing left him is the life-insurance feature in case of his death and the less than $100 which he will get at the end of the 14-year period. As I said, we have done no particular good for the soldier at this time, because we have permitted him to take from the Treasury that which is less than would be due him if we based it upon the original method of determining the amount.

But that is not the real trouble in this case; that is not the real objection in this case. The principal objection is that we are doing away with that purpose for which the so-called bonus bill was passed, that is, the protection of the soldier and his family. I ask Senators whether or not they know how many wives who are named as beneficiaries in these certificates are to-day, when this bill is passed, going to be robbed of that which they have been led to believe they would have some time in the future? Just as certainly as we are here, there are not only a few, not only a small percentage, but a very large percentage of the soldiers of the country who, without the knowledge of the wife, will sneak that certificate from under the pillow or wherever it may be and go to the Government and take from the Government whatever they can borrow on the certificate under this plan, and in two or three days will squander the small amount so that neither the veteran nor his family will reap any particular benefit from it. Oh, it is answered, that is none of our business; that is the soldier's business; if it is his money, he ought to have the right to use it as he pleases and borrow on it as he pleases.

Ah, that would be true, but at the time the bonus bill was passed, at the time this argument was previously made in Congress, the principal point that was stressed was that it would take care of the soldier's wife; it would take care of the soldier's children; it would provide for him as he approached old age, and would take care of his family in case of his death. All that I submit, Mr. President, is about to be done away with by this bill. We are leaving to the soldier a free hand. Whether he needs it or whether he does not, we are permitting him to go and take that money and do what he pleases with it.

Does anybody have any doubt that in the State of Michigan right now they are organizing a corps of high-pressure salesmen, with a list of all the ex-soldiers who are there, ready to grab and invest that money for them in some scheme, with the thought that they will be able to produce for them great sums of money which will take care of the soldier during his life and will take care of his family forever afterwards? There are high-pressure salesmen in this very District who can make respectable and sensible people believe that with the $500 they can go out and make for them a fortune; and here we are giving to these high-pressure salesmen a list in every State in this Union and putting before the soldiers an inducement to take from their families that certificate in order that they may buy that new kind of security which will be certain in the end to make them rich.

Oh, but it is argued here that if we shall pass this measure we will put in circulation a billion dollars of money and will have done a great thing in increasing the business of the country. I think it was the Senator from Indiana who said it would increase the automobile business if we passed this measure; we would put a billion dollars in circulation so that soldiers could buy automobiles. What a tragedy it is, what a great help it is, to pass this sort of bill for that sort of purpose. In other words——

Mr. BARKLEY. Mr. President——

Mr. HASTINGS. Just a moment; the argument is made that it will unquestionably improve conditions in the country generally, and therefore that is one reason why we ought to pass the bill; but I insist we shall be doing that at the expense of the soldier.

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Kentucky?

Mr. HASTINGS. I yield.

Mr. BARKLEY. Mr. President, I wonder if the Senator from Delaware knows whether any of those ex-service men who have already borrowed on their certificates stole them from their wives and children and used the money to buy automobiles; and if so, what proportion of them used their money for any such purpose? [Laughter in the galleries.]

The PRESIDENT pro tempore. The Chair must warn the occupants of the galleries that they are here as guests of the Senate and must observe the rules of the Senate. The rules of the Senate forbid demonstrations of approval or disapproval in the galleries.

Mr. HASTINGS. Yes, Mr. President; I know why the occupants of the galleries are here, and they are not having any effect upon me, either.

I will answer the Senator from Kentucky. In the first place, the amount is rather small, and the soldier would not have an opportunity perhaps to borrow for any such purpose as I have indicated; that is one reason. I do not know personally as to that, but I do know a lot of ex-soldiers, if they should get the chance, would take the certificate from their wives and go out and spend the money foolishly. I know that much.

Mr. BARKLEY. I challenge the Senator from Delaware to name a single soldier who will do that. Name one if you know him.

Mr. HASTINGS. Of course, I would not name them if I could.

Mr. BARKLEY. You do not know them; that is why you will not name them.

Mr. HASTINGS. I do not think that is quite a fair statement. I am satisfied the Senator from Kentucky knows them and himself can name them if he wants to do so.

Mr. BARKLEY. No; I do not know any such ex-service man, and I think it is a reflection upon the man who defended our flag to say that they are going to steal these certificates and are going to use the money for some purpose for which they do not need it.

Mr. HASTINGS. I cast no reflection upon them. I have as great respect for the ex-soldiers as the Senator from Kentucky has; but the Senator from Kentucky knows that the ex-soldier is a human being, not different from other citizens of the country, and is apt to do things like that, as other citizens of the country are apt to do them when they get a chance, particularly when they get a little money that comes easy from the Government and can get it without anybody knowing it.

Mr. President, as I have said, I am stating practically what every Senator knows and what every ex-soldier knows to be the fact. I am not making any reflection upon the ex-soldier as a whole; I am not stating that he is different from any other citizen of this country. Indeed, I think the ex-service men constitute the very best citizens of the country and will ultimately be in control of the Government and the country. With that condition I shall have no particular fault to find; but along that line I want to point out the fact that the minute they begin holding responsible positions in the Government, the minute they have placed upon their shoulders the burden of seeing to it that no laws shall be passed which are not for the good of the country as a whole, we find—and that is the kind of ex-service men we see in Congress—them frequently opposing legislation that is about to be enacted in favor of the ex-soldiers.

I am not disturbed about the condition of the Treasury. I think what has been said by the junior Senator from Michigan [Mr. VANDENBERG] is true. He has gone through a long story explaining in detail how we will get the necessary money to meet this demand; but after all, Mr. President, it amounts to this, and simply this: There is no money in the Treasury to meet it. Senators may talk all they please about there being $750,000,000 or $785,000,000, or they may get it up to $895,000,000, in the fund to protect the soldiers; but after all, it is not money, and it amounts simply to this, and I am not quarreling about it, that it becomes necessary to go out into this country of ours and borrow a billion dollars from our citizens in order to loan it to a certain class of other citizens. That is the whole problem.

Mr. COUZENS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Michigan?

Mr. HASTINGS. I yield.

Mr. COUZENS. Does not the Senator understand that if the Government had not used the veterans' reserve fund it would have had to place the same amount of securities on the market which it will now have to place on the market? I see no force at all in the argument of the Senator, because they are Government securities and would have had to be thrown on the market had they not been put in the veterans' reserve fund; they would have to be sold now or later.

Mr. HASTINGS. If anybody, by any stretch of imagination, can show me how it is possible for the Government to loan a billion dollars to the ex-soldiers, when the Government has not the billion dollars, without borrowing it or getting it from taxation, I should like to know how it can be done. I do not know of any means of doing it except by borrowing it or getting it through taxation. Does the Senator know of any other means?

Mr. COUZENS. Oh, yes.

Mr. HASTINGS. Then, let us find out how it may be done.

Mr. COUZENS. The Government has already borrowed the money from the soldiers' reserve fund, and I contend that the placing of these securities on the market now would be no different in effect than if the Government had placed them upon the market when it put them in the reserve fund. In other words, the Government's indebtedness is not enlarged by one penny as a result of this bill. The Government has had the use of the soldiers' reserve fund to which to sell its own securities.

Mr. HASTINGS. But we come back always to the one proposition—I do not care whether it is the Government or whether it is an individual, that if there is a call to spend a billion dollars for somebody and the billion dollars is not at hand in cash, it is necessary to get it from some place; it is necessary for the Government to get it by selling securities or it is necessary to get it by taxation. That is a plain proposition.

We may entertain all the theories we like with respect to it, but it is that, and simply that.

I am not particularly disturbed about it; I am not afraid this Government can not go out and borrow a billion dollars for any purpose any time it wants to do so, but I insist that it ought not to be compelled to borrow a billion dollars in order to take care of people who happen to be ex-soldiers when they are perfectly able to take care of themselves. That is one thing about which I complain, and the other is the position in which the soldier is placed of being able to take his certificate and use it, without the consent of the person who is named in it, without the consent of the person who was led to believe that it would be secure for 20 years. Those are the two things that are the trouble with this bill; those are the two things that make it a bad sort of thing and a bad measure for the Congress to adopt.

Mr. President, what is going to happen will be this: The same Members of the Senate and the same Members of the House of Representatives upon the urge of the soldiers will be coming back here two or three years from now and urging that the interest that is charged to the soldier in this case is an outrage upon the soldier; that it ought not to be charged; and that we ought by all means to forgive that interest and abolish it entirely. In other words, at some time in the future before the certificates shall be retired, we will find legislation proposed here which will not only take care of the man who has borrowed but will forgive the payment of compound interest and in the future also take care of his family.

I think the serious thing for us to consider is the danger of going beyond the policy of taking care of the soldier who is in need. It would not make any difference to me if it took a billion dollars every six months to take care of the needy soldiers. I would be willing to vote for it. I insist that his care is important; I insist that the care of his family is important; and as the years come and go we are going to find the burden of the soldier who is in need bearing down upon the Government constantly, and it will become a burden to the whole country which it will be difficult for us to bear. If we confine it to the men who are in need, we will be in a safe position, because we are in honor bound to take care of them; but when we go outside and undertake to pay for the patriotic services of the man who is well and the man who is prosperous I insist that we are treading upon dangerous ground upon which the Congress can not afford to tread.

Mr. CUTTING. Mr. President, I have very little to add to the argument made by the junior Senator from Michigan [Mr. VANDENBERG]. It seems to me, however, appropriate that at least one Member of the Senate who has been engaged in the work of veterans' organizations since the war should say a few words about this particular veto message.

It so happens that I was department commander for the State of New Mexico in 1924 when the original adjusted compensation bill passed the two Houses of Congress. I felt at that time that the bill should have contained a cash option. It will be remembered that the original bill which passed Congress in 1922, and was vetoed by President Harding, contained a cash option clause. In 1924 it was the opinion of the national organization of the American Legion that such a measure could not be passed, and they determined to eliminate that feature of the bill. I protested at the time against what seemed to me a surrender, and I still feel that such a clause should have been included.

Of course, that is a past issue; and I mention it only in order to point out to the Senate that if such a clause had been included we should have avoided all the discussion and all the difficulties which we are in now, and which I believe we shall continue to be in until this adjusted compensation has been paid in full.

I desire to call attention to a statement made in the message of the President:

> When the bonus act was passed it was upon the explicit understanding of the Congress that the matter was closed and the Government would not be called upon to make subsequent enlargements.

In the first place, Mr. President, it must be evident that one Congress can not bar future Congresses from acting in some diametrically opposite way. I am inclined to think that the President's statement is based not on any action of Congress but on a statement made by the present senior Senator from Iowa [Mr. STECK], who at that time was chairman of the national legislative committee of the American Legion. Mr. STECK, as I remember, appeared before the Ways and Means Committee of the House and stated that the Legion would not attempt to obtain a general pension system. That, of course, is something altogether apart from the subject of this legislation, which merely creates additional loan facilities to the bill which was passed in 1924.

I think I state the matter correctly. If not, I shall be glad to have the Senator from Iowa correct me.

Mr. STECK. Mr. President, the matter came up before the Ways and Means Committee upon a direct question asked by the chairman of that committee of the representatives of the American Legion, which at that time was pressing the passage of the adjusted-compensation bill before the other body of Congress. The question was asked, "What is the use of passing this? It will be just a few years before the service men will be up asking for a general pension." The chairman asked me if that was not so; and I said that, so far as the American Legion was concerned, from action already taken, we would consider this a quitclaim of all general pension legislation during the life of the bill that was then before the Senate.

That was the only statement, so far as I know, that was ever made in behalf of the American Legion or any other service organization with reference to the passage of the adjusted-compensation legislation.

Mr. CUTTING. I thank the Senator from Iowa for confirming my idea about the matter.

Mr. President, it seems to me that the veto message of the President rests on two fundamental misconceptions.

The first misconception is that the ex-service men constitute what he calls "a group of special privilege," and what the newspapers for some time have been calling a special class.

This "class" or "group" was a segment of the population of the United States selected by Congress to do for the country a particular work which had to be done in the year 1917. It consisted of all the able-bodied men of the country within certain definite ages. In what sense can it be called a group of special privilege? In what sense can it be called a class? I feel quite certain that nobody who was in favor of the draft act of 1917 stated on the floor of either House of Congress that these men whom they were sending into the service would hereafter menace the Nation as a special class or a privileged group. On the contrary, it was universally proclaimed on every public platform of this Nation that they were a group of heroes and crusaders, and that nothing would be too good for them after they came back from the war.

Mr. President, they were not a group of heroes at that time, and they are not a group of special privilege now. They were then, and they are still, a group of average, representative American citizens who happened to be physically qualified at that time for the work which the country set before them. The country, by selecting them for the work which had to be done, placed them under a permanent financial and economic handicap; and it is that handicap and nothing else which constitutes the justification for the adjusted-service legislation which was passed in 1924.

The bill passed at that time gave, in addition to its insurance policy, a privilege of making inadequate loans on the policies. We are attempting at this time to increase the amount of those loans. That is the whole sum and substance of this legislation; and it is very strange to me that so much opposition has been made to what, after all, constitutes a small amendment to the original act.

As the senior Senator from Michigan [Mr. COUZENS] pointed out, whatever securities have to be sold now will obviate the sale of just that number of securities at a later date. It will not cost the country anything in the long run. The money is the veterans' money; and the conception of those who support this legislation is that the veterans are mature enough and intelligent enough and public-spirited enough to use their own best judgment as to whether they should or should not take out increased loans from the money which is theirs, which is being held as a trust fund for them in the Treasury of the United States.

The opposite views on this point constitutes the second fundamental misconception in the President's message.

It has been argued that loans should be made only to the needy. The difficulty with that is as to who shall decide what particular veterans need the loans and what veterans do not. An amendment was presented the other day on the floor of the Senate giving that right of decision to the Administrator of Veterans' Affairs. From experience in the past, it will be quite obvious to the Senate that any decisions made from that source would be made against the veteran in 95 per cent of the cases.

It has been argued on this floor within the last few minutes that a large proportion of the veterans, as soon as this legislation was passed, would proceed to rob their wives and families, and spend the amount of their loans in riot and debauchery. I feel sure that the Senator from Delaware [Mr. HASTINGS] did not talk in those terms in the years 1917 to 1919. His present attitude constitutes, no doubt, an extreme statement of the case, but a similar sentiment runs to some extent through all the opposition to this bill—that is, the idea that the veterans are not intelligent enough to understand their own interests, and not decent enough citizens to pay any attention to the interests of their wives and families.

That presumption can be inferred from the mere financial statement contained in the President's message. The largest cash outlay which would be made if every veteran borrowed the entire amount to which he is entitled under this act constitutes, according to the President's message, the sum of $1,700,000,000, less about $330,000,000 already loaned. It might have been more clearly stated, perhaps, by saying that the maximum is the sum of $1,370,000,000.

> According to the Administrator of Veterans' Affairs—
>
> The President goes on—
>
> the probable number who will avail themselves of the privilege under this bill will require approximately $1,000,000,000.

That is, the President assumes that almost three-quarters of the loans which are theoretically possible will be made at this time.

The original Treasury estimate of this amount was $700,000,000; and the estimate of the American Legion—who, I submit to the Senate, have far better facilities for knowing the condition of the ex-service men—is $525,000,000.

The President, however, goes on to say:

> I know that most of these men do not seek these privileges, they have no desire to be presented to the American people as benefiting by a burden put upon the whole people. * * * I have the utmost confidence that our service men would be amongst the first to oppose a policy of Government assistance to veterans who have property and means to support themselves, for service men are as devoted to the welfare of our country in peace as in war and as clearly foresee the future dangers of embarking on such a policy.

If that is the case, and if it is also the case, as the President states, that there are comparatively few veterans who are in need, how is it possible that three-quarters of these patriotic citizens of the United States should go out and do something so completely detrimental to the interests of their country?

Mr. President, the people who are concerned in this legislation, the people whose money is involved, are the veterans themselves. They have spoken in perfectly clear language through their own organizations.

The American Legion alone has 10,000 posts in this country. The other ex-service organizations have many posts throughout the land. Their opinion is worth considerably more than the opinion of the Treasury Department, or of the Veterans' Bureau, or even of the President of the United States, with regard to this particular subject.

I should like to read from a statement made by Ralph T. O'Neil, the national commander of the American Legion, within the past few days. He said:

> The war veterans are mindful of their Nation's welfare, and I think you will find that those who are not in need will not apply for loans. When the law becomes effective the Legion will issue a call to arms to the veterans. To those in need we will say: "Apply for your loans immediately, and the Legion will aid you to obtain them as soon as you may. You have a right to your money and should take it if it will relieve your distress."
>
> To those not in need we will say: "Aid your distressed comrades in obtaining their loans. Refrain from applying yourselves, that the wheels of administration may not be clogged and that the distressed may receive their relief the sooner. Do not borrow unless circumstances require it."
>
> I know how the service men have responded to calls in the past, and I believe that they will do so again.

Mr. President, I desire to concur in every respect with those remarks by Commander O'Neil.

There is one prevalent insinuation which I think most ex-service men resent. It is not made in the President's message, but it is repeatedly made in the press. I refer to the suggestion that this legislation has been passed by an organized minority against the best interests of the unorganized majority.

Mr. President, of course, it is true that if the ex-service men had not been organized they would have obtained less than they have obtained. That much everyone will concede. On the other hand, let Senators pause to consider the strength of the organizations which have opposed legislation of this kind from the start. We have had against this legislation the united phalanx of the Treasury Department, the big business interests of the country, the United States Chamber of Commerce, and a well-nigh unanimous press. The opposition has been backed up to a large extent by a misguided element of the public who had not had time to study this legislation for themselves.

Of course, to overcome opposition of that sort there had to be organization. To criticize such organization would be like criticizing David because, on going out to fight Goliath, he had the precaution to pick up a small pebble from the brook.

Mr. President, it is a matter of the utmost importance, not only to the veterans themselves but to the country which they served, that they should have been united to a sufficient extent to overcome the great mass of organized opposition.

This legislation which we are proposing to pass is inadequate legislation. There is no question but that it will have to be ameliorated in the future. But in the meantime the fact that it can be passed at all against the opposition which has been mustered against it is a source of gratification not only to the veterans but to the country as a whole.

Mr. HEFLIN. Mr. President, I shall be very brief in what I have to say. They tell us that we are seeking to confer special favors on a particular class of our citizens. I recall the time when we did single out these ex-service men and distinguish between them and all other classes of our people. I remember when we cited them to appear when others had no notice to appear for service in the Army and in the Navy. I remember when we took them away from their homes and loved ones. We did not ask them whether they were ready to go or willing to go. We notified them that they had been drawn under the selective-draft system for military service, not only to fight in their own country, to repel an invading foe, but that they were to do something that no United States soldiers had ever done before, namely, go abroad and fight on foreign soil, with foreign allied armies. We certainly placed special responsibilities upon them then, different from that imposed upon any other American citizen.

We are told here that these men are not entitled to any special consideration; that they should be treated like the ordinary American citizen. Many of them would have been delighted to have been treated that way in 1917. Many of them saw boys remain at home that they thought ought to go to the war; but they did not murmur. Not one of them raised his hand in protest. They put on the uniform of their country. They shouldered guns and marched away, and they gave an account of themselves on the far-flung battle line in France that reflected credit and glory not only upon themselves but upon the people of the United States and upon the allied cause.

Mr. President, we trusted them not only with the little stipend they were drawing of $30 a month, but we trusted them to protect and safeguard all the wealth of this Nation, the richest nation in all the world. We did not fail to trust them then. We flung no cloud of suspicion upon them then. We did not in any way belittle them then. But long after American fortunes were protected and preserved, and long after the profiteers have made their millions and hundreds of millions, ridicule and sarcasm are hurled at them.

It seems that the soldier boy who stood between this Government and the German Army is forgotten now except for ridicule and sarcasm. The cry of distress that comes up from these ex-service boys in the States, the notice given that the wolves of want and hunger are howling around their doors, and that their loved ones are in distress do not seem to appeal to some gentlemen now who were patting the boys on the back in 1917 when they were journeying to a foreign battlefield to protect their rights and their interests.

Mr. President, during the two years that these boys were serving their country in its uniform, the men who remained at home, many of whom are now opposing this adjusted-compensation arrangement we have provided for our ex-service men in distress, made money hand over fist out of the war. The war did not cost them anything. They made no sacrifice. On the other hand, they made millions out of the war, and they are the people in the main who are now opposing this adjusted-compensation arrangement which Congress has provided for the soldiers who saved their country in the hour of its peril.

I want to congratulate the junior Senator from Michigan [Mr. VANDENBERG] upon his able, eloquent, and powerful speech. Surely these American boys are not to be criticized for coming here and sitting in the gallery when a matter of so much importance to them is being considered. No criticism has been made of the lobbyists who have come here and opposed this bill from the outset. Nobody has criticized the big bondholders, who are afraid that this legislation in favor of the ex-service men will injuriously affect their holdings. But these boys who offered their all, who marched out in front of the deadliest war implements ever devised by the genius of man, who stood there unflinchingly while thousands of their comrades died in battle beside them, are now criticized for coming here and sitting in the galleries when this measure, so important to them, is being considered.

My God, if there is one class of people above another who have a right to be here at this hour, it is the ex-service man, who bared his breast to the bullets of the enemy and offered his life for his country. [Applause in the galleries.] Certainly he has a right to be here.

What are we coming to, Senators, making fun of these boys, casting reflections on them because they are interested in obtaining a little of the money due them by the Government to meet their daily needs, money which the Government owes them, money which the Government has already acknowledged it owes them, money which the Government has pledged itself to pay to them 14 years from now?

Mr. President, all they are doing is coming and notifying us that, on account of economic disturbances, on account of business depression, on account of stagnation in business and the breaking of banks the country over, they are forced

to ask the Government to make a partial payment now on the amount due them.

The war veterans did not bring about these conditions. If we had had normal times, we would not have been requested to enact this measure. But we have an extraordinary situation presented, presented by conditions over which these boys had no control. They had nothing on earth to do with producing these conditions. But they have been made to suffer on account of them. They are in the grip of the hard times that are upon us. They are in distress. They are suffering, Senators, for the necessities of life. They need aid.

The Government says, "We are going to let you have part of what we owe you while you are living, to aid you and keep you from starving in these distressing and depressing times." That is the truth about the matter. I am getting weary of these purse-proud plutocrats who come here and tell us if we pass this bill we will disturb their bonds and big business. I ask the Senate and the country in this solemn presence, in whose interest is this Government to be run, in the interest of the bondholders, stock gamblers, and predatory interests, or in the interest of the masses of the people? Is this to continue as a government of the people, by the people, and for the people, or is it to become a handy instrument used solely for the benefit of a favored few.

Mr. President, a statement is before me giving the condition of the Treasury, showing the amount of gold stored there. The Senator from New York [Mr. COPELAND] has just handed me the last report of the United States Treasury showing that we have now $3,549,647,161 of gold stored away in the Treasury of the United States. Think of that while you consider that ex-service men who fought to save our liberty and the liberty of the world are walking the streets of Washington to-day suffering for the necessities of life. They have come here in large numbers to the Capital of the Nation and they are told by the bondholders and the security manipulators and the stock gamblers, "We can not afford to have this legislation passed because it would interfere with our business."

Let me ask the question again: Is this Government going to be run in the interest of a favored few or is it going to be run in the interest of the whole people? Will the Government at a time like this refuse to do justice by the ex-service men? Thousands of these boys, if there are thousands of them who are not in distress, will not present their certificates for settlement now. They will let the situation remain as it is. But those who are in distress ought to be permitted to present their certificates and receive the money as needed on a debt which the Government owes them. Nine-tenths of the ex-service men want this legislation. The only ex-service men who do not want it are men who are holding jobs under big concerns that control them.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HEFLIN. I yield.

Mr. BINGHAM. I thank the Senator for yielding. The statement he has just made is controverted by two letters which I have in my hand, which I have received from ex-service men who are out of work and who are not controlled by anyone, and who express themselves in a manner to which I shall call attention when I secure the floor and read the letters to the Senate. I merely did not want the Senator's statement to go without protest, because I know from personal experience that there are men in my own State who are not controlled by any corporation, who are not in the employ of any corporation, but who are out of work, and who say they do not want the legislation passed.

Mr. HEFLIN. I want the Senator to bring them down here. I would give a small premium to see them exhibited here in the Capital of the Nation. [Laughter in the galleries.] I would like to see those two ex-service men who are in distress and out of employment and hungry and yet who do not want the Government to relieve their hunger and relieve their distress and the distress of their families by paying them now a part of the debt that it owes them. I would like to see these two veterans. I said "veterans." I am satisfied that neither one of them ever went across the sea. Does the Senator know whether either one of them ever saw the battle line in France?

Mr. BINGHAM. Mr. President, will the Senator permit me to read the letters?

Mr. HEFLIN. Not now.

Mr. BINGHAM. If the Senator does not care to have the veterans' letters read, the Senator ought not to make fun of these men who have put themselves on record. The Senator can see the letters, although I have no authority to put the names in the RECORD. When the Senator hears the letters read I think he will be sorry that he made fun of these men for stating that in their opinion the legislation ought not to be enacted. One of them has changed his mind on the subject. When it first came up he was for it. He says that if the bill passes he will be obliged to ask for a loan, but he does not believe it should pass.

Mr. HEFLIN. He does not have to ask for a loan if the bill passes.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. HEFLIN. I yield.

Mr. COUZENS. Does not the Senator think these are probably straw men put up by the bankers?

Mr. HEFLIN. The Senator has made a very interesting suggestion regarding straw men.

Mr. BINGHAM. Mr. President, I resent the imputation. These are not straw men. They are citizens of my State, ex-service men, veterans who have ventured to express their minds and who happen to believe differently from the Senator from Alabama and the Senator from Michigan.

Mr. HEFLIN. I am not making fun of these men. I am sorry for them. These are just two men out of all the ex-service men in the country. I would like for some other Senator to name an ex-service man who is not rich or who is not in the employ of some concern that is fighting the bonus bill—name one other who is out of work and in distress and who is opposing this legislation. Name him! I will yield to any Senator to put in the RECORD the name of such a person.

Mr. President, there is the opposition among ex-service men—just two men out of several hundred thousands. It is a great argument the Senator from Connecticut has brought forth. How colossal is that argument. It towers toward the heavens like Pikes Peake. It reminds me of the stock of the fellow who contracted to sell 5,000 dozen frog legs to a firm in Chicago.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. HEFLIN. Not yet.

Mr. BINGHAM. I do not want to spoil the Senator's story.

Mr. HEFLIN. No; I shall not permit the Senator to spoil the story, because it applies too well to the situation presented by him.

This man went home one night. A steady rain was falling. In the swamp below his house the frogs were out rejoicing that the rain had come. He heard this tremendous noise all up and down the valley. It sounded as though a million frogs were there. He went home and told his wife that he had seen in the paper where they were paying so much a dozen for frog legs in Chicago. He said, "I am going to drain that pond to-morrow and catch those frogs, because I have wired a man in Chicago that I would ship him 5,000 dozen frog legs to-morrow.

The next morning he got the neighbors to help him drain the pond. When they finished the job they found 1 old he bullfrog, a mother frog, and 3 little frogs; 5 in all. [Laughter.] These few by their tremendous noise had woefully deceived this man. [Laughter.]

The Senator from Connecticut comes forward with two ex-service men in distress and out of employment, who are opposing this bill, and after raking Connecticut with a fine-tooth comb he produces only two, just two. [Laughter.]

Mr. BINGHAM. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HEFLIN. I do.

Mr. BINGHAM. The Senator from Connecticut has not been making as much noise about this matter as has the Senator from Alabama. [Laughter.]

Mr. HEFLIN. I regret that the Senator's noise, which he does make, is not on the right side. Who can deny the petition of these boys? Who here can turn a deaf ear to these boys? Who will believe that there is opposition to the bill among any considerable number of the men who shouldered their guns and went to France or who were in camp preparatory to going, boys in earnest about this matter, boys who were kept out of their occupations at home for months in the training camps, boys who were held for months after the war was ended, boys whose business future was crippled and who were out of occupation for months, some of them for a year or a year and a half? Who can point me to another one who opposes this adjusted-compensation arrangement to relieve the distress of the brave boys who carried our flag to victory in France in 1918? Mr. President, they can not be found.

I regret some of the characterizations that have been made of these ex-service men of America. They have a right to come here, Senators. They have a right to present their petitions to Congress. My God, if the ex-service man can not come and present his petition, who under the flag can appropriately present a petition here? Has anybody said anything about the bondholders being down here trying to defeat the bill? Oh, no. The stock gamblers? Oh, no. But the ex-service men are here, and it is said they are trying to intimidate somebody. They ought not to have to use intimidatory measures; they ought not to have to resort to coercion. It ought to be the pleasure of every Senator who sits here to rise in acknowledgment of their right to be here, their right to make this request, the justice of their cause, and most graciously to tell them the Senate would grant it whole-heartedly. That is what ought to happen.

Mr. President, let me tell you what I want to do. I want to make war so hateful, I want to make war so costly that the men who make millions out of war will be so heavily taxed that they will lose more because of war than the profits they would make. When we reach that time we will not have wars made on slight pretexts. I am in favor of drafting wealth. The Government goes into the home of the citizen and drafts his boy, the first-born of the American household, an upstanding youth 19 or 20 years old, the hope of his family, the pride of the household. The Government takes him out and as his family bid him good-by at the gate they are doubtful whether they will ever look on him again in life. He may be killed on the battle line, but he goes, and they give their consent.

Is anyone here ready to say to me that it is all right to take that boy out of the home, this idol of the household, and put him on the battle line, but it is all wrong to draft the wealth of those for service in that war who remain at home out of danger, secure behind our boys on the battle front?

No one can maintain such a contention. We are going to tax wealth; we are going to draw upon it, and we are going to draft it, just as we draft men. Those of you who put money above the man will not get away with that program. We put man above money; and when we draft the man hereafter we are going to draft money and let the shylocks who sit back behind the battle lines, clipping their coupons and raking in their millions know that profitable war for them is a thing of the past.

I want my Government to fight when it is necessary to fight to preserve American ideals and institutions, but I do not want my Government to fight to collect the debts of any private concerns in the United States. Mr. President, I can see danger for our country along that line. The international bankers are tying us in with foreign countries; they are making foreign loans; they are dealing in foreign securities; they are making interlocking arrangements that will one day, I fear, embarrass this Government; and I look to see the time when they are going to ask the Government to demand of interests in other nations a settlement of claims held by international bankers here, and, if necessary, will resort to a threat of war. We are going to see that. These pompous, purse-proud fellows think that that is all a Government should be used for, to take care of the financial interests of the big fellows, to aid them in their speculations and operations, that the plain masses of America should have nothing to do with the operation of the Government of the United States.

Their sons who wore the uniform in defense of their country are criticized for coming here when the wolf is at their door and their loved ones are crying for bread.

Mr. President, I am not going to speak much longer upon this question. I remember the time when we needed these boys and they responded. They went to the battle front without a murmur; they fought heroically. We are all proud of the record they made. They are sorry they are in distress; every one of them would be glad if he did not have to make this call upon the Government; but hunger and the cry of loved ones in distress have driven them to make this call. The ex-soldier has made it; he had a right to make it. He is not a beggar, and I resent these insinuations and criticisms upon him. He has a right to be here; I welcome him here. I love him now and I trust him now, just as I did when I saw many of our soldiers marching in front of this Capitol when they were on their way to the World War, and just as I did when they returned from the war with our flag glorious in victory. I love them and respect them now just as I did then.

Mr. President, when our boys struck the decisive blow and ended that war, it was costing this Government $1,000,000 an hour; it was costing the Government $24,000,000 a day. By ending it when they did they saved this Government many hundreds of millions of dollars; and now they are told that the Government can not afford to spend a billion three hundred million dollars to tide them over a panic period and grant them relief when they are hungry and in distress. When I hear that I think of Him who walked the dusty highways of Judea and said:

> For I was an hungered, and ye gave Me meat; naked, and ye clothed Me.
>
> Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto Me.

I ask, Mr. President, that Senators shall stand by the action formerly taken by the two Houses and by an overwhelming vote grant the request of the brave and heroic ex-service men of our country.

Mr. BINGHAM. Mr. President, when I interrupted the Senator from Alabama, I did so because he had made a statement that no veteran was in opposition to this bill unless he was in the employ of some rich corporation and was afraid of losing his job, or something to that effect. It just happens that I received in my mail within the last two or three days two letters from veterans who are not in the employ of any rich corporation but who are out of work, and the views which they express in their letters seem to me to be just as heroic as was their action in the Army.

The Senator from Alabama with his magnificent eloquence, his graceful gestures, his distinguished presence, and mellifluous voice has praised the veterans of the World War in no measured terms but in unmeasured terms. As one of the veterans of the World War, who served throughout the entire war, I thank him for his words of praise.

I do not know whether or not it would be appropriate to refer to the action of many veterans who have been in opposition to this proposed legislation. I realize, Mr. President, that in times of distress, in times of need, many of us change our views and desire something which in other times we would not be asking for. When this measure was before the Committee on Finance, an amendment was offered to the bill by the Senator from Massachusetts [Mr. WALSH] that provided for a cash payment to needy veterans—not a loan, but a cash payment—to help them out in this time of distress. That amendment was almost adopted by the Committee on Finance, and I was one of those who voted for it. If the measure before us was aimed merely to relieving the distress of those veterans who are in distress, I should not be now speaking in opposition to it; but it does more than that. As the President of the United States has said, in his very calm

and considered and very able and courageous message, the adoption of the principle of aid to the rich, or to those able to support themselves, in itself sets up a group of specially privileged among our citizens.

The distinguished Senator from New Mexico [Mr. CUTTING] a few moments ago stated that the President based his objection on the ground that the soldiers were a group of specially privileged. He made an eloquent argument against that contention by pointing out how they were chosen. The President did not say that they were a group of specially privileged, but that the adoption of this legislation and the principle on which it is based would set up a group of specially privileged among our citizens, and I think the President is right.

The President of the United States has shown great courage at this time, Mr. President, in sending us this veto message in the face of a vote in the House in favor of this proposed legislation originally of 10 to 1 and a vote in the Senate of somewhat similar proportions. I forget the exact vote in the Senate, but I think it was something like 6 or 7 to 1. It may be assumed that the Members of the House, who are elected for only two years, believe that their votes will please the majority of their constituents. It is scarcely to be believed that such a very large number would have voted for it had they not believed so. I am not finding any fault with them for that; I am merely calling attention to it in order to emphasize the fact that at the same election when most of them will probably run again, the President of the United States will also probably run again. Of course, I have not talked with him about this matter; it is none of my business; but I assume that, like most Presidents, he will desire to secure the country's approval of his administration by a reelection, which would only be natural, and such has been the general desire of former Presidents of the United States during their first term of office. There is nothing unusual about that. The unusual thing, Mr. President, is that, while this is not the second term of the present President of the United States but his first term, while he has been faced with a remarkable combination of circumstances in the United States and all over the world which have brought about a period of depression and of great unemployment and have caused a very large number of his fellow countrymen to believe that they could secure an improvement in their situation by voting for a different party from that for which they voted at the last election—notwithstanding these facts, notwithstanding the fact that probably he will be running again next year, and notwithstanding the fact that the Congress by its vote has shown that there is a tremendous sentiment in this country in favor of this proposed legislation or the Congress would not have so voted, he has shown a degree of courage seldom seen in the White House since the days of Grover Cleveland. I admire him for the action he has taken.

I only wish that any words of mine might influence some votes to support the veto, but I have no such thought. I know, as everyone on this floor knows, that no speeches are going to influence votes. Every Senator has made up his mind how he is going to vote, and I do not desire to prolong the argument nor to enter into anything which might resemble a filibuster at this time when we are nearing the close of the short session, no matter how strongly I feel in opposition to this proposed legislation. At the same time, Mr. President, I can not forbear saying a few words in support of the position taken by soldiers who, while not rich, while not in the employ of corporations, while not looking for favors, are in opposition to this bill.

It may be that certain Senators are unable to understand that any veteran who was not in such a position—in the employ of a bank or corporation where his employers wished him to believe otherwise—would be in opposition to this bill. I regret the evidence which we have seen during the last half hour that that is the belief on the part of certain Senators.

I should like to read a part of a letter——

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Alabama?

Mr. BINGHAM. I do.

Mr. HEFLIN. Before the Senator reads the letter, let me ask whether he heard the speech of the able junior Senator from Michigan [Mr. VANDENBERG]?

Mr. BINGHAM. I heard the remarks of both Senators from Michigan; and I regretted extremely many of the views expressed by the junior Senator from Michigan [Mr. VANDENBERG] in his impassioned plea against the veto, in which he took a position which he had a perfect right to take but with which I disagree; and I venture to disagree because I myself was a veteran of the war from the beginning, was in France for nearly a year, and was in a branch of the service not generally considered to be safe.

Mr. HEFLIN. Does the Senator recall that the Senator from Michigan [Mr. VANDENBERG] read about an ex-service man in Connecticut who died of starvation?

Mr. BINGHAM. Yes, Mr. President, I heard that. The Senator will remember that that article began with the statement that he was too proud to beg and too ill to work.

Mr. President, through all history there have been people of that kind—too proud to let anyone know that they were in need, preferring to die rather than to sacrifice an ounce of that pride and self-respect which is the highest possession of any member of the human race. Like the Senator from Alabama, like the Senator from Michigan, I regret the death of that distinguished veteran. His fellow citizens regret it. He did not let anyone know that he was in need. In Connecticut we do not allow anyone to go hungry if we can help it and if we know about it; but when anyone is too proud to let us know, and chooses to die of starvation rather than to let anyone know of his distress, there is nothing that we can do about it; and even if this legislation had been passed there is no assurance that this man's life might have been saved. The incident is typical of people who are too proud to ask for aid; and I admire them for it, greatly as I deplore the circumstances.

Mr. HEFLIN. Mr. President, in view of the fact that this one did starve, and the Senator says there are many more who are too proud to beg or to notify people of their distress, and in view of the fact that so many have made known their distress and asked for this particular relief, would it not be the part of wisdom and patriotism for the Congress to provide this fund so as to keep these other proud-spirited boys from starving?

Mr. BINGHAM. Mr. President, that is a question which might receive various answers. I for one do not think it justifies the passage of legislation which is based on a principle which sets up a class of special privilege. I for one do not think it is right, in times of great national emergency and great national suffering, to pass laws which are based on principles which are at variance with sound government.

I do not believe that by passing this legislation one can provide against the suffering of any of those who are too proud to ask for any aid, except temporarily. But, Mr. President, I desire to present to my friends who are doing me the courtesy of listening to me the views of two ex-service men living in two cities in Connecticut. One of them lives at Stamford. I am not permitted to give his name, but it is a name well known to me.

Omitting certain references to the part which I took in the debate when the bill was before the Senate, I quote as follows:

> I, too, am a veteran, and just at this time am out of work. However, inasmuch as I am in perfect physical condition and received no injury from the war, I do not see that I am entitled to preference over any others who may be similarly inconvenienced by present conditions.
>
> Although I am a veteran, I am not a member of the American Legion. I am opposed to and disgusted with the idea of special favors to those who are physically whole and able to take care of themselves.

Mr. STECK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BINGHAM. Not at present.

I submit that there is an expression of opinion, a sense of self-respect as a veteran, which is worthy of commendation, and that it proves that the statement of the Senator from Alabama [Mr. HEFLIN] that no one is opposed to this legislation unless he is in the employ of some corporation or connected with some corporation that might benefit if the legislation is not passed is not justified.

I now yield to my friend the Senator from Iowa.

Mr. STECK. Mr. President, the Senator read from a letter in which this man said that, while he was a veteran of the war, he was in good physical condition, and he saw no reason why he should be preferred over other citizens of the country just because he had been in the war. That is the substance of it. I should like to ask the Senator if he knows or whether there is anything in the letter which states whether or not this veteran took the adjusted-service certificate when it was offered to him.

Mr. BINGHAM. There is nothing to indicate that; but I do not think that has anything to do with this question.

Mr. STECK. It has, because when these adjusted-service certificates were received in the first place that designated the class; and if there is any special class composed of the men who took them, if these men took the adjusted-service certificates in the first place they put themselves in that class. I suspect the Senator would find, if he investigated, that both these men have probably borrowed up to the full extent of their certificates at this time. [Laughter in the galleries.]

Mr. BINGHAM. Of course that causes laughter in the galleries.

Mr. STECK. It was not meant for that purpose.

Mr. BINGHAM. I understand that. I did not intend for a moment to imply that that was the object of the Senator; but, as a veteran, it annoys me extremely that there should be people who are willing to think ill of veterans; that there should be people who are willing to think that a man who has borrowed up to the limit of his claim is now opposing other people borrowing up to the limit of this law.

I know personally a number of veterans in Connecticut who have no personal means of their own, hard-working people, who did not accept the adjusted-compensation certificates in the first place, because they felt that so far as they were concerned it was against their self-respect as veterans, it was against the pride they took in their war records, to accept adjusted-compensation certificates.

Mr. President, I have a letter from a man in Hartford which I think is worthy of being read, at least in part. He says:

> I am married and have two children. Since the middle of last April I have worked about 10 weeks. My family and I are living, by the grace of God and friends, on $40 a month.
>
> Late last summer, when I first heard talk of the possibility that Congress might pass a bill whereby the ex-service men might cash their bonus certificates now, I was strongly in favor of such action. A dollar bill looks bigger to me now than five did a year ago, and I hope bigger than 10 will if I am still alive in 1945. Personally, I would be glad to sell my certificate for 40 per cent of its face value; and if Congress does pass the present bill before then, I will probably make haste in applying for a bigger loan.
>
> Having read many articles on the bill now being considered, I feel that we ex-service men are taking a very selfish attitude in demanding that Congress at this time spend money for our relief. If, by passing this bill, the betterment of business conditions is going to be retarded, the bill will hurt more than it will help us.
>
> Minus the amount that can be borrowed, the maximum single additional loan will be under $500. The holding up of business recovery would not only use up this money but interest charges would use up most of the balance.
>
> More important than what good or harm it might do to the veteran is, What harm will it do to the rest of the unemployed citizens of this country? I doubt very much if the percentage of unemployed ex-service men is any greater than the percentage of unemployed in the whole Nation.

That is the essence of the argument, Mr. President. That statement by a veteran exposes with extreme clarity the situation which now confronts us.

He says:

> I doubt very much if the percentage of unemployed ex-service men is any greater than the percentage of unemployed in the whole Nation.

It was to that that the President devoted himself when he said that the principle upon which this bill is based sets up in itself a group of special privilege among our citizens.

Mr. President, those of my colleagues who are fond of reading history remember that in the days of the Roman Republic the legionnaires who came back from the wars in central and northern Europe overawed the Senate of the Roman Republic in the demands which they made for the passage of legislation favorable to them; and, contrary to the wisdom of many of the senators, they secured that which they desired. They did it by the presence of physical force. No one is attempting to do that to-day. The Senate of the Roman Republic was not elected by the citizens, as our Senate is elected by the citizens of each State. Nevertheless, they gave in to the request of the legionnaires, contrary to their better judgment, and passed legislation beneficial to those formerly in the war who at the time desired special favors, although there is no evidence that they were wounded or disabled or ill. In fact, had they been ill or disabled, they would not have been able to make such a demonstration in front of the senate chamber as they made.

Mr. President, I have listened with mingled feelings, but principally with feelings of regret, to the opinion often expressed on this floor that this bill does not go far enough. Certain Senators have repeatedly said that if they had their way, the entire face value of the certificates—some $3,500,000,000—would be paid at once. That is the expressed attitude of a number of Senators who have spoken in favor of this bill. They have expressed their intention in the next Congress to secure legislation along those lines.

Mr. President, as has been very cogently said, there is no way in which this money can be paid out of a Treasury which is facing a deficit, in which there is no surplus, except by borrowing it from the people of the United States, increasing our national debt and our interest charges, and selling a large number of bonds and securities at a time when the security market is in no condition to absorb them; or else by increasing taxes. Whichever way it is done, it does not come out of any surplus which can be drawn upon without harm to the United States. It comes out of the taxpayers. All the people of the United States are sooner or later taxpayers.

It is thought by some who do not have to go through the agony of making out income-tax returns that they themselves are not taxpayers; but, as has frequently been said by distinguished statesmen, publicists, and financiers interested in public finance, the taxes which are levied on the country are eventually borne by every individual in it. Everything you buy passes on the tax which has had to be paid by the producer and the manufacturer of the article. You may not know that you are paying any tax, but you are paying one just the same.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. COPELAND. I am sure the Senator wants to be entirely fair. Why does he say that the taxpayers will have to be called upon to pay this immediate demand upon the Treasury? There are securities in the Treasury which will meet the payments.

Mr. BINGHAM. I did not say that they would be called upon to pay it. I said there were only two ways of raising the money, one by selling securities in the market and the other by taxation. Does the Senator think of any other way?

Mr. COPELAND. I am very glad the Senator has explained what he said. I am sure he left a misunderstanding, because we all know the securities are in the Treasury. They must be sold to realize the money, but that does not mean, and the country should not be given the impression time and again that it does mean, that there will be increased taxation, because, of course, that is not the case.

Mr. BINGHAM. I was speaking at the moment of the proposition which has been advanced repeatedly on this floor, that as soon as possible an effort would be made to pay the entire face value of the certificates, in the amount of $3,500,000,000. Does the Senator think that can be done without increasing taxes?

Mr. COPELAND. No, Mr. President, I do not, and that matter is not before us. We have before us this particular bill, and to meet the requirements of the bill, not a dollar will be assessed upon the taxpayers of the United States.

Mr. BINGHAM. Mr. President, probably it is true that not a dollar will be assessed on them directly, although I am one of those who believe that Government money does not come out of the air, but comes out of the pockets of the taxpayers. I do not know of any way in which we can appropriate one dollar for anybody in the United States without getting it out of the pockets of the taxpayers sooner or later.

Mr. COPELAND. Mr. President, will the Senator yield once more?

Mr. BINGHAM. Yes.

Mr. COPELAND. Would the Senator then have the Government repudiate its obligation? We have already obligated ourselves to pay the certificates. We set up a reserve to pay them. We have the securities, and when they are sold the payments will be made. What the Senator is talking about, apparently, is that unless we tax the people for this three and a half billion dollars we must repudiate the obligation entirely. There is no proposal here to pay the full face of the three and a half billion. The only proposal is to take the securities which are in the Treasury, put there for this purpose, in order that we might pay the obligation proposed to be paid by this bill.

Mr. BINGHAM. Yes; I heard the junior Senator from Michigan [Mr. VANDENBERG] say this morning that the "money or the securities" would be found in the Treasury, and all we had to do was to pay the money out. The President tells us that there is no money there with which to pay it, and I presume the President knows something about it. It is true that the securities are there, but one can not eat securities and one can not spend securities for automobiles, what many ex-service men are proposing to buy if they get the opportunity to borrow on this fund; or for anything else, even for bread.

Mr. McKELLAR. Mr. President——

Mr. BINGHAM. The securities which are there must be sold to a public in a financial market which is at present not in its normal condition. Before the money can be loaned the securities must be sold. Nobody will deny that fact.

I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator said a moment ago that soldiers would use this money to buy automobiles.

Mr. BINGHAM. Some of them may.

Mr. McKELLAR. Has the Senator any information about the soldier's purpose to use this money for the purpose of buying automobiles, or is that just an idea the Senator has?

Mr. BINGHAM. I thank the Senator for his gentle implication. I did not invent that idea. Only this morning I learned from a large city, not in Connecticut, although I dare say it would apply to Connecticut, that a dealer in a certain brand of automobile, which is well known and which does not cost a great deal, has been told by several ex-service men that if they can borrow the $500 they will be able to borrow under this legislation they will be very glad to buy one of his automobiles, and intend to do so. I am not finding any fault with that. I do not care what people do with their money.

Congress is asked to say to all the veterans, "You can borrow this money at 4½ per cent, and if you do not pay it back when 1945 comes, your debt will be canceled, because there will be enough there in your account to cancel the principal and the interest. You will not get the thousand dollars you expected, because your interest, compounded, will mount so that your debt will be somewhere within seventy-five or so of the thousand dollars, and you have not paid it back."

I am not finding fault with men for using their money as they please. I hope the Senator will not get off on that track. What I was endeavoring to do was to point out the fact that a great many of those who are in favor of this bill are similarly in favor of the payment of the face value of the adjusted-compensation certificates.

Mr. President, those certificates were based, in the first place, on the theory that for every day a soldier was in the Army he was entitled to a dollar more than he got. If he got a dollar a day, he was entitled to $2 a day. If he was in France, he was entitled to a dollar and a quarter a day in addition. However, since this money would not be paid until 1945, the amount of the adjusted-compensation certificate was not set at the amount which it was laid down by the Congress at that time the soldier had earned, but at what he had earned plus a certain amount of interest up to 1945. However, as has been pointed out, that question is not before us, and I do not intend to debate it at this time, but merely to point out that when we once do what we are being asked to do, what I am being asked to do by many Legion posts in Connecticut, what we are being asked to do by those in the galleries who favor the passage of this legislation, and have come here hoping to see it passed, as it will pass before very long, we shall be favoring at a time of great need, of great unemployment, a certain part of the population who are not ill, who are not disabled, who are not themselves in need of food or clothing or shelter. We are asked to favor a certain number who were veterans, whether they are in need or not, whether they are disabled or not, whether they need food or clothing or shelter or not.

As has been pointed out, a certain number of them are out of work. I have seen no figures to show that a larger percentage of ex-service men are out of work than men who were not ex-service men. I have seen no figures whatever to show that the ex-service men as a class are any more hard up or any more unable to secure employment, or in any worse condition, so far as they and their families are concerned, than four or five million others in the United States who are not ex-service men.

Mr. President, we are asked to favor the veterans in this matter at the expense of those who are not veterans, on the theory, I presume, that those who are not veterans had an opportunity to earn a lot of money while the veterans were in France. Whether they still have that money or not, and are glad to spend it for this purpose, no one has told us; but so far as I can learn there are several million people in this country who are out of work and in distress.

Mr. President, I am opposed to this legislation fundamentally, because, in the first place, I believe that it does single out for benefits certain able-bodied people who are not in distress and it does not provide benefits for those who are in distress because they do not happen to be ex-service men. Also, I am opposed to it because at this time our country is in a state of economic distress and financial upset, millions of people being out of work, and the one desire of everyone being to get back to a condition of normal business progress; and I believe that this legislation, which will call for the sale on the market within a short time of seven or eight hundred million dollars' worth of securities, will prolong the period of distress, will prolong the period of unemployment, will hurt the United States at a time when it is not in sound financial condition, and will ultimately hurt the ex-soldier, even though temporarily he may receive some benefit from it.

Therefore, Mr. President, I shall take pleasure in voting to sustain the veto of the President. I admire his position at a time when the votes in the Congress show that it is not a popular position. I admire the message which he has sent to us, in which, in calm and judicial manner, he has set forth the arguments against this proposed legislation. I only wish that the soldiers' organizations which are pressing for the passage of the bill might look a little beyond the immediate present, a little beyond the immediate gain of being able to buy this or that or the other thing which they desire, and do their country a service at this time by stating, as did the veteran in Connecticut whose letter I read, that he proposed to get along as best he could, he being an able-bodied citizen, and asking no more favors than were granted any other able-bodied citizen.

Mr. President, I greatly regret that there is being leveled at the heads of the veterans' organizations at this time a great deal of criticism for the position which they have taken in this matter. They have been accused of asking things which they had no right to ask, of making "insatiable" demands. I do not think it is fair to a large number of them—possibly a majority, possibly a minority, but a very large number of them—who desire only that the Congress should pass legislation which is for the benefit of the United States, and who desire only a return to normal business conditions, so that they, practicing individual initiative and practicing self-respect, will once again enjoy the opportunity of earning their own living in a country where everyone receives a square deal.

Mr. SMITH. Mr. President, I have not taken any part in this debate. I had made up my mind, and I contented myself with listening to the arguments pro and con on the passage of the bill. But I rise now to speak for myself, to repudiate the aspersions cast upon the ex-soldiers and the womanhood of this country by the Senator from Delaware [Mr. HASTINGS] this morning. I do not think that we as a body ought to allow such a reflection upon the manhood of those who were in the Army and the motherhood of the country who bore them.

Mr. FRAZIER. Mr. President, some of those who oppose the measure seem to be worried for fear the ex-service men will buy Ford cars or some other cars with the money they obtain from this loan. I want to give just a word of personal experience. A long time ago, when cars cost twice as much as they do now, I bought my first Ford by borrowing the money on a life-insurance policy. I have never regretted that purchase. If any World War veteran now who has not a Ford car or some other car for the advantage and pleasure of his wife and family should borrow this money and thus help to get a car, I say give him the money and God bless the soldier and his family! Let him get a car, if he wants it, with the money that he gets under the terms of this bill.

Mr. GLASS. Mr. President, my name is among those few of the Senators who voted against the bonus bill. I would not have it erased from the list for any consideration on earth. I felt then as I feel now, that the passage of the bonus bill was a petty attempt at a financial reward for a priceless service. I felt then, and have not since altered my opinion, that it was in a sense an attempt to commercialize patriotism.

I also at that time undertook to present another view of it, the economic consideration, and pointed out that in the end it would be a much greater burden on the ex-soldiers themselves than could possibly be paid for in any financial benefit derived from the enactment of the measure. I venture to say that if an exact computation could be had now, it would appear that that contention was fully justified. All ex-soldiers are not indigent, they are not mendicants. I venture to say the greater proportion of the ex-service men are men of property and of taxable resources. That being so they are paying their own bonus bill.

I mention this circumstance that I may relieve myself from the imputation which some Senators have made that those of us who are now in favor of the pending bill are actuated by a fear of the soldier vote. I was not afraid to vote against the bonus bill and I would not be afraid to vote against this bill if I could think that there was anything unwise or unpatriotic involved in it. As a matter of fact, the ex-soldiers of Virginia, about this bill as about the bonus bill, have acted in a very moderate and dignified way. They have not bothered me about it in any sense. There is no "soldier vote" in Virginia. I think it is an imputation upon the intelligence and the patriotism of the ex-soldiers of the country to suggest that they could be actuated by any petty motive of revenge to vote against any Senator who, under his oath and in his conscience, would take a position one way or the other on a measure of this kind. There was not a suggestion of opposition to me in my own State because of my vote against the bonus bill.

Now I am going to vote for this bill because, the indebtedness having been deliberately contracted, the Congress having incurred the obligation, I am not so careful as to how the obligation may be discharged. It so happens in this case that it does not involve any great confusion to the Treasury, and if it did the ingenuity of the financial genius who presides at the Treasury would be equal to the occasion. It involves no increase of taxation, and if it did, a great proportion of the ex-soldiers themselves would have to pay the taxes. It involves no great disturbance of Treasury activities.

The only thing that it does involve is a bad psychology, and the people who are opposing the bill are responsible for that bad psychology. It is their nervous anticipations expressed, as I conceive, in a rather extravagant way that will be responsible for any adverse apprehensions of the business of the country as to the results flowing from the passage of the bill.

I have felt obliged to make these few remarks in order that I might acquit myself and other Senators similarly situated of the imputation that we are afraid of the soldier vote.

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point an editorial appearing in to-day's Baltimore Sun which expresses my views on the pending question.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From Baltimore Sun, February 27, 1931]

THE BONUS MEASURE

The arguments in Washington over the present bonus legislation have been overstressed in both directions. It has been difficult to see that this legislation is really a life-and-death matter. Not all the veterans are in grave distress, by any means. And the relief to be extended will not, in many instances, make a world of difference even to the distressed. In numerous cases the amount available will be small and perhaps must suffer deductions for past borrowings. On the other hand, the Treasury officials and opponents in Congress of the legislation appear to have greatly exaggerated the immediate burden on the Government. The money is not to come directly out of general funds. It will come from borrowings. There is no proof that these borrowings will adversely affect the opportunities of industry in the credit market or ultimately impose a net interest charge large enough to cause increase in taxes.

Mr. Hoover's veto message does nothing to remove the befuddling extravagances of the opposing arguments previously made in the debate. It is the hopeless message of a man who knows that he is beaten before he starts fighting, and it rambles rather wearisomely from point to point. Indeed, it does not always take care that the treatment of the several points is in accord. You read that a billion dollars will be necessary. That assumes that most of the veterans will borrow. Then you read that most of the veterans are not in need—only "a minor percentage of the whole," says the President. The two statements indicate that many not in need will borrow, which pictures a wasteful crew. But, then again, the President is full of praise for the character of the veterans, and portrays them as men who wish nothing more than they are entitled to from a grateful people. In short, Mr. Hoover does not find sure ground in his judgments.

Our own belief is that from the standpoint of political expediency, this bill is about as good as could be expected. Some measure was sure to pass, and this holds the borrowings to substantially the present value of the insurance certificates given the veterans, and does not place excessive temptation before them to borrow without necessity. From the standpoint of justice—considering only the present—the bill is reasonably good. It will give something to a percentage of veterans who are in distress and to whom the Nation owes a debt, and yet it will not unload money on all the veterans or seriously embarrass the Government. What remains, and it is the most serious phase of the whole business, is that another of the barriers so optimistically set up in 1917 and 1918 against a great World War pension system has been let down, and the way made easier for an ultimate policy of undiscriminating and wholesale support of veterans.

But, after all, there is not a great deal of use in whimpering about that. If we have wars, we must pay for them. We always have and probably we always shall, no matter what may be said in the enthusiasm of the moment when the flags fly and the drums beat. Our hard-boiled and realistic men would do well to be a little hard-boiled and realistic about that.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DILL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	La Follette	Sheppard
Barkley	George	McGill	Shipstead
Bingham	Gillett	McKellar	Shortridge
Black	Glass	McMaster	Smith
Blaine	Glenn	McNary	Smoot
Blease	Goff	Metcalf	Steck
Bratton	Goldsborough	Morrison	Stelwer
Brock	Gould	Morrow	Stephens
Brookhart	Hale	Moses	Swanson
Bulkley	Harris	Norbeck	Thomas, Idaho
Capper	Harrison	Norris	Thomas, Okla.
Caraway	Hastings	Nye	Townsend
Carey	Hatfield	Oddie	Trammell
Connally	Hayden	Partridge	Tydings
Copeland	Hebert	Patterson	Vandenberg
Couzens	Heflin	Phipps	Wagner
Cutting	Howell	Pine	Walcott
Dale	Johnson	Pittman	Walsh, Mass.
Davis	Jones	Ransdell	Walsh, Mont.
Deneen	Kean	Reed	Waterman
Dill	Kendrick	Robinson, Ark.	Watson
Fess	Keyes	Robinson, Ind.	Wheeler
Fletcher	King	Schall	Williamson

The VICE PRESIDENT. Ninety-three Senators have answered to their names. A quorum is present. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. McNARY. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. We have agreed, however, that when a two-thirds vote is required we shall be free to vote unless a pair with some other may also be arranged so as to have two paired against one. I understand that I may also secure a pair with the Senator from Missouri [Mr. HAWES]. Therefore I will announce my pair with the Senator from North Carolina [Mr. SIMMONS] and the Senator from Missouri [Mr. HAWES] and withhold my vote. If free to vote, I should vote "nay."

The roll call was concluded.

Mr. SHEPPARD. I wish to announce that the senior Senator from North Carolina [Mr. SIMMONS] and the senior Senator from Missouri [Mr. HAWES] are detained from the Senate by illness.

The roll call resulted—yeas 76, nays 17, as follows:

YEAS—76

Ashurst	Deneen	Keyes	Sheppard
Barkley	Dill	La Follette	Shipstead
Black	Fletcher	McGill	Shortridge
Blaine	Frazier	McKellar	Smith
Blease	George	McMaster	Smoot
Bratton	Glass	McNary	Steck
Brock	Glenn	Morrison	Stelwer
Brookhart	Goldsborough	Norbeck	Stephens
Broussard	Gould	Norris	Swanson
Bulkley	Hale	Nye	Thomas, Idaho
Capper	Harris	Oddie	Thomas, Okla.
Caraway	Harrison	Partridge	Townsend
Carey	Hastings	Patterson	Trammell
Connally	Hatfield	Pine	Tydings
Copeland	Hayden	Pittman	Vandenberg
Couzens	Heflin	Ransdell	Wagner
Cutting	Howell	Robinson, Ark.	Walcott
Dale	Johnson	Robinson, Ind.	Walsh, Mass.
Davis	Jones	Schall	Walsh, Mont.
	Kean		Wheeler
	Kendrick		Williamson

NAYS—17

Bingham	Hastings	Moses	Waterman
Borah	Hebert	Phipps	Watson
Fess	King	Reed	
Goff	Metcalf	Smoot	
Gould	Morrow	Walcott	

NOT VOTING—3

Gillett	Hawes	Simmons

The VICE PRESIDENT. On this question the yeas are 76, the nays 17. More than two-thirds of the Senators present having voted in the affirmative, the bill is passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. REED subsequently said during Mr. DILL's speech:

Mr. President, will the Senator permit a brief interruption?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Washington yield to the Senator from Pennsylvania?

Mr. DILL. I yield.

Mr. REED. With regard to the bonus bill that was passed over the veto earlier in the day, I think the Senate will be interested to know that within five minutes after the Senate vote was announced by the Vice President the first check went out to a needy veteran in Baltimore, who required the money for an operation on his eldest son; that within the first hour after the Vice President had announced the vote more than 400 checks had been issued from the Washington office of the Veterans' Administration; that each of the regional offices throughout the country had been notified by telegraph in advance to be ready to send out those checks; and that all the bureau's plans for carrying out the bill have been carefully worked out and are functioning rapidly now.

I say this because I want the Senate and the country to know that the Veterans' Administration, despite any opinions that may have been expressed about the bill, are trying loyally to carry out the intention of Congress, so plainly expressed to-day.

I thank the Senator for permitting the interruption.

Mr. DILL. I am delighted to know that that is being done; and it only makes me feel more reassured of my own action in voting to override the President's veto, as I think the majority of the Senate must feel also.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 4750. An act to authorize alterations and repairs to certain naval vessels; and

S. 6171. An act to regulate the prescribing and use of waters from the Hot Springs National Park at Hot Springs, Ark., and for other purposes.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark.;

H. R. 17071. An act granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa.; and

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark.; to the Committee on Military Affairs.

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931; to the Committee on Foreign Relations.

DEPARTMENT OF VEHICLES AND TRAFFIC, DISTRICT OF COLUMBIA (S. DOC. NO. 311)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriations for the department of vehicles and traffic, District of Columbia, fiscal year 1932, amounting to $34,300, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL FARM LOAN AND LAND BANKS (S. DOC. NO. 312)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, chairman of the Federal Farm Loan Board, reporting, in compliance with Senate Resolution 393 (submitted by Mr. FLETCHER and agreed to January 24, 1931), certain information and data regarding Federal land banks, national farm-loan associations, and joint-stock land banks, etc., which was ordered to lie on the table and to be printed.

PROPOSED MERGER OF ROOSEVELT STEAMSHIP CO. AND INTERNATIONAL MERCANTILE MARINE CO. (S. DOC. NO. 313)

The VICE PRESIDENT laid before the Senate a communication from the vice chairman of the United States Shipping Board, dated February 27, 1931, reporting, in response to Senate Resolution 431 (submitted by Mr. FLETCHER and agreed to February 3, 1931), concerning a merger of the Roosevelt Steamship Co. and the International Mercantile Marine Co., etc., which was ordered to lie on the table and to be printed.

THE STAR-SPANGLED BANNER

The VICE PRESIDENT laid before the Senate a communication signed by Mrs. F. F. (Maud L.) Greenawalt, chairman of the special committee for the American Coalition of Patriotic Societies for Star-Spangled Banner Legislation, which was ordered to lie on the table and to be printed in the RECORD, as follows:

The bill asking for official recognition of our national anthem, the Star-Spangled Banner, by the Senate, is now before that body, having passed the House recently. Unless the Senate acts at this session the bill will be lost. The veterans of all our wars are calling to the Senate now to put its official stamp upon this sacred song which inspired them to do or die for "the land of the free and the home of the brave." Millions of citizens are asking also. A cartload of petitions now at the Capitol ask this action. The voices of these petitioners are calling upon the patriots of the Senate; from every part of our country, every city, every town, every roadside hamlet come these voices pleading for this legislation now.

The following patriotic organizations are calling, having voted in delegated sessions in the past year: The American Legion; in fact, veterans of all our wars; American War Mothers; the Women's Patriotic Conference on National Defense (on January 30, 1931, approximately 1,500,000 voters represented in this one body); National Patriotic Council. On February 18, 1931, the American Coalition of Patriotic Societies, over 1,500,000 members; Daughters of the American Revolution, 180,000 members; Sons of the American Revolution; and many other patriotic and civic organizations. All these men and women are calling now to the Senate for action now.

Admiral Dewey said to me personally in 1915, "There will never be any other national anthem. The Star-Spangled Banner is too sacredly enshrined in American hearts." Admiral Dewey said this before the World War. The official use of the national anthem during that conflict endeared it to us more than ever. The American Legion is calling now for legislation on their beloved Star-Spangled Banner. The American War Mothers are also pleading for this action.

Congress has preserved Fort McHenry as a patriotic shrine because of its association with the writing of the Star-Spangled Banner. Official action of the United States Congress named the Francis Scott Key Bridge, the magnificent structure crossing the Potomac, as a memorial to the writer of our national anthem. How can we consistently have any other national anthem?

(Mrs. F. F.) MAUD L. GREENAWALT,
Chairman Special Committee for the American Coalition of Patriotic Societies for Star-Spangled Banner Legislation in the United States Senate.

IMPORTATION OF GOODS FROM SOVIET RUSSIA

The VICE PRESIDENT laid before the Senate a resolution adopted by the junior committee, National Patriotic Association, Chicago, Ill. (which resolution had previously been laid before the Senate, duly noted, and referred to the Committee on Finance), which was ordered to be printed in the RECORD, as follows:

Ressolution adopted by the junior commottee, National Patriotic Association

Whereas during the past year we have seen many of our schoolmates forced to leave school through no fault or choice of their own, many who have abandoned their diplomas during their graduation year and with it all hope of a successful professional career in which they had expected honorably to engage—we have seen young people slip into a tubercular state due to lack of proper food and unavoidably changed living conditions—we see the twisted bodies of rickety children born without the physical inheritance necessary for sturdy development—and the worry and despair of parents and friends due to the changed financial conditions common to all; and

Whereas we see on all sides the result of the economic war being carried out by the declared enemy of our form of government, the Union of Socialist Soviet Republics, our industry disrupted, our farm produce and our dairy products without proper value in our own country, our mills and mines and lumber camps idle, our rich fields valueless, laborers who can find no work, professional people who have no practice, people who have lost their occupation, their income, their savings, and who fear to lose their homes, and we see the beautiful structure of our civilization built so lovingly by those who made our great Nation blasted, torn apart, and consumed by the collective labor operated by the Government of the Union of Socialist Soviet Republics; and

Whereas there is no equivalent in world exchange rates for the unit of production by collective labor because the medium of exchange between civilized nations is gold and silver; and

Whereas the Government of the Union of Socialist Soviet Republics (commonly called Russia) has come into the markets of the world disrupting all exchange, because their unit of value is human labor such as that of Pharaoh's time or the old days of slavery in our own country; and

Whereas the cruel and inhuman conditions under which thousands are compelled to labor in the Union of Socialist Soviet Republics have no counterpart in American history—the idea of human bondage is repugnant to those raised in the American tradition of freedom—and American industry can not compete with collective labor, a question which those who fought in the Civil War thought they had settled for all time; and

Whereas American industry, American pride, and the American people themselves can not survive the conditions resulting from the importation of goods whose production is for use and not for profit—use in breaking up the world markets and wrecking the standard of exchange, replacing the product of our own labor, bringing incredible hardship on our citizens and the children of our land, spoiling their future, crippling their bodies, dwarfing their minds, taking a toll for which there can be no compensation; and

Whereas the children of our land are gravely imperiled by the industrial situation resulting from the shipment to the United States of America of articles and materials from the Union of Socialist Soviet Republics (commonly called Russia): Therefore be it

Resolved, That we, members of the junior committee, National Patriotic Association, born in the United States of America, minors, do hereby, in the name of the children and young people of this Republic, most earnestly solicit and entreat the Senate of the United States of America to take action that the transportation into the United States, or any territory subject to the jurisdiction thereof, of any article or merchandise from any territory subject to the jurisdiction or control of the Government of the Union of Socialist Soviet Republics mined, produced, or manufactured wholly or in part in any such territory or produced or manufactured from materials, any of which have been mined, produced, or manufactured in any such territory is prohibited and can not happen any more.

Respectfully submitted.

RACHEL HOLMES, *Chairman.*
GEORGE PAULS, *Secretary.*
MADGE MARGARET HOLMES, *Librarian.*

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a joint resolution of the Legislature of the State of Nevada, memorializing Congress to pass the so-called Thomas bill, providing a Federal loan to the reclamation fund, which was referred to the Committee on Irrigation and Reclamation. (See joint resolution printed in full when presented by Mr. ODDIE on Tuesday, February 24, 1931, p. 5813 of the CONGRESSIONAL RECORD.)

He also laid before the Senate a joint resolution of the Legislature of the State of Nevada, indorsing the so-called Pittman resolution (S. Res. 442, agreed to February 20, 1931) advising the President as to the depressed condition of our commerce with China and other silver-using countries, and suggesting that the President take certain steps looking to remedial action, which was ordered to lie on the table. (See joint resolution printed in full when presented by Mr. ODDIE on Tuesday, February 24, 1931, p. 5813, CONGRESSIONAL RECORD.)

He also laid before the Senate petitions of sundry citizens of the District of Columbia and of the Canal Zone, praying for the passage of House bill 14, providing for the official recognition of the Star-Spangled Banner as the national anthem, which were ordered to lie on the table.

Mr. JONES presented petitions numerously signed by sundry citizens of the State of Washington, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. COPELAND presented petitions numerously signed by sundry citizens of New York City and vicinity, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FRAZIER presented a concurrent resolution of the Legislature of the State of North Dakota, favoring the passage of legislation to provide for the immediate conversion

into cash of World War veterans' adjusted-compensation certificates, which was ordered to lie on the table. (See concurrent resolution printed in full when laid before the Senate by the Vice President on Tuesday, February 24, 1931, p. 5809 of the CONGRESSIONAL RECORD.)

AGRICULTURAL CREDITS

Mr. SHIPSTEAD presented the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Agriculture and Forestry:

H. F. No. 484

A concurrent resolution (Res. No. 11) memorializing the President of the United States and the Congress of the United States that it is the sense of the members of the Minnesota Legislature that the Government of the United States should perform its solemn promise and duty and place American agriculture on the basis of equality with other industries by providing an adequate system of credit, and that adequate legislation to that end should be adopted at the earliest possible date

Whereas the farmers throughout the entire United States have lost and are losing their lands and chattels through inability to refinance loans on their property because of high interest rates and low prices of agricultural commodities; and

Whereas agriculture is the basic industry of this country, and there can be no sound business propriety unless the business of agriculture is placed on a sound basis and on an equal basis with other industries; and

Whereas a bill has been introduced in the Senate of the United States, being S. 5100, a bill to liquidate and refinance agricultural indebtedness and to encourage and promote agriculture, commerce, and industry by establishing an efficient credit system, through which the unjust and unequal burdens placed upon agriculture during the period of price fixing and deflation may be lightened by providing for the liquidation and refinancing of farm mortgages and farm indebtedness at a reduced rate of interest through the Federal farm loan system, the Federal reserve banking system, and the postal savings depository system, and creating a board of agriculture to supervise the same; and

Whereas this bill is a sound, economic measure, designed to remedy the inequalities under which agriculture is now laboring: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota (the Senate concurring), That the Congress of the United States be, and it is hereby, urgently petitioned to enact the said bill into law, and that the President of the United States be urged to approve said measure after its passage; be it further

Resolved, That the Minnesota Members of the United States Senate and the Representatives in Congress from the State of Minnesota be, and they are hereby, petitioned and most earnestly urged to use their best efforts to bring about a speedy enactment of said legislation; be it further

Resolved, That a duly authenticated copy of this resolution be presented to the President of the United States, to the presiding officers of the Senate and of the House of Representatives of the Congress of the United States, and to each of the Senators and Representatives from the State of Minnesota in the Congress of the United States.

OSCAR A. SWENSON,
Speaker of the House of Representatives.
HENRY ARENS,
President of the Senate.

Passed the house of representatives the 17th day of February, 1931.

JOHN I. LEVIN,
Chief Clerk House of Representatives.

Passed the senate the 19th day of February, 1931.

G. H. SPAETH,
Secretary of the Senate.

Approved February 20, 1931.

FLOYD B. OLSON,
Governor.

Filed February 21, 1931.

MIKE HOLM,
Secretary of State.

I, Mike Holm, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original resolution in my office of H. F. No. 484, being Resolution No. 11, Laws 1931, and that said copy is a true and correct transcript of said resolution and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol in St. Paul this 24th day of February, A. D. 1931.

[SEAL.]

MIKE HOLM,
Secretary of State.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5814. An act to provide for the issuance of permits for the construction of pipe lines for the importation into the United States of natural or artificial gas (Rept. No. 1799); and

S. 5988. An act authorizing the issuance to Margaret McCreanor of a patent for certain lands (Rept. No. 1800).

Mr. HOWELL, from the Committee on Claims, to which was recommitted the bill (H. R. 8677) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department, reported it with amendments and submitted a report (No. 1801) thereon.

Mr. JOHNSON, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak. (Rept. No. 1802); and

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y. (Rept. No. 1803).

Mr. VANDENBERG, from the Committee on Commerce, to which was referred the bill (H. R. 9413) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan, reported it without amendment and submitted a report (No. 1804) thereon.

Mr. McNARY, from the Committee on Commerce, to which was referred the bill (S. 6166) to provide for preliminary examination and survey to be made of the Willamette River and its tributaries, Oregon, with a view to providing a navigable channel from Portland to Springfield, reported it with amendments and submitted a report (No. 1805) thereon.

Mr. NORBECK, from the Committee on Banking and Currency, to which was referred the bill (S. 1550) to amend section 5219 of the Revised Statutes, as amended, reported it without amendment and submitted a report (No. 1806) thereon.

INTERNATIONAL HYGIENE EXHIBITION

Mr. BORAH. I ask unanimous consent to submit a report from the Committee on Foreign Relations, and I call the attention of the Senator from New York [Mr. COPELAND] to it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the report will be received.

Mr. BORAH. From the Committee on Foreign Relations I report back favorably, without amendment, the bill (S. 6203) to increase the amount authorized to be appropriated for the expenses of participation by the United States in the international hygiene exhibition at Dresden, Germany.

Mr. COPELAND. I ask unanimous consent that the bill may be put upon its passage, because it is a measure which must go to the House for ratification.

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act permitting the Government of the United States to participate in the international hygiene exhibition at Dresden, Germany, from May 6, 1930, to October 1, 1930, inclusive," approved June 21, 1930, is amended by striking out "$5,000," and inserting in lieu thereof "$55,000" and made available to be expended until June 30, 1932.

MAHONING RIVER BRIDGE NEAR NEW CASTLE, PA.

Mr. REED. Mr. President, last night the Senate passed Senate bill 6153, authorizing the Commonwealth of Pennsylvania to build a bridge in Pennsylvania. At about the same time, or within a few hours of that time, the House passed a bill in exactly the same words for the same purpose. I ask unanimous consent that the House bill, which has now been messaged to the Senate, may be substituted for the Senate bill and considered and passed at this time.

The VICE PRESIDENT. Is there objection? Let the bill be reported.

The bill (H. R. 17071) granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa., was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto on Pennsylvania State Highway Route No. 18, across the Mahoning River at a point just south of New Castle, Lawrence County, Pa., now served by a structure known locally as the Willow Grove Bridge, and at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is the House bill the same as the bill which passed the Senate last night?

Mr. REED. It is exactly the same, word for word.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS:

A bill (S. 6254) for the relief of United States Marshal George B. McLeod (with accompanying papers); to the Committee on Claims.

By Mr. MOSES:

A bill (S. 6255) to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Relations.

By Mr. THOMAS of Oklahoma:

A bill (S. 6256) for the relief of Thomas I. Dickson; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 6257) for the relief of Edwin C. Jenney, receiver; to the Committee on Claims.

By Mr. METCALF:

A bill (S. 6258) for the relief of A. C. Messler Co.; to the Committee on Claims.

By Mr. FESS:

A bill (S. 6259) for the relief of R. A. Hunsinger (with accompanying papers); to the Committee on Claims.

By Mr. SHIPSTEAD:

A bill (S. 6260) granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River (with accompanying paper); to the Committee on Commerce.

By Mr. ROBINSON of Indiana:

A bill (S. 6261) to authorize the construction of a laundry building at Fort Benjamin Harrison, Ind.; to the Committee on Military Affairs.

By Mr. GOFF:

A bill (S. 6262) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.; to the Committee on Commerce.

AMENDMENTS TO THE COPYRIGHT BILL

Mr. BINGHAM and Mr. SHORTRIDGE each submitted an amendment, and Mr. DILL submitted five amendments, intended to be proposed by them, respectively, to the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works, which were severally ordered to lie on the table and to be printed.

MARY JOHNSTON—WITHDRAWAL OF PAPERS

Mr. DENEEN. I request the withdrawal of the evidence filed in support of my bill, being the bill (S. 4873) granting a pension to Mary Johnston, Seventy-first Congress, third session.

The VICE PRESIDENT. Is there an unfavorable report?

Mr. DENEEN. I understand not.

The VICE PRESIDENT. Without objection, the order will be made.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President approved and signed the following acts:

On February 26, 1931:

S. 2774. An act for the relief of Nick Rizou Theodore;

S. 4598. An act for the relief of Lowela Hanlin;

S. 5649. An act for the relief of the State of Alabama; and

S. 5962. An act to authorize the Secretary of Commerce to continue the system of pay and allowances, etc., for officers and men on vessels of the Department of Commerce in operation as of July 1, 1929.

On February 27, 1931:

S. 1571. An act for the relief of William K. Kennedy;

S. 1851. An act for the relief of S. Vaughan Furniture Co., Florence, S. C.;

S. 2625. An act for the relief of the estate of Moses M. Bane; and

S. 3553. An act for the relief of R. A. Ogee, Sr.

REPORT OF THE DIRECTOR GENERAL OF RAILROADS (H. DOC. NO. 789)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Interstate Commerce:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Director General of Railroads for the calendar year 1930.

HERBERT HOOVER.

THE WHITE HOUSE, *February 27, 1931.*

(NOTE.—Report accompanied similar message to the House of Representatives).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 5920) authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. BYRNS, and Mr. BUCHANAN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 52), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House (H. R. 980) to permit the United States to be made a party defendant in certain cases, heretofore agreed to by the two Houses, be amended by adding at the end of the amendment agreed to in the report the following new section:

"SEC. 7. This act shall not apply to any lien of the United States held by it or for its benefit under the Federal reclamation laws."

SECOND DEFICIENCY APPROPRIATIONS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. SMOOT, Mr. HALE, Mr. GLASS, and Mr. MCKELLAR conferees on the part of the Senate.

AMENDMENT OF COPYRIGHT LAW

Mr. HEBERT and Mr. HOWELL addressed the Chair.

The VICE PRESIDENT. The Senator from Rhode Island.

Mr. HEBERT. I have a motion pending, Mr. President.

The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island, which will be stated.

The CHIEF CLERK. The Senator from Rhode Island moves to proceed to the consideration of Order of Business 1799, being the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. KING. Is the motion subject to debate?

The VICE PRESIDENT. It is.

Mr. HEBERT. Mr. President, I ask that my motion be put.

The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island.

Mr. HOWELL. Mr. President, there is a bill pending before the Senate, the consideration of which has been partially completed, involving the District of Columbia. It is a measure which was recommended by the President in his message at the beginning of this session of Congress; it is a measure the enactment of which has been urged by the Attorney General. I refer to the prohibition bill for the District of Columbia, which is before the Senate, and I trust the Senate will not take up a copyright bill and refuse to complete the consideration of the prohibition bill.

Mr. SHIPSTEAD. Mr. President, I should like to ask the Senator from Oregon if he can inform us what is the likelihood of getting some action on the oleomargarine bill before the end of the session?

Mr. MCNARY. It is the desire of the Senator from Minnesota and others interested in the oleomargarine bill to have it follow the bill which the Senator from Rhode Island has moved to consider. Probably the oleomargarine bill will be made the unfinished business following that bill. It should be the next order of business before the Senate.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. SHIPSTEAD. I yield.

Mr. KING. I should like to ask the Senator from Oregon a question. When he states that the oleomargarine bill will be the next order of business, has that been determined by the Republican steering committee?

Mr. MCNARY. Mr. President, I was largely expressing the hope of many who are interested in the oleomargarine bill. There has been no order made; there has been no discussion of the matter; but I believe that is the general impression and the willingness of this body.

Mr. KING. Mr. President——

The VICE PRESIDENT. The Senator from Minnesota has the floor. Does he yield to the Senator from Utah?

Mr. KING. I will wait and take the floor in my own right.

Mr. SHIPSTEAD. The copyright bill, as I understand, is likely to lead to very extended debate. I do not know to what extent the oleomargarine bill will lead to debate.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. SHIPSTEAD. I yield.

Mr. SMITH. If the Senator will allow me, I will say that I think it will lead to considerable debate, probably as much as the so-called Vestal bill. I think it involves a question that we have discussed at some length which is known as the tariff act.

Mr. KING. Mr. President, let me say to the Senator from Oregon that there is a bill pending before the Senate for the independence of the Philippine Islands. It seems to me that a question involving the rights and the aspirations of twelve or fifteen million people ought to have some consideration even as against oleomargarine or other matters which some might deem more important. There is also a resolution upon the table expressing it as the sense of the Senate that the United States should withdraw its marines and military forces from Nicaragua, where a considerable number of American troops have been killed and possibly more may be killed if we are to prosecute war, as we have done and are now doing, in a country with which, theoretically, at least, we are not at war.

I had hoped that this resolution might be taken up for consideration, and that the Senate might express itself upon that important question. I shall not, however, seek to supplant the Vestal bill, which I know the Senator from Rhode Island [Mr. HEBERT] is very anxious to have considered by the Senate; but I desire to state to my friends who are leading on the other side, the steering committee of the majority, that there are other measures that I think deserve consideration as well as the one indicated by the Senator from Minnesota [Mr. SHIPSTEAD].

PROPOSED SILVER CONFERENCE

Mr. PITTMAN. Mr. President, I ask the clerk to read the article from the New York Times, which I send to the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the article will be read.

The Chief Clerk read as follows:

[From the New York Times of February 21, 1931]

SILVER CONFERENCE URGED—INTERNATIONAL ACTION PROPOSED TO MEET ECONOMIC CRISIS IN CHINA

PARIS, February 20.—At a meeting of the executive committee of the International Chamber of Commerce it was urged that all governments which hold stocks of silver or which produce silver or can influence it by their monetary policies enter into immediate conversations, together with the Government of China, for the purpose of stabilizing prices. The deplorable effect of the slump in silver's price on the economic situation in China and the consequent reduction in purchasing power were given as the chief reasons why an international silver conference should be called.

Silver, it was suggested, should be maintained on as stable a basis as possible and it was said was not only desirable but urgently necessary. British bankers attended the meeting and strongly urged the action which was taken. The matter now goes to the various national committees for the direct action of their governments.

ACCEPTANCE BY AMERICAN CITIZENS OF TITLES FROM FOREIGN GOVERNMENTS

Mr. HEFLIN. Mr. President, I send to the desk a resolution, which I ask to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution will be read.

The Chief Clerk read as follows:

RESOLUTION APPROVING SENATOR HEFLIN'S BILL TO PREVENT AMERICAN CITIZENS FROM ACCEPTING A TITLE FROM A FOREIGN GOVERNMENT

At a meeting and dinner of a group of American citizens representing the Defenders of the Constitution of the United States, held in Washington, D. C., on the evening of February 24, 1931, having considered the anti-American reaction of foreign decorations being spread broadcast among citizens of the United States and recognizing that the acceptance of such decorations by American citizens places them under obligation to foreign governments and foreign potentates; having come to the cognizance of the fact that the Fascist Government of Italy has given thousands of such decorations to American citizens, ranging from a knighthood to a nobiliary title of a count, and recognizing that these decorations and titles are given for the purpose of making these propaganda agents of the Fascist principles of government, which is autocratic and despotic, and therefore against our form of government, we resolve to call to the attention of the honorable Senator WILLIAM E. BORAH, chairman of the Foreign Relations Committee of the United States Senate, to report favorably upon the bill introduced by Senator J. THOMAS HEFLIN on this matter of decorations, feeling, as we do, that such decorations tend to undermine the American ideals of our citizenry and to aid alien forces who are working for the destruction of democratic governments, which include the destruction of our own Government.

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD, immediately following this resolution, a letter addressed to the Secretary of State, signed by Dr. Charles Fama, of New York City, and other American citizens of Italian extraction.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

NEW YORK, *February 21, 1931.*

To Hon. HENRY L. STIMSON,
Secretary of State, Washington, D. C.

SIR: At a mass meeting of Italian war veterans, held at Irving Plaza Hall, in the city of New York, on the 15th day of February, 1931, which was attended by upward of 350 Italian war veterans and by upward of 800 American citizens of Italian extraction, representing leading labor, fraternal, commercial, charitable, professional, journalistic, educational, religious, and social organizations in the city of New York and vicinity, the following resolution was unanimously adopted and the undersigned committee was directed to forward a copy of such resolution to your excellency and to the State Department:

"Whereas it conclusively appears that one Giacomo De Martino, accredited to this country as the Italian ambassador of the Kingdom of Italy, is not conducting himself as a diplomatic representative of the Kingdom of Italy, but is in fact only the special agent of an Italian political party, namely, the Fascist Party of Italy, and of its secret police, the O. V. R. A., and that the said De Martino has been charged by the grand council of such political party with the specific mandate of securing control and of fascistizing Italian subjects and American citizens of Italian extraction, and also Italo-American institutions and organizations in this country; and

"Whereas it conclusively appears that the said De Martino is also charged by the said Fascist Party with the specific mandate of deceiving American public opinion with regard to the un-American principles and warlike ambitions of the present Fascist Government of Italy and its outstanding exponent, Mussolini, so as to facilitate the borrowing of money in this country and to secure American sympathy in case of difficulties with other countries; and

"Whereas in furtherance of such mandate, the said De Martino has resorted to improper methods to influence American public opinion; and

"Whereas in furtherance of such mandate, American citizens have been corrupted not only by pecuniary compensation, but also by the conferment of high-sounding decorations and titles of nobility, in complete violation of the provisions of the American Constitution and the principles of American democracy; and

"Whereas under the directions of the said Ambassador De Martino, the Fascist party of Italy has flooded the United States with paid propagandists who before American audiences profane American democratic institutions and achievements and great men like Lincoln by favorably comparing to them Fascist principles and pretended achievements and men of the type of Mussolini, but who before Italian audiences condemn, ridicule, and belittle these same American democratic institutions and achievements and great men as products of an inferior race and in no wise to be compared with Fascism, its leaders and achievements; and

"Whereas in pursuance of such mandate, newspapers and news agencies throughout this country have been cajoled or bought, and in the case of Italian-language newspapers or magazines they have been threatened with the deprivation of all foreign news services and the loss of all advertising from business concerns or persons in this country doing business with Italians in America or in Italy, particularly from importers and financial institutions, unless they publish only such news with regard to Italian or American affairs as is favorable to the Fascist régime and its interests, and as meets with the approval of the Italian authorities in this country; and

"Whereas in the recent Butler-Mussolini incident and in other attempts to muzzle free speech and criticism of the Mussolini régime the Italian-language newspapers, under the control of the said De Martino, were absolutely anti-American and guilty of the rankest sedition and vulgarity in the treatment of said incident, and the United States and its people were made to appear as inferior in every respect, and the apology given by this Government was said to have been due solely to the fear that this Government has of the Fascisti and Mussolini; and

"Whereas said De Martino and the Italian consular agencies in this country for the past few years have been creating and maintaining Fascist organizations in this country, having the avowed purpose of terrorizing and controlling every activity of Italian subjects and American citizens of Italian extraction, the dissolved Fascist League of North America being supplanted by other organizations of different and appealing names but of identical purposes; and

"Whereas for the execution of its program of terrorism in this country, the Fascist Government has honeycombed this country with Fascist spies of the Italian secret police, the O. V. R. A., who come here under the guise of immigrants under the quota laws; and

"Whereas the said De Martino and the Italian consular agencies in this country under his direction have attempted to and still are attempting to secure control of all Italian-American financial, commercial, fraternal, and charitable institutions in this country for use as mediums of spreading Fascist propaganda and of dividing or destroying entirely the loyalty and allegiance which American citizens of Italian extraction owe to this country; and wherever such activities on their part have been opposed by loyal American citizens of Italian extraction, who desire to preserve Italian-Americans and Italian-American institutions, truly American and loyal to their oath of citizenship to this country, the said Ambassador De Martino and his agents have attempted to and are still attempting to destroy and ruin the recalcitrant institution and American citizens in their business, livelihood, and reputation, and particularly to discredit them by making it falsely appear that such opponents are radicals or "Reds"; and

"Whereas flagrant examples of the aforesaid 'rule or ruin policy' of the Italian Fascist authorities and representatives in this country have been the experience of the Order Sons of Italy in America and the Italian Hospital in this city.

"In the case of the Order Sons of Italy, the Fascist Government of Italy and the Italian ambassador, over the violent opposition of loyal American citizens, succeeded in obtaining control of the supreme governing council of the order, and by reason of such control attempted to make the order an alien Fascist organization instead of a loyal American organization, as originally conceived. Because of this fact some 20,000 members in the State of New York, headed by Representative F. H. LAGUARDIA and Judge Salvatore Cotillo, of the supreme court, seceded from the order to preserve their Americanism and to protest against the betrayal of the order. In a speech delivered last December at Nutley, N. J., at a public ceremony of the Order Sons of Italy, the said Ambassador De Martino violently attacked those who had seceded from the order, and particularly their leaders aforementioned, as disloyal Italians, and stated that they were "assassins" for refusing to submit themselves to the only authority that should be recognized by all Italians, including those who had become American citizens, namely, the Fascist authorities.

"In the case of the Italian Hospital of the city of New York, the said Ambassador De Martino, through the Italian consul in the city of New York, also attempted to wrest control thereof from the group which desired to preserve it as a strictly American non-political institution. Failing in such attempt, the said De Martino and his consular representatives are now attempting to discredit and ruin said institution, and have directed all of the Italian-language newspapers which they control in this city to boycott and attack the institution, to the great damage of the hospital; furthermore, said De Martino and his consular representatives ordered all members of the board of directors who were members of business or financial institutions who did business with Italians in this country and abroad to resign from the board, under threat of personal and business reprisals. Other members of the board were induced to resign under promises of decorations and titles of nobility from the Kingdom of Italy; and

"Whereas all of such activities on the part of said De Martino are the cause of a great deal of dissension and strife in this country and are disturbing the peace of loyal American citizens of Italian extraction; and further, if allowed this condition will endanger the cordial relationship between the American people and the Italian people, who are not responsible for the misdeeds of the Fascist Government and their representatives in this country; Be it, and it is hereby,

"*Resolved*, That the said Giacomo De Martino be declared persona non grata by this Government and requested to leave the country; and further, to make due apology for the abuse by him of the hospitality of the United States and the privileges and immunities of his diplomatic rank."

The committee:

CHAS. FAMA,
National Chairman Defender of the American Constitution.
JOSEPH LIBERTO,
President of the Italian World War Veterans' League.
LUIGI ANTONINI,
Vice President International Ladies' Garment Workers Union, affiliated with the American Federation of Labor.
CIROLAMO VALENTI,
General Manager Italian Daily Newspaper, Il Nuovo Mondo.
Rev. AMEDEO M. RIGGIO,
Social Activities Christ Methodist Episcopal Church, Newark, N. J.
M. C. MARSEGLIA,
Pastor Church of the Redeemer, Italian Baptist Americanization Department.

FOREIGN INTERFERENCE IN AMERICAN AFFAIRS

Mr. HEFLIN. Mr. President, Senators will recall that some days ago, when Gen. Smedley Butler expressed his opinion about the conduct of Mussolini in running over and killing a child in Italy, General Butler was severely criticized by the ambassador from Italy, who demanded an apology not only from General Butler but from the United States Government. A court-martial of General Butler was ordered, but it was short-lived, being finally dismissed by a reprimand that General Butler himself wrote, merely suggesting that he was sorry to have caused his Government any trouble. He refused to apologize to Mussolini. I am sorry that the Secretary of State apologized to Mussolini.

Since that time the Assistant Attorney General, Mr. O'Brian, expressed gratitude that he lived in a country where no dictator could reduce the wages of the laboring men and women of the United States. The same Italian ambassador has taken him to task and called for a transcript of his remarks. As an American citizen and Senator, I am getting very tired of this kind of business.

The Washington Star has an editorial on that subject, entitled "Italian Sensitiveness to Criticism."

Among other things, it says:

A subordinate official of one of the Government departments expressed in a speech his hearty gratitude that "we do not live in such a country as Italy, where the dictatorship of one man can make a horizontal slice in wages."

Again, this paper says:

It would indeed be much more to the taste of the American people if the whole matter of rebuke and correction were left with the American Government, without initiative from representatives of the foreign governments stationed at this Capital.

Mr. President, I think it is high time that this Government was asserting itself, and letting this and any other meddling representative who sit here as ambassadors from foreign governments know that we do not propose to be dictated to by any foreign government. We want the cordial relations with all governments, but we are going to run this Government as we want to run it; and when we have to have a foreign censor sitting here at the Capital, telling this Government and its officials what this Government can do and what its officials may say and do we will cease to be a free and an independent people.

I ask unanimous consent to have printed in the RECORD the entire editorial of the Washington Star upon this subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Evening Star of Tuesday, February 24, 1931]

ITALIAN SENSITIVENESS TO CRITICISM

It may be that the ambassador of Italy at Washington does not relish the zeal of the editor of an Italian-American newspaper who reported to him the other day that a certain official of the American Government had made some "slighting" remarks about Premier Mussolini in a semipublic speech. Quite probably the ambassador wishes that the earnest supporters of the Italian ministry would not be so prone to take offense. For surely there will be no end of trouble and friction if everything that is said in this country about Mussolini is carried to his diplomatic representative at this Capital for investigation and complaint. True, there can be no "case" unless what is said falls within the range of official impropriety, being said by a member of the administrative, judicial, or military-naval branch of the Government. It does not lie within the scope of international protest if the remarks are uttered by citizens without official status, or by Members of Congress, who can say whatever they please without being subject to administrative reproof at the behest of a foreign government, even as they are free from question by an American citizen.

The latest instance is not one of moment, however annoying it may become as an item of international correspondence and action. A subordinate official of one of the Government departments expressed in a speech his hearty gratitude that "we do not live in such a country as Italy, where the dictatorship of one man can make a horizontal slice in wages." In this instance there is no doubt as to the facts, as there was in the case of General Butler's repetition of a story told him by a friend. The premier of Italy did indeed recently, by his own order, effect a cut in government pay amounting to 12½ per cent. The only question involved is whether reference to the fact is permissible on the part of an officer of the American Government.

If comment upon foreign affairs is to be censored, the censorship should be exercised by this Government, with the limits of observations by members of the administrative forces laid down as "office rules." It would indeed be much more to the taste of the American people if the whole matter of rebuke and correction were left with the American Government, without initiative from representatives of the foreign governments stationed at this Capital. For it is entirely conceivable that in some instances the American Government may not consider that offense has been committed, and if in such cases complaint has been made from abroad it becomes the difficult duty of this Government to return a refusal to act in correction or rebuke. The only alternative to such a mode of procedure is to prohibit all officials of the Government, of whatever grade or relationship, from speaking in public on any subject that might be connected, however remotely, with the government of another country. Such a denial of speech would never be tolerated by the public. Good taste and ordinary discretion are far better guides to propriety of public utterance than any gag rule that can be devised.

Mr. HEFLIN. Mr. President, Doctor Fama and his friends in New York City are loyal American citizens. He is of Italian extraction, and so are they. They are true American citizens; and they are protesting against Mussolini appointing in this country American citizens of Italian blood as Italian counts. Think of that, Senators—letting this dictator in Italy name American citizens as Italian counts in the United States, and naming these Fascists in the United States—the Fascists who dissolved their organization under a resolution that I had passed through the Senate, calling on the Secretary of State to investigate the Fascist movement and report to the Senate. Rather than have their order investigated and all their secrets disclosed, they announced that they would dissolve and they did dissolve that particular organization; but they are still carrying on their Fascist activities and operating under a new name, and Mussolini is appointing Italian counts amongst them; and these loyal American citizens of Italian blood are calling on us to pass laws to prevent the appointing of these American citizens as Italian counts.

Mr. President, a month ago I introduced a bill providing that no American citizen should accept one of these titles. The resolution has been in the Committee on Foreign Relations since that time. I have once before requested the Senator from Idaho [Mr. BORAH] to have that bill acted upon, and I now again request him to report that bill favorably. I call upon every individual member of that committee to get busy and report that bill back to this body. Let us have a vote on it. Let us see who the Senators are who do not want to prevent American citizens from being given the title of count or any other title by these foreign powers. Let this bill come out.

The resolution which I first had read at the desk is a resolution passed here in Washington by American citizens of Italian blood from New York who were here at a big dinner the other night. They passed this resolution approving my bill, and calling upon the Senator from Idaho [Mr. BORAH], the chairman of the committee, to report it favorably to the Senate.

The law now prevents any American official from accepting any title from a foreign power. If we will not allow an American official to accept them, why should an American citizen be beholden to a foreign king or dictator who confers upon them these foreign titles? The King of Italy just the other day appointed a man in New York an Italian count, and I brought the matter to the attention of the Senate and introduced the bill that I have mentioned.

My bill is a meritorious American measure. I see the Senator from Idaho upon the floor of the Senate now, and I should like to have him express himself as to whether or not he thinks he can get favorable action or some action upon my bill at this session of Congress.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. HEFLIN. I do.

Mr. BORAH. I have a great deal of sympathy with the views of the Senator with reference to people who wear foreign favors in the way of ribbons and badges; but my opinion is that if they were not permitted to wear them on their breasts, they would wear them in their hearts. In other words, if people are so disposed as to accept such favors, if they are so constituted as to want such so-called honors, legislation upon the subject would be of very little effect.

I doubt very much if we shall be able to report the bill at this session.

Mr. HEFLIN. Mr. President, I shall have to move at a later time to discharge the committee from further consideration of this measure. If it is unwise to pass this legislation because a citizen who would like to accept these foreign titles would be disloyal in his heart in spite of a law upon the subject, and would carry on his un-American work secretly, if that position is sound, then we ought to repeal the law which prevents an official from accepting these titles.

Our forbears thought enough of it to make it against the law to permit any American holding office from accepting foreign favors and titles. If they do that with regard to the official, why not let the world know by an act of Congress that America is for Americans, and that we do not propose to have a secret and invisible government in the United States conducted by Mussolini, naming his marshals and his commanders in the United States Italian counts and the like.

Here we sit, refusing to pass a law on the subject. Why? Are we afraid we will offend Mussolini? Has this Government, this great American Government, reached a point where we no longer have courage and self-respect enough to assert our rights? Have we fallen upon a time when alien influence has more power and weight here than American ideals and institutions?

Mr. President, this Government is the worst-imposed-on Government in the world along this line. Any foreign influence, potentate, or power can do whatever it pleases, and if somebody suggests that we assert our rights as Americans political cowardice shows its head and word is whispered around and nothing is done.

If this thing continues somebody will run for President one of these days upon an American platform, distinctly pointing out just what this Government stands for, and he will pledge himself to return it to the ancient principles of true Americanism.

Here we are, with aliens roaming the country, vast armies of them, estimated at four or five million. We can not get them deported. There was a governor in New York, Governor Smith, accused by a Member of the House of Representatives, of giving pardons to men who had committed crimes in New York State, granting them pardons before their terms were completed, so that they would not be in the class of those who were to be deported. The law provided that if one was convicted and served a sentence he could be deported, and in order to defeat that law, the charge was, Governor Smith issued pardons which let men out so that it could not be said that they had completed sentences in the penitentiary; and thereby the deportation law was defeated.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. COPELAND. Of course the Senator does not believe that Governor Smith issued any pardons for such reasons. I know that, because he said that somebody else stated that.

Mr. HEFLIN. I do not know. Representative JOHNSON in the House, my recollection is, submitted some correspondence and some newspaper articles upon the subject, showing that people were thus relieved by Governor Smith. They may have been members of Tammany, and the authorities were just coming to the rescue of favorites.

Mr. President, two or three years ago in Philadelphia there was a national Fascist convention, and they sent a telegram pledging eternal allegiance to Mussolini. There is a Fascist paper in New York now attacking American citizens of Italian blood who are fighting Fascism in the United States.

They are boycotting their business, and Italians in Italy who used to advertise in a magazine in New York City conducted by prominent American citizens of Italian extraction are boycotting it because it opposed Fascism in the United States and because it pleaded with American citizens of Italian extraction to be loyal to the American Government. He said to them: "You have come here. You have taken the oath of allegiance. You have been naturalized. Why not be whole-hearted Americans? We are. Let us do away with these foreign isms and settle down and be good citizens here?" What have they done to this magazine? I have seen copies of this magazine. Before this Fascism fight came on it was a flourishing magazine. It was as thick as my thumb. But since the Fascists have been fighting it, it has been cut down in size, as a result of the boycott, to where it is not as thick as my pencil. That is the work of alien influences right here in the United States. That is the punishment put upon the business of American citizens who dare to oppose Mussolini's Fascist program in the United States.

Here they are operating in our midst, defying the spirit of American independence, setting up this secret order in our land, and Mussolini is having the King of Italy appoint American citizens, Fascist leaders, to the office of Italian counts.

Is there no way to free our country of these un-American and dangerous Fascist activities? Are loyal American citizens of Italian blood to be punished because they refuse to join in un-American movements in the United States?

These loyal American citizens of whom I speak ought to be encouraged and supported by our Government in every way possible. The failure to do that exhibits either fear or indifference on our part in the matter of standing at all times for American rights and interests; for American ideals and institutions. Let our Government see to it that no alien influence is permitted to enter here that would in any way embarrass or punish American citizens who are putting forth their efforts for whole-hearted support of our American Government. The passage of the bill that I have introduced, preventing any American citizen from accepting titles conferred by foreign governments and powers, will go a long way toward checking and stopping these harmful and dangerous influences now operating in the United States. Mr. President, we should attack and put an end to un-American activities as soon as we discover them. Eternal vigilance is the price of liberty!

AMENDMENT OF COPYRIGHT LAW

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Rhode Island to proceed to the consideration of the copyright bill.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the convention of Berne for the protection of literary and artistic works, which had been reported from the Committee on Patents with amendments.

Mr. HEBERT obtained the floor.

Mr. DILL. Mr. President, I want to suggest to the Senator from Rhode Island that since he is going to explain the bill, and it is rather a difficult bill to understand, there ought to be a quorum called, and I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steck
Blease	Glenn	Metcalf	Steiwer
Borah	Goff	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

The VICE PRESIDENT. Ninety-four Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 5083. An act to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.;

S. 6032. An act amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes"; and

S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park.

The message also announced that the House had agreed to the amendments of the Senate to the following bills of the House:

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930.

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service; and

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements, or sold to other persons, or for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 980) to permit the United States to be made a party defendant in certain cases.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 5, 8, 18, 19, 22, and 23 to the said bill, and concurred therein, and that the House had receded from its disagreement to the amendments of the Senate numbered 7, 12, 16, and 17 to the said bill, and concurred therein, severally, with an amendment, in which it requested the concurrence of the Senate.

NAVY DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. HALE. Mr. President, will the Senator from Rhode Island yield to enable me to call up the conference report on the Navy Department appropriation bill?

The VICE PRESIDENT. Does the Senator from Rhode Island yield for that purpose?

Mr. HEBERT. I am willing to lay aside the unfinished business temporarily for that purpose.

Mr. HALE. I submit the following conference report and ask that the Senate proceed to its consideration.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 9, 10, 24, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 6, 11, 13, 14, 15, 20, and 21, and agree to the same.

The committee of conference have not agreed on amendments numbered 5, 7, 8, 12, 16, 17, 18, 19, 22, and 23.

FREDERICK HALE,
L. C. PHIPPS,
HENRY W. KEYES,
CARTER GLASS,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER (except as to amendments numbered 9, 10, and 16),
Managers on the part of the House.

The Senate proceeded to consider the report.

Mr. DILL. Mr. President, what are the amendments? What is the effect of the conference report? I should like to have the Senator from Maine explain it.

Mr. HALE. Mr. President, under the rules of the House certain matters have to be voted on by separate vote in the House. Those matters are referred to in the conference report as being in disagreement. As a matter of fact, there were 25 amendments put on the bill by the Senate. On 15 of those amendments the Senate and House conferees agreed. As to six of the amendments a vote in the House was necessary. The conferees agreed on the action to be taken and the House has adopted the language of the Senate in those six amendments. There were four Senate amendments in which changes were made. They were reported to the House and the House has adopted these amendments as changed.

Mr. DILL. I understand a number of amendments have been made, but I want to know the effect of them.

Mr. HALE. I shall be glad to give that information to the Senator.

The first amendment was a slight one, increasing the appropriation for attendance of civilian employees at certain technical and scientific meetings. The House provided $2,000 and the Senate increased it to $3,000. That was agreed to.

The second amendment is on page 6 of the bill and provided for the insertion of the word "and," which had been omitted in the House text. That was agreed to.

The third amendment related to an item wherein the House appropriated $4,620,835 for the naval reserve.

Mr. WHEELER. Mr. President, we can not hear a word the Senator is saying. Will he speak louder, and may we have order in the Chamber?

The VICE PRESIDENT (rapping for order). The Senate will be in order.

Mr. DILL. I am particularly interested in the items relating to equalization of pay and the doing of work in the navy yards. Have those items been agreed to?

Mr. HALE. There were two so-called labor amendments added to the bill by the Senate. One was the regular amendment which has been put into the last six or seven appropriation bills.

Mr. DILL. What was done with that amendment?

Mr. HALE. That is retained in the bill in the exact form in which it was adopted by the Senate. The other one, which was offered by the Senator from Wisconsin [Mr. LA FOLLETTE], the House would not accept at all. We stood out for it in conference, but it was finally thrown out.

Does the Senator wish me to go ahead and explain the other amendments, or shall I simply refer to those of consequence?

Mr. DILL. I think the Senator should explain the amendments. This is a very important bill.

Mr. HALE. The Senate has yielded to the House on amendment numbered 3 and has consented that the 70 Naval Reserve pilots who, under the present system, after a year's training at Pensacola, get a year's training with the fleet, and provided that they shall have two years' training with the fleet instead of one. This was objected to by the officials of the Navy, but the House believes it will take care of the pilot situation. We are going to try it in any event for one year and see how it works out.

The next amendment of any consequence is numbered 7, which involved the insertion in the bill of the following language:

Provided further, That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint as ensigns in the line of the Navy all midshipmen who graduate from the Naval Academy in the year 1931, but if the number so commissioned should exceed the total number of officers of the line of the Navy authorized by existing law, the excess shall be carried in the grades of lieutenant (junior grade) or ensigns.

The House has accepted that provision eliminating the words "lieutenant (junior grade)," so that all of those men shall be counted in the grade of ensign. As they have to stay in the Navy at least three years before they are appointed junior lieutenants, they will be taken care of all right for next year.

The next amendment agreed to by the House was the Senate amendment providing—

That any officer, other than commissioned warrant or warrant officers, commissioned in the line of the Navy from sources other than the Naval Academy, may, upon his own application, in the discretion of the President, be retired from active service and placed upon the retired list with retired pay at the rate of 2½ per cent of his active-duty pay multiplied by the number of years of service for which entitled to credit in computation of his pay on the active list, not to exceed a total of 75 per cent of said active-duty pay.

This amendment was agreed to by the House.

In the next amendment, numbered 9, the Senate raised from 3 to 4 the number of midshipmen provided in the House bill. The law provides for four at the present time. We were unable to hold this in conference and we yielded to the House on the matter. It is felt that with the increase in numbers which we will get next year by commissioning all of the members of the class of 1931 who are eligible we can take care of the situation for the next year.

No. 10 is the same question applied to Porto Rico, giving them three midshipmen instead of four, as provided in the Senate amendment.

Amendment numbered 12 was to the oil provision in the House bill. That provided that no part of the appropriation should be available for the purchase of or payment for any kind of fuel oil of foreign production, except by or for vessels in a foreign port. This has been changed in conference to read as follows:

: *Provided further*, That no part of this appropriation shall be available, any provision in this act to the contrary notwithstanding, for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions where oil of the production of the United States or its possessions may be procurable, notwithstanding that oil of the production of the United States or its possessions may cost more than oil of foreign production, if such excess of cost, in the opinion of the Secretary of the Navy, which shall be conclusive, be not unreasonable, but nothing herein shall apply to fuel oil on hand or on order on July 1, 1931.

That has been accepted by the House.

The next two amendments cover the Naval Research Laboratory. The Senate added $125,000 for this purpose and the House accepted the Senate provision.

Amendment numbered 16 was inserted by the Senate providing $2,420,000, "of which $200,000 shall be available for experimental and research work in connection with the development of a metal-clad airship." In conference we worked out a change, which was mutually satisfactory, to read:

Two million two hundred and ninety-five thousand dollars, of which $75,000 shall be available for experimental and research work in cooperation with other Federal agencies in connection with the development of a metal-clad airship, and in connection with such work the Secretary of the Navy is hereby authorized to contract for such outside engineering services as may be deemed necessary and desirable.

In other words, it appropriates $75,000 instead of $125,000. This was adopted by the House.

Amendment 17 relates to the same matter.

Amendment numbered 18 provided for participation of the United States Marine Corps Band in the celebration to be held at Yorktown in October, 1931, and that was accepted by the House.

Amendments numbered 20 and 21 of the Senate, providing for an increase in the Navy for destroyers, were both accepted by the House.

Amendment numbered 22 changed somewhat the House provisions in regard to the purchase of articles of growth or production or manufacture in the United States. The House took the provision which the Senate inserted, which is the same as the one adopted in the War Department appropriation bill.

Amendments numbered 23 and 24 I think I have already explained. They were the two labor amendments.

Mr. DILL. I am most concerned about the amendments relating to work in the navy yards. Just what will be the effect of it as to the various equipment and repair jobs in the Navy?

Mr. HALE. Matters are left as they are at the present time under the existing law as provided in the appropriation bill of last year. I will read the provision to the Senator:

No part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government.

The rest of the amendment refers specifically to the cruisers of the 15-cruiser program and is the same wording included in the appropriation bill of last year.

Mr. DILL. That means that those vessels will be built in the navy yards?

Mr. HALE. When time and facilities permit and when in the opinion of the Secretary of the Navy it will not involve an appreciable increase in cost to the Government.

The only other matter was the adjusted-service certificate fund amendment which the Senate added. That same amendment was covered in the second deficiency appropriation bill and I have been given to understand that it will be accepted in that bill. Therefore it is not necessary to have it in this bill and so the amendment went out.

Mr. WHEELER. Mr. President, I desire to submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHEELER. Mr. President, I understand the request is for unanimous consent, is it not? Frankly, I have not been able to hear the explanation that has been made by the Senator from Maine, and I am going to ask that the conference report may go over until after the disposal of the pending bill, if that be possible, so that we may have an opportunity to examine the amendments which have been agreed to in conference.

Some amendments which have been called to my attention, those interested in labor are very much in favor of, and I am told that those amendments have been eliminated from the bill. I have not been able to gather from the statement of the Senator from Maine whether or not those amendments have been eliminated, and what the effect of the action on the part of the conference committee will be. Therefore I am going to ask if the Senator will not allow the conference report to go over; let its consideration follow the disposition of the pending bill and come up to-morrow, so that we may have an opportunity to ascertain its effect.

Here is a conference report on a bill which carries an appropriation of some $358,000,000. The bill has gone to conference; some amendments have been eliminated from the bill by the conferees; some changes have been made; there is nobody here who knows what has happened to those amendments.

Mr. HALE. I have just explained the effect of the action of the conferees.

Mr. WHEELER. I am going to object to the consideration of the conference report this afternoon.

The VICE PRESIDENT. The Senator from Montana objects to the consideration of the conference report.

Mr. HALE. Mr. President, I must insist that we go on with the consideration of the conference report. I shall be glad to answer any questions the Senator from Montana may desire to ask.

The VICE PRESIDENT. Does the Senator from Maine move to proceed to the consideration of the conference report?

Mr. HALE. I move that the Senate proceed to the consideration of the conference report.

The VICE PRESIDENT. The question is on the motion to proceed to the consideration of the conference report.

Mr. DILL. If agreed to, will not the motion displace the pending bill?

The VICE PRESIDENT. No; it will not. It is a privileged question. The question is on the motion of the Senator from Maine to proceed to the consideration of the conference report. [Putting the question.] The ayes have it, and the conference report is before the Senate. The question is on agreeing to the conference report.

Mr. WHEELER. Mr. President, may we have the amendments that have been agreed to by the conferees read to the Senate? I ask that they may be read so that we may at least know what they are and what we are voting on.

Mr. HALE. Mr. President, I should like to say that I have just explained the amendments and shown exactly what they were. If the Senator from Montana has any questions that he would like to ask about them, I shall be glad to answer, although I have already explained the amendments in detail.

Mr. WHEELER. Mr. President, for the information of the Senate, may we have read the changes made in the bill in conference?

The VICE PRESIDENT. That is done by way of explanation. The Senator from Maine made an explanation a little while ago. Does the Senator from Montana desire a further explanation?

Mr. WHEELER. I should like to have it explained so that we may know what the changes are. I have not been able to hear the explanation.

Mr. SWANSON. Mr. President, I suggest that the clerk read amendment numbered 23. That is the labor provision in which the Senator from Montana is interested.

Mr. LA FOLLETTE. If that is to be taken up I should like to discuss it for a few moments.

Mr. SWANSON. I merely suggest that the clerk read amendment numbered 23, on which the House has receded, and then that he read amendment numbered 24, so that we may have both propositions before the Senate. The Senate receded on amendment numbered 24, and the House receded on amendment numbered 23.

The VICE PRESIDENT. The Secretary will read as requested.

The legislative clerk read amendment No. 23, on page 49, line 11, after the word "plant," to insert the following:

and that no part of the moneys herein appropriated for the naval establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government: *Provided*, That nothing herein shall be construed as altering or repealing the proviso contained in section 1 of the act to authorize the construction of certain naval vessels, approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States, except such material or parts as are not customarily manufactured in such Government plants.

Mr. SWANSON. Mr. President, that provision has been in the naval appropriation bill for the last five or six years. The effect of it is that, unless an appreciable increase in cost is involved, the work shall be done in Government navy yards. That provision is acceptable to the Navy Department and to the House, and was finally agreed on by all concerned, including the labor interests, as an effective measure of giving preference so far as the law may do so to Government navy yards.

Of course, it is left to the discretion of the Secretary of the Navy, the executive officer, to determine whether an appreciable increase in cost will be entailed by having the work done in Government yards, but as the construction work has to be done under him and he has to pass on the contracts there is no other way in which to frame the provision.

Under this bill the money which is appropriated for the construction of 11 destroyers is subject to this provision, and unless the construction of those destroyers in Government yards will involve an appreciable increase in cost, they will be constructed in such yards.

This provision was not in the House bill, and it was bitterly fought by the House conferees. We had a disagreement about it; they said they never would consent to it, but the Senate conferees insisted and it was put in the bill, as it has been for the the last five or six years. The Senate conferees insisted they would not sign the report if it did not carry this provision which had been for a number of years contained in all naval appropriation bills.

The House conferees insisted that the provision as framed extended its application to the 11 destroyers, although it was not applicable to them under the terms of the authorization measure. We admitted that to be the fact, but we contended that the navy yards have very little work to do now; that all of them have been discharging employees; that everybody is trying to provide work for employees, and the only way the Government can give work to its employees is to let these 11 destroyers be constructed in Government yards, unless such construction will involve an appreciable increase in cost to the Government, in which event they will be constructed elsewhere. We did not think it was right to let private yards take care of their employees while, at the same time, the Government was discharging employees from its yards in these depressed times. The House finally consented to that. Under this bill provision is made for the construction of the 11 destroyers, and the provision which I have been discussing is retained, thus giving preference to the navy yards. The provision is one on which the laboring people have insisted.

It is a Senate provision adopted by way of amendment, and the Senate conferees could not go any further than the bounds of the amendment itself; they had no right to go any further. The House conferees finally yielded; we obtained the retention of the provision which we think is a big gain, and which, it seems to me, is all that could be expected so far as the Government navy yards are concerned. That is what this bill does. I have been discussing amendment numbered 23. I will now ask that amendment numbered 24 may be read.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. The Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, it is true, as the Senator from Virginia has stated, that Senate amendment numbered 23 has been carried in every naval appropriation bill for the last six years. Therefore, I can not view the so-called victory of the conferees concerning that amendment as any great achievement on behalf of the employees or in behalf of the maintenance of the Government navy yards. The fact is that amendment numbered 23 was worked out very carefully many years ago and has been accepted in every naval appropriation bill, and up until this year has been satisfactory to all parties concerned, in so far as I am advised. However, for some reason, as the Senator stated——

Mr. SWANSON. If the Senator will permit me, I do not think that at the last session the House included the provision in the bill as passed by it. I think it has usually been put on in the Senate.

Mr. LA FOLLETTE. That is true, but the point I am making is that every naval bill for years has carried it.

Mr. SWANSON. It has carried it because the Senate insisted on carrying out the agreement.

Mr. LA FOLLETTE. I am not saying anything to the contrary.

Mr. SWANSON. I am not discussing whether the Senate won anything or lost anything. We did not go into conference to secure a petty victory. The question is whether this is such a report as ought to be approved or not.

Mr. LA FOLLETTE. That is the question I am discussing.

Mr. SWANSON. I am not trying to boast of what the Senate conferees did or did not do.

The VICE PRESIDENT. The Senator having the floor can not be interrupted without his consent.

Mr. LA FOLLETTE. Mr. President, for some unknown reason, the House conferees put up a great fight against amendment numbered 23 in the conference on the naval bill this year. It is true that finally they were prevailed upon to recede.

In so far as Senate amendment numbered 24 is concerned, which I offered when the bill was under consideration, it merely seeks to prevent the continuance of a practice which is resulting in the reduction of wages of employees in Government navy yards throughout the country. The wage scales were agreed upon in 1929 as the result of the meeting of a board of arbitration. Those wage scales have not been changed; but, in order to effect a reduction in wages while pretending to maintain the 1929 wage scales, the practice has been to discharge employees who have been classified in class 1, and therefore received higher wages, and then when they are rehired to place them in a lower classification, thereby effecting a reduction in the amount of wages they receive.

The amendment which I offered would have prevented the continuance of that practice, which is reducing the wages received by employees in the Government navy yards. It would not, however, have prevented any reduction in the force. Under my amendment, reduction in force would be left in the discretion of those who were responsible for the operation of the yards. A reduction in the force, if necessary, under the amendment would have compelled the reduction to be made in such wise as to maintain the proportion of those employed in the three classifications. If, after a reduction had been made, men were to be rehired, the amendment would have prevented the department from placing men in class 2 and thus would have maintained the prevailing wage scales.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. LA FOLLETTE. I yield.

Mr. HALE. I asked the department about the question of taking men in the higher grades and putting them in the lower grades, and I was informed that the only occasions when anything of that sort has been done have been when there was not sufficient work and men had to be discharged in the higher grades. The department, in order to help these men out, told them that if they were willing to work on some other kind of work in a lower grade, the department would tide them over by taking them on temporarily in the lower grades, but that when the work increased on which they were previously occupied they could then go back to their former grade. In other words, I was told it was simply a measure to help the employees out during the hard times.

Mr. LA FOLLETTE. That may be the explanation of the department; but those are not the representations that are made to me by men who are familiar with the practices of the Government navy yards from the point of view of the employees. My information is that men employed at the higher wages are discharged and then reemployed at the lower wages, which has resulted in effecting a reduction in wages without appearing to do so. In other words, they can say to the people in this country who are interested that they are maintaining the 1929 wage scale; but, as a matter of fact, by discharging these men and then reemploying them in the lower classifications, they have actually achieved a reduction in wages.

Mr. President, in view of the pronouncements which have been made by spokesmen for the administration, that it was the policy of this Government during a time of depression to set an example to private industry through the maintenance of wage scales, I think this refusal on the part of the House to accept this amendment is a revelation of the hypocrisy of those statements. It is of a piece with the treatment which has been accorded the bill which passed the Senate weeks ago, designed to maintain the wage-scales in public-buildings contracts. The bill to maintain wages on public buildings received before the Manufactures Committee the indorsement of the representatives of all the executive departments that have anything to do with public-buildings contracts, and yet that measure remains unacted upon in the House of Representatives. I say that the attitude of the House conferees on my amendment is an indication that this pledge or promise that has been made to labor in this country by the administration is being observed in the breach rather than being carried out in sincerity and in good faith.

So far as I am concerned, Mr. President, I shall register my protest against that practice by voting against the adoption of the conference report.

Mr. SWANSON. Mr. President, I think the Senator from Wisconsin has properly stated the discrimination that has been made in the reduction of wages in the manner indicated. People who had one classification have been told that, if they would work at lower wages, they could be given work.

This amendment was intended to prevent that. The Senate conferees tried to get the conferees of the House to limit this provision to one year. They first proposed a general statute that wages in the navy yards should not be reduced lower than those of 1929, even for the future, as amended. We recognized that under the law they must meet every year to fix the wages; but as the President had stated that the wages would not be reduced during these hard times, we did not see why they should object to having a provision in the bill saying that the wages for the next fiscal year should be the same as the wages of 1929 as found by a board; and I will say to the Senate that the board fixed the wages on the basis of those prevailing in the community.

The House refused to accept the limitation to one year. We were told that the President had said he would not reduce wages for next year, and that could be relied on, though I do not place entire reliance on it, as the President does not know whether his direction is carried out or not. The result can be accomplished by indirection. We thought the best way to give the labor of the yards something to do, however, was to put in the bill a provision that gave them 11 destroyers to build and put them at work, so that no excuse can be given that the officials do not have work for people under a certain classification, such as expert machinists, but that they have some work to do under lower grades, and if the machinists will take that work they will give it to them. We had an idea that, if compelled the officials to give the preference to these 11 destroyers, the conditions in the navy yards would be improved, as they would have no excuse for not maintaining the wages of 1929.

I am frank to say that whether it can be done or not, the provision left a great deal to the department, as it is left to all departments, under the civil service and otherwise. They make the classification. We can not do it. When we get 11 destroyers under the authorization bill, I want to say to the Senator from Wisconsin that they are put under the provisions of amendment numbered 23, and preference is given to the navy yards unless the cost is appreciably greater. We felt that we had better get that much and leave the authorities no excuse for doing what I have described than to have a disagreement on this matter, and also a disagreement in connection with the number of destroyers we will have.

I feel that this bill will be beneficial to the Government navy yards and beneficial to the Navy; and I shall vote for its approval, though I should have liked to take a part of amendment numbered 24. The Senator from Maine [Mr. HALE] and myself had two or three disagreements on it, and held it up, and gave every opportunity for the House and its Members to be enlightened on it, and to have such pressure exerted on the conferees as might be brought to bear by the House Members who favored it.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I yield.

Mr. DILL. What was the reason for refusing to agree on the part of the House?

Mr. SWANSON. On amendment numbered 24?

Mr. DILL. Yes.

Mr. SWANSON. The House conferees insisted that it was legislation affecting entirely the method of fixing salaries in the navy yards; that it was new legislation; and that where legislation is injected on a deficiency bill, unless the conferees of the two Houses can agree, the usual practice has been for the House that insists on the new legislation to divest the bill of it. If we are ever going to get an agreement, something of that kind must be done. They could not insist that this was new legislation except on the ground that heretofore it has been limited to one bill. What they fought on was that we had extended it to include the 11 destroyers.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

The VICE PRESIDENT. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 27, 1931.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 5, 8, 18, 19, 22, and 23 to the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 7, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

": *Provided further*, That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint as ensigns in the line of the Navy all midshipmen who graduate from the Naval Academy in the year 1931, but if the number so commissioned should exceed the total number of officers of the line of the Navy authorized by existing law, the excess shall be carried in the grade of ensign."

That the House recede from its disagreement to the amendment of the Senate No. 12, and concur therein with an amendment as follows:

Restore the matter stricken out by said amendment, amended to read as follows:

": *Provided further*, That no part of this appropriation shall be available, any provision in this act to the contrary notwithstanding, for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions where oil of the production of the United States or its possessions may be procurable, notwithstanding that oil of the production of the United States or its possessions may cost more than oil of foreign production, if such excess of cost, in the opinion of the Secretary of the Navy, which shall be conclusive, be not unreasonable, but nothing herein shall apply to fuel oil on hand or on order on July 1, 1931."

That the House recede from its disagreement to the amendment of the Senate numbered 16, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

"$2,295,000, of which $75,000 shall be available for experimental and research work in cooperation with other Federal agencies in connection with the development of a metal-clad airship, and in connection with such work the Secretary of the Navy is hereby authorized to contract for such outside engineering services as may be deemed necessary and desirable."

That the House recede from its disagreement to the amendment of the Senate numbered 17, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment insert "$31,145,000."

Mr. HALE. I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 7, 12, 16, and 17.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine.

The motion was agreed to.

STATES' APPORTIONMENTS OF CIVIL-SERVICE POSITIONS IN WASHINGTON

Mr. DILL. Mr. President, on January 9, 1931, I had inserted in the RECORD a statement concerning the various civil-service positions in the departments at Washington, D. C. My attention has been called to a letter from the acting secretary of the Civil Service Commission to the Secretary of the Senate stating that there are certain misstatements in the article. I ask unanimous consent that this letter and the accompanying table may be inserted in the RECORD.

There being no objection, the letter and accompanying table were ordered to be printed in the RECORD, as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 21, 1931.

The SECRETARY OF THE SENATE,
United States Senate.

SIR: Your attention is invited to the CONGRESSIONAL RECORD of January 9, 1931, page 1655, upon which are printed certain statistics presented by Mrs. Nannie Lee King, regarding the apportionment of appointments over a period of 13 years. In preparing this statistical table Mrs. King omitted the appointments charged to Porto Rico, Hawaii, and Alaska, although the totals include those appointments and her figures are otherwise incorrect. A correct table is inclosed, the corrections being shown in italic.

Attention is also invited to the following statement appearing in the article:

"In order to secure the number of appointments given to the District of Columbia, Virginia, and Maryland, in excess of their quotas since November 11, 1918, it was necessary for Senator HEFLIN to have a resolution passed by the Senate compelling the Civil Service Commission to supply this information, which report was filed with the Senate December 3, 1930, Senate Document 224, which may be of interest to residents of the States who pay taxes for these positions they are deprived of."

The Senate Resolution referred to (No. 285) directed the Commission "to furnish the Senate a list of the names of all employees (not the number of appointments) in the classified service from States, Territories, and the District of Columbia, whose quotas are in excess of their apportionment, and who have been appointed since November 11, 1918."

This information is furnished with the request that the necessary correction be made in the CONGRESSIONAL RECORD.

By direction of the commission:

Very respectfully,

E. C. BABCOCK, *Acting Secretary.*

Reports of United States Civil Service Commission on condition of apportionment among the States at Washington on basis of population

State	Quota December, 1930	Apr. 25, 1917	June 30, 1919	June 30, 1921	June 30, 1926	June 30, 1928	Reductions, 1919–1928	June 30, 1930	Increases, 1928–1930
Alabama	328	207	663	533	327	322	341	314	−8
Arizona	118	26	52	57	39	35	47	39	4
Arkansas	618	142	297	285	157	173	124	194	21
California	1,209	262	900	505	336	308	592	356	48
Colorado	331	125	439	260	202	197	242	217	20
Connecticut	487	168	443	380	277	275	168	270	−5
Florida	342	99	449	347	204	233	216	264	31
Georgia	1,022	306	690	530	406	373	317	381	8
Idaho	152	45	141	98	65	80	61	98	18
Illinois	2,288	684	2,572	1,624	1,013	1,013	1,559	1,104	91
Indiana	1,034	354	1,944	1,116	748	664	1,280	680	16
Iowa	848	302	1,568	896	574	630	938	768	138
Kansas	624	241	1,037	534	371	398	649	431	33
Kentucky	553	275	926	789	521	515	411	497	−18
Louisiana	634	162	403	293	195	186	217	203	17
Maine	271	110	403	293	246	236	167	252	16
Massachusetts	1,359	624	2,344	1,714	1,125	1,101	1,240	1,171	67
Michigan	1,294	324	1,330	766	460	453	865	474	19
Minnesota	842	251	1,226	638	460	436	788	502	64
Mississippi	532	197	536	444	290	276	260	281	5
Missouri	1,301	411	1,660	953	649	700	960	776	76
Montana	194	53	146	127	103	102	44	100	−2
Nebraska	457	157	616	290	217	227	389	285	58
New Hampshire	156	60	239	198	121	115	124	125	10
New Jersey	1,113	351	923	737	491	484	439	481	−3

Reports of United States Civil Service Commission on condition of apportionment among the States at Washington on basis of population—Continued

State	Quota December, 1930	Apr. 25, 1917	June 30, 1919	June 30, 1921	June 30, 1926	June 30, 1928	Reductions, 1919–1928	June 30, 1930	Increases, 1928–1930
Nevada	27	12	29	25	14	12	17	14	2
New Mexico	127	30	74	62	60	55	19	64	9
New York	3,664	1,364	4,831	3,363	2,081	1,971	2,860	1,977	6
North Carolina	903	271	665	620	439	449	216	477	28
North Dakota	228	65	293	143	95	86	177	100	14
Ohio	2,032	662	2,154	1,488	995	927	1,227	939	12
Oklahoma	716	130	391	254	185	174	217	193	19
Oregon	276	98	266	165	121	132	134	157	25
Pennsylvania	3,673	1,128	3,651	3,019	2,054	2,013	1,638	2,081	68
Rhode Island	213	93	262	255	169	180	82	188	8
South Carolina	594	194	387	304	244	260	127	258	−2
South Dakota	235	64	244	138	110	128	116	145	17
Tennessee	625	258	888	713	510	469	419	476	7
Texas	1,645	309	1,113	723	494	455	658	468	13
Utah	159	57	138	102	91	100	38	115	15
Washington	479	138	429	235	179	178	251	222	44
West Virginia	516	188	521	530	440	432	80	459	27
Wisconsin	920	259	931	565	396	396	533	427	29
Wyoming	69	22	39	40	24	27	12	40	13
Vermont	124	64	291	228	150	141	150	140	−1
Delaware	79	39	91	99	86	79	12	76	−3
Total		11,438	39,722	27,429	18,464	18,185	21,537	19,969	1,186
District of Columbia	154	1,294	7,825	11,756	10,789	12,584	[1] 4,761	12,934	350
Maryland	511	489	1,978	2,390	2,208	2,318	[1] 1,340	2,419	101
Virginia	815	477	2,029	2,458	2,249	2,495	[1] 466	2,611	116
Total		2,260	11,830	16,604	15,246	17,397	[1] 6,567	17,964	567
Grand total		13,698	51,552	44,033	33,710	35,582		37,933	1,685

[1] Increase.

The following figures include Alaska, Hawaii, and Porto Rico:
1928 there were 35,616 in service. States had 18,219. District of Columbia, Virginia, and Maryland had 17,397.
1926 there were 33,745 in service. States had 18,499 District of Columbia, Virginia, and Maryland had 15,246.
Total increase, *1,871* in service. States lost *280*. District of Columbia, Virginia, and Maryland gain 2,151.
1930 there were 37,273 in service. States had 19,309. District of Columbia, Virginia, and Maryland had 17,964.
1928 there were 35,616 in service. States had 18,219. District of Columbia, Virginia, and Maryland had 17,397.
Total increase 1,657 in service. States gain 1,090. District of Columbia, Virginia, and Maryland gain 567.

Since Governor Campbell became president of the Civil Service Commission last July, from June 30, to December 30, 1930, States gained *739* appointments, making *1,829* appointments for the States during the two and one-half years since investigation under Senator Heflin's resolution 154 began in June, 1928; whereas for the two years prior to this investigation the District of Columbia, Virginia, and Maryland gained 2,151 appointments, and the States lost *280*.

CONVEYANCE OF PUBLIC LAND TO CITY OF ASHEVILLE, N. C., FOR PARK AND STREET PURPOSES

Mr. MORRISON. Mr. President, I ask unanimous consent for the immediate consideration of Senate bill 5039, authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The legislative clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to convey by quitclaim deed to the city of Asheville, N. C., the land in said city known as the old post-office site, together with the building thereon, to be used exclusively for public park and street purposes. If the city of Asheville fails to use such land for the purposes herein provided, or attempts to alienate such land, title thereto shall revert to the United States.

SEC. 2. It shall be expressly stipulated in such deed that, notwithstanding the transfer of title, the United States shall be permitted to occupy, without payment of rent to said city, the building now located on such post-office site until such time as the new post-office building now under construction in said city shall be completed and made available for use.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. McNARY. Mr. President, last evening I objected to the consideration of this bill because it had just been reported and was not on the calendar. I have no objection at this time.

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MORRISON. I ask to have the report accompanying the bill printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Mr. KEYES, from the Committee on Public Buildings and Grounds, submitted the following report (to accompany S. 5039):

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5039) authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes, having considered the same, report favorably thereon with the recommendation that the bill do pass.

A similar bill has been unanimously recommended for passage by the Committee on Public Buildings and Grounds of the House of Representatives. The situation at Asheville is clearly set forth in the following, taken from House Report No. 2325, Seventy-first Congress, third session:

"A Federal building was constructed in the city of Asheville, State of North Carolina, about the year 1890; at this time the city of Asheville had a population of 15,000, and this building was authorized and the cost limit fixed at $100,000; afterwards, as the said city grew in population and as the Federal Government's business increased, it became necessary to enlarge and improve this building, and this was done at a cost of about $50,000. The site for this building was donated by the citizenship of the said city of Asheville to the Federal Government; it cost the Federal Government nothing. The site or location for this building was situated in what was then and is now the center of a congested business district; it is a triangle plot or parcel of land surrounded by three business streets; the short side of this triangle is about 100 feet in length, and the other two sides are about 200 feet in length. This lot or parcel of land, upon which now stands the old Federal building, is ideally located for a small park or rest place, and is much more valuable for this purpose now than for any other. The old brick building upon this site is unsuited for business purposes; it adds no value to the lot whatsoever; and the material therein is worth no more than the cost to remove same. It is estimated that the value of the property now is not more than $150,000.

"There has just been completed a new Federal building in the city of Asheville, and the Government is already pursuing its business activities therein; this new building was constructed under the administration public building act at a cost of $600,000; this was $150,000 less than the estimated cost and authorization for the building alone. This new Federal building is situate at an ideal location in said city and is upon a lot or parcel of land which was donated to the Federal Government by a private estate and several patriotic citizens; it cost the Federal Government nothing and is very valuable property, estimated to be worth about $250,000.

"This bill (H. R. 14696) authorizes the Federal Government to reconvey the old public-building site in the city of Asheville, N. C., to that municipality for the purpose of the creation and maintenance of a public park, and for no other purpose; and in event it shall not be used for this purpose and kept as such in said municipality, then the title to the same shall revest in the Federal Government.

"The facts involved in this legislation are unique; it sets no precedent save one, which could be properly invoked under similar circumstances; it does not do violence to the public building act or the rules governing same.

"We quote a paragraph from Assistant Secretary Heath's letter to Congressman PRITCHARD:

"'In the allocation of funds under existing public-building legislation, no case is recalled where the site of the building already existing and the new site were both donated, as in the Asheville (N. C.) case.'"

NOMINATION OF JUDGE HARRY A. HOLLZER

Mr. SHORTRIDGE. Mr. President, inasmuch as I must leave the Chamber, I ask unanimous consent to have considered, as in open executive session, the nomination of Harry A. Hollzer for judge of the United States District Court, Southern District of California.

The VICE PRESIDENT. Will the Senator send up the report?

Mr. SHORTRIDGE. It is on the calendar.

Mr. LA FOLLETTE. I ask to have the nomination stated.

The legislative clerk read the nomination of Harry A. Hollzer to be United States district judge, southern district of California.

The VICE PRESIDENT. Is there objection to the present consideration of the nomination as in open executive session? The Chair hears none; and, without objection, the nomination is confirmed.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention at Berne for the Protection of Literary and Artistic Works.

Mr. HEBERT. Mr. President, I shall first ask the indulgence of Senators to make a brief explanation of the purposes of this bill, and thereafter to take it up section by section. In the course of the consideration of the bill in that way I shall explain the amendments which are proposed by the committee, and the reasons why they are proposed.

The present copyright law was enacted in 1909. There have been some amendments to it since that time; but, in the main, it is the same as it was when it was originally passed by Congress.

This bill has three main purposes:

First. Automatic copyright.

Second. Divisible copyright.

Third. International copyright.

I shall take up each of these heads separately, and discuss them briefly.

First, automatic copyright:

Under the existing law an author, in order to secure a copyright upon his work, is required to comply with certain formalities; for example (1) to register the work in the copyright office; (2) to give notice; (3) to file copies of the work in the Congressional Library.

Under this bill none of those formalities are required as a condition precedent to copyright. Immediately a work is created it becomes copyrighted automatically. After all, the situation is not any different in respect of copyright of artistic or literary productions than it is in respect of other personal property.

For example, a man owns a piece of real estate and builds a house upon it. He does not have to announce to the world that that house is his. He can claim it against the whole world. So in the case of a literary composition. An author who writes upon some paper, which he owns, some thoughts which occur to his mind, in the form of a literary composition, a book, a poem, and the product of his mind that is immediately put on paper is his, and he has a right to it as against the whole world.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Rhode Island yield to the Senator from Washington?

Mr. HEBERT. I yield.

Mr. DILL. The Senator, I think, does not want to let stand his comparison of a copyrighted composition with a piece of real estate. The Senator does not mean to imply that a piece of real estate and a copyrighted work are alike. In the case of real estate the name is registered in the courthouse, registered with the county officials.

Mr. HEBERT. Mr. President, the fact that a house is built upon real estate is not registered at the courthouse or with county officials.

Mr. DILL. But the name of the owner of the land is.

Mr. HEBERT. Mr. President, an automatic copyright is by no means new. It is proposed to create it by statute, through this bill, but it exists at the present time and has existed from time immemorial.

The creator of a literary work now has what is known as a common-law right to his creation. He may protect that against anyone. The copyright law now in force does not affect that work until it is put into circulation, until it is published for distribution. It frequently happens in our day, under existing law, that a playwright may cause his play to be produced but never published, merely typed, and so never copyrighted, and it is not what is known as a dedication to the public. He has a common-law right to it which no one can take away from him.

The purpose of automatic copyright is to give to authors and composers of our own land those advantages which are given to authors and composers of other countries, and which have been given to them for many years under statutes not unlike the bill under consideration.

The fact that playwrights may have their plays produced but not published, and retain their common-law rights in them, gives them in a way an automatic right which is denied to authors and composers generally, and this bill, again, would place those different creators on an equal footing.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. HEBERT. I yield.

Mr. BLAINE. How long would the author or producer be allowed to suppress or keep from the public his or her production under the automatic copyright provision?

Mr. HEBERT. Does the Senator refer to the common-law right which I have just discussed?

Mr. BLAINE. No; I mean under the provision of the proposed act.

Mr. HEBERT. Under the provision of the bill now pending?

Mr. BLAINE. Yes.

Mr. HEBERT. The bill provides for a period of copyright of 70 years from the date of registration.

Mr. BLAINE. I mean if an author or producer creates some literary product, how long will it be before that can be used by the public?

Mr. HEBERT. Seventy years.

Mr. BLAINE. Without the author giving any notice to the public, or making any record, or publishing the fact in any way, so that the public would know that there is some right in existence?

Mr. HEBERT. Mr. President, immediately that work is created, it is copyrighted. There is no formality required of the author to protect him in his rights. That is precisely what automatic copyright means.

Mr. BLAINE. Then under the bill that right would be similar to the present common-law right?

Mr. HEBERT. Exactly. As I have stated, it embodies into statute form what is now recognized in effect by the common law.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HEBERT. I yield.

Mr. DILL. The Senator, I know, wants to be correct. Of course, the common-law right exists only as long as the work is unpublished. As soon as the work is published, the common-law right is lost.

Mr. HEBERT. I have already said that, I think, quite clearly.

The second main purpose of the bill is the recognition of what is known as the divisible copyright. That again is not new, but in its treatment in this bill it is unlike any statute which has heretofore been in force.

When an author creates a work he is entitled to all of the rights in that work; for instance, if it be a play, the right to dramatize it, or the right to produce it on the stage, or the right to set it to music so as to create an opera, or the right to place it on a moving-picture film, or the right to make records of it for reproduction in automatic machines. All of those rights come under copyrights.

Under the present law, where an author wishes to transfer one of the rights which he has to his work, he must transfer the whole of them. He can not transfer any part of his copyright. Under existing trade practices, for example, where an author writes a book and wishes to dispose of the magazine rights, commonly known as the first-publication rights, he disposes of the entire work to the assignee, the book publisher, or the magazine publisher, and records that assignment in the office of the register of copyrights. Then, in order to protect himself, the author takes back from the assignee a reassignment of all of the rights not conveyed for purposes of the magazine publisher.

A difficulty arises where the assignee desires to enforce his rights under his assignment. He can not do that except by joining the owner, or, if there has been a prior assignment, except by joining the other assignee.

Again, where the author disposes of his remaining rights, and the person who acquires those remaining rights wishes to enforce them against an infringement of some third person, the original copyright owner must be joined, the original assignee must be joined, and frequently it has happened in the past that the assignee has gone out of business, or has died, or has removed from the country, and it follows that the assignee who has parted with a valuable consideration for his rights is unable to have them enforced, for, after all, he has no other than an equitable right; his legal rights are in his grantors or assignors.

Under this bill it is provided that the assignee of any part of a copyright may sue for an infringement of his rights in his own name, and need not join any other person in the suit.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. HEBERT. I yield.

Mr. COUZENS. I have been following the Senator closely, but I am not quite sure that I understood his explanation of a case like this; where an author sells the right to a publication, to a book publisher, or to a magazine publisher, does he retain the right to sell it for moving pictures, or for dramatization, or for any other purpose?

Mr. HEBERT. He may, and frequently does, sell just that one right, and retains all other rights in himself. But under existing law he must transfer all of his copyright, and that transfer is recorded in the name of the assignee of the entire copyright.

Mr. COUZENS. That is, for all purposes?

Mr. HEBERT. He divests himself upon the records of the register of copyrights of his entire rights in his work.

Mr. COUZENS. That is, under the pending bill?

Mr. HEBERT. Under the existing law. But in order to protect himself, he takes a reassignment of those rights of which he has made no disposition.

Mr. COUZENS. I do not quite understand why he has to have a reassignment if he sells only one right in the first instance.

Mr. HEBERT. But under the law he may not record any but the assignment of the entire copyright which he has in his work. He must by assignment transfer all of his right in his copyright, but he may not wish to do that in fact. He must do it under the law, and the record of that assignment takes out of his hands all of his copyright. In order to protect himself in the remaining rights which he does not sell he takes from his grantee or assignee a reassignment of those rights which are not disposed of.

Mr. COUZENS. Would that practice be continued under the proposed law?

Mr. HEBERT. No; that is just what the pending bill obviates. The bill provides that any right assigned by an author may be recorded, and thereupon the assignee acquires those rights which are transferred by the instrument of assignment, and there may be any number of rights transferred from one individual to another.

Mr. COUZENS and Mr. DILL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield; and if so, to whom?

Mr. HEBERT. I yield first to the Senator from Michigan.

Mr. COUZENS. Let me get this straight. I understand that under the pending bill the assignor may assign his rights to a play or a book exclusively to a magazine publisher and then retain the other rights. Is that true?

Mr. HEBERT. Yes, Mr. President, that is true. He may assign the right to produce a dramatic work which he has composed, and he may retain in himself all of the other rights—the right to place it on a moving-picture screen, the right to put it into opera form, set it to music, and so on.

Mr. COUZENS. So when he registers that with the copyright office he only registers the part which he has assigned?

Mr. HEBERT. Under this bill that is true.

I now yield to the Senator from Washington.

Mr. DILL. Mr. President, I only wanted to explain a little further to the Senator from Michigan, if I might, that under the present law what happens is this: If a man wants to retain any of the rights which are now covered by this bill he assigns his whole right of copyright to the publisher, and then the publisher reassigns back to him those rights which he wants to keep. If he can not get such an agreement, he is greatly handicapped. I want to say that that part of the bill is certainly a great improvement over the present law, because at the present time he is dependent upon the good will of the assignee as to whether he took those rights back.

Mr. HEBERT. Mr. President, the third purpose of the bill, the main purpose, is international copyright. The bill provides for the entrance of the United States into the International Copyright Union, which is a voluntary mutual association of states which has existed since 1886. It originated at Berne in 1886 and was modified at Berlin in 1908 and lastly at Rome in 1928.

This association in its operation is not unlike the International Postal Union. Practically all of the countries of Europe are members of this Copyright Union. It provides in effect that immediately a copyright is granted to any national of a state member of the union, it automatically extends to that author in every state which is a member of the union. To illustrate, if the United States becomes a member of the International Copyright Union and an author creates a literary work in this country, thereupon that author secures automatically a copyright in his work in all of the states which are members of the Copyright Union.

As to the term of the copyright in the states, that would vary according to the law in force in any particular state. For instance, the bill provides in the United States for a period of 70 years from the creation of the work. In England, France, Switzerland, Italy, Portugal, Denmark, Sweden, and a few other European states, the duration of the copyright is for the life of the author and 50 years thereafter. As originally drawn and as the bill came to the Senate that provision was embodied in it. We have amended that provision so as to fix a definite term of copyright of 70 years from the creatioon of the work and when that particular section is reached I shall make a further explanation of it if any Senator desires me to do so.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Michigan?

Mr. HEBERT. I yield.

Mr. VANDENBERG. Is it necessary for the Senate to ratify the pending treaty relating to the same subject in order to complete the process which the Senator has just described?

Mr. HEBERT. That is essential, and it is essential that we do so before the 1st of August. I shall explain that in somewhat more detail when we reach that section of the bill.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Arkansas?

Mr. HEBERT. Certainly.

Mr. ROBINSON of Arkansas. Would it be convenient now for the Senator to discuss the reason for the 70-year

or with county officials.

All of those rights come under copyrights.

period or would he prefer to do it at another time? I do not wish to divert him from the course he has chosen.

Mr. HEBERT. I can do so now just as well as later, and inasmuch as the Senator has it in his mind perhaps I had better do it now.

As the bill came from the House it contained a provision of copyright for the life of the author and 50 years thereafter. The committee having the bill under consideration in the Senate, in our study of that provision, found what we considered rather an anomalous situation in this respect. One author might create a work and die the year after, and so he and his heirs would have protection through copyright for 51 years. Another author might create a work and live 50 years after the creation of it and after his death his heirs would receive protection for a further period of 50 years, thus giving to that author and his heirs a full copyright period of 100 years.

The committee felt that it would be preferable to have the definite term of copyright. We were in accord upon the period which should be granted to authors and composers and artists in the protection of their work. We felt that the 50-year period after the death of the author or composer or artist was not unduly long. We were disposed to recommend such a term, so we sought to apply that term to a definite period. Those who appeared before the committee were practically unanimous in this respect.

We recognized that most of the literary productions come from authors somewhere between the ages of 35 and 45, and at those ages the average expectation of life is in the neighborhood of 20 years. So we took that 20-year period and added it to the 50-year period which the bill as originally drawn provided for copyright after the death of the author, thus making 70 years in all, and provided that definite term of 70 years of copyright. We believe that makes for definiteness in the first place, and, in the second place, it gives to authors of the United States about the same protection which is accorded to authors of various countries which are members of the International Copyright Union.

Does that answer the Senator's inquiry?

Mr. ROBINSON of Arkansas. That explains one feature of the inquiry which I had in mind. May I infer from the Senator's statement that the controlling consideration fixing the long period of 70 years is the fact that a similar period is prescribed in the cases of those States or most of them which belong to the International Copyright Union?

Mr. HEBERT. No; the controlling fact in our consideration of that provision of the bill was to accord to authors that protection which experience has shown and which was demonstrated to our committee in the various hearings we had that they ought to be entitled to have. Hearings have been held from time to time before committees of Congress, both of the House and the Senate, and I think I may say that unanimously those who sought protection asked the Congress to give them a period of protection of not less than 50 years after death in order that the benefits of their labors, for which they seldom receive what they consider to be a just reward, may go to their dependents. Not being able to accumulate an estate during their lives, they felt that the work which they leave ought to be left to their dependents for their care and sustenance after their death.

Mr. ROBINSON of Arkansas. May I say that to one who has not had the opportunity of studying the subject in detail, it seems that a period of 70 years is rather a long one.

Mr. HEBERT. I may say to the Senator that Spain, for example, gives a copyright to the author for the life of the author and 80 years thereafter, which of course is a much longer period.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Florida?

Mr. HEBERT. I yield.

Mr. TRAMMELL. I presume the Senator has given a great deal of study to the subject, far more than I have. I would like to ask the Senator what was the inspiration which first brought about the encouragement of literary production? Was that primarily for the purpose of benefiting the public or primarily for the benefit of the author?

Mr. HEBERT. The framers of the Constitution foresaw the advantages which would flow from the protection of authors, composers, and artists, and provided by constitutional guaranty a protection to authors and composers. It provided that Congress might grant a monopoly in their work, and all copyright legislation is based upon a monopoly being granted to authors and composers.

Mr. TRAMMELL. Does not the Senator believe, however, that the moving and impelling motive was to bring about a benefit to the public interest, and for the purpose of accomplishing that they are willing to pay in the nature of copyright protection for a reasonable length of time? In other words, the compelling motive was the public interest, and for this a reward would go to those making the contribution.

Mr. HEBERT. In answering that question I might digress into the realm of speculation, because I do not know what was in the minds of the framers of the Constitution; but I have reason to believe that they felt that ultimately that provision would be of benefit to the general public, and that is perhaps the main reason why it was included in the Constitution.

Mr. TRAMMELL. And if that had not been the motive which inspired this monopolistic provision, and if it was just for the general purpose of giving a monopoly and the enrichment of a limited number of individuals, why did not the Constitution give a monopoly to the medical profession, to surgeons, and various other professions which have so wonderfully contributed to humanity? There is nothing of that kind found in the Constitution, and we have never enacted any legislation of that character. I think the real and controlling object which inspired patent laws and copyright laws was to encourage the production of something helpful to the public. The primary object was not that of remuneration and reward to the authors but the Government was willing to give that recompense in order to inspire these productions.

Mr. HEBERT. I take it the purpose of the several enactments protecting patents and inventions and writings was to give a monopoly to the creators in the hope that the public might be benefited. Ultimately, of course, the framers of the Constitution had in mind a benefit to the public, and they very wisely realized that unless artists and writers and composers and inventors were encouraged there would be no advancement in literature or in science.

Mr. President, when I was interrupted I was discussing the entrance of the United States into the International Copyright Union. I had said that the original convention was held in 1886; that the agreement signed at that time was modified in Berlin in 1908 and in Rome in 1928. The convention provides that the nationals of member states shall secure copyrights in all countries automatically, just as in the country of the origin of the work. Under existing law, inasmuch as the United States is not a member of the International Copyright Union, authors and composers of the United States do not secure automatic copyrights in other countries, nor do authors and composers of other countries secure automatic copyrights in the United States. They do, nevertheless, secure copyrights in other countries, but, as one witness who appeared before our committee stated, they "go in under the tent." The procedure is for an American author to go to England and in some way claim that he is an English author and copyright his work as an English work. Immediately he secures a copyright there he prints his work in England, and immediately that is done then he has an automatic copyright upon that work as an English work in all of the countries which are members of the International Copyright Union.

That condition has obtained for a considerable period of time. The authors and composers of this country are somewhat apprehensive now because it is rumored that there may be some modification of that practice and that American authors and composers will be denied the right to secure that international copyright in the not distant future. The United States, realizing that danger, through its representatives at the last convention of the union, secured an extension of the time within which we might join the International Copyright Union. So upon our request the union provided that we might have until the 1st of August, 1931, in which to enter the convention of Berlin as provided by the convention of Berne. Thereafter we can not enter into the Berlin or Berne convention, but we must enter the last convention, which is the Rome convention. The fact is that that is really not operating at the present time, because there are but two nations which have subscribed to its agreements, and my information is that there must be at least six nations subscribing to the agreement.

Mr. President, the authors of this country believe that it would be more advantageous for us to join the Berlin convention than to join the Rome convention, and we have, as I have stated, until August 1, 1931, in which to join the Berlin convention. If we join the convention of Rome, we must subscribe to all the conditions of that convention. If we join the convention of Berlin, we do not have to adopt the conditions of the Rome convention.

I have here a list of international unions of which the United States is a member. For the information of the Senate I should like to read some of the activities that are noted upon this list which I hold in my hand:

International Bureau of Weights and Measures, conventions of May 20, 1875, and October 6, 1921.

International Bureau for Publication of Customs Tariffs, convention July 5, 1890.

International Bureau of the Permanent Court of Arbitration, convention concluded at The Hague October 12, 1907.

International Institute of Agriculture at Rome, Italy, convention of June 7, 1905.

International Trade-Mark Registration Bureau, convention of April 28, 1923.

Universal Postal Union, convention of London, June 28, 1929.

We are informed by men who are familiar with copyright law, who have practiced copyright law for many years and have made a most thorough study of the subject, as well as by authors, that the works of American authors and composers are growing in demand in foreign countries, especially in European countries. It is believed that a decided advantage will accrue to authors and composers of the United States if this country shall join the International Copyright Union. The great publishing houses of the country have made known to us that there is more and more demand for the literary works of America in European countries, and they believe that, with suitable protection, they can create a very considerable market for American literary works in Europe.

The American moving-picture industry is known all over the world. At the present time, without international copyright protection, that industry has virtually no protection in foreign countries. Surely it is entitled to some degree of fair play in the production of its works and their dissemination all over the world.

Mr. VANDENBERG. Mr. President, will the Senator from Rhode Island yield to me?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Michigan?

Mr. HEBERT. I yield.

Mr. VANDENBERG. Let me revert to the question now that I previously asked and personify it in connection with motion-picture rights. Would any new foreign rights accrue from the pending bill except as the pending treaty also shall be ratified?

Mr. HEBERT. Mr. President, I can not answer that, because I have not examined the provisions of the pending treaty. The rights which would be protected by international copyright would be virtually the same rights which are protected by this bill. There is a comity and understanding in the International Copyright Union which works automatically, and has for its basis the agreement that if one state does a certain thing then the other states will do that same thing by their nationals and vice versa.

Mr. VANDENBERG. What, of course, I am trying to determine is whether the Senator will have accomplished his purpose by the passage of the bill unless we proceed further and ratify the pending treaty. Are the two things linked together in that fashion?

Mr. HEBERT. Oh, yes, Mr. President. I do not see how the international copyright provision in this bill can become operative unless the Senate shall ratify the treaty to which the Senator refers.

Mr. VANDENBERG. Precisely.

Mr. HEBERT. Mr. President, I have taken up more time than I intended. I understand that the Senator from Washington [Mr. DILL] desires to make a statement with reference to the bill. After he shall have concluded, I am going to ask the Senate to proceed with the measure by section, and as each amendment is reached I shall then explain it as best I am able.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Connecticut?

Mr. HEBERT. I yield.

Mr. BINGHAM. I desire to submit an amendment to the pending bill and ask that it may lie on the table and be considered as pending after the committee amendments shall have been considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and, without objection, the amendment will be printed, lie over, and be considered pending after the committee amendments shall have been agreed to.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from California?

Mr. HEBERT. I yield.

Mr. SHORTRIDGE. I make a like request to that of the Senator from Connecticut, Mr. President, that the proposed amendment which I now offer may lie on the table until the time comes for its consideration.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and lie on the table.

Mr. DILL. Mr. President, this copyright bill proposes to repeal the existing copyright laws; in other words, it is a complete revision of the copyright statutes. Somebody has said that copyright is probably the least known and least understood of any kind of legislation which is enacted and affects every home in America more directly than anything else except the tariff law. If this bill did nothing except to revise the copyright laws, and bring them up to date, it would not be so important that the Senate give it such close, careful consideration, but this bill proposes to revolutionize the copyright system in this country. I say it proposes to revolutionize it because it proposes automatic copyrights.

When the bill came over from the House it contained absolutely no protection to those who might use any author's works against being sued for damages under this automatic copyright. It provided then, and now provides, that anything that may be written by any citizen of this country or by any citizen of any country on earth affiliated with the international union—and most of them are affiliated with it—is automatically copyrighted in this country without any registration with any official of any government on earth or without any requirement of so much as placing the name of the author of the work. It requires nothing to distinguish copyrighted works from that great mass of literature in the public domain.

Mr. COUZENS. Will the Senator permit an interruption there?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Michigan?

Mr. DILL. I yield.

Mr. COUZENS. Would the Senator mind telling us at that point as to what the change is?

Mr. DILL. I will lead up to that point, if the Senator will permit me.

Mr. WHEELER. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. DILL. I yield.

Mr. WHEELER. I have been informed—I do not know whether it is true or not, but I know the Senator has made a study of the question—that the provision that is in this proposed law of which the Senator is now speaking is a provision that is in vogue to-day in every other country except the United States.

Mr. DILL. I think that is true of most countries; it is in vogue in nearly all of them; and that was the argument that was made to us, but I am not greatly impressed by it. I am not particularly impressed that because other countries, with their kind of government, their customs, their censorships, and their paternalistic systems, with their social arrangements, with their commercial and industrial methods, may have a certain system we should adopt that system. I am not impressed, furthermore, because from the beginning of this Government, from the first copyright law written in 1790 down to this hour, every copyright statute has had as the first requirement that the matter to be copyrighted shall be registered with a Government official. Even before the colonies were formed into a union that was a requirement by colonial governments; and in 1802 the copyright statute provided that there must be not only registration but also notice printed in the copyrighted material.

I examined the hearings of the House and I found practically no discussion of this automatic copyright provision, except that we had to adopt it in order to get into the international union.

Mr. COUZENS. Is it a fact that we shall have to adopt it in order to get into the union?

Mr. DILL. I think that is true; I think we can not get into the international union without it. I insisted upon hearings, and at the hearings I asked witness after witness who came before us supporting this bill to give me one good reason why any citizen who asked the protection of the Government through the courts for his monopoly for the period covered by the copyright should be unwilling to register it with some Government official and to put his name upon it with the date of the copyright. The only answer that was given me by anybody, other than that we had to do it in order to get into the international union, was to the effect that under the present law a mistake is sometimes made in printing the notice, and that as a result of such mistake the copyright in that work is lost. That was the only reason given. And so, because there happen to be mistakes sometimes, it is proposed to abolish not only the requirement of notice but the requirement that there shall be any registration anywhere.

Mr. WHEELER. Mr. President, will the Senator yield to me to ask a question for information?

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Montana?

Mr. DILL. I yield.

Mr. WHEELER. I have been informed if we do not belong to the international union, or whatever it may be called, that American artists and authors will not receive protection from other countries; that heretofore England has been looking after our authors and artists in some way in the international union; but now, that she has withdrawn, it is necessary, if our authors are going to be protected, that we shall join the international union. Does the Senator know anything about that, and if we do not join the international union would our artists and authors suffer by reason of the fact that we are not a member of the union?

Mr. DILL. Yes; there seems to be some disadvantages, but there are objections to joining the union also. I want to lead up to that a little later on. I will say now, in answer to the Senator's question, that most of our authors and composers think they would be at a disadvantage in foreign countries; it would make it more difficult for them to secure protection than it would under this system.

I desire to continue with this matter of the revolutionary proposal here regarding copyright.

The Senator from Rhode Island [Mr. HEBERT], in trying to defend automatic copyright, said that if a man has a house on his land he does not need put his name on it, and therefore an author should not be required to put his name on anything he produces.

As I called to the attention of the Senator at the time, the ownership of the man's land is recorded in the county office of whatever State it is in, and the house is but an appurtenance on the land, and goes with it. The very fact that the Senator calls attention to the land only strengthens the case I am making here, that the public has a right to know, by some kind of registration somewhere who owns these copyrights and for how long they are to run. Anyhow, there are even more reasons for requiring a public registration for literary and artistic productions than there is for the registration of the ownership of land.

I am frank to say that when this matter was first argued in the committee I fully intended, if the bill was reported to the Senate, to move to strike out certain words in the first section of the bill, the automatic copyright provision. The bill reads in the opening paragraph as follows:

> That copyright throughout the United States and its dependencies is hereby secured and granted to authors, subject to the provisions of this act, without compliance with any conditions or formalities whatever.

I intended to move to strike out the words "without compliance with any formalities whatever" and insert "upon registration and affixing notice thereto."

That is what I objected to; but, on further consideration and discussion with those who were interested as to the importance of getting into the international union from the standpoint of our own people who are producers and publishers and authors, I began to seek some method to obviate what I looked upon as the most serious danger resulting from the failure to require registration or notice. Therefore I worked out an amendment to which the committee finally agreed in this bill, and if it is adopted, I shall not attempt to strike out the automatic copyright.

The effect of that amendment, I think, will be clear when it is fully explained. I want to discuss it briefly now.

The amendment is in the infringement section; for, after all, the reason why the public should know who copyrights anything and when the copyright ends is that users may protect themselves against being sued by some one who claims infringement of his copyright. So, at my suggestion the committee adopted an amendment, which I think I will read, because to me it really is the whole substance of this bill. If it is taken out, then I think the bill ought to be defeated by all means, unless automatic copyright is stricken out of it.

The amendment on page 20, line 9, reads:

> (d) In any action for infringement of copyright in any work, covered by the provisions of this act—

I want to say that the provisions of this bill cover everything, not only in this country but in every other country in the union if we go into it; not only the works that may be produced hereafter in other countries as well as our own but all the works now copyrighted in all parts of the world.

The amendment further reads:

> If the defendant prove that at the time of the alleged infringement, either (a) the copyrighted work had not been registered with the register of copyrights, or (b) no notice of the copyright had been affixed thereto, or to the newspaper or periodical containing the same, the plaintiff shall not be entitled to any remedy other than an injunction.

I think the purpose of that is entirely clear. The purpose is to say to every author who claims a copyright in anything he has produced, "Unless you register your copyrighted matter and put upon it a notice showing that it is copyrighted, you can not collect any damages for infringement"; and in practice I believe the result will be to compel a continuation of the policy that has been the policy of the Government through all its copyright legislation from its beginning, namely, to compel registration and notice.

As I say, to my mind, that goes to the heart of this bill.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Michigan?

Mr. DILL. Certainly.

Mr. VANDENBERG. Would that limitation upon automatic copyright threaten in any degree our eligibility for the international union?

Mr. DILL. I am glad the Senator has asked that question, because during the hearings I repeatedly asked a question of that nature of the witnesses. They all said, "Yes; you can not go in if you require registration and notice."

After the hearings, in reading the English law, I found this section, the infringement section; and England, remember, is a member of the union, and has been for years:

> Where proceedings are taken in respect of infringement of copyright in any work, and the defendant in his defense alleges he was not aware of the existence of the copyright in the work—

He does not prove it; he just alleges it—

> the plaintiff shall not be entitled to any remedy other than an injunction or interdict in respect of infringement, if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting that the copyright subsisted in the plaintiff.

So that my requirement is even stronger. All they need to do under the English statute, which has been accepted by the international union, is to allege that the defendant did not know; but in this amendment we require the defendant to prove either that it was not registered or that it did not have a notice on it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. DILL. I do.

Mr. ROBINSON of Arkansas. The effect of the amendment which the Senator is discussing would be to require the parties to take notice of the registration. If the work copyrighted was registered, no party could plead that he did not know that he was copying the work of some one else.

Mr. DILL. Yes; that is the purpose—that if he is to get damages, he is driven to register and to affix a notice; and I think in practice he will do those things so that he will be certain of his right to collect damages. With that amendment accepted by the committee, it seemed to me that the dangers to the public were greatly lessened, if not largely removed.

I may say that my own opinion is that a country as big as ours, with a literary market as great as ours, could afford to pass its own copyright bill and make a reservation on going into the union, and I believe by negotiations we could be taken into the union; but, even then, we would be under the handicap of foreign authors probably having rights in this country that our own authors did not have. So I say, in the spirit of compromise, in the spirit of wanting to work out legislation with those who are so insistent upon the importance of the international union, I have proposed this amendment, and the committee has agreed to it; and I believe it removes the greatest objection to the automatic copyright as it was in the bill when it came from the House.

Mr. WAGNER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New York?

Mr. DILL. Yes.

Mr. WAGNER. I understood the Senator from Washington to say that an injunction alone would be granted in a case in which the defendant alleges merely that he did not know he was infringing the copyright.

Mr. DILL. Yes.

Mr. WAGNER. Upon looking at the statute which the Senator read, if he will read on he will see that it says—

> Other than an injunction or interdict in respect of infringement, if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting that the copyright subsisted in the plaintiff.

Mr. DILL. I think the first part of the statute refers to a temporary injunction and the second to the trial. That is my opinion of the statute; but, in any case, it is clear that if there is nothing on the work to show him that it is copyrighted, he is entitled to——

Mr. WAGNER. Then he can prove that he was not aware of the copyright, if there is no notice.

Mr. DILL. Whatever may be their method, I repeat, there is no valid reason why any citizen who asks this Government for a monopoly to be protected by the courts for 70 years, as the bill now provides, should not register it with a Government official where it can be kept on record, and affix to the work a notice. Nobody has yet given a real reason why that should not be done. The only reason ever given was that under the present law if the printer makes a mistake the copyright is lost. That is not true under this statute, by which the copyright exists even if a mistake should be made in the notice. So I say, with that amendment much of the objection is removed; and yet this bill still has one fatal weakness that I shall attempt to correct by amendment. It does not state what the notice shall be.

I maintain that we should require the notice to state the name of the copyright owner and the date of copyright; that a notice that does not do that is practically a worthless notice. That matter, of course, will be argued when the time comes for offering the amendment; but to me that is a very important matter.

So I say this whole question of automatic copyright becomes indefensible from the American standpoint of having somewhere in this Government a place where people may go to find out who owns a copyright, or how long it shall last, and having somewhere on the article or in the publication that carries it a notation of who owns it, and when it begins, in order that we may know when it ends.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. DILL. Yes.

Mr. ROBINSON of Arkansas. If no notice is required, and no registration is provided for, how, in the practical application of the law, will one know when the copyright has ended?

Mr. DILL. Mr. President, that question I can not answer, and nobody has answered it for me. That is why I have insisted these amendments are absolutely necessary.

Mr. ROBINSON of Arkansas. For instance, here is a book produced during the present year. There is no requirement that the time of its production shall be recorded; no requirement that the name of its author shall be recorded. Seventy years or approximately 70 years have gone by, and somebody is charged with infringement. How would the evidence be produced that would determine the issues involved in a case of that nature?

Mr. DILL. I can not answer the Senator; and that is why I am insisting that the notice shall state the time of the copyright.

Mr. HEBERT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Rhode Island?

Mr. DILL. I yield to the Senator.

Mr. HEBERT. In answer to the question of the Senator from Arkansas, the purpose which the committee had in mind in inserting in the bill the amendment which the Senator from Washington has just discussed was to encourage that very notice; but it is a fact worthy of more than passing comment that in England for a quarter of a century there has been no requirement of notice, and in other European countries for three-quarters of a century there has been no requirement of notice or registration.

Mr. ROBINSON of Arkansas. May I ask the Senator from Rhode Island the question that I asked the Senator from Washington? Assuming that the amendment is not agreed to, assuming that no notice is required, and no registration is provided for, how would a court in this country, or in England either for that matter, determine when the copyright expired?

Mr. HEBERT. It is subject to proof as to when it was written and when it was produced.

Mr. ROBINSON of Arkansas. Yes; but in 70 years every living witness who might testify to the time of its production, or, for that matter, who could testify to the name of the author, would probably have passed away.

Mr. HEBERT. Mr. President, if the Senator from Washington will yield to me further——

Mr. DILL. I yield.

Mr. HEBERT. We had as a witness before our committee the counsel for one of the large moving-picture producers of the United States, who buys copyrighted material all over the world. In most countries there is no requirement for copy or registration, and he said, as he put it, that he had cleared millions of dollars a year in royalties for the use of copyrighted material, and has had but one suit. He says it is the easiest thing in the world to find when one of these productions has come upon the market.

Mr. ROBINSON of Arkansas. I can readily understand how one who did not want a record of that character made would say that it was unnecessary, but as a practical proposition I find great difficulty.

Mr. DILL. Mr. President, let me suggest to the Senator that this man was buying copyrights. He was not defending infringements; he was buying copyrights.

Mr. ROBINSON of Arkansas. Therefore he was not very much interested in the question I am asking. Assuming that a work is published in 1931, and 69 years later some one, without any notice, and without any information other than the knowledge that he himself did not write the book, which he undoubtedly would have, infringed a copyright, and the owner of the copyright brought suit. How would he establish that the suit was within the limitation of 70 years? Everyone who was living at the time when the copyright actually came into existence would probably be dead.

Mr. HEBERT. I take it the inquiry is addressed to me.

Mr. ROBINSON of Arkansas. Yes.

Mr. HEBERT. With the permission of the Senator from Washington, I will attempt to answer.

Mr. DILL. I do not attempt to answer it. I yield to the Senator from Rhode Island.

Mr. HEBERT. The publisher would know when it was published, of course.

Mr. ROBINSON of Arkansas. Not at all.

Mr. DILL. When it was created.

Mr. ROBINSON of Arkansas. The question is not when it was published; the question is when it was created, and how would the publisher, whose ancestor or whose assignor might have had knowledge of the creation, but who had been dead 50 years, perhaps—which is entirely conceivable, after a lapse of 69 years, taking the hypothetical case I have stated—make legal proof of the fact that the work came into being 70 years before, when there was no record whatever of the time of the creation of it?

Mr. HEBERT. Mr. President, there is no more reason why that should happen under present conditions than under the new bill. If the work were not published, as the Senator assumes in the hypothetical case which he states, there would be a common-law right in the author, and no one would be at liberty to make use of the creation without the permission of the author.

Mr. DILL. The copyright begins, under the present law, when the work is published.

Mr. HEBERT. No; when it is copyrighted.

Mr. DILL. It is copyrighted when it is published, but under the proposed law it begins when it is created.

Mr. HEBERT. No; it begins when it is copyrighted.

Mr. DILL. It will be copyrighted when it is created.

Mr. ROBINSON of Arkansas. It is copyrighted when it is created. That is the very point. That is what makes automatic copyright valuable. That is what an automatic copyright means—that when a thing is created, the creator of it has a property right that is protected.

Mr. DILL. Mr. President, if the Senate shall see fit to adopt the additional amendment I shall offer, providing that the notice shall state the name of the copyright owner and the date of the beginning of the copyright—not of registration but of beginning of the copyright—it will meet the very point the Senator raises.

The Senator from Rhode Island made a very interesting commentary about Mr. Swarts, the attorney for the picture companies. That attorney said before us with great enthusiasm and force and effect—and I was impressed, I must confess:

> I wish to testify before this committee that in that quest—

Speaking of the securing of all these copyrights—

> I have never been assisted in the slightest manner by any notice of copyright or any formality with respect thereto except to this extent. It has provided an outlet in a few cases of which we were willing to take advantage—and we were only willing to take advantage in one, as I remember it.

He said, as the Senator from Rhode Island quoted him and impressed us, that notice and registration were absolutely useless and worthless, as well as unnecessary. Yet the Senator from Rhode Island, when we reach the amendment providing for registration and notice, will offer as a supplemental amendment an amendment now demanded by this very Mr. Swarts and his partner to protect his company against a mistake owing to the fact that there might not be any notice or registration. He wants a provision to protect his motion-picture people, so that in case there has not been registration and notice, and they have an investment, they have a right to pay a certain amount rather than have an injunction against the use of it. This is the same man who tried to make us believe that a notice and registration were worthless and useless, but he himself comes to us now and tells us his company is in danger of losing hundreds of thousands of dollars unless we adopt this amendment he proposes, because there might not be any notice or registration on some work used for a motion picture. When he, as attorney for his company, has to go up against this proposition, he becomes agitated and fearful. This man who now comes and asks for protection was really the only effective witness who argued for automatic copyright before the committee. That shows just exactly what happens when there is no protection given by the notice and registration, and Mr. Swarts is too able and farsighted a lawyer not to protect his company when the matter comes to his attention from the standpoint of a defendant.

I am presenting this matter in some detail because a number of Senators know that in the committee consideration of this bill when it first came over from the House I was unalterably opposed to it. I have tried to explain that I have not changed my position or my attitude, but I have worked out certain amendments which I hope will protect the American public and still not interfere with the desire of those who want the United States to join the International Copyright Union.

There are one or two other things I want to speak about before we take up the amendments. I want to discuss for a few moments the question suggested by the Senator from Florida, namely, that copyright is a monopoly. It is a monopoly which runs against the public.

Monopolies are abhorrent to the American people. We have passed laws for generations to enable this Government to prevent monopoly. The Attorneys General of the United States have been prosecuting monopolies for years. Yet the Constitution authorizes Congress to create monopolies in patents and in copyrights. Surely the public must be considered when we enact such legislation.

These monopolies are becoming more and more numerous and running for longer periods of time.

I think it is worth noting here that when the first copyright law was written, Mr. Jefferson, who probably more than any other man of his time, knew the dangers of monopolies, knew the burdens they placed upon the people, insisted that copyrights should not last for more than 14 years. He insisted on that for the reason, as he said, that if the people had to bear the burden of a monopoly resulting from a statute of the Congress the time for that monopoly should be so short that the generation which had paid the added cost because of the monopoly would get some benefit from the progress of the art or science involved without having to pay tribute for too long a period. A generation is generally considered to cover 30 years, and the first copyright law permitted copyrights for almost one-half of that period.

We have gone far afield from that theory. I think it was a few years later that Congress raised the duration of the copyright to 28 years. In 1870, if I recall correctly, it was raised to 42 years. In 1909 it was raised to 56 years. Then this bill came over from the House with a provision which, in my judgment, was even more indefinite and worse than the automatic copyright, because it proposed that the copyright should exist for 50 years after the death of the author, without any requirement for proof of death. Just see what kind of a Pandora's legal box that would get us into.

Mr. ROBINSON of Arkansas. Mr. President, there, again, it would seem that a very difficult question would arise as to when the copyright would expire. It would depend upon the varying lifetimes of the authors. One man might live, as the Senator from Rhode Island himself suggested, an hour or a day after he had created a work, and in that event the copyright would be extended for 50 years after his death. But if he lived 50 years, as one may readily conceive, the copyright would be for a period of a hundred years. But with no registration and no notice provided, how would anybody know, except the immediate relatives and friends of the author—and some of them probably would not know—when the copyright period had begun and, most of all, when it would end. While the committee has struck out this indefensible provision, a majority of the committee still refuses to amend this bill to require that the notice shall show the date when copyright begins; that is, the date of creation of the work. That is absolutely necessary if this bill is to provide for full protection of the public in connection with these monopolies.

Mr. DILL. Mr. President, I may say that the committee, although opposed to me on most of the proposals I made, agreed that this provision as to the duration of copyright should be changed, and they fixed the period of 70 years, and that is to be the period under this legislation unless the Senate shall change it.

Mr. WHEELER. What is that period?

Mr. DILL. Seventy years for the period of copyright.

There is one other matter in this bill which is very important, and that is the multiplicity of fees. When a man creates a new invention and secures a patent for 34 years, he can collect a royalty on everything that goes into commerce using that patent, but he can collect the royalty only once on each article. In the case of a copyright, the copyright owner has the right to collect a royalty for the reprinting or use of his material in any way in printed form, and in 1909 he was given the additional right of collecting a royalty for the reproduction of a musical composition for profit.

In the same act he was given the right to copyright phonograph records, or music rolls, or any of various methods of recording for purposes of reproducing on instruments. The law specifically states that as a condition to such copyright the author is limited to 2 cents royalty on each one of the rolls or records, or whatever it may be.

Out of that has developed this condition: An author allows his musical production to be recorded on a record or a roll, and it is bought by those who have machines which will reproduce it. Under the interpretation of the courts of "reproduction for profit," the combination of authors and composers insist—and they make it stick legally—upon the collection of a royalty for reproduction in places of business of music from phonograph records or from music rolls.

A drug-store owner has a little phonograph, we will say, sitting in his place of business, reproducing records in order to attract or please people who come to his store. He must pay a royalty, under penalty of a fine of $250, for every time he runs a copyrighted record without such payment. A financial gun is held at his head, practically, and he is compelled to take out a license, simply because it may draw trade to his little drug store. The same practice applies to small cigar stores and restaurants. The American Society of Authors and Composers collects whatever the traffic will bear, from $250 to $500 per year. That has been justified on the theory that the author is allowed by law a royalty of only 2 cents on the record or the music roll.

This bill proposes—and I think with much propriety, although I am afraid the effects will be very burdensome to the American people in the abolition of the 25-cent phonograph records—to take off the limitation of 2 cents, permitting an author to charge any amount he may desire for recording his music or dramatic production on a record of any kind. This bill provides that there shall be no royalties charged for the reproduction from such music roll or record unless the reproduction is in a place to which an admission is charged. So we have gone one step against multiplicity of fees, but the composer still has the right to charge a third fee where admission is charged. He charges, first, a royalty on the printed matter; second, a royalty for the reproduction of the music, or whatever it may be, at any time; a royalty on the record, and then a royalty on the reproduction from the record.

The committee adopted an amendment to free the coin-operated machines and phonograph users unless an admission fee is charged. Now the American society is objecting to that, and wants to rewrite that amendment, but I will postpone discussion of that subject until we reach the amendment in the bill.

Musicians go to the radio stations and charge a royalty for reproducing their music over the radio. Then they charge a royalty upon the receiving set which reproduces it anywhere the receiving set may be, if he can prove there is reproduction for profit. This is charging for a reproduction of a reproduction.

I maintain that is going too far. There should be somewhere, some place that this charging of fees on the reproduction of reproductions should stop. We have attempted to do that in practically all of these cases except the theaters. I was unable to convince the committee that an amendment should be adopted which would protect the theater owner against being charged two or three times, and most of all being charged for the reproduction of music when he did not know who was the copyright owner. I shall offer an amendment at the proper time to correct this and explain it fully.

Mr. President, I do not care to enlarge upon the discussion of these provisions and amendments at this time, but I did want to make these statements about the principal provisions of the bill. I understand the Senator from Oregon [Mr. McNARY] desires to move an executive session, and therefore I yield the floor.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SMITH. The copyright bill is the unfinished business and will be taken up to-morrow?

The VICE PRESIDENT. The Senator is correct.

EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States, transmitting sundry nominations were referred to the appropriate committees. (For nominations this day received see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. BRATTON, from the Committee on the Judiciary, reported favorably the nomination of Louie W. Strum, of Florida, to be United States district judge, southern district of Florida (additional position), which was placed on the Executive Calendar.

Mr. GILLETT, from the Committee on the Judiciary, reported favorably the nomination of William N. Cromie, of New York, to be United States marshal, northern district of New York, which was placed on the Executive Calendar.

Mr. SMOOT, from the Committee on Finance, reported favorably the nomination of Robert E. Lee Pryor, of Tampa,

Fla., to be appraiser of merchandise in customs collection district No. 18, which was placed on the Executive Calendar.

Mr. REED, from the Committee on Military Affairs, reported favorably the nominations of sundry officers in the Regular Army, which were placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were placed on the Executive Calendar.

Mr. BORAH, from the Committee on Foreign Relations, reported favorably the following nominations, which were placed on the Executive Calendar:

Laurits S. Swenson, of Minnesota, to be envoy extraordinary and minister plenipotentiary of the United States of America to the Netherlands; and

George C. Hanson, of Connecticut, now a Foreign Service officer of class 4 and a consul, to be a consul general of the United States of America.

Mr. BORAH also, from the Committee on Foreign Relations, reported without amendment the following conventions, which were placed on the Executive Calendar:

Executive H (71st Cong., 3d sess.), being a convention and protocol relating to the protection of literary and artistic works, signed at Berlin on November 13, 1908, etc.; and

Executive II (70th Cong., 2d sess.), being a convention relating to the organization of the Pan American Union, adopted at the Sixth International Conference of American States, which assembled at Habana, Cuba, from January 16 to February 20, 1928.

POSTMASTERS

The Chief Clerk read the nominations of Ernest H. Smothers, of Camden, Tenn., and Bernard A. McBride, of Adams, Wis.

Mr. PHIPPS. Mr. President, I ask that these nominations go over without prejudice.

The VICE PRESIDENT. The nominations will go over without prejudice.

STATE DEPARTMENT

The Chief Clerk read the nomination of James Grafton Rogers, of Colorado, to be Assistant Secretary of State.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read sundry nominations in the Diplomatic and Foreign Service.

Mr. REED. Mr. President, on behalf of the Senator from Idaho [Mr. BORAH] I ask that these nominations may be confirmed en bloc.

The VICE PRESIDENT. Without objection the nominations are confirmed en bloc.

THE JUDICIARY

The Chief Clerk read the nomination of Raymond J. Mulligan, to be United States marshal, southern district of New York.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

CUSTOMS SERVICE

The Chief Clerk read the nomination of Edward M. Croisan to be collector of customs, district No. 29, Portland, Oreg.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk read sundry nominations of postmasters.

Mr. PHIPPS. Mr. President, I ask that the postmaster nominations be confirmed en bloc.

Mr. BLEASE. Mr. President, I ask that the South Carolina appointment of John C. Spann, Allendale, may go over until to-morrow.

The VICE PRESIDENT. Without objection, the nomination indicated by the Senator from South Carolina will go over until to-morrow; and without objection, the other nominations of postmasters are confirmed en bloc.

THE ARMY

Mr. REED. Mr. President, from the Committee on Military Affairs I report a number of routine nominations and ask unanimous consent that they may be confirmed en bloc. The committee was unanimous in submitting the report.

The VICE PRESIDENT. Without objection, the nominations will be confirmed en bloc.

INTERNATIONAL LOAD LINE CONVENTION

Mr. BORAH. Mr. President, I would like to call up the treaty on the Executive Calendar, Executive I, from which the injunction of secrecy was removed on the 13th instant.

The Chief Clerk announced Executive I (71st Cong., 3d sess.), the International Load Line Convention and its accompanying final protocol, signed at London on July 5, 1930.

Mr. BORAH. This is a highly technical treaty. It has been signed by about 30 nations, all maritime nations. So far as the committee has been able to ascertain it has the approval of the shipping interests of the United States and also of the crew organizations or the workingmen on the ships. I ask for its immediate consideration.

There being no objection, the treaty was considered as in Committee of the Whole, and it was read, as follows:

[Senate, Executive I, Seventy-first Congress, third session]

INTERNATIONAL LOAD LINE CONVENTION AND ITS ACCOMPANYING PROTOCOL

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification of the international load line convention and its accompanying final protocol, I transmit herewith a certified copy of those instruments, signed on July 5, 1930, by the respective plenipotentiaries of the United States of America and of 29 other governments participating in the international load line conference, which met at London on May 20, 1930, for the purpose of formulating international rules and regulations to determine the load lines of merchant vessels engaged in international trade.

The convention and protocol are accompanied by the final act of the conference signed at the same time, which I transmit for the information of the Senate. This act embraces a declaration by the delegates of the United States of America and certain recommendations of the conference. The declaration made by the delegates of the United States is designed as a safeguard against any possible misconstruction of the position of the United States that its participation in a multilateral convention with the régime now functioning in Russia known as the Union of Soviet Socialist Republics, does not operate as a recognition of that régime by the Government of the United States.

I also transmit an accompanying report on the convention submitted by the Secretary of State.

HERBERT HOOVER.

THE WHITE HOUSE, *February 11, 1931.*

The PRESIDENT:

In pursuance of the joint resolution (Public, No. 69, 71st Cong.) approved May 9, 1930, providing for participation by the United States in the international conference on load lines, delegates with plenary powers were appointed by the President to represent the United States at an international conference which convened in London on May 20, 1930, for the purpose of formulating international rules and regulations for determining the load lines of merchant vessels engaged in international trade. The conference closed its sessions on July 5, 1930, on which day the international load line convention and an accompanying final protocol and a final act of the conference were signed by the respective plenipotentiaries of the United States of America, Germany, Australia, Belgium, Canada, Chile, Cuba, Denmark, Free City of Danzig, Spain, Irish Free State, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Iceland, Italy, Japan, Latvia, Mexico, Norway, New Zealand, Netherlands, Paraguay, Peru, Poland, Portugal, Sweden, and Union of Soviet Socialist Republics. The convention will become effective on July 1, 1932, among those governments which ratify it by that date, provided five such ratifications shall have been deposited.

The Secretary of Commerce and the United States Shipping Board have approved the convention and have recommended its submission to the Senate. Sharing in this

approval, the undersigned, the Secretary of State, has the honor to lay the said convention and final protocol before the President, and to recommend their transmission to the Senate with a view to receiving the advice and consent of that body to ratification. The final act of the conference is submitted for your information and the information of the Senate.

The convention applies to all ships of 150 gross tons, and over, engaged in international trade, although the act of Congress to establish load lines for American vessels, approved March 2, 1929, and effective September 3, 1930 (45 Stat., pt. 1, 1492) applies only to vessels of 250 gross tons or over. Many of the countries represented require load lines for all sea-going vessels engaged in international trade, while there was no other country whose tonnage limit was so high as that of the United States. The delegates of the United States agreed to this lower limit as a compromise. They felt that this limit would not materially affect the United States, since it possesses very few vessels of less than 250 gross tons engaged in international trade by sea.

Provision has been made in Chapter II for existing ships already marked with load lines which were determined by the application of the 1906 rules of the British Board of Trade, or by other rules equivalent thereto, to retain their present load lines, providing they comply in principle and in detail so far as is reasonable and practical with the provisions of the convention relative to the efficiency of (1) the protection of openings, (2) guard rails, (3) freeing ports, and (4) means of access to crew's quarters.

Chapter II, article 8, provides that ships of special types having constructional features similar to those of a tanker which afford extra invulnerability against the sea may be loaded to drafts that are not deeper than permitted a tank ship.

In Chapter III provision has been made to limit the life of any certificate of assignment of load lines to a maximum period of five years. It is also provided that the same load lines may be continued by the renewal of such certificates, for additional periods not exceeding five years each, after a survey no less effective than the original survey required for the original assignment. Provision is made for the cancellation of the load-line certificate if alterations have been made in the hull or superstructure of the ship which affect the calculations of freeboard or if certain important fittings and appliances and the means of access to the crew's quarters are not maintained in as effective a condition as they were in when the certificate was issued.

Chapter III also defines the control which may be exercised by any of the contracting governments over ships of the other contracting governments. This control assures that the ship is not loaded beyond the limits allowed by the load-line certificate and that a ship does not leave port in a manifestly unsafe condition.

The technical rules for determining load lines are contained in Annexes 1 and 2 to the convention. Zones and seasonal areas for the oceans of the world are defined, based upon the record of weather conditions, and load lines are provided to meet these conditions. The load lines determined by the rules conform to the established practice of safe loading as determined by actual conditions experienced in navigating the oceans. The rules are essentially in accord with the rules proposed by the United States load-line committee (1928) in its report to the Secretary of Commerce.

Chapter IV of the convention authorizes the acceptance in substitution for particular fittings, appliances, or arrangements required in ships by the convention, of other fittings, appliances or arrangements equally effective, and provides for the exchange by the respective governments of copies of their laws, regulations, and reports on matters within the scope of the convention, as well as for the modification of the convention and for future conferences for its revision.

Chapter V, in addition to authorizing the application of the convention to overseas territories of the contracting governments at the election of the respective governments, contains provisions regarding ratification adherence, coming into force, and denunciation.

It is agreed by the final protocol to exempt from the provisions of the convention ships engaged solely on voyages on the Great Lakes of North America and existing ships of the United States and France of the lumber schooner type. It is also agreed in the protocol that on the request made at any time by the United States a conference shall be called of the Governments of the countries having tankers for a reconsideration of the rules which determine the load lines for tankers.

It may be added that the following declarations, recorded in the final act of the conference, were made by the plenipotentiaries of the United States:

The plenipotentiaries of the United States of America formally declare that the signing of the international load-line convention by them, on the part of the United States of America, on this date, is not to be construed to mean that the Government of the United States of America recognizes a régime or entity which signs or accedes to the convention as the government of a country when that régime or entity is not recognized by the Government of the United States of America as the government of that country.

The plenipotentiaries of the United States of America further declare that the participation of the United States of America in the International Load Line Convention signed on this date does not involve any contractual obligation on the part of the United States of America to a country, represented by a régime or entity which the Government of the United States of America does not recognize as the government of that country, until such country has a government recognized by the Government of the United States of America.

The purpose of this declaration, which is identical with the declaration made by the plenipotentiaries of the United States in the final act of the international conference for the safety of life at sea, signed at London May 31, 1929 (Executive B, 71st Cong., 2d sess.), is to make clear the position of the United States that the signing of a multilateral convention by its plenipotentiaries with representatives of the régime now functioning in Russia, known as the Union of Soviet Socialists Republics, does not imply a recognition of that régime by the United States.

Respectfully submitted.

HENRY L. STIMSON.

DEPARTMENT OF STATE,
Washington, February 11, 1931.

INTERNATIONAL LOAD LINE CONVENTION

PREAMBLE

THE Governments of Germany, the Commonwealth of Australia, Belgium, Canada, Chile, Cuba, Denmark, the Free City of Danzig, Spain, the Irish Free State, the United States of America, Finland, France, the United Kingdom of Great Britain and Northern Ireland, Greece, India, Iceland, Italy, Japan, Latvia, Mexico, Norway, New Zealand, Paraguay, the Netherlands, Peru, Poland, Portugal, Sweden, and the Union of Socialist Soviet Republics; desiring to promote safety of life and property at sea by establishing in common agreement uniform principles and rules with regard to the limits to which ships on international voyages may be loaded, have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

The Government of Germany:
Mr. Gustav Koenigs, Ministerialdirigent in the Reichsverkehrsministerium, Geheimer Regierungsrat, Berlin.
Mr. Arthur Werner, Ministerialrat in the Reichsverkehrsministerium, Geheimer Justizrat, Berlin.
Professor Walter Laas, Director of the "Germanischer Lloyd" Classification Society, Berlin.
Mr. Karl Sturm, Verwaltungsdirector of the See-Berufsgenossenschaft, Hamburg.

The Government of the Commonwealth of Australia:
Captain Henry Priaulx Cayley, Royal Australian Navy, Commonwealth Naval Representative in London.
Mr. Vincent Cyril Duffy, Australia House.

The Government of Belgium:
Mr. Raoul F. Grimard, Naval Engineer, Technical Adviser to the Central Naval Department.

The Government of Canada:
Mr. Alexander Johnston, Deputy Minister of Marine.

The Government of Chile:
Lieut.-Commander Constructor Oscar Bunster, Member of the Chilian Naval Commission in London.
The Government of Cuba:
Mr. Guillermo Patterson, Cuban Minister in London.
Mr. Emil Krogh, Assistant Secretary in the Ministry of Shipping and Fisheries.
Mr. Aage H. Larsen, Naval Architect and Engineer in Chief to the Ministry of Shipping and Fisheries.
Mr. J. A. Körbing, Director of the "Forenede Dampskibselskab," Copenhagen.
Captain H. P. Hagelberg, Chairman of the Association of Danish Shipmasters.
Mr. Erik Jacobsen, Trade Union Manager.
The Government of the Free City of Danzig:
Mr. Alphonse Poklewski-Koziell, Commercial Counsellor, Polish Legation, London.
Mr. Waldemar Sieg, Commercial Counsellor.
The Government of Spain:
Mr. Octaviano Martinez-Barca, Engineer, Spanish Navy.
The Government of the Irish Free State:
Mr. J. W. Dulanty, Commissioner for Trade for the Irish Free State in Great Britain.
Mr. T. J. Hegarty, Ship Surveyor, Transport and Marine Branch, Department of Industry and Commerce.
The Government of the United States of America:
Mr. Herbert B. Walker, President of the American Steamship Owners' Association.
Mr. David Arnott, Chief Surveyor, American Bureau of Shipping.
Mr. Laurens Prior, Bureau of Navigation, Department of Commerce.
Mr. Howard C. Towle, National Council of American Shipbuilders.
Mr. Samuel D. McComb, Marine Office of America.
Captain Albert F. Pillsbury, Pillsbury and Curtis, San Francisco.
Mr. Robert F. Hand, Vice-President Standard Shipping Company, New York.
Mr. James Kennedy, General Manager, Marine Department, Gulf Refining Company, New York.
Mr. H. W. Warley, Vice-President Ore Steamship Corporation, New York.
Rear-Admiral John G. Tawresey, C. C., United States Navy (Retired). United States Shipping Board.
The Government of Finland:
Mr. A. H. Saastamoinen, Finnish Minister in London.
Commander Birger Brandt, Finnish Shipmasters' Association.
The Government of France:
Mr. André Maurice Haarbleicher, Naval Construction Corps, Director of the Departments of the Mercantile Fleet and of Naval Material at the Ministry of the Mercantile Marine.
Mr. René Hippolyte Joseph Lindemann, Assistant Director of the Department of Marine Labour and of the Accountants' Department at the Ministry of the Mercantile Marine.
Mr. Jean Henri Théophile Marie, Naval Construction Corps, Assistant to the Director of the Departments of the Mercantile Fleet and of Naval Material at the Ministry of the Mercantile Marine.
Mr. A. H. A. de Berlhe, Deputy Manager of the Bureau Veritas.
The Government of the United Kingdom of Great Britain and Northern Ireland:
Sir Henry F. Oliver, Admiral of the Fleet, Royal Navy.
Captain F. W. Bate, Professional Officer, Mercantile Marine Department, Board of Trade.
Mr. A. J. Daniel, Principal Ship Surveyor, Board of Trade.
Captain J. T. Edwards, Master Mariner (Retired).
Sir Ernest W. Glover, Chamber of Shipping of the United Kingdom.
Sir Norman Hill, Chairman, Merchant Shipping Advisory Committee, Board of Trade.
Sir Charles Hipwood, Board of Trade.
Mr. J. Foster King, Chief Surveyor to the British Corporation Register of Shipping and Aircraft.
Dr. J. Montgomerie, Chief Ship Surveyor to Lloyd's Register of Shipping.
Sir Charles J. O. Sanders, Chairman, Load-Line Committee, 1927–1929.
Mr. William Robert Spence, General Secretary, National Union of Seamen.
Captain A. Spencer, Master Mariner (Retired).
The Government of Greece:
Mr. Nicolas G. Lely, Consul-General for Greece in London.
The Government of India:
Sir Geoffrey L. Corbett, Late Secretary to the Government of India, Commerce Department.
Mr. Nowrojee Dadabhoy Allbless, Chairman of Scindia Steamships (London) Ltd.
Captain Kavas Ookerjee, Marine Superintendent, Scindia Steam Navigation Company, Ltd., Bombay.
Engineer-Commander John Sutherland Page, Royal Indian Marine, late Principal Engineer and Ship Surveyor, Government of Bengal.
The Government of Iceland:
Mr. Emil Krogh, Assistant Secretary to the Danish Ministry of Shipping and Fisheries.
Mr. Aage H. Larsen, Naval Architect and Engineer in Chief to the Danish Ministry of Shipping and Fisheries.
Mr. J. A. Körbing, Director of the "Forenede Dampskibsselskab," Copenhagen.
Captain H. P. Hagelberg, Chairman of the Association of Danish Shipmasters.
Mr. Erik Jacobsen, Trade Union Manager, Denmark.
The Government of Italy:
General Giulio Ingianni, General Director of the Mercantile Marine.
Admiral Giuseppe Cantù, Admiral of Division, Technical Inspector of the Mercantile Marine.
Professor Torquato Giannini, Counsellor for Emigration in the Italian Foreign Office.
The Government of Japan:
Mr. Shoichi Nakayama, First Class Secretary of Embassy, London.
Mr. Sukefumi Iwai, Expert in the Local Administration Office of Communications.
The Government of Latvia:
Mr. Arturs Ozols, Director of the Marine Department.
Captain Andrejs Lonfelds, Latvian Shipowners' Society.
The Government of Mexico:
Mr. Gustavo Luders de Negri, Consul-General for Mexico in London.
The Government of Norway:
Mr. Erling Bryn, Director of the Department of Shipping, Ministry of Commerce and Navigation.
Mr. Johan Schönheyder, Surveyor-in-Chief in the Ministry of Commerce and Navigation.
Dr. J. Bruhn, Director of the Norwegian Veritas.
Mr. J. Hysing Olsen, Shipowner.
Mr. Eivind Tonnesen, Managing Director of the Norwegian Shipmasters' Association.
Mr. A. Birkeland, President of the Norwegian Sailors' and Firemen's Union.
The Government of New Zealand:
Sir Thomas Mason Wilford, High Commissioner for New Zealand in London.
Sir Charles Holdsworth, Managing Director of the Union Steamship Company of New Zealand, Ltd.
The Government of Paraguay:
Dr. Horacio Carisimo, Chargé d'Affaires in London.
The Government of the Netherlands:
Vice-Admiral (retired) C. Fock, Inspector-General of Navigation, Chairman of the Freeboard Assigning Commission.
Mr. A. van Driel, Naval Architect, Adviser on Naval Architecture to the Shipping Inspection Service, Member and Secretary of the Freeboard Assigning Commission.
Mr. J. Brautigam, Chairman of the Netherlands Union of Transport Workers, Member of the Second Chamber of the States-General.
Mr. J. W. Langeler, Inspector of Shipping, Dutch East Indies.
Mr. J. Rypperda Wierdsma, Chairman of the Holland-American Line.
Captain G. L. Heeris, Secretary of the Netherlands Shipowners' Association.
The Government of Peru:
Captain Manuel D. Faura, Naval Attaché in London.
The Government of Poland:
Mr. Alphonse Poklewski-Koziell, Commercial Counsellor, Polish Embassy, London.
Mr. Boguslaw Bagniewski, Counsellor, Ministry of Industry and Trade, Warsaw.
The Government of Portugal:
Mr. Thomaz Ribeiro de Mello, Minister Plenipotentiary; Head of the Economic Section of the Portuguese Ministry of Foreign Affairs.
Captain Carlos Theodoro da Costa, Naval Architect.
The Government of Sweden:
Baron Erik Kule Palmstierna, Swedish Minister in London.
Mr. Per Axel Lindblad, Assistant Under-Secretary in the Board of Trade.
Captain Erik Axel Fredrik Eggert, Maritime Expert to the Social Board.
The Government of the Union of Socialist Soviet Republics:
Mr. Dimitri Bogomoloff, Counsellor of the Soviet Embassy in London.

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

CHAPTER I.—PRELIMINARY

ARTICLE 1

General Obligation of Convention

So that the load lines prescribed by this Convention shall be observed, the Contracting Governments undertake to give effect to the provisions of this Convention, to promulgate all regulations, and to take all other steps which may be necessary to give this Convention full and complete effect.

The provisions of this Convention are completed by Annexes, which have the same force and take effect at the same time as this Convention. Every reference to this Convention implies at the same time a reference to the Rules annexed thereto.

ARTICLE 2

Scope of Convention

1. This Convention applies to all ships engaged on international voyages, which belong to countries the Governments of which are Contracting Governments, or to territories to which this Convention is applied under Article 21, except—

(a) ships of war; ships solely engaged in fishing; pleasure yachts and ships not carrying cargo or passengers;
(b) ships of less than 150 tons gross.

2. Ships when engaged on international voyages between the near neighbouring ports of two or more countries may be exempted by the Administration to which such ships belong from the provisions of this Convention, so long as they shall remain in such trades, if the Governments of the countries in which such ports are situated shall be satisfied that the sheltered nature and conditions of such voyages between such ports make it unreasonable or impracticable to apply the provisions of this Convention to ships engaged in such trades.

3. All agreements and arrangements relating to load line or matters appertaining thereto at present in force between Contracting Governments shall continue to have full and complete effect during the terms thereof as regards—

(a) ships to which this Convention does not apply;
(b) ships to which this Convention applies in respect of matters for which it has not expressly provided.

To the extent, however, that such agreements or arrangements conflict with the provisions of this Convention, the provisions of this Convention shall prevail.

Subject to any such agreement or arrangement—

(a) all ships to which this Convention does not apply; and
(b) all matters which are not expressly provided for in this Convention.

shall remain subject to the legislation of each Contracting Government to the same extent as if this Convention had not been made.

ARTICLE 3

Definitions

In this Convention, unless expressly provided otherwise—

(a) a ship is regarded as belonging to a country if it is registered by the Government of that country;
(b) the expression "Administration" means the Government of the country to which the ship belongs;
(c) an "international voyage" is a voyage from a country to which this Convention applies to a port outside such country, or conversely, and for this purpose, every colony, overseas territory, protectorate or territory under suzerainty or mandate is regarded as a separate country;
(d) the expression "Rules" means the Rules contained in Annexes I, II and III;
(e) a "new ship" is a ship, the keel of which is laid on or after the 1st July, 1932, all other ships being regarded as existing ships.
(f) the expression "steamer" includes any vessel propelled by machinery.

ARTICLE 4

Cases of "Force Majeure"

No ship, which is not subject to the provisions of this Convention at the time of its departure on any voyage, shall become subject to the provisions of this Convention on account of any deviation from its intended voyage due to stress of weather of any other cause of *force majeure*.

In applying the provisions of this Convention, the Administration shall give due consideration to any deviation or delay caused to any ship owing to stress of weather or to any other cause of *force majeure*.

CHAPTER II.—LOAD LINE: SURVEY AND MARKING

ARTICLE 5

General provisions

No ship to which this Convention applies shall proceed to sea on an international voyage after the date on which this Convention comes into force, unless the ship, being—

A—a new ship,
(a) has been surveyed in accordance with the provisions of Annex I;
(b) complies with the provisions of Part II of Annex I; and
(c) has been marked in accordance with the provisions of this Convention.

B—an existing ship,
(a) has been surveyed and marked (whether before or after this Convention comes into force) in accordance with the conditions prescribed either in paragraph A of this Article or in one of the sets of Rules for the Assignment of Load Line particularised in Annex IV; and
(b) complies with the provisions of Part II of Annex I in principle, and also in detail, so far as is reasonable and practicable, having regard to the efficiency of (i) the protection of openings; (ii) guard rails; (iii) freeing ports, and (iv) means of access to crews' quarters provided by the existing arrangements, fittings and appliances on the ship.

ARTICLE 6

Provisions for Steamers carrying Timber Deck Cargoes

1. A steamer which has been surveyed and marked under Article 5 shall be entitled to be surveyed and marked with a timber load line under Part V of Annex I if, being—

A—a new ship, it complies with the conditions and provisions prescribed in Part V of Annex I;

B—an existing ship, it complies with the conditions and provisions of Part V of Annex I other than Rule LXXX, and also in principle, so far as is reasonable and practicable with the conditions and provisions prescribed by Rule LXXX provided that in assigning a timber load line to an existing ship the Administration shall make such addition to the freeboard as shall be reasonable, having regard to the extent to which such ship falls short of full compliance with the conditions and provisions prescribed in Rule LXXX.

2. A steamer when using the timber load line shall comply with Rules LXXXIV, LXXXV, LXXXVI, LXXXVIII, and LXXXIX.

ARTICLE 7

Provisions for Tankers

A steamer which has been surveyed under Article 5 shall be entitled to be surveyed and marked as a tanker under Part VI of Annex I if, being—

A—a new ship, it complies with the conditions and provisions prescribed in Part VI of Annex I;

B—an existing ship, it complies with the conditions and provisions in Rules XCIII, XCVI, XCVII, XCVIII, and XCIX, and also in principle so far as is reasonable and practicable with Rules XCIV, XCV and C, provided that in assuming a tanker load line to an existing ship the Administration shall make such addition to the freeboard as shall be reasonable having regard to the extent to which such ship falls short of full compliance with the conditions and provisions prescribed in Rules XCIV, XCV and C.

ARTICLE 8

Provisions for Ships of Special Types

For steamers over 300 feet in length, possessing constructional features similar to those of a tanker which afford extra invulnerability against the sea, a reduction in freeboard may be granted.

The amount of such reduction shall be determined by the Administration in relation to the freeboard assigned to tankers, having regard to the degree of compliance with the conditions of assignment laid down for these ships, and the degree of subdivision provided.

The freeboard assigned to such a ship shall in no case be less than would be assigned to the ship as a tanker.

ARTICLE 9

Survey

The survey and marking of ships for the purpose of this Convention shall be carried out by officers of the country to which the ships belong, provided that the Government of each country may entrust the survey and marking of its ships either to Surveyors nominated for this purpose, or to organisations recognised by it. In every case the Government concerned fully guarantees the completeness and efficiency of the survey and marking.

ARTICLE 10

Zones and Seasonal Areas

A ship to which this Convention applies shall conform to the conditions applicable to the zones and seasonal areas described in Annex II to this Convention.

A port standing on the boundary line between two zones shall be regarded as within the zone from or into which the ship arrives or departs.

CHAPTER III.—CERTIFICATES

ARTICLE 11

Issue of Certificates

A certificate, called "International Load Line Certificate," shall be issued to every ship which has been surveyed and marked in accordance with this Convention, but not otherwise.

An International Load Line Certificate shall be issued either by the Government of the country to which the ship belongs or by any person or organisation duly authorised by that Government, and in every case the Government assumes full responsibility for the certificate.

ARTICLE 12

Issue of Certificates by another Government

The Government of a country to which this Convention applies may, at the request of the Government of any other country to which this Convention applies, cause any ship which belongs to the last-mentioned country, or (in the case of an unregistered ship) which is to be registered by the Government of that country, to be surveyed and marked, and, if satisfied that the requirements of this Convention are complied with, issue an International Load Line Certificate to such ship, under its own responsibility. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the country to which the ship belongs, or of the Government by whom the ship is to be registered, as the case may be, and it shall have the same force and receive the same recognition as a certificate issued under Article 11 of this Convention.

ARTICLE 13

Form of Certificate

The International Load Line Certificates shall be drawn up in the official language or languages of the country by which they are issued.

The form of the certificate shall be that of the model given in Annex III, subject to such modifications as may, in accordance with Rule LXXVIII, be made in the case of ships carrying timber deck cargoes.

ARTICLE 14

Duration of Certificates

1. An International Load Line Certificate shall, unless it is renewed in accordance with the provisions of paragraph 2 of this Article, expire at the end of such period as may be specified therein by the Administration which issues it: but the period so specified shall not exceed five years from the date of issue.

2. An International Load Line Certificate may be renewed from time to time by the Administration which issued it for such period (not exceeding five years on any occasion) as the Administration thinks fit, after a survey not less effective than the survey required by this Convention before the issue of the certificate, and any such renewal shall be endorsed on the certificate.

3. An Administration shall cancel any International Load Line Certificate issued to a ship belonging to its country:

A. If material alterations have taken place in the hull and superstructures of the ship which affect the calculations of freeboard.

B. If the fittings and appliances for the (i) protection of openings, (ii) guard rails, (iii) freeing ports and (iv) means of access to crews' quarters are not maintained in as effective a condition as they were in when the certificate was issued.

C. If the ship is not inspected periodically at such times and under such conditions as the Administration may think necessary for the purpose of securing that the hull and superstructures referred to in Condition A are not altered and that the fittings and appliances referred to in Condition B are maintained as therein provided throughout the duration of the certificate.

ARTICLE 15

Acceptance of Certificates

International Load Line Certificates issued under the authority of a Contracting Government shall be accepted by the other Contracting Governments as having the same force as the certificates issued by them to ships belonging to their respective countries.

ARTICLE 16

Control

1. A ship to which this Convention applies, when in a port of a country to which it does not belong, is in any case subject to control with respect to load line as follows: An officer duly authorised by the Government of that country may take such steps as may be necessary for the purpose of seeing that there is on board a valid International Load Line Certificate. If there is such a certificate on board the ship, such control shall be limited to the purpose of securing—

(a) that the ship is not loaded beyond the limits allowed by the certificate;

(b) that the position of the load line on the ship corresponds with the certificate; and

(c) that the ship has not been so materially altered in respect to the matters dealt with in conditions A and B (set out in paragraph 3 of Article 14) that the ship is manifestly unfit to proceed to sea without danger to human life.

2. Only officers possessing the necessary technical qualifications shall be authorised to exercise control as aforesaid, and if such control is exercised under (c) above, it shall only be exercised in so far as may be necessary to secure that the ship shall be made fit to proceed to sea without danger to human life.

3. If control under this Article appears likely to result in legal proceedings being taken against the ship, or in the ship being detained, the Consul of the country to which the ship belongs shall be informed as soon as possible of the circumstances of the case.

ARTICLE 17

Privileges

The privileges of this Convention may not be claimed in favour of any ship unless it holds a valid International Load Line Certificate.

CHAPTER IV.—GENERAL PROVISIONS

ARTICLE 18

Equivalents

Where in this Convention it is provided that a particular fitting, or appliance, or type thereof, shall be fitted or carried in a ship, or that any particular arrangement shall be adopted, any Administration may accept in substitution therefor any other fitting, or appliance, or type thereof, or any other arrangement, provided that such Administration shall have been satisfied that the fitting, or appliance, or type thereof, or the arrangement substituted is in the circumstances at least as effective as that specified in this Convention.

Any Administration which so accepts a new fitting, or appliance, or type thereof, or new arrangement shall communicate the fact to the other Administrations, and, upon request, the particulars thereof.

ARTICLE 19

Laws, Regulations, Reports

The Contracting Governments undertake to communicate to each other—

(1) the text of laws, decrees, regulations and decisions of general application which shall have been promulgated on the various matters within the scope of this Convention;

(2) all available official reports or official summaries of reports in so far as they show the results of the provisions of this Convention, provided always that such reports or summaries are not of a confidential nature.

The Government of the United Kingdom of Great Britain and Northern Ireland is invited to serve as an intermediary for collecting all this information and for bringing it to the knowledge of the other Contracting Governments.

ARTICLE 20

Modifications, Future Conferences

1. Modifications of this Convention which may be deemed useful or necessary improvements may at any time be proposed by any Contracting Government to the Government of the United Kingdom of Great Britain and Northern Ireland, and such proposals shall be communicated by the latter to all the other Contracting Governments, and if any such modifications are accepted by all the Contracting Governments (including Governments which have deposited ratifications or accessions which have not yet become effective) this Convention shall be modified accordingly.

2. Conferences for the purpose of revising this Convention shall be held at such times and places as may be agreed upon by the Contracting Governments.

A Conference for this purpose shall be convoked by the Government of the United Kingdom of Great Britain and Northern Ireland whenever, after this Convention has been in force for five years, one-third of the Contracting Governments express a desire to that effect.

CHAPTER V.—FINAL PROVISIONS

ARTICLE 21

Application to Colonies

1. A Contracting Government may, at the time of signature, ratification, accession or thereafter, by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, declare its desire that this Convention shall apply to all or any of its Colonies, overseas territories, protectorates or territories under suzerainty or mandate, and this Convention shall apply to all the territories named in such notification, two months after the date of the receipt thereof, but, failing such notification, this Convention will not apply to any such territories.

2. A Contracting Government may at any time by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland express its desire that this Convention shall cease to apply to all or any of its colonies, overseas territories, protectorates or territories under suzerainty or mandate to which this Convention shall have, under the provisions of the preceding paragraph, been applicable for a period of not less than five years, and in such case the Convention shall cease to apply twelve months after the date of the receipt of such notification by the Government of the United Kingdom of Great Britain and Northern Ireland to all territories mentioned therein.

3. The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all the other Contracting Governments of the application of this Convention to any Colony, overseas territory, protectorate or territory under suzerainty or mandate under the provisions of paragraph 1 of this Article, and of the cessation of any such application under the provisions of paragraph 2, stating in each case the date from which this Convention has become or will cease to be applicable.

ARTICLE 22

Authentic Texts.—Ratification

This Convention, of which both the English and French texts shall be authentic, shall be ratified.

The instruments of ratification shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which will notify all the other signatory or acceding Governments of all ratifications deposited and the date of their deposit.

ARTICLE 23

Accession

A Government (other than the Government of a territory to which Article 21 applies) on behalf of which this Convention has not been signed, shall be allowed to accede thereto at any time after the Convention has come into force. Accessions shall be effected by means of notifications in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, and shall take effect three months after their receipt.

The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all signatory and acceding Governments of all accessions received and of the date of their receipt.

ARTICLE 24

Date of Coming in Force

This Convention shall come into force on the 1st July, 1932, as between the Governments which have deposited their ratifications by that date, and provided that at least five ratifications have been deposited with the Government of the United Kingdom of Great Britain and Northern Ireland. Should five ratifications not have been deposited by that date, this Convention shall come into force three months after the date on which the fifth ratification is deposited. Ratifications deposited after the date on which this Convention has come into force shall take effect three months after the date of their deposit.

ARTICLE 25

Denunciation

This Convention may be denounced on behalf of any Contracting Government at any time after the expiration of five years from the date on which the Convention comes into force in so far as that Government is concerned. Denunciation shall be effected by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, which will notify all the other contracting Governments of all denunciations received and of the date of their receipt.

A denunciation shall take effect twelve months after the date on which notification thereof is received by the Government of the United Kingdom of Great Britain and Northern Ireland.

In faith whereof, the Plenipotentiaries have signed hereafter.

Done at London this fifth day of July, 1930, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified true copies thereof to all signatory Governments.

[L. S.]	GUSTAV KOENIGS.	CHARLES J. O. SANDERS.
	WALTER LAAS.	
	KARL STURM.	W. R. SPENCE.
	H. P. CAYLEY.	A. SPENCER.
	V. C. DUFFY.	N. G. LELY.
	R. GRIMARD.	G. L. CORBETT.
	A. JOHNSTON.	NOWROJEE DADABHOY ALLBLESS.
	OSCAR BUNSTER.	KAVAS OOKERJEE.
	GUILLERMO PATTERSON.	J. S. PAGE.
	EMIL KROGH.	EMIL KROGH.
	AAGE H. LARSEN.	AAGE H. LARSEN.
	H. P. HAGELBERG.	H. P. HAGELBERG.
	OCTAVIANO M. BARCA.	GIULIO INGIANNI.
	SEAN DULCHAONTIGH.	GIUSEPPE CANTÙ.
	T. J. HEGARTY.	S. NAKAYAMA.
	HERBERT B. WALKER.	S. IWAI.
	DAVID ARNOTT.	A. OZOLS.
	LAURENS PRIOR.	G. LUDERS DE NEGRI.
	HOWARD C. TOWLE.	E. BRYN.
	ALBERT F. PILLSBURY.	J. SCHÖNHEYDER.
	ROBERT F. HAND.	THOMAS M. WILFORD.
	JAS. KENNEDY.	C. HOLDSWORTH.
	H. W. WARLEY.	C. FOCK.
	JOHN G. TAWRESEY.	A. VAN DRIEL.
	E. PALMSTIERNA.	JOH. BRAUTIGAM.
	E. EGGERT.	LANGELER.
	A. H. SAASTAMOINEN.	J. R. WIERDSMA.
	B. BRANDT.	M. D. FAURA.
	JEAN MARIE.	A. POKLEWSKI-KOZIELL.
	A. DE BERLME.	B. BAGNIEWSKI.
	H. F. OLIVER.	THOMAZ RIBEIRO DE MELLO.
	F. W. BATE.	CARLOS THEODORO DA COSTA.
	ALFRED J. DANIEL.	D. BOGOMOLOFF.
	JOHN T. EDWARDS.	S. HORACIO CARÍSIMO.
	ERNEST W. GLOVER.	T. C. GIANNINI.
	NORMAN HILL.	
	C. HIPWOOD.	
	J. FOSTER KING.	
	J. MONTGOMERIE.	

FINAL PROTOCOL

At the moment of signing the International Load Line Convention concluded this day, the under-mentioned Plenipotentiaries have agreed on the following:—

I

Ships engaged solely on voyages on the Great Lakes of North America and ships engaged in other inland waters are to be regarded as outside the scope of the Convention.

II

This Convention is not applied to the existing ships of the United States of America and of France of the lumber schooner type propelled by power, with or without sails, or by sails alone.

III

The Government of the United Kingdom of Great Britain and Northern Ireland shall convoke a Conference of the Contracting Governments of the countries to which tankers belong, upon request of the United States of America, at any time within the five-year period mentioned in Article 20, for the purpose of discussing matters relating to tanker freeboard.

The Contracting Governments will not raise any objection to the provisions contained in this Convention in regard to tanker load line being altered as may be determined at such Conference, provided that the conclusions then reached are communicated forthwith to the Governments signatory to the present Convention and that no objection is received by the Government of the United Kingdom of Great Britain and Northern Ireland within six months of the despatch of such communication.

In Witness whereof the Plenipotentiaries have drawn up this Final Protocol which shall have the same force and the same validity as if the provisions thereof had been inserted in the text of the Convention to which it belongs.

Done at London this fifth day of July, 1930, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified true copies thereof to all signatory Governments.

[L. S.]	GUSTAV KOENIGS.	CHARLES J. O. SANDERS.
	WALTER LAAS.	
	KARL STURM.	W. R. SPENCE.
	H. P. CAYLEY.	A. SPENCER.
	V. C. DUFFY.	N. G. LELY.
	R. GRIMARD.	G. L. CORBETT.
	A. JOHNSTON.	NOWROJEE DADABHOY ALLBLESS.
	OSCAR BUNSTER.	KAVAS OOKERJEE.
	GUILLERMO PATTERSON.	J. S. PAGE.
	EMIL KROGH.	EMIL KROGH.
	AAGE H. LARSEN.	AAGE H. LARSEN.
	H. P. HAGELBERG.	H. P. HAGELBERG.
	OCTAVIANO M. BARCA.	GIULIO INGIANNI.
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	T. J. HEGARTY.	S. NAKAYAMA.
	HERBERT B. WALKER.	S. IWAI.
	DAVID ARNOTT.	A. OZOLS.
	LAURENS PRIOR.	G. LUDERS DE NEGRI.
	HOWARD C. TOWLE.	E. BRYN.
	ALBERT F. PILLSBURY.	J. SCHÖNHEYDER.
	ROBERT F. HAND.	THOMAS M. WILFORD.
	JAS. KENNEDY.	C. HOLDSWORTH.
	H. W. WARLEY.	C. FOCK.
	JOHN G. TAWRESEY.	A. VAN DRIEL.
	E. PALMSTIERNA.	JOH. BRAUTIGAM.
	E. EGGERT.	LANGELER.
	A. H. SAASTAMOINEN.	J. R. WIERDSMA.
	B. BRANDT.	M. D. FAURA.
	JEAN MARIE.	A. POKLEWSKI-KOZIELL.
	A. DE BERLME.	B. BAGNIEWSKI.
	H. F. OLIVER.	THOMAZ RIBERIO DE MELLO.
	F. W. BATE.	CARLOS THEODORO DA COSTA.
	ALFRED J. DANIEL.	D. BOGOMOLOFF.
	JOHN T. EDWARDS.	S. HORACIO CARÍSIMO.
	ERNEST W. GLOVER.	T. C. GIANNINI.
	NORMAN HILL.	
	C. HIPWOOD.	
	J. FOSTER KING.	
	J. MONTGOMERIE.	

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification will be read.

The resolution of ratification was read and agreed to, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive I, Seventy-first Congress, third session, an international load-line convention signed at London on July 5, 1930.

PHILIPPINE SUPREME COURT JUDGES

Mr. BINGHAM. Mr. President, I am informed that the Judiciary Committee have reported to-day three of the six Philippine judges who were nominated by the President some time ago to the Filipino Supreme Court. The three reported are all Filipinos. The three who have not been reported are Americans. Under Philippine law as passed by the Philippine Legislature the majority of the court is composed of Americans. At the present time there are 9 judges, 5 Americans and 4 Filipinos. Under the law passed by the Philippine Legislature during its last session the court was increased from 9 to 15. At one time General Wood opposed the increase in size of the court, I am informed, but the Philippine Legislature felt that it was the best thing to do and it was done by the Philippine Legislature and has been approved by the governor.

It now becomes necessary to appoint six more judges, which the President has done. Under the law it is required that there be eight Americans and seven Filipinos. Should the 3 Filipinos be confirmed who have been reported to-day, the number of Filipinos on the bench would be 7, and the number of Americans would be 5. Obviously, the intent of the law as passed by the legislature is that there should be one more American on the bench than Filipino.

I shall ask that until we may secure nominations of Americans to this bench who are satisfactory to the Senate, the Filipinos be not confirmed in order that the number of Filipinos on the bench be not greater than those of American judges.

The VICE PRESIDENT. The nominations are not on the calendar and the matter is not yet before the Senate.

Mr. BINGHAM. I am merely asking, in case there should be an executive session when I am not present, that some one may object on my behalf in order that they all may be confirmed together; that is, that we make the court in accordance with the law rather than upsetting the balance. In these last days of the session it may not be possible to secure the names of three additional Americans who will be satisfactory to the committee.

Mr. ROBINSON of Arkansas. Mr. President, may I suggest to the Senator that the matter go over and that no definite or final arrangement about it be made until the nominations to which he has referred have been formally placed upon the calendar?

Mr. BINGHAM. I hope that may be done.

The VICE PRESIDENT. Is there objection to that order being entered?

Mr. LA FOLLETTE. Mr. President, in the absence of the chairman of the Committee on the Judiciary [Mr. NORRIS], I would not want any tacit gentleman's agreement to be entered into. If the Senator from Connecticut merely desires to enter a notice that he wants to have certain procedure taken as a matter of courtesy, I have no objection to that notice being entered.

Mr. ROBINSON of Arkansas. It was the effect of my suggestion that no action be taken until after the nominations had been placed on the calendar, and they then would be subject to consideration, of course.

Mr. BINGHAM. I was not asking for any action to be taken. I was merely giving the notice.

The Senate resumed legislative business.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President.

S. 1072. An act for the relief of Gabriel Roth;

S. 2643. An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928;

S. 4750. An act to authorize alterations and repairs to certain naval vessels;

S. 6171. An act to regulate the prescribing and use of waters from the Hot Springs National Park at Hot Springs, Ark., and for other purposes;

H. R. 7. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended;

H. R. 305. An act for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers Cooperative Dairy & Produce Co., a corporation, bankrupt;

H. R. 395. An act for the relief of Alfred Chapleau;

H. R. 687. An act for the relief of John S. Conkright;

H. R. 752. An act for the relief of Wesley B. Johnson;

H. R. 921. An act for the relief of Andrew Kline;

H. R. 922. An act for the relief of William S. Murray;

H. R. 923. An act for the relief of Louis J. Stroud;

H. R. 925. An act for the relief of George Curren;

H. R. 1429. An act for the relief of Thomas Barrett;

H. R. 1610. An act for the relief of Norman Dombris;

H. R. 1891. An act for the relief of Vincent Baranasies;

H. R. 3255. An act for the relief of Sylvester S. Thompson;

H. R. 3256. An act for the relief of David F. Richards, otherwise known as David Richards;

H. R. 3643. An act for the relief of Alfred W. Mayfield;

H. R. 7555. An act for the relief of Andrew Markhus;

H. R. 9245. An act for the relief of Davis, Howe & Co.;

H. R. 9564. An act for the relief of Thomas W. Bath;

H. R. 9674. An act to amend an act to parole United States prisoners, and for other purposes, approved June 25, 1910;

H. R. 10635. An act for the relief of the Robins Dry Dock & Repair Co.;

H. R. 10676. An act to provide for the special delivery and the special handling of mail matter;

H. R. 11015. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

H. R. 14680. An act to authorize the attendance of the Marine Band at the Spanish-American War veterans' convention at New Orleans;

H. R. 15063. An act to authorize the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y.;

H. R. 15258. An act to permit the development of certain valuable mineral resources in certain lands of the United States;

H. R. 15496. An act to authorize the Commissioners of the District of Columbia to transfer to the trustees of Howard University title to certain property in the District of Columbia;

H. R. 15591. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Brainerd, Minn.;

H. R. 15594. An act authorizing the construction of a bridge across the Mahoning River at Edinburg, Lawrence County, Pa.;

H. R. 15767. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 15860. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Fox River east of Serena, in La Salle County, Ill., between sections 20 and 29, township 35 north, range 5 east, third principal meridian;

H. R. 15861. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa;

H. R. 15862. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Emlenton, Venango County, Pa.;

H. R. 15865. An act for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States;

H. R. 15869. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16113. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 16302. An act to authorize an investigation with respect to the construction of a dam or dams across the Owyhee River, or other streams, within or adjacent to the Duck Valley Indian Reservation, Nev., and for other purposes;

H. R. 16471. An act to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.;

H. R. 16561. An act granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts, to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Erving, Mass.;

H. R. 16691. An act permitting the laying of a conduit across E and F Streets SW., in the District of Columbia;

H. J. Res. 153. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926;

H. J. Res. 192. Joint resolution extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico; and

H. J. Res. 250. Joint resolution to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War.

PRODUCTION OF TIMBER IN PORTO RICO

Mr. BINGHAM submitted a concurrent resolution (S. Con. Res. 41), which was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the House of Representatives the enrolled joint resolution (H. J. Res. 192) extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico, for the purpose of permitting the correction of an error in the enrolled joint resolution.

PROHIBITION ENFORCEMENT

Mr. SHEPPARD. Mr. President, I ask unanimous consent to publish in the RECORD a report of the committee on temperance and social service of the General Conference of the Methodist Episcopal Church South, held on May 23, 1930, at Dallas, Tex., on the subject of prohibition.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

REPORT OF COMMITTEE ON TEMPERANCE AND SOCIAL SERVICE AT THE GENERAL CONFERENCE OF THE METHODIST EPISCOPAL CHURCH SOUTH, MAY 23, 1930, AT DALLAS, TEX.

PROHIBITION

Prohibition is no experiment. It is the settled policy of the Republic. It was decreed by the will of the American people, evidenced by the adoption of the eighteenth amendment to the Constitution by the favorable action of 46 of the 48 sovereign Commonwealths in the manner prescribed by the fathers. "This thing was not done in a corner." It came into being, like all notable reforms, through travail and conflict. The temperance societies of the early days, organized by Christian men and women of all creeds, brought sharply to the public attention the evils of the drink habit. Public sentiment was slowly but surely crystallized against the still and the saloon as the enemies of the home and the church. This eventuated in the outlawry of the liquor traffic. The victories were hard won. They came first in the town, then in the county, then the State, and then as a national method of extinction of the manufacture, sale, and transportation of liquor. Step by step came the advance. The eighteenth amendment was ratified in the fullness of time with a celerity and unanimity more marked than in the case of other constitutional changes. Thus it became an integral part of the Constitution of the United States.

The goal was reached only by overcoming many obstacles. At every point in the advance of the reform there was stubborn resistance. Every dry law was contested and the process of the courts was invoked by every possible appeal. None of the court proceedings availed the opponents.

From the day the eighteenth amendment was ratified, the decisions of the United States Supreme Court have been the bulwark against all assaults. The temperance forces rejoiced this month when that high court declared that the prohibition law was enacted to "suppress the entire traffic" and held that "the act should be liberally construed to the end of this suppression."

In the early period of the operation of national prohibition it was respected and generally observed. Nearly all the States adopted enforcement laws to carry out the mandate of "concurrent enforcement." Most people settled down to acceptance. The violations of the law were comparatively few. There was no general disrespect. There were no scandals, no organized propaganda for repeal. It began to look as if this reform, which had been achieved after long struggle, would become acclimated and convert this into a sober Nation.

There later came a time when violations in high places heartened the lawless. Inefficient enforcement encouraged violators. Easy money in making and selling stimulated both. Men who flouted the law were in some instances selected to enforce it. Nullification was invoked. Violation escaped punishment. The powerful did not fear exposure. Then followed organized propaganda made possible by mobilized money to stampede the country into the belief that the law could not be successfully carried out. The program of the organized opposition has been to violate the law themselves and to suggest to others a like course. They urge repeal as better than the widespread contempt for law, for which they are responsible. Their plan is to create a condition of lawlessness and then demand that Government and law abdicate.

To-day there is therefore a serious challenge to prohibition as a principle and a policy. The issue is joined. Shall the outlawed saloon be restored to its former place? It was the clearing house of the forces of unrighteousness. By its patronage of every vice that degrades, the saloon invited destruction. It now asks to come back under an alias. The only alternative to prohibition is the saloon. Those who imagine there is some halfway house, or any other substitute for prohibition, are deceiving themselves. The suggestion of Government manufacture and sale through dispensaries offers no real alternative. The experience with the dispensary in State and city is that it does not decrease the consumption of intoxicants or reduce drunkenness or lessen corruption.

We declare our enlistment for the war against the drink habit. Prohibition came about to end the evil of strong drink. We urge upon all our members personal observance of the law. Total abstinence is the best and only safety. We call upon our preachers and leaders to be constant in season and out of season in the education of the people concerning the injury to the body and to the soul of those who look upon the wine when it is red and to reiterate the biblical truth that at last "it biteth like a serpent and stingeth like an adder." Considerations of health and efficiency, as well as morals, are all on the side of total abstinence. Christian people can not with consistency urge the burden of enforcement on government when they fail to do their duty as to observance of the law.

We firmly set our faces against any recession from the constitutional outlawry of the liquor traffic. We highly resolve to enlist our every power to maintain in full force the eighteenth amendment and all laws of State and Nation for its observance and enforcement. We pledge our sincere support to all officials of the law, from the lowest to the highest, who are vigilantly using their best endeavors to end violations of this and all laws. We will never surrender the advance made for national sobriety. No retreat shall be sounded.

We appeal to the American press, powerful agency in making public sentiment, to consecrate its power to upholding respect for this and all laws, to help strengthen the hands of those to whom enforcement is committed, and to aid in pushing back the tide of law defiance which threatens to sweep away that respect for law which is the life of the Republic.

And we call upon all those who believe in sobriety and who respect the law and the Constitution to buckle on their armor. We have won in all points of law; we propose to fight on in this great cause until this has been made in fact as in law a sober Nation.

We hereby reaffirm the declarations of the general conference of 1918, 1922, and especially of 1926, on the attitude of our church toward prohibition, and we record our approval and indorsement of the leadership and work of our board of temperance and social service to accomplish the purpose of those declarations.

We approve and affirm the following declaration in the episcopal address: "The Methodist Episcopal Church South professes no political creed. It is not and can not be affiliated with any political party. It gladly embraces within its membership men and women of all political parties and of all political creeds. The church, as such, can have no alliance with partisan politics and politicians. And it had no advice to give its membership with reference to their party affiliations. All this is quite beyond the sphere of the church. But the church does stand as the eternal enemy of unrighteousness of every name and every form. And we should let it be everywhere known that whenever any institution or organization becomes the friend and patron of the liquor traffic or encourages the violation of the prohibition amendment, the Methodist Episcopal Church South will be found in the future, as in the past, battling against iniquity and on the side of personal and public righteousness."

To this declaration of our episcopal leaders we would add our clear and definite affirmation of the inalienable right of every member, whether minister or layman, of our church to oppose and vote against any candidate who fails to stand for the principles herein advocated and approved.

We urge our people to select public officials who believe in enforcement "not only because prohibition is the law but because it ought to be the law."

RECESS

Mr. McNARY. I move that the Senate take a recess until 11 o'clock a. m. to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Saturday, February 28, 1931, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 27 (legislative day of February 17), 1931

ALABAMA

John L. Miller to be postmaster at Berry, Ala., in place of J. L. Miller. Incumbent's commission expired January 17, 1931.

George B. Butler to be postmaster at New Hope, Ala. Office became Presidential July 1, 1930.

ARIZONA

John Murray to be postmaster at Snowflake, Ariz., in place of John Murray. Incumbent's commission expired May 12, 1930.

CALIFORNIA

John L. Steward to be postmaster at Monterey, Calif., in place of J. L. Steward. Incumbent's commission expired February 24, 1931.

Meta C. Stofen to be postmaster at Sonoma, Calif., in place of M. C. Stofen. Incumbent's commission expires March 1, 1931.

COLORADO

Robert L. Newton to be postmaster at Arvada, Colo., in place of R. L. Newton. Incumbent's commission expired December 21, 1930.

Jessie L. Thurston to be postmaster at Carbondale, Colo., in place of J. L. Thurston. Incumbent's commission expired January 17, 1931.

Norman Matheson to be postmaster at Matheson, Colo., in place of Norman Matheson. Incumbent's commission expired December 10, 1930.

FLORIDA

Matye E. Mills to be postmaster at Cross City, Fla., in place of M. E. Mills. Incumbent's commission expired February 1, 1931.

Richard T. Bevington to be postmaster at Lake Worth, Fla., in place of R. T. Bevington. Incumbent's commission expired July 2, 1930.

Edward Roberts to be postmaster at Odessa, Fla., in place of Edward Roberts. Incumbent's commission expired December 13, 1930.

Millard C. Sullivan to be postmaster at Pinecastle, Fla., in place of M. C. Sullivan. Incumbent's commission expires March 1, 1931.

GEORGIA

James A. Grant to be postmaster at Alto, Ga., in place of J. A. Grant. Incumbent's commission expired February 24, 1931.

Lucius Hannon to be postmaster at Atco, Ga., in place of Lucius Hannon. Incumbent's commission expired December 20, 1930.

Afley M. Cherry to be postmaster at Donalsonville, Ga., in place of A. M. Cherry. Incumbent's commission expired December 17, 1930.

Frank Summerour to be postmaster at Duluth, Ga., in place of Frank Summerour. Incumbent's commission expired June 28, 1930.

William C. Chambers to be postmaster at Fort Gaines, Ga., in place of W. C. Chambers. Incumbent's commission expired January 18, 1931.

Laurene K. Coleman to be postmaster at Graymont, Ga., in place of L. K. Coleman. Incumbent's commission expired December 20, 1930.

Herschel I. Harris to be postmaster at Hamilton, Ga., in place of H. I. Harris. Incumbent's commission expired December 20, 1930.

Joseph O. Rodgers to be postmaster at Homerville, Ga., in place of W. A. Howell, removed.

Eddie L. D. Horne to be postmaster at Leary, Ga., in place of E. L. D. Horne. Incumbent's commission expired December 20, 1930.

Kate Harris to be postmaster at Leesburg, Ga., in place of Kate Harris. Incumbent's commission expired May 28, 1930.

Kate C. Knox to be postmaster at Lexington, Ga., in place of K. C. Knox. Incumbent's commission expires March 1, 1931.

Allen E. Pettitt to be postmaster at Nelson, Ga., in place of A. E. Pettitt. Incumbent's commission expired July 3, 1930.

Ivey M. Cox to be postmaster at Newton, Ga., in place of I. M. Cox. Incumbent's commission expired June 10, 1930.

Harry E. Cook to be postmaster at Parrott, Ga., in place of Janie Pinkston. Incumbent's commission expired December 14, 1929.

May Mixon to be postmaster at Patterson, Ga. Office became presidential July 1, 1930.

George H. Broome to be postmaster at Pavo, Ga., in place of G. H. Broome. Incumbent's commission expired January 15, 1931.

Annie P. Harper to be postmaster at Stillmore, Ga., in place of A. P. Harper. Incumbent's commission expired April 20, 1930.

Claude M. Proctor to be postmaster at Summit, Ga., in place of C. M. Proctor. Incumbent's commission expired April 20, 1930.

Morine Allgood to be postmaster at Temple, Ga., in place of M. E. Sewell. Incumbent's commission expired June 22, 1930.

Frank H. Moxley to be postmaster at Wadley, Ga., in place of F. H. Moxley. Incumbent's commission expired December 17, 1930.

Rebie I. Corbin to be postmaster at Warrenton, Ga., in place of W. T. Pilcher. Incumbent's commission expired February 27, 1929.

IDAHO

Samuel P. Oldham to be postmaster at Rexburg, Idaho, in place of S. P. Oldham. Incumbent's commission expired January 17, 1931.

ILLINOIS

Percy Gaston to be postmaster at Centralia, Ill., in place of Percy Gaston. Incumbent's commission expired February 23, 1931.

William A. Fay to be postmaster at Jacksonville, Ill., in place of W. A. Fay. Incumbent's commission expires March 3, 1931.

Henry D. Oakland to be postmaster at Maywood, Ill., in place of J. M. Carey. Incumbent's commission expired May 14, 1930.

Rollin M. Meisenbach to be postmaster at Pearl, Ill., in place of R. M. Meisenbach. Incumbent's commission expired December 11, 1930.

Rebecca C. Miller to be postmaster at Smithfield, Ill., in place of R. C. Miller. Incumbent's commission expired December 11, 1930.

INDIANA

Fred Austin to be postmaster at Birdseye, Ind., in place of Fred Austin. Incumbent's commission expired January 28, 1931.

Arthur J. McLaughlin to be postmaster at Cedar Lake, Ind., in place of A. J. McLaughlin. Incumbent's commission expired February 24, 1931.

George O. Davidson to be postmaster at Idaville, Ind., in place of G. O. Davidson. Incumbent's commission expires March 3, 1931.

Newton H. Brown to be postmaster at Star City, Ind., in place of J. B. King, removed.

IOWA

Earl F. McClelland to be postmaster at Corning, Iowa, in place of E. A. Cupp. Incumbent's commission expired March 5, 1930.

Charles A. Clark to be postmaster at Fort Des Moines, Iowa, in place of C. A. Clark. Incumbent's commission expired January 22, 1931.

Milton G. Irwin to be postmaster at Merrill, Iowa, in place of M. G. Irwin. Incumbent's commission expired December 16, 1930.

Silas L. McIntire to be postmaster at Pocahontas, Iowa, in place of S. L. McIntire. Incumbent's commission expired February 16, 1931.

Regina W. Spiegelberg to be postmaster at Rembrandt, Iowa, in place of R. W. Spiegelberg. Incumbent's commission expired December 10, 1930.

KANSAS

Fred C. Ferguson to be postmaster at Attica, Kans., in place of W. E. Johnston, deceased.

Charles I. Zirkle to be postmaster at Garden City, Kans., in place of C. I. Zirkle. Incumbent's commission expired December 20, 1930.

Henry J. Weltmer to be postmaster at Hiawatha, Kans., in place of A. H. Herman. Incumbent's commission expired January 18, 1931.

E. Erwin Townsdin to be postmaster at Hugoton, Kans., in place of E. E. Townsdin. Incumbent's commission expired February 23, 1930.

Durward J. Wilson to be postmaster at Hutchinson, Kans., in place of T. G. Armour. Incumbent's commission expired December 20, 1930.

John J. Groshong to be postmaster at McLouth, Kans., in place of W. S. Bradford. Incumbent's commission expired February 11, 1931.

Ralph H. Gibbs to be postmaster at Oskaloosa, Kans., in place of F. W. Coleman. Incumbent's commission expired January 22, 1931.

Robert E. Martin to be postmaster at Stafford, Kans., in place of F. C. Thompson. Incumbent's commission expired January 28, 1931.

KENTUCKY

Ward H. Metcalfe to be postmaster at Brooksville, Ky., in place of W. H. Metcalfe. Incumbent's commission expired February 11, 1931.

Willie C. West to be postmaster at Crestwood, Ky., in place of W. W. Cox. Incumbent's commission expired December 21, 1930.

Charles A. Bickford to be postmaster at Hellier, Ky., in place of C. A. Bickford. Incumbent's commission expired February 23, 1931.

Arthur G. Powell to be postmaster at Irvine, Ky., in place of A. G. Powell. Incumbent's commission expired March 11, 1930.

Fountain S. Aynes to be postmaster at Pleasureville, Ky., in place of F. S. Aynes. Incumbent's commission expired February 11, 1931.

Lenora B. Bryant to be postmaster at Science Hill, Ky., in place of E. S. Crawford. Incumbent's commission expired February 11, 1931.

MAINE

Edith L. Newcomb to be postmaster at Scarboro, Me. Office made presidential July 1, 1930.

Ida K. Stewart to be postmaster at South Gardiner, Me., in place of I. K. Stewart. Incumbent's commission expired January 5, 1931.

MARYLAND

Earle H. Ault to be postmaster at Accident, Md., in place of E. H. Ault. Incumbent's commission expires March 3, 1931.

George G. Young to be postmaster at Cumberland, Md., in place of E. L. Shaw, deceased.

MICHIGAN

Emma Creevy to be postmaster at Barryton, Mich., in place of A. G. Creevy, deceased.

James W. Cobb to be postmaster at Birmingham, Mich., in place of J. W. Cobb. Incumbent's commission expires February 28, 1931.

Robert Ryan to be postmaster at Bronson, Mich., in place of Robert Ryan. Incumbent's commission expired December 14, 1930.

William E. Oakes to be postmaster at Drayton Plains, Mich. Office became presidential July 1, 1930.

Benjamin A. Faunce to be postmaster at East Lansing, Mich., in place of C. S. Wilcox. Incumbent's commission expired February 16, 1931.

Lloyd R. Doane to be postmaster at Mason, Mich., in place of E. A. Densmore. Incumbent's commission expired January 18, 1931.

Lee J. Campbell to be postmaster at Royal Oak, Mich. Office established March 1, 1931.

MINNESOTA

Thomas R. Ohnstad to be postmaster at Cannon Falls, Minn., in place of T. R. Ohnstad. Incumbent's commission expired February 9, 1931.

Herman Herder to be postmaster at Jordan, Minn., in place of Herman Herder. Incumbent's commission expires March 3, 1931.

Will G. Mack to be postmaster at Plainview, Minn., in place of W. G. Mack. Incumbent's commission expired January 10, 1931.

Werl I. Smith to be postmaster at Proctor, Minn., in place of C. J. Hertzog, resigned.

Axel M. Croonquist to be postmaster at Stillwater, Minn., in place of A. M. Croonquist. Incumbent's commission expired February 9, 1931.

Alfred Anderson to be postmaster at Twin Valley, Minn., in place of Alfred Anderson. Incumbent's commission expired February 9, 1931.

Samuel A. Nystrom to be postmaster at Watertown, Minn., in place of S. A. Nystrom. Incumbent's commission expired February 11, 1931.

Frank H. Wherland to be postmaster at Welcome, Minn., in place of F. H. Wherland. Incumbent's commission expired February 9, 1931.

MISSISSIPPI

Melzar J. Nye to be postmaster at Carrollton, Miss., in place of M. J. Nye. Incumbent's commission expired December 16, 1930.

Nepple R. Lockwood to be postmaster at Crystal Springs, Miss., in place of N. R. Lockwood. Incumbent's commission expired December 16, 1930.

Robert J. E. Barwick to be postmaster at Glen Allan, Miss., in place of R. J. E. Barwick. Incumbent's commission expired February 15, 1930.

Minnie B. Dubuisson to be postmaster at Long Beach, Miss., in place of M. B. Dubuisson. Incumbent's commission expired January 10, 1931.

Sidney M. Jordan to be postmaster at Louisville, Miss., in place of S. M. Jordan. Incumbent's commission expired June 7, 1930.

Nellie E. Hardy to be postmaster at Piney Woods, Miss., in place of N. E. Hardy. Incumbent's commission expired December 16, 1930.

MISSOURI

Bess N. Jones to be postmaster at Ethel, Mo., in place of W. F. Clardy. Incumbent's commission expired December 17, 1930.

MONTANA

Estella K. Smith to be postmaster at Lima, Mont., in place of E. K. Smith. Incumbent's commission expired February 10, 1931.

Sylvia M. McMichael to be postmaster at Paradise, Mont. Office became presidential July 1, 1930.

NEBRASKA

Elza Ury to be postmaster at Chapman, Nebr., in place of Elza Ury. Incumbent's commission expired January 22, 1931.

James Nichols to be postmaster at Madison, Nebr., in place of F. H. Davis. Incumbent's commission expired February 9, 1931.

Charles M. Stell to be postmaster at Scribner, Nebr., in place of C. M. Stell. Incumbent's commission expires March 3, 1931.

Frank E. Crawford to be postmaster at Wymore, Nebr., in place of F. E. Crawford. Incumbent's commission expired February 11, 1931.

NEW HAMPSHIRE

Nellie C. Chaplin to be postmaster at Belmont, N. H., in place of N. C. Chapman. Incumbent's commission expires March 3, 1931.

NEW JERSEY

Mary H. Jeffrey to be postmaster at Deal, N. J., in place of M. H. Jeffrey. Incumbent's commission expired February 16, 1931.

Samuel Munyan to be postmaster at Gibbstown, N. J., in place of Samuel Munyan. Incumbent's commission expired December 16, 1930.

George I. Harvey to be postmaster at Palmyra, N. J., in place of G. I. Harvey. Incumbent's commission expired January 22, 1931.

Remington E. Rose to be postmaster at Rutherford, N. J., in place of Reid Howell. Incumbent's commission expired January 10, 1931.

Charles H. Wilson to be postmaster at Swedesboro, N. J., in place of C. H. Wilson. Incumbent's commission expired December 14, 1930.

NEW YORK

Howard Tuttle to be postmaster at Brewster, N. Y., in place of C. R. Diehl. Incumbent's commission expired January 25, 1930.

Harold G. Haines to be postmaster at Earlton, N. Y. Office became presidential July 1, 1930.

Arthur E. Brundage to be postmaster at Newburgh, N. Y., in place of A. E. Brundage. Incumbent's commission expired December 10, 1930.

Harry A. Pearce to be postmaster at Ocean Beach, N. Y., in place of H. A. Pearce. Incumbent's commission expired December 11, 1930.

Augustus P. Altemeier to be postmaster at Port Jervis, N. Y., in place of A. P. Altemeier. Incumbent's commission expired December 11, 1930.

Harry Pottenburgh to be postmaster at Rhinebeck, N. Y., in place of Harry Pottenburgh. Incumbent's commission expired January 6, 1931.

David R. Dunn to be postmaster at Scarsdale, N. Y., in place of C. P. Varian, removed.

William H. Young to be postmaster at Voorheesville, N. Y., in place of W. H. Young. Incumbent's commission expired January 22, 1931.

NORTH CAROLINA

Benjamin E. Atkins to be postmaster at Apex, N. C., in place of B. E. Atkins. Incumbent's commission expires March 3, 1931.

Jed Shepardson to be postmaster at Belhaven, N. C., in place of J. M. Selby. Incumbent's commission expired May 21, 1930.

Neill S. Green to be postmaster at Dunn, N. C., in place of W. D. Holland. Incumbent's commission expired June 28, 1930.

Pat L. Whitehead to be postmaster at Enfield, N. C., in place of P. L. Whitehead. Incumbent's commission expired December 13, 1930.

Lola A. Carter to be postmaster at Jackson Springs, N. C., in place of L. A. Carter. Incumbent's commission expired December 14, 1930.

Edith E. Holton to be postmaster at Jamestown, N. C., in place of E. E. Holton. Incumbent's commission expires March 1, 1931.

Mary W. Yarborough to be postmaster at Louisburg, N. C., in place of M. W. Yarborough. Incumbent's commission expired March 2, 1930.

Blanche H. Edwards to be postmaster at Newport, N. C., in place of J. L. Edwards, deceased.

Charles R. Bowman to be postmaster at Oak Ridge, N. C. Office became presidential July 1, 1930.

George H. Wright, jr., to be postmaster at Wendell, N. C., in place of G. H. Wright, jr. Incumbent's commission expires March 3, 1931.

Ina L. Jordan to be postmaster at Winton, N. C., in place of L. V. Owen, deceased.

NORTH DAKOTA

Chapin Hayford to be postmaster at Casselton, N. Dak., in place of Chapin Hayford. Incumbent's commission expires March 1, 1931.

Hugh C. Corrigan to be postmaster at Fargo, N. Dak., in place of H. C. Corrigan. Incumbent's commission expired February 14, 1931.

Mabel Dickinson to be postmaster at Fullerton, N. Dak., in place of Mabel Dickinson. Incumbent's commission expired December 16, 1930.

Alfred B. Welch to be postmaster at Mandan, N. Dak., in place of A. B. Welch. Incumbent's commission expires March 3, 1931.

OHIO

Ernest C. Ludwig to be postmaster at Anna, Ohio, in place of E. C. Ludwig. Incumbent's commission expired April 28, 1930.

Roy H. Hannum to be postmaster at Long Bottom, Ohio, in place of E. E. Hayman, removed.

Marcus S. Roush to be postmaster at Rutland, Ohio, in place of Florence Mutchler. Incumbent's commission expired February 6, 1930.

Pearl H. Cheney to be postmaster at South Charleston, Ohio, in place of P. H. Cheney. Incumbent's commission expired February 17, 1931.

OKLAHOMA

Sam H. Wilson to be postmaster at Barnsdall, Okla., in place of Lee Hilton, resigned.

Roy R. Dodd to be postmaster at Fairfax, Okla., in place of G. S. Prentiss. Incumbent's commission expired December 17, 1930.

Louia M. Amick to be postmaster at Jefferson, Okla., in place of L. M. Amick. Incumbent's commission expires March 3, 1931.

Lyle H. Ball to be postmaster at Laverne, Okla., in place of L. H. Ball. Incumbent's commission expires March 3, 1931.

Harry Andrews to be postmaster at Marland, Okla., in place of Harry Andrews. Incumbent's commission expired December 22, 1930.

Elinore Jett to be postmaster at Nash, Okla., in place of Elinore Jett. Incumbent's commission expires March 3, 1931.

OREGON

Harry A. Cool to be postmaster at Drain, Oreg., in place of H. A. Cool. Incumbent's commission expired February 11, 1931.

Nellie G. Reed to be postmaster at Gold Hill, Oreg., in place of N. G. Reed. Incumbent's commission expired February 11, 1931.

PENNSYLVANIA

William S. Behanna to be postmaster at Connellsville, Pa., in place of W. S. Behanna. Incumbent's commission expired February 11, 1931.

Joseph F. Zuck to be postmaster at East Prospect, Pa. Office became presidential July 1, 1930.

Anthony D. Pietranton to be postmaster at Lewis Run, Pa., in place of A. D. Pietranton. Incumbent's commission expired April 1, 1930.

Elmer G. Cornwell to be postmaster at Mansfield, Pa., in place of E. G. Cornwell. Incumbent's commission expired July 2, 1930.

Irvin L. Romig to be postmaster at Mertztown, Pa., in place of I. L. Romig. Incumbent's commission expires March 1, 1931.

John M. Hayes to be postmaster at Montoursville, Pa., in place of J. M. Hayes. Incumbent's commission expired January 26, 1930.

John D. Williams to be postmaster at Shoemakersville, Pa., in place of J. D. Williams. Incumbent's commission expired February 17, 1931.

Allen Very to be postmaster at South Montrose, Pa., in place of G. H. Roberts, removed.

Samuel B. Simonton to be postmaster at Swineford, Pa., in place of S. B. Simonton. Incumbent's commission expired December 17, 1930.

Ezra M. Cooper, jr., to be postmaster at Union City, Pa., in place of S. J. Downs, deceased.

SOUTH CAROLINA

William M. Harris to be postmaster at Barnwell, S. C., in place of W. M. Harris. Incumbent's commission expired January 22, 1931.

Guthrie W. Woodham to be postmaster at Bishopville, S. C., in place of Irene Stuckey, removed.

Caleb F. Pendleton to be postmaster at Cheraw, S. C., in place of J. L. McCown. Incumbent's commission expired July 3, 1930.

Tully A. Sawyer to be postmaster at Chesnee, S. C., in place of T. A. Sawyer. Incumbent's commission expired December 17, 1929.

Allen T. Collins to be postmaster at Conway, S. C., in place of B. T. Frierson, removed.

Henry W. Garrison to be postmaster at Easley, S. C., in place of J. E. Folger, removed.

John W. Doar to be postmaster at Georgetown, S. C., in place of T. J. Karnes. Incumbent's commission expired May 26, 1930.

John B. Harmon, jr., to be postmaster at McCormick, S. C., in place of D. B. Woodward. Removed.

Mary C. McInerny to be postmaster at Moultrieville, S. C., in place of K. L. Buckley. Removed.

SOUTH DAKOTA

Joshua Trumm to be postmaster at Hayti, S. Dak., in place of Joshua Trumm. Incumbent's commission expires March 3, 1931.

James E. McLaughlin to be postmaster at Onida, S. Dak., in place of J. E. McLaughlin. Incumbent's commission expired February 23, 1931.

TENNESSEE

Henry I. Smythe to be postmaster at Bristol, Tenn., in place of J. M. Fain. Incumbent's commission expired March 1, 1930.

Guy V. Jackson to be postmaster at Humboldt, Tenn., in place of M. P. McNeely. Incumbent's commission expired December 13, 1930.

TEXAS

Rebecca White to be postmaster at Carbon, Tex., in place of Rebecca White. Incumbent's commission expired January 6, 1931.

William T. McRee to be postmaster at Gruver, Tex. Office became presidential July 1, 1930.

Arthur B. Rook to be postmaster at Harrold, Tex., in place of A. B. Rook. Incumbent's commission expired July 2, 1930.

William L. Keeler to be postmaster at May, Tex. Office became presidential July 1, 1930.

Isidore Newman to be postmaster at Mexia, Tex., in place of Isidore Newman. Incumbent's commission expired March 15, 1930.

William H. Spratt to be postmaster at Mingus, Tex., in place of T. A. Guthrie, deceased.

John B. Reneau to be postmaster at Munday, Tex., in place of J. B. Reneau. Incumbent's commission expired December 20, 1930.

VERMONT

Herman D. Webster to be postmaster at East Burke, Vt. Office became presidential July 1, 1930.

Jessie E. Dyer to be postmaster at Salisbury, Vt., in place of F. C. Dyer, deceased.

WASHINGTON

William F. Byars to be postmaster at Goldendale, Wash., in place of T. A. Graham. Incumbent's commission expires February 28, 1931.

Orien L. Renn to be postmaster at Touchet, Wash., in place of O. L. Renn. Incumbent's commission expired February 12, 1931.

WEST VIRGINIA

Godfrey B. Beebout to be postmaster at New Cumberland, W. Va., in place of G. B. Beebout. Incumbent's commission expired December 14, 1930.

WISCONSIN

Anton Schiesl to be postmaster at Laona, Wis., in place of Anton Schiesl. Incumbent's commission expired January 29, 1931.

Grace A. Johnson to be postmaster at Merrimack, Wis., in place of G. A. Johnson. Incumbent's commission expired December 21, 1929.

Harry W. Nyenhuis to be postmaster at Oostburg, Wis., in place of Herman Graskamp, resigned.

Fisk W. Carlin to be postmaster at Palmyra, Wis., in place of G. G. Nelson. Incumbent's commission expired December 22, 1930.

Louis J. Bettinger to be postmaster at Plain, Wis., in place of L. J. Bettinger. Incumbent's commission expired February 5, 1931.

Charles F. Ninman to be postmaster at Sauk City, Wis., in place of C. F. Ninman. Incumbent's commission expires March 3, 1931.

LeRoy Winters to be postmaster at Twin Lakes, Wis., in place of LeRoy Winters. Incumbent's commission expired January 18, 1931.

Sam Dewar to be postmaster at Westfield, Wis., in place of Sam Dewar. Incumbent's commission expires March 3, 1931.

WYOMING

Wilson A. Clark to be postmaster at Clearmont, Wyo. Office became presidential July 1, 1930

CONFIRMATIONS

Executive nominations confirmed by the Senate February 27 (legislative day of February 17), 1931

ASSISTANT SECRETARY OF STATE

James Grafton Rogers to be Assistant Secretary of State.

SECRETARY IN THE DIPLOMATIC SERVICE

Sheldon T. Mills to be secretary in the Diplomatic Service.

FOREIGN SERVICE OFFICERS

CLASS 2

Edwin C. Wilson.

CLASS 3

David B. Macgowan.

CLASS 4

Charles J. Pisar.

CLASS 5

Harold S. Tewell.

CLASS 6

Edwin A. Plitt.
Loy W. Henderson.

CLASS 7

Alfred D. Cameron.
Lawrence S. Armstrong.
Paul W. Meyer.

CLASS 8

John B. Ketcham.
Thomas F. Sherman.
George H. Butler.

CONSULS

John B. Ketcham to be consul.
Thomas F. Sherman to be consul.
George H. Butler to be consul.

UNITED STATES DISTRICT JUDGE

Harry A. Hollzer to be United States district judge, southern district of California.

UNITED STATES MARSHAL

Raymond J. Mulligan to be United States marshal, southern district of New York.

COLLECTOR OF CUSTOMS

Edward M. Croisan to be collector of customs, district No. 29, Portland, Oreg.

APPOINTMENT, BY TRANSFER, IN THE ARMY

TO FIELD ARTILLERY

Second Lieut. Frank Neuman Leakey.

PROMOTIONS IN THE ARMY

To be colonel

Lieut. Col. James Aloysius Higgins, Infantry.

To be lieutenant colonel

Maj. Abbott Boone, Field Artillery.

To be majors

Capt. John Henry Nankivell, Infantry.
Capt. Charles Samuel Moyer, Chemical Warfare Service.

To be captains

First Lieut. Eugene Lowry Eubank, Air Corps.
First Lieut. Floyd Lavinius Parks, Infantry.
First Lieut. Lawrence Augustus Lawson, Air Corps.

To be first lieutenants

Second Lieut. Raymond Kimball Quekemeyer, Field Artillery.
Second Lieut. William Everton Pheris, jr., Infantry.
Second Lieut. Alexander Andrew Dobak, Infantry.
Second Lieut. John Howard Bennett, Infantry.

MEDICAL CORPS

To be lieutenant colonels

Maj. James Franklin Johnston.
Maj. Samuel Smith Creighton.
Maj. Henry Clay Michie, jr.

POSTMASTERS

CALIFORNIA

Bertram C. McMurray, Lancaster.
Gertrude B. Leavens, Roscoe.

FLORIDA

Isabelle H. Boyd, Clermont.
Thomas W. Lundy, Perry.

GEORGIA

Mary P. Hughes, Alapaha.
William F. Boone, Baxley.
Joel F. Fountain, Ray City.

MARYLAND

Howard E. Dixon, Brunswick.
Roscoe C. McNutt, Fallston.
Richard B. Woodrum, Fort Howard.
James W. Friend, Friendsville.
George B. Gardner, Jessups.
John S. Dean, North East.

MASSACHUSETTS

Joseph V. Curran, Attleboro.
Walter C. Wright, Graniteville.
Nathaniel P. Coleman, Hyannis.
Elizabeth B. Flint, North Attleboro.
Howard M. Douglas, Plymouth.
Martin H. Hickey, Shrewsbury.
Josephine E. Dempsey, South Ashburnham.

MINNESOTA

Gertrude S. Dyson, Becker.
Adolph Johnson, Clarks Grove.
Kenneth S. Keller, Kasson.
Edwin W. Bergman, McGrath.
Herman E. Kent, Sanborn.
Arnold J. Bauer, Wabasso.

MONTANA

George R. Moshier, Baker.
Claude C. Mills, Big Sandy.
Robert A. Bray, Bigtimber.
Prince A. Mowbray, Brady.
Melvin W. Markuson, Dooley.
John W. Calfee, Frazer.
John O. Dahl, Froid.
Alva M. Mullikin, Hingham.
Roy W. Broman, Ismay.
Harvey St. J. Cannon, Kalispell.
Joseph Brooks, Livingston.
Fred N. Weed, Terry.
Samuel P. Eagle, West Yellowstone.
Stephen E. Sande, Winifred.

NEW JERSEY

Lemuel H. Greenwood, Elmer.
Charles Roeltgen, Rochelle Park.
Harold P. Humphrey, Washington.

NEW MEXICO

Cassius G. Mason, Hagerman.
John N. Norviel, Hatch.

PENNSYLVANIA

Edison A. Brown, Dover.
Amy L. Smith, Wrightsville.

WASHINGTON

Robert L. Wright, Omak.

WISCONSIN

Ambrose M. Steinwand, Colby.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 27, 1931

The House met at 11 a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Awaken in us, our Heavenly Father, a deep sense of Thy mercies, which, unasked, fall upon us each day. We trust that we are truly grateful for that gentle One whose soft touch once fell upon the foreheads of little children and opened wide His arms to shelter the world of men. May He steal silently into our hearts, rebuking our tendencies and giving our tongues a ministry of wisdom and inspiration. We pray that our sons and daughters may be preserved from the luxury that shrivels and from the pride that strives. Lead them, our Father, to realize that strength and knowledge are never so sublime as when they stoop to weakness and ignorance. Do Thou impress them that honest toil lends a certain satisfaction which wealth can not increase nor poverty take away. O come and remain with us that we may know that there is nothing so grand as forgiveness and that which is best in life is cheapest. In our Saviour's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 7. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended;

H. R. 305. An act for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers Cooperative Dairy & Produce Co., a corporation, bankrupt;

H. R. 395. An act for the relief of Alfred Chapleau;
H. R. 687. An act for the relief of John S. Conkright;
H. R. 752. An act for the relief of Wesley B. Johnson;
H. R. 921. An act for the relief of Andrew Kline;
H. R. 922. An act for the relief of William S. Murray;
H. R. 923. An act for the relief of Louis J. Stroud;
H. R. 925. An act for the relief of George Curren;
H. R. 1429. An act for the relief of Thomas Barrett;
H. R. 1610. An act for the relief of Norman Dombris;
H. R. 1891. An act for the relief of Vincent Baranasies;
H. R. 3255. An act for the relief of Sylvester S. Thompson;
H. R. 3256. An act for the relief of David F. Richards, otherwise known as David Richards;

February 28, 1931.

ern district of New York.

John W. Carter, Frazer.

H. R. 3643. An act for the relief of Alfred W. Mayfield;
H. R. 7555. An act for the relief of Andrew Markhus;
H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;
H. R. 9245. An act for the relief of Davis, Howe & Co.;
H. R. 9564. An act for the relief of Thomas W. Bath;
H. R. 9674. An act to amend an act to parole United States prisoners, and for other purposes, approved June 25, 1910;
H. R. 10635. An act for the relief of the Robins Dry Dock & Repair Co.;
H. R. 10676. An act to provide for the special delivery and the special handling of mail matter;
H. R. 11015. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;
H. R. 14680. An act to authorize the attendance of the Marine Band at the Spanish-American War veterans' convention at New Orleans;
H. R. 15063. An act authorizing the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y.;
H. R. 15258. An act to permit the development of certain valuable mineral resources in certain lands of the United States;
H. R. 15496. An act to authorize the Commissioners of the District of Columbia to transfer to the trustees of Howard University title to certain property in the District of Columbia;
H. R. 15591. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River, at or near Brainerd, Minn.;
H. R. 15594. An act authorizing the construction of a bridge across the Mahoning River at Edinburg, Lawrence County, Pa.;
H. R. 15767. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;
H. R. 15860. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Fox River east of Serena in La Salle County, Ill., between sections 20 and 29, township 35 north, range 5 east, third principal meridian;
H. R. 15861. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa;
H. R. 15862. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Emlenton, Venango County, Pa.;
H. R. 15865. An act for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States;
H. R. 15869. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;
H. R. 16113. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn.;
H. R. 16302. An act to authorize an investigation with respect to the construction of a dam or dams across the Owyhee River or other streams within or adjacent to the Duck Valley Indian Reservation, Nev., and for other purposes;
H. R. 16471. An act to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.;
H. R. 16561. An act granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Erving, Mass.;
H. R. 16691. An act permitting the laying of a conduit across E and F Streets SW., in the District of Columbia;
H. J. Res. 153. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926;
H. J. Res. 192. Joint resolution extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico; and
H. J. Res. 250. Joint resolution to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 2047. An act for the relief of R. P. Biddle;
H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;
H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;
H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;
H. R. 10672. An act to amend the naturalization laws in respect of posting of notices of petitions for citizenship;
H. R. 11368. An act to fix the annual compensation of the Secretary and the Governor of the Territory of Alaska;
H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements or sold to other persons, or for other purposes;
H. R. 17163. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes; and
H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms.

The message also announced that the Senate had passed bills and resolutions of the following titles, in which the concurrence of the House is requested:

S. 314. An act relating to the payment of advance wages and allotments in respect of seamen on foreign vessels, and making further provision for carrying out the purposes of the seamen's act, approved March 4, 1915;
S. 1444. An act for the conservation of rainfall in the United States;
S. 2034. An act for the relief of Weymouth Kirkland and Robert N. Golding;
S. 2108. An act for the relief of Don C. Fees;
S. 3032. An act for the relief of Commander Francis James Cleary, United States Navy;
S. 3467. An act authorizing the construction of a drainage channel in the closed basin of the San Luis Valley in Colorado, authorizing investigation of reservoir sites, and for other purposes;
S. 3565. An act for the relief of certain purchasers of lots in Harding Townsite, Fla.;

S. 4260. An act for the relief of the American-La France & Foamite Corporation of New York;
S. 4334. An act for the relief of G. Elias & Bro. (Inc.);
S. 4908. An act for the relief of certain officers of the Dental Corps of the United States Navy;
S. 5172. An act for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River;
S. 5524. An act to coordinate the agricultural experiment station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;
S. 5545. An act to amend an act approved February 24, 1925, entitled "An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, and for other purposes";
S. 5546. An act to amend section 2 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va. and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes;
S. 5614. An act to provide for the establishment of a construction service in the Bureau of the Census of the Department of Commerce;
S. 5761. An act to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders of the line of the Navy," as amended by the act of March 4, 1929;
S. 5779. An act for the relief of Captain Jacob M. Pearce, United States Marine Corps;
S. 5833. An act to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928 (U. S. C., Supp. III, title 7, secs. 343a, 343b);
S. 5867. An act to amend chapter 15 of the Code of Law for the District of Columbia;
S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;
S. 6097. An act for the construction and equipment of a hospital on Crow Indian Reservation;
S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;
S. 6099. An act authorizing the Secretary of the Interior to change the classification of Crow Indians;
S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;
S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;
S. 6140. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa;
S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington;
S. 6153. An act authorizing the construction of a bridge across the Mahoning River near New Castle, Lawrence County, Pa.;
S. 6155. An act authorizing the acceptance by the Administrator of Veterans' Affairs of certain lands in Biloxi, Miss., as a site for a branch home of the National Home for Disabled Volunteer Soldiers;
S. 6159. An act for the relief of Joseph E. Myers;
S. 6160. An act to remove certain restrictions on the expenditure of funds on the distribution system, Pilot Butte division, Riverton reclamation project, Wyoming;
S. 6161. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;
S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;
S. 6173. An act authorizing an appropriation to defray the expenses of participation by the United States Government in the second polar year program, August 1, 1932, to August 31, 1933;
S. 6179. An act to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo.;
S. 6180. An act to legalize a bridge across the St. Francis River 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;
S. 6181. An act to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.;
S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;
S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;
S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;
S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;
S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;
S. 6190. An act authorizing the State of West Virginia, by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State;
S. 6202. An act to provide for conveyance of a certain strip of land on Fenwick Island, Sussex County, State of Delaware, for roadway purposes;
S. 6204. An act prescribing regulations for carrying on the business of lighter service from any of the ports of the United States to stationary ships or barges located offshore, and for the purposes of promoting the safety of navigation;
S. 6206. An act to provide for conveyance of a portion of the Liston Range Rear Lighthouse Reservation, New Castle County, State of Delaware, for highway purposes;
S. 6218. An act granting permission to Harold I. June to transfer to the Fleet Reserve of the United States Navy;
S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;
S. 6225. An act granting an increase of pension to Jessie R. Greene;
S. 6233. An act for the relief of Grover Cleveland Ballard;
S. J. Res. 194. Joint resolution authorizing and directing the Comptroller General of the United States to reopen, adjust, and settle the accounts of the city of Baltimore for advances made by the city in 1863 for the construction of works of defense, and for other purposes;
S. J. Res. 244. Joint resolution to extend the statute of limitations, and for other purposes;

S. J. Res. 253. Joint resolution to authorize an appropriation for the expenses of the sixteenth session of the International Geological Congress, to be held in the United States in 1932; and

S. Con. Res. 39. Concurrent resolution providing for the printing of a manuscript entitled "Washington, the National Capital."

SECOND DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speakers table House bill 17163, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object for the purpose of asking the chairman a question. Is this the bill which contains the extra $2,750,000 for the Mount Vernon Road?

Mr. WOOD. It is.

Mr. SNELL. Will the gentleman give the House a chance to vote on that proposition? I am not going to ask the gentleman that question direct, but I wish it could be considered by the House. If I understand the situation correctly, as it was discussed in another body, that road is going to cost $462,000 a mile. I can not understand or conceive how any road could cost that amount of money, even if it is Government money. I wish the gentleman would bring the proposition back to the House and allow the House to express itself upon that proposition.

Mr. GARNER. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. GARNER. I would like to ask the gentleman from New York whether he has examined the other amendments that have been placed on this bill by the Senate? From a casual glance at the RECORD this morning, including the action of the Senate the day before, it would appear that the other body has lost all sense of propriety in the matter of appropriations. The mere matter of $2,000,000 does not amount to much, but $100,000,000 does. I want to suggest to the gentleman from Indiana—and I know this will meet with the sympathy of the gentleman from Tennessee [Mr. BYRNS] and the other gentlemen dealing with this question—that there ought to be some way to impress upon the Members of the other body, or at least upon the conferees, that there is a limit somewhere about this matter of appropriations. [Applause.]

Mr. WOOD. I will say to the gentleman that I am in hearty sympathy with what he has said. I do not know whether or not we can convince them that there is a limit. I will say to the gentleman from New York that the item with reference to the construction of this boulevard will be brought back. There is no authorization, so far as the House is concerned, for that appropriation. It has not passed the House.

Mr. TILSON. Then it has to be brought back.

Mr. SIMMONS. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. SIMMONS. The gentleman from New York has stated what this highway is going to cost per mile. I think I can visualize the cost of this highway to the House if I say this: That if you will take silver dollars and place them side by side and run that silver dollar line 15.36 miles from here to Mount Vernon, you will have the cost of the highway. It actually figures $7.44 per running inch. That will be the cost to the United States. Were it not for the fact that this highway is named after George Washington it would be a major scandal, in my opinion. Here are some silver dollars. There are seven of them. Take them that way [indicating] and lay them 15.36 miles from Washington to Mount Vernon and you have the cost of the highway under the proposal we are asked to approve in this second deficiency bill. I think that visualizes it pretty well.

Mr. TREADWAY. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. TREADWAY. Is it not a fact, as the chairman has brought out, that, so far as the Mount Vernon roadway is concerned, it has not as yet been authorized? As I understand it, the bill carrying $2,700,000 passed the other body but it has never come before this body, because I have been waiting for a chance to knock it. While the expense is tremendous and we ought to go slowly in agreeing to this additional cost of $2,700,000, my principal objection is that that wonderful boulevard is going to run to a private turnstile where you have got to pay admission to a private corporation in order to get into the George Washington shrine. [Applause.] That is the limit.

Mr. BYRNS. Mr. Speaker, reserving the right to object, I want to agree with what these gentlemen have said with reference to the tremendous cost of this highway. I can not believe there is any excuse for building a highway, whether it be in the name of George Washington or anyone else, which will cost $462,000 a mile. Certainly that was never contemplated by the Congress. Even this appropriation, which provides for $2,700,000, does not require completion within that amount. It simply provides for an additional sum. But there is this thing, of course, to be considered: Congress has appropriated $4,500,000. I do not know anything about the facts, nor has the committee had any opportunity to make an inquiry about them, but if it appears that the $4,500,000, as the papers have stated, has already been expended, then we may be in a situation whereby we must appropriate something to complete this roadway. I say that without intending for one moment to disagree with the gentleman from New York, the gentleman from Nebraska, or the gentleman from Massachusetts with reference to the outrageous cost of that highway.

Mr. SNELL. If the gentleman will permit, perhaps, it would be better for Congress to stop the work now and find out how much it is going to cost to finish this project before we go any farther.

Mr. BYRNS. I will say this to the gentleman: If I am one of the conferees, and I assume I will be, so far as I am personally concerned I want some additional facts to show where this money has gone and how any future appropriation is to be expended, and how much it is going to take to complete the highway, before I shall ever attach my name to a conference report.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. LINTHICUM. Does the gentleman realize that the Congress decided finally to build this road along the river front and part of the roadway which was built sunk and has to be built up again?

Mr. BYRNS. I have heard that statement made, and I think that is one of the mistakes that was made. It ought to have been a ridge road instead of a river road, as provided by those in authority.

Mr. LINTHICUM. And following the route they selected required the building of several addition bridges.

Mr. O'CONNOR of Oklahoma. If the gentleman will yield, I was very much impressed by the statement of the gentleman from Nebraska [Mr. SIMMONS], as to paving this highway with silver. I wonder if it has been called to the committee's attention how many gold miners are out of work. We could pave it with gold at sixteen times as much expense, and in this rivalry between the two bodies as to who can appropriate the most Government money and place the biggest burden on the taxpayers of the country, why would it not be the smart thing to beat the Senate to this and pave the highway with gold and show the world that we can outdo them? Is there any information here on the relative cost?

Mr. SNELL. It would be 16 to 1.

Mr. SLOAN. Oil would, perhaps, help it out a little.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. BYRNS, and Mr. BUCHANAN.

ADJUSTED-COMPENSATION CERTIFICATES

Mr. SELVIG. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on pending veterans' legislation.

The SPEAKER. Without objection, it is so ordered.

Mr. SELVIG. Mr. Speaker, the controversy that has arisen in regard to the so-called bonus bill, which liberalizes the borrowing power of the adjusted-compensation certificates, has the more firmly fixed the conviction that the bill which passed both the House of Representatives and the Senate is only a makeshift. This bill does not pay $1 in adjusted compensation to the 3,500,000 veterans who hold these certificates. It liberalizes the borrowing power, it is true, and that will be of benefit to a limited class, but it does not do what, in my opinion, the great majority of the veterans themselves requested.

I am in favor of paying these certificates in cash under plans of financing that could be worked out without great or insurmountable difficulties. The bill, as passed, and which we accepted during the closing days of this short session of Congress, is the best compromise offered. Failure to have voted out some kind of a bill near the close of the session would have jeopardized any veterans' relief bill, so the Ways and Means Committee agreed to this loaning proposal though it is reliably reported that a number on the committee did not join in the report.

So much has been said and written about this bill that I felt it incumbent upon myself to secure the basic facts in regard to it. These facts, as set forth, are included in the testimony presented to both the House and Senate committees and in the debates which subsequently took place. To the many inquiries which I have received from my constituents this statement will provide facts that will assist in arriving at a correct conclusion in regard to the bill.

There are many who have become gravely alarmed over the bugaboo which has been created in regard to alleged difficulties in Treasury financing. The opponents of this measure have sought by every means at their command to becloud the issue and to create impressions that are not justified by the facts. Careful students agree that the bill would necessitate no additional Treasury financing.

Do these people know that Senator SMOOT said on the floor of the Senate:

> I thought it was understood that there would be no financing at all necessary, but that the amount of money to the credit of all of the veterans, if the securities held in the Treasury of the United States to meet the certificates were disposed of at the present time, would be sufficient to pay whatever the legislation passed on Thursday would require. There is no doubt about that at all.

I am firmly convinced that the people of our country want to do justice to the boys who bore arms during the World War, and that if even this compromise bill requires the imposition of increased surtaxes on personal incomes there should be no hesitancy in amending the revenue act of 1926 to accomplish that purpose. However, there is no new tax whatever involved in this loan plan.

What are the actual facts in regard to the veterans' loan bill?

First. A total of 3,500,000 adjusted-compensation certificates were issued, with a maturity value of $3,500,000,000, the average certificate being $1,000.

Second. The total loan value on the certificates to date is $730,000,000.

Third. Total loans on the certificates to date are $325,000,000, leaving $405,000,000 in unused loan privileges.

Fourth. To date 48 per cent of certificate holders have used 43 per cent of existing loan privileges.

Fifth. The veterans' loan bill increases from 22 per cent to 50 per cent the amount that may be borrowed on the face value of certificates, adding a grand maximum of approximately $1,000,000,000 to loan privileges. But if the same percentage of loans persists under the bill as under the present law it has been calculated that it will add only about $430,000,000 to outstanding loans.

Sixth. The $430,000,000, therefore, is the additional financing required by the bill. In other words, it is a little more than the Treasury already is obligated to make all veterans.

Seventh. The Treasury has deposited $750,000,000 in certificates of indebtedness to the maturity fund and can cover the $430,000,000 by these certificates leaving $326,000,000 over in the fund. According to a recent statement an additional $112,000,000 may be provided by advancing this amount to the maturity fund at the present time instead of waiting until July 1, 1931, when this annual increment would be added.

Eighth. To finance the $430,000,000 additional loans the Treasury must redeem for cash certificates of indebtedness in the fund. In the next 12 months the Treasury will have $403,000,000 to reduce the public debt and under the law it can retire the certificates up to this amount.

Ninth. Even if total loans exceed expectations, the handling will only, in the opinion of close students of this financing problem, be a credit operation and does not involve any additional tax burden at any point in the calculation.

Tenth. If the insurance were a regular one, payment 20-pay life policy, the loan value to-day would be 53 per cent instead of 50 per cent, as proposed. Even on the basis of the present terms of the compensation certificates the loan value would reach the same 50 per cent in 1937. The only thing, therefore, that is proposed is to move the loan privileges ahead by six years.

It would necessarily follow that a veteran securing this aid now will have no loan privileges at all during this future period at least. Interest, compounded annually, if not paid, would defer any further aid and in many instances would consume the remainder of his equity.

Eleventh. In the financial page of the New York Herald Tribune, of the issue of last Saturday morning, appeared the following:

> Preliminary announcement of a new United States Treasury offering of securities was sent yesterday by the Federal Reserve Bank of New York to member banks, State banks, trust companies, and other institutions in this district. Details of the issue are to be disclosed March 2, and it is assumed by bankers that it relates to the extensive refunding operation on March 15, when $1,109,000,000 of called 3½ per cent notes are payable.
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> . . . . . .
>
> Bankers are of the opinion that the Treasury will offer approximately $500,000,000 in 3¼ or 3⅜ per cent bonds with a maturity of 12 or 15 years. In addition, a large issue of certificates of indebtedness with maturities of six months to a year appears inevitable. Such certificates could be marketed, it is held, with coupons of 1½ to 2 per cent. It is possible that the Treasury will also utilize the discount-bill method of financing in connection with the refunding operations.

I call your attention particularly to this sentence:

> In calling the $1,109,000,000 of 3½ per cent notes for payment next month the Treasury anticipated the maturity by about a year.

That there is no financial difficulty facing the Treasury is evident from this statement, which states further:

> Owing to the great ease in the money market and the lack of other maturities on March 15, it appears certain that a twofold benefit will accrue to the Treasury from the refunding operation. There will be, firstly, a very substantial saving in interest charges since the refunding bonds will bear interest at a slightly lower rate than the notes, while the certificates of indebtedness will be at a far lower figure. The Treasury, secondly, will reduce by the amount of the long-term issue its problem of meeting the heavy maturities of issues due in the next two weeks.

This bill authorizes the Veterans' Bureau to advance loans on the adjusted certificates we gave the veterans in 1924 to an extent of 50 per cent on their face value and at an interest rate of 4½ per cent per annum. The certificates were originally issued on the basis of $1 a day pay during service in the World War for soldiers who remained in this country and $1.25 per day to those who were overseas. A limit of 500 days was placed on the basic pay. This amount was made payable in 1945, with compound interest at 4 per cent, and life insurance during that period based on the length of service with extreme amounts due any soldier in

1945 of less than $1,500 and an average certificate around $1,000.

It does not provide what every Legion post that advised me of its wishes wanted done. Scores of these men stated they wanted a cash payment; that they needed it; that they would use it in a constructive and beneficial manner best adapted to their own individual needs. They are correct in claiming that it is a direct obligation to them by the Government and that plans should be made to meet this obligation.

To them and to me the solution of this problem has not yet been attained. Because of this fact it will become a major item in the unfinished business of this Congress which must at this late date go over to the next session.

Many Members of Congress back in 1924 fought for the payment of the adjusted-compensation certificates in cash. It is recalled that a compromise was adopted at that time. The final solution has not been reached. The issue still exists. It will have to be met. This country is too rich and powerful to deny to these men what in right and justice ought to be granted to them.

Leaving aside for the moment any further comment in regard to the cash-redemption issue, because by action of the House and Senate the loan bill was adopted, I am of the opinion that the bill which was passed will be helpful not only to many veterans who are in need but in bringing about the resumption of the business prosperity of our country. This money will be placed by them into circulation and enter into business and industrial channels in every community of our land.

I am following my sincere conviction in supporting this bill, and believe it will be approved by all thinking men and women who will take the time to inquire fully into the matter. I do regret, however, that it was impossible to bring about the full cash payment of these adjusted-service certificates. The task for the future is to see that the full amount is paid to the soldier in cash which it should have been, when the adjustment was made in 1924.

A word here regarding the veterans' hospitalization bill. All the members of our delegation earnestly supported the hospitalization program presented at the meeting of the Legion groups last November which was attended by members of the delegation. Increased hospital beds are urgently needed at Fort Snelling and at St. Cloud. I voted for the increased funds which would be required to provide increased hospital facilities throughout the Nation, and hope the Senate amendments will ultimately be adopted by the House before adjournment so that we can be certain of the inclusion of both our projects instead of the St. Cloud hospital alone. General Hines is in full possession of the facts, and we confidently believe that from this fund the necessary allocations will be made for the additional beds urgently needed at both the institutions in our State.

The Swick bill providing pensions for widows and dependent children of World War veterans is another subject near to my heart. It should be passed at this session of Congress. There are many of these widows in my district who are absolutely dependent. They need this assistance and it should be granted now.

The record of our country in caring for the sick and disabled veterans of all wars challenges the admiration of the world. I am proud of the record already made and want to see the program go forward. Our people desire that the Government deal justly with our soldiers and their dependents. I am certain that the people of the United States intend that this be done. It is to their praise and glory that the hearts of our citizens go out to those who served their country in the time of stress and to the many thousands of our soldiers and sailors who gave their last full measure of devotion to our beloved country.

MIGRATORY-BIRD AND WILD-LIFE REFUGE ON THE ILLINOIS RIVER

Mr. CHIPERFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD concerning a game-migratory-fowl refuge on the Illinois River and to include therein a letter from my colleague the gentleman from Illinois [Mr. WILLIAM E. HULL], and to also include an extract from the report of the Conservation Committee and the bill (H. R. 13070).

The SPEAKER. Without objection, it is so ordered.

Mr. CHIPERFIELD. Mr. Speaker, the proper conservation of the fast disappearing wild bird and animal life and its adequate protection is well worthy the attention of Congress. Migratory wild birds and fowls are peculiarly the victims of those so-called sportsmen whose only interest in them apparently is to improperly destroy them. The natural resting and breeding places of such wild fowl along our rivers and lakes have been invaded wantonly and ruthlessly by such unsportsmanlike and greedy hunters, and the consequent extermination of such birds has been carried on in a manner that is distressing to those who would see them properly protected, preserved, and perpetuated. The feeding and resting places that I have mentioned are baited with corn, wheat, and other feed attractive to these birds, and when the flight so attracted settle there by thousands the ruthless slaughter begins.

The emergency conservation committee describe this practice in the following language:

> We are approaching a condition where ducks and geese in general can be brought back only as the wood duck has been restored in the United States and the elder duck in Canada—by many years of complete protection. There is no chance, however, of such action being taken until conditions force it. Hindsight always rules conservation.
>
> What, then, is the irreducible minimum of reform that might avert the need of complete closure? It is this:
>
> ABOLISH SHOOTING OVER BAITED WATERS
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> • • • • • • • •
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> This proposal is profanation and sacrilege. It assaults the holy of holies of the wealthy club shooter. It will be met by a thousand twisting, squirming arguments, • • •.
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> • • • • • • • •
>
> 1. BAITING MEANS EXTERMINATION
>
> Shooting over baited waters is a development of the last 15 years. It is a result of bird scarcity and a cause of greater scarcity. It will be defended to the last ditch by wealthy shooters whose influence is paramount in the official realm of Federal bird protection, and whose unspoken motto is: "To hell with the future. The birds are going, and we'll get ours."
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> • • • In public, in congressional hearings, and in talks by "conservative conservationists" who play the game of duck-shooting clubs, baiting is not called "baiting." It is called "feeding the ducks." • • • The whole thing is pictured as a philanthropic undertaking by which kind-hearted men keep migratory wild fowl from starving on their way south, in return for which charity they bring down a few birds as they pass along.
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> In isolated cases this is true. There are clubs and private hunting preserves in which the owners have become so intimate with the wild fowl, tamed by feeding, that shooting has been much reduced or even abandoned. The birds are fed not because they need the food but for the pleasure of having them about, and to give them a refuge from near-by slaughtering ponds. Such feeding is not "baiting" as commonly practiced. Typical baiting is feeding for the sake of killing the bag limit.
>
> AND THEY CALL THIS SPORT
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> Ducks are quickly tamed, even after being fired upon. Wild mallards, driven by gunfire from the baited marshes of the Sacramento River, alight nervous and fearful on Lake Merritt, in the business section of Oakland, Calif., and in four days' time are taking food from the fingers of children. This quick response to feeding is what makes baiting so deadly and destructive. This is what makes so-called "rest days" a hypocritical pretense. Rest days give the ducks a chance to forget the guns and come back to the bait.
>
> "Baiting the water" consists of sprinkling corn thickly over a small pond, within reach of gunfire from several angles. The wild ducks, called by the quacking of live decoys, congregate on this corn. When the sportsmen are ready to start the day's "hunt," they send hired men to chase off the ducks. The sportsmen then take their day's exercise by walking from the clubhouse to a boat. They are rowed to the blinds and comfortably await the return of the "wild" ducks.
>
> A flight of ducks driven from feeding grounds always returns two or three or half a dozen at a time. This allows a flock of hundreds to be slaughtered in driblets. A pigeon released from a trap has some chance to escape, for his flight is wavering and he is going away from the gun. A duck coming to feed on corn, toward the guns, hasn't a chance in the world. If one misses, another gets him. If it is a club where bag limits are observed, or a commercial duck-shooting club, there is a steady shift of gunners in the blinds. If not, they just keep on shooting.
>
> WHY THIS MEANS EXTERMINATION
>
> Under natural conditions as game gets scarcer it grows warier and is harder to locate. This tends to perpetuate it, even in the face of odds. But "baiting" creates an artificial condition. The wealthy sportsman does not hunt. He betrays. The bird is deceived by food and by the quacking of live decoys. The wild goose, whose wariness gave rise to the expression "a wild goose chase," can be slaughtered at 10 yards range, from pit or sunken barrel, when bait and live decoys are used. The diminishing remnants of ducks and geese come into baited fields as readily as the great flocks of yesterday. The proportion of hunters to birds rises; fewer birds, more guns.
>
> And as birds get scarcer, baiting spreads. Ten years ago it was confined to isolated patches on the Atlantic and Gulf coasts, and to such great concentration areas as the Sacramento and San Joaquin marshes. To-day it is everywhere on the coasts. It flourishes with deadly effect on the Illinois River and is spreading up and down the Mississippi. In California artificial ponds are dug in the desert sand, irrigation water is turned in, the surface is baited, and the hungry, thirsty, flight-weary birds are butchered by a steadily changing procession of "sportsmen." Each man gets the limit when conditions are good, because ducks will respond to bait even when at the brink of extermination.
>
> Baiting is now used in the Middle Atlantic and Middle Western States to keep ducks from migrating southward. By skillful handling, driving the big flocks away and never "burning them out" by firing on more than can be killed at one time, they can be induced to return again and again to the baited fields until every duck is dead.
>
> And the public is told that this is good for the ducks!
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> It is of no avail to appeal to the sense of the sportsmanship or fair play of these greedy hunters, for there are many of them who possess no such quality. The continuation of this practice means the extermination of the migratory ducks and wild geese of the country, many species of which are now almost extinct and those that are left will in time become as scarce as the swans which are now practically nonexistent upon our rivers and lakes.
>
> Adjacent to the Illinois River and its tributaries there is and has been a marvelous flora and a fauna that is indigenous to these streams. In a state of nature it was a place of remarkable beauty and harbored and protected much wild life that was of great interest to every nature lover.
>
> It has been sadly marred by the despoiling hand of man who, for selfish purposes, has been willing to virtually annihilate a beautiful spot of nature. It will not take long, with proper protection, for the beauty of such places to be restored and to fully return as a result of adequate care.
>
> Along the Illinois River that traverses the central part of Illinois, with its approximately 25,000 square miles of watershed, there are many thousand acres of lowlands and lakes that have been always and are yet to a certain extent the resting and feeding places of wild migratory waterfowl. In many instances they breed there.
>
> The backwaters of the Illinois River on these lands have always been the spawning places and breeding beds of the fish of that stream, such as black bass, sunfish, crappie, perch of various kinds, cat, carp, buffalo, and many other varieties of valuable edible fish which at one time formed a considerable part of the food supply of the Nation. Suffice it to say that at one time, not many years ago, the value of the catch of fish from the Illinois River and its tributaries compared favorably in value with the value of the catch of edible fish of the entire New England States.
>
> Because of the destruction of these breeding and spawning beds the fishing industry of the Illinois River has been virtually destroyed, depriving thousands of families of a means of livelihood. These lands have now, so it is asserted and claimed, been acquired by hunting clubs; the public that have claimed that the lakes along the Illinois River were public places and open to the public use have been ruthlessly excluded.
>
> In a number of instances these clubs have obtained injunctions from Federal and State courts enjoining the citizens from resorting to such lands and the waters and lakes and streams thereon, now claimed to be the private property of such hunting clubs.
>
> Federal marshals and deputy marshals have patrolled such waters by order of such courts and ejected citizens therefrom, and in many instances such citizens have been charged with and prosecuted for contempt by United States district attorneys in contempt proceedings that such district attorneys have made criminal in character, and which have been carried on by the Government in the name of the United States, for going upon such lands and waters in the exercise of their claim of right. The basis for such contempt proceedings by the Government is the contention that going upon such premises constituted a violation of the Federal injunction. United States marshals have posted and caused to be posted on certain lands protected by Federal injunction notices forbidding the public to resort to the lakes and waters upon such lands. Such a course has produced, as might be expected, great irritation upon the part of thousands of worthy citizens who live adjacent to the Illinois River.

I do not mention this matter with any thought of forestalling the ultimate decisions of the courts, but merely to depict the situation that has been made to exist.

In the counties of Peoria and Tazewell, represented by the Hon. WILLIAM E. HULL, and in the counties of Fulton and Schuyler, represented by myself, are located large tracts of land, marshes, lakes, and waters, which, as I have said before, have been the natural habitat and place of refuge of these birds and the breeding and spawning places of fish. Almost without exception these places are in the possession of and claimed by the hunting clubs I have just mentioned.

Common sense suggests that such places be speedily preserved for the benefit and use of the migratory wild fowl of which I have been speaking. If it is not done now it will soon be too late.

The restoration of such natural places of refuge has been the subject of many conferences between Representative WILLIAM E. HULL and myself since the short session of Congress convened. As a result of such conferences I have prepared and introduced a bill designed to protect migratory fowl and wild life in general. It is as follows:

H. R. 17030

A bill authorizing the establishment of a migratory bird and game refuge along the Illinois River in Illinois

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to acquire by purchase, gift, lease, or exchange, not to exceed 12,000 acres of land along and adjacent to the Illinois River in Fulton, Schuyler, Peoria, and Tazewell Counties, Ill., or in lieu of purchase, to compensate any owner for any damage sustained by reason of the submergence of his lands. Not less than 3,000 acres of ground suitable for the purpose herein indicated shall be obtained in each of the said counties, namely, Fulton, Schuyler, Peoria, and Tazewell Counties, Ill.

SEC. 2. That such lands when acquired in accordance with the provisions of this act shall constitute the Illinois River Migratory Bird Refuge and shall be maintained as a refuge and breeding place for migratory birds, included in the terms of the convention between the United States and Great Britain, for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of Agriculture may by regulations prescribe as a refuge and breeding place for other wild birds, game, animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of Commerce may by regulations prescribe as a refuge and breeding place for fish and other aquatic animal life.

SEC. 3. That no such area shall be acquired by the Secretary of Agriculture unless or until the Legislature of the State of Illinois has consented to the acquisition of lands by the United States for use as refuges for migratory birds, and shall have provided for the use as refuges for migratory birds by the United States of any lands or public waters owned or controlled by the State in or on the Illinois River and vicinity, which the Secretary of Agriculture may deem necessary for such purpose and which the Secretary of Agriculture is hereby authorized to accept on behalf of the United States.

SEC. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000, or so much thereof as may be necessary, to be available until expended, to purchase or otherwise acquire the land described in section 1 of this act.

SEC. 5. The Secretary of Agriculture and the Secretary of Commerce are authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including expenditures for personal services at the seat of government and elsewhere, as may be necessary to execute the functions imposed upon them by this act and as may be provided for by Congress from time to time.

SEC. 6. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, including purchase of options when deemed necessary by the Secretary of Agriculture, and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. That the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary

of Agriculture in no manner interfere with the use of the areas so encumbered for the purpose of this act.

SEC. 7. Sections 7, 8, 9, 13, and 15 of the migratory bird conservation act, approved February 18, 1929, are hereby made applicable for the purposes of this act in the same manner and to the same extent as though they were enacted as a part of this act.

SEC. 8. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, or other improvement or property of the United States on any area acquired under this act, or cut, burn, or destroy any timber, grass, or other natural growth on said area, or occupy, use, or enter thereon for any purpose, or take any wild animal or bird or nest or egg thereof on any area acquired under this act, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any fish or other aquatic animal life within the boundaries of said refuge established hereunder except in accordance with regulations of the Secretary of Agriculture.

SEC. 9. That any person, association, partnership, or corporation who shall violate or fail to comply with any provisions of this act or any regulation made pursuant thereto shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500 or be imprisoned not more than six months, or both.

I think I may say with propriety that this measure has been submitted to the Bureau of Biological Survey of the United States with a request for its unofficial comment, and that it is in substantial accord with the views of the bureau.

After the introduction of this bill I have received the following letter from Representative WILLIAM E. HULL, of the sixteenth congressional district of Illinois:

Hon. B. M. CHIPERFIELD,
Washington, D. C.

MY DEAR COLLEAGUE: H. R. 17030, your bill authorizing the establishment of a migratory bird and game refuge along the Illinois River in Illinois is a very commendable bill. As your neighbor and colleague and living along the Illinois River, being very familiar with the situation and the needs of such a law, I will be glad to aid in the passage of this legislation.

The Illinois River bottoms in the counties indicated in your bill have been the greatest hunting grounds in the whole United States, but because of improper use of these grounds the migratory bird has in many instances been driven from this, their natural feeding ground.

It is an absolute necessity that the Government should have jurisdiction over these lands and should establish on the Illinois River a migratory bird refuge and maintain a breeding place for migratory birds. Unless this is done this great hunting ground will eventually become extinct. The young men of the coming generation will have no place to hunt. The birds will be gone, and as the lands are taken up by private parties the opportunity for conservation of wild life will be a thing of the past.

There are thousands of our citizens in this vicinity whose chief enjoyment is in hunting and fishing, and therefore I want to commend you for the fight that you are making for the preservation of these great hunting and fishing grounds, and I shall support you in this worthy undertaking at all times. It is my sincere hope that this bill will eventually become a law.

Yours sincerely,

WM. E. HULL, *Member of Congress.*

I greatly appreciate the very sincere interest which Mr. HULL has stated in his protest.

The bill is drafted along substantially the same lines as the law establishing the Upper Mississippi River Wild Life and Fish Refuge and other places of bird protection and refuge in various parts of the United States.

It is obvious that it is a much-needed piece of legislation, and it is equally apparent that it must be enacted soon if it is to accomplish its purpose; that is, to protect and preserve the wild bird and animal life of which I have been speaking.

That it is desirable to preserve such wild life is apparent to all except the vandal and the game hog.

In the introduction of this bill I have not had any idea that it would be possible to have the same passed at the present session of Congress, but I have endeavored in this manner to bring to the attention of the Members of Congress what, in my opinion, is a valuable and much-needed piece of contemplated legislation. Its passage will be earnestly urged at the next session of Congress. Its enactment will be most beneficial to such wild bird and game life and to its conservation and protection.

It will remove a source of irritation that should not exist and which is caused, as I have stated, by the action of courts, Federal and State, in acting as game wardens for property privately owned. It will be remembered in this connection that such places have been used as places of resort since "the memory of man runneth not to the contrary."

Each of these objects is worthy of accomplishment, and I commend this matter and this proposed legislation to the attention of my colleagues in the next session of the Congress and respectfully invite and seek their cooperation in behalf of the conservation of the wild life of the Nation as proposed by this measure.

ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5920) authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa, and agree to the same.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to permit the United States Army Band to attend and give concerts at the annual encampment of the Grand Army of the Republic to be held at Des Moines, Iowa, September 13 to 16, inclusive, 1931.

SEC. 2. For the purpose of defraying the expenses of the band in attending such reunion there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $7,500, or so much thereof as may be necessary.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FORT M'ARTHUR, CALIF.

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2366) authorizing the Secretary of War to convey a certain portion of the military reservation of Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930, with Senate amendments, and agree to the Senate amendments.

The Clerk reported the bill by title and read the Senate amendments, as follows:

Page 4, after line 4, insert:

"That the proviso to the first section of an act entitled 'An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field,' approved July 1, 1930, which reads as follows: '*Provided*, That no part of the amount authorized to be appropriated shall be expended until it has been determined to the satisfaction of the Secretary of War that acquisition of all additional land required at Maxwell Field for the proper and necessary accommodation of the Air Corps Tactical School and one Air Corps observation squadron can be accomplished by purchase or donation without exceeding expenditure by the Federal Government of the amount of such authorization,' be, and the same is hereby, repealed."

Amend the title so as to read:

"An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930."

Mr. GARNER. Mr. Speaker, I am informed by the gentleman from Alabama [Mr. HILL] that the committee met this morning and unanimously requested this action.

Mr. JAMES of Michigan. That is true.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were agreed to.

VOCATIONAL EDUCATION AND CIVILIAN REHABILITATION IN PORTO RICO

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5139) to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico, and pass the same with an amendment, which I send to the desk.

The Clerk read the bill, as follows:

Be it enacted, etc., That Porto Rico shall be entitled to share in the benefits of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917, and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1932, and annually thereafter, the sum of $105,000, to be available for allotment under such act to the island of Porto Rico: *Provided*, That of the sum authorized to be appropriated for the purposes of this act, the sum of $30,000, if expended, shall be expended for the salaries of teachers of agricultural subjects; the sum of $30,000, if expended, shall be expended for the salaries of teachers of home-economics subjects; the sum of $30,000, if expended, shall be expended for the salaries of teachers of trade and industrial subjects; and the sum of $15,000, if expended, shall be expended for the maintenance of teacher training, including supervision.

SEC. 2. Porto Rico shall be entitled to share in the benefits of the act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1932, and annually thereafter, the sum of $15,000, to be available for allotment under such act to the island of Porto Rico.

With the following committee amendment:

On page 2, line 24, after the word "appropriated," strike out "the fiscal year ending June 30, 1932, and annually thereafter, the sum of $15,000" and insert in lieu thereof "the sum of $15,000 annually for a period of two years commencing July 1, 1931."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 26, 1931:

H. R. 458. An act for the relief of Catherine Panturis; and

H. R. 14255. An act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain.

On February 27, 1931:

H. R. 7272. An act to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation;

H. R. 8736. An act to authorize and direct a preliminary examination of the Hocking River for the distance it flows through Athens County, Ohio;

H. R. 10017. An act to provide for a survey of the Mouse River, N. Dak., with a view to the prevention and control of its floods;

H. R. 12284. An act to provide for the construction of vessels for the Coast Guard for rescue and assistance work on Lake Erie; and

H. R. 14922. An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc.

THE COLONIAL NATIONAL MONUMENT

Mr. HOOPER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15984) to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," which I state to be an emergency measure and so regarded by the Public Lands Committee.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think we should have some explanation as to the amount that will be involved in the total expenditure for the purchase of the land in this proposed national monument.

Mr. HOOPER. I think a brief explanation of the purpose of the bill is necessary at this time.

It grows out of an act that we passed in 1930 to establish the Colonial National Monument in Virginia, including Yorktown, Williamsburg, and Jamestown.

In the bill that was passed in 1930 it was provided that the authorization of the sums to be appropriated should not exceed $500,000. As reported by the House committee and passed by the House it carried no limit of cost.

The change that is made here is merely to remove the limitation. The reason for the removal of the limitation, as gentlemen know from the reading of the bill, that the limit of acreage of the Yorktown battlefield is increased to 4,500 acres of land instead of 2,500 as in the original bill. This increase must necessarily be added to the Colonial Monument in order that the battlefield and the position of the British and American troops at the Battle of Yorktown may be properly marked and memorialized.

The Committee on the Public Lands thinks that the passing of this bill, sponsored by Mr. CRAMTON, who has given such signal service in making the monument possible, is necessary.

The bill has received the approval of the Interior Department. It receives strong approval from Director Albright, of the Park Service. The emergency consists in the fact that a part of the lands are being transferred and a very serious question of jurisdiction arises which should be settled at once.

Mr. STAFFORD. Does the proposed amendment in any way change the law that we passed last year with the provision that the local authorities should contribute?

Mr. HOOPER. No; in no wise.

Mr. STAFFORD. How much will this additional land cost?

Mr. HOOPER. It would be difficult to state that, but the purpose of removing the limit was that they might purchase the necessary lands.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of an act entitled "An act to provide for the creation of the colonial national monument in the State of Virginia, and for other purposes," approved July 3, 1930 (46 Stat. L. 855), is hereby amended to read as follows:

"SEC. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act, to be available for all expenses incident to the examination and establishment of the said colonial national monument and the protection and maintenance of lands and of buildings as acquired and/or constructed, as well as for the acquisition of lands needed for the completion of the monument, including the securing of options and other incidental expenses. The area of the Yorktown battlefield, authorized for inclusion in said monument, is hereby extended to not to exceed 4,500 acres, and all Government-owned lands within the boundaries of said monument as established by presidential proclamation, except those determined by the Secretary of the Interior as not necessary in carrying out the objects of said monument, are hereby transferred to the administrative jurisdiction and control of the National Park Service."

With the following committee amendment:

Page 1, line 5, after the figures "1930" and before the comma, insert the following "(46 U. S. Stat. at Large 855)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HOOPER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

OPENING OF THE REPTILE HOUSE IN THE ZOO

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Speaker and gentlemen, to-night at the National Zoo there will be opened one of the finest exhibit buildings known anywhere in any zoo in the world. The Zoo people and the Smithsonian Institution have ex-

pedited the completion of the building in order to open it before Congress adjourns. They are very anxious to see as many Members of Congress as can go to see the opening of this unique building. The entrance to the Zoo grounds will be by the Harvard Street entrance. Entertainment and a pleasant evening is promised to those who can attend to-night.

TWENTY-FOUR-HOUR QUARANTINE INSPECTION

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5743) to authorize 24-hour quarantine inspection service in certain ports of the united States, and for other purposes, and consider the same, a similar House bill being on the calendar.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill S. 5743, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," approved February 15, 1893, as amended, is further amended by adding at the end thereof the following new sections:

"SEC. 13. The original bills of health required to be obtained in duplicate in foreign ports under the provisions of section 2 of this act shall be presented to the collector of customs in accordance with the provisions of section 5 of this act, and the duplicate copies of such bills of health shall be presented to the quarantine officer at the time quarantine inspection is performed by him.

"SEC. 14. The Secretary of the Treasury shall establish by regulation the hours during which quarantine service shall be performed at each quarantine station, and, upon application by any interested party, may establish quarantine inspection during the 24 hours of the day, or any fraction thereof, at such quarantine stations as, in his judgment, require such extended service; but the Secretary may restrict the performance of quarantine inspection to hours of daylight for such arriving vessels as can not, in his opinion, be satisfactorily inspected during hours of darkness. Nothing herein contained, however, shall be construed to require a vessel upon arriving at the quarantine anchorage to undergo quarantine inspection during the hours of darkness, unless the quarantine officer at such quarantine station shall deem an immediate inspection necessary to protect the public health; nor shall any provision of this act be construed to require uniformity in the regulations governing the hours during which quarantine inspection may be obtained at the various ports of the United States.

"SEC. 15. The certificate of health required by section 5 of this act shall, upon the arrival of any vessel from foreign ports at the anchorage or place established for quarantine inspection purposes in any port of the United States, be procurable at any time within which quarantine services are performed at such station from the quarantine health officer, following satisfactory inspection.

"SEC. 16. The Secretary of the Treasury is authorized and directed to prescribe a schedule of charges for quarantine services rendered to vessels at each of the national quarantine stations, which charges shall be reasonable and uniform for all ports, including the port of New York. The quarantine officer in each port of entry shall promptly forward to the collector of customs at such port an itemized statement of the quarantine services rendered to each vessel at the prescribed charges, which charges shall be paid to the collector of customs by said vessel prior to clearance or departure from such port. All such collections shall be accounted for by the collector of customs and shall be covered into the Treasury as miscellaneous receipts.

"The provisions of the act of June 5, 1920 (41 Stat. 876), relating to the schedule of fees and rates of charges to be adopted and promulgated by the Secretary of the Treasury at the New York Quarantine Station is hereby repealed.

"SEC. 17. Any officer or employee of the Public Health Service on duty at any national quarantine station or on a national quarantine vessel, or detailed for duty in foreign ports, under the provisions of sections 2 and 5 of this act, who is suffering from sickness or injury incurred in line of duty, shall be a beneficiary of the Public Health Service and shall be entitled to receive all necessary medical treatment and other benefits authorized to be furnished to beneficiaries."

SEC. 2. There is hereby authorized to be appropriated the sum of $100,000, or so much thereof as may be necessary, to carry out the provisions of this amendatory act.

SEC. 3. Whenever steamship companies desiring the benefits of such extended quarantine service at any port, shall offer to advance funds in order to permit the immediate institution of such service at such port, the Secretary of the Treasury may, in his discretion, receive such funds and expend the same for such purpose; and the moneys so contributed shall be repaid by the Secretary, without interest, from any funds appropriated under authority of section 2 of this act.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, what is this?

Mr. PARKER. This is a 24-hour quarantine law which is very much desired by New York, Philadelphia, Charleston, Norfolk, San Francisco, and Seattle. Under the present law the quarantine service is limited from sunrise to sunset. This allows 24-hour quarantine in the discretion of the Secretary of the Treasury. This is a Senate bill, with a similar House bill on the calendar.

Mr. LAGUARDIA. What kind of quarantine?

Mr. PARKER. Personal quarantine.

Mr. GARNER. And this has the approval of the gentleman's committee?

Mr. PARKER. Yes.

Mr. STAFFORD. Under existing law quarantine regulations are obliged to be administered between sunrise and sunset, and this enables the Secretary of the Treasury at the principal ports to grant quarantine between sunset and sunrise?

Mr. PARKER. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct a typographical error on page 3, line 20, by striking out the figures "876" and inserting in lieu thereof the figures "875," and also on the same page in line 22 by striking out the word "is" and inserting the word "are."

The SPEAKER. Without objection the corrections will be made in accordance with the statement of the gentleman from New York.

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

OVERTIME SERVICE OF IMMIGRANT INSPECTORS

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3309) to provide extra compensation for overtime service by immigrant inspectors and other employees of the Immigration Service, with Senate amendments thereto and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Page 1, line 9, after "steamships," insert "trains, airplanes, or other vehicles,"

Page 1, line 10, after "water," insert "land, or air,"

Page 2, line 14, strike out all after "fixed" down to and including "schedules" in line 20.

Page 2, line 22, after "vessel," insert "or other conveyance."

Page 3, line 4, after "not," insert "*Provided*, That this section shall not apply to the inspection at designated ports of entry of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways, when operating on regular schedules"

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GARNER. Reserving the right to object, from what committee does this bill come?

Mr. JENKINS. The Committee on Immigration and Naturalization. I have consulted with the ranking member on the Democratic side.

Mr. GARNER. That committee is something like some other committees. They do not always entirely agree with the ranking member on the respective sides. Is there a minority report upon this?

Mr. JENKINS. No. This bill was passed last year on the Unanimous Consent Calendar. Several amendments were suggested. Those amendments were inserted in the bill hurriedly. They went over to the Senate and the Senate rewrote the amendments. I have consulted with everybody interested in the corrections, and there is no objection upon the part of anyone.

Mr. GARNER. The bill was originally passed by unanimous consent?

Mr. JENKINS. Yes.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were concurred in.

NAVY APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I present a conference report upon the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Idaho presents a conference report upon the naval appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I am particularly interested in Senate amendment numbered 24. What happened to that?

Mr. FRENCH. The Senate receded from that amendment.

Mr. LAGUARDIA. So that we have nothing to vote on?

Mr. FRENCH. No.

Mr. LAGUARDIA. I am sorry.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 9, 10, 24, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 6, 11, 13, 14, 15, 20, and 21, and agree to the same.

The committee of conference have not agreed on amendments numbered 5, 7, 8, 12, 16, 17, 18, 19, 22, and 23.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER (except as to amendments numbered 9, 10, and 16),
Managers on the part of the House.

FREDERICK HALE,
L. C. PHIPPS,
HENRY W. KEYES,
CARTER GLASS,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16969) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On No. 1: Permits the use of $3,000 of the appropriation "Pay, miscellaneous," for the expenses of attendance of civilian officers and employees upon meetings of technical, professional, scientific, and other similar organizations, as proposed by the Senate, instead of $2,000 for such expenses, as proposed by the House.

On No. 2: Corrects the text of the appropriation for the operation and conservation of the naval petroleum reserves, as proposed by the Senate.

On No. 3: Appropriates $4,620,835 for the Naval Reserve, as proposed by the House, instead of $4,394,365, as proposed by the Senate.

On No. 4: Increases the limitation on the amount that may be expended from the appropriation, "Engineering" for pay of classified employees from $1,624,340, as proposed by the House, to $1,644,340, as proposed by the Senate.

On No. 6: Permits the use of $2,000 of the appropriation for transportation and recruiting for the expenses of attendance of naval personnel upon meetings of technical, professional, scientific, and other organizations, as proposed by the Senate, instead of $3,000 for such expenses, as proposed by the House.

On Nos. 9 and 10, relating to the appropriation for pay, subsistence, and transportation of naval personnel: Provides for the appointment of three midshipmen to the class entering the Naval Academy in June, 1932, as proposed by the House, instead of four appointments, as proposed by the Senate.

On No. 11: Modifies, as proposed by the Senate, the provision with respect to midshipmen appointed from enlisted men of the Navy so as to require nine months' service prior to admission to the Naval Academy "aboard a vessel of the Navy in full commission," instead of aboard a vessel "at sea with the fleet," as proposed by the House.

On No. 13: Increases from $20 to $25, as proposed by the Senate, the per diem rate of pay of engineers and architects who may be employed part time or intermittently under contract and paid from the appropriation "Maintenance, Bureau of Yards and Docks."

On Nos. 14 and 15: Appropriates $125,000 for extending the laboratory building of the Naval Research Laboratory at Bellevue, D. C., as proposed by the Senate.

On Nos. 20 and 21, relating to increase of the Navy: Appropriates $38,300,000 for construction and machinery, and armor, armament, and ammunition, as proposed by the Senate, instead of $28,300,000, as proposed by the House, the additional amount to be applied toward the construction of 11 new destroyers.

On No. 24: Strikes out the provision inserted by the Senate dealing with the wages of employees in navy yards, arsenals, and Coast Guard stations.

On No. 25: Strikes out the provision inserted by the Senate making the appropriation for the "adjusted service certificate fund" in the independent offices appropriation act, 1932, available July 1, 1931.

The managers on the part of the House have agreed to recommend that the House either recede and concur or recede and concur with amendments in the following amendments of the Senate:

On No. 5: Relating to the disposal of naval vessels pursuant to the terms of the London naval treaty.

On No. 7: Relating to the commissioning of surplus graduates of the Naval Academy class of 1931.

On No. 8: Relating to the retirement of officers commissioned in the line of the Navy from sources other than the Naval Academy.

On No. 12: Relating to the purchase of fuel oil of domestic production.

On Nos. 16 and 17: Appropriating $200,000 for experimental and research work in connection with the development of a metal-clad airship.

On Nos. 18 and 19: Relating to the participation of the Marine Band in the Yorktown sesquicentennial celebration.

On No. 22: Relating to the procurement of articles of the growth, production, or manufacture of the United States.

On No. 23: Relating to the award of work to navy yards or arsenals.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER (except as to amendments numbered 9, 10, and 16),
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield me a little time?

Mr. FRENCH. I yield five minutes to the gentleman from Alabama.

Mr. OLIVER of Alabama. Mr. Speaker, I wish to submit some personal views as to what I feel should be the attitude of House conferees in reference to matters inserted by the Senate in bills passed by the House, and as to which there is good reason to believe that a large number of House Members desire the opportunity of voting on before a final agreement is reached by the conferees. As a conferee serving the House at times, I have always felt that where the House has previously taken action on any matter which may have gone out on a point of order in the House and later was inserted by the Senate, if the action of the Senate was in accord with the previous action of the House that the conferees of the House would not be authorized to reject the matter so inserted by the Senate without giving the House an opportunity to vote thereon. As an illustration of this, let us take the Dallinger amendment. A point of order was sustained to it when it was offered in the House on the pending bill for though it had been carried in every bill for the past three or four years. After the Senate inserted it in this bill I felt it was due the House to say to the Senate conferees at once that we were willing to bring it back and permit the House to vote on it. That is what the House had a right to expect of its conferees, since it declared on several occasions for the very provision inserted by the Senate.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. VINSON of Georgia. I wish the gentleman from Alabama would advise the House as to whether or not, in view of the fact that the conference report is not yet printed, the Dallinger amendment is in the bill?

Mr. OLIVER of Alabama. Yes; but assented to and brought back only after great pressure on some of the House conferees.

I mention this for the reason that when this matter was first taken up I said that as to this Dallinger amendment though personally not favoring it, yet in view of the previous action taken by the House thereon, the House has a right to expect an opportunity to pass on it. There should have been no hesitancy on the part of House conferees to bring it back and permit a vote thereon. I think my views are in accord with the views of a large majority of the Members of the House, whether such Members favor the Dallinger amendment or not. Otherwise you will and should have frequent instructions to conferees by the House, which I feel are both unnecessary and unwise so long as the House can feel that its conferees will not be unresponsive to the wishes of any large number of its Members. The wishes of a substantial minority should be respected.

With reference to the metal-clad airship, there was long debate on it in the House. Although I did not favor it, yet the House by a large vote placed it on the appropriation bill for the War Department. By some kind of legerdemain it was left out in conference in the War Department bill and transferred by the Senate to the Navy bill. I was asked over the phone whether I would consent to bring it back to the House. I replied, if the Senate has put it on the Navy bill there is but one thing we can do, and that is to allow the House to again express itself on the question. I favored bringing it back just as it recently passed the House and was inserted in the Navy bill by the Senate. Failure to bring it back in that form is why I am in dissent from the report of the other conferees as to this matter. The House had declared for it in that form, and the action of the House by a large majority should have been tantamount to an instruction from the House.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. OLIVER of Alabama. I yield.

Mr. VINSON of Georgia. The amendment to which the gentleman refers is what is known as the construction of a metal-clad airship?

Mr. OLIVER of Alabama. Yes.

Mr. VINSON of Georgia. Which the Navy Department has never asked for?

Mr. OLIVER of Alabama. That is right.

Mr. VINSON of Georgia. And now that is in this report?

Mr. OLIVER of Alabama. It is in there with an amendment, whereby you strike out "$200,000," the amount recently approved by the House, and carry an appropriation for only $75,000, and limit the purposes for which the appropriation may be used?

Mr. VINSON of Georgia. Does the House have an opportunity to vote on that amendment?

Mr. OLIVER of Alabama. The House always has the right to vote down a conference report, but at this late day of the session it is not right to compel the House, in order to exercise a right to which it is clearly entitled, to vote under the possible compulsion of causing the defeat of this very important appropriation bill. For that reason I have always felt that with reference to matters of this kind, about which the House has recently expressed itself in no uncertain way, you should have the untrammeled right to vote on the question without feeling that by doing so you may imperil the passage of an important appropriation bill.

Mr. VINSON of Georgia. But the gentleman is not according us that right, because it is either vote up or vote down the conference report.

Mr. OLIVER of Alabama. Well, I dissented, because it denied that right to you, and failed to sign the report as on this item.

The SPEAKER. The time of the gentleman from Alabama [Mr. OLIVER] has expired.

Mr. FRENCH. I yield the gentleman from Alabama five additional minutes.

Mr. OLIVER of Alabama. There are two other important amendments.

Mr. LAGUARDIA. Before the gentleman leaves that point will the gentleman yield?

Mr. OLIVER of Alabama. I yield.

Mr. LAGUARDIA. The gentleman referred to amendment 23. It is my understanding that the conferees will recede and concur in amendment No. 23.

Mr. OLIVER of Alabama. They have receded and concurred.

Mr. LAGUARDIA. So we are in agreement on it, are we not?

Mr. OLIVER of Alabama. Certainly we are now; but if the gentleman knew the whole history of it and how that agreement was reached, he would understand the relevancy of the statements I have just made.

Mr. LAGUARDIA. I am interested in the result.

Mr. OLIVER of Alabama. Yes; but you might not approve the methods. There were two other amendments added by the Senate, from which the Senate was forced to recede, when I felt the House should have been given an opportunity to express itself thereon. I refer to amendments 9 and 10, on which there was some discussion when the bill was before the House. I stated to the House when the bill was being considered by the House that the number of appointments to Annapolis should be retained at 4 and not reduced to 3 after August, 1931, but in order to expedite the passage of the bill no amendment was then offered, because I then announced that the Senate would, in my opinion, restore the number of appointments to 4, and if so, I felt it would be brought back and the House then given an opportunity to vote on the question. The subcommittee handling the bill were divided 3 to 2 as to whether the appointments should be retained at 4.

Certainly a large number of the Members of the House expected and desired an opportunity to vote on this question, and in all fairness I felt the House should have been allowed to express itself in reference thereto, and since they were not I refused to concur in the report of the conferees. The near end of this Congress forced the Senate to yield to the demand of a majority of the House conferees.

Mr. BRITTEN. Will the gentleman yield?

Mr. OLIVER of Alabama. In just a moment. This is an important matter, and I have made this statement that you may read and consider the testimony, so that when the matter is brought to your attention, as it will be early in the next Congress, you will be prepared to vote on it.

Mr. BRITTEN. Will the gentleman yield?

Mr. OLIVER of Alabama. I yield.

Mr. BRITTEN. In other words, as I understand the gentleman's remarks, this is not establishing a precedent for future classes of the Naval Academy?

Mr. OLIVER of Alabama. No; not at all. I think the House will have an opportunity to vote as to whether they want to retain four or three in the next Congress at its first session.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. OLIVER of Alabama. I yield.

Mr. VINSON of Georgia. Not at this session of Congress, however.

Mr. OLIVER of Alabama. No.

Mr. VINSON of Georgia. Of course, as the conference report is submitted, every Member has the right to appoint only three members.

Mr. OLIVER of Alabama. Yes; after August, 1931.

Mr. VINSON of Georgia. While the Senate bill provided for the appointment of four?

Mr. OLIVER of Alabama. Yes.

Mr. VINSON of Georgia. The Senate receded from its position?

Mr. OLIVER of Alabama. Yes.

Mr. HASTINGS. When is that effective?

Mr. OLIVER of Alabama. Next year. Now, every study that the Navy Department has submitted shows that with the vessels now building, and for which you have made appropriations, you will require these officers when the ships go into commission. Unquestionably the sentiment of this House favors the building program which the House Committee on Naval Affairs reported, and which will be acted on by the next Congress.

Every member of our subcommittee favors that program, and, so far as I can learn, two-thirds of the Members of the House favor it, and it will unquestionably be passed at the next session of Congress. If you authorize a further building program, you must have officers to man your ships.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. HILL of Alabama. In that connection, what does this bill do with reference to the commissioning of midshipmen who graduate this year?

Mr. OLIVER of Alabama. They are commissioned.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. VINSON of Georgia. Then, as I understand, for the next term at the Naval Academy there will be only three midshipmen.

Mr. OLIVER of Alabama. After January, 1932, only three appointments.

Mr. VINSON of Georgia. And yet at the same time there come into commission 3 ships next year, 3 the following year, and this bill carries appropriations for 12 ships heretofore authorized; in addition to that there are 11 ships now being authorized, making 23 ships, yet to man those ships we are proceeding to cut down the officer personnel. That being so, I ask the gentleman this question: Unless we go back to 4 how are we going to man these 23 ships?

Mr. OLIVER of Alabama. In fairness to the other members of the committee, as I stated when the bill was before the House, the committee was divided three to two as to the number of appointments. Three members of the committee believe that with three appointments there will be a sufficient number of graduates from Annapolis to supply the officer personnel required for the Navy. There is a sharp difference of opinion between the members of our subcommittee on this question, and I now undertake to say that the Navy Department insists that four appointments to Annapolis should be continued if we are to meet the officer requirements of the Navy. It is my opinion that they are correct in their insistence on four appointments.

Mr. VINSON of Georgia. It is the gentleman's opinion, however, that at least in the next Congress it will be necessary to go back to four.

Mr. OLIVER of Alabama. That is what I now think, and I feel the next Congress will be impressed with that necessity.

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. FRENCH. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I simply want these two minutes to call the attention of the distinguished chairman to amendment 24, which is as follows:

> The scale of wages established January 1, 1929, by the Navy Department for civil employees of groups 1, 2, and 3 (laborer, helper, and mechanical service) shall not be reduced, nor shall the proportion of such employees in the maximum rate at the several navy yards be less than the proportion of such employees in the maximum rate on January 1, 1929, nor shall the proportion of workmen employed in the minimum rate be greater than obtained on that date. The pay of employees at the arsenals and Coast Guard stations shall correspond to the average pay received by workmen of corresponding occupations and trades, as hereby made effective for the Boston, New York, Philadelphia, Washington, Norfolk, Mare Island, and Puget Sound Navy Yards.

I want to ask the distinguished chairman this question: If the Senate does not accept the report of its conferees, shall we then be given an opportunity to vote for it, because I am in favor of that amendment?

Mr. FRENCH. Oh, no; the Senate conferees have receded, so the matter is ended, so far as the House is concerned, on the adoption of the report.

Mr. LAGUARDIA. But suppose the Senate does not accept the report of their conferees, then will we get it back?

Mr. FRENCH. If the Senate refuses to accept the report of its conferees, then it would come back to the House.

Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. VINSON].

Mr. VINSON of Georgia. Mr. Speaker, I rise for the purpose of calling the attention of the House to the fact that upon the adoption of this conference report in 1933 we will only be permitted to have three midshipmen. In one portion of the bill we are cutting down our midshipmen, while in another portion of the bill we are building ships. Now, that can not be done in that way. You have either got to reduce your construction program or else you have got to increase the number of midshipmen.

Mr. TABER. But the figures do not show that we need them. There is a surplus now.

Mr. VINSON of Georgia. I beg to differ with the gentleman, and so does the gentleman from Alabama. We are not taking a single ship out of commission, and in this appropriation bill we are providing for the construction of 12 ships.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. OLIVER of Alabama. I will be very glad to ask unanimous consent for an opportunity to discuss that matter with my distinguished friend from New York.

Mr. VINSON of Georgia. I hope the gentleman will do that in his own time and not take it out of my time. In one breath we are authorizing in this appropriation 23 ships, while in the next breath we are reducing the officers. There are more ways of scrapping your Navy than by conferences. You scrap your Navy when you refuse to have officers to man your ships. I ask the gentlemen who brought this conference report in how we are going to man these ships? You can build a ship within two years, while it takes four years to qualify a midshipman to become an officer to man your ships. I put the gentlemen on notice now that at the next session of the Congress this House will have an opportunity to express its opinion as to whether or not we shall scrap our Navy by reducing the number of officers to man them.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. FRENCH. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Speaker, ladies and gentlemen of the House, when this appropriation bill was before the House the leaders of the House wished to expedite its passage. Everybody was crowded for time, because the session was nearing its close, and we were importuned to say nothing about this reduction in the number of our appointments to the Naval Academy from four to three. We were told that the Senate would change the House number of three back to four, where it belongs, and the House conferees would agree upon the Senate amendment. We now find ourselves in a position where the Senate has receded from its own amendment to the bill, and Members of Congress will have but three appointments to the Naval Academy next year.

The question of a reduction from four to three to many minds may not mean very much, but let me call this fact to your attention. The reserve force of the British Navy is always taken from the British merchant marine. The reserve force for the American Navy has to be hastily built up in times of emergency and come from the interior of the country. It comes from Oklahoma and Illinois and Arkansas and all the other interior States, and the only way we can build up reserve force officer personnel is by having a fine foundation of officers who have graduated from the Naval Academy who are qualified to build up such a force. Therefore it is very important.

The reduction also makes for classes which are not uniform, the result being that after these men have come up to the grade of lieutenant commander or commander or captain with 25 or 30 years of service, those in the large classes have more competition for promotion than those in the smaller classes. There is a line promotion bill pending, which I hope to bring up to-morrow, that will equalize these matters, but there are a number of elements that are very, very important in connection with this drastic change, and I am very sorry that the conferees of the Senate have agreed to recede on its amendment to our bill. It is too bad, and it is going to work against the Navy.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. LINTHICUM. Is there no way by which we can rectify this wrong?

Mr. BRITTEN. Oh, there would be a way if we overrode the conference report, and personally I think this ought to be done, because we in the House know, and the gentleman from Idaho [Mr. FRENCH] knows it as well as any of us, that there were 75 or 90 per cent of the Members present and ready to override the provision for but three appointees to the Naval Academy.

Mr. TABER. But the gentleman knows——

Mr. BRITTEN. I wish the gentleman would not interrupt me without first getting my permission to do so.

Mr. TABER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. TABER. The gentleman knows that there is a large surplus this year of 200, and next year there will be a surplus of 150, the year after that 175 to 200, and the following year 200.

Mr. BRITTEN. In the parlance of the street, the gentleman is "talking through his hat."

Mr. TABER. I am talking about facts, based on the history of the Navy and the line officers of the Navy. We have not reduced the number of officers.

Mr. BRITTEN. The truth of the matter is that with aviation expanding as it has in the past five years, with fire control becoming one of the most intricate problems of the Navy, with the building of more and smaller ships, the Navy needs more young men, and when I say young men I mean young line officers, and the only place we can get young officers for the line of the Navy is through the Naval Academy. We can not get them in any other way.

Mr. COYLE. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. COYLE. And the supposed surplus is because there are not places, due to limitations put in by the Appropriations Committee.

Mr. BRITTEN. And it is purely a supposition.

Mr. COYLE. There is need for the men, but there is no money to pay them, and so they say there is a surplus of graduates.

Mr. BRITTEN. That is true. The best evidence that the conferees themselves agree that we need more men is the agreement with the Senate amendment to commission all the graduates from the Naval Academy this year.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. VINSON of Georgia. In view of the present situation, however, we have nothing to do but accept or reject the conference report.

Mr. BRITTEN. Yes; and that is too bad.

Mr. VINSON of Georgia. But the gentleman from Illinois will join with others to give the House an opportunity at the next session to provide for four midshipmen?

Mr. BRITTEN. I certainly will; yes.

Mr. FRENCH. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Speaker, ladies and gentlemen of the House, this conference report, like every other conference report where there are a great many controversial questions involved, is the result of a compromise. If it were not so near the close of the session—if there were not a possibility, if this conference report is not agreed upon, of there being an extra session, I never would have consented to this report.

The Navy has no reason to complain by reason of what is contained in this bill. They have fared exceedingly well, and the question that has been referred to here of whether we should have 3 or 4 or 5 appointments to Annapolis is a controversial matter as to which there may be two opinions based upon sound judgment; but this is a matter the permanent solution of which must be determined by legislation, and I am speaking now in the interest of what is immediately before us, and that is whether we are to agree to this conference report so that we may pass this, the last general appropriation bill.

Mr. VINSON of Georgia. If the gentleman will permit us, we will agree right now.

Mr. WOOD. Then I would move the previous question.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 5, page 17, line 11: "and to permit the President to dispose of other vessels of the Navy in such manner as in his judgment may be advisable."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 7, page 25, line 24, insert "*Provided further*, That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint as ensigns in the line of the Navy all midshipmen who graduate from the Naval Academy in the year 1931, but if the number so commissioned should exceed the total number of officers of the line of the Navy authorized by existing law, the excess shall be carried in the grades of lieutenant (junior grade) or ensign."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur with an amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following:

": *Provided further*, That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint as ensigns in the line of the Navy all midshipmen who graduate from the Naval Academy in the year 1931, but if the number so commissioned should exceed the total number of officers of the line of the Navy authorized by existing law, the excess shall be carried in the grade of ensign."

The motion was agreed to.

The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 8, page 26, line 7, insert:

"*Provided further*, That any officer, other than commissioned warrant or warrant officers, commissioned in the line of the Navy from sources other than the Naval Academy, may, upon his own application, in the discretion of the President, be retired from active service and placed upon the retired list with retired pay at the rate of 2½ per cent of his active-duty pay multiplied by the number of years of service for which entitled to credit in computation of his pay on the active list, not to exceed a total of 75 per cent of said active-duty pay: *Provided further*."

Mr. FRENCH. Mr. Speaker, I move to recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 12, page 29, line 21, strike out "*Provided further*, That no part of this appropriation shall be available for the purchase of or payment for any kind of fuel oil of foreign production, except by or for vessels in a foreign port."

Mr. FRENCH. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Restore the matter stricken out by said amendment, amended to read as follows:

"*Provided further*, That no part of this appropriation shall be available, any provision in this act to the contrary notwithstanding, for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions where oil of the production of the United States or its possessions may be procurable, notwithstanding that oil of the production of the United States or its possessions may cost more than oil of foreign production, if such excess of cost, in the opinion of the Secretary of the Navy, which shall be conclusive, be not unreasonable, but nothing herein shall apply to fuel oil on hand or on order on July 1, 1931."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 16, page 38, line 16, strike out "$2,220,000" and insert "$2,420,000, of which $200,000 shall be available for experimental and research work in connection with the development of a metal-clad airship."

Mr. FRENCH. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"$2,295,000, of which $75,000 shall be available for experimental and research work in cooperation with other Federal agencies in connection with the development of a metal-clad airship, and in connection with such work the Secretary of the Navy is hereby authorized to contract for such outside engineering services as may be deemed necessary and desirable."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 17, page 39, line 17, strike out "$31,070,000" and insert "$31,270,000."

Mr. FRENCH. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Amendment No. 17: In lieu of the sum inserted by said amendment insert "$31,145,000."

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 18: Page 47, line 19, insert:

"For participation by the band of the United States Marine Corps in the celebration to be held at Yorktown, Va., October 16, 17, 18, and 19, 1931, permission for said participation being hereby authorized, and for the purpose of defraying the expenses of the band, the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 19, page 48, strike out "$8,596,435" and insert "$8,598,435."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: Page 49, line 1, strike out all of the paragraph and insert:

"That in the expenditure of appropriations in this act the Secretary of the Navy shall, unless in his discretion the interest of the Government will not permit, purchase or contract for, within the limits of the United States, only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more, if such excess of cost be not unreasonable."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 50, line 23, after the word "plant," insert a semicolon and the following: "and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government: *Provided*, That nothing herein shall be construed as altering or repealing the proviso contained in section 1 of the act to authorize the construction of certain naval vessels, approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States, except such material or parts as are not customarily manufactured in such Government plants."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLAND. Is that the amendment carried in preceding legislation?

Mr. FRENCH. Yes.

Mr. BLAND. Exactly the same?

Mr. FRENCH. It is exactly as written by the Senate.

The SPEAKER. The question is on the motion to recede and concur.

The motion was agreed to.

MAKING UNITED STATES PARTY DEFENDANT IN CERTAIN CASES

Mr. GRAHAM. Mr. Speaker, I call up the conference report upon the bill (H. R. 980) to permit the United States to be made a party defendant in certain cases, which I understand is the unfinished business.

The SPEAKER. The unfinished business is the consideration of the conference report on the bill H. R. 980. The conference report has been read. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of House Concurrent Resolution 52, which I send to the desk and ask to have read.

The Clerk read as follows:

House Concurrent Resolution 52

Resolved by the House of Representatives (the Senate concurring), That the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House (H. R. 980) entitled "An act to permit the United States to be made a party defendant in certain cases," heretofore agreed to by the two Houses be amended by adding at the end of the amendment agreed to in the report the following new section:

"SEC. 7. This act shall not apply to any lien of the United States held by it or for its benefit under the Federal reclamation laws."

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

NAVAL WAR COLLEGE, NEWPORT

Mr. BURDICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5083, a similar House bill being on the calendar.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to remodel and extend existing structures and to construct an additional building at the Naval War College, Newport, R. I., at a cost not to exceed $400,000.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF SURRENDER OF LORD CORNWALLIS

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6032) amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," and to discharge the committee from the consideration of the Senate bill. A similar House bill has been reported.

The SPEAKER. The gentleman from Virginia asks unanimous consent to discharge the committee from further consideration of the bill S. 6032, and consider the same at this time. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," be, and the same is hereby, amended to read as follows:

"SECTION 1. That the commission heretofore created pursuant to House Concurrent Resolution 43, Seventieth Congress, first session, and known as the United States Yorktown Sesquicentennial Commission, be, and the same is hereby, continued by the same name and hereinafter referred to as the commission.

"The membership on the commission of Senators and Members of the House of Representatives shall continue irrespective of their terms as Members of Congress. Any vacancies arising in the personnel of the said commission shall be filled as follows: Any vacancies occurring among Senators shall be filled by the President of the Senate, and any vacancies occurring among Members of the House of Representatives before the organization of the Seventy-second Congress shall be filled by appointment by the present Speaker of the House of Representatives."

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION

Mr. FULLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 6106, to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park, and consider the same, a similar House bill being on the Calendar.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of S. 6106, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Leo N. Levi Memorial Hospital Association is hereby authorized, with the approval of the Secretary of the Interior, to execute mortgages upon its rights in and properties upon lots Nos. 1, 2, 3, and 4 in block No. 114 in the city of Hot Springs, Ark., and such mortgages, together with the approval of said Secretary of the Interior, may be filed for record in the office of the Secretary of the Interior, and when so recorded shall have all the effect of a public record.

Mr. LAGUARDIA. What have we to do with this?

Mr. FULLER. The Government owns these four little lots down there and by special act they gave this hospital association a lease upon them. This is a charitable Jewish institution. This bill is recommended by the Secretary of the Interior and by Mr. Albright, who concluded his remarks by saying that this is similar to other legislation with reference to similar situations in national parks. It authorizes them to make certain improvements.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

FIVE CIVILIZED TRIBES

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15263) to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements, with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Page 1, line 8, after "purposes," insert "or is sold under existing law to any other person or corporation for other purposes."

Page 2, line 4, strike out all after "lands" down to and including "purposes" in line 6, and insert "from which the reinvested funds were derived."

Amend the title so as to read: "An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements or sold to other persons or for other purposes."

Mr. STAFFORD. Mr. Speaker, I think we have to have some explanation of this bill.

Mr. McKEOWN. The bill was originally introduced to permit the Indians whose lands were restricted and nontaxable, where such lands had been taken for municipal purposes, such as the building of a dam to supply water for a city, to reinvest that money in similar land with the same nontaxable protection that he had with reference to the land that was sold.

Mr. STAFFORD. And this has the approval of the Secretary of the Interior?

Mr. McKEOWN. Yes. This is to let him secure land under the same restrictions, and nontaxable.

Mr. STAFFORD. And this has the approval of the Secretary of the Interior?

Mr. McKEOWN. Absolutely; yes, sir.

The Senate amendments were agreed to.

HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. FORT. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged resolution, H. Res. 369.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 255, for the promotion of the health and welfare of mothers and infants, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. FORT. Mr. Speaker, this is simply the ordinary form of rule to make in order the bill S. 255, which has been elaborately amended in the Committee on Interstate and Foreign Commerce.

I yield 30 minutes to the gentleman from North Carolina [Mr. POU] for distribution as he sees fit, and reserve the balance of my time.

Mr. POU. Mr. Speaker, I shall support the rule and the bill which the rule brings before the House. No nation can perform a higher service than taking care of child life. The very strength of the Nation is the strength, vigor, and health of the children of the Nation. The world never did rest on the shoulders of Atlas. It has always rested, generation after generation, upon the shoulders of the children of the world.

The women of America know what strong healthy childhood means, and the women of the Nation favor this legislation. I believe the bill made in order has the nation-wide indorsement of the women's organizations. The bill should become a law before this Congress adjourns.

I reserve the remainder of my time and will yield 10 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and Members of the House, this is a very important measure, involving not only the appropriation of money, but involving a much-controverted policy of government. It is similar to questions which have been before us for 10 or 20 years. This bill, in effect, continues the provisions of the Sheppard-Towner Act.

Mr. UNDERHILL. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. UNDERHILL. And the entire history of this, running over a 20-year period, has been a history of broken promises?

Mr. O'CONNOR of New York. That may be. This bill continues the Sheppard-Towner Act which expired about two years ago.

The Sheppard-Towner Act was first passed in 1921 and was a departure from the policy of Government with reference to interfering, as I call it, with the rights and affairs of the States. I believe that Congress was misled then; that statistics and arguments were offered to Congress, inducing them to pass the Sheppard-Towner Act which were not, as subsequent events turned out, justified.

I believe my own State, New York, was misled and deceived by the arguments and sentiments into accepting the provisions of the Sheppard-Towner Act, and I believe that now, after learning by experience, we should not continue that undemocratic policy of Government.

The Sheppard-Towner Act was distinctly offered by its proponents in 1921 as a temporary measure to be in effect for only five years, to encourage, to stimulate the States into protecting mothers and infants. It was held out that it was merely a temporary expedient to meet the needs in some rural sections, and Congress, by inference at least, was told that after that 5-year period there would be no request for its continuation. Like many similar measures passed by Congress under the guise of a temporary need, they become permanent when once the door has been opened. At the end of the five years the proponents of this "temporary measure" were back for a 2-year extension, and again they told the American Congress that the extension was merely to meet a temporary situation which would terminate in two years, and there would be no further request. But here we are again. The bill is once more before us; and, ladies and gentlemen, if it passes the House to-day it will become a permanent, unalterable policy of our Government, although it is outrageously one of the most far-reaching steps ever taken by our Government into the field of the State. I can not imagine its support on my side of this House, and I call ex-President Coolidge as a witness on that side of the House in opposition to it on the grounds that it was an invasion of the rights of the States.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. COOPER of Ohio. Did the gentleman vote for the Wagner bill the other day?

Mr. O'CONNOR of New York. Yes; I did. And I voted for it on the theory that we were really in a great national emergency, probably the greatest emergency we have had within the time of anyone of us in this House, and no one disputes the existence of that emergency. If that emergency did not exist, I will tell the gentleman, I would not have voted for it, no more than I will ever vote for some measures that have been put through here under the guise of the existence of an emergency.

In addition to the Sheppard-Towner feature of this act they have added what they call the public-health service in the rural communities. That is brand new. A new field of the States to be invaded. Of course, we never hear anything else in this House but taking care of the rural communities. The money of the Federal Treasury will still further be appropriated to States to be used in the rural communities, matched by the money of the States, parceled out to the States without respect to what their contribution to the Federal revenue is. For instance, last year the State of New York contributed $900,000,000 to the Federal Treasury and received under this act some $80,000. I do not complain about New York's contribution to the support of the Federal Government. I regret, however, that the State of New York even accepted the $80,000 under the Sheppard-Towner Act.

You have been talking here for months against doles, and against the parternalism of charity, and one of the stock arguments has been that when you give out a dole or charity you break down the morale of the individual; you destroy his initiative; you take away from him his ambition. That same argument applies to States. When the Federal Government steps into a State and says, "Now, we will take care of this situation for you; we will show you how the baby shall be born; we will show you how the mother should be taken care of during the prenatal or postnatal period; we will come in and show you how you should wash and dress your babies," the States, like individuals, lose their initiative. The States accept the dole, and all but a few States in the Union have accepted it up to this time. Such is always the experience when such assistance is offered the States. It happened under the Federal road act and several other acts. Oh, yes; I would vote against that act if you gave me the opportunity, whenever it was not justified except on the theory of building post roads.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. COOPER of Ohio. I would like to say to the gentleman that the Federal appropriation that has been spent in the past under the provisions of the Sheppard-Towner bill has been supervised and controlled by State health agencies and not the Federal Government.

Mr. O'CONNOR of New York. If there has been such State control in the past it would not necessarily continue under this bill, because this is what the bill says—this Federal board, this bureau, this new or additional or continued instrument of bureaucracy in Washington may do and shall do:

The board shall have the power to approve or disapprove all plans providing for cooperative work between the United States and the several States. * * *

In other words, the States have nothing to say about it.

Mr. FORT. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. FORT. The States do not have to share in the appropriation?

Mr. O'CONNOR of New York. The gentleman means that the States need not accept the money, but the answer is that the temptation is too strong and they yield to a natural weakness and thereby surrender their sovereignty.

Mr. FORT. If they do not share they do not yield any sovereignty, do they?

Mr. O'CONNOR of New York. Well, the Federal Government is handing out money, and whenever anybody is handing out money, whether it is to an individual or to a State,

there is always somebody willing to take it. You say to the States, "We will give you the money but you will have nothing to say about how you shall spend it or as to any plan or method of teaching a mother how to bring a baby into the world, how to dress it, or how to wash it after it is born." There is the fundamental objection to this bill. It is not a new objection. It is an objection that has continued since its first enactment, but it is made worse to-day because Congress was deceived. It was deceived into going into this in 1921, it was deceived into continuing it later, and it has been deceived into reviving it now after the Congress and the country, I believe, had thought that the need for it had expired and never again would be asked for.

I am not going to spend any more time, ladies and gentlemen, in calling your attention to what I believe is a rank departure from the fundamental policy of this Government. Of course, it will be said that this has been done in the past and that the same thing was done in connection with the Wagner bill; but that does not answer the fundamental objection to it, namely, that it is an interference with State rights.

Mr. SHORT. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. SHORT. The gentleman from New York will concede, however, that the same principle was involved in the Wagner bill?

Mr. O'CONNOR of New York. Oh, no.

Mr. SHORT. And in bills providing for the construction of highways, and so on.

Mr. O'CONNOR of New York. No.

Mr. SHORT. Surely the gentleman does not think the Federal Government should have more concern about transportation than about public health?

Mr. O'CONNOR of New York. Oh, that is the chief argument for this bill—sentiment—little babies. It is that sentimental appeal which put this bill over. It is said to be in the interest of a little baby in the country sections or the mother of the darling. Let me say to you that there is a difference between a bill of this kind and a bill which provides for an emergency. I do not begrudge the Federal funds that were spent in the flood districts during the Mississippi floods, or do I begrudge money spent to relieve conditions in a place where there has been an earthquake or some extraordinary catastrophe. Individuals and governments will always make exceptions and stretch a point when you have real misery and suffering. The Wagner bill presented an opportunity for insuring jobs for the men of this country in the future, and by all of the past history of this country we could well afford to do that, but here there is no emergency; there is no great misery or distress. I submit, ladies and gentlemen, that of all the measures that will come before the House in these closing days of the session this bill should receive most earnest attention. I suggest that the Members read the able minority views filed by two men on that side of the House, men who are not State rights Democrats like myself. I refer to the gentleman from Connecticut [Mr. MERRITT] and the gentleman from Pennsylvania [Mr. BECK]. Their views, intelligent and deliberate, should be given real consideration in this House before any Member votes for this bill under the delusion that it is a party measure and that it should receive support because it is reported from the committee.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FORT. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, I have taken this time to quote from the hearings before the Committee on Interstate and Foreign Commerce during the consideration of this bill in order to answer the argument of the gentleman from New York. One of the witnesses before that committee was Dr. A. T. McCormack, the head of the State Health Department of the State of Kentucky. I think he answered, as specifically and as concretely as a person could answer, the argument of the gentleman from New York. He emphasized the fact that the work of the health departments in the different States is not interfered with at all by the Federal Government, that the Federal Government does not send employees into the States at all, but that the entire work is done by the State health authorities under the direction and supervision of the State health authorities. I would like to read from the statement by Doctor McCormack, who, as I said, is the head of the State health department of the State of Kentucky, and knows whereof he speaks. On page 11 of the hearings before the Interstate and Foreign Commerce Committee on January 20, 1931, Doctor McCormack said:

> I think it is very unfortunate that the impression has gotten into the minds of many people that the Children's Bureau and the United States Public Health Service are sort of benevolent despots that are imposing their will on the States. Nothing of that sort has ever happened. There is not a single activity in any State in the Union under the Sheppard-Towner law or under the rural sanitation appropriations for the United States Public Health Service that was not initiated by the States. There is not a single activity that has been controlled in any way, shape, or form by the Federal Government. They have been approved, as far as coming within the domain of the law, by the Federal Government, but the work has been in every instance by the State, done under medical supervision.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman.

Mr. O'CONNOR of New York. I do not dispute that they have not done it, but under the bill they can do it. They can send their agents into the State. There is no difficulty about it. The mere fact they have not done this in the past is no assurance or guarantee that they may not do it.

Mr. MAPES. I think the gentleman is unduly alarmed about what will happen under this bill. It is based upon the principle of the maternity and infancy legislation that Congress has heretofore passed, and the witnesses before the Committee on Interstate and Foreign Commerce during the consideration of this bill said that the provisions of this bill would be administered the same as they have been under the former Sheppard-Towner law or the former maternity and infancy law.

Mr. O'CONNOR of New York. When this matter was discussed before the Rules Committee, I endeavored to get an answer to a question and, whatever the answer was, it was not satisfactory to me. I ask the gentleman if he can clear up the question. There is a board of three, the Surgeon General, the Chief of the Children's Bureau, and the Commissioner of Education, and thereafter in the act nothing is said about the educational feature of the bill. Will the gentleman tell me why the Federal Commissioner of Education is put on this board that has power, at least, to go through the States? Why is that particular official put on this board?

Mr. COOPER of Ohio. If the gentleman will yield to me, I will tell the gentleman why the Commissioner of Education is on there.

Mr. O'CONNOR of New York. The gentleman tried to do it the other day, but did not succeed.

Mr. MAPES. I yield to the gentleman from Ohio.

Mr. COOPER of Ohio. To-day nearly all the schools in the States include a department that teaches hygiene and physical education, and therefore we thought the United States Commissioner of Education would be a valuable asset to such a board.

Mr. O'CONNOR of New York. Does the gentleman mean to tell me that the Federal Commissioner of Education is going to tell them how to teach medical hygiene in the schools—not with my vote.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. FORT. Mr. Speaker, I yield the gentleman an additional five minutes.

Mr. MAPES. I want to continue reading from the statement of Doctor McCormack about this matter. He said in his statement before the committee that the purpose of this legislation is very much misunderstood in the mind of the general public, and he might have included some of the Members of the House. Doctor McCormack goes on to say:

> But the fact—and if we can get this idea before us I think it will clarify the whole situation—that neither the Public Health Service in regard to the establishment and maintenance of the county health departments nor the Children's Bureau in regard to maternity and infancy problems has ever set up one single, solitary plan to be carried out by the State. What they have done—the State of Kentucky or the State of Maine submits its plan to the Federal authority. If it comes within the appropriation made by Congress, then that money is sent to the State treasury of the State affected, and it becomes a part of the appropriation of the State. There is no Federal employee in Kentucky under the operation—there was not under the operation of the Sheppard-Towner law at any time.

In other words, the money appropriated by the Federal Government goes into the State treasury or is under the control of the State authorities to help maintain the State agencies, the State nurses, and other State health workers, who give instruction and aid to the people of the States; but the Federal Government and the Federal authorities have no control over the employees that do the work in the different States except as the general plan is approved by the Federal Government.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MAPES. I yield to my colleague from Michigan.

Mr. McLAUGHLIN. Does the gentleman understand that Federal money is going into these States to be used and that there is to be no inspection and no control over it whatever by Federal authorities?

Mr. MAPES. The general plan is to be approved by the Federal Government, the same as in the use of the Federal appropriations for the improvement or building of roads.

Mr. McLAUGHLIN. The plan may be all right——

Mr. MAPES. The State Highway Commissioner for the State of Michigan, for example, submits his plans to the Bureau of Public Roads of the Federal Government, and if the Bureau of Public Roads approves these plans, then Federal aid is given to the State of Michigan to be expended by the State highway commissioner.

Mr. McLAUGHLIN. The gentleman will pardon me if I say I do not think he has answered the question. Does the gentleman mean to say that the Federal Government is going to send money into the States and make no inspection and give no direction whatever as to how it is to be spent?

Mr. MAPES. I will say to my colleague that that question can not be answered yes or no.

Mr. McLAUGHLIN. This gentleman from Kentucky, I think, covers a great deal of territory when he says that in no State of the Union is there any interference whatever with local control.

Mr. MAPES. That is true; but perhaps it should be qualified to this extent: The plans of the State authorities must be approved by the Federal authorities before the State authorities get the money.

Mr. SHORT of Missouri. The money is not forced upon them.

Mr. MAPES. And the work is done by State agencies and under the supervision of the State authorities.

Mr. McLAUGHLIN. The gentleman from Missouri [Mr. SHORT] says that this money is not forced upon them, but I have seen measure after measure dangling an appropriation before the States and they will surrender their rights and permit the Federal Government to carry on such activities in the States.

Mr. MAPES. I will say to my colleague that there is no forcing upon any State of any of this fund. If the State does not want it, the Federal Government does not force the State to take it.

Mr. McLAUGHLIN. I realize that, and I am reminded of a statement made to me by a very competent and very fine gentleman from one of the Southern States with whom I served on a committee for a long time. He said, "I am a man from the South, I am a Democrat, and I believe in States rights, but I never object to an appropriation of which my State is to have a part." [Laughter.]

Mr. POU. Mr. Speaker, I yield the remainder of the time allotted to me to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I am very sincerely in favor of the passage of this bill. [Applause.] This question of the conservation of the health of our people has been a matter, if I may use the term, which has captivated my interest for a number of years.

I took the occasion when we had this matter up for consideration before on the floor of the House to express the opinion that as far as the meager appropriation now available for the purpose of rural sanitation is concerned, its use by the Public Health Service cooperating with the States was the very best money the Government of the United States spends. [Applause.]

In the time allotted to me I desire to give to you some of the reasons that impel me to support this legislation. I realize that there are some gentlemen on my side of the aisle, and I suppose on the other side, who are opposed to the principle of the Federal Government participating in any sort of activity where there is a distribution of funds to the States.

No man respects more than myself the profound conviction of those who take that attitude. But I respectfully call attention, in answer to that argument made here, that as far as precedents are concerned the Democratic Party has not opposed the principle of Federal participation.

I want to say in the beginning that this principle under which we are now acting was first incorporated in the law as far back as 1893, when Grover Cleveland was President of the United States. I think he will be regarded as a pretty sound Democrat on the question of State rights.

The first authorization made by Congress for Federal participation in activities of this sort was the act approved February 15, 1893, when a law was passed cooperating with the different States and municipalities—it even included towns—in uniform rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious and infectious diseases into the United States from foreign countries, and from one State to another.

I want to say that looking back on the achievements of the last Democratic administration, and in reviewing some constructive work placed on the statute books by the genius and foresight of my party when it was in power, I believe that few acts of Congress have surpassed the benefits to the masses of our people those which were involved in this very character of Federal legislation.

I think the Federal act providing assistance to the States in the construction of highways, which has been subsequently followed by the Republican administrations, has been more advantageous in a practical way in the development of our country than any other piece of legislation enacted in modern times. [Applause.]

I believe that the Smith-Lever Act, providing county agents for scientific agriculture, has been a tremendous practical benefit to the farmer. And so with the Smith-Hughes Vocational Education Act which has been followed as a permanent policy, has been of great advantage. I say I am in favor of the provisions of this bill.

Now, let us see, gentlemen of the House, the theory which is involved in presenting this bill for the consideration of Congress. I want to quote from a statement issued by Dr. W. F. Draper, Assistant Surgeon General, of the Public Health Service, of the fundamentals of rural-health work.

This bill goes to the very fundamentals of the useful and practical application of these Government funds, especially as far as rural activities are concerned:

> The first and greatest need is for the coordination of the health activities which are being introduced into rural communities. Under present conditions many rural districts are periodically aroused by a campaign in the interest of some particular health problem. The arguments put forth in favor of each immediately win the sincere support and interest of various elements in the community. Tuberculosis stands third as a cause of mortality in the United States; yet there are many rural communities in which little or nothing is being done to combat this disease. Surely a campaign directed toward its control and eradication should be most welcome. The venereal diseases bear a most important relationship to the welfare of the family and the progress of the race. Syphilis alone, if we are to accept the estimate of Osler, is responsible for approximately 125,000 deaths each year. Certainly the campaign to control venereal diseases should have every encouragement. But there are 50,000 mothers and infants dying each year from preventable causes; and there is the big problem of school-health work, which must be encouraged if we are to develop a citizenry of young Americans 47 per cent of whom will not be

physically defective, as was the case among the men of the recent draft.

What is the actual need, as shown by a survey of the whole country, for this additional appropriation? There is no new procedure involved here. There is no new principle of government or of appropriations involved here. Let me call attention to this fact, and these are the things that make me approve this legislation. Only about 24 per cent of our rural population is as yet provided with local health service approaching adequacy under the direction of whole-time local—county or district—health officers. Because of lack of efficient whole-time rural-health service infections of man are conveyed very frequently across interstate lines. In our rural communities there are about 1,000,000 persons incapacitated all the time by illness, most of which is preventable; about 70 per cent of the school children are handicapped by physical defects, most of which were preventable or are readily remediable; about 30 per cent of the persons of military age are incapacitated for arduous productive labor or for general military duty, largely from preventable causes; and over 60 per cent of the men and women between 40 and 60 years of age are in serious need of physical reparation, largely as a result of preventable causes. In view of these conditions, there is no room for reasonable doubt about the need for more and better rural-health service in this country.

As has been pointed out, there has been nothing compulsory about accepting the provisions of this bill on the part of the different States. I regret exceedingly, and I have taken occasion to call attention to it heretofore, when this same question was under discussion, that there are so many of the States in the Federal Union to-day which are not taking advantage of the appropriations for this sanitation work. I present for your view here a chart illustrating the counties which have taken advantage of this, and you will see from it that some of the large States in the Union have so far failed to take advantage of this provision, but in those States and counties where cooperation has been effected, no man can doubt the actual, practical, economic, and humane value this money has contributed to the general health and happiness of the community.

I shall not attempt to go into the provisions of the bill. It has been very carefully thought out by the committee. As far back as 1929 I introduced a bill in the House which was referred to the Committee on Interstate and Foreign Commerce dealing with the rural sanitation features of this legislation. The maternity features that are incorporated in the bill were not incorporated in my bill. I have been interested in this great problem because of the rural sanitation feature involved in it, but the committee in its wisdom has seen fit to reincorporate the provisions of the Sheppard-Towner Act making provision for the continuation of the maternity work, and that having been done I shall give to the bill as a whole my hearty support.

Mr. FORT. Mr. Speaker, I ask unanimous consent that in the Committee of the Whole, when the bill is ready for purposes of amendment, the House committee substitute be read in lieu of the Senate bill as an original bill.

The SPEAKER pro tempore. Is there objection?

Mr. MERRITT. If that request is not objected to, my understanding is that the amendment will be subject to amendment.

Mr. FORT. Yes.

Mr. BLANTON. That will delay matters and probably cause it not to pass.

Mr. FORT. No; it will not.

Mr. O'CONNOR of New York. I reserve the right to object.

Mr. BLANTON. The quickest way to expedite the passage of this bill is to pass the bill just as it is.

Mr. FORT. I do not know anything about that. The House committee has reported a complete substitute bill. The purpose of my request is to avoid the necessity in Committee of the Whole of reading eight printed pages of the Senate bill which have been struck out.

Mr. BLANTON. There will be no trouble about that, but there will be a chance for the House to pass the Senate bill without adopting the House substitute.

Mr. FORT. Oh, yes.

Mr. STAFFORD. I reserve the right to object. I think the gentleman's request is premature. We are not as yet considering the Senate bill. The rule for the consideration of the bill has not as yet been adopted. It is customary in House practice, just preceding going into the Committee of the Whole for the consideration of a bill, to make such a request. I suggest the gentleman withdraw his request for the time being.

The SPEAKER pro tempore. The Chair would suggest that the better practice to pursue is the course suggested by the gentleman from Wisconsin.

Mr. FORT. Mr. Speaker, I withdraw my request. I simply want to say in reference to this legislation, in view of the questions raised as to its propriety, that it seems to me if there is any type of legislation which is within the scope of that catch-all phrase of the Constitution, "the public welfare," it is legislation relating to the public health. We have as a nation adopted quarantine legislation to prevent the spread of disease among human beings. We have quarantine and other legislation both with and without State aid to prevent not only the spread of disease but its beginning and continuance among cattle and hogs.

This proposal is for the Federal Government to do for human life exactly what we have done for generations for the animal life of the Nation. [Applause.]

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. FORT. Mr. Speaker, I ask unanimous consent that in reading the bill in Committee of the Whole House, the committee amendment may be read in lieu of the Senate bill, as though it were an original bill, for the purpose of amendment.

The SPEAKER pro tempore (Mr. MICHENER). Is there objection to the request of the gentleman from New Jersey?

Mr. HUDDLESTON. Reserving the right to object, Mr. Speaker, I see no occasion for that. There is no reason why we might not deal with this in the regular manner, under the rule, and that will be that when the first section of the Senate bill is read, to offer the other as a substitute for it, and to strike out the remaining sections of the bill?

Mr. BURTNESS. Will the gentleman yield?

Mr. HUDDLESTON. I yield.

Mr. BURTNESS. It would not come up in that way. What the gentleman referred to as the substitute is the committee amendment, and it would therefore come up as one committee amendment. Of course, the committee amendment will be offered at end of the first section.

Mr. HUDDLESTON. Yes; the committee amendment is subject to amendment, so that there is no right lost to amend it by taking it up in the regular way. If the committee amendment should be adopted in lieu of the bill, that disposes of reading the balance of it.

I am constrained to object to the request, Mr. Speaker.

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 255, with Mr. STAFFORD in the chair.

The Clerk read the title of the bill.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. Under the rule, the gentleman from New York is recognized for one hour.

Mr. PARKER. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman, ladies and gentlemen of the committee——

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BLANTON. The point of order is that the gentleman from Wisconsin [Mr. STAFFORD] being removed from the floor by having been placed in the chair to preside, we should have the balance of the House here in order to make a quorum, but I shall not insist upon it.

The CHAIRMAN. The point of order is not well taken, as far as the gentleman from Wisconsin is concerned.

Mr. BLANTON. The gentleman from Wisconsin, however, will watch things even from the Chair, so I will not insist on the point of order.

The CHAIRMAN. The gentleman from Ohio will proceed, notwithstanding the untimely interruption of the gentleman from Texas. [Laughter and applause.]

Mr. COOPER of Ohio. Mr. Chairman, ladies, and gentlemen, many misstatements have been broadcast all over this country regarding the provisions of this bill. It has been called the baby bill, the birth control bill, and many other names. The impression has been left that the passage of this bill will permit Federal spies and snoopers to go into homes and take charge of the mothers and children. Such a statement as that insults the intelligence of the committee which report this bill to Congress. I would be the last man in the world to stand on the floor of this House and advocate the passage of a bill that carried such provisions as that. It is my intention for a few minutes to try to tell the House just what this bill provides.

The measure we have before us at this time for consideration combines the features of two bills introduced in the present Congress—Senate bill No. 255 by Senator JONES and H. R. 12995 by myself.

It provides for the reestablishment of activities by the Children's Bureau in the Department of Labor for the promotion of the health and welfare of mothers and children, and also, the enlargement and systemization of the activities of the United States Public Health Service; for the promotion of well-rounded general health work among the rural population of the United States.

Under the act of February 15, 1893, it is the function of the Federal Government, through the Public Health Service, to aid and cooperate with the States in carrying out their laws and regulations for the protection of public health.

The duties of the Federal Government in preventing the spread of disease between the States and in promoting public health are best served by aiding, establishing, developing, strengthening, and maintaining efficient State and local health departments and all Government health activities in cooperation with the States should be directed toward this end. The health agency of the Federal Government, the United States Public Health Service, should be in a position to work out with each State its own peculiar health problems, and to extend the kind of assistance that is most needed. The fundamental need at the present time is for the establishment of efficient whole-time local health service, through which the measures necessary for the benefit and protection of public health, may be conducted in logical sequence and in proper relation to one another. This need is constantly reiterated by official public-health authorities, National, State, and local, and emphasized by all recognized in public-health work throughout the United States. Subsidies or appropriations for special lines of health activities are wrong in principle, and have proved by past experience to yield unsatisfactory results. Tuberculosis, for example, stands sixth as a cause of mortality in the United States. Should a special appropriation be made by the Federal Government, for a campaign to eradicate this particular disease? There are 50,000 mothers and infants dying each year from preventable causes, and there is the great problem of school-health work, which must be provided for, if we are to develop a manhood and womanhood that will not be physically defective. Mental hygiene is important in rural communities, and sanitation work, malaria control, and so forth, are entitled to all the militant enthusiasm that can be aroused.

Should a special appropriation be made to some branch of the Federal Government to meet each of these needs? The whole problem of health and disease is so complex and interrelated, that it is impossible to make satisfactory progress along one line unless it is conducted in a definite and proper relation with all others. What worth-while results can be accomplished in tuberculosis for example, unless conditions effecting the spread of all communicable diseases that lower the vitality and render the individual an easy victim to tuberculosis are controlled? Safe milk and water supplies must be assured. Satisfactory methods of sewerage disposal must be installed. Infants must be properly reared, personal and school hygiene must be taught and observed. Medical examinations of school children must be conducted and abnormalities corrected. In short, the control of tuberculosis is not a problem by itself but depends upon all the varying activities that go to make up a well-balanced public health department. The purpose of section 3–A of this measure, is to authorize annual appropriations and to provide facilities for health work among the rural population of the United States. The sums appropriated under the terms of the bill, will be distributed among the States on a rural population basis, and the work would be conducted in cooperation with the State and local health agencies. If this bill should become law after three years of continuous operation in a local health project, the Federal contribution shall not exceed 25 per cent of the total funds made available for that project for one year. By this means, undue dependence upon Federal assistance is prevented and an increase in local interest and responsibility is encouraged. The detailed operations under the provisions of section 3–A of this bill are similar to those carried out with annual appropriations made by Congress to the Public Health Service for studies of and demonstration work in, rural sanitation each year since 1916.

During this period, it has been proven that the plan is economical and effective. No complaints have ever been made against the participation of the United Public Health Service in this field of work, in the 500 counties in which the plan has been conducted. There are in the United States, approximately 2,500 counties of comparable jurisdiction to which organized whole-time rural health is applicable. At the present time, there are only about 500 of these counties, in which are included about 24 per cent of our rural population, are so provided. Until assistance such as that contemplated in the pending measure is provided, the cost in unnecessary loss of life and preventable sickness and suffering will many times exceed the cost of such service.

Paragraph B of section 2 of the bill is for the purpose of enabling the Children's Bureau of the Department of Labor, under the general supervision of the board, to cooperate with the State agencies of health to promote the health and welfare of mothers and children as it was administered under the provisions of the Sheppard-Towner Act. The splendid service rendered in the past by the Children's Bureau through the provisions of the Sheppard-Towner Act is well known in every State where this work has been carried on. Under the provisions of the bill, while the activities relating more generally to public health will be administrated by the Public Health Service and those more directly relating to child and maternal welfare by the Children's Bureau, it is the intent of the bill that all activities shall be coordinated under the general supervision of the Federal coordinating board, which consists of the Surgeon General of the United States Public Health Service, the Chief of the Children's Bureau, and the United States Commissioner of Education.

At this time I want to read from the message of President Hoover to the second session of the Seventy-first Congress, which has a direct relation to the measure we are considering to-day. In his message he said:

The advance in scientific discovery as to disease and health imposes new considerations upon us. The Nation as a whole is vitally interested in the health of all the people: in protection from spread of contagious disease; in the relation of physical and

mental disabilities to criminality; and in the economic and moral advancement which is fundamentally associated with sound body and mind. * * * The Federal Government through its control of contagion, acting through the United States Public Health Service and State agencies, has in the past and should in the future concern itself with this development, particularly in the many rural sections which are unfortunately far behind in progress. * * *

I recommend to the Congress that the purpose of the Sheppard-Towner Act should be continued through the Children's Bureau for a limited number of years. * * *

Again in his message to this session of Congress the President urges the further consideration of his previous message in the following words:

I urge further consideration by the Congress of the recommendations I made a year ago looking to the development through temporary Federal aid of the adequate State and local services for the health of children and the further stamping out of communicable disease, particularly in the rural sections.

The advance of scientific discovery, methods, and social thought imposes a new vision in these matters. The drain upon the Treasury is comparatively small. The results, both economical and moral, are of the utmost importance.

In the Cosmopolitan magazine of this month, in a published article, President Hoover is quoted in the following words:

One of the biggest of all problems is to drive in this idea, the necessity of properly born, trained, educated, and healthy moral children to the voters and officials of America." If we could have but one generation of properly born, trained, educated, and healthy children, a thousand other problems of government would vanish.

Again I quote:

To-day we think little of spending $700,000,000 annually on our two great arms of defense—yet it is with difficulty that we vote a twentieth part of that sum toward national health and education. Somehow it is hard to "sell" an intangible thing like protection of children, yet we "buy" a $17,000,000 cruiser without raising an eyebrow.

Those are not my words, but they are the words of the President of the United States.

Mr. Chairman and Members of the House, I believe that the enactment of this bill into law would foster the development of efficient and economical local health service in communities of the United States which comprise the aggregate population of about 75,000,000 people. It would be in effect the extension of the helpful hand of the United States Government through proper channels and in a most vital and important way to a large proportion of our people at their very hearthstones.

It would not be a usurpation of State or local governmental authority, but it would be an augmentation of the machinery to enable the State and local health agencies better to meet their obligations and responsibilities, to conserve and promote the health, the lives, and the general welfare of their constituencies. [Applause.]

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. COOPER of Ohio. I yield.

Mr. MORTON D. HULL. The Sheppard-Towner law lapsed for a year or two?

Mr. COOPER of Ohio. Yes.

Mr. MORTON D. HULL. During the period of that lapse was there any experience which enables the gentleman to make a comparison of the effect of the absence of that law as compared to the period when that law was in effect?

Mr. COOPER of Ohio. I am sorry to say to the gentleman I have not looked up that information. I wish we had it.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. COOPER of Ohio. I yield.

Mr. COCHRAN of Missouri. Is there any definition whatsoever in this bill as to what is to be an infant, within the meaning of this act? Although Senator SHEPPARD and Representative TOWNER appeared before the Senate and House committees and stated the purpose of the old legislation was to take care of the infant and mother at the time of birth, immediately after the bill became a law various States called the attention of the Children's Bureau to the fact that an infant was a child until it reached its majority, and the Children's Bureau approved of the plans of numerous States not to take care of the infant at the time it was born, or the mother at the time of birth, but for dental work and many other activities in connection with grown children.

Mr. COOPER of Ohio. I thought the gentleman was going to ask me a question.

Mr. COCHRAN of Missouri. I want to know whether the gentleman is going to define "infant" in this bill?

Mr. COOPER of Ohio. Well I can not do that now. The time is limited. I would rather leave that to some of the medical profession later on. That is not a question.

Mr. COCHRAN of Missouri. The gentleman is the author of the bill. Does the gentleman want to take care of the child and the mother at the time of the birth of the child, or does the gentleman want to take care of all children up to 21 years of age with this appropriation?

Mr. COOPER of Ohio. I am not going to answer that question. It is not a fair question.

Mr. COCHRAN of Missouri. Why is it not a fair question?

Mr. ARNOLD. Will the gentleman yield?

Mr. COOPER of Ohio. I yield.

Mr. ARNOLD. I understand it is optional with the States to accept Federal contribution for this purpose?

Mr. COOPER of Ohio. Yes.

Mr. ARNOLD. In the States which do not accept the Federal contribution, has the Federal Government, through its agencies, any power or authority to go into those States and carry on this work?

Mr. COOPER of Ohio. None whatever. I will say that the wrong impression has gone out about the workings of the Sheppard-Towner Act. As I said, the supervision and control of all of this work has not been conducted by the agents or representatives of the Federal Government, but by local and State health authorities. [Applause.]

Mr. RAYBURN. Mr. Chairman, I yield myself 10 minutes. Mr. Chairman and members of the committee, whether we are for this bill or not we should approach it with our eyes open. The old phrase that the Old Guard dies but never surrenders can hardly be applied to this measure. This is another evidence that when a Federal bureau is once created it is never destroyed.

I think it was about 9 or 10 years ago when this measure was first brought to the attention of the committee. Some very sincere and earnest men and women came into the committee asking for this authorization on the theory that they had some theories of child welfare that they wanted to teach the States, which they could teach to them in five years and then their task would be over. The committee reported the bill and the Congress enacted it. When these five years were up they came back to us and said their work was not yet completed and wanted another five years' extension. The committee, upon the request for a second five years, granted two years, thinking that in that time they would be able to teach the States what they ought to know.

At the conclusion of the 2-year term they came back to us asking that this bureau and this activity be continued, and it is going to be done, of course, for the simple reason that many of us voted for the 5-year law, thinking that we were justified in doing that thing because these people said they could teach this to the States in that time; then we voted for the 2-year extension, and we are bogged down with this bureau and this 50–50 bribe to the States, just like we are bogged down and bought out by the bribe on roads and every other activity in which the Government is interested on a 50–50 basis. None of us can criticize the other for voting for a 50–50 proposition, because I doubt if there is a man in this Congress who has not been guilty of voting for some one or many of them.

It matters not what the doctor from Kentucky, Doctor McCormack, said. The gentleman from Michigan [Mr. MAPES], who is always accurate in his statements and always fair in his statements, read what the doctor said before the committee. He read it into the record.

They say, of course, that the States have not been interfered with in the administration of this law. That may be true; but the power is carried in this bill for the Federal Government to absolutely control this thing, and which they will ultimately do, in my opinion, if they stay in the business. The Federal bureau created under this bill will have the power and right to withhold every dollar of the money that would go to a State unless the State authorities agree to every condition that they desire to impose.

There is one other thing, and that is one of the reasons why it is so hard to oppose measures of this sort in the beginning or to oppose their continuance.

Mr. SIROVICH. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SIROVICH. Can the gentleman tell the committee what regulations the National Government has made for the States to follow which the gentleman opposes or which he considers vicious in their nature?

Mr. RAYBURN. I said they had not any now. I tried to make that very clear. But the power is there to do it, and, in my opinion, they will ultimately do it. I have never known the Federal Government to vote money for use with the States on a 50-50 basis, and it ran over a term of years, but what the Federal Government did not ultimately take full charge and make full rules and regulations regardless of the States. Then the States, of course, in order to get their money, came crawling up and agreed with those conditions. As I started to say, another thing that makes it hard to oppose measures like this is that they tell you that you have done this for the hog, you have done this for the cow, you have done this for corn and oats and wheat and every other thing.

Of course, on a moment's reflection anybody will know that Congress never made an appropriation for the hog as such or for the cow as such. Congress makes appropriations to stamp out diseases among horses in order that they may pull plows and till the soil. Congress makes appropriations to stamp out diseases in hogs and cattle in order that they may have pure milk to drink and pure meat to eat. It is not a question of appropriating money in order to make the hog healthy. It all goes back to the proposition of making the hog healthy so that he may be killed when he is fat and healthy, and the cow well fed so that she will give pure milk and furnish pure food.

Mr. PARKER. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. PARKER. Is not that exactly what this bill does—improve the health of the general inhabitants of the country?

Mr. RAYBURN. I had not denied that. I was talking about some people who believe in some of the original and ancient fundamentals of government when they get up and maintain a position opposed to this exceptional 50-50 proposition, which was inaugurated before any of us came to Congress.

In this bill there is not only a continuation of the maternity and infancy act, but there is another 50-50 bureau built up. That is this rural sanitation. In my opinion, instead of having another 50-50 proposition with reference to rural sanitation we should, if it is a proper activity for the Federal Government to engage in, have the Federal Government appropriate all the money that they intend to spend and not force the States to go into it with them on a 50-50 basis. It may result in this: That the poorest State in the Union, where its legislature will not make an appropriation to match the Federal Government, may have more rural population than any other State in the Union, and yet that State will be deprived of any of this Federal money, when they pay their taxes into the fund the same as any other State, for the simple reason that their legislature does not feel able and the people do not feel able to raise the money under taxation.

Allow me to call your attention to one other thing which I think should be stricken out of this bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. RAYBURN. Mr. Chairman, I yield myself three additional minutes.

Mr. Chairman, allow me to call attention to section 7 of this bill that this House, in respect to itself, should strike out of the bill. I do not believe there is anybody anywhere who believes that any Federal agent under any department of the Government has the right or the power to go into a man's home and take charge of his wife or his child without his consent; and yet, inferentially, we are saying in section 7 of this bill that we believe they may have the right to do it unless we specifically prohibit it by law. Listen to section 7 of this bill:

No official, agent, or representative of the board or of any organization represented thereon shall, by virtue of this act, have any right to enter any home over the objection of the owner or occupant thereof, or to take charge of any child over the objection of the parents.

Surely the Congress of the United States will not pass a measure containing a provision that in the least semblance would give caste to the thought that any agent of this Government has the right or the power under any law that Congress is competent to pass to enter into the home of a man over his objection and take charge of his wife or his child. Surely this House of Representatives will strike this provision out of the bill and not send it out to the country that we have so far forgotten what this Government means and what liberties and rights the citizen has under the Constitution and laws of this land as to believe that we have to pass a law that says they can not go into a man's home and take charge of his child without the consent of the parents. [Applause.]

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. O'CONNOR of New York. If the gentleman will permit me, with no powers of a soothsayer, I prophesy on this 27th day of February, 1931, that if the gentleman lives long enough—and I hope he lives long—he will see that done, and the Federal Government will send its agents into the home. This is but a forerunner of what will happen in the future.

Mr. RAYBURN. Mr. Chairman, I live in a section of the country—and I hope it will never change—where no man will ever come into a home and take charge of a man's wife or his child without his consent and leave there standing up. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. RAYBURN. Mr. Chairman, I yield myself two additional minutes.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. COOPER of Ohio. May I ask the gentleman from Texas if he voted for the Sheppard-Towner bill?

Mr. RAYBURN. I have stated I voted for the Sheppard-Towner bill providing for five years and I voted to extend it two years, and I have not said I would not vote for the Cooper bill. I am calling this to the attention of the House and asking them to go into it with their eyes open. I will not vote for the Cooper bill with this provision in it.

Mr. COOPER of Ohio. The gentleman is aware of the fact that he did vote for the other bill that had the same provision in it?

Mr. RAYBURN. I did not. I am informed that provision was put in by the Senate. I do not think I had ever voted for the passage of a bill through this House with a thing like that in it; and, furthermore, I intend to move, when we reach the reading of this amendment, to strike out the provision that requires a 50-50 matching by the States and the Federal Government before the rural districts of some of the States where the legislature may not make an appropriation, can participate in this fund.

If this is a proper Federal activity, then the Federal Government should appropriate all the money for it and not send the States crawling to a Federal bureau and agreeing to every condition that a Federal bureau desires to impose, in order to get the money that they pay into the Treasury as taxes to run the Government through this activity and all others. [Applause.]

Mr. PARKER. Mr. Chairman, I yield 15 minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, there is no need, I think, for any very extended discussion of this measure, and par-

not to take care of the infant at the time it was born, or | Government to absolutely control this thing, and which they

ticularly of that part of it which is known and has been known for many years as the maternity bill. The committee will note that this is a case of the tail wagging the dog, because, although the major part of the appropriations are to be used for general health purposes and are first set forth in the bill, the title of the bill places the emphasis on the health and welfare of mothers and infants, and the heading of the report is "Maternity and infancy."

Legislation on this subject is now nearly 10 years old, the first bill having been approved in November, 1921, and was then known as the Sheppard-Towner Act. The agitation in favor of it had then been going on for a number of years. The act was the result of the activities and efforts of the Children's Bureau of the Department of Labor, of which the head was then Miss Julia Lathrop, and she has been succeeded by Miss Grace Abbott. Both of these women are of great ability and have rendered and are rendering distinguished public service.

Like the heads of other governmental bureaus, these women felt that their work was not only of great importance, but, as time went on, that it was of the greatest importance, and that the extension of their activities into other fields and throughout the whole United States was essential.

Accordingly, as a result of their efforts, or of the efforts of Miss Lathrop, the Sheppard-Towner bill was enacted, as I have said, in November, 1921.

It was argued at the time, and doubtless believed, that the benefits from the work would be so apparent that the interest of the States and different communities would be aroused, so that at the end of the five years, which was the limit of the original act, the work would continue under State support and supervision, without the aid of the United States.

But the results of the work from the beginning were not as evident or as prompt as its promoters had hoped, so that before the five years ran out, in June, 1927, the proponents asked for legislation to extend it for another five years. There was, however, so much opposition in the Senate to the proposal that the extension was finally limited to two years, so that the appropriations for this work were discontinued in the fiscal year ending June 30, 1929. They were discontinued, however, only against the effort of the Children's Bureau. In fact, a bill for such continuance was passed both in the House and the Senate, but President Coolidge thought that either the experimental work had gone on long enough to give the necessary demonstration to the States, or that the work was primarily the responsibility of the States and the different communities, and was not properly the work of the Federal Government. Perhaps the combination of both these reasons accounted for the fact that he let the bill for extension die by means of a pocket veto.

The bill now before us revives the work of the Children's Bureau substantially on the lines of previous legislation, with the important exception, however, that there is no limitation to its continuance, but the authorization for the appropriation is permanent.

In the minority report there are set forth reasons why many think that this legislation is unconstitutional.

The proponents of the measure maintain that that question is settled by a decision of the Supreme Court in favor of its constitutionality. The fact is, I believe, that when the State of Massachusetts endeavored to bring that question before the court, the court declined to pass directly upon the question of constitutionality on the ground that neither the State nor a taxpayer had the right to raise the question of constitutionality in the suit then pending. But our colleague [Mr. BECK], who, as we all know, is a high authority on the Constitution, states in his minority report that a law may be juridically constitutional and yet politically anticonstitutional.

Anyone who has been a Member of Congress for the last 10 years or so, or anyone who has kept track of the doings of Congress and of the Federal Government, must agree, I think, that the tendency has been very strong in the direction of legislation and of administration which is politically anticonstitutional.

I need not take time to elaborate or particularize, for every man here knows of the varied and increasing demands on the Federal Government for help or for interference in all conceivable directions in connection with interests or work which more properly belong to the States. I am aware, as you are, that the platforms of political parties are said to be built to get in on rather than to stand on. But the point I am stressing is that public apprehension of the extension of Federal bureaus has grown sufficiently to attract the attention of both political parties.

The platform of the Republican Party in the last presidential campaign, held in Kansas City, June 12–15, 1928, has this to say:

> The Federal Government should zealously protect the national and international rights of its citizens. It should be equally zealous to respect and maintain the rights of the States and Territories and to uphold the vigor and balance of our dual system of government. • • •
>
> There are certain other well-defined Federal obligations, such as interstate commerce, the development of rivers and harbors, and the guarding and conservation of national resources. The effort which, however, is being continually made to have the Federal Government move into the field of State activities has never had, and never will have, the support of the Republican Party. In the majority of the cases State citizens and officers are most pressing in their desire to have the Federal Government take over these State functions. This is to be deplored, for it weakens the sense of initiative and creates a feeling of dependence which is unhealthy and unfortunate for the whole body politic.
>
> There is a real need in the country to-day to revitalize fundamental principles; there is a real need of restoring the individual and local sense of responsibility and self-reliance; there is a real need for the people once more to grasp the fundamental fact that under our system of government they are expected to solve many problems themselves through their municipal and State governments, and to combat the tendency that is all too common to turn to the Federal Government as the easiest and least burdensome method of lightening their own responsibilities.

And only two weeks later, at Houston, Tex., the Democratic convention said the same thing in more condensed form, as follows:

> We demand that the constitutional rights and powers of the States shall be preserved in their full vigor and virtue. These constitute a bulwark against centralization. • • •
>
> We oppose bureaucracy and the multiplication of offices and officeholders.
>
> We demand a revival of the spirit of local self-government without which free institutions can not be preserved.

I venture to state that if the question were put to Members of this House, whether, in his or her opinion, the care of mothers and babies is a proper Federal function, the answer in a great majority of cases would be "No."

The reason, I think, why previous legislation of this sort has been passed by the Congress and why it is now reported out favorably in this bill is another shining example of the effect of agitation and propaganda by an active minority. We have all been deluged by resolutions from various leagues of women voters and from mothers' societies stressing the great importance to the community of proper care of mothers and babies in time of pregnancy and childbirth. No one is so foolish or so hard-hearted as to deny this, but when one agrees to this proposition it does not carry with it the sequence that this care should be provided by the Federal Government. In fact, the contrary is true, and the efforts of these mothers' societies and other societies, which are properly influenced by sentiment, should be governed by reason. Reason would show them that, in the end, it would be better for the mothers and babies and for the communities at large if their efforts were directed to stirring up local sentiment and building up local public opinion, which would not only benefit the mothers and babies involved but strengthen the communities themselves.

So far as any reliable statistics can show, there has been no marked advantage from the interference in this work by the Federal Government. As we all know, statistics on a subject of this sort, involving so many factors, are difficult to obtain, and still more difficult to analyze as a basis of judgment after they are obtained.

The only statistics to which I shall refer, and which, I suppose, are the latest available, are some which were used by Miss Grace Abbott, Chief of the Children's Bureau, in a paper printed last September in the Annals of the American Academy of Political and Social Science. In this paper the infant mortality is shown in a number of States which availed of the Sheppard-Towner Act, and in two States—Connecticut and Massachusetts—which did not accept its provisions or aid from it. The comparison is made between the years 1917 and 1921, exclusive of 1918, which was an epidemic year, and the six years under the Sheppard-Towner Act, from 1922 to 1928. This shows that the infant mortality during those years in the State of Connecticut decreased 20 per cent and in the State of Massachusetts 19 per cent, which was a greater percentage of decrease than in any of the States accepting aid from the Sheppard-Towner Act.

In the same paper is a table showing maternal mortality during the same dates, and in that table the percentage of reduction is less in the case of Connecticut and Massachusetts than in 14 other States shown, but the reason for that is that the initial percentage, with which the last percentage is compared, is less in both those States than in any of the others. The actual percentage of maternal deaths in Connecticut, a nonassisted State, is the lowest except two in any of the States shown, and the percentage in Massachusetts is lower than any except eight.

But whatever may be said about the value or the wisdom or the propriety of help in some of the States, it approaches the ridiculous to maintain that, for the proper care of their mothers and babies, States like New York, and Pennsylvania, and New Jersey, and Illinois, and Ohio, and California, need the help of the Federal Government.

It seems to me, therefore, that this bill is a good example of bureaucracy run wild, of sentimentality supplanting reason, and of an active minority imposing its will on Congress to enact anticonstitutional legislation. [Applause.]

Mr. PARKER. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, this session of Congress is rapidly drawing to a close. When it ends the services in this body of the gentleman from Connecticut [Mr. MERRITT], who has just addressed us, will come to an end, temporarily at least. This bill probably will be the last one of any importance reported by the Committee on Interstate and Foreign Commerce to be considered in the House in this Congress. The gentleman from Connecticut has been for a great many years, in fact ever since he has been in Congress, an influential and leading member of that committee. For myself I do not want his services here to close without paying my tribute of respect and admiration for the gentleman from Connecticut and my regret at his departure as a Member of the House of Representatives. [Applause.] I think it will be agreed by every Member of the House that there are few men in Congress who have the affection and warm-hearted regard of their colleagues to the extent that our friend from Connecticut has. He is a man of conviction and of high character, a courageous and able legislator, broad-minded, always courteous and considerate, but a man who does not surrender his principles or convictions upon questions of legislation. I take this opportunity of expressing my own personal regret at his departure and to wish him and his all happiness and Godspeed. [Applause.]

Mr. RAYBURN. Mr. Chairman, speaking for the minority of the Committee on Interstate and Foreign Commerce, we indorse every word said by the gentleman from Michigan [Mr. MAPES] about the gentleman from Connecticut [Mr. MERRITT]. The gentleman from Connecticut is an able legislator, a fine friend, and a gentleman of the best type. [Applause.]

I yield two minutes to the gentlewoman from Florida [Mrs. OWEN].

Mrs. OWEN. Mr. Chairman, I rise to call the attention of the House to the fact that there is present in the gallery a group representing the best young citizens of the fourth congressional district of Florida. Every high school in my district, by a vote of the pupils, selected the boys and girls who had been the best citizens during the past year, and in every county the school board chose from that group one boy and one girl who by qualities of dependability, service, leadership, and patriotism may be said to constitute the best young citizens in the State. This group represents not tourists coming to visit Washington but good citizens coming to have the inspiration of the Nation's Capital. I take pleasure in presenting to the Members of the House the group in the gallery, the best young citizens of my district. [Applause.]

Mr. RAYBURN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, it is true that for the activities provided for by this bill there is no direct warrant in the Constitution. In that respect it is on a parity with many other measures that we have passed, and with many other activities upon which we have embarked the Federal Government.

But we did not start on this practice yesterday. It has been going on for more than 100 years. I believe that a careful examination of the appropriations made by the Congress will disclose that for at least half of them there is no direct warrant in the Constitution, and that the activities which they provide were never in the contemplation of those who wrote the Constitution.

If this were the original entry into such fields, I should support it with reluctance, but for this measure there are a multitude of precedents. There are a multitude of vastly larger appropriations and more important activities which are of greatly inferior worthiness to this measure, and why gentlemen will avail themselves of constitutional qualms with regard to this measure when they are caused no distress when we deal with measures of just as little constitutional warrant and carrying vastly greater amounts is more than I can understand. Even on yesterday I observed gentlemen who now lean back on constitutional grounds voting to use the taxing power of the Government to protect the dairy industry from what they consider unfair competition on the part of another American industry, to wit, the production of imitation butter.

I have observed these same gentlemen voting to use the taxing powers of the Government, and priding themselves in doing so, to protect American industries from foreign competition. I have observed them, under color of the Constitution, not really under its true significance, but under a pretext of constitutionality, voting hundreds of millions of dollars for the construction of roads throughout the country. I have observed them voting $500,000,000 as a subsidy to agriculture. I have observed them voting vast sums as subsidies to shipping and aviation interests.

And so I might go on down the line. They feel no pain when it is the interest of industry that they serve, but when it is interest of humanity, then it is a very different matter. They lend Uncle Sam's money for the benefit of industry, but they can not bring their consciences to vote even a penny to buy a mouthful of food for a starving child.

I have, I think, due respect for the Constitution of the United States. Indeed, I have too much respect to use it as a pretext for refusing to do something which is demanded of me by good conscience and the principles of humanity.

I have, I think, due respect for the Constitution. Indeed, I have too much respect to use it as a pretext for doing something which was far from the minds of those who wrote the Constitution or those who adopted it.

For this measure there is a multitude of precedents. It would take page after page and page after page of the RECORD merely to list them. There is the precedent which the measure bears for itself. Congress passed substantially the same measure some years ago. It was in operation for a number of years. Appropriations were made to carry it out. Nothing new is proposed. I will not wrap myself in the robes of extreme political rectitude and posturing as a true believer in the Constitution and as its preserver in all its purity in order to drag down this little measure designed to do something for the mothers and children of the country.

This little I have said is provoked by some of the observations which have been made upon this measure. I did not rise to discuss it upon its merits. I rose more particularly to call the attention of the committee to the parliamentary situation.

The bill pending before the House is a Senate bill. It has already passed the Senate. If the House shall adopt it, it

anticonstitutional.

by Miss Grace Abbott, Chief of the Children's Bureau, in a paper printed last September in the Annals of the Ameri-

will be ready for the President's signature and no further congressional action will be required. It is proposed by a majority of the Committee on Interstate and Foreign Commerce, which reported the bill, to offer what is called the Cooper bill as a substitute. The Cooper bill is identical with the Senate bill, but in addition it proceeds into a new field. The Senate bill deals only with the subject of maternity and infancy. By the Cooper bill that subject is covered and also a new activity of the Government is entered upon in that it provides for cooperation by the Public Health Service with State health departments in the entire field of rural medicine.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. HUDDLESTON] has expired.

Mr. RAYBURN. Mr. Chairman, I yield to the gentleman from Alabama five additional minutes.

Mr. HUDDLESTON. Every objection, constitutional, political, and otherwise, which can be offered against the Senate bill, can be urged against the Cooper bill, and in addition it may be truthfully said that by it we are entering into a new field. By it we are departing from the limitation of attention to matters of maternity and infancy and going into the field of rural sanitation, communicable diseases of all kinds, and general health questions relating to our rural population. If any member had reason to vote against the Senate bill, he has that same reason and an additional reason for voting against the proposed amendment.

There were those in the Senate who opposed the bill there with great vigor and determination. I assume that they were sincere in their position and that they will oppose the final passage of this measure with equal determination, because, by adopting this amendment they will be afforded new reasons, new arguments, and new grounds of objection.

Those who vote for this amendment do not cast a final vote. They do but vote to project this entire matter back into the Senate where it will be debated, at what length I do not know, during the closing hours of the present session. Only three days are left in which Congress may take action upon this measure. It will be easy enough in the Senate to delay this measure until it is too late for the House and Senate to agree upon it.

So, without questioning the sincerity of those who are opposing this amendment, I direct the attention of those who are really friendly to maternity and infancy legislation, to the fact that if you vote for this amendment you may be voting to kill the legislation. Therefore, I am prompted to ask "Do you want this bill passed and to become a law, or do you merely want to tie it up in the Senate so that there will be no legislation upon the subject?"

As for me, I want the legislation, and I am going to cast a vote that I think will do most to get it through. Therefore I am going to vote against any amendment that may be offered to the Senate bill. [Applause.]

The CHAIRMAN. The gentleman from Alabama yields back one minute.

Mr. RAYBURN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman, ladies and gentlemen of the committee, first I want to congratulate the House upon having presiding over our deliberations such a distinguished parliamentarian as we now have in the chair. [Applause.] I know that he being there everything will proceed with proper decorum and under strict parliamentary guidance.

Now, ladies and gentlemen of the committee, I yield to no man in my desire to help the mothers and children of America. In my legislative career it has always been my purpose to try to help those who were unable to help themselves. I have always taken the part of the under dog, and I am very glad that I have done so.

In the consideration of this bill we have a virtual extension of the Sheppard-Towner bill. I was not here when the original bill was passed, but I voted for the extension of that bill. The distinct understanding was that after a period of seven years the States would be so interested that they would carry on this work themselves. The time, however, expired and the work was not carried on by many States.

I quote from no less an authority than the former distinguished President of the United States, that eminent statesman from the State of Massachusetts, Calvin Coolidge. He said:

> I have referred in previous Budget messages to the advisability of restricting and curtailing Federal subsidies to the States. The maternity act offers concrete opportunity to begin this program. The States should now be in a position to walk alone along this highway of helpful endeavor, and I believe it in the interest of the States and the Federal Government to give them the opportunity.

That is a quotation from the annual Budget message of President Coolidge of January 7, 1927, page 1219 of the CONGRESSIONAL RECORD.

What do we do in this bill? We give a small, meager allotment to the States. What State of the great 48 States of the Union is so impoverished that it needs $5,000 or $10,000 to carry on its public-health work? I am sure that this bill is nothing if it is not an indictment of the health boards of the various States. What man here as a Representative from one of the sovereign States is willing to admit that his State is so poor and its financial resources are so low that it has to have a little hand-out, a little dole, from the Federal Government? I know that to many men the word "dole" is obnoxious. They would rather use the word "rehabilitation," but I would use the plain word "dole." How is it we are willing to take a little dole in order to carry on a Federal bureau, but we are not willing to hand out a dole to help men, women, and children in need of food and clothing? I say you not only indict the States but you indict the rural population. I am surprised to see in this large body so many men from rural sections willing to sit in their seats and virtually hear the rural population of their States referred to as medical paupers. I do not believe such a condition exists. I am unwilling to believe it, because I do not think there is a single State that desires to be characterized as needing a medical dole and that their rural population is without proper State health service.

I have the greatest respect in the world for the members of the medical profession. I have seen, not only in the cities but in the rural sections of our State, examples of their work. To my mind there is no one nearer to the average man or woman, outside of their clergymen, than the doctor. I do not believe there is a more self-sacrificing man in the entire United States than the country doctor. We owe many, many votes of thanks to the country doctor. He is the adviser and the friend of our people. They spend many years in acquiring an elemental and professional education. They work hard during the period of their lifetime and, according to statistics I have read recently, very few of them die and leave an estate of the value of even the cost of their education. Yet by this bill you indict that splendid example of humanity, of professional ability, of friendliness, and helpfulness—the country doctor.

Now, like every other Federal bureau, once it is established they never want to let go. They want to go on forever and ever and a day.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. COOPER of Ohio. Did not my good friend vote for the Wagner bill the other day?

Mr. BOYLAN. Yes; surely.

Mr. COOPER of Ohio. That bill carried a permanent appropriation of $4,000,000 a year, did it not, and that was a subsidy of the States?

Mr. BOYLAN. Well, the Wagner bill came here as an original piece of legislation, while the legislation we are now discussing came here originally with the proviso that it would extend over a period of five years; that was allowed and the five years passed. Then they came in and said, "Oh, well, we could not do it in five years; you have got to give us two years more." Then we gave them two years more, and then, after the two years were over, they said, "We can not do it." And they now come in again and

and patriotism may be said to constitute the best young already passed the Senate. If the House shall adopt it,

want to be permitted to go on forever and ever, like the brook.

Mr. COOPER of Ohio. I would like to say to the gentleman that, as far as the Public Health Service is concerned, that feature of this bill has been the law since 1893, and we have been making appropriations every year for that purpose.

Mr. BOYLAN. For the purpose of this bill?

Mr. COOPER of Ohio. Yes.

Mr. BOYLAN. I understand that the particular purpose of this is really a prolongation of the Sheppard-Towner Act.

Mr. COOPER of Ohio. I think the gentleman had better read the bill. If he reads the bill he will find there is a fine public-health program in it.

Mr. BOYLAN. It is like dressing it up. You know, we passed a bill here last year which was famously known thereafter as the 5-and-10 bill. That bill came in here in disguise; it had an overcoat on, whiskers, and a slouch hat. It was going to be an increase of agents along the border to keep out smugglers, but after we took the disguise off of it we found it was our old friend prohibition, but under a new name.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAYBURN. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. BOYLAN. I think, ladies and gentlemen of the committee, that in all fairness and justice to the State boards of health, in all fairness to the country doctor, and in all fairness to the rural population of our country—who I say are not paupers—we should not pass this bill. I believe there is too much centralization in the practice of medicine at the present time. I believe that not only in the rural sections but also in the large cities we are building up medical organizations that take away the initiative of the ordinary family physician. These men are doing a noble and a splendid work for our communities, not only in the cities but also in the country. They should be encouraged to carry on. If we are going to have Federal bureaus take over the medical work of the States by holding out a miserable pittance of $5,000 or $10,000 where are we going to end?

Where will we end? I ask. If the Federal Government wants to take over the health activities of the States, why not set up a Federal bureau of health and give them appropriations and power, if you will, to attend to all the public-health work of the various States; but so long as the States are acting within their own power, so long as they refuse the small dole offered by the Federal Government as an entering wedge to dominate the State health boards, we should reject this bill. [Applause.]

Mr. PARKER. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. RAYBURN. Mr. Chairman, I also yield to the gentleman from Massachusetts five minutes.

Mr. STOBBS. Mr. Chairman, ladies and gentlemen of the committee, I am opposed to the fundamental principle involved in this legislation, which is the extension of Federal aid to States on what seems to me are distinctly local matters.

There may be some justification for making appropriations to take care of or to help out the public-health situation in the various States, which is incorporated in the first part of this bill, on the theory that there are certain contagious diseases which may be transmitted from one State to the other, but I do not know of any justification, at the same time, for the Federal Government to subsidize the States of this country for the purpose of supervising maternity and childbirth. What possible business is it of the Federal Government of the United States of America as to the conditions under which childbirth and maternity are being supervised in the respective States? If there was ever a local matter or a matter which belonged strictly to control and supervision of the States, it certainly is along the lines of maternity and childbirth.

This means, Mr. Chairman, embarking once more along the road of subsidizing the States on the 50-50 proposition, which was started a few years ago in our Federal road-building program. The road-building program started very modestly with an appropriation of something like $4,000,000. To-day we are spending $100,000,000 on a 50-50 basis with the States. We have started at this session of Congress on another subsidy to the States in the employment agencies to be created under the Wagner bill, starting very modestly with a million and a half dollars for the first year and $16,000,000 for a period of four years. Now, in the same session and in the same week we are off on still another similar proposition, calling modestly for something like $750,000 to $3,000,000 in the first four or five years under this bill for the Public Health Service and less than that amount for the maternity end of it, and without knowing where we are going to wind up.

If we pass this legislation it simply means we are driving one more nail, to-day, in the coffin of States' rights, and our States are ceasing to be political units any longer and are becoming nothing, more or less, than geographical units, and we are losing the whole conception of the division of power and division of rights between the Federal Government and the State government, operating together in the same spheres but along entirely separate lines.

I say to my friends on the other side that John C. Calhoun, to-day, if he could know what legislation is being proposed here, would turn over in his grave to think that the Federal Government and the Congress should contemplate any legislation of this kind; and Alexander Hamilton, even in his wildest dreams, never contemplated any such centralization of power as is being given to the Federal Government under the terms of this proposed legislation.

There is no objection, of course, to the Federal Government collating and disseminating information about child welfare and health and maternity and furnishing this information to the various States, but why should the Federal Government actually go into the individual States and actually supervise the method and the conditions under which maternity and child welfare are being taken care of?

Mr. Chairman, I am proud of the fact that my own State of Massachusetts, together with two other States in the United States, has refused to take one dollar of the Federal money for this purpose, because we believe we can take care of our own maternity problems. We believe we can take care of our own child-welfare problems. We do not want any aid from the Federal Government to take care of what is distinctly our own problem, and we live up to our own obligations as far as our own citizens are concerned.

Then, my friends, in this connection it seems to me it is fundamental, as a principle of charity, that if you are going to accomplish anything along the lines of charity you must encourage the principle of self-help. Every welfare organization realizes that this is a fundamental proposition, and when in my own city this last year we raised our community chest fund, realizing the extreme needs that we had by reason of the unemployment problem, appeal was made to the citizens of our community to give most generously and by something like 20 per cent we went over the standard and goal that had been set. We realized that in handling the situation what we wanted to do and what we should do was to encourage the people in need to help themselves, and this is the only way you are going to accomplish any really worth-while results. The minute the Federal Government starts to put money into the different State treasuries you are encouraging similar subsidies along the lines contemplated in this bill and not only are you not encouraging self-help, not only are you not helping these people to learn how to help themselves, but you are stultifying the initiative of every State.

The history of the Sheppard-Towner bill in the last few years illustrates that fact—instead of encouraging work on the part of the State you have stultified it, and you will continue to stultify it as long as you are taking one more step and building up a great bureaucracy in the country rather than let the States work out their own individual problems.

I can not understand how some of you men day after day come into Congress, knowing what you do about the disadvantages of Federal bureaucracy, realizing as you do how

impossible it is to have any real contact between your constituents and the bureau located in Washington, which is being supervised and operated by clerks with no personal contact between the two—I do not see how you can come here to-day and vote to create one more bureau along the same lines, when everybody knows that, as far as real efficiency is concerned, you are doing everything you can to stultify efficiency in this line of work.

Now, one more fact before I close. As I have said, this is one more nail in the coffin of State rights. The next step, my friends—you have passed the Wagner bill subsidizing the States 50-50 in the unemployment situation; you are passing a maternity bill subsidizing the States again 50-50—and it is only a question of a very short time before you have legislation on this floor of Congress to subsidize and to standardize education throughout the whole 48 States. You are heading for that goal as sure as anything can possibly be.

I ask you men, do you appreciate the seriousness of what this would involve this country?

Men are saying here to-day, "We know this bill is wrong in principle, but we have embarked on this policy and it is only another step along that line."

That is the same argument that is going to be used next session, or some succeeding session, when somebody comes along and proposes a bill to subsidize and to standardize education throughout the United States, taking away from the local authorities or communities the right to educate our children in the way we think they ought to be educated. [Applause.]

Mr. RAYBURN. Mr. Chairman, I yield to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman and members of the committee, the pending bill goes further than the old maternity act in that it provides that the United States shall cooperate with the States in promoting the general health of the rural population of the United States as well as the welfare and hygiene of mothers and children.

I am opposed to the bill because it is nothing more than a dole, a plan to create more public officials at public expense, and, further, an additional movement toward centralization of power.

I would suggest that if you are to pass this bill that you define in no uncertain terms what the money can be used for. Refer to the hearings before the committees when the original bill was introduced and you will find the statements of Senator SHEPPARD, of Texas, and Mr. Towner, of Iowa, both of whom told, as did all other sponsors of the measure, of the necessity of providing some means to take care of the infant at time of birth, as well as of the mother.

What happened after the law was placed upon the statute books? Ask those who administered the measure how long it was before various States called attention to the definition of an infant. How they showed that an infant was a child until it reached its majority. Some States submitted their plans for Federal aid not for taking care of the infant at time of birth or for the mother but for various other purposes, and the board in charge of administering the act approved their applications.

I asked the author of the bill, Mr. COOPER of Ohio, if he would define the infants he sought to take care of by the passage of the bill, and he replied it was not a fair question. He is unwilling to confine the bill even to the child at the time of birth or the mother when she brings the child into the world. If the proponents of the bill were really serious in their intentions to care for the child at time of birth and the mother at that time, why do they not at least by proper language keep the bureau within that area?

This morning's Washington Post carries an article by a leading private citizen, former President Coolidge, in which he indorses this movement. Read if you will not one but several statements from President Coolidge when he was in office, directly in contrast to what he says on the eve of the consideration of this measure. I wonder what prompted the statement from his pen this morning.

An organized minority is responsible for this bill being here in the closing hours of the session.

Officials of the Children's Bureau have in part instigated the propaganda.

The evidence submitted at this hearing as well as the claims of the Children's Bureau in its annual reports and before the Appropriations Committee show beyond question that the States were aroused to activity and that many States after the act expired increased its appropriations for maternity work, my State—Missouri—included.

Read the statement of Doctor Haines in her summary submitted for inclusion in the hearings and you will find the following:

> Greater attention to the health of the preschool child marked the closing years of the maternity act.

That statement confirms my assertion that this money was used for purposes other than for the care of the child and mother at the time of birth.

In this bill you bait the States with an appropriation of $1,000,000 for the first year, increasing the amount annually until it reaches $3,000,000 for 1936 and every year thereafter.

I am opposed to the principle of Federal aid unless there be a great emergency such as we are now experiencing among the people of the country.

I shall vote for the Senate language when the motion is made, as it is far less objectionable than the House bill, but in the end on final passage I shall vote against any bill of this character.

This is but a starter. Enact this measure and later you will be confronted with legislation far more drastic, until in the end you will probably be telling the mothers of this country that they must do as the Children's Bureau says.

Mr. PARKER. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Chairman, ladies and gentlemen of the committee, the people of my State join with those in the other States in their interest in this legislation. In Alabama, under the constitution, provision inserted at the instance of a great medical statesman, Dr. John Cochran, the medical profession is charged with the responsibility of the protection of public health, and its council is the State health department. Under the direction of Doctors Sanders and Welch and Doctor Baker, our present State health officer, tremendous progress has been made in the protection of health and the lives of our citizens. With the assistance of the United States Public Health Service, the Children's Bureau, and the Rockefeller Foundation, we have been able to develop such popular support of this measure that 51 of the 67 counties in our State are now served by the health departments. This progress would have been impaired had it not been for the assistance received from the Federal Government through the appropriation for rural sanitation.

Alabama maintains a historic position as favoring State rights. It would be difficult for us to submit to any form of Federal domination. It is a pleasure, therefore, to see that through experiments by the administration of the United States Public Health Service in rural visitation and the Children's Bureau in maternity and infant home work by the Federal agencies as cooperation with the State in the furtherance of plans initiated locally in the different counties. The problems of the various counties differ. In many of our counties malaria has been the chief problem. This has now been put under control. All over the State a few years ago careful students found that our children were not consuming sufficient milk because the proper safeguard had not been placed around its purity. Through these county health departments active work has been done which has furnished the citizens of Alabama, particularly its children, with a safe, pure milk supply. This has not only improved health conditions but has improved economic conditions of the entire State, because the increased demand for pure milk has resulted in increased dairy herds.

Typhoid fever was formerly one of the frequent occurrences in every part of Alabama. Our people have, however, learned through their health department methods that pollution of their drinking water supply caused this, and this has been made safe both in urban and city homes by sewage disposal.

Only a few years ago the cost of the care of typhoid in Alabama was greater than the cost to-day of the development of our road system and we could not have afforded the expense of building roads had we continued this enormous waste in the case of which science has demonstrated to be preventable.

Tuberculosis is particularly destructive among our negro population. Since the development of our county health departments the death rate from this disease alone has been reduced more than 60 per cent.

The insidious destruction wrought in venereal diseases which have helped to fill our asylums and almshouses has been reduced by more than 75 per cent. When our young men were mobilized for the defense of the freedom of mankind in the World War we were amazed to find that practically one-third of them were physically or mentally incapacitated for service. Since then these public health departments have developed examinations for school children, and have educated the parents as to the necessity of correction of any physical defects to such a degree that we are developing a healthy childhood, which is bound to have its effect in the development of citizenship hereafter.

In Alabama we are particularly interested in the mothers of the State, not only those who have passed through this travail but the young women who are to become the mothers of the race. We want to train them for this important function. We want to throw about them every safeguard that science and humanity has found necessary. We know from our past experience during the demonstration period of the development of work in maternity and infancy and in public health work together with the county health department that there is no interference with the rights of the States. That there is no domination of the counties, but the work of each county is done as its people and its officials desire it to be done. The people of Alabama favor this legislation, and we trust this bill will be passed by the Congress. [Applause.]

Mr. PARKER. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. RAYBURN. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, on two occasions recently I addressed the House on matters similar to this and, I am sorry to say, without effect. So to-day I have determined not to use my own language but to use what time I have in quotations from men and minds who are greater and wiser than I. First, I quote to you a passage from the Republican platform:

> The effort which, however, is being continually made to have the Federal Government move into the field of State activities has never had and never will have the support of the Republican Party. In the majority of the cases State citizens and officers are most pressing in their desire to have the Federal Government take over these State functions. This is to be deplored, for it weakens the sense of initiative and creates a feeling of dependence which is unhealthy and unfortunate in the body politic.

And now from the Democratic platform:

> We demand that the constitutional rights and powers of the States shall be preserved in their full vigor and virtue. These constitute a bulwark against civilization.
>
> We oppose bureaucracy and the multiplication of offices and officeholders.
>
> We demand a revival of the spirit of local self-government, without which free institutions can not be preserved.

So, gentlemen, you see that both the Republican Party and the Democratic Party, according to their avowed policy, are opposed to this proposition. Lest we forget, I want to quote from one of the few statesmen who have sat in recent years at the other end of the Capitol. The honorable Senator from Missouri, Mr. Reed, in speaking upon this very subject, delivered himself as follows:

> As these immense powers are conferred upon the chief and exercised through her associates in the bureau and her chosen assistants, the question of personality becomes important. Accordingly I give the names: Miss Julia Lathrop, chief; Mrs. Helen S. Woodbury, Miss Blanche Steele, Miss Emma Lundberg, Miss Catherine Lenroot, Miss Dr. Anna Ruhl, Miss E. N. Matthews, Miss Flora Selbert, Miss Pary Buckford. Observe that the entire bureau is composed of unmarried women, except Mrs. Helen Woodbury and her husband, who both hold jobs in the same department.
>
> It seems to be the established doctrine of this bureau that the only people capable of caring for babies and mothers of babies are ladies who have never had babies. This is further indicated by the list of field workers employed. The book Maternity Care and the Welfare of Young Children in a Homesteading County in Montana is prepared by Miss Dr. Grace L. Meigs, Miss Viola I. Paradise, Miss Helen M. Dart, Miss Letitia Fyffe, Miss Dorothy M. Williams, Miss Janet M. Geister, Miss Stella E. Packard, Miss Mary R. Lane, and Miss Etta F. Philbrook. The book Infant Mortality is credited to Miss Nila F. Allen, Miss Melissa Farrell, Miss Roberta King, Miss Elizabeth Moore, Miss Jessie Riall, Miss Mary Van Zile, and Miss Rena Rosenberg. The book Rural Children in North Carolina is by Dr. Frances Sage Bradley (presumably a miss) and Miss Margaretta A. Williamson. Maternal Mortality is the work of Miss Doctor Meigs, Miss Emma Duke, and Miss Viola Paradise. The book Infant Welfare Work in Europe is attributed to Miss Nettie McGill, Mrs. Frances Hawes, and Miss Anna Kalet. All the medical doctors who have been concerned in the preparation of literature or the work of the bureau are women and are, I believe, with one exception unmarried.

And then again:

> But, Mr. President, when we employ female celibates to instruct mothers how to raise babies they have brought into the earth, do we not indulge in a rare bit of irony? I repeat, I cast no reflection on unmarried ladies. Perhaps some of them are too good to have husbands. But any woman who is too refined to have a husband should not undertake the care of another woman's baby when that other woman wants to take care of it herself.

Mr. PARKER. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. IRWIN].

Mr. IRWIN. Mr. Chairman, ladies and gentlemen of the committee, I rise to make a few remarks on this bill. I am not attacking the constitutionality of the bill. As a rule, I am against all measures that are paternalistic in their nature.

I am against this bill, because the medical profession, of which I am a member, is practically unanimously against the bill. I have been a member of the medical profession for 35 years. Why is the medical profession against this bill? Why is the American Medical Association against this bill? Why are practically all the State medical associations against this bill? Why are the county medical associations and the city medical associations against this bill? I hear some of you say, "They are selfish," but my friends, that is not a fact. It is not a matter of selfishness with the medical profession, that they are against this bill. There is no profession on earth that does more for suffering humanity, gratis, than the medical profession. [Applause.] The State of Illinois has never taken part in or contributed to the so-called Sheppard-Towner maternity bill. The State of Illinois is one of the States that has never subscribed to or taken any part in the administration of this bill?

Mr. ALMON. Will the gentleman yield?

Mr. IRWIN. I yield.

Mr. ALMON. There are only three States who do not contribute. Is that not a fact?

Mr. IRWIN. I think there are three. Illinois is one.

Mr. KVALE. Will the gentleman yield?

Mr. IRWIN. I yield.

Mr. KVALE. Has the State of Illinois adopted a similar policy with reference to the other 50-50 proposals?

Mr. IRWIN. I can not answer that question, but I do know they did not adopt the policy of 50-50 with reference to this bill.

The State of Illinois has a State board of health and, functioning through that State board of health, through the various counties and cities, which are the local branches. The maternity death rate and the death rate of infants is much less in the State of Illinois than it is in many of the States which have adopted the Sheppard-Towner law. So if that is true, why adopt this?

There is one other thing I want to bring to the attention of the House. I said a moment ago that the medical profession does more charitable work and does more work gratis than any other profession on earth.

Mr. CONNERY. Will the gentleman yield?

Mr. IRWIN. I yield.

Mr. CONNERY. I know the gentleman who is speaking will not like me to say this, but it has come to my attention that the gentleman who is addressing us now, speaking about the medical profession, has paid out of his own pocket thousands of dollars for some little orphans in an orphan asylum in Illinois. [Applause.]

Mr. IRWIN. I want to say that in the heart of the average reputable medical man there is a certain sympathy.

That sympathy is taught by the medical societies all over the country.

Mr. BLAND. Will the gentleman yield?

Mr. IRWIN. I yield.

Mr. BLAND. The gentleman stated that the medical profession generally was against this bill?

Mr. IRWIN. I said a large per cent of the medical profession.

Mr. BLAND. We are very much interested to know the reason for that.

Mr. IRWIN. I say that that sympathy and that charity manifested by the medical profession throughout the country is going to be stifled by passing just such legislation as this. I do not think that there are very many women or very many infants throughout the country to-day who do not get the proper medical care. The different medical societies, national, State, and local medical organizations, look after this work, are often asked to care for these cases. I believe there is a very slight number of women or children throughout the country who do not get the proper medical attention. If the Government steps in and does this work it will lower the sympathetic and charitable inclination of the physicians, who now perform this free service and I am afraid far more harm will come to the people of the Nation than what good could possibly come by passing this legislation.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. IRWIN] has expired.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise, to expedite the business of the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 255, had come to no resolution thereon.

REPORT OF DIRECTOR GENERAL OF RAILROADS FOR 1930 (H. DOC. NO. 789)

The SPEAKER laid before the House the following message from the President, which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Director General of Railroads for the calendar year 1930.

HERBERT HOOVER.

THE WHITE HOUSE, *February 27, 1931.*

HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 255) for the promotion of health and welfare of mothers and infants, with Mr. STAFFORD in the chair.

Mr. PARKER. Mr. Chairman, I yield to the gentleman from New York [Mr. SIROVICH] five minutes.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Chairman, ladies, and gentlemen, I have listened with tremendous appreciation to the interesting debate that has been going on in this House regarding the maternity bill. In my humble opinion, this legislation is a clarion call to the people of our country to preserve the home, which is the foundation of our Nation and upon which all society must rest. In every home, no matter how humble or modest it may be, there is engrossed upon the wall the sentiment, "God bless our home." Home—what a sweet and tender memory it recalls to us all. Home—the place where we are treated the best and grumble the most. The home is older than our Republic. It antedates every religion in the world. In the home the father is king, the mother queen, and the children the subjects. In every American home the conduct of the parents should be a model for the future character of their children. Why? Because as go the parents, so go the children. As go the children, so goes the home. As goes the home, so goes the Nation. Destroy the home and you destroy our Republic and all that it stands for. That is why I am fighting for this Sheppard-Towner bill. Because in its essence it cries aloud for the preservation of the home and the health and happiness of the mother and her children, who bring music to the home. [Applause.]

Mr. Chairman, ladies, and gentlemen, several Members have spoken in opposition to this humane legislation on the ground that it cost our Government during the last seven years $10,000,000 to protect the life, the limb, the health of mothers in rural sections who are going through the agonies of childbirth. I have seen millions of dollars voted upon this floor to conserve and preserve property rights. Millions have been appropriated for military preparations to destroy human life. What is more noble than to spend a million or two dollars every year to preserve the angel of the home, the mother, who is ready to die upon the altar of childbirth to give life to innocent children, to rear and develop her home? [Applause.]

Mr. Chairman, what is money that the watch dogs of our Treasury protect with greater enthusiasm than the life of humanity? To me money is the medium of exchange. It typifies the savings of labor and capital. It is its symbol. It represents the frozen labor of the past; the liquid flow of the present; the solid reward for the future. Without money life in our homes is impossible and intolerable. I am therefore making this appeal to the conscience of the membership of this House to help every mother who lives in the rural sections of our Nation, who is deprived through no fault of her own of medical attention to bring her children into the world. [Applause.]

In many sections of our Nation innocent mothers go through childbirth having to be confined by strangers, by neighbors, or relatives, who, ignorant of obstetrics, try to help in their uncouth fashion the labor cries of American womenhood. Is it fair, is it just that these women who have been offered up on the altar of childbirth have to die through these infections that come in the wake of being delivered in an atmosphere of contamination and dirt that ultimately causes death through the disease known as puerperal sepsis? [Applause.]

Mr. BOYLAN. Will the gentleman yield?

Mr. SIROVICH. I yield.

Mr. BOYLAN. What States?

Mr. SIROVICH. Here is a gentleman in whose State this condition is found. Stand up Mr. HOUSTON.

Mr. BOYLAN. That is a reflection on his State.

Mr. DAVILA. And here is one, too.

Mr. HOUSTON of Hawaii. We paid more last year than was involved in the Federal aid.

Mr. BOYLAN. That is a reflection on the States and not a reflection on the National Government.

Mr. SIROVICH. I do not care where the reflection comes from. As a practicing physician and surgeon for more than 25 years, who has brought hundreds and hundreds of children into the world, I am trying to treat a condition that is a reflection upon our civilization in this the twentieth century of so-called progress. [Applause.]

Mr. Chairman, ladies, and gentlemen, a government to succeed must not only believe in the principles of stability and order but must illuminate its pathway with progress and reform in order to accomplish the greatest good for the greatest number. Yesterday I voted for the farmers. Coming from the greatest industrial city in the world I wanted agriculture to be placed upon a parity with industry. One is dependent upon the other for its happiness, its prosperity, its success. I do not want oleomargarine to destroy the wholesome dairy product of butter under artificial coloring. [Applause.]

The two pillars that support the Constitution of the United States are the protection of property and that of life. This

bill, so humane, so just, and so divine in its nature, will protect the lives of mothers in the rural sections of our country.

Two constitutional objections have been made against this bill. One on the ground that it is unconstitutional, and the other that it destroys State rights. The distinguished and learned Congressman from Pennsylvania, the Hon. JAMES M. BECK, has written a minority report against this bill. In my opinion, there is no greater constitutional authority, no more gifted and brilliant lawyer in this the Congress of the United States than JAMES M. BECK. I have the greatest admiration and most wholesome respect for his gifted talent in law. He has an exceptionally keen intellect and a most lucid style in his interpretation of the Constitution of our great Republic. In reading quickly his minority report while the debate was in progress, I found the sentiment "the power to tax is the power to destroy." Is that right, Mr. BECK?

Mr. BECK. I did not originate it.

Mr. SIROVICH. It was the expression of Chief Justice Marshall, but worthy to be reproduced by your wonderful mind. During the last decade many bills have passed the Congress of the United States, which involve this principle contained in the Sheppard-Towner bill, such as the Smith-Lever Act, the Smith-Hughes Act, the Smith-Sears Act, the Sheppard-Towner Act. These bills that passed this House were designed to have the Government of the United States give a certain sum of money as a contribution to any State that is willing to apply the principle of aid which is optional with the State to accept. If the State accepts, it means that it has agreed to the minimum requirements given by our country. The Supreme Court of the United States approved this principle. It declared that the principle was no involvement of the sovereign rights of the States, since the State did not give up its sovereign rights, as it was optional with the State to take the money or not. That so long as the appropriation was given for the general welfare of the people, Congress was within its rights.

The chief opposition against this bill, as I see it, however, is upon the theory of State rights. The opponents of this maternal measure contend that it destroys State rights, and this bill creates a bureaucracy. Mr. Speaker, ladies and gentlemen, for the last four years that I have been a Member of this distinguished body, bill after bill has been passed that could be opposed upon this very basis. Does not prohibition violate State sovereignty and State rights? Was not the Wagner bill that I spoke for and that passed this Congress opposed on the ground that it violated State rights? How about the Government's contribution of Federal funds to build State roads? They all jeopardize the principle of State rights. But, Mr. Speaker, so long as the people of our country are the beneficiaries of that form of legislation, I am in favor of it, because it is the duty of the State to protect the home and its citizens, and if the State fails to accomplish this purpose, it is my contention that it is the duty of the Nation to go in and act where the State has failed to protect the best interests of its people. [Applause.]

Prior to the enactment of this maternity legislation, one child out of every three that came into the world died. Today one child out of every seven dies. The American soldier fighting in the ditches and trenches of France, with bullets, bombs, and poison gas about him, has a better chance to escape with his life than has a young child coming into the world in the rural districts of our country.

I come from a home where we are taught to revere and respect motherhood. I believe that every man in this House should honor the mothers of our country by making it possible for the humblest woman to give birth to a child in the way nature intended, surrounded with every opportunity to live on and rear that child as a mother would love. [Applause.]

The distinguished gentleman from Massachusetts [Mr. STOBBS] contended that every State that takes this Federal aid stultifies itself. Every State with the exception of three has taken this money. Mr. Chairman and fellow Members of the House, the State of New York last year contributed the sum of $900,000,000 in the form of taxes to support this Nation. All that it got in return for maternal aid in the rural sections of our State was the sum of $70,000. If it is not stultification to pay money to our Federal Republic, surely it is no more than just for the State of New York to take back one-thousandth of 1 per cent of all that it gave in support of the rest of the Nation. [Applause.]

My gracious friend from Massachusetts [Mr. UNDERHILL] commented upon the fact that all the women engaged in bringing into realization this original bill to help American mothers were unmarried. What of it? More power to them. There is nothing wrong about that. Must a doctor have pneumonia, typhoid fever, rheumatism, and appendicitis in order to know how to treat these maladies? These lovely women have given up their lives in the quarry of human sympathy. They have helped to wipe away the tears of suffering humanity. They have helped to make life better in this world for their having lived in it. I respect them. Congress should honor them. They could have given their lives upon the altar of domestic felicity, yet they sacrificed all in order to help those who are less fortunate than themselves. [Applause.]

My respected and revered friend from Connecticut, the Hon. SCHUYLER MERRITT, wanted to know whether there is anything contagious in childbirth. Let me inform him that it was Doctor Semmelweiss, way back in 1860, who gave to the scientific world the knowledge that puerperal death during and after childbirth came simply from infection. He was hounded and pounded for his views. This criticism affected him mentally. He died in a madhouse of Budapest, Hungary. Since that time the whole world has acclaimed his theory and proved its truth—that death from childbirth is the result of dirt infection caused by being handled by careless, ignorant, septic, and unclean personages at the time of childbirth. If my distinguished friend should ever visit the city of Budapest, there he will find a monument erected to commemorate the name and fame of Doctor Semmelweiss, who proved to the world that death from childbirth comes directly from dirt infection. [Applause.]

Mr. Speaker, ladies, and gentlemen, Congress is always passing special legislation to help different sections of our country in order to bring happiness and prosperity to all of the people of our country. The Boulder Dam for the Western States. Flood control for the Middle Western States along the pathway of the Mississippi. Muscle Shoals for the South. Tariff legislation for the industrial East. Farm relief for the Middle West and Northwest. Interstate commerce bills for the benefit of railroads, mills, mines, looms, and factories. Restricted immigration to help American labor. Subsidies to preserve the shipping industries of our country. Legislation for harbor and river improvement. Funds for the boll weevil in cotton sections. Money for corn borer in the agricultural States. I have voted for them all to help our country become great, glorious, and prosperous. To-day I am going to appeal to you all, coming from every section of our Nation, to vote for the mothers who have given us birth, to protect their life, their limb, and their health in their greatest hour of pain and anguish. When these crying maternal evils shall have been remedied through the passage of this humane maternity bill, then will the home, which is the foundation of our Government, be preserved and the mothers of our Republic be eternally grateful to you all. [Applause.]

The Clerk read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum of $1,000,000 per annum for enabling the State agencies of health in cooperation with the Children's Bureau of the Department of Labor to promote the health and welfare of mothers and infants. Subject to the provisions of this act, the appropriation herein authorized shall be apportioned among the States as follows: $15,000 to each State and the balance among the States in the proportion which their population bears to the total population of the United States according to the last preceding United States Census: *Provided*, That no payment shall be made in any year to any State until an equal sum has been made available by the State for the maintenance of the services provided for in this act.

So much of the amount apportioned to any State for any fiscal year as remains unpaid to such State at the close thereof shall be available for expenditures in that State until the close of the succeeding fiscal year.

Mr. PARKER. Mr. Chairman, I move to strike out the first section and offer the committee amendment.

The CHAIRMAN. The gentleman from New York moves to strike out section 1 of the Senate bill and insert in lieu thereof the committee amendment which the Clerk will report.

The Clerk read, as follows:

Strike out the first section of the bill and insert the following:

"That for the purpose of coordinating the general rural health and maternal and child health activities hereinafter provided for, there is hereby created a board to be known as the Federal Health Coordinating Board (hereinafter referred to as the board), which shall consist of the Surgeon General of the United States Public Health Service, who shall be the chairman, the chief of the Children's Bureau of the Department of Labor, and the Commissioner of Education of the Department of the Interior.

"SEC. 2. The board shall have the power to approve or disapprove all plans providing for cooperative work between the United States and the several States under this act, which plans shall be submitted to the board in accordance with sections 4 and 5 of this act, and such other powers as are conferred upon it by this act.

"SEC. 3. (a) For the purpose of enabling the Public Health Service, under the general supervision of the board, to cooperate with the State agencies of health in the development of local health units or organizations for the prevention of disease and the promotion of health among the rural population as provided in section 4 of this act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, and for each fiscal year thereafter, the sum of $250,000, $5,000 of which shall be made available annually to each State in the manner and under the conditions hereinafter provided; and there are hereby authorized to be appropriated the following additional sums for such purposes, to be expended as hereinafter provided: For the fiscal year ending June 30, 1932, the sum of $750,000; for the fiscal year ending June 30, 1933, the sum of $1,000,000; for the fiscal year ending June 30, 1934, the sum of $1,250,000; for the fiscal year ending June 30, 1935, the sum of $1,500,000; for the fiscal year ending June 30, 1936, the sum of $2,000,000; and for each fiscal year thereafter, for the above purposes, the sum of $3,000,000. From each of such additional sums so much, not to exceed 5 per cent thereof, as the Secretary of the Treasury, upon recommendation of the Surgeon General of the Public Health Service, may estimate to be necessary for administering the provisions of this act, shall be deducted for such purpose, to be available until expended, and the remainder of each of such additional sums shall be allotted to the several States in the proportion which the rural population of each State bears to the total rural population of all States, as determined by the latest available United States census: *Provided*, That no allotment out of any of the appropriations under this act shall be made to any State for any fiscal year until at least an equal sum shall have been provided by such State for the same fiscal year for rural health work within the State under this act: *And provided further*, That after Federal funds appropriated under this act shall have been expended in three consecutive fiscal years for the support of rural health work in any county, township, town, or other political division or subdivision of any State, the amount allotted and paid from such funds shall not exceed 25 per cent of the total funds made available, as herein provided, for the further support of such work in said division or subdivision in any fiscal year.

"(b) For the purpose of enabling the Children's Bureau, under the general supervision of the board, to cooperate with the State agencies of health to promote the health and welfare of mothers and children, as provided in section 5 of this act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, and for each fiscal year thereafter for the above purposes the sum of $1,000,000. Subject to the provisions of this act, the appropriations authorized in this subsection shall be apportioned among the States as follows: $10,000 to each State, and the balance among the States in the proportion which their population bears to the total population of the United States, as determined by the latest available United States census: *Provided*, That no payment shall be made in any year to any State until an equal sum shall have been made available by the State for the promotion of maternal and child welfare. So much, not to exceed 5 per cent of the appropriation authorized for any fiscal year under this subsection, as the chief of the Children's Bureau may estimate to be necessary for administering the provisions of this act, shall be deducted for that purpose, to be available until expended.

"(c) Out of the sums deducted for administering the provisions of this act the Children's Bureau, with the approval of the Secretary of Labor, and the Public Health Service, with the approval of the Secretary of the Treasury, are authorized to incur such administrative expenses, including such printing and binding, the employment of such persons, the purchase of such supplies, publications, and equipment, in the District of Columbia and elsewhere as may be necessary for carrying out the provisions of this act.

"SEC. 4. Any State desiring to avail itself of the benefits of the appropriation authorized under subsection (a) of section 3 of this act shall in accordance with regulations prescribed by the board, submit for each fiscal year, through its State board or agency of health, a plan for carrying out the work authorized in such subsection for such State, in the preparation of which due consideration shall be given to local taxable resources and to the applications and recommendations of local health authorities: *Provided*, That no money appropriated pursuant to the provisions of subsection (a) of section 3 of this act shall be expended in any State until its legislature shall have accepted the provisions of this act, except that, until the final adjournment of the first regular session held after the passage of the act, the acceptance of this act by the governor shall be sufficient. When the plans of any State have been approved by the board the Secretary of the Treasury, through the Public Health Service, shall then set apart and make available in the Treasury of the United States the sum apportioned to such State for each fiscal year for support of the work under subsection (a) of section 3 within the State, and so notify the State board of health concerned.

"SEC. 5. In order to secure the benefits of the appropriation authorized in subsection (b) of section 3 of this act, a State must have accepted the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, as amended (U. S. C., title 42, ch. 5), and shall not have repealed its acceptance of such act, or, in case such act shall not have been accepted, or having been accepted such acceptance repealed, such State shall through the legislative authority thereof accept the provisions of this act and shall through its State health agency submit to the Children's Bureau detailed plans for carrying out the provisions of subsection (b) of section 3 within the State, which plans shall be subject to the approval of the board. The State plans shall conform to the following conditions: First, that no more than $5,000 of the Federal funds shall be expended in any State for general State maternal and child health activities and that the balance shall be used in the promotion of permanent local services for mothers and children; second, that the plans shall be made with special reference to the problems of maternal and child hygiene in rural districts and in towns and cities of not over 50,000 population; third, that the plans submitted shall include promoting the establishment of local health services for mothers and children and shall provide that where county or other local general health services are established or being planned the work undertaken under the terms of this act in such county or other local health unit shall be coordinated with the general health services so as to provide or make more effective the services of the local unit to mothers and children. When the board deems the State plans to be in conformity with the provisions of this act and reasonably appropriate and adequate to carry out its purposes it shall approve the same: *Provided*, That the plans of the States under this act shall provide that no official or agent or representative of the State in carrying out the provisions of this act shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of such child. Due notice of the approval by the board of State plans for promoting the welfare and hygiene of maternity and childhood shall be sent to the State agency by the board.

"SEC. 6. So much of the amounts apportioned under this act to any State for any fiscal year as remains unpaid to such State at the close thereof shall be available for expenditure in that State until the close of the succeeding fiscal year.

"SEC. 7. No official, agent, or representative of the board or of any organization represented thereon shall, by virtue of this act, have any right to enter any home over the objection of the owner or occupant thereof, or to take charge of any child over the objection of the parents, or either of them, or of the person standing in loco parentis or having custody of such child. Nothing in this act shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child, or the agency or agencies to be employed for such purpose.

"SEC. 8. Within 60 days after the approval of this act the Secretary of the Treasury shall certify to the respective State boards of health the sum apportioned under subsection (a) of section 3 of this act to each State for the fiscal year ending June 30, 1932, and, on or before January 20 next preceding the commencement of each succeeding fiscal year, shall make like certification for such fiscal year.

"SEC. 9. Within 60 days after any appropriation authorized by subsection (b) of section 3 of this act has been made, and as often thereafter while such appropriation remains unexpended as changed conditions may warrant, the Children's Bureau shall ascertain the amounts made available by the several States cooperating with the Children's Bureau as provided by this act and shall certify to the Secretary of the Treasury the amount to which each State is entitled under the provisions of this act. Such certificate shall state (1) that the State has, through its legislative authority, accepted the provisions of this act relating to maternity and childhood, or that the State has otherwise qualified to secure the benefits of the appropriation as provided in section 3 hereof; (2) the fact that the health agency of the State has submitted to the Children's Bureau detailed plans for carrying out the provisions of this act, and that such plans have been approved by the board; and (3) the amount to which the State is entitled under the provisions of this act. Such certificates, when in conformity with the provisions hereof, shall, until revoked as provided in section 10 hereof, be sufficient authority to the Secretary of the Treasury to make payment to the State in accordance therewith.

"SEC. 10. Each State health agency cooperating with the Children's Bureau under this act shall make such report concerning its operation and expenditures as shall be prescribed or requested by the bureau. The Children's Bureau shall, upon request of a majority of the board, withhold any further certificate provided for in section 9 hereof whenever it is determined as to any State that the agency thereof has not properly expended the money paid to it or the moneys herein required to be made available by such State for the purposes and in accordance with the provisions of this act. Such certificate may be withheld until such time or upon such conditions as the board may determine. When so withheld the State agency may appeal to the President of the United States, who may either affirm or reverse the action of the board with such directions as he shall consider proper: *Provided*, That before any such certificate shall be withheld from any State, the chairman of the board shall give notice in writing to the authority designated to represent the State, stating specifically wherein said State has failed to comply with the provisions of this act.

"SEC. 11. No portion of any moneys apportioned under this act for the benefit of the State shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of any buildings or lands, nor shall any such moneys, or moneys required to be made available by any State for the purposes and in accordance with the provisions of this act, be used for the payment of any maternity or infancy pension, stipend, or gratuity.

"SEC. 12. (a) The Secretary of the Treasury shall submit a report to Congress as soon as practicable after the close of each fiscal year, giving a full account of the performance of the duties assigned by this act to the United States Public Health Service for such year, the results accomplished thereunder, and the expenditures of moneys authorized under subsection (a) of section 3 of this act.

"(b) The Secretary of Labor shall submit a report to Congress as soon as practicable after the close of each fiscal year, giving a full account of the performance of the duties assigned by this act to the Children's Bureau for such year, the results accomplished thereunder, and the expenditures of moneys authorized under subsection (b) of section 3 of this act.

"SEC. 13. The Territory of Hawaii and the possession of Porto Rico shall be entitled to share the benefits of this act upon the same terms and conditions as any of the several States."

Amend the title so as to read: "An act to provide that the United States shall cooperate with the States in promoting the general health of the rural population of the United States and the welfare and hygiene of mothers and children."

During the reading of the committee amendment the following occurred:

Mr. MERRITT. Mr. Chairman, is the bill being read by sections?

The CHAIRMAN. The gentleman propounds an inquiry as to whether the bill is being read by sections. The gentleman from New York [Mr. PARKER] moved to strike out section 1 and substitute in lieu thereof the committee amendment, which is being considered as an entirety. At the conclusion of the reading of the committee amendment it will be in order to offer amendments to any part of the committee amendment.

The Clerk concluded the reading of the committee amendment.

Mr. HUDDLESTON. Mr. Chairman, I make a point of order against the amendment as not germane to the section or to the bill.

The CHAIRMAN. The gentleman from Alabama makes the point of order that the amendment just read is not germane to the section or to the bill. Does the gentleman wish to be heard on the point of order?

Mr. HUDDLESTON. No, Mr. Chairman.

Mr. PARKER rose.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. PARKER. I am waiting to hear what the gentleman from Alabama has to say.

Mr. HUDDLESTON. Mr. Chairman, advising the gentleman further as to the grounds of my point of order, I will say that the bill originally provided for an activity of the Children's Bureau of the Department of Labor. The amendment covers that point and extends this activity to an activity of the Public Health Service of the Department of the Treasury. The original bill related to a certain type of so-called maternity and infancy work. The amendment covers that and extends the activity to the entire field of medicine, a complete departure from the purpose of the bill as originally introduced.

Mr. MAPES. Mr. Chairman, of course looking after the welfare of mothers and children is a part of general public-health work. In recognition of that fact the bill as it came over from the Senate made the Surgeon General of the Public Health Service a member of the board that has supervision over the work relating to maternity and infancy. This amendment, of course, enlarges the scope of the bill,

but the supervision of the work to be done, if it be adopted, is placed under the same board as provided for under the Senate bill—under a board consisting of the same personnel that had charge of the work of maternity and infancy in the Children's Bureau of the Department of Labor. It would seem a very narrow restriction of the rule to say that the committee amendment is not germane to the Senate bill.

Mr. LAGUARDIA. Mr. Chairman, may I add that this is presented as a committee amendment and the committee had jurisdiction of the subject matter. The committee amendment covers the same general subject matter as the Senate bill, and simply varies with respect to detail and administration of the purposes to be accomplished, and under the ruling of the gentleman from Michigan [Mr. MAPES] only a few days ago, when an amendment was offered from the floor, it was held that an amendment which treated the same subject, but with quite a different method of administration, was germane to the bill then under discussion.

Mr. BLANTON. But, Mr. Chairman, the gentleman from New York will remember that just the other day the Chair held that a committee has no more right to present an amendment as a committee amendment that is not germane than any Member has the right to present such an amendment from the floor.

Mr. LAGUARDIA. That is true.

Mr. BLANTON. And if this amendment of the committee is not germane, which point has been raised by the gentleman from Alabama [Mr. HUDDLESTON], then it would be in the same position as if it had been offered from the floor by any Member not of the committee.

Mr. BURTNESS. Mr. Chairman, I arose at first to bring out particularly the same point that has just been made by the gentleman from New York [Mr. LAGUARDIA], namely, that this is a substitute proposed by the committee which has jurisdiction of this type of legislation, thus deserving less technical application than an amendment from the floor; and I want to emphasize further, in addition to what the gentleman from Michigan [Mr. MAPES] said, that not only is the Surgeon General of the United States a member of the board set up by the Senate bill, but, in fact, the board that is provided for in the so-called Cooper bill, now offered as a committee substitute, consists of identically the same three officials as those included as members of the board under the Senate bill, namely, the Chief of the Children's Bureau, the Surgeon General of the Public Health Service, and the United States Commissioner of Education. While it is true that the Senate bill is largely limited to the promotion of health and welfare of mothers and infants, yet the bill now before us, the Cooper bill, has for its underlying purpose the same object as is set out in the first few lines of the Cooper bill, namely, "for the purpose of coordinating the general rural health and maternal and child-health activities hereinafter provided for." In both cases the board set up consists of the same three officials.

Without having the authorities before me, as I recall them it is the practice of the House to construe a point of order with reference to germaneness less technically when the question is raised upon a new bill offered by a committee as a committee amendment in the nature of a substitute for a bill that has come from another body than with reference to amendments suddenly and without warning suggested from the floor—particularly so when there is no question as to the jurisdiction of the committee dealing with all the proposals raised in the substitute. Our committee dealt with the general question, as we had a right to do.

Mr. HOCH. Will the gentleman yield upon that point?

Mr. BURTNESS. Surely.

Mr. HOCH. I agree with what the gentleman from North Dakota has said with reference to the difference between amendments offered by a committee in reporting a bill and amendments offered from the floor. The reason the rule of germaneness should be applied more liberally to committee amendments, in determining whether as a matter of fact the amendment is germane, is very plain. One of the principal purposes of the rule of germaneness is to prevent the House or the Committee of the Whole being taken by

surprise because committee members should not be expected to pass upon amendments that could not reasonably be anticipated, whereas in the case of a committee amendment printed as a part of the bill there is no element of surprise. The committee has advance notice of what is to be offered.

I merely argue, therefore, that in construing whether or not the amendment is germane the Chair is justified in placing a more liberal interpretation on the question of germaneness of a committee amendment reported in print with the report than an amendment offered from the floor.

Mr. HUDDLESTON. Mr. Chairman, may I suggest that the purpose of this bill is very clearly expressed in the title: "For the promotion of the health and welfare of mothers and infants." The bill had been referred to the Committee on Interstate and Foreign Commerce. A bill which deals with a different subject is reported by the House. The mere fact that it is printed does not touch the question of germaneness.

I have no doubt the Chairman remembers the decisions made by Speakers, which hold that an amendment offered by a committee has no higher privilege than one offered by any Member. It must be germane.

Now, let us look at line 5, page 1. A certain amount is authorized to be appropriated "to enable the State agencies of health in cooperation with the Children's Bureau of the Department of Labor to promote the health and welfare of mothers and infants." That is the purpose of the bill.

What is the purpose of the bill as embraced in the committee amendment? It covers that subject, and it goes further. I call attention to section 3:

> For the purpose of enabling the Public Health Service, under the general supervision of the board, to cooperate with the State agencies of health in the development of local health units or organizations for the prevention of disease and the promotion of health among the rural population—

And so forth.

There is therefore an independent and new subject introduced into this bill. I submit that this is not germane.

Mr. MICHENER. Mr. Chairman, let me add this thought: That this amendment is in fact a substitute. The title is also amended by the committee. The committee has the right to report a bill so long as the bill deals with the subject matter coming within the jurisdiction of the committee.

Now, this amendment is a substitute with a new title and is in substance a new bill, while in fact it may be an amendment, yet it is within the jurisdiction of the committee to deal with this matter; it represents the judgment of the committee as the bill which should be brought before the House.

Mr. HUDDLESTON. Mr. Chairman, may I call attention to the title of the new bill: "An act to provide that the United States shall cooperate with the States in promoting the general health of the rural population of the United States and the welfare and hygiene of mothers and children."

That is an entirely different subject, as stated in the title.

Mr. MICHENER. The question is whether or not the Chair wants to follow the strict rules of construction so far as germaneness is concerned, or whether he has the right to say that this committee had jurisdiction of the subject matter.

Mr. HUDDLESTON. The Committee on Interstate and Foreign Commerce had jurisdiction of quarantine. Does the gentleman contend that they would have a right to include that in the amendment? It relates to the public health.

Mr. O'CONNOR of New York. The Chair will be guided by what happened to-day. When the rule was adopted, before the question was raised as to the parliamentary procedure this morning—before the rule was adopted a question was raised by the gentleman from Alabama as to what was the parliamentary procedure in reading the bill.

The gentlemen on the Republican side of the House in charge of the bill said that this was a committee amendment and not a substitute, that the Cooper bill was a committee amendment. That is the approach to the question, I maintain, that the Chair has to make now. They should not at this last moment fall back upon the technicality of a substitute, as suggested by the gentleman from Michigan [Mr. MICHENER].

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. BURTNESS. Of course, when it was offered as an amendment it was stated, if I remember correctly, that it was in the nature of a substitute; and notice was given that, if the amendments were agreed to, the rest of the bill would be stricken out. In any event, every one would know that the rest of the bill would be stricken out. It is obvious that such would be the case, so that in reality it is a substitute.

Mr. O'CONNOR of New York. In reality it is definitely stated and agreed here this morning—and I believe the present occupant of the chair was present and listening—that it was not a substitute, and there was no equivocation about it. It was offered as an amendment, and that is the one basis of ruling on this point of order.

Mr. RAMSEYER. Does the gentleman think that one rule of germaneness applies to a substitute and another rule of germaneness to an amendment?

Mr. O'CONNOR of New York. I do not. It has been offered here on the Republican side as a distinction.

Mr. RAMSEYER. I do not think so.

Mr. O'CONNOR of New York. Then why the distinction?

Mr. RAMSEYER. There is no difference so far as the application of the rule of germaneness is concerned.

Mr. BANKHEAD. Mr. Chairman, I am not in accord with my colleague [Mr. HUDDLESTON] on the point of order.

I am for the entire bill now pending, and he is for the Senate bill included in the pending bill. I call attention of the Chair to the decision made by the gentleman from Michigan [Mr. MAPES] only a few days ago, when he occupied the chair, during the consideration of the Wagner bill, when the so-called Doak amendment was offered. He then laid down as a precedent that if a substitute was along the same general lines as the original bill, it was germane and in order. I call the attention of the Chair to that decision made only a few days ago.

Mr. HUDDLESTON. And the gentleman from Alabama [Mr. BANKHEAD] took up that decision and demolished it completely.

Mr. BANKHEAD. Not that phase of it.

Mr. O'CONNOR of New York. I made the point of order that raised that decision of the gentleman from Michigan, but he held that the Doak amendment was in order because it was restrictive.

Mr. BANKHEAD. He held it was in order because it was along the same general lines.

Mr. O'CONNOR of New York. And the gentleman from Alabama [Mr. BANKHEAD] complained because he used the word "restrictive." This is extensive and not restrictive.

Mr. BANKHEAD. I am not arguing that it was a correct decision. I am arguing that it is a precedent.

Mr. MAPES. Reference has been made to a decision which I made while occupying the chair the other day, which related to the Wagner bill and the substitute offered for that bill. The word "restrictive" was used in that decision with the thought in mind that the amendment must be restrictive to the subject matter under consideration, and I think the language preceding that word as used in that opinion clearly implied that qualification.

I call the attention of the Chair to how interwoven these questions of public health and maternity and infancy welfare are, and for the purpose of doing that I read from the statement of the head of the Children's Bureau in the Labor Department, Miss Abbott, before the Committee on Interstate and Foreign Commerce during the consideration of this legislation, showing that the whole subject matter of the bill is so interwoven that one question is germane to the other. This is what Miss Abbott said:

> There are general health measures that promote the health of mothers and babies, for instance, the proper collection of garbage, the disposal of sewage, the pollution of streams, provision for pure milk and pure water, and, I believe, a great many sanitary measures. Then, in addition, in order to promote the health of mothers and babies, there needs to be a special organization, a special program for promoting the education of mothers in the care of their children. In other words, we find that babies die because they contract communicable diseases to which they are exposed; that is, there may be an epidemic of "flu," which attacks the mothers and the babies as well as others. There is impure water, all because the sanitation generally is not good; their health may be affected, but babies also die, and more frequently, because their mothers do not know how to give them the benefits of scientific care. Now, to give them the benefits of scientific care they need a special organization.

Certainly, the Chair, it seems to me, would be restricting the rule of germaneness to an unreasonable degree to hold that one of these subjects is not related to the other.

The CHAIRMAN. The question of germaneness in the instant case is not without embarrassment to the Chair. One embarrassing feature in the practice that has grown up in recent years of offering a general committee amendment to one section of the bill, with notice that if the amendment be adopted the mover will move to strike out the subsequent sections of the original bill as reached, is that the House is not given an opportunity to know just what is contained in the original bill section by section, and also it is not given an opportunity to offer amendments to the original bill section by section. It has long been the opinion of the present occupant of the chair that the proper practice should be that if the amendment proposed of a general character to a section is not germane per se to that section, then it would follow that the entire amendment would fall because it is not germane.

There may be instances where amendments proposed to the first section would be germane, but in the recent practice of the House there have been so many decisions—though 10 years ago I might say the question was an open one, and to-day it is not—that the present occupant of the chair would not feel constrained to impose his own individual opinion as to the proper practice for parliamentary integrity and override prior and long-established decisions of the House well recognized in the later practice of this committee. So the present occupant of the chair will brush aside the question of the germaneness of the committee amendment as to the first section, based upon the numerous decisions and long-established precedents during the last eight years that have adopted a policy which the present incumbent of the chair believes is open to serious question as to being proper procedure.

Now we take the proposition as if the original Senate bill had been read and considered section by section, and the gentleman from New York had moved as a substitute the committee amendment. There is the real embarrassing question, whether the committee amendment is germane as a whole, to the original Senate bill.

In determining the question of germaneness the question is not as to the modus operandi, or the machinery in putting the bill into operation, but what is the real subject matter of the bill? The subject matter of the Senate bill before the House is, as the title reads, "For the promotion of health and welfare of mothers and infants." The title is not the absolute determiner of what is the subject matter of the bill. It is only indicative. It is true that the title of the proposed committee amendment, if adopted, broadens the title of the Senate bill, but we have to look further to determine whether the proposed amendment is germane to the Senate bill as a whole.

What does the Senate bill provide? It provides generally for the conservation of the health of mothers and infants. To that authority the House committee extends the subject of general rural health. Does the incorporation of the provisions extending the bill to the subject of general rural health make the amendment not germane? The present occupant of the chair would hold that, if the House bill merely referred to the health of mothers and nothing else, the committee amendment would not be germane, for the reason that you offend the rule where only a single object is under consideration—to add a different subject matter; but in view of the fact that the Senate bill provides for two subjects, namely, the health of mothers and the health of children, the Chair will hold that the addition of a third subject matter, namely, the regulation of general rural health, is in line with the many decisions of the House that where two subject matters are before the House for consideration it is permissible to add a third.

The Chair therefore overrules the point of order.

Mr. COOPER of Ohio. Mr. Chairman, I offer a perfecting amendment to the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. COOPER of Ohio: Page 11, line 8, after the word "the," at the end of line 8, insert "Secretary of Labor, upon recommendation of the."

The amendment was agreed to.

Mr. COOPER of Ohio. I offer an amendment, which I have sent to the desk.

The CHAIRMAN. The gentleman from Ohio [Mr. COOPER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. COOPER of Ohio: Page 14, line 10, strike out "board" and insert "Secretary of Labor."

Mr. RAYBURN. Mr. Chairman, this is not a committee amendment. I would like some explanation of it.

Mr. COOPER of Ohio. I did not say it was a committee amendment. I said it was a perfecting amendment. This amendment is offered in order to conform to the other provisions of the bill. It should be "Secretary of Labor" instead of "board."

Mr. BURTNESS. It relates to who sends out the notices after approval by the board. It is a ministerial function, and has nothing to do with the administration of the act, if I understand the amendment correctly.

Mr. COOPER of Ohio. That is correct.

The amendment was agreed to.

Mr. COOPER of Ohio. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio [Mr. COOPER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. COOPER of Ohio: Page 18, line 4, change the word "territory" to "territories" and after the word "and" insert "Alaska and."

The amendment was agreed to.

Mr. SUTHERLAND. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Alaska offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. SUTHERLAND: Page 9, line 5, strike out "$250,000" and insert in lieu thereof "$255,000."

The amendment was agreed to.

WORLD WAR VETERANS' COMPENSATION CERTIFICATES

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to proceed for one minute out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon [Mr. HAWLEY]?

There was no objection.

Mr. HAWLEY. Mr. Chairman, I have just been informed by General Hines that one veteran in Baltimore has already received a loan under the act recently passed increasing the loans that may be made to World War veterans to 50 per cent of the face value of their certificates to a veteran, who wanted the money to pay for an operation on his son. [Applause.] Over 400 loans will be made to-day, and others will be made as fast as possible.

Regional offices have been instructed to give prompt attention to applications for loans.

The Veterans' Administration, under the direction of General Hines, is proceeding with most commendable diligence. [Applause.]

HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. MERRITT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MERRITT: Page 10, strike out lines 21 and 22, and insert in lieu thereof the following:

"For the fiscal year ending June 30, 1932, and for the four succeeding fiscal years thereafter the sum of $1,000,000 each year."

Mr. MERRITT. Mr. Chairman, I do not care to take much time to argue this. The effect of the amendment is to end the operations under this bill in five years. My idea is that that will give enough time to see whether the bill carries out the ideas of its friends, and at least will give the Congress, at the end of the five years, an opportunity to reconsider the question.

Mr. PARKER. Mr. Chairman, I hope the amendment will not prevail, for this reason: On two different occasions we have passed a bill similar to this, one limited to five years and one limited to two years. It is perfectly possible for Congress at any time to stop the operation of the Children's Bureau by stopping the appropriation. So why bring it before the House every two or three years to fight out the question as to whether this shall be continued or not. Why not settle it, as we can so easily, by withholding the appropriation?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The question was taken; and on a division (demanded by Mr. MERRITT) there were—ayes 35, noes 102.

So the amendment was rejected.

Mr. PARKER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in five minutes.

Mr. RAYBURN. I have an amendment which I desire to offer.

Mr. PARKER. How much time does the gentleman desire?

Mr. RAYBURN. I would like to have three or four minutes.

Mr. HUDDLESTON. Let me call the gentleman's attention to the fact that this is an entire bill, and there is no opportunity to read it by sections. It occurs to me that if anybody has an amendment, they should have an opportunity to offer it.

Mr. O'CONNOR of New York. And I want to say it was distinctly understood by this House to-day that it would be read by sections so that it could be amended. There is no question about that. That was the representation and promise made to this House to-day.

Mr. PARKER. By whom?

Mr. O'CONNOR of New York. By the committee in charge. It was stated that every opportunity to amend the bill would be afforded. In view of the fact that the committee was offering a whole bill, it was understood that a Member would have every opportunity to offer amendments to it.

Mr. PARKER. There is no reason why amendments can not be offered to the bill. There is no reason why Members should not offer as many amendments as they choose. Mr. Chairman, I make the motion that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending amendment and all amendments thereto close in 15 minutes.

Mr. HUDDLESTON. Mr. Chairman, I make the point of order that this is an attempt in the committee to fix time for the future, which is in violation of the rules of the House.

The CHAIRMAN. The Chair will state that, under the rules of the House, after any quota of debate has been had on one amendment it is then the privilege of the committee to close debate.

Mr. HUDDLESTON. May I call this to the attention of the Chair? This is not a motion to close debate but it is a motion to fix time, which is a very different thing. I do not question the right of the gentleman to move to close debate now, but you can not move to fix time in the future.

The CHAIRMAN. Paragraph 6 of Rule XXIII provides:

The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

Mr. HUDDLESTON. Of course, I understand that, but the point I am making is that this is not a motion to close debate but it is a motion to fix time. That is what the motion is.

The CHAIRMAN. The present occupant of the Chair can not follow the argument of the gentleman. It seems to the Chair, with due respect, that the gentleman's point is a distinction without a difference.

Mr. RAMSEYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSEYER. Is the motion to close debate directed to the amendment offered by the gentleman from New York or to the amendment to the amendment now pending?

The CHAIRMAN. There is pending before the committee at the present time one amendment in the nature of a substitute.

Mr. RAMSEYER. That is the amendment offered by the gentleman from New York [Mr. PARKER]?

The CHAIRMAN. Yes. The motion the gentleman makes is to close debate on the amendment and all amendments thereto in 15 minutes. That is the motion. The Chair will state that there is only one amendment pending before the committee at the present time, and that is an amendment in the nature of a substitute.

Mr. HUDDLESTON. I call the Chair's attention to the fact that the motion is to close debate in 15 minutes and not to close it now.

The CHAIRMAN. It is the general practice, long established and well recognized in the committee to entertain a motion to either close the debate instanter or after any stated time for debate.

The question is on the motion of the gentleman from New York that all debate on the pending amendment and all amendments thereto close in 15 minutes.

The question was taken; and on a division (demanded by Mr. BOYLAN) there were—ayes 180, noes 40.

So the motion was agreed to.

Mr. BLACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, this bill has given birth to more points of order and more amendments than any bill I have seen. It is a fortunate thing that we have a brilliant doctor of parliamentary law to preside over the committee on this occasion.

Mr. Chairman and gentlemen of the committee, it is not the function of the Federal Government to alleviate misery any place in the world. Suffering is in this world, but our Government was not created to cure it.

Our Constitution had an objective, not a subjective, purpose. It was founded primarily to give the States an agency to deal with foreign governments. The States gave part of their tax reserve to supply their agent, the Federal Government, with sanction—power to back up its contracts and treaties.

If the Federal Government is to be an all-charitable deity, why not send out agents to all parts of the world to care for suffering humans?

There is nothing peculiarly American about suffering. If the great heart of the United States must bleed for suffering here, why not go in for charity in a big way?

Health can be taken care of by the States. Those States that can not take care of themselves should give up their charters and withdraw their Senators and Congressmen. If they must get Federal money for State purposes, they confess a failure of sovereignty.

This Government has enough to do without carrying the burden of the States.

I do not think the children of yesterday were any worse than to-day when Uncle Sam is the stork. [Laughter and applause.]

Mr. RAYBURN. Mr. Chairman, I move to strike section 7 out of the pending amendment.

The Clerk read as follows:

Mr. RAYBURN offers an amendment: Page 14, line 16, strike out all of section 7.

Mr. RAYBURN. Mr. Chairman, I have nothing to add with reference to striking out section 7 to what I said in general debate. I do think, however, and I may repeat, that I dislike to see the House of Representatives adopt a bill with a section in it like section 7 of this amendment.

Section 7 was put in the bill as a reply to a speech that was made over the radio some weeks ago, in which some man on a nation-wide hook-up—I think it was from Detroit, Mich.—said that within a few years the agents of the Federal Government would be going into the home and taking charge of women and children without the consent of the owner of the home. I do not believe in dignifying some speech that is made over the radio by saying that Congress may pass a law empowering some Federal agent to do something that nobody on earth believes the Congress has the power to confer upon any agent of the Government.

Inferentially, by placing this matter in the bill we are saying that if we do not say that an agent of the Federal Government can not enter the home, then the Congress would have the power to say that a Federal agent could enter the home and take charge of a woman or a child, over the protest of the occupants of that home.

Mr. UNDERHILL. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. UNDERHILL. It is not what Congress does or what Congress intends, it is what the agent does is a usurpation of power.

Mr. RAYBURN. I do not think any agent of this department has ever done that.

Mr. UNDERHILL. But there are such instances.

Mr. RAYBURN. And I do not think one of them will ever do that, and they certainly will not do it in the home of any man who is red blooded enough to justly call himself an American citizen.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. McCORMACK of Massachusetts. Is not the purpose of this section to assure the preservation of family life and to assure a certain degree of protection to the parents?

Mr. RAYBURN. I do not think so. It is not necessary. I think it is a gesture and a reply to a speech made over the radio, and it is an indignity for the House of Representatives to be called upon to make this sort of gesture and say that a Federal agent can not do something that everybody on earth knows he can not do.

Mr. PARKER. Mr. Chairman, I simply want to call the attention of the gentleman from Texas to the fact that on page 5 of the Senate bill there is exactly the same provision.

Mr. RAYBURN. I am not supporting that provision of the Senate bill any more than I am supporting this one.

Mr. PARKER. But the gentleman complains that it is possible that there is an inference here that a Federal agent might do this. There is one thing certain; if we adopt this language, he can not do it.

Mr. DYER. They have done it.

Mr. PARKER. They can not do it if you adopt this section.

Mr. DYER. They have done it under other agencies where the prohibition agents have invaded the home without permission or any right of law.

Mr. PARKER. But they can not do it if you adopt this section.

Mr. PARKER. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. SWICK].

Mr. SWICK. Mr. Chairman and gentlemen of the committee, realizing the interest a great many Members of the House have in H. R. 17116, which I had the honor to introduce and report back to the House with the favorable report of the Committee on World War Veterans' Legislation, I have asked for time to advise you just what I have done to secure its present consideration and the results of those efforts.

Since coming to Congress four years ago, I have endeavored to exert every possible effort in behalf of my disabled comrades of the World War, regardless of the source of their disabilities, also their dependent widows, orphans, and parents, and am happy to know that at least a part of this group have been taken care of to a certain degree.

I have appeared before the Rules Committee and requested that this bill providing allowances for widows, orphans, and dependent parents of World War veterans be presented to this House for consideration before adjournment. In fairness to the gentlemen of that committee, I wish to state that without exception they believe the provisions of the bill to be fair and equitable. However, they felt the financial structure of the country did not warrant the additional burden resulting from the enactment of this legislation at this time, especially in view of the large amount required to finance the increased loan values placed on adjusted-service certificates under the so-called bonus act.

It is with sincere sorrow that I confess the impossibility of providing for the welfare of those who are most dear to the hearts of every veteran, and I believe the great majority of veterans would gladly have forfeited their claim for increased loans had they understood the situation.

God willing, I shall be a Member of the next Congress, and I pledge myself to offer this bill on the opening day of the session, confident that it represents the desires of every Member of this House and every veteran and citizen, and that I shall expend every effort to secure its final enactment.

Mr. GREENWOOD. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Texas. I think as he does. All of us recognize that there is no constitutional authority for a Federal agent entering the home, but nevertheless there has been considerable criticism of the administration of previous Federal laws in regard to agents violating constitutional rights. Inasmuch as criticism has arisen and inasmuch as there may have been agents who did not interpret their duties correctly, I think it is advisable to write into the act so that there can be absolutely no doubt that no agent would assume to violate any constitutional right and which he might think the law justified. When the law is written into the section no Federal agent would assume to have any authority under the statute under which he is operating, and it would absolutely nullify any assumption he might have that he could enter the home without the consent of the parent or guardian. I think it ought to be left in the statute. It will be an answer not only to the radio speech but to thousands of other speeches and criticisms that have been made elsewhere.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. RAYBURN], to strike out section 7.

The question was taken; and on a division (demanded by Mr. RAYBURN) there were 14 ayes and 130 noes.

So the amendment was rejected.

The CHAIRMAN. The question is on adopting the committee amendment offered as a substitute.

The question was taken, and the committee amendment was agreed to.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the further reading of the Senate bill be dispensed with and the remaining sections of the Senate bill be stricken out.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the further reading of the Senate bill be dispensed with and that all the remaining sections be stricken out. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule, the committee having adopted the committee amendment in the nature of a substitute, the committee will now rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, having completed the consideration of the bill, reported it back with one

amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The SPEAKER. Under the rule, the previous question is ordered. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time; and was read the third time and passed.

On motion of Mr. PARKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 17163) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JONES, Mr. SMOOT, Mr. HALE, Mr. GLASS, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 17071. An act granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa.

The message also announced that the Senate having proceeded to reconsider the bill (H. R. 17054) entitled "An act to increase the loan basis of adjusted-service certificates," returned by the President of the United States to the House of Representatives, in which it originated, with his objections, and passed by the House on a reconsideration of the same, it was—

Resolved, That the bill pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2268. An act for the relief of Tom Small;

S. 2350. An act providing for the improvement and extension of the game breeding and refuge areas in the Wichita National Forest and Game Preserve in the State of Oklahoma, and authorizing appropriations therefor;

S. 3016. An act to authorize an appropriation for the purchase of land in South Dakota for use as camp sites or rifle ranges for the National Guard of said State;

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture, of inventions of William Harrison Fauber, deceased;

S. 3924. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

S. 4698. An act amending the act entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," approved May 24, 1928;

S. 4775. An act to provide for the incorporation of credit unions within the District of Columbia;

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;

S. 5408. An act for the relief of Kate M. Hays, Nancy H. Rouse, Clara H. Simmons, W. H. Hays, Hallie H. Hamilton, and Bradford P. Hays;

S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;

S. 5503. An act authorizing purchase of land and construction of building for radio station near Grand Island, Nebr.;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5753. An act authorizing the Secretary of Agriculture to issue permit to the Izaak Walton League of America to enter the Wichita National Forest and Game Preserve to make and submit plans for the development of a memorial commemorating the achievements of said Izaak Walton League of America;

S. 5781. An act granting to the commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the commissioners of Lincoln Park;

S. 5912. An act authorizing the reimbursement of Edward B. Wheeler and the State Investment Co. for the loss of certain lands in the Mora Grant, New Mexico;

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended; and

S. 6203. An act to increase the amount authorized to be appropriated for the expenses of participation by the United States in the international hygiene exhibition at Dresden, Germany.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16969) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes," and concurs in the amendments of the House to the amendments of the Senate numbered 7, 12, 16, and 17 to said bill.

VOCATIONAL EDUCATION AND REHABILITATION BILL

Mr. DAVILA. Mr. Speaker, I ask unanimous consent to extend by remarks in the RECORD on the Porto Rican bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAVILA. Mr. Speaker, this bill provides for the citizens of the United States resident in Porto Rico encouragement and financial aid for vocational education and vocational rehabilitation in the same proportion that the 48 States and the Territory of Hawaii now receive such assistance from the Federal Government.

It authorizes annual appropriations for Porto Rico of $120,000, with its population of 1,543,913. The State of Maryland, with a population of 1,631,526, will receive $124,674.54 for similar purposes in 1932, and the State of Washington, with 1,563,396 population, will receive $119,214.62. I cite these figures merely to show that Porto Rico will share with the States in these benefits on an equitable basis proportional to its population.

Porto Rico is poor. Its people need all the help that they can get which will help them to help themselves. Money used for vocational training is not an expenditure—it is an investment. It is an investment in the same way that money spent by the farmer for fertilizer is an investment. Porto Rico is now an important customer for goods produced in the States. With an increase in the earning power of its people it will become a better and more profitable customer with more money to spend and more capacity to do business with the rest of the country.

The fact should not be lost sight of that the people of Porto Rico are citizens of the United States. They can, therefore, seek the help they need only from the Government of the United States.

Porto Rico is principally an agricultural country, but, generally speaking, our farmers have not as yet been sufficiently trained in the modern methods of agriculture.

Even with the most complete development of agriculture there would be insufficient land to meet the needs of the present population, and while a sound program of vocational training in agriculture would do much to improve the situation there would still be many thousands of workers who must find employment in industry if they are to work at all. New industries must, therefore, be established to give work to these thousands. Such a program can be helped along in most important ways through a sound program of industrial education.

The people need instruction in health habits and food requirements. Much improvement in living conditions in the homes is imperative. This improvement can be hastened through a sensible practical program of training in home economics.

Many persons, young and old, in Porto Rico are disabled due to accidents, disease, and lack of medical attention. The proportion of indigent people is all too large. The burden on the public is now too heavy and is becoming heavier daily. A program of vocational rehabilitation for disabled civilians, such as has demonstrated its practicability in the States for the past 10 years, will provide help in that direction.

We need to develop the human and natural resources of the island. This can be done by the application of human intelligence and skill in the several activities inherent to a program of vocational education. We need efficient and skillful workers on the farms, in industrial and trade occupations, and a good education at home, which will prepare our citizens for the work to be done in other fields.

I believe that the approval of this bill would be very helpful in the development of the resources of the country. To carry out this program, the assistance of the Federal administration is most valuable, as we do not have sufficient funds to defray all the expenses of this work. It is our ambition to make of Porto Rico a self-supporting country, by the promotion of agriculture, industry, and commerce, by raising the standard of living of the people, by improving home conditions with healthy families and practical knowledge of food requirements, and by building up a good and efficient citizenship.

May I repeat—we are requesting the passage of this bill simply as a matter of justice to the million and a half American citizens who live in Porto Rico. That they have cheerfully assumed the obligations of United States citizens is shown by their record of service during the World War. Let us make them feel that the Congress has recognized that they are entitled to the privileges of citizenship in fact as well as in theory.

ELECTION TO A COMMITTEE

Mr. TILSON. Mr. Speaker, I offer the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 384

Resolved, That DAVID HOPKINS, of Missouri, be, and is hereby, elected a member of the Committee on Insular Affairs.

The resolution was agreed to.

VETERANS' ADJUSTED-SERVICE CERTIFICATES VETO MESSAGE

Mr. TILSON. Mr. Speaker, I understand that the message of the President yesterday, vetoing the veterans' adjusted service certificates bill, was not ordered printed. I ask unanimous consent that the message be printed as a House document as usual.

The SPEAKER. Is there objection?

There was no objection.

THE NATIONAL GUARD

Mr. JAMES of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 12918, as amended.

Mr. COLLINS. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman withhold that for a minute?

Mr. COLLINS. Yes.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry. Do I understand that the Speaker is going to recognize the gentleman from Michigan on the National Guard bill and not the gentleman from California on the labor bill?

The SPEAKER. Yes.

Mr. GARNER. Mr. Speaker, I suggest to the gentleman from Michigan that we defer his matter until to-morrow. There is a meeting of the House to-night to consider bills on the Private Calendar. The gentleman's bill is a controverted bill and will take the full time of debate allowed under the motion to suspend.

Mr. JAMES of Michigan. I have been waiting around here for a week to be recognized by the Speaker, and now when he does recognize me I am prepared to go on with my motion.

Mr. GARNER. I suggest to the Speaker, in view of the fact there is a meeting at 8 o'clock to-night for the consideration of bills on the Private Calendar, that to-morrow morning the same suspension could be had.

Mr. RAMSEYER. Mr. Speaker, I suggest that rather than run late to-night on this matter, we meet an hour earlier to-morrow.

Mr. GARNER. I would have no objection to that.

HOUR OF MEETING TO-MORROW

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. Is there objection?

Mr. JAMES of Michigan. Reserving the right to object, Mr. Speaker, will not the gentleman couple with that that the Speaker recognize me at that time?

Mr. TILSON. I can not limit the Speaker's power in that direction.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

The SPEAKER. A number of requests made to the Chair the Chair thinks ought to be granted to-night before we take a recess, such as taking bills from the Speaker's table. Also, the Chair will say that in default of anything that may occur in the morning of which he has no knowledge now, his preference would be to first recognize the gentleman from Michigan to suspend the rules, but, of course, the Chair can make no definite promise.

JUNIPERO SERRA AND THOMAS STARR KING

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of a concurrent resolution, Senate Concurrent Resolution 40.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of a Senate concurrent resolution, which the Clerk will report.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the statues of Junipero Serra and Thomas Starr King, presented by the State of California to be placed in Statuary Hall, are accepted in the name of the United States, and that the thanks of Congress be tendered said State for the contribution of the statues of these eminent men, illustrious for their distinguished services as pioneer patriots of said State.

Resolved further, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of California.

The SPEAKER. Is there objection?

There was no objection.

The concurrent resolution was agreed to.

FORT BERTHOLD INDIAN RESERVATION, N. DAK.

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 226) authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

The SPEAKER. The gentleman from North Dakota [Mr. SINCLAIR] asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to withdraw from the Treasury of the United States funds on deposit arising from the final judgment rendered by the Court of Claims in Docket No. B-449, entitled "The Indians of the Fort Berthold Indian Reservation in the State

of North Dakota, comprising the tribes known as the Arickarees, the Gros Ventres, and the Mandans, and the individual members thereof, v. the United States," and cause the total sum (less fees and expenses as fixed by the Court of Claims, which shall first be deducted and paid from the amount recovered) to be paid in pro rata shares to all members of the Arickarees, Gros Ventres, and Mandan Tribes of Indians who were alive and entitled to enrollment with such Indians on the date of said final judgment: *Provided*, That the said Secretary, under such rules and regulations as he may prescribe, shall cause to be paid, in cash, all shares due or belonging to competent Indians; and the shares of all other Indians, including minors, shall be deposited as Indian money in banks bonded and designated as depositaries for individual Indian moneys to remain subject to disbursement for the benefit of the Indians entitled thereto as are other individual Indian moneys under existing laws: *Provided further*, That the distribution herein authorized shall be made in two or more installments, in the discretion of the Commissioner of Indian Affairs, the first of which shall not exceed $200.

Mr. GARNER. Reserving the right to object, has a similar bill been reported from the Committee on Indian Affairs and is it on the calendar?

Mr. SINCLAIR. An identical bill has been reported and is on the calendar now.

Mr. GARNER. Was that a unanimous report from the Committee on Indian Affairs?

Mr. SINCLAIR. It was.

Mr. LEAVITT. It was. Yes.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

RIO GRANDE FEDERAL IRRIGATION PROJECT

Mr. SIMMS. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution (S. J. Res. 222) relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project.

The SPEAKER. The gentleman from New Mexico asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read the joint resolution, as follows:

Resolved, etc., That nothing contained in the act approved May 28, 1928 (45 Stat. 785), entitled "An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas," shall be construed to deny authority to the Secretary of the Interior to enter into a contract with the Elephant Butte irrigation district of New Mexico and/or El Paso County Water Improvement district No. 1, of Texas, in accordance with the provisions of the act approved May 25, 1926 (44 Stat. 636), and/or the act approved December 5, 1924 (43 Stat. 672).

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object, is a similar bill on the calendar from the Committee on Irrigation?

Mr. SIMMS. Yes, sir. It bears the approval of the Committee on Irrigation in the House, and is now on the Speaker's table. It has been unanimously reported out of the committee.

Mr. GARNER. And a similar bill is on the calendar?

Mr. SIMMS. No, sir. The Senate bill was handled in the Committee on Irrigation, and is now on the Speaker's table.

Mr. GARNER. The Senate bill was unanimously reported by the Committee on Irrigation?

Mr. SIMMS. Yes, sir.

The SPEAKER. The Chair always understands before Members are recognized that either a Senate bill is on the Speaker's table and on the House Calendar or that the Senate bill has been referred to a committee and reported out. In other words, the Chair wants to be sure that some committee has had an opportunity to consider the bill.

Mr. GARNER. I congratulate the Chair on his precaution.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CONTROL OF PREDATORY AND OTHER WILD ANIMALS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9599) to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes, with a Senate amendment, and agree to the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Clerk reported the bill by title and read the Senate amendment, as follows:

Page 2, line 12, after "with," insert "States."

The Senate amendment was agreed to.

CROW TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6099) authorizing the Secretary of the Interior to change the classification of Crow Indians, a similar House bill being on the Union Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to change the classification of any Crow Indian under the act of June 4, 1920 (41 Stat. L. 751), from incompetent to competent on the recommendation of a committee appointed for the purpose in accordance with section 12 of said act.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BLACKFEET TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6136) for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes, an identical bill being on the House Calendar.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That for six months after the approval hereof the Secretary of the Interior shall receive applications for the enrollment of children born since December 30, 1919, and still living at the expiration of six months after the approval of this act, one or both of whose parents have been enrolled as members of the Blackfeet Tribe of Indians, of the Blackfeet Indian Reservation in the State of Montana; and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and said rolls shall be made and approved by the Secretary of the Interior within one year after the approval of this act, and when so approved shall be conclusive evidence of the right of such applicants to participate in the benefits provided by this act.

SEC. 2. All persons enrolled under the provisions of the first section hereof shall be entitled to participate in the distribution of only such tribal property, benefits, or money, as may be hereafter distributed.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object, Mr. Speaker, this is another Indian bill. I think there has been more Indian legislation at this short session of Congress than there has ever been in the past 25 years. The President had to veto one of those bills. Now another proposition is brought up here. I do not know a thing on earth about it, and I venture there are not a half dozen men in the House who know anything about it. There seems to be an agreement on each side of the House that all the Indian legislation that will ever be necessary should be passed at this session of Congress. Is this a unanimous report?

Mr. LEAVITT. There is a favorable report from the department and the Budget, and it was unanimously reported by the committee.

Mr. GARNER. I just wanted to make this observation, that there is a plethora of Indian legislation at this session of Congress. I suppose it is all right.

Mr. BLANTON. Further reserving the right to object, and supplementing what the minority leader has said, there is an interlocking directorate between the Indian Affairs Committee and the Public Lands Committee and the Committee on Irrigation of Arid Lands, aided and abetted by the distinguished gentleman from Nebraska [Mr. SIMMONS], on the Appropriations Committee, and God knows how we are going to stop this legislation. They just bring their various bills in here voluminously. You can not stop it.

Mr. LEAVITT. It is all good legislation.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CROW INDIANS OF MONTANA

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 6098, relating to the adoption of minors by the Crow Indians of Montana, an identical bill being on the House calendar.

The SPEAKER. The gentleman from Montana asks unanimous consent for the present consideration of Senate bill 6098, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter no person shall be recognized as an adopted heir of a deceased Indian of the Crow Tribe of Indians of Montana unless said adoption shall have been by a judgment or decree of a State court, or by a written adoption approved by the superintendent of the Crow Indian Agency and duly recorded in a book kept by him for such purpose: *Provided*, That adoption by Indian custom made prior to the date of approval hereof involving probate proceedings now in process of consummation, shall not be affected by this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

TENTH OLYMPIC GAMES

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5715, to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 5715, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to direct the training and attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games: *Provided*, That all expenses incident to training, attendance, and participation in the Tenth Olympic Games, including the use of such supplies, material, and equipment as in the opinion of the Secretary of War may be necessary, may be charged to the appropriations for the support of the Army: *Provided further*, That applicable allowances which are or may be fixed by law or regulations for participation in other military activities shall not be exceeded.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he is sure that none of the provisions of this bill will destroy the amateur status of these athletes.

Mr. JAMES of Michigan. It only applies, as far as I know, to members of the Army.

Mr. LaGUARDIA. I know, but they must have an amateur status.

Mrs. KAHN. Not in the Olympic games.

Mr. LaGUARDIA. I understood Thorpe was disqualified once because he participated in these games.

Mr. BACON. No; I do not think so.

Mrs. KAHN. This is the first time the Olympic games have been held in the United States.

The SPEAKER. Is there objection?

Mr. COLLINS. Mr. Speaker, I object.

ALLOWANCES OF THE COMMISSIONED AND ENLISTED PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 17, to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 17, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended by the act of June 1, 1926 (44 Stat. L. 680; title 37, U. S. C. 2069, sec. 20), be, and the same is hereby, further amended by adding thereto the following proviso, to wit: "*Provided*, That for travel by air under competent orders on duty without troops, under regulations to be prescribed respectively by the heads of the departments concerned, members (including officers, warrant officers, contract surgeons, enlisted men, flying cadets, and members of the Nurse Corps) of the services mentioned in the title of this act, and of the legally constituted reserves of said services while on active duty, and of the National Guard while in Federal service, or while participating in exercises, or performing duties under section 92, 94, 97, or 99 of the national defense act, shall, in lieu of mileage or other travel allowances, be allowed and paid their actual and necessary traveling expenses not to exceed $8 per day, or, in lieu thereof, per diem allowances at rates not to exceed $6 per day.

SEC. 2. That the proviso in the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, authorizing payment of actual and necessary expenses only to officers of the Army and contract surgeons when traveling by air on duty without troops (41 Stat. L. 109; title 10 U. S. C. 197, sec. 750), and all other laws and parts of laws in so far as the same are in conflict with this act, are hereby repealed; but nothing herein shall be construed to repeal or modify the provisions of section 5 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1925 (43 Stat. L. 1190; title 34 U. S. C. 1141, sec. 893).

With the following committee amendment:

Page 2, line 18, after the word "day," insert "and in formulating regulations the heads of departments shall take into consideration the actual time consumed in travel, the distance covered in travel, and the obstacles and interruption encountered in travel."

The SPEAKER. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, if an officer is out, say, seven hours in a plane, would he receive the per diem allowance?

Mr. JAMES of Michigan. He would not.

Mr. COLLINS. What are the hours out required?

Mr. JAMES of Michigan. We had that before our committee this morning, and we ascertained it must be practically a full day before it would come under the present regulations.

Mr. COLLINS. I had understood from a member of the Military Affairs Committee that if a pilot were out for a longer period than six hours he was entitled to the per diem allowance.

Mr. JAMES of Michigan. It does not apply to the Air Corps at all at the present time. It is the only branch of the service to which it does not apply.

Mr. COLLINS. I am trying to find out the length of time that a pilot must be out before he can draw the per diem allowance.

Mr. LaGUARDIA. Does the gentleman mean out in a plane or away from his station?

Mr. JAMES of Michigan. These are the regulations:

For absences from station wholly between the hours of 8 a. m. and 6 p. m. of the same day, or wholly between the hours of 7 p. m. and midnight of the same day, neither reimbursement of actual expenses nor payment of per diem allowances in lieu thereof is authorized.

Mr. COLLINS. In other words, it is 12 hours.

Mr. JAMES of Michigan. Yes.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object—and I do not intend to object, because I do not know anything about this bill—I want to suggest that we should not consider any other legislation to-night, in view of the fact that it is now after 6 o'clock and there is to be a meeting to-night at 8 o'clock. These gentlemen are entitled to get their meals, and therefore there will be no legislation to-night without a quorum. I want to give that notice now so there will be no trouble about it.

Mr. CABLE. Will the gentleman withhold his objection?

Mr. GARNER. No. I am giving notice now that there will be no further legislation transacted without a quorum.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on the committee amendment.

Mr. JAMES of Michigan. Mr. Speaker, when this matter was considered by the Military Affairs Committee this morning it was decided that the amendment should be rejected because it is unnecessary, owing to the fact that the matter is covered by regulation. I therefore ask that the amendment be voted down.

The committee amendment was rejected.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BRUNNER, on account of illness.

To Mr. DOUGLAS of Arizona, for to-morrow, on account of important business.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 314. An act relating to the payment of advance wages and allotments in respect of seamen on foreign vessels and making further provision for carrying out the purposes of the seamen's act, approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

S. 1444. An act for the conservation of rainfall in the United States; to the Committee on Agriculture.

S. 2268. An act for the relief of Tom Small; to the Committee on Claims.

S. 2350. An act providing for the improvement and extension of the game breeding and refuge areas in the Wichita National Forest and Game Preserve in the State of Oklahoma, and authorizing appropriations therefor; to the Committee on Agriculture.

S. 3016. An act to authorize an appropriation for the purchase of land in South Dakota for use as camp sites or rifle ranges for the National Guard of said State; to the Committee on Military Affairs.

S. 3032. An act for the relief of Commander Francis James Cleary, United States Navy; to the Committee on Naval Affairs.

S. 3467. An act authorizing the construction of a drainage channel in the closed basin of the San Luis Valley in Colorado, authorizing investigation of reservoir sites, and for other purposes; to the Committee on Irrigation and Reclamation.

S. 3565. An act for the relief of certain purchasers of lots in Harding town site, Florida; to the Committee on the Public Lands.

S. 4260. An act for the relief of the American-La France & Foamite Corporation of New York; to the Committee on Claims.

S. 4698. An act amending the act entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," approved May 24, 1928; to the Committee on World War Veterans' Legislation.

S. 4775. An act to provide for the incorporation of credit unions within the District of Columbia; to the Committee on the District of Columbia.

S. 4908. An act for the relief of certain officers of the Dental Corps of the United States Navy; to the Committee on Naval Affairs.

S. 5172. An act for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River; to the Committee on Irrigation and Reclamation.

S. 5408. An act for the relief of Kate M. Hays, Nancy H. Rouse, Clara H. Simmons, W. H. Hays, Hallie H. Hamilton, and Bradford P. Hays; to the Committee on Claims.

S. 5503. An act authorizing purchase of land and construction of building for radio station near Grand Island, Nebr.; to the Committee on Merchant Marine and Fisheries.

S. 5545. An act to amend an act approved February 24, 1925, entitled "An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, and for other purposes"; to the Committee on Public Buildings and Grounds.

S. 5614. An act to provide for the establishment of a construction service in the Bureau of the Census of the Department of Commerce; to the Committee on the Census.

S. 5644. An act to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended; to the Committee on Roads.

S. 5753. An act authorizing the Secretary of Agriculture to issue permit to the Izaak Walton League of America to enter the Wichita National Forest and Game Preserve to make and submit plans for the development of a memorial commemorating the achievements of said Izaak Walton League of America; to the Committee on Agriculture.

S. 5833. An act to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928 (U. S. C. Supp. III, title 7, secs. 343a, 343b); to the Committee on Agriculture.

S. 5867. An act to amend chapter 15 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

S. 5912. An act authorizing the reimbursement of Edward B. Wheeler and the State Investment Co. for the loss of certain lands in the Mora Grant, New Mexico; to the Committee on Claims.

S. 6097. An act for the construction and equipment of a hospital on Crow Indian Reservation; to the Committee on Indian Affairs.

S. 6155. An act authorizing the acceptance by the Administrator of Veterans' Affairs of certain lands in Biloxi, Miss., as a site for a branch home of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

S. 6160. An act to remove certain restrictions on the expenditure of funds on the distribution system, Pilot Butte division, Riverton reclamation project, Wyoming; to the Committee on Irrigation and Reclamation.

S. 6203. An act to increase the amount authorized to be appropriated for the expenses of participation by the United States in the international hygiene exhibition at Dresden, Germany; to the Committee on Foreign Affairs.

S. 6204. An act prescribing regulations for carrying on the business of lighter service from any of the ports of the United States to stationary ships or barges located offshore, and for the purposes of promoting the safety of navigation; to the Committee on the Merchant Marine and Fisheries.

S. 6206. An act to provide for conveyance of a portion of the Liston Range Rear Lighthouse Reservation, New Castle County, State of Delaware, for highway purposes; to the Committee on the Merchant Marine and Fisheries.

S. 6218. An act granting permission to Harold I. June to transfer to the Fleet Reserve of the United States Navy; to the Committee on Naval Affairs.

S. 6225. An act granting an increase of pension to Jessie R. Greene; to the Committee on Pensions.

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.; to the Committee on Claims.

S. J. Res. 194. Joint resolution authorizing and directing the Comptroller General of the United States to reopen, adjust, and settle the accounts of the city of Baltimore for advances made by the city in 1863 for the construction of works of defense, and for other purposes; to the Committee on the Judiciary.

S. J. Res. 244. Joint resolution to extend the statute of limitations, and for other purposes; to the Committee on Ways and Means.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 7. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended;

H. R. 305. An act for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers Cooperative Dairy & Produce Co., a corporation, bankrupt;

H. R. 395. An act for the relief of Alfred Chapleau;

H. R. 687. An act for the relief of John S. Conkright;

H. R. 752. An act for the relief of Wesley B. Johnson;

H. R. 921. An act for the relief of Andrew Kline;

H. R. 922. An act for the relief of William S. Murray;

H. R. 923. An act for the relief of Louis J. Stroud;

H. R. 925. An act for the relief of George Curren;

H. R. 1429. An act for the relief of Thomas Barrett;

H. R. 1610. An act for the relief of Norman Dombris;

H. R. 1891. An act for the relief of Vincent Baranasies;

H. R. 3255. An act for the relief of Sylvester S. Thompson;

H. R. 3256. An act for the relief of David F. Richards, otherwise known as David Richards;

H. R. 3643. An act for the relief Alfred W. Mayfield;

H. R. 7555. An act for the relief of Andrew Markhus;

H. R. 9245. An act for the relief of Davis, Howe & Co.;

H. R. 9564. An act for the relief of Thomas W. Bath;

H. R. 9674. An act to amend an act to parole United States prisoners, and for other purposes, approved June 25, 1910;

H. R. 10635. An act for the relief of the Robins Dry Dock & Repair Co.;

H. R. 10676. An act to provide for the special delivery and the special handling of mail matter;

H. R. 11015. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

H. R. 14680. An act to authorize the attendance of the Marine Band at the Spanish-American War veterans' convention at New Orleans;

H. R. 15063. An act to authorize the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y.;

H. R. 15258. An act to permit the development of certain valuable mineral resources in certain lands of the United States;

H. R. 15496. An act to authorize the Commissioners of the District of Columbia to transfer to the trustees of Howard University title to certain property in the District of Columbia;

H. R. 15591. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Brainerd, Minn.;

H. R. 15594. An act authorizing the construction of a bridge across the Mahoning River at Edinburg, Lawrence County, Pa.;

H. R. 15767. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 15860. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Fox River east of Serena in La Salle County, Ill., between sections 20 and 29, township 35 north, range 5 east, third principal meridian;

H. R. 15861. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa;

H. R. 15862. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Emlenton, Venango County, Pa.;

H. R. 15865. An act for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States;

H. R. 15869. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16113. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 16302. An act to authorize an investigation with respect to the construction of a dam or dams across the Owyhee River, or other streams within or adjacent to the Duck Valley Indian Reservation, Nev., and for other purposes;

H. R. 16471. An act to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.;

H. R. 16561. An act granting the consent of Congress to the department of public works of the Commonwealth of Massachusetts to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Erving, Mass.;

H. R. 16691. An act permitting the laying of a conduit across E and F Streets SW., in the District of Columbia;

H. J. Res. 153. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926;

H. J. Res. 192. Joint resolution extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico; and

H. J. Res. 250. Joint resolution to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1072. An act for the relief of Gabriel Roth;

S. 2643. An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928;

S. 4750. An act to authorize alterations and repairs to certain naval vessels; and

S. 6171. An act to regulate the prescribing and use of waters from the Hot Springs National Park at Hot Springs, Ark., and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills and joint resolutions of the House of the following titles:

H. R. 7. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended;

H. R. 305. An act for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers' Cooperative Dairy & Produce Co., a corporation, bankrupt;

H. R. 395. An act for the relief of Alfred Chapleau;

H. R. 687. An act for the relief of John S. Conkright;

H. R. 752. An act for the relief of Wesley B. Johnson;

H. R. 921. An act for the relief of Andrew Kline;

H. R. 922. An act for the relief of William S. Murray;

H. R. 923. An act for the relief of Louis J. Stroud;

H. R. 925. An act for the relief of George Curren;

H. R. 1429. An act for the relief of Thomas Barrett;

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H. R. 3255. An act for the relief of Sylvester S. Thompson;

H. R. 3256. An act for the relief of David F. Richards otherwise known as David Richards;

H. R. 3643. An act for the relief of Alfred W. Mayfield;

H. R. 7555. An act for the relief of Andrew Markhus;

H. R. 9245. An act for the relief of Davis, Howe & Co.;

H. R. 9564. An act for the relief of Thomas W. Bath;

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H. R. 10676. An act to provide for the special delivery and the special handling of mail matter;

H. R. 11015. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

H. R. 14680. An act to authorize the attendance of the Marine Band at the Spanish-American War veterans' convention at New Orleans;

H. R. 15063. An act to authorize the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y.;

H. R. 15258. An act to permit the development of certain valuable mineral resources in certain lands of the United States;

H. R. 15496. An act to authorize the Commissioners of the District of Columbia to transfer to the trustees of Howard University title to certain property in the District of Columbia;

H. R. 15591. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Brainerd, Minn.;

H. R. 15594. An act authorizing the construction of a bridge across the Mahoning River at Edinburg, Lawrence County, Pa.;

H. R. 13767. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 15860. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Fox River east of Serena in La Salle County, Ill., between sections 20 and 29, township 35 north, range 5 east, third principal meridian;

H. R. 15861. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa;

H. R. 15862. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Emlenton, Venango County, Pa.;

H. R. 15865. An act for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States;

H. R. 15869. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16113. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 16302. An act to authorize an investigation with respect to the construction of a dam or dams across the Owyhee River or other streams within or adjacent to the Duck Valley Indian Reservation, Nev., and for other purposes;

H. R. 16471. An act to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Fort Huron, Mich.;

H. R. 16561. An act granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts, to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Erving, Mass.;

H. R. 16691. An act permitting the laying of a conduit across E and F Streets SW. in the District of Columbia;

H. J. Res. 153. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926;

H. J. Res. 192. Joint resolution extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico; and

H. J. Res. 250. Joint resolution to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House now stand in recess until 8 o'clock p. m.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, at 8 o'clock p. m. the House was called to order by the Speaker pro tempore, Mr. MAPES.

THE VETO MESSAGE ON SOLDIERS' LEGISLATION

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the veto message.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. HASTINGS. Mr. Speaker, the message of the President, dated February 26, 1931, returning without approval H. R. 17054, an act to increase the loan basis of adjusted-service certificates, should be carefully analyzed and should receive a little more careful consideration.

Here are the facts: The Government acknowledges its indebtedness to the 3,397,000 veterans in the sum of approximately $3,426,000,000, or an average of about $1,000 each, payable in 1945.

Many of these veterans are walking the streets unemployed and both the veterans and their dependents are in deep distress. Surely they and their dependents will never experience any greater need for this money.

In this situation they find that the Government acknowledges its indebtedness to them in the above amount. Suppose any man in private life found himself in similar circumstances, in very great need of financial help, would he not at once turn to any person indebted to him and go to him for assistance. That is exactly what this bill permits these ex-service men to do. Of course the Government runs no risk in increasing the loan basis of the certificates to 50 per cent, and it is to the Government's financial advantage to make these loans at 4½ per cent to these ex-service men, when everyone knows that the Government can refinance itself at 3 per cent or less. The Government has sold some short-time certificates at a rate of interest as low as 0.88 per cent, and we feel sure that the Government can secure funds upon longer periods at from 3 per cent to 3½ per cent interest, whereas the bill provides that the ex-service men shall pay 4½ on these loans.

The President in his message states:

> It is, therefore, urgent in any event that local committees continue relief to veterans.

Or in other words, it is better for a veteran to appeal to local committees for charity rather than make application to the Government for a loan giving as security the indebtedness, which the Government owes him, to be paid in 1945.

The President states:

> Inquiry indicates that such care is being given throughout the country, and it also indicates that the number of veterans in need of such relief is a minor percentage of the whole.

Though he states that there are certificates held by 3,397,000 veterans.

The only inference that can be drawn from the above quotation is that there is no depression.

Further on in his message the President urges that only the needy veterans should be given the privilege of making additional loans on their certificates. This is contrary to our governmental policy in dealing with veterans of all wars. Under our general pension laws we pension all soldiers without regard to their financial needs.

The President insists that—

> Adoption of the principle of aid to the rich or to those able to support themselves in itself sets up a group of special privilege among our citizens.

This statement is in conflict with the pension policy of our Government for the past 40 years.

The President argues that we take care of those who are ill, and calls attention to the annual expenditures in behalf of the ex-service men. This, of course, does not answer the question as to the large percentage of the 3,397,000 veterans who are unemployed and who are caught in the whirlpool of depression who want to ask for advances, using the Government's obligation due in 1945 as security.

I know of no method of bringing greater relief to more people than is involved in this bill. Ex-service men in every community and in every township and county throughout the United States will be enabled to secure additional loans from the Government, and this money will go into circulation in their various communities and will undoubtedly be of great benefit in stimulating business.

The President next urges that the wives and children of veterans will lose the future security afforded by these certificates for the reason that each certificate is an endowment-insurance policy.

We are not changing our policy with reference to these certificates. We are now permitting the veterans to borrow up to 22½ per cent upon them, and this bill only increases the loan value of the certificates up to 50 per cent. It will be seen, therefore, that there is no change in policy. Some of the wives and children of the ex-service men will never be in greater distress or more in need of financial assistance than at the present time.

The President argues that the patriotism of our people is spiritual and not material. That is quite true, but what application has that argument with 3,397,000 ex-service men to whom the Government acknowledges an indebtedness of $3,426,000,000, due in 1945, who are unemployed and in deep distress and who need financial aid, who make application to the Government for loans of 50 per cent of their adjusted-service certificates, paying the Government 4½ per cent interest per annum upon them, when the Government is enabled to make a profit of approximately 1½ per cent per annum interest on the amount loaned to these ex-service men.

The rate of interest should be reduced to not more than 3 per cent, and certainly to not above 4 per cent. The Government should not make a profit at the expense of these ex-service men.

During the consideration of the veto message of the President the majority leader advised the House that if the veto were sustained he would offer a bill and ask for its immediate consideration providing that the ex-service men holding these certificates and who are in financial need would be authorized to secure loans upon them from the Government.

This would require each ex-service man to make an inventory of all his property and subject him to a humiliating examination by a Government officer, to such an extent that there would be interminable delays and innumerable ex-service men, rather than go through the humiliating experience, would decline to make application for loans.

As I have stated this is wrong in principle as shown from our policy of giving pensions to all veterans coming within the provision of the several pension laws regardless of their financial condition.

The Government can easily finance itself and secure an adequate sum of money at a much lower rate of interest than is exacted of the ex-service men under the terms of this legislation.

I heartily favor the legislation and want to repeat and to emphasize that it is the practice and experience of everyone who finds himself in distress and in need of financial assistance, to go first to anyone who is indebted to him, for an advancement, and this is all this legislation does.

Of course, no one is justified in borrowing money who really does not need it, and no ex-service man should borrow money upon his certificate unless he is in real need of it, but where the Government owes the amount of the certificate and the security is therefore unquestioned, I have been unable to see any argument why the loan value of these certificates should not be increased from 22½ to 50 per cent.

We have already embarked upon a policy of making loans on these certificates, and this was done when there was no great financial depression, and now it is recognized that there is distress everywhere throughout the land and we should not hesitate to increase the loan value of these certificates.

The number of unemployed throughout the country is very great. Distress prevails generally. We can not close our eyes to the fact that a large number of people are in very great need of financial assistance. These veterans have the security of their certificates which they desire to offer for a loan, and they should not be humiliated and be compelled to accept charity so long as they desire to offer the best security in the world for additional loans to meet their pressing needs.

After hearing the veto message read and discussed, the House passed it by a vote of 328 to 79, and the Senate by a vote of 76 to 17. I am glad to learn that the first loan was made within two hours after the Senate voted on the veto, notwithstanding the majority leader predicted that it would require six months to eight months "to act upon the applications."

INSURING BANK DEPOSITS

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my remarks on Guarantee Bank Deposits.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. HARE. Mr. Speaker, in order to meet the growing and ever-changing industrial business conditions, there have probably been more changes made in our State and National banking systems for the past 50 years than in any other business activity in the United States, although the fundamental necessity for their real stability and existence in these recent years of diversified business interests has been greater than at any time in our financial history. In the meantime, I doubt whether there is any well-established line of business that has experienced as great success and at the same time met with as many failures as the banking business. It may seem paradoxical to say that the system has made as much progress as any other line of business and at the same time met with as many or more failures, but this seems to be true.

During periods of prosperity our banking institutions have been sources of substantial incomes, but in periods of business depressions losses have been incalculable. However, there seems to be something inherent in the institution or system of banking that makes for permanency. That is, the service rendered to the public and to business generally seems to be indispensable. Some kind of a banking system is absolutely necessary, and it seems to be a reflection on the business ingenuity of the country to say that the system has not improved in stability or become sufficiently efficient in its operation as to avoid the ever-recurring losses to those who place their money in such institutions as an investment or for protection. If banking institutions under Government control and supervision are absolutely necessary and indispensable to the interest of the public and welfare of the people, it would seem foolish on the part of those responsible for their creation and maintenance not to perfect a system so as to give strength and security and prevent losses to the public.

WHY DEPOSITS SHOULD BE INSURED

I know that the statistics are usually looked upon as cold and lifeless expressions, but I realize that when properly analyzed and interpreted they are more convincing than mere words and present an argument just as telling and emphatic as a picture.

Therefore, in order to visualize the banking situation in the United States, it is well to make what we might call a statistical inventory of certain phases of banking operations during the past few years. Of course, we refer primarily to banking institutions operating under a system or systems provided for under acts of Congress.

At the close of the year, October 31, 1930, the report to the Comptroller of the Currency shows there were 7,218 national banking associations in existence, or a reduction of about 4 per cent as compared with the corresponding date on the previous year.

In November, 1914, when the Federal reserve system was inaugurated, there were at that time 7,578 national banks with an aggregate capital of $1,072,492,175 as compared with the total capitalization, $1,748,495,692 for the 7,218 national banks in operation October 31, 1930. That is, there seems to have been a reduction in the number of national banking institutions of approximately 5 per cent in the 16 years, 1914 to 1930; whereas in the meantime there was an increase in the capitalization of approximately 63 per cent. The report shows further that during the 16-year period charters were issued for the creation of 2,846 national banks, whereas during the same period 3,206 were voluntarily or otherwise closed.

According to the report issued by the Federal Reserve Board, there were 6,968 State and national bank failures during the 10-year period ending December 31, 1930, the total number for the year 1930 being 1,326, which represents approximately 6 per cent of the total number of all banking institutions in the United States. Of this number 188, or 14 per cent, were members of the Federal reserve system. We gather from the same report that the total deposits of all banks suspending operations during the 10-year period amounted to $2,625,627,000. The total deposits of the member banks of the Federal Reserve system at the time of suspensions amounted to $883,029,000 and the deposits of nonmember banks $1,742,598,000. It is significant to note that out of the total bank failures recorded, approximately 17 per cent of the number were members of the Federal reserve system, yet it is found that in this 17 per cent there were a little more than 33 per cent of the total deposits in banks that failed. That is, it would appear that member banks of Federal reserve system have inspired a greater confidence than the average nonmember banks and when there is a failure, therefore, of a bank in the Federal reserve system the loss to depositors is proportionally much heavier than in case of a nonmember bank.

It will be observed that the average annual losses in the way of deposits during the past 10 years approximate $250,000,000. It is true that some of this amount is repaid in the way of dividend payments, but the losses are sufficient to show that in addition to the individual suffering resulting from such losses there is an enormous strain on the economic life of the Nation if such losses are to continue at the same ratio or in the same proportion. The problem of giving some protection to depositors is one that can not escape the attention of those charged with the responsibility of establishing and maintaining a banking system designed for the interest and protection of those who would patronize the system.

NECESSITY FOR INSURING DEPOSITS LONG RECOGNIZED

All interested persons who have given the matter any real consideration agree that there should be some plan devised whereby deposits in such institutions may be protected and made secure. Heretofore there has not been sufficient agreement on any plan to have it incorporated into law, but this is no reason for saying that the problem can not be solved, nor is there any justification on the part of Congress to refuse consideration of further plans that may be offered. Any well-recognized problem of national import should continue to receive consideration until the solution is evolved. With this idea in mind I was prompted to introduce bill H. R. 16038, the purpose of which is twofold; one is to protect depositors from loss of deposits in case of bank failures, and the other is to insure or create such a confidence on the part of the public that bank failures will be reduced to a minimum, because in most cases bank failures are the result of uneasiness or lack of confidence on the part of depositors.

It will be observed that there is a distinct difference in the plan involved in this bill and some of the guaranty-deposit plans heretofore suggested, and I shall be glad if you will reserve your opinions until you have thoroughly analyzed the provisions of the bill. In the first place, the protection provided for in H. R. 16038 is to be found in an insurance fund and not in the unlimited resources of the Government, as heretofore provided in most plans suggested. Of course, opposition to this plan may be anticipated at the outset, for there will be some who will raise opposition without even making inquiry to its feasibility or practicability. We would ask such objectors to first assign a reason why it is not possible to insure depositors against loss. There is hardly a phase of life, business, or pleasure under our modern methods of insurance that is not insurable. There are available plans that will insure you against almost any conceivable risk. There is hardly a man, woman, or child on earth but what can obtain some kind of insurance against death, and yet all know that it is certain to come. We can obtain insurance against the loss of an eye, foot, or limb in spite of the fact that it may be taking a great risk. A business man can put his money into a most inflammable structure and have it insured against loss by fire, windstorm, or other disaster. A merchant can insure his goods, wares, and merchandise against loss by fire, theft, robbery, or any other physical means. A farmer is able to insure the seed he places in the ground against failure to germinate; after germination he can insure the crop against loss sustained from ravages of the boll weevil, corn borer, or any other insect pests which appear in more or less regularity in every crop-growing season; he can obtain insurance of the same crops against loss from rain, flood, storm, hurricane, drought, and other disasters that appear in some sections with more or less frequency every year; he can insure his livestock against sickness, death, and disease of every kind and description; he can insure his automobile or motor vehicle against injury or destruction from any cause whatsoever; yet the records and statistics show that injuries or losses are being sustained every hour, yea, every minute of the day.

Pleasure seekers and outing parties are able to obtain insurance against rain or sunshine whichever they may elect to choose. Managers of baseball and football teams are able to obtain insurance against losses that may result from rain, storm, cold, or other causes. In other words, there is hardly a thing on earth but what you can legitimately, successfully, and economically insure against loss or injury, except when you place your money into the hands of another for safekeeping. If we were to stop to think and reason a little it would seem that this is one kind of insurance in which everyone would be interested, and it is an insult to American intelligence and business ingenuity to say that it is impossible to successfully and economically insure the hard-earned dollars when placed in an institution controlled and regulated by the United States Government. It is a reflection on those who provide, create, or establish such institutions to say that the organization or institution is so weak, so imperfect, and so inefficient that no assurance against losses can be given to those who may elect to intrust their earnings in an institution, agency, or instrumentality of a Government they honor, love, and support even to the sacrifice of their own lives in time of danger. I say and repeat, it is a reflection upon the business acumen of our country and a challenge to our political integrity when we fail and refuse to make proper provision against such losses in such institutions.

POLICY OF PROTECTION IN OTHER ACTIVITIES

For a hundred years or more Congress has been passing tariff laws protecting the money invested in manufacturing enterprises against competition from other countries. Congress a few years ago enacted a law insuring the transportation companies of the United States a certain rate of interest on their investments. Mark you, the American Government practically insures a certain rate of interest to these transportation companies; it virtually underwrites the policy and calls upon the American people to pay the premiums in the way of freight rates.

Under a Constitution that purports to protect the life and property of its citizens, Congress created a banking system under which banking institutions have been organized; they have been operated in such a manner as to cause the loss of millions of dollars, the destruction of many homes, thereby blighting the lives of thousands of persons who intrusted to these institutions the earnings of many years. Of course, there is no criminality charged in most of these bank failures. This would be unfair, because I am convinced that relatively few of the failures can be attributed to criminal designs or intentions on the part of those in charge, but results are the same as if they were operated for no other purpose than to rob the poor, the ignorant, and deluded of that which the Constitution, in effect, proclaimed would be protected and defended even if it took a never-ending army on land and a matchless navy on sea to do so. Such a guaranty is set out in the Declaration of Independence, implied in the Constitution of the United States, and reiterated, in effect, by Congress when it enacted legislation providing for our national banking system and the Federal reserve system. Yet, when it comes to actually discharging these obligations and insuring the earnings of a lifetime of an humble and loyal citizen in one of these governmental agencies Congress heretofore has said: "It can not be done."

Congress passed a protective tariff law here last year which many of you said was designed to insure regular and higher wages to those who earn bread by the sweat of the brow. At the same time, Congress had set up this banking system, representing it as a place where the dollars accumulated as a result of sweat and blood could be deposited for safe keeping. What has been the result? Many an humble depositor has arisen with the morning sun in recent years only to find that his meager earnings had been lost in the operation of a defective policy, in speculation, or in ill-advised investments, or spent in riotous living by the servants, agents, or instrumentalities of a government that has looked on at the daily spectacle and by its conduct said: "It is too bad, but there is no relief, there is no remedy, there is no hope."

PROVISIONS OF BILL ANALYZED AND REMEDY SUGGESTED

Let us analyze the provisions of this bill and see if there is a remedy.

Under existing law there is a more or less constant flow of profits arising out of the operations of the Federal reserve system and going into the Treasury of the United States. That is, since the creation or establishment of the Federal Reserve Board approximately $145,000,000 in the way of profits have found their way into the Treasury. These profits to a large extent have arisen from the use of money furnished by banks or banking institutions that are members of the Federal reserve system. In reality such profits belong to the member banks, but instead of being paid to such banks in the way of dividends or refunds they go into the Treasury of the United States. Now, is there any good reason why the Government or the Federal Reserve Board should not take these profits and provide insurance or indemnity bonds or other appropriate means and insure the depositors in these member banks against losses in case of failure or suspensions? It will not cost the member banks any more than it is costing them under existing policies. It will not cost the Government anything additional, because the fund really belongs to the member banks, and there is no reason why it should be used by the Government except for the benefit of these member banks and their depositors. These profits are really theirs, and common sense, horse sense, as well as dollars and cents, tell us that it would be sound, fair, and just.

It will be observed that under the provisions of this bill the Federal Reserve Board is authorized to use so much of the net earnings derived by the United States from the Federal reserve system as may be necessary and make payment to depositors in member banks to replace losses of deposits suffered by such depositors by reason of failure or liquidation of such banks, provided that such payments to any depositor shall not exceed 50 per cent of his deposits in the dissolved or liquidated bank. The bill makes no provisions whatever for making any assessment on a member bank nor does it provide any fee whatsoever. It states specifically that so much of the "net earnings derived by the United States from the Federal reserve system" as may be necessary may be used by the Federal Reserve Board for making payments to depositors in member banks to replace losses of deposits suffered by such depositors. It provides further that the Federal Reserve Board may make such payments through insurance or indemnity bonds purchased or provided for through the use of such "net earnings." There seems to be no doubt but what the net earnings arising from the Federal reserve system, together with the already accumulated profit of $145,000,000, will be more than sufficient to insure or guarantee the losses of depositors for an indefinite period.

It will be observed further that this bill does not undertake to guarantee 100 per cent of the deposits but only to the extent of 50 per cent, or not exceeding 50 per cent. There are several reasons for this limitation. It rarely happens that a bank fails without having assets upon which something can be realized, and in such cases, of course, such assets should be applied in reimbursing depositors. If such assets should amount to more than 50 per cent of the deposits then the amount to be paid by the Federal Reserve Board will be correspondingly less than 50 per cent. Furthermore, I have the feeling that if the proposed plan were adopted, it would induce member banks to work out or evolve a plan whereby they could insure or guarantee the remainder of the losses and not rely wholly upon the Government or Federal Reserve Board to assume the responsibility for the entire loss. It is thought, too, that with this limitation in the bill there would be no reason or excuse for those in charge of member banks to become indifferent as to their responsibility, or less efficient in their management but, on the contrary, it is thought that with only a certain amount of insurance the managers will be more conscious of their responsibility and there will be sufficient encouragement to induce them to increase their efficiency.

PROTECTING BANK DEPOSITS NOT A NEW PROBLEM

Securing bank deposits as we have already suggested is not a new idea; it is a matter that has had the attention of many leading financiers and economists for the past hundred years. Many plans have been suggested and some have been tried by individual States and it is unfortunate to have to say that in practically every case the plans have failed.

It will be recalled that when the Federal reserve act was under consideration in Congress in 1913 it was strongly urged that it should contain a clause making provision

whereby deposits in member banks could be insured or guaranteed. It will be recalled further that after the bill passed the House and went to the Senate it was amended by the insertion of such a provision. One of the amendments proposed and seriously considered at the time was as follows:

One-half of the net earnings, after the aforesaid dividend claims have been fully met, shall be paid into a surplus fund until such fund shall amount to 40 per cent of the paid-in capital stock of such bank, and of the remaining one-half, 50 per cent shall be paid to the United States as a franchise tax and 50 per cent shall be paid to the United States as a trustee for the benefit of depositors in failed national banks, the money to be kept in and losses from failures to be paid from it as a depositors' insurance fund under a division of the Treasury to be constituted and managed under such regulations as may be prescribed by the Secretary of the Treasury.

Another amendment proposed and considered by the Senate was as follows:

Twenty-five per cent of such net earnings to be carried to a surplus fund until such fund shall amount to 20 per cent of the paid-in capital stock of such reserve bank, and 37½ per cent of said net earnings shall be set aside in a trust fund to be known as the depositors' insurance fund and shall be used for the payment of the depositors of insolvent member banks under rules and regulations made by the board. When, in the judgment of the board, there has been accumulated in such depositors' insurance fund a sufficient sum fully to insure the payment of the depositors of insolvent member banks, the board shall have power to suspend the setting aside and accumulation of the said 37½ per cent of such earnings, and thereafter such 37½ per cent of such earnings shall be paid to the United States, except that in the event the depositors' insurance fund is depleted by the payment of depositors of insolvent member banks such fund shall be replenished by again setting aside such 37½ per cent of the earnings or so much thereof as, in the judgment of the board, may be necessary.

Finally when the bill passed the Senate it provided in effect that one-half of the net earnings of the Federal reserve banks should be paid to the United States as a franchise tax and 50 per cent of the remaining one-half should be paid to the United States as a trustee for the benefit of depositors in all bankrupt or suspended banks in the Federal reserve system.

However, this provision was stricken out in conference and upon final passage, the law had no provision whatever for securing deposits in member banks.

The bill I have introduced would amend section 7, paragraph 2 of the Federal reserve act to read as follows:

So much of the net earnings derived by the United States from the Federal reserve banks as the Federal Reserve Board may deem necessary shall be used by the board to provide for the making of payments to depositors in member banks of the Federal reserve system to replace losses of deposits suffered by such depositors by reason of the dissolution or liquidation of such banks; except that such payments shall not, in the case of any depositor, be in excess of 50 per cent of the amount of his deposits in the dissolved or liquidated bank. The Federal Reserve Board, upon such terms and conditions as it may deem advisable, shall provide for the making of such payments through insurance or indemnity bonds, or by such means as may in its opinion be appropriate. If, in the opinion of the Federal Reserve Board, such net earnings are insufficient to so provide for the making of payments to depositors, such additional amounts (not exceeding the total amounts paid to the United States, in accordance with the first paragraph of this section, prior to the enactment of this amendatory act) as may be necessary are hereby authorized to be appropriated for such purpose.

In the case before us the premiums are already available and the only change to be made in the operation of the system is for the Federal Reserve Board to eliminate much of the unnecessary red tape now required for admission of member banks so that it will be possible for practically all banking institutions to become members of the Federal reserve system and be able to share in the benefits of the proposed legislation.

Think of it gentlemen, since the days of Alexander Hamilton, the first Secretary of the Treasury, the Government of the United States has been making and perfecting a banking system and providing for the establishment of individual banking institutions, but why should the Government establish and maintain an institution and in effect call upon the public to guarantee the perpetuity of such institution and at the same time bear the losses for any failure or failures that might occur in its operation? Of course, such a system can continue only so long as the people are able to furnish the means for operation and bear the losses. It may be said that there are inherent weaknesses in the system. That may be true and they will remain there until the Government or some one responsible for their operation is required to assume the responsibility for the losses sustained as a result of such inherent defects.

Experience has shown that whenever you place responsibility for results in the operation of any kind of well organized business the latent defects that may exist are soon located and removed. In this case the banking institutions under the Federal reserve system are creatures of the Federal Government; they are agencies or instrumentalities of the Government; they are under the supervision and control of the Federal Government; they are responsible to the Federal Government, and with this relationship I contend that the Federal Government is morally and equitably bound under any well-established code of business ethics or political philosophy to make provision for insuring losses any innocent party may sustain as a result of the free and voluntary conduct of those in charge of such institutions, regardless as to whether such acts or actions were knowingly or ignorantly done.

IMMEDIATE GOVERNMENTAL ACTION JUSTIFIED

I am aware that the guaranty system adopted and followed by a number of States from time to time has failed in practically every case. I know, further, that many financiers insist that the system of guaranty deposits is unsound and impracticable. I know that representatives of the Treasury Department have from time to time insisted that the policy of insuring or guaranteeing deposits is unsound; yet I find that the United States Government, which has direct and complete supervision of every national bank in the United States, before it will make a deposit in any such institution, will require the bank to put up absolute security for such deposits and in addition require it to pay interest on them. It appears to me that if a bank can give security for Government deposits and consider it good banking, it ought to be able to do the same thing for individual depositors. That is, I am unable to see the difference in the principle involved or the soundness of a policy where the Government will require a bank to put up security for its deposits before made and then to say it is dangerous and economically unsound to require the same bank to put up similar security for deposits of individuals.

To illustrate my point, it is my understanding that if the Secretary of the Treasury deposits $100,000 in a bank he first requires that bank to put up ample security or surety for such deposit. Suppose in the same bank there should be 1,000 depositors with $100 each, their total deposits would be $100,000, or equal in amount to that on deposit by the Secretary of the Treasury. Then suppose under these circumstances trouble should arise or a "run" is made by depositors and the bank should fail or suspend operations, the Government steps in and under the guaranty gets every dollar of its $100,000, whereas the 100 depositors are compelled to take nothing or whatever may remain. By no stretch of the imagination will the dictates of good judgment or common sense justify such action or such a policy. If deposits of the Government can be economically insured, why can not the same thing be done for individual depositors? That is, if a bank can insure the $100,000 for the Government, why can not it insure the $100,000 for the 100 depositors? If you can insure deposits for 1, you can insure them for 100; and if insurance is required for the 1, why not require it for the 100? The Government controls and regulates the operation of these institutions. Is the Government acting fairly, honestly, or justly in demanding a guaranty of its own deposits and refusing to insure or guarantee deposits of its subjects or citizens? There is but one answer.

CODIFICATION OF LAW—PREVENTIVE MEDICINE

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks on Codification of Law and Preventive Medicine.

There was no objection.

Mr. FITZGERALD. Mr. Speaker, the codification of the general and permanent law of the United States by a scientific arrangement in one volume of the pertinent matter scattered through 25 or more tomes, and the adoption by Congress of the cumulative system of codification under the direction of the Committee on Revision of the Laws of the House of Representatives, for both the United States Code and the District of Columbia Code, just completed, are first steps toward the ambitious project of perfecting the language of the statute law.

The present code, admirable as it is, and an immense improvement over the chaotic condition that existed before, when no one could be certain of the law, even after exhausting research, is cumbersome, verbose, and replete with absurdities, contradictions, illogical distinctions, and complexities, which tend to bewilder and confuse anyone seeking to know the law.

We covet an ideal of legislative expression. There is no sound reason why, after the turmoil of a legislative session, the law may not be stated or restated in simple, direct, clear language which laymen may readily understand.

After the compilation known as the Revised Statutes in the seventies, futile efforts for more than 35 years were made by Government commissions and the committee in Congress to bring about some authoritative and reliable compendium of the general and permanent statute law. This has at length been achieved, and now that the cumulative codification system will pick up, identify, and distribute new legislation from session to session of Congress so that the code may be kept current with the law by a single supplementary volume, an opportunity is offered for this perfection of legislative expression which may also lead to some changes in substance in the interests of justice, simplicity, and uniformity.

The work resolves itself into several phases:

First. There are a multitude of laws which, although not specifically repealed, have been so obviously superseded by later enactments that they were omitted as obsolete and of no present force in compiling the United States Code. Nevertheless, since by its terms the United States Code has only the force of prima facie evidence of the law, careful lawyers and others dealing with the statutes must turn back over and over again to these unrepealed statutes only to confirm after hours of wasted labor the judgment of the compilers. To obviate this unsatisfactory condition a complete survey should be made of all such sections of the statutes, and they should be repealed by the Congress.

H. R. 16778, introduced on January 6, 1931, and favorably reported by the Committee on the Revision of the Laws and now on the calendar, provides for the repeal of 307 such sections. This bill contains no section about which there is apparently any opportunity for difference of opinion. To complete the task H. R. 16694 has been prepared and introduced on January 29, 1931, seeking the repeal of the remaining 770 sections so omitted from the code as obsolete and of no present force. With reference to these or some of these sections there is opportunity to argue that they may now have or at some time might have some application to affairs. Nevertheless, Congress should act firmly and repeal these sections, for they have no useful purpose but serve as a reflection upon the integrity of the code and a constant source of irritation to those who must use the statutes. They are sources of uneasiness and nervousness and prevent that confidence and faith which the people are entitled to have in some authorized statement of the statute law.

Second. There are instances of sections of statutes carried into the code which, while in fact inoperative, obsolete, useless, and confusing, are neither specifically repealed nor superseded except by the change or progress of affairs. Such sections are those relating to Indian agents, which no longer exist, provisions for decorations of officers distinguishing themselves in Indian wars, and so forth. Seventy-five such sections have already been repealed by Public Act 547, approved December 16, 1930. This good work should be followed by the complete survey of the code now going on in cooperation with the various bureaus and departments of the Government charged with the administration of the various titles and chapters so that a compilation may be made of the remaining obsolete and useless sections to be incorporated in a bill or bills and specifically repealed, all toward the perfection of the code.

Third. All of this is but preparation for a real revision of the statute law. The most competent, well-trained, careful, and sensible specialists should be employed under the direction of the Committee on the Revision of the Laws, or otherwise, to prepare a restatement of the present law, one title at a time, in the most simple, clear, and precise terms. As each title is completed and approved by the appropriate department, bureau, or commission of the Government and carefully checked by the legislative reference service of the Library of Congress and by such committees of the House and Senate as will be willing to give the matter attention in a reasonable time, a bill may be introduced in Congress embodying the new statement of the law, conforming to the understood policy, intent, and purpose of Congress in the original legislation, but with such amendments as will prevent unjust discriminations and remove ambiguities, contraditions, and other imperfections, both of substance and form. It is essential that this revision work be done each title separately, one at a time, because of the inability of Congress to deal with bulky measures proposing any changes whatever in the current law.

If this course is adopted and persistently followed the result will be a code of statute law worthy of this great Nation, compact and well indexed in a single volume of one-third the size of the present code which, with the latest supplement, will enable any person of fair intelligence—judge, lawyer, merchant, or other—to readily find and understand the law applicable to any matter in which he is interested.

This is the program which I have laid out for the House Committee on the Revision of the Laws preliminary to publishing a new and perfected edition of the code with a more thorough, complete, and adequate index than was possible when the present code was prepared.

I am now terminating my career of 10 years in Congress and my years of service on the Committee on Revision of the Laws, where I got my first inspiration and training under our late lamented colleague, Col. Edward C. Little, of Kansas. Much of what I have been fortunate in helping to accomplish was made possible by the indefatigable work and devotion of Colonel Little. All of our efforts would have been wasted had it not been for the broad intelligence, scholarly attainments, and tact of former Senator Hon. George Wharton Pepper, of Pennsylvania, universally recognized as one of the greatest lawyers of our country, who found a way to reconcile differences between the two Houses of Congress and made possible the acceptance of the United States Code by the Senate.

The American Bar Association, which for years maintained a committee in an attempt to bring about a codification of the statute law, and more than average citizens recognized the intolerable conditions, owe a debt of gratitude not only to ex-Senator Pepper but to the Hon. George W. NORRIS, of Nebraska, chairman of the Senate Judiciary Committee, and the Hon. THOMAS J. WALSH, of Montana, of the same committee, who cooperated in bringing about the enactment of the cumulative codification system and of the bill already passed of the series proposed for the perfection of the code.

Anyone who knows the years of labor and infinite difficulty expended to secure the code and realizes its great value will appreciate the necessity of guarding against legislation which would break down its structure or classification and impair or destroy its usefulness.

This danger may come from such praiseworthy projects as a navigation code for the United States. Such a code was prepared and proposed for adoption or enactment into law in bulk (S. 5085, 69th Cong., and S. 5902, 70th Cong.). It was intended to be a compendium of many laws—civil and criminal, pertinent to, related to, or connected with shipping. It proposed numerous changes in the present law. It drew upon and involved 28 of the 50 titles of the code. It would have destroyed much of the value of the United States Code

as the one dependable, reliable, authoritative repository of the Federal statute law.

Of course there is no objection to a navigation code. We should have such a code. There is no reason why present laws should not be amended or added to in the interest of American navigation and of an American merchant marine. Such laws, however, should be so amended and so enacted that they may retain their proper place in the classification of the whole body of the statute law as set up in the code. People having no connection with shipping and navigation must use and be bound by these laws, which in many instances are mainly for other activities and only incidentally and indirectly pertinent to navigation.

After any desired amendments and changes in the law are made a compilation or compendium could then be made of all the statutes in any way connected with navigation and this handbook would constitute the navigation code and the desired result thus obtained in an indestructive way.

If anyone is now unaware of the good fortune of the United States in having secured a code, he might consider the experience of some of our States in their struggles to bring order and understanding out of the great and growing mass of legislation. I am informed that the State of New Jersey has expended $450,000 in efforts to revise and codify her laws, and the end is not in sight.

Over a century ago Jeremy Bentham, distinguished English lawyer, philosopher, and writer, author of An Introduction to the Principles of Morals and Legislation, wrote:

> Scarce any man has the means of knowing a twentieth part of the laws he is bound by. Both sorts of law are kept most happily and carefully from the knowledge of the people—statute law by its shape and bulk; common law by its very essence. (Works of Bentham, Vol. V, pp. 233–237.)

He argued that—

> The matter of these law books must be made up into sentences of moderate length, such as men use in common conversation, and such as the laws are written in, in France, with no more words than are necessary; not like the present statutes, in which I have seen a single sentence take up 13 such pages as would fill a reasonable volume, and not finished after all * * *. (Ibid.)

In John Hill Burton's Benthamania is found an outline of his opinions concerning law reform. From the author, I quote the following paragraphs:

> There are two means by which the laws may be brought within the reach of those whom they bind. The one is by making them in themselves simple, concise, and uniform; the other by adopting adventitious means of promulgating them.
>
> The main remedy proposed by Bentham for the evils arising out of the confusion and bulkiness of the laws is in codification—in a general revision of the existing laws, the rejection of the antiquated and useless portions, and the reduction of those parts which should be preserved to a clear order and to precise and intelligible language. The chief objections to this project are not in the form of argument but in the simply negative shape of the neglect to perform that of which the utility is so clearly proved. The good to be accomplished would be great; but the labor, too, would be great; and no Atlas has been found among ministers of state to put his shoulders to the task. Nor does there seem, indeed, to be any individual on whom the responsibility of the nonperformance of this mighty task can be specially thrown; it is simply a great and difficult project for the public benefit unperformed.
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> While urging the utility of a general code and the importance of a complete or partial reconstruction of the law, Bentham did not lose sight of the immediate practical advantages of an improvement in the system of drawing the statutes so as to make them more intelligible to the public and consequently more serviceable as rules of action. In an examination of the vices of the existing method of drawing acts of Parliament, he found that there was a departure from the common colloquial and literary language of the country, which, instead of diverging from it in the direction of precision and conciseness, led to vagueness and verbosity. The departure from the ordinary forms of expression was thus an evil, not compensated by any advantage in the shape of a more scientific style. He found that there was unsteadiness in respect of expression, occasioned by a want of fixed words having definite ideas connected with them. The draftsman, not having in his mind any distinct nomenclature, overloads his work by employing a number of words to mean the same thing, lest, if he should restrict himself to one, he might choose one which did not fully embrace the meaning intended. In this manner that which could have been well accomplished by the use of one word with a determinate meaning is imperfectly accomplished by the use of several words without any fixed signification.
>
> It was found that clauses of acts, instead of consisting of separate enactive propositions each with its own verb, constituted, each of them, a series of sentences heaped together, with the same verb serving for a variety of propositions. The bad effects of this system are two: It makes the sentence too long for full and clear apprehension by ordinary intellects; and it renders it liable, from its complexity, to dubiety and ambiguity of interpretation.

Among the thousands of laws of the United States is one which provides that as to acts of Congress—

> Each section shall be numbered, and shall contain, as nearly as may be, a single proposition of enactment (U. S. C., title 1, sec. 24).

This statute, in force for many years, has been consistently ignored, leading to confusion and difficulty in ascertaining with definiteness the law in force. This fact, together with the accumulation of the laws continually being passed and amended, modified and repealed, not scientifically and systematically classified for easy access, and almost indistinguishable in the mass of local, private, and temporary legislation, is largely responsible for the chaos existing between the Revised Statutes of the seventies and the United States Code of 1926, and the newly adopted system of cumulative codification of the general and permanent laws of the Congress.

Thus far three noteworthy accomplishments have been brought about:

(a) Assembling of all general and permanent statutes scientifically classified in a single volume by adoption of the United States Code.

(b) Providing for a system to keep the continuing stream of legislation up to date in code form by a cumulative codification program accepted by Congress, and to correct errors discovered in the code.

(c) Enactment of the first bill to remove obsolete and useless laws by specific repeal.

Preparatory to actual revision, the work of the committee should proceed along the following lines:

1. A reexamination of the material included (and that not included, in the United States Code, and in the Code for the District of Columbia) with a view to perfecting these two codes and making them more complete and accurate statements of the law now in force. There are a number of provisions enacted prior to 1873 which were not included in the Revised Statutes but which were not repealed thereby and are still, to some extent, in force. A number of such have been included in the United States Code, but no systematic check has apparently been made to make certain that there are not others which should have been included but were overlooked. The records of the Legislative Reference Service of the Library of Congress indicate that there are at least a few of such provisions; there should accordingly be a careful and positive check from this standpoint.

Suggestions should be solicited every year or so from the various departments and other sources from which the most valuable assistance may reasonably be expected.

Apart from considering suggestions received from outside sources, the committee could undertake, through experts employed by it, to make a complete reexamination of the two codes for the purpose of discovering and correcting errors and omissions and eliminating superfluous provisions. One of the first steps in this reexamination should be to ascertain whether or not it would be worth while to make any rearrangement of the material (either titles, chapters, subchapters, or separate sections). For example, would it be feasible and desirable to bring together in one title or adjoining titles all the material relating to the national defense titles 10, 14, 32, 34, 37, 50) (?); that on carriers (titles 45, 47, 49) (?); that on shipping and navigation (titles 33 and 46) (?). Such inquiries should, of course, not be pursued to an unreasonable extent, and the presumption should in every case be strongly in favor of the present arrangement. Special attention might well be devoted to the matter of assimilating the material in the supplements with that in the original text.

In order to make certain that there are no omissions in either code, it would be well to examine every provision ever enacted by Congress, beginning with volume 1 of the Statutes at Large and making a permanent record of the reasons for omitting each provision not included. The publication of such a record would serve an extremely useful purpose; among other things, it would be made the basis for action of Congress, expressly repealing many obsolete provisions that have never been expressly repealed.

Besides correcting errors and omissions in the codes they can be further improved by the elimination of superfluous although not erroneous provisions. Many of these consist of provisions for the installation of a new piece of Federal organization or procedure, which having been once executed are no longer operative. Others consist of provisions that are essentially temporary and are now obsolete, although operative in 1925. A few provisions could well be omitted as having only local applicability and not being of general significance, although for the most part such provisions were rigidly excluded from both the United States Code and the District of Columbia Code. In fact, it is probable that more of these border-line cases have been improperly omitted than improperly included. A certain amount of attention should be devoted to the line of demarcation between the two codes. In some cases it is proper to duplicate the same provision in both the United States and the District of Columbia Codes (e. g., the act establishing the District as the seat of government), but in most cases such duplication should be avoided.

2. Keeping the two codes up to date: In the case of the United States Code this has been done up to the present time by the preparation of the four supplements, which are in the main extremely satisfactory; there are, however, a few cases in which note has not been made of implied amendments to one title by a provision properly classified in another title (e. g., where writs of error are incidentally referred to in a title other than title 28). It would be useful and I hope it may be practical to secure a greater degree of cooperation from the other committees of the House, so that bills affecting provisions in the codes will more uniformly include title and section references to the codes. Possibly the Revision of the Laws Committee might also undertake to supply code sections for new legislation prior to its publication in the Statutes at Large, as has been done for the Ohio laws by the attorney general of that State.

The preparation of annual supplements to the United States Code should be continued without interruption. Similar supplements, at least every two years, should be prepared for the District of Columbia Code. This feature of the work before the committee should not be permitted under any circumstances to be neglected.

3. Securing the enactment of one or both codes as absolute law. This should scarcely be undertaken except after a careful reexamination of the material included as I have indicated.

4. Revision of the laws included in the two codes. The laws as revised should be enacted as absolute law. It is almost impossible to draw the line with certainty between a revision and a restatement of the law. There are in nearly every title of the United States Code provisions that clearly call for revision. Frequently two or more sections standing side by side relate to the same general subject under slightly different circumstances; they could not be combined without revision because there is a slight change in the language employed in the original provisions. In nearly all such cases the provisions should be consolidated, for the divergence is undoubtedly unintentional rather than expressing a deliberate policy of Congress to discriminate between the cases. Revision should be undertaken, title by title; and Congress should be asked to approve the revision of only one title at a time in a single bill. In this way any possible question of policy could be considered by the congressional committees having jurisdiction of the subject matter. If practicable, the text of the revision should be prepared cooperatively by the experts of the Revision of the Laws Committee working with a representative of the other committee or committees affected and with a representative of the department which administers the subject in question.

There has been prepared under the direction of the Joint Committee on Internal Revenue Taxation a complete restatement and compilation of the United States Code, title 26, for enactment, at the regular session of the Seventy-second Congress. If this restatement of title 26 is generally approved, title 10 might be similarly treated.

Every one of the four undertakings referred to—the third only because it implies the first two—calls for the work of experts, specially trained for such work, and able to devote their entire time to a strictly scientific and impartial examination of the laws, free from every extraneous influence. No Member of Congress, however adequate his training, can possibly devote a sufficient amount of time to acquire, on account of his other essential activities, a thorough grasp of the multitudinous details involved.

If anything in the nature of revision is begun, there should be not less than three experts, the chief of whom—if not all three—should be recognized as of coordinate rank with the legislative counsel; that is, he or they should have an adequate salary. If the experts are not to be of equal rank and authority, it should at least be understood that no decision as to a matter of revision should be made without the concurrence of two of them; and each one should be authorized and feel free to present his views in any case of difference of opinion to the chairman or clerk of the committee.

The United States Code is being kept up to date under the following agreement (see House Doc. 143, 71st Cong., 2d sess.; and hearings on first deficiency appropriation bill for 1929):

MEMORANDUM OF AGREEMENT

WASHINGTON, D. C., *June 18, 1928.*

Whereas the Congress of the United States by Public Act No. 620 of May 29, 1928, has provided that there be prepared and published under the supervision of the Committee on Revision of the Laws of the House of Representatives after each session a cumulative supplement of the general and permanent law enacted at the session combined with the substance of the past preceding supplement, and also arranged as to conform to the Code of Laws of the United States and thus amending and supplementing the code and keeping the codification up to date; and

Whereas the first supplement containing the laws of the Sixty-ninth Congress has been prepared by the joint work of the West Publishing Co., of St. Paul, Minn., and the Edward Thompson Co., of Northport, Long Island, N. Y., and has been submitted to and approved by the Congress (Public Act No. 620 of May 29, 1928) and is being indexed and is about to be published; and

Whereas the said two companies have offered to prepare such supplements hereafter at a cost of $10,000 for each Congress of two or more sessions, complete for the Public Printer with tables, index, and other ancillaries conforming to the style of the Code of Laws of the United States; and

Whereas said proposition seems fair and reasonable;

It is now, therefore, agreed and understood, subject always to the continuing approval of the Congress of the United States and its committees, that the West Publishing Co. and the Edward Thompson Co. be employed to prepare such cumulative supplement containing the laws of the first session of the Seventieth Congress, and subsequent supplements, for the sum of $10,000 for each Congress or period of two years, and said companies hereby jointly undertake the faithful performance of such work subject to the appropriations of Congress, and agree to have the material for each and all of such supplements prepared and edited and indexed as soon after each session of Congress as may be insured by faithful diligence.

In witness whereof said companies by their respective presidents and the committee by its chairman have hereunto subscribed their names.

HOMER P. CLARK,
President West Publishing Co.
M. BLAIR WAILES,
President Edward Thompson Co.
ROY G. FITZGERALD,
Chairman Committee on Revision of the Laws, House of Representatives.

The report which accompanied H. R. 10000, the United State Code bill, explains the method used in the compilation of this extensive work and therein due acknowledgment is made to the two publishing houses—the West Publishing Co., of St. Paul, Minn., and the Edward Thompson Co., of Northport, N. Y.—who did all the editorial work on this compilation. It is but proper to again commend the work and public spirit of these companies who through their trained experts made possible the United States Code.

As compensation for this enormous undertaking they received only $10,000. This sum was paid out of the contingent fund of the Senate. The work cost the compiling companies about $40,000. The excess of cost over the appropriation of $10,000 was entirely borne by these two companies.

The committee feels that it has been fortunate in securing the expert services of these two companies at a most

reasonable sum—$5,000 per year, or $10,000 per Congress—which has been hardly sufficient to reimburse them for the actual cost of preparing the supplements by which the Code has been kept up to date.

The sale of the Government edition of the Code outside of a large free distribution under the law, has been gratifying. The Superintendent of Documents advises the following sales as of January 14, 1931:

United States Code, at $4	13,946
Supplement No. 1	2,918
Supplement No. 2	2,229
Supplement No. 3	3,358

It may be of interest to observe in this connection that the sales of the Government Code at $4, its mechanical cost, is in excess of the sale of the compact edition of the code privately published by these two companies. The convenient size and attractive binding of the compact code with its more thorough index selling for $12, requires for its production composition, presswork, paper, binding, overhead, and selling expenses, and, of course, produces a profit.

Perhaps some misapprehension has not unnaturally arisen due to lack of a more detailed statement concerning comparative costs of the commercial and Government editions. The United States Code, Government edition, which sells for $4, represents the bare cost of manufacture; that is, exclusive of editorial expense and many items of overhead, selling costs, and the like.

These private publishers have performed a great service. In addition to preparing the code they furnished the first supplement without cost to the Government as a sample of the work which they would perform. Each of the three official code supplements have been prepared and made available prior to the issuance of the annual cumulative service of the two companies. During the preparation of supplements the Committee on Revision of the Laws is furnished promptly with slip copies of the laws as classified by the editors for incorporation in the supplement, so that at all times anyone interested may be advised as to what the supplement would contain and may be apprised of the exact classification and of the data to be included.

To the West Publishing Co. and the Edward Thompson Co. the committee, the Congress, and the country owe much.

The Committee on Revision of the Laws was established as a standing committee by resolution on July 25, 1868, taking the place of the Select Committee on Revision of the Laws and the Committee on Revisal and Unfinished Business, which had become obsolete. The committee consists of 13 members, and by section 29 of Rule XI of the House is given jurisdiction over matters relating to the revision and codification of the statutes of the United States.

Hon. Luke P. Poland, of Vermont, was the first chairman of the committee in the Fortieth Congress, and retained the chairmanship in the Forty-first Congress, being succeeded as chairman in the Forty-second Congress by Gen. Benjamin F. Butler, of Massachusetts.

President William McKinley served as chairman, as did the late Col. Edward C. Little, of Kansas. During the latter's tenure the House of Representatives passed three times his bill to codify and revise the laws of the United States, although no action was taken by the Senate. Colonel Little devoted himself so whole-heartedly to the task that he virtually wore himself out.

For over 30 years futile attempts were made to produce a code, with the consequent waste of hundreds of thousands of dollars. I have had prepared a résumé of the accomplishments and projects before the committee since the first commission created under its direction and responsible for the Revised Statutes to the present time. I submit it, as follows:

INFORMATION RELATING TO PERSONNEL, EXPENDITURES, AND ACCOMPLISHMENTS OF COMMISSIONS APPOINTED TO REVISE AND CODIFY THE LAWS OF THE UNITED STATES

First commission: Fourteenth Statutes, 74, act of June 27, 1866.
Commissioners: (1) Charles P. James, (2) Benjamin Vaughan, and (3) Victor Barringer.

Salaries and expenses:

14 Stat. 315	$25,000.00
14 Stat. 456	17,000.00
15 Stat. 111	17,000.00
Salaries (16 Stat. 311)	$15,000.00
Expenses, including clerk hire (16 Stat. 311)	3,000.00
Salaries (16 Stat. 494)	15,000.00
Expenses, including clerk hire (16 Stat. 494)	3,000.00
Expenses, including clerk hire (16 Stat. 516)	1,000.00
Salaries (17 Stat. 82)	15,000.00
Expenses, including clerk hire (17 Stat. 82)	3,000.00
Expenses, including clerk hire (17 Stat. 133)	9,000.00
Salary ("balance due" to Mr. Durant) (18 Stat. 137)	3,175.03
District of Columbia laws (aside from revision (18 Stat 376)	3,300.00

Result: Revised Statutes enacted June 22, 1874. Work was re-edited by Thomas P. Durant. Commission worked seven years. Durant worked nine months.

SECOND EDITION OF THE REVISED STATUTES AND SUPPLEMENTS

Commissioner: George S. Boutwell (act of March 2, 1877; 19 Stat. 268).

Salary and indefinite expense of revising index (19 Stat. 269, sec. 5; 20 Stat. 12; and 20 Stat. 36, ch. 61) $5,000

Result: Second edition published February 18, 1878.

SUPPLEMENTS

Under authority of joint resolution of June 7, 1880, First Supplement to Revised Statutes prepared in 1881 by Judge William A. Richardson, of the Court of Claims.

Salary (21 Stat. 308) $5,000

Second supplement to Revised Statutes prepared in 1891 by Judge William A. Richardson, of the Court of Claims.

Salary (26 Stat. 50, ch. 73) $6,000

Third supplement to Revised Statutes prepared in 1901 by George A. King and William B. King with Edwin C. Brandenburg, of the Department of Justice.

Salaries (27 Stat. 478, sec. 4; and 31 Stat. 1162) $2,000

Second commission: Thirtieth Statutes, 58, act of June 4, 1897.

Commissioners: (1) A. C. Thompson (Ohio, afterwards United States district judge at Cincinnati), (2) A. C. Botkin (Montana), and (3) David B. Culbertson (Texas), who were succeeded by (1) David K. Watson (Ohio), (2) W. D. Bynum (Indiana), (3) John L. Lott (Ohio).

Salaries and expenses of this commission under the indefinite appropriation (30 Stat. 58) are explained in the following letter from the Comptroller General of the United States:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 3, 1931.

Hon. ROY G. FITZGERALD,
Chairman Committee on Revision of the Laws,
House of Representatives.

MY DEAR MR. CHAIRMAN: With further reference to your communication of December 3, 1930, wherein you request certain data in regard to expenditures under the act of June 4, 1897 (30 Stat. 58), made by the commissioners, authorized under the act to revise and codify the criminal and penal laws of the United States, I have to advise the records of this office for the fiscal years 1898 to 1907, inclusive, show that the total sum of $204,498.84 was expended therefor.

There is furnished below a tabulated report of the expenses during each fiscal year:

Miscellaneous expenses

Fiscal year	Commissioners' salaries	Expenses, clerk hire	Miscellaneous expenses
1898	$14,836.94	$5,882.21	$1,545.70
1899	15,000.00	5,460.00	1,283.55
1900	14,268.25	5,460.00	1,057.84
1901	15,223.52	5,460.00	1,193.38
1902	15,000.00	5,460.00	1,472.44
1903	15,000.00	5,325.00	1,502.20
1904	15,000.00	5,141.00	1,616.37
1905	15,000.00	5,460.00	1,468.27
1906	14,805.55	5,160.00	1,628.81
1907	6,874.98	1,462.50	760.33
Total	141,009.24	49,910.71	13,578.89
			49,910.71
			141,009.24
Grand total			204,498.84

Sincerely yours,

J. R. MCCARL,
Comptroller General of the United States.

Result: Criminal Code enacted March 4, 1909 (35 Stat. 1088); Judicial Code enacted March 3, 1911 (36 Stat. 1087).

Commission worked 10 years, submitted its final report to Congress on December 15, 1906. Under the acts of June 4, 1897 (supra); March 3, 1899 (30 Stat. 1116); and March 3, 1901 (31 Stat. 1181), the commission was empowered to revise and codify the criminal and penal laws of the United States, the laws concerning the judiciary and practice of the courts of the United States, and, finally, all the laws of the United States of a general and permanent nature, respectively.

Four separate editions of the commission's revision presented in 1906, 1908, 1909, 1910, and 1914 were not adopted by Congress.

REVISION AND CODIFICATION, 1919–1924

Revisers and codifiers: (1) Dr. William L. Burdick, Kansas; (2) Hon. John L. Lott, Ohio; (3) G. K. Richardson, Massachusetts; (4) J. Wallace Bryan, Maryland; (5) M. J. Keys, New York; (6) Hon. Clinton O. Bunn, Oklahoma; (7) Prof. Joseph H. Beale, Massachusetts; and (8) Prof. Austin W. Scott, Massachusetts.

These codifiers prepared a codification of all general and permanent laws of the United States.

Result: Passage by House of H. R. 9389, Sixty-sixth Congress; passage by House of H. R. 12, Sixty-seventh Congress; and passage by House of H. R. 12, Sixty-eighth Congress.

No action taken by the Senate on any of the above bills.

Salaries (contingent fund of House)	$13,779.96
Printing and binding	35,235.97
Total	49,015.93

ADOPTION OF UNITED STATES CODE AND SYSTEM OF CUMULATIVE CODIFICATION, 1925–1931

Compilers and employees: (1) West Publishing Co., Minnesota, and (2) Edward Thompson Co., New York (11 lawyer experts, 40 clerical assistants).

Work began in July, 1925; United States Code adopted June 30, 1926 (44 Stat. L., pt. 1). Cumulative codification system adopted May 29, 1928; March 2, 1929 (U. S. C. sup. title 1, c. 3).

Salaries and expenses for code (two companies) (Senate contingent fund)	$10,000.00
Code index, Public Act 222, Sixty-ninth Congress	5,000.00
Clerical expenses (House contingent fund)	1,050.00
U. S. C., Sup. II, Public Act 1034, Seventieth Congress	5,000.00
U. S. C., Sup. III, Public Act 78, Seventy-first Congress	5,000.00
Printing (U. S. Code)	38,258.20
Total	64,308.20

Compilers: (1) Harry A. Hegarty, (2) Edwin A. Mooers, and (3) Howard Boyd.

Result: First complete code of laws for the District of Columbia (containing all British and Maryland laws in force in District). Compilers worked four years (August, 1926–August, 1930).

Salaries: Public Act 222, Sixty-ninth Congress; Public Act 631, Sixty-ninth Congress; Public Act 2, Seventieth Congress; Public Act 386, Seventieth Congress	$19,152
Index, District of Columbia Code, Public Act 1034, Seventieth Congress	5,848
Total	25,000

A former Washington newspaper writer, Mr. Lyle A. Brookover, who has taken interest in the work and history of the committee, and who has made researches and has a real grasp of the problems before the committee, has said:

TEN LAWS THAT GREW INTO MILLIONS

(By Lyle A. Brookover)

Eighteen thousand five hundred and seventy-nine proposed laws have been tossed into the hoppers of the Seventy-first Congress of the United States. They are in the form of Senate and House bills and joint resolutions of both bodies.

This assembly, it seems, would sustain our boast of Congress as the "greatest lawmaking body in the world." The mill grinds slowly, but too much legislation will come out.

Laws are at one time a great blessing and a costly plague of modern civilization. Thus the United States gains most of the blessings and suffers most the plagues.

In ancient days the activities of a great race of people were controlled by the Ten Commandments. These required approximately 132 words to set forth 10 fundamental rules of human conduct.

To-day, we find the general and permanent laws of this Republic published in a new codification which has 1,705 pages, fine print, devoted to actual statutes. The laws included were those in force at the opening of the Sixty-ninth Congress. By the end of that session the codification bill was passed. Passed also were new laws which filled 250 more pages of the published volume, as an appendix.

Parallel reference tables, an index, the Declaration of Independence, the Constitution, and other organic laws of the Nation boost the total number of pages to 2,453. The book weighs 10½ pounds.

The grand total of words used is 5,212,416. Twenty-two and one fourth tons of type metal were used in publication by the Government Printing Office.

Twenty-eight thousand two hundred and fifty copies were printed and widely distributed. Outside official circles, they were sold for $4 per copy, probably the greatest value, from a tonnage standpoint, in all the history of book selling.

Commercial law publishers divided the 50 titles, ranging alphabetically, perhaps significantly, from "Agriculture" to "War," into pocket-size volumes, with annotations.

In a foreword to these small volumes, former United States Senator George Wharton Pepper points out, "Mahomet need no longer seek the mountain. The mountain has distributed itself into foothills and all of them have come to him."

The hefty volume of codified law is available as the tangible result of over 10 years' labor by the Revision of the Laws Committee of the House of Representatives. It was condensed from a previous mass of some 25 volumes. They were one good reason why "lawyers grow gray."

Human nature has come unchanged through 3,000 years. Life is more complicated now, it is admitted. The intricacies of government, commerce, and social relations of 120,000,000 Americans offer little comparison to the daily lives of the races of that bygone day.

Yet there are the same human impulses to "worship idols," to "break the Sabbath Day," to "lie, steal, covet, kill, commit adultery, dishonor parents," and "ignore Divinity."

Scarcely recognizable in their present form, these same 10 laws still stand. So-called "civilization" has required an estimated addition of 2,400,000 more laws by Federal, State, and city governments of this Nation.

And this Solonic trinity tosses out some 40,000 more new laws each year, with an attitude approaching abandon.

Governing us with laws as few, as to the point as the tablets handed down at Mount Sinai is an ideal hardly to be realized. Steps are being taken toward it by a group, feeble in its minority.

In 1874 the Revised Statutes of the United States became law. This compilation was thought to be a comprehensive revision of all Federal laws then on record and in force.

Then followed a half century in which every member of every legislative body in the country seems to have given ear to the slightest wish of his constituency. During this period the organized minorities burst into flower, each seeking, through devious channels, the lawmaker's favor. Strange measures, of vital interest to a favored few, appeared as laws which were passed to govern all.

In 1926 the United States Code was adopted by Congress. Included within its covers were an estimated 5,000 separate enactments of general and permanent law, over 12,000 sections. Fifty thousand acts and joint resolutions have received the presidential pen since George Washington signed the first act of Congress, June 1, 1789.

The first act signed by President Washington was one regulating the time and manner of administering oaths as required by the sixth article to the Constitution, to Members of the Senate and House, members of the several State legislatures, and executive officers of the Federal Government and of the States. It was the first legislation of the Congress of the United States.

The new code did not eliminate or revise. It simply gathered all the laws of the land, overlapping, unnecessary, ridiculous, obsolete ones included, under distinct classifications and headings preparatory to revision. An advantage already gained is that the laws can at least be found.

Chairman ROY G. FITZGERALD, of the revision committee, who introduced the bill enacting the code, declared that it could be rewritten more clearly with one-half the words used.

Perhaps if it were written in one-tenth or one-twentieth its cluttering legal phrases a mere human being might gain some idea of what he must and must not do by law. "Ignorantia legis neminem excusat."

It is not strange that lawyers and judges find it necessary to set the ether waves on end with torrents of legal interpretation before a final verdict can be arrived at by juries.

The law must be defined. Supreme Court Justice Holmes says "the history of what the law has been is necessary to the knowledge of what the law is."

The great minds of England have differed in the definition. Coke, great English jurist, declared "law is the perfection of reason," while Tennyson saw it as "a codeless myriad of precedent."

Imagine opposing lawyers explaining this act, which is a part of the newly published code:

"No person, firm, or corporation, or officer, agent, or employee thereof shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in sections 71 to 94, inclusive, of this title, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product or containers thereof, subject to the provisions of such sections or any certificate in relation thereto, authorized or required by such sections or by the said rules and regulations of the Secretary of Agriculture."

FEDERAL DEPARTMENTS SHARE THE WORK OF REVISION

Each of the 10 Federal Government departments has been invited to study the code for sections of departmental interest, which might be rewritten or repealed. Each was furnished, as a beginning, with comments upon 200 or more sections that appeared at first glance to be useless and out of date.

The law establishing the code declared that it can be proven wrong in only one way, by going back of it to the original law, and showing inconsistency.

Later, an act was passed to put new-born laws into supplemental volumes, one to be issued at the end of each congressional session. As additional supplements are issued, preceding ones are thrown away. Thus one code book and one supplement will contain all laws of general and permanent effect at all times.

The same act authorized new editions of the code not oftener than every five years.

The revision committee then set to work on the District of Columbia Code. Research in assembling the District laws was infinitely harder than preparing the Federal Code.

The District of Columbia as created by the First Congress consisted of a portion of Virginia and a portion of Maryland. It is, of course, governed by Congress, which has provided that the common law; all British statutes in force in Maryland on February 27, 1801; the principles of equity and admiralty; and all general acts of Congress that are of application to the District, shall control.

This means that—

The maxims and principles of equity as developed in the court of chancery;

The common law as it existed in 1776;

And all the laws of the legislature, not only of the State of Maryland, from 1776 to 1800, but the laws of colonial Maryland government up to the year 1800, together with the acts of Congress that apply, comprise the great body of law in the District.

In other words, the State courts of Maryland and Virginia administer their own State laws and the Federal courts the Federal laws, but all of those laws are under the jurisdiction of the courts here.

The confusion and uncertainty arising under these conditions is obvious and deplorable.

Is it any wonder that 15 previous attempts at codification of the District laws have fallen a bit short of their mark?

Workers on the District Code found many examples of amusing and antiquated legislation.

There is in force a British statute passed in the fourth year of the reign of King George II (1731) providing that whosoever offends against the law requiring all pleadings in the courts to be "in the English tongue and language only, and not in Latin or French, or any other tongue or language whatsoever, and in words at length, and not abbreviated shall for every such offense forfeit and pay $133.33 to any person who shall sue for the same."

Imagine the trouble that might be caused by anyone who should "try and collect" in view of the thousands of times Latin phrases are used in court papers.

Another law (shades of Sir William Blackstone) dug up from the past reads as though patterned after the Holy Scriptures; passed during the ninth year of the reign of Henry III (1225—over 700 years ago); and in the style of that day, nearly a century before Chaucer, it relates to dower and the right of quarantine of widows as follows:

"* * * and she shall tarry in the chief house of her husband by 40 days after the death of her husband, within which days her dower shall be assigned her (if it were not assigned her before) or that the house be a castle; * * * and for her dower shall be assigned unto her the third part of all the lands of her husband, which were his during coverture, except she were endowed of less at the church door."

Whoever wins more than $26.67 in a gambling game, being convicted, shall forfeit five times the value of his winnings. At least, an act passed in the ninth year of Queen Anne's reign back in 1710 so recites.

Authority for this code of general and permanent laws in force in the District of Columbia was granted by Congress in 1929. It is about to come from the press with the laws carefully classified, titled, and indexed.

"If present ideas are realized," says Chairman FITZGERALD, "after the repeal of obsolete statutes and the harmonizing of discordant features by perfecting amendments, the whole body of the code may be revised and the law stated in simple, precise language in an effort to approach an ideal of legislative expression."

The next vigorous step was in February this year, when the Revision of the Laws Committee introduced a bill which seeks to repeal 98 sections of the Federal Code. These sections were laws affecting the Departments of War, Navy, and the Interior, and their repeal was recommended by these departments.

If this bill passes, these laws would be indicated as repealed in the next supplement. With the next edition of the complete code they would be dropped permanently.

These three departments will continue their work of recommending laws for rewriting or repeal. The reports of premilinary work of the other seven departments are eagerly awaited by the House committee. It is hoped that hundreds of "deadwood" laws may be removed in this manner.

Hundreds of statutes set forth in the code have been virtually repealed by later enactments, but they are still there. Some 40 have been declared invalid by the United States Supreme Court, therefore are laws no longer. They are still there. Thousands have been nullified by implication or because of inconsistency.

LAW REVISION NOT A NEW SUBJECT

The Revision of the Laws Committee may well take new courage in its efforts through studying the work of the first such committee recorded in history's pages—that established in 528 A. D. by the Roman Emperor Justinian.

In the first year of his reign Justinian appointed Tribonian, a statesman of his court, to establish a code of Roman law. With 16 chosen associates Tribonian set to work.

They found the law which had been accumulating for 20 centuries comprised in 2,000 books, or, stated according to the Roman method of computation, in 3,000,000 sentences.

It is probable that this matter, if printed in law volumes such as are now used, would fill from 300 to 500 volumes.

In 534 A. D., the codification being completed, the emperor decreed that no resort should be had to the earlier writings, nor any comparison be made with them. Commentators were forbidden to disfigure the new with explanations, and lawyers were forbidden to cite the old. The imperial authority was sufficient to sink into oblivion nearly all the previously existing sources of law, but the new statutes which the emperor himself found it necessary to establish in order to explain, complete, and amend the law rapidly accumulated throughout his long reign.

And so it goes today. The worthy Representatives who have pored over the laws for years in their work on the revision committee offer new laws to Congress faster than old ones are being repealed.

Since the Seventy-first Congress convened in special session a year ago, Chairman FITZGERALD has submitted 183 measures for the consideration of his fellow-legislators. His 12 associates on the committee have asked for passage of a total of 262 bills, a grand total of 445. Representative LAMAR JEFFERS deserves special mention. He has only asked for passage of six bills.

Chairman FITZGERALD has seen fit to serve his Ohio constituency throughout five terms by vigorous lawmaking efforts which have gained for him a reputation as one of the leading law "makers" in the lower House. In justice to him it may be said that of his general bills many have been soundly based on public benefit, such as the codification bill, workmen's compensation, war-veteran relief, and similar subjects.

Also, his district being the site of the national military home, Wright Field, and other Federal institutions brings an avalanche of requests to his office for private bills and special legislation.

We have dealt mostly thus far with general and permanent legislation. Congress also indulges its love for lawmaking in private bills for individual pensions, correcting military records, compensation for injuries, construction of bridges in congressional districts, and such like.

Halfway between private and general laws are those dealing with national parks and reservations and with Federal affairs of the District of Columbia, of national but not individual interest.

Then there are the appropriation acts providing funds to run the Government. About 15 of these each Congress cover some 300 pages of the statutes published after the sessions.

The tariff bills are not to be overlooked. The one just born of great travail holds great possibilities for argument and legal interpretation in its 535 pages.

There are so many laws and so many agencies of enforcement that mental chaos and eventual insanity surely would be the portion of any well-intentioned citizen who tried to obey them all.

Lack of knowledge of existing law coupled with frightful carelessness on the part of lawmakers has given rise to absurdities such as these:

In 1893 Congress passed an act which was signed by the President authorizing the sale of the old Chicago post office to the "lowest and best bidder." This slip was later discovered and corrected.

One Senator tried to amend the Ohio code relating to public railroad crossings of highways. His bill cited the section of Ohio rather than Federal law.

The House passed a bill proposing to amend sections of the Compiled Statutes of the United States—a private compilation! The Senate was about to pass this measure when it was discovered and a concurrent resolution of the House instructed the Clerk to strike out the language of the engrossed bill.

Several times Congress has passed an act "proposing" to amend an earlier law.

It has even attempted to amend an act that had not been enacted.

Congress once tried to amend a law which had been repealed seven years before. Comparison has been made of this futile gesture to "trying to hang a picture on a wall that had been torn down."

STATES AND CITIES FOLLOW SUIT

State and city governments are awakening to the menace of too much legislation. They are following the Federal lead in attempting to codify and clarify their laws.

A former Governor of Virginia suggested that all State legislatures be convened in special session for the express purpose of repealing all deadwood laws. His suggestion met with instant and favorable editorial comment from the press of the entire country.

The Ohio Legislature has an active committee at work on its code, with the result that bills were passed in 1927 and 1929 repealing 1,054 old and superseded statutes. Still more repeals will be sought in 1931.

New Hampshire's Legislature distinguished itself at its 1930 session by adjourning without enacting a single law. The New Jersey Legislature met, repealed scores of laws, and "adjourned."

The city of Cedar Rapids, Iowa, has just completed codification of its ordinances. They are grouped in a volume, said to be both thorough and simple, in 94 chapters, under 16 titles. The work was regarded there as "one of the first steps toward good municipal housekeeping."

On every hand the old idea that a legislator is elected for the one purpose of getting more laws, is becoming passe. The highest needs of any constituency may be best served by caution in lawmaking, rather than speed. The majority has no lobby other than the voice of the people. That voice should be heard in such volume as to drown the cries of vicious minorities for special privilege.

Improvement of the phrasing of legal measures is a subject on which every legislator might render magnificent service. Why should laws for the masses be made so ponderous that they must be revised, rewritten, amended, interpreted, appealed, explained, and fought over before one single criminal be lodged in his cell?

The present legal system, unfortunately, spends so much time in fighting civil cases where property rights are involved, and prohibition cases which deal with a moral issue, that criminals have little fear of the law ever getting around to their affairs.

As the tangle of legislation knots more closely about us, we discover its boon companions—difficulty of enforcement and apathy toward crime.

More laws—less obedience. The criminally inclined (and they are usually "smart" people) know that the law which should punish them, instead of going straight to the point, has devious wordings and loopholes which will ensnare judge and jury, who listen to legislative counsel of both the individual and the State in a web of stupefying interpretation and high-sounding phrases.

A law is broken, and the criminal relies on the very law itself to set him free.

A prisoner in court is one of two things—guilty or innocent. That fact is lost sight of entirely as the great pastime of legal jousting goes on. Unlike our other sports this game has no closed season. Its effect can be only harmful to the cause of justice and to the good of all.

Swift punishment for crime is relegated to the limbo of forgotten things. The public mind changes in tempo accordingly.

The newspapers carry the story of an awful crime. Human passions are aroused, momentarily, by pity for the victim and a desire for punishment of the criminal. But as the courts wrangle day after day over points of law, it follows naturally that we humans, who become bored so easily, yawn and say, "Well, let's go to the movies," or "Turn on the radio."

Untold masses of clerks and armies of struggling lawyers rise up to call the Congress blessed, for without its generosity of laws, couched in entangling and bewildering phrases, they would have to seek new jobs.

One doubtful merit of this pyramid of legal verbosity is its beneficial effect upon the unemployment problem. Such compliment also might be paid to an earthquake or a hurricane which sets men to work in reconstruction.

We can not sidestep the rule of "vis major," nor evade the acts of Providence, but we can limit the acts of Congress.

How can we correct this evil? Set the whole united force of public opinion, and there is no greater force, to the task of limiting new laws until enforcement catches up with what we now have; weed out, condense, and rewrite the old ones until they are in form and number such as may be understood and obeyed by all; put our belief anew in the majority principle and see that a safe majority is demanding each new law.

The congressional committee and other agencies pioneering in the work of simplifying the law should have the support of the entire membership of every legislative body in the land. They should be assisted by the bench and bar, the press, and every citizen. Huge sums of money, sinister influences, are working toward the other extreme. In this free country laws should not be for sale.

The Hon. James A. Reed, himself an able lawyer and a peerless cross-examiner, declared just before retiring from the United States Senate in 1929 that "we have enough laws now to govern us for the next 10,000 years." Anyone who gives cursory thought to this problem will agree that a "lawmaker's holiday" is much to be desired.

Ten thousand years seem a long time. It would be "some holiday." But perhaps he's right.

It may be of interest to call attention to some of the difficulties encountered in connection with the new code for the District of Columbia. Therefore, I present some correspondence had with a member of the District bar, Harry S. Barger, Esq., relative to criticism of the code:

WASHINGTON, D. C., *August 21, 1930.*

Hon. ROY G. FITZGERALD,
Chairman Committee on Revision of the Laws,
House of Representatives, Washington, D. C.

Subject: The New Code of the District of Columbia.

DEAR SIR: You have been good enough to solicit suggestions and indications of errors in connection with the labors of your committee in the captioned matter, and the undersigned takes the liberty of submitting the following:

By the act of May 29, 1928, New Code, title 1, section 1, page 1, Congress directed the preparation under the supervision of your committee, of a "consolidation and codification of the laws * * * relating to or in force in the District of Columbia," and not a revision of those laws. It very clearly appears from an examination of the results of the labors of your committee that there has been attempted a complete revision of the laws, and it is equally apparent that the attempt and the result are far beyond the authority conferred by Congress.

Section 1 of the 1901 code provides that "the common law, all British statutes in force in Maryland on the 21st day of February, 1801," etc., should remain in force in the District of Columbia, except as they may be inconsistent with or replaced by some provision of that code. Chapter 60, sections 1639 et seq., of the 1901 code provides that "all acts and parts of acts of the General Assembly of the State of Maryland general and permanent in their nature," etc., are repealed, with certain enumerated exceptions. It is noted (1) that the new code omits the clause "All British statutes," etc., as contained in the 1901 code, and (2) so far as the writer has been able to find, the entire provisions of chapter 60 of the 1901 code have been deleted. Furthermore, numerous statutes of Maryland have been carried forward, notwithstanding they seem to be general and permanent in their character, and not within the exceptions contained in the chapter of the 1901 code relating to repeals.

Inquiry made of one of the members of the bar who assisted your committee in the preparation of the new code elicited the information that acts regarded as having been repealed or superseded have been omitted, as well as acts regarded as obsolete and inconsistent, and that where there was doubt whether a given act has been repealed or was obsolete or inconsistent it was included.

Certainly an attempt has been made at a revision rather than a "consolidation and codification" of the laws "relating to or in force in the District of Columbia," and it is respectfully suggested that, since the authority conferred by Congress has been so far exceeded, the new code can not be regarded as official or as a correct statement of the law "relating to or in force in the District of Columbia." Congress assuredly did not authorize a revision, and it is certain that Congress could not have authorized your committee or any person or persons working under its direction to make a revision, even if it had so desired. Revision must be the act of Congress the same as any other enactment.

Very truly yours,

H. S. BARGER.

DAYTON, OHIO, *October 6, 1930.*

HARRY S. BARGER, Esq.,
Lawyer, National Press Building, Washington, D. C.

DEAR MR. BARGER: Your letter of August 21, with reference to the new Code of the District of Columbia, has just come to my attention upon my return from Europe, where I went as an American delegate to the Interparliamentary Union conference.

I want to thank you for your interest in the subject of the code and for your criticisms.

It is very difficult to mark definitely the line between codification and revision. The purpose was to make the code a compilation in scientific form and arrangement of the existing general and permanent Federal statute laws in force in the District of Columbia. In so far as this course has been in any way deviated from, it is an error, and I am happy to have you call attention to every specific instance.

This code is but prima facie evidence of the law and an effort to get the existing laws without change into a convenient form for consultation and practical use. If I understand correctly your statement that the words "British statutes," etc., as contained in the 1901 code, are omitted from the present new code, I assume that it is because the new code undertakes to set forth with certainty all of the British statutes so in force and no longer leave them to doubt or conjecture or to the toils of antiquarian research.

I do not have the 1901 code before me and am not quite sure about the provisions of chapter 60, which you tell me have been deleted. If I understand it correctly, these provisions are covered by the general provisions of Title I of the code. If any attempt such as you say has been made at revision, it is an unconscious one. This code is the result of appeals to Congress by the people of the District of Columbia through members of its bench and bar. It was reported to the Committee on Revision of the Laws of the House of Representatives as of vital necessity for the orderly administration of justice in the District. It is the product of the cooperation of the Bar Association of the District, its leading members, and of the judiciary. The men employed in the work under the direction of the House Committee on Revision of the Laws, were men recommended by the select committee of the District Bar Association and by members of the bench as the men best qualified in the District for the work.

Their work has been supervised during the last four years, and great care has been exercised to make it an authoritative, useful, and agreeable compendium for the bench, bar, and people of the District of Columbia.

I shall personally assume responsibility for all defects and for all deficiencies by which this code falls short of the ideal set. I welcome the criticisms of yourself and every other person interested in the subject. Your letter will receive further consideration and your suggestions careful analysis.

I shall be happy if you would let me hear further from you with all possible definiteness of every defect which may be discovered in or attributed to this code.

It is my thought to have prepared from time to time, as authorized by law, supplements to this code which will not only contain supplementary legislation and changes coming with each fresh session of the Congress, but also corrections of everything that is found faulty in the present work.

You will perhaps agree with me that whether or not the code is a complete and accurate statement in scientific form of the laws governing the District of Columbia, it affords an excellent opportunity of studying how the laws for the District may be best revised in order to make them most suitable instruments for the security of life, property, and the administration of justice in the District.

Any assistance which you or others may be willing to give as to how the present statutes may be best amended in the common interest will be happily received.

With appreciation of your letter, I am, very truly yours,

ROY G. FITZGERALD, *Chairman.*

DAYTON, OHIO, *November 6, 1930.*

HARRY S. BARGER, Esq.,
Lawyer, National Press Building, Washington, D. C.

DEAR MR. BARGER: With reference to your letter of August 21, after further consideration promised in regard to your statements

therein, I feel now prepared to take up more thoroughly the criticisms.

You state that—

"It very clearly appears from an examination of the results of the labors of your committee that there has been attempted a complete revision of the laws, and that it is equally apparent that the attempt and the results are far beyond the authority conferred by Congress."

To sustain this assertion, that "a complete revision of the laws" has been attempted, you submit three specifications—one that there has been an instance of improper inclusion of certain statutes, and two instances, in your opinion, of statutes improperly omitted, as follows:

1. That numerous statutes of Maryland have been improperly included.

2. That the entire provisions of chapter 60 of the 1901 code (31 Stat. 1189) have been improperly omitted.

3. That the words "All British statutes in force in Maryland on the 27th day of February, 1801," as contained in section 1 of the 1901 code, have been improperly omitted.

I shall endeavor to answer each of the above criticisms in order:

I. MARYLAND STATUTES IMPROPERLY INCLUDED

I wish that you had pointed out some specific Maryland statutes improperly included, in stating that there were some "notwithstanding they seem to be general and permanent in their character and not within the exceptions contained in the chapter of the 1901 code relating to repeals."

On page 499 of the new code will be found the table of all Maryland statutes included or even referred to in the compilation, together with a reference to the specific title and section in which each will be found. It will reveal that but 15 sections set forth or refer to such Maryland laws. The compilers have furnished me with necessary data, and since I do not have access here to the committee's files, I refer to their report concerning these statutes.

Sections 125–132, title 18, and sections 10–11, title 20, District of Columbia Code, contain the Maryland statutes included. Explanatory of these 10 sections I quote the following excerpt from a résumé by the compilers:

"Sections 10 and 11 of title 29 relate to the powers and duties of the register of wills. Section 1636, of the code of 1901, after repealing 'all acts and parts of acts of the General Assembly of the State of Maryland general and permanent in their nature,' specifically exempts from the operation of the repealing clause (see par. 7 of sec. 1636) 'acts and parts of acts authorizing, defining, and prescribing the organization, powers, duties, fees, and emoluments of the register of wills of the District of Columbia and his office.'"

The propriety of the inclusion of these Maryland acts appears, therefore, to be beyond question.

"Sections 125–132, inclusive, of title 18 relate to the powers and duties of the probate court. If section 1636 were the only legislation on the subject, the law set forth in these sections would have been clearly repealed by section 1636 of the 1901 code. Section 116 of the 1901 code, however, provides:

"'SEC. 116. Probate court.—The special term of said supreme court, heretofore known as the orphans' court, shall be designated the probate court, and the justice holding said court shall have and exercise all the powers and jurisdiction by law held and exercised by the orphans' court of Washington County, District of Columbia, prior to the 21st day of June, A. D. 1870.'

"Attention is also called to the case of Hutchins *v.* Hutchins (48 App. D. C. 386 (decided 1919)), in which the Court of Appeals of the District of Columbia held that the specific provision contained in section 116 was sufficient to save from repeal under section 1636 the Maryland law dealing with the probate court. Other authorities to the same effect will be found in the annotations to section 116 of the 1924 edition of the code. These references clearly answer the criticism to the effect that these statutes were repealed by section 1636—and fully justify their inclusion in the work.

"Sections 102, 104, and 107 of title 19 of the new code set forth certain British statutes relative to gaming. In the case of Wirt *v.* Stubblefield (17 App. D. C. 283) the Court of Appeals of the District of Columbia held that 'those statutes are still in force here except as they may have been repealed by force of the act of Congress of January 12, 1899, known as the negotiable instrument law, so far as they relate to or may affect negotiable instruments, such as bills and notes.' The original British statutes impose penalties the amount of which is indicated in pounds sterling, which it was necessary to reduce to an American equivalent. Solely for the information of such attorneys as might be interested in the historical development of the subject, reference was made at the end of the section to the Maryland act of 1781, chapter 16, entitled 'An act to declare what foreign gold and silver coin shall be deemed current money in the State.' No portion of the Maryland act was included in the compilation. The same explanation is applicable to section 2 of title 24 of the new code, which refers to the same Maryland act for the same purpose.

"Section 21 of title 24 is taken from the Revised Statutes of the District of Columbia, section 837, and relates to the recovery of 'fines, penalties, and forfeitures accruing under the laws of the State of Maryland, which by adoption have become laws of the District.' For the purpose of tracing the historical development of this section, the compilers furnished a reference at the end of the section to the Maryland act of April 20, 1777, chapter 6, entitled 'An act to direct in what manner all fines, forfeitures, and penalties shall be recovered, and in what manner fines, forfeitures, penalties, and amerciaments shall be applied.' No portion of the Maryland act was included in the compilation.

"No Maryland acts other than those above discussed were included or referred to in the code."

II. CHAPTER 60 OF THE 1901 CODE IMPROPERLY OMITTED

The provisions of this chapter provide for the repeal of acts and parts of acts except—

1. Acts relating to the rights, powers, duties, or obligations of the United States.
2. Acts relating to the Court of Claims.
3. Acts relating to the organization of the District government.
4. Acts relating to the militia.
5. Certain penal statutes.
6. Acts relating to the department of the General Government.
7. Acts relating to the office of the register of wills.
8. Certain specifically enumerated acts.
9. Acts relating to the vestries or other governing bodies of religious denominations.

Concerning this criticism, I again quote from the compilers' report:

"The act authorizing the compilation specifically required the compilers to exclude 'such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in their nature' (D. C. Code, title 1, sec. 1) which have already been recodified by your committee and made prima facie evidence of the law. (Preamble to the U. S. Code.) There are included in the United States Code all of the laws referred to in items 1, 2, and 6 of the preceding paragraph. All of the laws continued in force by items 3, 4, 7, and 8 are set forth verbatim in the compilation of the District laws. Item 9 appears as section 23 of title 1. All of the acts exempted from repeal having been included in either the United States Code or the District of Columbia Code; such inclusion constituted them prima facie evidence of the law (D. C. Code, title 1, sec. 2). To have included that portion of section 1636, which continued those laws in force, would have been a mere duplication of that which was already included in the compilation and would tend to confusion.

"In the light of the provision of the law authorizing the compilation of the 'laws general and permanent in their nature, relating to or in force in the District of Columbia,' it was obviously improper to include the acts of Congress repealing legislation omitted from the code. However, for the information of the profession the compilers inserted a table at the conclusion of the work (see p. 511), setting forth in detail the laws omitted from the compilation, together with a specific reference to such acts of Congress as repealed or superseded them.

"Section 1637 continued in force appropriation acts and laws of a private or temporary character. Appropriation acts and private and temporary acts were not included in the compilation because they were not 'general and permanent laws' within the meaning of the act of Congress authorizing the compilation.

"Section 1638 related to suits pending at the time of the adoption of the original act in 1901, all of which pending actions have been long disposed of by the courts. This section was temporary, and has long since been obsolete.

"Section 1639 provided that acts of Congress passed between the 3d day of March, 1901, and the 1st day of January, 1902, should be regarded as a part of the law in force in the District of Columbia, notwithstanding the enactment of the code. This section was purely precautionary. No acts of Congress were passed within the date specified to which the law was applicable. It was, therefore, omitted.

"Section 1640 is hereafter discussed in connection with the third criticism.

"Section 1641 related to penalties and forfeitures incurred prior to January 1, 1902, and was but temporary, intended as a saving clause, not general and permanent, and in the course of the 30 years which have elapsed since its enactment has long since served its purpose. It was, therefore, omitted.

"Section 1642 provides: 'Where any action or proceeding by the provisions of chapter 41 of this code would be barred at the time it goes into effect, or within one year thereafter, which would not be so barred by prior laws, such action or proceeding may be brought or instituted within such period of one year, anything in said chapter to the contrary notwithstanding.'

"The act of 1901 went into effect on January 1, 1902 (31 Stat. 1189, preamble). It is perfectly obvious from the very phraseology of the section that it was purely temporary in its character and became obsolete and inoperative on January 1, 1903.

"Section 1643 provided that the passage of the code of 1901 should not affect the tenure of office of existing judicial officers. There are now no officers of the type specified in the section who held office at the time of the enactment of the code in 1901, and the section, obviously temporary in its character, was not, therefore, included."

III. THAT THE WORDS "ALL BRITISH STATUTES IN FORCE IN MARYLAND ON THE 27TH DAY OF FEBRUARY, 1801," AS CONTAINED IN SECTION 1 OF THE 1901 CODE, HAVE BEEN IMPROPERLY OMITTED

Section 1 of the 1901 code is found in section 21, title 1, District of Columbia Code, but the foregoing words were eliminated therefrom. Section 1640 of the 1901 code is a similar and correlated section which provided that any of the British statutes in force in Maryland on the above date were not to be affected by anything in the repeal provisions of the 1901 code except in so far as they might be inconsistent with or replaced by some provision of that code. Section 1640 was omitted in its entirety.

The British statutes included in the District of Columbia Code are set forth verbatim. Such statutes are those which have been determined after examination and research to relate to or be in force in the District. As I wrote you on October 6, these were included so that they could be found and read with certainty. In the 1901 code they were incorporated by reference only under the provisions of section 1 of that volume. The new code restates them in their exact phraseology, and to facilitate reference thereto there has been inserted a table of British statutes included (see p. 499), which also cites their source.

It must be apparent that it would have been improper to repeat the exact wording of section 1 of the 1901 code alluding to the British statutes and then set them out in the code itself.

As you know, under the law, the code is prima facie evidence of the law in force in the District of Columbia. It was also required that the laws, general and permanent in their nature, relating to or in force in the District of Columbia should be included in the act of Congress of March 3, 1901 (31 Stat. 1189), which provided that "all British statutes in force in Maryland on February 27, 1801, shall remain in force." Since this consolidation and codification of the laws was required to be prepared and published, it is obvious that it would have been incorrect to have incorporated in the new code the British statutes by reference only, and thereby tend only to confuse the courts and the profession, instead of setting forth such statutes in their entirety based upon proper and official compilations. A statement from the compilers merely reaffirms what I have said in this connection, and this phase of the situation was discussed at extended conferences held with the Senate and House legislative counsel.

I shall be glad if you will examine the matter further and let me know if a wiser course could have been pursued.

Very truly yours,

ROY G. FITZGERALD,
Chairman Committee on Revision of the Laws.

The pressing need for simplicity in stating the laws that govern us is voiced by Chief Justice Hughes. Unless the theoretically self-governing governed are awakened and aroused to the necessity of formulating and exercising a system of continuous codification and revision of the laws in the interest of precision and clarity, the criticisms he made of existing conditions will continue. His statements made recently before the Federal Bar Association and commented upon in the editorial columns of the Washington Post of February 14, 1931, parallel the observations of Bentham, to which I have already alluded.

In conclusion I quote a few pertinent paragraphs. The responsibility is upon the Congress, and must be met if the people of a great Nation are to be assured of their right to know the statute law they are presumed to know, and by which they are bound:

Some of the difficulties in making law conform to common sense were pointed out in the address of Chief Justice Hughes to the Federal Bar Association. "How difficult it is," he exclaimed, "to secure legislation that is simple and unequivocal."

* * * Legislative bodies are themselves to blame for much of the confusion and many of the incongruities resulting from their statutes. * * *

Government by the majority is essentially based on compromise, but there is reason to believe that vast improvements could be made in the enactment of laws. * * * Sooner or later Congress must face the problems of coordinating its laws, of formulating policies rather than ambiguous phrases, and of conducting the Nation's business rather than that of individuals and groups.

Mr. FITZGERALD. Mr. Speaker, I call attention to the opportunity offered to Members of Congress to secure thorough physical and medical examinations by 24 specialists of Johns Hopkins University. Dr. Arthur MacDonald, of 314 East Capitol Street, Washington, D. C., has announced that these specialists will make without any expense such examinations of those whose anthropological measurements are taken by Doctor MacDonald.

Doctor MacDonald, interested in scientific research, offers to make the measurements of all Members of the House of Representatives gratis and will be pleased to make appointments either at his own office, 314 East Capitol Street, or at the offices of the Members.

He states that—

The anthropological measurements are few and simple, being: Height; weight; chest girth; arm reach; hand grasp; length, width, and height of head, of face and nose; and a few physiological measurements. All Members of Congress should take these measurements, to establish the physical status of the United States; and also the medical examinations, so that any latent weaknesses or defects, unknown to their regular physician, may be found and provided for in advance. For incipient tendencies, not yet noticed, if discovered early by the specialist usually can be remedied; but if undetected, they may become serious, if not fatal. Each specialist makes a full report to Doctor MacDonald, and the Member examined can have a copy. The one fundamental idea is to keep well, and every hour spent in these examinations may add many years to the Member's life and also spare him from much pain, suffering, and sickness. This will enable him to be still more efficient in his public service. The examination by different specialists is fundamental. The problem is to have the normal decadence of life extended equally to all the vital organs, for the chain is never stronger than its weakest link. Synchronicity is the secret of long life. The author, though always in the best of health, was examined by 10 specialists of the Johns Hopkins University, some of his old friends. He has a copy of the report of each specialist. Every citizen, as well as Members of Congress, should have such privilege, who desires to live an active and long life.

Moreover, every Member of Congress should encourage the governor of his State to have the State medical society recommend specialists for appointment to examine for a nominal sum every citizen desiring it, especially the laboring man (seldom does he go to a specialist and too late) whose health is much more necessary for physical work than that of the professional or sedentary worker. Thus preventive medicine would be of great practical benefit to the whole country.

MRS. LAWRENCE CHLEBEK

The SPEAKER pro tempore. The Clerk will report the first bill on the calendar.

The Clerk read the title of the first bill on the Private Calendar, H. R. 7798, for the relief of Mrs. Lawrence Chlebek.

Mr. COLLINS. Reserving the right to object——

Mr. CHALMERS. Reserving the right to object, there are quite a number here to-night who are interested in certain bills. I have no objection to their extending remarks, but why take up a lot of time with objections——

Mr. MAAS. If I am not going to have an opportunity to explain this bill, I shall object to every bill that is brought up here to-night. I have stayed here two days waiting for an opportunity to have this bill taken up.

This bill is to relieve a woman who is in need. She was entering the customhouse at St. Paul, which is occupied by the Government and is a Government building, and through the negligence of the Government agent the staircase had become icy and slippery and the woman slipped and fell and broke her wrist. If it had been a private building, she would have received compensation. It seems manifestly unfair that the Government should stand in any different attitude of liability than a private individual. Of course, we can get out of it on the basis that we do not have to pay, but the Government ought to be obliged to keep this building in proper condition so that citizens entering it would not break their limbs.

The bill was not disapproved by the department. I hope the gentleman from Mississippi will not make an objection to the bill. I recently introduced the bill for $2,000. The woman lost a year's time—she is the mother of a number of children, all minors, I believe. I reduced the sum to $500 which will be a figure that will barely pay her expenses of hospital and the doctor's fee.

Mr. KNUTSON. I do not believe that anybody will object to a bill of that kind.

Mr. COLLINS. I do not think the gentleman should make that statement. The gentleman is not helping Mr. MAAS by such statements. I have given the gentleman from Minnesota a chance to explain the bill. The only matter that concerns me is as to whether the Government was negligent. If it was I would be perfectly willing for the bill to pass.

I can not find anything, however, in the report that indicates any negligence on the part of the Government.

Mr. MAAS. That is the reason I asked to make an explanation. The report is not complete.

Mr. COLLINS. It is an ordinary stairway. The person was going up the stairway and fell and suffered certain injuries. If there was fault, it was the fault of the person herself, and not the Government.

Mr. MAAS. The reason I asked to make an explanation was because the report does not show all of the facts. If the gentleman knew the facts I know that he would have no

objection. The drainpipe up above had become clogged, and the ice had melted and the water had run from the eave and dripped down on the stairway, and had frozen there. It was clearly a case of negligence upon the part of the Government itself. It was a Government building.

Mr. COLLINS. There is no information in the report of that sort.

Mr. MAAS. That is why I asked to make a statement.

Mr. COLLINS. Has the gentleman an affidavit to that effect?

Mr. MAAS. I suppose I could get one. I know the facts. I have investigated the facts personally.

Mr. SOMERS of New York. Was that evidence brought before the committee?

Mr. MAAS. This is a case that I inherited from my predecessor. I took the files as I found them.

Mr. COLLINS. If the gentleman by proper proof can make that kind of a showing, I would be perfectly willing to vote to give her the $2,000 originally asked.

Mr. MAAS. The gentleman knows that there is no time to get that proof now. This bill has to be passed at the present time if it is going to be passed. I wish the gentleman would accept my word for it.

Mr. COLLINS. If the gentleman will say that he knows that as a fact, all right.

Mr. MAAS. I know those to be the facts, and can assure the gentleman that they are the facts.

Mr. COLLINS. Mr. Speaker, I withdraw the reservation of objection.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I examined this bill, and, for reasons similar to those that actuated the gentleman from Mississippi, I was unable to see where there was any negligence on the part of the Government. I had objected to a bill introduced by the gentleman from Ohio [Mr. CABLE], where a woman had slipped down some icy steps, and the condition of the steps was not the fault of the Government at all. If the gentleman says that the building was defective, so that the drain did not carry off the water and that the water dripping from the roof froze on the steps and the accident was occasioned by that condition and directly traceable to the negligence of the Government, I shall withdraw my reservation of objection.

Mr. MAAS. I assure the gentleman that those are the facts.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Lawrence Chlebek the sum of $500 in full settlement of all claims against the Government of the United States for injuries suffered and expenses incurred as a result of an accident in the United States customhouse building, St. Paul, Minn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. THOMAS J. BERRY

The Clerk called the next bill, H. R. 8585, for the relief of Maj. Thomas J. Berry.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I have difficulty in bringing myself to favor this bill. The department sets out that this officer could have had the services of the regularly constituted attorneys connected with the Military Establishment, but did not avail himself of their services. He employed private attorneys. In the case of hospitalization, where an officer connected with the Army goes outside of the service for medical treatment, we do not recognize the obligation.

Mr. SCHAFER of Wisconsin. In the case of hospitalization of a World War veteran, if the veteran obtained private dental or medical treatment for a service-connected disability or disease and submitted evidence to the bureau that he had no knowledge that he could have received said treatment of that kind from the Government he is reimbursed by the Veterans' Bureau. I carefully considered this bill as chairman of a Claims Committee subcommittee and the file that I had before me was an inch thick.

What struck me as remarkable was that in view of the extensive legal services rendered there was such a small bill rendered for the same. It would be wonderful if all of the beneficiaries of these claims bills would be able to obtain legal service at as low a cost as Major Berry. This major was a new man in the service. He was an able, experienced doctor. The evidence indicated that a great injustice had been done him in bringing these many suits. He was dragged halfway across the continent on several occasions to appear in court, and he had to be defended by counsel. It seems regrettable that he was subjected to all of this expense, particularly in view of the fact that the testimony indicated that he had done the best possible thing for the soldier who died, and had done the best possible thing for thousands of other soldiers in camp, in trying to protect them from contracting a contagious disease.

Mr. BRAND of Ohio. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BRAND of Ohio. I just want to say to the gentleman that the reason for the small fee is that it comes from the office of Gen. J. Warren Keifer, of Springfield, Ohio, who is a former Speaker of this House.

Mr. STAFFORD. I may say without any reflection upon the life and character of that rugged old stalwart Republican, J. Warren Keifer, even though he hails from the State of Ohio, that many a time in the good old days in the late evening hours, but before midnight, at Gerstenberg's, on Pennsylvania Avenue near Fourteenth Street, he and I after a hard day's work regaled ourselves with a glass of beer and a sandwich. That is a life that has passed from the scene, I fear, forever.

Mr. KNUTSON. The gentleman is too pessimistic.

Mr. STAFFORD. General Keifer is still living, and I say God bless that old Republican war horse. I withdraw the reservation of objection.

Mr. BRAND of Ohio. And he is 94 years old.

Mr. COCHRAN of Missouri. And was the beer served in a glass in those days or in steins?

Mr. STAFFORD. Oh, we had the privilege of having it either way.

Mr. BACHMANN. I demand the regular order.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $543.42 to Maj. Thomas J. Berry, commanding Companies C and D, Third Ohio Infantry, to reimburse him for expenses incurred in defending himself in suits instituted by relatives of Pvt. Seymour M. Sprouse, of Company C, Third Ohio Infantry.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CHARLES E. REYBURN

The Clerk called the next bill, H. R. 8991, for the relief of Charles E. Reyburn.

Mr. PATTERSON. I object.

Mr. HALL of Indiana. Will the gentleman reserve his objection?

Mr. PATTERSON. Yes; I will reserve the objection.

Mr. HALL of Indiana. Mr. Chairman, this is a bill that has unusual merit, seeking to bring Mr. Reyburn under the United States Employees' Compensation Commission. He was injured in 1916, just eight months before the act became a law, which would have helped him out. Of course, he received certain benefits that were granted at that time, but eight months after this accident Congress recognized that the compensation to which he was entitled at that time was not sufficient, and passed the act. Mr. Reyburn has been suffering ever since that time, and the doctors have said he can not be cured. He lost everything he had trying to cure himself. Now, after 14 years, we are seeking to give him the benefit which the Government would have given him if he had been injured eight months later.

Mr. PATTERSON. Let me say to my good friend from Indiana [Mr. HALL] I realize there is some merit in a great many of these cases, but the policy of the committee has been to object to this class of cases.

Mr. HALL of Indiana. Well, perhaps the policy is wrong. Just because we have not seen fit to pass an act that would bring everybody under this is no reason why meritorious cases should be objected to.

Mr. CAMPBELL of Iowa. Will the gentleman yield?

Mr. HALL of Indiana. I yield.

Mr. CAMPBELL of Iowa. Directing my remarks to the gentleman from Alabama [Mr. PATTERSON], I am interested in this bill for the reason that I have a bill very much like it following. I suppose that every Member of the House is to be treated exactly alike. I take it the gentleman from Wisconsin [Mr. STAFFORD], the gentleman from Mississippi [Mr. COLLINS], and the gentleman from Alabama [Mr. PATTERSON] expect to treat all gentlemen alike.

Mr. PATTERSON. Personally, speaking for myself, and I think the other gentlemen, too; yes, sir.

Mr. CAMPBELL of Iowa. I have looked up the record to find out if there was anyone who was receiving the benefit that is prescribed by this bill. Congressmen have come in here for their constituents and had the same class of bill, and those constituents are enjoying the benefits of that law under the same conditions that exist with regard to this bill and in my bill which is to follow. If the gentleman will look up the record, he will find there are on the rolls now the same class of cases that this bill prescribes.

Mr. PATTERSON. Let me say to my good friend from Iowa [Mr. CAMPBELL] that personally I have not objected to a single one of these bills yet, but there were a dozen or more of these bills objected to on the last evening we considered the Private Calendar.

Mr. CAMPBELL of Iowa. Then how does it come that bills of the same character have been passed and others have not?

Mr. PATTERSON. I did not object to any of them.

Mr. CAMPBELL of Iowa. I will ask the gentleman from Alabama [Mr. PATTERSON] if he will say that none of these bills while he has been objecting have been passed?

Mr. PATTERSON. I think quite a few of them have been passed before last Friday, but since that time none has been passed.

Mr. CAMPBELL of Iowa. Well, I called up the commission to find out. Those men had been placed on the compensation rolls.

Mr. BLANTON. Will the gentleman yield?

Mr. CAMPBELL of Iowa. I yield.

Mr. BLANTON. Does not the gentleman from Alabama [Mr. PATTERSON] believe that when men have worked up their cases in the manner in which the gentleman from Indiana [Mr. HALL] and the gentleman from Iowa [Mr. CAMPBELL] have prepared their cases and have presented them so ably before the House, we should make an exception and let those two bills go by? They do know something about their bills, and they have been able to tell us about the merits of them. They have fairly presented their cases.

Mr. PATTERSON. May I ask the gentleman from Indiana [Mr. HALL] one other question? Did this man pay for his own medical treatment?

Mr. HALL of Indiana. Of course, at that time he received one year's salary, which amounted to $1,700, and he received half of the next year's salary. Yes; he paid for his doctors' bills, and he has been paying bills in the hospital ever since.

Mr. PATTERSON. Since there has been so many of these bills objected to recently, I feel we must have some kind of a policy on such bills. I did not start that policy, but since this strong administration man from Texas, who has been so enthusiastically following the Secretary of the Treasury and his recommendations, delivered that pointed blow that was aimed at me, and also on account of the earnest pleadings of my good friend from Iowa and my good friend from Indiana, it looks as if I will have to withdraw my objection if some other member of the committee does not object.

Mr. BACHMANN. If the gentleman withdraws his objection I will be compelled to object.

Mr. COLLINS. Mr. Speaker, I object.

MARGARET V. PEARSON

The Clerk called the next bill, H. R. 10888, for the relief of Margaret V. Pearson.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Margaret V. Pearson, widow of Lieut. Col. Samuel B. Pearson, deceased, the sum of $169.05, being 18 days' retired pay for the period from October 1, 1929, to October 18, 1929, which was due Colonel Pearson at the date of his death.

Mr. COLLINS. Mr. Speaker, I move to strike out the last word. I want to ask the gentleman from California [Mr. BARBOUR] why this bill carries $169.05, when the report indicates that it ought to carry only $20.72?

Mr. BARBOUR. The amount due the estate is $169.05. The War Department was claiming a set-off of $148 on account of payments that were not validated in the act of July 3, 1926.

Mr. COLLINS. The War Department indicates that this bill ought to be for $20.72 rather than $169.05.

Mr. BARBOUR. It would have been if the payments were not validated, but the gentleman from Mississippi will remember that we passed the act of July 3, 1926, validating all payments of this kind up to July 2, 1921. July 2, 1921, came in the middle of the period of these payments and validated part of them, but the rest of them were beyond that date. This law permitted the War Department to treat these subsequent payments the same as those that were validated.

Mr. COLLINS. It is a small amount.

Mr. BARBOUR. The chairman of the committee has a letter from the War Department recommending that it be paid.

The pro forma amendment was withdrawn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRITZ ZOLLER

The Clerk called the next bill, H. R. 11189, for the relief of Fritz Zoller.

Mr. BLANTON. Mr. Speaker, reserving the right to object, it seems the committee is granting a rather large sum to a man for a broken leg. Five thousand dollars is as much as the committee has in many instances allowed in death claims.

Mr. IRWIN. I think the gentleman will agree with me that many of these injury cases are worth more than when a man is killed. In this case the man has a leg that is an inch and a half or two inches shorter than it should be, and I think he is entitled to more than if he had been killed outright. That is the attitude the committee took with respect to this bill. Both bones of the leg of this man were broken; the bones protruded through the flesh and the leg could not be properly set, so that the leg is now an inch and a half or two inches shorter than it should be. That

man is a cripple for life and will be compelled to go around with a crutch all his life. So the committee felt that $5,000 would not be too much.

Mr. BLANTON. I do not know whether the gentleman ever played football, but I did. I have had one of my legs broken in three places. I can tell when bad weather is coming; it is a barometer for bad weather, but it does not stop me from attending the sessions of Congress.

Mr. IRWIN. I would like to ask the gentleman from Texas if both bones were protruding through the flesh when he had his leg broken?

Mr. BLANTON. About the worst thing that happened to me was that after I had been on crutches for two months and was walking down the stairs of the university watching a fellow who was walking with my girl I fell and broke my leg over again. [Laughter.] Then for three more months that fellow walked with my girl when I was on crutches.

Mr. IRWIN. The gentleman should have been attending to his business.

Mr. BLANTON. I think this is too much for a broken leg, and it is setting a bad precedent. The committee has allowed as little as $3,500 for death cases.

Mr. COCHRAN of Missouri. What will the gentleman offer?

Mr. BLANTON. I do not think we ought to set that high a price for a broken leg, and I think this amount should be reduced to at least $2,500.

Mr. IRWIN. I want to say that the committee considered this particular bill very carefully.

Mr. BLANTON. There is no question but what he ought to be paid something, although the Government is not lawfully bound. This is a gratuitous payment on the part of the Government because the Government is not bound for torts. These Army truck drivers ought to be more careful than to be forever injuring people.

Mr. IRWIN. I think the gentleman is right in that.

Mr. BLANTON. So that the committee may consider some proper sum, I think that for the present we ought to object to this bill.

Mr. IRWIN. What amount would the gentleman suggest?

Mr. BLANTON. Does the House believe with me that $2,500 is enough for a broken leg?

Mr. COLE. Make it $3,000.

Mr. IRWIN. I will accept a reasonable amount.

Mr. BLANTON. Would the gentleman object to having it reduced to $2,500? If my colleagues will stand with me on that amount I shall not object to the bill. With that understanding, Mr. Speaker, I shall not object.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay out of any money in the Treasury not otherwise appropriated, to Fritz Zoller the sum of $10,000 in full settlement of all injuries suffered and expenses incurred as a result of a collision between a United States Army Government truck in the city of San Antonio, Bexar County, Tex., on August 21, 1925.

With the following committee amendments:

In line 5, strike out "$10,000" and insert "$5,000."

In line 6, after the word "all" insert "claims against the Government resulting from."

After the figures in line 10 insert the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. BLANTON. Mr. Speaker, I offer an amendment. In line 6, on page 1, strike out "$5,000" and insert "$2,500."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the committee amendment: In line 6, strike out the sign and figures "$5,000" and insert in lieu thereof the sign and figures "$2,500."

The amendment to the committee amendment was agreed to.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

OSCAR R. HAHNEL

The Clerk called the next bill, S. 2811, for the relief of Oscar R. Hahnel.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I would like to inquire of the chairman of the committee why the amount was increased from $150 to $981.02?

Mr. IRWIN. I will say to the gentleman from West Virginia that the car was literally ruined, and being an almost new car, the committee thought he ought to get not only $150 for damages, but also something on the price of the car, and that is the reason we put in this amount.

Mr. BACHMANN. The committee was certainly very kind in that connection, because, as I read the report in the case, I do not think there is any evidence upon which to increase the amount to the figure that the committee has put in.

Mr. STAFFORD. I would like to know the basis for the statement of the chairman that this was a new car. As I recall the report, the car was about three years old.

Mr. IRWIN. I did not mean a brand new car, but a car that was practically new.

Mr. BLANTON. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. BLANTON. Do our friends in another body, when they are introducing these bills, often overlook a bet of this kind and ask for only $150 when the damage is $900? They only asked for $150 when the bill was first introduced, but when this bill passed the Senate they raised the ante up to $981.02.

Mr. IRWIN. The bill was originally introduced in the Senate for this amount and was amended over there.

Mr. BLANTON. It was introduced for $150 and amended and passed by the committee at $981.02.

Mr. BACHMANN. The Senate bill was for $150, but this committee raised it before they passed on it.

Mr. WHITE rose.

Mr. BLANTON. I overlooked the fact that we had our distinguished Senator elect present. I yield to him.

Mr. WHITE. Mr. Chairman, the facts in this case are that this was a comparatively new car, and it was smashed almost completely to pieces.

Mr. BLANTON. What kind of car?

Mr. WHITE. A Reo touring car, I believe. Because of the accident the man paid out in cash approximately $300, and there was an estimate that, to put the car in the condition in which it was at the time of the accident, would require an expenditure of approximately $677 more, making the amount of $981, for which the bill was reported by the committee. I appreciate we are very near the close of the session and I am filled with the spirit of compromise, I will say to the gentleman.

Mr. BACHMANN. Will the Senator elect permit me to suggest that the board in this case recommended $500 as a fair, just, and equitable settlement of this case? Why the Senate cut it down to $150 I do not know, but I think this bill ought to be amended, reducing the amount to $500, in accordance with the finding of the board that investigated the matter for the War Department.

Mr. BLANTON. The gentleman will accept that, I am sure.

Mr. WHITE. I think the gentleman from Texas is right, I accept it very reluctantly.

Mr. BACHMANN. If the gentleman from Maine agrees to the reduction, I have no objection.

Mr. WHITE. I agree to accept the reduction.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oscar R. Hahnel, the sum of $150, in full settlement of all claims against the Government for damages to his automobile caused by a collision with an Army truck near Bretton Woods, N. H., on August 10, 1927.

With the following committee amendment:

Line 6, strike out "$150" and insert "$981.02."

Mr. BACHMANN. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment by Mr. BACHMANN: Line 6, strike out "$981.02" and insert in lieu thereof "$500."

The amendment to the committee amendment was agreed to.

The bill, as amended, was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JEANNETTE WEIR

The Clerk called the next bill on the Private Calendar, H. R. 778, for the relief of Jeannette Weir.

Mr. BLANTON. Mr. Speaker, reserving the right to object, the gentleman from Missouri will not object to having included the usual provision with respect to attorneys' fees?

Mr. COCHRAN of Missouri. Really, I thought the gentleman was going to get up and ask that this sum be restored to $5,000, the amount in the bill originally.

Mr. BLANTON. No; I think the sum is all right.

Mr. COCHRAN of Missouri. I am perfectly willing and anxious to have a limitation as to attorneys' fees that no one shall receive one cent of the money appropriated but the injured child.

Mr. BLANTON. Mr. Speaker, I am surprised that the gentleman from Wisconsin [Mr. SCHAFER] should bring into this House a bill of this character without the usual limitation with respect to attorneys' fees. The gentleman reported this bill and it comes on this floor from his hands, and it is improperly drawn and he ought to be more careful in presenting such bills on the floor.

Mr. SCHAFER of Wisconsin. I will say to the gentleman that I intended to offer the usual attorneys' fees provision in this case. Perhaps it was not incorporated in the bill through a stenographic inadvertence. If you have about 125 letters coming into your office every day and also had to spend many hours on claims bills as a member of the Claims Committee, you are very liable to make a mistake. Even if it were not a stenographic inadvertence, the gentleman from Wisconsin will admit that he is not a Member who is right all the time and never makes mistakes.

Mr. BLANTON. I think the gentleman ought to be forgiven.

Mr. SCHAFER of Wisconsin. I am glad the gentleman is not going to object.

Mr. PATTERSON. Mr. Speaker, reserving the right to object, I want to say in respect to this bill that I notice there is $1,000 allowed, and I believe we are doing the right thing, and I am not going to offer any amendment; but if this child had been hurt by some private corporation they would have gotten more than $5,000, because this is a just claim.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I do not like that statement to go unchallenged. I think, in view of all the evidence in the case, this is a liberal settlement. There are certain equities in the case, such as contributory negligence, and, as the chairman of the subcommittee recommending the bill with the amount carried, I resent the author of the bill indicating that $5,000 should have been recommended. If the gentleman does not want to take the $1,000 that the Claims Committee has recommended at my suggestion, I will object to the consideration of the bill myself.

Mr. PATTERSON. Let me say to my good friend from Wisconsin, who is always industrious and energetic, that the gentleman did not really mean it but made the statement because the child was seriously injured, and we may not be taking into consideration some slight negligence.

Mr. SCHAFER of Wisconsin. Perhaps the gentleman from Wisconsin would have been more liberal if it had not been for this invisible array of conscientious objectors. [Laughter.]

Mr. STAFFORD. I certainly approve of the position of my colleague because there was evidence of tributary negligence.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Jeanette Weir for injuries sustained by being struck by a United States mail truck January 4, 1922.

With the following committee amendment:

In line 5, strike out "$5,000" and insert in lieu thereof "$1,000 in full settlement of all claims against the Government of the United States."

The committee amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Add at the end of the bill the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer the following amendment as a substitute to the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Provided, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BLANTON. Mr. Speaker, I do not think it would be a wise policy to adopt an amendment of this kind that would do away with all attorney fees. I do not know that there were any attorney in this case. To single out this case and say that no fee shall be paid anybody seems to me is not wise.

I do not know anything about the method of the preparation in this case. There might have been an honest attorney. There are honest attorneys. Attorneys are like any other class of men, they are, in the main, honest. There are some black sheep among them, just as there are among the class of preachers or doctors or among legislators, even. You might find a black sheep here and there in all classes of men, but in the main, they are honest. There might have been an honest attorney who has done work for this poor widow, the mother of the child.

Mr. COCHRAN of Missouri. I want to say that there was an honest attorney in the case, the author of this bill, and he hopes that the amendment of the gentleman from Wisconsin will be accepted.

Mr. BLANTON. Well, this amendment would be a reflection on the gentleman, and it is a reflection on all such bills passed by Congress. We have a regular attorney-fee clause, and it is proper to have a regular clause to say that no fee shall be allowed above a certain per cent. It is a reflection on the gentleman and a reflection upon his constituent. I do not think the amendment ought to be adopted.

Mr. COCHRAN of Missouri. The gentleman from Wisconsin offers this amendment at my request.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin as a substitute for the amendment of the gentleman from Texas.

The question was taken, and on a division (demanded by Mr. BLANTON) there were 37 ayes and 7 noes.

So the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HENRY W. SUBLET

The Clerk called the next bill, H. R. 3174, for the relief of Henry W. Sublet.

Mr. BACHMANN. Mr. Speaker, I reserve the right to object. As I understand this case, the claimant was a deputy marshal back in 1905, and one night when he was going home some one, he does not know whom, fired upon him and he was shot in the arm and his hand was mutilated. I can not see what connection there is that makes the Government liable for this injury. It did not occur in the performance of his duty as a deputy marshal. Where is the responsibility on the part of the Government?

Mr. GLOVER. If the gentleman will read the affidavit of Mr. Colbert, the marshal, he will see where it is, and also the affidavit signed by Mr. Sublet himself. He says he was an important witness. They had a clan down there that was stealing cattle and they were also selling liquor without having paid a liquor license.

This man was selected because of his fitness by the department itself. He went up and rounded up a number of these people. He was an important witness. This occurred on the 30th day of August, and on the 1st day of September he was to be an important witness against these people. Of course, he did not see the person who fired upon him, but he says they were those people that he was to testify against. The marshal's testimony was taken here in Washington. He was with a Congressman here at that time. He says that Sublet was to be an important witness in this Government case, and that it is his opinion and always has been that it was on account of the fact that he had rounded up these people that he was shot.

Mr. BACHMANN. I know the gentleman is a very valuable Member of Congress and would not introduce a bill unless he thought it was an equitable claim, but I would like the gentleman to explain to the House under the facts in the report just how there was any responsibility of any kind on the part of the Government.

Mr. GLOVER. Why not? He was acting for the Government. If he should not receive compensation in this case, in what kind of a case would the gentleman allow compensation?

Mr. BACHMANN. I call the gentleman's attention to the affidavit of Mr. Sublet himself. He said:

I had arrested several persons for violating the liquor law and cattle thieving, and was a material witness against them also in a trial that was to be held in a short time after I was shot on the 30th day of August, 1905. The guilty party, or the clan, waylaid me at night and attempted to kill me by shooting me with a gun in the body, and also shooting me in the left hand and wrist so that my left arm had to be taken off at the wrist joint.

Here is your deputy marshal. He was going home at night, under his own statement, not on the business of the Government. He does not know who did it, and now he is asking the Government to pay him $1,000.

Mr. SCHAFER of Wisconsin. The testimony before the committee shows that this man was a very patriotic, zealous enforcer of the liquor law. It also appears that due to the fact that he was faithfully performing his duty and was very zealous in chasing down a notorious ring of liquor operators that they threatened to get him if he did not lay down on his job. He had courage, and he performed his duties. At first when I saw the word "clan" I suggested to the author of the bill that he ought to have his bill filed with the Ku Klux Klan, but he told me that the reference to clan was not to that particular klan but to a clan of law violators.

Mr. BACHMANN. The gentleman from Wisconsin is a member of the Committee on Claims. I would like the gentleman to point out to the House where there is any just claim against the Government in this case. If he will do so I shall not object.

Mr. SCHAFER of Wisconsin. I did point it out to him, and if he had followed me he would have known.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. BLANTON. I notice that the gentleman from Wisconsin [Mr. SCHAFER] stated that this man was doing his duty in enforcing the liquor laws.

Mr. SCHAFER of Wisconsin. Yes.

Mr. BLANTON. I notice that the gentleman from Wisconsin has reduced his claim from $5,000 to $1,000 to cover his being shot in the body and having his hand amputated. Was the reduction made because of the business in which he was engaged?

Mr. SCHAFER of Wisconsin. No; the reduction was made because of the very question which has been raised against the bill in its greatly reduced form, and because I could again see that line of invisible conscientious objectors who would perhaps block any benefit whatever for this faithful public servant.

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. I object.

JUDD W. HULBERT

The Clerk called the next bill, H. R. 7909, for the relief of Judd W. Hulbert.

Mr. ARENTZ. Mr. Speaker, I reserve the right to object. In the first place, on page 2, beginning in line 9, there is something which has to do with the withholding or receiving of or the payment of money back in 1922, which was paid in a lump sum. This bill has nothing to do with a lump sum, in my opinion. I would like to have the gentleman from Ohio tell the committee how he is going to deduct the lump sum that has been paid.

Mr. MORGAN. That is provided for in the bill.

Mr. ARENTZ. There is no reason that I can see by the provisions of the bill how it will be paid.

Mr. MORGAN. It will be deducted out of the accumulated sum that would be due him under the restoration of his compensation which was cut off.

Mr. ARENTZ. But, if the man up to 1922 received $66 a month, and it was agreed after he had made application that he should receive $2,000——

Mr. MORGAN. It is debatable whether that is true or not. I have investigated this case, and the best surgeons in the United States Army have examined this man——

Mr. COLLINS. Mr. Speaker, I object.

Mr. MORGAN. Will the gentleman withhold his objection a moment?

Mr. DOXEY. Will the gentleman from Mississippi [Mr. COLLINS] state the ground of his objection?

Mr. COLLINS. I am objecting on the ground that this man has been compensated under the law and this is just another effort to get more.

Mr. MORGAN. If the gentleman will observe, this error was committed on the part of Government surgeons. When the lump-sum settlement, so called, was made it was predicated on the belief of the surgeons who examined this man that he would recover, but instead of recovering he became a total disability case. Doctor Collins—in fact, three of the Army surgeons——

Mr. COLLINS. Is he related to Lawyer Collins?

Mr. MORGAN. No. Doctor Collins, of the United States Public Health Service, Doctor Foley, and Doctor Leach, three of the most famous surgeons in the United States Army, examined this man, and, as the gentleman from Mississippi [Mr. DOXEY] knows, they pronounced this a total disability case. If the United States Government is going to follow the practice that has been outlawed in the State of New York and the State of Ohio and many States in the Union—to obstruct ambulance-case lawyers for indemnity-insurance companies in settling cases that are contrary to the facts—then the gentleman's objection is sound; but if he believes that a total disability case, wrongly diagnosed, should be be compensated, then the gentleman will agree

with the laws that prevail in those States that have compensation laws.

Mr. COLLINS. The trouble is the gentleman is trying to put words into my mouth that I am not disposed to want to use. This man accepted $2,500 in settlement of his claim. I think he ought to be bound by his agreement.

Mr. MORGAN. In other words, if a man is injured in Government service——

Mr. COLLINS. It does not make any difference where he was injured. If he was injured and he settles with the Government or with a private corporation or a private individual, he ought to be bound by his settlement. I object.

Mr. GREENWOOD. Will the gentleman reserve his objection for a moment?

Mr. COLLINS. I will.

Mr. GREENWOOD. Did the man settle under a mistaken idea of his injuries?

Mr. MORGAN. Absolutely.

Mr. GREENWOOD. If he accepted that amount on the statement or suggestion of surgeons that he would recover and then he found out afterwards that he had accepted a settlement under a mistaken idea, would the gentleman be disposed to object to that claim?

Mr. COLLINS. Oh, the man knew as much about his condition as the doctors. He knew what he was doing, and should be bound by his agreement.

Mr. MORGAN. Oh, he is a feeble, helpless old man, an object of charity.

Mr. COLLINS. I object, Mr. Speaker.

JOHN S. STOTTS, DECEASED

The Clerk called the next bill, H. R. 4536, for the relief of John S. Stotts, deceased.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John S. Stotts, deceased, who was a private in Company E, One hundred and twenty-second Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 20th day of June, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. COLE. Mr. Speaker, I do not want to delay the proceedings to-night when many Members are anxious to have their bills considered, and so I ask leave to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COLE. The life of John S. Stotts reads like a romance of the Civil War, and the prolonged efforts to restore his name to an honorable status in the military records illustrates the delays and vicissitudes of legislation. The bill which has just been passed and which must now go to the Senate was introduced by me nearly seven years ago. Twice I have had to reintroduce it as one Congress after another expired. The correspondence, personal and official, in my files is enough to fill a small volume.

My efforts in behalf of this deceased soldier of the Civil War and his widow were not the first in this long record. Two of my predecessors—the Hon. Roberts G. Cousins and the late Hon. James W. Good, who died as Secretary of War, labored on what I have now succeeded in getting through the House. The late Senator William B. Allison, of Iowa, at one time lent his powerful influence to this legislation. All their efforts were defeated by the records in the War Department and by the inability, for one reason or another, to complete the chain of evidence required.

In the meantime John S. Stotts himself died, now almost 30 years ago. He died a disappointed man, because he could not obtain justice from the country he had served.

John S. Stotts belonged to a Muskingum County, Ohio, family, a family of high standing, of industry, and patriotism. He was the youngest of 12 sons. When the Civil War broke out 5 of these 12 sons enlisted promptly and all of them served with distinction. John S. was not only the youngest of the sons but he was too young to be accepted into the service which he sought to enter. Determined as he was to take some part in the war, he became a drummer boy. A little later, probably by misrepresenting his age, under the name of Stillman Stotts, he became a private in Company G of the Eighty-sixth Ohio Volunteer Infantry. He was at that time barely 15 years of age. His enlistment was of August 7, 1863, and was for six months. At the expiration of that time, or on February 7, 1864, he received an honorable discharge.

Not satisfied with that service, on June 7, 1864, he reenlisted as a private in Company E of the One hundred and twenty-second Ohio Volunteers. Two days after this enlistment he was engaged in fighting in the vicinity of Monocacy, Md. He was captured by the enemy, probably due to a leg wound which he had received. He made his escape and found his way to Baltimore. Later he was sent to rejoin his regiment, but in the turmoil of the fighting then in progress around the Danville, Va., railroad, he became attached to another fighting unit. He received a severe foot wound and he was sent to Emory Hospital in Washington. His wound was so serious that there was no hope of his return to the service. Such men were then encouraged to return to their homes for recuperation. Young Stotts returned to Ohio on crutches. Records were badly kept, and it was afterwards impossible to trace his movements from them. It is not even known whether or not he received a furlough. He himself was young and thoughtless of the future when such records would be vital to establish his rights.

When the time did come to rely on records they were missing. He was not enlisted in the unit with which he had fought when he was wounded. The men he had fought with did not know him. There was no one to whom he could appeal. He spent time and money, and he traveled far in search of those who might have testified in his behalf. But in his old home in Muskingum he found doctors and others who could supply the evidence to establish the fact that he returned there in July or August of 1864 on crutches. A Dr. Henry Decker recalled that he had treated him for a foot wound after gangrene had set in. He was not able to walk except with the aid of crutches. On those crutches he followed members of his family who had removed to Boone, Iowa. He was cared for by them and later he made his home in Marshalltown, Iowa, which is one of the principal cities in the district which I have the honor to represent in Congress. It was in Marshalltown that he established himself and reared a family of children.

In 1891, 27 years after he served in the war in which he was wounded, he filed an application for a pension under the act of 1890. It was then that he learned for the first time that "deserter" had been entered in the records after his name. This entry was made because at the conclusion of the war he was not with his company when it was mustered out. All that he seems to have taken into consideration was the fact that the war was over and that he was by that fact released from the service. He was not alone in such carelessness. The realization that he was recorded as a deserter stunned him. Why should an enthusiastic young man who had received one honorable discharge and who had reenlisted to serve during the war, turn deserter when that war was almost over?

He then made every effort to disprove the charge. Nothing could be found in the records to aid him. Far and wide he sought those who might aid him. It was a useless search. After many years he made an appeal to "Major McKinley," another Ohio soldier, who was then President of the United States. He made this appeal from New Castle, Colo., where he was then sojourning, in hope, I believe, of finding there some one who had known him in the war.

I have searched for years—

He wrote in this appeal to the President—

to find some one who was with me at the time I was wounded during the Weldon Railroad expedition in 1864, but all are dead.

Further on in this pathetic appeal he said:

I do not write to bother you with trivial things. It might appear so (trivial) to some men, but I know when Major McKinley, now President of the United States, looks upon a man who has a family growing up around him, having a charge of such a hideous nature (in fact, there is no crime with what I would as soon be charged as deserting flag and country), he will feel it is no small matter but blights the life of a whole family, and if untrue should be removed. * * * It is untrue.

What reference was made of this appeal the records do not disclose, but we do know that before "Major McKinley" could help him solve this problem, the President was assassinated and John S. Stotts himself died. He left a wife and children in Marshalltown, Iowa. It was some time after this when Congressman Cousins interested himself in the matter of securing a pension for the widow. But the unfavorable military record of the deceased husband and father stood in the way. So long as the charge of desertion was in the records no application for a pension could lie. To remove that charge was not easy to do, stubborn as the War Department is as to the accuracy of its records, if not their infallibility.

Many years later Congressman Good was interested in the case and made the same effort. The War Department remained stubborn on the records, and there was no evidence available upon which those records could be corrected.

In 1924, during a visit in Marshalltown, I learned of the plight in which the widow had been left, and of the blight on the family name so long as those records were not corrected. I became the more interested when I learned that her sons, following in the footsteps of a patriotic father, had tendered their services to their country in the World War. One of these sons, Ralph Stotts, was rejected for the service because of disabilities. Another son, Dr. A. F. Stotts, of Galesburg, Ill., was accepted and served in a medical unit of the Air Service. A third son, Thomas Stotts, of Marshalltown, was too old for service.

The widowed mother lacked nothing that her sons could supply her with, but she had the pride of self-reliance, an inheritance of a fine past, and sought to support herself by such services as she could render her neighbors in the way of cooking and baking and sewing. I found no woman in Marshalltown more beloved or more highly esteemed among her neighbors than Mrs. Stotts. To me she was a gracious and even charming woman well along in years. She had to make no other appeal to me than her own personality.

Upon my return to Washington that autumn I introduced a bill similar to the one that has now been passed. That was in 1924. I soon encountered the same difficulties that my predecessors had struggled against. Realizing that it would take some time—but not realizing that the time would be seven years—I introduced another bill, a private pension bill for Mrs. Stotts. I received at first little or no encouragement for the consideration of this bill. But in due time I was able to touch the hearts of those who pass on such bills in the committees. I based my plea on the fact that the deceased husband had received an honorable discharge for his first term of service.

On these continued pleas the bill was passed and approved by President Coolidge, giving the widow $30 a month. She has drawn that amount every month since 1926, and I am glad to say that she is still living in the enjoyment of this aid from a country that her husband had served in his youth. But more than that money will be the completion of this legislation, for the honor of her family is more than money.

For myself, I feel that nothing that I have been able to do as a Member of Congress, or that I may do hereafter, will give me more pleasure than the passage of this bill and its approval by President Hoover, for a righteous service to those who have served their country in its times of need is to me more than all else besides.

CAPT. GUY L. HARTMAN

The Clerk called the next bill, H. R. 9875, for the relief of Capt. Guy L. Hartman.

Mr. STAFFORD. Reserving the right to object, as I read this bill, this claimant forfeited his bond without any real excuse. He jumped his money bail bond and went to Mexico.

Mr. RUTHERFORD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. RUTHERFORD. Is that the only objection the gentleman has to the bill?

Mr. STAFFORD. That is one of the objections. There is a further objection that there is no report from the Attorney General as to whether this money should be refunded.

Mr. RUTHERFORD. I should like to explain this bill, because I think the committee is entitled to the benefit of the full facts.

When this bill was introduced a subcommittee from the Committee on Claims, three of the best lawyers on the committee, conducted a hearing for the purpose of preserving the testimony in this case, particularly of Captain Hartman, who was going to the Philippines at that time. This was a young man, reared down in North Carolina, who was really a carpenter by trade. His father had been in the contracting business, putting up distilleries where it was legal. These large distillers out West induced this man to come out there, with the assurance that he would be given work in the construction of a distillery. After he got out there they gave him nominal work on the inside of this distillery. Smith, Deal, and others colluded with certain revenue agents down there and defrauded the Government out of a tax of $1.10 a gallon on quite a number of gallons of liquor. The Government suspicioned that something was wrong and arrested all of the people connected with it, including this young man, Hartman.

Bonds were assessed against them all at $20,000 each, and in order to make this bond this boy's father practically sacrificed everything he had in order to put securities in the hands of professional bondsmen in Kansas City to make this bond. When they were brought before the commissioner and bond was assessed this young man went to Mexico with the view of disposing of holdings down there in order to pay this bond if it became necessary. When he reached Mexico he contracted fever and, knowing that he could not return on the day the commissioner had ordered him to return, he secured an affidavit from a physician and sent it to his lawyer in Kansas City, who in turn delivered it to the commissioner.

If the gentleman will examine the report he will find that the commissioner later stated that this was probably so, but his recollection was that a telegram was sent instead of an affidavit. This young man was in Mexico; Pershing was making his expedition there and this young man joined his forces and offered his services as a scout in Mexico. Colonel Evans says this man acted as a scout there and that his services were most wonderful.

Mr. STAFFORD. But he forfeited his bond; he was a criminal and his case was subsequently nolle prossed because of the fact that the bond had been forfeited. Now, he does not wish to abide by the settlement of his case and wishes to get the money back.

Mr. RUTHERFORD. As I understand, a criminal bond is to produce a man when his trial comes up. While he was not there before the commissioner when this bond was forfeited he afterwards came from Mexico and surrendered himself. He was put in jail, and, therefore, answered the bond, after it had been forfeited. While he was in jail he tendered his services to the Government in order that this matter might be ferreted out, and as a result of his efforts and his testimony the Government actually brought into the United States Treasury over $150,000, recovered from these fellows who had swindled the Government. This was largely the result of his testimony.

Mr. STAFFORD. One of the others settled by the payment of $100,000 and his case was nolle prossed.

Mr. RUTHERFORD. One hundred and fifty thousand dollars.

Mr. STAFFORD. The report says $100,000.

Mr. RUTHERFORD. This is an absolutely meritorious case.

Mr. STAFFORD. I wish I could see it that way.

Mr. RUTHERFORD. This man came back and surrendered himself, which, in good conscience, is a compliance with the bond, although he did not appear before the commissioner on the day his trial was set.

Mr. STAFFORD. But he was not punished, his bail bond was forfeited, and his case was nolle prossed because the bail bond was forfeited.

Mr. RUTHERFORD. The Internal Revenue Commissioner, after investigating this case, said he was satisfied that this man was only technically guilty, and after he had rendered such valuable services to his Government in punishing these fellows and putting into the Treasury of the United States $150,000, the commissioner felt that the indictment should be nolle prossed.

Mr. STAFFORD. I regret, but I will have to object.

FIRST STATE BANK & TRUST CO., OF MISSION, TEX.

The Clerk called the next bill, H. R. 1335, for the relief of the First State Bank & Trust Co., of Mission, Tex.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, a Senate bill of the same import will be substituted for the House bill.

There being no objection, the Clerk read the Senate bill (S. 3924), as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the First State Bank & Trust Co., of Mission, Tex., United States registered bond No. 89539 for $1,000 of the Third Liberty loan 4¼ per cent per annum bonds of 1928, registered in the name of Alpha G. Decker, with interest from March 15, 1928, to September 15, 1928, without presentation of the bond, said bond having been assigned in blank by the registered payee and alleged to have been lost, stolen, or destroyed in the First State Bank & Trust Co., of Mission, Tex.: *Provided*, That the said bond shall not have been previously presented and paid: *And provided further*, That the said First State Bank & Trust Co. shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said bond and the final interest payable thereon September 15, 1928, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the bond hereinbefore described.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

HEDWIG GRASSMAN STEHN

The Clerk called the next bill, H. R. 1709, for the relief of Hedwig Grassman Stehn.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hedwig Grassman Stehn the sum of $15,000 for damages suffered by her by reason of being struck and seriously injured by the explosion of munitions on board the *Amackassin*.

With the following committee amendments:

In line 6, on page 1, strike out "$15,000 for damages suffered by her by reason of being struck and seriously injured by the explosion of munitions on board the *Amackassin*," and insert in lieu thereof "$5,000 in full settlement of all claims against the Government of the United States resulting from serious permanent injuries due to the explosion of munitions on board the United States Government steam lighter *Amackassin*: *Provided*, That no part of the amount appropriated in this act in excess of 5 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 5 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

At the end of the bill, insert the following proviso:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ARTHUR A. BURN, SR., AND J. K. RYLAND

The Clerk called the next bill, H. R. 7175, for the relief of Arthur A. Burn, sr., and J. K. Ryland.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. HARE. Will the gentleman withhold his objection?

Mr. STAFFORD. I will.

Mr. HARE. I would like to know what the gentleman's objection is.

Mr. STAFFORD. He has already received compensation.

Mr. HARE. No; he has not. The gentleman is mistaken. All of the compensation that has ever been received is deducted from the amount recommended by the Department of Commerce. The Director of the Coast and Geodetic Survey recommends the payment of this sum and the Secretary of Commerce recommends it. They all recommend it, and I can not see why there should be any objection to this bill.

Mr. STAFFORD. The relatives have received the allowances which are allowed by law.

Mr. HARE. No; they have not, neither one.

Mr. STAFFORD. That is my note.

Mr. BACHMANN. They have only received the funeral expenses, and so on. I intended to reserve the right to object in order to give the gentleman an opportunity to explain the bill, because on the face of it it would look as though there were no obligations on the part of the Government, but after going over it, I do not think there is any question but what this bill should be passed.

Mr. GREENWOOD. I am somewhat familiar with the Geodetic Survey. They take young men or students during the vacation season and send them out to make these surveys. I presume this is a similar case. If they sent these young men out to sea in a ship that was not seaworthy, certainly, under those circumstances, the Government ought to bear a reasonable compensation.

Mr. BACHMANN. In this case they were under orders, and they went out to sea in a boat that was not seaworthy.

Mr. GREENWOOD. These young men were sent out on a vessel that was not seaworthy and they had no knowledge as to whether the boat was seaworthy or not. They were under orders, as the gentleman from West Virginia suggested, and they had no recourse but to go out on the boat in the performance of their duties.

Mr. HARE. These men were carried out there and did not go of their own accord, and they were in this skiff that was not seaworthy. The captain and the others escaped, but these two boys were drowned, and the director says that this was in the line of duty.

Mr. STAFFORD. The report says "Kate Elizabeth Burn married June 6, 1928, and compensation accordingly was discontinued that date."

Mr. HARE. That was a dependent sister on the part of one of these boys, and she received $98 compensation. This is in behalf of his father and in the case of the other man in behalf of his father and mother. They have not received anything. This bill has been recommended by everybody concerned.

Mr. STAFFORD. Mr. Speaker, in view of the presentation made by the gentleman from South Carolina and the position of my friend, the gentleman from West Virginia [Mr. BACHMANN], I withdraw the reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to each Arthur A. Burn, sr., of Daufuskie Island, S. C., and J. K. Ryland, of Bermuda, Ala., father of Arthur A. Burn, jr., and J. B. Ryland, respectively, the sum of $10,000, the same being in full satisfaction of any claim they may have against the United States Government on account of the death of the said Arthur A. Burn,

jr., and J. B. Ryland as a result of having been sent to sea in an admittedly unseaworthy boat or skiff while employed in the United States Coast and Geodetic Survey near St. Petersburg, Fla., February 3, 1926.

With the following committee amendment:

On page 1, in line 6, strike out the words "each Arthur A. Burn, sr., of Daufuskie Island, S. C., and J. K. Ryland, of Bermuda, Ala., father of Arthur A. Burn, jr., and J. B. Ryland, respectively, the sum of $10,000" and insert "Arthur A. Burn, sr., of Daufuskie Island, S. C., the sum of $5,000; and to J. K. Ryland, of Bermuda, Ala., the sum of $4,246.06."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the usual attorney's fee provision.

The Clerk read as follows:

Amendment by Mr. STAFFORD: On page 2, after line 7, insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

G. CARROLL ROSS

The Clerk called the next bill on the Private Calendar, H. R. 9526, for the relief of G. Carroll Ross.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. Carroll Ross, of the city of South Haven, Mich., the sum of $200 to reimburse him for money expended in payment of a fine levied against Captain Quickfall, master of the British steamship *Errington-Dunford*, on October 8, 1925, for violation of section 8 of the act of June 19, 1886, as amended.

The bill was ordered to be engrossed and read a third time was read the third time, and passed.

A motion to reconsider was laid on the table.

BERNIS BRIEN

The Clerk called the next bill on the Private Calendar, H. R. 10850, for the relief of Bernis Brien.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I would like to have some explanation with reference to this bill.

Mr. FITZGERALD. Mr. Speaker, I have known Bernis Brien substantially all his life. He is older than I am, and was a soldier in the Spanish-American War. I remember his first going to that war. He is partially disabled. He has little of this world's goods. He was employed by the soldiers' home and was given a position at the home where he could make some income. A man was put under him, and this man under him was named Harry Spreng. Harry Spreng never took a vacation, and Brien was made responsible for him. Brien gave a bond, paid for his own bond, and thought he had a position that would keep him.

Mr. BACHMANN. And he paid the Hartford Insurance Co. every premium.

Mr. FITZGERALD. Yes. This man Spreng was already an embezzler as was afterwards found out.

The system and this man, Spreng, were foisted upon Brien. He had no more control over the employment of this man than a postmaster who also gives a bond to protect the Government against his own misconduct. This man received deposits from soldiers in the soldiers' home and they had a system inaugurated there before Bernis Brien was made local treasurer, by which a card was given to the soldier who made a deposit of his money, and then they had a loose-leaf ledger with these cards to match what the soldier was given when he made a deposit.

Mr. BACHMANN. I understand there was some subordinate under him who took the money.

Mr. FITZGERALD. Yes; and he has been sent to the penitentiary.

Mr. BACHMANN. If the gentleman will let me interrupt, I have no objection on the merits of this case in so far as Bernis Brien is concerned, and if the bill were a bill to relieve him I would have no objection to it.

Mr. FITZGERALD. That is it exactly.

Mr. BACHMANN. But he paid the Hartford Insurance Co. a premium on a bond, and this bill seeks to relieve the insurance company after they have collected the premium. The very purpose of giving the bond was to protect this account, and the very purpose of the insurance company in going on the bond was to collect the premium and I do not think we ought to relieve any insurance company after they have collected premiums on a bond.

Mr. FITZGERALD. I am absolutely with the gentleman, but let me show you how this matter is not just as the gentleman thinks. This man gave his own bond for his own integrity, and he is the one who discovered this. His predecessor was in the same fix to the extent of $860, that had been stolen by this man who stole the leaves out of the ledger.

Mr. BLANTON. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BLANTON. This bookkeeper who was under the man who was bonded and who was responsible for the funds, was merely an employee there to assist him.

Mr. FITZGERALD. And was foisted on this other man.

Mr. BLANTON. This insurance company, as has been stated by the gentleman from West Virginia, is bonded and the bonding company is bound to make that $6,000 good.

Mr. FITZGERALD. It is true that if they win the case they can make Brien pay. They can make the insurance company pay if they can get judgment against him. It all depends on whether the court will hold Brien responsible.

Mr. BLANTON. They will hold the insurance company.

Mr. FITZGERALD. But this man is personally liable. This man Brien is going to be ruined because he is liable to the insurance company.

Mr. BLANTON. The insurance company can not collect from him.

Mr. FITZGERALD. They are only sureties for this man.

Mr. BLANTON. I can see the force of the logic in the position taken by the gentleman from West Virginia. We ought not to relieve the insurance company after it has collected the premium.

Mr. BACHMANN. Why require a bond of these men in the first place?

Mr. FITZGERALD. This man must be honest, he has given the company a bond and he is liable for the money that was stolen by some one under him whom he had no say in putting in the position.

Mr. BLANTON. How long ago did the defalcation occur?

Mr. FITZGERALD. Four years.

Mr. BLANTON. Has the statute of limitations run against the insurance company?

Mr. FITZGERALD. No.

Mr. BLANTON. Why does he not bring suit against the insurance company?

Mr. FITZGERALD. If judgment goes against him his property may be exhausted.

Mr. BLANTON. Has he any property?

Mr. FITZGERALD. He has a little property.

Mr. BACHMANN. I understand that the claimant is without resources. I will say to the gentleman that I can not bring myself to relieve any insurance company that has collected a premium. It is not right, it is not equitable, and it is not just, and I must object.

Mr. FITZGERALD. May I say this?

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. The regular order is called for, and the Clerk will report the next bill.

Mr. FITZGERALD. Mr. Speaker, I am going to have an opportunity to explain this or else there will be no further proceedings.

Mr. COLLINS. Mr. Speaker, I object.

Mr. FITZGERALD. Then I will object to each and every bill that comes along, and you might as well understand that this is the end of the calendar.

The SPEAKER pro tempore. The Clerk will report the next bill.

REFUND BACK SALARIES DUE COLORED DIRECTORS OF THE SCHOOL SYSTEM OF THE DISTRICT OF COLUMBIA

The Clerk read the title of the next bill on the Private Calendar, the bill H. R. 12158, authorizing the Secretary of the Treasury to refund to the so-called assistant directors in the public schools in the District of Columbia, 10–13, all that portion of their salaries erroneously and illegally deducted and withheld under the provisions of the act of June 20, 1906.

Mr. FITZGERALD. I object.

STUART L. RITZ

The Clerk called the next bill, H. R. 7943, for the relief of Stuart L. Ritz.

Mr. FITZGERALD. I object.

Mr. DE PRIEST. Mr. Speaker, I make the point of order that there is no quorum present. Let us stop this foolishness now.

Mr. SOMERS of New York. Mr. Speaker, I move that the House do now adjourn.

Mr. SWING. Mr. Speaker, I ask unanimous consent that the House stand in recess for 15 minutes.

Mr. DE PRIEST. I withdraw the point of order.

Mr. BOX. Mr. Speaker, I ask unanimous consent to proceed for one minute.

Mr. STAFFORD. Mr. Speaker, I think the gentleman from Texas ought to be accorded that privilege in view of the fact that he is the ranking Democratic Member.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BOX. Mr. Speaker, I want to suggest to my colleagues that most of us at times share these feelings of irritation, develop friction, and get out of humor. The strain of this work under prevailing conditions puts us on edge, but we are not helping each other nor expediting the transaction of this necessary business when we lose our temper and patience. I therefore suggest to my friends that they withdraw the point of no quorum and allow this work to go ahead. We generally do not strike the man we are striking at when we do these things. We are merely injuring some one or more persons having just claims. In the interest of peace and the transaction of this public business I make this suggestion.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent that we return to the bill under consideration a few moments ago, No. 939 on the calendar, H. R. 10850, the Bernis Brien bill, to which the gentleman from Ohio [Mr. FITZGERALD] was speaking, and that he be permitted to finish his statement with respect to that bill before any objection is made. I think he is entitled to make a fair, clear statement to the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, no matter how much we may be irritated, there is one fundamental principle involved, and that is that the person who has taken the trouble to introduce a bill in good faith and press the evidence before a committee and cross all of the obstacles that must be crossed to reach this position should have the right to present that case before the House when it is being considered. If that can not be accorded, then there should be no further sessions of the House on the Private Calendar, because we may just as well abandon the whole thing.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. McKEOWN. As I understand it, the sureties in this case will have to make good to the insurance company. The principal surety will have to make good to the insurance company?

Mr. FITZGERALD. Absolutely. Bernis Brien has got to make this good if he is able, and it will hang over him all of his life unless he goes through bankruptcy.

Mr. McKEOWN. The gentleman states the law correctly. No matter if he was insured and paid the premium, the insurance company will advance the money, and if he does not pay, they will make him pay every month of the year.

Mr. FITZGERALD. The gentleman knows that. I sympathize with the position of the gentleman from West Virginia [Mr. BACHMANN] and with Mr. BLANTON'S position. We do not want to relieve any insurance company of any kind.

Mr. BLANTON. The gentleman's statement has appealed to me very much because it seems that this man will be ruined if not granted relief. I call the attention of the gentleman from Mississippi [Mr. COLLINS] to this fact, that the Comptroller General, who is one of our most valuable public officials, and yet who is considered to be one of the hard-boiled Government officials, who passes on these claims, and who usually turns them down and gives an adverse report, when this matter was submitted to him did not make a recommendation against the bill, and when we find those facts present, there is some merit in the bill.

Mr. COLE. I suggest that we let this bill go to the House and let us take a vote upon it.

Mr. FITZGERALD. Oh, I do not want to do that. If the gentleman from West Virginia [Mr. BACHMANN] feels that it is wrong, all right. I am not complaining against him. I would like to have him listen to me because this man is ruined whether he pays it or whether they get it over under his surety.

Mr. SCHAFER of Wisconsin. Is it not a fact that the Claims Committee with a big majority sitting at that meeting spent considerable time considering the merits of this bill?

Mr. FITZGERALD. My recollection is that the board of managers came down in regard to it.

Mr. SCHAFER of Wisconsin. I am one member of the Committee on Claims that does not want to vote money out of the Treasury for the benefit of bonding companies that have made the people pay robbers' interest, but I know from the facts in this case and the report from the Comptroller General that, if this bill is not enacted, it will ruin the man for whose benefit the bill was introduced.

Mr. FITZGERALD. I stand with the gentleman from Wisconsin on that principle.

Mr. BACHMANN. The report shows that this case is pending in the Federal court over there and it has never been decided. Why not be fair about this?

If there is a judgment against this man in that court, I, as a Member of this House, will vote to relieve him and help him to be relieved; but we do not know whether or not the court is going to find him responsible in this case. He did not steal the money. It was a subordinate under him who took the money. In the first place, the case is prematurely here to relieve a man where a case is pending in the Federal court.

Mr. FITZGERALD. I think the gentleman means to be fair about it.

Mr. BACHMANN. I agree with the gentleman about the relief principal in this case, because I do not believe he is responsible, but the other principal is there, the bonding company, seeking to be relieved here, and in addition the case is pending in the Federal court.

Mr. FITZGERALD. But he has been discharged. He has lost his position. The money is gone.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. SCHAFER of Wisconsin. The gentleman from West Virginia [Mr. BACHMANN] is an able, efficient, and experienced attorney, and he knows from evidence produced before the committee that there is not the ghost of a chance for the beneficiary under this bill to receive relief in that court action.

Mr. BACHMANN. The gentleman has as many responsibilities as I have or any other Member of this House. If the

gentleman thinks, in justice and fairness, that the insurance company should be relieved here, I will not make any objection.

Mr. FITZGERALD. I do not think this will relieve the insurance company. I do not want the insurance company to be relieved.

Mr. BACHMANN. That is what the gentleman is doing in this case, after they have collected a premium. If the gentleman from Ohio and the other Members of this House want to reimburse a bonding company that has collected a premium, while the case is still pending in the Federal court, I will not make any objection, because I do not want to delay this calendar.

Mr. COLE. Regular order Mr. Speaker.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, I object.

ASSISTANT DIRECTORS IN PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

The Clerk called the next bill, H. R. 12158, authorizing the Secretary of the Treasury to refund to the so-called assistant directors in the public schools of the District of Columbia, divisions 10-13, all that portion of their salaries erroneously and illegally deducted and withheld under the provisions of the act of June 20, 1906.

Mr. BLANTON. I object.

Mr. DE PRIEST. I am satisfied the gentleman from Texas tion?

Mr. BLANTON. Certainly.

Mr. DE PRIEST. I am satisfied the genleman from Texas objected because he thinks the bill has not merit.

Mr. BLANTON. My reasons for objection to this bill are these: This is a District matter, pertaining to District schoolteachers in Washington. There is a committee for the District of Columbia that grinds every week in the year when Congress is in session. They have a District day which comes up regularly, on which day they can bring their legislation before the House.

Mr. DE PRIEST. This has been before the District Committee.

Mr. BLANTON. They have so many opportunities for bringing their legislation here that I do not think we ought to take up the time of the House in disposing of District of Columbia legislation on Private Calendar day.

Mr. HALL of Indiana. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. HALL of Indiana. It is true that the District Committee handled this bill. I happened to be on the subcommittee that investigated it thoroughly. We have only had perhaps one day during this session and during the long session the District of Columbia had only three hours.

Mr. BLANTON. If that is the case, if they were not given their days in the long session, I shall not object.

Mr. COLLINS. Mr. Speaker, I have this bill down for objection.

Mr. HALL of Indiana. Will the gentleman reserve his objection?

Mr. COLLINS. Oh, I think we have had enough discussion of it.

Mr. HALL of Indiana. There has been no discussion of it.

Mr. COLLINS. I will reserve the objection and allow a further explanation.

Mr. DE PRIEST. I wish to state that from 1906 to 1924 the negro directors of the schools in Washington were paid one salary and the white directors another salary. Under the law they are entitled to equal salaries. This bill equalizes the salaries as they should have been during that time. Upon the hearings the District Committee made every investigation and reported the bill favorably. I am sure the gentleman would not keep these people from their just pay. If the gentleman will read the report thoroughly, I am sure he would not object. It goes back several years. I do not think the gentleman will make any objection if he reads the report carefully.

Mr. HALL of Indiana. Will the gentleman yield?

Mr. DE PRIEST. I yield.

Mr. HALL of Indiana. It might also be added that it was never the intention of Congress when the act of 1906 was passed that there should be any difference in the salaries paid to colored teachers and to white teachers doing exactly the same work, but when the law was changed it was found that those who were designated as "assistant directors" were the colored teachers and those who were designated as "directors of the schools" were the white teachers, and the basis of the salary was different.

Mr. COLLINS. I will withdraw the reservation of objection.

Mr. DE PRIEST. I thank the gentleman from Mississippi.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated and statute of limitation notwithstanding, to the so-called assistant directors of primary instruction, kindergartens, physical culture, drawing, domestic science, domestic art, penmanship, music, and the supervisor of manual training, in the colored schools of the District of Columbia, divisions 10–13, or their legal representatives, the total sums set opposite their names and which represent that portion of salary erroneously, illegally, and unjustly deducted and withheld under the provisions of the act approved June 20, 1906, entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," aggregating the total sum of $52,635.

Pay to E. F. G. Marritt, director of primary instruction, the sum of $11,330, representing the entire portion of salary deducted and withheld.

Pay to A. J. Turner, director of physical culture, the sum of $7,360, representing total amount deducted from salary.

Pay to O. W. McDonald, supervisor of manual training, the sum of $7,185, representing total amount of salary deducted.

Pay to Mrs. T. W. Hunster, widow of T. W. Hunster, director of drawing, the sum of $6,460, representing total amount deducted from salary.

Pay to J. W. Shaw, director of domestic science, the sum of $5,810, representing the total amount deducted from salary.

Pay to Eva Wilson (Clair), director of domestic art, the sum of $4,210, representing the total amount deducted from salary.

Pay to N. T. Jackson (Meyers), director of kindergartens, the sum of $3,560, representing the total amount deducted from salary.

Pay to C. E. Martin, director of penmanship, the sum of $2,860, representing the total amount deducted from salary.

Pay to J. E. Wormley, director of music, the sum of $2,360, representing the total amount deducted from salary.

Pay to I. Wormley, director of kindergartens, the sum of $1,500, representing the total amount deducted from salary.

Mr. STAFFORD. Mr. Speaker, I offer an amendment, which I have sent to the desk.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of the bill insert the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I offer an amendment which I have sent to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 1, in line 6, after the word "notwithstanding," add the following: "and to be paid as other District of Columbia expenses are paid."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STUART L. RITZ

The Clerk called the next bill, H. R. 7943, for the relief of Stuart L. Ritz.

There being no objection, the bill was read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Stuart L. Ritz, late of Company L, Second Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the — day of ——, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

In line 8, after the word "the," insert "22d," and in the same line, after the word "of," insert the word "April."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

HENRY W. SUBLET

Mr. GLOVER. Mr. Speaker, I ask unanimous consent to return to No. 931. I have talked with the gentleman who objected a moment ago. He wanted to be assured that the man was in the active discharge of his duty. I can assure the gentleman that he was. This man lives within 6 miles of me, and this is a worthy claim or I would not have presented it.

The SPEAKER pro tempore. The Chair does not think he should recognize a Member to return to a bill that has been objected to.

Mr. GLOVER. That has been the custom, and it was agreed that we should go back to it. I ask unanimous consent to return, Mr. Speaker.

The SPEAKER pro tempore. The Chair does not feel he should recognize the gentleman for that purpose at this time.

Mr. GLOVER. Then, Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Arkansas makes the point of order that there is no quorum present.

Mr. GLOVER. Mr. Speaker, I will reserve that point for a moment. I believe that if the gentleman will refer to this affidavit he will find that it is proof that this man was in the active discharge of his duty.

Mr. BACHMANN. Mr. Speaker, I told the gentleman from Arkansas that if he would assure the House that he knew this man was in the active discharge of his duty at the time of this happening I would not object.

Mr. GLOVER. I say that is my information from a man I know personally.

The SPEAKER pro tempore. The Chair will say to the gentleman from Arkansas that if he will renew his request at the close of the session the Chair will recognize him, but the Chair does not believe he should recognize the gentleman at this time.

Mr. TEMPLE. Mr. Speaker, if the Chair will recall what occurred in the House when the order was made for this evening session he will remember the question was asked as to whether it would be in order to ask to return to any bills back of the star. That point was settled, which implies that it is in order to return to bills not preceding the star.

The SPEAKER pro tempore. The Chair does not think that order carries with it any implication whatever, and the Chair believes we will make better progress not to return at this time to bills that have been objected to. The Chair has announced that he will recognize the gentleman from Arkansas before the House adjourns.

Mr. GLOVER. Then I will withdraw my point of no quorum.

JOHN HOLLY WILKIE

The Clerk called the next bill, H. R. 819, for the relief of John Holly Wilkie.

Mr. COLLINS. Mr. Speaker, I object.

Mr. CHRISTGAU. Will the gentleman reserve his objection?

Mr. COLLINS. Yes.

Mr. CHRISTGAU. This man was in active service and it happened that he was injured just before the compensation law went into effect. He is an old man, and the fact that he tried his best for years to get along without this compensation should certainly entitle him to some consideration when he appeals to the Government. I think this is a meritorious case.

Mr. COLLINS. We have been objecting to this class of bills.

Mr. CHRISTGAU. Were they of this type?

Mr. COLLINS. Yes. We have been objecting to this type of bills, and I think we ought to treat them all alike. I object.

M'ILWRAITH M'EACHARN'S LINE, PROPRIETARY (LTD.)

The Clerk called the next bill, H. R. 11541, for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.).

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent that Senate bill 4120 be considered in lieu of the House bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Senate bill was read, as follows:

Be it enacted, etc., That the claim of McIlwraith McEacharn's Line, Proprietary (Ltd.), against the United States for damages and loss alleged to have been sustained by it as a result of the collision between the U. S. S. *MacDonough* and the Australian coal barge *Werfa*, which occurred in Victoria Basin, Melbourne, Australia, on or about August 5, 1925, may be determined in a suit to be brought by the said claimant against the United States in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, without interest, and costs, if any, as shall be found to be due against the United States in favor of the McIlwraith McEacharn's Line, Proprietary (Ltd.), or against the McIlwraith McEacharn's Line, Proprietary (Ltd.), in favor of the United States, sustained by reason of said collision, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and upon the receipt of such notice it shall be the duty of the Attorney General to cause the United States attorney in the district to appear and defend for the United States: *Provided further*, That such suit shall be brought and commenced within four months of the date of the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

NELSON M. HOLDERMAN

The Clerk called the next bill, H. R. 654, for the relief of Nelson M. Holderman.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to call attention to the following statement made by the War Department:

The War Department is consistently opposed to legislation of the type carried in this bill, which would single out an individual of a class for preferential treatment to the prejudice of others of that class who may be equally deserving. Captain Holderman is one of many officers who rendered distinguished service during the World War, and who became incapacitated for the performance of active duty. He was placed on the retired list after less than nine years' commissioned service with three-fourths of the pay of his grade at date of retirement.

After careful investigation of this case, I can find no justification for extending to Captain Holderman any exceptional benefits which are denied to others who were disabled during the World War, and who have since been retired under the same conditions as Captain Holderman.

Accordingly, I recommend that H. R. 15187 be not favorably considered by your committee, and be not enacted into law.

That is signed by the Acting Secretary of War.

Mr. WAINWRIGHT. I should be very glad to answer the gentleman, but I know the sponsor of the bill would prefer to engage in the colloquy.

Mr. SWING. Mr. Speaker, the bill on which that report was written was stricken out by the committee, and the committee wrote its own bill. Their bill meets that report, at least to this extent, that it takes away any and all increases in pay or allowances. The committee did feel, however, after an exhaustive review of the evidence which was

presented, that three officers were outstanding in the Lost Battalion, Colonel Whittlesey, Major McMurtry, and Captain Holderman.

Mr. BLANTON. This man is retired on three-fourths pay. Will this bill give him any additional pay?

Mr. SWING. Neither past, present, nor future.

Mr. BLANTON. Mr. Speaker, I withdraw my reservation of objection.

Mr. STAFFORD. Mr. Speaker, I will have to object.

Mr. ARENTZ. Will the gentleman state the grounds of his objection?

Mr. STAFFORD. I will be glad to give my reasons. We are singling out for preferential rank certain persons in the Army, after they have been retired. You might make them generals.

Mr. ARENTZ. Are we doing any more in this bill than to give this man a ribbon? I would object to the bill myself if it did any more than that. That is a fair question and it deserves an answer.

Mr. STAFFORD. We are giving him rank.

Mr. ARENTZ. And a ribbon. That is all we are giving him. We are not giving him one dollar in the way of an increase. We are not giving him anything except a ribbon.

Mr. BLANTON. You are allowing him to walk into some public function ahead of somebody else.

Mr. ARENTZ. That is exactly the situation, and he is entitled to that.

Mr. SWING. May I direct the attention of the gentleman to the statement on page 2 of the report in which the War Department virtually says that but for the fact that this man was wounded three times on three successive days, and notwithstanding the tremendous pain and handicap he was under, stayed with his troops until the engagement was ended and his troops were withdrawn, he would have received his promotion. He was sent to the hospital, where he had to remain for several months, and while he was in the hospital the other promotions were made. If he had been an effective—that is, if he had had the physical ability to qualify for the higher grade—he would have been promoted, but because he was physically disabled by the service and sacrifice he had just rendered, he could not physically qualify for promotion.

Mr. STAFFORD. I was acquainted with that phase of the case.

Mr. WAINWRIGHT. May I take issue with those who say that this bill gives this man the rank of major? By the form of the bill, which was carefully prepared in the Adjutant General's office, it does not do that. It does not promote him as a retired officer. It simply promotes him on the record for the period that he was an emergency officer. As has been said by the gentleman from California, Colonel Whittlesey and Major McMurtry, the other two heroes who commanded the Lost Battalion—and of course, every man in that battalion was a hero—were promoted for their part in withstanding this siege. This man was severely wounded, while they were not wounded.

Mr. STAFFORD. Then there is no question in this case that this man will not receive any emoluments now or hereafter by the passage of this act?

Mr. WAINWRIGHT. I give the gentleman my most emphatic, personal assurance to that effect; and it does not even carry him as a major on the present retired list. It simply gives him the satisfaction of knowing that he was promoted as he deserved to have been at the time his two confreres were promoted.

Mr. STAFFORD. Could this bill be used as a precedent for a number of other cases?

Mr. WAINWRIGHT. Not at all. The gentleman will see by the terms of the bill that he is promoted as of October 9, 1918, the date the Lost Battalion was relieved, and then he is discharged from that rank at the time he ceased to be an emergency officer. It simply gives him this rank upon the record.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation of objection.

Mr. COLLINS. Mr. Speaker, I think I am going to have to object to this bill.

Mr. SWING. What is the gentleman's objection?

Mr. COLLINS. If we are going to begin this method of promotion, I think we should let every Army or naval officer step up to the table and take a slice of the pie.

Mr. WAINWRIGHT. May I say to the gentleman from Mississippi that there was only one Lost Battalion, and it is not possible that this could occur in any other case. It does not give this man a cent in the way of any emolument.

Mr. COLLINS. It will not be 10 days after the next session of Congress convenes before others will be coming here and asking the Congress to promote some officer who has pull.

Mr. WAINWRIGHT. No; this bill simply gives this man the satisfaction of knowing that he is receiving exactly the same treatment as the other two men.

Mr. SWING. If the gentleman will permit, there exists an obvious discrimination and the case was brought to my attention by this officer's colleagues who served with him. They pointed out to me that the sacrifice of his physical being, by his injuries, gunshot wounds received on three successive days, which sent him to the hospital for months, made it impossible for him to pass the physical examination for major and this was the one thing which prevented him from having identically the same treatment that the others received. He does not ask for any money, but he does feel that the Government ought to recognize the fact that his services were of equal value to those of Major McMurtry and Lieutenant Colonel Whittlesey and that he should be given the same promotion but without pay. That is all that is asked in this bill.

Mr. COLLINS. I have been consistently objecting to all congressional promotion bills.

Mr. SWING. But they were bills that involved a burden upon the Treasury. There is not a dollar, there is not a penny, involved in this bill, either for the past or for the future or at any time. Its purpose is to do justice only by removing a discrimination. I trust the gentleman will not deny this man, one of the outstanding heroes of the World War.

Nelson M. Holderman was one of the three outstanding officers in the Lost Battalion commanded by Lieut. Col. Charles W. Whittlesey. Capt. George McMurtry commanded the left flank, while Captain Holderman commanded the right flank. Captain Holderman, because of his unusual military record, was awarded the congressional medal of honor. He was also awarded silver star citation for act September 30, 1918; Italian croce di guerra; Belgian ordre de la couronne (officer); Belgian order of Leopold II (5th Cl.) (knight); croix de guerre, with gilt star (French); French Legion of Honor (chevalier).

Mr. Holderman's principal claim for consideration can be found in the statement of Lieut. Col. Charles W. Whittlesey of October 6, 1920, to the Secretary of War, in which he said:

He was wounded on October 4, on October 5, and again on October 7. Throughout the entire period, suffering great pain and subjected to fire of every character, he continued personally to lead and encourage the officers and men under his command with unflinching courage and with distinguished success. He personally supervised the care of the wounded, repeatedly exposing himself to severe machine-gun and rifle fire for that purpose, and, after assistance arrived on the 8th of October, he led his men out of the position before permitting himself to be attended.

During the entire period in which this detachment was surrounded by the enemy and cut off from food and supplies the work of two officers was conspicuous: Maj. George McMurtry (then captain), who commanded the Second Battalion, Three hundred and eighth Infantry, and acted as second in command of the entire detachment, and Captain Holderman. And the undersigned believes that the gallantry and initiative of these two officers was largely responsible for the successful defense of the position, and that the work of these officers was distinguished over and beyond that of the other members of the command, many of whom performed acts of signal bravery. Major McMurtry has already been awarded the medal of honor.

A great many letters and affidavits of former associates of Captain Holderman were filed with the committee which prove the unquestioned fact that he was an officer not only with great courage but also with exceptional ability. He sacrificed himself for this country. I ask the passage of this bill as a just and merited recognition of his fine record and his outstanding accomplishments as a soldier and an officer.

Mr. COLLINS. Mr. Speaker, I shall very reluctantly withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That on and after March 17, 1926, Capt. Nelson M. Holderman, United States Army, retired, shall have the rank and receive the retired pay and allowances of a major on the retired list of the United States Army.

With the following committee amendment:

Page 1, strike out lines 3, 4, 5, and 6, and insert in lieu thereof the following:

"That the President be, and he is hereby, authorized to issue to Nelson M. Holderman, now captain, United States Army, retired, a commission as major of Infantry, United States Army, with rank from October 9, 1918, and an honorable discharge therefrom as of October 21, 1919, he having been regarded as ineligible for promotion to the grade of major due to physical disability incident to the service: *Provided*, That no pay or allowance shall accrue by reason of the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NIAGARA FALLS

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to address the committee and speak out of order.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DEMPSEY. A treaty for the beautification and preservation of Niagara Falls was considered by the Senate Committee on Foreign Relations two days since. It was reported adversely wholly through a misunderstanding both of the facts and of the law. I want to state what those mistakes were. I ask unanimous consent to extend my remarks on that question.

The SPEAKER pro tempore (Mr. LUCE). Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Speaker and colleagues, there has been pending before the Senate for two years a treaty negotiated between this country and Great Britain for the preservation and improvement of Niagara Falls.

The Falls at Niagara are divided into two sections—the American Fall, 1,000 feet wide, and the Canadian Fall, separated from the American side by Goat Island, 3,000 feet in width. The American Fall has a straight line, and for its entire width it is covered by a flow of water and presents a beautiful cataract of foaming water descending the tremendous height of the Falls.

On the other hand, the Canadian Fall, through the formation of the river bed, has largely discharged the water on that side in the center or about 500 feet of its 3,000 feet of breadth, leaving 2,500 feet of bare, unattractive rocks. Through painstaking and careful investigation, involving in its course the development of a miniature but exact reproduction on an exceedingly small scale of Niagara Falls, it has been proved that the flow of the river may be spread over the entire 3,000 feet of width of the Canadian Fall, and it may be made as splendid, attractive, and grand a spectacle as that presented by the American Fall.

The beauty lovers, those who devote much of their time to arousing the public sentiment for the preservation of this beauty spot of the Nation, and the millions of tourists who come each year to see the grandeur of the Falls, through continuous agitation aroused public sentiment, and the State Departments of the two countries—Great Britain and the United States—resulting in the negotiation of a treaty for the construction of correction works, which will not alone stop the erosion of the Falls but will largely remedy the harm already done and make of this world wonder a grander and more attractive spectacle than it has ever been.

In arranging to have the work done the State Departments of the two countries concluded that the power companies on each side of the river, from their long experience with the river and its peculiarities and from the immense volume of work they have done from time to time, would know better what to do and how to do it than anyone else, and they would be more certain to assure the success of the undertaking by having such experienced and skillful hands than in attempting to have contractors who had done no previous work on the river, who had had no opportunity to observe it, and were not at all familiar with it.

Accordingly it was arranged that the two power companies—one on the Canadian and one on the American side of the river—should do the work at an estimated expense of one and three-quarter millions, and should pay for it by being allowed to divert and develop into power 10,000 cubic feet of water per second for the six winter months of the seven years succeeding the completion of the installment of the correction works. Canada ratified the treaty.

About two weeks ago the Senate Committee on Foreign Relations took up the consideration of the treaty. It was near the end of the session and every member of the committee undoubtedly had many times the work he could possibly do, and all of it of a most important nature, so that it was impossible to give the matter the consideration its importance demanded.

An engineer witness testified that the volume of water diverted by the Niagara Falls Power Co. would be the equivalent of 225,000 tons of coal for six months each of seven years, and that this coal was worth $3.07 per ton at Buffalo. Thereupon the following statements were made by distinguished members of the committee, namely:

It occurs to me that in order to save $600,000 we are giving about one-seventh of Niagara Falls for seven years, with an implication that it is going to be permanent. (20.) (Report of board, par. 17.)

Senator VANDENBERG. You say it is the equivalent of 225,000 tons of coal a year, which is 750,000 a year, which, in seven years is 5,250,000 tons. In other words, we propose to give the Niagara Power Co. 5,250,000 tons in value on an investment of $600,000; or we propose to give them their money back and 800 per cent profit. (30.)

Senator REED. You are giving one-seventh of Niagara Falls. That is how it appears to me. (31.)

Hastily concluding that these statements were correct, the Senate committee unanimously agreed to an adverse report upon the treaty.

The result is as striking an illustration as could be had of the fact that the great matter of preserving and enhancing the beauty of one of the seven natural wonders of the world, in which not alone our people who visit the Falls to the number of millions of tourists yearly, but the people of all lands are interested, should have patient and careful investigation, and when the Senators considering it have the time to ascertain the controlling facts relative to the subject.

The United States would not be giving away one-seventh of Niagara Falls for seven years, or at all, by ratifying this treaty. One can not give away what he does not own, and the United States never owned Niagara River. All it has is the right to control the stream for the purpose of navigation. Throughout our history, and from the time this country was formed to this day, the law has been that the bed of the stream belongs either to the State or to their grantees, subject to the control of Congress of navigable streams under the commerce clause of the Constitution, but for navigation purposes only.

I give a few of the great number of authorities upon this subject:

From the formation of the Federal Government it has been held, without interruption, that the title to the lands under all inland waters, navigable in fact, was not in the United States, but in either the State or the grantees, as the law of the State declared. (U. S. *v.* Chandler-Dunbar Water Power Co. (229 U. S. 53).)

Matter of Long Sault Development Co. (212 N. Y. 1, (18); 242 U. S. 272, 278–279).

* * * although the title to the shore and submerged soil is in the various States and individual owners under them, it is always subject to the servitude in respect of navigation, created in favor of the Federal Government by the Constitution. This

power is an incident of the expressly granted power to regulate commerce. (27 Ruling Case Law, sec. 233, p. 1324.)

Lands underlying navigable waters in State belong to respective States in virtue of their sovereignty and may be used and disposed of as they may direct, subject to the rights of public use in such waters, and to permanent control of Congress to control navigation. (Approved in U. S. v. Chandler Dunbar Water Power Co., 229 U. S. 60, 57 L. ed. 1074.)

That the law is that the Federal Government has no interest in navigable streams except for navigation purposes was recognized when the general water power bill was passed in the adoption of the policy that in issuing licenses for the development of power no charge should be made for water power other than a nominal one of 25 cents per horsepower, just sufficient to defray the expenses of administration of the water power act.

From the proceedings of the committee quoted by me it is obvious that the distinguished Senators on the Foreign Relations Committee started with the erroneous assumption that the Federal Government itself, by ratifying this treaty, would be transferring property to the Niagara Falls Power Co. Having reached this conclusion they began to inquire what its value was and how much the power company was paying for it. From the evidence before them they concluded that they were giving the power company $5,500,000 as a return on an investment of $600,000, or, as it was expressed, their money back and 800 per cent profit.

Even if the United States Government owned the water and by ratification of the treaty was transferring it to the Niagara Falls Power Co. for six months in each year of a 7-year period, the conclusion as to its value was wholly erroneous. The rates charged by the power company are controlled by the Public Service Commission of the State of New York, and they are allowed to charge such rates as will yield a fair return only upon the actual capital invested in their enterprise. At present the stock in the Niagara Hudson Power Co. is selling at about $10 per share, and it pays 40 cents a year, or 4 per cent. The stock sells now for only about half its price in prosperous times. So under ordinary conditions the stock earns about 2 per cent upon the investment. And it is not owned by a few wealthy men but among a very large number of people of moderate means.

The additional power would be distributed at prices to be fixed by the State commission, and would, it is fair to assume, earn about the same return of 4 per cent on the market price in periods of depression such as we now have, and of 2 or possibly 3 per cent in ordinary times.

Not alone is the price of electric current regulated by the public service commission, but the power company is subject to Federal, State, and city taxes, to the earning of money upon its invested capital, and to the expenses of operation. No one of these things is taken into consideration in the necessarily hurried computation made by the very able and distinguished Senators who constitute the Foreign Relations Committee.

On the contrary, it was erroneously assumed that the Government owned and by this treaty was conveying this water for a limited period to the power company; and the committee erred equally by assuming that the gross value of the coal of which the 10,000 cubic feet per second is the equivalent was a net profit to the power company, without taking into account Federal, State, and city taxes, cost of operation, or capital invested. It thus becomes obvious that the disapproval of the treaty was brought about wholly by errors as to facts and as to the law controlling the matter.

There can be no doubt that the able and distinguished Senators on this committee are just as anxious to preserve and increase the beauty of Niagara Falls as any other citizens of the United States. They will recognize, I have no question, the errors which they made, and which very naturally resulted from the fact that they were forced to give this exceedingly important treaty only a most hasty consideration at the end of the session. They will find, on going into the facts, that under regulation by the Public Service Commission of the State of New York the power company earns but a very small return on its invested capital; that it pays very large sums in Federal, State, and city taxes; that it has a heavy overhead; and that it will make only a modest return upon the sum it will invest in the dangerous and difficult work of placing correction works in the river, if it should determine to investigate this question rather than reach the only correct conclusion that the questions of rates and returns are for the State of New York, which will control them in the interest of the public.

Indeed, the work is so dangerous and so difficult, and at the same time it is so important to all of our people, that it should not fail and the Falls suffer additional disfigurement; that it should only be intrusted to the experienced hands of these two power companies. On the question of return the power companies have had, I learn, grave doubts as to whether they could afford to do this work for the small profit they will receive from being permitted to divert this water for the limited time named in the treaty. Indeed, it has been felt that if the State imposes, as it has the right to do, a considerable tax per horsepower, that the power companies could not afford to and would hesitate to undertake the work.

To illustrate, when the Grand Central Station was built in New York City the work was done while the railroad business of this, perhaps the greatest of all terminals, was being carried on in the usual way, and above the mass of live tracks. After letting the work to contractors and their attempting to do it, it was found that they were entirely unable to cope with the problems, and the New York Central Railroad had to take its own men and do the work. Just such is apt to be the experience here if the attempt is made to negotiate a new treaty and have the work done by some one other than the power companies. The work will cost several times what it ought to cost; it will be doubtful whether it will be done at all; and if it is done we can not be assured that it will be done in the best way or to produce the results desired.

Under these circumstances I am sure that the great Committee on Foreign Relations of the Senate of the United States will feel that consideration of this treaty should be resumed at a time when it can be undertaken patiently, carefully, so as to get a correct view of both the law and the facts, and when this has been done, I have no doubt from a long study of Niagara and the various problems its preservation involves, that this treaty will receive the unanimous approval of the committee and of the Senate.

MARGARET THOMKIN

The Clerk read the title of the next bill on the Private Calendar, H. R. 4858, for the relief of Margaret Thomkin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George Henry Thomkin, also known as Henry Tompkins and as George White, who was a member of Company F, Eleventh Regiment New Jersey Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 6th day of June, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 5, strike out "alias" and insert "also known as Henry Tompkins and as George White."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELIZABETH J. EDWARDS

The Clerk read the title of the next bill on the Private Calendar, H. R. 7525, for the relief of Elizabeth J. Edwards.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Justin Edwards, deceased, who was a member of Company G, Second Regiment New York Volunteer Mounted Infantry,

shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 2d day of June, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Line 5, after the name "Edwards," add the word "deceased" in parentheses.

Line 9, after the word "the," add "2d"; after the word "of," add "June, 1864".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELIZABETH MONCRAVIE

The Clerk read the title of the next bill on the Private Calendar, H. R. 8858, for the relief of Elizabeth Moncravie.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John W. Moncravie, alias John Wisner, deceased, who was a member of Company G, One hundred and seventeenth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 1st day of November, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS F. GIBBONS

The Clerk called the next bill, H. R. 9816, for the relief of Thomas F. Gibbons.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas F. Gibbons, who was a member of Battery I, Fourth Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the day of , 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Line 9, after the word "the," insert "29th," and after the word "of" insert the word "May," and strike out "1899" and insert "1900."

The amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WALTER G. HARRELL

The Clerk called the next bill, H. R. 9866, for the relief of Walter G. Harrell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Walter G. Harrell, who was a member of Company F, Eighth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 16th day of October, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

LUIS H. DEBAYLE

The Clerk called the next bill, H. R. 8998, for the relief of Dr. Luis H. Debayle.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,937.83 to Dr. Luis H. Debayle, of Leon, Nicaragua, as reimbursement for loss of drugs and other medical supplies taken from his pharmacy by personnel of the United States Marine Corps, in January and February, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

CHARLES A. HOLDER

The Clerk called the next bill, H. R. 11464, for the relief of Charles A. Holder.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles A. Holder the sum of $10,000 for injuries received and losses sustained as a result of being run down and over by a motor truck of the United States Marine Hospital in Carville, La., on February 23, 1926.

With the following committee amendment:

Line 6, strike out "$10,000" and insert "$1,000."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Line 9, after the figures "1926," strike out the period, insert a colon, and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

ROBERT PEASE

The Clerk called the next bill, H. R. 11839, for the relief of Robert Pease.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $554.70 to Robert Pease, postmaster at Beatrice, Gage County, Nebr., to reimburse him for funds stolen from the Beatrice post office by unknown persons on the day of November 17, 1928.

With the following committee amendment:

Line 6, strike out the words "to Robert Pease, postmaster," and insert "Galen E. Lichty, stamp clerk of the post office."

The committee amendment was agreed to; and the bill as amended ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

C. B. BELLOWS

The Clerk called the next bill, H. R. 12184, for the relief of C. B. Bellows.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. B. Bellows, out of any money in the Treasury not otherwise appropriated, the sum of $1,141 in full settlement of damages sustained on January 31, 1930, at the Municipal Airport, Long Beach, Calif., when the hangar owned by said C. B. Bellows was damaged by the crash of 0-2-U-I Landplane No. 7543, operated under the jurisdiction of the Navy Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

LELA B. SMITH

The Clerk called the next bill, H. R. 12239, for the relief of Lela B. Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lela B. Smith, widow of Harry A. Smith, late lieutenant, Officers' Reserve Corps, Air Service, United States Army, who was killed in an airplane accident while in the line of duty at Marshall Field, Fort Riley, Kans., on October 1, 1929, the sum of $1,575, being a gratuity equal to six months' pay at the rate received by Lieut. Harry A. Smith at the time of his death.

With the following committee amendments:

Line 6, at the beginning of the line, insert the word "second," and strike out the words "Officers' Reserve Corps, Air Service," and insert "Air Corps Reserve."
Line 9, strike out "$1,575," and insert "$1,181.22."

The committee amendments were agreed to; and the bill as amended ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

KENNETH G. GOULD

The Clerk called the next bill, H. R. 12679, for the relief of Kenneth G. Gould.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $199.50 to Kenneth G. Gould, lieutenant in the Medical Corps Reserve, as reimbursement for cost of shipment of personal property.

With the following committee amendment:

Line 6, strike out "$199.50" and insert "$186.17."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MARY ALTIERI

The Clerk called the next bill, S. 1042, for the relief of Mary Altieri.

Mr. BACHMANN. Mr. Speaker, I reserve the right to object. What did these injuries consist of to warrant the payment of $1,000 to this claimant?

Mr. IRWIN. This is a Senate bill. It came over from the Senate. The Post Office Department went into the matter thoroughly and recommended the payment of the bill. I read from the report:

Dr. M. A. Serritella stated that he was called to the home of Mary Altieri about 10 p. m. February 11, 1917, and found her in bed, pretty badly lacerated, and so much so that he was compelled to take 22 stitches in it; that her shoulder was badly bruised, but not dislocated; that the seventh and eighth ribs on the right side were fractured. He further stated that during the four hours that they worked with her he did not find it necessary to administer an anæsthetic; he further stated that in his opinion there were no internal injuries and that she was getting along very nicely. He further stated that there was no indication of skull fracture.

Mr. BACHMANN. I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Mary Altieri as compensation for personal injuries to said Mary Altieri, who was injured February 11, 1917, by a United States automobile which was carrying mail in the city of Chicago, Ill., at the time driven by an unidentified person.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

AYER & LORD TIE CO. (INC.)

The Clerk called the next bill, S. 1251, for the relief of the Ayer & Lord Tie Co. (Inc.).

Mr. BLANTON. Reserving the right to object, does the gentleman think that this sum is the proper amount?

Mr. IRWIN. I do. The gentleman knows the Comptroller General does not recommend things unless he feels they are just. There was no authority to pay, on account of some contract, but the Comptroller General recommends that this bill is just and should be paid. On the strength of that we made the recommendation.

Mr. STAFFORD. This is a Senate bill?

Mr. IRWIN. Yes.

Mr. BLANTON. Did the gentleman's committee investigate this matter?

Mr. IRWIN Yes, we did; on the report and also by report from the Attorney General.

Mr. BLANTON. Did the committee report a similar bill?

Mr. IRWIN. No; we just take the Senate bills.

Mr. BLANTON. But did the gentleman's committee appoint a subcommittee to make an investigation of the Senate bill?

Mr. IRWIN. Yes.

Mr. BLANTON. And then the entire committee approves the bill?

Mr. IRWIN. Yes. We report it back to the full committee and they approve it.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be authorized and directed to allow the Ayer & Lord Tie Co. (Inc.), Railway Exchange Building, Chicago, Ill., the sum of $2,306.64 as increased expenses of performance of contract dated August 21, 1926, between the United States, represented by Willis E. Teale, captain, Corps of Engineers, United States Army, for the Mississippi River Commission, and Ayer & Lord Tie Co. (Inc.), for certain construction work on the steamship *Mississippi* and resulting from 118 days' delay of the Government in delivery of the vessel to the contractor so that the work could be performed. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,306.64 for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PATRICK J. MULKAREN

The Clerk called the next bill, S. 4070, for the relief of Patrick J. Mulkaren.

Mr. STAFFORD. Reserving the right to object, I have gone over this bill and the report very carefully. I have no objection to the bill in the form that it passed the Senate, but I do not think that we should adopt the amendment in lieu of the third provision which has been stricken out by the committee. I think the payment of $6,000 is ample to this gentleman for the loss he suffered. If that is agreeable to the author of the bill and to the committee, I have no objection.

Mr. McKEOWN. That is satisfactory.

Mr. STAFFORD. With that understanding, I withdraw the reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Patrick J. Mulkaren, Wewoka, Okla., the sum of $6,000 in full satisfaction of his claim against the United States for (1) the value of certain homestead lands to which a patent was issued to him on September 21, 1925, but title to which was subsequently determined to be in the State of Oklahoma, (2) the value of land taken from him and the value of his improvements upon such lands, and (3) reimbursement of all amounts paid by him to the United States in connection with such lands prior to the issuance of such patent.

With the following committee amendment:

Page 2, line 1, after the words "lands," strike out "and (3) reimbursement of all amounts paid by him to the United States in connection with such lands prior to the issuance of such patent" and insert:

"*Provided*, That in lieu of the amounts paid by him to the United States in connection with such lands prior to the issuance of patent, he may make entry of other lands to the amount of 160 acres under the general homestead law, or 320 acres under the enlarged homestead law, or 640 acres under the stock raising homestead law, anywhere in the United States where there are public lands subject to such entry, and receive United States patent for such lands without payment to the United States of any fees, commissions, or other moneys, and without further compliance with the homestead laws."

The committee amendments were rejected.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES JOHNSON

The Clerk called the next bill, H. R. 4799, for the relief of James Johnson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws James Johnson, who served as a private in Troop F, Tenth Regiment Kentucky Volunteer Cavalry, from September 9, 1862, to September 17, 1863, and in Company A, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, from September 19, 1864, to December 19, 1864, shall hereafter be held to have been honorably discharged from the military forces of the United States on December 19, 1864: *Provided*, That no pay, bounty, pension, or other emolument shall accrue prior to the enactment of this act

With the following committee amendment:

Strike out all after the enacting clause and insert:
"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Johnson, who was a member of Company A, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 19th day of December, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANZ J. JONITZ, FIRST LIEUTENANT, QUARTERMASTER CORPS, UNITED STATES ARMY

The Clerk called the next bill, H. R. 2697, for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report a Senate bill, S. 988, in lieu of the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army, such amount as he may have refunded to the United States on account of the loss of public funds for which he was responsible amounting to $215.56 and which were stolen from the safe of the agent finance officer at Fort Meade, S. Dak., on or about March 31, 1928; and that both he and H. G. Salmon, major, Finance Department, United States Army, whose agent officer Lieutenant Jonitz, was relieved from further responsibility therefor.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

FRED W. BOSCHEN, LIEUTENANT COLONEL, FINANCE DEPARTMENT, UNITED STATES ARMY

The Clerk called the next bill, H. R. 4242, for the relief of Fred W. Boschen, lieutenant colonel, Finance Department, United States Army.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Fred W. Boschen, lieutenant colonel, Finance Department, United States Army, in the sum of $1,165.58, being payments made by him to officers of the Regular Army for traveling expenses and disallowed by the Comptroller General: *Provided*, That the amounts so paid shall not be charged against any moneys otherwise due payees.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALBERT G. DAWSON

The Clerk called the next bill, H. R. 6763, for the relief of Albert G. Dawson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Albert G. Dawson, who was a member of Company A, Ninth Battalion Ohio Volunteer Infantry, and Tenth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the latter organization on the 11th day of March, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DANIEL W. SEAL

The Clerk called the next bill, H. R. 8848, for the relief of Daniel W. Seal.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Daniel W. Seal, who was a member of Company B, Fiftieth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 25th day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ROBERT H. WILDER

The Clerk called the next bill, H. R. 6772, for the relief of Robert H. Wilder.

Mr. STAFFORD. Reserving the right to object, the gentleman from Massachusetts has given me some facts about this bill that are not covered in the report. I was going to have the benefit of the testimony, but unfortunately I did not have time to review it. I gained the impression from reading the report that this claimant was engaged in this work for his own benefit. The gentleman has stated to me that was not the character of his service.

Mr. TREADWAY. The character of the service, as explained to the gentleman, was at the request of the State of New York in relation to the defense of the city of New York from antiaircraft attack. The trip that he made abroad with two other officers of a New York organization was with the official consent of the War Department, and the passports provided the gentleman in making the trip bore that indorsement. So that it was not a personal trip in any shape or manner. The original request came from the mayor of New York, Mr. Mitchell, who, at the opening of the war, was considerably exercised as to the possibility of aircraft attack against New York City.

These gentlemen, who were connected with a well-known State organization, at the request from the mayor and backed by the governor of the State, came down to Washington, secured the permission of the War Department, and were regularly assigned overseas.

Mr. STAFFORD. Could not this bill be used as a precedent in many other cases, where persons went abroad in a civilian capacity and suffered injury by reason of their investigation, even as a member of the State militia? The report of the War Department states positively that he was not in the military service of the Government.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. WAINWRIGHT. He might not have been in the military service of the United States, but he was in the service, being in the militia of the State of New York. The uniform he wore was precisely the same uniform. He was accorded to the headquarters of the Army at Chaumont, where he and these other two gentlemen reported to General Pershing. One was assigned to Paris and went to London, and this man to the French front line; and there while in uniform, while serving with the French forces, he suffered practically a wound. He was quite severely gassed.

In other words, he was subjected to all the hazards of front-line service.

Mr. PATTERSON. I want the distinguished gentleman from Massachusetts to make any statement he wishes rela-

tive to this matter, but, according to the policy we have followed in cases like this, I do not think I could let this bill pass without objection.

Mr. TREADWAY. That is perfectly satisfactory, of course.

Mr. PATTERSON. It is with no feeling, except that the bill comes in the class of bills to which objections have been made.

Mr. TREADWAY. Will the gentleman be kind enough to state what his objection is, in order to see whether we can not clear it up?

Mr. PATTERSON. This man was a member of the National Guard, and this bill would enable him to go before some board and be retired on three-fourths pay under the emergency officers' retirement law, when he was only a member of the National Guard. That is my objection.

Mr. TREADWAY. I will state that the three gentlemen referred to were not members of the National Guard that was called to service as Federal troops. They were members of a New York State organization which had been recruited to the number of about 1,000 under General Delafield. General Delafield was the one man who urged this work to be done in behalf of the State of New York, under the supervision of the Federal Government. The point at issue is this: These three men did what the War Department itself said was a splendid work. Their indorsement of the report bears that language.

Mr. PATTERSON. There is no question about that in my mind.

Mr. TREADWAY. Then one of them was immediately attached overseas to General Pershing's staff and he was assigned by General Pershing. The other two came home to make their report. The man in behalf of whom this bill appears had been so seriously gassed at the front that he was not qualified to be admitted into the service on his return home. The two who accompanied him and came back home to make their report were taken into the Federal service.

This man offered his services but the condition of his lungs was such, as the result of the gas he had inhaled at the front, that he was prevented by the medical officers from being taken into the Federal service. I assure my friend he was under our flag at the request of our War Department, was overseas with a passport issued by Secretary Lansing, was recommended by the War Department to General Pershing, and was assigned by General Pershing to the front ranks where he was gassed.

Mr. PATTERSON. There is no question in my mind about that, and the excellent statement the gentleman has made makes me regret that I must object; but I must object on the ground of the precedent it might set.

Mr. TREADWAY. Is it the question of the precedent that is troubling the gentleman?

Mr. PATTERSON. Yes. We are going to retire this man, who is a member of the National Guard, on three-fourths pay.

Mr. TREADWAY. In relation to the precedent feature, here are three outstanding men, and to grant this relief to this man would establish no precedent in any way, shape, or manner, because two men who accompanied him were taken into the Federal service, but this man was so ill that he could not be accepted. So there could not possibly be any similar case to it and there is no way of establishing a precedent.

Mr. PATTERSON. Well, I suggest that we let it go.

Mr. TREADWAY. If it goes to-night, it is gone.

Mr. PATTERSON. But if it is a meritorious case, it can be taken up later.

Mr. TREADWAY. I am afraid this man will not be living if the bill is not passed now. This bill has been on the calendar for a year, and this is the first opportunity I have had to get it before the House.

Mr. PATTERSON. I shall have to object to-night.

Mr. BLANTON. Mr. Speaker, may I ask the chairman a question. It is now almost 10.30. We are going to have a hard day to-morrow. There will be suspension after suspension and some important bills to consider. Does not the gentleman think we have gone long enough? I wish the gentleman would agree to a recess until to-morrow.

Mr. COLLINS. Mr. Speaker, I demand the regular order.

ALLEN HOLMES

The Clerk called the next bill, H. R. 12316, for settlement of claim of Allen Holmes.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, here is the case of a young colored boy who was below the draft age being deprived of his liberty for some time by order of the local draft board. The phase of the bill which is causing me some disturbance is that the Acting Secretary of War says:

Since the proposed bill, if enacted into law, would create a precedent under which others having the same status could, with equal justice, claim similar legislation, the whole question of relief for this class of personnel is indirectly involved.

Mr. IRWIN. The war has been over for 12 years and this is the first case of this kind that has ever come up. There may be other similar cases but I do not believe so. I do not believe the Government has any right to deprive anybody of their liberty, as was done in this case.

This young man was about 17 years of age. He was under the draft age, and for some unaccountable reason he was put in jail and kept there four or five months. He was a poor boy who had to earn his living and he has asked that he be paid $18 a week for the time he was in jail.

Mr. STAFFORD. It is not the amount involved that is troubling me.

Mr. IRWIN. Will the gentleman let me explain further? We cut the amount about in half. The report states—

The War Department feels that the above question is one of national policy that the Congress should decide and therefore prefers to make no recommendation.

They feel that Congress ought to decide this question, and I may say that this is the first bill of the kind that has come up since the war.

Mr. STAFFORD. There have been bills reported by the gentleman's committee which the gentleman's committee should not have taken jurisdiction of, because they involve matters of policy. I think this bill should have been considered by the Committee on Military Affairs as it involves a question of policy, but the Chairman of the Claims Committee has done such wonderful service that I perhaps should withdraw that statement.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I am glad the committee has reduced the amount involved by a committee amendment.

Mr. STAFFORD. Oh, it is not the amount that is troubling me.

Mr. SCHAFER of Wisconsin. In fact, this is a questionable bill, to my mind. This man was taken into the Government service on September 7 and he was hospitalized for a venereal disease——

Mr. IRWIN. No; the gentleman has the wrong bill.

Mr. STAFFORD. No; my colleague from Wisconsin is right.

Mr. SCHAFER of Wisconsin. I have the report here on the bill H. R. 12316, calendar No. 966.

Mr. STAFFORD. The gentleman is absolutely right.

Mr. SCHAFER of Wisconsin. This report shows that he was taken into the Government military service on September 7, 1918, and he was hospitalized by the Government from September 10 to October 1, 1918, for a venereal disease, which was not the result of his Army service, and he was further hospitalized from December 30, 1918, to January 14, 1919, for mumps, bilateral; in fact, instead of presenting a claim for relief out of the Federal Treasury, I believe this man ought to be making an offer to pay the Federal Government for taking care of him and treating him for this disability. However, since the report from the department is not directly against the enactment of the measure, and since the committee has reduced the amount, in order that no injustice may be done and in order that no policy may be established which will prevent minors who have been taken into the service unlawfully from obtaining relief in the future, I shall not object.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think the statement made by my colleague shows almost conclusively that the time he was detained he was in the hospital for treatment, and the very day after he was released from the hospital he was released, and therefore I object.

Mr. IRWIN. Will the gentleman withhold that one moment?

Mr. STAFFORD. This is a question of policy that should be determined by the Committee on Military Affairs, as to whether those who happened to have been detained during the war for some reason or other for a certain time should be compensated.

Mr. BLANTON. On the question of policy, does not the gentleman think that when the Government takes boys away from their homes and keeps them for two or three or four months before it determines whether they want to send them to France or not, and then sends them home—does not the gentleman think that the Government should pay every one of them as a matter of policy?

Mr. STAFFORD. Oh, during the war a person's liberties were often invaded and they were deprived of certain liberties in many instances. It is the question of policy that I object to. I object, Mr. Speaker.

INTERNATIONAL MANUFACTURERS' SALES CO. OF AMERICA (INC.)

The Clerk called the next bill on the Private Calendar, H. R. 10064, for the relief of the International Manufacturers' Sales Co. of America (Inc.).

Mr. STAFFORD and Mr. BLANTON objected.

SYDNEY THAYER, JR.

The Clerk called the next bill on the Private Calendar, H. R. 11930, for the relief of Sydney Thayer, jr.

Mr. COLLINS. Mr. Speaker, I object.

MARY WILLOUGHBY OSTERHAUS

The Clerk read the title of the next bill on the Private Calendar, S. 3646, an act granting an increase of pension to Mary Willoughby Osterhaus.

Mr. BACHMANN. This bill has been taken care of, and I think it should be laid on the table.

The SPEAKER pro tempore. Without objection, the bill will be indefinitely postponed.

There was no objection.

LIEUT. COL. TIMOTHY J. POWERS

The Clerk read the title of the next bill on the Private Calendar, S. 325, an act for the relief of former Lieut. Col. Timothy J. Powers.

Mr. COLLINS. I object.

JOHN W. BARNUM

The Clerk read the title of the next bill on the Private Calendar, H. R. 834, for the relief of John W. Barnum.

Mr. COLLINS. Reserving the right to object, I have an amendment to strike out in line 4 the words "instructed to receive and determine" and substitute the words "receive and consider."

Mr. DOXEY. I think that amendment is well taken. I reported the bill, and I have no objection to the amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is hereby authorized and instructed to receive and determine the claim of John W. Barnum, a former employee of the United States Shipping Board, without regard to the limitation of time within which such claims are to be filed under the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended.

Mr. COLLINS. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

In line 4, after the word "authorize," strike out the balance of the line and the word "determine," in line 5, and insert the words "receive and consider."

Mr. DOXEY. The effect of that amendment is that the Employers Liability Compensation Commission may consider the claim on its merits and if found meritorious to so determine and not have the statute of limitations run against it.

Mr. COLLINS. That is right.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

At the end of the bill insert the following:

"*Provided*, That no benefit thereunder shall accrue prior to the enactment of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A SPECIFIC FARM-RELIEF PROGRAM

Mr. LANKFORD of Georgia. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. LANKFORD of Georgia. Mr. Speaker, in spite of the many promises that have been made to the farmers of the country they are in a more deplorable condition than ever before. There has been an overproduction of promises in their behalf and almost a total absence of really worth-while legislation.

For fear some one will challenge this statement, let me refer very briefly to at least three outstanding pieces of legislation passed and labeled as farm relief, to wit, the Federal farm loan act, the intermediate credit bank act, and the Federal farm marketing act. Generally, I charge that all these acts are failures, have done the farmer no real good, and in many instances have caused his ruin. I am willing to call the farmers themselves as my witnesses to prove not only this charge but also the others I shall make presently. Ask the farmers whether their condition has become worse or better since the enactment of these laws. Almost without exception they will declare that they are losing out in greater numbers than ever before and in many cases as the direct result of the cold-blooded tactics of some of these institutions brought into being by the laws just mentioned.

To be more specific, let me say that I find it much more difficult to secure the extension of a loan in default which is held by a Federal loan concern than I do where it is held by a life-insurance company or some private loan concern. Thus it is that these agencies set up to help the farmers are getting his land, mulcting him in unconscionable attorneys' fees, and, like heartless pirates, are turning him, his wife and children out in the cold, cruel financial world without food, clothing, or shelter and without means of support.

The farm loan act was designed to help others exploit the farmer rather than to be of real service to the farmer, and now, during this awful depression, the plundering of the farmer under this act is being carried to cruel and heartless extremes.

What I have said about the Federal farm loan system is equally true of the intermediate credit bank system.

I shall not go into detail at this time. Suffice it to say that anyone who has attempted to secure money for the farmers through this system will corroborate what I say. Some of my good friends in Georgia are doing their best to make arrangements for some help for the farmers of my district. I know what they are up against and certainly wish them Godspeed.

About all these two systems do is permit the farmer to try to lift himself over the fence by pulling on his own boot straps, charge him exorbitantly for the experiment, and ruin him if he fails. I am sure some individual farmers have been helped by these systems, but many more have not been helped or have been ruined.

Generally, these and all other so-called farm relief acts provide for the farmers' eternal exploitation rather than

their financial salvation. They help others to make money out of the farmer rather than help the farmer to get a square deal. Many of those who supported these measures acted in the best of faith, but as is always the case the profiteer, the speculator, and those who consider the farmers as only cattle and to be handled and herded only for the money that can be obtained by their slaughter were ever present by lobbyist, high-salaried counsel, and office seeker, to see that the bills were finally shaped to suit them and not for the best interest of the farmers of the country.

Of course, there is some good in these bills. The deadliest poison may be sugar-coated. The passage of these and other loan measures by Congress are not only repeated admissions that the farmer is not getting a square deal, but is being robbed. Help the farmer get a fair price for his product and he will not need any farm-loan system. He will have all the money he needs and to spare.

Oh, if Congress would only enact a proper marketing act for the farmer, all else would be well with him. Banks have been closing all over the country. Why? Simply because the farmers and the common folks who keep the small banks going are losing out. To be more specific, many banks closed in my section last year that would have kept open and been in good shape if the farmers had received a fair price for their cotton, tobacco, and other farm products.

The prices at which the farmers' tobacco is being taken—not purchased—is only one illustration of the awful robbery that is being perpetrated. The farmer gets only a few cents for a pound of tobacco which when manufactured into cigarettes sells for many dollars. The farmers and their families are being reduced to peasantry and abject slavery, while the manufacturers are making millions upon top of millions of profits.

What is the Government doing to help this situation? The truth about the situation is unbelievable. In 1929 the Government received in taxes from the manufactured products of tobacco $43 net every time the farmer got $28 gross. For the purpose of emphasis, let me repeat, the Government got net $43 every time the farmer got $28 for all of his labor, use of his land and farm property, fertilizer, and every other farm cost. Just think of it, the Government gets out of a tobacco crop a dozen times as much and even a hundred times as much as the farmer gets net. In fact, in most cases the Government and the manufacturers or exporters get all the profit, while the producers are being ground into oblivion by a system of torture more cruel and inhuman than was ever inflicted on ancient peon or galley slave.

Much has been said about the Government subsidizing the farmer. This is not the case. In so far as the tobacco producer is concerned, the farmer is subsidizing the Government to the tune of approximately $500,000,000 a year.

This money received by the Government each year out of the farmers' tobacco crop is the equivalent of the entire amount put up for use by the Federal Farm Board in handling the marketing of all farm products. And still neither the tobacco growers nor the cotton producers of the South have ever received any real benefit from the Federal Farm Board and I very much fear never will.

Since my discourse has brought me to mention the Federal Farm Board and since in the beginning of my statement I named the Federal Farm Board Act as one of the three outstanding farm relief legislative failures, I shall now briefly discuss this act and the activities under it.

Just here let me say I have great respect for the members of the Farm Board and have the fullest confidence in their honesty as public officials. I regret very much, though, to say I have little or no faith in the law under which they are operating. I have repeatedly said that the Farm Board officials are not to blame for the failure of the marketing act, but that Congress is to blame for the passage of a so-called farm relief measure filled with so many disabilities and glaring inconsistencies.

I believe the present Farm Board would like to help the farmer. I also believe that it can not render real permanent service to the farmer by the law as now written. I firmly believe the present act should be either amended in many very vital particulars or repealed entirely and a new law passed in its stead.

My convictions on this subject are strong and have existed since the present plan was first proposed, several years before it was finally enacted in June of 1929. The RECORD will disclose that I criticized the present marketing plan much more severely before it was passed than since it enactment. Since it became law I have all the while been hoping it would prove to be a better plan than I had believed it to be. I have been most anxious to help the membership of the board make the most of the scheme. I do not want any word or act of mine to impede them in any proper course they may pursue.

I feel that the plan is bound to fail. I can not see how it can possibly work without an effective control of both production and marketing. I am most anxious for the board to do its best under the law and let the farmers of the country and their friends see whether the law provides real farm relief or is a failure and must be amended if real relief is to come to the producers.

Progress is being made even by the failures under the present act. All students of the farm problem are more and more seeing the defects of the present law and are planning for something better. The law will be amended in the near future and I hope for the best to come of the changes.

The recent passage of the naval-stores provision enables the Federal Farm Board to aid in the marketing of three south Georgia products of prime importance, as well as several other products not as yet produced in such great quantities in this section of the country.

The production of cotton, tobacco, and turpentine at a reasonable selling price means prosperity for all the coastal-plains section of Georgia and the other Southern States.

It is hoped that the Federal Farm Board will render every possible assistance to the producers of these products. As I have just said, it is supremely important that the Federal Farm Board not only help all producers in every way possible but ascertain without delay by practical demonstration any and all defects of present marketing act to the end that proper amendments may be made at the earliest possible moment.

The entire marketing act is based on and revolves around the organization of the producers. The farmers must organize; the organization must be loyal to the farmers and the Federal Farm Board must give the farmer and his organization the fullest possible benefit of the act and with Congress work out and put into force such additional laws and regulations as will ultimately put the farmer on a parity with other businesses and enterprises as has been so often promised.

I repeat, personally I feel that real farm relief can only come from effectively controlling production and marketing by a contract system under which and by which a fair price will be assured the producers for the basic farm products. Of course, this control of production and marketing, thus bringing about not only price control but price elevation, can only be accomplished by efficient organization of the producers. Of course, I have some well-defined ideas as to how Congress can amend the marketing act so as to bring about this "consummation devoutly to be wished," but that involves a plan which I have many times heretofore discussed more in detail and of which I shall tell much more in the future.

Since the Federal Farm Board operates through cooperative associations, stabilization corporations, and other intermediary agencies, it follows that these agencies which occupy the ground between the board and the farmer must act in good faith and to the best interest of both the farmer and the board or become unworthy of a place in any honorable farm-marketing scheme.

One of my criticisms of the bill was that under it these intermediary agencies might exploit the farmer for the agencies' own selfish interest. I am now convinced that my fears were well founded. It is becoming known that some are brazenly robbing the farmers under the guise

of operating under a so-called farm relief act. I am now sure that I was right when I suspected some of these same individuals did not want a law to help the farmer but sought only to plunder the farmer within the law. They desired a law as a smoke screen behind which, with all the greed for gold and disregard of human life of the pirates of old, they might descend upon, plunder, and kill the farmers, their wives, and children. I am talking about those in the stabilization and cooperative associations, who are not giving the board, the farmers, or any one else a square deal and are willing to wreck the other cooperative associations or other farm agencies in order to accumulate for themselves a hoard of stolen property.

I am not talking about the organization that is endeavoring to help the farmer, neither am I discussing any official who is drawing a reasonable salary and with all his powers is serving the producers of the Nation. I am not talking about an honest man, but I am talking about a man who under the guise of helping the farmer is a greater thief and a viler wretch than the man who goes out at night bent on committing robbery with a gun in his hand and murder in his heart.

Will the farmer never get a square deal? He never has been accorded the same treatment which during all these years has been graciously bestowed upon others. He has more patience than Job, and all the while has kept doing his best, but unless he gets some relief, and that speedily, he is coming to the end of the way. As a free, independent individual the farmer is about to disappear from the earth. He can not carry his present load and keep on going.

The Government which the farmer founded, the Government which he has supported and defended all these years, and the Government which can not exist without him is deliberately destroying him. Under our present economic system, as sustained and made possible by laws enacted by Congress the farmers are losing out. Their homes are being sold by foreclosure and the country is shifting from the individual home-owning, independent farmer to mass production by great corporations.

Unless proper laws are enacted at once the independent individual on the farm and in business is to be superseded by great corporations and monopolies. The individual farmer and business man will become a hireling and will no longer patronize the corner grocery store or drug store of his neighbors, for they will be relics of the past. Neither will he patronize a chain store, for he will be getting his clothes and rations from a commissary of the boss corporation which owns and cultivates thousands of acres, including his old home place. Some say there is no danger of such a situation. Let us see if there is.

Lands of the farmers are being sold by foreclosure to the big loan concerns. These companies do not want to keep these lands. They are going to sell them. If the farmers can not get them again, they will pass into the ownership of corporations engaged in chain farming or mass production, and the very thing I so much fear will be here and to stay.

A recent issue of the Washington Star carried an article from the pen of Mark Sullivan, from which I quote, as follows:

> During several days last month a Kansas newspaper, Victor Murdock's Wichita Eagle, recorded that the Republican State convention of last summer had adopted a plank about farming by corporations. The plank read: "The Republican Party is opposed to corporation farming and believes that the future welfare of Kansas depends upon Kansas farming remaining in the hands of the individual Kansas farmers." And the House of Representatives of the Kansas Legislature during January passed two resolutions, one calling on the State attorney general to start proceedings to oust farming corporations from Kansas. The other was a bill to prohibit the chartering of any corporation proposing to engage in farming. The prohibition expressed in the bill was specific and extensive. As approved for passage the bill would "prohibit the chartering of any corporation proposing to engage in the agricultural or horticultural business of producing, planting, raising, harvesting, or gathering wheat, corn, barley, oats, rye, or potatoes and apples or other fruits, or any other agricultural or horticultural crop, or the owning, keeping, breeding, or raising of poultry or livestock and the milking of cows for dairy purposes."
>
> One wonders what we have here. Is corporation farming a valid economic innovation? Is farming in the future to be carried on in units of several hundred or several thousand acres by corporation owners that employ farmers in the way that corporation manufacturers employ factory hands? If it is a valid economic innovation, will the action of the Kansas House of Representatives appear in history as a vain attempt, even though a most appealing one, to resist economic evolution? If corporation farming is justifiable on economic grounds, is it deplorable on social and sentimental grounds? Do the economic advantages to the country outweigh the detriment to the individual farm owner who is displaced?

I quite agree that the mere passage of a bill declaring against farming by corporations will probably be ineffective. The effect of an economic pressure is terriffic and can only be overcome by a similar counterpressure or by removal of the original force.

If farming is so unprofitable as to force the independent individual farmer out, then he simply loses out; it matters not how many laws may provide that big wealth shall not buy up the farms and run them on a large scale with machinery and cheap labor. There is no way to keep the farms now owned by Federal land banks and other long-term loan concerns from being bought up and cultivated by a big corporation unless we provide a way for these lands to get back into the ownership of the farmers of the Nation.

In brief we must change our economic system by passing real farm relief legislation and enabling the farmers to regain their property and keep it. This will never be done by the big parties making promises in glittering generalities and never keeping them or intending to keep them. Not only hundreds but thousands of men run for Congress every two years, and declare their purpose to work for and vote for farm relief without any idea what real farm relief is, with no purpose to vote for legislation for the farmers and with the deliberate and malicious intent to support no bills or moves except those which enable the profiteers and speculators to get a firmer strangle hold on the private individual farmer, business man, and laboring man. Let campaign promises be specific and let them be kept.

The expression "farm relief" has come to mean absolutely nothing. Everyone construes it to suit his own purpose. The high-tariff advocate says high tariff is farm relief; the low-tariff man says low tariff is farm relief. The big corporation man says save the corporations and big business and these will save the farmer. Those with counterviews say corporate greed is destroying the farmer. One says Government operation of Muscle Shoals would be farm relief; the other says this would destroy private initiative, hurt business, and injure the farmer. Both are declaring they favor farm relief. The liquor man says, sell more corn liquor; help the price of corn, and bring about farm relief. The dry advocate says let us have prohibition, eliminate unnecessary expenditure and the evil effects of drunkenness, help the common people, and bring about a better citizenry and farm relief.

I could go on almost without limit. All of which shows that we need not only definite promises but definite performances, not by only a faithful few but by enough to pass and put into full force and effect real farm-relief legislation of a definite specific nature. I know many are already saying, "Mr. LANKFORD, tell us what you mean by definite specific legislation for the farmer, and how are we to get it?" That is a proper question and I shall attempt to answer it.

To begin with let me say I have worked out, introduced in Congress, and am fighting for with all my God-given faculties, a contract-marketing plan whereby and under which the farmer would agree in writing to allow his acreage and marketing of cotton, tobacco, and other basic crops to be controlled with the distinct understanding and agreement that the farmer is guaranteed a fair price of more than twice what he is now getting, for what he does produce on the limited acreage.

This is a very specific, definite proposal, and having discussed it so fully heretofore, I shall now pass it, without attempting to go more into detail except to say it is, to my mind, the only plan yet proposed which will enable the farmer, within reasonable limits, to name the price of what

he sells like other people and concerns, thus putting the farmer on a parity with other businesses and enterprises as promised by both the Democratic and Republican Parties.

It is not only important to help the farmer get a good price for his products and thus obtain his reasonable share of money but it is equally as important to see that he is not unfairly deprived of his money or robbed of that which is justly his own.

Thus we come next to tariff and taxation. The tariff is old and yet very much alive. Under the high tariff system, every store, shop, and market place is a tax-collector's office where money is collected by the millions, in a small way, for the Government and in tremendous amounts for the protected manufacturer and other corporate concern. Under this system every store or other place where goods are sold is a cruel, heartless tax collector's office where the poorest of the poor and every purchaser must pay tribute to the immensely rich or go naked and starve. When the last penny has been squeezed from the starving, freezing multitude, these millionaire tax gatherers, despise those whom they have robbed and vigorously urge that it is uneconomic for a few pennies of this stolen money to be used to buy soup for those who have been robbed, murdered, and left dying. Since others are giving this subject serious consideration I shall pass it to deal with a specific proposal of mine to relieve the tax burdens of the farmer and common citizen.

My plan is easily understood, provides for no big salaries, and will, without doubt, relieve the poor of a considerable tax burden, and therefore it is hard to get support for it from those who preach farm relief and laws for the laboring man but practice doing the will of the profiteer and the rich interest. Taxes must be paid by some one and the common man has always borne more than his share and any effort to shift part of the load to the more wealthy class is sure to meet strong opposition and all kinds of misrepresentations.

It has often been said that Congress can do nothing about the tax burdens of the State, county, or city. This is a mistaken idea. Before mentioning my plan let me name at least three other instances where the Federal Government can help in local tax matters. First, increase the inheritance tax on large inheritances and large incomes and leave certain other incomes to be taxed for State purposes. Second, let the Federal Government remove all or a large part of the tax assessed against manufactured tobacco and leave these commodities to be taxed by the State for local purposes.

In fact, I have spent much time working on, and have about perfected, a plan whereby the Government can relieve the part of the tobacco tax in such a way as to not only help the tax situation in the States but become a part of my marketing scheme to elevate and stabilize the farmers' prices on a fair and living basis.

Third. Another change that will be very beneficial to the States and the people of the respective States is a Federal act giving the States the right to tax national banks the same as State banks, but without discrimination against or in favor of either.

Now, let me get back to my proposal which is to submit to the States a resolution proposing an amendment to the Federal Constitution providing that every head of a family shall have the right to own free from all taxes whatsoever $5,000 worth of land or other property when used for home purposes.

Anybody can understand this proposed amendment. It will actually bring relief to the man of small means and cause some additional burden to those more able to pay and who are getting more out of the Government. This provision will not only help the farmer and laboring man, it will help business generally. There will be more homes which means more homes will be built, more homes furnished, and more homes supplied. All that the common people get will not go for taxes; they will have more to buy with, more to put in the banks, and will be more contented. They can give their children a better chance in every way, and our great country citizenship will be maintained and the perpetuity of our Government made more assured.

Secure the adoption of this amendment with a bill helping the farmer get a fair price for his crops and the farmer will be protected and the country home—the greatest of all institutions—will not perish from the earth.

I wish it was possible for every citizen of this Nation to realize just how difficult is the task of anyone who attempts to secure the enactment of law either protecting the common people from depredations of great corporate wealth, or giving a square deal to the laboring man and the farmer, or lessening the tax burdens of the poor when it may mean the increase of the tax rate of the rich.

Any bona fide move along these lines, when about to succeed, brings the author within the range of an angry firing squad, paid by predatory wealth to not only destroy the meritorious measure, but if necessary politically destroy all sponsors. Of course these fights are never fair. These opponents of just legislation can not use the truth and win, and winning is their objective regardless of tactics.

Greedy corporate wealth is heartless and has no regard for the individual man, woman, or child, nor even for millions of citizens, whose rights are about to be destroyed or whose property or lives are in danger of destruction.

Most great legislative battles for the good of the common people are lost because the enemies of wholesome laws, by misrepresentation and unfair tactics, induce those about to be benefited to mutiny and fight among themselves concerning the proposal or even stampede and overwhelm the meritorious move. Just as many a bad piece of legislation succeeded because of its pretty name regardless of its vicious provisions so many a good proposal has been killed simply because its enemies by word of mouth and by newspaper publicity gave the proposal a bad name regardless of the real merits of the measure.

These kind of fights are very effective, when properly staged, just a short while before a matter comes up for determination either in a legislative body or at an election and when those sponsoring the good measure either because of the lack of time or money or both can not answer the unfair attack by showing the real merits of the proposal.

I have seen so much of these tactics here in Washington and the dangerous effect of such maneuvers until I am very much disappointed when I see a good proposal slaughtered in this manner. I am not surprised but I am disappointed. This kind of fight on a good measure was very forcefully brought to my attention just before the last general election in my State.

My brother, State Senator George W. Lankford, of Lyons, Ga., had introduced and helped secure the adoption of a resolution to amend the State constitution so as to provide for the levy and collection of income taxes and the reduction of ad valorem or property tax.

The first paragraph of the resolution provided that—

The general assembly shall also have authority to levy taxes upon incomes for State purposes only, which tax shall be graduated, the rate in no case to exceed 5 per cent, and to provide further for such exemptions as may appear to the general assembly to be reasonable.

The second paragraph of the resolution provided that—

The ad valorem tax for State purposes on all classes of property shall not exceed 4 mills for the first year an income tax is collected, and shall not exceed 3 mills for the second year an income tax is collected, and shall not exceed 2 mills for any subsequent year thereafter that an income tax is collected; except that the State's right to levy ad valorem tax for the purpose of paying the interest and principal of the present outstanding, recognized, valid, and legal bonded indebtedness of the State shall not be hereby abridged.

At the election last November this resolution was submitted to the qualified voters of Georgia for their ratification or rejection and, strange to say, was overwhelmingly rejected, notwithstanding its special provisions in behalf of every farmer, every laborer, and every individual citizen of the State.

The proposed constitutional amendment, if accepted, would have said to the Georgia Assembly, "You can not double tax the people of Georgia; you can not levy an income tax and an ad valorem tax, to the limit, at the same time," and yet it was rejected.

Thus the people by their own vote said "We know income taxes are coming, but we want the entire property tax also left of full force."

The present State constitution says the ad valorem or property tax "shall not exceed 5 mills on each dollar of the value of the property taxable in the State."

In other words, the man whose property tax is $100 per year by his vote said, "Levy the income tax, but I oppose my property tax being reduced from $100 to $80 the first year; reduced to $60 the second year and reduced to $40 every year thereafter."

Just think of the proposition to reduce all property tax in two years by taking $60 from every hundred dollars, being turned down by the very people who are overburdened with taxes, who are losing their property at tax sales and whom the author, George W. Lankford, was striving to help and to save.

My brother was heartbroken over the defeat of his amendment, not because it bore his name but because he was so anxious to relieve the property owners of Georgia—including the farmer, the small business man, and the laborer—from the awful unfair tax burden that is destroying them. He knew the people had been mislead, and neither he nor I nor anyone else blamed them. We all knew then, and every right-thinking man must know now, that the voters were mislead by an unfair and misleading attack made on the proposed amendment at the eleventh hour by those who with big incomes and with untaxed intangible assets themselves dodge taxes and yet want more and yet more appropriations regardless of the burden on the ad valorem taxpayer.

Of course, the average citizen did not know he was voting to let tax dodgers continue to dodge, big incomes and valuable intangible property go untaxed and leave the whole tax burden on the bended and broken backs of the poor. He did not know he was voting the destruction of himself and family for the benefit of those who have plundered the common people from the beginning of time. The farmer never dreamed that he was voting for his home to be sold for taxes, while he has no income at all, and at the same time voting to relieve from all tax burdens those with big incomes, who are receiving most from the Government and who are best able to pay taxes.

I can readily see why the man with big income or large holdings of intangible property objected to the proposed amendment of State Senator George W. Lankford. These men of great wealth all want taxes either paid by common people or paid by the rich in such a way as permits its being passed on to and finally paid by the poor.

Income tax with proper exemptions as provided in the proposed Lankford amendment is one of the fairest and best of all taxes. It is only collected from a man making a profit after exempting enough profit to support himself and family.

Too often the property or ad valorem tax is collected from a man who is making no profit but is losing his all. The Lankford amendment, if correctly understood, would have received the support of the vast majority of the people of Georgia and would have become part of Georgia's State constitution. The man with a small income would have favored it, for it would have exempted most of his income and at the same time cut off three-fifths of his property tax. It would have even limited the amount of the income tax, which now may be levied without limit.

The George W. Lankford proposed tax amendment had more real value in it for the taxpayer of Georgia than any yet offered since the adoption of the State constitution more than 50 years ago, and yet it was defeated by the very people it was designed to help and to save, not on its merits but because its enemies misled the public by calling it "vicious," "a dangerous amendment," "a complicated affair," "an amendment that would prevent proper financing of the State," and "a blow to the public schools," and so forth.

These and other similar unfair objections were urged where they were expected to be most effective. Where George W. Lankford was born and reared, and also in those sections where he is now best known, the opponents of the proposal were shrewd enough to say no harm of the author to his friends, but simply admitted that my brother had always been in the closest sympathy with and worked for all oppressed people, be they farmers, laborers, or overburdened taxpayers, and that he was a friend of the State public-school system and as a legislator had rendered most splendid service to the common schools of Georgia; but they would add, "When George W. Lankford introduced and passed his amendment and when the governor approved it the supreme court had not held that an income tax is authorized under our constitution, and that now since the supreme court says it is authorized everyone, including the author, admits the amendment is unnecessary and will only cause trouble." The opposition then very well knew George Lankford at that very moment was very much in favor of the amendment, and that the supreme court decision did not make the amendment unnecessary but only emphasized the great need for the amendment to bring about the reduction of property tax and to prevent the double taxing of the people of Georgia.

Thus the fight was waged and won to prevent tax relief in Georgia, which, more than any other State move in recent years, would have helped and saved the farmer, the laborer, and the common people of my State and preserved not only our public schools but also the individual country home of the farmer with all the influence that noblest of institutions has and—I hope and pray—will continue to exert for the good and perpetuity of our national existence.

After this propaganda was started it was taken up, often innocently, by many newspapers and people and the unfair publicity went forward like a forest fire. Dozens of people, editors of papers and others, asked me about it. I found most of them were fighting the amendment without knowing what it was. When it was explained they were heartily in favor of it. The conspirators who had started the fight dared not fight the amendment on its merits or by telling what it proposed. They hoped to win, and did win, by starting a campaign of misrepresentation too late for it to be answered.

Neither Senator Lankford nor the other supporters of the resolution could stem the tide, just a few days before the election, without being prepared for the onslaught and spending thousands upon thousands of dollars.

Many people asked me why my brother sponsored a bill against the public schools. When I explained to them the real truth of the amendment and called their attention to the record of my brother, which shows that no man in or out of public life, similarly situated, has tried to do more or fought harder for the public schools and common people of Georgia than George Lankford, they were glad to fight for the proposed amendment and told me they had been very much misled about the amendment and the motives of my brother.

I have said this much to let the public know just the kind of a fight that was waged in Georgia, not only in this instance but in many others, and not only in Georgia but in all the States and in Congress and everywhere, whenever and wherever a bona fide move to help the common people is about to succeed.

The people in Georgia were stampeded into doing something against their own interest. The people of other States are often stampeded the same way. I have often seen the Members of Congress stampede like a herd of wild cattle. While in these stampedes they will not stop to reason, they do not seem to care about the real merits of the proposal. They have started on a wild rampage and will even unwittingly injure or destroy their own friends who may attempt to head them or stop them.

Thus it is seen just how difficult it is to relieve the poor of unfair tax burdens or legislate for the farmer or common people.

Now let me say a little more about my idea of a specific program of farm relief.

Since I am making some general observations and discussing briefly several matters which I feel are of special importance to the farmers, let me, just here, mention again

two bills which I have introduced and yet hope to pass, which I feel will be real farm relief in so far as perishable farm food products are concerned.

One provides for experimentation by the Government in the sale of fruit, watermelons, cataloupes, and other food products directly from the producer to the consumer. I am firm in the belief that the Government can work out a system which will give the producer a much better price and the consumer a fresher, better article for much less cost.

I want to eliminate the unnecessary middle man and his enormous profits. This can be done by the plan I am advocating. For this marketing plan to be fully carried into effect it will be necessary to pass another of my schemes, as included in a bill by me to extend the Parcel Post System by providing for the handling of identical packages such as dozens of eggs, market baskets, or other containers of vegetables, watermelons, cantaloupes, and so forth, in carload lots at the farm or post office of the producer and then distribute the carload by delivering one of each identical package to each of a list of consumers. This system would save addressing each package, several handlings, and much delay. It could be maintained by the Government at much less cost per package than is charged now, and would result in a great saving in transportation cost.

This parcel-post extension plan and my producer-to-consumer marketing scheme will work together perfectly. I do not wish to discuss these proposals more at this time. I am naming them as parts and parcels of some definite farm-relief plans which I am advocating and hope to see put into effect.

Now, I wish to briefly discuss another plan of mine which I feel is very meritorious. I refer to the bill introduced by me which would authorize and empower the Secretary of the Interior to reclaim the farms and lands which have been taken over by the long-term-loan concerns under foreclosures. The bill provides that the Secretary buy in all these lands possible and so far as possible resell them to the original owners. If the original owners can not or do not wish to rebuy the land, then it would be sold in small tracts to other farmers for home purposes.

The Government can issue bonds at a small rate of interest for money necessary to buy in these lands and can then resell them on long time at a very low rate of interest. The long-term-loan concerns would gladly accept bonds in lieu of the lands, as they are anxious to dispose of these lands. The farmers would pay enough interest to cover the interest on the bonds. The Government probably would not have to raise any money, for the bonds could be swapped for the lands. The Government would be safe and the millions of farmers who have lost their homes would have another and a much better chance to save their homes.

At this time there can be no perfect, comprehensive farm-relief plan unless it provides for some plan whereby the farmers who have lost their homes can recapture and keep them.

Now, I have completed my farm-relief picture and want us to pause a few minutes and look at it in its completed form.

Let us see if there are any defects and how they are to be remedied. If the plan is not good, please offer something better.

In brief, here is the picture: Return all farm lands to individual farmers and enable them to keep them by guaranteeing them a good price for cotton, tobacco, and other basic products, by and under a contract system controlling production and marketing; help them sell perishable products directly to consumer at better price to farmer and less cost to consumer under my producer to consumer marketing plan and parcel-post extension idea, and relieve a reasonable amount of farm property for each family from all taxes by amendment to the Federal Constitution. This, to my mind, is farm relief in the true sense of the term. The individual farmer would be saved; the country home, the greatest bulwark of our liberty, would be preserved, and our great institutions made more secure.

I invite constructive criticism of the farm-relief picture I have just painted. I am sure many will find what they believe to be defects. I wish some one would convince me I am wrong and show we something better. I would gladly accept it.

For my part I can truthfully say that with the present lights before me, with my way of thinking, and after months and years of earnest, faithful study I am offering the very best of which I am capable.

There are other minor matters that can be handled for the best interest of the farmer, but I hold that the principles I advocate are cardinal, would enable the farmer not only to become free but become a potent factor in the scheme of his county, working out and properly solving all problems which concern him and the rights of himself and his country.

Let the Democratic Party and the Republican Party, acting either jointly or as separate parties, pass the measures I have suggested and put them into full force and effect, and I believe the greatest service will have been rendered the farmer and the Nation ever yet voted by a free legislative assembly.

HEIRS OF HARRIS SMITH

The Clerk read the title of the next bill on the Private Calendar, H. R. 1704, a bill for the relief of the heirs of Harris Smith.

There being no objection, the Senate bill, S. 4489, was substituted for the House bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the heirs of Harris Smith the sum of $2,500, out of any money in the Treasury not otherwise appropriated. Said Harris Smith was struck and killed August 1, 1921, by a United States mail truck. His widow has since died and he is survived by his children: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

W. A. BLANKENSHIP

The Clerk read the title of the next bill on the Private Calendar, H. R. 5314, for the relief of W. A. Blankenship.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. A. Blankenship, of Randle, Wash., the sum of $2,000 in full settlement of all claims against the Government on account of damages to his property resulting from the construction of the Purcell Creek section, Randle-Yakima Forest Road project, Rainier National Park, Lewis County, State of Washington.

With the following committee amendment:

In line 6, strike out the figures "$2,000" and insert in lieu thereof the figures "$350."

Mr. CROWTHER. Mr. Speaker, I move to strike out the last word. As I sit here listening to the settlement of some of these claims I wonder what the difference is between similar bills I have introduced and some of these that are being passed at this and other sessions of the committee. I think I hold almost a record. In 12 years of service in this House I have pressed only five bills upon the Claims Committee. Two of them were reported and passed. They were simple matters, one correcting a soldier's record and one providing a term of court in my home town, Schenectady. Of the other three, one of them is on this calendar and is another matter of correcting a man's record. The other two I have never been able to have reported. I have had them before this Claims Committee since along in 1919 or 1920, under the distinguished chairman, Mr. Edwards, of

Pennsylvania, and also under Mr. UNDERHILL, and under the present chairman, Mr. IRWIN. I have been referred at various times to subcommittees. I had a hearing before one subcommittee under a Republican administration, when Mr. UNDERHILL was chairman, and the subcommittee was composed of two Democrats and one pseudo Republican named Beck, from Wisconsin. That seemed to me to be a very peculiar make-up of a subcommittee in a Republican administration. However, I must say that they were very courteous and were interested listeners, but they were not very enthusiastic about reporting my bill.

I see the gentleman from Texas [Mr. BOX] is here, and he well remembers the occasion. The first bill that was never reported was the case of where a United States mail truck killed a little boy 9 years old, nearly severing his head from his body. The truck was on the wrong side of the street; evidently they are permitted to be on the wrong side of the street. The boy came along following the right curb of an intersecting street, and the mail truck struck him and drove him and his bicycle clear through the windshield, and killed the boy.

A bill was called up to-night, and I think the gentleman from Wisconsin [Mr. SCHAFER], in discussing it, said that there were some extenuating circumstances in the case, that there were some equities, and I think he spoke of contributory negligence. I am not a lawyer, but I do not know how contributory negligence can be an equity. It seems to be a liability in my case, because they suggested contributory negligence as a reason for not reporting the bill. I have never been able to get any consideration of that bill.

The other bill involves the payment of duties that were paid on wool on skins by importers, and in that case it was decided by the United States Customs Court and the Court of Customs Appeals that these duties never should have been assessed, and the Treasury Department admits that they collected the money illegally, and that they hold the money illegally, but claim that they are automatically estopped from adjudicating this case because my constituent's agents did not pay the duties under protest, a 60-day limitation being provided in the tariff act.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. BLANTON. In my few years of experience in the law I never heard of a doctrine of contributory negligence being applied against a child.

Mr. CROWTHER. That is what the committee hold in my case. I do not believe the boy was over 9 years old. I had a letter from the chairman of the committee only a short time ago in answer to an inquiry from the parents and relatives of this boy. Again I state that I have never been able to secure any compensation for the loss of that little boy. I never have been able to get some $12,000 which was collected illegally by the Treasury Department from three business concerns in my district, even though the courts decided in their favor. I can not collect that sum for my people, and they think that they have the very poorest kind of a Representative down here, and it may be that they are right.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

The amendment was agreed to; and the bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I move to strike out the last two words. I shall be very brief. One of the bills, the $12,000 bill, to which the gentleman refers, was referred to the Committee on Claims subcommittee of which I am chairman. Although we have thousands of bills to consider in that Claims Committee, I held hearings on the bill, and I regret that I have not been able to have a decision reached up to the present time in favor of reporting out the bill.

This bill provides for a remission of duties collected under the tariff act in a case where the payments by the Government to the claimants are prohibited by specific language in the tariff act. I respectfully submit to the energetic, diligent gentleman from New York——

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask for one minute more.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, how are we helping these bills already reported by discussing a bill that can not come out until next year?

Mr. SCHAFER of Wisconsin. Oh, the gentleman from Texas speaks more than any Member on the floor of the House. I desire to state that the constituents of the gentleman from New York [Mr. CROWTHER] can not complain that he is laying down on the bill for their relief. He has, day in and day out, been urging the Claims Committee to favorably report the bill, and almost every time I meet the gentleman he tells me about its merits and urges prompt, favorable action.

ESTATE OF CLARENDON DAVIS

The Clerk called the next bill, H. R. 7520, for the relief of the estate of Clarendon Davis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $300 to the legal representative of the estate of Clarendon Davis, deceased, Camilla, Ga., for war-savings certificates, which were registered and lost, for the reason that the evidence submitted, while showing registration, does not show that the certificates were actually delivered to the purchaser by postmaster.

With the following committee amendments:

Page 1, line 8, strike out "which were registered and lost."

Page 1, line 9, strike out the word "showing," and insert the word "indicating."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM T. ROCHE

The Clerk called the next bill, H. R. 8172, to extend the benefits of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," to William T. Roche.

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. CAMPBELL of Iowa. Mr. Speaker and gentlemen of the House, this bill is much like a bill that the gentleman from Indiana [Mr. HALL] had before the House earlier this evening.

I have before me a picture of this unfortunate man. This shows he has lost both hands. All I want the House to do is to treat every man here exactly alike. I have taken this matter up with some of the objectors here, and they said, "Yes; we might have made some mistakes up to last night, but we changed our rule."

I want to say that it is very unfair that you should come into this House and change your rule within the last week of the session. If you wanted to have a different rule, why did you not wait until the next session of Congress when we would have the power to make the rules then? Now, where do I stand? I leave it to you gentlemen.

Men in this House have brought up bills just exactly like the bill I have, only their constituents have not been crippled like this man has been crippled. They send a wire home, "I got compensation for you." Then they turn around when my bill comes up, and—do not think they do not look up the RECORD—they find that CAMPBELL could not get his bill passed. I have no objection if any objector here had the nerve to get up on one class of bills and object and do it all the time. I will never make any kick about that. But to sit here one night and let one man's bill go over and then come in later and object to another man's

bill, then I say you are not playing fair and square. [Applause.] As I said before, I called up the commission because I wanted to be sure on this. If I had a character of bill that had not been allowed in the past, if they had not had compensation under like circumstances, naturally I did not care for mine. But I say to you, it is a shame when one Member of this House is treated differently from another Member.

Mr. GREENWOOD. Will the gentleman yield?

Mr. CAMPBELL of Iowa. I yield.

Mr. GREENWOOD. As I understand the gentleman's case, it is one which attempts to apply the workman's compensation act in a retroactive manner.

Mr. CAMPBELL of Iowa. Yes.

Mr. GREENWOOD. Several bills of that kind have been passed during this session of Congress. I agree with the gentleman from Iowa that it is not right to change the policy during a term of Congress on bills that are similar. I think the Committee on Claims ought to adopt a fixed rule of how far they will go back in a retroactive way on certain kinds of cases and classify them, and then the House should stand by that ruling of the committee when they report it. They should be considered on the merits according to the rule fixed by the committee. Then we will all be treated alike. Cases will be considered on their merits, and I quite agree with the gentleman from Iowa.

Mr. CAMPBELL of Iowa. I notice an amendment that was just placed on the bill. I noticed after the argument this afternoon they went up there and placed a little provision on there, "This does not apply back of 1916, when the law went into effect."

I want to say to the gentleman from Wisconsin [Mr. STAFFORD] that all I want is a fair chance here. That is all I want. I want to tell you something about this case and show you the conditions that existed. It was something like 20 below zero in our country, and there was a mail carrier whom I know well—he is one of those men who, when he has got a job, does not loaf on the job. Drifts came in the road. Other mail carriers had routes on which they could have covered carriages, but this man did not take a covered carriage, because he could not get through the drifts except with a sled. He went out at that time when it was below zero and the pennies were frozen in the bottom of the boxes, and he had to reach in and grab those pennies. He went from box to box along that route. Finally his hands became numb, and the result was, as shown by this picture, that after he had worked as he did, loyally, when other men would quit, when my hired man would have been in the barn, they had to amputate. There is a picture of the man after they had amputated both of his hands.

There have been men with wrenched knees and crippled arms who have been placed on the roll, and I say that a man in this condition is as much entitled to be placed on the roll as these other men. I say it is not fair, when you have placed these other men on the roll, to establish the practice that you will not hereafter place men on the roll who are in a similar condition.

Mr. CHRISTGAU. If this man had not resigned he would have had the benefit of the compensation law.

Mr. CAMPBELL of Iowa. Yes. This man was so crippled that he could not drive. He had both hands off, and as a result of that they wrote him a letter and asked him if he would resign, and pursuant to that letter he sent in his resignation.

Mr. STAFFORD. Will the gentleman yield?

Mr. CAMPBELL of Iowa. Certainly.

Mr. STAFFORD. The department raises objection to the fact that instead of using a closed vehicle, as the other carriers did, he used an open sleigh.

Mr. CAMPBELL of Iowa. I will explain that. If the gentleman will look up one of the affidavits that was filed he will find the reason why he did not use a closed vehicle. The closed vehicles were buggies, and anybody who has ever lived on a farm knows that you can not get through snowdrifts with a closed vehicle, but must use a sled or sleigh. In this cold spell, when the thermometer was below zero, he had to get out his sleigh, and that is when he had his hands frozen so that they had to be amputated, and that resulted because he was loyal to his job and loyal to his Government.

Then you say that as to such a man you are going to throw him out.

Mr. STAFFORD. I assume the gentleman will have no objection to having the provision added to the bill, which I have been insisting on ever since my attention was called to the fact that the Employees' Compensation Commission has been antedating these benefits. I assume the gentleman will have no objection to having these benefits accrue from after the date of the enactment of this act.

Mr. CAMPBELL of Iowa. That is fair enough.

Mr. STAFFORD. Mr. Speaker, reserving the right to object further, I am not as well acquainted with the bill introduced by the gentleman from Indiana [Mr. HALL] that was earlier in the evening objected to. It is true, as the gentleman from Iowa stated, that during the consideration of the Private Calendar in prior sessions of this Congress we have allowed some of these bills to go by rather liberally. It was called to my attention by the former chairman of the Committee on Claims [Mr. UNDERHILL] that there have been more bills of this character passed in this session of Congress than during the past 10 years. That was only called to my attention this week. It was the understanding that we would naturally have to put the brakes on.

The gentleman from Massachusetts also called my attention some time ago to some exceptions. I wish to treat all fairly, without favoritism. I do not like to single out any person. I have tried to be consistent in my position. It was because of the fact that our attention had been called to the fact that we had been very liberal in passing such bills that I decided the brakes should be put on. But as we have been so liberal it would seem this character of bill might be passed, where the injury is so extreme and there is no question as to its origin, without setting a precedent and, therefore, I am going to withdraw my reservation of objection.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is hereby authorized and directed to pay, in accordance with the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation in respect to the injury of William T. Roche, who was employed as a rural mail carrier from January 1, 1903, until the date of injury, the 25th day of December, 1914, and while in the performance of his duty as such carrier had both hands frozen, necessitating the amputation of both said hands at the wrist, at the rate of $66.67 per month during his lifetime from the 1st day of January, 1917, in the same manner and to the same extent as if such act of September 7, 1916, had been passed prior to the date of said injury.

SEC. 2. That all payments provided for in the foregoing section of $66.67 per month which would have accrued since January 1, 1917, and the date of the passage of this act shall, as soon as practicable after such date of passage, be paid in a lump sum.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, are hereby waived in favor of William T. Roche, who lost both his hands as a result of his duties as a rural mail carrier."

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of the committee amendment insert: "*Provided*, That no benefits hereunder shall accrue prior to the enactment of this act."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended.

HENRY W. SUBLET

Mr. GLOVER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 931, H. R. 3174, a bill for the relief of Henry W. Sublet.

Mr. STAFFORD. Mr. Speaker, I have no objection to returning to the bill with a reservation of objection after the bill is again called.

There being no objection, the Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire why we should consider this bill 25 years after the incident happened. Of course, you can make the argument that if it was a merited claim 25 years ago the Government should pay it.

Mr. GLOVER. The gentleman knows that if I had the right to go into court this claim would be worth $10,000 in a lawsuit. I come to the Congress because this is the only place where the matter can be adjusted. This is an old man 64 years of age.

Mr. STAFFORD. You do not mean to say that a man 64 years of age is an old man?

Mr. GLOVER. Yes; he is an old man.

Mr. STAFFORD. I will have to dissent from that statement, so far as I am concerned.

Mr. GLOVER. And I know him to be an honorable man, and if I did not think this was an honest claim I would not present it here. I have been considering claims of various kinds for 20 years.

Mr. STAFFORD. The question is one of whether he was really injured in the performance of his duties.

Mr. GLOVER. He was.

Mr. STAFFORD. How? Where is that shown?

Mr. GLOVER. There is the testimony of the marshal that he was in the active discharge of his duty.

Mr. BACHMANN. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BACHMANN. I was interested in the same question, and the gentleman from Arkansas has given his word here on the floor of the House that this man was injured in the performance of his duties, and the gentleman from Arkansas has just as much responsibility here as a Member of the House as the gentleman or myself.

Mr. STAFFORD. If the incident had occurred yesterday or last year, it would be another matter, but this incident happened 20 or 25 years ago.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

DONATION OF A BRONZE CANNON TO THE MARYLAND SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to advance to Calendar No. 1155 the bill (H. R. 12781) to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md., as an emergency measure.

Mr. STAFFORD. Is this the cannon bill?

Mr. LINTHICUM. Yes.

There being no objection, the Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to donate, without expense to the United States, to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md., four bronze cannon of Civil War type on hand at the Watervliet Arsenal, Watervliet, N. Y., and described as follows: Bronze cannon, 12-pounder, muzzle loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 108; bronze cannon, 12-pounder, muzzle loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 109; bronze cannon, 12-pounder, muzzle loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 110; bronze cannon, 12-pounder, muzzle loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 111.

Mr. STAFFORD. Does the bill provide that this is to be without expense to the Government?

Mr. LINTHICUM. Yes.

Mr. SIMMONS. Mr. Speaker, what is the emergency in a bill of this kind?

Mr. LINTHICUM. The emergency is that these ladies have arranged to have a dedication of the cannon at Fort Frederick in July, and they have already made their arrangements.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMELIA ISLAND LIGHTHOUSE RESERVATION, FLA.

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent to call up the bill (S. 3404) authorizing the Secretary of Commerce to dispose of a portion of the Amelia Island Lighthouse Reservation, Fla., No. 1192 on the calendar, and I will state to the Members of the House that this is a bill that affects an entire county in the State of Florida and not one individual.

Mr. STAFFORD. Oh, I am going to advance that bill for consideration on Monday night, because it is a Senate bill that will come up in the regular order. I do not want the gentlemen to think there is anything personal in this and I am going to see that the bill is passed on Monday night.

Mr. BACHMANN. Then, Mr. Speaker, I withdraw the request.

CHARLES E. REYBURN

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 926, the bill (H. R. 8991) for the relief of Charles E. Reyburn.

Mr. BLANTON. Mr. Speaker, it is after 11 o'clock, and we are going to have a hard day to-morrow.

Mr. KNUTSON. We did an injustice to this man, so let us spend a couple of minutes in rectifying the error.

LEAVE OF ABSENCE

Mr. McDUFFIE. Mr. Speaker, I rise to ask unanimous consent to proceed for one-quarter of a minute.

The gentleman from Texas [Mr. MANSFIELD] was compelled to leave the city yesterday on account of illness in his family, and asks leave of absence for the rest of this session on that account. It will not be possible for him to return.

The SPEAKER pro tempore. Without objection, the request is granted.

CHARLES R. REYBURN

Mr. KNUTSON. Mr. Speaker, the gentleman from Texas has withdrawn his objection, and I ask unanimous consent to return to Calendar No. 926.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the title to the bill H. R. 8991, a bill for the relief of Charles R. Reyburn.

Mr. STAFFORD. I had intended to inquire as to certain phases of the bill that were not brought out in its earlier consideration. He was injured in the performance of his duty as a railway mail clerk and received a year's pay; that was brought out. But there is nothing in the report to show the amount of money, if any, that he recovered from the railroad because of its negligence; nothing to show whether he carried with the railway mail clerks' association insurance and how much insurance he received. For these reasons I object.

R. D. BAUGH

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent to consider the very next bill that is in order on the calendar, for the reason that that bill was introduced by the gentleman from Mississippi [Mr. COLLINS] who has served faithfully as a member of the committee.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the title of the next bill on the Private Calendar, H. R. 9244, a bill to authorize the Secretary of War to pay to R. D. Baugh certain money due him for services rendered as a member of the local board of Smith County, Miss., operated during the World War.

Mr. SCHAFER of Wisconsin. I object.

AMELIA ISLAND LIGHTHOUSE RESERVATION, FLA.

Mr. STAFFORD. Mr. Speaker, for some time I have been deferring consideration of a bill in which the gentleman from Florida is particularly interested. Only until to-night was I aware of the fact that, though a Senate bill, the House committee had reported a substitute amendment which would require action by the Senate. I do not wish in any way to block the consideration of that bill. I have been laboring under the impression that it only required action by the House to pass it. As it will require action by the Senate as well I ask unanimous consent to consider the bill, S. 3404.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STAFFORD. I ask unanimous consent that the House amendment be read in lieu of the Senate bill.

There being no objection, the Clerk read as follows:

That upon the payment of $4,762.50 by the city of Fernandina, Fla., to the Secretary of Commerce such city is authorized to convey, without regard to the conditions and limitations of paragraph (6) of section 1 and of section 2 of the act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes," approved May 22, 1926, the lands conveyed to such city pursuant to paragraph (6) of section 1 of such act, except a tract bounded on the south by so much of the shell road as crosses section 12, on the east by the eastern boundary of section 12 with a water front of not less than 960 feet, on the north by a straight line extending from such eastern boundary for 1,000 feet, more or less to the western boundary of section 12, and on the west by the western boundary of section 12 extending 1,000 feet, more or less to the shell road. Such tract shall contain not less than 20 acres and shall, together with the ocean beach and water front abutting on the eastern boundary thereof (including all easements and rights of ingress and egress), be devoted exclusively to public-park purposes. Any conveyance made by such city shall contain express conditions reserving to the United States (1) a perpetual easement for beams of light from the Amelia Island Lighthouse, and (2) the right to trim any trees and to limit the height of any structures erected on such property that may obstruct the beams of such light.

The amendment was agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TO AMEND CODE IN RESPECT TO DISTRICT OF COLUMBIA CORPORATION

Mr. STAFFORD. Mr. Speaker, I ask the indulgence of the House for a minute in recognition of the services of the gentleman from Texas [Mr. Box], who is retiring from this body at the end of the session after many years of faithful service in performing his duty on the Committee on Claims. When the bill providing for the reference to the Court of Claims of a certain claim was up for consideration I asked unanimous consent that the matter be deferred until I could get further facts from the Shipping Board. At that time I did not have those facts. Now, that I have received the facts, and the doubts that I had have been removed, I ask unanimous consent that the bill (S. 4553) be considered.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, as a member of the Committee on Claims, permit me to say that that committee very carefully considered this bill, spent a whole day at it. It is one of the most meritorious bills I have seen before our committee, and the gentleman from Texas [Mr. Box], who will not be with us next session, worked diligently and conscientiously on the facts of this case. I congratulate my colleague from Wisconsin in making this request.

The SPEAKER pro tempore. Is there objection?

There was no objection, and the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Orange Car & Steel Co., a corporation organized under the laws of the State of Texas, with headquarters at Orange, Tex., the successor of the Southern Dry Dock & Ship Building Co. and owner of its assets, is hereby authorized to prosecute its alleged claim for plant amortization, dredging, and removal of outboardways to an amount not exceeding $176,665.42, as provided in article 3 of a certain agreement entered into on the 31st day of December, 1921, between Southern Dry Dock & Ship Building Co., a corporation organized and existing under the laws of the State of Texas, party of the first part, and the United States Shipping Board, representing the United States of America, acting by and through the United States Shipping Board Emergency Fleet Corporation, party of the second part, a corporation organized and existing under the laws of the District of Columbia. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear and consider such action and to enter decree or judgment against the United States for the amount of such damages, if any, as may be found to be due said Orange Car & Steel Co. as successors to said Southern Dry Dock & Ship Building Co. within the limitations above set forth. The right to sue hereby granted is given notwithstanding any statute of limitation: *Provided, however*, That such action shall be brought and commenced within six months after this act becomes effective.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. MANSFIELD, at the request of Mr. MCDUFFIE, for the remainder of the session on account of illness in his family.

HOW TO BORROW ON THE ADJUSTED-SERVICE CERTIFICATE

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, the making of additional loans on adjusted-compensation certificates as the result of the law passed over the President's veto, need occasion no great difficulty to the veteran who is desirous of applying for the same.

Those who have had previous loans should secure from the American Legion, Veterans of Foreign Wars, Disabled American Veterans of the World War, the American Red Cross, or the nearest veterans' bureau or hospital a blank note. This note is simple of execution—it is the same form as used previously and, if attached to the pink slip, furnished by the bureau with the last loan, it will facilitate the identification by the bureau.

Those who have never had loans before need only secure a loan note and attach their adjusted-service certificates and forward the same by registered mail, preferably to the nearest Veterans' Bureau regional office, and action will be taken by the bureau.

It is not necessary to apply in person. Long lines of waiting veterans are being formed at each regional office and time is being consumed by them in making applications in person for loans, whereas sending by registered mail will be sufficient to assure the veteran borrower that his application will be duly received.

Those who have borrowed from a bank previously will be unable to receive additional funds from the bank in most instances, because the rate of interest is said by some of the banks to be unattractive to them. However, veterans who have so borrowed may make application to the Veterans' Bureau central office in Washington, D. C., and that office will redeem the note from the bank and make the additional loan as requested. This character of loan may take additional time by reason of the work involved, but the Veterans' Bureau has been placed in a position by Congress to expedite in every practicable manner the borrowing by each person in distress, and the immediate congestion which will naturally result will be cleared away in a matter of two or three weeks.

In deference to those who are in distress and in need of this money for emergency purposes, those better situated should wait at least two weeks before making application. Such delay on the part of those who are not in urgent need will avoid congestion in the regional offices and will accomplish the purpose of Congress in making available the additional money to those now in distress.

It is interesting to note that the Veterans' Bureau before the closing of business yesterday had dispatched the first thousand checks on the additional loans. I will have something to say later concerning the use of the money secured by the veterans under this act.

EXTENSION OF REMARKS

HON. B. CARROLL REECE

Mr. RANSLEY. Mr. Speaker, with permission to extend my remarks, I wish to take this opportunity to pay deserved tribute to a Republican colleague upon the House Military Committee, the Hon. B. CARROLL REECE, whose service as a soldier member of this important committee is quite as distinguished as his remarkable record in the World War.

REECE OF TENNESSEE

Through the patriotic service of Congressman REECE and his influence as a World War hero the committee has been able to accomplish many things which it could not have accomplished without his unusual ability and devotion to the great tasks of the committee.

One of the matters in which he has taken a keen interest from the first and has attracted the favorable attention of the Nation is the development of the Tennessee River Valley for the benefit of flood control, navigation, and national defense, and as an economic resource to the South and Nation. In this connection he was influential in the expenditure of nearly a million dollars for the survey of the river and for plans for its development to Kingsport from the $75,000,000 Tennessee River improvement and which Congress has authorized.

ORIGINATED IDEA OF COVE CREEK DAM

In this same connection, Representative REECE initiated the idea of Cove Creek Dam as an integral factor in the Muscle Shoals project on account of its potential value to flood control, navigation, and the development of all power projects on the Tennessee River between Cove Creek and Muscle Shoals. It was at his suggestion that Cove Creek Dam was incorporated by the House Military Committee in the proposed Muscle Shoals legislation in both the Senate and the House bills. It was he who was instrumental in persuading the members of the Military Committee from other sections of the Nation that the United States Government could afford to construct the Cove Creek Dam and amortize its cost from the benefits which would accrue to the several other projects down the river, including the Muscle Shoals project.

If the people of the Tennessee Valley had informed themselves instead of being misled by false propaganda and a socialistic phantom, and had followed the leadership of the one who had the development of the project in his hands as a virtual gift on the part of the Nation to the States of Tennessee and Alabama, the construction of this great storage dam at Cove Creek would now be authorized and under way by the Federal Government as a necessary incident in the practical disposition of the whole Muscle Shoals project.

CHAIRMAN MUSCLE SHOALS SUBCOMMITTEE AND MEMBER CONFERENCE

Further in this connection, seeing that the entire Muscle Shoals project and the development of the Tennessee Valley were being enmeshed in political designs against a Republican administration and in the soviet dreams of a Senator far removed from the South, Representative REECE took the initiative in helping the House Military Committee formulate plans in accordance with the well-established policies and principles of both the Republican and the Democratic Parties whereby the whole Muscle Shoals project could be modernized and dedicated to the development of the Tennessee Valley and to the benefit of the farmers of the South. Because of his interest and initiative, as well as the full confidence which the Republican administration had in him, he was made chairman of the subcommittee and then a member of the all-important conference committee having in charge the formulation of the House plans on the subject.

In this particular, without evidence of any thought of himself or of the political designs against him on the part of selfish interests, his patriotic service is so singular in its nature and is so distinguished in character that it has gained nation-wide attention and has made the Representative from the first Tennessee district a national figure. He has labored earnestly to get this war relic out of politics and into the realm of actual service to the people of the Tennessee Valley and of the South.

If there are bitter partisans in his State who would prefer to crucify a public servant upon the cross of false propaganda and misrepresentation for political purposes of their own than to accept the benefits being offered by a Republican administration through that public servant, then the blame for the loss of benefits to the South from the failure of constructive legislation upon the subject should not be placed upon the doorstep of the Republican leaders who were offering the only practical or possible plan of solution.

VALUE TO SOUTH OF REECE MUSCLE SHOALS PLAN

Under the terms of the House compromise bill, as submitted to the conference committee by REECE, a number of very important achievements for the South were made a certainty:

First. The Federal Government was willing to construct Cove Creek Storage Dam from Federal funds, the important feature desired by east Tennessee.

Second. The House plan guarantees the production of cheap concentrated fertilizer in quantities for the benefit of agriculture. This fact alone would mean a saving to the farmers of the South in their fertilizer bill of more than $100,000,000 annually, which is by far the greatest and most effective relief ever offered to the farmers of the South.

Third. It offers the development of a vast electro-chemical industry in the Tennessee Valley. This means the immediate development, as soon as the fear of Government competition is removed and the Cove Creek Dam is started, of vast industries throughout the Tennessee Valley by private capital.

Fourth. It assures the development under the Federal water power act of other tremendous power resources of the Tennessee Valley, including 8 or 10 high dams, by private capital to the extent of at least a $150,000,000 investment. History shows that for every dollar spent in the development of a water-power project by private capital at least $5 follow in the development of industry.

PLAN BLOCKED BY FALSE PROPAGANDA

The House proposal, as sponsored by Representative REECE, if he had had the cooperation from the States of Tennessee and Alabama to which the proposal entitled him, undoubtedly would have been reported from conference, would have passed both Houses, and probably have been approved by the President. It would have attracted an early investment of between five hundred and eight hundred million dollars of private capital in the development of the Tennessee Valley. This will become one of the greatest industrial valleys in the world when REECE'S plans for Government cooperation, instead of Government operation, are realized.

It is unfortunate, at the very moment when the Republican administration at Washington was engaged in a concrete movement under the sponsorship of the Republican Representative from the first Tennessee district to dedicate this vast project to the economic welfare of the Tennessee Valley and the South, that a campaign of misrepresentation and unwarranted abuse of the very leaders engaged in such valuable movement should be launched from the outside by those who desired to place the Republican President in the false light of withholding this benefit from the South. It is unfortunate that there were prominent Democrats within the State of Tennessee whose bitterness toward a Republican administration took precedence over the welfare of the State and caused them to join with the enemies from the outside in blocking the administration program in the matter.

REECE VINDICATED

The President's veto message clearly vindicates REECE in his campaign statements to the effect that the so-called Norris compromise was only a sham with which to deceive the people; that the Norris bill was unsound, unconstitu-

tional, and impossible of enactment; and that if enacted would stifle the development of the Tennessee Valley for the next half century and blight all hopes of the farmers of the South for benefits from Muscle Shoals. It was clearly designed to foist upon the South a dangerous experiment in sovietism at the expense of both the South and the Nation.

Even to retain his seat in Congress Representative REECE refused to sacrifice his principles under fire, to desert the Republican Party, or to turn traitor to the economic welfare and the ideals of his State for personal political advantage. To these benefits, to these principles, and to the integrity of the Republican Party he preferred to become a martyr rather than to surrender or to betray the trust which had been reposed in him.

ESTEEM OF ECONOMIC SCHOLARS OF NATION

In recent months the political sea has been so stormy that it has been unusual to find men who possessed the intellectual integrity and the individual sincerity to adhere to their principles and convictions in the presence of threats and of adversity. Because of these very qualities the Representative from the first Tennessee district has gained the admiration not only of the leaders in Congress but of the students and leaders of national fame in the field of economics. The present crisis in our national life is an economic problem. Muscle Shoals offered an opportunity for the solution of this problem in one section of the Nation, and REECE's insight and devotion to the solution of that problem has gained for him the admiration of students of economics familiar with the situation. For instance, the president of the National Manufacturers' Association, Mr. John E. Edgerton, under date of July 2, 1930, wrote Representative REECE as follows:

> The very rarest quality to be found—particularly in the public life of our country to-day—is the quality of moral courage. Getting office on hypocritical promises and keeping it through demagogic practices has become, in my opinion, the very greatest political evil in modern times.
>
> It is therefore very refreshing to find an exception to the rule of political duplicity which prevails too generally. Because you have proven yourself to be an exception I am writing you this humble word of commendation and admiration for your consistent, courageous, and altogether admirable position on the Muscle Shoals question. It would be, in my opinion, a great reflection upon your constituency if proper recognition of your magnificent service to the Nation in this instance were not freely given.
>
> When the showdown came between your bill and the Norris bill you had the manhood and the unflinching courage to stand for not only what you believed to be right but what is right, and you were not scared away by threats and pressures from those seeking political advantage at the cost of political cowardice. You therefore exhibited that heroism of spirit, that courage in soldiership which marked your career in the service of your country when the very best in men was called forth by the exigencies of war. Although my own affiliation has been for the most part with the political party opposed to your own, my sense of justice and my admiration of virtue in any man compel me to express to you these sentiments and best wishes.

One can not fail to realize that the President's veto message is a similar tribute, and that the loyal and efficient Representative from the first Tennessee district has suffered martyrdom at the hands of demagogues, who were willing to sacrifice this great development as well as a fundamental principle of American government for the political gain of self-seeking individuals.

ESTEEM OF WHITE HOUSE AND DEPARTMENTS

The esteem in which the last three Republican administrations have held Representative REECE is gratifying, no doubt, to his constituents, as manifested in the primary election last August. Not only have the Presidents advised with him in legislative matters, but their personal relationships have been pleasant.

Enjoying the confidence and esteem of the administrative officials has added greatly to the usefulness of Congressman REECE, in that he has been able in an unusual degree to get sympathetic hearings before departments and officials when calling in the interest of constituents. In appearing before the departments, Congressman REECE has been particularly effective. He is courteous but insistent, and has the reputation of getting what he goes after without arousing antagonism. But few Members of the Congress during the same period of service have been able to do more things for more constituents.

KNOWS VALUE OF COOPERATION

It is such confidence and esteem on the part of his colleagues and the administration that caused him to be placed in positions of trust on the Military Committee of the House and on conferences which have enabled him to make the record which he has made, to the great credit of the first Tennessee district and to the satisfaction of the thousands of constituents who have availed themselves of his services.

There appears to be no other instance on record where both the Speaker and the majority leader of the House and the President of the United States have written letters in recognition of the service of a Representative and then were willing to back the constructive program of this Representative to the extent which was proposed in behalf of the Muscle Shoals program under REECE's leadership. He has pointed the way for future action on Muscle Shoals.

It has been through such cooperation and influence that Representative REECE has attained his remarkable record in matters like public buildings, good roads, patronage, service to ex-service men, national forests, the Great Smoky Mountain National Park, and other matters for his district and the country.

PUBLIC BUILDINGS

During this Congress Representative REECE has accomplished for his district one of the most remarkable building programs of any congressional district in the United States. The program which he has been successful in securing for the first Tennessee district, and which is either under construction or will be constructed from appropriations already made or authorized, is as follows:

Elizabethton	$125,000
Kingsport	215,000
Rogersville	75,000
Johnson City (addition)	115,000
Erwin	85,000
Soldiers' Home	650,000
Total for district (6 projects)	1,265,000

The large appropriation for expanding the Soldiers' Home at Johnson City was due to his high position on the Military Affairs Committee and the favor with which his suggestions, as the famous soldier Member of Congress, are looked upon by the leaders and the administration.

GOOD ROADS

Through the influence of Congressman REECE since he has been in office there has been expended or contracted to be expended by the Federal Government in Federal-aid highways in the first congressional district of Tennessee the sum of $2,200,000 and $75,000 for road building within the national forests. The completion of the Great Smoky Mountain National Park and of the roads leading to it will bring the expenditure of additional millions into Federal highways in the first district.

Early in his service he introduced a bill providing a road program and additional Federal-aid appropriations. The main provisions of his bill became a law and Federal aid greatly increased. The effectiveness of his efforts in this connection is shown by Mr. W. C. Markham, the legislative representative of American Association of State Highway Officials, when he wrote Mr. REECE, in part, as follows:

> We feel sure you have enacted legislation of a constructive character. Your establishment of a 3-year road program will do much toward stabilizing the situation in the States and giving the State legislatures an opportunity to plan in an economic way.

Mr. REECE likewise introduced and sponsored the rural good roads bill, which holds such great benefits for the people living in the rural communities in his State.

PATRONAGE

It is a remarkable fact that the number of Federal office-holders and the annual total of their salaries in the first Tennessee district under the influence of Representative REECE are the largest of any congressional district in the South, and would seem to be among the very few largest in the United States. The figures on this service, according to a recent article in the Country Gentleman, are as follows:

Department	Number of employees	Annual salaries
Justice	9	$31,000
Treasury	7	24,500
Interior	7	15,500
Prohibition Service	9	22,500
Veterans' Administration	522	513,408
Post Office	500	839,000
Miscellaneous	13	42,500
Total	1,076	1,488,408

Securing so many appointments for his district speaks well for his diligence and effectiveness in this regard, usually looked upon with favor by one's constituents.

SERVICE TO EX-SERVICE MEN

Congressman REECE has given much time and attention to the interest of ex-service men of the first district and of the Nation and to their widows, orphans, and dependents. Being an outstanding hero of the World War, he has taken a particular delight in this type of service to his comrades. The records indicate, I am advised, that he has introduced and attained the enactment of more special legislation in behalf of the soldiers and their dependents than has any other Member of the Congress during the same period of time. He has handled before the departments for them more than 10,000 individual claims, many of which presented unusual difficulties. His success along this line attained such wide recognition that many ex-service men from other districts and other States of the Nation came to him for help on their claims. He has rendered these the same service that he has those of his own district.

He has actively supported all legislation bestowing benefits upon ex-service men and has helped to originate much of it.

He introduced the resolution which was adopted by the Republican caucus which resulted in the enactment of the adjusted-compensation measure, and afterwards he introduced a bill providing for cash payments.

In line with his views that the disabled ex-service men should not be compelled to prove service connection before being entitled to compensation, he introduced another bill to give compensation or disability allowance to all who are found disabled, and he has been actively working to have similar benefits given the widows and orphans.

He was also the author of the bill giving an honorable discharge to minor soldiers of the World War who were given bad discharges because of underage enlistment, for which he will have the everlasting gratitude of thousands of patriotic boys.

NATIONAL FORESTS

With Congressman REECE's cooperation the Government has purchased about 75,000 acres of mountain land in the first district as a national-forest reservation, for which has been paid more than a half million dollars. The upkeep and development of these national forests mean many millions of dollars to the first district and will be a monument to the district for all time to come.

GREAT SMOKY MOUNTAIN NATIONAL PARK

In connection with his work toward the development of east Tennessee and its resources, Congressman REECE was talking in Washington and working toward the Great Smoky Mountain National Park before the idea had been expressed by anyone else to the Government. He has been largely instrumental in initiating and getting through Congress the necessary bills for the establishment of this great national park in the Smoky Mountains.

In the early stages of the idea he promised his people that he would not cease his efforts until the park was a reality. He has kept his promise, and those of us in Washington know how well he has done so. Representative REECE believes that his people near this great national park have only begun to realize the great benefits which it holds for east Tennessee. He regards it one of the greatest natural resources of east Tennessee, and that there is much yet to be done in connection with the proper development of it by the United States Government.

A MAN OF THE PEOPLE

Like Abraham Lincoln, REECE was born in a log cabin far up in the mountains of east Tennessee by the banks of the Wautauga River. He was the eighth of what later became a family of 13 children with 10 boys.

While he worked his way through college and university and became a recognized scholar in the field of economics and finance, he still retains his feeling of kinship for and his devotion to his native people. No service is too humble for him to render and no honor too great for him to bestow upon the people who have placed their trust in him.

After being educated at Carson and Newman College, New York University, and the University of London, with the degrees of doctor of philosophy and doctor of laws, and after his service as a soldier overseas, he returned to his native home to study and familiarize himself with the great problems of government and of economics which he felt that the first district in east Tennessee needed to solve, in order to provide for its people a happy and prosperous future. In the Halls of Congress he often expressed the hope that through the proper solution of its economic problems and the proper development of its natural resources to the east Tennessee Valley is to become the greatest valley in the world, both as to the fine character of its inhabitants and as to its economic and financial accomplishments.

His heart throbs with the destinies of those people, and he has been instrumental in bringing the National Government to a sympathetic view toward cooperating in the development of the Tennessee Valley and the South as a section of the Nation worthy of recognition. It was through his suggestion that the President in the campaign of 1928 spoke to the people of the South through the first congressional district.

Representative REECE is not only like Abraham Lincoln in his rugged strength of character and his brilliant insight into problems of government and economics, as well as in his adherence to principle, but is like him in his devotion to duty and his love of the common people with whom he feels a native kinship.

REECE AS A SOLDIER

Perhaps Representative REECE's devotion to duty, as well as his feeling of patriotism to his people and country, spring in part from his trying experience as a soldier. One of the best descriptions which I have seen regarding his service "over there" is given in the Washington Daily News by Miss Martha Strayer, which I wish here to pass on to others who may be interested in Representative REECE as an outstanding hero of the World War:

> Verdun has fallen. The Germans had withdrawn to their second line of defense. The Americans had advanced a few miles beyond Verdun. The Germans' key point in the sector which fell to the lot of the Twenty-sixth Division was the strongly fortified Hill 360.
>
> At the top of Hill 360 was a wood. On its slope were the remains of another wood, the trees shot to pieces by artillery. The Germans were entrenched on the slope, at the crest of the hill, and beyond. They had cement "pill boxes," practically impregnable. Their front line was a series of short trenches. The road leading to this hill, over which the Americans' supplies and ammunition had to come from 3 miles to the rear, ran through a depression between hills which had earned itself the name Death Valley. On it the Germans concentrated a constant rain of heavy shells.
>
> On October 23, when the Twenty-sixth began its advance from several miles to the rear, REECE was a first lieutenant in the One hundred and second Infantry. Before the 28th he had been made a captain and was commanding a battalion of 1,400 men. Meanwhile nearly all the line officers who had led the advance were casualties.
>
> October 23 passed—and the 24th and 25th. The Americans had gained the slope of Hill 360. They were fighting their way up, almost inch by inch. The lines were so close that Germans and Americans could have called back and forth to each other. The Americans were fighting from shell holes.
>
> "* * * In leading his company through four successful actions," says the citation which gave REECE his distinguished-service cross, "he was twice thrown violently to the ground and rendered unconscious by bursting shells, but upon recovering consciousness he immediately reorganized his scattered command and consolidated his position * * *."
>
> "That wasn't anything so very unusual," says the Congressman from Tennessee. "You didn't see it happen every day, but you did see it once in a while. The concussion of a bursting shell would simply knock a man over—do something to the blood ves-

sels in his head so he didn't know anything for a while. Then he'd get up and start again."

Still the Twenty-sixth fought for possession of Hill 360, and still the Germans held on.

Each morning at dawn the Americans attacked. All day long the fighting raged, artillery pounding the slope of the hill, German machine guns constantly spraying the American shell holes. Each evening wounded Americans had to be brought back almost from within the enemy's lines. To make this more hazardous German flares would light up the ground while their machine guns swept the Americans who were trying to rescue their comrades.

"• • • On several occasions," says REECE's citation, "under heavy machine-gun fire, he crawled far in advance of his front line to rescue wounded men • • •."

"Oh, well," says REECE, "of course, that did happen. But • • •."

At the end of the fifth day the Twenty-sixth was ordered to retire and make a wide detour attack. It was Monday, October 28, just two weeks before the armistice. The Germans were so strongly entrenched beyond the crest of Hill 360 that it was thought useless to continue the battle there.

But the Twenty-sixth had fought its way to the crest of the hill.

Congressman REECE is also decorated with distinguished-service medal and the croix de guerre with palm, as well as with the distinguished-service cross, and is cited for bravery both by American generals and by Marshal Petain.

THE "FLUKE" OF NOVEMBER 4, 1930

The figures here given show very clearly that the general election of November 4, 1930, in which Representative REECE was defeated, was not representative of the sentiment in his district nor of the mind of the Republican Party of the first Tennessee district. These figures are obtained from the Secretary of State and verify the statement that the combined Republican and Democratic vote of Mr. REECE's opponent was about 5,000 less than the Republican vote which REECE received in the primary of August 7. It shows that less than half the total vote of the district came out in the November election, due to the fact that so large a percentage of the Republican voters were snow-bound in the mountain counties.

This situation only gave certain Democrats, who had been embittered by REECE's victory of August 7 in the Republican primary, an opportunity, in the absence of the Republican vote marooned by the snowstorm in the large mountain counties of the district, to combine with fewer than 4,000 Republican bolters and take revenge against the Republican Party in this rock-ribbed Republican district, where the Republicans are accustomed to think of nomination as equivalent to election.

The circumstances which brought about the result of the November election have evidently been misrepresented here in Washington in an effort to show that the Republican Party of the famous first Tennessee district, where the President made his only southern speech in 1928, had repudiated him and the administration leaders, when as a matter of fact the result was only a "fluke," arranged by avowed enemies in conjunction with the bolters of the Republican Party. The President was decisively sustained in the Republican primary and is held in highest confidence by the party, according to these figures:

Republican primary election, August 7, 1930, for Representative in Congress

Sam W. Price	22,188
Carroll Reece (carrying 9 out of the 12 counties)	25,594
Total Republican vote in primary	47,782
Polled in State Democratic primary, Aug. 7	20,300
Total vote in district	68,082

General election November 4, 1930, for governor

Arthur Bruce (Republican)	16,584
Henry H. Horton (Democrat)	19,315
Combined Republican and Democratic vote for governor	35,899

General election November 4, 1930, for Congress

O. B. Lovette (run by Democrats)	20,893
Carroll Reece	18,239

FAME TO FIRST TENNESSEE DISTRICT

Smiling in the face of circumstances which brought about his defeat, with bitterness toward none, but with expressions of gratitude for the trust which his native people had reposed in him, this faithful Republican from Tennessee has continued to devote himself to his usual high type of patriotic service to the last day of his term. With just cause for pride in his career, he is bringing a distinguished record of public service to a brilliant termination.

Due to the natural modesty of this 40-year-old Tennesseean, the remarkable record by which his district has been given national distinction has not been heralded among his native people for the purpose of continuing himself in office. He has shrunk from using his record of devout patriotism to enhance his individual ends. Yet his distinguished record in the House of Congress has brought well-deserved recognition and fame throughout the Nation both to himself as a statesman of rare ability and to the district and State which he has so ably represented with unselfish devotion.

Long before he came to Congress, when at the front 210 days in the World War, with a record of distinguished service forever engraved upon the scrolls of the United States Army, he learned to fight with unflinching courage without thought of himself in behalf of principle and of the welfare of his country. He exemplifies the ideal, which he has often uttered, that it is as much the duty of a public official to render his country the highest service as it is a soldier on the field of battle to give his country the last full measure of devotion.

PAYMENT OF ADJUSTED-COMPENSATION CERTIFICATES

Mr. HUDSON. Mr. Speaker, under permission to extend my remarks, I desire to discuss briefly my position in reference to the so-called bonus legislation. During the late spring of 1930, before the close of the long session, and again during the early weeks of this session of Congress, I have been besieged by hundreds of veterans who said they were in dire need, through illness and lack of employment, and praying for the payment of their adjusted-compensation certificates in order that they might have the necessities of life, and in innumerable instances stated that a payment in cash on their certificates would enable them to save their homes, which they were buying on contract. Before the close of the session last year I introduced a bill providing for the reduction of interest charge on the loans to veterans to not exceed 4 per cent, and to make its provisions retroactive in the return of excess interest paid by those who had already made loans.

In replying to the pleas of these veterans I have stated I was not in favor of paying the certificates in full at this time, but that I would favor the payment of a part of such value to those who actually were in need at this time, because of conditions which were beyond their control. When the legislation came before us providing for the increased loan value, and allowing the veterans as a whole holding such certificates to make these loans at their increased value and at the low rate of interest, I stated the measure was too broad and ought not to provide for loans on these increased values except to those who, as I have said before, needed this increased accommodation at this time.

I voted for the measure, however, hoping that in some way it might be amended in order to meet the real need when it should reach the Senate, and not desiring to keep relief from those whom I felt should have some relief.

In the past few weeks I have received a great number of letters from all over the district written by ex-service men protesting against the passage of the legislation, and revealing a decided element among the veterans as opposed to the passage of such legislation. I want to insert here several of these letters which are typical of scores received.

DETROIT, *February 7, 1931.*

Representative GRANT L. HUDSON,
Washington, D. C.

DEAR SIR: This is to add one vote to those of your constituents opposed to cash conversion of veterans' insurance.

I served two years as captain, One hundred and thirtieth Field Artillery, 1917–1919. My insurance certificate calls for $1,578. Proposed inflation would seriously disturb the economic welfare of the Nation far outweighing the possible benefit of a few veterans in distress.

Respectfully,

RICHARD B. PORTER,
17525 Maumee Avenue, Grosse Pointe Village, Mich.

BIRMINGHAM, MICH., *February 6, 1931.*

DEAR SIR: As one of your constituents, I want to enter an emphatic protest against the unpatriotic and impolitic demand of the World War veterans that their insurance policies be paid now instead of in 1945, when they are due. I sincerely hope that you will oppose this measure with all your might, and know that in doing so you will serve the best interests of the country.

Yours very respectfully,

HUGO ERICHSEN, M. D.

BIRMINGHAM, MICH., *February 5, 1931.*

Hon. GRANT M. HUDSON,
Representative, Washington D. C.

DEAR SIR: I wish to go on record as definitely opposed to the cash payment of the adjusted-compensation certificate at this particular time. My reason is that I believe the payment at this time would not be an adequate solution to our present problems.

As a property owner in Birmingham, Mich., and as an ex-service man, I feel that it is my right to give you my personal views in the matter.

Service: April 1, 1918, to December 20, 1918, in the United States Naval Reserve Force, section patrol, Detroit, Mich.

Very truly yours,

C. C. PATTERSON.

DETROIT, MICH., *February 6, 1931.*

Representative GRANT HUDSON,
House Office Building, Washington, D. C.

DEAR SIR: Regardless of the fact that I would benefit by the soldiers' bonus bill, I feel that I must put myself on record with you as definitely opposed to the present discussion, believing that it is very untimely and the effect would be too drastic upon general business, which is still staggering under a heavy load with daylight almost ahead.

I hope that you are in accord.

Yours very truly,

H. R. WILL.

FEBRUARY 4, 1931.

DEAR MR. HUDSON: I wish you to know I am one of a large number of ex-service men who are absolutely opposed to any cash bonus at the present time.

You will be doing our country a real service if you vote "No" on any bonus bill for cash settlement.

Yours very truly,

D. T. LESTER,
145 Puritan Avenue, Highland Park, Mich.

DETROIT, MICH., *February 4, 1931.*

Hon. GRANT M. HUDSON,
United States House of Representatives, Washington, D. C.

MY DEAR REPRESENTATIVE HUDSON: I wish to express myself as being definitely opposed to cash payment of adjusted-compensation certificates before the maturity originally contemplated.

Very truly yours,

GUYOR W. OSGOOD,
15890 Cheyenne Avenue.

Served in American Expeditionary Forces 21 months in combat zone, Sector 638, U. S. A. A. S.; attached Seventh French D. I.

DETROIT, MICH., *February 4, 1931.*

Hon. GRANT M. HUDSON,
House of Representatives, Washington, D. C.

DEAR SIR: As one who spent nearly two years in the Navy during the World War, a citizen and taxpayer, I wish to register my emphatic opposition to all of the soldiers' bonus legislation before Congress at this time. I believe that it would not be for the best interests of the ex-service men and that it will do irreparable harm to the efforts to restore prosperity.

I also believe its effect on the credit situation in the country would prevent legitimate borrowing necessary to help business and would depress the value of present securities to such an extent that the stability of a large number of banks and other financial institutions already faced with serious problems would be threatened.

Urging that you oppose all legislation of this kind, I am,

Very respectfully,

HENRY HART.

DETROIT, *February 5, 1931.*

Hon. GRANT M. HUDSON,
House of Representatives, Washington, D. C.

DEAR SIR: As an ex-service man in the United States Navy, I wish to register my objections to the proposed legislation of the cash conversion of the war veterans' insurance now pending before your honorable body. Although I could use this distribution to advantage, I do not feel that it would relieve a sufficient percentage of the unemployed to warrant the effects which it undoubtedly would have on ultimate recovery of the present business depression.

I do not feel that the war itself, after a period of 10 years, has any particular bearing on the present business depression and that such ex-service men have no more right to expect relief than other unemployed.

I feel that declines in investment holdings of small banking institutions would materially increase the closing of such institutions and would most certainly embarrass a rather large proportion of the agricultural population particularly.

I also feel that an increase in interest rates would preclude industrial financing which may be contemplated, and is necessary in a recovery of industrial activity.

An increase in loan value of such certificates may be advantageous, inasmuch as it will aid those individuals who are actually in need, whereas the large percentage of veterans who are employed at this time would not embarrass the Government's financial structure by making loans which are not actually needed.

Very truly yours,

CLOUD L. CRAY.

DETROIT, MICH., *Febrary 13, 1931.*

Representative GRANT M. HUDSON,
Representative in Congress, Washington, D. C.

DEAR REPRESENTATIVE HUDSON: I reside in Detroit, served in the World War, and wish to go on record as not favoring payment in full of the veterans' bonus certificates at this time. I am against the bonus because—

1. It is gross extravagance to pay out $3,500,000,000 at this time.
2. It is class legislation, benefiting a minority. The veterans are no more in need of help than the other people.
3. It will increase taxes, and everyone must know, or ought to know, that taxes, either direct or indirect, can not be increased. Congress should provide ways to decrease taxes rather than increase them.
4. It will prevent permanent business recovery rather than aid it. The increased taxes, deflation of securities market, and weakening of the banking structure will more than offset the benefit derived from placing the bonus money in circulation.
5. It should not be necessary to aid 10 veterans when it is estimated that not more than 1 out of 10 needs help.
6. The veterans are in the prime of life. If the Government must give a bonus, why not give it to old people, those who are sick and unable to get work. The veterans as a class are better able to take care of themselves than the people as a whole. They are in the favored age as to employment.
7. The chances are that the veterans will be pensioned when they are old. Why pay them twice?
8. If the bonus is paid to the veterans it will be the forerunner of other raids on the Treasury. There will be other classes of people who will think they are entitled to help just as much as the veterans. The payment of the bonus now would be a bad precedent.

For the reasons mentioned, I think payment of the bonus in full would be unwise, unjust, unsound, unnecessary, and untimely.

Yours truly,

HAROLD R. CHAPEL.

On the other hand, I am in receipt of telegrams from Legion posts from various cities of the district urging that I vote to override the President's veto. The President's message is so clear and plain, however, that I feel I must vote to sustain his veto, and therefore cast my vote in accordance with the President's message.

I have never felt the bonus was passed by Congress as a measure of cash for veterans, but rather as a reserve in favor of their wives and children, which should stand as a relief in their behalf in the case of some sudden emergency. Our soldiers can never be repaid by a money consideration. They were not Hessians; they were not followers of war; they served because of the ideals of American democracy, and every comfort that can be given them, because of any illness which their service for such ideals has caused, a grateful country will provide. Such provision is reaching to-day for the veterans of the World War to approximately a billion dollars a year, and I would vote at this session for a wise provision for the widows and children of such veterans of the World War as have passed on.

Mr. Speaker and my fellow colleagues, I cast my vote to sustain President Hoover, believing the coming months will vindicate the justness of my action.

FEDERAL CONTROL OF THE MOVIES

Mr. HUDSON. Mr. Speaker, under permission to extend my remarks, I wish to discuss proposed Federal legislation for the control of the moving-picture industry.

I introduced, at the beginning of the Seventy-first Congress, H. R. 9986, which provides for the creation of a Federal commission which would have control of the industry

by declaring it a public utility and providing that before a producer could create a film he would need to receive a license from the commission. The legislation proposed is not a Federal censorship, but rather Federal supervision, and based upon legislation which controls and regulates the same as interstate commerce, radio, and power commissions. There was incorporated in the provisions of the bill the so-called code of standards for films drawn up by Mr. Will Hays, the czar of the movies, but which he seems unable to have the producers follow.

I have received during the short session literally thousands of letters urging the passage of the legislation and commending its purposes. These letters have come from all parts of the Nation, as I shall show by incorporating in my remarks a diagram of the States from which various organizations have sent resolutions adopted in their respective bodies.

I desire, Mr. Speaker, and ladies and gentlemen of the House, to discuss for a little time my reasons for introducing this legislation and something of the situation that confronts the Nation in the matter of "the movies."

In view of statements of psychologists that impressions through the eye are much more powerful than those which come through the ear, it is quite evident that "the movies" are the greatest force to-day in molding character for good and evil. In fact, Roger Babson says, "I sent a questionnaire to the school principals of New England asking which of the following had the greatest influence in molding the character of our young people to-day—the school, the church, or the home—and 70 per cent scratched off all three and replied: 'The movies.'"

Since it is estimated that motion pictures are the daily recreation of 20,000,000 people, youth predominating in all performances, would it not be wise for the thinking people to examine more closely this influence, "the movie," which now takes precedence over those three so long a dominant force in American life—"the school," "the church," and the "home"? Shall we allow a handful of movie magnates for the sake of their own profits to defeat these three in the character building of our children? Or through their misrepresentation of American life, reach across the seas to tarnish our good name among our neighbors?

Eight years ago Mr. Will Hays, a Presbyterian elder, became "czar" of the movies with the understanding that he would clean them up, and the church people and the better element generally accepted his promise in good faith and gave thanks that at last they had a friend in the movie court. There had been mutterings of censorship and Federal regulation for years, but now they called off their dogs and appointed various committees to suggest better ways in which the movie industry might serve the public. They encouraged churches to install motion-picture machines in order to get ready for the "better movies," which were coming with this new order of things, they issued selected lists of approved pictures and urged pastors and educational groups to cooperate with their local theater in encouraging good pictures and discouraging the evil ones.

Eight years of the new order show clearly that they have improved in the technique of production—in photography, visibility, and smoothness, but as to the character of the pictures themselves—

People are practically unanimous in their assertion that the movies are as bad or worse than they were then, and that they constitute nothing short of a menace to the mental and moral life of America.

This last quotation taken from Dr. Fred Eastman's article in the Christian Century, November, 1929, in which he asked his readers to answer regarding the movies in their local theaters.

Again, the people who write the movie ads seem to believe the American public want dirt. Sometimes the picture itself is not so bad, but the advertising tries to make us believe it is. Why does the movie magnate try to appeal to the worst in us rather than the best?

If you do not believe this is true, pick up your daily newspaper and read the ads for the movies in your own city, and follow this through for a reasonable time; then ask yourself if the movies have cleaned up. No; in some 20,000 motion-picture houses in America young people are seeking muck, crime, jazz, and sensuality presented as real life, and are being educated daily in false standards of taste and conduct, false conceptions of human relationship.

One of the movie actresses and her discharged hairdresser-secretary have had quite enough free publicity; yet we must use their example again to call attention to the fearful way that sensational trial was shot through with testimony of gambling, drinking, and other scandalous behavior. It is unthinkable that any school in America should employ such women as instructors. But men in control of the movie-picture business, though well aware that they are conducting an educational institution that modifies the tastes, standards, and ideals of millions of children daily, seem wholly indifferent as to whether their influence is helpful or the reverse. But still the unlovely and unworthy is glorified. Somehow this menace to the morality of the Nation must be met—the movies must be made safe for our children.

Dr. Frederick L. Hoffman, of the Babson Institute, generally recognized as the world's leading authority on homicides, makes a study of the murders committed in the United States during 1928. His figures for six of the largest cities are given below:

	Rate per 100,000
Detroit, 228	16.5
Chicago, 498	15.8
Cleveland, 134	13.3
Philadelphia, 182	8.8
New York, 401	6.7
Los Angeles, 70	4.7

Statistics clearly show that something is developing a disregard for law and order throughout the world to-day. This is especially true among the youth. Some lay it to prohibition, under which so many respectable people are defying the Constitution—the bulwark of American life and property. If the crime waves were confined to the United States, one might seriously consider this a plausible reason. But the disregard for law is world-wide, so that it can not logically be laid to prohibition. It would be more logical to consider it a natural aftermath of the Great War, which necessarily taught men to shoot, steal, and deceive.

Twenty years ago we might have laid it to immigration. But we had very little crime 20 years ago, when nearly a million immigrants entered the country annually. Now, with immigration reduced to less than 200,000 annually, crime has increased. Hence, immigration can not be blamed.

Such studies as I have made—

Says Babson—

lead directly to the movies as the basic cause of the crime wave to-day. If you have any doubts as to the evil influences of the movie, go to a movie house in the poor quarters of your city and see what is being portrayed. Why we Americans will continue to spend thousands of millions on schools and teachers to train the children of our cities and then permit a bunch of irresponsible men to exhibit each night crime-breeding pictures within the shadow of the school just to make a few dollars is beyond my comprehension. Such pictures in one night uproot all the good seed which the schools can plant in a month. It is exactly like appropriating money to a fire department and then permitting anyone to set buildings afire just to collect insurance. The better type of motion picture is both educational and recreational, and I believe that the educational picture will play an important part in the future education of children.

This is not all. The American motion-picture industry now supplies the motion-picture markets of the world. Nearly 90 per cent of all the movies are American made, and the people who see these pictures abroad are forming their conception of American life. The extension of the movies in foreign trade have multiplied their harmful influence. In an article written by Catheryne Cooke Gilman for the Woman's Journal, February, 1930, she makes this statement:

All civilized nations have passed laws to protect their citizens from the unwholesome pictures imported from America. Appeals for assistance in raising the standards of motion-picture production have come from the national councils of women of Australia, Canada, China, France, Germany, Hawaii, India, Irish Free State, Japan, Yugoslavia, Palestine, Rumania, and Turkey. The women's organizations in this country have voiced their opposition consistently over a period of 20 years.

Sir Phillip Gibbs lays at the door of the American movie the cause of England's crisis. He says:

It is the picture palace where American-made films exhibit the indecent luxury of the idle rich and creates desires and envies among the working classes and makes them hate others. It is not slackness of the world trade but slackness of moral fiber.

Mr. S. K. Ratcliff, writing in the Yale Review, while recognizing that the American movie is made by a small group of men who are not representative of the best or even the average of American life, says that the English people do not know this. They see only the—

Crude imbecilities of Wild West drama, the rawness of industrial production and business adventure, cocktail parties, night clubs, the duel of sex, the degradation of marriage, of bootleggers, and hijackers, * * * mean and abominable people doing mean and abominable things, with a lawless waste of money, and all this against a background of luxury and indulgence such as the peoples of the Old World know about only through the revelations of the American movie.

Mr. Ratcliff recently had to read scores of manuscript submitted by English readers in response to a newspaper essay contest. The theme was "America and Americans." He states that in all these essays he found not one favorable to ourselves or our country, and he believes this is largely due to the impressions received by these people through our American films. Sir James Parr, of New Zealand, says that 95 per cent of the films shown in New Zealand are American pictures which are "cheap, trashy, and harmful." Sir Albion Banergi, of India, urges upon America the necessity of doing something to offset the impression that foreigners have gained through the preponderance of American films that the United States is "a land of bandits, bootleggers, and social highflyers." Turning to South America, Will Irwin reports Doctor Galleni, an eminent editor of Uruguay, as saying at a dinner during Mr. Herbert Hoover's good-will tour of South America that the motion pictures of our country constitute one of the main obstacles to a proper understanding between the United States and the South American countries. Our pictures, he says, are all "cabaret life, the sins of society, and crime." The United States has agitated against the trade of opium in the Far East. Would it not be well for her to act as vigorously against the corrupting influence which comes from her own shores?

What will we do about it? For after all it is a question which America and American people, even as you and I, must answer. Shall we allow our youth, the hope of America, to be further polluted by this small group of people in order that their pocketbooks may be well lined? Shall we allow our fair name as a country to be dragged through the dust in order to satisfy a small group of producers, who see only the well-filled movie house as their goal? How long will we, as Federal legislators, hesitate to bring under proper legal restraint the greatest political, educational, and moral agency in the world? Does not the solution lie in the so-called Hoover doctrine, namely, a government by commission?

The Federal trade, the pure foods, the radio, interstate commerce, and other commissions established by the Government provide adequate precedent for a Federal motion-picture commission. It seems clear that the pictures are unwholesome and unsatisfactory for interstate or foreign commerce. Cooperation with the industry has been unsuccessful after a continuous trial lasting over 20 years. Just as the peace movement needed the Kellogg-Briand peace pact, just as prohibition needed and demanded an amendment to the Constitution, so the motion-picture problem requires national legislation, possibly international treaties and articles of interpretation and enforcement.

The American public is long-suffering and kind, but there is a limit beyond which they will not go. Appended to this article is a list of organizations asking for Federal supervision, and this general grouping gives but little idea of the vast number of organizations taking part of this demonstration of public sentiment. Will the movie magnates read the handwriting on the wall, and will Congress be governed by the will of the people rather than the small group of men at the head of this devastating industry? The demand is insistent, informed, and militant. Hearing of the legislation has not been secured this Congress, but the battle for this needed legislation will be renewed, with ultimate success. The interest is American childhood and the American home.

Resolutions for Federal supervision

STATES	
Alabama	2
Arizona	6
Arkansas	
California	96
Colorado	92
Connecticut	21
Delaware	26
District of Columbia	17
Florida	17
Georgia	2
Idaho	13
Illinois	13
Indiana	15
Iowa	144
Kansas	466
Kentucky	48
Louisiana	7
Maine	14
Maryland	3
Massachusetts	3
Michigan	32
Minnesota	60
Mississippi	21
Missouri	3
Montana	
Nebraska	41
Nevada	
New Hampshire	2
New Jersey	13
New Mexico	
New York	415
North Carolina	2
North Dakota	
Ohio	24
Oklahoma	15
Oregon	155
Pennsylvania	77
Rhode Island	3
South Carolina	
South Dakota	27
Tennessee	3
Texas	2
Utah	
Virginia	1
Washington	25
West Virginia	13
Wisconsin	87
Wyoming	
	2,021

ORGANIZATIONS SENDING IN THESE RESOLUTIONS	
Men's organizations:	
Lions International	3
Kiwanis	3
Rotary	1
Forums, brotherhoods, etc	5
Ministerial associations	12
City councils	1
American Legion auxiliaries	5
Council of Churches	2
Young Men's Christian Association	3
Past noble grands (42)	1
Orange Lodge	2
Other lodges	9
Men's and women's organizations:	
Granges, farm and dairy organizations	17
Colleges and schools	3
Christian Endeavor, Epworth Leagues, and young people's organizations	33
Theaters	2
Daughters of the American Revolution, Grand Army of the Republic, War Mothers, Daughters of the Confederacy, etc	10
Catholic Daughters of America	1
Women's Catholic Order of Foresters	4
Girl Scouts	1
Campfire Girls' Guardians	2
Women of the Ku-Klux Klan	2
Missionary societies	181
Ladies' Aid and other church societies	104
Sundry school organizations and classes	112
Clubs, several city and district federated, etc	165
Parent-Teachers Associations	77
Churches	135
Presbyteries	4

Men's and women's organizations—Continued.

Scout, Young, Auxiliary, Spanish War Veterans	1
Young Women's Christian Association	28
Woman's Christian Temperance Union	remainder.

This general grouping gives but little idea of the vast number of organizations taking part in this demonstration of public sentiment.

THE CONDITION OF AGRICULTURE, AND NEGLECT OF RUN-OFF OR FLOOD WATERS AS AFFECTING THE NATION'S WELFARE

Mr. SEARS. Mr. Speaker, I take advantage of the rule of the House, permitting me to say a word, I hope, for the general welfare.

I desire the attention of the financial men of our country, who dictate the conduct of it, no matter which party is in power, and who largely carry out, or see that they are carried out, the policies agreed on.

No country can thrive and be on the upgrade unless its energies are developed according to its best prospective. Each person and organization of it must be loyal to that development. To work against that development is the height of national or sectional treason. Home markets are better than foreign ones. It is folly to work for foreign markets, and then to impoverish great home sections, so as to destroy normal buying power.

The volume of currency should never be fixed by those who deal in money. Inflation of currency may be foolish, but material contraction of a nation's currency is the height of crime. Three rules as to currency may be stated, as follows: Inflation means easy credit. Invitation to use it. Higher prices and expanding indebtedness. Contraction of currency means credit harder to use and falling prices. It means the ruination of those in debt and who are invited to so go into debt. No one will question these two rules. The third follows the two first: If there is neither inflation nor deflation, the price of money remains the same. Under the last rule prices going up or down follow the supply and demand of products. In other words, the supply and demand of products fix the price of money. But in the abnormal market, where there are rapid changes in money volume owing to great expansion and contraction of money quantity, then the money is the yardstick and forces the price of products and of property up or down, largely regardless of the property supply. And then the middle and debtor class are ground between millstones of the financial miller. And the great crimes follow, as in 1920 and 1930.

The United States can not thrive without successful agriculture. Agriculture in the United States is at its lowest ebb. Here great questions arise. Why is agriculture at its lowest ebb? What can be done to give it its upgrade status? What would result to the rest of the Nation with agriculture normal again?

Surely a few words on these questions may be of proper relation.

In the spring of 1920 agriculture was at its best. Its rewards were at their best. And all parts of the United States felt the great value of farmers buying normally and furnishing the best market of the world for shops and factories. Then with a wave of the wand of villiany the picture was changed. The word of law of those in charge of currency volume went forth that currency and credits were to be reduced in our agricultural section 30 per cent and in 30 days. No village or city or community of the Nation could stand up under such an order without first staggering and then falling. General bankruptcy and financial ruin followed. Almost all men with property had followed the invitation to go into debt still further, and their debts were then at their height. In a few months' time their property of all kinds had dropped in value more than a half, and they were ruined by the million. Ruined by those who were dealing in money and who had been given the franchise of fixing the price of money, and who daily were dealing in stocks and bonds. More was lost to those of agriculture and its dependent occupations in a year than all the cost of the World War. And of all of those who took part in that the greatest of all of our Nation's crimes no one has been punished.

Again agriculture is hurt because of exorbitant transportation rates and because of floods and droughts, and because the Nation has turned a deaf ear to the pleas of agriculture on those lines.

The bread and meat basket and pan of the Nation is the Northwest section of our country. Being the section of the great product, and the long haul, that portion of agriculture is entitled to the low rate as to transportation. Who says not, and why? But the Interstate Commerce Commission lays down the rule that the rate there can not be lowered until river navigation has been perfected, knowing full well that the western railroads have prevented the rivers' practicability for navigation for the past 50 years, and will continue their efforts for many years in the future, probably successfully so. So the western section has been bled at least $200,000,000 each year by exorbitant rates and out of the pockets of agriculture mostly. Those who declared deflation of currency and credits fixed the rule of the high rate for the heavy product and long haul. How long will agriculture stand for it?

Again, after the deflation of 1920 another crime was done against the Nation that hurt agriculture. The same great men of finance directed the black-tulip craze of stocks and bonds in Wall Street in 1929 and 1930 that wrung probably more than $40,000,000,000 more out of the people. Money left the agricultural section for speculation in New York. So money that was needed for legitimate loans was not available and prices went down again at the expense of agriculture. And agriculture was not rewarded, and the farmers could not buy anew, and the factories of the East were not on full time or were closed.

And then agriculture is distressed by floods and droughts because of the short-sightedness of the great ones of the Nation in wasting our greatest national resources, our run-off waters. We are losing billions of national wealth each year through the erosion of our soils, because of losses through floods, and because of the losses through drought. We are expending millions of dollars in looking up foreign markets and neglecting the saving grace of our own natural resources. We are now in the act of fixing a perpetual flood system on the country with the expenditure of billions of dollars in doing it and throwing the valuable waters into the Gulf of Mexico as worthless, when every drop is needed for agriculture and those dependent upon it.

There are men and combinations of men in this country that seem all powerful, who are determined that water-river transportation shall not be perfected, because they think it will hurt the income of railroads, so for years they have prevented the general improvement of our rivers. The power companies are determined that there shall not be the reservoiring of the minor flood areas, for they think that some of them may develop into cheap power for the people. They know that all of the water that is known to the great floods can be saved as our Nation's greatest asset. They seem to dominate the Army engineers who for many years have been charged with this work, but who never have made a study of the sources of floods and of droughts, and why we do not have long-time navigation as to our rivers. Not one of the Army engineers that I refer to would dare to ask me for a more definite statement. If they have that courage, I invite the question.

In the meantime we have drained and straightened marshes and creeks, have deforested our lands, have graded roads and paved them, have built sewers in our cities and towns; have done everything to hasten the sudden draining of the flood waters and to make greater the floods. In the wake of this draining has come a drying up of the soil, so that while we have had the greatest floods of our history in the last few years, we have also had the greatest of our droughts. And the tendency as to both is on the increase. Is that a way to conserve our national wealth?

With 20,000,000 acre-feet of water taken possession of and put to use in each the Ohio, Missouri, and Arkansas areas the question is solved for all time of no great floods in the valley of the Mississippi; no great droughts; ample

navigation as to the rivers of that valley. And many other ancillary benefits.

And otherwise you must all know: That we have embarked on the wickedest water journey ever undertaken by man. First, to consider those waters as worthless and to throw them into the Gulf at an expense of billions of dollars; second, to perpetuate great floods and droughts as a condition on the country; third, to do away with our rivers as things of value and for navigation; fourth, to disregard those rivers as potentialities for power, reforestation, for the increasing of fish, game, and wild life, and for municipal uses. Does this Nation want to pay the price of such a surrender, by the Nation and its Congress, or will it arouse itself and make the most of its greatest remaining asset and help to put agriculture on its feet.

For six years, about, I have been a member of the Flood Control Committee of the House. That time has been devoted to the study of the economics of water and its relation to the welfare of the people of this country. As I look back I realize that each moment of that time has been opposed by the Army engineers, who have been educated by the Treasury of the United States, and by that Treasury given employment and a livelihood. They have been in charge of so-called flood control. Yet the first principles of it they have never studied. Never till within a year did they even give a promise of study as to the source of floods nor of the values of water. They have accepted as true that floods must continue; that the waters of floods were without value. They tried to mislead the Flood Control Committee and therefore the House itself as to the causes of the great floods. Apparently did not know and did not want to know that flood waters below Cairo, Ill., that caused flood trouble were from the tributaries, and that to reservoir the tributary water was to do away with the floods below. Apparently they knew nothing of that same water for long-time navigation in the rivers and to help agriculture. The immense cost to the Federal Treasury of their plans never gave them a serious thought. The impoverishment of soils and the loss of navigable water were of no concern to them. Apparently their policy was dictated by those who cared nothing for the country or its future. They seemed to care nothing for the thousands of people they were trying to ruinously affect, nor the millions of acres of valuable land they were going to destroy by their policy of throwing the waters into the valley. And their intention was to destroy property and not pay for it.

My own belief is that all questions of flood control, drought control, waters for navigation, and kindred questions that relate to the economics of our run-off waters must be taken from the jurisdiction of the Army engineers and placed in the hands of engineers who are open-minded, competent, and free from entangling alliances, or hopes in that direction.

I hope that the American people will hold to a strict accountability any administration tainted with laxity in not conserving our run-off water resources, in not giving us real flood control and real drought control and river navigation control and the benefits of those waters controlled. The water line in the soil has gone down as far as 60 feet in the soil in the Northwest country. It is going farther. Every part of the country suffers through floods, and then suffers through droughts. By reservoiring the minor flood areas these evils will be corrected in just the extent we take possession of the waters and use them.

Personally, I have no use for a political organization that will not look after the interests of my section of the country. And yet I love the Republican Party. I demand that it look after the interests of all sections of our land. If it is a party of great promise and small performance, and nominates candidates of large promise but small performance, I hope it will be of few days, as it will cause the country of our affections to be full of trouble.

THE AGRICULTURAL MARKETING ACT—FEDERAL FARM BOARD

Mr. HAUGEN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I desire to avail myself of this opportunity to offer a few observations touching upon the agricultural marketing act and the operation of the Farm Board during the 19 months of its life.

Frequently it is stated in the press that the Farm Board, after a year and a half effort to solve the farm-relief problem, had concluded that farm relief rests with the farmers themselves and that one by one its members have indicated their intention to retire.

I quote from Hon. Calvin Coolidge's letter printed in the Washington Post of February 27, 1931:

> Members of the board have constantly made it plain that they do not propose to continue a policy which is dangerous and unsound, and in the end bound to fail. Beginning months ago, both the Secretary of Agriculture and the board gave constant warning that the sound solution of the surplus problem lay with the farmers themselves. Unless they solve it, no one can provide a permanent solution for them.

I take it that the statement of former President Coolidge, who undoubtedly has inside information, can be accepted; and if so, an open confession is good for the soul.

Unfortunately the board, in its efforts to carry out the declared policy of the act "to maintain advantageous domestic markets and prevent such surpluses from causing undue and excessive fluctuations or depressions in prices for the commodity," adopted the plan of curtailment of production, a plan frequently tried out not only in many sections of our own country, but throughout the world, and which in every instance has proven a failure, a plan not suggested by the farmer, nor the legislative representatives of the farm groups, nor the friends of effective farm relief, but originating in some unknown source.

The plan adopted was suggested by its sponsors as an innocent child, and would do no harm, and was written into the compromise measure rather than to lose the whole bill in the hope that if it ever was tried out the board would acknowledge it as stated in Mr. Coolidge's letter to be "dangerous and unsound policy, which is bound to fail," and it would proceed to adopt a workable plan or come to Congress and ask for legislation to enable it to effectively carry out the declared policy "to maintain advantageous domestic markets and prevent such surpluses from causing undue and excessive fluctuations or depressions in prices for the commodity."

Instead of the board throwing up its hands or adopting and pursuing a workable plan, according to former President Coolidge's letter, the "board has given constant warning that the sound solution of the surplus problem lay with the farmers themselves, and unless they solve it no one can provide a permanent solution for them." Evidently they have given up in despair, as all others have who have tried out a plan to effect 100 per cent voluntary cooperation and control and a balanced production, and one by one the members announce their intention to retire. If so, we have an open confession, and as a result we find ourselves short on cash and long in experience.

Had the board continued its policy to buy at the pegged price of wheat and to take over the surplus wheat and to assume the loss, and had it immediately exported the wheat, losses would have been much less. Nevertheless, the board has been helpful to the wheat producers.

It will be noted from the price data furnished by the grain futures' division of the Department of Agriculture, which I append hereto, that from the latter part of November the Chicago price remained firm with slight rise during the period of operations by the stabilization corporation financed by the board, notwithstanding the Liverpool price rapidly declined to the last of December, since which time it has been fluctuating between 60½ to 67 cents.

As a result of the operations of the board, the producers have been benefited during the month of December from 5 to 20 cents, and from December up to the present time from 18 to 20½ cents a bushel, which seems to prove conclusively that by removing the surplus from the market to thus prevent the surplus from unduly depressing the price the tariff can be made effective by the subsidy plan, and by continuing the plan it would undoubtedly carry out the

declared policy of the act. The only objection to the plan is that the cost is borne by the stabilization fund—in other words, by the Federal Treasury—whereas under the equalization-fee plan each producer would share equally in the cost of equalizing the price and share alike in the profits, and receive the same benefit without cost to the Federal Treasury.

It will be noted that while the experiment incurred a considerable loss, that in the pegging of the price and with the tariff back of it, the board rendered material help to the producers of wheat.

Better still, had it succeeded in effecting 100 per cent cooperation and applied the equalization-fee plan, the producer of wheat, if operating under the equalization-fee plan, would have received the price of the competing market (Winnipeg), ranging from 56 to 66 cents, an average of about 60 cents, plus the tariff of 42 cents, freight, and other expenses incidental to importation of 8 cents, or a total of $1.10, a net gain over the price received of 34 cents a bushel, minus the equalization fee of 14 cents, or a net gain of 20 cents over the price received. This gain of 20 cents, if applied to the whole production of 860,000,000 bushels, would be $172,000,000, without cost to the Federal Treasury.

Under the plan pursued, the producers of wheat received on January 2, 1931, at Minneapolis 76 cents a bushel, at a considerable loss and expense to the Federal Treasury, whereas under the equalization-fee plan they would have received the Winnipeg price on that same date of 56 cents, plus 42 cents tariff, and cost of freight and other expenses incidental to importation of 8 cents, or a total of $1.06, minus the equalization fee of, say, 14 cents, or net 92 cents, instead of the 76 cents, a net gain of 16 cents a bushel over the price received without expense to the producer or the Federal Treasury.

A few days ago, February 26, the producers of wheat received 76 cents a bushel at Minneapolis, under the present Farm Board policy—loss, if any, at the expense of the revolving fund—whereas under the equalization-fee plan they would have received the Winnipeg price on that same date, February 26, of 60 cents, plus 42 cents tariff and freight and other expenses incidental to importation of the competing wheat amounting to 8 cents, or a total of $1.10, minus the equalization fee of 14 cents, or net 96 cents per bushel, instead of 76 cents, a net gain of 20 cents per bushel, all without expense to the producer or the Federal Treasury.

The subsidy plan, "the debenture plan," which seems to be much preferred by operators on the grain exchanges, although at the expense of Uncle Sam, would have given the producers the benefit of $180,600,000 if applied to the whole 1930 crop of 860,000,000 bushels, at a cost to the Federal Treasury of $54,600,000, if the 21-cent debenture had been paid on the estimated surplus of 260,000,000 bushels. If Uncle Sam insists upon paying the bill, it would afford some relief. Why apply the subsidy plan when greater relief can be afforded through the equalization-fee plan without expense to the farmers.

The question is, Why did not the board adopt one or the other of the two plans? The answer is the lack of power of the Farm Board to effect 100 per cent cooperation of the producers. Neither of the two plans, the allotment plan or the equalization-fee plan, can be accomplished in the absence of 100 per cent cooperation or control; otherwise the nonmembers would reap the whole benefit without contributing to the cost of equalizing the price, and the members cooperating would only receive the increased price minus the equalization fee; in other words, the members would carry the burden and the nonmembers would reap the benefit therefrom. As was contended by many of us, in view of the past experiences of many most excellent men in their efforts to effect 100 per cent voluntary cooperation and a balanced production, and, as the board now seems to be convinced, it simply can not be done, experience has demonstrated with absolute finality that 100 per cent voluntary cooperation of six and one-half million people can not be accomplished. Evidently it can only be accomplished through legislation making it mandatory. In my opinion, undoubtedly the most practicable and certainly the most equitable way is through the equalization-fee plan, adopted three times in the House, in the Senate two times, and vetoed by President Coolidge two times.

The question is, Why was the amendment to the McNary-Haugen bill finally agreed to? As is generally known, when the two major parties held their respective national conventions in 1928, neither party nor party candidates would commit themselves to the equalization-fee plan. A special session of Congress was called for the consideration of tariff revision and farm relief. The equalization-fee plan was again suggested. Many contended that farm relief might be made effective through some other plan. No agreement could be reached on any particular plan, hence it was suggested to leave it to the board to work out its own plan to redeem party platform pledges "to place agriculture on a parity with industry and others."

Many believed that as neither of the major parties were committed to any specific plan, and as both were committed to farm-relief legislation, and as it did not seem possible to pass a measure carrying the equalization fee plan, many of us, including the legislative representatives of the various farm organizations—the Farm Bureau, Farmers' Union, the National Grange and others—most reluctantly yielded to the suggestion to leave it to the board to adopt its own plan in order to "maintain advantageous domestic markets and prevent the surplus from unduly depressing the price." As a result, we have the agricultural marketing act. The act gives the board unlimited power, makes $500,000,000 available to carry out the declared policy and places the responsibility upon the board to adopt its own plan to maintain advantageous domestic markets and prevent the surplus from unduly depressing the price of the commodity.

The act, with the exception of a few changes in phraseology in its declared policy "to maintain advantageous domestic markets and prevent such surpluses from causing undue and excessive fluctuations or depressions in the price of the commodity," is identical with the declared policy of the McNary-Haugen bill, except that the McNary-Haugen bill provided for a specific plan, the equalization fee plan, to carry out the declared policy, the purpose of the equalization fee being to collect from each producer his ratable share of the cost of equalizing the price and to pay him his proportionate share of the profits therefrom, thus resulting in full control in the marketing of the whole production of agricultural commodities without a drain on the Federal Treasury, whereas under the act it is up to the board, in conjunction with the producers, to adopt its own plan to effect 100 per cent cooperation and control necessary to maintain advantageous domestic markets and to prevent the surplus from unduly depressing the price, as directed in the declaration of policy.

As indicated in President Coolidge's letter, the board has not succeeded in effecting 100 per cent cooperation or control. Undoubtedly, many friends of real farm relief are much disappointed. Evidently, it has not come up to the expectations of its sponsors.

I assume that the producers, Members of Congress, and all concerned are as much interested in farm relief as ever, and unless the board succeeds in adopting a workable plan, all will join hands in renewed efforts to the enactment of a law, specifically directing how and when to give the farmer advantageous domestic markets, to prevent the surplus from causing undue and excessive fluctuations and depressions in the price of commodities, thus placing the farmer on the promised parity with labor and other industry.

Will Congress come to the rescue of the farmers to relieve them of their continued economic depression? Will the Members of the two legislative bodies put their shoulders to the wheel in an honest effort to redeem their party platform pledges to place agriculture on equality with others? Though late, shall the farmers be given the benefit of our protective laws?

All that the farmers ask is that they be enabled to market their commodities as organized industry and labor are and have been doing, and that Congress make the 100 per cent cooperation possible, and that they be given the benefit of our protective laws—in other words, that they be given a fair and square deal. They are not now, nor have they been in the past, asking for a charity or a subsidy. They and millions of others believe and have most consistently asked for the equalization-fee plan, one tried out by organized industry and which has proven out entirely satisfactory.

Instead of further experimenting with plans known to be unsuccessful at a high cost, and thus subjecting the producers to a long, lingering financial extinction—in other words, a slow and certain economic death—why not try some known workable plan, never known to have failed, the equalization-fee plan or the allotment plan tried out by organized industry and which has worked out satisfactorily to organized industry; for example, the allotment plan, the millers' plan, which seems to have worked out favorably in "doing" the consumer and in enriching the millers' trust.

Prices of wheat at Chicago during January and February have ranged (eliminating the fractions) from 81 cents to 83 cents, with few exceptions, as on January 12, 13, and 15, when the price was 84 cents, and on the 14th of January, when it went to 85 cents. The average price at Minneapolis during the same period was 76 cents, except on the 10th, when it went to 77 cents, and on the 12th, 13th, and 15th, when it went to 78 cents, and on the 14th to 79 cents.

Four and six-tenths bushels of wheat are required to make a barrel of flour. One barrel of flour, with 38 per cent moisture added, makes 276 one-pound loaves of bread, and generally 14-ounce loaves are sold as pound loaves, which would increase the number to about 300 loaves. At 77 cents a bushel, the cost of the wheat (4.6 bushels) entering into the production of a barrel of flour would be $3.54. According to quotations, Minneapolis flour on February 17 was $5.20 to $5.40 a barrel, in addition to which there is about 70 pounds of shorts and bran, which generally sell at about a cent a pound, a total of from $5.90 to $6.10 a barrel. At Los Angeles, 3,000 miles away, where it is necessary to sell at a lower price to meet competition, with freight charges paid, the price was $4.90 to $5.13, plus the 70 cents for by-products, or $5.60 to $5.83. Under this plan the millers receive the meager profit of from $2.36 to $2.56, less the cost of processing, which I understand to be 52.6 cents a barrel, or a net profit of from approximately $1.83 to $2.03 per barrel at Minneapolis and from approximately $1.53 to $1.76 at Los Angeles, less freight charges.

It will be noted that the producers sell their wheat at 77 cents, minus on an average of approximately 17 cents freight and hauling, net about 60 cents a bushel, or $2.76 a barrel, while the millers receive for a barrel of flour and by-products from $5.90 to $6.10, and the consumers pay, when the flour is made into 276 one-pound loaves of bread, $27.60, or when made into 300 fourteen-ounce loaves of bread approximately $30. The millers under the allotment plan make a profit of $1.83 to $2.03 per barrel.

All will recall the report of the Federal Trade Commission of July 3, 1918, in response to the President's direction to the Federal Trade Commission to investigate and report facts relating to the production, ownership, manufacture, storage, and distribution of foodstuffs and the by-products to ascertain the facts bearing on the alleged violations of the anti-trust act, in which the commission reported, as printed on page 10995 of the CONGRESSIONAL RECORD of October 3, 1918, the following as relating to flour:

> That in place of the 25 cents per barrel maximum by regulation, the average profit per barrel on 4,000,000 barrels from September, 1917, to March, 1918, was about 45 cents, or over three times the normal profit per barrel for flour for the four years ending June 30, 1916, reported to be only 13½ cents on each barrel.

According to reports, one miller in Kansas made $282,000 profit in excess of the maximum profit fixed by the Government regulations, which claim was settled for $8,000 and costs; another miller made $19,000, which claim was settled for $402 and costs. Both claims were settled without reauditing the accounts. The profit then was only about 45 cents a barrel, only a trifle over three times the pre-war profit of 13½ cents a barrel.

Now, when producers and consumers are in need and entitled to bread at a reasonable and fair price, we find that under the millers' "allotment plan" to equalize the price, made possible because they are few in number, the producer of wheat receives net $2.76 for 4.6 bushels of wheat. If made into 1-pound loaves of bread selling at 10 cents, the consumer pays $27.60, and if made into 14-ounce loaves selling at 10 cents the consumer pays $30. Minneapolis millers receive from $5.90 to $6.10 for a barrel of flour and by-products and at Los Angeles, where they sell in competition, they receive from $5.60 to $5.83 less freight and walk away with a net profit—Minneapolis—from $1.83 to $2.03, and at Los Angeles from $1.53 to $1.76, for the flour and by-products. Their profit at Los Angeles is approximately twelve times the pre-war profits of 13½ cents, and if sold at Minneapolis the profit is approximately fourteen times the pre-war profit of 13½ cents.

The producer of wheat, if operating under the allotment plan or equalization plan, would have received the price of the competing market (Winnipeg) ranging from 56 to 66 cents, an average of about 60 cents, plus tariff of 42 cents, freight and other expenses incidental to importation of the competing product amounting to 8 cents, or a total of $1.10, a net gain over the price received of 34 cents per bushel, minus the equalization fee, or a net gain of 20 cents over the price received.

Wheat, of course, is not the only commodity entitled to consideration. It differs from others where the surplus for export is small, if any.

It is pleasing and gratifying to note, from price quotations which have been furnished by the Department of Agriculture and which I append hereto, that farmers have been receiving substantially higher prices because of the tariff; for example, corn, of which we have no surplus for export.

The May future price of corn at Chicago during January and February has ranged from 64⅛ up to 74⅝ cents; at Kansas City from 58¼ to 68⅝ cents, whereas the Buenos Aires price has ranged in the same time from 28⅜ to 32¾ cents, a spread of from 36 to 42 cents a bushel between the Buenos Aires and Chicago prices and from 30 to 36 cents a bushel between the Buenos Aires and Kansas City prices. Had it not been for the tariff, we would have been selling our corn in competition with Buenos Aires prices ranging from 28 to 32 cents, plus ocean freight and export tax of approximately 13 cents, making it about 42 cents f. o. b. New York, as compared with 64 to 74 cents in Chicago, a profit of approximately 22 to 32 cents a bushel.

The price of flaxseed at Minneapolis during January and February has ranged from $1.50 to $1.64, whereas the Winnipeg price has ranged from 95 cents up to $1.07 and the Buenos Aires price has ranged from 80¾ cents up to 96⅜ cents a bushel, being a difference of from 56 to 57 cents between Minneapolis and Winnipeg and from 67⅝ to 69¼ cents between the Minneapolis and Buenos Aires prices. Had it not been for the tariff on flax, we would have been selling our flax at about 50 cents below the Minneapolis price.

The average price of cattle per 100 pounds at Chicago, on good steers 1,100 to 1,300 pounds, according to the Bureau of Agricultural Economics of the Department of Agriculture, ranged from $9.93 to $11.26 during the last five months of 1930, as against prices on medium steers over 1,050 pounds at Winnipeg ranging from $4.58 to $6.31 per 100 pounds. Again owing to the tariff, cattlemen have been benefited to the full extent of the $3 tariff plus expenses incidental to importation.

In support of the price quotations, I insert below certain price data furnished by the Bureau of Agricultural Economics, Department of Agriculture, showing comparison of the American market average prices on various farm commodities as compared with competing markets.

Cattle—Average price per 100 pounds, Chicago and Winnipeg, by months, 1929–1931

Month	Calendar year, 1929		Calendar year, 1930		Calendar year, 1931	
	Chicago, good steers, 1,100–1,300 pounds	Winnipeg, good steers, 1,000–1,200 pounds	Chicago, good steers, 1,100–1,300 pounds	Winnipeg, good steers, 1,000–1,200 pounds	Chicago, good steers, 1,100–1,300 pounds	Winnipeg, good steers, 1,000–1,200 pounds
January	$14.11	$8.73	$13.77	$9.13	$11.31	
February	13.12	8.20	14.00	9.41		
March	13.22	8.62	13.54	9.42		
April	13.76	9.56	13.17	[1] 9.26		
May	13.84	10.50	12.58	9.56		
June	14.43	10.62	11.54	8.10		
July	14.80	10.17	9.95	6.31		
August	14.62	9.41	9.93	4.96		
September	14.29	8.26	10.67	4.58		
October	14.18	8.07	10.39	4.59		
November	13.52	7.97	10.97	4.77		
December	13.59	8.91	11.26			

[1] Quotations change to medium steers, over 1,050 pounds.

Division of Statistical and Historical Research. Chicago prices compiled from data of the reporting service of the Division of Livestock, Meats, and Wool, Bureau of Agricultural Economics. Winnipeg prices from the Livestock Market and Meat Trade Review, monthly.

Beef—Average price per 100 pounds, New York and London, by months, 1929–1931

Month	Calendar year 1929		Calendar year 1930		Calendar year 1931	
	New York, medium steer, 500 pounds up	London, Argentine, chilled hind quarters	New York, medium steer, 500 pounds up	London, Argentine chilled hind quarters	New York, medium steer, 500 pounds up	London, Argentine, chilled hind quarters
January	$18.70	$13.75	$19.86	$15.91	$12.59	
February	17.54	13.05	18.88	15.29		
March	18.46	14.19	18.41	15.82		
April	20.30	17.11	18.07	14.70		
May	20.67	15.71	17.36	14.64		
June	21.58	15.92	16.81	13.38		
July	21.22	13.90	13.24	17.17		
August	19.04	16.86	12.58	17.87		
September	18.72	17.18	13.83	15.46		
October	17.57	15.21	13.82	13.14		
November	17.16	16.29	12.55	14.87		
December	19.10	16.92	13.57	13.88		

Division of Statistical and Historical Research. New York prices compiled from data of the reporting service of the Division of Livestock, Meats, and Wool, Bureau of Agricultural Economics. London prices from Agricultural Market Report.

Lard—Average price per pound at New York and London, by months, 1929–1931

Month	Calendar year, 1929		Calendar year, 1930		Calendar year, 1931	
	New York prime contract	Liverpool, American prime western steam	New York, prime contract	Liverpool, American prime western steam	New York, prime contract	Liverpool, American prime western steam
	Cents	Cents	Cents	Cents	Cents	Cents
January	12.10	13.40	10.90	11.92	11.00	
February	12.30	13.50	11.30	12.17		
March	12.50	13.90	10.70	11.79		
April	12.20	13.50	10.70	11.84		
May	12.00	13.40	10.70	11.80		
June	12.30	13.50	10.20	11.30		
July	12.50	13.90	10.00	11.15		
August	12.40	13.80	11.40	12.34		
September	12.20	13.60	11.90	13.23		
October	11.40	12.70	11.90	13.25		
November	10.90	12.10	11.20	12.46		
December	10.80	11.80	10.60	11.32		

Division of Statistical and Historical Research. Prices for New York compiled from Bureau of Labor Statistics Wholesale Price Bulletins. Liverpool prices from Manchester Guardian, average of Friday quotations, converted at par of exhange.

Butter—Average price per pound, New York, London, and Copenhagen, by months, 1929–1931

Month	Calendar year 1929			Calendar year 1930			Calendar year 1931		
	New York, 92 score	London, finest, New Zealand	Copenhagen, export price	New York, 92 score	London, finest, New Zealand	Copenhagen, export price	New York, 92 score	London, finest, New Zealand	Copenhagen, export price
	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
January	47.94	40.11	39.10	36.63	33.84	31.95	28.50		
February	49.89	37.64	39.00	35.70	32.72	35.28			
March	48.45	36.30	35.50	37.27	29.98	31.70			
April	45.35	35.79	32.80	38.33	27.40	27.38			
May	43.54	36.06	33.40	34.85	28.05	26.33			
June	43.54	36.82	35.10	32.03	28.79	27.66			
July	42.42	37.20	35.30	35.24	29.57	30.29			
August	43.45	37.42	35.60	38.92	28.98	29.28			
September	46.22	38.61	39.70	39.77	27.59	29.86			
October	45.56	39.29	40.50	39.98	25.26	30.09			
November	42.70	37.48	38.70	36.09	22.38	27.23			
December	41.10	35.25	35.80	32.18	24.52	27.28			

Division of Statistical and Historical Research. Compiled as follows: New York, from reports of the Division of Dairy and Poultry Products, Bureau of Agricultural Economics; London, from the London Grocer, weekly; Copenhagen, from Smor Tidende (Danish Butter Journal), conversion at par of exchange.

Flaxseed—Average price per bushel, Minneapolis and Winnipeg, by months, 1928–29 to 1930–31

Month	Crop year 1928–29		Crop year 1929–30		Crop year 1930–31	
	Minneapolis No. 1	Winnipeg, No. 1 N. W. C.	Minneapolis No. 1	Winnipeg, No. 1 N. W. C.	Minneapolis No. 1	Winnipeg, No. 1 N. W. C.
	Cents	Cents	Cents	Cents	Cents	Cents
September	209.2	186.2	323.1	283.7	190.3	143.4
October	228.4	192.8	331.5	291.5	179.7	129.4
November	234.7	195.8	324.0	271.9	165.2	104.7
December	238.8	198.7	321.6	264.1	160.9	97.8
January	245.1	199.9	308.0	251.8	157.4	
February	255.5	204.2	304.8	249.5		
March	248.7	207.5	292.4	244.3		
April	245.4	202.5	291.8	243.0		
May	245.4	205.4	268.2	219.2		
June	247.6	211.9	271.2	211.7		
July	276.1	252.7	232.1	178.8		
August	279.4	260.8	199.5	162.4		

Division of Statistical and Historical Research. Minneapolis prices compiled from Minneapolis Daily Market Record and are average of daily prices weighted by car-lot sales. Winnipeg prices from Canadian Grain Statistics, weekly, basis, Fort William, and Port Arthur.

Oats—Average price per bushel, Chicago and Winnipeg, 1928–29 to 1930–31

Month	Crop year 1928–29		Crop year 1929–30		Crop year 1930–31	
	Chicago, No. 3 white	Winnipeg, No. 1 feed	Chicago, No. 3 white	Winnipeg, No. 1 feed	Chicago, No. 3 white	Winnipeg, No. 1 feed
	Cents	Cents	Cents	Cents	Cents	Cents
August	38	47	43	63	39	35
September	41	50	48	63	38	28
October	42	51	47	61	36	28
November	44	48	45	56	33	
December	46	47	45	56	34	
January	50	51	45	51		
February	50	54	44	50		
March	48	48	43	45		
April	48	46	43	47		
May	45	42	41	45		
June	45	44	38	43		
July	47	58	35	39		

Division of Statistical and Historical Research. Chicago prices are compiled from the Chicago Daily Trade Bulletin, and are averages of daily prices weighted by car-lot sales. Winnipeg prices, 1928–29 from reports on Grain Trade of Canada, 1929, p. 156. Beginning August, 1929, from Weekly Bulletins of Agricultural Statistics, Canada.

Barley—Average price per bushel, Minneapolis and Winnipeg, 1928–29 to 1930–31

Month	Crop year 1928–29		Crop year 1929–30		Crop year 1930–31	
	Minneapolis No. 2	Winnipeg No. 3 western	Minneapolis No. 2	Winnipeg No. 3 western	Minneapolis No. 2	Winnipeg No. 3 western
	Cents	Cents	Cents	Cents	Cents	Cents
August	65	69	[1] 62	70	53	39
September	63	66	63	75	54	32
October	63	70	59	71	52	28
November	62	68	60	66	48	23
December	62	66	60	62	47	
January	66	73	58	57		
February	70	78	57	51		
March	67	75	56	47		
April	65	72	57	49		
May	60	67	56	45		
June	60	70	50	39		
July	60	83	48	39		

[1] Classification changed to "special No. 2," August, 1929.

Division of Statistical and Historical Research. Minneapolis prices compiled from Minneapolis Daily Market Record, and are averages of daily prices weighted by car-lot sales. Winnipeg prices, 1928–29 are from Report on Grain Trade of Canada, 1929, p. 156; beginning August, 1929, from Weekly Bulletins of Agricultural Statistics, Canada.

Corn—Average price per bushel, Chicago and Buenos Aires, 1928–29 to 1930–31

Month	Crop year 1928–29		Crop year 1929–30		Crop year 1930–31	
	Chicago, No. 3 yellow	Buenos Aires, yellow, La Plata	Chicago, No. 3 yellow	Buenos Aires, yellow, La Plata	Chicago, No. 3 yellow	Buenos Aires, yellow, La Plata
	Cents	Cents	Cents	Cents	Cents	Cents
November	84	97	88	82	71	34
December	83	98	88	79	69	
January	93	97	85	65		
February	94	99	82	62		
March	94	99	80	62		
April	99	91	82	62		
May	87	79	79	60		
June	91	87	79	56		
July	99	87	82	54		
August	101	87	99	57		
September	101	87	94	51		
October	95	84	82	43		

Division of Statistical and Historical Research. Chicago prices are compiled from the Chicago Daily Trade Bulletin and are average of daily prices weighted by car-lot sales. Buenos Aires prices are from Review of the River Plate, average of weekly quotations, converted at monthly average rate of exchange as given in Federal Reserve Bulletins.

Rye—average price per bushel, Minneapolis and Winnipeg, 1928–29 to 1930–31

Month	Crop year 1928–29		Crop year 1929–30		Crop year 1930–31	
	Minneapolis, No. 2	Winnipeg, No. 3 western	Minneapolis, No. 2	Winnipeg, No. 3 western	Minneapolis, No. 2	Winnipeg, No. 3 western
	Cents	Cents	Cents	Cents	Cents	Cents
July	111		107	106	55	52
August	94	92	98	[1] 112	60	55
September	94	89	97	105	55	42
October	94	90	97	102	49	37
November	98	99	95	94	43	
December	97	96	98	94	44	
January	101	98	91	85		
February	105	107	78	73		
March	100	104	66	60		
April	89	95	68	66		
May	85	82	65	62		
June	84	83	57	54		

[1] Classification changed to No. 2 C. W., August, 1929.

Division of Statistical and Historical Research. Prices at Minneapolis are compiled from the Minneapolis Daily Market Record and are average of daily prices weighted by car-lot sales. Winnipeg prices July, 1928–July, 1929, Report on the Grain Trade of Canada, 1929, page 156; from August, 1929, from weekly Bulletins of Agricultural Statistics, Canada.

Wheat—Average price per bushel, Minneapolis and Winnipeg, 1928–29 to 1930–31

Month	Crop year 1928–29		Crop year 1929–30		Crop year 1930–31	
	Minneapolis No. 1 northern spring	Winnipeg No. 3 Manitoba northern	Minneapolis No. 1 northern spring	Winnipeg No. 3 Manitoba northern	Minneapolis No. 1 northern spring	Winnipeg No. 3 Manitoba northern
	Cents	Cents	Cents	Cents	Cents	Cents
July	138	120	143	152	92	90
August	119	108	135	152	91	88
September	119	106	135	144	87	74
October	116	111	131	134	82	68
November	116	111	128	126	75	60
December	115	109	131	130	77	48
January	121	112	127	123		
February	128	120	125	110		
March	125	119	112	100		
April	120	115	111	103		
May	111	107	107	104		
June	115	112	100	98		

Division of Statistical and Historical Research. Compiled from Minneapolis Daily Market Record. Minneapolis prices are averages of daily prices weighted by car-lot sales. Canada prices are average of daily cash closing prices, basis in store at Fort William and Port Arthur.

I also insert table showing daily prices of futures since January 1, 1931, to date, on wheat, corn, and flaxseed, furnished by the Grain Futures Division, Department of Agriculture:

Wheat—Daily closing prices of futures since January 1, 1931

[Cents per bushel]

Date	Chicago May future	Liverpool May future	Winnipeg May future	Buenos Aires March future	Minneapolis May future	Kansas City May future
1931						
Jan. 2	L81⅝	61⅝	L56⅜	40⅞	76⅛	L73
Jan. 3	81¾	62½	58¼	51⅝	76½	73¼
Jan. 5	81⅞	63¼	56¾	H51⅞	76⅜	73⅜
Jan. 6	81⅝	62½	57⅝	51¾	76½	73⅜
Jan. 7	82¼	63⅞	58¼	51⅝	76⅜	73⅝
Jan. 8	82⅛	64	57⅜	50¼	76⅜	73⅛
Jan. 9	82⅛	63¼	56½	50¾	76⅜	74⅛
Jan. 10	83⅛	62⅝	56⅛	49¼	77	74¼
Jan. 12	84⅛	63	57¾		76¾	74½
Jan. 13	84⅛	64⅝	57¼	51⅛	78⅛	75
Jan. 14	H85⅛	63⅛	57⅛	49¾	H170⅛	H76¼
Jan. 15	84⅛	62⅝	56½	48¾	75¼	75¾
Jan. 16	83¼	61⅝	57	47¼	77¼	73¼
Jan. 17	83	62⅛	56¼	47½	77	73⅛
Jan. 19	82⅞	61⅛	56¼	47	77⅜	74⅛
Jan. 20	83	60⅝	56½	46¾	77½	74⅛
Jan. 21	82⅝	61¾	56⅜	47¼	77⅜	74¼
Jan. 22	83	61⅝	57	47½	77	74⅛
Jan. 23	82⅝	60⅜	56¼	47¼	76¾	73⅝
Jan. 24	82⅝	60⅛	56⅛	47⅜	77	73⅝
Jan. 26	82⅝	61⅜	57⅛	47½	76¾	73⅝
Jan. 27	82⅝	61½	57½	47¾	76¾	73⅝
Jan. 28	82⅜	L60½	57	46¼	76¼	73⅛
Jan. 29	82¼	60¼	58¼	47⅜	76¼	73¼
Jan. 30	82¼	61⅛	58½	46¾	76⅝	73¼
Jan. 31	82½	61	58	46⅜	76½	73
Feb. 2	82¼	60⅜	58⅛	L46	76¾	73
Feb. 3	82¾	61⅝	60½	47⅛	76¾	73⅛
Feb. 4	82⅞	62⅜	60¼	47⅜	76¾	73¼
Feb. 5	83¼	62⅝	60¼	46⅜	76⅝	73⅛
Feb. 6	83¼	62⅛	60¼	47¼	76⅝	73⅛
Feb. 7	83⅛	63	62¾	47⅜	76½	73¼
Feb. 9	83⅝	63⅛	54¼	49⅛	76½	73⅝
Feb. 10	84	65⅛	H66⅜	49¾	77⅛	74
Feb. 11	84	64¾	64¼	49¼	76⅞	73¾
Feb. 12		63⅛	62⅛	49⅛		
Feb. 13	83¾	63½	62¼	49⅛	76¼	73⅝
Feb. 14	83⅝	63½	63¼	49	76⅝	73⅝
Feb. 16	83¼	64⅜	62⅛		L76⅝	73¼
Feb. 17	83¼	65¼	63		76½	73¼
Feb. 18	83¼	65¼	63	49¾	76¼	73⅝
Feb. 19	83⅛	65	64¾	50	76¼	73½
Feb. 20	83⅛	H67⅛	65⅛	H51⅝	76⅛	73⅛
Feb. 21	83⅛	66	63⅝	50	76½	73½
Feb. 24	83¼	66	61⅞	49⅝	76½	73¼
Feb. 25	83⅜	64⅜	62½	49½	76½	73¼
Feb. 26	83⅜	64⅛	60⅝		76½	73

Imports of wheat into United States

	July 1, 1930, to Feb. 14, 1931	July 1, 1929, to Feb. 15, 1930
	Bushels	*Bushels*
Bonded	13,306,000	6,010,000
Duty paid	2,000	13,000
Total	13,308,000	6,023,000

Corn—Daily closing prices of futures since January 1, 1931

[Cents per bushel]

Date	Chicago, May future	Kansas City, May future	Buenos Aires, February future
1931			
Jan. 2	72¼	65¼	31⅛
Jan. 3	72½	66¼	32
Jan. 5	71¼	65¼	32⅛
Jan. 6	73½	67⅛	
Jan. 7	H74⅛	H68⅜	31½
Jan. 8	73⅜	67⅛	31⅛
Jan. 9	72⅝	66⅜	31⅛
Jan. 10	71⅜	65⅜	31⅛
Jan. 12	72½	66⅜	30⅝
Jan. 13	72½	66½	30⅝
Jan. 14	72¼	66⅜	30⅝
			March future
Jan. 15	70⅝	65¼	29⅝
Jan. 16	70½	65	30⅜
Jan. 17	69⅝	64⅝	30
Jan. 19	70¼	64⅞	29⅛
Jan. 20	69½	64	28⅝
Jan. 21	69⅜	64¼	29⅛
Jan. 22	68⅛	62⅞	29⅛
Jan. 23	67¼	61½	29⅛
Jan. 24	66¾	61¼	29½
Jan. 26	66	60½	29
Jan. 27	67⅛	61½	28⅝
Jan. 28	64⅛	59⅛	28⅝
Jan. 29	65⅜	60	29¼
Jan. 30	64½	59	28⅞
Jan. 31	L64⅛	L58⅛	L28⅛
Feb. 2	64⅜	58¼	28⅛
Feb. 3	65¼	60⅛	28⅝
Feb. 4	66¾	60½	29⅝
Feb. 5	65⅜	60	29
Feb. 6	66	60½	29⅛
Feb. 7	67¼	61½	29⅝
Feb. 9	69	63⅛	30⅜
Feb. 10	69⅝	64⅛	31½
Feb. 11	68⅛	62⅝	31¾
Feb. 12			31
Feb. 13	66½	60⅞	30⅛
Feb. 14	66⅛	60⅜	30⅝
Feb. 16	64¾	59½	
Feb. 17	65¼	59⅜	
Feb. 18	65¼	59⅜	31⅝
Feb. 19	66¼	60⅛	31⅝
Feb. 20	65⅜	59⅞	H32⅛
Feb. 21	65¾	60½	32½
Feb. 24	64⅝	58⅞	
Feb. 25	63½	58⅜	
Feb. 26	65¼		

Flax seed—Daily closing prices of futures since January 1, 1931

[Cents per bushel]

Date	Minneapolis, May future	Winnipeg, May future	Buenos Aires, March future
1931			
Jan. 2	156	99	83½
Jan. 3	159	101⅞	83¼
Jan. 5	159¼	100	86⅞
Jan. 6	162½	103⅝	
Jan. 7	H164	104½	85
Jan. 8	163	103½	82⅞
Jan. 9	161⅜	102½	84⅝
Jan. 10	160	101	83¼
Jan. 12	160	101¾	83⅝
Jan. 13	160½	103⅝	84¼
Jan. 14	160½	104½	84¼
Jan. 15	159⅝	102	82⅝
Jan. 16	159½	102	
Jan. 17	158	102¼	82⅝
Jan. 19	157½	101⅞	81¾
Jan. 20	156	99¼	L80⅜
Jan. 21	156½	99⅝	81⅛
Jan. 22	156¼	99½	83¼
Jan. 23	156⅞	100	81⅞
Jan. 24	154¾	97	82⅜
Jan. 26	154	97¼	82⅝
Jan. 27	153	96	82¾

Flax seed—Daily closing prices of futures since January 1, 1931—Continued

Date	Minneapolis, May future	Winnipeg, May future	Buenos Aires, March future
1931			
Jan. 28	150½	95¼	82⅛
Jan. 29	150½	L95	83½
Jan. 30	L150	95¾	83¼
Jan. 31	150½	95¼	82¾
Feb. 2	151½	95¾	82⅝
Feb. 3	153½	96½	83¼
Feb. 4	154¼	96¾	85⅜
Feb. 5	152¼	96	82⅝
Feb. 6	153	97⅛	84⅛
Feb. 7	154	97¾	84¼
Feb. 9	155¼	97½	85⅛
Feb. 10	153¾	98⅛	85¼
Feb. 11	152¼	98¼	85¼
Feb. 12		96	85⅜
Feb. 13	151¾	95½	86⅛
Feb. 14	152	96⅛	
Feb. 16	152¾	98	
Feb. 17	155¼	100¼	
Feb. 18	160	H107¼	90⅛
Feb. 19	157½	103⅜	93¼
Feb. 20	157	105	H96⅛
Feb. 21	155¼	104	94⅜
Feb. 24	156½	103¾	95¼
Feb. 25	156		96⅛
Feb. 26	156		

THE DIESEL ENGINE—HISTORY AND FACTS WARRANTING ITS USE BY OUR MERCHANT MARINE—THE NAVY AND THE AMERICAN DIESEL ENGINE INDUSTRY

Mr. COCHRAN of Missouri. Mr. Speaker, during the closing days of the Seventy-first Congress there was some discussion in the committees and upon the floor as to the advisability of Dieselizing one of the three battleships to be modernized, as well as our merchant ships and our submarines. Since I took part in that discussion Members of the House asked me numerous questions regarding the history and progress of the Diesel industry in this country. I have made some investigation regarding the question and will present the facts I have gathered for the benefit and consideration of the Congress, as well as the country.

HISTORY OF THE DIESEL ENGINE

After 17 years of study and experimentation Dr. Rudolph Diesel, of Munich, Germany, in 1897, completed a successful new type of power-producing engine with a higher thermal efficiency than any other type that has been produced before or since.

In collaboration with the engineers of Krupp, and Augsburg Machine Works, of Germany, Sulzer Bros., of Switzerland, and Mr. Adolphus Busch, of St. Louis, Doctor Diesel developed the commercial engine that bears his name. Although the outstanding advantages of this new type of power-producing engine were at once recognized, it took about 10 years to introduce the Diesel in small sizes and another 10 years for it to gain a position as a serious competitor of steam engines, which had become well established as the accepted type of power plant.

During the past 30 years the Diesel engine has been thoroughly tried out in both stationary and marine service, and has shown a thermal efficiency which has never been approached by any other type of heat engine. In the average steam plant less than 15 per cent of the heat energy contained in fuel is converted into mechanical energy; in the largest and most modern steam plants less than 25 per cent of the heat energy contained in fuel is converted into mechanical energy; while in the Diesel engine, with utilization of waste heat in cooling water and exhaust gases, over 40 per cent of the heat energy contained in the fuel is converted into mechanical energy.

In those countries in Europe where cheap fuel is not available stationary Diesel engine power plants have been widely installed. Chile has an interconnected Diesel power plant system of over 40,000 horsepower. In Shanghai, China, is a 37,000 horsepower stationary Diesel plant.

But the greatest adoption of the Diesel engine has been for the propulsion of ships, which must carry their own fuel.

As the Diesel burns less fuel than steam engines with the same amount of fuel bunker, the ship can carry more cargo; or can purchase fuel in the port of call where fuel is cheapest in price and bunker sufficient for the round voyage. Also, the Diesel propelling engine takes up less space than the steam plant. It requires no warming up, while a steam plant must be slowly fired several hours before being placed in operation. Again, the simple Diesel engine is self-contained, without such extensive auxiliary apparatus as steam boilers and condensers that are necessary for the steam engine, and therefore the Diesel propelling plant requires a smaller operating crew.

With the trend toward high-speed ocean transportation the cost of fuel has become an ever-increasing part of the cost of ship operation, and because of its greater efficiency and lower consumption of fuel the Diesel has to a great degree superseded steam for the propulsion of medium-size ocean-going passenger and cargo ships requiring propelling plants up to 25,000 horsepower.

The unit size of Diesel engines has been rapidly increased, until now merchant ships of 25,000 shaft horsepower have been built, and the latest type of German cruiser will be fitted with a 50,000-horsepower Diesel plant. Superliners like the *Leviathan* and *Bremen*, requiring from 100,000 to 150,000 horsepower, are fitted with steam turbines, although it appears possible that at no distant date Diesels will be developed for even such size plants.

BRIEF HISTORY OF THE AMERICAN DIESEL ENGINE

It was a St. Louisan, Mr. Adolphus Busch, who was directly responsible for the advent of the American Diesel engine industry.

It was Mr. Busch who purchased from Doctor Diesel in 1897 exclusive rights to the Diesel engine for the United States and Canada. He built at St. Louis in 1898 the first Diesel in the world to be placed in commercial service. From 1898 until the expiration of his basic Diesel patents in 1911 Mr. Busch pioneered alone in Diesel building in America, building several hundred stationary engines for installation in public utility and industrial plants.

Doctor Diesel, from 1898 until his death in 1913, continued—as advisory engineer, director and stockholder—his close association with the Busch enterprise, the only American industry in which Doctor Diesel ever participated, or with which he ever cooperated.

After the expiration of the basic Diesel patents other American manufuacturers began building Diesel engines, until to-day there are some 50 American Diesel builders. The leading American firms have made arrangements for collaboration with leading European firms, especially in late years, when the more general adoption of the Diesel abroad has resulted in revolutionary development of new types of improved design and higher efficiency.

Mainly due to the abundance of cheap coal in this country, the Diesel was not as rapidly adopted for stationary power plants as it was in other countries.

In the United States there are now over 1,000 public-utility Diesel power plants, ranging in size up to 15,000 horsepower. The largest-size American engine unit is of 4,000 horsepower, contrasted with European public-utility Diesel engine units of 15,000 horsepower at present in use and units of 18,000 and 25,000 now being built.

To-day, however, oil fuel has taken the place of coal in many sections of the world, and almost entirely so for ocean-going ships. In 1927 the tonnage of world's ships fitted with Diesel engines was 62.8 per cent of the tonnage fitted with steam engines; in 1928 the Diesel tonnage was 80.1 per cent of the steam tonnage; in 1929 the Diesel tonnage was 84.4 per cent of the steam tonnage; and in 1930 the Diesel tonnage exceed by over 330,000 tons the world's output of steam tonnage.

In contrast with this wide adoption abroad of Diesel engines for merchant ships, in the United States all of the ocean-going passenger and cargo ships built and building under Government aid are, with one exception, fitted with steam equipment.

WHAT IS A DIESEL ENGINE?

The Diesel converts the heat in oil fuel to mechanical power by combustion within the engine cylinder, the gases driving the piston downward. The piston on its return stroke compresses pure air in the cylinder sufficiently to produce heat, which ignites the fuel injected at the end of the stroke. There is no explosion, the fuel being introduced gradually and therefore burned gradually, without sudden rise of pressure of an explosive character. It is therefore more simple than the automobile gasoline engine, that requires electric-spark ignition, and far more simple than the steam plant in which fuel is burned under a boiler, generating steam under pressure, the expansive force of the steam then being used in the power-producing engine.

By its direct combustion of the fuel within the engine cylinder, the Diesel gain in thermal efficiency is approximately 100 per cent over steam, taking into account the usual utilization of Diesel waste heat in modern marine installations.

DIESEL ADVANTAGES OVER STEAM PLANTS

In addition to requiring approximately only one-half as much fuel as the steam plant, the Diesel propelling engine consumes fuel only when the ship is underway. It is instantly ready to deliver full power. Fuel must be burned to heat up the steam plant several hours before the ship sails and during short periods while the steamship is in port.

The Diesel ship, requiring less machinery space and approximately half the bunker capacity, may be built smaller than the steamship for the same carrying capacity. As the weight of the Diesel engine and its fuel is less than the steam plant and its fuel, the Diesel ship has less dead load to carry. It also requires less operating crew. In the Diesel engine fuel consumption is independent of the operator, while in the steam plant fuel consumption will be substantially increased by the negligence of attendants.

The relative difference in fuel consumption of large and small Diesels is comparatively slight, while in contrast large steam plants are substantially more efficient than small steam plants. The relative fuel consumption of Diesel engines varies only slightly within a wide range of loads; at three-quarter load it is only about 3 per cent more than at full load and at one-half load only about 10 per cent to 12 per cent more. On the other hand, fuel consumption of steam plants is much greater at three-quarter and at one-half load.

The Diesel plant eliminates smoke and ashes and requires only a small water supply.

In an effort to stimulate our American merchant marine we are giving large subsidies in the form of mail contracts and loans at low interest rates to shipowners and shipbuilders. These ships must compete on the seas with the ships of the maritime nations of the world. The more economical the operation of the ships of our competitors the larger our subsidies and Government aid must be. Why should our Government officials not require those who benefit by our subsidies to build ships as economical to operate as the ships of our competitors?

The merchant marine act of 1928 clearly intended that Government subsidies should only be used to encourage the development of the most modern and economical merchant ships, ships which eventually will be able to meet our competitors successfully.

The deficiency act signed by the President just before adjournment carried a provision authorizing and directing the members of the Appropriations Committee of the House to make a thorough investigation regarding contracts made by the Post Office Department for the carrying of the mail by air and for the carrying of mail by subsidized steamship lines. Let me express the hope that this committee in making its investigation will go into the question of the loaning of Government money for the construction of ships to carry the mails.

The committee should learn from the Government officials who administer this Government subsidy why they do not keep the following purposes in view:

First. To strengthen our American merchant marine by building only the most modern and most economical ships.

Second. To limit the mail subsidy aid to amounts of Government money that would no more than offset the actual difference between the cost of operating the most economical American ships and the cost of operating the most economical foreign ships.

Third. To prevent private parties investing the minimum amount of money in the least expensive type of ships in order to obtain lucrative mail subsidies. Taking into consideration that the private shipowner has to put up only 25 per cent of the cost of the ship to obtain the whole mail subsidy, and that he can borrow from the Government 75 per cent of the cost of the ship at an extremely low rate of interest, with payments of the loan spread over 20 years; the most important safeguard to the Government for its loan, if it is obliged, through failure of the private shipowner's venture, to recapture the ship, lies in the ship's being of the most modern, most economical type to meet foreign competition.

As proof of the fact that the Diesel-propelled ships are better and more economical than steam, I call attention to the fact that during this world depression when competition is keen the experienced maritime nations are Dieselizing their ships.

On page 5 of Lloyd's Register of Shipping, Annual Summary of the Mercantile Shipbuilding of the World for the Year 1930, it will be found that there were launched throughout the world last year in ships of from 6,000 to 15,000 gross tons—143 Diesel ships, as compared with only 38 steamships, and that of these Great Britain launched 81 motor ships, compared with only 11 steamships. For the United States of the 6 motor ships shown 5 were oil tankers and 11 out of the 12 passenger-cargo ships were steamers.

The following statements appear on page 2 of Lloyd's Summary:

The tonnage of vessels launched during 1930, which are being fitted with internal-combustion engines, amounts to 1,582,994 tons, which compares with 1,270,000 tons launched in 1929. The total tonnage for 1930 exceeds by over 330,000 tons the world's output of steam tonnage. In 1929 the motor tonnage launched equaled 84.4 per cent of the steam tonnage, in 1928 it was 80.1 per cent, and in 1927, 62.8 per cent.

It should further be stated that the tonnage of motor ships building in the world at the end of 1930 is actually 349,000 tons in excess of the steam tonnage under construction, thus showing the progress which is being maintained in the employment of the internal-combustion engine as a means of marine propulsion.

It may be stated without question that Lloyd's report that the tonnage of motor ships building exceeds the steam tonnage under construction, establishes the Diesel ship as the modern ship and the Diesel engine as the most modern propelling engine.

It would appear then that the time has come for Congress to institute inquiry as to why the intent of its marine legislation is not being carried out; as to why ships being built under the construction loan provision of the merchant marine act of 1928 are not being fitted with the most modern and most economical propelling engines; and as to why the Post Office Department is granting subsidies to offset the less economical operation of American steamships as against the more economical foreign operated Diesel ships.

It is especially timely to raise this question now inasmuch as additional legislation is already being prepared looking toward extending some form of governmental aid to equalize the difference in construction and operating cost of cargo ships not benefiting by mail contracts. This recommended legislation will provide for cargo ships so benefiting to serve as naval or military auxiliaries in time of war or national emergency.

There are in our present merchant cargo fleet, carrying our exports to the markets of the world, over 600 slow-speed obsolete steamships, averaging over 12 years of age, that are economically unable to compete with the large fleets of modern fast foreign motor ships. It is essential to the success of our new merchant marine that these 600 or more ships be replaced within the next 8 or 10 years. They should by all means be replaced with the most modern type of economical Diesel ship. As the language of the merchant marine act of 1928 has not accomplished such desirable purpose, such new legislation should accordingly specify more specifically that replace tonnage benefited by governmental marine aid must be fitted with Diesel engines.

During the next world war, whether we enter such a war or not, our trade routes to foreign countries must be maintained with American merchant ships to bring us raw materials and other foreign products necessary to our existence and prosperity. Many peace-time foreign fueling stations will be closed to our ships. The advantage of the Diesel ship, with its low fuel consumption permitting bunkering sufficient fuel in United States ports to go around the world and back without refueling, is so great that it is hardly too much to say that at such a time steamships with short sailing radius could not be used on many long trade routes.

Likewise such short radius steamships would be of little or no value as auxiliaries to the Navy or the Army.

Foreign governments may be considered as being more war-minded than the United States. Possibly this is why European and oriental nations are building vast fleets of low fuel consumption Diesel ships, the dummy stacks of which can be quickly removed and flush airplane decks provided, converting these speedy passenger liners into formidable airplane carriers. Such converted warships could operate across the Pacific or across the Atlantic from distant fuel stations and menace our coasts and the Panama Canal from a safe distance of several hundred miles with fleets of airplanes; and underlying their successful operation would be the low fuel consumption of their Diesel engines, which would give such ships a sailing radius to permit extended operations in foreign waters and return to their home bases without refueling.

Rear Admiral Moffett in a recent speech said a merchant marine is a large part of sea power, a navy being only part of it.

He maintained as long as we have a merchant marine inferior to any other nation we will not have parity in sea power. That we can gain it by building merchant ships just as we build cruisers. He insisted each merchant ship can be changed into an aircraft carrier, and that aviation will make merchant ships potential men of war. He asserted that merchant ships when converted into aircraft carriers can carry bombing planes having a range of 600 miles, while before the advent of aviation merchant ships could only carry small guns having only a few miles radius.

The admiral points out aviation has enormously increased the relative value of a merchant marine, and in getting parity in navies we must realize that we have still a long way to go to have parity in sea power. He asked that this be given serious thought, expressing the hope that we get a merchant marine inferior to none.

If we are to have a merchant fleet equal to those of great maritime nations, as Admiral Moffitt suggests we should have, we must Dieselize our merchant ships, thus giving them fuel economy and long sailing radius such as other great maritime nations are doing.

While the superpassenger liners now building under the loan provision of the merchant marine act of 1928 and successfully operating through aid of mail contracts are more spectacular than the cargo ship, the cargo ship is nevertheless the backbone of our merchant marine, both in number of ships and in importance in carrying our surplus farm products and manufactured goods to the markets of the world. A great portion of these farm products and manufactured goods are produced in the interior of our country and are handicapped by a long haul to the seaboard. It is all the more important that the most economical type of ships be provided to transport our exports across the seas. Otherwise we shall be unable to compete in foreign markets.

Already, in this time of depression, millions of tons of obsolete foreign steamers are being laid up and new, fast, modern, economical motor ships are being rushed into service to harass our shipowners, who are trying to compete with war-built, obsolete, slow, steam tonnage. Freight rates of the future will be governed by the lowest cost of operating the most economical ship, the Diesel ship, and the sooner we realize this and start building Diesel ships the sooner will the successful future of our American merchant marine be assured.

The March, 1931, issue of the British Motorship contains the following:

In the United States, where the turboelectric drive has lately been adopted for passenger liners, there may be a revulsion of feeling in the near future. There is no question that the provision of subsidies on the part of the Government, which insure a profit in any case to American owners, has dulled the spirit of enterprise and reacted against the adoption of the most efficient form of ship and machinery, a spirit which is so evident among European owners faced with the severest competition and devoid of any artificial assistance.

In order to substantiate the necessity for any future Government-aid marine legislation specifying more forcibly that only the most economical Diesel ships shall receive such Government aid, examine the list showing the number of fast-growing fleets of Diesel ships, many of which are operated by foreign shipowners in direct competition with our obsolete, uneconomical American steamships. The argument is advanced by many that the number and astounding increase during recent years in these fleets of foreign Diesel ships shows that no time should be lost in passing additional legislation which will provide Government aid to American cargo ships not benefiting by mail contracts; otherwise, they claim, the Nation will soon find itself unable to operate its merchant ships in essential trade routes during times of peace and lacking in adequate and suitable types of vessels to serve the requirements of our Naval and Military Establishments in time of war or national emergency.

High officials of the Navy Department, testifying before House committees considering the Navy Department appropriation bill 1932, have stated that the Bureau of Engineering has felt the necessity for some time of doing more in the way of developing a Diesel engine suitable for Navy purposes than has been done in the past. In explanation of the request of the Secretary of the Navy for an appropriation of $3,000,000 for the purpose of developing Diesel-engine power plants for naval vessels, the supporting statement was made during the hearing on the authorization bill:

The great advantage of the Diesel over the steam plant is the economy in fuel and the increased steaming radius.

If this economy in fuel and increased radius of operations is so important for naval vessels, why is it not equally important for merchant ships that become converted cruisers, armed transports, and supply ships for the Navy in time of war.

Naval treaties have limited our warships, built as such, to a parity with other nations; but these naval treaties do not limit the merchant marines of these nations. The strength of these merchant ships used as naval auxiliaries has been estimated by naval authorities as equal to from 30 to 40 per cent of the fighting strength of our Battle Fleet. As an important purpose in Government aid to the merchant marine lies in the use of merchant ships as auxiliaries to the Navy in time of war, it is a matter of great concern that the merchant marine of foreign nations is being fitted with Diesel engines having the great advantage over the steam plant of economy in fuel and increased steaming radius.

If our Navy Department has felt the necessity for some time of doing more in the way of developing a Diesel engine suitable for Navy ships, why are we not keeping pace with these naval treaty nations in fitting Diesel engines to our new merchant ships that will be used by the Navy in time of war?

Naval officials before the Naval Affairs Committee as well as before the subcommittee of the Appropriations Committee handling the Navy appropriation bill urged that it was necessary to go to Europe to get the latest model in Diesel engines. They concede that in the event of war our Government would have to depend upon our private Diesel industry to supply engines for our ships. European governments have developed modern Diesel engines by taking the private Diesel industry into official confidence and cooperating with them. They have mobilized the private Diesel industry as a matter of national defense. Why should we not profit by their example? Our industry would then keep pace with the most modern Diesel engine countries in the world.

The advance bulletin of the Marine Engineering and Shipping Age, February 28, carried the following item:

FLEET SUBMARINE CONSTRUCTION BIDS ASKED

Bids for the construction of the U. S. S. *V–9*, the last of nine fleet submarines authorized by the act of Congress of August 29, 1916, will be received by the Navy Department, Washington, D. C., on April 16. The vessel will have a displacement of 1,100 tons, although the original designs provided for a surface displacement of 1,550 tons.

Contract for the construction of the *V–8* recently was placed with the Portsmouth (N. H.) Navy Yard.

As a result of that article I sent the Acting Secretary of the Navy, Hon. Ernest Lee Jahncke, the following letter:

MARCH 7, 1931.

Hon. ERNEST LEE JAHNCKE,
Assistant Secretary of the Navy.

MY DEAR MR. SECRETARY: As you know I am interested in seeing the American Diesel engine industry recognized by the Navy Department.

After the naval construction bill had been reported by the House committee I had something to say in reference to the request of the department to use $500,000 for the purchase of a Diesel engine abroad. As a result of my remarks I received a letter from Secretary Adams, and following my reply, with my colleague, Hon. HENRY NIEDRINGHAUS, we had a conference. At this conference the Secretary expressed the opinion that we should cooperate with the American Diesel engine industry, and in plain language he let me know that he was in accord with my views in this respect.

When the bill to modernize three battleships was before the House I brought to the attention of Mr. BRITTEN, chairman of the House committee, his remarks in reference to the American Diesel engine industry when Admiral Yarnell was before his committee on the authorization bill. In the end I asked him the following question:

"Mr. COCHRAN of Missouri. Let me ask the gentleman one more question. Is there any reason in the gentleman's mind why the Navy officials should not take the American Diesel industry into their confidence and cooperate with them in an effort to get a better Diesel engine manufactured by the American industry?"

"Mr. BRITTEN. That is exactly what the Navy Department and the Committee on Naval Affairs desire to have done."

Now, in contrast to the statement of Secretary Adams, as well as Mr. BRITTEN, I note in the advance bulletin of the Marine Engineering and Shipping Age of February 23, 1931, the following announcement:

FLEET SUBMARINE CONSTRUCTION BIDS ASKED

"Bids for the construction of the U. S. S. *V–9*, the last of nine fleet submarines authorized by the act of August 29, 1916, will be received by the Navy Department, Washington, D. C., on April 16. The vessel will have a displacement of 1,100 tons, although the original designs provided for a surface displacement of 1,550 tons.

"Contract for the construction of the *V–8* recently was placed with the Portsmouth (N. H.) Navy Yard."

I am informed by Diesel engine manufacturers that this is the first information that has come to their attention that contract for the construction of the *V–8* was recently authorized, nor have they received any notice or invitation to bid on Diesel engines for the new submarines, the *V–8* or *V–9*.

I will appreciate it if you will advise me at your very earliest convenience what Diesel engines are to be fitted in these two submarines, and why American builders have not been invited to submit offers.

I address you, as I read in the papers where the Secretary will be out of the city for 10 days or 2 weeks.

With kind regards, sincerely yours,

JOHN J. COCHRAN.

My letter was answered by Acting Secretary of the Navy Hon. David S. Ingalls, and his reply follows:

THE ASSISTANT SECRETARY OF THE NAVY,
Washington, March 11, 1931.

The Hon. JOHN J. COCHRAN,
House of Representatives, Washington, D. C.

SIR: As you state in your letter of March 7, 1931, that you were only aware of the fact that two new submarines were to be constructed, after reading Marine Engineering and Shipping Age, it is only proper to state that your conversation with Secretary Adams was relative to a $3,000,000 appropriation for experimental work with Diesel engines. The Bureau of Engineering, which has cognizance of the Navy's engineering materials, desired to utilize

this money to advance the Diesel engine art in the United States. Unfortunately, however, this money was not appropriated.

The engine installation of any new construction is a matter of considerable preliminary discussion. The size and power of the engines to be installed in the U. S. S. *V–8* and U. S. S. *V–9* were decided prior to the meeting of the last session of the Congress. Public No. 745, Seventy-first Congress, specifically states that all materials which can be fabricated without involving an appreciable increase in cost to the United States Government shall be manufactured at a navy yard or arsenal of the United States Government.

Prior to letting the contract for the U. S. S. *V–8* there were building ways in the navy yard, Mare Island, Calif., and the navy yard, Portsmouth, N. H., that were empty. The navy yard, New York, had no orders for new engines. The Portsmouth yard was awarded a contract for one submarine, the U. S. S. *V–8*, the engines of which are to be built at the New York yard. The Mare Island yard was awarded a contract for a cruiser.

However, in order that the Navy might be able to cooperate with the commercial companies, it asked for bids for one submarine from commercial companies. This was done to help relieve unemployment and to increase the interest of commercial firms in submarine construction.

Attention is invited to the fact that when bids are asked, these bids are only asked from shipbuilding corporations. In the case of the U. S. S. *V–9* bids were asked from—

Bethlehem Shipbuilding Corporation.
New York Shipbuilding Corporation.
Electric Boat Co., New London Ship & Engine Works.

These corporations bid on the ship complete, and where they do not manufacture engines they make a subcontract with the engine builders. Obviously all engine builders have a chance to bid for the engine subcontract, and several engine companies have so expressed their intention to bid. Engine builders are thoroughly familiar with this procedure, as it is fair to all and not restrictive so that only one company can profit from the contract.

The engines to be fitted into these two vessels are described as to power, type, and size in the specifications. No particular engine is specified, and any engine builder capable of producing an engine meeting the specifications can bid on the subcontract for the engines.

I sincerely trust that the above has clearly answered the points in question.

Very respectfully,

DAVID S. INGALLS,
Acting Secretary of the Navy.

The foregoing reply from the Acting Secretary of the Navy discloses a failure of the Navy Department to cooperate with Diesel engine builders, inasmuch as this letter states that the size and power of the engines to be installed in the submarine *V–9* were decided prior to the meeting of the Congress which convened December 1 last.

I am advised that Diesel engine builders were not informed of the Navy Diesel requirements until the notice quoted above appeared in the Marine Engineering and Shipbuilding Age, February 28, 1931.

If the Navy Department is to get the benefit of the engineering skill of Diesel engine builders in this country, and if it is their purpose to encourage and aid private Diesel engine builders to become able to meet the needs of the Navy and construct the most modern and efficient naval engines, then naval officials should have taken these private builders into their confidence months ago and have given them and their engineers an opportunity to study and develop the highest type of naval engines to meet the requirements of our Navy.

In conclusion let me invite your attention to section 11 of Title III of the merchant marine act, which is as follows:

SEC. 11. (a) That the board may set aside, out of the revenues from sales, including proceeds of securities consisting of notes, letters of credit, or other evidences of debt, taken by it for deferred payments on purchase money from sales by the board, whether such securities are to the order of the United States, the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or the United States Shipping Board Merchant Fleet Corporation, either directly or by indorsement, until the amounts thus set aside from time to time aggregate $125,000,000. The amount thus set aside shall be known as the construction loan fund. The board may use such fund to the extent it thinks proper, upon such terms as the board may prescribe, in making loans to aid persons citizens of the United States in the construction by them in private shipyards or navy yards in the United States of vessels of the best and most efficient type for the establishment or maintenance of service on lines deemed desirable or necessary by the board, provided such vessels shall be fitted and equipped with the most modern, the most efficient, and the most economical engines, machinery, and commercial appliances; or in the outfitting and equipment by them in private shipyards or navy yards in the United States of vessels already built, with engines, machinery, and commercial appliances of the type and kind mentioned; or in the reconditioning, remodeling, or improvement by them in private shipyards or navy yards in the United States of vessels already built.

Under that section the board is authorized to make loans. For what? For the construction of vessels of the best and most efficient type, and it is provided that before the loan can be advanced such vessels shall be fitted and equipped with the most modern, the most efficient, and the most economical engines, machinery, and commercial appliances.

What I want the Committee on Appropriations—authorized by the deficiency act to make the investigation concerning the subsidies paid to steamship companies for carrying the mail—to do is to learn why those administering the law have not lived up to the wording of the law and required the installation of the most modern, the most efficient, and the most economical engines.

The cost of construction and economical operation of the ships are related in no small degree to the contracts made by the Post Office Department, and therefore the committee will be clearly within the provisions of the wording of the act in directing them to make this investigation in inquiring into this phase of the matter.

The Congress and the country are entitled to know why the merchant marine act has not been carried out to the letter, especially in so far as this loan fund is concerned. I sincerely hope the committee will see the wisdom of accepting my suggestion and require those responsible for administering the law to explain their actions.

ALEXANDER HAMILTON HAD ONLY A NEGLIGIBLE PART IN DRAFTING OUR FEDERAL CONSTITUTION, BUT HE PROBABLY DID MORE THAN ANY OTHER MAN TO SECURE THE RATIFICATION OF THAT IMMORTAL DOCUMENT

Mr. LOZIER. Mr. Speaker, on February 24, 1931, the House had under consideration House Joint Resolution 292 and Senate Joint Resolution 3, otherwise known as the Norris-Gifford resolution, proposing a constitutional amendment to abolish the so-called "lame duck" session of Congress and to provide for presidential succession in certain eventualities for which no provision is made in our present Constitution. In the course of the debate one of my colleagues from Massachusetts, who opposed the resolution, in his misdirected zeal referred to the active part taken by Alexander Hamilton and Patrick Henry in drafting our Federal Constitution. In my remarks on that day I challenged the historical accuracy of the statements made by my friend from Massachusetts. I called attention to the fact that Patrick Henry was not a member of the Constitutional Convention and that Alexander Hamilton had only a negligible part in framing this immortal document. I called attention to the fact that after the Constitutional Convention had submitted the Constitution to the States for ratification Patrick Henry, in the Virginia convention, led the opposition to the approval of the Constitution, but after it had been ratified by the States Patrick Henry used his great influence to secure the adoption of the first 10 amendments to that historic document.

I further stated that while Alexander Hamilton had but little to do with drafting the Federal Constitution, no man did more than Alexander Hamilton to secure its adoption. In the course of my remarks I mentioned the historic fact that the plan proposed by Alexander Hamilton for a new Federal Government was not accepted by the Constitutional Convention, and inasmuch as his views and theories were so much out of harmony with the views of other members of the Constitutional Convention, he practically withdrew from the deliberations and made no worth-while effort to impress his theories on the convention or have a major part in framing the provisions of the Federal Constitution.

I further stated that after the Constitution had been formulated largely by James Madison and other members of the convention in harmony with his views, Mr. Hamilton again became active, participated in the final debates and voted for and signed the document on which our free institutions were reared. My observations were not made to discredit Mr. Hamilton, for whose patriotism and genius

I entertain a profound respect and admiration, but I could not allow to go unchallenged the statement that Alexander Hamilton and Patrick Henry had a major part in writing our Federal Constitution.

Later on my friend and colleague the gentleman from Kansas [Mr. GUYER] in a fervid address challenged the accuracy of my statement that Hamilton had only a negligible part in writing our Federal Constitution. My friend from Kansas declared, in substance, that Mr. Hamilton dominated the Constitutional Convention and impressed his views, theories, plans, and formulas on the convention and on the document it formulated. My Kansas colleague handles history "without gloves" when he declares that the Constitution "when adopted was a Hamiltonian Constitution."

While I admire the splendid qualities of heart and mind of my good friend from Kansas, I can not escape the conviction that he had forgotten some of the important historic facts that he learned in his school days. Undeniably he is badly mistaken when he asserts that Alexander Hamilton had a big part in framing our Federal Constitution, and for his ipse dixit there is no historic foundation.

In order that his erroneous statements may not go unchallenged I am calling your attention to the facts that are conclusively established by history. In what I have said and will say I am not prompted by any desire to discredit Mr. Hamilton, belittle his ability, or to deny to him the fame which he justly earned by reason of his outstanding genius and priceless contributions to our national life.

Alexander Hamilton, by his lofty patriotism, transcendent genius, and disinterested services, won an enduring place in history. But his fame does not rest on his part in writing our Federal Constitution. Rather would I say that his record in the Constitutional Convention, instead of adding luster to his accomplishments, tended to dim the imperishable glory won by him in other fields of activity.

Hamilton was a Revolutionary soldier of undoubted courage and unimpeachable patriotism. He was an able army officer, and although but a youth and untrained in the science of war, he displayed outstanding military genius. As a member of General Washington's staff, he was wise in counsel, resourceful, prudent, and energetic. Wise beyond his years, on his judgment General Washington relied as probably he did not rely on any other man in the Army.

After the Revolution he sheathed the sword, and in civic life served his country with fidelity and distinction, exemplifying the adage that "peace hath her victories no less renowned than war." He was one of the first to realize that the Articles of Confederation were as weak as a rope of sand, and that under their loose provisions our people could not develop into a strong, cohesive nation.

While I am not a Hamiltonian bigot I am not blind to or unappreciative of his genius and the value of his services to mankind. He probably did more than any other one man to convince the people of the several States that the Articles of Confederation were incomparably weak, and that our independence could be safeguarded and our welfare promoted only by the adoption of a new constitution and a stronger form of government.

In January, 1786, Virginia proposed a convention of States, to be held at Annapolis, to consider the making of some common commercial regulations to remove restrictions and facilitate commerce between the several States. In this meeting Hamilton saw an opportunity to create sentiment in favor of a convention to strengthen the Articles of Confederation or adopt a new constitution that would provide for a stronger and more efficient form of government.

On Hamilton's initiative, he and Egbert Benson were appointed to represent the State of New York at the Annapolis convention. Only five States sent delegates to this meeting, which met in September, 1786, but there sentiment in favor of a stronger system of government was crystallized. The convention agreed upon an address, which was drawn by Hamilton and "toned down to suit the susceptibilities of Edmund Randolph." The document set forth the evil conditions of public affairs under the Articles of Confederation and proposed that a convention with enlarged powers be called to meet at Philadelphia the second Monday in May, 1787.

Returning to New York, Hamilton began a vigorous campaign to induce his State to send delegates to the Constitutional Convention, which was aggressively opposed by Gov. George Clinton. Notwithstanding the great odds against him, Hamilton won the fight, and Hamilton, Robert Yates, and John Lansing, jr., were appointed to represent New York in the Constitutional Convention.

In response to the Annapolis resolutions, the Congress, on February 21, 1787, passed a resolution authorizing a Constitutional Convention to be held at Philadelphia on the second Monday in May, for the sole and express purpose of revising the Articles of Confederation, and to which convention the several States were requested to send delegates.

Hamilton's colleagues from New York were partisans of Governor Clinton and opposed to the proposed union, and in the convention, on practically every question, the vote of Hamilton's own State was, by his colleagues, cast against him. His son, John C. Hamilton, an able historian, in his Memoirs of the Life of Alexander Hamilton and in his History of the Republic of the United States, as Traced in the Writings of Alexander Hamilton and His Contemporaries, does not claim that Mr. Hamilton had a major part in formulating the Constitution of the United States, but said, "The policy of Clinton had placed him there to become a cipher and a sacrifice." I do not agree with Hamilton's son that Alexander Hamilton was "a cipher and a sacrifice" in the Constitutional Convention, but I do assert that he did not exert a controlling influence or have a major part in framing our Constitution, and this is the verdict of history.

Hamilton did not formulate the plan on which our Federal Union was reared. His formulas were rejected by our constitutional fathers. His arguments in favor of an aristocratic Republic fell on dull ears. His propositions were rejected on practically every point where his views were not in harmony with the political philosophy of Randolph, Madison, Pinckney, Gerry, Dickinson, Franklin, King, Sherman, Luther Martin, George Mason, and Gouverneur Morris.

It is significant that of the three New York delegates, Mr. Hamilton was the only Federalist, Mr. Yates and Mr. Lansing being rabid anti-Federalists.

The sessions of the Constitutional Convention did not actually begin until May 25, 1787, when 29 delegates appeared, among whom were Mr. Hamilton and Mr. Yates, of New York. On that date General Washington was chosen president of the convention on the nomination of Robert Morris, of Pennsylvania, which nomination was seconded by John Rutledge, of South Carolina. Hamilton was one of the committee of three to formulate a set of rules to govern the deliberations of the convention. At this time Mr. Hamilton was only 30 years old.

On May 29, 1787, Edmund Randolph, of Virginia, proposed a set of 15 resolutions, which he contended would accomplish the objects proposed by their institution, namely, "common defense, security of liberty, and general welfare." It may be of interest to state that these 15 resolutions, though presented by Randolph, were in the handwriting of James Madison and constituted "the Virginia plan." On the same day Charles Pinckney laid before the House a draft for a constitution which he had prepared. On the following day debate began on the Randolph resolutions. The first vote was taken on a resolution that a national government ought to be established, consisting of supreme legislative, executive, and judiciary departments. Mr. Hamilton did not participate in the debate on this resolution, and while he voted for it, his vote was neutralized by that of Mr. Yates, from New York, who voted "no."

On May 31, 1787, the third resolution proposed by Mr. Randolph, "that the national legislature ought to consist of two branches," was agreed to without debate or dissent, although Benjamin Franklin was partial to a single house.

The fourth resolution proposed by Randolph, "that the Members of the first branch of the National Legislature

ought to be elected by the people of the several States," was debated by Roger Sherman, Elbridge Gerry, George Mason, James Wilson, James Madison, and Pierce Butler, and was adopted by the votes of Massachusetts, New York, Pennsylvania, Virginia, North Carolina, and Georgia. There is no record of Alexander Hamilton having participated in the debate on this proposal, and certainly it was not in harmony with his views, but was part of the plan championed by the Virginia group.

The details of the Randolph plan were debated at great length, but Mr. Hamilton had only a slight participation therein. On June 13 the Committee of the Whole reported the Randolph resolutions with such amendments as had been agreed upon during the course of the debate. On June 14 Mr. Patterson, of New Jersey, submitted what is known as "the New Jersey plan," which, in substance, proposed only a slight modification of the Articles of Confederation. The Virginia and New Jersey plans were again debated in the Committee of the Whole on June 16 and the provisions of the two propositions compared.

On June 18 Mr. Hamilton, who, according to Madison's Journal, "had been hitherto silent on the business before the convention," in a 5-hour speech reviewed the whole science and theory of government. It is regrettable that we have no stenographic report of his address, but it was pronounced by Gouverneur Morris to be "the most able and impressive he had ever heard." But Mr. Hamilton's views as to the system of government we should establish made no lasting impression on the membership as a whole, and his plan for a federal union or new nation was ignored.

In his opening remarks he said he was obliged to declare himself unfriendly to both the Virginia and and New Jersey plans, and was particularly opposed to the New Jersey plan, because he was convinced that no amendment of the Articles of Confederation leaving the States in possession of their sovereignty could possibly answer the purpose. He vigorously opposed allowing the States to retain their sovereignty. He argued that great economy might be obtained by extinguishing the States, claiming that the States were not necessary for any of the great purposes of commerce, revenue, or agriculture.

While he recognized the necessity for district tribunals and corporations for local purposes, he declaimed against the vast and expensive apparatus appertaining to the States. He suggested that the moderate wages of Congressmen, which he said would probably not exceed $3 per day, would be a bait to little demagogues; and that the Senate would be filled with undertakers who wished for particular offices under the Executive.

Mr. Hamilton further stated that he was led to despair that a republican government could be established, though he realized a proposal to establish any other kind of government would be rejected. In his private opinion he had no scruple in declaring, supported as he was by the opinions of so many of the wise and good, that the British Government was the best in the world, and that he doubted much whether anything short of it would do in America. He contended that a change had taken place in the opinion of the people, and that the masses were less and less inclined to establish a republican form of government, asserting that members who had been most tenacious in support of republican institutions were now loudly declaiming against the vices of democracy; and that this progress in public opinion led him to contemplate the time when others as well as himself would join in the praise bestowed by the great French statesman, Mr. Necker, on the British constitution, that it was the only government in the world "which unites public strength with individual security."

Continuing, Mr. Hamilton prophesied many evils that would come as a result of popular government. He said the English House of Lords is a most noble institution, and that no Senate would have the firmness to protect the national interests and form a permanent barrier against pernicious innovations, whether attempted on the part of the Executive or the House of Representatives. He animadverted on the amazing violence and turbulence of the democratic spirit, which, seizing the popular passions, spread like wildfire and became irresistible.

Mr. Hamilton stated that, as to the executive, it seemed to be admitted that no good one could be established on republican principles, and that the English model was the only good one on this subject. He said the hereditary interest of the king was so interwoven with that of the nation, and his personal emolument so great that he was placed above the danger of being corrupted from abroad. He asserted that one of the weak sides of republics was their being liable to foreign influence and corruption, and that men of little character, acquiring great power, became easily the tools of intermeddling neighbors.

Mr. Hamilton vigorously insisted that members of one branch of the legislature should hold their places for life, or at least during good behavior, and that the tenure of the executive should also be for life, claiming that an executive for life would have no motive for forgetting his fidelity, and would therefore be a safer depository of power than a president selected for a term of seven years. He admitted that under his plan the president would be an elective monarch. He had but little faith in republican institutions. He saw the Union dissolving, or already dissolved; he saw evils operating in the States which must soon cure the people of their fondness for democracies. He then presented his scheme for a new national government. Some of its provisions were similar to the Randolph plan, but as a whole it was entirely dissimilar and embodied a radically different political philosophy.

The outstanding provisions of the Hamilton plan were:

(a) Life tenure for the President, removable only by impeachment.

(b) Life tenure for Senators, who were to be chosen by electors selected by the people; Senators removable only by impeachment.

(c) President to appoint his Cabinet officers without submitting the appointment to the Senate for approval. President to have the appointment of all other officers subject to the approbation or rejection of the Senate.

(d) Appointment of all State governors by the President; the governor to have an absolute right to veto all laws about to be passed by the State legislature.

(e) Absolute veto power vested in the President, under which he could nullify all acts of Congress, with no power in Congress to pass an act over the presidential veto.

(f) Destruction of the States as governmental entities. Under this plan the States would be shorn of practically all their powers and become mere provinces or administrative districts.

In short, Hamilton favored an aristocratic republic rather than a democracy. He said the States, as States, should be abolished or deprived of practically all their powers, and in all respects made subordinate to the Federal Government. He boldly proclaimed his desire for a government patterned after that of Great Britain, with the equivalent of a House of Lords, and an elective monarchy, which would have soon degenerated into an hereditary monarchy. Hamilton frankly stated that he did not think favorably of republican governments.

Because Hamilton stood for these things that I have mentioned, he had but little to do with drafting our Federal Constitution, and the document prepared by our constitutional fathers did not reflect his views or embody his governmental formulas.

Mr. Hamilton's monarchial tendencies were well known to the members of the convention long before he made his memorable speech in which he presented his plan for a constitution on which to build a new nation. On June 4 James Wilson and Alexander Hamilton offered an amendment to give the Executive an absolute negative of all laws. This proposal was vigorously opposed by Benjamin Franklin, Elbridge Gerry, James Madison, Roger Sherman, Pierce Butler, Gunning Bedford, and George Mason.

If this proposal had been written in the Constitution, it would have given one man—the President—the power to

defeat the will of the entire Nation. It would have made the President an absolute monarch, because it vested him with power to veto any and all legislation enacted by the Congress to carry out the will of the people. The Hamilton proposal was rejected by the vote of every one of the States represented in the convention, and in the debate it was denounced as a long step toward a monarchy, and was so repugnant to the prevailing sentiment that it was not seriously considered. If this proposal had been written into our Constitution, it undoubtedly would have destroyed our Federal Union and changed not only the map of the United States but the whole course of human history.

Franklin denounced the Hamilton amendment and said it would mean a complete subjugation of the Congress to the will of the Executive. Sherman said no one man could be found so far above all the rest in wisdom as to be clothed with the power to stop the will of the whole people. Madison stigmatized the proposal as obnoxious to the temper of the country, and suggested a limited veto power, under which the Congress by a two-thirds vote could override the presidential veto. Butler argued that the absolute power of veto would be abused and exclaimed:

Why might not a Cataline or a Cromwell arise in this country as well as in others?

Bedford looked with disfavor on all checks on legislation, arguing that the representatives coming fresh from the people were better judges than the Executive as to what legislation was for their interests. Mason construed the Hamilton amendment as proposing an elective monarchy, which he said was more dangerous than the British system, and that the adoption of the Hamiltonian formula for an elective monarchy would pave the way to a hereditary monarchy.

After defeating the Wilson-Hamilton amendment the convention adopted, sub silentio, a provision giving the Congress power to override the presidential veto by a two-thirds vote of each House. Hamilton frankly admitted that his plan went far beyond the ideas of the members of the convention, and for this reason he did not so much as offer the paper he had sketched as a proposition to be considered by the convention, but stated that he had offered the plan merely to give a more correct view of his ideas, which he knew were not in harmony with the views of the great majority of the members of the convention.

No one can read the debates in the Constitutional Convention and escape the conviction that the men who had most to do with framing the Constitution were Madison, Mason, and Randolph, of Virginia; Franklin, Wilson, and Gouverneur Morris, of Pennsylvania; Pinckney, Butler, and Rutledge, of South Carolina; Dickinson, of Delaware; Ellsworth and Sherman, of Connecticut; Martin, of Maryland; Gerry, King, and Gorhan, of Massachusetts; Williamson, of North Carolina; and Patterson, of New Jersey. These were the giants who set themselves to the task of formulating a Constitution on which our beloved Republic was to be reared.

I do not want to be understood as claiming that the other members did not make valuable contributions to the work of the convention, but their services were less conspicuous than those whose names I have enumerated. Mr. Hamilton was probably the intellectual superior of any man in the convention, and the reason he did not have a larger part and exert a greater influence was because his views were out of harmony with the opinions of a large majority of the members of the convention. In this congress of giants he held aloof and occupied a place of "splendid isolation."

On June 29, 11 days after he had make his great speech and presented his plan, Mr. Hamilton retired from the convention and did not return until August 13. In the meantime the other members had diligently and wisely considered every proposition presented, and had agreed upon the Randolph or the Virginia plan, amended in many important particulars during the deliberations of the convention. Hamilton had only a minor part in the final debates.

It is a noteworthy fact that our constitutional fathers proceeded with extraordinary caution and subjected every proposal to the strictest scrutiny and to the acid test of logic, reason, and human experience. Every sentence or paragraph was repeatedly rewritten and revised so as to unmistakably express the final conclusions of the convention.

On July 24, after an agreement had been reached on practically all of the provisions of the Constitution, a committee of detail was appointed to report a Constitution conformable to the resolutions adopted by the convention, which committee consisted of Rutledge, Randolph, Ghorum, Ellsworth, and Wilson. This committee whipped the various resolutions in shape, and on August 6 reported a complete draft of the Constitution. But in order to render the document as free as possible from defects, the convention continued to study and debate its provisions until September 8, when a new committee on style was appointed to make a final revision of the text and arrange the articles which had been agreed upon by the convention. This committee consisted of Madison, King, Doctor Johnson, Hamilton, and Gouverneur Morris. On September 12 the committee on style reported a final draft of the Constitution. After further debate and amendment, the immortal document was engrossed, read, and adopted on September 17, 1787.

Although the document did not reflect his views, and while he had but little to do with drafting it, on the last day of the convention, when it was proposed that all the members certify their approval by their signatures, Mr. Hamilton urged every member to sign the document, though he said no man's ideas were more remote from the plan than his were known to be; but he said he could not deliberate long between anarchy and convulsion on the one side and the chance of good to be expected from the plan on the other, and although the Constitution did not embody his views he, nevertheless, signed the document, and with the spirit of a crusader went forth from the convention to advocate its adoption.

In order to create sentiment in favor of a ratification of the Federal Constitution by the States, Hamilton, Madison, and Jay, under the name of "Publius," published 85 articles, essays, or letters addressed to the American people explaining the provisions of the Constitution, emphasizing its advantages, and answering the objections urged against its adoption. These were published between October 27, 1787, and April 2, 1888. Of these profound and luminous political treatises Hamilton wrote 51, Madison 14, Jay 5, Madison and Hamilton jointly 3, while the authorship of the remaining 12 has been assigned to both Hamilton and Madison.

Hamilton's greatest triumph was at the Poughkeepsie convention. Two-thirds of the delegates bitterly opposed the ratification of the Constitution, but by arguments profound and convincing, rarely, if ever, equaled in the history of debate, by skillful management, by legislative strategy, by eloquence seldom, if ever, surpassed, and by the zeal of a crusader he overcame a militant, hostile, and well-organized opposition majority and secured the ratification of the Constitution by the great State of New York.

I therefore, Mr. Speaker, renew my statement to the effect that Alexander Hamilton had only a negligible part in drafting our Federal Constitution, but he probably did more than any other one man to secure the ratification of that immortal document. I am not a blind worshiper of the brilliant "Young West Indian," the "Colossus of the Federalists"; nor am I a reckless critic of this great man, who made a tremendous contribution to our national life. I recognize and cheerfully proclaim his genius and superior accomplishments, but I am nevertheless conscious of his weaknesses and the fundamental error that underlies and permeates his political philosophy.

THE NEW ERA IN MERCHANDISING

Mr. COCHRAN of Missouri. Mr. Speaker, everyone today is familiar with the gigantic strides in production made by American industry in the period during and since the World War. It is one of the marvels of the ages. Only comparatively recently, on the other hand, has the Nation become aware of another and less satisfactory development. This is the huge disproportion between productive efficiency

and efficiency of distribution which has grown up in nearly all business lines.

The tremendous industrial expansion was made possible only by sustained scientific research, in which the Government worked hand in hand with industrial scientists and the universities to perfect even the smallest details of production. As a result the majority of our products now are produced as perfectly and as cheaply as modern science coupled with native ingenuity can achieve. At the same time the "tools" of distribution, transportation, and advertising media have reached a stage of efficiency high enough to arouse the consumer's interest and to get the goods to him from the point of production.

In the field of transportation have appeared highly specialized railroad facilities, such as express refrigerator service, tank cars, self-dumping car bodies, and electrically operated unloading cranes, development of the rural motor express for short hauls, and more effective linking of interior points with the railroads, and an astounding improvement of high-speed air transport for passengers and express freight.

No whit less impressive has been the development of great communication systems, including the telephone, the telegraph, the radio, the air mail service, and the great growth both in circulation and in specialization of newspapers, magazines, trade journals, and the like. Happily, too, these have been coincident with a constant raising of the people's educational level, which has made them constantly more accessible to merchandising advertising appeal.

Thus the application of modern science has given American industry both "tools" of production and detailed "methods" for employing them skillfully, which are the finest the world has ever seen. There have also been made available in a high state of perfection the "tools" of distribution—transportation facilities to move the goods to the ultimate consumer and the advertising media to inform him of both their desirability and availability. Both the numbers and wants of consumers are constantly increasing.

And yet there is something wrong. There is undeniably a false beat in the rhythm of national prosperity and employment. What is the difficulty?

Thoughtful industrial leaders and observers have finally arrived at one more or less unanimous diagnosis, namely, that scientific study of distribution methods has lagged far behind the urgent needs of the day.

Business has scientific production tools and an equally extensive body of scientific research into production methods which enables it to use those tools with unrivaled skill. It has highly developed distribution tools but not the necessary knowledge of how to use them to best effect.

In these circumstances it need occasion no surprise to find that many of our industries are hitting at their supposed markets blindly and extravagantly. Theories and methods of distribution are seen to be in constant flux. On all sides new developments are springing up—expansion of chain systems, mail-order houses opening retail stores, manufacturers experimenting with direct-to-retailer sales, specialty salesmen, consumer solicitation, and the like. Too often the individual merchant finds himself very much at sea as to his proper place in the distribution scheme.

The Government, by its cooperation with scientific research into production methods through the Bureau of Standards, the Bureau of Mines, the Geological Survey, and other agencies, has made substantial contributions to the growth of productive efficiency. On the other hand, the domestic business services of the Commerce Department represent practically the only provision yet made by Congress for assisting industry in developing the badly needed scientific research into the proper "methods" for using the complicated and only imperfectly understood "tools" of distribution.

There is a reason for this. The fact is that the need for distribution research developed very suddenly because of the abnormal war-time increase in the country's production capacity. It did not come as a slow, gradually increased, and recognized necessity. It sprang into existence practically full grown. Scientific processes, however, are always slow. Tested results must be preceded by tedious experiments. So that the work has really gone forward as rapidly as is consistent with prudence and accuracy. Only after seven years of trial-and-error-tested experiments, in every branch of distributive industry in which Congress has authorized and the Department of Commerce conducted fundamental research investigations, has it become possible to outline a definite plan for attacking the enormous wastes in distribution caused by faulty merchandising methods.

The trouble is diagnosed basically as faulty knowledge of markets and faulty knowledge of costs.

The Bureau of Foreign and Domestic Commerce is now spending nearly $5,000,000 annually helping American business to measure its foreign markets for approximately $5,000,000,000 worth of export trade. It is spending about $500,000 yearly on domestic trade services, which is required to stretch over a volume of domestic trade estimated at more than forty billions. Splendid detailed statistics have been built up concerning the flow of American merchandise to foreign countries; there are as yet no satisfactory data to show the flow of goods within the Nation's own borders. The national census of distribution will be of vast importance in this connection. So also is the Market Data Handbook work of the Bureau of Foreign and Domestic Commerce. Such data will throw badly needed light on the at present obscure background picture of the national market for different types of merchandise. The information which is being developed is tracing out more accurately than ever before the fundamentals of distribution in terms of competitive goods, sales channels, consumer preferences, natural distributing routes, and warehousing centers. These services are of immediate practical value to every merchant in the country who uses them to establish profitable sales quotas, map sales territories, and guide advertising policy.

So much for the work necessary to improve the present faulty knowledge of markets.

Turning to the even more pressing problem of costs, every industrial observer knows to what extent the growth of the Nation's industrial efficiency has been gaged on highly developed cost accounting. Before any innovation in production tools or methods has been adopted by industry the producer's cost records had to prove indisputably that the particular tool or method actually reduced cost of production without impairing the quality of the product, or that it improved the quality without increasing the cost. Always it has been the cost-accounting method which told the final story of profit or loss. Thus a marvelous efficiency in production has been maintained by perfected checks and balances between inventive genius and cost accounting. Wastes and inefficiencies in the individual plant were tracked down and rooted out by means of the cost records.

A long stride toward the solution of most individual distribution problems is to be found in an application of these same principles. But great handicaps are found in two facts:

First. The lack of sufficiently developed principles on which to base effective cost records of the detailed operations connected with advertising, selling, delivering, and financing.

Second. The lack of sufficiently widespread appreciation among manufacturers, and, to an even greater degree, among wholesalers and retailers, of the necessity for keeping more detailed records of distribution costs.

It is believed that the Commerce Department has reason to be congratulated by business men throughout the country on the fact that experiments to determine the relative merits of various distribution-cost methods have at last been made to yield up a clear and simple set of principles which can be regarded as dependable for widespread application.

The cost survey in 26 retail and 7 wholesale grocery establishments made by the Commerce Department, with the cooperation of the Allied Food Council, at Louisville, Ky., in 1929, illustrates the results which can be obtained by retailers and wholesalers generally. Almost everyone interested is familiar with the plans and hoped-for results of the grocery survey. It is important that there should be an equally widespread understanding of its concrete results.

The Commerce Department recently investigated the actual benefits realized by establishments in Louisville which put these new cost principles to work as they were developed in the course of the survey. The whole story is available in the department's records. Here it is enough to say that the reports show every single establishment to have made a better profit showing in 1930 than it did before the survey. In general, inventories have been reduced; cleaner, fresher stock is available to the consumer; more attractive store arrangement and merchandise display are pulling more customers into the stores.

One retailer reports increased business from about $80,000 to $96,000 a year as a direct result of improved merchandising methods and since the survey, the increased sales being accomplished along with a reduction of average inventory investment to $2,000. All of the other stores report a variety of substantial merchandising improvements, most of them having been able to reduce their inventory investment anywhere from $200 to $1,000.

The wholesalers in Louisville have similarly placed in this record testimony to the profit-saving measures inaugurated by the survey. Small orders are being concentrated, credit laxities have been tightened up with the enthusiastic cooperation of the retailers themselves, inventories have been pruned by the elimination of dead stock, and the whole set-up has shown wholesome renewal of merchandising vigor and health.

To cap this picture of definite individual progress, Bradstreet reports that the percentage of grocery-store failures in Louisville during the recent business depression is lower than during normal times!

Here is indeed a beacon light of hope for struggling manufacturers, wholesalers, and retailers. What has been done at Louisville can be done anywhere else. The Louisville Board of Trade estimates the value of the survey to their community at not less than $500,000, a greater saving than the entire domestic appropriation for last year. The potential benefits to the whole country certainly must be ultimately as much greater than this $500,000 as the whole population is greater than that confined in the Louisville trading area.

Fully as favorable results as those obtained for the grocery industry of the country by the Louisville study are expected to accrue from the national drug-store survey which the department is planning to conduct in St. Louis, Mo., part of which I have the honor to represent, during the present year. This analysis of merchandising methods in the important drug industry is being undertaken at the request of 30 national organizations in the drug and allied trades, which are attesting their interest by contributing the cash expenses of the survey to match the expert research services provided by the Bureau of Foreign and Domestic Commerce.

Applying the cost methods developed and perfected in the grocery survey, the bureau's trade specialists will make an intensive study of the operations of the 10 representative drug stores in the city of St. Louis, and one in a near-by small town, to determine the most efficient methods of drug-store merchandising and furnish the basis for improved distribution of drug-store commodities throughout the country.

It is anticipated that the survey will provide a body of correlated information covering all principal phases of drug-store operations, which will aid the individual druggist to reduce costs, increase profits, and improve service through the elimination of merchandising wastes, with resultant benefit to manufacturer, merchant, and consumer alike.

The national total of losses from distribution waste has been estimated at nearly $10,000,000,000 annually. This is a tax on inefficiency amounting to about $85 every year for every man, woman, and child in the country, and it is actually being paid out every year by all consumers of goods in the prices they pay for the goods they must buy.

This staggering sum is nearly as much as the entire net income of all the taxpayers in this country who earn less than $10,000 per year; it is three hundred times greater than the total income taxes paid to the Government in 1927 by those same taxpayers.

American business is engaged in a struggle to cut down this mountain of waste. It can not be attacked in terms of billions. It can not be attacked as an entity. It is not an entity. This ogre of waste is a cumulative thing, built up of the millions of individual day by day wastes in individual businesses. In its entirety it is a fearsome thing. It is chargeable annually with hurling thousands of retailers out of the field of service to the consumer and into the limbo of bankruptcy and commercial oblivion, and carrying with them millions in liabilities—millions of dollars of waste ultimately paid by the man on the street.

It stands charged with wiping out millions of dollars of investments in manufacturing plants and distributing establishments annually carried down to failure by wasteful merchandising.

It stands charged with pasting the "closed" sign across locked factory gates and turning out thousands of workmen—broken human victims of wasteful merchandising—to join the army of the unemployed.

It is the thing which builds up annually a vast junk pile of material, equipment, and human waste, representing a staggering proportion of our national assets which, properly used, would make for plentiful prosperity.

This evil of waste must be attacked in detail. It is vulnerable only when reduced to its lowest form—the individual waste in the individual establishment. And that is where business is now attacking it and where they have asked the Department of Commerce to concentrate its cooperative efforts.

The point has been reached where attention can not continue to be devoted exclusively to fundamental distribution research, but greater efforts must be made to spread the research results far and wide. The quicker and the more extensively this is done the greater and more pronounced will be the impression made upon the mountain of waste.

Casual consideration might suggest that the extension of this vast store of digested marketing information would be amply taken care of by industry itself. But definite experience proves that individuals are slow to follow suggestions of this nature emanating from profit-making sources; that few trade associations have proper facilities for educating their membership in scientific adaptations of principles to their everyday affairs.

The Department of Commerce, under the leadership of Secretary Lamont and Dr. Julius Klein, is meeting these new needs for assistance in fitting the distribution research results to specific markets, trades, and establishments, having recently effected a fundamental reorganization of the department's domestic business services.

There is now set up a service unit called the marketing service division, which is to concentrate on developing systematic channels through which the proper information can be placed in the hands of the business man needing it, at the time he needs it, and in the form he needs it.

The marketing service division has been given control of the dissemination and practical application of the vast store of impartial and unbiased merchandising research data which must serve as the business man's "munitions dump" in his active war on distribution wastes. This reservoir of facts, tested by accurate research and practical application in many lines of business, is still far from completely adequate for all demands. But it is, indubitably, the most extensive which is in existence to-day. And it is being constantly added to as the research-producing divisions complete job after job in the schedule mapped out by the current needs of the industry.

The marketing service division has two clear missions, (1) to so widely advertise the existence of these data and the department's services in adapting them to special situations that every business man will be made aware of their existence and their nature; and (2) to assist industry in making the most practical use of these data and services.

To accomplish these purposes the marketing service division has been divided into three sections. The publications section has organized a definite campaign through all modern publicity media, which it will supply with suitable copy designed to acquaint the business world and the public generally with the uses to which the various domestic research discoveries and publications can be put.

The business research section will build up the files of the bureau's regional offices scattered throughout the country, one of which is in St. Louis, with usable breakdowns and correlations of basic merchandising data, so that the regional offices will be able to take care of local demands as quickly and to the most comprehensive degree possible.

The district offices will be expected to go as far as personnel limitations permit in actively organizing the manufacturers, wholesalers, and retailers in the effective use of the material among their own groups.

The business research section will also carry on the answering of special requests for help by individual business men which involve too complicated research for the district offices, in addition to constantly building up the latter's information files.

It is interesting to note that the bureau handled 441,719 of such individual requests in 1929–30, practically all of them for information on distribution. This is twenty-one times the number handled in 1924, whereas personnel and appropriations were only about six times greater, so that the business man received about three and one-half times as much service per dollar of tax money devoted to this work.

It should be noticed also that while the business depression created a sharp increase of nearly 70 per cent in inquiries during 1929–30, compared with 1928–29, the domestic commerce appropriations were increased very slightly. And during the first six months of 1930 the bureau was deluged with 210,820 such inquiries, compared with only 265,375 for the entire previous fiscal year, and with only 115,778—just about half as many—during the corresponding six months of last year.

The effectiveness of this cooperation with business in the war on distribution waste is dependent, of course, on having sufficient personnel in the divisions at Washington and in the district offices to handle the general and local situations. Just now they are, generally speaking, overworked and understaffed for the job ahead, particularly in the district offices. They are entitled to more money, in view of the service rendered.

There is another avenue for the attack on distribution wastes which must be exploited if tangible, orderly progress is to be made. This is systematic contact with trade associations and the proper set-ups in the associations themselves for efficient use of the department's services. This is being worked out with the advisory groups set up by most associations to cooperate with the bureau's commodity divisions in guiding their services along practical and nonpaternalistic lines.

The third and final section of the new marketing service division is the trade association section. Its chief mission will be to furnish these trade association groups, either directly or through the bureau's commodity divisions, with detailed research data as needed for the proper information and service of trade association members.

This section will encourage association secretaries to build up their own files of marketing data from the reservoir in Washington and to organize their own trades at their own expense, to make the widest possible use of the information.

Extending these interpretive services so as to reach directly with an official organization even a majority of the manufacturers, wholesalers, and retailers in this country could never be contemplated. Such expansion would be neither feasible nor desirable.

But the department can, and business men generally seem to feel that it is definitely obligated to, diffuse the helpful information which has been collected, first, to regional groups of manufacturers, wholesalers, and retailers through expanded district office services, backed up and fed by the business research section in Washington; and secondly, by more systematic organization of services to national trade association groups through increased activity by the commodity divisions, backed up by the trade association section. Many administrative advantages should result from systematization of the number and priority of association conventions for which the department is called upon to furnish speakers and exhibits, as well as providing more-connected and better-planned presentations of the department's appropriate services.

The foregoing has endeavored to draw a clear picture of the material, organization, and cooperative methods which the bureau has placed at the disposal of American business in fighting the vicious inroads of wasteful distribution methods into the Nation's commercial well-being.

The new organization clearly segregates the functions of producing new research data as needed by industry, which may take the form either of entirely new studies, such as analyses of consumers' buying habits, the marketing of industrial goods, or of adaptations of previously developed information to special situations prevailing in different trades in different regions of the country as they arise. Such production needs are being cared for by the merchandising research division, domestic regional division, and the bureau's 18 commodity divisions.

All of these past and current research results have been mobilized in the marketing service division, which may be said to maintain an ammunition depot wherefrom individuals, as well as organized trades, may draw the particular data needed by them to wage successfully their own battles against individual wastes.

So that the bureau's energies are now directed not alone to increasing its fund of factual ammunition but also to making that ammunition available promptly and effectively to the individual business man through appropriate regional or trade organizations.

Through publications and publicity he is being awakened to the needs of the situation and to the availability of relief. This may be called the frontal attack on the whole problem. And the problem is also being attacked from the flanks in two different directions: First, through the district offices, whereby the weapons of offense are made available to the individual merchant through the proper local groups which can also train him in their use; and, secondly, through the national trade association channel, which will insure the free flow of needed ammunition from the marketing service and commodity divisions here in Washington to individuals throughout the country through their larger trade organizations.

By these methods it is the purpose of the Department of Commerce to obtain a maximum coverage of manufacturers, wholesalers, and retailers, in need of these data and services, with a minimum of effort and expense to the Government and with a maximum of efficient cooperation on the part of the trades themselves.

THE MISSOURI OZARKS—THE PLEASURE LAND IN THE HEART OF AMERICA

Mr. COCHRAN of Missouri. Mr. Speaker, with seasonal regularity the alluring recreational advantages of the Missouri Ozarks increase in popularity with those persons seeking the restful atmosphere and natural beauties nature has so magnificently provided in this the most accessible and intriguing vacation land in America.

With good roads the beauties of the Ozarks, long known and recognized by hunters and fishermen and the more adventurous tourists, have become accessible to all. The result has been, according to the travel bureaus of the Automobile Club of Missouri, the Chicago Motor Club, and similar organization, a phenomenal increase in the number of inquiries concerning the Ozarks. Actual figures show an increase of more than 33 per cent in the tourist travel to that section each year, and the ratio is increasing.

One has but to glance at a map to realize the advantages of the Ozarks as a playground for the Middle West. While lacking the rugged grandeur of the Rockies and other high mountain ranges of the West, the Ozarks have a charm of

their own. Surrounded on all sides by a thickly populated prairie country, this Ozark uplift, rising to heights of 1,000 feet or more above sea level, seems to have been designed by nature as a sanctuary and refuge for those in search of health, recreation, and entertainment. Within a few hours' ride of Chicago, St. Louis, Kansas City, Indianapolis, Memphis, and Tulsa, the tired business men of those cities find a delightful retreat in the cool recesses of the Ozarks, where their clubhouses, lodges, and cabins are rising in constantly increasing numbers along the sparkling streams and spring-fed lakes of nature's wonderland.

Listen to an artist, George Leonard Shultz, as he gives his impression of the Ozarks:

AN ARTIST'S VIEW OF THE OZARKS

The Ozark Mountain country has a natural charm and beauty, individual and without rival. Deep valleys cut by clear streams, high hills well timbered and covered with wild flowers, many unusual caves, and other wonderments of nature that intrigue the most ardent lover of the outdoors. Marvelous shades and tints enhance the picturesque landscape and give it a beautiful coloring so appealing to artists.

In each valley will be found some unusual attraction, "shut-in" or small stream, deep cave, a lovely cool, thirst-quenching spring, or the usual picture of wild flowers and ferns, with some commanding pines in the middle distance.

I can think of nothing more pleasing and restful than lazily floating down one of those crystal-clear streams, which wind between alluring hills and beautiful valleys, and which at every turn present an ever-changing view of landscape so rugged and so unusual as to hold one spellbound. In places the shore line runs in graceful curves, forming beaches that seem to have been made to order. In still other places are gravel bars on which the brilliant sun strikes, throwing patches of gleaming color into the picture. Then to turn into some fast foaming water that the guide always gets you through without wetting the soles of your shoes, and casting into those blue, smooth spots of water which are stamping grounds of a grand-daddy black bass. We half hope he is not at home, because he'll be a wriggling terror to land in this water and it may cost a new lure that would be tough to lose.

Let us take one of the winding mountain trails in the cool of the early morning, and in a surprisingly short time find oneself sunk as deeply in primeval solitude and rugged beauty as one could wish. Here is complete isolation from the busy, workaday world, a change that we metropolitans need and appreciate so much. Climb up and up until there is spread before you a marvelous panorama—so still, so quiet it hardly seems real—rather like a colossal canvas done by a master in the richest, most delicate, and subtle hues. The reflected blue of the sky makes an azure ribbon of the river, which contrasts sharply with the soft, tender green of willows, blending to the deeper shades over the valley. On the tan bluffs and ledges are deep green cedar brakes with the purple hills back in the distance getting lighter and lighter as they go back until they seem to melt into the sky. Over the whole picture is that peculiar charm that we artists call "feeling"—that charm so typically the Ozarks, and which is so vital in a good picture, and so hard to get.

If Corot or Monet had had the Ozarks in which to roam and paint, instead of the less interesting terrain that they succeeded so nobly in making interesting on their canvases, I thrill to speculate on the results. It requires a master to portray the grandeur, the brilliant yet subtle colors, and the solemn silence that is the Ozarks.

MISSOURI'S BIG SPRINGS

Gushing forth more than 500,000,000 gallons of water daily, Big Spring, at Big Spring State Park, 5 miles south of Van Buren, in Carter County, now is indisputably the second largest spring in the United States, being exceeded in size only by Silver Springs at Ocala, Fla. The exact flow of the huge Missouri spring, according to figures prepared by Dr. H. A. Buehler, director of the Missouri Bureau of Geology and Mines, who made the tests in cooperation with the United States Geological Survey, is 543,000,000 gallons every 24 hours.

Greer Spring, located a mile north of the village of Greer, in Oregon County, is the second largest spring in the State, the October figures showing it has a daily maximum flow of 539,000,000 gallons. This spring has two outlets 300 feet apart, both of which are located in a deep narrow gorge. Its waters flow into Eleven Point River, more than a mile distant. The spring and the land surrounding it are owned by my friend, Louis E. Dennig, of St. Louis. He has placed millions of rainbow trout in its waters.

Other well-known springs in the State include Bennet Spring in Dallas and Laclede Counties, Montauk Spring in Dent County, Meramec Spring in Phelps County, Alley Spring in Shannon County, Round Spring in Shannon County, Roaring River Spring in Barry County, and Chesapeake Spring in Chesapeake State Fish Hatchery in Lawrence County.

Welch Spring in Shannon County is the third largest spring in Missouri, having a maximum daily flow of 214,000,000 gallons. Water from this spring issues from a cave and flows into the Current River, 100 feet distant.

I have visited these springs on numerous occasions and cast my fly in their waters, catching rainbow trout in large numbers. Trout weighing nearly 10 pounds have been caught at Greer. I have likewise fished the rivers of the Ozarks, having wonderful success for many years. The small-mouthed bass—no gamer fish ever lived—makes its home in the running waters of the Ozarks. A small-mouthed bass, regardless of size, on a light rod gives the fisherman a thrill never to be forgotten and is a lure for a return trip.

LAKE OF THE OZARKS

Near Bagnell, in the central Missouri Ozarks, has been created the largest artificial lake in the United States. Damming the Osage River, which is largely a spring-fed stream of typical Ozark characteristics, while for purposes of utility, will result in a body of water 130 miles long with a shore line of over 1,000 miles. Here has been reenacted on a larger scale the transformation which has already taken place at Lake Taneycomo on the White River, and within a few years we will see this new lake surrounded by clubhouses, tourist hotels, golf links, and outing camps. Other dams are projected on the Gasconade, Current, Black, and other rivers, and it is only a question of time until the entire Ozark region will be a series of beautiful lakes, enhancing its beauty and increasing its attractiveness to the tourist and pleasure seeker.

The St. Louis Globe-Democrat had the following to say of this project in a special article written by Hugh C. Sexton, published last week:

The Lake of the Ozarks, 129-mile reservoir, filling up the valleys of the Osage River and its tributaries behind the new power dam near Bagnell, Mo., is expected to become Missouri's largest summer-resort area within the next few years. The lake will have 1,300 miles of shore line and a total area of 95 square miles.

Already acreage contiguous to the lake area has increased in value, due to the anticipated demand for it for summer residences, and several large tracts have been acquired, one containing 1,700 acres, as well as numerous smaller tracts. However, the extent of the shore line in all probability will provide amply for the demand for several years.

The largest artificial body of water in the world, the Lake of the Ozarks, will afford Missourians excellent boating, fishing, and swimming facilities in a measure that has not been available in the past, according to Charles E. Michel, sales manager of the Union Electric Power Co., builders of the dam.

They believe the lake will remain clear and that because of the extensive shore line the fishing will be excellent. It is quite probable that the expanse of 95 square miles of water will materially change the climatic conditions of the country surrounding the lake, reducing the heat of Missouri summer considerably.

MISSOURI OZARKS CHAMBER OF COMMERCE

While these changes have been taking place there has arisen in the Ozarks a spirit of cooperation, responsive to the new conditions. The Missouri Ozarks Chamber of Commerce, organized six years ago to assist in the development of what is known as the Big Springs country, has extended its boundaries so that it now embraces 25 counties lying south and west of St. Louis and extending to the Arkansas line. This organization has taken a decided stand for the preservation of the natural beauties of the region and for the protection of its streams from pollution and exploitation. It is a leader in the movement for improvement of the State parks and for the location of a national park and national forest reserve in the Missouri Ozarks. It has been active in stimulating tourist travel to the Ozarks and in providing suitable accommodations for tourists. It maintains a permanent headquarters at 415 Pine Street, St. Louis, where information is furnished free to tourists and prospective investors and those seeking a location in the Ozarks.

Paul P. Hinchey, of De Soto, is president of the organization and A. D. Sheppard, of Doniphan, is secretary. Its active leadership in their respective communities is in the hands of outstanding men like Wilbur M. Welker, Dr. C. A. Sander, Marble Hill; Roy Woodburn, Walter Thomas,

Poplar Bluff; Dr. Joseph A. Serena, Charles L. Harrison, Cape Girardeau; William Standley, Dr. T. W. Cotton, Van Buren; W. R. Lay, Steelville; L. D. Vandivort, George Addison, Salem; W. L. Cole, Union; Dr. J. V. Denny, Sullivan; Dr. C. A. Bunge, Bland; Hon. F. B. Meyer, Bay; Arch Hollenbeck, W. W. Manz, West Plains; Dr. Milford Riggs, S. P. Ringo, Ironton; E. T. Manley, Festus; Bern Duffner, De Soto; C. T. Smith, O. J. Ferguson, Fredericktown; John W. Terrill, Belle; Judge W. W. Humphrey, Tavern; R. A. Young, Alton; A. L. Carr, Thayer; T. A. Dubrouillet, Linn; Judge A. H. Balkenbusch, Westphalia; George A. Rozier, Perryville; Dr. W. H. Breuer, St. James; B. H. Rucker, Rolla; R. L. Daniels, Norman Crow, Ellington; E. K. Ponder, E. B. Johnston, Doniphan; Charles R. Pratt, Flat River; O. W. Ramsey, Bismarck; F. J. Rozier, Ste. Genevieve; E. G. Lawbaugh, St. Marys; S. A. Cunningham, C. M. Seaman, Eminence; E. K. Lyles, Houston; W. W. Durnell, Cabool; Ed. Drew, Caledonia; C. A. Young, Cadet; Dr. John F. Wagner, Greenville; and Dr. A. F. Wagner, Gravelton.

In St. Louis the Missouri Ozarks Chamber of Commerce has a strong organization, under the leadership of Lon Sanders, vice president, and including many outstanding business men. F. W. A. Vesper is chairman of the National and State parks committee.

The Ozark Playground Association, with headquarters at Joplin, and the White River Boosters Association, at Hollister, have done very effective work in advertising their sections, and the Springfield Chamber of Commerce has a watchful eye on its territory.

MISSOURI STATE PARKS

Missouri's State park system to-day comprises approximately 40,000 acres of the most wondrous scenery throughout the famous Ozark region. Authorities unhesitatingly declare it to be one of the finest park systems in the United States.

When we take a survey of what Missouri parks have to offer along recreational lines, the diversity of offerings seems to leave nothing unsupplied to make a summer's outing more satisfying and enjoyable. The supreme pleasure of fishing, swimming, camping, boating, and hiking in these enchanted spots, created and maintained for all Missouri and her visitors, can not be even partially conceived until experienced. It is not easy to exaggerate the countless beauties and pleasures our great outdoors have to offer.

The names, location, and character of the Missouri State parks in the Ozarks region are: Indian Trail, Dent County, 16 miles north of Salem on State Highway 19, game refuge, 13,173 acres; Montauk, Dent County, 21 miles southwest of Salem, from State Highway 32, spring flowing 40,000,000 gallons daily, trout stream, 633 acres; Big Spring, Carter County, 5 miles south of Van Buren, from United States Highway 60, spring flowing 500,000,000 gallons daily, game refuge, 4,373 acres; Deer Run, Reynolds County, 10 miles west of Ellington, from State Highway 21, game refuge, 6,160 acres; Sam A. Baker, Wayne County, 3 miles north of Patterson, from State Highway 34, game refuge, scenic, 5,500 acres, fine fishing; Alley Spring, Shannon County, 18 miles north of Birch Tree, from United States Highway 60, spring flowing 55,000,000 gallons daily, fine fishing, 427 acres; Bennett Spring, Dallas and Laclede Counties, 12 miles west of Lebanon, 35 miles northeast of Buffalo, from United States Highways 66 and 54, respectively, 71,000,000-gallon spring, trout hatchery, bass and trout fishing, 425 acres; Sequiota, Greene County, 6 miles south of Springfield, on United States Highway 60, fish hatchery, cave, and underground river, 14 acres; Round Spring, Shannon County, 14 miles north of Eminence, on State Highway 19, 18,000,000-gallon spring, bass fishing, 76 acres; Meramec, Franklin County, 4 miles east of Sullivan, from United States Highway 66, game refuge, numerous and large caves, 5,778 acres; Chesapeake, Lawrence County, 28 miles west of Springfield, on State Highway 38, fish hatchery, 100 acres; Roaring River State Park, Barry County, 8 miles south of Cassville, on State Highway 37, beautiful spring, good fishing, concrete swimming pool, 2,400 acres.

NATIONAL PARK IN THE OZARKS

The practicability of the establishment of a national park in the Missouri Ozarks has been directed to the attention of the United States Department of the Interior. This movement gained strength in 1930, and a definite commitment was obtained from Mr. Arno B. Cammerer, Associate Director National Park Service, that field representatives would make an official survey of the Ozark region during 1931. It is being advanced as a sound reason that the location of a national park in the Missouri Ozarks will provide recreational advantages to more than 20,000,000 people who reside within a day's travel of this scenic section, much of which is wholly primeval in character.

CAVES IN THE OZARKS

Wonderful caves are numerous throughout the Missouri Ozarks. Onondaga Cave, located near Leasburg, in Crawford County, 85 miles southwest of St. Louis, is 3½ miles long, and the entire length shows the wonderful work of the ages. Water has taken its time to carve, sometimes in pure white, sometimes in tan or brown, many things of beauty. Where it has not carved or worn away the softer part, it has made its deposit of material gathered somewhere else in its travels, and these deposits vary in color and texture. The Twins, huge stalagmites, must have been thousands of years in reaching their present size, and they are still growing very slowly. There are two human skeletons in the cave, which have become ossified and embedded in the floor of the cave. These are thought to be Indian skeletons.

In a 3½-mile trip through the great subterranean cavern one follows a river for about a mile and one-half, crossing it many times. The rest of the way it does not appear again.

The room in which The Twins stand is 350 feet long, 150 feet wide, and 130 feet high. The Twins stand almost in the center of the room. The Ballroom is about the same in length, varies from 40 to 75 feet in width, and from 20 to 40 feet high. The floor is of almost unbroken onyx. The Waterfalls roar under the King's Canopy, and can be heard half a mile away. There is no place where one has to crawl to get from one room to another.

Fairy Cave and Marvel Cave, in what is known as the "Shepherd of the Hills" territory of the Missouri Ozarks, are also outstanding in this nature's wonderland.

In these Missouri Ozarks are combined beauties unexcelled in any part of nature's dominion. From the summit of the mountains opens a panorama of mystery and scenic interest that loses itself to view in the distant horizon. Rugged forests, stately and commanding; streams that beat upon the base of mountains, their waters dancing in swirling currents to lose themselves in the distant outline; lakes, bluffs, caves, and chasms; valleys, carpeted in green, blending in harmonious contour and color with the background, delight with their unending beauty.

The most renowned world traveler of his day, Bayard Taylor, more than a half century ago said:

I have traveled around the world to find, here in Missouri, the most magnificent scenery the human eye ever beheld.

There is symmetry and order in the Ozark Mountain ranges, revealing the mystic touch of their unseen Creator. Places of historic interest enliven the imagination. Ste. Genevieve, seat of the first white settlement in Missouri, nearly 200 years ago; the remains of the old shot tower at Herculaneum, relic of the War of 1812; historic Cape Girardeau; Fredericktown and Pilot Knob, scenes of Civil War conflicts of strategic import; Potosi, second oldest town in Missouri and the burial place of Moses Austin, founder of the town and later Texas pioneer; Mine LaMotte, founded by the French in 1720, and the first lead mine in America, have a particular historic value to the Ozark visitor.

The visible forms of nature have their setting in an interesting past, such as to entertain the imagination as well as to delight the eye. In these mountain fastnesses are an invigorating atmosphere and a healthful climate. The massive hills impart a feeling of security and comfort, the wildness a spirit of adventure. There is variety of scenery and beauty in the Ozarks in its wooded mountains, its rivers and flowers, that none can view but with delight and a fuller appreciation of the helpful service of nature to mankind.

Improved highways now make all sections of the Ozarks of easy access to the motorist. Federal Highways Nos. 50, 60, 61, 63, 66, and 67 provide interstate traffic ways into the heart of the Ozarks. Equally as well improved are the score or more of State highways, properly identified and marked, supplying a network that encompasses the entire section.

Most assuredly this wonderful section was intended for the enjoyment of the peoples of all time. Missouri invites the vacationists to partake of the unbounded pleasure tours its vacation land will provide.

THE OIL EMBARGO

Mr. LINTHICUM. Mr. Speaker, the final weeks of this session of the Congress have been marked by a well-organized fight to put an embargo on petroleum and its by-products. This was not a new venture on the part of the royalty owners and so-called independent producers. They were here in force last year fighting for a prohibitive tariff; they will be here again next year fighting for the same thing unless all signs fail.

They and their friends have bombarded Congress with telegrams and letters; they have interviewed Senators and Members whenever and wherever the opportunity has been presented. They have been granted extended hearings before committees of both Houses and their spokesmen have made gallant fights for them on both floors of the Congress.

Hundreds of pages of testimony have been taken by congressional committees and hundreds of pages of reports have been made by governmental agencies since this discussion became acute. Owing to the fact that the subject will be agitated when the new Congress convenes, I think it pertinent to present now a short analysis of what appear to be the important points covered by the testimony and by the reports. I shall, for obvious reasons, limit myself in references to disinterested testimony when that is possible; that is to say, I shall quote more freely from reports of Government agencies which have no financial interest in the question than from those whose judgment might be swayed by profit or loss.

The major arguments of the proponents and the answers to their arguments as they appear—to me, at least—may be outlined as follows:

First. Hundreds of thousands of men have been thrown out of work in the American oil fields as a result of the dumping of cheap foreign oil in the American market.

I have seen no evidence to show any such condition. The evidence shows that approximately 18,000 men are out of employment as a result of a gross and constantly growing overproduction of petroleum in the American fields.

Second. Thousands of small wells will be destroyed and their owners impoverished if they are shut down as a result of overproduction.

This unhappy foreboding, repeated by almost all the principal witnesses, is flatly contradicted by the Bureau of Mines of the United States Government. The bureau reports that the temporary closing of many of these wells would be an excellent method of conserving petroleum and that it would not destroy the wells. It is undoubtedly true that some of these small wells represent economic anachronisms.

Third. That American producers are prorating their production at great expense to themselves, while four of the great importing companies are dumping their foreign products onto the American market with the actual intent, or at least the result, of depressing prices.

The official figures of the Bureau of Mines appear to show beyond the question of a doubt, as does the testimony, that while the American producers have been compelled to prorate recently as a matter of self-preservation, the importers have actually been curtailing regularly for years, and that as a matter of cold fact the importers are now curtailing much more severely than are the United States producers as a class.

Fourth. That the importers employ cheap foreign labor and are thereby enabled to lay down oil on the eastern seaboard at a price with which the mid-continent operators can not compete.

The report of the Tariff Commission disposes of this fallacy concerning the values of the imported petroleum, while the detailed testimony of officials of these corporations shows that their properties pay American labor American wages and more, buy nothing but American materials, transport their products in American bottoms, and that the only foreign labor employed is that which clears the jungles and does other chores unknown in the mid-continent oil fields.

Fifth. That there is no relation between the price of crude oil and gasoline, and that therefore the farmer need not be disturbed lest his tractor-fuel bill be increased nor the 20,000,000 owners of automobiles in the country be disturbed lest their gasoline bills jump 20 or 25 per cent as a result of an embargo or a prohibitive tariff.

This astounding premise, vacating, as it proposes to do, the laws of supply and demand, is based apparently upon two isolated instances over a period of years and calmly puts aside the detailed charts prepared by various Government agencies as well as generally accurate organizations, such as Standard Statistics.

If a study of these charts shows anything, it shows that an embargo or a prohibitive tariff will add from 4 to 6 cents to the price of gasoline per gallon and from 70 cents to $1 to the price of fuel oil. Three quarters of a million fuel-oil users on the Atlantic seaboard will help pay this bonus and the American merchant marine will find itself denied the only economy which makes it possible for it to compete with foreign shipping.

There are some 665,000,000 barrels in storage at present, the Bureau of Mines reports, and if a tariff or embargo went into effect there would be a profit of $750,000,000 or $1,000,000,000 in sight for those who own the reserves—the big companies, not the independents.

Now let us summon the witnesses.

UNEMPLOYMENT

Virtually every embargo witness before the Senate Commerce Committee laid great stress on the unemployment situation. They all mentioned round numbers in multiples of 100,000. None of them went into details. I will quote but one typical of all the others:

Mr. McGRADY. Mr. Chairman and members of the committee, the oil-well workers are a part of the American Federation of Labor. The condition of the oil-well workers is deplorable. More than 100,000 of these people have been thrown out of work in the Midland field alone. Their wages are from $4.50 to $18 a day. If you strike an average of $7 a day, it means that these workers are losing $700,000 a day in wages. You can multiply that by six days in a week, or 30 days in the month, or 365 days in the year, and you can see what an enormous amount of money is being lost in wages in only one field. All oil-producing States are just as bad.

I want to impress upon this committee that there is just as much hunger, want, suffering, poverty, and degradation in the oil fields of this country as you can find in any other part of the Nation. We are firmly convinced that they need help, and they need it quickly.

I do not intend to go into the technicalities of the bill, but merely to call your attention to the fact, gentlemen, that there are 1,000,000 American citizens pleading to you for help.

Against this general statement consider the following specific statement presented to the House Ways and Means Committee:

In December, 1929, there were rigs drilling in mid-continent fields, Texas, and California, to the number of 3,074. In December, 1930, there were rigs drilling there to the number of 2,039. This shows a reduction in the number of rigs drilling between December, 1929, and December, 1930, of only 1,035. An average number of men which is required in connection with drilling a well is 18. This results in a total number of men out of jobs on account of cessation of drilling between the dates above mentioned of 18,630 in mid-continent fields, Texas, and California altogether. It would therefore appear that the estimated total of 100,000 men out of work connected with the drilling of wells is a gross although understandable exaggeration.

I submit that there is quite a difference between 18,630 and 100,000 or 1,000,000. While I regret that even the smaller number are unemployed I fancy that the proportion of un-

employment in the mid-continent fields is no greater than in any other trade just at present.

The following colloquy occurred between Senator COPELAND and Mr. William C. McTarnahan, president of the Petroleum Heat & Power Co., who stated that an embargo or tariff would put an end to the fuel-oil business in the Eastern States; it gives an inkling of what may happen in other branches of business dependent on imports of petroleum.

Senator COPELAND. You are bearing in mind, are you, that one of the arguments advanced when the labor people were here, that this is a plan to put back to work in the oil regions thousands of men who are now without employment?

Mr. MCTARNAHAN. I understand it figures a hundred thousand men, and I say to you that the very figures I have here show that in salesmen in our own company—we employ 2,000 people in this business in our factories building this equipment. That has nothing to do with the associated lines that are building fuel-oil tanks, selling pipe and brick, doing concrete work, excavating work to install these tanks all over the country. There are 125,000 men, approximately—very close to that number—now receiving employment by the American Oil Burner Association manufacturers and their dealers and associated lines. As I say, that has nothing to do with the tank people, steel people, or pipe people.

Senator COPELAND. As I understand your position, it is that even though this embargo should result in employment in the oil fields, that there would be a corresponding decrease in connection with your business.

Mr. MCTARNAHAN. There would be at least 25,000 more men, I believe, go out of work for those reasons. You do not realize there are at this present moment 750,000 people in this country with oil-burning plants; there are 690,000 homes in this country to-day burning oil in those homes for fuel.

Senator COPELAND. How many?

Mr. MCTARNAHAN. Six hundred and ninety thousand. There are approximately 75,000 industrial plants.

Consider also this statement made before the Ways and Means Committee by Congressman NELSON of Maine:

Let us assume that an embargo would put to work the 100,000 men that they claim are out of work in the mid-western fields. There is no question in my mind but that it would put out of work many times that number on the Atlantic seaboard. Now, I have listened to the gentlemen, proponents of this measure, as they testified here and, if I understand the situation and if their evidence is correct, this embargo will not put those 100,000 men back to work. The trouble with the oil industry, as this committee can see and as witnesses have admitted, is that it has overproduced itself to death worse than wheat, worse than soft coal. Of the wells of the United States already drilled—all the work is done on them—the potential production of those wells is at least 10,000,000 barrels a day. Mr. Franklin testified that it was 18,000,000 barrels per day. The production at the present time we will call 2,500,000 barrels per day. The gentleman who just testified (Mr. McKeown) told us it was 2,000,000 barrels. That would leave a potential capacity for production in the pinched-in wells in this country of from 7,500,000 barrels a day to 15,750,000 barrels a day—the potential capacity of these wells already drilled.

The Garber bill would bar the importation of 250,000 barrels per day. That is only one-thirtieth or one-sixtieth of the oil now held back from production. If you pass this embargo, instead of putting 100,000 men back to work in mid-continental oil fields all they would have to do is to turn the valves of the pinched-in wells of this country and obtain from thirty to sixty times as much oil as you are shutting out per day.

THE SMALL-WELL OWNERS

No end of sympathy has been aroused by the repeated statements of witnesses of the plight of the owners whose wells would go to ruin if closed down or "pinched in" if American production is curtailed in the face of the present orgy of overproduction. Here is the answer to this plea for sympathy as made by the Bureau of Mines. It is to be found on the last page of the Senate committee hearings:

Some proponents of restrictive oil legislation repeatedly have stressed and have given the unqualified inference that the production from some 300,000 wells in the United States will be irrevocably destroyed unless those wells are allowed to produce without interruption to the end of their normal lives. It is well recognized that a serious economic condition faces the individual owner of pumping wells. In these wells the lifting costs are frequently many times that of wells where the force for lifting the oil is supplied by the expansive energy of the originally contained or associated natural gas. Lifting costs usually determine the margin of profit for producing crude oil; and when the market is depressed because of an abundance of oil either from flowing domestic wells or from other sources, the so-called "stripper" wells are usually the first to feel this depression. Because of the investment in these relatively small producers, and because their owners or lessees, in general, are an essential part of the American oil industry, it seems fundamentally sound that equitable relief should be given.

However, in an honest and unprejudiced analysis of the present economic condition of the American oil industry, it should be recognized that the figures which have been used to designate the number of wells presumably needing relief are largely theoretical. Even assuming that 300,000 wells, out of the total of 328,200 producing wells in the United States (Bureau of Mines figures) as of December 31, 1929), were to be "shut in" for a period of time, present engineering knowledge shows it to be illogical to suppose that all of the production from these wells would be henceforth unrecoverable, thus defeating the true policy of oil conservation. Defective casing and other poor conditioning of wells will invite migration of water and some oil will be trapped in the sands; but to suppose that all of those wells will be ruined if they are not operated is misinformation based upon lack of engineering knowledge regarding the flow of oil and water through sands and unfamiliarity with the experience in certain areas where water migration has been definitely controlled and in still other areas where, after production was "shut in" for a relatively long period, resumed production was at a higher rate than previous to the "shutting in" of the wells.

WHO IS CURTAILING?

In reply to the charges made by the independents that the American producers are curtailing while the importers are not doing so, Mr. Nelson made the following statement based on official reports:

The only significant thing I can see that has happened since last spring is that we are in the midst of a great industrial and economic depression, which covers the entire United States, which affects every locality and every industry, so that we are all, in every section, carrying just as much of a burden as we can well bear at the present time. Now, why should we single out the oil industry for governmental protection? Is that industry particularly affected or affected to such a peculiar extent that it should receive, apart from these other industries, economic protection from this Government?

First, are the imports unduly increasing? Your committee had before it, when you considered the matter of a tariff last spring, the figures which showed that imports of crude oil in 1920 were 106,000,000 barrels; in 1921, 125,000,000 barrels; in 1922, 130,000,000 barrels; and the figures recently issued by the Bureau of Mines, issued last month—and I have them here and believe they are authentic—show that the imports for last year were 105,600,000 barrels; the imports for 1930 were 108,710,000 barrels. In other words, the imports for last year were 3,000,000 barrels less than the year previous and something like 25,000,000 barrels less than in 1922.

Secondly, are prices falling out of proportion to the fall in prices of other products and commodities here in the United States? Babson's statistics, the latest out, show, taking a representative group of farm products, that they fell in 1930 from the value of 1929, 39.9 per cent, practically 40 per cent. They show that the average commodity prices of raw materials in 1930 dropped 12.6 per cent from 1929, 16.6 per cent from 1928, and 16 per cent from 1927. The statistics compiled by Babson, entitled "The Monthly Statistical Summary of Petroleum and Its Products," show that the average price for 1930 of crude oil in all of the United States oil fields, taking in the entire country, was $1.19, which is 6 per cent less than the average for 1929, 1 per cent less than the average for 1928, and 6.3 per cent less than the average for 1927.

While farm products fell 40 per cent, while average commodities dropped 12.6, oil dropped but 8; while average commodities dropped 16.6 per cent, oil dropped but 1 per cent; while average commodities dropped 16 per cent in 1927, oil dropped but 6.3 per cent.

By far the best answer to the question of curtailing is given in the following tables of American production and imports covering a long period of years, as compiled by the Bureau of Mines:

Year	Production	Imports
1918	355,928,000	37,736,000
1919	378,367,000	52,822,000
1920	442,929,000	106,175,000
1921	472,183,000	125,364,000
1922	557,531,000	127,308,000
1923	732,407,000	82,015,000
1924	713,940,000	77,775,000
1925	763,743,000	61,824,000
1926	770,874,000	60,382,000
1927	901,129,000	84,283,000
1928	901,474,000	79,767,000
1929	1,007,323,000	78,933,000
Total	7,997,828,000	948,484,000

These figures show very clearly that the mid-continent producers have been encouraging overproduction while importers have restrained their drilling operations.

COSTS OF FOREIGN AND DOMESTIC PRODUCTION AND WAGES PAID BY IMPORTERS

The Tariff Commission's recent report on the differences in cost and prices of American and Venezuelan products completely clarifies this much mooted question. Let the summary of the commission's recent report speak for itself:

The commission is directed by section 332 (f) of the tariff act of 1930 to ascertain the approximate average cost per barrel to the oil refineries located on the Atlantic seaboard of crude petroleum delivered to them from the oil fields of the United States during the three years preceding 1930 and the present approximate average cost per barrel of crude petroleum from Lake Maracaibo, Venezuela, delivered to the same points. The instructions contained in this section are subject to more than one interpretation, and the various possible interpretations are fully discussed in the body of this report.

The average cost of production of crude petroleum at the well, for 1927, 1928, and 1929, in the States of Oklahoma, Texas, Arkansas, Kansas, Louisiana, and New Mexico, from which States is obtained the great bulk of the domestic oil refined along the Atlantic seaboard, was $1.10. The cost of transporting this oil to the Atlantic seaboard was 88 cents, including pipe-line charges to Gulf ports, a purchasing charge of 10 cents per barrel, and tanker charges from Gulf ports to the Atlantic seaboard. The total cost of the oil delivered at Atlantic seaboard was, therefore, $1.98 per barrel. This cost is computed on the basis of "company interest oil," i. e., royalty oil, has not been included in total production, and includes interest at 6 per cent on the investment of the companies.

The cost of production of oil in the Maracaibo Basin of Venezuela in 1929 (section 332 (f) calls for "present" cost and 1929 is the latest year for which costs were available) was 56 cents at the point of transfer to ocean tankers. Transportation and other charges necessary to deliver the oil to the Atlantic seaboard were 23 cents, making a total of 79 cents, cost delivered at Atlantic seaboard refineries. This figure also is computed on the basis of company interest oil and includes interest at 6 per cent on the investment of the companies.

The commission has made additional comparisons of the domestic and Venezuelan costs, on bases which might be indicated by other interpretations of section 332 (f). For example, it has compared the 3-year weighted average cost in the United States and in the Maracaibo Basin, Venezuela. On this basis the domestic delivered cost is $1.98, the same figure as that used above, while the Venezuelan is $0.89, made up as follows: Cost at the point of transfer to ocean tankers, $0.65; transportation and other charges, $0.24.

"Delivered cost to the Atlantic seaboard refineries" might also be interpreted as meaning the delivered prices which the refiners pay, since the price paid for crude oil by those who purchase in the open market is tantamount to the cost to them. The commission, therefore, ascertained not only cost at the well plus transportation and other charges to the Atlantic seaboard, as summarized above, but also the delivered prices paid for both domestic oil from all fields and oil from the Maracaibo Basin, Venezuela. The 3-year (1927–1929) weighted average price paid for domestic crude from the Mid-Continent-Gulf area by the Atlantic seaboard refiners was $2.06 and for the Venezuelan crude $1.10. The price paid in 1929 for domestic crude from the Mid-Continent-Gulf area was $2.03 and for Venezuelan crude $1.02.

It is necessary to point out that in comparing the costs of domestic and Venezuelan crudes articles are being compared which are not similar. The domestic crude from the Mid-Continent and adjacent areas, the cost of which is here compared with the Venezuelan crude, had an average gravity of approximately 32°, Baumé scale, while the foreign had a gravity of 18° to 19°. The domestic crude refined along the Atlantic seaboard during the period covered yielded, largely by cracking processes, 36 to 44 per cent of gasoline, while the Venezuelan yielded 9 to 12 per cent gasoline and 75 to 83 per cent of fuel oil. (See Tables 14 and 15 showing typical yields of finished products from domestic and Venezuelan crudes.) Gasoline has a much higher unit value than fuel oil.

The difference in quality of domestic as compared with Venezuelan crude is reflected in the wide difference in the price paid by the Atlantic coast refineries. The commission has also ascertained the value of the product derived from the two kinds of crude petroleum by the Atlantic coast refineries during each year. In 1929 the value of the products obtained from the domestic crude used was $2.97 per barrel, and from the Venezuelan crude $1.15 per barrel.

The following statement presented to the Ways and Means Committee by Mr. Paul Harwood, vice president of the Pan American Petroleum & Transport Co., should dispose of the allegations made so loosely and freely that the American companies abroad employ "cheap foreign labor":

The proponents of a tariff or embargo on oils have been misled into a belief that production costs of foreign oils are low because of the availability of cheap labor—or "cheap peon labor" or "labor accustomed to a low standard of living." It has even been seriously stated that the only American labor needed to produce oil abroad is 1 superintendent, 2 drillers, and 2 helpers. This conception is an error and should be dispelled.

Wherever an oil rig is working under American management the world over, the men on that rig are Americans. Only American or high-paid European operatives produce and handle oil. There are native laborers in Mexico and Venezuela, but there are also jobs for them to do unknown to the American producers at home. The aggressive jungle must be constantly cut back. Roads must be built and kept open. Pipe lines must be laid where ditching machinery is useless. And the torrid climate will not permit the use of other than natives for pick-and-spade work.

American oil producers in foreign lands use Americans in all work for which the natives are not fitted. The Americans must be sand are paid wages higher than at home, and housed, hospitalized, and made comfortable in tropical climate, on modern lines at the expense of the employer. Towns, houses, roads, machine shops, foundries, railways—in short, all that is furnished free to the producer by taxation and cooperation of society in the United States—must be furnished by the American oil man and the field and office worker by the American producers. There are no fewer Americans on monthly wage on the average in American oil fields in Venezuela than in the United States, and their cost to employers runs as follows:

Approximate wage rate, Lago Petroleum Corporation, Venezuela

Classification	Average salary per month	Cost of subsistence, etc.[1]	Vacation costs[1]	Approximate total per month
Driller	$350	$123	$29	$502
Toolpusher	450	123	37	610
Machinist	250	123	21	394
Boilermaker	225	123	19	367
Geologists	225-400	123	19-33	367-555
Stenographers	150-250	123	12-21	285-394
Clerks	150-300	123	12-25	285-448
Pipeline foremen	275-350	123	23-29	421-502
Gaugers	150-200	123	12-17	285-340
Engineers	225-350	123	19-29	367-502
Electric foremen	250-300	123	21-25	394-448
Accountants	175-385	123	14-32	312-540

[1] Average cost, based on all monthly employees, including those of other than American nationality.

There is no advantage in cheap labor in Venezuela or Mexico. The labor laws of the countries are strict and mean business. Native wages are approaching the American standard of 15 years ago, but still the native laborer can not do the work of the experienced American, and a comparison of the last column above with the straight and sole wages paid in the United States to employees of similar category will show that any fancied advantage in cheap labor is overcome by additional expenses unknown in the United States fields.

WHAT PRICE GASOLINE?

The following table taken from page 233 of the hearings before the House Ways and Means Committee shows how the oil bonus would be collected State by State if a high protective tariff or an embargo is levied against petroleum and its by-products:

State	Gasoline consumed, 1930[1]	Increased price at 4 cents per gallon
Alabama	172,000,000	$6,880,000
Arizona	76,000,000	3,040,000
Arkansas	139,000,000	5,560,000
Colorado	170,000,000	6,800,000
Connecticut	223,000,000	8,920,000
Delaware	35,000,000	1,400,000
District of Columbia	80,000,000	3,200,000
Florida	228,000,000	9,120,000
Georgia	224,000,000	8,960,000
Idaho	62,000,000	2,480,000
Illinois	1,000,000,000	40,000,000
Indiana	467,000,000	18,680,000
Iowa	399,000,000	15,960,000
Kansas	385,000,000	15,400,000
Kentucky	169,000,000	6,760,000
Louisiana	196,000,000	7,840,000
Maine	108,000,000	4,320,000
Maryland	174,000,000	6,960,000
Massachusetts	535,000,000	21,400,000
Michigan	794,000,000	31,760,000
Minnesota	400,000,000	16,000,000
Mississippi	138,000,000	5,520,000
Missouri	442,000,000	17,680,000
Montana	81,000,000	3,240,000
Nebraska	250,000,000	9,200,000
Nevada	19,000,000	760,000
New Hampshire	65,000,000	2,600,000
New Jersey	554,000,000	22,160,000
New Mexico	54,000,000	2,160,000
New York	1,479,000,000	59,160,000
North Carolina	251,000,000	10,040,000
North Dakota	100,000,000	4,000,000
Ohio	972,000,000	38,880,000
Oklahoma	324,000,000	12,960,000
Oregon	170,000,000	6,800,000
Rhode Island	89,000,000	3,560,000
South Carolina	119,000,000	4,760,000
South Dakota	138,000,000	5,520,000
Tennessee	215,000,000	8,600,000
Texas	800,000,000	32,000,000
Utah	60,000,000	2,400,000
Vermont	47,000,000	1,880,000

State	Gasoline consumed, 1930	Increased price at 4 cents per gallon
Virginia	228, 000, 000	$9, 120, 000
Washington	271, 000, 000	10, 840, 000
West Virginia	141, 000, 000	5, 640, 000
Wisconsin	439, 000, 000	17, 560, 000
Wyoming	36, 000, 000	1, 440, 000
California	1, 409, 000, 000	56, 600, 000
Pennsylvania	950, 000, 000	38, 000, 000
Total	15, 858, 000, 000	634, 320, 000

[1] December estimated.

At a future date I will discuss in some detail the extremely bad effects a tariff or embargo would have upon our relations with South America and our export trade generally.

For the present I will end this analysis with a quotation from a memorandum prepared by the Acting Director of the Bureau of Mines for the Secretary of the Interior. It is a part of the Senate Commerce Committee record.

The Bureau of Mines feels that there are certain important considerations which should be reviewed in connection with the proposed legislation. It is with this thought that the following suggestions are made:

1. Foreign crude which is being imported into the United States is predominantly the output of American-owned and operated companies. In its third report the Federal Oil Conservation Board stated that "The present imports of Mexican and South American crude oil come largely from American operators, and, while not obtained from United States oil sands, they are the product of American engineering and enterprise."

It would appear that these American companies consistently received the assistance of the United States Government in their efforts to explore and develop oil lands in foreign countries. Special attention has been given to possible restrictions imposed on United States citizens in the acquisition and development of foreign oil lands and to the establishment of the "open-door policy" in mandated areas. Discussing foreign oil sources in its first report, the Federal Oil Conservation Board advised "that our companies should vigorously acquire and explore such fields is of importance not only as a source of future supply but supply under control of our own citizens."

Having thus encouraged American oil companies to develop foreign oil production in order that other nations would not control an undue share of the world's oil resources, it might be considered that there has been established an implied obligation to continue in the assistance of American companies engaged in foreign oil production and that the restriction or refusal of admission to the United States of the oil so produced would be contrary to the encouragement which these companies have received while engaging in foreign oil exploration and development work.

PEACE DEPENDS UPON DOMESTIC EDUCATION ON FOREIGN AFFAIRS

Mr. FORT. Mr. Speaker, in accordance with the permission granted by the House, I herewith insert as an extension of my remarks the following speech delivered by me on January 3, 1931, as a part of a symposium discussion on foreign relations at the Saturday discussions luncheon of the National Republican Club:

Mr. Chairman, ladies and gentlemen, to the audience here I want, before starting my remarks, to apologize in advance for the discourtesy I am going to have to commit by leaving the moment I am through and missing what I know will be the fine address of Doctor Shotwell, but I must get a train back to Washington to be there for an engagement this evening.

I was greatly interested in Professor Myers's discussion of the propriety of lessening the influence in relation to the House and the Senate of the United States. The rules of the House of Representatives forbid a Member of that body criticizing the Senate or its Members. Therefore we find it very difficult ever to talk about it. [Laughter.]

The fact remains that we are rather proud of the fact in the House that that thing is happening, which always does happen in human affairs, and that is that the body which to-day has rendered in greater measure patriotic and intelligent service with the Nation's good as its motto is gaining continually greater power as between the two bodies of the Government.

Your chairman has said that these discussions are nonpartisan and that foreign affairs should be nonpartisan. Unfortunately, that is not so in this Nation, but it is so very largely abroad. One night in Washington, when I sat at dinner next to the ambassador of one of the great foreign countries, from whose nation had come that day news of the fall of the cabinet, I asked him if that would make any difference to him, and he said, "No; nor to the foreign policy of my nation. It makes no difference. Our Department of Foreign Affairs goes on in the same hands, whoever the Secretary is."

To the extent that implies bureaucratic control of foreign affairs we do not hope for it in America, but to the extent that it implies continuity of policy and the discussion and consideration of foreign affairs in a strictly nonpartisan sense it is one of our great needs.

I do not need, after the introduction of the chairman of myself as a member of this club, to reiterate that I am a Republican. In one point at least, however, I do not share in Professor Meyers's criticism of President Wilson's foreign policy. It was my fortune, during the early years of the war and before our entrance into it, to have to travel broadly throughout this Nation on business, and when I found sizable cities in the Middle West and Southwest whose newspapers did not even carry the official communiques of the Battle of the Marne, it seemed to me it was going to be a very difficult and a long problem to interest the great rank and file and mass of the American people in the affairs or wars of Europe.

Whether the process of education was carried on too long prior to our actual entrance into the war, time alone can tell, but my own experience in the West and South at that time has at least made me feel that the question is open to debate.

Of course, I am delighted at the tribute which Professor Myers has paid to the President of the United States. His sensitiveness, of which he has spoken, is to those of us who have been privileged to see him at his work a matter almost of physical agony under criticism. But I have yet to see the time when any criticism or any mental anguish due to it has changed one iota his convinced determination to carry out what he believed to be right. [Applause.] I think it is one of those peculiarly fortunate situations which this Nation has so often fallen into in its history that at this period, when world affairs must become increasingly engrossing, we have as President a man of whom the whole world knew before we did, as a disinterested person looking first and foremost for the welfare of men.

Professor Myers has spoken of the statesmen. It is, however, essential in foreign affairs as in domestic that the statesman who looks to the future should have with his statesmanship something of the qualities of the politician who looks at the present. Human beings being what they are, a leader who wants a following (and without a following no nonmonarchical leader in government can accomplish anything) must be able to retain the good will and the earnest support of his people.

Such discussions as this, therefore, have, it seems to me, an enormous value in so far as they offer the opportunity of calling to the attention of people throughout the Nation the complexity and the difficulty of our foreign questions and of those human factors which must enter into their solution, which to us are unknown. The whole thought of foreign affairs is to the average American the creation of the last 10 years. The illustration I have given you of the newspaper position as I saw it during 1915 and 1916 is sufficient proof of that fact.

The fact that probably none of us here present, unless it be Professor Myers or Doctor Shotwell, could draw a map of Europe as it is to-day—perhaps our children could; I know I couldn't—is but an illustration of the need in this Nation of real education on this question [applause] because there is nothing more loaded with dynamite, from the standpoint of the world as a whole, than unstudied discussion and action upon questions of foreign affairs. Sometimes the mere difference in language—or in idiom in the same language—produces misconceptions between nations, misconceptions difficult to eradicate; particularly in these days when the press both here and abroad runs to headlines and picks the sensational, which may have been a mistaken thought, out of the speech of a public man and cables it to the other side of the water.

The differences in religion make differences which are very delicate to handle. Those are problems perhaps of less seriousness on the psychological side, when the difference is between Christianity and paganism, because there we do not expect the same viewpoint. But when the difference of religious viewpoint between nations is defined by some of the very tenuous lines which to-day separate creeds, a mere misphrasing may prove of vital consequence in public thought.

The habits of thought of the rest of the world are different from our habits of thought. Largely this is due to physical conditions. We, sitting supreme in the two American continents, with a greater population in our Nation than all the rest of the nations in the two continents combined, have neither need of fear nor serious need of friendship from our neighbors in the sense of military friendship. The congregated nations of Europe, struggling with their problems of overpopulation in most of them; struggling with their problems of the new mechanization of their industry, where we have passed very far along the path of mechanization; struggling, many of them, with new forms of government with which they are unfamiliar, and therefore with governmental machinery they hardly yet know how to use; and bound by ancient prejudice based on hundreds of years of warfare, for or against neighboring nations, are in a very different mental attitude, especially when they consider their foreign relations toward each other or toward us from anything which traditionally affects the minds of American citizens.

They look upon us concededly and perhaps, not unnaturally at times, jealously, as far and away the greatest power in the world. They called us the greatest nation before 1918. Our rapid acquisition of military and naval strength and wise use of it during those two years made them concede we were not only a great nation but a great military power when we chose to be. Our wealth outstrips almost their combined wealth.

They want our friendship, every one of them, and yet the tradition of hundreds of years of fear of other nations and rivalry makes it not unthinkable—not impossible for us to realize—that their wish for friendship may have in it some elements of the avoidance of fear. To them a powerful nation is a powerful threat. It is difficult for them to visualize the American viewpoint, to realize that we wish to use our power only in the interests of international good will and peace.

Our job—the job of our statesmen and of our whole people—in order that our foreign affairs may take proper form is, first, to convince the world that peace and good will is our one and only aspiration in the use of our great power. They are our debtors in vast sums of money, and it is awfully hard to love your creditors. They have an enormous overpopulation, and science and peace are destroying the old-time methods of relieving overpopulation—war, famine, and pestilence. Education must take their place, but in the meantime we, with what seem to them ample acres, refuse to help relieve that overpopulation problem, and through it all to them we seem to prosper, even to-day.

When we come to South America a little different situation results. There, there are new nations in the development stage, underpopulated, underfinanced. I do not believe to-day that any intelligent man in South or Central America fears the United States, but I do not believe it does much good to our relations with them to treat them even mentally as though we thought them inferior. Their culture, like that of Europe, differs from ours only in those minor differences which the very similarity makes more striking. Fundamentally our basic religious beliefs are similar. Fundamentally our education, our scientific beliefs, our laws aim to the same purposes. All of us are democracies. We Americans, both in the Government and in our private lives, must recognize that all this is true as a basis to real understanding, as a basis to the creation of the policy we really wish.

When we come to Asia and Africa we have a very different situation again; a total difference of religion, clashing less with ours because it is so totally different; overpopulation again, like Europe, and even worse overpopulation than any part of Europe; and inability to see or take our viewpoint, probably for a generation or two or more yet to come. There are nations rising from the ruins of an old civilization to begin the building of a new, where our task is to act as the architects for what the finished structure shall be.

It can be done, not by aggression but by sympathetic study—and only by sympathetic study. Take the problems of British India, on which so many people love to lay down rules and policies for Great Britain to adopt. What are these problems? At least a dozen bitterly clashing religious groups. I take it there are probably a hundred languages. Is it any wonder there is bitterness in England over casual volunteered advice from Americans—based on ignorance—as to how Great Britain should solve that problem. I do not believe any Englishman would regret if he got advice which would solve it.

Take the British Navy. There has been a reference to disarmament or reduction of navies. I happened to be in the House of Parliament with Ambassador Dawes in July, 1929, when that great British Premier, Ramsay MacDonald, arose to declare for the first time officially the intention of the British Government to enter into naval-reduction negotiations. As I sat there waiting for him to speak (I had just finished the day before reading a brief outline of British history) there went through my mind the fact that Great Britain was nothing in the world picture until three or four hundred years ago her inventors developed a new form of sailing ship, with which she defeated the Spanish Armada and conquered the world; with which she set up and whose successor ships have since protected her whole colonial empire; with which she can and ever must protect the food supply for her overpopulated islands. It seemed to me that the American residing in this great self-sufficient commonwealth—which can grow and produce everything it needs; which wants and has no colonial possessions—who feared to reduce our armament, when Great Britain, with all of her traditions, with all of her need for a navy, was willing to reduce hers, was a coward afraid of his own shadow.

The navy to Great Britain is Great Britain, and, from school days up, so every child has been taught. How anyone could doubt the validity and genuineness of a gesture from Great Britain toward reduction of naval armament has been beyond me since that day. I agree with Professor Myers that it is a matter of maintaining equality, but personally I am willing to go along to the lowest degree of reduction to which the other major nations of the world will go.

The whole thing comes down to this, as I see it: When a man and a woman are married they have new circumstances in which to live and new habits, and annoying ones, of each other to get used to, but the fact that the institution of matrimony has lasted through the generations is excellent proof that human nature offers the capacity for human beings to learn to compromise their viewpoints and agree on things that once seemed impossible when the closeness of their relation makes them able to know and understand each other's viewpoint.

We have new instrumentalities for that purpose in the world to-day—the enormous improvement in our communications, the fact that only a week ago we here in America could listen to Premier Mussolini make a speech in Italy. That sort of thing offers a tremendous possibility in the adjusting of viewpoints. The radio in front of me here to-day offers the same thing. The discussion going out from this club to the people of the Nation, the differing viewpoints of Professor Myers, Doctor Shotwell, and myself on some points give to the people who happen to be listening an opportunity at least to know that there are reasonable differences of opinion which reasonable men may have on all these questions. And that is the first thing to learn if we are to adjust our differences of opinion with our foreign neighbors.

I attended last summer the sessions of the Interparliamentary Union in London, a meeting of a group of delegates from 37 parliaments of 37 nations, who meet annually for the discussion of questions of government. Some of us were able to explain to delegates from other nations that this Nation could not be bound by the act of the Executive alone but had to have the concurrence of the Senate—a thing difficult for a foreigner to understand and grasp in view of the difference in their customs. That instrumentality has great hopes, as I see it, of producing a world approach to a common viewpoint.

Of course, our continuous travel is of great help. Of course (and I should have talked on this a little more if Professor Myers had not so adequately covered it), the World Court offers another opportunity for adjustment of viewpoint. As a lawyer—before I reformed and went into business—I am convinced that a grounded body of the law is the finest basis in the world on which to build mutual understanding. How far we rely upon settled law in our private lives, we do not even think. We take so much for granted. International law has no such basis to-day. It needs it; and if the World Court accomplishes nothing but a definition of international law, it will have performed a service worthy of our joining it.

Finally, with all of the differences in the form of government, with all the differences in language and religion and viewpoint, the world to-day is moving in all of its institutions in a common direction—and that is the direction of a universal democracy. Whether that democracy shall take the form of a socialistic one, whether the economic theories of Russia may ultimately become dominant over the world, or whether it will take the theories we hold in this Nation rests very largely upon us. We must perfect our own democracy if we want the world to simulate it. The object of our democracy, the object of all democracy—and all the world is tending toward democracy in some form or other—is the leveling of class, the bringing into the world of a general average of well-being and the elevation of that average. Russia is approaching it by pulling down the level of the highest. We have been approaching it here in America by continuous and steady efforts to raise the level of the lowest. To me, and I think to all of us, ours is the ideal system. If we perfect that system, if we tend here at home more and more and more to give the world leadership in that direction; if we help to bring about a finer and a truer democracy here, then surely will our ideals and our policies prevail in the world of foreign affairs. If here we establish, maintain, and improve the best form of democracy there is on any shore, our foreign relations will take care of themselves, because the world will be modeling after us. [Applause.]

WORLD ECONOMICS AND EASTERN AGRICULTURE

Mr. FORT. Mr. Speaker, in accordance with the permission granted by the House, I herewith insert as an extension of my remarks the following speech delivered by me on January 27, 1931, at the State agricultural convention in the assembly chamber of the statehouse, Trenton, N. J.:

Mr. President, Senator Roberts, ladies, and gentlemen, it is a real pleasure to get up home, if it is only for a day. But since I could only get away from Washington on the midnight train last night and should return to-night, and in the meantime have considerable business to attend to in Newark, I want to beg your indulgence and your pardon before I begin to speak, if I leave immediately on concluding what I have to say, as I must be back in Newark for a few hours before returning to Washington to-night.

I have been very much interested in Mr. Bardo's talk about taxes. Sitting down in Washington, where we have to vote on total appropriations for the Government annually of $4,600,000,000, of which a bill up in the House to-day for passage carries something over $1,000,000,000, we are studying this problem of taxation daily.

In line with what he has said, I think one fact should be observed and recalled by the people of the United States. To-day we are having probably the lowest cost of living that this Nation has been favored with in 20 years in every respect save one; that is rents. You have heard the figures which Mr. Bardo has given you as to the increase in State and municipal taxation, which are the vital factors in the fixation of rent of real property. In the Federal Government, whose taxation affects every other item of living cost except rent, we have decreased taxes since 1920 at a rate which now reaches approximately $2,000,000,000 a year. The contracting condition is that with rents at the peak for all time, thanks to high State and municipal taxes, the cost of living in other respects, thanks to a reduction of $2,000,000,000 in Federal taxes, is lower than ever before since we turned the century.

The lesson which he has taught here to-day is one which people must take home. State and municipal governments must give the same attention to detail in the expenditure of public funds that I am proud to say is given to-day in Washington, because our decrease of $2,000,000,000 a year in 10 years has been accompanied on the other hand by an increase of over $600,000,000 in the amount expended for veterans, which now reaches the sum of $866,000,000 a year, and by another increase for the benefit of agriculture to practically $200,000,000 a year.

In spite of those increases study of the proper method of spending Government funds has produced a total decrease net of $2,000,000,000 a year. Those figures should be taken home into

every community in the country, and a realization of their influence on what every one of us has to spend brought home, as Mr. Bardo and his association are trying to bring them home to every man.

The subject on which I was asked to take here to-day is a very broad subject, World Economics and Eastern Agriculture. In discussing world economics as it may influence eastern agriculture, we must not consider merely the passing phases of this period of world-wide depression, because it is not the incidental thing which happens from year to year that we mean when we talk of world economics. It is the major trends in the development of business and of government which affect all business the world over alike. There are trends which are uniform practically in their influence upon agriculture and industry, upon banking and upon transportation, upon all forms of modern human effort to earn a living.

What are they? In the first place, an amazing and continuing increase in the use of machinery to replace hands; in the second place, a great development in the spirit and practice of organization. All business to-day is tending into larger and larger and larger units for its conduct. With the railroads, we talk of consolidation. With such an industry as oil, to-day a single corporation—the Standard Oil and some of its competitors—goes from the stage of drilling in the ground in the hope of finding oil all the way into the sale of the finished product at its service stations in the city of Trenton, under one management and one ownership, with practically every intermediate process handled by its own employees.

The Anaconda Copper Co. goes from the digging of copper ore in Montana or in Chile to the delivery of a copper shingle on your grounds to go on your roof. That is not peculiar to America. That is happening in the same way and in the same degree throughout the world. Along with it has come a tremendous increase in the use of publicity as a new form of salesmanship. So ingrained is publicity into all of our lives to-day that we completely forget that it is a creature of the last 40 or 50 years, that advertising in the popular and modern sense dates back only to about 1880.

To-day, however, goods are no longer sold by the storekeeper on his reputation, but by the publicity man on the bearing and force which he gives to the name of the product. It is sold on its name. If you or I walk into a store and there are two bins of oranges side by side, one marked Sunkist, and the other without a mark, although they may have come from adjoining groves in California, the chances are we will buy the Sunkist orange, even if we pay more for it. The same is true with all other types of products. No longer do you buy a thing because of the merchant who offers it to you, but because of the name you have come to recognize.

Then publicity is going on in another direction. I was abroad last summer, and throughout England the advertising on every billboard and in every newspaper and in every shop window is "Buy British-made goods," or "Buy Dominion products." In Germany it is the same idea. I can't recall the German for it. Wherever you go, advertising is being directed toward building up local industry and local products.

Along with these trends has come still another, perhaps the father and perhaps the child, and that is a tendency toward specialization the world over. Men are not doing as general a business as they used to do, whether it is farming or manufacturing or what you please. The individual is a specialist, whether he be a doctor or a lawyer or a farmer. He is a specialist because to meet the pace of modern industry he must cut his costs, and to cut his costs he must bring down his unit cost for every article he produces. To bring down his unit costs he must understand in detail and to the most perfect degree possible just exactly what can be done to simplify the process of producing the particular article which is the mainstay of his business. We are becoming a world of specialists.

I don't know how many of you have ever been through the Ford factory in Detroit, but as you go through there and see a rear axle put on the runway and leave an hour later a finished car, with each man having to do all day long for eight hours the identical thing of putting on the identical nut on the end of an axle or some other part of the machine, or take the identical number of turns with a wrench toward tightening it as it moves on past him in the runway, you realize that there is the perfection of modern manufacturing efficiency in that plant. You appreciate the fact more and more clearly that specialization—doing one thing well—is the symbol and the keystone of modern industry.

Along with these trends here and abroad have come certain definite changes in the whole relation of men to their own lives, one of which is an increasing trend toward living in the city. That has been brought about by two things; first, by the increased relative wage scale in the city as contrasted to the farm. The second has been the increased efficiency in farming which makes fewer hands necessary to grow all that we in the cities need to consume. It is probably a fact that all of the food supplies and clothing supplies of America which come from farms could be produced with something around a half million fewer men than are now producing them, with the use of modern methods. But along with that the higher wage scales which have attracted men to the cities have produced higher living standards for the people who live in the cities—here rapidly, abroad more slowly.

Consequently there has grown a demand, and this directly and vitally affects eastern agriculture, due to the higher standard of living and the higher average income in normal times of the city dweller for a different type and a greater quantity of many of the products of agriculture. That has not gone into a demand for a greater amount of such old stable commodities as wheat or meat. There the average consumption of the American people has declined. In wheat the per capita consumption is probably in excess of a bushel per person a year less than it was 20 years ago, which is a large factor in the creation of our present problem in America in wheat. In meat the figures are somewhat more difficult to get, but there, too, there has been apparently a substantial reduction in demand.

The shift has been toward things which 20 years ago ranked more in the luxury class of farm commodities—fresh vegetables all the year round, fruits, poultry, eggs, butter, and milk. Into those commodities consumption has to an enormous degree shifted with the improvement of living standards and industrial earnings.

Along with these purely economic changes there have been, and still continue to be, certain vital political changes. When I use the word "political" I do not mean partisan, nor do I mean political merely in the sense of American problems, but I mean in the broader field of the relation of the Government to business and to agriculture. Those changes have taken the form the world over of considerable assistance by the government to agriculture, offsetting in many cases the assistance previously given by the government to other business, in some countries giving to agriculture a form of assistance never given to other business. This assistance has been fundamentally given to agriculture for a distinctive purpose affecting the government and its security in time of war; namely, the desire to make the nation self-sufficient for its own food supply.

Last year, as I traveled through Germany, on the dining-car tables was a little card pointing out that Germany was growing too much rye and too little wheat, giving the figures of how much wheat they were having to import; showing that they were exporters of rye; and calling upon the people, as a matter of national good, to reduce the amount of rye they were growing and grow more wheat, so that they would not have to buy abroad.

In England very much the same movement is going on to transform their agriculture, so far as possible, into a type which would mean that under any circumstances or conditions which might arise the nation would be able to feed itself, partly as an economic thing in order to retain their moneys at home and not have to buy the necessities of life abroad, partly as a measure of protection in the day of unhoped-for war.

Along with that type of government effort to control the direction which agriculture should take, the governments of the world have begun to attempt in different forms the direct influencing of the prices of agricultural commodities. In Brazil the Government monopoly on coffee, which attempted to maintain the price of that commodity, has failed because it stimulated overproduction. The last state of the Brazilian coffee planter is worse than the first. The same is true of the British effort to maintain the price of rubber for the benefit of the rubber producers in the Straits Settlements. The same thing has proven true of every effort to peg prices of commodities anywhere. The same thing must continue to prove true of any effort to peg prices, if the prices be pegged at a point where men generally can make money. There are too many millions of acres of land in the world to make it possible to limit production all over the world if prices be pegged at a profitable basis to the marginal producer.

On the other hand, I do believe that efforts to the type which our own Farm Board is engaged in—although somewhat hurried by the happening of a depression emergency before they were fully organized—which look merely to the influencing of price against speculative excess, can be and should be of great service to the Nation and to the producer. So long as those efforts are continued in the direction not of an effort to sustain prices at fixed levels but simply to prevent undue speculative fluctuation in prices, they are of real public service. As an illustration of what can be done by government without serious detriment to any proper industry, the picture of what has been done in wool in the last year is notable. The cooperative associations handling wool in the United States a year ago handled only about 30,000,000 pounds of the commodity. This year, because of the aid of the Farm Board, because of the wisdom of the woolgrowers of America in seeing the possibilities of cooperative marketing, the cooperative associations have handled 125,000,000 pounds of wool out of a total domestic production of 315,000,000 pounds. In other words, they have jumped in one year from 8 per cent to 40 per cent of the entire wool clip of America.

The organization of that industry, aided by the Farm Board agency, has not maintained a price for wool which ignores the world-wide conditions in that commodity, but has maintained a price for wool which will prevent the bankruptcy of the woolgrower without giving him sufficient unnatural and artificial profit to increase the supply of wool. To-day that, of all of the major agricultural industries of America, is probably in the best condition by the utilization of cooperative marketing without efforts to arbitrarily raise price.

Another form of Government intervention which has come into the picture in the last two or three years, of which no man can see the end, is what is going on in Russia. In Russia collectivism has gone way beyond the scope of our cooperative marketing and has reached a point where the farmer there to-day, in large sections, farms an assigned piece of land with Government-owned machinery, pooling his produce with all other men farming with Government-owned machinery, selling his crop for whatever he can get, and taking his share with all other farmers of the price realized on that sale.

That method applied to the staple crops of agriculture is bringing to-day in Russia to the farmer of that nation the lowest return for his efforts that any farmer in the modern world has ever known. The price which he is getting for wheat, for example, is probably the equivalent of less than 20 cents per bushel. He is selling at a price based on 20 cents in the world market on a 5-year program, as it is called, the purpose of which is to enable the Russian Government to acquire sufficient funds from selling its produce abroad for whatever it will bring to enable it definitely to stabilize their form of experiment in government.

If they continue to get their people to work for the degraded scale of living which is their only present reward for their labor, Russian production constitutes a threat to the agriculture of the world in staple commodities which can not be overlooked. They have exported this year no one knows how much, but probably 150,000,000 bushels of wheat, at prices that have broken the whole world market 25 cents per bushel, except the American market. Our price to-day is 24 to 26 cents per bushel higher than the Winnipeg price, thanks to the combination of the tariff and the Farm Board's efforts.

What, however, is the future of the staple-crop agriculturist of the world if Russia can succeed in keeping her people at work for practically nothing a year? I do not know and I do not think anyone else can wisely prophesy. My own belief is that they can not keep their people at work indefinitely under such conditions.

The other world trend which has definitely affected all agriculture and all industry is the present apparently limitless slide of silver toward nothing per ounce. People began to worry about the price of silver when it broke 50 cents an ounce, and now it is down below 30. No one seems to know when it will stop. But the net result of its decline has been to take half of the people of the world whose currency is based on silver practically out of the purchasing markets of the world. Until something is done to stop the decline in silver—and nobody seems to know what that something is to be—we will have a most difficult condition to reckon with in determining the value and the possibilities of export commodities in any country in the world.

All of these conditions lead to one other thing, and that is that probably the world has in the last two years taken the final deflation step from war-price levels. I doubt if we shall again see in this generation the level of commodity prices, whether it be for agriculture or for industry, whether it be wheat or oil or coal, which we saw during the war and immediately after the war. If that be true, again the problem of agriculture is to stay, so far as possible, out of the commodities whose market is an export market. Behind our protective tariffs agriculture here can do better than agriculture in the export nations of the world. But if world prices for commodities generally are seeking and are now reaching a lower level, export commodities' future is distinctly cloudy.

What does that all mean to eastern agriculture? Eastern agriculture differs from world agriculture, properly interpreted. As Mr. Bardo has said, eastern agriculture has at its door the greatest consuming population in the world and a consuming population which, when in its normal buying power, seeks quality products in quantity volume. To get quality products in quantity volume we must follow world economic trends which are, first, the application of more science to production; second, the becoming even more truly specialists in the line we have undertaken; and third, the adaptation of our methods of production to the best-known methods anywhere.

Then we must use more machinery. All of the world is using more machinery, and we particularly must use more machinery in the East, because here we have the highest human labor market in the world. We can't raise our commodities unless we use every device known to modern industry to eliminate that high labor cost. We must have better organization of our eastern agriculture, organization which sees to it that the middleman becomes a decreasingly important factor, that there is a smaller proportion of profit and handling cost between the price the farmer gets and the price the consumer pays.

A great development in cooperative handling of farm commodities, which will utilize the publicity methods of all other industry, which will utilize the publicity of methods that the western and southern cooperative associations are using, will make the name of New Jersey quality products as well known in the markets as the name of the Sunkist orange. Those methods, which only organization can use economically, eastern agriculture must use increasingly.

We must entirely discontinue any effort to raise so-called staple crops. The staple crops are the crops of world commerce. The picture of world commerce offers little profit to American agriculture in the export field. Where prices are determined by export markets, we had better leave the commodity alone, except as a mere incident of diversification, and confine our efforts to those commodities which neither can be exported nor imported—the perishables, of which the quality markets of our great cities and our great suburban communities can take an unlimited supply and will pay quality price for; the perishables in which our location gives us the greatest market in the world without fear of competition if we provide it with the quantity and the quality it needs.

Probably we must tend in the East toward smaller and smaller farms and more intensive farming, while the one hope of the West and South, if they are to continue in staple crops, is probably toward larger and larger farms. More intensive methods of cultivation are what the East must have. That, generally speaking, means units small enough to supervise without heavy overhead cost.

In working out all of this problem eastern agriculture has wonderful assistance at its disposal. It has in the great Federal Department of Agriculture the finest organization of its kind in the world, headed in its various bureaus, as you have found this morning in the talk you had from Mr. Olsen, by men of distinctly valuable, I might say invaluable, attainments, many of whom are serving the Government out of devotion to its interests for far less than they would receive in private industry, and headed to-day by a brilliant and true friend of agriculture in Secretary Hyde. You have the assistance of the Federal Farm Board toward organization, toward advice in marketing, toward everything which will tend to put the industry of agriculture on a parity in economic structure with any other industry in the world.

You have here in this State, under the leadership of Doctor Lipman, a world-famed scientist in agriculture, and under the leadership of Mr. Duryea, whose reputation I happen to know goes through the 48 States as a secretary of agriculture without a superior, you have here, with the board and with those gentlemen and their able coworkers, every possible opportunity to gain valuable assistance from the agricultural branch of your State government. You have through your location something which all the farmers of all the rest of the world would give everything they have to get—a market of the type you have at your doors. New Jersey farmers have proven in their rally from the great depression which swept this State and its agriculture from 1870 until about 1910 that they have the brains, the courage, and the initiative which, after all, is the chief factor in the solution of any problem. With those advantages, I look to see eastern agriculture become the leading agriculture of America, the most prosperous agriculture on the globe.

RETIREMENT OF NAVAL OFFICERS

Mr. HOUSTON of Hawaii. Mr. Speaker, under leave to extend my remarks, I present herewith some comments on the Britten bill that has become a law through action of this Congress and signature of the President.

Though I have had 32 years of service in the Navy I generally hesitate about taking part in controversial debates, because, as a Delegate from the Territory of Hawaii, I must rely upon the good will of the Members of this House. But the debates on this measure indicate such a misunderstanding of some of the terms of the bill that I venture these notes in the hope that they will clarify the situation.

I must not, by this comment, be understood as being in favor of the plan of selection for promotion in the higher grades, for I am opposed to the method, but that phase of personnel control was not being discussed.

S. 550. A measure of justice in the treatment of the wartime officers now on the active Navy list.

Much has been said on the floor of this House with regard to the discrimination in this bill against the former wartime officers of the Navy who were permanently commissioned shortly after the close of the war. Such criticism is wholly unjustified for the bill provides for these officers a measure of safety which they will not otherwise possess.

The question of personnel in the Navy is a complicated one, with which the majority of the Members of this House can scarcely be expected to be familiar without much study and investigation. The general conception appears to be that once an officer receives his commission he advances steadily from grade to grade until he reaches the rank of rear admiral. It is well to remember that officers must be selected for the grades of rear admiral, captain, and commander, but few realize how drastic such selection is, and that the proportion of the higher grades is so small that a class which graduates 200 midshipmen from the Naval Academy can expect to have only 6 or 8 of those 200 reach the rank of rear admiral. Few realize that every officer before he is promoted to the next higher grade must undergo a very rigid professional and physical examination. The professional examination occupies several days, covers many technical subjects, and officers frequently are required to write 200 or 300 pages in covering the questions asked by the examining board. There can be no question that this examination procedure is good for the efficiency of the naval service. It keeps the officers alert, in step with the latest developments of the naval service, and mentally keen. If an officer who is due for promotion fails upon his examination, his promotion is held up and after a period of some months he is reexamined. If he passes on this reexamination he is promoted but loses about six months' seniority—that is, he

every community in the country, and a realization of their influence on what every one of us has to spend brought home, as Mr. Bardo and his association are trying to bring them home to every man.

The subject on which I was asked to take here to-day is a very broad subject, World Economics and Eastern Agriculture. In discussing world economics as it may influence eastern agriculture, we must not consider merely the passing phases of this period of world-wide depression, because it is not the incidental thing which happens from year to year that we mean when we talk of world economics. It is the major trends in the development of business and of government which affect all business the world over alike. There are trends which are uniform practically in their influence upon agriculture and industry, upon banking and upon transportation, upon all forms of modern human effort to earn a living.

What are they? In the first place, an amazing and continuing increase in the use of machinery to replace hands; in the second place, a great development in the spirit and practice of organization. All business to-day is tending into larger and larger and larger units for its conduct. With the railroads, we talk of consolidation. With such an industry as oil, to-day a single corporation—the Standard Oil and some of its competitors—goes from the stage of drilling in the ground in the hope of finding oil all the way into the sale of the finished product at its service stations in the city of Trenton, under one management and one ownership, with practically every intermediate process handled by its own employees.

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To-day, however, goods are no longer sold by the storekeeper on his reputation, but by the publicity man on the bearing and force which he gives to the name of the product. It is sold on its name. If you or I walk into a store and there are two bins of oranges side by side, one marked Sunkist, and the other without a mark, although they may have come from adjoining groves in California, the chances are we will buy the Sunkist orange, even if we pay more for it. The same is true with all other types of products. No longer do you buy a thing because of the merchant who offers it to you, but because of the name you have come to recognize.

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Along with these trends has come still another, perhaps the father and perhaps the child, and that is a tendency toward specialization the world over. Men are not doing as general a business as they used to do, whether it is farming or manufacturing or what you please. The individual is a specialist, whether he be a doctor or a lawyer or a farmer. He is a specialist because to meet the pace of modern industry he must cut his costs, and to cut his costs he must bring down his unit cost for every article he produces. To bring down his unit costs he must understand in detail and to the most perfect degree possible just exactly what can be done to simplify the process of producing the particular article which is the mainstay of his business. We are becoming a world of specialists.

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Along with that type of government effort to control the direction which agriculture should take, the governments of the world have begun to attempt in different forms the direct influencing of the prices of agricultural commodities. In Brazil the Government monopoly on coffee, which attempted to maintain the price of that commodity, has failed because it stimulated overproduction. The last state of the Brazilian coffee planter is worse than the first. The same is true of the British effort to maintain the price of rubber for the benefit of the rubber producers in the Straits Settlements. The same thing has proven true of every effort to peg prices of commodities anywhere. The same thing must continue to prove true of any effort to peg prices, if the prices be pegged at a point where men generally can make money. There are too many millions of acres of land in the world to make it possible to limit production all over the world if prices be pegged at a profitable basis to the marginal producer.

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The organization of that industry, aided by the Farm Board agency, has not maintained a price for wool which ignores the world-wide conditions in that commodity, but has maintained a price for wool which will prevent the bankruptcy of the woolgrower without giving him sufficient unnatural and artificial profit to increase the supply of wool. To-day that, of all of the major agricultural industries of America, is probably in the best condition by the utilization of cooperative marketing without efforts to arbitrarily raise price.

Another form of Government intervention which has come into the picture in the last two or three years, of which no man can see the end, is what is going on in Russia. In Russia collectivism has gone way beyond the scope of our cooperative marketing and has reached a point where the farmer there to-day, in large sections, farms an assigned piece of land with Government-owned machinery, pooling his produce with all other men farming with Government-owned machinery, selling his crop for whatever he can get, and taking his share with all other farmers of the price realized on that sale.

That method applied to the staple crops of agriculture is bringing to-day in Russia to the farmer of that nation the lowest return for his efforts that any farmer in the modern world has ever known. The price which he is getting for wheat, for example, is probably the equivalent of less than 20 cents per bushel. He is selling at a price based on 20 cents in the world market on a 5-year program, as it is called, the purpose of which is to enable the Russian Government to acquire sufficient funds from selling its produce abroad for whatever it will bring to enable it definitely to stabilize their form of experiment in government.

If they continue to get their people to work for the degraded scale of living which is their only present reward for their labor, Russian production constitutes a threat to the agriculture of the world in staple commodities which can not be overlooked. They have exported this year no one knows how much, but probably 150,000,000 bushels of wheat, at prices that have broken the whole world market 25 cents per bushel, except the American market. Our price to-day is 24 to 26 cents per bushel higher than the Winnipeg price, thanks to the combination of the tariff and the Farm Board's efforts.

What, however, is the future of the staple-crop agriculturist of the world if Russia can succeed in keeping her people at work for practically nothing a year? I do not know and I do not think anyone else can wisely prophesy. My own belief is that they can not keep their people at work indefinitely under such conditions.

The other world trend which has definitely affected all agriculture and all industry is the present apparently limitless slide of silver toward nothing per ounce. People began to worry about the price of silver when it broke 50 cents an ounce, and now it is down below 30. No one seems to know when it will stop. But the net result of its decline has been to take half of the people of the world whose currency is based on silver practically out of the purchasing markets of the world. Until something is done to stop the decline in silver—and nobody seems to know what that something is to be—we will have a most difficult condition to reckon with in determining the value and the possibilities of export commodities in any country in the world.

All of these conditions lead to one other thing, and that is that probably the world has in the last two years taken the final deflation step from war-price levels. I doubt if we shall again see in this generation the level of commodity prices, whether it be for agriculture or for industry, whether it be wheat or oil or coal, which we saw during the war and immediately after the war. If that be true, again the problem of agriculture is to stay, so far as possible, out of the commodities whose market is an export market. Behind our protective tariffs agriculture here can do better than agriculture in the export nations of the world. But if world prices for commodities generally are seeking and are now reaching a lower level, export commodities' future is distinctly cloudy.

What does that all mean to eastern agriculture? Eastern agriculture differs from world agriculture, properly interpreted. As Mr. Bardo has said, eastern agriculture has at its door the greatest consuming population in the world and a consuming population which, when in its normal buying power, seeks quality products in quantity volume. To get quality products in quantity volume we must follow world economic trends which are, first, the application of more science to production; second, the becoming even more truly specialists in the line we have undertaken; and third, the adaptation of our methods of production to the best-known methods anywhere.

Then we must use more machinery. All of the world is using more machinery, and we particularly must use more machinery in the East, because here we have the highest human labor market in the world. We can't raise our commodities unless we use every device known to modern industry to eliminate that high labor cost. We must have better organization of our eastern agriculture, organization which sees to it that the middleman becomes a decreasingly important factor, that there is a smaller proportion of profit and handling cost between the price the farmer gets and the price the consumer pays.

A great development in cooperative handling of farm commodities, which will utilize the publicity methods of all other industry, which will utilize the publicity of methods that the western and southern cooperative associations are using, will make the name of New Jersey quality products as well known in the markets as the name of the Sunkist orange. Those methods, which only organization can use economically, eastern agriculture must use increasingly.

We must entirely discontinue any effort to raise so-called staple crops. The staple crops are the crops of world commerce. The picture of world commerce offers little profit to American agriculture in the export field. Where prices are determined by export markets, we had better leave the commodity alone, except as a mere incident of diversification, and confine our efforts to those commodities which neither can be exported nor imported—the perishables, of which the quality markets of our great cities and our great suburban communities can take an unlimited supply and will pay quality price for; the perishables in which our location gives us the greatest market in the world without fear of competition if we provide it with the quantity and the quality it needs.

Probably we must tend in the East toward smaller and smaller farms and more intensive farming, while the one hope of the West and South, if they are to continue in staple crops, is probably toward larger and larger farms. More intensive methods of cultivation are what the East must have. That, generally speaking, means units small enough to supervise without heavy overhead cost.

In working out all of this problem eastern agriculture has wonderful assistance at its disposal. It has in the great Federal Department of Agriculture the finest organization of its kind in the world, headed in its various bureaus, as you have found this morning in the talk you had from Mr. Olsen, by men of distinctly valuable, I might say invaluable, attainments, many of whom are serving the Government out of devotion to its interests for far less than they would receive in private industry, and headed to-day by a brilliant and true friend of agriculture in Secretary Hyde. You have the assistance of the Federal Farm Board toward organization, toward advice in marketing, toward everything which will tend to put the industry of agriculture on a parity in economic structure with any other industry in the world.

You have here in this State, under the leadership of Doctor Lipman, a world-famed scientist in agriculture, and under the leadership of Mr. Duryea, whose reputation I happen to know goes through the 48 States as a secretary of agriculture without a superior, you have here, with the board and with those gentlemen and their able coworkers, every possible opportunity to gain valuable assistance from the agricultural branch of your State government. You have through your location something which all the farmers of all the rest of the world would give everything they have to get—a market of the type you have at your doors. New Jersey farmers have proven in their rally from the great depression which swept this State and its agriculture from 1870 until about 1910 that they have the brains, the courage, and the initiative which, after all, is the chief factor in the solution of any problem. With those advantages, I look to see eastern agriculture become the leading agriculture of America, the most prosperous agriculture on the globe.

RETIREMENT OF NAVAL OFFICERS

Mr. HOUSTON of Hawaii. Mr. Speaker, under leave to extend my remarks, I present herewith some comments on the Britten bill that has become a law through action of this Congress and signature of the President.

Though I have had 32 years of service in the Navy I generally hesitate about taking part in controversial debates, because, as a Delegate from the Territory of Hawaii, I must rely upon the good will of the Members of this House. But the debates on this measure indicate such a misunderstanding of some of the terms of the bill that I venture these notes in the hope that they will clarify the situation.

I must not, by this comment, be understood as being in favor of the plan of selection for promotion in the higher grades, for I am opposed to the method, but that phase of personnel control was not being discussed.

S. 550. A measure of justice in the treatment of the wartime officers now on the active Navy list.

Much has been said on the floor of this House with regard to the discrimination in this bill against the former wartime officers of the Navy who were permanently commissioned shortly after the close of the war. Such criticism is wholly unjustified for the bill provides for these officers a measure of safety which they will not otherwise possess.

The question of personnel in the Navy is a complicated one, with which the majority of the Members of this House can scarcely be expected to be familiar without much study and investigation. The general conception appears to be that once an officer receives his commission he advances steadily from grade to grade until he reaches the rank of rear admiral. It is well to remember that officers must be selected for the grades of rear admiral, captain, and commander, but few realize how drastic such selection is, and that the proportion of the higher grades is so small that a class which graduates 200 midshipmen from the Naval Academy can expect to have only 6 or 8 of those 200 reach the rank of rear admiral. Few realize that every officer before he is promoted to the next higher grade must undergo a very rigid professional and physical examination. The professional examination occupies several days, covers many technical subjects, and officers frequently are required to write 200 or 300 pages in covering the questions asked by the examining board. There can be no question that this examination procedure is good for the efficiency of the naval service. It keeps the officers alert, in step with the latest developments of the naval service, and mentally keen. If an officer who is due for promotion fails upon his examination, his promotion is held up and after a period of some months he is reexamined. If he passes on this reexamination he is promoted but loses about six months' seniority—that is, he

takes a position considerably lower than that he would have occupied had he passed the original examination. If he fails on this reexamination, he is discharged from the naval service, with not more than a year's pay.

Now, many of the war-time officers who were taken into the service during the war were former enlisted men or warrant officers. They were practical men, who, generally speaking, were specialists along a certain line. They were seamen who knew that particular and special line better than more educated men from civil life who had not had their seagoing experience, and so during the war they were taken into the service in the lower ranks and were assigned specialized duty for which they were fitted by their previous experience, and in these duties they acquitted themselves most creditably.

Many of these officers who acquitted themselves thus creditably in the World War did not, however, possess the general technical knowledge or the education which permitted them to perform the administrative duties which senior officers in the Navy are called upon to perform. This lack of knowledge or of education was no fault of these war-time officers, many of whom had not had an opportunity to obtain the basic education necessary for them to acquire a comprehensive knowledge of navigation, of the ballistics of gunnery, or a thorough knowledge of engineering and electricity. These things, together with a knowledge of international law and a knowledge of naval strategy and tactics, officers must have before they can qualify by examination for advancement to the rank of lieutenant commander, and it is necessary, if we are to maintain the high standard in our Navy that it now possesses, that officers who are advanced to this rank should possess the requisite knowledge in those subjects. It must be remembered that line officers are called upon both for deck duties and duties in the engine room.

As pointed out above, many of the former war-time officers could not pass these examinations. If they failed on their original examination and on their reexamination, the law provided that they should be discharged from the service, with not more than one year's sea pay, except that about one-third of these officers, who were former warrant officers, would have to revert to their former warrant rank. To have discharged with a year's pay these war-time officers who had served their country well in time of war and for nearly 15 years after the war would have been neither just nor equitable. To have advanced them to positions which they could not competently fill would also have been unjust to them and a great blow to the efficiency of the Navy.

When this bill was being considered careful thought was given to this question by the Navy Department, and as a result a special provision was written into this bill, which was entirely satisfactory to and recommended by these war-time officers, which provides that—

> All lieutenants who are 45 or more years of age, or who have completed 20 or more years of service, counting all service for which they would be entitled to credit for voluntary retirement, and who undergo the required examination for promotion to lieutenant commander and are found not professionally qualified, shall be transferred to the retired list of the Navy: *Provided*, That if such lieutenants were permanently appointed as ensign or above in the permanent line of the Navy while holding permanent warrant or permanent commissioned warrant rank in the Navy they shall have the option of reverting to such permanent warrant or permanent commissioned warrant status in the lineal position to which their seniority would have entitled them had their service subsequent to such appointment been rendered in the status to which they revert.

This language applies only to those officers who are unable to pass the examination required for promotion. Each of them is entitled to take this examination; and if he passes it, he is promoted in exactly the same manner as any other officer of the Navy. If he fails, he is retired, or if he so desires he may remain on the active list and revert to his former warrant rank, provided he was formerly a warrant officer in the service. This measure in no way seeks forcibly to remove these officers from the service. It provides specially for their retention if they so desire it, and safeguards their interests in a way which they desire and which they can not enjoy without the passage of this bill. It must not be forgotten that the language in the bill which provides for them is the language which they themselves asked to have incorporated in it. Criticism of the bill on the ground that it is a "silk stocking" bill that discriminates against the war-time officers who are not graduates of the Naval Academy has no basis in fact. It will safeguard those very officers.

In my opinion Senate bill 550 will not only promote the efficiency of the Navy by smoothing out part of the promotion problem but it will safeguard the interests of that group of war-time officers who rendered valued service in time of need.

QUALIFY THE INDIANS FOR EMANCIPATION AND CITIZENSHIP AND SAVE THE GOVERNMENT FROM TWENTY TO FIFTY MILLIONS OF DOLLARS ANNUALLY

Mr. SPROUL of Kansas. Mr. Speaker, under leave to extend my remarks in the RECORD I desire to call attention to one of the Government's big problems, that of wisely and justly solving the Indian problem. H. R. 12576, after much study of the subject of Indian affairs by the author, was introduced in the House of Representatives February 27, 1931. As a basis upon which to predicate the bill, I will state that for 11 years my home was within 12 miles of the Oklahoma line, and for 36 years I have lived within 8 miles of the Oklahoma line and reservations of Indians. During those years I have seen much of the Indian life, both of those Indians who have lived in my district and of Indians whom I have met in different parts of Oklahoma, the Northwest and the Southwest of the United States.

I have given some special attention to the character of the life of Indians living on the reservations and elsewhere, and have talked with them with reference to the kind of governmental life the Indians have on the reservations.

Since coming to Congress I have served eight years on the Committee on Indian Affairs and have made a brief of Indian affairs law in order to learn the legal and constitutional relationship of the Federal Government to the Indian tribes and restricted members.

I have looked into the question of qualifying the Indians for emancipation and independent citizenship, and have given a lot of attention to the character of education the Government is giving the Indians; and have noted that little progress has been made in securing the qualification of Indians for real, independent, capable citizenship. I have determined that the Indians require a different character of education and training from what the whites require to qualify them for the responsibilities of life and independent citizenship.

My experiences with the subject of Indian affairs have led me to introduce H. R. 12756.

From reading the bill, without any explanation, one would probably not comprehend the full purposes and intentions of the bill. Hence I have reduced to a written statement a more or less lucid explanation of what I believe to be the fundamental facts upon which the bill is predicated. Then later, we set forth the purposes of the different sections of the bill, and how it is intended the bill may be properly applied as an educational system.

In the following statement I undertake to explain why a somewhat special plan should be adopted for teaching, training, and developing the Indians for capable, independent citizenship, and to qualify the Indians for complete emancipation:

A NEW METHOD FOR TEACHING AND TRAINING INDIANS

On entering upon a study of H. R. 12576 the question naturally arises: What are the purposes of the bill; what does it seek to do which may not be accomplished under the same educational system now used for educating non-Indians of the United States? Of course, H. R. 12576 has the same general purpose as any general educational system would have for non-Indians. Then, generally speaking, it might be asked whether this proposed educational system for the Indians contains any improvements on the systems which are in use for the non-Indians. To such a question, if there be one, we unhesitatingly say, it contains in our opinion much improvement over the educational systems for the non-Indians of our country. The specific purpose, of course, is to provide a sound and reasonable system for the education and training of the Indians to become capable, self-reliant, and independent citizens, qualified for emancipation.

In this connection it might be well to suggest that under the Constitution and the laws of Congress and the decisions of the Supreme Court, the Federal Government has been held to be the guardian for the Indians who are held to be a dependent, inferior race of people who shall be considered as wards of the Government. This wardship has continued to a greater or lesser degree since the Federal Government began to function in 1789. To-day we have approximately 350,000 Indians under the Indian tribal governments and living within many of our States. Just as legal guardians and parents are charged with the care, training, and education of their minor wards for self-reliant, capable, and independent citizenship, it is the duty of the Federal Government to care for and educate the Indians of the United States until they are self-reliant, independent, and capable citizens who may be emancipated from the wardship of the Federal Government. This is the greatest duty of the Federal Government toward the Indians. Another important question arises in considering the bill, H. R. 12576: What character of educational system is now in use in educating and training the Indians? Wherein does it differ, if at all, from the educational systems in the various States in which the Indians reside? Our reply would be that it does not differ, but is the same general system which for various reasons is used less effectively in producing the desired results. In considering the necessity for a different system of education and a different curriculum or course of study and a different application of the system, it is very material to go into the differences between the Indians on the one hand and the non-Indians on the other. As a race of people, the Indian is not much inclined to continuous hard work; he is not very ambitious; he specially enjoys fishing, hunting, racing, and other sports rather than any kind of hard labor; governmentally he is naturally a tribalist; he is more inclined to tribalism than to individualism; he is not especially interested in acquiring or building for himself a worth-while home or residence; neither does he have an ambition to acquire and operate at a profit a business or farm for himself; he is more interested in the welfare of his race collectively than he is for himself and others individually. On the other hand, the non-Indians are largely individualists. They are ambitious to acquire and own a home or residence; they are ambitious to acquire farms or other businesses or properties; they have been taught for thousands of years that at a certain definite age, about when they acquire physical maturity, they individually must assume the responsibilities of life and a home and citizenship and everything that goes with self-reliant, individual responsibilities, and citizenship; they have been taught that they must learn vocations or professions to realize the aforesaid purposes. Hence we see striking differences between the Indians on the one hand and the non-Indians on the other hand.

There are also striking differences between the Indians on the one hand and the non-Indians on the other in the way of taught and developed dispositions and traits of character. Through family and traditionary training, the Indians have come to understand that once their tribes owned the territory of the United States, and that the whites came from various countries and cheated them, and defrauded them and forcibly took from them their happy fishing and hunting grounds and appropriated them to the use of the whites. When the Indians have acquired a sufficient literary education to read and understand the written history of their race and the United States they learn and are informed that the traditionary history of their race and the treatment of them by the non-Indians, corroborates their traditionary knowledge of their people and the way they have been treated by the whites. Their conclusion from this history naturally is that the so-called "Great White Father" is under great and everlasting obligation to the Indian tribes of the United States. They learn also that in recognition of this everlasting obligation, the Federal Government known to them as the "Great White Father" recognizes the Government's great obligation to the Indians by serving as their guardian and caring for their various wants and needs. To them, the guardianship seems very appropriate, and in the estimation of the Indians should be continued indefinitely. Thus, we find the Indians to be paternalists in their relationship to the Federal Government, though among themselves they are tribalists. We, therefore, find a great difference between the Indians with reference to government greatly differing from the whites or non-Indians. The whites or non-Indians indorse the representative government and the property or capital system and believe largely in individualism. Without any special effort to eliminate from the young Indian his natural tribalistic instincts and belief in paternalism which has been practiced by the Government toward the Indians for more than a century, it is very probable that the Indians will continue to be tribalists and paternalists as well as to continue to possess the instincts natural to their race.

The economic costs to the Government of playing guardian to the Indians is now more than $20,000,000 annually. Much of it is used in the very old, unimproved educational system. Teachers without any special knowledge of Indian life or the characteristics peculiar to the Indian race are selected to teach the Indians. Universally the same plans and management are used in teaching the Indians that have been and are being used in the white schools. And, this, notwithstanding the fact that the Supreme Court has held that the Indians are a weak and subordinate race of people.

Just as it is the duty of the guardian of a white minor child and white parents of their children to specially qualify them for self-reliant, independent, and capable citizenship for their emancipation at maturity, so it is the duty of the Federal Government toward their Indian wards to educate, train, and develop them for the same character and type of citizenship, which should be the ambition and duty of the guardian or parents of white children.

It is our contention that little if any real progress is being made under our educational system used to train and develop the Indians in qualifying them for assuming the burdens and obligations of an independent, self-reliant citizenship. Therefore, H. R. 12576 is proposed as a somewhat new and different method for the training of and successfully educating and developing the Indian for emancipation from the guardianship at a reasonably early period in their lives.

The first section of the bill sets forth in a declarative way the policy the Congress proposes to pursue to fit the Indians for emancipated and qualified citizenship. It further declares that the policy is to at once enter upon an intensive and comprehensive program for qualifying the Indians for self-support, and to be capable of properly caring for and acquiring property.

Section 2 provides for the creation of a commission on Indian education, to be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Commissioner of Indian Affairs, and the Commissioner of Education, of which commission the Secretary of the Interior is to be ex officio chairman. The particular personnel of the commission at once appeals to us as being especially fitted for membership on a committee devoted to Indian welfare. The chairman, of course, by law is charged with the looking after the welfare of the Indians. The Commissioner of Indian Affairs is a subordinate of the Secretary of the Interior and is likewise charged with looking after the welfare of the Indians. The Secretary of Labor is interested in the welfare of all who necessarily must engage in labor; as he deals with all classes of labor and is interested in the welfare of all classes of labor, he would surely be a qualified adviser in vocational education. Then we have the Secretary of Agriculture. The Indians are more familiar with the pastoral and other forms of agricultural life than any other type of work, thus making the Secretary of Agriculture better fitted than any other official of the Government for membership on the commission. The general duties of his office make him especially fitted to be an adviser with reference to the agricultural and pastoral phases of agriculture, and so we can see in him a special qualification for membership on the commission on Indian affairs and education.

The Federal Commissioner of Education has an official familiarity with the education of the Government Territorial residents, many of whom are either Indians or Eskimos, as well as whites. Therefore, his official duties will fit him for membership on the commission on Indian education.

Section 3 provides that the commission on Indian education shall cause to be prepared a special curriculum or course of study of teaching and training for the special education and development of the Indians to be self-supporting and qualified citizens. This curriculum or course of study and training must necessarily be prepared especially to eliminate from the Indian certain of his racial instincts and characteristics, some of which pertain to his tribal views and his lack of ambition to possess a home, property, and business, to be an individualist instead of a tribalist, and also to eliminate his beliefs and opinions with reference to paternalism. But in addition and to substitute for such racial and acquired un-American beliefs, it is desired to make him a loyal and patriotic, self-reliant, well-qualified citizen. After the special curriculum and course of study has been carefully prepared for the education and development of the Indians, it is declared (in sec. 5) to be the duty of the commission on education to select and employ a corps of normal training teachers for specially instructing and teaching Indian teachers the special characteristics of the Indian and Indian life and for teaching the Indian teachers methods and means and management for so teaching the Indians that they will make rapid progress toward qualified citizenship and preparedness for complete emancipation.

Section 6 sets forth the principles or elements of the character and type of citizenship sought to be attained, at the earliest reasonable date possible, in the Indians. The Indians are to be taught industry, continuity of effort, loyalty, efficiency, perseverance, economy, ambition, business administration, neatness, sobriety, truthfulness, integrity, and self and family support, participation in Government affairs and natural growth and development and welfare of country. It will be the duty of the commission which prepares the curriculum and course of training to develop a system of illustrations, and object methods for teaching the elements of the type of citizenship desired in the Indian for his emancipation. And it will be the duty of the normal training teachers to teach and show and illustrate to the Indian teachers how to overcome the racial handicaps of the Indians; how to change them from their present attitude toward communism and paternalism and lack of interest in business and homes and property to the non-Indian citizens' loyal and interested attitude toward home and property rights and obligation to Government, etc.

Section 7 fixes a definite date by which the guardianship of the Indians by the Federal Government shall cease and by which time the Indians shall all be qualified under this system of educational training and development for independent and emancipated citizenship.

Section 8 provides that, if and when the Indians become qualified for self-responsibility in every way, the Government shall issue to each one a certificate declaring him to be an independent and emancipated citizen of the United States. Section 9 fixes 50 years as the limit of time within which to educate, train, and develop the Indians for a capable citizenship and emancipation.

Section 10 provides that upon the attainment by the Indians of independence and emancipation it shall be the duty of the Gov-

ernment to deliver to them respectively all of the property of every character and kind which the Government, as the guardian of the Indians, has possession of.

Section 11 needs no explanation.

The question may be asked, What if there may be remaining at the end of 50 years some old feeble or dependent Indians unqualified for self-protection and support? Such would be an easy matter to control. The Government can easily continue the guardianship of such Indians for such length of time as may be necessary to fully discharge its duty toward the dependent Indians.

[H. R. 12576, Seventy-first Congress, second session]

A bill providing for teaching, training, developing, qualifying, and emancipating the Indians of the United States for independent citizenship, and for other purposes, within the period of 50 years

Be it enacted, etc., That it is hereby declared to be the policy and purpose of the Congress to provide for teaching, training, developing, and qualifying the Indians of the United States, as early as possible, to become industrious, self-reliant, qualified, independent, and self-maintaining citizens of the United States. And it is further declared to be the policy and purpose of the Congress to provide at once for entering upon and continuing such intensive and comprehensive training, developing, and qualifying of said Indians for capable, independent citizenship that within the period of 50 years further guardianship by the United States over the Indians and their property shall be unnecessary, and, therefore, discontinued.

SEC. 2. That in order to carry out the purposes of this act a commission on Indian education is hereby created, which shall be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Commissioner of Indian Affairs, and the Commissioner of Education, of which commission the Secretary of the Interior shall ex officio be chairman.

SEC. 3. That such commission on Indian education shall cause to be prepared such curriculum, course of teaching, study, and training as in its judgment will be necessary for use in teaching, training, and developing the Indians to be independent, self-supporting, qualified citizens.

SEC. 4. That to carry out the purposes set forth in this act special training or normal schools shall be provided for Indian teachers at such places and for such length of time as may be determined necessary by said Commission on Indian Education, for qualifying said teachers to teach, train, and develop the Indian students in accordance with such curriculum and course of teaching and training as shall from time to time be provided by or under the direction of the Commission on Indian Education.

SEC. 5. That the said Commission on Indian Education shall select and employ such normal-training teachers to specially instruct the Indian teachers of the Indian schools what and how to teach, to develop and to train the Indian students to become qualified for independent, self-reliant, self-supporting citizens of the United States in accordance with the purposes of this act. And the said commission shall fix and determine the salaries to be paid said normal-training instructors, which salaries shall be paid as the salaries of other Indian teachers.

SEC. 6. That among the elements embraced in the qualifications for citizenship sought by this act to be developed in the Indian students and which shall be taught are: Industry, continuity of effort, loyalty, efficiency, perseverance, ambition, economy, business administration, neatness, sobriety, truthfulness, integrity, self-preservation and protection, law observance, self-reliance, self and family support, participation in governmental activities, mental growth and development, and love of country.

SEC. 7. That 50 years from and after the approval of this act the United States shall cease to be the guardian of the Indians, and all Indians shall then and thereafter be regarded as independent, qualified citizens of the United States, with the same liberties, privileges, immunities, and responsibilities as other citizens.

SEC. 8. That as the Indians become qualified for independent citizenship, as determined by the Secretary of the Interior, such Indians shall, upon their application, or upon the initiative of the Secretary of the Interior, be given a certificate of independence and competency.

SEC. 9. That the special education, training, and development of the Indians, as herein provided for, shall continue until all the Indians become qualified for self-support and citizenship, or until the expiration of 50 years.

SEC. 10. That it shall be the duty of the Secretary of the Interior to preserve and protect all the property of each Indian, and upon such Indian arriving at the state of competency for independent citizenship the Secretary of the Interior shall deliver over said property to such Indian when he shall have received his competency papers.

SEC. 11. The Secretary of the Interior shall make all necessary rules and regulations for carrying out the purposes of this act.

LABOR LEGISLATION AND WICKERSHAM REPORT

Mr. SCHNEIDER. Mr. Speaker, I wish to review very briefly what has been accomplished by this Congress in the way of unemployment legislation and what has been done to improve working conditions of Government employees. Much more was obtained in this line than anyone anticipated could be obtained from such a reactionary Congress. Many bills still remain upon the calendars or on committee tables, however, which should have been considered and passed.

The Wagner unemployment agency bill has been passed very late in the session and is not yet a law. I earnestly hope that the President will sign it. I can not conceive of his refusal to do so, yet the possibility has been expressed, and in view of the fact that he has not shown a disposition to be liberal, a pocket veto would not surprise me greatly. I say that also because the interests who seem to be exercising some sort of hypnotic influence over him are not, of course, favorable to liberal working conditions for the working man. If he listens to them, it is possible that this bill may be defeated regardless of the will of Congress.

Another bill which is left in his hands as the Congress adjourns is the village mail carriers salary increase bill. Both of these bills I will discuss a little more fully later.

Under the following subheads I am going to state very briefly only the outstanding provisions and purposes of the measures which have been passed for the benefit of workers:

WAGNER UNEMPLOYMENT BILLS

Senator WAGNER, of New York has been carrying on a very extensive study of unemployment conditions and causes for several years and as a result of his study introduced three bills. These three bills—S. 3059, S. 3060, and S. 3061—were heralded throughout the country as a panacea for unemployment conditions. I will consider them in the order in which they were passed by Congress.

UNEMPLOYMENT STATISTICS

S. 3061 was passed by House and Senate and approved by the President on July 7, 1930. It authorized the collection and compilation of statistical information on volume and changes of employment in each of the States. It simply enlarged the work already being done by the Bureau of Labor Statistics for the purpose of having available accurate data.

STABILIZATION AND FUTURE PLANNING

S. 3059 has had a more difficult history, but after much consideration and amendment was rewritten and introduced as S. 5776. It was approved on February 10, 1931. This bill establishes a Federal employment stabilization board composed of the Secretaries of the Treasury, Commerce, Agriculture, and Labor. It is charged with the duty of advising the President from time to time of the trend of employment and business activity and of the existence or approach of business depression and unemployment in the United States. The act further authorizes the President to notify the Congress by special message whenever it appears that such a period of depression is likely to exist, making recommendations for appropriations for the construction of public works in order to aid in preventing unemployment. The measure also provides for the establishment of a system of advance planning of public works. Each department having supervision over any activity of the Federal Government involving construction projects, such as post offices or other Federal buildings, river and harbor projects and improvements, flood-control projects, public roads, and so forth, is directed to prepare a 6-year advance plan, with estimates showing projects suggested for allotment in each year. They are also directed to prepare a program for prompt commencement in an emergency. These plans are to be available for study and appropriation by the Congress whenever the condition of the country requires.

UNEMPLOYMENT AGENCIES

Senate 3060, which is considered by many to be the most important of the three Wagner unemployment bills, provides for establishment of Federal employment agencies throughout the United States where there are no State agencies. It also offers financial cooperation to States equal in amount to any sums appropriated for the purpose by a State up to the limit of that State's portion of the $1,500,000 appropriation authorized by the act. This appropriation is to be proportioned to the States according to their population.

This bill was adopted by House and Senate after a stormy experience in the House. The administration sought to block the enactment of this badly needed legislation by bringing

in a substitute bill a week before adjournment. This substitute proposed nothing more than the enlargement of the existing agencies of the Labor Department. The substitute was defeated in the House and the bill was passed by the House and Senate and sent to the President. It is certain that the system set up by this bill will do a great deal to bring the employer and employee in widely separated parts of the country together. Through these agencies available positions will be located and the unemployed persons placed therein. It will prevent such unfortunate situations as a labor surplus in Milwaukee and a great shortage in other cities of the country. It will bring to labor accurate information as to where employment is to be had anywhere in the country.

LOCAL WAGE RATES REQUIRED ON PUBLIC WORKS

Another measure of vast importance to labor is the so-called Davis-Bacon bill (S. 5904), which provides that every Government contract involving an expenditure of more than $5,000 and requiring employment of laborers or mechanics in the construction or repair of public buildings, shall contain a provision to the effect that the rate of wages for all laborers and mechanics employed on these buildings shall not be less than the prevailing rate of wages for similar work in the city or State in which the public building is located. This will obviate, largely, the practice of contractors bringing into a community where a public building is in course of erection cheap labor from the outside when local labor is available.

This act is to take effect 30 days after enactment. It was approved by the President on March 3. All contracts entered into by the United States after April 3, 1931, therefore, will contain this wage-protecting clause. It does not affect work under way or to be started on contracts already signed. However, I am sure that the position so definitely taken by the Congress will lead to few, if any, violations of the principle expressed by contractors not specifically covered by this bill.

POSTAL EMPLOYEES 44-HOUR BILL

The Kendall 44-hour week bill for postal employees means Saturday afternoons off for the day workers, and a 44-hour week instead of 48 for all other postal employees. Heretofore a very unsatisfactory Saturday afternoon arrangement was in effect, which was granted to employees at the whim of the postmaster. Sometimes they got Saturday afternoons off during the summer months and sometimes not. Notwithstanding the fact that postal receipts have increased 55 per cent, while the number of employees has increased only 17 per cent, Postmaster General Brown opposed this measure. In view of this position by the Postmaster General, postal employees are fortunate in securing the approval of the President on this bill. Mr. Brown is a chief among the bureaucrats here in Washington. A few months ago he advocated the increase of postal rates from 2 to 2½ cents on letter mail to replenish the treasury of the Post Office Department. Nothing, however, appears to have been done by him to explain the outrageous charges for leased post-office buildings or to reduce the tremendous charges by railroads and steamship companies for carrying the mail. No department of the Federal Government has a more efficient or higher class of employees on the whole than does the Post Office Department.

SATURDAY HALF HOLIDAY FOR GOVERNMENT WORKERS

For a great many years employees in the classified branches of civil service have sought a half holiday on Saturdays, and after a shameful delay the Congress has granted it to them. All Government offices, with a few exceptions in the District of Columbia and throughout the United States will close at 1 p. m. on Saturdays hereafter. This extends to shipyard workers, gun-factory and munition-plant employees, and all kinds of laborers and mechanics employed in and around governmental departments.

As a member of the Civil Service Committee of the House I recall the forcefulness with which representatives of employees, labor organizations presented their case. This was not only appealing but convincing. The approval of this bill by the Congress can be justified by the loyalty of these workers to Government service and the efficiency with which they apply themselves to their work.

VILLAGE CARRIER SALARY INCREASE

S. 543, another bill in which labor people have been interested, benefits only 954 workers in the village letter carrier service. However, the principle involved here also meant as much to labor at large as the benefit meant to these workers. These carriers in our small towns which are just able to qualify under postal regulations for letter-carrier service do fully as much work as the city carriers and frequently under more difficult circumstances, yet they receive from $250 to $400 less in annual wage than the city carrier.

This bill gives them a step-up in the civil-service classification amounting to $100 annually. It can be seen that village carriers make up a very small part of the postal employees. They do not wield the powerful influence that other groups of employees do. The merit of their case, however, is equal to that of any of those employees. The House was desirous of giving this group two step-ups, but this was opposed by some, and it appeared that the legislation, meritorious as it is, would not have the approval of the President.

WICKERSHAM REPORT

After approximately two years of investigation by the President's Crime Commission, its chairman, Judge Wickersham, presented its report to the President. The report was looked forward to with great anxiety by the Congress and the country. After a thorough reading and analysis of practically the only subject that they investigated, which was the so-called prohibition question, nobody could ascertain whether the commisison was wet or dry. Of late some members of the commission, and its chairman in particular, have interpreted the report as being favorable to the wets. The drys, since the appearance of the report, have claimed that it favored their views. To say the least, it is a document of confusion and disappointment to everybody.

From all reports the findings of the commission were supposed to make an absolutely dry report, but the evidence that was presented to the commission from all sections of the country, and particularly the so-called dry areas, brought such an indictment against prohibition that even the commission could not bring itself to approve the "noble experiment."

During the entire session of the Seventy-first Congress the prohibition question was constantly before the House. More speeches were made and more matter printed in the RECORD on this subject by far than on any other subject. This will continue to be the order in the Congress in my estimation until there is a satisfactory modification of the Volstead Act or a repeal of the eighteenth amendment. I am convinced from the evidence submitted to the Wickersham Commission, and, of course, from my personal knowledge of conditions in the country, that the Volstead Act can not be enforced. This being the case, it appears to me that the only logical thing to do is to modify the Volstead Act, and if necessary amend or repeal the eighteenth amendment.

WHAT HAS BEEN DONE TO RELIEVE OUR NATIONAL DEPRESSION

Mr. STRONG of Kansas. Mr. Speaker and Members of the House, I am taking advantage of the permission given me to extend my remarks in the RECORD by setting forth what the Republican administration has done to alleviate the misfortune which our Nation, together with the other nations of the earth, has experienced.

Large national expenditures by reason of important wars have always been followed by an economic depression. The Civil War closed in 1865 and eight years afterwards came the economic depression of 1873, when banks and business houses failed, the closing of manufactories threw labor out of work, prices were depressed, and hard times followed.

The World War closed in 1918, and in 1919 and 1920 prices fell, largely because our markets were flooded with agricultural and manufactured goods imported from other countries under the Underwood tariff laws, which had been passed during the Wilson administration. However, the passage

of the farmers' emergency tariff bill in 1921 under the Harding administration, which was followed by a general tariff law in 1922, excluded such importations and restored to our farmers, workingmen, mines, and factories the markets of our own Nation, and it was thought that the post-war economic depression had been avoided.

But the nations of Europe had been so drained of their resources and wealth during the war that had been world wide in its scope that in 1929 a depression set in involving all the nations that had participated in the war and precipitated an international economic crisis. Russia, through the use of low-priced labor, working on a low standard of living, started to embarrass other nations through flooding their markets with low-priced products which caused them to establish trade barriers and embargoes. Our foreign trade became affected and our surplus of food, cotton, and manufactured goods caused prices to decline.

The value of stocks and bonds that had been inflated beyond that justified by their earnings broke and in the winter of 1929 a stock-market panic ensued and we became involved in the world depression and falling prices affected all business, including agriculture. The president, realizing the situation, called together leaders of manufacturing, mining, banking, business, agriculture, and railroad groups and pointed out that an attempt to lessen operations, curtail employment and reduce wages would undoubtedly bring an economic crisis that would shake the Nation to its foundations, and urged that in so far as possible factories, railroads, and all business be operated and wages maintained, and every means taken to avoid such a catastrophe. He promised if such a course was followed he would lend his influence not only to a continuance but an expansion of the public building program and also increase appropriations for the development of national highways and rivers so as to lessen unemployment; and those who are above playing politics readily admit that the impending crisis was in part averted.

Congress responded to the President's appeal and increased by many millions its appropriations for the canalization of our rivers, the improvement of our harbors, the building of public buildings, and the construction of roads.

The study of the needs of agriculture had developed that the failure of the farmers of the nations to control their own marketing systems, as other industries do, was responsible for their failure to receive a fair return for their products and the agriculture marketing act was passed, in which the Federal Farm Board was set up with authority to create farmer-owned and farmer-controlled marketing associations, and a fund of $500,000,000 was authorized to be advanced from the Public Treasury to provide working capital, with as low a rate of interest as other industries enjoyed.

A tariff bill was passed, which though grossly misrepresented so favored agriculture that when the final analysis by the Tariff Commission was made it was found that 68 per cent of its increases were on agricultural products while 32 per cent were upon those of industry.

During the summer of 1930 an unprecedented drought affected 15 great agricultural States, not only destroying crops but depriving many of food for themselves and their stock.

In the elections of 1930 such conditions coupled with the low prices and unemployment were used to create dissatisfaction with the present administration, and both the farm marketing act and the tariff bill were misrepresented to the voters.

When Congress convened for the short session in December, 1930, the condition was so serious that the leaders of the Democratic Party publicly announced that they would cooperate with the Republican Party in the passage of essential legislation, and it is to be regretted that in the effort to "play politics" and affect the general election of 1932 such promises were not fulfilled.

The purpose of the short session is to pass the nine great appropriation bills necessary to carry on the various branches of the Government. In addition legislation for the relief of the farmers in distress in the drought-stricken areas had to be passed. The construction of Government buildings, Federal aid to the States for the construction of roads, the improvement of rivers and harbors, and the building of needed hospitals for the World War veterans, and other necessary legislation had to be sandwiched in between these great appropriation bills, so that it was easy for those who carry on "legislative piracy" by threatening the destruction of necessary legislation unless bill introduced for political purposes were given consideration. Never in the 12 years of my experience in Congress have I known a short session so congested with proposed legislation, and not until within a few hours of the closing of Congress was it assured that the threat to force an extra session by the defeating of appropriation bills would not result, while a filibuster conducted in the Senate until the gavel fell for its adjournment prevented the passage of desirable legislation.

It is, therefore, interesting to note what was accomplished during the session just closed:

The nine appropriation bills, with two defiiency bills, necessary for carrying on the Government departments were passed.

The emergency construction act, including $80,000,000 for Federal-aid highways; $25,500,000 for rivers and harbors and flood control; and $10,500,000 for roads in national forests and national parks was enacted.

For drought relief, including loans for seed, feed, fertilizer, and other agricultural rehabilitation, including rural sanitation and medical supplies in drought areas, $69,000,000 were appropriated.

Increase in public-building appropriations over like appropriations at last session for construction and sites, $16,000,000, and additional authorization for construction of new buildings, $100,000,000, totaling $116,000,000.

Loans for the construction of merchant vessels in the American merchant marine, $35,000,000.

In the interest of the ex-service men, many of whom were represented to be in distress, legislation was passed permitting them to borrow 50 per cent of the amount of their adjusted-compensation certificates. For the building of additional hospitals for the World War veterans, $20,850,000.

In addition, legislation was enacted with regard to building over 20 bridges across navigable streams; citizenship; to provide books for the adult blind; with regard to infected cattle; flood control; forestry; several bills with regard to the rights of Indians; insular affairs; internal revenue; 20 bills with regard to our national defense; three for the establishment of our national parks; two with regard to the Postal Service; one pertaining to public health; two pertaining to aviation; five pertaining to education; and many others with regard to insurance, public lands, shipping, reclamation and irrigation, taxation claims against the Government, and so forth.

Of matters of importance to our State, three stand out prominently.

CORN SUGAR

For years a ruling issued by the Department of Agriculture had interfered with the unlimited manufacture of sugar made from corn, regardless of the fact that a method had been developed whereby 25 pounds of wholesome white granulated sugar could be made from a bushel of corn, leaving the residue as a fine food for stock. During this session of Congress a 7-year fight was ended by the rescinding of this regulation. It will result in the use of large quantities of corn, which it is believed will not only help in maintaining a good price for that product but bring about an increased acreage and a corresponding reduction in wheat acreage.

RESTORING THE TAX ON OLEOMARGARINE

In November last the manufacturers of oleomargarine through the use of palm oil imported from abroad found a way to color oleomargarine to exactly imitate butter, and secured a ruling through the Internal Revenue Commission to the effect that the use of palm oil, being a natural colorization, would release the manufacturers of oleomargarine from the tax of 10 cents per pound that it had paid for over

20 years. Immediately the oleomargarine manufacturers began an intensive campaign for the sale of such a product, with the result that an already low price of butter was further reduced 10 cents per pound, and the butter industry, which produces by far the largest revenue of any agricultural product, was threatened with destruction, and the public influenced to use an article that does not have the health-producing qualities of real butter.

A bill restoring the tax was passed over strenuous opposition by the manufacturers of oleomargarine and will become a law within 90 days from the closing of Congress. In appreciation of my successful fight for the dairying interests I was presented with the pen with which the President signed the bill.

OIL

In the passage of the tariff bill last year a request for a duty on oil was delayed until too late to have the same included in the bill. This year the large oil companies that have been purchasing the oil in Kansas, Oklahoma, Texas, and California and other oil-producing States announced that on the 1st of January, 1931, they would discontinue purchasing the same. This meant disaster to the many thousands of owners of oil wells in such States. An investigation developed the fact that such large oil companies had increased the importation of oil from other nations and an effort was made to pass legislation for the relief of the independent oil producers through the restriction of the importation of oil.

While the leaders of the House and Senate were forced to acknowledge that a tariff bill could not be passed at the short session, they openly favored legislation that would restrict the importation of oil and thus afford the American oil producers an opportunity to sell such portion of oil as would permit a partial operation of their wells until the long term of Congress should make possible the chance to pass further legislation. Those who did not understand that Republican leaders are not in a position to compel the members of the Ways and Means Committee to report out legislation were prominent in circulating such propaganda, and later when the Ways and Means Committee failed to report out such desirable legislation charged that they were an eastern-controlled committee. The facts are that the Republican members of all committees of the House are chosen, not by the Speaker but by a "Committee on Committees," composed of one Member from each Republican State, selected by the Republican delegation of that State, so it can be easily realized that there is no power or control over any member of any committee except that of the voters of his own district. The Democratic members of committees are named by the ranking Democrat on the Ways and Means Committee, who at present is the Democratic leader. The Republican members of the Ways and Means Committee are from the following States: Oregon, Massachusetts, New Jersey, Washington, Colorado, Pennsylvania (2), Michigan, Ohio, Illinois, New York (2), Rhode Island, Iowa, and Wisconsin. The Democrats are from Texas, Mississippi, Georgia, Illinois, Tennessee, North Carolina, Arkansas, Washington, Indiana, and New York. It is therefore readily seen that the committee is not eastern-controlled; also that only a few of the members from either party come from oil-producing States, which, together with the congested condition of legislation in the short session of Congress, was responsible for the failure of legislation for the protection of the oil industry.

At the close of the Congress a conference of Republicans is always held at which candidates for the offices of the House are nominated. As a Republican I attended this conference and made an appeal for legislation for the protection of our great oil industry and the need of the same. Other Members of our delegation saw fit to remain away from the conference as a protest against the failure to pass oil legislation and to meet the approval of those engaged in and depending upon the oil industry who did not realize the reasons for the failure to secure such legislation.

I believe that a tariff on oil will be passed at the next session of Congress if the Republicans are in control, for such relief can only come through that party that believes in the restriction of the importation of foreign products for the protection of American industry, agriculture, and labor.

While there was much of politics and little of cooperation by the minority party during the 90 days in which the Congress was permitted to be in session, much good legislation was passed in the interest of the farmer, the laboring man, and the business interests of the country.

OLEOMARGARINE

Mr. SCHNEIDER. Mr. Speaker, I wish to express my position on the oleomargarine bill, H. R. 16836, introduced by Representative BRIGHAM, and also wish to say a few words in behalf of the dairy industry.

I hope the Members of this House will see the vital need for this legislation and vote to pass it before we adjourn. The dairy industry in my State and in the country is in desperate need of it.

All that is intended by this bill is to make effective legislation which we have already written upon the statute books. As early as 1886 the Congress recognized the necessity for protecting the butter industry of this Nation against the competition of oleomargarine.

By the act of August 2, 1886, a tax of 2 cents a pound was placed upon all oleomargarine. This provision still left oleomargarine manufacturers free to color their product in perfect imitation of butter, and in 1902 the Congress recognized the fact that oleomargarine producers were selling their product as butter. By the act of 1902, amending the 1886 law, the tax was increased from 2 to 10 cents per pound, with the provision, however, that—

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow, said tax shall be one-fourth of 1 cent per pound.

In interpreting this act the Bureau of Internal Revenue provided in its regulations:

SEC. 43. Artificial coloration: (a) Oleomargarine is not free from artificial coloration if it looks like butter of any shade of yellow, except where such yellow color results from naturally colored oils or other materials which are used in substantial quantities in relation to the other ingredients, and which serve some material function or functions in addition to imparting color to the finished product.

(b) The use of naturally colored ingredients in the manufacture of oleomargarine which have the effect of imparting to the finished product a yellow color in imitation or semblance of butter will not be regarded as causing artificial coloration if such ingredients form a bona fide component part of the manufactured article and serve substantial functions other than producing color.

The competition between oleomargarine and butter was effectively checked by the act of 1902. Immediately, however, oleomargarine manufacturers sought to find some method by which yellow-colored ingredients could be added in substantial quantities to make a yellow-colored oleomargarine that would escape the tax. The meat-packing industry succeeded in doing so by using certain highly colored body fats, called oleo oil, from old dairy cows. However, not enough of such material could be obtained to make a very large amount of oleomargarine, and the colored product so placed upon the market made no appreciable inroad upon the butter market. During 1930 a process was discovered whereby palm oil could be refined so as to give it a palatable flavor. Its natural deep-yellow color makes it an ideal substance for the purposes of the oleomargarine industry, and by the use of from 10 per cent to 15 per cent thereof as an ingredient a product is produced which resembles butter in almost every particular. Palm oil is a very heavy oil produced in the Dutch East Indies, Sumatra, Java, and on the West Coast of Africa. The trees grow wild in many places, but of recent years the production of palm oil has begun on the plantation system. The trees grow rapidly, producing as early as the fifth year. The quantity of oil obtained from a single tree varies from 225 pounds to about 1,700 pounds. The process used in extraction is primitive and inexpensive. It is imported to the United States duty free, and undersells the domestic oils, such as peanut oil, cottonseed oil, and oleo oil, which it replaces. To insure the marketability of this product a ruling from the Bureau of

Internal Revenue was sought, and on November 12, 1930, David Burnet, Commissioner of Internal Revenue, sent the following notice to collectors of internal revenue:

Collectors of Internal Revenue:

Reference is made to the use of unbleached palm oil in the manufacture of oleomargarine and to previous rulings of the bureau in connection therewith.

You are advised that the bureau, upon further consideration and investigation, now holds that the unbleached palm oil free from artificial coloration when used in substantial quantities in relation to other ingredients may be used in the manufacture of oleomargarine otherwise free from artificial coloration without subjecting the finished product to tax at the rate of 10 cents per pound.

All rules of the Bureau of Internal Revenue in so far as they may be contrary to this holding are hereby revoked. You are requested to forward immediately to each manufacturer of oleomargarine in your district a copy of this letter.

DAVID BURNET, *Commissioner.*

With this ruling all restraint upon the sale of oleomargarine colored to resemble butter was eliminated. Immediately the market was flooded with the yellow product. A decline of 5 cents per pound on butter followed shortly, and the oleomargarine people are at the present time engaged in a tremendous advertising campaign, the objective of which is to replace butter as the staple spread for bread with oleomargarine. If this campaign continues, it is estimated that the present consumption of approximately 100,000,000 pounds of colored oleomargarine annually will be increased to 300,000,000 pounds annually. In 1929, 342,000,000 pounds of oleomargarine were produced in the United States, only a small part of which was colored. The fact that white oleomargarine can not compete with yellow is certain to lead to the coloring of the entire production of oleomargarine.

If the color test advocated by this bill is not enacted, it is certain that palm oil, which was used in very small quantities before the ruling of November 12, 1930, will become an important part of oleomargarine formulas in 1931. Under the Internal Revenue Bureau ruling at least 10 per cent of palm oil must be used to be regarded as a substantial quantity. Oleomargarine formulas specify on an average about 15 per cent of palm oil, about 60 per cent of coconut oil, and the balance miscellaneous animal fats, oils, salt, and so forth. Considering the 1929 figures, approximately 50,000,000 pounds of palm oil will go into oleomargarine. That is going to mean the replacement of the domestic peanut oil and cottonseed oil now being used in the manufacture of this product.

Briefly, the Brigham bill amends the act of August 2, 1886, as amended, as follows:

SECTION 1. That any person who sells or furnishes oleomargarine for the use and the consumption of others, except for his own family table, who shall add thereto any coloring substance to make it yellow in color, shall be held to be a manufacturer of oleomargarine.

SEC. 2. Amends section 8 of the 1886 act providing, (a) that a tax of one-fourth cent per pound shall be paid upon all oleomargarine and 10 cents per pound upon all which is yellow in color; (b) defines the test to be used in determining the color and provides that it must not contain more than 1.6° of yellow as determined by the Lovibund tintometer; and (c) requires that the tax levied on oleomargarine shall be represented by coupon stamps just as is required in the case of the sale of tobacco.

SEC. 3. Provides that the act shall take effect 90 days after the date of its enactment.

In other words, the Brigham bill proposes, first, to provide a method for determining the color of oleomargarine; second, to fix the limit of coloration of oleomargarine subject to the 10-cent tax; and third, that the tax shall be represented by revenue stamps.

We have had this situation before us for 50 years. By the enactment of this bill we are not instituting new or novel legislation. The principle of safeguarding a great domestic industry from unfair competition by a product consisting largely of foreign imported substances has been upon our statutes since 1886. This act has been amended at times to meet the changing nature of the competitive conditions arising. It was first amended in 1902, as I have indicated above. The law stood that way until 1930, at which time we amended it again. The 1930 act amended the definition of oleomargarine so as to include substances made of vegetable and animal fats and oils churned in water instead of milk. It provided a moisture test for determining whether or not a compound was oleomargarine or a cooking compound. Any of these butter substitutes containing more than 1 per cent of moisture content become subject to the one-fourth cent tax, and, if artificially colored, subject to the 10-cent tax. By giving the dairy industry the consideration asked in the Brigham bill we merely make applicable to present conditions a law which gave protection in the past but does so no longer.

Figures presented by Mr. Charles Holman, secretary of the National Cooperative Milk Producers Federation, before the Committee on Agriculture show that more than 1,500,000 farmers sell milk off their farms for human consumption. They are located in every State in the Union. They own 33,500,000 dairy cattle, including nearly 22,000,000 milk cows. These cows produce approximately 130,000,000,000 pounds of milk annually, worth about $3,000,000,000. Of this total my State of Wisconsin leads all other States with 2,000,000 dairy cows.

Contrast these figures with the numbers engaged in production of oleomargarine. According to the Biennial Census of Manufactures for 1927 there were 26 establishments in the United States producing oleomargarine exclusively. They made about 65 per cent of the whole quantity of oleomargarine produced. Only 1,562 persons were employed in these plants, earning about $2,258,464 in wages.

When one considers census figures just made available showing the numbers of farms abandoned since the 1920 census further reason for protecting the dairy farmer is immediately evident. In five States grouped by the Bureau of the Census in the east north central division, consisting of Wisconsin, Michigan, Illinois, Indiana, and Ohio, the decrease in numbers of farms operated since 1920 is 116,179. Is it not self-evident that conditions on our dairy farms are bad enough? Can we afford to allow a very small number of persons—less than 2,000—destroy the butter market and affect the welfare of millions? Furthermore, when the protection asked by these millions can be afforded without destroying or even seriously inconveniencing the oleomargarine people, there should be no hesitation in acting favorably upon this bill. Oleomargarine and cooking compounds of various kinds will continue to be manufactured and sold, but we hope by this legislation to stop deceptive methods of marketing and thereby curtail the expansion of the oleomargarine industry at the expense of the dairy industry.

During the past 30 years the dairy industry of the United States has been subjected to rigid sanitary and healthgiving regulations at great expense to those engaged therein. Both State and Federal Governments have provided tests for controlling dairy herds and the production of clean and wholesome dairy products. These tests, such as the tuberculin test, have cost the loss of many cows, and in frequent cases entire herds. The standard barn and milk-house equipment requirements in Wisconsin and other States have added to the burden of the dairy farmer. Many have been obliged to mortgage their farms and herds in order to comply with these regulations. They should not now be obliged to sell their milk and butter and cheese in competition with a foreign product stamped out by the feet of filthy natives and later congealed into dairy substitutes by machine processes.

Butter is not the only dairy product which must compete on the market with cheap substitutes. Much of the cheese on the market to-day is made of cheap imported fats and oils and undersells the genuine product. The Committee on Agriculture might well consider the question of controlling these substitutes. About 500,000,000 pounds of cheese is used each year in the United States. About 100,000,000 pounds is imported, and the balance, a part of which is cheese substitute, is produced domestically. About 80 per cent of all cheese produced in the United States by dairy farmers is produced in Wisconsin. The methods used in selling these substitutes are similar to those used by the oleomargarine people, and similar regulations respecting labels, moisture content, and so forth, should be worked out to protect our farmers whose milk is used in making cheese.

These butter and cheese substitutes can be made so cheaply and sold at such large profit that enormous sums can be used by their makers in advertising, thus further encroaching on the dairy market.

Mr. Speaker, may I ask you to consider just for a moment why the oleomargarine people insist on coloring their product yellow? Is there any reason other than a desire to imitate butter? Certainly not. That must be evident to any fair-minded person. Their only purpose in coloring oleomargarine yellow is to deceive the public and encroach upon the butter market. Now, I contend, as has been contended by representatives of the dairy interests before the Committee on Agriculture, that yellow is the trade-mark of butter and that the oleomargarine people have no more right to use this trade-mark than any of those registered in the United States Patent Office. The color of oleomargarine is white, and the only object in coloring it yellow is to make it look like butter.

I believe that the resort to such a method of competition is entirely unfair and furthermore fraudulent because oleomargarine does not have the nutritive value that butter has. According to testimony given by Dr. E. V. McCollum, of Johns Hopkins University, who has conducted nutritional investigations for more than 23 years, dairy butter is the richest food known in certain health-giving vitamins. Butterfat he said in contrast to any other fat used in human diet is an outstanding source of vitamin A. Palm oil has none of these vitamins, nor have any of the other fats used in making of oleomargarine any appreciable amount of this vitamin. The presence of vitamin A in food is vital to the proper functioning of the salivatory and digestive glands in the human body.

This bill does not stop the sale of yellow oleomargarine. It does nothing more than tax it 10 cents per pound. The effect of that tax is only to bring the selling price of yellow oleomargarine somewhere near the price of butter. I earnestly wish that the committee had agreed upon a 15-cent per pound tax, because I do not think 10 cents is high enough at the present time to accomplish the purpose desired. The 10-cent tax was established 30 years ago when prices were considerably different than they are at the present. However, the 10-cent tax will bring oleomargarine near enough to butter to eliminate most competition.

Farm people are asking only for a square deal. They are at a disadvantage in competing with the importer, who can concentrate his factories in seaport towns and produce as much oleomargarine in one factory as butter can be produced in an entire State. With concentrated production points, unlimited credit, ample supply of raw materials easily and cheaply obtained, it is easy to see what a tremendous advantage the oleomargarine people have over the dairy people.

Our neighboring country, Canada, absolutely prohibits the manufacture and sale of oleomargarine. Several of our States rigidly regulate its manufacture and sale, and some prohibit it. The great dairy industry of this country opposes the fraudulent methods used by the oleomargarine industry, and I believe they are justified in asking for improvement of these conditions.

Innumerable court decisions made during the past several years have favored the manufacturers of dairy substitutes. The rulings of the Bureau of Internal Revenue have been clearly against the best interests of the farmers. Every special favor seeking interest seems to have had its request complied with by the present administration. Doubtless they are the same great financial interests who contribute so liberally to the election campaign funds. Hence, they are rewarded by favorable decisions at the expense of agriculture.

Farm people, because of their lack of economic unity, are unable to secure adequate representation in defense of their interests before the courts and Federal departments. Lack of political understanding and unity also works to their disadvantage. This situation would be changed immediately if farm people became active politically and insisted upon getting a square deal from those elected to public office, from President down.

In the proper and complete development of farm cooperation lies the solution of many of the problems of agriculture. The Brigham bill, now about to be acted upon by this House, has the united support of all the organized agricultural groups in America. In fact, it is here as the result of their thought and effort. The leaders of these groups realize its necessity. Its enactment, I am sure, will redound to the good of the entire dairy industry.

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

Mr. HARE. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following statements made by me before the Census Committee on February 9, 1931, the committee having under consideration the bills H. R. 16301 and 16346, for the apportionment of Representatives in Congress among the several States under the Fifteenth Census:

Mr. Chairman and gentlemen of the committee, I will not attempt to discuss the theory upon which representation in Congress is based, because that is familiar to all. I want to discuss some of the practical problems that confront us to-day, or 150 years after the adoption of the Constitution, in trying to represent the people. I find that H. R. 16301 and 16346 embody the fundamental principle of representation. In other words, I gather from these bills that the purpose is to fix a representation on a basis of about 250,000 people. That is, there would be one Representative in Congress from a population somewhere approaching that number. I am sure that those who are present realize that while it may become a little more unwieldly in the House, although I am not convinced of that definitely, to transact business by increasing the number of Representatives, we must realize that the Congress may become less efficient as population increases unless the number of Representatives increase proportionately. I think I can speak from a practical standpoint, because I have served both in the capacity of a secretary to a Member of Congress, as the gentleman from California suggests, and I have served in the capacity of a Representative. It is true that a secretary can perform a great deal of the work that comes to a Representative's office, but at the same time every Representative realizes his responsibility to his individual constituents, and he finds that it is necessary to be familiar with practically every transaction that goes through his office.

I want to say that in the last 15 or 20 years it can not be estimated as to the amount of increased work involving a Representative in Congress on account of the changed conditions. The work has grown to such an extent that it is hardly possible for one man to do his work efficiently and physically stand up under the strain. Now, if we increase the number of people to be represented, we are going to increase the work of the individual and make his service less efficient to the people he represents. He may remain equally as efficient to the Nation as a whole, but he certainly becomes less efficient to the people he represents. To illustrate, my State under the reapportionment plan already arranged will lose one Representative. That means that the work of the others will be increased 15 to 25 per cent over what they are doing now. There is not a man on this committee, there is not a Member of this House who feels that he can increase his efforts or increase his work 25 per cent and do it efficiently. In other words, we realize that if we have additional work imposed upon us, then there must necessarily be less efficiency to the people in our districts, and we all realize that Members of the House are supposed to be fresh from the people at all times, to represent them individually as well as collectively. The question was raised here this morning as to whether or not a man could represent more people in a congested center or in a city than in a country or a rural district and do it with equal efficiency. I think he can because there are so many more problems—more pressing problems—confronting a person who represents a rural district than one who represents a large city. In a large city very often he represents the people collectively, whereas in a rural district he must represent them individually.

In a town or city a problem comes up and he represents a whole section, a whole community, through the secretary of some organization, through the secretary of the chamber of commerce, some club, or some other organization, whereas in the rural district he must represent the people individually. In the rural districts there are problems that you do not have in a large city, particularly in recent years, when Congress has been endeavoring to promote the activities and the interests of agriculture. For example, we have in the Department of Agriculture the extension service that was organized about 1913, placing a county agent in practically every county in the United States, and those of us who represent rural districts know how this has increased the work of those who represent rural districts. Take the county agents, who have problems of marketing, problems of diversification requiring information from various sources, problems of various kinds from which inquiries, requests, and suggestions come every day that did not exist prior to the passage of that law. Then we have the question of rural sanitation, rural education under what we know

as the Smith-Lever Act, the Smith-Hughes Act, and several other acts of Congress that have increased the office work of a Representative to a large extent.

We have other farm problems, such as rural credits, and those of us who represent rural districts know this work in the last 12 months or 2 years has increased enormously on account of the problems arising out of the various Federal land banks, joint-stock land banks, and other banking questions. These are some of the reasons why I think it would be well for Congress to say that a Representative should represent so many constituents and let the representation in Congress increase, if necessary, because I believe we can increase the number of Representatives in Congress a great deal better, a great deal easier, and with better results than we can afford to decrease the efficiency of representation of the people, because decreased representation means less efficiency in representation.

Mr. McLEOD. What limitation would the gentleman put on that increase and when?

Mr. HARE. My personal opinion is that representation should be about 250,000, and then let the number of Representatives be what it may. I believe that with increased intelligence on the part of the people of the United States in recent years, they are demanding more definite, more certain, and more efficient representation than in past years, and they will continue to demand increased efficiency in that representation.

The problem of highways; post roads; rural routes; air mails; hospitalization; compensation, etc., for veterans; radios; and many other problems are going to demand what is equivalent to increased representation.

Mr. McLEOD. What would the gentleman do when the country, possibly, reached a population of 200,000,000?

Mr. HARE. I think that is a problem too far in advance for us to contemplate.

I think we will be able to cross that bridge when we get to it. It may be that we would have to increase the number of Representatives in Congress twofold, maybe threefold; I do not know. But I believe the people of the country are going to demand the same efficient, or more efficient representation in Congress in the future than they have in the past, because as people increase in intelligence, as they increase in interest in their Government, and as interest increases in various activities of the Government, the work of the Representatives will necessarily increase, and therefore the number of Representatives should be increased.

Mr. ENGLEBRIGHT. The gentleman is building a very skillful and pleasing statement from one viewpoint; but the gentleman recognizes that one Representative or one individual can just as skillfully and ably represent 350,000 people as another Representative can represent 150,000 people, due to the difference of talents of the two men, the two Representatives, due to the difference in business ability or organization ability in his office.

Mr. HARE. That is the misfortune of those who selected the Representative. If they get an inefficient person, the mistake should not be charged to Congress.

Mr. MOUSER. You can not fix 250,000 as an average district.

Mr. HARE. If it becomes necessary, I should say that whenever a district increases its population more than 250,000, then there should be an additional Representative.

Mr. MOUSER. Of course, the most important part of it is general legislation. It depends upon the individual Congressman, how much energy he has.

Mr. HARE. I do not think that increased representation in the House would materially interfere with the efficiency of proper, conservative, and progressive legislation. I believe we would have the same degree of efficiency from a legislative standpoint to-day under existing conditions with a body of 500 men as we have with a body of 435 men. In other words, I do not believe that by simply increasing the number of men we decrease the efficiency of the legislative body. If I am correct in this belief, I ask you to go with me one step further and say that if you increase the number of people an individual has to represent you necessarily increase his work, and then if you increase the work materially or to any great extent the question then arises as to whether it does not follow that the services rendered are less efficient.

Mr. LOZIER. Is it not true that the Members sitting around this table, and, in fact, many Members of the House, are frequently prevented from being on the floor of the House and prevented from taking an active part in legislation because of the great amount of departmental matters that under our present system our Members are compelled to look after?

Mr. HARE. I think that is so obvious and so plain to every Member of the House that it would be accepted without argument.

Mr. ENGLEBRIGHT. Is it not then a matter of more efficient secretaries and more able and better-paid secretaries than to increase the size of the House?

Mr. HARE. No; I don't think so. By doing that you would relieve the Representative of a certain responsibility, and I believe that in order to insure the most efficient representation each Member should feel that he is personally responsible for every piece of work that goes out of his office.

Mr. ENGLEBRIGHT. If I follow the gentleman's theory through, you should not have any secretaries or assistants. You should do every bit of work yourself.

Mr. HARE. No; I don't mean that. It is not a question of doing typewriting and such work as that.

Mr. THURSTON. Discretionary duties.

Mr. JOHNSON. Is it not possible that the setting up of Federal agencies in the various districts, such as county agents, etc., tends to reduce the work centralized here in Washington?

Mr. HARE. By no means. I venture to say there is not a man who represents a rural district but what will say to-day that he has 100 requests now where he had 1 fifteen years ago for information pertaining to some phase of agriculture in which the county agent or some farmer is interested.

Mr. JOHNSON. I have a big district, more than half rural, 10 counties, very active county agents, and it gives rise to requests for information along those lines.

Mr. HARE. If an individual comes to me with a request, I am not so apt to send it to the county agent because I do it myself in my office, because if I turned it over to some one else it shifts the responsibility, and that is the very point I am making—we should not shift our responsibility. People expect a Congressman to give his special attention in trying to solve their individual problems, and they are entitled to such service. Let me say in conclusion that if it will not decrease the efficiency of Congress as a legislative body by increasing the number of Representatives in proportion to the increase in population, and if it does decrease the efficiency of the individual Member as a representative of the individuals he represents by limiting the representation in Congress, then I think we should take the horn of the dilemma that gives the people more direct representation and increase the efficiency of the Representative, because the future of this Government is dependent upon the attitude the individuals of this country take toward Congress and take toward the Government; they must feel in their own minds and in their own hearts that they are receiving direct or personal representation from the man they select as their personal Representative, and when they feel that the man they send to Congress to represent them personally is not representing them personally but representing the country at large only, then we are not going to have that same loyal devotion to the country and to the Government that this Government is entitled to and was intended when the Constitution and the question of representation was settled 150 years ago.

Mr. LOZIER. Is it not true that the multiplication of duties and responsibilities of the Members of Congress now come from the class of people whose only appeal is to Members of Congress? It does not come from the big business concerns or those who are able to send their legislative representatives to the Capital. It does not come from those who can employ competent legal assistance to represent them. It comes from the masses, from the man at the crossroads and from the humble citizens, the man whose only contact with the Government is through his Congressman, and as the gentleman from South Carolina says, if you deny the masses of the people this intimate personal contact through their Representatives direct with the governmental agencies and activities, you are practically denying them the benefits to which they are entitled under our scheme of government. Take the post office. The Post Office Department is the one agency of the Government that touches every man, woman, and child in the United States. To three-fourths of the people, I would say, the Post Office Department is the only agency of our Government that really touches the masses of the people. Whenever you deny to the masses of the people a direct and immediate contact with the Government, you are to that extent denying them the benefits of our scheme of government.

Mr. HARE. I think the gentleman has the point I was endeavoring to make quite clearly and I feel that there is a fundamental involved. It is not merely a question of efficiency of the House of Representatives that we are interested in in this reapportionment. If it were, then I would say reduce the representation instead of increasing it. But I am interested in the interests of those who constitute this Government, and I want to say that there are to-day more people actually interested in the affairs—the intricate affairs of this Government—than at any time in our history. They are taking more interest in the affairs of the Government than heretofore and the only agency through which they can act is their Representative, and they are manifesting and demonstrating their interest in larger numbers day after day.

Mr. JOHNSON. Is it not your experience that the people are increasingly becoming more interested and demanding more for themselves from the Government?

Mr. HARE. Surely they are, and why not? The Government exists for the people and not the people for the Government.

Mr. JOHNSON. Continually usurping the rights of the States, appealing more and more to the Federal Government. Carry that out. Increase the number of the House to 475 and reduce the number each Member represents. You are continuing to centralize this Government to the breaking point. You will make more powerful the strong committees of the House, you will reduce the work to a smaller section of leaders than we now have, and thereby, in my opinion, interfere with the action of the House of Representatives.

Mr. HARE. In my opinion, instead of centralizing it, it would decentralize. It is impossible for a personal representative, if he represented 500,000 people, to stay in touch personally with their wishes and represent their interest to the best advantage. He would be guided largely by his own inclinations and by his own wishes, but if he represented half that amount he would be able to stay in closer touch with them and know what they are thinking about, know their wishes, know their desires, know their attitude toward legislation, and therefore be better able to represent them individually.

Mr. JOHNSON. If it were 125,000 instead of 250,000, would you do still better?

Mr. HARE. You should.

Mr. JOHNSON. You would not have a House with 1,500 Members?

Mr. HARE. No. You come back to the time when the population became too large for each person to represent himself in legislative matters. You come back to the time when Congress was created. It was not convenient for everybody to come to Congress. They had to have representation.

Mr. CLANCY. I think the gentleman from South Carolina has made one of the most powerful and eloquent arguments for rural populations I have ever heard here.

Mr. HARE. You are both kind and generous, and I thank you.

Mr. CLANCY. He is a valuable Member of the House. I also think he is pretty fair. Undoubtedly the gentleman from Missouri [Mr. LOZIER] rather puts the words in his mouth, that the rural populations are unorganized and do not have representatives and agents here in Washington such as the business interests have. Did you ever hear of the Anti-Saloon League, the Grange, farmers' organizations, in your experience in Washington or in South Carolina? Do you know of any lobby that is organized like the Anti-Saloon League or the farmers' organizations here, or are bolder or more powerful?

Mr. HARE. I think there are sections of our country that have highly efficient representatives from an organized standpoint, and yet we are told by the Farm Board, an agency established here last year, that agriculture and agricultural interests of this country are less organized than any other agency in the country. The farmer is inclined to be an individualist, and he wants to protect his individual interest by individual representation. I believe that this was a fundamental principle involved in the establishment of this Government—in the establishment of a representative form of government—and in order to be able to render the best services I should be familiar with the viewpoint, with the interests, and with the activity of the people, so that when I come here I will be able to register for them what they would do under a particular situation or under particular circumstances. In order that I may be able to do that intelligently and efficiently the number to be represented should not be too large, for we can reach the point where you or I would have so many that it would be physically, mentally, and otherwise impossible to do it to the degree of efficiency they would have a right to expect.

Mr. McLEOD. Would 445 take care of your State so that there would be no loss—an addition of 10 Members?

Mr. HARE. I have not studied the figures from my State. I do not know how many it would take or how much the increase would have to be so South Carolina would not lose a Representative, but I do believe that the number of people for a man to represent should not be materially increased. I believe if there is any change to be made it should be an increase in the number of Representatives. I understand there is to be a decrease of one in my State. I do not know whether I will be that one or not, and it is immaterial from the standpoint of a public officer, but if by a reduction in representation the work is to be increased 25 per cent per Member under the plan provided, then I know the people in my State will not have that same degree of efficient representation in the future they have had in the past.

Mr. ENGLEBRIGHT. The gentleman puts the limit or maximum of increase at 25 per cent. In your own State you have seven Members now. You lose one. That would be six, or a decrease of 14⅔ per cent. Does the gentleman think that any man of average ability can increase his work 14 per cent without impairing the results, by his ingenuity or industry?

Mr. HARE. I do not know whether a man of average ability could or not, but I do know this: That with my feeble ability, my humble ability——

Mr. ENGLEBRIGHT (interposing). We do not acknowledge that.

Mr. HARE. I know there is no chance in the world for me to increase my efforts 14 per cent and give the same degree of efficiency.

Mr. CLANCY. You have heard the argument about New York State being outvoted so emphatically by 16 smaller rural States in the United States Senate and you can apply it to North Carolina or Illinois, Ohio, Pennsylvania, Texas, and Michigan, and other growing States. Does the gentleman think that is fair? Does he think that the population from the rural sections get inadequate representation in the Senate?

Mr. HARE. All of the States?

Mr. CLANCY. Yes.

Mr. HARE. I think they get representation from the standpoint of the duties of a Senator.

Mr. HARE. Do you not think they get more than their share?

Mr. CLANCY. I would not think so.

MAPLE SUGAR AND THE TARIFF

Mr. GIBSON. Mr. Speaker, the tariff act of 1930 placed a duty of 8 cents per pound on maple sugar and 5½ cents per pound on maple sirup. These rates were fixed after full committee hearings and extended debate in the Senate. The direct object of these rates was to give adequate protection to the small farmers of 20 or more States who rely on income from the production of maple products at a time of the year when no other kind of farm work can be done with profit, especially in the great sugar States of the North. This protection was in line with the purpose of the special session at which tariff revision was initiated, namely, adequate protection to agricultural products.

Canadians are the principal competitors of the American farmers in the manufacture of maple products. Importations of maple sugar from Canada increased from about 2,000,000 pounds in 1923 to over 12,000,000 pounds in 1929. Our domestic production declined from 9,787,000 pounds in 1919 to 2,388,000 pounds in 1928. The percentage of consumption of imported maple products rose from 48 per cent in 1924 to 64 per cent in 1927.

The natural result followed. Only 58 per cent of the producing trees in Vermont are in use. The industry went onto the rocks in this country and thrived in Canada. This is an accurate picture of the situation when Congress acted. The new rates went into effect June 18, 1930, only to be lowered by proclamation of the President to 6 cents per pound on sugar and 4 cents per pound on sirup early in February, 1931. No crop had been produced in the meantime, so the rates provided in the act of 1930 did not have a trial and the intent of Congress was not given effect.

On June 25, 1930, the John G. Paton Co., a small New York corporation, making its principal purchases of the Maple Sugar Producers' Cooperative Association of the Province of Quebec, filed an application with the Tariff Commission for an investigation and report under the flexible provisions of the law. The hearing was held in November, 1930. The applicant was represented by several able lawyers, including Everett Sanders, former secretary to President Coolidge, and Joseph Tumulty, former secretary to President Wilson. Representatives of the farm organizations, several dirt farmers, the economist of the Vermont agricultural experiment station, and George C. Cary, president of the Cary Maple Sugar Corporation, appeared in opposition to the petition.

The applicant, the John G. Paton Co., a relatively small concern, purchased only about 200,000 pounds of domestic maple products during the past year. Its stock in the main came from the Canadian producers and was sold to the manufacturers of cigarettes. So in making the application to the Tariff Commission it was consciously or unconsciously the mouthpiece of the American Tobacco Co. and allied organizations.

A prior investigation by the old Tariff Commission of the costs of production was initiated in 1925. The report of the commission was made April 23, 1928, and set forth that in 1925 the cost of production of sirup in the United States exceeded the cost in Canada by $0.0355 per pound; that the cost of production of sugar in the United States exceeded the cost in Canada by $0.0555 per pound. The President at that time did not see fit to accept the report by putting the recommendations into effect.

The recent report of the commission, however, discloses that the commission in its last investigation did not make a thorough study of the costs of production in the principal producing regions of the United States and Canada under this investigation but took the old report of the commission containing costs of production for the year 1925, five years previous to the recent investigation, as a basis for its recent conclusions. The commission sent its investigators into the field, not for the purpose of finding first-hand and representative data concerning costs of production at that time but to determine "what changes, if any, had occurred in the maple-products industry since 1925." Its investigators, as a result of this superficial survey, found "no important changes affecting costs of production." Evidence submitted under oath at the public hearing by competent witnesses showed that the data which the commission had gathered for the year 1925 was not typical and representative of the costs of production in Vermont, the principal producing State in the United States.

It was shown that the commission's data concerning the valuation of orchards should be raised 9.41 cents per gallon of sirup, that a correction of 3.25 cents per gallon should be made in tax costs, that the yields per tree in the United States were above the average, and the yields per tree in Canada were lower than the average yields, thereby tending to reduce the difference in the costs in the United States as compared with Canada. It was further shown that the labor costs and fuel costs for Vermont were too low.

The commission admitted the inaccuracy of its data concerning the interest on investment in sugar groves, but instead of ascertaining the facts concerning this item as specified definitely in section 336, the commission omitted this item entirely from the cost comparison.

Thus, the commission's data for the year 1925 was not representative of the domestic costs of production at that time. That data is now more than 5 years old.

It is unfair to the domestic industry to suffer reductions of duties on the basis of data the basic portions of which were 5 years old, and which were admittedly inaccurate in at least one particular, and which were seriously questioned by competent authorities in many other particulars.

In justice to the American farmer, the commission, before recommending any change in duties, should at least have instituted a new and thorough cost study when its former data was shown by competent testimony to be unrepresentative and of questionable value for the purposes of section 336. This would have been the fair and just action to have taken if the commission was unwilling to accept the adjustments suggested by the domestic producers.

THE TARIFF COMMISSION HEARINGS

The facts brought out at the hearings in November are of interest to all who desire adequate protection to farm products, to all who believe in real agricultural relief.

The Paton Co. presented two economists, neither one of whom has the slightest acquaintance with the maple industry, and through them presented to the commission a mass of technical data bristling with references to wage trends, price indices, index numbers, indeterminate factors, and the other supposedly impressive terms of economic science. The general effect of this mass of data, the economists asked the commission to believe, was that there was practically no change up to the present time in the figures in the 1928 report of the Tariff Commission to the President showing costs of production, that consequently the Congress was entirely wrong when it put the duties at $0.08 and $0.055, that the duties should be made $0.0532 and $0.0355, and that the Paton Co. should thus be allowed to import its vast supplies of Canadian sirup and sugar and undersell the American farmer.

The farmers' side of the matter was handled by the assistant Washington representative of the American Farm Bureau Federation. Though he is not a lawyer and was opposed to the array of talent brought forward by the Paton Co., purveyor to the great tobacco companies, he nevertheless placed before the commission in a direct and simple way the true facts of the case. He pointed out that the duties prescribed in the tariff act of 1930 had never had a trial; the 1930 maple-sugar crop was gathered and sold long before the 18th of June, and within two weeks thereafter the application was made, through the Paton Co., for an investigation by the commission under section 336 of the new law, though one of its principal supporters in the Senate had procured a resolution of that body directing an immediate investigation into the maple-products duties. Prices were presented by the farm representative compiled from American and Canadian Government publications showing a difference of 9 cents per pound in the price paid the farmers for maple sugar, the American prices, of course, being higher. Six dirt farmers, producers of maple sugar, then testified about the costs of production, showing the narrow margin on which the American farmer now works in order to realize anything from his sugar orchard, showing that the difference in costs as indicated by their own personal experience had increased since 1925 as between the United States and Canada, rather than decreased as the two economists with their wage scales, price indices, and indeterminate trends had attempted to tell the commission. A banker from the heart of the maple-producing regions then testified from first-hand knowledge of the absolute necessity of these farmers for protection of sugar groves cut off because of the present low prices on maple products, and of the absolute certainty that the industry would fade away completely with increasing rapidity if there were no adequate protection allowed the American farmer, such as is provided by the act of 1930.

The Cary Maple Sugar Co.'s president then testified as to 40 years of buying and selling of maple products—contrasted with 5 years' experience of John G. Paton, practically all with Canadian producers—and gave figures from his own experience tending to show that the duties fixed by the Congress in the tariff act of 1930 were short of equalizing the differences in cost of production between the United States and Canada.

The farmers also presented before the commission an economist from the Vermont Agricultural Experiment Station who has been employed there for more than nine years. This man is thoroughly familiar with the maple-sugar industry from close observation of its actual workings, and from long residence in the center of a maple-producing region. He had participated in the commission's field investigation of 1925, but had from the first differed with the commission in some of the results which the commission's force had obtained from the data so gathered. This witness explained to the commission at some length the points of difference between the Vermont Agricultural Experiment Station's results and the results of the commission concerning the figures for costs of production of maple sugar and maple sirup in Vermont. His testimony was direct to the point, not based on price indices, index numbers, or general reports, but on the data collected in 1925 in collaboration with the commission and on data collected since then by the Vermont Agricultural Experimental Station in the sugar-producing regions themselves. This witness showed that from the best available material it at present appears there is a difference of $0.6954 per gallon in the cost of production between the United States and Canada, the American cost being higher. This is equivalent to a difference of $0.09 per pound in sugar and $0.06 per pound in sirup. Attempts were made to break down the testimony of this witness by a sharp cross-examination on the part of the importer's counsel. All that was shown by the cross-examination was that the Vermont expert's opinions had been changed as to certain items in the costs of production of maple sirup and maple sugar because he had since 1925 collected new data showing a rise in costs in Vermont and also because he had from the first differed with the commission in respect to the comparative values of sugar orchards in the United States and in Canada.

At the very close of the hearing, a surprise was furnished to the importer in that the only American customer of whom the importer had ever bought turned against him and supported the contentions of the farmers. The importer's only American customer is a farm cooperative of northern New York State. Its manager arose at the close of the hearing, stated that he had not been summoned by either side, and gave a strong presentation of facts showing that the differences in the cost of production in his particular region of New York were at least as much as $0.09 per pound on sugar and $0.06 per pound on sirup.

The importer therefore stood before the commission in the position of asking for the reduction of a duty in opposition to the interests of the farmers and of the largest American buyer of American maple products. He was there in an effort to obtain for the tobacco industry the chance to buy from Canadian farmers, living under un-American standards of life, a product which could with adequate protection be produced in sufficient quantities on the American side of the line to supply the entire American demand.

It developed upon cross-examination that he did not even know of the existence of a maple-sugar producers' cooperative in Vermont, the largest maple-producing State in the Union. The only American cooperative with whom he had dealt is the New York association above referred to, which association agrees in all respects with the farmers and which declines to support the importer in his position. He was thus left entirely alone with no one back of him except the tobacco industry and Quebec cooperative.

CANADIAN AID AND ADVANTAGES

The Committee on Finance of the Senate had before it in the preparation of the maple-sugar schedules of the tariff act of 1930 certain documentary evidence showing beyond any shadow of doubt that the government of the Province of Quebec was extending very material aid to the maple-sugar industry in that Province. This aid has taken various forms—outright appropriations to the industry, the lending of government officials to officer the Maple Sugar Producers Association, loans to the association and to individual members thereof without interest, purchase of material for the association to use in the manufacture and distribution of maple products, and outright backing of the industry by the Quebec provincial government.

At a meeting of the Quebec Cooperative Association in October, 1928, the Quebec minister of agriculture made the statement that the cooperative had sold up to that time $171,000 worth of sugar and sirup and expected to sell before the 1st of January a total of $200,000 worth. They were selling sugar at that time for $0.19 or $0.20 per pound. Consequently the sugar and sirup which they sold in the year 1928 would amount to approximately 1,000,000 pounds, in terms of sugar. There was one appropriation in the year 1928 of $40,000 for the maple-sugar industry, and it afterwards developed that the total appropriation for that year amounted to $55,000. Consequently that was a government aid to the Quebec cooperative of approximately $0.04 per pound in that year, 1928, alone.

These documents had been considered by the Senate Committee on Finance and had in January, 1930, been forwarded to the sugar division of the Tariff Commission for an opinion as to the effect of such aid as the Quebec government extended to the Quebec producers. The commission's sugar division made a study of these documents and reported to then Senator Frank L. Greene, of Vermont, that the assistance amounted to an advantage of at least $0.02 per pound in the production of maple sugar.

The existence of these documents was, of course, known to the importer. He and his customers went to the expense of having two officials of the Quebec government, one of whom is also an official of the Quebec cooperative, come to Washington to assist in the preparation of the importer's case before the Tariff Commission. It is extremely significant, however, that neither of these Quebec officials offered testimony before the commission. The importer's counsel submitted affidavits of the two officials in which they stated that the appropriations made by the Quebec government had been made for the purpose of improving the quality of the product and was in no sense a bonus or bounty. Neither of these affiants was offered as a witness, and consequently neither could be cross-examined, although both of them were shown by the jurats of the affidavits to have been in Washington on the day of the public hearing.

During the year 1930 the members of the Quebec cooperative received from $0.07 to $0.11 per pound for their sirup. This is the equivalent for maple sugar of $13.42 per 100 pounds. The Quebec cooperative sold to the Paton Co. and the tobacco industry directly at $0.235 per pound. Here is a difference of $0.10 per pound. The cost of manufacturing and boxes is not more than $0.01 per pound. Freight might account for another $0.01 per pound. However, much of the sugar was brought to the cooperative's warehouses directly by the farmers. In any event, there is at least $0.08 per pound difference between the price the Quebec cooperative received from the Paton Co. and the tobacco industry and the price that the farmers themselves received from the cooperative. This difference has never been accounted for. If it were profit to the cooperative, there is no possible doubt but that the importer would have emphasized that fact very strongly in his brief, as he was posing as a friend of the cooperative and recommending it to the American farmer. Either this $0.08 per pound went to persons on the inside of the cooperative or else it represents an enormous commission to the Paton Co., which is asking now for the reduction of the duty.

There can be no question that the assistance extended by the Quebec government to the Quebec producers constitutes an advantage within the meaning of section 336 of the tariff act of 1930. No other concern has received any benefit whatever from the Quebec government. The cooperative has an advantage over any dealer who attempts to deal with the Canadian producer directly. The cooperative's customer, the applicant before the Tariff Commission, benefits indirectly from this Canadian aid.

The National Grange, the American Farm Bureau Federation, and the farm bureaus in the various sugar-producing States very naturally prefer to have a duty on sirup and sugar which will to some extent equalize the differences in cost of production, as their own economist advises them, rather than to have that duty removed at the insistence of an importer and the tobacco industry, both of whom wish to buy maple products in Canada for a very low price and thus avoid the necessity of buying maple products from American producers at fair prices. The interest of the importer and of the tobacco industry is too obvious to require any further comment. Inadequate protection for the maple industry will mean a gradual vanishing of the industry in favor of the Canadian producer. This is a very real danger to the farmer, although, of course, it is of no possible interest to the importer or to the tobacco industry. In 1860, according to the Tariff Commission's report of 1928, the production of maple sugar and maple sirup in the United States exceeded that of Canada by almost 4 to 1. In 1925, according to the same authority, the amount produced in Canada exceeded the amount produced in the United States; while the annual American production had decreased by 8,000,000 pounds between 1859 and 1925, the Canadian production had increased many times.

The applicant made an attack, in the cross-examination of witnesses, on the Cary Maple Sugar Co., which deals largely with Vermont farmers. This attack was for the purpose of beclouding the issue. The Cary company deals fairly with the farmers and cooperatives and has their confidence. This company at the present time owns 3,000,000 pounds of sugar and sirup in Canada. Consequently it would benefit to some extent by the reduction of the duty. However, it has always believed that its interests were very closely bound up with the interests of the American producers, and it does not wish to see the duty reduced. It believes that its own interests in the long run will be subserved by supporting the American producer rather than the Canadian producer. It has always tried to pay the farmers a price for which they could well afford to tap their trees. It is believed that such a price has always been paid with the possible exception of the year 1921, when the exceedingly high price of the year 1920 and the consequent surplus of the product made a low price absolutely inevitable. In that year the difference between the price the Cary Maple Sugar Co. paid the farmer and the price at which it sold the product to the tobacco industry was $0.0266 per pound. This had to pay for overhead, selling expense, interest, insurance, and profit.

It is absolutely necessary that the friends of the American producers realize the situation with which the farmers are faced. This is not the J. G. Paton Co. against the farm organizations, or against the Cary Maple Sugar Co. The stake is the existence of the maple-sugar industry in the United States. The effect of the rates promulgated by the President will be that within a short period of time the sugar groves on the American side of the border will be cut off and used for lumber. The result will be satisfactory to the tobacco industry, because it can then buy of Canada, where living conditions are not equal to those on the American side, at practically its own price. It will, however, result in the abandoning of farms in northern Vermont because the amount realized from the maple-sugar industry is, in many cases, the difference between a profit and a loss in any given year.

The Tariff Commission, in this case as in others, is following an unworkable formula that results in an equalized tariff, not protection. The formula should be one that takes into full consideration injurious competition; one that seeks

an equalization of competitive conditions. The result of the maple-sugar and maple-sirup investigation falls short of any equalization of competitive conditions and fails of the purpose intended by Congress, namely, protection to the small farmer.

A hard blow has been struck the Vermont farmer. He has been done an injustice which ought to be remedied speedily, either by the President or by Congress.

LO THE POOR INDIAN

Mr. HALSEY. Mr. Speaker, according to Will Rogers, "when they let the *Mayflower* land the Indians made a big mistake." Subsequent history justifies the statement, for the white man at once became the red man's problem. The poor Indian has never had part or lot in determining his destiny. He must yield or perish before the operation of evolution's inexorable law—"survival of the fittest."

Congress by passive inaction may hasten his hapless fate, or it may adopt a wise and beneficient policy and preserve from extinction this vanishing race. It may evade, it can not avoid its constitutional duty to care for these wards of the Nation. Through delay and neglect the policy that will best promote their welfare and happiness has become a problem of great magnitude and far-reaching potential results.

The wrongs they have endured make a lurid and bloody story of ruthless exploitation of a minority and subject race. That shameful history has been fitly called a "century of dishonor," though it is the record of a people calling themselves Christian.

And the subject invites attention perennial and futile as the weather. Yet the treatment of the Indians by the Government imperatively demands Congress adopt a just, wise, and permanent policy for the well-being of this long-suffering people.

During the 97 years of its existence as a department responsible for their welfare, the affairs of the Indian Office have been directed by 32 commissioners, each one in turn introducing a different program for the new administration. The inevitable result of such frequent changes developed a policy having all the energy, direction, and purpose of a pup chasing its tail.

In its efforts to function the present Bureau of Indian Affairs appears to be hampered in efficiency by limitless red tape and a sort of creeping paralysis due in part to its goodly number of job holders—about 6,000 in all. It needs the treatment given the bottom of a vessel in dry dock after a cruise through the seven seas.

This bureau holds in the hollow of its hand the welfare and happiness of 350,000 Indians. It attempts to interpret and administer 300 treaties, though many now have no more force and effect than scraps of paper. It deals with 2,500 laws, often conflicting and contradictory. It has made innumerable rules and regulations to govern and control the person and property of these wards of the Nation.

They form 200 distinct tribal groups, speak threescore different languages, and they own property valued at $1,500,000,000. They live in 28 different States, extending from the dark timberlands of Washington to the alligator swamps of Florida.

After many years of Government control 200,000 can not yet speak, read, or write the English language of their conquerors, who fix their environment and determine their destiny unmindful of their nature and the manner of living of this once proud and virile aboriginal race of Americans.

Of the total Indian population over 100,000 are children and adolescent youth of school age many of whom are afflicted with trachoma or tuberculosis, diseases widely prevalent through lack of proper medical attention and care.

No one of any intelligence will deny that the Indian has made some progress in the arts and culture of the white man's civilization during 140 years of contact, violent and peaceful. But it is also true that such progress has in no wise been commensurate with the prodigal price paid for their advancement. The dread war cry is heard no longer, for the can opener has replaced the scalping knife. Blanket and buckskin yield to creased pants and abbreviated skirts. The tepee and wigwam disappear before the modern 2-room bungalow of tin and tar paper. Leaving the schoolroom, Indian youths are all dressed up, but nowhere to go. For him Emerson's America does not spell opportunity. Missionaries giving undue emphasis to sect and creed produce as the fruit of their sacrificial toil an abundant harvest of Dead Sea apples.

Granting the utmost claimed for his progress, yet after a half century of time and a half billion in money spent in his behalf, the Indian remains an alien and untutored race, a helpless, hopeless serf of the soil. For his benefit about 200 schools have been established that provide instruction in elementary and secondary courses of study. But at least one-third of the children of school age do not attend any school, Federal or State, public, private, or religious.

The outstanding agency in the Indian educational system is the inhuman, kid-catching Government boarding school. It is run on the plan of a half day of work and a half day of study. Though many States prohibit child labor, these schools are supported in part by the productive work of undernourished children.

A survey commission authorized by act of Congress to investigate conditions among the Indians severely indicts this institution for his education—the Government boarding school. In its report to the Secretary of the Interior it states:

> We are obliged to say frankly and unequivocally that the provisions for the care of Indian children are grosely inadequate.

Poor food in quality and quantity, buildings old and neglected, dormitories overcrowded, toilets inconvenient and insanitary, discipline wrong in character and purpose, archaic courses of study, vocational training in obsolescent trades, incompetent teachers disclose deplorable conditions that call for correction in an educational system that is inefficient and ineffective.

The test of success or failure of any educational program is its human product. The yardstick of its practical value in its output of boys and girls is their preparedness to build a life. White collars for a machine age misfit as do round pegs in square holes. In this day of fateful competition fitness for any activity requires intensive training adapted to its primary purpose. Rigid curriculum, mass instruction, automatic, mechanical methods of teaching in a program of education result in maladjustment of its product to a place in the social and economic order and create a potential menace of crime to the State. Our boasted public-school system is a failure if it does not make good citizens of boys and girls whether white, black, or red.

By this acid test the present school system for the Indians fails in its fundamental purpose. It should be reconstructed and readjusted to meet the acme of its objective—citizenship.

Soon after his inauguration President Hoover said in speaking on the subject:

> The fundamental aim of the Bureau of Indian Affairs shall be to make of the Indian a self-sustaining, self-respecting American citizen just as rapidly as this can be brought about, and in order to bring this about it will be necessary to revise our educational program into one of practical and vocational character, and to mature plans for the absorption of the Indian into the industrial and agricultural life of the Nation.

Congressman SPROUL of Kansas has introduced a bill that will, if enacted into law, accomplish the purpose, certainly a "consummation devoutly to be wished for."

This bill (H. R. 12576) proves to be original in conception and thoroughly constructive in its concrete program of measures and methods to get results. It provides for a 50-year period of education and training which is so adapted to the nature, needs, and interests of the Indian that at the end of the period they shall cease to be wards of the Nation; the Federal Government shall no longer be guardian of their persons and property.

As means to this end the bill creates a commission of education consisting of five members directed to work out a program that will fully qualify the Indians of the United States for independent citizenship within the allotted time of 50 years. The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Commissioner of Indian Affairs, and the Commissioner of Education compose the personnel of the organization made responsible for the success of this colossal task of merging 350,000 Indians into the national life in the next half century.

In culture, ethics, religion, in all that determines their manner of living, the white man and the red man are as far apart as the poles. Their amalgamation involves the solution of many complex, intricate problems national in extent and beyond the ability or resources of any State to accomplish.

The act directs the commission to cause to be prepared a program for his education—academic, vocational, in health and moral character—that will develop in him the fixed habits and the essential qualities specifically named in the bill as distinctive traits of a good citizen.

Provisions of the bill set up the machinery through which the program shall function to teach, train, develop, and emancipate the Indians during the transitional period of 50 years.

Section 4 contain the outstanding feature of the machinery for the educational program. It provides for a number of teacher-training colleges, or normal schools. The courses of study in these schools are prepared to train teachers for special work as instructors and guides in the system devised for the education of Indian youth, a system revised and adapted to their industrial capacity and needs to qualify them for citizenship. And as such a program required the expert and the specialist, professional schools are established for the definite and exclusive purpose of preparing and qualifying teachers for this particular service. Its graduates must possess an intelligent, sympathetic understanding of the Indian with the ability to win his confidence and friendship in order to aid and train him to become a good citizen filled and thrilled with devotion to American ideals and institutions. Selecting teachers from a hodgepodge of applicants by civil-service examination in a routine of academic subjects utterly fails to meet the acid test of qualifications necessary for efficient, highly specialized service of individual teaching for citizenship of Indian boys and girls.

The bill introduced by Congressman SPROUL sets before Congress an open door of tremendous opportunity in providing a new day for the wards of the Nation. It offers them new opportunities under new leadership to escape from their bondage and serfdom and in the fullness of time become citizens possessing and enjoying the rights of American citizenship granted them by act of Congress in 1924, the inalienable rights of life, liberty, and the pursuit of happiness.

RELIEF TO FARM LOAN BORROWERS

Mr. HARE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statements made by me before the Committee on Banking and Currency, January 21, 1931, the committee having under consideration at that time H. R. 11233:

Mr. HARE. Mr. Chairman and gentlemen of the committee, I assume the committee is considering at this time only those bills having for their purpose the extension of time for the payment of interest on mortgages held by Federal land banks and joint-stock land banks. I have four bills before the committee, one to amend the intermediate credit bank act so as to permit the intermediate credit banks to loan money directly to farmers——

The CHAIRMAN. What is the number of that bill, Mr. Hare? Is that 11233?

Mr. HARE. No; that is H. R. 9181.

Mr. STEAGALL. I have not seen the last bill you are talking about. Is it before this committee?

Mr. HARE. Yes.

Mr. BRAND. There are not two Hare bills here.

The CHAIRMAN. Yes; 11233 and 16300.

Mr. HARE. The bills I have before the committee are as follows: H. R. 9181 provides for an amendment to the intermediate credit bank act permitting intermediate credit banks to lend money direct to farmers for production and marketing purposes; H. R. 11233 would amend the Federal farm loan act so as to require Federal land banks and joint-stock land banks, in case of emergency, to withhold foreclosure proceedings for a period of two years after default; H. R. 16038 provides an amendment to the Federal reserve act which would require the Federal reserve banks and the Secretary of the Treasury to use the profits or franchise tax accruing to the Treasury of the United States in insuring deposits to the extent of 50 per cent in any member bank of the Federal reserve system in case of failure; and H. R. 16300 would require Federal land banks and joint-stock land banks to accept their own bonds in payment of amortization premiums or in satisfaction of the mortgage itself. I assume, however, Mr. Chairman, that the committee is considering at the present only those bills that relate to the suspension of payments due on farm mortgages; if I am correct in this assumption, I shall direct my remarks to H. R. 11233. If the committee desires to hear from me on the other bills I shall be glad to do so at its earliest convenience.

The CHAIRMAN. That is your pleasure, Mr. HARE—whatever you decide.

Mr. HARE. I first invite attention to H. R. 11233, and in order that my remarks may follow the purport of the bill I am going to read a provision which would amend the existing act:

"'*Provided*, That where a mortgage held by a Federal land bank or a joint-stock land bank has been in full force and effect for three years or more, foreclosure of such mortgage shall not be made until two years have elapsed following default of amortization payment, except in case of death of mortgagor or in order to prevent irreparable waste or depreciation in value of mortgaged property.'"

I might say that this bill was introduced March 31, 1930, nearly a year ago, and, of course, we could not anticipate at that time the urgent necessity for the passage of such a bill within 12 months following.

However, there was at that time an emergency in various sections caused by various catastrophes, such as excessive storms, hail, drought, etc., and this bill was designed to give the banks a right to extend the time of payments where they had been in full force and effect for three years or more. My idea was that if a mortgage had been carried for three years in good faith and a misfortune over which the mortgagor had no control arose, the land bank or the joint-stock land bank would have the right to extend the time of payment for at least two years, because if three full payments had been made and two years' extension were allowed, the bank would be in practically the same position with reference to the mortgaged property and the security as it was at the time the mortgage was taken.

In other words, the bank would be no worse off and the mortgagor would have a chance to hold his farm and preserve his home.

I have in mind now a farmer who, with the aid of his family, does practically all of his farm work. He had the misfortune of having several cases of typhoid fever in his family—six cases, as I recall—in 1928, during the months of April and May, when it was necessary to pitch the crop. As a consequence, he had a crop failure. The fall came and there was no way in the world for him to make his payments and yet the bank said that there was no way by which the time could be extended.

Now, that was a misfortune. There was an emergency, and I feel that the bank ought to have had the right, if it did not have the right under the law, to extend the time of those payments.

Then we have cases where farmers are unable to pay on account of the fact that their crops have been destroyed by storm, hail, or some other misfortune, which is usually quite local and could not be considered a misfortune of any magnitude. Such a class of farmers would be cared for by this bill, and then it would take care of those who suffer on account of what we call acts of God, where there are extreme droughts or storms covering a wide area.

It has been said that the banks have the authority under existing law to extend the time, but I have found there is a great difference between the law, a regulation, and a practice. In my section it has not been the practice.

In 1927 I know of a large farmer who had made a good crop. He had $2,000 for which he had no particular use. He turned it over to the bank with the request that it be applied on the principal of his mortgage. In 1928 we had such excessive rains—amounting to probably 70 or 75 inches in his locality—as a result he produced only 3 bales of cotton, although he had been accustomed to making 140 to 150 bales annually. He requested that the $2,000 that was applied to the principal on his mortgage the year before be now applied to the payment of his amortization premium. The bank refused to do it. He borrowed money on his personal note to pay the interest. In 1929 we had another year of excessive rainfall; and instead of making his customary 140 to 150 bales of cotton, he made 16. It was impossible, under those circumstances, to meet the payments. His mortgage was foreclosed, his home was sold, and the bank is now paying taxes on the land.

This last year, in that same community, we made an unusually good cotton crop, and if the time for payment had been extended this man would have been able to pay at least one if not both years in which he was in arrears, and could have gone on with his payments in the future. As it is, he is bankrupt and homeless. The bank has the land with the taxes to pay, and, from a financial standpoint, the institution itself is in much worse condition than it would have been if it had the right or authority to extend the time for the two years provided for in this bill.

One question that presented itself when the bill was introduced was whether or not the bank, the Federal Farm Loan Board, or the

Secretary of the Treasury would have the right to take care of the interest on bonds representing loans that would be extended. There is a provision embodied in other bills before this committee that would take care of this situation, and I might say that if the Secretary of the Treasury does not have the right to advance the interest on these bonds under existing law then that provision is indispensable. It is absolutely necessary.

But, under section 32 of the original act I concluded, and I contend now, that the Secretary of the Treasury already has the right to advance the interest on the bonds where payment has been extended by the banks, and, with the permission of the chairman, I will read this section, because it is short.

"That the Secretary of the Treasury is authorized, in his discretion, upon the request of the Federal Farm Loan Board, to make deposits for the temporary use of any Federal land bank out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits, to be secured by farm-loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land banks at the discretion of the Secretary of the Treasury."

Mark you, gentlemen, these certificates upon which advances have been made by the Secretary of the Treasury to the individual land banks, will be repaid at the discretion of the Secretary of the Treasury.

"The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of $5,000,000 at any one time."

My interpretation——

Mr. BRAND. What is that you are reading from?

Mr. HARE. The original Federal farm loan act, page 28, section 32.

My interpretation of that provision is that under existing law the Secretary of the Treasury, upon the petition or request of a Federal land bank or a joint-stock land bank, may advance money to the individual bank sufficient to pay the interest on bonds outstanding against such bank where payments on mortgages have been suspended; that is, to make temporary advances, and I submit that two years would be a temporary advance.

The only thing that gives me any particular concern in the interpretation of that particular phase of the act is whether, under present conditions, and under a demand that might be made by individual banks, $6,000,000 would be a sufficient fund to cover the various requests.

Mr. SEIBERLING. I should like to ask one question right here.

The CHAIRMAN. Very well, Mr. Seiberling.

Mr. SEIBERLING. Do you know how much has been advanced?

Mr. HARE. I do not.

Mr. SEIBERLING. I think that is very important.

Mr. HARE. I think so myself, but I assume the information can be furnished by representatives of the Farm Loan Board who are present.

Mr. STEAGALL. What is the question?

Mr. SEIBERLING. How much has been advanced at the present time?

Mr. STEAGALL. They have not advanced any.

Mr. SEIBERLING. I should like to have the record show that.

Mr. HARE. That is the law, as I understand it, and if the Secretary of the Treasury has the right under the original act to make such advancements to take care of the interest on these bonds, I can not see the wisdom of enacting further legislation for that purpose. For that reason the provision embodied in the other bills is not found in H. R. 11233. However, if the committee feels that this provision should be embodied in the legislation that is being pressed at this time, and if this bill in its wisdom, should be considered favorably, I think that provision should be added as an amendment. Personally I do not think it is necessary.

Mr. STEAGALL. Do you think that the advancement of $6,000,000 to all the land banks and the same to be fixed as an outstanding obligation against said banks, would add anything to the credit or that the amount advanced would be sufficient to enable the banks to grant these extensions?

Mr. HARE. It would do this——

Mr. STEAGALL. Pardon me. You see, the difficulty about granting extensions is that officials of the banks insist they must maintain voted mortgages as security back of their bonds and if you merely lend them some sum of money which is to stand as a charge against them and to be secured by bonds, it would be just the same as if they borrowed by selling more bonds to the investing public, it seems to me.

Mr. HARE. I am unable to say definitely, but in view of the information just furnished by the gentleman from Alabama [Mr. STEAGALL], to the effect that the Treasury Department has not made an advance to any of these banks in any sum whatsoever, I feel that $6,000,000 would go a long way in paying the interest on the bonds affected by the extension of the time of the payment on the mortgages represented by such bonds. I do not know whether or not it would be sufficient but if it is not sufficient I think the bill should provide for an amount sufficient to take care of the bonds.

Mr. STEAGALL. If you will permit me, the bill I have introduced provides for the advancement of $5,000,000 to each land bank against which they are not required to maintain any mortgage security, but is simply an advancement to them to be added to their reserves, and there is no charge against the bank in any sense except that they are liable for its reimbursement out of the net earnings of the bank to be paid one-fifth a year out of those earnings.

Mr. HARE. I hope the gentleman will understand that my remarks are not intended in any way to disparage the value or efficiency of the bill he has introduced, for it may meet the situation better than the one I am advocating.

Mr. STEAGALL. I understand that. I am only attempting to express what seems to me the chief difficulty in the administration of these banks, and that is that they must go forward, or at least they seem to think they must go forward, with their foreclosures, else they will not be maintaining up-to-date mortgeges against their outstanding bonds. There is one of the problems. We have got to put some money in there.

Mr. SEIBERLING. I should like to ask one more question. Do you know whether any applications have been made by any banks for these extensions?

Mr. HARE. I do not know. I am not familiar with the actual operations of the Federal land banks or the Federal Farm Loan Board. I have read only from the original act, and my interpretation of the original act is such as to fit in and meet the condition that you are endeavoring to correct under the proposed legislation, and I want to say to the gentlemen of the committee and to those who have introduced bills that I have no particular pride of authorship in H. R. 11233. I am simply interested in relieving a condition that is well recognized by all, and I am simply submitting these remarks and this information for the consideration of the committee.

Mr. SEIBERLING. Mr. Chairman, I asked a question and did not have an opportunity to get an answer. There is a gentleman from the Farm Loan Board here who can answer that question, I think. I should like to know whether any application has been made for any advances.

Mr. BESTOR. There has been no application made by any bank for any advances.

Mr. HARE. May I conclude——

Mr. STEAGALL. May I say a word for the record? The initial capital of the land banks was subscribed by the Government, the total being $9,000,000, three-quarters of a million to each bank, which was automatically reimbursed as the stocks of the bank were taken over by the borrowers. The Government was repaid. Later the Government did make loans to the banks in large sums—something over $100,000,000, as I remember. Maybe the chairman will remember the amount—it was a large sum. But that was done at the instance of the Treasury during the war for the purpose of aiding the Government in floating its own bonds at that time. Officials of the Treasury thought that it was not wise to have the land-bank bonds on the market in competition with Government bonds, but, except for those advances, the Treasury has never made any advances to land banks save the initial capital, which has been repaid, and all other advances have been repaid to the Government.

The CHAIRMAN. I think, if you will pardon me, it should be made clear in connection with what the gentleman has intimated, that the authority was given to the Secretary of the Treasury to purchase $200,000,000 of farm land-bank bonds. The Secretary of the Treasury did purchase nearly $200,000,000 at that time. Because of the large loans floated by the Treasury for the Government, it was felt it was not wise to have the farm land-bank bonds go on the market at the same time. So the advances by the Government were through the purchase of Federal farm land-bank bonds.

In addition to that the Treasury had advanced to the intermediate credit banks a total of $50,000,000, which the intermediate credit banks now owe the Treasury. I think that covers the whole situation of the advances by the Treasury to the Federal farm loan system.

Mr. STEAGALL. That is true, but the advances to the intermediate credit banks have, of course, no relation to the problem of the Federal land banks. The advances made by the Government to the land banks were made just as the investing public would have made those advances and secured in the same way.

The CHAIRMAN. And subsequently the Treasury sold to the public those bonds they had purchased.

Mr. STEAGALL. Yes.

Mr. HARE. I will conclude my statement with reference to H. R. 11233, by way of reiteration, that the purpose of this bill is to suspend payment, not exceeding two years, on any mortgage held by a Federal land bank or joint-stock land bank that has been in full force and effect for three years where an emergency of such magnitude has arisen making it impossible for the mortgagor to meet the payments.

It will be noted that in case of the death of the mortgagor, or in order to prevent irreparable waste or depreciation in the value of the mortgage, this amendment will not apply.

It was brought out yesterday that if the time should be extended for 18 months, and then the mortgagor had the right for another 18 months before foreclosure proceedings are instituted, he might keep possession of the land for 3 or 4 years without payment of taxes, and there would be a depreciation of the land in the meantime. Under this bill that condition could not arise.

Mr. Chairman and members of the committee, I sincerely trust you will give immediate consideration to the proposed legislation. It may be that you will take the bills presented into consideration and report a committee. If so, and it will take care of the difficulties we are trying to overcome, it will be highly satisfactory to me.

Mr. Chairman, I am sure your time is limited, but with your further permission I invite attention to H. R. 9181, and shall be glad to have same inserted into the record.

The CHAIRMAN. Without objection, that bill will be inserted.

I should like also to place in the record at this point a letter under date of May 26, 1930, from the Undersecretary of the Treasury, Ogden L. Mills, reporting on the bill H. R. 11233, and a letter under date of April 9, 1930, from the Secretary of the Treasury, A. W. Mellon, reporting on the bill H. R. 9181 and also a similar bill, H. R. 6581, and also copies of the bills referred to.

(The letters and bills referred to are printed in full, as follows:)

THE SECRETARY OF THE TREASURY,
Washington, May 26, 1930.

DEAR MR. CHAIRMAN: The Federal Farm Loan Board has brought to the attention of the Treasury Department your letter to Mr. Bestor of April 28, 1930, requesting a report on bill H. R. 11233, introduced in the House of Representatives on March 31, 1930. It appears from this bill that its purpose is to amend the Federal farm loan act so that where a mortgage held by a Federal land bank or joint-stock land bank has been in full force and effect for three years or more, foreclosure of such mortgage shall not be made until two years have elapsed following default of amortization payment, except in case of death of mortgagor, or in order to prevent irreparable waste or depreciation in value of mortgaged property.

As you are aware, both Federal land banks and joint-stock land banks obtain the funds which they loan upon farm mortgage security chiefly from the sale to the investing public of farm loan bonds which are, for the most part, collaterally secured by first mortgages on farm lands pledged with the various farm loan registrars in accordance with the provisions of the Federal farm loan act. There are outstanding at the present time nearly $1,800,000,000 of farm loan bonds. The interest on these bonds is payable in cash semiannually on the dates fixed by the terms of the bonds, and the money required for this purpose must be available on the interest-payment dates. Obviously, if the banks are to meet their obligations, they must be able to collect the interest upon their mortgage loans which constitute their chief assets. The obligations of the banks can not be met if the terms of their mortgages can not be enforced.

In this connection it should be observed that with only two exceptions involving a very small amount of capital stock, the Government is no longer a stockholder of the Federal land banks, but that they are owned directly or indirectly by the farmer borrowers and that the joint-stock land banks are privately capitalized and owned corporations. Under the law a land bank can not charge borrowers interest at a rate greater than 1 per cent above the rate borne by its last preceding bond issue, and it is apparent that this is a very narrow margin on which to operate. Out of it the bank must not only pay its operating expenses but set up necessary reserves, absorb any losses that may be sustained, and pay any dividends that its financial condition permits. If a borrower defaults in his loan, the responsibility rests with the bank concerned to determine what course of action is necessary in order to protect its interests. It is the policy of the banks to consider each individual case on its merits. None of them desires to acquire land if it can reasonably be avoided, and there is every disposition on the part of the banks to give an opportunity to borrowers who have a chance to work out of their difficulties. Clearly the banks must have adequate power to take appropriate action in individual cases if they are to continue to operate, to discharge their obligations to their bondholders, and to protect the interests of their stockholders. Any attempt such as this bill would make to deal with the matter on a wholesale basis would inevitably result in demoralization and would have the effect of depreciating the value of a large portion of the assets of these institutions by impairing the contract rights of the banks created by the notes and mortgages of the classes of borrowers coming within the provisions of the bill. It is, therefore, likely that the market value of the outstanding bonds of the banks would be affected adversely and that the ability of the banks to market further issues of bonds at reasonable rates would suffer. It would be unfortunate if the progress which has already been made toward the restoration of public confidence in the system as a result of the constructive work that has been accomplished since the reorganization of the Federal Farm Loan Board in 1927 were now arrested by the operation of such a bill, and, aside from the serious question of its constitutionality, which is indicated by the foregoing discussion, this department believes that its adoption would be decidedly unwise.

Very truly yours,

OGDEN L. MILLS,
Acting Secretary of the Treasury.

Hon. L. T. MCFADDEN,
Chairman Committee on Banking and Currency,
House of Representatives, Washington, D. C.

THE SECRETARY OF THE TREASURY,
Washington, April 9, 1930.

DEAR MR. CHAIRMAN: Reference is made to your letter of February 12, 1930, to the Farm Loan Commissioner, in which you request a report on bills H. R. 9181 and H. R. 6581. The discussion in this letter applies to H. R. 9181. A separate report will be made on H. R. 6581.

In substance bill H. R. 9181 would amend the agricultural credits act of 1923 by adding to section 202 (a) (3) thereof new subparagraphs designated as "(e)" and "(f)," under which the Federal intermediate credit banks would be authorized to make loans for production or harvesting purposes "directly to farmers individually or jointly who may be bona fide members of an approved, recognized cooperative marketing association, subject to inspection by the Federal Farm Board." The interest or discount rate to be charged would not "exceed the prevailing rate of interest allowed by the State where the loan is made," and a trustee would be "named to receive and hold one-half of the interest or discount on each and every such loan as a guarantee or reserve fund for the purpose of protecting said bank from losses on such notes or papers discounted," with a proviso "that the remaining portion of such reserve fund at the expiration of the agreement period shall be distributed to the rightful owners according to their respective rights." Under the bill there would be a representative in each county, or a designated number of counties, to inspect and recommend for approval or disapproval applications for loans, and to collect and care for the bank's interest "during the repayment period." The bill further provides that such notes shall be "eligible for discount with a 60-day maturity date, and not to exceed 12 months, except where loans are made for dairying, breeding, or livestock raising the maturity date shall not exceed three years." In addition the bill provides that the Secretary of the Treasury shall be authorized to purchase Federal intermediate credit bank debentures "so as to stabilize the rate of interest on such debentures and keep it within or below 4 per cent." The bill contains a final proviso "that no such loan to any individual borrower shall exceed $5,000, nor shall any such loan exceed a pro rata amount when made to farmers jointly."

It is evident from this résumé of the amendments that would be made by the bill that there existed in connection with its preparation a misunderstanding of the fundamental theory and purposes of the agricultural credits act of 1923 with respect to the Federal intermediate credit bank system.

While the act provided that the capital of these banks should be furnished by the Government of the United States, and that they should operate under the supervision of the Federal Farm Loan Board, Congress contemplated that their principal source of funds for loan purposes should be the sale of tax-exempt debentures to the investing public, for which the United States Government shall assume no liability directly or indirectly. In other words, Congress contemplated that after establishing the banks the system should stand on its own feet. While for a time recently because of general money market conditions, the effect of which extended to Government securities also, the rates borne by these debentures increased, the banks were able to obtain all the funds that they needed for their current loaning operations, and the market for these debentures has improved to such an extent that they are being sold currently on a 3¾ per cent interest basis. A proposal that the Government should step in to buy these debentures might be taken to imply some doubt on the part of the Government that the banks would be able to take care of their credit needs and stand alone as business institutions. Moreover, it should be borne in mind that the purchase of such debentures by the Treasury Department would increase the amount of the borrowing requirements of the Treasury and thereby add to its burdens without any apparent necessity therefor.

Under the law as it now stands the Federal intermediate credit banks may "discount for or purchase from any national bank and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, cooperative bank, cooperative credit or marketing association of agricultural producers organized under the laws of any State or of the Government of the United States, and/or any other Federal intermediate credit bank, with its indorsement, any note, draft, bill of exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock." Under bill H. R. 9181 the banks would make loans directly to individuals without the indorsement of a responsible financing institution, as the law now contemplates. This would make a radical change in the methods of operation of the Federal intermediate credit banks and the manner in which they finance agricultural paper. As you know, there are 12 Federal intermediate credit banks for the entire United States, their districts being the same as those of the Federal land banks. As a rule, each bank serves several States, and it would no doubt require a large number of field representatives and a greatly increased expense for the banks to do business directly with individual borrowers. Moreover, the bank would be deprived of the indorsement which it now obtains from the financing institution which discounts the paper, and thus would be subjected to substantially greater risks of loss than now exist. In this connection, the provisions of the bill which contemplate that the bank may exact the legal rate of interest in the particular State, and that one-half of the interest collected shall be held in trust as a guarantee or reserve fund against losses, likewise fail to take into consideration the fundamental purposes of the system and, in fact, would be entirely impracticable.

Without going into further details in the discussion of this bill, it is apparent that such a system would be cumbersome, expensive, and productive of undue delay in handling paper, as well as risk, which could only redound to the disadvantage of all concerned and might seriously impair the marketability of the debentures of the banks.

In the circumstances, I regret to advise you that this department does not regard with favor the legislation contemplated by bill H. R. 9181.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. LOUIS T. MCFADDEN,
Chairman Banking and Currency Committee,
House of Representatives, Washington, D. C.

[H. R. 11233, Seventy-first Congress, second session]

A bill to amend the Federal farm loan act

Be it enacted, etc., That subsection (b), paragraph 4, of section 13 of the Federal farm loan act is hereby amended to read as follows:

"Parcels of land acquired in satisfaction of debts or purchased at sale under judgments, decrees, or mortgages held by it. But no such bank shall hold title and possession of any real estate purchased or acquired to secure any debt due to it, for a longer period than five years, except with the special approval of the Federal Farm Loan Board in writing: *Provided*, That where a mortgage held by a Federal land bank or a joint-stock land bank has been in full force and effect for three years or more, foreclosure of such mortgage shall not be made until two years have elapsed following default of amortization payment, except in case of death of mortgagor, or in order to prevent irreparable waste or depreciation in value of mortgaged property."

[H. R. 9181, Seventy-first Congress, second session]

A bill to amend an act providing for Federal intermediate credit banks

Be it enacted, etc., That section 202 of the Federal intermediate credit bank act is hereby amended after subsection (3) paragraph (d) so that the section will read as follows:

"SEC. 202. (a) That Federal intermediate credit banks, when chartered and established, shall have power, subject solely to such restrictions, limitations, and conditions as may be imposed by the Federal Farm Loan Board not inconsistent with the provisions of this act—

"(1) To discount for, or purchase from, any national bank, and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, cooperative bank, cooperative credit or marketing association of agricultural producers, organized under the laws of any State, or of the Government of the United States, and/or any other Federal intermediate credit bank, with its indorsement, any note, draft, bill of exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock;

"(2) To buy or sell, with or without recourse, debentures issued by any other Federal intermediate credit bank; and

"(3) To make loans or advances direct to any cooperative association organized under the laws of any State and composed of persons engaged in producing, or producing and marketing, staple agricultural products, or livestock, if the notes or other such obligations representing such loans are secured by warehouse receipts, and/or shipping documents covering such products, and/or mortgages on livestock: *Provided*, That no such loan or advance shall exceed 75 per cent of the market value of the products covered by said warehouse receipts and/or shipping documents, or of the livestock covered by said mortgages.

"(b) No paper shall be purchased from or discounted for any national bank, State bank, trust company, or savings institution under this section, if the amount of such paper added to the aggregate liabilities of such national bank, State bank, trust company, or savings institution, whether direct or contingent (other than bona fide deposit liabilities), exceeds the amount of such liability permitted under the laws of the jurisdiction creating the same; or exceeds twice the paid-in and unimpaired capital and surplus of such national bank, State bank, trust company, or savings institution. No paper shall under this section be purchased from or discounted for any other corporation engaged in making loans for agricultural purposes or for the raising, breeding, fattening, or marketing of livestock, if the amount of such paper added to the aggregate liabilities of such corporation exceeds the amount of such liabilities permitted under the laws of the jurisdiction creating the same; or exceeds ten times the paid-in and unimpaired capital and surplus of such corporation. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank upon paper discounted or purchased under this section, to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities, direct or contingent, will exceed the limitations herein contained.

"(c) Loans, advances, or discounts made under this section shall have a maturity at the time they are made or discounted by the Federal intermediate credit bank of not less than six months nor more than three years. Any Federal intermediate credit bank may in its discretion sell loans or discounts made under this section, with or without its indorsement.

"(d) Rates of interest or discount charged by the Federal intermediate credit banks upon such loans and discounts shall be subject to the approval of the Federal Farm Loan Board. On the majority vote of the members of the Federal Farm Loan Board any Federal intermediate credit bank shall be required to rediscount the discounted paper of any other Federal intermediate credit bank at rates of interest to be fixed by the Federal Farm Loan Board.

"(e) To make loans for production or harvesting purposes directly to farmers individually or jointly who may be bona fide members of an approved, recognized cooperative marketing association subject to inspection by the Federal Farm Board; the interest or discount rate to be charged not to exceed the prevailing rate of interest allowed by the State where loan is made, the bank to have a trustee named to receive and hold one-half of the interest or discount on each and every such loan as a guarantee or reserve fund for the purpose of protecting said bank from losses on such notes or papers discounted: *Provided*, That the remaining portion of such reserve fund at the expiration of the agreement period shall be distributed to the rightful owners according to their respective rights.

"(f) That there shall be a bonded, experienced representative in each county, or a designated number of counties, to inspect and recommend for approval or disapproval applications for loans, and likewise to collect and care for the bank's interest during the repayment period; such notes to be eligible for discount with a 60-day maturity date and not to exceed 12 months, except where loans are made for dairying or livestock raising the maturity date shall not exceed three years; that the Secretary of the Treasury is hereby authorized to purchase Federal intermediate credit bank debentures so as to stabilize the rate of interest on such debentures and keep it within or below 4 per cent: *Provided*, That no such loan to any individual borrower shall exceed $5,000, nor shall any such loan exceed a pro rata amount when made to farmers jointly."

[H. R. 6581, Seventy-first Congress, second session]

A bill to authorize and direct the Intermediate Credit Bank of Columbia, S. C., to credit certain notes and mortgages discounted for the South Carolina Agricultural Credit Co.

Be it enacted, etc., That the Intermediate Credit Bank of Columbia, S. C., be, and it is hereby, authorized and directed to credit notes and mortgages discounted by said bank for the South Carolina Agricultural Credit Co., of Beaufort, S. C., in the fall of 1925 and spring of 1926, to full extent of net sales and deposits made by the Beaufort Truck Growers' Cooperative Association of Beaufort, S. C., for the makers of such notes and mortgages and for the benefit of said intermediate credit bank, and to refund payments made to said bank or deposits placed to its credit by said association or by the makers of such notes and mortgages any amount of such payments or deposits exceeding said sales and deposits plus the balance due on such notes and mortgages at the time such payments or deposits were made, said credits and payments being authorized because of the failure of said bank to credit said notes and mortgages at the time said sales and deposits were made or within a reasonable time thereafter.

Mr. HARE. Mr. Chairman, I would like to insert in the record at this place a resolution adopted by the General Assembly of South Carolina, 1930, and also a resolution of the agricultural steering committee of South Carolina in 1930, together with a letter of mine to the editor of the Manufacturers Record, under date of April 5, 1930, in response to an inquiry as to the purpose of this bill. I ask that the letter be inserted because it explains the purpose of the bill in detail, and it will not be necessary for me to take up so much time of the committee.

The CHAIRMAN. Without objection, those insertions will be made at this point.

(The papers referred to are printed in full as follows:)

A CONCURRENT RESOLUTION OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA, 1930

(Introduced by Representative John K. McElveen)

Resolved, That the General Assembly of the State of South Carolina does hereby memorialize the Congress of the United States of America that its best thought and attention be directed toward means of affecting the rehabilitation of agriculture in this State and in all other States in like situation.

Numerous farms are now owned by joint-stock land banks and Federal land banks organized pursuant to Federal statutes, which were enacted with the view of furnishing substantial aid to landowners, in assisting them in financing loans over long periods of time, and we wish to record, on the part of agriculture, our appreciation of these beneficent laws that the Congress has seen fit to enact.

Notwithstanding, however, many farms owned by the aforesaid institutions are now lying idle, going to waste, and remaining unproductive. It is believed that a still lower reduction of the interest rate charged on loans on these lands would induce their purchase and operation by many well suited by training and ability, and who otherwise, and without such assistance, will remain idle and unproductive.

We therefore call the attention of the Congress to this state of affairs, and respectfully petition and memorialize it to employ, within constitutional limitations, such of the resources of the Federal Government, by statutes duly enacted, as will afford the most immediate and effective relief to the distressed situation in this and other States similarly situated.

Resolved further, That the clerks of each branch of the general assembly, acting together, transmit to the Senators and Members of the House of Representatives in Congress from this State copies of this resolution.

I hereby certify that the foregoing is a correct copy of a concurrent resolution adopted by the house of representatives and ordered sent to the senate on March 21, 1930.

J. WILSON GIBBES,
Clerk of the House.

Adopted by the senate and ordered returned to the house of representatives with concurrence, March 26, 1930.

[SEAL.]

JAS. FOWLER,
Clerk of the Senate.

RESOLUTION OF THE AGRICULTURAL STEERING COMMITTEE OF SOUTH CAROLINA

To Hon. HERBERT HOOVER, PRESIDENT OF THE UNITED STATES, AND THE CONGRESS:

Whereas the agriculture of the Nation is in a most deplorable and decadent condition due to the fact that the products of the farm have been forced upon the market at prices far below the cost of production; and

Whereas the stability of the Government rests primarily upon the prosperity of agriculture; and

Whereas the Federal land bank and joint-stock land banks have loaned on first mortgage, on homes and lands of farmers, more than $2,000,000,000, and that on account of the depressed financial condition of agriculture the farmers have not been able, though most willing, to meet the interest and amortization installment upon their loans, with the result that the present drastic policy of foreclosure as in force by the Federal land bank and joint-stock land banks is resulting in driving hundreds of thousands of farmers from their homes, causing untold distress and unemployment, unrest, and actual suffering, with no returning benefit to the Government; and

Whereas the rapid and unprecedented readjustment in merchandise, industry, and banking, as well as agriculture, has brought about such general hardships as to offer a challenge to our best statesmanship and become an active threat to orderly government: Therefore be it

Resolved, That President Hoover and the Congress of the United States are hereby petitioned to immediately give favorable consideration to the following recommendations; and the governors and legislators of all States are requested to take similar action for nation-wide relief:

First, that all interest and amortization payments, now due to the Federal land bank and joint-stock land banks and to become due for three years, shall be held in abeyance for a period of three years.

Second, that all foreclosure proceedings now pending or to become pending within the next three years shall also be held in abeyance.

Third, that the interest on all farm mortgages held by the Federal land bank and the joint-stock land banks shall be at a rate of interest of 3 per cent.

Fourth, that suitable legislation is enacted by Congress to protect the outstanding bonds of the Federal land bank and joint-stock land banks.

We heartily commend the efforts already made by the Senators and Representatives of South Carolina in their efforts to bring the results embodied herein, and desire to say that we are calling on all friendly allied lines of agriculture to join with us in this request for the best interest of the Nation.

A. R. JOHNSTON, *Chairman.*

COLUMBIA, S. C., *March 19, 1930.*

TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES:

Whereas funds for the production of agricultural products are now seriously curtailed and secured only under onerous conditions; and

Whereas the intermediate credit banks designed to furnish such funds have failed in their purpose; and

Whereas we hold that the rehabilitation of agriculture makes it necessary that such a source of funds be provided: Therefore, be it

Resolved, That we petition the President and the Congress of the United States to secure a thorough and constructive investigation of the intermediate credit banks and a reconstruction of said banks so that it may be the means for the conservative financing of agricultural production; and we hereby commend the Senators and Members of Congress from South Carolina for their efforts to secure an investigation of the existing intermediate credit banks.

A. R. JOHNSTON, *Chairman.*

APRIL 5, 1930.

Hon. RICHARD F. EDMONDS,
Editor Manufacturers Record, Baltimore, Md.

DEAR MR. EDMONDS: This is to acknowledge receipt of your letter of April 3 requesting an expression of my views on H. R. 11233 providing, by amendment, for the extension of mortgages held by the Federal and joint-stock land banks under the Federal farm loan act. I think you will have less difficulty in getting a thorough understanding of the amendment after reading the provisions of the bill and I am, therefore, inclosing herewith copy of same, with the suggestion that the amendment referred to begins with line 11.

I was prompted to introduce this amendment last fall when I saw that the Federal and joint-stock land banks were foreclosing a number of mortgages upon the first default in payment, and I happen to know that default in many of the cases was not due to lack of effort on the part of the mortgagor, but because his crops had been destroyed by hail, windstorms, excessive rains, or insect pests. I felt that practically all of these farmers could have met these delinquent payments if foreclosure had been deferred one or two years and they had been afforded a further opportunity. I was convinced also that the policy of foreclosing a mortgage upon default of the first amortization payment was in most instances not to the best interest of either the bank or the mortgagor, because at the sale following nearly every foreclosure the bank became the purchaser and then necessarily assumed the obligation to bear all expenses in connection with the upkeep of the farm and payment of the taxes thereon.

Several cases have come under my observation where I am quite sure farmers could have redeemed their mortgages if they had been given one or two years of grace, but the mortgages were foreclosed upon default of one payment and now the banks have the land on their hands as a heavy liability and the mortgagor is homeless and without hope. Both are in worse shape financially than they were a year ago. I am convinced that if the banks had been permitted to give these farmers an extension of time they would have paid the taxes, kept the buildings in repair, and taken care of the land by proper husbandry; that is, they would have kept the mortgaged property in such a condition that it would have been fully as valuable at the end of two years as when the mortgage was foreclosed and in the meantime most of the delinquent payments would have been made and both the bank and the mortgagor would be in a better condition to continue. It is my impression that some of the banks have rented or leased the farms on hand and arranged to finance their operation, and it is now my understanding that the taxes, upkeep, and other expenses in 1929 were greater than the income from such lands. It is clear, of course, that such a policy can not continue.

The amendment does not contemplate deferring payment on all mortgages but only those where it can be shown that the default was due to circumstances or conditions over which the mortgagor has no control, such as crop failures due to abnormal weather conditions, insect pests, or other misfortunes. Or it may be that a farmer would like to utilize the amortization premium in making some worth-while improvement to his farm, or in connection with his farming operations, and such improvement or investment would materially increase the value of the mortgaged property, then payments should be deferred under the proposed amendment. It should be understood, of course, that if, upon default, it is found that irreparable waste or depreciation in value of the mortgaged property would result by delay the mortgage, under the amendment, would be subject to foreclosure. But it should be remembered that the amendment is intended primarily to give some consideration to the farmer who is making an honest effort to pay for his land but is unable to meet the regular amortization payments on account of conditions or emergencies over which he has no control.

Very truly yours,

BUTLER B. HARE.

Mr. SEIBERLING. I think it would be enlightening to know if the Secretary of the Treasury approves or disapproves of these bills.

The CHAIRMAN. He disapproves of both of them.

Mr. STEAGALL. I should like to ask the gentleman with reference to his amendment to the intermediate credit act. Just what do you attempt to do in that?

Mr. HARE. As suggested a few moments ago, I will have the amendment inserted in the record, beginning at line 16, page 4, subsection (e). The purpose of the bill is to give intermediate credit banks a right to make loans direct to individuals instead of having to go through an agricultural credit corporation or some banking institution as is now provided.

Mr. STEAGALL. That is the only change you have attempted to make?

Mr. HARE. Yes.

Mr. STEAGALL. I had not seen the bill until a few moments ago.

Mr. HARE. Of course, it provides that there shall be a bonded, experienced representative of the intermediate credit bank to first pass upon each application made by the individual farmer, but the primary purpose of the bill is to take care of a situation that has arisen after several years of experience in lending money by the intermediate credit banks for production purposes through agricultural credit corporations. I think it will be generally conceded that the present policy, method, or system has not met the conditions that were contemplated when the act was passed. In other words, in the section of the country with which I am familiar practically all of the agricultural credit corporations have failed. As a consequence, farmers in those sections are unable to secure loans for production purposes, and when we consider the practical operation of these corporations we can understand why they would necessarily fail. As a rule, most of them were institutions of small capital. Consequently, the loans they could make were limited. The spread between the interest they charged and the interest received was too small to take care of the overhead charges and losses that would naturally arise. Failure, therefore, was inevitable, although a few of the larger organizations have survived.

The bill would give to an intermediate credit bank in its territory the right for its representatives to pass upon the security offered—I might say the whole security, the moral risk, the actual chattels or collateral or prospects—before a loan would be made.

This representative would have the right to follow up the loan and see that the money is well expended.

Under the existing arrangement or practices that have been followed heretofore it has been found not infrequently a man would obtain money and never plant his crop, or he would obtain a loan and plant only half of what his inventory contemplated. Losses under such conditions are certain. This amendment would remove the possibility of such practices.

Mr. STEAGALL. You think the direct loans under the intermediate credit banks would be safer than loans made through an agricultural credit corporation, with capital stock wholly unprotected?

Mr. HARE. I think so, and my opinion is based on experience and what I would consider general information; in other words, if I were a banker I would feel safer in taking the report of the representative of my bank as to the security for such loan than the report of the representative of an agricultural credit corporation where it does not take the time and expense to personally investigate the risk to be assumed.

I think the plan I have suggested would be perfectly feasible and perfectly reasonable and at the same time could be done cheaper, because I think the intermediate credit banks can take the spread between the amount charged the farmer and the amount charged by the bank and take care of all the overhead expenses and reduce the losses to an extent that it would take care of all losses that might follow.

The Secretary of the Treasury, Mr. Mellon, in reporting on this bill, seems to think that the field forces of the bank would be enlarged and expenses greatly increased. It is true the field forces would be enlarged and expenses would be increased, but I am contending that the 2 per cent now allowed the agricultural credit corporations would revert to the bank, and this accumulation of funds would more than defray the expenses incident to the work, and any remaining could be placed in a fund to take care of losses that might occur. Under the present policy 2 per cent goes to the credit corporation, and should there be any profit after expenses are paid the surplus goes to the stockholders of the credit corporation. So under the proposed amendment the cost to the farmer would be the same and the charge to the intermediate credit bank may be less. However, one of the great advantages the intermediate credit banks will have under the amendment is that its representative would be charged with the responsibility of first approving the loan, and then would be required to look after the collection of it in the fall or whenever the crops are harvested and see to it that the proceeds from the sale of all mortgaged crops are placed to the credit of the notes, because under the present policy there is much complaint to the effect that borrowers often "run" their crops and fail to apply the proceeds to their notes. I think if the Secretary of the Treasury would inquire of the presidents of these intermediate credit banks, they will say that they can loan direct to the farmer with as much or greater safety than they can under the existing plan.

Mr. STEAGALL. Of course, the intermediate credit banks can not operate unless they get the money from which to make the loans. Do you think they could obtain better accommodations and secure the money under a system where they went out and loaned the individual farmer than they can through a credit corporation? Is not this a fact, that even the commercial banks that serve the farmers have come upon the time when even they can not borrow money to be reloaned for production purposes? Is not that the practical situation they are in in your section of the country?

Mr. HARE. Yes; to some extent.

Mr. STEAGALL. You do not think you could devise a system of loans to farmers better than these banks with all the——

Mr. HARE. I think they would have the same security and a better security than they have under the existing law, because under the existing law, as I understand it, they have only the security embodied in the mortgage given by the farmer supplemented by the stock of the agricultural credit bank, which generally runs from ten to twenty thousand dollars. I think the security under the proposed plan would be just as good and just as ample and just as secure. As a matter of fact, the point I am making is that it would be more secure because a representative of the bank would first pass upon the security of the mortgage to be given by the farmer and he would be more careful in exercising that discretion than has been exercised by the representatives of the agricultural credit corporations.

Just one more point in that connection and that is this: We are appropriating $45,000,000, $25,000,000—I do not know how many millions this Congress will appropriate—to aid farmers for production purposes this year. That is for a temporary use only. We know that the banking institutions of the country have broken down to such an extent that money can not be advanced for production purposes.

Now, if the intermediate credit bank has met with a condition that could not be foreseen by those who proposed this legislation, then why should not we adjust the conditions or operations of these banking institutions to meet the conditions that prevail and make it safer for the bank and better for the people that they are to serve?

Mr. STEAGALL. Of course, I am in sympathy with what the gentleman wants to accomplish, and I should like to see the intermediate credit banks accomplish what he wants, but we can not do it unless we get the money to do the business with. The question in my mind is how to do that.

Mrs. PRATT. I should like to ask a question, and in asking it I do not wish to be considered in any way unsympathetic with those very distressing circumstances. But is there not a fundamental principle involved in all this discussion that, perhaps, we might lose sight of, and that is the question of how far we should attempt to commit the Federal Government in assuming the financial obligations of individuals?

I think it was brought out very clearly by what Congressman HARE said a few moments ago, namely, the difficulty of determining, perhaps, just what was the cause of the immediate necessity of an individual farmer. He spoke of the question of serious illness. That is very distressing; but do you feel that we should be justified in permitting the Federal Government to aid in such a condition? Would we not, perhaps, be making the farmer less provident, so to speak? The agricultural business, of course, is affected more, perhaps, than any other business by outside elements, but I think the statement Mr. LUCE made yesterday is very illuminating, and that was that the farmer oftentimes, perhaps, is not very careful to lay up against lean years, and he gave an illustration of that when he spoke of the fact that in good crop years potatoes have been brought to the markets in Packard limousines.

Would it not be, perhaps, discriminating in the causes of distress between individuals? I ask that question because I think there is a very fundamental principle involved.

Mr. HARE. I appreciate the spirit that prompts the inquiry, for I understand that there is a fundamental principle involved in all this legislation, and I want to make it clear that I am not one of those inclined to urge that our Government should be overaltruistic in its relations to its people.

But the Government has taken a position; it has heretofore adopted a policy or system whereby it can make loans to agriculture for the purpose of inducing men and women to remain on the farms, to enable them to live there and own their homes. That was the primary purpose of the establishment of the Federal land banks and the joint-stock land banks.

Now, in the operation of that law, if an emergency arises—and I want that made clear, that there must be an emergency, something over which the individual had no control—then the law should be elastic enough to enable the Government or its representatives, when it is convinced that an emergency does exist, to give sufficient opportunity so that these individuals or class of individuals will be enabled to tide over such emergency and not be wiped out of existence at one stroke.

As to the other question relative to the Government lending money through the intermediate credit banks. That policy is already established. The Government has already committed itself; wisely or unwisely, I do not know. Sometimes I think it may have been unwise, because it seems sometimes that every law enacted by Congress since 1862, when we established the first land-grant college and the experiment stations that followed, has, in a way, met with certain failures, and when we make an inventory of agriculture we wonder whether or not these laws have been of any real advantage.

You will recall that prior to the Morrill Act of 1862 it was said that agriculture was in a deplorable condition and it was contended that the only relief was the establishment of an agricultural college in each State where young men could be trained in the science of agriculture; then they could go back into their respective communities and prove that agriculture could be made profitable by adjusting major crops to the particular types of soils to which they were particularly adapted. This was followed by the establishment of agricultural experiment stations, it being contended that before scientific principles could be applied to agriculture they must first be demonstrated in a practical way. Both of these agencies have contributed wonderfully to agriculture, but they have not solved our problems.

You will recall then for several years that agricultural leaders, as well as political leaders, said that agriculture could never be made successful under a tenant system; that there should be some system of long-term credit whereby good men could get money at a low rate of interest so as to establish themselves definitely and permanently on the farm, where the best type of citizenship could be developed and maintained. Congress then provided for the creation of the Federal land banks, the joint-stock land banks, and the intermediate credit banks, and they have been in operation now for a number of years. I could refer to the interstate commerce law, the law providing for the extension service in the Department of Agriculture, the act creating the Bureau of Markets, the Federal Farm Board, and a number of other acts of Congress designed primarily to aid agriculture; yet, we hear many saying that agriculture is in worse condition to-day than at any time in its history. I am convinced that all of the acts referred to were designed primarily for the benefit of agriculture. On the other hand, I am convinced that in the administration of some of these laws they have been inimical to the success of those engaged in agriculture.

But going back to the thought suggested by the lady from New York [Mrs. PRATT], permit me to say that our Government has adopted the policy of making loans indirectly to farmers for production purposes through the intermediate credit banks. My bill before you for consideration only applies to the agency or means by which these loans will be made. It does not go to the fundamental principle or policy of lending money to farmers. That was settled in the original intermediate credit bank act several years ago. It is now a question as to whether or not the policy of lending through agricultural credit corporations or whether the policy of lending directly to the individuals will be a sounder or a better business policy. Lending through the agricultural credit corporations, to my mind, has proven a failure. Then, if that be true, the only way the intermediate credit banks can continue to function in granting loans to agriculture for production purposes is to grant them to the individual borrower. If not, then, in effect, the intermediate credit act is virtually repealed.

Referring to the suggestion of the gentleman from Alabama [Mr. STEAGALL] about the intermediate credit banks securing the money to be used in making the loans, I submit that they would follow the same method now in use. Of course, they would not have the advantage of the deposits made by the agricultural credit corporations, but this is a small amount as compared with the amount necessary to supply the needs or to meet demands. The intermediate credit banks get all the money they need to discount notes presented by banking institutions. These latter institutions don't furnish any of the money. So this amendment contemplates practically no change in the method of securing funds to be loaned.

Mr. Chairman, I appreciate the opportunity afforded me in presenting these two bills and regret that time will not permit me to proceed further this morning. The other two bills, H. R. 16038 and H. R. 16300, involve matters of such importance that I would like to have more time than you have at your disposal at present, and I prefer to have the committee afford me a hearing at a subsequent time.

The CHAIRMAN. Very well, Mr. HARE.

THE WET AND DRY ISSUE

Mr. AYRES. Mr. Speaker, I am among those Democrats who deplore the effort that is being made to lead our party astray upon the issue of prohibition. I regret and resent such efforts from whatever quarter they may come.

As an issue to be passed upon by the national convention of the party or to be inserted in the platform upon which our candidate for President shall run, it is false and a sham. There are many reasons why this is so.

In the first place, the President of the United States has no more to say about what shall be the policy of the country, whether wet or dry, whether the eighteenth amendment shall be retained, modified, or repealed than any private citizen. Amendments to the Constitution, whenever they are to be considered, are proposed by the Congress and are passed upon by the States in the way provided by the Constitution. If ratified by three-fourths of the States, they become operative. The President has no veto power, no voice in the matter whatsoever.

If prohibition is to be a political issue at all, and those who are advocating the repeal of the eighteenth amendment are sincere in that belief, they should be satisfied to confine the issue to States and congressional districts, for it is the Senators and Representatives in Congress who vote upon the proposed submission of constitutional amendments. Those who are opposed to the repeal or modification of the present prohibition amendment should pursue the same course. They should not seek to pursue a course that would threaten to disrupt any political party that puts a plank in its platform making the eighteenth amendment a campaign issue.

We all recognize that the wet and dry issue cuts sharply across both major political parties. There is a large element in the Democratic Party, as there is in the Republican Party, which honestly and sincerely believes that the eighteenth amendment should be repealed. There is another large element believing just as honestly and sincerely that prohibition is a good thing and that not only should no backward step be taken but that everything that can be done should be done to make more rigid the laws pertaining to its enforcement.

There is no doubt but that to put a repeal plank into the platform of the Democratic Party at its next national convention would result in a cleavage that would be disastrous to our hopes for success in the national election of 1932, and that at a time when our prospects for success are brighter than they have been in many years. A wet plank in our platform would be repudiated by a great majority of the members of the party in such States as Kansas, Nebraska, Kentucky, Tennessee, Georgia, and many others, and it would have to be repudiated by our party's candidates for the House and Senate from those States or their defeat would surely follow. On the other hand, should the platform contain a plank declaring for even more vigorous suppression of the manufacture and sale of alcoholic beverages, it would be repudiated by Democratic candidates for the House and Senate in such States as New York, Massachusetts, New Jersey, and others. So, on the grounds of expediency, a declaration on the prohibition question in any particular would be fatal to the party's prospects next year, and, in all probability, would create such a breach that it would require many years to heal. However, my opposition to such a plank is based on a higher ground than mere expediency, and that is that prohibition should not be considered a political but a social problem that will be solved not only more quickly but more satisfactorily by keeping it out of a national campaign, where there is always a great intensity of feeling.

As I have said, there are the two extreme elements in both political parties—the ultrawets, who are thinking of nothing but the repeal of the eighteenth amendment; and the ultradrys, whose chief object seems to be to make the dry laws more stringent than they already are. But in between these two extreme elements are millions of American men and women who are more interested in economic conditions. They realize that prohibition is not a basic economic problem, and dread the injection of the liquor issue into a national political campaign because of the furore it will arouse; and because it will divert the mind of the country from the many serious economic problems which are pressing for solution, and which must be solved if the country is to be restored to a condition of prosperity.

These millions of men and women are more concerned about the necessities of life. They are thinking about jobs, about the distress of our agricultural industry, about our decreased exports. The man whose family is facing want is not concerned about where he can get a drink, and if he gets it, whether it shall contain one-half of 1 per cent alcohol or 4 per cent or 10 per cent. He is thinking about a job, or about saving his farm, so that he can provide food, clothing, and other necessaries for his wife and children.

Not within the memory of persons now living has the country been overtaken by an economic disaster as tragic and as far-reaching as that which visited the country a year and a half ago, the end of which, I am sorry to say, is not yet in sight. The present national administration, the present leadership of the political party in power in the executive branch of this Government and in this Congress, has failed to show any capacity for foreseeing the course of events, or for coping with them when they arrived. The present administration has done absolutely nothing to ease conditions, but, if anything has contributed toward making them worse. The natural result is that the country is ready to repudiate such leadership, and if the Democratic Party will show that it is willing to deal honestly and capably with the great national problems of the day the people will turn gladly to it and again restore it to power. But they will not do so if it permits itself to be divided over such a sham issue as prohibition.

There are many essential issues, such as a revision of the tariff in a just and equitable manner for all industries, including agriculture; solving the unemployment problem; enacting legislation to guard against similar conditions in the future; enacting legislation to deal with the power question; evolving methods of handling the transportation question so as to establish freight rates that are reasonable and equitable for all classes and especially agriculture; and many other important and urgent matters upon which all Democrats, as well as all progressive voters of both parties, can unite.

A scheme has been proposed by some of the leaders of the Democratic Party to repeal the eighteenth amendment, at least by implication, by offering another amendment which is in direct conflict with the eighteenth amendment.

In other words, this would be an attempt partially to nullify the eighteenth amendment. I should think that such a proposal in a platform emanating from a Democratic convention would cause that grand old Democrat and defender of the Constitution, Andrew Jackson, to turn over in his grave. To adopt the proposed amendment would be carrying the doctrine of State sovereignty further than was advocated by Calhoun in 1832, which, it is said, caused Jackson in his declining days to say that he had one

regret and that was that he did not hang Calhoun when he had good reason for doing so. This proposed amendment is simply another method of injecting the prohibition question into the campaign of 1932 as the dominant issue. I can not conceive of anything that would bring more real happiness and satisfaction in administrative circles and among Republican leaders than for the Democratic convention in 1932 to adopt a policy of making the wet and dry question an issue and thus diverting the attention of the people from the real issues and the failures of the administration.

The situation will be tragic indeed if the great party of Jefferson and Jackson permits its leaders to make prohibition, or the wet and dry question, an issue in the next national campaign, when the economic problems are so serious as to affect the well-being of every individual. If it becomes necessary to repudiate such leadership to prevent this tragedy, it should be done, for this is the time when the Democratic Party must establish a new economic system as its dominant issue.

ADJOURNMENT

Mr. IRWIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 12 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Saturday, February 28, 1931, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

867. A letter from the Secretary of the Treasury and Postmaster General, transmitting report of the Interdepartmental Committee, relating to public buildings construction outside of the District of Columbia. This is a composite report covering the allocation of all funds authorized for new construction outside of the District of Columbia, including the $115,000,000 authorized by the act of March 31, 1930; and the $100,000,000 authorized by the act of February 16, 1931 (H. Doc. No. 788); to the Committee on Public Buildings and Grounds and ordered to be printed.

868. A letter from the Secretary of War, transmitting partial report from the Chief of Engineers on Sacramento, San Joaquin, and Kern Rivers, Calif., covering navigation, flood control, power development, and irrigation (H. Doc. No. 791); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 16340. A bill to amend the act approved March 4, 1929, entitled "An act to provide for the enlarging of the Capitol Grounds"; with amendment (Rept. No. 2905). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 16589. A bill to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended; with amendment (Rept. No. 2906). Referred to the Committee of the Whole House on the state of the Union.

Mr. REED of New York: Committee on Education. H. J. Res. 510. A joint resolution authorizing an annual appropriation for the maintenance of headquarters for the National Council of Intellectual Cooperation for the United States; without amendment (Rept. No. 2907). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 14683. A bill to provide for the incorporation of credit unions within the District of Columbia; without amendment (Rept. No. 2908). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 17277. A bill to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.; with amendment (Rept. No. 2909). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SINCLAIR: Committee on War Claims. H. R. 11745. A bill for the relief of Oscar C. Olson; without amendment (Rept. No. 2900). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 5141. An act for the relief of Clarence R. Killion; without amendment (Rept. No. 2901). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. S. 5555. An act for the relief of Alexander M. Proctor; without amendment (Rept. No. 2902). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Claims. S. 2332. An act for the relief of Milburn Knapp; without amendment (Rept. No. 2903). Referred to the Committee of the Whole House.

Mr. DOXEY: Committee on Claims. H. R. 4816. A bill for the relief of Henry Stanley Wood; without amendment (Rept. No. 2904). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOODWIN: A bill (H. R. 17303) granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD. A bill (H. R. 17304) to extend the time in which applications may be made for the benefits of the disabled emergency officers retirement act of May 24, 1928; to the Committee on World War Veterans' Legislation.

By Mr. HALL of Mississippi: A bill (H. R. 17305) authorizing the acceptance by the Administrator of Veterans' Affairs of certain land in Biloxi, Miss., as a site for a branch home of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. SINCLAIR: A bill (H. R. 17306) to provide for a special tax upon operators of grain elevators; to the Committee on Ways and Means.

By Mr. ALLGOOD: A bill (H. R. 17307) to provide for the construction of post-office buildings in all county seats in the United States, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: Joint resolution (H. J. Res. 521) to amend paragraphs 501 and 502 of the tariff act of 1930; to the Committee on Ways and Means.

By Mr. SPARKS: Resolution (H. Res. 383) providing for the consideration of House Joint Resolution 356, a resolution proposing to amend the Constitution of the United States to bar aliens from being counted in congressional apportionments; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 17308) granting an increase of pension to Maria E. Kelly; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 17309) granting a pension to Kate Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17310) granting an increase of pension to Harriet Johnson; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 17311) granting an increase of pension to Almeda Sanderson; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 17312) granting an increase of pension to Minnie G. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17313) granting an increase of pension to Elizabeth J. Howe; to the Committee on Invalid Pensions.

By Mr. JOHNSTON of Missouri: A bill (H. R. 17314) granting an increase of pension to Addie Blunt; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 17315) for the relief of the Jewish Committee for Personal Service; to the Committee on World War Veterans' Legislation.

By Mr. STALKER: A bill (H. R. 17316) granting an increase of pension to Mary B. Norwood; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 17317) granting an increase of pension to Ary J. Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17318) granting an increase of pension to Mary A. Little; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 17319) granting an increase of pension to Sophronia Austin; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 17320) for the relief of Charles Pine; to the Committee on Claims.

By Mr. WOLVERTON of West Virginia: A bill (H. R. 17321) granting an increase of pension to Elizabeth M. Schoonover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17322) granting an increase of pension to Rebecca A. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17323) granting an increase of pension to Ira C. Gibson; to the Committee on Pensions.

By Mr. UNDERHILL: Resolution (H. Res. 381) to pay Grafton E. Jackson, son of Lloyd Jackson, late an employee of the House, a sum equal to six months' salary and an additional sum of $250 for funeral expenses; to the Committee on Accounts.

Also, resolution (H. Res. 382) that there be paid out of the contingent fund a sum not exceeding $200 for additional clerical service in the enrolling room; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10245. Petition of the First Ward Republican (Erie County) Committee at a meeting voted to request the approval of Congress to the appointment of Fred A. Bradley, collector of customs, Buffalo, N. Y.; to the Committee on Ways and Means.

10246. By Mr. BRIGGS: Letter and resolution of the Galveston Chamber of Commerce, indorsing Senate bill 4848; to the Committee on Ways and Means.

10247. By Mr. CAMPBELL of Iowa: Petition of 22 citizens of Ireton, Iowa, and vicinity urging support of the proposed Sparks-Capper stop-alien-representation amendment (H. J. Res. 356) to the United States Constitution; to the Committee on the Judiciary.

10248. By Mr. CANFIELD: Petition of Guy E. Hurlet, of route No. 4, Harrison, Ohio, and other members of the Christian Sunday School of Bright, Ind., urging the passage of the Sparks-Capper amendment; to the Committee on the Judiciary.

10249. Also, petition of Clyde Siefferman, of route No. 4, Harrison, Ohio, and other members of the Methodist Episcopal Sunday School, of Bright, Ind., urging the passage of the Sparks-Capper amendment; to the Committee on the Judiciary.

10250. By Mr. CARTER of California: Petition of Myrtie L. Holbrook and 45 others of the First Methodist Episcopal Church, of San Leandro, Calif., urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10251. By Mr. CHASE: Petition of men and women of Presbyterian Church, Madera, Pa., asking for passage of Sparks-Capper amendment; to the Committee on the Judiciary.

10252. Also, petition of men and women of Presbyterian Church, Houtzdale, Pa., urging passage of Sparks-Capper amendment; to the Committee on the Judiciary.

10253. By Mr. CONDON: Protest of St. Camillus Guild of Catholic Graduate Nurses, of Providence, R. I., against the passage of Senate bill 4582; to the Committee on the Judiciary.

10254. By Mr. COOPER of Wisconsin: Petition of residents of Rock County, Wis., urging passage of Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10255. Also, petition of residents of Walworth County, Wis., urging passage of Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10256. By Mr. CRAMTON: Petition of Mrs. C. H. King and 63 other residents of Mariette, Mich., urging favorable action on the Hudson bill, H. R. 9986, for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

10257. By Mr. CROWTHER: Petition of the Woman's Christian Temperance Union, of Schenectady, N. Y., requesting enactment of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10258. Also, petition of citizens of Schenectady, N. Y., requesting enactment of the Grant Hudson bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10259. Also, petition of the Woman's Christian Temperance Union, of Niskayuna, N. Y., requesting enactment of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10260. By Mr. EATON of Colorado: Petition of 36 residents of Denver, Colo., concerning House bill 7884; to the Committee on the District of Columbia.

10261. By Mr. Hill of Washington: Petition of Mrs. M. E. Kendrick, Opportunity, Wash., and other citizens of Spokane and vicinity, urging the passage of House Joint Resolution No. 356, providing for exclusion of aliens from population count in congressional apportionment; to the Committee on the Judiciary.

10262. By Mr. HOOPER: Petition of citizens of Ceresco, Mich., urging Congress to support the proposed Sparks-Capper amendment to the United States Constitution (H. J. Res. 356), excluding unnaturalized aliens from count of population for apportionment of congressional districts; to the Committee on the Judiciary.

10263. By Mr. HULL of Wisconsin: Resolution of the Thorp Livestock Shipping Association, of Thorp, Wis., favoring the Brigham bill and protesting against the recent ruling of the Commissioner of Internal Revenue regarding the use of palm oil in oleomargarine; to the Committee on Agriculture.

10264. Also, resolution of the Granton Holstein Club, of Granton, Wis., favoring the Brigham bill and protesting against the resolution of the Commissioner of Internal Revenue regarding palm oil used in oleomargarine; to the Committee on Agriculture.

10265. Also, petition of citizens of Monroe County, Wis., favoring cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

10266. By Mr. MANLOVE: Petition of L. H. Dunn, L. C. Hartline, and 44 other residents of Walker, Mo., regarding unfair truck and bus competition with the railways; to the Committee on Interstate and Foreign Commerce.

10267. By Mr. MERRITT: Petition of sundry citizens of the fourth congressional district, Connecticut, favoring the passage of the House joint resolution providing for an amendment to the United States Constitution excluding unnaturalized aliens when making apportionment for congressional districts; to the Committee on the Judiciary.

10268. Also, resolution passed by Star Council, No. 42, the Sons and Daughters of Liberty, favoring House Joint Reso-

lution 410; to the Committee on Immigration and Naturalization.

10269. By Mr. SNOW: Petition of Amos J. Lay and others, of Brownville, Me., favoring passage of Sparks-Capper stop-alien representation amendment (H. J. Res. 356) providing for an amendment to the United States Constitution; to the Committee on the Judiciary.

10270. By Mr. SPARKS: Petition of United Brethren Sunday School, of Harlan, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10271. Also, petition of the Woman's Christian Temperance Union, of Lincoln, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10272. Also, petition of Covert Methodist Episcopal Sunday School, of Covert, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10273. By Mr. STRONG of Kansas: Petition of 59 citizens of Jamestown, Kans., urging passage of the Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10274. By Mr. STRONG of Pennsylvania: Petition of citizens of Marion Center, Pa., and vicinity, in favor of an amendment to the Constitution of the United States to exclude unnaturalized aliens from the count of population for congressional apportionment; to the Committee on the Judiciary.

10275. By Mr. SWICK: Petition of A. R. Wahl and 14 other oil operators of Evans City, Butler County, Pa., urging the enactment of legislation placing a tariff on oil imports necessary for the profitable operation of small wells in the Evans City district; to the Committee on Ways and Means.

10276. By Mr. TABER: Petition of the Theological Seminary, Auburn, N. Y., favoring the passage of House Joint Resolution No. 356, providing for an amendment to the United States Constitution excluding unnaturalized aliens when making apportionment for congressional districts; to the Committee on the Judiciary.

10277. By Mr. WYANT: Petition of Herminie Council, No. 196, Junior Order United American Mechanics, by A. L. Young, secretary, urging support of Joint Resolution No. 473, restricting immigration; to the Committee on Immigration and Naturalization.

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

THIRD SESSION OF THE
SEVENTY-FIRST CONGRESS

OF

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SEVENTY-FIRST CONGRESS, THIRD SESSION

SENATE

SATURDAY, FEBRUARY 28, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

PRODUCTION OF TIMBER IN PORTO RICO

Mr. BINGHAM. Mr. President, late yesterday afternoon I submitted a concurrent resolution (S. Con. Res. 41) requesting the President to return the enrolled joint resolution (H. J. Res. 192) extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico. The concurrent resolution was agreed to.

I did this because of the appearance in the joint resolution of the words "the Territory of" as relating to Porto Rico. Since then the Delegate from Porto Rico has called my attention to a most interesting and important opinion of the Attorney General in a letter to the President dated August 11, 1930, in which the Attorney General gives it as his opinion that Porto Rico is a completely organized Territory, and states specifically that he is of the opinion that the agricultural marketing act extends to the Territories of Alaska, Hawaii, and Porto Rico, but does not extend to the Philippine Islands.

In view of that opinion I ask unanimous consent that the vote whereby the resolution (S. Con. Res. 41) was agreed to, which I introduced, may be reconsidered and that the concurrent resolution may be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steck
Blease	Glenn	Metcalf	Steiwer
Borah	Goff	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Ninety-four Senators have answered to their names. A quorum is present.

MODERNIZATION OF BATTLESHIPS (S. DOC. NO. 317)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation, fiscal year 1931, to remain available until June 30, 1932, for the modernization of three of the older battleships by the Navy Department, amounting to $10,000,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

VETERANS' ADMINISTRATION (S. DOC. NO. 316)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Veterans' Administration, fiscal year 1932, to be immediately available, amounting to $2,000,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

AIR MAIL CONTRACTS (S. DOC. NO. 315)

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General making a report in response to Senate Resolution 394 (submitted by Mr. DILL and agreed to January 21, 1931) requesting the Postmaster General to furnish information to the Senate regarding air mail contracts, which, with the accompanying papers, was ordered to lie on the table and to be printed.

TREASURY AND POST OFFICE PUBLIC BUILDINGS (H. DOC. NO. 788)

The VICE PRESIDENT laid before the Senate a joint communication from the Secretary of the Treasury and the Postmaster General reporting, pursuant to law, relative to public-building construction outside of the District of Columbia, and transmitting a report of the interdepartmental committee appointed by them to administer the details of the public-building program, being a composite report covering the allocation of all funds authorized for new construction outside of the District of Columbia, including the $115,000,000 authorized by the act of March 31, 1930, and the $100,000,000 authorized by the act of February 16, 1931, which report is approved and transmitted as their report, which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds.

ADJUSTED-SERVICE CERTIFICATES

The VICE PRESIDENT laid before the Senate the following telegrams, which were ordered to lie on the table and to be printed in the RECORD:

NEWARK, OHIO, *February 28, 1931.*

The SENATE,
Washington, D. C.:

We the members of Post 1060, Veterans of Foreign Wars, wish to thank the Senate for their support of soldiers' bonus.

Commander GLEN DEBORD.

GRAND ISLAND, NEBR., *February 27, 1931.*

The MEMBERS OF THE UNITED STATES SENATE,
Washington, D. C.:

We extend our sincere thanks for the passing of the bonus bill over President Hoover's veto.

MILLIE HENDRIX,
President American Legion Auxiliary Unit 53.

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts presented petitions of 2,027 citizens of the State of Massachusetts, praying for the

prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. PARTRIDGE presented petitions and letters in the nature of petitions of sundry citizens of the State of Vermont, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented petitions numerously signed by sundry citizens of Wichita, Kansas City, Newton, and Manhattan, in the State of Kansas, and also of Washington, D. C., praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. FRAZIER presented the petition of Jorgem Boe and 28 other citizens of Kenmare, in the State of North Dakota, praying for the prompt ratification of the World Court protocols, which was referred to the Committee on Foreign Relations.

Mr. McGILL presented petitions and letters and papers in the nature of petitions from sundry organizations and citizens in the State of Kansas, praying that a tariff be placed on the importations of crude oil and its refined products, which were referred to the Committee on Finance.

He also presented petitions and papers in the nature of petitions, numerously signed, from sundry citizens in the State of Kansas, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. MORROW presented petitions numerously signed by sundry citizens of the State of New Jersey, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions numerously signed by sundry citizens of the State of New Jersey, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented petitions numerously signed by sundry citizens of the State of New Jersey, praying for the passage of legislation making The Star-Spangled Banner the national anthem, which were ordered to lie on the table.

He also presented a resolution adopted by Pride of Ramsey Council, No. 141, Sons and Daughters of Liberty, of Ramsey, N. J., favoring the stringent restriction of immigration, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Borough Council of Glassboro, N. J., favoring the passage of legislation for the construction of a bridge or tunnel across or under the Delaware River from South Philadelphia to a suitable place in New Jersey, which was referred to the Committee on Commerce.

He also presented resolutions adopted by a convention of the New Jersey State Federation of Post Office Clerks, at Camden, N. J., complaining of the methods alleged to have been instituted in many of the post offices in New Jersey as the result of a "survey" made by the Post Office Department, creating a condition of distress and apprehension which tends to impair the morale and incentive of the postal employees, which were referred to the Committee on Post Offices and Post Roads.

PROPOSED FUR-BREEDING EXPERIMENT STATION IN MINNESOTA

Mr. SHIPSTEAD presented the following concurrent resolution of the Legislature of the State of Minnesota, which was ordered to lie on the table:

S. F. No. 564

A concurrent resolution (Res. No. 14) memorializing Congress to establish a fur-breeding experiment station in the State of Minnesota

Whereas the State of Minnesota, by reason of its climate and other natural advantages, affords unusual opportunities for the development of a large and profitable fur-breeding industry; and

Whereas there are upward of 2,500 licensed fur breeders within said State at the present time, with an investment of over $25,000,000 in breeding stock, besides the value of the real estate and equipment used in connection with said industry; and

Whereas there is a large traffic in furs in said State at the present time, said State being the fourth State in the Union in volume of such traffic, with total sales of raw furs within the State for the year 1930 of over $5,000,000, the greater proportion of which was derived from fur-breeding farms; and

Whereas the wild stock of fur-bearing animals in said State and the surrounding territory is becoming more and more depleted, and the fur trade is becoming more and more dependent for its supply upon the fur-breeding industry; and

Whereas the further promotion and development of said industry will not only benefit the fur trade but will provide employment for large numbers of persons, will render useful considerable areas of land and water not otherwise productive, and will create a demand for large quantities of agricultural and other products required for said industry; and

Whereas a large number of problems have arisen in connection with said industry, particularly with respect to the breeding and keeping of animals, requiring scientific investigation and experiment, the solution of which problems is vitally important to further progress of said industry: Therefore be it

Resolved by the Senate of the State of Minnesota (and the House of Representatives of the State of Minnesota concurring), That we most earnestly urge the Congress of the United States to provide for the establishment of a fur-breeding experiment station in said State as soon as possible; be it further

Resolved, That the secretary of the State of Minnesota be, and he hereby is, instructed to transmit certified copies of this resolution to the presiding officers of the Senate and the House of Representatives of the United States and to each Member thereof from the State of Minnesota.

HENRY ARENS,
President of the Senate.
OSCAR A. SWENSON,
Speaker of the House of Representatives.

Passed the senate the 20th day of February, 1931.

G. H. SPAETH,
Secretary of the Senate.

Passed the house of representatives the 20th day of February, 1931.

JOHN I. LEVIN,
Chief Clerk, House of Representatives.

Approved February 26, 1931.

FLOYD B. OLSON, *Governor.*

Filed February 26, 1931.

MIKE HOLM, *Secretary of State.*

I, Mike Holm, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original resolution in my office of S. F. 564, Laws 1931, and that said copy is a true and correct transcript of said resolution and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St Paul, this 26th day of February, A. D. 1931.

[SEAL.]

MIKE HOLM,
Secretary of State.

REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which was referred the bill, H. R. 303, for the relief of Charles Thomas and Edgar Thomas, reported it with amendments and submitted a report (No. 1808) thereon.

He also, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 4727. An act for the relief of the Federal Real Estate & Storage Co. (Rept. No. 1807);

H. R. 7339. An act for the relief of H. H. Lee (Rept. No. 1830);

H. R. 8953. An act for the relief of Thomas C. Edwards (Rept. No. 1809); and

H. R. 10562. An act for the relief of John Sanford Tillotson (Rept. No. 1831).

Mr. HOWELL also, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 5521. An act for the relief of Louis Czike (Rept. No. 1810);

H. R. 7784. An act for the relief of Mrs. L. E. Burton (Rept. No. 1828);

H. R. 8785. An act for the relief of the Board of Underwriters of New York (Rept. No. 1811);

H. R. 9035. An act for the relief of Walter L. Turner (Rept. No. 1812);

H. R. 9575. An act for the relief of the New York Marine Co. (Rept. No. 1813);

H. R. 10631. An act for the relief of Barnet Albert (Rept. No. 1814);

H. R. 11911. An act for the relief of Frank J. Spencer (Rept. No. 1815); and

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds (Rept. No. 1829).

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 6254. An act for the relief of United States Marshal George B. McLeod (Rept. No. 1816);

H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox (Rept. No. 1817);

H. R. 7833. An act for the relief of H. L. Lambert (Rept. No. 1818);

H. R. 8983. An act for the relief of Charles S. Gawler (Rept. No. 1826);

H. R. 9354. An act for the relief of Okaw Dairy Co. (Rept. No. 1825); and

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co. (Rept. No. 1819).

Mr. STEPHENS also, from the Committee on Claims, to which was referred the bill (H. R. 12632) for the relief of Frank J. Michel and Barbara M. Michel, and others, reported it with amendments and submitted a report (No. 1832) thereon.

Mr. BROCK, from the Committee on Claims, to which was referred the bill (H. R. 10052) for the relief of A. J. Bell, reported it without amendment and submitted a report (No. 1820) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 6226) for the relief of Mildred B. Crawford, reported it without amendment and submitted a report (No. 1833) thereon.

Mr. REED, from the Committee on Military Affairs, to which was referred the bill (H. R. 3564) for the relief of John T. O'Neil, reported it without amendment and submitted a report (No. 1822) thereon.

Mr. FESS, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 247) directing the President to proclaim October 11, 1931, General Pulaski's Memorial Day, for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, reported it with amendments and submitted a report (No. 1823) thereon.

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 408) to make a complete survey of cooperative credit laws and systems, reported it without further amendment.

ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on February 27, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 1072. An act for the relief of Gabriel Roth;

S. 2643. An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928;

S. 3213. An act for the relief of E. F. Zanetta;

S. 4750. An act to authorize alterations and repairs to certain naval vessels; and

S. 6171. An act to regulate the prescribing and use of waters from the Hot Springs National Park at Hot Springs, Ark., and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NYE:

A bill (S. 6263) to amend Public Act No. 624, Seventy-first Congress; to the Committee on Commerce.

A bill (S. 6264) to establish a Federal Trade Court, and for other purposes; to the Committee on the Judiciary.

By Mr. WALSH of Montana:

A bill (S. 6265) relative to assumption of risks of employment; to the Committee on the Judiciary.

By Mr. DENEEN:

A bill (S. 6267) appropriating $690,000 for Federal participation in A Century of Progress, Chicago, Ill., in 1933; to the Committee on Appropriations.

By Mr. REED:

A bill (S. 6268) to protect the water supply of the town of Highlands, Orange County, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. BINGHAM and Mr. GOLDSBOROUGH:

A joint resolution (S. J. Res. 260) to provide for the naming of Blair Circle (with accompanying papers); to the Committee on the District of Columbia.

FUMES FROM SMELTER OF CONSOLIDATED MINING & SMELTING CO. AT TRAIL, BRITISH COLUMBIA

Mr. DILL introduced a joint resolution (S. J. Res. 262) to establish a joint congressional committee of the Senate and House of Representatives of the United States to investigate damages in the United States by fumes from the smelter of the Consolidated Mining & Smelting Co. at Trail, British Columbia, and for other purposes, which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Joint resolution to establish a joint congressional committee of the Senate and House of Representatives of the United States to investigate damages in the United States by fumes from the smelter of the Consolidated Mining & Smelting Co. at Trail, British Columbia, and for other purposes

Whereas, pursuant to Article IV, section 3, clause 2, of the Constitution of the United States, the Congress has under its control all the territory or other property belonging to the United States and no use of public lands can be made for any purpose but by the authority of Congress; and

Whereas as a result of investigations by the Bureau of Indian Affairs and of the General Land Office, under the direction of the Secretary of the Interior, it has been developed that substantial damages have been and are at present being caused to Indian allotments, where the legal title is in the United States, and on United States Government lands in the State of Washington by fumes from the smelter of the Consolidated Mining & Smelting Co. at Trail, British Columbia; and

Whereas as a result of an investigation by the Forest Service, under the direction of the Secretary of Agriculture, it has been developed that substantial damages have been and are at present being caused to the Colville National Forest in the United States in the State of Washington by fumes from the smelter of the Consolidated Mining & Smelting Co. at Trail, British Columbia, whereby the policy of Congress of preserving this area as a forest preserve is being defeated; and

Whereas as a result of an investigation by scientists of the Department of Agriculture it has been developed that fumes from the Consolidated Mining & Smelting Co. at Trail, British Columbia, have caused and are causing destruction of plant life and economic devastation in the upper Columbia River section in the United States over a region exceeding 125,000 acres, which includes Indian allotments, Government lands, and national-forest lands: Therefore be it

Resolved, etc., That a joint congressional committee is hereby established to be composed of three Members of the Senate, who are Members elect of the Seventy-second Congress, to be appointed by the President of the Senate, and three Members of the House of Representatives, who are Members elect of the Seventy-second Congress, to be appointed by the Speaker of the House of Representatives. The committee is authorized and directed to make a full investigation of the problem of ways and means to protect the sovereign rights of the United States in the State of Washington in its public capacity, the proprietary rights of the United States in Government-owned lands, in the Colville National Forest, and in Indian allotments and the rights of inhabitants of the United States in the area damaged by smelter fumes from the Consolidated Mining & Smelting Co. at Trail, British Columbia. The committee is also authorized and directed to investigate the problem of ways and means of providing relief for the inhabitants and private property owners in the damaged area. The committee shall report the results of its investigations to the Congress on the first day of the first regular session of the Seventy-second Congress, or as soon thereafter as is practicable, together with such recommendations as it deems advisable. The committee shall cease to exist upon the making of such report.

For the purposes of this resolution such committee is authorized to select a chairman, to hold such hearings, to sit and act at such times and places, and to employ such experts and clerical, stenographic, and other assistants, to administer such oaths, to take such testimony and to make such expenditures as it deems advisable. The expenses of the committee, which shall not exceed $10,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers to be approved by the chairman of the committee.

AMENDMENT TO THE COPYRIGHT BILL

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works, which was ordered to lie on the table and to be printed.

UTILIZATION OF THE WATER RESOURCES OF THE SACRAMENTO, SAN JOAQUIN, AND KERN RIVERS, CALIF.

Mr. JOHNSON submitted the following resolution (S. Res. 486), which was referred to the Committee on Irrigation and Reclamation:

Resolved, That the Committee on Irrigation and Reclamation, or a duly authorized subcommittee thereof, is authorized and directed to make a complete investigation with respect to proposed legislation providing for the ultimate utilization of the water resources of the Sacramento, San Joaquin, and Kern Rivers, in the State of California, including irrigation and reclamation, improvement of navigation, flood control, and power development, as outlined in House Document No. 791, of the Seventy-first Congress, third session. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places within the United States, and to employ such clerical and stenographic assistance as it deems advisable. The cost of stenographic assistance service to report such hearings shall not be in excess of 25 cents per hundred words. The committee or subcommittee is further authorized to send for persons and papers, to administer oaths, to take testimony, and the expense attendant upon the work of the committee or subcommittee shall be paid from the contingent fund of the Senate, but shall not exceed $20,000. Such committee or subcommittee shall make a report of the results of such investigation with recommendations to the Seventy-second Congress, first session.

THE STORY OF THE CAMPAIGN AND SIEGE OF YORKTOWN

On motion of Mr. SWANSON, it was ordered that there be printed, with illustrations, as a Senate document, The Story of the Campaign and Siege of Yorktown, prepared by Dr. H. J. Eckenrode for the United States Yorktown Sesquicentennial Commission.

WITHDRAWAL OF PAPERS—JOSEPH M. HARRIS

Mr. DILL. Mr. President, I ask unanimous consent that the papers accompanying the special pension bill (S. 4346) granting a pension to Joseph M. Harris (71st Cong., 2d sess.), which has been rejected by the Committee on Pensions, may be returned to the parties in interest.

The VICE PRESIDENT. If there is an adverse report, it can not be done under the rule.

Mr. DILL. There has been no adverse report made to the Senate.

The VICE PRESIDENT. Without objection, the order will be entered.

EDITH BARBER

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1496) for the relief of Edith Barber, which was to strike out all after the enacting clause and insert:

That the United States Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to consider the claim of Edith Barber, who is alleged to have contracted tuberculosis while in the performance of her duties as a nurse at the National Soldiers' Home, Johnson City, Tenn., and the National Soldiers' Home, Va.: *Provided*, That no benefit hereunder shall accrue prior to the enactment of this act.

Mr. MORRISON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MEXICAN CLAIMS COMMISSION

Mr. BORAH. Mr. President, it has been discovered that the General Claims Commission will not have sufficient time to hear the evidence and gather the facts with reference to a number of claims pending before it. I therefore am offering a resolution requesting the President to negotiate and conclude with the Mexican Government an agreement for the extension of the time.

This very important. I suppose almost every Senator knows that a number of the claims of the claimants are still unsettled, even the facts not yet having been presented. I ask permission to submit the resolution, and then I shall ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 480), as follows:

Whereas by Senate Resolution 73, which was considered and agreed to by the Senate on May 16 (calendar day May 25), 1929, the President was requested, in his discretion, to negotiate and conclude with the Mexican Government such agreement or agreements as might be necessary and appropriate for the purpose of extending the duration of the General Claims Commission provided for by the convention of September 8, 1923, and of the Special Claims Commission provided for by the convention of September 10, 1923, between the United States and Mexico; and

Whereas in pursuance of the said resolution there were concluded with the Mexican Government conventions of September 2, 1929, and August 17, 1929, whereby the duration of the General Claims Commission and the Special Claims Commission was extended to August 30, 1929, and August 17, 1929, respectively; and

Whereas it has been brought to the knowledge of the Senate that it will not be possible for the said commissions to hear, examine, and decide in the manner contemplated by the said conventions within the time specified therein all the claims which have been filed with said commissions in accordance with the terms of the conventions; and

Whereas it is in the interest of both Governments fully to hear, judicially determine, and settle all such claims: Therefore be it

Resolved, That the President is requested, in his discretion, to negotiate and conclude with the Mexican Government such agreement or agreements as may be necessary and appropriate for the further extension of the duration of the General Claims Commission provided for by the convention of September 8, 1923, and of the Special Claims Commission provided for by the convention of September 10, 1923, between the United States and Mexico in order to permit of the hearing, examination, and decision of all claims within the jurisdiction of said commissions under the terms of said conventions, and to make such further arrangement as in his judgment may be deemed appropriate for the expeditious adjudication of said claims.

Mr. BORAH. Mr. President, I ask for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was agreed to.

The preamble was agreed to.

Mr. KING. Mr. President, I wish to say to the Senator from Idaho that for many years the two commissions have failed, in my judgment, to push with expedition the work devolving upon them. In 1912, as the Senator knows, more than 10,000 Americans came out of Mexico, many of them leaving that country in pursuance of a proclamation or order of the then President of the United States, Mr. Taft. The property of many had been confiscated, and since they left Mexico much of their property has been confiscated.

A committee of the Senate made an investigation, and found that more than $500,000,000 worth of property of American citizens in Mexico had been either confiscated or destroyed. Five hundred or more Americans were killed upon Mexican soil, and a considerable number were killed upon American soil by shots across the line, and a great many were maltreated. Not one penny in damages has been collected for those wrongs which were done to American citizens, not a penny has been paid to the families of those who were killed.

The two commissions which were appointed, I regret to say, have not pushed the work devolving upon them with that earnestness and zeal which I think should have characterized them. It may be said in extenuation, however, that one of the commissioners, a gentleman from Brazil, for some time declined to act, and that created an impasse. Nothing was done.

Scores of people who formerly had lived in my State were driven out of Mexico, their property confiscated or destroyed, and hundreds of them wandered along the border for years. Many of them died in poverty because all of their property had been destroyed. Not a single penny has been paid to them or to their heirs.

It does seem to me that these two commissions ought to proceed with the utmost earnestness to the settlement of these claims, and I do hope the State Department and the President of the United States will do all they can, in a proper way, to see that the commissions discharge their duties, so that those who have been so wronged may receive some compensation before all of them shall die.

POEM BY HORACE C. CARLISLE

Mr. HARRIS. Mr. President, Horace C. Carlisle, of Alabama, has requested me to ask that a poem he has written be printed. I therefore ask that it be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, and it is as follows:

WAITING FOR THE CAT TO DIE

As the end of this memorable Congress approaches,
And the breaking of ties of endearment draws nigh,
When remorse upon merriment strangely encroaches,
And the heart melts to tears at the thought of good-by,
There is not one, perhaps, of all those that are leaving,
Upon whom the great masses have learned to depend,
Whose approaching departure is causing more grieving
Than TOM HEFLIN'S, the recognized common man's friend.

With a heart that's as big as his physical being,
And a courage as bold as the look in his eye,
He hews square to the line, without caring or seeing
Where the chips from his hatchet are going to fly—
But all over the country it goes without saying,
From his coming to Congress on through to the end,
That TOM HEFLIN has never been once found betraying
The American masses, who count him their friend.

An American first, and a southerner second,
A true friend to Democracy, trusted and tried,
A despiser of fraud and deceit, he is reckoned
As a foe to big business's arrogant pride;
But he's stood firm and strong as the Rock of Gibraltar
In defense of the flag—which he loves to defend—
With a courage too fearless to fail or to falter,
As he's proved himself always the needy man's friend.

In his fierce one man's fight to plant always Old Glory
Above all other flags on our warships at sea,
He has read into history's pages a story
That will startle the world in the years yet to be;
And because of his constant, unbridled contention
For the freedom of speech and the press to the end,
He's been wronged in more ways than these verses can mention—
Yet TOM HEFLIN stands firm as the "under dog's" friend.

From his good deeds in Congress his haters have whittled
Away all that is noble, worth while, and sublime.
All his outstanding acts they have shrewdly belittled,
Till his mole-hill mistakes appear mountains of crime.
But the truth will continue when falsehood and error
Shall be doomed to despair, with no fiend to defend—
While this spokesman for truth to the Nation grows dearer,
As his actions declare him the common man's friend.

His great heart has been pierced through with many a sorrow,
His proud head wears a crown, but it's platted with thorns,
He is hanging to-day on his cross and to-morrow
He'll be buried, they say, 'neath a mountain of scorns.
But he'll rise from this grave to which envy's consigned him—
Alabama will right every wrong in the end—
And the truth will rip off the false graveclothes that bind him,
And TOM HEFLIN will live as America's friend.

—Horace C. Carlisle.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolutions:

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 988. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

S. 1042. An act for the relief of Mary Altieri;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 3924. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

S. 4070. An act for the relief of Patrick J. Mulkaren;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 4353. An act for the relief of the Orange Car & Steel Co., of Orange, Tex., successor, to the Southern Dry Dock & Ship Building Co.;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of Crow Indians;

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. J. Res. 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 40) accepting the statues of Junipero Serra and Thomas Starr King to be placed in Statuary Hall.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9599) to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes.

The message also announced that the House had passed, each with an amendment, the following bills of the Senate, in which it requested the concurrence of the Senate:

S. 2811. An act for the relief of Oscar R. Hahnel; and

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico.

The message further announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 3404. An act authorizing the Secretary of Commerce to dispose of a portion of the Amelia Island Lighthouse Reservation, Fla.; and

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park; and

H. R. 16969. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 654. An act for the relief of Nelson M. Holderman;

H. R. 834. An act for the relief of John W. Barnum;

H. R. 1709. An act for the relief of Hedwig Grassman Stehn;

H. R. 4242. An act for the relief of Fred W. Boschen, lieutenant colonel, Finance Department, United States Army;

H. R. 4536. An act for the relief of John S. Stotts, deceased;

H. R. 4799. An act for the relief of James Johnson;

H. R. 4858. An act for the relief of Margaret Thomkin;

H. R. 5314. An act for the relief of W. A. Blankenship;

H. R. 6763. An act for the relief of Albert G. Dawson;

H. R. 7175. An act for the relief of Arthur A. Burn, sr., and J. K. Ryland;

H. R. 7520. An act for the relief of the estate of Clarendon Davis;

H. R. 7525. An act for the relief of Elizabeth J. Edwards;

H. R. 7798. An act for the relief of Mrs. Lawrence Chlebek;

H. R. 7943. An act for the relief of Stuart L. Ritz;

H. R. 8172. An act for the relief of William T. Roche;

H. R. 8585. An act for the relief of Maj. Thomas J. Berry;

H. R. 8848. An act for the relief of Daniel W. Seal;

H. R. 8858. An act for the relief of Elizabeth Moncravie;
H. R. 8998. An act for the relief of Dr. Luis H. Debayle;
H. R. 9526. An act for the relief of G. Carroll Ross;
H. R. 9816. An act for the relief of Thomas F. Gibbons;
H. R. 9866. An act for the relief of Walter G. Harrell;
H. R. 10888. An act for the relief of Margaret V. Pearson;
H. R. 11189. An act for the relief of Fritz Zoller;
H. R. 11464. An act for the relief of Charles A. Holder;
H. R. 11839. An act for the relief of Galen E. Lichty;
H. R. 12158. An act authorizing the Secretary of the Treasury to refund to the so-called assistant directors in the public schools of the District of Columbia, divisions 10–13, all that portion of their salaries erroneously and illegally deducted and withheld under the provisions of the act of June 20, 1906;
H. R. 12184. An act for the relief of C. B. Bellows;
H. R. 12239. An act for the relief of Lela B. Smith;
H. R. 12679. An act for the relief of Kenneth G. Gould;
H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.; and
H. R. 15984. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930.

NOMINATION OF JOHN P. M'MAHON

Mr. KING. From the Judiciary Committee I report favorably the nomination of John P. McMahon, of the District of Columbia, to be a judge of the police court of the District of Columbia. I shall ask as soon as may be practicable that the Senate proceed to the consideration of executive business for the purpose of confirming the nomination.

The VICE PRESIDENT. The nomination will be placed on the Executive Calendar.

Mr. KING subsequently said: Mr. President, a few moments ago I reported the nomination of John P. McMahon, of the District of Columbia, to be judge of the police court of the District of Columbia. I now ask unanimous consent, as in executive session, that the nomination of Judge McMahon may be confirmed.

Mr. McNARY. I ask the Senator if there is any emergency connected with the nomination.

Mr. KING. Judge McMahon's term expires within the next day or two, I am told.

Mr. McNARY. Very well.

The VICE PRESIDENT. Is there objection? The Chair hears none, and, as in executive session, the nomination is confirmed.

MUSCLE SHOALS—STATEMENT BY SENATOR BROCK

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Chattanooga (Tenn.) Times of February 25, 1931, containing a statement on Muscle Shoals by the junior Senator from Tennessee [Mr. BROCK].

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chattanooga Times, February 25, 1931]

HOPES SHOALS BILL WILL BE APPROVED—BROCK SAYS HOOVER CAN SETTLE CONTROVERSY—CITES ECONOMIC VALUE OF PLANT TO FARMERS IN FERTILIZER AT LOWER COST

By Russell Kent

WASHINGTON, February 24.—Hope that President Hoover will sign the Muscle Shoals resolution and thus by settling that question open the way for further development of east Tennessee was expressed to-day by Senator W. E. BROCK in a statement setting forth his position.

The compromise is not what he had desired, but the best that could be obtained, Senator BROCK said. So long as Muscle Shoals remains a political football the development of the Tennessee Valley will be delayed, he emphasized, and he urged voters to take an interest in the attitude of candidates on this subject.

A lessee for the fertilizer plants may be obtained who will use all of the power, Senator BROCK asserted, thus removing the Government operation of the power plants from controversy.

So far as concerns the power possibilities of Muscle Shoals, Senator BROCK quoted figures of the electric consumption of the four major cities of Tennessee, which consume more than Muscle Shoals produces, and with Cove Creek added would consume so much that there would be insufficient for the remainder of the State, not counting any communities in Alabama or elsewhere that could claim a part of this power.

After referring to the resolution now being up to the President, Senator BROCK said:

BELIEVES COMPROMISE BEST POSSIBLE PLAN

"While this bill as amended does not meet my views, it was the best we could get out of the conference committee, and if the bill is signed by the President and a lessee can be had for the nitrate plant that will use all the power at Muscle Shoals in the manufacture of fertilizer and other products and probably will be able to use the additional power created by the Cove Creek Dam by the time it is finished. If this is done, the Muscle Shoals political football will no longer stand in the way of the development of the Tennessee River.

"It is hard for me to understand, and it is hard for the people of my section to understand, why the development of the Tennessee River should be kept on the 'black list,' depriving us of what I think is our privilege and our State's right to develop our own God-given resources.

"We are just as much a part of the Federal Government as any other section in the United States, and feel that we should have the same consideration as any other section of the United States.

"Now that the conferees have agreed, and both Houses have passed the bill, our people will be more keenly disappointed than ever if the bill does not become a law.

"If the bill is signed, it will bring happiness to our people and they will feel that we are no longer on the black list and being discriminated against in developing our resources. They will feel that the doors are open for us to go forward in developing and building up our section, just as our sister States, namely, North and South Carolina, Georgia, Florida, Mississippi, etc., are doing—taking advantage of and developing their resources in the interest of their people, and I believe that the people of Alabama, Tennessee, and Kentucky should make the development of the Tennessee River an issue in all future political campaigns until the matter is settled, whether they be local, State, or otherwise, as the development of this river is the largest asset we have.

"We want to be a part of the great inland waterway system as provided in the rivers and harbors bill enacted July 7. We want a 9-foot year-around navigable channel in the Tennessee River for 652 miles to connect us up with the great inland waterway system. Yet, we know that until the Muscle Shoals matter is settled this great development will be delayed.

"We will not only lose the effect from operating this great plant at Muscle Shoals by making cheap fertilizer for the farmer and giving employment to the unemployed and increasing the consumption of our products, but we will lose the effect of our connection with the inland waterway system, giving cheap freight rates to both industrial and agricultural interests.

"The proposed project of the engineering department, which is a part of the rivers and harbors bill, calls for 32 low dams for navigation, or seven high dams. The advantage of the seven high dams, according to the engineers' report, is that they take the place of the 32 low dams as far as navigation is concerned and also affect the flood hazards of our section, saving hundreds of thousands of dollars' damage every year, in addition to the power possibilities of the seven high dams.

COVE CREEK DAM WOULD CONTROL FLOODS

"Take Cove Creek storage dam for instance. In addition to the effect of Cove Creek Dam on the power project, it gives effective flood protection on the main stream. The flood damage to Chattanooga alone averaged $687,000 annually. We are entitled to this protection which Cove Creek will give in addition to doubling the power at Muscle Shoals.

"The effect of Cove Creek Dam as a headwater dam is very essential in carrying out the $75,000,000 project adopted in the rivers and harbors bill of July 3, 1930, for a 9-foot year-around navigable channel connecting us with a 12,000-mile inland waterway system, with the prospective commerce given by the engineers' report at 17,800,000 tons by 1950, with the estimated saving on freight in the difference of water and rail of $22,000,000.

"It will mean a vast saving to the farmer in transportation costs of his fertilizer. It will be produced at Muscle Shoals, the center of the great fertilizer-consuming area of the United States, and the haul distance will be materially decreased.

"It is estimated by the Secretary of Agriculture that the freight bill paid by the farmers on their 7,900,000 tons of fertilizer for the year 1928 was no less than $20,000,000, and if made at Muscle Shoals this would be cut approximately in half.

"The other resulting saving would come from the reduction in the price of fertilizer itself, manufactured at Muscle Shoals.

"The American Farm Bureau Federation estimates the cost to the Tennessee farmer of fertilizer, as now purchased, to be $32.76 per ton, and that the cost to the Tennessee farmer when fertilizer is produced in quantities, and not by experimentation at Muscle Shoals to be $16.87 per ton, or a savings of 48½ per cent in the delivered cost of the product.

"According to the statistical abstract of the United States for 1930, published by the United States Department of Commerce, the farmers of the United States purchased more than 7,900,000 tons of fertilizer, of which the Southern States used 5,500,000.

"I have always felt that the advantage of Muscle Shoals to our section from a power point of view is not as important as a great many seem to think. I feel that if the power could be used for operating the nitrate plant and other industries, meaning employment of from 3,000 to 5,000 people, with the Muscle Shoals question settled so it will not interfere with further development of the Tennessee River, that is far more important to our section than the power question itself.

"To illustrate, I give you the amount of power consumed by four of the largest cities in Tennessee and the population of these cities.

	Kilowatt-hours	Population 1930 census
Power consumed during 1929:		
Chattanooga	226,950,000	119,798
Nashville	114,160,000	153,866
Memphis	160,175,000	293,143
Knoxville	91,925,454	105,802
Total	593,213,454	632,609

Population of State, exclusive of the four cities mentioned above, 1,983,947.
Total population of State, 2,616,556.

"Muscle Shoals at present, on basis of 50 per cent load factor, would supply for general distribution 512,270,000 kilowatt-hours. This would lack 80,940,000 kilowatt-hours of supplying the four cities mentioned above. With Cove Creek Dam completed, there would be an excess amounting to 175,189,000 kilowatt-hours after supplying the four cities.

"In other words, if Tennessee got all the power from Muscle Shoals and Cove Creek, there would only be 175,189,000 kilowatt-hours left to supply the remainder of Tennessee's population of 1,983,947 after supplying the four cities mentioned, to say nothing of what Alabama and other interested States would be entitled to.

"The average amount of power consumed per person in the four Tennessee cities is 941 kilowatt-hours per annum, 78½ per month. Amount of Muscle Shoals power left, even with Cove Creek Dam completed, would give to each inhabitant of the State of Tennessee, outside of the four cities, 88 kilowatt-hours per year, or 7¼ per month, which is not enough to make toast for breakfast.

"If all power at Muscle Shoals, with Cove Creek Dam completed, were sold for distribution on a basis of 50 per cent load factor, each of the 12,000,000 persons residing within a radius of 300 miles of Dam No. 2 would be entitled to 64 kilowatt-hours per annum, or 5⅓ per month. Compare this with the consumption per capita in the four Tennessee cities."

REMONETIZATION OF SILVER—ARTICLE BY DR. J. H. COLLARD

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD an article on the Remonetization of Silver, by Dr. J. H. Collard, of San Antonio, Tex.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Mr. Francis H. Brownell, chairman of the American Smelting & Refining Co., has presented a plan to stabilize silver, and has given it to the press; but his plan is so far-fetched and is subject to so many disadvantages that it seems to me any man, both the gold standard and the silver advocates, will reject it as untenable and impossible.

He says, first, get an informal agreement of all the governments who will accede to the plan "that no sale will be made for a stated period, or until further notice, of any silver owned by each government at less than a fixed price—for example 50 cents an ounce."

I may remark that these governments will never agree to such a plan, and that, although he disclaims any intention of fixing a price of silver, he does do it, and suggests 50 cents as a price, below which these contributing governments shall not sell silver or allow it to be sold. You can not fix the price of any commodity—gold, silver, wheat, cattle, cotton, or anything that has a market value.

He says, second, "that the governments will purchase the amount of silver they now are authorized to acquire for subsidiary coinage whenever the market price is under the figure agreed on."

The United States will not agree to authorizing our Government to coin silver they now own or purchase more, unless bimetalism is restored and silver is remonetized.

He says, third, "an agreement that the governments, particularly India, may sell government-owned silver whenever the price is more than 50 cents, for example, above the accepted quotation."

We have no authority for saying that India will agree to this plan, nor have we any authority for saying that India will sell any of the billions she now owns at any price; nor shall we assume that any of these governments would agree to such plan.

The initiative in the proposed modification, Mr. Brownell believes, should come from Great Britain or the United States. By a strange coincidence of national policies it was stated that the policy of Great Britain was to establish a gold standard and take silver out of the market to be used as money. That is to say, that England is informally asking the United States to reestablish silver as money just like they informally did when they established the gold standard, and the United States followed that policy and demonetized silver, and destroyed bimetallism. That is a roundabout way to secure the cooperation of the United States in stabilizing our currency.

Now, why not restore bimetallism, remonetise silver, and immediately put in circulation money produced by the sale of 500,000,000 ounces of silver? Why have an informal agreement with any other nation in restoring bimetallism and remonetizing silver? Let the United States adopt a policy of her own and let these other countries follow the United States.

The Red Cross is feeding hundreds of thousands of starving families, and General Pershing is broadcasting a speech in support of what the Red Cross is doing. Mr. Bryan said in his famous Chicago speech: "They shall not press down on the brow of labor this crown of thorns; they shall not crucify humanity on a cross of gold." But they did that very thing, and millions of laboring men are without means to support their families, and humanity is struggling in the agonies of a crucifixion produced by the gold standard.

Mr. Brownell suggests that the gold being used as money shall be studied; it has been studied; and gold is being exhausted.

During the World War Mr. McAdoo was Secretary of the Treasury, and all of the gold producers of Utah and Colorado met for the purpose of asking the United States Government to give a bonus of $10 an ounce for all gold being produced at this time. They offered a resolution asking the United States Government to furnish them with that bonus. I arose to make them a speech as I was mining in Mexico at the time and was familiar with the entire question. I said to them about this: "I came down to this meeting to-day because I believe in you, because you are the men who produce the raw material of the money itself. Every ounce you put on top of the ground is worth $20.57 now and you have produced that much money that up to that time had no existence; but I can not see how giving such a bonus would not add to the price of gold, because if the Government gives you that bonus it will raise the price to $30.57; besides that Mr. McAdoo would never agree to it, and the southern Democrats would all oppose it, as it is the very essence of paternalism." They got up all over the house and said the gentleman had raised an impassable barrier; many of them made speeches in support of what I had said. Finally, the president of the Independence Mines at Cripple Creek arose and said: "The world does not know that we have reached the bottom of the well producing gold; there is no more gold to be produced, and we have to have help from some means." They disbanded the meeting and made an appointment for Salt Lake City, Utah, some months afterwards, but they never did anything.

I have written of this meeting and its results to show that what the president of the Independence Mines had said was giving out information that the gold-standard men ought to know. Hence the plan offered by Mr. Brownell could only enlighten the people as to what might be expected from the gold producers.

Now, let silver be remonetized and bimetalism restored to the place from which it was expelled and let her take her place in the stabilization of our own currency and you may rest assured all the great governments would follow them. When bimetalism is restored and silver remonetized this Government will put 500,000,000 ounces in circulation and stop all this depression. Why not adopt that plan at once and feed the starving families who are now being fed by the Red Cross? Money is right at our door—reach out your hand and take it. If the men who are holding our money would give one one-hundredth part of the money that Will Rogers is generously giving to help the unemployed, all this money would be put into circulation at once and hungry children and heart-broken women and agonizing fathers and husbands would stand again where they were when this depression came. They do not want charity. They want an honest chance to make money by their own labor. Again let me say submit this plan at once to all of our public men and stop this depression by restoration of bimetalism.

CONSTITUTION AND BY-LAWS OF THE AMERICAN VETERANS OF ALL WARS

Mr. McGILL. Mr. President, I ask unanimous consent to have printed in the RECORD the constitution and by-laws of the American Veterans of All Wars and the names of the officers of that organization.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

CONSTITUTION AND BY-LAWS OF THE AMERICAN VETERANS OF ALL WARS

OFFICERS

National commander, Col. T. J. Rogers, United States Army, retired, Oklahoma City, Okla.
Chairman national executive committee, Lieut. Col. J. H. Stolper, United States Army Reserve, retired, Muskogee, Okla.
First vice commander, Dr. D. Natanson, New York City, N. Y.
Second vice commander, S. Sachs, Jersey City, N. J.
National chaplain, ——— ———.
General counsel, J. H. Stolper, Muskogee, Okla.
National adjutant, Maj. John L. DeGroot, Oklahoma City, Okla.
National treasurer, S. F. Stolper, Muskogee, Okla.
National sergeant at arms, Joseph J. Ehing, Fort Smith, Ark.
National organizer, Capt. John C. Hawk, National Military Home, Leavenworth, Kans.
Board of trustees: Lieut. Col. J. H. Stolper; Maj. John L. DeGroot; Pvt. William J. T. Stephens, Shawnee, Okla.
National executive committee: Lieut. Col. J. H. Stolper, Muskogee, Okla., chairman; Col. T. J. Rogers, Oklahoma City, Okla.;

William J. T. Stephens, Shawnee, Okla.; Angelo Carano, Krebs, Okla.; William M. Mayer, St. Louis, Mo.; Joe Mazinter, Shawnee, Okla.; D. Natanson, New York City, N. Y.; S. Sachs, Jersey City, N. J.; George Lintner, Dallas, Tex.; John L. DeGroot, Oklahoma City, Okla.

General offices: 316 North N Street, Muskogee, Okla.

CONSTITUTION

ARTICLE I. NAME

SECTION 1. The American Veterans of All Wars.

PURPOSE

SEC. 2. The purpose and aims of this organization is to bring together veterans of all wars and expeditions of the United States of America, for charitable, fraternal, and patriotic purposes; to perpetuate in veterans, their families and descendants, true love to our country and flag, a positive wholesome respect for life and rights of others; to help needy veterans to help themselves to become useful, self-supporting, good citizens; to give aid to dependent families of veterans; to help obtain for our membership all the rights they are entitled under the laws of the United States and any State; to teach respect and obedience to all laws, and particularly all laws and ordinances originating from and existing by virtue of the eighteenth amendment to the Constitution of the United States; to do all within our power by all honorable legal means to promote adequate national military preparedness, in order that knowing the horrors of war by being adequately prepared, we may avoid the necessity of making war; and to take an interest in all that goes into and tends to maintain, protect, and continue our existing form of government under the Constitution and the laws of the United States, and fight all the internal and external enemies of our form of government and its best interest to the best of our knowledge.

ARTICLE II. MEMBERSHIP

SECTION 1. Who eligible: Any veteran who has participated in any war or expedition of the United States by being in actual military service during such war, and was honorably discharged by lawful authority, or was separated under honorable conditions from the service from any of the military forces of the United States, or is yet in such service, may, by making written applications and proving a good, moral character, and paying such dues as shall be required by the by-laws made in pursuance of this constitution, become a sustaining member. Such member shall have the right to vote, hold office, and receive all the benefits as shall be furnished from time to time by this organization.

SEC. 2. Beneficiary members: Any person possessing the qualifications as provided in section 1, article 2 of this constitution, who is maintained in any hospital, national military home, or any other public institution, who does not receive any pension nor any compensation from the United States nor any State, may become a beneficiary member. Such members shall pay no dues, have no right to vote, and not be eligible to hold office, and shall be entitled only to personal services, and no other benefits. Members who are subject to pay dues, when they cease paying dues shall become beneficiary members.

SEC. 3. Associate members: Any person who has received an honorable discharge from any of the military forces of the United States, or is yet in such service, and is of good moral character and is not a veteran of any war, and any person who has served in the military forces of any nation which was associated or allied with the United States of America in any war, who possesses the qualifications provided in section 1, article 1 of this constitution, may become an associate member. Associate members pay dues and all assessments and shall receive all benefits as may be provided for sustaining members, but shall not be eligible to vote nor hold office in this organization.

SEC. 4. Honorary members: Persons who have rendered great and distinguished service, either to the United States of America, humanity at large, or this organization, whether they are veterans or not, shall, under rules and regulations as shall be provided hereafter in the by-laws, be eligible to become honorary members. Honorary members pay no dues of any nature, shall receive all the benefits that may be provided by this organization, but shall not be eligible to vote nor hold office.

SEC. 5. Oath: Every member of every nature, after duly elected, shall take the following oath: I hereby upon my honor solemnly promise to defend, protect, and to obey the Constitution of the United States and the laws made in pursuance thereof, the constitution and laws of my State and of the American Veterans of All Wars, and that I will not use, sell, give away, or ask any other member of the American Veterans of All Wars to use any intoxicating liquor of any nature while discharging any official function or while attending any official meeting or convention of the American Veterans of All Wars, so help me God.

SEC. 6. Forfeiture of membership: Any person who shall be convicted of any offense involving moral turpitude in any court of competent jurisdiction, or who shall offer any insult to the flag of the United States, or who shall bring, sell, use, or induce others to use any intoxicating liquor at any official meeting of any local or stated national meeting of this organization, and any officer and employee of this organization found intoxicated while attending any function of this organization, shall, upon conviction before a judiciary committee of this organization, forfeit membership and the office.

ARTICLE III

SECTION 1. Benefits in this organization: Members and needy veterans shall be entitled to all legal services before the Pension Office and Veterans' Bureau, and a legal-aid bureau is hereby created to be presided by a lawyer of not less than 10 years' experience in law, promoting by all lawful and honorable means beneficial legislation in the interest of veterans, obtaining hospitalization for the sick and food for the needy, loans without interest to needy members, death benefits for wives and minor children of deceased members of the sustaining, associate, and honor classes, and such other benefits as may be provided from time to time hereafter.

ARTICLE III. PLAN OF ORGANIZATION

Sec. 2. This organization shall when found desirable establish local and State subordinate posts; until this is done, the organization shall consist of one central headquarters post, with a general headquarters to be established by the by-laws of this organization, and the national executive committee hereafter in this constitution created shall when it shall be deemed desirable have authority to establish a ladies auxiliary to be a part of this organization.

ARTICLE IV. OFFICERS

SECTION 1. The officers of this organization shall consist of the governing body to be known as the national executive committee, the chairman of said committee, a national commander, two national vice commanders, national chaplain, board of trustees to consist of three members, general counsel, national adjutant, and national treasurer; a sergeant at arms and such additional officers and employees as the national executive committee may from time to time deem necessary to provide for.

Sec. 2. The national executive committee at the time of the adoption of this constitution shall consist of the board of trustees, the chairman of which board shall be chairman of the national executive committee, the national commander, national vice commanders, and five members to be elected at large, the first board to be elected at the time of the adoption of this constitution and thereafter every six years at national conventions of the membership; vacancies that may arise from time to time shall be filled by the national executive committee; the national executive committee shall be the governing body of this organization and shall have all the powers possessed by the national convention between conventions. Members of the national executive committee shall serve without salaries, but shall be paid their actual expenses when performing official duties by authority of the convention or the national executive committee.

SEC. 3. The chairman of the national executive committee shall, between the meetings of the committee, have all the powers of the committee, but all of his acts shall be subject to the approval of the national executive committee.

SEC. 4. The national commander shall preside at all conventions of this organization and shall be a member of the national executive committee.

SEC. 5. The national vice commanders shall in the absence of the national commander perform his duties in order of seniority and shall perform such additional duties as may be delegated to them by the convention or national executive committee.

SEC. 6. The national chaplain shall be elected by the national executive committee and shall perform the usual duties of his office.

SEC. 7. The national adjutant, treasurer, and sergeant at arms shall be appointed by the national commander during conventions; between conventions they shall be elected and perform such duties as shall be prescribed by the national executive committee.

SEC. 8. The board of trustees shall be elected by the national executive committee, shall consist of three members, who shall hold office during good behavior. The first board shall be named by the convention at the time of the adoption of this constitution, and thereafter upon the death, resignation, or removal from office by forfeiture of membership; such vacancies shall be filled by the national executive committee. The board of trustees shall elect one of its members to act as its chairman, who shall thereafter act as chairman of the board of trustees and the national executive committee. The board of trustees shall be the finance committee of this organization and all proposed appropriations for the expenditure of any funds shall first be submitted and acted upon by the board of trustees before any final action is taken by any other body of this organization. The board of trustees shall be the custodian of all property of this organization.

SEC. 9. The national executive committee shall, as soon as it deems desirable, create an advisory board to consist of prominent citizens, irrespective whether such are or are not eligible for membership, to advise with upon matters of policy whenever it is deemed desirable.

SEC. 10. The national executive committee may, when it deems it to be to the best interests of this organization, assign to one individual several offices, but the holding of one or more than one office shall entitle the holder to the salary whenever a salary may be paid for one office only.

SEC. 11. No salaries shall be paid to any officer or employee of this organization unless such salary shall first have been provided for either by the convention or national executive committee.

SEC. 12. The national general counsel shall be elected by the national executive committee and be a regularly qualified and licensed attorney at law with the right to practice law in the highest court of the land; he shall serve at the pleasure of the national executive committee, shall give either all of his time or as much as may be needed to the business of this organization, shall receive such salary and perform such duties as may be assigned to him by the national executive committee; but nothing

in this section shall be deemed as prohibiting or preventing the general counsel from continuing to practice law for private clients: *Provided*, That under no circumstances shall any suit ever be brought against the United States of America in the name of this organization.

ARTICLE V. CONVENTIONS

SECTION 1. Every six years this organization shall hold a national convention. This convention shall consist of delegates, to be elected, when subordinate posts shall have been established, by such posts, and in the manner and proportion as shall be determined for the second convention by the national executive committee, and thereafter by a vote of the convention itself. The convention shall have all the legislative, executive, and judicial powers of this organization. All acts of the national executive committee and every other body shall be reported to the convention which may approve or disapprove such acts: *Provided*, That all acts done and performed before such convention meets shall be in full force and remain in effect until the adjournment of such convention.

SEC. 2. The national executive committee shall select the meeting place of the second convention, and thereafter the convention shall determine the place of its future meetings. Extra meetings of the convention may be called by the national executive committee when deemed for the best interest of the organization, at an extra meeting of the organization, the convention shall act only upon such matter or subjects as shall be submitted by the national executive committee.

SEC. 3. Before any convention shall be held in any city, the authorities of said city shall satisfy the national executive committee, that all necessary precaution shall be taken to prevent the introduction, sale, or giving away of any intoxicating liquor in and around the proximity of the official meeting place and headquarters of this organization, any city violating such guarantees, shall forever remain disqualified from being host to any national convention, and no authority shall be possessed by any committee or any future convention to modify this provision.

SEC. 4. Publicity: The files and records of this organization shall at all times be open to the inspection of the pension commissioner, director of the United States Veterans' Bureau, any proper public authority acting in an official capacity, and all persons of good moral character not officers of any other veteran organization, who shall satisfy the proper officer of this organization that such inspection and information thereby obtained will not be used against any member of this organization.

SEC. 5. Any officer or employee of this organization who either directly or indirectly demands or obtains any pay from any member or any veteran for any service rendered to such member or veteran unless such pay is authorized by the laws of the United States, the constitution and by-laws of this organization, shall forfeit the office and never be eligible to hold office in this organization: *Provided*, That such act shall be proven after a full hearing before the national executive committee or any committee it may designate for such purpose.

ARTICLE VI, SECTION 1

Amendments: This constitution can be amended at any regular meeting of a regularly assembled convention by filing the proposed amendment three months before the date of the next convention with the national adjutant, who shall submit the same to the national executive committee not later than 60 days before the convention. The national executive committee shall submit the proposed amendment with its recommendation to the national convention, and it shall require three-fourths of the total vote of the convention to adopt any amendment, which shall take effect 30 days after adjournment of the convention.

Unanimously adopted this the 3d day of June, 1927, at Kansas City, in the State of Missouri.

J. H. STOLPER,
Chairman of the Convention.

Attest:

THURSTON BRAYTON,
Secretary of the Convention.

STATE OF OKLAHOMA,
County of Muskogee.

We, the undersigned officers of the American Veterans of All Wars, do hereby certify that the above and foregoing is a true and correct copy of the constitution of the American Veterans of All Wars as duly adopted at the convention in Kansas City, Mo., on June 3, 1930, and is in force and full effect at present, this 20th day of June, 1930.

J. H. STOLPER,
Chairman National Executive Committee,
American Veterans of All Wars.

Attest:

JOHN L. DEGROOT,
National Adjutant.

47810—7332

BY-LAWS

ARTICLE I

Office

SECTION 1. A general office is hereby established at 316 North N Street, Muskogee, Okla.

Seal

SEC. 2. An official seal is hereby adopted, to be circular in form, have around its circumference the words "American Veterans of All Wars" and the word "seal" in the middle, with such engravings as the committee appointed to procure a seal shall prescribe.

Dues

SEC. 3. The dues for sustaining members and associate members shall be equal to one day's income or earning of a member, the member to be the judge of said amount, but not less than $2.50 per annum payable on the 1st day of July annually.

SEC. 4. Upon the death of any sustaining, associate, or honorary member the national committee shall assess each sustaining and associate member the sum of 30 cents, 25 cents of which shall be paid to the widow and minor children of the deceased member, and 5 cents to defray the cost of the assessment; no assessment shall be made if the deceased leaves no widow and minor children or either.

SEC. 5. Honorary members, how elected: No name shall be considered for honorary membership unless such name is proposed by the chairman of the national executive committee, concured in by the national commander, and voted upon three times with an interval of six months each by the national committee. One adverse vote shall defeat the proposition; a person elected six consecutive years shall be a life honorary member.

ARTICLE II

SECTION 1. Amendments: These by-laws may be amended by three-fourths of the elected national executive committee voting affirmatively; amendments may be submitted by mail; all business of this organization which can be conducted by mail shall be so conducted.

Procedure

SEC. 2. Until otherwise provided, Roberts rules of order shall govern the order of business of this organization; where such rules are silent, the rules of the House of Representatives of the United States shall govern; where both such are silent, the ruling of the chairman of the national executive committee shall govern.

SEC. 3. The committee on the seal shall adopt an emblem, properly inscribed, to be worn on the lapel of the coat of members.

SEC. 4. The chairman of the National executive committee may for cause, to him to appear sufficient, issue for the fruction of a year complimentary memberships, such membership to have the same status as honorary membership but shall receive no death benefits.

Unanimously adopted this the 3d day of June, 1927.

J. H. STOLPER,
Chairman National Executive Committee,
American Veterans of All Wars.

Attest:

THURSTON BRAYTON,
National Adjutant.

STATE OF OKLAHOMA,
County of Muskogee, ss:

We, the undersigned officers of the American Veterans of All Wars, do hereby certify that the above and foregoing are a true and correct copy of the constitution and by-laws as duly adopted and in full force and effect on this the 20th day of June, 1930.

J. H. STOLPER,
Chairman National Executive Committee,
American Veterans of All Wars.

Attest:

JOHN L. DE GROOT,
National Adjutant.

TWENTY-FOUR-HOUR QUARANTINE INSPECTION SERVICE

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5743) to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes, which were, on page 3, line 20, to strike out "876" and insert "875"; on the same page, line 22, to strike out "is" and insert "are."

Mr. COPELAND. Mr. President, the amendments simply correct a typographical error in one instance and a grammatical error in the other. I move that the Senate concur in the House amendments.

The motion was agreed to.

AMELIA ISLAND LIGHTHOUSE RESERVATION

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3404) authorizing the Secretary of Commerce to dispose of a portion of the Amelia Island Lighthouse Reservation, Fla.

The first amendment was to strike out all after the enacting clause and insert:

That upon the payment of $4,762.50 by the city of Fernandina, Fla., to the Secretary of Commerce such city is authorized to convey, without regard to the conditions and limitations of paragraph (6) of section 1 and of section 2 of the act entitled "An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes" approved May 22, 1926, the lands conveyed to such city pursuant to paragraph (6) of section 1 of such act, except a tract bounded on the south by so much of the shell road as crosses section 12, on the east by the eastern boundary of section 12 with a water front of not less than 960 feet, on the north by a straight line extending from such eastern

boundary for 1,000 feet, more or less, to the western boundary of section 12, and on the west by the western boundary of section 12 extending 1,000 feet, more or less, to the shell road. Such tract shall contain not less than 20 acres and shall, together with the ocean beach and water front abutting on the eastern boundary thereof (including all easements and rights of ingress and egress), be devoted exclusively to public-park purposes. Any conveyance made by such city shall contain express conditions reserving to the United States (1) a perpetual easement for beams of light from the Amelia Island Lighthouse, and (2) the right to trim any trees and to limit the height of any structures erected on such property that may obstruct the beams of such light.

The next amendment was to amend the title so as to read: "An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation."

Mr. FLETCHER. I move that the Senate concur in the House amendments.

The motion was agreed to.

ADDRESS OF HON. HUGH GUTHRIE

Mr. SHORTRIDGE. Mr. President, William R. Vallance, president of the Federal Bar Association, has furnished me with a corrected copy of the address delivered by the Hon. Hugh Guthrie, Minister of Justice and Attorney General of Canada, at the Eleventh Annual Dinner of the Federal Bar Association, held on Thursday evening, February 12, 1931, at the Mayflower Hotel in this city. Mr. Vallance suggests that this address is of international significance and worthy of publication in our CONGRESSIONAL RECORD. I ask that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I felt greatly honored by your kind invitation to be a guest at your banquet this evening, and while I realize full well that my invitation was due not to any merit of my own but rather to the fact that, for the time being, I happen to be the titular head of the bar of Canada, nevertheless I embrace the occasion to tender to the Federal Bar Association the friendliest greetings and heartiest good wishes of your brethren of the bar who practice upon the northern side of the forty-ninth parallel of latitude upon this good Continent of North America.

I assure you that the occasions are not frequent when one of my humble position and humbler attainments is privileged to address for a short time so distinguished an assemblage of eminent jurists as I find gathered around your board to-night; and while it is a very great privilege and a very great honor to be with you to-night, I confess that I find myself appearing for the first time before one of the foremost jurists of the world in the person of the Chief Justice of the United States of America.

The Bar of Canada delight in according full honor and respect to the learned Chief Justice and to the exalted office which he occupies with so much dignity and ability, but we also desire to accord to the man, apart altogether from his high office, our unqualified admiration of his marvelous legal attainments, of his wonderful grasp of legal principles, of his marked ability in elucidating and applying those great principles in the adjustment of the many controversies of mankind, whether local, national, or international in their character and application. This country has been singularly fortunate in the men who have been selected under your Constitution to fill the highest judicial positions in the land. A glance at the past will recall many great names as occupants from time to time of your Supreme Court Bench. The names of Marshall, Story, Taft, and many others will not soon be forgotten by students and exponents of the common law in this and in other countries. Perhaps as one reflects upon the past one is inclined to magnify the reputations and achievements of the great lawyers of former times, for as one glances over the long list of great judges and lawyers in this country who have long since gone to their reward, one is tempted to believe that, in legal and intellectual stature at least, "there were giants in the world in those days."

And now, Mr. Chairman, before I proceed, may I be permitted to pay my modest tribute to the memory of that great man, in many respects "the noblest Roman of them all," the anniversary of whose birth into this world you so fittingly celebrate to-day. Time was, I admit, when Abraham Lincoln belonged to the United States. To-day he belongs to the world—one of the greatest of the world's great men whose life, whose work, and whose name will survive in world history until time shall cease to flow.

The sympathetic bond which has long existed between the bar of this country and of Canada springs, no doubt, from many roots. Proximity, environment, common habits, and a common language have all favorably influenced our professional and international relations; yet I am persuaded that the most potent influence in this respect arises from the fact that we are both disciples and teachers of the same great system of jurisprudence founded upon the ancient principles of the common law. From the cradle to the grave we both exist in what one might describe as a common-law atmosphere; and it is satisfactory to realize that almost the whole Anglo-Saxon world lives in the same common-law atmosphere as do ourselves. This, I believe, is the case, save only in Scotland, Quebec, and Louisiana, in which domains the legal principles expounded in Justinian's Corpus Juris still prevail. Both systems are very ancient—very wise and very serviceable to the complex problems of mankind. Each system has always had its champion, many champions, indeed, throughout all centuries; however, this is neither the time nor the place to discuss the merits or defects of either system, even were I competent to do so; but suffice it to say that, so early as the year 1607, upon the first settlement of Virginia, and in 1620 in Massachusetts, upon the landing of the Pilgrim Fathers, the principles of the common law were introduced into this continent to survive, I venture to say, for all time to come. In the introduction of the English common law into this country you were many years in advance of your northern neighbors. From the year 1535 until 1759, Canada continued to be a French possession, and the law of the land was civil law as administered in the France of those days. However, Nova Scotia, then called Acadia, early became a British possession and it is interesting to note as an historical incident that at Annapolis Royal in Nova Scotia in the year 1749, the people in lawful assembly solemnly adopted not the common law of England, as might be expected, but the common law of the Colony of Virginia—"the Old Dominion"—and this law continued in Nova Scotia for the next 40 years. Otherwise Canada remained a French possession and the civil law as administered in old France continued to be the law of the land until the great year 1759.

At this point, will you pardon a brief historical digression? I said the "great year 1759." Macaulay has termed it the greatest year in British history. The American Colonies were then still intact. George Washington was then a lieutenant colonel in a British regiment operating against Fort Duquesne in the fight with France for North America.

The year 1759 forms an important historical landmark in Canada. The great and decisive battle which took place upon the Plains of Abraham at Quebec has now become to us all a glorious and gallant incident in history. The names of Wolfe and Montcalm, who both fell in that great fight, are beloved and respected alike throughout Canada. To-day we look back upon that great victory without exultation on the one hand, and without bitterness on the other. That victory and the treaty of peace which followed proved the inception of a dual system of jurisprudence in Canada, and also of a bilingual system in our Federal courts and in our Federal parliament. So it is that in the great Province of Quebec to-day in civil matters, the civil law—the Code Napoleon—prevails, while throughout the rest of Canada, we live under the common law of England. And let me say that this dual system of jurisprudence has worked well in Canada. Complaints are rarely if ever heard in regard to it. And both in Quebec and in the other provinces it has given us many able lawyers and judges highly trained in the principles of both systems.

You will agree, Mr. Chairman, that I am wandering far from the subject which I was supposed to discuss very briefly this evening. The subject as announced on the program is "Law and Peace" and the central idea conveyed to my mind by these plain and simple words is that the supremacy of law is the surest guaranty of peace.

In his first letter to Timothy the Apostle Paul wrote, "For we know that the law is good if a man use it lawfully"—a trite saying which has as much application in the world to-day as it had 19 centuries ago and applies with equal force to our relationships, whether domestic, civic, national or international. Universal respect of law would produce a new world condition—not likely to be achieved in our time, perhaps not at any time. The best and the most that we can hope for is that substantial progress toward an ideal condition may be made in our day and generation in which progress the great jurists of the world must play a most important part.

You will find in this country, as in other countries, that lawyers generally become leaders in their local communities. They exert a marked influence in molding public opinion upon all important questions. The vast majority of lawyers are not only loyal to their profession but loyal also to those legal principles which have been their life study. All great lawyers respect and reverence the law—and if a portion of that respect and reverence of law could be infused into the masses in the various countries of the world improvement in world conditions would surely follow. And if one may be permitted to emphasize a platitude, let me repeat, Mr. Chairman, that a general recognition throughout the world of the supremacy of the law could prove the strongest guaranty of world peace.

But some one will say, "Oh, that is all very well—but whose law, what law, do you suggest?" My answer is in these United States, your own law; in Canada, our own law; and in every civilized country, its own law, so far as domestic matters are concerned; and in international affairs that system of rules and precedents and principles which are embraced under the general title of international law—which has been an established and recognized system of jurisprudence—at least since the days of Grotius, that great sixteenth century lawyer, scholar, and statesman who succeeded in placing a polish upon the rugged science of law, and who, in his great work, "De jure in belli et pacis," laid the foundation of what is sometimes called the science of international law, in spite of that line from the poet Tennyson, where he speaks of "The lawless science of our law."

I grant, Mr. Chairman, that the mere existence of an international code of law will not itself suffice. Great jurists throughout the world will differ as to the meaning and application of almost every subject mentioned in the code. Honest differences of opinion are bound to arise from time to time. These differences must be adjusted and resolved by some tribunal which the nations of the world must approve. At this juncture, the lawyers of the world—those men who have all their lives proclaimed to the world "Fiat justicia ruat coelum" must lend their powerful support to the only fair, reasonable, concrete proposition which has so far been evolved from the mind of man for the peaceful and final settlement of international disputes. I refer, of course, to the Permanent Court of International Justice, commonly called the World Court at The Hague. Notwithstanding many early misgivings and forebodings, lawyers and statesmen throughout the world will to-day agree that the World Court has long since passed the experimental stage and has amply justified both the efforts and the hopes of its founders. It has now become a valuable bulwark for the peace of the world. While it is true that the World Court is a human structure, and, as such, is not in all respects a perfect model, yet it has already performed much valuable world service for which humanity may justly feel thankful. We must all strive to uphold the prestige and authority of that great tribunal in every possible way. I hope to live to see its functions enlarged and its jurisdiction extended to every quarter of the globe; and to this end we must enlist the very best brains and the very best efforts of the very best lawyers in the world.

No one realizes more fully than I, no one appreciates more highly than I the valuable cooperation, the wonderful practical assistance rendered by some of the great lawyers of the United States to the institution, the constitution, and the actual working of the World Court as it exists to-day. The great names of Root, Moore, Hughes, and Kellogg will always stand out preeminently in regard to the World Court, notwithstanding that this great and powerful Nation has not as yet given complete adherence to that tribunal. However, as to the attitude of the United States to the World Court, I offer no opinion, I make no suggestion, certainly no criticism. I merely express profound, and I think also, universal regret.

The chief object to be attained by a universal world court is the highest which the human mind can contemplate. It is peace—international peace, world peace, the avoidance of war, the negation of war, the abolition of war, with all its direful consequences. Do not think me presumptuous if I say that the most important policy, whether domestic or foreign of this and of every country in the world to-day, is the maintenance of peace—other policies and other problems fade into insignificance at even the remote possibility of another world conflict.

I grant that it is somewhat discouraging to reflect that during the past year of grace, military and naval armaments throughout the world were greater than they were prior to the outbreak of the Great War in 1914. Evidently the day has not yet arrived when men are found willing "to beat their swords into ploughshares, and their spears into pruning hooks." The world's military and naval expenditure has been increased, not lessened, and this in spite of world courts, leagues, covenants and treaties of limitation, of arbitration, and of renunciation. Perhaps it is too much to expect that the golden rule as laid down in Holy Writ can ever be applied internationally; but surely civilized nations may be induced to abide by some common and accepted code for the settlement of their differences. There must be common ground somewhere upon which all civilized nations can meet and agree. Has that common ground been found at The Hague? Many very eminent lawyers believe that it has. Once again let me quote, "For we know that the law is good if a man use it lawfully." Let us, therefore, resolve lawfully to use the law to hasten the achievement of the great end which all right-minded people so earnestly desire, namely, the settled peace of the world.

And now one brief reference to the League of Nations and I have finished. As you are aware, Great Britain and all her Dominions have given unqualified support to the League of Nations. I am well aware that throughout the world the league has many critics—and many detractors. While the original conception of a League of Nations certainly emanated from the mind of one of the great presidents of this country—the United States has not yet become a party to the league, and some other nations which were originally members have since withdrawn. Yet the work of the league has gone on for 10 years and more—much excellent work has been done—many excellent results have been achieved—but much still remains to be done because the peace of the world is not altogether free from menace to-day. Personally, I am a firm believer in the League of Nations as a most potent influence for good in the world. I hope and pray for its continued success. All I can say is that if the League of Nations shall succeed in removing from the minds of men the fear of war and the burdens of war from the backs of the weary multitudes, it will have done the greatest thing for mankind which has been done in this world since Christ was born in Bethlehem.

ECONOMIC CONDITIONS

Mr. BLEASE. Mr. President, the following editorial appeared in this morning's Washington Herald:

TIME TO THINK—AND TO ACT

The Washington Herald's call yesterday for a nonpartisan conference on means of preventing further economic upsets has stirred into being a widespread feeling that careful thought and suitable action can solve the present problem and do much to avoid the possibility of recurrent crises in trade.

A great many people obviously, from the reaction the Herald has received, are thinking purposefully along these lines, and to many of them also the idea of a national conference has occurred. The mechanism of such a conference is of minor importance; effectiveness alone is important. The intelligence of America brought to bear on any problem will solve it.

The present economic system is challenged in Italy and in Russia. Democratic institutions are challenged in those countries and in many other states. The Herald believes firmly in democracy, and has no fears for its survival. Neither does the Herald fear any overturn of the present economic system in America.

But the survival of democratic institutions depends upon keeping them democratic, and the survival of any economic system depends upon its practicability. It has been shown now over a period of a year that our economic order is functioning badly. And a remedy must be found.

The Herald has taken the initiative in seeking a solution because it believes that the time is ripe for action, and that some person or organization must set matters in motion. Now the start has been made, and the Herald is confident that the movement will soon have attained tremendous momentum.

All that was necessary was to broach the idea. Its intrinsic soundness will do the rest.

Business is seeking a remedy for its ills. Workingmen everywhere are thinking more deeply, perhaps, than ever before of the problem of stabilizing unemployment. Public-spirited citizens everywhere are deeply concerned with the matter of economic security for all groups in the population. This Nation, or any nation, for that matter, is healthiest and happiest when all its people are steadily employed and earning wages that make possible a comfortable standard of living and savings to provide for old age. Our resources are enormous; our productive mechanism can supply, bountifully, all the wants of our people.

Given constructive thought, the problem should not be difficult of solution.

And in reference thereto I ask unanimous consent to have inserted in the RECORD an extract from a letter bearing on present economic conditions, received by me from an ex-Member of this body, who lives in South Carolina.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

I look for boom prices as soon as the vast sums appropriated by Federal and State Governments get into circulation, backed by expenditures of corporations, but it will last only as long as the cash is poured out, then like a drink of whisky leave us flatter than ever. It is our present financial system that needs overhauling, and when we face the relentless fact that money, tariff walls, and labor unions alone can not repair our broken domestic structure, then is when we will really begin permanent improvement.

Mr. BLEASE. Mr. President, personally I repeat what I have heretofore said here and elsewhere that I favor a rich government and a rich people, but I prefer a poor government and a rich people to a rich government and a poor people.

VOCATIONAL EDUCATION AND CIVILIAN REHABILITATION IN PORTO RICO

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5139) to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico, which was, on page 2, line 24, to strike out all after the word "appropriated," down to and including "$15,000," in line 1, page 3, and insert "the sum of $15,000 annually for a period of two years, commencing July 1, 1931."

Mr. BINGHAM. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

UNEMPLOYMENT IN THE EAST

Mr. COPELAND. Mr. President, may I have the attention of the Senator from Massachusetts [Mr. WALSH]? Did the Senator observe this morning the disquieting reports about unemployment in the East? The Potter committee in New York yesterday renewed its appeal for $10,000,000 to relieve unemployment distress in the city of New York. I am speaking of this because I know the Senator from Massachusetts has been interested and has been trying from the beginning to get action upon his bill relating to the subject of unemployment. May I ask the Senator what prospect there is for the consideration and passage of his relief bill, and what is delaying its passage?

Mr. WALSH of Massachusetts. I will say to the Senator from New York that the reason why we have not been able to secure action is because we have not been able to make my bill the unfinished business. It is a relief measure that would provoke a good deal of debate, is opposed by the

almost the whole Anglo-Saxon world lives in the same common-law atmosphere as do ourselves. This, I believe, is the case, save

the world will differ as to the meaning and application of almost every subject mentioned in the code. Honest differences of opin-

A great many people obviously, from the letters the Herald has received, are thinking purposefully along these lines, and to

would provoke a good deal of debate, is opposed by the

administration, and there has not been any opportunity to make it the unfinished business of the Senate. If the Senator has any influence with the steering committee of the majority party, he might be able to persuade them to give us an opportunity to make it the unfinished business, but I fear the opposition is too powerful. The legislative program of the majority prevents action.

Mr. COPELAND. Does not the Senator feel that the need for the measure is just as urgent now as it was at the time he presented it?

Mr. WALSH of Massachusetts. I certainly do feel so.

Mr. COPELAND. Would it not be a great mistake if the Congress should adjourn without having made some provision so that in the recess there may be a way of dealing with the problem as necessity may demand?

Mr. WALSH of Massachusetts. I agree with the Senator. Of course, the Senator knows, in view of the administration's opposition, that at this stage of the proceedings it would be impossible to get action by the House and the Senate on a matter of this importance. I doubt even if we could get action in the Senate. I will say to the Senator that one of the reasons for delaying action was that I felt that the petition of those from the drought area was more appealing, if that were possible, than the petition from the areas where unemployment is extensive, and I felt that no move ought to be made until the legislation asked for by the Senators from Arkansas for the drought victims had been disposed of. As the Senator knows, that relief measure took a very long period of time; for weeks we were discussing it; and I did not want to inject a new subject until that was disposed of. Since that time we have been unable to make my proposal the unfinished business.

Mr. COPELAND. I know the Senator, as I myself did, gladly aided the Senators from Arkansas in their noble and successful effort to secure relief, but I do feel, Mr. President, that we are so sheltered and protected here, and so remote from the evidences of unemployment and distress, that perhaps we are overlooking the fact that there is a serious situation in the country. While Mr. Green, the president of the Federation of Labor, this morning says he feels there is an upturn in general, there can be no doubt that the economic depression in certain sections is as great now as it was or greater than it was at Christmas time.

I feel that unemployment in my section of the country is increasing. We have 79 bread lines, where thousands of persons are being fed every day. I do not know that there is anything in the world that can be done by Congress to give greater relief than has been given. We have provided a building-construction program and perhaps that will help, but at the same time I do feel that there should be a reserve at the disposal of the President or some other person or somebody that might take care of the unemployment problem should it become more pressing.

Mr. WALSH of Massachusetts. Of course the Senator is not unmindful of the attitude of the administration toward relief measures of that kind. The Senator is aware of the fact that even in the case of supplying food to the drought areas in Arkansas there was insistence that relief should be in the nature of loans. In view of the attitude of the administration—and their leaders must accept the responsibility—it is inconceivable that we should get through here any measure extending aid to those municipalities and subdivisions and States which have been obliged to bear through taxation an extra heavy burden on property owners to extend relief by reason of unemployment.

Mr. COPELAND. I agree fully with the Senator that the responsibility is on the administration. No doubt, if the administration had been active from the beginning there would not be the same necessity for relief as there now is.

(At this point a message was received from the House of Representatives by Mr. Chaffee, one of its clerks, announcing, among other things, that the House had concurred in the Senate amendment to House bill 9599, to authorize the Secretary of Agriculture to carry out his 10-year program, etc. The message appears under its proper heading.)

Mr. CARAWAY. Mr. President, will the Senator from New York yield to me for just a moment?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Arkansas?

Mr. COPELAND. I yield.

Mr. CARAWAY. Mr. President, I notice that in the message just received from the House there was mention made of a bill to enable the Secretary of Agriculture to carry out his 10-year program. I am curious to know if the reference is to a measure to enable him to prepare blanks for the loaning of money under the $20,000,000 appropriation, because, at the rate he is traveling, he will need 10 years to put that bill into operation.

Seriously speaking, Mr. President, if the Senator from New York will yield to me a moment further——

Mr. COPELAND. I yield.

Mr. CARAWAY. The Secretary of Agriculture is deliberately—I say "deliberately" because I have been trying to ascertain every day what the plans are—holding up money that Congress authorized to be loaned to people in destitute circumstances, and is making it difficult, if not impossible, for the farmers in my State and other States to avail themselves of it and make a crop in 1931.

The Senate asked, through a resolution which I submitted yesterday, the Secretary to advise us when he expects to put this program into effect. My information is that he is off making a speech somewhere. Every time we ask for him he has gone to Cincinnati. I do not know whether a branch office has been opened in that city or not, but if so, if he is to spend his time there, I trust he will leave somebody in authority here to speak for him.

Mr. COPELAND. Mr. President, I agree fully with the Senator from Massachusetts that the responsibility rests on the administration, and it is a very solemn responsibility and it should rest heavily because certainly the burden is great.

I observe in the New York Times of to-day that Mr. Green says that there is some check to unemployment, but he assails cuts in wages. He urges more relief funds and says the jobless will suffer in March unless aided by agencies in the cities. That statement is confirmed by the report of the Prosser committee, submitted at Town Hall yesterday in New York, which asks $10,000,000 from the city for the jobless.

Mr. President, I have no wish at all to make an appeal for my State or my city. We can get on and will go forward, but if the conditions are universal, as indicated by the conditions in New York City and as indicated by Mr. Green, we have a problem that must be dealt with by somebody.

I do not know whether the plan proposed by the Senator from Massachusetts is the wisest plan in the world, but it is the only plan proposed; there is nothing else pending here, and it is my judgment that some action should be taken which will show the country that we are alert to the necessities of our citizens.

That is all I have to say, Mr. President; I had not thought to say as much; but I want to say to my friend from Massachusetts that he has stood almost alone here in his efforts to help the unemployed of the country. Other Senators who have fought for those in the drought area have stood, of course, for suffering humanity and have been successful in their fight, provided their efforts are not thwarted by the policy of the administration in putting legislation into effect; but there is a problem here which must be dealt with effectively by somebody.

Mr. WALSH of Massachusetts. Mr. President, does the Senator think the Senators from Arkansas have been entirely successful in their fight?

Mr. COPELAND. No; the junior Senator from Arkansas [Mr. CARAWAY] stated a few moments ago that it looks as if it might take 10 years to put the program into effect.

Mr. WALSH of Massachusetts. And they had to compromise their original proposition for a cash payment from the Treasury and accept a form of relief in the nature of an interest-bearing loan.

Mr. COPELAND. Does not the Senator agree with me that there has been an utter failure on the part of the administration and those in control to visualize the situation and to deal with it in any effective manner?

Mr. WALSH of Massachusetts. From the very outset of this session the administration made it clear that the relief problem was no financial concern of the Federal Government; that it was the concern of local charities, of municipalities, and of States; and in the first and most important measure that was urged and pushed here with vigor the compromise which was enacted provided, as the Senator knows, for an interest-bearing loan in the nature of relief to those in distress; and there is some serious question whether even that loan could be used for supplying food even if security was available to the homeless people in the drought area of this country.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I yield to the Senator.

Mr. BORAH. When the Senator from New York speaks of the lack of vision of the administration in dealing with the unemployment and drought situation, does he not think that he ought to add also lack of courage in the Congress to carry out its program?

Mr. COPELAND. Yes; I agree with the Senator. I said the other day, in language that I feared might be unparliamentary, that there has been a lack of courage. This picture has been painted; but who looks upon it with charity in his heart, or who is stimulated to some courageous act to give relief?

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Oklahoma?

Mr. COPELAND. I do.

Mr. THOMAS of Oklahoma. I wish to call to the attention of the Senator from New York the fact that on the second day of this session I proposed a resolution providing for the creation of a select committee, composed in the main of the chairmen of the great standing committees of the Senate, having for its purpose the making of a survey of the entire problem, to the end that every section of our people should be considered—those in the drought area, the unemployed, and other classes who might be in need of relief. I remember well, when that discussion was up, that the Senator from Idaho made the statement that if we expected to get relief we could not get it under my resolution.

We are now in the closing days of this session. The class that I had in mind have not had relief.

Mr. BORAH. Mr. President, if we had disclosed the same lack of purpose and courage in carrying it out that we did in the other case, we would not have had it under the Senator's resolution. The Senator's resolution, in my opinion, as stated at the time, would have retarded action.

Mr. COPELAND. Mr. President, I know the Senator from Oklahoma will recall that I seconded his movement at the time, saying that "what is everybody's business is nobody's business." If we had had a special standing committee for the session, some plan might have been formulated; but we have not had any plan, and, apparently, there has not been enough courage on the part of those who have control of the Congress to offer us something that we could enact into law and make effective.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield to the Senator.

Mr. BARKLEY. All that the Senator from New York says about the lack of courage is true; but what good does it do to talk about that now when we are about to adjourn? How can we inject any more courage into Congress than we have displayed all during this short session? Has the Senator any medical remedy or any other remedy that might inject some courage into Congress, so that even if it should formulate a program it would stand by it long enough to get at least one House to agree to it?

Mr. COPELAND. No, Mr. President. My professional experience teaches me that the time to do something effective in the way of saving a man's life is in the beginning of the ailment and not when he is on his death bed.

Mr. BARKLEY. I agree with the Senator about that; but now that this Congress is on its death bed is there anything that can be done that would not only revive it but revive its courage?

Mr. COPELAND. I think that if the Senator from Massachusetts could find a way, or lead the way, or encourage us we might be helped somewhat; but he can not do it alone. He has not had any support, except such as he has had from his own side of the Chamber.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I do.

Mr. WALSH of Massachusetts. Does the Senator recall my asking that a program be outlined by the minority to deal with this subject early in the session?

Mr. COPELAND. Indeed, we must accept responsibility everywhere. That is the fact. Nevertheless, no matter whose fault it is, we have a situation; and, even though this session of Congress is on its deathbed, there ought now, if possible, to be found some means of oxygen administration which would stimulate the Senate to some action, and perhaps by that sort of recuperation and stimulation we might preserve our self-respect, and out of it do some good to the country.

As it is, however, I agree with the Senator from Massachusetts. I feel that he is depressed and discouraged, and he has a right to be. Nevertheless, a few of us have tried, have we not, to do this thing? There has not been any response, however, largely because the administration has not had the vision or the courage to go forward.

Mr. BARKLEY and Mr. WALSH of Massachusetts addressed the Chair.

The VICE PRESIDENT. Does the Senator from New York yield; and to whom?

Mr. COPELAND. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I wish to emphasize just the thought which the Senator has conveyed. Congress is about to adjourn for nine months. It has made no provision whatever to deal with the economic problem, except such provision as has been made in these loan bills, which in most cases will not reach the people who really are in need, either in the country or in the cities. It is about to adjourn without any general program that would, in any sort of emergency, enable the United States Government to deal with conditions as they may develop during the next year.

We might say that for all practical purposes Congress will be in recess until next January, because, although we shall be back in December, nothing is ever done prior to the Christmas holidays. All during this whole fight the administration has occupied the familiar posture of the ostrich with its head in the sand, unwilling to acknowledge, or at least to acknowledge publicly, the conditions which have existed, unwilling to offer any real remedy for the situation.

Now Congress is about to adjourn and go home and leave the United States Government helpless in the midst of this great tragedy, and powerless to render any real relief, except such sugar-coated relief as may come by reason of the long-delayed beginning of some blue print that may, at some distant day in the future, result in the erection of a public building somewhere.

Mr. SHORTRIDGE. Mr. President, I should like to ask the Senator a question.

Mr. COPELAND. I agree with the Senator from Kentucky; and I want to say for him and some of us here that what we are saying to-day is not any deathbed repentance.

Mr. BARKLEY. Oh, no.

Mr. COPELAND. We have been striving from the beginning to do this, and we are simply continuing to the very end our efforts to have something done by Congress.

Mr. BARKLEY. I make the prediction that when Congress has adjourned and there is no forum in which the conditions in our country can be publicly discussed, not only will a large measure of the relief now being accorded be withdrawn but there will be, I fear, very great reductions in wages by employers of labor throughout the United States. When we come back here next January we shall find that these conditions have been made worse, instead of better, by anything that will be done by those left in authority while Congress is in adjournment.

Mr. COPELAND. I hope the Senator is mistaken.

Mr. BARKLEY. I wish I might feel that I am mistaken.

Mr. COPELAND. I fear he is not, but I hope he is mistaken. This is no time for employers of labor to lower wages.

Mr. BARKLEY. Of course, the Senator is familiar with the fact that they have done it already. They lowered wages in January, according to the statement of the American Federation of Labor, and they are doing it in February; and I have no doubt, or at least I entertain the fear, that they may do it much more intensively and more universally throughout the country after the adjournment of Congress.

Mr. COPELAND. In reply to what the Senator has said, let me say that Mr. Green, in his address yesterday, said:

> This movement to reduce wages at the very moment when the business depression appears to be reaching bottom is most untimely. Wage reductions did not cure the business depression in 1921. The depression lasted 12 months after the liquidation of labor. A prominent industrial executive says that general reduction of wages would set back the impending recovery by at least two years.

Who can question that? Who are the people who buy the goods that are made? They are the workingmen and the farmers. If labor is not only largely unemployed but the earning power of those men who have employment is reduced, how can we hope to have an industrial recovery? Then, added to that, is the dreadful predicament of the farmers of this country; the wheat situation; the cotton situation.

I can not see how any man who has made the slightest study of the present situation can be anything else than distressed, and disturbed in mind, and fearful of the outcome. We sit here as if we felt that our social structure is as secure as the seven hills of Rome. How do we know it is secure? What is the thing that undermines the life of a nation more, what can be worse for a nation, than widespread economic distress?

Mr. BARKLEY. If the Senator will yield further, one of the things that can undermine the strength of a nation is a feeling on the part of great masses of the people that the Government cares only for those who are members of a special class. I think it is a tribute to the conservative, dependable spirit of the American people up to this time that we have proceeded so far within this tragic depression and economic distress without greater disturbance than we have witnessed among the people of our country.

Mr. COPELAND. I agree with the Senator; and when I see how deaf our people are to the economic depression, not only in America but in Europe—five or six or seven millions in Germany unemployed, increasing unemployment in France, unemployment in England, unemployment here as never before—I wonder where this will end. We sit here and give our attention to local bills and private bills and money bills, failing to catch the vision of what is going on in the wide world.

I know a place up in the mountains back of my home in the country where I can retire and build a log cabin and perhaps live on the game of the forest; but there are millions of people in this country and in the world who have no place to get any food; no place to get fuel. Where will it end? What will be the end of it?

Mr. THOMAS of Oklahoma. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Oklahoma?

Mr. COPELAND. I yield.

Mr. THOMAS of Oklahoma. If I may make a suggestion to the Senator from New York, my information is that already the game has been destroyed and depleted throughout the country. Even the rabbits and the jackrabbits are gone.

Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from New York further yield to the Senator from Oklahoma?

Mr. COPELAND. I yield.

Mr. THOMAS of Oklahoma. What effort has been made at the hands of Congress to discover the cause of all this trouble? What effort has been made to provide some remedy for the existing conditions as we find them throughout the country?

Mr. COPELAND. Do not ask me. I do not know of any effort that has been made. If the Senator's select committee could have been established there would have been at least one group of men in the Senate who would have been studying all the problems to which he refers.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I yield.

Mr. SMITH. The situation to which the Senator refers, of course, is making itself manifest in unemployment and distress throughout the country. It is accentuated, of course, where providential interference has caused drought; but we are beginning now a new year. What encouragement is there for agriculture, for business, for production of all sorts in this country?

The distress is not limited to the drought-stricken area. It is universal. It is national and international; but it is particularly bad in this country. Here there is more wealth than there has ever been. There are more of the necessities of life than there have ever been. We are talking about reduction of acreage, curtailment of manufacture, in the midst of evidence that people are starving to death, are out of work. Somebody has to work to produce a surplus. We have a surplus. We have more than we know what to do with. We are trying to get rid of a surplus of wheat and a surplus of other things. We are trying to get rid of a surplus of manufactured articles. Yet, in the midst of that, people are unemployed, are starving, and naked, and there is distress throughout the country. The things we are doing are but temporary stimulants. Why do we not address ourselves to the fundamental cause, the thing which has produced this condition? I say that it is an indictment of this administration and previous administrations that we produce so much wealth that we go to the poorhouse, that we produce so much of the necessities of life that nobody can avail himself of any of the necessities.

The present condition is not local at all; it is a general condition, and an indictment of the legislative body of this country that we can not devise any means by which the vast wealth that is here available to everybody can not be obtained by those who really produce it. That can not be accomplished by temporary expedients. We have to find out the basic cause of this condition, and address ourselves to the remedy.

Mr. COPELAND. Mr. President, I agree fully with the Senator. He is entirely right. Who is making any effort to find the basic cause? Whose business is it to do it? Have we done our duty as a Congress?

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. I can not agree with the Senator's statement that we have done our duty as a Congress.

Mr. COPELAND. I said, "Have we done our duty?"

Mr. LA FOLLETTE. I have been endeavoring since last December to direct the attention of the Senate to the appalling situation which has existed in the metropolitan and industrial centers of this country. I presented the results of a questionnaire which took in over 300 cities throughout the United States, and in the replies to the questionnaire, 170 of the mayors of cities expressed the opinion that they needed Federal assistance to meet the distressed condition.

In my judgment, the Senator should have made the speech which he is making now when we had before us the so-called compromise proposal on the Interior Department appropriation bill. The Senator realizes that this session of Congress is about to adjourn. If we had adhered to the position taken by the Senate, while I never contended that the sum provided in the Senate amendment was sufficient to relieve the situation, at least it would have been a fund which could have been used for emergency purposes. But because the Senate surrendered upon that issue, we now find ourselves, in the closing hours of this session, unable to do anything to relieve a situation which is already appalling, and which, in my judgment, based upon information in my possession, will grow more appalling as the months go by.

Mr. COPELAND. Mr. President, I am not quite sure, from what the Senator from Wisconsin said, whether he was finding fault with me personally for any lack of activity with reference to this matter or speaking of the Senate in general. Perhaps he misunderstood me. When I replied to the Senator from South Carolina I did not say that Congress had done its duty. I said, "Have we done our duty as a Congress?" That was a question I was asking.

Mr. LA FOLLETTE. Mr. President, I misunderstood the Senator. I thought the Senator said that Congress had done its duty.

Mr. COPELAND. Far from it.

Mr. LA FOLLETTE. And I wished to take exception to that statement.

Mr. COPELAND. I am not surprised that the Senator wanted to take exception to it, and in order that the Senator may now know how I feel about it, I say that the Congress has not done its duty. Is that clear enough?

I think it is a great pity to think that we should fail here, even at this late moment, to give consideration to what some of us have been begging from the beginning of the session might be studied. We have before us this matter of collectivism in Russia and the bringing in of goods manufactured at no cost. We are seeking to sell 35,000,000 bushels of wheat in the Liverpool market in competition with Russian wheat, which is produced without cost, because the wheat is produced in Russia by forced labor, by slave labor, by conscription of labor. How can we hope to raise wheat or cotton or any other product here and have our people live in accordance with the standard of living which we call the American standard, and maintain that standard, if there are countries on the face of the earth where, by reason of some political philosophy, the authorities can commandeer services and produce things which, so far as labor costs are concerned, have no labor costs?

Who is giving consideration to these matters? Who is giving any thought to what will happen in Germany if there is an economic breakdown and the Russian idea is carried into Germany? These political philosophies recognize no geographical boundary.

We are going on and on and on and doing nothing, so far as I can see, to relieve the situation in the United States, in order that our country may have its powers of resistance raised to the extent of making it possible to resist the invasion of these philosophical ideas and political ideas.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. I would like to get the Senator's opinion on the comments made by the Senator from Wisconsin [Mr. LA FOLLETTE]. Can the Senator conceive of a stronger case for Federal relief on the part of the Government than that which was made in behalf of those who are suffering in the drought areas?

Mr. COPELAND. No; I can not.

Mr. WALSH of Massachusetts. That case had behind it the whole minority in the Congress. It had behind it the directing force in the Senate of two of the strongest Senators in this body, the two Senators from Arkansas [Mr. ROBINSON and Mr. CARAWAY], and yet a compromise was forced which, in my judgment, ended any possibility of any further relief, except interest-bearing loans. If we can not get money from the Federal Treasury for people who are starving and without means of any kind or description, it does not seem possible to get any legislation here to share the burdens of relief with those communities which at least have some means of sustenance and have some power to tax their people to provide them with food and clothing. It seems to me the action on the drought case completely closed the door for any possibility of Federal relief in this emergency for the sections of the country where the costs of public relief to the unemployed has tremendously increased.

The policy of the administration with respect to Federal relief in the present emergency has made it apparent that the Federal Treasury could not be called upon to assist. When the drought relief bills failed, as proposed originally, the administration in control of Congress declared against other than relief in the nature of loans.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. It is because that compromise contained the surrender of the principle of Federal relief to the unemployed and the destitute that I was shocked to see representatives of the States in which this industrial depression is causing such widespread suffering on the part of millions of people voting to accept that surrender and to abandon the fight for Federal assistance in this most critical emergency.

Mr. COPELAND. Mr. President, I want to say a word in reply to the Senator from Wisconsin if I may have his attention. Many a brave army has surrendered in the face of superior forces on the other side.

Mr. LA FOLLETTE. I would like to know to what armies the Senator has reference. If it is the army that marched up the hill and then marched down the hill and never marched up again on this relief proposition, I will agree with him; but I do not agree with his characterization to the effect that the majority of that army were brave soldiers. They surrendered before a shot was fired.

Mr. COPELAND. The Senator from Wisconsin and I are so much in harmony regarding the principle involved that I am inclined to agree with his statement, but nevertheless I insist that we had to take half a loaf when we could not get a whole loaf.

Mr. LA FOLLETTE. I challenge the Senator to prove that there was half a loaf involved in the "Arkansas surrender." There was not even a crust in it so far as the people suffering in the industrial centers are concerned.

If the Senator will pardon me a moment further, this morning one of the chief proponents of the so-called compromise, the junior Senator from Arkansas [Mr. CARAWAY], has been criticizing the administration and claiming that even what he had hoped to obtain for his own people is being defeated by the administration of the law.

Mr. COPELAND. I fully sympathize with all that, too, but I will say, to change my figure of speech, that if we can not get a whole loaf we should take the promise of a half a loaf in the belief at the time the promise is made that it will be carried out in good faith. I agree fully with what the Senator said, that the administration through the Secretary of Agriculture is not carrying out that compromise.

Mr. LA FOLLETTE. Mr. President, will the Senator further yield?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. The thing I am pointing out is that in so far as the people for whom the Senator from New York has been speaking this morning, namely, those who are suffering want, privation, and hunger as the result of the industrial depression, could under no circumstances receive a penny of benefit under the terms of the amendment for which the Senator from New York and some other representatives of industrial States in this body voted when the issue was presented to them a few weeks ago.

Mr. COPELAND. I yield.

questionnaire, 170 of the mayors of cities expressed the

Mr. COPELAND. When was any issue presented to us so that we could have voted to do the thing the Senator has in mind?

Mr. LA FOLLETTE. The issue was presented when the conference report was before the Senate on the Department of the Interior appropriation bill. The Senate had provided a $25,000,000 fund to be used for those who could not obtain food, clothing, and medicine from any other source. The Senate accepted a compromise, as the Senator calls it. I denounced it at that time as, and I still maintain that it was, an abject surrender. So far as the unemployed and their dependents were concerned, had the Senate stood by its position and carried out the bold threat made by the minority in this Chamber that they would force an extra session of Congress if they did not get what they demanded, I am yet to be convinced that the Congress could not have discharged its obligations to those millions of unemployed and their dependents and secured the enactment of such a law.

But before we could make a genuine fight for the Senate proposition the leaders who were carrying the banner struck their flag and surrendered. When they surrendered and when that surrender was denounced and pointed out on the floor of the Senate, the Senator from New York and some other Senators representing industrial States in this body voted to accept that abject surrender and thereby abandoned those for whom the Senator from New York is now raising his voice in the closing hours of the Congress.

Mr. COPELAND. If the Senator is right in his belief that, had we stood out, there would have been some means of relief for these people, I will plead guilty and say it was a wrong act. But I do not believe that we could have gone a bit further than we did go with an unwilling administration and with the present occupant of the White House to give final approval or disapproval.

Mr. LA FOLLETTE. Mr. President, will the Senator from New York yield for a moment further?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. In the first place, the very Senators who were leading the supposed fight were the ones who surrendered without making a fight. That is the first thing, I say; and I say that the record, surveyed by any impartial judge, will prove that statement to be correct.

In the second place, the Senator from New York is standing here this morning wanting to know why we do not enact some legislation to provide relief, in the face of the present emergency, for those who are suffering in the cities. The Senator from New York lost his chance to win such a fight when he joined in the abject surrender on the Department of Interior appropriation bill, and so did some other Senators representing industrial States of the Union who surrendered at the time that issue was before the Senate.

It can not be maintained, Mr. President, that the issue was not squarely presented to this body. It was. The issue was as clear cut as any issue which has presented itself since I have been a member of this body. It does not avail in this late hour of the Congress to plead for the enactment of legislation, and especially it does not become those Senators who joined in the abandonment of the 6,000,000 or 7,000,000 unemployed and their dependents in this country.

The Senator from New York has stated on the floor of the Senate time and time again that New York City will take care of its own. From evidence that comes to me, the city of New York and the people living in it have done heroic work, and I maintain, and I think the Senator, if he is entirely frank, will admit that the city of New York is not taking care of its own. The Senator knows furthermore that the Prosser committee, which raised $8,000,000 to assist the unemployed in New York City, is preparing to abandon its further work unless it receives an appropriation from the city government of New York. The mayor has already stated that he doubts whether the city has any constitutional authority to make such an appropriation.

This is the situation in the richest city in the country, if not in the world. I ask the Senator and the Senate to consider what is happening in the other large industrial centers of the country and in the smaller industrial centers. I presented a survey from 303 cities in the United States and a summary of the replies which came in response to a questionnaire sent out, showing that 174 mayors as long ago as last January stated that they could not care for the unemployed and their dependents without Federal assistance.

Mr. COPELAND. I wish to ask the Senator from Wisconsin if he voted against the surrender, as he calls it?

Mr. LA FOLLETTE. Yes, I did; and I am proud of it. I maintained then that when the Senate surrendered upon that issue it abandoned the pleas of distress coming from 6,000,000 unemployed persons in the United States and another 5,000,000 who are on part-time employment and who are receiving too small a wage to prevent their families from suffering privation and want.

Mr. President, right here in the city of Washington, which is not an industrial city, we have already seen that there are several thousand school children who are undernourished and underfed. Pleas are being made to Congress that money shall be appropriated in order that those undernourished children may be given enough food to enable them to attend school. With such a situation in the city of Washington, which is not an industrial city, I ask Senators to picture in their own minds what widespread suffering is prevalent in the industrial centers of the country as we approach the end of the second winter of unemployment.

Mr. COPELAND. Mr. President, I agree almost 100 per cent with what the Senator from Wisconsin has said, but he has been very free to criticize individual Senators for the way they have voted. I want to say that when a Senator, knowing that he could not get more than was provided in the promise made, knowing that there was hope of carrying out that promise, and that, if carried out, it would save life, relieve suffering, appease the hunger of little children in the drought-stricken areas, voted against it; I fail to see how he has a right to criticize me for the way in which I voted.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. Mr. President, I pointed out at the time the so-called compromise was under consideration in the Senate that it was based on a proposition to extend relief only to those who could furnish security; that it abandoned the thousands upon thousands of farmers and their families, who, as the result of the drought, have no security to offer as a basis of procuring loans for their relief.

This morning the junior Senator from Arkansas [Mr. CARAWAY], on the floor of the Senate has stated that the Secretary of Agriculture is so administering this provision that even those who have security are unable to obtain any relief under it; and, Mr. President, if I may be permitted to say so, the sham of the "compromise" is being more and more exposed as time goes on.

Mr. BORAH and Mr. BLEASE addressed the Chair.

The VICE PRESIDENT. Does the Senator from New York yield; and if so, to whom?

Mr. COPELAND. I yield first to the Senator from Idaho.

Mr. BORAH. Mr. President, this debate this morning reveals, as the facts heretofore have been revealing, that Congress is going to adjourn upon the 4th of March without really having taken care at all of those who have no security to give for food. We have four days more in which we may possibly correct that error; but, as the Senator from Wisconsin has so emphatically and so eloquently said, we have really failed to reach those people at all by our legislation. Leaving out of consideration now the fact that even those who have security are having the law administered in such a way that they can not avail themselves of its benefits, we have not undertaken to reach the other people at all.

I suggest to those who know the situation the possibility of putting through by means of a joint resolution an appropriation of $10,000,000, to be used exclusively for the benefit of those who have not the security to give in order to enable them to obtain food. If we can do that before the session of Congress ends, we shall have gone far toward redeeming ourselves, in my judgment, with reference to the duty which has been devolving upon us for the last three months.

Mr. COPELAND. Mr. President, I thank the Senator from Idaho for what he has said, and I hope the Senator from Massachusetts [Mr. WALSH] will give consideration to the suggestion made by the Senator from Idaho.

However, I want to say a word or two more to the Senator from Wisconsin [Mr. LA FOLLETTE]. The Senator holds a certain philosophy, a certain conviction, and I honor him both for his philosophy and his conviction. He believes that there should be general relief—and I follow him in that and approve of it—but when the Senators from Arkansas [Mr. ROBINSON and Mr. CARAWAY] found they had to take what they could get or nothing, when there was starvation and suffering in their State, they did not only the humane thing but, as I view it, the sensible thing; and I would not be proud, in defending a philosophy or a conviction, to state that I cast a vote against a measure which would permit some, at least, of those who suffer to be relieved of their suffering. I do not follow the Senator that far, and I am sure, when he gives mature consideration to the thought he has expressed this morning, he will take a different view.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

Mr. COPELAND. If there be a thousand people drowning, the rescuer does not defer all his efforts until he can find a piece of apparatus by which the whole thousand may be saved, risking the chance of having all of them drown, when by prompt action he may save 500 or 100 or even 10.

Mr. COUZENS. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield to the Senator from Michigan.

Mr. COUZENS. I wonder why the Senator from New York did not make the speech he is now making when we were considering the Arkansas surrender? That was the time when we might have gotten the relief about which the Senator is now talking.

Mr. COPELAND. I think this is the first time the Senator from Michigan has ever suggested that I make a speech. If there is any Senator in the body who has talked more frequently on this subject, as well as on some others, than has the Senator from New York, I should like to meet him. I have made speeches of this character in season and out of season all the time. The Senator from Wisconsin glories in the fact that he voted against surrender.

Mr. COUZENS. So did I.

Mr. COPELAND. Before the Senator from Michigan glories in it let me say that many a brave general has had to surrender and has had to accept terms of capitulation that were distasteful to him. Does not the Senator suppose that the Senators from Arkansas would have preferred to have the project carried through as they first proposed it? Of course, they would. But they found out—and nobody knows that better than does the Senator from Michigan—that they could not get what they wanted. Therefore they agreed to take what they could get.

I am not going to defend the administration in its failure to carry out its share of this responsibility or its share of what the Senator perhaps might call "the bargain." It has not carried it out; I do not think the Secretary of Agriculture has acted in good faith; but the Senators who were contending for human beings, for persons whom they knew, when they saw in it the hope of saving them from starvation did the natural and the proper and the wise thing as I see it.

Senators may come here and glory in the fact that they voted against the little relief which was given, perhaps to those only who could give security, but at least those persons obtained relief.

Mr. LA FOLLETTE. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. I yield.

Mr. LA FOLLETTE. In the first place, Mr. President, evidence has been presented to the Senate this morning that even those who have security in the drought-stricken areas are not getting relief. In the second place, may I say that it was pointed out at the time the surrender was pending that the Secretary of Agriculture by the manner in which he was administering the $45,000,000 seed loan bill had demonstrated that he was not in sympathy with the legislation. Yet the Senator from New York and other Senators voted to turn over the second phase of the relief program for those who could furnish security to that same unsympathetic administration.

In the third place, the Senate brought forward the $25,000,000 proposition to provide medicine, clothing, and food for those who could not otherwise obtain it. Five other propositions were also brought forward as measures of relief. The Democratic leaders had a meeting, after which they declared those five propositions for relief were their minimum demands. They said further that they would force an extra session of Congress in order to obtain this program. The Democrats secured the support of Senators upon this side of the Chamber for that program. Then, Mr. President, weeks before the end of the Congress had been reached, weeks before they had carried their fight to its logical conclusion, they surrendered and they accepted the proposition for $20,000,000, to be loaned to those who had security.

In the first place, by that surrender they abandoned the other four propositions in their program. In the second place, by it they abandoned the thousands upon thousands of farmers in the drought-stricken areas who had no security and could obtain no relief under the bill, and, in the third place, they abandoned the millions of unemployed and part-time employed and their dependents in this country.

Now, I repeat to the Senator from New York, that I am not accustomed to engaging in sham battles. In so far as I am concerned, when I get into a fight I try to carry that fight through to its logical conclusion. I say further to the Senator from New York that if he had stood with those of us who wanted to carry the fight through to its logical conclusion we would by this time or at some time in the next few weeks have won our fight all the way along the line. I could not accept the sham compromise. I could not accept such an abject surrender of a vital principle. I said a moment ago, and I now repeat, that I am proud that I was not a party to the abandonment of the millions of men, women, and children in this country who in this very hour are suffering hunger, want, and privation.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. CARAWAY. Will the Senator permit me to interrupt him for a moment?

Mr. COPELAND. I yield.

Mr. CARAWAY. Mr. President, I engage in no kind of a controversy with those who disagree about the program. My good friend from Wisconsin has made reference to a surrender. I say most emphatically that there was no surrender, so far as I was concerned, and any statement of that kind is an utterly unsubstantiated statement. The legislation as it passed was the kind of legislation for which I asked every time I made a speech upon the floor of the Senate, and there is no one in the Senate who ever misunderstood my statement or my position with reference to it. That is not possible; it could not be done.

The $60,000,000 appropriation reported by the Senator from Oregon [Mr. MCNARY] carried a provision for loans secured by first mortgages or first liens on crops or other security. In the committee I had suggested that there ought not to be a lien on all the crop, but I was assured—and I examined previous legislation of similar kind—that in the entire history of legislation of this character there had always been made provisions for a first lien on the crop to

be grown with the seed and feed and fertilizer furnished to those who were in distress. So we accepted that provision.

The bill came upon the floor of the Senate and not a Senator who is now denouncing the legislation which has been enacted voted against it. There was no talk then of it not affording adequate relief. There is not a Senator who now denounces the legislation which has been enacted who did not support the $60,000,000 proposition, although it contained a less liberal provision to care for drought-afflicted people than that contained in the legislation which was enacted. Every one of them voted for it.

When the measure went to the other body it was amended by striking out "livestock" and substituting "work stock." Notwithstanding the fact that we had a Farm Board that was telling us that the 1-crop system was ruining us and that we ought to diversify, the body at the other end of the Capitol, I presume acting under instructions from the administration—because I think that has been pretty well understood, and that they voiced the administration's viewpoint—struck out "livestock" and substituted "work stock," so that a farmer in the drought-afflicted area was compelled to sacrifice all of his livestock. His milk cows, his hogs, and everything else must go because the administration would not permit a loan upon anything except work stock. It certainly was a bill written in aid of the mule and nobody else. It ought to have been so entitled.

The bill came back to this body under a conference report in which, as I said then and I want to say now, I am satisfied the conferees for the Senate did the best they could. I refused to criticize them then and I disclaim any criticism of them now. I said, however, upon the floor when the conference report was up, that it was a bill so restricted by its language, knowing the hostility of the Secretary and the administration to any liberal relief, that there was not a mouthful of food under the bill.

The conference report was agreed to. Then a bill making an appropriation of $45,000,000 to carry out its provisions came from the House to the Senate. I then offered an amendment to restore to it $15,000,000 to be made available as a loan with security to farmers under which they might borrow money to buy food. Every Senator who now criticizes the present measure voted for that $15,000,000 amendment to the drought appropriation bill.

I said then, and I repeat, that the people for whom I particularly spoke, those whose sentiments I professed to know, wanted an opportunity to save both their lives and their self-respect; that they represented the purest blood strain in America, so far as the Anglo-Saxon strain was concerned; that less than 1¼ per cent of them were foreign born; that the majority of them were qualified for membership either as sons or daughters of the American Revolution. They represented the oldest civilization we have.

I want to say, in addition to that, that in 1927 we had 4,000 square miles more of territory under water than the entire State of Maryland. We had 16,000 out of 52,000 square miles of our territory—and that is the most thickly settled—under water from 3 to 40 feet deep; and we survived that.

When legislation was passed in Congress to make appropriations to loan to farmers money to buy feed or seed or fertilizer, we never asked and never received a penny.

In 1928 we had other troubles.

In 1929 we had a fairly good crop and a poor price.

In 1930 we had the worst drought and the only severe drought we have ever had in our history. It was agreed that it was the worst-hit State, so far as the drought was concerned, of the 21 States affected by the drought.

I said then, however, and I repeat now, that we asked for an opportunity to borrow money under such conditions and on such terms as we could actually obtain it, and we would be able to raise ourselves out of our present disaster because—you will pardon me; I know you will recall it—I said that if our whole credit system had not broken down, we could yet get on without a dollar of governmental aid. Under the depression that struck all the country, however, and struck us particularly hard by reason of the severe drought, the greater amount of our credits was tied up in failed banks.

If you have not had a bank in a community, of course, you may not be much hurt; but if you have a bank in which every dollar of the public funds and most of the private funds are tied up, and it closes its doors, you not only have no credit facilities, but you have what resources you did have locked up in closed banks. Our credit situation, therefore, was destroyed; and we asked that you extend to us some credit medium through which we might obtain loans, and we would rehabilitate ourselves.

That has been my position from the beginning to the end. When the present so-called compromise bill came, it was better than the original $15,000,000 bill that I offered. It was better than the $60,000,000 bill, because it carried $5,000,000 more; and it added, as an additional purpose for which the $45,000,000 might be available, feed for livestock, so that the farmers could again feed their milk cows and their hogs and other livestock, and not be restricted to maintaining their work stock.

The $20,000,000 was made available, first, to establish credit by the way of establishing agricultural credit associations and livestock associations, under which those who could borrow through those means could get enough money to make their crop. Then we struck out the provision for a first lien on the crop, and merely inserted a provision for a lien, so that if a man already had a lien on his crop he might borrow under the bill and get food and medicine and clothes under its provisions.

It was charged here on the floor, and I do not think in bad faith at all—because I am not quarreling with the people of whose friendship we are the beneficiaries—that the language did not include these provisions. The Senator from Idaho [Mr. BORAH]—and I was awfully glad that he did it—proposed a resolution asking for its interpretation; and the Secretary of Agriculture gave us a statement of what he said would be his administration—a fair and sympathetic administration. The President promised us that; and let me say that the bill, as I said then and I am repeating now, was an agricultural and not an industrial relief bill. Under its provisions, if the Secretary of Agriculture will give us a fair and sympathetic administration of it, we can live. It seems to me, however, that he is deliberately suppressing the main part of the bill, the part of it under which we hoped to be able to make a crop. If he had given it to us, we could go to work, and we are glad to go to work. We wanted to save both our reputations and our lives.

Now, it is growing late. The bill was approved on the 14th day of February. This is the 28th of February. Anyone knows that in two hours the regulations for the administration of the $20,000,000 could have been written, and in two days it could have been put into administration, and people could have commenced to borrow under it, and could have made their arrangements to make a crop. As it is, they have to wait; and whether or not the Secretary is going to give us any relief under it I do not know.

Mr. BARKLEY. Mr. President——

Mr. SMITH. Mr. President, may I ask the Senator what reason the department has given for the delay? The farmers are there, the farms are there, and the money is made available.

Mr. CARAWAY. Mr. President, I can not get any reason. I have been promised from day to day that the regulations would be out within a day or two days, until yesterday I called up Mr. Warburton, and he said that he had prepared them, but the Secretary did not want to approve them, and had gone to Cincinnati to make some kind of a speech. I take it that he has moved the main office of the Secretary of Agriculture to Cincinnati, because that is where he had gone another time when we wanted him.

Mr. BARKLEY. Mr. President, if the Senator will yield——

Mr. CARAWAY. In just a minute. I think the Secretary is deliberately delaying putting into effect the second provision of the $20,000,000 loan bill, which was to loan farmers money to make a crop for 1931 for agricultural rehabilitation.

The Senator from Kentucky was the first to address me. I yield first to him, and then I shall yield to all of the Senators.

The VICE PRESIDENT. The Senator from New York [Mr. COPELAND] has the floor. Does the Senator from New York yield to the Senator from Kentucky?

Mr. CARAWAY. Oh. I beg the Senator's pardon.

Mr. COPELAND. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I desire to corroborate what the Senator from Arkansas has said. I was reliably informed just a few moments ago that the regulations for the distribution of the last $20,000,000 which we provided have not been promulgated, and there is no definite information as to when they will be promulgated.

In addition to that, while I am on my feet, I wish to call attention to the fact that until within the last very few days the Department of Agriculture had not provided in some of the largest counties in my State more than 25 application blanks upon which the farmers could make application for seed loans under the resolution we passed prior to the Christmas holidays; and only after the most urgent insistence, not only here at the Department of Agriculture but at the seed-loan office in St. Louis, have we been able to secure any assurance that application blanks will be provided to allow farmers to make application under the original appropriation, to say nothing about the last $20,000,000.

Mr. HARRIS. Mr. President——

Mr. COPELAND. I yield to the Senator from Georgia.

Mr. HARRIS. I called Doctor Warburton on the telephone this morning about the $2,000,000 loan fund, which interests about half the counties in my State, the others not being able to come in under the provisions of the $45,000,000 bill. He informed me that the applications are being printed, that it will be several days before the printing is completed, and that it will be some time next week before the applications can be distributed.

Mr. SHIPSTEAD. Mr. President, I am compelled to leave the floor in order to attend a committee meeting. Will the Senator yield to me to read a letter upon this subject from a farmer?

Mr. CARAWAY. The Senator from New York [Mr. COPELAND] has the floor. If he will yield to the Senator from Minnesota——

Mr. COPELAND. Mr. President, what is the request? I am very anxious to get through. I had no idea of holding the floor very long.

Mr. CARAWAY. Will the Senator yield to me, then, for just one moment longer? I want to say this in conclusion:

I merely want to keep the record straight. I am not pretending that this bill would have given relief to industrially depressed communities. It was not so designed. I have stood ready and I stand ready yet, as I said before, to support any measure that those who are more directly representative of the communities that are industrially depressed might think would afford them relief. I have not changed my position, however, nor do I purpose to permit anyone to misunderstand it or to misstate it on the drought-relief legislation. I have stood always exactly in the same position; but I am not quarreling with those people who do not think it went far enough.

Mr. SHIPSTEAD and Mr. GLENN addressed the Chair.

Mr. COPELAND. Just a moment before the Senator stops. Does the Senator consider that what we did was an abject surrender, in view of the promises made to us?

Mr. CARAWAY. Mr. President, it was more than we had first been promised. It was more than the original joint resolution. It was not a surrender upon the part of the people for whom I spoke and with whom I cooperated; but it was a retraction of the position of the administration, because it could have had on the 14th day of December the legislation it got on the 14th day of February.

After it had gone through all the protestations of undying hostility, actuated by certain principles it was alleged to possess, it came around and accepted in a more liberal form the bill introduced by the Senator from Oregon [Mr. MCNARY.]

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. COPELAND. I yield.

Mr. SHIPSTEAD. In view of the early approach of the spring planting season, and in view of the remarks which have been made about the machinery that is set up for the purpose of carrying out the provisions of the act of Congress, I am going to read to the Senate a letter I have received from a farmer in Mennesota, who has accepted the position of chairman for his county in supervising the Government loan. The letter is from Peter E. Stich, of Stephen, Minn., and reads:

HONORABLE SIR: I accepted the chairmanship of the county committee to pass on applications of farmers in the hailed-out area of Marshall County for loans from the United States Government for seed, feed, and fuel. We have received some supplies from Mr. Eliff, who is in charge of the Grand Forks seed-loan office of the United States Department of Agriculture. From reading these instructions and viewing the supplies I beg to advise you that the nature of the security required is such that it places the loan beyond the reach of 90 per cent of our farmers who need this financial backing to put in this year's crop.

This is an alarming situation and one which I am sure you are not aware of. We have had a dozen applicants, and three times that many who have talked to me, just in my home township of Tamarac (157-48). In practically every instance the farmer farms some rented land beside the farm on which he resides. The reason for this must be known to you, as it is the fact that absentee owners hold a lot of our land through mortgage foreclosures. Most of this land is being farmed by neighbors. The United States Department of Agriculture is requiring an absolute first lien on everything that the applicant is farming before they will loan him a cent. For instance, we will take a typical applicant of Marshall County, and one who started to make an application and then threw up his hands, when he learned of the waivers required. He owns his own farm and farms it, and rents adjoining land from two different absentee owners. He wishes seed, feed, and fuel to enable him to put the crop in on his own farm. The newspapers have informed him that the United States Government will loan him money for these purposes and he desires to obtain the loan as he can get the money nowhere else, for his chattels are mortgaged, and he has a real-estate mortgage on his farm. On the land he is renting the landowners are furnishing him with seed and renting on the usual half-share-rental contract. They will not waive their interests in the crop to be raised on their lands for which they are supplying the seed in order that this farmer can obtain seed, feed, and fuel for his own farm. Nor would you or any other good business man. But still this is what is being asked.

I fully realize that the time is at hand when the money is needed and seed should be purchased. In the State of Minnesota I understand that a seed lien is a first lien on the crop for which the seed is furnished. This fact should obviate the necessity of waivers from landowners. But this is not sufficient security for the loan. In addition there is asked a first lien on all the land which the applicant is farming and waivers from all interested owners or prior mortgagees. I think that if the matter can be arranged so that our farmers can obtain seed that they will be able to carry on for feed and fuel some way. I suggest a seed lien covering land for which seed is furnished. If this is not done the loan is beyond the reach of our farmers and of little if any benefit to this section of the country.

I believe that it was the intention of the United States Government through our Representatives and Senators to enact legislation and make an appropriation for these loans which would render assistance to those in need of it. This end has been defeated. Your immediate action appears to be the only thing which can remedy the situation. I shall await your advice as to whether there will be loans available to our farmers.

Mr. President, that letter comes from a man who has been appointed to supervise the loans to farmers in the county where he lives. I have every reason to believe that he states the facts as they are, and unless something is done to make it possible for these people in need, 90 per cent of whom can not avail themselves of loans under these rules and regulations, to get the loans, the purpose for which Congress passed the recent legislation will be thwarted, and the intended aid will not be given.

I thank the Senator from New York for yielding to me.

Mr. COPELAND. Mr. President, when we made what the Senator from Wisconsin calls "an abject surrender"—of course, I do not accept that characterization, and I put the words in quotation marks—we had a right to believe that the administration in all fairness and justice would go

forward with what the Congress adopted as its will. We had a right to believe that it would do that. If the Secretary of Agriculture has fallen down on his job, that is to be regretted, and it is the fault of the Republican administration. But when we adopted the proposal we took it in good faith.

A man certainly would not be proud, to use the language of the Senator from Wisconsin, for having voted against a measure which everybody thought would be carried out in good faith. No man could be proud of voting against something which would give food and sustenance to those who were starving or in distress. Of course, we have different ideas about what we should be proud of, and we hold different ambitions; but I could never be proud to think that I had voted against any measure which had in it the hope of saving human life. As it has turned out a man may stand up now and say, "Because the administration has not carried it out I am proud I did not vote for it." That is quite a different thing.

Mr. President, I will go as far as the Senator from Wisconsin will go in demanding relief in the industrial sections of our country. I was in the fullest sympathy with the appeal he made, and the equally eloquent appeal of the Senator from Massachusetts; but the Republican administration has utterly failed to measure up to its responsibility, and the responsibility rests there.

That there is widespread distress in this country, and that no effort is being made to relieve that distress, is the fault of the White House and the Republican administration. If the President at Christmas time had recognized the importance of the problem, the Red Cross would have been called into action, and the appeal for funds would have been made at a time when there would have been universal response to the appeal. But in the meantime, by reason of the delay, the funds which ordinarily go to the Red Cross had been absorbed by relief committees in the various industrial centers.

Mr. President, I heard what the Senator from Wisconsin said about my city. We do not ask for one penny of Federal funds, not one cent from the Public Treasury. There is no question about what the city of New York will do. The Prosser committee raised $8,500,000. The Senator from Wisconsin expressed doubt that the board of estimate would provide $10,000,000 more. I dispute the statement. There is every evidence, from the papers this morning, that on next Tuesday, at the executive session of the board of estimate, that $10,000,000 will be provided to take care of the people in my city. I am not making any appeal for the people of my community. We will take care of the people suffering in that community. The great heart of New York has never failed, and it will not fail now. There will be funds for our people.

My plea is for the country at large. I think the Senator from Wisconsin was somewhat heated this morning in what he had to say, and I do not blame him. I know how interested he is in this problem and how disappointed he is that the administration has not handled it. At the same time, he must not criticize those of us who did what we could and continue to do what we can to relieve distress.

My plea, and what I came here to say—and I had no thought of being on the floor more than five minutes—is that even yet the Congress may take some effective action in order that there may be left in the hands of the President funds to be used in case of necessity to deal with the increasing distress in the industrial centers as well as in the drought-stricken States.

Let me appeal to my friend from Massachusetts that he give early attention to the suggestion made by the Senator from Idaho that we now make an effort to put through a joint resolution to provide funds which may be used after we have adjourned this session.

Mr. President, I think there rests upon the President and on the Republican Party a responsibility which is theirs. If they had come here at the beginning of this session with a program of relief, there is no question but that every Senator on this side of the aisle would have voted quickly and enthusiastically to support the administration in an effort to relieve distress and unemployment. But the President did not see fit to do that, and the responsibility is his. It rests upon him and he will have to answer for the results.

GEORGE B. M'LEOD

Mr. HARRIS. Mr. President, I want to ask unanimous consent to bring up a bill, a counterpart of which is now on the calendar in the House, which has been reported favorably by the Committee on Claims in both Houses. There will be no debate on it, I am sure. I refer to Senate bill 6254, for the relief of United States Marshal George B. McLeod.

Mr. JOHNSON. Is the bill upon the calendar?

Mr. HARRIS. The bill was reported this morning for the calendar. A similar bill is on the House Calendar, and if the Senator will let me explain I am sure there will be no opposition to it.

The bill is to reimburse the United States marshal in the southern district of Georgia for the payment of $577 for services as stenographer in a court case. Competitive bids had been asked for the reporting, but the comptroller would not pay the bill because the man was drawing another salary, although the work he did as a stenographer did not in any way relate to his other work. I hope there will be no objection to the bill.

There being no objection, the bill (S. 6254) for the relief of United States Marshal George B. McLeod, which had been reported from the Committee on Claims without amendment, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of George B. McLeod, United States marshal for the southern district of Georgia, in the amount of $577.50, being the amount paid by him to J. W. Talbert for stenographic service in reporting the testimony of James J. McGrath in the matter of the United States against Sonia Goldbert and others in February, 1929.

UNITED STATES NAVAL ACADEMY ON PACIFIC COAST

Mr. JOHNSON. Mr. President, I ask permission to introduce a joint resolution and to have it read. I do not ask that it be considered at present, but I desire to spend two or three minutes making a statement in relation to it.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The joint resolution (S. J. Res. 259) creating a joint select committee to investigate the question of establishing a United States naval academy on the Pacific coast was read the first time by its title and the second time at length, as follows:

Whereas the present number of midshipmen at the United States Naval Academy is insufficient to meet the needs either of a Navy of the size assigned to the United States under the limitation of armaments agreement or of a Navy corresponding to our rapidly growing maritime interests and proportional to the position on the seas that will be ours within a few years; and

Whereas the very rapid evolution of aviation afloat and ashore, both in the naval service and in civil life, requires in the immediate future many more naval aviators than can be supplied through the training of present complements at the United States Naval Academy; and

Whereas it is highly desirable in the interest of naval effectiveness that the Marine Corps and the staff corps of the Navy be regularly recruited from Naval Academy graduates, which will be impossible without increasing the number of such graduates; and

Whereas one of our greatest naval deficiencies is in the number of properly trained reserve officers, and this deficiency would be best filled from Naval Academy graduates who have entered civil life, the availability of any considerable number of whom would require surplus graduates of the Naval Academy return to civil life annually over and above the number needed for retention in the service; and

Whereas the continuous successful expansion of the American merchant marine, upon which the prosperity of our country so much depends, will be greatly aided by the recruiting of its officer personnel from Naval Academy graduates, at present impossible on account of the small number of such graduates; and

Whereas it is of great national benefit, as George Washington declared and experience proves, to have among our citizens civilians who have received the benefits of the education and training that the United States Naval Academy and the United States Military Academy gives, and since the number of such citizens at present is small by reason of the small number of graduates from our two national academies: Therefore be it

Resolved, etc., That a joint committee of Congress, to be composed of three Members of the Senate, appointed by the Vice President, and three Members elect of the House of Representatives of the Seventy-second Congress, appointed by the Speaker of the House of Representatives, shall make an investigation relative to the practicability, advisability, feasibility, and location of a United States naval academy on the Pacific coast of the United States.

SEC. 2. For the purposes of this resolution the committee, or any subcommittee thereof, is authorized to select a chairman and to hold such hearings after March 4, 1931, to sit at such times and places, to employ such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to have such printing and binding done as it deems advisable.

SEC. 3. The head of any executive department, independent establishment, or agency in the executive branch of the Government shall, upon request of the committee or any subcommittee thereof, furnish such records, documents, papers, correspondence, and information in the possession of such department, independent establishment, or agency as may assist the committee, and may temporarily detail any officers or employees of such department, independent establishment, or agency to assist such committee or subcommittee in carrying out the provisions of this resolution.

SEC. 4. The committee shall report to Congress the results of its investigations, together with its recommendations for legislation, if any, on or before December 18, 1931.

SEC. 5. To carry out the purposes of this resolution there is hereby authorized to be appropriated the sum of $10,000, one-half to be expended from the contingent fund of the Senate and one-half from the contingent fund of the House. All expenses of the committee shall be paid upon vouchers to be approved by the chairman of said committee.

Mr. JOHNSON. Mr. President, let me say in a word that the purpose of the joint resolution is not to retard legislation at the present time nor to interfere with any pending measures at all. Its design, sir, is in line with the dreams of some of us who live on the Pacific coast of possibilities there.

I can recall 30 years ago, when I used to speak of the possibilities of the coast, of its commerce, its importance, and its population, people were inclined to smile indulgently; and yet, according to the last census, the sixth State in the Union in population is to-day the State of California; its expanding maritime activities and its rapidly increasing commerce are recognized as of prime national importance. I can recall the times when we thought little of the commerce on the Pacific, and yet to-day, sir, there is no man of vision but realizes that ultimately the theater of world activity will be upon that ocean.

The mild Pacific, sir, washes the shores of more than a third of the earth's surface. The mild Pacific touches 70 per cent of the population of the entire globe.

My design is, and it is a dream which ultimately will come true, though not to-day, of course, upon the Pacific slope—and I count the Pacific slope all of that territory which is west of the Rocky Mountains—to have a naval academy finally, a naval academy not from the standpoint of militarism at all, but a naval academy which will furnish those who must necessarily finally, in the ever-increasing commerce of the Pacific and in the needs of the Pacific for national defense, provide the personnel for directing ships. It is not, I insist again, a design in erecting there a naval academy to increase the military forces of the land, nor is it directed mainly toward militarism.

There on the Pacific coast are harbors such as have no counterpart in all the world. No more appropriate place could be found for a naval academy. It interested me a few years ago in sailing about to observe harbors and make comparisons with harbors on the Pacific coast. Incomparably superior are our harbors to most in foreign lands. The commerce of the Pacific to-day by leaps and bounds has increased until very recently when difficulties have arisen in the Orient, and that commerce is destined to be even greater with the lapse of years. A naval academy such as suggested would accomplish many very important purposes.

Some of us who yet believe in national defense desire to have some measure of preparedness finally in case any differences may arise. We recognize that our Navy was stripped of its power by a naval treaty which we entered into just a few months ago. We recognize that then, under the pious cry of peace and protestations of what was going to be accomplished in the world, we reduced our Navy beyond that point at which we presumed it ever would be maintained. To-day, sir, not only have we done that, not only have we shot the Navy to pieces under a naval treaty, but the administration leaders in the House of Representatives have blocked any endeavor to build up even under that naval treaty, and to-day the Navy of the United States in comparison with the Navy of Great Britain is inferior and far from parity, and in comparison with that of Japan woefully inferior.

But this is not primarily a naval measure which I introduce. It is a measure for peace time and for the protection of our commerce, the education of those who ultimately may be sought to direct the shipping commercial interests upon the Pacific coast, the empire that is growing so to-day that a man needs no imagination to understand what its possibilities in a quarter of a century will be and how it will rank with all the world.

I ask that the joint resolution be referred to the Committee on Naval Affairs.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Naval Affairs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes, and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;

H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;

H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements or sold to other persons, or for other purposes; and

H. R. 17071. An act granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa.

WELFARE OF MOTHERS AND INFANTS

Mr. BARKLEY. I ask that the amendments just received from the House to Senate bill 255, for the promotion of the health and welfare of mothers and infants, and for other purposes, be retained on the Secretary's desk with a view to making a motion to concur in the House amendments. I do not make the motion now because of the absence of the Senator from Washington [Mr. JONES].

The VICE PRESIDENT. The message from the House of Representatives will be retained on the Secretary's desk.

ELIZABETH LYNN

Mr. HOWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6227) entitled "An act for the relief of Elizabeth Lynn," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.
ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

Mr. TYDINGS. What is the bill? One can not tell by the number.

Mr. HOWELL. These are certain claims where the Senate cut down the amount claimed as passed by the House and in conference compromises were made.

The report was agreed to.

JOHN MAIKA

Mr. HOWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 531) entitled "An act for the relief of John Maika," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to each thereof with an amendment as follows: In lieu of the sum inserted by each of said amendments of the Senate insert "$3,000"; and the Senate agree to the same.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.
ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

The report was agreed to.

GEORGE W. M'PHERSON

Mr. HOWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8242) entitled "An act for the relief of George W. McPherson," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment of the Senate insert "$4,000"; and the Senate agree to the same.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.
ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

The report was agreed to.

LAURIN GOSNEY

Mr. HOWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2222) entitled "An act for the relief of Laurin Gosney," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.
ED M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

The report was agreed to.

FEDERAL REAL ESTATE & STORAGE CO.

Mr. GOLDSBOROUGH. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 4727) for the relief of the Federal Real Estate & Storage Co.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

Mr. DILL. Mr. President, is the bill on the calendar?

Mr. GOLDSBOROUGH. No; it was reported this morning. It simply refers a case to the Court of Claims for report back to Congress.

Mr. DILL. Is it a unanimous report of the committee?

Mr. GOLDSBOROUGH. It is.

Mr. DILL. I have no objection.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment on page 1, line 4, after the word "determine," to insert the words "and report to Congress," so as to make the bill read:

Be it enacted, etc., That the Court of Claims of the United States is hereby authorized and empowered to hear and determine and report to Congress the claims of the Federal Real Estate & Storage Co. as owners of lands lying partly in Montgomery County, Md., and partly in the District of Columbia, arising out of the taking and closing of the Little Falls Road, leading from the Conduit Road to the aforesaid lands of the Federal Real Estate & Storage Co., by the building of the Delecarli filtration plant and other buildings in connection therewith, and for the closing of a road substituted therefor by the agreement of the United States district engineer and the Federal Real Estate & Storage Co., any statute of limitations to the contrary notwithstanding.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN INTERFERENCE WITH AMERICAN AFFAIRS

Mr. HEFLIN. Mr. President, under the rule I am required to give notice of a motion to discharge a committee from the further consideration of a bill. Accordingly I desire to enter a motion to discharge the Committee on Foreign Relations from the further consideration of the bill (S. 5868) making it unlawful for any American citizen to accept any office or title from any king, prince, or foreign state.

The PRESIDING OFFICER. The motion will be entered.

INVESTIGATION OF AGRICULTURAL CONDITIONS

Mr. WHEELER. Mr. President, I ask permission to introduce a resolution and to have it read, and then to make a very brief statement with reference to it. It will not lead to any discussion because I am going to ask that it be referred to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read the resolution (S. Res. 481), as follows:

Whereas the depression in agriculture continues unabated, and there are involved in the problem of prices for farm products, agricultural marketing, and financing, a number of questions which require detailed study and upon which Congress should have further information before considering remedial legislation: Therefore be it

Resolved, That a subcommittee of the Committee on Agriculture and Forestry, consisting of five members, including the chairman of the committee and four others to be designated by the chairman, shall be authorized, and is hereby directed to make full inquiry into the subject of agricultural conditions, including the efficacy of existing organizations for marketing and credit service to agriculture, and report to the next session of Congress its recommendations in the premises.

Such subcommittee shall have full authority to administer oaths, or compel the attendance of witnesses and the production of papers, and to sit in Washington and such other places throughout the country as it may deem proper, and to sit while Congress is in session or during adjournment.

There is hereby appropriated from the contingent fund of the Senate the sum of $20,000, or so much thereof as may be necessary to defray the expenses of such inquiry.

The PRESIDING OFFICER. The Chair will state to the Senator that the resolution is not in proper form. It should provide an authorization and not an appropriation. The resolution reads:

There is hereby appropriated.

It should read "there is hereby authorized."

Mr. WHEELER. I desire this resolution to go to the Committee on Agriculture and Forestry. It does not provide for an appropriation, but for an investigation of agricultural conditions, the expenses to come out of the contingent fund of the Senate.

Mr. President, if I may say just a word, I will state there has been a considerable demand throughout the country that a general investigation of the Farm Board take place. I have been opposed to an attack on the Farm Board, but I feel that agriculture is in the most deplorable condition in which it has been for a number of years. I know that many members, if not a majority, of the Committee on Agriculture and Forestry are without any information as to exactly what has been going on in the Farm Board; how the four hundred or five hundred million dollars that have been placed at its disposal have been expended. So it seems to me that, during the recess, when Congress shall have adjourned, during the intervening nine months, the Committee on Agriculture and Forestry of the Senate ought to investigate farm conditions throughout the United States, and that it ought to examine and take testimony as to how the money appropriated for the Farm Board has been spent. It also ought to make a study of any proposed changes in legislation for the purpose of bettering the condition of agriculture. I hope, Mr. President, that the chairman of the Committee on Agriculture and Forestry will call the committee together and that we may get action upon the resolution in the immediate future.

Let me say to the Senate that while I have suggested the sum of $20,000, to be paid from the contingent fund of the Senate, to cover the cost of the investigation, I doubt if that much will be required, because most of the data which we desire, in my judgment, are available here in Washington or from the various cooperative organizations throughout the country.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Agriculture and Forestry.

WELFARE OF MOTHERS AND INFANTS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. JONES. I move that the Senate disagree to the amendment of the House, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSON, Mr. JONES, and Mr. FLETCHER conferees on the part of the Senate.

SURVEY OF SEMINOLE INDIANS OF FLORIDA (S. DOC. NO. 314)

Mr. FLETCHER. From the Committee on Printing I report an original resolution providing for the printing of the document which I send to the desk, and I ask unanimous consent for the immediate consideration of the resolution. It will take but a moment.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 482), as follows:

Resolved, That the manuscript entitled "Survey of the Seminole Indians of Florida," by Roy Nash, be printed with illustrations as a Senate document.

Mr. FLETCHER. An estimate of the cost of the printing has been obtained.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

PROPOSED MERGER OF ROOSEVELT STEAMSHIP CO. AND INTERNATIONAL MERCANTILE MARINE CO. (S. DOC. NO. 313)

Mr. FLETCHER. Mr. President, yesterday there came to the Senate a report from the Shipping Board in response to a resolution which I had submitted. It is a very short report. It was ordered to be printed and to lie on the table. I ask to have the report printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the report was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

[Senate Document No. 313, Seventy-first Congress, third session]

PROPOSED MERGER OF ROOSEVELT STEAMSHIP CO. AND INTERNATIONAL MERCANTILE MARINE CO.

Letter from the vice chairman of the United States Shipping Board transmitting in response to Senate Resolution No. 431, information relative to the merger of the Roosevelt Steamship Co. and the International Marine Co.

UNITED STATES SHIPPING BOARD,
Washington, February 27, 1931.

Hon. EDWARD P. THAYER,
Secretary of the Senate, Washington, D. C.

SIR: In the matter of information requested of the Shipping Board by Senate Resolution 431, introduced by Mr. FLETCHER, I have the honor to advise as follows:

(1) What information the board has with respect to the merger of the Roosevelt Steamship Co. and the International Mercantile Marine Co.

It has been stated to the board indirectly that representatives of the Roosevelt Steamship Co. and associates have purchased a working control of the stock of the International Mercantile Marine Co.

(2) If the board has been consulted concerning this merger and what action or attitude the board took with respect thereto.

The matter has never been formally presented to the board although there was some informal discussion of the subject with representatives of the corporation in July, 1930.

(3) If the board permits any of its managing agents directly or indirectly to operate foreign-flag lines or vessels in competition with lines established and operated or sold by the board.

It is the recorded and established policy of the board to prevent such competition.

(4) What action the board contemplates taking as a result of this merger.

The investigations being made by the board have not developed to the point where that question can be definitely answered at this time.

(5) Whether any loan has been made by the Shipping Board for the construction of any ship now operated by any foreign company, or whether any ship for the construction of which loans have been made has been sold to and is now operated by any foreign company.

No.

Very truly yours,

E. C. PLUMMER, *Vice Chairman.*

STUDY OF UNEMPLOYMENT INSURANCE

Mr. WAGNER. Mr. President, the resolution submitted by me providing for a study of unemployment insurance was reported favorably by the Committee on Commerce and this morning was also favorably reported by the Committee to Audit and Control the Contingent Expenses of the Senate. Since then a defect has been discovered in the drafting of the resolution. So I am reintroducing the resolution in its proper form, and I ask that it may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. The Chair will suggest to the Senator from New York that a better plan would be to wait until the report of the committee shall come in and then to move an amendment, because the Committee to Audit and Control the Contingent Expenses of the Senate will not again meet this session.

Mr. WAGNER. I consulted the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate and he suggested the procedure which I have proposed.

The PRESIDING OFFICER. If the Senator from New York desires to take the risk, it is all right, but the Chair suggests that there will be no further meeting of the Com-

mittee to Audit and Control the Contingent Expenses at this session, and there will be no polling of the committee.

Mr. WAGNER. I take it that after all the committee may modify its decision in that regard. Then, under those circumstances, since the resolution has already been reported favorably by the committee, I ask unanimous consent for its adoption.

The PRESIDING OFFICER. Is the resolution as reported on the calendar?

Mr. WAGNER. The report has not been submitted, but the Chair knows that the committee agreed to report the resolution providing for an expenditure of $10,000, and the resolution is in conformity with the report.

The PRESIDING OFFICER. The Chair is trying to assist the Senator in getting what he desires.

Mr. WAGNER. I appreciate that.

The PRESIDING OFFICER. The Chair will suggest that when the report comes in the Senator offer the resolution he now has as a substitute, and then it will be perfectly clear of any parliamentary confusion.

Mr. WAGNER. Very well.

THE MANGANESE INDUSTRY AND THE DUMPING OF MANGANESE ORES

Mr. HEBERT obtained the floor.

Mr. ODDIE. Mr. President——

Mr. HEBERT. Mr. President, the Senator from Nevada wishes to make a brief statement, and I now yield to him for that purpose.

Mr. ODDIE. Mr. President, it will take me but a few moments.

Mr. President, the American manganese industry, in response to the protection afforded in the tariff act of 1930, was making excellent progress and would have in 1930 produced about 200,000 tons of metallurgical-grade ore had it not been for the dumping of soviet ores at artificially low prices far below the cost of production in the United States.

When this dumping began the industry was compelled to shut down, and the situation was so serious that on July 30, 1930, I wrote to the Hon. Seymour Lowman, Assistant Secretary of the Treasury, setting forth fully the conditions and urging upon him the importance of affording relief under existing statutes. On August 2, 1930, additional information came to me to the effect that the price for the manganese ore also being sold by the Soviet Government in the United States was less than the cost of production in Russia, and on that date I conveyed this information to Mr. Lowman calling attention to the dumping of soviet manganese ores and asking that the liquidation of entries of such ore from Soviet Russia be suspended under the provisions of the antidumping act of 1921 and until a satisfactory ascertainment of the proper antidumping increment of duty should have been determined. I herewith submit for the RECORD my letters to Mr. Lowman of July 30 and August 2, 1930, and his reply of August 12, 1930.

The PRESIDING OFFICER. Without objection, the correspondence will be printed in the RECORD.

The correspondence referred to is as follows:

JULY 30, 1930.

Hon. SEYMOUR LOWMAN,
Assistant Secretary of the Treasury,
Washington, D. C.

MY DEAR MR. SECRETARY: The American Manganese Producers' Association, through its president, Mr. J. Carson Adkerson, informs me that since the 1930 tariff act became a law the Soviet Government has reduced the price of Russian manganese ore so low that American producers of manganese have been compelled to shut down mines and plants. I am also informed that the soviet manganese price is below the cost of production. Furthermore, production losses are being justified and sustained in order to establish foreign gold credits for purchases of steel, machinery, and equipment required under the Soviet Government's industrialization program. In substantiation, I quote from The Iron Age of May 8, 1930, as follows:

"HAMBURG, GERMANY, April 21.—Based on recent reports and statements by government officials in Soviet Russia, the government is losing heavily on manganese-ore production in the Caucasus. The director of mines has stated that production costs have advanced about 34 per cent recently. Estimates by German ore dealers show that the Russian Government is selling manganese ore from the Georgian mines at about 3d. (6 cents) per unit less than the cost of production. However, the Soviet Government is selling manganese ore regardless of costs to establish sufficient foreign credits for purchases of machinery and equipment required in its industrialization program."

When the Soviet Government adopts a policy to meet the American price without regard to the cost of production and the losses sustained, I submit that this constitutes "dumping" of manganese ore on the American market and that this "dumping" policy nullifies the provisions of paragraph 302-a of the tariff act of 1930 and prevents the operation and development of the American manganese industry.

A crisis exists in the American manganese industry which requires emergency relief by declaring immediately an embargo on the importation of Russian manganese ore.

Furthermore, the question as to whether the manganese ore in Russia is produced by convict, indented, conscript, or forced labor arises. Soviet competition has some unusual factors which should be taken into account if the interests of American capital and labor are to be considered and adequately protected. On this question I quote from the Business Week of April 9, 1930, as follows:

"The important factors that distinguish Russian competition are, first, that other countries have what are called labor costs, which determine prices, while Russian industry has no labor costs in the sense in which we understand them. All workers are practically State employees, and internal wages and prices are so regulated by the State that comparison between real labor costs in Russia and other countries is practically meaningless. At best they are merely subsistence costs, charged not to the industry or the product but distributed over the whole economic system.

"Costs of production in the usual sense do not begin until her exports pass her border and she has to commence paying both her transportation and handling charges in terms of wages of non-Russian workers. Consequently, prices on her exports can be fixed almost arbitrarily."

Under such circumstances the "dumping" of Russian manganese ore on the American market, regardless of price, and the system of using convict, indented, conscript, or forced labor, the duty in the 1930 tariff act is too low to afford adequate protection to the domestic manganese industry. The most immediate and certain relief from such arbitrary and unfair manufacturing and selling practices is the declaration of an embargo on imports of Russian manganese ore.

It is reported that representatives of the Amtorg Trading Co., the business organization of the Soviet Government in the United States, has stated that the consumers of manganese in this country are dependent on Russian manganese ore because of its superiority in grade to that of American origin. This statement has no foundation in fact. The manganese product of the Butte mines has for some time been used by the steel industry and preferred because of its freedom from objectionable impurities and its high grade of 60 per cent manganese content as compared with 50 per cent for Russian ore. The products of other domestic mines have also been used and found superior to the Russian ore.

The contention urged by the steel interests during the tariff debate that there were no satisfactory domestic ores has been completely dissipated by actual developments in the past two years. The production of marketable manganese from domestic mines in 1929 was 30 per cent greater than in 1928, and the production recorded during the first few months of 1930 indicates that the production for this year will be approximately 200,000 tons, or an increase of about 400 per cent over 1928, provided that there is a market for the ore.

The steel industry, grown fat on protection, urged Congress to restore manganese ore to the free list, and the Senate Committee on Finance so recommended. The Senate, however, voted 60 to 18 not only to restore the 1922 rate of 1 cent per pound on the manganese content but extended the duty to apply on ores containing from 10 to 30 per cent manganese, which in the 1922 act were on the free list. The conference committee on the 1930 tariff bill concurred in my amendment, as above stated, and the House of Representatives voted in its favor. There is no question but that Congress regards the development of a strong domestic manganese industry important to the Nation's peace-time economy and to its national defense.

The selfish views of the steel interests were overwhelmingly set aside by Congress in the 1930 tariff act in favor of a nationally progressive policy of development for the domestic manganese industry; and nothing should be allowed now to interfere with full operation of the protection afforded manganese ore in the 1930 tariff act. No doubt the Bethlehem Steel Co., obtaining most of its manganese supply from the Soviet Government, would like to continue to set aside the American tariff and obtain their product at the expense of American capital and labor and under the starving subsistence allowance paid to soviet convict, indented, conscript, or forced labor. The selfish desires of the Soviet Government and the American steel interests must again be set aside by an administrative order declaring an embargo on the imports of Russian manganese ore.

To allow the domestic manganese industry to be shut down because of these unfair and artificial trade practices of the Soviet Government would be indefensible in times of exceptional national prosperity and under the fullest employment of American labor. To permit this unfair trade practice to exist now, when this Nation is struggling to regain its economic equilibrium and to insure more employment to the American workingman, would be a national economic error of the first magnitude. The immediate declaration of an embargo on Russian manganese ore will not only protect the large amount of capital invested in the American manganese industry but will result in greatly improved employment conditions for thousands of American miners. Since

there are manganese deposits in 34 States of the Union, the benefits of increased labor employment from an expanding manganese industry would be generally well distributed throughout the Nation.

The present practices concerning the manufacture and "dumping" of Russian manganese ores in the American market are indefensible from any national or humane viewpoint. As chairman of the Senate Committee on Mines and Mining and leader of the 1930 manganese-tariff fight, I submit the question of declaring an embargo on the imports of Russian manganese ore.

Very sincerely yours,

TASKER L. ODDIE.

UNITED STATES SENATE,
Washington, August 2, 1930.

Hon. SEYMOUR LOWMAN,
Assistant Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: With further reference to my letter of July 30, 1930, urging that an embargo be placed upon Russian manganese-ore imports, I desire to call your particular attention to the emergency relief which may be afforded under the provisions of the antidumping act of 1921.

It is generally known that the Harriman interests were forced to relinquish their concession on the Caucasus manganese deposits because they failed to meet production costs when the world price of manganese was 40 cents per long ton unit of 22.4 pounds of metallic manganese. It is, therefore, inconceivable that under the present soviet management, costs of production have been lowered sufficiently to permit this ore to be laid down in the United States at a cost of even 30 cents per unit. Notwithstanding this, Russian manganese is freely offered for sale delivered at American seaboard ports at 25 cents per unit plus the duty. Furthermore, it is understood that Russian ore has been sold in Europe at prices substantially higher than those at which similar ore is being offered and sold in American markets. It is also reported that agents of the soviet manganese-ore trust have assured consumers in the United States that they are prepared to underquote domestic producers of manganese ore at all times.

Under these circumstances and the crisis which exists in the American manganese industry, with mines and plants being shut down due to the dumping and unfair trade practices of the Soviet Government, I hereby petition, under the provisions of the antidumping act of 1921, that from this date liquidation of entries of manganese ore imported from Soviet Russia be suspended until a satisfactory ascertainment of the proper antidumping increment of duty shall have been determined.

While it may require some little time to determine the facts upon which an embargo on Russian manganese ore, urged in my letter of July 30, 1930, can be made effective, this petition, if promptly acted upon, will afford a measure of immediate relief to the American manganese industry.

Very sincerely yours,

TASKER L. ODDIE.

TREASURY DEPARTMENT,
Washington, August 12, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR: Your letter of August 2, further in regard to importations of manganese ore from Russia, has been received and carefully considered.

Under the provisions of the antidumping act of 1921, dumping exists only where the purchase price or exporter's sales price, as the case may be, is less than the foreign market value; i. e., the price at which the same or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption—or if not sold or offered for sale for home consumption, then for exportation to countries other than the United States—or in the absence of such value, the cost of production.

Due to the fact that the Soviet Government of Russia has not been recognized by the Government of the United States, the Treasury Department has no representatives in Russia and has no other facilities for obtaining reliable information as to value, costs of production, or other conditions in that country which might warrant a finding of dumping, or obtaining competent evidence which could be used in appraisement or other court proceedings. As you are doubtless aware, general information and hearsay would not be admissible as evidence in any such proceedings.

Dumping has been alleged as to several commodities from Russia, but, due to conditions recited above, the Treasury Department has been unable to deal adequately with them. In a single instance, that of safety matches, the evidence was sufficient to warrant a finding of dumping. In this case the evidence, in the form of direct testimony and official trade publications of the Soviet Government, was obtained and presented by representatives of the industry in the United States. May I suggest a similar course for the consideration of the American Manganese Producers' Association.

In the present case there is no evidence whatever of a competent nature that the purchase price or exporter's sales price is less than the foreign value of the manganese ore imported from Russia and inasmuch as under present conditions, and so long as those conditions continue, there seems to be no likelihood that the Treasury Department will be able to obtain such evidence, I regret to inform you that the Treasury Department is not in a position to comply with your request that liquidation of entries covering manganese ore from Russia be suspended.

The Treasury Department is endeavoring in every way possible to carry out the policy embodied in the antidumping law, and any assistance which private interests may render which will enable it to enforce the law more effectually will be greatly appreciated.

Your letter addressed to the Hon. Edgar D. Brossard, chairman of the United States Tariff Commission, under date of August 1, 1930, in regard to importations of manganese ore from Russia has been referred to this department for reply.

The contents of the above-described letter appear to be identical with those of your letter addressed to the Secretary of the Treasury under date of July 30, to which I replied under date of August 2, informing you of the status of the particular matter and as to the Treasury Department's policy in respect to the enforcement of section 307 of the tariff act of 1930.

Inasmuch as the situation has not changed, as a reply to your letter to Mr. Brossard I refer you to my letter of August 2.

Very truly yours,

S. LOWMAN, *Assistant Secretary.*

Mr. ODDIE. Mr. President, on August 11, 1930, the American Manganese Producers' Association wrote to the Hon. Andrew W. Mellon, Secretary of the Treasury, requesting relief under the antidumping act of 1921 and petitioned the Secretary to withhold liquidation of entries of Russian manganese ores until the amount of actual dumping duty properly chargeable could be ascertained. I herewith submit this letter for the RECORD, together with a response by the Hon. Seymour Lowman, Acting Secretary of the Treasury, dated August 14, 1930.

The PRESIDING OFFICER. Without objection, the correspondence will be printed in the RECORD.

The correspondence referred to is as follows:

AMERICAN MANGANESE PRODUCERS' ASSOCIATION,
Washington, D. C., August 11, 1930.

Hon. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: (1) The American Manganese Producers' Association, under the provisions of the "antidumping act, 1921," respectfully petitions the Secretary of the Treasury to suspend the liquidation of entries of manganese ore exported from Russia to the United States pending an investigation by the Treasury agents of the increment of additional duty properly chargeable against imports of such ore, by virtue of the fact that such ore is freely offered and sold in the United States at less than its fair market value and at less than the indicated cost of production in Russia.

(2) Relief from this condition is requested under the "antidumping act, 1921," certain pertinent sections of which read as follows:

"SEC. 201. (a) That whenever the Secretary of the Treasury (hereinafter in this act called the "Secretary"), after such investigation as he deems necessary, finds that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise, and that merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere at less than its fair value, then he shall make such finding public to the extent he deems necessary, together with a description of the class or kind of merchandise to which it applies, in such detail as may be necessary for the guidance of the appraising officers.

"(b) Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the appraiser or person acting as appraiser has reason to believe or suspect, from the invoice or other papers or from information presented to him, that the purchase price is less, or that the reporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, then the cost of production) he shall forthwith, under regulations prescribed by the Secretary, notify the Secretary of such fact and withhold its appraisement report to the collector as to such merchandise until the further order of the Secretary, or until the Secretary has made public a finding as provided in subdivision (a) in regard to such merchandise."

(3) It is common knowledge that the Russian Soviet Government has determined to sell manganese ore in foreign markets as a means of creating gold credits, regardless of cost. This policy is clearly described in two memoranda, both dated August 5, 1929, prepared by Mr. E. C. Ropes, chief Russian Section, Division of Regional Information, United States Bureau of Foreign and Domestic Commerce, and supported by certain translations from the German press pertaining to Russian methods respecting the marketing of manganese. Copies of these memoranda constitute Exhibits A and B attached to this letter. Attention is directed especially to the following statements which appear in the memorandum marked "Exhibit A":

"Thus the basis for a dumping process of extraordinary nature and with far-reaching aims is present in Russia, and it is further extended by the difference maintained between the official valuation of the ruble in Russia and the actual value abroad. There is

thus added to dumping based on State capitalism a dumping based on the difference in exchange."

• • • "But the Russian effort is directed quite plainly further to shut out so far as possible, by quoting lower prices, other manganese producers and to assure a monopoly for itself."

• • • "The question is only whether the Russian policy will not lead to a further reduction of prices, with the result that their chief competitors can no longer meet them, and thus a Russian monopoly will be reached in the manganese market, as in the platinum market."

• • • "If the Russians once maintain a monopoly, which is quite easily possible with their opportunities for dumping, under the system where it is immaterial whether an export trust itself makes or loses, then they will very probably refuse to sell Russian ore to those plants which have adapted their processes at prices acceptable to the consumers, but will demand those rates that will suit them as monopolists."

The further reductions in manganese prices foreseen by Mr. Ropes a year ago have subsequently become an accomplished fact. As indicated by the Hamburg (Germany) correspondent of the Iron Age, and quoted by that well-informed organ of the steel industry, these low manganese prices resulted some months ago in a loss to the Russian export trust amounting to about 6 cents a unit. The article appearing in the Iron Age of May 8, 1930, is as follows:

SOVIET LOSSES HIGH ON MANGANESE ORE

"HAMBURG, GERMANY, April 21.—Based on recent reports and statements by government officials in Soviet Russia, the government is losing heavily on manganese-ore production in the Caucasus. The director of mines has stated that production costs have advanced about 34 per cent recently. Estimates by German ore dealers show that the Russian Government is selling manganese ore from the Georgian mines at about 3d. (6 cents) per unit less than the cost of production. However, the Soviet Government is selling manganese ore regardless of costs to establish sufficient foreign credits for purchases of machinery and equipment required in its industrialization program."

(4) That the efforts of the soviet manganese-export trust have not been in vain is evidenced by the following table which shows that the imports of manganese ore from Russia have increased at an extraordinary rate:

Imports of manganese ore into the United States

Year	Total from all countries (gross tons)	Imports from Russia	
		Gross tons	Per cent of total
1922 [1]	425,000	3,284	0.4
1923 [1]	419,000	23,340	5.9
1924 [1]	505,000	82,194	17.8
1925 [1]	615,000	220,074	40.0
1926 [1]	738,000	244,600	35.2
1927	622,067	253,544	40.8
1928	427,708	150,842	26.7
1929	664,299	329,336	49.6
1930 [2]	742,000	346,178	46.7

[1] U. S. Bureau of Mines estimate of gross weight, based on actual manganese content.
[2] Based on actual figures; imports for first 6 months of 1930 which show 173,189 tons rom Russia and total from all countries 370,908 tons.

(5) The average price of manganese ore per unit for the five years ending January 1, 1929, was about 40 cents c. i. f. Atlantic seaboard. As a result of increasingly heavy importations of ore from Russia, however, manganese ore has been sold and is being sold on the Atlantic seaboard at approximately 25 cents per long-ton unit (22.4 pounds) or fully 15 cents below the average for previous years. The Summary of Tariff Information 1929, schedule 3, paragraph 302, page 598, presents a table of prices of manganese ore delivered in the United States. From this table it appears that the average price of foreign ore during the 5-year period ending January 1, 1929, was 68.19 cents per unit. This price includes the tariff of 22.4 cents per long-ton unit and freight equivalent to 5.04 cents per unit, and compares with the present price delivered at Pittsburgh, including freight of approximately 52.4 cents per unit.

(6) The dumping of larger and larger quantities of Russian ore upon the American market at continually lowering prices has recently compelled the major producers of manganese in the United States to close their mines and plants, throwing thousands of men out of employment. Furthermore, the normal expansion of the domestic industry has been definitely arrested, thus curtailing the possibilities of increased employmnet and seriously limiting the capacity of the industry to fully satisfy the manganese consuming requirements of the Nation.

(7) The recent developments in American manganese are well known. The production of high-grade manganese ore from domestic mines during the year 1929 was 60,000 tons or 30 per cent greater than during 1928, and the production accomplished during the first few months of 1930 indicates that the output during the current year would be in excess of 200,000 tons, or an increse of approximately 400 per cent, as compared with 1928, provided there is a satisfactory market for the orc.

The 60,379 tons of high-grade ore, containing 35 per cent or more manganese, shipped from domestic mines in 1929 was valued at the mines at $1,612,357. In addition the shipments of ore containing 10 to 35 per cent manganese amounted to 78,191 tons, valued at $451,843; and ore containing 5 to 10 per cent manganese amounted to 1,110,067 tons, valued at $2,822,623. Thus the total value of manganese and manganiferous iron ore shipped from domestic mines during the year 1929 amounted to $4,846,823. To this may be added freight paid to American railways amounting to over $3,000,000. This shows the total market value of the shipments of manganese and manganiferous iron ore from domestic mines during the year 1929 alone amounted to approximately $8,000,000.

The high-grade ore imported from Russia runs approximately 50 per cent metallic manganese. The major portion of the high-grade metallurgical ore produced in the United States runs from 56 to 62 per cent metallic manganese. The domestic manganese ore now produced from the low-grade deposits by the newer methods of beneficiation is the freest from impurities and is the highest-grade ore ever sold on the world's market.

(8) It is common knowledge that the Soviet Government is attempting to break down the capitalistic system and to destroy industries in United States. This is clearly outlined in an article appearing in the Business Week under date of August 9, a paragraph of which is as follows:

"Through her industrialization program and her state-controlled export activities Russia is aiming clearly to attack the capitalistic system in its most vulnerable spot and to speed up and force the collapse of free competitive markets by drastic price cutting."

See Exhibits C, D, E, F, G, and H.

(9) The policy and intent of Congress, as evidenced by paragraph 302 (a) of the tariff act of 1930, was to establish a domestic manganese mining industry based upon low-grade ore resources and newly developed processes. The policy and intent of Congress is rapidly being defeated by the aggressive dumping campaign of the soviet manganese ore export trust. During the last six months the price quoted by this organization has been progressively reduced and the assertion has been made that the soviet agents for the sale of Russian ore in the United States are prepared to undercquote domestic producers under any and all circumstances.

Our laws would not permit any American concern to destroy its rivals by such tactics, and our laws do not allow another country to attack us in this fashion. Relief to an American industry from this insidious foreign invasion is afforded through the provisions of the antidumping act, 1921.

(10) Manganese is essential to the production of steel and is an indispensable material in time of war. There is no substitute to take the place of manganese. Therefore, the development of the domestic manganese ore industry is fundamentally necessary to our national defense.

The evidence leads to the belief that Russian ore has been sold and is being sold at less than its fair market value and below its cost of production. The Iron Age article quoted above indicated that the loss suffered several months ago by the soviet manganese export trust amounted to at least 6 cents a unit of 22.4 pounds. The antidumping act, 1921, on the other hand, requires that instead of a loss a profit of not less than 8 per cent should be earned by Russia on such export manganese sales.

Since these practices constitute violations of the provisions of the antidumping act, 1921, resulting in serious damage and even the wreckage of the growing domestic manganese industry, I urge that proper action be taken by the Treasury Department to remedy this condition. In order to prevent further damage to the domestic manganese industry, prompt action is necessary, and I respectfully petition that the appraising officers and the collectors of the various ports be instructed to withhold liquidation of entries of Russian manganese ore until the amount of the additional dumping duty properly chargeable shall have been ascertained and assessed.

Respectfully submitted.

AMERICAN MANGANESE PRODUCERS ASSOCIATION,
J. CARSON ADKERSON, *President.*

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, August 5, 1929.

To: Minerals Division.
From: Russian Section, Division of Regional Information.
Subject: Soviet Monopoly of Platinum and Manganese. (Berliner Tageblatt, July 12, 1929.)

The fundamental attitude of Russia toward economic questions makes it possible for a number of agricultural products to be exported from Russia at prices which could never be accepted by private exporters. As it is the most important aim of the present Russian foreign-trade policy to accumulate the greatest possible amount of foreign exchange, it naturally follows that there is a tendency to export even when the prices received are above or very close to the costs of production. For what significance have cost prices in the Russian trade policy? The sale of a particular product may show a loss, when the actual cost prices and sale prices are compared, without seriously influencing the whole situation in Russian trade; what one trust loses, the other makes; what is lost to-day may be regained to-morrow.

Thus the basis for a dumping process of extraordinary nature and with far-reaching aims is present in Russia, and it is further extended by the difference maintained between the official valuation of the ruble in Russia and the actual value abroad. There is thus added to dumping based on state capitalism a dumping based on the difference in exchange.

On the strength of these possibilities the Russians have succeeded in practically monopolizing certain world markets during the past year. The experience in the egg market may be remembered, also the attempts, not entirely successful, in the flax market, and also the reentry of Russia as chief factor in the platinum market. There are other examples which might be mentioned.

This Russian dumping has, as a matter of fact, in some cases been of advantage to consumers in other countries because of the drop in prices which resulted. Since the reentry of the Russians into the international platinum trade prices on this metal have fallen from £28 per troy ounce to £13½ to £14. The object of this policy of the Russians is perfectly clear; indeed, there was no effort to conceal it. The purpose was to force from the market the Colombian production, which had arisen during the absence of Russia from the market, and also to prevent the development of the deposits in South Africa. This object was achieved by the Russians in a comparatively short time. Since the Colombian platinum costs more per ounce to produce than the Russians demand for their product in the world market, it is no wonder that the production there suffered a very rapid reduction, but the Russians certainly did not adopt this policy for the benefit of the European and American consumers but with the object of increasing the use of platinum to a considerable degree through the lowering of prices in order to concentrate in their hands the enlarged sales and thus establish the trade policy referred to above. If the Russians had achieved the desired result they then would undoubtedly have taken the next step of raising prices and taking advantage of their monopolistic position in the market, a perfectly possible proceeding if confined to rates under the reduction costs in Colombia. They made at least one mistake, however, for the reduction of prices had no appreciable effect on the volume of sales. This metal, still very high priced—in Germany a kilogram sells from eight to nine hundred marks—has now been so widely replaced in technical uses, particularly in chemistry by substitute materials, that the Russian policy would have failed for this reason, if it had been successful in reaching and holding its first planned stage of practical monopolization of the market.

In the case of materials, however, for which substitutes can not so readily be found the Russian attempt at monopoly by means of dumping may lead to more far-reaching results. We are obliged to think particularly of the manganese market, in which the Russians at present are active to an extent greater than in any other postwar period. The sales agency, which is centered in Germany, made contracts during the first six months of the Russian fiscal year for an even million tons, of which the greater part naturally did not stay in Germany; but we see, nevertheless, that the German steel industry has again almost entirely returned to the use of Russian manganese. But the Russian effort is directed quite plainly further, to shut out so far as possible by quoting lower prices other manganese producers and to assure a monopoly for itself. There is no doubt whatever that Harriman, their own concessionaire, was treated in a similar fashion by developing, contrary to his expectation, the south Russian mines in Nikopol at a forced rate and offering the ore produced there at prices with which it was well known that Harriman could not possibly combat. This is the reason for the large figures of German imports of Russion ore in 1927. There was an unquestioned dumping carried on with Nikopol ore against the Chiaturi ore, and Harriman got out from under after he had failed to secure control of the Nikopol mines. At the present time the Russians have forced Harriman out of the Caucasus and they can now direct their dumping moves against those countries where, as in the platinum market during the absence of the Russian production, considerable new production has developed or where the old production, as in British India, it has been enlarged.

It is undoubtedly a favorable feature both for the European and American consumers that the average price for manganese is now only 1s. 2d., while about four years ago it was nearly 1s. 6d. The question is only whether the Russian policy will not lead to a further reduction of prices, with the result that their chief competitors can no longer meet them, and thus a Russian monopoly will be reached in the manganese market as in the platinum market. The prospects in this field for the price policy of the Russians are quite different from those in the platinum market, for manganese is not a metal for which substitutes have thus far been found to as great an extent as with platinum. If the Russians once maintain a monopoly, which is quite easily possible with their opportunities for dumping, under the system where it is immaterial whether an export trust itself makes or loses, then they will very probably refuse to sell Russian ore to those plants which have adapted their processes at prices acceptable to the consumers, but will demand those rates that will suit them as monopolists.

E. C. ROPES,
Chief, Russian Section,
Division of Regional Information.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, August 5, 1929.

Memorandum

To: Minerals Division.
From: Russian Section, Division of Regional Information.
Subject: Russian Manganese.

The following articles from two German papers are submitted as of possible interest. The first article is called "The Export of Russian Manganese," and is taken from Berliner Borsen-Zeitung, June 26, 1929. The president of the State Manganese Export Co. "Export-Marganets" is quoted in the soviet press as follows, in regard to the sale to date of Russian manganese abroad:

Up to the present time 95 per cent of the manganese to be produced at Chiaturi and 97 per cent of that from Nikopol has been sold. Actual exports of the company up to June 1, 1929, are nearly 550,000 metric tons. In addition, during the present fiscal year on the basis of old contracts with the Harriman Co. 60,000 tons of ore have been shipped abroad; the total export from October 1 is therefore approximately 610,000 tons. Consumers of Russian manganese are, first, America, with 275,000 to 300,000 tons; Germany, with 115,000 tons; Luxemburg, 105,000 tons; France, 100,000 tons, etc. The future prospects for the sale of Russian manganese ore in the world market are very favorable. Prices for ore have almost reached the lowest possible limit. If prices remain at this level for any considerable time, it may be predicted with certainty that a large portion of the foreign competition will be forced out because of high costs of production.

The second article is called "Russian Manganese for Germany," and is taken from Koluische Zeitung, June 25, 1929. The latest large sales of manganese by the Russians to German firms have been made at very low prices. One hundred thousand tons of washed ore have been sold at the price of 1s. 1d. per unit and ton c. i. f. and 75,000 tons of crude ore at a price of 1s. per unit and ton. The Indian mines complain of their inability to deliver at these prices unless cheap preferential freight rates from the mine to the port of shipment are extended. It is said that negotiations leading to the granting of such preferential delivery are in progress with the government. Until this is accomplished the Indian mines can not deliver under 1s. 2d. per unit and ton. They maintain, however, that the Russians are systematically dumping, in order to drive the Indian industry out of business, in the same way as they are attempting to ruin the Colombian platinum industry and trade in other fields.

E. C. ROPES,
Chief Russian Section,
Division of Regional Information.

TREASURY DEPARTMENT,
Washington, August 14, 1930.

Mr. J. CARSON ADKERSON,
President American Manganese Producers Association,
Metropolitan Bank Building, Washington, D. C.

SIR: I desire to acknowledge the receipt of your petition of the 11th instant requesting that the liquidation of entries of manganese ore exported from Russia to the United States be suspended pending an investigation of the fair market value of such merchandise in Russia and the price at which such ore is sold to the United States.

You submit that Russian manganese ore is being dumped into the United States at prices less than the foreign market value and request that corrective measures be taken under provisions of the antidumping act approved May 27, 1921.

May I assure you that this question will receive immediate attention. In the meantime may I request that you submit any evidence which may come into your possession showing the prices at which such manganese ore is freely offered for sale in the country of production—Russia.

Respectfully,

SEYMOUR LOWMAN,
Acting Secretary of the Treasury.

Mr. ODDIE. On August 22 a conference was held before Hon. Seymour Lowman to discuss the manganese situation, at which the American Manganese Producers Association, the American Iron & Steel Institute, and the Amtorg Trading Corporation were represented. At the conclusion of the meeting a representative of the firm of Simpson, Thatcher & Bartlett, the law firm which organized the Amtorg Trading Corporation, requested that an opportunity be afforded for them to prepare a brief, and Mr. Lowman extended the time until September 9, 1930, at which time another hearing was held. The American Manganese Producers Association was represented at this hearing, as was also the American Iron & Steel Institute, but the Amtorg Trading Corporation, which had previously through its counsel requested an opportunity to prepare a brief, failed to appear, and the attorney for the American Iron & Steel Institute volunteered the information that the Amtorg Trading Corporation was not interested. Evidently the Amtorg Trading Corporation was willing henceforth to rely upon the American Iron and Steel Institute to prevent the imposition of an embargo on soviet manganese ores.

On November 10, 1930, a formal printed brief was submitted by the American Manganese Producers Association to the Treasury Department for an embargo against the importation of Russian manganese, and in the latter part of November the American Iron & Steel Institute submitted another brief, to which reply was made by the

American Manganese Producers' Association on December 17, 1930. I herewith submit the briefs of November 10 and 17, 1930.

The VICE PRESIDENT. Without objection, the briefs will be printed in the RECORD.

The briefs referred to are as follows:

BRIEF OF THE AMERICAN MANGANESE PRODUCERS ASSOCIATION SUBMITTED IN SUPPORT OF REQUEST FOR PREVENTION OF SOVIET DUMPING OF MANGANESE ORE

THE HEARINGS

On August 11, 1930, the American Manganese Producers Association, by J. Carson Adkerson, its president, submitted to Hon. Andrew W. Mellon, Secretary of the Treasury, certain irrefutable evidence of the dumping in this country of manganese ore by the Soviet Government.

At the request of Senator TASKER L. ODDIE, chairman of the Committee on Mines and Mining of the United States Senate, and the American Manganese Producers Association, Hon. Seymour Lowman, Assistant Secretary of the Treasury, on August 22, 1930, in Washington, D. C., held a preliminary hearing. At that time and place, the American Manganese Producers Association appeared by Barron, Rice & Rockmore, its counsel. The American Iron & Steel Institute was represented by its counsel, Mr. Thomas J. Doherty, and the Amtorg Trading Corporation, the official commercial and business unit of the Soviet Government in this country, also appeared and was represented by the firm of Simpson, Thacher & Bartlett. At this hearing, various operators of manganese properties in the United States testified to the fact that as a consequence of the dumping committed by the Soviet Government, they had been forced to close their mines and practically go out of business.

The testimony on this score is wholly uncontradicted and unquestioned. It is so overwhelming and irrebuttable that it stands as an admitted and conceded fact that the American manganese industry, as a consequence of the soviet activities, has been seriously injured.

Counsel for the Amtorg Trading Corporation requested that the hearing be adjourned to September 9, 1930, in order to give them the opportunity to prepare and present certain facts in behalf of their client. The date of September 9, 1930, was fixed to meet the convenience of counsel for the Amtorg Trading Corporation.

On the adjourned date of the hearing, September 9, 1930, the American Manganese Producers Association again appeared with its counsel, but the Amtorg Trading Corporation and its counsel, who requested the adjournment to September 9, was conspicuous by its absence. They have not been heard from since the first hearing.

Instead, the so-called American Iron & Steel Institute appeared by its counsel to contest the application made by the American Manganese Producers Association for an embargo on soviet manganese ore.

The absence of the Amtorg Trading Corporation and its counsel is not without significance. Had they appeared and actively participated in the proceedings, they would undoubtedly have been compelled to answer some very pertinent questions and give authentic proof with reference to the fair value of manganese and the cost of its production in Soviet Russia. Obviously, a person who does not appear can not be questioned. There is no doubt that the absence of the Amtorg and its counsel from the hearing on September 9, and its complete silence from that time on, was inspired only by the soviet's desire to continue a policy of secrecy and concealment. No other possible explanation can be given for their absence from the hearings and continued silence during the entire controversy.

As above stated, in the absence of the Amtorg Trading Corporation and its counsel, the so-called American Iron & Steel Institute, by Mr. Doherty, its counsel, stepped into the breach so patently left by Amtorg Trading Corporation. Obviously, the American Iron & Steel Institute could not be questioned as to the fair value of manganese and the cost of production in Russia.

The American Iron & Steel Institute is an organ created and fostered by the steel industry of the United States, an industry which has consistently combated the progress of the American manganese industry. It has endeavored at every conceivable step to stifle and throttle the development and production of domestic manganese. It opposed the manganese industry in its attempt to obtain its first tariff in 1922. It opposed the manganese industry in its attempt to obtain an increased tariff in 1930. It purchased manganese abroad at a time when it might have purchased domestic manganese at prices much lower than that which it paid abroad. It has done in times of peace what—in time of war—would have been little short of treason.

The president of the American Iron & Steel Institute is also the chairman of the board of the Bethlehem Steel Corporation. The son of the vice president in charge of the purchases of raw materials for the Bethlehem Steel Corporation is the head of the corporation appointed by the soviet as its American sales agent for the disposition in this country of soviet manganese. See the Business Week of August 20, 1930.

This temporary alliance (Soviet Russia and the American steel industry) is the fantastic combination which appears to combat the life of an important and basic American industry.

Steel, the most carefully nurtured and best protected of all American industries, has become the spokesman for an international brigand. The reasons for this are obvious.

The brigand dare not speak lest he incriminate himself. Hence he attempts to speak indirectly from behind the mantle of steel's respectability.

In 1925 Russia's contribution to the world production of pig iron was 1.7 per cent, according to league figures. In 1929 it rose to 4.4 per cent, an increase of 334 per cent over her production of former years. In the same period Russia's share of world production of steel rose from 2.1 per cent to 4.3 per cent, an increase of 170 per cent over its 1925 production.

It is apparent from these figures that steel will inevitably have cause to regret the alliance. Its security in this country has befogged its vision. For, if Russia's production of steel in four years increased 170 per cent, it is a simple matter of mathematics to compute its steel production under its 5-year industrialization plan a few years from now. At that time, unquestionably, steel and the soviet will part company and steel will then be compelled to seek protection from an economic assault similar to that which manganese is being subjected to to-day.

We must not be misled by the purposes of the present alliance. The soviet is simply using the American Iron and Steel Institute as a means of defending itself so that the institute might speak for the soviet without the damage to it that would unquestionably flow if it were to take the stand in its own behalf.

Soviet Russia, not steel, is the defendant in this case.

THE RIGHT OF THE SOVIET TO APPEAR

The State Department has refused to recognize the Soviet Government for reasons indisputable.

The New York State Court of Appeals, in the case of the Russian Republic *v.* Cibrario (235 N. Y. 255), has held that an unrecognized government has no standing in our courts. The court of appeals, per Judge Andrews, said:

"We reach the conclusion, therefore, that a foreign power brings an action in our courts not as a matter of right. Its power to do so is the creature of comity. Until such government is recognized by the United States, no such comity exists. The plaintiff concededly has not been so recognized. With regard to the present Russian Government, the case is still stronger, even did comity not depend on recognition. We not only refused to recognize it; our State Department gives the reasons. In the face of these declarations it is impossible to hold that to-day any such relations exist between the United States and Russia as call upon our courts to enforce rules in favor of the latter depending on the comity of nations." (See also Penza, 277 Fed. 91.)

And the United States Supreme Court, in the case of Oetjen *v.* Central Machine Co. (246 U. S. 297), on page 302, says:

"The conduct of the foreign relations of our Government is committed by the Constitution to the executive and legislative—the political—departments of the Government, and the propriety of what may be done in the exercise of this political power is not subject to judicial inquiry or decision."

If the refusal of the State Department to recognize Soviet Russia is binding upon our courts, and the courts hold, in view of such refusal of recognition, that Russia has no standing in any judicial tribunal of this country, neither has it any standing nor the right to be recognized as a party in any administrative or quasi-judicial hearing, such as this, before the Treasury Department.

Steel has no greater rights than the soviet for whom she speaks.

Since Russia's voice is stilled, both by the policy of the State Department and by the decisions of our courts in consonance with that policy, steel must likewise remain silent. It would be a novel proposition which would permit the alter ego to advocate that which the ego and principal is debarred from asserting.

PRELIMINARY HISTORICAL ANALYSIS

(A) American manganese industry

The manganese industry in the United States is in its infant stages. It has had a short and arduous career. Before the World War, domestic manganese production was negligible. World supplies came, for the greater part, from Russia and India.

During the World War when the Dardanelles were closed, the Russian source of supply ended.

Manganese is absolutely necessary in the manufacture of steel. Hence, the Allies' cause was considerably endangered as a consequence of the cutting off of the Russian supply.

There was then fostered the development of domestic manganese deposits and production of high-grade ore increased from about 4,000 tons in 1913 to over 300,000 tons in 1918.

It is safe to say that without this domestic manganese production, America's participation in the World War and its material assistance to the Allies would have been seriously curtailed. The shortage of manganese was so great and the need for it was so acute that the United States Government dispatched the naval collier *Cyclops* to Brazil for a cargo of approximately 15,000 tons of manganese. This situation was also reflected in the price, for at this particular time the price of ferromanganese went above $400 per ton.

The Government agencies of information, to wit, the Geological Survey and Bureau of Mines, had incomplete knowledge concerning manganese deposits in this country.

The steel industry contended, and still has the audacity to contend, that there is little or no manganese in the United States; and due to the lack of data from the American governmental sources of information, this erroneous conception was permitted to remain unchallenged.

But the war had awakened patriotic citizens of America to the knowledge that manganese was a necessity in the national defense; and there were sufficient patriotic men who gave of their time and their money to an investigation of possible manganese deposits, in order that, in the event of national emergency, the United States would be independent, at least, as to this important mineral element. Of necessity, as an infant industry, it could not begin, much less endure, without tariff protection.

In 1922 the tariff bill gave to manganese the protection of 1 cent per pound on metallic manganese contained in ore running above 30 per cent manganese. Despite this inadequate tariff, American pioneers proceeded to make investigations and began investing their money to the extent of millions of dollars in domestic mines and plants. In this effort the Geological Survey and the Bureau of Mines cooperated to the fullest possible extent, and it soon became definitely established that manganese deposits in this country existed in at least 34 States, and that there were actually known deposits of at least 400,000,000 tons running from 5 per cent to 50 per cent in metallic content.

It is true that a great percentage of this ore was of low grade; but American ingenuity was not to be thwarted. In a comparatively short period of time beneficiating processes were evolved and developed on a commercial basis, among these being the leaching, flotation, and sintering processes, which, like alchemy, transformed the lower grade ores of this country into ores having a metallic content superior to that of any known in the world. The steel companies were and are as fully cognizant of this development in the domestic manganese industry as were the manganese producers themselves. This superior manganese was offered to the steel companies at prices per ton cheaper than that which they were buying abroad. Nevertheless, the steel industry practically ignored the American manganese producers and continued for the greater part with its foreign purchases.

In 1930 Congress gave to the manganese industry, despite the opposition of the American Iron and Steel Institute, a tariff of 1 cent per pound on metallic manganese contained in ore running above 10 per cent manganese.

Under the prospect of this additional tariff protection, production increased from 1928 to 1929 from 45,000 tons to 60,000 tons, and during the early part of 1930 domestic manganese production, from plants then completed, was proceeding on a basis of 200,000 tons per annum. The Soviet dumping commenced the demoralization of the domestic industry.

The Russian situation caused not only the cessation of the building of further plants and not only prevented the development of the increased production at the mines but brought about a situation where American consumers practically ceased to purchase from domestic manganese producers. In a short period of time the industry was paralyzed, an investment of many millions of dollars was idle, and thousands of workmen (in a recognized acute period of depression) were thrown out of work and added to the already increasingly large army of the unemployed.

(B) The United Soviet Socialist Republics

For many years prior to 1916, and under the czaristic régime in the Russian Empire, which possessed and under its present form of government possesses one-seventh of the territory of the globe, Russia was a great exporter of high-grade manganese ore. There was then little, if any, difference in the staple prices of this world-necessary commodity.

At the outbreak of the war, Russia, as an ally of France and England, was looked upon as the source of supply to these nations in the conduct of the war. The closing of the Dardanelles, however, shut off this avenue of supply, and much of the manganese thereafter came, for the greater part, from India and Brazil. Later, a substantial quantity came from the United States.

The treaty of Brest Litovsk in 1916 ended Russia's participation in the war as an ally of the civilized nations, and there came into being shortly after the Soviet Republic, a form of government which has been a nuisance to itself, a cruel and heartless master to its peoples, and a source of trial and tribulation to the rest of the civilized world. It stated at the outset—a point which we will develop later—that it would bring the world to its point of view and to its form of government; and that it would incite and encourage revolution in all the countries having a government different than its own. But it proclaimed to the world, anomalous as it may seem, that a free people have the right to determine for themselves their own form of government; and on May 7, 1920, concluded a treaty with the Republic of Georgia, headed "Treaty, May 7, 1920, between the Democratic Republic of Georgia and the Russian Soviet Socialist Federated Republic," Article I of which reads as follows:

"Based on the right proclaimed by the Russian Soviet Socialist Federated Republic, of all peoples to fully dispose of themselves to the extent of and including total withdrawal from the state of which they form a part, Russia recognizes without reservation the independence and the sovereignty of the Georgian State, and voluntarily renounces all sovereign rights which belong to Russia with respect to the Georgian people and territory."

The manganese which the Soviet Government exports is produced in the so-called Chiaturi district, which happens to be located in the Republic of Georgia. Despite the treaty which the Soviet Government entered into with the Republic of Georgia, the Soviet Government seized the Georgian Republic and its territory. The manganese mines were permitted to continue under the operation of a private organization known as "Tchemo" until 1925.

During this period the price of Russian manganese was in consonance with the prices quoted on the world markets. In 1925 a concession agreement for these mines was granted by the Soviet Government and Tchemo to W. A. Harriman & Co. W. A. Harriman & Co. operated this concession from 1925 until 1928.

During this period the prices of Russian manganese were consistent with the world prices thereof.

In 1928 W. A. Harriman & Co., finding its investment and its concession an unprofitable one, relinquished its concession. These mines, by the simple process of larceny, were seized by the Soviet Government, and from that time on the Soviet Government has itself carried on the manganese mining operations.

It is interesting to note that the agreement between the Soviet Government, Tchemo, and W. A. Harriman & Co., dated June 12, 1925, provided that in the event Harriman & Co. relinquished its concession in the properties involved before the expiration thereof that "all rights, titles, interest, and property belonging to Tchemo, transferred by them to W. A. Harriman & Co. under this agreement, except exported manganese ore, will revert to Tchemo, free of any encumbrances imposed by Harriman, except liens or claims arising by reason of the breach of this agreement by Tchemo."

Again, however, the Soviet Government violated its agreement, a practice in keeping with its usual policy. Instead of returning the mines to Tchemo, the soviet took over the mines completely, expelled Tchemo, and refused to recognize the right of Tchemo to the mines and properties in question. It is this ore which the soviets are now dumping the world over.

It was about that time that the soviet embarked upon its so-called 5-year industrialization plan.

Of necessity, its form of government was such and the official expressions of its authorized representatives of such an astounding nature that civilized countries refused to have business dealings with it on credit bases. Hence, the only way in which the soviet could obtain the imports which it so sorely needed was to sell to the various other countries of the world the raw materials which (however acquired) were under its control and as a consequence of these sales establish the necessary credits abroad to buy the materials that it needed to import.

It must be borne in mind that up to this time Russia had sold its products at a price consistent with the prices quoted in the world markets for similar products of other countries.

There would, of course, be no inducement to civilized nations to deal with an international brigand if it could obtain from other civilized nations the same products at the same prices.

Hence, it was incumbent upon Soviet Russia to reduce the prices of its export products, irrespective of their value and irrespective of their cost of production, in order to induce other nations to buy its products in preference to those of civilized nations.

This, of course, was not the only purpose, as we will demonstrate later; but whatever the design or the reason, it has succeeded admirably, and Russia has dumped its products not only in the United States, to the detriment of domestic industry and domestic labor, but is dumping its products all over the world, and is becoming—if it has not already become—an international industrial and commercial menace.

A Washington dispatch to the New York Times of September 23, 1930, says that information from accredited sources shows that Russian dumping activities are not confined to the United States. The practice has been in progress for the past eight months in the British Isles, Germany, Poland, Italy, Greece, Sweden, Mexico, Cuba, Belgium, Egypt, and Hungary.

A resolution, asking measures by the League of Nations to prevent soviet dumping in foreign countries, was filed with the commission on economics by M. Vannerstein, of Sweden, on September 22, 1930.

On October 3, 1930, France took direct measures to protect herself against Russian dumping, the cabinet having ordered by decree the application of the law of 1910, that imports from Soviet Russia should henceforth be subject to license.

On October 17, 1930, Canada issued an embargo against Russian anthracite.

The United States Government issued an embargo against Russian matches. The American Federation of Labor had its representative present at the manganese hearings before the Treasury Department at Washington on August 22 and September 9, 1930, and joined in the appeal of the American Manganese Producers' Association for protection against unfair soviet dumping.

The New Jersey State Federation of Labor, at its session at Atlantic City on September 16, 1930, unanimously adopted a resolution demanding that Congress immediately take steps for the absolute boycott of Russian products.

The reason for this agitation is quite apparent. Bulletin 99 of September 26, 1930, of the United States Department of Commerce, Bureau of Foreign and Domestic Commerce, gives certain figures from the newspaper Pravda, of August 21, 1930, which is the official organ published by the Soviet Government. We find this statement:

"On the whole, the accomplishment of soviet industries during the first nine months of 1929–30 were in excess of the 'control figures,' that is, the revised figures of the 5-year plan for the current fiscal year. According to the 5-year plan, the output of all industries in 1929–30 was to be 47.5 per cent greater than in 1927–28, while actually, the output of the first nine months of the former year was 54.7 per cent greater than the output in the corresponding period of the latter.

"The output of producers' goods during the first nine months was to be 58.4 per cent greater, but its actual increase was 75.5 per cent, the output of consumers' goods was 41.4 per cent, as against the planned increase of 40.1 per cent; the total shown area

has been increased by 15.2 per cent instead of the planned 12.4 per cent; the increase in total carloadings, 55.6 per cent instead of the planned increase of 23.4 per cent; the revenues of the State budget increased by 91.4 per cent as compared with the planned increase of 37.7 per cent."

It is quite apparent that if this plan of Russia proceeds successfully and it continues to sell its products at any price to the detriment of American industry it will be but a matter of time before we will be supporting Russia's industries at the expense of our own.

THE ATTITUDE OF THE STATE DEPARTMENT

We have heretofore shown that the State Department of the United States has it wholly within its power to determine whether or not a foreign government de jure or de facto shall be recognized; and this power of the State Department is final and not subject to review by the courts. It is not necessary that the State Department give reasons for its refusal to recognize.

From time to time the question of soviet recognition has come up. In each instance the State Department has ruled definitely and in no uncertain terms that it will not recognize the soviet.

On August 10, 1920, Hon. Bainbridge Colby, Secretary of State, issued a statement of his reasons for refusing to recognize Russia, from which we quote in part as follows:

"That the present rulers of Russia do not rule by the will or the consent of any considerable proportion of the Russian people is an incontestable fact. • • • At the moment when the work of creating a popular representative government based upon universal suffrage was nearing completion, the Bolsheviki, although, in number, an inconsiderable minority of the people, by force and cunning seized the powers and machinery of government and have continued to use them with savage oppression to maintain themselves in power. • • •

"It is not possible for the Government of the United States to recognize the present rulers of Russia as a government with which the relations common to friendly governments can be maintained. This conviction has nothing to do with any particular political or social structure which the Russian people themselves may see fit to embrace. It rests upon a wholly different set of facts. These facts, which none disputes, have convinced the Government of the United States, against its will, that the existing régime in Russia is based upon the negation of every principle of honor and good faith and every usage and convention underlying the whole structure of international law; the negation, in short, of every principle upon which it is possible to base harmonious and trustful relations, whether of nations or of individuals. The responsible leaders of the régime have frequently and openly boasted that they are willing to sign agreements and undertakings with foreign powers while not having the slightest intention of observing such undertakings or carrying out such agreements. They have made it quite plain that they intend to use every means to promote revolutionary movements in other countries. • • •

"In view of this Government, there can not be any common ground upon which it can stand with a power whose conceptions of international relations are so entirely alien to its own, so utterly repugnant to its moral sense. There can be no mutual confidence or trust, no respect even, if pledges are to be given and agreements made with a cynical repudiation of their obligations already in the mind of one of the parties. We can not recognize, hold official relations with, or give friendly reception to the agents of a government which is determined and bound to conspire against our institutions, whose diplomats will be the agitators of dangerous revolt, whose spokesmen say that they sign agreements with no intention of keeping them • • •."

Our Government has not receded from this position. On March 25, 1921, Hon. Charles E. Hughes, Secretary of State, in rejecting trade proposals of the soviet, said:

"It is manifest to this Government that in existing circumstances there is no assurance for the development of trade, as the supplies which Russia might now be able to obtain would be wholly inadequate to meet her needs and no lasting good can result so long as the present causes of progressive impoverishment continue to operate. It is only in the productivity of Russia that there is any hope for the Russian people and it is idle to expect resumption of trade until the economic bases of production are securely established. Production is conditioned upon the safety of life, the recognition by firm guaranties of private property, the sanctity of contract, and the rights of free labor. If fundamental changes are contemplated, involving due regard for the protection of persons and property and the establishment of conditions essential to the maintenance of commerce, this Government will be glad to have convincing evidence of the consummation of such changes, and until this evidence is supplied, this Government is unable to perceive that there is any proper basis for considering trade relations."

We quote from the annual message of Hon. Calvin Coolidge, President of the United States, to a joint session of the Senate and House of Representatives, on December 6, 1923, with reference to the Soviet Government:

"I do not propose to barter away for the privilege of trade any of the cherished rights of humanity. I do not propose to make merchandise of any American principles. These rights and principles must go wherever the sanctions of our Government go.

"But, while the favor of America is not for sale, I am willing to make very large concessions for the purpose of rescuing the people of Russia. Already encouraging evidence of returning to the ancient ways of society can be detected. But more are needed. Whenever there appears any disposition to compensate our citizens who were despoiled, and to recognize the debt contracted with our Government not by the Czar but by the newly formed Republic of Russia; whenever the active spirit of enmity to our institutions is abated; whenever there appear works mete for repentance our country ought to be the first to go to the economic and moral rescue of Russia. We have every desire to help and no desire to injure. We hope the time is near at hand when we can act."

On July 20, 1922, the Department of State issued the following statement to the press:

"In reply to inquiries, the American chargé d'affaires at The Hague was instructed on July 15 to say that the Government of the United States does not countenance any arrangements by its citizens with the soviet authorities that would jeopardize or prejudice the vested rights of the citizens of other countries in Russia and that the United States has complete confidence that the other governments concerned will adhere to the same policy."

On August 30, 1922, the Department of State issued the following:

"In reply to inquiries concerning a statement reported to have been made at Moscow regarding informal overtures by the American Government to the soviet authorities looking to the sending of an investigation commission to Soviet Russia, it was explained at the State Department that the American ambassador at Berlin had made inquiries with regard to the attitude of the soviet authorities should this Government consider sending to Russia in the future an expert technical commission to study and report on the economic situation there. There has been no question at any time of sending any commission to Russia, other than an economic commission of experts to investigate and report."

The Department of State, officially addressing the press, on September 18, 1922, said:

"The text of a statement by the Soviet authorities concerning the inquiry recently made with regard to their attitude should this Government consider sending to Russia in the future an expert technical commission to study and report on the economic situation there (see press notice of August 30, 1922), has been received at the State Department. It is not different in purport from the text reported in press dispatches from Moscow September 15. In view of the definite refusal contained therein, the matter is considered to be terminated."

On March 21, 1923, Hon. Charles E. Hughes, Secretary of State, said, in part:

"Not only would it be a mistaken policy to give encouragement to repudiation and confiscation, but it is also important to remember that there should be no encouragement to those efforts of the Soviet authorities to visit upon other peoples the disasters that have overwhelmed the Russian people. I wish that I could believe that such efforts had been abandoned. Last November—last November, Zinoviev said: 'The eternal in the Russian revolution is the fact that it is the beginning of the world revolution.' Lenin, before the last congress of the Third Internationale, last fall, said that 'the revolutionists of all countries must learn the organization, the planning, the method, and the substance of revolutionary work. Then I am convinced,' he said, 'the outlook of the world revolution will not be good but excellent.' And Trotsky, addressing the Fifth Congress of the Russian Communist Youths at Moscow last October—not two years ago, but last October—said this: 'That means, comrades, that revolution is coming in Europe as well as in America, systematically, step by step, stubbornly, and with gnashing of teeth in both camps. It will be long protracted, cruel, and sanguinary."

We quote an excerpt from an address on foreign relations, prepared by Hon. Warren G. Harding, President of the United States, intended to be delivered at San Francisco on July 21, 1923, but not delivered because of his illness:

"The problem of Russian recognition is complicated by a fundamental difficulty, because of a government régime there, whose very existence is predicated upon a policy of confiscation and repudiation."

On December 18, 1923, the Department of State authorized the following statement to be issued to the press:

"With respect to the telegram to President Coolidge from Tchitcherin, of December 16, the Secretary of State to-day made the following statement in reply:

"'There would seem to be at this time no reason for negotiations. The American Government, as the President said in his message to the Congress, is not proposing to barter away its principles. If the soviet authorities are ready to restore the confiscated property of American citizens or make effective compensation, they can do so. If the soviet authorities are ready to repeal their decree repudiating Russia's obligations to this country and appropriately recognize them, they can do so. It requires no conference or negotiations to accomplish these results, which can and should be achieved at Moscow as evidence of good faith. The American Government has not incurred liabilities to Russia or repudiated obligations. Most serious is the continued propaganda to overthrow the institutions of this country. This Government can enter into no negotiations until these efforts directed from Moscow are abandoned.'"

On December 19, 1923, the Department of State issued to the press a confidential release for publication:

"The Department of State made public to-day the text of instructions given by Zinoviev, president of the Communist International and president of the Petrograd Soviet, to the Workers' Party of America, the communist organization in the United States. The Department of Justice has assured the Department of State of the authenticity of these instructions. The Communist International, with headquarters at Moscow, is the organ of the Communist Party for international propaganda. The soviet régime in Russia is the organ of the Communist Party for the governing of Russia. As Steklov, member of the Russian Communist Party and of the All-Russian Central Executive Committee and editor of the Izvestia, official organ of the soviet régime, has stated in this official paper:

"'The close organic and spiritual connection between the Soviet Republic and the Communist International can not be doubted. And even if this connection had not been admitted many times by both sides it would be clear to everybody as an established fact. • • • This connection is not merely of a spiritual but also of a material and palpable character. • • • The mutual solidarity of the Soviet Republics and the Communist International is an accomplished fact. In the same degree as the existence and the stability of Soviet Russia are of importance to the Third International, the strengthening and the development of the Communist International is of great moment to Soviet Russia.'

INSTRUCTIONS

"The Communist International notes with great satisfaction that the work of the W. P. A. for the past year has been expressed in a satisfactory, broad, and real revolutionary work. Particularly pleasing to us is the fact that all dissentions existing up to the present time in the ranks of the party have finally been liquidated and we hope that the W. P. A., the advance guard of the revolutionary proletariat of the United States of North America, will now more successfully conduct its revolutionary work among the millions of American proletarians.

"For more intensive revolutionary work we suggest that the following instructions be adhered to:

"1. All the activity of the party must at the present time be directed among the workers of the large industries, such as the railroad workers, miners, weavers, steel workers, and similar workers engaged in the principal industries of the United States.

"2. Among these workers in the factories, mills, plantations, clubs, etc., there must be organized units of 10. The head of this unit of 10 must, in so far as possible, be an old, trusted member of the party, who must once a week, together with his 10, study the communist program and other revolutionary literature.

"3. These units of 10 must be organized by occupation and nationality.

"4. The head of the unit must know intimately each individual member of his 10—his character, habits, the degree of his revolutionism, etc., and report everything direct to the central committee of the party.

"5. Each of these units of 10 must have their own fighting unit, of not less than 3 men, who are appointed by the leader of the unit with the approval of the central committee of the party. The members of the fighting unit, in addition to all other matters, must once a week be given instructions in shooting and receive some instruction in pioneer work (sapper work).

"6. All the unit leaders of each district must meet once every two months to discuss the progress of their work and their plans for further activities in the presence of a member of the central committee of the party.

"We are firmly convinced that work in the direction designated by us will give enormous results in the sense of preparing thousands of new propagandists, future leaders of the military forces of the party, and faithful fighters during the social revolution. With reference to the organization by the W. P. A. of the Federated Farmer Labor Party, the Communist International expresses its complete satisfaction and its approval to the central committee of the party for its boldness and tact in putting this idea into effect. We hope that the party will step by step conquer (embrace) the proletarian forces of America and in the not distant future raise the red flag over the White House."

The following is an excerpt from a statement entitled "Foreign Relations," by the Hon. Frank B. Kellogg, Secretary of State, published in 1928:

"• • • No state has been able to obtain the payment of debts contracted by Russia under preceding Governments or the indemnification of its citizens for confiscated property. Indeed, there is every reason to believe that the granting of recognition and the holding of discussions have served only to encourage the present rulers of Russia in their policy of repudiation and confiscation, as well as in their hope that it is possible to establish a working basis, accepted by other nations, whereby they can continue their war on the existing political and social order in other countries.

"Current developments demonstrate the continued persistence at Moscow of a dominating world revolutionary purpose and the practical manifestation of this purpose in such ways as render impossible the establishment of normal relations with the Soviet Government. The present rulers of Russia, while seeking to direct the evolution of Russia along political, economic, and social lines in such manner as to make it an effective 'base of the world revolution,' continue to carry on, through the Communist International and other organizations with headquarters at Moscow, within the borders of other nations, including the United States, extensive and carefully planned operations for the purpose of ultimately bringing about the overthrow of the existing order in such nations."

On February 1, 1928, the Department of State authorized the following statement to the press:

"The department objects to financial arrangements involving the flotation of a loan in the United States or the employment of credit for the purpose of making an advance to the soviet régime. In accordance with this policy, the department does not view with favor financial arrangements designed to facilitate in any way the sale of soviet bonds in the United States. The department is confident that the banks and financial institutions will cooperate with the Government in carrying out this policy."

Later and recent events have fully justified the decision of the American Government not to recognize Soviet Russia. In fact, their statements have been prophetic, for what they surmised would happen has actually happened. If the American Government feels, in effect, that what Russia has done is "seizure by bandits or by other lawless bodies" (Sokoloff v. National City Bank, 239 N. Y. 158), and has endeavored to dissuade American firms from dealing with Russia, the various branches of the Government must take cognizance of this decision and be guided accordingly.

NATIONAL DEFENSE

The Soviet Government has evidenced, in no uncertain terms and methods, that it is an international outcast. It has been a government of bad faith. It has been guilty of concealment, dishonesty, intrigue, conspiracy, and dissemination of the propaganda of revolution. It has consistently refused to live up to its contracts, its treaties, and obligations.

We have cited before the instance of the Soviet Government seizing the Chiaturi mines, in complete violation of its treaty with the Republic of Georgia.

We have mentioned previously the Soviet Government's breach of its agreement with Tchemo. Its confiscation of the property of foreigners has been the subject of comment by our State Department. It has refused to recognize its external obligations.

Prior to England again recognizing the soviet, it had been expelled from Britain for violation of its sacred agreement with that country, an agreement which covenanted that there was to be no revolutionary propaganda spread in England, a covenant which Russia very promptly violated. The same situation exists to-day and is presently the basis of discussion in Parliament.

It has been excluded from and is waging secret warfare against China.

It has been expelled from Mexico for a like violation of treaty.

It is a well-known and conceded fact that it has conspired against and incited revolution in India and China.

On August 20, 1930, a special cable to the New York Times from London stated:

"The soviet is busy stirring up unrest among the negro masses in Africa and America, according to dispatches from Riga, which announce that a new 'international negro committee' had been formed in connection with the Red Trade Union International Congress, now sitting in Moscow, to intensify its revolutionary work."

The soviet press, according to the Riga dispatches, asserts that the Profintern has done much work during the past two years among the natives of British and French Africa and the West Indies, and that its efforts have produced strikes and revolts at Durban and Johannesburg, and in Rhodesia, the Belgian Congo, French Equatorial Africa, Nigeria, and Tahiti, as well as negro unrest in the United States.

On September 22, 1930, London advised that the Soviet Government was holding 450 American mechanics virtually in prison, while their promised pay was being held up, although these mechanics went to Russia under agreements which promised to make such a situation impossible.

The situation with reference to Lena Gold Fields (Inc.) is well known. This British concern held a gold-mining concession in Russia. This concern was invited by the Soviet Government to invest in Russia under a liberal concession, but when the investment was made the Moscow régime became hostile and allowed thieves to prey upon this enterprise. The concession came under the attack of Stalin, and an intensive program for the communizing of that industry was pushed. Thereafter, all efforts on the part of the concessionaries were effectively blocked by the soviets. An agreement was finally reached to arbitrate the difficulties, and, in accordance with the agreement, a Russian, an Englishman, and a German were appointed the arbitrators.

While the arbitration proceedings were going on, the 14,000 employees in the gold fields, many of them foreign experts, complained that because of soviet interference operation of the mines had become an impossibility. Whereupon the authorities of the concession notified Moscow that operations would be discontinued awaiting the decision of the arbitration committee. Despite its agreement to arbitrate, the Russian arbitrator was withdrawn and Moscow requested new arbitrators to consider the new problem that had arisen. The remaining arbitrators heard witnesses, decided that Moscow was guilty of breach of contract, and adjudged that it should pay Lena Gold Fields (Inc.) $65,000,000. This judgment the soviet now ignores and in effect refuses to pay.

The activities of the soviet in its wheat operations in Chicago at a time when general depression existed, is too well known to mention. But we do recall the fact that the soviet was a party to the Kellogg treaty, outlawing war. When hostilities between China and Russia broke out involving the Manchurian railroad, Secretary of State Stimson, of the United States, very properly, in accordance with the Kellogg treaty, addressed a note to the Soviet Government, reminding it of its obligations under that treaty. The crude and boorish response of the Soviet Government to this note was an insult not only to our Secretary of State but to our Government and its people.

However, Russian conditions internally are no better than the soviet's attitude toward the world generally.

A Russian citizen has no right to leave the country under any circumstances without the permission of the Government. The home, the very foundation on which society rests elsewhere in the world, has been completely destroyed. Several families now occupy a single room. Religion, the spiritual basis of humanity, has been outlawed from this godless country. The churches, cathedrals, temples, and other places of worship have been destroyed. Marriage, the most sacred thing in human existence, has been ridiculed. There is on record an instance where two people were married and divorced in the short space of 15 minutes.

The collection of a few pieces of silver currency results in the infliction of the death penalty.

Starvation and hunger stalk Russia at all times. The food-card system is so generally known that it needs no comment. Children of tender years, for the greater part, are brought up not under the guiding influence of their parents but in public institutions, and taught only communistic and revolutionary doctrines. And while its own people are starving, necessary products are being exported to the detriment of the Russian people.

What is the purpose of all of this?

We repeat again the statement of President Coolidge in 1923 that the American Government could not negotiate for the recognition of Russia for many reasons—" most serious is the continued propaganda to overthrow the institutions of this country."

Secretary of State Colby in 1920 said:

" We can not recognize, hold official relations with, or give friendly reception to the agents of a government which is determined and bound to conspire against our institutions; whose diplomats will be the agitators of dangerous revolt; whose spokesmen say that they sign agreements with no intention of keeping them."

These are the statements made not by laymen, based on mere assumption, but by the responsible formulators of our international policies, who are fully possessed of the necessary facts and who speak officially.

Zinoviev, the Russian leader, has said:

" The eternal in the Russian revolution is the fact that it is the beginning of the world revolution."

Lenin has said that:

" The revolutionists of all countries must learn the organization, the planning, the method, and the substance of revolutionary work. Then, I am convinced, the outlook of the world revolution will not be good, but excellent."

And Trotsky said:

" That means, comrades, that revolution is coming in Europe as well as in America * * *."

And the statement issued by the Petrograd Soviet to the Workers' Party of America ends:

" We hope that the party will, step by step, conquer the proletarian forces of America and in the not distant future raise the red flag over the White House."

We have, therefore, a situation where Russia has presently stated to the world its desire to overthrow all capitalistic governments and that, suiting action to word, has conspired in various countries to accomplish that purpose. Her great aim, openly expressed, is to overthrow the American Government.

What has all this to do with manganese?

Our learned adversary, Mr. Doherty, in his brief admits that ferromanganese is an absolute necessity in the manufacture of steel, and no substitute for it has ever been discovered.

A most important element in the matter of national defense is manganese, for if steel can not be manufactured without manganese, and no manganese were available, no guns, no vessels, no cannon, no ammunitions could be constructed without it.

Hon. Hanford MacNider, Assistant Secretary of War, wrote on October 3, 1927:

" It appears that manganese is essential to the production of steel, and without steel national defense is obviously impossible. The safety of the country requires that we have a readily available source of manganese within the United States."

Sir Robert Hadfield, the eminent British metallurgist, has written that—

" It would be safe to say that they who own the manganese of the world have largely in their hands the control of steel of satisfactory quality."

Russia, in her dumping activities, has conquered not only the American manganese industry but has effectively stifled the manganese industry of the world. It has caused a complete collapse of the manganese markets. In effect, it admits dumping, but contends that it is necessary to sell its products at a price even lower than production cost in order to create gold credits in foreign countries, and thus be able to purchase imports necessary to assist in the successful completion of its 5-year industrialization plan.

The soviet admits so much, but logic and reason and an understanding of soviet intrigue lead to a different and perhaps far more important conclusion.

That the soviet desires to overthrow and is planning the overthrow of capitalistic governments, it has openly proclaimed, and our State Department has taken official cognizance thereof. This the soviet is doing by a careful and systematic plan of propaganda.

Princess Kropotkin, of Russia, a sister of Prince Peter Kropotkin, who is an advocate of a conservative form of socialism, said, on October 14, 1930, upon her arrival in the United States:

" Every American dollar sent to Russia in the form of trade is a contribution of 50 cents toward a world revolution. All credit extended to the soviet is hastening the day when you will be driven out of your homes."

National defense is dependent on manganese, for without manganese steel can not be manufactured. By flooding world markets with manganese, the soviet is effectively killing the manganese industry. If this situation is permitted to continue, it is only a matter of time before the manganese mines of the world will be closed and abandoned. In the event of such a state of affairs, the world will be dependent upon Soviet Russia for its source of manganese supply, which would necessarily mean that in the event of national emergency we would have to import our manganese from Russia.

The revival of the manganese industry in this country, after prolonged abandonment, could not be accomplished in a short period. It took considerable time to develop the manganese industry to its present proportion. Hence, in the event of national emergency, we would be able to look only to Russia for our immediate source of supply, and the soviet could supply us, or not, as it saw fit, at prices which it could determine and collect if it provided us at all. But, more than the fact that it controlled the markets of the world would be the fact that it held in its hands the safety and the destiny of this country; and, certainly, if it is bent on overthrowing the Government of the United States, it would most certainly see to it that when the revolution was ready to be launched the United States would be wholly without manganese at whatever the price.

Mr. E. C. Ropes, Chief of the Russian Section of the Division of Regional Information, of the Department of Commerce, translating an article in the Berliner Tageblatt of July 13, 1929, says:

" If the Russians once maintain a monopoly, which is quite easily possible with their opportunities for dumping, under the system where it is immaterial whether an export trust itself makes or loses, then they will very probably refuse to sell Russian ore to those plants which have adapted their processes at prices acceptable to the consumers, but will demand those rates that will suit them as monopolists."

Woe to the country that looks to an international brigand, bent on its overthrow, for its sustenance and protection.

That England is aware of this situation is borne out by the fact that with her usual keen-sighted policy she is lending encouragement to the development of manganese deposits in India and in the Gold Coast of Africa. Control of these properties is retained by Great Britain, and the reserves are earmarked to supply the needs of the British Empire in case of an emergency; and though the cost of production there is very high, Datico Zeretell (a world famous authority on manganese ore, in his book entitled " Manganese Ore ") says that more than once the British Government has come to the aid of the Indian manganese producers. In other words, Britain foresees the possible consequence of soviet machinations and as a matter of national safety is going to the extreme of even subsidizing manganese production elsewhere in order not to be dependent for it upon the soviet in time of emergency.

Mr. Paul Scheffer, for many years the Moscow correspondent of the Berlin Tageblatt and, perhaps, one of the best-informed men in the world on the soviet situation, has stated in an article written by him in Foreign Affairs that he is convinced that the communistic dictatorship in Russia is as determined as ever to push the revolutionary crusade and to upset, by efforts employed from without as well as within, the so-called bourgeois governments—that of the United States included. It is his view that Moscow's economic policy and its military policy are directed consistently to that end. He states that Russia is being strengthened by the admission of foreign capital and the encouragement of foreign trade as a preparation for political hostilities. The red army is being trained in supporting uprisings in neighboring states started by communistic conspirators and agents, and he then makes this significant statement: " Despite the country's exhausted condition, the red army is always being strengthened. No sacrifice is too great."

Since the soviet dumping commenced it has sold manganese at 40 per cent, and even lower than previous recognized world prices. If the sole purpose of soviet dumping were the establishment of gold credits for the purpose of developing purchasing power, she could still control the world's manganese markets by selling at slightly less than previous prices.

The fact, therefore, that the soviet is reducing prices to a point far beyond that necessary for it to establish its gold credits is proof positive of the fact that it desires not only to establish gold credits but to definitely destroy the manganese industry in this country, and thus take away from America a vital material necessary in its national defense.

America can do no less than to protect itself from the machinations and conspiracies of a government which our State Department has declared worthy only of distrust and bent on " raising the red flag over the White House."

THE LAW

In the tariff act of 1922 Congress for the first time took cognizance of the manganese industry, and written in that law is a provision of a tariff of 1 cent per pound of metallic manganese contained in ore running above 30 per cent manganese.

In 1930 Congress increased this duty by providing that there shall be a tariff of 1 cent per pound on metallic manganese contained in ore running above 10 per cent manganese because Congress desired to exclude a large and increasing manganese tonnage

of slightly less than 30 per cent metallic content avoiding the payment of the duty.

In 1921 Congress enacted what is known as the antidumping act, which we will hereinafter discuss at length.

The intent of Congress in providing for a tariff on manganese in 1922 and increasing the amount of the tariff in 1930 was solely for the benefit of this infant American industry.

The antidumping act of 1921 was designed in furtherance of the general policy of Congress to protect American industry from unfair competition and to prevent flooding American markets by foreign products.

The tariff act of 1930 specifically provided that nothing therein contained should be construed to amend or repeal the antidumping act of 1921. So that, coupled with the protection afforded manganese by the tariff act of 1930, are the provisions of the antidumping act of 1921. The ultimate aim, therefore, of congressional legislation was the protection, fostering, encouragement, and furtherance of American industry.

Every statute must be construed with reference to the object to be accomplished by it (36 Cyc. 1110, United States v. Musgrave, 160 Fed. 700). The statute should be given that construction which is best calculated to advance its object (U. S. v. Jackson, 143 Fed. 783) by suppressing the mischief and securing the benefits intended (Wheeler v. McCormick, 29 Fed. cases 17498).

Since the benefits intended for the protection of American industries and suppressing the mischief is the prevention of dumping of foreign products in this country, it is manifest that the antidumping act must be read most favorably to and applied most advantageously for the benefit of American industry.

Section 201 (a) of the antidumping act reads as follows:

" That whenever the Secretary of the Treasury (hereinafter in this act called the ' Secretary '), after such investigation as he deems necessary, finds that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise, and that merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere at less than its fair value, then he shall make such finding public to the extent he deems necessary, together with a description of the class or kind of merchandise to which it applies in such detail as may be necessary for the guidance of the appraising officers."

Section 201 (b) of the antidumping act reads as follows:

" Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the appraiser or person acting as appraiser has reason to believe or suspect, from the invoice or other papers or from information presented to him, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign-market value (or, in the absence of such value, than the cost of production) he shall forthwith, under regulations prescribed by the Secretary, notify the Secretary of such fact and withhold his appraisement report to the collector as to such merchandise until the further order of the Secretary, or until the Secretary has made public a finding as provided in subdivision (a) in regard to such merchandise."

Section 201 (a) of the antidumping act states that if an American industry is being or is likely to be injured, or is prevented from being established by reason of the sale of foreign merchandise " at less than its fair value," the Secretary of the Treasury shall make a finding to that effect.

Section 201 (a) is the deliberate quasi-judicial method of embargo. Since it is undisputably proved and conceded that the manganese industry is being injured and prevented from being established, all that is necessary under 201 (a) is to show that Russian manganese is being sold at " less than its fair value."

Section 201 (b) is the arbitrary and summary method of preliminary embargo. If, under 201 (b), the appraiser has reason to believe or suspect that the situation is even more aggravated than under 201 (a), namely, that the purchase price of the merchandise is less than the " fair value," to wit, " is less or is likely to be less than the foreign market value," or, in the absence of such foreign market value, then less than the cost of production, the appraiser shall withhold his appraisal report until further order of the Secretary.

Manifestly, if Congress gave to the appraising officer the right summarily, and on mere suspicion, to withhold his appraisal report if the merchandise is sold at less than its foreign market value, or at less than the cost of production, it is clear that the foreign market value or the cost of production must necessarily be less than the fair value. As between the foreign market value and the cost of production (in the absence of the foreign market value), the cost of production is the lower. Hence in " cost of production " is the most offensive degree of price aggravation which warrants embargo.

In other words, if the sale price is less than the fair value, then only the Secretary of the Treasury, after investigation, can issue an embargo. If, however, the sales price is less than the fair value, to wit, " less than the foreign market value," the appraising officer may summarily withhold his appraisal report. If the price is even lower than the foreign market value, to wit, " the cost of production," the appraising officer may likewise summarily withhold his appraisal report.

Hence the degrees of price governing embargo are: First, fair value; second, foreign market value; third, cost of production, and below which, of necessity, and under civilized principles of merchandising nothing can be sold.

To bear out our contention that cost of production is the lowest item of the scale and that nothing can be sold under that sum, we point to section 206 of the antidumping act, provided that in computing the cost of production, and addition for profit of not less than 8 per cent of the sum under paragraphs (1) and (2) of section 206 should be added.

Under section 201 (b), if the appraiser suspects dumping he must act immediately and on his own initiative.

To assist in these endeavors article 710 of the regulations provides for an antidumping unit of the special agency service, and states further:

" Field investigations relating to suspected dumping will be centralized at this point."

Field agents, under the article, are instructed to forward an original and two copies of all reports to the unit, with a copy to the director of the Special Agency Service.

Under article 713 of the regulations, whenever dumping is suspected, the appraiser shall immediately request the importer, or his authorized agent, to appear before him in order that he may obtain whatever information the importer or his agent may have relative to the matter.

The burden is not upon the American industry affected to prove dumping, but, on the contrary, is on the exporter, in this case the Soviet Government, to disprove dumping.

The act becomes applicable under section 201 (a) if the Secretary of the Treasury finds that (1) an industry in the United States is being or is likely to be injured or is prevented from being established by reason of the importation into the United States of a class or kind of foreign merchandise, and (2) that the merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere, at less than its " fair value."

And the act becomes applicable under section 201 (b), under circumstances more aggravating than 201 (a), to wit, if the appraiser has reason to believe or suspect that the purchase price is much less than the fair value, to wit, is less or that the exporter's sales price is less or likely to be less than the foreign market value (or, in the absence of such value, than the cost of production).

That the manganese industry in the United States is being or is likely to be injured or is prevented from being established by the importation of Russian manganese has been demonstrated and proven by the testimony of witnesses who appeared before the Secretary of the Treasury, and all of whom stated in no uncertain terms that their mines had been completely shut down and that they had been unable to compete with Russian manganese, imported and sold in this country at a price of 25 cents or less per unit, c. i. f. Atlantic ports; so that the injury to the American industry has been completely established. As to this there can be no contrary contention.

Under section 201 (a) it remains to be seen, therefore, whether manganese is being sold in the United States at less than its fair value. Fair value, of necessity, must mean that value which is reasonably and fairly measured by civilized standards of computation. A fair value, of necessity, must be more than the cost of production. Certainly an article sold at less than cost of production is not sold at a fair value. Looking at the situation from an angle most favorable to the soviet, it is at most necessary to show that Russia is selling at less than cost of production. If it is doing that, it is selling at less than fair value.

The Amtorg Trading Corporation, representing the Soviet Government, has withdrawn from the hearings. Obviously, because it does not wish to be questioned as to what fair value and cost of production is. It is fair, then, to contend that the soviet, having failed to submit its proof and having retired from the hearings lest it be compelled to submit proof—which, if submitted, would show its violation of the antidumping act—has, of necessity, defaulted, and thus, inferentially, if not actually, has admitted its violation of the antidumping act.

It is important to remember that the United States has refused to recognize Russia, and as a consequence of that refusal we have no consular or diplomatic representative in Russia; hence the usual channels of information are not open to America when its citizens deal with Russia. The nonrecognition of Russia by our Government is, however, of her own doing. She alone is responsible for her position.

The hearings in Washington gave to Russia the opportunity to divulge and present to the Secretary of the Treasury what its cost of production is. It is certainly logical to assume that, if the price at which the soviet sold manganese in the United States was more than the cost of production, it would welcome with open arms the opportunity to present that evidence to the Secretary of the Treasury. The fact that it is silent, that it has withdrawn from the hearings in order to avoid being asked embarrassing questions, and the fact that it continues in its policy of concealment, bears the inference, if not establishing positively, that the cost of production is far greater than the sales price of Russian manganese in this country.

Russia, committing a wrong, is seeking by a policy of concealment to hide behind that wrong. It is axiomatic that " a right can not arise to anyone out of his own wrong " (21 Corpus Juris 183, citing Harton v. Little, 188 Ala. 640; Baird v. Howison, 154 Ala. 359). In T. B. Harms et al. v. Stern et al., 231 Fed. 645, at page 648, the court, quoting with approval from the language of the Supreme Court of the United States (5 How. 192) says:

" You (the wrongdoer) can not be admitted here to plead your own demerits; precisely, therefore, in the position in which you have placed yourself, in that position we must leave you."

Where every consideration of propriety and honest dealing would demand that Russia, through her accredited representatives, should speak, we have been met with a wall of silence. That silence has a legal as well as a practical significance.

In Jones on Evidence (second edition), section 19, it is stated that:

"The mere withholding or failing to produce evidence, which under the circumstances would be expected to be produced and which is available, gives rise to a presumption against the party. • • • The courts recognize and act upon the natural inference that the evidence is held back under such circumstances because it would be unfavorable."

In 22 Corpus Juris, 111, the rule is stated as follows:

"The failure of a party to produce evidence which is within his knowledge, which he has power to produce, and which he would naturally produce if it were favorable to him, gives rise to an inference that if such evidence were produced it would be unfavorable to him; and a similar effect attends an effort to suppress evidence."

In the New York (175 U. S. 187) the United States Supreme Court quoted with approval its statement in Clifton v. United States (4. How. 242) that "to withhold testimony which it was in the power of the party to produce in order to rebut a charge against him • • • might be as fatal as positive testimony in support or confirmation of the charge."

To like effect see Kirby v. Tallmadge (160 U. S. 379).

The withholding of information by the Soviet Government has led to similar action by those with whom it had dealings. It will be recalled that the Soviet Government gave to W. A. Harriman & Co. a concession in Russia for the operation of the manganese mines. Harriman found the operation an unprofitable one and relinquished it. The Soviet Government agreed to repay Harriman a substantial sum of money over a period of time.

We called W. A. Harriman & Co., spoke to one of their representatives, and asked them if they would give us their production costs in the mining of Russian manganese while they had the concession.

This information was refused us. Bearing in mind that the Russian Government owes Harriman money, it is logical to assume that if the revelation of these production costs would have shown that they were less than the amount at which Russian manganese is being sold in the United States, and thus favorable to Russia, Harriman would have been glad to reveal its cost.

Hence their silence and refusal can be construed only as showing that had they revealed these costs they would have shown that they were higher than the price at which Russian manganese is being sold in the United States, and hence might have put Harriman in the embarrassing position where, by giving evidence against Russia, they were endangering the payment of the moneys due them from Russia.

We shall hereafter show the production costs which the Soviet Government and its agents have been so anxious to conceal and were so constant in their endeavor to secrete.

We come, therefore, to the sole point at issue, namely, What is the cost of production, the most aggravating figure, which summarily and without hearing, but on mere suspicion, warrants a preliminary embargo?

We have pointed out heretofore that Russian dumping is not confined solely to the United States. It is world-wide. It has caused a complete demoralization of the manganese industry and of the manganese market throughout the world. The purpose of this demoralization and the motives behind it we have previously revealed.

It is inconceivable that Congress intended that the foreign market value should be less or might be less than the cost of production. No civilized industry can sell its product at less than cost and still endure. Bankruptcy in such an instance must inevitably follow. Clearly, therefore, Congress intended that the foreign market value must either be more than or at least equal to the cost of production. To construe the language of the statute otherwise would be to read into it an absurdity, for it would then permit in indirection what Congress expressly prohibited directly. If Congress says that a sales price less than cost of production constitutes dumping, then certainly a foreign market price which is less than production cost is likewise dumping.

All laws should be so construed, if possible as to avoid an unjust or an absurd conclusion. In Ah Tie (13 Fed. 291) the United States Supreme Court is quoted:

"General terms should be so limited in their application as not to lead to injustice, oppression, or an absurd consequence. It will always, therefore, be presumed that the legislature intended exceptions to its language, which would avoid results of this character. The reason of the law in such cases should prevail over its letter." (United States v. Kirby, 7 Wallace, 482.)

For in no instance can it be conceived that a civilized exporter would in his own country or in the other markets of the world sell his products at less than cost. To sell legitimately at less than cost of production would be impossible. To sell at less than cost of production the world over can result only in the creation of a fictitious market. But Congress was not asleep. It specifically provided against such a contingency. In section 205 of the antidumping act the following is provided:

"In the ascertainment of foreign-market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account."

Irrespective of fair value, which manifestly must be more than cost of production; irrespective of foreign market value, which manifestly must be more than cost of production, if the cost of production is higher than the selling price of the foreign article in the United States, the Secretary of the Treasury is compelled by law to invoke the antidumping act.

Russia may, of course, contend that her production cost is low, since she is starving her people, since they are improperly and cheaply housed, since she has seized the mines from Georgia, since she has conscripted her labor, since she has confiscated transportation facilities, and all this is hers without cost. She might further contend that having stolen the mines she has no capital investment; and since the property in the first instance is the result of her larceny she need charge off nothing for amortization or depletion. And that since she disregards the law of nations and her duties as a government amongst nations, since she disregards treaties, breaches contracts, and violates every principle of humanity, that she can likewise disregard usual accounting custom and contend that any price that she sets is her cost of production.

Again, however, Congress has made adequate provision. Section 206 of the antidumping act provides:

"That for the purposes of this title, the cost of production of imported merchandise shall be the sum of—(1) The cost of materials of, and of fabrication, manipulation, or other process employed in the manufacturing or producing, identical or substantially identical merchandise, at a time preceding the date of shipment of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business; (2) the usual general expenses (not less than 10 per cent of such cost) in the case of identical or substantially identical merchandise; (3) the cost of all containers and coverings, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and (4) an addition for profit (not less than 8 per cent of the sum of the amounts found under paragraphs (1) and (2) equal to the profit which is ordinarily added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production, who are engaged in the same general trade as the manufacturer or producer of the particular merchandise under consideration."

If the sales price of Russian manganese in the United States is less than the cost of production computed as Congress has decreed the issue must be resolved in favor of the American industry.

Congress has declared that it is the duty of the Treasury Department to protect American industry. Certainly it is not consonant with reason or justice that an American governmental department is to go out of its way to assist an international renegade in the use of our markets, when that use is for the avowed purpose of destroying our Government and our institutions.

In a situation where an honorable and responsible government, would, in deference to its national and international integrity, be impelled to speak—and even welcome the opportunity of so doing—Russia has been guilty of a constant policy of silence, secrecy, and concealment. That she does not give any information is evidenced by the affidavit submitted by her official in charge of manganese export. We will consider this affidavit later. Suffice it to say that in submitting that affidavit, the Soviet Government had the opportunity of stating facts. It chose not to do so and, hence, the inference exists that if it had stated facts, they would have been inimical to Russia.

W. A. Harriman & Co. has likewise refused to give information, an opportunity which Russia would certainly have availed itself of if that information had been favorable to it.

The match situation offers an interesting example. Only by having a representative in Russia and obtaining its production cost was the match industry of America able to obtain information necessary to obtain its embargo. Since that time, however, the Soviet has been very careful not to permit such information to leak out. Obviously, if such information were to be divulged an embargo on any product involved by such information would quickly result. Her agents in this country and elsewhere are constantly warned and cautioned to give out no information.

B. W. Delgass, a former vice president of the Amtorg Trading Corporation, resigned from Amtorg and proceeded to tell something of Soviet methods. Mr. Delgass was forthwith sentenced to death by a Russian tribunal, and that penalty awaits him in event that he ever sets foot upon Russian soil.

But, despite Russia's attitude of secrecy and concealment, despite her refusal to give information, and despite the barriers of protection with which she has surrounded all sources of information, and despite every impediment which she has placed in the way of obtaining information by American industry, the American Manganese Producers Association has been successful in its search for data.

This evidence is irrefutable. The American manganese industry knows the production cost of Russian manganese. This we will later show.

It is important to note that while Russia has endeavored to conceal her production costs, she indirectly has revealed them. She admits that in order to carry out her 5-year industrialization plan she must sell her raw products abroad to enable her to establish gold credits; and, as we pointed out heretofore, if the prices of Russian products were the same as that of the products of a civilized country, dealing with civilized nations would be preferred, Russia can only obtain these markets by underselling her civilized competitors.

In the New York Times of Sunday, September 28, 1930, there appears an article by Michael Farbman, an expert economist who has had a long association with Russia, and who presents a summary of interviews he had with the Russian leaders of trade and industry, which took place during a recent visit by Mr. Farbman to Russia. He says:

"Strictly speaking, Russia has not and can not have any exportable surplus save such articles as timber, oil, and furs. But when it became a question of paying for imports with exports or of stopping imports altogether the government was compelled to put on the market any goods which could be sold, without regard to whether they were surplus goods or not. Discussing the economic position of Russia in 1929, the State plan commissioners declared that while the state of foreign trade was in general favorable in one respect it was extremely difficult.

"'Imports,' they said, 'had to be cut down because the international bourgeoisie increased their pressure on the Soviet monopoly of foreign trade, using for this purpose a financial blockade. Therefore, if we had in 1929 to record a considerable decrease of imports, this must be put down to the decrease of foreign credits. But, on the other hand, the same circumstance stimulated us to increase our export trade, the development of which must in the future remain our most important task, since the financial capital of the world is being organized against us.'

"This insistence on the fictitious character of the development of the export trade I came across again and again in Russia in the course of my conversations with the leaders of trade and industry. The failure to obtain credits compelled them, they confessed, to export everything and anything for which they could find a market. • • • To-day, then, they are bound to explore every avenue in an endeavor to find new exports and new markets. Moreover, they are bound to get rid of their exports as quickly as possible and at any price they can obtain."

We have, therefore, an admission from the Soviet Government's representatives that they must get rid of their exports at any price they can obtain, irrespective of what that price may be. That this is the true situation is borne out by the production costs which we now present

RUSSIA'S COST OF MANGANESE PRODUCTION

The world-famous expert on manganese, Datico Zereteli, has compiled records of the detailed labor costs of mining manganese in the Tchiaturi district of Russia. They are as follows:

Wages per day paid to laborers in the mines in rubles and kopecks

	1913		1922		1923	
	Rubles	Kopecks	Rubles	Kopecks	Rubles	Kopecks
Miners	1	70	1	50	1	23
Shovellers	1	50	1	37	1	12
Barrowmen	1	40	1	23	1	12
Sorters	1	20	1	10		90

Cost (in gold kopecks) of a pood of washed ore at Tchiaturi platform

	Before the war		1923		Per cent increase in cost
	Absolute	Per cent	Absolute	Per cent	
Cost at pit's mouth:					
Extraction, sorting, delivery at pit's mouth	2.50	36.2	4.96	48.91	216.00
Tools, propping, lighting, technical supervision, etc.					
Lease					
Unforeseen expenses					
Transportation from the pit's mouth to the washery			0.25		
Increase of the cost through washing			2.69		
			7.90		
Expenses of washing	1.00	14.5	2.93	18.1	193.00
Transportation to railway platforms	2.03	29.2	2.50	15.5	21.18
Unforseen expenses	1.39	20.1	1.33	1.75	103.60
Amortization			1.50		
			2.83		
	6.92	100	16.16	100	133.53

The cost of transportation from Tchiaturi to Poti during 1923 (in gold kopecks) is as follows:

	During 1923 (in gold kopeks)
1. Loading into wagons at Tchiaturi	0.65
2. Loading into wagons at Poti	1.37
3. Railway charges between Tchiaturi and Poti	4.91
4. Supply of wagons at Tchiaturi—Tchiaturi-Poti	.18
5. Agencies at Tchiaturi and Shorapan	.05
6. Lease of platforms	.25
7. Agency at Poti	.15
8. Post telegraph, traveling, and sundry and unforeseen expenses	.30
9. Analyses, samples for	0.05
10. Loading installations at Tchiaturi-Poti	.50
11. Baths and workers' houses	.20
12. Dock laborers	.15
13. Expenses of "Temo"	.50
14. Tax per pood	1.50
Total	10.76
Received	10.86

The average cost of a pood of manganese from a period during the régime of the Czar, thereafter and up to 1925, was as follows:

	Lump ore	Washed	Peroxide
Franco-platform Tchiaturi	14.65	22.16	26.73
Tchiaturi-Poti	13.06	13.06	13.06
Expenses of TEMO	1.10	1.10	1.10
Tax on monopoly	.84	.84	.84
	29.65	37.16	42.57
Loss in transport	.59	.74	.85
Stamp duties	.03	.04	.04
Total	30.27	37.94	43.46

Translating these figures into American money, we find that the cost of production of a ton of manganese in Russia at that time was $11.80 per long ton in gold in the yards at Poti, Russia. This includes a charge of $4.04 per ton for transportation from Tchiaturi to Poti. The transportation from Poti to Atlantic seaboard ports is between a minimum of $3.75 and a maximum of $5 per long ton. If we then add the minimum ocean freight cost of $3.75 per ton, we get a cost price of $15.55 per long ton c. i. f. American Atlantic seaboard ports.

It must be borne in mind that, in making this computation there is not taken into consideration capital investment, interest on capital investment, amortization, depletion, depreciation, and the usual charges which enter into mining operations.

From 1919 to 1925, Tchemo with the sanction of the soviet operated the Tchiaturi mines. It is unfortunate that we can not, in this brief, mention the confidential source of the following authentic information. The original documents containing the same are being submitted by us herewith in confidence, to the Treasury Department.

These figures, showing the past and present cost of production of manganese ore from the Tchiaturi mines, are as follows:

Average cost of 600 poods of 52 per cent manganese ore f. o. b. Poti, Georgia (Caucasus), during years 1919–1925. (One pood equals 36 pounds avoirdupois)

4 laborers working with spade, at $2.50	$10.00
2 laborers working with shovel, at $2	4.00
1 laborer working on carriage, at $1.55	1.55
3 laborers working cleaners, at $1	3.00
Transportation of manganese ore from the mines to the works	
840 poods of ore (out of which 600 poods buddled)	$14.00
Buddling of 600 poods of ore	12.00
Transportation from the works to the railroad stations—600 poods	15.55
Railroad freight charges	
From Chiaturi to the port of Poti—600 poods	$18.50
Loading in Chiaturi, unloading and loading in Charabam and unloading and loading in Poti—600 poods	9.00
Overhead (management) expense—600 poods	6.00
Rental of the ore property—600 poods	6.00
Maintenance of the mines and roads—600 poods	10.00
Laborers vacations with pay—600 poods	8.00
Labor insurance, hospitals, public baths, police force, etc.—600 poods	12.50
Total for 600 poods	130.10
Per 60 poods	13.01

According to the official documents published in Union of Socialist Soviet Republics, the cost of living in Russia for the last five years increased by more than 50 per cent; accordingly, the immediate necessities, as well as labor, increased over 50 per cent. Also, according to the statement made by the so-called representative of the Georgian Manganese Ore, Mr. Mikadze, the laborers in Chiaturi are earning from $3 to $4 a day. Based on the above, we will increase our cost per 60 poods of manganese ore, $13.01, by 50 per cent, equaling $19.51 per 60 poods, f. o. b. Poti. (This means that a ton of 2,240 pounds of 52 per cent manganese ore costs $20.22 f. o. b. Poti.)

No charge per pood has been made for amortization, depletion, depreciation, brokerage, or other customary charges considered legitimate and necessary when compiling such cost.

Since 1925 and to the present time there have been no material installations of machinery or other improvements at the Georgian manganese mines which would permit the present soviet operators to mine and ship ore at a cost lower than the cost of 1925, as shown above.

To bear out our contention that cost of production is the lowest item of the scale and that nothing can be sold under that sum,

silence has a legal as well as a practical significance.

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appears an article by Michael Farbman, an expert economist who has had a long association with Russia, and who presents a sum-

If we add to the present cost of $20.22 per ton f. o. b. Poti the minimum cost of ocean transportation to American ports ($3.75 per ton), we find that the c. i. f. cost in this country, without the addition of any profit, is $23.97 per ton.

The Soviet Government can not contend that any material improvements have been made which would reduce the already absurdly low production costs claimed by them.

The United States Daily, on September 2, 1930, published a statement by Doctor Furness, of the United States Bureau of Foreign and Domestic Commerce, to wit: "That the Soviet Government, in taking back its concession from Harriman, did so under the contention that Harriman did not carry out the program of important improvements provided for in the agreement." That Harriman did not make any improvements is conceded.

Mr. Seth R. Swain, the American mining and metallurgical engineer employed by the Harrimans while operating their Russian concession, bears out the statement that no material improvements had been made by Harriman, and that the cost of mining and transportation, because of the antiquated methods used, was expensive.

Nor can it be contended by the Soviet Government that its labor costs have been reduced, which might justify any decrease in producing manganese ore.

An article in the Economic Review of the Soviet Union, of August 1, 1930, a magazine published by the Amtorg Trading Corporation, and hence, the mouthpiece of the Russian Government itself, published an interview with A. V. Mikadze, representative of the Soviet Manganexport Corporation in the United States, and A. E. Kalnin, president of Rudo-export, the Ore Export Corporation of the Union of Socialist Soviet Republics, which handles all soviet exports of ore, including manganese. Mr. Mikadze said:

"Soviet manganese is being purchased in the United States largely by the United States Steel Corporation and the Bethlehem Steel Corporation, who have been using Tchiaturi manganese ever since 1886. * * * According to soviet statistics, exports of manganese to the United States during the 12 months ending September 30, 1929, amounted to 338,500 metric tons. Soviet manganese imported into this country comes from the Tchiaturi mines (in the Soviet Georgian Republic), which are located not far from the Black Sea. About 7,600 workers are employed in the Tchiaturi mines at the present time. While the average wages amount to roughly 84 rubles per month ($43), some miners receive from 7 to 8 rubles per day ($3.50–$4). Benefits received by workers include free medical service, living quarters free or at nominal rent, free sickness, old age, and unemployment insurance. In addition, workers receive vacations of at least two weeks per year."

Nothing has transpired between 1928 when the Harriman concession ceased and the present time which would reduce the cost of production. On the contrary in view of the higher labor costs stated by Mr. Mikadze to be presently existing and the greater number of laborers employed the cost of production of manganese ore at the Tchiaturi mines is, of necessity, now higher than it was before.

Despite that fact, Russia is selling her manganese in this country at 25 cents and less per unit, or approximately $12.50 per ton, c. i. f. Atlantic ports, when the actual cost to them is $23.97 per ton. In other words, she is selling here almost 50 per cent less than the cost of production.

The Harriman concession commenced operations in 1925 and continued until the latter part of 1928, when Harriman publicly announced his renunciation of his manganese concessions in Russia because he could not sell manganese at a profit. Harriman was selling at a price of approximately 43 cents per unit, c. i. f. Atlantic ports, or in excess of $21 per ton. If, as Mr. Mikadze states, labor is being paid more and is employed in greater numbers now than it was during the Harriman régime, and Harriman could not make a profit at $21 per ton and was constrained to relinquish his concession, and Russia is now selling at $12.50 per ton, it is quite apparent, again, that she is dumping.

The Russian Government well knew that its production cost or world-market price was about $21 per ton, for the formal agreement between the Soviet Government and W. A. Harriman & Co. (Inc.), dated Moscow, June 12, 1925, the original of which is in our possession, states on page 16, section 27 thereof, as follows:

"The concessionnaire agrees to keep in his books a special account to be known as 'The Government Surplus Account.' In all cases, excluding peroxide ore (MnO_2), when sales of ore are made at a price in excess of $21 per dry ton, there shall be credited to said account one-half of the difference between the price abroad and $21 per dry ton. In all cases when sales are made at a price less than $21 per dry ton, there shall be debited to said account one-half of the difference between the sales proceeds and $21 per dry ton. Said Government Surplus Account shall be kept on the basis of c. i. f. prices, with references to invoices and 'facturae,' and shall in cases of necessity, be supported by same. At the end of each five years during the time this agreement is in force, said account shall be balanced. If it shows a credit, the amount of said credit shall be paid to the government. If, however, a debit is shown, no payment will be required of the government."

It is further provided, in section 49, page 27, that:

"Conditions of labor on the conceded enterprise shall be regulated by the appropriate laws in force in the Union of Socialist Soviet Republics."

It is quite apparent from this section of the agreement that the Soviet Government expected that the world price of manganese, including the price of soviet ore from Tchiaturi, would be approximately $21 per ton. Yet, at $21 per ton Harriman was losing and was constrained to relinquish his concession.

In spite of all this, and in the face of its greater production cost, Russia is selling at $12.50 per ton, c. i. f. Atlantic ports.

When it is remembered that Congress has decreed, under section 206 of the antidumping act, in defining what the cost of production shall be, to wit:

"(1) The cost of materials of and of fabrication, manipulation, or other processes employed in manufacturing or producing identical or substantially identical merchandise, at a time preceding the date of shipment of the particular merchandise under consideration, which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business."

We find that the cost in the usual course of business, at a time preceding the date of shipment of the particular merchandise under consideration was the Harriman cost, and the Harriman cost was approximately $21 per ton.

In paragraph 4 of section 206 Congress provides for a profit of not less than 8 per cent, "equal to the profit which is ordinarily added in the case of merchandise of the same general character as the particular merchandise under consideration by manufacturers or producers in the country of manufacture or production, who are engaged in the same general trade as the manufacturer or producer of the particular merchandise under consideration."

Harriman was engaged in the same general trade as and with the soviet. So was "Tchemo." Hence, again under the law we revert to the Harriman and Tchemo costs and these we have shown are far higher than the present selling price of the soviet.

On May 8, 1930, the Iron Age printed an article submitted by its Hamburg correspondent, which reads as follows:

"SOVIET LOSSES HIGH ON MANGANESE ORE

"HAMBURG, GERMANY, April 21.—Based on recent reports and statements by Government officials in Soviet Russia, the Government is losing heavily on manganese-ore production in the Caucasus. The director of mines has stated that production costs have advanced about 34 per cent recently. Estimates by German ore dealers show that the Russian Government is selling manganese ore from the Georgian mines at about 3d. (6 cents) per unit less than the cost of production. However, the Soviet Government is selling manganese ore regardless of costs to establish sufficient foreign credits for purchase of machinery and equipment required in its industrialization program."

The Daily Metal Trade, a prosteel publication, admits that Russia is selling at less than cost of production and at a loss, in its editorial of August 16, 1930, which says:

"True, exports of manganese ores from Russia have increased enormously. True, too, prices have gone down to a point where the soviet manganese-export trust may be losing 6 cents a unit, as some reports indicate. Quite probably it is also true that the soviets have determined to sell their manganese ore in foreign markets as a means of creating gold credits, regardless of costs."

That this price cutting has accomplished Russia's purpose is borne out by the following table of imports:

Imports of manganese ore into the United States

Year	Total from all countries, gross tons	Imports from Russia	
		Gross tons	Per cent of total
1922 [1]	425,000	3,284	0.4
1923 [1]	419,000	23,340	5.9
1924 [1]	505,000	87,194	17.8
1925 [1]	615,000	229,074	40.0
1926 [1]	738,000	244,690	35.2
1927	622,967	253,544	40.8
1928	427,706	159,842	26.7
1929	664,289	329,335	49.6
1930 [2]	742,000	346,178	46.7

[1] U. S. Bureau of Mines estimate of gross weight, based on actual manganese content.

[2] Based on actual figures, imports for first 6 months of 1930 which show 173,089 tons from Russia and total from all countries 370,903 tons.

Mr. E. C. Ropes, chief of the Russian section of the division of regional information, United States Bureau of Foreign and Domestic Commerce, has prepared the following translations from the German press, pertaining to Russian methods of marketing manganese:

"Thus, the basis for a dumping process of extraordinary nature and with far-reaching aims is present in Russia, and it is further extended by the difference maintained between the official valuation of the ruble in Russia and the actual value abroad. There is thus added to dumping, based on State capitalism, a dumping based on the difference in exchange."

And the final conclusive evidence is illustrated by the following:

The Domestic Manganese & Development Corporation, of Butte, Mont., had a contract for the sale of its manganese ore with a certain American manufacturer of ferromanganese.

The Domestic Manganese & Development Corporation had enlarged its plant and had reached a point where it could meet all of the requirements of its contract from the viewpoint of production.

Hardly had deliveries commenced under the contract than the same was canceled by the ferromanganese manufacturer. Mr. Harold A. Pumpelly, vice president of the Domestic Manganese & Development Corporation, testified in Washington before the Treasury Department that he personally went to the ferromanganese manufacturer to ascertain the reason for the cancellation of the contract, and was informed that it was due to the fact that the price was too high. He then asked what price would be acceptable and was advised by the ferromanganese manufacturer that he had been informed by a representative of the Soviet Government that the Soviet Government was ready to undersell any competitor for the American business, at whatever price quotation, be they American or other foreign producer.

We have, therefore, incontestable proof of the fact that Russia is selling manganese in the American market at considerably less than her actual cost of production, computed on a basis most favorable to her; and since this is so, she is selling at less than fair value. Thus she is dumping in violation of the antidumping act of 1921.

But this is not the only law that Russia is violating.

The immigration act of 1922 was designed for the purpose of keeping out of America cheap foreign labor, which would come into our country and work at low wages, thus displacing the American workman from his job and bring down his standard of living.

By permitting Russia to import into this country merchandise manufactured by cheap forced, indentured, conscripted, and convict labor, Russia is as effectively evading the immigration act as if her workmen were actually in this country.

Title 30 of the Code of Laws of the United States of America, in force December 6, 1926, section 187, provides that in the mines owned by the United States, the employment of any boy under the age of 16, or the employment of any girl or woman, without regard to age, in any mine below the surface, is prohibited. Yet we find in an article in the New York Times, cabled to it from Moscow, by Walter Duranty, its correspondent, that tens of thousands of young communists, ranging in age from 8 to 16, and from 16 to 22, are actually being put into brigades on a military basis, and sent by tens of thousands for special service in mines and factories, and on railroads and building projects.

We respectfully submit that violations of these laws can not and shall not be tolerated in this country.

Our laws do not permit any American concern to destroy its rivals by such tactics, and our laws do not allow another country to attack us in this fashion.

REPLY TO THE DATA SUBMITTED BY THE AMERICAN IRON AND STEEL INSTITUTE

In the face of overwhelming proof submitted by the manganese industry, one would imagine that definite facts and figures would have been submitted by Soviet Russia in reply thereto.

We have pointed out heretofore that Soviet Russia abandoned the hearings and permitted, in effect, a judgment by default against it. We must assume, therefore, that she did this knowing that any defense she might interpose would be unavailing. We infer, too, that the default was occasioned by the fact that appearance would have meant questions, that questions would have meant answers, and that answers could not be forthcoming without incrimination.

Instead, Soviet Russia contents herself by submitting, through the American Iron & Steel Institute, an affidavit by A. E. Kalnin, who is the president of the rudo-export trust in the Union of Socialist Soviet Republics, the organization which has full charge of all exportations of manganese ore from Russia.

Strangely enough, despite the soviet's proclamations to the world that she has abolished religion and abandoned God, this affidavit is sworn to before a notary public. We respectfully submit that there could be no oath by an individual who denies the existence of one. But, in this so-called affidavit, Mr. Kalnin was afforded the glorious opportunity of presenting to the Treasury Department the cost of production of manganese at the Tchiaturi mines. But these production costs are conspicuous, by their absence. There is not a single word in the affidavit that has any reference to the cost of production or to fair value. Mr. Kalnin simply says that the purchase prices of manganese ore obtained in the United States for Tchiaturi manganese ore were at all times higher than the prices obtained therefor in countries other than the United States. His sole statement is an endeavor to rush for a loophole which does not exist. He does not even state what the prices in these other countries are. We have disposed of this argument previously in this brief, for we have shown that Congress has decreed that no ore can be imported into the United States at less than the cost of production. Cost of production is the minimum line. We have shown that Russia, through her dumping processes throughout the world, is selling in foreign markets as well as in our own for less than cost of production. Hence, even if the foreign-market value of the ore is less than the price received for it in the United States, since the foreign-market value of the ore is less than the cost of production, under the antidumping act, the cost of production controls and not the foreign-market value, and certainly not a fictitious market value which Russia herself has created.

Hence, Mr. Kalnin, by his very statement with reference to foreign-market value (and carefully refrained from showing what that value is), and by his silence as to cost of production and as to the overwhelming proofs submitted as to cost of production, has squarely brought himself within the antidumping act of 1921.

We have, therefore, a situation where the soviets, with full opportuntly to present facts, have maintained a complete silence; and this silence has proclaimed more eloquently than words her violation of American law.

We come now to the statement of Mr. Thomas J. Doherty, tariff counsel for the American Iron & Steel Institute, indirect spokesman for the Soviet Government.

At the hearing on September 9, 1930, Mr. Doherty said that his only interest was the deep concern on the part of steel producers of the United States that an adequate supply of ferromanganese should be assured them. In the same statement Mr. Doherty says that a very informative article was published on page 396 of Commerce Reports, issue of August 18, 1930, by James W. Furness and Donald F. Lloyd, of the minerals division of the Department of Commerce, and he desired to point out (1): That there is a very large accumulation of manganese ore in British India awaiting a market. The other is the reference to Gold Coast production which says that (quoting from Mr. Doherty's memo):

"It has been reliably stated that the properties now being developed will be able to produce high-grade manganese for many years to come at a figure substantially lower than that in India, Russia, and Brazil."

Mr. Doherty says further that the point of all this is that if there are any additional burdens by way of duty on manganese ore from any one of the world's producers, or if there were a complete embargo of manganese ore from any of them or from all of them, except one, that one would be able to supply the entire demands of the American market.

If this latter statement of Mr. Doherty is true, then he should have no concern at all about an adequate supply of ferromanganese being supplied to the steel producers of the United States, for he himself says that any one of the other world producers could satisfy the needs of the United States.

And again, if any one of these other countries could satisfy the needs of the United States and thus relieve Mr. Doherty of all anxiety, why does he appear and contest the enforcement of the antidumping act against Russia?

We have no quarrel with India, the Gold Coast of Africa, or Brazil, any one of which, Mr. Doherty contends, could amply fill the needs of the American steel industry. Our contention is solely with Russia, and since, as Mr. Doherty admits, an embargo on Russia would in no wise affect the source of supply of the steel companies, he likewise admits that an adequate supply of ferromanganese is assured the steel industry.

But Mr. Doherty goes farther. He says that ferromanganese is an absolute necessity in the manufacture of steel and no substitute for it has ever been discovered.

Again we quote Mr. Doherty to the effect that this absolute necessity is available from sources other than Russia; therefore he has no cause for worry. We agree with Mr. Doherty that ferromanganese is an absolute necessity and that no substitute for it has ever been discovered. We also call to his attention the fact that, being a necessity for the manufacture of steel, it is likewise a vital necessity in the matter of national defense; and, since he is fighting the cause of Russia, we must assume that he desires the steel industry to be dependent upon Russia for its source of supply, thus indirectly placing our national defense in the hands of and at the mercy of Soviet Russia.

Mr. Doherty further contends that—

"In order to obtain manganese of 78 to 82 per cent content, you must have a manganese ore containing about 50 per cent metallic manganese. And that is just why manganese ore has to be imported from foreign countries. There is little or none of such ore found in the United States, and the relatively small quantity that is produced here is obtained through beneficiating processes which are very costly."

This statement of Mr. Doherty is not sworn to before a notary public.

The United States Bureau of Foreign and Domestic Commerce points out that from only one source in the world, namely, British India, does the average metallic content of manganese ore exceed 50 per cent. The figures are as follows:

	Per cent
Russia	49.95
Brazil	43.56
British India	51.94
Gold Coast	49.40
All others	48.14

making a total average content, even including British India, of 48.09 per cent.

In striking contrast to these percentages of foreign ores is the percentage of metallic manganese content in the United States ores.

In the Wall Street Journal of Friday, February 21, 1930, the following article appeared:

"The Anaconda Copper Mining Co. has proved that the large quantities of low-grade manganese ore in the United States can be commercially treated by the newer methods of beneficiation. The company has recovered manganese by flotation method, discovery of which was made by the United States Bureau of Mines, through its experimental station at Rolla, Mo., under the direction of Will H. Coghill.

"On December 16, 1929, a test run was started in one of Anaconda's commercial plants. Since that time approximately 12,000 tons of manganese (rhodochrosite) ore, averaging between 29.5 and 30 per cent metallic manganese and over 20 per cent silica, have been treated in this plant by flotation. The concentrates have averaged between 38 and 40 per cent metallic man-

ganese and under 6 per cent silica. The recovery of manganese in the flotation plant has averaged about 95 per cent.

"The material is being treated at the rate of 300 tons a day and the finished product shipped at the rate of 200 tons a day to the Domestic Manganese & Development Co. at Butte, Mont., for nodulizing. The nodulized product runs approximately 60.8 per cent metallic manganese and 6.9 per cent silica. This is the highest grade manganese ore ever introduced into the world's market."

We find, therefore, Mr. Doherty's statement to be far from the true facts. For the metallic content of American manganese is in the neighborhood of 60 per cent and is, therefore, the highest grade manganese ore in the world, a fact which Mr. Doherty's clients know for they have purchased this product from the American producers and have manufactured ferromanganese with it.

When it is borne in mind that these processes of beneficiation, resulting in the highest metallic content ever known have been evolved by the American manganese industry in the short space of two years, it is certain that if allowed to continue and to progress, it will make even greater strides.

If Mr. Doherty is worried about the source of supply and the metallic content, certainly these amazing figures of the American industry should completely relieve him of all anxiety.

We might add also that the output on plant capacity of manganese in the United States to-day is in excess of 200,000 tons per year. We might further add that if Mr. Doherty and his cohorts had not done everything conceivable in their power to injure the American manganese industry, that its output undoubtedly would long since have been sufficient to provide the greater part of the manganese needs of the United States; for we have shown heretofore that hundreds of millions of tons of manganese ore exist in the United States, awaiting similar beneficiation processing and shipment to the market.

The argument of Mr. Doherty as to the methods in which the antidumping statute may be violated we have already disposed of. His contention of the inherent improbability of dumping is negatived by the statement of Russian officials themselves, hereinbefore quoted.

The test, as we have said before, is whether or not the price in the United States is less than cost of production, and we have conclusively demonstrated not only that it is less but much less.

To further show the error of Mr. Doherty's contention we quote his language. He says "that there is a very large accumulation of manganese ore in British India awaiting a market." If Russia is not dumping, why is the ore from British India awaiting a market?

He further says, with reference to the Gold Coast of Africa that these properties "will be able to produce high-grade manganese for many years to come at a figure substantially lower than that in Indian, Russia, and Brazil." If these products are being produced at a figure substantially lower than that in India, Russia, and Brazil, and despite that fact, the ores of Russia for the greater part are being imported into this country, Mr. Doherty, by his own words, shows that since the manganese from the Gold Coast is coming into this country in lesser quantities than soviet manganese that Russia is selling even more cheaply than Gold Coast manganese, and Mr. Doherty himself says that the production cost of Gold Coast manganese is less than that of Russia.

His statements to the effect that there are world prices quoted freely for manganese are absurd. We have shown that Russia is dumping not only in the United States but in all the world markets. Russia is in the unique position where, having stolen the Georgian mines, she has no capital investment, and having conscripted labor and transportation facilities, and having everything governmentally owned and operated, she can sell at any price, irrespective of cost of production, because there is no capital being jeopardized.

In this unique and uncivilized position, she has caused a complete collapse of the manganese markets of the world. Hence, the only quotations for world markets are Russian quotations, and being Russian quotations, are meaningless.

Mr. Doherty's anxiety and fears we have shown have been alleviated by Mr. Doherty's words and conclusions. The important statement which he makes and which disposes of all his arguments is that "if there were a complete embargo of manganese ore from any of them or from all of them except one, that one would be able to supply the entire demands of the American market."

We do not in this application object to the importation of manganese from Brazil, India, or the Gold Coast of Africa; and since any one of these would meet the needs of Mr. Doherty's clients as he himself admits, he could even, if an embargo were placed on Russian manganese, obtain his full needs for the purposes he mentions.

We respectfully submit that Mr. Doherty, by his own statement, has added the final argument in our behalf.

CONCLUSION

The picture of the Soviet Government as an international outcast spreading commercial ruin and disaster wherever it goes is indeed a novel spectacle, previously unheard of in the history of the world. The editorial in the Wall Street Journal of October 2, 1930, says:

"In one respect the Soviet Government is a unique historical phenomenon in that it aims openly at the destruction of those things which are the foundations of the western civilization. It has put us all upon notice that its word is worthless—even in business. It has struck at the home and family—the very building stones of the state. Even the Hottentot and the Bushman have a code by which they will live, but the soviet has none. And in order to make quite sure that there should be no mistake as to its purpose it has declared open war upon Almighty God Himself."

President Coolidge on December 18, 1923, refused to negotiate with reference to the recognition by our Government of Russia for several reasons, "the most serious is the continued propaganda to overthrow the institutions of this country."

We refuse to recognize Russia because she seeks to overthrow our institutions. Yet, we are permitting her to overthrow our industries and by obtaining the money in so doing, giving her the means to overthrow our institutons.

Secretary of State Colby refused to recognize Russia, "whose diplomats will be the agitators of dangerous revolt." Nevertheless, we are putting into the Russian treasury the necessary wherewithal to permit her to use her commercial agents rather than her diplomatic agents as agitators of dangerous revolt.

On December 6, 1923, Calvin Coolidge, President of the United States, said: "I do not propose to barter away for the privilege of trade any of the cherished rights of humanity. I do not propose to make merchandise of any American principles." Yet, we stand idly by and, while supinely refusing to barter our cherished rights of humanity, are daily seeing them destroyed by the very government to whom the President's statement was addressed.

On March 21, 1923, the Hon. Charles E. Hughes, Secretary of State, said:

"• • • It is also important to remember that there should be no encouragement to those efforts of the soviet authorities to visit upon other peoples the disasters that have overwhelmed the Russian people."

Yet, if we permit the disposition of Russian products in this country at less than production cost, resulting in the collapse of American industries and the unemployment of American labor, we are assisting in the visitation of the very disasters which our own Secretary of State cautioned us to guard against.

On February 1, 1928, the State Department objected to American banks and institutions assisting the Soviet Government in the flotation of any loan in the United States. Yet, by permitting the sale of Russian products in this country on the basis mentioned, we are, in effect, giving to Russia the financial wherewithal as effectively as if we had assisted in the flotation of a Russian loan, and are again violating the instructions of the State Department.

The Hon. Charles E. Hughes, Secretary of State, quoted Trotsky as saying that revolution is coming in Europe as well as in America as a consequence of Russian propaganda. In the face of that knowledge, we put into the hands of Russia the very money, at the cost of the despoliation of our industries, to accomplish that revolution in America.

In the words of the Washington Post of August 25, 1930, "Russia is waging war disguised as trade."

We realize that Russia is buying considerable merchandise in this country for its uses at home. We do not object to Russia doing this. But we do say that it is un-American and unpatriotic to permit a few American industries to make a profit at the expense of the very life of many other American industries.

On October 21, 1930, the New York Sun quoted from articles in the official Russian newspapers Isvestia and Pravda to the effect that if America enforces its antidumping laws against Russia, Russia would retaliate by decreasing its purchases in this country and buying its necessary imports elsewhere. Soviet Russia is thus threatening America with reprisal should America enforce its laws for the benefit of its citizens.

This threat of reprisal is not only an admission of Russian dumping but it is a challenge to America which should not remain unanswered. Certainly our Government can not be put in the position where at the threat of a renegade it relinquishes its sovereignty and the duty to enforce its laws.

We believe that it is fundamentally and basically wrong to stand complacently by and lend substantial aid and comfort to an international enemy at the cost of the sacrifice of American industry and labor

We believe that it is the paramount duty of the American Government to protect American industries and labor.

We are passing to-day through a period of general economic depression. It is the duty of the American Government to eliminate as quickly as possible the basis of this depression and to do all within its power to overcome it at the earliest possible moment. Certainly, the complete demoralization of many basic American industries, of which manganese is one, as a consequence of Russian dumping, has contributed in no small degree in creating the depression. Every American industry which ceases functioning and discharges its labor, adds to the economic depression and to the already too great number of the unemployed. An embargo will immediately enable the American manganese industry to create employment for thousands of laborers now idle.

Russia is violating, as we pointed out heretofore, not only the antidumping act but, indirectly, the immigration act and the mining act as well.

She is bent upon "raising the red flag over the White House."

The Treasury Department should go to every extreme to assist American industry and prevent Russia from accomplishing her insidious purposes openly expressed.

Americans will not tolerate the destruction of their industries.

America will not tolerate Russia accomplishing indirectly what our Government has decreed Russia shall not accomplish directly.

American sentiment is aroused against Soviet Russia, and it has been pointedly asked on more occasions than one whether our laws

are to be enforced for the protection of American industry or in the interests of Soviet Russia.

The Russian problem presents one of the most important facing the world to-day.

America by its fearless enforcement of the antidumping act can assist materially in the solution of that problem. The civilized world is waiting for America to act and to enforce its antidumping provisions. If the markets of the world are closed against Russian dumping, it is only a matter of time before Russia's 5-year industrialization plan must fail; and if it fails, as it should, it can have only one consequence—that Russia must change its form of government and method of doing business; that it must subscribe as does the rest of the world to international custom and usage; that it must adhere to the laws of humanity; and it must finally, against the will of its rulers, but perhaps in consonance with the will of its own people, take its place again as a member of the family of nations.

The importance of the decision in the instant case can not be overemphasized.

The spirit of the American people is reflected by the statements and actions of its Government, and no government can afford, through its accrediated agents, to say what America's representatives have said and then act contrary to those declarations.

If we do not enforce the antidumping act in this case we will then be giving to Soviet Russia, whom we declare as unworthy of recognition, rights and prerogatives which only those nations have whom we recognize, yet with none of the duties and obligations that flow from such recognition. We will, in other words, give to Soviet Russia, unrecognized, a greater latitude than we give to other nations, whom we do recognize. We shall add to the prestige of an international brigand, while proclaiming to the world that he is unworthy of relationship with us.

We believe that the American people look with interest and anxiety to the Treasury Department's determination of the issues presented by this memorandum, and we feel and hope that a decision will come which is in harmony with American sentiment with the spirit of American fairness, with the principles upon which America is based, and in consonance with those ideals for which our forefathers so gallantly died.

We desire to make grateful acknowledgment to the American press generally for the very helpful and authentic information which the newspapers and other publications gave us and which proved so valuable in the preparation and drafting of this memorandum.

We desire also to acknowledge our grateful appreciation to the officials of the United States Treasury Department for the courtesy and considerate treatment accorded us at the hearings at which they presided.

Respectfully submitted.

BARRON, RICE & ROCKMORE,
Attorneys for the American Manganese Producers' Association.
BERNARD S. BARRON, *Of Counsel.*

[Before the Treasury Department of the United States in the matter of the petition of the American Manganese Producers' Association for an embargo against the importation of Russian manganese]

REPLY BRIEF OF AMERICAN MANGANESE PRODUCERS' ASSOCIATION

The brief heretofore submitted by us was the result of many weeks of profound research. It presents practically every impartial, pertinent fact and statement pertaining to the dumping of Russian manganese ore in the United States.

We have before us the amazing brief submitted by the American Iron & Steel Institute. In it we find no reply to the arguments, facts, and figures presented in our original memorandum. On the contrary, throughout the brief we find the words "allegations," "charges," "disingenuousness," "rodomontade"; "What there is of truthful statement in the brief is mostly irrelevant, and what is relevant is largely untrue;" "There is no evidence to discuss;" "There is nothing in the way of proof;" "old stuff;" "complete failure on the part of complainants to furnish any proof of their charges;" "greatly exaggerated;" "wild assertions;" "absurdly untrue;" "insinuations;" "innuendoes;" "demonstrably false;" and the like.

As a treatise embodying every conceivable form of ill-tempered denial it deserves great commendation. But while the abovementioned utterances pervade the entire brief, never in any instances are any of these heated denials supported by facts.

It is well, indeed, for a criminal when accused of crime to shout as loudly as possible that his accusers are liars, that they are making "wild assertions," that they are guilty of "insinuations and innuendoes," that they "greatly exaggerate," that "there is no evidence to discuss," that "there is nothing in the way of proof," and the like. But such assertions become meaningless when sticking out of the pocket of the thief is the very loot which he is accused of stealing; and when requested to take the stand in his own behalf, refuses so to do on the ground that it would tend to incriminate him.

In response to definite facts and figures, the American Iron & Steel Institute yells "liar," but submits absolutely no proof to sustain its assertions. On the contrary, to the great silence heretofore maintained by Amtorg and the soviet, is now added the silence of the American Iron & Steel Institute.

On page 9 of the brief submitted by the American Iron & Steel Institute, is the statement that they desire "to adhere closely to the exact question that is pending before the Treasury Department." This exact question is, of course, "Is Russia dumping manganese ore in the United States?"

There is no data in the institute's brief on this question. There is a reference to the previous tariff fight. There is a schedule showing the imports as far back as 1904. It might just as well have shown, in closely adhering "to the exact question" pending before the Treasury Department, that in nationalizing its women the soviet showed what a kind and loving people they are.

We ask the Treasury Department to find one pertinent statement in the brief of the American Iron & Steel Institute which is relevant to the question pending before it.

It is significant to note that, although we proved by public records, by the affidavit of one who worked in the Tchiaturi mines, and by the statements of Russian officials themselves that the cost of production of Russian ore was $23.97 a ton and that it is being sold for $12.50 a ton to this country, c. i. f. Atlantic ports, there is not a single word in the institute's brief controverting the proofs submitted by us on this point.

We have proved that anything sold at less than cost of production constitutes dumping. Certainly, the institute's contention that, since Russia is dumping in all other countries of the world by selling at less than "fair value," she can likewise dump in this country by selling at less than "fair value," is wholly contrary to the letter and spirit of the antidumping law.

It is incongruous to assert that it was the intent of Congress to permit American industry to be destroyed simply because industry in other countries is likewise being destroyed. On the contrary, section 201 (a) specifically forbids such a situation.

The construction of the antidumping act urged on page 4 of the institute's brief would render the law meaningless. There are two definite and specific sections of the law, to wit, section 201 (a) and section 201 (b).

At best, even if we assumed, without conceding, that the interpretation of the law as contended by the institute is correct, it would apply only to section 201 (b) and not to 201 (a).

Section 201 (b), however, applies only to preliminary, summary embargo based on belief, suspicion, or information presented to the appraiser. Such preliminary embargo under section 201 (b) must, in any event, await final determination of the Secretary of the Treasury, based, not upon the grounds set forth in 201 (b), but on those set forth in 201 (a). Hence, where, as here, a final and complete embargo is requested, not based on appraiser's belief or suspicion, but based on the finding of the Secretary of the Treasury "after such investigation as he deems necessary" (which investigation has been made and hearings in the course thereof held), section 201 (a) alone controls, as it controls in any case where final embargo is to be applied. For section 201 (b) expressly says that the appraiser shall withhold his appraisement report "until the Secretary has made public his findings as provided in subdivision (a) in regard to such merchandise." The final action in any case must, therefore, be taken by the Secretary under 201 (a).

We may, therefore, completely disregard section 201 (b) even though, under the circumstances of this case, a preliminary embargo under section 201 (b) should be granted.

We find under section 201 (a) that only two things need be proved:

1. "That an industry in the United States is being, or is likely to be injured, or is prevented from being established by reason of the importation into the United States of a class or kind of merchandising"; and

2. "That merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere at less than its fair value."

As to the first requirement, it has been definitely proved that the domestic manganese industry, because of Russian dumping, has been demoralized and ruined. That the mines have been shut down and all operations suspended. This situation is not denied by the Steel Institute.

As to the second requirement, we have shown that the production cost of Russian ore is $23.97 per ton (which the Steel Institute does not deny), and that its sales price in the United States is $12.50 per ton c. i. f. Atlantic ports (which the Steel Institute, in effect admits). A price of almost 50 per cent less than cost of production can not, under any circumstances, be considered a fair value.

Congress, in defining the most prejudicial sales price, to wit, cost of production, has decreed that even on this item a profit of 8 per cent must be included. Certainly, merchandise which is being sold at 50 per cent less than its cost of production, and at a price which ruins an industry throughout the world, is being sold at less than its fair value.

The contention of the institute is that "if the foreign market value is less than the price charged in the United States, there is no dumping," but the antidumping act itself vitiates this contention. The selling price of Russian ore in the United States is, we have shown, less than the fair value. If the selling price in foreign countries is even less than the price in the United States, such foreign selling price is, of necessity, much less than the fair value.

Section 201 (a), which controls the decision in this case, says that dumping is committed if the foreign merchandise "is being sold • • • in the United States or elsewhere at less than its fair value." "Elsewhere" can only mean foreign countries. Thus section 201 (a) specifically declares dumping to exist if merchandise is sold at less than fair value, not only in the United States but in foreign countries as well. Hence, the institute, by showing that the price of Russian ore in foreign countries is less than the

price in the United States, shows that Russian ore is being sold at less than fair value not only in the United States but elsewhere, and hence shows the very evidence necessary to bring the situation squarely within the provisions of section 201 (a).

The institute has thus confirmed our contention that under section 201 (a) of the antidumping act Russia should be embargoed.

The institute contends that the statement on page 34 of our brief, of an estimate of 742,000 gross tons of manganese ore as the importation of 1930, of which 346,178 tons are expected to be from Russia, is "greatly exaggerated." These figures for the first six months were furnished by the United States Bureau of Foreign and Domestic Commerce, and we submit that coming from this impartial governmental source the figures should be accepted as correct.

Let us assume, without conceding, that only 3,000 tons of manganese ore came from Russia during the month of October, 1930, as claimed by the institute. If so, it is probably due to the fact that in August the request for an embargo was first presented. With the feeling of guilt of dumping unquestionably in the minds of the soviet officials, and with the premonition that the requested embargo, because of dumping, would be granted against them, they probably cut down their exports of manganese ore to the United States.

On page 4 of the institute's brief is the statement that "it is our desire to present to the department all the information on the subject that is available." If the brief of the institute is supposed to set forth all the information that is available, it is, indeed, a sorry commentary on the knowledge of the institute with reference to the question presented.

Without any proof to support it, without any facts to substantiate it, without any logic or argument to corroborate it, the institute says that they "unhesitatingly affirm that there is no dumping of manganese ore into this country from Russia or any other country."

Such an affirmation may be considered proof in a radio-broadcast trial in Russia. But it does not constitute proof in a case such as this, where an American industry is faced with annihilation at the hands of an international brigand, and where American industry and American labor is being subjected to unwarranted, unjustified assault by the only nation which could perpetrate it; a nation unrecognized by our Government and declared by our State Department to be unworthy of official relationship with us.

Despite the fact that many millions of dollars have been invested in the American manganese industry, and despite the fact that during the war the American manganese industry helped to save American participation in the war from being futile, the institute, in its brief, has the blatant effrontery to assert (p. 7) that there is no manganese industry in the United States. They base this strange assertion on their contention that in 1929 only 6.95 per cent of the American consumption of manganese was furnished by domestic producers.

If great potential production was small, it was due to the fact that the American steel industry refused to purchase from the domestic producers. Naturally, it would have been foolhardy to increasingly produce a product which could not be sold. We assert again that the steel companies bought abroad the identical manganese at higher prices than that which it might have bought from American producers at lower prices. This statement the institute's brief (p. 8) denies in the following language:

"No one can believe that American business men in a highly competitive industry would pay any more than the market price for any article or material no matter where it came from."

We agree that the American steel industry is made up of "business men." It is to be noted, however, that despite the very great use of adjectives in the brief of the institute, the adjectives "patriotic" and "idealistic" do not modify the words "business men."

The denial of the Steel Institute of this particular point is, unfortunately, not borne out by the facts.

On page 137 of the Tariff Hearings before the Senate Finance Committee the following testimony (under oath) appears:

"Mr. ADKERSON. No; but in this way—that the tariff of $11.20 per ton would be effective to domestic ores. As a matter of fact, it has not been. The domestic miners have not received the protection granted by the 1-cent tariff.

"For instance, I will make it plain in this way: According to the figures as given by the Tariff Commission under manganese ore as to the price the steel people have paid for foreign manganese during the 5-year period ending December 31, 1928, the steel makers of this country paid on an average of 68 cents a unit for foreign ores. During the same period of time there is not one instance that we know of where domestic operators producing high-grade ore, and ore running even higher grade than the best foreign ore, have received a price greater than 60 cents per unit. There is a differential of 8 cents per unit against domestic products and in favor of foreign products, which, of course, has held back domestic production.

"Senator KING. Why should they pay more for foreign than for domestic manganese ore?

"Mr. ADKERSON. That is a question we have been trying to get an answer for since the tariff has been on.

"Senator KING. Have you sought an explanation from those who purchased the manganese ore?

"Mr. ADKERSON. I have heard it said that——

"Senator KING. Have you sought one from those who did the purchasing?

"Mr. ADKERSON. Yes, I have; and the explanations are to the effect that productions are small, and that they had rather pay a larger price for larger tonnages of foreign ore. It must be remembered that manganese is an infant industry, and a production of 400,000 tons per year can not come forward overnight. We believe that in the spirit of helping to develop American industry and extend the markets for the domestic industry, we should be granted the same price as is paid for foreign ores, but even in instances where the domestic tonnages have been in cargo lots equal to some of the cargo lots of foreign ores, that same differential applied, so that that explanation does not hold good even when you have a large tonnage."

And on page 160 is the following sworn testimony:

"I wish to call the committee's attention to a comparison of the foreign and domestic prices on manganese ores for a period of seven years beginning 1922 and ending 1928. Basing my statement on United States Tariff Commission figures the average price paid for foreign ore, delivered at Pittsburgh, Pa., was 68 cents per unit. The highest price paid for domestic ore of a commensurate grade, delivered at Pittsburgh, Pa., was 60 cents per unit. This difference figured in dollars value on a grade of ore such as we produce amounts to $4.48 per ton against us as an American producer.

"Figured in tariff protection terms, it amounts to three-quarters of the tariff protection we are entitled to."

It is apparent, therefore, that based on the figures of the United States Tariff Commission, the average price paid for the foreign ore delivered at Pittsburgh, Pa., was 68 cents per unit, and the highest price paid for domestic ore of a commensurate grade, was 60 cents per unit.

Furthermore, we annex hereto two letters of the Bethlehem Steel Co., dated May 14, 1930, and March 17, 1926, respectively, showing that the Bethlehem Steel Co. was not interested in the purchase of domestic manganese ore, irrespective of price.

We have, thus, shown that the statement objected to by the steel institute is true. We can, perhaps, show why steel paid 8 cents more per unit, when it was unnecessary so to do.

The reasons may be summed up as follows:

First. That the steel industry might argue before Congress that there was little or no manganese produced in the country, and hence, a tariff was unnecessary. (This they did argue on the tariff hearings.)

Second. That there was no American industry to protect. (This statement is made on page 7 of the institute's brief.)

Third. That if the steel industry was not buying, even if there were a domestic industry, it would soon collapse.

Fourth. That in buying from Russia to help the soviet establish gold credits in this country, it could at the same time prevent the progress of the domestic industry.

Fifth. That it could eventually purchase at a much cheaper price due to Russian necessity and the ability of Russia to sell at any price.

Thus, while for a short period of time paying 68 cents per unit instead of 60 cents, it is now paying 25 cents per unit plus tariff and freight instead of 60 cents. Certainly it is good business to pay a little more for a little while to get something much cheaper for a great while, even though this profit to the steel industry necessarily means ruin to the manganese industry.

There is another statement in the institute's brief on page 3, that during the tariff hearings there was a confession of inability to meet foreign competition, "without any hint whatever of dumping on the part of foreign countries"; and that the argument there was as to tariff, whereas the present woes are due to dumping.

We prefer to assume that our learned adversary, in making this statement, commits unintentional error rather than deliberate misstatement. For if one refers to the exact pages mentioned, to wit, page 131 of the Senate Finance Committee hearings, the following sworn testimony will be found:

"Senator KING. May I interrupt you there, Mr. Adkerson? I was in Russia. I was at the oil fields at Baku, and at the Donusla coal mines, where they produce coal. It costs $6 in gold to mine and put at the tipple 1 ton of coal. I was all through the Ural Mountains and noticed their mining processes there. One miner in the United States would mine as much as half a dozen in Russia. I may be in error. It may have improved greatly since I was in Russia, but the cost of production in Russia, because of their antiquated methods and because of the inefficiency, and because of the general paralysis of the Government and the people, are very much greater than they are in the United States. That would be my judgment.

"Mr. ADKERSON. That may be true; but, at the same time, the ores are underselling the American ores in the domestic market, and also underselling some of the other ores from other foreign countries."

On page 139 of the same hearings there is as follows:

"Mr. ADKERSON. The duty of 1 cent per pound has proved insufficient in many cases, particularly so in view of the uncertainty of the world market for manganese. One cause of the price uncertainty is the necessity of the Soviet Government, which is striving to barter manganese for other materials and manufactures sorely needed in that country. I am not able to confirm Senator KING's inference that these ores are being dumped upon our markets, but the facts are clear that the sale of these ores is pushed for the purpose of establishing dollar credits rather than for the purpose of making a profit on the ore mined.

"Senator KING. Mr. Witness, I did not intend to convey the impression—and I do not think my language, properly interpreted, conveys the impression—that soviet ores were dumped upon this market. What I intended to say, from my investigations when I spent several months in Russia, in the mining regions, in the Ural Mountains, in the coal districts, in the oil districts, and in the Caucasus Mountains where these manganese mines are, was that labor there was so inefficient, and the methods of production were so antiquated, that the cost of production was very much greater than it was in America. I called attention to the fact that to put a ton of coal at the tipple cost, I have forgotten whether it was $6 in gold or $8 in gold, and you can see the disparity in prices. I have no idea as to the price at which they are selling their manganese ores, and when I was there a German company had the concessions for the mining of the manganese ores in the western part of the Caucasus Mountains there, close to the Black Sea. I did not intend to convey that impression.

"Mr. ADKERSON. My inference was that the cost of production there would be as high as, if not higher than, it was here, whereas at the same time they are underselling us in the markets.

"Senator KING. I think you are justified in inferring from what I said that I believed the cost of mining and the cost of production of any commodity in Russia was greater than it was in the United States because of the inefficient methods employed.

"Mr. ADKERSON. That the cost of production would be greater than it is in the United States?

"Senator KING. That certainly was the case when I was there, and I said there might have been some modification in the past few years, and still I think that the cost of producing oil and the cost of producing coal and the various minerals in Russia is greater than in the United States, all other things being equal, because of the inefficiency of the methods that are employed.

"Mr. ADKERSON. Would not that constitute dumping that material within the American market?"

Hence, it will be seen that even during the tariff hearings the American manganese producers showed the probability of injury from Russian dumping.

In the face of all the proof submitted by us in our original brief, no contrary proof has been shown.

On the question of the Amtorg default at the hearings there is complete silence.

On the attitude of our State Department there is complete silence.

On the question of national defense there is complete silence.

On our extended discussion and correct interpretation of the law there is simply set forth a contrary viewpoint, unsupported by reason or logic, and which in any event is inapplicable.

On the question of Russia's production cost there is complete silence.

On the question of the original contract between W. A. Harriman & Co. and the soviet there is complete silence.

On the statements of various trade papers, including even the prosteel publication, Daily Metal Trade, which admits Russian dumping, there is complete silence.

As to the statement of Mr. Mikadze that Russian costs are higher now than they were previously, there is complete silence; and in answer to all these definite figures, facts, proof, and logic the institute makes one solitary statement, unsupported, uncorroborated, and unconfirmed, that "there is no dumping of manganese ore into this country from Russia."

The quotations of prices referred to in our adversary's brief are, as pointed out in our original brief, meaningless, since they are the prices established by Russian dumping activities; hence, fictitious prices, which must be disregarded under the provisions of the antidumping act.

In our adversary's brief, on page 7, again appears the statement that "if the Russian ore were cut off there would be no diminution of importations, and there would be no advantage whatever to the domestic manganese industry."

The statement may be correct. If the statement is correct, why is the American Iron and Steel Institute fighting the cause of Russia? If there is to be no diminution of imports and it can obtain its products from other countries, why does it fight the cause of Russia?

As stated in our original brief, we have no quarrel with any manganese-producing country in the world other than Russia, and it is against Russia that we urge the enforcement of our antidumping law.

Certainly it is absurd to argue that a statute should not be enforced as against a country violating it, because it is claimed that an identical injury might be inflicted by other countries not violating the law.

If Russia is violating the antidumping act, as unquestionably she is, the law should be enforced against Russia.

That importations from the Gold Coast of Africa and Brazil would still continue to hurt the domestic-manganese industry is no argument to sustain the refusal of the enforcement of our laws against Russia.

If Russia has been dumping—as has been proved—the law should be enforced. That is the only question before this department.

We are confident that an American governmental department will be guided in a decision of the magnitude presented by the manganese petition by facts, figures, logic, and statements from competent authority, rather than by meaningless adjectives, illtempered and uncorroborated utterances of denial, and deliberate silence as to all important facts.

Respectfully submitted,

BARRON, RICE & ROCHEMORE,
Attorneys for the American Manganese Producers' Association,
BERNARD S. BARRON, *Of Counsel.*

Mr. ODDIE. Mr. President, Mr. J. Carson Adkerson, president of the American Manganese Producers' Association, on December 10, 1930, addressed a letter to Assistant Secretary Lowman, which I submit for the RECORD, and in which he called particular attention to the possible loss of tariff revenue by the Treasury Department if it failed to suspend the liquidation of manganese ore entries. To this letter Mr. Lowman replied on December 27, 1930, 17 days afterwards, that he was accumulating the necessary evidence but without having taken any action in suspending the liquidation of entries. Sometime during the hearings on the Kendall bill prohibiting the importation of commodities produced by convict, forced, or indentured labor, before the Ways and Means Committee of the House, Assistant Secretary Lowman made statements to the effect that the steel mills of the United States would have to close down if an embargo were to be placed on Russian manganese ores. In the brief of the American Iron and Steel Institute filed with the Treasury Department on September 9, 1930, the following statement was made:

> The point of all this is that if there are any additional burdens by way of duty on manganese ore from any one of the world's producers, or if there were a complete embargo of manganese ore from any of them (Russia, Brazil, India, and Africa), or from all of them except one, that one would be able to supply the entire demands of the American market.

Assistant Secretary Lowman's statement, therefore, was, first of all, not founded on fact and, in the second place, was decidedly unfair and hostile to the American manganese industry. This statement of Assistant Secretary Lowman's was made the subject of correspondence by Mr. Adkerson in a letter of February 16, 1931, and Assistant Secretary Lowman's reply of the same date. This correspondence is herewith presented for the RECORD.

The VICE PRESIDENT. Without objection, the correspondence will be printed in the RECORD.

The correspondence referred to is as follows:

DECEMBER 10, 1930.

Hon. SEYMOUR LOWMAN,
Assistant Secretary of the Treasury,
Washington, D. C.

MY DEAR MR. LOWMAN: Confirming my conversation with you of yesterday, will state that full information has been submitted the department showing the cost of Russian ores, cost, insurance, and freight Atlantic ports, at $23.97 per ton; whereas this ore is being sold at $12.50 per ton. The margin in favor of dumping is so wide that there can be no particle of doubt.

Soviet ores are still pouring into the United States. The act provides that in case dumping is suspected to be or about to be done, the Treasury Department has the right of withholding the assessment of the duty until an investigation is made and the dumping duty added. This gives the Treasury Department the right to collect the added dumping duty from the time the assessment is withheld. If the assessment is not held up the Treasury Department has no right under the law to go back and collect duties to which it is now entitled on the ores arriving from Russia.

There can be no doubt, from the evidence submitted, that dumping is being done. There can be no reasonable objection by the soviets or anyone else to withholding the assessment of the duty if, as they claim, dumping is not being done. Therefore, it is incumbent upon the Treasury Department to place itself in position to collect dumping duties to which the department is entitled while it is completing its investigation as to just exactly what the added dumping duty should be. This will give the soviets or any others ample opportunity to disprove dumping, if it is possible for them to do so.

Therefore, we earnestly ask that you withhold the assessment and collection of the present duties on soviet manganese ores as promptly as is possible.

Yours sincerely,

J. CARSON ADKERSON, *President.*

TREASURY DEPARTMENT,
Washington, December 27, 1930.

Mr. J. CARSON ADKERSON,
President American Manganese Producers' Association,
Metropolitan Bank Building, Washington, D. C.

SIR: Reference is made to your letter of December 10, 1930, regarding the alleged dumping in the United States of Russian manganese ores.

The manganese case is being considered in the Bureau of Customs and it has been found necessary to make further investigations in the United States and abroad. These investigations have been ordered and are in progress.

As soon as the necessary evidence has been gathered and considered, which it is hoped will be in the near future, decision will be rendered and you will be advised in the premises.

By direction of the Secretary:

Respectfully,

S. LOWMAN, *Assistant Secretary.*

AMERICAN MANGANESE PRODUCERS' ASSOCIATION,
Washington, D. C., February 16, 1931.

Hon. SEYMOUR LOWMAN,
Assistant Secretary of the Treasury,
Treasury Department, Washington, D. C.

MY DEAR MR. LOWMAN: According to press reports and your testimony before the Ways and Means Committee, you are credited with making the statement to the effect that in case an embargo is placed against Russian manganese the steel mills in the United States would have to close down.

This statement is not in accordance with the evidence before the Treasury Department in connection with the antidumping appeal against Russian ores.

The brief of the American Iron & Steel Institute filed before the Treasury Department September 9, 1930, in opposition to the soviet embargo, states as follows:

"The points of all this is that if there are any additional burdens by way of duty on manganese ore from any one of the world's producers, or if there were a complete embargo of manganese ore from any of them (Russia, Brazil, India, and Africa), or from all of them except one, that one would be able to supply the entire demands of the American market."

According to the final figures from the United States Bureau of Foreign and Domestic Commerce, the total manganese imports from Russia during the year 1930 were 225,888 gross tons of ore, containing 112,174 gross tons of metallic manganese.

The manganese producers in the United States are to-day ready and willing to immediately accept definite contracts for the delivery, during the next 12 months, of a total tonnage of domestic manganese ore equal to the total tonnage imported from Russia during the year 1930. Shipments can begin immediately from plants which have been completed, and which are now ready to supply this demand, but which are idle due to soviet dumping. The average grade of ore from these plants will be equal if not superior to the average grade of ore imported from Soviet Russia. The price under which domestic producers will contract will not exceed the average price shown by the United States Tariff Commission as having been paid by the steel industry for foreign ores during the 5-year period (January 1, 1924, to January 1, 1929) prior to the start of soviet dumping.

The time has come for American people to insist that facts from American citizens and American industries, and not falsehoods from Russian Bolsheviks, be accepted and considered by our own Government departments. It is up to the Government departments and the steel industry to accept this challenge as final and call on the manganese producers to deliver these contracts, with bond for their faithful performance, or such American industries as are now in an unholy alliance with Soviet Russia should forever remain silent.

Yours very truly,

J. CARSON ADKERSON, *President.*

TREASURY DEPARTMENT,
Washington, February 16, 1931.

MR. J. CARSON ADKERSON,
American Manganese Producers' Association,
Metropolitan Bank Building, Washington, D. C.

DEAR MR. ADKERSON: I have your communication in which you point out the fact that wide publicity has been given to a statement made by me before the House Ways and Means Committee upon a hearing on the so-called Kendall bill, dealing with convict, forced, and indentured labor, in which I was represented to have said that if an embargo was put on Russian manganese ore our steel mills would have to close down. It was developed at the hearing that a little more than 50 per cent of the manganese ore consumed in this country is of Russian origin. In 1929 something like 10 per cent of our consumption of manganese ore was of domestic production. Prior to that time, except for a brief period during the World War, when consumption was stimulated, the amount of domestic ore used was around 5 per cent.

My statement to the effect that our steel mills would have to close down without Russian manganese was based on present production of American manganese ore, and did not take into consideration the fact that the American manganese producers claim to have facilities for producing all the manganese ore required for American consumption. I have no personal knowledge of the capacity of American producers, and based my statement on the sources of manganese now consumed in this country.

Very sincerely yours,

SEYMOUR LOWMAN,
Assistant Secretary.

Mr. ODDIE. Mr. President, Hon. Andrew W. Mellon, Secretary of the Treasury, on February 24, 1931, issued a decision that a finding of dumping with respect to manganese imported from the Soviet Republic of Georgia, Union of Socialist Soviet Republics, was not justified and declined to issue such a finding. I submit this decision for the RECORD.

The VICE PRESIDENT. Without objection, the decision will be printed in the RECORD.

The decision referred to is as follows:

(T. D. ——)

ANTIDUMPING—MANGANESE ORE FROM THE SOVIET REPUBLIC OF GEORGIA, UNION OF SOCIALIST SOVIET REPUBLICS

The Secretary of the Treasury finds that the issuance of a finding of dumping covering manganese ore imported from the Soviet Republic of Georgia, Union of Socialist Soviet Republics, is not justified.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 24, 1931.

To Collectors of Customs and Others Concerned:

Upon complaint of the American Manganese Producers' Association, investigation has been made of allegations that manganese ore produced in the Soviet Republic of Georgia, Union of Socialist Soviet Republics, has been and is being dumped on the United States market contrary to the provisions of the antidumping act of 1921.

After an extended investigation and careful consideration of all the evidence presented by and on behalf of the parties in interest, I have reached the conclusion that a finding of dumping with respect to manganese ore imported from the Soviet Republic of Georgia, Union of Socialist Soviet Republics, is not justified and must decline to issue such a finding.

(Signed) A. W. MELLON,
Secretary of the Treasury.

Mr. ODDIE. Mr. President, the evidence presented by the American Manganese Producers Association to the Treasury Department clearly demonstrates that manganese ores since June have been sold at less than one-half of their cost of production in Russia, estimated on a normal basis, excluding capital charges and the 8 per cent profit which are included under the provisions of the antidumping act of 1921. Were an investigation to be made of the administration of the antidumping act of 1921 it is probable that information would be disclosed showing that the failure of the Treasury Department to suspend liquidation of manganese-ore entries when their attention was first called to the possibility of soviet manganese ores being dumped on the American market may have caused a considerable loss of revenue to the Government, to say nothing of the heavy damage which has been done to the American manganese industry, forced into idleness by soviet dumping. Certainly the Treasury Department had everything to gain and nothing to lose by suspending the liquidations of manganese-ore entries until it could determine the amount of the additional dumping duty to be assessed. Having failed to suspend the liquidation of entries, however, it is impossible now for the Government to go back and assess additional dumping charges. The antidumping act of 1921 provides that even if dumping is suspected to be taking place or about to take place, an order suspending the liquidation of entries should be made so that it would not require any more information than that notice which was submitted in my letter of August 2, 1930, to the Assistant Secretary of the Treasury in order to justify the Treasury Department to act in the premises.

I believe that an investigation made of the administration by the Treasury Department of the antidumping act of 1921 with reference to the importation of manganese ore from the Union of Soviet Socialist Republics of Russia would show that the act has been violated and the intent and policy of Congress to protect American industry through the antidumping act of 1921 wholly disregarded.

A news item from the Wall Street Journal of February 14, 1931, under the title "Mellon Interests in Bethlehem Steel" reads as follows:

Entrance of the Mellon interests in Bethlehem Steel is considered of vast importance to the company. Because of the acquisition of the McClintic-Marshall Co. the Mellon interests will receive a large block of stock in Bethlehem. In addition, it is contended in Pittsburgh that considerable accumulation of Bethlehem has taken place for the account of the Mellons. The belief is general that representatives of these important interests will be added to the board of directors of Bethlehem, probably at the annual meeting in April.

During the tariff debate on the manganese schedule information was placed in the record originating in the Bureau of Foreign and Domestic Commerce showing that

the value of manganese ore imports into the United States averaged 68 cents per unit of 22.4 pounds of metallic manganese for the 5-year period ending December 29, 1929. At 68 cents per unit the amount paid by the steel interests for foreign manganese was 8 cents more per unit than the highest price paid for domestic ore. It seems evident that the steel interests were willing to pay this additional price for foreign ore in order to prevent the development of the domestic manganese industry and to nullify the tariff protection which was afforded that industry in the 1922 tariff act, in spite of the fact that domestic ores are of equal, if not superior, quality to foreign ores. This again shows a very unfair attitude toward the development of the domestic manganese industry and a hostility that one would not expect from the steel industry, which has prospered from the benefits that have come to it from our tariff laws. During the consideration of the 1930 manganese tariff it was stated that Leonard A. Buck, the son of C. A. Buck, vice president of the Bethlehem Steel Corporation, was reported to be the manganese-ore agent of the Union of Soviet Socialist Republics in the United States.

The War Department on two occasions, the more recent being at the convention of the American Manganese Producers' Association during the past year, emphasized the importance of developing the domestic manganese industry to the defense of the Nation. It is quite natural that the Soviet Government would desire to make the development of the manganese industry in the United States impossible. The Hon. F. H. Payne, Assistant Secretary of War, made an address before the convention of the American Manganese Producers' Association on November 10, 1930, which I ask unanimous consent to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

[Address of Hon. Frederick H. Payne, The Assistant Secretary of War, Third Annual Convention, American Manganese Producers' Association, Washington, D. C., November 10, 1930]

A few decades ago there would have been something novel in the idea of a War Department official seeking the assistance of a group of industrialists in the development of a project connected with the national defense. Not until the World War had been raging for some time did we fully realize that modern conflict demands as much efficiency in productive activity at home as it does destructive activity on the battlefield.

In the same measure that armies have come to depend upon intricate weapons and special machinery for victory in battle, so have nations become dependent for success in war upon the industrial organization that produces these machines and weapons.

Most of the articles essential to an army in battle are noncommercial in nature. They are special appliances that are of use to us only in war. Peace-time demand for them by our little standing Army is so insignificant that we can not afford to maintain establishments equipped to fabricate them. This means that if we should suddenly be faced with a great emergency suitable manufacturing facilities would have to curtail production of commercial articles, and begin the fabrication of essential munitions of war. To effect such a change within a single factory is no simple process. When the whole industrial fabric of the Nation is affected, and the situation is further complicated by the necessity for speed under emergency conditions, the need for prior study and preparation on the problem are easily understood.

In the War Department my office is charged by law with the responsibility for adequate industrial preparation.

Industrial preparation consists in taking all practicable steps in time of peace to facilitate the change from peace to war production and to sustain the industrial effort throughout a war. Based upon possible military operations, we make estimates of the amounts and types of munitions we would need in war. For each essential item we search out a number of existing facilities that could most easily begin its manufacture in war, and each of the establishments so selected is informed of the task the Government will expect it to perform. We develop specific policies to govern all Government purchasing agents—so that there will be no confusion, interference, and competitive bidding between them.

As we contemplate further the difficulties to be met in assuring prompt production in war, our attention is naturally attracted toward the question of availability of the essential elements of production.

Having determined upon the approximate amounts of munitions needed, we can roughly translate these requirements into raw materials, labor, money, and transportation. Each factory that will produce an article the Nation needs must be assured of an adequate supply of these things. In some cases the problem involved is simply one of proper distribution of available supplies. In other cases, an interruption of sea communications would produce actual shortages in essential raw materials, and have a most serious effect on our production program. We will have to make the best use of what we have—use substitutes wherever possible—discover new sources of supply within our own country—and initiate strict conservation programs.

To do all these things in war will demand a governmental control of all national resources. An essential part of industrial planning is the devising of suitable machinery to assist the President in war in exercising these emergency controls.

Of the raw materials necessary to us in war, none is more important than manganese. The problem of providing an adequate supply is aggravated by the fact that we largely rely upon foreign sources to meet our demands in this material. Consequently, it is easy to see why we are so interested in the activities of the American Manganese Producers Association.

We take a deep interest in the efforts of the domestic manganese producers to develop processes that would enable the United States to utilize its large deposits of low-grade ore and be at least partially self-sustaining in this respect. The existence of an organization such as the American Manganese Producers Association implies a mobilization of the Nation's manganese resources and makes available a direct means of contact with the industry. The association has shown that it is a live, active body; in other words, a "going concern." As such, it can be of the greatest assistance to the War Department in developing a national industrial program for the Nation's use should we unfortunately be thrust into war.

I wish to assure you that I have enjoyed this opportunity to explain briefly the functions of my office, to thank you for the cordial and cooperative attitude of your association toward the War Department, and to express a hope for the continuation of these friendly relations.

Mr. ODDIE. Mr. President, the business relationship between the steel interests of the United States and those of the Union of Soviet Socialist Republics, therefore, becomes a very important factor in the national welfare and in the national interest I believe should be fully investigated by a Senate committee. I send to the desk a resolution which I will ask to have read and acted upon at this time.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 484) was read, as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized and directed to investigate the following matters during the sessions and recesses of the Seventy-first and Seventy-second Congresses:

(a) The reported consolidation of the Bethlehem Steel Corporation and the McClintic-Marshall Co. with a view to determining the exact connection therewith of the so-called Mellon interests, together with the extent of the control of such consolidated corporation by said Mellon interests.

(b) The relationship of the United States Steel Corporation and/or the Bethlehem Steel Corporation to the Amtorg Trading Corporation and/or the Union of Soviet Socialist Republics, together with any and all contracts that may exist between said companies and said Amtorg Trading Corporation and/or the Union of Soviet Socialist Republics relative to the sale of manganese ore for delivery in the United States and/or the sale of steel or steel products made in the United States for delivery in the Union of Soviet Socialist Republics.

(c) The business relationship of C. A. Buck, vice president of the Bethlehem Steel Corporation, and his son, Leonard A. Buck, the so-called agent of the Union of Soviet Socialist Republics, in the sale of manganese ore mined in Russia and exported to the United States.

(d) The activities of the United States Steel Corporation, the Bethlehem Steel Corporation, the American Iron and Steel Institute, and the Amtorg Trading Corporation (including the activities of the firm of Simpson, Thatcher & Bartlett, legal counsel of such corporation) in opposing the administration of the antidumping act of 1921 for the protection of the American manganese industry from the dumping of manganese ore by the Union of Soviet Socialist Republics.

(e) The administration of the antidumping act of 1921 by Hon. Andrew W. Mellon, Secretary of the Treasury; Hon. Seymour Lowman, Assistant Secretary of the Treasury in charge of customs; and Hon. F. X. A. Eble, Commissioner of Customs, with particular reference to the dumping of manganese ore in the United States by the Union of Soviet Socialist Republics.

Such committee shall report to the Senate from time to time and submit a final report not later than January 1, 1932.

The expenses of the investigation authorized by this resolution, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. ODDIE. Mr. President——

The VICE PRESIDENT. Under the law, the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Conven-

decision that a finding of dumping with respect to manganese imported from the Soviet Republic of Georgia, information was placed in the record originating in the Bureau of Foreign and Domestic Commerce showing that

tion at Berne for the Protection of Literary and Artistic works.

The VICE PRESIDENT. The clerk will state the first amendment of the committee.

Mr. DILL. Before that is done, Mr. President——

The VICE PRESIDENT. Will not the Senator permit the first amendment to be stated?

Mr. DILL. No; one of the Senators desires to have the bill read formally, and to have the amendments taken up as they are reached. I think that is the proper course.

The VICE PRESIDENT. The bill will be read.

Mr. DILL. I desire, however, to suggest the absence of a quorum, because the Senator to whom I refer asked that that be done in his absence.

The VICE PRESIDENT. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steck
Blease	Glenn	Metcalf	Steiwer
Borah	Goff	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pine	Walsh, Mass.
Cousens	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

The VICE PRESIDENT. Ninety-four Senators have answered to their names. A quorum is present. The bill will be read for action on the amendments.

Mr. HEBERT rose.

The VICE PRESIDENT. Does the Senator from Rhode Island desire to discuss the bill?

Mr. HEBERT. Mr. President, I promised that I would yield to the Senator from New Mexico [Mr. CUTTING] to address the Senate upon the provisions of the bill before it is taken up for action; so I yield to him for that purpose.

Mr. CUTTING obtained the floor.

Mr. NYE. Mr. President——

Mr. CUTTING. I yield to the Senator from North Dakota.

REPORT OF SELECT COMMITTEE ON CAMPAIGN EXPENDITURES

Mr. NYE. I desire to give notice that as soon as possible after the Senator from New Mexico has completed his remarks, I shall send to the desk and ask to have read a report from the Select Committee on Campaign Expenditures.

REPORTS FROM COMMITTEE TO AUDIT AND CONTROL THE CONTINGENT EXPENSES OF THE SENATE

Mr. DENEEN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. CUTTING. I yield, provided I do not lose the floor.

Mr. DENEEN. I desire to make some reports from the Committee to Audit and Control the Contingent Expenses of the Senate. With the Senator's permission, I should like to ask unanimous consent for their present consideration. If there is any debate upon them, they will be sent to the calendar.

The VICE PRESIDENT. Does the Senator from New Mexico yield for that purpose?

Mr. CUTTING. I yield with that understanding.

Mr. DENEEN. I ask that the resolutions may be read and considered immediately in order.

The VICE PRESIDENT. The resolutions will be read for the information of the Senate.

CONTINUING THE INVESTIGATION OF LOBBYING

The Chief Clerk read Senate Resolution 475, submitted by Mr. CARAWAY on the 26th instant, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 1, line 6, after the word "exceed," to strike out "$2,000," and insert "$3,000," so as to make the resolution read:

Resolved, That the subcommittee of the Committee of the Judiciary appointed under Senate Resolution No. 20 is hereby authorized and empowered to pursue its investigation under said resolution during the recess of Congress and to make its final report at the first session of the Seventy-second Congress. The expenses not to exceed $3,000, to be paid out of the contingent fund of the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The resolution, as amended, was agreed to.

JULIA E. HAMMOND FOSTER AND OTHERS

The Chief Clerk read Senate Resolution 472, submitted by Mr. WATSON on the 26th instant, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate without amendment, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay out of the contingent fund of the Senate to Julia E. Hammond Foster, Elizabeth Hammond Van Wagoner, Addie Hammond Budd, Moses Hammond, and Matilda Worden, next of kin and dependents of John Hammond, late a messenger of the Senate under supervision of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. JONES. Mr. President, I desire to ask if that is the usual provision. I thought six months' compensation was the usual provision.

Mr. DENEEN. The rule is that if the employee has served any time, his heirs are entitled to six months' compensation. If they have served 25 years, the rule is to pay them one year's compensation. This gentleman served 25 years.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

CONTINUING EMPLOYMENT OF A NIGHT WATCHMAN

The Chief Clerk read Senate Resolution 471, submitted by Mr. WATSON on the 25th instant, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate without amendment, and it was considered by the Senate and agreed to, as follows:

Resolved, That Senate Resolution No. 269, agreed to June 2, 1930, authorizing and directing employment of a night watchman by the Secretary of the Senate, to be paid out of the contingent fund of the Senate, hereby is continued in full force and effect until otherwise provided by law.

UNEMPLOYMENT INSURANCE SYSTEMS

The Chief Clerk read Senate Resolution 483, submitted by Mr. WAGNER to-day, which was reported from the Committee to Audit and Control the Contingent Expenses of the Senate favorably, without amendment, as follows:

Resolved, That there is hereby established a select committee to be composed of 3 Senators, of whom 2 shall be from the majority political party and 1 shall be from the minority political party, to be appointed by the President of the Senate.

The committee is authorized and directed to make a general study of the unemployment-insurance systems in use by private interests in the United States and by the foreign governments, with a view to determining (1) the manner in which such systems were instituted and are now being operated, (2) the cost involved and the results achieved under each system, (3) the relief, if any, afforded by each such system during the economic depression of 1930, (4) the condition of each such system on July 1, 1931, with particular regard to the manner in which it survived the economic depression of 1930, and (5) the relative State, Federal, or private responsibility in connection with any such systems. The committee shall report to the Senate on or before December 7, 1931, the results of such study, together with its recommendations for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistants, to require

by subpœna, or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. JONES. For what purpose is this committee to be created?

Mr. WAGNER. To study the subject of unemployment insurance.

Mr. JONES. I did not hear anything in the reading of the resolution to indicate the subject of the investigation.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

SENATORIAL CAMPAIGN EXPENDITURES

Mr. CUTTING. Mr. President, does the Senator from North Dakota desire to present his report at the present time? If so, I will yield for that purpose.

Mr. NYE. I would be glad to do so at this time if the Senator will yield.

Mr. CUTTING. I yield.

Mr. NYE. The reading of the report will require perhaps 20 or 25 minutes.

Mr. President, I send to the desk a report concerning the investigation made by the Select Committee on Senatorial Campaign Expenditures in Nebraska, and ask that it be read down to the summary of evidence, and that the summary of evidence may be inserted in the RECORD. I also ask that the report be printed and laid upon the desk of each Senator, and at the convening of the Senate on Monday I shall make some brief remarks concerning it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The clerk will read.

The Chief Clerk read as follows:

[Senate Report No. 1824, Seventy-first Congress, third session]

SENATORIAL CAMPAIGN EXPENDITURES, 1930, NEBRASKA

Mr. NYE, from the Select Committee on Senatorial Campaign Expenditures, submitted the following report (pursuant to S. Res. 215):

The Select Committee on Senatorial Campaign Expenditures, 1930, appointed pursuant to Senate Resolution 215, submits the following report on the senatorial primary and general election in the State of Nebraska for the year 1930:

The campaign expenditures by or on behalf of all candidates in the Nebraska senatorial primary and general election of 1930, so far as they have been reported or disclosed by the investigations of the committee, were as follows:

	Primary	General election
REPUBLICAN		
George W. Norris (Senator)	$2,775.38	$2,372.57
In behalf of Senator Norris:		
Labor	3,963.27	3,413.95
Judson King and others	2,015.70	
W. M. Stebbins	19,304.28	
Beatrice F. Craig—withdrew; no report filed		
Aaron Read	97.22	
Geo. A. Williams—withdrew	50.00	
S. R. McKelvie—Filed by petition; did not accept; no report filed		
DEMOCRAT		
Gilbert M. Hitchcock	150.00	29,997.07
In behalf of G. M. Hitchcock:		
Hitchcock Republican Club		12,724.60
Frank B. Johnson		499.68
E. B. Stephenson		3,173.76
Jennie Callfas	2,000.00	
AGAINST SENATOR NORRIS AND NOT COVERED ABOVE		
Robert H. Lucas		752.52
Loyal Republican Club	216.13	
Walter W. Head, straw poll	4,000.00	
W. M. Stebbins, amount contributed to induce "Grocer" George W. Norris to file candidacy	850.00	

A casual view of the foregoing statement may lead to the conclusion that the campaign expenditures in Nebraska were not excessive. Such a conclusion would be justified by comparison with some other States. It is, however, of interest to note the difference in the amount of expenditures by or on behalf of leading candidates in this State. The primary and general election were orderly and free from such corrupt practices as fraudulent registration, employment of "repeaters," manipulation of ballots, and illegal counting of votes.

The committee, however, encountered throughout its Nebraska investigation and hearings a widespread condition of concealment, evasion, and deception. If the attitude of these witnesses, including men of supposedly high standing in their communities, could be regarded as typical it would indicate a grave decay of political morality. There would, in fact, appear to be widespread belief that acts which are wrong in the conduct of a business, in social or private life, are entirely justifiable in the conduct of political campaigns and in the protection of those who direct them. This attitude on the part of witnesses made it difficult for the committee to discover the truth. Its investigations were prolonged and the expense greatly increased by the will to conceal rather than reveal facts. It was necessary to summon scores of witnesses and extract the truth bit by bit from their unwilling lips, whereas one or two witnesses, had they been truthful in early appearances before the committee, could have revealed all that was unearthed by weeks of patient investigation. Not only were individual witnesses evasive or reluctant, but open attempts at intimidation were practiced to suppress the truth.

THE ANTI-NORRIS CONSPIRACY

In spite of the obstacles of evasion and perjury encountered by the committee, its investigations and hearings in Nebraska resulted in the disclosure of practices which appear to be as reprehensible as any of the better-known forms of fraud and corruption. They are the more sinister because, if the plans exposed by this committee had been successfully carried out, it would have resulted in completely thwarting or nullifying the will of the voters of Nebraska.

Because of the cunning with which every step was carried out and the willful perjury of witnesses, two of whom are already under Federal indictment, the committee has been unable to unravel all the threads in this complex plot. It has, however, been able to establish the principal facts and identify many of the principal actors, even if the "master minds" which conceived and directed it have not yet been fully revealed.

The purpose of the scheme, as admitted by those who played a principal part in it, was to make it impossible for the voters of Nebraska who favored the reelection of Senator GEORGE W. NORRIS to register their will in such a manner that the votes cast in his behalf could be certainly identified and counted for him.

To understand fully the extent and character of this conspiracy it is necessary to review briefly a series of events and circumstances, some of which may have been entirely proper in motive and conduct, but which are closely interrelated by reason of the identity of certain of the principal actors in each phase of the series.

THE SECRET STRAW VOTE

The first step in this series of events was the secret "straw vote" conducted to determine the strongest candidate to oppose Senator NORRIS. This poll was financed at an expense of $4,000 by Walter W. Head, chairman of the board of Omaha National Bank, chairman of the board of Nebraska Power Co., president of Foreman-State National Bank of Chicago, and director of many other corporations, now resident in Chicago although retaining his citizenship in Nebraska. According to the testimony of Samuel R. McKelvie, member of the Federal Farm Board and former Governor of Nebraska, there was an understanding with Head that if this straw vote should indicate that McKelvie would be the strongest opponent of Senator NORRIS, he would become a candidate.

The actual conduct of the poll was intrusted to Victor Seymour, an experienced Nebraska politician who had been a leader of the McKelvie forces at the Republican National Convention. Seymour was provided with funds by a somewhat circuitous process. Walter W. Head furnished Victor B. Smith, vice president of the Omaha National Bank, with funds with which the latter purchased drafts on New York and Chicago banks. These drafts were sent to Robert DeVoe, Lincoln lawyer, who in turn delivered them to Seymour, who deposited them in his name rather than that of any organization or committee. Elaborate precautions were exercised also to disguise the character of Seymour's office and to shroud his operations in a veil of secrecy.

The taking of this straw vote was begun as early as January, 1930, but much to the displeasure of Seymour and others connected with it, it revealed that Senator NORRIS was the choice of the voters of Nebraska. By the latter part of March, according to the testimony of Victor B. Smith, a financial associate of Head, "the poll itself confirmed the opinion that Senator NORRIS was way in the lead of any possible opponent." The poll was accordingly closed some time between the 5th and 10th of April. Nevertheless Seymour continued his operations and retained the use of this office until some time in July.

The character of Seymour's activities during this period of nearly three months after the straw vote was completed and prior to the filing of "Grocer" Norris's candidacy has not been revealed. The testimony shows, however, that in this office were held the conferences between Stebbins and Seymour and between Hugh Drake and Seymour in which preliminary arrangements were made for the filing of the "Grocer" Norris's candidacy.

THE "GROCER" NORRIS CANDIDACY

At about the same time that this straw vote indicated the impossibility of defeating Senator NORRIS by any form of legitimate opposition, a search was instituted throughout the State of Nebraska to find persons bearing the same or a similar name who might be induced to file as candidates for the Senate with the object of confusing the voters and making it impossible to de-

termine for which George W. Norris they were voting. This is the testimony of W. M. Stebbins, whose candidacy for the Senate was initiated as early as September, 1929, and who testified under oath that he personally supplied at least the initial funds necessary to procure the filing of "Grocer" George W. Norris, of Broken Bow, as a candidate against Senator GEORGE W. NORRIS. Whether Seymour conducted or participated in this canvass of duplicate candidates has not been determined, but the fact that Stebbins selected Seymour as his go-between in the dealings with the grocer would indicate that he did.

The admitted purpose of this filing by a second George W. Norris was to force Senator NORRIS to withdraw from the Republican primary and run as an independent candidate. Mr. McKelvie testified that he personally had sought to force such a withdrawal by the issuance of public statements. The testimony also indicates that if Senator NORRIS had withdrawn from the Republican primary to run as an independent, the grocer would also have withdrawn and filed independent so that the confusion would be continued in the general election.

At least four George Norrises were located in the State of Nebraska, but the grocer of Broken Bow appears to have been the only one who was legally entitled to file under exactly the same name as the Senator. According to the testimony of Stebbins, reports regarding the intention of filing the name of "Grocer" Norris were current in certain political circles as early as April, 1930.

STATE TREASURER STEBBINS ASSUMES RESPONSIBILITY

W. M. Stebbins, then State treasurer of Nebraska and a rival candidate for the Republican senatorial nomination, assumed responsibility for inspiring and financing the "Grocer" Norris candidacy, although he testified at the same time that he felt he had been "double-crossed." After three months of discreet silence, this confession was made by Stebbins, only when the committee's agent had traced the Liberty bond used in the transaction to his bank. He stated that he had voluntarily gone to Seymour whom he knew only slightly and believed to be politically unfriendly, and asked him to ascertain whether "Grocer" Norris could be induced to file for the Senate. Hugh H. Drake, a member of the State railroad commission, whose campaign for reelection was threatened by the grocer's reported filing for that post, also saw Seymour and cooperated in inducing Norris to withdraw from the race for the commission nomination and file for the Senate.

The actual procurement of the filing of "Grocer" Norris's candidacy for the Senate was accomplished through Victor Seymour on or about June 29. This occurred at a conference in Kearney, Nebr., participated in by Victor Seymour; Hugo H. Drake, a member of the Nebraska Railroad Commission, who was running for reelection; Oscar A. Drake, a brother; and A. Paul Johnson, an attorney of Broken Bow, who was representing "Grocer" Norris. The filing fee of $50 for the senatorial candidacy was furnished by Seymour to Johnson in cash during the course of this conference and was in due course placed in the hands of Norris. Seymour, upon his appearance before this committee at the beginning of its hearings, had testified under oath that he had no connection whatever with the senatorial campaign. This testimony was given less than a month after the incidents referred to above had taken place.

Seymour, according to the testimony before the committee, was furnished this $50 by Stebbins, and, in addition, received from him a liberty bond of $500 denomination, which he transmitted to Norris through Johnson, as well as $300 in cash, the disposition of which does not appear in evidence.

The filing of this application for the senatorial nomination in consideration of the pecuniary inducement set forth above appears clearly to be a violation of the Nebraska statute (32-2138 Compiled Statutes of Nebraska, 1929), which provides:

"It shall be unlawful for any person to * * * commit any * * * fraud or wrong tending to defeat the result of a primary election * * * offer to accept and receive or accept and receive, any money or valuable thing in consideration of his filing or agreeing to file, or not filing or agreeing not to file, nomination papers for himself as a candidate for nomination at any primary election; offer to accept or receive any money or accept or receive money or any valuable thing in consideration of his withdrawing his name as a candidate for nomination at such primary election. * * *

"Any person who shall offer or, with knowledge of the same, permit any person to offer for his benefit any bribe to a voter to induce him to sign any election or nomination paper or any person who shall accept any such bribe or promise of gain of any kind in the nature of a bribe as a consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing * * * shall be guilty of a misdemeanor.

"Any person committing any of the acts herein declared unlawful shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by imprisonment in the county jail not less than one nor more than six months.

"Any act declared an offense by the general laws of this State concerning caucuses and elections shall also, in like case, be an offense in all primaries, and shall be punished in the same form and manner as therein provided. * * *."

THE FLAW IN THE CONSPIRACY

As a result of this inducement, "Grocer" Norris prepared his application as a candidate for the Senate and paid his filing fee of $50 on July 2, 1930. The application was not actually placed in the mails, however, until the morning of July 3, and, being registered, did not reach the office of secretary of state until the morning of July 5. As July 4, a holiday, was the closing date under the Nebraska law for the filing of such applications, this slight error in the time of mailing was the only flaw in the conspiracy. Secretary of State Frank Marsh, who was testified to have been a frequent visitor at Seymour's office, accepted the application as being technically filed on the date it was mailed. But Chief Justice Goss, of the Supreme Court of Nebraska, after a hearing at which all parties were represented, held that the application must be actually in the office of the secretary of state within the filing date, and, upon this basis, rejected the application of "Grocer" Norris as invalid.

"Grocer" Norris, immediately after mailing his application, gave up his job, left Broken Bow, and, after stopping with his brother in North Platte long enough to secure an advance upon the bond which he had received from W. M. Stebbins through Seymour, went secretly to Estes Park, Colo. He remained there under cover for several days, later returning secretly to Nebraska about the time that the contest of his application was being judicially determined.

Although the committee has been unable to determine that "Grocer" Norris received anything in addition to the $50 filing fee and the $500 Liberty bond, the fact that his attempted senatorial candidacy made it necessary for him to resign from a position as manager of a chain grocery store, paying a compensation of approximately $4,200 a year, would appear to indicate beyond question that he must have been promised or did receive a consideration considerably in excess of $500. This view is corroborated by the statement of "Grocer" Norris to one of the witnesses that "there would be big money in it."

During the primary campaign the opposition to Senator NORRIS charged him and his friends with engineering the filing of the grocer's candidacy to gain "sympathy" for himself. Stebbins's publicity agent issued a number of statements to this effect, and Stebbins himself in his speeches brazenly charged Senator NORRIS with the political trick for which he (Stebbins) now assumes responsibility and which had been paid for with his money. The language used by Stebbins in a radio speech was as follows:

"Both myself and my supporters have denounced the Broken Bow affair * * * as a scheme framed by long-time friends and political supporters of Senator NORRIS to win for him sympathy, using his cousin as, perhaps, the unwitting tool of their evil design. * * * He who would profit politically by the violation of an election law is no better than the bootlegger who profits by the violation of the Volstead Act."

Both Senator NORRIS and the "grocer" deny any relationship, so Stebbins's statement that they were cousins only emphasizes his deliberate campaign of duplicity and deceit.

The investigation of the committee into the circumstances surrounding the filing of "Grocer" George W. Norris's candidacy was greatly impeded by the persistent evasion of the principal witnesses. Two of these, namely, George W. Norris, of Broken Bow, and Victor Seymour, have been indicted for perjury by the Federal grand jury. The testimony of other witnesses, including Hugh H. Drake, member of the State railroad commission, and his brother, Oscar A. Drake, who had knowledge of, if they did not participate in, the "Grocer" Norris conspiracy, was characterized by persistent evasion, while Frank Marsh, secretary of state of Nebraska, was party to a deliberate attempt to intimidate Miss Alton, one of the principal witnesses before the committee, with a view to compelling this young girl to impeach her own testimony. This attempt at intimidation bordered upon, if it did not constitute, contempt of the Senate as defined in, the Federal statutes.

SEYMOUR'S EMPLOYMENT BY REPUBLICAN SENATORIAL COMMITTEE

After Victor Seymour had completed the taking of the anti-Norris straw vote in Nebraska and had failed in his abortive attempt to procure the filing of "Grocer" Norris's candidacy for the United States Senate, he was appointed assistant vice chairman of the Republican senatorial committee upon the recommendation of Albert F. Dawson, who was its executive secretary, to take charge of the Denver office of that organization. The jurisdiction of the Denver office included the State of Nebraska. The Republican senatorial committee, therefore, must assume the responsibility for placing in a key position in the Nebraska Senator's candidacy and campaign one of Senator NORRIS's bitterest political enemies. The inference can not be avoided that he was selected as part and parcel of the plan of members of his own party to defeat the Republican candidate. Later when Seymour's part in the procurement of "Grocer" Norris's candidacy was revealed before this committee he was permitted to resign from this position.

THE NEBRASKA TAXPAYERS LEAGUE

The so-called "power issue" appeared in the Nebraska campaign not only by reason of the outstanding position of Senator NORRIS on that question but also because important initiative measures were voted upon at the general election. The committee was led into an investigation of some phases of this controversy by reason of the charge broadcast through advertisements in the name of the Nebraska Taxpayers League that some one representing himself to be an agent of the committee had sought to intimidate the president of the league.

The charge was false and absurd, but a brief investigation revealed that this advertisement as well as all other activities of the Nebraska Taxpayers League were paid for or expected to be paid for by the public utilities through their attorneys or agents. The interest of the committee was likewise aroused by the fact that the same devices of willful duplication and concealment of funds encountered in the "Grocer" Norris conspiracy were found here.

The device of duplication was resorted to with the obvious intent of confusing the voters with reference to the municipal ownership initiative measure, generally known as the Sorenson bill. A similar measure was initiated in the name of the Nebraska Taxpayers League, which was identical in form and language, except for a single sentence which completely altered its intent and effect. They were as nearly identical as the names of the two George W. Norrises.

Although upon the admission of its president, William F. Adams, the so-called taxpayers' league had no dues-paying members and had raised no funds of its own, widespread advertising and use of the radio was conducted in its name at considerable expense. These expenses were in large part being carried by Bernhard McNeny, an attorney, but the testimony clearly showed that it was expected that they would eventually be paid by Thorne Browne, of the National Electric Light Association, or some other public-utility representative.

THE $10,000 M'KELVIE FUND

Samuel R. McKelvie, member of the Federal Farm Board and former Governor of Nebraska, states that on July 21, 1930, he placed in the hands of one Max V. Beghtol funds amounting to $10,000 to be expended at Beghtol's discretion in support of Stebbins, the only prominent candidate remaining in opposition to Senator NORRIS. Prior to that date McKelvie had held long-distance conversation with Seymour on July 5 (8 minutes), July 8 (14 minutes), and July 10 (14 minutes). McKelvie was himself a senatorial candidate until July 18, his name having been filed by petition.

The method of handling this $10,000 fund, contributed by a high Federal official, merits attention. According to McKelvie's testimony, the entire amount was placed in Beghtol's hands to be used in the campaign against Senator NORRIS in accordance with his own discretion. Not a dollar of it, however, appears in the reports filed on behalf of Stebbins or any other candidate as being contributed by either McKelvie or Beghtol. On the contrary, $2,500 appears in the report of Stebbins as having been contributed by Charles T. Knapp with the designation "personal and miscellaneous contributions."

According to Knapp's testimony, Beghtol, on a visit to Chicago, gave him his personal check for $2,500, which was deposited in the Harris Trust Co. to the account of Charles T. Knapp & Co., and Knapp in return gave Beghtol a check of the Charles T. Knapp & Co., in the amount of $2,500, payable to Charles T. Knapp and indorsed by him in blank. This check was in turn contributed to the Stebbins campaign fund, of which E. B. Stephenson was treasurer. Thus the identity of the real contributor, McKelvie, was completely concealed. A further concealed contribution out of this fund is said to have been made in the name of F. C. Foster. McKelvie testified that the balance of the $10,000 fund, amounting to $7,150, was retained by Beghtol until after the November election, when it was applied to the payment of a note previously given by McKelvie to Knapp for the purchase of bank stock.

This transaction violates the spirit, if not the letter, of the Nebraska election law in two particulars: First, the amount contributed was in excess of the legal limitation of $1,000 from any individual (32-2022, Compiled Statutes of Nebraska, 1929). The use of the designation "personal and miscellaneous contributions" in connection with the Knapp contribution would indicate a knowledge of this provision and a desire to evade it. Second, McKelvie did not report the making of this contribution to the clerk of the county, as provided by the Nebraska law (32-2023, 2024, 2027, supra), requiring every individual contributing in excess of $250 to make such a report.

CONCEALED CONTRIBUTIONS OF NATIONAL COMMITTEEMAN

A similar case of concealment of large contributions also occurred in the case of Charles A. McCloud, Republican national committeeman for Nebraska. He likewise contributed to the Stebbins fund an amount in excess of $1,000, but concealed its source by giving his own funds to various individuals, taking their checks for the respective amounts, and sending these alleged contributions to E. B. Stephenson, treasurer of the Stebbins fund.

This transaction appeals to the committee as violative, in several particulars, of the Nebraska election laws. The analogy is close between this and both the McKelvie and Lucas incidents as is also the circumstance of both Mr. Lucas and Mr. McCloud, officially members of the Republican National Committee, secretly plotting to effect the defeat of their party's candidate.

THE EXPENDITURES OF ROBERT H. LUCAS

The final episode in the plans to defeat Senator NORRIS was the secret expenditure of some $4,000 by Robert H. Lucas, executive director of the Republican National Committee, in connection with the circulation of scurrilous literature in Nebraska and other States. Mr. Lucas testified that these expenditures, which were sought to be concealed by the employment of a fictitious name, were his own, although the records of the bank show that funds of the Republican National Committee were pledged as security for the loan used in the payment of the printing bill. The total expenditures of Lucas for such literature, ordered from the publishers of the Fellowship Forum, of Washington, D. C., amounted to $4,237.27, of which $752.52 was allocated to the anti-Norris campaign. Lucas testified that prior to sending this literature he conferred regarding the Nebraska situation with Samuel R. McKelvie and E. B. Stephenson, treasurer for the Stebbins primary campaign as well as for the Hitchcock Republican Club. At this time Senator NORRIS had been designated as the Republican nominee by the voters of Nebraska and Senator FESS, chairman of the Republican National Committee, had publicly declared that NORRIS and all other Republican candidates would receive the support of his committee.

VIOLATION OF FEDERAL CORRUPT PRACTICES ACT

It would appear that Mr. Lucas violated the spirit, if not the letter, of the Federal corrupt practices act of 1925, particularly section 306, reading as follows:

"Sec. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305."

Section 305 provides that reports of such expenditures shall be filed with the clerk at certain periods which are not pertinent here, and also between the 10th and 15th days, and on the 5th day preceding the date of a general election, and also on January 1. Mr. Lucas's expenditures, admittedly for the purpose of influencing elections in Nebraska, West Virginia, Kentucky, Montana, North Carolina, Ohio, Delaware, Massachusetts, and Indiana, were incurred shortly before the 15th day preceding the election. Reports, therefore, should have been made for the three periods cited above.

Section 314, providing penalty for violation of this act, read as follows:

"Sec. 314. (a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $10,000 and imprisoned not more than two years."

The testimony of the witnesses Blackwell (Rec. 827), Stengle (Rec. 847), and Johnson (840-920) indicates a deliberate effort to keep this transaction secret. The fact that Lucas paid the publisher the $4,000 in cash when it was his admitted custom to pay his bills by check, as well as the use of a fictitious name to conceal the transaction, strongly corroborates this testimony. Search of the records of the Clerk of the House fails to disclose any report in the premises by Mr. Lucas and he testified that none was filed there as provided by law. After this transaction was exposed by the investigations of this committee and after Mr. Lucas had been examined under oath and had admitted that he had filed no report (Rec. 870, Lucas), he filed a report with the Secretary of the Senate under date of December 22, 1930. This was not a compliance with the statute which definitely prescribes that the reports of individuals and treasurers of committees shall be filed with the Clerk of the House, and in no degree mitigates the failure to file upon the two previous prescribed dates.

The only conclusion which the committee is able to reach in respect of this incident is that Mr. Lucas attempted to conceal the transaction, designedly failed to report as required by the Federal corrupt practices act, and is chargeable with a willful violation under section 314, paragraph (b).

GENERAL CONCLUSION

How far the various methods outlined above were interrelated and constituted successive stages of a single conspiracy are yet to be determined. After the major facts became known, two of the principal figures in the conspiracy, "Grocer" Norris and Victor Seymour, were in process of indictment for perjury and were, therefore, not available as witnesses. The committee has been impressed, however, by the fact that all these activities have been actuated by the common motive of accomplishing the defeat of Senator NORRIS by fair means or foul; have been carried out by agents whom the record shows were in frequent communication; and have been characterized by the common features of concealment of funds, employment of fictitious names, and elaborate precautions to prevent either the actors or the source of the funds from being publicly disclosed.

Recommendations for legislation designed to curb or prevent the recurrence of the evils exposed by this investigation will be presented by the committee in due course. This is reserved for its final report, in connection with which it proposes to submit to the Senate within the limits of the Federal jurisdiction such measures as may seem appropriate upon mature consideration to cope with the evils disclosed by all its investigations.

GERALD P. NYE, *Chairman.*
PORTER H. DALE.
C. C. DILL.
ROBERT F. WAGNER.

SUMMARY OF EVIDENCE

The following is presented as a summary of the principal points developed in the hearings of the committee in connection with its investigation of senatorial campaign expenditures in Nebraska. These hearings were held at Broken Bow, Nebr., July 19, 1930; Lincoln, Nebr., July 21, September 22, 23, 24, and 25; Omaha, Nebr., October 22, 23; Lincoln, Nebr., November 17, 18,

and 19; Chicago, Ill., November 20; Washington, D. C., December 19, 20, and 22, January 6, 7, 13, 16, and 26, 1931.

In the course of these hearings 97 witnesses were examined, some of them upon several occasions, in an attempt to ascertain the facts regarding the senatorial primary and general election in the State of Nebraska.

THE SECRET "STRAW VOTE"

This was a "straw vote," "poll," or "survey" to determine the relative standing of prospective senatorial candidates. The poll was taken by a ticket listing all of the prominent potential candidates for the Republican nomination, to wit; GEORGE W. NORRIS (incumbent Senator), Samuel R. McKelvie, (former governor), Arthur J. Weaver (governor), George A. Williams (lieutenant governor), W. M. Stebbins (State treasurer), and Aaron Read. The ticket was prepared to show first and second choices, and the poll showed GEORGE W. NORRIS "in the lead of any possible opposition." (Rec. 408, Smith. The page references refer to the preliminary page proof and may differ slightly for pages beyond page 500.) The exact result was never made public and is not material.

The taking of this "straw vote" was conducted by Victor Seymour, a Nebraskan, who had been active in State and national politics for more than 30 years. He has held various appointive offices and in 1928 led the McKelvie forces at the Republican National Convention in support of the Hoover ticket. (Rec. 438, Stebbins.) Seymour is shown by the testimony of several witnesses to have handled the negotiations which led "Grocer" Norris to file as a candidate for the Senate, transmitted to him the money to pay his expenses, drafted his announcement and arranged for the employment of his attorney. (See testimony of Stebbins, Johnson, Norris, Hugh, and Oscar Drake, and Miss Alton.)

He was later appointed assistant vice chairman in charge of the Denver office of the Republican senatorial committee, but was permitted to resign when testimony before the campaign expenditures committee exposed his connection with the "Grocer" Norris candidacy and revealed his perjury as a witness before the committee. (Rec. 854, Dawson.)

This poll was financed by Walter W. Head, long prominent in Nebraska Republican politics, and later nationally prominent, having been either recommended or considered as both national chairman and national treasurer. Mr. Head is chairman of the board of Omaha National Bank, the largest banking institution in Nebraska, chairman of the board of Nebraska Power Co., president of the Foreman-State National Bank of Chicago, director in New York Life Insurance Co., Chicago & North Western Railroad, and a "number of other prominent corporations." (Rec. 485, Head.) He is also president of Boy Scouts of America, chairman of finance committee of Y. M. C. A., and an officer or director of several other character-building, religious, charitable, or philanthropic organizations. (Rec. 485, Head.) Although now making his headquarters in Chicago, he is a citizen of Nebraska and maintains legal residence in Omaha.

Mr. Head's testimony is not quite specific as to the inspiration of the poll. According to Mr. McKelvie, however (Rec. 796, McKelvie), Head importuned him to run against Senator NORRIS and agreed to undertake the survey to determine if McKelvie were the logical candidate to run against Senator NORRIS, in which event McKelvie agreed to become a candidate. Head agreed to assume the expense of this survey up to $5,000 (Rec. 408, Smith), but only expended $4,000, $3,500 of which was drawn on or before April 2, 1930. At this point he directed that the poll cease, it not being entirely clear whether he was dissatisfied with the method of conducting the poll or its result. Seymour claimed that this termination was not in accordance with his agreement and complained to Victor B. Smith, vice president of Mr. Head's Omaha bank, who gave Seymour another $500 on Head's account and on June 16 loaned him an additional $1,000 on his personal unindorsed note. (Rec. 408, Smith.)

Mr. Head transmitted the moneys to Mr. Smith, who in turn bought drafts on New York and Chicago banks and sent them to Robert Devoe, Lincoln attorney, who had arranged with Mr. Head for the employment of Mr. Seymour. (Rec. 408, Smith.) Devoe then delivered the drafts to Seymour, who deposited them in the First National Bank of Lincoln under his own name, and checked against them as needed.

The taking of the poll, and its results, were not made public, and apparently every effort was made to keep the matter secret. The stenographer in the office was instructed to tell visitors Mr. Seymour was attorney for an eastern trust company, and the fact that the office had any connection with politics was concealed. (Rec. 348, Alton.)

However, Mr. William E. Murray, an employee of the Republican National Committee, and acting secretary thereof (Rec. 839, Murray), knew something of Mr. Seymour's activities, as he was in Nebraska during this time on a political mission and spent considerable time in Seymour's offices (Rec. 345, Alton). Murray was posing as a newspaper man, and made at least one report from Seymour's office on the senatorial situation. (Rec. 346, Alton.)

The "straw vote" was practically completed during March and was definitely terminated between April 5 and 10, 1930. Head, who had already contributed $3,500 between January 27 and April 2, stated that he would not be further responsible, but under the insistence of Seymour advanced an additional $500 on June 9. (Rec. 408, Smith.)

Nevertheless the office was kept open until August and a stenographer was employed until July 1. On at least one occasion, however, the stenographer was not paid until after the 15th because the check "from the East" did not arrive. (Rec. 341, Alton.) Whether Seymour had some other source of income after Head withdrew his financial support is not disclosed.

The committee has likewise been unable to ascertain the character of Seymour's activities after the straw vote was completed early in April and before he undertook to procure the filing of "Grocer" Norris's candidacy during the latter part of June. Stebbins, who furnished Seymour with the money used to induce the grocer to file, testified that in April, or perhaps as early as March, the State was canvassed to discover duplicate candidates. (Rec. 425, Stebbins.) He also stated that "long prior to the time that my campaign started it was rumored that Mr. Norris of Broken Bow would be a candidate for the United States Senate if sufficient subscriptions were made to my campaign fund." (Rec. 423, Stebbins.)

Whether Seymour was concerned in this canvass that resulted in the discovery of "Grocer" Norris has not been determined, but the fact that Stebbins went to him when he became interested in having the duplicate filing made would indicate that he had.

THE "GROCER" NORRIS CONSPIRACY

Upon June 26, 1930, one George W. Norris, manager of a chain grocery store in Broken Bow, Nebr., perfected his application for State railway commissioner, with the treasurer of Custer County, Nebr. Upon July 2, 1930, he perfected his application with the same officer, for the office of United States Senator. (Rec. 7–8, Dady.) The first application was not filed with the secretary of state, but the latter, that for Senator, was sent to the secretary, reaching his office on the morning of July 5, 1930. (Rec. 362, Thomas.)

Both of these applications were sworn to by Norris in the office of A. Paul Johnson, attorney, of Broken Bow. (Rec. 20 and 23, Johnson.) On the evening of July 2 "Grocer" Norris handed a registered envelope to Walter Schnable, mail clerk in the local post office, requesting the same be withheld from train No. 44 of the Chicago, Burlington & Quincy, July 2, and that registration be not completed until too late to go on that train. (Rec. 12, Schnable.) This envelope contained Norris's application for a place on the Republican ballot as United States Senator in the pending primary election, and was addressed to the secretary of state at Lincoln. (Rec. 12–13, Schnable.)

Local inquiry develops that had this letter been forwarded on train 44 it would have, in the regular course, been delivered to the office of the secretary of state early July 3. As it was, although it arrived in Lincoln on the afternoon of the 3d, it did not reach the secretary of state's office until the morning of July 5.

On the evening of the 3d of July, Norris left Broken Bow, by automobile, having previously resigned his position.

Diligent search for Norris and investigation by the committee's agents failed either to locate Norris in time for the committee's first hearings in Nebraska, July 19 and 21, or to disclose the circumstances surrounding his filing.

These circumstances were prima facie suspicious. He had filed in exact duplication of the filing of the incumbent Senator, GEORGE W. NORRIS, and under the Nebraska law no designation could be placed on the ballot to differentiate one from the other; to add to the complication, local requirements are that names shall be rotated in various congressional districts. It would have been manifestly impossible for a voter, even the two George W. Norrises, to have determined for which he proposed to vote, and was to all intents and purposes a complete disfranchisement of every voter desiring to vote for either. The grocer had never been active in politics, and these things, with his mysterious disappearance, forced the conclusion that his filing was fraudulent and corrupt and a matter for the attention of this committee.

The committee's agents in the first instance, and the committee itself in formal hearings with witnesses under oath, were met with evasion, equivocation, and even positive denial of knowledge in the premises on the part of persons whom the committee had every reason to believe were actually informed, if not participants, in the matter.

This attitude has continued throughout the Nebraska hearings, and two individuals have already been indicted by a United States grand jury at Lincoln for perjury before the committee.

Following the receipt of "Grocer" Norris's application for place on the Republican primary ballot, one Robert Smith, of Omaha, Nebr., protested his filing on the ground that it was received after the last date set by the Nebraska law. This proceeding before the secretary of state on July 15, was decided in favor of "Grocer" Norris upon the theory that his application had been placed in the mails within the statutory period. On appeal to the Nebraska Supreme Court, the decision was reversed by Chief Justice Goss and the application for place on the ballot denied upon the ground that the application must be physically in the office of the secretary of state to satisfy the statute.

All of the influences behind the grocer's filing are not yet developed upon the record. Sufficient facts, however, have been disclosed to show the filing was not in good faith, was inspired, procured, and paid for by interests intending to embarrass and defeat the incumbent Senator NORRIS, and disfranchise what voters wished to vote for him.

The grocer, Norris, had at one time conducted a grocery store in Kearney, Nebr. Hugh Drake, railroad commissioner and candidate for reelection, was also from Kearney, and knew the grocer, if not intimately, at least well. Oscar Drake, brother of Hugh, was a practicing attorney in Kearney, and also knew the grocer. I. D. Beynon, an attorney in the State banking department, was also from Kearney, knew the grocer, and was apparently interested in his railroad commissioner candidacy.

W. M. Stebbins, State treasurer, was an active candidate for the Republican senatorial nomination. Others were the incumbent Senator NORRIS, Aaron Read, George A. Williams, and Beatrice Craig, by application, and Samuel R. McKelvie, by petition. Candidates by application had until July 18 to withdraw while the candidate by petition must, to secure place on the ballot, signify his acceptance by that date, which Mr. McKelvie did not do; and other candidates withdrawing, and the grocer being eliminated by judicial decision, Mr. Stebbins became the final candidate in opposition to the incumbent.

It developed that the immediate considerations for the grocer's filing were the payment of his filing fee of $50, and a United States Liberty (bearer) bond for $500. The committee secured the number of this bond and traced it to a Lincoln, Nebr. bank. The officers of the bank were reluctant to furnish any banking information excepting under subpœna and formal hearing, and were therefore informed subpœna would be issued for the next hearing before the committee.

Almost immediately thereafter, and following the committee's announcement of date of the next hearing, Mr. Stebbins published a statement in the Nebraska papers, assuming responsibility for procuring the grocer to run. Stebbins stated he paid the filing fee of $50; he also advanced an additional $300 in cash in connection with the grocer's candidacy. (Rec. 422, Stebbins.)

Both money and bond were handed to Seymour by Stebbins, for transmittal to the grocer (Rec. 427, Stebbins), and the $50 filing fee and the bond were received by the grocer through Attorney Johnson (Rec. 300, Johnson), who in turn received them from Seymour.

Drake insists his sole interest was to induce the withdrawal of Norris as railroad commissioner, and that he had nothing to do with the filing for Senator. It is not entirely clear, however, how he came to select Seymour, Stebbins's agent, to accompany him, as he did, in Seymour's car, with the expressed intention of seeing the grocer. (Rec. 634, Drake.) Nor is it entirely clear why Stebbins selected Seymour as his agent to negotiate with the grocer. Seymour was not friendly to his candidacy and their acquaintance was slight. (Rec. 428, Stebbins.) Also as Seymour was in charge of the poll conducted on account of Head's interest in McKelvie, the inference is that Seymour was a McKelvie supporter, and not primarily interested in Stebbins's candidacy. Stebbins states he had no conferences with Drake regarding the grocer. (Rec. 440, Stebbins.) Drake states he went to Seymour on the suggestion of Stebbins. (Rec. 605, Drake.)

Stebbins testified, in this general connection that it looked to him as though he "had been double crossed." (Rec. 433, Stebbins.) While Drake, speaking to the same point, said he believed he was brought into it as the "victim of a plot." (Rec. 625–630, Drake.)

However, both Stebbins and Drake were in conference with Seymour on June 28, whether together or otherwise is not disclosed; but on that day Seymour and Drake left together in Seymour's car to see the grocer, as a result of which trip the grocer was induced to withdraw as candidate for railroad commissioner, become a candidate for the United States Senate, and was furnished with the $50 filing fee and $500 bond.

Seymour apparently never met the grocer, his negotiations being conducted through A. Paul Johnson, of Broken Bow, at a conference in the Fort Kearney (Nebr.) Hotel upon June 29, the day following the trip of Seymour and Drake from Lincoln. At this conference, Seymour, Johnson, and the two Drakes were present, and the $50 filing fee was produced in the presence of at least Hugh Drake. (Rec. 612, Drake.)

Neither Hugh Drake nor his brother, Oscar Drake, impressed the committee by frankness in their testimony. A representative of the committee called upon each of them very early in the investigation and each failed to give him any information concerning Seymour's participation, or of the Fort Kearney Hotel conference. An honest statement on the part of either would have saved the committee much time and money; Oscar Drake, excused at the hearing of October 22–23, on condition that he be available at the hearing of November 17, not only did not present himself for further questioning, but could not be located by the United States marshal with subpœna. Hugh Drake's manner of testifying is best illustrated by the remark of Senator DALE,

"* * * if the committee is smart enough to think up some question that they can catch you on you are willing to be caught, but you don't propose to be caught * * *." (Rec. 635, Drake.)

The testimony of Hugh and Oscar Drake is widely as variance upon many material points, and the committee can not avoid the conclusion that if the two Drakes were not party to the procurement of "Grocer" Norris, they did at least have a guilty knowledge.

The reason for Johnson's participation or interest in the grocer's filing is not entirely clear on the record; he was present at the Fort Kearney Hotel conference, and personally delivered the $50 filing fee and $500 bond (received from Seymour) to Norris; the grocer's two applications for place on the ballot were sworn to in his office. On the other hand, the evidence is that he stated he would advise the grocer not to be a candidate for any office whatever. (Rec. 618–636–637, Drake.) "Grocer" Norris, and not Johnson, was expected at the conference at the Fort Kearney Hotel, in person (Rec. 638, Drake), but apparently the grocer asked Johnson to go in his stead. The record is not clear that either "Grocer" Norris or Johnson expected to find Seymour there, or anyone else other than the two Drakes.

While the committee has not been able to locate definitely any funds used in the procurement of "Grocer" Norris's candidacy except the $850 furnished by Stebbins, the fact remains that Norris had a good job as manager of a chain grocery which paid him about $4,200 a year and which he knew he would have to resign as soon as he became a candidate for the Senate. It is unreasonable, therefore, to believe that the $500 Liberty bond which he personally received would have constituted a sufficient inducement. On the contrary he stated in the presence of one witness that "there would be big money in it." (Rec. 294, Johnson.) That such "big money" would have been forthcoming if "Grocer" Norris had been permitted to remain on the ballot, not only to compensate him but to conduct a vigorous campaign in his behalf, appears therefore to be an inescapable conclusion.

THE M'KELVIE FUND

One William M. Stebbins, then State treasurer of Nebraska, was the final candidate in the Republican primary against Senator Norris. Among the contributions to his campaign fund was one of $2,500 on July 28, listed as being from "Chas. T. Knapp (personal and miscellaneous contributions)," and, on July 29, one of $250, listed as being from "F. C. Foster." (Rec. 327.)

It developed that both of these were from funds advanced by Samuel R. McKelvie, member of the Federal Farm Board, and until July 18 a candidate by petition in the senatorial primary. Mr. McKelvie, on July 21, 1930, gave one Max V. Beghtol, Lincoln attorney, his checks for $3,500 on Munsey Trust Co., Washington, and $6,500 on Continental National Bank, of Lincoln, Nebr., a total of $10,000 (Rec. 799–800, McKelvie), with instructions to Beghtol to use any or all of the money as he saw fit to assist in financing the campaign of Mr. Stebbins (Rec. 800, McKelvie).

None of this money was directly contributed in the name of McKelvie, but Beghtol made a trip to Chicago and gave Charles T. Knapp, president of Continental National Bank, of Lincoln, Nebr., and a real-estate operator in Chicago, Ill., upon July 25, 1930, his, Beghtol's, personal check for $2,500. Knapp deposited this, and in turn gave Beghtol the check of Charles T. Knapp & Co., 105 West Adams, Chicago, for $2,500, payable to and indorsed by Charles T. Knapp, which Beghtol in turn delivered to E. B. Stephenson, treasurer of the Stebbins senatorial primary campaign committee. (Rec. 787, Knapp.)

The witnesses are not entirely clear as to why this juggling of checks was carried out. Mr. McKelvie (Rec. 805) states that he did not care whether or not the contribution became public. Mr. Knapp (Rec. 787) suggests it was thought due to McKelvie's public position, and that it would be a waste of money, it would be better to make the contribution indirectly.

It appears Beghtol used only $2,850 of this $10,000 for the Stebbins primary campaign. (Rec. 800, McKelvie.) Besides the $2,500 previously mentioned, Beghtol stated to an agent of the committee, that he had given an additional check for $350 to F. C. Foster, an attorney at Lincoln, Nebr., to contribute to the Stebbins campaign. However, the statement of contributions credits Mr. Foster with only $250. As neither Beghtol nor Foster has been before the committee the discrepancy has not been explained.

Mr. McKelvie states the $10,000 was his own money and that it was not donated or advanced by anyone else. He further states Mr. Beghtol advised him he had applied the unusued balance, $7,150, to a note for $10,000 which he, McKelvie, owed Mr. Knapp for bank stock purchased some years prior. (Rec. 801, McKelvie.)

It is of record that Seymour and McKelvie were occasionally in telephonic communication, to wit, May 28, July 5, July 8, and July 10, 1930. Mr. McKelvie's memory is not clear as to the nature of these calls, but believes they were in reference to his desire to secure employment for Seymour. It does not appear just what this appointment was, nor whether it was the appointment Mr. Seymour afterwards secured with the Republican senatorial committee at Denver. (Rec. 810–811, McKelvie.)

Mr. McKelvie's name had been presented by petition as a candidate for the Senate; he had until July 18 to accept a place on the ballot, but did not do so. Mr. E. P. Brown, of Lancaster County, Nebr., made the petition filing for Mr. McKelvie. (Rec. 797, McKelvie.) Mr. Brown was a frequent visitor to the Seymour office, was there a great deal of the time, and seemed to be a part of the office organization. (Rec. 350, Alton.)

THE M'CLOUD CONTRIBUTION

During the Stebbins's primary campaign, E. B. Stephenson, Lincoln banker and insurance man, was treasurer of his committee. Mr. Stephenson urged or solicited Mr. Charles A. McCloud, of York, Nebr., for a campaign contribution. McCloud was the Nebraska Republican national committeeman. He opposed Senator NORRIS, but on account of his position with the national committee was reluctant to contribute openly. McCloud furnished the Stebbins chest with between $800 and $1,200, the exact amount being doubtful, but he believes it to be about $1,100. (Rec. 648, McCloud.) He concealed the source of this money by giving his own funds to various individuals, taking their checks for the respective amounts, and sending them to Mr. Stephenson. (Rec. 644, McCloud.) He states this was at no one's suggestion, but that he was contributing his own money, was national committeeman, and was trying to conceal it. (Rec. 645, McCloud.)

NEBRASKA TAXPAYERS LEAGUE

The committee's inquiry into the activities of the Nebraska Taxpayers League was occasioned by the publication on the morning of November 4, 1930, of a large advertisement in the daily papers throughout Nebraska stating in effect that men representing themselves as connected with the Committee on Senatorial Campaign Expenditures had called upon William F. Adams (Rec.

541, Adams), head of the Taxpayers League, and had coerced him into signing an affidavit wherein he repudiated certain literature (Rec. 569, Binfield) that had previously been sent out under his name as head of the Nebraska Taxpayers League. The testimony reveals that this advertisement was prepared by Morris Jacobs, of Bozell & Jacobs, advertising agents and publicity men for the Nebraska Power Co., at the dictation of Bernard McNeny, an attorney of Red Cloud, Nebr., and in the office of Thorne Browne (Rec. 527, 652, Jacobs), secretary of one division of the National Electric Light Association, and a secretary of an association of electric-light companies in Nebraska (Rec. 775, Browne). McNeny and Browne assumed responsibility for the payment of this advertising. (Rec. 762, McNeny; 783, Browne.)

The Nebraska Taxpayers League was organized in February, 1930; Adams called this organization meeting at the instance of McNeny, and it was attended by these two and three other persons. (Rec. 543, Adams.) Adams testified that the league was to have been financed probably by membership assessment, but they had never reached that point before expenditures were made for radio broadcasting and newspaper advertising and that those items were paid for by McNeny. (Rec. 541, Adams.)

Adams stated that the purpose of the organization was to lend itself against all measures that were going to increase taxation. (Rec. 544, Adams.) However, the only activity in which it did engage seems to have been its opposition to the so-called Sorenson power measure. In this opposition the policies of the league were dictated by McNeny, who worked in close cooperation with representatives of the power interests in Nebraska. (Rec. 761-762, McNeny.)

The so-called Sorenson measure derived its name from Attorney General C. A. Sorenson, of Nebraska, chairman of the Peoples Light & Power Association, who drafted the measure in the form of a petition bill, known as proposition 324, to be voted on at the general election held on November 4, 1930. The measure allowed publicly owned light and power plants to extend their lines into the country, so as to serve neighboring farmers. (Rec. 545, Adams.)

Soon after the petitions were circulated for this proposition it developed that petitions were being circulated for two other measures, one of which was so nearly identical in its terms with proposition 324 as to cause confusion comparable to that caused by the filing of Grocer Norris as a candidate for the Senate. These two latter measures were known as propositions 322 and 326. Proposition 326 employed the identical language and form of the so-called Sorensen measure except that the provision was made that before any municipality could extend its lines to serve rural patrons such proposed extension would have to be approved at a special election for the purpose. (Rec. 561, Beals.)

It developed that the petitions for propositions 322 and 326 were circulated by and under the direction of Frank P. Corrick. He stated he was doing the work for Nebraska Taxpayers League and was employed by McNeny and Adams. (Rec. 764, Corrick.) Corrick was to get $1,000 for his work. (Rec. 765, Corrick.) McNeny contributed $500 and among the other contributors was Thorne Browne, hereinabove mentioned. (Rec. 765, Corrick.) Adams stated that Corrick attempted to get Adams to accept $250 of the amount McNeny contributed and return it again to Corrick as a donation from Nebraska Taxpayers League. (Rec. 571, Madgett; 768, Corrick.) Adams refused to do this. Among other contributors to the fund was George A. Lee, an attorney for the Iowa-Nebraska Power Co. (Rec. 766, Corrick.)

The committee called Adams and other witnesses regarding the use of its name in connection with the alleged intimidation and clearly developed the fact that there was no substantial basis for the published charge. (Rec. 568-571, Binfield.)

THE LUCAS EXPENDITURES

Following Senator NORRIS's primary victory certain "regular Republicans" organized the Nebraska Hitchcock Republican Club, but apparently its object was not so much in behalf of Gilbert M. Hitchcock, the Democratic nominee, as against Senator NORRIS. E. B. Stephenson, a life-long "regular" Republican, formerly treasurer of the Stebbins committee, became its treasurer, and was at all times the driving force behind its operations.

Robert H. Lucas, executive director of the Republican National Committee, some time after the primary, conferred with Samuel R. McKelvie and states that McKelvie was apprehensive that Senator NORRIS would be reelected with the Democratic vote, although great numbers of regular Republicans were going to support Hitchcock. (Rec. 860, Lucas.) Stephenson was expected in Washington by McKelvie, who arranged to have him meet Lucas. Lucas, McKelvie, and Stephenson did in fact meet and discuss senatorial situation, and later Lucas and Stephenson had a further discussion. (Rec. 860, Lucas.)

Lucas promised Stephenson active support in the campaign against Senator NORRIS. (Rec. 861, Lucas.) Mrs. Lulah Andrews, director Bureau of Industrial Housing and Transportation, of the Department of Labor, and former vice chairman of the Nebraska Republican State Committee, also discussed the senatorial situation with Lucas, from an anti-NORRIS standpoint. (Rec. 860, Lucas.)

Following these conferences, Lucas, on or about October 18, 1930 (Rec. 923, Johnson), ordered $4,237.27 of pamphlets, cartoons, and other literature from the Independent Publishing Co., of Washington, D. C.; of this $752.52 worth of literature was specifically directed against Senator NORRIS. This consisted of a barroom cartoon suggesting Senator NORRIS favored the return of the saloon, a facsimile of an alleged letter purporting to come from a Tammany organization urging Democratic support of Senator NORRIS, and a booklet made up of reprints and editorials from hostile papers. (Rec. 825, Exhibits C, D, E, Blackwell.)

The balance of the above-mentioned literature was sent to other States in support of Republican candidates. That sent to Nebraska is the only instance where Lucas used it in opposition to a Republican nominee.

This transaction was shrouded with the utmost secrecy. The staff in charge of the execution and billing of the work were kept in ignorance of the real source of the work, but were told instead that the Nebraska order came from one John M. Fetters, of Omaha, Nebr. No person of this name could be located. They were also told the item was paid for by Fetters in cash, and it was so carried in the printing company's records. Finally, Charles F. Stengle, an executive of the publishing company, testified (Rec. 835, Stengle) that he was compelled to violate confidences in testifying truthfully, and that the order had been placed by Mr. Lucas, who had instructed that the order be placed in the name of Fetters (Rec. 835, Stengle) and that the finished order be shipped to E. B. Stephenson, treasurer of the Hitchcock Republican Club in Lincoln.

It developed that the apparent intent was to keep Lucas's part in the transaction even more secret than the records of the publishing company indicated, as even the listing of the item in the cashbooks of the publisher was a slip, and done by the bookkeeper under a misapprehension. (Rec. 929, Johnson.) No charge was made upon the books for either stock or labor used in this job, it being absorbed in the printing of a newspaper, the Fellowship Forum, also done by this firm.

Mr. Lucas also had the Nebraska literature sent directly by the publishing company to about 3,000 precinct committeemen in Nebraska, by mail, using the headquarters' list of the Republican National Committee. (Rec. 870, Lucas.) The cost of envelopes, postage, addressing, folding, and inserting the literature was not charged to the job, but was apparently absorbed in the general costs of the publishing company.

Lucas claimed that he paid the printing bill, aggregating $4,237.27, out of his own funds, and that he borrowed $4,000 with which to do it. (Rec. 865, Lucas.) He states:

"* * * I was very willing to make my personal contribution * * * and I couldn't do that through the committee and be entirely proper * * *."

However, upon October 23, 1930, a special fund of $40,000 of the Republican National Committee was placed under the control of Mr. Lucas in the Commercial National Bank of Washington under the following conditions:

COMMERCIAL NATIONAL BANK,
Washington, D. C.

GENTLEMEN: I am handing you herewith check payable to the order of the Commercial National Bank, $40,000, to open an account in the name of the Republican National Committee, special, J. R. Nutt, treasurer. Please honor checks on this account signed by Robert H. Lucas, executive director, and also my signature as treasurer, either one. Just one signature required.

I am placing this special account with you for the convenience of Mr. Lucas, who will handle everything in connection with it.

Yours very truly,

J. R. NUTT, *Treasurer.*

(Rec. 880, Cooper.)

The note given by Mr. Lucas after the publishing company had demanded payment in connection therewith the following memorandum, a part of the bank's record pertaining to the loan:

DECEMBER 3, 1930.

The undernoted securities hypothecated with note for $4,000 due January 2, 1931, have been received from and will be held subject to the order of Robert H. Lucas, side collateral, guaranteed by letter Republican National Committee, authorizing the withholding of $4,000 in special account. (Initialed by custodian.) (Rec. 887, Cooper.)

The letter above mentioned is as follows:

COMMERCIAL NATIONAL BANK,
Washington, D. C., December 3, 1930.

GENTLEMEN: You are requested to loan to Mr. Robert H. Lucas, $4,000 to be evidenced by his personal note, dated to-day, payable 30 days after date, and in consideration of your making said loan, which Mr. Lucas may, in his own discretion, renew from time to time, either in full or curtail, hold $4,000 of the balance on your books in the special account of the Republican National Committee as security.

Very truly yours,

REPUBLICAN NATIONAL COMMITTEE,
By ROBERT H. LUCAS.

(Rec. 877, Cooper.)

The treasurer of the Republican National Committee, Mr. J. R. Nutt, states the $40,000 fund was placed at Mr. Lucas's disposal exclusively for use in congressional contests (Rec. 935, Nutt), and that Lucas had exceeded his authority in pledging any part of it for the loan (Rec. 938, Nutt), and that Lucas did not advise him of the transaction. When he did learn of it, through the press, he personally loaned Lucas the necessary funds to take up the note. (Rec. 943, Nutt.)

In respect to the pledge, Mr. Nutt says:

"I don't think the security amounts to a snap of your finger. I don't think they had any, because there was not anyone that had the right to pledge that account for any purpose." (Rec. 943, Nutt.)

The fact can not be avoided, however, that Mr. Nutt's orders to the bank placed the account at Mr. Lucas's disposal without restriction or condition of any kind; on the contrary, the bank was specifically advised that Mr. Lucas "will handle everything in connection with it." With such broad discretion vested in Mr. Lucas in connection with the supreme position he apparently occupied as executive director of the Republican National Committee, and the bank being under no notice as to the specific character or purpose of the fund, it is difficult to avoid the conclusion that Lucas, under the power conferred upon him in Treasurer Nutt's letter, had power to pledge the funds of the Republican National Committee as security for the loan.

WIRE TAPPING

The committee was to some extent harassed by one Charles E. Matson, attorney, of Lincoln, Nebr., who charged wire tapping by a person representing himself to be a Government agent; several letters were written by Mr. Matson to the committee on this subject, each of which he gave to the press. An investigation of the incident was immediately undertaken by the committee's representative in company with the assistant United States district attorney, and the allegation was found to be without foundation. Mr. Matson's charges carried one of an impersonation of a Federal officer. The district attorney presented this charge to the United States grand jury, which dismissed it.

Mr. Matson, although charged with knowledge that the committee had made an investigation of the matter, and that the United States district attorney had also investigated, carried his campaign to the point of writing the Vice President of the United States, which letter was also given to the press by Matson. (Rec. 749, Matson.) However, Mr. Matson admitted he was inspired to write the Vice President by an agent of Mrs. RUTH HANNA MCCORMICK, and produced a letter from one of her representatives. (Rec. 749, 757, Matson.)

Mr. Matson's specific charge in his letter to the Vice President that—

"Certainly, the conduct of Senator NYE in ignoring information I tendered him in Nebraska * * * tends to degrade the entire Senate in the estimation of the people"—

has absolutely no foundation in truth or in fact. Mr. Matson himself never interviewed any of the persons whom he claims had knowledge of the alleged wire tapping (Rec. 751, Matson), but he did know that both the United States district attorney and a representative of the committee had investigated the matter.

While the committee does not complain of any charge, however wild and unfounded, the publication of the above charge, with its natural inferences, can only be considered as a deliberate attempt to harass, annoy, and degrade the committee in the opinion of the public, and an unwarranted interference in the conduct of its duties as prescribed by Senate Resolution 215.

ATTEMPTED INTIMIDATION OF WITNESS

Miss Esther Marie Alton, who was secretary for Mr. Seymour during the "straw poll" and who typed "Grocer" Norris's candidacy announcement, appeared before the committee as witness. (Rec. 281-341, Alton.) It was her testimony which definitely connected Seymour with the Norris candidacy.

She testified (Rec. 285, Alton) that Frank Marsh, secretary of state for Nebraska, among others, was a visitor at the offices of Seymour. Following this testimony, Mr. Marsh called on Senators NYE and DALE and complained of this testimony, but at the same time admitted that he had been a visitor there. (Rec. 359.)

Upon November 14, 1930, Mr. Marsh, with William M. Byrkit and Minor S. Bacon, called upon Miss Alton at her place of employment in Lincoln, and attempted to coerce her into signing an affidavit the effect of which would have been to impeach the testimony she had previously given before the committee respecting Mr. Marsh. Miss Alton was told that "there was danger of her later being arrested for perjury * * * if she didn't sign the affidavit." (Rec. 533, Bacon.)

Mr. NYE. Mr. President, there have been so many inquiries with relation to the plans of the committee as to its report covering the Pennsylvania investigation that I feel it proper at this time to advise the Senate that the committee fully intends to have its report upon that question before the Senate on Monday next.

PRINTING OF EXECUTIVE JOURNAL

Mr. SHIPSTEAD. From the Committee on Printing I report back favorably with an amendment Senate resolution 477, and ask unanimous consent for its immediate consideration. I call the attention of the Senator from Montana to the resolution.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 477) submitted by Mr. BORAH on Thursday, February 26, 1931, as follows:

Resolved, That the entire Executive Journal from the end of the Fifty-seventh Congress, special session, the date to which said proceedings have already been printed and published by order of the Senate, to the end of the Seventy-first Congress, third session, be printed under direction of the Secretary of the Senate, with a suitable index to each volume, and that 500 copies be printed.

Resolved, That the injunction of secrecy be not removed therefrom until said printing has been completed, nor until so ordered by the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WALSH of Montana. I have no objection to the consideration of the resolution, but I have an amendment I wish to offer to it.

Mr. MCNARY. I should like to inquire of the Senator from Minnesota if the resolution has been acted on by the Committee on Printing?

Mr. SHIPSTEAD. I polled the committee on reporting the resolution.

Mr. MCNARY. I should like to have the amendment read.

The VICE PRESIDENT. First the Chair will inquire if there is objection to the consideration of the resolution at this time? The Chair hears none, and the resolution is before the Senate. The amendment reported by the Committee on Printing will be stated.

The CHIEF CLERK. In line 10, after the word "completed," it is proposed to strike out the word "nor" and to insert the word "or," so as to read:

Resolved, That the injunction of secrecy be not removed therefrom until said printing has been completed or until so ordered by the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH of Montana. I offer an amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The CHIEF CLERK. It is proposed to add at the end of the resolution the following:

Provided, however, That the counsel in any proceeding instituted pursuant to Senate Resolution No. 415, or any person deputed by any of them for that purpose, may have access to and the right to take copies of any portion of the said journal and to use the same in such proceeding.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

Mr. FESS. Mr. President, I should like to ask if this resolution includes the Journal up to the end of this session?

Mr. FLETCHER. I think it does; the resolution itself so provides.

Mr. FESS. My inquiry is inspired by the objections to the approval of the Journal of the last few days.

Mr. SHIPSTEAD. It was the intention that the resolution should cover the Journal up to the end of the present session.

Mr. LA FOLLETTE. Mr. President, may I inquire whether the adoption of the resolution will result in the approval of the Journal which has not yet been approved?

The VICE PRESIDENT. The resolution relates to the Executive Journal.

Mr. LA FOLLETTE. Then I withdraw any objection.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The resolution, as amended, was agreed to.

UNITED STATES AS PARTY DEFENDANT

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution coming from the House of Representatives and calls the attention of the Senator from Montana to it. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 52), as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House (H. R. 980) to permit the United States to be made a party defendant in certain cases, heretofore agreed to by the two Houses, be amended by adding at the end of the amendment agreed to in the report the following new section:

"SEC. 7. This act shall not apply to any lien of the United States held by it or for its benefit under the Federal reclamation laws."

Mr. WALSH of Montana. I ask that the concurrent resolution be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The concurrent resolution will be referred to the Committee on the Judiciary.

MISSISSIPPI RIVER BRIDGE AT NEW BOSTON, ILL.

Mr. BROOKHART. Mr. President, on February 17 a bill was passed providing for a bridge across the Mississippi River at New Boston, Ill., into Iowa. There is a defect in that bill in that it is not according to the form which is being followed by the committees of the House and the Senate, respectively. There is no way to get such a bill through at this session unless it be repassed in the Senate and sent to the House for their calendar call on Monday evening. I, therefore, ask unanimous consent that I may introduce the bill in the form as reported to the House and that it may be considered at this time.

The VICE PRESIDENT. Is this an ordinary bridge bill?

Mr. BROOKHART. It is in the usual form; yes.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill (S. 6266) authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill., was read twice by its title, and by unanimous consent was considered, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 5904) relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 778. An act for the relief of Jeannette Weir;

H. R. 834. An act for the relief of John W. Barnum;

H. R. 1709. An act for the relief of Hedwig Grassman Stehn;

H. R. 4242. An act for the relief of Fred W. Boschen, lieutenant colonel, Finance Department, United States Army;

H. R. 5314. An act for the relief of W. A. Blankenship;

H. R. 7175. An act for the relief of Arthur A. Burn, sr., and J. K. Ryland;

H. R. 7520. An act for the relief of the estate of Clarendon Davis;

H. R. 7798. An act for the relief of Mrs. Lawrence Chlebek;

H. R. 8172. An act for the relief of William T. Roche;

H. R. 8585. An act for the relief of Maj. Thomas J. Berry;

H. R. 8998. An act for the relief of Dr. Luis H. Debayle;

H. R. 9526. An act for the relief of G. Carroll Ross;

H. R. 10888. An act for the relief of Margaret V. Pearson;

H. R. 11189. An act for the relief of Fritz Zoller;

H. R. 11464. An act for the relief of Charles A. Holder;

H. R. 11839. An act for the relief of Galen E. Lichty;

H. R. 12158. An act authorizing the Secretary of the Treasury to refund to the so-called assistant directors in the public schools of the District of Columbia, divisions 10–13, all that portion of their salaries erroneously and illegally deducted and withheld under the provisions of the act of June 20, 1906;

H. R. 12184. An act for the relief of C. B. Bellows;

H. R. 12239. An act for the relief of Lela B. Smith; and

H. R. 12679. An act for the relief of Kenneth G. Gould; to the committee on Claims.

H. R. 654. An act for the relief of Nelson M. Holderman;

H. R. 4536. An act for the relief of John S. Stotts, deceased;

H. R. 4799. An act for the relief of James Johnson;

H. R. 4858. An act for the relief of Margaret Thomkin;

H. R. 6763. An act for the relief of Albert G. Dawson;

H. R. 7525. An act for the relief of Elizabeth J. Edwards;

H. R. 7943. An act for the relief of Stuart L. Ritz;

H. R. 8848. An act for the relief of Daniel W. Seal;

H. R. 8858. An act for the relief of Elizabeth Moncravie;

H. R. 9816. An act for the relief of Thomas F. Gibbons;

H. R. 9866. An act for the relief of Walter G. Harrell;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society Daughters of the American Revolution, for use at Fort Frederick, Md.; and

H. R. 12918. An act to amend the national defense act of June 3, 1916, as amended; to the Committee on Military Affairs.

H. R. 15984. An act to amend an act entitled "An act to provide for the creation of the colonial national monument in the State of Virginia, and for other purposes," approved July 3, 1930; to the Committee on Public Lands and Surveys.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention at Berne for the Protection of Literary and Artistic Works.

Mr. CUTTING. Mr. President, in view of the elaborate analysis of the bill made by the Senator from Rhode Island [Mr. HEBERT], I merely intend to direct a few remarks to the speech made yesterday afternoon by the Senator from Washington [Mr. DILL].

I want to say, in the first place, that I have great sympathy with the objections which the Senator from Washington voiced against the bill as it came from the House. It seemed to me that the bill in that form was very severe and probably unjustifiably severe toward the innocent infringer. I fully agree with the Senator from Washington in his desire to amend the bill so as to protect the interests of the innocent infringer, which, in the long run, do not conflict with the interests of the authors and composers of our country.

As has been repeatedly stated, the reason for haste in passing this legislation is the necessity for entering the International Copyright Union before August 10, 1931. On the other hand, I do not feel that the sole justification for this legislation is the desire to enter into the union. I have a good deal of sympathy with what the Senator from Washington said yesterday afternoon, when he stated:

> I am not particularly impressed that because other countries, with their kind of government, their customs, their censorships, and their paternalistic systems, with their social arrangements, with their commercial and industrial methods, may have a certain system that we should adopt that system.

If the facts were as implied in that sentence of the Senator's, I should be entirely in sympathy with him; but, to my mind, the reverse is the fact. We have lagged behind other nations in the progress which they have made with regard to copyright laws. Even if there were no necessity to join the Berne convention at this time, I should still hold that the provisions of this bill were more advantageous not only to the authors and composers but to the people of this country in general than the provisions which exist under the present law.

The Senator from Washington stated that he had repeatedly asked that anyone should give him one good reason for the adoption of a system of automatic copyrights. I wonder whether the question should not be put the other way. The Senate realizes that practically every other civilized nation on the face of the earth is operating to-day under the automatic-copyright provision, and most of them have been doing so for some time. The Soviet Government, the Senate will understand, is an exception to all rules of this kind. In Russia there is no such thing as private property, and therefore there is no copyright of any kind. With that exception, I think the United States and Siam and, perhaps, a few minor powers are about the only ones who are now operating under the antiquated system of compulsory registration.

Moreover, it seems to me that the automatic provision is in itself a natural and just provision.

A man who creates a literary work or a work of art has a distinct natural right to the product of his labor. When a man who owns certain materials makes a chair or a table out of them, he owns the piece of furniture. He is not obliged to register, or give notice to any one, or mark it with his name, in order to be protected in his rights.

Mr. DILL. Mr. President, will the Senator yield?

Mr. CUTTING. Yes; I yield to the Senator from Washington.

Mr. DILL. The Senator, of course, does not mean that to be taken as a reason why a person should not mark copyrighted material that can not be bought and sold and can not be reproduced without paying a royalty.

Mr. CUTTING. No. I am just trying to get down to bedrock, to see what the reason is for the provision which has been adopted in this country, and used to be adopted in other countries, for the registration of this material. In other words, it seems to me that the question is rather "Is there any good reason for the registration system?" than "Is there any good reason for the automatic copyright?"

Mr. DILL. Mr. President, will the Senator yield further?

Mr. CUTTING. I yield to the Senator.

Mr. DILL. How does the Senator expect the public to know that there is a monopoly in being, and when the monopoly will expire, if there is no registration or notice?

Mr. CUTTING. If the Senator does not object I would rather come to that a little bit later in my argument.

Mr. DILL. How can they distinguish the new creation from those already in the public domain without registration and notice? I am speaking from the public standpoint, now, as against the standpoint of complete monopoly.

Mr. CUTTING. Mr. President, if the Senator does not object, I should like to answer that question a little later on; but as long as the question of monopoly has been brought up, I might say that I do not think copyright legislation creates a monopoly in the usual sense of the word. It seems to me there is a very great distinction between the monopoly created by a patent, for instance, and the system created by a copyright.

A patent creates a real monopoly. A man who has invented something and patents it prevents the public from using it. He may create a strangle hold on that particular thing if it is an invention which has to be used by manufacturers. On the other hand, he may decide not to put it on the market at all and put it to no use. In either case, he has complete control over the idea. If somebody else independently should think of the same idea, he has no right to manufacture an article which embodies it.

A copyright is something entirely different. It merely preserves the rights which the author originally had in the work which he created. It does not bar other people from using the same idea. It merely bars them from using the particular form which the author used. It is a matter of the actual form and not the substance. There is even some justification for the extreme position which was taken by Mark Twain and a great many others that for that reason copyrights should be perpetual. Of course, that is not feasible under our Constitution; but the actual passage of a copyright statute, it seems to me, is a limitation of a natural right rather than the creation of a monopoly. It is taking away from the exclusive right which a man had before his work was published.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New Mexico yield to the Senator from Washington?

Mr. CUTTING. I do.

Mr. DILL. It is not the right which the man has when he creates his work that is a monopoly as much as it is the right that the law gives him when he publishes it, when he reproduces it, when he vends it among the people of the country where the law is effective. That is a monopoly granted specifically by the statute, and without the statute he would not have any such monopoly; and that monopoly runs against the public. Since the public must pay the added expense of it, I again ask: Why should he not put his name upon it, and why not register it?

Mr. CUTTING. If this right runs against the public, it runs equally whether his name is on the work or not. The only question as to which the public is in doubt is whether this particular man owns the right or some other individual owns it. The members of the public are aware that they do not own it.

Mr. DILL. That is exactly true; and, because that is true, it is doubly important that the public shall know whose copyright it is, and when that copyright ends.

Mr. CUTTING. In a general way I agree with the Senator, and I think his amendment protecting the innocent infringer is quite right. I should like, however, to get back to the point I was discussing when I started out; namely, how this kind of legislation originated.

Mr. DILL. I do not want to interrupt the Senator further, other than to say this: I can not sit silent and allow to go unchallenged the argument that because somebody creates something, the Government is under obligation to give him a private monopoly in the manufacture and sale and vending of that work. I maintain that the Government is under no obligation except that which follows a privilege granted; and when it does that, he owes something to the public against whom the monopoly runs.

I shall try not to interrupt the Senator again.

Mr. CUTTING. Of course, what the Senator says is quite obvious, stated in that way. The Government is under no obligation. The Government, when it was first founded, placed in its Constitution this particular provision because it thought it of general public benefit; but I am trying to get back to the original foundation of legislation of this sort.

On looking up the matter I find that this copyright legislation traces its origin really to the printing press. After the invention of printing the unlimited autocracies which existed at that time were alarmed at the spread of printed matter, and they insisted that printers should have licenses before they could print works. They started the copyright system at that time. The Crown in Great Britain gave itself the copyright on a great many works, such as the Bible and the Prayer Book and the statutes and law reports, and it limited very strictly the right of anyone else to print matter of any sort at all. The laws became more and more complicated, and were codified in the time of Queen Anne in 1709; and that is where the provision was originally found that books, in order to be copyrighted, must be registered.

The statute of 1709 was copied almost verbatim in the first American statute of 1790. It is only in that sense that the system can be called an American system. It is true that prior to the statute of 1790 some of the Colonies had passed legislation in conformity with the statute of Queen Anne; but this legislation requiring registration in order to maintain a man's right in his own work was adopted in 1709, when Great Britain had legislation which permitted the burning of witches. This system is no more an American system than the system of witch burning could be called an American system.

The nations which adopted it at that time have, with practically no exceptions other than our own, rejected it. They have found that it did not work. They have substituted the automatic provision in its place.

The Senate is not asked to adopt legislation of this kind because other nations have adopted it, but because the experience of other nations have shown that it is a better system than the system which they rejected, and which we are now asked to reject.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. CUTTING. I yield to the Senator from Michigan.

Mr. COUZENS. I wonder if the Senator, at that point, could tell us just why the past system has not worked. Just in what respect has it not worked, outside of international relations?

Mr. CUTTING. It leads to almost unlimited complications in border-line cases, where the smallest error in registration may create an impossible situation.

I want to explain to the Senator that even under the pending legislation registration will be the rule rather than the exception. This measure does not prevent anyone from registering. On the contrary, the registration provisions are there. They will be used by practically everyone who sets any particular value on his work. The difference is that the failure to register will not deprive a man of the original right which he had in his work.

The Senator from Arkansas [Mr. ROBINSON] yesterday asked what I considered a very pertinent question. He was discussing the 70-year limit on the copyright, the increase of the time limit to 70 years; and he said:

Assuming that a work is published in 1931, and 69 years later some one, without any notice, and without any information other than the knowledge that he himself did not write the book, which he undoubtedly would have, infringed a copyright, and the owner of the copyright brought suit. How would he establish that the suit was within the limitation of 70 years?

Of course, under the situation imagined by the Senator from Arkansas, it probably would be impossible for that man to establish the fact of his copyright. When he brings suit, the first thing he has to establish is that he has a copyright in this particular work. If he can not establish that, as this man undoubtedly could not, his case would be thrown out at once. The man who really values his product will have it registered, whether under this system or some other.

Mr. DILL. Mr. President, will the Senator yield there?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Washington?

Mr. CUTTING. I do.

Mr. DILL. Does not the Senator think that there are those who might not register a copyright for the very purpose of being able to bring suit and make a great deal of trouble and get a settlement where otherwise they would collect very small fees?

Mr. CUTTING. The case mentioned by the Senator from Arkansas [Mr. ROBINSON] was the case of a man who had been dead for some 30 or 40 years, and whose family had no record as to when the work had been published. I see that the objection which the Senator from Washington now states might lie against the bill as it came from the House, but I am favoring the amendment suggested by the Senator from Washington on that point.

Mr. DILL. I appreciate that.

Mr. CUTTING. After that has been adopted, the only thing this man can do, if he has not registered or has not given notice, is to enjoin the copier; and I think, with that provision in it, that there is not much danger of any serious disturbance.

Mr. FLETCHER. Mr. President, may I inquire from the Senator what the author has to do in order to establish that he has a copyright? How does he establish that he has a copyright?

Mr. CUTTING. He can prove that by any means in his power. If he has registered, of course, that is sufficient proof. If he has not registered, he will have to prove it in some other way; but, under the amendment proposed by the Senator from Washington, if he has not registered he can not collect any damages. He can merely enjoin the copier from taking his work in the future.

There are one or two minor matters I should like to speak about, as long as I have the floor.

This bill contains in section 28 a provision that no American citizen may buy an English edition of a book published in both countries without the permission of the American publisher.

A great deal of objection has been raised to that, and I think justly. I do not believe in limiting the right of the American buyer to that extent, in view of the fact that in many cases the English book is an entirely different book, and has different matter in it. But I am convinced that an amendment to that section would imperil the whole legislation.

Mr. DILL. Mr. President, why does the Senator say that an amendment to the section which would prevent an American citizen from buying an English edition of a book without the permission of the American publisher would imperil the legislation?

Mr. CUTTING. Because this legislation, as it is now proposed, constitutes a compromise between so many different interests, that I feel—in fact, I may say I know—from what I have heard from well-informed people in all parts of this Capitol, that such an amendment would have no chance of remaining in the bill under any circumstances, and that it might endanger the chances of passing the legislation, which, as the Senator realizes, ought to be passed now.

My position is this, that the immediate thing now is to get into the International Copyright Union. That is the only reason for haste. It is not the only reason for this legislation, but it is the principal reason for passing the legislation at the present time.

If the legislation does not work out as well as some of us hope that it will, we can always provide amendments of that sort at future sessions of the Congress.

Mr. DILL. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. DILL. I have not very much sympathy with the argument that we can not put this or that amendment on the bill because it would imperil the bill. I do not think it is half so important that we shall get into the International Copyright Union as it is that we shall pass a bill that will be fair to the American people. I am not concerned so much about the different factions around here as I am in the protection of the interests of the American public. What is there about permitting a man to order a book direct from the English publisher, or the French publisher, or anybody else, a single copy, that is so dangerous that it would overturn this legislation?

Mr. CUTTING. The argument made against it is that the books ordered abroad are cheaper, and that if the American public realized that fact they would all, presumably, buy their books abroad, and it would take away that amount of business from the American manufacturer and the American laborer. I am not saying I am in sympathy with that argument, but I am saying that it is an argument which is very potent, and one which, I think, would destroy the chances of the passage of the bill at the present time. I would rather amend that section later on and get into the union at the present time.

I will state to the Senator that if we were not in the last days of the session, I might take a very different view of this particular matter.

Mr. DILL. Of course, the Senator knows that it is simply ridiculous to say that the American people would buy all their books abroad, ordering them directly, if they are limited to one copy each. That is simply ridiculous. I want to say, frankly, that I feel less informed about this book section than about any other part of the bill. I have not been able to understand fully all of the provisions and their effects, because I have had only a short time to consider the bill. But I am rather impressed by the Senator's judgment. I had hoped American citizens might have the right we now have, to get a single copy abroad if we wanted it. The American public should still have some rights in this country, even if there are composers and publishers.

Mr. CUTTING. Personally, I should much prefer the bill in that form.

Mr. DILL. I wish the Senator would offer an amendment to that effect.

Mr. CUTTING. I have made up my mind not to offer an amendment along that line, because both the Senator in charge of the bill and the people who know most about the parliamentary situation assure me that such an amendment would gravely imperil the success of the bill as a whole.

The Senator from Rhode Island [Mr. HEBERT] has devoted an enormous amount of time to this legislation. The bill has been amended and substantially liberalized in the Committee on Patents. The committee has suggested a great many amendments which I hope will be agreed to. The Senator in charge of the bill is prepared, no doubt, to accept one or two other amendments from the floor. But I beg friends of the legislation to follow the Senator from Rhode Island in the recommendations which he makes as to individual amendments, because I fear that at this late date

that is the only way we are going to accomplish the purposes which friends of this legislation have in mind.

Mr. DILL. Mr. President, I just want to say, in response to that, that the Senator from Rhode Island might be wrong. I do not want the Senate to follow the Senator from Rhode Island just on the mere ipsi dixit of the Senator from New Mexico. I have great respect and regard for the Senator from Rhode Island, but I differ from him on some things, and I would not be an independent thinker if I did not. I think the Senator from Rhode Island is wrong as to some provisions of the bill.

Mr. HEBERT. Mr. President, I suggest that we proceed with the reading of the bill by sections, and that we consider the committee amendments to the sections as they are reached, all the way through the bill. Thereafter we can take up other amendments to the various sections of the bill.

Mr. DILL. Does the Senator think we ought to have a whole section read, or just have subsections read?

Mr. HEBERT. I think we ought to have a whole section before us, because one subsection hinges on another.

Mr. DILL. Some of these sections are quite long, four or five pages long, and it seemed to me that it might be better to take it up by subsections. But I have no objection to the suggestion.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read.

The Chief Clerk proceeded to read the bill.

The first amendment of the committee was on page 2, line 14, to strike out the word " or " and to insert " and/or," so as to read:

To dramatize and/or make a motion picture with or without sound and/or dialogue of said work if it be a nondramatic work.

The amendment was agreed to.

Mr. KING. Mr. President, having been detained in a committee meeting, I am not acquainted with what progress has been made with the bill. May I ask the Senator what explanation was offered in regard to the provision on page 1, beginning with the first paragraph? It reads as follows:

That copyright throughout the United States and its dependencies is hereby secured and granted to authors, subject to the provisions of this act, without compliance with any conditions or formalities whatever, from and after the creation of their work and for the term hereinafter provided, in all their writings—

And so forth.

Is it the Senator's understanding that under this bill a copyright may be obtained without " any formality whatever," without filing with an agency of the Government an application for copyright? May a person entertain a thought, not expressed or written, for an indefinite period and secure the protection afforded by a copyright?

Mr. HEBERT. Mr. President, I discussed that matter quite at some length yesterday. The junior Senator from Washington [Mr. DILL] also explained it, and just now the junior Senator from New Mexico [Mr. CUTTING] went over it a third time.

Mr. KING. I regret that some Senators, I among them, have been in committees and were not able to be here during the entire session yesterday.

Mr. HEBERT. I will say, briefly, for the information of the Senator, that immediately a work is created, and without complying with any formality whatsoever, the author or artist or composer obtains copyright in that work.

There is one step further. When he seeks to get damages for an infringement of that copyright, as the Senator will see when we reach an amendment which is proposed further on in the bill, he must comply with giving notice or with registration before he can recover damages for infringement. This provides automatic copyright.

Mr. KING. This is an attempt to engraft upon our copyright system something which prevails in the Old World, as I understand.

Mr. HEBERT. Mr. President, it is intended to bring our legislation respecting copyrights up with that in force in practically all the civilized countries on the globe.

Mr. KING. Might it not be better to have the other countries bring their copyright systems up to ours?

Mr. DILL. Mr. President, I want to call attention to the fact that when the South American countries met and proposed an American copyright arrangement one of the things proposed at that meeting was that the owner of a copyright shall be registered. That is the American plan, as outlined at the Central American meeting two or three years ago. So that it is hardly accurate to say that it operates in all the world simply because these countries of the various unions recognize it.

Mr. KING. Mr. President, this bill, as Senators who have examined it know, is comprehensive in its scope and all-embracing in its purpose. It covers 54 pages of printed matter, and deals with existing legislation on copyrights, and repeals existing laws. It is affirmed that it is a consolidation of all laws bearing upon copyrights. I am inclined to regard with some little concern—I will not say suspicion—upon measures which aim at the consolidation of a large number of former acts, some of which may date back for a century. I have not, for lack of opportunity, given this bill the attention which its importance demands. I doubt whether a dozen Senators have read its many provisions or clearly understand its provisions. I confess that I do not understand its meaning or what effect it will have upon the matters with which it is supposed to deal.

I have had many letters and telegrams in opposition to the bill from my own State as well as from other States. In order that Senators may understand the concern in the minds of many, I am going to take the liberty of reading a few of these telegrams and letters. It is my thought that as we read the various sections of the bill the objections indicated in these letters and telegrams, if they have any merit, may be fully canvassed, and amendments adopted to meet them.

MEMORIAL TO THE SECOND DIVISION, AMERICAN EXPEDITIONARY FORCES

Mr. FESS, from the Committee on the Library, reported favorably S. J. Res. 233, to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces, with an amendment, and submitted a report (No. 1821) thereon.

Mr. REED. Mr. President, this is a joint resolution to allow the Second Division Association, at its own expense, without expense to the United States, to build a memorial in the city of Washington at such point as may be approved by the Public Buildings Commission of the District.

I hope the joint resolution may be passed, because, although a similar measure is on the House calendar, it will be difficult for them to reach it and act on it unless it is first passed by the Senate.

It is urged by General Harbord, who is the president of the association of the veterans of the Second Division. All of us are familiar with the glorious record that division made in France, and I think all of us are in sympathy with their desire to erect a suitable memorial here.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported with an amendment, on page 1, line 10, to strike out the words " along the north side of B Street NW., a short distance east of Seventeenth Street " and to insert in lieu thereof the words " in the District of Columbia," so as to read:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and is hereby, authorized and directed to grant permission to the Second Division Memorial Association, American Expeditionary Forces, through Maj. Gen. J. G. Harbord, United States Army, retired, president, or his successors in office, for the erection as a gift to the people of the United States on public grounds in the District of Columbia, a memorial to the Second Division: *Provided*, That the design and location for the memorial shall be approved by the National Commission of Fine Arts: *Provided further*, That such monument shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital and that the United States shall be put to no expense in or by the erection of said monument.

The amendment was agreed to.

without the permission of the American publisher would imperil the legislation?

individual amendments, because I fear that at this late date

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED RELIEF OF UNEMPLOYMENT

Mr. WHEELER. Mr. President, I ask unanimous consent out of order to introduce a joint resolution and to have it read.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution (S. J. Res. 261) for the relief of unemployed persons in the United States, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000,000, to be expended by the President in such manner as he shall determine, for the relief of unemployed persons throughout the United States.

Mr. WHEELER. Mr. President, I desire to ask for the immediate consideration of the joint resolution. I assume there will be no objection to it because of the fact that it merely appropriates the money to be turned over to the President of the United States to be used in his discretion. In other words, if it is not necessary to use any of the money, then the President of the United States, of course, will not use it.

I want to call attention to the fact that we are about to adjourn for a period of nine months, that we have enacted legislation for the purpose of assisting the drought-stricken farmers and other farmers throughout the United States who have no money; but nothing has been done at this session of Congress, and nothing has been offered to be done at this session of Congress, for the relief of unemployment throughout the United States, for the relief of persons who are unemployed through no fault of their own and who are willing and anxious to obtain employment.

I appreciate the fact that this comes at a late hour in the session. Nevertheless, I realize that if the Republican Party and the President of the United States have no objection to it, we could at least appropriate the money and turn it over to the President of the United States to be used by him in his discretion in the event that the unemployment situation during the absence of Congress gets to a point where it is necessary for the Government to step in and take a hand.

This morning I was talking with a gentleman from the State of Massachusetts who told me of conditions in New England. He stated that in the mill towns of Lowell, Lawrence, and Haverhill there is a tremendous lot of unemployment and suffering, that people who own property are unable to pay their taxes, and that some of the cities themselves are actually going into bankruptcy. Not only is that the situation throughout Massachusetts and in some other New England States, but it is likewise true in most of the industrial centers throughout the country. In the coal regions of the United States a great many coal miners are out of employment and the local communities are unable to look after them. The coal companies themselves in some instances are very near bankruptcy.

I can see no objection and can not see why anyone should have any objection to turning this money over to the President of the United States to be used only in his sound discretion. I hope under these circumstances that there will be no objection.

Mr. MOSES. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. WHEELER. Certainly.

Mr. MOSES. Did the Senator say in the first sentence of his statement that he assumed there would be no objection to the present consideration of the joint resolution?

Mr. WHEELER. I assumed there would be none if the Senator from New Hampshire did not object.

Mr. MOSES. I want to say that the assumption was unwarranted, because I object.

The VICE PRESIDENT. The Senator from New Hampshire objects.

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted as a part of my remarks a poem by Berton Braley, an American writer, entitled "The Bread Line."

The VICE PRESIDENT. Without objection, it is so ordered.

The poem is as follows:

THE BREAD LINE

By Berton Braley

Well, here they are—they stand and stamp and shiver
Waiting their food from some kind stranger hand,
Their weary limbs with eagerness aquiver,
Hungry and heartsick in a bounteous land.

Yes; here they are—with gaunt and pallid faces,
With limbs ill-clad and fingers stiff and blued,
Shuffling and stamping on their pavement places,
Waiting and watching for their bit of food.

We boast of vast achievements and of power,
Of human progress knowing no defeat,
Of strange new marvels every day and hour—
And here's the bread line in the wintry street.

Ten thousand years of war and peace and glory,
Of hope and work and deeds and golden schemes,
Of mighty voices raised in song and story,
Of huge inventions and of splendid dreams.

Ten thousand years replete with every wonder,
Of empires risen and of empires dead;
Yet still, while wasters roll in swollen plunder,
These broken men must stand in line—for bread.

SENATOR FROM ALABAMA

Mr. SHORTRIDGE. Mr. President, will the Senator from Utah yield to enable me to submit a resolution?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California for that purpose?

Mr. KING. I do.

Mr. SHORTRIDGE. At the request of the Committee on Privileges and Elections I submit the following resolution and ask that it be immediately considered.

The VICE PRESIDENT. Does the Senator from Utah yield for that purpose?

Mr. KING. If it provokes no discussion.

Mr. SHORTRIDGE. I do not think it will.

Mr. KING. Very well; I yield.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The resolution (S. Res. 485) was read, as follows:

Whereas on the 24th day of February, 1931, the Senate referred to the Committee on Privileges and Elections the pending contest between J. Thomas Heflin and John H. Bankhead involving the question whether the said Heflin or the said Bankhead, or either of them, is entitled to membership in the United States Senate as a Senator from the State of Alabama: Now, therefore, be it

Resolved, That the Committee on Privileges and Elections is hereby authorized to hear and determine said contest and to take such evidence as it may deem proper in order to determine the questions involved, and certify its conclusions to the Senate.

Said committee is authorized by itself or by any subcommittee to investigate the questions aforesaid, and shall have authority to act by or through such agents or representatives as it may see fit to designate.

Said committee or any subcommittee thereof shall have power to issue subpœnas and require the production of all papers, books, documents, or other evidence pertinent to said investigation, and said committee or any subcommittee thereof may sit during the sessions of the Senate and during any recess of the Senate or of the Congress, and to hold its sessions at such places as it may deem proper.

It shall have authority to employ clerks and other necessary assistance and to employ stenographers at a cost not to exceed 25 cents per 100 words, and to cause to be taken and recorded all evidence received by the committee, and to have said evidence printed for the information of the Senate.

The Sergeant at Arms of the Senate and his deputies and assistants are hereby required to attend the said Committee on Privileges and Elections or any subcommittee thereof, and to execute its directions.

The chairman of the committee and each and every member thereof is hereby empowered to administer oaths and generally have such powers and perform such duties as are necessary or incident to the exercise of the powers and duties imposed by this resolution.

Said committee shall report to the Senate at the earliest practicable date.

The cost of investigations and proceedings in pursuance of the foregoing to be paid out of the contingent fund of the Senate and not to exceed $25,000 in addition to any unexpended balance of the sum previously appropriated in Senate Resolution 467.

Mr. DILL. Mr. President, may I ask the Senator from California a question? Has the Senator consulted either of the Senators from Alabama about this matter?

Mr. SHORTRIDGE. Yes; both Senators from Alabama have been consulted.

Mr. DILL. And are they satisfied with it?

Mr. SHORTRIDGE. Yes.

Mr. DILL. I note there is no authority given the committee to seize ballot boxes or to count ballots.

Mr. SHORTRIDGE. There was a resolution passed heretofore giving full power to the committee to take possession of ballot boxes and their contents, and with the resolution now before us full power will be given to the committee or subcommittee to take possession of all necessary papers, books, and paraphernalia bearing upon the question at issue.

Mr. DILL. I asked the question only because neither Alabama Senator is present.

Mr. MOSES. Mr. President, if the Senator will permit me, the Committee on Privileges and Elections have just met, and there were present both sitting Senators from Alabama and the Senator elect from Alabama, and this proceeding was agreed upon at the meeting of the committee.

Mr. KING. Mr. President, may I say to the Senator from Washington that the committee, of which I am the ranking Democratic member, have canvassed the matter. The contestant and the contestee were present and the program suggested by the Senator from California and the Senator from New Hampshire was agreed upon. There was the utmost unanimity. I see no objection to the adoption of the resolution.

The VICE PRESIDENT. The Chair would suggest that the resolution provides for an appropriation out of the contingent fund of the Senate. Therefore under the law the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING. I suggest to the Senator from California that the resolution be referred to the Committee to Audit and Control with the request that they report it back this afternoon or early Monday morning.

Mr. DENEEN. Mr. President, the Committee to Audit and Control adjourned for the session on yesterday, but I shall call a meeting this afternoon.

Mr. KING. May I ask the Senator from Illinois if he can conceive of any objection to the execution of the will of the Senate in making the necessary appropriation contemplated?

Mr. DENEEN. None at all. We have to consider whether there are sufficient funds to pay the probable obligation.

Mr. SHORTRIDGE. Mr. President, may I ask the Chair if the rule is mandatory?

The VICE PRESIDENT. It is the law.

Mr. SHORTRIDGE. If it is the law, of course the resolution must be referred to the committee named.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DENEEN subsequently reported favorably, without amendment, the foregoing resolution from the Committee to Audit and Control the Contingent Expenses of the Senate, and it was considered by unanimous consent and agreed to.

AMENDMENT TO COPYRIGHT LAW

The Senate resumed consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the protection of literary and artistic works.

Mr. KING. Mr. President, the measure before us is one of great importance and with which I doubt not most of the Senators are in sympathy; that is, the main purposes which are sought to be accomplished have the approval of most Members of the Senate. It is a measure, however, because of its magnitude and the ground which it covers, which necessarily will excite in the minds of legislators some little apprehension as to whether important provisions may have been eliminated or there may be some hidden or covert, not intentional, provision that will result in trouble in the future.

I confess I am anxious to do anything that will afford full and complete protection to those who are giving to our country and to the world books and the products of their genius. I am particularly interested in that fact because, as I am just advised—sotto voce—some Members of the Senate, and one of them is the distinguished Senator from New Hampshire [Mr. MOSES], have become literary stars and have had their writings published in important magazines. Of course, it is important to protect the writings of literary Senators. We have so few who reach that high station that it is important that we shall afford them the fullest protection possible.

Mr. TYDINGS. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. TYDINGS. If I correctly understand the first provision in the bill, the speech of any Senator made in the Senate would be automatically copyrighted. Am I right in that assumption?

Mr. KING. Not being the interpreter of the bill, I will have to appeal to the distinguished Senator from Rhode Island [Mr. HEBERT], but I fancy that if a Senator should make a speech in front of the building it would be automatically copyrighted.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. DILL. The law forces copyright on everything that anybody produces of a literary nature—forces it on them.

Mr. KING. Mr. President, I rose merely for the purpose of calling attention to a number of communications which I have received, in order that as we proceed with the discussion of the bill these objections, whether meritorious or otherwise, may be considered, and if they lack merit we may understand that fact from the explanations made, or if they are meritorious and commend themselves to the proponents of the measure, then suitable amendments may be made to the bill.

I will say frankly, Mr. President, that I have had few objections to any measure that would afford ample protection to our writers and composers. I think there is a general feeling that they should be protected, but there are apprehensions as to the effect of this bill. Objections have been urged to the automatic feature of the bill; I have had many letters in which it is stated that from the beginning of the Government down to the present time, whenever there was any emendation of the copyright law, and efforts were made to have the copyright automatically given, objection was made, and the proponents of that proposition met with defeat. I confess that I am not now "sold"—to use the vernacular of the street—to the proposition that there should be automatic copyright.

The Senator has just suggested that we should have that in order to raise ourselves up to—did he say civilization or culture?—the standard at least of the civilized world? My friend from Washington indicated that Latin America did not accept such standards. May I say in passing, not for the purpose of being facetious, that if it is so important that we integrate ourselves with the rest of the civilized world, why not join the League of Nations? Why not promptly accept the World Court? Why not cooperate with the rest of the world in other things, economical and political?

Mr. DILL. Mr. President——

Mr. KING. I yield to the Senator.

Mr. DILL. Neither the League of Nations nor the World Court would require us to change our laws in order to get into them.

Mr. KING. That is a very pertinent remark. We may join the League of Nations without changing our laws, we may preserve our nationality and all of the vigor and power

of this great Republic; but we have, as I understand, to change our statutes in order to get into the International Copyright Union for which this bill provides. I shall have to be converted, Mr. President, to the theory of automatic copyright before I shall be willing to vote for that provision of the bill.

However, Mr. President, to return to a few of the communications which I have received, I hope that my friend from Rhode Island will take cognizance of them, so that, as I indicated a moment ago, if they lack merit I may be so advised, and if they have merit that we may address ourselves to proper amendments to the pending measure.

I have a letter here from one of the distinguished citizens of my State. It bears the date of January 6, 1931, and reads:

With further reference to H. R. 12549, known as the Vestal bill, there is inclosed herewith a copy of the bill with some suggested changes and some questions regarding various parts of the bill. It has been necessary to go over these matters rather hurriedly in order to get the copy back to you in time for consideration before the bill comes up. Some other items may have been overlooked and some changes proposed may not be in proper form.

Among other things, you will note that on page 3, lines 24 and 25, and page 4, lines 17 and 18—

He may not have had the print of the bill that we have before us, may I say to the Senator? I am not sure as to that—

certain words are stricken for the reason that performance can not be had without incurring expense which must be paid. The proceeds from entrance fees are used solely to defray expenses of performance and maintenance or upkeep of buildings used for religious and charitable purposes and not for profit. Why, then, the provision which reads as follows: "Unless a fee is charged for admission to the place where the music is so used"?

Where is the distinction between paying pew rent in a church, taking up collection, paying fees levied by charitable institutions, and charging a fee for admission to a musical entertainment given in a church building?

May I ask the Senator from Rhode Island—and I am asking for information—whether the bill as amended or as the committee proposes to amend it meets that criticism of my friend?

Mr. HEBERT. I suggest to the Senator that he withhold the reading of the letters he has received until we reach those parts of the bill to which they relate. Then we can take all of the objections up at one time. We not only will save time but we shall proceed in an orderly manner by doing that. Many amendments have been suggested to me, and I assume that many of those to which the Senator refers are included in the ones I have. I should be very glad to give attention to them when they are reached in the consideration of the bill.

Mr. KING. The Senator's suggestion would be a proper one under ordinary circumstances, and it may be proper now, but where a Senator receives letters that address themselves to half a dozen or more provisions of the bill, and the recipient is not entirely familiar with those provisions, he may not, as those provisions are reached, be able to assemble the points in the letters and present them in a focused way with reference to the particular amendment under discussion. My thought was that by challenging attention to these matters they would be in the mind of the Senator and in the minds of the Senate so that their merit or lack of merit could be understood in advance.

Mr. HEBERT. Mr. President, I want to be gracious to the Senator and do everything I can——

Mr. KING. I am sure of that.

Mr. HEBERT. To give him the benefit of any information which I have been able to gather from my study of this measure, but it is difficult at best to follow it in an orderly way. If, when we have gone over the amendments, the amendments which are proposed in the letters addressed to the Senator have not been taken care of, I shall be very glad to refer back to any part of the bill and give them due consideration.

Mr. KING. I appreciate the courtesy of the Senator, and perhaps that will be the wiser way, although—as I have indicated—I can not recall all the suggestions and the parts of the bill to which they are addressed, and I felt that by presenting these important objections to the Senate as the various provisions were reached, Senators might have in mind the criticisms which have been made and we might more intelligently discuss the provisions.

However, before proceeding further, I ask that the letter from which I have just quoted may be printed in the RECORD in full.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH, *January 6, 1931.*

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.

DEAR SENATOR: With further reference to H. R. 12549, known as the Vestal bill, there is inclosed herewith a copy of the bill with some suggested changes and some questions regarding various parts of the bill. It has been necessary to go over these matters rather hurriedly in order to get this copy back to you in time for consideration before the bill comes up. Some other items may have been overlooked and some changes proposed may not be in proper form.

Among other things, you will note that on page 3, lines 24 and 25, and page 4, lines 17 and 18, certain words are stricken for the reason that performance can not be had without incurring expenses which must be paid. The proceeds from entrance fees are used solely to defray expenses of performance and maintenance or upkeep of buildings used for religious and charitable purposes and not for profit. Why, then, the provision which reads as follows: "Unless a fee is charged for admission to the place where the music is so used"? Where is the distinction between paying pew rent in a church, taking up collection, paying fees levied by charitable institutions, and charging a fee for admission to a musical entertainment given in a church building?

The question as to the time of expiration of copyright (pp. 9, 12, 13, 15) is important. To protect copyrighted work for 28 years with right of renewal for a like period is altogether unreasonable. Patents are only allowed for 17 years.

The question of differentiating property right from copyright (p. 7, sec. 6) "in any material reproduction of the work," is a dangerous and objectionable right. In comparing this with an invention, when a person buys a patented article, he pays whatever right as well as property the patentee may have in the article. He is then entitled to use it as he pleases. If the article is desirable the increased demand for it pays the patentee and manufacturer well. Why should not the same rule apply to the copyrighted work? The public presentation of any musical composition of merit increases the demand and consequent sales of copies of such composition. This has been repeatedly evidenced by radio stations where they have produced musical compositions that were entirely unknown, although copyrighted. As a result of the production of such compositions over the radio the demand for such compositions has increased tremendously with consequent profit to the copyright owners.

Should this provision not be considered sufficient, then some such addition as the following should be required: That any copyrighted work such as a musical or dramatic composition shall specify on the cover the terms and conditions to be fulfilled by any persons performing or using such work.

As the law stands at present, and as this bill would contemplate, the copyright owner can hold the owner of a radio station or hall liable at heavy cost for any copyrighted production used over such station or in such hall, whereas such owner is placed at great disadvantage in being held so liable. Why should not the performer be held liable, and why should not any such copyrighted work be required to specify the terms or restrictions on their use?

Again, the threatening of lawsuits for damages on account of infringement of copyright has placed radio stations entirely at the mercy of copyright owners and has led to the requirement that they pay licenses, arbitrarily fixed by the copyright owners. One group controlling certain copyrights compels the stations to pay certain heavy fees. Another group may control certain other works and fix any license they desire. Yet, under present conditions the station may use few, if any, of these works. A person may buy a piece of copyrighted music and yet be barred from singing it over the radio and probably also from singing it in a hall. The burden should properly be lifted from the owners of radio stations and halls and placed upon the copyright owners to give proper notice on the copyrighted work itself as to condition of use, and to hold the performer responsible.

Again there is a serious question as to the desirability of entering the International Copyright Union as provided in this bill, because, among other things, it only enlarges the difficulties already encountered as above stated, in addition to other troubles.

Finally, it would appear that in view of the already extended privileges enjoyed by copyright owners, there ought to be some means of regulation or review by the Federal Government as to license charges fixed by copyright owners to those who perform such works.

Your able influence in regard to these matters discussed herein will be greatly appreciated.

With kind wishes, I am sincerely yours,

SYLVESTER CANNON.

Mr. HEBERT. Mr. President, I think the Senator will find that the objections contained in the letters which he has received affect at most only three or four provisions of the bill, and there will be no difficulty whatever to follow

those as we go along in considering the amendments proposed by the committee.

Mr. KING. May I ask the Senator if he considers that the question of automatic copyright has been sufficiently answered and has been disposed of, because I wanted to challenge the attention of the Senate to an able brief or memorandum which I find in the hearings and to which my attention was called only this morning? I have not had time to read all of it, but I think it presents an intelligent and learned discussion of the question of automatic copyright as well as other questions included in this measure.

Mr. HEBERT. Mr. President, throughout the hearings held by our committee I am safe in saying that the unanimous opinion of those most conversant with the subject of copyrights was that we should have automatic copyright. It was the unanimous opinion of all those who appeared before the committee that we should enter the International Copyright Union. I am not familiar with the statement to which the Senator refers and which he says is published in the report of the hearings if it opposes the automatic copyright feature of this bill, for I do not recall having heard anybody at our hearings oppose that feature of the bill.

Mr. KING. I am rather astonished at that statement in view of the numerous protests which have come to me concerning the alleged evils of the automatic copyright.

May I say to the Senator that his judgment of course upon these specific matters is entitled to the highest weight, for the reason among other things, first, his superiority in the comprehension of this subject, for he has been studying it with all its complicated features for weeks, if not months, and therefore, being a good lawyer, his opinion, well matured, is entitled to great consideration at the hands of the Senate.

Mr. HEBERT. I thank the Senator for the delicate compliment which he is kind enough to pay me. I take it the Senator is aware that the main purpose of this bill is to enable the United States to join the International Copyright Union. The bill is here at this time, and there is urgency for its consideration and passage, because the United States, if it is going to enter the International Copyright Union, must do so before August next; that is, it must enter the Berlin convention as modified by the convention of Berne. It is universally thought among authors and composers and publishers that we ought to enter the International Copyright Union. In order to go into that union it is absolutely essential that we modify our copyright laws so as to provide for automatic copyrights, because that is a condition that is required, a condition precedent to our admission to the Berlin convention.

Mr. KING. Mr. President, is it made a condition precedent to our entering the union that we shall have automatic copyrights?

Mr. HEBERT. It is a condition. The Berlin convention has that provision in its constitution.

Mr. KING. Yes; I am familiar with that; but why is it so imperative that we join the union? I appreciate the fact that it gives our composers and authors privileges in other nations. We get the benefit of their copyright laws; and yet, as I understand, there are reciprocal benefits and advantages which may be enjoyed under existing laws or treaties or both.

Mr. HEBERT. Mr. President—

Mr. GEORGE. Mr. President, will the Senator from Utah yield to me?

The VICE PRESIDENT. Does the Senator from Utah yield and if so to whom?

Mr. KING. I yield first to the Senator from Georgia.

Mr. GEORGE. I ask the Senator from Utah if he will yield so that I may ask the Senator from Rhode Island, who has the bill in charge, a question.

Mr. KING. I yield for that purpose.

Mr. GEORGE. I understand that, as the Senator has explained, one of the main purposes now is to put the United States in position to adhere to the Berne agreement or convention, and I further understand the Senator to say that the automatic copyright is a necessary condition precedent.

Mr. HEBERT. That is true.

Mr. GEORGE. I desire to ask the Senator a question.

Suppose we pass the legislation and ratify the Berne convention, and an American publishing house, for instance, has gone to great expense to issue a particular work of art or literature—if the assumption be not too far-fetched; I am sure it is applicable in some cases—and the foreign producer then comes into the American court to impose a penalty, or, if no penalty is imposed, to prevent the publishing house from producing that particular work of art or literature, upon the ground that it is infringing a copyright which has not yet expired. There being no provision for the registration of that copyright in the United States, the American citizen would be virtually helpless to defend the action; would he not?

The question is, How would the American citizen meet the allegations of the foreign composer or artist who claimed that his copyright had not yet expired?

Mr. HEBERT. Mr. President, the Committee on Patents, in its consideration of this measure, agreed upon an amendment, which will be voted upon, to provide that as a condition precedent to a recovery of damages there must be notice or there must be registration.

Mr. GEORGE. Oh, yes; but suppose no damages are asked, but the foreign composer or artist comes in and merely asks the court of equity to restrain the publication or the reproduction of this particular work of art or piece of literature, and he relies upon the fact that under the automatic copyright law which we are now asked to enact his copyright has not expired. What possible chance would the American citizen, who may have gone to a great deal of expense have to combat the evidence, to repel the claim—in other words, to defend the action? Although there be no damages recoverable unless he has registered or given notice of an unexpired copyright, it would be quite as effective if the courts should restrain the American publisher.

The point I am trying to get over to the Senator is that it seems to put our citizens at a tremendous disadvantage. It may be true that our citizens might go into a foreign court and assert a like right against a foreign publisher; but that is rather poor compensation or recompense for the publishing house in this country that has gone to very great expense in order to produce or to reproduce a particular work of art or particular bit or piece of literature. To have the foreign producer, or the alleged foreign producer, come into the court of equity and ask that he be restrained on the ground that he has a copyright in that article or in that product, which has not expired, would put upon the American publisher an almost impossible burden.

The Senator recalls, and it is a fact, that even in our tariff matters it is almost impossible to ascertain what the foreign cost of producing an article is. In many, many instances we have been utterly unable to find what it is; and when we send one of our citizens into a foreign country to fortify his position with evidence which he can get nowhere else on earth except in the foreign country, we virtually have put him at the mercy of any one who can with any show of equity say, "I have a copyright upon this article or this product which has not expired."

I have great sympathy with the purpose of the bill; but it seems to me that we are going quite too far in this automatic copyright provision, even if we leave the foreign producer, the person asserting the copyright, power under the court of equity actually to restrain any one in the United States from publishing or reproducing any work of art or literature.

Mr. HEBERT. Mr. President, I can not conceive such an extreme situation as the Senator describes; but again let me say that under an amendment which we have proposed to the bill, first, there must be either notice or registration before one can recover damages.

Mr. GEORGE. Yes; but that relates to damages only; and the damage is quite as tangible and sometimes very much more important if a person is merely stopped from doing something which he thinks he has a right to do.

Mr. HEBERT. If the Senator will let me conclude——

Mr. GEORGE. Yes; I want the Senator to conclude.

Mr. HEBERT. In addition to that, where, as in the case cited by the Senator, anyone has made an expenditure or contracted for the expenditure of money, and he proves that to the satisfaction of the court before which a case for infringement is pending, then, in lieu of an injunction which would do irreparable injury to such a person under those circumstances, the plaintiff may be relegated to his statutory damages, which in the main are negligible. So I think, perhaps, the apprehension which the Senator has will be pretty well taken care of by this amendment.

Mr. GEORGE. Let me ask the Senator, Is there any provision in this amendment that the plaintiff shall be relegated to statutory damages and shall not have the remedy of injunction?

Mr. HEBERT. Oh, yes. In order to recover damages, he must——

Mr. GEORGE. I am not talking about recovering damages. I am talking about the exercise of the equitable jurisdiction of the court.

Mr. HEBERT. Very well. If the person who is charged with the infringement has expended money for carrying on the work or has entered into a contract and assumed a liability for carrying on the work, then, in lieu of an injunction restraining that alleged infringer from proceeding with his work, he may be held to pay statutory damages, not exceeding $2,500 in any one case.

Mr. GEORGE. Is that a provision of the bill?

Mr. HEBERT. That is a provision which the committee has proposed by way of amendment to the bill.

Mr. GEORGE. But not that he shall be relegated to the recovery of statutory damages?

Mr. HEBERT. Oh, yes; it is mandatory in that case.

Mr. GEORGE. That would seem to answer my question, then.

Mr. HEBERT. If he be an innocent infringer, the Senator understands.

Mr. GEORGE. I understand; if he be an innocent infringer in the sense that he had no actual knowledge, and there had been no registration of the copyrighted production.

Mr. HEBERT. That is true.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. Just one moment. Does the Senator from Rhode Island desire to make any further statement?

Mr. HEBERT. No; I have concluded my statement.

Mr. KING. I yield to the Senator from Washington.

Mr. DILL. I want to say to the Senator from Georgia that the very same attorneys who pleaded so earnestly that we should have no copyright registration, and no notice, came to us after this bill was reported and told us what a terrible plight they would be in if they happened to produce in a motion picture something that had no notice of copyright upon it, and that they must have protection here in the form of being allowed, at their own option, to pay damages rather than take an injunction. These were the same attorneys who had argued so earnestly that a copyright notice and a copyright registration were useless and worthless; but they were arguing from the standpoint of buying copyright. When, however, it came to the standpoint of defending their own actions against infringement, they were the first to rush forward for protection, for fear that without notice and without registration they could not protect themselves.

It is the finest example that could be had of the difference of viewpoint when you are on the side of one who is having something copyrighted and when you are on the side of the individuals who constitute the public who may be sued for infringement of copyright.

So this very proposal has been agreed upon by members of the committee since the bill was reported, and the Senator from Rhode Island [Mr. HEBERT] has been authorized to report it.

Mr. GEORGE. I thank the Senator for his statement, which is most illuminating. Even if that amendment should be adopted, however, in the case which I have supposed of the expenditure of considerable money by an American publishing house, let us say, the foreign producers who would claim a copyright yet unexpired might come into equity and ask for an injunction against the production of the article; and then, as I understand, if the amendment now suggested be agreed to, the American producer would have the right to elect to pay the statutory damage—$2,500, let us say, for each production, or whatever amount it may be fixed at—or else suffer the injunction to go against him.

The point I have tried to make is simply this, and those who are urging this law will probably discover it later—that whenever the foreign producer who asserts that he is the owner of a copyright yet unexpired comes into the courts in this country, either to pursue his equitable remedy or to recover the statutory damage, the American infringer or alleged infringer will find himself utterly unable to go into the foreign country to gather the evidence to meet the issue. He simply will have to submit upon proofs brought by the litigant.

Mr. HEBERT. Mr. President, according to all the information that was adduced before our committee, that would never occur, because there is nothing better known than the publications of copyrighted works. We are told—and those who told us are familiar with the trade of publishing and with the sale of books and periodicals and their preparation—that very, very seldom does it happen that there is an infringement of a copyrighted work.

Mr. GEORGE. That may be true, but the Senator must bear in mind that this bill now is breaking down all the safeguards that have thus far safeguarded those who did not wish to infringe, because we have always had registration laws. We have always required them to register there.

Mr. HEBERT. I foresaw that the Senator was going to refer to the fact that we always have had registration. That is true in part only; and I shall proceed to explain to the Senator why it is true in part only.

A magazine, we will say, is published containing 100 articles, each article under its own title. The magazine publishes at its masthead, or on its editorial page, or on the front cover of it "Copyright registered," and that covers every one of the 100 articles in the publication. Neither the Senator from Georgia nor I nor anyone else alive could ever go through the files of the Copyright Office and find all of the articles that have been copyrighted in that way. There is no way to trace them. So, after all, it will be readily seen that the registration of copyrights is not such a protection as it would seem upon the surface until it is investigated and examined.

Mr. GEORGE. That may be true, Mr. President, but the point I am trying to make is that the effect would be to give to a foreign litigant against a citizen of the United States a right of action, of some character or kind, when that foreign litigant is required to do nothing in the United States, and when he relies solely upon evidence of transactions which occur outside of the United States. That would be putting our own citizens to a tremendous disadvantage if any possible case should arise. It may be true, as the Senator says, that a case would rarely arise. When and if one does arise, it will work a very serious hardship.

Mr. HEBERT. Mr. President, those who are most concerned about the very question which the Senator raises here are entirely satisfied with the provisions of this bill and are most desirous of its enactment.

Mr. GEORGE. Yes; but I understood the Senator from Washington to say that in the first instance some representatives appeared here and wanted the injunction feature to remain in, and insisted upon it, but after the report of the bill considered the effects of that kind of legislation they came here and said, "It would be disastrous to us if in lieu of the injunction we can not elect to pay a statutory damage."

Mr. HEBERT. No; either the Senator from Washington was in error, or the Senator from Georgia misunderstood him.

Mr. DILL. Mr. President, what I said was this, that these men came to us and earnestly pleaded against any requirement of notice or registration, saying it was useless and worthless, but when we put in the bill provision that there be no provision for damages, but only for an injunction, and they began to see the defendant's side of it, they became frightened at their danger from the lack of provision for notice or registration, and then asked for this provision to protect them when they might have their money invested.

Mr. GEORGE. I misunderstood the Senator.

Mr. KING. Mr. President, I regret that I am compelled to attend a conference on an important bill, one of the few bills carrying a large appropriation undisposed of. But I want to read a few sentences from the testimony to which I referred a moment ago bearing upon the question under discussion.

I may say to the Senator from Rhode Island that the thought of cooperating with foreign countries in matters relating to the welfare of the people of all nations does not frighten me. I voted for the entry of the United States into the League of Nations, and shall vote for our adherence to the World Court. I believe in the utmost cooperation, consistent with the maintenance of the prerogatives and independence of this Republic. I hope to see the day when there will be more fraternity among nations, more of a spirit of amity and world association to deal with international problems. So I have no objection to this measure, as I understand its provisions, merely because it contemplates the United States becoming a member of the International Copyright Union. I can see some advantages which are to be derived from a copyright union which protects American citizens here and abroad. But if adhering to such union results in no benefits to American producers, our authors, and permits any discrimination against them or places them in any disadvantageous position then I should look upon it with disfavor.

The testimony to which I refer is found in the Senate hearings, pages 250 to 260, and although I have hastily examined the memorandum there appearing, I believe it contains a rather critical and, as I read it, a fair interpretation of some of the provisions of this bill and an indication of its implications.

The memorandum was prepared by John D. Myer, of Philadelphia, for the Victor Talking Machine Co., of Philadelphia, and was submitted by John W. Ziegler, with the consent of Mr. Myer and the Victor Talking Machine Co.

It may be that this is a biased view, that the writer represents one line of thought which may not deal with the entire subject in a comprehensive manner.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. COOPER of Ohio, and Mr. RAYBURN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws in respect of posting of notices of petitions for citizenship, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of Washington, Mr. CABLE, and Mr. BOX were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 778) for the relief of Jeanette Weir, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 53), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress, approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

REGULATION OF ADVERTISING IN THE DISTRICT—CONFERENCE REPORT

Mr. BLAINE. I call up the conference report on Senate bill 4022, which I ask may be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4022) to regulate the erection, hanging, placing, painting, displaying, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 8.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5 6, 7, and 9, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the said amendment insert "(in so far as necessary to promote the public health, safety, morals, and welfare) control, restrict, and "; and the House agree to the same.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,
Managers on the part of the Senate.

F. N. ZIHLMAN,
ALBERT R. HALL,
MARY T. NORTON,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on the adoption of the report.

Mr. ROBINSON of Arkansas. Mr. President, I ask the Senator from Wisconsin to state what results the report carries.

Mr. BLAINE. Mr. President, the report itself is not of very great consequence. It is the bill that is of special consequence. The report does not change the bill very much.

Mr. ROBINSON of Arkansas. The Senator will recall that on a former occasion it was suggested that some provision carried in the report was of doubtful validity. Has that been eliminated?

Mr. BLAINE. Mr. President, that has not been eliminated. This bill was presented for consideration of the Committee on the District of Columbia at a time when I was absent. After it had been reported out, I called the attention of the corporation counsel to the probability of the invalidity of the bill on account of a provision giving power to the District Commissioners to regulate the placing of signs on private property.

The view then taken by the corporation counsel was that the insertion of the words "in so far as necessary to promote the public health, safety, morals, and welfare" might bring the bill within the Constitution and thereby it would be a valid enactment.

I called attention to the fact that the question had nothing to do with the public health, morals, safety, or welfare, but would have only to do with the esthetic taste of individuals.

Mr. ROBINSON of Arkansas. That can not be regulated by the police power.

Mr. BLAINE. That can not be regulated under the police power. The conference report does not change that language of the original bill. I see no objection to agreeing to the conference report; but that has nothing to do with the matter I have been discussing.

Mr. KING. Mr. President, I confess that my attention was diverted, and I did not gather the point the Senator was making. I was one of the conferees on this matter, and if the Senator takes the position that the validity would be challenged upon the ground of its constitutionality, it

seems to me we ought to consider it before the conference report is either agreed to or rejected.

Mr. BLAINE. Mr. President, the challenge I suggested does not go to the changes made by the conferees. It goes to the original bill. I will just read the provision; it is very brief. It is as follows:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered after public hearings to make and to enforce such regulations as they may deem advisable (in so far as necessary to promote the public health, safety, morals, and welfare) to control, restrict, and govern the erection, hanging, placing, painting, display, and maintenance of all outdoor signs and other forms of exterior advertising on public ways and public space under their control and on private property within public view within the District of Columbia, and such regulations as may be promulgated hereunder shall have the force and effect of law.

That is valid. The phrase "and on private property within public view" would give them power to control the display of signs on private property in public view.

Mr. ROBINSON of Arkansas. Mr. President, the question arises, What is the extent of the police power with reference to the erection of a sign which is not indecent or immoral, or objectionable from any standpoint of that character, when it is raised and maintained on private property? In other words, is it within the power of the legislative department to say that an executive authority may decide that a sign erected on some one's vacant lot, which can be looked at by the public, an advertisement, shall not be erected because it endangers the public health, morals, or safety? It has no relationship actually to the question of public morals, health, or safety.

Mr. BLAINE. It has no relationship to those questions.

Mr. KING. Mr. President, as I recollect, the corporation counsel, Mr. Bride, suggested an amendment to the bill, either the House bill or the Senate bill, by the insertion of the words "against public morals."

Mr. BLAINE. The insertion of several words, "public health, safety, morals, or welfare." My suggestion was that a sign placed on private property which would intercept the view of pedestrians, or others using the street, so as to endanger the life and safety of individuals, could be regulated.

Mr. ROBINSON of Arkansas. Certainly.

Mr. BLAINE. But that signs on private property which had nothing to do with those questions, which merely had to do with the esthetic taste of individuals, were not subject to regulation by anybody, not even Congress.

Mr. KING. Suppose a sign erected upon private property were concededly immoral or indecent. Then could it not be dealt with?

Mr. BLAINE. That is not even under consideration now. There was no complaint on that score.

Mr. ROBINSON of Arkansas. There is no question about the erection of signs such as those referred to by the Senator from Utah. The purpose aimed at is to prevent advertisements on private property in places where they do not look well, where they are not pleasing to the eye, but where they do not in any sense endanger the safety of the public.

Mr. BLAINE. Personally, I was very much interested in the enactment of a bill which would preserve the scenic beauty in the District of Columbia, and in going as far as Congress could go in that direction. But I felt that this matter was not perhaps given the full consideration it ought to have had. I am not criticizing anyone, because there has been so much work to do in the Committee on the District of Columbia.

Mr. ROBINSON of Arkansas. It does not appear to me that the language of the bill is invalid. The bill itself, as it is now presented, is a valid exercise of police power because it does not authorize the prevention of advertisements which are objectionable merely because they obstruct the view, but it is limited to a proper exercise of the police power. The point is that in the exercise of power conferred by the act the executive authorities will not be able to do the things they might wish to accomplish.

Mr. BLAINE. I see no objection to the adoption of the conference report.

Mr. KING. May I say to the Senator from Wisconsin that even if the view which he is expounding is correct, under the well-known principle that a law invalid in one respect may be valid in other respects, if the validity of that part of the act were challenged in case an attempt were made to enforce it, it would not affect the rest of the act.

Mr. ROBINSON of Arkansas. The validity of the act is not affected at all, as I see it.

Mr. BLAINE. Only the power of the commissioners would be challenged, as I see it.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The report was agreed to.

SURVEY OF COOPERATIVE CREDIT LAWS AND SYSTEMS

Mr. DENEEN. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an amendment, the resolution (S. Res. 408) submitted by Mr. BROOKHART on January 31, 1931, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON of Arkansas. Let it be reported.

The Chief Clerk read the resolution, as follows:

Resolved, That in order to provide for a more effective use and control of credit for cooperative enterprises as distinguished from competitive, the Committee on Banking and Currency of the Senate, or a duly authorized subcommittee thereof be, and is hereby, empowered and directed to make a complete survey of the cooperative credit laws and systems and a full compilation of the essential facts and to report the result of its findings as soon as practicable, together with such recommendations for legislation as the committee deems advisable. The inquiry thus authorized and directed is to comprehend specifically the desirability of a cooperative banking system with respect to the use of its facilities for curbing and preventing speculation and encouraging and developing cooperative organization.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Seventy-first and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $15,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. BINGHAM. Will not the Senator let it go to the calendar?

Mr. DENEEN. I thought the Senator from Iowa [Mr. BROOKHART] was in the Chamber. He promised to be here. I think he just stepped out for a moment. I told him I would ask for immediate consideration of the resolution.

Mr. ROBINSON of Arkansas. Has the resolution been considered by a committee?

Mr. REED. Yes; it was considered by the Committee on Banking and Currency and then by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ROBINSON of Arkansas. I take it that a favorable report was made?

Mr. REED. There was a favorable report with an amendment by the Committee on Banking and Currency, and without amendment by the Committee to Audit and Control.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. McNARY. Mr. President, inasmuch as we shall have a call of the calendar on Monday and two Members of the Senate stated they would like to have an opportunity to consider this resolution before that time, I shall object to its present consideration.

The PRESIDING OFFICER. Objection is made and the resolution will go to the calendar.

COST OF PRODUCTION OF LACES AND LACE FABRICS

Mr. BINGHAM. Mr. President, day before yesterday I submitted a resolution (S. Res. 476) rescinding the action of the Senate on Senate Resolution 311, which I introduced at a previous session of the Congress, directing the Tariff Commission to investigate the cost of production of laces, lace fabrics, and lace articles. As I understand it there is no objection to rescinding the previous resolution. I therefore ask that Senate Resolution 476 be now considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 476) was read, considered, and agreed to, as follows:

Whereas the United States Tariff Commission was directed by Senate Resolution 311, under the authority conferred by section 336 of the tariff act of 1930, and for the purposes of that section, to investigate the differences in the costs of production of the following domestic articles and of any like or similar foreign articles: Laces, lace fabrics, and lace articles: Therefore be it

Resolved, That such direction as to laces, lace fabrics, and lace articles be hereby rescinded.

The preamble was agreed to.

UNEMPLOYMENT IN TENNESSEE AND ARKANSAS

Mr. McKELLAR. Mr. President, I should like to have read at the desk a telegram addressed to William Green by the Memphis Trades and Labor Council.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

MEMPHIS, TENN., *February 26, 1931.*

WILLIAM GREEN,
President American Federation of Labor,
Washington, D. C.:

Whereas there are thousands of unemployed workingmen in Tennessee and Arkansas in dire distress without adequate food, clothing, and shelter, searching for an opportunity to work in an almost hopeless quest in order to keep life in the bodies of their wives and children; and

Whereas there is in the Memphis, Tenn., area a United States Government operation under the auspices of the United States Army Engineering Department that employs thousands of workers on the Mississippi projects that is practically permanent in character and who are compelled to work a minimum of 10 hours a day, and in many instances longer; and

Whereas there is, or appears to be, no desire on the part of the resident Engineers of the United States Army to apply the 8-hour day to these Government operations and thus relieve the tenseness of the unemployed situation in Tennessee and Arkansas, as well as many other Mississippi communities where conditions are equally distressful: Therefore be it

Resolved, That on this the 12th day of February, the anniversary of the birth of Abraham Lincoln, the Memphis Trades and Labor Council, in regular meeting assembled, does hereby petition the President of the United States, Hon. Herbert Hoover, to order the application of the 8-hour day to the improvement on and about the Mississippi River, and this order to continue until there is imminent fear of loss of life or property by reason of floods and the order will then be inoperative: And be it further

Resolved, That these resolutions acquaint the President with the fact that this river revetment and improvement is not comparable to emergency or flood danger as the Mississippi is at its lowest ebb in years, and if haste is required the application of three 8-hour shifts would be both humane and, we believe, economical to all concerned as well as conforming to the Borah-Hughes Federal 8-hour law.

MEMPHIS TRADES AND LABOR COUNCIL,
E. E. BARNUM, Jr., *Secretary.*

GEORGE WASHINGTON—ADDRESS BY THOMAS CAMPBELL WASHINGTON

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting address delivered by Thomas Campbell Washington, great-great-great-grandnephew of George Washington, over the National Broadcasting Co. network Monday night, February 23, on the subject "George Washington—His Farewell Address, and Its Applicability to Present-day Conditions."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GEORGE WASHINGTON—HIS FAREWELL ADDRESS AND ITS APPLICABILITY TO PRESENT-DAY CONDITIONS

It is a great pleasure for me to accept the invitation of the National Broadcasting Co. to discuss my illustrious great-great-great grandnuncle.

In the many observations concerning George Washington during this period of the one hundred and ninety-ninth anniversary of his birth there have appeared articles in hundreds of publications treating of most every phase of the life and works of that most patriotic father of this Nation.

The same is true of the hundreds of speeches which have been delivered in the past few days in connection with this notable national holiday. In all these discussions, however, I do not think there has been sufficient emphasis placed on that most priceless document, the farewell address, which our first President delivered in September, 1796, before he laid down the reins of government. I have, therefore, taken as the subject of my remarks this evening George Washington, His Farewell Address and Its Applicability to Present-day Conditions. In choosing this subject modesty forbids that I do more at present than bow in reverent homage to that historic document.

I know of no state paper in all our archives that is of greater service for our boys and girls to study deeply and learn by heart.

You can call it our code of national morality—our treatise on the etiquette of international relations—the parting warning of a parent to the heirs of his accumulated riches and wisdom—call it what you will—its observance by our people has, undoubtedly, preserved the independence and prosperity of this Nation up to the hour when apparently its holy counsel fell on ears unfamiliar to our traditional sentiments. I only wish it were George Washington, or at least the spirit of George Washington, that were speaking to you over this great radio network to-night. I am sure he would reaffirm to you his beliefs in the present-day application of the doctrines and counsels he so patriotically set forth on his retirement to private life.

In composing this farewell address, General Washington was mindful of his 40 years' experience as soldier and statesman, as well as of the old tradition by which his concept of nationality had been defined and founded: In war and peace, he and his companions had established a Government deriving all its just powers from the consent of the people organizing it, the very opposite of other foreign systems, which held mankind as merely cannon fodder in wars of aggression by one royal family upon the territory of another royal family. It happens that our Nation, like a distinct and homogeneous family of self-governing and independent individuals, maintains its peace and self-respect by avoiding interference in the domestic affairs of its neighbors. And our own peace and prosperity will be disturbed only when we allow our neighbors to impose their peculiar and destructive customs upon us.

You will understand the full significance of this farewell address if you get this notion of a happy family in your mind; you will realize the absurdity of throwing open your doors and allowing every family in the neighborhood to break into your parlor, or your kitchen, and upset everything by their abuse of one another and their mutual rivalries to get away with your best pieces of furniture. If you take sides with one of these invaders against the others, all the rest will combine against you, and the chances are that the one you have befriended will become offended by your imprudence and join with his former rivals in plundering you.

Such a condition is not purely imaginary. There are men and women, not only in Soviet Russia but right here in this country, who are so internationally minded that they would destroy our national family solidarity and make all our children the product of international promiscuous concubinage. They have the affrontery to tell you that if Washington were living he would be a leader of such "advanced ideas" of national enfeeblement and "universal brotherhood." The idea is preposterous. To impute to Washington's sublime ideal of the national family a concept of "brotherhood" arising from unrestrained and universal lust among disintegrating nations is a vile insult to his memory. Yet there are many who would have us do just that.

Washington would no more think of exposing his country to such an infamy than he would the virtues of that Mount Vernon family which he held sacred in his heart of hearts.

I am quite certain that if Washington were alive and speaking to you to-night he would reiterate these words of counsel and advice with greater power and emphasis than he did on that memorable day in September, 1796.

I am often told by many of our statesmen of the difficulties they encounter from agents of foreign nations who are constantly reminding them of Washington's position in our international relations. My notion of what Washington would reply is taken from his Farewell Address, and is in this language:

"Against the insidious wiles of foreign influence, I conjure you to believe me, fellow citizens, the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. * * * Real patriots who may resist the intrigues * * * are liable to become suspected and odious; while the tools and dupes usurp the applause and confidence of the people to surrender their interests."

Let me quote a little more from this important pronouncement of Washington. * * * I think we all can listen to it with profit to ourselves and credit to our country:

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

"Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations,

under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice, shall counsel.

"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

"It is our true policy to steer clear of permanent alliance with any portion of the foreign world."

I have been reading to you a portion of the Farewell Address. To my mind this Farewell Address should be brought before the people and considered deeply. This is particularly true to-day. Those same nationalistic jealousies which have been the cause of wars of the past are just as much a source of war-breeding developments to-day as ever.

If there ever was a time in the history of this country when the philosophy of Washington, as set forth in his Farewell Address, provided insurance for us against wars, that time is to-day. In the spirit of peace and good will it is a bond to preserve the health and prosperity of this Nation both for ourselves and for our children. I urge upon you, my friends of the air, to read again Washington's Farewell Address and consider deeply the need for its observance at this time.

I thank you for the pleasure of speaking to you.

I thank the National Broadcasting Co. for the courtesy they have extended me. Good-night.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

Mr. KING. Mr. President, when I was interrupted I was directing attention to testimony found in the Senate hearings. I desire to read a few paragraphs from the same.

Mr. KEAN. Mr. President, before the Senator proceeds let me state that the distinguished Senator from Utah spoke about the Victor Talking Machine Co. at Philadelphia. It happens to be located in Camden, N. J.

Mr. KING. I simply read from the hearings, where it is stated that the company referred to was domiciled in Philadelphia. Of course, I would not detract from the glory that belongs to Camden in having the Victor Talking Machine Co. located there.

I read from the hearings:

> The issue presented by the Vestal bill is whether the present American method of extending international copyright on a basis of reciprocity, which permits full enforcement of the domestic law of each nation, is to be continued, or whether this policy is to yield to the European method of adopting and enforcing uniformity in the law among nations regulating the grant of copyright. Reciprocity fully protects the monopoly rights of American authors in the foreign countries entering into such relations with the United States and at the same time it involves no surrender of our domestic policy relative to the conditions imposed upon the grant of copyright.

If the writer is accurate in this statement, it would appear that there was no necessity for the legislation or at least a portion of the legislation contemplated by the bill before us.

> Such uniformity, on the other hand, in so far as it would excuse foreigners from the duties imposed on American authors, would require a sacrifice of the policy of our own law and result in a discrimination against the American author and in favor of the foreign applicant. How vital that sacrifice would be can only be truly appreciated after a thorough consideration of the sources and the history of American legislation dealing with the duties of the applicant for copyright, and particularly with regard to the requirements of registration, deposit of copies, and notice of copyright claim.
>
> Another consideration bearing directly upon the proposal to unite this country with the nations of Europe in the copyright union will be found in the dissimilarity between the American concept of legal monopoly as applied to copyright and the concept of many European nations. Juristic opinion in Europe has tended to regard copyright as a natural monopoly and has inclined to favor a liberal policy by the state in favor of the monopolist and against the public—a tendency not in harmony with the American viewpoint or the American Constitution.
>
> In the present state of world unrest proposals of change are familiar enough. It is well to remember, however, before consenting to the changes in this country's domestic policy which membership in the International Copyright Union would require, that there is no emergency to justify such a step at the present time, and that our present copyright relations with the foreign powers afford alike justice to the foreign author and protection abroad to the American. Presumably the conservatism of America will hesitate long before accepting the supposed necessity for this departure from our domestic policy in the grant of copyright—a policy to which we now turn for consideration.

The first section of the original copyright act (act of May 31, 1790) provided that copyright should subsist "for the term of 14 years from the time of recording the title thereof in the clerk's office, as is hereinafter directed." The same section further provided that the copyright proprietor or his executors or administrators or assigns might enjoy a further term of protection of 14 years "provided he or they shall cause the title to be a second time recorded and published in the same manner as hereinafter directed," etc.

In section 3 the act declares that no person shall be entitled to its benefit—where publication had previously occurred—"unless he shall first deposit, and in all other cases unless he shall before publication deposit a printed copy of the title of such map, chart, book, or books in the clerk's office of the district court where the author or proprietor shall reside." The clerk is then directed to record the same forthwith, and the proprietor is required within two months from the date thereof to publish a copy of such record for four weeks in some newspaper printed in the United States. The author or proprietor is further required by section 4 to deliver to the Secretary of State, within six months after publication, a copy of the map, chart, or book, which copy is to be preserved in the Secretary's office.

Thus we find at the very threshold of copyright history in this country the recognition of the principle of requiring registration as a means of notifying all members of the public of the grant of each individual monopoly, and deposit of copies to provide a public record of copyright in published works. Weil says of these requirements:

> "The object sought by compelling registration is that third persons, by inquiry, may ascertain whether or not any proposed acts or works would violate any existing statutory copyright. The primary object of requiring the deposit of copies is that the subject matter of works in which copyright is claimed may be made public and available for purposes both of information and of avoiding infringement. A purely secondary object is the enrichment of the Library of Congress." (Weil Copyright Law, 1917, p. 310.)

It will be observed that we are now demolishing the structure erected in the very first copyright act enacted by the Congress of the United States and perpetuated in each succeeding act, including the act of 1909, which was enacted after a long, careful, and thorough investigation. I believe the act of 1909 not only attempted to protect both the authors and composers, but also the public.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. TRAMMELL. The only reason that has been given for it—or, I will say, excuse, because it is not a reason—is to try to make our law conform to foreign law or at least to a foreign agreement among authors and copyrighters in foreign countries. There is no sound American reason which has been given here as to why we should abandon this principle of recording the copyright which has prevailed for 100 years in America.

Mr. KING. I am trying to discover a reason, but am still somewhat in the dark.

Mr. TRAMMELL. Nor have I found where the committee gives or attempts to give a reason—merely an excuse.

Mr. KING. The writer from whom I read states that under a system of reciprocity American authors may be protected abroad in their productions, and foreign authors protected in the United States.

I continue reading:

> To demonstrate how continuously Congress has pursued the policy of requiring registration of copyright and deposit of copies, and has successively applied these requirements, with the further requirement of notice of copyright, to the new fields of protection that have from time to time been recognized, we will now briefly survey the subsequent copyright legislation.

I will ask leave, Mr. President, to insert in the RECORD, without reading, a number of paragraphs in which this writer reviews the various acts of Congress, all of which support the contention that from the beginning Congress has adhered to the policy of opposing automatic copyright and requiring registration. The writer of this statement also refers to a number of decisions by the courts of the United States, districts courts, as I recall, and one or two decisions of the Supreme Court in support of the propositions which he is expounding.

The PRESIDING OFFICER. Without objection, the matter identified by the Senator from Utah will be printed in the RECORD.

The matter referred to is as follows:

> In the next copyright enactment of Congress, the act of April 29, 1802, which extended copyright to the arts of designing, engraving, and etching, the same stringent requirements of registration written into the act of 1790 were repeated, and in addition all copyright proprietors were required to give notice of their claim by causing, if a book, the "copy of the record * * * to be inserted at full length in the title-page or in the page immediately following," with corresponding requirements as to maps and prints. (Secs. 1 and 2.)
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> GENERAL REVISION OF THE COPYRIGHT LAW
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> This requirement as to notice of copyright continued in all subsequent legislation and a conspicuous feature of our copyright law has come before the Federal courts and its purpose has been interpreted and clearly stated. In Sarony *v.* Burrow Giles (C. C. S. D. N. Y. 1883; 17 Fed. 591, aff. Ill. U. S. 53), the court, dealing with an infringement of a copyrighted photograph, said:
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> "The object of the statute was to give notice of the copyright to the public; to prevent a person from being punished who ignorantly and innocently reproduces a photograph without knowledge of the printed copyright."
>
> So, in Bentley *v.* Tibbals (223 Fed. 247, C. C. A. 2d Cir., 1915), the court said:
>
> "The only object of the notice required by the statute is to give notice of the copyright to the public. It is given to the public to prevent any person from making himself subject to the penalties imposed for violation of the copyright without knowledge of the copyright. And when the notice is printed on the title-page or on the page immediately following it of the book copyrighted there is no possibility of the public being misled as to what matter is copyrighted" (p. 253).
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> And in Steacher Lithographic Co. *v.* Dunston Lithograph Co. (D. C. W. D. N. Y. 1916, 233 Fed. 601, 603):
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> "The purpose in requiring publication or (probably intended for 'of') notice of copyright is to prevent innocent persons from suffering the penalty of the statute for reproduction of a copyrighted article."
>
> In 1831, when for the first time musical compositions were accorded protection, we find the same requirements of registration, deposit of copies, notice of copyright, and newspaper publication repeated. (Act of Feb. 3, 1831, secs. 1–5.) Section 4 of the act prescribes that the author or proprietor must further cause a copy of his work to be delivered to the clerk of the district court within three months after publication, and that—
>
> "* * * it shall be the duty of the clerk of each district court, at least once in every year, to transmit a certified list of all such records of copyright, including the title so recorded, and the dates of record, and also all the several copies of books or other works deposited in his office according to this act, to the Secretary of State, to be preserved in his office."
>
> In other sections of the same act infringements are defined strictly with reference to their occurrence after the recording of the title of the copyrighted work.
>
> In 1834 a short but important supplementary act provided for the recording of the transfer or assignment of copyrights in the office where the original copyright had been deposited and recorded, prescribing that failure to record within 60 days would invalidate the assignment as against any purchaser or mortgagee without notice. (Act of June 30, 1834.)
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> In 1846 the author or proprietor was required within three months after publication to deliver one copy of his work "to the librarian of the Smithsonian Institution and one copy to the Librarian of Congress Library." (Act of August 10, 1846.)
>
> In 1856 copyright in a play was extended to cover the dramatic or performing rights therein. The act in effect required of the proprietor the same duties as a condition for the protection of performing rights as has theretofore been prescribed for other copyrights. (Act of August, 1856.)
>
> In 1859 the removal of all copies theretofore deposited in the Department of State, "together with all the records of the Department of State," to the Department of the Interior was required. (Act of February 5, 1859.)
>
> In 1865 copyright was extended to photographs and the previous requirements of registration, deposit of copies, and notice of copyright made applicable with regard to this species of property. (Act of March 3, 1865.) It was further provided that a printed copy of every copyrighted work should be transmitted by the proprietor, within one month after publication, to the Library of Congress at Washington, with the provision for demand for such delivery by the Librarian, where the proprietor failed to transmit. (Secs. 2 and 3.)
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> The amendatory act of 1867 provided in its first section a penalty of $25 for failure of any proprietor to deliver to the Library of Congress a printed copy of his work. (Act of February 18, 1867.)
>
> In the revision of 1870 (approved July 8, 1870) "all records and other things relating to copyrights and required by law to be preserved" were placed under the control of the Librarian of Congress, and all copies theretofore deposited in the Department of the Interior were required to be removed to the Library of Congress. (Sec. 85.) Registration of the work was henceforth to be made with the Librarian (sec. 90), who was required to make an annual report to Congress "of the number and description of copyright publications for which entries have been made during the year" (sec. 85).
>
> Provisions for the grant of copyright follow those in the previous acts, vesting such copyright "upon complying with the provisions of this act" (sec. 86), the same to run for 28 years "from the time of recording the title thereof" (sec. 87), with provision for renewal for 14 years upon a second recording and newspaper advertisement of same (sec. 88). Notice of copyright is also similarly prescribed (sec. 97), as is the registration of assignments (sec. 89).
>
> By this act the proprietor of every copyrighted book or other article was required to mail to the Librarian of Congress at Washington within 10 days after its publication "two complete printed copies thereof, etc." (Sec. 93.) This statutory requirement came before the Federal court for interpretation in Carte *v.* Evans (27 Fed. 861, 863, C. C. Mass. 1886); the court stating:
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> "* * * as the object of the registration is to give notice to the world that the author or proprietor has acquired the exclusive right of publication, the inference is that by 'two complete printed copies' is meant two printed copies with the title corresponding with the registered title and that for the purpose of identification the registered title shall be substantially reproduced on the title page of the published book."
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> The revision of the copyright law in 1873 contained a substantial reenactment of the previous requirements relative to registration, and of deposit of copies and notice of copyright.
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> The grant of copyright is again made to depend "upon complying with the provisions of this chapter" (Rev. Stat., sec. 4952), which include the requirements that before publication a printed copy of the title of the book or other article, etc., shall be delivered to the Librarian of Congress, and within 10 days after publication, two copies of the work deposited in the mail addressed to the Librarian of Congress. (Rev. Stat., sec. 4956.) The same secondary term of copyright for 14 years is granted "upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, etc."; and the proprietor must publish a copy of the record in one or more newspapers in the United States for the space of four weeks. (Rev. Stat., sec. 4954.) The act provides further that:
>
> "No person shall maintain an action for infringement of his copyright unless he shall give notice thereof in inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words: 'Entered according to the act of Congress, in the year ——, by A. B., in the office of the Librarian of Congress, at Washington.'" (Rev. Stat., sec. 4962.)
>
> Other provisions of the act deal with the duty imposed on the librarian of recording the copyright data which he receives.
>
> The amendment of the copyright law enacted in 1891 is particularly significant here in view of the fact that six years previous the Berne convention had completed its labors and launched the International Copyright Union. As before noted, section 13 of this amendatory act contains our first legislative sanction of international copyright. It is significant that in thus extending protection to the works of foreigners this country made its grant of copyright to such foreigners dependent upon full compliance by each foreign applicant for copyright with all the requirements of our law, including that of registry, deposit of copies, and notice of copyright. Section 13 of the act begins with the sweeping words, "This act shall only apply to a citizen or subject of a foreign state or nation," and continues with the statement of the contingencies in which foreigners are entitled to avail themselves of the protection of our law. The intention to impose on such foreigners the same requirements that are imposed upon our own citizens applying for copyright is clear and unequivocal and the regular practice has been for each foreign author to register and deposit copies in the same way as our own citizens. (One exception only need be noted to this rule. The act of March 28, 1914, excused the foreign author who had published abroad and was entitled to copyright in this country from depositing more than one copy of his work, where the native author was required to deposit two. The reason for this relaxation in the rule requiring deposit was apparently due to a desire to lessen the greater burden and expense imposed on the foreigner in shipping certain deposited works from a distance.)
>
> In this act of 1891 the grant of copyright is again made to depend "upon complying with the provisions of this chapter" (sec. 1), and the author is given his secondary term of 14 years "upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, etc." (Sec. 2.) Important provisions of this amendatory act relate directly to the subject of registry. The Librarian of Congress is required to furnish the Secretary of the Treasury with copies of the entries of titles of all books and other articles, etc., and the Secretary of the Treasury is directed "to prepare and print, at intervals of not more than a week, catalogues of such title entries for distribution to the collectors of customs of the United States and to the postmasters of all post offices receiving foreign mails, and such weekly lists, as they are issued, shall be furnished to all parties desiring them at a sum not exceeding $5 per annum." (Sec. 4 of act; Rev. Stat., sec. 4953.) In this provision we see an extension of the policy of providing the public with adequate means of securing copyright information.
>
> There is nothing of importance here to be noted in the further acts of Congress relative to copyright until the revision of 1909,

hesitate long before accepting the supposed necessity for this departure from our domestic policy in the grant of copyright—a policy to which we now turn for consideration.

The PRESIDING OFFICER. Without objection, the matter identified by the Senator from Utah will be printed in the RECORD.

now the basic law on the subject of copyright in this country. (Act of March 4, 1909.)

The provisions of the former law governing registration and deposit of copies are repeated in the act of 1909, but in a different form. It was found convenient to provide for the actual securing of copyright upon the publication of the work with the stipulated copyright notice affixed thereto. Previous to the passage of this act and since the revision of 1870 (sec. 97 thereof) the insertion in copies of the copyrighted work of a notice of copyright had been required as a condition precedent to the right in the copyright proprietor to bring suit against an infringer. By the act of 1909 the publication of the work with notice of copyright affixed thereto was made a condition precedent to the granting of copyright itself. (Sec. 9.) The requirement that copies of the copyrighted work should be deposited was again repeated in the act of 1909, but for the first time failure to deposit was made the subject of penalty and loss of the right to sue for infringement. (Sec. 12.) While under this act failure to deposit copies "in the copyright office or in the mail addressed to the register of copyrights" would not in theory prevent the vesting of copyright in the proprietor, nevertheless such copyright, as a practical matter, would be worthless in view of the disability of the proprietor to enforce his rights in the courts.

"No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this act with respect to the deposit of copies and registration of such work shall have been complied with." (Sec. 12.)

The provision for the recovery of penalties for failure to deposit copies is found in section 13:

"Should the copies called for by section 12 of this act not be properly deposited, as herein provided, the register of copyrights may at any time after publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying Territorial possession of the United States, or within six months from any outlying Territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of $100 and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work and, the copyright shall become void."

The time-honored policy of requiring from each copyright proprietor a full registration of the data concerning the grant of copyright to him is thus again enforced, though in slightly different form in the act of 1909.

By section 56 of the register of copyrights is required to "fully index all copyright registrations and assignments" and to "print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes" and further "at stated intervals" to "print complete and indexed catalogues for each class of copyright entries." Copies of these current printed catalogues are then made available to the public. (Sec. 57.)

ISLE ROYALE NATIONAL PARK, MICH.

Mr. VANDENBERG. Mr. President, will the Senator from Utah yield to me for a matter which I shall immediately withdraw if it requires any debate?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. KING. If I have the consent of the distinguished Senator from Rhode Island, I shall not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. VANDENBERG. The Committee on Public Lands and Surveys has unanimously reported the bill (S. 6221) to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes. The report has behind it the enthusiastic support of the Department of the Interior and the National Park and Planning Commission. A similar bill has been reported to the House. The Senate committee has adopted a very appropriate amendment which was suggested by the Senator from Montana [Mr. WALSH]. Therefore, an agreement will have to be reached between the two Houses, and unless action shall be taken to-day I can not hope for that conference. Therefore, I ask unanimous consent for the present consideration of the bill. I am sure there will be no debate, because there is entire agreement on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BLEASE. I regret very much that I shall have to object. I myself have a bill providing for the establishment of a park at King's Mountain, S. C., which I have been trying to have considered by the Senate for some time. While I do not like to make an objection of this kind, I do not think we ought to establish parks at various other places in the country and then refuse to establish a park at a place where occurred a battle which the War Department itself says is second to no battle in our history except that of Saratoga. I think if any more parks are to be created, we certainly should have a chance to have one established at Kings Mountain in the State of South Carolina.

The PRESIDING OFFICER. Objection is made.

ST. DAVID, PATRON SAINT OF WALES

Mr. KING. Mr. President, the junior Senator from Pennsylvania [Mr. DAVIS] desires to occupy the floor for a few moments, and, with the consent of the Senator from Rhode Island, I yield to him.

The PRESIDING OFFICER. Does the Senator from Utah yield the floor?

Mr. KING. No.

Mr. DAVIS. I shall not ask the floor if the Senator from Utah has to yield it.

Mr. KING. If I lose the floor, I shall endeavor to get it again.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. DAVIS. Mr. President, to-morrow, March 1, will be St. David's Day, and Welshmen the world over, together with liberty-loving people of every nation, will observe the event in commemoration of the patron saint of Wales, who was a pioneer advocate of the doctrine of "liberty, justice, and humanity for the common people of the world," which he expounded back in the Dark Ages, when the absolute right of kings and the nobility was most firmly established and when expressed opposition to this principle of government meant torture and death on the axman's block.

However, St. David escaped this fate, and his inspirational message of liberty rang down through the years, to be culminated in such epochal documents as the Magna Charta, which was wrung from King John at Runnymede, the American Declaration of Independence, and the Constitution of the United States.

Celebrations in honor of St. David will be held in far-flung regions of the world to-night and to-morrow, but nowhere on the face of the earth will the saint's anniversary day be observed with more spontaneous acclamation than in the Principality of Wales itself, where formal and impromptu ceremonies will be held from Llanfairpwllgwyngyllgogerychwryndrobwllllandysiliogogogoch in the north to Pontllanfraith in the south, and many a toast and many a time-honored song will be offered to the memory of valiant St. David.

St. David's spirit fired the spark of liberty in the heart of Wales, and that gallant little nation fanned the flame of freedom until it spread to far-removed regions of the world, and particularly to the thirteen original States, upon which group this great Republic is founded.

But Wales gave more than the spirit of liberty to America. The homeland of St. David also gave its blood, brain, brawn, and energy to the cause of our national freedom and the economic and cultural progress of our Nation. Welsh blood flowed in the veins of Thomas Jefferson, author of the Declaration of Independence; John Adams and John Quincy Adams, Monroe, Harrison, Garfield, and Abraham Lincoln, the latter of whom traced his Welsh ancestry through his mother's side of the family.

Furthermore, 18 men of Welsh blood signed the Declaration of Independence, and Robert Morris, of Welsh ancestry, placed his fortune on the altar of liberty, so that the armies of Washington could carry on their fight against tyranny.

Chief among the Welshmen, who aided the cultural progress of our great Republic, we find the names of the following notables: John Harvard, who established Harvard University; Elihu Yale, founder of Yale University; the Rev. Morgan Edwards and Dr. Samuel Jones, who founded Brown University; John and Samuel Phillips, founders of Phillips Exeter and Andover Academies, and Colonel Williams, for whom Williams Academy is named. And last, but not least, Roger Williams, outstanding exponent of national tolerance, who founded no college but who taught the world the beneficial influences of fair play, religious liberty, and freedom of thought and speech in the colony he founded and which he named Providence, as a mark of gratitude and appreciation for the Divine guidance he had received in the project.

Furthermore, much of the economic progress made by our Nation can be credited to the brain and brawn of Welshmen, who were pioneer developers of our iron, steel, and coal industries.

Mr. President, time does not permit further enumeration of our Nation's notables, who were linked by blood ties to Wales. In every crisis faced by our Nation from the American Revolution down to the World War, men of Welsh blood served our country in varied rôles of duty, some in high Government positions, and others on the battlefields and battleships. All of this, however, has been graphically set forth long ago on the floor of this hallowed Senate Chamber by a noted colleague of other days—the Hon. John Sharp Williams—who said that no other Nation on earth had done more for the development and the progress of our Nation than the valiant Principality of Wales, far across the Atlantic.

In conclusion, may I not suggest that St. David's day offers a fine opportunity for every American of Welsh ancestry to brush up his ideals on honest patriotism, love of liberty, and respect for the laws of our land, and to stand foursquare on the principles which were set forth at the birth of our Republic, namely the protection of life and property, the right of contract, and the right of free labor. Moreover, they can renew in their hearts the silent pledge that representative government shall not perish. They can summon to their aid in this regard, those homely virtues that were summed up by the ancient Druids and St. David in the motto of the Gorsed: "Y Gwir Yn Erbyn Y Byd," or "the truth against the world."

Mr. BLEASE. Mr. President, on last Sabbath day a lady who was born in the country of which the Senator from Pennsylvania has spoken celebrated her eighty-third birthday. She has lived in South Carolina since she was a small child. She is a good woman. She has rendered great service to her country in times of peace and war; and her children, both boys and girl, have been of credit to the State of South Carolina. I refer to Mrs. Kate A. Coates, of Helena, S. C. I ask to have inserted as part of my remarks the following article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Columbia (S. C.), State, of Friday, February 27, 1931]

CELEBRATES BIRTHDAY

NEWBERRY, February 26.—Mrs. Kate A. Coates, of Helena, Newberry County, celebrated her 83d birthday Sunday. A large number of her friends visited her during the day, taking remembrances. In spite of her advanced age, Mrs. Coates is very active and gives the impression of being much younger.

Mrs. Coates was born in Wales, England, and came to this country with her parents, Mr. and Mrs. Daniel Jones, while a small child. One sister, Emma Field, was born on board the ship and was named by the captain after the ship. She has a half-sister, Mrs. Maggie Bishop, in Laurens, and two children, Jesse Coates, of Virginia, and a daughter, Mrs. Nellie Coates Davis, who lives with her mother.

POSTING OF NOTICES OF CITIZENSHIP PETITIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws in respect of posting of notices of petitions for citizenship, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSON, Mr. REED, and Mr. KING conferees on the part of the Senate.

MONONGAHELA RIVER, FAYETTE CITY, PA.

Mr. REED. Mr. President, there is on the Senate Calendar Senate bill 6232, providing for the construction of a bridge across the Monongahela River at or near Fayette City, Pa. A similar bill is on the House Calendar except that the House has stricken out sections 3 and 4 as found in the Senate bill. It will be impossible to reach it, I am told, unless the Senate bill can be messaged over to the House to-day. I do not understand why that is so, but that is represented to me to be the situation. I ask unanimous consent that we may consider the Senate bill, amend it according to the House bill, and then pass it. It is approved by the War Department and by the committee, of course.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 6232) granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa., which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Fayette, Pa., or its board of county commissioners, their successors or assigns, and/or to the county of Washington, Pa., or its board of county commissioners, their successors or assign, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, at or near Fayette City, Pa., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the county of Fayette, Pa., or its board of county commissioners, their successors, and assigns, and/or the county of Washington, Pa., or its board of county commissioners, their successors and assigns; and any public agency or corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 4. The rights, powers, and privileges conferred by this act upon the county of Fayette, Pa., or its board of county commissioners, their successors or assigns, and/or upon the county of Washington, Pa., or its board of county commissioners, their successors or assigns, are hereby declared to be conferred upon the two counties or their boards of county commissioners, their heirs, successors or assigns, either jointly or severally.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. REED. I move to amend the bill by striking out sections 3 and 4.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISLE ROYALE NATIONAL PARK, MICH.

Mr. HEBERT obtained the floor.

Mr. VANDENBERG. Mr. President, will the Senator yield to me?

Mr. HEBERT. I yield to the Senator from Michigan.

Mr. VANDENBERG. The Senator from South Carolina [Mr. BLEASE], to whom I have explained the difference in the Isle Royale bill, has agreed to withdraw his objection; and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The clerk will read the bill for the information of the Senate.

The Chief Clerk read Senate bill 6221, to provide for the establishment of the Isle Royale National Park, in the State

places in the country and then refuse to establish a park at

the world the beneficial influences of fair play, religious lib-

dar Senate bill 6232, providing for the construction of a

establishment of the Isle Royale National Park, in the State

of Michigan, and for other purposes, which had been reported from the Committee on Public Lands and Surveys, with amendments.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. BLAINE. Mr. President, reserving the right to object, I should like to see the bill that is now before the Senate disposed of, so that we may take up the bill relating to oleomargarine. If everybody gets unanimous consent to consider other measures during the discussion of the copyright bill, I can very clearly appreciate that there will be no opportunity to give any consideration whatever to the oleomargarine bill. So I think we ought to stay here to-night until we finish this bill and complete the important legislation that is before the Senate. I am disposed to begin now to object to every proposed unanimous-consent agreement.

Mr. VANDENBERG. Will not the Senator begin objecting immediately after this item?

The PRESIDING OFFICER. Objection is made.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention at Berne for the Protection of Literary and Artistic Works.

Mr. HEBERT. I ask that we proceed with the reading of the bill as previously arranged; and then, if any question is raised as to the amendments proposed by the committee——

Mr. KING. Mr. President, I yielded to the Senator from Pennsylvania [Mr. DAVIS]. I understood he had the consent of the Senator from Rhode Island [Mr. HEBERT]. Then several others intervened.

The PRESIDING OFFICER. The Chair will recognize the Senator from Utah, although he yielded the floor.

Mr. KING. Yes; I did, but——

Mr. McNARY. Will the Senator yield a moment for an inquiry?

Mr. KING. I want to complete the reading of several paragraphs from the memorandum to which I was calling attention, because, as the matter is now, it leaves the statement incomplete.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oregon?

Mr. KING. I yield.

Mr. McNARY. May I inquire whether an order has been made to read the text of the bill, or just the committee amendments?

The PRESIDING OFFICER. To read the text of the bill, upon the suggestion of the Senator from Rhode Island [Mr. HEBERT].

Mr. McNARY. Would not the Senator from Rhode Island be willing to amend his proposition by simply omitting the reading of the text and reading the committee amendments first?

Mr. HEBERT. Most assuredly, Mr. President. That was done at the specific request of the Senator from Utah.

Mr. GEORGE. Mr. President, I should be compelled, most reluctantly, to object to that.

Mr. HEBERT. I do not know but that there are other Senators on the other side who insisted upon the reading of the bill; and then I suggested that we limit ourselves to reading a section at a time.

Mr. DILL. Mr. President, it is useless to think that we can rush this bill by that method. This is a complete revision of the copyright law. I want to see a law passed; but there is nothing wrong about asking that this bill be read and taken up and amended as the Senator has secured consent to have done. The Senator from Utah [Mr. KING] suggested it, and I am in favor of it. I think we ought to legislate here in a deliberative way, because this proposed legislation affects every household in America. We might just as well understand that this is a legislative bill.

Mr. KEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. KING. I yield, but I do not want to lose the floor.

Mr. KEAN. A parliamentary inquiry: I understood that the Senator from Utah yielded the floor when he yielded to the Senator from Pennsylvania [Mr. DAVIS] to make a speech. Then the Presiding Officer recognized the Senator from Rhode Island. Is that correct?

The PRESIDING OFFICER. That is correct; and the Senator from Rhode Island yielded the floor, and the Senator from Utah was recognized.

Mr. KING. The Senator from Rhode Island can not hold the floor. If he wants to speak, I shall be glad to yield.

I think the Senator from New Jersey is rather ungracious in commenting upon the fact that I yielded to the Senator from Pennsylvania. The Senator from Pennsylvania came and asked me if I would yield to him, and I said that if it met with the approval of those on the other side, and particularly the Senator from Rhode Island, I would yield. I did it as an accommodation to Senators upon the other side of the Chamber, including the Senators from Pennsylvania and my friend from Rhode Island. I want to be courteous to all Senators; but if, when a Senator is courteous and yields to other Senators, he is to be criticised for so doing, he may hesitate in the future as to the course to be pursued.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. KING. Mr. President, I am anxious to proceed with this bill and have it fairly considered and then acted upon.

I was calling attention to the criticism of this able legal writer of some of the provisions of the bill; and I yielded, as I stated a moment ago, to the Senator from Pennsylvania. I desire now to resume.

The author of the memorandum discusses the various copyright laws enacted since the beginning of our Government. I omitted, however, in the interest of brevity, his discussion of many of these enactments. I come now to the conclusion:

The revision of 1909 was not materially affected for consideration here by the amendatory acts of August 24, 1912, March 2, 1913, March 28, 1914, and December 18, 1919, which, therefore, need not be discussed.

Nor need we deal in this memorandum with the second and fourth Pan American conventions, ratified, respectively, in 1908 and 1910, whereby the United States sought to establish copyright relations with the Republics of Central and South America, as neither of these conventions have been made effective, due to failure of Congress to pass enabling legislation. It is interesting, however, to note that at the Fifth International Conference of American States which met last year at Santiago, Chile, there was adopted at the instance of the delegation from the United States, a resolution which is described in the recently published report of this conference, as follows:

"The delegation of the United States presented to the committee a resolution inviting the Governments which had not ratified the convention (the fourth Pan American) to do so, and furthermore, recommending to the Governments of all the American states *that the necessary steps be taken for the registering of the authors in each country and that such registration be given adequate publicity in order that merchants and other interested persons may know that such works are under the protection of the convention.*" (Italics ours.) (From p. 27 of the report by the American delegates to the Secretary of State.)

It is thus clear that the policy of maintaining a full and authoritative record of the grant of copyright has been continuous throughout the history of our country, and is applied to-day with equal force to foreign authors as to native authors.

Then follows a discussion of the adverse results that would follow our adherence to the union. I shall not take the time of the Senate to read, at the present time at least, the rest of this able exposition of the subject under consideration. I ask unanimous consent to print as part of my remarks the residue of the memorandum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

ADVERSE RESULTS THAT WOULD FOLLOW OUR ADHERENCE TO THE UNION

Besides the objection in principle to exempting foreigners from the requirements imposed by our law upon American authors,

there are grave practical inconveniences to which the native American would be subjected if this country were to adhere to the copyright union. The usefulness of the Library of Congress as affording a complete and reliable record of all grants of copyright in this country would at once be destroyed. The value of an official record of the grant or conveyance of any property lies in the dependence which the public is able to place in it as an authoritative record of all grants or conveyances. When exceptions are made by a government to its requirements for registry in such a record, the record instantly loses its character of completeness and can no longer be relied upon.

The exception of the large class of foreign authors from the requirements of registry at the Library of Congress would mean not only the exclusion of an official record of all grants of monopoly made by this country to foreigners under the union, but it would confuse the record of grants of monopoly to our own citizens. A book, for instance, by an American author and published in this country, but without compliance with the requirements of our law as to notice of copyright, registration, etc., and hence apparently in the public domain, would, nevertheless, be entitled to full protection here if the work had had its first publication in another convention country. The result might well be to mislead the public, naturally relying upon the copyright records here in connection with such works. Of course, the fact that the work had been first published in the foreign country—which was therefore the country of origin under the union—would not appear; nor could that fact be readily ascertained and verified.

However, it would be in connection with works of foreign authors that the most serious difficulties would result from our adherence to the union. There would be no public record in this country—as at present through registration—of the nationality of the foreign author, nor would such nationality, if it could be ascertained unofficially by investigation or otherwise, be of controlling effect in determining, as under the reciprocity proclamations, such author's right to protection here for his works. The determining factor would be whether the first publication of any given work had occurred in a convention country irrespective of whether the author was a citizen or subject of such country or living there at the time, and his nationality, if ascertained, would at most give only a clue as to where such first publication of the work most likely occurred. But the running down of such a clue would be a difficult and probably a time-consuming and expensive process, and if it did not lead to reliable facts regarding the first publication of the work, it might be necessary to pursue the international investigation in the various other convention countries in order to develop definitely the copyright status of the work.

Furthermore, the possession of a copy of the work from abroad bearing an indication of publication in a country of the union would merely furnish a similar clue and international investigation would still be necessary to determine legally whether that was the first publication of the work, and, if not, whether the first publication of the work had actually occurred in some other convention country so as to entitle the work to protection here.

Perhaps there might be indications on such a printed copy pointing to the author's being a Russian. As Russia is not a member of the union, and aside from the union has never enjoyed reciprocal copyright relations with the United States, the conclusion might then be drawn that the work was not entitled to protection in this country. Such a conclusion, however, would not be justified; for, as we have pointed out, not only are the works of natives of any of the countries which are members of the union protected, but the same protection is accorded the works of an author of any nationality who publishes the same for the first time in any one of the union countries. Thus, the Russian author in question might have first published his work in the Republic of Switzerland, although no indication of such origin might appear on the printed work itself, and in this event the unauthorized use of such work in this country would subject the American user to an infringement suit in our courts. So that one result of our entering the union would be that Russians, citizens of a country with whom the United States holds no intercourse, might, under the conditions just stated, secure copyright protection here, while American citizens would be denied protection in Russia.

Similarly, the natives of other nonunionist countries which do not have reciprocal copyright relations with the United States, and whose laws fail to give adequate protection to works of American authors, might be thus enabled to take advantage of the situation to gain protection here.

Another serious obstacle in the path of inquiry with regard to ownership in this country of any given foreign work would be the possibility that it might have been assigned after publication of the work, with no indication of such assignment nor the name of the assignee appearing on the work itself to afford even a clue to such ownership. In some cases not one but many assignments, by operation of law or otherwise, might have occurred by the time the American citizen desired to acquire or use the work. When it is borne in mind that the Berlin convention contains not only no provision for the registration of assignments but does away with all formalities, it would seem that the requirements of our own law on this subject (see secs. 42–46, act of March 4, 1909) would, in the event of our adhering to the union, have no application to assignments abroad of works first published in other unionist countries. The hardship thus imposed upon American citizens is obvious.

These are embarrassments which, of course, would be shared by all members of the public desiring to use any foreign work the copyright status of which they were concerned with. Adherence to the union would open a wide door to fraud of many kinds, and the American user, put to the necessity of investigation, would find that task more difficult than at present and perhaps impossible and be thereby discouraged from using a work which if in the public domain the law intended he should be free to use. Even under the carefully considered provisions of the existing copyright law in this country, it has been found that frauds have been perpetrated upon the public.

An illustration of this is found in the case of Bong v. Campbell Art Co. (214 U. S. 236). The suit was for infringement of copyright in a work of art which had been painted by one Hernandez and the rights in which had been assigned by him to the plaintiff, who had copyrighted the work relying upon the representation by Hernandez that he was a subject of Spain. Thus it was claimed that the work was copyrightable in the United States by virtue of the reciprocal copyright proclamation with Spain. In the course of the litigation, however, it developed that Hernandez's claim to Spanish allegiance was false and that he was in reality a citizen of Peru, a country whose citizens had "no right of copyright" in the United States. The plaintiff in relying upon the apparently bona fide representations of Hernandez had thus been fooled into purchasing alleged rights in this country which in reality did not exist.

To the difficulties of determining the copyright status of any known foreign work would be added the multiple dangers of innocent infringement of unknown foreign works. Our accession to the union would at once introduce into this country a vast body of copyright property of foreign origin, unknown to our citizens and unascertainable.

As under the union all of the intellectual works recognized by the Berlin convention would be protected here, many different industries and professions in this country would be confronted with the danger of unwittingly infringing such foreign copyrights.

Likewise in those classes of literary and artistic property now recognized alike by the law of the union and of this country there would be increased danger of innocent infringement. The users of foreign works are, of course, not confined to the book publishers. With all the contemporary literature of Europe and in the case of many countries that of several generations past protected in the United States, as it would be under the union, the opportunity of discovering therein a basis for the claim of copyright infringement is given an alarming extension and strong incitement afforded to the unscrupulous litigant, a danger against which the producer will be unable to effectively guard.

Under the present practice in this country it is a comparatively simple matter to determine in advance the prima facie copyright status of a foreign work it desires to mechanically reproduce and the name and address of the copyright proprietor with whom it must deal. Inquiry at the Library of Congress affords information as to whether or not a given work is duly registered, and if so, a certified copy may be obtained of the certificate of registration "* * *" to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale or publicly distributed, and such marks as to class designation and entry number as shall fully identify the entry "* * *." (Amendatory act of March 2, 1913.)

Certified copies of the records as to assignments of copyrights can also be obtained. Moreover, the law at present provides that searches of the copyright office records will be made and the results reported by that office at nominal rates. The advantages of this system are apparent, and would to a large extent be lost upon accession by the United States to the union.

The sponsors of the proposed legislation which would involve the United States in the perplexities of this European convention have no concern, apparently, for those members of the American public who would thereby be subjected to great and unavoidable danger of infringement claims by foreigners. Great business enterprises in this country which have hitherto been enabled to reproduce for the American public, on the stage, on the moving-picture screen, on piano rolls, on talking-machine records, or on the radio the popular works of European authors and composers are now invited to discontinue this branch of their production or to operate it with no official record as a guide to the status and proprietor of such foreign works, and hence at the peril of being misled and subjected to continuous infringement claims.

There is no essential difference in this connection between the patent and copyright monopolies. No more reason exists for excusing foreign copyright proprietors from the requirements of our law as to notice of copyright, registration, and deposit of copies of their protected works than for excusing the foreign patent monopolist from the filing in Washington of his application for patent monopoly in the United States.

In article 2 of the International Convention for the Protection of Industrial Property (signed at Paris March 20, 1883; modified at Brussels December 14, 1900), to which the United States has adhered, the subject of international protection is dealt with as follows:

"The subjects or citizens of each of the contracting states shall, in all the other states of the union, as regards patents, industrial designs or models, trade-marks, and trade names, enjoy the advantages that their respective laws now grant, or shall hereafter grant, to their own subjects or citizens.

"Consequently they shall have the same protection as the latter and the same legal remedy against any infringement of their rights, *provided they observe the formalities and conditions imposed on subjects or citizens by the internal legislation of each state.*" (Italics ours.)

By virtue of Article IV of the same convention (as modified by the additional act signed at Brussels), the owner of a patent or trade-mark in any one of the contracting States is given a right of priority during a specified period in all the other States to secure protection therein. The period so prescribed for patents with respect to inventions is 12 months; and for industrial designs or models, and also for trade-marks, the period is 4 months. The only result of this provision, in so far as it affects international patent rights, however, is to allow the patent owner a specified period within which to make application in foreign countries and by complying with their formalities and requirements to secure for himself the same protection that is accorded citizens of those countries. No one else by prior application during the period in question can prevent such owner from perfecting his monopoly in the other member countries if he complies with the requirements of their respective laws.

It is obvious that under that convention the foreign inventor seeking monopoly in the United States is relieved from none of the requirements of our domestic laws; nor is it likely that any future modification of such convention will ever result in placing him, with regard to the securing of patent rights in the United States, in a more favorable position than the American citizen. Mere production and public use of an invention, or even publication of a description thereof, say in Switzerland, would never be accepted as the basis upon which patent protection would be automatically extended to the invention in this country. One can readily conceive of the outcry that would greet the proposal to admit foreign inventors to the privileges of American monopoly without any necessity on their part of formally applying for patent and making their rights a matter of official and public record. In the face of such a proposal every American manufacturer would be threatened with the danger of unavoidably infringing some foreign invention of which he had no knowledge or means of knowledge except the difficult, expensive, and uncertain means of investigation abroad, and would thus be left exposed to the attacks of foreign competitors and subjected to infringement suits in our own courts against which it might be impossible to establish any defense.

And if it be conceded, as it must be, that this country would never consent to foreign inventors enjoying a patent monopoly in this country without public record of their claims, on what ground can the grant of a similar monopoly to foreign copyright proprietors without registration be justified?

THE DANGER OF UNDULY EXTENDING MONOPOLY

The proposed legislation ignores the interests of the public in the subject of monopoly. The enjoyment of patent and copyright monopoly in this country to-day flows from the Federal Constitution and the laws enacted under it. The purpose inherent in the grant of monopoly in each of these branches of intellectual property is clearly expressed in the Constitution itself. Congress is there given the power "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." (Art. I, sec. 8.) The grant of monopoly is thus subordinated to the clearly expressed purpose with which Congress is to act in authorizing such grants, and the grants are further to be only "for limited times."

Our Government has never since been unmindful of the fact that monopoly, being a grant against the public, should be carefully limited in accordance with the established principles of the law and should not be extended beyond the bounds of a just necessity. As Macaulay said in his address in the House of Commons on the Talfourd copyright bill, "Copyright is monopoly and produces all the effects which the general voice of mankind attributes to a monopoly." So Mr. Justice Matthews, in Butterworth *v.* United States (112 U. S. 50), after quoting the provisions of the Constitution above referred to, said, with reference to the patent law:

"The legislation based on this provision regards the right of property in the inventor as the medium of the public advantage derived from his invention; so that in every grant of the limited monopoly two interests are involved, that of the public, who are the grantors, and that of the patentee."

Pursuant to the principle of making available to the public the beneficial use of such intellectual works, Congress, in its first copyright and patent enactments in 1790, and ever since, has not only narrowly limited the period of monopoly but prescribed that every author or inventor desiring to secure monopoly rights should take the initiative and comply with certain formalities effecting an official record of each grant and work protected.

In the member countries of the union, on the contrary, international copyright vests automatically in the author or composer upon the mere production or first publication of his work. No declaration of his desire to enjoy a period of exclusive use of his work is required. The monopoly is thrust upon him.

Furthermore, the absence of any requirement under the law of the union for the printing of a notice or claim of copyright on each copy of the protected work would inevitably result in the unwarranted extension of the owner's monopoly and an indefinite exclusion of his work from the public domain. For where the published work contains no notice of copyright and no date to mark the beginning of the period of protection, the subject of monopoly is not carmarked, and members of the public, being without information from which to determine the expiration of the monopoly, would be slow to use what the law intended should be open to their use. Moreover, as there would be no official record of the grant, a claimed date of expiration could not be readily verified. Thus monopoly conceived under such a law would tend in practice to become unlimited.

Finally, as under the union, the deposit of copies of foreign works will no longer be required in this country in connection with copyright protection, the future collection of these works at the Library of Congress would be curtailed, and the American public denied the benefit of official copies for reference there during the period of the monopoly and for purposes of use and exploitation of the work when this period expires.

In the theory of our law the consideration for the grant of limited monopoly is that the public should have the free use of the author's work upon the expiration of the period of protection, and it is clear that this consideration will be withheld, or at least its purpose will be impaired, if foreign works are to be granted protection in the United States, but no public record made thereof and no requirement exacted that the work should be disclosed through publication here and that copies circulated here should bear the customary notice of copyright, including the year from which the term of monopoly runs. Copyright on such a basis would not tend to carry out the underlying object expressed in the Constitution—"to promote the progress of science and useful arts"—nor would it mean the securing of protection "for limited times" only; for the copyrighted work, being in the nature of a secret monopoly, would tend to secure for itself an indefinite term of protection, extending perhaps far beyond the period prescribed by law. Such a condition of the law, favoring the monopolist at the expense of the public, would be repugnant to the basic principles of our Government.

The radical character of the proposed legislation is indeed such as might call in question its constitutionality. This is a question, however, which lies beyond the scope of the present memorandum.

One further feature of the proposed legislation must be noted as particularly menacing to the public interest. Instead of limiting the effect of the new law to works produced in foreign countries after the date of our accession to the union, the bill proposes that upon that accession copyright shall at once extend in this country to all works in which foreign copyright subsists at such date.

A work of foreign origin can now secure copyright in the United States, if otherwise entitled thereto, only by first or simultaneous publication, or the equivalent of simultaneous publication, in this country. Our courts and those of Great Britain have consistently held that where a work is first published abroad it is thereby rendered publici juris and available to the public in all countries where simultaneous publication or the equivalent has been omitted, and any subsequent publication in one of those other countries will not restore the author's rights, which have been lost to the public there. (Among the authorities so holding, the following may be noted: Universal Film *v.* Copperman, 212 Fed. 301; Savage *v.* Hoffman, 159 Fed. 584; Daly *v.* Walrath, 40 N. Y. App. Div. 220; Boucicault *v.* Wood, 2 Biss. (Ill.) 34; Clementi *v.* Walker, 2 Barn. & Cr. 861; Guichard *v.* Mori, 9 L. J. Ch. O. S. 227; Jeffreys *v.* Boosey, 4 H. L. C. 852; Boucicault *v.* Delafield, 1 Hem. & M. 597; Boucicault *v.* Chatterton, 5 Ch. D. 267; Page *v.* Townsend, 5 Sim. 395.) This is undoubtedly true under our copyright act of 1909, the word "publication" in the clause in section 9 providing "that any person entitled thereto by this act may secure copyright for his work by publication thereof with the notice of copyright required by this act," clearly meaning publication in this country and not abroad. (See discussion of this point in Weil, pp. 270–286.)

Under our existing copyright law, therefore, every copyrightable work which has been first published in any foreign country and not simultaneously published in the United States has fallen into the public domain and become available for use and exploitation by the American public. The advocates of our accession to the union now propose that the American public be deprived of its rights in such works, and that copyright protection be automatically conferred at this late date on the vast number of such works for the benefit of the foreign authors and composers and their assignees. The great wealth of foreign material still untouched by American handa is to be lifted out of the public domain and given over to monopolistic ownership.

This was the very thing which our Congress, in its revision of the copyright law in the act of 1909, sought to guard against when in section 7 thereof they stipulated:

"That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to the going into effect of this act and has not been already copyrighted in the United States * * *."

The present Congress, however, is asked to reverse this policy and to advance the interests of the foreign authors at the cost of the American public and to increase the drastic effect of the proposed legislation by making it retroactive as to all foreign works uncopyrighted here which have not actually been made the subject of use by American citizens.

The objections to the enactment into law of the proposed bill are thus seen to rest on fundamental grounds. The advantages which membership in the union offers to American citizens are nebulous. By the reciprocal copyright relations already established with other nations under our existing law a just and wide protection to American authors is afforded in foreign countries, and nothing vital to adequate protection would be gained by our adherence to the union.

Advocates of adherence to the union have beclouded the issue with argument directed to the agreeable theme of world-wide uniformity in the grant of international copyright, uniting the authors of the world in a common fraternity of privilege. Such argument when applied to America is beside the question. By section 8 of the act of 1909, as formerly by section 13 of the copyright act of 1891, the President, at any time when investigation discloses that the just demands of reciprocity have been complied with by any foreign country with whom no copyright relations then exist, may proclaim that citizens of that country are entitled to all the privileges of American law, and such foreigners may therefore, by complying with the practical requirements of publication with notice of copyright, of registration, and of deposit of copies, place themselves on a parity with American authors. What more can foreigners justly ask of this country?

The extension of the right to copyright in this country to citizens of foreign countries not now enjoying the same, while not objectionable in principle, does not demand or warrant the extreme means proposed—involving incalculable loss and hardship to the American public and the advancement of foreigners to a more favorable copyright status than that of our own citizens—but should proceed in accordance with our own existing law and established policy.

Mr. KING. For the present, Mr. President, that is all I care to say.

REPORT OF COMMISSION ON SOCIAL SERVICE OF SOUTHERN BAPTIST CONVENTION

Mr. SHEPPARD. Mr. President, I submit for publication in the RECORD the Twenty-second Annual Report of the Commission on Social Service of the Southern Baptist Convention, made at the seventy-fifth session of that convention at New Orleans, La., May 14 to 18, 1930.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TWENTY-SECOND ANNUAL REPORT OF THE COMMISSION ON SOCIAL SERVICE OF THE SOUTHERN BAPTIST CONVENTION

As usual your commission limits its report to a few of the many things which might appropriately be dealt with in a report on social service. Necessarily the report must come within reasonable limits, and necessarily, therefore, many things that might be dealt with must be omitted. Only those things which for the time being seem most important and vital can be considered.

BROADCASTING PRIVILEGES

Immediately following the adoption of the last annual report of your commission the following resolutions were offered by John S. Ramond, of Louisiana, and adopted by the convention:

"Whereas reports in the public press indicate that the Federal Council of Churches in America announced at a recent convention their purpose and plan to secure contracts with radio broadcasting stations and organizations whereby no church service can be broadcast without the approval of the council; and

"Whereas such control of radio church services would be inimical to our church and denominational broadcasting services; therefore, be it

"*Resolved*, That we request our social service commission to look carefully into this matter and, if the facts justify, to make a vigorous protest to the Federal Radio Commission in our behalf."

In pursuance of this instruction the chairman of your commission took up this matter by correspondence with the editor of the Presbyterian paper, on whose editorial the resolutions were based, and also by personal conference with one of the chief officers of the Federal Radio Commission in Washington City. The correspondence with the editor revealed the fact that possibly the editorial was not so securely founded on fact as at first the editor had thought. The conference with the officer of the Federal Radio Commission brought from him the statement that the Federal commission has no control over broadcasting stations or companies, except to license them and to revoke licenses if in any case the broadcasting privilege should be abused by the use of improper or indecent language or by broadcasting matter not proper to be put "on the air"; that when a station or company is once licensed the Federal commission has no voice as to who shall use it or as to the manner of its use, except within the limits indicated; that the Federal commission had no knowledge or information to the effect that the Federal Council of Churches was planning such monopoly as had been suggested and that such monopoly would hardly be possible if attempted.

GREATER USE OF THE RADIO BY SOUTHERN BAPTISTS SUGGESTED

Our experience in looking into the foregoing matter has directed our attention to the fact that our Baptist people are not making as much use of the radio as we believe they should. It is good that a very considerable number of our churches have stations or broadcasting privileges over local stations, either for all their services or a part of them. But a larger number, if possible, should "go on the air." The radio is one of the largest factors in our present-day life. Instantly at any moment any bit of information, all the way from the most serious, heart-moving appeal of the gospel to the advertisement of tooth paste, can be conveyed to millions who "listen in." Surely our churches and pastors ought to make the most of this most modern and most powerful and most appealing means of communication.

It is not the function of the Commission on Social Service to suggest plans for the general promotional work of the convention, which work has been intrusted to the executive committee. With no thought of going out of its sphere your commission would express the hope that the executive committee, or whatever promotional agency the convention may at any time set up, may think it expedient and find it possible to establish a great central broadcasting station over which the work of the convention may be broadcast, accompanied by a deeply spiritual and a mightily appealing religious service. The hundreds of thousands of Baptist homes which have receiving sets could immediately be informed of, and in large measure enlisted in, the plans and tasks of this convention and of the progress of the Lord's work throughout the world. Surely our Baptist people would be more interested in such a program and in a "Southern Baptist hour on the air" than in the disgusting jazz and tawdry advertisements which daily pollute the air. It may well be doubted whether Southern Baptists can so well invest elsewhere the amount of money necessary for the establishment of such a station or the rental of the broadcasting privileges for an hour each day, or at least two or three times a week, from some station already in operation.

INDUSTRIAL RELATIONS

The partial reports which have been published of the recent United States census show that more and more the South is becoming industrialized. All of the industrial towns and cities show decided gains in population, while the purely rural and agricultural sections, and even towns supported wholly by agriculture, with few exceptions, show losses. This mass movement from the farm to the town and city, like all other mass movements, is fraught with tremendous consequences. Mass movements are not always easily understood and they are practically beyond our control. Much might be said concerning the effect of this movement on our church life, both in the town and the country, and upon our whole social order. One thing is certain—we are rapidly being confronted with all of the problems of evangelization and of industrial justice which are ever attendant upon rapid industrial development and characteristic of large industrial centers.

In its annual report submitted at the last annual session of that body, the Commission on Social Service of the Georgia Baptist Convention included a section devoted to industrial relations which, in the judgment of your commission, is so wise, sane, and just that portions of it are quoted and made a part of this report. We quote from this report both because it so happily and so well expresses our own views and what we believe to be the views of this convention, and also as indicating that our Baptist people are coming to be interested and alert about these matters and are demanding that the spirit of justice and good will shall prevail in the conduct of industries. Capital and labor must each see the interests and rights of the other; employer and employee must cooperate together and serve each other in the spirit of the golden rule; the mandates of the Christian religion must prevail in our whole social order if we are to have social peace and prosperity.

We quote from the Georgia Baptist Commission on Social Service, as follows:

"An underwage is a fruitful mother of poverty, disease, immorality, and crime. Long hours, low wages, docile labor is an economic mistake. A man's wage should be enough to support himself and his family in reasonable comfort. A wage that will not furnish a decent living for a man and his family is a social wrong. A fair wage to the workmen who produce it is a legitimate item in the sales price of any commodity; and the consuming public is willing that it be included, as in justice it ought to be.

"This commission recognizes the inalienable right of labor to organize, to bargain collectively, and to be represented at the council table by representatives of their own choosing. Capital and labor have equal right in organization. A lone workman is not on an equal trading basis with a big mill owner; he is helpless. The good wages that obtain in nearly all lines of industry are due to the work and influence of American organized labor.

"The religious forces of the South and of the Nation are standing for a shorter workday for mill operatives, for better wages, 'a fair day's wage for a fair day's work,' for the elimination of 'stretch-out system,' for the protection of the older children, and for the gradual and complete elimination of night work for women and children.

"In this connection we are glad to note that many of the leading textile industries have foreseen the necessity and the duty of considering the rights and welfare of employees as of paramount importance in the administration of their mills. * * *

"We strongly commend the justice and the wisdom of generous consideration for the personal and family welfare of mill operatives. We can not forget that the millions dependent on their labor in the mills of the South are predominantly Baptist people.

"In the most Christian spirit we urge these considerations upon our southern mill owners. We are firmly convinced that in the long run they would be promotive of industrial prosperity and industrial justice as well."

LYNCHINGS DECREASE BY ONE

In keeping with its custom, the Tuskegee Institute, Tuskegee, Ala., has kept a record of the number of lynchings which occurred in the United States for the year 1929. A letter from the president of the institute, dated December 31, 1929, gives the following statement of facts:

Ten persons were lynched during the year 1929, 1 less than the number for 1928, 6 less than the number for 1927, 9 less than the number for 1926, and 7 less than the number for 1925. Six of the persons lynched were taken from the hand of the law, 5 from

jail, and 1 from officers of the law outside the jail. There were 27 instances in which officers of the law prevented lynching, 3 of these in the Northern States and 24 in the Southern States. In 24 cases the prisoners were moved and special care taken to see that they were not harmed. In 3 other instances armed forces were used to quiet mobs. Twelve white men, 20 negro men, and 2 negro women were saved from death at the hands of mobs. Of the 10 persons lynched last year 7 were negro and 3 were white. The offenses were as follows: 3 for raping, 2 for writing insulting notes, 1 for murder, 1 for wounding a man in a quarrel, and 2 for wounding officers; 1 not reported. The States in which the lynchings occurred are as follows: Florida, 4; Kentucky, 1; Mississippi, 1; Tennessee, 1; and Texas, 3.

We rejoice to note that the number of lynchings for the year shows a decrease of one over the previous year. But we shall not be satisfied until this foul blot is entirely removed from the garments of our civilization. Under our form of government and the guaranties of our Constitution, both Federal and State, every individual, no matter with what crime charged, is entitled to a fair and impartial trial under constituted authority, and punishment is not to be administered except by the due processes of law. As long as this sacred and fundamental principle is violated our civilization is in jeopardy. Mob law is no law; mob law is anarchy; mob law brings utter confusion and chaos. It will be observed that every one of the lynchings which occurred in 1930, occurred within the bounds of this convention. This very fact lays upon our Baptist people a heavy responsibility. Law must be upheld; lynchings must be stamped out. It lies largely within the power and influence of the Baptists of the South to create a respect for law and for the orderly processes of justice that will make lynchings impossible and to secure for every individual of whatever color, or of whatever station in life, the sacred rights which are guaranteed under constitutional and orderly government.

PROGRESS IN WORLD PEACE

Tuesday, April 22, the Naval Disarmament Conference between Great Britain, Japan, France, Italy, and the United States, the five great naval powers of the world, which had been in session in London for three months, came to a close and the treaty which had been agreed upon was signed by the representatives of these five powers. From published reports it appears that this conference did not accomplish all that we had hoped for, nor all that ought to have been possible, in view of the fact that all of the governments represented in the conference have ratified the Briand-Kellogg treaty renouncing war and pledging all signatories thereto to use only peaceful means in the settlement of international disputes or differences. But war has long been rooted in the thinking of the world, and it will require time to remove all feelings of suspicion and fear, and securely to establish the spirit of peace among all the nations.

While the conference did not accomplish all that we hoped for, apparently it did accomplish much. As this report is prepared, the terms of the treaty have not been published. But the President has given to the press a statement summarizing what he considers the results of the conference and the benefits that will come from the treaty. According to the President's statement, the treaty brings a perfect understanding between Great Britain, Japan, and the United States as to the matter of naval construction and removes the possibility of competition in the naval program of these three great naval powers. The President estimates that the actual money saving to these three countries will be $2,500,000,000, of which the United States will save $1,000,000,000. The President points out that under the terms of this treaty the United States will have to spend within the next six years between $550,000,000 and $650,000,000 to attain parity with Great Britain, whereas on the basis of the Geneva conference in 1927, the United States Government would have been compelled to spend between $1,400,000,000 and $1,640,000,000 within a similar period to have reached parity with Great Britain. The President points out that the removal of competitive naval construction will remove attendant fears, suspicion, and international friction.

Some questions between France and Italy were left unsettled and will be matters of further conference and negotiations. But in the judgment of your commission, the London conference marks another long stride toward permanent world peace. We can not but express the hope that the United States Senate will promptly ratify the treaty as submitted to it by the President. We are morally certain that the great bulk of public opinion in the United States utterly detests and abhors war and zealously espouses the cause of peace. In the free, frank, and open discussions which are had in international conference the cause of world peace will find one of its best supports and means of promotion. It would utterly misrepresent the spirit of the United States of America if the United States Senate should fail to ratify or even quibble about ratifying any international treaty which both in its purpose and in its terms is calculated to reduce the likelihood of war and to promote the spirit of fraternity and peace among the nations of the world.

PROHIBITION ENFORCEMENT

The enforcement of national prohibition is making steady progress in spite of the news and editorial columns of the wet press and in spite of the hue and cry of the wets. The Commission on Law Enforcement and Observance appointed by the President, after months of study and survey, has made a partial report recommending the enactment of a few laws calculated, in the judgment of the commission and of the President, to strengthen the hands of the administration and to make enforcement more effective. This recommendation was passed on by the President to Congress. The laws proposed are as follows: First, the transfer of the functions of detection and prosecution of prohibition cases from the Treasury Department to the Department of Justice; second, a measure to provide relief from congestion in the courts; third, extension of Federal prisons and a more adequate parole system and other modern treatment of prisoners; fourth, reorganization of the border patrol in order to consolidate various agencies so as effectually to prevent illegal entry both of aliens and goods; fifth, an adequate prohibition enforcement law for the District of Columbia.

On April 28 the President sent a special message to Congress reciting the progress made toward the enactment of each of these measures and appealing to Congress for speedy enactment of the proposed legislation. It ought to be considered the least that Congress could do to enact promptly all legislation necessary to aid and make effective the efforts of an administration honestly seeking to uphold and enforce the Constitution and laws of our Nation and to conserve the best in the economic and moral life of our people. Your commission would express the earnest hope that Congress may heed this special appeal of the President and speedily enact the desired legislation.

LET THE STATES DO THEIR DUTY

The one great hindrance which has handicapped national prohibition ever since its enactment 10 years ago has been the attitude of the States. States which already had state prohibition, immediately upon the enactment of national prohibition, slacked their efforts for the enforcement, even of their own laws; other States that were wet assumed the attitude either of non-cooperation with the Federal Government or of open defiance. This, too, in spite of the concurrent power clause in the eighteenth amendment. As citizens we should see to it that the dry States do their duty, both in the matter of enforcing their own laws, in the exercise of the concurrent power conferred upon them by the eighteenth amendment, and in cooperation with and support of the Federal Government. If the States which were already dry will do their duty the Federal authorities will be free to devote themselves mainly to the enforcement of the law in the rebellious wet States. In this contest between the Government of the United States of America and those States which have set up a modern "whisky rebellion," it is earnestly to be hoped and confidently to be expected that the Federal power may prevail, and that our system of National Government under which the Federal Constitution and Federal law are supreme in all matters with which they deal, shall not break down. Our system of Government is now undergoing a test, if not a crisis. If the authority and powers of the United States may be openly challenged and defied by any State when the Constitution of the United States has been amended in the regular and orderly way and by the exercise of the sovereignty and power of each State acting in its own capacity through its own constituted legislature, as provided in the Constitution, then our Union of States will fall to pieces and we shall have confusion and ruin.

"GOOD FIGHTING ALL ALONG THE LINE"

In the language of the Confederate officer to the Confederate soldier of whom the lamented J. B. Gambrell, one of our greatest soldiers in this warfare and many years a member of this commission, used to tell, "There is good fighting all along the line." It may well be doubted whether the forces of lawlessness have ever before been so rampant, so defiant, and so insolent as they are at present. They are multiplying organizations and amassing huge sums of money. They are openly defiant of law and the officers of the law; they are insolent toward all constituted authority; they stop at nothing and scruple at nothing in their efforts to destroy law and order and to besmirch and blacken the names of public officials, of ministers of the gospel, of the churches, of the Anti-Saloon League, of the Woman's Christian Temperance Union and of all other individuals and organizations standing for law enforcement and law observance. If any of our people were lulled to sleep or carried away with the delusion that the fight against liquor was all over and that the lawless element would quietly submit to the will of the people and to the authority of government they have had a rude awakening and a sad disillusionment. Perhaps more than ever before we have come to a time to try men's souls in this cause which has its countless martyrs and may have many others before the day of final victory.

OPEN DEFIANCE ADVOCATED—ARMED REBELLION HINTED

As illustrating the extremes of unreason, fanaticism, and desperation to which the advocates of liquor are now driven, we cite two instances:

Representative JAMES M. BECK, of Pennsylvania, made an address in New York on April 13. He is quoted by the press as saying, "That revolt against the eighteenth amendment 'involves no disrespect to the Constitution of the father.'" In other words, a Member of Congress of the United States, sworn to uphold the Constitution of the United States, declares openly for defiance of the Constitution. In this Mr. BECK is only one of a type and represents the attitude of the defiant liquor element in Congress and out.

Henry H. Curran, president of the Association Against the Prohibition Amendment, on Wednesday, April 16, testified before a committee of the Senate investigating the lobbying activities of various and sundry organizations. In reporting the testimony of Mr. Curran a Washington dispatch says: "Asked if he would favor 'armed revolution' against the prohibition law, Curran replied that 'we will cross that bridge when we come to it.' He added that there already was 'armed revolution' so far as some of the prohibition officers were concerned."

Thus it appears that Mr. Curran and his organization have in their minds armed rebellion as an ultimate step which they may take in their fight against the Constitution and laws of the United States, and that Mr. Curran regards the faithful and sacrificial efforts of law enforcement officers as on a plane with "armed revolution." We can not believe that in this Mr. Curran represents a majority of American citizens who, for one reason or another, are opposed to national prohibition. Of one thing we are certain, if it should come to that, and if the Constitution and laws of our Government could not be vindicated and upheld in any other way than by force, the spirit of American patriotism would not fail.

WET AND DRY HEARINGS

The wets always seize upon the meeting of Congress as a time and opportunity favorable to agitation and propaganda, because when Congress meets the ear of the people is turned toward Washington. Many bills are introduced in Congress for the modification or repeal of the eighteenth amendment or of the national prohibition code, for which bills the proponents have no hope of their ever being reported out of committee, much less of their being enacted into law. These bills are introduced solely for the purposes of agitation and propaganda. Many such bills have been introduced in the House of Representatives of the present Congress and referred to the Committee on the Judiciary. The chairman of this committee, Mr. GRAHAM, a dripping wet, without the authority of the committee or any action by the committee, ordered public hearings to be held on these bills. In a thoroughly unjudicial and partisan address in opening the hearings, in which he denounced prohibition, Chairman GRAHAM said it was proposed in these hearings to give those opposed to prohibition an "open forum" in which to present their side of the case to the American people. Such a conception of the purpose and function of high legislative committees need not be commented upon. The hearings lasted from February 12 to April 23. The wets made their usual amount of noise. It is enough to say that every argument presented by the wets was answered overwhelmingly by the drys and that, in addition, a great array of facts, scientific, industrial, commercial, and moral, was presented by the drys in support of the existing order. The hearings were staged by the wets as a means of wet propaganda. It is sufficient to say that they received much more than they asked for or desired.

STRAW BALLOTS

One of the approved methods of the wets for keeping up agitation is the straw ballot. It may be that some engage in this sort of thing without distinctively wet motives; if so, they are misguided, and their methods none the less irresponsible and foolish. The most pretentious and extensive effort in this field has recently been put on by an enterprising public journal which vehemently protests its own impartiality; and yet many of the comments made by this periodical on the figures of its poll seem to have a wet slant. The whole method is foolish and subject to serious question. Perhaps the highest motive that could be accorded such a performance would be to say that the journal saw an opportunity for a nation-wide advertising scheme and circulation campaign and was willing to commercialize a great moral cause for its own financial profit. To ask people to vote on whether they would have our laws so changed as to allow what the Constitution plainly forbids is to ask them to vote on nullification, and this is no compliment to the patriotism of the American people. The compilation of three or four million anonymous straw ballots from chosen lists, mainly in big wet centers, can not in any degree be regarded as expressing the solemn conviction of the American people on a great question of public policy on which they have repeatedly expressed themselves at the ballot box. It is sufficient to add that in 1922 this same public journal took a straw ballot on prohibition and almost immediately following that several of the States which had been listed as dripping wet by this journal gave overwhelming dry majorities in the regular election.

Concerning the futility and ineffectiveness of such straw ballots we quote the Atlanta Constitution, which, like many of our papers in the large centers, has recently been fighting prohibition tooth and claw, and which recently attempted to put on a straw ballot itself. In an editorial on Wednesday, May 7, the Constitution says, "Whether the people are a majority for the policy of amendment or want a new treatment of liquor problems can not be assumed from straw votes or even from court decisions. Hence the country must accept the congressional elections as the best barometer of public sentiment. As long as Congress is dry by decisive majorities in the Senate and House one must believe that the people want prohibition and want it enforced to the limit."

Others may have their straw ballots; the friends of prohibition, sobriety, and good government will have their ballot at the ballot box in November and will elect Senators, Representatives, governors, and other public officials unhesitatingly committed to the perpetuation and enforcement of our prohibition laws.

THE NATIONAL PROHIBITION SURVEY

A young man came down recently from New York to Atlanta and took elaborate offices under the name of the National Prohibition Survey. He has announced that the organization is backed by impartial men in New York and Chicago; that the plan will be to send a questionnaire to every voter in the United States; that the survey is to be entirely neutral and impartial and will cost the modest sum of $7,000,000. Apportionments have been made, or will be made, to each State, which will be expected to raise its quota; governors and others prominent in public affairs, will be asked to serve on the advisory board; Georgia's quota is $45,037.60.

The character and objective of this organization can readily be seen by the questions to be submitted and by the fact that gentlemen in New York and Chicago come to Atlanta, the largest city in the Southeast and in the heart of the dry South, to put on their benevolent and unselfish campaign in the interest of humanity. Among the questons to be submitted to the voters are these: "11—Would you approve a national referendum after a presidential election? 12—Do you believe in State rights on the liquor question?" If these gentlemen were reasonably well informed as to the principle of our Government, they would know that there can be no such thing as a national referendum on this or any other provision of the Constitution and laws of the United States. Doubtless they do know this and know that all talk about a national referendum is intended to undermine one of the most fundamental principles of the Government of the United States. The Government of the United States is not a government of direct powers in which the voice of a popular majority controls; it is a government of States; it is a government of derived or delegated powers.

All of the hue and cry about a national referendum has as its motive the desire to give New York, Chicago, and other centers of drink and crime the power to break down State rights and State sovereignty in determining all questions of Constitution and law under our Federal system. And yet in the next breath these who raise this hue and cry extol State rights. We already have surrendered State rights in the settlement of the liquor question. The highest expression of State rights is the act of the sovereign States in amending the Constitution of the United States. The States have acted and in their sovereignty they have said that the commercialized liquor traffic shall be banished forever from this Republic.

Our people will not be fooled or trapped by "the National Prohibition Survey," or any of the so-called neutral and impartial movements devised by our friends in New York and Chicago "to find a satisfactory solution of the liquor problem." There is no neutral ground in this war. It is "war to the knife and the knife to the hilt" between the forces of sobriety and orderly Government on the one hand and the forces of liquor and lawlessness on the other. A safe rule is to ignore all irresponsible straw ballots and movements and not to be overmuch influenced by what appear to be the returns of such ballots or movements, but to do full duty at the polls and see to it that nobody but patriots are on guard.

THE POLICY OF INTIMIDATION

The policy of intimidation is now one of the choice weapons of the wets. If they can browbeat and intimidate the preachers and churches; if they can successfully and securely brand as "lobbyists" and political corruptionists groups and organizations of good citizens who seek the enactment and enforcement of laws for the suppression of evil and the promotion of public morality, they expect to have easy sailing in their efforts to defy and break down all such laws. If we are a set of cowards, we will yield to their onslaughts and surrender before their attacks; if we are men and patriots we will assert our rights, repulse their attacks, and courageously and successfully defend the cause of good government and of laws enacted for the promotion of the peace and moral welfare of the people.

THE RIGHT OF PETITION VERSUS LOBBYING

Concerning the right of petition versus lobbying, we quote a statement issued a few weeks back by the National Conference of Organizations Supporting the Eighteenth Amendment. This statement is prepared by the chairman of your commission and expresses the conviction of your commission and the conviction we believe of our Baptist people in general and of all good citizens. It is as follows:

"The improper use of money or influence in any form by selfish and sinister persons or organizations for corrupt ends with the public servants of the people, whether legislative, judicial, or executive, can not be too strongly condemned or too promptly uncovered and punished. On the other hand, the right of petition and remonstrance is happily and securely embodied in the bill of rights, is one of the prime marks distinguishing a democracy from an autocracy or oligarchy, and is one of the foundation stones and safeguards of our Republic. To characterize the exercise of this right as lobbying in no way alters or abrogates the right as one of the guaranties of our liberties. Honest, patriotic, public-spirited citizens, both as individuals and by groups and organizations, have the inalienable right to make their will concerning any matter of public policy known to their public servants.

"It will be a sad day for us and will mark the day of the decline, if not the doom, of our Government when our public servants are too weak to resist the corrupt and corrupting lobbyist who would turn them aside from the path of duty and right, or when they are too proud to hear and consider the judgment, will, and desires of good and honest citizens and organizations properly and appropriately expressed.

"Citizens and organizations of worthy, patriotic, and unselfish motives and purposes, who seek the good of the people and of the Republic have nothing to cover or to conceal and nothing to fear from the searchlight of publicity whenever turned on. Let those who would turn on the searchlight be sure that it is so

directed as to reveal the activities and organizations which are openly committed to a course of defiance of and rebellion against the established policies of the Government and who would make barter of the health, happiness, and prosperity of the people."

REAL LOBBYING—INCLUDING AN ATTACK ON THE SUPREME COURT

While the lawless liquor element are seeking to brand preachers and churches and all other supporters of the law and order as "lobbyists," they themselves persistently carry on their nefarious, under-cover work and engage in lobbying of the worst and most offensive and corrupting character. At a recent session of the Senate lobby committee there were produced and read three letters which were written in 1929 by Thomas W. Phillips, of Pennsylvania, a director of the Association Against the Eighteenth Amendment. In an editorial headed "An astounding story," the Religious Herald, of May 1, comments on this episode as follows:

"Two of these [letters] were addressed to Justice Stone, of the Supreme Court, and a third to the late Justice Sanford, the letters to Stone, dated April 2 and 9, and the one to Sanford, March 30. They consisted largely of an attack on the prohibition law. Mr. Phillips is represented as saying that the Association Against the Prohibition Amendment had nothing to do with his letters, but Mr. Henry H. Curran, president of the association, declared that he approved them.

"Senator ROBINSON of Indiana said: 'It is the most amazing thing I have ever heard of. You are lobbying directly to the United States Supreme Court, apparently to influence that great court in its decisions. I have never heard of such a thing in a good many years of the practice of law.' Some notion of the impropriety of the correspondence may be gathered from this paragraph which occurs in the letter to Justice Sanford: 'I have but little doubt that if the judiciary lies down on its job and follows the mob along the lines of least resistance our form of government is doomed.' Or from these paragraphs addressed to Justice Stone: 'It is indeed unfortunate that so many men in public life, especially those who have served for years and years in Congress, in executive positions, and on the bench, become for all practical purposes out of touch with the busy workaday world. * * * In order to give you perhaps a new slant as to how some men are thinking and talking, a few days ago in the course of my conversation with an exceptionally keen young attorney, I ventured to remark that there were very many serious and far-reaching constitutional questions relating to the eighteenth amendment and enforcement measures that have never been submitted to the Supreme Court.' His comment took the form of a question, 'Do you have any idea that the Supreme Court, as now constituted, would have the moral courage to go into this question thoroughly?'

"The fact is that the whole business of the Association Against Prohibition seems to be in the control of a group of very rich men, and their representatives and associates evidently act under the impression that nothing that they do is likely to be called into question. We confess that we are not intimately acquainted with the rules of procedure which obtain between outsiders and our courts, but we had always supposed that any attempt to influence the decisions of our judges, save through the prescribed methods and under due legal form, was a grave impropriety. But of course, these extremely wealthy gentlemen are beyond the reach of the law, as they imagine, and the men whom they hire are similarly arrogant. Up to this time certainly the wets are fully welcome to all the results which have followed their attempt to bring their affairs to the attention of the public."

MEETINGS AND WORK OF THE COMMISSION

Your commission has had one meeting during the year, aside from the meeting held in New Orleans for the approval of this report. In keeping with the instructions of the convention the Sunday school board has defrayed the necessary expenses of the commission, for which we are deeply grateful. Throughout the year, as heretofore, the chairman has given as much time in the field of social service as he could do without neglecting his regular duties. Much of this has been possible without expense to the commission because of the chairman's connection with the Anti-Saloon League of America and the National Conference of Organizations Supporting the Eighteenth Amendment.

WORK OUGHT TO BE ENLARGED

It is perfectly clear to your commission that, in view of the present tense situation in our fight for the permanent and complete success of prohibition and in view of the many other things which need to be done in the field of social service, we ought to enlarge and strengthen our work. Several times in the past the convention has authorized the commission to make personal approach and appeal for funds adequate for a reasonable social-service budget and to employ some one to give all his time to the work. The commission has hesitated to take this step because of the pressing needs of other interests and the crowded condition of our denominational program. At one time the convention took specific action instructing the promotional commission to put a percentage in the budget for this work. But in the press of things the instruction of the convention was not carried out.

Many of our people have funds that they would cheerfully and gladly contribute to this work, but which they will not contribute to anything else. Some way should be found by which your commission could have at least a modest budget, adequate to the establishment and maintenance of permanent headquarters and to the employment of a wise and capable man to give all his time to the work, to the employment of necessary stenographic help, and to the creation of a leaflet literature that would set out the work of social service in harmony with our Baptist views and interpretations of the doctrines of the New Testament.

RECOMMENDATIONS

The commission recommends that the convention make the following declarations:

I. Concerning industrial relations

1. That we recognize the right of labor to organize and engage in collective bargaining.
2. That we recognize the right of laborers who may not wish to join a labor organization to employment.
3. That we believe in a fair, living wage for all who toil in factory and mine.
4. That we favor a day of not more than 9 hours and a week of not more than 49½ hours.
5. That we are opposed to the employment in factory or mine of children under 15 years of age, and we are opposed to all night work for women and minors.
6. That we favor good sanitary housing conditions for all factory and mine workers, such as will properly protect both the health and morals of their families.
7. That the teachings and spirit of the Gospel ought to control in all industrial relations and that they offer the only happy and peaceful solution of all our industrial problems.

II. Concerning law enforcement and observance

1. That the President of the United States, the governors of the several States, and all other public officials, executive and judicial, are entitled to the unwavering support of all citizens in all their honest and faithful efforts for the enforcement and observance of all law.
2. That we hereby pledge such support on our own part and appeal to all of our fellow Baptists and fellow citizens to give such support to all faithful public servants.

III. Concerning public office and elections

1. That we declare public office to be a public trust, to be held and administered only in the best interest and for the highest welfare of all the people.
2. That no person is worthy of public office who is not socially minded and does not believe in the enactment of such laws as will promote the moral welfare of the people, or who does not believe in the enforcement and observance of all laws.
3. That we recognize the right of all to advocate a change in any provision of our Constitution and laws, but, in the language of the President, which we quote with approval, "Our whole system of self-government will crumble either if officials elect what laws they will enforce or citizens elect what laws they will support. The worst evil of disregard for some law is that it destroys respect for all law. For our citizens to patronize the violation of a particular law on the ground that they are opposed to it, is destructive of the very basis of all the protection of life, homes, and property which they rightly claim under other laws."
4. That we are in no sense concerned with party politics nor with the fate or future of any political party. But in all great moral questions we are deeply concerned, both as citizens and Christians, no matter how they may become related to politics or questions of Government.
5. That, as we have frequently done heretofore, we declare our intention and purpose not to support for President of the United States, Senator, Representative, governor, or other officer of high and responsible position any candidate who is hostile to or does not openly and frankly support our present prohibition laws, but to seek the defeat of any such candidate no matter what party label he may wear.

IV. Concerning pending legislation

That your commission be authorized to urge upon Congress the speedy enactment of the several legislative measures recommended by the President in keeping with suggestions of the President's Commission on Law Enforcement and Law Observance.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention at Berne for the Protection of Literary and Artistic Works.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. DILL. What is the amendment?

The PRESIDING OFFICER. The amendment will be restated.

The CHIEF CLERK. On page 2, line 17, it is proposed to strike out the words "or physical action."

Mr. GEORGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Barkley	Frazier	McGill	Shortridge
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steck
Blease	Glenn	Metcalf	Steiwer
Borah	Goff	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Brousard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Williamson
Dill	Keyes	Schall	
Fess	King	Sheppard	

The PRESIDING OFFICER. Ninety-four Senators have answered to their names. There is a quorum present.

The reading was resumed, the next amendment of the committee being on page 2, line 17, after the word "words" to strike out the words "or physical action"; on line 20, after the word "work" and the comma, to strike out the word "or," and insert the words "and/or," and in line 22 to strike out the words "or physical action," so as to read:

(c) To dramatize and/or make a motion picture with or without sound and/or dialogue of said work if it be a nondramatic work; or to convert said work into a nondramatic or dramatic work expressed in words if it be a dramatic work in the form of a motion picture with or without sound and/or dialogue; or into a novel or nondramatic work, and/or motion picture with or without sound and/or dialogue, if it be a drama expressed in words.

Mr. TRAMMELL. Mr. President, as the bill passed the House, the words "or physical action" were in the text, and the Senate committee proposes that physical action shall not be subject to copyright.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The reading was resumed, the next amendment of the committee being on page 3, line 3, after the word "produced," to insert the word "reproduced," so as to read:

(d) In the case of a musical composition, to arrange or adapt said work, to perform said work publicly for profit or to make any arrangement or setting thereof or of the melody thereof in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read, broadcast, produced, reproduced, performed, exhibited, or represented.

The amendment was agreed to.

The reading of the bill was continued through the word "purposes," line 20, page 3, the last provision read being as follows:

That nothing in this act shall be construed to prohibit the performance of copyright musical works by churches, schools, and/or fraternal organizations, provided the performance is given for charitable or educational or religious purposes.

Mr. THOMAS of Oklahoma. Mr. President, on page 3, line 18, after the word "schools," I move that the words "agricultural fairs" be inserted. In support of that amendment I submit a telegram just received from Ralph T. Hemphill, manager of the Oklahoma State Fair and secretary of the International Association of Fairs and Expositions. I ask that the same be read.

Mr. HEBERT. Mr. President, let me say to the Senator that that amendment is not in order at this time. We are now considering only committee amendments. I know about the amendment which the Senator has just proposed, and I have reason to believe that the members of the committee would not object to it at the proper time.

Mr. THOMAS of Oklahoma. Then I ask unanimous consent that the amendment may be considered at this time.

Mr. HEBERT. I object.

The PRESIDING OFFICER. The Chair will state that he is informed that the request to proceed with the Senate committee amendments first was not granted.

Mr. DILL. Oh, yes, it was.

Mr. HEBERT. We were to proceed first with committee amendments.

Mr. DILL. That is correct. I am in favor of the amendment of the Senator from Oklahoma, but I do not think we should start in taking up individual amendments. If we do that, I want to offer an amendment on page 2. I did not do so because I understood the committee amendments would be taken up first.

Mr. MOSES. Mr. President, there are other Senators who have amendments to offer in exactly the same situation with the Senator from Oklahoma.

The PRESIDING OFFICER. The Chair was informed by the clerks at the desk that the request was made that committee amendments be taken up first, but was not granted. The Chair will put the request again.

Is there objection to proceeding with committee amendments first? The Chair hears none, and it is so ordered.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the telegram in support of the amendment I have offered be incorporated in the RECORD in connection with the few remarks I have just made.

The PRESIDING OFFICER. Is there objection?

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

OKLAHOMA CITY, OKLA., *February 27, 1931.*

Senator ELMER THOMAS,
Senate Chamber, Washington, D. C.:

Understand bill has passed House and reported by Senate provided for collection of royalties by American Society of Authors, Composers, and Publishers and exempting schools, churches, and fraternal organizations, but not agricultural fairs. We urge that "agricultural fairs" be included for exemption.

RALPH T. HEMPHILL,
Manager Oklahoma State Fair,
and Secretary International Association
of Fairs and Expositions.

Mr. THOMAS of Oklahoma. I ask that the amendment may be ordered printed so that it will be ready when it is in order.

The PRESIDING OFFICER. The amendment will be printed. The clerk will continue the reading.

The CHIEF CLERK. On page 3, line 20, after the word "purposes," the committee proposes to insert a colon and the following provision:

And provided further——

Mr. HEBERT. Mr. President, I offer a substitute for the amendment proposed by the committee.

Mr. DILL. Let the amendment of the committee be read.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. The committee proposes, on page 3, line 20, after the word "purposes," to insert a colon and the following:

And provided further, That the use of a machine, instrument, or instruments serving to reproduce mechanically and/or electrically such work or works shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

The Senator from Rhode Island offers the following as a substitute for the committee amendment:

Provided, That when a fee for public performance has already been paid by or on behalf of the operator or owner of a coin-operated machine or an instrument or parts of instruments serving to reproduce mechanically a musical work, except where such reproductions are transmitted by wire or wireless broadcasting, said owner or operator shall not be deemed to infringe by a public performance for profit by the operation thereof unless a fee is charged for admission to the place where such reproduction or rendition of the copyrighted work occurred.

Mr. DILL. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DILL. The Senator offers a substitute for the committee amendment. I propose to offer amendments to the committee amendment to perfect it.

The PRESIDING OFFICER. To perfect a substitute?

Mr. DILL. To perfect the amendment proposed by the committee in the bill. I ask whether or not my amendments are not in order to be voted on before the substitute is voted on?

The PRESIDING OFFICER. The Senator is correct; the perfecting amendments would be voted on first.

Mr. DILL. Then I want to offer a perfecting amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. The Senator from Washington offers the following: On page 3, line 22, to strike out the words "mechanically and/or electrically," and after the word "works," to insert the words "except for wire or wireless broadcasting," so that the committee amendment will read:

And provided further, That the use of a machine, instrument, or instruments serving to reproduce such work or works except for wire or wireless broadcasting, shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

Mr. HEBERT rose.

Mr. DILL. Mr. President, does the Senator want to discuss his amendment first?

Mr. HEBERT. Yes.

Mr. DILL. Very well.

Mr. HEBERT. Mr. President, the amendment in this section affects the production of disks and records for musical instruments of various kinds. Under the existing law the owner of a copyright in a musical composition, if he permits the producer of any record to make use of his copyrighted composition, to transcribe it upon a record or a disk, must of necessity permit any other manufacturer of like records to make use of it in the same way, and upon its use in that way the producer of the record is called upon to pay to the composer a royalty of 2 cents per record. That is the existing law.

That 2-cent limit of royalty has been eliminated by the provisions of this bill. There is no longer any limit which may be charged by a composer for the use of his work for reproduction upon a record or upon a disk. It occurred to the members of the committee that under those circumstances it should not be prohibited to the owners of musical instruments, player pianos, electrically operated Victrolas, and the like, to make use of the records without paying a royalty where no fee is charged for admission.

We learned, in the course of our hearings, that in some instance a drug-store owner who used one of these slot machines for reproducing music upon a record was called upon to pay a royalty to the owner of the copyright in the composition that was played.

Mr. DILL. Mr. President, the Senator is incorrect in that statement. I think he does not mean to be, but the present law specifically exempts the coin-operated machines from payment of any royalty.

Mr. HEBERT. Where it is done for profit, it does not exempt them.

Mr. DILL. I will read the provision of the law to the Senator, if he has any doubt about it. It is as follows:

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

Mr. HEBERT. Mr. President, it is a fact that the statement was made at our hearings that the owners of drug stores were called upon to pay for the use of the coin-operated machines for reproducing records in their stores.

Inasmuch as we have removed from the law the maximum 2-cent royalty charge upon records, the committee believed that the amendment which I now propose should be incorporated in the bill. The amendment is satisfactory not only to the Society of Authors and Composers, which comprises some 90 per cent of all of the music writers of the country holding copyrights, but it is also satisfactory to the manufacturers of the coin-operated machines.

Mr. DILL. Mr. President, will the Senator yield to me?

Mr. HEBERT. I yield.

Mr. DILL. What evidence has the Senator that this is satisfactory to the manufacturers of coin-operated machines?

Mr. HEBERT. The same evidence that I have about many of the things concerning this bill, the testimony of people who have come before us, and the statements made to me by people who are interested in the bill.

Mr. DILL. I remind the Senator that when those men were before the committee, they did not agree to the amendment proposed by the Senator. They agreed to the amendment proposed by me, with the exception of the words "electrically" and "wire and wireless broadcasting." I want to know what evidence the Senator has to present that this is satisfactory to Mr. Capehart or Mr. Brokmeyer, the two men who appeared before the committee in that matter.

Mr. HEBERT. I repeat that I am relying upon the statements which have been made to me by representatives of the manufacturers. A majority of the committee were likewise satisfied that the amendment should be adopted and for that reason I am presenting it at this time.

Mr. TRAMMELL. Mr. President, may I ask the Senator from Rhode Island a question? I should like to ask the Senator if the 2 cents additional tax on some one that uses the record is not in the nature of a double taxation? The author or musician sells the right to the manufacturer; he produces the records and he has paid the copyright tax for the privilege of using them. Then if somebody else reproduces upon a mechanical machine they also have to pay a tax. It is a double taxation. Who pays it? The public pays it—is not that true?

Mr. HEBERT. The purpose of the amendment is to avoid the so-called double taxation.

Mr. McNARY. Mr. President, I ask unanimous consent that when the Senate finishes its business to-day a recess be taken until 11 o'clock Monday morning.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. DILL. Mr. President, I want the Senate to understand the difference between the amendment presented by the Senator from Rhode Island [Mr. HEBERT] and the amendment presented by myself, which, with the exception of a few words, is exactly the wording presented by the men who came here to have the amendment put in the bill.

I want to call attention to the fact that the hearings disclose that Mr. Capehart, who is a manufacturer of a coin-operated machine, made the principal argument before the committee, and on page 40 of the hearings he suggested the amendment which he desired inserted in the bill. I will read it.

That the use of a machine or instruments serving to reproduce mechanically and/or electrically such work or works shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

That is the amendment which the committee adopted, word for word; the identical amendment we put in the bill. After the bill was reported to the Senate a member of the House Committee on Patents came and talked with us and called attention to the fact that the word "electrically" might enable the owners of discs which were manufactured with music on them—that is, phonograph records or music rolls produced electrically—to broadcast them over the radio without paying anything for it.

That was not the intention of the committee nor the purpose of Mr. Capehart or Mr. Brokmeyer. When the committee submitted it to me in the first instance, I said I was willing to accept it, because I did not want anything in the bill that would take away from the composer the right to charge a radio station for reproduction of his music. But when I come to examine with some care the wording of the amendment, I find, or believe I find, a difference.

Before I leave this point let me say that the language of the amendment presented by Mr. Brokmeyer, who is the man representing the drug-store people, is almost identically the same thing. I want to read that:

Provided the reproduction or rendition of a musical composition by or upon a coin-operated machine or on parts of instruments serving to reproduce mechanically the musical work shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

With the exception of the word "electrically," Mr. Brokmeyer's amendment is in exact wording with Mr. Capehart's amendment, and no one has shown me any evidence that either one of them will be satisfied with the proposal

brought here by the Senator from Rhode Island [Mr. HEBERT], which he says has their indorsement.

Mr. WATSON. Mr. President, I thought there was a time when the Senator from Washington himself acquiesced in this matter?

Mr. DILL. I did because I thought all it did was to take out the word "electrically"; but I find it is an entirely different amendment, and I want to analyze it.

Mr. WATSON. My understanding is that the manufacturers of this particular kind of machine want the amendment.

Mr. DILL. Not in the language presented here. Show me any evidence from any man that wants this wording. This is wording which has been improvised since those men were here.

Mr. WATSON. I think I can furnish the evidence.

Mr. DILL. Even if they were satisfied, I am not satisfied and I want to show why. The amendment provides—

That when a fee for public performance has already been paid by or on behalf of the operator or owner of a coin-operated machine or instruments or parts of instruments.

What does that mean? It means that a record for phonographic use for which no fee can be charged, or a music roll for which no fee can be charged, must be a record upon which the manufacturer has paid a license in behalf of the operator. Does the Senator see the difference? For the ordinary record he simply pays a fee for reproduction, but under this amendment he must pay not only the fee for reproduction, but an additional fee on behalf of the operator. Therefore we have two kinds of records, one on which the fee for the operator has been paid, and another kind on which the fee for the operator has not been paid.

How did this system originate? The law of 1909 provided that whenever these musical compositions were placed upon a record the owner of the copyright should receive but 2 cents, and therefore another clause was inserted that he might receive additional compensation when that record was reproduced for profit, because otherwise he was limited to 2 cents; but now in this bill we are taking off the 2 cents. He can charge 5 cents a record; he can charge 10 cents a record; he can charge 50 cents a record; he can charge $1 a record; he can charge $5 a record; he can charge any price he pleases. I think that principle is sound, but having given the composer the right to charge any fee he may want to charge before he allows his music to go upon a record, I want to be sure that people may operate those records upon a phonograph without paying another fee unless there is an admission charged.

The amendment proposed by the Senator from Rhode Island is of doubtful meaning. It is almost certain to lead to two kinds of records being produced. There is no evidence here showing that the men who are afflicted and hurt by the bill as it came from the House are in favor of it. Their own testimony was that they wanted a provision in the law which would protect them just as they are now protected. I want to read the wording of the present statute to show how simple and clear it is:

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

That is so simple and so plain that even a layman can not misunderstand it. In the amendment now presented, however, there was no provision about phonographs, and so the composers have gone to the little corner drug store which has a phonograph record playing there to attract the attention of people, and have said "You are reproducing this music for profit and you must pay us a license fee." The drug-store people have said, "No, we do not get any profit out of this." The reply has been, "Yes, you do. You draw trade and you are liable for $250 statutory damages every time that you run a record in this place. You must pay us a royalty license fee for a year," and so the drug-store people have been held up for $250 or $500 or whatever the traffic would bear.

I do not want to prevent the composer from getting a fair return on his music when it is put on these records, but I want to stop this multiplicity of fees.

Speaking of the amendment which I have offered, it is in practically the same wording as the present law except that I have added the provision for instrument or instruments, and I have made it impossible to reproduce a phonograph record over the radio without paying for it. Let me make the comparison:

That the reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged.

There is a provision that "the use of a machine, instrument, or instruments serving to reproduce such work or works shall not be deemed a public performance for profit unless a fee is charged. I have left out the words "except in case of broadcasting" to make my language clear. The provision in the statute is clear and unambiguous and can not be misunderstood. That is what I want to have in the bill now before us, a provision that is clear, that is unambiguous, that can not be misunderstood, and that will result in but one kind of record being placed upon the market. The composer is not denied the right to charge any amount he wants on the record. Under the present law he was limited to 2 cents, but even then Congress limited it to coin-operated machines. They never dreamed that anybody would go to a little corner drug store or cigar store and hold up those dealers for fees because they might happen to attract some business or some attention in this way. To cure that practice it is proposed by this amendment to make it impossible for the composer to charge a fee unless there is an admission fee charged by the drug store or other store.

I submit that we are going a long way in this matter of fees. We give a copyright holder of music the right to charge a fee on printed matter. We give him the right to charge for reproduction of his music anywhere. We give him the right to charge for recording his music on a record or any kind of music roll, and we allow him to charge anything he pleases. Then we say unless the reproduction from the record or music roll is made in a place where admission is charged, he shall not charge another fee, but he can still charge another fee if there is admission charged.

The amendment of the Senator from Rhode Island is involved and of doubtful meaning. I want to read it:

Provided, That when a fee for public performance has already been paid by or on behalf of the operator or owner of a coin-operated machine, or an instrument or parts of instruments serving to reproduce—

See the difference? In the one case where a machine for reproduction of music rolls is used there is a charge for any record that is made. In the case of the amendment of the Senator from Rhode Island there must be specific proof to the effect that fee for the man who will operate the machine has been paid. Thus we will have two kinds of records, two kinds of music rolls, one on which the fee has been paid for the operator and one on which the fee has not been paid.

The gentlemen who came before the committee and gave us their evidence in the hearings as I have read them asked to be freed from paying any additional fee unless they charged admission.

Mr. GLENN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Illinois?

Mr. DILL. I yield.

Mr. GLENN. As I understand the situation, the Senator's proposed amendment to the amendment of the Senator from Rhode Island would make it possible for the copyright owners to charge a fee where the records are used for broadcasting purposes.

Mr. DILL. Yes.

Mr. GLENN. That is practically the only difference, is it not?

Mr. DILL. That is the difference between my amendment and what the men who came here and asked for the amendment wanted; but the amendment of the Senator

from Rhode Island allows an additional fee to be charged on behalf of the operator. The operator is the man who puts the nickel in the machine and makes it run. Thus they propose to get an additional fee which they can not get under the present law when they are limited to 2 cents. Being limited to 2 cents on their rolls to-day they can not collect any fee on behalf of the operator of a coin-operated machine. The Senator from Rhode Island comes here with an amendment which proposes taking off the limit of 2 cents and letting them charge anything they please, letting them charge another fee on behalf of the operator of the coin machine. I submit it is unfair, it is unjust to put an additional burden upon the public and upon the use of these operated machines. First, I want my own amendment adopted to the committee amendment, and then I hope the Senate will reject the proposed substitute of the Senator from Rhode Island.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. TRAMMELL. It seems to me that this would be a pretty effective aid to the radio, as it would put machines of this character out of business. Would it not probably have that effect?

Mr. DILL. No; I do not think so. I put in the reference to the radio for the reason that I did not want any doubt about the use of a phonograph record in a radio station being freed from charges. I want to give the copyright owners the privilege of charging the radio station if it uses phonograph records; and that is why I have put the provision in the amendment. That was not in the amendment suggested by those who proposed this legislation.

Mr. TRAMMELL. The point I had in mind is that the amendment leaves it unrestricted, without a maximum charge for phonograph records. They can charge more, and can put the owners of the music out of business, and have it go over the radio.

Mr. DILL. That is possibly true.

Mr. TRAMMELL. Giving the radio people an opportunity to manipulate it for the purpose of putting out of business mechanical devices reproducing music.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington to the amendment proposed by the committee. [Putting the question.] The Chair is in doubt. All those in favor of the amendment will rise and stand in their places until counted.

The Senate proceeded to divide.

Mr. DILL. I ask for the yeas and nays.

The PRESIDENT pro tempore. On this question the yeas are demanded. Will the Senator permit the Chair to announce the result of the division?

Mr. DILL. Very well.

The PRESIDENT pro tempore. The amendment to the amendment is agreed to.

Mr. SHORTRIDGE. Has the Senator the right to withdraw his demand for the yeas and nays?

The PRESIDENT pro tempore. The demand had not been sufficiently seconded.

The Senator from Rhode Island offers as a substitute for the committee amendment an amendment, which will be stated.

The CHIEF CLERK. On page 3, line 20, section 1, it is proposed to strike out the provision in italics and substitute therefor the following:

Provided, That when a fee for public performance has already been paid by or on behalf of the operator or owner of a coin-operated machine, or an instrument or parts of instruments serving to reproduce mechanically a musical work, except when such reproductions are transmitted by wire or wireless broadcasting, said owner or operator shall not be deemed to infringe by a public performance for profit by the operation thereof unless a fee is charged for admission to the place where such reproduction or rendition of the copyright work occurs.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee in lieu of the committee amendment as amended.

Mr. VANDENBERG. Mr. President, I should like the attention of the Senator from Rhode Island so that I may clear up, if possible, what seems to be a difference of opinion respecting the intent of the language. The Senator from Washington, as I understand, declares that under the terms of the proposed substitute it would be possible to collect an additional fee on a coin-operated machine. Is that the statement of the Senator from Washington?

Mr. DILL. No; to collect an additional fee on the record to be used in a coin-operated machine in behalf of the operator.

Mr. VANDENBERG. I should like the opinion of the Senator from Rhode Island on that question.

Mr. HEBERT. This will not impose any fee whatever upon the operator of the coin-operated machine.

Mr. DILL. Provided that the manufacturer has paid for the operator. The Senator's own amendment says to provide.

Mr. HEBERT. Most assuredly. Somebody has got to be paid for the right to use a man's composition on these records, and, if the manufacturer does not pay, then the operator should. That is right in line with——

Mr. DILL. Mr. President——

Mr. HEBERT. If the Senator will permit me to continue for a moment, that is right in line with the argument of the Senator from Washington, that we are taking away the limit that may be charged for the use of these compositions on records for the reproduction of music and allowing the composer to charge 5 cents or 10 cents or $5, as the Senator himself put it. Now he wants to limit the composer again, and more seriously than he was limited under existing law.

Mr. DILL. Will the Senator yield for a question?

Mr. HEBERT. I have concluded.

Mr. DILL. I want to call the Senator's attention to the fact that under the present law all that the man who puts his music on a coin-operated roll can get is 2 cents; but he can not get anything at all on behalf of the coin-operated machine. Now, we have taken off the 2 cents, but the Senator wants to allow the composer to charge an additional fee because the machine is to be coin operated. We not only have no limit on the amount he can charge for putting it on in the first place, but we are going to allow him to have a second fee on behalf of the operator. That is the wording of the Senator's amendment. I simply want to leave the composer free to charge anything he pleases, and once the record or roll has been made let it be used anywhere and by anybody, unless an admission fee is charged. The Senator's amendment means that a record or a roll can not be used any place, even though no admission is charged, unless a royalty has been paid on behalf of the operator. That is what his amendment provides. Thus we have two kinds of record, one where a fee has been paid on behalf of the operator and one on which a fee will not be paid on behalf of the operator.

Mr. TRAMMELL. Mr. President, I think this amendment provides a system of double charge, and would result in a great imposition upon people who might use the records and reproduce them on mechanically operated machines. They would be constantly annoyed and held up for the payment of fees that probably had already been paid through the manufacturer. The manufacturer buys the records and he sells the records and that should end it, unless the records are used for a performance where fees were charged. This amendment contemplates that the manufacturer has to pay for that, and, in addition, the operator of the machine has to pay for it unless the manufacturers pay it for him.

Mr. President, who has to pay these fees? Ultimately it is the public, and I think when we are dealing with a copyright law that a little consideration at least should be given to the public interest. I never had occasion to study this bill to any considerable extent until last night, and when I read it I did not find anything in the way of protection to the public, but the idea of favoritism and discrimination in the interest of the author and the manufacturers of these different products was very apparent. The public has to pay the freight. It is proposed to adopt an amendment that authorizes a double fee or a double charge or a double tax on the people, without any maximum limit

as to the charge that can be made. Under the present law there is a maximum limit. If we adopt the amendment the public will have the bill to pay. In other words, the proponents of this proposition, who would inflict this double charge upon the people of the country or the public, are not satisfied with giving the owners protection under the copyright law to the extent of selling their records once and receiving fees for them once, but they desire also to give them an opportunity to double the expense to the public by the payments on the records.

If under the law we extend to the producers protection and a monopoly to the extent of the original sale of the product, why should not the purchasers have a right to sell it and have it used? That is what it is purchased for; that is what the manufacturer purchases it for. He does not purchase it for the purpose of destruction or for the purpose of keeping it in his house or in his place of business. He purchases it to sell; but though he does that, he has no right to sell for use in connection with mechanically operated machines even where a fee is not charged.

I want to deal encouragingly and beneficently with the producers, but, on the other hand, I want to give a little protection to the man who pays the fiddler—and that is the public. I see no reason for building up a double fee against him, as this amendment contemplates.

CLASSIFICATION OF CERTAIN OFFICIAL MAIL MATTER

Mr. PHIPPS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 357) classifying certain official mail matter having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

L. C. PHIPPS,
GEO. H. MOSES,
KENNETH MCKELLAR,
Managers on the part of the Senate.
A. D. SANDERS,
CLYDE KELLY,
JAMES M. MEAD,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

FIVE CIVILIZED TRIBES

Mr. FRAZIER. Mr. President, there is on the calendar an Indian bill which the department is very anxious to have passed. Objection has been made to it for several days. The objections have been overcome by an amendment which I desire to offer.

I ask unanimous consent that Order of Business 1734, Senate bill 6169, which extends for 25 years the time of restriction of the Five Civilized Tribes of Oklahoma, be taken up at this time.

The PRESIDENT pro tempore. Is there objection?

Mr. BLAINE. Mr. President, a few moments ago I suggested that I would not consent to unanimous-consent agreements. However, so little has been done for the Indian, and so much has been done to him, that if this bill proposes to do something for him I can overcome my feelings with respect to other matters.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 6169) to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes, which was read, as follows:

Be it enacted, etc., That all funds and other securities now held by or which may hereafter come under the supervision of the Secretary of the Interior belonging to restricted members of the Five Civilized Tribes of Indians of one-half or more Indian blood, including heirs born since March 4, 1906 shall remain subject to the jurisdiction of said Secretary until April 26, 1956, subject to expenditure in the meantime for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as the said Secretary may prescribe: *Provided*, That restricted and tax-exempt lands belonging to members of the Five Civilized Tribes, acquired by inheritance or otherwise by persons of one-half or more Indian blood, including heirs born since March 4, 1906, shall after April 26, 1931, remain restricted and tax-exempt until April 26, 1956, unless the restrictions are removed in the meantime in the manner prescribed by existing law.

SEC. 2. That the attorneys provided for under the act of May 27, 1908 (35 Stat. 312), shall have the right to appear and represent any restricted member of the Five Civilized Tribes before the county courts of any county in the State of Oklahoma, or before any appellate court thereof, in any manner in which said restricted Indians may have an interest and no conveyance of any interest in land of any full-blood Indian heir shall be valid unless approved in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of Oklahoma, and said probate attorneys shall have the right to appeal from the decision of any county court approving the sale of any interest in land to the district court of the district of which the county is a part.

Mr. FRAZIER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, beginning with the word "*Provided*," in line 2, strike out down to and including line 9, and insert:

Provided, That where the entire interest in any tract of restricted and tax-exempt land belonging to members of the Five Civilized Tribes is acquired by inheritance, devise, gift, or purchase, with restricted funds, by or for restricted Indians, such land shall after April 26, 1931, remain restricted and tax-exempt during the life of and as long as held by such restricted Indians, but not longer than April 26, 1956, unless the restrictions are removed in the meantime in the manner provided by law: *Provided further*, That such restricted and tax-exempt land, held by any one, acquired as herein provided, shall not exceed 160 acres: *And provided further*, That all minerals, including oil and gas, produced on or after April 26, 1931, from said lands so acquired, shall be subject to all State and Federal taxes as provided in section 3 of the act approved May 10, 1928 (45 Stat., 495).

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Dakota.

Mr. THOMAS of Oklahoma. Mr. President, I offer an amendment to the amendment just suggested by the chairman of the committee, to come at the end of his amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. The Senator from Oklahoma offers the following amendment:

And provided further, That the Secretary of the Interior, under such rules and regulations as he may prescribe, is hereby authorized and empowered to approve trust agreements relating to restricted funds or other restricted property; and in the event any such trust agreement is annulled, canceled, set aside, or held to be void, the principal, together with all interest due, shall revert to the control and supervision of the Secretary of the Interior.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oklahoma to the amendment proposed by the Senator from North Dakota.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ATTENDANCE OF SENATORS

Mr. WATSON. Mr. President, as we all know, we are approaching the end of the session; and, as usual on such occasions, many Members of the Senate are anxious to get away. Several Members have been to me to ask whether or not it is necessary that they remain until the session actually closes.

I am making this statement now for the purpose of urging all Senators to remain here until the 4th of March at 12 o'clock, when an adjournment shall be had. The appropriation bills that might necessarily force an extra session have been passed. All of us hope for the passage of the deficiency bill; but the Senator from Washington [Mr. JONES], the chairman of the Appropriations Committee, in-

forms me that it will not be possible for him to submit the conference report on that bill until Monday morning. Of course, we want it passed if there be any way of passing it.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. WATSON. I do.

Mr. BORAH. Is the Senator in a position to advise the Senate as to the possibilities or probabilities of an extra session of the Senate?

Mr. WATSON. Mr. President, I have had several conversations with the President about that, covering many weeks. I am assured that if the appropriation bills are passed, and no necessity appears of Congress meeting again in extra session, there will be no special session of the Senate. This has been said several times.

Mr. BORAH. Do I understand that the Senator is stating that by authority?

Mr. WATSON. On one occasion the President said—I do not like to repeat conversations with the President, but this is a public matter——

Mr. BORAH. I do not particularly care to have the Senator repeat what the President said; but when the Senator says there will be no special session of the Senate, I should like to know whether or not he speaks by the authority of the President.

Mr. WATSON. I speak with such assurance from the only source that could call a special session of the Senate that I am entirely satisfied there will be none.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee in lieu of the amendment as printed in the bill.

The amendment to the amendment was rejected.

The amendment of the committee, as amended, was agreed to.

Mr. BORAH. Mr. President, I am about to move for an executive session unless there is some reason why I should not do so.

Mr. HEBERT. Mr. President, will the Senator permit me to interrupt him?

Mr. BORAH. I yield.

Mr. HEBERT. I had hoped that we might proceed with the consideration of the bill now before the Senate. I find that many Senators are anxious to secure a recess; and I wish to be reassured whether the motion which the Senator from Idaho proposes will displace the bill that is now before us.

Mr. BORAH. No.

The PRESIDENT pro tempore. Oh, not at all.

THE CALENDAR

Mr. VANDENBERG. Mr. President, will the Senator yield to me for an inquiry?

Mr. BORAH. Yes.

Mr. VANDENBERG. I should like to ask the Senator from Oregon [Mr. McNARY] when, in his judgment, we are going to have an opportunity to take up the calendar?

Mr. McNARY. Mr. President, I express the hope that that may be done Monday evening.

EXECUTIVE SESSION

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business in open session.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States transmitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries, which messages were referred to the appropriate committees.

REPORTS OF COMMITTEES

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were placed on the Executive Calendar.

Mr. WALSH of Montana, from the Committee on the Judiciary, reported favorably the nomination of Luther B. Way, of Virginia, to be United States district judge, eastern district of Virginia, to succeed D. Lawrence Groner, appointed an associate justice of the Court of Appeals, District of Columbia, which was placed on the Executive Calendar.

Mr. JOHNSON, from the Committee on Commerce, reported favorably the following nominations in the Coast and Geodetic Survey, which were placed on the executive calendar:

Aid, with relative rank of ensign in the Navy:

Ernst Erbert Stohsner, of California, vice John Laskowski, promoted.

Chester Joseph Beyma, of Wisconsin, vice Ross A. Gilmore, promoted.

TREATIES

The Senate, as in Committee of the Whole, proceeded to consider Executive II (70th Cong., 2d sess.), being a convention relating to the organization of the Pan American Union adopted at the Sixth International Conference of American States, which assembled at Habana, Cuba, from January 16 to February 20, 1928, which was read, as follows:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the English text of a convention relating to the organization of the Pan American Union, adopted at the Sixth International Conference of American States, which assembled at Habana, Cuba, from January 16 to February 20, 1928.

I invite the attention of the Senate to the accompanying report of the Secretary of State, in which the new features of this convention are recited.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 13, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified English text of the convention relating to the organization of the Pan American Union adopted at the Sixth International Conference of American States, which assembled at Habana, Cuba, from January 16 to February 20, 1928.

This convention was not signed as a separate instrument, but was included in the final act of the conference which was signed on the part of all the governments represented at the conference. A certified copy of this final act in the Spanish language, furnished by the Government of Cuba, is submitted herewith.

This project regulates in conventional form the organization and functions of the Pan American Union. It entrusts to that union no function of a political character. In fact, the convention specifically states in article 6 that both the governing board and the Pan American Union shall discharge the duties assigned by the convention, subject to the condition that they shall not exercise functions of a political character. The convention, however, provides a new departure from the procedure heretofore observed regarding treaty formalities, in that it makes the union the depositary of the ratifications of the treaties, conventions, and other acts signed at an international conference of American states, and entrusts the union with the duty of notifying signatory states of the deposit of ratifications. The union would thus be given a diplomatic status to the extent that it is made the medium of communications between governments in so far as concerns ratifications of Pan American conventions. No objection to this is perceived.

Other new features of the convention are:

1. Heretofore the governing board of the union in whom the government of the union was vested, consisted of the diplomatic agents of the American Republics accredited to the United States, with the Secretary of State of the United States chairman ex officio. Article 3 of the convention vests the government of the union "in a governing board composed of the representatives that the American governments may appoint" and provides that the board shall elect its chairman and vice chairman annually. By this article a government's representation on the board is not restricted to its diplomatic representative at Washington, but that government may appoint whom it pleases, and the chairmanship of the board becomes an elective office, the Secretary of State of the United States being no longer ex officio chairman of the board.

It appears from the report of the American delegation to the conference that in the general discussions that preceded the detailed consideration of the articles of the convention, the delegation of the United States declared that any plan of organization that might be agreeable to the delegations of the other Republics would be entirely acceptable to the Government of the United States; that this Government had no desire that it should be given special privileges in the organization of the Union, that the Secretary of State did not wish for any position of prominence on the governing board; and that his only desire was to be considered a colleague and coworker of the other members of the board in advancing the purposes for which the institution was established.

2. That the governing board shall "fix the status of the members of the staff, determining their salaries and conditions of retirement" (article 10); and

3. That "the contracting States may withdraw from the Pan American Union at any time, but shall pay their respective quotas for the period of the current fiscal year." (Article 12.)

All the provisions mentioned above are likewise contained in a resolution (a copy of which is attached hereto) adopted by the conference, which provides that they shall remain in force pending the approval of the convention by all the Republics of the American Continent. This resolution therefore put into immediate effect the changes in the method of appointing members of the governing board, the declaration that neither the governing board nor the Pan American Union shall exercise functions of a political character, the provision relating to the determination of the conditions of retirement of the members of the staff, and the provision that the States members of the Union may withdraw from the organization at any time, but they shall pay their respective quotas for the period of the current year.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, February 12, 1929.

CONVENTION
[Pan American Union]

Their Excellencies the Presidents of the Republic of Perú, Uruguay, Panamá, Ecuador, Mexico, Salvador, Guatemala, Nicaragua, Bolivia, Venezuela, Colombia, Honduras, Costa Rica, Chile, Brazil, Argentina, Paraguay, Haiti, Dominican Republic, the United States of America, and Cuba, through their respective plenipotentiary delegates, have agreed upon the following convention, which shall be signed in the manner provided for in the final article:

The American Republics, whose moral union rests on the juridical equality of the republics of the continent and on the mutual respect of the rights inherent in their complete independence, desirous of promoting efficaciously the increasing conciliation of their economic interests and coordination of their social and intellectual activities, and recognizing that relations between peoples are regulated by law as well as by their legitimate individual and collective interests;

Agree to continue their joint action of cooperation and solidarity by means of periodic meetings of the International Conferences of American States, as well as by means of organs established by virtue of international agreements, and through the Pan American Union which has its seat in Washington and whose organization and functions shall be regulated by the present convention, in the following terms:

ARTICLE 1. ORGANS OF THE UNION OF THE AMERICAN STATES

The Union of the American States strives for the fulfilment of its object through the following organs:

(a) The International Conference of American States;

(b) The Pan American Union under the direction of a Governing Board with its seat in the city of Washington;

(c) Every organ that may be established by virtue of conventions between the American states.

Each state enjoys, as of right, representation at the conferences and on the Governing Board.

ARTICLE 2. THE INTERNATIONAL CONFERENCES OF AMERICAN STATES

The conferences shall meet at periodic intervals. The Governing Board of the Pan American Union shall determine the date on which they shall meet, provided that in no case shall a longer period than five years elapse between conferences, except in case of force majeure.

ARTICLE 3. GOVERNING BOARD

The government of the Pan American Union shall be vested in a Governing Board composed of the representatives that the American governments may appoint. The appointment may devolve upon the diplomatic representatives of the respective countries in Washington.

Besides his own country, a member of the Governing Board may serve as special representative of one or more countries, in which case such representative shall have as many votes as countries represented.

The Board shall elect its Chairman and Vice Chairman annually.

ARTICLE 4. EXECUTIVE OFFICERS

The Governing Board shall appoint the following officers:

A Director General, who shall have charge of the administration of the Pan American Union, with power to promote its most ample development in accordance with the terms of this convention, the regulations and the resolutions of the Board, to which body he shall be responsible.

The Director General shall attend, in an advisory capacity, the meetings of the Governing Board, of the committees appointed by the Board, and of the International Conferences of American States for the purpose of giving such information as may be required. The necessary expenses shall be paid out of the funds of the Pan American Union.

An Assistant Director, who shall act as secretary of the Governing Board.

The Director General shall prepare the internal regulations by which the various divisions of the Pan American Union shall be governed, in accordance with the provisions of the present convention, and shall submit them to the Governing Board for approval.

The Director General shall present to the Governing Board annually, at the regular session of the Board in November, a detailed budget for the ensuing fiscal year.

The Director General shall submit to the consideration of each conference of the American Republics a detailed report on the work carried out by the Pan American Union during the period preceding the meeting of the conference.

The Director General shall appoint, with the approval of the Governing Board, the personnel necessary to the work of the Pan American Union, endeavoring as far as possible to distribute the positions among nationals of the countries members of the Union.

ARTICLE 5. MAINTENANCE OF THE PAN AMERICAN UNION

The Governing Board of the Pan American Union shall determine the quota which is to be paid by each of the governments members of the Union for the maintenance of the Pan American Union. But increases in the budget of the Pan American Union exceeding by more than twenty-five per cent the budget of the preceding year shall be approved by the unanimous vote of the Government Board, the representatives being given time to consult their respective governments. The quota shall be determined on the basis of the latest official statistics of population in possession of the

Pan American Union on the first day of July of each year. The budget shall be communicated to the governments members of the Union before the first day of the ensuing calendar year, with an indication of the quota which each country shall pay, such payments to be made before the first of July of that year.

The Governing Board shall elect from among its members a committee charged with examining, on the dates determined by the Board, the accounts of the expenditures of the Union, in conformity with the provisions established by the regulations and the opinion of three experts to be appointed for the purpose.

ARTICLE 6. FUNCTIONS OF THE PAN AMERICAN UNION

Both the Governing Board and the Pan American Union shall discharge the duties assigned by this convention subject to the condition that they shall not exercise functions of a political character.

The functions of the Pan American Union are:

1. To compile and distribute information and reports concerning the commercial, industrial, agricultural, social, and educational development as well as the general progress of the American Republics.

2. To compile and classify information referring to the conventions and treaties concluded among the American Republics and between these and other states, as well as to the legislation of the former.

3. To assist in the development of commercial, industrial, agricultural, social, and cultural relations, the study of the problems of labor and the furtherance of a more intimate mutual acquaintance between the American Republics.

4. To act as a Permanent Commission of the International Conferences of American States; to keep their records and archives; to assist in obtaining ratification of the treaties and conventions; to carry out and facilitate the execution of the resolutions adopted by the International Conferences of American States, within the limits of its powers; and to prepare in agreement with the governments the program of the International Conferences of American States, and submit to the conferences a project of regulations.

5. To perform such other functions entrusted to it by the Conference or by the Governing Board, by virtue of the powers conferred upon it by this convention. Whenever a state believes that its vital interests are involved in a question, or that an obligation may thereby be imposed upon it, such state may require that the resolution of the Board be adopted by unanimous vote.

6. The Governing Board may promote the meeting of international conferences of experts to study problems of a technical character of common interest to the countries members of the Union, and to this end may request the governments to appoint experts to represent them at these conferences, which shall meet at the place and time determined by the Board.

To carry out the purposes for which the institution is organized the Governing Board shall provide for the establishment of such administrative divisions or sections within the Pan American Union as it may deem necessary.

ARTICLE 7. DEPOSIT AND EXCHANGE OF RATIFICATIONS

The instruments of ratification of the treaties, conventions, protocols, and other diplomatic documents signed at the International Conferences of American States shall be deposited at the Pan American Union by the respective representative on the Governing Board, acting in the name of his government, without need of special credentials for the deposit of the ratification. A record of the deposit of the ratification shall be made in a document signed by the representative on the Board of the ratifying country, by the Director General of the Pan American Union, and by the Secretary of the Governing Board.

The Pan American Union shall communicate to all the states members of the Union, through their representatives on the Board, the deposit of the ratification.

ARTICLE 8. COMMUNICATION OF OFFICIAL DOCUMENTS TO THE PAN AMERICAN UNION

The governments of the countries members of the Union shall transmit to the Pan American Union two copies of the official documents and publications which relate to the purposes of the Union, as far as the internal legislation of the respective countries may permit.

ARTICLE 9. COOPERATION BETWEEN OFFICIAL PAN AMERICAN ORGANIZATIONS

For the purpose of coordinating the results of the work of other official Pan American organizations, and of establishing relations of close cooperation between them, the program of work and the development of their activities shall, as far as possible, be the subject of agreement between their directive bodies and the Governing Board of the Pan American Union.

The governments members of the Union which may not have an efficient organ for the study and investigation of Pan American affairs, shall establish a committee composed of persons of experience in such matters, or an office attached to the ministry of foreign affairs entrusted with Pan American affairs.

These committees or offices shall have the following duties:

(a) To cooperate with their respective governments to obtain ratification of treaties and conventions, and to the carrying out of the agreements adopted by the International Conferences of American States;

(b) To furnish the Pan American Union promptly with the information it may need in the preparation of its work;

(c) To present to the Union through the proper channels such projects as they may consider useful to the purposes of the Union.

ARTICLE 10

The Governing Board of the Pan American Union shall prepare the regulations and fix the status of the members of the staff, determining their salaries and conditions of retirements.

ARTICLE 11

All correspondence and matter transmitted through the mails to the Pan American Union, which bears the frank used by the Union, and all correspondence or matter transmitted by the Pan American Union, shall be carried free of charge by the mails of the American Republics.

ARTICLE 12

The contracting states may withdraw from the Pan American Union at any time, but shall pay their respective quotas for the period of the current fiscal year.

ARTICLE 13

This convention can not be modified except in the same manner in which is was adopted.

ARTICLE 14

The present convention shall be ratified by the signatory states, and is open to the signature and ratification of the states represented at the Conference that may not have been able to sign.

The President of the Conference, through the Government of the Republic of Cuba, shall send to the governments represented at the Conference an authenticated copy of the present project of convention in order that, if the governments approve, it may receive their adhesion. For this purpose, the governments that adhere to the convention shall authorize their respective diplomatic or special representatives in the city of Habana to sign the convention. All the states having signed, the convention shall be submitted by each government for ratification.

The present convention shall become effective when all the states represented at the Conference receive notice that all the ratifications have been deposited with the Pan American Union, and that the adhesions and ratifications of the twenty-one American Republics have been received.

In witness whereof, the delegates sign and affix their seals to the present convention.

Perú: Jesús M. Salazar, Víctor M. Maúrtua, Luis Ernesto Denegri, E. Castro Oyanguren.

Uruguay: Varela, Pedro Erasmo Callorda.

Panamá: R. J. Alfaro, Eduardo Chiari.

Ecuador: Gonzalo Zaldumbide, Victor Zevallos, C. F. Alfaro.

Mexico: Julio García, Fernando González Roa, Salvador Urbina, Aquiles Elorduy.

Salvador: J. Gustavo Guerrero, Héctor David Castro, Ed. Alvarez.

Guatemala: Carlos Salazar, B. Alvarado, Luis Beltranena, J. Azurdia.

Nicaragua: Carlos Cuadra Pazos, Máximo H. Zepeda, Joaquín Gómez.

Bolivia: José Antezana, A. Costa du R.

Venezuela: Santiago Key Ayala, Francisco G. Yanes, Rafael Angel Arraiz.

Colombia: Enrique Olaya Herrera, R. Gutiérrez Lee, J. M. Yepes.

Honduras: F. Dávila, Mariana Vázquez.

Costa Rica: Ricardo Castro Beeche, J. Rafael Oreamuno, A. Tinoco Jiménez.

Chile: Alejandro Lira, Alejandro Alvarez, C. Silva Vildósola, Manuel Bianchi.

Brazil: Raúl Fernandes, Lindolfo Collor.

DECLARATION OF THE DELEGATION OF ARGENTINA

The Argentine delegation declares, pursuant to express instructions of its Government, that it approves and will sign the project of convention; but that it now wishes to formulate the reservation that it regrets that the economic principles which it upheld in the committee have not been included in this convention.

Argentina: Laurentino Olascoaga, Felipe A. Espil, Carlos Alberto Alcorta.

Paraguay: Lisandro Díaz León, Juan Vicente Ramírez.

Haiti: Fernando Dennis.

Dominican Republic: Fraco. J. Peynado, Tulio M. Cestero, Jacinto R. de Castro, Elías Brache, R. Pérez Alfonseca.

United States of America: Charles Evans Hughes, Noble Brandon Judah, Henry P. Fletcher, Oscar W. Underwood, Morgan J. O'Brien, James Brown Scott, Ray Lyman Wilbur, Leo S. Rowe.

Cuba: Antonio S. de Bustamante, Orestes Ferrara, E. Hernández Cartaya, Aristides de Agüero Bethencourt, M. Márquez Sterling, Néstor Carbonell.

Certified to be the English text of the convention on Pan American Union as contained in the final act signed at the closing session of the Sixth International Conference of American States.

FRANK B. KELLOGG,
Secretary of State of the United States of America.

RESOLUTION

[Pan American Union]

The Sixth International Conference of American States, *Resolves:*

That the Pan American Union continue to be governed by the resolutions in force, until the states members of the Union resolve otherwise, with the following modifications:

1. The government of the Pan American Union shall be vested in a Governing Board composed of the representatives that the American Governments may appoint. The appointment may devolve upon the diplomatic representatives of the respective countries at Washington.

2. The Director General shall appoint, with the approval of the Governing Board, the personnel necessary to the work of the Pan American Union, endeavoring as far as possible to distribute the positions among the nationals of the countries members of the Union.

3. Neither the Governing Board nor the Pan American Union shall exercise functions of a political character.

4. The Governing Board of the Pan American Union shall prepare the regulations and fix the status of the members of the staff, determining their salaries and conditions of retirement.

5. The States members of the Union may withdraw from the Union at any time, but shall pay their respective quotas for the period of the current fiscal year.

Mr. BORAH. Mr. President, the effect of this treaty is to put in permanent form the organization of the Pan American Union. It seeks to accomplish what we have heretofore accomplished by resolutions passed at different times. I only desire to call attention to one paragraph in the treaty, which says:

Both the governing board and the Pan American Union shall discharge the duties assigned by this convention, subject to the condition that they shall not exercise functions of a political character.

In other words, it creates the Pan American Union purely as a ministerial organization.

Mr. FLETCHER. Mr. President, are all the Central and South American countries members of the Pan American Union?

Mr. BORAH. Practically so. I have the names of the countries here, if the Senator wishes to have them.

Mr. FLETCHER. That is not necessary. The Senator might put them in the RECORD.

Mr. BORAH. The treaty will go in the RECORD, and it shows what they are.

Mr. FLETCHER. Very well.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDENT pro tempore. The question is on the resolution of ratification, which will be read.

The Chief Clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive II, Seventieth Congress, second session, a convention relating to the organization of the Pan American Union adopted at the sixth international conference of American States which assembled at Habana, Cuba, from January 16 to February 20, 1928.

The PRESIDENT pro tempore. The question is, Shall the Senate advise and consent to the ratification of the treaty? [Putting the question.] Two-thirds of all the Senators present having voted in the affirmative, the Senate advises and consents to the ratification of the treaty, and the injunction of secrecy is removed.

Mr. BORAH. Mr. President, the next number on the Executive Calendar relates to the subject matter which we are dealing with here by legislation. I ask that it go over until that matter is disposed of.

The PRESIDENT pro tempore. The next treaty will be passed over.

POSTMASTERS

Mr. PHIPPS. Mr. President, I ask that Calendar No. 2094, Camden, Tenn., and Calendar No. 2435, Allendale, S. C., go over without prejudice.

The PRESIDENT pro tempore. Without objection, that order will be made.

WISCONSIN

The Chief Clerk read the nomination of Bernard A. McBride to be postmaster at Adams, Wis.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Laurits S. Swenson, of Minnesota, to be envoy extraordinary and minister plenipotentiary to the Netherlands.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of George C. Hanson to be consul general.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE JUDICIARY

The Chief Clerk read the nomination of Louie W. Strum to be United States district judge, southern district of Florida (additional position).

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. FLETCHER. Mr. President, this judge is very much needed, and has been for some months. He is approved by both Senators from Florida, and was unanimously approved by the subcommittee of the Committee on the Judiciary and

by the full Committee on the Judiciary. There is no opposition on record. I ask unanimous consent to waive the rule about two subsequent executive sessions, and that the President be notified with regard to this action.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida that the President be notified of the action taken in the confirmation of Judge Strum? The Chair hears none, and the President will be notified.

The Chief Clerk read the nomination of Jose Abad Santos, of the Philippine Islands, to be associate justice, Supreme Court of the Philippine Islands.

Mr. BINGHAM. I ask that this nomination and the next two may go over.

The PRESIDENT pro tempore. Without objection, the nominations will go over without prejudice.

Mr. KING. Mr. President, I hope that at the next executive session of the Senate these nominations will be taken up.

The Chief Clerk read the nomination of William N. Cromie to be United States marshal, northern district of New York, vice Clarence W. Weaver.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

CUSTOMS SERVICE

The Chief Clerk read the nomination of Robert E. Lee Pryor to be appraiser of merchandise, customs collection district No. 18, Tampa, Fla.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

Mr. PHIPPS. I ask that the nominations of the remaining postmasters be confirmed en bloc.

Mr. BLACK. I object, Mr. President.

Mr. PHIPPS. Was objection made to any one of those included in the list?

Mr. BLACK. Yes; I object. I have had one on file with the committee for some time. I did not know that the nomination had been reported here.

Mr. PHIPPS. If it refers to the nomination in Alabama that might go over without prejudice, but it should not disturb the others.

Mr. BLACK. I have no objection to the others.

Mr. HEFLIN. Mr. President, I should like to have a vote on the postmaster in Alabama. He was appointed about a month ago, and the matter was held up by my colleague. I have had quite a number of telegrams from the people down there wanting to know why he was not confirmed. He is eligible. He is assistant postmaster now. I should like to have a vote by the Senate. I do not think the nomination ought to be held up until my term expires. I want the Senate to decide what it will do about the matter.

Mr. PHIPPS. Mr. President, I merely report for the committee that the customary rule of the committee was observed. The nomination was held for a length of time at the request of the junior Senator from Alabama; and then the junior Senator from Alabama was notified by letter that, unless charges were filed within a period of time, the nomination would be reported favorably by the committee. Not hearing from the Senator from Alabama, that action was taken. The name was reported favorably by the committee.

Mr. BLACK. I object.

Mr. HEFLIN. Mr. President, I move the confirmation of Mr. Day to be postmaster at Decatur, Ala.

The PRESIDENT pro tempore. The pending question, anyway, is, Does the Senate advise and consent to this nomination?

Mr. BLACK. Mr. President, the nomination, I think, will not be voted on this afternoon. I may state to the Senate that, if this goes over until next week, I may agree to withdraw my objection. I knew only a few moments ago that it had been reported. I had stated to the committee that I had an objection to it. Objections have come to me about this gentleman. In the letter I received there was no statement made as to when the committee would meet. I ask that the nomination may go over until next week.

Mr. PHIPPS. The period of time in which charges might be filed was stated in the letter, and no charges have been filed. Would the Senator be willing to have this name passed upon at the next executive session, which probably will be on Monday?

Mr. BLACK. Mr. President, I may state to the Senator that unless I receive information of a definite nature I do not expect to prevent the confirmation before the 4th of March, but I am not ready at present to take up the matter. I did not know the name was on the calendar. I did not know it had been reported—had no idea that it had been reported.

Mr. PHIPPS. The only notice we could give the Senator was certainly given.

Mr. BLACK. May I ask the Senator when the committee met and acted on this nomination?

Mr. PHIPPS. There was no hearing on it. Simply the rule of the committee was followed in placing the nomination on the calendar when no charges had been filed against the nominee. May I ask the senior Senator from Alabama if he would be willing to allow the nomination to go over without prejudice?

Mr. HEFLIN. If my colleague will agree that we may dispose of it at the next executive session, I shall not insist on it.

Mr. BLACK. I do not make any agreement that I will be willing to dispose of it then. I do not know whether I shall be or not. I state this to the Senator from Colorado: That when the secretary of the committee talked to me about the matter I stated that when it came up before the committee I wanted to present the facts in connection with the appointment. It is an appointment where a man who had been postmaster 16 years has been displaced for no reason on earth, except, as stated to me, because he was a Democrat. No other reason is given. I have asked if there were any other reasons. I can get no other idea as to why this man who has served 16 years should be displaced except that. I desire to present the facts to the committee.

Mr. HEFLIN. Mr. President, may I just say that this man my colleague speaks of has been twice appointed to this position by Republican Presidents, and he was known by people down there to have been a Republican, or in sympathy, and so forth, when he got those appointments under a Republican President. Mr. Day was the postmaster, a Republican, at Albany. They abolished that office and created a suboffice, and he is assistant postmaster there. He has now been appointed to the position Mr. Crawford held in Decatur. My colleague objects, as he has talked to me about it, because they did not have a civil-service examination. A civil-service examination was not necessary for a man who is already in the service, and this man is a man of good character, a very competent man. I take no interest personally between them, but the patrons have wired me and wanted to know why he has not been confirmed. My colleague had the matter held up here for weeks, and I asked the chairman of the committee to appoint a subcommittee to give my colleague a chance to file any complaint he had, and be heard. He notified him of the subcommittee, and that this action would be taken. He says he has written him a letter, but no complaint has been filed, so far as I know. Now, we are right on the eve of adjournment, and it has even been suggested to me down there that the matter would be held up until my term expired, and that Mr. Day would not be confirmed. I want to be fair to all the people in my State while I represent the State, and I think it is nothing but fair that this man's claims shall be passed upon. I am willing to let it go over until Monday. My colleague says he does not know whether he is or not. I think the Senate ought to pass upon the matter, and let us have a vote on it.

Mr. BLEASE. Mr. President, I want to say to the junior Senator from Alabama that the rule followed by the chairman of the committee in this instance is the rule under which we have been working. I also have an appointment on this calendar which was handled by the chairman of the committee in the same way, and it is justified under the rules under which the committee operates.

Mr. BLACK. Mr. President, I do not want to go into this matter now unless the Senate desires to stay here and discuss the disposition of the postmastership question to-night. I can very frankly state that having reported, as I have stated, to the secretary of the committee that I wished to be heard by the committee, not having been notified of the time, it will not be voted on within the next few hours.

Mr. HEFLIN. Mr. President, I shall move and insist at the next executive session on a vote upon this nomination.

The PRESIDENT pro tempore. For the time being, the nomination is passed over without prejudice.

Mr. BLACK. Mr. President, I desire to state, as I stated in the beginning, that I do not know that I shall have any objection. I stated on the Senate floor a few moments ago that I had notified those who had objected that it would be necessary for them to give me their objections in such form that they could be presented to the committee, and I do not know that I shall object when the matter comes up again. But I do want it to go over this afternoon.

The PRESIDENT pro tempore. The nomination goes over without prejudice.

Mr. PHIPPS. Mr. President, I ask that the remaining postal nominations on the calendar be approved en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered. That completes the calendar.

CUSTOMS SERVICE

Mr. DENEEN. Mr. President, I report favorably from the Committee on Finance the nomination of Anthony Czarnecki, of Chicago, Ill., to be collector of customs for customs collection district No. 39.

I ask unanimous consent for immediate action on this nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and without objection, the nomination is confirmed.

The Senate resumed legislative business.

ENGROSSMENT AND ENROLLING OF BILLS AND JOINT RESOLUTION

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution coming over from the House of Representatives, to which he invites the attention of the Senator from Oregon. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 53) as follows:

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress, approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

Mr. McNARY. I move that the Senate concur in the resolution.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Oregon to concur in the resolution.

The resolution was concurred in.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 4030) to provide books for the adult blind.

The message also announced that the House had passed a bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 988. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

S. 1042. An act for the relief of Mary Altieri;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 3924. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

S. 4070. An act for the relief of Patrick J. Mulkaren;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 4353. An act for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 5083. An act to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.;

S. 5920. An act authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa;

S. 6032. An act amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes";

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of Crow Indians;

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. J. Res. 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

MINNESOTA RIVER BRIDGE

Mr. SHIPSTEAD (for Mr. DALE) from the Committee on Commerce, to which was referred the bill (S. 6260) granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River, reported it with amendments and submitted a report (No. 1827) thereon.

Mr. SHIPSTEAD. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Commerce with amendments.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Minneapolis, Northfield & Southern Railway, a corporation organized under the laws of the State of South Dakota, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Minnesota River, at a point suitable to the interests of navigation, near the intersection of the Minnesota River and the north and south center line of section 8, township 115 north, range 21 west, fifth principal meridian, counties of Hennepin and Scott, State of Minnesota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Minneapolis, Northfield & Southern Railway, its successors and assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments of the committee were to strike out, after the enacting clause, "That the consent of Congress

that the nomination may go over until next week.

rules under which the committee operates.

is herety granted" and insert "That the act approved January 21, 1927, granting the consent of Congress"; and on page 2, line 2, to strike out all after the name "Minnesota" down to section 3, and to insert "be and the same is hereby revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within one year and completed within three years of the date of approval hereof."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revive and reenact the act entitled 'An act granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River,' approved January 21, 1927."

AMENDMENT OF PUBLIC ACT NO. 624, SEVENTY-FIRST CONGRESS

Mr. NYE. Mr. President, I report favorably from the Committee on Commerce the bill (S. 6263) to amend Public Act No. 624, Seventy-first Congress, and I ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

Mr. REED. Let it be reported.

The PRESIDENT pro tempore. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of Public Act No. 624, Seventy-first Congress, is amended by adding before the period at the end thereof a colon and the following proviso: "*Provided*, That no such city or county shall exercise any rights or powers herein granted unless and until a majority of the electors of such city or county, voting at a general election, shall have expressed their approval of the exercise of such rights or powers, or if a special election is held therefor, unless and until 60 per cent of the electors voting at such election shall have expressed their approval of the exercise of such rights and powers."

Mr. BINGHAM. Mr. President, that is a very interesting bill——

Mr. McNARY. I think it is too important a measure for hasty action, with so few Senators in the Chamber, and I suggest that it go over until a regular call of the calendar.

The PRESIDENT pro tempore. The bill will go to the calendar, under the rule.

INVESTIGATION INTO WOOL, MOHAIR, AND GRAIN

Mr. WALSH of Massachusetts. Mr. President, I present two telegrams and ask that they be printed in the RECORD. They are in the nature of petitions.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

BOSTON, MASS., *February 24, 1931.*

Hon. DAVID I. WALSH,
Washington, D. C.:

Answering letter 21st, it is very important that the McKellar resolution, including an investigation of wool and mohair, be passed at this session and that the committee investigate during recess. It means, in our opinion, the savings of millions of dollars of the taxpayers' money, and we believe it means the ultimate good to the farmers. If this resolution is postponed to next session it means the entire domestic clip of wool and mohair of 1931 will have moved out of hands of producers. Please use your utmost and valuable efforts to get the resolution through at this session. Please telegraph answer. Would a committee representing our association be of any assistance to you at this time.

BOSTON WOOL TRADE ASSOCIATION,
W. S. FERIGER, *President.*

BOSTON, MASS., *February 27, 1931.*

Hon. DAVID I. WALSH,
Senate Office Building:

Many Boston dealers in wool, mohair, grain, and grain products respectfully urge passage of McKellar resolution with amendment providing for recess investigation of Farm Board dealings in above-named products.

HENRY I. HARRIMAN,
President Boston Chamber of Commerce.

IMPORTATIONS OF OIL

Mr. CAPPER. Mr. President, I ask unanimous consent to have a number of telegrams from Kansas printed in the RECORD. They tell of critical conditions which exist with reference to the oil industry in that State. Thousands of wells are now shut down. I have appeals here from Wichita, Hutchinson, Winfield, Dodge City, and many other cities, and very many of the business organizations, and a very strong appeal from the Wichita Rotary Club, asking for relief at this session of Congress.

I have for nearly a month been trying to get a bill reported favorably by the Committee on Commerce, without result. I want to give notice now that I shall make an effort before adjournment to get consideration of the bill, which we believe out in our part of the country means justice for an industry which is in a most distressing condition.

The PRESIDENT pro tempore. Without objection, the telegrams will be inserted in the RECORD.

The telegrams are as follows:

HUTCHINSON, KANS., *February 25, 1931.*

Senator ARTHUR CAPPER:

In my opinion, the Capper and Garber embargo oil bills are very important to Kansas and the Southwest. Earnestly hope that every effort possible will be used for relief to the oil situation. This legislation will be a great benefit to the oil industry of the mid-continent field, also to most of the farmers of Kansas.

GEO. E. GANO.

WINFIELD, KANS., *February 25, 1931.*

Senator ARTHUR CAPPER,
Washington, D. C.:

Unless Capper-Garber bill is passed the independent producer will be bankrupt and the merchants in Winfield and the farming community will suffer greatly.

PAUL TREES.

WINFIELD, KANS., *February 25, 1931.*

Senator ARTHUR CAPPER,
Washington, D. C.:

Unless Capper-Garber bill is passed the independent producer will be bankrupt and the merchants in Winfield and the farming community will suffer greatly.

ARTHUR BREWER.

WICHITA, KANS., *February 25, 1931.*

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.:

As president of the Wichita Rotary Club, I beseech you in the name of Rotary throughout Kansas and Oklahoma to do all in your power to help the oil industry in these States in this critical hour. We all feel there is no good reason why Congress should not give us their assistance in these hours of peril. If there is anything Rotary can do to assist you in relieving this condition, please advise me.

Most cordially yours,

HARRY A. DOCKUM,
President Wichita Rotary Club.

WICHITA, KANS., *February 25, 1931.*

Senator ARTHUR CAPPER,
Senate Office Building, Washington, D. C.:

We are all watching the fight you are making against oil imports and hoping for your success in order that we may continue in the oil business. Kansas was never in need of protection as much as to-day with the oil business and agriculture completely demoralized. If the Republican Party believes in protection now is the time to show it. Independent oil producers are in desperate situation. As a holder of leases covering 100,000 acres in Kansas and a well capable of making four to ten thousand barrels in Rice County shut in since August of last year, and with the fear of being eliminated entirely, I am fighting for my future. We need protection against monopolies that are tearing down the commercial fiber of this country. Success to you.

J. H. TATLOCK.

DODGE CITY, KANS., *February 25, 1931.*

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.:

I have been active worker in Republican Party for 40 years, as my father was before me. The Republican Party seems to have gone hog wild on tariff questions, especially oil questions. If relief is not given oil producers during this session of Congress, I'll vote and work for Democrats this coming fall and two years from now, and thousands of others in your district feel as I do.

Dr. W. C. TEMPLETON.

ADDITIONAL ENROLLED BILL PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, February 28, 1931, that committee presented to the President of the United States the enrolled bill (S. 6106) to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park.

RECESS

Mr. McNARY. Mr. President, in accordance with the unanimous-consent agreement, I move that the Senate take a recess until Monday at 11 o'clock.

Service," approved June 10, 1922, as amended;

after the enacting clause, "That the consent of Congress

The motion was agreed to; and the Senate (at 6 o'clock p. m.), in accordance with the order previously entered, took a recess until Monday, March 2, 1931, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 28 (legislative day of February 17), 1931

UNITED STATES MARSHAL

George W. Montgomery, of Louisiana, to be United States marshal, western district of Louisiana, to succeed William M. Palmer, whose term expired December 22, 1930.

ASSAYER IN CHARGE

Elias Marsters, of Boise, Idaho, to be assayer in charge of the United States assay office at Boise, Idaho, to fill an existing vacancy.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 28 (legislative day of February 17), 1931

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Laurits S. Swenson to be envoy extraordinary and minister plenipotentiary to the Netherlands.

CONSUL GENERAL

George C. Hanson to be consul general.

UNITED STATES DISTRICT JUDGE

Louie W. Strum to be United States district judge, southern district of Florida.

JUDGE OF THE POLICE COURT OF THE DISTRICT OF COLUMBIA

John P. McMahon to be a judge of the police court of the District of Columbia.

UNITED STATES MARSHAL

William N. Cromie to be United States marshal, northern district of New York.

COLLECTOR OF CUSTOMS

Anthony Czarnecki to be collector of customs for customs collection district No. 39.

APPRAISER OF MERCHANDISE, CUSTOMS

Robert E. Lee Pryor to be appraiser of merchandise, customs collection district No. 18, Tampa, Fla.

POSTMASTERS

GEORGIA

James T. Dampier, Adel.

IOWA

Otto E. Gunderson, Forest City.
Isaac J. Phillips, Hiteman.
Harvey S. Bliss, Kensett.
Merle B. Camerer, Oto.

MINNESOTA

Edward Lende, Appleton.
Harold E. Bowers, Benson.
Edward F. Koehler, Mound.

MISSISSIPPI

William R. Anderson, Baldwyn.
Myrtle Starnes, Brookville.

NEW JERSEY

Herman H. Wille, Orange.

NEW MEXICO

Maud W. Lenfestey, Aztec.
Winnie E. Pittman, Cloudcroft.
Emma A. Coleman, Lovington.

NORTH DAKOTA

Walter L. Saunders, Ellendale.
Alexander R. Wright, Oakes.

WISCONSIN

Bernard A. McBride, Adams.

HOUSE OF REPRESENTATIVES

SATURDAY, FEBRUARY 28, 1931

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the judge and the ruler of all men with hearts strong and courageous, we would fling ourselves upon our tasks, yet allow them not to drown the voices of our souls. How precious is life, O Lord! To it belong the music and the language which are divine. Our Father, come to us from every angle; touch us at every point and enter every door of our natures; shape our lives and fill all their human powers, so that we may do our work in a faultless way to the full measure of our high calling. While in this world we shall never find perfect satisfaction, yet with our trust in Thee, unterrified amid the uncertainties of life, may we dauntlessly go on our way. Again we wait another moment with an upward spiritual gaze, and, listening, may we catch some far faint harmony from the unseen above. Let the light that is overhead come, and may its moral might and majesty direct us this day. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS

The SPEAKER. The Chair proposes to delay recognition for unanimous-consent requests until later in the day. The Chair desires in the first place to recognize three motions for suspension of the rules. The first, a motion by the gentleman from Michigan [Mr. JAMES], to suspend the rules and pass the bill H. R. 12918.

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. JAMES of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended, with amendments suggested by the Secretary of War and agreed to unanimously by the House Committee on Military Affairs.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] moves to suspend the rules and pass the bill H. R. 12918, with amendments, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SECTION 1. That the Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Organized Reserves, the Officers' Reserve Corps, and the Enlisted Reserve Corps."

SEC. 2. That the fourth paragraph of section 5 (b) of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 5. (b) All policies and regulations affecting the organization and distribution of the National Guard of the United States, and all policies and regulations affecting the organization, distribution, and training of the National Guard, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of officers from the National Guard of the United States whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the commanding general, District of Columbia National Guard.

"All policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of officers of the Organized Reserves shall be prepared by committees of the proper branches of the War Department General Staff to which shall be added an equal number of officers from the Organized Reserves: *Provided*, That when the subject to be studied affects the National Guard of the United States or the National Guard and the Organized Reserves, such committees shall consist of an equal representation from the Regular Army, the National Guard of the United States, and the Organized Reserves. There shall be not less than 10 officers on duty in the War Department General Staff, 5 of whom shall be from the National Guard of the United States and 5 from the Organized Reserves. For the purpose specified herein such officers shall be regarded as additional members of the General Staff while so serving: *And provided further*, That the Chief of Staff shall transmit to the Secretary of War the policies and regulations prepared as hereinbefore prescribed in this section and advise him in regard thereto; after action by the Secretary of War thereon, he shall act as his agent in carrying the same into effect."

SEC. 3. That section 37 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 37. Officers' Reserve Corps: For the purpose of providing a reserve of officers available for military service when needed there shall be organized an Officers Reserve Corps consisting of general officers and officers assigned to sections corresponding to the various branches of the Regular Army and such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. All persons appointed in time of peace in the Officers' Reserve Corps are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate. Appointment in every case in the Officers' Reserve Corps shall be for a period of five years, but an appointment in force at the outbreak of war shall continue in force until six months after its termination: *Provided*, That an officer of the Officers' Reserve Corps shall be entitled to discharge within six months after its termination if he makes application therefor. Any officer of the Officers' Reserve Corps may be discharged at any time, in the discretion of the President. In time of peace an officer of the Officers' Reserve Corps must at the time of his appointment be a citizen of the United States or of the Philippine Islands between the ages of 21 and 64 years. Any person who has been an officer of the Army of the United States at any time between April 6, 1917, and June 30, 1919, or who is or has been an officer of the Regular Army at any time may be appointed in the Officers' Reserve Corps in the highest grade which he held or now holds or any lower grade. No other person shall in time of peace be originally appointed in the Officers' Reserve Corps in the Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Corps in a grade above that of second lieutenant. In time of peace original appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Corps shall be limited to officers and former officers of the Regular Army; officers of the National Guard of the United States; graduates of the Reserve Officers' Training Corps, as provided in section 47 (b) hereof; warrant officers and enlisted men of the Regular Army, National Guard of the United States, and Enlisted Reserve Corps; and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions in all grades of officers who have established or may hereafter establish their qualifications for such promotion and transfer shall be made under such regulations as may be prescribed by the Secretary of War, and shall be based, so far as practicable, upon recommendations made in the established chain of command. So far as practicable, in time of peace officers of the Officers' Reserve Corps shall be assigned to units of the Organized Reserves in the locality of their places of residence. An officer of the Officers' Reserve Corps who accepts appointment in the National Guard of the United States shall upon the termination of his service therewith, if he makes application therefor, be reappointed in the Officers' Reserve Corps in his former grade or such higher grade for which he may be qualified; in determining his qualifications for such higher grade credit shall be given for his service in the National Guard of the United States. General officers transferred from the National Guard of the United States shall not be eligible to assignment to command in the Organized Reserves in time of peace. Nothing in this act shall operate to deprive an officer of his reserve appointment he now holds."

SEC. 4. That section 37a of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 37a. Reserve officers on active duty: To the extent provided for from time to time by appropriations for this specific purpose, the President may order reserve officers to active duty at any time and for any period; but except in time of a national emergency expressly declared by Congress, no reserve officer shall be employed on active duty for more than 15 days in any calendar year without his own consent. A reserve officer shall not be entitled to pay and allowances except when on active duty. When on active duty he shall receive the pay and allowances provided by law, and the same mileage from his home to his first station and from his last station to his home as an officer of the Regular Army, but shall not be entitled to retirement or retired pay: *Provided*, That officers of the National Guard of the United States ordered to active duty shall be paid out of the whole fund appropriated for the support of the National Guard."

SEC. 5. That section 38 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 38. Officers, National Guard of the United States: All persons appointed, in time of peace, officers in the National Guard of the United States are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate.

"Officers in the National Guard of the United States shall be appointed for the period during which they are federally recognized in the same grade and branch in the National Guard: *Provided*, That an appointment in force at the outbreak of war shall continue in force until six months after its termination: *And provided further*, That such officer shall be entitled to return to inactive status within six months after its termination if he makes application therefor.

"Transfers between the National Guard of the United States and the Officers' Reserve Corps may be made under such regulations as shall be prescribed by the Secretary of War. Nothing in this act shall operate to deprive a National Guard officer of the appointment he now holds."

SEC. 6. That section 58 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 58. Composition of the National Guard and the National Guard of the United States: The National Guard of each State, Territory, and the District of Columbia shall consist of members of the militia voluntarily enlisted therein, who, upon original enlistment, shall be not less than 18 nor more than 45 years of age, or who in subsequent enlistment shall be not more than 64 years of age, organized, armed, equipped, and federally recognized as hereinafter provided, and of commissioned officers and warrant officers who are citizens of the United States between the ages of 21 and 64 years: *Provided*, That former members of the Regular Army, Navy, and Marine Corps under 64 years of age may enlist in said National Guard.

"The National Guard of the United States is hereby established. It shall be a reserve component of the Army of the United States and shall consist of those federally recognized officers, warrant officers, and enlisted members of the National Guard of the several States, Territories, and the District of Columbia, who shall have been appointed and commissioned, appointed, enlisted and appointed, or enlisted, as the case may be, in the National Guard of the United States, as hereinafter provided, and of such other officers and warrant officers as may be appointed therein as provided in section 111 hereof: *Provided*, That the members of the National Guard of the United States shall not be in the active service of the United States except when ordered thereto in accordance with law, and, in time of peace, they shall be administered, armed, uniformed, equipped, and trained in their status as the National Guard of the several States, Territories, and the District of Columbia, as provided in this act: *And provided further*, That under such regulations as the Secretary of War shall prescribe, noncommissioned officers, first-class privates, and enlisted specialists of the National Guard may be appointed in corresponding grades, ratings, and branches of the National Guard of the United States, without vacating their respective grades and ratings in the National Guard."

SEC. 7. That section 60 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 60. Organization of National Guard units: Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units: *Provided*, That no change in allotment, branch, or arm of units or organizations wholly within a single State will be made without the approval of the governor of the State concerned."

SEC. 8. That section 69 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 69. Enlistments in the National Guard and the National Guard of the United States: Original enlistments in the National Guard and the National Guard of the United States shall be for a period of three years, and subsequent enlistments for periods of one or three years each: *Provided*, That in the event of an emergency declared by Congress the period of any enlistment which otherwise would expire may by presidential proclamation be extended for a period of six months after the termination of the emergency."

SEC. 9. That section 70 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 70. Men enlisted in the National Guard of the several States, Territories, and the District of Columbia, and in the National Guard of the United States, shall sign an enlistment contract and subscribe to the following oath or affirmation:

"I do hereby acknowledge to have voluntarily enlisted this —— day of ————, 19—, as a soldier in the National Guard of the State of ————, and in the National Guard of the United States, for a period of three (one) years, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear or affirm that I will bear true faith and allegiance to the United States of American and to the State of ————; that I will serve them honestly and faithfully against all their enemies whomsoever; that I will render military service to the United States of America in obedience to a lawful order of the President in the event of a declaration of war or other national emergency by Congress or a lawful call of the President for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion; that I will continue to render such service in obedience to the call and orders of the President and of the officers by him appointed over me, until such emergency shall have been duly declared to have ceased to exist, or until I shall have been relieved from such service, or shall have been discharged by proper authority; and that I will obey the orders of the Governor of the State of ————, and of the officers by him appointed over me, at all times when I am not in the active military service of the United States, under the call or order of the President."

SEC. 10. That said act be amended by adding section 71 thereto, as follows:

"SEC. 71. Definitions: In this act, unless the context or subject matter otherwise requires—

"(a) 'National Guard' or 'National Guard of the several States, Territories, and the District of Columbia' means that portion of the Organized Militia of the several States, Territories, and the District of Columbia, federally recognized as provided in this act and organized, armed, and equipped in whole or in part at Federal expense and officered and trained under paragraph 16, section 8, Article I of the Constitution.

"(b) 'National Guard of the United States' means a reserve organization of the Army of the United States composed of those persons duly appointed and commissioned in the National Guard of the several States, Territories, and the District of Columbia, who have taken and subscribed to the oath of office prescribed in section 73 of this act, and who have been duly appointed by the President in the National Guard of the United States, as provided in this act, and of those officers and warrant officers appointed as prescribed in sections 75 and 111 of this act, and of those persons duly enlisted in the National Guard of the United States and of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of enlistment prescribed in section 70 of this act.

"(c) 'Call' means the exercise by the President of his power, under paragraph 15 of section 8, Article I, of the Constitution and the authority of Congress, to require any or all members of the National Guard of the several States and Territories and the District of Columbia in their militia status to render military service to the United States for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion.

"(d) 'Order' means the exercise by the President of his constitutional authority as Commander in Chief of the Army of the United States under the provisions of paragraph 12 of section 8, Article I of the Constitution, in the event of a declaration of war or other national emergency by Congress to put into execution the performance by part or all of the members of the National Guard of the United States of their obligation to render active Federal military service by virtue of the oath and contract of office and enlistment as is provided by this act."

SEC. 11. That section 72 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 72. An enlisted man discharged from service in the National Guard and the National Guard of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the Secretary of War may prescribe."

SEC. 12. That section 73 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 73. Oaths of National Guard officers—Appointment in the National Guard of the United States: Commissioned officers and warrant officers of the several States, Territories, and the District of Columbia shall take and subscribe to the following oath of office:

"I, ——, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the constitution of the State of —— against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will render military service to the United States in obedience to a lawful order of the President in the event of a declaration of war or emergency declared by Congress or in obedience to a lawful call of the President for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion; that I will continue to render such service in obedience to the orders of the President and of the officers by him appointed over me until I shall have been relieved from such service by orders of the President; that I will obey the orders of the governor of the State of —— and of the officers by him appointed over me at all times when I am not in the active military service of the United States under an order or call of the President; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of —— in the National Guard of the United States and in the National Guard of the State of ——, upon which I am about to enter. So help me God.

"The President is authorized to appoint in the same grade and branch in the National Guard of the United States any person who is an officer or warrant officer in the National Guard of any State, Territory, or the District of Columbia and who is federally recognized in that grade and branch: *Provided*, That upon such appointment no additional oath of office shall be required: *And provided further*, That acceptance of appointment and commission in the same grade and branch in the National Guard of the United States, by an officer of the National Guard of a State, Territory, or the District of Columbia shall not operate to vacate his State, Territory, or District of Columbia National Guard office.

"Officers or warrant officers of the National Guard who are in a federally recognized status on the date of the approval of this act shall take the oath of office herein prescribed and shall be transferred to the National Guard of the United States without further examination, within a time limit to be fixed by the President, and shall in the meantime continue to enjoy all the rights, benefits, and privileges conferred by this act."

SEC. 13. That section 75 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 75. The provisions of this act shall not apply to any person hereafter appointed as an officer of the National Guard of the United States unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for appointment shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both.

"Upon being federally recognized such officers and warrant officers may be appointed in the National Guard of the United States: *Provided*, That the number of officers and warrant officers of the National Guard of the United States shall not exceed the maximum number required under war-strength tables of organization for the units of that component, plus one major general, Chief National Guard Bureau."

SEC. 14. That section 76 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 76. Withdrawal of Federal recognition: Under such regulations as the President shall prescribe the capacity and general fitness of any officer or warrant officer of the National Guard of the several States, Territories, and the District of Columbia for continued Federal recognition may at any time be investigated by an efficiency board of officers senior in rank to the officer under investigation, appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both. If the findings of said board be unfavorable to the officer under investigation and be approved by the President, Federal recognition shall be withdrawn and he shall be discharged from the National Guard of the United States. Federal recognition may be withdrawn by the Secretary of War and his appointment or commission in the National Guard of the United States may be terminated when an officer or warrant officer of the National Guard of any State, Territory, or the District of Columbia, has been absent without leave for three months."

SEC. 15. That section 77 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 77. Elimination and disposition of officers of the National Guard of the United States: The appointments and commissions of officers and warrant officers of the National Guard of the several States may be terminated or vacated in such manner as the States shall provide by law. Whenever the appointment or commission of an officer or warrant officer of the National Guard of a State has been vacated or terminated, or upon reaching the age of 64 years, the Federal recognition of such officer shall be withdrawn and he shall be discharged from the National Guard of the United States. When Federal recognition is withdrawn from any officer or warrant officer of the National Guard of any Territory or the District of Columbia, as provided in section 76 of this act, or upon reaching the age of 64 years, he shall thereupon cease to be a member thereof, and shall be given a discharge certificate therefrom by the official authorized to appoint such officer."

SEC. 16. That section 78 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 78. Men duly qualified for enlistment in the active National Guard may enlist in the inactive National Guard for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall sign an enlistment contract and subscribe to the oath or affirmation in section 70 of this act.

"Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the inactive National Guard; likewise enlisted men hereafter enlisted in or transferred to the inactive National Guard may be transferred to the active National Guard: *Provided*, That no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active or inactive National Guard, as the case may be. Members of said inactive National Guard, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said National Guard when likewise engaged."

SEC. 17. That section 81 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 81. The National Guard Bureau: The Militia Bureau of the War Department shall hereafter be known as the National Guard Bureau. The Chief of the National Guard Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of officers of the National Guard of the United States recommended as suitable for such appointment by their respective governors, and who have had 10 or more years' commissioned service in the National Guard, at least five of which have been in the line, and who have attained at least the grade of colonel. The Chief, National Guard Bureau, shall hold office for four years unless sooner removed for cause and shall not be eligible to succeed himself, and when 64 years of age shall cease to hold such office. Upon

accepting his office the Chief of the National Guard Bureau shall be appointed a major general in the National Guard of the United States, and commissioned in the Army of the United States, and while so serving he shall have the rank, pay, and allowances of a major general, provided by law, but shall not be entitled to retirement or retired pay.

"For duty in the National Guard Bureau and for instruction of the National Guard the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. The President may also assign, with their consent, to duty in the National Guard Bureau, nine officers who at the time of their initial assignments hold appointments in the National Guard of the United States, and any such officers while so assigned shall receive the pay and allowances provided by law.

"The President may also assign, with their consent and within the limits of the appropriations previously made for this specific purpose, not exceeding 500 officers who have been appointed officers in the National Guard of the United States, to duty with the Regular Army, in addition to those officers attending the service schools, and while so assigned they shall receive the pay and allowances provided in this section for officers assigned to duty with the National Guard Bureau.

"In case the office of the Chief of the National Guard Bureau becomes vacant or the incumbent because of disability is unable to discharge the powers and duties of the office, the senior officer on duty in the National Guard Bureau, appointed from the National Guard of the United States, shall act as chief of said bureau until the incumbent is able to resume his duties or the vacancy in the office is regularly filled. The pay and allowances provided in this section for the Chief of the National Guard Bureau and for the officers assigned to duty from the National Guard of the United States shall be paid out of the whole fund provided for the support of the National Guard."

SEC. 18. That section 82 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 82. Armament, equipment, and uniform of the National Guard: The National Guard shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army."

SEC. 19. That section 111 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 111. When Congress shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination as he may prescribe, order into the active military service of the United States, to serve therein for the period of the war or emergency, unless sooner relieved, any or all units and the members thereof of the National Guard of the United States. All persons so ordered into the active military service of the United States shall from the date of such order stand relieved from duty in the National Guard of their respective States, Territories, and the District of Columbia so long as they shall remain in the active military service of the United States, and during such time shall be subject to the laws and regulations for the government of the Army of the United States. The organization of said units existing at the date of the order into active Federal service shall be maintained intact in so far as practicable.

"Commissioned officers and warrant officers appointed in the National Guard of the United States and commissioned in the Army of the United States, ordered into Federal service as herein provided, shall be ordered to active duty under such appointments and commissions: *Provided*, That those officers and warrant officers of the National Guard who do not hold appointments in the National Guard of the United States and commissions in the Army of the United States may be appointed and commissioned therein by the President, in the same grade and branch they hold in the National Guard.

"Officers and enlisted men while in the service of the United States under the terms of this section shall receive the pay and allowances provided by law for officers and enlisted men of the reserve forces when ordered to active duty, except brigadier generals and major generals, who shall receive the same pay and allowances as provided by law for brigadier generals and major generals of the Regular Army, respectively. Upon being relieved from active duty in the military service of the United States all individuals and units shall thereupon revert to their National Guard status.

"In the initial mobilization of the National Guard of the United States, war-strength officer personnel shall be taken from the National Guard as far as practicable, and for the purpose of this expansion warrant officers and enlisted men of the National Guard may, in time of peace, be appointed officers in the National Guard of the United States and commissioned in the Army of the United States."

SEC. 20. That section 112 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 112. Rights to pensions: When any officer, warrant officer, or enlisted man of the National Guard or the National Guard of the United States called or ordered into the service of the United States, or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training, is disabled by reason of wounds or disability received or incurred while in the active service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his service; and in case such officer or enlisted man dies in the active service of the United States or in returning to his place of residence after being mustered out of service, or at any other time in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws."

SEC. 21. That paragraph 7 of section 127a of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"PAR. 7. In time of war any officer of the Regular Army may be appointed to higher temporary grade without vacating his permanent appointment. In time of war any officer of the Regular Army appointed to higher temporary grade, and all other persons appointed, as officers, shall be appointed and commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate: *Provided*, That an appointment, other than that of a member of the Regular Army made in time of war, shall continue until six months after its termination and an officer appointed in time of war shall be entitled to discharge within six months after its termination if he makes application therefor."

Mr. COLLINS. Mr. Speaker, I demand a second.

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] is recognized for 20 minutes and the gentleman from Mississippi [Mr. COLLINS] is recognized for 20 minutes.

Mr. JAMES of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. SPEAKS].

Mr. SPEAKS. Mr. Speaker, I ask not to be interrupted while I make a brief statement on this bill.

Mr. HUDDLESTON. Mr. Speaker, this is a very important measure. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama [Mr. HUDDLESTON] makes the point of order that there is not a quorum present. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 44]

Baird	Douglas, Ariz.	Jonas, N. C.	Prall
Beck	Doyle	Kemp	Pratt, Ruth
Bell	Drewry	Kiefner	Rowbottom
Black	Evans, Calif.	Kunz	Rutherford
Blackburn	Fenn	Langley	Shaffer, Va.
Brunner	Fort	Lanham	Simms
Buchanan	Fuller	Larsen	Spearing
Busby	Garrett	Linthicum	Sproul, Kans.
Butler	Goodwin	McCormack, Mass.	Stevenson
Byrns	Graham	McCormick, Ill.	Stobbs
Celler	Hall, Miss.	Mansfield	Sullivan, N. Y.
Clark, Md.	Halsey	Michaelson	Sullivan, Pa.
Cooke	Hancock, N. Y.	Murphy	Taylor, Colo.
Coyle	Hancock, N. C.	Nelson, Wis.	Thompson
Craddock	Hoffman	O'Connor, La.	Wigglesworth
Davis	Hudspeth	Oliver, N. Y.	Wolfenden
Dickinson	Johnson, Okla.	Palmisano	Wurzbach

The SPEAKER. Three hundred and sixty-one Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

Mr. SPEAKS. Mr. Speaker and Members of the House, the main purpose of this bill is to make the National Guard immediately subject to the President's orders whenever Congress shall declare war or other national emergency, requiring military forces in excess of the Regular Army.

The bill calls for no wide departure from the system prevailing in our Military Establishment since the formation of the Government, and in reality is a step in the direction of reestablishing the defense plans created by the fathers.

The measure does not contain a word or provision which will in any manner create friction or discord between the various branches of the service, nor does it in any respect encroach upon the duties, prerogatives, or prestige of the regular Military Establishment.

The bill calls for no appropriation and will in no wise increase expenditures for national defense purposes. As a matter of fact it will result in a saving when the guard is ordered for Federal duty.

The changes in the national defense act, which it is desired to accomplish through this measure, require minor amendments to a number of sections, but the principal alterations involve only a few sections. It contains some 26 pages and may appear somewhat complicated, but in reality it is very simple and easily understood after casual consideration.

Many Members will recall the delays and confusion heretofore experienced when mustering the National Guard into Federal service in times of national emergencies. When called for duty in the Spanish-American War, the Mexican border troubles and the World War much valuable time was lost in placing the guard at the disposal of the President, and in many instances units were completely disrupted, with consequent demoralization, disappointments, and loss of morale.

Through this bill it is proposed that in addition to its existence and duties as a State force the guard shall have a permanent Federal status for emergency purposes, and in the latter case to be known as the National Guard of the United States.

This arrangement will obviate the present drafting and mustering in of the guard in times of national emergency, this process being necessary by reason of the fact that the enlisted personnel and such of its officers as are not commissioned in the Officers' Reserve Corps have a militia status only and are available only as militia.

Enactment of this bill will accomplish the following purposes:

First. Upon the declaration of a national emergency by Congress, and without the necessity of draft legislation the National Guard will be immediately available as a reserve component of the Army of the United States.

Second. Upon the conclusion of such emergency it restores the guard to the respective States with its Federal status terminated, without the expense and demoralization incident to demobilization, and the consequent loss of military status.

Third. Pending the declaration of such an emergency, control of the guard by the respective States is unaffected and in no manner impaired.

The bill as amended has the approval of the War Department which recommends its enactment into law. It is also approved by the Adjutants General Association of the United States, composed of those officials who, under direction of the governors, speak for the people of the various States with respect to military matters, and finally by the National Guard Association of the United States, composed of officers from every State in the Union.

The guard organizations referred to embrace within their commissioned personnel many able lawyers and judicial officials of high standing who have carefully studied every legal phase of the measure and consider it entirely sound from a constitutional standpoint.

Under the proposed plan the governor of each State, in time of peace, will continue as commander in chief of the guard of his State, retaining complete control and supervision of the organization in the same manner as he does under existing laws and regulations. There will be no limitation on his authority to use the guard as he does at the present time.

But, when Congress declares war or a national emergency, the President may immediately order into Federal service the entire guard or such portion of it as may be necessary, when the organizations will respond with their units and personnel intact.

When the emergency has disappeared the organizations will be returned to their respective States intact, and again be under the control of the governors. Under the regulations governing at present when relieved from Federal service the guard loses its military status and must be reorganized.

The bill comes to Congress in the nature of a plea from the National Guard of the entire country with the request that it be enacted into law. In view of a long record of efficient service in State and Nation, and especially after recalling the historical fact that the guard furnished 11 of the 29 divisions which the United States placed on the battle front in France and Belgium, it is felt that the citizen soldiery should have a more definite and permanent status as a part of our first-line defense forces.

Mr. COLLINS. Mr. Speaker, I yield myself 10 minutes.

Ladies and gentlemen of the House, this is one of the most important bills that has engaged the attention of this Congress. It is farcical to consider it with only 20 minutes debate to the side and without the membership being permitted to offer any amendments. There is not a man or woman in the House who understands the bill. It was not even read section by section in the committee. Even the members of the Military Affairs Committee do not know the effects that will flow from its passage.

It covers 28 printed pages and embraces about 150 amendments to the national military defense act. In many instances it literally rapes that provision of the Constitution giving certain powers to the States over their own militia. I therefore think Congress could well afford to wait until the December session of Congress before passing this bill. I can see no good that can come from passing it without any consideration—and consideration is impossible here to-day.

In brief, this bill makes the civilian components of the Army a part of the Army of the United States. These civilian components of the Army, including the militia, become at once a part of the Army of the United States. To make the State militia a part of the Army of the United States, with full power vested in the War Department for its control and management in peace time, is a direct violation of that part of section 8 of Article I of the Constitution of the United States which provides that the Congress shall have power—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

It is literally impossible in the short time at my disposal to discuss every paragraph in this bill. However, I shall undertake to discuss certain parts of some of these paragraphs merely for the purpose of acquainting the Congress with some of the provisions of the bill and their effects if it should become a law.

(1) From section 2 of the bill I quote the following:

All policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of officers of the Organized Reserves shall be prepared by committees of the proper branches of the War Department General Staff to which shall be added an equal number of officers from the Organized Reserves, whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the District Commissioners: *Provided*, That when the subject to be studied affects the National Guard of the United States or the National Guard and the Organized Reserves, such committees shall consist of an equal representation from the Regular Army, the National Guard of the United States, and the Organized Reserves. There shall be not less than 10 officers on duty in the War Department General Staff, 5 of whom shall be from the National Guard of the United States and 5 from the Organized Reserves; and if the service of any officer on such duty is satisfactory, the period of such War Department General Staff duty shall with his consent be not less than two years. For the purpose specified herein such officers shall be regarded as additional members of the General Staff while so serving.

This section deals with the Organized Reserves which are distinctly a Federal civilian branch of the Army. The States have no control whatever over it, but this section provides that the policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of officers of the Organized Reserves shall be prepared by committees of the proper branches of the War Department General Staff together with an equal number of officers from the Organized Reserves.

The committee dealing with the militia or the Organized Reserves will consist of 10 Regular Army officers and 5 officers from the Organized Reserves and 5 officers from the militia.

Since a National Guard officer is likewise a reserve officer, it is possible that the five officers from the Organized Reserves may likewise be militia officers. This would result in a committee consisting of 10 Regular Army officers and 10 officers from the State militia. Such procedure would have the added result of placing the militia in charge of policies and regulations affecting the Organized Reserves which is distinctly a Federal organization. Certainly such a provision as this is a violation of the spirit if not the letter of the Constitution.

This quoted paragraph also provides that if the service of any officer on such duty is satisfactory, the period of duty shall with his consent be not less than two years. Of course, somebody or some agency must determine whether or not such duty is satisfactory. I submit that the statute is blank as to the determining authority.

(2) In Section 3, this language appears:

All persons appointed in time of peace, in the Officers' Reserve Corps are reserve officers and shall be commissioned in the Army of the United States.

Under existing law, officers in the Reserve Corps are commissioned as reserve officers. Under this provision they would be made officers in the Army of the United States, and ultimately this would mean an enormous increase in the number of Regular Army officers which would ultimately carry with it the pay and prerequisites received now by Regular Army officers.

(3) Also in section 3 this is found:

In time of peace an officer of the Officers' Reserve Corps must at the time of his appointment be a citizen of the United States or of the Philippine Islands between the ages of 21 and 64 years.

This provision means that a great many old men unfit for the duties of soldiering would be commissioned in the Army of the United States. It is well known by experience as reflected in all regulations of all of the countries of the world that the proper ages for soldiers is between 18 and 35. Some have deemed it advisable to make the age limit 45 years, but those persons over 45 as a class are unfit for military duty, and no act should be allowed to pass permitting an individual to be commissioned an officer in the Army of the United States who is 64 years old. That is the age at which officers in the Regular Army are now retired, and certainly persons so old should not be taken initially into our combat forces.

(4) This language appears in section 3:

Any person who has been an officer of the Army of the United States at any time between April 6, 1917, and June 30, 1919, or who is or has been an officer of the Regular Army at any time may be appointed in the Officers' Reserve Corps in the highest grade which he held or now holds or any lower grade.

This provision likewise merely means that a large number of former officers can be taken into the Officers' Reserve Corps, notwithstanding their age limits or their unfitness for service. The Congress should not embark upon such a policy.

(5) Also section 3 includes this language:

No other person shall in time of peace be originally appointed in the Officers' Reserve Corps in the Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Corps in a grade above that of second lieutenant.

This section embraces the fighting units of the Army and provides that if a person is appointed to one of these fighting units, he can not be originally appointed to a grade above that of second lieutenant. But if a person wishes to go into some noncombat unit of the Army where fighting will be foreign to his service, he can be originally appointed to a grade above that of second lieutenant. This section, therefore, gives a distinct advantage to the swivel-chair officer and is a clear discrimination against officers in the fighting units.

(6) From section 3 this language is quoted:

In time of peace original appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Corps shall be limited to officers and former officers of the Regular Army; officers of the National Guard of the United States; graduates of the Reserve Officers' Training Corps, as provided in section 47 (b) hereof; warrant officers and enlisted men of the Regular Army, National Guard of the United States, and Enlisted Reserve Corps; and persons who served in the Army at some time between April 6, 1917, and November 11, 1918.

Among other things, this provision means that every officer of the National Guard can be an officer in the Organized Reserves. In other words, it invests these militia officers with a dual status. An officer should either be an officer in the militia or he should be an officer in the Organized Reserves. He should not be permitted to be an officer in both organizations. Likewise, it would permit men too old for service to be commissioned as officers in the Organized Reserves.

(7) Also in section 3:

Promotions in all grades of officers who have established, or may hereafter establish, their qualifications for such promotion and transfer shall be made under such regulations as may be prescribed by the Secretary of War.

The effect of this provision is to put into the hands of the Secretary of War the power to promote militia officers in spite of the provisions of the Federal Constitution which reserves "to the States, respectively, the appointment of officers."

(8) In section 4 this language appears:

Provided, That officers of the National Guard of the United States ordered to active duty shall be paid out of the whole fund appropriated for the support of the National Guard.

This makes all Federal funds appropriated for the support of the guard interchangeable. If money were appropriated for uniforms, it could be expended for pay. Congress certainly should not force itself to make provisions for lump-sum appropriations. This is a step in that direction. Congress should appropriate money for direct purposes and not leave the allocation of funds to interested persons. This is a duty that rests entirely upon Congress, and Congress should exercise it.

(9) The following is from section 5:

All persons appointed, in time of peace, officers in the National Guard of the United States are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate.

This language provides that a militia officer is an officer in the Army of the United States, and gives the power of appointment to the President. The very fact that these militia officers are likewise called officers of the National Guard of the United States can not keep them from being militia officers. They are officers in the various State militia and under the terms of section 8 of Article I of the Constitution of the United States their appointment is reserved to the States. The President of the United States has no authority whatever over their appointment, and any effort to change their status directly or indirectly is a violation of both the spirit and the letter of the Constitution.

(10) The following language appears in section 6:

The National Guard of each State, Territory, and the District of Columbia shall consist of members of the militia voluntarily enlisted therein, who upon original enlistment shall be not less than 18 nor more than 45 years of age, or who in subsequent enlistment shall be not more than 64 years of age, organized, armed, equipped, and federally recognized as hereinafter provided, and of commissioned officers and warrant officers who are citizens of the United States between the ages of 21 and 64 years: *Provided*, That former members of the Regular Army, Navy, and Marine Corps under 64 years of age may enlist in said National Guard.

This section is an exercise of control over the militia of the various States in time of peace, which Congress has no right to exercise under the Constitution. Even if the Congress did have the right to prescribe the ages of members of the militia, the maximum age of 64 is too high. It follows that Congress should not permit enlistments at that advanced age. The use of modern fighting implements is incompatible with advanced age, and every worthwhile authority on the making of modern armies recognized this. The Congress should not countenance an effort to add personnel and pay to individuals who are unfit for serious military duty.

(11) Section 9 is taken up merely with the oath of men enlisted in the National Guard of the various States, and is as follows:

I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the State of ——— and in the National Guard of the United States for a period of three (one) years, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear or affirm that I will bear true faith and allegiance to the United States of America and to the State of ———; that I will serve them honestly and faithfully against all their enemies whomsoever; that I will render military service to the United States of America in obedience to a lawful order of the President in the event of a declaration of war or other national emergency by Congress or a lawful call of the President for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion; that I will continue to render such service in obedience to the call and orders of the President and of the officers by him appointed over me until such emergency shall have been duly declared to have ceased to exist or until I shall have been relieved from such service or shall have been discharged by proper authority; and that I will obey the orders of the Governor of the State of ———, and of the officers by him appointed over me, at all times when I am not in the active military service of the United States under the call or order of the President.

This oath not only violates that provision of the Constitution which concerns the control of the State militia when it is not in the service of the United States but likewise would make a failure to attend trials, training camps, and other well-known military duties subject to court-martial, and all laws providing for fine, imprisonment, and other punishments. I submit that this is a violation of congressional authority. The State militia is purely a voluntary State organization and the Federal Government should not encroach upon the constitutional control that should be rightly exercised by the States.

(12) Section 10, among other things, provides:

National Guard of the United States means a reserve organization of the Army of the United States composed of those persons duly appointed and commissioned in the National Guard of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of office prescribed in section 73 of this act, and who have been duly appointed by the President in the National Guard of the United States, as provided in this act, and of those officers and warrant officers appointed as prescribed in sections 75 and 111 of this act, and of those persons duly enlisted in the National Guard of the United States and of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of enlistment prescribed in section 70 of this act.

This provision, as do several others, treats the State militia as a dual organization; it gives the State militia a dual status—first, as a State organization; and, second, as a national organization. It is my opinion that under the terms of the Constitution it is purely a State organization except that it can be called into Federal service in certain emergencies, but even when called into Federal service in certain emergencies it is still a State organization and no sort of legislative legerdemain can ever make it anything but a State organization. Any attempt to make it a Federal organization is a violation of the constitutional right of the States. Certainly the right to appoint its officers by the President is a plain violation of the written words of the Constitution. To illustrate: Suppose the President should decline to commission certain officers in the militia of a certain State that had been commissioned by the governor, then the Federal Government would withdraw the Federal support that was given for State militia organizations merely because the governor refused to recognize the power of the President of the United States to appoint officers of that State organization, and the State would be forced to accept the President's appointees. Assuredly no one can say that such action, if attempted, is not a violation of that provision of the Constitution reserving to the States the power of appointment of the officers of the militia.

(13) Section 11 provides:

An enlisted man discharged from service in the National Guard of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the Secretary of War may prescribe.

This is just another invasion of the constitutional rights of the States. The Congress has no right to designate a form of discharge for enlisted men in the militia of the several States and the Congress has also no right in time of peace to designate the Secretary of War as the proper person to determine the terms of enlistment for enlisted men of the militia of the several States.

(14) In section 13 we find this language:

The provisions of this act shall not apply to any person hereafter appointed as an officer of the National Guard of the United States unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for appointment shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both.

Certainly the Congress has no right to provide for the physical, moral, and professional fitness of officers of the militia of the various States. As has been pointed out by me already several times, the appointment of officers in the militia is reserved to the States. This section violates that provision of the Constitution by providing that the board of three commissioned officers in the Regular Army or the National Guard of the United States, or both, shall determine the physical, moral, and professional fitness of the officers of the militia of the several States.

The fact that the militia of the various States is also called the National Guard of the United States does not change the situation one whit notwithstanding the name that this statute undertakes to give the militia of the various States. Any effort to change their status by evasion or otherwise for the purpose of enabling the President through a board to determine the test for qualifications of the officers of the militia of the various States is a violation of the Constitution. This provision likewise is bad because it would create a conflict between the Federal and State authorities as to the fitness of officers. If these authorities differed and the State authorities failed to accede to the wishes of the Federal authorities the Federal support would be withdrawn. So in the end the control rests entirely with the Federal authority. A board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both, is created. These determining officers might be all from the Regular Army, National Guard, or both. If the National Guard of the United States is a State organization, the Federal Government has no power over it. If it is a national organization then National Guard officers have no control over it. Therefore, this provision likewise is an invasion of constitutional authority.

(15) Section 14, in part, provides:

Under such regulations as the President shall prescribe, the capacity and general fitness of any officer or warrant officer of the National Guard of the several States, Territories, and the District of Columbia for continued Federal recognition may at any time be investigated by an efficiency board of officers senior in rank to the officer under investigation, appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both.

This likewise is an unwarrantable and unconstitutional control by the Federal Government of the militia of the various States.

(16) Section 16 creates an inactive National Guard. I have not been able to find out what that is unless it is just another attempt to create an organization purely for the purpose of molding a military-mindedness in this country. It certainly could not be called upon for active duty. This section, in part, is as follows:

Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the inactive National Guard; likewise enlisted men hereafter enlisted in or transferred to the inactive National Guard may be transferred to the active National Guard: *Provided*, That no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active or inactive National Guard, as the case may be. Members of said inactive National Guard, when engaged in field or coast-defense training with the active National Guard shall receive the same Federal pay and allowances as those occupying like grades on the active list of said National Guard when likewise engaged.

I can see how it would be possible for the States to form an inactive National Guard, but for the Federal Government to do so also seems to me an invasion of State author-

ity. Certainly the creation of another unit such as is contemplated here is a foolish and dangerous undertaking. Its creation is solely for the purpose of adding useless personnel to the Federal pay roll under the pretext of national military defense.

(17) A part of section 17 is as follows:

The pay and allowances provided in this section for the Chief of the National Guard Bureau and for the officers assigned to duty from the National Guard of the United States shall be paid out of the whole fund provided for the support of the National Guard.

This provision also gives authority to use the whole fund provided for the support of the National Guard for pay and allowances of the Chief of the National Guard Bureau and other officers from the National Guard assigned to active duty in times of peace. It should provide that they be paid out of appropriate appropriations made for that purpose, otherwise Congress would have no power over such expenditures.

(18) Also, in section 17 we find this language:

The Chief, National Guard Bureau, shall be responsible for the preparation of the annual budget for the National Guard.

Of course, the Congress does not want to give to the Chief of the National Guard Bureau the power to prepare the annual Federal Budget for the National Guard, and I take it that no one in this House has any sympathy for this proposal.

(19) This section is as follows:

When any officer, warrant officer, or enlisted man of the National Guard or the National Guard of the United States called or ordered into the service of the United States, or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training, is disabled by reason of wounds or disability received or incurred while in the active service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his service; and in case such officer or enlisted man dies in the active service of the United States or in returning to his place of residence after being mustered out of service, or at any other time in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

This section gives rights of pensions existing at the time of service to those officers, warrant officers, and enlisted men of the National Guard who are disabled by reasons of wounds or disabilities received or incurred in service provided they are not disabled while in military training. In other words, officers holding desk jobs who are injured for any reason are given rights to pensions, but officers and men who are training for worth-while military service, if injured, are not entitled to rights to pensions. If either class is to be preferred, certainly those that are injured in training for military service are the ones whose disability should be compensated for by the Government. If this section is enacted into law and is a constitutional exercise of congressional power, the time is only a short distance away when those in military training will demand the same rights and, in justice, will be given them. This will mean the giving of pension benefits to approximately 200,000 additional persons and in a very short while, a very much larger number.

If this bill is enacted into law and the officers of the militia are commissioned as officers in the Army of the United States, as is provided for in this bill, they will demand that the Congress give them the same retirement benefits that are provided now for officers of the Regular Army of the United States; and in view of the powerful political influence that the militia of the various States can exercise, the Congress will not hesitate to accord to these officers the same retirement privileges and ultimately the same pay and perquisites now granted officers in the Regular Army. I submit that our Army is already too large. Including the civilian organizations, we have in our Military Establishment now in excess of 800,000 men. A fraction less than 150,000 of these are in the Regular Army. The rest are civilian units and are part of our civilian population. I certainly do not want to see a unit such as the National Guard taken bodily into the Regular Army of the United States. Not because I have anything against the National Guard. I have not. I merely do not want to see the Regular Army increased by approximately 200,000 men by any such proposed unconstitutional methods. Of course, if this bill is enacted into law, it will not at once bring the entire 200,000 men now in the National Guard into the Regular Army of the United States, but ultimately it will, and in relatively a very short time.

Ladies and gentlemen of the House, I hope I have pointed out in the very short time at my disposal objections to this bill that will at least make the majority of you doubtful as to the wisdom of its enactment. Certainly it should not be passed in its present form. There is no immediate danger that can come to the country by waiting until Congress convenes again when we will have sufficient time to study the bill thoroughly and to give it the consideration that a measure of its consequence should have at the hands of thoughtful legislators. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has again expired.

Mr. COLLINS. Mr. Speaker, I reserve the balance of my time.

Mr. JAMES of Michigan. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. McSWAIN], a member of the committee.

Mr. McSWAIN. Mr. Speaker and Members of the House, on February 23 the distinguished gentleman from Pennsylvania [Mr. BECK] discussed what he conjectured might be the view of George Washington with reference to certain present-day political and economic problems. This, of course, was pure guesswork, but I think we can say to-day with certainty that if George Washington were here to-day he would be in favor of this bill [applause], because this bill is essentially the very proposition that George Washington submitted to the Continental Congress on May 1, 1783, and the same suggestion that he submitted to the First Congress that convened under the Constitution in April, 1789. [Applause.] The records show this.

A most magnificant discovery of the hitherto dust-concealed unpublished manuscripts of George Washington by Gen. John McA. Palmer, United States Army, retired, published in the book that lies on the desk there [indicating] known as "Washington, Lincoln, and Wilson, the Three War Presidents," gives the attitude of Washington as to what should constitute "a well-regulated militia" and thus Washington's views are established beyond doubt.

The first few Congresses did not enact the law that Washington desired. The first few Congresses were so jealous of the concentration of authority, they reflected so fully the sentiment of great, noble, patriotic men like Patrick Henry, that they would not permit the Federal Government to have that direct control over the National Guard, then called the militia, that is now deemed to be necessary to insure efficiency and economy of preparedness.

Ladies and gentlemen of the House, this measure is the desire of the National Guard officers of the United States, having in view the recent experiences of the World War. You remember that there was great bitterness of feeling by the National Guard officers against the Regular Army officers as a result of the scrambling process that went on with reference to the National Guard organizations that were drafted into the service of the United States. [Applause.] National Guard organizations long established in popular affection were disrupted and lost their identity. Officers and men were drafted into the service as individuals and not as organizations. These volunteers who had been training for years to fight together and officers known to them and their families and loved ones, were scattered through several other different organizations. This was demoralizing and disappointing. It meant low morale. Then when the war was over and the Army demobilized, they were discharged as individuals and, organizations over 100 years old no longer existed and the National Guard had to be reorganized entirely. This bill of General Speaks, who has given over 40 years of his life to work in and with the National Guard, whose work for 10 years in Congress has been devoted to reforming these evils, will prevent these things from happening again.

Mr. JAMES of Michigan. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Speaker and gentlemen of the House, this bill, if enacted into law, will in no way affect the status of the National Guard in time of peace in so far as the control of the States and the governors of the States are concerned.

The main purpose of the bill is to make the National Guard, which to-day, notwithstanding what was said by the gentleman from Mississippi [Mr. COLLINS], is a part of the Army of the United States, practically—because the National Guard to-day is practically supported or in a large measure supported by the Federal Government—to make it more available, and available in a smoother fashion for entry into the Federal service in time of war than it is to-day.

Mr. GRIFFIN. Will the gentleman yield?

Mr. WAINWRIGHT. I can not yield, having such a short time at my disposal.

The principal point of this bill is embodied in section 19, which changes the provision of the national defense act under which to-day the National Guard is made available for service as part of the armed forces of the United States upon a declaration of war.

To-day, under section 111 of the national defense act, the National Guard can only be inducted or drafted into service as individuals. The National Guard organizations, the regiments and brigades, can not in time of war be drafted into the service of the United States. They can only be taken in as individuals. By this change they will become subject to the orders of the President, so that, without all the machinery and all the confusion and disorganization incident to the draft, they can be ordered into the service of the United States by organizations, and that is all there is to this proposition. [Applause.]

This bill is asked for in an abundance of patriotism, realizing the part they must inevitably play in time of war, by the National Guard itself; it is their own bill. It comes to Congress from the national organization of the National Guard. They themselves want to be put in this relation to the Federal Government. It has the approval of the War Department. Every National Guard officer is for this bill, and it should pass, gentlemen. It should, in the interest of the national defense, become the law. [Applause.]

Mr. JAMES of Michigan. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, I am in favor of this bill. Every officer and a great many of the men who served in the Twenty-sixth Division in France, who are now in the present National Guard in Massachusetts, say they want this bill. It does away with this old political business that we have in every State which has a National Guard, of political influence and appointing social lights as officers when you want soldiers. This bill will do away with the social business and give us real soldiers in the National Guard, and I am in favor of it. [Applause.]

Mr. JAMES of Michigan. Mr. Speaker, I yield one-half minute to the gentlewoman from California [Mrs. KAHN].

Mrs. KAHN. Mr. Speaker, to me the attitude of many people on this bill is absolutely incomprehensible. We pride ourselves on the fact that our strongest line of defense is our citizen soldiery; that is the main reason we do not need a large standing army; and whenever an opportunity arises to help out and to strengthen our real line of defense—our citizen soldiery—we meet opposition from every side. [Applause.]

Mr. JAMES of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Speaker, the gentleman from Mississippi [Mr. COLLINS] has held up this bill and stated that it contains 28 pages and condemned it as if it marked some great departure from our present system of national defense.

The truth is, gentlemen, that these 28 pages constitute almost entirely a reenactment of the law as it exists to-day. No power is conferred by this bill upon the President or the Secretary of War, except perhaps in some very minor way, that the President or the Secretary of War does not have to-day.

The Federal Government is contributing each year over $30,000,000 to the maintenance of the National Guard of the United States, and in view of this contribution, of course, the Federal Government exercises certain supervisory and certain regulatory powers with reference to the guard.

The gentleman from Mississippi says that the bill will open the door wide for all kinds of salaries, pensions, and retirement claims. Nothing of the sort can come out of this bill, because the bill only becomes effective when war or a national emergency has been declared by the Congress. The gentleman from Ohio, General SPEAKS, has stated to you clearly and succinctly the major and dominant purpose of this bill. I shall not attempt in the brief time allotted me to reiterate

The able gentleman from South Carolina [Mr. McSWAIN] has referred to the fact that this bill embodies the views voiced by George Washington. While still in command of the Continental Army General Washington prepared, at the request of Congress, his sentiments upon a peace establishment for the new Republic. Before complying with the request General Washington called upon all the generals at or near his headquarters for their written opinions. Their replies may be seen to-day in volume 219 of the Washington Papers in the Library of Congress. Among these documents are papers by Pickering, Putnam, Knox, and Baron von Steuben. After digesting the papers submitted to him by his trusted officers, General Washington wrote his own views in the matter under the title "Sentiments on a Peace Establishment." The Revolutionary War had been won by the Continental Army, which was an army of citizen-soldiers, and the modern prototype of which is our National Guard to-day. This bill would carry out the views of General Washington and give us a "well-regulated militia," as he so forcefully urged. It is in line with the policy of national defense which General Washington admonished us to adopt and which he so aptly expressed when he said that we should assume a "respectably defensive posture."

This bill comes before the House to-day largely because of the untiring efforts of its author, the gentleman from Ohio [Mr. SPEAKS]. There is, I am sure, no man in the Congress who has had a longer or more varied experience in the National Guard than he has. For 40 years he served in the guard of his native State of Ohio, entering as a private and rising at last to the high command of brigadier general. He served with the flag in the Spanish-American War, in the Mexican border trouble, and in the World War. All three of his sons answered the call in 1917, one serving with the Navy and the other two serving with the American Expeditionary Forces in France. On next Wednesday, having attained his seventy-third year, General SPEAKS leaves the Congress. I know that I voice the sentiment of all the Members of this House, Democrats as well as Republicans, when I say that it is with deep regret that we bid him adieu. A splendid citizen, a devoted patriot, a faithful legislator, a loyal friend of the people—in the words of Dryden—

His name, a great example, stands to show how strangely high endeavor may be blessed where piety and valor jointly go.

[Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JAMES of Michigan. I yield to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, I am heartily in favor of this bill. In every war in which this country has been engaged we have had to depend on our citizen soldiery. This bill is approved by the War Department, the adjutant generals of all the States, and the National Guard Association. I trust that the motion to suspend the rules and pass the bill will prevail by a large majority. [Applause.]

Mr. COLLINS. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker and gentlemen of the House, this bill is another step toward the nationalization

of the National Guard and the wiping out of the State militia. How any Member from South Carolina or Alabama can defend this bill, in view of their historic position in upholding the rights of the States I can not conceive. Your forbears unsheathed the sword and sacrificed your all for the maintenance of the rights of the States, and also incidentally the right to maintain the militia inviolate.

Here in this bill the oath is changed materially, as it will appear in the report on page 5, whereby the National Guard man in taking the oath obligates himself to be subject to call in defense of insurrections, which means all kinds of local disturbances, no matter in what part of the country they occur.

My greatest fear is that you are going to discourage enlistments in the National Guard, because when you pass this bill you make the National Guard a part of the National Army of the United States, subject to the call of the President.

Now a transfer of the National Guard is only possible in time of war. If you look on page 10 of the report, you will see that the provision relating to pensions, by which they are only entitled to pensions in time of war, has been stricken out.

This bill, against my protest from the moment of its consideration by the committee, has not received the attention it deserved. I challenge any one of my colleagues on the Military Affairs Committee to say that this bill has at any time been read in the committee paragraph by paragraph. It was not. The bill was reported last June 30; it was referred back only the other day for the first report from the War Department.

The War Department recommended some minor amendments. Naturally the War Department would like to transfer the National Guard into the Regular Army, as this bill proposes to do automatically in time of emergency.

I am thinking what is best for the interests of the National Guard, what is best for the State militia. I do not want any of my boys to refrain from enlisting in the National Guard for fear that when they enlist in the National Guard they enlist in the Army of the United States. That is my fundamental objection to this bill, because when you pass the bill you make the National Guard no longer a State militia, but you make it a part of the National Army.

Mr. SHORT of Missouri. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SHORT of Missouri. If this bill works such hardships on the members of the National Guard, why is it that the National Guard is practically unanimously in favor of it?

Mr. STAFFORD. Oh, it is the right to certain perquisites, for example to pensions. On page 10 of the report the gentleman will find that. They are entitled to pensions now only in time of war. That has been stricken out. Of course it is natural for these officers to aggrandize themselves the same as everybody else. They want the same benefits and privileges as pertain in the National Army. This bill tends strongly in that trend.

Mr. SHORT of Missouri. Why should not they have them when they are a part of the defense.

Mr. STAFFORD. They want to be part and parcel of the National Army, to obliterate State lines. I appeal to you people from the South, and to you people from the North, who still favor the State militia not to have it become part and parcel of the National Army as this bill provides.

The SPEAKER pro tempore (Mr. HOOPER). The time of the gentleman from Wisconsin has expired.

Mr. JAMES of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. SPEAKS].

Mr. SPEAKS. Mr. Speaker, it has been stated that the bill proposes Federal pensions for National Guard men who may become disabled during peace-time service. This statement is not true. Members of the guard are not eligible to receive Federal pensions except when disabled while in Federal service during war or other national emergency declared by Congress. [Applause.]

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield?

Mr. SPEAKS. I yield.

Mr. CHIPERFIELD. Does the gentleman know of any reason that has ever been advanced why any man should be trained in the National Guard at the expense of the Federal Government and not respond to his Government's call in time of need? [Applause.]

Mr. SPEAKS. No reason in the world, except the absence of legislation such as is purposed herein. That is the purpose of this bill. The National Guard or Organized Militia in a sense is part of our national defense forces, but under existing law the organization is greatly demoralized by the archaic method of inducting them into Federal service. With respect to the Militia Bureau referred to by the gentleman from Mississippi [Mr. COLLINS] the bill changes the name to the National Guard Bureau, thus conforming to the general designation of the guard. The War Department objected to the chief of this bureau preparing the guard budget and that provision was stricken out. The War Department continues to have final authority in this matter regardless of the statement to the contrary by the gentleman from Mississippi [Mr. COLLINS].

Mr. NELSON of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SPEAKS. I can not yield. The gentleman from Mississippi [Mr. COLLINS] criticizes the provision authorizing representatives of the guard to participate in the preparation of regulations for the government of the guard. All that is provided in this bill is that when policies affecting the National Guard are being considered a representation from the guard shall be a part of the War Department committee making the study and determining what the regulations shall be. The desirability of this arrangement is certainly apparent and this cooperation is desired by the War Department.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. SPEAKS. I yield.

Mr. GRIFFIN. The gentleman says there is nothing in this bill entitling an officer to a pension.

Mr. SPEAKS. Not unless he is disabled while in Federal service during a national emergency.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. All time has expired. The question is on the motion of the gentleman from Michigan that the rules be suspended and the bill do pass.

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 131, noes 33.

Mr. COLLINS. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and eighty-three Members present; not a quorum. The Clerk will call the roll. The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken; and there were—yeas 304, nays 49, answered "present" 1, not voting 77, as follows:

[Roll No. 45]

YEAS—304

Abernethy	Brand, Ga.	Christopherson	Davenport
Ackerman	Brand, Ohio	Clague	Davis
Adkins	Briggs	Clancy	De Priest
Aldrich	Brigham	Clark, N. C.	DeRouen
Allen	Britten	Clarke, N. Y.	Dickinson
Andresen	Browning	Cochran, Mo.	Dickstein
Andrew	Brumm	Cochran, Pa.	Dominick
Arentz	Buchanan	Cole	Dorsey
Arnold	Buckbee	Collier	Doughton
Aswell	Burdick	Colton	Douglass, Mass.
Auf der Heide	Burtness	Condon	Dowell
Ayres	Butler	Connery	Doxey
Bacharach	Byrns	Cooke	Drane
Bacon	Cable	Cooper, Ohio	Drewry
Barbour	Campbell, Iowa	Cooper, Tenn.	Driver
Beck	Campbell, Pa.	Corning	Dunbar
Beedy	Canfield	Crail	Dyer
Beers	Carley	Cramton	Eaton, Colo.
Black	Carter, Calif.	Crisp	Eaton, N. J.
Blackburn	Carter, Wyo.	Cross	Edwards
Bland	Cartwright	Crosser	Elliott
Blanton	Chalmers	Crowther	Ellis
Bohn	Chase	Culkin	Englebright
Bolton	Chindblom	Cullen	Erk
Bowman	Chiperfield	Dallinger	Eslick
Boylan	Christgau	Darrow	Estep
Esterly	Hull, Tenn.	Martin	Snow
Evans, Mont.	Igoe	Merritt	Sparks
Finley	Irwin	Michener	Speaks
Fish	James, Mich.	Miller	Sproul, Ill.
Fisher	James, N. C.	Montague	Stone
Fitzgerald	Jeffers	Montet	Strong, Kans.
Fitzpatrick	Jenkins	Mooney	Strong, Pa.
Foss	Johnson, Ind.	Moore, Ky.	Summers, Wash.
Free	Johnson, Nebr.	Moore, Ohio	Swanson
Freeman	Johnson, Okla.	Morgan	Swick
Gambrill	Johnson, Tex.	Murphy	Swing
Garber, Okla.	Johnson, Wash.	Nelson, Mo.	Tarver
Garber, Va.	Jonas, N. C.	Newhall	Taylor, Colo.
Gasque	Jones, Tex.	Niedringhaus	Taylor, Tenn.
Gibson	Kahn	Nolan	Temple
Gifford	Kearns	Norton	Thatcher
Glover	Kendall, Ky.	Oldfield	Thurston
Goldsborough	Kendall, Pa.	Palmer	Tilson
Goodwin	Kerr	Parker	Timberlake
Goss	Ketcham	Parks	Tinkham
Granfield	Kiefner	Perkins	Treadway
Green	Kiefer	Pittenger	Turpin
Greenwood	Kopp	Pou	Underhill
Gregory	Kvale	Prall	Underwood
Guyer	Lambertson	Pratt, Ruth	Vestal
Hadley	Langley	Pritchard	Vincent, Mich
Hale	Lankford, Ga	Purnell	Vinson, Ga.
Hall, Ill.	Lankford, Va.	Quin	Wainwright
Hall, Ind.	Leavitt	Ragon	Walker
Hall, N. Dak.	Leech	Ramey, Frank M.	Warren
Hancock, N. C.	Letts	Ramseyer	Wason
Hardy	Lindsay	Ramspeck	Waters
Hare	Loofbourow	Ransley	Watson
Hartley	Lozier	Reece	Welsh, Pa.
Hastings	Luce	Reed, N. Y.	White
Haugen	Ludlow	Reid, Ill.	Whitley
Hawley	McClintick, Okla.	Rich	Whittington
Hess	McClintock, Ohio	Robinson	Wigglesworth
Hickey	McCormack, Mass.	Rutherford	Williamson
Hill, Ala.	McCormick, Ill.	Sanders, N. Y.	Wilson
Hoch	McFadden	Sandlin	Wingo
Hogg, Ind.	McLaughlin	Seger	Wolverton, N. J.
Hogg, W. Va.	McLeod	Selvig	Wolverton, W. Va.
Holaday	McMillan	Shaffer, Va.	Woodruff
Hooper	McReynolds	Short, Mo.	Woodrum
Hope	McSwain	Shott, W. Va.	Wright
Hopkins	Mass	Shreve	Wyant
Howard	Magrady	Sloan	Yates
Hudson	Manlove	Smith, Idaho	Yon
Hull, William E.	Mapes	Smith, W. Va.	Zihlman

NAYS—49

Allgood	Hill, Wash.	Oliver, Ala.	Sinclair
Almon	Huddleston	Palmisano	Sirovich
Bankhead	Kading	Parsons	Somers, N. Y.
Box	Kennedy	Patman	Stafford
Browne	LaGuardia	Patterson	Steagall
Busby	McDuffie	Rankin	Sumners, Tex.
Cannon	McKeown	Rayburn	Taber
Collins	Mead	Reilly	Tucker
Cooper, Wis.	Milligan	Romjue	Welch, Calif.
Cox	Moore, Va.	Sabath	Williams
Garner	Moorehead	Sanders, Tex.	
Gavagan	Nelson, Wis.	Schafer, Wis.	
Griffin	O'Connor, Okla.	Schneider	

ANSWERED "PRESENT"—1

O'Connor, N. Y.

NOT VOTING—77

Bachmann	Fuller	Kunz	Sears
Baird	Fulmer	Kurtz	Seiberling
Bell	Garrett	Lanham	Simmons
Bloom	Golder	Larsen	Simms
Brunner	Graham	Lea	Snell
Celler	Hall, Miss.	Lehlbach	Spearing
Clark, Md.	Halsey	Linthicum	Sproul, Kans.
Connolly	Hancock, N. Y.	Mansfield	Stalker
Coyle	Huffman	Menges	Stevenson
Craddock	Houston, Del.	Michaelson	Stobbs
Dempsey	Hudspeth	Mouser	Sullivan, N. Y.
Denison	Hull, Morton D.	Nelson, Me.	Sullivan, Pa.
Douglas, Ariz.	Hull, Wis.	O'Connor, La.	Thompson
Doutrich	Johnson, Ill.	Oliver, N. Y.	Whitehead
Doyle	Johnson, S. Dak.	Owen	Wolfenden
Evans, Calif.	Johnston, Mo.	Peavey	Wood
Fenn	Kelly	Pratt, Harcourt J.	Wurzbach
Fort	Kemp	Rainey, Henry T.	
Frear	Knutson	Rogers	
French	Korell	Rowbottom	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Snell with Mr. Mansfield.
Mr. Frear with Mr. Douglas of Arizona.
Mr. Wood with Mr. Brunner.
Mr. Johnson of South Dakota with Mr. Fulmer.
Mr. Knutson with Mr. Lanham.
Mr. Lehlbach with Mr. Oliver of New York.
Mr. Wolfenden with Mr. Linthicum.
Mrs. Rogers with Mrs. Owen.
Mr. Harcourt J. Pratt with Mr. Sullivan of New York.
Mr. Connolly with Mr. Henry T. Rainey.
Mr. Doutrich with Mr. Lea of California.
Mr. Graham with Mr. Kemp.
Mr. Denison with Mr. Celler.
Mr. Coyle with Mr. Larsen.
Mr. French with Mr. Whitehead.
Mr. Golder with Mr. Spearing.
Mr. Sullivan of Pennsylvania with Mr. Hall of Mississippi.
Mr. Halsey with Mr. Fuller.
Mr. Peavey with Mr. Bloom.
Mr. Seiberling with Mr. Garrett.
Mr. Wurzbach with Mr. O'Connor of Louisiana.
Mr. Johnson of Illinois with Mr. Kunz.
Mr. Fenn with Mr. Doyle.
Mr. Korell with Mr. Hudspeth.
Mr. Menges with Mr. Bell.

The result of the vote was announced as above recorded.

The doors were opened.

MATTIE LONG

Mr. UNDERHILL. Mr. Speaker, I present a number of privileged resolutions from the Committee on Accounts.

The SPEAKER pro tempore (Mr. HOOPER). The gentleman from Massachusetts [Mr. UNDERHILL] presents a resolution (H. Res. 372) which the Clerk will report.

The Clerk read as follows:

House Resolution 372

Resolved, That there shall be paid, out of the contingent fund of the House, to Mattie Long, sister of Samuel J. Long, late an employee of the House, an amount equal to six months' compensation and an additional amount, not exceeding $250, to defray funeral expenses of the said Samuel J. Long.

The resolution was agreed to.

GRAFTON E. JACKSON

The Clerk read the next resolution, as follows:

House Resolution 381

Resolved, That there shall be paid out of the contingent fund of the House of Representatives to Grafton E. Jackson, son of Lloyd Jackson, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray the funeral expenses and last illness of the said Lloyd Jackson.

The resolution was agreed to.

ADDITIONAL CLERICAL SERVICES IN ENROLLING ROOM

The Clerk read the next resolution, as follows:

House Resolution 382

Resolved, That there shall be paid out of the contingent fund of the House, during the remainder of the present session, an amount not exceeding $200 for additional clerical services in the enrolling room.

The resolution was agreed to.

JAMES W. BOYER, JR.

The Clerk read the next resolution, as follows:

House Resolution 347

Resolved, That there be paid out of the contingent fund of the House $600 to James W. Boyer, jr., for extra and expert services as expert legal examiner to the Committee on World War Veterans' Legislation during the third session of the Seventy-first Congress.

With the following committee amendment:

In line 4, after the word "legislation," strike out "during the third session of the Seventy-first Congress."

The committee amendment was agreed to.

The resolution was agreed to.

AMENDMENT OF THE NATIONAL DEFENSE ACT

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill (H. R. 12918) to amend the national defense act of June 3, 1916.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GRIFFIN. Mr. Speaker, it is because I am so heartily in sympathy with the main purpose of this bill that I feel constrained to protest against its consideration in these closing hours of the session when the House is so impatient that it will not even listen to the debate. This is a signal example of the evils incidental to a set day for adjournment. It recurs in the closing days of every Congress, making the time propitious for the passage of the very worst kind of legislation.

A bill of this importance should have a whole day's consideration. Instead of that, it is called up under a motion

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield?

Bolton	Chindblom	Culkin	Eslick
Bowman	Chiperfield	Dallinger	Estep
Boylan	Christgau	Darrow	

Mr. Harcourt J. Pratt with Mr. Sullivan of New York.
Mr. Connolly with Mr. Henry T. Rainey.

to suspend the rules, which allows only 20 minutes on each side to inform the House of the arguments for and against it and precludes entirely the possibility of correcting errors by amendments.

Outside of the Committee on Military Affairs, which reported this bill, I doubt that there were 10 Members of the House familiar with its provisions.

Not one-half of the House was on the floor when it was debated and not even one-fourth of them could hear the debate owing to the persistent buzzing of conversation in all parts of the Chamber.

Yet when the vote was challenged, because of the want of a quorum, and the bells were sounded the Members came trooping in from the cloakrooms or from their distant offices in the House Office Building and were called upon to make up their minds on the instant on the merits of the bill.

If I had been called upon to vote on this measure when I first entered the Chamber, before I had read the bill consisting of 26 pages and the closely printed report of 21 pages, and before I had listened to the debate, I would unquestionably have voted in the affirmative because all my predelictions were in its favor.

The thing that gave me that bias was a letter from Brig. Gen. Robert J. Travis, vice president of the National Guard Association, in which he purported to indicate its features. He says:

1. It preserves unimpaired control [of the National Guard] by the respective States in time of peace.

Well, that is precisely what it does not do. It practically abolishes the National Guard of the respective States. Read this (sec. 5(b)) on page 2 of the bill:

SEC. 5. (b) All policies and regulations affecting the organization and distribution of the National Guard of the United States, and all policies and regulations affecting the organization, distribution, and training of the National Guard, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of officers from the National Guard of the United States, whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the commanding general District of Columbia National Guard.

What else can this import except the abject surrender to a committee composed of members of the Regular Establishment and a few men from the National Guard—dominated by the War Department General Staff—of the complete control—lock, stock, and barrel—of the National Guard of each and every State?

The surrender or arrogant assumption of control even goes to the extent of permitting the President to appoint all officers below that of brigadier general—see page 7 of bill.

It is true that officers—

Who are in a federally recognized status on the date of the approval of this act * * * shall be transferred to the National Guard of the United States without further examination—

But that only takes care of the "old fellows" that are already in. It is not surprsing then that they should all be in favor of it. But even though a State National Guard organization happens to be federalized, I question the wisdom of taking away from the governors of the respective States the right to issue commissions to the officers of their own State forces, thus inviting intrigue among the Regular Establishment for places of command and renewing the old controversies as to whether a National Guard regiment or battery should be commanded by a National Guard colonel or some shavetail from West Point.

PENSIONS

I venture the thought that the amendment on page 25 of the bill, modifying the pension clause of the national defense act of June 3, 1916, ought to be redrafted. Unless that is done we are opening the door to an ever-increasing host of men who will be entered on the pension rolls for coughs, cold, rheumatic ailments, sprains, cuts, bruises, and other complaints due to their service in times of peace.

I append herewith the new section 112 of the bill, showing the changes. This is taken from page 10 of the report (No. 2058) on this bill:

Section 112 of said act, with the old language struck out shown inclosed in black brackets and the new language shown in italics, reads as follows:

"SEC. 112. RIGHTS TO PENSIONS: When any officer, warrant officer, or enlisted man of the National Guard *or the National Guard of the United States called or ordered* [drafted] into the service of the United States [in time of war], *or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training*, is disabled by reason of wounds or disability received or incurred while in the active service of the United States [in time of war], he shall be entitled to all the benefits of the pension laws existing at the time of his service; and in case such officer or enlisted man dies in the active service of the United States [in time of war], or in returning to his place of residence after being mustered out of [such] service, or at any other time in consequence of wounds or disabilities received in such [active] service, his widow and children, if any, shall be entitled to all the benefits of such pension laws."

I ask the sponsors of this bill why the only safeguard against frivolous claims for pensions embodied in the phrase "in time of war" was stricken from the law as it now stands.

While I am wholly and heartily in sympathy with the general purpose of this bill and believe federalization of the National Guard is a good thing in itself, I repeat that a bill of the importance of this should be carefully considered before enactment into law.

In concluding, I desire to pay a tribute to my friend and colleague, Gen. JOHN C. SPEAKS, who introduced this bill on June 2, 1930. His long association with the National Guard of Ohio, his services in the Spanish-American War, on the Mexican border, and the World War entitle his opinions to the highest respect.

It is to be regretted that, although his bill was reported and has been on the calendar of the House since July 2, 1930, he was never given an opportunity to bring it up for consideration until this late day, when the conditions in the House precluded the possibility of its being properly discussed.

RATES OF WAGES FOR LABORERS AND MECHANICS ON PUBLIC BUILDINGS OF THE UNITED STATES

Mr. WELCH of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5904) relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia, by contractors and subcontractors, and for other purposes.

The SPEAKER pro tempore. The gentleman from California [Mr. WELCH] moves to suspend the rules and pass S. 5904, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there, and a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature applicable to the contract which can not be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labor for determination and his decision thereon shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

SEC. 2. This act shall take effect 30 days after its passage but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act.

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WELCH] is recognized for 20 minutes, and the gentleman from Texas [Mr. BLANTON] is recognized for 20 minutes.

Mr. WELCH of California. Mr. Speaker, the House Committee on Labor has had before it H. R. 16619, which is identical with S. 5904, now before the House for final passage. Our committee has held extensive hearings on the bill which is to require contractors on public buildings of the United States or the District of Columbia to pay the prevailing wage rate when such wage rates have been established by private industry.

Secretary of Labor Doak, Assistant Secretary of War Payne, and Mr. James A. Wetmore, Acting Supervising Architect, attended the hearings before the committee and made strong arguments in behalf of the bill. The bill was reported by the committee by a unanimous vote.

The Federal Government has entered upon an extensive public-building program throughout the United States. This program will continue for a period of 8 or 10 years and will result in the expenditure of approximately a half billion dollars. It was intended that this vast amount should be expended not only to house Federal offices in their own buildings but also to benefit the United States at large through distribution of construction throughout the communities of the country without favoring any particular section.

Though the officials awarding the contracts endeavored to persuade contractors to pay local prevailing wage scale, some successful bidders have imported labor from distant localities and have exploited this labor at wages far below local wage rates. This selfish group of contractors believe that Congress authorized this great building program for their special benefit. They base their estimates for labor upon the low wages they can pay to unattached migratory workmen who in some cases the contractors house and feed in temporary quarters adjacent to the building under construction and pay them whatever they will accept.

This bill, if enacted into law, will correct this condition and will give local workingmen, who pay taxes and who in many cases support families, the opportunity of securing employment on these buildings constructed by the Federal Government. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield myself five minutes. I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. Mr. Speaker, in connection with my remarks I ask unanimous consent to incorporate a letter which the Comptroller General of the United States, Gen. J. R. McCarl, has written the chairman of the committee respecting this bill, and the decision mentioned by him, attaching also a communication to the President of the United States by some of the parties interested.

The SPEAKER pro tempore. The gentleman from Texas asks to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The communication from Gen. J. R. McCarl is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 12, 1931.

Hon. GUY E. CAMPBELL,
House of Representatives.

MY DEAR MR. CAMPBELL: You have referred in your telephone conversation with me this morning to S. 5904 and H. R. 16619, relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia, and have requested me to advise you as a member of the Committee on Labor whether the original bills, or certain proposed amendments, hereinafter stated, will give a better accounting basis for the settlement and adjustment of claims arising under contracts containing a stipulation as to the payment of the prevailing rate of wages to the employees of contractors engaged in the construction of public buildings.

The Senate and House bills are in identical terms and provide that—

"Every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there, and a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature applicable to the contract, which can not be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labor for determination, and his decision thereon shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

"SEC. 2. This act shall take effect 30 days after its passage, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act."

The amendments apparently suggested to section 1 of the bill would make said section read as follows:

"That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision stating the minimum rate of wage that shall be paid for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract, which rate shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there. The said minimum rate of wages equal to the prevailing rates of wages for work of a similar nature applicable to the contract shall be determined by the head of the department or establishment concerned, and shall be stated in the advertisement for proposals, and shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act."

Under the bills without the amendment neither the United States nor the contractors could know at the time of contracting the prevailing rate of wages which the contractors must pay during the progress of the work. Dependent upon the facts, the rate of wages could be increased or decreased by a determination of the Secretary of Labor. A prudent contractor would necessarily be required to include in his proposal sufficient sums to protect him against any increase in wages, and if the increase did not take effect the public would nevertheless be required to pay the contractor the agreed price for the performance of the work, and thus the contractors would secure unjustified profits for the work. On the other hand, if the wages were increased above the amount included by the contractors for such increases, the probabilities are that many contractors would default in the performance of the work, and it would have to be completed by either the surety or the United States, and the Government would be under the necessity of attempting to recover the excess costs from the contractors and/or their sureties. This office can only conjecture what would be the situation of materialmen and laborers in the event of such default and the bond was not sufficient to pay both the excess cost and the unpaid sums to materialmen and laborers. There is thus an apparent impracticability under the provisions of the bills as unamended.

The proposed amendments, above quoted, to section 1 of the bill will eliminate this doubt and uncertainty by the requirement that the prevailing rate of wages be determined by the head of the department concerned prior to the advertisement for proposals and be stated in the proposals, and that there shall be included in the contract a stipulation that the contractors shall pay as a minimum such determined and stated rate of wages. This will place all contractors on a parity in so far as rates of wages are concerned in the submission of their proposals. Such an amendment will eliminate the doubt and uncertainty with respect to the rate of wages which must be paid by the contractors and will insure to laborers the rate of wages prevailing when the advertisement was issued.

As between the two bills as they now stand and the bills with the suggested amendment to section 1, this office has no hesitancy in informing you that the amendments are desirable and will reduce the doubt and uncertainty which would inevitably arise under the unamended bills, and to that extent would simplify the accounting procedure in the settlement of claims arising under the contracts.

I do not know whether your attention has been invited to decision dated January 10, 1931, of this office, concerning, among other things, a stipulation in contracts for the payment of the prevailing rate of wages, and if not, a copy of such decision is inclosed herewith.

Sincerely yours,

J. R. MCCARL,
Comptroller General of the United States.

Mr. BLANTON. Mr. Speaker, the decision by Gen. J. R. McCarl is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 10, 1931.

The honorable the SECRETARY OF THE TREASURY.

SIR: There has been considered your submission of November 3, 1930, as follows:

"There is inclosed herewith copy of letter of July 31, 1930, from the President, addressed to the Secretary of the Treasury, in which the President calls attention to complaints that contractors engaged in Government work are employing alien labor and that they are in certain cases transporting labor long distances into localities where there is already considerable unemployment. You will note that the President suggests the inclusion of a paragraph in the specifications of Government contracts to remedy this evil.

"This department has also received numerous complaints of this character and also that contractors are taking advantage of the unemployment situation to cut wages below the prevailing wage scale or are transporting cheap labor to jobs to the detriment of local labor.

"The situation is one which should not be endured. This department bases its estimates for appropriations on the fair wage scales prevailing throughout the country, and expects contractors to employ the best type of American mechanics and laborers on Federal work. The Government should be the last employing agency to expect or countenance the performance of its construction contracts at the sacrifice of its citizens. In the absence of any law forbidding the practices above named it is the desire of the department, in accordance with the President's wishes, to include in its specifications a paragraph which will give the department the control of the type of labor employed on its contracts and to be paid such labor.

"In this connection the following paragraph has been prepared and is submitted to you for your consideration:

"NOTICE TO BIDDERS

"In preparing their estimates bidders should keep in mind the policy of the Treasury Department to maintain the local wage scale, which in case of dispute will be determined by the Secretary of Labor. Furthermore, the contractor and/or his subcontractor or subcontractors will be required to give preference at the time of employment of skilled and unskilled labor to ex-service men of the United States Army, Navy, and Marine Corps and to citizens of the United States and/or aliens who have taken out their first papers of citizenship: *Provided*, That exceptions to this requirement will be permitted only to such extent as may be shown to be necessary when the number of qualified skilled and/or unskilled laborers can not be obtained: *And provided further*, That the term 'labor' as herein used shall not include the contractors or subcontractors or subcontractors' managerial or supervisory officers or employees: *And provided further*, That the contracting officer or his representative may require the contractor and/or his subcontractor or subcontractors to discharge any laborer or mechanic employed on the work at the site thereof.

"It is not intended to place this paragraph in the contracts, but it will be inserted in the specifications as a notice to bidders.

"It will be appreciated if you will express your views as to whether in your opinion there is any legal obstacle to the inclusion of this paragraph in the specifications of contracts for Federal building construction under the control of the Treasury Department, and if the paragraph meets with your approval. Also the department will be glad to receive your suggestions as to any changes in phraseology which in your opinion would more certainly attain the desired object."

It is noted that the paragraph quoted in your submission, requiring maintenance of the local wage scale and preference for ex-service men and citizens of the United States, including aliens who have taken out their first papers of citizenship, is proposed to be inserted in the advertised specifications as a notice to bidders, but is not to be included in contracts.

No lengthy discussion would seem necessary to reveal the impropriety of what is thus proposed. If the paragraph is to be more than a gesture, there must be adequate means provided to insure observance of its stipulations by contractors. Then, too, to encourage bidding in amounts adequate to maintain the local wage scale and to give the preferences stipulated for, without providing the means necessary to insure strict observance of such requirements, would be unfair to the Public Treasury and involve an unauthorized use of the appropriation chargeable for the accomplishment of the work.

It is assumed, however, that the proposed paragraph is intended to be more than a gesture and that your submission involves the question whether existing laws controlling the uses of appropriated moneys will permit the inclusion of the proposed paragraph in specifications advertised for bids—with adequate provision in contracts for strict enforcement, and it will be considered accordingly.

With respect to the proposal to require contractors on public work of the Treasury Department to give preference to ex-service men of the United States Army, Navy, and Marine Corps, there was before this office in decision of November 8, 1930 (A–33826 and A–33890) section 9 of the act of December 21, 1928, 45 Stat. 1057, which required that preference be given to such ex-service men in connection with the construction of the Hoover Dam. This office held in said decision that the statutory requirement as to preference for ex-service men in connection with construction work on the Hoover Dam must be observed but the difference between the case considered in said decision of November 8, 1930, and that phase of the case here presented is that there is no statute authorizing or requiring preference to be given to ex-service men over other American citizens by contractors engaged on construction work for the Treasury Department. It is to be further noted that a similar statutory preference was required by certain earlier appropriation acts to be given to ex-service men. See in particular the act of February 28, 1919 (40 Stat. 1201), relating to the construction of public roads aided by Federal funds, which required such preference and specifically prohibited other discrimination among citizens of the United States as unlawful. The Congress having made the matter of giving preference to ex-service men over other American citizens the subject of legislation by enacting specific provisions for such preference in certain instances, it is not open to administrative consideration to exact that preference where the Congress has not seen fit to do so; that is, by requiring preference to be given by contractors on Treasury Department construction work in employing their skilled or unskilled laborers to ex-service men over other American citizens. There is no authority of law for making such discrimination between different groups of American citizens.

With respect to the preference proposed to be required of contractors on construction work of the Treasury Department to be given to American citizens and/or aliens with first citizenship papers over other aliens, it was held by this office in decision of November 8, 1930, supra, that in a clearly proper case objection would not be made by the accounting officers to a requirement that preference be given to American citizens, on public work, over aliens, and in the particular case then under consideration—construction of the Hoover Dam near the Mexican border—the facts and circumstances appeared such that it was concluded objection might properly be withheld as in the public interest if the President should conclude in such connection to approve such modification of the form of contract theretofore prescribed by him as for uniform use in such cases. While what was therein said and held had relation to the particular case then under consideration, including its own facts, circumstances, and conditions, there appears no present requirement for any modification of what was therein said and held in such regard, nor has there been suggested reason for enlargement to include aliens who have secured their first citizenship papers.

In this connection it seems not improper to invite attention to your communication of September 29, 1930, to the President, made in response to his letter of July 31, 1930, referred to in the first paragraph of your submission herein. Attached to your communication of September 29 there was a tabulated statement of the number of men employed on 26 construction projects under the Treasury Department, located in various parts of the United States, as follows:

Number of men employed on various jobs

Building	Total	Alien	Local	Outside
Asheville, N. C., post office	65	0	60	5
Boise, Idaho, post office	60	0	33	27
Boston, Mass., post office	48	0	36	12
Brooklyn, N. Y., post office	13	0	13	0
Dallas, Tex., post office	131	0	117	14
Denver, Colo., customhouse	90	0	81	9
Fargo, N. Dak., post office	78	0	26	52
Haverhill, Mass., post office	53	3	35	18
Juneau, Alaska, Federal building	101	8	39	62
Lima, Ohio, post office	50	0	34	16
Lowell, Mass., post office	27	0	27	0
Memphis, Tenn., post office	140	1	126	14
Milwaukee, Wis., post office	100	2	100	0
New Orleans, La., marine hospital	32	0	32	0
Oshkosh, Wis., post office	34	0	21	13
Passaic, N. J., post office	27	0	23	4
Pullman, Mont., post office	20	0	20	0
Racine, Wis., post office	32	0	28	4
San Francisco, Calif., marine hospital	117	2	117	0
Seattle, Wash., immigrant station	50	0	50	0
Scranton, Pa., post office	103	6	96	7
Springfield, Ill., post office	65	1	41	24
Tampa, Fla., post office	65	0	53	12
Tucson, Ariz., post office	161	0	103	58
Tyrone, Pa., post office	12	0	0	12
Watertown, N. Y., post office	50	11	45	5
	1,734	34	1,356	368

It would appear, as pointed out in your letter of September 29, 1930, that the number of aliens so employed is relatively small—34 out of a total of 1,724.

There would appear for consideration in such connection also, as having some relationship thereto, the immigration policy of the United States as it has heretofore been and as it now exists, as disclosed by the enactments on the subject, and from which this problem arises.

From what has been pointed out it necessarily follows that only in a clear case of necessity in the public interest could the accounting officers properly withhold objection to the uses of public moneys that would be involved by a contractual requirement for employment by contractor on the public work involved, American citizens and aliens who have obtained first papers of citizenship over other aliens lawfully here, without legislative authority therefor.

With respect to the question remaining:

It is proposed by the submission to now include in requests for bids in cases where public work intrusted to the Treasury Department for accomplishment is to be let to private contractors, a stipulation requiring the successful bidder (the contractor) "to maintain the local wage scale, which in case of dispute will be determined by the Secretary of Labor," or as has been suggested informally, language having like purpose and effect, such as a requirement that "contractor pay not less than the prevailing rate of wages in the locality or metropolitan area in which the project is being constructed." While a somewhat similar matter was treated in certain text submitted here by the Secretary of the Interior in the Hoover Dam case, decided November 8, 1930, the precise question here involved was not raised, considered, or decided therein.

The Supreme Court of the United States has had recent occasion to consider and express decision on strikingly similar language in Connally v. General Construction Co. (269 U. S. 385). This was an action involving an Oklahoma statute requiring "laborers, workmen, mechanics, or other persons employed by contractors or subcontractors in the execution of any contract or contracts with the State" to be paid by the contractor or subcontractor "not less than the current rate of per diem wages in the locality where the work is performed * * *." The statute provided a penalty of fine or imprisonment for violations. A dispute arose as to the amount of the current rate of per diem wages being paid labor in the locality where the particular work was being performed, and the Commissioner of Labor having determined, after investigation, that $3.60 was such current rate of wage in the locality, and contractor insisting upon and paying only $3.20 per day, contractor was threatened with prosecution in the event there was not paid the rate of wage so determined by the Commissioner of Labor, and applied for injunction to restrain the State officials from enforcing the statute because unconstitutional. In affirming the decree of the lower court granting injunction relief the Supreme Court said:

"We are of opinion that this provision presents a double uncertainty, fatal to its validity as a criminal statute. In the first place, the words 'current rate of wages' do not denote a specific or definite sum, but minimum, maximum, and intermediate amounts, indeterminably, varying from time to time and dependent upon the class and kind of work done, the efficiency of the workmen, etc., as the bill alleges is the case in respect of the territory surrounding the bridges under construction. The statutory phrase reasonably can not be confined to any of these amounts, since it imports each and all of them. The 'current rate of wages' is not simple but progressive—from so much (the minimum) to so much (the maximum), including all between; and to direct the payment of an amount which shall not be less than one of several different amounts, without saying which, is to leave the question of what is meant incapable of any definite answer. See People ex rel. Rodgers v. Coler (166 N. Y. 1, 24–25).

"Nor can the question be solved by resort to the established canons of construction that enable a court to look through awkward or clumsy expression, or language wanting in precision, to the intent of the legislature. For the vice of the statute here lies in the impossibility of ascertaining, by any reasonable test, that the legislature meant one thing rather than another, and in the futility of an attempt to apply a requirement, which assumes the existence of a rate of wages single in amount, to a rate in fact composed of a multitude of gradations. To construe the phrase 'current rate of wages' as meaning either the lowest rate or the highest rate or any intermediate rate or, if it were possible to determine the various factors to be considered, an average of all rates, would be as likely to defeat the purpose of the legislature as to promote it. See State v. Partlow (91 N. C. 550, 553); Commonwealth v. Bank of Pennsylvania (3 Watts & S. 173, 177).

"In the second place, additional obscurity is imparted to the statute by the use of the qualifying word 'locality.' Who can say with any degree of accuracy what areas constitute the locality where a given piece of work is being done? Two men moving in any direction from the place of operations would not be at all likely to agree upon the point where they had passed the boundary which separated the locality of that work from the next locality. It is said that this question is settled for us by the decision of the criminal court of appeals on rehearing in State v. Tibbetts (205 Pac. 776, 779). But all the court did there was to define the word 'locality' as meaning 'place,' 'near the place,' 'vicinity,' or 'neighborhood.' Accepting this as correct, as of course we do, the result is not to remove the obscurity but rather to offer a choice of uncertainties. The word 'neighborhood' is quite as susceptible of variation as the word 'locality.' Both terms are elastic and, dependent upon circumstances, may be equally satisfied by areas measured by rods or by miles. See Schmidt v. Kansas City Distilling Co. (90 Mo. 284, 296); Woods v. Cochrane & Smith (38 Iowa 484, 485); State ex rel. Christie v. Meek (26 Wash. 405, 407–408); Millville Imp. Co. v. Pitman, etc., Gas Co. (75 N. J. Law, 410, 412); Thomas v. Marshfield (10 Pick. 364, 367). The case last cited held that a grant of common to the inhabitants of a certain neighborhood was void because the term 'neighborhood' was not sufficiently certain to identify the grantees. In other connections or under other conditions the term 'locality' might be definite enough, but not so in a statute such as that under review imposing criminal penalties. Certainly, the expression 'near the place' leaves much to be desired in the way of a delimitation of boundaries; for it at once provokes the inquiry, 'How near?' And this element of uncertainty can not here be put aside as of no consequence, for as the rate of wages may vary—as in the present case it is alleged it does vary—among different employers and according to the relative efficiency of the workmen; so it may vary in different sections. The result is that the application of the law depends not upon a word of fixed meaning in itself or one made definite by statutory or judicial definition, or by the context or other legitimate aid to its construction, but upon the probably varying impressions of juries as to whether given areas are or are not to be included within particular localities. The constitutional guaranty of due process can not be allowed to rest upon a support so equivocal."

While the Oklahoma case involved a statute imposing a fine or imprisonment as penalty for violation and was thus penal in its nature, it is assumed there will be provided, as would appear necessary if it should be held permissible under existing law to include the suggested language in contract matters as proposed, adequate means to accomplish and insure full compliance, including penalty for violation.

But, aside from this aspect of the matter, there remain other serious questions—whether under existing law the matter of so fixing the wages an employer must pay in the doing of Government work is one authorized to be accomplished in connection with the contracting therefor pursuant to section 3709, Revised Statutes; and, if so, whether an appropriation, general in terms, may properly be held available for payments in such connection.

It has long been the rule, enforced uniformly by the accounting officers and the courts, that an appropriation of public moneys by the Congress, made in general terms, is available only to accomplish the particular thing authorized by the appropriation to be done. It is equally well established that public moneys so appropriated are available only for uses reasonably and clearly necessary to the accomplishment of the thing authorized by the appropriation to be done.

Usually the thing so authorized to be done may be accomplished either through a governmental agency employing the necessary labor, purchasing the needed materials, etc., or, in a proper case, through contracting with a citizen to do the job, who, by his contract, assumes the responsibility for supplying everything needed to fully discharge his contractual obligations, including labor, materials, etc. In so contracting the basic statute to be observed is section 3709, Revised Statutes. The clear purpose of this statute is to secure full and free competition in supplying the needs of the United States (which needs are required to be clearly stated in the request for bids) and the benefit to the Treasury of required acceptance of the low responsible bidder.

The clear intent of the suggested language, employed in connection with bidding and contracting as proposed, is to benefit those employed on the work by contractors and to insure them against wage reductions below the "local wage scale" or the "prevailing rate of wages in the locality." In fact, the suggested language admonishes bidders to include in their bids amounts with which to so make payments, and it must be assumed the bidding will be accordingly.

No matter how worthy may be the object or end sought to be attained through action by the executive branch, where the use of public money would be involved in its accomplishment, it becomes necessary, if our system of government is to be faithfully observed, for the accounting officers to question the proposed use, unless by them found to be reasonably within the law of the appropriation proposed to be employed. Then, if agreement to the proposed use must be by the accounting officers withheld, the matter may go to the Congress, the source of all authority for the uses of public moneys.

However desirable the contrary may be, it seems clear that in the present state of law the proposal to fix by contract the minimum rate of wages the contractor must pay his employees in the doing of the contract work, assuming a contract otherwise valid and enforceable could be drawn, clashes with the long-recognized intent and purpose of section 3709, Revised Statutes, in that it removes from competitive bidding on the project an important element of cost and tends to defeat the purpose of the statute—that is, to obtain a need of the United States, authorized by law to be acquired, at a cost no greater than the amount of the bid of the low responsible bidder, after full and free competitive bidding.

But were it possible to surmount this obstacle, could it properly be held that the fixing of the minimum wages to be paid employees, as proposed, has such intimate relationship to the single matter of accomplishing the thing authorized by the appropriation to be done as to properly permit its being held, in other than a most extraordinary case, reasonably necessary to such accomplishment, so as to meet the test long applied in determining the availability of an appropriation general in terms for proposed or accomplished uses? I fear not. That the cost to the United States because of the admonition to bidders to so bid as to be able to pay the wages as so fixed, whether actually so paid or not, would be increased, seems too clear for question. Such added cost in the matters involved in the submission would seem to have no relationship to the actual accomplishment of the work authorized by the appropriations to be done, and consequently could not properly be paid from such appropriations.

What is here involved appears a matter which, in the present state of the law is not for adjustment through administrative action in contracting, and uses of appropriated moneys in such connection without further expression and authority thereon from the Congress may not properly be approved by the accounting officers.

That the Congress regards the problem as one for adjustment through legislative enactment, possibly because of the effect on the economic structure, is evidenced by Senate amendment No. 14 to the bill H. R. 14804, recently considered and enacted after elimination of the said amendment, and other measures now pending.

Answering specifically your submission I feel compelled to hold—

1. That to include the proposed language in requests for bids without providing adequate means for exacting complete compliance therewith would not be authorized.

2. That only in a clear case of necessity in the public interest may the accounting officers properly withhold objection to the

uses of public moneys that would be involved by a contractual requirement for employment by contractor on the public work involved, American citizens and aliens who have taken out first papers of citizenship over other aliens lawfully here without further legislative authority therefor than now exists.

3. Discrimination between different groups of American citizens through exacting preference for one over the others by contractors engaged on public work is unauthorized other than when specifically so required by law.

4. To include in requests for bids a provision admonishing bidders to so bid as to be able, in the event of being awarded the contract, to pay employees on the contract work the "local wage scale" or "the prevailing rates of wages in the locality or metropolitan area in which the project is being constructed," even with adequate provision for complete enforcement against contractors, would in general and in the present state of the law be unauthorized. Only in such rare case, if one there might be under existing conditions, where the need for such stipulation could on the facts be held as required to accomplish the thing authorized by the appropriation to be done, could objection be properly withheld.

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

Mr. Speaker, the letter from some of the interested parties, the Associated General Contractors of America, to the President of the United States is as follows:

ASSOCIATED GENERAL CONTRACTORS OF AMERICA (INC.),
Washington, D. C., February 8, 1931.

The PRESIDENT,
White House, Washington, D. C.

DEAR MR. PRESIDENT: Under date of January 26, 1931, there was introduced in the Senate S. 5904, and on January 27, 1931, in the House H. R. 16619, both relating to the rate of wages of laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors. S. 5904 was reported January 26, 1931, calendar day February 3, 1931, and H. R. 16619 was reported January 31, 1931, and, as you doubtless know, S. 5904 has recently passed the Senate and H. R. 16619 and the Senate bill are both pending in the House.

As you will remember from your recent telegram sent to this association, the association was holding its annual convention in San Francisco, Calif., and many of the members of the association were either en route to or attending the convention when these bills were introduced into Congress and reported by the respective committees of the Senate and House. Consequently this association did not have an opportunity to present its views in the matter, and upon contacting Saturday, February 7, 1931, with some of the Members of the House it seemed to be the impression of these Members that these bills were administration measures and that even though the contracting industry had not been heard in the matter the bills could not be amended to correct obvious possibilities of endless disputes and of increased costs to both the taxpayers and the contractors.

At the outset this association desires to be understood as favoring during this emergency period the principle that contractors on Government public-building work should pay the prevailing local rate of wages, and the association condemns those few contractors who cut wages below the local rate, whether on public-building work or on the vast highway program participated in by both the States and the Federal Government. These bills under consideration do not touch this latter class of highway contracts. This position of the association is clearly stated in the following resolution which was adopted at the annual convention in San Francisco on January 29, 1931:

"An extensive study of conditions now prevailing in the construction industry has indicated to the Associated General Contractors of America the advisability and propriety of enunciating the following principles with respect to wages and hours of labor:

"First. It is contrary to the best interests of the construction industry and society at large for contractors or other employers to utilize the present surplus of workmen as a means of depressing wages or establishing excessive hours of employment.

"Second. It is contrary to the best interests for a public body to award a contract to a contractor whose bid is predicated upon the exploitation of labor by either excessive working hours or reduced wages.

"Third. It is contrary to the desires of the people, as expressed by the extraordinary appropriation of Congress during the present emergency, that workmen's wages paid out of public moneys should be depressed below that required for a decent standard of living: Therefore be it

"*Resolved*, By the Associated General Contractors of America, that public awarding agencies have a moral obligation to cooperate with the responsible contractors of the country in preventing exploitation of labor; be it further

"*Resolved*, That the Federal Government when assisting the States financially and the States when assisting any political subdivision should enforce such regulations as may be necessary during the present emergency to maintain a reasonable scale of wages."

Favoring the principle that Government contractors and subcontractors should be required to pay the local prevailing rate of wages, this association most strenuously objects to S. 5904 and H. R. 16619, which would throw the entire contracting industry, in so far as it is engaged in the construction of Government buildings, into confusion; would largely increase the expense to the taxpayers of the country of necessary public buildings, and would lead to endless dissatisfaction and bickerings between contractors and the contracting officers, between labor and both the contractors and contracting officers, and would not insure to labor what the proponents of the bills seem to think that labor should receive.

It would seem to require no argument to demonstrate that if contractors must bid on public work with the uncertainty confronting them that the Secretary of Labor could and probably would change the rate of wages a number of times during the progress of the work, such contractors must add to their proposals sufficient sums to protect them against any such possible increases. If the increases do not take effect, such additional sums would accrue to the contractors in addition to their ordinary allowance and would represent an unnecessary expense to the public. Without further argument you will appreciate from your experience in the business world that anything which leads to doubt and uncertainty, or increases the risks on construction work, must necessarily increase the bid price for performance of such work. If the Government assumed these risks in a cost-plus contract, the situation might be different, but it is not understood that these bills contemplate cost-plus contracts, and if the risks are to be imposed on the contractor, the public must necessarily pay therefor.

Under present competitive conditions the constant tendency will be for bidders to reduce this margin to a minimum to protect against changes in wage rates with the result that undoubtedly the number of failures of contractors will be increased, resulting in losses to material men and laborers, delay in securing the completion of the work, and increased expenditures by the Government for supervisors, attorneys, etc., in connection therewith. All this public and social loss can be and should be reduced to a minimum through the enactment of proper legislation under which operations are to take place.

As stated above, and as shown by the above-quoted resolution, this association is in favor of the Government contractors paying the local prevailing rate of wages during this emergency, but it does believe that legislation to that end should be definite and certain. This association believes, in substance, that the minimum rate of wages to be paid laborers and mechanics should be determined by the department having in charge the construction work and not by the head of some other department who is not charged with the responsibility for the expenditures of the public funds provided for such work. Also that the rates of wages to be paid should be stated in the advertisement for bids so that all prospective contractors will be informed as to the rate that they must pay so that they may intelligently compute their costs. No intelligent estimate of cost of labor can be made without this information, and this without reference to the possible effect of the rates of wages on Government building projects on the general economic structure.

This association would have no objection to the legislation, if the bills were modified to read, as follows:

"*Be it enacted, etc.*, That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision stating the minimum rate of wage that shall be paid for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract, which rate shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia, if the public buildings are located there. The said minimum rate of wages equal to the prevailing rates of wages for work of a similar nature applicable to the contract shall be determined by the head of the department or establishment concerned and shall be stated in the advertisement for proposals and shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

"SEC. 2. This act shall take effect 30 days after its passage, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act."

Since these bills are reported to be administration measures and we feel that the President of the United States can properly take no position which is not in the best interests of the taxpayers of the United States, labor, and contractors—all of their interests being considered—we earnestly request that you make known to Congress your approval of the amendments, which we believe necessary in these bills so as to remove doubt and uncertainty so as to insure that labor will receive the rate of wages prevailing at the date of the advertisement for bids so that contractors may bid and contract for public buildings with some degree of certainty as to their probable cost and so that they will not be required in self-defense to include in their proposals unallocated items to take care of possible increase of wages required by Government officials to be paid after the contracts have been entered into.

Respectfully,

A. P. GREENSFELDER, *President.*

Mr. Speaker, if this bill were not demanded by organized labor it would not have a chance of passage in this House under suspension of the rules. This is the most ridiculous

proposition I have ever seen brought before a legislative body. You are called upon by the provisions of this bill to make a contract between every contractor and his employees, respecting the construction of every public building that may be built in every district in the United States, whether it suits the contracting parties or not. You are taking away from American citizens, contractors, and laborers alike the sacred, inherent right of contract—the right to make their own contracts for themselves.

We are thus proposing by this pernicious bill to interfere with a sacred, inalienable right that has given initiative and independence to men for ages past. It would make the advertising by the Government for the "Lowest reputable bid" ridiculous and a farce.

I am for organized labor when it is right, and I dare to exercise my own judgment and refuse to obey its commands when it is wrong. I have supported every proper demand that has been made by organized labor during the 13 years I have been in Congress.

I saw fit in this House during the war, when men who had been exempted from the draft to work for their Government and were getting $30 a day as skilled laborers in the shipyards, and who kept striking until there were 6,000 strikes against the Government during the war—I was one who voted for the famous "work or fight" amendment, which would make them fight when they refused to work. I was then denounced by organized labor as its enemy, but I am one of those who is not afraid to stand up here and refuse to let a bill like this pass without raising my feeble voice in protest. I know that in this atmosphere this bill will pass this House to-day, but I can not believe that the President will allow it to become a law.

The Comptroller General sent a letter to the chairman of this committee, which I have put in the RECORD, suggesting a salutary amendment, providing that when the rates of wages are fixed they shall be fixed by the department having charge of the construction and not by the Secretary of Labor; that the rates of wages shall be stated in every advertisement for building construction, so that the contractors may understand what they are going to have to pay laborers when they take a contract. That is a reasonable and a fair provision and should have been placed in this bill, and without which this bill ought to be defeated. I know I can not defeat it here, but I believe this protest will cause it to be defeated elsewhere.

Are there of you, my colleagues, men who, because organized labor demands that you do something, are going to do that something when you know it is against your best judgment?

I can not forget that I have seen men on this floor, like my former friend from Georgia, Hon. Bill Upshaw, of Atlanta, who for years blindly obeyed organized labor in every demand it made, and yet when he needed a few votes down in Atlanta they turned him down and defeated him. I can not forget my good friend, JIM O'CONNOR, of New Orleans, who during his entire stay here, with his eyes shut and his ears closed and his brain stopped working, blindly obeyed every demand of organized labor, and yet when he needed a few votes down in New Orleans in the last election they turned him down and defeated him.

Mr. SABATH. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SABATH. I know the country would be interested if the gentleman would insert in his remarks the votes he cast in favor of organized labor, because I can not think of a single vote the gentleman has cast that would have been in favor of organized labor but was in the interest of contractors and special interests.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I yield myself five additional minutes. I want to answer my friend from Illinois. I have never voted against any just demand of organized labor. I challenge any Member to name one vote of mine against any demand of organized labor that was just and right. Down in my district, every time I run for office, organized labor from Washington comes down there and buys up the advertising space in all the newspapers that are published in my district and they say exactly what the gentleman from Illinois says, and yet I get about 60 per cent of all the organized vote in my district every time I run, because they have confidence in me and they know I do not fight them when they are right and they know I dare to tell them to go to hell when they are wrong.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WOODRUFF. My friend from Texas knows, of course, that we have either got to accept this bill or vote it down.

Mr. BLANTON. Yes; just the way it is written. You have got to vote it up or vote it down. You can not dot an "i" or cross a "t." We can not amend it. You have got to take it just like organized labor has written it for you, like a bunch of mocking birds with their mouths open and their eyes shut.

Mr. WOODRUFF. Will the gentleman yield further?

Mr. BLANTON. Certainly.

Mr. WOODRUFF. Will the gentleman point out to the House where there is any provision in this bill which prohibits the Treasury Department from specifying the rates of wages that shall be paid for the different classes of labor employed in construction? Is there anything in the bill to prevent the Treasury Department from doing exactly what the gentleman demands?

Mr. BLANTON. The Senate bill, which is the same as the House bill, requires that if there is any dispute about the prevailing rate of wages it is to be settled in Washington by the Secretary of Labor, for those buildings to be constructed in New Mexico, in Oregon, or in Florida. It is the Secretary of Labor who shall say what the rates of wages shall be paid by the contractors in those States to their employees. I am not in favor of such a provision. I want the right of contract between Americans to remain inviolate. Let them meet each other across the table and agree upon what they are going to do.

Mr. SCHAFER of Wisconsin and Mr. SHORT of Missouri rose.

Mr. BLANTON. I want to yield first to my friend from Wisconsin.

Mr. SCHAFER of Wisconsin. I know the gentleman from Texas wants to be absolutely correct.

Mr. BLANTON. Always.

Mr. SCHAFER of Wisconsin. The gentleman made the statement that a former colleague, Mr. Upshaw, always blindly followed organized labor in every demand. I want to call the gentleman's attention to the fact that the American Federation of Labor at many national conventions, by an almost unanimous vote, has asked for the return of beer and light wines, and yet the gentleman from Georgia, Mr. Upshaw, did not follow that demand.

Mr. BLANTON. I am glad that my friend has mentioned that demand of the American Federation of Labor. It proves the fact that some demands are ridiculous, and even require Members to nullify the Constitution itself. I remember that under the whip and spur of labor Bill Upshaw voted for the Hawley bill that would have put this Government into the distillery business, and placed Mr. Secretary Mellon at the head of Government distillery corporation, with $100,000,000 capital. But fortunately that did not become law.

I will give you an illustration of what organized labor will do for the faithful. You take our good friend, FRED ZIHLMAN, who hasn't been quite dry all his life—he was born that way [laughter]—he has lived that way, and he will die that way. He has faithfully obeyed organized labor in every demand they have ever made; yet, when he needed a few votes this time, they quit him and kept him at home; and I will tell you this: You would better quit depending on organized labor in particular and depend on American citizens generally for reelection.

Mr. SHORT of Missouri. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SHORT of Missouri. Organized labor opposed me at the recent election, but for that reason I am not going to oppose the passage of this bill because section 2 protects the contractor by making the wage scale apply only to contracts that are let in the future and not to those that are now outstanding.

Mr. BLANTON. But you are fixing this law for all time in the future.

Mr. SHORT of Missouri. But the contractor knows this at the time he makes a contract.

Mr. BLANTON. This is to become permanent legislation, and you will have contractors from now on like a bunch of puppets following the dictates of a bureau here in Washington. I want to help get these matters back into the States and away from Washington where they have to be controlled by a little bureau here every time Americans turn around. Why, they will not be able to make a contract to construct a building in the United States without being directed by a little bureau here as to what kind of contract they shall make. This is not right. It is not proper, and I am one of those who is not going to be compelled to obey their orders. I shall vote against the bill even though I know you will pass it.

The SPEAKER pro tempore. The gentleman from Texas has used an additional five minutes.

Mr. BLANTON. Mr. Speaker, I reserve the balance of my time. I would like to use further time, but I promised to yield some time to my friend from New York [Mr. FISH].

Mr. WELCH of California. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, there is not a reputable, responsible contractor in this country who is opposed to this bill. [Applause.] All that this bill does is to carry out the policy of the Government of appropriating sufficient funds to pay the prevailing rate of wages on all Government contracts.

Mr. MICHENER. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment. I have only a few minutes. I want to say that every contractor who understands his business when he makes his estimate, bases the estimate on the prevailing rate of wages. Every contractor does that. The unfair and unethical contractors however, after getting the contract and being paid on such basis, turns around and imports labor from other localities at low and reduced prices, not only exploiting his own workers, but all to the discrimination and disadvantage of labor living in that vicinity. Let me make this clear. The contractor invariably is paid by the Government on the basis of prevailing rates but does not do so. Therefore this bill is for the protection of the Government and the workers.

Why, the gentleman from New York who introduced this bill had such an experience right in his district. A contractor from Alabama was awarded the contract for the Northport Hospital, a Veterans' Bureau hospital. I saw with my own eyes the labor that he imported there from the South and the conditions under which they were working. These unfortunate men were huddled in shacks living under most wretched conditions and being paid wages far below the standard. These unfortunate men were being exploited by the contractor. Local skilled and unskilled labor were not employed. The workmanship of the cheap imported labor was of course very inferior.

Gentleman, there is not a municipality but what has the same kind of law for public works in any city, and all that this bill does, gentlemen, is to protect the Government, as well as the workers, in carrying out the policy of paying decent American wages to workers on Government contracts. [Applause.]

Mr. WELCH of California. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BACON.]

Mr. BACON. Mr. Speaker, I do not know what bill the gentleman from Texas [Mr. BLANTON] was talking about, but I do not think it is the bill under discussion at the present time.

The purpose of this measure, stated simply, is to require, through a clause in the Government contract form that contractors and subcontractors engaged in constructing, altering, or repairing any public buildings of the United States shall pay to labor the prevailing wage rates in the city, town, village, or other civil division of the State in which the public buildings are located. It provides further that in case of any dispute which can not be adjusted by the contracting officer that the matter shall be referred to the Secretary of Labor for determination, his decision to be final and conclusive on all parties to the contract.

This measure has the support of the administration as expressed through the approval of it by the Treasury Department, the Department of Labor, the War Department, the Navy Department, and the Veterans' Bureau, or all those departments of the Government most directly concerned in the current building program of the Government.

Hearings were held in both the Senate and House committees. In the House extensive consideration has been given to this or similar bills since 1927, and in each instance the Committee on Labor made a favorable report.

In the formulation of the provisions of this bill there has been full and painstaking cooperation by the Department of Labor, the Treasury Department, the War Department, the Navy Department and the Veterans' Bureau, and in the framing of this measure there was also the collaboration of the solicitors of these departments.

Therefore, this measure comes before the House with the united support of the executive departments, the unanimous reports of both the Senate and House committees, and the knowledge that it passed the Senate without opposition.

A practice has been growing up in carrying out the building program where certain itinerant, irresponsible contractors, with itinerant, cheap, bootleg labor, have been going around throughout the country "picking" off a contract here and a contract there, and local labor and the local contractors have been standing on the side lines looking in. Bitterness has been caused in many communities because of this situation.

This bill, my friends, is simply to give local labor and the local contractor a fair opportunity to participate in this building program.

I think it is a fair proposition where the Government is building these post offices and public buildings throughout the country that the local contractor and local labor may have a "fair break" in getting the contract. If the local contractor is successful in obtaining the bid, it means that local labor will be employed, because that local contractor is going to continue in business in that community after the work is done. If an outside contractor gets the contract, and there is no discrimination against the honest contractor, it means that he will have to pay the prevailing wages, just like the local contractor.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. BACON. Yes.

Mr. McCORMACK of Massachusetts. This bill also compels, does it not, the unscrupulous contractor to enter the field of fair competition?

Mr. BACON. The unscrupulous contractor who hitherto came in with cheap, bootleg labor must now come in and pay the prevailing rate of wages in the community where the building is to be built, and I submit that this puts all contractors on a fair, equal, and equitable basis.

Mr. JOHNSON of Washington. I want to say that I am for the bill. Suppose a contractor gets a Government contract—which I know to have been done—and then requires the common laborer to work at a lower price and provide his own pick and shovel, which he has not got. He gets the wages down from $4 to $2.75 and requires each laborer to get his own pick and shovel.

Mr. BACON. The contractor on all Government jobs must conform to the prevailing wages in that community. He can not shave that price, but he must pay the prevailing wage. The Government must not be put in the position of helping to demoralize the local labor market.

Mr. JOHNSON of Washington. That will help.

Mr. MICHENER. Will the gentleman yield?

Mr. BACON. I yield.

Mr. MICHENER. How is the contractor going to get the information as to what the prevailing wage is in a community?

Mr. BACON. The Secretary of Labor and the different departments have given this bill great consideration, and——

Mr. MICHENER. But the gentleman does not answer my question. How is the contractor going to know what the prevailing wage is in the community? Will the Government furnish it to him? Will the Government furnish him the information as to the going wages at that time?

Mr. BACON. Certainly not, as a pegging proposition. A local contractor knows the local prevailing rates; an outside contractor must find them out. But he does this to-day if he is intending to use the local labor supply.

The Secretary of Labor, Mr. Doak, when testifying before the house committee, stated that he considered this emergency legislation. I believe the membership of the House generally knows why this is so. The Government has embarked on a large construction program, perhaps to a total of some five hundred millions of dollars. The translation of this program will mean new and improved courthouses; Federal post-office buildings at practically every first and second class post office, and in every part of the country; new hospitals and additions to hospitals for the Veterans' Bureau, the Public Health Service, and the Army and Navy; new customhouses or additions thereto; additional Army and Navy building projects of every character; et cetera.

This proposed legislation is a most necessary and desirable complement to the building program of the Government. Its purpose is to see to it that the benefits of the program are spread equitably throughout the country, alike to labor and to the contracting industry.

Members of Congress have been flooded with protests from all over the country that certain Federal contractors on current jobs are bringing into local communities outside labor, cheap labor, bootleg labor, or that they are taking an unconscionable advantage of demoralized labor conditions generally by cutting the prevailing wage scale, leaving a resentful and embittered community, and giving rise to the complaint by local labor that the Government is in league with contract practices that make it possible to further demoralize local labor conditions.

Unless this bill is passed I think it is fair to assume that all of the complaints that have come to the administration and to Members of Congress thus far will be increased in precise ratio to the momentum the building construction program will gain through the construction of post offices, courthouses, hospitals, and so forth, in all districts of the country that have not so far had any Federal construction work.

The President, as is well known, is very anxious that the wage scale be not reduced. The administration has done everything it possibly could, with the scant power it at present wields, to have contractors on Federal jobs agree to maintain the current wage obtaining in the communities where the Federal work has gone forward. But notwithstanding all of the Government's efforts, the results have been indifferent, and many complaints are pouring in.

These complaints have also come to the President's Committee on Unemployment, some of them as recent as January and February of this year. This committee has also indorsed this legislation and feels that it will materially help in relieving the unemployment situation and in spreading its benefits equitably throughout the country to as many people as possible.

In its practical operation the bill sets up a simple and direct method of assuring the payment of the prevailing wage by the contractor in the community where the work is performed. The Secretary of Labor anticipates no difficulties of administration. In 90 per cent of the cases he feels there will be no dispute of any kind. Where there is a dispute, which can not be ironed out on the spot by the contracting officer of the Government, the matter would be referred to the Secretary of Labor for final decision. The Labor Department has a well-organized conciliation service; and the administration feels that the offices of this service, when called on, will be able, without trouble, to settle disputes amicably, expeditiously, and to the satisfaction of everyone.

The bill does not put the Government in the position of price fixing or of anticipating wage levels; it does not attempt to peg a price for either the benefit of the contractor or labor. It does not disturb the methods or causes that finally evolve a scale of wages. It leaves that to employer and employee, where it belongs.

In case of dispute and where the Secretary of Labor must make the final decision, the function of the Secretary will be to apply to the contract the wages he ascertains constitute the prevailing rates. That is all he would do. He would make an ascertainment of fact, pure and simple, and apply that ascertainment to the contract.

We have the condition to-day on many Federal construction projects, where the terms "local labor" and "prevailing rates of wages" mean absolutely nothing; where local workmen are merely envious onlookers, off the reservation, simply because the Federal contractor concerned has been able to bring into the local community a cheap, itinerant labor supply or to severely cut the wages normally paid to the workmen in the community. He does this with profit to himself and perhaps also, I am ashamed to say, with profit to the Federal Government. We have instances where contractors are dumping this cheap labor into an already demoralized labor market at the expense wholly of the local workman, his family, and his community.

To permit the Federal Government to aid in the disruption of stable labor conditions is not fair or decent. Nor is it fair or decent to permit practices that discriminate against the local contractor or the general contractor who does not believe in taking advantage of demoralized labor conditions in any community in which he may operate.

This measure is also indorsed by labor generally and by the American Federation of Labor and its affiliates. It also has the support and indorsement of building contractors. Just as a brief illustration I want to read three indorsements that have come to me from contractors and contractors' organizations. The first is from the Thompson-Starrett Construction Co. It reads:

FEBRUARY 24, 1931.

Hon. ROBERT L. BACON,
House of Representatives:

We heartily indorse your bill entitled, "Prevailing rate of wages," and believe the passage of this measure will be a great aid in stabilizing labor conditions and permitting legitimate contractors to figure on public work.

THOMPSON-STARRETT CO. (INC.).

The next is from George A. Fuller Construction Co., reading as follows:

NEW YORK, N. Y.

Congressman ROBERT BACON,
House Office Building:

Supplementing our wire of yesterday requesting consideration of amendment introduced by Associated General Contractors to bill for prevailing rate of wages, we are in favor of original bill without amendment if amendment would jeopardize passage of bill.

GEORGE A. FULLER CO.

And the last one is from the Mason Contractors' Association of the United States and Canada, reading as follows:

MASON CONTRACTORS' ASSOCIATION OF UNITED STATES AND CANADA,
St. Louis, Mo., February 20, 1931.

Representative ROBERT BACON,
House of Representatives, Washington, D. C.

TO REPRESENTATIVE ROBERT BACON: There has come to our notice the Davis-Bacon bill, regulating the pay of labor and mechanics on Government contracts which provides that contractors pay the prevailing rate of wages in the locality of the job.

This organization is vitally interested in its passing, and on behalf of the Mason Contractors' Association of United States and Canada, I would ask that you indorse the Davis-Bacon bill.

Respectfully yours,

T. W. KIRK, *Secretary.*

Under this measure the benefits of the public-building program will be spread out equitably over the country. The discrimination that both labor and the legitimate contractor are now suffering from, through unfair practices on the part of unscrupulous contractors, will be cured, and the

communities that this public-building program will touch will be dealt with beneficially and not adversely; the latter being often the case to-day.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentlewoman from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Speaker and gentlemen of the House, I think it very generous of the gentleman from Texas to yield me this time, for he knows that I am heartily in favor of the bill.

I sincerely hope that the Members of the House will give their unanimous support to this bill on account of its importance at this time, in view of the great number of contracts for Federal buildings soon to be awarded throughout the country.

May I say that I have had some personal knowledge of this matter during the recent erection of a Federal hospital in my State, and I believe this bill will safeguard a great many States against unjust contracts and discrimination against labor, as was the case to which I have referred in New Jersey. Organized labor has suffered much through selfish importation of labor from distant localities. While this bill may not absolutely prevent such condition, it is at least a step in the right direction, and will go a long distance to prevent the intolerable conditions labor has been subjected to in the past. [Applause.]

Our committee unanimously indorsed this bill, believing that the Secretary of Labor will render a just decision if and when cases are referred to him for determination in the event that a dispute arises with regard to the prevailing wage rates.

Under this bill the Government does not set up any new wage scale. It simply insists that the prevailing wage scale in the vicinity of Federal building projects be complied with; and this, I contend, is a matter of plain justice to the employees, the contractors, and the Government. Surely no Member of this House will vote against this humane and just bill.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, the gentleman from Texas said that this was "the most ridiculous piece of legislation ever brought before a legislative body," when he should know there is not a progressive State or municipality in the Union that has not had identical legislation of this kind for years. Many of them have laws which go much further than this proposal.

While I am heartily in favor of the bill, I regret there is not included in it, as I have advocated for some time, some teeth, some penalty or forfeiture, so that the contractor can be compelled to live up to his contract and the law.

The appeal made here in behalf of the contractor is entitled to no consideration. The contractor does not pay this money out of his own pocket. The wages he pays are of no concern to him. The money comes out of the Treasury of the United States. The contractor figures what the prevailing wages are when he submits his bid. He is able to find out what the prevailing wages are much better than the Government. That is his business. He gets the money from the Government, and so far as he is concerned it makes no financial difference whether he pays the prevailing rate of wages or not. He includes it in his bid.

Mr. SNELL. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. SNELL. Is not this practically the New York State law on the same proposition?

Mr. O'CONNOR of New York. It is. New York was the pioneer in such legislation. Not only do all contractors on State and city public works have to pay the prevailing rate of wages, but recently the law was extended to include railroad grade crossing elimination work, because the State contributes a part of the cost of such work. The New York statute has penalty and forfeiture provisions which I hope in time will be incorporated in this law.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House, I appreciate this opportunity to indorse this measure and thank the gentleman from Texas for yielding to me when he knew I was not in accord with his views.

Mr. Speaker, this legislation is not only fair to the employee but most fair to the employer. It protects the local contractor from competition with an outside contractor who employs cheap labor, inferior labor.

Two great buildings, a Federal office building and a new post office, involving an expenditure of nearly $10,000,000, are to be constructed in my city, St. Louis. I would like to see those buildings constructed by a St. Louis contractor and by St. Louis labor. This law will apply and the local contractor will not be required to compete with a foreign contractor who, if he secured the contract, would be required to import cheap labor. What would result if cheap labor was brought into my city? It would be resented, and trouble would result.

In the last few days contractors from my city have wired urging that this bill be amended. These telegrams result from a general letter sent out from Washington by the contractors' association. Amendments can not be offered under the rule. It is now too late to change the bill. It seems to me if there was objection to this particular bill the contractors' associations should have made their views known before the committee. I have indorsed the principles of this legislation before the Committee on Labor on several occasions at open hearings.

Union labor understands that under the Constitution the Treasury Department can not specify the use of union labor in connection with the construction of public buildings. Organized labor does not ask special favors. In supporting this bill all it asks is fair play. I feel that instead of opposing this bill all reputable contractors should feel indebted to those responsible for its enactment because in the end it will be beneficial to them.

The Congress should never overlook an opportunity to maintain the present standard of wages.

The enactment of this bill to-day means much to the Government, as it will result in the employment of the best class of mechanics in the construction of public buildings.

Mr. BLANTON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman from Texas for yielding time to me. I do not agree with his expressed views on this bill. I think it will be very helpful when it is enacted into law, and it will be particularly helpful I hope to the district which I represent, which includes the Military Academy at West Point, by empowering the Secretary of Labor to adjust labor disputes based on prevailing wage scales. For many years past I have had innumerable complaints from organized and unorganized labor stating that the West Point authorities did not pay the wage scale that prevails in the near-by towns and cities. Every complaint that came to me I forwarded to the War Department. The War Department forwarded that complaint back to West Point, with the result that nothing has been done in all these years. I hold in my hand a letter addressed to me dated May 6, 1929, from Mr. Green, president of the American Federation of Labor, which reads as follows:

DEAR SIR: A copy of your letter of April 24 to Hon. James W. Good, Secretary of War, is a practical plan of removing the grievances of the building-trades workmen at West Point. I understand that Representative JAMES has insisted that all future construction at West Point Military Academy should be submitted to public bids for the purpose of avoiding the methods used for some time in that Army post. It is also true that much criticism has arisen about the wages paid. It has been the practice to pay the workers at West Point less than they receive in near-by towns. Your letter to Secretary Good is appreciated, and I have sent a copy to Mr. William J. Spencer, secretary of the Building Trades Department.

Respectfully yours,

WILLIAM GREEN.

What I want to find out from the introducer of this bill is whether the provisions of the bill will apply to the construction work that is being done and will be done in the future at the West Point Military Academy.

Mr. BACON. The provisions of the bill apply to all building constructions carried on by the Government, whether through the Treasury, the Veterans' Bureau, the War Department, the Navy Department, or any other department.

Mr. FISH. As I understand the bill, it applies to contractors. Suppose the military authorities do the work themselves, does it apply to them?

Mr. BACON. This does not apply to river and harbor work, or road construction.

Mr. FISH. The quartermaster does some of the work at West Point. Would it apply to that work?

Mr. BACON. Technically, no; this bill would not apply to that.

Mr. FISH. The gentleman from Michigan [Mr. JAMES] is here, and I serve notice now that I will try to provide that all future work be done by contract, instead of by purchase and hire by the quartermaster.

Mr. DOWELL. When this bill becomes the law, as it should, it seems to me the Government will be bound to observe its provisions as well as individuals.

Mr. BACON. This bill declares the policy of the administration, and I think they will be morally bound, in carrying out this policy, to do themselves what they require others to do.

Mr. FISH. That is the kind of statement and interpretation of the bill that I hoped to get into the RECORD.

Mr. JAMES of Michigan. It is not necessary for the gentleman from New York to serve notice on the chairman of the Committee on Military Affairs, because he stated on the floor that if the War Department had any construction work themselves and exceeded the limit, he would introduce a bill to prevent that thing.

Mr. FISH. In conclusion I want to say that I am wholeheartedly for the bill. I do not think it goes far enough. I am sorry there is not a clause in the bill to give preference to local and American labor over alien labor.

Mr. BACON. My original bill, which I introduced in 1927 and again in 1928 and 1929, had that additional provision in it, namely, to provide that citizen labor be employed on Federal works. This bill was drawn by five departments, and agreed on by five departments, and is introduced here as an emergency measure. I hope in the next Congress to again introduce a bill to provide that American workmen shall get absolute preference on all work carried on by or for the Federal Government. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, the sponsors of this legislation are to be congratulated for the good work they have done in bringing this bill before the House for final action. This is, in my judgment, good legislation, and I shall support it. In these days of improved methods and modern machinery we find the employer class generally resisting wage increases and work-period reductions. This false economic philosophy is in a large measure responsible for the terrible situation the country finds itself in to-day. It is apparent that machines are producers, but they neither purchase nor consume. The people are the consumers, and a vast majority are wage earners, who can only consume that which they can buy with the wages they receive for their labor.

With consumption falling far behind production and resulting in economic stagnation, it is our chief concern to maintain the wages of our workers and to increase them wherever possible. Wages should be maintained, and especially on Government work, for to fail in this regard would be setting a bad example for private enterprise and permitting a gross injustice to be perpetrated upon our citizens. This bill is a step in the right direction and should pass at this session of Congress.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Speaker, I think this is one of the most advanced pieces of legislation which has been enacted by Congress in a very long time. I have known in communities throughout the United States, and even in my own, the utmost difficulties encountered by contractors, who figured upon paying the regular prevailing local wage scale, in obtaining Government building contracts, which otherwise they could have gotten, but were denied by reason of having to compete with outside contractors who did not feel constrained to abide by these regulations. This legislation, I understand, will in the future prevent any condition of that kind and enable the Government to get better returns for its money in higher efficiency and greater skill, and the localities and those who live in them will be benefited thereby. It is particularly important that the Government in its public-building program, and especially in periods of great unemployment, should endeavor to have local labor employed in the communities where the buildings are to be constructed, and to discourage the practice of importing labor from other States and regions when local labor and their families suffer for lack of work and an opportunity to earn their livelihood. This measure will go a long way in according to home labor in every community where a Government building is to be constructed the consideration to which it is justly entitled.

Mr. WELCH of California. I yield one minute to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. As the ranking Democratic member on the Committee on Labor, I wish to say this was a unanimous report by our committee. This is a good bill, and I am sure you ladies and gentlemen realize that this law prevents in every district in the United States the bootleg contractor, as the gentleman from New York said a while ago, exploiting labor and refusing to pay real wages to the American people, to which they are entitled.

Mr. ALLGOOD. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. ALLGOOD. Reference has been made to a contractor from Alabama who went to New York with bootleg labor. That is a fact. That contractor has cheap colored labor that he transports, and he puts them in cabins, and it is labor of that sort that is in competition with white labor throughout the country. This bill has merit, and with the extensive building program now being entered into, it is very important that we enact this measure.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. WELCH of California. I yield to the gentleman from Massachusetts [Mr. GRANFIELD].

Mr. GRANFIELD. Mr. Speaker, ladies, and gentlemen, the legislation under consideration deserves the support of every Member of this Congress, it should be passed by this branch and sent to the President with as much dispatch as the circumstances permit. It ought to be enacted into law before the adjournment of this Congress.

This bill is an emergency measure, and it is needed in order that the Government might be able to protect the rights of the workingman in the various communities in which Federal construction is contemplated. There is a crying need for this legislation. Its passage is indispensable at this time, in order to abolish the sharp business practices resorted to by certain contractors engaged in Federal construction.

We are in the throes of an unemployment depression, the worst in the history of this Nation. The Government is confronted with a stupendous task in its efforts to execute the greatest building program ever attempted by this Nation or any other nation in the history of time.

I am particularly interested in this legislation for the reason that Wednesday of this week bids were opened for the construction of a post office in the city of Springfield, which is in my district. This contract is to be awarded to a firm from Chicago. Other post-office projects under this program, I expect, will be allocated some time in the future. I am anxious that this policy of regulation be established at this time by our Government to protect those projects. This legislation will compel the contractors to pay the prevailing wage scale in the vicinity of the building projects and will prevent the importation of labor from distant points at wages far below the prevailing rates.

We have had some sad experiences in the past in other parts of the Commonwealth of Massachusetts. Some of you gentlemen are aware of the fact that a post office was erected in Lawrence, Mass. In order that you might understand the methods of some of the contractors that are doing Government work, with your indulgence, I will read a letter in connection with the Lawrence post office, addressed to me by Mr. P. H. Triggs, secretary and treasurer of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America:

Congressman WILLIAM J. GRANFIELD,
Springfield, Mass.

DEAR CONGRESSMAN: At the July convention of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America, held at Brockton, Mass., the conditions under which our Federal Government is permitting some of the work on local post offices to be conducted was brought to our attention, one of the most flagrant violations was the repainting of the post office in Lawrence, Mass., recently.

The Goldman Construction Co., of New York, was awarded this contract, being the low bidder; local contractors' bids were higher because they were based on decent conditions of employment and wages established in that city. The employees of the Goldman Construction Co., without any regard for these established conditions, worked 12 to 15 hours per day including Sunday; it was reliably reported that these workmen did not even shave during the three or four weeks they were on the job. As a further climax to such a spectacle, they worked on this job July 4, our national holiday. No official of the Government interfered, but local workmen disturbed by this lack of respect for the day we all celebrate, went to the job and asked them why they did not stop work out of respect at least for our national holiday. They are reported as replying "the 4th of July did not mean anything to them."

You can well imagine the reaction that resulted locally, many out of employment through no fault of their own, anxious and willing to work if they could procure it and when our Federal Government, in pursuance of their program of building construction and repair, permit such a condition to exist—is it any wonder that the present unrest is augmented? As a Representative in Congress we believe that such a condition would not be condoned by you or permitted if you were consulted, and we are in the hope that you will bring this matter to the attention of the proper authorities in Washington and also to the Committee on Labor who are considering H. R. 7905, H. R. 9232, and H. R. 10256, which bills include citizen's preference and the payment of the prevailing rate of wages on construction and alteration work for the Federal Government similar to the law in Massachusetts and other States.

We are in hopes that the Committee on Labor will report favorably on this subject matter because if the present system of awarding contracts is permitted to continue with no protective labor clauses, a repetition of the conditions complained of in Lawrence can be expected in other localities, a condition that makes a mockery not only of local labor conditions and wages, but the very reverence that the Sabbath and our national holiday is expected to instill in the minds and hearts of loyal and patriotic citizens of our great country.

We vigorously condemn such a situation as presented by the Lawrence post office job and we believe that you share with us this opinion and would respectfully urge that any immediate action that may appear necessary will be taken by you.

Hoping that you will acknowledge receipt of this protest and thanking you for any action you may take in the matter, we are

Very truly yours,

MASSACHUSETTS STATE CONFERENCE,
By P. H. TRIGGS, *Secretary-Treasurer.*

The conditions described in Mr. Triggs's letter ought not to be tolerated by our Government.

In consequence of this letter I communicated with James A. Wetmore, Acting Supervising Architect, Treasury Department, on August 8, 1930, calling his attention to the facts transmitted to me in the Triggs letter. My letter to Mr. Wetmore was as follows:

AUGUST 8, 1930.

JAMES A. WETMORE,
Acting Supervising Architect,
Treasury Department, Washington, D. C.

DEAR MR. WETMORE: At the July convention of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America, which was held at Brockton, Mass., certain conditions were discussed relative to the construction of the post office at Lawrence, Mass.

I am informed that the Goldman Co., of New York, which was awarded this contract, permitted its employees to work 12 and 15 hours per day, including Sundays, and that they engaged in work on the Fourth of July. Of course this condition ought not to exist under any circumstances, and particularly ought not to occur during these times of unemployment.

I am very much interested in the proposed construction of the Springfield post office, and I am interested that the work on this building be done by local workmen.

It seems to me that the Federal Government ought to adopt a policy that would give employment to men in the locality in which a public building is being constructed. To bring in outside contractors and outside labor into a community where there is a great deal of unemployment is an affront to the citizens of that community.

In awarding the contract in connection with our post office at Springfield, Mass., I trust you will give thought to these considerations.

I join with the members of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America in their protests of the conditions that prevailed during the construction of the post office at Lawrence, Mass. I trust that the citizens of my district will not be forced to observe persons outside of our own locality engaged in work when they are unemployed.

I shall be pleased to hear from you relative to this matter at your earliest convenience.

Very sincerely,

WILLIAM J. GRANFIELD.

According to the terms of this bill contractors and subcontractors engaged in the construction and the alteration of public buildings in the United States, and the District of Columbia, will be forced to pay their employees the prevailing wage rate of the community in which the work is done. Many advantages will accrue by the enactment of this bill, not only to the artisan, the mechanic, and the laborer, but to the contractor as well. For instance, a contractor coming from Chicago, as is the case with the Springfield, Mass., project, if he is forced to pay the prevailing wage rate in the city of Springfield, he will be inclined to engage workmen who reside in that city. To follow this course would be the sensible one in order to avoid the expense he would incur in the transportation of labor from Illinois to Massachusetts. The contractor and the Government would receive the fruits of contented labor, and the people in the particular location where the project was under construction would not be forced to sit in idleness while strangers came into their community to engage in employment that was rightfully theirs. The practice of importing cheap labor is an affront to the man who is willing and able to work.

The passage of this legislation would tend to force general contractors to recognize subcontractors in the locality where the building is to be constructed, and the community in the vicinity of the construction would receive the benefits that would accrue from the materials and accessories manufactured and used in the construction of the building. This regulation would maintain the standard of living in the community in which the building was under construction. This has been one of the aims and one of the purposes of our Government throughout this depression. All contractors would be placed on a fair and just basis in the submission of bids for the various Federal contracts. Our Government does not intend that contractors doing Federal work should employ cheap labor, neither does it expect that a contractor will make an unjust profit upon the toil of man. Our Government has always fostered the ideal that the standard of living during this depression should be conserved and maintained, and that it is the duty of every contractor in America to subscribe to this policy.

If the contractor fails to carry out the provisions contained in this bill and a dispute arises as to the prevailing wage rate, it is provided in this legislation that the matter of the dispute shall be referred to the Secretary of Labor for determination, and that the Secretary's decision as to the wage rate shall be conclusive on all parties to the contract.

According to the testimony of Secretary of Labor Doak, facilities for the conciliation of these disputes can be adequately and effectively taken care of by his department. This legislation has the approval of the Secretary of Labor, and every man who is behind the building program in our Government. It was stated by Mr. Wetmore of the Treasury Department and Mr. Doak, that this legislation was and is most urgent. It was their contention that if this regulation is made a part of each contract the Government would not only be in a position to enforce the prevailing wage scale but the legislation would create jobs in the localities where the work is being done.

I regret that this bill has not heretofore been enacted into law. I say this because I have some concern about the projects in my own district. I do not want to see workmen willing and able to work, walking the streets, unable to obtain employment, suffer the affront of witnessing strangers take jobs from them to which they are entitled, and I serve notice now upon the contractor who is to be awarded the contract for the post office in Springfield, Mass., that if the Congress of the United States enacts this law that I shall expect, and the Government shall expect, the contractor to observe this policy of regulation. We do not want to witness in my district the scandalous spectacle that occurred in Lawrence when bootleg labor was imported into that city, and where the citizens of that community were forced to observe not only violations of our labor laws, but a disrespect for the Sabbath and a national holiday. The citizens should not be forced to endure these conditions. The underlying provisions of the building program are to provide employment and to maintain the standard of living. Importation of foreign labor into a community in these times by foreign or local contractors is an insult to the unemployed in the locality where Federal construction is in progress.

In connection with the Springfield project I have this day urged James A. Wetmore, Acting Supervising Architect of the Treasury Department, that he impress upon the general contractor adherence to the provisions of this regulation, and that he employ, whenever possible, local labor. I have the assurances of Mr. Wetmore that he intends to do everything in his power to have the contractor on the Springfield project recognize the rights of our citizens, and give them employment and pay them the wages according to the wage scale that prevails there.

It is unfortunate that under the law in communities where firms of high standing in the business world, with facilities adequate to construct a project of the type of the Springfield post office, can not be given a preferential status. Springfield is fortunate in that it has among its many business enterprises such construction concerns as the Fred T. Ley Co., J. G. Roy & Sons Co., and A. E. Stephens, contractor. If any one of these concerns had been awarded the Springfield contract, the propositions which concern us to-day would be avoided so far as that project is concerned. The Fred T. Ley Co., the J. G. Roy & Sons Co., and A. E. Stephens, contractor, would recognize not only the prevailing wage scale in the community; they would also employ local labor.

There is another feature of this building project that the citizens of New England are vitally interested in. We believe that in the construction of our buildings materials manufactured in our locality should be used. It was the intention originally of our Government to use limestone entirely in the construction of the various Federal buildings. To follow this plan would be unjust and unfair to the people in the granite industry. New England is foremost in the production of granite. Indiana is foremost in the production of limestone. In fairness to New England industries granite should receive the consideration of our Government wherever possible so that this industry which has been lagging, like all others during this depression, could be revived.

Under date of February 21, 1930, in a letter to the Supervising Architect of the Treasury Department, and which I include as a part of this speech, and which is as follows—

FEBRUARY 21, 1930.

SUPERVISING ARCHITECT,
Treasury Department, Washington, D. C.

DEAR SIR: Several of my constituents have placed before me their objections to the use of limestone as a building material in the construction of our proposed post-office building in Springfield, Mass. Limestone was used in the construction of our municipal group, and we have found that it is not a good material for our climate and that our municipal group, by reason of the fact that the limestone is fast going to pieces, requires constant patching up.

I thought it might be well for me to give you this information, for I, as well as a great many people in the city of Springfield who will have occasion to use the post-office building, believe that granite should be the material used in the construction of this building, instead of limestone.

I trust you will give this matter your earnest consideration. I shall be happy to discuss this matter with you at any time at your convenience.

Yours very truly,

WILLIAM J. GRANFIELD.

it was urged that the Treasury Department consider granite in the construction of our post office. I called attention to the fact that many constituents were anxious that granite be used in the Springfield project. Hon. Joseph B. Ely, Governor of the State of Massachusetts, in his efforts to relieve unemployment in that Commonwealth, has repeatedly urged Members of Congress and the Government to give the granite industry of New England the consideration to which it is entitled. On the floor of this Congress it has been urged with great force by the Members from the New England States that the Government give consideration to the granite industry of our section of the country. I wish to urge upon the officers in charge of the Treasury Department that they accept the granite bid which was submitted by the contractor engaged to construct the Springfield post office.

I trust I have made the necessity of this legislation plain to the Members of this House. If it is adopted it will not only regulate the conduct of contractors who build our post offices, but it will be far-reaching in its effects upon every building contract entered into by our Government where the sum involved is in excess of $5,000. This bill has the approval of contractors, leaders in industry, and labor organizations throughout the United States. It has the approval of every person designated by the Government to carry out the public work program. It is urged and advocated by the Secretary of Labor, Mr. Doak. I trust that this House will pass this legislation, which is of great merit, unanimously.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WELCH of California. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. KOPP].

Mr. KOPP. Mr. Speaker and ladies and gentlemen of the House, we have been passing through a period of depression and unemployment and to aid in relieving the situation the Government has entered upon a very extensive public building program. It has been the desire of the President and of the administration generally to maintain the existing wage rates. Under the law, however, the Government has been compelled to award the contracts for public buildings to the lowest responsible builders. This has enabled contractors who had recruited cheap labor to go into communities where higher wage rates prevailed and outbid the local contractors. As a result, the local contractors have not had a fair chance, and local workmen have often been compelled to walk the streets while strangers have done the work.

Not only have the cheap wage rates paid to imported workmen made it possible for their employers to secure public building contracts, but they also have had a strong tendency to depress the wage rates generally in the communities where public buildings have been constructed.

The purpose of this bill is to require the contractors, including subcontractors, to pay not less than "the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia, if the public buildings are located there." With that purpose every good citizen must agree. No one asks the contractors to pay more than the prevailing rate in the community where the work is done. This bill simply requires the contractors not to pay less than is paid in private industry. It is simply insisted that the Government shall not use its power to demoralize the wage rates in places where public buildings are constructed. Nothing could be fairer. Nothing could be more just and equitable. This is a policy to which no one can take exceptions.

With the purpose of this bill all must be in accord, but it may be asked, Will the bill, if enacted into law, accomplish its purpose? That is a fair question. It may be pointed out that there is no penalty in the bill for its violation. That is true, but nevertheless violators of the law can be easily and

effectively penalized. If contractors pay less than the prevailing rates, and thus violate both the law and their contracts, the Government can in the future refuse to recognize them as responsible bidders. [Applause.] It is believed that this power in the hands of the Government will prove a very persuasive argument and will prevent violations of the law. It is not improbable that this power will be more effective than would be provisions in the bill containing penalties and forfeitures.

It may be pointed out that the term "prevailing rate" has a vague and indefinite meaning, and that therefore the law can not be enforced. The Supreme Court of the United States in Connally v. General Construction Co. (269 U. S. 385) has held that the term "current rate," as applied to wages, is uncertain in meaning, and I think that if the term "prevailing rate" were before the same court the ruling would be the same. Nevertheless, I believe this bill, if enacted into law, can be, and will be, effectively enforced. Under this bill the power will be given in each case by contract to the Secretary of Labor to determine what the prevailing rates are, and I know of no reason why such a contract will not be valid and binding.

It has been suggested that the Secretary of Labor might make one decision as to prevailing rates to-day and a different decision to-morrow. Some contractors have stated that the uncertainty of the "prevailing rate" would compel them to add a margin of safety to their bids. I do not speak for the Secretary of Labor, but I think it is safe to assume that the Secretary of Labor will formulate a fixed and definite method for determining the "prevailing rate," and make it known to the contractors. That will enable the contractors to bid intelligently and will give all a fair chance, no matter how many competitors there may be.

A method for determining the prevailing wage rate might have been incorporated in the bill, but the Secretary of Labor can establish the method and make it known to the bidders.

It may also be claimed that this bill, even if enacted into law, will not have any force or effect unless the officials letting the contracts for the Government and the Secretary of Labor are in sympathy with the law. I concede that this is true. Without officials in sympathy with the law it will be of no value, but I fully believe that the officials, no matter which party may be in power, will do their duty. The Secretary of Labor, Mr. Doak, is heartily in favor of this bill and will do his utmost to carry out its provisions. Mr. Payne, The Assistant Secretary of War, appeared before the Committee on Labor in behalf of the bill. As you know, Mr. Payne is from Massachusetts. In the language of our most distinguished private citizen, I say: "Have faith in Massachusetts." Mr. Wetmore, the efficient and capable Supervising Architect of the Treasury, has strongly indorsed the bill. In his own vigorous way he told the committee that he could and would enforce the law. Mr. Wetmore comes from the State of New York. Having known Mr. Wetmore for some years, I feel fully justified in saying "Have faith also in New York." At the present time the officials who will let the contracts for public buildings are in entire sympathy with the bill and every effort will be made by them to enforce the law. If we ever have officials not in sympathy with the law, it will then be time either to change the law or to change the officials. [Applause.] Probably the latter will be the wiser thing to do.

The present conditions are intolerable. Immediate action is necessary, as many contracts are to be let in the near future. Perhaps somebody could draw a better bill, but thus far nobody has done so, and we can not wait longer. This bill should be passed at once. Do it now. Mr. Speaker, I am glad to give this measure my hearty and earnest support. [Applause.]

Mr. WELCH of California. I yield to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK of Massachusetts. Mr. Speaker, the bill under consideration, known as the Bacon bill, is one that should become a law this session. It is a bill which has been unanimously acted upon by the Senate only a few days ago, and a bill identical in form and phraseology has been favorably reported by the House Committee on Labor. There is an urgent demand and necessity for the passage of this bill. It is aimed to correct a condition which now exists, as a result of which unfair and unscrupulous methods are employed by certain contractors who are awarded governmental contracts for the construction of Federal buildings. The main purpose of this bill is to compel, by indirection, contractors awarded Federal building contracts to pay those whom they employ the "prevailing wage scale" in the district or community in which construction work is being done. By accomplishing this the bill also brings benefits to those contractors who, in submitting bids, intend and desire to pay a decent wage to those whom they may employ. It will force the contractor who heretofore has used cheap, imported labor to submit bids based upon the payment of the "prevailing wage scale" to those employed. That is as it should be. It will thereby enable honorable and decent contractors to submit bids with the knowledge that, so far as wages is concerned, the unfair competitor of the past no longer exists. It compels the unfair competitor to enter into the field of fair competition. It also compels such contractors to pay a living wage and, of necessity, to give consideration to the employment of local labor.

In the past it has been very difficult for a contractor who intended to pay and did pay a living wage to successfully compete with the contractor who had no regard for such considerations. This is particularly so when it is understood, except where time is the essence of the contract, that awards must be given to the lowest responsible bidder. While this bill does not change the necessity of a contract being awarded to the lowest responsible bidder—which, I hope, some day will be changed, residing in the officials awarding the contract some discretionary powers—nevertheless it does provide that the payment of the "prevailing wage scale" shall be made a part of the contract. The contractor in submitting his bids must give this important change in existing law consideration. In the case of the contractor who has been in the habit of employing cheap labor, which might, in a sense, be termed forced labor, and usually imported labor, it will compel him to increase his bids. While the purpose of this bill is to assure to those employed on Federal construction work the payment of the "prevailing wage scale" and to also assure employment of local labor, one of the effects of the passage of this bill will be to compel unfair contractors to stand on the same footing, in submitting bids, as honorable contractors, who have always had a regard for and lived up to the "prevailing wage scale" that existed in communities in which they were doing Federal work.

The importance of the provisions of this bill and the effect that it will have if it becomes law can not be underestimated. Its passage will meet the approval of everyone except the contractors who, in the past, have been using imported labor, which is invariably cheap labor.

The passage of this bill removes from a contractor the incentive or motive to import cheap labor from one section of the country to another. It will in no way affect the use by a contractor of his regular and permanent supervising force. This type of legislation has been agitated and urged for many years and has the united support of all elements of organized labor, and particularly that great, progressive, and constructive labor organization, the American Federation of Labor. This type of legislation commanded my attention shortly after I became a Member of the Congress. At that time I introduced a bill which incorporated therein the provisions of the pending bill, and in the last session of the Congress, when the House Committee on Labor held hearings on various bills referred to it, I appeared before that committee and urged the passage of legislation of the kind contained in the pending bill. One of the strongest, if not the strongest, proponents of this type of legislation in either branch of the Congress is the able and brilliant gentleman from New York [Mr. BACON]. He has fought for the passage of this legislation for several years, and during the hearing before the House Committee on Labor made an argument which was brilliant and convincing. I want to congratulate him for his adherence to such a worthy and constructive cause. In the main, the present status of this bill is due to his untiring efforts, and its passage will be a monument to the character of service that he renders.

I urge the passage of this bill, that there will be no further delays, in order that its provisions may be made a part of all contracts that may be awarded from now on. We have provided for a very extensive building program for the purpose of trying to relieve the acute and distressing unemployment that exists. In times of economic distress such as exists to-day unscrupulous contractors can impose almost any wage conditions upon persons who are seeking employment. At the present time employees are competing with each other for employment, and the natural result is that they in their anxiety to secure work underbid each other. An unscrupulous employer on Federal work will take advantage of these conditions unless this bill becomes law.

If ever there was a time that conditions warranted, yes, demanded, the passage of such legislation, it exists at this time. This bill establishes a logical and proper policy, and we are justified, in fact, I consider it my duty, to commit the Federal Government to this policy. While this bill is a decided step in the right direction, nevertheless, it has one weakness which is likely to impair its effectiveness, unless the representatives of the Federal Government are insistent that violations of the "prevailing wage scale" provision in a contract are enforced by resort to the courts to enforce its terms, or unless they consider a contract breached if a contractor fails to comply with the terms of the contract. In the pending bill there is no provision for a penalty in the event of a violation. If that existed there would be less likelihood of attempts being made, after a contract has been awarded, to evade its terms. However, it was impossible to have provisions for a penalty included at this time, and rather than have no legislation at all, it is best to accept the pending bill and, if necessary, to later seek additional legislation. If the representatives of the Federal Government insist upon contractors adhering to the "prevailing wage" part of a contract there will be no necessity for additional legislation. I have confidence that contractors will be expected—and where they do not made—to live up to the intent of the Congress in passing the pending bill, if it becomes a law.

There has been some objection advanced by some of that large group of fair contractors who submit bids on Federal work that what constitutes the "prevailing wage scale" in a community should be determined and made known to them in advance. I agree that there is considerable logic to this contention, and would like to see the bill drafted in such a manner that this valid objection might be taken care of However, an attempt to amend the bill at this late date means its defeat for this session, and probably for many years to come. The bill has reached its present stage only after many years of patient and faithful effort by those who favor it. We can not afford to endanger its passage now. I am satisfied that the operation of this bill will prove satisfactory to the objecting contractors.

The intent of the Congress is clear on this question and objection. It is our intent, as I understand it, that Federal departments shall cooperate in every way possible in giving contractors all information in determining what is the "prevailing wage scale" in a community in which work is to be done. The department awarding the contract has the implied power under the provisions of this bill to take such steps as will carry out the intent of the Congress and, if necessary, to investigate and determine what the "prevailing wage scale" is, where work is to be done, in assisting contractors in submitting bids. In any event, if this bill passes and a department leaves the determining of the "prevailing wage scale" to contractors, and this condition results in a hardship, it can easily be remedied in the next Congress by an amendment. Once the pending bill becomes law it will be easier to amend it in the event of necessity and in response to the principle of fairness.

At this time I am particularly anxious to see this bill become law, so that its provisions may apply to the awarding of the contract on the new Boston post office. At the present time 11 per cent of the employees of Boston are out of employment. If local labor is employed, this work will greatly minimize the suffering that exists. The passage of this bill will assure employment of local labor and also bring to them the payment of a wage that will assure to them the American standard of living.

The following editorial which recently appeared in the Washington Star ably states the advantages of this bill and the necessity for its passage:

CHEAP LABOR AND LOW BIDS

The low bid for a school-building project in Washington—an 8-room addition to the Stuart Junior High School—again has been submitted by an out-of-town contractor, and unless there are unusual conditions relating to discretion in the use of materials, the commissioners under the law have no alternative and must place the contract with the low bidder. The low bidder, in this case, enjoys a favored position among other bidding contractors because of the use of cheap, nonunion labor. The differential in the wage scale largely accounts for the difference in bids.

The situation in connection with the award of contracts for District of Columbia public buildings is well enough known by this time to be understood by everybody. By law the commissioners have no discretion in the matter. And as the law works, contractors from out of town are able to submit bids based on low wages, eventually bringing in mechanics from the States to compete with Washington mechanics, who have established themselves in the community on a recognized scale of wages that should not be reduced. To reduce the scale of wages means to lower the standard of living. Some of the very mechanics who are denied work on these local projects contribute through their taxes to the public money that finances the projects.

On last Wednesday the Senate unanimously passed and sent to the House a bill by Senator Davis, of Pennsylvania, requiring contractors on public buildings in Washington and elsewhere to pay laborers and mechanics the wage scale prevailing for similar work in the community, and setting up the procedure for determining the prevailing wage scale. The purpose of the bill, which received the favorable indorsement of Government officials and the heads of labor organizations, is to prevent the very condition that exists here when a low bidder from out of town brings in foreign, cheap labor to fulfill his contract. The bill merely enacts into legislation a policy already urged by the Treasury Department in connection with the Government's public-works program.

The House should take up this bill and complete its enactment at this session. Furthermore, the bill should be clear as to its application to public works undertaken by that agency of the Federal Government, the District of Columbia, and should remove any conflict which may exist between its provisions and the mandatory provisions of the District appropriation bill regarding the award of contracts to the lowest responsible bidder.

It is only through the passage of this legislation that the workingmen of the District may receive the protection against unfair competition that is given the workingmen of other jurisdictions by their local governments. It is the reasonable approach to a serious problem. Bids for District of Columbia work can not and should not be restricted to local contractors. But the low bidder should be compelled to base his bid and fulfill his contract obligations on a scale of wages determined by the prevailing scale of the community.

Mr. WELCH of California. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. FITZGERALD].

Mr. FITZGERALD. I am for this bill. I am for it not only because organized labor is for it, but I am for it because of the bitter experience of my home city, Dayton, Ohio, in the erection of the new Hospital at the Central Branch of the Soldiers Home. The contract for this more-than-a-million-dollar construction went to a corporation from a distant State. Subcontracts for work and material went to remote places. The contractor had obtained the contract by competitive bidding. He intended to make a profit. He was entitled to make a profit. There was nothing in his contract to compel him to pay the prevailing rate of wages although that is a settled Government policy where the Government engages in construction without the intervention of contractors. Men were lured from distant places to work on this new hospital, the construction of which started about May 1, 1930. Thousands of men were already

out of work in the city. The situation was acute. Would it have been less than human for the contractors to take advantage of the depression to get the work done cheaply; to beat down the local standard of wages and demoralize labor conditions by hiring those from distant points who were willing and eager to take less and crowd out the local people? Not only did the labor organizations protest, but the Builders' Exchange, the local contractors, and more significant than all, the officers of the community chest, who could foresee at the termination of the work, these people from miles away stranded as derelicts on the community for our already outraged people to support.

Although it is a settled Government policy to pay the prevailing rate of wages in communities where Government work is carried on, yet no provision is made for the enforcement of this wise policy where competitive bids for construction are required as on this hospital. I understand that the Comptroller General has ruled that it would be unlawful to write such a specification into a contract. No way remains then but for us to enact the proper legislation to permit and to compel the observance of the established governmental policy on all important public constructions.

Local standards of wages and living must be upheld and it is by such a law as we here propose that we may accomplish what we seek.

The gentleman from Texas [Mr. BLANTON] denounces this bill as ridiculous and charges us who advocate its passage with being influenced solely by the clamor of organized labor. And he speaks of organized labor as ungrateful and unappreciative.

If organized labor in my district is interested in the passage of this bill, as I hope they are, they are strangely silent and apathetic. They seem like so many others keenly alive to a present situation, aroused and indignant when they saw the demoralizing conditions of the hospital being built, but now that there is no other immediate Government project in sight in the community, they show little concern. No one can nor should expect applause or appreciation from the passage of this bill. Anyone who votes for this bill or any bill simply to curry favor with any class of people, believing it to be economically unsound, is likely to be disappointed.

It has been charged that the erection of the hospital, the expenditure of more than a million dollars of Government money in my home city, was not a benefit but a curse.

We have undertaken a great public-building program throughout the Nation. We are to spend more than $600,000,000. Do you want other communities to have the expeperiences that Dayton, Ohio, and Northport, N. Y., have had? If you want our building program to alleviate distress and to be a blessing instead of a source of dissatisfaction, demoralization, resentment, and unhappiness, then vote for this bill.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. All time has expired.

Mr. SIROVICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SIROVICH. I would like to ask the distinguished gentleman from Texas [Mr. BLANTON] if it is not a matter of fact that every improvement which labor has received from the social, economic, and human standpoint has come through the medium of the American Federation of Labor?

Mr. BLANTON. Yes; that is so; but in the splendid, enterprising, progressive open-shop city of Dallas, Tex., the open-shop contractors are paying higher wages to-day under the open shop than union contractors are paying for union labor.

The SPEAKER pro tempore. The gentleman from New York did not propound a parliamentary inquiry, nor was the answer of the gentleman from Texas parliamentary. All time for debate has expired.

Mr. ARENTZ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARENTZ. Is there any way by which any Member of this House can have placed in this bill an amendment providing for the same sort of conditions at Boulder Canyon Dam?

Mr. BANKHEAD. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will state, in answer to the gentleman from Nevada, that there is no such way.

Mr. CONNERY. Mr. Speaker, is it in order now for the chairman of this committee to ask that all Members be permitted to revise and extend their remarks on the bill just passed?

The SPEAKER pro tempore. That is in order.

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent that all Members may have until the end of the session to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, Senate bill No. 5904, which is now before us for consideration is, in my opinion, one of the best bills proposed for the protection of labor. The bill provides that every contract in excess of $5,000 in amount to which the United States or the District of Columbia is a party which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia shall contain a provision to the effect that the rate of wages for all laborers and mechanics employed by the contractor or subcontractor on the public buildings covered by the contract shall not be less than the prevailing rate of wages for work of a similar nature in the city, town, or village or other civil division of the State in which the buildings are located.

The bill further provides that in case there is a dispute as to what is the prevailing rate of wages the matter is to be referred to the Secretary of Labor, and his decision shall be final. The bill further provides that in the case of a national emergency the President is authorized to suspend the provisions of the act.

This bill has the indorsement of the Secretary of Labor, the Secretary of the Treasury, the War Department, and the representatives of labor. The report on this bill further shows that the builders throughout the country advised the committee considering this bill that they favor it. The bill does not undertake to fix a wage scale. It simply protects labor in the city or town in which the building is to be built for the Government, so that imported labor will not be brought in and displace local labor.

Government contracts are required to be let to the lowest bidder. Some contractors will underbid others engaged in the same business and import his cheap labor or transient labor and pay such a small scale of wages that no one can live on it. It also unjustly deprives the local laborers who have built their homes in the city, pay their taxes to support a city, State, and National Governments, that help to support local schools and churches, of an opportunity to follow their trade in their own locality.

This bill is very important for the protection of labor in my State, the great State of Arkansas, where more Federal buildings are to be built this year than has ever been built in this great State. The total cost of the construction of Government buildings in this State is $4,855,000, and these are to be constructed this year. I will give you a list of the buildings to be erected in Arkansas, and they are as follows: Hot Springs Army, Navy, and veterans' hospital, $1,500,000. Post offices: Blytheville, $95,000; Brinkley, $65,000; Conway, $90,000; Eldorado, $425,000; Forest City, $85,000; Jonesborough, $110,000; Little Rock, $1,435,000; North Little Rock, $110,000; Pine Bluff, $55,000; Stuttgart, $95,000; Texarkana, $790,000. If foreign or transient labor was imported to take the place of the laborers and mechanics who will be employed and should be employed to build these buildings, it would be very hurtful to local labor in each of these cities. I am very glad to have the privilege of supporting this bill, which will mean so much to the laborers and mechanics of my State.

Mr. CONDON. Mr. Speaker, if we wish to do something of real benefit to labor before this House adjourns, we can do nothing better calculated to effect that happy result than to pass this bill to maintain the general standard of wages on Federal building projects in the communities from which we come. This legislation has already passed the Senate. Favorable action in this House to-day will advance it immediately to the President, where they are assured it will receive Executive approval. Nothing said in debate thus far appeals to me as a sound reason for our standing in the way of the enactment of this bill into law. On the contrary, much has come out in the course of the discussion that leads one irresistibly to the conclusion that this legislation has been too long delayed.

Much harm and injustice have already been done by greedy and unprincipled contractors who have taken advantage of their freedom from such restraint as here proposed to exploit the desperate unemployed by transporting laborers and tradesmen to distant points in order to employ them at starvation wages far below the scale in effect in the locality where the Government building is being erected. Thus a program which this Congress authorized to aid the unemployed and distribute widely throughout the country opportunities for local employment has been perverted into an instrument of oppression. By the transportation of low-paid labor from distant points local labor has been unfairly and unjustly deprived of the opportunity which Congress intended to provide in its behalf. Not only have the local unemployed suffered thereby but those already employed in such localities have been threatened with a lowering of their scale of wages because of the depressing effect of the importation of this cheap labor.

As I see it, we must pass this bill or stand condemned as furnishing a powerful bludgeon for the use of these unprincipled contractors to browbeat labor and force other honest and legitimate contractors to resort to lower wage scales to meet this unfair competition. In fact, the conditions in this bill ought to have been made an integral part of the emergency building-program legislation which we enacted at the very outset of this session. We can not undo the harm that has already been done by our failure to foresee and provide against the abuses which we now know exist, but we can by favorable action here to-day prevent future injustices.

I am intensely interested in doing all I can by my vote to get such legislation enacted immediately because of several very important projects about to be awarded in my State. I am especially anxious that there shall be no importing of cheap outside labor into Rhode Island at wage scales under those generally prevailing there. If such a thing should happen, I know that the people of my district, far from looking upon the construction of a Federal building as a boon to the district, would view it as a distinct and most unfortunate calamity. I have had letters from reputable contractors and from labor leaders in my district who fear this very thing, and not without just cause, as the facts brought out in this debate to-day well illustrate. The news of these abuses related here would seem to have traveled far and wide, and with good reason.

I want to be able to assure the people of my district, particularly those of the cities of Pawtucket and Woonsocket, where two post-office buildings are about to be erected, that they need have no fear of the importation of cheap labor on these projects. I can do this if this bill passes to-day, and I therefore intend to vote for it and hope it will receive the unanimous support of the House. I have already in several communications to the Supervising Architect of the Treasury urged that local labor and locally produced materials be utilized in the construction of the new Federal buildings not only in my district but throughout the State of Rhode Island. I have particularly urged upon him the use of Westerly granite in these buildings in preference to limestone. This particular granite is a Rhode Island product and universally recognized as a superior type of building stone. It seemed to me and to the people of my district that for Rhode Island buildings, at least, this material ought to be used and thus assist in reviving a local industry. I want to say here that my suggestions in this regard were favorably received by the Supervising Architect's Office, and I have been assured that this Rhode Island product would be used wherever the appropriation permitted. If, now, we can be absolutely assured, as we shall be by the passage of this bill, that local labor will have first call at prevailing rates of wages locally on these buildings, the result will be most happy. Wages will be maintained, resentment at imported labor at work on a local project while local labor looks on helpless and unemployed will be removed; local subcontractors will have a fair chance to participate in the work, and generally the local community will feel that the great Federal Government is doing something real and tangible to help business out of this seemingly endless depression.

For these reasons, Mr. Speaker, I gladly support this measure and at the same time add my word of commendation of the distinguished gentleman from New York [Mr. BACON], who has labored so persistently to get this matter up for the consideration of the House in these crowded closing days of the session.

Mr. PRALL. Mr. Speaker, ladies and gentlemen of the House, Senate bill 5904 provides that every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, or repair of any public buildings of the United States, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall not be less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other subdivision of the State in which the public buildings are located; and a further provision that, in case any dispute arises as to what are the prevailing rates of wages, the matter shall be referred to the Secretary of Labor for determination, and his decision shall be conclusive on all parties to the contract.

This bill which is before us to-day is, in my opinion, one of the most advanced and far-reaching pieces of legislation, beneficial to labor, that has come before us for consideration by this Congress, and I sincerely hope it will be approved.

That its objective will work out in practice as effectively as we desire, I am not certain; but in any event, with the whole-hearted cooperation of department heads, I am sure labor will be protected and a fair wage paid on all public buildings erected by the Government of the United States.

That is what the mechanic wants; it is what the contractor wants; and in these stressing days of unemployment it is what every community needs. There seems to be some apprehension lest the objects of the bill will not be attained. The Comptroller General has suggested that "A prudent contractor would necessarily be required to include in his proposal sufficient sums to protect him against any increase of wages; and if the increase did not take effect, the public would nevertheless be required to pay the contractor the agreed price for the performance of the work, and thus the contractor would secure unjustified profits for the work. On the other hand, if the wages were increased above the amount included by the contractor for such increases, the probabilities are that the contractor would default in the performance of the work and it would have to be completed either by the surety or the United States."

While that may be a discouraging picture of the possibilities, it is not, I am sure, probable that increases of wages will occur during the interim dating from the award of the contract to the completion of the work. Shifting of wage rates do not come upon us quite as unexpectedly or as suddenly as that. I am in agreement with the idea that has

been expressed here to-day that it might be advantageous for all parties concerned to have the wage rate for all labor stipulated in the contract. Such a provision would reduce any uncertainty that might prevail.

I, also, observe the bill fails to provide penalties for violations of its provisions. This omission, I think, is serious. Penalties severe enough to guarantee performance should have been provided. However, if the bill passes, and I am sure it will, we will try it out. If we find unscrupulous contractors attempting to beat the law, we can quickly amend it by putting teeth in it.

This law, Mr. Speaker, will remedy some long-existing evils in connection with public letting of Government building contracts. It will guarantee fair wage scales throughout the country on all public-building construction. It will prevent unreliable contractors bidding against reputable contractors and the transporting of cheap labor to the scene of operation in order to reap profits. It will prevent contractors taking advantage of the unemployment situation by lowering wages after securing contracts on bids based upon higher or prevailing rates of wages. It will mean more employment of local contractors and local labor. It has already been well stated that the Goverment should be the last employing agency to expect or countenance the performance of its construction contracts at the sacrifice of its citizens.

This law will prevent a recurrence of a situation that unfortunately developed in the erection of a new building on the Fort Wadsworth Reservation in my own district. On this job secured by a private contractor 50 per cent of the carpenters employed at one time were aliens, while thousands of unemployed American citizens were tramping the streets looking for work. It may also prevent a recurrence of the employment of civilian prisoners at no wages in Army reservations for the purpose of erecting buildings for which no appropriations have been made by Congress.

During the year 1930, and I presume up to the present time, civilian prisoners have been transported from the Federal prisons and have performed the work of skilled mechanics at Army reservations in competition with honest labor, and when I complained to the President of this condition I received little satisfaction and the unemployed received none.

The Government has entered upon a gigantic building program, perhaps the greatest the civilized world has ever contemplated, and it is but fair, just, and reasonable to expect that its benefits should go to the citizens of the communities wherein new public buildings are to be constructed and not to the unscrupulous contractor or to bootleg labor.

Mr. ZIHLMAN. Mr. Speaker, as a former chairman of the Committee on Labor, and as ranking member of that committee, I take pleasure in supporting this legislation, and I congratulate the committee and Congress for having given attention to the subject matter of this very important measure, which will not only protect the rate of wages for the various communities, but will be a substantial contribution to local contractors where local labor is used in the extensive building program now under way by the Federal Government and the District of Columbia government.

Under the provisions of this bill, in the awarding of every contract over $5,000, contractors and subcontractors engaged in constructing, altering, or repairing any public building of the United States or the District of Columbia are required to pay their employees the prevailing wage rates existing in the community, which have been established by private industry. In the event a contractor is unable to adjust any dispute as to the prevailing wage rates, this bill provides that the matter shall be referred to the Secretary of Labor for determination, and the Secretary's decision as to the wage rates shall be conclusive on all parties to the contract.

The Federal and District of Columbia governments have entered on an extensive building program throughout the United States and in the District of Columbia, and it is expected that during the coming 8 or 10 years more than $500,000,000 will be spent for the construction, alteration, and repair of public buildings.

Not only is it intended that ample facilities shall be afforded for the housing of Federal activities and the activities of the municipal government of the District of Columbia but this program is entered upon at this time as an aid to unemployment and a benefit to every element in the various communities, by furnishing employment and accelerating every avenue of trade.

The Federal Government must, under the law, award its contracts to the lowest responsible bidder, and this has prevented the departments involved from requiring successful bidders to pay wages to their employees comparable to the wages paid for similar labor by private industry in the vicinity of the building projects under construction. Officials have endeavored to persuade contractors to pay local prevailing wage scales, but have been unable under existing law to make this mandatory; and so in many cases successful bidders have selfishly imported labor from distant localities and have exploited this labor at wages far below local wage rates.

Many of the local contractors of the District of Columbia have felt this unfair and unhealthy competition. Local artisans and mechanics, many of whom are family men owning their own homes and whose standards of living have long been adjusted to local wage scales, can not hope to compete with this migratory labor.

A number of contracts here in the District of Columbia have been awarded to a firm from Alabama who have imported labor and established a wage scale which the local laborers and mechanics can not meet. The very element of the community is affected and local contractors have been placed at a serious disadvantage, as they find it impossible to compete with these outside contractors who base their estimates for labor upon the low wages they can pay to unattached migratory workmen imported from a distance, and for whom the contractors have, in some cases, provided housing facilities in flimsy temporary quarters adjacent to the project under construction.

The question of having contractors pay existing local wage rates has been the subject of long consideration, and the departments have endeavored to correct the situation without seeking authority of law, but have been unable to do so. The legislation here proposed will provide a more equable distribution of employment, especially in the present time of depression, and will benefit the country at large by requiring that those who have been awarded public-building contracts pay their employees wages comparable to the prevailing wage scales where they are employed.

The importance of the provisions of this bill and the effect it will have if it becomes a law can not be underestimated. Its passage will meet with the approval of everyone, with the exception of the contractors who in the past have been using imported cheap labor, and it will remove from a contractor the incentive or motive to import cheap labor from one section of the country to another. It will in no way affect the use by a contractor of his regular and permanent supervising force.

This measure does not require the Government to establish any new wage scales but simply gives the departments power to insist that contractors—who are successful in obtaining contracts—pay their employees the prevailing wage scale existing in the locality where the contract applies.

This proposed legislation is a most necessary and desirable complement to the building program of the Government. Its purpose is to see to it that the benefits of the program are spread equitably throughout the country alike to labor and to the contracting industry.

The Secretary of Labor advises that he anticipates no difficulties of administration—that in 90 per cent of the cases there will be no dispute of any kind, and where there is a dispute which can not be ironed out on the spot by the contracting officer the matter can be taken up by his well-organized conciliation service, investigated and settled amicably and expeditiously to the satisfaction of all concerned.

The bill is indorsed by labor generally and by the American Federation of Labor and its affiliates, and I urge the passage of the measure that there may be no further delays

in making its provisions applicable to all contracts that may be awarded from now on.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California to suspend the rules and pass Senate bill 5904.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to proceed for half a minute. Is there objection?

There was no objection.

Mr. GREEN. Mr. Speaker, there was not sufficient time for all Members to have an opportunity to speak on the bill just passed. As a member of the Committee on Labor I was glad to work for its report and passage. I was glad to support the bill, because I believe in the dignity of labor and in the majesty of toil. There is no aristocracy except that of honor and no rabble save that of crime. This bill will protect laborers and also inculcate a higher code of ethics among contractors. [Applause.]

The SPEAKER pro tempore. Without objection a similar House bill (H. R. 16619) will be laid on the table.

There was no objection.

ST. LAWRENCE SHIP CANAL

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. SNELL. Mr. Speaker, I will not object to this request but I shall object to any further requests.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Speaker, my first formal address in this House was delivered December 5, 1921, upon the subject of improving the St. Lawrence River as a ship canal, opening up the ports of the Great Lakes to ocean traffic.

I am making my last talk before this body during this session of the Seventy-first Congress upon the same subject, the St. Lawrence waterway. I am pleased, my colleagues, to report substantial progress upon this world project between these two dates. My first bill introduced in January, 1922, has been used both in this country and in Canada as a foundation for the final construction of this seaway. The last bill I introduced on the subject on April 11, 1930, took care of the construction of the longest reach of this improvement, 67 miles from Tibbetts Point on Lake Ontario to the towns of Ogdensburg, N. Y., and Prescott, Ontario. This bill was included in the omnibus rivers and harbors bill of the Seventy-first Congress and was signed by the President and became a law on July 3, 1930.

I am taking your time to-day to make these statements so that the country may understand that a substantial beginning has been made looking toward the construction of this American seaway. The project from Lake Ontario to Montreal covers a distance of 182 miles. The International Board of Engineers, for construction purposes, have divided this section of the river into five divisions or reaches. The division already ordered improved is the longest one. The other four will be cared for later. As is quite generally known, the President and the Canadian Premier have recently been in conference upon the subject of this improvement. One of Washington's local papers recently carried an editorial which I am quoting to show the general sentiment of newspaper and magazine editors, who are posted upon this very important and desirable improvement.

The visit of Richard B. Bennett, Prime Minister of Canada, to Washington last week revived interest in the proposed St. Lawrence ship canal between the Great Lakes and the Atlantic. Mr. Bennett is known to have a deep interest in the subject and President Hoover has been one of the promoters of the project for years. Reports indicate that a joint Canadian-American commission will be appointed in the near future to complete negotiations between the two Governments.

Most of the opposition to the St. Lawrence seaway in this country has disappeared. No valid objection has been raised. New York has entertained some fears that part of the traffic from the Middle West would not pass through that city's bottle neck if the international ship canal were constructed. But the selfishness of New York's protest is everywhere recognized, and it can not be expected to halt this great project. On the Canadian side some objections have been interposed by Montreal and other shipping centers along the river, on the ground that when the canal is completed ships would pass them by without paying tribute in the form of transshipment charges. When the objections of New York and Montreal are removed from the respective city limits they become convincing arguments in favor of an international St. Lawrence seaway.

There is no more propitious time than the present to begin work on this gigantic project. Thousands of jobs would be created. And what is far more important from the standpoint of economic recovery, a new waterway into this heart of North America's chief agricultural region would be opened up. Farmers of both the United States and Canada would be able to send their produce to world markets by the shipload at reduced costs. Other nations would be able to send their products into the heart of America by water. All commerce which spans the Atlantic should be stimulated. It is too much to expect that work on the project could begin immediately. The mill of international negotiation grinds slowly. There are a number of difficult problems on both sides of the border that must be solved. But negotiations that have already been carried on suggest that none of those problems are insoluble. If both Governments are really anxious to proceed, it is conceivable that the project might be started in time to add another stimulus to business recovery.

Development of the St. Lawrence seaway may be regarded as inevitable. It is only a question of time until the demands of the vast interior States and provinces must be met. A project so obviously beneficial to both nations should not be longer delayed. If President Hoover and Prime Minister Bennett can arrive at a definite agreement, the St. Lawrence ship canal will become a moment to both of them.

Since New York has come to the support of the St. Lawrence improvement, it seems to me that that makes it unanimous. An official copy of a resolution passed by the Senate of the State of New York, in Albany, dated February 9, 1931, and concurred in by the assembly, came to my desk last week. This resolution was addressed to the President of the United States, asking him to proceed forward to a treaty with Canada for the development of the international rapid section of the St. Lawrence River at the earliest possible date and in accordance with the plans agreed upon by the joint board of engineers and submitted to President Coolidge, December 27, 1926. This, you will remember, is the report of the Hoover commission appointed by President Coolidge and contained in Senate Document No. 183, Sixty-ninth Congress, second session. Showing the change of attitude of New York for this great project, I desire to quote the following paragraph from this resolution formally adopted by the New York Legislature:

Whereas the landlocked interior of the United States is deeply concerned and in urgent need of the relief which would accrue to that area by the opening of a seaway via the St. Lawrence River from the Great Lakes to the Atlantic Ocean—also the citizens of New York are directly interested in the improvement and early utilization of the large reservoir of cheap power which would be made available—legislative expression being given to such improvement in section 6, chapter 207, Laws of New York, 1930, to wit, "In such manner and under such conditions as shall insure fair and partial treatment of consumers on a basis of charges, the lowest compatible with a fair and reasonable return on the cost thereof."

The construction of the St. Lawrence ship canal is a very easy engineering problem. There are only four more reaches to build, covering a distance of 115 miles. There are no such engineering difficulties as are found in the construction of the Panama or Nicaraguan Canals. I beseech you, my colleagues, to build this American seaway and, believe me, it will solve the difficulties of the mid-West farmers for years to come. In my judgment, when this waterway has been opened up, making the ports of the Great Lakes ocean ports, it will be the greatest blessing and benefit to humanity that will come during this century. It will bring the blessings of prosperity to all of our people, and will be heralded in the years to come as the greatest bit of constructive statesmanship of our time. [Applause.]

NATIONAL ARBORETUM

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 4586, to authorize additional appropriations for the National Arboretum.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the present consideration of Senate bill 4586, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object, Mr. Speaker.

Mr. HAUGEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4586) to authorize additional appropriations for the National Arboretum, as amended.

The SPEAKER pro tempore. The gentleman from Iowa moves to suspend the rules and pass the bill (S. 4586) to authorize additional appropriations for the National Arboretum, as amended, which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, in addition to the sum authorized by section 2 of the act entitled "An act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes," approved March 4, 1927, the sum of $200,000, for the purposes and subject to the conditions specified in such act: *Provided*, That in the payment of awards under condemnation proceedings for the acquisition of lands under the act of March 4, 1927, limitations as to price based on assessed value shall not apply.

The SPEAKER pro tempore. Is a second demanded?

Mr. SABATH. Mr. Speaker, I demand a second.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 20 minutes and the gentleman from Illinois for 20 minutes.

Mr. HAUGEN. Mr. Speaker, the bill authorizes an appropriation of $200,000 for the acquisition of about 78 acres to complete the tract necessary for the arboretum.

Mr. MICHENER. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. MICHENER. Is this any part of our farm-relief program?

Mr. HAUGEN. This is for the arboretum and it fits in with farm relief and forestry.

Mr. MICHENER. Where is the arboretum?

Mr. HAUGEN. It is just outside of the city proper.

Mr. MICHENER. What is the purpose of it?

Mr. HAUGEN. The experimental planting of trees, shrubs, and other plants.

Mr. MICHENER. How much money does the bill carry?

Mr. HAUGEN. Two hundred thousand dollars. The original bill passed on March 4, 1927, and carried an appropriation of $300,000.

Mr. MICHENER. Is this a similar bill to the one that the gentleman had before the House a year or two ago providing that we purchase this property at a sum not to exceed $300,000?

Mr. HAUGEN. Yes.

Mr. MICHENER. And the gentleman at that time assured us he would not be back here for more money.

Mr. HAUGEN. No; the original estimated cost was $500,000.

Mr. MICHENER. I asked the gentleman at that time if this was a farm relief bill, and he said it was and that it would only take $300,000. Now, the gentleman is back here for $200,000 more.

Mr. HAUGEN. I will explain. The original estimated cost of the tract of land was $500,000; the committee authorized only $300,000. The $300,000 has been found to be insufficient and it is now found necessary to authorize about $200,000 more to purchase the additional 78 acres. About $71,000 is now in the Treasury, but under the ruling of the Comptroller General it is not available for the payment of awards under condemnation proceedings for the acquisition of land already condemned. Therefore, it is necessary that we should pass this bill so as to make the $70,000 available to pay the awards under the condemnation proceedings for part of the 190 acres condemned.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. STAFFORD. Will the gentleman explain how much additional money is required to meet the amount of the awards under the condemnation proceedings?

Mr. HAUGEN. The money is there in a sufficient sum, but not available because of a decision of the Comptroller General.

Mr. STAFFORD. As I understand the amendment proposed to the House by the gentleman, it lifts the limitation that the price of the land shall be not more than the assessed value of the property.

Mr. HAUGEN. Yes.

Mr. STAFFORD. As I understand further, from the exposition of the gentleman, there are ample funds to purchase this additional land for this arboretum but the limitation prevents the purchase of the land.

Mr. HAUGEN. No; there are ample funds to pay for what has been purchased—about 190 acres—but not to purchase the additional 78 or 79 acres and improvements, and $200,000 more will be required to acquire title to the 79 acres.

Mr. BOYLAN. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. BOYLAN. What is the proposed total area of the arboretum?

Mr. HAUGEN. One hundred and ninety acres has been purchased and 78 acres more is required to complete the tract.

Mr. BOYLAN. In the gentleman's opinion, as a skilled agriculturist, is this sufficient ground?

Mr. HAUGEN. In the opinion of the committee it is sufficient ground and is what is required. The committee has made a personal survey of the tract.

Mr. BOYLAN. Has the gentleman given any thought to the future expansion of the aboretum, and has the gentleman provided for that?

Mr. HAUGEN. I think this will be sufficient for all time to come, in the opinion of the department.

Mr. BOYLAN. For what period has the gentleman provided?

Mr. HAUGEN. We have no specific period in mind.

Mr. BOYLAN. Does the gentleman think we have enough ground for a period of 20 or 30 years?

Mr. HAUGEN. I could not answer that definitely. That, of course, depends on expansion.

Mr. CLARKE of New York. They think the ground will be plenty big enough to carry on for generations.

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, when I had the privilege of introducing this measure in behalf of all the large societies in the country concerned with the growing and sale of flowers, shrubs, and trees, it was expected that the land for this arboretum could be bought for $500,000. This was cut down to $300,000. At that time, gentlemen in Congress were of the belief that it might be possible to secure throughout the District of Columbia a fairer system of taxation if by the requirement that we should spend for such purchases as the Government wished to make not more than 25 per cent above the assessed value we could bring an influence to bear which would work upon the assessors and secure the desired result; and an amendment was put upon the bill limiting the Department of Agriculture in the acquisition of this land to a price 25 per cent above the assessed value.

There was then fair reason to expect that a large part of the land would be sold to the Government within this figure. It turned out that some of the owners from whom this had been expected were unwilling to meet the requirement, which brought the purchases into a difficult situation. The Department of Agriculture was at a loss to know what to do, hampered as it was with the 25 per cent proviso. As the sponsor of the measure I was consulted in the matter, and I will take the responsibility for having advised the Secretary of Agriculture to go ahead and get everything he could within the 25 per cent. With the knowledge, and, as I understand, the approval of the President, this procedure was followed.

The outcome is that the department now finds itself with an irregular-shaped tract of land, insufficient for the needs

contemplated; and right into this land, as if you put the fingers of one hand through the fingers of another, goes this privately owned land which can not be bought for less than 25 per cent above the assessed value.

We are assured that, in the case of condemnation, the value would be placed at more than 25 per cent above the assessed value. Under these circumstances the Committee on Agriculture has come before you, with the approval and support of the Department of Agriculture, asking that this tract be rounded out by paying the necessary price—and I think no more—for the land we wish to secure. In other words, it is a case where, having put our hands to the plow, we ought not to turn back. We should do now what otherwise is sure to be done later, in order to carry out the program as originally indorsed by Congress, desired by the Department of Agriculture, and earnestly approved by many thousand members of garden clubs of America, various horticultural societies, and other organizations desiring to establish here a standard body of trees, which may be to the benefit of not only the nurserymen but everybody else interested in arboreal work.

Mr. HASTINGS. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. HASTINGS. The total amount of acreage desired to be acquired is 260 acres?

Mr. LUCE. Yes.

Mr. HASTINGS. How many have you got now?

Mr. LUCE. 190 acres.

Mr. HASTINGS. And you desire 78 acres more?

Mr. LUCE. Yes.

Mr. HASTINGS. What has been the average cost of the 190 acres—the cost per acre?

Mr. LUCE. That would be found by dividing 300,000 by 190.

Mr. HASTINGS. So that $300,000 has already been expended for the 190 acres?

Mr. LUCE. I would not say that all of it has, but the greater part of it. Mr. Speaker, I yield back the remainder of my time.

Mr. SABATH. Mr. Speaker and gentlemen, additional proof has been furnished us to-day that it is not always wise to rely on promises that are made on the floor when a bill appropriating thousands of dollars is before this body.

If my recollection is correct, at the time this bill was originally considered in the House, we were assured that the amount of money asked for would be sufficient, because some of the property owners were ready and willing to give to the Government some of these parcels of valueless land at a nominal price.

The House believing that that assurance would be carried out appropriated $300,000. No sooner was the $300,000 appropriated than every property owner who had assured us that they were desirous of aiding the Government immediately started to raise the price of the land. So that to-day not only that additional amount is required, but we here have a request that the House place in the bill a proviso which reads as follows:

Provided, That in the payment of awards under condemnation proceedings for the acquisition of lands under the act of March 4, 1927, limitations as to price based on assessed value shall not apply.

I would now like to know why that limitation is placed in the bill for the purchase of this property.

Mr. LUCE. Will the gentleman yield?

Mr. SABATH. Yes. I want information and that is why I demanded a second.

Mr. LUCE. The law now says that you must not pay more than 25 per cent above the assessed value. If the condemnation proceedings is 40 or 50 per cent above the assessed value, you can not get the land unless you change the law; so we are up against that condition, which we can not get around. That expectation has been proved by the purchase of land all around the Capitol—that the court will give more, and often very much more, than the 25 per cent increase.

Mr. SABATH. May I ask whether this was taken out by the Congress or by the jury in the condemnation proceedings which allowed this additional 25 per cent above the original authorized valuation, but to my mind the 100 per cent above its actual value?

Mr. LUCE. That is a situation I would join the gentleman in attempting to remedy. It was thought this 25 per cent proviso would help, but it has not accomplished the result. If the gentleman can suggest any way to get the assessed value of this district up to anywhere near where it ought to be, I should be very glad to help him; but nobody has been able to present a remedy for the situation which Congress itself by judicial processes has created. When the condemning authorities say the land is worth more than 25 per cent above the assessed valuation and the restriction applies, you must either take off the restriction or go without the land.

Mr. SABATH. I think it is deplorable that such a situation should exist, because this is not the first time and I presume it will not be the last time whereby the Government will be obliged to pay 100 to 200 per cent more than it is worth for the property that it desires to acquire by condemnation.

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. KETCHAM. The gentleman should be advised that since the passage of the original bill real estate values in that particular section either within or without have been naturally increased and I do not think that you can say that the real estate men are unusually high in their prices; but of course they are naturally trying to share in the general increase in property values.

Mr. SABATH. Yes; they desire to share in the general prosperity which prevails throughout the country. Please understand, I am not objecting to people receiving a fair compensation for their property at any time, but the gentleman knows and I know that the value of property in every section of not only the district, but also of the country, has been lowered, and you can now buy property under present prevailing conditions, at 50 cents on the dollar; but here we are met with a situation where we are asked to increase the appropriation and provide more money because the award is far above the original assessed valuation and price placed upon it by experts at that time.

Mr. KETCHAM. The gentleman might be interested to know that in the purchases that have already been made it was the testimony of those that came before our committee that that land already possessed by the Government has likewise increased in value, and that if we were to sell it now we could realize a substantial profit upon it, which indicates that these men who own this land have been trying to share in the profit.

Mr. SABATH. Yes; under the great prosperity that prevails at this time.

Mr. NELSON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. NELSON of Missouri. If it is true, as has been suggested, that we can sell the land out there that we now own at a profit, does the gentleman not think that we had better do so?

Mr. SABATH. If we do not need it and could sell it at a profit, let us do so; but if we do need and have use for it, then we should not; but I doubt very much, if the Government were to offer this property for sale to-day, that it would receive anywhere near the amount of the award.

Mr. PARSONS. It has been mentioned that land values increased since the original appropriation was made. Is it because of the fact the appropriation was made for that particular place that the land values have increased?

Mr. SABATH. There may be some reason that the property in that locality increased because of these improvements that have been made and the money expended.

Mr. PARSONS. If that is the case, then the appropriation has made the land values increase in that particular locality, and without it the land would not be of that value.

Mr. SABATH. But these owners desire to obtain the benefit, and they feel that they are entitled to it. I would not object, were it not for the fact that these very men

Mr. HAUGEN. Yes.

an irregular-shaped tract of land, insufficient for the needs

assured this House that if the original appropriation were made, they would donate to the Government some of these parcels of land that are now in question.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. HASTINGS. Since my inquiry of the gentleman from Massachusetts [Mr. LUCE] I have made a little calculation. They have expended $300,000 on 190 acres of land which is an average of $1,578.99 per acre.

Mr. SABATH. And what is the gentleman's opinion as to the valuation, whether it is fair or excessive?

Mr. HASTINGS. I am not familiar with this particular tract of land and I am not competent to pass on its value.

Mr. ADKINS. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. ADKINS. I think the gentleman has the same idea that I have.

Mr. SABATH. I am very glad that we agree on some things.

Mr. ADKINS. Let me explain a little to the gentleman, which I think will clear this matter up. Five hundred thousand dollars was asked. A large number of us made objection to that. We thought that they could go further out and buy land much more cheaply. Then it was represented to us that $300,000 would do the business, and the thing occurred that the gentleman has outlined. The land would be purchased at a reasonable sum. Then it developed after they had purchased a lot of land that this man changed his mind or something happened that the land got higher in value, as it always does when you want it for a public purpose. The gentleman from Massachusetts [Mr. LUCE] has admitted that that is the situation, and with the situation as it was, after going out and looking at it, as far as I was concerned, we reluctantly submitted to buying the rest of it at the price indicated. That is the whole story.

Mr. SABATH. In other words, we were first inveigled into this and are now obliged to pay for it.

Mr. BOYLAN. Will the gentleman yield?

Mr. SABATH. I yield.

Mr. BOYLAN. I know the distinguished gentleman from Illinois is an attorney of very high standing at the Chicago bar. I know he has had many condemnation cases in his practice.

Mr. SABATH. To whom does the gentleman refer?

Mr. BOYLAN. I refer to the gentleman who now has the floor [Mr. SABATH]. Now, I know the gentleman does not agree that the price can be fixed by legislation. The gentleman knows that the price of land, like the price of anything else, is regulated by the demands for it. The gentleman also knows that assessors, not only in the city of Washington, but all over the United States, are not at all times conversant with the true value of the land, and do not assess it properly. I know the gentleman, in his wisdom and great experience, would not want to mulct the owner on account of legislation, endeavoring to fix a price which is in violation of all laws of political economy, as the gentleman knows, and compel an owner to sell at a price far below either its intrinsic or its potential value.

Mr. SABATH. I wish to assure the gentleman that I do not wish to cause a loss to the unfortunate owners, who from time to time are deprived of their property against their will by our Government. I do not think my colleague from New York [Mr. BOYLAN] need be alarmed that I am one of those who would be desirous of taking advantage of any of them. I know, however, that many of those owners, in fact, nearly all of them, at almost every opportunity, try to mulct the Government of every dollar they can so obtain, after they have succeeded in interesting the Government in any particular project.

Mr. Speaker, I yield to the gentleman from Florida [Mr. GREEN] five minutes.

Mr. GREEN. Mr. Speaker and my colleagues, I am more concerned about other bills recently before the Committee on Agriculture than I am concerned about this bill, but it does seem rather strange to me that a clear track can be prepared for a bill like this one and it can be taken up and considered and the time of the House used when there are so many important bills before that committee.

There is one important bill that has been reported by the Agricultural Committee that provides for a survey of the losses sustained through the eradication of the Mediterranean fruit fly in my State. My people have been damaged millions of dollars and the responsibility for a great portion of it is upon the Government. But we can not even get a board appointed to receive these claims and to survey the losses. A bill for this purpose has passed the Senate. It is the companion bill to one introduced by me in the House. A bill not far from the same language of that one has been reported by the House Committee on Agriculture. This damage was sustained a year and a half ago, some of it nearly two years ago, when the pink boll worm was eradicated and the foot-and-mouth disease was eradicated; the Government paid reimbursement damages as and when occurred. It is customary for the Government to pay from 33⅓ to 50 per cent, or even greater amount, of losses sustained in such cases. Now, in the case of the eradication of the fruit fly in my State, by Federal forces, Federal orders, Federal money, and Federal men, we can not even get a resolution to survey the loss.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. GREEN. I yield.

Mr. CLARKE of New York. Is it not true that in carrying out the extermination of the Mediterranean fruit fly even members of the State militia or the National Guard of Florida were enlisted under Federal service and paid under the Federal pay roll, but they were under the domination of the State of Florida?

Mr. GREEN. Indeed it was not. The guardsmen and other employees were under the domination, control, pay, and direction of the Federal Department of Agriculture and its Secretary. The Florida Plant Board carried out the orders of the Federal Government the same as does a sheriff as the officer of the court.

My friends, I hope the chairman of this committee will cooperate with us and bring about the passage by the House of the Senate bill. We would much prefer to have you pass the Senate bill. It is more complete and definite in purpose and effect. If that is impossible, we hope you will strike out all from the enacting clause of the Senate bill and substitute the House bill, and let it go back to the Senate for its approval or refusal. Then the conferees of the two Houses can and will agree upon its substance satisfactorily.

My friends, it is an emergency case. Our people are having the same financial reverses that people are having in other parts of the country and there is a recognized responsibility on the part of the Government for reimbursement for at least a portion of the damage. Now what are you going to do about it? If we are to receive reimbursement, and we should, surely now is the time to set the machinery in motion to receive and make finding on these claims. Growers are already sending their claims to Washington. There is no designated agency to receive and consider them. We should pass this legislation now. I earnestly urge my Republican colleagues to permit action now.

Mr. SNELL. Mr. Speaker, I make the point of order that debate must be on the bill before the House. I do not want to interfere with the gentleman, but there are many important measures to be considered this afternoon, and I make the point of order unless the debate is confined to the matter before the House.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I think the point of order should be overruled. The gentleman is laying a foundation for an argument which he intends to make on the bill.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GREEN] will proceed in order.

Mr. McSWAIN. Will the gentleman yield?

Mr. GREEN. I yield.

Mr. McSWAIN. The gentleman said something about 50. Fifty what? Fifty fruit flies, or what?

Mr. GREEN. Fifty per cent reimbursement for damages sustained by Florida growers as a result of the Mediterranean fruit fly eradication campaign.

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

by the Congress or by the jury in the condemnation pro-

not object, were it not for the fact that these very men

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. CLARKE].

Mr. CLARKE of New York. Mr. Speaker, I do not know whether the Members are familiar with the location of this arboretum. If you drive out to the northeast and enter the Bladensburg turnpike you will see a beautiful hill, covered with lovely trees at the present time. That is Mount Hamilton, and it is a part of the proposed arboretum. Then there is another ridge on beyond called Hickey Hill. It is an ideal location. The Committee on Agriculture visited this place with the experts on this proposition and the committee came to the conclusion that having gone so far we should complete the program.

There is an approach from along the river and this will prove an ideal location for the establishment of a national arboretum.

In connection with this matter I want to read the following poem.

Mr. TREADWAY. Before the gentleman begins to read his poem will he yield to me?

Mr. CLARKE of New York. Yes.

Mr. TREADWAY. Will not the gentleman be good enough to more definitely designate this location? The gentleman has been pointing here and there, but that does not mean much to Members.

Mr. CLARKE of New York. Does the gentleman know where you turn into the Bladensburg Turnpike to go to Baltimore?

Mr. TREADWAY. Yes.

Mr. CLARKE of New York. Does the gentleman remember the high hill to the east?

Mr. TREADWAY. Yes.

Mr. CLARKE of New York. That is a part of the project. Then there is another high hill which is called Hickey Hill.

Mr. TREADWAY. I thank the gentleman very much.

Mr. CLARKE of New York (reading):

There'd be some money in that elm—so he
Sold it; the sawyer came; and presently
He'd money in his pocket, but no tree—

No living tree before his threshold stone;
And, well, he missed it, living there alone.
The bonnie tree that he had always known.

'Twas queer to think the living tree was dead.
Just dry white planks now in the sawyer's shed,
While he still lived; and yet, when all was said

He'd got the money; brass was always brass,
And never came amiss. That flesh is grass
He'd overlooked, until it came to pass

He slept too long one morning—didn't wake;
And he was missed; and they were forced to break
His bolted cottage door in with a stake.

The brass was spent upon his funeral; he
Between the coffin boards lay presently
And close in touch again with his old tree.

—Percy Hutchison.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter which Senator HAWES and myself have sent to the president of the American Federation of Labor, Mr. William Green, with reference to the provisions of the Hawes-Cooper prison goods bill.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD and to include the letter referred to. Is there objection?

There was no objection.

The letter is as follows:

CONVICT LABOR—A PROBLEM FOR EACH STATE IN THE OPINION OF AUTHORS OF THE HAWES-COOPER BILL, PASSED BY CONGRESS—FEDERAL LEGISLATION ENABLES STATES TO ACT BUT IS OF ITSELF NO BAR TO SALE OF PRISON PRODUCTS

Mr. WILLIAM GREEN,
President American Federation of Labor,
A. F. of L. Building, Washington, D. C.

MY DEAR MR. GREEN: As coauthors of the Hawes-Cooper bill, approved by President Coolidge on January 19, 1929, and designated as Public No. 669, Seventieth Congress, we submit at your request our views as to the extent and purposes of this bill, the intent of Congress in passing it, and the scope of authority of the States in the enactment of legislation under it.

There are more than 120,000 prisoners in State institutions, this number growing at a rapid rate, the products of whose labor present a problem increasingly important in the conduct of penal institutions throughout the country.

We have received numerous inquiries concerning the Hawes-Cooper bill and the power of the States under that bill. It is manifest that some confusion exists as to the meaning of the law, and such confusion tends naturally to increase the perplexities of the problem presented to each State in legislating for the future.

With 48 State legislatures considering the prison problem during the current year and the two subsequent years prior to the taking effect of the Hawes-Cooper Act, it may be well to clear up some of the misapprehensions.

The Hawes-Cooper bill does not go into effect until January 19, 1934. The 5-year period between the date of its approval and the date of its effect was written into the bill by Congress to give to each State ample time in which to adjust prison affairs.

HISTORY OF LEGISLATION

Something should be said of the history of this legislation.

More than 20 years ago the American Federation of Labor, anticipating future trouble over the growing problem of prison products entering into competition with the labor of free men and the investment of free capital, petitioned Congress for legislation tending to stop the traffic in convict-made goods.

The problem presented to Congress in the early consideration of the question was what form this legislation should take. It was agreed that the authority of Congress extended to the regulation of interstate commerce, but it was likewise manifest that there were grave constitutional questions involved in the attempt of Congress to interfere with this interstate commerce to the extent of a prohibition.

Meanwhile several of the States, including New York and Massachusetts, had endeavored to enact State laws subjecting convict-made goods, regardless of their origin, to certain State regulations or prohibitions.

All such attempts were declared by the courts to be beyond the power of an individual State, as the goods arriving from a prison in another State were, in fact, in interstate commerce, and, therefore, beyond the regulatory powers of the individual States.

Each State had a right to enact its own laws in respect to its own prison products. The enactment of such laws, however, removed the products of a State's prisons from the markets of that State, but could not interfere with the entrance of prison products from other States into its own open markets.

FACTORS UNITE ON BILL

Congress at various times considered the legislative proposals tending to cure this situation, but for many years such proposals failed in one branch or another or were prevented from passing by circumstances entirely foreign to the consideration of the bill itself, such as legislative confusion and congestion.

In 1928, however, the American Federation of Labor had introduced what has become known as the Hawes-Cooper bill, which the signers of this letter sponsored respectively in the House and Senate.

During the Seventieth Congress other influential elements in our American life joined in support of this measure.

The General Federation of Women's Clubs, acting in the interest of the prisoner himself and to protect women wage earners from the competition of prison products, actively joined in the support of national legislation.

Certain manufacturing interests throughout the country likewise enlisted their efforts on behalf of the measure to protect private capital from the increasing inroads being made by convict labor concentrated in a few fields of activity.

A number of organizations interested solely in scientific, modern penal management, and the rehabilitation of the prisoner also assisted.

Exhaustive hearings were held by both the House and Senate committees, on which sat the representatives of more than 22 States.

Labor officials, manufacturers, representatives of the General Federation of Women's Clubs and prison organizations were heard at length. Prison officials, opposing the Federal enactment on the theory that it would tend to destroy prison industries, were heard also. Prison contractors were likewise given consideration.

As a result of these hearings the bill was reported favorably in both the House and Senate and subsequently passed both bodies by an overwhelming majority. The measure was then sent to the President, who requested a review of the proposal by the Attorney General and, having received a favorable reply, President Coolidge signed the measure on January 19, 1929.

FEDERAL ATTITUDE SUSTAINED

But the enactment of this bill by the representatives of 48 States in Congress was not the first indication of the Federal attitude toward competition between convict labor and free labor and capital.

There has long been on the Federal statutes a prohibition against the importation of convict-made goods into the United States to compete with the products of free labor and private capital.

In the tariff bill in 1930 Congress threw additional safeguards around that provision of the law relating to the importation of convict-made goods and extended this law to products made by indentured or forced labor.

prepared for a bill like this one and it can be taken up and considered and the time of the House used when there are so many important bills before that committee.

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

The executive branch of the Government, through the Treasury Department, has very recently evidenced its intention of strictly enforcing this national ban on imported convict-made goods.

Likewise Congress many years ago, legislating as to the conduct of Federal penitentiaries, provided that no goods, wares, or merchandise manufactured in the Federal penitentiaries could be sold upon the open markets. The products of more than 8,000 Federal prisoners are to-day limited as to sale by the Government itself, such products being manufactured only for Government use.

THE HAWES-COOPER BILL

The language of the Hawes-Cooper bill is definite. It reads as follows:

"*Be it enacted, etc.*, That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions, except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

"SEC. 2. This act shall take effect five years after the date of its approval."

This act in itself does not stop the sale of convict-made goods. It does not provide that convict-made goods may not be shipped from one State to another, or from the prison of one State to a resident of another State.

It simply provides that when convict-made products are shipped from one State into another State such products, upon arrival and delivery in the second State, shall be subject to the laws of the second State.

If the second State has no law regulating the sale or distribution of convict-made goods then the convict-made goods of the first State may be sold or distributed in the second State without interference.

The real difference between the situation as it exists and the situation as it will exist after the Hawes-Cooper bill goes into effect on January 19, 1934, may be more pointedly illustrated as follows:

At the present time New York State does not permit the products of its prisoners to be sold on the markets of New York or shipped out of the State of New York for sale or delivery. The products of New York prisons may be sold only to State institutions in New York State and may not be sold upon the open market.

But at the present time products made in the penitentiaries of Indiana and Missouri may be shipped into the State of New York and may be sold and distributed in New York. In fact, they are so sold and distributed in New York.

But the Legislature of New York enacted under the authority of the Hawes-Cooper bill, a new statute which will, in effect, after January 19, 1934, subject all prison products entering New York from Missouri or Indiana prisons to the same laws which regulate prison products manufactured in New York.

Therefore, after January 19, 1934, under provision of a New York law enacted under the authority of the Hawes-Cooper bill, Indiana and Missouri prison products will not be sold in New York State, except in violation of the law of New York State, and anyone may be prosecuted under the New York State law for selling prison products.

From the above it will be manifest that the Hawes-Cooper bill itself neither bars convict-made goods from transportation, nor does it, of itself, operate on convict-made goods in the absence of a State enactment made under it.

Should any State desire to avail itself of the benefits permitted under the Hawes-Cooper bill it will be necessary for that State to enact its own convict-labor laws.

Furthermore, if any State desires to protect itself from becoming the dumping ground for prison products of other States, it must enact its own regulations through its own legislatures.

STATE ACTION FORMERLY FORBIDDEN

Under section 8 of the Constitution of the United States Congress is given authority "to regulate commerce with foreign nations and among the several States and with the Indian tribes." This power was granted to the Federal Government by the States, and the courts have held that no State legislation may interfere with the exercise of this authority which the States have given to the Federal Government.

In 1890, however, Congress passed what was known as the Wilson Act, which provided that intoxicating liquors transported into any State and remaining in that State for use, consumption, sale, or storage upon arrival in that State would be subject to the operation and effect of the laws of that State enacted in the exercise of its police powers.

By that act Congress removed from intoxicating liquors the character of interstate commerce when the particular goods upon which Congress legislated arrived in a given State for sale or distribution.

The constitutionality of that act was tested in the case of Wilkerson v. Rahrer (140 U. S. 545).

The Supreme Court held that this act on the part of Congress was not an attempt to delegate the power to regulate commerce. It held that this was not a grant of power not already possessed by the States. It held that this was not an attempt on the part of Congress to adopt State laws.

The court said:

"Congress has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule whose uniformity is not affected by variation in State laws in dealing with such property."

The court held that in removing the interstate commerce character from the particular commodities legislated upon Congress was exercising its authority to regulate commerce. The court held that if Congress chooses to remove the interstate commerce character from designated subjects of interstate commerce before that character would ordinarily terminate, such act is within the competency of Congress.

A most significant statement was made in the decision of the court in that case when it said:

"The framers of the Constitution never intended that the legislative power of a nation should find itself incapable of disposing of a subject matter specifically committed to its charge."

The court further said that Congress had, in exercising its authority to regulate commerce, simply removed an impediment to the enforcement of State laws in respect to imported packages in their original condition.

This letter is not a brief upon the constitutionality of the Hawes-Cooper Act, but so much of the Rahrer opinion has been cited as may tend to indicate the character of the Hawes-Cooper bill in its relation to the State.

The States, without a specific utterance on the part of Congress, would have no power to interfere with interstate commerce in convict-made goods; but under a specific utterance by Congress removing the interstate commerce character of prison products upon their arrival in a State, which the Supreme Court has held is within the competency of Congress to do, each State under the Hawes-Cooper bill has the authority to regulate such products within its State borders.

It may be well to indicate here that the action of Congress in passing the enabling act, known as the Hawes-Cooper bill, was based upon the opinion of the court as to the authority of Congress in this regard.

PRISON PROBLEM IS A STATE PROBLEM

Congress was not unmindful when passing the Hawes-Cooper Act of the problems which might arise in the respective States as the result of subsequent State legislation enacted under authority of the Federal act. In fact, the 5-year-extension period granted in the act is an indication that Congress realized it would take some time for States to readjust their prison affairs to meet possible State enactments.

But, in the opinion of Congress, the menace of competition from convict-made goods was paramount, and Congress refused to permit the Federal Government, by its silence as to convict-made goods, to stand as an impediment to the enforcement of State laws.

Under the old system one State could ship its products into another State in defiance of the latter's State laws, and it could do so simply because Congress had failed to act and, therefore, permitted interstate commerce regulations to become an impediment.

One State was in a position to enforce its views on the balance of the States. It could force its convict-made products into the markets of a sister State and thumb its nose at the laws of that State.

The evident absurdity of such a condition is brought out by the fact that one State by its own legislative body attempted to regulate the sale of its own prison products within its borders, but permitted those same prison products to enter an adjoining State in defiance of the laws of the adjoining State.

Congress had the assurance of those who indorsed the Hawes-Cooper bill, while it was pending in Congress, that continued efforts would be made by them to assist the States in the working out of prison problems, and it may be said that the authors of this bill at the present time are aware of the continued activity of the American Federation of Labor, the General Federation of Women's Clubs, manufacturers, and prison organizations in assisting in the working out of the State legislation.

What particular form that State legislation shall take is not within the dictate of Congress. There have been many and varied proposals. Indeed, a variety of solutions is almost inevitable in view of the fact that each State has its own particular prison problem, and no plan can be suggested that will operate alike on all States.

Congress issued no mandate to the States. It has not ordered any State to enact any new legislation, nor does the Hawes-Cooper bill repeal any State legislation. The State itself must determine on the basis of its own problem what it may do to prevent its markets from becoming the dumping ground for prison products of other States.

MANY PLANS DISCUSSED

Some States have already enacted legislation looking to the diversification of prison products so as not to concentrate prison labor in the manufacture of a few products, the sale of which would be harmful to private industries. Some of the States limit their own prison products to their own State institutions and are now enacting legislation prohibiting both their own and other prison products from sale on the open market.

The "States-use" system is the term most generally applied to the system by which prison products are consumed by State institutions. Where the consumption of prison products in a

approved by President Coolidge on January 19, 1929, and designated as Public No. 669, Seventieth Congress, we submit at your convict-made goods and extended this law to products made by indentured or forced labor.

given State is confined to State institutions, however, such a law will not prevent convict-made goods being dumped into that State, unless there is a specific regulation as to sale and distribution applying equally to all such products, regardless of their origin.

Able authorities have pointed out the value of diversifying prison industries, so that no one product of prison manufacture will be turned out in sufficient quantity to interfere with private labor or private capital. Scientific systems of standardization have been studied and proposed for the purpose of facilitating the exchange of prison products with the institutions of the State. The parole system and other remedial suggestions for cutting prison population are being studied. Employment of prisoners in certain fields where their labor will not seriously compete with free labor or private capital has also been widely studied and discussed.

All of these records are available to legislators and State executives who desire to readjust their prison industries on the basis of the new theory. This is a State problem with which each State is confronted and the seriousness of which grows with the prison population.

The Hawes-Cooper bill has laid the foundation by which the prison contractors may be permanently put out of business. How quickly this new situation will be brought about rests entirely with the States and in the enlightened manner in which they handle their own particular State problems. The Hawes-Cooper bill enforces nothing upon the States. It enables them to act if they so desire. It does not of itself solve the prison-labor problem. The intention of Congress was to permit the States to solve this problem and to remove the Federal impediment to the enforcement of State laws. The enactment of constructive legislation looking to the removal of convict-made goods from competition with free men and free capital rests with the legislatures.

Whether any State is to become the dumping ground for prison products and the enrichment of a prison contractor or agency now rests solely with the State legislatures.

Very sincerely yours,

JOHN G. COOPER,
Representative from Ohio.
HARRY B. HAWES,
Senator from Missouri.

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. GARBER].

Mr. GARBER of Virginia. Mr. Speaker and Members of the House, I think we must conclude that this is a very important measure, the opinion of the gentleman from Florida notwithstanding.

I want to call attention to two things. First of all, due to the rapid depletion of our forest wealth in this country through past years it is exceedingly important that the Federal Government prosecute a program along the line of reforestation and experimentations in the production of trees, as is contemplated in the arboretum bill. In 1926, when the first arboretum measure came up, as has been pointed out, it was contemplated that $500,000 would be necessary to purchase adequate acreage for the purposes of an arboretum. This amount, as has been stated, was cut to $300,000, and with that $300,000 more or less separated tracts of land were acquired off of M Street, the purchase covering 190 acres. It is cut up into two or three distinct tracts, not entirely separated but, as the gentleman from Massachusetts pointed out, with other tracts coming in between. The purpose of this bill is to consolidate the various parcels into one continuous tract by purchasing these interposing tracts aggregating 78 acres. That will give a consolidated tract of 286 acres.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GARBER of Virginia. Yes.

Mr. SCHAFER of Wisconsin. Seventy-eight acres are going to cost $200,000.

Mr. GARBER of Virginia. Yes.

Mr. SCHAFER of Wisconsin. Then this is a real estate speculators' bill?

Mr. GARBER of Virginia. Not at all. Only so much of the $200,000 will be expended as is necessary to acquire the additional 78 acres, at a price that will be determined by orderly condemnation proceedings.

Mr. SABATH. Does it take in both sides of the creek?

Mr. GARBER of Virginia. The 78 acres will do this——

Mr. SABATH. I mean is this property on the other side of the creek or on each side of it?

Mr. GARBER of Virginia. It is on this side of the creek. I want to point out that these additional 78 acres will add a variety of soils that will be especially valuable in experimenting with the different species of trees and will make an enlarged consolidated tract that will be much more valuable from the standpoint of an arboretum than if you restrict it to the 190 acres of separated tracts. It does seem to me that this is a very important bill and that it should be passed at this time.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. HAUGEN. Mr. Speaker, I yield one minute to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Speaker, I only want to take this one minute in order to correct the impression that seems to have been running throughout the debate as to the cost of the land that has already been purchased. In response to the direct inquiry of the gentleman from Oklahoma [Mr. HASTINGS] I have the exact figures from the Department of Agriculture. I find that for the 190 acres already purchased they have paid $226,437, and not $300,000 as stated a number of times. There remains, therefore, 78 acres of the original tract to purchase and $73,563 in the original appropriation of $300,000. The bill is here because the Department of Agriculture has not been able to purchase the remaining acreage within the 125 per cent assessed value limit required by the law, and 48 acres additional needed to make the original tracts more symmetrical. The department has not been able to secure the additional lands within the prescribed price limits, and when condemnation proceedings were instituted the court awarded $73,945 above the 125 per cent limit. It is believed that the $200,000 provided will be necessary to complete the purchase of the required acreage.

Mr. HASTINGS. How much is that per acre?

Mr. KETCHAM. I have not calculated it, but it runs something under $1,200 an acre.

Mr. SABATH. And it is not worth $25 an acre.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 78, noes 33.

Mr. SABATH. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and forty-three Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 154, not voting 78, as follows:

[Roll No. 46]

YEAS—199

Ackerman	Cochran, Pa.	Garner	Korell
Adkins	Cole	Gasque	LaGuardia
Aldrich	Colton	Gibson	Lambertson
Allen	Connolly	Goodwin	Langley
Andresen	Cooke	Goss	Lankford, Va.
Andrew	Cooper, Wis.	Guyer	Leavitt
Arentz	Cramton	Hadley	Leech
Bacharach	Crisp	Hale	Lehlbach
Bachmann	Crowther	Hall, Ind.	Letts
Bacon	Culkin	Hall, N. Dak.	Luce
Barbour	Dallinger	Hancock, N. Y.	McFadden
Beck	Darrow	Haugen	McLaughlin
Beedy	Davenport	Hawley	McLeod
Beers	De Priest	Hess	Maas
Blackburn	DeRouen	Hickey	Magrady
Bloom	Dickinson	Hoch	Mapes
Bolton	Douglass, Mass.	Hogg, Ind.	Martin
Brand, Ga.	Dowell	Hooper	Merritt
Brigham	Drewey	Hope	Montet
Britten	Dunbar	Hopkins	Moore, Ohio
Browne	Eaton, Colo.	Houston, Del.	Moore, Va.
Brumm	Eaton, N. J.	Hull, Morton D.	Murphy
Buckbee	Elliott	Hull, William E.	Nelson, Me.
Burdick	Ellis	James, Mich.	Nelson, Wis.
Burtness	Englebright	Jenkins	Palmisano
Butler	Erk	Johnson, Ind.	Parker
Campbell, Iowa	Estep	Johnson, S. Dak.	Perkins
Carter, Wyo.	Esterly	Johnston, Mo.	Pittenger
Chalmers	Evans, Calif.	Jonas, N. C.	Pou
Chase	Fish	Kahn	Pratt, Harcourt J.
Chindblom	Fisher	Kearns	Pratt, Ruth
Chiperfield	Fitzgerald	Kelly	Purnell
Christopherson	Foss	Kendall, Ky.	Rainey, Henry T.
Clague	Free	Kendall, Pa.	Ramey, Frank M.
Clancy	Freeman	Ketcham	Ramseyer
Clark, Md.	Gambrill	Kinzer	Rayburn
Clarke, N. Y.	Garber, Va.	Kopp	Reece

Reed, N. Y.	Sirovich	Taylor, Tenn.	Watson
Reid, Ill.	Sloan	Temple	Welch, Calif.
Rogers	Smith, Idaho	Thatcher	Welsh, Pa.
Rutherford	Snow	Timberlake	White
Sanders, N. Y.	Speaks	Tinkham	Whitley
Seger	Stafford	Treadway	Wigglesworth
Seiberling	Stalker	Turpin	Wilson
Selvig	Stobbs	Underhill	Wolverton, N. J.
Shaffer, Va.	Strong, Pa.	Vincent, Mich.	Woodruff
Short, Mo.	Swanson	Wainwright	Wright
Shreve	Swick	Walker	Wyant
Simms	Swing	Warren	Zihlman
Sinclair	Taber	Watres	

NAYS—154

Abernethy	Doughton	Johnson, Tex.	Patterson
Allgood	Doxey	Johnson, Wash.	Peavey
Almon	Drane	Jones, Tex.	Prall
Arnold	Driver	Kading	Quin
Aswell	Dyer	Kennedy	Ragon
Auf der Heide	Edwards	Kerr	Ramspeck
Baird	Eslick	Kvale	Rankin
Black	Evans, Mont.	Lankford, Ga.	Reilly
Bland	Finley	Lindsay	Robinson
Blanton	Fitzpatrick	Ludlow	Romjue
Bohn	Fuller	McClintic, Okla.	Sabath
Bowman	Garber, Okla.	McClintock, Ohio	Sanders, Tex.
Box	Gavagan	McCormack, Mass.	Sandlin
Boylan	Glover	McKeown	Schafer, Wis.
Briggs	Goldsborough	McMillan	Shott, W. Va.
Browning	Granfield	McReynolds	Simmons
Busby	Green	McSwain	Smith, W. Va.
Cable	Greenwood	Manlove	Somers, N. Y.
Canfield	Gregory	Mead	Sparks
Cannon	Hall, Ill.	Michener	Sproul, Ill.
Carley	Hall, Miss.	Miller	Steagall
Cartwright	Hancock, N. C.	Milligan	Stone
Celler	Hardy	Montague	Strong, Kans.
Clark, N. C.	Hare	Mooney	Summers, Wash.
Cochran, Mo.	Hastings	Moore, Ky.	Sumners, Tex.
Collier	Hill, Ala.	Morehead	Tarver
Collins	Hill, Wash.	Morgan	Taylor, Colo.
Condon	Hogg, W. Va.	Nelson, Mo.	Tucker
Cooper, Tenn.	Holaday	Newhall	Underwood
Cox	Howard	Niedringhaus	Vestal
Craddock	Huddleston	Norton	Vinson, Ga.
Crail	Hudson	O'Connor, N. Y.	Whittington
Cross	Hull, Wis.	O'Connor, Okla.	Williamson
Crosser	Igoe	Oldfield	Wingo
Cullen	Irwin	Oliver, Ala.	Wolverton, W. Va.
Davis	James, N. C.	Palmer	Woodrum
Dickstein	Jeffers	Parks	Yon
Dominick	Johnson, Nebr.	Parsons	
Dorsey	Johnson, Okla.	Patman	

NOT VOTING—78

Ayres	Fort	Lanham	Schneider
Bankhead	Frear	Larsen	Sears
Bell	French	Lea	Snell
Brand, Ohio	Fulmer	Linthicum	Spearing
Brunner	Garrett	Loofbourow	Sproul, Kans.
Buchanan	Gifford	Lozier	Stevenson
Byrns	Golder	McCormick, Ill.	Sullivan, N. Y.
Campbell, Pa.	Graham	McDuffie	Sullivan, Pa.
Carter, Calif.	Griffin	Mansfield	Thompson
Christgau	Halsey	Menges	Thurston
Connery	Hartley	Michaelson	Tilson
Cooper, Ohio	Hoffman	Mouser	Wason
Corning	Hudspeth	Nolan	Whitehead
Coyle	Hull, Tenn.	O'Connor, La.	Williams
Denpsey	Johnson, Ill.	Oliver, N. Y.	Wolfenden
Denison	Kemp	Owen	Wood
Douglas, Ariz.	Kiefner	Pritchard	Wurzbach
Doutrich	Knutson	Ransley	Yates
Doyle	Kunz	Rich	
Fenn	Kurtz	Rowbottom	

So (two-thirds not having voted in favor thereof) the rules were not suspended and the bill was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Wood with Mr. Byrns.
Mr. Tilson with Mr. Ayres.
Mr. Campbell of Pennsylvania with Mr. Bankhead.
Mr. Gifford with Mr. Griffin.
Mr. Ransley with Mr. McDuffie.
Mr. Thurston with Mr. Hull of Tennessee.
Mr. Carter of California with Mr. Buchanan.
Mr. Mouser with Mr. Connery.
Mr. Cooper of Ohio with Mrs. Owen.
Mr. Yates with Mr. Williams.
Mr. Rich with Mr. Corning.
Mr. Wason with Mr. Hudspeth.
Mr. Schneider with Mr. Fulmer.
Mr. Hartley with Mr. Oliver of New York.
Mr. Halsey with Mr. Garrett.
Mr. Kiefner with Mr. Sullivan of New York.
Mr. Sullivan of Pennsylvania with Mr. Stevenson.

The result of the vote was announced as above recorded.

The doors were opened.

AMENDMENT OF NATURALIZATION LAWS

Mr. CABLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10672) to amend the naturalization laws in respect to posting notices of petitions for citizenship, with Senate amendments, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

Mr. SABATH. I object. I do not know what this bill is about.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection?

Mr. SABATH. I withhold it. If I can learn something about it, I may withdraw it.

Mr. JOHNSON of Washington. This is a House bill pertaining to certain naturalization rights and repatriation of women. It has passed the Senate with numerous amendments. One of these gives the right to return to the United States of soldiers now overseas who have slept on the rights previously granted by laws. Other matters that are somewhat involved have been added and therefore require a conference. It is a proper bill to go to conference, and I hope the gentleman will not object.

Mr. SABATH. Is this a bill that will permit American ladies who go abroad to buy titles and then after they are mulcted and relieved of all their wealth, they are ready to come back to America?

Mr. JOHNSON of Washington. Oh, we do not guarantee the titles. I do not think so; but at any rate, all of that will be taken care of in conference, and I hope the gentleman will not object.

Mr. CABLE. This bill has nothing to do with any women coming back to this country, because it has no immigration feature in it.

Mr. SABATH. I withdraw the objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. JOHNSON of Washington, CABLE, and BOX.

HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. PARKER, COOPER of Ohio, and RAYBURN.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this maternity bill, as I was unavoidably detained from the sessions of the House on yesterday when the bill was passed.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on the bill just sent to conference. Is there objection?

There was no objection.

Mr. TUCKER. Mr. Speaker, in the Constitution of the United States, Article IV, section 4, it is provided:

> The United States shall guarantee to every State in this Union a republican form of government.

This bill seeks to take from the States what the Constitution solemnly requires the United States to secure to them, namely, a republican form of government. We need not discuss technically what constitutes a republican form of government, for it is admitted that all 48 States of the Union have governments republican in form. (See Minor *v.* Happersett, 21 Wall. 175; and In re Duncan, 130 U. S. 461.)

Each State provides for the election of its officers by popular vote and has a legislative, executive, and judicial department, separate from each other, with a constitution that defines and limits their powers.

The legislative power is unlimited generally as to the people and property of the State except by the State constitution and the Constitution of the United States. Under this power this department may create organisms for certain purposes and then appropriate money to carry them out; it may build a university and appropriate money to carry it on; it may establish a school system and appropriate money for it; it may establish a health unit or a child welfare department to look after the health of the children of the State, as provided by the tenth amendment of the Constitution of the United States. The legislators are trustees for the people and for the money in the State treasury, and these trust duties can not be evaded or surrendered to any other department, person, corporation, or other government to carry them out. To attempt to abdicate or transfer this trust to another is a breach of trust. Indeed, the question is so plain and simple that it needs no argument, for it speaks for itself that the duty of a State legislator, in response to public demand to create a health unit for children and maternity, to appropriate money to carry it on, to lay out and prescribe the plans and lay down the character of the work and its limitations, can not be transferred to any other power or State, and especially can not be given to another government.

In the business world what would be thought of a board of directors of a bank appropriating money to carry out a business scheme of the bank attempting to give the authority to the board of a rival bank to carry out the scheme? How much stronger is this case, if the legislators of the States, intrusted with the duty of looking after the health of the children of the States, and their mothers, in a way suitable to such people in that particular community, as laid down in their State laws, should seek to surrender entire control of the appropriations for such purpose, and give the power to the Federal Government to carry out the trust, not in the manner prescribed in the State law, but wholly and entirely it may be as the Federal corporation chooses and directs? Take my own State—Dr. Ennion G. Williams is the head of the Virginia State Health Unit; he is without a peer in his work; the people know him and trust him, and for years he has conducted his office with distinguished ability and efficiency. By this bill the entire conduct of that business in Virginia is to be transferred to the hands of the Federal health coordinating board, located in Washington and not in Virginia, to carry on the work.

Chief Justice Marshall in McCulloch *v.* Maryland (p. 431, 4 Wheat.) indorses this view, saying:

> But is this a case of confidence? Would the people of any one State trust those of another with a power to control the most insignificant operations of their State government? We know they would not.

The question, therefore, is, Is the care of maternity and children and their health a function of the State or of the Federal Government?

Chief Justice Marshall, in Gibbons *v.* Ogden (9 Wheat. 1), in speaking of the reserve powers of the States, said they represented—

> that immense mass of legislation, which embraces everything within the territory of a State, not surrendered to the general Government; all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws *of every description*, as well as laws for regulating the internal commerce of a State.

The Child Labor cases, Hammer *v.* Dagenhart (247 U. S. 273) and Bailey v. Drexel Furniture Co. (259 U. S. 120), settled this question because the question of child labor as it affects the health of the child was involved in both of them; and the court held that neither the commerce clause of the Constitution nor the taxing power of the Constitution could be invoked to regulate child labor in the States since the regulation of child labor for the protection of the health of children was a State function that Congress could not perform. Justice Day in the Hammer case used this language (p. 273):

> The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. To sustain this statute would not be in our judgment a recognition of the lawful exertion of congressional authority over interstate commerce, but would sanction an invasion by the Federal power of the control of a matter purely local in its character, and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

And Judge Taft, in the Bailey case, supra, involving the tax power of Congress, used this notable language:

> Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State, in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not in fact regulation of interstate commerce, but rather that of State concerns, and was invalid. So here the so-called tax is a penalty to coerce the people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution.

So that this bill which endeavors to deal with a subject entirely within the control of the States under the Constitution is unconstitutional, null, and void.

And we will now proceed to show, under the bill, how a State's action is unconstitutional in its acceptance of a bill that attempts to transfer to the Federal Government powers that belong alone to the States. The object of the bill is stated in section 1, to coordinate "the general rural health and maternal and child-health activities" between the United States and the several States. Under the Constitution of the United States, as this duty is nowhere directly or by implication assigned to the Federal Government, under the tenth amendment, it belongs to the States, and if so, the Federal Government has no power or control over it, and any attempt to exercise such power must, therefore, be void and of no effect. This being true, if a State, through its legislative branch, seeks to surrender this duty to the Federal Government the State law is null and void; it is a clear abdication on the part of the State of a plain and certain duty. First, in section 4 of the bill, the State in order to receive any money under the act, must accept the provisions of this bill by its legislature or governor. Second, section 4, the State board or the State health unit or agency must submit plans for carrying out the work in accordance with regulations prescribed by the board of the Federal corporation. Third, this same Federal board (sec. 2 of the bill) has power to approve or disapprove the plans of the State agency.

Now, let us examine these three requirements. First. How can the legislature or the governor of a State accept the provisions of this bill? If the acceptance is by the legislature, it is assumed that the acceptance must be a legislative act, and if so, how can the governor, in case the legislature does not act, accept it; in a republican form of government how can a governor perform a legislative act? Or, how can the legislature of a State divest the State, even for money, of the duty which the Constitution of the United States has imposed upon the State? Can the legislature of a State change the Constitution of the United States? What power resides in the legislature of a State to take away from its own officer (of the health unit of the State), the duty of carrying out this State function and placing that power in the board of a Federal corporation. That is clearly *ultra vires*. Or, what power has the legislature to compel the health officer of a State to unite with the board of a Federal corporation in expending funds of that Federal corporation? In such a proceeding, to whom is the State agent responsible? If he steals the money, can the Government of the United States hold him accountable for it? Or, can the State government hold him responsible in this regard? And how can the governor make such acceptance and change the law of the State by putting additional duties upon an officer of the State, and laying him open to penalties by another government to which he owes no allegiance in this matter? This is beyond compare the most reckless attempt ever known of inducing and bribing a State to break its own constitution as well as that of the United States.

Second. Under this head we find that the head of the State health unit must submit plans to the board for carrying on the work, and this may be considered with heading No. 3, wherein this same Federal board has the power to approve or disapprove the plans of such State agency. What

Reed, N. Y.	Sirovich	Taylor, Tenn.	Watson
Reid, Ill.	Sloan	Temple	Welch, Calif.
Rogers	Smith, Idaho	Thatcher	Welsh, Pa.
Rutherford	Snow	Timberlake	White
Sanders, N. Y.	Speaks	Tinkham	Whitley
Seger	Stafford	Treadway	Wigglesworth
Seiberling	Stalker	Turpin	Wilson
Selvig	Stobbs	Underhill	Wolverton, N. J.
Shaffer, Va.	Strong, Pa.	Vincent, Mich.	Woodruff
Short, Mo.	Swanson	Wainwright	Wright
Shreve	Swick	Walker	Wyant
Simms	Swing	Warren	Zihlman
Sinclair	Taber	Watres	

NAYS—154

Abernethy	Doughton	Johnson, Tex.	Patterson
Aligood	Doxey	Johnson, Wash.	Peavey
Almon	Drane	Jones, Tex.	Prall
Arnold	Driver	Keating	Quin
Aswell	Dyer	Kennedy	Ragon
Auf der Heide	Edwards	Kerr	Ramspeck
Baird	Eslick	Kvale	Rankin
Black	Evans, Mont.	Lankford, Ga.	Reilly
Bland	Finley	Lindsay	Robinson
Blanton	Fitzpatrick	Ludlow	Romjue
Bohn	Fuller	McClintic, Okla.	Sabath
Bowman	Garber, Okla.	McClintock, Ohio	Sanders, Tex.
Box	Gavagan	McCormack, Mass.	Sandlin
Boylan	Glover	McKeown	Schafer, Wis.
Briggs	Goldsborough	McMillan	Shott, W. Va.
Browning	Granfield	McReynolds	Simmons
Busby	Green	McSwain	Smith, W. Va.
Cable	Greenwood	Manlove	Somers, N. Y.
Canfield	Gregory	Mead	Sparks
Cannon	Hall, Ill.	Michener	Sproul, Ill.
Carley	Hall, Miss.	Miller	Steagall
Cartwright	Hancock, N. C.	Milligan	Stone
Celler	Hardy	Montague	Strong, Kans.
Clark, N. C.	Hare	Mooney	Summers, Wash.
Cochran, Mo.	Hastings	Moore, Ky.	Sumners, Tex.
Collier	Hill, Ala.	Morehead	Tarver
Collins	Hill, Wash.	Morgan	Taylor, Colo.
Condon	Hogg, W. Va.	Nelson, Mo.	Tucker
Cooper, Tenn.	Holaday	Newhall	Underwood
Cox	Howard	Niedringhaus	Vestal
Craddock	Huddleston	Norton	Vinson, Ga.
Crail	Hudson	O'Connor, N. Y.	Whittington
Cross	Hull, Wis.	O'Connor, Okla.	Williamson
Crosser	Igoe	Oldfield	Wingo
Cullen	Irwin	Oliver, Ala.	Wolverton, W. Va.
Davis	James, N. C.	Palmer	Woodrum
Dickstein	Jeffers	Parks	Yon
Dominick	Johnson, Nebr.	Parsons	
Dorsey	Johnson, Okla.	Patman	

NOT VOTING—78

Ayres	Fort	Lanham	Schneider
Bankhead	Frear	Larsen	Sears
Bell	French	Lea	Snell
Brand, Ohio	Fulmer	Linthicum	Spearing
Brunner	Garrett	Loofbourow	Sproul, Kans.
Buchanan	Gifford	Lozier	Stevenson
Byrns	Golder	McCormick, Ill.	Sullivan, N. Y.
Campbell, Pa.	Graham	McDuffie	Sullivan, Pa.
Carter, Calif.	Griffin	Mansfield	Thompson
Christgau	Halsey	Menges	Thurston
Connery	Hartley	Michaelson	Tilson
Cooper, Ohio	Hoffman	Mouser	Wason
Corning	Hudspeth	Nolan	Whitehead
Coyle	Hull, Tenn.	O'Connor, La.	Williams
Dempsey	Johnson, Ill.	Oliver, N. Y.	Wolfenden
Denison	Kemp	Owen	Wood
Douglas, Ariz.	Kiefner	Pritchard	Wurzbach
Doutrich	Knutson	Ransley	Yates
Doyle	Kunz	Rich	
Fenn	Kurtz	Rowbottom	

So (two-thirds not having voted in favor thereof) the rules were not suspended and the bill was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Wood with Mr. Byrns.
Mr. Tilson with Mr. Ayres.
Mr. Campbell of Pennsylvania with Mr. Bankhead.
Mr. Gifford with Mr. Griffin.
Mr. Ransley with Mr. McDuffie.
Mr. Thurston with Mr. Hull of Tennessee.
Mr. Carter of California with Mr. Buchanan.
Mr. Mouser with Mr. Connery.
Mr. Cooper of Ohio with Mrs. Owen.
Mr. Yates with Mr. Williams.
Mr. Rich with Mr. Corning.
Mr. Wason with Mr. Hudspeth.
Mr. Schneider with Mr. Fulmer.
Mr. Hartley with Mr. Oliver of New York.
Mr. Halsey with Mr. Garrett.
Mr. Kiefner with Mr. Sullivan of New York.
Mr. Sullivan of Pennsylvania with Mr. Stevenson.

The result of the vote was announced as above recorded.

The doors were opened.

AMENDMENT OF NATURALIZATION LAWS

Mr. CABLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10672) to amend the naturalization laws in respect to posting notices of petitions for citizenship, with Senate amendments, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

Mr. SABATH. I object. I do not know what this bill is about.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection?

Mr. SABATH. I withhold it. If I can learn something about it, I may withdraw it.

Mr. JOHNSON of Washington. This is a House bill pertaining to certain naturalization rights and repatriation of women. It has passed the Senate with numerous amendments. One of these gives the right to return to the United States of soldiers now overseas who have slept on the rights previously granted by laws. Other matters that are somewhat involved have been added and therefore require a conference. It is a proper bill to go to conference, and I hope the gentleman will not object.

Mr. SABATH. Is this a bill that will permit American ladies who go abroad to buy titles and then after they are mulcted and relieved of all their wealth, they are ready to come back to America?

Mr. JOHNSON of Washington. Oh, we do not guarantee the titles. I do not think so; but at any rate, all of that will be taken care of in conference, and I hope the gentleman will not object.

Mr. CABLE. This bill has nothing to do with any women coming back to this country, because it has no immigration feature in it.

Mr. SABATH. I withdraw the objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. JOHNSON of Washington, CABLE, and BOX.

HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. PARKER, COOPER of Ohio, and RAYBURN.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this maternity bill, as I was unavoidably detained from the sessions of the House on yesterday when the bill was passed.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on the bill just sent to conference. Is there objection?

There was no objection.

Mr. TUCKER. Mr. Speaker, in the Constitution of the United States, Article IV, section 4, it is provided:

> The United States shall guarantee to every State in this Union a republican form of government.

This bill seeks to take from the States what the Constitution solemnly requires the United States to secure to them, namely, a republican form of government. We need not discuss technically what constitutes a republican form of government, for it is admitted that all 48 States of the Union have governments republican in form. (See Minor *v.* Happersett, 21 Wall. 175; and In re Duncan, 130 U. S. 461.)

Each State provides for the election of its officers by popular vote and has a legislative, executive, and judicial department, separate from each other, with a constitution that defines and limits their powers.

The legislative power is unlimited generally as to the people and property of the State except by the State constitution and the Constitution of the United States. Under this power this department may create organisms for certain purposes and then appropriate money to carry them out; it may build a university and appropriate money to carry it on; it may establish a school system and appropriate money for it; it may establish a health unit or a child welfare department to look after the health of the children of the State, as provided by the tenth amendment of the Constitution of the United States. The legislators are trustees for the people and for the money in the State treasury, and these trust duties can not be evaded or surrendered to any other department, person, corporation, or other government to carry them out. To attempt to abdicate or transfer this trust to another is a breach of trust. Indeed, the question is so plain and simple that it needs no argument, for it speaks for itself that the duty of a State legislator, in response to public demand to create a health unit for children and maternity, to appropriate money to carry it on, to lay out and prescribe the plans and lay down the character of the work and its limitations, can not be transferred to any other power or State, and especially can not be given to another government.

In the business world what would be thought of a board of directors of a bank appropriating money to carry out a business scheme of the bank attempting to give the authority to the board of a rival bank to carry out the scheme? How much stronger is this case, if the legislators of the States, intrusted with the duty of looking after the health of the children of the States, and their mothers, in a way suitable to such people in that particular community, as laid down in their State laws, should seek to surrender entire control of the appropriations for such purpose, and give the power to the Federal Government to carry out the trust, not in the manner prescribed in the State law, but wholly and entirely it may be as the Federal corporation chooses and directs? Take my own State—Dr. Ennion G. Williams is the head of the Virginia State Health Unit; he is without a peer in his work; the people know him and trust him, and for years he has conducted his office with distinguished ability and efficiency. By this bill the entire conduct of that business in Virginia is to be transferred to the hands of the Federal health coordinating board, located in Washington and not in Virginia, to carry on the work.

Chief Justice Marshall in McCulloch *v.* Maryland (p. 431, 4 Wheat.) indorses this view, saying:

> But is this a case of confidence? Would the people of any one State trust those of another with a power to control the most insignificant operations of their State government? We know they would not.

The question, therefore, is, Is the care of maternity and children and their health a function of the State or of the Federal Government?

Chief Justice Marshall, in Gibbons *v.* Ogden (9 Wheat. 1), in speaking of the reserve powers of the States, said they represented—

> that immense mass of legislation, which embraces everything within the territory of a State, not surrendered to the general Government; all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws *of every description*, as well as laws for regulating the internal commerce of a State.

The Child Labor cases, Hammer *v.* Dagenhart (247 U. S. 273) and Bailey *v.* Drexel Furniture Co. (259 U. S. 120), settled this question because the question of child labor as it affects the health of the child was involved in both of them; and the court held that neither the commerce clause of the Constitution nor the taxing power of the Constitution could be invoked to regulate child labor in the States since the regulation of child labor for the protection of the health of children was a State function that Congress could not perform. Justice Day in the Hammer case used this language (p. 273):

> The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. To sustain this statute would not be in our judgment a recognition of the lawful exertion of congressional authority over interstate commerce, but would sanction an invasion by the Federal power of the control of a matter purely local in its character, and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

And Judge Taft, in the Bailey case, supra, involving the tax power of Congress, used this notable language:

> Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State, in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not in fact regulation of interstate commerce, but rather that of State concerns, and was invalid. So here the so-called tax is a penalty to coerce the people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution.

So that this bill which endeavors to deal with a subject entirely within the control of the States under the Constitution is unconstitutional, null, and void.

And we will now proceed to show, under the bill, how a State's action is unconstitutional in its acceptance of a bill that attempts to transfer to the Federal Government powers that belong alone to the States. The object of the bill is stated in section 1, to coordinate "the general rural health and maternal and child-health activities" between the United States and the several States. Under the Constitution of the United States, as this duty is nowhere directly or by implication assigned to the Federal Government, under the tenth amendment, it belongs to the States, and if so, the Federal Government has no power or control over it, and any attempt to exercise such power must, therefore, be void and of no effect. This being true, if a State, through its legislative branch, seeks to surrender this duty to the Federal Government the State law is null and void; it is a clear abdication on the part of the State of a plain and certain duty. First, in section 4 of the bill, the State in order to receive any money under the act, must accept the provisions of this bill by its legislature or governor. Second, section 4, the State board or the State health unit or agency must submit plans for carrying out the work in accordance with regulations prescribed by the board of the Federal corporation. Third, this same Federal board (sec. 2 of the bill) has power to approve or disapprove the plans of the State agency.

Now, let us examine these three requirements. First. How can the legislature or the governor of a State accept the provisions of this bill? If the acceptance is by the legislature, it is assumed that the acceptance must be a legislative act, and if so, how can the governor, in case the legislature does not act, accept it; in a republican form of government how can a governor perform a legislative act? Or, how can the legislature of a State divest the State, even for money, of the duty which the Constitution of the United States has imposed upon the State? Can the legislature of a State change the Constitution of the United States? What power resides in the legislature of a State to take away from its own officer (of the health unit of the State), the duty of carrying out this State function and placing that power in the board of a Federal corporation. That is clearly *ultra vires*. Or, what power has the legislature to compel the health officer of a State to unite with the board of a Federal corporation in expending funds of that Federal corporation? In such a proceeding, to whom is the State agent responsible? If he steals the money, can the Government of the United States hold him accountable for it? Or, can the State government hold him responsible in this regard? And how can the governor make such acceptance and change the law of the State by putting additional duties upon an officer of the State, and laying him open to penalties by another government to which he owes no allegiance in this matter? This is beyond compare the most reckless attempt ever known of inducing and bribing a State to break its own constitution as well as that of the United States.

Second. Under this head we find that the head of the State health unit must submit plans to the board for carrying on the work, and this may be considered with heading No. 3, wherein this same Federal board has the power to approve or disapprove the plans of such State agency. What

does that mean except that the plans of the Federal board are to be absolutely controlling. The power to approve or disapprove the plans means that the duty required here for the head of the State unit to submit plans is a mockery. This view is heightened by the provision in section 11 that no money appropriated by the Federal Government for this purpose, and no money appropriated by the State for this purpose, shall be used in the purchase, erection, preservation, or repair of any buildings or equipment, nor shall any of it be used for maternity or infancy, pensions, stipend, or gratuity. A State that goes into this scheme may have provisions in its law for the erection and repair of buildings; it may have maternity gratuities or pensions, or infancy pensions, or gratuities, and the legislature that accepts the provisions of this bill, if it were valid in its effect, would thereby repeal the State law in reference to buildings and maternity pensions which had been enacted by the legislature of the State in response to public demand in that State. In other words, it would operate as a repeal of those laws. A law can be repealed, of course, but the legislature can not repeal a law without the consent of the governor; and here is an attempt to violate another principle of a republican form of government which takes away the requirement of the governor's consent and sanction to all laws passed and leaves it to the legislature alone.

Under a republican form of government the legislative power extends to and over all persons and property in the State and no power or government outside of the State can change the status or exercise any regulatory powers over any officer of the State in the discharge of his State duties, for the Federal Government was not organized to carry on the local affairs of the people of the States; nor can it buy, or the State government sell, these powers to another, for they were bought with the blood of our fathers in their struggle for independence by the people of the States, and will never be surrendered by any except a weak, servile, and faithless people. This shows that a republican form of government can not be maintained in a State when State officers are controlled by and subordinated to Federal officers and Federal power, or when State functions are stealthily taken from them and carried out and developed by Federal officials without responsibility to the States. Under this bill, could the State of Virginia proceed against the Surgeon General of the United States Public Health Service as the chairman of the board? Or under this bill, could the State of Virginia proceed against its public health officer for dereliction of duty when this bill attempts to transfer his duties to the Federal board?—

> Oh, what a tangled web we weave,
> When first we study to deceive.

In sustaining my position, I beg to quote two passages from ex-President Calvin Coolidge:

> The greatest solicitude should be exercised to prevent any encroachment upon the rights of the States or their various political subdivisions. Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the Nation. It ought not to abdicate its power through weakness or resign its authority through favor. It does not at all follow that because abuses exist it is the concern of the Federal Government to attempt their reform.
>
> Society is in much more danger from encumbering the National Government beyond its wisdom to comprehend or its ability to administer than from leaving the local communities to bear their own burdens and remedy their own evils. Our local habit and custom is so strong, our variety of race and creed is so great, the Federal authority is so tenuous, that the area within which it can function successfully is very limited. The wiser policy is to leave the localities, so far as we can, possessed of their own sources of revenue and charged with their own obligations. (The annual message of the President, December 8, 1925.)
>
> I have referred in previous Budget messages to the advisability of restricting and curtailing Federal subsidies to the States. The maternity act offers concrete opportunity to begin this program. The States should now be in a position to walk alone along the highway of helpful endeavor, and I believe it in the interest of the States and the Federal Government to give them the opportunity. (Annual Budget message of President Coolidge. Quoted in the CONGRESSIONAL RECORD, January 7, 1927, p. 1219.)

But this bill contains another provision involving the so-called cooperative (?) duties of the Federal Children's Bureau with the State agencies of health in the several States and makes even more prominent than in the former discussion the attempted destruction of a republican form of government in the States. Here under the Children's Bureau we see more clearly what is meant by "cooperation" between State and Federal agencies to promote maternity and child welfare. Experience shows that when the Federal Government seeks to cooperate with a State in any activity it is like the lion who seeks cooperation with the lamb in their activities, which inevitably results in the lion swallowing the lamb. What sort of "cooperation" can that be when the Federal Government, in this bill, says to the States, "You shall do this" and "You shall not do that"? Is that the language of "cooperation"? Or of superior to inferior? Of master to servant? This language of command and of prohibition by the Federal Government to the States is defended by the advocates of this bill on the ground that what is commanded and what is prohibited is a proper thing that the States will not object to in many cases. That is not the question. If they have the power to command, which they are asking for here, and the power to prohibit, this board that has the power to make its own rules and regulations can do what it pleases. Now, see in the following cases whether I am correct in this statement.

First. Section 5. This language:

> *Provided*, That the plans of the States under the act *shall* provide—
>
> And so forth.

Second. Section 10:

> The State agency *shall* make report—
>
> And so forth.

To whom—the States? Oh, no; to the Federal board.

> The ox knoweth his owner, and the ass his master's crib.

The State agent must report to the Federal board how he has spent the State's money. Cooperation is the union of two separate, independent units doing the same work. There can be no "shall" or "shall not" between equal units.

Third. Section 5. The States *must* accept this act.

Fourth. Section 5. The State agent *must* submit plans to suit the Federal board, not the State, whose officer he is.

Now, see the cases in this bill of "shall not":

First. Section 5. The plans submitted to the Federal board by the State agent *shall not* contain any one of three prohibited things. Is that free agency on the part of the State?

Second. Section 11. No Federal money shall be used for purchase or repair or renewal of buildings. No State money shall be used for such purposes, or maternity or children's pensions, though the State may have buildings for these very purposes, and may have a law granting maternity and children's pensions. Are not the words "shall not" inconsistent in their use between equal cooperative agencies? Again, the State agent must make his report to the Federal board, and is prohibited from spending State money as the State directs, but must spend it as the Federal board directs, and if his conduct is satisfactory to the State in the expenditure of State money but not to the Federal board, further advances may be withheld and the agency subjected to such discipline and punishment as the President of the United States, to whom he may appeal, may "consider proper." Under these conditions, is such a State agency an officer of the State when he is subject to the orders of the Federal board and not to the State when his direction of the funds of the State intrusted to him for State purposes are absolutely controlled in their uses by the Federal board and the Children's Bureau?

Section 5 of the bill requires the acceptance by the State of the provisions of an act approved November 23, 1921, which expired by limitation in 1929. It is quite an unusual provision to tie a living body to a dead statute that has passed out of existence, and how can a State accept the provisions of a dead act? If it were a living organism, there might be some reason to it, but can the acceptance by the State of a dead act make it a living organism; and the alternative to the State that does not accept this act of November 23, 1921, is that through its legislative authority it shall accept the provisions of this act. The two acts are entirely different. The acceptance of the dead act does not cover the provisions in this, nor do the provisions of this act cover those of the dead act. It is a muddy and inexplicable alternative that finds no place in a proper statute; and in addition to the requirements of acceptance of the provisions of this act it requires that the State unit shall submit to the Children's Bureau detailed plans for carrying out the provisions of subsection (b) of section 3, and that after that is done these plans shall be subject to the approval of the board; that is, the plans are the plans of the board and not of the State; and immediately following this—showing that this is true—the bill declares, section 5, that the State plans shall conform to three conditions—prescribed by the board, of course. The first condition is a limitation of the amount to be expended; the second is that the problems discussed must be limited to rural districts and to towns and cities of not over 50,000 population; and, third, that the plans submitted shall include, first, promoting the establishment of local health services for mothers and children, with several other conditions. Here are three conditions put upon any State plans that may exist in any State.

In other words, the Children's Bureau, having directed that the State agency must submit plans, proceeds in this section to put three conditions upon such plans which may destroy the State plans and make them inoperative. That is, the State unit is required to make plans, but the board can say, "You shall put in this provision and that you shall not put in other provisions." Is not this a merciless dictation by the board of its own plans? And further, that all State plans must contain a provision that no officer or agent of the State shall enter any home or take charge of any child over the objection of the parents, and so forth. Such a provision might be quite necessary for any representative of this board, but the State would seem to have a right to control its own agents to see that their acts shall conform to the Constitution of the United States and of the State. This is another illustration of "Thou shalt not" to the States.

Section 10 of the act gives an extraordinary power to the board of this corporation wherein the Children's Bureau, at the request of a majority of the board, shall withhold any further certificate provided for in section 9 of the act (which looks to securing the money) if the State agent in the conduct of his work has not properly expended not only the money paid to it by the Federal Government, but the money paid him by the State for the purposes of the act. It might be reasonable that this Federal board should have the power of withholding money from a State officer appropriated by the Federal Government, but it goes further and declares that if the head of the health State agency, a State officer, in the judgment of the Federal board, has not properly expended the money of the State whose officer he is that no further certificate will be allowed the State for securing further moneys under the bill.

Can that provision be regarded by anyone as securing to the State whose officer is involved a republican form of government? Who is to determine whether the money has been "properly expended" or not? It was the State's money given for a State purpose into the hands of a State officer, and by what process of logic or reason can this proposed partnership between the Federal Government and the States to carry out a State function be justified or upheld when the State officer is discharging a State function with State money? Is this Government republican in form that permits its appropriations to be controlled by a foreign officer? If it be said that the State has accepted the conditions of this bill, we answer that the fundamental doctrine, whatever may be the form, is that a State can not accept, under the Constitution of the United States, any form of procedure that compels it to relinquish its status as a State with a republican form of government, and it would be difficult to find anyone to uphold the above doctrine as consistent with a republican form.

And mark what follows in this section 10:

> Such certificate may be withheld until such time or upon such conditions as the board may determine—

And during this unlimited time of withholding the certificate, with unlimited conditions that may be imposed by the board, the State agency is graciously allowed to appeal—

> To the President of the United States, who may either affirm or reverse the action of the board with such directions as he shall consider proper.

By what stretch of the imagination can the President of the United States be called in to determine whether a State officer, selected by the legislature or appointed by the governor of a State, has been guilty of a breach of the law of his State? Suppose the President, with power to affirm * * * the action of the board "with such directions as he shall consider proper," directs that the State agent shall be sued for the money, who could sue, the State or the Federal board? Whose money is it? Could he direct either one to do so? Or could he fine this amphibious agent, half Federal and half State, as described by Secretary Doak, for disobedience to his order? Or suppose the President should direct the State to remove him from office, must the State do so? If so, who is the controlling power in State affairs, the President or the governor? Or suppose the President says the State must reappropriate the money the agent has stolen, must the State obey the President? Can these conditions comport with a republican form of government in any State when its legislative and executive power is dominated by the President of the United States? And if a State, in proper form, accepts a law giving such powers to the President, is it not patent to the simplest understanding that it must be null and void under the Constitution of the United States?

These two provisions affecting the general health of the people of the country and conditions of maternity and children are set forth in this bill, as we have shown, can not be sustained because its provisions would tear down rather than preserve a republican form of government in each State in the Union.

And lastly, section 11 declares that no State in the Union that has a child-welfare unit shall have the right to apply the money furnished by the State for the purchase or erection of buildings or any maternity or infancy pensions, even though the State, by law, provides for such. Is that provision consistent with the right of each State to appropriate money for its own purposes, without dictation from any other power, and is it consistent with the duty of the United States to guarantee a republican form of government to each State when the bill asserts with solemn impressiveness that no State can use its own money through its own officer for its own functions as may be prescribed by the law of the State? The Federal Government has no power to put conditions upon the appropriations of the States for State purposes, and no State can agree to such a thing, for it is a surrender of those powers which are inherent in a republican form of government. It would be State suicide.

These two provisions in this bill, giving control of the powers and functions of the State to the Federal Government, are fatal to the guaranty of a republican form of government to every State of the Union. That such a bill could be brought into this House is a marvel.

Had this bill come from an outside government it would be bad enough; but here is this great Congress of the United States, a creature of the Constitution of the United States which had been created by the thirteen original States in 1787, with the sacred duty in that Constitution placed upon the United States of guaranteeing a republican form of government to each State of the Union, each State forming an integral part of the United States Government, having given abundantly of their sovereign powers in the beginning that this Federal Government might protect and defend each and all of them, and asking only in return that their several State governments might be preserved to them republican in form; and it is this Congress of the same United States, in this bill, that is shooting this poisoned arrow at the hearts of each one of these States. The States stand aghast at such an act, and are ready to exclaim:

> So the struck eagle stretched upon the plain,
> No more through rolling clouds to soar again—
> Viewed his own feather on the fatal dart
> That helped to wing the shaft that quivered in his heart.

Who in the present administration backs this bill?

I

Is it President Hoover? No. President Hoover in 1929 wrote:

I recommend to the Congress that the purpose of the Sheppard-Towner Act should be continued through the Children's Bureau for a limited period of years.

In 1930 the President, in his annual message, said:

I urge further consideration by the Congress of the recommendations I made a year ago looking to the development through temporary Federal aid for the health of children.

And so forth.

The President, therefore, does not back this bill, as it is unlimited in duration. These declarations of the President, it is noted, were made in 1929 and 1930, but when he came to deliver his address on the birthday of President Lincoln on February 12, 1931, in studying the position of Mr. Lincoln on constitutional questions, a new light dawned upon him, and the following quotation from that address justifies me, with exceeding great pleasure, of placing the President unequivocally in principle against this maternity bill in any form.

The moment responsibilities of any community, particularly in economic and social questions, are shifted from any part of the Nation to Washington, then that community has subjected itself to a remote bureaucracy with its minimum of understanding and of sympathy. It has lost a large part of its voice and its control of its own destiny. Under Federal control the varied conditions of life in our country are forced into standard molds, with all their limitations upon life, either of the individual or the community. Where people divest themselves of local government responsibilities they at once lay the foundation for the destruction of their liberties.

And buried in this problem lies something even deeper. • • • The spread of government destroys initiative and thus destroys character. Character is made in the community as well as in the individual by assuming responsibilities, not by escape from them. Carried to its logical extreme, all this shouldering of individual and community responsibility upon the Government can lead but to the superstate where every man becomes the servant of the State and real liberty is lost. Such was not the government that Lincoln sought to build.

II. SECRETARY MELLON'S POSITION

But the bill was referred to the Secretary of the Treasury for his opinion, and on June 26, 1930, he addressed a letter to Hon. JAMES S. PARKER, chairman of the Committee on Interstate and Foreign Commerce, in which he said:

While it is the opinion of the Treasury Department that there is already ample authority under the rural sanitation appropriation act for cooperation with State health agencies in developing local whole-time health units and while the Treasury Department is convinced that all essential activities for the prevention of disease and the promotion of health in both sexes and among all age groups of our population can and should be administered by the United States Public Health Service, which already possesses authority in law to cooperate with State and local health agencies for the protection of the public health, this department is not disposed to interpose objections to bill H. R. 12995 other than to reiterate its statement as set forth in its report to you of August 6, 1928, as it pertains to the establishment of an additional organization of the Government to administer public-health work.

A. W. MELLON,
Secretary of the Treasury.

What report was this the terms of which he reiterates to the chairman of this committee? I present a copy of it for your consideration.

AUGUST 6, 1928.

Hon. JAMES S. PARKER,
Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I have to acknowledge receipt of your letter of May 29, 1928, inclosing bill H. R. 14070, entitled "A bill to provide a child welfare extension service, and for other purposes," with a request for a report thereon.

The purposes of the bill appear to be to authorize annual appropriations and to provide facilities for health and welfare work on behalf of mothers and children, either independently or in cooperation with State and Territorial agencies, or through them with county or municipal agencies engaged in such work. Its enactment into law is believed inadvisable for the following reasons:

1. It relates exclusively to women and children notwithstanding the protection of their health is an integral part of the general program of safeguarding the public health.

2. It creates an additional permanent organization with authority to engage in health work which function should properly devolve upon the existing Federal health agency.

3. In health matters cooperation of the Federal Government with States and local communities should be through the respective health authorities. For such cooperation as may be authorized by law, State and local health authorities should be able to look to the Federal health agency; they in turn should not be expected to cooperate with multiple Federal organizations in health matters, nor have regulatory activities conducted within their jurisdictions independently of them.

4. There is now authority in law for cooperation by the United States Public Health Service with State and local health authorities for the protection of the public health.

This authority should not be duplicated; to do so would tend to cause overlapping and confusion.

I am advised by the Director of the Bureau of the Budget that this report is not in conflict with the financial program of the President.

Very truly yours, HENRY HERRICK BOND,
Acting Secretary of the Treasury.

It is seen from this report of August 6, 1928, that the Acting Secretary of the Treasury, Mr. Bond, uses this language, speaking of the reenactment of the Sheppard-Towner Act:

Its enactment into law is believed inadvisable for the following reasons (four of them).

And Secretary Mellon says that he is not disposed to interpose objections to this bill other than to reiterate his former objections, which were four, and these four reasons are powerful arguments against this bill. He objected to it in 1929 and reiterates that objection in 1930, and we can safely leave the argument against it in Mr. Mellon's report.

I have discussed quite often the fundamental objections to this class of bills under the Constitution of the United States, and, without repeating those arguments, I beg to submit a list of authorities which sustain my view:

Primus inter pares, Chief Justice Marshall in McCulloch v. Maryland (4 Wheat. 316).
Gibbons v. Ogden (9 Wheat. 1).
Virginia Constitutional Convention, 1829–30, on the militia.
Judge Brewer in Kansas v. Colorado (206 U. S. 89) and Fairbanks v. United States (181 U. S.)
Judge Miller in Loan Association v. Topeka (20 Wall. 655).
Judge Miller on the Constitution (p. 229, note 2).
Mr. Madison, Resolutions of 1798.
Mr. Madison's message, May 4, 1822.
Federalist No. 41.
Veto message, March 3, 1817.
Letter of Madison to Andrew Stevenson.
Supplement to letter to Andrew Stevenson. (Writings of James Madison, by Gaillard Hunt, Vol. IX, p. 424.)
Cooley on Taxation, second edition, page 110.
Cooley, Constitutional Limitations, pages 11 and 106.
Willoughby on the Constitution, volume 1, page 40.
James Wilson (Wilson's Works: Andrews, vol. 2, pp. 56–59).
John C. Calhoun, February 20, 1837, United States Senate. (Works of Calhoun, Vol. III, p. 36.)
Mr. Jefferson on power of Congress to establish Bank of the United States, February 15, 1791.
Letter to Judge Spencer Roane, October 12, 1815. (Works of Jefferson, by Paul Leicester Ford, 1905, Vol. XI, p. 489.)
Von Holst, a strong Federalist, Constitutional Law of the United States, page 118.
Hare, American Constitutional Law, volume 1, pages 242–243.
William A. Duer, Constitutional Jurisprudence, second edition, page 211.
Grover Cleveland, veto message to the House of Representatives making appropriations for drought-stricken counties in the Southwest.
B. J. Sage in Republic of Republics.
Calvin Coolidge, addresses of, Budget meeting, January 21, 1924, and annual message, December 6, 1925.
Tucker on the Constitution, Volume I, pages 477, 478–480.
Chief Justice Taney in Dobbins v. Commissioners of Erie County (16 Pet. 448–449).
Chief Justice Chase in Veazie v. Fenno (8 Wall. 541).
And Judge Story on the Constitution, sections 907–909, 910.

It is interesting to note that the many examples of where the death rate of infants increased under the Sheppard-Towner Act show that the law did not carry out what it proposed to do, and the three States, Illinois, Massachusetts, and Connecticut, that did not adopt the act at all, are striking examples of what can be done in reducing mortality by the people of each State directing it according to their own plans and views, for in these States mortality of women and children was less than in those that adopted it.

In Standards of Child Welfare, the Report of the Children's Bureau Conferences, May and June, 1919, Conference Series No. 1, Bureau Publication No. 60, on page 145, a distinguished doctor, professor of obstetrics, filed a paper from which, on page 146, I extract the following:

I take it that the first step in such a campaign of education for the improvement of obstetrical conditions must consist in the *compulsory registration of pregnancy* through the local health officer. In this event it will be possible for every pregnant woman throughout the entire country to be supplied gratis with certain of the publications of the Children's Bureau, and thereby, if able to read, to be convinced of the importance of insisting upon adequate care. Furthermore, it should be the duty of the local health officer to see that the women who register should promptly arrange for suitable care during pregnancy and at the time of labor. If a physician were engaged, the health officer's responsibility would end, but if the patient is to be cared for by a midwife, it would be his duty, or that of a paid substitute acting for him, to see that certain examinations and requirements were carried out.

I do not know how far the views set forth in the above quotation are entertained by those who have the execution of the Children's Bureau under this bill. I have been informed, however, that there are some who entertain the same view, and if so, it will remain for the men and women of this country to say whether the social standards of the country will submit to these proposed hygienic regulations. The principles of this bill have had a trial, lasting for five years, and the results of that trial are far from realizing the hopes of the authors of the bill. Whether a continuation of it might improve conditions which in many of the States have not been improved, no one can say; but the terms of the bill are fatal to a republican form of government, and will strike down the integrity of the States of the American Union, and make them subservient tools of the Federal Government in its triumphant march to a centralized bureaucracy!

ENGROSSMENT AND ENROLLING OF BILLS AND JOINT RESOLUTIONS DURING THE REMAINDER OF THE SESSION

Mr. SNELL. Mr. Speaker, I send to the Clerk's desk a House concurrent resolution and ask unanimous consent for its immediate consideration.

The Clerk read the House concurrent resolution, as follows:

House Concurrent Resolution 53

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The concurrent resolution was agreed to.

ORDER OF BUSINESS

The SPEAKER. In view of the congested situation of business, unless the various matters of general legislation to be brought up by rule or possibly by suspension shall have been concluded by 6 o'clock this afternoon, the Chair will not recognize requests to take up Senate bills or other bills which would naturally come up in their order to-day; but the Chair will devote considerable time on Monday to unanimous-consent requests to consider Senate bills or House bills with Senate amendments.

Mr. LEHLBACH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LEHLBACH. If unanimous consent is asked and objection is made, will the Speaker recognize the proponents of the bill to renew his request?

The SPEAKER. The Chair could hardly answer that; he would if there was no particular reason why he should not.

Mr. SNELL. Is it the Chair's intention to take up in order the three rules that have been agreed upon?

The SPEAKER. Yes; and if time is left before 6 o'clock, suspension of the rules.

Mr. STAFFORD. Mr. Speaker, is it the intention to have the Consent Calendar called on Monday?

The SPEAKER. It will be in order.

BOOKS FOR THE BLIND

Mr. SNELL. Mr. Speaker, I call up House Resolution 363.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 4030, to provide books for the adult blind. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Library, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, this rule simply provides for the consideration of a bill that has been before the House for some time, making an appropriation of $100,000 at the disposal of the Library of Congress to buy books for the adult blind. I know of no opposition, and I do not think any time is desired on the rule.

Mr. POU. There is no opposition to the rule on this side.

Mr. O'CONNOR of New York. The only thing I hope is that the bill will be explained in the House. It was not very clearly explained before the Rules Committee. I hope the bill will not be rushed through and that we will be given the hour which the rule provides for consideration.

Mr. SABATH. Will amendments be in order?

Mr. SNELL. Yes; under the general rules of the House.

Mr. CRAIL. I want to say that there is opposition to the bill. The rule provides that the time may be equally divided between the chairman and the ranking minority member, both of whom are in favor of the bill.

Mr. SNELL. I assure the gentleman that the opposition will have one-half of the time.

Mr. CRAIL. With that assurance, I have no objection.

Mr. TUCKER. Does the bill apply to the District of Columbia only?

Mr. SNELL. To the whole United States.

Mr. CELLER. Does this provide that the books shall be in Braille?

Mr. SNELL. I suppose they are, but I do not know about that. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

NATIONAL PARK AND PLANNING COMMISSION

The SPEAKER. Pursuant to the act of Congress approved June 6, 1924 (43 Stat. 403), as amended by the act of April 30, 1926 (44 Stat. 374), the Chair appoints the gentleman from Michigan, Mr. MCLEOD, as a member of the National Park and Planning Commission.

BOOKS FOR THE BLIND

Mr. LUCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 4030) to provide books for the adult blind.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

Mr. LUCE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUCE. Mr. Chairman, I yield 10 minutes to the gentlewoman from New York [Mrs. PRATT], the author of the bill. [Applause.]

Mr. CRAIL rose.

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. CRAIL. I rise to a parliamentary inquiry.

The CHAIRMAN. Does the gentlewoman from New York yield for that purpose?

Mrs. RUTH PRATT. Yes.

Mr. CRAIL. As I heard the resolution read, we are considering a Senate bill and not a House bill.

The CHAIRMAN. We are considering a Senate bill.

Mr. CRAIL. The gentleman from Massachusetts [Mr. LUCE] yielded 10 minutes to the author of the bill, and I thought perhaps he had switched to the Pratt bill.

The CHAIRMAN. It is the same bill.

Mrs. RUTH PRATT. Mr. Chairman, this bill requires very little explanation, and I believe needs no defense. There are in the United States approximately 100,000 blind persons. Of these about 90,000 have become blind during their adult years. Of this number about 25,000 are able to read the Braille type. The Government long since recognized its obligation to the little children who are blind, by providing an appropriation for material and textbooks in Braille type, but the literature for the adult blind is woefully inadequate. Take, for example, the library in New York, which has a special department for the blind. In that library there are only about 1,000 titles available to them, while for those of us who can see there are something over 1,000,000. The American Foundation for the Blind made a survey, and as a result of that survey it was found there were three obstacles in the way of the provision of books for the adult blind. One is the proper geographical location of distribution centers; one is the unfair distribution of the expense incident to providing books and distributing them; and the other, the inadequacy of the amount of literature for the blind. This bill proposes to overcome all of these difficulties. It provides for an appropriation, in addition to the other appropriations for the Library of Congress, to the amount of $100,000 annually, to be expended under the administration of the Librarian of Congress. Your Committee on the Library deemed that to be the proper way in which to provide for the expenditure of this money, because the Library of Congress is a Government agency directly responsible to the Congress.

One of the great outstanding personalities of our time is Miss Helen Keller. From infancy she has had three seemingly insurmountable handicaps—deafness, dumbness, and blindness. Through a great beauty of spirit, gallant courage, and indomitable will she has been able to break through this human bondage and make for herself an unchallenged place in the intellectual life of our time. [Applause.] I wish every Member of this House might have been present at the hearing when she appeared before the Committee on the Library. We were all intensely touched, emotionally, but, more than that, we were left with a profound sense of the simple justice of her appeal. [Applause.]

I yield back the remainder of my time.

Mr. WARREN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Chairman, this bill appeals to our very best humanitarian instincts. It makes a little financial substance go a long way in the production of happiness. What a boon this legislation will be to many souls that are shut in, and that will stay shut in until they put on the robes of immortality!

All of us know in our own circle of acquaintances blind persons to whom the books to be provided by this bill will be the choicest of blessings. I have now in mind an old mother who resides less than 2 miles from this Capitol. Her head is snow crowned. She has raised a large family and she has been a good mother. Her eyes, the windows of as sweet a soul as ever graced God's footstool, have gone out. At regular intervals a messenger from the Library of Congress delivers at her home a Braille book, and if you could see the light of happiness that comes over her face at such times, as I have seen it, you would have no doubt of the good this legislation will accomplish in lightening and lifting the depression that engulfs the blind.

We can not make the blind see, but we can take a lot of the sadness and sorrow out of their lives by giving them embossed books to read. Next to restoring their vision, which no earthly agency can do, our best gift to them is something that will enable them to forget themselves; something to break down the barriers that imprison them in such dreaded isolation; something that will give them contact with the living, moving world. That something is books.

This bill is admirably conceived to accomplish that purpose—not all at once but by gradual degrees. It is a very simple measure. It appropriates $100,000 a year to provide books for the blind printed in raised characters which may be read by the sense of touch. It puts this money at the disposal of the Librarian of Congress. Some of the books will be kept here and others will be sent out to libraries over the country, where they will be made available for circulation among blind readers.

Several agencies besides the Library of Congress have been suggested as a means of getting the books distributed and circulated, but when we consider the noble purpose to be served this seems too small a matter to quibble over. The main object, which gives the legislation its incentive and its value, is to provide suitable books and get them out among the blind according to some well-regulated system, and I do not know any agency better designed to accomplish this end than the great national library known as the Library of Congress, which is directly responsible and accountable to Congress, and which already maintains a service for the blind that is easily capable of being expanded to these greater proportions and made an instrumentality of service for large numbers of sightless persons.

Our committee listened with rapt attention to the testimony of the most remarkable living champion of the blind, Miss Helen Keller. We were charmed by her brilliancy and spellbound by her eloquence. Bereft of both hearing and sight, she seemed as she stood before us to be the incarnation of pathos, but, though she lives in darkness, there was not one of us but was impressed by the height and breadth and depth of her spiritual vision. We believed her when she said:

> Books are the eyes of the blind. They reveal to us the glories of the light-filled world. They keep us in touch with what people are thinking and doing. They help us to forget our limitations. With our hands plunged into an interesting book we feel independent and happy. I ask you to show your gratitude to God for your sight by voting for this bill.

Let us do as Helen Keller asks us to do. Let us show our gratitude to God by rendering this help to his sightless creatures. By so doing we will show our gratitude for Helen Keller, one of the noblest women of our time and all time. [Applause.]

Mr. LUCE. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. CRAIL].

Mr. CRAIL. Mr. Chairman and my colleagues of the House, I am for Braille books for the blind as much as anybody in this House, but I am opposed to this bill unless it is amended as I shall hereafter suggest, because I think it would be vicious in its operation. It is a simple bill on its face, very innocent looking, but it would lead our Government into very serious consequences.

We are in the closing days of a session of Congress. Bills that come up at this late date are supposed to be emergency bills, and it is supposed that there is some good reason why they should be rushed through. If there is any reason why this bill should be jammed through Congress in its half-baked condition without consideration, I do not know what it is. There is no emergency here. Our Government has been in existence for 150 years, and if this were something that required immediate action, something would have been done about it during the 150 years our Government has been functioning, or something would have been done about it earlier in this present session. It has not been indorsed by any national party convention, Republican or Democratic, or any other. It has not been indorsed by any President; it has not been reasonably considered on its merits. This is a Senate bill. The committee in the Senate that reported this bill held no hearings on it whatever. The report which accompanied the bill in the Senate merely said that hearings were held in the House.

Hearings were held in the House on a similar bill by the Committee on the Library, which is composed of five members, of which the author of a similar bill is a member. Very carefully other bills for the care of the blind were not permitted to be discussed when this hearing was taking place. Not only that, but two other bills for the blind were referred to another committee of the House, the Committee on Education, a committee of 21 members. That committee went into elaborate hearings on the bill. I hold in my hand a printed copy of the hearings before the Committee on Education on Braille bills for the blind. There are 152

printed pages in that report of the hearings, and yet these two committees never got together and ironed out any differences or tried to bring in a bill that was fair to the Government and for the good of the blind. The Committee on Education has been absolutely ignored so far as this bill under discussion is concerned.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. CRAIL. Yes; with pleasure.

Mr. SIROVICH. Is there any difference between this Pratt bill and the bill presented to the committee, in purpose?

Mr. CRAIL. In purpose, no; because they are for the blind and for the benefit of the blind.

Mr. SIROVICH. Then what is the difference?

Mr. CRAIL. The difference is this, and it will take me a few minutes to explain it. The Government of the United States is annually appropriating $75,000 for the printing of Braille books for the blind. The money goes to the American Printing House for the Blind, an institution at Louisville, Ky., not a Government institution, a private concern, though a nonprofit corporation.

This company has been subsidized by the Government for more than 50 years, ever since 1879. The law under which this $75,000 per year goes to this American Printing House for the Blind at Louisville, Ky., expressly provides that it is for the printing of books for the instruction of the blind, and no part of that money shall be used in the purchase of real estate or in the erection or leasing of buildings, and that in the printing and distribution of books for the blind no profit will be made by this subsidized institution, and that the price put upon each article so manufactured or furnished shall only be its actual cost.

That is the law, but here is the situation: At the hearings held before the Committee on Education, which is not the committee which considered the bill which is now before the House, it was disclosed by the testimony of the president of that institution on cross-examination that that institution is making a profit on its books; that it is using the $75,000 subsidy from the Government of the United States for its overhead, for its pay rolls, for its salaries of officers, for the purchase of supplies, and then it is competing in the open market with other publishers in this country to make a profit.

Mr. THATCHER. Will the gentleman yield?

Mr. CRAIL. I yield to my friend from Kentucky.

Mr. THATCHER. Is it not a fact that the president stated they follow the provisions of the Federal law scrupulously, to the effect that no profit is put on any book or any tangible apparatus furnished to the blind children of the country; and that only incidental profits are made in contracts carried outside of the Government appropriation, which have nothing in the world to do with the blind children? That is the fact.

Mr. CRAIL. I will answer the question by saying that he tried to justify the profits which the institution made, but he testified that the company had made a large profit on books for blind veterans, which it printed for the Veterans' Bureau of the United States on a contract secured in open competition with printing houses which are not subsidized by the Federal Government.

Mr. THATCHER. Oh, it is perfectly clear what I have stated.

Mr. CRAIL. It is the fact in any event.

Mr. THATCHER. What I have stated is the fact.

Mr. CRAIL. Gentlemen of the committee, if the gentleman wants to argue, he should not do so on my time. I think the gentleman can get all the time he desires without taking my time, which is so limited that I will not get to say one-fourth what I would like to say. The facts are that the law does not say what my distinguished friend has just intimated, that the restriction in the law is that they shall not make a profit in the printing of books for blind children. The law provides that they shall not make any profit on the books which they print for the instruction of the blind. When the gentleman is trying to limit it to the books they make for blind children, there is no such thing as that in the law. The law is that they shall not make any profit on the books they print for the instruction of the blind.

I have in my hand a copy of the law which subsidizes the American Printing House for the Blind at Louisville, Ky. Here is the part germane to the question referred to:

> (1) Purposes and method of expenditure: First, such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing embossed books for the blind and tangible apparatus for their instruction; and the total amount of such books and apparatus so manufactured and furnished by such appropriation shall each year be distributed among all the public institutions for the education of the blind in the States and Territories of the United States and the District of Columbia, upon the requisition of the superintendent of each, duly certified by its board of trustees. The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of the said American Printing House for the Blind shall require; and each institution shall receive, in books and apparatus, that portion of the appropriation as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.
>
> (2) Buildings: Second, no part of the appropriation shall be expended in the erection or leasing of buildings.
>
> (3) Sales of books and apparatus at cost. Third, no profit shall be put on any books or tangible apparatus for the instruction of the blind manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Ky.; and the price put upon each article so manufactured or furnished shall only be its actual cost.

I will leave it to the fairness of this body whether this company can lawfully accept this $75,000 annual subsidy, and at the same time make a profit on books printed by it for the instruction of the blind. It seems particularly obnoxious that they should take this subsidy from the Government, and then make a profit on the Government, biting the hand that feeds them.

Mr. SIROVICH. Will the gentleman yield?

Mr. CRAIL. I yield to the gentleman from New York.

Mr. SIROVICH. The report states that nearly all organizations of the blind are heartily behind this measure.

Mr. CRAIL. The blind readers are against this bill. I have in my hand a pamphlet which is an argument against this bill, prepared by a blind reader, Mr. J. Robert Atkinson, and he says that hundreds of blind readers have opposed the passage of this bill by letters signed by them, but not one is on record indorsing the Pratt-Smoot bill. He says further, and this is addressed to all Members of Congress, "Choose you this day whom you will serve, blind readers or blind leaders."

Mr. Chairman, I ask unanimous consent to insert in the RECORD as a part of my remarks this argument, "Blind Book Legislation," from which I have just quoted.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

BLIND BOOK LEGISLATION

There are now two bills pending before Congress, each designed to furnish literature to the blind through a permanent appropriation of $100,000 a year. One is purely original—the outgrowth of years of experience in furnishing literature for the blind—the other originated overnight, notwithstanding the fact that both bills were introduced on the same day.

The first, or original bill—and the one most worthy of your support—is known as H. R. 9994. It is the outgrowth of years of experience in the furnishing of books for the blind, with the aid of private philanthropy. A hearing on it was held by the House Committee on Education May 26, 1930.

The Crail bill, among other things, provides:

(1) That an appropriation of $100,000 a year be paid to the trustees of the Braille Institute of America (Inc.), Los Angeles, Calif., to be expended for the purpose of furnishing embossed books and periodicals to the blind;

(2) That the books and periodicals so printed shall be distributed free to the blind through the now existing libraries or institutions conducting free lending departments of books for the blind, and through those libraries that may hereafter be established for that purpose subject to the approval of the American Library Association in the United States and its territories;

(3) That sole authority for the selection and determining of literature to be printed shall be vested in a committee composed of librarians in charge of the aforesaid libraries, in conjunction with the American Library Association's subcommittee on books for the adult blind, which committee shall give due cognizance to the literary preferences of blind readers;

(4) That the distribution of books and periodicals supplied from this fund shall be on a basis determined by the trustees of the Braille Institute of America (Inc.) and the executive board of the American Library Association;

(5) That no profit shall be put in any books or periodicals printed or distributed by the Braille Institute of America (Inc.), and the price put upon the books or periodicals so printed or furnished shall not exceed the actual cost of production;

(6) That no part of the appropriation shall be expended in the erection or leasing of buildings or real estate;

(7) That the Secretary of the Treasury of the United States shall have the authority to withhold the appropriation whenever he shall receive satisfactory proof that the trustees of the Braille Institute of America (Inc.) are not using the appropriation for the benefit of the blind as outlined in the bill; and

(8) That the treasurer of the Braille Institute of America (Inc.), having executed a bond for the faithful discharge of his duties, shall submit annually, or whenever requested by the Secretary of the Treasury of the United States, a certified audit of the books and records of the institute.

(NOTE.—The Crail bill provides safeguards which demand both efficiency and economy in administering the appropriation.)

The second bill was introduced by Congresswoman RUTH PRATT of New York, under the sponsorship of the American Foundation for the Blind, soon after its author and sponsors learned that a bill was drafted by Congressman JOE CRAIL. A hearing on it was held March 27, 1930, by the House Library Committee, of which Mrs. RUTH PRATT is a member. Although this committee reported the bill favorably, it failed twice to come before the House through suspension of the rules. On account of these failures, Mrs. PRATT'S bill was then given to Senator SMOOT for introduction into the Senate, and therefore the measure is now known as the Pratt-Smoot bill. Under this name it was hurriedly passed by the Senate, but since then it has again failed twice to receive recognition by the House under suspension of the rules process.

The Pratt-Smoot bill provides, briefly: (1) that Congress shall appropriate $100,000 annually to furnish literature for the blind; (2) that the appropriation shall be administered by the Librarian of Congress; (3) that said librarian shall have full and autocratic authority in the selection and distribution of the literature to be printed with said appropriation; and (4) that said librarian may use his discretion, also, in the establishment of other libraries in addition to those now engaged in lending books for the blind.

Commenting on the above statements, and with particular reference to those specified below, it is pointed out:

(2) That an appropriation for the literary advancement of the blind can best be determined by an institution experienced in supplying literature to the blind and devoted exclusively to that work, and that the Braille Institute of America (Inc.) meets this requirement.

It has as a background 10 years of experience in publishing literature for the blind, and it now has at its disposal a spacious plant with adequate office and printing facilities to function immediately, efficiently, and economically in manufacturing and distributing literature for the blind, while the proponents of the Pratt-Smoot bill, or the agency charged with its administration, have had absolutely no experience in publishing such literature.

(3) That any bill enacted into law, designed to supply literature for the blind will signally fail unless it functions to the satisfaction of blind readers, both in the selection and distribution of literature published. The only way to insure this result is to give blind readers a voice in the selection of the literature, as is provided for in the Crail bill, but a privilege conspicuously lacking in the Pratt-Smoot bill, which places this authority and responsibility in the hands of a single librarian. If this provision were the only objectionable feature in the Pratt-Smoot bill, it would be sufficient ground for its defeat.

The sponsors of the Crail bill not only believe that blind readers should have a voice in the selection of the literature, but also that this important responsibility should be rested with a publication committee composed of experienced librarians who have devoted years of study in serving the blind.

The folly of placing the authority of selecting the literature in the hands of one person is seen in the transcript of the hearing on the Pratt-Smoot bill by the Library Committee, March 27, 1930, when its chairman, ROBERT LUCE, expressed the opinion that the reading public would be better off if it were restricted to literature of the Victorian Age. What a calamity—if the Pratt-Smoot bill were to become a law and the present Librarian of Congress or his successor should share Mr. LUCE'S opinion!

Another danger besetting the administration of the appropriation, in the Pratt-Smoot bill by the Librarian of Congress, is seen in the evidence of the aforesaid hearing on that bill, by Senator-elect Thomas A. Gore, of Oklahoma. Senator-elect Gore, in his testimony, pointed out that the present Librarian of Congress, in his report to Congress in 1910, exhibited an apparently unsympathetic attitude, by asking that the lending department of books for the blind be removed from the Library of Congress assumably on the ground that it was foreign to the functions of that Library. As a result of his recommendation, the department was moved into the Carnegie Library, subsequently to be re-installed by the Library of Congress, but not until the National Library for the Blind had been established in Washington, D. C.

Mr. John Ralls, representing the Cleveland Public Library and various blind organizations in the States of Ohio and Kentucky, also appeared at the hearing of the Pratt-Smoot bill in opposition to it, and pointed out that the Librarian of Congress was at first opposed to the bill in that it delegated him as its administrator, acceding only after "the fact was emphasized that this was a large sum which was being placed to the credit of the Library of Congress."

The Braille Institute of America (Inc.), sponsors of the Crail bill, believe that blind readers are capable of deciding for themselves the literature they wish printed and that since it is necessary to establish an agency for the purpose of selecting the literature, that agency should be composed of persons whose first interest is in the blind readers themselves and who are specialists exclusively in the field of literature for the blind.

(4) Literary service for the blind could be augmented through the establishment of perhaps four or five additional libraries located at strategical points throughout the Nation, but under no circumstances should a dollar of the appropriation sought in either bill pending, be used for this purpose, since that amount is scarcely adequate to print (on a nonprofit basis) enough literature to meet the demand and without which there is no reason for establishing more libraries to house such literature.

Hundreds of blind readers favor passage of the Crail bill, but not one is on record indorsing the Pratt-Smoot bill.

"Choose you this day whom ye will serve"—blind readers or blind leaders.

Mr. WARREN. Will the gentleman yield?

Mr. CRAIL. I yield.

Mr. WARREN. Is there anything in the bill now under consideration that would prevent the Library of Congress from contracting with any printing houses in the United States where these books are printed?

Mr. CRAIL. No. But the practical effect of the bill is to give a monopoly to the Louisville concern, because with the aid of this subsidy from the Federal Treasury it can underbid all competitors.

Mr. HALE. Will the gentleman yield?

Mr. CRAIL. I yield.

Mr. HALE. How many concerns are there in this country producing these books, and where are they located?

Mr. CRAIL. There are three major plants printing books for blind readers. Practically every State has an institution for the blind, which in turn has a little printing plant, equipped with a hand press or a foot press, where they do some Braille printing or printing for the blind; but there are three institutions equipped to print books on the scale contemplated by this bill.

I am in favor of appropriating $100,000 for printing books for the blind. I want that money appropriated, but I say this bill is vicious unless it is amended. At the proper time I am going to offer an amendment which will largely rectify the evils of the bill.

When I was interrupted I was speaking about the profit. The president of the American Printing House for the Blind testified before the Committee on Education that in one contract which it had with the Veterans' Bureau of the United States it made a profit of $30,000.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CRAIL. I yield.

Mr. SCHAFER of Wisconsin. I did most of the cross-examining during that hearing, and my cross-examination was based on the gentleman's statement indicating a $30,000 profit on the Veterans' Bureau contract. Following that completed hearing I have been unable to find anywhere in that or any other record the report of this Louisville concern where they indicated they made $30,000 on the Veterans' Bureau contract. The cross-examination was very rapid, and it may have been that the words were put into the witness's mouth and he did not deny them, but he also did not affirm them. I went through that complete hearing five times since they were closed.

Mr. CRAIL. If the gentleman will turn to page 23 of the hearing before the Committee on Education and read the testimony of Mr. BARR, president of that institution, he could have found what he was looking for. Here is a sample. Similar admissions can be found through the testimony of Mr. BARR:

Mr. CRAIL. The $75,000 annual appropriation is used in the purchase of equipment, machinery, type, paper, and all supplies?

Mr. BARR. Exactly.

Mr. CRAIL. And pay roll. I am asking you why you say there is no profit. Is it not true that your last annual report says that you made a profit of $30,000 on a contract which you had with the United States Veterans' Bureau, and that you used that $30,000 for putting a third story on the building of your factory?

Mr. BARR. We did make a profit, but it was under competitive bidding, and that all inured ultimately to the benefit of making at a lower cost the books which we distributed to these various States for the student blind of those States.

Mr. CRAIL. In other words, you justify the means by the results obtained in using Government money to maintain a monopoly.

Mr. BARR. That bid was made for the benefit of the Government and the Government got the benefit of it, and if we had not been in position to have made the work for the Veterans' Bureau at a lower or better price, the Government, on the other hand, would have had to have paid a larger sum of money.

Mr. SCHAFER. Do you mean to tell me that an institution receiving an appropriation from the Federal Treasury, with no agency of the Federal Government having any control in the administration, on a competitive bidding made a profit on the Veterans' Bureau, Government work for the blind, disabled veterans, of $30,000, and then repeatedly this morning tell us that you are not a profit-sharing institution?

Mr. CRAIL. That is just one item.

Mr. BARR. It all goes back for the benefit of the blind, exactly; there is no distribution of funds. There is no profit sharing in this institution.

Whether the profit was $30,000, as asked of and not denied by, the president of the company, or whether it was approximately $28,000, as some claimed that the annual report of the company for the year 1926 indicated, or whether it was only $14,000, which the third story of the building cost which was built out of the profits, makes little difference. The company does make profits. The printed annual report of the Printing House for the Blind at Louisville, Ky., for the year 1926 is in the Library of Congress, and anybody can get it. In that report it is stated plainly that they made a substantial profit and with that profit they built a third story on the building of the American Printing House for the Blind.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CRAIL. I yield for a question.

Mr. SCHAFER of Wisconsin. I chased down that statement of the gentleman from California, and I went through this entire report of the Louisville Printing House for 1926, and I can not find, directly or indirectly, any statement indicating that a profit of $30,000 or $20,000 was made on the Veterans' Bureau contract. I want to be fair with these blind people and with this blind legislation. I will very frankly state that I was led off the trail, as was the Committee on Education, with a statement which I have not been able to substantiate.

Mr. CRAIL. But the gentleman will admit that I am not responsible for his inability to find something which is in black on white and which the gentleman says he had before him. [Laughter.]

Mr. SCHAFER of Wisconsin. I will state to the gentleman that the gentleman from California definitely stated at the hearings that they made a $30,000 profit out of the Veterans' Bureau contract and we took his word for it, but up to this present moment the gentleman can not indicate any evidence substantiating that statement.

Mr. CRAIL. I have just told the gentleman where he can find it. Convince the gentleman from Wisconsin against his will and he will be of the same opinion still. I have cited page 23 of the hearing before the Committee on Education.

Mr. SCHAFER of Wisconsin. Here is the report. I wish the gentleman would read it into the RECORD.

Mr. CRAIL. I will find it when my time is up and let the gentleman confound himself. If it were not for the fact that I would have to take the time of the committee to do so now, I would find it and read it into the RECORD, but I will find it before this discussion is closed. Here it is:

Turn to page 14 of the fifty-eighth report of the board of trustees of the American Printing House for the Blind, Louisville, Ky., 1926, where the following appears:

Second. General business beyond and outside of the printing of books for the schools in accordance with preceding paragraph; for example, blinded soldiers, the contract with the American Bible Society, and other small contracts to print books for individuals and sales to other than Government beneficiary institutions.

In reviewing the business for the past four years the transactions under paragraph 2 have greatly increased, especially during the year 1924–25, when the large contract for the War Veterans' Bureau was filled, evidencing a substantial profit.

Page 13 of the same annual report, issued by this Louisville concern, contains the following illuminating information:

Under present conditions it is apparent to the board that in order to further the efficiency of the institution and to afford larger service to the State institutions, it will be necessary to increase the capacity of the plant. With this condition confronting us, we have entered into a contract for an additional third story to the building of the American Printing House for the Blind, and for the installment of the necessary machines and electric motors for the proper operation of the institution.

The sum of this expenditure, as shown by the bids received by the architect, is approximately $14,000. The funds to meet this expenditure are fortunately on hand, due to the profits made from the sale of books exclusive of books furnished to the State institutions.

Page 8 of the same annual report indicates accumulated profits of $27,873.89 at the close of the fiscal year ending June 30, 1926, in the following:

Balance accounted for as follows:		
Deposit in Citizens Union National Bank to credit of treasurer of American Printing House for the Blind, June 30, 1926	$28,014.54	
Less checks outstanding	170.65	
		27,843.89
Petty cash fund		30.00
		27,873.89

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WARREN. Mr. Chairman, I yield the gentleman five minutes.

Mr. CRAIL. I can not make much headway when I am interrupted and beleaguered by a gentleman who simply shows his ignorance of this question.

Mr. GARBER of Virginia. Will the gentleman yield for a simple question?

Mr. CRAIL. I will; yes.

Mr. GARBER of Virginia. The gentleman stated a moment ago that there were three of these institutions located in the United States. Will the gentleman tell the committee where the other two are located?

Mr. CRAIL. The best equipped one in the world is at Los Angeles, Calif., and one is in New York State. I will say that the institution at Los Angeles, run by blind people, is responsible for practically all of the advancement that has been made in America in Braille printing, both in quality and in economy, in the last 10 years. This bill would absolutely shut them out and they could not print any of these books, because, as was testified before this committee, the Government subsidy is used by the Printing House for the Blind, at Louisville, Ky., for the purpose of engaging in commercial printing and for the purpose of enabling them to underbid competitors in the printing of blind books, and that is not what the Congress of the United States should want.

Mr. THATCHER. Will the gentleman yield in the interest of fairness?

Mr. CRAIL. Can not the gentleman get his own time and present the other side of this matter? I have no objection to a question, but I do not think the gentleman should take my time by making a statement. However, I yield.

Mr. THATCHER. Is it not a fact that the American Printing House for the Blind could not buy a piece of machinery, replace anything, or pay a water bill unless they were able to make some incidental profit on outside contracts?

Mr. CRAIL. I know that the Braille Institute of America, at Los Angeles, gets no subsidy whatever, and that it pays its water bills and its light bills.

Mr. THATCHER. Is it endowed?

Mr. CRAIL. I do not think it is endowed.

Mr. THATCHER. To any extent?

Mr. CRAIL. Not to any extent, to my knowledge, but it is supported by the benefactions of generous people who are interested in the blind.

ment was moved into the Carnegie Library, subsequently to be

chase of equipment, machinery, type, paper, and all supplies?

and sales to other than Government beneficiary institutions.

interested in the blind.

Mr. SIROVICH. And by public subscriptions?

Mr. CRAIL. Yes.

Mr. HALL of Illinois. Did that institution ever have any governmental subsidies?

Mr. CRAIL. It has never had any from the Federal Government, State, county, or city of any kind.

Now, friends, I am not making a plea at this time for the bill which was introduced by me. It is not before the House. That was thrown into this argument simply to disconcert me. I want to discuss the merits of this bill which is before us. If this subsidy is used to compete with other printing houses in the country, of course, that merely means that the Printing House for the Blind at Louisville, Ky., is going to do all of this printing, because it can underbid any printing house for the blind, regardless of the fact that it is not the best-equipped establishment, that their men are not the best skilled, that they have not modernized their printing plant and invented ways of printing on both sides of the page, which has been done in this country by J. Robert Atkinson of Los Angeles, Calif., and which has almost cut in two the price of printing books for the blind.

Mr. SIROVICH. Will the gentleman yield?

Mr. CRAIL. Yes.

Mr. SIROVICH. Since the gentleman is in favor of the principle underlying this bill what would he want to do to supplement it and make it satisfactory?

Mr. CRAIL. I would do this. If I had the time I would show you that this bill is for the benefit of the American Printing House for the Blind at Louisville.

Mr. SIROVICH. I wish the gentleman would answer my question.

Mr. CRAIL. I would provide that the printing and purchasing of books shall be by public bids and in fair competition. No concern enjoying a subsidy from the Federal Treasury would be eligible to bid. I intend to offer an amendment and under the 5-minute rule I will explain it. I am sorry I have not more time.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. WARREN. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, I shall not consume that much time, but I want to say I am very heartily in favor of this bill and shall vote for its passage. I particularly desire to say, as an Alabamian, that I am unwilling to allow this opportunity to pass without expressing the appreciation of myself and other members of our delegation for the very generous and well-deserved words of praise that have been uttered on the floor this afternoon in eulogy of the accomplishments of Helen Keller, who is a native daughter of Alabama. [Applause.]

It so happens that her father and mine were in the same brigade in the Confederate Army, that her elder brother and myself were classmates at the University of Alabama, and that I knew Miss Keller when she was a child. It has been a matter of intense gratification to all the people of our State to observe her brilliant achievements despite the handicaps under which she has labored.

I want to express to the gentlewoman from New York [Mrs. PRATT] and to the gentleman from Indiana [Mr. LUDLOW] our appreciation of the kindly things that have been said with reference to Helen Keller. [Applause.]

Mr. LUCE. Mr. Chairman, I yield two minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, as a member of the Committee on Education, I am gratified at the defense of the prestige of that committee by the gentleman from California, but the committee does not need that. It does not need the protection of Members who do not belong to the committee. If we, after the hearings, had desired to report out the bill sponsored by the gentleman from California, we were perfectly able to do so; but we concluded not to do so, because the committee is for the Pratt bill.

I want to read a telegram from an outstanding friend of the blind in the United States, Mr. Robert B. Irwin, of Montclair, N. J., in my congressional district, who is a member of the New Jersey Commission for the Blind:

MONTCLAIR, N. J., *February 26, 1931.*

Hon. FREDERICK I. LEHLBACH,
House of Representatives:

Understand Pratt-Smoot bill providing books for adult blind coming up for vote to-day. Strongly recommend supporting this measure. Indorsed by New Jersey Commission for Blind, American Library Association, and American Foundation for Blind. This bill keeps administration of funds in hands Librarian of Congress, who may buy books at the receiving competitive bids. Opponents of bill, headed by JOE CRAIL, of California, favor Government subsidy to private publisher in Los Angeles. Crail plan disapproved by workers for blind all over country.

ROBERT B. IRWIN,
Member, New Jersey Commission of Blind.

It is a disheartening thing, when since 1879 this institution in Kentucky and these public-spirited, philanthropic citizens have done this work for the benefit of the blind, to find it treated in certain quarters as a racket for people to muscle in. [Applause.]

Mr. WARREN. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. ALLGOOD].

Mr. ALLGOOD. Mr. Chairman, ordinarily I am against the increasing of governmental expenses, especially under existing conditions. However, I consider this one of the most humanitarian bills that has come before this session of the Congress.

In the first place, this act authorizes the Librarian of Congress to administer this fund, and it is my opinion there is no agency of our great Government whose affairs are better administered than are those of the Library of Congress.

In the second place, when a person of the outstanding character of Helen Keller comes before a committee of this Congress and testifies in behalf of this measure, I for one consider that enough evidence for me to support the measure. [Applause.]

Mr. WARREN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, there seems to be some misapprehension here. The Committee on Education, of which I am a member, has taken no formal action and is for no bill, and I believe the gentleman from New Jersey will support me in this statement.

Mr. LEHLBACH. I said the Committee on Education did not see fit to report the Crail bill.

Mr. KVALE. We have never been called into executive session to consider the testimony that was taken, and for that the chairman, I know, will be glad to take full responsibility.

As individuals, we have preferences. Mine are not pointed enough so that I feel justified in defeating at this time the legislation before us. Knowing the purpose of it, knowing the sincerity of purpose of the author, and realizing that the Library Committee has taken positive action and has put up a good fight and has been actuated by the highest motives, I still want to call the attention of the committee to the fact that there is much pertinent information that is contained in the hearings that were held by the Committee on Education.

It would have been well to have taken both sets of hearings—and I have read them both carefully—and consider together the matter that lies in both of those volumes. It seems to me it would have been well, probably, to have arrived at some compromise.

These two factions or these two groups have been in conflict all along. This has not been pleasant for the members of the committee that have been subjected to it. It has not been pleasant for those who have participated in the controversy, I know, but they are both striving toward the same end.

The author of the bill under consideration appeared before the Committee on Education and won all the members of that committee over to the belief that, certainly, she had no difference of purpose from that of the gentleman from California [Mr. CRAIL]. Yet you have these two institutions we hear about. It is not denied that the institution at

Louisville is subsidized to the extent of $75,000 a year, and neither the Committee on Education nor the gentleman from California [Mr. CRAIL] would think for a moment of retarding or impeding or destroying the work.

Yet you have a situation whereby, because of that assistance, naturally, that institution will have an advantage in any competitive bidding that is engaged in by it against other institutions for contracts for publication of these proposed books for the adult blind.

This is worthy of fair consideration.

Mr. ABERNETHY. Will the gentleman yield for a brief question?

Mr. KVALE. Yes.

Mr. ABERNETHY. Is there not enough work for both crowds?

Mr. KVALE. I am coming to that in a moment.

You are going to have a chance to vote upon an amendment which will limit the percentage of the total work under this appropriation that can go to any one institution. I hope the committee will consider and accept such an amendment. You are going to have a chance then partially to settle this dispute. I will say very frankly, however, that I have my own misgivings about it.

It so happens that you have at present two large institutions, and a third one that is almost comparable in size. Who knows but what next year there will be another, and then another and another that will ask similar consideration.

Then you have a school of thought here that thinks there should be a great many more branch libraries. Others believe that the provision in the bill regarding the extension of branch libraries does not amount to a great deal. Mr. Irwin, who has been quoted here, answered a question which I asked him in the committee after I had cited my concern about the matter, and had stated that I felt perhaps the setting up 60 or 70 or 80 branch libraries would mean that a large proportion of these books for the blind would stay on the shelves and collect dust, and he stated himself that there are about 15 now and he thinks there should be about 20.

He thinks this number will adequately cover the country, because, after all, we do permit them to mail out and to receive by mail, free of charge, these books. They are large and heavy. But if you have larger libraries, and fewer of them, obviously you will have in each a larger accumulation for the blind leaders to select from, and librarians can give more prompt consideration to requests for volumes they want.

Can we not be more dispassionate in the interest of the blind? I will say that if I had to choose between the two bills—and I get this from my own correspondence. I would be impelled to select the Crail bill as the one that the readers themselves prefer. Whether that is because they like better the books that come from the Crail Institute, I do not know. Let me say that within the last six months an invention has been patented which will very likely settle everyone of these questions about books for the blind. [Applause.]

Mr. WARREN. Mr. Chairman, I yield three minutes to the gentleman from Arkansas [Mr. GLOVER].

Mr. GLOVER. Mr. Chairman, ladies and gentlemen of the committee, I have the honor of being a member of the Committee on Education, which has considered this bill and other bills relating to this subject, and we have given careful consideration to it.

This is a matter that deserves careful consideration. I say to you that in dealing with the blind it is not a question of authorship or the pride of authorship of a bill, and anything of that kind ought to be brushed aside and we ought to deal with the question honestly and fairly for these blind people.

I am for the Pratt bill, the Senate bill now before us, which, as I understand it, is an exact copy of the House bill, which was considered by the Committee on Education and was introduced by the lady from New York [Mrs. PRATT].

I believe that this is a just measure, I believe it is fair and right; and if there be any class of people on the face of the earth to whom my sympathy goes out, it is for those who can not see the beauties of the world but who can get a little pleasure from the books and information that they can not get otherwise.

As I say, I am heartily in favor of this measure. I do not want to take more of your time because I do not think there is anyone who can justify a vote against it. I am one of those who have taken a great interest in the blind, and I hope that the bill will pass. [Applause.]

Mr. WARREN. Mr. Chairman, I yield the remainder of my time to the gentleman from Kentucky [Mr. THATCHER].

Mr. THATCHER. Mr. Chairman, and members of the committee, we are all in favor of the principle involved in this bill. I would not have taken any part in this discussion, beyond stating my interest in the measure, except for the very cruel, unjust, reckless, and, as I must consider them, wholly unjustifiable intimations made here on the floor touching the American Printing House for the Blind. This measure was not introduced for the benefit of that institution, but, alone, for the benefit of the unseeing adults of the Nation.

I want to say to you in all sincerity that if there is any institution in this country that is doing the Lord's work effectively and efficiently, it is the American Printing House for the Blind. For more than 70 years it has functioned for one purpose, and for one purpose alone, the furnishing of books and tangible apparatus for the blind at the lowest possible cost. It is the greatest printing house for the blind in the world, and it is known and esteemed in every land. It has proven its integrity and worth for three-quarters of a century. It is no experiment. It is a time-tested and fully proven institution of the highest value.

Gentlemen, talk about a subsidy. The term is a misnomer. In 1858 the State of Kentucky undertook the work of printing for the blind. They started an institution at Louisville. Kentucky was the pioneer State on the subject. Other States, because of the heavy cost of printing books for the blind children of the country, did not follow in establishing a printing plant for the blind; and the history of the country shows that no private enterprise for printing for the blind has been successful. So all the States came to Kentucky and said, "You have a plant; will you furnish us with books at cost, and allow us to contribute to your printing?" Kentucky said, "Yes; if you so desire."

Through all these years the American Printing House for the Blind has been a corporation, created under the laws of the State of Kentucky and functioning under a board of trustees. Under the act of Congress of 1879 the superintendents of all the institutions for the education of the blind are ex officio trustees of the board. Thus every State and Territory of the Nation is given, and exercises, a voice in the management of the affairs of the institution. The active, or locally resident, trustees are seven in number and are citizens of the highest business ability and integrity. They are doing a splendidly unselfish work. They serve without compensation and only as a matter of love for a great cause. There has never been authorized or issued a single share of stock. No capital stock is authorized and never has there been declared or authorized a penny of dividend or profit.

The State of Kentucky, actuated by a splendidly altruistic spirit, has invested large sums of its own treasury funds in property in this plant, for the splendid buildings to house it, and for the 6 acres of ground in the heart of Louisville which constitute its site. The whole is worth to-day more than $125,000.

Yet Kentucky has no advantage over New York or any other State in the operation of this enterprise. In 1879 the people of the country said to Congress, "Make an annual appropriation for the American Printing House for the Blind, so that this institution, which functions without profit, which operates only for beneficent purposes, can print books for the blind children of America and thus provide a better and more effective way of dealing with the subject." Thus in 1879 Congress authorized an annual appropriation of $10,000 to be utilized by the American Printing House for the Blind for the printing of books for the blind children of the Nation and the making of tangible apparatus for their

use at actual cost of production; the books and apparatus to be allocated to all the States and Territories and the District of Columbia on a pro rata basis, according to blind population in the schools of the country. That was increased later because of the growth of the need for the blind, in 1919, to $50,000, and in 1927 to $75,000. The basic act requires that no profit shall be made on any books or any tangible apparatus that goes to the blind schools, and the Secretary of the Treasury is given power in that act to withhold the appropriation if he finds any violation of the provisions of the act. So that out of Federal appropriations nothing can be expended for overhead in the way of paying insurance on the buildings, or for water, for light, for fuel, for machinery and plant equipment, and for all of those incidentals that are necessary to conduct an institution of this sort.

The way this work is conducted is this: They take the $75,000 annually and scrupulously apply it to pay for the labor and material for books and apparatus for the blind children in all the States and Territories of the Union. A separate account is kept of these appropriation funds. Then if they can get contracts from outside, either abroad or in this country, by which they can make an incidental profit, usually under competitive bids, and if they make any profit, they use that profit to replace the machinery that is worn or worthless, to take care of the light and fuel bills and all these inevitable overhead costs. The institution operates absolutely without profit so far as the blind children of the country are concerned, and the basic act applies only to the blind children of the country, and any charge or imputation that its affairs are not wisely and justly conducted is without foundation and wholly unjust. Recently there went to the city of Louisville from the Secretary of the Treasury Mr. Frank A. Birgfeld, the chief clerk of the Treasury Department, a splendidly competent man, who made an investigation into the affairs of the American Printing House for the Blind, and he made a report which is carried in the hearings on the Crail bill. In his report he testifies to the splendid conduct of the affairs of this institution, and how every penny of Government money is properly expended and accounted for. The accounts of the institution are audited under the supervision of the Treasury Department and the Comptroller General of the United States. The fiscal supervision is directly placed under the Treasury Department. Every safeguard is taken to insure proper expenditure of Federal funds.

I ask unanimous consent to revise and extend my remarks, and to place in them extracts from the hearings on the Crail bill, and also the statement of Mr. Birgfeld and certain other extracts and statements on the subject of the American Printing House for the Blind.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. THATCHER. I deny that $30,000, or as much as $20,000, was made on any Veterans' Bureau contract, and under leave I shall later include the statements of denial of trustees and officers of the institution touching this matter. That contract was awarded under competitive bid, and any profit which may have been derived therefrom consisted chiefly in the fact that the plates prepared thereunder are being used to emboss books for the blind children of America at less cost than might otherwise have been the case. Moreover, the amounts received under this contract came from general Veterans' Bureau appropriations, and no blind veteran ever had to pay a penny for any of these books thus printed. Two or three years were required to print these books. The basic act of Congress does not prohibit the making of a profit on work not performed for pupils in the blind schools of the Nation. Congress recognized the necessity for something of profit to be made on outside printing—else the institution could not function for the benefit of the blind children, as the act provides that as to them no profit can be charged. Profits on outside work can not be large, but, whatever they may have been, they have inured wholly to the benefit of the blind pupils of the entire country. In recent years the institution has twice reduced the cost of books for the blind children—25 per cent once, and again 15 per cent. This meant for them more books.

The trustees of the American Printing House for the Blind welcome examinations into the conduct of its affairs. It has a record of which to be proud.

I favor the passage of the pending bill because it will permit the furnishing of books to the adult blind in the best possible way.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. THATCHER. Mr. Speaker and colleagues, under leave given me therefor, I am extending my remarks on Senate bill 4030, and I am including as a part of same the report of Mr. F. A. Birgfeld, chief clerk of the Treasury Department, concerning the American Printing House for the Blind, together with certain other extracts and statements in the same general connection.

The so-called Crail bill (H. R. 9994) has for its purpose the authorization of an annual appropriation of $100,000 for the private concern known as the Braille Institute of America (Inc.), located in Los Angeles, Calif., and chartered in 1929, for the making and furnishing of embossed books for the blind of the country.

In the hearings on that measure before the House Committee on Education it appears that some of those favoring the bill assumed that in the contract which the American Printing House for the Blind some years ago had for the printing of books for blind veterans a profit of $30,000 was made. Neither the author nor any proponents of the Crail bill can produce any data or facts justifying such charge. No such profit was made; and as I have already pointed out in the discussion of Senate bill 4030, any profit which may have resulted on account of this contract was chiefly in the nature of advantages derived by the blind pupils of America in the various State and Territorial institutions for the blind, by reason of the fact that the plates made under this contract have since been, and are now, being used for the embossing of books for the benefit of these pupils. Thereby more and cheaper books are being furnished them.

Aside from this, as I have already pointed out, no blind veteran had to pay a penny for these books, which were paid for out of regular appropriations for Veterans' Bureau activities, just as hospital and other veterans' needs are paid for. Moreover, I venture to reiterate, the act of 1879—the congressional enactment under which the American Printing House for the Blind operates—only contemplates the printing and furnishing of books, and the making of apparatus, for the pupils who are in the educational institutions for the blind. Note the language of the act which sets forth the manner of distributing the books and apparatus furnished by this institution:

> The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of said American Printing House shall require; and each institution shall receive in books and apparatus that portion of the total income of said bonds held by the Secretary of the Treasury of the United States in trust for the education of the blind, as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

These provisions, as well as the entire act itself, together with the construction placed thereon by the Treasury and accounting officials ever since its enactment, clearly show that the whole purpose of the act, and the appropriations made agreebly thereto, was to utilize these appropriations wholly for the benefit of the pupils in these institutions for the blind; and not for those who may be outside and not receiving instruction therein. If any blind veteran may be receiving instruction in any such institution he is the beneficiary of these appropriations.

It was for the reason that no Federal authorization has ever been enacted for the printing and furnishing of books for the adult blind that both the Crail and the Smoot-Pratt bills were introduced.

of the earth to whom my sympathy goes out, it is for those the Nation and the making of tangible apparatus for their

The "blind" referred to in the act of 1879 are clearly the blind pupils throughout the Nation who are receiving instruction in the State and Territorial institutions maintained for their benefit.

Reference is here made to my statement in regard to this whole subject, appearing in the CONGRESSIONAL RECORD of July 21, 1930, and appearing also in the printed hearings on the Crail bill already referred to, pages 132 to 152.

Our good friends, the very zealous proponents of the Crail bill, when challenged to produce the record to show a $30,000 profit on the contract for printing books for the blind soldiers of the Nation are, of course, unable to make such production. The utmost they can do is to quote the statement in the Fifty-eighth Annual Report of the American Printing House for the Blind—1926—to the effect that the business of the American Printing House for the four years next before had greatly increased, especially during the years 1924–25, when the large contract for the Veterans' Bureau was filled, "evidencing a substantial profit." The vivid imagination of the advocates of the Crail bill and its proposed beneficiary tortured this statement in such manner as to cause it to mean, to themselves at least, the exact and specific sum of $30,000. In the quotations which I shall make from the statement of Mr. A. C. Ellis, the very capable superintendent of the American Printing House for the Blind, the fallacy of such conclusion is amply indicated. Necessarily, the margin of so-called profit on work done for nonblind school agencies is comparatively small, and whatever that profit may be it wholly inures to the benefit of the blind pupils of the Nation, as in other discussions of the subject, I have sought to show.

In all its essential purposes and operations, the American Printing House for the Blind is a Federal agency, with the advantage that there has been furnished, entirely and solely for its uses, by the State of Kentucky, without charge or cost to the United States Government, the buildings, grounds, and equipment of the institution of the present value of more than $125,000. If the Federal Government were required to operate, in a direct way, a plant to do for the blind pupils of the Nation what is now being done for them by the American Printing House for the Blind, I venture the statement that the cost involved would be far in excess of the annual appropriations for the indicated purpose. Moreover, a large Federal sum would be required to build and equip the necessary plant.

The chief clerk of the Treasury Department, Mr. F. A. Birgfeld, an exceedingly competent and experienced official, last fall made a most careful and thorough investigation, at Louisville, of the accounts and operations of the American Printing House for the Blind, as the Treasury Department has fiscal supervision of the operations of the institution touching the expenditure of these annual appropriations. The trustees and friends of the American Printing House—because of what they have considered to be the grievously cruel and unjust attacks on its operations by the proponents of the Crail bill—desired that there be made an authoritative investigation of its affairs. The trustees—made up of seven active local members, and the ex officio members, the superintendents of all the educational institutions for the blind throughout the country—have ever welcomed the fullest inquiry into the management of the institution. If anything was lacking in the methods of that management, they wished to know what it was. If the Federal authorities should find, upon any such investigation, that any change of policy should be made, they were ready and anxious to have the benefit of any advice or suggestion to that effect. However, Mr. Birgfeld's report was, and is, highly commendatory of the work of the institution. After careful first-hand inquiry and survey he finds that its affairs are being splendidly conducted. Touching such investigation, the testimony given by him last November on the 1932 Treasury Department appropriation bill, before the House subcommittee, may prove of interest. The same may be found in the printed hearings, pages 28 to 32, and includes his report of the investigation. This testimony is as follows:

AMERICAN PRINTING HOUSE FOR THE BLIND

The CHAIRMAN. Here is an item for the American Printing House for the Blind, $65,000. Did you have any balance on that last year?

Mr. BIRGFELD. No, sir. That amount of $65,000, plus the following item of $10,000, being the return on the trust fund of $250,000—the Government subsidy, so called—has been used in its entirety because it represents only a part of the total expenses of the American Printing House for the Blind.

I visited Louisville, Ky., the week before last at the instance of Congressman THATCHER and Undersecretary Mills and made an investigation for several days, both as to the plant and as to their methods of procedure, their accounting, etc., and I have a report made to Undersecretary Mills that I doubt if you will want me to read now, but I should like to submit it and make it a part of the hearing.

The CHAIRMAN. It will appear in the record.

(The report referred to is as follows:)

REPORT MADE ON INVESTIGATION OF AMERICAN PRINTING HOUSE FOR THE BLIND

The following report of investigation of the American Printing House for the Blind was made at the instance of Congressman M. H. THATCHER as approved by the Undersecretary of the Treasury:

"Under dates of November 5, 6, and 7, 1930, I visited the American Printing House for the Blind, located at Louisville, Ky., and made an exhaustive examination concerning operation and management.

"The original portion of the present building was erected in 1883 on a plot of ground containing 6½ acres. The purchase and cost of the land and building was made from a fund of $40,000 which had accumulated from the State of Kentucky, and for the first time in the history of the world a supply of embossed books was assured the blind.

"Under an act approved March 3, 1879, a $250,000, 32-year, 4 per cent bond was set aside, the returns from which provided a subsidy of $10,000 annually. The Government subsidy of $10,000 annually, plus such contributions as were received from State and other sources, was insufficient for the needs of the blind, and Congress, by bill approved August 16, 1919, authorized an annual appropriation of $40,000. Again, by bill approved August 8, 1927, an additional sum of $25,000 was appropriated by Congress, making a total of $65,000, which has been appropriated each year since, plus the $10,000 subsidy, making a total of $75,000.

"It should be stated in this connection that in 1923 the State of Kentucky appropriated the sum of $25,000 for the purpose of building an addition to the original structure.

"The plant appears to be as well equipped as possible, considering the limited amount available for the repair and upkeep of present equipment or the purchase of new equipment. There is no doubt that those responsible are obtaining the greatest possible production, and that with the greatest possible economy.

"From the Government funds of $75,000 are paid practically all of the salaries and wages, as well as most of the supplies and materials going into the manufacture of books. Satisfactory working conditions in the institute attract a class of employees at a modest compensation, which would not be possible if good working conditions did not exist.

"I inspected the plant on three different occasions during my visit and have nothing but praise for the management and the manner in which the work is accomplished. Neatness, orderliness, and cleanliness were very pronounced. The employees appear to be happy and to be taking a very definite and personal interest in the task on which they are engaged. It would seem to be very clear that the greatest possible output is being accomplished by those in charge.

"There is every indication that the utmost economy is practiced from the time the materials are purchased until the completed books, etc., are delivered.

"A complete history of the American Printing House for the Blind appears in the CONGRESSIONAL RECORD, Seventy-first Congress, second session, volume 72, No. 166, where on page 13241 begins the extension of remarks of Hon. M. H. THATCHER, of Kentucky, in re subject Books for the Blind.

"A very careful examination was made of the books, records, accounts, etc., of the American Printing House for the Blind, and in addition basic principles were discussed with the public accountants who make and audit the report annually and who throughout the year are constantly in touch with the affairs of the institution.

"I found that the institution was maintaining a system of double-entry bookkeeping and a series of vouchers and accounts carrying all necessary detail and explanation. Great care is exercised by all those responsible for the management to see that purchases are made from the lowest best bidder, that materials and supplies are up to the necessary standard, and that every other thing is done in order to be of advantage to the institution and its beneficiaries.

"As a matter of fact after an exhaustive examination one marvels at the ultimate accomplishments, considering the limitation of funds.

"I have no hesitancy in saying in conclusion that I am satisfied the American Printing House for the Blind is being operated in the most economical and satisfactory manner for the good of the greatest possible number of the blind.

"Just one other word should be said about what is known as the general fund as contradistinguished from the United States Government account, for the fiscal year ended June 30, 1929.

"There was a gross expenditure of $130,114.67, or $55,114.67 over and above the amount appropriated by the Government. From the general fund are paid such items as heat, light, power, water, telephones, repairs, equipment, machinery accessories, and shipping expenses. For a plant of this size these expenses are necessarily appreciable.

"A copy of the Sixty-first Annual Report of the Board of Trustees of the American Printing House for the Blind, the same for the fiscal year 1929, is attached hereto and therefore further statement concerning annual expenditures is not deemed necessary.

"Respectfully submitted.

"F. A. BIRGFELD, *Chief Clerk.*

"NOVEMBER 17, 1930."

Mr. THATCHER. Just how did you find conditions there, Mr. Birgfeld?

Mr. BIRGFELD. I found a splendid condition of affairs. Working conditions were excellent. It occurred to me that the rates of pay were really very modest. I found employees willing to put in a little overtime whenever necessary and were happy to do it. They all seemed to be thoroughly alive to this humanitarian work. It is a very unusual situation, a little different from the employees where they are watching the clock and wanting to get home as soon as possible. They just seem to be wrapped up in the work.

Mr. THATCHER. The Comptroller General passes finally on these accounts for this institution, I understand.

Mr. BIRGFELD. Yes, sir.

Mr. THATCHER. Do you feel that the present method of supervision is sufficient from the standpoint of Federal appropriations?

Mr. BIRGFELD. Absolutely, especially in view of one fact: There has been a firm of certified accountants in Louisville who have been handling this work for a nominal consideration—again because of their interest in this work; and they not only make the audit and examination periodically as they may be called on, but they are so interested in it that they follow the thing up from time to time and from week to week, and they seem thoroughly alive and thoroughly sensed with the unusual situation and the privilege they have of contributing something toward this magnificent enterprise. The books and records were amply and well kept.

Also as a result of the insinuations and charges made by the proponents of the Crail bill, the president of the board of trustees of the American Printing House for the Blind last summer appointed a special committee to make a thorough study of the affairs and methods of the institution. This committee was made up of Thomas S. McAloney, superintendent of the Colorado School for the Blind, as chairman; Edward M. Van Cleve, principal of the New York Institute for the Education of the Blind, as secretary; and George S. Wilson, superintendent of the Indiana School for the Blind. All of these men are widely and favorably known in their work for the blind. No better committee could have been named. They made a careful study of the entire subject and found the indicated criticisms to be without justification. The following is quoted from this committee's formal report of its investigations:

A SKETCH OF THE HISTORY, PURPOSES, POLICIES, ETC., OF THE AMERICAN PRINTING HOUSE FOR THE BLIND

In 1858 a charter was granted by the Legislature of Kentucky establishing the American Printing House for the Blind at Louisville, Ky. At first it had meager support. In 1865 the State of Kentucky contributed to the printing house a sum of $5 for every blind person in the State and additional income was secured by various means from other States. The American Association of Instructors of the Blind in 1876 appointed a committee to memorialize the Congress of the United States regarding the financing of the movement to publish books for use in the schools for the blind, and in 1879 action was taken by the Congress providing $10,000 a year in perpetuity for the purpose of "aiding the education of the blind in the United States of America through the American Printing House for the Blind."

The State of Kentucky having provided the necessary funds, a site of 6½ acres on Frankfort Avenue in Louisville was purchased and a building erected thereon in 1883, which building remains the home of the printing house. A further appropriation of $25,000 was made in 1922 by the Kentucky Legislature for the erection of an addition to the building. Several years later the trustees of the printing house, out of funds accumulated through business operations not connected with its work of providing literature and apparatus for the schools for the blind in the United States, put another story upon this addition at a cost of approximately $14,350. This property is held in trust for the purposes indicated in the title and charter of the printing house by the trustees constituting the executive committee of the board hereinafter described.

For 40 years after the first congressional appropriation, through economical and efficient management of this printing house, the blind children attending schools of the country were supplied with textbooks. At first these pupils numbered 2,180; by 1919 the enrollment in the schools for the blind had grown to approximately 6,000. Realizing the inadequacy of the $10,000 annual Government contribution, the Congress in the latter year made an increased appropriation of $40,000, and this was again added to in 1927, so that the American Printing House for the Blind now receives an annual appropriation of $75,000 from the United States Government for the purpose of providing literature and apparatus for the education of the blind children of the United States.

MANAGEMENT

Management of the printing house is vested by law in a board of trustees consisting of seven persons, citizens of Louisville, and all the superintendents of the various public institutions for the education of the blind in the United States. Of these the members residing in Louisville constitute, under the by-laws, the executive committee of the board. None of the trustees receives any compensation for his services to the printing house. Meetings of the board of trustees are held annually in the city of Louisville, usually the first week of July and at other times if deemed necessary. At the annual meetings reports are received and acted upon, policies are determined, and the officers are elected. The president is chosen from among the members residing in Louisville, the vice president from among the members who are superintendents of the schools for the blind. Its character as a nationally managed and nationally useful agency is thoroughly established. A superintendent of the printing house is elected biennially by the board of trustees, and to him is intrusted the general management of the institution, under the immediate direction of the executive committee.

HOW THE PRINTING HOUSE FUNCTIONS

The main business of the printing house is the publication of textbooks and supplementary reading matter and manufacture of apparatus to be used in the schools for the blind of the United States. Books to be so published are selected by a publication committee of the board of trustees elected biennially. This consists of three members, assisted by an advisory committee of four additional trustees elected for the same term. The committee seeks from the superintendents of the schools for the blind recommendations of books needed, and after careful study selections are made. The cost of embossing in Braille on metal sheets, printing, binding, and distributing copies of any book is so great relatively as compared with ink-print publishing that exceptional care must be exercised in the choice of what books are to be produced. A music committee consisting of three trustees, also chosen biennially, is charged with selection of music to be embossed in Braille. Apparatus used in the schools and manufactured at the printing house consists of maps, charts, and some writing devices.

The elements which enter into the cost of producing books for the blind and which must be considered in connection with every publication are as follows: First, embossing and proofreading of plates from which printing is to be done; these processes must be performed with great skill and accuracy, therefore expert workers are called for. Then come printing, binding, preparing for the market, and shipping. On an edition of 100 copies, let us say, of a third reader of 150 pages, 10½ by 11 inches in size, one side printing, bound in cloth, approximate cost percentages are: Plate material, embossing, and proofreading, 26.5 per cent; paper and press work, 23.5 per cent; binding, 25.7 per cent; supervision and all other expenses, 24.3 per cent.

A choice of a publication to be embossed having been made, notice is sent to all superintendents of schools requesting that orders be sent in advance for the purpose of making a fair estimate of the size of a first edition to be printed. Bulk of books in Braille precludes the possibility of maintaining any considerable stock of any title. First editions, therefore, usually number, for example, from 100 copies of a reader used by the larger number of pupils in grade classes to 15 copies of a text for high-school use, and all the way between. After the first edition is exhausted a considerable time must elapse before a sufficient number of orders for more copies of any title can be gathered to make a reprinting possible without being excessively costly.

Each school for the blind in the United States receives in books, music, and apparatus a proportion of the Government purchase of $75,000 worth of such appliances for the education of the young blind based upon the ratio of its enrollment to the enrollment of all the schools for the blind in the United States. This ratio is computed on the first Monday in January of each year. Into the price of these purchases go only the elements of actual cost of production and no charge for plant erection or maintenance is included.

To provide beyond the housing afforded through the generosity of the State of Kentucky the necessary equipment, heat, light, janitor's service, and all other expenses incidental to carrying on its function as a publishing association not for profit, commissions to publish literature other than that needed in the schools are accepted and sales of its products are made. Through its work outside its service to the schools and to meet the requirements of the Government purchases, sufficient funds have been received by these means throughout the history of the printing house to make possible its maintenance, thus contributing to the reduction in price of every book published or piece of tangible apparatus furnished. The more this additional business of the printing house is increased the more efficient it becomes through development of expert, continued, and full-time work, the greater will be the amount of its output of every kind, and the lower will be the cost of such output. Every saving effected is put back into production. There is no profit to anyone. The character of the printing house as a purely philanthropic means of serving the blind can not be questioned.

POLICIES

As the first function of the printing house has always been to serve the best needs of blind children in securing their education,

it was from its beginning concerned with improvement of methods and increasing of facilities in its work. The trustees favored experimentation looking to greater efficiency and always more and more output at less cost, yet always maintaining that quality must receive primary consideration. As early as 1908 the printing house announced at the meeting of the American Association of Instructors of the Blind a beginning of printing on both sides of the paper, and through all the years thereafter concerned itself with this project among others in securing a better production. In 1928 a successful printing of interpointed Braille was attained in its publication of a book for the Braille Circulating Library, of Richmond, Va., and later in the year by the issuance of the magazine, the Reader's Digest. An increasing use of interpointing as its acceptability is demonstrated may be expected.

In pursuance of the policy to furnish always what the schools needed, the trustees deemed it their duty to print books in Line Type, New York Point, and American Braille as long as these types were in use. This wasteful but necessary procedure continued until 1918. Then came the adoption of so-called Revised Braille, grade 1½, as the American standard, through agreement of the educators of the blind, and since there has come to be a vast increase in the service rendered.

With larger opportunities, purchases of supplies are made to better advantage than formerly, although the policy has always been, as it is now, to purchase through competitive bidding. The staff of workers is being maintained and improved. Such workers in the nature of the case must be specially trained. To attract and hold these expert workers the policy is to make conditions at the printing house as favorable as possible. Both the accounts and the manner of conducting the financial operations of the printing house are under the close supervision of a firm of chartered public accountants, and all operations connected with the expenditures under the Government appropriation are examined and approved by the officials of the Treasury Department of the United States.

Also, I include certain pertinent extracts from a recent statement prepared by Mr. A. C. Ellis, the present superintendent of the American Printing House for the Blind, as follows:

STATEMENT OF A. C. ELLIS, SUPERINTENDENT OF THE AMERICAN PRINTING HOUSE FOR THE BLIND, JANUARY 16, 1931

In the hearing before the Committee on Education, House of Representatives, on House bill 9994, the friends of the Crail bill made certain specific and unsupported charges against the American Printing House for the Blind which should be refuted. Apparently the main bone of contention is an alleged $30,000 profit which the American Printing House for the Blind is supposed to have made on a contract for books printed for the Veterans' Bureau. It is charged that such a profit was made and used to add a third story to the present plant. There is absolutely no basis in fact for such a statement.

In 1923 Congress made an appropriation to buy books for the blinded soldiers. This appropriation was made to the United States Veterans' Bureau. Specifications were drawn, and a number of Braille printing presses were invited to submit bids. The American Printing House for the Blind submitted the lowest, best bid. A contract was drawn, and a $10,000 bond executed to guarantee faithful performance of the terms of the contract. The books were manufactured for the Veterans' Bureau under three contracts with the American Printing House for the Blind, which were awarded as follows: First contract awarded January, 1924, for 68 titles of 3,720 volumes; second contract, awarded January, 1926, for 5 titles of 690 volumes; third contract, awarded January, 1927, for 16 titles of 1,095 volumes. The total business amounted to 89 titles of 5,505 volumes. This work went through the printing house during a period of three years. One of the greatest expenses in manufacturing Braille books is the embossing of plates on brass in the Braille system. The above contracts necessitated the making of 45,588 plates, which cost the printing house $41,029.20. It must be understood that this amount includes the cost of brass, embossing labor, and proofreading. This left $13,683.08, which was spent for printing and binding 5,505 volumes of books. This amount includes the cost of paper, bindery materials, and labor necessary for printing and binding the books. The result is that the average cost of printing and binding a volume of these books, exclusive of the plate cost, is $3.31 per volume, which is almost identically the same as the average catalogue price for an average size Braille book furnished to the schools during the same period. There is nothing in the records of the American Printing House for the Blind to show that a considerable cash profit was made on this contract. The greatest benefit that came to the printing house in this connection is the fact that the plates referred to above are retained in the fireproof vaults of the American Printing House and have been used from time to time to make reprints of thousands of volumes of books which have been furnished to the schools for the use of the blind boys and girls who are being educated. This fact makes possible the printing of these books at a much lower rate to the schools than would have been possible if the printing house had not received the Veterans' Bureau contract. This is an indirect, but a very considerable benefit, for it made it possible to furnish the schools for the blind a great many more books for the $75,000 appropriation than would have been possible otherwise.

It is very significant that the Universal Braille Press submitted a higher bid than the American Printing House for the Blind on this contract. If the printing house had not been in a position to manufacture the books for the Veterans' Bureau it is certain that the Government would have received fewer books for the money spent. Ever since the Universal Braille Press failed to receive this contract its manager and owner has complained bitterly because the printing house received the business. At the hearing he made the statement that it was impossible for him to understand how the printing house could have manufactured the books for the Veterans' Bureau on the basis of bids submitted unless the printing house manufactured the books with a part of the appropriation that should have gone to the schools, and was thereby enabled to deliver the books to the Veterans' Bureau at a price lower than the actual cost of production, thereby diverting a part of the Government appropriation from the benefit of the schools to the benefit of the Veterans' Bureau. He does not make his statement in the form of a definite charge, but states it only as a personal belief. If a part of the appropriation to the schools had been used to fill this contract, it is certain that the prices of books which were furnished to the State institutions would have been higher in the amount so diverted. During the years in which the Veterans' Bureau contract was going through the printing house the price of books to the schools were reduced instead of raised. It is also significant that the schools received the full amount of the annual appropriation for school books during these years. Because of the large volume of business enjoyed by the printing house during the years 1924–1927, inclusive, catalogue prices were reduced several times. One basic discount was for 25 per cent and another for 15 per cent. The total amount of these discounts alone, on books delivered to the State institutions, amounted to $26,712.48. It is very clear that the printing house not only was able to manufacture the books for the Veterans' Bureau at a cost lower than any other printing house could have rendered this service but that during the period in which it was engaged in manufacturing these books the prices of books to the schools were also reduced as never before in the history of the institution.

Throughout the hearing the friends of the Crail bill repeatedly refer to the $30,000 profit on the Veterans' Bureau contract which was used, as they charge, to build a third story to the printing house. The officials of the American Printing House for the Blind are at a loss to know how the proponents of the Crail bill arrived at this figure. It is stated time and again in the hearing that this information is contained in the annual reports of the American Printing House for the Blind. A careful examination of the minutes and the printed reports of the printing house fail to reveal any reference to such a profit.

There is an amusing inconsistency in the arguments set forth by the friends of the Braille Institute of America. In one instance they state that an enormous profit was made on the Veterans' Bureau contract, and later on in the hearings the manager and owner of the Universal Braille Press states that the bid submitted by the American Printing House for the Blind on the Veterans' Bureau contract was so low as not to cover the actual labor and material costs of making the books, and that in order to fulfill the contract the printing house must have furnished the books at a price lower than the actual cost.

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Throughout the hearing it is charged that Mr. John W. Barr, president of the board of trustees of the American Printing House for the Blind, admitted under questioning that a $30,000 profit was made and used to buy real estate. A careful examination of his testimony fails to reveal any such statement or admission. The president merely stated that any profits realized on private contracts were utilized by the American Printing House for the Blind to provide more books for the pupil population of the schools for the blind. The charter of the American Printing House for the Blind specifically states that the board of trustees may contract to erect buildings, buy real estate, and pay the incidental expenses of operating the institution. The only specific rule laid down in the charter is that the price of the books shall be so low as to merely cover the cost of operation and the incidental expenses of the printing house. The appropriation of $75,000 for the purpose of providing school books and tangible apparatus for the students of the various public educational institutions for the blind requires that the full amount of the appropriation shall be used, without profit, for the purposes appropriated. The Government appropriations for this purpose are kept in a separate bank account and are accounted for in a most detailed manner. The expenditures out of this appropriation are examined and approved by the Treasury Department, and finally passed upon by the Comptroller General of the United States. The Treasury Department records will show that only bills for labor and material are ever approved out of the Government appropriations. By material is meant paper, plate metals, and such bindery supplies as are used in manufacturing the books. Not one cent is paid out of the Government fund for insurance, equipment, additional buildings, postage, lights, fuel, water, or other incidentals. The money received for books manufactured for private agencies, usually awarded under competitive bidding, is kept in a separate account from the Government appropriation. Both accounts are audited annually by a reputable firm of certified public accountants.

The press room on the third floor of the American Printing House for the Blind was erected at a cost of only $14,639.88 instead of $30,000, as charged by the enemies of the printing house. This money was not received directly from profits on the Veterans' Bureau contract, but resulted from an accumulation in the general account which was built up out of funds derived from the sales of books to private agencies over a period of several years.

creased appropriation of $40,000, and this was again added to in 1927, so that the American Printing House for the Blind now

As the first function of the printing house has always been to serve the best needs of blind children in securing their education,

a higher bid than the American Printing House for the Blind on

books to private agencies over a period of several years.

Much argument is advanced to show that the business affairs of the American Printing House for the Blind are poorly managed. It is specifically charged that 56 cents per pound was paid for paper in 1921, whereas the manager and owner of the Universal Braille Press could buy the same paper for 20 cents per pound. The records show that 56 cents per pound has never been paid for paper in the history of the institution. In 1921 the records show that about 30 cents per pound was paid for paper, none of it costing more than 32 cents per pound. These were good prices for paper at that time, for prices had not begun to decline in 1921. The paper was bought under competitive bidding, as were other materials.

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It is also charged that the records of the printing house are inadequate and fail to show the proper disposition of funds. Reference to the report by Hon. F. A. Birgfeld, chief clerk of the Treasury Department, will show that an exhaustive investigation by him proved that the records are complete and that they are in fine condition. It is also stated that all materials are bought on competitive bids, and that there is every economy in the administration of the business affairs of the printing house.

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Much argument is advanced in favor of the blind selecting the titles that are to be embossed in Braille. Several of the witnesses at the hearing were very bitter in their condemnation of present methods of selecting their books. The American Printing House for the Blind has a publication committee made up of representative superintendents of the various schools for the blind. This publication committee selects textbooks that are to be used in the schools. Certainly no sane person could condemn this method. This publication committee has never attempted to dictate to libraries or anyone else what should be embossed in Braille. They simply consult the other superintendents and teachers in the various schools for the blind and decide upon a suitable list of books to be used for instructional purposes. Some of the witnesses seem to deplore the fact that there is little of the salacious, spicy reading that they would like to have. They seem to want unexpurgated editions of certain classics. Naturally, the teachers and superintendents charged with selecting literature to be used in the education of the blind children have steered clear of any books that are not used in the best sighted schools. Outside of selecting schoolbooks, the publication committee has no responsibility. The printing house simply prints for private agencies such books as they are willing and able to pay for.

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From the above statements, it is very clear that the publication committee of the American Printing House for the Blind is entirely representative of the schools that are served by the $75,000 appropriation for textbooks and educational materials.

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A very determined effort is made by the friends of the Universal Braille Press to show that the competition furnished by it is the sole cause of reductions in catalogue prices of books manufactured at the American Printing House for the Blind. The manager of the Universal Braille Press takes several pages to explain how his institution has forced the printing house, through competition, to lower its prices and cites as proof for his argument the fact that sweeping reductions in catalogue prices have been made since the time when he came into the field of blind printing. In 1917, about the time he started his press, a uniform system of printing, known as the Braille system, was adopted in the United States. Up until that time the American Printing House for the Blind had been forced to emboss books in two systems instead of one, which necessitated much duplication in materials and machinery, and a consequent higher price of production. With a uniform system naturally followed considerable economy. No reasonable person could claim credit for the economy thus effected. It was simply the natural result of a uniform system. Since 1921 there has been a marked decline in the market price of paper, brass, zinc, bindery materials, and other supplies that have been used in the manufacture of Braille books in this country. The prices on some of these articles have decreased more than 50 per cent. It is difficult to understand how the Universal Braille Press has had any effect on the general economic conditions of the country or how it can be claimed that institution should have credit for catalogue reductions incident to the drop in general commodity prices.

In 1917 the American Printing House for the Blind received $10,000 from the Federal Government, and furnished $11,904.04 to private individuals and agencies other than the State institutions, a total of $21,904.04. In 1930 the American Printing House received a $75,000 appropriation from the Federal Government. With the materials furnished to the schools out of the Government appropriation, together with cash sales to libraries, private agencies, and individuals, the total amount of books shipped from the printing house in 1930 amount to $126,601.79. This unusual increase in volume of business has naturally resulted in a wider distribution of overhead expenses and a greater production due to improved machinery and a higher degree of specialization that has come through a reorganization of the departments within the printing house. These basic causes have naturally resulted in cheaper catalogue prices, and no man nor can any institution in any justice claim credit for forcing the American Printing House for the Blind to reduce its prices.

Many statements are advanced by the friends of the Crail bill in attempt to show that the American Printing House for the Blind is a private institution, and as such should not receive any more consideration or recognition by the Federal Government than the Braille Institute of America. The American Printing House for the Blind was created by an act of the Kentucky Legislature, the building erected and equipment purchased by State appropriations. The present property of the American Printing House for the Blind, valued at over $135,000, is a gift to the blind boys and girls of America from the taxpayers of the State of Kentucky. No individual or corporation owns one cent of stock or has any financial investment in the property of the American Printing House for the Blind. The institution exists for only one purpose, and that is to furnish embossed literature to the blind at prices which cover the actual cost of production and the incidental expenses of operating the plant. The Federal appropriation of $75,000 is not, in fact, a subsidy but a direct appropriation to pay for books and tangible apparatus to be used by the boys and girls in the various schools for the blind throughout the United States. This appropriation is handled in a separate bank account, and every penny of it is spent to provide books for the school children on a nonprofit basis. Every penny earned from printing done for private individuals and private agencies is spent to increase the benefits to the school children.

It has been proved, throughout the world, that no institution can manufacture books and tangible apparatus for the blind and sell these materials as a commercial proposition. Several corporations have tried to make a business of this type of printing and manufacturing and have all been forced into bankruptcy. If we are to have suitable textbooks, and educational materials for the blind, the Government must pay for them by direct appropriations, which are in no sense a subsidy. This activity for the Government, for 50 years, has been an admitted attempt to aid the education of the blind. The vice president of the Braille Institute of America, the owner of the Universal Braille Press, admits in his statement that the American Printing House for the Blind is the logical institution to manufacture schoolbooks for the children for the various blind schools. A part of his statement is quoted herewith: "I have the greatest respect for those superintendents of the schools for the blind and others who have worked for the blind and I believe, as a matter of good business, that the American Printing House in Louisville, Ky., is the better equipped to print school texts, schoolbooks, and technical matter for the blind than anyone else." He makes it clear that it would be unwise to throw the appropriation for textbooks for the schools upon competitive bids.

It seems that this brings about agreement that the printing house is the logical place to manufacture textbooks. Let us turn our attention to the present method of producing books for the adult blind readers. Again it is evident that such books can not be printed and sold as a commercial business, for the blind are too poor to buy these expensive books. There are only two ways whereby a sufficient supply of Braille literature for the blind may be provided, either the Government will have to appropriate money for this purpose or private charity or philantropy will have to create an endowment sufficient to provide this much-needed Braille literature.

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Mr. Speaker, with the founders, promoters, and sponsors of the so-called Braille Institute of America and related institutions I have no quarrel beyond that occasioned by the attacks which, through an excess of zeal for their own cause, they are led to make on others. To the extent that they may aid the needs of the blind, I am sure that their entry into a very limited field of endeavor is welcomed. They complain of the American Printing House for the Blind as a competitor or rival. If any question of rivalry is involved, the reverse is true, for the American Printing House for the Blind has been successfully engaged in making books and apparatus for the blind since 1858, while the Braille Institute was only founded in recent years. Yet the American Printing House makes no complaint of rivalry or competition. Greater than either or any institution are the needs of the blind for the keys of knowledge. More books and better books and cheaper books for them is the highest consideration. To bring about this result the American Printing House came into being and through the long years has functioned.

The Smoot-Pratt bill favors no particular institution. Its sponsors wish to have furnished to the adult blind as many books as may be possible. The more cheaply these books may be made the greater will be the number of adult blind who will be served and the better will the service be. If I were privileged to amend the measure, I would perhaps include a provision for a publication committee, with some of its members immediately representative of the blind, the Librarian of Congress to act as its chairman. Experience, however, can determine whether any amendment may be necessary. The Librarian of Congress, I am sure, will seek—in his administration of the measure—the best possible

advice; and this will doubtless lead him to consult, among the blind, those most competent to give him counsel.

Mr. Speaker and Members of the House, in the discussion of this subject I have believed it appropriate to submit these further observations and to quote these additional statements. For the American Printing House for the Blind, as the Nation's agency in providing books for the blind pupils of America, Congress make its annual appropriations. It is desired therefore that Congress may have—as it is entitled to have—the facts involved in order that its Members may better understand the methods followed and the policies maintained by the institution which for three-quarters of a century has proven itself to be the earth's greatest light for those of the unseeing world.

Mr. LUCE. Mr. Chairman, it is so manifest that the House with practical unanimity desires to vote for the purpose of this bill that I shall not engage myself in a discussion of its merits, but having for some time carried back and forth between here and my office two books, I at least want such reward as may come from showing the House 1 volume out of 14 volumes required for the printing of Pickwick Papers in the Braille system. If I had had to carry all the Pickwick Papers to and fro between my office and this House, I should not have been left in condition to address you at this time. I have here also one of the three volumes of a book by Zane Grey. Imagine the size of the ordinary novel and then consider the situation of a blind person desirous of having a library of books for the blind. The shelf room alone would not permit it. If there ever was a situation calling for help by the instruments that society uses for educating its citizens, surely this is one.

Let me bring you to the crux of the situation. There has been a conflict over the financial phases of the question and much difference of opinion as to who should be allowed to print these books. I pass no criticism on what I understand to be the excellent institution spoken of by the gentleman from California [Mr. CRAIL], but it was the opinion of your Committee on the Library that no monopoly of this work should be given to any institution. Then considering all of the argument for and against, we at last concluded that the wise place in which to put the responsibility was not outside of the city of Washington, not outside of the domain of Congress itself, but that we ought to keep in our own hands the control of this expenditure and decide for ourselves how and where and why it should be made.

So we have brought in this bill which puts the responsibility upon the Librarian of Congress. Who in official relation is the Librarian of Congress? He is the agent of Congress, and he is by statute put under the control of the Committee on the Library. We ourselves, in order to settle disputes among conflicting interests, said, a plague on both your Houses, we will do it ourselves.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. SCHAFER of Wisconsin. Is it the gentleman's understanding that this $100,000 will be expended for books for the blind under competitive bidding?

Mr. LUCE. That is our expectation.

Mr. SCHAFER of Wisconsin. I am glad the gentleman has stated that, and in view of that statement I shall vote for the bill.

Mr. LUCE. And I may say that only this morning I learned that the Government Printing Office has been recently engaged in conducting experiments for printing books for the blind from plates which promise very beneficial results, and it may turn out after all that with our own instrumentality, the Government Printing Office, we can do this work more cheaply, and therefore spread the usefulness of the $100,000 more extensively than if it were done by private institutions or private charitable institutions.

But where it can be done best will be left to the determination of Congress, acting through its own committee, and acting through its own servant, the Librarian of Congress. Under those circumstances I think it is unnecessary to take further time, and that we might proceed with the reading of the bill. So I yield back the balance of my time.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, the sum of $100,000, which sum shall be expended under the direction of the Librarian of Congress to provide books for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia.

Mr. CRAIL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman from California a member of the committee.

Mr. CRAIL. I am not, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOOPER], a member of the committee.

Mr. HOOPER. Mr. Chairman, I move to strike out the last word.

I do not intend to consume the five minutes to which I would be entitled. I did not take time under general debate to speak to the bill, but I wish to say a word of commendation before it comes to a vote.

It seems to me, in the midst of a session where we have seen almost all that is sordid and mean and greedy come to the surface, this bill offers one ray of light. We have an opportunity to-day to do a really kind and fine and generous thing for people who need kindness and generosity more than any of the other citizens of our country need it.

We have the opportunity here to bring, through the medium of the Congressional Library, to the blind people throughout the country a better knowledge and a better opportunity to read the literature of to-day than they have had before. I hope the bill will pass. I know it will pass. I hope any amendment to the bill may be defeated. It should pass in the shape given it by the committee.

Mr. Chairman, in addition to what other Members have said here to-day, when Miss Helen Keller appeared before the Committee on the Library and gave her testimony relative to this bill it was the most touching thing I have ever witnessed in all my life, and something that I will carry with me in memory to the end of my days. To see this woman, deprived by nature of two of her five senses, and therefore of the gift of speech, able to come there to make a plea in behalf of the unfortunate blind people of this country was to me one of the great moments of the six years I have spent in Congress.

We also have the sanction of one institution in the United States which is above reproach, namely, the Congressional Library, one of the most splendid of all of our American institutions. This library, we may be sure, will handle the duty delegated to it, to distribute these books throughout the country, as it should be done. We may be certain that fine results will flow from the passage of this bill, which is imminent. I hope every Member here will see fit to support the bill, one of the finest and best pieces of legislation that has come through this Congress since I have been a Member. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and members of the committee, I am a member of the Committee on Education, which held extensive hearings on the so-called Crail bill. If you will read those hearings you will see that I attempted, in my humble way, to cross-examine witnesses so that we could get the full facts before the committee.

I am one of the Members of this House who believes that a Government institution should not be subsidized to the tune of $75,000 a year and be exempted from personal property, State, and Federal income taxes, and then go out in the open competitive field and compete against a private institution, which must pay its taxes and which does not have a Federal subsidy. I am just as strongly opposed to the Crail bill as I am to the subsidized Louisville Printing House for the Blind. It comes with poor grace for the proponents of the Crail bill to advocate that the Federal Gov-

Many statements are advanced by the friends of the Crail bill in attempt to show that the American Printing House for the

necessary. The Librarian of Congress, I am sure, will seek—in his administration of the measure—the best possible

Under those circumstances I think it is unnecessary to take

ponents of the Crail bill to advocate that the Federal Gov-

ernment give $75,000 or $100,000 subsidy to a private institution and at the same time condemn the subsidy to another institution.

In the final analysis, I am in favor of having the Federal Government double or treble the appropriation for books for the blind and have the printing done by a Government agency. But we are in the closing days of the session. We must have legislation for the relief of these blind people. As a member of the Committee on Education who believes that the Crail bill is fundamentally wrong in principle, I urge the enactment of the pending bill without amendment, particularly in view of the statement of the chairman of the Committee on the Library that he understood the money that is provided in the bill will be expended under competitive bidding. If the California institution can underbid the subsidized Louisville concern, as the gentleman from California [Mr. CRAIL] has stated, they should be willing to accept this bill as it is, submit their bids, and underbid them and get all of the work. So in the closing days of Congress let us not jeopardize the passage of a bill to furnish additional books which the blind need. I hope that the pending bill will be passed without amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ALMON. Mr. Chairman, ladies and gentlemen of the committee, I am heartily in favor of this bill. I think it is our duty to administer the affairs of this great Library of Congress in the interest of all of the people and especially of the blind.

I have risen to express my very great appreciation of what has been said by the gentlewoman from New York [Mrs. PRATT], the author of the bill, by the gentleman from Indiana [Mr. LUDLOW], and others, in regard to Helen Keller. Not only Alabama but the Nation is justly proud of the achievements of that wonderful woman. I take occasion to say this because she is a native of my home town, Tuscumbia, Ala. The Keller home, where Helen was born, is just across the street from my residence. It is still owned by a member of the Keller family. There are thousands and thousands of tourists from every State in the Union who visit that place every year; and when you all come down to Muscle Shoals to see me I will show you that wonderful historic home where Helen Keller was born. [Applause.]

Mr. REED of New York. Mr. Chairman, I move to strike out the last four words. Mr. Chairman and gentlemen of the committee, it was not my intention to say a word with reference to this bill or any proposed amendments. It occurred to me, however, that as chairman of the Committee on Education the Members of the House might like to get my ideas with reference to the bill, in view of the fact that the Crail bill was before us and long and earnest hearings were held with reference to the merits of this bill.

My position is this: I am for the present bill because no service would be rendered to the blind by entering into any controversy at this time as to just what we should do. I am satisfied in my own mind, however, that the blind population of this country, especially in view of the number of soldiers who were made blind by the war, should receive more consideration than has been given to them. [Applause.] In the first place, this Congress should appropriate money, in my judgment, as soon as we convene again so that some research work may be done by the best scientists we can get, so that we may look the whole field over, the world-wide field, and see whether some new method can be devised that is simpler than the present method of preparing books for the blind. The books are now very bulky, and they are very expensive to print. I believe that with the great facilities of research now available some better method can be devised so that all of the best literature, ancient and modern, may be placed before the blind of this country. I think they are entitled to it.

You will pardon me, I am sure, if I tell just one little story in the short time I have, touching the life of one person who, it seems to me, has made a great contribution to the literature and to the spirit of America. I refer to that beautiful and angelic character, Miss Helen Keller. When Helen Keller was four years old, her mind had never been disturbed by any information from the outside world. Through instruction and by sense of touch when she was 12 years old she was ready to receive her religious instruction. She was turned over to Rev. Phillips Brooks for her religious instruction. He taught this blind girl and he told her for the first time about God, the goodness and kindness of God, and how He loved her and loved everybody. When he had finished Helen Keller said, "Doctor Brooks, I knew all of that before but I did not know His name." Helen Keller has held up to the world an optimism, a courage, and a spirit that ought to take any person with normal faculties over the roughest spots of a tempestuous life. There may be many more Helen Kellers in the world, and I feel that this great legislative body, representing the spirit of America, should spare no means in coming to the assistance and aid of the blind population of this country. I believe that in justice to the blind readers of this country this bill should pass. [Applause.]

Mr. KVALE. Mr. Chairman, I rise in opposition to the pro forma amendment, for the purpose of completing the sentence——

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. As I understand it, the rule provided for one hour of general debate and then that the bill should be read for amendment. I wish to state that after the gentleman from Minnesota has spoken I shall insist upon the rule before the House.

The CHAIRMAN. The rule is being complied with.

Mr. DYER. There is no amendment before the committee for consideration, except a pro forma amendment.

Mr. JOHNSON of Washington. If the gentleman will permit, I would like to say that there is some confusion about the program for the rest of the afternoon. The telephones are ringing continuously. Seventy-five per cent of this House wants to have an opportunity to vote on the immigration restriction bill. I am afraid a motion may be made to adjourn when we go through the next suspension, and I hope that all here will stay on the floor in sufficient numbers to prevent adjournment and to choke off all further attempts to filibuster against the immigration suspension bill.

Mr. KVALE. When the gavel fell while I was speaking last, I was in the midst of a sentence, in which I was trying to tell the membership of this House what is happening in the research into printing for the blind.

Listen to me: In the Patent Office there is a little box about that size [indicating], less than a foot in diameter, I think. That box is capable of carrying a little roll, much after the fashion of a piano player.

Instead of having these bulky volumes [indicating volumes], you have a compact little roll that goes over a prepared and patented surface, permitting the reader to read in that fashion. These developments are going forward rapidly.

I do not think any fundamental issue is involved here, except getting books to blind readers, and I appreciate the validity of the argument that any amendment at this stage of the session is going to retard, and probably endanger, the passage of the bill. For that reason I do not care particularly about the fate of this amendment. I say it frankly.

But I am going to support the Crail amendment, and I would really like to see it prevail. I think the readers want it.

I do object strenuously to the attacks upon the character and the work that Mr. Atkinson has done, however. He heads the institution in California that we have been hearing about. The gentleman from California [Mr. CRAIL] probably will not have time to tell you about him. I ask you, in fairness, to read the hearings before the Committee on Education and discover for yourselves how one man, through a God-given inspiration, and by incessant and unselfish toil, has been able to make further advancement in the progress of efficient and clear printing in work of

higher quality and in a larger field than this industry has had in the past 75 years of its existence.

I think Mr. Atkinson deserves this tribute, here and now, regardless of the fate of the amendment that might involve his printing plant.

I say it is a miserable display when he or his plant becomes the object of attack, and when his motives in this proposition are questioned or impugned. There is not a member of the Committee on Education that will dare say he did not make a splendid impression, and that we were not all convinced that he has done a wonderful work, in which he has a surprisingly solid support from blind readers spread all over this Nation. He wants only what he is convinced is for the greatest good to the greatest number of blind readers. He knows and they know what he has done for them in his plant and his organization. You will agree with me if you read these hearings I refer to.

I predict he will continue his unselfish work for blind readers regardless of the outcome of this poor controversy, and that the proponents of the present bill will be more than glad to see that he and his plant are given every fair consideration. Further than that, I dare say that he will be found to be the leader in any development along the lines I have suggested for new methods in providing blind readers with less bulky and with more convenient ways of reading, if those ways prove to be practicable. Read the hearings, then make your estimate of this man Atkinson and of the work he has done and is doing. I have only the profoundest admiration for him.

Mr. CRAIL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAIL: Page 1, line 9, after the word "Columbia," strike out the period, insert a comma and the following:

"*Provided*, That no expenditure of more than $100 of said fund shall be made excepting to the lowest bidder under fair competition; *and provided further*, That no part of said funds shall be paid to any corporation, institution, or concern which receives or enjoys directly or indirectly any subsidy from the Federal Treasury."

Mr. CRAIL. Mr. Chairman, ladies, and gentlemen, if this amendment is adopted it will make of a vicious bill a very good bill, which will provide books for the blind of this country. With this amendment the bill will have my hearty support and I would plead with you to pass the bill if the amendment is added to it, because it carries out the American conception of justice and fair play between man and man, and business.

Now, they drag in the name of Helen Keller, that grand, brave woman. To use her name is just like grabbing Old Glory and waving it above your head and shouting, "Come on, boys." Of course, Helen Keller is a wonderful woman and I am one of her greatest admirers. I would not for a minute say anything against her. I attended the hearings when she testified and I approved every word she said. She did not say a word in favor of this bill as against any other bill. No other bill was mentioned by her. She did not go into the terms or the provisions or the conditions of this bill at all. What she wanted was books for the blind. She wanted to take the blind readers out of midnight darkness, take them out of their intolerable idleness, and we all want this. With this amendment we will not only accomplish this purpose, but we will do it in an honest, fair, American way.

Gentlemen, I am earnestly hoping you will consider this bill on its merits and not merely from the standpoint of the claim that the Helen Kellers of this country need books. You will make of it a fair and a good bill if you adopt this amendment which I have offered.

Mr. WARREN. Mr. Chairman, I just want to take half a minute, in reply to what the gentleman from California has said about Miss Keller's attitude on this measure. I call the attention of the committee to her closing sentence in her testimony before the committee:

I ask you to show your gratitude to God for your sight by voting for this bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

I am opposed to the very adroitly drawn amendment, which, if adopted in the closing days of the session of Congress, means the death of any additional relief for the blind readers.

In my brief talk a few moments ago I neglected to indicate one additional reason that should cause Congress to approve the additional appropriation for the blind, as authorized in this bill.

The gentleman from New York [Mr. REED] has called attention to the many thousands of blind war veterans who would use these books. I agree with his position with reference to these veterans, but I want to call your attention to another class of citizens who would also read said books. Uncontradicted statistics indicate that thousands of American people have become totally blind by reason of the eighteenth amendment and sumptuary laws enacted thereunder, which have made available for consumption poisonous bootleg liquor which destroys the optic nerve and causes complete blindness. I urge in the name of all of the blind of this country, including those who I have just called to your attention, that the amendment now pending be defeated. [Applause.]

Mr. LUCE. Mr. Chairman, this amendment is so clearly unwise that I have no expectation that it will get support. Its effect would be to tie our own hands. As I pointed out, the present bill contemplates that the work shall be done by Congress, working through the Library Committee and in turn through the Library of Congress.

I am sure that the membership of the House will believe that it is unwise to pass legislation tying our own hands.

Being so confident that such will be the judgment of the House, I would at once move that all debate close on this amendment if it were not for the fact that I would shut off my good friend from New York, Mr. BOYLAN. If he desires to speak, I will yield the floor, but I give notice that after his remarks I shall move to close all debate.

Mr. BOYLAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. DYER. Mr. Chairman, I make the point of order that all debate on this amendment has expired.

Mr. BOYLAN. There has been no motion to close debate.

The CHAIRMAN. Under the rules of the House the amendment has been debated.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BOYLAN. Mr. Chairman, I think it would be a mistake to pass any amendment to this splendid bill at this time. I rose particularly to call your attention to the fact that we have in the city of New York in the very district represented by the gentlewoman, Mrs. PRATT, the author of this bill, a splendid institution for the blind, known as the Lighthouse. It really is a lighthouse, because there the blind are taught not only to read but also many gainful occupations.

But more than the mere reading, more than the gainful occupations, they are taught to help themselves. They are taught to develop a new mental attitude, and that, to my mind, especially to those afflicted with blindness, is of more and greater value to them than any other possible thing. They acquire a new mental attitude, a new view of life, and I am sure there is no legislation that we can possibly pass at this session of the Congress that will redound to our greater credit than the passage of this bill, because, as you know, "Hope springs eternal in the human breast," as has been well said. If we can renew the hope in those who have been physically incapacitated, what greater good can we do?

Of course, in our little course of transit through the world we must play our little part, and if in playing that little part we make the world a little brighter place to live in, if we smooth out the rough places in the daily path, we will, indeed, have done something worth while, we will have done something creditable as representatives of the people who have sent us here. I am sure that there is no piece of legislation that has come before this Congress worthy of more careful and greater attention than this particular bill.

I think if the distinguished gentlewoman from New York [Mrs. RUTH PRATT] does nothing else during her legislative career in Congress than to pass this bill she will, at the expiration of her service, have something noble and creditable to look back upon as a memento of her period of service in this body, and we all agree with her in feeling that she has done something of substantial worth in that she has added a new ray of hope to the blind of America. If we had more legislation of this kind, it would redound to the greater credit of the Congress. [Applause.]

Mr. LUCE. Mr. Chairman, I move that all debate upon the pending section and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk concluded the reading of the bill.

The CHAIRMAN. There being no further amendments, the committee automatically will rise under the rule and report the bill back to the House.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 4030, and he reported the same back to the House without amendment.

The SPEAKER. The previous question is ordered under the rule. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE TARIFF

Mr. BRUMM. Mr. Speaker, I ask unanimous consent that my colleague [Mr. ESTEP] may extend his remarks in the RECORD by inserting two articles written by Senator REED, of Pennsylvania, on the tariff.

The SPEAKER. Is there objection?

There was no objection.

Mr. ESTEP. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following articles written by Senator REED, of Pennsylvania, on the tariff:

[The Saturday Evening Post, Philadelphia, Pa., January 3, 1931]

TARIFF TINKERING

By United States Senator DAVID A. REED

It was 11 o'clock on April 8, 1789. The blue surface of New York Harbor was dotted with sailing ships. At the docks vessels flying many flags unloaded their cargoes. Spring importations were beginning to arrive. Iron from England, tea from China, rum and molasses from Jamaica. Saddles, clothing, carriages, canes, luxuries from everywhere. Winter had passed and the roads and trails had opened to travel. Settlers were coming down for supplies, visitors to see the sights, traders to inspect new stocks. Business was brisk. The city was excited and expectant.

There was more to account for the crowds than the swelling stream of commerce. Already the metropolis, with a population of 32,000, New York had become, in addition, the temporary capital of the country. The new Constitution had been finally ratified. The creaking machinery of government was beginning to function. In February the Electoral College had chosen George Washington as President and John Adams as Vice President of the United States. After waiting a month for a quorum, the first Congress had canvassed the election and reported the results two days before. A committee was on its way to Mount Vernon with the official notification. The House of Representatives, a step ahead of the Senate, was about to hold its first legislative session. In the old City Hall, hastily remodeled for the use of the National Government, the sound of hammers rang through the corridors even as Congress met.

On that April morning 34 of the 65 Members provided for in the constitutional apportionment were in their seats as Speaker Frederick Augustus Muhlenberg called the House to order. With New York's chief justice administering the oath of office, each solemnly swore to support the Constitution. Thereupon, we are told, "the House resolved itself into a Committee of the Whole on the state of the Union, Mr. Page in the chair."

A thin, frail figure arose—"a shy, blushing little man, with a quiet, thin little voice," as one biographer describes him, "which sank to a whisper at the end of every sentence." Short of stature, unimpressive in appearance, James Madison, of Virginia, addressed the Chair.

"I take the liberty, Mr. Chairman," he said, "to introduce a subject which appears to be of the greatest magnitude; a subject, sir, which requires our first attention and our united exertions. No gentleman here can be unacquainted with the numerous claims upon our justice; nor with the impotency which prevented the late Congress of the United States from carrying into effect the dictates of gratitude and policy.

"The Union, by the establishment of a more effective Government, having recovered from the state of imbecility that heretofore prevented a performance of its duty, ought, in its first act, to revive those principles of honor and honesty that have too long lain dormant.

"The deficiency in our Treasury has been too notorious to make it necessary for me to animadvert upon that subject. Let us content ourselves with endeavoring to remedy the evil. To do this a national revenue must be obtained, but the system must be such a one that, while it secures the object of revenue, it shall not be oppressive to our constituents. Happy it is for us that such a system is within our power; for I apprehend that both of these objects may be obtained from an impost on articles imported into the United States. In pursuing this measure, I know that two points will occur for our consideration. The first respects the general regulation of commerce; which in my opinion ought to be as free as the policy of nations will admit. The second relates to revenue alone; and this is the point that I mean more particularly to bring into the view of the committee.

"Not being at present possessed of sufficient materials for elucidating these points, and our situation admitting of no delay, I shall propose such articles of regulations only as are likely to occasion the least difficulty.

"The propositions made on this subject by Congress in 1783 having received, generally, the approbation of the several States of the Union, in some form or other, seem well calculated to become the basis of the temporary system which I wish the committee to adopt. I am well aware that the changes which have taken place in many of the States, and in our public circumstances, since that period, will require, in some degree, a deviation from the duties then affixed; nevertheless, for the sake of that expedition which is necessary, in order to embrace the spring importations, I should recommend a general adherence to the plan.

"This, sir, with the addition of a clause or two on the subject of tonnage, I will now read, and, with leave, submit it to the committee, hoping it may meet their approbation, as an expedient rendered eligible by the urgent occasion there is for the speedy supplies of the Federal Treasury, and a speedy rescue of our trade from its present anarchy."

THE PROTECTIONISTS' FIRST VICTORY

Madison's resolution called for a specific duty on rum, spirituous liquors, molasses, wines, teas, pepper, sugar, cocoa, and coffee. On all other imports it was proposed to levy a flat ad valorem duty of 5 per cent, based on their value at the time and place of importation—the first application of American valuation, so hotly debated more than a century later. Such was the beginning of tariff legislation in the United States.

As sponsored by Madison, the resolution was strictly a revenue measure. It was imperative that money be raised at once. The public purse was flat. The country was deeply in debt. In addition to its own obligations, the Federal Government had assumed those of the States. Revenue was needed to discharge the debt, pay the Army, restore the national credit, give value to an all-but-worthless currency, and to run the Government itself. The tariff was a ready answer. Six years earlier, in 1783, the Congress of the Confederation had recommended a similar schedule of duties to the 13 separate States. With modifications, these in the meantime had been approved by most of the State legislatures. Now, clothed for the first time with the power to tax, the new Congress turned naturally to the system championed by Hamilton and already seen in successful operation.

But the tariff law which passed almost three months later differed radically from that proposed by Madison. For though he clung to the hope that free trade could be restored and opposed amendments offered for the protection of struggling industries, the protectionists had their way with the measure he introduced. As signed by President Washington on July 4 and limited by its own terms to a life of seven years, it emerged as a full-fledged protective tariff, its purpose proclaimed in the preamble. The new duties were declared to be "necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures." It was hoped that the customs collections would yield $3,000,000 a year of the $8,000,000 needed. During the first and only year of its operation—for the duties were increased a year later—it did yield the sum of $2,239,746.75, with an additional $157,376.24 in duties on tonnage.

Never since then, nor, in fact, since the Revolution, has the Nation known free trade. From that day to this, in the 141 years of its history, while the country has grown from a population of 3,929,000 to its present proportions, has built up an annual foreign trade of $9,000,000,000 and has collected $20,000,000,000 in revenue from customs duties, Congress has passed 33 tariff bills imposing or changing duties on imports. The average is one every 20 months. Included in this number were 33 general revisions, each representing a complete readjustment of the existing tariff structure. These have occurred at average intervals of a little more than four years. No tariff law has ever lasted more than 12 years. The Dingley law enjoyed the longest life of any,

remaining undisturbed from 1897 to 1909. Only one other, enacted in 1846 and in force for 11 years—one of the two lowest tariffs of the last century—endured for a comparable period. At times the tariff has been revised annually or biennially, usually in time of war or during intervals of political upheaval or economic readjustment, to meet rapidly changing conditions. Revisions came in clusters during the first decade and again during the Civil War. Among its tariff enactments, in addition to the 33 general revisions, Congress has passed 52 separate laws dealing either with individual items, a limited group of miscellaneous imports, or providing for horizontal increases or reductions in the general level of duties.

A HARDY PERENNIAL OF AMERICAN POLITICS

This compilation does not take into account any legislation dealing with purely administrative problems, reciprocal agreements with other countries, or laws affecting our insular possessions or providing for embargoes, subsidies, or preferential treatment of American shipping or goods shipped in American vessels, of which there have been a considerable number, and all of which were protective in character. The list is confined to tariff acts fixing duties for the continental United States.

Thus we discover that in our own country tariff tinkering has been almost a continuous process. It has become a national habit. Like other habits of long indulgence, it will be hard to break.

As a partisan issue, the tariff is, of course, the hardiest perennial of American politics. Originating in opposite opinions with respect to protection and free trade, it has been nurtured by the necessity of finding durable materials for party platforms. At the moment, however, I am not concerned with its partisan aspects, or the merits or demerits of particular tariff laws, or in the consequences of our legislative debauch. I shall neither abuse nor defend the tariff act of 1930, about which the country has heard so much and understood so little. If it is a good tariff, we should know it in a year or two. If it is a bad tariff, that should be equally evident. In either case, unless we change our habits, it will enjoy at best a transitory existence. For if our tariff history means anything, there will be another revision by 1940, at the latest. I venture that prediction now. Notwithstanding the early promise of the new Tariff Commission and notwithstanding the prospect that a number of duties will be changed by presidential proclamation, it is reasonable to suppose that the present law will have outlived its usefulness in less than a decade.

Conditions are changing rapidly throughtout the world. The currents of trade are never constant. A world-wide drop in commodity prices, superinduced or complicated by overproduction, faulty distribution, and other factors, has occurred in recent months, leaving a wake of economic wreckage. Business, though gradually recovering its breath, has not returned to a steady stride. New forces are also at work. Old methods of business are giving way to innovations born of the competitive struggle. Big business has turned to retailing—to the distribution of its own product. Farmers are experimenting with cooperative marketing of crops. New inventions, new mechanical processes, new discoveries in the field of chemistry and physics, and the rapid replacement of men by machinery are changing the whole character of our civilization. Chain ownership of stores, theaters, utilities, banks, and newspapers has become a commonplace in the business scheme. Who can tell how far the new industrial revolution will reach, or its ultimate implications? Who can tell how long it will take for several million idle workers to become reoriented and again to find regular employment? What will happen to the small business man who has been forced from the field by chain-store competition?

Let us look abroad. Industries rehabilitated with American gold; France apparently busy, prosperous, self-contained, with the second largest gold reserve of any world power; Germany, until the recent collapse of commodity prices, an industrial beehive, her internal indebtedness wiped out by a program of currency inflation and her people unencumbered by the cost of a large army and navy, asking now for a moratorium to assist her recovery; Italy and Czechoslovakia in the midst of an industrial renaissance, their people toiling long hours at pitiable wages in a desperate effort to capture some of the world's wealth; England top heavy with taxes, searching for a solution of her own unemployment problem, trying to interest the dominions in a scheme for an economic union and turning to tariff protection at home; Russia awakening from centuries of sleep to a vision of political and economic conquest; Japan industrially efficient and constantly seeking outlets for her surplus production and population; South America restless, ambitious, and overrun with revolutions; the whole world studying our success with mass production and hoping to apply the lessons learned. In addition, we know that every nation with anything to sell beyond its own borders is casting covetous eyes at the richest market of all, sustained by the vast wealth and tremendous purchasing power of the American people.

STRENGTHENED TARIFF DEFENSES

That we are entering an era of extraordinary competition is self-evident. Foreign goods and foreign workers will press with renewed vigor for entry into America. Our first concern, as always, must be the domestic market. To protect it against attack we have strengthened our tariff defenses and restricted immigration. We may cut the quotas again or stop immigration entirely. But who can foretell the trend of trade one year or two years hence? Business forecasts seldom attempt to look more than six months ahead. No one can say with certainty that American business will boom, go along at its present gait, or fall off further in the next few years.

I am impressed by the amount of business that is being done, and believe the volume will grow until we get back to normal. In time we will establish new records. But how utterly futile, with the echoes of the war still reverberating and the world in the grip of an economic and political upheaval of unprecedented proportions, to expect a tariff bill written in 1930, on the basis of competitive conditions existing a year or more ago, to meet our requirements 10 years hence!

Congress can anticipate national necessities within the limits of its capacity, but legislators are not omniscient. Nor do they always act in what is clearly the national interest. Much as we may deplore it, we all know that is true. Often they are persuaded by local sentiment or personal prejudice to take a contrary course. Yet Congress is what we make it, and the country gets what it deserves. If the tariff is not what it ought to be, we have only ourselves to blame.

FREE TRADE FOR UTOPIA

I have strayed into these byways to emphasize the fact that most tariff revisions occur because they are bound to occur. They may be forced by economic changes or by public opinion, or both.

Business is not a tideless sea, but a swift and turbulent stream. So long as we are to have a tariff at all, whether for revenue or protection, it will be necessary periodically to readjust its rates to meet changes in its volume and behavior. Tariff duties are the controls by which we regulate the flow of foreign products to our shores. As the waters rise or fall, we open or close the gates to maintain an even flow. Fixed dams are out of fashion. They no longer meet the needs of commerce.

In everything I say about the tariff I speak, of course, as a protectionist. As a Senator from Pennsylvania, that, perhaps, could be assumed. But even if I were not a Senator or a citizen of the State which from the first has fought for protection, I should be a protectionist. I believe thoroughly in protection, not as an abstract principle of government but as a practical means of encouraging domestic industry, keeping our people employed at high wages, and expanding the national wealth. In the beginning it may have been necessary to experiment with different systems. Whether necessary or not, we did so. It was a slow and at times a painful process, as the country tried tariffs of various sorts. Now, however, with our lessons at least partially learned we seem to know where we are going. With both political parties committed to the principle of protection, and the members of the minority party in the recent tariff battle disclaiming any desire to reduce the rates below the 1922 level, I think we may safely say that protection has come to stay.

As a theory free trade has in it an evangelical appeal. It presupposes a world at peace with nations living together as neighbors in Christian charity and with goods and populations moving over the face of the earth without artificial restraints. It fails to take into account such things as national rivalries, racial prejudice, immigration laws, natural or acquired monopolies of raw material, variations in wage levels and living standards, unbalanced wealth, differences in national character, and the whole range of social and economic problems inherent in nationalism and the competitive system. I will not argue with those who would change the system, but only remind them that it has been tried before.

It is quite possible that, over a period of centuries, the world would be better off under free trade. At that we can only guess. But with the world as it is, it would be suicidal to abandon the American protective-tariff system. In too many ways we already have allowed ourselves to be the doormat for Europe. To surrender all our domestic markets to them while they continue their own high tariffs against our goods would be sheer economic folly

An editorial in the Saturday Evening Post recently referred to the tariff as too technical for the average American to understand. It is true that tariff making is a technical process. To understand the tariff, however, it is not necessary to become involved in the intricacies of comparative costs, to know the price of pig iron in Philadelphia, the consumption of window glass in New York, or the imports of canned tomatoes. These are problems for the statisticians and specialists, who more and more are being relied upon to supply the materials for legislative action. For those who seek detailed information concerning any aspect of the tariff, there is a voluminous and accurate mass of material in the reports of the Tariff Commission and other Government agencies.

But for Americans generally, engaged in the never-ending struggle for existence, and, on the whole, making a better job of it than the people of any other part of the world, results are all that count. If protection protects them in their jobs, their profits, and their homes, they will fight for it. If it fails in this, it fails completely. For its only justification is in the benefits it claims to confer on the American people.

BULWARKS OF PROSPERITY

To this I would add one word of warning: Prosperity will always remain in part an unknown quantity. The tariff is only one of the pillars—I think the principal one, next to a sound currency—on which our prosperity rests. There will be business booms and business depressions, periods of inflation followed by deflation, which bear no relation to the tariff. When these storms come, no matter what their cause, the tariff is an anchor to wind-

ward. It is to be judged at any time, and in times of business recession particularly, with an eye on conditions in other countries.

The question for Americans to ask themselves is not "If protection means prosperity, why am I not prosperous?" It should be "Are we as a people more prosperous than the people of other countries?" If we are—and by every standard of judgment the answer is in the affirmative—the individual sooner or later will get his share. And lest we become too pessimistic or impatient over the failure of business to rebound as quickly as we should like to see it, let us remember that, relatively, we are infinitely better off in a material sense, enjoy more of the comforts and luxuries of life, eat far more food, and are better clothed and housed than any other people in the world. If proof is needed, we have only to look at our 25,000,000 automobiles, on which we spend $15,000,000,000 annually. I do not give the tariff entire credit for this happy state of affairs. But I do think that it and the restriction of immigration are the chief bulwarks of our high-wage level, and that this in turn is the channel through which our wealth is diffused and prosperity sustained. When recessions do occur, our recovery should be quicker for this reason, and I think we will find it so now.

At its best, a protective tariff encourages the establishment of new industries and protects those already established by giving them a reasonable competitive advantage in the home market. At its worst, it may cut off foreign trade and foster monopoly at home. The cure for monopoly, so far as it is fostered by the tariff, is to remove or lower the tariff.

WORK FOR 11,000 MEN

If the monopoly is due to popular preference, lower price, or superiority of product, as in the case of the American automobile industry, there is nothing to fear from it, nor need the industry fear the removal of tariff protection. In the recent revision we saw leading automobile manufacturers, acquiescing cheerfully in a reduction of the duty on passenger cars from 25 to 10 per cent. In the Payne-Aldrich Act of 1909 the duty on passenger automobiles was 45 per cent. The Underwood Act of 1913 reduced this to 30 per cent on cars valued at less than $2,000 and provided a duty of 45 per cent on more expensive models. When the Fordney-McCumber law was written, in 1922, the industry offered no objection to a reduction to 25 per cent on all types. In the 1930 law the 25 per cent duty was retained only on trucks. It has been evident from the first that Americans prefer American cars. It is also clear that, sustained by the wealth and buying power of the American people, the industry, producing on an enormous scale, can make and sell automobiles at a price which foreign competitors can not touch. Sure of their ability to hold the home market, our manufacturers are turning to foreign fields to sell their surplus output, and, consequently, are less concerned over tariff protection than over foreign tariffs.

As an example of what the tariff will do in enabling new industries to become established in competition with foreign monopolies, the story of the coal-tar chemical industry should be familiar to every American. In all our industrial history there is no better illustration of the value of protection. In less than 15 years we have seen the industry grow from practically nothing to one in which more than $100,000,000 has been invested, which employs more than 11,000 American workers, produces nine-tenths of our domestic dyes and exports a sizable surplus, and for the first time in our history makes us independent of Germany and all other countries in manufacturing processes and industrial equipment which, in the event of another war, could be converted overnight to the manufacture of explosives and military chemicals. There are more dye plants in the United States now than in all the rest of the world. This development could not have occurred except for the tariff.

It may interest critics of protection to know that with the establishment of the American industry the domestic prices of dyes have declined. They are lower now than before the war. Far from increasing the cost to the consumer, the net result of protection has been to reduce it. The explanation is simple: Before the war, German manufacturers enjoyed what amounted to a world-wide monopoly. They charged what they pleased and profited accordingly. All this has been changed by competition, both as between America and Germany, and among our own manufacturers. The American industry has learned how to make dyes and other coal-tar chemicals equal to any which can be imported, and is spending more money in research each year than the total investment of the domestic industry prior to the war.

Although dyes had been manufactured in the United States for many years, there were only seven manufacturers in this country when the World War began. Their total investment was less than $3,000,000. They employed 320 persons. In 1914, while we were importing 46,000,000 pounds of dyes from Germany, domestic manufacturers produced 6,619,720 pounds, valued at $2,470,096. All of these were made from imported intermediates—the intermediates being the raw materials which, themselves separated from coal tar by a simple chemical treatment, are in turn converted by complex chemical processes into dyes, drugs, perfumes, flavors, photographic chemicals, synthetic resins, and tanning materials. Nine-tenths of all our finished dyes came from abroad. By contrast, we are now producing 95 per cent of our domestic requirements by quantity and 85 per cent by value. In 1927 our production of dyes was 95,167,905 pounds, valued at $36,532,795. In 1929 we produced 111,000,000 pounds and exported one-third of our production. Before the war imported dyes cost the consumer from 44 to 53 cents a pound. The average price of all dyes sold now is 43 cents a pound. Of the low-cost bulk colors—indigo and sulphur black—we produce a large exportable surplus.

THE DUTIES ON DYES

What of the tariff during this development? For many years prior to the war, all dyes, with the exception of certain specified colors which were alternately transferred from the free list to the dutiable list and back again, with successive tariff revisions, carried a duty of 30 or 35 per cent ad valorem. Then came the war and the British blockade of Germany. Our last direct shipment of dyes from Germany reached the United States on March 19, 1915. Scattering supplies—and these were mostly German dyes—came thereafter from China, Japan, British India, and from England. Our stocks were soon exhausted. Prices soared to unprecedented levels. Many dyes were not obtainable at any price. In 1916, to encourage their manufacture in the United States, Congress passed a special act giving increased protection to dyes and other coal-tar products and intermediates. In addition to the ad valorem duty of 30 per cent provided by the Underwood Act of 1913, the new law imposed a specific duty of 5 cents a pound on dyes, with certain specified exceptions.

In October, 1917, the trading with the enemy act was passed. Four months later, on February 16, 1918, President Wilson issued a proclamation prohibiting the importation of dyes and chemicals except under license; not strictly an embargo, that was its practical effect. In February, 1919, three months after the armistice, licenses were granted for the importation of Swiss dyes not of German origin. In the fall of the same year the embargo was removed on German dyes, and they were again admitted under license. This license control was continued in the emergency tariff enacted in 1921, and remained in force until the passage of the Fordney-McCumber law in September, 1922. The latter measure provided a temporary duty on dyes, limited to two years, of 60 per cent ad valorem and 7 cents a pound, based on the American selling price of comparable domestic dyes. At the end of two years the ad valorem duty dropped automatically to 45 per cent and 7 cents a pound. There was no further revision until 1930, when the new tariff law reduced the duty on synthetic indigo and sulphur black to 3 cents a pound and 20 per cent ad valorem, without changing the remaining duties.

WHAT OF RETALIATORY TARIFFS?

There is the story of protection in a nutshell. At the close of the war the new industry, so important in time of peace and indispensable in war, faced a resumption of ruinous competition from Germany, which, incidentally, still makes more dyes than we do, with a smaller number of plants. Congress came to the rescue. The industry was saved. Not only saved but enabled to become so efficient that we are selling bulk dyes abroad in competition with Germany. Prices have come down and the tariff duty on these products has come down. The consumer is better off and the country no longer is dependent on foreign supplies. It has heeded the admonition of President Wilson, in his annual message to Congress on May 20, 1919:

"Although the United States will gladly and unhesitatingly join in the program of international disarmament, it will, nevertheless, be a policy of obvious prudence to make certain of the successful maintenance of many strong and well-equipped chemical plants."

Now, as for the fear expressed in some quarters that the 1930 tariff will result in retaliation and ruin our foreign trade. Two answers occur at once:

First. Our foreign trade not only has grown steadily for many years but has reached its greatest proportions under so-called high tariffs.

Second. If England, Canada, and other countries go in for increased tariff protection, it will be because they think it good business to do so, and not because of resentment over our tariff policy.

Tariff protection is an economic expedient to be employed when conditions seem to warrant its employment, and modified or discarded otherwise. Modern nations have prospered at different times under all systems, from free trade to high protection. England herself protected her industries until after the Napoleonic wars. Then, gradually, over a period of 50 years, she abandoned protection. Now, as pointed out in Mr. Isaac Marcosson's able article in the Saturday Evening Post of September 13, she is returning to a protective policy. In the future as in the past the world will experiment with protection and be guided by results. It is hardly conceivable that our foreign trade will suffer, for the fundamental reason that the American market is the richest in the world, and it is more to the advantage of competing nations to sell their goods in this country than it is to our advantage to sell our goods in theirs. Moreover, we are less dependent than they on foreign trade, and except for France, are more nearly self-contained. Under the circumstances, retaliation for its own sake would defeat itself by hurting others more than it could possibly hurt us.

A final word about the tariff act of 1930. It is not perfect. But it is too much to expect perfection. Tariff bills are always a patchwork. Like its predecessors, it bears the scars of the historic conflict between the agrarian South and West and the industrial East. In the present stage of our development that can hardly be avoided. Until all of us see the problem similarly and learn to act as Americans and not as sectionalists it is inevitable that tariff laws will be conceived in controversy and born in bitterness. The new law is not necessarily the best we are capable of producing under present conditions. It represents the customary compromise between extremes of opinion both as to the general value of protection and the particular merit of individual items and groups.

THE WISDOM OF COMPROMISE

If I were writing it, I should do it differently. I cheerfully grant those who disagree with me the same right of dissent. But I saw no immediate prospect that a better bill could be written on the eve of a national election, or with Congress constituted as it is. I thought it quite possible, even probable, that another attempt at revision would produce results even less acceptable. It was clear that if this bill were to fail, the clamor for revision would continue. That would mean going through it all again—the same arguments, the same speeches, the same facts, the same tedious and painful processes, to a somewhat similar conclusion. In the end the law would entirely please no one, violently displease many, and cost the country more than it would be worth.

To have defeated the Hawley-Smoot bill would have kept the country in suspense for two years more. Business could not stand the uncertainty. It had stood all of us it could stand. And I doubt whether some of those who took a leading part in the revision of 1930 could have stood the physical strain of another, right on its heels. I voted for the bill, not because I liked it but because it seemed to me the best of the alternatives offered. On the whole, I believe it will be helpful. In any event, it is a closed incident. If we are wise, we shall not attempt another revision for several years.

There are many reasons why the tariff can not be taken out of politics. Among them are: The Constitution of the United States; the Congress of the United States; the Supreme Court of the United States; the President of the United States; the people of the United States. One might go on and speak of the business interests of the United States, the workers of the United States, and such things as sectional jealousies, occupational rivalries, economic conflicts, local necessities, political habit, political tradition and the innumerable by-products of our political system. I shall get to these later. They are, after all, subordinate to the general grouping, and come under the head of "the people." And it is the American people, ultimately, who have kept the tariff in politics for more than a hundred years through the operation of public opinion.

As the sovereign authority in a democratic political system, the people, or public opinion, or the collective will of the majority—call it what we may—can do about as it pleases with governments, governmental forms, and governmental policies. Constitutions, courts, presidents, legislators, and laws are subject to its sway. From this it might be reasoned that if the tariff remains in politics we have ourselves to blame. But digging deeper still, we shall find beneath it all the fundamentals of all we know of human competition. In the end the tariff comes down to a struggle for advantage, even for existence, national, sectional, or individual. And that can not be changed.

In saying this I am aware that many Americans have hoped that the tariff could be taken out of politics. I sympathize with that viewpoint. I wish that it could. When I say it can not I mean under the conditions with which we are familiar at present. By changing our Constitution and our habits and eliminating selfishness from human nature, it might be done. Yet, looking at things as they are, I must reach a contrary conclusion. To some extent we can, if we choose, take politics out of the tariff. But it is too much to expect that the tariff can be taken out of politics. In the present article I propose to show why.

Let us begin with General Hancock. It was Gen. Winfield Scott Hancock, born in Montgomery County, Pa., who remarked in an interview that "the tariff question is a local question." That half truth, twisted into "the tariff is a local issue," probably cost him the Presidency of the United States. At the time, in October, 1880, he was the Democratic candidate for President. His opponents instantly capitalized the remark to his disadvantage. General Garfield defeated him in the ensuing election by the small popular plurality of 9,464 votes.

What General Hancock said was true as far as it went. The trouble was that he stopped halfway. The whole truth is that the tariff is both a local issue and a national issue. It is a mosaic of local issues, the sum of which makes the pattern of our national tariff policy. More explicitly, we have a protective tariff because a majority of Americans believe in protection and, believing it in, are able, through their Representatives in Congress, to agree on a series of tariff schedules whose rates provide protection for innumerable local industries and local interests, as well as for those industries and interests which are more nearly national in character. Always in a tariff revision there are groups which, seeking their own advantage, lose sight of the larger interest of the Nation and fight with all the weapons at their command for a purely parochial viewpoint. When that happens, one side or the other suffers disappointment and defeat, or they compromise their differences and each side takes half a loaf rather than none.

What General Hancock did not see is that the tariff is first of all a national question. If we are to protect our industries, our farmers, and our labor against foreign competition, protection will have to be adopted and applied nationally. In so applying it, local interests which need protection will naturally come under the protective mantle.

If we were to go on a free-trade basis—something we have never done—obviously there would be no protection for anyone. In that sense the local and national interests are inseparable. One trouble with our tariff tinkering is that we too often allow local influences to blind us to the larger needs of the Nation as a whole. We see only what is before our noses. Considering political exigencies, this at times can hardly be helped. For Congress, it must be remembered, is likewise a mosaic of many minds and many viewpoints, characteristic of the country, and at no time serves a single master but responds to the lash of many whips.

To understand the tariff as we know it in the United States we must trace it to its source. And doing so, we come finally to the Constitution, and discover that the right to levy duties on imports is vested exclusively in Congress. In article 1, section 8, clause 1, we find this language: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States." In clause 3, of the same section, Congress is given the power "to regulate commerce with foreign nations." Section 10 of the same article denies to the States, which formerly collected customs duties for their own account, the right to do so thereafter except under the control of Congress and "except what may be absolutely necessary for executing its inspection laws." Duties so collected would be transferred to the Federal Treasury. As Congress has concentrated all authority over the collection of customs in the Federal Government its jurisdiction is absolute.

From that point it is as easy to follow the development of America's tariff policy as it is the development of the country. In the beginning it was not necessary to protect American agriculture against foreign competition. America had the cheapest and most productive lands in the world. The South, in addition, produced its crops with slave labor. After the Revolution we imported molasses, coffee, tea, sugar, cocoa, cheese, salt, pickled and dried fish, and some salted provisions, but little else in the way of foodstuffs. For export we produced a surplus of tobacco, wool, and cotton, and were finding foreign markets for American lumber. Generally speaking, American agriculture has always been on an export basis. It was then, and has remained on an export basis since in such staples as wheat, corn, cotton, packing-house products, and exportable crops generally. In other farm products we are practically self-sustaining. Only rarely do we import in any volume foodstuffs which we are capable of producing at home in sufficient quantity to supply the domestic demand.

It was further apparent in the South, prior to the Civil War, that the mechanic arts could not develop in a slave-holding district. In the North, on the other hand, with free labor, a more rigorous climate and less fruitful soil, the population turned naturally to other forms of industry. New England bought the cotton of the South, wove it into textiles, and supplied the South with cotton cloth. As the wool and metals industries developed and manufacturers sprang up under the encouragement of a growing domestic demand and the moderate protection provided in earlier tariff acts, the North came in time to look upon the tariff first as a means to an end—the development of an industrial civilization in the United States—and later as the best safeguard of the industries so developed. As American wages advanced—and real wages as well as dollar wages have always been higher in the United States than in older countries—and labor acquired a larger share in the profits of industry, the worker joined with the employer in demanding that the protective system be continued and strengthened. This sentiment spread slowly as industry expanded westward.

For a time in the early part of the past century the South also favored protection. Gradually, however, a different philosophy developed, rooted in the free-trade tradition and strengthened by the knowledge that industry as the North knew it could not flourish in the slave States. First of all, there was no satisfactory labor supply. Except for the negroes, the South was thinly populated. Much of the land was held, after the English manner, in large estates or plantations. It was also thought for many years that the climate of the South would not permit the physical exertion required in industry—a fallacy since disproved. It was natural under the circumstances that the South should return to its early ideal of a simple agricultural State, selling its surplus abroad and receiving in exchange the manufactures of England and France. It had no need of protection for its own products, and its resentment against the tariff grew as the North flourished and forged ahead under the egis of an economic system which, in the opinion of the Southern States, was one-sided in its benefits and simply increased the cost of living to Southern people. It was not then realized that the North was the South's best customer, and that whatever contributed to the prosperity of the Northern States would benefit the South by increasing the demand for its products.

The conception of an interlocking, interdependent, self-contained civilization, able to supply most of its own requirements, whether of food or clothing, raw materials or manufactures, in which the prosperity of the parts means the prosperity of the whole, was a later development. Although elemental in economics and the fundamental basis of free-trade doctrine, a few Americans continue to look abroad for its realization. They fail to perceive that we have built just such a civilization at home. Free trade among our own people, in a geographic area equal to the whole of Europe outside of Russia, and a slice of Russia besides, has been an important factor in building it. But there is this to be remembered by our free-trade doctrinaires: In the United States we not only have managed to maintain an approximate uniformity of wages and working conditions, the natural product of free trade, but have maintained them on a higher level by far than may be found in any other country in the world. I do not think we want to sacrifice it on the altar of a theory. Even if we knew the free-trade theory to be sound in international application, we would hardly plunge the present generation into misery that a future generation might prosper. There will be time enough to consider a change in our tariff policy when other nations meet our standards.

AN ISSUE EVER PRESENT

Thus with the North and South moving in opposite directions economically, it was inevitable that they should do so politically. And so for a hundred years we have had a protectionist preponderance in the North and a free-trade or revenue-tariff preponderance in the South, with variations and exceptions in both sections at different times. As industry invades the South and West and we try to think in national terms, the protective principle gains. Such has been our history from the beginning.

Political parties have praised and denounced the policy of protection. Political platforms have pointed to it with pride and viewed it with alarm. Within our own memory opponents have gone so far as to declare it unconstitutional to levy customs duties for purposes of protection—an obviously unsound position. It has been said that the tariff has never been the principal issue in a presidential contest. Technically that may be true. Yet it is and will remain one of the most important issues around which presidential and congressional campaigns revolve.

For our Government is really representative. Right or wrong, from our own viewpoint it represents us as a people more closely than we imagine. On an issue like the tariff the President necessarily expresses the will of the majority so far as he is able to do so. Similarly, the Congressman who fails to think as his constituents think or act as they want him to act does not as a rule remain in public life. With Americans in different parts of the country thinking differently on many things, it is as impossible to take the tariff out of politics as it is to make a Nebraska progressive out of a Wall Street financier. There may come a time when we shall all think alike about the tariff. It will not be this year, or next, or before the next elections.

WHO IS NONPARTISAN?

But why not turn it over to a nonpartisan, scientific commission of tariff experts?

Although there are several answers, they all boil down to one: It can't be done. In the first place, there are limits to the power of Congress to delegate to another branch or agency of Government the functions vested in it by the Constitution. It may lay down the rule and leave its application to others, but it can not avoid the responsibility for fixing the country's tariff policy.

Again, there is no such thing as a "nonpartisan commission," nor can there be while its members are appointed by a partisan President and confirmed by a partisan Senate, nor while those appointed possess partisan views on such subjects as protection and free trade.

Let us suppose that a scientific commission could be named. A scientific commission presumably would be a commission of economists. And it is the conflicting views of economists which have done more than anything else to keep the world stirred up over the relative merits of protection and free trade. Most economists, dealing in theory as they do, are free traders. So that would not "take the tariff out of politics," but push it further in. Whether called experts, economists, or merely a nonpartisan commission, any tariff commission organized on that basis would have to do one of two things—take orders from Congress in fixing the tariff policy, which would involve a surrender of its scientific, nonpartisan character, or defy Congress and the Constitution and go its own way, either with or without the approval of the President as the appointing power. Thus there is no solution there. That much is certain.

"But suppose the President could find such a commission, and suppose Congress approved of it, and suppose the commission and Congress were in accord as to the policy to be followed in fixing tariff duties?"

I can answer best by asking these further questions: How much of Congress would be in agreement with the commission? And what would the rest of Congress be doing—sitting idly by and saying nothing, or viewing with alarm and trying to abolish the commission? And what of the country at large? Is it conceivable that Nebraska and Wall Street will sit down at the same tariff table? Is it even conceivable that all Nebraskans will think alike on the tariff, or all Wall Street financiers? It has been my observation that there is as wide a difference of viewpoint on the tariff in Wall Street as between Eastern manufacturers who want protection and Western farmers who do not. And I know that all Nebraskans do not agree. There is, in short, no such thing as a general acceptance by the whole country of any viewpoint with respect to the tariff. It is clear enough that a majority of Americans are protectionists. I think it is a big majority. But at that point opinions began to diverge, and we have high protectionists, low protectionists, protectionists for agriculture only, and protectionists for industry only, all thoroughly honest and all equally convinced that those who disagree with them are wrong.

Is it possible that these differences, based on tradition and prejudice and distrust, or on different lines of reasoning, will suddenly subside, and that the country as a whole will accept a tariff written by experts? I think not. Not while every section and every group interest wants a high tariff on its own products and little or none on the products of other sections or other groups. It may be that in writing our tariffs we are approaching a you-scratch-my-back-and-I'll-scratch-yours philosophy. But there is plenty of evidence that a good many American producers still want their own backs scratched without being willing to scratch that of the other fellow. That's where the rub comes in.

Suppose that the President were to find a scientific, nonpartisan commission and appoint it. What would prevent his opponent, in the next presidential campaign, from appealing to every dissatisfied element in the country—everyone who thought the tariff too high or too low, or too high or low on some things and too low or high on others, or that there should not be a tariff at all? It has happened so often in the past that it could be anticipated as surely as night follows day. It is the best—or worst—thing our politicians do. It is the way the outs get in and the ins get out. It has been a favorite brand of politics since men first began to experiment with democratic institutions, and will remain the recourse of politicians as long as the world knows popular rule.

THE TARIFF COMMISSION'S POWERS

In presidential campaigns the tariff can be made an issue as long as there are Americans who think it ought to be changed. In congressional campaigns it will remain an issue in every district where sentiment is divided on the tariff. When the question reaches Congress itself, Congress simply carries on the battle in conformity with the will of the voters.

There remains the Supreme Court, in considering the development of our tariff policy. For the Supreme Court construes the Constitution, and it is for the court, in conjunction with Congress, to say how far Congress may go in delegating its duty-fixing powers to other agencies of Government. As a matter of fact, this never has been definitely determined. In the tariff act of 1922, Congress for the first time conferred on the Tariff Commission, which has been in existence in substantially its present form since 1916, the power to conduct investigations for the purpose of ascertaining differences in production costs of similar commodities at home and abroad, for the information of the President. The same act conferred upon the President the power to increase or decrease any tariff duty, within limits of 50 per cent either way, when necessary to equalize competitive conditions. The Supreme Court has held that this was constitutional, in that it was not a delegation of legislative authority but a use of the Executive authority to carry out the intent of Congress in conformity with a clearly defined principle. This decision, upholding the so-called flexible provision of the 1922 act, offers a wide field of speculation as to how far Congress may go in the same general direction.

The tariff act of 1930 further enlarged the authority of the Tariff Commission by empowering it to specify the required changes in existing tariff duties under the same rule and within the same limits, and report these to the President, instead of leaving it to the President to apply the facts received from the commission and say what changes were needed to equalize competitive conditions. The President, however, alone is given the power as under the old law to proclaim the changes found by the commission to be necessary, thus making them effective. If he disapproves them the duties remain as before.

THE PROTECTIVE PRINCIPLE

This effort on the part of Congress to find a solution for the problem of changing tariff duties to meet changing conditions without further legislative action, thus lengthening the intervals between tariff revisions, is to my mind the most significant step yet taken in that direction. It represents an honest attempt to take the tariff out of politics. If it could be taken out it would be by an extension of this principle. It would necessarily have to be supported by public opinion—not negatively or apathetically, but with sufficient vigor to convince both political parties that the country prefers this method of revision to the log-rolling tactics and patchwork product of other days. As yet, however, I am not satisfied that this represents a real solution. Nor does the delegation of power to the President to carry out a rule of tariff making laid down by Congress hold out a hope in itself that politics can be eliminated from tariff revisions, whether initiated by Congress or by the executive branch of the Government.

Whatever hope there is burns dimly, and lies in the complete conversion of the public to a wholly new conception of the tariff as an economic expedient to be employed when necessary for the protection of American producers against low-cost foreign competition. We should have to forget our inherited or acquired prejudices in favor of prohibitive tariffs, free trade, and the various arithmetical or philosophical gradations to be found between these two extremes. That will take time. The institutions of government are of gradual growth. Our tariff policy, such as it is—and except for our general adherence to the protective principle, it can not be said that we have a permanent policy—has required a century and a half for its development. It is hardly to be expected that we shall accept a new principle, still in the experimental stage, without submitting it to the test of experience. And even if it should prove practical, it would not end the conflict between rival schools of thought on the essential issue of protection.

The tariff-commission idea was not mentioned in the political platforms of 1884, and it was not until many years later, during the Roosevelt era, that the discussion of a nonpartisan, scientific commission began to be taken seriously. From then on the proposal grew in favor. In 1916 the present commission came into existence as an advisory body with fact-finding powers, but without the additional authority conferred by the acts of 1922 and 1930. In its present character it maintains headquarters in Washington, offices in New York, and a European office at Brussels, Belgium, and has become one of the most important fact-finding agencies functioning under the Federal Government.

Next to the gathering of facts for the information of Congress and the President—and I have never seen a more workmanlike statistical compilation than the Summary of Tariff Information submitted to Congress in connection with the recent revision—its chief function under the law is that of ascertaining and reporting differences in production costs in the United States and foreign countries, under the authority of the flexible provisions of the tariff law. This may be done in response to a resolution of Congress, at the request of the President, on its own motion, or upon application by any party at interest.

It was in a test case brought under the act of 1922 that the Supreme Court, in April, 1928, upheld the constitutionality of the flexible provision. The opinion was delivered by Chief Justice William Howard Taft, who had been a protectionist President. No dissenting opinions were reported.

THE DANGER OF UNCERTAINTY

It is perfectly possible under the broad language of this opinion for Congress to give the Tariff Commission a jurisdiction over customs duties equal to that exercised over railroad rates by the Interstate Commerce Commission. I do not think it will do so for many years, if at all. Yet the experiment points in that direction, and I am not at all sure that some Congress of the future will not throw up its hands, and rather than go through a tariff revision such as those to which we have become accustomed in recent years, turn over to a tariff commission organized as a quasi judicial body the entire task of adjusting tariff duties. That can never happen, however, until the country and Congress find themselves able to agree on some permanent principle of tariff making. Whether we adopt protection as a principle, cost of production as a guide, and competitive equality as a goal, or whether we find some satisfactory substitute for what seems now the most reasonable rule for the adjustment of duties, we must proceed from a fixed point of some sort and lay down definite rules for applying whatever principle we adopt.

I should like to think of the tariff as an economic and not a political instrument, to be left in the hands of capable men, under general instructions to use it to equalize competitive conditions as between America and foreign producers offering their wares in American markets. Such a tariff commission, approaching its responsibilities in a judicial spirit and guided in its decisions by dependable information gathered by its own specialists, would be of great assistance in dealing with a difficult problem. But even then there would be the danger of keeping the country in a state of uncertainty—the one thing business can not stand. As between that evil and the evil of periodic revisions by Congress, coming 8 or 10 years apart, or possibly at longer intervals, I should prefer the latter.

Finally we come to the mechanics of tariff making, as modern tariffs are made. I wonder how many persons realize how much of a task it is to revise the tariff—the serious study, hard work, and downright drudgery that go into it?

THE MECHANICS OF TARIFF REVISION

What happens when the tariff is about to be revised? Long before the bill is reported to either branch of Congress, as a rule, the Ways and Means Committee of the House and the Finance Committee of the Senate have begun their work. And long before that the Tariff Commission has brought its statistical information down to date, made a specialized study of competitive conditions in hundreds of different industries producing thousands of different commodities, and prepared for the submission of these data to Congress in condensed and quickly accessible form. The Summary of Tariff Information, on which many of the rates in the 1930 law are based, required almost a year for its compilation. Subsequently there were three revisions. And much of the material was already at hand, needing only to be freshened. With the index, the summary contains 2,753 pages. The Tariff Commission staff started work on it on May 4, 1928. It was finished between January 7 and March 11 of the following year, and delivered to Congress in sections. The hearings held by the Ways and Means Committee began on January 7, 1929, and ended February 27, lasting 43 days and 5 nights. About 1,100 witnesses were heard and 11,000 pages of testimony taken. In the Senate, hearings were begun by the Finance Committee on June 14 and ended July 18. Several hundred more witnesses were heard and 8,600 pages of additional testimony taken. The printing bill for the 1930 revision was a little more than $500,000.

The country need not be reminded how long the debate dragged out, nor of the weeks required to reach an agreement in conference on points in dispute between the Senate and the House. It is sufficient to recall that the law was signed by President Hoover on June 17, 1930, at 12.59 p. m., and that the new duties became effective from that moment, more than two years after the Tariff Commission began to assemble the basic material for the revision, and 17 months after the House began its hearings. And that was better time than was made in the revision culminating in the act of 1922.

In the tariff act of 1930, 3,218 dutiable commodities are designated by name, an increase of 378 over the dutiable list in the 1922 law. In the free list appear the names of 694 articles which may come in without the payment of any duty, representing an increase of 70 over 1922. Altogether there are 517 paragraphs dealing with duties in the 194 pages of the new law, excluding an extensive index. There are 295 separate sections in the administrative provisions, which account for half of its text. These alone required weeks of study and consumed several additional weeks of debate, dealing as they do with a multiplicity of problems quite as important and frequently more technical than those involved in the fixing of duties. And the 3,812 articles named in the law are only a start, for many thousands of others are caught in the so-called basket clauses of the law, by the use of the language "all other machinery" or "all other jewelry" not otherwise specified.

Everything in the world comes to the ports of the United States for entry into consumption, and all of it can be found somewhere in the tariff law by specific or general reference. It is estimated that not less than 25,000 different articles pay a duty at ports of entry, although only one-eighth of this number are named. The basket clauses catch the rest.

In writing the law Congress had the assistance of legislative drafting experts of the House and Senate; of the Attorney General's office, which worked with the legislative counsel continuously, calling attention to decisions and suggesting clarifications; of 40 or 50 experts from the Tariff Commission, whose technical knowledge was invaluable; and of customs officials and Treasury specialists concerned with the administration of the law.

Although the tariff lobby was large and active, I saw little of it. But I know that it was on hand, arranging or attending hearings, interviewing Members of Congress, gathering information, following the progress of the bill, and trying in various ways to influence the action of the committees or of the two Houses of Congress in their own or their clients' interests.

YOU CAN'T SATISFY EVERYBODY

Several thousand letters appealing for assistance or seeking information regarding the tariff reached my office in the course of the revision. Other Senators were similarly deluged, though as a rule less heavily. I have no way of estimating the number of callers who passed in and out of my own office. They came in a steady stream, for months, beginning before the bill reached the Senate and continuing until after it was signed by the President.

For the most part these were legitimate appeals. Not everyone who came to Washington during the revision wanted the duties changed. Not all of those who did want them changed sought increases in the rates. Many of the letters were plain propaganda, of course. It was a monumental job simply to separate the wheat from the chaff and bring all the available information bearing on the same subject together when it was needed.

I can imagine what would happen if the task of revising the tariff as a whole were turned over to the Tariff Commission. It would not relieve Congress of political pressure, but merely force those concerned in the revision to divide their time between Congress and the commission. The commission itself would be under a double pressure—from the tariff lobby and from Congress. And if the resulting revision proved unpopular with the country, as most revisions do, the whole subject would be thrown into the next political campaign with the usual demand for a change—a change in the tariff, in the White House, in the make-up of Congress, the make-up of the Tariff Commission, in methods of tariff tinkering. The whole trouble is that no tariff law can possibly satisfy everyone. And that keeps it in politics.

DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE NAVY

Mr. SNELL. Mr. Speaker, I call up House Resolution 353, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 353

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (S. 550) entitled "A bill to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes," and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of such bill. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SNELL. Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. MCCLINTIC of Oklahoma. Mr. Speaker, ladies and gentlemen of the House, as I view this rule, it should not come up for consideration at this time, when there is business of far more importance than a piece of legislation which I dare say practically no one other than those on the Naval Committee has the least conception what it contains. I ask now if there is any Member on this floor who knows what is in this bill, other than the members of the Naval Committee. If there is, I want him to hold up his hand.

Mr. LAGUARDIA. I know what is in the bill.

Mr. MCCLINTIC of Oklahoma. One other gentleman holds up his hand. Therefore, only two Members indicate that they know anything about the bill. It seems to me it would be in order to attempt to tell the Members of the

House something about what will be brought about if the bill is enacted into law. Section 1 provides that for every admiral there shall be 4 in the grade of captain, 7 in the grade of commander, 14 in the grade of lieutenant commander, and so on down to ensigns. In other words, you have an ultimate increase.

Section 2 provides for a selection board to convene once in each year, and there is nothing in this legislation to prevent a member of the selection board from passing upon his own promotion, and that is radically wrong.

Section 3 is a discrimination against naval officers who have come up from the ranks, and should be eliminated. There is a term in the Navy which they use to indicate naval officers who are not graduates of the Naval Academy. They call them mavericks. They want the Navy to be a silk-stocking Navy. They do not want the rank and file of the American people to ever be represented in the form of a naval officer. I am against any such discrimination. Whenever you build up a Navy or an Army without having officers in it that represent the rank and file of the people you destroy initiative and all of those virtues necessary to take care of an emergency, and you know it just as well as I do.

Section 4 relates to promotions, and unless amended it would have the effect of taking away the right of the President to appoint officers as guaranteed by the Constitution, Article II, section 2.

Section 5 relates to the disposition of officers who are not recommended for promotion and makes unjust discrimination between lieutenants who are graduates of the Naval Academy and those who are not by saying, "You can go down to the status of warrant officers."

Another discrimination, if you please, is against those who came up from the ranks and in favor of the graduates from the Naval Academy.

Section 6 relates to pay, and makes a special discrimination in favor of Naval Academy classes. It should be stricken from the bill for the reason that it gives Naval Academy students credit for one year when they only served a period of nine months.

Section 8 should be stricken from the bill for the reason that, according to our system of promotion which gives an officer a running mate, it would result in the promotion of two officers or the creation of two grades every time there was a fraction of a grade involved.

Section 9 was evidently put into the bill for the purpose of preventing captains and certain other officers being retired when they reach a certain age, thereby encumbering the promotion possibilities for those entitled to this consideration that have a lower rank.

In other words, this elimination makes it possible for Annapolis graduates to be commissioned in the future.

Section 10 would have the effect of causing every officer who was commended during the World War to receive special consideration of retirement by giving them a retirement status with an increased rank. In other words, by a special promotion system and a special selection system, it places all of the machinery that rightfully belongs to the Congress in the hands of a special board and allows them to run riot with procedure that ought not to be unless governed by law.

When this bill was considered before the Naval Affairs Committee, at first I thought it contained some merit. I was inclined to support the legislation, but when I made a careful study of it, dug into every phase of it, I found that the different sections of the bill will bring about, if I have interpreted them right, that which I have told you to-day.

So in the name of fairness, in the name of those officers who do not have any legislative rights, and who have no one to stand here and speak for them, I would ask you not to pass legislation that will wipe them out of service and bring about the kind of injustice and discrimination that should not be countenanced by this House. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I believe this bill should receive the serious consideration of the House.

There is one feature that I want to call to the attention of the House, that was brought to my attention in the hearing before the Rules Committee, and which has been referred to by the gentleman from Oklahoma [Mr. McCLINTIC].

I am sure there is not a man in this House who would admit he was a snob, or who would promote the creation of any caste in this country, but before the Rules Committee the chairman of the Naval Affairs Committee said in so many words, and I would like to have him explain in general debate more fully what he meant, that one of the purposes of this bill was to get rid, by retirement, of the men who came up from the ranks and became officers in the Navy because they just did not fit into the social situation. That is the way it was interpreted by myself and other Members, I am sure. If we are going to build up a military or naval caste in this country, it is time we paid some attention to it, and either do it deliberately or not do it indirectly. If it is the purpose of the bill to eliminate the so-called "mavericks," a term I resent, from the naval service by retiring them out, and that was the inference carried in the statement before the Rules Committee, no Member of the American Congress should ever vote for it.

Mr. McSWAIN. The gentleman will remember that the chairman of the Committee on Naval Affairs, the gentleman from Illinois [Mr. BRITTEN] stated on the floor of this House about a week ago that there were six or seven hundred officers who came up from the ranks during the war whom they desired to eliminate.

Mr. O'CONNOR of New York. Certainly.

Mr. McSWAIN. He told this House they desired to eliminate them. I say they are the backbone of the fighting men of this Navy. [Applause.] They will never be eliminated, however, with my consent.

It will be done over my protest if it is done.

Mr. O'CONNOR of New York. And it will be done over my protest, but the gentleman should not use all of my time. Before the Rules Committee the gentleman from Illinois gave the reason for eliminating them that they just did not fit into the "equation," and the inference was that they did not fit socially, and he did not deny he meant that inference.

Mr. BRITTEN. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. BRITTEN. I would suggest to the gentleman and the preceding speaker that it is highly unfair to take this so-called backbone of the Navy and refer to them as mavericks.

Mr. O'CONNOR of New York. Well, I did not; you did.

Mr. BRITTEN. They are the best men in the service.

Mr. O'CONNOR of New York. It is time the gentleman said so.

Mr. McSWAIN. Why does the gentleman want to get rid of them? The gentleman said he did.

Mr. BRITTEN. Will the gentleman wait a moment please? I may say to both gentlemen that this bill to-day is written in their relief and was dictated by them.

Mr. McSWAIN. To scoot them out of the Navy. That is the way you want to get rid of them.

Mr. BRITTEN. No. We want to help them.

Mr. McSWAIN. How? Help them out? You said you wanted to get rid of them.

Mr. BRITTEN. Oh, no. The gentleman is entirely in error.

Mr. McSWAIN. Why, the gentleman said it standing right here on the floor of the House.

Mr. SNELL. Mr. Speaker, I move the previous question.

The question was taken; and on a division (demanded by Mr. SABATH) there were 115 ayes and 54 noes.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-two Members are present—a quorum.

The resolution was agreed to.

SECOND DEFICIENCY BILL

Mr. CRAMTON. Mr. Speaker, the conferees on the second deficiency bill have reached an agreement on the greater part of the Senate amendments. The clerks are preparing the report. It must be acted on first in the Senate, and the House conferees would like to get approval of the report by the House to-night if it proves to be possible to do so.

DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE LINE OF THE NAVY

Mr. BRITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 550, with Mr. BACON in the chair.

The Clerk read the title of the bill.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, will the gentleman on the other side use a portion of his 30 minutes, and I hope it will not be necessary to use all of the time on either side, in order that we may expedite the business of the House.

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman and members of the committee, notwithstanding the colloquy that occurred between the gentleman from South Carolina [Mr. McSWAIN] and the gentleman from New York [Mr. O'CONNOR] and the chairman of the committee, I shall, in the brief time allotted to me, endeavor to point out to this committee the wisdom and justification in passing this legislation. I think I can prove conclusively to every member of the committee that the objections raised by the gentleman from New York [Mr. O'CONNOR] and the gentleman from South Carolina [Mr. McSWAIN] are not founded upon facts, but, on the contrary, we are trying to do exactly what they would like to have done; that is, to protect the nongraduates who enlisted and who served during the war.

Mr. Chairman, the provisions of this bill are not new to the House, for this identical bill passed the House during the Seventieth Congress but died in the legislative jam in the Senate.

During this Congress the Senate has passed this measure. There is nothing new or radical in this bill. It simply smoothes out the method of promotion now existing in the Navy and by certain provisions provides a safeguard for officers against elimination from the naval service without being given a chance or an opportunity of being selected and promoted.

At the very outset let me impress this one fact upon you—that this bill does not increase the total number of officers in the Navy by a single officer. The total number of officers in the Navy is regulated by law. Four per cent of the authorized enlisted strength of the Navy is the number of line officers authorized for the Navy, hence there are in the Navy 5,499 officers, and when this bill becomes a law there will be the same number of officers in the service. There is nothing in this bill authorizing the appointment of any additional admirals or captains. Under the law to-day, 1 per cent of the number of officers of the line in the Navy are admirals, which is 55; 4 per cent of the number of officers are captains, which is 220. There is not a single line in this bill which permits an additional admiral or captain to be created.

Let me call to your attention some of the results to be accomplished by this measure:

It will increase the regularity of periods or the length of time spent by each officer in each of the higher grades. Under the present law the period is irregular, an admiral spending a minimum of 8 years in that grade, whereas the normal length of time for the captain's grade is made 6 years, and for the commander's grade 5 years. The present law provides that officers who are not promoted to the grade of commander by the time they reach the age of 45, or to the grade of captain by the time they reach the age of 50, or to the grade of rear admiral by the time they reach the age of 56, shall be retired with a graded retirement pay of 2½ per cent of their base pay for each year's service they have rendered to the Government.

Under this bill admirals, captains, and commanders will spend 7 years in each of these grades, thereby equalizing the flow of promotion, affording better opportunity for acquiring the experience necessary for advanced rank and thereby increasing the efficiency of the officer personnel. This bill increases the length of time spent in the grade of captain by 1 year and in the grade of commander 2 years. This additional time spent in their respective grades qualifies them far better for higher command than the time spent under the present law.

By this bill we seek to increase the number of commanders 1 per cent. The law to-day specifies that 7 per cent of the total number of officers shall be commanders, which allows us 385 commanders. This bill proposes that 8 per cent of the officers be commanders, giving a total of 440 commanders, or an increase of 55. The percentage of commanders in the British Navy is 14.04, and they have to-day 691 commanders. The percentage of commanders in the Japanese Navy is 13.7, and they have to-day 518 commanders. Japan, with a navy three-fifths the size of our own, has to-day about 133 more commanders than have we. Under the law to-day we are entitled to 14 per cent of our line-officer strength in the grade of lieutenant commander, giving us 770 lieutenant commanders. This bill makes 15 per cent of the line-officer strength lieutenant commanders, or a total of 825, an increase of 55 lieutenant commanders. In the British Navy 27.68 per cent of its officers are lieutenant commanders, or 1,367. In Japan 20 per cent of its officers are lieutenant commanders, or 754. The slight increases provided for in these grades are compensated by reductions in the grade of lieutenant. But even with the very slight increases, the percentages are far below those prevailing in other navies.

Therefore, you will observe that the officer strength of the Navy has not been increased, but this bill merely rearranges the distribution in various ranks, increasing 1 per cent the number of commanders and lieutenant commanders, decreasing the number of lieutenants from 32½ to 30 per cent, and increasing the numbers in the two lower grades by one-half of 1 per cent. We have 1,787 lieutenants; we are reducing that 2½ per cent—down to 30 per cent—giving us 1,630 lieutenants. Likewise, we are increasing the total number of lieutenants (junior grade) and ensigns from 41½ to 42 per cent. To-day there are 2,282 lieutenants (junior grade) and ensigns, and under the proposed law the total number in that grade will be 2,309. Now, the object and reason that this is being done is on account of the changed characteristics of the present-day Navy. In 1916 the Navy was composed largely of battleships and armored cruisers, with a relatively small number of destroyers, submarines, and smaller craft. To-day the Navy is composed of a much smaller number of battleships and a very much larger number of light cruisers, destroyers, and submarines. The duty as a subordinate upon a large ship is quite different from the duty in command of a destroyer, costing $3,000,000, and moving with the speed of an express train. Where a lieutenant commander might then, and might now, perform the duties of first lieutenant on a battleship, a destroyer should be commanded by an officer with the rank of a commander. The submarines of 1916, which were then commanded by lieutenants, are small and antiquated ships compared to the submarines of to-day, and with the increase in the size of the submarine it has become necessary to assign to them officers with more rank and experience. Even on the battleships the great developments made in the electrical and mechanical appliances used in the control of gunfire have made it desirable that more experienced officers be assigned in charge of this all-important work on board the battleships. This redistribution in the grades is necessary for the most efficient operation of the Navy, but let me again

There is one feature that I want to call to the attention of the House, that was brought to my attention in the

Mr. CRAMTON. Mr. Speaker, the conferees on the second deficiency bill have reached an agreement on the

law provides that officers who are not promoted to the grade

for the most efficient operation of the Navy, but let me again

impress upon you that the total officer strength is not increased. We are merely changing the numbers in the grades of commander, lieutenant commander, lieutenant, lieutenant (junior grade), and ensign.

The bill also equalizes opportunity for selection as between the members of the same Naval Academy class and guarantees protection to the older officers in such class or group against retirement before receiving an opportunity for selection. Midshipmen enter the Naval Academy between the ages of 16 and 20. Under the present law the midshipmen who entered at 20 might have an opportunity of appearing before one selection board, whereas the officers who entered at 16 would have an opportunity of appearing before four selection boards. It is no fault of these officers that one happened to be older than another when he entered the Naval Academy, and it seems only fair that officers who enter the service at the same time should be granted equal opportunity for consideration for promotion, in spite of a slight difference in their ages. They have served the identical number of years and rendered almost identical service. The law that will be effective on March 5 unless this bill or other legislation is enacted will grossly discriminate against the officer who entered the service at a somewhat greater age than the average of his classmates. Without the passage of this bill 2 captains who have never been passed over by a selection board and 17 lieutenant commanders who have not been passed over by a selection board will be forced to retire prior to the 4th day of March, 1932. These are officers who are older than the average of their class and the selection boards have not gotten down to them. They would feel, and quite properly, that they had not been given an equal opportunity before the selection boards, and this would be true, but it would be no fault of the individual, only the fault that he happened to be a few months older than his classmates. Only one of all this number would be forced out if this bill passed. This bill seeks to correct this injustice and will necessarily add to the efficiency and morale of the naval service.

The bill evens out the number of selections for promotion to each grade annually, without increasing the actual number of promotions, which may remain subject to the occurrence of actual vacancies in the grade above. The number of officers who should be selected under ideal conditions for promotion to the next higher grade should be 14⅔ per cent of the number in that grade, that is one-seventh of the number in the grade; but ideal conditions do not exist in the line of the Navy. There are variations in the size of the classes: a large class will be followed by a small class, and a small class followed by a large class, and the actual number of vacancies will vary accordingly from year to year. This bill provides that not less than 10 per cent of the number in the next higher grade shall be selected, regardless of the actual vacancies in sight, but the officers selected shall not be promoted until the vacancies actually occur. Thus there will be selected each year not less than 22 commanders for promotion to captain, and not less than six captains for promotion to the grade of rear admiral. These officers are placed on a promotion list and they remain there until vacancies occur, when they are promoted in accordance with their standing on the promotion list to fill such vacancies. It might happen that in one year there would be only 2 or 3 vacancies in the grade of rear admiral, whereas in the following year there might be 12 or 14. In the first case, 6 captains would be selected, whereas there were only 3 vacancies in sight, but the 3 captains selected for whom no vacancies were available would remain on the promotion list until some of the vacancies that would occur in the following year actually became available, when they would be promoted to fill such vacancies. The excessive retirements from the first group of officers would be reduced and the excessive number of promotions from the second group of officers would be somewhat reduced, and a more nearly equitable opportunity for promotion given to both groups.

There would similarly be a minimum of 44 lieutenant commanders selected each year for promotion to commander. It is only under exceptional circumstances that the promotion list will be made use of, as I previously pointed out that under normal conditions the vacancies should equal 14⅔ per cent, instead of 10 per cent, which is provided for as the minimum number to be selected each year. This promotion list prevents excessive retirements in any one year and equalizes opportunity for promotion as between members of classes of varying sizes.

This bill safeguards the rights of an officer selected for promotion by insuring that once his name is on the promotion list it shall remain there until he is promoted, unless removed by the Secretary of the Navy for cause; and if, after his name has been removed, he is again selected for promotion, it insures that his name shall be reinstated on the promotion list in the position it occupied before it was removed.

This bill will accomplish a material improvement in the promotion system of the Navy, leading directly to increased efficiency because of the assurance of permanency of career and equal treatment accorded to all officers, subject, of course, to the normal competition with their contemporaries.

This bill provides that no excessive number of forced retirements can be made during any one year. The maximum number of captains that can be retired is limited to 23; the maximum number of commanders, 32; the maximum number of lieutenant commanders is 55. Under the present law there is great variation in the number that will be retired, due to the variation in the size of the classes.

Without the enactment of this bill, or similar legislation, it will be necessary for the class of 1912 to retire, in the year 1933, 62 lieutenant commanders out of a total of 99 at present in the class. These officers will be forced to retire after 21 years' service, at an average age of about 43½. This bill would restrict the number of these retirements to a maximum of 55 in that year, the Government retaining the services of the excess above 55, who would otherwise be retired. With a small class coming out the following year, this excess of 7 would probably be taken care of; but should the class of 1913 have more than 55 retirements, the 7 retained from 1912 and such additional number from 1913 as would bring the number up to 55 would be retired.

Protection is given to that large group of war-time officers, nongraduates, naval reservists, warrant officers, and former enlisted men who were, in 1920, amalgamated with the regular Navy. These nongraduate officers—I mean by that, officers who had not had the opportunity of going to the Naval Academy—were by the act of 1920 made regular officers in the Navy, and all the laws to-day relating to qualifications and promotions apply to these officers, and they are in competition with the graduates of the Naval Academy.

This bill seeks to protect these officers who rendered gallant and faithful service to the Government during the World War. Under the present law they must meet in competition with every officer that graduated from the Naval Academy, must pass the identical examination, and must qualify in exactly the same manner for promotion. On account of their limited educational qualifications a great many of these brave officers can not meet the acid test. It would be a hardship for these officers, who have rendered the service they have, to be thrown out of the service, and this bill permits them to retire after reaching the age of 45 or after 20 years of total service, with retired pay based upon the length of time they have served the Government.

If this measure is not enacted, these officers who fail are discharged with one year's pay, or those officers who were former warrant officers must revert to their former warrant status. For one, I am opposed to the hardship the present law imposes on these officers. It is nothing but fair, after they have served the Government in time of war, that they should be taken care of, and unless this measure is enacted they are kicked out of the service with one year's pay.

Let me impress this one fact: This bill does not make any increase in the number of officers in the service. It merely readjusts the percentage in several grades in order to make a more regular flow of promotion and afford more equal opportunity for promotion to the officers. It creates a promotion list, but no promotion can be made until an actual vacancy occurs. It merely permits the selection board to select officers, place their names on the promotion list where their names remain until a vacancy actually exists, when they fill such vacancies in order of seniority. This bill will greatly improve the conditions and enhance the efficiency of the naval service, and by all means it safeguards and protects the rights of the nongraduate officers who amalgamated in the service in 1920, and takes care of these brave and patriotic officers who served the Government in time of war.

The distinguished gentleman from Idaho [Mr. FRENCH], the vice chairman of the Joint Pay Committee and the chairman of the Naval Appropriations Subcommittee, has objected to all personnel legislation on the ground that the Pay Committee is considering this subject matter and that any legislation along this line would tend to embarrass the work of the Joint Pay Committee.

With all deference to the distinguished gentleman from Idaho, in my opinion his ground for objection is baseless. The Joint Pay Committee when it was created by Congress was given jurisdiction only over the question of pay. By that resolution Congress did not confer upon the Joint Pay Committee the authority to deal with the question of promotions, or the distribution of officers in the various grades.

The Joint Pay Committee's jurisdiction by the very language of the resolution is confined exclusively to the question of pay. As an evidence of the correctness of my statement, he has offered in the House a resolution extending the life of the Joint Pay Committee and broadening its jurisdiction to deal not only with the question of pay, but, to use his own language, "distribution in grade and promotion of commissioned personnel of the services."

The enactment of this measure should not in the slightest degree embarrass or hamper the work of the Joint Pay Committee, but on the contrary it should aid the Joint Pay Committee, for Congress will have determined the grades and promotions prior to the Joint Pay Committee fixing the pay.

The gentleman from Idaho, in his remarks on this subject to the House, suggested "that promotion legislation should go hand in hand with pay legislation, or should precede it." Now the Joint Pay Committee not having the jurisdiction to consider promotion legislation, we are doing as the gentleman from Idaho suggested, seeking to enact a measure that should precede the work of the Joint Pay Committee.

The gentleman from Idaho suggested that promotion legislation should go hand in hand with pay legislation or should precede it. All we are seeking to do by this measure is to precede the pay committee's conclusions and findings, for by doing so—that is, settling the promotion legislation—it enables the pay committee to make a correct statement as to what the total cost of the service will be.

It would be putting the cart before the horse to enact pay legislation and then follow it with promotion legislation. The proper way to legislate is to create the grades and then apply the pay to the grades, so let no Member become confused that this bill is interfering with the work of the pay committee. As I have previously stated, it should aid the pay committee in its work.

The Joint Pay Committee was created more than a year ago and, I grant you, has collected voluminous data; but up to this hour neither the distinguished gentleman from Idaho nor the chairman of the committee has called a single hearing. For over a year they have been investigating and studying the question of pay, and yet no decision has been reached. Now they seek to broaden their jurisdiction to take in the question of promotion, and, basing the future upon the past, it will be many years before a report is submitted to Congress. The legislative committees dealing with these services should not surrender this jurisdiction to the Joint Pay Committee.

The 63 members of the Military Affairs, the Interstate and Foreign Commerce, and the Naval Affairs Committees, in my humble judgment, are amply qualified to handle the question of personnel legislation for their respective services. It would be an enormous additional burden placed upon the Joint Pay Committee, and if the Joint Pay Committee has not, in dealing with the question of pay, been able to have a hearing after a lapse of one year on that question, I grant you there would be no telling, if other subject matter were brought into the consideration of the Joint Pay Committee, when a final decision would be reached.

The distinguished gentleman from Idaho has at various times contended that no personnel legislation should be enacted because it would be piecemeal legislation and might hamper the enactment of general legislation which he so greatly desires.

Now, what does the gentleman from Idaho desire? He desires a unified promotion law for the Army, the Navy, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service. It is his dream and desire that there be one promotion law for these various services, that an officer in the Army reaches a certain rank at a certain age; that an officer in the Navy, Coast Guard, and these other services should have the same rank at the same age.

This is beautiful in theory but impracticable of attainment. The requirements of the Navy are far different from the requirements of the Army. The organization of a regiment differs materially from the organization of a ship. The number of admirals in a fleet has no relation whatever to the number of generals required in an army, but the number of admirals required is dependent upon the units composing the fleet, and the tasks to be performed, and the number of generals is similarly dependent upon the number of units composing the Army and the tasks to be performed. The number of units may differ greatly and the tasks are far different. The number of lieutenants on a battleship depends in part upon the number of turrets, and two ships of relatively the same size will require a different number of officers if they have a varying number of turrets or if their engineering power differs materially. The Navy requires a definite number of officers in each grade to perform certain definite tasks that must be performed, but there is no justification for assigning more or less officers to the Navy than are required just because some other service needs a greater or a fewer number. Why should an officer of the Navy be promoted because an officer in the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Army, or the Public Health Service is promoted, or vice versa? The distribution of officers in each of the services and the promotion in each of the services must be based upon the needs of that service and not upon the needs of some other service.

In the Navy we have two systems of promotion. From ensign up to commander, promotion is by seniority; from commander to admiral, promotion is by selection, a board being appointed that selects officers regardless of seniority to fill vacancies in the next higher grade. In the Army an entirely different system prevails; the principle of seniority runs from second lieutenant to colonel, and only the generals are selected. Where systems of promotion differ so radically, it is not possible to have one law dealing with promotion of the various services. The Joint Pay and Promotion Board from the various services worked all last summer in an endeavor to reconcile their differences and to evolve some system that would insure to the officers of all services promotion to corresponding grades at approximately equal age, but the situation in the services was so different that it was not possible for the Army to even approximate the system in vogue in the Navy and even those concessions which they did make were rejected by the Secretary of War. The work of the Coast Guard and the Public Health Services is of a very different character than the work of the Navy and the conditions existing in those services differ materially from those in the Navy. So you can readily see that the gentleman from Idaho's contention is not sound. It is not feasible to have a unified promotion law applying to the various services. The very Joint Pay and Promotion Board which worked last summer combined under a single heading six separate and distinct bills, which, while they might be referred to as a single bill, were in reality six bills.

commander. It is only under exceptional circumstances that

opportunity for promotion to the officers. It creates a pro-

The bill now under consideration was taken by the other services as the foundation of the report which they made to the Joint Pay Committee. The enactment of this measure should not in the slightest degree embarrass the work of the distinguished gentleman from Idaho and the other distinguished members of the Joint Pay Committee. I most seriously object to broadening the jurisdiction of the Joint Pay Committee to include the question of promotion. That should be left with the Legislative Committee, and what we are seeking here is to comply with the statement of the gentleman from Idaho that promotion should go hand in hand with pay legislation or should precede it. We are seeking to precede pay legislation with this constructive piece of personnel legislation, which is vitally necessary for the Navy at this time.

Mr. BRITTEN. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. BRITTEN. The gentleman in his haste has forgotten that in the Navy supply bill which was passed day before yesterday the very provision that is in the present bill was inserted and was agreed to by the conferees, and this permits these very able men to retire of their own volition. In other words, it does the very thing that this bill does, and it is a relief measure, gentlemen.

Mr. VINSON of Georgia. Of course, it is a relief measure to these men who are involved.

Let me call the attention of the gentleman from South Carolina [Mr. McSWAIN] to the fact that under the law to-day if these men can not meet in competition the graduates of the Naval Academy and can not make the grade, they are to be kicked out of the service with one year's pay.

What do we propose to do? We propose that these nongraduates shall continue to stay in the Navy until they have served 20 years, all time counted, and then be put upon the retired list, if he fails to qualify.

Now, who is protecting these nongraduates? Is it the gentleman from Oklahoma [Mr. McCLINTIC] or the gentleman from New York [Mr. O'CONNOR]? This bill is protecting them by according them the same right and the same advantage that a graduate of the Naval Academy would have.

Mr. McSWAIN. Will the gentleman yield for a question?

Mr. VINSON of Georgia. Yes.

Mr. McSWAIN. What does the gentleman mean by "all service counted"? Does that mean counting the time from the day he enlisted up to the present time?

Mr. VINSON of Georgia. If he were a warrant officer, and under the law as it is to-day he failed to pass the examination, he would revert to his former status or be kicked out of the Navy. If he fails to pass the examination, we would permit him to count the time that he served as a warrant officer, in making up his 20 years' service, giving him 2½ per cent of his base pay.

Mr. BRITTEN. In other words, his total time in the Navy is computed, not only his time in the warrant-officer grade but also his time as an enlisted man?

Mr. VINSON of Georgia. Exactly.

Mr. McSWAIN. And there is hardly one of them who has not already been in the Navy 20 years from the day he enlisted up to the present time.

Mr. VINSON of Georgia. The gentleman is absolutely mistaken.

Mr. McSWAIN. They can not be commissioned under 16 years of age.

Mr. VINSON of Georgia. The gentleman is mistaken. The bulk of these men received commissions as emergency officers, and in 1920 came into the Navy. They have a regular Navy status and have approximately 10 years more to serve in the Navy; and if we do not pass this bill by the 5th day of March, these men who served their country in time of war, who were not educated at the Naval Academy, will be kicked out with one year's pay. These are the very men that the gentleman from Illinois and myself, and the other members of the committee, except the gentleman from Oklahoma and the gentleman from Texas, are fighting to protect.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. LaGUARDIA. Is not the main purpose of the bill to increase the percentage of commanders to take care of that hump, and then have it apply all the way through, and is it not also true that by doing this you will not appreciably increase the appropriation by reason of the fogies?

Mr. VINSON of Georgia. It will decrease the appropriation. Here is a table running over a period of 20 years and this shows that the first reduction in 1931 is $15,000, and then in 1932 it amounts to $64,000, and in 1933 there will be a reduction of $108,000, and so on down the list with a reduction every year until 1947.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, the gentleman from Georgia [Mr. VINSON], who has just spoken, has proceeded with the apparent prescience of a seer in undertaking to anticipate what I should say to the House. The main objection that he directs against me is that the Joint Pay Committee did not report a pay bill. I recognize that there are several factors touching pay that involve consideration of inequalities, but, generally speaking, the problem involved increase not readjustment of pay. Our joint committee felt that no adequate pay bill could be passed in advance of promotion legislation and this we felt should be general and be handled at one time for all the services involved.

Again with world-wide economic depression the Joint Pay Committee felt that this was not the time to report out a pay bill, and I think so now. Officers generally are not feeling this depression as are others. I tell the gentleman and tell this House that if there is any group in the country that is favored above another from the standpoint of ability of its every member to have his pay check cashed every time it is received in the envelope and what it stands for by way of salary allowances and retirement, it is the officer of the Navy, the Marine Corps, the Army. [Applause.]

Now, then, for this bill. I did not propose to take very much time and do not want to. Now is not a good time to consider this promotion bill because in the rush of the closing hours it can not receive adequate attention.

Again, promotion legislation for one service should not be considered independently of promotion plans for the other services.

The Navy, the Marine Corps, the Army, Coast and Geodetic Survey, the Public Health Service, all from the standpoint of personnel and promotion are kindred. Promotion legislation and pay legislation should be considered for all these services at a given time. If we attempt to handle the matter by piecemeal legislation and if we shall pass the pending bill fixing promotion for the Navy, the very features of the measure that will give advantageous status to naval officers will be used as the basis of demands in the next Congress for each of the several services.

In other words, if we enact piecemeal legislation such as this, we do something that will come back to plague us in other Congresses when we shall be called upon to consider other legislation affecting other kindred groups.

But this bill is inconsistent with our action of yesterday. It contains language touching the graduations of the Naval Academy at Annapolis which, if it becomes law, in my judgment, will repeal the amendment that was placed upon the naval appropriation bill which provides for commissioning as ensigns all the graduating class of 1931. Upon this subject I have spoken to the chairman of the committee. He thinks there is some doubt about it. There ought not to be any doubt. We ought to write clearly into this bill language that will not be in conflict with what we approved yesterday with regard to the graduates at Annapolis.

Mr. BRITTEN. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. BRITTEN. If, as the gentleman contends, this bill does repeal what we did the day before yesterday, then it will be doing precisely what the gentleman desires. Why should the gentleman complain?

Mr. FRENCH. Oh, no; the gentleman is begging the question when he proposes that. I might have my individual notion, but when the Congress of the United States acts

one day it ought not to be called upon by the distinguished gentleman from Illinois to reverse its action upon the day following. That is what the gentleman is proposing here.

When we come to the provision for the emergency officers, the gentleman who preceded me referred to them and said this language is practically the spirit of the language carried in the appropriation bill. Again I am certain the gentleman is in error. Under the language of the appropriation bill of yesterday, which, by the way, is the language of another bill reported by the Naval Affairs Committee, the emergency officers are permitted to retire after certain length of service, but under this bill they are required to do so if they fail to pass certain examinations.

Mr. VINSON of Georgia. Under the law to-day they would be kicked out.

Mr. FRENCH. No. I am talking about the law which was passed yesterday. Under the law passed yesterday they are permitted to resign. Under the law proposed to-day you are forcing them out.

Mr. VINSON of Georgia. If a man stands an examination to-day and fails, he goes out with one year's pay. Under this bill if he fails he goes out with his proper retirement.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. FRENCH] has expired.

Mr. BRITTEN. I yield to the gentleman from Idaho two additional minutes.

Mr. FRENCH. My friend from Georgia forgets that the language of the appropriation measure of yesterday will supersede the former law to which he refers.

In the minute that I have left, may I emphasize again the unwisdom of piecemeal legislation by citing two or three illustrations to show how special consideration given to one branch of the service is seized upon at once for similar legislation for the other. Last spring a bill was passed providing for adjusting the salaries of the Naval Academy Band. Within 24 hours after that bill had passed, a colonel in the Army, a friend of mine, was in my office, and he brought his fist down on my desk and he said, "We have got to do that for the band leaders at West Point"; not that they needed it, but just because it was being done for the Navy.

I have in my hand another bill reported by the gentleman's committee, the Naval Affairs Committee, providing for the retirement of three officers of the Navy. This bill is on the calendar. May I read one sentence of the report as to why that bill should pass.

"The Congress on the 1st of July, 1890, passed an identical law for the Army officers, and so forth." In other words, what had been done 40 years ago for certain Army officers must now be done for officers of the Navy.

Gentlemen, if you pass the bill that is before you this evening, the Army officers next year will come to you and want everything that is more advantageous than what they are receiving in the Army now applied to them. Then next year, if you pass a bill fixing the pay or compensation or promotion for the officers of the Army, every officer of the Navy will come in and want you to do the same thing for the officers of the Navy, if by any chance you give an Army officer an advantage. That is the viciousness of this legislation. There should be a joint pay committee. There should be a joint promotion committee. Personally, I should be glad to be spared from service upon either one of them, but let some committee handle the question that could consider promotion and pay for all services at one common time. [Applause.]

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. BRITTEN. Mr. Chairman, I yield three minutes to myself.

Ladies and gentlemen of the committee, the gentleman who has just preceded me has not made one objection to the principles of this bill. The gentleman says, generally speaking, and he is correct, the pay and promotion should some day be cared for by some committee. That is all right, but that is not being done now, and the gentleman's committee dies on March 4.

The truth of the matter about this legislation is that in the Seventieth Congress it was passed unanimously by the House in its present form. It went to the Senate where it died in the legislative jam over there. Since then the Senate has passed it unanimously, just as it was passed by us in the previous Congress.

This legislation is desired by the administration, by the officers and men of the Navy, and when I say "men," I am thinking about the men that my friend Mr. McSWAIN is thinking about. This bill is a relief bill for them; men who have come up from the ranks and have become officers of the Navy. They have written certain legislation into this bill, through the committee, and we are aiming to aid their desires. No one wants to get them out of the service. They are the backbone of the service.

Mr. McSWAIN. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. McSWAIN. Was it a slip of the tongue when the gentleman said about a week ago, standing right over there on the floor, "We want to get rid of them"?

Mr. BRITTEN. My impression is I said we wanted to get rid of that hump in the service.

Mr. McSWAIN. Well, they make the hump.

Mr. BRITTEN. Of course, the gentleman is placing a wrong conclusion on what I said. They are in the Navy. We want to relieve those men from their present position. On the day before yesterday the naval supply bill for which the gentleman voted carried the very language that is in this bill, with this exception:

The language in the supply bill said that these men may retire now. It said nothing about length of service or age. The language of this bill says these men may retire provided they have had 20 years' service or have reached 45 years of age. They may retire. There is nothing compulsory about it at all. The gentleman himself does not have any higher regard for those men than I have. They should be kept in the service if they want to stay there and if they can qualify. They are very valuable.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I yield myself two additional minutes. Now, as to this bill. In 1916, 15 years ago, we passed line-personnel legislation in this House, and since then we have not passed any except an occasional bill. The line has withstood the rigors of time for 15 years, with the exception of these few suggested amendments. These amendments iron out a number of difficulties in the old act of 1916. It neutralizes the prospects of promotion as between large and small classes. Some classes coming out of the Naval Academy have been very large, so that competition for promotion in those classes is severe. A subsequent class may be very small and competition for promotion in that class, of course, is less severe.

Mr. BLANTON. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BLANTON. After spending four years to educate an officer in the Navy, does the gentleman believe in retiring him at the age of 45, when he is able-bodied?

Mr. BRITTEN. No; I do not.

Mr. BLANTON. Officers could be retired under this bill when they have had 20 years' service, or reached 45 years of age.

Mr. BRITTEN. The gentleman does not understand the bill. It has nothing to do with men at the Naval Academy, the provision the gentleman is talking about.

Mr. BLANTON. I understand the bill thoroughly. Under it 600 officers will be retired, either because they have had 20 years' service or have reached the age of 45 years. I am not in favor of retiring any able-bodied men at the age of 45 years. I do not care where he comes from or in what department he serves.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SANDERS].

Mr. SANDERS of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and to include therein quotations from the hearings and from various other articles and documents bearing on this question.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SANDERS of Texas. Mr. Chairman, ladies and gentlemen of the committee, this is one of the most vicious and pernicious bills that has ever been brought up in the American Congress for consideration. [Applause.] It was conceived in favoritism. It was based upon the testimony of only two witnesses, and I have never seen such side-stepping and dodging in all my experience as a Member of the House. It does not represent the hope and the aspirations of the great body of officers in the American Navy. In opposing this bill I am doing so not because I am not in favor of a Navy, because the Constitution of the United States makes it our duty to establish and maintain a Navy, but because of the fact, my friends, it is one of the worst blows that can be struck at the Navy.

I was surprised at my friend Mr. VINSON. I want to say to you I have great admiration for him, because I believe he is one of the smartest men I ever saw. When we had hearings upon this bill my good friend the distinguished chairman of this committee said he did not know much about it. Let me quote his language, and then I want to get to the gentleman from Georgia [Mr. VINSON]. The gentleman from Oklahoma [Mr. MCCLINTIC] asked everybody in this House who understood this bill to hold up their hands, and only three hands went up. Here is what Mr. BRITTEN said about the bill:

Mr. BRITTEN. I am very dense on it. Let me put it in my own way. You are going to promote a number of lieutenants to lieutenant commanders the first year if this bill goes into effect, are you not?

Admiral LEIGH. Yes, sir.

Mr. BRITTEN. Why are you not going to do that same thing in the tenth year if this bill goes into effect; and if you do, why will it not affect them in the tenth year the same as it does in the first year, the second year, and the third year?

Admiral LEIGH. Because they will have reached by length of service a pay grade that will not increase their pay when they are promoted.

Mr. BRITTEN. That is too deep for me.

I want to call Mr. VINSON'S attention to page 3302 of the hearings. He said:

Now, I think that you are making fish of one and fowl of the other on account of the age.

Therefore, if this bill is too deep for the chairman and if Mr. VINSON, who knows so much about it, says that they are trying to make fish of one and fowl of the other, I do not see how any of the other Members on the floor can understand it. That, my friends, was a quotation from the first hearings; and in the second hearings, on page 437, we find Mr. VINSON saying:

Mr. VINSON. What effect would this bill have on the retirement budget? How much would it increase it? I refer to the retirement pay. Are you not building up a very large retirement obligation against the Treasury?

Admiral LEIGH. No, sir.

Mr. VINSON. Is it not a fact that officers would be weeded out under this bill faster than under present law?

Admiral LEIGH. They would go out in the lower grades faster but their pay on the retired list would be less. The less years they have served the less would be their pay on the retired list.

Mr. VINSON. But they would receive 75 per cent of their base pay on the retired list. That is the maximum.

It has been stated that this bill would cause no additional expense. The Secretary of the Navy sent a letter to us, and he said that the expense would be increased by $31,000 each year for the first three years and after that it would be decreased, that there will be a saving in 1940.

I am not interested in saving money in 1940. I would like to save a little in this year of our Lord 1931. [Applause.]

Mr. BRITTEN. Will the gentleman yield there?

Mr. SANDERS of Texas. Yes.

Mr. BRITTEN. In the very letter that the gentleman refers to from the Secretary of the Navy he states that in 1931 there will be a saving of $15,000.

Mr. SANDERS of Texas. Well, since the gentleman from Illinois [Mr. BRITTEN] refers to that, I want to state to him that I am standing now where he did six years ago in a letter that he then wrote.

Mr. BRITTEN. In other words, is the gentleman admitting he knows nothing about the bill now?

Mr. SANDERS of Texas. I have not admitted in the record that I am "dense" on it or that it is "too deep for me." [Laughter.]

I want to say to you, my friends, the trouble about this bill is that it was conceived in favoritism. I have here on the table a book which was written by a high naval officer and if the Members of the Congress could read this book and see what this legislation is trying to do, it would not get 36 votes in this House. You are taking it on faith.

I started to tell you a negro story just then. You do not understand the bill. You failed to hold up your hands and indicated that you did not understand it.

A colored boy went into court and the judge informed him of his rights under the law and the boy said, "Well, Judge, I believe I will just impose myself on the ignorance of the court and the mercy of the jury," and that is what you are doing here with this legislation. [Laughter.]

But the gentleman from Illinois [Mr. BRITTEN] sidetracked me a moment ago. Let me call your attention to this quotation in a letter that he wrote on June 19, 1924:

Some nine years ago Congress substituted for existing law a provision for "selection up" in the Navy.

It was the thought of Congress that promotion by seniority was wrong in principle, and that selection would provide an incentive for advancement, which, in turn, would promote ambition, thrift, constancy, and efficiency in the Navy.

In other words, an opportunity for promotion ahead of his class was to be given the ambitious, progressive, superior-minded young officer.

I think that the Navy generally has already indicated its disappointment in some of the selections for promotions, and that it feels that "real" selection up does not prevail.

Selection boards are too often composed of the same members who sat on preceding boards, and this fact may work against the best interests of a selective system.

For the past five years it has been quite evident to me that a select ring of Washington line officers have thoroughly dominated the Navy and have assigned to themselves—and to their friends—all of the military and social plums.

The Naval Academy, London and Paris embassies, command of the fleets, special European assignments, Mediterranean cruises, and topside Washington appointments have been jealously parceled out to those in the "butterfly" set, and to none others, and I might say that this condition is not too happily received by the officer aboard ship who is on the outside looking in.

It is no wonder that so many Members, in response to the invitation of the gentleman from Oklahoma [Mr. MCCLINTIC], acknowledged they did not know anything about this bill. It is highly technical. It was drawn that way on purpose. It was drawn by disciples of Talleyrand, who claimed that the "proper use of language is to conceal ideas." I do not know how I could better illustrate its technicality than to give you an example. I received a letter from a railroad man, who said:

DEAR MR. SANDERS: We'd just pulled the drag off the main stem onto the two streaks of rust, but she hung over. The hoghead was down on the ground greasing the pig, and the tallow pot was up on the deck crackin' diamonds. The con was in the doghouse fumblin' tissues, and the hind shack was cooling a red hub; he ought to been a tryin' to put 15 sticks between him and the hind end. I was up a head bendin' the rails when the streak of varnish and plate glass came round the bend. The eagle eye seen us and throwed her in the big hole on two streams of seashore, but he'd been pounding her over the back, and they slid into us.

Of course, I did not understand that language, because it resembled a naval personnel bill so much. Hence, I wrote to my friend and asked him if he would not give me that same thought in my native tongue, and this he did, and this is the explanation:

MY DEAR MR. SANDERS: The interpretation of that letter is as follows: We had just pulled in front of the main track to the siding but the rear end of the train was not into clear. I was up ahead of the locomotive reversing an intermediate switch, so that we could complete the movement. The engineer was on the ground oiling the locomotive. The fireman was on the deck of the engine breaking up some large lumps of coal to firing size. The conductor was in the caboose checking over his copies of train orders, and the rear brakeman was cooling a heated journal under one of the cars, instead of attempting to get back the required 15 telegraph poles from the rear of the train in order to afford the necessary flag protection against following trains. Just then the passenger train came round the curve and while the engineer saw our train and made an emergency application of the airbrakes, in addition to sanding both rails; he had been running at such high speed that the efforts were futile, and the train collided with ours.

In the report of this bill the chairman of our committee says in part:

This system of promotion has been in effect for over 13 years and has in the main proved satisfactory.

Now, if that be true, what is the necessity of rushing this bill in here in the last days of this session under a rule which does not afford that full and free discussion that ought to be given to this bill?

This is a similar bill to H. R. 13683, upon which hearings were held in 1928. Prior to that time hearings were held on a similar bill. When this bill, now styled H. R. 1190, was taken up for consideration before the Naval Affairs Committee on May 21, 1928, Mr. VINSON of Georgia said (p. 3213 of the hearings):

Mr. Chairman, I want to make this comment for the record. At the beginning of this session we promptly took up the Navy building program and passed it. It is still in the Senate. Much to our regret, it does not look like it is going through. Now, we are asked at the end of the session to take up the personnel legislation and a building program all in one year, for the reason that whenever we finish a building program then the Navy has nothing else to do but bring up legislation for the personnel.

Now, I am perfectly willing to take up each subject during one session of Congress, but I think we ought to establish a policy that in the years when we build ships there will be no promotions and in the years when we do not build ships then we will hear the Navy on promotions. They are pressing us a little too fast now, building ships and promoting officers at the same time. I am willing to take up one subject at each session of Congress and let the Navy Department select it, but I, speaking as one Member, am unwilling to go in and build ships and promote officers in the same year, because they have only two things to do in the Navy, either to build ships or to promote officers. I am perfectly willing to give them one year on each one, but after that one subject has been disposed of we should stop for that session and not work this committee further along that line.

They then called Admiral Leigh, who on page 3216 of the hearings states:

Because of the faults of the present system, that of selection up, rather than selection out—that is to say, selection of officers for promotion as those best fitted to perform the duties of the next higher grade rather than selection for retirement of those least efficient—was instituted by the act of August 29, 1916. By this system annually a board of nine rear admirals is convened to select for promotion to the grade of rear admiral, captain, and commander those officers, in number equal to the prospective vacancies during the ensuing year, who are best fitted among those officers eligible for such selection (by reason of having spent at least four years in their grade) to discharge the duties of the next higher grade. This system has been in effect for nearly 12 years, and has in the main proved satisfactory.

Then, if this system has been in effect so long as that, and it had the O. K. of the Navy Department or it would never have been passed, why change it? Then the admiral further says:

Referring directly now to the bill, section 1 of which provides for a change in the percentage distribution by increasing the previous percentages of 7 in the grade of commander and 14 in the grade of lieutenant commander to 8 and 15, respectively. With the present authorized strength of the Navy this will have the effect of adding 55 commanders and 55 lieutenant commanders.

Then why this in peace times? I read further from the hearings:

Mr. VINSON. You have 83,000 enlisted men in the Navy?

Admiral LEIGH. Eighty-three thousand two hundred and fifty.

Mr. VINSON. Yes; but you have based your calculation upon an authorized enlisted strength of 137,485, giving you 5,499 officers to command 83,500 men.

Admiral LEIGH. Yes, sir.

* * * * * * *

Mr. VINSON. Admiral, is it not a fact that you have not a place to assign one admiral, and therefore he is not assigned to duty at all, and has not been for six months?

Admiral LEIGH. I have three vacancies now, sir, to which I would like to assign admirals.

Mr. VINSON. Is it not a fact that a vacancy has been pending at the New York yard for six months, with one admiral floating around with no assignment?

Admiral LEIGH. There has been a vacancy pending since the 15th of February. (This testimony was given on May 21, 1928.)

Mr. VINSON. You have three vacancies that you want to put admirals in; yet you have one admiral who is not assigned to duty?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Who is drawing pay as an admiral, and the Government is paying him every month, and yet the Government is not getting any benefit of his services?

Admiral LEIGH. Well, I do not know.

Mr. VINSON. If you do not want me to conclude that you have more admirals than we need, why do you not assign them?

Admiral LEIGH. There are special reasons why the Secretary of the Navy does not assign that particular admiral to duty. He feels that it is for the best interests of the Naval Service not to assign him at present.

Mr. VINSON. Then why should the Navy pay him and not assign him to duty?

Mr. BRITTEN. Is he not assigned to duty?

Admiral LEIGH. No, sir; he is not assigned to duty.

Mr. VINSON. We are now dealing with the question of percentage in officers. We are confronted right now with a case where you have vacancies and one admiral not assigned to duty. We are going to let the Government continue to pay the officers who are not assigned to duty while we have vacancies?

Admiral LEIGH. I think we are going to let the Government continue to pay for a certain length of time.

Mr. VINSON. Why does it not follow then that we have too many admirals? If we have one admiral that we can not assign and one that we have got to pay, why should not Congress step in and say, "There are too many in the grade of admiral, and we should cut them down"? * * *

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Mr. VINSON. Of course, I would not for one moment suggest to the department the assignment of any officer. That is a matter with which this committee has nothing to do. But my point is this: We have one admiral to-day who has no assignment; and you can not escape this conclusion: Either you have got too many admirals or the admiral should be put to work. The Government is under no obligation to pay the admiral his full salary unless he is performing some duty. Then there are other things to deal with. But the point is, Why should the Government waste $13,000 a year for which the Government is getting no service? * * *

Admiral LEIGH. The pay of an admiral is $9,700.

Mr. VINSON. You propose to add 55 more commanders. That would make 467. Is that correct?

Admiral LEIGH. Yes, sir. * * *

Mr. VINSON. Admiral, how many officers have you stationed in Washington city?

Admiral LEIGH. This shows 454.

On pages 3238–3239 of the hearings it will be seen that we have three admirals writing a history of the World War. That war has been over 13 years, and yet they have not completed the book and do not know when they will complete it. These hearings were resumed on pages 3242–3243 of the hearings, and it shows that this history writing is going on at an extra cost of $8,000 per year.

Mr. VINSON. When will the public read this book?

Mr. BRITTEN. The public will not read it, but their children will.

Page 3249 of the hearings:

Mr. VINSON. They take the last five on the list and promote them?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Now, is that not satisfactory to-day?

Admiral LEIGH. No; that is not satisfactory, for this reason——

Mr. VINSON (interposing). Wait one minute. You propose then that the selection board shall have the right, under your bill, to select from the same list of 125 five men and put them on a preferential list, and the only difference between your proposal and the law is merely putting them on a preferential list?

Mr. BRITTEN. Oh, no.

Mr. VINSON. Wait one minute. If you have five vacancies to-day, under your bill, the selection board would select only 10 per cent of your rank of admirals, which would be five, and they could take the last five men and promote them under this bill, could they not?

Admiral LEIGH. Surely.

Mr. VINSON. That is exactly what you are doing to-day, is it not?

Admiral LEIGH. Yes, sir.

Then why change, I ask in all seriousness?

* * * * * * * *

Mr. VINSON. Then, why would you not be jumping two officers over the balance of the captains when there is no vacancy to fill?

Admiral LEIGH. I do not think that would be true at all.

Mr. VINSON. You have two vacancies in the grade of rear admiral, and under this plan you would select five captains, although you would only promote two of them to the grade of rear admiral. Then you would put three captains on this preferential list to wait until another vacancy in the grade of rear admiral occurred?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Then, if you did that, would you not somewhat embarrass every officer, except those first two, in the rank of captain, by selecting them from the entire list of captains and jumping them over a great many others? By putting them on the preferential list you jump them over the others, and they must stand there some years waiting promotion. For instance, you could take the one hundred and fiftieth man, you could take the thirtieth man, you could take the fifty-sixth man, and so on down the list, and yet make only two appointments or promotions.

Then the balance of the captains could say, "They jumped us over this year; there is no vacancy but they have a preferential list of three captains." They would have to wait another year, because they would have been jumped over. The selection board changes every year, and the next selection board, under this system might not have jumped over a single one of those men, but they would have the preferential list and would be bound by it. It occurs to me that you would affect the morale of the officers of that list when you have a preferential list standing in his way.

Admiral LEIGH. I do not know. Of course, there is another opinion about this matter, but I do not agree with you that it would affect the morale.

Mr. VINSON. It would embarrass them.

* * * * * * *

Mr. VINSON. What about the officers on the list? You might have the one hundred and fiftieth man on the preferential list; there might not be a vacancy for the year, but he would be promoted when the vacancy occurred. There would have been a whole year in which the men who were jumped over, if they were qualified, could have helped to fill the vacancy. It seems to me that would be a benefit in itself, because they would be eligible for the vacancies that occurred during the year in which the vacancies would run to this preferential list.

Admiral LEIGH. You are getting down to one of the points that we want to avoid. We want to get the best officers in the service. They are the officers we are trying to promote, and that is what the selection board is for.

Mr. VINSON. You are actually doing that to-day, are you not?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Then why the necessity of this law? You are getting the best officers now, under the present system, are you not?

Admiral LEIGH. Yes, sir.

On pages 3254–3255 of the hearings, Mr. HALE asks some very important questions which indicates that he has some doubt about this bill, and then Mr. VINSON makes the remark:

From what Mr. HALE says, it seems to me that you would be precluding new blood from filling vacancies at that time.

Page 3256 of the hearings indicates that Mr. DREWRY has some doubt about the merit of this bill, for we find him making the observation:

It seems to me there is very little difference between the present law and what you want. I suppose this bill was called for by your desire to be fair to certain men who, by reason of vacancies, would be entitled to promotion, but who, because of the fact that the selection board does not meet until a later time, might not be promoted—that is, something might happen that would prevent it. Now, you want to be fair to those men and give them an opportunity to be promoted to a higher rank, if possible. That is the idea back of the bill, I suppose.

Admiral LEIGH. No, sir; that is only one idea. That is part of it.

Mr. DREWRY. That seems to be the main idea, to my mind. If I were an officer in the Navy, it seems to me that I would think it was just and fair to take my chances when the selection board met. Everybody knows when they will meet, because it meets at a specified date. It seems to me that this would be trying to jump those few men to reach a position which they have not in fact reached just because there is a vacancy and the selection board has not met.

Then Admiral Leigh dodges the question and Mr. DREWRY asks:

And three vacancies?

Admiral LEIGH. And three vacancies. Now, those people have not the same chance now that they will have next year when 11 men will be selected.

Mr. DREWRY. There are three vacancies, and you say there are 125 officers who are eligible.

Admiral LEIGH. Yes, sir.

Mr. DREWRY. If those vacancies were filled, some of those 125 men would immediately get the higher rank to which they would be entitled if the selection board should meet to-day and fill the vacancies.

Admiral LEIGH. No, sir; they would not get the higher rank until the vacancies occur.

Mr. DREWRY. But the vacancies that have already occurred must be filled, and they must be filled if the selection board met to-day instead of meeting next month. They would then have a chance to get this higher rank, but, as you say, something might happen to some of those men before they could be selected. They might have a chance to get the higher rank within the next 30 days, but they might be precluded from getting it a year from now. As I understand it, this bill comes in because of the desire to give those men an opportunity to get the higher rank before the selection board meets. Now, why is it not fair to let everybody know that the selection board meets at a certain time, and let all of them take their chances?

Then Admiral Leigh makes no satisfactory explanation and Mr. DREWRY says:

When they go into service they must take their chances, just as we have to take our chances on having our constituents send us back.

Page 3258 discloses the following information which is very pertinent and important just here.

Mr. VINSON. There should not be any promotion until the vacancy occurs.

Admiral LEIGH. There will not be any promotion until the vacancy occurs.

Mr. VINSON. But he goes on the eligible list, which is a promotion, because they must take him from that preferential list.

The fact is that this bill was changed so that Mr. BRITTEN did not recognize it, for on page 3284 of the hearings we find him asking this question:

Mr. BRITTEN. This was not in the bill before the committee in the last Congress?

Admiral LEIGH. It was in the bill reported out, House bill 12535, Sixty-ninth Congress.

The next witness is Captain Taussig, who testifies on page 3289:

Mr. VINSON. How does this law itself insure more efficient officers reaching command and flag rank when we still have the selection board with the same list of officers to select from?

Captain TAUSSIG. I do not know that this law does insure any more than the past law on that phase of it. I think as far as that part of it is concerned, the most efficient officers reach command and flag rank. That is in the hands of our selection boards and this law does not give the selection board any more power than the last law.

Page 3291 of the hearings:

Mr. VINSON. There is nothing in this bill to change the method of selecting officers by the selection board?

Captain TAUSSIG. No, sir.

Page 3296 of the hearings:

Mr. VINSON. Is the hump you speak of caused by the officers who are not Naval Academy graduates, who came in during the war?

Captain TAUSSIG. That is one of the humps.

Mr. VINSON. How do you dispose of that hump?

Captain TAUSSIG. This hump is not disposed of in this law until they get to the top of the lieutenant commanders' grade, unless they fail in their promotion.

Page 3302 of the hearings:

Mr. VINSON. That is true; but you probably find men who have served long years in the Navy and during the war received commissions as lieutenant commanders, some of them 35 years of age, who may not be able to pass this professional examination, which is one of the necessary things that they must be able to comply with before they can be promoted. So they go out with one year's pay. But another warrant officer who received a commission during the war as a lieutenant, and who was 46 years of age when he came on for examination, goes on the retired list. Now, it looks to me as though you are trying to do justice on account of the apprehension that he can not pass a physical examination in the latter instance, but in the first instance you put the yardstick on them just as you do on any other officer. Now I think you are making fish of one and fowl of the other on account of the age.

Let me suggest that they "are making fish of one and fowl of the other"; that Mr. VINSON was right then and wrong now. The ones discriminated against are the ones who came up from the ranks and who are not graduates of the Naval Academy. It is proposed that 600 of them shall be eliminated by this bill. The proponents of this vicious bill remind me of the fellow who is trying to catch a frying chicken to kill. He throws out the grains of corn and calls, "Chick!" "Chick!" in most endearing terms. Then he gets affectionate and reminds them that he does not want to hurt them; that all he means to do is to ring their heads off. That is what they are doing in this bill—ringing the heads off of 600 who have come up from the ranks, 600 who, according to our distinguished chairman, know how to handle ships but who do not understand Greek and Latin and possibly might make some mistake in the use of the knife and fork. George Washington did not know much about Greek and Latin; perhaps he did not know much about the proper use of the knife and fork; and were he here to-day he would be eliminated under this nefarious bill. We have too much social climbing in the Navy to-day and too less of practical horse sense. I may be "old-timey," but I have great respect for the rank and file. I have great respect for those who have labored under adverse circumstances and who have shown their worth in spite of such circumstances. If we should eliminate from our country's history that great crowd who did not know the ordinary rules of "etiquette," but who had a lot of "horse sense," the history of our country to-day

would be entirely different; and instead of having the United States of America we would be subject to Great Britain, with no glorious and inspiring history to teach us that we have a free democracy where no one is so humble but that his faintest whisper may be heard; that no one can get so high but what the strong arm of the law will pull him down. I am not in favor of retiring those who came up from the ranks and became officers in the Navy because they do not fit into the social equation. I am against building up a naval caste in this country. One of the objects of this bill is to retire 600 officers who came up from the ranks during the war. They are the backbone of the fighting Navy of this country. I am against retiring men at 45 years of age. It will be a deplorable condition when we have a lot of men of that age loafing around drawing retirement pay while the taxpayers are having to dig up for it. There is no justification for it. No reason for it, and yet that is what this bill proposes to do. The hearings before the Naval Affairs Committee of the House and before the Rules Committee, which brought in this nefarious rule, discloses the intent of the powers that be.

Under these hearings and under the testimony there is no excuse for even the "wayfaring man" to make a mistake. I assert that the rank and file in the Navy do not know the provisions in this bill. If they know, they are afraid to protest. I make this statement despite the argument made by the gentleman from Alabama [Mr. OLIVER]. In the Army and Navy Register, under date of July 27, 1929, under the heading "Service Personnel Legislation," the following statement is made:

The penalty of court-martial obviously confronts any officer of the Navy or Marine Corps who undertakes to foil the plans of the Navy Department for the enactment of legislation that is submitted to Congress with urgent request for its adoption by the House and Senate as a measure intended and destined to meet an emergency.

If you have any doubt about that statement, then let me call your attention to a statement made by William D. Falaise, a high ranking officer in the Navy:

Whenever promotion by selection is under discussion in Congress good care is taken by the hierarchy that only those in favor of the system appear before the committees of Congress. Those opposed to the system and the victims of the system are not permitted to testify.

I have never heard a witness before the Naval Affairs Committee oppose any bill offered there along this line. The hierarchy know who to call, and only those favorable can be heard. Mr. OLIVER of Alabama is simply mistaken. He does not know the Navy Department is in the grasp of a select few who think of their own interest and not of the interest of the rank and file.

While we are dealing with this subject and while the chairman of our committee is reciting in his report on this bill a history of the "selection board," it is worth while to consider just how that "selection board" has functioned. William D. Falaise, a high ranking naval officer, has had the courage to tell us something about it, and in the preface of the document he published on that question he says:

This pamphlet was written by an officer of the Navy of high rank who had no personal grievance against the selection system, but who felt, after careful consideration, that allegiance to the Navy itself demanded an indictment of this pernicious system.

He further says:

Without the aid of that system [promotion by selection] our country had won all its wars, including the Great War of 1917–18 (for promotion by selection had been in operation so short a time that it had no effect), and had shown a loyalty, an efficiency, an esprit de corps, and an unconquerable spirit that was admired and emulated by the rest of the world and that could never hope to be surpassed.

He further says:

It is the kind of treatment of officers that shakes to its very foundation the confidence of the Navy in its ranking officers. The traditions of the Navy are a national heritage and any board or bureau that impairs those traditions does a disservice to the United States. Promotion by selection is a grave menace to the efficiency of the United States Navy. It has already done much to destroy the contentment, the loyalty, and the service spirit of the commissioned personnel for which the Navy has had such an enviable reputation since its establishment and without which it will fail in its mission to safeguard this country. In 1916 the method of promotion by seniority theretofore in vogue in the Navy was modified, in so far as promotion to the grades of commander, captain, and admiral was concerned, to promotion by selection by a board of nine admirals. Promotion by selection has therefore been in effect in the Navy for a period of 14 years, and an examination of the results obtained by this method is of interest. In theory, promotion by selection is ideal, for, if carried out to perfection, it would insure the promotion of the officers of outstanding ability only, and the Navy would gain by the more rapid promotion of such officers to the higher grades at younger ages, enabling the officers promoted to remain in the higher grades for a longer period. The ideal results to be looked for from such a system will always be modified by the fact that the members of the selection board are human and are subject to human errors. These errors include conscious or unconscious personal prejudice against an officer, of which certain members of the board could not rid themselves. These errors also include a natural and unavoidable disposition by each member of the board to vote for a good officer who has served under his immediate command rather than to vote for an officer who has never come under his personal observation, even if the official record of the personally unknown officer is superior to the record of the personally known officer.

The intent of the section law is to promote only those officers of outstanding ability, but in actual practice the intent of the law has not been carried out; for in the Navy, as in civil life, frequently the power of preferment is used to reward those who are liked and to punish those who are disliked. It is known beyond a doubt that personal prejudice for or against has far greater weight with certain members of the selection board than official records and service reputation.

While the law requires at least four adverse votes out of a total of nine to prevent an officer being promoted, it is known throughout the naval service that even if one member of any selection board is strongly opposed to the promotion of any officer, and so expresses himself, as he would do, other members of the board who might otherwise vote for that particular officer would be so influenced by the opposition of one member to make it fairly certain that at least three other members of the board would cast their votes against the officer who was under consideration and thereby prevent his promotion.

While the intent of the law was that if any officer was passed over by one board, the fact that he had been so passed over should not prejudice succeeding boards against him, practically an officer who has once been passed over is done for because of the disinclination of one selection board to reverse the action of a previous board. This disinclination is accentuated by the fact that any board always includes admirals who were members of the preceding board. Admirals who have served as members of selection boards have stated that only under extraordinary circumstances would they vote to promote an officer who has been previously passed over. An examination of the selections made shows clearly that it is very seldom that an officer who has once been passed over is ever selected by any succeeding board.

To cite specific instances to support the statement made in the last paragraph: The records of the selection boards of 1925, 1926, 1927, 1928, and 1929 show that out of 32 captain selected for promotion to admiral by these five boards not 1 officer was selected who had been passed over by any previous board, and the records of the selection boards of 1926, 1927, 1928, and 1929 show that out of 115 commanders selected for promotion to captain by these four boards only 8 officers were selected who had been passed over by any previous board.

In the selection especially of captains for promotion to admiral the selection boards have made such grave errors in judgment, both among officers selected and among officers passed over, and their selections have at times been so influenced by personal antagonism and by personal favoritism as to convince the Navy that the boards can not perform this important duty with justice and equity. The membership of the 1927 board (convened in June) was made public in April. Immediately the rumor started and was widespread that Captain "Z," who stood twenty-ninth on the list of captains, would be the last captain on the list selected to be admiral. This rumor was based on the fact that Captain "Z" had lately served directly under and was a warm personal friend of the two senior members of the board. The board selected 11 captains to be admirals, and Captain "Z" was the eleventh. To select him the board passed over 18 captains, several of whom were excellent officers fully deserving of promotion.

Under the previous system of promotion by seniority, all captains were promoted to admiral, many of them were admirals of high grade, others were not. Promotion by selection has not resulted in improvement in the average quality of admirals. It is the consensus of opinion of the Navy that of the present list of admirals at least 25 per cent of them are not proper material to hold that rank. If the captains, commanders, and lieutenant commanders of the Navy were required to record by secret ballot which of the 57 admirals on the active list (January 1, 1930) they would be willing to follow into battle, these keen junior observers have so accurately estimated the admirals that 13 or 14 of them would receive a very heavy adverse vote, and these 13 or 14 could be named by practically any officer. How is this system of promotion regarded by the officers themselves? One admiral, who has been a member of various selection boards, has stated that it was the most unpleasant duty that he had ever been called upon to perform; that "selection" was robbing the officers of the Navy of independence, of fearlessness, of moral courage, and of initiative, and making the Navy an organization of "yes, yes" men as far as the commissioned officers were concerned.

Another admiral expressed himself as follows:

Promotion by selection is the worst thing that has ever been inflicted upon the Navy. It has never done the Navy any good; on the contrary, it has done the Navy great harm. It is destroying the morale of the Navy.

Another admiral who has served on various selection boards has stated:

If the arguments and statements made by certain members of the board that prevented the promotion of Captain ——— were made public, it would result in the biggest scandal the Navy has ever had.

Another admiral has stated:

I have come to the conclusion that the ways of selection boards are past finding out, and that it is impossible to figure the reasoning they went through, if any, in selecting certain officers for promotion and passing over others.

Admiral Benson, who was Chief of Naval Operations during the war, stated in no uncertain terms before the House Naval Committee (in the case of Captain Belknap) that promotion by selection was a grave error that would seriously and adversely affect the efficiency of the Navy.

An absolutely definite indication of how promotion by selection is regarded by the officers themselves is shown by the large number of captains who have retired upon their own application in the last seven years, since the evils of promotion by selection have become apparent. There are 33 captains who have thus retired, none of whom had been passed over, as they had not been reached by the selection boards. All of these officers were young, energetic, and able-bodied when retired, and the list of 33 includes some of the most brilliant and successful officers that the Navy has developed. All of these captains are doing very well in civil life. One of the ablest of them all expressed himself thus:

I have an excellent record—none better—and I love the Navy, but I am not certain of promotion to admiral * * *. Remember what happened to Belknap, not to mention others whom the selection boards have slaughtered. I have an excellent opening now in civil life. I'd be an utter fool to continue on the active list of the Navy for two or three more years with the risk of being passed over for promotion to admiral and then be retired on the same pay that I can retire on now.

In the last three years (1927-1929) 298 officers, Naval Academy graduates, in rank from ensign to lieutenant commander, have resigned. Many of them give as their reason, "Uncertainty of promotion beyond the grade of lieutenant commander—that is, 'promotion by selection.'" Why should the officer who has outside opportunity offered him remain in the Navy? He feels that no matter how brilliant his record, he will not be promoted to high rank if a member of the selection board harbors a prejudice against him. The following are some of the officers of outstanding ability who were considered for promotion by various boards, but who were passed over, with the record in brief of the officers concerned: Reginald Belknap, Mark Bristol, J. F. Hines, A. W. Hinds, M. C. Mustin, Allen Buchanan, T. A. Kearney, and K. M. Bennett.

REGINALD BELKNAP

(All information herein relating to Belknap is from official records)

An officer of outstanding ability and exceptional services from the time that he was a young officer, who has performed duties of great responsibility with great credit to the Navy. About 1909, while a comparatively young officer, he was in the Mediterranean at the time of the volcanic eruption and earthquake in southern Italy and Sicily. He took charge of the immediate operations of rescuing, housing, transporting, and feeding the thousands of Italians involved in this catastrophe. He received letters of appreciation from the Department of State, the Navy Department, and from the King of Italy, who desired to award Belknap with membership in one of the highest orders of Italy.

During the Great War he was given command of the organization of the mine-laying squadron, and actively commanded that squadron in laying the northern mine barrage in the North Sea. During the period of organization (November, 1917, to March, 1918) eight merchant ships were altered and equipped to join to the nucleus of two ships from the former mine force. The mine-laying squadron consisted of 10 mine layers, commanded by captains or commanders, and averaging 21 officers and 420 men each, a total of 210 officers, 4,200 men, and had an aggregate mine-laying capacity of 5,600 mines (carrying 800 tons of T. N. T.) in less than four hours. Mine-laying operations began in the North Sea on June 7, 1918. There were 13 American mine-laying excursions and 11 British. In all, over 70,000 mines were laid, of which four-fifths were American. The capacity and performance of the converted American mine layers was the subject of much favorable comment and careful study by the British admiralty. The northern mine barrage in the North Sea was characterized in the Secretary of the Navy's Annual for 1918 as "the outstanding antisubmarine project of the year * * * one of the most successful efforts of the whole war." The commander of the United States naval forces in European waters declared it—

One of the finest accomplishments of the Navy on this side * * * the admiration of foreign navies * * * of considerable moral effect on the German naval crews * * * caused no small amount of panic in some of the submarine flotillas * * * probably played a part in preventing raids on allied commerce by fast enemy cruisers.

The official records credit it with six or eight enemy submarines sunk and as many more disabled or turned back. And, wherever referred to, the operation has been mentioned as an exceptional undertaking which reflected great credit on the Navy of the United States. It had much to do with shortening the war and the consequent saving of scores of thousands of American lives. The Secretary of the Navy, in his report for 1918, named Captain Belknap for his "service in mine laying, deserving commendation in this report." And on recommendation by his immediate superior, by the commander in chief, Atlantic Fleet, and by the Chief of Naval Operations, the distinguished-service medal was presented by the President to Captain Belknap, with this citation:

For exceptionally meritorious service in command of Mine Squadron 1, of the mine force, during the operation of laying mines in the North Sea, and his excellent work in connection with the equipping of these ships for mine-laying duty.

American initiative, ingenuity, enterprise, faith, and push forced this undertaking on the doubting British Admiralty. In the American Navy also not a few doubted its successful outcome. Discredit and chagrin, besides great loss and waste, would have attended its failure. Success of the whole barrage depended first upon its preparation, the coordination of which was under Captain Belknap's immediate charge, and its effective placing depended decisively upon the American mine-laying squadron, which from its beginning in 1914 with a single ship was organized and developed under his command. In the Atlantic crossing in the first six, two extra, and last four mine-laying operations (12 out of a total of 13), and the homeward passage of the still mine-laying squadron, Captain Belknap was the senior officer present in personal and supreme command of the mine squadron. After the war, Belknap was on duty at the Naval War College as director of training for higher command, for which he showed marked aptitude. He then commanded the new battleship *Colorado*, making her one of the most efficient ships in the Navy. Belknap was repeatedly recommended by his superior officers for advancement to the grade of admiral. In any other Navy in the world, Captain Belknap would have been immediately promoted to admiral for his services in the Great War, but under the method of promotion by selection in the United States Navy, this officer was passed over by three successive selection boards for promotion to admiral, and these boards selected officers who were markedly inferior in comparison with Belknap. He was finally forced on the retired list as captain. Congress, in passing an act promoting him to be an admiral on the retired list, rendered him such justice as was then possible. It is common belief in the Navy that the slaughtering of Belknap was caused by the intense personal enmity of an admiral who was a member of the first two selection boards that considered this brilliant officer. It is understood that the last board that passed over Belknap decided by a majority vote, as a preliminary measure, that they would not consider any captain who had been passed over by any previous board. That understanding is based upon a statement by one of the members of that board.

If correct, it would seem that the board, in certifying that: "The board has carefully considered the case of every officer eligible for consideration under the provisions of this law," had knowingly signed a false certification, and based on that certification four captains were selected to be admirals and eight captains—five of whom, including Belknap, were most efficient officers—were again passed over, "not having been considered" by the board. The case of Belknap is known throughout the Navy. Its effect has been appalling. It has destroyed the Navy's faith in the justness of a considerable portion of its highest personnel.

MARK L. BRISTOL

Mark Bristol was another officer of splendid ability. During the war, as a temporary admiral, he commanded the naval base, Plymouth, England, and was awarded the Navy distinguished-service medal and a letter of commendation by the War Department. He assumed command—as a temporary admiral—as senior naval officer in Turkey on January 15, 1919, and was appointed as United States high commissioner to Turkey on August 16, 1919. Bristol's work as high commissioner to Turkey is one of the highest achievements that any officer of the United States Navy has ever accomplished, as is indicated by the following letter from the President of the United States:

RAPID CITY, S. DAK., *June 20, 1927.*

It is with sincere regret that I accept your resignation as high commissioner in Turkey. For more than eight years you have been an ambassador in all but name, and an ambassador, moreover, charged with duties of unusual difficulty and delicacy. The success which you have achieved, the position which you have secured for the United States in Turkey, has been notable in the annals of American diplomacy. In the name of the United States Government and in my own name, I thank you for your services, and I wish you every success in the new and important duties upon which you are about to enter as commander-in-chief of the Asiatic Fleet.

Very truly yours,

CALVIN COOLIDGE.

Rear Admiral MARK L. BRISTOL,
United States Navy, care Navy Department,
Washington, D. C.

Yet, after Bristol had been acting with great ability in Turkey, with all the responsibility and prestige that went with that office, for nearly a year prior to the meeting of the 1920 selection board, that board was so incapable of appreciating the inestimable value to the United States of Bristol's work and the great prestige he was adding to the Navy's reputation that it passed him over and promoted eight officers over his head, not one of whom was as competent as Bristol. Bristol was selected by the 1921 selection board, and one of the reasons he was then selected was because President Harding had expressed his emphatic disapproval of the passing over of this officer by a previous board, and the 1921 board understood that no list of promotion to admiral would be approved by President Harding unless it included the name of Mark Bristol. But his selection by the 1921 board did not restore to him the eight numbers he had lost by being passed over by the 1920 board.

J. F. HINES

An able and brilliant officer. Awarded the Navy cross and the Army distinguished-service medal for services in the Great War. After the war he commanded the battleship *Pennsylvania* when that ship won the prize of standing highest in battle efficiency. Passed over for promotion to admiral and retired as a captain.

A. W. HINDS

An officer of outstanding ability and efficiency; awarded the Navy cross and a special letter of commendation from the War Department for services in the Great War. An excellent battleship captain. Was also chief of staff of the Scouting Fleet and then chief of staff of the battleship divisions of the Battle Fleet. Passed over for promotion to admiral and retired as a captain.

H. C. MUSTIN

(All information herein relating to Mustin is from official records)

An officer of unusual ability, who was brilliant in several lines of endeavor in the Navy. Extracts follow from his record: Awarded the Santiago battle medal and West Indies campaign medal for active service in the Spanish War. While in command of the gunboat *Samar* in the Philippine insurrection he was specially commended in the dispatch of the commander in chief Asiatic Station for his part in the action at San Fabian, Luzon, during the landing of Brigadier General Wheaton's brigade. Received official letter of commendation from Capt. B. H. McCalla, United States Navy, for conduct in action at the landing of the U. S. S. *Oregon's* battalion at Vignan, Luzon Island, and for swimming through the surf with dispatches during a typhoon at San Fernando, Luzon. Awarded the Philippine campaign medal. Mustin was one of the Navy's first aviators, having learned to fly in 1912 (Navy air pilot's certificate No. 3 and Aero Club of America's expert aviator's certificate). The naval air station at Pensacola, Fla., was established under the direction of this officer in January, 1914. He was in command of all of the operations of all naval aviation before and during the occupation of Vera Cruz, Mexico, by the United States forces in 1914, and was awarded one of the 1914 Aero Club of America's medals of merit for these services. Ordered to Europe in the early days of the war, his observations and reports upon the progress of aviation in the allied countries were of great value. In January, 1918, he was awarded the gold life-saving medal for going overboard from the battleship *North Dakota* and rescuing a seaman who was washed overboard in a winter gale off Cape Hatteras. In February, 1918, ordered to special duty for developing material and training personnel for a series of air raids on Heligoland and the northern German submarine bases which were planned for the spring of 1919, but not carried out because of the ending of the war. Commissioned captain (temporary) September 21, 1918, for meritorious services during the Great War.

In May, 1919, ordered to duty with Assistant Secretary of War Crowell as a member of the American Aviation Mission to Great Britain, France, and Italy to study and report on aviation organizations and material abroad. Wrote valuable report on information gained. Received the order of the Crown of Italy. Commanded the naval aviation base at San Diego, Calif., and in 1920 he was appointed assistant chief, Naval Bureau of Aeronautics. There has never been an officer in the naval service who had a finer record for personal bravery and heroism, and few officers whose services have been of greater value to the Navy and to the country than Mustin's, and in testimonial of this fact, following his death in 1923, the Navy flying field at Philadelphia was named for him. And yet he was passed over by several selection boards for permanent promotion from commander to captain and dropped from his class of 1896 down to the middle of the class of 1900, losing 71 numbers in grade. While he was finally promoted to captain, his belated advancement did not restore the 71 numbers he had lost.

ALLEN BUCHANAN

Graduated No. 2 in his class at the Naval Academy. An officer of exceptional ability, whose record was always most commendable. He was awarded the congressional medal of honor with this citation:

Distinguished conduct in battle, engagements of Vera Cruz, April 21 and 22, 1914; commanded first seaman regiment, was in both days' fighting and almost continually under fire from soon after landing, about noon of the 21st, until we were in possession of the city about noon of the 22d. His duties required him to be at points of great danger in directing his officers and men, and he exhibited conspicuous courage, coolness, and skill in his conduct of the fighting. Upon his courage and skill depended in great measure success or failure. His responsibilities were great and he met them in a manner worthy of commendation.

The award of the Navy cross was made him for distinguished conduct in active service overseas during the Great War. Passed over by several selection boards for promotion from commander to captain and dropped from the top of his class of 1899 to the bottom of the class of

the former mine force. The mine-laying squadron consisted

1900, losing 55 numbers in grade thereby; was finally selected for promotion to captain, but his belated advancement did not restore the numbers he had lost.

T. A. KEARNEY

While Assistant Chief of the Bureau of Ordnance in 1916–1918 was primarily and principally responsible for the initiation, manufacture, and organization of the 14-inch naval gun railway batteries and their railway crews, whose service in France played such havoc with the Germans during the great allied offensive in 1918. Commanding officer of the flagship *Brooklyn* and chief of staff to the commander in chief of the Asiatic Fleet, 1919. In 1919–1921, with the rank of captain, he commanded the United States naval forces in the 3,000-mile Yangtse River patrol—an admiral's job—in cooperation with a British admiral and a Japanese admiral during a time of great unrest among the Chinese themselves and between the Chinese and the Japanese. Kearney's vision, tact, and ability to cooperate with all parties accomplished remarkable results with the minimum of friction, and with little or no loss of life among Americans or due to Americans. He established such cordial relations with the Chinese that he received a high military order from the Chinese Government. In 1922 he was designated from among all the captains in the Navy for a most responsible duty, that of assistant chief of staff to Admiral Vogelgesang, the first chief of the United States Naval Mission to Brazil, a duty of the highest importance and offering opportunity for gaining far-reaching advantages for the United States in South America.

Passed over for promotion to admiral by the 1928, 1929, and 1930 selection boards.

K. M. BENNETT

Another officer of outstanding ability. While in command of the U. S. S. *Castine* in 1916 he performed a most noteworthy feat in taking his ship to sea from the harbor of Santo Domingo City in the teeth of a hurricane—at the same time and place the U. S. S. *Memphis* was driven ashore, a total loss. This feat of Bennett's, in resolute courage and consummate seamanship, surpassed that of the captain of the H. M. S. *Calliope* at Apia, Samoa, in 1889. In recognition Bennett was awarded a letter of commendation from the Secretary of the Navy. For services during the Great War he was awarded the Navy Cross and a letter of commendation from the War Department.

Passed over for promotion to admiral by the 1927, 1928, 1929, and 1930 selection boards and retired as a captain.

The above cases by no means exhaust the list. Other excellent officers have been passed over because of erroneous entries and incorrect diagnoses on their medical records, of which they were in ignorance, and while some of these officers have had their medical records corrected and have been selected by subsequent boards, the loss of numbers they have suffered through errors of this character have been a permanent loss. There are two other cases of officers who have been passed over that are of unusual interest to the naval service for the reason that any officer may find himself in the same situation—the cases of Commander Cleary and Captain Gherardi, both of whom were incapacitated for sea service on account of wounds received in the line of duty. These two officers are entitled to the benefits of section 1494 of the Revised Statutes, which reads as follows:

> The provisions of the preceding section [requiring physical ability to perform duties at sea] shall not exclude from the promotion to which he would otherwise be regularly entitled any officer in whose case such medical board may report that his physical disqualification was occasioned by wounds received in the line of duty and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

This section of the Revised Statutes has been the subject of several opinions from the Attorney General, all strongly upholding the absolute and unqualified right to promotion of such officers if they can perform shore duty. Cleary and Gherardi have been repeatedly denied their promotion by the selection boards because their wounds received in the line of duty prevent their performing duty at sea, and for no other purpose.

A captain who, while holding a high position in the Navy Department, was involved in the oil scandal, and was regarded by a great body of the citizens of the United States as being of the same type as Fall, Doheny, and Sinclair. While he was generally considered by the officers of the Navy as possessing personal honesty and integrity, still the Navy knew that he was largely responsible for the transfers of the naval fuel oil reserve lands from the custody of the Department of the Navy to the custody of the Department of the Interior, and was also largely responsible for the leases made between the Secretary of the Interior Fall, Doheny, and Sinclair. For his part in this transfer and these leases the great majority of understanding naval officers consider him guilty of one of the gravest errors of judgment ever committed by an officer of the United States Navy; yet at this very time he was selected to be an admiral by the selection board that passed over Reginald Belknap. President Coolidge very properly refused to send this officer's name to the Senate for confirmation as an admiral, and he was retired as a captain.

A commander who was tried by a general court-martial in time of war and sentenced to a loss of 35 numbers in grade and deprived of the command of his ship for "conduct to the prejudice of good order and discipline" and for "culpable negligence and inefficiency in the performance of duty in time of war." Selected to be a captain by a selection board.

A commander who was tried by a general court-martial and sentenced to a loss of 6 numbers for scandalous conduct and intoxication. Selected to be a captain by a selection board.

A commander who was tried by a general court-martial and sentenced to a loss of 10 numbers for grounding and damaging his ship. Selected to be a captain by a selection board.

A commander who was selected to be a captain by a selection board. As he was well known to his associates as a care-free officer of indifferent ability, given to hasty and ill-founded decisions, it appeared that his principal qualification for promotion rested on the fact that he was the son of a prominent admiral. His first sea duty in his new rank was "commander of a squadron of destroyers." Some months after he took command, when at sea in bad weather, this officer, in violation of all of the dictates of prudence and common sense, and disregarding the advice of some of his subordinates and the plain indication of danger shown by radio signals from a radio-compass shore station, ran his squadron on the rocks, resulting in a total loss of seven destroyers, valued at $22,000,000 and a loss of 22 lives. He was tried by general court-martial and found guilty of "culpable negligence and criminal carelessness." This officer was responsible for the loss of nearly as many ships as the Navy lost in 18 months of the Great War. The inability of the selection boards to select only the best officers is well exemplified in this case.

Promotion by selection was intended to secure the promotion of only those officers whose outstanding ability was recognized by the entire naval service, and in such case there would be no resulting discredit to those who were passed over. In actual operation, the system has never functioned as intended. On the contrary, it has been so operated that the entire naval service regards being passed over as the greatest blow to his prestige that an officer can suffer. The only thing that is more damaging to an officer's reputation than being passed over is to be dismissed from the naval service by sentence of a general court-martial. Each of the many capable and efficient officers who has been passed over and has been compelled thereby to serve under officers who for many years were his juniors, is a nucleus, remaining on the active list, of discontent of bitterness and a sense of injustice that has been continually growing until the entire commissioned personnel has been affected.

The officers of the Navy in the old days were "a band of brothers," of loyal comradeship who were forgetful of self for the good of their comrades, their Navy, and their country. Inquiry of and conversation with a considerable number of the senior officers of the Navy who are immediately affected by the system convince one that the method of promotion by selection as conducted in the Navy has had a most serious effect upon the contentment and efficiency of the commissioned personnel. It has practically destroyed the old feeling of loyal comradeship. Officers are in a constant state of unrest, uneasiness, and uncertainty. It has been demonstrated that no matter how loyal, conscientious, and efficient an officer may be, as shown by his record and the general service opinion, he is not sure of his promotion. On the contrary, an officer who is shown by his record and is known in the service at large as being relatively incompetent may be selected for promotion even to the highest grade. As a result, conditions have reached the point where many an officer considers beforehand any action he may take, not in the old light of "Is my contemplated action right and to the best interest of the Navy?" But in the new light of "What effect will my contemplated action have upon my chances for selection?" It is realized that to have a good chance for promotion, a captain must have had an important, spectacular command. As there is a scarcity of these commands, it behooves each captain to secure one for himself, and if, by "catering" to some admiral, he can secure it, even by "cutting the throats" of classmates and brother officers, why that is the lookout of the classmates and brother officers. He is forced by the system to serve his own interest—a policy of "save yourself and the devil take the hindmost." Each year when the recommendations of the selection board are made public it is the main topic of discussion in the Navy for days. The board in its recommendations are, many times, adversely and bitterly criticized, and when even an officer like Reginald Belknap, Mark Bristol, Mustin, or Buchanan is passed over the news is greeted with derision and expressions of contempt for the method of selecting and of the selection board. Promotion by selection has largely destroyed the feeling of trust and confidence that the other officers of the Navy should be able to repose in the officers of the highest grade.

The question naturally arises, if promotion by selection is so bad for the Navy, why do not the admirals who control the Navy bring its bad features to the attention of Congress and recommend changes in the law governing promotions? The answer is simple—it is this: Any military organization, by its very nature, is the hierarchy which is ruled by its small upper grade (admirals or generals), the members of which are responsible to themselves. The Navy hierarchy presents a perfect solidarity, and anything done by any member or group thereof, be it ever so erroneous or detrimental to the Navy, will be upheld by the full hierarchy which will resist to the utmost the reversal of any act of a member if he is in good standing among them. Many of them are so egocentric that they honestly believe that the Navy would collapse like a pricked balloon if the actions of any one of them were reversed. Furthermore, the present-day admirals have reached the top over the destroyed hopes and ambitions of many of their brother officers, and are thenceforth above the workings of the selection system. Former dislike and fear of the system are soon forgotten by these admirals, and the ever-present realization of the fact that promotion by selection gives them an absolute control of the Navy and exacts a personal service and a loyalty and an unquestioned acceptance of their dicta from the officers under them, which they never had before and never would have under any other system of promotion, creates a state of mind akin to that of all dictators.

Promotion by selection as applied in the Navy is directly contrary to the principles of American justice. While an officer under consideration may know that one or more members of the selection board are bitterly antagonistic to him, he can not protest the consideration of his case by such member. The proceedings of the board are secret. Officers under consideration are not permitted to be present either personally or by counsel before the board, and no matter how erroneous or unjust the action of the board in the case of an individual officer may be, that officer has no appeal from its decision, and he is never officially informed of the reasons why he is passed over so that he can make an honest endeavor to improve in that particular so as to better his chances before the next board.

While the law does not deny the officers under consideration the right of personal appearance before the board, officers requesting such a personal hearing have been denied it by the "hierarchy."

Quite contrary to this pernicious, unfair, and unjust practice, an officer who is believed to have committed an offense, serious enough to warrant disciplinary measures is always called upon for an explanation. If this is not satisfactory, a court-martial is ordered upon him. He is present in person before the court-martial and represented by counsel. Informed beforehand of the charges against him, he has had time to prepare his defense. He has the right to object for cause to any member of the court, and if his objection is sustained, as it frequently is, that member is not permitted to sit in judgment upon him. He can cross-examine the prosecution's witnesses and call witnesses in his own behalf. He is privileged to present documentary evidence, and can take the stand in his own behalf. And, even if the court finds him guilty of the offense charged against him, his case is carefully gone over by several reviewing authorities, including the Chief of the Bureau of Navigation, the Judge Advocate General, and the Secretary of the Navy, all of whom carefully consider the evidence, and if error or injustice is found, the right to mitigate, set aside, or disapprove the findings and sentence of the court is exercised by the reviewing authority.

These reviewing authorities are fair-minded and unprejudiced, and will give the officer under trial the benefit of the doubt, as in the procedure in civil courts, and even if found guilty, the court-martial, unless it dismisses him from the Navy, can not inflict any punishment that can be as severe and nasty in its effects as the punishments inflicted by the selection board. The secret methods of the selection board, from which there is no appeal, would not be tolerated for an instance in any other walk of American life. An alleged criminal on trial before any legal body in the United States, regardless of his previous record, has a right to a trial before judge and jury, where he is present with counsel and informed of the charges against him. His legal rights are safeguarded and the right of appeal from the decision of the court of first instance to that of several superior courts is his to exercise. But the loyal naval officer who has served his country practically all his life, to the best of his ability, who has again and again jeopardized life and limb, and who stands ready at any time to make the supreme sacrifice for his country, is tried and judged in secret, condemned without a hearing, and punished without being informed of his offense and without being granted an appeal.

It is evident from a careful examination of the procedure of the selection boards and of the results obtained that the sooner this method of promotion is abolished or radically modified, the better it will be for the contentment and the morale of the commissioned personnel and the efficiency of the Navy itself.

The Navy is to be used in the future, as it has been used in the past, to safeguard the interests of the people of the United States. Does not then a duty devolve upon the people and upon the Congress to see to it that the Navy continues to be "the strong arm of the Nation"; that it should be as it has been heretofore, and to remove this grave menace to the Navy before the present pernicious system of promotion to the highest grades completely undermines its morale and permanently impairs its efficiency.

Thus we have the opinion of one naval officer about the selection board, but we did not get it from the hearings.

Section 4 of the bill is subject to the criticism emphasized by the report of the Senate Committee on Commerce on a bill to coordinate public-health activities submitted to the Senate on January 18, 1930. A similar bill was vetoed by former President Coolidge on May 18, 1928, on the ground that there was an attempt to limit his constitutional authority. The veto message contained the following statement:

> This act contravenes section 2, Article II, of the Constitution of the United States, in that it creates offices of the United States

to be filled by appointment by the President, with the advice and consent of the Senate, and at the same time not only limits the choice for appointees to such offices to persons who possess the qualifications of passing an examination conducted by a board of officers convened by the Surgeon General of the Public Health Service, but also limits the choice among individuals possessing such qualifications, to persons who are recommended by such board; and by the Surgeon General, thereby attempting to vest in such board and in the Surgeon General participation in the Executive function of appointment of officers of the United States, which function can be vested in and exercised only by the President, with the advice and consent of the Senate, the President alone, the courts of law, and heads of departments.

The provisions upon which this statement was based have been entirely eliminated from the pending Public Health Service bill.

In his message to Congress on December 3, 1929, President Hoover said:

Our Army and Navy are being maintained in a most efficient state under officers of high intelligence and zeal. The extent and expansion of their numbers and equipment as at present authorized are ample for this purpose. We can well be deeply concerned at the growing expense. From a total for national defense in 1914 of $267,000,000, it naturally rose with the Great War, but receded again to $612,000,000 in 1924, when it again began to rise until during the present fiscal year the expenditures will reach $730,000,000, excluding all civilian services of those departments. Programs now authorized will carry it to still larger figures in future years. While the remuneration paid to our soldiers and sailors is justly at a higher rate than that of any country in the world, and, while the cost of subsistence is higher, yet the total of our expenditures is in excess of those of the most highly militarized nations of the world.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman, I did not intend to be unfair in my discussion on the rule as to what the chairman of the Naval Affairs Committee said before the Rules Committee with respect to why he wanted to get rid of these officers of the Navy who rose from the ranks. There are about 600 of them, and I want to read to you from the hearings before the Rules Committee what was said in reference to that matter. I am going to pass from place to place and only pick out the material parts of the discussion.

I realize that the gentleman from Georgia [Mr. VINSON] has never had these sentiments of snobbishness. He has been telling me that there is no snobbishness in this bill. I believe him, and he is arguing to other Members that there is no snobbishness in this bill, but he can not get away from the statement of the chairman of the committee, the gentleman from Illinois [Mr. BRITTEN], who desires to see a caste set up in America:

Mr. BRITTEN. There are some 600 men who came out of the ranks during the war and became officers. They did not expect to be line officers when they came into the service.

Mr. BANKHEAD. Are many of these highly paid officers clamoring for retirement?

Mr. BRITTEN. These men are men who came out of the ranks of enlisted men, with no particular scholastic education. It is true they knew how to handle ships, and during the war we promoted them by giving them the rank of ensigns and then from that they went to lieutenant grade, finally to lieutenant commanders, but many of them would like to retire because of the equation which they find in the service.

The "equation" and, of course, a stenographic or a printed record does not display the mannerism of the gentleman who is uttering the remarks.

Mr. BANKHEAD. You say it will induce them to retire?

Mr. BRITTEN. This will allow them to retire after they have reached 45 years of age. The higher officers, 99 per cent of them, outside of the 600, come from the Naval Academy.

Mr. MICHENER. What is the theory of retiring men 45 years of age?

Mr. BRITTEN. We are going out of the way to allow these men to retire at 45 who are unable to compete or qualify or equip themselves for the higher grade and who simply stand in the way of others. * * *

There are 600 of them, say, who have had no advanced education in the subject of electricity or navigation or engineering, and none whatever in the languages, for instance.

Mind you, none of these 600 men ever had any training in Greek or Latin. They are not qualified. Please listen to this:

Mr. O'CONNOR. After this remark about their training in the languages, do you not know and realize that they must understand Latin in order to steer a ship?

[Laughter and applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Chairman, in this short time I can not undertake the discussion of the provisions of this personnel bill. The bill I believe is well drawn, well considered; it passed the House once and has passed the Senate and is not justly subject to many of the criticisms you have listened to. Ad hominem arguments may please sometimes, but are not very persuasive in an intelligent consideration of important constructive legislation.

Take, for instance, the question asked by the distinguished gentleman from Idaho [Mr. FRENCH] of the gentleman from Georgia [Mr. VINSON] with reference to what he would fix as the salary of this or that officer. Such questions have absolutely nothing to do with this bill. Irrelevant? Of course they are.

I will say to the gentleman from Idaho that I think I know something of the provisions of the pay bill. I was the one member who submitted a dissenting report on that bill. It is generally recognized now in many of its provisions as an unjust bill, and some day when the facts are known to this House you will, with wonderful unanimity, right the injustices and wrongs thereby done to many now commissioned in the service not only of the Navy but of the Army and the other allied services.

The questions asked and not answered had nothing in the world to do with this bill.

Perhaps in the short time allowed me I might also add that much has been said here in defense of those splendid men who received commissions in 1920, and many of the speakers have exhibited great enthusiasm in their behalf and have expressed alarm and apprehension lest great injustice would be done them by this bill.

Perhaps the best way to answer that is to say that this bill has not been kept in secret—there is not a man in the service who came up from the ranks that does not know its provisions. Two years ago or longer it passed the House, it has also passed the Senate, and been open to the study of all men in and out of the service for more than two years, and I venture now to declare that no one on the floor has heard any complaint of the bill from those who were commissioned from the ranks in 1920, and in whose behalf pathetic appeals have been uttered.

The gentleman from Idaho wisely acquiesced on yesterday in an amendment placed on the pay bill by the Senate that would have been subject to a point of order in the House, whereby liberal provision is made for the men who were commissioned in 1920 and who might, by the harsh provisions of existing law, been placed in a very embarrassing position had not liberal retirement privileges been accorded them under the Senate amendment.

This bill is not just what I would want it to be; and if I had the writing of it, I would change several provisions; but in the main I think you will find that it seeks to do justice to the officer personnel of the Navy. I have been here a good many years, and I have yet to find any important constructive legislation that represents the individual views of any single Member. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BRITTEN. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That so much of the naval appropriation act approved August 29, 1916 (Stats. L., vol. 39, p. 576; U. S. C., title 34, sec. 4), as provides: "That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of 1 of the grade of rear admiral to 4 in the grade of captain, to 7 in the grade of commander, to 14 in the grade of lieutenant commander, to 32½ in the grade of lieutenant, to 41½ in the grades of lieutenant (junior grade) and ensign, inclusive:" is hereby amended to read as follows: "That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of 1 in the grade of rear admiral, to 4 in the grade of captain, to 8 in the grade of commander, to 15 in the grade of lieutenant commander, to 30 in the grade of lieutenant, to 42 in the grades of lieutenant (junior grade) and ensign, inclusive: *Provided*, That no officer shall be reduced in rank or pay or separated from the active list of the Navy as the result of any computation made to determine the authorized number of officers in the various grades of the line."

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. The gentleman from Alabama [Mr. OLIVER], whom we all love, said that none of these 600 officers who could be retired under this bill had any objection to it. Of course, you won't find objection from any man who has a chance to be retired at 45 years of age on three-quarters of his salary for life. Any person will agree to that, because they get their pay for life and can then sell all of their time to big corporations for big salaries additional. Of course, that meets with their approbation, but what I am thinking about is the American people, who will have to pay the bill, who are not willing to retire able-bodied men at 45 years of age on three-quarters of their salaries for life.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I have only five minutes.

Mr. BRITTEN. Let me correct the gentleman.

Mr. BLANTON. If the gentleman can correct me in half a minute, I yield to him.

Mr. BRITTEN. It is not 75 per cent of their salary. It is two and a half per cent per annum for their total service, not to exceed 75 per cent.

Mr. BLANTON. There never has yet been a bill written for and by the Navy or the Army Department that has not been written in such technical language that not a single Member of the House can understand what it means. We know this, that the 600 officers are to be retired under this bill on retired pay at 45 years of age, and that is what I am objecting to. And we know that some will be retired on three-fourths pay for life. There have been admirals in the service retired on admirals' pay, thereafter drawing for years $50,000 a year from private corporations. I can name you General Harbord, and other generals who have been retired on generals' pay in the Army, drawing for years $50,000 a year from private corporations. It is not right. They were all educated by the people at tremendous expense.

I once heard my distinguished colleague from Texas, Mr. Black, state on this floor that the time would soon come, if we kept on, when we would have half the people retired on big retirement pay, with the other half of the people working hard trying to earn enough money to pay their salaries. It ought to stop. This bill ought to be killed. We ought not to retire any able-bodied man at 45 years of age.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. The gentleman did not have time to yield to me, but I always yield. Is the gentleman in favor of retiring able-bodied men at 45 years of age?

Mr. OLIVER of Alabama. That is a fair question, and I will answer it, and I will ask that the gentleman be granted more time if I consume too much of his time.

Mr. BLANTON. I doubt whether in this impatient atmosphere the House would give it.

Mr. OLIVER of Alabama. There are existing laws now providing for retirement at the ages of 45 and 56. This bill does not affect those laws. Vote down this bill, and it would not change them. These laws were here before the gentleman came, they were here when I came, under which officers at the ages of 45 and 56 are retired if not selected for promotion, and that is why the gentleman unconsciously does an injustice to this bill by calling attention to retirements provided for in laws passed by other Congresses.

Mr. BLANTON. Since the gentleman has taken most of my time, I shall try to use the balance of it. We should repeal every law that retires able-bodied men under 60 years of age. If we set this precedent by passing this bill, under which these 600 naval officers will be retired at 45 years of age, although able-bodied and sound mentally, you will set a precedent that will later on retire every other officer in the Army and Navy and the Marine Corps, and the Coast Guard, able-bodied and sound at 45, for they would likewise ask for retirement at 45 years of age. Are you men in this House who are strong, able-bodied men 45 years of age willing to admit that when a man reaches the age of 45 years he ought to be retired? There have been men here, like Uncle Joe Cannon, who served in this House until they reached almost twice the age of 45, and they rendered to the last good service to the public.

In this disorder and impatient atmosphere this bad bill will pass, and we can not stop it, and we will not be able to force a record vote, but we can protest against it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. O'CONNOR of New York. Mr. Chairman, I rise in opposition to the pro forma amendment. I did not complete my statement of what happened before the Committee on Rules. Of course these 600 men, in answer to the gentleman from Alabama [Mr. OLIVER], who are going to be permitted to retire at the age of 45 are not complaining. Naturally. They are going to be retired at huge salaries, thousands and thousands of dollars, as high as $7,800, I believe. They are not complaining. They are being kicked upstairs into retirement to get them out of the service because they do not fit socially. The distinguished chairman of the Committee on Naval Affairs, that great patriot, the social lion from Chicago, has said that these men did not understand the languages. I have yet to find out what the knowledge of Latin or Greek has to do with steering a ship.

Mr. BRITTEN. I might have said the same thing about the gentleman from New York himself.

Mr. O'CONNOR of New York. Oh, I will gladly take the social lion from Chicago on any time when it comes to intelligence. He said they were not mentally qualified. Here are his own words:

You know the difference in caliber between the men who graduate from the Naval Academy and those who come up from the service.

All right! If the gentleman from Illinois wishes, in line with his social ambitions to establish caste in America, I shall not say "more power to him," but rather let him try it in this country and in these days of real democracy.

The Clerk read as follows:

SEC. 2. The selection board established by the act of August 29, 1916, shall be convened at least once each year and at such times as the Secretary of the Navy may direct. The Secretary of the Navy shall furnish the selection board with the names of all officers who are eligible by law for consideration by said board for selection for promotion as herein authorized, together with the record of each officer. Each board shall recommend for promotion from among those officers who are eligible such number as may be directed by the Secretary of the Navy, which number shall be 10 per cent of the authorized number of officers in the grades to which promotions are to be made as determined by the existing computation, and in addition thereto the number, if any, of vacancies then existing and which may occur on or before June 30 in said grade in excess of the number of officers in the next lower grade on the promotion list provided for in section 4: *Provided*, That if the number of officers in any grade on the promotion list is in excess of the number of vacancies then existing and which may occur in the next higher grade on or before June 30, as aforesaid, and said excess shall equal or exceed 10 per cent of the authorized number of officers in said next higher grade as above determined, the number to be furnished the board for recommendation for promotion to said next higher grade shall be reduced to 8 per cent of said authorized number: *Provided further*, That if the number of officers in any grade on the promotion list shall at any time be insufficient to fill vacancies then existing and which may occur in the next higher grade prior to the convening of the selection board next ensuing, the Secretary of the Navy may, in his discretion, convene a selection board to recommend for promotion such additional number of officers as may be necessary to fill said vacancies.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. McCLINTIC] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC of Oklahoma: Page 3, line 24, add "*Provided*, That no officer shall be promoted or retired until the findings of the board shall be approved by the President of the United States."

Mr. McCLINTIC of Oklahoma. Mr. Chairman, every Member of the House should desire to deal fairly with every class of officer in the Navy or Army. It has been repeatedly brought to your attention that it is the object of this legislation to retire approximately 600 officers at the age of 45. The chairman of the committee has made that statement in his testimony. If that is true, then, we who are interested in giving to those officers that which is called a square deal should be willing to allow the findings of the board to be reviewed by the President of the United States. Not only is that a bad situation with respect to the board, but there is nothing in this bill to prohibit a member of the board considering his own promotion when serving in that capacity. I say to you without fear of contradiction that there exists to-day in the United States Navy a prejudice on the part of naval graduates against those who come up from the ranks. Everybody who has had time to make an investigation of that subject knows it to be true. Therefore, if you want to be fair, if you want to deal with these men who are entitled to have some one sponsor their cause, then vote for the amendment which will cause the action of the selection board to be reviewed by the President of the United States, and then you will know they will get a fair and just deal.

Mr. BRITTEN. Mr. Chairman, if the gentleman's amendment is adopted, every warrant officer, every machinist's mate, every carpenter in the Navy must submit his record to the President of the United States before he can be promoted in these minor grades.

Mr. McCLINTIC of Oklahoma. They should be submitted to some higher power, then there could be no complaint from any source.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. McCLINTIC].

The question was taken; and on a division (demanded by Mr. McCLINTIC of Oklahoma) there were 25 ayes and 91 noes.

So the amendment was rejected.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, and ladies and gentlemen of the committee, some emphasis has been laid on the fact that the Senate unanimously passed this bill. The Senate on the second day of the present Seventy-first Congress, now nearly two years ago, passed unanimously a promotion bill for the Army, and that promotion scheme came to this House, and is resting, securely embalmed with the Committee on Military Affairs, and as far as I can remember now, nobody has ever opened his mouth about bringing it up for consideration in the full committee. [Applause.]

The unanimous passage of such a bill as this or the other bill to which I referred, under the circumstances, means nothing at all. Now, what is the obvious fact? If this bill becomes law, in a very few months there will not be an officer in the United States Navy except those who graduated from the Naval Academy. Now, I am for national defense. I am for a good Navy and a good Army, and I would regret it as a most unfortunate thing for the Army for anything approaching 75 per cent of the officer personnel of the Army to be graduates from the Military Academy. It is a fortunate fact, a fact of which I am proud, that to-day practically only 30 per cent of the officer personnel of the Army is composed of graduates of the Military Academy, and the rest of them came from the rank and file, came out of the mass of civilian emergency Army officers, who are natural and tested leaders of men.

It has been said that these officers, who came up from the ranks, do not have all the refinements of higher mathematics and foreign languages; that they do not know French and German; do not know differential calculus or analytical geometry and all such things. I may say to the gentleman from Illinois [Mr. BRITTEN], who has paid a tribute to those members of the officer personnel of the Navy by calling them "the backbone of the Navy," that they may not know so much about higher mathematics but they know the ship.

Mr. HOUSTON of Hawaii. Not necessarily.

Mr. McSWAIN. They do know the ship; and the graduates of the Naval Academy never get their hands greasy or dirty on the ship. Not one of them got dirty or greasy even while they were midshipmen except when carried on a little experimental or practice cruise.

I will ask the gentleman where did John Paul Jones learn his higher mathematics? [Applause.]

Where did David G. Farragut learn his higher mathematics? [Applause.]

Where did Horatio Nelson learn his higher mathematics? [Applause.]

Mr. Chairman, my opposition to this measure is fundamental. Undoubtedly the graduates of the Naval Academy are well educated and therefore able to comprehend the broad problems of naval strategy as well as the narrower problems of naval tactics. But when it comes to the intimate and personal knowledge of seamanship and the handling of a vessel under emergencies, that is something which may be learned only by long years of experience and may not be acquired from books. Of the more than 80,000 young men who enlist in the Navy, undoubtedly there are many thousands who have natural ability, fine character, and great ambition. These young men should be encouraged to hope for a career in the Navy. With this encouragement, they will make better seamen and will be promoted more quickly as a result of their attention to duties and their study of the general problems of naval warfare. If the door of hope is to be shut in their faces, and if they are to be told that they can never rise above the grade of chief warrant officer, then they will not exert the same energy and not be stimulated by the same initiative that they would be if the way were open for them to rise to the highest place in the Navy.

Mr. Chairman, I am proud that some of the highest officers of the United States Army have entered the Army as enlisted men. That is true, also, of the British Army. That great soldier, Sir William Robertson, who represented the British Nation on the Inter-Allied War Council for a part of the time during the World War and held in the British service a position analogous to our office of chief of staff, entered the army as a private soldier. By diligence, by study, and by devotion to duty he overcame all obstacles, he overcame a strong feeling of caste and official prejudice in the British Army and, finally, by force of his personality and by the power of his accomplishments, compelled the recognition of the leaders of the British Nation and was knighted at the hand of the British King.

So, Mr. Chairman, it has often been in the history of American Armies. I hope it will be true many, many times in the future. We must leave hope for advancement in the hearts of men if we may expect them to do their very best. It was so in the early days of our Navy. But under the program contemplated by this bill, all of those splendid officers of the Navy who were commissioned during the war period because of their superior ability as leaders and because of their unusual knowledge of naval problems will be eliminated and then there will be no officer in the United States Navy except graduates of the United States Naval Academy.

Let us be perfectly frank about the situation. I feel sure that more than 50 per cent of the young men who go to the Naval Academy would have accepted an appointment to the Military Academy if they could have gotten the latter and not the former. In other words, the majority of the young men in seeking these appointments have no special choice of the Navy over the Army, nor of the Army over the Navy. As a matter of fact, they are merely seeking a free education with a prospect of going into the service of the Government at a guaranteed salary to commence with, and with an assurance that they will be advanced from time to time as they grow older and more experienced.

Mr. Chairman, if I were seeking for a superintendent of a cotton mill I would not pick out a graduate of Harvard University, however much theoretical knowledge he might have of the textile art. I would pick a man out of the cotton mill, who entered as a boy and who had worked through all the grades in the cotton mill and who knows not only the machinery but who knows the people, their ways, and wishes and, therefore, knows how to handle both the man and the machine. So, in like manner, if I was seeking the manager of a large store I would not pick out a graduate of Princeton University, however much he may have studied the theory of commerce and the academic problems of finance. I would pick out a man who had risen from doorkeeper or cash boy through all the grades of salesmanship, and through all the stages of buying, until he knew the mercantile business from the bottom to the top. So as to the president of a bank. So as to the superintendent of a farm.

In other words, it is more important that the managers and superintendents of these businesses should be men who know the business, rather than know books about the business. Therefore, if I were selecting the captain for a war vessel, who should know every piece of machinery in the ship, who should know what to do in case of storm, who should know how to guide the vessel in conformity with the commands of the admiral in time of battle, I would pick out some man of the 80,000 American citizens in the Navy, who entered the Navy before he was 20 years of age, who had lived on the boat maybe for 20 or 30 years, who had worked in every part of the boat, who had traveled over all the seas, who had experienced storms of all degrees of ferocity, who had maneuvered the boat under every difficulty or variety of position, and who, therefore, could take charge of the boat and the crew upon the boat, just like a boy raised on a western farm can handle a young horse. Such a captain of a boat, we find often in the mercantile marine. These old skippers have sailed over the face of the earth many times, have braved a hundred storms, they know the sea in all its moods, and they know the sailors in all their moods. They can, therefore, handle every situation as it arises. The heroism, the fortitude and the cool judgment of these old mercantile marine sea captains have commanded the admiration of the thoughtful people of the earth for hundreds of years. They have responsibilities to face and to discharge every day of the year, and the constant meeting of their responsibilities develops them. It is not like the naval officer, who has a chance at annual sham battles, except during the war periods which are very occasional, and we hope will gradually grow more remote.

One other thing, Mr. Chairman, about this bill. It is the principle of permitting selection boards to decide who may be advanced and who must be retired. As a member of the committee on Military Affairs and knowing something of the spirit of the Army, I think I can say safely that such a system of promotion would not be thought of for the Army for one minute. It is true we have selection boards for the selection of general officers, but from second lieutenant through the grade of colonel men rise by seniority, provided they can pass the examinations. If they can not pass the examinations, then they are dropped from the rolls and thus penalized for their inattention to duty. But if a selection board were permitted to meet in secret and to pass upon the qualifications of officers in secret, and there to decide who might be promoted and who must be retired, would be so repugnant of the sense of military justice as not to be countenanced for the Army a single minute. Under such a system the selecting board would be bombarded in behalf of relatives and friends, sons and sons-in-law, nephews by blood and nephews by marriage, all operating in a secret selecting board on the principle of "you tickle me and I'll tickle you," which will certainly not make for the selection of the highest merit and the strongest character. Certainly no man ought to be discharged from the Navy or retired until he is given a chance to show out in the open before either the President or a separate and independent board appointed by the President that he has the ability and has the knowledge and that he can carry on the work. Of course, Mr. Chairman, I believe in education, but I know that there is such a thing as education without formal scholastic training.

I know that education, in a true and genuine sense, means mental discipline and spiritual discipline, both combined into one compact personality, called character. This mental discipline may be obtained anywhere. This spiritual must be obtained anywhere. Books and teachers are a great help to education, but there are many educated men who never went to a college, and on the contrary, there are men who went through college and received diplomas but are not genuinely educated. Education results in ability to accomplish results, and to do worthwhile things. Some of the most efficient and useful men I know never got a high-school education in the ordinary sense, but they received a high education from the school of experience, from the college of duty well done, and from the university of contact with the very real forces of the world. Such men are, in fact, truly educated.

So, Mr. Chairman, I properly asked the question as to where John Paul Jones was educated, and where were educated all those truly heroic leaders of the Navy, like Decatur and Preble and Farragut, and many others? Through the daily discharge of duty extending over long periods of years, they were developed into real leaders of men, knowing the ship and knowing the sea, and knowing the human forces operating the ship, and knowing the fighting machinery upon the ship and having acquired all this knowledge by intimate personal character, they were constantly in complete possession and the master of themselves, of their crews, and of their vessels.

I would not abolish the Naval Academy, and I would not discourage the graduates thereof, but I would increase the number of midshipmen who may come from the rank and file of the Navy. In fact, I am disposed to believe that it would be the best thing for every midshipman appointed by a Member of Congress to be required to serve one year with the fleet as an ordinary seaman before entering the academy. Thus he would have first-hand knowledge of the life of the ordinary seamen, and therefore have an understanding of their feelings, and be able better to command them in the future. In the next place, he would be able to decide if he would like the life of the Navy. If he should not like it at the end of one year he could resign and not clutter up the student body with young men not interested in the Navy and not seeking careers in the Navy but merely seeking a free education. But if it comes to pass that all the officers of the Navy of high and low degree are graduates of the academy and have no first-hand knowledge, by actual personal experience, of the work and life and feelings of the enlisted men of the Navy, then the Navy will be to that extent weakened and to that extent the efficiency of the Navy as a force of national defense decreased. I stand for the application of the broad principles of American democracy to the Army and the Navy. All can not be equal in rank nor authority, because there are different degrees of natural ability and character, but all should have an equal opportunity at the beginning.

This principle has made America great in business, great in industry, great in invention, and great in finance. It is a sound principle for application anywhere and at any time.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BRITTEN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in seven minutes.

The motion was agreed to.

Mr. CONNERY. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CONNERY. Mr. Chairman, I asked for this time for the purpose of interrogating the chairman of the committee. On general principles I am in favor of this bill, but I certainly do not want to vote for any bill which will discriminate against the enlisted personnel of the Navy who

have become officers in favor of the Annapolis graduates. [Applause.] I would like to ask the gentleman from Illinois a question or two. I have been conferring with some gentlemen on my side of the House and have been informed that there is a provision in the bill which will discriminate against the enlisted man who may have become an officer. I have been told that there is a provision in the bill which provides that if an enlisted man has become an officer and desires to do so he can go back to his rank as a warrant officer and receive higher retirement pay than he would if he had remained an officer. Is that true?

Mr. BRITTEN. That is correct. The committee as a whole feels as the gentleman does about these men. This is a relief measure for them and they themselves wrote the language that is in the bill.

Mr. CONNERY. I do not agree with my distinguished colleague from South Carolina in his criticism of the Annapolis graduates. I believe these men have greased their hands and have gone out and taken practical tactical training on their cruises. They have done everything which will tend to make them good officers in the Navy. Furthermore, I do not want to criticize any of our Annapolis men in their duties as officers in the Navy. There possibly may be a discrimination in favor of the Annapolis graduates and against enlisted men; and, of course, I would not approve of that for a moment; but if the chairman assures me that there is no discrimination in this bill against the enlisted man becoming an officer, then I will be glad to vote for the bill.

Mr. BRITTEN. The gentleman from Massachusetts may be fully assured that this bill is in the interest of the very men he is talking about.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. McCLINTIC of Oklahoma. On page 4, at the top of the page, the gentleman will find this language:

Except as provided in section 7, captains, commanders, and lieutenant commanders, who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President prior to the completion of 35, 28, or 21 years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a line-selection board, and any officer in said grades shall likewise be ineligible for consideration who on June 30 of the calendar year of the convening of the board shall have had less than four years' service in his grade.

In other words, if he fails, he is ineligible and out he goes.

Mr. O'CONNOR of New York. And every one of the 600 men whom the Chairman said the purpose of this bill is to retire at 45 years of age, because they do not know the languages, is an enlisted man.

Mr. CONNERY. Every one of the 600?

Mr. O'CONNOR of New York. Every one of the 600 men is a man who came up from the ranks. Let the gentleman deny that.

Mr. BRITTEN. Of course, everybody understands that but the gentleman himself.

Mr. O'CONNOR of New York. Well, what are the facts? Is it not the fact that every one of the 600 men that you want to retire under this bill is an enlisted man who came up from the ranks?

Mr. BRITTEN. Everybody who has talked on the bill has said that very same thing five or six times, but the gentleman did not understand it.

Mr. O'CONNOR of New York. Oh, yes; I understood it.

Mr. CONNERY. After listening to both sides of this question, Mr. Chairman, I have decided to vote for the bill. [Laughter and applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I rise in opposition to the pro forma amendment.

I have asked for recognition for two minutes to make a statement in connection with the speech made a few minutes ago by my distinguished friend from South Carolina [Mr. McSWAIN], for whom I entertain the warmest affection, as do other Members of the House, because we regard him as a man of outstanding ability and one who would not knowingly mislead the membership of this House.

I will say to my friend that I was a member of the legislative committee when we extended larger opportunities to the enlisted men to enter the academy at Annapolis, and there are in the service to-day some of the finest officers who have come from the enlisted ranks, and some of these have been commissioned as admirals.

One hundred appointments are now given to the enlisted men. We first started with 25 and afterwards increased it to 100, and at my suggestion at this session, we have sought by law to exclude from unfair competition with the enlisted man the college boy who comes prepared to take the entrance examination. If you could go into the Navy and find its officers of high rank volunteering to give freely of their time in training these enlisted men on ship and shore so that they may qualify for the entrance examination to Annapolis, you would then understand that there is no feeling against the enlisted man. I would like to increase the number of appointments given the enlisted men to 200, and surrender, if necessary, some of our congressional appointments, if assured that announced number from the enlisted ranks can qualify for the entrance examinations so as to pass from the academy into the commissioned ranks of the Navy. [Applause.]

The Clerk read as follows:

SEC. 3. Except as provided in section 7, captains, commanders, and lieutenant commanders, who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President prior to the completion of 35, 28, or 21 years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a line-selection board, and any officer in said grades shall likewise be ineligible for consideration who on June 30 of the calendar year of the convening of the board shall have had less than four years' service in his grade: *Provided*, That the commissioned service of Naval Academy graduates, for the purpose of this section only, shall be computed from June 30 of the calendar year in which the class in which they graduated completed its academic course, or, if its academic course was more or less than four years, from June 30 of the calendar year in which it would have completed an academic course of four years: *Provided further*, That except as provided in section 7, officers of any grade commissioned in the line of the Navy from sources other than the Naval Academy, shall become ineligible for consideration by a selection board when the members of the Naval Academy class next junior to them at the date of their original permanent commission as ensign or above become ineligible for consideration under the provisions of this section.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC of Oklahoma: On page 4, in line 18, after the word "years," strike out the balance of the section.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I respectfully desire to call the attention of the committee to these words:

That except as provided in section 7, officers of any grade commissioned in the line of the Navy from sources other than the Naval Academy, shall become ineligible for consideration by a selection board when the members of the Naval Academy class next junior to them at the date of their original permanent commission as ensign or above become ineligible for consideration under the provisions of this section.

Now, if this is not the finest tailor-made language that was ever devised on the top side of the earth to kick these officers out, then I need somebody, other than members of the committee, to tell me what such language means. What are you going to do? Destroy your Navy? Are you going to fix it so that nobody unless he comes from the Naval Academy can be charged with such responsibility in the future?

If we had adopted such a policy during the period of our Revolutionary War, we would not have any nation to-day; and when you tell me that nobody but naval officers shall be commissioned in the future, then I say that you strike down initiative, you strike down ambition, you strike down everything that is necessary on the part of an officer to take care of an emergency, because you know just as well as I do that when it comes to quick perceptive capabilities those who come from the ranks, those who come from the farms, those who come from the common people are always the ones that put forth the right kind of initiative at the proper time; and I protest with all the vehemence within my power against any such provision in a bill. I think this part of the bill ought to be stricken. [Applause.]

Mr. BRITTEN. Mr. Chairman, I rise in opposition to the amendment.

The proviso which the amendment aims to strike out of the bill is the very proviso inserted in the bill to give these former enlisted men, who are now commissioned officers, a preference over those who came out of the Naval Academy. The amendment should be voted down.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. All officers who are not on the promotion list and who, after completion of the designated periods of service as prescribed for their respective grades, become ineligible for consideration by a line-selection board in accordance with this act, or who, if on said promotion list, undergo the required examinations for promotion and are found not professionally qualified, shall be transferred to the retired list of the Navy. All lieutenants who are 45 or more years of age, or who have completed 20 or more years of service, counting all service for which they would be entitled to credit for voluntary retirement, and who undergo the required examination for promotion to lieutenant commander and are found not professionally qualified, shall be transferred to the retired list of the Navy: *Provided*, That if such lieutenants were permanently appointed as ensign or above in the permanent line of the Navy while holding permanent warrant or permanent commissioned warrant rank in the Navy, they shall have the option of reverting to such permanent warrant or permanent commissioned warrant status in the lineal position to which their seniority would have entitled them had their service subsequent to such appointment been rendered in the status to which they revert.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 26, after the word "Navy," strike out the balance of the section.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, this amendment would have the effect of striking out of that section of the bill the language which relates to the retirement of those 45 years of age, and who no doubt have come up from the ranks. In addition, it would prevent penalization of those who were formerly warrant officers, causing them to revert to their former status, going back several grades.

The House knows very well that the subject I have been talking about is referred to in this legislation in three or four places. It has been testified to by the chairman of the committee that it was the intention to rid the Navy of a certain class of officers. When you take into consideration that there is this in the mind of those who have graduated from the Naval Academy—the feeling that those who have not graduated are not competent to perform the service—if you favor that idea, you will vote against the amendment, but if you are in favor of allowing these men who come up from the ranks an opportunity to remain in the service you will vote for the amendment.

Mr. BRITTEN. Mr. Chairman, if this amendment was adopted, it would take away from the enlisted man who has become an officer his permanent right to revert to his original warrant grade if he wants to. In many instances he will want to go back to the former warrant grade, because it will be best for him to do so. If he does want to go back, the provision that the gentleman moves to strike out would permit him to do so. I think the amendment should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. O'CONNOR of New York) there were 20 ayes and 79 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. Officers retired pursuant to any section of this act shall receive pay at the rate of 2½ per cent of their active-duty pay multiplied by the number of years of service for which they were entitled to credit in computation of their longevity pay on the active list, not to exceed a total of 75 per cent of said active-duty pay: *Provided*, That because of variations in the date of entry into the Naval Academy of members of the classes of 1906 to 1916, inclusive, ranging from June to September, a fractional year of nine months or more shall be considered a full year in computing the number of years of service of members of those classes by which the rate of 2½ per cent is multiplied.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 7, strike out section 6.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, this section provides for the payment of officers on the basis of nine months per year. If the House wants to establish that precedent I can not prevent it. I am not in favor of legislating nine months to make twelve months. I do not see why such a provision is contained in legislation. Therefore it would seem to me that if the House wants to do that which is right it will not agree that any officer may have credit for one year when he has only served nine months.

Mr. BRITTEN. Mr. Chairman, the amendment that the gentleman from Oklahoma moves to strike out is existing law and has been for 30 years. The amendment should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk concluded the reading of the bill.

The CHAIRMAN. There being no further amendment, the committee will automatically rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes, and he reported the same back to the House without amendment.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time; was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 170, noes 63.

So the bill was passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.; and

S. 6254. An act for the relief of United States Marshal George B. McLeod.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1496. An act for the relief of Edith Barber;

S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation Fla.;

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico; and

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills and a joint resolution of the following titles:

H. R. 531. An act for the relief of John Maika;

H. R. 2222. An act for the relief of Lourin Gosney;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 8242. An act for the relief of George W. McPherson; and

H. J. Res. 357. Joint resolution classifying certain official mail matter.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 255) entitled "An act for the promotion of the health and welfare of mothers and infants, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. JONES, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4022) entitled "An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10672) entitled "An act to amend the naturalization laws in respect of posting notices of petitions for citizenship," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. REED, and Mr. KING to be the conferees on the part of the Senate.

The message also announced that the Senate had concurred in House Concurrent Resolution No. 53, relative to the engrossment and enrolling of bills and joint resolutions during the remainder of the present session of Congress.

RESTRICTION OF IMMIGRATION

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules I call up privileged House Resolution 370, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 370

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 500, further restricting for a period of two years immigration into the United States. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Immigration and Naturalization, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment the committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The question is on agreeing to the resolution.

Mr. O'CONNOR of New York. Mr. Speaker, may I have some arrangement with the chairman of the Committee on Rules for time?

Mr. SNELL. We are very anxious to get through with this bill to-night, and it is getting late.

Mr. O'CONNOR of New York. I know that the gentleman is anxious to get through. When this matter was brought before the Committee on Rules the proponents of the bill, the chairman of the committee, and so forth, asked for four hours of general debate, if I recall correctly. Then the matter was discussed in the Committee on Rules. It was decided that not only four hours of general debate would be used, but one hour under the rule. Now, not the proponents of the bill but the Rules Committee reduced it to three hours, with the understanding that an hour will be used in this highly controversial bill on the rule, where there are some six or seven dissenting minority members. We need surely one hour, the usual time under the rule, on this side of the House for a discussion of the matter. I ask the gentleman from New York to yield me 30 minutes.

Mr. SNELL. I would be very glad to give all the time necessary, but it is getting late, and we want to put this bill through to-night [Applause], and because of the lateness of the hour and the lateness in the session I had in mind offering an amendment to cut the general debate from three hours down to one hour. As a matter of fact that will answer every purpose. [Applause.]

Mr. O'CONNOR of New York. Oh, I know with what impetuosity such things are rushed through, but let us be fair about it. There is no reason why we should not be as fair on this matter as on any other matter, when it is determined after due deliberation that this bill requires that much debate to develop the side of the opponents of the measure, in order to determine whether or not Congress should pass it. It is no answer to come in and say because of the lateness of the hour and the closing days of the session that this can not be done. I could mention 20 bills that will not be considered in this Congress because of the closeness of adjournment. Why come in at this late hour and violate all of the real sportsmanship agreement of giving the minority members of the Rules Committee a fair share of time and of complying with the rule of having three hours of general debate.

Mr. DICKSTEIN. Mr Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. DICKSTEIN. This bill has been discussed in committee for almost four months, and we have at least five members of the minority, all of whom would like to have some time. Does the gentleman think it is fair and just to the members of the minority and to a number of Members of the House to cut it down to one hour?

Mr. SNELL. I appreciate the fact that some gentlemen have never been for any immigration bill that has ever been before the House of Representatives, and I am not criticizing the gentleman from New York [Mr. DICKSTEIN] for his attitude on the matter.

Mr. O'CONNOR of New York. And on the other hand there are some who have never been against any immigration bill.

Mr. DICKSTEIN. This particular bill should be discussed, because it is a fraud on the Congress and on the American people, and if the Congress after we get through explaining what the bill proposes to do decides to pass it, then you can close the doors, so far as I am concerned.

Mr. BOX. Mr. Speaker, I hope the gentleman from New York will make the motion to cut this down to one hour, and I hope that everyone who believes in restriction of immigration will vote for that amendment.

Mr. SNELL. Mr. Speaker, I yield 30 minutes to the gentleman from New York and then I shall move the previous question.

Mr. DICKSTEIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DICKSTEIN. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. The Chair desires to make this statement and have the attention of the House. Originally the Chair was asked to entertain a motion to suspend the rules and pass this bill. He thought that the bill was of such major importance that it would perhaps be better, even though the season is so late, to have it brought in under a rule; but if it becomes evident that a filibuster is being conducted, the Chair will seriously consider the question of entertaining a motion to suspend the rules and pass the bill. It is evident that there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

Mr. LAGUARDIA. Mr. Speaker, I move that the House do now adjourn.

Several Members rose and addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from Connecticut.

Mr. TILSON. Mr. Speaker, I move a call of the House, if we are to go on with the business of the House.

Mr. GARNER. Oh, it is after 7 o'clock.

Mr. TILSON. Does the gentleman want to adjourn?

Mr. CRISP. Mr. Speaker, I move a call of the House.

The SPEAKER. A motion to adjourn takes precedence.

Mr. TILSON. Does the gentleman insist upon his motion?

The SPEAKER. A motion to adjourn has been made.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Does not a motion to adjourn take precedence over a motion to order a call of the House?

The SPEAKER. It does.

Mr. TILSON. I moved a call of the House the moment the Chair declared that there was no quorum present. That is all that I could do.

The SPEAKER. The question is on the motion of the gentleman from New York that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes, 23, noes, 222.

Mr. LAGUARDIA. Mr. Speaker, I demand tellers.

The SPEAKER. As many as favor taking this vote by tellers will rise and stand until counted. [After counting.] Twenty-four Members have risen, not a sufficient number, and the tellers are refused.

So the motion to adjourn was rejected.

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. J. Res. 500) further restricting for a period of two years immigration into the United States.

The SPEAKER. The gentleman from Ohio [Mr. JENKINS] moves to suspend the rules and pass a joint resolution (H. J. Res. 500), which the Clerk will report.

Mr. O'CONNOR of New York. Mr. Speaker, I have been recognized for 30 minutes already.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. JENKINS] to suspend the rules. The Clerk will report the bill.

The Clerk started the reading of the bill.

Mr. O'CONNOR of New York. Mr. Speaker, I have not had my say.

Mr. SABATH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. After a gentleman is recognized under a special rule for a certain time and has the floor, can another gentleman take him off the floor?

Mr. DOWELL. Mr. Speaker, I make the point of order the gentleman is not entitled to the floor while the Clerk is reading the bill.

The SPEAKER. The Chair will answer the parliamentary inquiry.

Mr. SABATH. This is a parliamentary inquiry. The Speaker recognized the gentleman from New York [Mr. O'CONNOR] under a special rule which the House passed.

The SPEAKER. The Chair did not recognize the gentleman from New York [Mr. O'CONNOR] who was yielded 30 minutes. The Chair had not recognized him.

Mr. SABATH. The gentleman from New York [Mr. O'CONNOR] had the floor at that time.

The SPEAKER. The Chair had not recognized the gentleman from New York [Mr. O'CONNOR]. The Chair recognized the gentleman from Ohio [Mr. JENKINS].

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry. I know the Speaker intends to be fair.

The SPEAKER. Absolutely.

Mr. O'CONNOR of New York. The resolution by which this bill was brought from the Rules Committee was adopted. What has happened to that?

The SPEAKER. It was not adopted. It was pending a while ago, but it is not pending now. The Clerk will read the joint resolution.

Mr. LAGUARDIA. Mr. Speaker, I rise to a question of privileges of the House.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Under the rules of the House the Speaker can not recognize unless there is a quorum present. I submit we are entitled to a count to ascertain whether a quorum is present, and I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and sixty-five Members are present, a quorum.

The Clerk will report the joint resolution.

The Clerk read the joint resolution (H. J. Res. 500) as follows:

Resolved, etc., That for each of the fiscal years beginning July 1, 1931, and July 1, 1932, respectively, the quota in the case of any nationality for which a quota has been determined and proclaimed under the immigration act of 1924, as amended, shall be 10 per cent of such quota, but the minimum quota of any nationality shall be 100.

SEC. 2. During such fiscal years no immigration visas shall be issued under subdivision (c) of section 4 of the immigration act of 1924, but in each of such fiscal years all the provisions of the immigration laws shall be applicable to immigrants born in any of the geographical areas specified in such subdivision as if each of such areas had a quota for such year equal to 10 per cent (but not less than 100) of the number of nonquota immigration visas issued, during the fiscal year ending June 30, 1930, to immigrants born in such area.

SEC. 3. Whenever before July 1, 1933, the Secretary of Labor, upon the application of any person interested and after full hearing and investigation of the facts in the case, determines that a bona fide employer in the United States needs a person trained and skilled in an art, craft, technique, business, or science, of a particular class and qualifications, and that a person of such class and qualifications can not be found unemployed in the United States, he shall transmit to the Secretary of State his decision, including a detailed statement of the particular qualifications found essential, and the Secretary of State shall transmit such decision to the consular officer. A nonquota immigration visa may be issued to an alien found by the consular officer to possess the qualifications set forth in the decision of the Secretary of Labor and to be otherwise admissible under the immigration laws, at any time between July 1, 1931, and June 30, 1933, both dates inclusive, without regard to quota, but not to exceed 300 in the aggregate of all classes in any one fiscal year. In the case of any such aliens who are subject to the contract-labor provisions of the immigration act of 1917, the decision of the Secretary of Labor shall also be considered, for the purposes of the fourth proviso of section 3 of such act (the so-called contract-labor waiver provision), as his determination of the necessity of importing such skilled labor.

SEC. 4. The provisions of this resolution are in addition to the provisions of the immigration laws now in force, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this resolution. An alien, although admissible under the provisions of this resolution, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this resolution, and an alien, although admissible under the provisions of the immigration laws other than this resolution, shall not be admitted to the United States if he is excluded by any provision of this resolution.

SEC. 5. Terms defined in the immigration act of 1924 shall, when used in this resolution, have the meaning assigned to such terms in that act.

SEC. 6. This resolution may be cited as the "Immigration act of 1931."

The SPEAKER. Is a second demanded?

Mr. DICKSTEIN. Mr. Speaker, I demand a second.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. LAGUARDIA. Mr. Speaker, I object.

The SPEAKER. The vote for demanding a second is taken by tellers.

The Chair appointed Mr. JENKINS and Mr. DICKSTEIN as tellers.

The House divided; and the tellers reported that there were—ayes 153, noes 2.

Mr. LAGUARDIA. I make the point of order that there is no quorum present.

The SPEAKER. There was no quorum on the teller count; but if the gentleman makes the point of order of no quorum, the Chair will count.

Mr. SNELL. Mr. Speaker, do I understand if the motion has been seconded by teller vote this would be the unfinished business on Monday morning?

The SPEAKER. The gentleman from New York objects on the ground that the teller vote does not disclose a quorum. Therefore the Chair will count to see whether there is a quorum present. In case a quorum develops a second will be ordered. [After counting.] The Chair has counted with the utmost care and has counted 238 Members present, a quorum.

So a second was ordered.

The SPEAKER. The gentleman from New York [Mr. SNELL] asked if, when a second is ordered or a quorum is present, this matter would be unfinished business at the

next meeting of the House. The Chair replies, "Yes." The Chair holds it would be unfinished business at the next meeting of the House, inasmuch as a second has been ordered, a quorum being present.

Mr. SNELL. Mr. Speaker, I should like to finish this to-night, but if it is going to take long and we must keep Members late, if it will be the first order of business on Monday, I will prefer a unanimous-consent request that the House adjourn at this time to meet at 11 o'clock on Monday.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. SNELL]?

Mr. SPROUL of Illinois. I object.

Mr. DICKSTEIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. As a member of the Committee on Immigration, and one who is entitled to control of the time on this side, can we not make a gentleman's agreement by which this bill will be the first order of business for disposition on Monday at 11 o'clock and give this minority and some of the Members a fair chance for fair American play? If we can get that, we will go on Monday.

The SPEAKER. The Chair holds that if the House now adjourns this will be the first order of business on Monday.

Mr. JOHNSON of Washington. Mr. Speaker, I desire recognition.

It is clear that if this performance of to-night is repeated again on Monday, even if we meet at 11 o'clock, this bill will not get to the Senate in time to be handled over there. That is all there is to it. It must be passed to-night.

The SPEAKER. The gentleman from New York [Mr. DICKSTEIN] is entitled to 20 minutes; the gentleman from Ohio [Mr. JENKINS] to 20 minutes.

Mr. DICKSTEIN. Mr. Speaker, I understand I have control of the time on this side?

The SPEAKER. The gentleman has 20 minutes.

Mr. DICKSTEIN. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. CONNERY.]

Mr. CONNERY. Mr. Speaker, ladies and gentlemen of the House, I am not at all stirred up on this matter so far as getting very excited about it is concerned. I have watched the Speaker of this House since he has been Speaker. I have always had the highest admiration for his fairness and justice in dealing with this House. To-day I am afraid, for the first time, I must make a criticism of the Speaker. I do not know whether it is because the Speaker's dinner hour is approaching that he is getting a little worked up about this. The rest of us are hungry, too. But it seems to me that this is the first time since he has presided over this House that he has ever approached anything that seemed unfair to the American people.

Mr. DOWELL. Mr. Speaker, the gentleman is out of order. He is not discussing the question before the House.

Mr. CONNERY. All right. I will discuss the question before the House, if the gentleman wants to take it that way.

Mr. DOWELL. The gentleman should proceed in order.

Mr. CONNERY. This is a question which affects vitally every State of the Union to-day, and I do not believe that anybody in their sane, thoughtful moments on this side or on that side of the House would want to rush through legislation that should have consideration.

You are going to pass it. That is all right. But in the name of the American people and justice, give full consideration to this bill. Do not try to rush it through under suspension of the rules, when you know it is one of the most important things before the American people to-day. That is all I have to say. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker and Members of the House, you can all see this is a contentious subject. I have not time to go into detail as to this bill, but it is a correct bill. The United States is not dividing families. The enforcement of the present 1924 restriction law limits the chances for wives to come to about 10 per cent. We want that continued by law and not by regulation, until business recovers in the United States. The State Department can not stand the pressure. The same thing goes on at the doors of State and Labor Departments that you see going on here.

This bill is absolutely necessary. The Dominion of Canada has already suspended all immigration for two years, with the single exception of orphan boys who are sent by the churches from the cities of the British Isles to be put on farms and raised, just as thirty and more years ago New York sent its orphan boys out to the West to be adopted and raised and where later some of them became governors of States. Canada has suspended immigration for two years in this world emergency. Mexico has done nearly the same thing. In the last three or four days Canada has placed an embargo on soviet-made goods. Canada is for Canada. It is time for the United States, my friends, to do something for the United States. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Speaker and gentlemen, this bill reduces the quota immigration from all quota countries by 90 per cent. It does not touch nonimmigrant or immigrant of nonquota classes. It takes nonquota countries, such as Canada and Mexico, divides their immigration during the last fiscal year by the figure 10 and gives them 10 per cent of their immigration during last year.

The 10 per cent that comes from quota countries will be used almost wholly by near relatives. Large numbers of near relatives come as nonquota immigrants. The 10 per cent which is thus given to them will be used chiefly by immigrants of the preferred classes.

There is a necessity for this legislation. Your humble servant and others have been trying for 10 years to have enacted legislation of this character, and this House knows it. We have had just such opposition as developed here to-night. If we had passed this immigration bill five years ago, there would be two or three million less hungry men and women in the United States right now.

Talk about constructive legislation! This is constructive legislation. We have allowed labor of the classes that have been coming in from Mexico and elsewhere to accumulate in our centers of industry until there is a greatly increased amount of hunger.

Our State Department has found that under present conditions it needs this legislation. The administration has come to see the matter in an entirely different light, and I am exceedingly grateful that I have the privilege of standing before you to-night and contending for this legislation.

Moreover, I do not see anything in the action that our Speaker has taken to-night that is unbecoming or improper. [Applause.] The time comes sometimes when the Speaker has to rule, and when he is so weak he will not rule we have mobs, and one of the things we are going to need in the American Congress is orderly procedure. There has been nothing disorderly in the Speaker's action, and some of these gentlemen who have gone into such fits of hysteria about the orderly ruling of our Speaker to-night need to go back to some of the old countries and see the hell that has prevailed there, from which we are trying to save America. Pass this bill, gentlemen.

Mr. DICKSTEIN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, ladies and gentlemen of the House, in parliamentary procedure there is something worse than a filibuster, I may tell the distinguished, 100 per cent American from Texas, and that is rushing through roughshod by mob rule legislation which is controversial and which the proponents themselves admitted would take four hours to properly debate.

O Mr. Speaker, back there in the hills of Illinois, under a little mound, with a single tablet with his name inscribed thereon, lie the remains of a distinguished bearded old gentleman whose immortal soul has undoubtedly left those remains. His bust adorns the main corridor of the House Office Building. He was a notorious Speaker of this House,

a much advertised Speaker of this House; but if there were any power of expression left in his body, or if his immortal soul in heaven had the power to make comment on the happenings of to-day, this 28th day of February, in the year of our Lord 1931, he would express envy at the arbitrary boldness of that "liberal" from Ohio who has made so many arbitrary and unfair rulings to-day, who has made so many quorum counts to-day, who has counted quorum after quorum when none existed. No man in this House is doing more or has done more to pass this un-American, bigoted immigration bill than the "liberal" from Ohio.

Mr. DOWELL. Mr. Speaker, I make the point of order the gentleman is out of order, because he is not discussing the question before the House.

The SPEAKER. The gentleman will proceed in order.

Mr. O'CONNOR of New York. The distinguished gentleman from Illinois, long since deceased, and longer since shorn of his arbitrary powers, would envy his successor's boldness as presiding officer of the House to-day when, for instance, I myself—and I maintain the RECORD will show this if it is not edited, which would not surprise me—when I had already been yielded 30 minutes to discuss this bill, and in the mad rush, the fanatical, hysterical urge to answer the command of the hooded figure which always stalks this Chamber—the liberal from Ohio—brushed me off my feet and recognized the distinguished 100 per cent American from Ohio to suspend all rules of the House so this bill could be rushed through. Incidentally, I call it to your attention that the gentleman recognized is also a "liberal," unprejudiced resident of the Speaker's State—what more can possibly come out of Ohio? The Speaker, and I am sure he must regret it now, violated all the rules in taking me off my feet and brushing me aside and in recognizing the gentleman to suspend the rules in violation of all fair parliamentary procedure in this House this year or in any year in the past.

O gentlemen, I hope that no one on this side of the House, a Member of which has demanded a second, will ever debate the merits of this bill, for the reason that we have no opportunity in this one of the saddest days in the American Congress. Let the Johnsons debate it. Let that phlegmatic patriot from Washington, of the Johnsons only recently arrived, who now wants to keep out all his Scandinavian relatives—Scandinavians who have contributed and can still contribute so much to America. Let him exhibit the cross of the "invisible empire." Let him, with his customary hysteria, rail at the Jews and Italians, but do not, please, anybody on this side dignify this un-American procedure by debating the merits of the bill. It has no merits but must pass to satisfy the howling bigots.

Mr. DICKSTEIN. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Speaker, in two minutes I can not debate the merits of the bill and I shall not, nor do I want to. But, Mr. Speaker, if this is an example of the conduct of the House of Representatives, if this is to be evidence of the indispensable spirit of tolerance and of the responsibility of legislators, I think it will pretty soon be time that somebody asks each Member of the House of Representatives to read carefully and soberly his or her oath of office taken on entrance into this Chamber. We are supposedly lawmakers. [Applause.]

Now, I am young as far as membership in this House goes, I know, but, oh, I have been here, on the ground for eight years, watching things with some interest; and the procedure to-night makes me sick at heart. I do earnestly hope there will be a better chance for calm consideration and orderly action than we now have.

I do not direct my remarks against the Speaker, for something tells me that this whole proceeding has been more than a little distasteful to him.

I hope the membership now present will not permit any one man to decide for them, or will not put the responsibility on any one Member, but will themselves take appropriate action, and let this go over until Monday, when we can have a full membership and decent and calm consideration. [Applause.]

Mr. JENKINS. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Speaker, this bill has had the consideration of the Immigration Committee for several years. This is a temporary measure. It is to be effective for two years only.

Nonquota immigration comes to this country at the rate of 100,000 a year. That class of immigration is not affected. The record shows that for every two immigrants coming into the United States one takes the job of an American. I say the time has come when, as between foreign born and Americans, the American shall have the right to keep his work for himself and for his family. [Applause.]

In closing I wish to say that it is with regret that we lose one of the most valuable members of the Immigration Committee, the gentleman from the State of Texas, Judge BOX. He has served on that committee for several years with credit to the membership of the House. He has been giving the best of his ability to the bills that have been considered by that committee. The restrictive-immigration policy of this Union stands on our statute books as a result, to a great extent, of his untiring effort and his great ability as a legislator. In saying that his work and constructive statesmanship will be missed by all, I express the thought of the entire membership. This resolution provides for further restriction. On the statute books it will express to the world that America believes that Americans are entitled to protection from foreign competition.

Mr. SNELL. Mr. Speaker, it has become evident that there is much excitement, and it seems to me that it would be better if this matter could go over as unfinished business until Monday. [Applause.]

The SPEAKER. Will the House allow the Chair to make a suggestion? The Chair does not believe that anyone seriously thinks that the Chair would consciously be unfair to anyone or any group. The Chair is never consciously unfair. May the Chair suggest that it is evident that some Members have allowed their tempers to get rather warm, and the Chair would urge that under the circumstances, holding that this will be unfinished business before the House on Monday, that the House accept the suggestion of the gentleman from New York. [Applause.]

Mr. TEMPLE. Mr. Speaker, if the House adjourns now, will the 20 minutes debate on each side begin where we left off to-night?

The SPEAKER. It would. It would be in exactly the same position we are now.

MEETING AT 11 O'CLOCK ON MONDAY

Mr. SNELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock on Monday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes, and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;

H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;

H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horti-

culture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements or sold to other persons, or for other purposes;

H. R. 16969. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 17071. An act granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 938. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

S. 1042. An act for the relief of Mary Altieri;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 3924. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

S. 4070. An act for the relief of Patrick J. Mulkaren;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 4353. An act for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 5083. An act to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.;

S. 5920. An act authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa;

S. 6032. An act amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes";

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of the Crow Indians;

S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park;

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. J. Res 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes, and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;

H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;

H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements, or sold to other persons, or for other purposes;

H. R. 16969. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 17071. An act granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p. m.) the House, under its previous order, adjourned until Monday, March 2, 1931, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

869. A letter from the Secretary of War, transmitting a copy of a resolution adopted by the provincial board of the provincial government of Capiz, P. I., on December 20, 1930, protesting against alleged injustices committed against Filipinos in the United States; to the Committee on Rules.

870. A letter from the treasurer of the Washington Rapid Transit Co., transmitting copy of the annual report of the Washington Rapid Transit Co. to the Public Utilities Commission of the District of Columbia for the year ending December 31, 1930; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Accounts. H. Res. 372. A resolution to pay Mattie Long, sister of Samuel J. Long, six months' compensation, and an additional amount, not exceeding $250, to defray funeral expenses of the said Samuel J. Long (Rept. No. 2910). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 381. A resolution to pay Grafton E. Jackson, son of Lloyd Jackson, late an employee of the House, a sum equal to six months' salary and an additional sum of $250 for funeral expenses (Rept. No. 2911). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 382. A resolution to pay out of the contingent fund a sum not exceeding $200 for additional clerical services in the enrolling room; (Rept. No. 2912). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 347. A resolution to pay James W. Boyer, jr., for extra and expert services as expert legal examiner to the Committee on World War Veterans' Legislation; (Rept. No. 2913). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive papers. A report on the disposition of useless papers in the Department of Labor; (Rept. No. 2919). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive papers. A report on the disposition of useless papers in the Navy Department; (Rept. No. 2920). Ordered to be printed.

Mr. SCHNEIDER: Committee on Immigration and Naturalization. S. 202. An act to provide for the deportation of certain alien seamen, and for other purposes; with amendment (Rept. No. 2922). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SINCLAIR: Committee on War Claims. H. R. 11304. A bill for the relief of Stanton & Jones; with amendment (Rept. No. 2914). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 4260. An act for the relief of the American-La France & Foamite Corporation of New York; without amendment (Rept. No. 2915). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 5192. An act for the relief of Donald K. Warner; without amendment (Rept. No. 2916). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 5408. An act for the relief of Kate M. Hays, Nancy H. Rouse, Clara H. Simmons, W. H. Hays, Hallie H. Hamilton, and Bradford P. Hays; with amendment (Rept. No. 2917). Referred to the Committee of the Whole House.

Mr. KOPP: Committee on Pensions. S. 6225. An act granting an increase of pension to Jessie R. Greene; without amendment (Rept. No. 2918). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. J. Res. 112. A joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.; without amendment (Rept. No. 2921). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RAMSPECK: A bill (H. R. 17324) to amend section 7 of the Federal reserve act, as amended; to the Committee on Banking and Currency.

By Mr. JAMES of Michigan: A bill (H. R. 17325) to protect the water supply of the town of Highlands, Orange County, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. GAVAGAN: A bill (H. R. 17326) relative to the transportation of merchandise or property by common carrier for hire between ports of the United States by way of the Panama Canal; to the Committee on the Merchant Marine and Fisheries.

By Mr. CHINDBLOM: A bill (H. R. 17327) appropriating $500,000 for Federal participation in a century of progress, Chicago, Ill., in 1933; to the Committee on Appropriations.

By Mr. ALLGOOD: Resolution (H. Res. 385) to investigate the American Red Cross, its works, activities, and services in the drought areas of the United States; to the Committee on Rules.

By Mr. GARBER of Oklahoma: Resolution (H. Res. 386) directing the Tariff Commission to investigate the difference in cost of production of crude petroleum, gasoline, fuel oil, and lubricants; to the Committee on Ways and Means.

By Mr. COLLINS: Joint resolution (H. J. Res. 522) creating a joint committee to investigate and report upon matters respecting private claims; to the Committee on Rules.

By Mr. CROWTHER: Joint resolution (H. J. Res. 523) providing for an investigation into economic and labor conditions in Soviet Russia; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Minnesota, memorializing Congress of the United States to provide for the establishment of a fur-breeding experiment station in said State as soon as possible; to the Committee on Agriculture.

By Mr. KVALE: Memorial of Minnesota State Legislature, submitted by the secretary of state, Hon. Mike Holm, urging adoption of Senate bill 5109 at the earliest possible date; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HOGG of Indiana: A bill (H. R. 17328) granting an increase of pension to Susan L. C. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17329) granting an increase of pension to Ellener Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17330) granting an increase of pension to Mary M. Welder; to the Committee on Invalid Pensions.

By Mr. LUDLOW: A bill (H. R. 17331) granting a pension to Margaret Patten; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 17332) granting a pension to Edward H. Latterell; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 17333) granting an increase of pension to Caroline Rahn; to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Pennsylvania: A bill (H. R. 17334) for the relief of Alfred J. Buka; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 17335) granting an increase of pension to Commodore P. Fuller; to the Committee on Pensions.

Also, a bill (H. R. 17336) granting an increase of pension to Naomi B. Reed; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10278. By Mr. BACON: Petition of sundry residents of Long Island, N. Y., favoring passage of House bill 7884, to exempt dogs from vivisection; to the Committee on the District of Columbia.

10279. By Mr. BROWNE: Resolution of Wausau Central Labor Union, Wausau, Wis., and its affiliated unions, resolving that it is the duty of the congressional Representatives elected by the people of the several States to convene on March 4, 1931, in a special session of Congress and continue until all needed legislation is disposed of; to the Committee on Labor.

10280. By Mr. COCHRAN of Pennsylvania: Petition of members of Coolspring Woman's Christian Temperance Union, Missionary Society, and Sabbath School, submitted by Lillian Kemm, president Coolspring Woman's Christian Temperance Union, Mercer, Pa., rural free delivery, urging the passage of the Sparks-Capper resolution proposing to amend the United States Constitution so as to exclude unnaturalized persons in each State from the count to determine the number of persons in each State for apportionment of Representatives in Congress; to the Committee on the Judiciary.

10281. By Mr. COOPER of Wisconsin: Petition of certain residents of Walworth County, Wis., urging passage of so-called Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10282. By Mr. CULLEN: Petition of the Medical Society of the county of Kings, N. Y., resenting the characterization of Senate bill 4582 as "the doctors' bill" as misleading and untrue, disapproves of the provisions of the bill, and opposes its enactment; to the Committee on the Judiciary.

10283. By Mr. HALE: Petition of Roger E. Thompson and 24 additional voting citizens of East Rochester, N. H., urging passage of House Joint Resolution No. 356, the proposed Sparks-Capper stop-alien representation amendment to the Constitution; to the Committee on the Judiciary.

10284. Also, petition of Sarah M. Lane, of Hampton, N. H., and 16 additional citizens of Hampton, supporting House Joint Resolution No. 356, the proposed Sparks-Capper stop-

alien representation amendment; to the Committee on the Judiciary.

10285. By Mr. HOPE: Petition of J. W. Berger and 43 others of Ransom, Kans., urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10286. Also, petition of Mary Whitmer and 20 others of the seventh district of Kansas, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10287. By Mr. MAAS: Resolution by the City Council St. Paul, Minn., disapproving passage by Congress of the Knutson bill, providing for certain minimum levels for the upper Mississippi reservoir lakes and for limiting the regulatory power of the War Department as to discharges from the said reservoirs; to the Committee on Rivers and Harbors.

10288. By Mr. MAGRADY: Petition of numerous citizens of Berwick, Pa., and vicinity, urging support of the proposed Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10289. Also, petition of numerous citizens of Berwick, Pa., and vicinity, urging support of the proposed Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10290. Also, petition of numerous citizens of Montandon, Pa., urging support of the proposed Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10291. By Mr. ROBINSON: Resolution from the Clayton County (Iowa) Guernsey Breeders' Association, which met on February 20, 1931, at Garnavillo, Iowa, and which is signed by the president of the association, W. L. Schulte, urging the passage of the Brigham oleomargarine bill; to the Committee on Agriculture.

10292. Also, petition of Emily A. Reeve, Hampton, Iowa, and 12 other citizens of Hampton, Iowa, urging the passage of the Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10293. By Mr. SHOTT of West Virginia: Petition of the Woman's Christian Temperance Union, of Williamson, W. Va., signed by Mrs. L. D. Whitmore, president, and Mrs. P. B. Maynard, treasurer, urging that Congress take action to provide legislation providing for the supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

10294. By Mr. SPARKS: Petition of Reorganized Church of Jesus Christ, of Osborne, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10295. Also, petition of Young Women's Christian Association, of Downs, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10296. Also, petition of Women's Relief Corps, No. 119, of Lincoln, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10297. By Mr. STRONG of Pennsylvania: Petition of citizens of McGees Mills, Pa., and vicinity, in favor of amending the Federal Constitution to exclude unnaturalized aliens from the count of population for congressional apportionment; to the Committee on the Judiciary.

10298. By Mr. SWANSON: Petition of Rev. Francis E. Cooper and others, of Council Bluffs, Iowa, favoring a constitutional amendment for the exclusion of aliens in congressional apportionment; to the Committee on the Judiciary.

10299. By Mr. SWING: Petition of Sarah Peters and 240 citizens of San Diego Calif., urging the passage of House Joint Resolution No. 356, Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10300. By Mr. TEMPLE: Petition of the Ever Faithful Woman's Bible Class, of Waynesburg, Pa., in support of the Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10301. By Mr. WYANT: Petition of members of Methodist Episcopal Church of Trafford, Westmoreland County, Pa., urging support of Sparks-Capper amendment to eliminate unnaturalized aliens from count in proposed congressional reapportionment; to the Committee on the Judiciary.

10302. By Mr. YATES: Petition of H. C. Neale, president National Association of Postal Supervisors, Chicago, Ill., requesting the consideration of House bill 14908 and Senate bill 5243 relative to salaries of station supervisors; to the Committee on the Post Office and Post Roads.

10303. Also, petition of Mrs. A. Kingsley, president of the Up-to-Date Club, of North Maywood, Ill., urging Congress to pass the Sparks-Capper amendment to the Constitution; to the Committee on the Judiciary.

10304. Also, petition of the Thomas Cloudeo Post, No. 70, West Oak Street, Chicago, Ill., urging the passage of House bills 15621, 14059, and Senate bills 5073, 5074; to the Committee on World War Veterans' Legislation.

10305. Also, petition of Clifford V. Gregory, editor Prairie Farmer, Chicago, Ill., urging the passage of the Brigham-Townsend bill, as in his opinion if this bill is not passed the dairy industry of Illinois will suffer; to the Committee on Agriculture.

SENATE

MONDAY, MARCH 2, 1931

(Legislative day of Tuesday, February 17, 1931

The Senate met at 11 o'clock a. m., on the expiration of the recess.

DEATH OF REPRESENTATIVE HENRY ALLEN COOPER

Mr. LA FOLLETTE. Mr. President, it becomes my sad duty to announce the death of Representative HENRY ALLEN COOPER, of Wisconsin.

Mr. COOPER was the dean of the House of Representatives, having been elected to the Fifty-third and each succeeding Congress, with the exception of the Sixty-sixth. A distinguished statesman, scholar, and a noble gentleman, his death is a great loss to the Nation and to the State of Wisconsin.

Mr. President, I offer the following resolutions and ask unanimous consent for their immediate consideration.

The resolutions (S. Res. 487) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY ALLEN COOPER, late a Representative from the State of Wisconsin.

Resolved, That a committee of 15 Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolution the Vice President appointed as the committee on the part of the Senate the senior Senator from Wisconsin [Mr. LA FOLLETTE], the junior Senator from Wisconsin [Mr. BLAINE], the senior Senator from Indiana [Mr. WATSON], the senior Senator from Arkansas [Mr. ROBINSON], the senior Senator from Idaho [Mr. BORAH], the senior Senator from Nebraska [Mr. NORRIS], the junior Senator from Utah [Mr. KING], the senior Senator from Tennessee [Mr. MCKELLAR], the senior Senator from North Dakota [Mr. FRAZIER], the junior Senator from Nebraska [Mr. HOWELL], the senior Senator from Minnesota [Mr. SHIPSTEAD], the senior Senator from New Mexico [Mr. BRATTON], the senior Senator from Kentucky [Mr. BARKLEY], the junior Senator from Oklahoma [Mr. THOMAS], and the junior Senator from Texas [Mr. CONNALLY].

Mr. LA FOLLETTE. Mr. President, I offer the following resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 12 o'clock m. to-day.

The resolution was unanimously agreed to; and the Senate (at 11 o'clock and 2 minutes a. m.) took a recess until 12 o'clock meridian to-day.

AFTER THE RECESS

The Senate reassembled after the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, transmitted the resolutions of the House on the death of Hon. HENRY ALLEN COOPER, late a Representative from the State of Wisconsin.

The message also announced that the House had passed without amendment the bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

THE JOURNAL

Mr. FESS. Mr. President, I ask unanimous consent for the approval of the Journal, beginning February 21, to February 28, inclusive.

Mr. LA FOLLETTE. I object, Mr. President.

The VICE PRESIDENT. The Senator from Wisconsin objects.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The VICE PRESIDENT. In accordance with the provisions of an act approved June 6, 1924, as amended April 30, 1926, the Chair appoints the Senator from Kansas [Mr. CAPPER] as a member of the National Capital Park and Planning Commission, to serve until the chairman of the Committee on the District of Columbia of the Senate is chosen in the succeeding Congress.

REPORT OF THE NEAR EAST RELIEF

The VICE PRESIDENT laid before the Senate a communication from Barclay Acheson, executive secretary of the Near East Relief, transmitting, pursuant to law, the report of that organization for the year ended December 31, 1930, which, with the accompanying papers, was referred to the Committee on Printing.

REPORT OF THE BOY SCOUTS OF AMERICA

The VICE PRESIDENT laid before the Senate a communication from James E. West, chief scout executive of the Boy Scouts of America, transmitting, pursuant to law, the Twenty-first Annual Report of the Boy Scouts of America, which, with the accompanying papers, was referred to the Committee on Education and Labor.

REPORT OF WASHINGTON RAPID TRANSIT CO.

The VICE PRESIDENT laid before the Senate a communication from the treasurer of the Washington Rapid Transit Co., transmitting the annual report of that company to the Public Utilities Commission of the District of Columbia for the year ended December 31, 1930, which, with the accompanying report, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a concurrent resolution of the Legislature of the State of Minnesota, memorializing Congress to establish a fur-breeding experiment station in the State of Minnesota, which was referred to the Committee on Agriculture and Forestry. (See resolution printed in full when presented by Mr. SHIPSTEAD, February 28, 1931, page 6408 of the CONGRESSIONAL RECORD.)

He also laid before the Senate a petition from the Americanism Commission of the American Legion, Department of Illinois, praying for the passage of the so-called Oddie bill, being the bill (S. 4848) to prohibit the importation of any article or merchandise from the Union of Soviet Socialist Republics, which was referred to the Committee on Finance.

He also laid before the Senate petitions of sundry citizens of Wichita, Kans., and New Castle, Pa., praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Finance:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Fred E. Lukens, secretary of state of the State of Idaho and legal custodian of the original enrolled copies of all acts passed at the various sessions of the Legislature of the State of Idaho, do hereby certify that the annexed constitutes a full, true, and complete transcript of the original enrolled copy of Senate Joint Memorial No. 11, enacted by the twenty-first session of the Legislature of the State of Idaho, and filed in this office the 28th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital of Idaho, this 28th day of February, A. D. 1931.

[SEAL.]

FRED E. LUKENS,
Secretary of State.

LEGISLATURE OF THE STATE OF IDAHO,
TWENTY-FIRST SESSION,
In the Senate.

Senate Joint Memorial 11. (By agricultural committee)

To the honorable Senators and Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas by reason of the enormous increase in the production of sugar throughout the world the price of domestic beet sugar has been forced down to an unreasonable low basis, and to a point where the farmers' interests in the industry are in serious jeopardy; and

Whereas a further decrease in the price of beet sugar is threatened because of the uncertainty in the interpretation of the present United States tariff act relating to liquid sugar; and

Whereas the growing of sugar beets is one of the most valuable assets the farmers of Idaho have had, not only in a financial sense but as a factor in keeping up the fertility of the soil by crop rotation; and

Whereas the by-product of the sugar beet enters very largely into the farm economy of all our best growing districts as a material aid to the dairy and livestock business; and

Whereas the loss of these various beneficial results would be exceedingly harmful to every phase of the agricultural life of Idaho; and

Whereas the general business interests of the State are greatly benefited by the annual proceeds from the sugar-beet crop, and any detriment to the industry will be felt by every business interest of the State of Idaho; and

Whereas a large amount of sugar is coming into this country from the Philippines, Hawaii, Porto Rico, and Cuba, where the cost of living is very much lower than in the United States; and

Whereas the sugar from the Philippines, Hawaii, and Porto Rico comes into the United States duty free and that from Cuba under the present tariff act is subject to a duty of $2 per 100 pounds of sugar; and

Whereas in order to avoid this tariff of $2 per 100 pounds of sugar the sugar producers in Cuba are seeking by the addition of water to pure sugar to ship into the United States sugar in liquid form, and avail themselves of a rate of 4 cents per 100 pounds of sugar provided for in paragraph 502 of schedule 5 of said tariff act of 1930, instead of $2 per 100 pounds intended by said act for such sugar; and

Whereas the question as to whether such sugar should take the rate of $2 per 100 pounds of sugar or the rate of approximately 4 cents per 100 pounds of sugar is now pending before the United States Court of Customs Appeals; and

Whereas the uncertainty as to the rulings of said court or other court on appeal is creating a demoralizing effect upon the beet-sugar industry, which uncertainty should be eliminated in order to permit sugar-beet manufacturing companies and the farmers to contract on some stable basis for the growing of sugar beets for the year 1931: Now therefore be it

Resolved by the Senate of the State of Idaho (the House of Representatives concurring), That we most respectfully urge upon the Congress of the United States of America to immediately create an amendment to the existing tariff law that will enable sugar in liquid form to be subject to the same tariff as other sugars, thereby enabling beet sugar to compete with foreign-grown cane sugars; and be it further

Resolved, That the secretary of state of the State of Idaho be authorized, and he is hereby directed, to forward certified copies of this memorial to the Senate and the House of Representatives of the United States of America and to the Senators and Representatives in Congress from this State.

This senate joint memorial passed the senate on the 28th day of February, 1931.

G. P. MIX,
President of the Senate.

This senate joint memorial passed the house of representatives on the 28th day of February, 1931.

C. A. BOTTOLFSEN,
Speaker of the House of Representatives.

I hereby certify that the within Senate Joint Memorial No. 11 originated in the senate during the twenty-first session of the Legislature of the State of Idaho.

CARL C. KITCHEN,
Secretary of the Senate.

Mr. TYDINGS presented a communication from the executive board of the Allegany Trades Council, of Cumberland, Md., transmitting copies of letters relative to a protest on the appointment of George G. Young as postmaster at Cumberland, Md., which, with the accompanying letters, was referred to the Committee on Post Offices and Post Roads.

Mr. GOLDSBOROUGH presented a memorial of the Allegany Trades Council, of Cumberland, Md., remonstrating against the appointment of George G. Young as postmaster at Cumberland, Md., which was referred to the Committee on Post Offices and Post Roads.

He also presented a telegram in the nature of a memorial from Waldo Newcomer, of a committee of the American Bankers' Association, Baltimore, Md., remonstrating against the passage of the bill (S. 1550) to amend section 5219 of the Revised Statutes, as amended, which was ordered to lie on the table.

He also presented petitions numerously signed by sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. PARTRIDGE presented petitions of sundry citizens of the State of Vermont, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. COPELAND presented a resolution adopted by Schenectady Lodge, No. 251, Loyal Order of Moose, of Schenectady, N. Y., favoring immediate action to relieve suffering and distress caused by the present unemployment situation in the country, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of the State of New York, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted by the Chamber of Commerce of Stockton, Kans., praying for the passage of the so-called Capper-Garber bill, to place a limited embargo on the importations of crude petroleum, or the passage of legislation imposing a tariff on crude petroleum, which was ordered to lie on the table.

Mr. SHEPPARD presented petitions of Mrs. Jess Todd and other citizens of Canadian; of Hon. J. M. Sanders and other citizens of Center; of Mrs. A. T. Bryan and other citizens of Timpson; of Rev. and Mrs. E. F. Lyon and other citizens of Vernon; of Mrs. Jack Bailey and other citizens of McLean and Shamrock; of Rev. and Mrs. H. E. Draper and other citizens of Corpus Christi; and of Mrs. E. H. Sellards and other citizens of Austin, all in the State of Texas, praying for the ratification of the World Court protocols this winter or spring, which were referred to the Committee on Foreign Relations.

Mr. NORBECK presented petitions of A. A. Traux and 50 other citizens of Mitchell; of Mrs. John F. Robertson and 151 other citizens of Sioux Falls; of Gabriel Lundy and 108 other citizens of Brookings; of O. R. Haug and 12 other citizens of Huron; of 29 students of Huron College, of Huron; of Mrs. R. S. Griswold and 62 other citizens of Vermillion, all in the State of South Dakota, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. WALCOTT presented petitions of sundry citizens of Milford, Darien, and Bridgeport, all in the State of Connecticut, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Danielson, Goodyear, Brooklyn, Killingly, and Putnam, all in the State of Connecticut, praying for the passage of House Joint Resolution 473, providing for an amendment to the Constitution excluding aliens from the count for apportionment of congressional districts among the States which were referred to the Committee on Commerce.

He also presented petitions of the College Club of New Britain and of sundry citizens of New Haven, Oakville, Middletown, Norwich, Hartford, New Canaan, East Norwalk, West Hartford, Wilton, Cannondale, Hamden, West Haven, East Haven, Milford, and Seymour, all in the State of Connecticut, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. BRATTON presented the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Irrigation and Reclamation:

TENTH LEGISLATURE,
STATE OF NEW MEXICO.

House Joint Memorial 5, memorializing the Congress of the United States to include in the plan for an adequate flood-control program of the Mississippi River area the construction of a flood-control reservoir on the Canadian River within the State of New Mexico. (Introduced by J. D. Lamb)

Whereas the Congress of the United States, on May 15, 1928, passed a flood control act for the purpose of controlling the devastating floods in the lower Mississippi River; and

Whereas we believe that stream control, not only in the lower Mississippi Valley but throughout the entire watershed of the Mississippi River, is necessarily a part of any adequate plan for the solution of the problem; and

Whereas the control by reservoirs of tributary streams for the purpose of not only holding back flood and waste waters for the prevention of floods but for other beneficial purposes, including that of irrigation, is a necessary and proper part of any adequate plan for the control of the lower Mississippi River; and

Whereas the Canadian River, having its rise in the State of New Mexico, is a tributary of the Mississippi River which periodically contracts a great volume of water to the lower Mississippi River under flood conditions:

Now, therefore, the Tenth Legislature of the State of New Mexico does hereby request the Congress of the United States and the bureaus and departments of the Federal Government intrusted with the working of the plans for the control of flood conditions in the lower Mississippi to include in the plans for such control the construction of a flood-control reservoir on the Canadian River within the State of New Mexico as an integral part of such flood-control plan; and be it further

Resolved, That a copy of this joint memorial be forwarded to the Hon. SAM BRATTON and the Hon. BRONSON M. CUTTING, Senators of New Mexico, and the Hon. ALBERT G. SIMMS, Representative in Congress from the State of New Mexico.

ALVAN N. WHITE,
Speaker of the House of Representatives.

Attest:

GEO. W. ARMIJO,
Chief Clerk of the House of Representatives.

A. W. HOCKENHULL,
President of the Senate.

Attest:

R. H. POOLER,
Chief Clerk of the Senate.

Approved by me this 20th day of February, A. D. 1931.

ARTHUR SELIGMAN,
Governor of New Mexico.

Filed in office of secretary of state of New Mexico February 20, 1931.

Mrs. M. P. BACA, *Secretary.*

BIRTH CONTROL

Mr. WALSH of Massachusetts. Mr. President, I have here a statement by Mrs. Lewis C. Lucas on behalf of the board of directors of the Woman Patriot Publishing Co., of Washington, D. C., in opposition to Senate bill 4582, which I ask unanimous consent may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

The following statement in opposition to Senate bill 4582 on behalf of the board of directors of the Woman Patriot Publishing Co. (consisting of Mrs. Randolph Frothingham, Brookline, Mass.; Mrs. Rufus M. Gibbs, Baltimore, Md.; Mrs. James Cunningham Gray, Boston; Miss Mary G. Kilbreth, Southampton, N. Y.; Mrs. Paul Kilham, Cambridge, Mass.; Mrs. Lewis C. Lucas, Washington, D. C.; Mrs. B. L. Robinson, Cambridge, Mass.; and Mrs. Francis E. Slattery, Brighton, Mass.) is respectfully submitted.

PAULA E. LUCAS,
(Mrs. Lewis C. Lucas)
Secretary Woman Patriot Publishing Co.

1. We oppose S. 4582 because it would break down four Federal laws directly, and laws of all States indirectly, in order to legalize and license a particularly vicious and dangerous form of admitted "bootlegging" that has always been connected, both in law and in fact, with the promotion of obscenity and unchastity.

On this point we rest our proof entirely upon the statement and publications of advocates themselves of the proposed amendment and upon the well-known present provisions of our Federal and State laws.

2. We oppose S. 4582 because it would license every quack in the world associated with any "governmental agency, medical society, medical school, or medical journal" to use the United States mails and our interstate commerce to advertise for, advise, and prescribe for "patients" in the United States—without holding a medical license in any State of our Union—to experiment, for gain, upon all American residents who can be misled to believe by propaganda that free love can be made safe by the "information" and devices this bill would legalize for sale.

3. We oppose S. 4582 because immediately after any quack on earth connected with any "governmental agency, medical society, medical school, or medical journal" at Moscow, Madagascar, or any other place "within or without the United States" shall publish "information"—any information—"relating to the prevention of conception" it may be "reprinted, after such publication, by any person or organization whatever," for any reason whatever, from the profitable promotion of trade in pornographic literature to the design to corrupt and revolutionize our American system of family life to further the cause of communism.

These objections summarize our opposition. The second and third are inherent and self-evident results of the text of S. 4582 if enacted into law.

Only the first objection requires any evidence outside the text of S. 4582 and its necessary implications. Therefore we submit the following proof:

(a) Statement by the Postmaster General showing the present conditions as to the circulation of pornographic literature and devices, and the fraudulent practices already resorted to by some so-called "medical" profiteers in human misery.

(b) Statement of the Birth Control League showing how the "information" is now being "bootlegged."

(c) Statement of the Voluntary Parenthood League showing that the "information" is now being "bootlegged."

(d) Proof out of their own mouths that some of the ringleading advocates of this measure have been engaged in a campaign against chastity verging upon if not quite identified in fact with "obscene, lewd, lascivious, and filthy" suggestions and propaganda with which the Federal laws and those of almost every State now include prohibition of the things the present Senate bill would legalize. This association in fact justifies enforcement of the connection at law.

(a) Statement of the Postmaster General

[From the annual report to the President, November 1, 1930]

(Page 68)

OBSCENE AND SCURRILOUS MATTER

"The traffic in pornographic matter took a new lease of life during the year. This is particularly true of dealers in pornographic nudes and obscene cartoons, and the volume of indecent pamphlets and books other than those dealing in a technical manner with the subject of sex education was somewhat increased. As a consequence many rulings adverse to would-be mailers of such pictures and books were made and a great deal of obscene matter was excluded from the mails. In several cases criminal proceedings were instituted against violators of Eighteenth United States Code, 334, and the obscene matter found in the mails was disposed of as unmailable under the law.

"Rigid enforcement of State laws forbidding the sale and display of indecent publications and pictures would do much to help clear the field of such objectionable matter.

"The activity of certain foreign dealers has increased to a remarkable extent, and certain individuals and concerns which change their names frequently have undertaken to flood the country with circulars of an exceedingly obscene nature.

"Strenuous efforts have been made to discourage this practice and to prevent the advertisers responsible therefor from receiving any orders or remittances from persons residing in the United States."

(Pages 66–67)

FRAUDULENT ENTERPRISES

"Proceedings instituted during the past year under 39 United States Code, 259 and 732, resulted in closing the mails to a large number of persons and concerns *for obtaining money or property through the mails by means of false and fraudulent pretenses*, representations, and promises.

"*The principal offenders* were those operating *medical*, oil-stock selling, and so-called work-at-home schemes by mail. • • •

"*The pernicious trade in nostrums and worthless alleged curative devices* continues, and during the past year a considerable number of promoters and concerns operating such schemes were denied the use of the mails.

"Many people who suffer from incurable ailments or from diseases which require surgical treatment, as well as chronic invalids and the aged, are induced to part with considerable sums of money *by the alluring and highly colored promises of purveyors of more or less worthless preparations and of devices supposed to possess curative properties.* Aside from the fact that the sick are led to waste their money on these preparations and devices, *they frequently suffer material injury to their health* as a result of placing undue reliance thereon." (Italics ours.)

The Postmaster General's report clearly shows that "rigid enforcement"—rather than repeal or nullification—of the present Federal and State laws is needed. Also that first among the "principal offenders" to-day are unscrupulous "medical" quacks operating mail-order schemes to sell "more or less worthless preparations and devices supposed to possess curative properties." Thus the present bill, S. 4582, in giving a national license to any "governmental agency, medical society, medical school, or medical journal" to publish, advertise, and sell anything whatever "relating to the prevention of conception" would not only open the United States to all the filth in the world that may be and often is "relating to the prevention of conception" but also S. 4582 would legalize at once "purveyors of more or less worthless preparations and devices" that are "supposed to possess" power to prevent conception. The Postmaster General is not an obstetrician or gynecologist, in any case—and if he were, the present bill would give him no power whatever to distinguish between the various kinds of "information" and "devices" that, true or false, good or bad, harmless or injurious, could all be legally advertised and sold in the United States under the sweeping license of the Gillett bill to any "medical" journal or institution anywhere, to put out anything "relating to the prevention of conception."

(b) "Bootlegging" of the "information" at present

The Birth Control Review, official organ of the American Birth Control League, for May, 1922, at page 88, declares:

"Despite stringent laws upon the subject, anyone may enter practically any drug store in New York City and select a contraceptive device from a large and widely varied stock. Among individuals information upon contraceptive methods and as to where various devices may be bought is as common and is as freely interchanged as is information about home brews and bootleggers—probably the interchange of information is even more free. • • •

"The present condition has, of course, other sinister and dangerous aspects. Much of the information upon which contraceptive methods are based is unscientific and misleading; many of these methods are untrustworthy or injurious to health. That does not and never will prevent them from being used; the only way in which they can be abolished is by making available correct information as to safe and dependable methods."

Here is an official admission that this "information" is being "bootlegged" at present and that many of the methods are "untrustworthy or injurious to health."

The Birth Control Review declares that "safe and dependable methods" might be legalized and the "unscientific and misleading" and "untrustworthy or injurious to health" methods "abolished." But that is precisely what the Gillett bill makes no pretense of doing; it would legalize any information "relating to the prevention of conception" that anybody connected with "any governmental agency, medical society," etc., anywhere on this planet, for any motive, might wish to publish, advertise, and sell in the United States.

Consider a somewhat parallel case—as to national prohibition. We do not pretend to have discovered any universally satisfactory solution of that great problem, yet prohibition is fixed in our Constitution so firmly that all citizens, "wet" or "dry," are more or less interested in its enforcement, modification, or repeal. Hundreds, if not thousands, of "methods" have been suggested by "wets," "drys," and others to secure better enforcement, modification, or repeal of our prohibition laws. But never has anybody, "wet" or "dry," proposed as a solution of our present deplorable "bootlegging" in the sale of intoxicating beverages to license "any governmental agency, medical society, medical journal, or medical school" anywhere in the world to go into the wholesale liquor business by mail order throughout the United States or "any person or organization whatever" to go into the retail liquor business thereafter. No "wet" in the United States has yet been wild enough to propose that every "governmental agency" or "medical" institution on earth and afterwards "any person or organization whatever" should be given a license by Congress to advertise, manufacture, sell, and promote anything whatever "relating" to intoxicating beverages.

Yet the Gillett bill, as to anything "relating to the prevention of conception" is precisely as "wide open" an alleged legislative remedy for the present "bootlegging" of contraceptive information and devices as such an unthinkable parallel proposition for the solution of the prohibition issue would be. The most ardent "wets" among our vast population—and there are probably a score of "wets" to every "birth-control" advocate among our people—have never proposed that Congress adopt as loose and "wide open" a law to permit almost anybody on earth to engage in the liquor business through the United States mails, regardless of State prohibition and without any State license, as these little groups of "birth-control" advocates demand "relating to the prevention of conception" and will secure if the Gillett bill be enacted.

(c) How Voluntary Parenthood League promotes "bootlegging"

An official publication of the Voluntary Parenthood League, Mrs. Mary Ware Dennett, director, entitled "For Instance," prints upon page 11 part of an alleged application for contraceptive information from a woman who was induced to apply for same by an article previously published. The woman was undoubtedly led to believe by the article published that the Voluntary Parenthood League would give her the information requested. The Voluntary Parenthood League pamphlet declares:

"It may be of interest to know how the Voluntary Parenthood League answers letters of this sort, so here is the reply to Mrs. E.:

"'As an official of this organization, I can not do what I would like to do and send you the information by return mail. You ought to have it and I ought to be able to send it or tell you how to get it. But when you read the inclosed law (with its penalty of five years' imprisonment and fine of $5,000) I am sure you will realize why we can not do it in response to the many requests we get. We are bound to assume that we are more useful outside of jail than in it, and we are working just as hard as we possibly can to get the wretched laws changed, so that you and all the other young parents can have the best information there is. *However, this does not mean that you can not get the information. There is a great deal of it in circulation and it is not very difficult to get. Most of the pamphlets and leaflets* are not as good as they ought to be, *but they are better than nothing.* The fact that you let your need be known will probably mean that *somehow, somewhere, you will get the information you want.* I am sending you some of the publications of our league, and should be very glad if we could count upon you to let some of the other people in * * * know what we are doing. We need the support of all the young people like you * * *'" (pp. 12–13, For Instance, issued by Voluntary Parenthood League.) (Italics ours.)

The Birth Control League, as previously shown, admits in its official organ that many of the "methods" are "untrustworthy or injurious to health." The Voluntary Parenthood League admits that "most" of the pamphlets are "not as good as they ought to be," but says they are "better than nothing," and tells the applicant that "somehow, somewhere" she will probably get the information since she let her need "be known"—to the Voluntary Parenthood League!

Thus any method, although "untrustworthy or injurious to health," is indirectly recommended by the Voluntary Parenthood League as "better than nothing," and the applicant is encouraged to hope that the information will be "bootlegged" to her "somehow"—if she will support the agitation of the Voluntary Parenthood League and promote it among her friends!

A parallel case would be for a "wet" organization to encourage persons to believe, by propaganda, that intoxicating beverages could be obtained directly from it and then reply to applicants that "somehow, somewhere" the beverages might be obtained from bootleggers, providing the applicant supported and promoted the "wet" organization!

Thus it is clearly demonstrated, on the official admissions of the Birth Control League and the Voluntary Parenthood League, that "untrustworthy or injurious to health" contraceptive information and devices are being "bootlegged."

And all the Gillett bill proposes to do about it is to legalize, without any discrimination whatever, any "information relating to the prevention of conception," however fraudulent in fact or vile in language that "any governmental agency" or "medical" institution on earth, and after them, "any person or organization whatever" cares to sell through the mails in the United States.

(d) *Proof of the campaign against chastity*

The first provision of the Gillett bill is framed to fit the case of Mrs. Mary Ware Dennett, director of the Voluntary Parenthood League. She has already done, in part, what the Gillett bill would hereafter authorize "any person or organization whatever" to do: that is, she secured the publication, in a "medical journal" of an article on sex—which incidentally includes an indirect and obscured, but none the less positive paragraph indicating how conception may be prevented—and the article was thereafter reprinted as An Explanation for Young People.

In this pamphlet Mrs. Dennett, in her introduction, writes: "* * * These points are not frankly or clearly explained in most sex literature. They are avoided, partly from embarrassment, but more, apparently, because those who have undertaken to instruct the children are not really clear in their own minds as to the proper status of the sex relation. * * * From the moral point of view it was handled least satisfactorily of all, the child being given a jumble of conflicting ideas, with no means of correlating them—fear of venereal disease, one's duty to suppress 'animal passion,' the sacredness of marriage, etc." (p. 4).

In short, the "moral" approach to this subject by others was entirely unsatisfactory to Mrs. Dennett. She resented the conventional "moral" warnings, and as she continues:

"On the moral side I have tried to avoid confusion and dogmatism in the following ways: * * * by barring out all mention of 'brute' or 'animal' passion, *terms frequently used in pleas for chastity and self-control*, as such talk is an aspersion on the brutes and has done children much harm * * *; by inviting the inference that marriage is 'sacred' by virtue of its being a reflection of human ideality rather than because it is a legalized institution." (Ibid., p. 5.) (Italics ours.)

The "terms frequently used in pleas for chastity and self-control" were thus deliberately "barred out" of Mrs. Dennett's pamphlet; but, as hitherto stated, a paragraph "relating to the prevention of conception" and indicating a method was included along with detailed diagrams and a description of both natural and unnatural acts. The latter, under certain conditions, were held harmless.

For publication of this pamphlet Mrs. Dennett was indicted by a grand jury and convicted by a jury in the Federal District Court at New York. These juries held the pamphlet "obscene." But the Federal court of appeals reversed the decision of the juries, and the case has not been appealed to the United States Supreme Court.

Whether that particular pamphlet—reprinted from a "medical journal"—is "obscene" as held by the juries as a matter of fact, or "not obscene" as held by the Federal Court of Appeals at New York, as a matter of law, it is self-evident that Mrs. Dennett prepared it in part because she believed the "moral" approach by others and "terms frequently used in pleas for chastity and self-control" unsatisfactory from her point of view. Moreover, where "feeling is overwhelming," as she stated in her pamphlet, Mrs. Dennett by no means suggested chastity and self-control, but "autoerotism" in her "explanation for young people" (p. 16).

Again, although the provisions of the Gillett bill itself would certainly legalize such pamphlets as hers, when reprinted from any "medical journal," Mrs. Dennett, it seems, regards even the Gillett bill as "unsatisfactory."

Thus the Washington Daily News, February 13, 1931, reports:

"Another distinguished advocate of birth control, Mrs. Mary Ware Dennett, was not present, but spoke through open letters sent to each Member of Congress in the last few days. Mrs. Dennett advocates repeal of all the 'obscenity laws' instead of their modification."

It may be freely admitted that advocates of this legislation do not use coarse, vulgar, or vile language. Of course not.

"Vice is a monster of so frightful mien
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace."

Dr. William J. Robinson, a member of the national council of Mrs. Dennett's Voluntary Parenthood League and also a contributor to Mrs. Sanger's Birth Control Review, may be regarded as an eminently fair example of the "medical" men who, as the heads of "medical" societies, schools, or journals, would receive under the Gillett bill a license to send out whatever they pleased "relating to prevention of conception." Doctor Robinson in his essay on Sexology *vs.* Obscenity, declares:

"In 20 years of writing I have not been guilty of one smutty or obscene expression."

Nevertheless, "actions speak louder than words," and a list of the titles of his books alone, not to quote some of their contents, would show them as nothing less than a deliberate campaign against chastity. In one of his books (the name of which is here sufficiently indicated by the initials, S. T.) Doctor Robinson is advertised as—

"an absolutely unique personality in the field of American letters and journalism"; "the acknowledged pioneer of the modern birth control movement in this country"; and "among the pioneers in this country to preach and demand sexual enlightenment for the masses."

Doctor Robinson boasts of being a "sexologist" no less than "the acknowledged" birth-control "pioneer," and his book condones prostitution, advises "free love," temporary unions, and pictures the most unlimited forms of vice as harmless, and their evils as "nil or very trifling" while chastity, and what is called the "stupidity and audacity of the virtuous," is attacked with bitter, extreme, and exaggerated condemnation, in the name of "sexology." (Robinson's book, "S. T.," pp. 267, 370, 388, 391, etc.)

Why should these "sexologists," already deluging the mails with lurid circulars to sell such books (at two or three times the price of first-class novels of similar size) devoted to the condemnation of chastity and "self-control," be given any further special authority by Congress to go into the wholesale mail-order business of supplying "birth-control information" and devices, medical advice, and "treatment" to "patients" throughout the country?

Can the circulation of such books as they are now publishing—which are presumably mailable—have any other effect than to promote indirectly the vices that the statutes against obscenity were intended to safeguard the public, and particularly our innocent youth, against? Is not general public seduction even worse than private vice?

Instead of further opening of the floodgates to foreign and domestic filth, under cover of legalizing information and devices "relating to the prevention of conception," it would appear, as the Postmaster General himself suggests, that we need more "rigid enforcement" of all the Federal and State laws against obscenity.

Present laws on obscenity and contraception

The Voluntary Parenthood League (of which Mrs. Dennett is director and Dr. William J. Robinson a member of its national council) in its pamphlet, For Instance, declares:

THE LAW'S DEMAND

"The Federal law expressly prohibits the transportation or any information as to 'preventing conception.' The penalty is five years in prison and a fine of $5,000. Moreover, this information is classed with abortion and things 'obscene, lewd, lascivious, filthy, indecent, and immoral.'

"The laws of 18 States go still farther and forbid the giving of information by any means whatever—verbally or even indirectly. In all other States but four the laws are modeled directly on the Federal 'obscenity' statute, though they do not specifically mention the prevention of conception; thus, by inference, if not concretely, the laws of this whole country deem contraceptive knowledge obscene and penalize it accordingly."

Thus, if 18 States go further than the Federal laws, and the laws of all other States but four outlaw by implication the exchange of contraceptive information, it would seem that the people and the legislatures of no less than 44 States desire to protect themselves from the "contraceptive" information that they declare "obscene."

Nevertheless in the States where it is permitted no less than 58 "birth-control" centers are in operation now. The Birth Control Review for January, 1931, page 4, declares:

"That the Federal law does not interfere with practical and constructive work is evidenced by the successful functioning of the 58 birth control clinical centers in the United States, including the Birth Control Clinical Research Bureau of New York."

Why then, with 58 "birth control" centers already in operation in the States where they are permitted, presumably under supervision and regulation of State health authorities and medical practice acts, should Congress, as proposed in the Gillett bill, open up the entire country, at one stroke, to mail-order solicitation of "patients" in all the States by foreign or domestic "governmental" or "medical" agencies, and to the subsequent subversive propaganda of "any person or organization whatever" in and against the moral and legal codes of the 44 States that outlaw such "information"?

"Any governmental agency"

The Gillett bill provides that the prohibitions of the tariff act and of sections 211, 245, and 312 of the Criminal Code against "obscene" and contraceptive matter "shall not apply (1) to information relating to the prevention of conception if published either within or without the United States by any governmental agency * * * or if reprinted, after such publication, by any person or organization whatever."

That would license "any governmental agency," of course, but in particular, it would give the soviet "section on motherhood and infancy" at Moscow the right to import its "information relating to the prevention of conception" to the United States, and "any person or organization whatever" to reprint and circulate it in the United States, including the Communist Party of America, for the purpose of corrupting the morals of American youth! Furthermore, it would give our own Federal Children's Bureau a permit to use all of its political machinery to promote the "birth control" movement here, almost exactly as it is now being promoted by the Soviet Section on Motherhood and Infancy at Moscow.

Dr. Anna Louise Strong, one of the chief propagandists for the establishment of our Federal Children's Bureau in 1912—and who was employed as "exhibit expert" of the United States Children's Bureau until 1916—is now in Moscow, as head of the John Reed Children's Colony (a "governmental agency" under sovietism) and also as editor of the Moscow News, the only Moscow communist organ published in English.

Miss Anna Louise Strong has been the chief American press agent for the Moscow communists since 1921, spending most of her time at Moscow, but making frequent trips to the United States for lecture tours. During these trips she makes her headquarters at Hull House, Chicago—the settlement house from which both the former Chief of the Federal Children's Bureau (Miss Julia C. Lathrop) and the present chief (Miss Grace Abbott) graduated in "social welfare" work.

Miss Strong, in the Haldeman-Julius Monthly, December, 1926, in an article entitled "Getting Born in the Soviet Union," wrote:

"Not morals nor tradition but the health of women and the proper care of future babies. That is the only aspect of motherhood and infancy with which the (soviet) state feels competent to wrestle. Abortions, illegitimacy, casual sex relations are all considered to-day in the Soviet Union not as coming under the field of criminal law but the field of health and child protection" (p. 53).

"No doubt the most startling innovation in all the Soviet Union's health program for women is that factory women who have abortions performed 'on permit' not only receive no obloquy or prosecution but actually get a free operation and sick leave on pay from the social insurance. This is a complete overturning of all precedent. Even the discussion of five years of 'legalized abortion' as carried on in the motherhood congress would probably be unprintable in most lands. * * * The state itself, through its department of health, actually disseminating information on birth control, and making investigations into the best methods." (Ibid. p. 57.)

Apparently even the "best methods" of contraception are far from effective in the Soviet Union, and "legalized abortion" is the last resort.

"In Russia a woman who does not want to bear the baby already conceived * * * goes, if she is a factory worker, to the * * * committee * * * in her factory. * * * The committee * * * gives her a note to the motherhood and infancy section of the local health department. * * * Here, also, a social worker * * * will give her a slip to the hospital, where she gets her operation and sick leave on pay." (Ibid. p. 57.)

"All children must be brought once each week to the consultation for examination; and once each week also the doctor or nurse inspects the home. A significant note adds that 'delegatkas also inspect occasionally.' These delegatkas are women delegates from trade unions who make it their business to perform the function of good prying citizens generally." (Ibid. p. 61.)

Such is "birth control" and "legalized abortion" and "child protection" under the soviets. V. F. Calverton, a communist who defends "Russia's revolutionary morals" in a symposium published in Current History, November, 1927, after admitting that the Soviet Government issues birth-control information "in a manner that would at once astonish and terrify a modern American," proceeds to describe the Soviet Government mandate that permits abortion "without charge," and declares:

"As a result of this privilege, during the period of 1922–1924, more than 55,000 legal abortions were performed in Russian district hospitals."

Thus, even in the Soviet Union wholesale "information relating to the prevention of conception" does not prevent but has resulted in legalizing abortions.

In the United States the Federal Children's Bureau, in its "study of maternal mortality" (Annual Report, 1929, pp. 9–10) declared that among 2,650 maternal deaths in 12 States in 1927 studied by the bureau:

"Twelve per cent of all the maternal deaths followed abortions that had been induced."

Also:

"Of the 1,076 deaths in the 12 States found on investigation to be due to puerperal septicemia, 46 per cent followed abortions and 27 per cent followed abortions that were induced intentionally. Abortions, therefore, were largely contributory to the high rate of mortality from sepsis." (Ibid.)

Certainly, then, "information relating to the prevention of conception" as furnished in the Soviet Union, with the "best methods" does not prevent—but tends to legalize—abortions. In America, also, it is altogether probable that the abortions that account for so high a percentage of the maternal deaths are brought about in many cases, as Doctor Clendening suggests, because certain women who "put too much faith in birth control" information and devices finally resorted to surgery. Consequently, as a matter of scientific fact, if Congress shall legalize throughout the United States not only the "best methods" but any methods, including the admittedly "untrustworthy and injurious" information and devices that any quack on earth may prescribe for American women if the Gillett bill is adopted, Congress will undoubtedly encourage so many Americans to "put too much faith in birth control" and thereby promote not only "free love," but its natural consequences to such an extent that here, as well as in the Soviet Union, "legalized abortion" on a national scale will be the next step.

Therefore if Congress is asked to authorize any quack "medical" or "governmental" agency, foreign or domestic, to flood the United States with alleged "information" making believe that free love can be made safe by mail-order advice and correspondence courses in contraceptive methods, Congress is asked to face the logical results now, rather than eventually—namely, that "legalized abortion" will be the next demand.

Meanwhile the Gillett bill would at once legalize the importation of all the birth-control information published by the "governmental agency" of the Soviet Union "in a manner that would at once astonish and terrify a modern America" as even the communist, V. F. Calverton, admits.

And our own Federal Children's Bureau "above all" could become the national headquarters for the dissemination of birth-control information and devices.

The Children's Bureau and birth control

The Voluntary Parenthood League's literature bristles with references to the Federal Children's Bureau. The "infant mortality" studies of the Children's Bureau (made at the suggestion of the Communist Mrs. Florence Kelley as shown in the CONGRESSIONAL RECORD, December 9, 1930) have served almost as a "gospel" to the birth-control organizations, because they were "planned to show" that infant mortality varies with income, and also pretended to show that infant mortality increased according to the number of children borne. Thus Dr. S. Adolphus Knopp, in his pamphlet on Birth Control, relies upon the isolated "infant mortality" studies of the Children's Bureau in one city, and the similar studies of one settlement house—Hull House, Chicago—for his theory that "morbidity and mortality * * * is greatest when the children are most numerous in one family" (p. 11).

The Voluntary Parenthood League's pamphlet, For Instance, says:

"Look at the chart on page 18. See what the Children's Bureau gives as the two chief causes of baby deaths." * * *

The Voluntary Parenthood League's pamphlet, Yes But, in answer to the question, "And won't all manner of quacks and commercial interests take advantage of people's needs?" (if the laws are repealed) declares:

"There is just one way to put the quacks and commercial interests out of business, and that is to make the best information available through all public-welfare channels, such as hospitals, clinics, dispensaries, charity organizations, boards of health, and, above all, at the Federal Children's Bureau—and to do it quickly."

Moreover, the Sheppard-Towner "Emergency Committee" of 1920–21 that lobbied for the act under the general direction of Mrs. Florence Kelley and Miss Jeannette Rankin contained no less than eight members of the "national council" of the Voluntary Parenthood League and several members of the Birth Control League in a committee of 21. Miss Rankin herself—who introduced the original Federal maternity bill when a Member of Congress, July 1, 1918—is a member of the national council of the Voluntary Parenthood League.

The communistic propaganda of the Federal Children's Bureau in other respects has been demonstrated in the Senate by former Senators Reed, of Missouri, and Bayard, of Delaware, and by Senators Bingham, of Connecticut, and King, of Utah, so completely, without any refutation whatever, that it needs no repetition here.

It is not charged that the Children's Bureau has directly violated the present laws prohibiting "birth-control" information. But it

is a significant fact that this provision for wholesale national and international birth control in the United States, through any "governmental agency" or "medical" institution, under the Gillett bill, is brought up in the Senate coincident with the "drive" in the other House to revive the Federal maternity act. It is also significant that the last year of Sheppard-Townerism, 1929, according to the Census Bureau, showed the lowest birth rate we have ever had in the United States.

Congress, in considering this entire question, will certainly wish to consider public safety and morals and human liberty—rather than the so-called "health" and "welfare" theories that certain groups desire to put into practice though the heavens fall.

That too much reliance can not be placed upon even some of the most eminent medical authorities in questions of government and public policy outside of their clinical experience is demonstrated by the case of Dr. J. Whitridge Williams.

Doctor Williams is a very distinguished obstetrician who appeared in behalf of this Gillett bill, complaining that, although he can give contraceptive information in his own State, that the Federal laws prevent him from sending mail-order advice to patients in other States. Why should a doctor, any more than a lawyer, have any general national license?

But at the Children's Bureau's great conference on "Standards of Child Welfare," in 1919, Dr. J. Whitridge Williams, who set forth the first "standard requirements for obstetrical care" presented, declared:

"I take it that the first step in such a campaign on education for the improvement of obstetrical conditions must consist in the compulsory registration of pregnancy through the local health officer. In this event, it will be possible for every pregnant woman throughout the entire country to be supplied gratis with certain of the publications of the Children's Bureau, and thereby, if able to read, to be convinced of the importance of insisting upon adequate care." (Standards of Child Welfare, Children's Bureau Publication No. 60, pp. 146–147.)

Here is an eminent obstetrician, whose ability in his own field is universally acknowledged, who advocated "the compulsory registration of pregnancy" throughout the land, merely in order to get certain information from the Children's Bureau to prospective mothers. That was one of the greatest blows at human liberty and family privacy ever advocated in America—yet it was done by an eminent and respectable medical authority. To-day Dr. Whitridge Williams is similarly appearing on behalf of the Gillett bill, asking Congress to open the floodgates to dangerous propaganda, foreign and domestic, merely because his own clinical experience has led him to join the hue and cry for standardization on a universal scale, throughout the United States, of authorization to practice birth control.

Population and birth control by international treaty

The Birth Control League itself is on record for a Government-controlled birth rate and Mrs. Sanger herself has explained that the real meaning of birth control is what it says—and not the mere individual prevention of conception. That explains why there are two cults, the birth-control movement for a rigid controlled birth rate by force, sterilization, international treaties, etc., and the so-called voluntary parenthood movement. Very few persons outside of these cults themselves realize exactly what birth control means, and often confuse it with the "voluntary parenthood" movement for individual contraceptive practices. The present bill, of course, is limited to "voluntary" methods.

This hearing, however, has been monopolized by Mrs. Sanger and her birth-control group. Mrs. Mary Ware Dennett and her voluntary parenthood group did not officially appear. And this committee was repeatedly told that birth control would prevent war, etc.

Therefore let us discuss this proposition as it is—an opening wedge for the birth-control movement.

The First American Conference on Birth Control was held in New York at the time of the Washington Conference on Limitation of Armaments. In her opening announcement, October 12, 1921, Mrs. Sanger declared:

"The parley (Limitation of Armaments Conference) will be asked to include limitation of birth rate by the leading nations of the world. A pledge from each nation to restrict its birth rate, as a necessary step to avoid future wars, will be urged by world-famous men and women who meet here November 11 in the first American Conference on Birth Control ever held."

When the first American Birth Control Conference met it at once telegraphed the Washington Arms Conference that "limitation of the world's population is the only permanent solution of world peace" (New York World, November 12, 1921), and Mrs. Sanger herself declared, "to put the principles of birth control into practice is the only way to secure world peace" (New York Times, November 12, 1921).

Doctor Knopf, another eminent medical "advocate of birth control," in his pamphlet on Birth Control, likewise writes:

"With the League of Nations (whose special function it would be to safeguard the nations with small population) it is time to reconsider our attitude. International competition in birth rates is to be avoided, just as was competition in armaments" (p. 5).

The League of Nations has regular conferences on population, too, at every one of which the birth control advocates attempt to have the governments agree to limit maternity and infancy by the strong arm of the law on the same terms as cruisers, battleships, and other arms are limited.

Prof. Julian Huxley, another eminent birth-control advocate, is quoted in the current issue of Liberty (February 28, 1931) as saying in relation to the coming League of Nations population conference:

"In the long run we will have the number of children in each family regulated by some central control board."

That is what birth control means—that the strong arm of the national government shall reach into every home and sterilize or separate parents who will not or do not comply with the rules and regulations of some central control board to carry out some international agreement.

Does this seem an extreme probability only? On the contrary, deliberate attempts have been made to carry out such birth-control standards here in the United States even without any international agreement.

Within a week after the adoption of the Sheppard-Towner Maternity Act by Congress, in 1921, Mrs. Clyde Cassidente, of Denver, Colo., was ordered to be sterilized by the juvenile court formerly presided over by Judge Ben Lindsey (another notorious advocate of birth control, the Children's Bureau, the maternity act, companionate marriage, etc.), and this order was made in Lindsey's court because a medical student (not even a doctor) and several professional "social workers" advised it. Nothing but the prompt public protests of practically all the good citizens of Denver saved this mother from being sterilized at the behest of "social workers," on orders of Ben Lindsey's court. It is true that Lindsey himself did not sit in that case. Judge Royal R. Graham was sitting in his stead on that day. But it is significant that it was in Lindsey's court that such an outrageous order was asked—less than a week after Congress had passed the Sheppard-Towner Act of November 23, 1921. (See Denver Post, November 26, 27, 1921.)

The attempted sterilization of Mrs. Cassidente having been prevented by Denver public opinion, the next notorious attempt by "social workers" to put "birth control" into practice by separation of parents, was made within a week after the Cassidente case.

That was the case of the Albert C. Sundsmo family, at Nampa, Idaho. Early in December, 1921, the wife and children of Sundsmo were separated from the husband and father, and committed to a State institution on orders of E. B. Henderson, probate judge of Boundary County, Idaho, who, it is reported (Denver Post, January 17, 1922, p. 12) "said that Mr. and Mrs. Sundsmo had children too fast for the good of society, consequently he thought it his duty to separate husband and wife."

The Senator from Idaho was appealed to in that case, and is presumably familiar with it. Whether the parents were permanently separated or not, we do not know, as, after the nation-wide publicity following the Cassidente case and the Sundsmo case, the advocates of "birth control" by sterilization or separation of parents who have "children too fast for the good of society," according to "birth control" opinion, seem to have confined themselves more to propaganda for international or national "birth control" legislation than to attempts to practice it by court orders as in the Cassidente and Sundsmo cases.

Yet this is what "birth control" really means. Parents, unless they agree to use the "information" and devices sold and prescribed by the "birth control clinic" and the "sexologists," are to be sterilized or separated by law and court order.

There is also to be, if the "birth control" advocates can get Congress to break down the present laws, a union of "birth control clinics" with "maternity and child welfare centers." Thus the Birth Control Review for August, 1921, page 5, declares:

"It is not intended to make it purely a birth control clinic; but to work it in on the lines of the already existing maternity and child welfare centers."

In the current Birth Control Review, Dr. Rachelle S. Yarros of the Chicago birth control clinics, declares that "the same methods are used" by the Chicago clinics as in Soviet Russia, and that "during a recent trip to Russia" she found "that 15 per cent of failure resulted in the Russian clinics." (Birth Control Review, January, 1931, p. 16.)

Thus, what Dr. Anna Louise Strong, former exhibit expert of the Federal Children's Bureau and now editor of Moscow News, describes as the "best methods" in use in the Soviet Union are "the same methods" used by Doctor Yarros at Chicago; and, although a 15 per cent failure is admitted in the Soviet Union itself, Congress is asked in the present bill to authorize not only the Soviet methods, issued, as the communist Calverton says, "in a manner that would at once astonish and terrify a modern American" (Current History, November, 1927), but any methods "relating to the prevention of conception," including those which the Birth Control League itself admits "unscientific and misleading," and that "many of these methods are untrustworthy or injurious to health." (Birth Control Review, May, 1922, p. 88.)

Thus, the bill itself would open up the United States at once to the Soviet "governmental agency" and "medical" propaganda and place the admitted efforts of Doctor Yarros and other birth-control advocates to use the same methods here upon a national legal basis.

Moreover, the birth-control movement is exceedingly internationalistic, and Mrs. Sanger, herself, its leader, was listed among a group of anarchists and communists, including Emma Goldman and Alexander Berkman, themselves notorious birth-control advocates, who organized the League for Amnesty for Political Prisoners, in 1917, by the revolutionary radicalism report of the New York Legislature in 1919 (see vol. 1, pp. 844–845).

Again, the recent investigations of communist propaganda by the Fish committee show the Birth Control League listed many times as receiving $10,000, $5,000, and other sums from the so-called Garland Fund, which supports many communistic propaganda agencies in this country, and was founded by an advocate of free love (see Pt. I, vol. 4, pp. 224, 230, 239, 268–269).

In conclusion, as stated by Representative JAMES M. BECK in his minority report on S. 255, for the revival of a Federal maternity act, now pending in the House of Representatives:

"If the birth of children is the concern of the Federal Government and not of the States, then it is possible that such a bureau will soon have subordinate bureaus in respect to eugenics and birth control, and later it will include the education of children • • •. If this seems an unreasonable supposition, let it be remembered that 15 years ago the Sheppard-Towner Act would not have been regarded as a possibility." (House Rept. 2485, pt. 2, p. 6.)

Also, 15 years ago "it would not have been regarded as a possibility" that any such bill as S. 4582 would command any respectable support in Congress.

DOMESTIC SUGAR

Mr. VANDENBERG. Mr. President, I want the RECORD to carry a picture of beet sugar's demise in Michigan, Ohio, and Indiana. It is serious business. When I was pleading for adequate tariff protection upon sugar one year ago, it was said by gentlemen upon the other side that even the modest tariff increase which we procured would put a tremendous burden upon the sugar consumer and fatten the sugar baron. It has done neither. Sugar is cheaper than ever before in history, and the sugar baron is on his way to insolvency. Unfortunately, he is taking thousands of sugar-beet farmers with him. It is nothing short of an economic calamity. The calamity will be complete if sugar importers succeed in their latest ruse to run liquid sugar into the United States and thus escape even the modest sugar tariff now existing. This ruse cheats the intent of Congress, the manifest purpose of the law, the domestic producer, and the Treasury of the United States. It must stop, or the American sugar beet will become an antique. There must be higher tariffs on sugar or the complete cessation of domestic production will leave the American family sugar bowl at the permanent mercy of just such alien sugar exploitation as we suffered a decade ago, when retail prices went out of sight. Even now it may be too late. Let Congress and the country face the facts.

I ask unanimous consent to print in the RECORD a letter from the secretary of the Michigan Sugar Co.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

SAGINAW, MICH., *February 25, 1931.*

HON. A. H. VANDENBERG,
United States Senate, Washington, D. C.

DEAR MR. VANDENBERG: In the Southern Peninsula of Michigan and the northern section of Ohio and northern Indiana there are located 21 beet-sugar mills with a daily slicing capacity of 21,700 tons, which means that in a season's run these plants can slice and convert into sugar each year 2,170,000 tons of beets or at the average price paid to the farmer for the last crop, delivered during the last quarter of 1930, a total beet pay roll of $20,642,100, including the feeding values of the sugar-beet tops. These mills represent a dollar investment of $27,500,000, and have for the last 30 years served this section of the country with home-produced sugar, thus permitting the farmer in the immediate vicinity of these mills to grow a guaranteed price cash crop for which there was a ready market at a profit to the farmer, thereby decreasing the acreage which would have otherwise been devoted to the production of grains and other crops of which there is a national surplus and which is now, and has been, selling at a loss to the farmer who grows the crops. These mills employ approximately 5,000 factory workers, to say nothing about the 40,000 to 45,000 agricultural workers, given employment in the cultivation and harvesting of the beet crop.

The economic life blood of these 21 sugar mills is so interwoven into the fabric of transportation, agriculture, and manufacturing operations wherein the sugar is consumed as one of the ingredients entering into the fabricated product, and the social and economic status of the employees in field, factories, and distribution, that closing of the mills becomes a happening of most far-reaching influence.

Cuba, all through the year 1930, even before and subsequent to the passing of the last tariff bill, has continued to dump sugars into the United States far below the cost of their and our production, brought about through the payment of a price for sugar beets to the American farmer in keeping with American standards of living. The Cuban sugars which have been and which are now being dumped into the American market far below the cost of production of sugar, not only in the United States, but in the island of Cuba, together with the free importation of sugars produced in the Philippines, has brought about an economic situation which now makes it necessary for 17 of the 21 mills above mentioned to close. Three of the four mills remaining in operation are owned by three individual companies having a small slicing capacity and have not been forced to carry the institutional burdens which the larger companies always have to carry in times of distress and their small operations are much more easily financed than in the case of a company owning several plants.

I am to-day informed that the Columbia Sugar Co., owning three mills; the Continental Sugar Co., owning three mills; the Holland-St. Louis Sugar Co., owning three mills are now forced to close these mills and to cease writing sugar-beet acreage. The Michigan Sugar Co., owning nine mills, is now forced to close all of them except one, and it is not definitely certain that this one mill will be able to operate. In my appearance before the Ways and Means Committee and the subcommittee of the Senate Finance Committee, I pointed out to those present the seriousness of the situation and plead for a higher protection against the importation of sugars into this country. With an increase of 24 cents per hundred pounds in the tariff against Cuba, the price of sugar declined from $5 per hundred pounds in March, 1930, to $4.35 per hundred pounds in October, 1930, thus making it absolutely impossible for domestic producers to pay a high price for sugar beets to the American farmer and compete with a price on raw sugars imported from Cuba at a price which means ruin to the beet-sugar industry.

As these beet-sugar mills, stretched across the northern section of the United States and running from Lake Erie to San Francisco, pull the fires from their boilers and fold up their transmission belts, thus taking out of the United States market the 1,000,000 tons of beet sugar which acts as a price stabilizer to the sugar sold to the American people, it remains to be seen how far-reaching the economic consequences will be. It is one thing for this country to have, in its own warehouses and subject to call, one-fifth of the sugar we consume; and it is another thing for us to be dependent upon the attitude and desire of a foreign country to tell us what we must pay for all of the sugar we consume, and to ship that sugar to us at such prices, terms, and conditions as their economic situation may cause them to dictate to us.

Yours very truly,

MICHIGAN SUGAR CO.,
By F. L. CRAWFORD,
Secretary and Director of Sales.

COAL MINING IN CARBON COUNTY, MONT.

Mr. WHEELER presented letters relative to the coal-mining situation in Carbon County, Mont., which were referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

BEARCREEK, *February 26, 1931.*

DEAR SENATOR WHEELER: Inclosed you will find our opinion as to the ills of the coal miners of Carbon County and, I might say, the United States of America. Will you do what you can to get this made a part of the CONGRESSIONAL RECORD, and I hope that you will be in a position to do what you can to have the six hours a Federal law some time in the near future.

Wishing you every success, I am, yours truly,

JOHN BONZ, *Secretary of Committee.*

[Inclosure]

BEARCREEK, MONT., *February 26, 1931.*

To the United States Senators and Congressmen of Montana:

GENTLEMEN: The United Mine Workers of America of Carbon County, Mont., wish to present facts regarding the coal-mining situation in this county and to suggest a remedy for unemployment.

These facts are presented to you gentlemen as a memorandum, so that in the future when further consideration is given the unemployment situation you will be in a position to know the views of the miners in Carbon County. And we suggest further that this is the sentiment of the coal miners of the State of Montana.

What has been done by the Government, the public, and the captains of industry to relieve the unemployment situation?

The United Mine Workers of America through their representatives have for years vainly tried to impress upon the American public that cutting wages, introducing labor-saving devices, and keeping the same hours of labor would not benefit the public in general. We have pointed out time and again that every time a wage reduction takes place, whether it be in the coal mines or other industries, it reduces the purchasing power of the workers, with the inevitable result that misery and starvation face the workers affected by the wage cut and the public generally suffers by it.

The installation of labor-saving devices in the last decade came so fast that the governmental representatives of the captains of industry, and in many instances the labor representatives, did not keep pace with the advances made by the machines.

Basing our argument on the introduction of labor-saving machines in the coal mines of Montana and in all other coal-mining States in America, we find that more than 50 per cent of the men where thrown out of employment without any adjustment made to safeguard the future of those men, leading to a disastrous situation which we see coming to the fore and which is side-stepped by almost every influential person or corporation in our country.

As the real issue of unemployment is being ignored, we are left to discuss the matter ourselves and have decided that the only way

is quoted in the current issue of Liberty (February 28, 1931) as | called Garland Fund, which supports many communistic propa-

open for us is to try to get those who represent the people at large to give us a helping hand, in order to eradicate the germ that is penetrating the sick fellow—the American worker.

We believe that the only hope for the American people to emerge from this malady of unemployment is shorter hours for the worker in every important industry in the Nation. Much has been said about appropriating money for the relief of those that are thrown out of employment, but we feel that the appropriation of money, no matter how much, will never definitely solve the unemployment question. Therefore we feel now, as we did in the past, that the only solution is shorter working hours for every worker in the United States.

As we started out to state the ills of the coal-mining industry, we will try to follow our argument for shorter hours in connection with the mining industry, and will try to prove that the labor-saving machines have not brought the millenium in mining coal that some thought they would a few years ago.

The modern labor-saving machines in coal mines have, as stated before, thrown out of employment more than 60 per cent of its laborers. The speed-up system took place and the output of coal increased. The buyer of coal did not gain anything because the price of it remained practically the same. Wages went down, and the machines did not bring what the coal operators said they would—more work and better wages.

Who profited by the introduction of machines? The miners did not; the public did not; and the consumer of coal did not. The only ones who profited by the introduction of these labor-saving devices was the coal company and the maker of these devices.

We feel, therefore, that the only thing left for the coal miners of the United States is the shorter workday to solve the question of unemployment in the coal mines. There should not be any opposition to that proposal from the standpoint of lack of production because the overproduction is so great that that is no argument for anyone to defend. There should not be any opposition from the owner to the effect that it would cost too much to produce the coal in a shorter workday than under the present system, for, according to the statement of the operators, the public is paying anyhow. There should not be any opposition from the representatives of the State or Federal Governments as they are all in favor of solving the unemployment problem and should favor the shorter workdays. Therefore, it seems to us that this proposal should meet with the approval of all of the Government agencies without any disastrous effect to the stability of our Government.

We believe that instead of getting aid from either charitable or Government institutions specially created, the logical solution for the unemployment situation is shorter hours for labor, as suggested above.

We therefore urge upon you to take the matter up and endeavor to enact legislation for shorter workdays as the only solution to this great unemployment problem.

Sincerely yours,

WASHOE LOCAL UNION 2659,
ALEX HEATHERALL.
JOE SANDERSON.
BEARCREEK LOCAL UNION 1729,
ED BARKER.
WM. DEMPSTER.
RED LODGE LOCAL UNION 1771,
GEORGE DORAN.
GEORGE MCDONALD.
BEARCREEK LOCAL UNION 858,
JOE BOSONE, *Chairman.*
ROY WADWORTH.
JOHN BONE, *Secretary.*
BEARCREEK LOCAL UNION 4457,
WILLIS WADSWORTH.
FRANK JOHNSTONE.
ADAM WAKENSHAW.

REPORTS OF COMMITTEES

Mr. ASHURST, from the Committee on the Judiciary, to which was referred the bill (S. 5080) for the relief of the State of California, reported it without amendment and submitted a report (No. 1834) thereon.

Mr. SWANSON, from the Committee on Foreign Relations, to which was referred the bill (S. 6255) to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States, reported it without amendment and submitted a report (No. 1837) thereon.

Mr. STEPHENS, from the Committee on Commerce, to which was referred the bill (H. R. 16115) granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River, reported it without amendment and submitted a report (No. 1839) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4078. An act for the relief of the heirs of C. K. Bowen, deceased (Rept. No. 1840);

S. 6124. An act for the relief of S. F. Stacher (Rept. No. 1841);

H. R. 918. An act for the relief of Regine Porges Zimmerman (Rept. No. 1842);

H. R. 2589. An act for the relief of Josiah J. Hostetler (Rept. No. 1843);

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin (Rept. No. 1844);

H. R. 5063. An act for the relief of A. S. Phipps (Rept. No. 1845);

H. R. 6288. An act for the relief of Frank Rizzuto (Rept. No. 1846);

H. R. 9660. An act for the relief of the widow of John Curtis Staton (Rept. No. 1847); and

H. R. 11189. An act for the relief of Fritz Zoller (Rept. No. 1848).

Mr. HOWELL also, from the Committee on Claims, to which was referred the bill (S. 4348) for the relief of Charles C. Bennett, reported it with amendments and submitted a report (No. 1849) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 17196) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa., reported it without amendment and submitted a report (No. 1850) thereon.

AMENDMENT OF SECOND LIBERTY BOND ACT

Mr. SMOOT. Mr. President, from the Committee on Finance I report back favorably, with an amendment, the bill (H. R. 16111) to amend sections 1 and 7 of the Second Liberty bond act, as amended, and I submit a report (No. 1836) thereon.

I wish to say that the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Michigan [Mr. COUZENS] objected to the bill on the ground that section 2 of the bill was not in conformity with what they thought it should be. We amend it by striking out section 2 and ask only that section 1 be agreed to, which extends the power of issuing bonds to $28,000,000,000 instead of $20,000,000,000. It is a unanimous report from the Finance Committee, and I ask for its immediate consideration.

The VICE PRESIDENT. Let it be read for the information of the Senate.

The Chief Clerk read the bill as amended by the committee, as follows:

Be it enacted, etc., That section 1 of the Second Liberty bond act, as amended (Public, Nos. 43, 120, and 192, 65th Cong., September 24, 1917, April 4, 1918, and July 9, 1918, respectively), is hereby amended by striking out the figures "$20,000,000,000" and inserting in lieu thereof the figures "$28,000,000,000."

Mr. ROBINSON of Arkansas. Mr. President, the purpose of the bill is to authorize refinancing?

Mr. SMOOT. Yes; and it must be passed before that can be done.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JOHNSON. I object.

Mr. SMOOT. I hope the Senator will not object.

Mr. JOHNSON. I ask the Senator to give me a brief time to ascertain some facts with respect to it.

The VICE PRESIDENT. The Senator from California objects.

Mr. JOHNSON subsequently said: Mr. President, when the Senator from Utah this morning presented a bill from the Finance Committee I objected to its consideration. Since then I have consulted with the Senator from Utah and with various members of the Finance Committee, and I desire to withdraw my objection.

Mr. SMOOT. Mr. President, I ask unanimous consent for the consideration and passage of the bill.

mentioned to close. Three of the four mills remaining in opera- | to discuss the matter ourselves and have decided that the only way

The VICE PRESIDENT. The clerk will again read the bill.

The Chief Clerk read the bill (H. R. 16111) to amend sections 1 and 7 of the second Liberty bond act, as amended, as follows:

Be it enacted, etc., That section 1 of the second Liberty bond act, as amended (Public, Nos. 43, 120, and 192, 65th Cong., September 24, 1917, April 4, 1918, and July 9, 1918, respectively), is hereby amended by striking out the figures "$20,000,000,000" and inserting in lieu thereof the figures "$28,000,000,000."

SEC. 2. That section 7 of the second Liberty bond act, as amended (Public, No. 43, 65th Cong., September 24, 1917), is hereby amended by adding thereto the following sentence: "Bonds authorized by section 1 and certificates authorized by section 6 of this act, as amended, hereafter issued, shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States upon the income or profits of individuals, partnerships, associations, or corporations, if and when the Secretary of the Treasury shall so prescribe in connection with the issue thereof."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. McKELLAR. Mr. President, will the Senator state what the bill is?

Mr. SMOOT. The purpose of the proposed legislation is to make provision for refunding the public debt in connection with early callable or maturing issues of Liberty bonds through an increase of $8,000,000,000 in the authorization for the issuance of bonds provided in the second Liberty loan act as amended. Out of a total of $20,000,000,000 authorized in that act $18,107,942,750 face amount have been issued, leaving an unissued balance of $1,892,057,250 available to meet the needs of other refunding operations.

We shall have to advertise and sell these bonds, and we shall have to sell more than $1,892,000,000 of them. This bill does not increase the obligations of the Government in any way. It merely authorizes the issuing of these bonds up to the amount of $28,000,000,000.

The VICE PRESIDENT. Is there objection to the consideration of the bill? The Chair hears none.

Mr. DILL. Mr. President, what is the bill?

The VICE PRESIDENT. Let the Senate be in order. No business will be transacted until the Senate is in order. The bill has been read three times. Will the Senator from Utah again explain the bill?

Mr. DILL. Is this the $28,000,000,000 bill—the bill that allows the issuance of $8,000,000,000 more securities?

Mr. SMOOT. This is the bill, Mr. President.

Mr. DILL. Has it been agreed to by the Senator from Wisconsin [Mr. LA FOLLETTE]?

Mr. SMOOT. It has.

Mr. LA FOLLETTE. Mr. President——

Mr. DILL. I did not know the Senator from Wisconsin was here.

Mr. LA FOLLETTE. My objection to this bill was based on the provision contained in section 2, which provided that all future bonds issued by the Treasury should be tax-exempt. The Senator from Utah and all other members of the committee have agreed now to eliminate that section of the bill; and, with that understanding, I have withdrawn my objection to it.

Mr. DILL. That is what I wanted to know.

Mr. LA FOLLETTE. I thank the Senator from Washington.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The VICE PRESIDENT. The amendment of the committee will be stated.

The CHIEF CLERK. The committee proposes to strike out all of section 2, beginning with line 9, page 1, and ending with line 9, page 2.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to amend section 1 of the second Liberty bond act, as amended."

UTILIZATION OF THE WATER RESOURCES OF THE SACRAMENTO, SAN JOAQUIN, AND KERN RIVERS, CALIFORNIA

Mr. JOHNSON. From the Committee on Irrigation and Reclamation I report back favorably, with an amendment, Senate resolution 486, authorizing an investigation of the subject of the utilization of the water resources of the Sacramento, San Joaquin, and Kern Rivers in California; and I ask for its immediate consideration. It is a formal resolution and will require no time at all.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, which had been reported from the Committee on Irrigation and Reclamation with an amendment, on page 1, line 10, after the word "session," to insert "and to investigate such other proposed reclamation projects as the committee may decide," so as to make the resolution read:

Resolved, That the Committee on Irrigation and Reclamation, or a duly authorized subcommittee thereof, is authorized and directed to make a complete investigation with respect to proposed legislation providing for the ultimate utilization of the water resources of the Sacramento, San Joaquin, and Kern Rivers, in the State of California, including irrigation and reclamation, improvement of navigation, flood control, and power development, as outlined in House Document No. 791, of the Seventy-first Congress, third session, and to investigate such other proposed reclamation projects as the committee may decide. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places within the United States, and to employ such clerical and stenographic assistance as it deems advisable. The cost of stenographic assistance service to report such hearings shall not be in excess of 25 cents per hundred words. The committee or subcommittee is further authorized to send for persons and papers, to administer oaths, to take testimony, and the expense attendant upon the work of the committee or subcommittee shall be paid from the contingent fund of the Senate, but shall not exceed $20,000. Such committee or subcommittee shall make a report of the results of such investigation with recommendations to the Seventy-second Congress, first session.

The VICE PRESIDENT. Under the law this resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JOHNSON. Yes; I was going to ask its consideration and its passage, and then its reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Is there objection?

Mr. JONES. It has to go to the Committee to Audit and Control the Contingent Expenses of the Senate first before it is passed.

Mr. JOHNSON. Well, if it is desirable. There are two steps in the proceedings. What difference does it make?

Mr. JONES. My understanding is that the law requires that.

Mr. JOHNSON. Undoubtedly, before ultimately it may be effective. I will take the ruling of the Chair.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PRICES OF FOOD PRODUCTS (REPT. NO. 1838)

Mr. CAPPER, from the Committee on Agriculture and Forestry, submitted a report of the subcommittee on prices of food products, in accordance with Senate Resolutions 374, 405, and 407, which was ordered to be printed in the RECORD, as follows:

[Senate Report No. 1838, Seventy-first Congress, third session]

PRICES OF FOOD PRODUCTS

February 17 (calendar day, March 2), 1931

Mr. CAPPER, from the Committee on Agriculture and Forestry, submitted the following report (pursuant to S. Res. 374, 405, and 407):

The subcommittee on prices of food products of the Committee on Agriculture and Forestry, to which were referred Senate Resolutions 374, 405, and 407, submits the following report in accordance with the requirements of said resolutions. The committee has made investigation with relation to all of the subject matters of the resolutions, namely:

1. Whether the price of bread has reflected the decline in the price of wheat and flour.
2. Why whole-wheat flour is higher in price than white flour.
3. Why brown sugar is higher in price than white sugar.

4. Whether the price of milk and other dairy products reflects the decline in prices received by the farmer.

5. Whether the prices paid for meat and meat food products reflect the decline in the price received by the producer and the packer.

6. Whether in any of the above there is a combination in restraint of trade.

To assist in obtaining the information required the committee has employed special investigators, has heard witnesses at hearings extending over seven separate days, and has accumulated a large amount of valuable information including a mass of statistics on prices, costs, and other items.

FINDINGS AND RECOMMENDATIONS

The committee's investigation reveals an alarming tendency toward the monopolistic control of the food of the Nation by a small group of powerful corporations and combinations.

This is particularly true as to bread and milk. The facts as to the influence of the big packers over the meat industry are well known.

Within the past few years the absorption of independent bakers and milk distributors by gigantic, nation-wide corporations, holding companies, mergers, and chain enterprises has been carried forward with amazing rapidity.

The committee recommends the careful scrutiny of this development by the Federal Trade Commission and the Department of Justice. If existing laws are not sufficient to control these mergers and combinations in the public interest, the agencies above named should recommend to the Congress such remedial legislation as they deem necessary.

In addition, the committee presents the following findings and recommendations:

1. The information disclosed in this investigation proves conclusively that the retail price of bread has not declined proportionately with the price of wheat. The committee finds that the responsibility for this condition rests primarily upon the large wholesale bakery companies, which have failed to pass on to the consumer the recent reductions in the costs of their ingredients.

The committee finds that throughout the country, as a whole, there should be an immediate average reduction of at least 1 cent per pound in the wholesale prices charged by the large baking corporations for their standard breads, and that a corresponding or greater reduction should be made in retail prices. The cost of selling and distributing bread is too high and should be reduced.

We recognize that some dealers in most communities have made available breads selling at retail as low as 5 cents a pound. The above recommendation for a further price reduction is not intended to apply to these special low-priced breads.

We also recognize that in a very few communities reasonable decreases in the price of bread have already taken place. On the other hand there are many communities in which bread prices have not declined as much as the average of the country, and there are some in which bread prices have even increased. In such communities a reduction of more than 1 cent a pound in the wholesale and retail price of bread should be made.

The committee calls attention to the fact that the costs of the large bakery companies submitted in justification of their present prices include not only the costs of baking and distributing the standard breads but also include special costs for special breads and rolls. The committee believes that the standard breads, forming as they do a necessary and important item in the diet of the people, should be sold at a price determined only by the costs of their own specific manufacture and distribution.

2. The committee finds some evidence of a combination in restraint of trade endeavoring to fix and maintain the retail price of bread. The sum total, however, of the information in regard to price fixing and restraint of trade that the committee has been able to secure is too small and too inconclusive to warrant a definite finding. In this connection the committee calls attention to the fact that the Attorney General has publicly stated that the Department of Justice is already conducting an inquiry into the bread situation. For this reason the committee offers no recommendation in this report.

3. The committee finds that the wholesale and retail prices of white flour have generally reflected the decline in the price of wheat.

4. The committee finds that whole-wheat flour is lower in price than white flour on the wholesale market. It is, on the contrary, higher in price in the retail market and it is not to be obtained at all of the retail stores, particularly in Washington and cities of the South. The reason for this, the committee finds, lies in the fact that whole-wheat flour is in very small demand, so that its turnover is extremely slow and it does not keep as well as does white flour. The committee does not find that such a condition is the result of a combination in restraint of trade.

5. During the hearings it was shown that the retail price of whole-wheat bread was higher than the retail price of white bread. It was admitted by the representatives of the baking companies that there was no justification for this differential and the representative of one of the largest companies (the Continental Baking Corporation) promised to reduce his prices of whole-wheat bread to conform with those of white bread. This has been done, and the committee is informed that some of the other bakeries have made like reductions. In the opinion of the committee, all standard whole-wheat bread should sell at a price at least as low as white bread.

6. The committee finds that the wholesale price in bulk of brown sugar is lower than the bulk price of fine granulated white sugar and that it is possible to find retail stores where brown is cheaper than white sugar in bulk. When it is put up in 1-pound cartons, however, the cost of handling brown sugar increases, and the resulting differential between white and brown sugar at retail in 1-pound lots does not appear to the committee to be unfair.

7. The committee finds that the lower prices paid to the farmer for milk purchased for fluid purposes have in general been reflected in the retail prices charged to the consumer. What has actually occurred is that in the majority of cases the reduction to the consumer has been taken wholly from the price paid to the farmer without any portion of the reduction being borne by the distributor. The committee finds that the reduction in the price paid to the producer for milk used in the manufacture of dairy products, which is usually purchased at the surplus price, has not in general been reflected in the retail prices paid by the consumer for dairy products. Due to the absence of several material witnesses and the fact that the committee has only in the past few days obtained the information it requested from the distributing companies, the committee is unable at this time to make a full and complete report on milk and dairy products. The committee has obtained sufficient information to justify a further study of the milk situation and recommends that a complete and exhaustive investigation be made of the distribution of milk and dairy products both by the Federal Trade Commission and the Department of Justice.

8. The committee finds that the retail prices of meat have reflected the lower price received by the producer and the packer on a cents per pound basis. However, the percentage of decrease in the retail price is materially less due (1) to the fixed charges of distribution, which have remained practically constant; (2) to the reduction in the per capita consumption of meat; and (3) to the large increase in the number of dealers handling meats. The committee does not find that such a condition is the result of a combination in restraint of trade but rather one of too many dealers competing with one another for the retail meat business.

9. The committee in its investigation has been impressed with the high distribution costs from the time the product leaves the farmer until it reaches the consumer. The retailer of bread charges a gross profit of at least 1 cent per pound loaf. This amount, which the retailer obtains for allowing the bread to be placed in his store and for delivering it to the customer is at present prices equivalent to the total amount the farmer receives for interest on his investment, for preparing the land, planting, tending, harvesting, and delivering to market the wheat contained in a 1-pound loaf of bread. On the average the farmer receives less than half the retail price of the milk sold for fluid purposes, although he has an investment much greater than that of the distributor. There is too great a difference between the gross profit of the retail meat dealer and the amount received by the livestock producer for the equivalent in meat. Similar conditions hold in the marketing of other farm products, and the committee believes that a thorough study of the marketing of farm products is worthy of most careful consideration.

10. The committee is requesting the appropriate departments of the Government to observe price trends and competitive conditions closely during the coming months, in order that information may be available as to whether the suggestions and recommendations of the committee are being fully carried out and whether the price reductions already made are maintained.

WHITE BREAD

Wheat is only one of several bread ingredients. In addition to the cost of ingredients there are many other costs that in the aggregate make up the total price. In other words, it is not reasonable to assume because the farm price of wheat has been cut in half during the past year or so that the retail price of bread should also be cut in half. The Federal Trade Commission found that in 1922–1924 the farm price of the wheat content of a pound loaf of bread was only 1.145 cents, or 13.40 per cent of the total retail price, which then was 8.549 cents per loaf. On this basis, if all other costs remained the same, a reduction of 50 per cent in the farm price of wheat would permit a reduction in the retail price of a little over half a cent a loaf.

Other costs, however, have not remained the same. The wholesale prices of all the ingredients in bread have dropped; the labor cost per loaf has dropped somewhat owing to an increase in production per man per hour, although wage rates and earnings of the bakers have remained constant; improved machinery has lowered costs; and technical research has revealed more economical formulas and processes.

As opposed to the foregoing trends, it is claimed that several of the costs of bakery companies have increased. But all these increases should not be charged against bread. Some of them should properly be charged against other products. Some are properly deductible from profits.

The profits of the more important commercial bakeries have been large. When such profits occur in an industry vitally necessary to the well-being of everyone they must be carefully scrutinized, particularly when all the evidence points to the fact that the profits are made possible by an overcharge in an all-important article of food. This is especially true when there is some indication, as there is in this case, of a concerted action to regulate prices and to interfere with free competition.

Costs: The Federal Trade Commission, in its report on Competition and Profits in Bread and Flour (S. Doc. No. 98, 70th Cong., 1st sess.), gives the average cost of a 1-pound loaf of bread for the period 1922–1924. Three of the largest baking companies have submitted to this committee their costs for 1926 and 1930, and as these costs are very similar to each other and exhibit similar trends we have combined them into a composite figure and present them in the table below, together with the costs reported by the Federal Trade Commission.

Baking costs per pound loaf of bread

	Federal Trade Commission 1922–1924	Three large baking companies			
		1926	1930	Change from 1926 to 1930	
				Increase	Decrease
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
Flour	2.160	2.47	1.92		0.55
Other ingredients	.921	.83	.74		.09
Labor		.57	.55		.02
Other manufacturing and overhead	3.528	1.42	1.65	0.23	
Selling and delivering, including advertising		1.80	2.09	.29	
Profit	.651	.81	.83	.02	
Total	7.270	7.89	7.78		

In addition to the above figures, the following costs have also been submitted:

	Cents
The Home Stores, Chattanooga (exclusive of selling, delivering, and profit)	4.07
Atlantic & Pacific bakeries at New York (exclusive of profit)	4.15
American Stores bakeries:	
At Washington (exclusive of profit)	5.21
At Philadelphia (exclusive of profit)	3.30
Sanitary stores bakeries at Washington (exclusive of profit)	6.00

The three chain stores above, of course, have no wholesale selling expense, with the exception of advertising, which is included in the figure.

A correction should be applied to the costs in the above table for the large baking companies in the year 1930, because the figures shown are averages for the entire year. A large portion of the widening spread between the price of flour and the price of bread occurred during the year, and thus appears in the average figure at only one-half the amount at which it stood at the end of the year. From January to December of 1930 the spread between 62 pounds of bread at retail and the equivalent 60-pound bushel of wheat from which that amount of bread can be made, increased from 421 cents to 450 cents, an increase of 29 cents, amounting to 0.468 cent per pound loaf within the year. Similarly, the spread between 62 pounds of bread at retail and 42.6 pounds of flour at wholesale (the amount of flour to be made from a bushel of wheat) increased from 405 cents in January, 1930, to 421 cents in December, an increase of 16 cents, or 0.258 cents per pound loaf.

The table shows that from the average of 1926 to the average of 1930 there was a decrease of flour costs for the large bakeries of 0.55 cents per pound of bread. To this, then, must be added one-half of the drop from January to December, 1930, in order to obtain the total drop in flour costs per loaf to December, 1930, the total reduction being 0.68 cent.

A press release dated August 13, 1930, put out by General Mills (Inc.), the largest milling combination in the world, contains a compilation of operating costs exclusive of the cost of flour of a series of representative bakeries said to be made by one of the best known authorities in the baking industry. These cost figures are materially lower than the costs reported by the three large baking companies, and contained in the table here presented. The cost of other ingredients is about the same, being 0.74 cent per pound of bread in the table of the baking companies and 0.80 cent in the table of General Mills. Labor, other manufacturing costs, and overhead, however, which amount to 2.20 cents per pound in the cost table of the large bakeries, is only 1.65 cents in the table of General Mills. Selling and delivery expenses are 2.09 cents according to the bakery companies and 1.75 cents according to General Mills.

The total of all manufacturing costs, including selling and delivering but excluding flour and profit, amounts to 5.03 cents in the table of the large bakeries and to 4.20 cents in the table of General Mills.

These figures of General Mills (Inc.) seem to show either that the cost figures of the large bakeries are larger than they should be, or else that they include expenses not properly chargeable to bread, or both. The first may be true, the second undoubtedly is true, as is shown below.

It seems extremely significant that the costs reported by the large baking companies have decreased from 1926 to 1930 in every item over which there can be little if any control, namely, costs of flour, of other ingredients, and of labor. On the other hand the costs of those items more within the control of the companies, namely, overhead, selling, delivering, advertising, and profit, have increased. There is no likelihood of any voluntary decrease taking place in the item of profit, inasmuch as the representatives of the baking companies inform the committee that in their opinion the manufacturing profit should properly be 1 cent per pound loaf.

The explanation offered by the representatives of the large bakeries for the increase in overhead, and for the fact that the labor charge has not decreased more than it has, is that the public has "demanded" and is receiving at present greater service than formerly under the guise of a greater variety in loaves and breads, examples cited being raisin bread, twisted bread, and the like.

In other words, the cost figures of the large bakeries are necessarily composites and include special costs of the fancy breads, rolls, and the like. Thus, an introduction of an improvement in machinery whereby a saving in labor could be expected, is more than balanced by the extra labor rendered necessary by a special bread or form of loaf that is introduced at the same time.

Whether these special breads are the result of a true public "demand," or whether, as seems more likely, they are originally put out by one concern in a legitimate effort to create such a demand or as a form of advertising designed to increase business, and then followed by other companies in order to meet competition, it seems clear that their costs should be met from their own sales or else be a charge upon the profits of the company. It is not proper to increase the costs of the basic bread loaf to make up for extra costs incurred in manufacturing and marketing fancy products that are perhaps sold at less than a fair price. Such a procedure is equivalent to increasing the necessary expenses of the poor in order to carry a part of the unnecessary expenditures of the well to do.

The chain stores are demonstrating their ability to bake and sell at a profit a pound loaf of bread at 5 cents, using the best materials and approved methods, and paying the prevailing scale of wages. Some of these chains have very recently reduced their bread prices. The large bakery companies use a formula more expensive than that used by the chains, but they have not followed the lower prices of their ingredients with a lowering of their own prices for bread, and if they would free their "book" costs from complications caused by the extra costs of special and fancy breads, it appears they could reduce the prices of their standard loaves by at least a cent a pound.

The committee is of the opinion that the large baking companies should immediately reduce the prices on their standard loaves by 1 cent per pound. In some cities an even greater reduction should be made.

Financial operations: The baking industry is dominated by a few extremely large corporations. The profits made by these corporations have been excessive and have been capitalized and recapitalized until, in at least two instances, the result is a grossly inflated volume of securities. Some of this inflation arose through an unsuccessful attempt to combine the leading corporations into a trust. The Department of Justice interfered with the plan and stopped it in time, but some of the inflation that was then created still remains. A large amount of the increase that has taken place in the capital stock has greatly increased earnings behind it.

One instance that may be cited is the common stock of the General Baking Co., which in 1916 amounted to 34,000 shares, for which the bid price was only $2 a share. At this time there was also outstanding 59,250 shares of cumulative preferred stock, on which no dividends were being paid. The arrears of preferred dividends accumulated until in 1919 they amounted to 22½ per cent, and they were finally paid partly in cash but chiefly by a 20 per cent issue of additional preferred stock amounting to 11,328 shares.

In 1922 there was a reorganization and a 200 per cent stock dividend which together had the result of increasing the common stock 12,227 times (from 34,000 shares to 415,734 shares) without any realization on the part of the company of any additional cash or property. In the meantime the earnings of the company had increased to such an extent that dividends on this new common stock were made possible at the rate of $6 a year and in 1925 each share of this new stock was considered to be worth at least $200, which is a total valuation of $2,445 for the stock that some 10 years previously had a bid price of only $2.

The recent earnings per share on the new common stock of this company were $15.98 in 1928, $15.16 in 1929, and $12.02 in 1930. These yearly earnings based upon the old stock of 1916 amount respectively to $195.39 per share in 1928, $185.37 per share in 1929, and $146.97 per share in 1930. This is a remarkable growth since 1916, at which time in the open market there was bid only $2 per share for this stock.

In 1925 a holding corporation was organized to take over the ownership of the common stock of General Baking Co., and a tremendous amount of stock was issued and has been distributed to the public. The present management rightfully feels that this holding company should never have been formed, and a reorganization is at present taking place whereby the holding company will be dissolved. The net effect of its formation and dissolution, however, is the same as though there had been a stock dividend of 221 per cent, and it is thought that the earnings will justify a dividend on this new stock at the rate of $2 per share per year, amounting to a return of $80 per year on the old stock of 1916.

The committee desired to question representatives of the Ward Baking Co. concerning interlocking interests, baking costs, price maintenance, capitalization increase, and probable reasons for the tremendous reductions in the market values of its outstanding securities. Unfortunately a recent reorganization of the management prevented this, inasmuch as the new management claimed that it required time to acquire familiarity with the company's affairs before appearing at the hearing. The new head of the Ward Co. just appointed is G. K. Morrow, chairman of the board

of Gold Dust Corporation, which has extensive holdings in flour mills in the United States and Canada.

Retail prices of bread in various cities: It has been shown that the average retail price of bread in the United States as a whole has declined from 8.9 cents in December, 1929, to 8.5 cents per pound in December, 1930, a reduction of 0.4 cent a pound. In the different cities of the United States during the same period the decline in the retail price of bread has been various. In 2 of the 51 cities from which the United States Bureau of Labor Statistics collects retail prices there was an increase of 0.1 cent. In 3 cities there was no change. In 8 cities the decline was 0.1 cent. In 22 cities the decline was between 0.2 cent and 0.5 cent. In 11 cities it was between 0.6 cent and 1 cent, and in 5 cities it was over 1 cent, the maximum decline being 1.5 cents. This variation in the amount of the decline that has taken place would seem to indicate that local conditions interfered with basic economic laws. In other words, it indicates in some places an absence of real competition.

On no other ground can be found an explanation for some of the apparent inconsistencies that exist. For instance, Springfield, Ill., and Indianapolis are in the same geographical section and within 200 miles of each other. In Springfield the price of bread is high, averaging from 1924 to 1930 between 10 and 10½ cents per pound, and yet the price in December, 1930, was the same as it was during the entire year 1929. In Indianapolis the price is relatively low, averaging during the same period from 7 to 8½ cents, and yet the reduction that has recently taken place amounted to 1.2 cents per pound.

Price fixing: Some evidence has been submitted to the subcommittee showing that there is a certain amount of price fixing of bread on the part of the large baking companies. It is claimed in several cities that retail prices of bread are fixed by the large bakers and that the retailer is obliged to agree that he will not sell this bread at a lower price; in one city a retailer reports that he reduced the price of his bread and that the bakers thereupon refused to serve him with his usual requirements.

In this connection it is noteworthy that when wheat prices rose in 1925 the price of bread increased in proportion. The bakers' association was at that time extremely active in bringing about increases in bread prices, stating that they were rendered necessary not only by the increase in the price of wheat but also by increases in price of all the other bread ingredients.

The sum total, however, of the information in regard to price fixing and restraint of trade that the committee has been able to secure is too small and too inconclusive to warrant a definite finding. In this connection the committee calls attention to the fact that the Attorney General has publicly stated that the Department of Justice is already conducting an inquiry into the bread situation.

Patented processes: The investigation has developed the fact that the bulk of the bread baked in the large commercial bakeries and practically all baked during the wintertime in the small commercial bakeries contains a so-called "yeast food." These "yeast foods" vary in name and have different ingredients, but in general they are mixtures of calcium sulphate (plaster of Paris), ammonium chloride (sal ammoniac), potassium bromate, and sometimes a peroxide or other chemical. These substances are patented and in the patents it is stated that their purpose is to save money by economizing the use of sugar and yeast, by enabling the dough to absorb more water, and by saving time. It is said that they also act as stabilizers producing a more uniform product and that they greatly improve the appearance and the texture of the loaf.

It has never been authoritatively established that the use of any of these "yeast foods" is harmful, but it would seem that the public is entitled to know of their presence, and the committee suggests that the Department of Agriculture make an exhaustive test into the use of these substances and into their healthfulness.

The committee also suggests that the Department of Justice be requested to ascertain whether any baker is violating the pure foods act in this connection.

Contract prices of bread: The different departments of the Government buy bread in Washington and elsewhere on contract at prices materially lower than the price charged by the bakeries to the retailer. In Washington the Marine Corps is paying 4.4 cents per pound; the Navy Department 4.29 cents, and the General Supply Committee 4 cents. The quantities purchased daily are large and must be planned for by the bakery.

The bakeries claim that the price at which this bread is sold under contract to the Government is below actual cost and that there is a loss on every loaf. Their explanation is that the bread thus sold to the Government is "unsold fresh"; that is, it is bread that has been sent out on the delivery wagons and has been returned to the bakery unsold; that it is still fresh but that it could not be taken on the next delivery in fairness to the retail stores. In other words, the bakers claim that this bread would be a total loss to them unless it is disposed of to the Government and that, therefore, any price they get is better than nothing.

There is undoubtedly some degree of justification to this argument of the bakers, but it must be remembered that all bakeries do not have Government contracts, and it would appear reasonable to assume that where a contract exists for the daily delivery of several hundred pounds of bread that this quantity is, at least in part, added to the amount of bread that would otherwise be baked.

Furthermore, if the argument of the bakers is to be fully accepted, it would appear that the cities in which such contracts existed ought to enjoy a lower price of bread, as much waste is thereby avoided. This does not appear to be the case, and in fact the present price of bread in Washington is higher than it is for the average of the country.

FOREIGN BREAD PRICES

Continent of Europe

Broomhall's Corn Trade News, published in London, in its issue September 3, 1930, carried the following item concerning the prices of bread on the Continent:

In response to our inquiries from friends on the Continent we have received the following information regarding the price of bread at the present time:

France (Paris)	2¼d. per pound; quality very poor.
Belgium (Antwerp)	1½d. per pound; quality indifferent.
Spain (Barcelona)	1¾d. per pound; no comment as to quality.
Germany (Hamburg)	4d. per pound; for pure wheat bread.
	2d per pound; for wheat flour mixed with a percentage of rye flour; poor.
Portugal (Lisbon)	2d. per pound; containing 5 per cent rye.
Sweden (Stockholm)	4¼d. per pound; for pure wheat meal with milk in dough.
	3d. per pound; mixed with about 50 per cent of rye.
Italy (Rome)	3½d.–5½d. per pound; for finest qualities in rolls, small loaves, etc.
	2¾d. per pound; for second quality in loaves of 150 grams.
	2½d. per pound; for second quality in loaves of 250 grams.
	2d. per pound; for second quality in loaves of 500/600 grams.

Even the highest-priced bread is inferior to the ordinary bread of Great Britain.

Argentina

The Northwestern Miller and American Baker in its issue of January 28, 1931, printed the following cable from Buenos Aires:

"The Argentine Government has forced price reductions in bread to 2½ cents per pound, which may help consumption."

Those who have tried it state that the Argentine bread is of a high quality and is equal to bread made in the United States. Obviously the low price of Argentine bread is chiefly brought about by the fact that the Argentine Government is operating some of the bakeries there and is thus able to force the price of bread down to any point it considers expedient.

Canada and the United Kingdom

Bread prices in the United States have been higher than those in Canada by from 1 cent to 2 cents per pound. They are higher than those in the United Kingdom by about 4½ cents a pound. This is shown in the following table:

Retail prices of Canadian and British bread compared with those in the United States

	United States	Canada	Great Britain	Excess of United States prices over Canadian	Excess of United States prices over Great Britain
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
1924	8.8	6.9	4.5	1.9	4.3
1925	9.4	7.8	5.1	1.6	4.3
1926	9.4	7.6	5.0	1.8	4.4
1927	9.3	7.7	4.8	1.6	4.5
1928	9.1	7.7	4.5	1.4	4.6
1929	9.0	7.8	4.4	1.2	4.6
1930	8.7	7.5	4.3	1.2	4.4
December, 1930	8.5	6.6	3.8	1.9	4.7

Bread in Great Britain is ordinarily not wrapped and it is not made there in the numerous varieties and fancy grades that have become customary in this country. The committee is informed, however, that a large part of the difference in price between Great Britain and this country is caused by the greater use of efficient automatic machinery over there. It is also important to remember that retail prices of food and other commodities are and have been on a much lower level in Great Britain than in the United States.

The significant feature of the above table of bread prices in Great Britain seems to be the fact that the prices there have recently fallen more than they have in this country, with the result that the differential between our prices and their prices of bread has increased and is now greater than would appear to be normal.

The bread that is baked in Canada is very similar to the bread of the United States. It is customarily wrapped, and there are many more varieties than are to be found in Great Britain, though perhaps not quite as many as in the United States. The prices in Canada, as is seen from the table, have recently fallen faster than

they have in the United States, so that the differential between our prices and their prices is now larger than has been the case during the past several years.

The explanation of the fact that Canadian prices of bread are lower than the prices in the United States is revealed in a recent Canadian Government report of an Investigation into an Alleged Combine in the Bread Baking Industry in Canada, made public February 17, 1931. This report gives a summary of costs of making and selling bread in Canada in 119 bakeries in the year 1929. These costs are shown in the table below, together with the composite costs in 1929 and 1930 of three large baking companies in the United States.

Baking costs of bread, United States and Canada

	3 large baking companies in United States		119 bakeries in Canada 1929
	1929	1930	
	Cents	*Cents*	*Cents*
Flour	1.97	1.92	2.43
Other ingredients	.82	.74	.76
Labor	.56	.55	.70
Other manufacturing and overhead	1.54	1.65	1.24
Selling and delivering, including advertising	1.96	2.09	1.65
Total costs	6.85	6.95	6.78

It is evident from the above table that in the year 1929 Canadian costs, exclusive of profit, were 0.07 cent lower than the costs in the United States. Inasmuch as the retail prices of bread in that year in Canada were 1.2 cents lower than the retail prices in the United States, it is evident that the profit of the wholesale bakers and/or the margins of the retailer were less in Canada than they were here, which is one reason for their lower prices.

The interesting feature in the table of comparative costs is the fact that flour and other ingredients, which in this country cost 2.79 cents per pound loaf, in Canada cost 3.19 cents. The labor cost of baking in Canada is also higher than in the United States, which would indicate that less machinery is used in Canada than here.

With higher material and labor costs and with a lower total manufacturing cost, it is evident, as the table shows, that another reason why bread in Canada is less than it is here is to be found in the fact that in Canada less is charged to overhead and to selling, delivery, and advertising.

The comparison between Canadian and United States costs may also be expressed in tabular form, as follows:

Comparison between Canadian and United States costs of baking bread in 1929, per pound

	Excess of Canadian cost	Excess of United States cost
	Cent	*Cents*
Material cost	0.40	
Labor cost	.14	
Other manufacturing and overhead		0.30
Selling, distributing, and advertising		.31
Wholesale profit and retail margin		1.13
Total	.54	1.74
Less Canadian excess		.54
Excess of United States retail price over Canadian retail price		1.20

FEED PRICES

In the conversion of wheat into flour an important by-product is mill feed, which is sold back to the farmer. To make one barrel of flour about 4.6 bushels of wheat are required, and the feed by-products amounts to about 80 pounds.

It would, of course, be possible to allocate the costs of manufacture between the feed and the flour, but in practice this is not done. Instead the feed is sold for whatever it will bring in the open competitive market and its price is purely a matter of supply and demand, the question being unfortunately influenced by the financial condition of the farmer, inasmuch as in times of depression the farmer is actually unable to pay for feed and does not buy any, although he might profit by so doing.

The amount realized by the miller from the sale of the feed is treated as a credit on the total cost of his wheat, so the wholesale price of flour is largely governed by the price of feed, and flour can be sold cheaper when feed is high than it can when feed is low, other factors being equal. From a broad point of view, then, it is evident that an excess price of feed is compensated for by the resulting lower price of flour.

As between classes, however, the matter becomes of importance, and several complaints have been received by the committee that a hardship is being imposed upon the farmers by the fact that feed prices are far out of line with wheat prices. In some degree the committee finds this to be the fact, although not to the extent complained of. It is obvious, of course, that in those sections of the country that are remote from the flour mills the transportation and distribution costs will be sufficient to make the retail price of feed appear excessive, but in an investigation of the reasonableness of feed prices the only fair comparison would appear to be between the price of wheat as received by the farmer and the wholesale price of feed at the mill.

The ratio between these two prices has been very constant recently, especially if the monthly fluctuations are disregarded and only the yearly average is considered, but it has remained at a level considerably higher than during 1925–26, when the farm price of wheat was between $1.70 and $1.20 per bushel. These ratios have been as follows:

Ratio of wholesale price of feed to the farm price of wheat

Calendar year:	Per cent
1924	66.1
1925	52.9
1926	52.6
1927	72.3
1928	83.9
1929	80.6
1930	83.9
December, 1930	81.0

The committee feels that no development has occurred within the past three years in the feed situation sufficiently out of line to warrant governmental interference, particularly since, as explained above, the feed price is inextricably bound up with the price of flour, so that any interference with the one will unavoidably affect the other.

WHOLESALE PRICES OF WHITE FLOUR

The wholesale prices of white flour have systematically fluctuated in accordance with the variations in the price of wheat, and the reductions in wheat prices that have taken place within the past several years have been passed on to the baker in the shape of lower wholesale flour prices.

As explained above under the discussion of feed prices, it is the universal custom of millers to treat the receipts from the sale of the feed resulting as a by-product of the milling as a credit on the total wheat cost. An average of 4.6 bushels of wheat are required to make a barrel of flour, and there is left about 80 pounds of mill feed. The net cost of the wheat, therefore, required for a barrel of flour is the cost of 4.6 bushels of wheat less the amount realized from the sale of about 80 pounds of feed.

If this net cost is subtracted from the wholesale price of a barrel of flour, the result is the total spread between the cost of the raw material and the price of the manufactured article. This spread, if figured from the farm price of wheat, includes the charges of the country elevators; transportation of the wheat to the mill; terminal elevator charges and brokerage; all milling expenses, including labor, power, overhead, and selling expense; and profit.

Since 1924 the average yearly spreads, as thus computed, between the farm price of wheat and the wholesale price of flour reported by the United States Bureau of Labor Statistics have been as follows:

Spreads between farm prices of wheat and wholesale prices of flour, crediting receipts from feed sales, per barrel

Calendar year—	
1924	$3.07
1925	2.95
1926	3.16
1927	3.05
1928	3.23
1929	3.15
1930	2.82
December, 1930	2.74

As transportation, elevator, and manufacturing costs have been in general fairly constant, it follows from the above table that there has been no undue increase in profits of milling flour on account of the decline in wheat prices, inasmuch as the total spread has actually been reduced from an average of $3.23 per barrel in 1928 to an average of $2.82 in 1930. Attention is further called to the fact that the average spread in 1930 is the lowest of any in the seven years and it also is noteworthy that the spreads during November and December of 1930 were lower than during any other month of the year.

RETAIL PRICES OF WHITE FLOUR

The most powerful potential competitors of the commercial baking companies are the 25,000,000 housewives of the country, who, if they wish, can bake their own bread. It is true that during the past 30 years less and less bread is being baked in the home and more and more is purchased at the store. This is apparently in line with the wishes of the American people. But a large amount of bread is still being baked in the home and undoubtedly many families prefer homemade bread and find the time to devote to home baking.

The retail price of flour is thus an important part of this investigation, because it determines the cost of all homemade bread and also because of the potential competition between the bakeries and those families who now purchase bread.

The investigation of the committee shows that not only did wholesale prices of flour follow the declining trend in wheat prices, but retail prices of flour have also declined and to the same extent. During the 12 months of 1928 the spread between the wholesale and the retail prices of flour, as quoted by the United States Bureau of Labor Statistics, average about 1.68 cents per pound. During the year 1929 the spread averaged about the same, and during the 12 months of 1930 it was 1.77 cents per pound, or only about

5 per cent higher than in 1928. In other words, the reductions in the wholesale price of flour have been passed along by the retailer to the consumer, making reasonable allowances for temporary fluctuations.

It is true that a slightly higher margin of profit was made by the retailer during 1930 than was made during either 1928 or 1929, and this undoubtedly will call for some adjustment should prices remain for any considerable time at their present low level. There is some indication, indeed, that this adjustment is now being made, inasmuch as in the last quotations of the year the spread was reduced to the year's low through a continued reduction in retail prices attended by a slight increase in some of the wholesale prices, and was only 1.6 cents per pound in December, 1930, which is lower than the averages of 1928 and 1929.

WHOLESALE PRICES OF WHOLE-WHEAT FLOUR

The costs of manufacturing whole-wheat flour are slightly less than the costs of manufacturing white flour and the wholesale prices of whole-wheat flour are accordingly lower in general than the wholesale prices of white flour. There are some exceptions to this caused by the use of particular grades of wheat for certain brands of whole-wheat flour, but in general, as stated, whole-wheat flour is cheaper in the wholesale market than is white flour.

RETAIL PRICES OF WHOLE-WHEAT FLOUR

It is becoming increasingly difficult for the individual consumer to purchase whole-wheat flour at retail in ordinary stores, and when it is found its price is entirely out of line with its cost of manufacture. This is particularly true of Washington and cities of the South.

The reason for this is apparently twofold. In the first place, the retail demand for whole-wheat flour is very slight and is becoming of less and less importance. In the second place, whole-wheat flour does not keep as well as ordinary white flour, and so the retailer is obliged to exact a larger margin in order to recompense him for the spoilage.

WHOLE-WHEAT BREAD

It has been developed that the wholesale price of whole-wheat flour is lower than the wholesale price of white flour, and during the hearing it was acknowledged by several of the large baking interests that the cost of baking whole-wheat bread was no more than the cost of baking white bread. It was claimed that owing to the relatively small sale of whole-wheat bread a larger margin of profit was required both by the baker and by the retailer. The representative of the Continental Baking Corporation thought that there was no justification for a higher wholesale price on whole-wheat bread than on white bread and he agreed to reduce the wholesale price of his own whole-wheat bread wherever he found it to be higher than white bread.

He has done this and the committee has received information that his action has been followed by some of the other bakeries throughout the country. The committee estimates that the saving to the country through the reduction in the price of whole-wheat bread will amount to between $5,000,000 and $6,000,000 a year.

SUGAR

The committee finds that no unrefined sugar enters the retail market. Brown sugar has undergone very extensive refinement, but the process has not been carried quite so far as is the case with fine granulated white sugar.

There are four main factors affecting the price situation as between white and brown sugar:

1. Cost of manufacture.
2. Cost of handling after manufacture.
3. Rate of turnover of product.
4. The customary practice of retailers to sell white sugar at very little profit and sometimes at a loss as a "leader" in order to attract new trade.

The committee finds that the cost of manufacturing brown sugar is less than the cost of manufacturing fine granulated white sugar. The wholesale price of the two grades in bulk is at present $4.50 per hundred pounds for fine granulated and $3.75 per hundred pounds for the darker brown.

In order to put up the sugar in 1-pound paper cartons, however, there is an extra cost of handling the brown sugar, as it does not flow through the automatic machines so readily and requires a more expensive carton. The wholesale price put up in 1-pound cartons is at present $5.15 per hundred pounds for fine granulated and $5.50 per hundred pounds for "old-fashioned brown."

The expense of handling brown sugar in bulk in the retail stores is greater than the expense of handling fine granulated because the brown sugar has a very much slower turnover; it is kept longer, and therefore has a greater shrinkage due to loss of moisture. It also lumps and requires more time in the handling.

The retail margins on brown sugar are in general not greater than average margins charged on goods with a similar turnover handled by grocery stores, but, as stated above, the margins charged on white sugar both in bulk and in 1-pound cartons are much lower than these average margins.

Brown sugar may be purchased in bulk at retail in some stores, and in the city of Washington prices have been obtained for such sugar, varying between 5 cents and 10 cents a pound. At the lowest quotation obtained brown sugar was cheaper than fine granulated sugar at the same store. The average household, however, does not desire to purchase brown sugar in bulk; it prefers the 1-pound carton, partly because the sugar thus obtained is moister and fresher and partly because nowadays very few families use enough brown sugar to warrant its purchase in greater quantities than 1-pound lots.

The committee finds that the present differentials in price between brown and white sugar are not unfair, and no evidence has been found in this respect of any combination in restraint of trade.

MILK AND DAIRY PRODUCTS

In investigating the spread between the price paid to the farmer for milk and butterfat and the price paid by the consumer for milk and other dairy products the committee has been guided by two basic factors.

In the first place, milk is a highly perishable product, and when sold for fluid purposes must be disposed of in or near the section in which it is produced, making it extremely difficult to obtain a representative price for the United States as a whole such as is possible in the case of wheat and livestock.

Secondly, milk is generally purchased on a schedule consisting of a basic price intended to cover that used for fluid consumption and a surplus price intended to cover that portion of the milk used in the manufacture of dairy products, such as butter, cheese, etc. While the basic price is fairly stable and holds a somewhat direct relationship to the price paid by the consumer for fluid milk, the surplus price varies tremendously; is in a majority of cases based on conditions in another locality and may be manipulated in such a way as to lower materially the net amount received by the producer for his total quantity of milk.

The committee was handicapped by the fact that the heads of two of the largest interests in the distribution of fluid milk were on the west coast and were unable to be present and did not furnish information relative to the recent activities of their companies. Also, because of the acute situation on the west coast, where the producers are endeavoring to market their milk in an orderly manner and give the consumers the benefit of savings, there has developed a price war between the producers and distributors. The committee did not feel justified in asking the producers to take the time necessary to come to Washington and appear before the committee.

Accordingly, the report on milk and dairy products is not complete, but sufficient evidence has been obtained to justify the recommendation that investigations of the distribution of milk and dairy products be made by both the Federal Trade Commission and the Department of Justice.

The principal reason for this recommendation is the recent consolidation of the milk-distributing companies into a few powerful organizations, located at strategic points throughout the country, which practically control and dominate the distribution of milk.

The city of Washington has not escaped, and within the past few weeks plans have been consummated which place 75 per cent of the milk distributed in Washington in the hands of one corporation and its directors. The remaining 25 per cent is in the hands of three apparently independent companies. The head of the largest of these, serving approximately one-half of this amount, stated to the committee that a proposition had been made to absorb his dairy, but that he had declined it.

The whole plan, as it is being unfolded, indicates that through purchases, mergers, consolidations, and holding companies there has been developed a vast organization, dominated by a few groups, which appear to be working toward a common end.

The most hopeful outlook developed for the committee by testimony of witnesses and evidence secured from other sources is the part the cooperatives are taking in an attempt to meet the changing conditions and to get a fair price for the producers.

It was shown conclusively that the cooperative stabilizes the market and strengthens the bargaining ability of the producers. In the city of Washington, where approximately 94 per cent of the total milk supply is furnished by one cooperative, the committee found that the farmers are receiving approximately 9 cents per quart for the milk sold for fluid purposes, which a well-informed witness stated is the highest price paid in the United States. The spread between the price paid to the producer and the retail price of milk in Washington was found to be approximately 5 cents a quart. This is less than in most cities, although Washington is said to have a milk-inspection system and sanitary restrictions which make it one of the most expensive cities in the country in which to operate a milk-distributing plant.

Attempts of the cooperatives and milk producers to enter into the distributing business and thereby pass on to the consumer the saving, which is now absorbed by the large distributors, have not met with much success. In cities where the cooperatives or milk producers have attempted to lower the price, the result has been a milk war, with the distributing company controlling the situation, due to its ability to bring in reserves from other sections of the country. Such a condition now exists on the Pacific coast, where the producers were forced to organize to save themselves from utter ruin through the price forced upon them by the distributing companies. In this case the producers found that the distribution costs allowing a fair margin of profit were 2½ cents a quart wholesale and 4½ cents a quart retail over and above the cost of the milk, indicating that if the producer received 7½ cents a quart, which in that section would allow the producer a reasonable profit, the consumer could purchase high-quality milk for 12 cents a quart. An attempt to establish such a price, as against a higher price which had existed for some time, resulted in a milk war, with every advantage in the hands of the large distributors.

In Cincinnati, Ohio, where a portion of the milk is distributed by a cooperative, a representative of the cooperative testified before the committee that his organization would like to cut the price to the consumer, but hesitated through fear of trouble with the other distributors. He further testified that he would notify his competitors, the large distributors, before making any price change.

The committee feels that situations such as the above are brought about largely by the fact that the producers are unorganized or organized to a large extent only locally; whereas the big distributors are organized in a national way and are able to marshal their total resources so as to control the situation in any given locality. The committee received many communications stating that some of the large distributors were sending milk from one territory into another in order to take advantage of the differential between the basic and surplus price, and that milk purchased at the surplus price in one territory was transported to another and sold at the fluid-milk price, thereby creating a further surplus in the territory to which it was transported.

The committee recommends the placing of this information in the hands of the Department of Justice for verification, and if such conditions do exist that appropriate action be taken to correct them.

Spread in the price of milk: Due to the method in which books of the milk-distributing companies are kept and the delay in the companies furnishing information requested by the committee, it has not been possible to analyze completely the spread between the prices paid to the farmer and the prices paid by the consumer. The total spread, however, has been determined in sufficient instances to show conclusively that it is too large and is often used to absorb the lower prices paid to the farmer. The head of the largest dairy in Washington, whose salary is $30,000 per year, submitted figures and testified before the committee that a spread of 5 cents per quart was maintained allowing a profit of one-third cent per quart. In San Francisco the local producers have found that they could profitably distribute the milk to the consumer on a margin of 4½ cents per quart. Considering the very strict regulations in the District of Columbia with reference to milk the committee is of the opinion that the spread between the price paid the producer by the distributor and that charged to the consumer certainly should not exceed 5 cents and in most sections should be materially less.

Such is not the case, however, and an analysis of the differential in the cities in which both the basic price paid the farmer and the retail price to the family trade are available, shows a spread of from 4½ cents to over 11 cents, the bulk running about 6 cents.

The figures submitted by the distributing companies show much larger spreads than 5 cents. For instance, detailed figures placed in the record by the president of the Borden Farm Products Co. of Illinois, which purchases milk from a local cooperative and distributes a large portion of the milk sold for fluid purposes in Chicago, showed a spread as follows:

January	Price to producer per quart [1]	Retail selling price per quart	Spread excess of selling price over cost
	Cent	*Cent*	*Cent*
1922	0.037	0.120	0.093
1923	.053	.130	.077
1924	.057	.140	.083
1925	.051	.140	.089
1926	.053	.140	.087
1927	.053	.140	.087
1928	.053	.140	.087
1929	.056	.140	.084
1930	.057	.140	.083
1931	.049	.130	.081

[1] Price for milk sold for fluid purposes only.

The committee does not believe that conditions in Chicago warrant a spread so large that the costs of distributing milk from the farmer's local railroad station to the consumer is one and one-half times as great as the amount received for the milk by the producer.

In studying the spreads over a period of years the committee finds that almost without exception all reductions to the consumer have come from a reduction to the producer and without disturbing the spread of the distributor. Such a condition is grossly unfair, because, in fact, the investment required to produce milk is far greater than that required to distribute milk, and the producer, as well as the distributor, is entitled to a fair return on his investment.

The committee is of the opinion that the present policy of forcing the producer to absorb all reductions in retail price is unfair and that the distributor should share the amount of all reductions with the producer.

MEAT AND MEAT-FOOD PRODUCTS

In considering meat and meat-food products the committee obtained information from the livestock producers, packers, and retail meat dealers, and data from various Government bureaus showing the price paid for livestock, the prices paid by the consumer for meat, and the various trends in the meat industry. This information indicated that the price paid to the farmer, the price charged by the packer, and the retail price of meat all showed a rather steady upward trend from early in 1922 to about two years ago. A slight drop then occurred for a few months, followed by an upward trend of a few months and then a marked decline until at the present time the farm price of hogs is the lowest since July, 1924, of cattle the lowest since 1926, and of lambs the lowest since 1913. The present retail prices of beef are the lowest since 1927; of fresh pork, lowest since early 1928, and of lamb the lowest since November, 1921.

In both the upward trend and the recent decline there has been a decided tendency for the wholesale and retail prices of meat to follow the general trend of the farm and wholesale prices of livestock. However, in determining whether the retail price has reflected the decline in the price received by the producer and the packer, several factors must be taken into consideration.

In the first place, the per capita consumption of meats has on the whole been decreasing for the past 10 years. As against this, the number of markets handling meat exclusively has increased materially during the past 10 years and the number of chain stores handling meats has increased twelvefold. This results in a smaller volume of business per store and requires an increased spread between the price paid for meat and the price at which it is sold retail in order to pay rent, refrigeration, clerk hire, etc., all of which have decreased little, if any, during this period and are practically constant regardless of the volume of business.

This situation has created a very high cost of distribution, which has remained fairly constant and results in a tendency to increase the percentage spread between the wholesale price and the retail price of meats as the prices of both drop.

Considered on a cents per pound basis, the retail price of meat has reflected the decline in the price paid the producer. Taking beef as an example, the committee finds that the farm price of all cattle per hundred pounds dropped $2.55 from the high point in September, 1928, to January, 1931. For good to choice steers the price at the Chicago market during the same period dropped $6.19 per hundred pounds, a decrease of 38 per cent. This latter figure is more comparable for determining wholesale and retail prices of meat, since it is the price paid by the packer, whereas the farm price includes all grades sold, regardless of quality. Average wholesale prices of beef carcasses at Chicago and New York show a drop of a little over 6½ cents per pound, which is about 27 per cent. Retail prices of representative cuts of beef show reductions ranging from 4 to 9 cents per pound, or an average of about 17 per cent.

From this it will be noted that although the retail price of beef has decreased in cents practically the same amount as the wholesale price of beef carcasses, the percentage of decrease is materially less, due to the fixed charges of distribution. A similar situation holds in the other meats, such as hogs and lambs.

Without exception those testifying before the committee, and the information it has been able to obtain, show that both the packers and retail meat dealers are making less money under the present conditions than they were when prices were increasing and distribution costs were not so large.

The committee finds no substantial evidence of a conspiracy or combination in restraint of trade operating to maintain high retail prices on meat and meat-food products. The very nature of the distribution system is such as to make it difficult for such a combination to operate effectively. Retail meat dealers are, as a rule, independent of outside or financial control and operate on a relatively small scale. Meat is a perishable product and one that must be moved into consumptive channels within a relatively short period of time, so the retail meat dealer must place a price on his meat, which will make it attractive to the public he is serving.

PROPOSED INVESTIGATION OF AGRICULTURAL CONDITIONS

Mr. WHEELER, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 481) providing for an investigation of the subject of agricultural conditions, reported it with amendments, submitted a report (No. 1835) thereon, and moved that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on Saturday, February 28, 1931, that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 988. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

S. 1042. An act for the relief of Mary Altieri;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 3924. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

S. 4070. An act for the relief of Patrick J. Mulkaren;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 4353. An act for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 5083. An act to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.;

S. 5920. An act authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa;

S. 6032. An act amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes";

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of the Crow Indians;

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. J. Res. 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

EXECUTIVE REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on the Judiciary, reported favorably the nomination of Ernest A. O'Brien, of Michigan, to be United States district judge, eastern district of Michigan (additional position), which was placed on the Executive Calendar.

Mr. DENEEN, from the Committee on the Judiciary, reported favorably the following nominations, which were placed on the Executive Calendar:

John P. Barnes, of Illinois, to be United States district judge, northern district of Illinois (additional position);

Arthur M. Burke, of Illinois, to be United States marshal, eastern district of Illinois; and

Frank K. Lemon, of Illinois, to be United States attorney, southern district of Illinois.

Mr STEIWER, from the Committee on the Judiciary, reported favorably the following nominations, which were placed on the Executive Calendar:

George W. Montgomery, of Louisiana, to be United States marshal, western district of Louisiana; and

James Alger Fee, of Oregon, to be United States district judge, district of Oregon.

Mr. SMOOT, from the Committee on Finance, reported favorably the nomination of Richard N. Elliott, of Indiana, to be Assistant Comptroller General of the United States, vice Lurtin R. Ginn, retired, which was placed on the Executive Calendar.

Mr. ODDIE, from the Committee on Mines and Mining, reported favorably the nomination of Elias Marsters, of Boise, Idaho, to be assayer in charge of the United States assay office at Boise, Idaho, to fill an existing vacancy, which was placed on the Executive Calendar.

Mr. HALE, from the Committee on Naval Affairs, reported favorably the nomination of Corpl. Richard W. Hayward, a noncommissioned officer of the Marine Corps, to be a second lieutenant in the Marine Corps, probationary for two years, from the 10th day of February, 1931, which was placed on the Executive Calendar.

ADJUSTED-SERVICE CERTIFICATES

Mr. BARKLEY. Mr. President, when the soldiers' bonus loan bill came over from the House it was recognized by everyone in this body that no amendments should be placed upon the bill. Many of us desired to make the loans applicable to certificates regardless of their date. In his veto message the President criticized the omission of any provision making the loans applicable to certificates which had been issued within the last two years. I ask unanimous consent out of order to introduce a bill to correct that situation, and then I shall ask unanimous consent for its present consideration.

The VICE PRESIDENT. Let the bill be read.

The bill (S. 6269) relating to the making of loans to veterans upon their adjusted-service certificates was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 502 (b) of the World War adjusted compensation act, as amended, prohibiting the making of loans to veterans upon their adjusted-service certificates prior to the expiration of two years after the date of the certificates, hereafter loans may be made upon such certificates in accordance with loan basis provided by law at any time after the date of issuance thereof.

Mr. SMOOT. Mr. President, I ask the Senator to let the bill go to the Finance Committee. I will get a report on it to-day. I should like to see just what the effect of it might be.

Mr. BARKLEY. I do not want to consent to a reference at this time because the committee is not in session and has not been called in session.

Mr. SMOOT. The committee was in session this morning and held a meeting, and the committee will be called together again.

Mr. BARKLEY. The committee was called in session to pass on nominations and not for legislative purposes.

Mr. SMOOT. It was for all purposes.

The VICE PRESIDENT. Objection is made to the request of the Senator from Kentucky.

Mr. BARKLEY. I desire to enter a motion to suspend the rules so as to consider and pass the bill.

The VICE PRESIDENT. The motion will be entered.

INVESTIGATION RELATIVE TO POWER AND COMMUNICATION

Mr. COUZENS submitted the following resolution (S. Res. 488), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 80, agreed to June 8, 1929, authorizing and directing the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, to investigate the relationship and connections of the different communication services used in interstate and foreign commerce, including telephone, telegraph, and all kinds of wireless and wireless services so employed, and transmission of power by wire or wireless, and other matters related thereto mentioned in said resolution, hereby is continued in full force and effect until the end of the Seventy-second Congress.

UNIFICATION AND CONSOLIDATION OF RAILROADS

Mr. COUZENS submitted the following resolution (S. Res. 489), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 290, agreed to June 16, 1930, authorizing and directing the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, to investigate the consolidation and unification of railroad properties and the effect of same upon the public interest, hereby is continued in full force and effect until the end of the Seventy-second Congress.

ILLEGAL APPOINTMENTS AND DISMISSALS IN THE CIVIL SERVICE

Mr. HEFLIN (by request) submitted the following resolution (S. Res. 491), which was ordered to lie over under the rule:

Senate Resolution 491

Whereas the special senatorial committee appointed in pursuance to Senate Resolution 154, Seventieth Congress, did not complete its work on the hearings, that the Senate is hereby requested to grant an extension of time to the committee so it may be able to complete the hearings and make a report during the coming recess; and

Whereas this committee is hereby granted, besides the authority to hold hearings, authority to write and incorporate its findings and recommendations as to the necessary amendments to the civil service law to correct the abuses therein into a report to be presented to the Senate at the beginning of the next session of Congress; further, the committee is hereby granted the authority to adjudicate all claims of civil-service employees or former civil-service employees;

Resolved, That there is hereby created a special senatorial committee to consist of five members appointed by the President of the Senate, three of whom shall be from the majority party (including two Progressive Republicans), and two of whom shall be from the minority party. The committee shall meet and organize within seven days from the date of appointment and immediately thereafter begin hearings upon the resolution. Within 30 days after the date of organization the committee shall meet and make a written statement of its findings and recommendations for legislation and have same printed.

COMPULSORY MILITARY TRAINING

Mr. FRAZIER. Mr. President, I ask permission to have placed in the RECORD two clippings in regard to the protest of a group of college students who appeared in the city of Washington last Saturday.

The VICE PRESIDENT. Without objection, it is so ordered.

The clippings are as follows:

[From the New York Herald Tribune, March 1, 1931]

STUDENTS ASK BAN ON COLLEGE ARMS TRAINING—DELEGATES FROM 55 SCHOOLS PETITION CONGRESS TO OUTLAW COMPULSORY FEATURE—MAKE WHITE HOUSE CALL—GROUP HOLD PROTEST MEETING AFTER VISITING THE CAPITOL

WASHINGTON, February 28.—An attack on compulsory military training in institutions of learning was carried to the White House and Congress to-day by a group of 56 students, about half of them women, from Yale, Vassar, Harvard, Columbia, Johns Hopkins, University of Maryland, Swarthmore, and Georgetown University. Their petition, urging Congress to stop appropriating funds for schools in which military training is compulsory, they announced, was signed by 10,100 students in 55 colleges and universities.

The delegation, headed by Nathaniel Weyl, of Columbia, left its resolution with President Hoover and presented its petition to Senator Lynn J. Frazier, insurgent Republican, North Dakota, and to a group of House Members in the office of Representative Henry Allen Cooper, Republican, of Wisconsin. About half of the delegation was comprised of young women. Their visits to the White House and Congress were followed to-night by a meeting in Corcoran Hall, at George Washington University, in protest against compulsory military training.

The petition read:

"We, the undersigned students in American colleges and universities, protest against compulsory military training in the colleges for the following reasons:

"We believe that military training courses tend to teach doctrines contrary to the principles of the American Government. In this light we cite a definition of democracy as involving 'agitation, anarchy, discontent' from Manual 2000-25, of the War Department. We object to the use of Government funds to inculcate beliefs to which our Government is unalterably opposed.

"We believe that military training courses seek to idealize war and to inculcate a spirit of unquestioning military obedience which is an emotional armament of war. We quote with approval Dr. Raymond B. Foedick's statement that military drill 'has as its chief result * * * a change in the mental outlook of young people, so that they look upon war as a normal part of life and expect to take part in it. It habituates the thought of the participants to slaughter as a rational means of settling international difficulties, as a legitimate means of reaching decisions.' We consider that our military drill courses are not only inconsistent with the Kellogg pact, repudiating war as a means of settling international disputes, but constitute a grave danger to world peace.

"We believe, finally, that insistence upon the compulsory feature of military training indicates that the majority of student opinion stands opposed to it and constitutes its own confession of failure.

"Accordingly we petition the Congress of the United States to consider the mandate of student opinion on a matter which so vitally concerns it and to outlaw the compulsory feature of military training from American colleges and universities."

[From the New York Times, March 1, 1931]

REQUESTS SENATORS TO OPPOSE R. O. T. C.—STUDENT GROUP MAKE PLEA TO STOP FUNDS FOR INSTITUTIONS COMPELLING MILITARY TRAINING—COLUMBIA BOY SPOKESMAN—HE OFFERS A "MANDATE" SIGNED BY 10,000 STUDENTS IN 55 COLLEGES—MISS TUTTLE A DELEGATE

(Special to the New York Times)

WASHINGTON, February 28.—Students of nine universities and colleges, including Yale, Harvard, Columbia, Johns Hopkins, University of Maryland, Swarthmore, and Georgetown visited Members of the Senate to-day bearing a petition signed by 10,000 students in 55 colleges and universities asking Congress to put an end to the appropriation of money to educational institutions in which military training is compulsory.

The delegation of 56 included Nathaniel Weyle, of Columbia University; Miss Charlotte Tuttle, of Vassar, daughter of Charles H. Tuttle, Republican gubernatorial candidate in New York last year; and Howard Melish, of Harvard, son of Dr. J. Howard Melish, rector of Trinity Church, Brooklyn.

The "mandate," as the students termed the petition, was presented to Senator FRAZIER, Republican insurgent, of North Dakota, who was recently defeated in an effort to prevent Government appropriations going to land-grant colleges where there is military training.

Nathaniel Weyl, spokesman for the delegation, thanked Mr. FRAZIER for his fight and the other Senators who voted with him—BROOKHART, of Iowa; NYE, of North Dakota; NORRIS, of Nebraska; LA FOLLETTE, of Wisconsin; and BLAINE, of Wisconsin, all insurgent Republicans, and HEFLIN, Democrat, of Alabama.

Other Senators who met the delegation at Mr. FRAZIER'S office were WALCOTT, Republican, of Connecticut; DAVIS, Republican, of Pennsylvania; and COPELAND, Democrat, of New York.

"Intelligent college men will refuse to fight in any war, unless every Member of both branches who votes for war, and every member of the administration who favors war goes into active service, and until every last dollar of wealth needed is conscripted to pay for the war, and to cancel the hangover debts from the World War," Mr. Weyl stated.

"I am confident," said Miss Tuttle, "the college women of America, and I think all informed women, realize that intelligent and unselfish statesmanship can and will prevent war. We shall, therefore, oppose every militaristic gesture as well as active participation in war."

Mr. Melish, expressing the "growing opposition" of students to compulsory military training, "challenged" the defenders of such training to harmonize their position with advocacy of the Kellogg peace pact outlawing war.

THE ST. PAUL POST-OFFICE LEASE

Mr. WHEELER. Mr. President, I ask leave to have published in the RECORD clippings from the St. Louis Star relative to the St. Paul post office lease.

There being no objection, the clippings were ordered to be printed in the RECORD, as follows:

THE ST. PAUL POST-OFFICE LEASE

EDITOR THE ST. LOUIS STAR:

The department's attention has been called to an editorial which appeared in the Star of February 18 under the caption "Buying Leased Post Offices."

In this editorial appears a paragraph regarding the commercial post-office station at St. Paul, Minn., which recites that upon a building taken over by the Government under condemnation proceedings at a Federal court appraisal, including the value of the lease, of $334,000, the Post Office Department proposed a settlement by which the owners of the building would have received over $900,000. The editorial cites this as "a fair example of the difference between the acquisition of postal substations by the courts and by the Post Office Department."

It is only fair to inform you that the facts are directly opposite to this statement. The settlement of the St. Paul controversy is a matter which comes within the jurisdiction of other branches of the Government and in which the Post Office Department has only an advisory voice. The Post Office Department has had no part in and has never agreed to any compromise settlement, but, on the contrary, has consistently and uniformly recommended that the issues in the commercial-station case be left for judicial determination.

As a matter of fact, the settlement to which your editorial referred was proposed, not by any branch of the Government, but by the owners of the commercial-station property and their bondholders. Whether it has been or will be accepted by the Government this department does not know. But it does know that acceptance was urged by Congressman MAAS, of Minnesota, who was so highly commended by your editorial for uncovering a supposed leasing scandal. I hand you herewith a photostat copy of the owners' offer of settlement, and with it a memorandum signed by MAAS recommending acceptance by the departments involved.

In view of your apparent conviction that this proposed settlement is rooted either in stupidity or in corruption, or both, and in view of the fact that the Post Office Department had no connection with the matter, and the further fact that the settlement was urged upon the Government by Congressman MAAS himself, it would appear to be appropriate for you to make some correction in the interest of your readers.

ARCH COLEMAN,
Acting Postmaster General.

[From the St. Louis Star]

MR. COLEMAN'S REPLY

Acting Postmaster General Arch Coleman in a letter published on this page, takes exception to a statement made by the Star that after the Federal court condemned the St. Paul commercial post office for $334,000 and the owners sued to collect their $120,000 a year rent, the Post Office Department proposed a settlement by which the owners of the building would have received over $900,000.

The fact is, says Mr. Coleman, that the proposal came from the owners of the building and is being considered by another department of the Government and that "acceptance was urged by Congressman MAAS of Minnesota, who was so highly commended by your editorial for uncovering a supposed leasing scandal." In support of which Mr. Coleman sends a photostat copy of a memorandum signed by MAAS recommending acceptance.

The settlement described by Mr. Coleman is not the one referred to by the Star, but is a substitute brought forward six months

everyone in this body that no amendments should be placed upon the bill. Many of us desired to make the loans ap-

to adjudicate all claims of civil-service employees or former civil-service employees:

sented to Senator FRAZIER, Republican insurgent, of North Dakota,

to by the Star, but is a substitute brought forward six months

after Congressman MAAS had denounced the original proposal on the floor of the House of Representatives.

High Government officials, said the Minnesota Congressman, proposed to give the owners of the building $960,000, and he was asked to concur in it and drop the investigation.

"I emphatically let it be known," said Mr. MAAS, "that I would not only not concur but would resist and expose any such attempt to the limit of my ability."

The settlement afterward was dropped to $770,000, to which Mr. MAAS agreed, not because he thought the figure was just, but "to stop the continued unnecessary delay toward the erection of a new Federal building in the city of St. Paul" and to secure the economies of a new building.

Mr. Coleman's own part in the St. Paul affair is described by Congressman MAAS as follows:

"When the Government went into Federal court to terminate this lease by direction of Congress the Post Office Department sent Assistant Postmaster General Arch Coleman up to St. Paul, and right in the midst of the Government's testimony by expert witnesses that the building was in a dangerous condition from faulty construction, rapid deterioration, and actually unsafe, this Post Office Department official held a separate hearing upon the condition and value of the commercial station and invited only witnesses for the owners, and never even notified the Government counsel of such intended hearing. The post-office official permitted the testimony of witnesses before his hearing to be made public, contradicting all the testimony of Government witnesses given before a Federal court, without an opportunity of Government witnesses to be heard. There was no need for such strange actions on the part of the Post Office Department, nor has any explanation for its doing so, in the midst of a court action that nearly wrecked the Government's case, ever been made."

So the only error in the Star's original statement was in assuming that the "high Government officials" referred to by Mr. MAAS were officials of the Post Office Department, instead of officials with whom the Post Office Department works in an advisory capacity, and since Mr. Coleman declares no advice has been given, the attitude of the Post Office Department can only be judged by its complete record on the St. Paul lease.

Incidentally, the St. Louis Star has just learned that the land occupied by that building was valued by the owners at $8,500 a front foot while land across the street from it is appraised at $490 a foot, and that the original contract for the construction of the building totaled $76,000, anything else warranting the rent of $120,000 a year and the bond issue of $1,150,000 being in the shape of extras.

SOUTH CAROLINA APPOINTMENTS

Mr. BLEASE. Mr. President, I ask permission to present for the RECORD three telegrams in reference to appointments in South Carolina.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams are as follows:

WASHINGTON, D. C., *February 23, 1931.*

MAYOR OF HARTSVILLE,
Hartsville, S. C. (dupe back care South Carolina):

Please wire me just how long A. B. Kale has lived in South Carolina. Do not include time that he would stay there during business season and go back home. Is he a qualified voter; if so, since when? How long has his wife made her home in South Carolina? Please get this information from another than Kale.

COLE. L. BLEASE.

HARTSVILLE, S. C., *February 23, 1931.*

Senator COLE. L. BLEASE,
Continental Hotel:

Glad answer your questions concerning A. B. Kale. Resident South Carolina for five and one-half years. Resident Hartsville for little better than three. Absolutely a qualified voter. Divorced since 1925. A. B. Kale is one our city's most substantial citizens. A cotton merchant who lives here 12 months in the year, a fellow man keenly intelligent, honest, progressive, law abiding, and above reproach in every sense of the word. His connections with business, social, and civic Hartsville most satisfactory.

TOWN OF HARTSVILLE,
By R. E. SOWELL, *Mayor.*

WASHINGTON, D. C. *February 25, 1931.*

Hon. R. E. SOWELL,
Mayor, Hartsville, S.C.:

Your wire. Please wire me number of Kale's registration certificate, date of same, and by whom signed. Did he divorce his wife or she him; and if so, for what? I do not think that he will be confirmed at this session, as I oppose bringing people from other States to fill our offices in South Carolina; that is what brought about the Hampton movement of 1876 which redeemed our State from carpet baggers, niggers, and scalawags, and I fully indorse the action of my father, his brothers, and other true-blooded South Carolinians in that fight and shall always be true to them and their cause for the glorious victory in redeeming our State from the most disgraceful, thieving, and deplorable administration of her affairs ever known to man, and which was brought about by importing people from other States to hold office and thus make it possible for them to exploit our resources and humiliate our people. If Kale is in this class, I shall not let him be an official as long as I am a Senator, which will be but a short time. However, I shall stand for white supremacy and South Carolinians for South Carolina officeholders that long as Senator and forever as a man and a red-shirt Democrat who loves Hampton and his followers for their invaluable services to our State and our people.

COLE. L. BLEASE.

Mr. BLEASE. Mr. President, I have not received any reply to my telegram No. 3. I suppose that Mayor Sowell discovered the error in his telegram No. 2, where he said "absolutely a qualified voter," and there may be another more important reason for not replying to my other question in telegram No. 3.

I now ask that there may be printed in the RECORD an affidavit and two letters relating to the same matter.

The VICE PRESIDENT. Without objection, it so ordered.

The affidavit and letters are as follows:

STATE OF SOUTH CAROLINA,
County of Darlington:

Personally appeared before me L. W. Coker, who deposes and says that he is the chairman of the Darlington County Board of Registration, and that he has examined the registration list of the voters of Darlington County, and that the name of A. B. Kale, of Hartsville, S. C., is not registered therein since January 1, 1928.

L. W. COKER.

Sworn to before me this the 22d day of January, 1931.

[SEAL.] J. E. CANNON,
Clerk of Court for Darlington County, S. C.

REPUBLICAN STATE ADVISORY COMMITTEE
FOR SOUTH CAROLINA,
Rock Hill, S. C., December 19, 1929.

Mr. J. T. ROBINSON,
Spartanburg, S. C.

DEAR MR. ROBINSON: Upon my instructions and guaranty, my company has financed the operation of this headquarters office since the organization of your committee. This account covers a cash outlay for stenographic services, printing, postage, and stationery, telephone, telegraph, and traveling expenses. The exact amount of same can not be determined until all December bills are in, but it will be quite a little over $2,000. It includes nothing for any of my time nor for my expenses in making almost innumerable visits throughout this particular congressional district. If my company is willing to contribute one-half to two-thirds of my time, and I am willing to absorb my expenses within my own district, this should be as much, if not more, than could be rightly expected by your committee, and the account, therefore, liquidated promptly.

In addition to the above, arrangements must be made whereby sufficient funds will be available in the treasury at all times to take care of the future operation of your committee. This can be expected to run from $300 to $500 monthly. If this is not done there is no alternative but that your headquarters here and my acting as chairman will cease January 1, 1930. From this you will observe the treasurer must receive around $175 through each of you committeemen at once so as to clean the slate on January 1, and each of you must obligate yourself for at least $50 monthly in the future if it's your wish to continue operating as at present.

These are the cold facts and am putting them squarely up to you now in order that you might know what to expect, and giving you time to act in the matter prior to the date mentioned above. Please give same your personal attention and advise promptly.

Faithfully yours,

J. C. HAMBRIGHT.

REPUBLICAN STATE ADVISORY COMMITTEE
FOR SOUTH CAROLINA,
Spartanburg, S. C., March 11, 1930.

Mr. J. DUNCAN ADAMS,
Walhalla, S. C.

DEAR MR. ADAMS: This is to let you know that I have not received a letter from Mr. Hambright in which he mentioned the name of Jimmie Burns or any of his supporters. In fact, I doubt seriously if Mr. Hambright knows there is a man by this name in Spartanburg. However, I have heard it said around Spartanburg that Mr. Langston and Mr. Dillingham were supporters of Mr. Burns and that they had suggested to you the name of Mr. Metcalf for one of your deputies in case you were appointed United States marshal.

The other letter you asked about which I received from Mr. Hambright in regard to contribution of $175 and $50 per month in the future, beginning the 1st of January, I received this letter from Mr. Hambright, and the letter was filed along with some other correspondence, but, as you know, I went through my file the second time while you were here in the office but failed to find this letter. I have gone through again to make sure that I did not overlook it. I find the letter has been misplaced.

Yours very truly,

J. T. ROBINSON.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES. Mr. President, I present a conference report on the second deficiency appropriation bill and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The clerk will read the report for the information of the Senate.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiences in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 18, 20, 27, 41, 56, 60, 63, 64, 68, and 99.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 15, 17, 19, 21, 22, 28, 29, 30, 31, 32, 34, 35, 38, 39, 40, 42, 43, 48, 49, 50, 51, 53, 54, 55, 57, 58, 62, 65, 67, 71, 74, 75, 78, 80, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, and 98, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "any" and insert in lieu thereof "not exceeding $25,000 of any," and in line 6 strike out the word "are" and insert in lieu thereof "is," and in line 10 strike out "$265,000" and insert in lieu thereof "$240,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, after the word "for," insert the word "temporary," and in line 12, after the word "February," insert "27"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out "July 1, 1931" and insert in lieu thereof "on the date of the approval of this act"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Department of vehicles and traffic, District of Columbia: For personal services, fiscal year 1932, $34,300, together with the amount of $36,060 for personal services, office of the director of traffic, contained in the District of Columbia appropriation act for the fiscal year 1932: *Provided*, That the appropriation of $80,100 contained in the District of Columbia appropriation act for the fiscal year 1932 for the purchase and installation of electric traffic lights, etc., office of the director of traffic, shall be available for similar expenditures under the department of vehicles and traffic, District of Columbia."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"The appropriation of $3,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, etc., contained in the act entitled 'An act making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment,' approved December 20, 1930, is hereby continued available during the fiscal year 1932."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "(Public, No. 616, 71st Cong.)"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment after the word "approved" insert "February 28"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lines 7 and 8 of the matter inserted by said amendment strike out "year 1931 and to remain available until expended" and insert in lieu thereof "years 1931 and 1932"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, after "ruary" insert "27"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment in lieu of the dash insert "28"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That no part of this appropriation shall be expended until the State of Tennessee, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same concerned shall have given to the Secretary of War satisfactory assurances that immediately upon the completion of such improvements as may be made under this appropriation they will accept title to and maintain such portion of the road under the provisions of the act approved March 3, 1925 (43 Stat. p. 1104), and the Secretary of War is authorized to convey title to such road in accordance with the provisions of such act, except such portions thereof upon which have been erected by the Government or by States or by veterans' organizations or societies, monuments, markers, or tablets to mark and commemorate historic events connected with the battle"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 10, 14, 23, 25, 33, 36, 37, 44, 45, 46, 59, 61, 66, 72, 77, 79, 81, 82, 95, and 100.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
KENNETH MCKELLAR,
Managers on the part of the Senate.
WILL. R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the report?

Mr. TYDINGS. Mr. President, may I ask the Senator if the appropriation to print the evidence adduced by the Wickersham Commission was stricken out in conference?

Mr. JONES. It is my recollection that it was, because the conferees felt that it could be well taken care of out of the printing appropriation for the next fiscal year in the sum of $2,500,000.

Mr. TYDINGS. I am sure that what the Senator says is said in good faith and that he feels there is sufficient money to print the evidence adduced by the Wickersham Commission. However, I would like to have assurance from the Committee on Printing that they will print the evidence out of the money now at their disposal. If I can have that assurance I would not personally object to the consideration of the conference report at this time. What I am interested in is having the evidence printed and not keeping the appropriation in the deficiency bill if there is sufficient money elsewhere to pay for the printing. Will the Senator let the report go over for a few minutes?

Mr. JONES. Oh, no; we must get the deficiency appropriation bill disposed of. The Senator realizes the importance of early action upon it.

Mr. TYDINGS. I do.

Mr. JONES. I feel sure that the Committee on Printing will take care of the Senator's matter. They ought to do it. The Senator from Minnesota [Mr. SHIPSTEAD] is chairman of the Committee on Printing.

Mr. TYDINGS. Let us assume there is sufficient money to print the evidence, what harm will it do to leave the appropriation in the deficiency appropriation bill, because we can not spend it from two sources?

Mr. JONES. Personally, I am perfectly willing to do it, but the conferees kept the item open for quite a while and it was felt that it ought to be taken care of out of the regular printing appropriation.

Mr. TYDINGS. I would appreciate it very much if the Senator would agree to let the conference report be held in abeyance for half an hour until I can confer and assure myself about it.

Mr. JONES. I can not hold up the appropriation bill in that way. I am satisfied the Senator's matter will be taken care of. I assure the Senator that in so far as anything I can do to have it done may be concerned, I shall be glad to do it. But we ought not to hold up the appropriation bill.

Mr. TYDINGS. I do not want to be put in that position. I am sure the Senator appreciates that, but if there is not sufficient money in the general printing fund to publish this evidence, then I would feel impelled to move that the matter be recommitted to the conferees with instructions to insist on the amendment.

Mr. JONES. I do not think there is any question about there being plenty of money for that purpose. I understand that $2,500,000 is available for the next fiscal year for printing and we certainly can provide $10,000 out of that for the printing of the report to which the Senator refers.

Mr. TYDINGS. My apprehension comes from the fact that I went before the Committee on Printing and it was at the suggestion of that committee that I prepared the amendment in pursuance to a resolution which the committee itself reported and which was adopted by the Senate.

Mr. JONES. I am sure the $2,500,000 in the printing fund is not all allocated. I think the Senator can safely rely on that fact. If there is anything I can do to help the Senator I shall be glad to do it.

Mr. TYDINGS. I appreciate that, and I do not want to hold up the conference report a single moment, but I do not see the Senator from New Hampshire [Mr. MOSES] or the Senator from New Jersey [Mr. KEAN] or the Senator from Minnesota [Mr. SHIPSTEAD], and there is no one else by whom I can verify the statement of the Senator that there is sufficient money in the fund to print the evidence.

Mr. JONES. The $2,500,000 is provided for the next fiscal year and they certainly can allocate a sufficient amount for the purpose the Senator has in mind.

Mr. TYDINGS. Will the Senator hold up the report for 15 minutes? I shall not object if I have that assurance from the Committee on Printing. Fifteen minutes' delay will not ruin the Government. I am sure the Senator wants to give me an opportunity to assure myself about it.

Mr. JONES. There may be some questions that other Senators desire to submit about the report. Let us try to dispose of those anyway.

Mr. TYDINGS. Very well.

Mr. JONES. If necessary, I shall be glad to give the Senator a little more time.

Mr. ROBINSON of Arkansas. Mr. President, the report as read by the clerk does not indicate the amendments that have not been agreed to. It indicates them by number, but does not explain the relation of the number to the text of the amendments.

Mr. JONES. I can give that information to the Senator. The first is an amendment relating to a Government Printing Office employee who is really one of the employees of the Senate. The amendment is agreed to tentatively but has to be taken back to the House for action.

Amendment No. 14, relating to hospitalization, is in disagreement, and we are waiting to see the outcome of legislation pending in conference.

Amendment No. 23 relates to the Mount Vernon Road. There is a tentative agreement on it, but the House conferees have to take it back to the House for action.

The same is true of amendment No. 25, payment of the Florida road damge, and No. 33, the Navajo sanatorium in Arizona. The amendment numbered 30, relating to the reclamation fund, is in disagreement, but we expect legislation which has already passed the Senate to go through the House to take care of it.

Amendment numbered 37 relates to the Seminole Dam and Reservoir. The House conferees have to take it back to the House for action.

The employment-service item is in disagreement, awaiting the outcome of pending legislation.

Mr. WAGNER. Mr. President, may I be enlightened by the Senator from Washington as to the situation in regard to that item? The President has before him now under consideration a bill which was passed by Congress establishing the unemployment-exchange system. There is in the bill an authorization for an appropriation of $1,500,000. Unless some provision is made by appropriation, the President would be justified in vetoing the bill upon the ground that Congress has failed to make the appropriation. The amendment which I offered was in such a form that the appropriation would lapse in the event the President decided to veto the measure. It seems to me to be a very strange attitude for Congress to take, after authorizing the appropriation and passing the bill, then to refuse to make an appropriation for it.

Mr. JONES. The Senator is mistaken, I think, in his statement that the President would be justified in vetoing the bill if no appropriation should be made. No appropriation would be authorized until the bill should become a law, so that the President could not have any excuse of that kind. We are waiting to see whether or not the President signs the bill. Of course, I know how the amendment is worded, but the House conferees—and I think wisely—felt, at any rate, that we had better wait another day or so to see if some intimation from the President might be received as to the action he is going to take. If we do not get it by to-morrow, then, of course, we will take the action that is necessary to keep this matter going. It may not be necessary to change the Senator's amendment; I do not know about that; but I remember how it is drawn, and if the bill to which he refers is going to become a law, then we can provide for the appropriation under existing law. That will be taken care of.

Mr. WAGNER. I merely wanted to have the assurance from the chairman of the committee that if the bill now pending before the President shall become a law before final adjournment, then an appropriation will be provided.

Mr. JONES. I will go just as far as I can to have that done, and to have the provision adopted by the Senate retained in the pending bill.

Mr. WAGNER. How possibly can Congress take any other attitude? By refusing an appropriation Congress would be practically vetoing the measure, instead of the President doing so. It seems a most anomalous position for Congress to take.

Mr. JONES. Congress sometimes does not make all the appropriations that are authorized by law. Such action, however, is not in the nature of a veto of any previous acts, but Congress has that authority.

Mr. WAGNER. But by failing to make provision we compel the President to veto the measure.

Mr. JONES. No; not at all; the Senator is certainly wrong about that.

Mr. WAGNER. Will the Senator explain in what respect I am wrong?

Mr. JONES. If the President signs the bill, then we will make an appropriation to carry it out.

Mr. WAGNER. But the President may not make disposition of the bill until after Congress shall have adjourned.

Mr. JONES. If he does not do so, then the bill is dead.

Mr. WAGNER. He may still sign it after Congress adjourns. As I understand, he has several days after the adjournment in which to dispose of the legislation presented to him.

Mr. JONES. Of course we will make some provision with reference to the employment measure. I will say what my personal view is: I am in favor, if we do not get some word by to-morrow, of providing for the $500,000, as estimated by the Budget to carry out existing law. I will go just as far as possible to get that item.

Mr. WAGNER. That is a little different situation. I am talking about an appropriation to carry out the provisions of the bill which is now pending before the President, which was passed after some two years' struggle in Congress. By refusing to make any appropriation, even a conditional one, we compel a veto of that measure. I think it is an unheard-of policy.

Mr. JONES. I can not understand the Senator's reasoning in that regard. The bill referred to is not as yet a law, and Congress can not very well appropriate money to carry out proposed legislation which is not legislation.

Mr. WAGNER. It seems to me that Congress certainly can make a conditional appropriation available in the event that the bill shall be approved.

Mr. JONES. My understanding is that if the President does not sign the bill by the 4th of March at 12 o'clock, when Congress shall finally adjourn, that is the end of the bill.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. ROBINSON of Arkansas. Assuming that the President signs the bill on the occasion when he comes to the Capitol for the purpose of signing numerous bills on the 4th of March, and that the bill is actually not signed until, say, 10 minutes before adjournment or an hour before adjournment, then would not the condition arise to which the Senator from New York has referred?

Mr. JONES. Yes; that condition would probably arise.

Mr. ROBINSON of Arkansas. Well, what is the objection——

Mr. JONES. I am not saying that I am opposed to this proposition.

Mr. ROBINSON of Arkansas. I understand that.

Mr. JONES. We will try to take care of it in conference, but I am not the only conferee, and this is not the only body that has to deal with that matter. I want to say that there is strong opposition to making an appropriation to carry out legislation which is proposed but which has not been finally enacted.

Mr. ROBINSON of Arkansas. What is the status of the amendment to which the Senator has referred?

Mr. JONES. It is in disagreement; it will go back to conference; and, so far as I am concerned, as one of the Senate conferees, I will try to take care of the situation just as fully as possible.

Mr. WAGNER. Mr. President, of course, I do not know just how to interpret the assurance given by the Senator, because he referred a moment ago to a $500,000 appropriation, which is for an entirely different purpose than the purpose of the legislation which was passed here and which bears my name.

Mr. JONES. Yes; but the Senator very wisely incorporated that provision in his bill so as to take care of a possible contingency. I want to say to the Senator——

Mr. WAGNER. I did it primarily because——

The VICE PRESIDENT. One at a time. The Senator from Washington has the floor.

Mr. WAGNER. Will the Senator yield?

Mr. JONES. I merely wish to say to the Senator that I assure him that, so far as I can go as a conferee, I am going to go. I will go just as far as possible to take care of the situation; but the Senator must remember that there are five conferees from another body who may have their ideas as to what ought to be done in regard to proposed legislation that has not as yet become a law. We are going to hold this bill up just as long as we feel we possibly can, in order to take care of any legislative needs that may develop hereafter. So far as I can possibly do so, I want to carry out the provisions of the legislation in which the Senator from New York is interested.

Mr. WAGNER. I will accept the assurance of the Senator upon that question.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Maryland?

Mr. JONES. I yield.

Mr. TYDINGS. The Senator from Minnesota [Mr. SHIPSTEAD], the chairman of the Committee on Printing, and the Senator from New Hampshire [Mr. MOSES] are both on the floor. May I say to them that the appropriation of $25,000 for printing the evidence adduced by the Wickersham Commission has been eliminated in conference, although it was adopted by the Senate, and that the chairman of the conferees on the part of the Senate assures me that there is sufficient money in the general printing fund to take care of the printing of this evidence. I do not want to object to the Senate conferees relinquishing the amendment agreed to here in this body, but I do want to have assurance from the chairman of the Committee on Printing that he feels there is sufficient money to enable this evidence to be printed.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. I yield.

Mr. SHIPSTEAD. I have no detailed information as to how much material has been ordered printed by the Senate and the House at this session. Probably the conference committee has that information. So far as I am concerned, I would be willing to assume that they know what they are talking about and that there will be sufficient funds available for the purpose indicated. I can not give the Senator any such assurance, because I have not the knowledge as to how much it will cost to print all the material which has been ordered to be printed, how far the printing fund will go, and how it may have been allotted for that purpose. However, if the Senator is willing to take the assurance of the conference committee that there are sufficient funds, I would be willing to accept their assurance.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Maryland?

Mr. JONES. I yield.

Mr. TYDINGS. The Senator from Minnesota, who is chairman of the Committee on Printing, says that he has no intimate knowledge of the various demands to be made upon the printing fund. However, if the Senator from Washington will assure me that he feels there is sufficient money to provide for the printing of this evidence and that the evidence will be printed, I shall not make further objection.

Mr. JONES. I do feel that way, I will say to the Senator.

Mr. TYDINGS. If there is any question about it, while I should dislike very much to——

Mr. JONES. I can not say that I can guarantee it, because I have not gone into the details of the printing fund. I take it that with two million dollars and a half they can use $25,000, or whatever may be necessary to take care of the printing of the material referred to by the Senator. I, myself, would have no question about it.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. JONES. I yield.

Mr. MOSES. I am very sure, Mr. President, that so far as the amount of money named is concerned there are ample funds. The only difficulty in the situation, as I see it, is whether there is a difference in language between the amendment contained in the deficiency bill and the resolution reported from the Committee on Printing the other day and agreed to by the Senate. The mass of material submitted by the Wickersham Commission in response to the two resolutions of the Senate is so voluminous and so complex that it will require the services of somebody to classify and edit and index it, if it is to be made at all useful. The amendment in the bill provides that money out of the $25,000 item may be used for the purpose of employing an indexer or a clerk or an editor. I am not sure the language of the resolution does that. I have sent for the resolution and will have it here in a minute or two, so that we may ascertain the fact. If the resolution carries the same provision, there is no reason why we should object to the Senate receding on this particular item; but if the material is to be made use of effectively, it certainly requires that provision.

Mr. TYDINGS. Mr. President, will the Senator from Washington yield further to me?

The VICE PRESIDENT. Does the Senator from Washington yield further to the Senator from Maryland?

Mr. JONES. I yield.

Mr. TYDINGS. Mr. President, I am very much concerned over this matter for the following reasons: First of all, among the evidence which will be submitted by the Wickersham Commission is a survey of the conditions in 41 States of the Union showing just how prohibition is enforced, what its weaknesses are, what its strong points are, and what is needed in the way of supplemental legislation as adduced by the commission.

It seems a shame for Congress to appropriate a large sum of money to gather all this information and then not have it available to Senators, for if we do that we are in the position of having spent this huge sum of money to inform the 11 members of the Wickersham Commission; that is all; nobody else will know anything about the evidence that was presented. The country wants to know what it is; the country wants to know what the weaknesses are in the prohibition structure.

The Wickersham Commission has made a number of recommendations for new legislation. How, in the name of common sense, can we act intelligently upon their recommendations unless we have the evidence, the facts which show that the proposed new legislation is necessary? My concern, therefore, is that at the next session of Congress we are going to have numerous bills introduced in line with the recommendations of the Wickersham Commission; but we will not have the evidence showing why that legislation is necessary.

I am advised that in many of the States the reports show that national prohibition is very satisfactory, as a general thing, while in other States it is shown that it is unsatisfactory. I am very anxious, therefore, in the interim between the adjournment of this Congress and the convening of the next Congress that this mass of evidence may be printed, so that every Senator and every Member of the House of Representatives may have a copy of it, familiarize himself with the conditions that exist, and thereby be enabled to form an accurate conclusion as to whether or not these proposed measures suggested by the Wickersham Commission should or should not be adopted. Unless I can receive some assurance that that is to be done, I will be compelled to ask that the conference report be recommitted to the conferees with instructions to insist upon our amendment, which provides for the orderly compiling, editing, and printing of all this information which is pertinent and which would eliminate the useless documentary evidence already in print from other sources.

Mr. JONES. Mr. President, the Senator appreciates the condition of things and the importance of this appropriation bill. We have some disagreements on some other amendments now. I feel that this matter can be taken care of under the general appropriation which has been provided. As I have said, I will do everything I can along that line, and I hope that the conference report may not be delayed on account of this item.

Mr. MOSES. Mr. President——

Mr. JONES. I yield to the Senator from New Hampshire.

Mr. MOSES. The resolution agreed to by the Senate on the calendar day of February 26 does not contain provision for the employment of somebody to edit all this manuscript. That is the defect of the resolution, and that is cured by the amendment. Inasmuch as certain other amendments have to go back in disagreement, let me ask the chairman of the committee why the Senate might not agree to everything that is now presented in the report except this numbered amendment, and let that go back, with an explanation to the conferees of exactly what has taken place on the floor.

Mr. JONES. We should have to reject the conference report, and then the whole matter would be open. Every item we have spent to-day in discussing, and so forth, would be open.

Mr. MOSES. There might be a lot of people about the Capitol who would be glad to have that done. I do not wish to have it done, however.

Mr. JONES. The question is whether or not we desire to run the risk of having the deficiency bill, which is so important, defeated.

Mr. MOSES. I can think of but one other remedy, if the Senator from Washington will permit me further, and that is to introduce in the Senate another resolution to provide that the Joint Committee on Printing, in carrying out the duty devolved upon it by Senate Resolution 474, shall be permitted to draw upon the contingent fund, upon vouchers approved by the chairman of the Joint Committee, for such clerical assistance as is necessary in editing the material.

Mr. JONES. I should think that could very well take care of the situation.

Mr. MOSES. Because, while I was once an editor, I do not intend personally to edit this drayload of material which has been dumped upon the table of the Joint Committee on Printing. I should like to have some assurance from the powerful Senator from Washington that if the Senator from Maryland and I draw a resolution such as I have described we may have his great and influential cooperation in putting it through.

Mr. JONES. I have no hesitation in saying that I will do what I can to aid in the passage of a resolution of that kind.

Mr. TYDINGS. Mr. President, under the circumstances I do not want to hold up the bill, and I shall withdraw any objection; but I do hope that when the amended resolution comes before the Senate no Senator will take advantage of the position in which I place myself by withdrawing opposition at this time.

Mr. JONES. I hope so, too.

Mr. BARKLEY. Mr. President——

Mr. JONES. I yield to the Senator from Kentucky.

Mr. BARKLEY. I desire to inquire of the Senator with reference to the status of amendment numbered 79.

Mr. JONES. I will say to the Senator from Kentucky that there is a notation "that the Senate recede," with an interrogation. That is, if the legislation passes the House, it will be taken care of. That is the idea.

Mr. BARKLEY. I hope the Senator from Washington and other Senators on the conference committee will eliminate that notation. I wish to make a statement to the Senate with reference to this matter.

Of course, we are all familiar with the great services rendered by George Rogers Clark and the pioneers who joined him in the discovery of that vast northwestern territory which enabled the western boundary of the new Nation to be at the Mississippi River instead of the crest of the Allegheny Mountains.

We have appropriated a million dollars, in addition to the funds which have been raised in Indiana, to build a suitable monument at Vincennes. I have been very enthusiastic about the obligation of this Government to recognize in some substantial way the contribution made by George Rogers Clark to the expansion of the Union. It so happens that at Fort Harrod, in Kentucky, General Clark organized the expedition which went across the Ohio River and captured this vast territory which is now a part of the United States. Nearly half the men who were members of his expedition were recruited at Fort Harrod. It was at this place that they started on the expedition. It was also at this place that the resolutions were adopted by the province or county of Kentucky, then a part of Virginia, asking for statehood from the State of Virginia; and it was from there that a delegation went to visit Patrick Henry, then governor of the State.

There is no geographical location in the United States that carries with it more important historical events than old Fort Harrod, which is now the city of Harrodsburg. The State of Kentucky and the local community have raised nearly $100,000 to restore the old stockade built by General Clark and his compatriots. They have moved up to this location the log cabin in which Thomas Lincoln and Nancy Hanks were married, and it is now there in a state of good preservation. In that cabin is contained the marriage certificate of Thomas Lincoln and Nancy Hanks, which settles a good many questions with reference to Abraham Lincoln himself.

In the Senate we passed unanimously a bill authorizing the building of a suitable monument there. It came out of the Committee on the Library by unanimous vote. It so happens, I regret to say, that the chairman of the Committee on the Library in the House will not permit this bill to come out on the floor to be voted on in the House; and unless we can get this appropriation in this bill there is no chance to obtain the necessary legislation.

In view of the fact that the amount appropriated by the Federal Government for building a monument at Vincennes has been reduced below the $1,700,000 originally appropriated by the Senate, and notwithstanding the fact that we probably shall have to appropriate another half million dollars in the future for the completion of the Vincennes monument, I think that the beginning of this great expedition, which resulted in the expansion of this country to the Mississippi Valley and beyond, is entitled to recognition on the part of Congress. Without in any way disparaging the great accomplishment at Vincennes, whose memorial I have enthusiastically supported and intend to support with the same enthusiasm in the future, if it had not been for the transactions that occurred in Harrodsburg or at Fort Harrod, in Kentucky, Vincennes would still, in all probability, be in the middle of the British Empire.

So I think that, notwithstanding the opposition of any one man in another body to the recognition of the merits of this great expedition at its inception, the Senate and the Senate conferees ought to insist on this amendment, and retain it in the bill. I hope the conferees will do that, and, if necessary, take the matter back to the House, where I believe they will adopt it if they are given an opportunity.

Mr. JONES. I want to say to the Senate that this amendment is reported in disagreement, and the Senate conferees will do the very best they possibly can to retain it when we go to conference again.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. COPELAND. I wish to ask the Senator two questions; first, regarding amendment numbered 44, relating to the United States Employment Service. I came into the Chamber late. As I understand it, that matter is still in disagreement.

Mr. JONES. That is in disagreement, and will go back to conference.

Mr. COPELAND. So that there is some hope regarding that yet?

Mr. JONES. There is.

Mr. COPELAND. The second question is this. There are some authorizations which have been passed, both through the House and the Senate, since the second deficiency bill was passed. If it is deemed advisable, will they be taken care of by joint resolutions?

Mr. JONES. I think so. They can not be taken care of in this bill, of course. They are not in it.

Mr. COPELAND. I understand.

Mr. JONES. At any rate, any matter of that kind that is urgent and necessary, the House, I am satisfied, will send over to us in a joint resolution.

Mr. COPELAND. That will be the procedure?

Mr. JONES. That will be the procedure anyway.

Mr. COPELAND. Such action would originate in the House?

Mr. JONES. Yes.

Mr. COPELAND. So that if there are such authorizations, that is the way they will be dealt with, so far as appropriations are concerned?

Mr. JONES. Yes.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. JONES. I yield.

Mr. NORRIS. I have just come in from the Judiciary Committee room; is there a request for unanimous consent pending?

Mr. JONES. Yes; to proceed to the consideration of the conference report on the second deficiency bill.

Mr. NORRIS. Then I would like to ask the Senator with regard to amendment numbered 38.

Mr. JONES. That was agreed to.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. SMITH. I have not the number of the amendment in the bill, but there is an amendment in the bill with reference to the item for the Charleston Navy Yard.

Mr. JONES. That is in disagreement.

Mr. SMITH. I just want to call the Senate's attention to the fact that when the first deficiency bill was before us——

Mr. JONES. We have that matter in mind.

Mr. SMITH. I wanted to call attention to the fact that I was assured that if I would get an estimate, that amendment would go through. So I busied myself and got an estimate. It is indorsed by the Secretary of the Navy, the Director of Yards and Docks, and has been unanimously adopted by the Senate. I just wanted to call attention to that fact, and to the fact that this yard is the only one, among all the emergency matters, for which no appropriation was made.

Mr. JONES. Mr. President, there may be some controversy over one statement the Senator has made, namely, that assurance was given that if an estimate came down, it would be agreed to. I think that is the general understanding of the Senate conferees, but there may be some who may question that statement as fully as it is made.

Mr. SMITH. That was my understanding.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to his colleague?

Mr. JONES. I yield.

Mr. DILL. I want to discuss another matter for a few minutes when I can get the floor.

Mr. JONES. I hope the Senator will permit the conference report to be taken up.

Mr. DILL. I want to discuss the conference report on the deficiency bill a little.

The VICE PRESIDENT. It can be discussed after it is taken up.

Mr. JONES. Will not the Senator allow us to get consent to bring the conference report up?

Mr. DILL. I have no objection to that.

The VICE PRESIDENT. Is there objection to the request of the senior Senator from Washington [Mr. JONES] that the Senate proceed to the consideration of the conference report on the second deficiency appropriation bill?

There being no objection, the Senate proceeded to consider the report.

Mr. JONES. Mr. President, I want to say just a word. There are really only three items, which, it might be said, are in serious dispute. One of those is the Charleston Navy Yard item, to which the senior Senator from South Carolina has just referred.

The second is the New Bern, N. C., item, relating to relieving the people of that community from an obligation they assumed some time ago.

The third is the appropriation for the construction of a Court of Claims building in the District of Columbia.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. ROBINSON of Arkansas. My understanding of the Charleston matter is the same as that expressed by the Senator from South Carolina, and I wish to say now that I feel it is important that that item be adhered to by the Senate.

Mr. JONES. I think we appreciate that.

Mr. ROBINSON of Arkansas. I know from the statement made by the Senator in charge of the conference report and the Senator from Utah that they both realize the importance of maintaining that item.

Mr. JONES. Mr. President, if there are no more questions about the conference report, I will yield the floor.

Mr. FLETCHER. Mr. President, will the Senator yield to me a moment?

Mr. JONES. I yield.

Mr. FLETCHER. I do not see in the report any reference to the amendment relating to the Florida item for public roads.

Mr. JONES. That matter has been taken care of.

Mr. FLETCHER. I notice that under the item for the dredging of the channel at Fort Pierce Harbor, Fla., no amount is given.

Mr. JONES. That will be taken care of in the House. The House conferees have to take that item back, and they can provide that.

Mr. FLETCHER. All they need to do is to add the amount?

Mr. JONES. Yes; but they had some other provision they wanted to put in. Mr. President, I think we are ready to vote on the adoption of the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. KING. Mr. President, before the vote is taken may I ask the chairman of the committee a question? In the report as it has been submitted what changes have been made in the amendments agreed to in the Senate?

Mr. JONES. Does the Senator want me to go over the 100 amendments?

Mr. ROBINSON of Arkansas. The Senator from Washington has been over all of them. I made full inquiry of him with reference to them.

Mr. KING. Very well. I have been detained in a committee meeting and did not know the Senator from Washington had explained the report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

THE PRESIDENT'S POSITION ON MUSCLE SHOALS

Mr. DILL. Mr. President, yesterday the newspapers carried a statement from the President regarding the Muscle Shoals measure. Before I say what I have in mind regarding the statement, I want to call attention to the development in the method of presenting news from the White House to the public.

For many years it has been the custom for the newspapers not to quote the President of the United States. Newspapers for many years would print a statement to the effect that "on the highest authority it is understood" that the President believed certain things, or took a certain position, or that "from sources close to the President" or "from the White House" certain information had come.

Under President Coolidge, the President spoke through the White House spokesman—some Senator near me suggests "unofficial spokesman." That individual has disappeared.

Now President Hoover has inaugurated a policy of giving out statements from the White House. I do not think the President receives any stated fee for that service as a columnist, as his predecessor does, but he contributes almost as regularly.

One would judge from these statements that the President is easily irritated by criticism. It will be recalled that when the question of unemployment and suffering was being discussed in this body, and certain Senators criticized the President, he proceeded to issue a bitter attack to the effect that Senators were "playing politics with human misery." I have no comment to make of that, other than that the human misery has not been relieved greatly by any legislation Congress has passed.

When the Senate sent a resolution to the President asking him to return the names of three Power Commission members, he wrote a dignified reply, and while I disagreed with him, I thought it was a strong answer, stating his position. But at the same time, in the words of Goldsmith, he "stooped to conquer" by issuing a statement to the newspapers of the country. In that statement he said that it was indicated that he was in league with the power interests, the Power Trust, and he wanted to free himself of any charge of that kind.

Now the Muscle Shoals statement is issued. These other statements have been supplemental to official statements sent to Congress, but this is a supplemental statement sent before the veto is even written.

I note in the statement that the President is fearful that the people will think he is in league with the power interests. He says he is not, and I accept his statement. No man would challenge a statement of the President of the United States on a matter of that kind.

Mr. President, I do want to call attention to certain facts. When the President appointed a power commission he appointed men who did the identical thing the power interests would have done had they been in charge of that commission, namely fire from the body Mr. Russell and Mr. King, two men who had made a battle for the people in connection with questions coming before the Power Commission.

In his statement yesterday on Muscle Shoals the President defends himself and attempts to give as proof that he is not in league with the power interests the argument that he has recommended to Congress that we shall regulate interstate power. That is identically what every power company in the United States recommends. They are all in favor of regulation. They are in favor of regulation in every State, and they are in favor of regulation of interstate power. So I say, even though the President is not in league with them, he does the things and he recommends the things which the power interests themselves champion.

In this Muscle Shoals statement the President talks about the importance of regulating interstate power as though that would remedy the situation. I think it was Mr. Roosevelt who said that some men have the habit of using "weasel words" when attempting to make statements. I would not accuse the President of that, but his statement on this subject is a sort of soothing-sirup statement. It proposes to cool the surface of the fevered situation rather than to go to the root of the trouble and remedy the condition by removing the cause or compelling the power interests to treat the people fairly.

Experience in a majority of the States of this Union proves that power rates can not be regulated in the interest of the people. Either the power companies are able to control enough of the public-service commission membership to get the kind of rates they want or they go to the Federal courts, even to the Supreme Court of the United States, and have valuations approved by which they can get the rates they desire.

The only effective regulation of the hydroelectric-power business in the United States to-day is to be found in the competition furnished by municipally owned plants, and the only effective regulation we will get in this country will be through municipally owned plants, and the ability of the people to have such plants whenever and wherever they desire. Anyway, the interstate power business constitutes only about 15 per cent of all the power in the United States.

The President says there is an effort to make a political symbol out of Muscle Shoals. It is not a question of whether Congress is trying to make a symbol out of Muscle Shoals. The disposition of Muscle Shoals is a symbol—a symbol of whether we are going to allow a power company in the Southern States to profiteer upon the people there in the sale of the power produced at Government expense or whether it will be a symbol that the power shall be sold to the people of those communities to be used at somewhat near the cost at which it is produced and to make cheap fertilizer for the farmers of the United States.

The President says it is an engineering problem. I could not but think, as I read that, that there are many kinds of engineers. There are civil engineers, there are mechanical engineers, there are chemical engineers, there are electrical engineers.

Mr. NORRIS. And political engineers.

Mr. DILL. The Senator suggests another kind of engineer. I suggest that the President of the United States had in mind, at the time he made that statement, engineers of technical kinds, engineers who deal with pen and ink upon bits of paper. The Muscle Shoals problem can not be properly decided through any such engineering method.

Some one suggests political engineer, promoting engineer. We need a social engineer properly to dispose of this problem because in the disposal of this problem are involved human relationships, there is involved human happiness, there are involved the costs of the necessities of life, not only of the people of the southern communities who live around Muscle Shoals but because of the example that Muscle Shoals will be. If the plan of the Senator from Nebraska and the conferees is used, it will have its effect all over the United States.

Mr. CARAWAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. DILL. I yield.

Mr. CARAWAY. The Senator just said what I think is a most important thing in connection with the pending legislation. The intention of Congress in passing the legislation was to provide for the production and distribution of power and the manufacture of fertilizer. It is, indeed, a symbol; it is a possibility for that purpose, and for that purpose alone. It does not itself furnish sufficient power nor will it furnish sufficient fertilizer ever to disarrange the plans of the power people or the fertilizer people, but it may demonstrate that the profits which they have made are unrighteous.

Mr. DILL. Exactly so; and when the President charges certain Senators and Congressmen with trying to make it a symbol, I reply that it is a symbol and the action of Congress and the President makes it a symbol.

Mr. CARAWAY. Everybody must recognize that there is more back of it than the mere intrinsic value of Muscle Shoals.

Mr. DILL. Absolutely. Before I resume my seat let me remind Senators that in this river, and in every river of America, the waters which flow down from the mountains are filled with power. That power not only contains latent electricity, which provides light and heat and the comforts of life and lifts back-breaking toil from the lives of men and women of America, but it contains power to make for fertility of soil in many parts of America. The cost of that power, as an example, will directly affect the happiness of millions yet unborn because of the power not yet developed. At Muscle Shoals we are to determine upon a policy not merely for Tennessee and Alabama and surrounding communities, but a policy which affects the long future of the entire country in relation to the development and sale of electricity.

I do not want to take time to discuss it further, but I did want to call attention to the fact that we are reaching the point in this country where the President does not confine himself to his official statements to Congress on legislation, but that he runs a publicity bureau through which he issues to the public statements relating to issues before the Congress.

Mr. President, I ask permission to print in the RECORD at this point the statement of the President on Muscle Shoals.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BY PRESIDENT UPON MUSCLE SHOALS BILL

The following statement was issued by the President yesterday:

"I have received a multitude of telegrams from governors and citizens in the Southern States urging approval of Senator NORRIS's Muscle Shoals project, and requesting that I express my views upon it. Some of them express dissatisfaction with its principles, but consider it expedient to approve it. I have also many telegrams from citizens of the Southern States and other parts of the country protesting against the principles of the bill.

"It is obvious from the debate, the press, and these many communications that Muscle Shoals legislation is no longer a question of disposing of a war activity to the advantage of the people principally concerned. It has by this legislation been transformed into a political symbol, and is expected to be a political issue. To be against Senator NORRIS's bill appears to be cause for denunciation as being in league with the power companies. It appears also to be emerging as to the test of views upon Government operation and distribution of power and Government manufacture of commodities. In other words, its adaptation to the use of the people of the Tennessee Valley and to farmers generally is now enmeshed in an endeavor to create a national political issue.

"One side issue of this political phase is the use which has been made of Muscle Shoals to sidetrack effective action on the Federal regulation of interstate power in cooperating with the States. Before and since taking office I have proposed this as a measure of essential protection to the 75,000,000 consumers and several million investors in power securities in all walks of life who use and own the 35,000,000 horsepower of the country. This public necessity has been held aside for 18 months and time of Congress given to 1 per cent of the power and the interests of 1 per cent of the people of the United States, which is the proportion of the Muscle Shoals problem to the whole.

"The bill calls for expenditures of $90,000,000 or $100,000,000 from the Federal Treasury to expand a power plant which has been a by-product of other major purposes of navigation and national defense into a large undertaking by the Government, the major purpose of which is to be the generation and distribution of power and the manufacture of fertilizers.

"In acting on the bill I have to consider whether it is desirable to adopt a change in Federal policies from regulation of utilities to their ownership and operation; whether the lease provision in respect to the fertilizer plant is genuinely workable; whether the method proposed in this bill will produce cheaper fertilizers for the farmers; whether the project is required for national defense; whether the proposals in this bill are in reality in the interest of the people of the Tennessee Valley; and, in general, to consider the commonplace, unromantic facts which test the merits and demerits of this proposition as a business.

"This happens to be an engineering project, and so far as its business merits and demerits are concerned is subject to the cold examination of engineering facts. I am having these facts exhaustively determined by the different departments of the Government and will then be able to state my views upon the problem."

Mr. DILL subsequently said: Mr. President, a few moments ago I introduced in the RECORD the statement of President Hoover regarding Muscle Shoals. I should like to insert in the RECORD, immediately after that the statement of the Senator from Nebraska [Mr. NORRIS] in reply to it.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Washington Post, Monday, March 2, 1931]

RIDICULES HOOVER POSITION

In reply to Mr. Hoover, the Nebraska Senator said:

"The President in his statement says: 'This happens to be an engineering project. The President being an engineer, it would

House to the public.

of the people. Either the power companies are able to con-

electricity, which provides light and heat and the comforts of life and lifts back-breaking toil from the lives of men and women of America, but it contains power to make for fer-

In reply to Mr. Hoover, the Nebraska Senator said:

"The President in his statement says: 'This happens to be an engineering project. The President being an engineer, it would

seem he would have no difficulty in solving the problem, and therefore it is rather surprising to learn from his statement that he is referring the matter to the heads of his departments, none of whom are engineers.

"The great engineer is seeking advice on 'an engineering project' from those who are not engineers, and when those who are not engineers tell the engineer what to do with 'an engineering project' the engineer will know whether to sign or veto the bill.

"It reminds me of the New England country justice who, at the close of a lawsuit, said he would take it under advisement for three days at which time he would render judgment for the plaintiff."

WICKERSHAM COMMISSION REPORT

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. James I. Seder, editor of the West Virginia Issue, of Charleston, W. Va., on the subject of the report of the Wickersham Commission.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WICKERSHAM COMMISSION REPORT

By J. I. Seder, editor West Virginia Issue

America has legal prohibition. For 11 years it has now been part of our Nation's fundamental law. After a half century of agitation it was properly and legally enacted. It is being faithfully observed by millions of our citizens. In common with all other laws, it is violated by some inhabitants. Many of these violators are aliens. Of these, some are ignorant of the laws and spirit of our Government.

They have come to us out of an altogether different environment. Their entire historical background is different. They need information and training. Thousands who came here from foreign lands have become some of our very best and most law-abiding citizens. Properly, patiently, and perseveringly taught, the rising generation, their descendants, will plant the flag on still higher ground.

SERIOUS PUBLIC CONCERN

However, there are many, both native born and alien, who do know better, yet violate our laws. These cause the Government greater concern than the first named. If the Nation is not to fall it must respect, observe, and enforce its laws. Nor can its citizens choose to obey some laws and violate others. That would be selective anarchy.

The beverage alcoholic liquor traffic always has been a law violator. Under the license regime it trampled the regulatory laws. Now it breaks the prohibition laws. So flagrant, bold, and defiant has been the traffic's attitude toward law and order as to endanger the safety and very existence of the Republic. Something had to be done to maintain law and orderly government.

CONGRESS DIRECTS INVESTIGATION

The President of the United States is charged with the duty of enforcing the Constitution and laws of this country. On March 4, 1929, the Congress provided funds, and President Hoover appointed a commission, commonly known as the Wickersham Commission, charged by Congress to make a "thorough inquiry into the problem of the enforcement of prohibition * * * together with the enforcement of other laws." The commission comprised "an able group of distinguished citizens, of character and independence of thought, representative of different sections of the country." For 21 months they labored painstakingly and reported.

President Hoover transmitted this report to Congress on January 20, 1931, with an appropriate message. Neither the President nor the commission was at any time authorized by Congress to consider the advisability of retaining prohibition as our national policy. The commission was authorized and directed by Congress to investigate law enforcement. The people themselves will pass upon the problem of enforceability, which involves the question of their own capacity to maintain the Government paid for and sealed with the blood of their forefathers. The readers of the West Virginia Issue will be glad to have the conclusions and recommendations of the Wickersham Commission in its report to the President, which are herewith summarized with some observations. Because of garbled accounts in newspapers unfriendly to prohibition, we feel all the more constrained to state the situation as we see it.

CONCLUSIONS AND RECOMMENDATIONS

Following is a summary of the recommendations of the commission bearing on prohibition:

Against repeal of the eighteenth amendment.

Against restoration, in any manner, of the legalized saloon.

Against Federal or State Governments as such going into the liquor business.

Against modification of the Volstead Act to permit light wines or beer.

That there must be State cooperation in enforcement, backed by public opinion.

That early enforcement was inadequate, but that there has been improvement since enactment of the Bureau of Prohibition act in 1927.

That "there is yet no adequate observance or enforcement" and that the present enforcement organization is still inadequate.

That there should be substantial increase in appropriations and improvements in the statutes and enforcement organization to increase efficiency.

To improve enforcement in detail the commission proposes:

Elimination of limitation upon amount of liquor which may be prescribed by physicians and upon number of prescriptions, and of abolition of requirement that ailment must be specified on a blank going into public files. (West Virginia law prohibits liquor prescriptions, except pure grain alcohol under permit of prohibition commissioner.)

Removal of Volstead Act's exemption of cider and fruit juices.

Increase of number of agents and other prohibition officers in personnel of Customs Bureau and in all enforcement equipment.

Enactment to make possible the tracing of specially denatured alcohol to ultimate consumer.

Prohibition of independent alcohol denaturing plants.

Codification of prohibition laws.

Legislation to make padlock injunction precedure more effective.

Legislation to provide method of prosecuting petty offenses in Federal courts.

THE PRESIDENT OF THE UNITED STATES

In transmitting the report to Congress, President Hoover concluded his message as follows:

"The commission, by a large majority, does not favor the repeal of the eighteenth amendment as a method of cure for the adherent abuses of the liquor traffic. I am in accord with this view. I am in unity with the spirit of the report in seeking constructive steps to advance the national ideal of eradication of the social and economic and political evils of this traffic, to preserve the gains which have been made, and to eliminate the abuses which exist, at the same time facing with an open mind the difficulties which have arisen under this experiment. I do, however, see serious objections to, and therefore must not be understood as recommending, the commissioners' proposed revision of the eighteenth amendment which is suggested by them for possible consideration at some future time if the continued effort at enforcement should not prove successful. My own duty and that of all executive officials is clear—to enforce the law with all the means at our disposal without equivocation or reservation.

"The report is the result of a thorough and comprehensive study of the situation by a representative and authoritative group. It clearly recognizes the gains which have been made and is resolute that those gains shall be preserved. There are necessarily differences in views among its members. It is a temperate and judicial presentation. It should stimulate the clarification of public mind and the advancement of public thought.

"HERBERT HOOVER.

"THE WHITE HOUSE, *January 20, 1931*."

INDIVIDUAL AND GROUP OPINION

There are marked differences of opinion among the members of the Wickersham Law Enforcement Commission as to some matters included in or omitted from the report, which is signed by 10 out of the 11 members. These are all opposed to again legalizing the saloon, and against repeal of the eighteenth amendment, subject to individual reservations in supplemental reports attached to the joint report.

The West Virginia Issue finds itself in full agreement with the commission as to certain of its conclusions in opposition to the repeal of the eighteenth amendment, its opposition to the restoration of the legalized saloon, and participation by the Federal or State Governments in the traffic in intoxicating liquors. The commission deserves commendation for refusing to indorse modification of the Volstead law to permit return of beer and wine under the Constitution, thus holding that they are intoxicating.

We agree with the commission in saying, as the Methodist Episcopal Clipsheet has well expressed it, that the cooperation of the States is an essential element in the enforcement of the eighteenth amendment, and that the support of public opinion in the several States is necessary in order to insure such cooperation. Anticipation of this cooperation is written in the Constitution itself. The words of Senator BORAH, quoted by Judge Kenyon in his statement of opinion, set forth this supreme duty with incontrovertible logic:

STATE SHOULD SUPPORT LAW

"The most inconsistent and indefensible thing in all government is for a state to be a part of a government, to belong as it were, to a government, to enjoy the interstate trade and commerce, the prosperity and the dignity of such government, but whose will and policy and authority it rejects. It is a part of the government for its benefits and its privileges. It is against the government for its supposed burdens. That is a false and mistaken position to take and no argument, no plea, will be able to justify such a position or give it a place of dignity and honor."

The second important contribution to be found in the conclusions and recommendations is in those paragraphs which recognize the inadequacy of the Federal set-up for enforcement and the concrete suggestions for adding substantial strength to the organization, personnel, and equipment, with certain adjustments and legislation which will make possible more efficient police procedure.

The commission's suggestion that the present restrictions upon the prescription of liquors by physicians be done away with evokes natural sympathy. It must not, however, be too hastily approved lest it be disastrous to enforcement and humiliating to the medical profession. The obligation rests upon the medical fraternity

to show how this can be done without making available to bootleggers a source of supply. It will not do to say that physicians will not abuse such a privilege. The vast majority will not. Some of them will, and that is the occasion for this provision in the law.

LAW NO FOOTBALL

The vague suggestion, that if and when additional effort fails to produce satisfactory enforcement, the amendment be revised in such a way as to give Congress power to regulate or to prohibit the traffic as it may see fit, is not, in our opinion, the way to a stable and satisfactory adjustment.

We believe that the people of the United States will insist that there be satisfactory enforcement before there shall be a repeal or revision of the eighteenth amendment. The repeal of law, statutory or constitutional, can not be obtained by methods which strike at the efficiency of law administration without great injury to the electoral privileges of the people. Whether or not prohibition be right or wise, it was brought about by constitutional processes and it expresses the will and the hope of a vast majority of the American electorate. There can be no doubt of this. The question was at issue in literally thousands of congressional and legislative elections covering a long term of years. If now a recalcitrant minority be permitted to bring about the defeat of this effort by resistance to the administration of the law, it will have been made apparent that upon this question those opposed to the legalized liquor traffic are not to be permitted to achieve effective decisions at the polls. Their citizenship at this point will have been degraded to a distinctly lower level than the citizenship of those of contrary opinion.

Inevitably there would result an extreme irritation and perhaps a purpose to resist the legislative achievements of the group responsible for the affront.

REVISION HAS OBJECTIONS

But there is another and even more practical objection to the commissioners' suggestion in regard to the possible revision of the amendment. There is a legitimate complaint at the present time, well stated by Mr. Anderson in his individual report:

"The liquor question is obscuring thought, dominating public discussion, and excluding from consideration other matters of vital concern."

If the suggested revision of the eighteenth amendment be brought about, every congressional and presidential election will be held in a furious controversy as to prohibition and the time of Congress will be monopolized to an alarming degree by political discussions upon that issue. The very purpose of putting the eighteenth amendment into the Constitution was to secure eventually an accepted policy, and this will doubtless result in due time from the present legislation.

The commission obviously found itself faced with insuperable obstacles to the suggestion of any other policy than that of prohibition. It criticizes in many particulars the operation of the prohibitory law, but it is slow to suggest any alternative.

The possible alternatives considered by the commission were: (1) Repeal of the eighteenth amendment; (2) repeal or modification of the national prohibition act; (3) supplemental legislation developing and improving enforcement; and (4) revision of the eighteenth amendment.

DOUBTFUL ALTERNATIVES

Obviously, the long record of trial and error in liquor legislation left the commission in grave doubt that any other method of dealing with the liquor traffic will succeed if prohibition does not. It does not propose remitting the question to the States, because it recognizes clearly that "every plan of control must start from the fundamental fact that the business of producing and distributing alcohol transcends State lines. A complete remitting of liquor control to the States would be likely to result in the present situation in some States, with open saloons in others, with attempts at State control of manufacture and distribution in many others, but with no guarantee that any may be held to the minimum standards which national considerations demand." Repeal of the national prohibition act, the commission finds, would mean nullification of a constitutional provision, while permitting so-called 2.75 per cent beer would embarrass prohibition States by imposing upon them an illicit traffic having a legal basis beyond the State lines. The report says:

"Experience before national prohibition makes it at least doubtful whether beer will replace spirits in general consumption to any degree. It must be remembered that before national prohibition, increase in the per capita consumption of beer was accompanied by no decrease in the consumption of spirits."

Also, the commission believes that if the beer is really not intoxicating it will not be found satisfactory to those communities where enforcement gives the most difficulty, and the same consideration applies to the proposed recognition of "light" wines.

Evasion of the Federal Constitution by specious definition of intoxication would undermine by legal action respect for the fundamental law.

SALOONS OUT-SIN SPEAK-EASIES

The commission states an opinion that speak-easies, even where they proximate the old-time open saloon, have few of the attractions which were used to bring customers to those drinking places. The speak-easies and the bootleggers do not curse the country with the gigantic evil of the legalized liquor traffic simply because they do not sell so much drink. The commission says:

"The evidence as to Keeley cures, as to arrests for drunkenness, and the type of persons found drunk in public, as to deaths from causes attributable to alcohol, as to alcoholic insanity, as to hospital admissions for alcoholism, and as to drunken driving, while in each case subject to much criticism and raising of many doubts, yet all seem to point in the same direction. * * * The figures on all the points referred to are still substantially below the preprohibition figures."

The commission found real and considerable benefits derived from the law, such as the elimination of the legalized saloon, the remarkable increase of labor efficiency, and the practical disappearance of much drink-caused social distress.

That it is possible to improve the administration of the law, and thus enlarge the benefits derived from its operation, is clearly indicated in a splendid survey made for the commission by Messrs. Dennison and Sawyer, a survey which has not been but should be made public. It offers new hope for the future and convincing evidence of progressive improvement in the past.

VALUABLE TESTIMONY

Judge Kenyon, in his individual opinion, quotes testimony to indicate the benefits of prohibition to industry. From the president of a great coal company:

"The old liquor laws aimed to control the public-nuisance feature of drinking and failed. The present law, in our mining towns at least, has largely corrected that failure. There is some moonshine liquor, some home-brew, and some bootleg, but the old days of the pay-day whoopee are gone. What drinking there is, is under cover; the practice of drinking up a whole month's pay and challenging the world to mortal combat has passed. A drunken miner in public is so rare a sight that when it happens one would think a dancing bear had come to town, and even his chance acquaintances rally to get him out of sight.

"Wages have not increased enough to provide for any great amount of liquor at prevailing prices and at the same time to buy automobiles, radios, electric appliances, and better food and clothing. The drink bill must be much less than before.

"It is only fair to state that whatever success prohibition has had in the mining fields may be somewhat attributed to the mine operators. No matter how much they may talk wet and drink wet in the great convention cities, they do not want any 'modification' at their mines.

"Prohibition may be an utter failure in other places, but it is not so here nor with the industrial people with whom I make contact. They are spending more money for things the whole family enjoy, and are better fit for work, better fed, and they constitute a majority of our population."

MISS EVANGELINE BOOTH

Miss Evangeline Booth, of the Salvation Army, said in part:

"As commander in chief of the Salvation Army in the United States, and with full support of my officers, I warn the commission that any surrender to the forces of crime and indulgence at this time will be followed inevitably by a heavy toll in human life and by a loss of the prosperity which has been an untold blessing to millions of our homes. The hope that crime will be diminished by concessions to crime is preposterous on the face of it. The Salvation Army knows the underworld."

Other words of Miss Booth that challenge attention are:

"You can hush every other voice of national and individual entreaty and complaint! You may silence every other tongue—even those of mothers of destroyed sons and daughters, of wives of profligate husbands—but let the children speak! The little children, the wronged children, the crippled children, the abused children, the blind children, the imbecile children, the dead children. This army of little children! Let their weak voices, faint with oppression, cold, and hunger, be heard! Let their little faces, pinched by want of gladness, be heeded! Let their challenge—though made by small forms, too mighty for estimate—be reckoned with. Let their writing upon the wall of the Nation—although traced by tiny fingers, as stupendous as eternity—be correctly interpreted and read, that the awful robbery of the lawful heritage of their little bodies, minds, and souls be laid at the brazen gates of alcohol!"

SWEDISH PLAN UNAMERICAN

The one alternative to prohibition which seems to find some uncertain support in the commission is the plan of Mr. Anderson for the erection in the United States of a system of liquor distribution very similar to that now existing in Sweden. This plan calls for revision of the eighteenth amendment, with the subsequent establishment of a national commission of liquor control. Congress would create a national corporation, all of the stock of which would be privately owned, and with earnings limited to 7 per cent. This corporation would be permitted to make sales and shipments of liquors only to corporate agencies created by the several States. Prices would be fixed so as to encourage consumption of so-called light wines and beer.

The objections to this proposed system are many and have been made very clear by experience. The permit becomes a badge of maturity and countenance of the traffic by government lends respectability. The result is that the number of drinkers in the community increases greatly. In Ontario in a period of three years under a similar system, the number of permit holders increased from 219,000 to 420,000 in a population of approximately 3,000,000. Restrictions placed upon the government traffic would tend to create bootlegging, which is rife in "control" countries. Mr. Anderson might do well to study the history of South Carolina's experience with a somewhat similar scheme:

DISPENSARIES FAILED

"After the establishment of the dispensary system, blind tigers flourished because: (1) It was more convenient for a customer to buy from the illicit dealer than to secure a permit from the county dispenser. (2) Blind tigers provided places where men could consume liquor and enjoy a social gathering at the same time. (3) Blind tigers afforded other amusements, such as gambling and music, and were open at all hours of the night and on Sundays. (4) Illicit dealers were practically immune from prosecution in the courts because of their political backing."

This system, as Judge Kenyon remarks, is based upon a paternalism which would be odious to the citizens of this Republic. Certainly it would divert from the channels of legitimate trade billions of dollars each year.

The eighteenth amendment stands unconfronted by any proposal offering hope of better things. In the words of General Pershing, "No man or woman can fulfill the obligations of citizenship who remains passive regarding the enforcement of law."—(M. E. Clipsheet.)

BOTH SIDES

The commission gives a careful analysis of the status of enforcement in respect to the various sources of illicit liquor. The lack of cooperation on the part of the States is emphasized. The economic, political, geographical, and psychological difficulties in the way of enforcement are noted at length, as is also the strain on our machinery, and that there must be Federal control of the distribution of intoxicants. The commission is convinced that prohibition has accomplished a definite good in the abolition of the saloon, and that there are great economic and social benefits.

COMMISSIONERS' PERSONAL OPINIONS—CONSTRUCTIVE EXCERPTS FROM THE INDIVIDUAL REPORTS FILED WITH THE GROUP REPORT

MONTE M. LEMANN

Only member of the commission who did not sign report says: "I am deeply sensitive to the difficulties in finding any substitute method of controlling the liquor traffic which will avoid the dangers of intemperance, corruption, and political abuse found in the regulatory provisions prevailing prior to the adoption of the eighteenth amendment. * * *

"I do not think that to substitute for the eighteenth amendment a provision leaving the matter to Congress is any solution. Unless the commission, after its opportunity for study, is prepared to recommend to Congress a concrete plan for dealing with the situation, the suggestion that the matter be referred to Congress seems to me not to dispose of the problem or to make any substantial advance in its disposition. Moreover, this proposal would mean that the liquor question would play a large part every two years in the election of Congress, that a fixed national policy of dealing with it would never be assured, and that all the political influence of the liquor interest would be introduced actively into our national affairs. * * *

"If Congress should undertake to prohibit the saloon, the difficulties of effective Federal enforcement in cities would not be substantially less than they are now in the absence of local public opinion and effort by local law enforcement agencies. If local opinion is against the saloon, as it should be, it will assert itself through State law. * * *

"In considering the experience of Sweden and of the Canadian Provinces in connection with systems of government control it must be observed that while the per capita consumption of spirits under these systems showed a considerable drop in the earlier years of their operation, it has shown a quite steady per capita increase in both the Dominion of Canada and in Sweden in the last several years.

"I do not favor the theory of nullification, and so long as the eighteenth amendment is not repealed by constitutional methods, it seems to me to be the duty of Congress to make reasonable efforts to enforce it, however, grave the doubts as to ultimate success. * * *

"I do not think that any improvement in enforcement of the eighteenth amendment would result from an amendment of the national prohibition act so as to permit the manufacture of so-called light wines and beer * * *."

GEORGE W. WICKERSHAM, CHAIRMAN OF THE COMMISSION

"* * * I can not believe that an experiment of such far-reaching and momentous consequences as this of national prohibition should be abandoned after seven years of reorganization and effort to repair the mistakes of the earlier period. The older generation very largely has forgotten and the younger generation never knew the evils of the saloon and the corroding influence upon politics, both local and national, of the organized liquor interests. But the tradition of that rottenness still lingers, even in the minds of the bitterness opponents of the prohibition law, substantially all of whom assert that the licensed saloon must never again be restored. It is because I see no escape from its return in any of the practicable alternatives to prohibition that I unite with my colleagues in agreement that the eighteenth amendment must not be repealed and, differing with some of them, I have been forced to conclude that a further trial should be made of the enforceability of the eighteenth amendment under the present organization, with the help of the recommended improvements * * *."

NEWTON D. BAKER

"The efforts now being made to enforce the law are sincere and intelligent and aided and supplemented, as recommended in the report; a higher degree of effectiveness will be certain to follow."

ADA L. COMSTOCK

"As I still hope that Federal regulation of the liquor traffic may prove more effective than that of the States, I favor revision of the amendment rather than its repeal."

WILLIAM I. GRUBB

"My reasons for thinking that prohibition under the amendment is entitled to a further trial are twofold. The first is that it is an experiment which has not been completed and has not yet had a fair trial, and the second is that no satisfactory substitute for it has been presented or shown to exist.

"Believing that the time has not yet come, I think there should be a further trial, and that there is a possibility under improved enforcing methods and personnel and increased and adequate appropriations for equipment and additional personnel, together with a resulting sympathetic feeling of the public toward the law, of reasonable observance and enforcement being accomplished within a reasonable period * * *."

ROSCOE POUND

"Hence, while making enforcement as effective as we may, so long as the amendment as it is remains the supreme law of the land, we should be at work to enable the fundamental difficulties to be reached."

WILLIAM S. KENTON

"It seems to me in fairness to a great social and economic experiment that the enforceability of the prohibition laws should have further trial under the new organization in the Department of Justice."

HENRY W. ANDERSON

"With the essential fact as stated in the report I concur."

KENNETH MACKINTOSH

"What must be done is to continue the battle against intemperance by meeting present-day problems with new weapons and fight the good fight until the American Nation becomes sober and law-abiding. This can ultimately be done if we do not rest satisfied with what has been accomplished up to this time. The next advance must be to honestly and intelligently face the modern equipment of the illegal liquor business with new and efficient methods * * *.

"Though the eighteenth amendment has not produced all that some may have dreamed it might, yet the fact should not be overlooked that it has marked a long step forward. It is now time to take the next step in the same direction. To stand still now would mean final loss of all that has been so far gained * * *."

PAUL J. M'CORMICK

"I have signed the report of the commission. I believe it to be an impartial and dispassionate composite expression from all of the material that has come before the commission. I concur in the findings of fact stated therein. * * * I am not convinced by the evidence that the experiment has had a fair trial under the most auspicious conditions, and I believe an opportunity should now be given to the Congress and the administrative agencies to immediately give it such trial."

FRANK J. LOESCH

"The traffic has transcended State lines and has become a matter of national concern. Even if it were a possibility of accomplishment in the near future, it would be unwise to repeal the eighteenth amendment.

"Such repeal would cause the instant return of the open saloon in all States not having state-wide prohibition. The public opinion as voiced in the testimony before us appears to be unanimous against the return of the legalized saloon. * * *."

A GOOD REPORT FOR THE DRYS

(F. Scott McBride, general superintendent Anti-Saloon League of America)

"It's a good report for us, and what we have a right to expect.

"I notice a number of things which I'm sure will be helpful to the enforcement of prohibition. The report's suggestions will intensify the work. It should challenge States to do their duty in relation to enforcement, and it should likewise challenge dry organizations to intensify their work so that public officials will live up to their oaths of office and do their part in enforcing the prohibition law.

"The Federal Government should use many times the amount it spends for education so that public opinion may be brought behind the law. The public should know that the prohibition law is not only a law but is also a good law."

WHAT LEADING WETS AND DRYS SAY

What do the leading wets and drys say? Well, in Congress such a leading dry as Senator SHEPPARD is delighted; Senator BORAH thinks the commission's general conclusions are "very satisfactory" for the drys. Andrew J. Volstead, as quoted by the United Press, gives "most of the recommendations made by the Wickersham Commission" his "cordial approval."

Bishop Cannon calls it "eminently sound." In the estimation of Stanley High, editor of the Christian Herald, "the Wickersham report cuts the ground from under the present wet program."

That the report "is a dry report" is the declaration of the Nebraska State Journal, of Lincoln, which is concurred in by dry journals like the Spokane Spokesman-Review, Salt Lake City Deseret News, and Burlington (Vt.) Free Press. "The immediate effect of the report of the Wickersham Commission is to knock the props from under the campaign which has been organized against prohibition" declares the Denver Post, and in the Los Angeles Times we read:

"With better enforcement, along the lines the commission points out, the public attitude toward prohibition is likely to change and produce better observance.

"The country has had a reasonably good enforcement system only three years, as the commission declares.

"This is too short for a fair trial."

The Columbia Record believes "that the day is not greatly distant when the people of the United States, if not of the world, will favor prohibition both as an economic and a moral measure."

William Allen White, in his Emporia Gazette, declares that "unless we have strong presidential leadership, militant and evangelical preaching of prohibition as a national doctrine, the present deplorable situation will continue for another decade, and maybe another."

Cleveland Plain Dealer concludes that "victory on Capitol Hill goes to the drys on points."

There is a careful analysis of the status of enforcement in respect to the various sources of illicit liquor. The lack of cooperation on the part of the States is emphasized. The economic, political, geographical, and psychological difficulties in the way of enforcement are noted at length, as is also the strain on our legal machinery. The commission believes that, whatever is done, in view of the economic unification of the country, there must be Federal control of the distribution of intoxicants. The commission is convinced that prohibition has accomplished a definite good in the abolition of the saloon, and that there are great economic and social benefits.

PRESIDENT HOOVER IS DRY

With the Wickersham report on prohibition now in the record, President Hoover carries the supreme responsibility for the outcome of the controversy that it has evoked. Instead of providing a solution of the wet and dry issue the report had the effect of intensifying it. The President has identified himself with the positive recommendations of the report, and has dissociated himself from the hypothetical suggestion for a "revision" of the eighteenth amendment which the report contains. He declares that he sees "serious objections" to the proposal of manufacture and sale of liquor under Government control, which declaration, taken with his unqualified approval of the positive recommendations of the commission, places the President unequivocally on the dry side.

With his stirring appeal for its observance and his stout declaration of purpose to enforce it because it is the law, he stands with those who believe it is a good law, good, at least, in the sense that no alternative is in sight which does not involve worse evils than those which may exist under prohibition. It is important to exhibit his position in detail, as disclosed by his letter transmitting the Wickersham report. President Hoover now stands:

1. Opposed to the return of the saloon.
2. Opposed to modification of the Volstead law so as to permit light wines and beer.
3. Opposed to the Government's going into the liquor business.
4. Opposed to the repeal of the eighteenth amendment.
5. Opposed to the "revision" of the eighteenth amendment.
6. Opposed to the return of the liquor problem to the individual States.
7. In favor of Federal prohibition.
8. In favor of Federal prohibition by constitutional enactment as against statutory prohibition by congressional action.
9. In favor of any change in enforcement legislation which is designed to improve enforcement.

What more could the President do to make his championship of prohibition complete? Mr. Hoover is a dry. He is a dry not merely in the sense that he has sworn to uphold the Constitution, but because he is a believer in the merit of that specific part of the Constitution which prohibits the traffic in intoxicating liquor. As President it was unnecessary for him to announce his convictions as to the merits of prohibition. It has been sufficient that he faithfully enforced the law. But as a candidate for reelection it became a paramount necessity that all doubt as to his personal view should be dispelled. Mr. Hoover has effectually dispelled it.

JUSTICE TO THE RED CROSS

Mr. JONES. Mr. President, a short time ago I received communications and saw statements in some of the papers from my State indicating that the Red Cross was refusing to receive donated food products from various organizations and sections of the State; and was insisting in a selfish way on cash instead. I felt there must be a mistaken view of its action, or that it had a good reason for the course it had taken.

The Red Cross is a wonderful organization; it has done unmeasured good for the poor and suffering; it is organized to help, and not to profit. Its object is to dispense relief and not amass pelf. Its directing head is Hon. John Barton Payne, a man of the highest character, untarnished honor, great ability, and an intense and unselfish humanitarianism. I felt that before criticizing or reflecting upon this great world-wide generous organization, and the splendid, unselfish, and charitable people in charge and at the head of its work, its justification for its attitude should be secured.

I let my correspondence with the organization speak for itself. My opinion is that there is little, if any, just ground for criticism.

FEBRUARY 20, 1931.

Hon. JOHN BARTON PAYNE,
Chairman American National Red Cross,
Washington, D. C.

MY DEAR JUDGE PAYNE: I have gotten reports from at least two places in our State to the effect that while the people there will be glad to send carloads of fruit, vegetables, and other foods to the Red Cross for Arkansas, or at such places as it might direct, the Red Cross refuses any such aid as this.

I wrote you some time ago with reference to the proposal of this kind from Yakima, Wash., and while you did not so express yourself in your reply, I gathered from it that you were taking up a matter of this kind with the gentleman whose letter I inclosed you.

Frankly, I will say that there seems to be considerable criticism of the apparent attitude of the Red Cross in matters of this kind. People can not understand why, if they are willing to send carloads of produce of various kinds to the afflicted areas, the Red Cross is not willing to receive it there and distribute it. Will you kindly write me, explaining the situation very fully? I certainly do not want to do the Red Cross any injustice; it has done too much humane and good work in behalf of distressed people to have this apparent attitude misunderstood or misrepresented.

Believe me to be, very sincerely yours,

W. L. JONES.

MARCH 1, 1931.

Hon. JOHN BARTON PAYNE,
Chairman American National Red Cross,
Washington, D. C.

MY DEAR JUDGE PAYNE: On February 20 I sent you a letter, requesting that you explain the situation with regard to the complaints that the Red Cross had refused to accept shipments of produce in large quantity from the State of Washington.

I dislike to see the Red Cross misjudged, and hoped that I would have such a letter from you that I could insert in the CONGRESSIONAL RECORD, in order that the true facts could become known to those who have criticized the organization under a misunderstanding of your policy.

It may be that your reply has gone astray in the extremely heavy mail of the past few days, and I shall appreciate it very much if you will send me a copy of it, or if that can not be done, you may want to send me a reply to this letter which can be used for the purpose I have indicated.

Believe me to be, sincerely yours,

W. L. JONES.

THE AMERICAN RED CROSS,
NATIONAL HEADQUARTERS,
Washington, D. C., March 1, 1931.

Hon. W. L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: In the absence of Judge Payne from his office to-day I am acknowledging receipt of your letter of March 1. I have not been able to find your letter of February 20 to Judge Payne.

In answer to the many inquiries we have received concerning our supply policy in connection with drought-relief work, we have stated our position as follows:

"Neither the Red Cross national organization nor the chapters engaged in drought-relief work are making bulk purchases of foodstuffs. Instead, the usual disaster practice of giving beneficiaries orders on local merchants is being followed. The soundness of this practice has been demonstrated many times, and the reasons for it are fairly obvious. It is not only desirable in times of disaster but practically essential that the normal channels of trade be supported. In general, no advantage has been taken of the Red Cross, but, on the contrary, dealers in the drought-affected territory are billing the chapters at very reasonable prices. To undertake to build up our own channels of distribution would not only be resented by local people but would actually have a bad effect upon the economic conditions in the drought territory. Furthermore, it would be expensive to provide our own channels for the distribution of supplies.

"Large quantities of donated foodstuffs have been accepted and shipped into counties where the largest number of persons were affected and where it was possible for local chapters to distribute the supplies to supplement foods being purchased locally on orders from the Red Cross. These donations have been accepted, of course, subject to our ability to make satisfactory transportation and distribution arrangements. Up until February 17 the railroads were quite generally according free transportation privileges on donated supplies. The roads in the East have extended the privilege to March 1. Practically none of those in the West have done so. The railroads have, of course, made a very generous contribution and feel that they can not do more. We have from the beginning declined to accept perishable foodstuffs which could not be handled without refrigeration costs, which would have made the project unprofitable. To February 23, 520 carloads of foodstuffs had been accepted. Assuming an average of

40,000 pounds to the car, this would represent 20,800,000 pounds

STATEMENT

the supplies to supplement foods being purchased locally on orders from the Red Cross. These donations have been accepted, of

supported. In general, no advantage has been taken of the Red Cross but on the contrary dealers in the drought-affected territory

40,000 pounds to the car, this would represent 20,800,000 pounds of foodstuffs. It will readily be seen that the quantities already accepted represent a large operation, curtailing materially the quantities of foodstuffs which would otherwise have been purchased within the affected territory. Detailed reports will be published showing the points of origin and destination of all of these supplies, together with complete details as to the quantity of each commodity."

The fact that we have actually accepted and shipped into the drought area more than 500 carloads of foodstuffs is, of course, sufficient answer to the allegation frequently made that we have refused to accept such donations.

Sincerely yours,

JAMES L. FIESER,
Acting chairman.

THE AMERICAN RED CROSS,
NATIONAL HEADQUARTERS,
Washington, D. C., March 1, 1931.

Hon. W. L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: We appreciate very much indeed your interest in helping to have the Red Cross position in its drought-relief work thoroughly understood.

Considerable publicity has been given on the Pacific coast to two letters which, as they appeared in large type in the Seattle Star, were as follows:

"AN EXPLANATION TO ARKANSAS

"A LETTER.

"PUBLISHER THE SEATTLE STAR:

"As a fellow publisher, I am appealing to you in behalf of the thousands of hungry school children in this territory. There are over three thousand children in this county alone who are trying to attend school without anything to eat for lunch.

"We are attempting to feed these children a little soup, or something else nourishing and warm, and we have had a contribution from the Red Cross of $500, which is to run until March 15, or seven weeks.

"This amounts to only about 2½ cents a week for each child—wholly insufficient, as you can readily see. Some children are being fed every other day.

"Hundreds of them are getting nothing from their homes except a black biscuit with a little lard and sugar on it. A wonderful sandwich?

"The people of this section are doing all they can, but with over half our population being fed by the Red Cross, we can't do much. But these children must be fed or disease will soon get them.

"C. M. YOUNG,
Publisher the Helena World, Helena, Ark."

"THE REPLY.

"C. M. YOUNG,
"*Publisher the World, Helena, Ark.*

"DEAR MR. YOUNG: The West is trying to get food to your hungry people in the South. We sympathize with you; we are trying in every way to help. But a great many people in our cities have not much money.

"Because of this, the generous people of Twin Falls, Idaho, offered the Red Cross more than $10,000 worth of free food for you.

"They wired to San Francisco Red Cross headquarters an offer to ship you a solid carload of the famous Idaho beans and three carloads of big Idaho potatoes—and pay shipping charges right down into your territory.

"The Red Cross curtly turned down the offer, according to the Twin Falls Daily News. It demands that Twin Falls' citizens contribute $2,000 in cash—and money is hard to get.

"Most of our western cities are anxious to ship you food, but in face of the snub administered to Twin Falls, our citizens are hesitant about making further offers.

"A great many people of Seattle and other Northwest cities have already given money to the Red Cross for the aid of the Arkansas sufferers. We of the Northwest have always helped in every time of disaster or emergency. Our hearts go out to the people of Arkansas, and we would like to send our food, too. But money is not so easy to get.

"We have proposed that Washington and Oregon food, of which there is a surplus, be sent. This plan has the backing of our labor organizations and our State granges, but, for some unknown reason, it has been turned down. Or not even considered. We do not know why this is so, we merely know that it is so.

"We make this explanation so that you and your people will not think we are heedless in your hour of suffering. Please explain to your readers that we are willing to send food and pay the freight, but that the Red Cross, which refuses to accept money from Congress to alleviate your condition, will not accept our food, either.

"THE SEATTLE STAR."

The attached statement which gives the facts will indicate clearly to you, I think, that the work of the Red Cross has been completely misunderstood and misrepresented in this instance.

Sincerely yours,

JAMES L. FIESER,
Acting Chairman.

STATEMENT

A number of inquiries have been received about publicity given a letter addressed by C. M. Young, publisher of the Helena World, Helena, Ark., to many editors of newspapers in several States. Clippings have been received in particular from the Seattle (Wash.) Star, the Spokane (Wash.) Press, and the Portland (Oreg.) News.

Two paragraphs of the communication given us as having been released by Mr. Young did not appear in the letter quoted in the above-mentioned papers. These paragraphs are:

"We realize what your paper has done toward raising funds for the Red Cross and we are not going to suggest that you ask for contributions unless you deem it best to ask the school children for something. If you feel that your paper can spare a few dollars, then let us have your check as soon as possible and we will see that these children are fed.

"Send your check as soon as possible and make some little hungry child smile when he smells that good hot soup."

These paragraphs indicate that Mr. Young's idea was really to solicit cash contributions from the papers addressed rather than to suggest the collection of foodstuffs.

The general impression created by Mr. Young's letter was altogether at variance with the facts existing at the time in Phillips County, Ark., in which Helena is situated. Mr. Young's action was taken apparently without consultation with the community leaders, responsible for the relief work, and without consideration of the confusion that would inevitably result from such an independent appeal. He is now fully aware of the unfortunate consequences and has indicated a complete willingness to cooperate in every way to correct the misunderstanding which resulted from his letter. Mr. Young has further promised to publish a statement in his paper, correcting the wrong impression, and to mail a copy to all of the papers receiving his original letter.

During the early part of February when Mr. Young's letter was written the American Red Cross had extended relief in Phillips County to 6,664 families, representing approximately 30,000 persons out of a total population of 40,683. The Red Cross chapter had spent from its own resources or from contributions solicited locally $543.03 in cash and supplies. The Red Cross national organization had assisted the chapter to the extent of $63,875.81.

By way of supplementing its general relief program, the Red Cross has undertaken to cooperate with school authorities in Arkansas for the purpose of providing hot school lunches. Such lunches are provided where the county superintendent of schools feels that supplemental feeding is desirable. An initial contribution of $500 was made by the Red Cross in Phillips County when this hot school-lunch program was inaugurated. At the time Mr. Young wrote his letter the county superintendent had not yet expended all of the initial grant. If Mr. Young had inquired, he could have ascertained, what apparently most people knew, that the $500 was merely an initial allotment, and further that the hot school lunches were merely a special project designed to supplement the general relief work of the Red Cross in the county.

The relief work in Phillips County has continued as in other counties. On February 28 a total of 6,940 families had been assisted and an aggregate of $107,802.03 had been spent by the Red Cross.

This is an outstanding example of the misinformation which has been published in connection with the drought-relief work of the American Red Cross by persons who do not take the trouble to ascertain the facts. It will obviously never be possible for Mr. Young to correct the misunderstanding resulting from his thoughtless letter which was, through the publicity given it, read by many persons who will not write us and who, therefore, will never know the facts.

So far as the replies of the Seattle Star, the Spokane Press, and the Portland News are concerned, they are again based upon misinformation. The Red Cross had not declined to accept offers of donated foodstuffs. What really happened was that some persons wanted to use Red Cross contributions for the purchase of foodstuffs in their own communities. The matter of donated supplies was in no sense involved. Obviously it was not possible for the Red Cross to authorize persons throughout the country to use Red Cross cash contributions for the purchase of whatever supplies happened to be surplus locally. This would have been expensive, impracticable, and wholly at variance with well-established Red Cross disaster-relief practice.

Neither the Red Cross national organization nor the chapters engaged in drought-relief work are making bulk purchases of foodstuffs. Instead, the usual disaster practice of giving beneficiaries orders on local merchants is being followed. The soundness of this practice has been demonstrated many times and the reasons for it are fairly obvious. It is not only desirable in times of disaster but practically essential that the normal channels of trade be supported. In general, no advantage has been taken of the Red Cross but, on the contrary, dealers in the drought-affected territory are billing the chapters at very reasonable prices. To undertake to build up our own channels of distribution would not only be resented by local people but would actually have a bad effect upon the economic conditions in the drought territory. Furthermore, it would be expensive to provide our own channels for the distribution of supplies.

Large quantities of donated foodstuffs have been accepted and shipped into counties where the largest number of persons were affected and where it was possible for local chapters to distribute

the supplies to supplement foods being purchased locally on orders from the Red Cross. These donations have been accepted, of course, subject to our ability to make satisfactory transportation and distribution arrangements. Up until February 17 the railroads were quite generally according free transportation privileges on donated supplies. The roads in the East have extended the privilege to March 1. Practically none of those in the West have done so. The railroads have, of course, made a very generous contribution and feel that they can not do more. We have from the beginning declined to accept perishable foodstuffs which could not be handled without refrigeration costs, which would have made the project unprofitable. To February 23, 520 carloads of foodstuffs had been accepted. Assuming an average of 40,000 pounds to the car, this would represent 20,800,000 pounds of foodstuffs. It will readily be seen that the quantities already accepted represent a large operation, curtailing materially the quantities of foodstuffs which would otherwise have been purchased within the affected territory. Detailed reports will be published showing the points of origin and destination of all of these supplies, together with complete details as to the quantity of each commodity.

THE AMERICAN RED CROSS,
NATIONAL HEADQUARTERS,
Washington, D. C., March 1, 1931.

Hon. W. L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: In connection with the supply policy of the Red Cross in its drought-relief work, about which I have written you in a separate letter to-day, there is one pending matter upon which I should like to have you informed.

Senator DILL made a statement which appeared in the CONGRESSIONAL RECORD of February 19. This is quoted in full in the attached statement. The memorandum explaining the situation was not, of course, written for public information, being an internal organization memorandum. I am sending it to you because it fairly completely summarizes the situation. After further inquiry we were informed by the chairman of our Seattle chapter in a night letter as follows:

"The Seattle Star has not loaded nor has it anywhere spotted on any railroad track carloads of foodstuffs. The Grange of the State of Washington has not loaded nor assembled nor spotted on any railroad track carloads of food. The Washington State Chamber of Commerce has not collected nor has it loaded nor has it spotted on any railroad track carloads of food. Neither one of these organizations has assembled food anywhere in any place in the State. The facts are the Seattle Star has been agitating the question of assembling food and requiring the Red Cross to pay the freight and also pay about $900 per car for packing and loading. Canned-goods people in Bellingham said they would give a carload of stuff provided we paid for the packing and loading. People in Yakima, Wenatchee, and other fruit and wheat sections have promised to assemble food and give it provided we would pay the packing, loading, and freight charges. The Grange of the State of Washington, headed by Mr. A. S. Goss, master of the State Grange, and Judge Stephen J. Chadwick and Mr. Samuel Hedges and John P. Hartman, representing the State Chamber of Commerce and the Grange, have stated that they would assemble within the next few months perhaps fifty cars of food and would be willing to assemble it and ship it to points designated by you provided we would pay the expenses involved for packing, loading, and shipping."

Only to-day I have received further word from our chapter chairman in Seattle, indicating that the proposal is now being made that arrangements should be made on the coast to raise the funds with which to defray the necessary handling and transportation expenses. This we are hopeful will result in a solution of the matter entirely satisfactory to all concerned.

Sincerely yours,

JAMES L. FIESER,
Acting Chairman.

THE AMERICAN RED CROSS,
NATIONAL HEADQUARTERS,
Washington, D. C., February 23, 1931.

To: Mr. Fieser.
From: DeWitt Smith.

As you know, our practice with reference to the acceptance or rejection of offers of donations of foodstuffs has been to some extent misunderstood.

Senator DILL, of Washington, made a statement in the Senate February 19, which is quoted in full in the attached memorandum. This, together with criticisms from other sources and the telegraphic correspondence which has taken place within the last few days between Senator CARAWAY and Mr. Couch, indicate the desirability of reviewing the situation carefully.

For purposes of convenience our policy, which has been carefully explained to all inquirers, will be briefly summarized:

1. Neither the national organization nor the chapters engaged in drought-relief work are making bulk purchases of foodstuffs. Instead, the usual disaster practice of giving beneficiaries orders on local merchants is being followed. The soundness of this practice has been demonstrated many times and the reasons for it are fairly obvious. It is not only desirable in times of disaster but practically essential that the normal channels of trade be supported. In general, no advantage has been taken of the Red Cross but on the contrary dealers in the drought-affected territory are billing the chapters at very reasonable prices. To undertake to build up our own channels of distribution would not only be resented by local people but would actually have a bad effect upon the economic conditions in the drought territory. Furthermore, it would be expensive to provide our own channels for the distribution of supplies and it is doubtful whether local chapter personnel in the territory affected would conduct the work for us on the scale now being urged which would completely paralyze local business.

2. Chapters outside of the drought area have not been permitted to use drought-relief contributions for the purchase of food supplies to be shipped into the drought area. A desire to do this is expressed by some chapters in all disasters. Business groups in all parts of the country see an opportunity to stimulate trade in their own community and especially at present to dispose of large surplus stocks.

3. Large quantities of donated foodstuffs have been accepted and shipped into counties where the largest number of persons were affected and where it was possible for local chapters to distribute the supplies to supplement foods being purchased locally on orders from the Red Cross. Such donated supplies have not been accepted in lieu of cash and applied on the campaign quotas of the communities making the donations. These donations have been accepted, of course, subject to our ability to make satisfactory transportation and distribution arrangements. Up until February 17 the railroads were quite generally according free transportation privileges on donated supplies. The roads in the East have extended the privilege to March 1. Practically none of those in the West have done so. The railroads have, of course, made a very generous contribution and feel that they can not do more. We have from the beginning declined to accept perishable foodstuffs which could not be handled without refrigeration costs, which would have made the project unprofitable. With the discontinuance of the free transportation privilege it is apparent that in most instances at least it will not be economical hereafter to accept donations of foodstuffs. To date 520 carloads of foodstuffs have been accepted. Assuming an average of 40,000 pounds to the car, this would represent 20,800,000 pounds of foodstuffs. It will readily be seen that the quantities already accepted represent a large operation, curtailing materially the quantities of foodstuffs which would otherwise have been purchased within the affected territory. Detailed reports will, of course, ultimately be available showing the points of origin and destination of all of these supplies, together with complete details as to the quantity of each commodity.

Certain information is now being compiled to guide us in a further consideration of the question being urged by Senator DILL and others that we should accept donations of foodstuffs and pay the transportation from the Pacific Northwest to the drought area. We know that in some instances to do so will result in a larger expense to the Red Cross than to buy the commodities locally. Detailed information is being compiled showing the freight rates on several of the principal commodities from Washington, California, and Texas to Arkansas, and from States nearer to Arkansas, such as Colorado, Iowa, Nebraska, and Kansas.

If we found it profitable to accept donated foodstuffs and pay the freight charges, it is our opinion that we could get all that could possibly be used from States much nearer than Washington or California, which would, of course, mean a lower transportation cost. As a matter of fact, there is a possibility that we could even buy foodstuffs in the near-by States, pay the transportation, and still have a cheaper operation than to accept donated foodstuffs from the Pacific Coast States. The data now being compiled will show not only the freight rates from the various points but approximate costs at which the commodities are available in the several States.

Aside from the cost, there are, of course, difficulties involved in accepting donated foodstuffs. An unbalanced supply inevitably results if we are not able to control quantities or kinds. As a result, we would doubtless have a large surplus of some commodities and not enough of others.

Much of our difficulty has arisen from the fact that newspapers or others far removed from the drought area have, for various reasons, seen fit to undertake to collect foodstuffs. Their original plans have frequently ignored the Red Cross entirely and have contemplated distribution in the drought area by newspapers or others outside of Red Cross channels. Some of these plans have originated on the assumption—since or otherwise—that the Red Cross was not doing an adequate job. They were therefore undertaken not as a part of, but to supplement, the Red Cross work. Such groups have later discovered that the railroads would not transport foodstuffs for anyone free of charge except for the Red Cross. We have then been asked to obtain free transportation from the railroads for supplies which we frequently knew were not needed at the points to which it was intended to ship them. We would have been breaking faith with the railroads if we had asked them to haul supplies free for groups in no wise connected with the Red Cross. While we have not undertaken to prevent other organizations or individuals from engaging in any relief work they desire, it is obvious that the Red Cross should not become a party to a competing relief operation which would be uneconomical and result in duplication of effort.

DEWITT SMITH,
Assistant Director Domestic Operations.

[From CONGRESSIONAL RECORD of February 19, 1931]

ADMINISTRATION OF RELIEF BY RED CROSS

Mr. DILL. Mr. President, during the discussion of the drought-relief measures I did not take any considerable part. I voted for the compromise agreement the other day, not because I believed in it but because I thought it was the best we could get, and that it was better to give help to farmers who had security than not to give anybody help at all. However, I find in the New York World this morning a dispatch from Seattle that leads me to call to the attention of the Senate what the Red Cross is refusing to do in the way of helping people who are in need of food.

When the Red Cross made its call for $10,000,000 the people of the Northwest, particularly those in my own State, felt that they could not afford to contribute money, that the burden of caring for our own people was such that they did not think they could do that; but the farmers' organizations, particularly the grange and the Feed Dealers' Association, were able, they said, to contribute large quantities of food. The editor of one of the leading newspapers of Seattle—the Seattle Star—telegraphed to a number of editors in the State of Arkansas, asking whether or not they could use food if the people of Washington would collect it and send it down there by freight. The Arkansas editors unanimously telegraphed back and said that the people of Arkansas could use it and that they, the editors, would help distribute it. Thereupon the grange and the Feed Dealers' Association proceeded to collect a number of carloads of foodstuffs from farmers who could not get a sufficient price to pay the cost of production and who had these foodstuffs on their hands. Apples, potatoes, and various other kinds of foods of which they had a surplus were collected and loaded into freight cars. The dispatch from Seattle this morning says:

"Several trainloads of Northwest foodstuffs, the donations of Washington sympathizers, destined for Arkansas drought sufferers, are being held up because the Red Cross to-day recommended that the collection of the products be ended."

The reason why they want them held up is because the railroads will not deadhead any more foodstuffs into that section of the country. I read further from this dispatch:

"With Seattle falling short in its Red Cross quota for cash, Seattle citizens and many farmers, the latter headed by the grange and the State Feed Dealers' Association, decided to offer food in large quantities."

After they had collected this food the Red Cross says it can not be sent to Arkansas and can not be distributed.

I do not understand just what kind of an organization the Red Cross has become when it refuses to distribute food to people who need it. The only use for the money collected for the Red Cross is to buy food for those who are suffering and in distress. When our people in the Northwest have an abundance of food and they collect it and are ready to ship it, the Red Cross comes in and says "Do not send it; we do not want to distribute it; it can not be deadheaded, and we will not even pay the cost of the freight."

I have had called to my attention an article in the Philadelphia Record of Wednesday, February 18, 1931, showing the need in the drought-afflicted sections.

The article reads:

"Taking the ultraconservative estimates of the need of the drought sufferers in the six States included in the Record's survey conducted by Andrew McLean Parker, $15,756,000 will be needed for food alone.

"When it undertook the drought-relief work the Red Cross had a reserve fund of $5,000,000 available and asked for $10,000,000 more. The needs of six States included in the $15,756,000 total are:

Oklahoma	$3,200,000
Arkansas	6,000,000
Louisiana	1,320,000
Mississippi	3,198,000
Tennessee	988,000
Kentucky	1,050,000

And the estimate is made that the total needs of the 21 States affected aggregate $31,500,000. Yet, with carloads of food for these people collected in the State of Washington, the Red Cross stops it from being shipped down there because it does not want to distribute it!

I submit that it is an almost unbelievable, as well as an unheard-of situation in this country, when one part of its citizens want to give of their surplus and the Red Cross will not even see that it is distributed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

The message also announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 500. Joint resolution further restricting for a period of two years immigration into the United States; and

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

PAYMENT TO WIDOW OF HENRY ALLEN COOPER

Mr. BLAINE. I ask that the joint resolution just received from the House for the benefit of the widow of the late Representative Cooper be laid before the Senate and put on its passage.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The joint resolution (H. J. Res. 524) to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin, was read the first time by its title, the second time at length, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin. Such sum to be disbursed by the Sergeant at Arms of the House of Representatives.

PRINTING OF DATA FROM WICKERSHAM COMMISSION

Mr. TYDINGS. I ask unanimous consent to introduce a resolution providing for the printing of the evidence of the Wickersham Commission, in order that it may go to the Committee to Audit and Control the Contingent Expenses of the Senate, which is in session this afternoon.

The VICE PRESIDENT. Without objection, the resolution will be received and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 492) is as follows:

Resolved, That the Joint Committee on Printing be, and is hereby, authorized to expend not to exceed $10,000 to be paid from the contingent fund of the Senate for the classification, arranging, compiling, and indexing of the documentary evidence, statistics, records, and other data submitted to the Senate by the National Commission for Law Observance and Enforcement in response to the request of the Senate embodied in Senate Resolutions Nos. 423 and 463, and ordered printed as Senate Document No. 307, Seventy-first Congress, third session, under authority of Senate Resolution No. 474, reported to the Senate from the Committee on Printing on February 26, 1931, and agreed to, and for the employment of the necessary clerical assistance in connection with the publication of any other matter authorized by the Senate during said third session to be printed under the direction of the Joint Committee on Printing.

RESTRICTION OF IMMIGRATION

The joint resolution (H. J. Res. 500) further restricting for a period of two years immigration into the United States was read twice by its title and referred to the Committee on Immigration.

Mr. REED. Mr. President, by authority of the Committee on Immigration, I ask leave, out of order, to report this joint resolution for the calendar. I do not ask action on it now.

Mr. BLAINE. Mr. President, I raise the point of order that it is not in order now to report a bill or joint resolution.

The VICE PRESIDENT. Does the Senator object?

Mr. BLAINE. I make the point of order, and enter the objection.

Mr. REED. Will not the Senator withhold that objection? I am not going to ask any action on this matter to-day. I simply want to report it and have it go to the calendar; that is all. I agree not to try to bring it up to-day.

Mr. BLAINE. I appreciate that; but we have other legislation that is pending.

The VICE PRESIDENT. If the Senator objects, the report can not be made.

Mr. REED. I was hoping that the Senator would not insist on his objection.

Mr. BLAINE. I must insist.

Mr. REED subsequently said: Mr. President, I move to discharge the Committee on Immigration from the further consideration of House Joint Resolution 500, further restricting for a period of two years immigration into the United States.

Mr. KING. Is the motion debatable, Mr. President?

The VICE PRESIDENT. The motion at this time is debatable.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. Under the rule, on objection, that motion would have to lie over for one day?

The VICE PRESIDENT. It would. Is there objection?

Mr. COPELAND. I object.

The VICE PRESIDENT. The Senator from New York objects.

NOTICE OF MOTION TO SUSPEND RULES

Mr. REED presented the following notice, which was read:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 2 of Rule XXVI for the purpose of permitting the consideration of a motion to proceed to the consideration of the joint resolution (H. J. Res. 500) further restricting for a period of two years immigration into the United States, if and when the Committee on Immigration is discharged from the further consideration of said joint resolution.

The VICE PRESIDENT. The motion is entered.

CONFERENCE ON LIMITATION OF MANUFACTURE OF NARCOTIC DRUGS

Mr. REED. Then, Mr. President, out of order, I ask unanimous consent to report back favorably from the Committee on Foreign Relations, a resolution authorizing an appropriation of $35,000 for the participation by the United States in the conference in May on the limitation of the manufacture of narcotic drugs. Every member of the Foreign Relations Committee now on the floor, and a number of others, have joined in signing the joint resolution; and it is necessary to pass it to-day in order that a joint resolution making the appropriation may pass.

I hope I may have consent for immediate consideration of the matter.

The VICE PRESIDENT. Is there objection?

Mr. McKELLAR. Let it be stated.

The VICE PRESIDENT. The joint resolution will be stated for the information of the Senate.

The CHIEF CLERK. From the Committee on Foreign Relations the Senator from Pennsylvania reports back favorably House Joint Resolution 480, authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none.

The Senate proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That for the purpose of defraying the expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931, by means of delegates to be appointed by the President, an appropriation in the sum of $35,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State, is hereby authorized for travel expenses and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), printing and binding, compensation of employees in the District of Columbia and elsewhere, rent of rooms, office, and typewriters, purchase of books and documents, periodicals and newspapers, official cards, entertainment, and such other expenses as the Secretary of State shall deem proper.

The joint resolution was ordered to a third reading, read the third time, and passed.

ADJUSTED-SERVICE CERTIFICATES

Mr. REED. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter from the Senator from West Virginia [Mr. GOFF] to Mr. R. F. Guthrie, State commander, Disabled American Veterans, Charleston, W. Va., dated February 28, 1931.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 28, 1931.

Mr. R. F. GUTHRIE,
State Commander, Disabled American Veterans,
Charleston, W. Va.

MY DEAR MR. GUTHRIE: I am just in receipt of the following telegram from you: "The disabled American veterans of West Virginia will never forgive you for your stand on the bonus bill."

I judge from this message that it is your opinion which you there express, because, obviously you have not had the time to consult the members of your organization and obtain their views. My files contain the names of more than 600 veterans whose cases I have handled during the six years I have been in office, and also the names of more than 100 disabled veterans who have wired me to secure hospitalization for them, which I did, when they were unable to secure beds through the Charleston regional office. I frankly believe that even in this day and generation when gratitude has a short and ungrateful memory that many of these disabled men would disagree with your emotional conclusions. But you can assure yourself and those who sympathize with the wording of your telegram that it is absolutely immaterial to me what you say, what you think, or what opinion you may entertain now or in the days to come. I make it always the rule of doing my duty as I see it, and I am never coerced by political panderings and subservient opportunism. Neither am I at any time responsive to willful, innate, and unscrupulous selfishness. A sincere, loyal, honest American would be ashamed of the attitude reflected by you and those who share your views that the American veteran is a privileged citizen when human misery, unemployment, and want visits the United States and affects millions of our people. Permit me to make it distinctively clear that I do not subscribe to the proposition that the veteran can do with this Nation as he pleases, simply because he defended his fireside and fought for his country as man has done since time began. Any veteran in actual distress should be assisted in every way, but to ignore the interests of all our people solely for political purposes is to inflict economic injury upon the Nation at large, and I do not and I never shall indorse such a policy, as my vote clearly indicates.

As President Hoover says in his veto message, after careful and painstaking consideration:

"We can not further the restoration of prosperity by borrowing from some of our people, pledging the credit of all of our people, to loan to some of our people who are not in need of the money. The need of our people to-day is a decrease in the burden of taxes and unemployment, yet they are being steadily forced toward higher tax levels and lessening employment by such acts as this."

The money is not available in the Treasury to meet these demands, and it will be necessary ultimately to raise by additional taxation $400,000,000 for the quarter ending June 15, 1931; and in all for this purpose $1,000,000,000 during the next fiscal year. The war cost the United States $35,000,000,000, and the annual expenditures in another year will exceed a billion dollars a year for the veterans of all wars. This, as you well know, is as much as it cost to run the United States Government 20 years ago.

As I view these adjusted-service certificates, they were intended to be insurance policies for the World War veterans and their families. No veteran would think of borrowing on an insurance policy unless he was out of employment or in necessitous circumstances. I therefore, after serious reflection, concluded that it was best for the veterans, best for their families, and best for the country if the legislation which has just passed Congress over the President's veto was confined solely to those veterans who were actually in distress. If it had been, I would have gladly voted for it and without the slightest hesitation, as I am always anxious and willing to make a preferred class out of such veterans as long as they live. You will permit me further to say that I knew beyond the peradventure of a doubt that my opposition and vote would not and could not prevent the passage of this bonus bill. It would have been a very easy matter to have registered my vote in favor of this legislation and to have won your admiration and respect. Such action on my part would have been the cunning thing to do from a crafty, designing veteran's viewpoint.

Unfortunately, and I say this to you in all seriousness, most of my comrades in the late World War are thinking to-day only of the present, but in the years to come thousands of such veterans who do not now need to make a loan of 50 per cent of the value of their certificates will look back to 1931 and sincerely regret that a majority of the Senators and Congressmen did not vote to confine these loans to those veterans who were out of employment and in needy circumstances. They may even then wish that Congress had spend this money, which they so foolishly borrowed at 4½ per cent interest, for the benefit of the unemployed people of this country and also to better business conditions rather than to disturb them. There will be a deficit, as you realize, of $500,000,000 on July 1, 1931, and a correspondingly heavy drop in income-tax returns during the next year. The fiscal problem therefore presented is most serious, and an increase in taxes and the cost of living is necessarily certain. There are too many critics to-day who do not concern themselves about the greatest good for the greatest number as long as they receive personal and political credit for their plausible magnanimity.

I have no regrets and no apologies to make, Mr. Guthrie, when I scan my record on veterans' legislation. This is the first time I have ever voted against such legislation during my senatorial

career. I have consistently and insistently favored appropriations for the relief of disabled veterans, which the Veterans' Bureau estimates will cost the American people $960,000,000 during the coming year, and more than $1,000,000,000 each year in the years to come. As I have said, disabled veterans should always receive adequate compensation and every possible hospital comfort and care when needed, and no one can ever truthfully say that I have opposed at any time any legislation of this character. I have always been in favor of helping the unemployed and the needy veterans and rewarding their fidelity and achievements; but I shall never favor legislation that pampers and invites the employed veteran who is not in need to make a raid on the Treasury of the United States and destroy their adjusted-service certificates unless they can first show that they are in financial want and are suffering from the curse of unemployment.

Again assuring you of my interest as above indicated in the disabled returns and needy veterans of the World War, and trusting I have made my position clear, I am,

Yours very truly,

GUY D. GOFF.

PREFERENCE OF VETERANS IN FEDERAL APPOINTMENTS

Mr. REED. Mr. President, during the first session of the present Congress there was inserted in the CONGRESSIONAL RECORD, at my request, a comprehensive statement on the subject of the preference to which veterans are entitled in Federal appointments. I have, through the courtesy of Maj. Paul J. McGahan, former American Legion national executive committeeman from the District of Columbia, been furnished with a copy of the brief on the subject of veterans' preference which has been submitted to the advisory committee designated by President Hoover to make a further study of the subject. Inasmuch as I believe it will serve the convenience of and be informative to the Members of the Senate to have this additional matter in the CONGRESSIONAL RECORD, I send the letter and the brief to the desk and ask unanimous consent that they may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The letter and brief are as follows:

THE AMERICAN LEGION,
DEPARTMENT OF THE DISTRICT OF COLUMBIA,
Washington, D. C., March 1, 1931.

Hon. DAVID A. REED,
United States Senate, Washington, D. C.

DEAR SENATOR REED: Better than a year ago you did me the honor of requesting that I give you my opinion as to whether additional legislation would be helpful in the matter of liberalizing and clarifying the law dealing with preference under the civil service for veterans of the Army, the Navy, and the Marine Corps.

At that time I brought to your attention the position of the American Legion on the subject, and sent you copies of a brief in the premises which had been prepared. This matter you caused to be inserted in the CONGRESSIONAL RECORD under date of Friday, November 22, 1929.

I am venturing to bring to your attention at this time the fact that President Hoover has issued an Executive order convening a special committee to advise him on veterans' preference under the civil service, which has been conducting a series of hearings and other forms of inquiry. Chairman Thomas E. Campbell of the United States Civil Service Commission is the chairman of this group.

So great is the interest of the national organization of the American Legion in the situation that as a result of a resolution adopted at the Boston convention in 1930 which reaffirmed all previous actions there was created a special standing national committee. It has been my high privilege to be appointed as the chairman of this national veterans' preference committee. Associated with me are Norman L. Marks, of New York City; Edward A. Mulrooney, of Wilmington, Del.; Al P. Boyle, of Chicago, Ill.; Dr. A. D. Houghton, of San Fernando, Calif.; Arthur D. Healey, of Boston, Mass.; Stayton Hankins, of Austin, Tex., and Thomas J. Salter, of Las Vegas, Nev.

National Commander Ralph T. O'Neil of the American Legion was advised on November 25, 1930, by Chairman Campbell of the President's Advisory Committee that the views of the American Legion as to the effect and operation of the Coolidge Executive Order of March 2, 1929, were desired. In this communication it was pointed out that:

"The Civil Service Commission is controlled in its actions with respect to veteran preference by the Coolidge Executive Order of March 2, 1929, which changed former procedure in the following particulars:

"(1) The addition of 10 points to the earned rating of a disabled veteran is continued; but under the new order the names of disabled veteran eligibles are certified ahead of veterans not disabled and nonveterans regardless of their ratings.

"(2) Widows of veterans, and wives of veterans who themselves are physically disqualified for Government employment, are allowed 10 points added to their earned ratings, instead of the 5 points formerly allowed. Wives and widows of veterans who are allowed the 10 points will also be certified ahead of veterans not disabled and nonveterans.

"(3) A Government employee entitled to preference under the law and rules is given more liberal preference in retention in the service when reduction of force becomes necessary.

"This order did not change the other appointment preference accorded veterans by statute, rules, and regulations, as follows:

"(a) The veteran is released from all age limitations.

"(b) The veteran is released from the operation of the apportionment provision of the civil service act.

"(c) The veteran is released from the height and weight requirements, except in a few positions where rigid physical requirements are essential.

"(d) The veteran who is not disabled has 5 points added to his earned rating and therefore need only make 65 per cent to gain a passing grade of 70.

"(e) Under certain conditions, time spent in the World War is counted as training and experience where such elements are rated.

"(f) If an appointing officer passes over the name of a veteran eligible and selects that of a nonveteran with the same or lower rating, the appointing officer must place in the records of the department his reasons for so doing.

"(g) The commission is authorized to waive physical requirements in the case of disabled veterans.

"(h) The veteran may have closed examinations reopened to him under certain conditions."

As a consequence of this communication, as chairman of the national veterans' preference committee, I was instructed by National Commander O'Neil to submit a brief to the President's advisory committee. This group includes, besides Chairman Campbell, the Administrator of Veterans' Affairs, Brig. Gen. Frank T. Hines; Congressman Royal C. Johnson, chairman of the Committee on Veterans' Legislation of the House of Representatives; Hon. Seth W. Richardson, Assistant United States Attorney General; and John Thomas Taylor, vice chairman of the national legislative committee of the American Legion. Subsequent to the presentation of the brief, and at the invitation of the committee, I appeared in person before it and amplified a number of points.

Since you were good enough to cause to be printed in the CONGRESSIONAL RECORD for Friday, November 22, 1929, during the first session of the Seventy-first Congress, where it appears on pages 5947 to 5956, and these new developments should be known to the entire membership of the Congress, may I not suggest that this letter and the accompanying copy of the brief submitted to the President's advisory committee in behalf of the American Legion also be printed in the CONGRESSIONAL RECORD. The subject matter is of more than mere local interest, since it affects and concerns men and women in every State of the Union.

Additionally, since there is legislation proposed for consideration in the next Congress which will have to do with the classification and efficiency rating of Civil Service employees, it will decidedly be of advantage to have in the CONGRESSIONAL RECORD for ready reference by Members of the Congress, these views of the veterans themselves.

There has been criticism of the veteran in the public service, and in the brief I have undertaken to answer these criticisms and to demonstrate that although many veterans are being given Federal employment, their places are in the main are ones of extremely minor importance.

Many persons labor under the impression that "soft snaps" generally fall to the veteran. A perusal of our argument will, I think, convince you that the veteran is still a long way distant from the position indicated and promised for him when the Congress enacted the law giving him preference in the public service.

Faithfully yours,

PAUL J. MCGAHAN,
Chairman Veterans' Preference Committee,
The American Legion.

JANUARY 1, 1930.

The PRESIDENT'S ADVISORY COMMITTEE ON VETERAN PREFERENCE,
Washington, D. C.

GENTLEMEN: The courtesy of your request that the American Legion submit views as to the operation and effect of the Coolidge Executive order of March 2, 1929, is appreciated. This answer, by direction of the national commander, is being made by the writer in his capacity as chairman of the Legion's national committee on veterans' preference.

The criticism of the National Civil Service Reform League of the Coolidge Executive order, which appears to be the principal "complaint" before your body has been read. The annual report of the Civil Service Commission for the fiscal year of 1930 has been studied. It is hoped that the ensuing discussion will prove of value to you in your deliberations.

It must be stated at the outset that no revision "downward" of the Coolidge order will meet with American Legion approval.

Our position is that no one of the appointments to the classified service made during the past fiscal year has been prejudicial to that excellence in the public service which it is the right of every citizen to expect and to exact.

We contend that these disabled men and other veterans who have been given Federal employment are proving themselves excellent public servants, and while in instances their earned ratings are subjected to criticism, their actual performance is standing the test of comparison.

The disabled veteran has, since its organization, been the primary object of the hearty interest of the American Legion. We feel that the "service connected" disabled man is most decidedly entitled to preference in the matter of public employment. And we feel that the added 10 points and placing his name at the head of the list as provided in the Coolidge order, has been richly merited, and should be no less.

The civil service rule specifies that disability preference is to be given for entrance examination only to applicants "who because of disability" are entitled "either to a pension by authorization of the Bureau of Pensions or to compensation or training by the Veterans' Bureau."

It should be borne definitely in mind that the Coolidge Executive order was proclaimed long before the Congress enacted the World War disability allowance act of July 3, 1930.

The beneficiaries of this act were not accorded either a "pension" or "compensation." They were given a "disability allowance" for disabilities that are not "service connected."

The complaint of the National Civil Service Reform League and other critics is that under the practice of the Civil Service Commission these particular World War veterans—suffering from the normal disabilities of increasing age—are being placed in the same preferential category as those "service connected" disabled veterans who prior to the passage of the act of July 3, 1930, under the terms of the Coolidge order were being given the 10 points credit and having their names placed at the head of the list.

This should not be the case.

This group of "disability allowance" veterans enjoy in common with those other "veterans" who are able-bodied, the 5-point preference given for entrance examination purposes.

It is unfortunate that their disabilities are not "service connected," since it is the general view of veterans that many of their disabilities are due to their service. But the principle which we are seeking to maintain intact is that the "service-connected" disabled men and women veterans shall continue to receive the present preferences allowed them. Nor is it felt that in not regarding the beneficiaries of the act of July 3, 1930, in the "disabled" class for preference purposes is acting unfairly toward them. Statistics demonstrate that the extra five points involved in their instances would not affect to any considerable degree their chances of entering the Government service.

It may be that the Coolidge order might need to be rewritten to the extent of specifically covering this point, or that the rules or regulations of the Civil Service Commission be rewritten, so as to definitely include those who benefit under the act of July 3, 1930, through "disability allowances" in the general group of veterans entitled only to five points entrance examination credit.

It must again be restated at this point—just as it was affirmed before the Coolidge Advisory Committee on Veteran Preference authorized by the Executive order of June 9, 1928—that the attitude of the American Legion is that the extent to which preference in appointment to the Federal services should be accorded to the veteran should not be carried to the length of being seriously detrimental to efficiency.

The American Legion is decidedly of the opinion that no impairment of efficiency can be attributed to the number of veterans now employed, nor is it believed that charges to that effect can be established as truth.

Preference to the veteran must be granted as is required by law and it is acknowledged that it must be of substantial benefit.

The Coolidge Executive order is regarded as a forward step toward the law's fulfillment. And it is our commitment as a national organization to seek the adjustment of other difficulties in connection with "retention" preferences once the veteran is Federally employed, which we regard as necessary and just. But these matters are aside from the present discussion.

Flat and unequivocal denial is entered against the charge by the National Civil Service Reform League that the Coolidge order has been "detrimental to the public service."

Likewise the accuracy of the league's committee statement that civilians are being discouraged from taking civil-service examinations does not seem to be borne out by the figures contained in the annual report of the Civil Service Commission for the fiscal year of 1930.

The attention of the committee is respectfully invited to the fact that the table of appointments of veterans on page 13 of the forty-seventh report of the Civil Service Commission establishes that the number of veterans in relation to the whole number of persons appointed in 1930 stood at 24.21 per cent. This was lower than the comparable figure for the fiscal years of 1928–29, 1927–28, and 1926–27.

There was a total of 9,269 preference appointments for the fiscal year of 1930. Of these 7,273 were 5-point preference and 1996 10-point preference. Excepting for the fiscal year of 1926 this was the smallest total number of preference appointments since the fiscal year of 1920.

The National Civil Service Reform League committee has chosen to build up its case in arguing that the Coolidge order should be revoked by citing the condition of a number of registers which it surveyed. It has played upon the advantage accorded the disabled veteran to emphasize its warning that the efficiency of the public service is being imperiled.

It is a fact that in the fiscal year of 1927 the ratio of civilian competitors in examinations was 80 per cent to the 20 per cent of veterans and that from these there emerged a ratio of 71.66 civilian eligibles and 28.34 per cent veteran eligibles, and the ratio of appointees was 74.3 per cent civilians and 2.9 per cent disabled veterans and 22.8 per cent veterans.

The figures for the fiscal years of 1928 and 1929 on this same basis of comparison were curiously similar.

It is a fact that in the fiscal year of 1930 the civilian competitors comprised 79.4 per cent of the number of competitors; the disabled veterans 3 per cent, and the veterans the remaining 17.6 per cent. Of this number on the eligible list the civilians constituted 77.5 per cent, the disabled veterans 3.6 per cent and the other veterans the remaining 18.9 per cent. And when it came down to being appointed to positions 75.9 per cent of the total number of appointments were civilians, 5.3 per cent disabled veterans and the remaining 18.8 per cent veterans.

These similar ratios very distinctly bear out the contention that the veteran with preference is not obtaining too many "Government jobs."

At first glance it would be thought that an aggregate of 9,269 places out of a total of 38,281 appointments in the fiscal year of 1930 represented a situation that ought to be considered from the angle that the opponents of preference are urging.

But the attention of the committee is very earnestly directed to an analysis of the kind of job that the veteran is getting in the Government service.

For instance, much is being made of the fact that of the 1,996 10-point preference appointees in the fiscal year of 1930, a total of 447 failed to make the average mark of 70 required of civilians, while of the 7,273 veterans with 5-point preference a total of 457 failed to make the 70 average.

In the departmental service in Washington during the fiscal year of 1930, as far as can be learned, about 3,000 appointments were made. Of this number about 475 had veterans' preference; and while the statistics seen by this writer placed the number of 10-point preference veterans in one instance at 145, another tabulation fixed the number at 112, of whom 42 had been appointed guards and 21 as printers.

Yet of this 112 only 17 received appointments in positions that paid in excess of $1,800 annually. Two got $3,800 jobs; 6 got $3,200 jobs; 5 got $2,600 jobs; 1 got a $2,300 place; and 3 jobs at $2,000 a year. Most of the jobs were on the hour basis at $1 or $1.10 per hour, or at an annual salary of $1,200.

This can be accepted as a picture of the entire classified service throughout the country.

The attention of the committee is respectfully invited to the statistical information contained in the fory-seventh report of the United States Civil Service Commission for the fiscal year of 1930, which begins on page 61 and concludes on page 83. It occupies a total of 23 pages and gives the complete data by kinds of examinations held and sex, the number examined and passed, the number appointed, departmental and field, by sex and salary range, the number having military preference, and so on.

Now, this section of the report represents a more fruitful field for study than did that on the registers surveyed by the committee of the National Civil Service Reform League. For it demonstrates the proportions of civilians and veterans taking examinations, getting on the eligible lists, the salaries they are seeking to attain, and the number of appointments.

It is weak—this statistical summary, however—in two respects. It does not give the entrance salary given the appointee, but merely designates the range in that particular position. And it does not segregate the 10-point preference veteran from the 5-point preference veteran, instead lumping both under the caption "appointed with preference."

Much is made of the fact that 9,269 veterans were appointed to civil-service positions during the fiscal year of 1930. Yet a study of this statistical information in the rear of the Civil Service Commission's report shows that more than 8,300 of these veterans were appointed to jobs where the maximum salary they can obtain is $1,800 a year, and that the entrance salaries at which they went into the service began in instances as low as $640.

Of the total number of veterans entering the Federal service 1,863 were taken in as clerk-carriers in the Postal Service. Two hundred and sixty-eight were employed as rural carriers. The clerk-carriers receive $1,700 a year. The rural carrier's salary range starts at $792 a year. And as fourth-class postmasters 140 veterans received appointments involving salaries of less than $500 a year. Additional 276 veterans received appointment as postal laborers. And 241 veterans were appointed to the Railway Mail Service, where veterans are especially desired. In a word more than 2,500 veterans entered the Postal Service alone last year, a service for which well fitted.

Then there came that large group of 1,755 veterans who are mechanics in the Nation's navy yards; the 337 who are in the engineer department at large, and the 76 who are ordnance department employees at relatively small salaries.

Survey will show that more than 8,300 of the veterans given employment last year are earning less than $1,800 a year, and are in positions under the Government where aside from doing an honest day's work they are in no manner apt to "impair the efficiency of the Federal service."

Study of this same statistical information will likewise reveal that in the salary-group class that ranges from $3,200 to $4,000 per year only 66 veterans were given appointments during 1930. And in the positions where the salaries range from $4,000 to $5,200 per year only 20 veterans obtained positions. And one able-bodied veteran topped the list by appointment as assistant technical director at $8,000 a year. And he was 1 of 8 who passed the examination for the place out of the 16 who took it.

From this presentation it can readily be seen that there is no force to the argument that the veteran with his preference constitutes a menace to the efficiency of the Federal service. The veteran, or rather 87 of him and her, with their preference only

managed to capture 87 out of the many jobs in the Government service that pay more than $3,200 a year, and which might begin remotely to be those points where "inefficiency" might begin at least to effect that impairment so loudly wailed over.

In certain of its services the Federal Government stresses its desire to have veterans. Consequently more than 500 went into the prohibition enforcement service and the Immigration and Customs Services absorbed nearly 600, and 488 became guards at various places particularly desiring men with military experience.

In the light of these facts as herein above enumerated, your petitioner is decidedly of the opinion, and prays that you concur in it, that the service men and women of the country who have entered the Federal employ constitute a loyal group whose devotion to their country has been tested in a stern fashion and whose willingness to serve is as far above question as it is possible for motives to be. Service men and women generally can not help but be resentful over the backhanded compliments that are paid them by those who at the same time are seeking to deprive them of benefits granted to them by law under their beloved Republic.

It would therefore seem appropriate that this brief would close with a request that your committee advocate to the President that there be no downward changes in the effect of the Coolidge order so far as the preferences of "service-connected disabled men and women" under the civil service are concerned.

The Coolidge order was not arrived at hastily. It came as the consequence of a measured study. We believe it has been helpful to the veteran, to the widow, and particularly to the disabled.

Respectfully submitted.

PAUL J. MCGAHAN,
Chairman National Committee on Veterans' Preference,
The American Legion.

DEMOCRATIC NATIONAL COMMITTEE

Mr. MCKELLAR. Mr. President, I ask to have printed in the RECORD as part of my remarks a brief statement by Hon. CORDELL HULL.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Democratic National Committee has no authority, express or implied, to prescribe issues for the Democratic rank and file of the Nation. To assert this authority would constitute a broader assumption of power by the committee than that of selecting party candidates for the Presidency and Vice Presidency. Naturally, if this course is to be undertaken, which I am loath to believe, it would be in order at the same time for notice to be given that the formality of a Democratic National Convention next year would be dispensed with.

Never during peace time have such opportunities for service and such manifold economic and other problems vitally affecting the welfare of every individual citizen, challenged the Democratic Party. Incident to the confusion and demoralization of the postwar period, the people have been less attentive to governmental duties and tasks than at any time in the Nation's history. There is hopeless confusion about fundamentals. We can not deny the view that there has been a sort of decay of our ancient ideals of liberty and democracy The Democratic Party should conduct a great crusade for a new birth and revival of the ideas, ideals, doctrines, and spirit which underlie popular government. When the American people shall have thus rededicated themselves to these sacred principles, many or most conditions not in actual harmony with the doctrines and policies of our democratic Republic, in the light of our twentieth century civilization, would almost automatically disappear.

The breakdown of dominant business and political leadership during the past 10 years has been so complete as to raise very acutely the issue of popular government. This leadership, including the Hoover administration, was as unconscious of the awful panic 24 hours before it broke in October, 1929, as the inhabitants of the southeast corner of the moon. The country was rapidly being taught that business cycles were a thing of the past and that only broader, sounder, and indefinite prosperity was ahead. During the past 16 months this country, followed by most others, has been on its back industrially, commercially, and economically, with a complete dislocation and maladjustment with respect to production, credit, and distribution. Millions of people are hungry, while American farmers are burning their wheat for fuel.

The processes of production, distribution, and consumption are hopelessly out of equilibrium, with the result that 20,000,000 ablebodied persons in the civilized world are unemployed and seeking soup houses and bread lines, while vast surpluses in most lines are everywhere piled up behind impregnable tariff walls, which hopelessly prevent even the most profitable exchanges of barter between nations. Nations everywhere are in a state of economic war. Here is presented a huge and most pressing collection of extremely vital economic problems—including both causes and remedies—for solution by the Democratic Party.

The Nation also greatly needs a common leadership back in the direction of thrift, constructive economy, and reduction and equitable readjustment of tax systems, Federal, and especially State, county, and municipal. Every governmental agency in the Nation should now consider policies of retrenchment, adequate sinking funds, uniform tax system free from double taxation, and uniform accounting systems and budget systems. The American people are hopelessly overloaded with taxation that is lopsided and unfair, and with vast indebtedness. These, together with the suppression of crime, general administration reform, paternalism, bureaucracy, unemployment, peace, conservation, commercial policy to promote foreign markets for our surpluses, and suitable agricultural relief, present some of the wonderful opportunities for service to the Democratic Party. No political party can complacently shunt aside and relegate to a place of minor or secondary importance these extremely grave and urgent problems intimately relating to human relief and human betterment; no party can do this and live.

I can not help but feel that upon deliberate consideration the Democratic National Committee will gird itself for the patriotic task of promoting unity and harmony among Democrats everywhere, to the end that this great historic organization may next year be fully equipped and prepared to assume these manifold and similar outstanding responsibilities of leadership and of service to the Nation.

WELFARE OF MOTHERS AND INFANTS

Mr. FLETCHER. Mr. President, I ask unanimous consent to insert in the RECORD a communication bearing on Senate bill 255.

The VICE PRESIDENT. Without objection, it is so ordered.

WASHINGTON, D. C., *March 2, 1931.*

Hon. DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR FLETCHER: We, the representatives of the undersigned organizations, request your support in securing action by the Senate on the conference report on S. 255. We hope that you will assist in every way possible to get the report before the Senate for a speedy vote. These women's organizations have supported similar legislation since 1920, and their membership throughout the country is focusing attention on the Senate to-day with the most earnest desire that the benefits of such legislation may no longer be withheld. Action before March 4 is particularly important in order that action by State legislatures now in session may follow.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN,
LAURA H. MARTIN,
AMERICAN FEDERATION OF TEACHERS,
LAURA PAFFER MORGAN,
AMERICAN HOME ECONOMICS ASSOCIATION,
ALICE L. EDWARD,
AMERICAN NURSES' ASSOCIATION,
CLARA D. NOYES,
COUNCIL OF WOMEN FOR HOME MISSIONS,
SINA HODGIN STANTON,
GIRLS' FRIENDLY SOCIETY,
MARGARET C. MAUBE,
NATIONAL COUNCIL OF JEWISH WOMEN,
HORTENSE LANSBURGH,
NATIONAL CONSUMERS' LEAGUE,
FLORENCE KELLEY,
NATIONAL CONGRESS OF PARENTS AND TEACHERS,
MRS. ARTHUR C. WATKINS,
NATIONAL LEAGUE OF WOMEN VOTERS,
BELLE SHERMAN,
NATIONAL WOMAN'S TRADE UNION LEAGUE,
MARY N. WINSLOW,
SERVICE STAR LEGION,
MRS. H. F. BAKER,
YOUNG WOMEN'S CHRISTIAN ASSOCIATION,
MRS. E. E. DANLY.

APPOINTMENTS IN THE CIVIL SERVICE

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a brief article which was published in the Washington Evening Star of February 25, 1931, warning eligibles for civil-service appointments of delays in being certified.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Washington, D. C., February 25, 1931]

WARN JOB HUNTERS TO SHUN CAPITAL—CIVIL SERVICE OFFICIALS SAY APPLICANTS SHOULD RESPOND ONLY TO ORDER

Job hunters are advised once more not to come to Washington seeking employment, the warning this time being sent out by the Civil Service Commission.

The commission explained that the District of Columbia Committee on Employment has called its attention to a number of pathetic cases where those seeking work have come from considerable distances expecting to obtain a Government position on the strength of having passed a civil-service examination, only to become stranded, and in some instances a public charge.

It was pointed out that even if a person has passed a civil-service examination with a high rating, he has no assurance that a position will be immediately available to him. Appointments to Federal positions, the commission said, are made only as the actual needs of the service require, and in accordance with the civil-service rules, and the presence of an applicant in Washington can not in any way improve or expedite any prospects of employment he may have.

The commission emphasized that no one should come to Washington expecting to receive a Federal position except in response to a definite offer of employment from a Government establishment.

DROUGHT AND STORM RELIEF

Mr. CARAWAY. Mr. President, I want to make a brief statement and then ask unanimous consent for the introduction and immediate consideration of a joint resolution which I shall send to the desk. I think it will take but a moment.

Mr. President, legislation initiated in the bill introduced by the senior Senator from Oregon [Mr. MCNARY] to make available appropriations to relieve the agricultural industry in the drought-afflicted areas of the several States has been in one form or another before the Senate during most of the present session. The original authorization called for $60,000,000, to be loaned to farmers in the drought-stricken area for the purchase of seed, fertilizer, and fuel oil and for feed. It was amended in the House and it came back to us, and we accepted the amendment reducing the appropriation to $45,000,000.

In his interpretation of the measure the Secretary of Agriculture stated that it authorized him to loan the money only to buy feed, seed, fertilizer, and fuel oil, and that feed was limited to work stock. An amendment was finally agreed to which added $20,000,000 to the appropriation and liberalized the loaning of the $45,000,000 to feed livestock in addition to work stock. It also authorized the loaning of money to establish credit associations to aid the farmers and to make loans directly to farmers to buy food and clothes for the purpose of producing a crop in 1931 and further for agricultural rehabilitation. All of those loans were to have been loaned on some kind of security. The first measure provided for a first lien on the crops grown. The next provided for a lien on the crops, whether a first lien or not, or other security.

The information coming to the Senate is that there is a vast number of men engaged in agriculture in these areas who have not the means of meeting the requirements which the interpretation of the Secretary of Agriculture seems to place upon the loan. There are men who have character, who have energy, who have a willingness and an ability to work, but who can not satisfy the Secretary of Agriculture that they have security which would enable them to participate in the loan. Therefore I have prepared a joint resolution, and I shall ask unanimous consent for its immediate consideration, allocating $5,000,000 of this fund to be loaned to people who can not furnish security but who have character and energy.

Mr. President, in this connection I want to submit to the Senate an exhibit. Some have imagined that a lot of these people in the States are not much distressed. A gentleman connected with the National Red Cross made what I am sure he thought was a witty speech over the radio the other night and rather—I think intentionally—impugned the good faith of those of us who had asked for this relief. He particularly designated my colleague [Mr. ROBINSON of Arkansas] and myself and our activities, and read a telegram which he seemed to think showed that distress is not prevalent in any of the States, but particularly not in Arkansas.

A farmer down there who listened to him sent me the overalls which he has been wearing. He is a white man whom I know, an honest, sober farmer in my own county. I display these overalls to the Senate. If these overalls indicate that too much prosperity is flowing into that community and that our stories of distress were overdrawn, I wish this Red Cross gentleman might have the overalls for his Sunday wear. Think of the thousands of stitches by a loving wife's hand that tried to make it possible for a man to wear these overalls!

Mr. THOMAS of Oklahoma. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Oklahoma?

Mr. CARAWAY. I yield.

Mr. THOMAS of Oklahoma. For what purpose is the exhibit made to the Senate of the United States?

Mr. CARAWAY. I do not know that I could answer the Senator's question. These overalls came to me in answer to a speech made by a gentleman connected with the Red Cross in which he questioned the good faith of those of us who thought relief ought to be had. They belong to a man who is an honest white farmer in my county, who is willing to work; and I am trying to illustrate that there is a class of people who are just as good as any other, but they have been unfortunate. Under the interpretation of the Secretary of Agriculture these people are being denied a proper consideration in the matter of relief. I can not conceive how the Secretary of Agriculture might feel, security being mentioned, he must exact ample security. That never was the intention of Congress. I am therefore introducing a joint resolution asking that $5,000,000 of the $65,000,000 may be allocated to be loaned to people who are otherwise worthy, but who have no security, so they may make a crop and become self-supporting and maintain their self-respect and their position in the industrial world.

Mr. SMITH. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from South Carolina?

Mr. CARAWAY. Certainly.

Mr. SMITH. I was under the impression that all the loans beginning several years back were to enable those who had nothing but the crop or the prospective crop as security to obtain help; that the loans would be made to those who could not furnish any other security except the prospective crop. Does the Senator understand differently?

Mr. CARAWAY. No; but some of them can not even furnish that kind of security owing to conditions over which even their landlords have no control. I am hoping that Congress will pass the joint resolution and thus make available to those people, on their character alone, an opportunity to participate in the relief.

I ask unanimous consent to introduce the joint resolution, and I ask for its present consideration.

The PRESIDING OFFICER (Mr. COPELAND in the chair). Is there objection to the request of the Senator from Arkansas?

Mr. KING. Let the joint resolution be reported.

The joint resolution (S. J. Res. 263) relating to loans to farmers in the drought and/or storm-stricken or hail-stricken areas of the United States was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of Agriculture is authorized to use not to exceed $5,000,000 of the $45,000,000 appropriated by Public Resolution No. 114 of the Seventy-first Congress, approved January 15, 1931, for the purpose of making loans, advances, and sales authorized by Public Resolution No. 112 of the Seventy-first Congress, approved December 20, 1930, to farmers in the drought and/or storm stricken or hail stricken areas of the United States who are unable to furnish security therefor for the purposes designated by said act and all amendments thereto.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. WHEELER. I am not going to make an objection to the resolution; in fact, I want to see it passed; but I wish to make a short statement.

Mr. CARAWAY. Will not the Senator from Montana allow action to be taken on the joint resolution and then proceed with his statement?

Mr. WHEELER. The Senator from Arkansas asks if I will permit his joint resolution to pass before taking the floor. I will say to the Senator that I had in mind first to offer my resolution as an amendment to his joint resolution; but, because of the distressed condition of the farmers in his State, I will not do that.

Mr. CARAWAY. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. FESS. Let the joint resolution go over.

Mr. CARAWAY. Mr. President, will the Senator from Ohio, before he makes that suggestion, please permit me to make a brief statement? I took this matter up with the Committee on Agriculture this morning in its meeting, in an

informal way, and no member of that committee has any objection to the passage of the joint resolution.

Mr. ROBINSON of Arkansas. Mr. President, if the joint resolution is to be acted upon in the other body, it will be necessary for it to be passed on to-day.

Mr. FESS. Let the resolution lie over until I may have an opportunity to look at it.

Mr. CARAWAY. I hope the Senator from Ohio will not require that of us. If we are to get any relief, it is necessary to act on the resolution at once. The measure does not propose to take a dollar out of the Treasury of the United States; that is not its purpose.

Mr. BINGHAM. What is the purpose of the joint resolution?

Mr. CARAWAY. It is merely to make available out of the $45,000,000 appropriation already made $5,000,000 which the Secretary of Agriculture may use to make loans and advances to persons in the distressed areas who are unable to furnish security.

Mr. TOWNSEND. Mr. President, I desire to ask the Senator from Arkansas whether the discretion is left to the Secretary of Agriculture?

Mr. CARAWAY. Absolutely it is.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

UNEMPLOYMENT RELIEF

Mr. WHEELER obtained the floor.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Louisiana?

Mr. WHEELER. For what purpose?

Mr. BROUSSARD. I desire to make a short statement.

Mr. WHEELER. I wish first to finish my own statement, which will be brief.

Mr. President, I desire to call attention to the fact that I have pending at the desk a joint resolution for the purpose of appropriating $100,000,000 to take care of unemployment in the cities during the period between now and the time when the Congress of the United States shall meet on the first Monday of December next. In this connection I want to call the attention of the Senate to an editorial which appeared in the New York Times. Hardly anyone, I think, will contend that the New York Times is looked upon throughout the country as one of the radical newspapers. The editorial is entitled "After Next Month."

It will be remembered that the Senator from New York [Mr. COPELAND] the other day repeatedly made a statement to the effect that nothing would be needed in the city of New York for the relief of unemployment. The New York Times in this editorial states:

> When April 1 comes only about $1,000,000 will be left of the large fund raised by the emergency employment committee, under the chairmanship of Mr. Seward Prosser, to meet the unemployment situation in this city. The social and charitable organizations are carrying the heaviest loads they have ever been called upon to bear. And in the emergency which we are now facing their representatives and others interested in the welfare of the unemployed have turned toward the city, urging not only accelerating work already under contract but appropriation by the board of estimate and apportionment of $10,000,000 in order to provide employment for heads of families out of work—for five months, if necessary.
>
> At present, according to best estimates, there are more than a half million wholly without work and nearly 200,000 more on part time

In the city of New York at the present time there are, according to this editorial of the New York Times, more than half a million wholly without work and nearly 200,000 more on part time.

> The monthly wage loss is reckoned at $80,000,000. It is proposed to make disbursement of the $10,000,000 in wages for "useful work" to be performed for the city by heads of families. This will give employment directly to but a fraction (about 25,000 at a time) of those out of work, and for only three days a week through the next half year, but it will give succor through the heads of families to many times that number.

The editorial goes on to say:

> Men of wealth, corporations and industries, city employees, teachers, and others have contributed generously to the emergency employment fund, which was carried $2,500,000 beyond the amount that was first named as the goal. But the community as a whole should now be not only willing but eager that at least the amount named should be appropriated by the city to carry through the months in which the need will still be acute.

I call this editorial to the attention of the Senate for the reason that it must impress this body, if it can be impressed by anything, of the absolute necessity of the Congress of the United States, before it shall finally adjourn, doing something to take care of those who are now unemployed and who will continue to be unemployed throughout the coming months when the Congress of the United States will not be in session.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WHEELER. I yield.

Mr. BLEASE. Does my friend from Montana mean unemployed American citizens, or does he refer to the 4,000,000 aliens in this country who are pushing Americans out of jobs and who ought to be back in their own countries?

Mr. WHEELER. I am speaking about the employment of American citizens. I am not able to speak for any other group because of the fact that all the information I have is that the large bulk of the unemployed at the present time are American citizens.

Mr. BLEASE. That is exactly what I think; and if we can get rid of the foreign element working in this country, as we ought to get rid of them, there will be work enough and food enough for the American people.

Mr. WHEELER. I am thankful to the Senator for his interruption.

The New York Times editorial says, as I have read:

> Men of wealth, corporations and industries, city employees, teachers, and others have contributed generously to the emergency employment fund.

I think that is true, Mr. President, of the various cities throughout the country; but I want to call attention to the fact that we have seen a great deal of propaganda carried on from one end of the country to the other by the heads of great corporations, by the heads of great banking institutions, and by financial and industrial leaders urging the Congress of the United States to adjourn, and saying—I think it was Mr. Owen D. Young who made the statement, if he was correctly quoted—that the Congress of the United States and the parliaments of the world ought to take a recess. I want to call attention to the fact that while these great industrial and financial leaders have been calling upon the Congress of the United States to adjourn, and while they have been calling upon the parliaments of the world to take a recess, not one of them has come forward with a solution for the economic problems which are confronting the American people at the present time. Not one industrial leader, not one great financial leader of the city of New York or elsewhere in the United States has come forward with any kind of a program to relieve the present situation or to prevent a recurrence of similar economic disasters such as we are facing in this country at the present time. I think it is a sad commentary that none of those to whom we have been told we must look for economic guidance have offered any solution whatsoever in this great crisis.

Why, Mr. President, have not the heads of the great banking institutions in the city of New York; why have not the heads of the great industries of this country, before asking the Congress of the United States, the legislative body of the country, to adjourn, come forward and said, "We have a program, and if the Congress of the United States will only adjourn we will do something to relieve this situation"?

We have had no leadership during the past year and a half from the President of the United States in this great emergency; we have had no solution offered on the other side of this Chamber; we have had no solution offered, I admit, by either branch of the Congress of the United States, and we have had no solution, Mr. President, suggested by the great banking and industrial leaders of the United States, except appeals to charity to help those out of employment and except statements expressing the hope that conditions are going to pick up and repeating over and over again that prosperity is just around the corner. Mr. President, notwithstanding the fact that the head of the United States Chamber of Commerce is saying to us that conditions are getting better, I submit that he nor his organization has not offered any solution for the overproduction in this country. It seems to me, as I said a moment ago, that it is hardly fair for the heads of great banking institutions and great industrial leaders to criticize the Congress of the United States and to say it ought to adjourn unless they can come forward with some solution for our present economic problems.

We find committees of Congress being organized for the purpose of running down red propaganda in this country. I have never been afraid of red propaganda in this country, providing our economic conditions were sound.

The editorial from the New York Times goes on to say:

> If an amendment to the resolution adopted by this great assemblage of social workers were to be suggested, it would be one that would increase the amount, so great is the disparity—

Between what?—

> between the loss of wage and the outlay proposed. But the amount named should be promptly made available in order that anxiety for the months ahead should be as far as possible removed from those who will find them dark enough at best.

I know, Mr. President, some people were shocked at the idea of my asking the Congress of the United States to appropriate $100,000,000 to meet a possible emergency during the next nine months while the Congress is away from Washington. In the face of the present and the threatened continued economic depression in the country I think $100,000,000 is a small amount. In just one city alone a group of individuals have gotten together and have raised ten or twelve million dollars, but it is all gone, and the New York Times points out that there are 500,000 men out of employment, with practically no work at all, and 200,000 more on part time.

Nobody in the Senate knows. No member of the executive department of this Government apparently knows when conditions are going to pick up. No great industrial leader to-day has been able to tell us, has been able to guess right, as to what is going to happen in this country. No great banking head has guessed right as to what was going to take place; and here is the Congress of the United States going to adjourn without having done one blessed thing to take care of this great mass of unemployed!

Is is any wonder that people should feel that the Congress of the United States is not doing its duty?

Yes; it is true that we have appropriated millions of dollars for the purpose of constructing public buildings. It is true that we have appropriated some money for the purpose of building roads; but everybody realizes that if conditions continue as they are it will be a mere drop in the bucket; and if it continues to get worse, as the unemployment situation has been getting worse, with people depleting what little funds they have had in the banks, the President of the United States, in my judgment, will have to change his mind about taking some of the money out of the Treasury of the United States for the purpose of taking care of these unfortunate people who are willing to work and unable to get work, because many of these local communities at the present time are unable to meet the situation.

I think the statement was made by the executive branch of the Government or some spokesman for the administration to the effect that nobody from the various cities or city governments had asked for relief, or intimated that they could not take care of the situation. That is not correct. Telegrams have been read upon the floor of the Senate from many of the industrial centers saying that their condition was such that they could not take care of the unemployment in their community.

I repeat what I said the other day as to what I was told by a man who had just visited some of the industrial centers of New England. He told me that many of the workers were unable to pay their taxes upon their property and that some of the cities up there were going into the hands of receivers because of the fact that they could not meet their obligations. Yet, in the face of that situation, we are going to heed the demand of the propaganda sent out by these great industrial leaders, these great leaders of finance. We are going to adjourn, we are going back home, without either solving the problem or attempting to solve it, and in the face of the fact that not one of them has come forward with any proposition or any program to solve it.

METHANOL

Mr. BROUSSARD. Mr. President, in response to Senate Resolution 437, submitted by me February 9 and agreed to on February 16, the Bureau of Mines, Department of Commerce, has transmitted to the Senate a mass of material purporting to contain all information, facts, and figures bearing on the subject matter. Such material has not been and probably will not be printed before the adjournment of this Congress. I have, however, been given access to it, and have reached the conclusion that there has not been that frank compliance with my resolution which the situation warrants, particularly in view of the involvement of serious public-health considerations.

As an illustration, I find that although the Bureau of Mines Information Circular 6415, entitled "Observations and Notes on the Effect of Methanol Antifreeze on Health," referred to in Senate Resolution 437, was published in December, 1930, an outline of that paper, including suggested conclusions and recommendations, was furnished for criticism and revision on November 17, 1930, by the Bureau of Mines to the manufacturers of methanol (wood alcohol) who had financed that bureau's so-called observations of that poison.

What I failed to find, however, in the data transmitted to the Senate is a copy of such outline or draft which was passed to wood-alcohol producers for their inspection and views before the public was to be informed that the Bureau of Mines did not agree with the published findings of the hygienic laboratory—now the National Institute of Health—of the Bureau of the Public Health Service. Therefore, no opportunity is afforded the Senate to compare what the Bureau of Mines submitted to wood-alcohol manufacturers for correction with what was actually published as Bureau of Mines Information Circular 6415.

This significant omission naturally gives rise to the question, What else has been withheld?

I now offer for the RECORD the letters of the Bureau of Mines transmitting such outline or draft to the three synthetic wood-alcohol producers who furnished the money for that bureau's "observations and notes," and their replies. Those who have any interest in this matter can very easily acquaint themselves with the contents of the letters. They mention a certain original preliminary circular prepared by the Bureau of Mines, transmitted under date of November 17, 1930. One is to Walter Dannenbaum, Du Pont Ammonia Co., Wilmington, Del.; one to J. G. Davidson, Carbide & Carbon Chemicals Corporation, New York City; and one to H. W. Denny, Commercial Solvents Co., Terre Haute, Ind. These three letters transmitted the preliminary conclusions of the Bureau of Mines. I wish to have the answer printed after each letter that I have just inserted in the RECORD—that is, first the letter to the corporation and then the answer of the corporation. When we read these letters we are bound to reach the conclusion that the circular which they issued in December was altogether different, and that they complied with suggestions made by private corporations in issuing the final circular.

I ask to have these letters inserted in the RECORD at this point.

The PRESIDING OFFICER. If there is no objection, they will be inserted in the RECORD.

The letters are as follows:

NOVEMBER 17, 1930.

MR. WALTER DANNENBAUM,
Du Pont Ammonia Co., Wilmington, Del.

DEAR MR. DANNENBAUM: Inclosed you will find carbon copy of preliminary statement on methanol prepared for release either as

a circular of information by the bureau or as a press release—the exact method of release has not been decided.

I shall appreciate it if you will review this, sending me such suggestions or comments as you desire, with carbon copy to Mr. Yant. I do not need to call to your attention that an early release is desirable.

This report contains only very general statements, based on the results obtained by the bureau or by other investigators whose results are in agreement.

Cordially yours,

R. R. SAYERS,
Chief Surgeon United States Bureau of Mines,
Surgeon United States Public Health Service.

WILMINGTON, DEL., *November 19, 1930.*

Dr. R. R. SAYERS,
Chief Surgeon United States Bureau of Mines,
Washington, D. C.

DEAR DOCTOR SAYERS: We received this morning your letter of November 17, with which you inclosed a copy of the first draft of the preliminary report on antifreeze methanol entitled "Observations and Notes on the Effect of Methanol on Health."

Your report has been read with much interest by Messrs. Walter Dannenbaum, R. W. McClellan, and the rest of us in the Du Pont Ammonia Corporation, who have been anxiously awaiting it. This letter combines the suggestions which have been made by all of the above.

We certainly feel that this is a splendid report and that you are to be complimented on your manner of presenting the subject. On the whole, we subscribe heartily to the report as it stands, but there are, as you might guess, a few points where slight changes or deletions would be desirable from our point of view.

It would seem to us that the first two complete sentences on page 4, "The products which will be dispensed * * * equivalent to that of 1 gallon of antifreeze ethyl alcohol," are not necessary, as far as the report as a whole goes, and it would be helpful to us if this were omitted. The fact of the matter is that the 76.5 per cent solution may not be continued indefinitely.

We would also suggest that if it is in accord with your views of the report the first paragraph on page 5 could be omitted. We are a little fearful that this paragraph might be willfully misconstrued by some of our competitors. The most important sentence of this paragraph, reading, "There is no procedure or treatment whereby a layman or chemist can make methanol nonpoisonous, or even reduce its toxicity," can very easily be included in the following paragraph as the closing sentence if you feel it is desirable to have that sentence appear in the report. We would particularly like to see the sentence "In fact, the removal of impurities might readily make the particular product more poisonous" either omitted or clarified.

On page 14, we believe that the opening sentence of the first paragraph would be stronger if it were recast along the lines of the sentence as worded under No. 4 of the "Recommendations and conclusions," a suggested wording being "The information which the Bureau of Mines has obtained to date indicates that there is no hazard to health from the reasonable use of methanol for antifreeze purposes."

Farther down on page 14, it has seemed to us that the wording of the sentence, "The investigation is being continued * * * for investigating further the mechanism of methanol poisoning," might be misconstrued to indicate that the report is being made before sufficient data have been accumulated to show that methanol can be used in automobile radiators without question of health hazard. A definite turn can be given to the paragraph if it is made to read something as follows: "The investigation is being continued for the completion of information on the toxicity of methanol, particularly from the viewpoint of obtaining even more comprehensive data regarding allowable concentrations for industrial uses and for investigating further the mechanism of methanol poisoning. Also, while there are no apparent reasons to believe danger to health, etc."

Under "Recommendations and conclusions" we believe you would have no objections if No. 1 were changed to read, "All methanol, whether made by wood-distillation methods or synthetic methods, or whether it is crude, refined, or highly purified, is poisonous when taken internally. It will cause serious poisoning, etc."

It would seem to us also that there would be something to gain in psychological effect if 2 and 3 were reversed in order, and we would further suggest as a wording for what is now No. 2 the following statement: "Methanol causes no apparent harm under conditions of continued exposure to air containing low concentrations of vapor or to short intermittent exposure to higher concentrations, but, on the other hand, will cause poisoning under conditions of continued exposure to air containing high concentrations of vapor." Our reason is that this reversal of the sentence places the favorable portion first and permits of no misinterpretation of the reference to short intermittent exposure, which latter in the present wording might be misconstrued.

We would like to suggest that your recommendations No. 5 and No. 6 be entirely omitted from this preliminary report on the basis that the present report is preliminary and that a final report will no doubt be written which would more logically contain your recommendations on the matters of handling and exposure. You will appreciate that a great deal of our material has already been placed in the hands of the dealer, some of it uncolored because of the wide divergence of opinion regarding the need for or advisability of coloring. It would be difficult, to say the least, not only for ourselves but for some of our methanol competitors to color material already in the hands of dealers, and since some dealers have clear material a report advocating color at this time might embarrass them or lead them to misrepresent the material, which, of course, we want to avoid.

While we have been very free in our criticisms and suggestions above, we want to repeat again that we feel you have done a fine piece of work on this subject, and we are certainly much gratified by the report. We can only hope that the revised report will have an immediate release and that we can take it promptly to our distributors, jobbers, and dealers in our first real effort to protect ourselves against propaganda which has been issued against antifreeze methanol.

Yours very truly,

DU PONT AMMONIA CORPORATION,
H. WADE RINEHART.

NOVEMBER 17, 1930.

Mr. J. G. DAVIDSON,
Carbide & Carbon Chemicals Corporation,
30 East Forty-second Street, New York City.

DEAR MR. DAVIDSON: Inclosed you will find carbon copy of preliminary statement on methanol prepared for release either as a circular of information by the bureau or as a press release—the exact method of release has not been decided.

I shall appreciate it if you will review this, sending me such suggestions or comments as you desire, with carbon copy to Mr. Yant. I do not need to call to your attention that an early release is desirable.

This report contains only very general statements based on the results obtained by the bureau, or by other investigators whose results are in agreement.

Cordially yours,

R. R. SAYERS,
Chief Surgeon United States Bureau of Mines,
Surgeon, United States Public Health Service.

NEW YORK, *November 19, 1930.*

Dr. R. R. SAYERS,
Chief Surgeon United States Department of Commerce,
Bureau of Mines, Washington, D. C.

DEAR DOCTOR SAYERS: I have examined the preliminary statement on methanol prepared by your office and have only a few comments to make. I think it an excellent presentation considering the short period of time available for its writing, and the comments I have to make are only from the standpoint of elucidation.

I have no comments for pages 1, 2, and 3.

On page 4 there is a typographical error in line 3 which should read "23½ per cent water" instead of "13½ per cent water."

The first paragraph on page 5 is not clearly understood. I believe it would clarify the text a little if the words "when taken internally" could be inserted after the word "poison," in the first line.

I do not quite understand what is meant in the eighth line when you state "the removal of impurities might make the particular products more poisonous" unless perhaps you meant the removal of the water in the antifreeze grade methanol.

I have no further comments to make until we reach page 14. On this page I would suggest the first sentence be made to read as follows: "The information which the Bureau of Mines has obtained to date regarding the use of methanol for antifreeze purposes indicates no hazard to health exists from its use."

My next comment refers to the second sentence in the second paragraph on page 14, which I would suggest read as follows: "Also while there are no reasons to believe danger to health will occur * * *."

Under the recommendations I would suggest that No. 6 be dropped entirely, as it has implications that perhaps are unnecessary. I would then suggest renumbering the paragraphs as follows: No. 4 becomes No. 1, No. 3 becomes No. 2, No. 5 becomes No. 3, No. 2 becomes No. 4, and No. 1 becomes No. 5.

Conclusion No. 2 as it now stands: I think this might, with advantage, be stated positively instead of negatively somewhat as follows: "Methanol causes no apparent harm even under conditions of continued exposure to air containing low concentration of vapors or with short intermittent exposure to high concentration but, on the other hand, it will cause poisoning under conditions of continued exposure to air containing high concentrations of methanol."

We believe the coloring of methanol to distinguish it from denatured alcohol is important and should be incorporated in your recommendations, although it might be well to put the words "in the future" after the word "colored," in paragraph 5, as it now stands.

I would appreciate it if you would wire me the day the final report is to be released.

With the best of personal regards,

Very truly yours,

CARBIDE & CARBON CHEMICALS CORPORATION,
J. G. DAVIDSON, *General Sales Manager.*

NOVEMBER 17, 1930.

Mr. H. W. DENNY,
Commercial Solvents Corporation, Terre Haute, Ind.

DEAR MR. DENNY: Inclose you will find carbon copy of preliminary statement on methanol prepared for release either as a circular of information by the bureau or as a press release—the exact method of release has not been decided.

I shall appreciate it if you will review this, sending me such suggestions or comments as you desire, with carbon copy to Mr. Yant. I do not need to call to your attention that an early release is desirable.

This report contains only very general statements based on the results obtained by the bureau, or by other investigators whose results are in agreement.

Cordially yours,

R. R. SAYERS,
Chief Surgeon United States Bureau of Mines,
Surgeon United States Public Health Service.

TERRE HAUTE, IND., *November 22, 1930.*

Dr. R. R. SAYERS,
Chief Surgeon, United States Department of Commerce,
Bureau of Mines, Washington, D. C.

DEAR DOCTOR SAYERS: We have read with attention the preliminary statement on methanol toxicity which you forwarded to us and we believe that it is in the main satisfactory. Of course, it is unfortunate that we have not at this time more definite experimental results covering the hazard of methanol when actually used as an antifreeze, but it is my understanding that studies of this nature are now being actively carried on.

It is our feeling that until you have had opportunity to make a study of alarm agents, any recommendation along this line should be deferred. We, therefore, suggest that paragraph 5 of your "Recommendations and conclusions" be revised in such fashion as not to include a recommendation that methanol antifreeze be colored until the whole subject of alarm agents has had your careful study.

We gave thorough consideration to the use of color in our methanol antifreeze and decided against its use this year. I will not attempt to enumerate here the various arguments against the use of color. One argument and a quite valid one, we believe, is that the color can be removed from the antifreeze by simple bootleg "washing" methods. This is in itself a real element of danger, as it may indicate to the person removing the color that he has effected a purification of the product and so made it potable.

We believe that a really more satisfactory method of preventing the use of methanol for beverage purposes is insistence upon proper labeling of the containers in which it is sold. We therefore take the liberty of suggesting that paragraph five be revised to read:

"To avoid misuse it is recommended that all packages of antifreeze methanol be conspicuously labeled in such manner as to be certain of calling the attention of garage attendants and the consuming public to its poisonous nature when taken internally."

Sincerely yours,

COMMERCIAL SOLVENTS CORPORATION,
H. W. DENNY,
Manager Sales Development Division.

P. S.—Are you planning to have a meeting in Pittsburgh during December? If so, I should like to suggest that it be postponed until the week of the 8th. We are having important conferences here during the week of the 1st and I am particularly anxious to keep in touch with the further development of your investigation.

Mr. BROUSSARD. As further evidence of what scientists, at least in the medical profession, think of the practice of the Bureau of Mines in lending its name and facilities to private commercial interests which come to it for special favors with checkbook in hand, I now submit for the RECORD a telegram received by me from Dr. Carey P. McCord, who, in addition to being medical director of the Industrial Health Conservancy Laboratories, of Cincinnati, is secretary of the Committee on Hygiene of the American Public Health Association, and a member of the poison Gas Committee of the American Medical Association. I ask to have this telegram from Doctor McCord printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

FEBRUARY 10, 1931.

Senator E. S. BROUSSARD,
Senate of the United States, Washington, D. C.:

Supplementing earlier telegram I point out that Bureau of Mines officials, prior to making December preliminary report on methyl alcohol toxicity, undoubtedly had in hand copy of suppressed report of work done by Dr. H. F. Smyth, based on investigation done for synthetic methyl alcohol manufacturers. This suppressed report, which was presumably unsatisfactory to manufacturers because of findings, is believed to contain extensive proof from animal experiments that methyl alcohol, both synthetic and natural, is toxic following exposures other than intake by mouth. This report should have served as a deterrent to Bureau of Mines officials in giving to methyl alcohol so extensive an exculpation as to toxicity from any intake except by mouth. I hope that your resolution and inquiry establishes the impropriety of Bureau of Mines investigators conducting divers investigations outside the field of mining such as influence of refrigerants on foods and various solvents. These extraneous investigations, financed by private funds, utilize the time and energies of some public officials paid by public funds who should be devoting services to problems of mining.

CAREY P. MCCORD.

Mr. BROUSSARD. I wish to call attention to the fact that the Dr. H. F. Smyth mentioned in this telegram is a distinguished pathologist of the University of Pennsylvania.

It should be obvious to all of us that what I have said justifies a thorough Senate investigation of these remarkable activities of the Bureau of Mines; and I, therefore, send to the desk a resolution which I ask to have printed in the RECORD and lie over under the rule.

The VICE PRESIDENT. Does the Senator desire to have the resolution read?

Mr. BROUSSARD. I should like to have it read.

The VICE PRESIDENT. The resolution will be read.

The legislative clerk read the resolution (S. Res. 490), as follows:

Whereas, although the Bureau of Mines, Department of Commerce, is officially charged only with the investigation of methods of mining and inquiries pertinent to the mining industry, it has undertaken, for and on behalf and at the expense of private commercial interests, alleged toxicologic and other studies not related directly, indirectly, or even remotely to mines or mining, and has published reports, circulars, and statements, subsequently used for advertising purposes by manufacturers financing such alleged studies, which are contrary to opinions expressed by eminent scientists and physicians; and

Whereas, in an editorial published in the January 24, 1931, issue of the Journal of the American Medical Association the following sentence appears:

"It is unfortunate that a branch of the Government, the Bureau of Mines, which has had such an enviable record in the past, has recently seemed to be swayed to serve more the interests of certain chemical manufacturers than to serve the interests of the public." Therefore, be it

Resolved, That a special committee of five be appointed by the President of the Senate of the United States to investigate and report to the Senate of the United States not later than January 1, 1932, the activities of the Bureau of Mines, Department of Commerce, and its official personnel, involving toxicologic and other studies of products not related to mines or mining, the names of the persons, firms, associations, or corporations financing such studies in whole or in part, the amount of money contributed by such persons, firms, associations, or corporations, respectively, the method of expenditure of any such sums, the character of reports, circulars, and statements made or in process of making concerning the products in question and all other facts in relation to the subject matter that would not only be of public interest but would aid Congress in any necessary remedial legislation.

The VICE PRESIDENT. The resolution will be printed and lie over under the rule.

Mr. BROUSSARD. I wish to inquire from the Vice President whether this resolution properly goes to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Does it provide for taking money from the contingent fund?

Mr. BROUSSARD. There is no provision in the resolution for that, but it will require the expenditure of some money.

The VICE PRESIDENT. It will not be required to go there unless there is a provision for the payment of money from the contingent fund.

Mr. BROUSSARD. I will let it lie on the table, then.

RELIEF OF UNEMPLOYED PERSONS

Mr. WHEELER. Mr. President, I observe the Senator from Oregon [Mr. MCNARY] in his seat. I desire to call his attention to my resolution authorizing the appropriation of $100,000,000 for the relief of the unemployed, and to ask him whether it will be possible for us to have a record vote on this question, or to pass it sometime soon?

I appreciate the fact that it is extremely late in the session; but I should like action, and I think the situation warrants it.

Mr. MCNARY. Mr. President, I should not want to agree to any plan that would prevent early action on the unfinished business. Later in the day or this evening we may

proceed to the consideration of the calendar, at which time I think the Senator from Montana will have opportunity to bring up his resolution.

AIRCRAFT ACCIDENTS (S. DOC. NO. 319)

On motion of Mr. BRATTON, it was

Ordered, That the report of the Acting Secretary of Commerce on aircraft accidents, transmitted to the Senate on February 24, 1931, in response to Senate Resolution 206, be printed as a Senate document.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries, which messages were subsequently referred to the appropriate committees. (For nominations this day received see the end of Senate proceedings.)

INDUSTRIAL LIFE INSURANCE

Mr. BLEASE. Mr. President, a few days ago I made some remarks relative to industrial life insurance in the District of Columbia.

I ask unanimous consent to have printed in the RECORD a brief official statement of condition of one of the local industrial life insurance companies, printed in this morning's Washington Post. It will be noted from the statement that the paid-up capital of this company is only $26,252, that it owes $22,000 of borrowed money, that it assumed new risks last year of $111,098, that it sustained losses during the year of $133,965, and that its receipts during the year were only $40,267.

These facts speak for themselves as to the justification of permitting the poor people of Washington to continue to be solicited for insurance in a concern in such a financial condition.

The statement is as follows:

Statement of the condition of the Federal Life Insurance Co., of Washington, D. C., December 31, 1930

(As required under the District of Columbia Code, amended June 30, 1902, and August 18, 1911)

Capital stock	$50,000.00
Capital stock, paid up, in cash	26,252.00
ASSETS	
Cash in office	141.16
Cash in bank	1,402.85
Real estate	50,684.24
Bills receivable	214.69
Premiums uncollected and in hands of agents	42.92
All other assets	5,919.74
Total assets	$58,405.40
LIABILITIES	
Net unpaid claims	58.00
Borrowed money	22,000.00
Salaries, rents, expenses, taxes, etc	128.38
Capital stock	26,252.00
All other liabilities	939.76
Surplus	9,027.26
Total liabilities	$58,405.40

Character of business transacted during the year 1930: Industrial, health, and accident, and life insurance.

Amount of risk assumed during the year 1930	$111,098.00
Losses sustained during the year 1930	133,965.45
Money received during the year 1930	40,267.83
Expended during the year 1930	38,888.33

CARROLL A. BROOKS,
President.
C. T. TAYLOR,
Secretary.

Subscribed and sworn to before me this 26th day of February, 1931.

[SEAL.] CHAS. E. ROBINSON,
Notary Public.

DROUGHT-RELIEF APPROPRIATION

Mr. CONNALLY. Mr. President, I desire to propound a parliamentary inquiry. On the 27th of February the Senate adopted Senate Resolution 479, calling on the Secretary of Agriculture for certain information with reference to regulations for the disbursement of the $20,000,000 drought-relief appropriation. I inquire whether the Secretary has made response to that resolution.

The VICE PRESIDENT. There has been no response up to date, the Chair is advised.

Mr. CONNALLY. Mr. President, I send to the clerk's desk and ask to have read four telegrams, and I shall submit a few remarks in regard to them.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read as follows:

STAMFORD, TEX., *February 20, 1931.*

Hon. TOM CONNALLY,
United States Senate, Washington, D. C.:

Many of our most needy counties have exhausted supply of loan application forms 10 days to 2 weeks ago and unable to secure more. Other counties not so distressed have ample forms. In needy counties only small per cent of farmers taken care of. Urge you see proper authorities in order to speed up procedure. If not speeded up, loans will be too late to do any good.

D. A. BANDEEN,
Manager West Texas Chamber of Commerce.

CLARKSVILLE, TEX., *February 25, 1931.*

Hon. TOM CONNALLY,
United States Senate:

Please wire me any information available about adding food loans to drought-relief applications.

E. W. BOWERS.

CHILDRESS, TEX., *February 26, 1931.*

Hon. TOM CONNALLY,
United States Senate:

Local committee has received no word or information from the department concerning twenty million food loan. Will you press department for quick action and advise us when it is expected that this money will be available.

J. H. HARRISON,
Chairman Childress County Drought Relief Committee.

THROCKMORTON, TEX., *February 28, 1931.*

Senator TOM CONNALLY,
United States Senator:

Resentment growing against Congress for placing administration of farm loan in hands of hot-air peddlers and visionary bug hunters. Establishment of Fort Worth office this late day admission of incompetency. Ninety per cent of applications already made and sent to St. Louis office. Applications held 30 days without report.

A. H. KING,
Member, County Committees.

Mr. CONNALLY. Mr. President, it is not my purpose to unduly complain at the Department of Agriculture or hector it or abuse it. I am simply appealing to the Secretary of Agriculture, and those in authority above him, to speed up as much as possible the administration of the $45,000,000 loan fund as well as the $20,000,000 fund.

The telegrams which have been read to the Senate disclose that although the $45,000,000 appropriation was originally authorized on the 20th of December, it is now the 2d of March and little progress, at least in some of the drought-stricken areas, has been made in the matter of actually getting the money authorized to be loaned into the hands of those who need it.

Under the $20,000,000 appropriation the regulations are not yet issued. Although we were privately assured, when the compromise was voted on in this Chamber, that great liberality would be employed in drafting the regulations and that a generous spirit would be entertained in stretching the authority which Congress gave by that legislation, we find that so far nothing has been done under the $20,000,000 appropriation.

Mr. President, I have appealed to the Department of Agriculture, and I have received assurances that the St. Louis office of the drought-relief administration was having its forces increased. I have been assured that it is establishing a new office at Fort Worth, Tex., and I desire to express the gratitude of those concerned to the department for at least those assurances. I know it is a difficult problem, and I am not here to abuse or say harsh things about the Secretary of Agriculture or about the chief of the drought-relief committee.

Congress has done all it is going to do so far as legislation is concerned. We shall adjourn shortly, and whatever happens to the drought-relief fund is going to happen by the grace of the Department of Agriculture. Therefore, I

am appealing to it; as it were, I am trying to project myself into the attitude of a drought-stricken farmer, and I am begging the Department of Agriculture and its agencies, in the name of humanity, to speed up the administration of the legislation.

There are rumors going around that it is the purpose of the Department of Agriculture so to conserve this fund, to draw the regulations and carry out the administration in such fashion as that it will leave unexpended a large balance of the appropriation, and that then later those who were contending that the appropriation was not needed will be in position to say that their position has been justified. I hope those rumors are not true. I am giving them no more credence than whatever facts which may later develop may establish.

Mr. President, in the name of the people of my State, and in the name of people in other sections of the United States, in the drought-stricken areas, who are suffering for the necessities of life, and in the name of the Congress of the United States, which has solemnly said by this legislation that the Secretary of Agriculture must make these loans, I am appealing that the Secretary will put into the administration the same spirit which actuated Congress, and that was that loans would be made in necessitous cases on the security of the planted crop of 1931, in order that the farmers may go along and produce for another year.

I am begging, I am pleading. This is no time to indulge in acrimony. Whatever sharp feeling we may have had should have been expressed on the floor when we were enacting the legislation, and when the Senate was compromising upon one feature of the legislation. But that hour is past. We now have our heads in the mouth of the lion, and I for one am not going to create any disturbance while my head is in the mouth of the lion. I am pleading with the Department of Agriculture. I am looking beyond the Secretary of Agriculture. I am looking to the President of the United States, whose final authority in this case will decide the matter. I am begging these high functionaries, from their dignified stations, to look down upon those who are suffering, and speed up the administration of the loans, speed them up in the spirit in which Congress enacted the provisions. I am appealing to them to realize that the responsibility is upon them, not to construe away the substance of those enactments but to construe them in the light in which they were enacted here.

Mr. President, without criticism, without carping, without denunciation, without abuse, but in the spirit of those who are hungry, and in the spirit of those who are nearly naked, I am appealing, first, to the Secretary of Agriculture, and then on beyond him to the White House, to cut the red tape, to put the best engineering talent in the country to the solution of the administrative problems in this matter, to put the efficiency of which we boast so much to work, and, for God's sake, to hurry up these loans, administer them in a broad, sympathetic spirit, in order that the objects which Congress had in mind may be attained, and in order that the pretentions we have been making, some of the fine theories we have been enunciating, some of the finely chiseled words we have been expressing here in this Chamber, may be justified.

APPROPRIATION FOR DROUGHT RELIEF (S. DOC. NO. 320)

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate a communication from the Secretary of Agriculture, in response to Senate Resolution 479, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, March 2, 1931.

The honorable the PRESIDENT OF THE SENATE.

DEAR MR. PRESIDENT: Replying to the request contained in Senate Resolution 479, I have the honor to inform the Senate that because of the extended debate upon the appropriation of $20,000,000 contained in the Interior Department bill, and because of the uncertainty as to the provisions of the act, it was not possible to work out the administration and accounting problems entailed until the act was finally passed and its provisions definitely known.

Under clause (1) of the second paragraph of the appropriation, loans are authorized to individuals for the purpose of assisting in forming like agricultural credit corporations, livestock loan companies, and local organizations, or of increasing the capital stock of such corporations. The Intermediate Credit Bank system, the Federal reserve system, the General Accounting Office, and other agencies are, incidentally, involved in the administration of this clause. Many conferences have been held with them in order that our regulations might not conflict with their regular course of business. It has been necessary to call in from the field representatives of each of the intermediate credit banks which do business in the drought areas. It has been necessary, also, to create State committees whose duties are to assist the department in obtaining the widest possible distribution of the funds and the maximum usefulness of the agricultural credit corporations to be set up. The plan of administration and the necessary instructions, forms, and legal documents were completed and delivered to the Government Printing Office several days ago. With commendable cooperation and efficiency, the Public Printer has delivered to us this morning the completed printed material, which is to-day being forwarded to the State committees, which have been set up in nearly every State affected.

Under clause (2) of the second paragraph of the appropriation, dealing with agricultural rehabilitation, difficult questions of accounting, of definition, and of regulation have been encountered. It is desirable to use the emergency organization already created for the administration of Public Resolution 112, appropriating $45,000,000 for loans for feed, seed, and fertilizer, but at the same time the accounting must be kept separate. The regulations and instructions have been completed and telegraphed to each of the field officers of the department for their guidance.

There exists now no reason why applications for loans under any and all sections of Public Resolution 112 and the $20,000,000 appropriation may not now be received and payment made shortly thereafter.

Sincerely,

ARTHUR M. HYDE, *Secretary.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 471) providing for a 44-hour week for certain Government employees with amendments, in which it requested the concurrence of the Senate.

FORTY-FOUR-HOUR WEEK FOR CERTAIN GOVERNMENT EMPLOYEES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 471) providing for a 44-hour week for certain Government employees, which were, on page 1, line 7, to strike out all after the word "all" down to and including the word "Government," in line 10, and insert "civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field," and to amend the title so as to read: "An act providing for Saturday half holidays for certain Government employees."

Mr. JONES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ADJUSTED-SERVICE COMPENSATION LEGISLATION

Mr. VANDENBERG. Mr. President, the newspapers this morning carry thoroughly encouraging, stimulating, refreshing, and helpful news from the Secretary of the Treasury respecting his financing program for March. Inasmuch as there were so many dark prophecies, editorial and otherwise, uttered in relation to the repercussions which were to be anticipated from the adjusted-service certificate legislation, I think it is important not only to the Congress but to the country to emphasize the fact that the able Secretary of the Treasury is proceeding in a thoroughly courageous way now to demonstrate the same type of confidence in our fiscal situation which we who supported the legislation undertook explicitly to express. I hope his program will be a success.

I want to call attention to the fact that the March program is contemplating three refinancing propositions. The first is the issuance of $500,000,000 of 12-year bonds, bearing 3⅜ per cent interest. I call attention to the fact that this is precisely the same rate which has been carried on recent issues of callable 15-year bonds. In other words, if his program succeeds, we have not precipitated higher bond interest rates.

The second item is $600,000,000 of 2 per cent 12-month certificates. This compares with 1⅞ per cent provided for the last previous offer of the same group of securities.

I particularly want to call attention to the fact that the third group of securities to be issued consists of $300,000,000 of 1½ per cent six months' certificates, and I call attention to the fact that the New York Times says this rate sets a new low record for Treasury offerings.

Furthermore, the latter piece of financing is the one direct piece of financing related to the veterans' compensation loan. As a result of this particular financing the Treasury takes down certificates of indebtedness upon which it has been paying 4 per cent and will reissue them at 1½ per cent. I hope I am entitled to find in this prospectus some vindication for my statements to the Senate during the veterans' certificate debate.

As a result of this situation the New York Times in its discussion of the problem this morning states in its headlines:

Low rates suggest fears of market disturbance by bonus have not been realized.

I am sure we all are thankful that this is the fact.

I quote further from the article:

The announcement to-day showed that no situation was created by the veterans' loan bill as passed which made it necessary to raise the interest which the Government quoted to approximate the 4 per cent rate which some of the experts said might be necessary.

This is highly refreshing after all the editorial pretense to the contrary with which we were bludgeoned during the recent debate. Friend and foe of the veterans' loan bill will be alike pleased that the fiscal program proceeds with disregard for prior auguries of gloom.

I ask that the article from the New York Times be printed in full in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the New York Times, March 2, 1931]

TREASURY OFFERS $1,400,000,000 ISSUE—TWELVE-YEAR BONDS AND CERTIFICATES TOTALING $1,100,000,000 TO PAY 3⅜ AND 2 PER CENT—A SIX-MONTH ISSUE AT 1½—LOW RATES SUGGEST FEARS OF MARKET DISTURBANCE BY BONUS HAVE NOT BEEN REALIZED

WASHINGTON, March 1.—The Treasury's March securities program, involving the issuance of $1,400,000,000 in bonds and certificates at low rates of interest, was announced to-day by Secretary Mellon.

The issues will be as follows:

In 12-year bonds, bearing 3⅜ per cent interest, $500,000,000.

In 12-month certificates, bearing 2 per cent interest, $600,000,000.

In 6-month certificates, bearing 1½ per cent interest, $300,000,000.

The bonds and 12-month certificates probably will be largely used to retire about $1,100,000,000 in 3½ per cent Treasury notes of the 1930-1932 series called for redemption March 15.

If most of these two issues are used for refunding purposes, borrowings by the war veterans on their compensation-insurance certificates will be temporarily financed on the proceeds of the $300,000,000 six-months certificate issue which the Treasury is offering at 1½ per cent.

As the veterans pay 4½ per cent interest on amounts they borrow, this would appear to give a spread or profit of 3 per cent to the Treasury in the transaction. However, in readjustments which must follow the actual cost to the Government of financing the veterans' loans will be approximately the average cost which the Government must pay for all money it requires.

Undersecretary Mills, of the Treasury Department, told the Senate Finance Committee that it would be necessary to issue about $1,600,000,000 in securities in March to finance all of the Treasury requirements, and the opinion was expressed also that the need of floating such a large series of Government securities would drive up the interest rates which the Treasury would have to pay.

On the whole, however, the rates quoted are low, and in one instance, that of 1½ per cent, set for the six-months' securities, establishes a record for Treasury offerings of a similar maturity.

The 2 per cent rate quoted on the 12-months' certificates compares with 1⅞ per cent offered on an issue of like maturity last December.

RECORD LOW INTEREST RATE

The 3⅜ per cent quoted on the 12-year bonds is the same rate quoted on an issue callable in 15 years and maturing in 20 years, marketed June 15, 1927, and on another issue callable in 12 years and maturing in 15 years, issued July 16, 1928.

The announcement to-day showed that no situation was created by the veterans' loan bill as passed which made it necessary to raise the interest which the Government quoted to approximate the 4 per cent rate which some of the experts said might be necessary.

The fact that the Treasury limited its issues to $1,400,000,000 means that short-term Treasury bills will have to be issued between March 15 and June 15 to meet the loan demands of the veterans. The Treasury also has maturing about $60,000,000 in Treasury bills on May 4 and 5 and $154,281,000 on May 18 which must be refinanced.

The March financing operation is one of the three largest since the war. In 1927 the second Liberty loan was refunded, entailing an operation of something over $3,100,000,000. The following year the Treasury refunded the third Liberty loan, amounting to about $2,100,000,000 at the time.

THE OIL INDUSTRY

Mr. THOMAS of Oklahoma. Mr. President, the unfinished business pending before the Senate is the copyright bill. With some amendments which would, in my opinion, improve the measure, I shall favor its passage; but we are not making much progress with the legislation. The next bill to come before the Senate for consideration, I understand, is the oleomargarine bill, and I favor that suggested legislation. I hope it may come before the Senate for consideration before we adjourn.

But there is one class of our people which is rather extensive that has not had consideration at the hands of this Congress. I refer to those engaged in the oil business. I shall not at this time take occasion to discuss the merits of the controversy further than to say that during the last session of Congress an effort was made to place a tax upon foreign imports of petroleum and petroleum products. Such effort was not successful. At this session of Congress an effort has been made to place a partial embargo upon imports of petroleum and petroleum products. A bill was introduced by the senior Senator from Kansas [Mr. CAPPER] and was referred to the Committee on Commerce and given consideration. The committee made a favorable report upon the bill and it is now upon the calendar. At one time the steering committee, so I am advised, gave preference to the bill. That was done one day, and either on the same day or the next succeeding day that preference was withdrawn and the bill still remains upon the General Calendar.

Mr. President, there is no chance at this session, and I am not urging it, to get a tariff placed upon petroleum. There is no chance at this session to have an embargo placed upon petroleum imports. Although the oil industry of the United States is voluntarily limiting its production, yet the foreign importers are not willing to join in this movement.

Mr. President, I am hopeful—and I trust I may have the attention of the distinguished senior Senator from Ohio [Mr. FESS] and others—that between now and next winter when Congress reconvenes we may have some information that may be taken as official and authentic as relating to this great industry. Some few days ago the Senator from North Dakota [Mr. NYE] introduced a resolution providing for a study of the oil industry. The resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and was given consideration by that committee. The resolution is still pending in that committee. Apparently the committee is unwilling for the Senate even to study the oil industry.

Last winter we found obstacles raised to our advocacy of a tariff on oil and the charge was made that statements made upon the floor of the Senate were not warranted and were not based upon facts. We have had the same condition here this winter. We have had the charge made that the oil tariff advocates were the advocates really of the big interests, the big companies, and that we were being used by the big companies to pull their chestnuts out of the fire. The charge was made last winter, and again the charge has been made this winter.

I do not desire at this time to criticize or indict any oil company. I do not have time for that purpose. But I do ask unanimous consent that the resolution known as the Nye resolution, Senate Resolution 418, be withdrawn from the Committee to Audit and Control the Contingent Expenses of the Senate and placed upon the calendar for consideration before this session closes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma?

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. THOMAS of Oklahoma. I yield.

Mr. BORAH. I would like to have some information about the matter before I vote, or before I object or do not object. How much of an appropriation does the resolution carry?

Mr. THOMAS of Oklahoma. The resolution as introduced carried no appropriation. The amount was supposed to be fixed by the committee, but the committee rejected the resolution and of course it did not consider the matter of appropriation. If it should come before the Senate for consideration, then the Senate could fix the amount in its discretion. It will not take a large amount of money to carry the committee through until next December. At that time, if the committee is not through with its investigations, a further amount could be made available.

Mr. BORAH. Does the resolution provide for the appointment of a committee of the Senate to study the oil question, to travel about over the country, and so forth?

Mr. THOMAS of Oklahoma. It provides for a select committee to be appointed by the Vice President to make a study of the entire oil industry. The resolution itemizes a number of the features to be considered. The exact scope would be left to the discretion of the committee.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. THOMAS of Oklahoma. I yield.

Mr. FESS. The resolution that came to our committee provided for an appropriation of $50,000, and was rejected because there was not anything like that amount in the contingent fund.

Mr. THOMAS of Oklahoma. The Senator must be in error because I have a copy of the resolution before me and it carries no amount.

Mr. FESS. "Senate Resolution 418, by Mr. NYE, to investigate price of crude oil, $50,000 requested," is the notation on the resolution.

Mr. THOMAS of Oklahoma. That request was made in the advocacy of the resolution before the committee, but the resolution as printed, and I have here a copy of it, carries no sum whatever. The resolution I am asking unanimous consent to have placed upon the calendar carries no amount of money from the contingent fund.

Mr. BORAH. Of course, it will have to carry some amount. A Senate committee will not pay its own expenses.

Mr. THOMAS of Oklahoma. I will say that if we can get the resolution before the Senate it is my purpose to offer an amendment, on page 3, line 23, to insert the sum of $50,000, so the provision would read:

The expenses of said investigation not exceeding in the aggregate $50,000, shall be paid from—

And so forth.

Mr. BORAH. Under those circumstances I will have to object to the unanimous-consent request.

The VICE PRESIDENT. The Senator from Idaho objects.

Mr. THOMAS of Oklahoma. Mr. President, on the 26th of February I entered a motion to discharge the Committee on Audit and Control from the further consideration of Senate Resolution 418. I now ask unanimous consent to take up that motion in order that I may get the resolution on the calendar, at which time I shall offer an amendment fixing the amount at $50,000, and if that can not be agreed to, then I shall agree to a smaller sum.

Mr. BORAH. Mr. President, let me say that I am not committed against any proposed relief for the oil interests, but I am perfectly sure that any investigation which might be made this summer will have no effect on the legislation here next winter in any way whatsoever. So far as the facts are concerned, I do not think the Senate is in want of facts. The difficulty lies in finding the remedy, a method by which we may take care of the oil situation in so far as we can do so by legislation. The vast amount of information which has come to every Senator, if he has had time to read it, is just the same information undoubtedly which would be presented to a committee, covering the same subject matters, the same facts, the same arguments, and so forth. The difficulty I have had is not in securing information as to the condition of the oil industry but in finding a remedy for it in the way of legislation. I am perfectly sure that we might spend $50,000 or $100,000 of the money of the taxpayers and get nowhere upon that proposition.

Mr. President, I have a deep-seated prejudice against certain investigations which are called "investigations." A vast number of investigating committees are created just about the time Congress is going to adjourn. Senators and Members of the House travel about over the country and in Europe at the public expense and come back here and file reports which have no more to do with the ultimate passage of legislation than if they had never been filed. I remember some years ago, I think, we had 17, at least a great number, junketing trips provided for by the Congress of the United States for one vacation. It has become almost a national scandal.

If I thought that this would really aid in the matter which the Senator from Oklahoma has in mind, I would feel differently about it, because I know the tremendous importance of the oil industry; but I sincerely believe that the Senator would expend this amount of money without reaching the matter which we will have to debate when it comes here next winter in the solution of this problem. The kind of information which he will get is not by any means equal to the information which he now has—the information which he now has, coming from those who are engaged in the industry, who know more about it than anybody else, and from all classes engaged in the industry, from the large man and the small man, from the large company and the small company. We have every phase of the matter before us now. Therefore I do not believe we will get anywhere in this way. If I could feel that we would, if some one could show me how they are going to produce any facts which we have not now in our possession and which would throw light on legislation, I would feel entirely different about it.

Mr. JOHNSON. Mr. President, I am not entirely clear whether the indictment which the Senator from Idaho [Mr. BORAH] makes of the Congress and of junketing trips is entirely accurate or not; and I do not care. I know that in 14 years of service in this body I have never been upon any junketing trip. I know that occasionally investigations have been of some aid. I know that this particular proposition, the matter of the controversy regarding oil and the matter of legislation, is one wherein there is an acute and a sharp conflict to-day. I am one of those who believe that there ought to be some remedy applied by this Congress—even in the day and a half during which it will now sit—to the oil situation.

I think it is a monstrous proposition, Mr. President, that by proration laws of the United States of America we not only permit but require our own people to produce oil in very limited quantities, and then we permit the great oil companies of this Nation to import in unlimited quantities oil into this country. There is no logic in such a situation; there is only the grossest injustice.

What the Senator from Oklahoma [Mr. THOMAS] seeks is to have an authoritative inquiry by Members of the Senate or by a select committee as to the facts. That the facts are disputed I can assure the Senator from Idaho, because I sat here for eight long days in an investigation conducted by the Committee on Commerce. I heard witnesses upon both sides; and when those witnesses had concluded, the vote on reporting out the bill was 9 to 6, I think, with a very sharp division among the members of the committee.

Mr. BORAH rose.

Mr. JOHNSON. Does the Senator from Idaho wish me to yield?

Mr. BORAH. Mr. President, I was simply going to say that the same controversy and the same dispute as to facts will come back here in the report.

Mr. JOHNSON. I concede that there will be some disputed facts, but I hope and I trust, with the leisure that a committee of investigation will have, it may reach a conclusion in unanimity, so far as they are concerned, which would be enlightening to the entire Congress. That is the whole purpose the Senator from Oklahoma seeks, and I think the purpose which is sought also by the Senator from North Dakota.

It is no answer to a purpose of that sort to say that in the past there have been junketing excursions by the House of Representatives or by the Senate of the United States. I concede that if this were to be a junketing affair alone, then there might be an objection such as is urged by the Senator from Idaho against the resolution, but if it has a real purpose in it, if there is in this country to-day a real emergency impending—and no man who knows the facts can for an instant gainsay or deny it—if to-day there is an acute cleavage between various individuals as to what may be the ultimate facts, then there can be no harm, only can there be good, in the appointment of a legitimate committee by this body to investigate the facts and report their findings to the Senate.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma [Mr. THOMAS] has the floor. Does he yield to the Senator from Indiana?

Mr. THOMAS of Oklahoma. I yield to the Senator from Indiana.

Mr. WATSON. I wish to ask the Senator from California a question. I have an open mind on the subject. I am well aware of the fact that something ought to be done with reference to the oil industry in the United States, but I am wondering what a commission or a committee of United States Senators can find out that we do not already know?

Mr. JOHNSON. They can find out some of the facts that are now in dispute.

Mr. WATSON. What are they?

Mr. JOHNSON. Oh, there are many facts now in dispute. We find on the Atlantic coast a dispute in regard to the cost of gasoline and the like; a dispute as to the importation of gasoline and the manufacture of it from crude oil, from the different kinds of oil that are produced in the United States and those produced abroad, and whether or not one is more fitted for the manufacture of gasoline than another, and the like. There will be found disputed facts as to the employment of the oil fields; there will be found disputed questions as to the proration law, and many other matters. If there shall be a unanimity of determination upon the part of any committee, their determination will be persuasive with the House of Representatives and with the Senate.

Mr. WATSON. But have not all those questions been studied, particularly during the last year?

Mr. JOHNSON. Oh, I have no doubt they have been studied.

Mr. WATSON. And have not conclusions been reached by persons on both sides?

Mr. JOHNSON. Of course.

Mr. WATSON. My friend from California seems to have a very decided view, based on a knowledge of all the facts.

Mr. JOHNSON. I have; but that decided view I have, perhaps, would not convince the Senator from Indiana, though, if the facts were found by a committee of the Senate and were here unquestioned they might convince the Senator from Indiana.

Mr. WATSON. Would not that very much depend on the personnel of the committee?

Mr. JOHNSON. Not necessarily so. Am I to assume that a committee will be appointed whose personnel will not do its duty? I am not going to stand here in an indictment of the personnel of a committee that may be appointed by the Vice President or a committee that may be appointed by the Senate. The reason that is advanced here to prevent the adoption of this kind of resolution is merely an indictment of the United States Senate. When the time comes, Mr. President, that I have got to indict all my fellows, when the time comes that I believe this to be such a paltry and such a putrid body that it will not do its duty or will not do justice to the people of the United States, I want to leave this body; but I have reached no such conclusion thus far in my career here.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahome yield further to the Senator from Indiana?

Mr. THOMAS of Oklahoma. I yield to the Senator from Indiana.

Mr. WATSON. The Senator knows how much I respect him and his views generally. Let me suppose that he will be put on the proposed committee, and that he goes into the question——

Mr. JOHNSON. The Senator can dismiss that supposition because I would not be put upon the committee; I do not permit myself to be put upon committees that take journeys generally at any time.

Mr. WATSON. Neither do I; I never have done so in my life, and never shall. But the Senator has full knowledge of this subject; I assume no man in this body knows more about this question than does the Senator from California.

Mr. JOHNSON. No; by no means do I concede that.

Mr. WATSON. I am conceding it; I am not asking the Senator to concede it.

Mr. JOHNSON. There is the Senator from Indiana and there is the Senator from Idaho.

Mr. WATSON. Yes; and I do not think either one of us knows much about it. This, however, is the point: We have men on one side of this question who are just as determined in their views as they can be, and presumably they are possessed of a knowledge of the facts; and we have men on the other side, like my distinguished friend from California, who claim to have a knowledge of the facts—and I think the Senator has. If we put men of both kinds on a committee, how are they ever going to reach any conclusion about it? They now know everything about it; what is there for them to ascertain?

Mr. JOHNSON. Mr. President, I have not reached that stage—indeed, my years have enabled me to say that I have reached another stage entirely—where I believe I can not learn or consider that I know all about any subject, no matter what it may be.

Mr. WATSON. But the Senator a while ago said that any man who had a knowledge of the present situation knew that there was something wrong, and that some steps ought to be taken to remedy it.

Mr. JOHNSON. Of course.

Mr. WATSON. The Senator has reached that conclusion?

Mr. JOHNSON. Yes, indeed.

Mr. WATSON. Now, suppose that the Senator from Oklahoma were on the committee?

Mr. JOHNSON. Well, what about it?

Mr. WATSON. Would he go into it with an absolutely fair and impartial mind?

Mr. JOHNSON. I think he would go into it with the same mind that we all have who believe that a certain condition exists. I do not have any doubt about that.

Mr. WATSON. Then, the point is, if we believe that a certain condition exists, that is the kind of testimony we are going to have brought forward; and how could the question be decided in such a way?

Mr. THOMAS of Oklahoma. Mr. President, I shall take no time to defend any committee that has been appointed by this honorable body. I have been appointed only to one subcommittee, and I am ready to defend the action of that committee. That committee was appointed by the Committee on Indian Affairs and for two years has made a study of the Indian problem of this Nation. It is true that this committee has traveled somewhat; it had to travel. The committee went to the Northwest; it went to the far West; it went to the Southwest; it went to the South. The committee spent some money, and already the money that has been spent by that committee is bringing forth results. Before that committee was appointed the Indian Bureau was an impotent bureau, and as the result of the investigation made and being made the attention of that bureau, at least, has been brought to the conditions that exist throughout the Indian Service.

I have heretofore defended the action of that subcommittee, and do not at this time desire to take further time to further defend it, but I will say that, while that committee has traveled, and has spent some money, so far as I know, not a single dollar of money has been spent unwisely, and every dollar has already brought forth fruit; it is bringing forth fruit to-day, and in my opinion, will continue to bring forth fruit. If we can spend money on other committees with as satisfactory results as have flowed from the money which has been spent on that committee, then, nobody can rise in his seat here and criticize the expenditure, the time consumed, and the trips taken, even though they might be termed "junkets" by some members of this body.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma?

Mr. THOMAS of Oklahoma. All I am asking is unanimous consent to have the resolution considered.

Mr. BORAH. Mr. President, if the Senator wants to bring forward some measure which will have to do with future legislation or which will provide relief for some emergent situation, I will not object to the consideration of it, but I am going to object to this resolution and all other proposals of a similar kind, unless it can be shown that the case is exceptional and a course is contemplated which is different from that usually pursued by investigating committees.

The VICE PRESIDENT. The Senator from Idaho objects.

Mr. THOMAS of Oklahoma. Mr. President, I have asked unanimous consent on two propositions, and objection has been made to both such proposals. The conditions confronting us forces me to make a motion that the Senate proceed to consider the motion entered by me on February 26, the motion being as follows:

I move that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of Senate Resolution No. 418.

Mr. FESS. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. FESS. I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. My inquiry is whether that motion can be acted upon to-day?

The VICE PRESIDENT. The motion was entered several days ago; it is in order to-day, and is debatable, it being after 2 o'clock.

Mr. HEBERT. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Rhode Island will state his parliamentary inquiry.

Mr. HEBERT. Would the motion, if agreed to, displace the pending bill?

The VICE PRESIDENT. That would be the result.

Mr. HEBERT. I hope the motion will not prevail.

Mr. THOMAS of Oklahoma. Mr. President, the remarks I am going to make now are in the nature of an appeal. At the last session of Congress we tried to tax the oil industry; we failed in that effort. In this session of Congress we have tried to place a partial embargo upon the importation of oil; we were unable to do that. And now we are proposing to study the oil industry, and objections are made.

It may be that the gigantic oil companies are too big to tax; it may be that these companies are too large to enforce an embargo against them; it may be that these companies are too big to even study. Time will tell. We are not asking for a tax to be placed on these companies in the nature of a tariff; we are not asking that even a portion of the imports be restricted; we are only asking that a committee of Members of this body be appointed with the power to make a study of the oil industry, to the end that when the Congress shall reconvene in December we may have copies of the printed hearings, if not a report, which this body and the body at the other end of the Capitol may have available for consideration in connection with legislation proposed.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. VANDENBERG. The Senator knows that I was a member of the committee that pursued the oil hearings, as the result of which I heartily agree in the Senator's view that a searching inquiry is necessary by the appropriate body in order to find a fundamental remedy for the difficulty he describes. I want to ask him whether he does not think that there might be greater utility in an inquiry by the Federal Trade Commission, with an order to report on the 1st of December, rather than an inquiry by a committee of the Senate?

Mr. THOMAS of Oklahoma. Mr. President, in answer to that inquiry—and I am glad it was made—ordinarily I should favor having an investigation made by the Federal Trade Commission. On one occasion I voted that way, and I am not sure but that I made a mistake; and I will explain why.

If this investigation is to be made by the Federal Trade Commission, and conceding that the commission make the investigation, all they can do is to have hearings and have those hearings printed and send them down to the Senate. Then some Senator or some group of Senators must take those hearings and study them second-hand to get the information that the Federal Trade Commission has.

Rather than have an investigation made by the Federal Trade Commission coming to us second-hand, I am proposing that we ourselves select a committee and instruct that committee to make the investigation themselves, so that when the Senate reconvenes we will not have a mass of hearings printed in volumes before us, but we will have at least a few Senators here upon the floor with information secured at first-hand, with the hearings to support and substantiate their positions, to advise the Senate of the disclosures made, the information secured, and the conclusions arrived at. Therefore, I would not favor at this time referring this matter to the Federal Trade Commission for the reasons stated. On the other hand, I do favor the adoption of the resolution and the creation of a special select committee to make this study.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. THOMAS of Oklahoma. I yield.

Mr. VANDENBERG. To a degree I am already in the position which the Senator describes. I have listened to the testimony for eight days. I have not come to the conclusion that an embargo would be of the slightest utility, but I have come to the conclusion that certain fundamental facts that could be set out in a resolution ought to be probed to the everlasting bottom. It seems to me that a body like the Federal Trade Commission can conduct that type of an inquiry with better equipment and better chance of success than a committee of the Senate, provided we order them to give us a recommendation upon a set of specifications which we might agree upon.

Mr. THOMAS of Oklahoma. Let me remind the Senator, in reply to his statement, that something like two years ago we had a resolution here from the distinguished Senator from Montana [Mr. WALSH] relating to the power question. At that time I voted to send that resolution to the Federal Trade Commission. It went there. The Commission has made a thorough and searching investigation, has held numerous hearings, and the testimony is printed in books, probably in several volumes. No one complains of the thoroughness or fairness of the investigation; but of what benefit is it to the Senate? No Member of the Senate, unless he be one who has studied the hearings, has been benefited; and that is the reason why I said a while ago that I am doubtful in my own mind if I did not make a mistake when I voted to have the Federal Trade Commission make such investigation.

ment of the United States Senate. When the time comes, Before that committee was appointed the Indian Bureau

study of the oil industry, to the end that when the Congress investigation.

Mr. FLETCHER. Mr. President——

Mr. THOMAS of Oklahoma. I yield to the Senator from Florida.

Mr. FLETCHER. The Senator stated that the Federal Trade Commission would simply gather the evidence, and the evidence could be laid before the Senate. Is it not true that the commission would make findings and recommendations as a result of their inquiry? The findings would be very valuable to the Senate; and I take it that they would not only get the evidence but they would make findings also.

Mr. THOMAS of Oklahoma. I am making no complaint of the Federal Trade Commission. I am not criticising the commission. I concede that this could be done in that way. The Federal Trade Commission might conduct a perfect hearing, get every particle of evidence possible to be procured, and then make findings that might solve the problem but of what benefit will that be to the Senate unless the Senate takes advantage of it—and I am sorry to say that is not the practice of the Senate. Even if this committee is appointed, and a thorough and searching investigation is made, and then the committee comes to a unanimous conclusion as to a remedy, I am not sure that such report would have the sympathetic support of the Senate.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. THOMAS of Oklahoma. I yield.

Mr. BORAH. There are only two remedies which have been proposed, so far as I have seen, namely, a tariff or an embargo.

Mr. VANDENBERG. There are many other possible remedies.

Mr. BORAH. I am not talking about possible remedies; but has any other been proposed?

Mr. VANDENBERG. Will the Senator from Oklahoma yield in order that I may answer the Senator's question?

Mr. THOMAS of Oklahoma. Mr. President, I should like to answer the question myself, and then I shall be glad to yield to the Senator from Michigan.

I hold in my hand a clipping from to-day's Washington Post. It is an Associated Press dispatch dated Fort Worth, Tex., March 1, and printed this morning. This dispatch discloses that the governors of four Southwestern States met in Fort Worth, Tex., on Saturday to consider this identical proposition. The dispatch states that these four governors, unable to do anything themselves, realizing that Congress had failed and probably would fail to do anything, joined in a request to the President asking him to appeal to these big companies to "Please, Messrs. Big Companies, help the distressed oil industry." We have come to that in these United States.

Mr. BORAH. Mr. President——

Mr. THOMAS of Oklahoma. I yield.

Mr. BORAH. I was asking if there have been proposed before the Congress any remedies except the tariff and an embargo.

Mr. THOMAS of Oklahoma. So far as I know, every possible remedy has been proposed in one or the other of the two Houses. If there is any remedy that has not been proposed, I am not aware of such proposed remedy.

Mr. BORAH. I have seen no remedy except the tariff and an embargo. I may have overlooked the others.

Mr. THOMAS of Oklahoma. I desire at this time to offer for the RECORD the Associated Press dispatch to which I have just referred, and ask that it be printed in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

HOOVER'S AID ASKED TO CUT OIL IMPORTS—GOVERNORS OF FOUR STATES SEEK TO STABILIZE INDUSTRY

FORT WORTH, TEX., March 1.—Govs. William H. Murray, of Oklahoma and Ross S. Sterling, of Texas, and representatives of the Governors of New Mexico and Kansas to-day requested President Hoover to ask major oil companies to limit their imports in an effort to stabilize the oil industry.

It was suggested in a telegram that the President call a conference of the major companies importing crude oil and its refined products to meet with the Oil Conservation Board and the Federal Trade Commission to discuss the proposed limitation.

"We are dealing with a grave emergency in the oil situation now existing and appeal to you, as President, to urge an immediate agreement by these importers with the sanction of the various Federal authorities," the message said.

In addition to Governors Murray and Sterling, those signing were Alfred Landon, representing Gov. Harry Woodring, of Kansas, and Dr. E. H. Wells, representing Gov. Arthur Seligman, of New Mexico.

The message to the President was dispatched from Fort Worth, where the signers were attending a conference called by Governor Murray. Last night he suggested that Oklahoma, Texas, and one other State join in an agreement to outlaw oil companies that import petroleum.

Copies of the message to President Hoover were forwarded to heads of the Shell, Indiana, Jersey, Gulf, Sinclair, and Cities Service companies. It was agreed at a final executive session that governors of States represented in the conference appoint a representative to an oil States advisory committee and that other oil-producing States be invited to take similar action and join in a consultation program.

Mr. THOMAS of Oklahoma. Mr. President, while the Senator from Pennsylvania is present, I want to advise him that on the 27th of February he is reported to have sent to Governor Pinchot a letter on the oil question. I want to advise the Senator that during the course of my remarks I shall have something to say about this letter.

Mr. REED. If the Senator will yield to me, I hope he will put my letter into the RECORD.

Mr. THOMAS of Oklahoma. I shall be very glad to comply with the request, with some comments thereon.

Mr. President, the resolution that I am trying to get before the Senate does not provide for a grand jury investigation of the oil industry. It provides only for a study of the oil industry. This is the only great industry of the country about which no investigation has been made and no legislation enacted. It is not the greatest industry in America. Agriculture is that. It is not the second greatest industry. Transportation forms the second. Agriculture, first; transportation, second; oil, third; and yet when we come here asking for a study to be made of the third largest industry in America, objection is made.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Oklahoma. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. I sympathize with the views of the Senator from Oklahoma; but was not the Senator who is now addressing us misinformed when he was told that this proposition was considered in the House and the House refused to pass a measure such as that the Senator is now trying to have the Senate pass?

Mr. THOMAS of Oklahoma. The Senator has correct information.

Mr. SHIPSTEAD. Does the Senator think that if we adopt this resolution now the House will join in the action of the Senate?

Mr. THOMAS of Oklahoma. This is only a simple Senate resolution providing for the creation of a select committee to be appointed by the Vice President from members of the Senate to make a study of the oil industry, and to make a report submitting the evidence and such recommendations as the committee in its wisdom may see proper to submit.

Mr. SHIPSTEAD. The Senator realizes that if this motion is agreed to it will displace the unfinished business now pending before the Senate and will take precedence over the oleomargarine bill?

Mr. THOMAS of Oklahoma. If my motion should carry, that would be the end of the matter, and the committee would be provided for, as I see it. It is going to take some time to present the matter. It could be disposed of in a moment, otherwise.

Mr. President, I was saying that agriculture stands first among our major industries. Agriculture has an investment of approximately $60,000,000,000. It is the largest American industry in point of population, embracing some 30,000,000 of our citizens. It is the largest industry from the standpoint of money invested, $60,000,000,000 being invested in agriculture.

Then comes, second, transportation—the railroads of the country. As to what they are worth, perhaps, we do not know. A committee was appointed some time ago and made a finding that the transportation systems collectively were worth something like $23,000,000,000. If they are worth that sum, or any comparable sum, transportation comes second.

Then comes the oil industry, embracing thousands and tens of thousands and hundreds of thousands of American citizens, embracing an investment of not less than $12,000,000,000 and perhaps as much as $20,000,000,000, on which we have no authentic information. Last year we asked the Tariff Commission for information, but they had none. There is no department of Government which has information which they will give us about this industry. And now, when there is a request that a committee of the Senate be appointed to get information, we are met with obstacles.

The banks of the country do not have the investment the oil industry has. The 24,000 banks in the United States have a total capital and surplus and undivided profits of approximately only $10,000,000,000. Banks are regulated and transportation is regulated. There is not a major industry in the United States that I know of save the oil industry about which the Senate has not ample information for consideration in the framing of any legislation which may be proposed for the benefit of the public. But there is the oil industry, with twelve to twenty billions invested therein, with hundreds of thousands of American citizens involved, many of them upon the verge of bankruptcy, and about that business we know little. Every time a bill is proposed upon this floor or in the other body relating to the oil industry a maze and haze and smoke screen is thrown around the measure and doubts are cast upon the relief proposed. As a result committees hesitate to recommend, and when they do recommend, the bodies to which those committees recommend refuse to act.

It is only to get information for the use of this body, and to have some Senators upon the floor familiar with the information secured, so that when legislation is proposed they can analyze the information and make it available to the Members of this body, that I propose the appointment of this committee.

Mr. President, the oil industry is divided into several different groups or activities. There is, first, the leasing activity. There is, second, the drilling activity. There is, third, the production activity. There is, fourth, the transportation, fifth, refining, and sixth, distribution. There is no information available, which can be considered as authentic and official, respecting any one of those subdivisions of the oil industry.

As an illustration of what I may term the misinformation and the lack of information in the oil industry, I desire to call attention to a letter presumed to have been prepared by one of the best-informed men on the oil industry in the Senate, a man who himself is interested in the oil business, a man who himself is reported to be or to have been the attorney for one of the great oil companies of the United States, a letter written after the Senator from Kansas had introduced his bill proposing a partial embargo upon imported oil.

It is true that we do have an oversupply of oil. America, I might state, is figuratively floating in oil. The States which are now uppermost in producing oil, California, Texas, and Oklahoma, have so much oil in sight and in storage that they can not sell it. The oil producers in those States, having unlimited oil ready to be produced for the time being, at least, having no sale for such oil, having no place to store it, have voluntarily curtailed their production, and the great Oklahoma City field, which can produce millions of barrels of oil each day, is shut down and curtailed, so that to-day a man who has an oil well in that field can produce only 1½ per cent of the time. That is about 3½ days a year.

Conditions are such in that field that men who had millions, who invested those millions there, and who struck oil, are now upon the verge of bankruptcy because they can not pay the overhead expense of taking care of the oil wells until such time as they can find a market.

After the Capper bill was introduced, the distinguished Governor of Pennsylvania, Mr. Pinchot, sent either letters or telegrams to the two Senators from Pennsylvania indorsing the Capper bill, and on the 27th of February the senior Senator from Pennsylvania [Mr. REED] is reported to have answered the message from the governor of that great State, and I have before me what purports to be a copy of the letter written by the Senator from Pennsylvania. At his request, and agreeable to my inclinations, I desire to read that letter:

FEBRUARY 27, 1931.

DEAR GOVERNOR PINCHOT: The pressure of work in the Senate has been so extreme that I have not been able to reply sooner to your letter regarding the tariff on imports of foreign oil.

The question has not come before the Senate or before any Senate committee and no action or decision has yet been required of me. If that time comes, I shall state that I have a personal interest in the matter and will ask to be excused from voting on that account.

A reasonable construction of this letter would be that the Senator from Pennsylvania is interested in the oil business. He tells us so. I read further:

It would probably be slightly advantageous to me personally to see such a tariff or embargo imposed.

At the same time, I am bound to say, first, that from the standpoint of conservation, I prefer to see the oil fields of other lands exhausted before those of our own country.

That is an alarming statement, Mr. President. Is such a statement a charitable one toward our sister nations?

The Senator from Pennsylvania proceeded:

Second, an embargo on foreign oil would probably mean a great increase in the cost of gasoline and other petroleum products all along the Atlantic seaboard; third, an embargo on foreign oil would mean the probable loss of the fine export business that we have built up in the products of petroleum, and such products would in all likelihood be manufactured in Central or South America to the very great injury of Pennsylvania; fourth, I am told that the cost of producing oil abroad is as high as it is in the United States.

Mr. President, the distinguished Senator from Pennsylvania evidently has not read the report of the Tariff Commission upon the oil industry, made in response to a resolution of the Senate. I will come to that later. I read further from the letter of the Senator from Pennsylvania:

We have always based our tariff on the difference in production costs, and we can not logically impose a tariff where the foreign cost is no lower than in America. Finally, we are under treaty obligation that we will not place an embargo or prohibition upon the import of legitimate articles of commerce. We have the right to put on a tariff, but under the treaty we can not impose an embargo.

I am sincerely sorry that my answer has been so long delayed.

Faithfully yours,

D. A. REED.

That letter was sent to Hon. Gifford Pinchot, Harrisburg, Pa.

Mr. President, the distinguished senior Senator from Idaho [Mr. BORAH] stated that we had all the information there was, as I understood him, at least all that we needed, or at least all that we could use. I refer to the distinguished Senator from Pennsylvania as perhaps the best-posted man in the Senate on the oil industry, and if the letter I have just read is a sample of the information he has and a sample of its accuracy, then I can not agree with the distinguished Senator from Idaho; and I have authority to sustain my viewpoint, which I will exhibit to the Senate in the course of my remarks.

Mr. President, during the consideration of the tariff bill last year a provision was incorporated directing the Tariff Commission to make a study of one phase only of the oil industry. The Tariff Commission, in obedience to that request, spent the summer on just one single phase of that industry, and submitted a report to this body on the 26th of January.

The Senator from Pennsylvania states in his letter that there is no difference between the cost of producing oil in America and in Venezuela. I now read from the report submitted by the Tariff Commission upon that identical point,

The average cost of production of crude petroleum at the well, for 1927, 1928, and 1929, in the States of Oklahoma, Texas, Arkansas, Kansas, Louisiana, and New Mexico, from which States is obtained the great bulk of the domestic oil refined along the Atlantic seaboard, was $1.10.

According to this report it cost $1.10 in any of those States to produce a barrel of oil on top of the ground. That means the cost of drilling, the cost of pumping and producing one barrel of oil in the mid-continent field, and placing that barrel of oil on top of the ground.

The resolution which called for the investigation asked the commission not only to find the cost of producing oil on top of the ground, but to find the cost of producing the oil and delivering it to the Atlantic seaboard.

They find that it costs $1.10 to produce the oil on top of the ground in any of the States just mentioned. Here is what the commission said as to the cost of transporting the oil to the Atlantic seaboard:

The cost of transporting this oil to the Atlantic seaboard was 88 cents, including pipe-line charges to Gulf ports, a purchasing charge of 10 cents per barrel, and tanker charges from Gulf ports to the Atlantic seaboard. The total cost of the oil delivered at Atlantic seaboard was, therefore, $1.98 per barrel. This cost is computed on the basis of "company interest oil," i. e., royalty oil has not been included in total production, and includes interest at 6 per cent on the investment of the companies.

So we have here a report on one feature only of the oil industry, and that is the cost of producing oil in six or seven interior States known as the mid-continent field, and transporting the oil from that field to the Atlantic seaboard. That cost is $1.98 per barrel. The Tariff Commission gives the cost of producing oil in Venezuela and delivering that same oil to the Atlantic seaboard. The cost is as follows:

The cost of production of oil in the Maracaibo Basin of Venezuela in 1929 (sec. 332 (f) calls for "present" cost and 1929 is the latest year for which costs were available) was 56 cents at the point of transfer to ocean tankers.

It costs $1.10 per barrel to produce oil from the ground and bring it to the top of the ground in the mid-continent field, while in Venezuela it costs only 56 cents. The cost of producing oil in Venezuela and bringing that oil to the top of the ground is practically one-half of the cost in the mid-continent field for the very same identical effort.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maryland?

Mr. THOMAS of Oklahoma. I yield.

Mr. TYDINGS. The remarks of the Senator are very interesting. I have been wondering if the quality of oil is the same, and, if the Venezuelan oil were placed in competition with the mid-continent oil, all other things being equal, whether they would both command the same price?

Mr. THOMAS of Oklahoma. I will say in reply to the question of the distinguished Senator from Maryland that that is a controversial question. We do not know. In this report the Tariff Commission undertakes to settle the question, but they do not know. Chemical tests have not been made, and that is one of the controversial questions which the committee should study. I will say, however, that the report, although the commission were not called upon to do it, did find that the Venezuelan oil is not of the high-grade and high-standing of the mid-continent oil. That may be true, but until we have some authentic figures, some analyses made, some investigation made, I could not concede it, because the Atlantic seaboard refineries and those who use oil are only too glad to get the Venezuelan oil.

Mr. TYDINGS. As I recall, it was stated, perhaps by the Venezuelan oil people, that their oil is not as rich in its gasoline content as our mid-continent oil and therefore they claim that their oil, more so than mid-continent oil, is used in the manufacture of by-products, of which I recall asphalt as one of the chief products. I think the observation of the Senator from Oklahoma is very fair as to the difference in cost. I myself would like to know just what the potential difference in value is as to the marketing feature between the Venezuelan oil on the one hand and mid-continent oil on the other hand.

Mr. THOMAS of Oklahoma. Rehearsing briefly, it costs $1.98 to produce oil in the mid-continent field and transport it to the Atlantic seaboard. We can produce oil in Venezuela from the ground, bring it to the top of the ground, for 56 cents a barrel. I read further from the report:

Transportation and other charges necessary to deliver the oil to the Atlantic seaboard were 23 cents, making a total of 79 cents, cost delivered at Atlantic seaboard refineries.

Mr. President, there we have the information—$1.98 mid-continent oil and 59 cents Venezuelan oil, a difference of $1.19 in favor of Venezuelan oil and to the disfavor and disadvantage of that vast area known as the mid-continent field, and those thousands and tens of thousands engaged in the oil business who are now out of employment because Venezuelan oil is taking the place of our American oil.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. THOMAS of Oklahoma. Certainly.

Mr. TYDINGS. I was interested in comparing the figures relating to the Atlantic seaboard as adduced by the Tariff Commission. I was wondering whether the Senator has comparable figures for some point in the interior, for example, Cleveland or Chicago or St. Louis, showing how the freight rates on the Venezuelan oil would add to its cost and whether or not the mid-continent people would be able to sell in competition at those points with Venezuelan oil.

Mr. THOMAS of Oklahoma. At the present time the mid-continent field is forced to sell in competition with the oil of the world. At the present time the price of oil, not only in my section of the country, but of the oil on the Atlantic seaboard, is fixed by the world price of oil, just like the price of wheat in the absence of a tariff is fixed by the world price, just like any other commodity upon a world basis without protective tariff of any kind has its price fixed by the world price of that commodity. To-day the price of oil is fixed in this free-trade world by the world market.

Mr. TYDINGS. It has been contended that we export a little more oil than we import. I have forgotten the figures for the moment. I have heard it argued that if we were to completely bar out Venezuelan oil, then instead of having that oil brought to the United States and refined here as at present is the case, our factories would move to Venezuela and Venezuelan oil, which can be produced very cheaply——

Mr. THOMAS of Oklahoma. I understand the Senator's question. I know what is in the Senator's mind, although he has not completed his question.

Mr. TYDINGS. If we drive our refineries to Venezuela, where the cost of producing the oil and the cost of refining it are both lower than is the case when it is done in the United States, and then that oil so produced and refined in Venezuela is not salable in America because of an embargo or prohibitive tariff, would it not be sent to Europe and take the place of oil which we are now exporting there?

Mr. THOMAS of Oklahoma. Let me answer the Senator's question. It is not necessary to carry the question any further. It is true that they are producing oil in Venezuela and Colombia and the Dutch West Indies and other parts of South America and other parts of the world. The finest refinery that to-day exists is on the island of Aruba. That refinery is capable of processing hundreds of thousands of barrels of oil a day. That refinery has access to all the oil it needs and can use. The owners of that refinery are now searching the markets of the world to find a market for their products. They are competing with all the oil interests in the world. They are selling every barrel of oil and every gallon of gasoline and everything that is made from oil throughout the world to the very best of their ability.

Mr. President, I have a very large amount of very valuable information which I would like to place in the RECORD. I am glad I have some interested auditors. But realizing the situation, I renew my request for unanimous consent that the Committee to Audit and Control be discharged from the further consideration of Senate Resolution 418, that it

be placed upon the calendar, with an agreement that an amendment shall be placed therein that a sum of money not in excess of $10,000 shall be available for use in payment of the expenses of such committee.

The VICE PRESIDENT. All of those matters may not be included in a unanimous-consent request.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. THOMAS of Oklahoma. I yield.

Mr. BORAH. I am willing to consent that the Committee to Audit and Control be discharged and that the resolution be placed upon the calendar.

Mr. BLAINE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BLAINE. If the request as submitted were agreed to, would it displace the unfinished business, the copyright bill?

The VICE PRESIDENT. Not if done by unanimous consent, but if there is a motion made, and a vote had and agreed to, to consider the resolution, it would displace the unfinished business.

Mr. BLAINE. Reserving the right to object, I want to be perfectly consistent, and I want to be perfectly fair. I objected to a report being made from the Committee on Immigration and to placing on the calendar some reports of bills from that committee. My feeling is that there ought to be some disposition if possible of the copyright bill, and then let the friends of the bill relating to oleomargarine take it up. Unless there is some consideration given to that matter I am compelled by force of circumstances, and out of consideration for that great industry, to object to any unanimous-consent request.

Mr. WATSON. Mr. President, before the Senator objects, let me say that I share with the Senator in his desire to have the other bills considered. If the Committee to Audit and Control be not discharged by unanimous consent, then the matter must go to the calendar and can not come up until to-morrow under any condition. That would not possibly interfere with the oleomargarine bill or the copyright bill. But if that be not done, I am informed that the Senator from Oklahoma [Mr. THOMAS] intends to occupy the attention of the Senate for some time, and then we would be interfering with and impeding the progress of the very measures in which the Senator from Wisconsin is interested. Therefore I appeal to the Senator to permit the unanimous consent to be had to discharge the Committee to Audit and Control and let the resolution go to the calendar.

Mr. BLAINE. Of course, exactly the same situation may obtain when the resolution goes to the calendar. If the unanimous consent is not given for its consideration, or if upon motion to take it up it is not given consideration, we might then be faced with identically the same situation. We might as well face the situation now as any time.

Mr. WATSON. Of course, the Senator to-morrow would have a right to move to take up the resolution and have a vote on his motion. I am assuming that if we let the resolution go to the calendar and the Senator from Oklahoma has an opportunity to make a motion to bring it up for consideration, and that motion is voted down, the Senator would be quite content. He can not desire to overrule a majority of the Senate in regard to the matter.

Mr. BLAINE. I appreciate all the Senator from Indiana has said; but if the Senator from Oklahoma should submit a motion to take up the resolution, then that motion is debatable, and we are then confronted with identically the same situation as that which now confronts us.

Mr. WATSON. Let me say to my friend from Wisconsin that it being debatable, if the Senator from Oklahoma takes all of the time available for debate, he never would settle the question. The Senator from Oklahoma wants his resolution adopted, and he will never get action on it or know the attitude of the Senate upon it until a vote is had. Therefore, if he talks needlessly, there will never be any vote, and he will never get anywhere with his motion or his resolution.

Mr. THOMAS of Oklahoma. Mr. President, I do not think I am laboring under any illusions. I have two courses open to me. One is to yield the floor and let the resolution come out of the committee and go on the calendar, which would be a fine morgue, as would be discovered after Wednesday noon, March 4, when we must adjourn.

My other recourse is to continue to keep the floor, discuss the oil question, and perhaps assist in making the record relating to this most important question.

Mr. FESS. Mr. President, will the Senator from Oklahoma yield to me?

Mr. THOMAS of Oklahoma. I yield to the Senator from Ohio.

Mr. FESS. Mr. President, this resolution came before the Committee to Audit and Control the Contingent Expenses of the Senate, and it was represented to us that it would require an expenditure of $50,000. There were several other resolutions before our committee, one of which would require an expenditure of $75,000, and, in fact, there were resolutions which contemplated expenditures amounting to $219,000.

I have great sympathy with what the Senator from Oklahoma has been attempting to do in finding a solution of this problem, if it may be found. As the Senator knows, I went along with him in the former discussion of the subject. However, it was the situation as to the amount of money that was asked, in view of the other claims, that was controlling with me. I do not know how the other Senators felt; but the committee voted adversely on reporting the resolution.

The Senator then took occasion, which was within his right, to make a motion to discharge the committee from the further consideration of the resolution. That motion is not offensive to the members of the committee. If the amount were fixed within reason, it would indicate that the committee did not intend to go all over the world to make an investigation. I am in sympathy with what the Senator has been saying, and I should be very glad to see the committee discharged from the further consideration of the resolution and action taken thereon, if it may be understood that the resolution will go to the calendar and come up in the regular way for consideration.

Mr. BINGHAM. Mr. President, will the Senator from Oklahoma yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Connecticut?

Mr. THOMAS of Oklahoma. I yield.

Mr. BINGHAM. The Senator from Ohio (Mr. FESS) knows that I have been interested in an item on behalf of several Senators from the Western States whose secretaries have to pay their own expenses when they go home at the end of the session or else the Senators themselves have to put their hands into their pockets to the extent of several hundred dollars each to pay the expenses of their secretaries in accompanying the Senators to their homes and the expenses incurred in returning. I have been appealed to, chiefly because it makes very little difference to those of us who live in the Northeast, as a matter of justice to try to secure an appropriation or an amount sufficient to pay a moderate mileage for the secretaries of Senators, one secretary for each Senator and one for the Vice President on the certificate from the Senator or the Vice President that such travel was necessary.

Such a resolution has been twice adopted by the Senate in the form of an amendment to an appropriation bill, and has twice been thrown out by the House conferees, and a resolution authorizing that the expenditure be taken out of the contingent fund of the Senate has been before the Committee to Audit and Control the Contingent Expenses of the Senate for about a year. I wrote letters to members of that committee not very long ago, asking them if they could not do something in regard to this matter, because I know that it means a great deal to many of my friends, although it means very little to those of us, as I have stated, who come from the Northeast.

Mr. THOMAS of Oklahoma. Mr. President——

Mr. BINGHAM. The committee adjourned, however, without taking any action; and I merely wanted to ask the Senator from Ohio if he would have any objection to my making a motion to discharge the Committee to Audit and

Control the Contingent Expenses of the Senate from the further consideration of that resolution also in order that we may have it before the Senate?

Mr. FESS. Mr. President, will the Senator from Connecticut yield to me?

The VICE PRESIDENT. The Senator from Oklahoma [Mr. THOMAS] has the floor.

Mr. THOMAS of Oklahoma. I do not care to yield for the discussion of some other resolution.

The VICE PRESIDENT. The Senator from Oklahoma declines to yield.

Mr. BLAINE. Mr. President, I want to make a suggestion.

Mr. THOMAS of Oklahoma. I yield to the Senator from Wisconsin.

Mr. BLAINE. I am very much disposed to support the resolution to which the Senator from Oklahoma is addressing himself for an investigation of the whole question of the oil industry. I do not want to propose any bargain to the Senator, but I want to ask the Senator, in case we are able to bring the oleomargarine bill before the Senate, would he be disposed then to postpone action on that bill in any respect?

Mr. THOMAS of Oklahoma. I should be very glad to agree that, in the event we can have an agreement to that effect, the oleomargarine bill may be brought up and that the Capper bill may be attached to it as an amendment and be passed. I shall be very glad to agree to that procedure, and, in that event, I shall withdraw my motion.

Mr. BLAINE. I do not recall the bill to which the Senator refers, as there are so many Capper bills. To which particular bill does the Senator refer?

Mr. THOMAS of Oklahoma. I refer to the Capper bill proposing an embargo on imported oil.

Mr. BLAINE. I do not know just how material that is or how relevant it is to the question I was discussing, but I should be disposed to withdraw my objection to the request of the Senator from Oklahoma if we could have reasonable assurance if the oleomargarine bill is taken up, that when it is taken up, that it may go along. I am not asking anyone to agree what shall be done with it at all, but that the debate thereon may proceed without any indication of unnecessary delay. I would then be perfectly willing and anxious to accommodate the Senator from Oklahoma and withdraw my objection to the Senator's request, and let the committee be discharged from the consideration of his resolution and that the resolution may be placed upon the calendar. I will accept the assurance of the Senator from Oklahoma on that suggestion.

Mr. HEBERT. Mr. President, will the Senator from Oklahoma yield to me?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Rhode Island?

Mr. THOMAS of Oklahoma. I yield.

Mr. HEBERT. May I ask if the suggestion of the Senator from Wisconsin, should it be agreed to, would result in displacing the pending bill—the unfinished business?

Mr. BLAINE. Mr. President, I have not made any request for a unanimous-consent agreement, but I rather assume that during the course of the debate, if we are making no headway with the pending bill, then clearly it would be appropriate to move to take up the oleomargarine bill; and if a majority of the Senate desire to take it up, then, of course, it ought to be taken up.

Mr. ROBINSON of Arkansas. That bill is on the calendar.

Mr. BLAINE. The oleomargarine bill?

Mr. ROBINSON of Arkansas. Yes.

Mr. BLAINE. There are two such bills on the calendar—one reported from the Senate committee and one coming over from the House. A motion to take up either bill is in order at any time.

Mr. ROBINSON of Arkansas. Yes. I was just going to suggest that the Senator is encumbering the request of the Senator from Oklahoma. It seems to me, if I may say so to the Senator from Wisconsin, that the request of the Senator from Oklahoma is a reasonable one. It merely puts his resolution in a situation where it may be acted upon, if the Senate desires to take action with respect to it. It is now pending in the committee, and, of course, unless that committee is discharged he is deprived of the opportunity of even requesting the Senate to proceed to its consideration.

The Senator from Wisconsin can move, of course, as he well knows—I do not need to tell him that—to proceed to the consideration of another bill while this or any other bill is before the Senate.

Mr. SHIPSTEAD. Mr. President——

Mr. THOMAS of Oklahoma. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Would the Senator be satisfied if a unanimous-consent agreement were entered into fixing a certain time for a vote on the Senator's motion?

Mr. THOMAS of Oklahoma. Yes; I would agree to that.

The VICE PRESIDENT. The Senator from Oklahoma has the floor on his request for unanimous consent.

Mr. THOMAS of Oklahoma. I withdraw that request.

The VICE PRESIDENT. The request is withdrawn. The Senator from Oklahoma has the floor. The Chair will suggest that under the rules, without unanimous consent, the Senator has no right to yield except for a question and the Chair hopes the Senator will observe the rule.

Mr. THOMAS of Oklahoma. Mr. President, I was attempting to call the attention of the Senate to a letter written by the Senator from Pennsylvania [Mr. REED] to the Governor of Pennsylvania in which some startling statements were made. The first statement to which I was trying to call the attention of the Senate is as follows:

> I am told that the cost of producing oil abroad is as high as it is in the United States.

That statement could not have been made if the Senator has ever read the report submitted by the Tariff Commission on January 26, because on the first page of that report it is stated:

> The cost of producing oil in America is $1.98 a barrel, while the cost of producing oil in Venezuela and bringing it to America is only 79 cents per barrel.

In other words, oil can be produced in Venezuela and brought to the Atlantic seaboard and sold for 79 cents a barrel, while oil produced in the interior of the United States, in the mid-continent field, when delivered at the Atlantic seaboard must bring $1.98 if the producers and the transporters are to get first cost. There is a differential of $1.19, and even the distinguished Senator from Pennsylvania, himself the admitted owner of oil stock, in the past reputed to have been attorney for oil companies, and one of the best informed men upon this floor, did not know that fact. It is exactly such misinformation, Mr. President, which we find in the minds of Senators that when we propose something relating to oil causes a smoke screen to be thrown up, and we get no place. The resolution is proposed in the hope of securing some information on many points, such as the Tariff Commission obtained as to one point, so that when next winter comes and some relief is proposed for those in the oil business if they are still alive, we can have some reliable, official authentic facts to sustain the contentions which will be made.

Again says the Senator from Pennsylvania—

> I prefer to see the oil fields of other lands exhausted before those of our own country.

Mr. President, who is exhausting the resources of other lands. It is not their nationals; it is either the nationals of the United States or the nationals of some other country in the main. Take the poor little country of Venezuela, there is competition going on there now between the nationals of America and the nationals of Great Britain and the nationals of Holland as to who shall first exhaust the resources of that country. That certainly is not a charitable view to take toward a sister Republic, located to the south of us, that we will exhaust their resources first and save ours.

That brings up another question, namely, what are the resources of America? Is it true that the American oil resources are about gone? That is a controversial question. I have some figures which I will give to the Senate. I am laboring under any illusions. I have two courses open

I can not vouch for them because they change from year to year; but we have some figures, and, according to the best experts we have, the oil now in sight is sufficient to last America for 500 years. If the policy of the Senator from Pennsylvania shall be followed we will keep those resources perhaps for 500 years.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Indiana?

Mr. THOMAS of Oklahoma. I will yield only for such proceedings as will not cause me to lose the floor, and I depend upon the Presiding Officer to protect my rights to the floor.

Mr. WATSON. I merely desire to ask a question. If the Senator is not willing to ask unanimous consent that the committee may be discharged from the further consideration of the resolution and to place it on the calendar, will he permit me to make that request?

Mr. THOMAS of Oklahoma. Mr. President, in the last 30 minutes I have seen a good many winks going over this Chamber, and, while my eyesight is not the best, I can still see. I am not deceived. I am laboring under no illusion. I know Senators are trying to get me from the floor, and if I yield the floor that is the end of this controversy. I choose to proceed, Mr. President.

The VICE PRESIDENT. The Senator declines to yield further.

Mr. THOMAS of Oklahoma. Mr. President, the records show that we have already, since oil was discovered, produced and used in these United States something like 11,000,000,000 barrels of oil. Eleven billion barrels of oil have been produced and used, and the rate of consumption to-day is a billion barrels a year. The best information we have is that we have now discovered and have in sight oil reserves which probably will yield as much as 27,500,000,000 barrels of oil.

In the 20 or 30 years that we have been producing oil we have produced 11,000,000,000 barrels of oil and used it, and we now have in sight 27,500,000,000 barrels more; and each year we are discovering more oil than we discovered the year before.

Mr. REED. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahome yield to the Senator from Pennsylvania?

Mr. THOMAS of Oklahoma. I will yield for a question.

Mr. REED. If we have only 27,000,000,000 barrels of oil in sight and we are using 1,000,000,000 barrels per year, how can the Senator say that we have 500 years' oil supply in reserve?

Mr. THOMAS of Oklahoma. I am delighted that the Senator asked that question. He does not know, or he would not have asked the question. I am glad to give the Senator the information.

Mr. REED. 500 times 1 is not 27.

Mr. THOMAS of Oklahoma. Mr. President, I made the statement that we now have in sight, in reserves known to exist, an estimate of 27,500,000,000 barrels of oil—Item No. 1.

Then we have, in the Western States, great shale beds. Colorado, Utah, Nevada, and other Western States, have these gigantic shale beds; and scientists advise us that those shale beds are so enormous that it is estimated they will produce a total quantity of 92,000,000,000 barrels of oil.

I do not know how much oil is in that shale. No one knows. We know that there is some oil there. It has been discovered, and it is being produced. Oil from shale is now being produced in Colorado. The process is expensive; the machinery is crude; but there is the shale. It contains oil, and the experts tell us that there are 92,000,000,000 barrels of oil known to exist in the shale deposits of the Central Western States.

Then, Mr. President, we have vast coal fields in this Republic. The Senator's State is a great coal-producing area. West Virginia is a great coal-producing State. Oklahoma is a great coal-producing State; and these coal fields are known. Oil can be produced from coal. It has been produced from coal. It is being produced from coal. It is estimated that the coal now known to exist, when processed, will give forth crude oil in the amount of 595,000,000,000 barrels. I do not know whether or not that is correct; but I have the authority here from the hearings before the Senate Committee on Commerce. The authority I cite is Mr. Arnold. He qualified as an expert. Whether or not he is, I can not say. He testified before the committee on page 69, and I desire briefly to refer to one or two questions and answers. The questions were propounded by myself.

> Senator THOMAS. Mr. Chairman, at this point, might I ask a question?
>
> The CHAIRMAN. Indeed, yes.
>
> Senator THOMAS. What is the oil consumption of the United States to-day per annum, approximately?

This question was asked of Mr. Arnold, an expert who qualified before that committee. Mr. Arnold replied:

> I have not the figures right here.
>
> Senator THOMAS. It is around 1,000,000,000 barrels?
>
> Mr. ARNOLD. It is around 1,000,000,000 barrels a year.
>
> Senator THOMAS. From your estimate, for how many years do we have a supply of oil; that is, what you term in sight?
>
> Mr. ARNOLD. We have worked that out a little more definitely, according to the rate at which the oil would probably be used, and past development has been over a period of 70 years. It will probably take us about 30 years more to discover all the new fields; that is, on an average. In some States it will probably take longer, because the geology is more complex or less understood. But, in general, about 30 years from now we ought to have about all of our resources uncovered. The peak of production in the United States may have been passed in 1929.
>
> Senator THOMAS. My question is this: At the present rate of increased consumption, using that in connection with the amount of oil that we now have in sight, how much time in the future would you estimate we will have an ample supply of oil for our essential needs?
>
> Mr. ARNOLD. Well, roughly speaking, from all sources about 500 years.

Mr. President, I do not rely upon this hearing as being absolutely authentic. It is the best, perhaps, that we have, and about the only information that we have. I desire at this point to call the attention of the Senate to information that I think probably is more authentic than that contained in the hearing just referred to.

I hold in my hand a report of the Standard Oil Co. of New Jersey for the year ending December 31, 1928. This copy is presumed to have been a report made by Mr. W. C. Teagle, the president of the Standard Oil Co. of New Jersey, to his stockholders. It is of date May 15, 1929. It is addressed to the stockholders. It may be a confidential report. I do not know. It was not placed in my hands in confidence. I quote from that report. Mr. Arnold says that we have oil in sight for 500 years.

I am now going to give you the best information I think we have in America on this proposition, and it is the information that Mr. Teagle, the president of the Standard Oil Co. of New Jersey, gave his stockholders. I think, first, he is stating the truth; and I think, second, he knows; and here is what he says.

I shall have to read several lines to get down to the point that answers the question of the Senator from Pennsylvania. It is in the conclusion of this report to the stockholders of that company. Says Mr. Teagle:

> The record of 1928 is more encouraging in the promise of further progress that it has held out than in the material results actually attained. There is ground for optimism in the clear understanding which the industry now has of the shortcomings of a system of haphazard production and in the realization that the large reserves of oil above ground, the increasing percentage of like products obtained from crude and the greater surety of finding new production where geophysical devices can be employed—

Here is the point to which I wish to call the Senator's attention—

> have placed the industry in the position where it can deliver petroleum products for essential uses indefinitely.

Mr. President, "indefinitely" is far more comprehensive than "500 years." Mr. Arnold says we have oil in sight for

500 years. The Standard Oil Co. says we have oil in sight indefinitely. Yet the distinguished Senator from Pennsylvania wants us to hold our reserves of oil, our reserves of shale, and our reserves of coal until the other countries of the world have exhausted their petroleum resources.

Why not apply that policy to steel? Why not apply it to copper? Why not apply it to lumber? Why not apply it to aluminum? Why not apply it to wheat and corn and meat? We can get wheat cheaper from Russia than we can grow it in America. We can get some of these other essential elements cheaper from abroad than we can produce them here; and if that policy should be established, what havoc would it bring forth among the people of this Republic!

Mr. REED. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. THOMAS of Oklahoma. I will yield for a question.

Mr. REED. Does not the Senator see any difference between natural resources that can not be replaced, such as petroleum and iron ore and the other minerals, and these crops which are grown annually, such as wheat and corn? Can not the Senator see that the whole doctrine of conservation that applies to these irreplaceable natural resources does not at all apply to domestic products like these annual crops?

Mr. THOMAS of Oklahoma. Mr. President, the production of wheat destroys the soil from which that wheat is produced. The production of corn destroys the soil from which that corn is produced. The production of cotton destroys the soil from which the cotton is produced. Of course, the soil can be rebuilt.

Mr. REED. May I ask the Senator another question?

Mr. THOMAS of Oklahoma. I yield.

Mr. REED. Speaking of the destruction of the soil, does not the Senator know that in France to-day, on fields that have been tilled for 2,000 years, they are growing three times as many bushels of wheat per acre as we are growing in North Dakota?

Mr. THOMAS of Oklahoma. Mr. President, that brings to my mind a conservation congress called in Washington 25 years ago. This congress was called by President Roosevelt. It was called to consider means and methods for conserving our coal supplies. At that time, oil was a comparatively new discovery. No great use could be made of oil. At that time the coal reserves of the Nation were being rapidly exhausted; and those in charge of our Government, looking not only at the present but the future, became alarmed, and the President called this congress to find ways to conserve coal. The congress met and no doubt they figured and taxed their brains to find means to conserve the coal lying underneath the ground of Pennsylvania and West Virginia and Ohio and Oklahoma and Indiana and numerous other States.

What has now happened to coal? Why, coal is a worthless product. There is no demand now for the millions of tons of coal underlying the States of the East or the West. There will be no demand for coal in the immediate future. There can not be any demand for coal in the immediate future. So far as we now know, the only value of coal will be to keep it stored in its present place until our oil reserves are gone, and then perchance bring it forth and, through the Burgess process or some other process, reduce such coal to oil to take the place of the oil that we are using now.

Mr. President, I have just referred to the statement of the Senator in his famous letter that he wants to exhaust the resources of our sister nations before we exhaust our own resources. The third proposal made here is as follows:

3. An embargo on foreign oil would probably mean a great increase in the cost of gasoline and other petroleum products all along the Atlantic seaboard.

Mr. President, that may be true. I do not know. The Senator does not know, because he said "probably." It is positive information that I am hoping to arrive at through the appointment of a special select committee that may make a study of the oil question.

Then, says the Senator in his famous letter:

An embargo on foreign oil would mean the probable loss of the fine export business that we have built up in the products of petroleum; and said products would in all likelihood be manufactured in Central or South America, to the very great injury of Pennsylvania.

Mr. President, the Senator in this letter speaks for the interests of Pennsylvania. This letter speaks for the interest of the Atlantic seaboard. I complain not at the interests of Pennsylvania. If they are not prosperous, I sympathize with the institutions of Pennsylvania, and I hope for their speedy return to prosperity.

This letter speaks for those along the Atlantic seaboard. If they are not prosperous, I sympathize with them and I hope the time will soon come when the industries along the Atlantic seaboard may likewise return to prosperity. But what will make the institutions of Pennsylvania prosperous? What will make the institutions along the Atlantic seaboard prosperous? Let the people out yonder in the West, producing oil, have a market for their oil and get some money with which to buy the products of Pennsylvania and to buy the products along the Atlantic seaboard and prosperity will return to Pennsylvania and the Atlantic seaboard.

Mr. REED. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. REED. Does the Senator think it strange or reprehensible that one should mention Pennsylvania in a letter addressed to the Governor of Pennsylvania, who presumably is thinking about the interests of that State above all others?

Mr. THOMAS of Oklahoma. Mr. President, no one can criticize the distinguished Senator from Pennsylvania for not forgetting Pennsylvania. I might say in his behalf, as I have said publicly before, that there is no man upon this floor who has more information than has the Senator from Pennsylvania. There is no more efficient Senator in this body than the senior Senator from Pennsylvania. We listen daily to his statements and usually accept them without question. Pennsylvania is in no danger of being harmed or injured so long as the senior Senator from Pennsylvania retains his health and chooses to accept a seat in the Senate of the United States.

It is stated here that if we should interfere in any way with some of these oil companies' operations, our export business would be interfered with. There is not an oil company in the United States but what to-day is selling abroad every barrel of crude it can sell. There is not an oil company abroad that is not to-day selling every barrel it can both in the United States and abroad. Action by Congress now would not increase the competition. We would still have to compete with the world in the production of oil, in the processing of oil, and in the sale of oil, and these foreign companies will not cease their competitive methods because we take some action here or fail to take some action. They will still try to sell every barrel they can. If we should exclude the importations of foreign oil to the United States, that would have no perceptible effect upon them. They would still sell all they could everywhere throughout the world.

Mr. President, as I stated a moment ago, on the island of Aruba is one of the largest refineries in the world. It is now in position to process approximately 200,000 barrels of crude oil per day. That refinery is looking for an outlet for all the refined products from that oil. It is selling those products in the United States in competition with the products of high-priced oil produced by our people here, who are forced to sell for less than the cost of production, as they have been forced to sell for a year or two now, and because of such unjust competition they are on the verge of bankruptcy. Many of them have succumbed, and I should not be surprised, when Wednesday noon comes and this session of the Congress adjourns, and the independent oil industry knows that no help can be possibly brought to them, if we would have a revolution in this industry, and I will explain what I mean by "revolution." In my State and other

States there is proration. The producers are required by law to hold their oil in the ground; they can not bring it to the surface and if, perchance, they do, they can not sell it. If no relief is forthcoming from the Congress, proration may be overthrown in the Southwestern States, and the oil now kept in and valved in will come forth, and if it does, what will be the result? There will be no one to buy it. More oil is now produced than can be sold. It is now bringing 75 to 80 cents a barrel, and if those oil wells are turned loose there will be no market for the oil at even 75 cents a barrel or even 50 cents a barrel. In anticipation of that very thing, one great company has a posted price throughout the mid-continent field of 40 cents a barrel, and when its empty storage is filled at 40 cents a barrel, what then will happen? There will be no market whatever for such surplus oil. What will that mean? With the oil companies and individuals in the oil business in that section of the country now heavily mortgaged, heavily encumbered at the banks for everything they have, when the break comes, the banks will step in, receivers will be appointed, and those people having worked a lifetime, heretofore in affluent circumstances, some supposed to be millionaires, will find themselves even worse than paupers.

Mr. President, that is what we see in prospect. I hope it will not come to pass. The only excuse I have to offer for using this time upon this floor is that I might in some way secure the appointment of a committee, not to indict an oil company, not even to investigate an oil company, as we use the term "investigate," but to study the oil situation, in the hope that even that activiy will inspire sufficient hope in this industry now carrying this terrific burden that they may still continue to carry on until Congress shall meet again in December, when some plan may be proposed which will bring some benefits to those now engaged in the third largest business in the United States.

Mr. President, as I said a while ago, the oil industry is the third largest industry in the United States. Yet one can not put his finger on a single law upon the Federal statute books for the regulation or control of this gigantic industry.

Agriculture has been regulated, the railroads have been regulated and helped, the banks have been regulated and helped, but when on behalf of the oil industry a plan is proposed before the Senate, that plan is blocked. When some other plan is proposed, that plan is blocked. There is no chance to get a tariff, no chance for a partial embargo, and now, in the closing hours of the session, when we are asking for an opportunity to make a study of the third largest business in the United States, we find determined opposition.

Mr. CONNALLY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Texas?

Mr. THOMAS of Oklahoma. I yield.

Mr. CONNALLY. I want to ask the Senator whether it is not his understanding that the scope of the resolution is much larger than a mere resolution of investigation? Would it not permit the committee to go into the question of the spread between the price of crude oil and the price of the refined product which the consumer pays? In that connection I desire to direct the Senator's attention to a statement made here frequently, that since the drop in the price of crude oil, gasoline in 50 selected cities of the United States has been selling at a higher figure than prior to the drop in the price of crude.

Mr. THOMAS of Oklahoma. Mr. President, it is true that the resolution is very sweeping. If this resolution should be adopted, the committee operating under it could do anything it wanted to in the way of investigation. But the selection of the committee would rest with the Vice President. I have confidence in his judgment. I am making this effort in good faith. I know the Vice President will appoint a committee in good faith, and I have confidence that that committee, composed of representative Senators, the selection of the Vice President, will not abuse their power, that they will not take useless junkets, that they will not spend money indiscriminately or uselessly, but that they will make a study of this industry, and will not abuse the confidence reposed in them by the Vice President and reposed in them by the proponents of the resolution.

I said a moment ago that agriculture was the largest industry in the United States. It has had attention. A law has been enacted in its interest. Transportation, the second largest industry, has had attention. The oil industry is third. Does anyone doubt that the oil industry is the third largest industry in the United States? If he does, I will yield now for an expression on the suggestion and statement.

There are more people interested financially in the oil business than in our banks. There is a larger initial investment in the oil industry to-day than in all of the 24,000 banks of the United States. Yet the United States Senate is in supreme ignorance of the facts surrounding that industry. When there is demand for the adoption of a simple resolution for a study of the industry, at practically nominal cost, we find determined opposition.

I wonder why this opposition. Can anyone who is now doing me the honor of listening to me offer a reasonable excuse as to why this study is opposed?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. WHEELER. It is opposed, I presume, because of the fact that the Mellon interests and the Standard Oil interests do not want to see any investigation of the industry. I am frank to say to the Senator that I would like to see the investigation, because I would like to have some facts. I am in sympathy with his resolution. Some of the people interested in the oil business in my State have asked for a tariff upon oil. I am frank to say to the Senator that I have not sufficient facts in my possession to justify me in voting for a tariff upon oil. If they are justified in having it, I would be glad to have a committee of the Senate make an investigation and present its report to the Senate, so that we would have some facts before us and not merely propaganda by those who are interested either for or against a tariff.

Mr. THOMAS of Oklahoma. Mr. President, as before stated, I am not asking the Congress to tax these companies. They will not consent to be taxed and we have not the power to tax them. If we have it, we have failed and refused to exercise it.

I am not asking now for even the imposition of a partial or temporary embargo upon these companies. If we have the power to enact such legislation, we have refused and failed to exercise such power. I am asking only for the appointment of a committee of this body to make a study of the oil industry. Yet objections are interposed.

I do not wonder at these objections. So long as these major companies can keep the American people in ignorance, in a haze, can throw a smoke screen around their business, they can do as they please. There is no law against their operations. They can not be convicted of anything. An oil company can own railroads, can own banks, can own pipe lines, can own public utilities, can own power plants. There is no law against such ownership. I now make bold to assert that those practices exist to-day, as will be demonstrated if a study is made. I venture the suggestion that that is the reason why we are not getting anywhere in dealing with this giant octopus.

Mr. President, how large is this industry? I said a while ago that it was the third largest in the United States. Agriculture comes first with $60,000,000,000 of investment. The railroads come second with $23,000,000,000 to $25,000,000,000 of investment. Oil comes third with from $12,000,000,000 to $20,000,000,000 of investment. The banks come fourth with only $10,000,000,000 of investment.

Of this gigantic investment in the oil business one company and its subsidiaries own approximately one-half of that value. The Standard Oil Co. of New Jersey and its 50 subsidiaries, and the subsidiaries of the subsidiaries of such company, and the subsidiaries of the subsidiaries of the subsidiaries of such companies, when added together, make the gigantic sum, I prophesy, of something like $7,000,000,000 of investment. Let us take just one company, the Standard Oil Co. of New Jersey, the parent company, the largest company. How large is that company? I quote from their official

report, dated May 15, 1929. From the first paragraph I read as follows:

To the stockholders:

The directors submit with this report the consolidated balance sheet as of December 31, 1928, and consolidated income account for that year. The earnings of the Standard (New Jersey) and its percentage of the earnings of affiliated companies, including interest on investments, were $108,485,686, or 9.5 per cent on the net assets of $1,090,148,229. Earnings on the capital stock outstanding at the end of the year were $4.43 per share compared with $1.52 per share in 1927.

Mr. President, in the first paragraph the president of the company in making his report to the stockholders states that their net income that year was $108,000,000, that their net assets that year according to the books were $1,090,000,000 plus. At another point in the report the gross assets of the company are given as $1,572,267,610.34. There is one company engaged in the oil business with total assets in the sum of over $1,572,000,000. There are 50 other companies, subsidiary organizations, associated with the Standard Oil Co. of New Jersey.

I have in my hand a copy of an address delivered in the House of Representatives by a distinguished gentleman from Kansas, Hon. W. H. SPROUL. In this speech he gives the list of companies which are considered subsidiaries of the parent company of New Jersey. It shows 50 companies affiliated with this one company. In addition to those companies it shows a list of refineries, a list of operating companies, a list of their foreign properties, a list of the pipe lines, a list of the vessels used by the company in the conduct of its business. I will just refer to one of these companies in the Standard group. The Standard of New York is a gigantic company. The Standard of Indiana is a gigantic company. The Standard of Indiana has numerous subsidiaries and in turn those subsidiaries have numerous subsidiaries.

The Standard of Indiana has one subsidiary called the Pan American Co. I have in my hand what is presumed to be an analysis of the Pan American Petroleum & Transport Co. As I understand, it is one of the subsidiaries of the Standard of Indiana. Even this subsidiary has subsidiaries as follows: The American Oil Co.; the Lord Baltimore Filling Stations, Inc.; Pan American Petroleum Corporation; Southern Pipe Lines Co.; Southern Crude Oil Purchasing Co.; and then there are several Mexican companies and a Spanish company.

Mr. President, I assert that from these companies comes the opposition to this resolution. Such was the opposition to the proposed tariff tax. Such was the opposition to the proposed embargo. While I can not charge that its representatives are operating in this Capitol, I do say they are operating around this Capitol. This is the opposition which is encountered by the independent oil producers located in the Central West and in the far West when they seek even information relative to the oil business.

Mr. President, I know that the oil industry is not thoroughly understood. I know there is much misinformation relative to the industry here in the Senate. When I speak of oil, what does the average person visualize? He thinks first about crude oil; second, perhaps of gasoline; third, perhaps about kerosene; and then, perchance, fourth, he will think about lubricating oil. Those are the ingredients which the public consider to be derivatives of oil. But, Mr. President, the products which can be made from oil are practically unlimited.

We have now 400 or more commercial articles made from oil. In addition to gasoline, in addition to kerosene and naphtha, in addition to lubricating oil, we have light distillate, paraffin wax, all sorts of greases. We have residual oils, fuel oil, gas oil, special oils, and we have even alcohol. We have fatty acids. We have artificial rubber. From oil we have even a substitute for butter. We have even clothing made from oil—clothing in the form of leather substitutes made from crude oil.

Take lubricating oil, for example: All the various degrees of lubricating oil that we see upon the market and used for every purpose come from petroleum. Then we have the light distillates, we have naphtha, kerosene, gasoline, all of which come from crude oil. From naphtha we can make soap. Soap is being made from oil. Paint is made from oil. A substitute for linseed oil is made from crude oil. Varnish is made from oil.

Then we have kerosene which is used for both lighting and heating purposes. Gasoline as a solvent product is used for lighting and power, used by the leather industry, and used for motor fuel.

From paraffin wax we have candles and our matches.

We have many medicinal articles made of crude oil. It is used in laundry work. It is used in making candy. Crude oil is used for clothing, for butter, for candy, and for chewing gum. We make roofing out of crude oil, asbestos shingles. We make linoleum out of crude oil—floor covering. Over in Baltimore they take out the gasoline, naphtha, kerosene, and fuel oil, and from what is left they make paving material. Asphalt paving is made from oil.

I made the statement that more than 400 products are made from oil, products used commonly in America, and yet the policy enunciated by the distinguished Senator from Pennsylvania [Mr. REED] would have us to conserve our oil in the ground and keep it there and deprive Americans of the production of that oil, the refining of that oil, and the processing of that oil until the oil of other lands is exhausted.

Mr. President, I asked the question a while ago why it is that we are unable to make any progress when it comes to dealing with the oil industry. We can not tax it. We tried it and failed. We can not limit its importations. We failed in that too. Now, when we propose a simple study of the production and processing of oil, from which we make 400 and more articles in common use, including the articles I have just mentioned—gasoline, kerosene, fuel oil, substitutes for butter, chewing gum, candy, alcohol, clothing, medicines of every kind and character—when we even propose a mere study of the oil industry we find objection from some sources and we are not getting anywhere.

Mr. President, in former times the railroads of the country, the second largest industry in America, were reputed to be in control of the politics of various States. Whether or not that was true I do not know. In former years before regulation was undertaken by the National Government the railroads owned coal lands. They dug and sunk their mines. They produced coal. They brought it to the surface and shipped it. They sold the coal in competition with the coal companies. But the Government, after the matter was brought to the attention of the Congress, enacted legislation separating the coal companies from the railroad companies. To-day the railroad companies are prevented by law from owning coal lands or coal fields and from digging the coal and transporting it for sale under their own supervision and their own management.

But in the oil industry no regulations of that kind have been put in force and these gigantic oil companies are able not only to operate the oil industry, but they have gone into the banking business, they have gone into the railroad business, and they have gone into the power business. I now yield to any Senator upon the floor to mention a single industry in this country in which the oil interests are not involved.

Mr. President, the Standard Oil Co. and its subsidiaries own the largest bank in America. I wonder how large that bank is, Mr. President? That bank has total resources of over $2,700,000,000. The largest single bank in America, and thereby the largest single bank in the world save the Federal reserve system, is this Standard Oil bank—the Chase National Bank, of New York City. I hold in my hand a newspaper story, and I read from the headlines:

Chase passes two billions in deposits. Bank sets world's record in statement revealing $1,238,112,000 gain over last year's mark. Tops National City by $500,000,000. Institution's intake up to June 30 makes total resources $2,648,958,000.

Mr. President, this statement was of March 18, 1930. On that date there appeared in the public press Associated Press dispatches to the effect that there was a merger on in New York City bringing about this gigantic bank—the Chase National. The newspaper dispatches stated that on

the 18th of March, 1930, the merger became effective; that on that date Winthrop W. Aldrich, brother-in-law of John D. Rockefeller, jr., became the president of the Chase National Bank; that on that date Albert H. Wiggins became the chairman of the executive committee; and that on the same date Charles S. McCain became the chairman of the board. That was on the 18th of March, 1930.

Mr. President, during the past year we have had the worst time in an economic way that this country has ever experienced. Thousands of our business men have failed; thousands and hundreds of thousands of our people have been hungry during the past 12 months; yet this big Standard Oil bank has not been hungry.

Listen to this news story: Special dispatch to Star, of date January 7, 1931:

Record in banking shown by report of Chase National, of New York. Resources gained $48,000,000 in six months.

This is a signed story of John F. Sinclair. This story is under a New York date line, January 7, 1931. It is as follows:

The remarkable record of Chase National Bank——

Mr. BLAINE. Mr. President, will the Senator from Oklahoma yield to me for the purpose of suggesting the absence of a quorum?

Mr. THOMAS of Oklahoma. If I shall not thereby lose the floor, I yield to the Senator.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Shipstead
Barkley	Fletcher	La Follette	Shortridge
Bingham	Frazier	McGill	Smith
Black	George	McKellar	Smoot
Blaine	Gillett	McNary	Steck
Blease	Glass	Metcalf	Stelwer
Borah	Glenn	Morrison	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Nye	Trammell
Capper	Hastings	Oddie	Tydings
Caraway	Hatfield	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Connally	Hebert	Phipps	Walcott
Copeland	Heflin	Pittman	Walsh, Mass.
Couzens	Howell	Ransdell	Walsh, Mont.
Cutting	Johnson	Reed	Waterman
Dale	Jones	Robinson, Ark.	Watson
Davis	Kean	Robinson, Ind.	Williamson
Deneen	Kendrick	Schall	
Dill	Keyes	Sheppard	

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. THOMAS of Oklahoma. Mr. President, in support of the position I have taken, I submit for the RECORD an address delivered before the governors' oil-relief conference on January 16, 1931, by my soon-to-be colleague, Senator T. P. Gore.

I shall not read the address, but I ask that it be printed, in support of my position.

The PRESIDING OFFICER. Without objection, it is so ordered.

The address is as follows:

SPEECH OF SENATOR T. P. GORE BEFORE GOVERNORS' OIL RELIEF CONFERENCE, JANUARY 16, 1931

Mr. Chairman, gentlemen, and fellow delegates, there is one point on which everybody agrees, that you all want relief. That is the one point on which there is universal agreement. There may not be universal agreement as to the best means, in the abstract, of accomplishing that one particular end, but where practical men agree as to the ends to be accomplished they ought, by concession, to be able to agree upon the ways and means by which to accomplish that end, or, at least, make a rational effort toward its accomplishment.

There is only one other thing that you want as badly as you want relief, and that is votes [applause]—votes on Capitol Hill. Whatever will contribute to the winning of votes, I should say, would be wise, and whatever would tend to defeat that end would be unwise. I have given utterance to that commonplace in order to add this—the suggestion that we ought, as far as circumstances will permit, and as far, I may say, as the infirmities of human nature will permit, to avoid controversial points.

I will illustrate what I mean. I have a report here, unanimously agreed to by your committee, and I am pleased to report that the agreement is unanimous, signed by Mr. Bullington, of Texas, and myself, among others. You will not find on Capitol Hill a more pronounced protectionist than my good Texas friend, Mr. Bullington. You will not find there a more pronounced antiprotectionist than myself. I do not pretend to believe in a protective tariff, yet I have signed this agreement. This ought to be a good omen. If Bullington and I can agree, there are no two people on earth or on Capitol Hill that ought to be obliged to disagree.

Let me say further that the Democratic State platform of Oklahoma, upon which I was elected, declared that the democracy of our State believed in placing agriculture and oil, the two leading industries of Oklahoma, upon a footing of economic equality. The platform declared against tariff discrimination, which militated against oil and against agriculture. I think that declaration was justifiable. The platform also declared in favor of a tariff on oil.

Gentlemen, I was not obliged to retain the Democratic nomination and make the race on that platform—but I did. Upon that platform I won, and I feel bound to stand upon it and carry it out in good faith. That I intend to do. [Applause.] I am sure that the chairman and everybody else concerned can bear witness to my good faith when this fight is finished.

Now, to illustrate further my wish that we avoid controversial points, I will indulge in a little pleasantry which will accentuate the point. Congressman FISH and Congressman GROWTHER, a good friend of mine, and Senator SHORTRIDGE of California, committed themselves without reservation, and avowed themselves protectionists. It is easy for them to aid you in your fight for protective tariff. They could hardly do otherwise. I flatter myself that they deserve very little credit. They believe in the tariff. They believe in the charm of protection. I do not; and yet I intend to go as far as who goes furthest in an effort to carry out your program.

Protection, to illustrate my point again, is, of course, adopted in the interest of American labor. All of us politicians love the laboring man. The American laboring man receives the best wages on earth; not on account of the tariff, but because he does the most work, and, measured by output, that is the cheapest labor in the world to-day. The average cost of labor in American-made goods is from 15 to 20 per cent of the total cost, yet our tariff duties range from 20 to 200 per cent—all in the interest of labor. The labor cost of producing a ton of pig iron, I am told, is $1.13. The tariff on a ton of pig iron is $1.12½. According to that, the cost of producing pig iron in foreign countries is one half of 1 cent per ton. I am neither defending nor defaming the steel corporations.

I do not oppose protection as much as I used to. I am being somewhat infatuated by its charm. We recently passed the highest tariff bill in our history in behalf of labor—we have never had so little unemployment in our country. Everybody has employment. Everybody has a good job at good wages! We recently passed the highest tariff bill in our history—we have never had such remarkable prosperity in our history—universal and abounding!

The striking feature is that the protected industries are the only ones that enjoy prosperity; the unprotected industries do not enjoy prosperity. During the last two years all the nations of the earth have increased their tariff, and that accounts for the corresponding increase in world-wide prosperity. There is only one law needed to make the happiness of the human race complete. Every nation ought to pass a law absolutely prohibiting imports from any and every other country on the globe. (?) Why have just a little of this blessing, when all of it is available? We have historical and classical confirmation of this. For 3,000 years China and Japan acted upon this principle of absolute exclusion. That accounts for their exceptional progress and development during these two or three thousand years. Now, I say this, and this is not for the record. I say it to illustrate the point. Let us keep off these controversial questions.

The oil industry is sick. I would not say it is sick unto death, but as physicians we are assembled at the bedside, and we want to prescribe a remedy that will prove efficacious. Many, a majority of the people of this country believe in protection. A majority of the oil men of this country believe in protection; that it will cure their distress. Let us try it, and if it will, rejoicing will be universal. If it will not, we shall know that remedy is ineffectual and we will seek another. That is progress.

And now I am not going to make a speech on the merits of this situation. That has been better done by the chairman than I could do. Every man in this assemblage understands the facts and the situation. It would not only be presumptuous but more tedious than a thrice-told tale if I should attempt it, but I do wish to make some points which may be of service in presenting your case to the country. If I can make any contributions upon that phase of the subject I shall be glad to do so. As a practical matter, I wish to suggest this: We live under a protective tariff law, under a protective tariff system, under a protective tariff administration. I see no reason myself why the oil industry should be treated as a stepchild. I see no reason why a discrimination should be made against the oil industry. The argument that it would increase the price of gasoline to the consumer is not an argument that can be urged by protectionists. That is an argument against any protective-tariff duty, and if they use it against oil it should prevail against steel and against aluminum. [Applause.] I have no reference to allusions.

Now, I am speaking from the point of view of the men on the Hill. If protection is a blessing, everybody should share it. If, on the other hand, protection is a burden, let everybody bear it. There isn't any reason why the consumers of gasoline should be regarded as sacrosanct or immune, either from the blessings or the burdens of a protective system. This situation is an emergency. It calls for extraordinary treatment. None of us would dynamite a building down here on F Street or Pennsylvania Avenue in ordinary times, but if necessary to prevent the spread of a conflagration which might destroy the city, we would be justified in resorting to extraordinary measures. That is not all. It is the law of the sea that in case of a shipwreck, if two men are contending for a single plank that will not support both of them, the strongest has the right to it, and his act in taking the plank would not constitute murder. But if the plank belonged to one or the other, would that make a difference? But we have a stronger case than that.

We have a market in the United States. It is being contended for by producers in Venezuela, being contended for by producers in the United State. Now, who has a right to it? [Applause.] I am making arguments that will help to reconcile antiprotectionists to your program. You see, you are not calling on the righteous, but on us sinners.

Now, gentlemen, I want to call up one or two obstacles that you will encounter on the threshold of your campaign. I speak advisedly on this point, because, when I made the fight to secure a change in the taxation of the oil industry basing the depletion tax on value instead of cost, when I mentioned the oil man to the committee, the response was that the oil man is rich—he has got all the money there is. That is one prejudice or preconception to be obviated. Another, and a worse one is this, when you mention oil to the politician or statesmen (I will say that with courtesy, too) visions of the Standard Oil Co. come up in his imagination, and he is not willing to be suspected of being friendly to the Standard Oil Co. Congress passed the antitrust law, and one of the actuating motives was the Standard Oil Co., along with other trusts. Litigation was carried on for years against the Standard Oil Co., and it was finally dissolved, as an offender against the Sherman Anti-Trust Law. I will say a hostility grew up in this country against the Standard Oil Co. and its misbehavior, but you have got to convince Congress now that inaction is a service to the Standard Oil group. All they want Congress to do is—nothing, and when Congress does nothing, it serves the interests, wittingly or unwittingly, of the Standard Oil group.

When you were boys your mother told you about the joint snake; that when you cut it apart it would grow back together. It isn't altogether a fable in the petroleum world. Now, the Supreme Court split the Standard Oil Co., but it grew together, directly or indirectly, at least, so far as consequences are concerned, and that is what counts. The Standard Oil Co. and its various subdivisions seem to have a "gentlemen's agreement" so if Congress does nothing about this predicament they can control the situation. Those are some of the points you have to impress upon the House and the Senate.

I think there is another argument which applies peculiarly to the oil industry and which ought to be impressed upon Congress and the public. Whatever the cause, we are in the midst of a depression—a serious depression. We all hope it will be brief. That hope may be vain. Now, the oil industry, of course, must share in the consequences of any depression that is universal in its character. That you must expect, and, as game sports, you would submit. But that isn't all. The oil industry has certain characteristics peculiar to itself. While it is a business, it is organized, systematized risk. It is based on the law of averages. It is a sort of calculus of risks or chances. Every time you drill an oil well you take a chance of getting a dry hole. You can't separate that risk from the industry, and any business builded upon that sort of basis must be more sensitive to a depression than are more stable industries which are not based upon mere computation of chance or risk. That is an argument in your favor.

That is not the main argument. Other industries, by agreement or spontaneously can measure, control, and limit their output. The oil industry is peculiarly hampered in exercising that power or discretion. It is a characteristic peculiar to the oil business. When you take a lease you must stipulate to drill it, and the business is built on that stipulation. It can not be carried on in any other way. You oil men have to drill a well to hold your leases. You may know the market is glutted with oil and that an additional well will aggravate your own situation instead of relieving it; if you had the choice, you would rather pay the cost of the well than drill it both in your own interests and the general interest. You are not the masters of your own business in that respect. You are, I may say, slaves to the customs of the trade. And that isn't all. If an offset well is brought in, offsetting your lease, you have to offset that well, whether you think an additional well is desirable or not, no matter how undesirable you may know that an additional well may be on your premises, you have no choice. Your action is controlled not by your own choice or judgment, it is controlled by the customs of the trade, and by the contracts which you had to make in order to carry on your business. Now, these characteristics differentiate the oil business from any other business. You are more helpless even than the farmers are. A farmer can let his land lie fallow if he chooses. You can not. I make this statement because it is one of the strongest points in your behalf, and also because it accentuates the effort, the sacrifices which you oil men have made in an effort to mitigate evils which you could not prevent. You have by voluntary agreement scaled down production through proration and other means nearly a million barrels a day from 2,975,000 down to 2,000,080 barrels a day. You have done that, struggling against the difficulties which I have named. It shows that your hearts are in the right place, that you have done the best that you could do under the circumstances and under your contracts. They say God Almighty helps thoses who help themselves. I think Congress is disposed, or ought to be disposed, to help those who help themselves. [Applause.]

Now, you may have carried this policy as far as you can in the circumstances, and under your contracts. I do not believe the public knows what extreme sacrifices have been made by certain producers. Take the president of this meeting—I do not know whether he is here or not—I think modesty has restrained him from stating his own case, one of the largest producers of the Oklahoma City field. He is now restricted to 1 per cent production. He is allowed to produce, under the present arrangement, about three and one-half days a year. What railroad could run three and one-half days a year and survive? What bank could keep its doors open three and a half days a year? [Applause.] It would soon have to close even those three and one-half days. It simply can't be done. Now, you have done your best. You need help from some extraneous source. You need a helping hand. You need a life line in this situation and you are entitled to it, if one of the Government's functions is to help those who are trying to help themselves. You make out a case when these facts are presented. I think if you could get these facts to Congress they would act.

I do not think the question of overproduction is really vital in this discussion. I do not believe I would get too much involved in that discussion, because overproduction is largely a matter of definition. You have got to define what you mean by overproduction before you can have a rational discussion of it. Two men are discussing the subject of light. One is using the word as the opposite of darkness, the other as the opposite of heaviness. They get nowhere. You remember the story of the two knights in the days of chivalry. One was going east and the other west. They passed, on the way, a shield fastened to the limb of a tree. One knight said the shield was red and the other said it was blue. They had a tremendous argument and they fell to fighting over the dispute. A third knight came along, and they told him the cause of their quarrel. The third said, "Let's go back and take a look at the shield." And it turned out that one side was blue and the other red, so that each knight was right from his own point of view.

Now, some people use the word overproduction, meaning that there is no more wheat produced than hungry people could consume if they had access to it for the asking. That is true. Overproduction of that kind has never happened and never will, but that is the popular sense in which the word is used. It is not the economic or scientific sense. In the economic sense overproduction occurs when more of a given commodity is produced than can be disposed of in regular course of trade, at a price which will cover cost of production plus such a profit as will induce the producer to continue in business. That is what happened in many of our industries, and sets to naught the vain argument as to what should be thought of a group of monkeys starving to death and complaining of overproduction of cocoanuts.

A protective tariff, whatever else it may be, is not an antidote for suicide. You ought to show every disposition to continue your efforts to help your own situation, even if you should obtain a tariff.

Now, one point on conservation. It is a word to conjure with. Some people believe conservation is a matter of mental habit or profession. With some people it is a conviction; with some people it is a fad. There are actual conservationists and there are professional conservationists. [Applause.] That is true. It is easy for a man in New England who has no interests in Colorado to practice conservation with reference to the natural resources of Colorado. We are confronting a tragedy now, and not a theory. [Applause.]

I do not mean to criticize the Secretary of the Interior. There are two kinds of conservation, static conservation and dynamic conservation. I sometimes think static conservation is often the same as stagnation. It is not a new theory under the sun. Indeed, it is not a new practice under the sun. Why, America is a typical example. We had static conservation here for some 60 centuries, some of these scientists say for a billion years, and all these material riches were conserved. They didn't minister to the wants of man which, incidentally, is one of their supposed uses. Dynamic conservation means the economic and the efficient use of natural resources. Of course, if we could seal up our iron mines, our coal mines, our oil resources, they would keep here for a million years and a day, and our remote descendants would be the beneficiaries of our self-denial. The question is whether they would applaud our judgment very heartily or not. But what we want is dynamic conservation. Nations have fought over iron, and they will fight over oil; but it is the development of these resources in a rational way that is to be commended. We do not favor the conservation that prevailed here for so many centuries.

Now, the truth is that real conservation cries aloud to-day for the rescue of nearly 300,000 diminutive oil wells, wells that average a barrel a day. Your gushers are your heavy artillery. The average wells may be counted as your cavalry; but your infantry, these little wells, these 300,000 wells, yield a barrel a day. You may say that when one private is slain it doesn't matter, but it matters to him. [Applause.] I remember a man once said to me during the war that it didn't make any difference whether the average man is killed to-day or 20 years hence; and he turned to me and said, "Isn't that true?" I said, "If you will let me decide who is the average man, I might possibly agree with you." [Laughter.] But there are 300,000 wells producing in the aggregate about a half million barrels a day—that is, a half million dollars' worth of wealth a day that you talk about snuffing out.

That not only represents a half million of wealth each day, aggregating hundreds of millions in the course of a year, and it not only represents many, many millions, when you consider the total investment in the well, but even that, important as it is, weighs but as dust in the balance, when you consider the vast reserves of oil underlying these struggling wells, amounting to millions, and even billions, of barrels of oil, billions of treasure which can only be pressed into social service by the survival of these wells. If you disregard altogether, which you have no right to do, pecuniary interests of the man who drills the well, if you disregard altogether the daily production, more or less inconsequential, measured as a whole, but when you consider the reserves that will be abandoned if these wells are abandoned, there is an economic sacrifice, there is a social sacrifice that concerns every citizen of our country and should be of peculiar interest to all conservationists, whether actual or idealistic. [Applause.]

Now, then, what you want is a rescue party to rescue these struggling wells, and they are under a death sentence unless Congress or some other authority grants a reprieve in the premises.

Now, that is one of your strong appeals, not only to Congress but to the country. Here is a point that ought to be impressed: The last few years may be regarded as an era of consolidations, combinations, mergers, and they used to be frowned upon. During the last four or five years there has been a change in the public policy; they have not only been permitted, but have been encouraged, and it is seriously proposed to coerce certain consolidations where they are not voluntarily made. The President of the United States, and I speak of him with the utmost respect, has recently taken the initiative in encouraging and patronizing the consolidation of various trunk-line railroads in the East. I will not criticize this policy. It may be wise. A railroad is a natural monopoly. An oil well is not.

When an oil well is reduced to monopoly it is an artificial contrivance built upon the bones of those who have been slaughtered in the tragic process. [Applause.] Now, I do not believe that the Senate or the House is disposed to encourage a monopoly in the oil business. We had it once and destroyed it. Shall we reverse that policy? Shall we apologize for the Standard Oil decision, admit that we were wrong, and facilitate the resurrection of that monopoly? That is the point.

To come back to this proposition, unless something is done, that will be the consequence of the existing situation. It operates in favor of the revival, the reincarnation, so to speak, of the oil monopoly, and when it comes the people will then pay the price.

A good many people do not realize that many of the big oil companies are the beneficiaries of this distressed oil; that they buy it and store it against the day when the price shall advance, which will augment their profits. That is a point that ought to be emphasized in this discussion.

Now, then, what is the chance for relief?

This is a desperate situation. I realize that. I think that heroic remedies ought to be planned, ought to be tried. If one does not succeed, let us try another plan.

Now, this report recommends a tariff on oil, or an embargo, or the equivalent of an embargo. What is the chance of getting it passed? You realize the situation, particularly in reference to a tariff bill. It could be acted on now in the House. They have the power, and it could be done there without opening Pandora's box. But when it reaches the Senate it will be open to amendment and a general tariff bill could be attached and amendments might be offered. There will be an extreme reluctance to venture upon the enactment of a tariff law. An embargo would be quite as serviceable, even more so, in my estimation. I don't think the embargo ought to be absolute. I think you ought to permit a small importation, limited by the month.

I say that because our President went to South America after his election, before his inauguration, to build up good will, kindly relations, between this country and South American countries, and an absolute prohibition would be a shock to that comity which would be averted by a small admission of oil from South American countries. Besides, those concerns down there have built up a trade, and to cut them off altogether would constitute an argument which would be difficult to answer.

There is only one chance to get this passed. If I were in the Senate I would resort to that method. I do not favor an extra session of Congress. I certainly hope it can be avoided. There be those, however, who think it would generate more or less uncertainty, and uncertainty is a detriment to business. I would do everything to facilitate the return of normal business and prosperity, but an extra session would not be as serious to any sort of business in this country as an adjournment without some sort of relief to the oil business. [Applause.] If Congress adjourns without relief, I, for one, would not be willing to answer for what may happen to your industry before Congress convenes next December. Samson pulled down a couple of pillars in the temple, but the whole temple came tumbling down around his ears. Business fabric in this country is so delicate to-day that the destruction of the oil business, one of the leading businesses in this country, might be fraught with disastrous consequences. Let me say that the oil business is one of the two or three largest industries in this country. Mark this: Much of that capital was ventured in the business by independent producers. The Supreme Court of the United States in 1911 adjudged the Standard Oil Co. to be a monopoly, and decreed its dissolution. This was regarded as an invitation by independent capital in this country to venture into the oil business.

It was intended as an invitation to independent business men and independent capital to embark their talents, their capital, into the oil industry. You accepted this invitation. You accepted it in good faith. You have builded up here one of the two or three largest industries in the United States. The question is now, Will you be deserted when your calamities come upon you? There are hundreds of thousands, perhaps a million or more, stockholders in the various oil companies in this country. I would mobilize these stockholders back of your effort to obtain relief. [Applause.] Many of our States and their public institutions depend on the oil industry. My own State has suffered a loss of $2,000,000 in annual revenues as a result of the diminution of oil and the decrease in its gross production taxes. Not only that, it affects the holders, if not directly, at least indirectly, the holders of every bond, issued by any State dependent on oil revenues to meet its obligations. Every man holding a bond of Oklahoma or Texas or any other State is directly concerned in the maintenance and relief of the oil business. I would mobilize these bondholders back of this campaign for relief. Recruit your army. Get all the support available.

Now, then, if I were in the Senate this Congress would not adjourn without passing this legislation, or, if it did, it would fail to pass other legislation. If it died, it would die in good company. When I was in the Senate I took part in two or three filibusters. I do not regard a filibuster as the worst of evils. Sometimes it does good. There is no reason why this should not pass since we have a protective system and a protective administration. I hope this conference adopts a resolution calling upon the delegations from the oil States to take all proper steps and employ all proper means available under the rules of the two Houses to enact this legislation. If they will do that, you may get the legislation. If they do not, you will not get it. That is the only chance. Ask them to adopt such means as would be at least a bona fide effort to accomplish the end which you have in mind, to grant relief to this distressed and important industry, and perhaps save the industry from catastrophe that might be not only nation-wide but world-wide in its consequences. [The audience arose and applauded.]

Mr. THOMAS of Oklahoma. I will now yield to the Senator from Oregon [Mr. McNARY] to submit a unanimous-consent request, if he wishes.

Mr. McNARY. I think the Senator from Oklahoma should make the request, so as to put it in the form in which he desires to have it.

I understood that the Senator wanted to ask unanimous consent that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged, and that the resolution shall go to the calendar, so that it may be considered to-morrow. I embody that in a unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BORAH. Mr. President, as I understand, the resolution from the consideration of which the committee is asked to be discharged is the resolution to which the Senator referred some time ago, and has no amount specified in it. When it comes out, it will simply go to the calendar?

Mr. McNARY. That is correct.

Mr. TYDINGS. Mr. President, I understand the resolution is Senate Resolution 418, to appoint a committee of five to investigate the oil industry. Is that correct?

The PRESIDING OFFICER. That is correct.

Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 471. An act providing for Saturday half holidays for certain Government employees;

S. 550. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes;

S. 1496. An act for the relief of Edith Barber;

S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation;

S. 4022. An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia;

S. 4030. An act to provide books for the adult blind;

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico;

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes;

S. 5904. An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes; and

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

Mr. HEBERT obtained the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Rhode Island yield?

Mr. HEBERT. Mr. President, first let me make a unanimous-consent request.

Before we proceed with the next amendment to the pending copyright bill, I wish to announce that the Senator from Washington [Mr. DILL] desires to make a statement in reference to an amendment that was adopted by the Senate on Saturday last. I yield to him for that purpose.

Mr. DILL. Mr. President, the amendment that was adopted on Saturday left out the words "mechanically and/or electrically." Those concerned are fearful that with these words left out, an orchestra or musician might be able to play music without paying a copyright fee. My own judgment is that there is no danger of any such interpretation being put upon it, because it refers only to the music which is placed on records; but I see no reason for not putting in the words. Therefore I am willing to have them inserted; and I ask unanimous consent to reconsider the vote by which the amendment was adopted, for the purpose of offering an amendment which will conform to that suggestion.

The PRESIDING OFFICER. Is there objection to reconsidering the vote by which the amendment referred to was adopted?

Mr. DILL. It is the amendment on page 3, line 20.

The PRESIDING OFFICER. The Chair understands that the Senator asks unanimous consent to reconsider the vote by which this amendment was agreed to.

Mr. DILL. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. DILL. Now I ask, on line 22, page 3, to insert the words "mechanically and/or electrically," so that it will read:

Serving to reproduce mechanically and/or electrically such work or works.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The Senator from Washington proposes to restore the words of the original amendment in line 22, so that it will read:

or instruments serving to reproduce mechanically and/or electrically such work or works.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President—

Mr. HEBERT. I yield to the Senator from Delaware for the purpose of making a unanimous-consent request.

TAX ON OLEOMARGARINE

Mr. TOWNSEND. Mr. President, I ask unanimous consent for the present consideration of Senate bill 5745, known as the oleomargarine bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

Mr. HEBERT. Mr. President, will not the Senator permit the consideration of the bill that is now pending before the Senate to go on? We have had the bill before the Senate now for three days. We have had about two hours of discussion on it; and I have reason to believe that if we are permitted to go on with it for two or three hours more we shall conclude our consideration of it and come to a vote.

I should like to consent to the request of the Senator; but I wish he would withhold it for a while and let us go on with this bill and see what progress we can make.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. HEBERT. I yield to the Senator from Michigan.

Mr. COUZENS. I wish to say that I do not think it is possible to get the copyright bill through in two or three hours, because there are a number of amendments yet to be offered, and there will be considerable discussion of them. I am quite sure that the consideration of the bill can not be concluded to-night.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

Mr. DILL. What is the request?

The PRESIDING OFFICER. That the Senate proceed now to the consideration of Order of Business 1508, Senate bill 5745, known as the oleomargarine bill.

Mr. DILL. Could we not have coupled with that an agreement that at the conclusion of the consideration of that bill we will recur to the copyright bill?

Mr. BINGHAM. Mr. President, I understood the Senator from Delaware to ask that the unfinished business may be temporarily laid aside, so as not to displace the measure before the Senate.

Mr. TOWNSEND. That is my desire.

The PRESIDING OFFICER. The Senator did not make the request in that form, but it can be so made—that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Senate bill 5745. Is there objection?

Mr. BRATTON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TOWNSEND. Then I shall be obliged to move now to take up Senate bill 5745.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware.

Mr. ASHURST. Mr. President, let the bill be read, so that we may know what we are voting on.

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk proceeded to read the bill (S. 5745) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and read, as follows:

Be it enacted, etc., That the second paragraph of section 3 of the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (U. S. C., title 26, sec. 207), is amended to read as follows:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any substance which causes such oleomargarine to be yellow in color, determined as provided in subsection (b) of section 8, shall also be held to be a manufacturer of oleomargarine within the meaning of this act and subject to the provisions thereof."

The CHIEF CLERK. At this point the committee proposes to strike out sections 2 and 3, which read as follows:

SEC. 2. So much of the third paragraph of section 3 of such act of August 2, 1886, as amended, as reads as follows: "Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine," is amended to read as follows: "Every person who sells or offers for sale oleomargarine in quantities of 10 pounds or more at one time shall be deemed a wholesale dealer in oleomargarine."

SEC. 3. Section 6 of such act of August 2, 1886, as amended (U. S. C., title 26, sec. 543), is amended to read as follows:

"SEC. 6. All oleomargarine, except oleomargarine exported as authorized by section 16, shall be packed by the manufacturer thereof in one-quarter, one-half, 1, 2, 3, 4, or 5 pound packages not before used for that purpose, made of wood, opaque paper, or other opaque material, each to be marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. All sales made by manufacturers of oleomargarine and wholesale and retail dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine may sell only in quantities of less than 10 pounds at one time. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new packages as above described to which are attached unbroken stamps representing the tax levied by section 8, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixed a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000 and be imprisoned not more than two years."

The CHIEF CLERK (continuing the reading of the bill as reported):

"Section 4"—

which the committee proposes to renumber section 2.

"Section 8 of such act"——

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COPELAND. What will become of the copyright bill if we agree to the motion of the Senator from Delaware?

The PRESIDING OFFICER. It will be displaced.

Mr. COPELAND. May I ask the Senator from Rhode Island what is his intention, in case the motion of the Senator from Delaware prevails, as regards the copyright bill?

Mr. HEBERT. Mr. President, I am subject to the decision of the Senate on that. I have been trying to have the bill considered. I have sat here patiently for three days, and as graciously as I knew how I have yielded to everybody to present their measures, in the hope that in turn I should have an opportunity to have this bill considered.

Mr. COPELAND. I have understood that those who are in opposition to the bill have been close to an agreement regarding the various details. I do not want to interfere with that.

Mr. ASHURST. Mr. President, a point of order. I do not think Senators can stop the reading of a bill when a Senator has asked that a bill be read.

Mr. COPELAND. The bill can be read; but I desire to know the parliamentary status, so that I shall know how to vote.

Mr. HEBERT. Mr. President, I may say for the information of the Senator that if the motion of the Senator from Delaware prevails it will displace the copyright bill as the unfinished business of the Senate. I had hoped that we might proceed with the consideration of that bill now. I may say for the information of the Senator that I really believe that most of the amendments that are proposed will be agreed upon. I question if there will be much discussion about them; and I have reason to believe that if we could have three hours of consideration of the pending bill we might come pretty near disposing of it.

Mr. COPELAND. I wish that might be done.

Mr. HEBERT. I, too, wish it might be done. I have no disposition to interfere with the consideration of the oleomargarine bill. I do not want to delay its consideration; but I wish very much the Senator from Delaware would not press his motion at this time.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. TOWNSEND. I desire to be absolutely fair in this matter to the Senator from Rhode Island. I will withdraw my motion, provided he will agree to my renewing it at a quarter to 6.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware.

Mr. TOWNSEND. Mr. President, I am willing to give one hour to the copyright bill and then renew my motion.

The PRESIDING OFFICER. Does the Senator withdraw his motion?

Mr. TOWNSEND. Temporarily, for one hour.

Mr. HEFLIN. Mr. President, I was going to suggest that we try to get an agreement on a time when we might vote on the copyright bill.

Mr. HERBERT. I would be very glad to agree on a time to vote on it, if it is possible to get such an agreement.

ECONOMIC ASPECTS OF ELECTRICAL SUPPLY

Mr. NORRIS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered before the World Power Conference at Berlin in 1930 by the Hon. F. A. Gaby, chief engineer of the Hydroelectric Commission, the title of the address being "Economic Aspects of Electrical Supply in the House and on the Farm."

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WORLD POWER CONFERENCE, BERLIN, 1930—ECONOMIC ASPECTS OF ELECTRICAL SUPPLY IN THE HOUSE AND ON THE FARM—CANADIAN MANAGEMENT COMMITTEE

By F. A. Gaby, D. Sc.

[Illustrations mentioned not printed]

The economic results of the rate policies followed by the cooperative municipal undertaking administered by the Hydroelectric Power Commission, of Ontario, Canada, will, it is believed, be of special interest to delegates attending the World Power Conference, with respect to a number of outstanding features.

In the first place, as regards the magnitude of its operations in the supply of electrical energy, the Ontario undertaking occupies a preeminent place among the electrical organizations of the world; second, the careful records necessitated in carrying out the commission's fundamental policy of service at cost afford a body of data respecting the economic results of its policies which is unusually comprehensive and informative; finally, the success which has been achieved over an extensive territory with respect to the provision of service to consumers at low unit costs, is, when judged by the standard of results in many other territories, to be characterized as almost phenomenal, and has been the subject of widespread comment.

SCOPE OF DISCUSSION

Five years ago—at the time of the first World Power Conference—a good deal of information was presented dealing descriptively with various aspects of Ontario's municipal electrical undertaking, and I shall not attempt to recanvass ground thus already covered. In the present discussion, attention will be focussed upon certain economic aspects of the undertaking, and, to limit the consideration to reasonable dimensions, these economic results will be especially illustrated with reference to service to urban residential consumers, and to agriculturalists.

In order to give the economic features of electrical service in Ontario their proper setting so that they may rightly be interpreted in their relationships to electrical service elsewhere, I shall, first of all, indicate summarily the general circumstances appertaining to the Province, to its people, and to their unique electrical undertaking, with special reference to progress made since 1924. The economic structure of the enterprise will be outlined, the principles followed in designing the tariffs will be referred to, and the domestic rates or tariffs (the term "rates" is used in Ontario and in this discussion with the significance of "tariff" and carries no idea of "taxes") themselves will be described in a general and comprehensive way. The economic results attained by the application of these tariffs will then be cited, having regard to the two principal aspects—the results from the standpoint of the consumer and the results from the standpoint of the utility.

THE PROVINCE OF ONTARIO

Of the total land area of Ontario—some 365,000 square miles (the total area of the Province is about 407,000 square miles and includes about 41,000 square miles of water area—chiefly Canada's portion of the Great Lakes)—much the greater part is underlain by the rocky formation of the Laurentian Plateau, geologically known as the pre-Cambrian shield. This northern territory possesses immense forest wealth and has mineral resources of which the present developments—though of substantial magnitude—are believed to be only a beginning. It, however, supports directly a relatively small part of the Province's population of 3,200,000. The southerly part of the Province, comprising an area of about 40,000 square miles, is a fertile agricultural territory and is also admirably adapted by reason of an advantageous climate, abundant natural resources, good transportation facilities, a central situation in the Dominion, and ample supplies of low-priced hydroelectric power, to continue to have a remarkable industrial and commercial development. About 60 per cent of the people of the Province live in urban communities, and the other 40 per cent are occupied with agriculture, including fruit growing.

Industrial development has proceeded along modern lines; expanding use of power-driven machinery has continuously increased the productivity of the workers, and the relatively high wage levels thus made possible have permitted the masses of the people to attain an unusually high standard of living.

Central station power supply in Ontario is almost entirely based upon the water powers. The commercially available potential

the purpose of making a unanimous-consent request.

sells or offers for sale oleomargarine in quantities of 10 pounds

his motion?

upon the water powers. The commercially available potential

water powers are conservatively estimated to exceed 6,000,000 horsepower, nearly 2,000,000 horsepower having now been installed in developed power sites. The climatic, geological, and topographical characteristics of the Province are such as to favor the economical development of water powers to a degree which exceeds that in many other territories.

It should be emphasized, however, that as regards ease and inherent cheapness of development, the water powers of Ontario are in no sense phenomenal, and the low costs of service to consumers which prevail in the Province can not be attributed solely or even principally to low costs of generation per se. However, in so far as the Province may have an advantage over some other territories as regards the cost of generation of power, this is partly offset by the costs of widespread transmission from the power sites to the centers of consumption. Even in the relatively closely settled southern Ontario the density of population is not high, averaging, for example, about one-eighth that of England. The central electric stations of the Province have provided more than 5,000 miles of high-tension transmission lines, many of which are of large capacity, as well as over 9,000 miles of distribution lines. Transmission distances range up to a maximum of about 450 miles. In some of the smaller and more remote municipalities, therefore, the delivered costs of bulk power are comparable with those of larger cities served by steam-electric plants in other countries.

It is believed that the exceptional economic results obtained in Ontario municipalities under the operations of their hydroelectric power commission, which serves about 75 per cent of the population of the Province, will be of interest and of value to the delegates to this conference, even though many of their own undertakings may not be served by hydroelectric developments of low or moderate cost.

EXTENT OF OPERATIONS AND RECENT PROGRESS

As indicative of the scope of the Ontario hydroelectric enterprise and of progress made in recent years, the statistical data presented in Table I will be of value.

ECONOMIC STRUCTURE OF ONTARIO UNDERTAKING

Although the undertaking of the Ontario Hydroelectric Power Commission is a business enterprise which in many respects is similar to electrical undertakings elsewhere, yet important differences exist of which account must be taken in order correctly to appraise the economic results which are the subject of this discussion.

The "hydro" electrical undertaking of Ontario, serving over 75 per cent of the population of the Province, is an organization of a large number of partner municipalities, coordinated into groups or systems for securing common action with respect to power supplies, through the medium of the Hydroelectric Power Commission, which under the power commission act functions as their trustee.

The undertaking, embracing all the operations from the provision of the power down to its final delivery to the ultimate consumer, involves two distinct phases of operation. The first is the providing of the electrical power—either by generation or purchase—and its transformation, transmission, and delivery in wholesale quantities to individual municipal utilities, to large industrial consumers, and to rural power districts. This phase of the operations is performed by the Hydroelectric Power Commission of Ontario as trustee for the municipalities acting collectively in groups or "systems." The second is the retail distribution of the electrical energy to domestic, commercial, and industrial consumers within the limits of the areas served by the various municipal utilities and rural power districts. This phase of the operations is performed by the municipalities acting individually in one of two ways. In the case of the cities, towns, and larger municipalities it is performed by municipal utility commissions which, however, operate under the general supervision of the Hydroelectric Power Commission. In the case of rural power districts the commission itself—on behalf of the corporations of the individual municipalities—operates the rural power district and distributes electrical energy to the customers of the corporations in any such rural power district.

TABLE I.—*Extent of operations and four years' progress*

	1924	1928
Number of municipalities served:		
Cities	25	26
Towns	82	86
Villages	102	110
Police villages [1]	78	113
Townships [1]	131	257
Total	418	592
Miles of primary transmission lines constructed:		
High-tension lines (12 to 220 kilovolts)	3,616	4,039
Low-tension lines [1]	548	583
Rural low-tension lines (4 and 8 kilovolts)	909	4,651
Total	5,073	9,273
Growth of load:		
Total available capacity, including power contracted for	*Horsepower* 864,690	*Horsepower* 1,443,780
December peak load distributed	780,789	1,070,742

[1] Most of the townships and smaller police villages are served as parts of rural power districts.
[2] Exclusive of local distribution.

TABLE I.—*Extent of operations and four years' progress*—Continued

	1924	1928
Number of consumers served:		
Domestic service	*Horsepower* 332,999	*Horsepower* 410,655
Commercial light service	57,272	68,435
Power service	10,744	12,007
Rural power districts	14,907	31,583
Total	415,922	522,770
Revenues: Combined revenue of commission and municipal electric utilities	$24,855,056.01	$36,388,391.98
Reserves:		
Of commission for sinking fund, renewals, contingencies and insurance	13,440,810.50	37,545,583.86
Of municipal electric utilities	24,267,977.17	38,802,723.82
Total reserves	37,708,787.67	76,348,307.68
Capital investments:		
Investments of commission	178,900,000.00	211,200,000.00
Assets of municipalities in "Hydro" undertaking	72,700,000.00	98,300,000.00
Total capital investment	251,600,000.00	309,500,000.00

The rates at which power is supplied by the commission to the various municipalities vary with the amounts of power used, the distances from the sources of supply, and other factors. The entire capital cost of the various power developments and transmission systems is allocated to the connected municipalities and adjusted according to the relative use made of the lines and equipment. The entire annual direct expenses such as operation, maintenance, interest, and administration, together with reserves for sinking fund, depreciation, contingencies and obsolescence, are paid out of revenue collected from the municipal "Hydro" utilities and other consumers through the medium of power bills rendered by the commission. Power bills to municipal utilities are rendered at an interim estimated rate each month during the year, and credit or debit adjustment is made at the end of the year when the commission's books are closed and the actual cost determined.

The balance of the revenue of the municipal utilities is retained by them and is used to defray the expenses incurred in distributing to the ultimate consumers the electrical energy provided by the commission. These include operating, maintenance, and administration expenses, interest on the capital investment, sinking fund or principal payments on debentures, and depreciation charges. Concurrently, therefore, with the creation of funds to liquidate their debt to the commission and provide reserves for renewals, contingencies and obsolescence on the generating, transforming and transmitting systems, the municipalities make similar financial provisions with respect to their local "Hydro" utilities.

From the foregoing it will be seen that in the charges for electrical service, the consumers in the municipalities are paying year by year, not only all the costs of providing the service and keeping the physical plant in an up-to-date and efficient condition, but in addition are providing sums, which are used to retire the capital outlays. Thus the municipalities are progressively becoming the owners of a fully paid-up plant. With respect to the local distribution systems, many municipal "Hydro" utilities have already reached the point where their quick assets, such as securities and investments, bank and cash balances, and accounts receivable exceed their total liabilities.

From the above description it will be understood how the principle of service at cost is carried out with respect to the wholesale service given to the municipal utilities. We now come to a more detailed consideration of the means by which the same principle of service at cost is, under the commission's direction, carried out in connection with the local individual consumers.

Basic to the design of rate schedules is a knowledge of the costs incurred in providing service and the commission, as part of its service to the cooperating municipalities, has designed a uniform accounting system and requires that detailed cost records be kept for each municipal "hydro" utility. It also exercises a continuous supervision over the rates charged to consumers, and their relation to the economic status of the local utility.

It has long been conceded that the scientific methods of rate-making outline by Dr. John Hopkinson and his successors are correct in principle, in that they seek to make a rate for charging for electrical energy which shall cause each consumer to pay for his service at the rate of its cost to the vendor plus a definite percentage for profit. Such rates have been applied—although to a relatively limited extent—in many parts of the world.

In the case of Ontario's undertaking the principle of service "at cost" embodied in the legislation governing the commission made it necessary to design and apply rate schedules which, for each class of service, most nearly interpreted in a practicable way the principle of service at cost to all consumers.

Now, before coming to a consideration of the economic effect of rate schedules or tariffs designed to give service at cost, it will be profitable to discuss, briefly, the principal factors which have influenced the design of the commission's rate schedules, and to describe the rate schedules themselves. It will be of assistance to an understanding of this discussion if it is kept continuously in mind that what is being sold by an electrical utility is not kilowatt-hours per se but electrical service. The cost of providing

electrical service may be divided broadly into (a) customer costs, such as meter-reading, billing and collecting, etc.; (b) demand costs, i. e., costs incurred so that the undertaking is in a position to serve the customer at any time with the service he requires up to the limit of his maximum demand; (c) energy costs.

Now, in the case of electrical service based upon water-power development, the demand cost is the most important element. In the matter of equitable rate determination and application, however, energy consumption—an easily measured quantity—is valuable as an indirect aid to measurement of effective demand, owing to the fact that as the individual load factor is raised the probable diversity between consumers is reduced; and also owing to the fact that in the case of certain classifications and groups of consumers there is a general constancy of relation between energy consumption and station demand.

In the classification of costs for the purpose of designing an equitable rate structure it is not contended that all the costs incurred in supplying service can definitely be allocated to one or other of these three divisions, but it is evident that an equitable rate schedule must take account both of the demand and the consumption, and the readiness to serve.

It will be appreciated that theoretical principles and considerations are of value more particularly as representing an ideal to be striven for, and as a general guide in shaping the main elements of the tariffs. The final test of the validity of principles followed in rate design is, of course, the results obtained in practice.

On account of several factors, including the great elasticity or variation possible in consumption, the large numerical preponderance of consumers and the universal interest which attaches to electrical service in the home, the class of domestic or residential service is especially suited to illustrate the economic results achieved and the conclusions to be derived from the experiences of Ontario in the application of rate schedules designed to apply the principle of service "at cost."

RATE SCHEDULES OR TARIFFS FOR DOMESTIC SERVICE

In Ontario, domestic rates apply to electrical service in residences, for all household purposes, including lighting, cooking, and the operation of all domestic appliances.

When the commission started operation in 1910, the recognized domestic use of electricity was for lighting only, and the floor area was considered as indicative of the demand. A service charge was therefore established based on the floor area of the house, which was combined with a consumption or kilowatt-hour rate much lower than generally obtained elsewhere. The development of electrical household appliances was encouraged by the moderate consumption rate, and with the accumulation of cost data secured by the commission it became evident that to maintain service at cost still lower rates must be given for additional consumption. Consequently, a second or follow-on energy rate, of one-half of the first energy rate, was established for domestic service, and this was applied to all consumption over a certain amount each month, dependent upon the floor area. This form of rate naturally encouraged a greater use of household appliances, and electrical cooking gradually became popular.

Conditions respecting domestic consumption and use in many municipalities have been rapidly changing, and in recognition of this fact a new and somewhat simpler form of rate schedule was devised which has now been very generally adopted for use by the municipal utilities. Under present-day conditions in Ontario, domestic consumers may be grouped into three main types whose average characteristics are known and do not vary greatly in any one municipality. These types are (1) consumers using electrical service for lighting only, (2) consumers using lighting and appliances, not including electric ranges, and (3) consumers using lighting, appliances, and electric ranges. Now, a general domestic rate schedule based upon cost must secure from each type of consumer an adequate but not excessive revenue, and the form of domestic rate schedules used in Ontario has been designed with this object.

The present standard schedules therefore consist of (1) a fixed uniform service charge of 33 cents gross per month and an additional amount of 33 cents gross is charged for 3-wire or range service, or to consumers having more than 2,000 watts permanently installed; (2) a first consumption rate applicable to energy consumed up to a certain number of kilowatt hours per month; and (3) a follow-up or secondary rate applicable to all additional energy used. Minimum charges and prompt payment discounts—as in the earlier form of rate—are also employed.

Broadly, the service charge may be considered as covering certain costs common to all users of this class, such as meter reading, billing, and a part of the demand costs appertaining to the local distribution system. The consumption or kilowatt-hour rates cover the cost of bulk power delivered to the municipal utility, and any costs of distribution not obtained by the service charge. The first kilowatt-hour rate and the rate for all additional energy are so adjusted as to insure that in each municipality domestic consumers of each of the three prevailing types—lighting; lighting and appliances; lighting, appliances and ranges—will, as far as practicable, contribute revenues commensurate with the cost as ascertained from known characteristics of these types.

The standard domestic rate schedules may, therefore, representatively be given as in Table II and are graphically shown in Fig. 1. The first three schedules—a, b, and c—may be considered as typical of the rates in Ontario municipalities. Less than 5 per cent of domestic energy consumption is sold at higher rates than these.

TABLE II

Service charge gross	First consumption charge per kilowatt-hour	Number of kilowatt-hours to which it applies	All additional per kilowatt-hour	Discount prompt payment	Usual minimum bill
Cents	*Cents*		*Cents*	*Per cent*	
(a) 33	2	60	1	10	$0.75
(b) 33	2.5	60	1.25	10	$0.75 or 1.00
(c) 33	3	55	1.5	10	.75 or 1.00
(d) 33	4	50	2	10	1.00 or 1.25
(e) 33	5	45	2	10	1.00 or 1.25
(f) 33	6	40	2	10	1.25 or 1.50
(g) 33	7	35	2	10	1.50 or 2.00
(h) 33	8	30	2	10	1.50 or 2.00

In order to meet special conditions in certain municipalities variations may be made in any one or more of these factors—except the 10 per cent prompt-payment discount which is everywhere employed. The scheme has proved to be a well-graded and flexible one and has already been adopted for general use in the municipalities served by the commission.

Table III representatively shows, for various consumptions, the net monthly bills which are rendered to domestic consumers in Ontario municipalities under the standard rate schedules described above. The first three lines, a, b, and c, may be considered as truly typical of charges to Ontario consumers, as less than 5 per cent of domestic electrical energy is sold at rates higher than these.

The general circumstances appertaining to the Province and to the commission's undertaking having been reviewed, the basic principles followed in designing rate schedules having been discussed, and the domestic rates themselves having been described, it is now in order to deal with actual economic results that have been achieved through the application of the commission's tariff policies to domestic service under the circumstances existing in Ontario. In this connection two aspects present themselves for consideration—the economic results from the standpoint of the consumer and the economic results from the standpoint of the utility. It will be shown that the policies followed have enabled the consumers to take advantage of the comforts and economies attending the liberal use of electrical energy to an unusual extent and that the average unit costs of electrical energy to the consumer have been reduced to a very low point. It will also be shown that this desirable result has been accomplished without impairing the ability of the utilities to earn from domestic service adequate net returns on the capital employed and without departing from the principles of sound finance.

TABLE III.—*Net monthly bills to consumers—standard domestic schedules*

First charge		All additional per kilowatt-hour	Monthly consumption in kilowatt-hours					
Per kilowatt-hour	Number of kilowatt-hours		25	40	60	160	300	500
Cents	*Cents*							
(a) 2	60	1	[1] $0.75	$1.02	$1.38	$2.28	$3.54	$5.34
(b) 2.5	60	1.25	[1] 1.86	1.20	1.65	2.77	4.35	6.60
(c) 3	55	1.5	[1] 1.97	1.38	1.85	3.26	5.09	7.79
(d) 4	50	2	[1] 1.20	1.74	2.29	4.08	6.60	10.20
(e) 5	45	2	1.42	2.10	2.59	4.39	6.91	10.51
(f) 6	40	2	1.65	2.46	2.82	4.62	7.14	10.74
(g) 7	35	2	1.87	2.57	2.95	4.75	7.27	10.87
(h) 8	30	2	2.10	2.64	3.00	4.80	7.32	10.92

[1] Or minimum.
[2] The minimum charge varies in different municipalities. It would become the charge where it exceeded the figure shown.

ECONOMIC EFFECT OF ONTARIO DOMESTIC RATES FROM THE CONSUMER'S STANDPOINT

From the foregoing summary description of the rate schedules used in Ontario municipalities for domestic service, it will be observed that by incorporating a low follow-on rate they take the form commonly known as "inducement rates." It should be emphasized, however, that while they are inducement rates in form and also in effect, they are not inducement rates in the sense that their primary purpose is to promote consumption, or that they contemplate the assumption of initial losses which will later be recovered through enhanced profits. The primary object in mind in designing the rate schedules is to apportion charges to all consumers as nearly as is practicable according to the costs of the utilities to provide the service. The inducement form of the rates is simply a result of this object—a result, however, which has been of great economic benefit to the consumers of the Ontario undertaking. Rates of the inducement form have enabled Ontario domestic consumers to utilize labor-saving and comfort-giving electrical appliances to a much greater extent than would otherwise have been possible. The increase in average domestic consumption has been exceptionally rapid, and has been a major factor in making possible the provision of electrical service to

[1] Exclusive of local distribution.

Ontario domestic consumers at average costs to the consumer, per kilowatt-hour, which are probably lower than in any other comparable territory.

Statistics relating to the consumption of electrical energy in Ontario municipalities served by the Hydroelectric Power Commission are compiled and published in the commission's annual reports. There are presented herewith diagrams and curves giving derived statistics relating to certain phases of "hydro" electrical service.

Before presenting these diagrams, however, a word of caution is necessary. Certain of the diagrams present data respecting the "average cost per kilowatt-hour" to the consumer, and are derived from statistics of revenues and kilowatt-hour sales of the utilities, by simple division. Such average costs and revenues per kilowatt-hour have frequently been assumed to be a reliable criterion of the relative rates or prices for electrical service in one municipality or territory as compared with another. Such an assumption involves a serious statistical fallacy and is productive of very misleading results. Particularly is this the case when revenues and consumptions of all classes of service are indiscriminately lumped together in order to deduce a so-called "average cost or rate per kilowatt-hour" for all services; a lower average for one utility than for another is more likely to be due to a preponderance of sales under the industrial and other low-cost classifications than it is to be due to a lower general scale of tariffs.

Even where the utilities compared have similar forms of tariff and where one classification only is considered, the average cost or revenue per kilowatt-hour is no criterion of comparative rates to consumers. It will be observed, for example, from Figure 4, that in the last 12 years since 1916 there has been a reduction in the average cost or revenue per kilowatt-hour for domestic service in Hydro municipalities of approximately 50 per cent. It would be quite incorrect, however, to assume that domestic tariffs have been reduced on the average by 50 per cent in the period. By 1916 the rates in most of the cities and towns had become well established on a low cost basis with low follow-on rate, and since that time domestic schedules of rates in force have for the majority of customers remained notably free from important upward or downward revision. In general, the charge to the majority of consumers for a specified monthly consumption was not materially different in 1928 from what it was in 1916. The lower average cost to the consumer in 1928 is principally due to the higher average consumption per consumer—see Figures 2 and 3—and to the form of the tariffs.

Unless this feature of the data presented is fully appreciated, they will fail to convey a useful understanding of the economic results of the commission's tariff policies. The commission's tariffs for domestic service are low, but they are not by any means as low in relation to domestic tariffs elsewhere as would be indicated by indiscriminate comparison of revenues per kilowatt-hour for domestic service.

If it is desired to appraise the commission's tariffs for domestic service in Ontario in relation to those used elsewhere, valid conclusions can only be reached by comparing the cost of a month's service to a typical consumer, or series of consumers, taking service under identical conditions as regards energy consumed and other relevant circumstances in the two territories.

Figures 2 to 6 indicate the rapid growth in consumption, decline in unit cost, and other trends respecting domestic service as it has developed under tariffs designed to give service at cost.

The data basic to these diagrams have been published in the annual reports of the commission. The totals of the principal items are presented in Table IV.

TABLE IV.—*All municipalities totaled domestic service*

Year	Number of municipalities	Annual revenue	Kilowatt-hours consumed	Number of consumers	Average cost per kilowatt-hour	Average monthly bill	Average monthly consumption, kilowatt-hours
					Cents		
1914	49	$730,168.00	14,359,100	84,866	5.08	$1.06	21.0
1917	123	1,340,855.00	41,930,200	131,313	3.20	.91	28.6
1920	166	2,514,658.00	98,211,000	193,892	2.56	1.15	44.8
1923	206	4,955,420.00	242,936,600	286,852	2.04	1.54	75.7
1926	243	7,353,394.00	404,722,969	349,882	1.81	1.79	98.4
1927	267	8,497,190.79	468,851,690	387,573	1.80	1.87	103.5
1928	268	9,411,312.48	551,010,035	408,071	1.71	1.97	115.5

The curves are shown from 1914 to 1928, but for the present study special attention should be directed to the portion from 1916 on, for the following reasons: The period prior to 1916 was one of exceptionally rapid growth with respect to the number of municipalities of larger size in which "Hydro" service was being inaugurated; subsequent to 1916 there has been a steady increase in the number of municipalities served, but those added in recent years have been of smaller size individually. Prior to 1916 was also a period of adjustment of rates among many of the larger municipalities. Substantial reductions in rates were being made affecting a large proportion of the consumers. This is reflected in the decided drop between 1914 and 1916 in the average monthly bill for all municipalities, notwithstanding a substantial increase in average consumption. In the case of a municipal utility, newly established, there are usually substantial reductions in rates during the first few years of service, but in a short time the rate becomes fairly well stabilized and future adjustments of rates, if any, are small. Except in some of the smaller communities this point is reached with a rate schedule equivalent to or approximating the rate schedules a, b, or c, referred to above, depending upon the usual factors of distance, size of load, etc. Data for municipalities whose domestic tariffs had not reached comparative stabilization by 1916 or shortly after exert in the aggregate little influence upon the statistical results of the system as a whole, which are shown in Figures 2, 4, and 5.

Considering, therefore, the portions of the diagrams for the years 1916 to 1928, it is seen that the effect of the commission's tariff policies and of its sales efforts in merchandising appliances has been to induce a steady and consistent growth in average monthly consumption from about 25 kilowatt-hours to 115 kilowatt-hours, or a 366 per cent increase. The average monthly bill has increased from $0.84 to $1.97, or 135 per cent. The average cost per kilowatt-hour has dropped from 3.5 cents in 1916 to 1.71 cents in 1928; and this has occurred notwithstanding the fact that the cost of wholesale power—owing to advancing costs of generation and transmission, etc., consequent upon economic adjustments due to the Great War—has increased.

Figure 3 relating to certain individual municipalities has been included in order to assist appraisal of the degree to which, on the one hand, the inclusion from time to time of new municipalities with initially higher rates, and, on the other hand, the reduction of tariffs in certain of the newer and smaller municipalities after the initial period of operation, have affected the statistical results for the system as a whole. In the case of Niagara Falls and Toronto there have been no changes in domestic rates from 1916 to 1928, and in the case of the other municipalities such changes as have been made have been in the nature of minor adjustments. The results in these municipalities give, therefore, an indication of the effect of the tariff policies that is comparatively free from complicating factors and serve to confirm the general results from the curves derived by including statistics from all municipalities.

Dealing with the period from 1914 to 1928 and summarizing the results presented in Table IV for all municipalities, it is seen that the number of municipalities has increased from 49 to 268; the revenue from $730,168 to $9,411,812, or thirteen times; the consumption from 14,359,000 to 551,010,000 kilowatt-hours, or thirty-eight times; the number of consumers from 84,866 to 408,071, or six and three-tenths times; the average monthly consumption from 21 to 115 kilowatt-hours, or five and one-half times; the average monthly bill from $1.06 to $1.97, or less than twice; and that the average cost per kilowatt-hour has decreased from 5.08 cents—which, it may be noted, was, even in 1914, a lower figure than was common elsewhere—to 1.71 cents in 1928, or to about one-third.

The last diagram presented (fig. 6) shows the average cost of electrical service in municipalities served by the Hydroelectric Power Commission of Ontario. And although for purposes of simplicity we are considering the economic results chiefly as illustrated by the domestic consumer, there have been included in this diagram statistics relating to the commercial lighting service and to the power service. It will be seen that the favorable economic effects of the policy of providing service at cost are by no means confined to domestic service, but that similarly low-cost service is given both to commercial lighting consumers and to power consumers. With respect to power service supplied by the municipal utilities, the statistics for which are incorporated in the diagram, it should be pointed out that the average load per consumer is about 30 horsepower. The commission serves certain large power consumers direct on behalf of the various systems of municipalities.

USE OF DOMESTIC ELECTRICAL APPLIANCES BY ONTARIO CITIZENS

The form of tariff or rate schedule which is necessitated by the principle of service at cost, by incorporating a low follow-on rate, promotes a liberal use of the service for electrical appliances, and at the present time the major factor in domestic consumption in most Ontario municipalities is the energy consumed for domestic cooking, water heating, and labor-saving devices.

During the past five or six years statistics have been collected in most of the municipalities served by the commission respecting the number of appliances in use by domestic consumers. The results of the surveys made each year show that there has been a steady growth in the number of appliances in use and also in the percentage saturation of the possible number which might be used. Table V presents in summary form this information for the years indicated up to January 1, 1929.

FINANCIAL RESULTS OF ONTARIO TARIFF POLICY

It is pertinent at this point to consider the economic results under the commission's tariff policies, from the standpoint of the relation of net earnings of the utility to capital investment. Such a consideration will, it is believed, show that the commission's tariff policies have been quite as successful from the standpoint of the utility as from that of the consumer.

Since domestic service has been selected as the classification which most strikingly illustrates the principles and results under discussion, the economic results for the other classifications of service need not be treated in detail. It suffices to emphasize that the same general tariff policies and methods of cost accounting are pursued for all classifications, except for a minor modification

with respect to power supplied by the utilities to the municipal corporations themselves for such purposes as street lighting and waterworks pumping. Tariffs in general are conservatively designed to yield a moderate surplus over all costs; municipal power is supplied strictly at cost.

Now, if it were to be attempted to present consolidated revenues, costs and earnings of capital for the domestic service in all municipalities, or even in a series of representative municipalities, such a presentation would become unduly involved. Where consumers of various classifications of a utility utilize in common important parts of the plant, segregation of costs becomes necessary, and before an intelligent appreciation of such data could be conveyed, a detailed discussion of the methods of assigning and segregating costs would be required—a discussion which could not adequately here be presented. Moreover, the point at issue—whether the extremely low costs to domestic consumers in Ontario municipalities have been attained without violating the requirement of adequate net earnings on the capital employed—can be settled simply and conclusively without reference to a multiplicity of detailed data.

TABLE V.—*Tabulation showing the number of the larger electrical appliances reported to be in use among "Hydro" domestic consumers in Ontario at the end of 1923 and the number calculated to be in use deduced from figures reported [1]—Also the totals estimated for 1924 and 1926 for comparison*

	Estimated number in use Dec. 31, 1924, by 344,290 consumers	Per cent saturation	Estimated installed capacity, kilowatts	Estimated number in use Dec. 31, 1926, by 376,882 consumers	Per cent saturation	Estimated installed capacity, kilowatts	Estimated number in use Dec. 31, 1928, by 414,139 consumers	Per cent saturation	Estimated installed capacity, kilowatts
Electric ranges	47,505	13.8	285,030	70,883	18.8	425,298	95,906	23.1	575,436
Electric hot plates	18,883	5.5	37,766	25,291	6.6	50,582	38,699	9.3	77,398
Electric washers	55,342	15.8	11,068	78,063	20.7	15,612	107,370	25.9	21,474
Electric cleaners	64,205	18.6	12,841	75,120	19.9	15,024	90,275	21.8	18,055
Electric water heaters	16,605	4.8	25,000	26,069	6.9	39,100	37,028	9.0	55,542
Electric grates	15,075	4.4	30,150	16,812	4.4	33,624	17,620	4.3	35,240
Electric air heaters	103,000	30.0	82,400	106,125	28.0	84,820	149,900	36.2	119,920
Electric ironers	1,593	.4	4,770	2,255	.6	6,755	3,045	.8	9,135
Electric irons	307,800	89.2	263,148	311,377	82.9	265,508	370,820	89.9	244,741
Electric refrigerators	657	.2	139	2,667	.7	533	16,338	3.9	32,676
Electric toasters	152,200	44.1	83,710	160,077	42.5	88,042	191,637	47.0	107,050
Electric grills	46,800	13.8	30,888	42,000	11.2	27,720	45,262	10.9	29,872
Total kilowatts			806,901			992,628			1,326,739
Horsepower			1,081,640			1,330,600			1,778,470

[1] In some instances estimates or actual figures showing the number of appliances in use were not supplied by the smaller municipalities. Estimates for these missing figures were supplied by averaging the figures which were received from other municipalities.

RESULTS UNDER LOWEST TARIFFS

Obviously, if it can be shown that in the municipality where the lowest domestic tariffs are employed the resulting revenues are sufficient to produce adequate net earnings on the capital employed, which can not wholly be attributed to any source other than domestic service, then it will follow a fortiori that in the other municipalities, using higher tariffs, even more favorable results are possible of attainment by the utilities. The city in Ontario where the charges for domestic service are lower than in any other municipality is Ottawa, and the circumstance that, in this residential city, the business of the municipal electrical utility is predominently a lighting service makes it possible to show directly from the audited financial results of the utility that domestic service and commercial service at what would be regarded in many quarters as phenomenally low unit costs to the consumer, are nevertheless by themselves productive of a substantial surplus of revenues over all costs.

Owing to unusually favorable costs of bulk power, domestic tariffs in Ottawa are lower even than rate a of the standard system. A typical domestic and lighting and cooking consumer, using, say, 400 kilowatt-hours per month, pays a monthly charge of $2.94. The domestic consumers in Ottawa use electrical appliances very extensively, and the average monthly consumption is 231 kilowatt-hours per consumer, a condition which results in average cost per kilowatt-hour to domestic consumers of but 87 cents.

The pertinent financial results of the Ottawa "Hydro" utility for the year 1928 are presented below in summary form

Capital invested in distribution system:		
Plant, original cost	$1,989,288.40	
Less depreciation reserve	670,670.91	
		$1,318,617.49
Working capital (all other assets except sinking funds, $446,736.36) [1]		242,387.59
Total depreciated capital investment		1,561,005.08
Funded debt outstanding		953,374.17
Equity of municipal corporation		[1] 607,630.91
Revenues of the utility:		
Domestic service	$278,094.78	
Commercial service	133,523.10	
Total, domestic and commercial	411,617.88	
Street lighting and municipal power (at cost)	94,949.84	
Industrial power and miscellaneous	63,415.87	
Total revenues of the utility		569,983.59

[1] The Ottawa municipal utility has invested sinking funds in the amount of $446,736.36, which will be used to acquire additional equity in the local system as the bond issues mature.

Expenses of the utility:		
Cost of bulk power	$211,309.52	
Operation and maintenance of distribution system	181,787.82	
Total operating expense		$393,097.34
Net earnings before depreciation		176,886.25
Per cent on total capital investment	11.3	
Depreciation		51,291.00
Net earnings after depreciation		125,595.25
Per cent on total capital investment	8.0	
Bond interest paid		43,463.44
Total surplus		82,131.81
Per cent on municipal equity	13.5	
Surplus applied to retire capital	$19,673.51	
Free, operating surplus	62,458.30	
	82,131.81	

The surplus earnings reflect the conservative policy which is followed in order to insure that the financial status of the undertaking will always be of unquestionable soundness. These earnings, according to the practice in the Ontario undertaking, will be used to lower costs of service in the future, by paying off indebtedness, by extending plant, and by investment in trustee securities, or will be returned to the consumers in cash.

A feature of the results in Ottawa which influenced its selection for purpose of illustration—aside from the fact that the costs to consumers are lower there than elsewhere—was the predominance of the lighting services over all other classifications. In the case of Ottawa, reference to the financial statement shows that the bulk of the free operating surplus of $82,000 must have come from the lighting services, including the service to domestic consumers. Services rendered the municipal corporation are by law required to be on a strict cost basis, and the revenues from this source—$95,000—can thus have contributed no part of the surplus. Industrial power and miscellaneous revenues aggregate but $63,000, and could thus under no circumstances have provided more than a modest proportion of the total of $82,000 surplus. In other words, the utility could have given away the industrial power service it sold—which yielded a revenue of $55,253—and still have had a surplus from supplying domestic and commercial consumers at the low rates charged.

It is true that the Ottawa utility enjoys a more than usually favorable position in some respects—notably in that the commission has been able to furnish the local utility with bulk supplies of power at a rate that is lower than is found elsewhere in the Province. It will be appropriate, therefore, to cite the results in one other utility, a comparatively small community situated remote from the source of power supply, in order to afford an indication of the economic results of the commission's tariff policies under circumstances which more closely approximate those generally encountered in territories outside of Ontario.

RESULTS UNDER UNFAVORABLE CONDITIONS

Selection of a municipality for purpose of illustration has in this case, as in that of Ottawa, been made with a view to sim-

plicity of analysis, and the town chosen is therefore one where service is predominantly residential. The town of Sandwich, in the extreme west of southern Ontario, is of moderately small size, with population of 9,400; it is remote from the source of power supply, with transmission distance of 245 miles, and has electric revenues that are predominantly derived from domestic service.

Even under these unfavorable circumstances, the commission's tariff policies have enabled the 2,700 domestic consumers of the Sandwich utility in the fifth year of operation to utilize an annual consumption of 5,700,000 kilowatt-hours, at a total cost to them of $105,000. The average monthly consumption per consumer is thus 180 kilowatt-hours, and the average cost to the domestic consumer is but 1.83 cents per kilowatt-hour. Cost of service to other classifications is similarly low, commercial consumers paying an average of 2.1 cents per kilowatt-hour, and the few industrial consumers the town has paying on the average but $31.25 per horsepower per year. Notwithstanding these low costs to the consumers, the utility is in a flourishing financial condition, as will be observed from the financial statement for 1928, which follows:

Municipal electrical utility, town of Sandwich, Ontario

Capital invested in distribution system:		
Plant, original cost	$251,851.42	
Less depreciation reserve	20,626.42	
		$231,225.00
Other assets (except equity in commission's plant, $52,795.16)		43,659.61
Total depreciated investment		274,884.61
Funded debt outstanding		126,758.74
Equity of municipal corporation		148,125.87
Revenues of the utility:		
Domestic service	$104,647.25	
Commercial light service	20,069.40	
Total domestic and commercial	124,716.65	
Street lighting (at cost)	8,318.15	
Industrial power and miscellaneous	28,346.75	
Total revenues of the utility		161,381.55
Expenses of the utility:		
Cost of bulk power	$99,128.08	
Operation and maintenance of distribution system (all classes of service)	16,362.78	
Total operating expense		115,490.86
Net earnings before depreciation		45,890.69
Depreciation		4,220.00
Net earnings after depreciation		41,670.69
Interest payable on bonds outstanding		6,700.88
Total surplus		34,969.81

Applied to retire capital, $4,865.12.
Free operating surplus, $30,104.69.

From the above data, taken from the audited financial statements of the Sandwich "Hydro" utility, it will be observed that the net earnings on the total capital for the year were at the rate of 16.7 per cent before depreciation and 15.2 per cent after depreciation. The net annual surplus earnings, after payment of interest, were at the rate of 23.7 per cent on the municipality's equity in the undertaking.

The figures speak for themselves. The conclusion can not be escaped that the tariff policy of the commission has been eminently successful from the standpoint of the utility, even in small communities handicapped by the costs of long-distance transmission. They establish the fact that service can be given to domestic consumers at average charges per kilowatt-hour of less than 2 cents and yet produce net earnings on capital at a rate which would constitute a very attractive return to the owners of the utility even were it privately owned.

There is nothing exceptional about the two financial statements selected for the purpose of illustration except the features noted of preponderating domestic service in both cases, of extremely low consumer's unit costs in Ottawa, and of adverse circumstances in Sandwich. In these two municipalities results for the year 1928 are entirely consistent with those for previous years.

Taking the municipalities of the system all together, the revenues of the local utilities aggregated in 1928 some $26,000,000 and yielded, above all operating and depreciation costs, interest payments of $2,100,000; surplus applicable to capital retirement, $1,800,000; and additional free surplus of $2,000,000. The investment in plant was $70,000,000, less depreciation reserve of $11,000,000, and additional assets, except sinking funds and equity in the commission's plant, totaled some $9,000,000. The net earnings of the local capital, after depreciation, were thus approximately 8 per cent, taking all the utilities together, and the net surplus earnings were 14 per cent on the municipal corporations' equities.

LOCAL CHARACTERISTICS OF DOMESTIC APPLIANCES

In view of the already extensive use of electrical appliances in Ontario municipalities, and the rapidity with which, under the stimulus of the inducement form of rate, their use is being extended, the load characteristics to which these appliances give rise have been a subject of special study by the commission. The surveys made and other relevant data available indicate that, in general, the load characteristics of these appliances are not such as to give rise to high costs.

In Ontario municipalities the use of electrical service for lighting may be said to be practically universal. The use of electrical appliances of small capacity and intermittent or irregular use—such as flatirons, vacuum cleaners, electric toasters, and washing machines—is also very general among Ontario domestic consumers. The favorable load characteristics of these appliances are so well known that they do not call for extensive discussion at this time. The use of electrical cooking ranges, however, is a feature with respect to which the extensive experience of the commission will be of interest, and in this connection the load characteristics of other electrical appliances of large capacity and energy consumption, such as water heaters, ironing machines, air heaters, etc., will also be discussed.

With respect to the influence of load characteristics on costs of supply it is to be noted that since lighting and the use of smaller appliances by a domestic consumer usually precedes and nearly always accompanies the use of the larger appliances, the utility, from the economic standpoint, is concerned principally with the additional costs, consumption, and demands appertaining to electrical service used for cooking and lighting and small appliances over those appertaining to the use of the service for lighting and small appliances only.

Under Ontario conditions it is found in general that the costs of bulk power to municipal utilities materially exceed the costs for distribution within the municipality, and consequently the factor of principal importance from the economic standpoint is the extent to which the installation of ranges increases the peak load of the municipality. A factor of hardly less importance is the influence of the electric range upon the load factor of the municipality. Factors of secondary—but not of negligible—importance are the individual demands of range consumers. Individual demands exert practically no influence upon such costs as meter reading, billing, and collecting, and office overhead, nor do increased individual demands on the part of the domestic consumers tend appreciably to increase the costs appertaining to such important items of distribution plant as poles, hardware, etc. Large increase in individual demands does, however, increase total costs with respect to such items as copper for distribution conductors and distribution transformers and substations.

That very large diversity exists among Ontario domestic consumers' demands is indicated by the smallness of the resulting station demand in relation to the sum of the individual demands of the consumers. The diversity is particularly good in the moderately large cities, where the distances from employment, hours of work, and other factors bring about a large variation in time of day when the electric cooking appliances are used. In certain smaller and highly industrialized municipalities, however, a tendency is found for nearly all of the inhabitants to cook the heavy meal of the day at approximately the same hour, with the result that in such municipalities the diversity is somewhat less favorable, and costs attributable to electric ranges are relatively higher than is found in general throughout the Province. The experience of the commission, however, has demonstrated that even under the least favorable circumstances the costs occasioned by the use of electric ranges are decidedly moderate, and service can be given to consumers at rates low enough to be attractive to the consumer without loss to the utility or disadvantage to consumers of other classifications.

RESULTS WITH HIGH ELECTRIC-RANGE SATURATION

As illustrative of load conditions obtaining in a city of some 60,000 population, where—notwithstanding a transmission distance of 240 miles and tariffs, in consequence, somewhat higher than those in more advantageously situated Ontario municipalities—the electric-range saturation among domestic consumers is the remarkably high figure of approximately 78 per cent, the following results may be cited. The average monthly peak load of the municipality incurred in serving consumers of all classes was 17,550 kilowatts. The industrial consumers had aggregate demands, averaged over the year, of 6,530 kilowatts; the 2,200 commercial consumers had aggregate demands of approximately 6,200 kilowatts; the 3,300 residential consumers not using the service for cooking had aggregate demands estimated at 3,300 kilowatts; and there were served in addition approximately 11,500 domestic consumers using electric ranges in conjunction with lighting and other appliances.

Having regard to the diversity, one with another, of consumers within a group, and also equitable apportionment of diversity of one group with the others, as deduced from load records and other data, it is estimated that of the maximum coincident station load for all groups—17,550 kilowatts—between 9,500 kilowatts and 10,500 kilowatts is assignable to the 11,500 domestic range consumers, and between 7,000 kilowatts and 8,000 kilowatts is assignable to the domestic consumers without ranges, the commercial lighting consumers, the power consumers, and the municipal street-lighting service. The assignable station demand per range consumer is thus, on the average in this municipality, between 0.83 kilowatt and 0.91 kilowatt.

The annual consumption of electrical energy by domestic consumers in this municipality is approximately 32,000,000 kilowatt-hours, measured at the consumers' meters, from which, making allowance for distribution losses, it appears that the municipal-station load arising from domestic service, with 78 per cent range saturation and a slightly restricted energy consumption due to tariff somewhat higher than usual in large Ontario cities, has an average monthly load factor in excess of 40 per cent. The average daily load factor would of course be materially higher than this figure.

RESULTS WITH RELATIVELY UNFAVORABLE DIVERSITY

As representative of load characteristics in a municipality where diversity is relatively unfavorable, the results of a special study made in a municipality with some 6,000 domestic consumers may be cited. In this municipality a sharp peak had been observed to occur between the hours of 11.30 and 12 o'clock, which, although the range saturation was but 33 per cent, was obviously attributable to unusually poor diversity of use of electric ranges. Special study was made of characteristics of individual consumers' loads and the domestic service was definitely segregated from other classifications of service during the period covered by the survey. The cost of bulk power in this municipality was less per horsepower than that in the larger municipality cited above, and the domestic tariff was also lower; in consequence, the average domestic consumption per range consumer and per lighting consumer was materially higher than in the larger city.

Typical daily load curves for domestic service in this city over a period of six months showed an average maximum demand of approximately 3,800 kilowatts arising from 2,000 consumers having ranges and 4,000 consumers without ranges. The portion of the domestic peak load assignable to range consumers was approximately 2,700 kilowatts, or 1.35 kilowatts per consumer, and that to lighting consumers 1,100 kilowatts, or 0.28 kilowatts per consumer. The analysis in this city having been directed more particularly to the ascertaining of the characteristics of the domestic load by itself, these figures do not, as in the case of the larger city, include apportionment of diversity existing between the various classifications of service, and are thus somewhat higher than the resulting assignable station demands. Even when appropriate allowance is made for this difference in the basis of the two sets of data, however, the results indicate clearly that diversity among the range consumers in the smaller industralized municipality, though good, was materially less than in the first city.

Respecting load factor in the smaller city, the actual typical daily load factor of the domestic load—again without allowance for diversity between classes—was high, the higher average consumption per consumer having offset the poorer diversity. For the month of December the measured typical daily system load factor was nearly 50 per cent for domestic load by itself, and, if based upon assignable contribution to the aggregate municipal station load, would be a still higher figure.

Thus, even under relatively poor conditions of diversity, the commission's extensive experience—of which the above data cited are representative—indicates that the load characteristics of domestic appliances are essentially good, and are such as to justify from the economic standpoint the provision of a supply of electrical energy to cooking consumers at low tariffs.

With respect to the load characteristics of the individual consumer, it should be noted that the electrical cookers in general use in Ontario are of the high-capacity type, with insulated oven, but without any special provision for heat accumulation, and no special measures have been taken to encourage limitation of individual peak demands. For consumers using ranges, lights, and small appliances, the average installed capacity is about 11,000 watts per consumer, and the average monthly 10-minute integrated peak of the individual consumer is approximately 5,500 watts. Among domestic consumers using the service for lighting and small appliances, but not for cooking, the installed capacity averages about 2,200 watts, and the invidual monthly peak demand averages 1,000 watts. As has been noted, however, the high individual peaks of range customers and the resulting low individual load factors are of comparatively minor import to the utility from the economic standpoint.

In the course of the detailed survey to which reference has been made above, data were also secured respecting the load characteristics of the heavy appliances other than electrical cooking ranges, which are used to a considerable extent by domestic consumers in Ontario municipalities.

Among a group of consumers using both electric ranges and other appliances of large capacity and energy consumption it was found that the average installed capacity was some 16,000 watts per consumer, about 5,000 watts more than the average installation for range consumers not using such heavy appliances. The average of individual demands, however, was but 5,700 watts, as compared with 5,500 watts, and the average annual consumption showed an increase of 1,860 kilowatt-hours. The large increase in energy consumption with trifling increase in individual demands, is evidence of the very favorable load characteristics of such appliances as regards diversity and improvement of load factor. Inspection of the load curves of the municipalities indicates that air heaters have less desirable diversity characteristics than the other heavy-duty appliances.

Influence on load factor of rapid growth in consumption

Figure 7, relating to a third city—Niagara Falls, Ontario—shows the domestic consumption for the years 1918 and 1928, inclusive, in kilowatt-hours used per consumer per annum. It will be noted that for 1918 the average was 372 kilowatt-hours, whereas for 1928 an average of 3,012 kilowatt-hours was consumed. The curve also shows the effect on the net cost per kilowatt-hour, which varied from 2.9 cents in 1918 to 1.1 cents in 1928. With this curve is also shown the average load factor for domestic purposes during that period. It is interesting here to note that the load factor during this period has increased from 25 per cent to 51 per cent—an increase in load factor which, undoubtedly, is largely responsible for the drop in the net cost per kilowatt-hour.

There has been remarkable development during this 10-year period in the use of electrical appliances. For instance, in domestic service in 1918 the use of electricity was almost wholly confined to lighting. With the beginning of 1919 and following through to 1922, the first major use of the electric range took place, until it was found that in 1921 the daily peak established by ranges equaled the lighting peak created in the evening. This gave the highest possible load factor with respect to the two peaks established. In 1922 the cooking load became greater than the evening lighting load, with a consequent reduction in the load factor. This was compensated for in 1923 by the gradual increase in the use of other appliances, a growth which has been steadily felt during the following years. A fact of interest is also observable about the years 1925 and 1926, when a large number of flat-rate water heaters were installed by domestic consumers. These flat-rate water heaters tended very materially to increase the load factor to the present, which now approximates an average of 51 per cent throughout the year. It is interesting also to note that during this period there has not been any change in the rate structure[1] for the city of Niagara Falls, and that the results have been brought about entirely through the increased use of appliance loads other than for lighting. Although the information is not fully available, yet it appears probable that this load factor will be still higher for the year 1929.

The results just presented clearly demonstrate what may be expected from a proper application of "inducement" rates to domestic uses in conjunction, of course, with the development of the art.

The results under review were brought about under the most unsettled conditions the industry has probably had, namely, the period following the Great War, when prices, labor charges, etc., went through great changes, and when, under normal conditions, a marked advance in the net cost of electric service might have been expected. During this period the cost of power to the municipality under discussion had been substantially advanced. The cost of distribution material also was considerably higher, but in spite of all such features the improvement in load factor and greater use of energy per consumer have manifestly resulted in a gradual drop in the cost per kilowatt-hour to the consumer.

Thus, in conclusion, it may be remarked that the economic results that have attended the application of the form of tariffs used by the commission—results that have been shown, in an earlier section of this discussion, to be decidedly favorable from the standpoints of both consumer and utility—are in large measure due to the very advantageous load characteristics which appertain to the use of domestic appliances by the consumers of the Ontario undertaking, even under the less favorable conditions as regards diversity.

RURAL ELECTRICAL SERVICE

The data that have been presented for domestic service are representative of and adequately illustrate the economic results of the commission's policies as they concern the operations of the commission in their major aspect of supply to urban consumers. Rural electrical service, though of comparatively minor importance as regards the quantity of power supplied, is nevertheless of special interest because of the intensive efforts that have been directed in recent years and in many parts of the world upon the problems of solving the difficulties inherent in rural distribution, and also because of the very great economic benefit which accrues to the rural consumer and to the general welfare of the citizens from the provision of adequate supplies of electrical energy for agricultural consumers at low cost. The results of the commission's methods and policies in this field will therefore be briefly indicated.

ELECTRICAL SERVICE IN RURAL DISTRICTS OF ONTARIO

A number of the outstanding features of rural electrical service in the Province of Ontario were described at some length in the paper presented five years ago before the first world power conference. This earlier paper[2] was published in the proceedings of the con-

[1] The domestic rates in Niagara Falls throughout the years 1918 to 1929 have been as follows:

Monthly service charge, 3 cents per 100 square feet of floor area.

Energy charges, 2 cents per kilowatt-hour for first 3 kilowatt-hours per 100 square feet; 1 cent per kilowatt-hour for all additional energy per month.

Discount for prompt payment, 10 per cent on whole bill.

[2] In the former paper a description was given of the commission's pioneer work in the evolution of practical methods whereby handicaps to rural electrical service in Ontario were successfully overcome, and the legislation under which rural operations were promoted by efficient organization into rural power districts was presented in detail. The special design features whereby the commission had been able to effect satisfactory overhead and underground rural distribution at low capital costs were described and average costs per mile were given. The uniform classifications applicable to consumers of the various types found in agricultural areas were set forth and the basis of estimating the respective costs and designing rate schedules in accordance therewith was discussed. The demand rating, average monthly consumption, and the service charge required to cover distribution costs at that time were stated for each class of service, and the annual consumption charges and total costs of service appertaining to consumers in typical rural power districts were

Ontario municipalities, and the rapidity with which, under the station load arising from domestic service, with 78 per cent range

ference and is thus available for reference. In the present discussion it is proposed to direct attention specifically to some of the economic aspects of rural supply and to indicate the results that have been attained through the application of the commission's methods and policies, notwithstanding the general difficulties inherent in rural electrification, and the special difficulties encountered, even in the 40,000 square miles of "old Ontario," by reason of the relative sparseness of population and absence of the need for irrigation and of other large power demands.

The former standard primary distribution line, which had a pole spacing of 160 feet and employed hard-drawn copper conductors, has been found less economical than the present standard line, which has pole spacings of 200 feet and 250 feet—depending on the nature of the territory—and uses steel-reinforced stranded aluminum conductors, with minimum size of No. 4 B. & S. gage. Copper is still used, however, for secondary conductors. Underground cable construction, which in the period immediately following the war had been the means of effecting economies in certain circumstances has now, as the result of price changes, become less economical than overhead construction in nearly all circumstances.

Capital costs of overhead rural primary distribution lines, constructed according to present standards, using 200-foot spacing and aluminum stranded conductor, steel-reinforced, are approximately 4 per cent lower than the figure reported in 1924. A mile of single-phase line, installed complete, now costs, including supervision and overhead charges, $1,020, and the corresponding cost for a mile of 3-phase line is $1,257. The cost per mile for single-phase No. 6 paper-insulated, lead-covered underground cable laid in earth, however, has increased as the result of price changes and is now approximately $1,266.

The classifications under which rural electrical service is supplied have been found in general to be satisfactory, and minor changes only have been made. In the case of hamlet service no restriction is now made with respect to number of lighting outlets or use of small appliances, and service is given to shops under this classification. Former classes 1-A and 1-B are thus combined in the present class 1-B. Subclassifications have been provided in the case of heavy farm service and special farm service, distinguishing between users of single-phase and 3-phase power. The class-demand ratings are unchanged.

The "grant-in-aid," which the government of the Province had made toward the initial capital cost of primary rural distribution lines as part of its general policy of aiding agriculture, was, in 1924, extended to cover 50 per cent of secondary equipment such as transformers and meters.

The last five years have been a period of rapid expansion in rural electrical supply in Ontario. The number of rural power districts in operation has increased from 52 to 131. The number of miles of rural distribution line in service has increased from 600 miles to 3,800 miles. The number of consumers served in the rural power districts has increased from 4,300 to 30,000. The bulk power supplied to rural power districts has increased from 2,000 horsepower to 17,000 horsepower.

ECONOMIC RESULTS FROM CONSUMER'S STANDPOINT

Respecting the economic results of rural electrical service from the standpoint of the consumers possibly the best evidence of the benefits derived is the rapidity with which the number of consumers taking advantage of the service has increased. Agriculturists, as a class, exhibit a tendency to form their conclusions respecting the economic benefits of electrical service on the farm from personal observation of the results derived by their neighbors. In the 52 rural power districts that had come into operation up to 1923 the favorable experience of the 4,169 consumers served at that time had by 1926 induced no fewer than 15,741 of the immediate neighbors of these farmers to take advantage of the service, and in addition had encouraged 10,059 rural residents in other parts of the Province to take service from 79 rural-power districts that had not been served up to 1923.

The average annual consumption and cost to all users in rural-power districts is submitted in Table VI by classes.

Table VI

Class	Service	Average annual consumption	Class demand rating	Annual net cost to consumer
		Kilowatt-hour	*Kilowatt*	
1B	Hamlet lighting	388	0.75	$24.56
1C	....do	1,627	2	56.62
2A	House lighting	417	1	27.90
2B	Small farm service	1,068	2	46.45
3	Light farm service	833	3	55.14
4	Medium farm service	2,085	5	87.99
5	....do	2,073	5	93.70
6A	Heavy farm service	5,084	9	180.21
6B	....do	3,592	9	156.46
7A	Special farm service	13,579	13	327.25
7B	....do	18,438	15	364.48
8	Syndicate outfits	14,157	.....	396.40

As a measure of increase in use of the service by the consumer and reduction in average cost, the value of average statistics is for rural service, largely nullified by the rapidity with which the number of consumers served has increased. Owing to the large increases in consumers served in recent years, the average length of time the 29,867 consumers served at the end of 1928 had been using the service is but little greater than the average time of service appertaining in 1923 to the 4,169 consumers then served. Having regard to this limitation of the statistics, however, it is of interest to note that in the 52 rural power districts served throughout the 5-year period the increase of 375 per cent in number of consumers has been accompanied by an increase in bulk power supplied of 420 per cent. It may be concluded, therefore, that the average use of the service by individual consumers shows a tendency to increase with time that is comparable with the results found among urban consumers.

With respect to the cost of service to the consumer, it should be noted that the increase in number of consumers served has necessitated the construction of distribution lines almost to a proportionate extent. The addition of new consumers to existing lines has been offset by the lower density in the new districts and in the portions of older districts more recently served. The 605 miles of line in service in 1923 had increased at the end of 1928 to 3,791 miles by the addition of 1,815 miles in the 52 districts served up to 1923 and 1,371 miles in the 79 newer rural power districts.

REPRESENTATIVE RESULTS TO FARM CONSUMERS AND RURAL INDUSTRIES

The results of using hydroelectric power service from the consumer's point of view may, however, respresentatively be illustrated by the information respecting installation, energy consumption, and costs submitted below in detail with respect to 2 dairy farms, 1 chicken farm, and 2 dairy industries. Data are given by billing periods, showing costs for two separated years in the three farm services, as well as total for a 5-year period in one. Satisfaction to users is the final test of success, and it is believed that rural hydro consumers are convinced of the merit of the service by seeing their reasonable bills.

The records for the rural industries are submitted in order to illustrate how such industries can be served by hydroelectric power advantageously at relatively low cost, having regard to the somewhat adverse circumstances of rural electrical distribution.

Dairy farm using milking machine in Woodstock rural power district, class 3 service

Installation:	Watts
Lighting owner's farm, man's house, and other buildings	1,600
Electric irons, 2	1,200
Washing machine	186
3-horsepower motor	2,238
	5,224

Operation—Year ending December 31, 1926

Billing period	Energy consumption	Net bill
	Kilowatt-hours	
3 months ending Mar. 31	530	$23.04
3 months ending June 30	563	23.38
3 months ending Oct. 31	341	23.92
3 months ending Dec. 31	236	13.14
	1,069	83.48

RATE 1926 [1]

Service charge, $4.10 per month.

Energy charges, 4 cents per kilowatt-hour for first 42 kilowatt-hours used per month; 3 cents per kilowatt-hour for the balance used per month.

Discount, 10 per cent for prompt payment.

[1] In 1922 the rates in this district were: Service charge, $5.63 per month. Energy charges, 5.5 cents per kilowatt-hour for the first 42 kilowatt-hours used per month; 2 cents per kilowatt-hour for the balance used per month. Discount, 10 per cent for prompt payment.

enumerated. The results that had been attained up to 1923 were reported with respect to the number of consumers, the mileage of distribution lines, and the capital expenditure. The uses made of the service by farm consumers were enumerated and the energy consumptions appertaining to various types of farm equipment and to various agricultural operations were stated. The favorable influence of rural electrical supply upon the economic status of the agricultural population of Ontario and its importance with respect to the economic life of the Province in general were discussed, and the powerful stimulus that had been afforded to rural industries was noted.

Since 1923 the modifications of practice found of value in reducing costs of distribution under present conditions have for the most part been of a relatively minor character. Increased loads and wider separation of feed points have rendered a primary voltage of 8,000/4,600 volts more economical than the former standard of 4,000/2,300 volts. The higher voltage is now standard for new construction, and 500 miles of line have been constructed for this potential. For service to small loads at outlying points it has been found of advantage to extend the 3-phase wires only of the 4,000/2,300-volt grounded circuit, using a 4,000-volt transformer connected across the phases. This procedure extends the possible distance of service, having regard to load and voltage drop, to three times that permissible when using 2,300 volts.

Operation—Year ending December 31, 1929

Billing period	Energy consumption	Net bill
	Kilowatt-hours	
3 months ending—		
Jan. 31	549	$19.66
Apr. 30	661	21.67
July 31	586	20.32
Oct. 31	400	17.06
	2,196	78.71

RATE 1929

Service charges, $3.20 per month.

Energy charges, 3 cents per kilowatt-hour for first 42 kilowatt-hours used per month; 2 cents for the balance used per month.

Discount, 10 per cent for prompt payment.

DAIRY FARM IN WOODBRIDGE R. P. D., CLASS 5 SERVICE

For purpose of record, energy consumption on this farm was separately metered to segregate power, household uses, and lighting of barn, shed, and yards.

Installation:	Watts
Lighting in house	1,240
Electric iron	600
Washing machine	186
2-burner hot plate	1,000
Air heater	1,200
Total	4,226
Lighting in barn and other buildings	920
Lighting in yard	120
Total	1,040
Power, 5-horsepower motor in barn	3,746
Grand total	9,012

Operation—Year ending October 31, 1926

Billing period	Energy consumption	Net bill
	Kilowatt-hours	
3 months ending—		
Dec. 31, 1925	737	$26.87
Mar. 31, 1926	969	36.34
June 30, 1926	485	27.63
Oct. 31, 1926	776	30.17
	2,967	129.01

Division: 1,776 kilowatt-hours for power, 933 kilowatt-hours for household uses,[1] 258 kilowatt-hours for lighting barn, other buildings, and yard.

RATE, 1926

Service charge, $4.00 per month.

Energy charges, 5 cents per kilowatt-hour for first 70 kilowatt-hours used in each month; 2 cents per kilowatt-hour for balance used per month.

Discount, 10 per cent for prompt payment.

Operation—Year ending October 31, 1929

Billing period	Energy consumption (kilowatt-hours)				Net bill
	Power	Household uses	Lighting yards, barn, etc.	Total	
3 months ending—					
Jan. 31	933	206	144	1,303	$38.71
Apr. 30	525	100	65	690	27.68
July 31	468	88	16	572	25.55
Oct. 31	454	130	51	635	26.09
Total	2,400	524	276	3,200	118.63

RATE—1929

Service charge, $4.60 per month.

Energy charge, 3.5 cents per kilowatt-hour for first 70 kilowatt-hours used per month; 2 cents per kilowatt-hour for balance used per month.

Discount, 10 per cent for prompt payment.

[1] Serious illness in home in 1926 required extensive use of electrical air heater.

Total used and costs—5-year period ending October 31, 1929

Power—kilowatt-hours	10,016
Household uses—do	3,229
Lighting yards, barns, etc—do	1,266
Total—do	14,511
Total cost	$607.12
Average per annum	121.42

CHICKEN FARM IN WOODSTOCK RURAL POWER DISTRICT—CLASS 3 SERVICE

Installation:	Watts
Lighting	2,000
Electric iron	600
Washing machine	186
Furnace blower	125
Automatic water system	186
Vacuum cleaner	80
Electric range	8,250
Electric incubators [1]	2,070
Motor in incubator	376
Total	13,873

Operation—Year ending July 31, 1928

Billing period	Energy consumption (kilowatt-hours)	Net bill
3 months ending—		
Oct. 31, 1927	276	$14.80
Jan. 30, 1928	465	18.86
Apr. 30, 1928	2,595	57.02
July 31, 1298	1,871	43.99
Total	5,207	134.67

NOTE.—Range installed early in the year.

RATE, 1928

Service charge, $3.40 per month.

Energy charges, 3 cents per kilowatt-hour for the first 42 kilowatt-hours per month; 2 cents per kilowatt-hour for the balance used per month.

Discount, 10 per cent for prompt payment.

Operation, year ending October 31, 1929

Billing period	Energy consumption	Net bill
	Kilowatt-hours	
3 months ending—		
Jan. 31	1,386	$34.72
Apr. 30	2,070	61.23
July 31	1,991	45.61
Oct. 31	800	24.17
	7,147	167.73

RATE, 1929

Service charge, $3.20 per month.

Energy charges, 3 cents per kilowatt-hour for the first 42 kilowatt-hours used per month; 2 cents per kilowatt-hour for the balance used per month.

Discount, 10 per cent for prompt payment.

CREAMERY—A STRICTLY DAIRY INDUSTRY IN GODERICH R. P. D.—CLASS A POWER

Operation—Calendar year 1929

Month	Demand by meter (horsepower)	Energy consumption (kilowatt-hour)	Net bill
January	20.11	2,980	$73.79
February	19.70	3,500	74.03
March	19.70	3,170	73.05
April	21.05	4,260	87.11
May	23.60	6,260	95.09
June	22.50	7,520	95.05
July	22.50	6,840	87.63
August	23.05	8,090	98.49
September	24.15	7,000	100.32
October	23.60	5,910	87.81
November	18.10	4,510	71.85
December	18.10	4,740	72.53
Total	258.16	63,480	1,016.95

Average 21.51 horsepower equals $47.30 per horsepower per year.

[1] For heating and incubating, heat is supplied by hydroelectric service.

RATES

Service charge, $1 per horsepower per month.
Energy charges, 4, 2.6, and 0.33 cents per kilowatt-hour.
Discount, 10 per cent.

CREAMERY—A STRICTLY DAIRY INDUSTRY IN MITCHELL R. P. D. CLASS A POWER

Operation—Calendar year 1929

Month	Connected load (horsepower)	Consumption (kilowatt-hours)	Net bill
January	22.5	576	$38.91
February	22.5	665	44.19
March	22.5	1,333	62.03
April	22.5	1,519	66.38
May	22.5	2,187	71.65
June	22.5	3,746	76.28
July	22.5	2,980	74.01
August	22.5	4,664	79.01
September	22.5	2,201	71.69
October	22.5	1,761	70.39
November	22.5	1,581	67.82
December	22.5	690	45.09
Total		24,203	787.45

Average, 22.5 horsepower.
Average cost, $35.45 per horsepower per year.

RATES

Service charge, $1 per horsepower per month.
Energy charges, 4, 2.6, and 0.33 cents per kilowatt-hour.
Discount, 10 per cent.

REDUCED CHARGES TO CONSUMERS

As a result of continued search for means of effecting economies in rural distribution costs and of the additional assistance [1] afforded by the extension of the agricultural "grant in aid" it has been found possible to make a notable reduction in the charges to consumers in respect both of the initial rates applicable in newly formed rural power districts and of the average rates charged in the rural areas of the Province. The extent of the reduction in service charges from 1923 to 1928 is indicated by Table VII.

The maximum service charge for initial operation, both in 1923 and 1928, is based on the minimum requirement of three farm contracts or equivalent per mile of distribution line. Class 3—light farm service—is the classification under which the great majority of farm consumers are served. Taking this class as representative, it will be observed that by 1928 the maximum service charge had been reduced nearly 30 per cent. The average paid by the consumers of the rural power districts of the Province—including some 13.5 per cent of consumers served at the 1928 maximum rate and the remainder at rates ranging from about 95 per cent to less than 50 per cent of the maximum—was in 1928 approximately 40 per cent less than the maximum service charge applicable in 1923. These averages take no account of cash rebates made to consumers in rural power districts, amounting to some $230,000, during the past two years, representing the accumulated excess of revenues produced by the charges made in previous years over costs of service and moderate surplus required to assure financial stability.

TABLE VII.—*Reductions in service charges, 1923–1928*

Classification of service	Annual service charges: Maximum for initial 25-cycle operation, 1923	Annual service charges: Maximum for initial 25-cycle operation, 1928	Average paid by rural consumers of Ontario, 1928
1 B. Hamlet lighting	$20.50	$19.44	$14.53
1 C. Hamlet lighting and cooking	36.44	35.64	26.91
2 A. House lighting	30.00	24.30	18.30
2 B. Small farm service	47.40	37.26	27.99
3. Light farm service	60.82	49.14	36.61
4. Medium farm service	66.94	51.30	38.22
5. Medium farm service	84.50	62.10	46.30
6 A. Heavy farm service	130.97	79.28	58.15
9 B. Heavy farm service		89.64	67.30
7 A. Special farm service	188.90	117.72	87.34
7 B. Special farm service		142.56	106.61

With respect to reductions in rural service charges, it may be stated that reductions and adjustments are being made from time to time, and at the end of 1929 further reduction has been made to all rural classes as a result of the Provincial Government's active policy to assist agriculture as far as possible. The basis upon which this adjustment was made was that the net service charge to a farmer for Class III service should not be greater than $30 per year—this contrasts with the $36.61 in the table above—and adjustments in all other rural classes were made on a corresponding basis. From the consumer's standpoint, therefore, the economic results of the commission's policies, as indicated by progressively lowered charges for service, may be said to have been eminently satisfactory.

[1] See footnote 2.

USE OF ELECTRICAL EQUIPMENT ON ONTARIO FARMS

In rural electrical service, even more markedly than in service to urban consumers, the economic results to the consumer are dependent upon the degree to which use is made of electrical equipment. Power-driven farm equipment is capable of effecting substantial economies in agricultural operations, and household appliances relieve the farm women of much drudgery.

In order to ascertain the extent to which electrical equipment and appliances are being installed in the homes and in the barns of farmers receiving service from the commission's rural power districts, a survey was conducted among farm consumers as distinct from hamlet consumers. Returns have been received from nearly 60 per cent of all farm consumers in the Province, the results of which are presented in Table VIII.

TABLE VIII.—*Electrical equipment in use by 7,074 farm consumers reporting*

	Number	Saturation
		Per cent
Barn equipment:		
Electric motors	1,877	26.5
Electric pump systems	1,610	22.7
Electric milk coolers	22	.3
Electric churns	43	.6
Electric drills	9	.1
Electric water heaters	30	.4
Electric soldering irons	18	.2
Electric chick brooders	136	1.7
Milking machines	283	4.0
Feed grinders	322	4.5
Cream separators	397	5.5
Ensilage or straw cutters	120	1.7
Hay hoists	13	.2
Tool grinders	200	2.8
Root pulpers	27	.4
Fanning mills	27	.4
Saws	26	.4
Household appliances:		
Electric ranges	1,330	19.1
Electric hotplates	1,155	16.3
Electric washers	3,514	49.7
Electric vacuum cleaners	654	9.2
Electric water heaters	222	3.0
Electric grates	75	1.0
Electric air heaters	688	9.7
Electric ironing machines	34	0.5
Electric irons	6,283	88.8
Electric refrigerators	194	2.7
Electric grills	158	2.2
Electric toasters	3,697	51.0
Electric churns	74	1.0
Electric radios	968	13.7
Electric percolators	143	2.0
Electric fans	136	1.9
Electric pumping systems	138	1.9
Electric sewing machines	18	0.2

It will be noted that some pieces of equipment, particularly those which are intended to be belt-driven by an electric motor, are not reported as very numerous. This may be accounted for by the fact that in making returns the consumers have not indicated the equipment which they drive with the motors which are installed, and it may be safe to assume that there are more of these pieces of apparatus in operation than are indicated in the table.

In the case of electric motors and electric pumping equipment a large percentage of farmers are making use of the facilities of electric service.

The most interesting feature of this table, however, is the extent to which some of the household appliances are being employed. Electric ranges and hotplates have reached a degree of saturation almost equal to that existing in the urban municipalities of the Province, while washing machines have been installed to a very much greater extent on the farm than is the case in urban municipalities. Data respecting other electrical appliances show that their popularity and usefulness are spreading in the rural districts. There are a number of rural power districts in the Province where the farmers have shown an exceptional inclination to complete electrification of the barn and the home; among these are the districts of Brant, Preston, and Woodstock. Table IX shows the equipment installed in each district with the corresponding number of consumers involved.

TABLE IX.—*Summary of equipment and appliances in use by farm customers in three well-developed agricultural districts supplied by hydro rural electrical service*

	Brant	Preston	Woodstock
Number of consumers	212	175	241
Barn equipment:			
Electric motors	76	92	130
Electric pump systems	49	41	95
Electric milk coolers	3	2	1
Electric churns		4	1
Electric drills			1

TABLE IX.—*Summary of equipment and appliances in use by farm customers in three well-developed agricultural districts supplied by hydro rural electrical service*—Continued

	Brant	Preston	Woodstock
Barn equipment—Continued.			
Electric water heaters		10	4
Electric soldering irons	2	4	
Electric chick brooders	13	17	6
Milking machines	7	16	18
Feed grinders	5	39	35
Cream separators	8	32	11
Ensilage or straw cutters	1	26	3
Hay hoists		1	
Tool grinders		22	15
Saws		3	1
Pulpers		2	2
Fanning mills		2	
Household appliances:			
Electric ranges	60	43	67
Electric hotplates	50	38	62
Electric washers	95	104	110
Electric vacuum cleaners	32	30	17
Electric water heaters	19	18	9
Electric grates	6	0	7
Electric air heaters	32	30	33
Electric ironers		5	1
Electric irons	193	158	235
Electric refrigerators	3	7	3
Electric grills	2		11
Electric toasters	108	97	139
Electric churns	1	13	
Electric radios	24	34	37
Electric percolators	4	3	3
Electric fans	8	9	7
Electric sewing machines		3	1
Electric pumps		6	
Electric grinders		2	
Electric blankets		1	

The effect of the installation of the more modern appliances is well illustrated in the average consumption of electricity by all consumers in these districts. In Brant, for instance, the average consumption among class 3 customers is 1,649 kilowatt-hours per annum; in Preston, 1,332 kilowatt-hours per annum, and in Woodstock, 1,430 kilowatt-hours per annum. These figures are materially higher than the average consumption among all class 3 consumers in the Province of 833 kilowatt-hours per annum. There are corresponding differences in the consumption among other classes of farm consumers and the general effect of the extensive use of electricity in these districts has been to materially reduce the average cost per kilowatt-hour to consumers in these districts over the general average. It is hoped that, as the farm consumers throughout the Province reach the position where they are able to finance additional power-using equipment, the standard of electrical utilization now set by specific districts will be equaled and even surpassed in all districts of Ontario.

FINANCIAL RESULTS TO THE UTILITY

Respecting the economic results of rural electrical service to the utility, it can be stated that, notwithstanding the fact that on the average the consumers have been served but for a short time, the revenues yielded by the charges to consumers have been adequate. The results of operation in 1928 are as follows:

Rural power districts—revenues and expenses for 1928

Total capital investment in operation		$7,054,654.00
Revenues from consumers		1,342,624.86
Expenses:		
Cost of bulk power	$472,594.56	
Cost of operation, etc	342,686.71	
Total operating expenses		815,281.27
Net return before depreciation		527,343.59
Depreciation		123,666.45
Net return after depreciation		403,677.14
Per cent return on total investment 5.7 per cent		
interest		146,919.58
Surplus		256,757.56
Applied to capital retirement	$31,380.07	
Reserved for obsolescence and contingencies	173,252.39	
Other free surplus	52,125.10	
	256,757.56	

In interpreting the above results of operation, the effect of the Government agricultural grant-in-aid should be taken into account. Nearly one-half of the $7,000,000 of capital investment for rural distribution having been granted by the Province as part of its general policy of aiding agriculture, the charges to consumers are relieved of interest and sinking fund in respect of some $3,500,000, and the net return of 5.7 per cent after depreciation, figured on the total capital investment—including the government "grant-in-aid"—is thus ample to insure the financial soundness of this portion of the commission's activities.

It is of interest to note that the total revenues of one and one-third million dollars represent the sum of the charges paid by nearly 30,000 rural consumers—an average charge per consumer per month of less than $4, for service which in the case of a large proportion of the consumers covers lighting of farm residences, lighting of out-buildings, electrical cooking and power for operation of agricultural machinery. The general conclusion to be drawn, therefore, respecting the economic results of the commission's policies in the field of rural electrical supply is that, having regard to the circumstances in Ontario, these policies have been the means whereby service can be extended on a large scale to rural consumers at relatively low costs without detriment to the financial status of the undertaking, and with great economic benefit to the Province as a whole.

In accordance with the suggestion that the greatest weight at the second world power conference should be given to the distribution and utilization of electricity, and that reports were desired respecting experience with domestic and agricultural electricity tariff systems, in their relation to the use of electrical appliances, and also respecting experience as to the influence of these appliances on the load characteristics of the supply stations, the endeavor has been made to present as comprehensively as could be done within the limits of space assigned, a description of the results that have been achieved in the Province of Ontario. It is hoped that the information that has been given respecting these important aspects of electrical supply, based on the experience of the Hydro-Electric Power Commission of Ontario in serving several hundred municipalities over a period of nearly 20 years, will be found to be of assistance to those who have to deal with the problems which arise in connection with modern electricity supply undertakings.

ZUSAMMENFASSUNG

Einige wirtschaftliche Ergebnisse der von den Gemeindebehörden im Staate Ontario in Gemeinschaft mit der Wasser- und Elektrizitätsgesellschaft eingeführten Tarife werden die Teilnehmer an der Konferenz ganz besonders interessieren. Das genannte Unternehmen dürfte hinsichtlich seiner Bedeutung auf dem Gebiet der Elektrizitätsversorgung eine hervorragende Stelle unter den Elektrizitätsunternehmungen der Welt einnehmen. Ferner sind die Statistiken und anderen Unterlagen des Unternehmens ganz besonders umfassend und leicht verständlich; dann sind die Erfolge in der Stromversorgung zu niedrigen und einheitlichen Tarifen im Vergleich zu anderen Gebieten gerade zuglänzend.

Auf der Ersten Weltkraftkonferenz wurde die Elektrizitätsversorgung des Staates Ontario ziemlich ausführlich besprochen. In vorliegendem Bericht werden hauptsächlich besondere wirtschaftliche Verhältnisse in der Elektrizitätsversorgung behandelt. Der Bericht beschränkt sich auf die Stromversorgung städtischer und landwirtschaftlicher Verbraucher.

Es wird eine Übersicht über die allgemeinen Verhältnisse, die Einwohner und den Verbrauch an Elektrizität im Staate Ontario gegeben, mit besonderem Hinweis auf die seit 1924 gemachten Fortschritte; dann wird der wirtschaftliche Aufbau des Unternehmens kurz beschrieben, die Grundlagen der Tarife erklärt und die Strompreise vom Standpunkt des Verbrauchers, wie auch ihre Wirtschaftlichkeit für das Unternehmen besprochen. Dies alles in einer Weise, welche Vergleiche mit den Statistiken anderer Staaten zuletzt.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 10, 33, 61, and 95 to the said bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 23, 25, 37, 72, 77, 81, and 100 and concurred therein severally with an amendment, in which it requested the concurrence of the Senate; that the House insisted on its disagreement to the amendments of the Senate numbered 14, 36, 44, 45, 46, 59, 66, 79, and 82, requested a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. BYRNS, and Mr. BUCHANAN were appointed managers on the part of the House at the further conference.

SECOND DEFICIENCY APPROPRIATIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on certain amendments of the Senate to the second deficiency appropriation bill, which was read, as follows:

Electric churns		4	1
Electric drills			1

* See footnote 2.

" grant-in-aid "—is thus ample to insure the financial soundness of this portion of the commission's activities.

bill, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 2, 1931.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 10, 33, 61, and 95 to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 23, and concur therein with an amendment as follows:

Before the period at the end of the matter inserted by said amendment insert the following: ", and this amount shall provide for the entire completion of such project and all objects of expenditure incident thereto."

That the House recede from its disagreement to the amendment of the Senate No. 25, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

"For the relief of the State of Florida as a complete contribution and reimbursement in aid from the United States induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such State through the damage to or destruction of Federal-aid highways and bridges by the floods of 1928 and 1929, imposing a public charge against the property of the State beyond its reasonable capacity to bear, fiscal year 1931, $65,000: *Provided*, That nothing contained in this paragraph shall be construed as an acknowledgment of any past or future liability on the part of the United States in connection with the restoration of such roads and bridges."

That the House recede from its disagreement to the amendment of the Senate numbered 37, and concur therein with an amendment as follows:

After the sum of $75,000 in said amendment insert the following: ": *Provided*, That nothing done in pursuance hereof or under the authority hereof, shall be construed to initiate or enlarge or constitute any water right or appropriation of water, or any priority of appropriation of water whatever."

That the House recede from its disagreement to the amendment of the Senate numbered 72, and concur therein with an amendment as follows:

After the word "February" in the matter inserted by said amendment insert the numerals "28."

That the House recede from its disagreement to the amendment of the Senate numbered 77, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"Paving Missionary Ridge Crest Road and Crest and Gap Road: For improving and paving the Government roads known as the Missionary Ridge Crest Road and the Crest and Gap Road in the Chickamauga and Chattanooga National Military Park, from the Lafayette Road, in the State of Georgia, to the Tennessee-Georgia State line, a distance of approximately 1.1 miles, fiscal years 1931 and 1932, $37,770: *Provided*, That no part of this appropriation shall be expended until the State of Georgia, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same concerned shall have given to the Secretary of War satisfactory assurances that immediately upon the completion of such improvements as may be made under this appropriation they will accept title to and maintain such portion of the roads under the provisions of the act approved March 3, 1925 (43 Stat. 1104), and the Secretary of War is authorized to convey title to such roads in accordance with the provisions of such act, except such portions thereof upon which have been erected by the Government or by States or by veterans' organizations or societies, monuments, markers, or tablets to mark and commemorate historic events connected with the battle."

That the House recede from its disagreement to the amendment of the Senate numbered 81, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

"Fort Pierce Harbor: For dredging the channel of Fort Pierce Harbor, Fla., fiscal years 1931 and 1932, $20,000: *Provided*, That no part of this sum shall be expended until local interests shall have agreed to maintain such channel upon completion of the dredging herein provided for."

That the House recede from its disagreement to the amendment of the Senate numbered 100, and concur therein with an amendment as follows:

In line 1 of the matter inserted by said amendment before the word "To" insert the following: "Sec. 7."

That the House insist on its disagreement to the amendments of the Senate numbered 14, 36, 44, 45, 46, 59, 66, 79, and 82, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. Mr. President, the House agreed to a tentative agreement in conference on amendments 23, 25, 37, 72, 77, 81, and 100. I move that the Senate agree to the amendments of the House to the Senate amendments.

Mr. ASHURST. Mr. President, this matter is debatable?

The PRESIDING OFFICER. It is.

Mr. ASHURST. I do not wish to debate. I seek information. Amendment numbered 24 reads as follows:

That for the purpose of carrying out the provisions of the second paragraph of section 3 of the Federal highway act as amended by the act approved June 24, 1930 (Public, No. 426, 71st Cong.), there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000 for the fiscal year ending June 30, 1932.

I now ask the chairman of the Committee on Appropriations what has become of that amendment?

Mr. JONES. Mr. President, the Senate conferees receded from that amendment with an amendment providing that the $3,000,000 we appropriated in the first deficiency bill should be continued available during the next fiscal year.

Mr. ASHURST. I thank the Senator for supplying the information.

Mr. ROBINSON of Arkansas. Mr. President, what is the motion of the Senator from Washington?

Mr. JONES. Mr. President, my motion is to agree to the amendments of the House to the Senate amendments numbered 23, 25, 37, 72, 77, 81, and 100, which the clerk has just read with the proposed changes by the House, which were tentatively agreed to in conference.

Mr. ROBINSON of Arkansas. I wish to ask the Senator what amendments would still be in disagreement.

Mr. JONES. Amendments numbered 14, 36, 44, 45, 46, 59, 66, 79, and 82. There are several of those amendments which are really awaiting the enactment of legislation which we hope will be passed to-day or to-morrow. I might say that there are practically only three actual disagreements. One of them is as to New Bern, N. C. One of them is Charleston, S. C. The other one is as to a building for the Court of Claims. Those are really the three important differences, which will still be in conference.

Mr. ROBINSON of Arkansas. Mr. President, with particular reference to amendment numbered 46, which relates to the improvement of shipbuilding ways in Charleston, S. C., there has been much discussion pertaining to that amendment, and the importance of adhering to the amendment was emphasized on the floor this morning.

It looks to me as if a process is being pursued by which the differences are being whittled down to a point where one or two amendments may be outstanding, then the usual course pursued, the body at the other end of the Capitol just saying, "We will not agree," and the Senate yielding.

Mr. JONES. I do not think the Senator need fear that in this instance.

Mr. ROBINSON of Arkansas. I am not criticizing the Senate conferees at all in connection with the matter, but I do wish to give all the emphasis at my command to the importance of that amendment, in view of its history, and to assure the Senate that this bill is by no means disposed of by any process or procedure which contemplates the elimination of that amendment.

It has been said repeatedly by one or two individuals that they desire to abolish that navy yard. It is the only navy yard on a long stretch of coast, extending for thousands of miles—2,600 miles, as is stated to me by the senior Senator from Tennessee [Mr. MCKELLAR].

As the Senator from Washington well knows, the correct policy is to test out by legislative authorization the right to abolish institutions of that character, not seek to do it by denying appropriations which are justified according to every rule of proper legislative procedure.

I hope the Senate conferees understand that this amendment, among others, is regarded as of great importance.

Now, I wish to inquire, if I may, concerning the amendment of the Senator from New York.

Mr. JONES. Mr. President, I think the Senate conferees fully appreciate the situation with reference to the Charleston matter.

Mr. MCKELLAR. Mr. President, will the Senator yield to me to make a brief statement with reference to that matter?

Mr. JONES. Certainly.

Mr. MCKELLAR. The Charleston Harbor matter came before the Senate and before the conferees on the first deficiency bill, and it appeared, when we went into conference, that there was no Budget estimate and no recommendation from the department.

The conferees assured the senior Senator from South Carolina [Mr. SMITH] that if he would get a Budget estimate and a recommendation from the department the matter could be taken care of in the second deficiency bill. I regarded that as a gentleman's agreement, and I know every Member of the Senate takes the same position about it. Yet the House conferees did not remember it that way, and we are in that position about it. I just wanted to make that explanation as to the true situation.

Mr. SMOOT. Mr. President, I agree with the Senator from Washington, the chairman of the Committee on Appropriations. I know the importance of this matter, and I know that every one of the conferees on the part of the Senate is going to hold for that amendment.

Mr. ROBINSON of Arkansas. Mr. President, with that assurance I pass to the other question, the amendment which was discussed also when the conference report on this bill was considered and favorably acted on this morning, the amendment offered by the Senator from New York [Mr. WAGNER].

Mr. JONES. Mr. President, that is in disagreement, and will go back to conference.

Mr. ROBINSON of Arkansas. That is still in disagreement, as is the one just discussed?

Mr. JONES. Yes.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. TRAMMELL. I have just read over hurriedly the report on amendment No. 25. There seems to have been some misunderstanding in regard to the facts about this matter. There is a disposition, as I understand, on the part of the conferees of the House to restrict the amendment to expenditures for 1929 on the Federal road in Florida. That was the intention of the conferees. But I am informed by Members of the House from my State that the actual expenditures during 1929 were $80,000 plus. The report provides for $65,000 in round figures. I would like very much, if it could be done, to have this particular amendment go back for further consideration by the conferees, so the amount could be fixed at the actual expenditures for 1929.

Mr. JONES. Let me say to the Senator that the tentative agreement made in conference yesterday was $65,000, which would settle the whole proposition. I conferred with the Senators from Florida and told them of that, and they expressed their concurrence in it, not because they thought it was all they ought to have, but probably all that could be obtained. That was the tentative agreement in the conference—$65,000 settling the whole proposition without special reference to one or two years.

Mr. TRAMMELL. That was upon the basis that that was the actual amount expended in 1929.

Mr. JONES. No; not at all.

Mr. TRAMMELL. If the Senator does not feel inclined to take it back and do justice by my State, I am going to make a motion to reject the report in regard to that item. Representing in part our State, I do not propose to have the amount fixed at $65,000 when the expenditures were $80,000 and more, and when every other State in the Union has been settled with upon the basis of actual expenditures. Furthermore, there is in the report a most reprehensible effort to bar my State from any future claim against the Government. We are asked to settle upon the basis of 1929, and there is a provision in the report that we shall accept it in full settlement for the years 1928 and 1929. We do not care so much about the $65,000. The road fund in my State amounts to $15,000,000 or $20,000,000 per annum. But before we are held up in any such way I am going to move to reject the report on that item.

Mr. JONES. If the Senator desires it rejected and sent back to conference, that is all very well with me. The chances are we will not get the House conferees to agree to anything.

Mr. TRAMMELL. Does not the Senator think it is a great injustice to the State of Florida to attempt to write into the bill a revised amendment of this character containing a provision that the amount shall be accepted as full settlement for 1928 and 1929 when, in fact, it only applies to 1929 and is a less amount than we expended in 1929?

Mr. JONES. There is really no obligation upon the Government to do anything. It is simply and purely a donation.

Mr. TRAMMELL. There is no legal obligation.

Mr. JONES. We have done it for other States, and that is why it appealed to us that we ought to do it for Florida. But, as a matter of fact, it is simply a donation, just as the other was donated. As we donated to some of the other States, we felt that we ought to donate to Florida.

Mr. MCKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. I yield.

Mr. MCKELLAR. I want to say to the Senator from Florida that it happened in just this way: The Senate conferees stood as strongly for the amendment for $134,000, as I remember the amount, as they could. It was a subject of disagreement all during the conference. On the last day of the conference one of the conferees reported that a Congressman from Florida——

Mr. JONES. Let me suggest right there that the legislation relating to Florida has not yet passed.

Mr. MCKELLAR. No; it has not. This Florida Congressman said they would be entirely willing to accept $65,000 in full settlement of the matter, and thereupon the Senate conferees induced the House conferees to agree tentatively that we would accept the figure and they would accept, provided we got assurance from the two Florida Senators that they were willing to follow the suggestion of the Congressman from Florida. That is the reason for this particular report. I want to say to the Senator from Florida that he is mistaken in criticizing the conferees because the Senate conferees to a man stood out for the item.

Mr. TRAMMELL. I am not criticizing the conferees. I assure the Senator from Tennessee and the chairman of the Appropriations Committee that I did not mean it in the nature of a criticism.

Mr. JONES. I did not take it in that way.

Mr. TRAMMELL. I am criticizing the report as made, and I approached the subject by stating that it was done upon misinformation in regard to the amount expended for the year 1929.

Mr. JONES. Does the Senator want the agreement with reference to amendment numbered 25 rejected?

Mr. TRAMMELL. I would like to have it reconsidered by the conferees.

Mr. JONES. Then it would have to be rejected.

Mr. TRAMMELL. I understand the Congressman who gave this information, which was really misinformation, mentioned it to the conferees on the part of the House. I do not think the House Members ever intended to reduce the amount from the expenditures made in 1929. When they put it at $65,000 they really did just that thing. It would give an opportunity to try to get that corrected if the matter went back to conference. I am not blaming the Senate conferees. I think they have done the best they could, but I think that the amendment should be revised to strike out that provision which requires $65,000 to be accepted in full settlement for 1928 and 1929.

Mr. JONES. I want to say to the Senator again, as I said a moment ago, that we can take the matter back. The Senate conferees stood for the whole $134,000. If it goes back to conference I think the probabilities are that we will not be able to get any agreement on the part of the House for any sum. They stand pretty strongly on the proposition that while the bill has passed the Senate it has not passed the House, and that there is no legislation authorizing Congress to appropriate the money for the State of Florida. The bill did not pass the Senate at this session, and therefore the item would not be in order, even under our rules. I am simply stating to the Senator from Florida the situation in order that he may appreciate it.

Mr. TRAMMELL. I appreciate the situation and I also appreciate the fact that there are a good many other items

The PRESIDING OFFICER. It is.

in the bill that have not heretofore passed in the formal procedure relating to legislative enactment.

Mr. JONES. Oh, yes; practically all of them have passed and the bills have been signed since this bill went to conference.

Mr. TRAMMELL. I am not criticizing the Senate conferees.

Mr. JONES. I appreciate that.

Mr. TRAMMELL. But the Senator must realize that it is taking an undue advantage of a sovereign State to attempt to write into an amendment that the State has to accept that amount in settlement for 1928 and 1929 when the amount fixed is based entirely upon 1929.

Mr. JONES. If the Senator desires the item rejected, I am perfectly willing to have the Senate reject it.

Mr. TRAMMELL. I would like to have it rejected and further considered, and I will take the responsibility for it if it can not be changed as it should be changed.

Mr. JONES. Very well; then I ask the Senate to reject the amendment.

Mr. WAGNER. Mr. President, I want to urge as strongly as I can upon the conferees on the part of the Senate that they insist upon the amendment which is now in dispute and have it included in the second deficiency appropriation bill, providing for an appropriation for the unemployment exchange bureau erected by a bill now pending before the President. I see no reasonable objection to the amendment, but in the event that the President should decide at the last moment just before the adjournment of Congress to approve that bill he would be unable to do it because no appropriation would have been provided. The amendment is conditioned upon the approval of that bill. In the event the bill is not approved, the appropriation becomes absolutely ineffective. I see no reasonable ground for objection on the part of any of the conferees to the inclusion of this particular item.

Mr. JONES. I appreciate the thought the Senator has in mind. I now move that the Senate agree to the House amendments to the amendments of the Senate numbered 23, 37, 72, 77, 81, and 100.

Mr. KING. Mr. President, I want to ask the Senator a question, if I may, before the motion is put. What disposition was made of the provision on page 5 providing for a joint select committee on postal affairs?

Mr. JONES. The Senate receded.

Mr. KING. Has that been disposed of?

Mr. JONES. It has been disposed of. The House was adamant. The Senator from Tennessee [Mr. McKELLAR], with the other Senate conferees, stood as long as it seemed possible that something might be accomplished, and then we had to recede.

Mr. McKELLAR. Mr. President, if the Senator from Washington will permit me, I will say to the Senator from Utah that the House objected to a joint committee and insisted upon having a committee of its own. We found that it would be impossible to get the item included. If the Senator will look on page 2 of the bill, he will see an additional appropriation of $50,000 for the contingent fund of the Senate. I have a resolution pending for the purpose of directing such an investigation. It will be recalled that the Committee to Audit and Control the Contingent Expenses of the Senate reported that they had no great balance in the contingent fund. This amount has been given to them in addition to what they had already in the fund.

To-morrow I am going to move to have the Senate Committee on Post Offices and Post Roads make the examination. I am quite sure the Senate will agree to that because the Committee on Post Offices and Post Roads has already by a vote of 15 to 2 recommended that the investigation be made, and now that the money is in the contingent fund there seems to be no reason why the Senate should not adopt the resolution.

Mr. KING. I think the Senator from Tennessee is entirely too optimistic in expecting to secure the adoption of the resolution upon the morrow. I wish he would move that the Senate insist upon this amendment.

Mr. JONES. But it has already been disposed of. The Senate agreed to it in adopting the conference report this morning.

Mr. KING. I was not in the Chamber at the time.

Mr. JONES. All of the amendments except those which I just mentioned have been agreed to.

Mr. KING. Then with respect to this item the only remedy we would have would be when the matter is finally before us to move to reject the entire conference report?

Mr. JONES. Of course this item has been finally disposed of. If we are unable to agree on any one amendment, it would defeat the whole bill.

Mr. KING. There is so much evidence before the committees and before the Senate with respect to the improvidence of some of the postal contracts and some of air mail contracts that it did seem to me this provision was imperatively required and that it ought to have received the unanimous approval of both branches of Congress.

Mr. JONES. As a matter of course it can be dealt with otherwise.

Mr. McKELLAR. I thank the Senator from Utah for his interest in the matter, and I assure him the Senate will have an opportunity to vote on the matter before we adjourn.

Mr. BARKLEY. Mr. President, I want to inquire of the Senator from Washington whether amendment numbered 79 is still in disagreement?

Mr. JONES. It will be whenever we get the report sent back to conference.

Mr. BARKLEY. I hope it will not be in disagreement long.

Mr. JONES. I hope so too.

Mr. KING. Mr. President, I want to ask the Senator from Washington what disposition was made of amendment numbered 36?

Mr. JONES. To what does that amendment relate?

Mr. KING. The amendment relates to advances to the reclamation fund and carries an appropriation of $5,000,000.

Mr. JONES. That amendment is still in disagreement, pending action on the proposed legislation.

Mr. KING. What action was taken as to amendment 37, relative to secondary projects?

Mr. JONES. Amendment numbered 37 has been agreed to with an amendment which was prepared, I think, by the Senator from Colorado, and which was accepted by us and also by the House.

Mr. KING. What action was taken on amendment numbered 38.

Mr. JONES. To what does that amendment relate? It evidently has been agreed to.

Mr. KING. It relates to the North Platte project.

Mr. JONES. That amendment was agreed to; the House concurred in that amendment.

Mr. KING. I think that completes the questions I desired to ask the Senator from Washington.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

The motion was agreed to.

Mr. JONES. Mr. President, I move that the Senate insist upon its amendments numbered 14, 25, 36, 44, 45, 46, 59, 66, 79, and 82; agree to the conference asked by the House; and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JONES, Mr. SMOOT, Mr. HALE, Mr. GLASS, and Mr. McKELLAR conferees on the part of the Senate.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention at Berne for the Protection of Literary and Artistic Works.

Mr. HEBERT. Mr. President, was the amendment proposed by the Senator from Washington [Mr. DILL] adopted?

The PRESIDING OFFICER. The amendment was agreed to. The clerk will proceed with the reading of the bill.

The Chief Clerk resumed and continued the reading of the bill to the end of line 14, on page 4.

Mr. BLAINE. Mr. President, I desire to ask unanimous consent, if there is an order requiring the formal reading of this bill, that it may be set aside and that the Senate proceed to the consideration of the committee amendments as is ordinarily the case.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent that the formal reading of the bill may be dispensed with, and that the Senate proceed to consider committee amendments.

Mr. KING. I do not think that will facilitate the consideration of the measure.

The PRESIDING OFFICER. Objection is made.

Mr. BLAINE. Mr. President, if the Senator from Utah will withhold his objection, I desire to say that this is an unusual proceeding. I have seen it followed but once during this entire session. We have only until noon on March 4 to dispose of very vital legislation, legislation that is extremely important to the greatest industry of the United States, and it is quite unusual to have a bill read in full. I hope the Senator from Utah will withdraw his objection to the request that I have made.

Mr. KING. Mr. President, what the Senator from Wisconsin says has perhaps been true with respect to this session, but it is very frequent that the request is made that a bill be read textually. Here is a bill of fifty-odd pages. I doubt if there are half a dozen Senators who have read the bill in full. It proposes to change important laws. It is an exceedingly important measure. So far as I am concerned, I should like to see it, with some amendments, pass and shall do what I can to facilitate its consideration, but I feel that we shall get along more rapidly by the reading of the bill. That will acquaint Senators with its provisions.

Mr. DILL. Regular order.

The PRESIDING OFFICER. The clerk will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Patents was, on page 4, line 17, after the word "work," to insert "or motion picture," so as to make the clause read:

(h) To produce, reproduce, perform, represent, or exhibit said work publicly if it be a dramatic or dramatico-musical work or motion picture in any manner or by any means or methods whatsoever.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 7 on page 5.

Mr. KING. I desire to ask the Senator a question for information. Many complaints have been made to me that this provision and other provisions of the bill resurrect, if I may use that expression, productions that are now in the public domain, and bring them within the operations of the copyright act and afford protection to persons even though the authors have been dead perhaps for many years.

Mr. HEBERT. The contrary is true, and the textual requirements of the bill are such that that can not be so, as the Senator will see if he will follow the reading——

Mr. KING. I am trying to do so.

Mr. HEBERT. Of line 1 on page 5, which provides that published and unpublished works shall be copyrighted, provided they are not in the public domain on the date when this bill goes into effect. If they are then in the public domain, they stay there, and do not secure copyright by the enactment of this legislation.

Mr. KING. Supposing a work were written 35 or 40 years ago and copyrighted; it would come within the provisions of this bill and be protected, would it not?

Mr. HEBERT. If it had gone beyond the date when the copyright was to expire under the present law, then it would go into the public domain, and under the provisions of this bill would not be copyrighted.

Mr. KING. But if this bill should pass while a production is alive, if I may use that expression, that is to say, the copyright has not expired though the work was written 40 years ago, it would be revived and would come under the provisions of this bill and would be extended—for how long?

Mr. HEBERT. It would not be revived, but it would extend for the full period fixed in this bill for copyrights.

Mr. KING. For 70 years additional, or 70 years in all?

Mr. HEBERT. For 70 years in all.

The VICE PRESIDENT. The clerk will resume the reading.

The legislative clerk resumed the reading of the bill.

The next amendment of the Committee on Patents was, on page 6, after line 7, to strike out:

SEC. 3. Where any work, except a dramatico musical or musical work, is created by an employee within the scope of his employment, his employer shall, as author, be the owner of the copyright in such work, in the absence of agreement to the contrary; but this provision shall not apply to works created on special commission where there is no relation of employer and employee, unless the parties shall agree otherwise.

And in lieu thereof to insert:

SEC. 3. In the absence of agreement to the contrary where any work is created by an employee within the scope of his employment his employer shall, as author, be the owner of the copyright in such work; but this provision shall not apply to works created under special commission where there is no relation of employer and employee, unless the parties agree otherwise.

Mr. TRAMMELL. Mr. President, I find on page 9 a provision which it seems to me conflicts with the plain provisions of the amendment which has just been read. Under section 3, as it is proposed to be amended, the work produced by an employee would be under the authorship of the employer if it was in the course of his employment; but on page 9 we find an amendment which goes even further. On that page, beginning in line 8, there is a proviso which reads:

Provided further, That the benefits of this action—

That is, the right to sue—

shall not inure to any copyright owner who, when he makes such claim, is in the employment or service of the Government of the United States or the assignee of any such author.

In other words, we give the employer the right to any discovery or any production made by the employee and make the employer the author if the work is produced in the course of his employment, which is probably all right, although I think the provision is quite favorable to the employer, and does not contain the proper safeguards for the employee. However, the bill then goes further in the next amendment and provides that an employee shall have no right to sue the Government or to sue the assignee, for an infringement if he happens to be in the employ of the Government or of the assignee, and it is not related to a production that was made in the course of his employment, but just the mere fact that he is an employee of the Government or of the assignee precludes his right to sue them for an infringement of a copyright which he may have copyrighted even prior to entering that employment. I think that ought to be corrected. I have no particular objection to the adoption of the amendment we are considering at this moment, but I am merely calling attention to what appears to be an inconsistency in the two amendments bearing upon the same subject.

Mr. HEBERT. Mr. President, let me say to the Senator from Florida that the amendments are quite different in their scope and in their effect and in their operation. If the Senator has no objection to the present amendment, let me suggest that we proceed; and when we reach the amendment on page 9, to which the Senator appears to have objection, I will explain it, I think, to his satisfaction.

Mr. TRAMMELL. I think, of course, there is a difference. One is dealing with the question of a remedy, and the other is dealing with the question of the rights between employer and employee; yet they are so interwoven that I think they should be considered together. However, so far as I am concerned, it is all right to adopt the other amendment first.

Of course, had I been writing that amendment, I would have had a little more regard for the employee, and would

have tried to give him greater protection, instead of endeavoring to give every right and every benefit to the employer against the scientific and the deserving employee who might be working for him. This provision gives decided favor to the employer as against the author or composer.

Mr. HEBERT. That is so only in a measure. If the Senator will read that amendment, he will find that in the absence of agreement to the contrary that would be so; but there is nothing to prevent a writer under a contract of employment from agreeing with his employer that he shall retain the copyright in that which he produces in the course of his employment. That is precisely what the committee had in mind when it made this amendment, so that it would be brought clearly to the attention of the employee that he may protect himself by whatever contract or agreement he may see fit to make with his employer.

Mr. TRAMMELL. Oh, of course he has the privilege, if he can procure it, of making an agreement; but the employer in a large measure will dominate and control the situation to such an extent that the author will have but little opportunity to procure that agreement.

Take the situation at the present time: One of the big institutions which has a monopoly in this particular field requires authors to submit copy on probation. They pass on it, and they criticize it, and they do not give the authors any very due consideration. I think that the so-called agreement privilege will be of but little value to the authors and the producers of the country, especially those who have not the finances necessary to promote their own endeavors. It will work to the advantage of organizations and associations of a monopolistic tendency and to the detriment of the authors of the country.

I have not, however, prepared an amendment on this subject, and I do not think I shall object to the adoption of this amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The VICE PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed, beginning on page 6, line 23; and the legislative clerk read as follows:

SEC. 4. Copyright secured by this act shall extend to any work subject thereto to the extent to which it is original, notwithstanding it is based in part upon or incorporates in whole or in part some previously existing work: *Provided, however*, That such use shall not extend the copyright, if any, in such previously existing work nor recreate copyright therein and the enjoyment and exercise of such copyright shall be subject and without prejudice to the rights of the owner of the copyright, if any, in the previously existing work and/or of anyone deriving or who has derived any right or rights from said owner. This section shall not apply to works referred to in section 5 of this act:

The LEGISLATIVE CLERK. On page 7, line 9, the committee proposes, after the word "act," to insert the following proviso:

Provided, That nothing in this act shall prevent the fair use of quotations from copyright matter, provided credit is given to the copyright owner, unless the copyright owner has expressly prohibited such quotations from the copyright work in whole or in part.

Mr. TRAMMELL. Mr. President, I desire to offer an amendment to the amendment. On page 7, line 11, beginning with the word "provided," I move to strike out the remainder of lines 11, 12, 13, and 14, in the following words:

Provided credit is given to the copyright owner, unless the copyright owner has expressly prohibited such quotations from the copyright work in whole or in part.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Florida to the amendment of the committee.

Mr. TRAMMELL. Mr. President, I desire to say a word or two in regard to my amendment.

This is the section which deals with the question of quotations from any copyrighted matter. The amendment, as proposed by the committee, provides as follows:

Provided, That nothing in this act shall prevent the fair use of quotations from copyright matter, provided credit is given to the copyright owner, unless the copyright owner has expressly prohibited such quotations from the copyright work in whole or in part.

In other words, if a person desires to quote from any copyrighted matter, he first has to ascertain who holds the copyright. Under the provisions of this bill, it is proposed to do away with the registration of copyrights in the copyright office, as is done at present, and to establish the automatic copyright system. Therefore, in order to quote as authorized by this proposed amendment which I am criticizing, it is necessary to ascertain who holds the copyright, either in America or in any foreign country which has a copyright system.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Washington?

Mr. TRAMMELL. I yield.

Mr. DILL. I desire to call the attention of the Senator to this part of the amendment:

Unless the copyright owner has expressly prohibited such quotations from the copyright work in whole or in part.

That much of the amendment would require that the copyright owner give notice to the effect that no quotation should be made, in whole or in part; and let me call the attention of the Senator to the reason why that provision is in there.

The Senator, I think, is familiar with newspapers and magazines that spend large sums of money to send some writer to some part of the world to secure a certain article; and in order to protect them against being copied and quoted, after they have spent all this money for it, they will place on their copyrighted matter, "Reproduction prohibited, in whole or in part."

It seemed to the committee that we ought not to take away the encouragement that there is to the man who copyrights matter of that kind to have it for his own publication; and the objection which the Senator raises would not apply, because, if he had expressly prohibited reproduction, he would have his name on the matter necessarily, and the expression would be there. I call the Senator's attention to that fact; but that would not apply to the ordinary copyright.

Mr. TRAMMELL. What does the Senator think of the other provision, which says: "Provided credit is given to the copyright owner"?

That would not apply to productions of the character of which the Senator is speaking.

Mr. DILL. No; the Senator is right. It would not apply to any other, unless they had expressly prohibited it.

Mr. TRAMMELL. In other words, some newspaper writer is preparing an article upon some public policy, and he thinks probably his views can be more or less accurately expressed in connection with that article by a quotation from some particular poem. The writer of the story or the writer of the editorial says, "I have heard a little poem which I think is very apropos, and expresses this situation very admirably"; so he writes in his editorial:

Some poet has said—

And then he quotes one or two or three verses of the poem. He has violated the provision of the copyright act as it is proposed to enact it at the present time, because it requires that he must give credit to the copyright author of that production. How is he going to find the copyright author? He can not find his name in the registration any more, because under the proposal of this bill that is abandoned. He has violated the provisions of the copyright law as it is proposed to enact it at this time.

That inexcusable provision is what I want to get rid of. I would not infringe upon any author's production. I believe in giving them ample and reasonable protection; but in deliberating upon the situation we should use a little common sense. We should consider before there are surrendered the ordinary rights of the editorial writers of the country and of the American citizen in the exercise of free speech; and yet those who favor the pending provision would put him in a position where he could not even quote anything without violating this new copyright law.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Utah?

Mr. TRAMMELL. I do.

Mr. KING. I invite the Senator's attention to the words "the fair use" of copyrights. What is a fair use of a copyright?

Mr. TRAMMELL. That, of course, is going into a field of doubt and of uncertainty.

Mr. HEBERT. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Rhode Island?

Mr. TRAMMELL. Certainly.

Mr. HEBERT. The fair use of copyright has a well-recognized meaning in the law. All publishers know what it is, and all publishers recognize it, and all publishers respect it. There never is any difficulty about that.

Mr. TRAMMELL. I think the Senator probably is wrong about that. He talks about what the publishers are aware of. I dare say that there are not a half a dozen editorial writers in America out of every 50 of them who know what that means—I mean, in law—and it is no reflection upon them, either, or upon their intelligence. They are a very intelligent class of people and remarkably well posted in a general way; but, generally speaking, they would not have any conception or knowledge of that particular technical meaning.

I should like to know what the Senator from Rhode Island thinks it means. Can he give us in a very succinct, concise expression what it means?

Mr. HEBERT. It means that you can cull from an article or a poem some few lines, or a stanza, or a paragraph, to set out the meaning or to give effect to that which has already been stated in an article. You can supplement that which you yourself have advanced in any article by quoting somebody else as having said so and so.

Mr. TRAMMELL. Why does the Senator say that? A person can not even quote that unless he gives the copyrighted author credit.

Mr. HEBERT. It is not intended that way, Mr. President. For instance, if the Senator were going to make a speech, and quoted from some poem or quoted from an editorial or quoted from an article in a newspaper which was copyrighted, he would not be called upon to answer for a fair quotation from that.

Mr. TRAMMELL. I may or I may not be called upon to answer for it. Suppose I am invited to make an address at a county fair or a State fair down in my State, and they charge admission to the building. I care nothing about myself personally. I am speaking now for the interest of the American people and the authors of the country and the publications of our country, newspapers and other publications. I may be making an address, and there may be an admission fee charged, not on my account, but to promote a voluntary, nonprofit enterprise carried on in my State. I may think of something which I felt would be very appropriate. I can not recall the author of every poem, a part of which I may have remembered. I may quote from some author touching upon the wonderful position and importance of agriculture in the welfare and prosperity of our Republic. I have heard a good many speakers quote striking and forceful utterance of this character at agricultural fairs where a charge was made for admission at the gate. Yet, unless the speaker produced the copyright author's name, he violates the provision contained in this amendment. Yet under such circumstances some person who is trying to monopolize and control and dominate the productions of the authors of this country, if he is so unscrupulous—and there are many unscrupulous people who are feasting upon the genius of the able authors—could say to the fair people, "We think that that fellow, Jones, or Smith, or whoever it might have been, has violated the copyright law, and you have to pay so much money for it." That is possible and probable under the provisions of this amendment.

That is what I object to. I do not want the possibility open for any infringement of others' rights, but I say we should not go to an unreasonable extent, where the remedy would be worse than the disease, and I think there are a good many provisions in this bill about which that could be truthfully said. I feel that this provision is all wrong.

Mr. DILL. Mr. President, will the Senator yield to me?

Mr. TRAMMELL. I yield.

Mr. DILL. I want to say to the Senator that this amendment has a history which explains, probably, a part of the difficulty in understanding it and getting just what its meaning is.

The amendment was first proposed by the Literary Digest representative, because they wanted the privilege, under the law, of making fair quotations from newspapers and magazines throughout the country in their articles, and that applies to a number of digest publications which appear.

Their amendment as proposed provided for fair quotations in book reviews and newspapers. A few days after the matter was discussed in the committee, one of the Senators called my attention to the fact that under that amendment one could not quote anything over the radio, or in a speech, without being liable under that provision. So I had inserted in it the provision about the radio.

I think a little later somebody came to the Senator from Rhode Island—as I recall it, he spoke to me about it—and wanted the privilege extended to text-book publishers. So, in order to simplify the matter, we struck out the restrictions and simply provided that a fair quotation might be made from copyrighted matter, provided credit were given to the copyright owner.

The Senator raises a question which is rather in point, but I think the way to reach it would be, not by striking out this language, but by adding a proviso, that this shall apply to printed matter, and possibly matters spoken over the radio for profit. I am very fearful about the dangers of copyright infringement under this bill. It is so broad that language can not make it any broader, and nobody wants to give the owner of a copyright the power to penalize the people who simply want to make fair quotations. So it seems to me that the Senator might, by a proviso at the end of this language, rather than striking out these words, provide that this measure shall apply to printed matter, or words quoted for profit. In other words, we ought to somewhat free the public in the use of quotations. Yet we should not allow printed publications to quote without giving credit to the copyright owner.

Mr. HEBERT. Mr. President, let me suggest to the Senator from Florida that if he will prepare an amendment, providing it is satisfactory to him, along the line suggested by the Senator from Washington, we may pass this over for the time being, and it can be taken up later on at the request of the Senator from Florida.

Mr. TRAMMELL. That will be perfectly agreeable to me. I will confer with the Senator from Washington in regard to the matter.

The VICE PRESIDENT. The amendment will be passed over. The clerk will continue the reading.

The legislative clerk resumed the reading, the next amendment of the committee being on page 7, lines 21 and 22, where the committee proposes to strike out the words "the publication" and insert in lieu thereof the words "such copyright," so as to read:

SEC. 5. Any compilation, abridgment, adaptation, arrangement, or dramatization of a dramatico-musical or musical work, if the same be a work in the public domain, or of a copyright dramatico-musical or musical work when produced with the consent of the proprietor of the copyright in such work, shall be regarded as a new work subject to copyright under the provisions of this act; but such copyright of any such new work shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works; nor shall copyright exist in the original text of any work which is in the public domain.

Mr. McKELLAR. Mr. President, I do not know whether that is the section about which I want to ask a question, but there is a question I desire to propound.

May any transferee of a composition have it copyrighted, or is the copyright privilege allowed only to the man who composes the piece of music, for instance?

Mr. HEBERT. Mr. President, an author may transfer all his rights in a work, and then have the assignee copyright it.

Mr. McKELLAR. Why should that be allowed? It seems to me that we are going a long way if we allow people to go around and buy up pieces of music which other people compose and have them copyrighted, and charge the public on the music itself, then charge the musicians for producing the music, and then charge the hearers for hearing the music. That is away beyond what was intended by the fathers who prepared our Constitution. I do not think that that is right.

Mr. HEBERT. Mr. President, that is the law now, and has been since shortly after the Government was founded.

Mr. McKELLAR. It is immaterial whether it is or not. I do not think it is the law. If it is, it would not be taken care of in this bill, in my judgment.

Mr. HEBERT. It is the law, and one could not proceed in any other way if that provision were not made.

Mr. McKELLAR. I am told that the original composer of music may get very little for it. It is generally bought up for a song and then copyrighted and put on the market probably under the name of another person than the composer. If such is the case, that should not be permitted. Why should a man who has not composed any music—and I just take music for an example—one who merely has the money to buy what some poor devil has already composed, have a monopoly for all time, as he would have, virtually, under this measure? To my mind we are asked to go far beyond anything ever contemplated by those who provided for this matter in the Constitution. Does not the Senator think so?

Mr. HEBERT. I do not, Mr. President, because ordinarily an author is not very well fortified with the necessary finances to take care of the publication of his own works, and that is more true in the case of composers than in a case of authors, if I am not very much mistaken. Of course, again, the better the work, the more profit the author derives, because in a large number of instances such works are sold on a royalty basis, and the more copies there are sold, the more money is paid to the author as a return for his composition.

Mr. McKELLAR. It has been a long time since my attention was called to the constitutional provision, but I can get it in a moment. The Constitution provides:

> To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries.

Under the terms of this bill no attention whatsoever is paid to authors. There is simply a proposal to provide so that financial concerns can buy from authors as they please, and then get all the emoluments on what the authors have created. To my mind there ought to be some provision in this bill looking after the authors, if Senators want to do something really worthy, want to do something according to the Constitution. The authors ought to be looked after. I understand that the poor devils sell their productions for whatever they can get, to a great organization in New York, and that organization gets the copyright, or would under this bill, if I understand it correctly.

Take a piece of music as an illustration. They would get a royalty. If that music is used by some company or orchestra, they have to pay for it. Those who hear the music have to pay for it. Does the original author who is provided for in the Constitution receive any benefit? Not one time in a thousand. He is left out entirely. In the words of the Constitution, you are not "promoting the progress of science and useful arts" by the many ramifications of this bill. I am inclined to think that this is a very dangerous bill.

I want to say, while I am on my feet, if the Senator from Rhode Island will permit me, that in so far as copyrighting a book written by Mrs. Eddy is concerned, I would be very happy to agree to a resolution looking to that end. That ought to be done, I have no doubt, and I for one would be delighted to vote for such a resolution. But when it comes to creating a monopoly, one of the worst kinds of monopoly, on compositions of authors, when there is no provision made for the protection of productions of authors, I am against it. If you want to do something for the authors in order to encourage, in the words of the Constitution, "the progress of science and useful arts," why is not some provision made for those authors? We ought to provide that if they should dispose of their compositions, after they have disposed of them they should have a part of the royalty, at any rate.

I understand royalties are charged all the way along down the line, all the way. Out to the remotest country districts in the land everyone who listens to music has to pay for listening to the music.

I have my grave doubts about this bill. I am rather inclined to think I am not going to vote for the bill under the circumstances.

Mr. TRAMMELL. Mr. President, I think that the Senator from Tennessee has expressed a very appropriate view in regard to the measure and made a criticism of it to which it is meritoriously subject, and that is that it goes beyond the intention of the constitutional provision under which we enact such legislation. I am just going to read briefly from a line of decisions relating to the Constitution. The courts' decisions upon this question are summarized in a headline and a number of citations given in support of it. This author, writing the annotations of the Constitution, upon this particular provision of the Constitution says that—

> This power is given not generally but only as a means to this particular end, hence it expressly appears that Congress is not empowered by the Constitution to pass laws for the protection or benefit of authors and inventors except as a means to promote science and useful arts.

This measure, in my humble opinion, is not taking very much care of the authors, but it is trying to take care of those who would monopolize and dominate the field of literature and of art, giving every advantage to those who are speculating upon the talent, the productions, and the creations of the authors of our country. I think it goes beyond the intent and purpose of the constitutional provision.

Mr. KING. Mr. President, I want to ask the Senator from Rhode Island a question with reference to the words "original text" on page 8, line 2. Would that mean that a work which was in the public domain and was translated into some other language, or part of it translated into some other language, would be brought within the copyright act?

Mr. HEBERT. It would. That provision of the bill is meant to apply to those cases where any part of a work in the public domain is used in a new work. That part of the work in the public domain does not by that fact become copyright. Only the new material in the work is copyright. The material that is in the public domain at that time remains in the public domain.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. HEBERT. I yield.

Mr. McKELLAR. Generally speaking, in so far as composition which can be copyrighted is concerned, is not the bill along the same line and for the same purpose as the Capper-Kelly bill?

Mr. HEBERT. I am not familiar with the Capper-Kelly bill.

Mr. McKELLAR. That bill gives the manufacturer the right after he sells his goods to fix the prices to the ultimate consumer. Does not this bill virtually do the same thing?

Mr. HEBERT. The copyright, by the section which has just been read, is distinct from the work itself. If I own a copyrighted book and I sell the Senator a copy of that book, I do not by that transaction sell him my copyright; I merely sell him a copy of the book.

Mr. BLACK. Mr. President, I desire to ask the Senator from Rhode Island a question in regard to section 6. I notice the latter part of the section refers to photographs and portraits. Is it true that under this section the very moment a portrait is taken the photographer automatically has a copyright?

Mr. HEBERT. The section provides otherwise unless there is an agreement to the contrary.

Mr. BLACK. In other words, if under this bill a man happens to have a portrait taken and does not stipulate in advance with reference to his portrait the photographer would have a copyright on his portrait for 70 years. Is that correct? In other words, the man who happened to have the portrait taken could not use it for 70 years, even for a cut to be used in a newspaper?

Mr. HEBERT. The language of the bill is very specific on that point. On page 8, in line 10, it is provided—

> Except in the case of photographic portraits made for hire or on commission, in which case, in the absence of written agreement to the contrary, the copyright shall vest in the person whose portrait is reproduced or his legal representatives.

Mr. BLACK. In other words, if the portrait was taken without the individual paying anything for it, then for 70 years the photographer, his successors and assigns, would have the copyright automatically?

Mr. HEBERT. The Senator can not read that construction into the section.

Mr. BLACK. That is what I understood the Senator to say.

Mr. HEBERT. Except in the case of agreement to the contrary, the copyright on the photograph belongs to the subject of the photograph.

Mr. BLACK. I desire to call the attention of the Senator from Rhode Island to the fact that the exception to which he refers is only in case the portrait is made for hire or on a commission. In cases where it is not made for hire or on a commission the photographer would have automatically a copyright on the portrait.

Mr. HEBERT. That is true.

Mr. BLACK. So if some one happens to come to the Senator's office and takes his picture, and he does not pay them for it, and later on he should desire to use it for the purpose of having a newspaper cut made, he could not do it for a period of 70 years without infringing on their copyright.

Mr. HEBERT. He would have the copyright in the photograph which he took.

Mr. BLACK. It would be automatically a copyright for 70 years?

Mr. HEBERT. Yes.

Mr. BLACK. The mere fact that he takes the portrait and the Senator did not happen to pay him for it at that time would give him for 70 years the right to deprive the Senator of the use of his own picture.

Mr. TRAMMELL. In other words, if some one came to the Senator's office and obtained his photograph and then furnished him with one or two copies of the photograph and later on some newspaper man came along and asked for a photograph for the purpose of having a cut made and the Senator turned it over to the newspaper and the newspaper made a cut from it, the newspaper would then be subject to damages on account of the photograph made by the photographer.

Mr. BLACK. Unquestionably; and if the Senator happened to show that photograph to some one he would be infringing on the copyright.

May I ask the Senator another question?

Mr. McKELLAR. Mr. President, before the Senator leaves that point I would like to ask the Senator from Rhode Island a question.

Mr. BLACK. Very well.

Mr. McKELLAR. Surely the Senator from Rhode Island does not want us to enact a law like that. Will he not accept an amendment striking out that provision? It would lead to a very remarkable situation. Men in public life are frequently called on for a photograph and we would never know whether we were violating a copyright and making ourselves liable for damages. It would probably stop the giving away of photographs by public men and by actresses, the latter being very greatly interested in advertising, as we know. They send out thousands and thousands of photographs and I think that they as well as the political public should be protected somewhat in this matter. I do not think they ought to be subjected to lawsuits when they give away their own photographs or portraits for any purpose.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5624. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky.;

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games;

S. 5781. An act granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park;

S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;

S. 6161. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;

S. 6179. An act to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo.;

S. 6180. An act to legalize a bridge across the St. Francis River 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

S. 6181. An act to legalize a bridge across Eleven Points River at or near Thomasville, Oregon County, Mo.;

S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;

S. 6190. An act authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State;

S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy";

happy to agree to a resolution looking to that end. That and portraits. Is it true that under this section the very

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.; and

S. J. Res. 233. Joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces.

The message also announced that the House had passed the bill (S. 5732) to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 543) to increase the pay of mail carriers in the village delivery service, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 357) classifying certain official mail matter.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16111) to amend sections 1 and 7 of the second Liberty bond act, as amended.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes; and

H. J. Res. 525. Joint resolution to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes.

ENROLLED JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the Vice President:

H. J. Res. 357. Joint resolution classifying certain official mail matter; and

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, to be held at Geneva, Switzerland, on May 27, 1931.

AMENDMENT OF THE NATURALIZATION LAWS

Mr. JOHNSON submitted the following report, which was ordered to lie on the table:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws with respect to posting of notices of petitions for citizenship, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 4. (a) Section 3 of the act entitled 'An act relative to the naturalization and citizenship of married women,' approved September 22, 1922, as amended, is amended to read as follows:

"'SEC. 3. (a) A woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after this section, as amended, takes effect unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens.

"'(b) Any woman who before this section, as amended, takes effect, has lost her United States citizenship by residence abroad after marriage to an alien or by marriage to an alien ineligible to citizenship, may if she has not acquired any other nationality by affirmative act, be naturalized in the manner prescribed in section 4 of this act, as amended. Any woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 on account of her race.

"'(c) No woman shall be entitled to naturalization under section 4 of this act, as amended, if her United States citizenship originated solely by reason of her marriage to a citizen of the United States or by reason of the acquisition of United States citizenship by her husband.'

"(b) Section 5 of such act of September 22, 1922, is repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HIRAM W. JOHNSON,
DAVID A. REED,
WILLIAM H. KING,
Managers on the part of the Senate.

ALBERT JOHNSON,
JOHN L. CABLE,
Managers on the part of the House.

UNEMPLOYMENT PROBLEM—ARTICLE BY HARRY CHANDLER

Mr. SHORTRIDGE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. Harry Chandler, editor of the Los Angeles Times, on the subject of the problem of unemployment, one of the great, perhaps the greatest, economic problem that faces the world to-day.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PROBLEM OF UNEMPLOYMENT

(By Harry Chandler, editor of the Los Angeles (Calif.) Times)

Incomparably, the greatest economic problem that faces the world to-day is that of unemployment.

Not solely, nor even chiefly, because of the hardship which lack of remunerative occupation brings to individuals, grave and pressing as that condition is. Were that the only consideration the problem would still be worthy of the ablest efforts which could be brought to its solution. The question, however, goes much deeper than one of merely individual welfare. It is hardly too much to say that the economic future of the world, even the forward progress of civilization itself, depends upon clear-sighted recognition of the fundamental character of the problem and upon a solution not merely temporary and superficial but which, by reaching to the roots of the trouble, shall be permanently adaptable to meeting the conditions which the evolution of our industrial system has gradually but inevitably brought upon us.

To a degree, unemployment is self-perpetuating in that it creates a vicious circle tending continually to widen and aggravate its own evils. Where by reason of unemployment normal purchasing power is reduced, the effect of that decline in the motivating factor of business and industry is promptly manifested in a corresponding curtailment of merchandising and thence of industrial production, dependent in its turn upon an unimpeded outlet for its manufactured commodities. When, for lack of demand, either business or industry slows down, economic necessity forces retrenchment and, for lack of needed work for them to do, more wage earners are added to the ranks of the unemployed, the aggregate purchasing power is still further reduced and the circle of evils is repeated on a continually widening diameter. Its progress is hastened in the meantime by the psychological effects of depression, which express themselves in various forms of retrenchment, including "buyers' strikes" even on the part of those still amply able to buy. In the case of the still employed wage earner whose rainy day stake is small, this curtailment of normal buying is prompted by the perfectly natural and sensible fear that any day may see his own source of income cut off by the termination of his employment. To such a one, faced with the necessity of hoarding his resources against the probability of an indefinite period without income, the "buy now" slogan, sensible enough in its application to those of means, has little significance and less effect.

Less spectacular and appealing than human unemployment, but even more serious in its economic effects, are those phases of the cycle of depression which halt the free circulation of money, the lifeblood of business and industry, and freeze in unproductive idleness the huge capital investments in industrial plants and mercantile undertakings which are the source of most gainful employment.

Though capital itself suffers no major hardship, a protracted period of idleness for it spells tragedy for millions of workers dependent for a livelihood upon its uninterrupted functioning as the motive power of all production. Silent factories and empty offices are a more serious symptom, from the human standpoint of the wage earner, than even the breadline or the soup kitchen. Idle workers and idle dollars are two problems, born of and helping to perpetuate and to increase the same evils. The remedy for the one is the remedy for the other.

These considerations are elementary and obvious enough, as is their corollary—that the way to break the vicious circle is by some means to restore employment. That these recurrent progressions of depression and unemployment have not in recent years continued to panic extremes has been due to the timely application of some extraneous stimulus to employing industry, sometimes fortuitous, more frequently artificial, and increasingly seldom a logical outgrowth of the conditions themselves.

Excepting those periods of depression directly traceable to some definite economic catastrophe, a survey of their recurrent appearances over the years shows reasons for them of successfully diminishing sufficiency, considered strictly from the standpoint of material wealth in the areas affected. For the present "hard times," for example, a dozen causes have been assigned, all more or less different and none of them entirely adequate in the face of the fact that, in this country and in recent years at least, money has never been so plentiful, standards of living so high, prices of everyday necessities so low, well-to-do people so numerous, and actual continuing poverty so near a minimum.

It is true, of course, that industrial production, mechanical and agricultural, has proceeded at a rate during the past few years which has been so well in advance of demand as to bring about an embarrassing surplus of most commodities and raw materials, greatly depressing their prices and forcing a period of production-curtailment which is of itself sufficient to account for the beginning of such a cycle of unemployment as has been described.

It is likewise true that in time this condition will right itself and that, as accumulated demand catches up with excess supply, industry will resume its normal pace and, for the time being at least, unemployment will be relieved.

However, apart from the fact that such relief can not wait the time when such automatic self-adjustment of conditions will come about, we are faced with the probability of an early recurrence of the same situation and from the same causes. In other words, thanks to our high-speed industrial processes manned by an army of robots in the form of a thousand efficient devices for eliminating human labor, our normal pace of industry appears already to have passed the point where production is equaled by demand, at least available demand. By the same token, our labor-saving machinery has been so successful in reducing the number of wage earners necessary to industry that even under normal conditions the available supply of man power is already in excess of that which can be accommodated. Our normal unemployment figures are growing year by year. Only in periods of what might be described as supernormal prosperity, in which production is keyed up to its highest pitch, is there anything approaching a shortage of labor.

Such periods are few and come at wide intervals, partly because they are usually due to an exceptional set of circumstances but chiefly because production can not long be maintained at abnormal heights; its own excess tends quickly to force it back to normal and usually, on the recession, below normal.

Under ordinary conditions, neither of depression nor of exaggerated prosperity, the present balance between the available supply of labor and the demand for it is still fairly even, but with no margin of safety. So delicate is the adjustment, in fact, that it requires very little in the way of economic mischance to produce what appears to be altogether disproportionate results Once tilted the wrong way, the balance does not tend quickly to right itself but rather, for the time being, to increase its own distance from equilibrium, for the reasons seen

As the supply of labor grows with a growing population and as the efficiency and use of labor-saving machinery increases, this differential becomes continually larger and more difficult of adjustment. Emergency expedients of a wide variety are resorted to for the purpose of restoring the balance. But, because the remedies are superficial, their effects are only temporary and the fundamental ailment tends shortly to reappear, unchanged except in increased dimensions.

Where a condition, whether temporary or permanent, arises in which the old ratio between labor supply and labor demand no longer suffices to provide employment at what we now call full time to all who must be provided for, the obvious remedy lies in a new division of the available work among those available to do it, on some basis as nearly as possible equitable to all and as well to industry itself. It is similarly obvious that, under such conditions as obtain at present, such a division would mean less work proportionately for each person and that less time would be required by each to perform his share. This might mean a 7-hour or a 6-hour working day or a 5-day week or even less, according to the different circumstances to be met. The general formula, determined solely by the ratio of labor supply to labor demand, would have the great advantage of indefinite elasticity, applicable to any possible set of conditions.

Such a readjustment necessarily would involve a corresponding readjustment of pay, in order that no inequitable burden be placed upon industry. To increase the cost of production disproportionately to its return and thereby to wipe out the narrow margin of profit which alone makes possible its continued existence would be disastrous, not only to industry but to the wage earners dependent upon it.

Admittedly such a plan is nothing new. As will appear in the next article, similar readjustments have been made repeatedly in the past, in response to like necessities. Each of them has been an entirely logical and inevitable forward step in industrial evolution.

II

The history of industry is largely the history of invention. Without noteworthy exception every new phase of the colossal expansion of industry which has marked the past two centuries is directly traceable to some new mechanical device or new application of physical law to perform faster and better than human hands some essential task theretofore done by manual work.

It is a curious though familiar fact that nearly every great labor-saving device perfected up to recent years has, in its inception, been bitterly fought by labor on the ground that it would cause unemployment, only to develop in a few years into an agency of immense benefit to labor through making possible undreamed-of expansion of its industrial field. The first weaving looms equipped with the flyshuttle invented by John Kay in 1738 were torn to pieces by the hand weavers of England, who saw in the device something which would destroy their laborious means of livelihood. Yet the flyshuttle now is given credit for having changed the entire economic structure of the world. The first of Eli Whitney's cotton gins were burned in the fields by men whose bread and butter depended on the arduous hand labor of picking cottonseed from the boll fibers, yet the enormous expansion of the cotton industry made possible by the gin created thousands of new though different jobs for every one with which it did away. Similar opposition attended the birth of the blast furnace, the steam engine, the sewing machine, coal-mining machinery, the Bessemer and Siemens steel-making processes, the linotype, the typewriter, the grain harvester, and a dozen other labor-saving devices, which are now the foundations of vast industries giving employment to millions.

In connection with the present problem it is interesting and significant to note the effect which the expansion of industry, through the influence of labor-saving machinery, has had upon wages and hours of labor. Speaking generally, each new phase of the modern industrial epoch has seen an early reduction in both, with later rises in wages due to other economic factors, but with the reduction in hours changed only to give way to still shorter ones. With few exceptions, the shortening of the workday was coincident with a localized saturation of labor; that is, the introduction of labor-saving machinery in a given locality made possible a reduction in the working time of individual wage earners, and in many instances served thereby to give employment to others who would otherwise have been without work. A century and a half ago many wage earners toiled 14 hours daily. Persons now living can recall the period when 12 hours was the standard workday. Gradually decreasing, usually by an hour at a time, but by no means uniformly throughout industry, the average rate of reduction has been particularly rapid during the past 20 years. The period between 1900 and 1910 saw 8 per cent of the country's workers employed on an 8-hour basis, about 16 per cent on 9 hours, and most of the rest on 10. By 1914, 11.8 per cent were on 8 hours, and by 1923, 46.1 per cent. In the latter year only one-fourth were working 9 hours or more. To-day the 8-hour day for 6 days a week is the schedule most generally observed, but, according to the American Labor Yearbook, 1,250,000 wage earners are now working only 5 days weekly.

This is not to say, of course, that the demands of organized labor for shorter hours have not been a considerable factor in this progressive reduction, but comparison of the fields in which these demands were pressed with the total number in which they became effective indicates that other and much more potent causes of an economic nature were at work.

So many factors other than labor supply and demand enter into the question of wages that it is impossible to trace with any certainty the successive relations between pay scales and reduced hours. The available figures indicate that in general wages were roughly determined by the cost and the return of production, with occasional variations in one direction or the other due to other causes. When the cost of production would have been increased by reason of the employment of more men to do the same amount of work wages fell off proportionately.

When there was a general increase in the cost of raw materials and a parallel but no greater increase in the prices of manufactured products, the net cost of production and wages showed no marked changes. In the period beginning about 1913, when the purchasing power of the dollar began its long decline, wages increased more rapidly even than did the cost of living, a phenomenon amply accounted for by the scarcity of labor and of manufactured materials due to the demands of war. At the height of this extraneous war influence, the cost of labor was itself a determining factor in raising the cost of production and of prices for finished products to the highest point in many years. In the

period of deflation following the war the effort to maintain wages at war-time levels, out of proportion to the decreasing returns to industry, was one of the factors in producing economic depression and unemployment.

The essential relation between wages and production costs, the latter the directly determining factor in the cost of living, was recognized and enunciated more than a hundred years ago by the economist Ricardo in what has since been called Ricardo's law of wages. In effect, this declared that the base level of wages always tends to approximate the amount required to meet the cost of living at any given period and that any artificial departure from this ratio can not be long maintained, since any such departure causes either an increase or a diminution in the number of workers, producing a state of unbalance which, through competition, soon restores the old rate. In the days of low wages, costs were relatively low and the dollar had a correspondingly high purchasing power. As costs rose, wages rose with them but the wage earner's buying power was no larger because his increased number of dollars would buy no more than the fewer ones did before. Standards of living have risen, but costs as well as wages have risen with them.

It would be a hardy prophet who would venture to predict an end to the expansion of industry, yet the increasing figures of our "normal unemployment" indicate that the period when new labor-saving machinery created, through such expansion, more jobs than it destroyed is pretty well in the past. Most of the really important inventions of recent years have forced thousands of wage earners out of employment or into other already overcrowded vocations. Modern agricultural machinery, such as the combined power harvester and thresher, has displaced whole armies of one time farm workers, and in itself largely accounts for the falling off of rural population. The mechanical cotton picker, perfection of which now appears a probability of the near future, will add enormously to the unemployment problem of the South. And for agriculture, in this country at least, the era of great expansion is at an end, so far as the creation of new jobs is concerned. The areas of unutilized arable land are very limited and even their coming under cultivation through the bringing of water will mean little in the way of added employment, for they will be machine farmed.

Almost every industry is seeing similar developments gradually force out human labor without any visible outlook for compensating expansion to provide new jobs for those displaced. A steam shovel and a few trucks now do the work of a hundred laborers and teamsters. Mechanical calculators, tabulators, billing machines, and automatic bookkeeping devices have cut in half the one-time army of office clerks. The automatic telephone has replaced thousands of switchboard operators and the telegraph printer is everywhere eliminating key telegraphers. An extension of the same device is reported on the point of perfection whereby type will be set directly by telegraph, doing away with the linotype operator. Sound films have taken away the immediate means of livelihood of a great number of professional musicians formerly employed in picture theater orchestras and threaten to do the same for all but a favored few of stage entertainers. The radio is making extensive inroads on the theatrical and lyceum professions.

Three years ago the industrial magazine, Iron Age, made this prophecy:

"If the productivity of industry by mechanization continues to increase in the next 25 years in the same way and at the same rate as during the last 25, only 45 men will be needed for the work that to-day requires 70 and that formerly required 100. In the automobile industry, 30 workers were doing in 1925 as much work as 100 did in 1914."

It is the age of the robot.

However marvelous such advances in mechanical science may appear, it must be clear to the most casual observer that they are laden with grave economic possibilities. The common belief or, rather, hope that somewhere, somehow, something will turn up to give employment to the increasing thousands of artisans and unskilled workmen being displaced by labor-saving machinery is not supported by the facts. England thought so, and her burden of unemployment, plus the makeshift methods adopted to meet it, are daily bringing her nearer the brink of economic disaster. It is a truism, but one that needs to be repeated, that no considerable fraction of any population can be removed for any length of time from the earning, producing, and buying class without grave danger, not only to themselves but to everyone else in any way dependent on the well-being of business and industry.

If it be conceded that we are now or soon will be facing a situation in which all of our available work no longer requires all of our available labor, on the basis whereon labor is now employed, it appears obvious that we must have recourse to the same expedient heretofore employed in similar situations. By reducing the time of the working day or the working week, more persons must be employed to accomplish the same production. The cost of production, however, can not be increased out of proportion to its return if industry is to continue; in other words, the gross sum of wages paid must remain substantially the same until production cost itself justifies a change. Each wage earner would be paid the same amount for the same effort, but proportionately less for less effort.

That such an expedient involves no uncompensated disadvantages to anyone affected by it will be made apparent in the next article.

III

As was shown in a preceding article, there is nothing new in the plan for eliminating unemployment, caused by the introduction of labor-saving machinery, by reducing the working time of each wage-earner so that more persons must be employed to accomplish the same production. It has behind it 150 years of precedent, during which the average working day has been reduced from 14 to 8 hours in gradual stages closely paralleling the modernization of industrial processes by new mechanical devices continually cutting down the number of workers required for sufficient production to meet the world's needs.

The present unemployment situation, however much it may have been aggravated by other causes, is such as to create at least a strong presumption that another stage in the process of working-time reduction is now required in order to provide gainful occupations for millions now without work and consequently without effective buying power—thereby to restore our economic system to an even keel.

It is true, of course, that the elimination of the other causes mentioned—our oversupplies of commodities for example—will of itself reduce unemployment, but that process is being rendered infinitely more difficult by the fact that so many of the normal buying class have been removed therefrom for lack of work and consequently of means to buy. It is obvious that this now slow process of restoring the balance between production and consumption would be vastly hastened by any means, even if only temporary, which would return those now unemployed to their former status of normal consumers.

There is abundant evidence, if it were needed, that this could be most readily accomplished by a reduction of working hours. Whether this should be temporary or permanent could well be left to be determined by results. Past experience indicates that, if the step is temporary only, we may soon be forced to resort to it again and then again, until it became a fixture in the industrial scheme pending the next and similarly inevitable reduction stage.

In this connection, it may be news to some who see something revolutionary in the idea of a general 5-day working week that that reduced work period was common in several major industries even before the present depression. The year 1929 was regarded as a good industrial year, but, according to the American Labor Year Book, 1,000,000 American workingmen—close to 2 per cent of the whole number of wage earners in this country—were regularly on a 5-day week basis and that, even before "hard times" developed, it was estimated that another 250,000 would be put on the shorter week in 1930. So far and without the spur of general depression, the 5-day schedule has been introduced—with good results—in several branches of the steel industry, in automobile fabrication, men's clothing factories, in some of the building trades, and in a few large machine shops.

The manner in which a more general adoption of the 5-day week would do away with unemployment is too obvious to need elaboration, since it is easy to see that, under that plan, it would require one-fifth more men to accomplish the same production. That is, if a plant employing 100 men 6 days a week should go on a 5-day basis, it would take 120 men at 5 days to do as much as the 100 did in 6.

It is interesting to apply this ratio to our unemployment situation and see what the 5-day week would do to it. According to the 1930 Federal census and the latest figures of the Department of Labor, there are roughly 47,000,000 wage earners in the United States, of which about 3,400,000 are out of work. At least 1,000,000 of the 43,600,000 employed are already on a 5-day basis, leaving 42,600,000 who work six days a week. If, for the sake of argument, all of these should be put on a 5-day basis, it would require the employment of 8,520,000 more persons to accomplish in five days what the 42,600,000 now do in six. Instead of an unemployed surplus of 3,400,000 workers we would thus be short 5,120,000 of enough to do the necessary work.

Of course, it would be impracticable and even undesirable for all industry to adopt the 5-day week all at once. Such changes require time and careful adjustment if production is not to be thrown out of gear. There are, further, some industries which could not adjust themselves to such a change without extensive reorganization. In any case, a labor shortage of 5,000,000 men would itself be embarrassing. Further inspection of the figures shows that, in order to absorb the 3,400,000 now unemployed it would be necessary for 17,000,000 of the present 6-day workers to go on a 5-day basis, maintaining production at the present level without increase or decrease.

Counting the 1,000,000 already on the 5-day week, this would make a total of 21,400,000 on that working schedule, or about 45 per cent of the whole number. Of course, it would be found that it actually would require such a change for very much fewer men, since the return to employment of any considerable part of the 3,400,000 would speed up demand to a point where the rest would be absorbed on the old basis to meet the need for increased production. It is to be remembered that in even "normal" times, the United States averages more than 1,000,000 wage earners without employment, so that our present abnormality is by no means as large as it appears.

In the matter of wages, the plan contemplates no reduction in the amount paid for the same effort; that is, the hour rate or the day rate would remain the same but, because he would do one-sixth less work, the wage earner would receive one-sixth less gross income for five days than he formerly received for six.

It is here that this 5-day week plan and such adaptations of the same idea as the 6-hour day instead of 8, differ radically from

those urged by the American Federation of Labor. The latter demands 6 days' pay for 5 days' work, 8 hours' pay for 6 hours' work, and so on.

Now, there is no quarrel whatever with the right of anyone to try to get as much as he can for whatever work he does, so long as he adopts no illegal or improperly coercive means to enforce his demands. No reasonable person objects to the organization of labor for the purpose of improving its condition as to hours or wages by any proper means or denies its right to refuse to work jointly or individually, if it sees fit, so long as it does not interfere with the rights of others. Labor unions, especially in their early history, did a great service both to labor and to industry in forcing the elimination of oppressive conditions imposed upon workers by certain greedy employers, and their existence, if not some of their methods, is still necessary to maintain labor's rights.

In this case, however, it is not a question of rights but of what is economicaly possible and what is not. As has been seen, putting an industry on a 5-day-week basis means that that industry must employ one-fifth more men to maintain the same production. To pay each of these men six days wages for five days work would mean an addition of one-sixth to the pay roll, with no compensation whatever in the form of additional production. Under modern competitive conditions and operating on an extremely slender profit-margin at best, it is impossible for the average industrial plant to add 16 per cent to the labor item of production costs and preserve that slender margin. If all units of a given industry did not thus grant what amounts to a 16 per cent increase in already-high wages, competition and underselling would kill those which did. If all jointly attempted to pass this large addition to production costs on to the consuming public in the form of higher prices, it would mean again upsetting the delicate balance which must be maintained among all the integral parts of our economic system and, in the end, the crippling of industry would leave labor much worse off than before. It has been proven time and again by hard experience that neither wages nor costs can be artificially increased out of proportion to other related economic elements without trouble. Ricardo's law of wages still holds good.

But similarly, the law of economic compensation is still operative. The same conditions which are making necessary a reduction in working time have simultaneously reduced the cost of commodities to a point where the prospective 16 per cent cut in the worker's apparent income is largely offset by a coincidental reduction in the cost of living. The results of careful surveys show that the dollar of to-day has a purchasing power of nearly $1.25 as compared with the dollar of peak-price times. Wages are purely relative; their buying power is what counts. In the added buying power of his money, the wage-earner has received in the past year the equivalent of a 20 per cent increase in pay. If prices should later reverse their present downward trend and go up the return to industry will increase and wages will rise as they have always done in the past. It is as broad as it is long.

There are other compensations to the 5-day-week worker. He would have two days of leisure in place of one—twice the present opportunity for recreation, family enjoyment, and self-improvement. He would not only be steadily employed but he would be freed from the constant fear of unemployment and possible enforced recourse to charity against which he must save to-day. The money he would thereby feel justified in spending for pleasure on his extra "day off" and for normal wants otherwise would, in the aggregate, supply a considerable stimulus to general prosperity, of which he would enjoy his share. And—a consideration of weight to many—he would have the satisfaction of knowing that he had had a share in relieving the hardships of others by making possible employment for everybody.

The next article will give consideration to some other suggested remedies for unemployment.

IV

For reasons which are perfectly understandable and subject to no practical criticism, the tendency of every community, whether city, county, State, or national, is to deal with unemployment as a strictly localized problem and without particular regard to the unemployed elsewhere. It is natural that each industrial area should seek first to care for its own, even though analysis of the remedies suggested shows that the relief they offer is indirectly at the expense of other areas.

The economist, however, must recognize that such a condition as now exists is a world problem, essentially affecting all industry alike, whether in California or Maine, in the United States or abroad. From which it follows that, if the question is universal and fundamental, its correct answer must possess the same qualities, must be equally applicable and efficacious over the world, profiting no economic unit at the cost of any other.

As to the abstract accuracy of this general premise, there is, unfortunately, little room for argument. The most recent and authoritative figures on unemployment for those countries which include the great bulk of the world's manufacturing industry, show that, in general, those most modern in their industrial processes are the greatest sufferers from unemployment and those where hand labor is still general are comparatively free from it. This is additional evidence, if it were needed, that the root of the trouble lies in the great numbers of workers which are being displaced by the continual advance in efficiency of labor-saving machinery and that any real remedy must provide a solution for that condition.

Germany, for example, has 3,484,000 unemployed, or 5.58 per cent of her entire population—and Germany is the leading nation of the world in the percentage of her people engaged in modern manufacturing. England, likewise highly industrialized, has 2,285,987 unemployed wage earners, or 5.17 per cent of her whole population. Of the larger nations the United States is next with 3,400,000 unemployed, or 2.77 per cent of the whole population. The latest available figures show that 19 per cent of Germany's people are employed in industrial establishments, 17 per cent of England's, and 11 per cent of this country's. On the other hand, Russia, with 25,000,000 more people than the United States, reports only 1,150,000 unemployed, or 0.78 per cent of the population. With modern machinery just getting a start there, a very large part of Russia's work is still done by hand. Partly for this reason and partly because of her specialized industrial and reconstruction program, France is relatively free from unemployment, having but 20,000 jobless, or 0.05 per cent. Italy has 322,287, or 0.79 per cent; Belgium, 23,000, or 0.29 per cent; the Netherlands, 25,000, or 0.33 per cent; Rumania, 23,000, or 0.13 per cent; Denmark, 25,000, or 0.73 per cent; Norway, 20,000, or 0.75 per cent; Switzerland, 10,350, or 0.26 per cent; Czechoslovakia, 37,000, or 0.25 per cent; Poland, 240,000, or 0.79 per cent; and Finland, 4,000, or 0.11 per cent.

The number of unemployed in 1930 was three and a half times as great in Finland and Rumania as in 1929, while the number almost trebled in Belgium and more than doubled in France, the Netherlands and Poland. The British Department of Labor reports large increases in unemployment last fall over the fall of 1929 in Italy, Great Britain, Switzerland, Hungary, Czechoslovakia, and Austria, and slight increases in Ireland and Sweden.

The whole number of wage earners without employment throughout the world, excluding China and India, is estimated by the International Labor Organization at Geneva at 15,000,000. The actual totals for 22 countries from which figures are available as 12,133,624, out of an aggregate population of 598,330,036.

This is only 2.02 per cent and at first glance does not appear so serious. However, the whole number of wage earners in those countries number fewer than 200,000,000, which means that more than 4 per cent of all who can work and need to work are without jobs. Note further that 15,000,000 jobless breadwinners mean at least 40,000,000 persons without means of subsistence other than their meager savings, and something of the magnitude and universality of this, as a world problem, begins to be manifest.

The same figures give some idea of the inadequacy of purely local remedies, or of even national-only expedients, to deal with a situation which is world wide. This is no criticism of such expedients, most of which are practical and praiseworthy so far as they reach. Their inadequacy, from the general economic viewpoint, lies in the fact that they do not reach far enough, and that not a few of them are calculated to help some at the expense of others.

There can be no question of the right, in fact the duty, of a government to protect the employing and wage-paying powers of its own industries by tariffs and immigration restrictions which will effectively prevent the goods and workers of other countries from entering into destructive competition with its own. The tariff is a protecting bulwark to American manufacturers and both it and our constantly rising immigration walls to the jobs of American workingmen. Conceding their necessity as measures of protection to our nationals and our own institutions, we are still obliged to admit that neither constitutes any solution to world unemployment as a whole.

A close parallel to these, on a still more localized scale, is the plan often advocated as a remedy for local unemployment, to buy home products, and to hire only local workers, in order, of course, to keep local factories busy, make more jobs for home wage-earners, and keep all others out. With this again there can be absolutely no quarrel as a measure of strictly community benefit, yet it is clear that, so far from being a remedy for country-wide unemployment, it tends to aggravate rather than relieve the general situation.

Another device advocated and practiced by all classes of political subdivisions, from village to national government, is to relieve unemployment by the arbitrary speeding up of public and private improvement programs for the double purpose of creating more jobs and getting more money into circulation. A business corporation which regularly does considerable construction work will, for example, crowd two years of such construction into one in order temporarily to give employment to more persons. City, State, and Federal Governments appropriate public funds to finance the immediate construction of public works, buildings, and the like, for which an ultimate though not actually present need is seen, similarly to make more work.

All such efforts are laudable in their purpose and immediately useful in their effect. They are predicated, however, on what is likely to prove a fallacious hypothesis—that the emergency is purely temporary and that, if such artificial means succeed in tiding over the existing situation, things will shortly "get back to normal," and that then the normal requirements of public and private business will be sufficient to provide what is now called full-time work for everybody.

When it is remembered that even in normal times there is an increasing excess of available labor over available work, the probability becomes apparent that the expedient will not only fail of its full purpose but that we may suffer further for having thus anticipated future needs and done work now which otherwise would have been spread over a number of years. In any case, the normal labor requirements of such works and their pay-roll funds for some time to come will have been considerably depleted and their absence will have to be compensated for through some other

means. The sometimes-advanced scheme for raising taxes to provide funds for thus "making more work" would defeat its own purpose by adding to the burdens of industry and thereby increasing unemployment.

The suggestion that the situation be relieved by a general "buy-now" program is likewise a worthy one, but its accomplishment meets the serious obstacle that a large proportion of the potential buyers are either without means to do so by reason of unemployment or feel obliged to hoard their resources against the possibility of unemployment or of some other untoward manifestation of general depression.

Similar objections appear to the various plans offered for increasing the domestic and foreign markets for manufactured goods. It is doubtless true that at some time in the future such comparatively undeveloped countries as China and Russia will supply a large outlet for the industrial products of nations more advanced, but this prospect is too far removed to be of any present service. Other countries of the enlightened world are all too deeply involved in the same difficulties to offer much aid to each other in the way of increased consumption.

If unemployment is to be considered as a world problem, as it must be if any generally applicable solution is to be found, it is apparent that no merely local remedy, or one applying to a single country only, will suffice. If, further, the difficulty is not merely a temporary emergency but is fundamentally inherent in conditions resulting from our industrial evolution, as the facts seem to indicate, it is obviously there that the permanent remedy must be sought. If it is true, as the figures show, that there is a normal and growing surplus of labor over that normally required, on the basis of a working week of six days of eight hours each, then the only possible solution lies in workday or workweek for each wage earner which shall be shorter by enough to give equal employment to those now crowded out. Literally, "full time" employment means nothing—the last half century has seen five different definitions of it, ranging all the way from 12 hours a day to 8. If the step be necessary, we shall be embarking on no new and untried industrial experiment. If, whether temporary or permanent, it is the right way out of our difficulties, the sooner we recognize the fact and act on it the better off we shall be.

The next article will discuss some of the hitherto unconsidered dangers of the unemployment situation.

V

Grave as they are, the direct economic evils which follow in the train of depression and unemployment are mild in comparison to those which would result from some of the remedies advocated, were the latter actually put into effect. One of the characteristic and invariable phenomena of hard times is the horde of "panaceas" of every description which they bring forth, ranging from the visionary schemes of well-meaning but misguided cranks to the calculated, anarchistic propaganda of dangerous radicals seeking to exploit misfortune for their own benefit.

To the former class belong most of the prolific crop of plans for tinkering with the currency which appear in every period of economic abnormality and for which, in fact, they have often been in part responsible. The panic of 1837 was the first of a series of bitter lessons of this kind from which American business, if not a certain type of near economist, has learned the value of a sound currency. This, as may be recalled, was the era of "cheap money," during which State banks everywhere were permitted to issue their own bank notes up to any amount and without corresponding specie reserves. The second flood of fiat money, with its inevitable sequel, came during the period of financial stringency during and immediately after the Civil War, when the United States Government itself issued more than $400,000,000 in the paper money popularly known as "greenbacks," which, for lack of specie reserves for their redemption, came finally to be worth about 30 cents on the dollar. The painful process of bringing this depreciated currency back to par accompanied years of acute depression.

Ten years after that recovery a new kind of "cheap money" was being advocated in the form of unlimited silver coinage in the ratio of 16 ounces of that metal for every ounce of gold coined. Sanctioned by Congress in 1878, a slight modification of this scheme flooded the country with silver dollars which presently sank in value to 80 cents a piece in gold. In an effort to sustain them, the Government issued in payment for the vast quantities of silver bullion required Treasury notes redeemable in gold. They promptly were redeemed in gold; nobody wanted the depreciated silver dollars the bullion made. The country's gold reserve sank to alarming levels and the growing depression culminated in the panic of 1893. In the next Presidential campaign, that of 1896, the country definitely rejected cheap money as a cure-all for financial ills and the adoption of a permanent gold standard followed.

For an earlier lack of coordinated and elastic banking system and for reasons out of the reach of merely sound money, the gold standard has not saved the country from subsequent depressions, though the establishment of the Federal reserve system in 1913 has, with its later elaborations, pretty well eliminated the danger of future acute financial stringencies.

But not even a century of practical object lessons in the folly of cheap money has eliminated the theorists who see in almost any kind of fiat currency, whatever its value under our established monetary standard, a cure for conditions of business depression under which money has ceased to circulate freely. It is not surprising, therefore, particularly in view of the present world shortage of gold, that our present situation should have seen revived and refurbish under half a dozen disguises the same old schemes for restoring free silver or bimetallism. Most of these have had their rebirth in localities where silver-mining interests are strong, but they have made little real headway.

Another relief plan more directly applicable to the unemployment phase of hard times, but not less economically perilous, is that which proposes a subsidy on idleness in the form of government participation in unemployment insurance. For a horrible example of the evils inherent in this vicious scheme one needs go no farther than England, where it has been in effect in its present form for approximately 10 years.

Theoretically, the English Government, the employer and the wage earner, in his time of employment, contribute to a fund from which the last named is given "unemployment pay" at regular wage intervals upon which to subsist during jobless periods without any limit determined by what he has actually paid in. Practically the plan is rapidly turning one time industrious British workingmen into an aggregation of idlers and is bankrupting the Government, despite the ruinous taxes imposed on property to maintain it. Under the dole system, as it is well called, it is possible for an English "worker" to make one payment to the fund, throw up his job, find excuses for declining others and thereafter to subsist at government expense, actually receiving in many instances more money from the royal treasury than he earned when at work. Why, under such circumstances, should he work?

According to the results of an investigation by Isaac Marcosson, the economist, 1,993,500 unemployed British "wage earners" were receiving the dole last July 1; the number is considerably larger now. At that time the unemployment-insurance fund was overdrawn by $215,000,000. The only means for maintaining it is by huge government loans to the fund, the outlays therefrom exceeding the income by $2,250,000 per week and its own legal borrowing powers having been long since exhausted. So far the experiment has cost England a total of $3,000,000,000, with apparently much worse to come.

Yet even that frightful cost is slight in comparison to the real loss which England is suffering in the demoralization of her working classes through this misguided paternalism. In place of the sturdy race of artisans which has made Britain one of the world's three greatest industrial nations, she is now breeding a generation of idle parasites.

Under proper auspices and control unemployment insurance, to which a single company and its employees contribute, doubtless has much to commend it, though the experiment has hardly proceeded far enough on such lines, at least in this country, to make possible final judgment. Certainly government participation has no place in it. In general the same applies to all the wide variety of paternalistic schemes which have been advanced whereby, in one way or another, public funds would be utilized, not for emergency relief, but to maintain unemployed in idleness.

Periods of depression and unemployment are the golden harvest times of radical propagandists and advocates of socialistic schemes of every shade of red. The immediate objects of these campaigns are, of course, the rank and file of workers. So long as these are employed, prosperous, and contented the apostles of unrest make little headway. But, given large groups of men and women bitter and discouraged for lack of employment and eager for anything which, however fantastically, promises better things, the red prophet's job is easy. His work is half done for him already. Idleness is still the devil's workshop and his wholesale product is anarchy.

It is herein that thoughtful students of present world-wide conditions see the general situation's greatest menace. Everywhere expert propagandists for communism, emissaries of the Soviet Government of Russia, are busy capitalizing unemployment and unrest to their own vicious and subversive ends. For them the field is a fertile one, and from generations of practice they are expert in sowing the seeds of trouble.

No secret is made by the directors of the Communist Party of Russia of its deliberate intent to recruit the world's "army of unemployed" into an army of militant communists for the overthrow of law and order, of governments and established institutions everywhere. The Moscow Pravda, official organ of world communism, early this year published detailed instructions to communist leaders in this country of "methods to be employed in taking advantage of the present economic crisis in the United States" and predicting, if the instructions be followed, the early collapse of the "industrial colossus of America." Particular attention, according to this handbook of revolution, is to be given to the less intelligent of the unemployed, the field of young unskilled labor being especially recommended. March 6, 1930, was officially set aside by the soviet organization as "international unemployment day" and soviet newspapers everywhere printed inflammatory editorials calling upon the unemployed in all countries on that date to "rise and overthrow capitalism" under the leadership of the Third International.

In Germany, England, and the United States numerous "demonstrations of the unemployed" have been directly traced to inciting communist agitators. The British Parliament and our own Congress have taken official cognizance of the situation, and the investigations made have revealed a scope and progress of the movement to give pause to the most determinedly blind. Evidence was presented to the Fish committee, named by the House of Representatives to investigate the spread of communism, to show that Russia's present assault on world markets is a deliberately planned move to aggravate depression, promote unemployment, and thereby further the soviet plans for a world revolution. William F. Long, general manager of the Associated Industries of Cleveland, told

the committee in November that the communists have concentrated on industry and that the situation has become a menace.

"We are sitting on an industrial volcano," he declared.

Similar facts could be cited almost indefinitely, were they necessary to demonstrate the real and active peril of the situation. Familiar to every newspaper reader, they are hardly necessary. Admission of the danger brings with it the obvious conclusion that the only practicable means of dealing with it must lie in some remedy for unemployment which, by its universality of application and manifest equity to workers and to industry alike, shall assure general reemployment and, coincidentally, the ability of industry to maintain it.

The purpose of these articles has been to demonstrate that such a remedy can only be found in an equitable division of available work among the available workers and in working periods of whatever length any given set of conditions shall determine.

The next and concluding article of the series will discuss the actual working of the plan under practical conditions.

VI

In the preceding articles of this series an effort has been made to show that the most direct, logical, and effective remedy for any situation, temporary or permanent, in which the available and necessary work does not require all the available labor at so-called full time, is to effect as equitable as possible a division of the work among those whose livelihood depends upon gainful employment, each worker so employed to be paid according to the service rendered. Comparison with other suggested remedies for unemployment indicates that only by such a plan is it possible to avoid the horde of economic evils, small and great, which are the inevitable attendants upon any device which does not thus accord with the fundamental law of normal supply and normal demand. Any departure from that basic economic principle is merely borrowing from Peter to pay Paul—a loan which, sooner or later, must be repaid with usury.

As has been seen, every such new balance struck between labor supply and labor demand during the past century and a half of industrial history has meant shorter working hours for each individual worker, with wages proportionate to production value. Every effort artificially or arbitrarily to alter that ratio in favor either of employer or employed has been defeated not by laborer nor by capital but by inexorable economic law.

In the present unemployment situation we have a condition requiring the striking of another such new balance, though whether it be temporary or permanent can only be determined by experience. The consequently necessary shortening of individual work periods with which many industries are experimenting in order to give employment to more individuals is variously called the stagger system, rotated employment, part time, the 5-day week, and other similar appellations. Whatever its name, the principle is the same. In nearly every instance of its first introduction, it has been as a temporary measure for unemployment relief, but in more than one major industry its manifest benefits are making it permanent, as the logical evolution of industry indicates that, sooner or later, it must become.

As in every similar change in past standards of what was then called "full-time employment," objections are numerously advanced on the part of both employers and employed. Perhaps the most common of these is the declaration that certain industries, such as transportation, are organized from the ground up on the basis of present working time schedules and can not be adapted to a new one without complete reorganization, upset, confusion, and loss. While this is doubtless true in some cases, it is also true that practically every major industry of the kind has, in the past, undergone similar adjustments in response to similar necessity, and with ultimate benefit.

Again, it is pointed out that, even if they made room for more men by cutting the time of those now employed, many skilled industries could not absorb outside unemployment because new and untrained men could not do the work. It is not necessary that they should; obviously, if by such an expedient every industry could avoid further lay offs and could reabsorb those trained employees already laid off for lack of work, there would be no considerable unemployment.

Again, it is declared that the reduction of gross pay consequent upon payment for only five days' work, say, instead of six, would precipitate serious labor troubles. This is probable in some instances, though extensive experimenting with the plan has shown that, in most cases, intelligent workers, recognizing alike the necessity and the compensations to themselves in the way of added leisure, assurance of steady work, the correspondingly higher purchasing value of their fewer dollars, and the knowledge of their own contribution to the welfare of their fellows, have accepted the adjustment willingly. In passing it may be remarked that the agitators are always making trouble anyway, no matter what the conditions. Their insistence that industry should pay out of proportion to production, as in the demand for six days' pay for five days' work, is as economically impossible and unreasonable as would be a demand for seven days' pay for their present six days' work.

Again, it is set out that certain work of a specialized character requires the continuous service of the same individuals and can not be "rotated." Such cases are comparatively few and might constitute necessary exceptions, though it is worthy of note that even these have been adjusted to permit cessation of such work one day in seven. Two days in seven would be only an extension of the present system.

It is argued in some quarters that workers of a certain class would misuse two consecutive days of idleness to the disadvantage of themselves and of their employers. In such cases it is probable that some other modification of the same principle, such as a 6-hour instead of an 8-hour day, in place of a 5-day week would obviate the difficulty. One of the advantages of the plan is its indefinite elasticity and adaptability to any set of conditions.

Another objection advanced is that it would increase the unit cost of production because of added bookkeeping, time keeping, more help of the foreman or overser class, and so forth, involved. Such an addition, if any, would be small and probably would be found to be more than offset by the plan's direct advantages.

The proof of any pudding is in the eating of it and the test of any plan is how it actually works in practice. It is worth while, therefore, to note here the experience of some typical major industries with working periods less than six days a week or of less than eight hours a day.

As has been said, the 5-day week is no new thing. More than 1,000,000 American workingmen were on that basis even before the present depression and the number was estimated to be increasing, without the spur of hard times, at a normal rate of some 250,000 a year.

The steel industry, long characterized by lengthy working hours, now has normally more than 50,000 men on a work week of less than six days and, in their trades, employs about a fifth more men in consequence. The Allegheny Steel Co. mills at Brackenridge, Pa., has just put 1,800 men on a 6-hour day to relieve unemployment. It already had 900 men on a 3-day week. The Torrance, Calif., unit of the United States Steel Corporation (Columbia Steel Co.) is experimenting with shortened work periods in order to avoid lay offs.

Practically every industrial plant in Detroit is now operating on a short week and during the past two months the leading ones have been enabled to lengthen their pay rolls very considerably thereby. The Ford plant has added 25,000 men to its minimum figures by this device, the Hudson Co. more than doubled the number of men on its pay roll in one month, and a dozen other big car and body works have added each from 500 upward to the number of their employees. As a remedy for unemployment the plan is indorsed by the automobile industry as "ideal."

The rubber industry has put the plan into effect in several plants with good results. The Firestone Tire & Rubber Co. of California has been able to retain its full personnel by utilizing the straight 5-day week. The Goodyear Tire & Rubber Co. of California observes the 5-day week in its rubber department, thereby maintaining a normal force therein. In its textile department the 6-day week is in force and the number of workers there has been somewhat reduced. The Samson Tire & Rubber Corporation's factory is on the 5-day basis and has retained its full force. The main plant of the Goodrich Pacific Rubber Co. is on a 6-day basis, but in some departments the 5-day schedule is being tried out.

The Boston & Maine Railroad has reduced the working week of employees in its mechanical department by one and two days and has been enabled to add 200 men to its force as a result.

The Kellogg Co. and the Postum division of the General Foods Corporation at Battle Creek, Mich., are following the custom of several years in taking up seasonal slack of employment by reducing the normal 8-hour day to one of 6 hours, requiring about 400 more men to do the same work.

Several varieties of shortened work periods, as circumstances require, have been put into effect in the mines, mills, smelters, and refineries of the Anaconda Copper Co. in order to avoid lay-offs.

The oil industry is experimenting with the plan with good results. By putting some of its refinery men on a 3-day week basis and some employees of less than five years' service in the producing department on a 3-week month, the Standard Oil Co. of California has avoided any lay-offs. The Texas Co. has put the 5-day week into effect in some departments.

Unemployment for a temporary surplus of vegetable workers in Imperial Valley has been avoided by the Western Growers' Protective Association by recourse to a five and even a three day week.

The Hotel Statler in Boston now employs the system in slack periods.

The Western Union Telegraph Co. has put a considerable number of its employees on part time to avoid lay-offs.

The Pacific Clay Products Co. is maintaining a full complement of employees by a shortened work week in its two Los Angeles plants.

The Los Angeles Times, with the consent and indorsement of its employees in the mechanical departments, has put the five-day week into effect in those departments, thereby maintaining a full force.

These instances of the successful working of the plan are cited merely as representative examples. The list is by no means complete. In several of the building trades, in some men's clothing factories and in some large eastern foundries and machine shops the five-day week is regularly in force.

In a radio address broadcast nationally from Chicago on December 6, Secretary of Commerce Lamont cited a recent survey of 103 typical industrial plants, employing more than 82,000 workers, in which, by rotated employment and similar devices, 10,000 more persons were being kept on the pay rolls than would be needed were all on "full time." The speaker strongly urged employers everywhere to avail themselves of the plan as an expedient for the temporary relief of industrial workers and added:

"An even wider adoption of such measures offers the best opportunity for prompt alleviation of our present problems."

It is a significant fact that, so far as has been reported, the establishing of the shortened work period in representative industries as a remedy for unemployment not only has made no trouble but, in most instances, has earned the approval of both employers and employed.

An important feature of the plan is that, even before it is actually put into operation, it enables employers to assure their workers of steady, if somewhat curtailed, employment for an indefinite period. The effect on community buying power of this assurance against unemployment is very marked. As has been noted elsewhere, the absence of such assurance is in itself a powerful contributing cause of business depression. With no certainty of a continuing income, the natural course of every wage earner is to cut his expenditures to the absolute minimum and to hoard his resources against the prospect of unemployment. The aggregate effect of such curtailment of normal purchasing on the part of the bulk of merchandise consumers is greatly to aggravate the depressed conditions and to delay their recovery. Restoring the confidence of the wage earner restores his customary mode of living and, thanks to lower costs, his normal consumption of commodities, a situation which is quickly reflected in a corresponding restoration of confidence and normality in every other interdependent part of our complex economic system.

Such is the case for the shortened work period as a remedy for unemployment and the economic ills concomitant to it. Whether its application now need be temporary only or whether we have arrived at an industrial stage where, in some degree, it represents a new and necessary normal balance between labor supply and labor demand may well be left for the test of time. In either case the preponderance of evidence indicates it to be the one expedient applicable to present conditions whose certain beneficial effects are offset by no disproportionate disadvantages.

CIVIL GOVERNMENT IN VIRGIN ISLANDS—EXECUTIVE ORDER

Mr. BINGHAM. Mr. President, I ask unanimous consent to have printed in the RECORD the Executive order of President Hoover transferring the government of the Virgin Islands from the Navy Department to the Interior Department. The order is found in the United States Daily of March 2, 1931.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the United States Daily, March 2, 1931]

PRESIDENT ORDERS CIVIL GOVERNMENT IN VIRGIN ISLANDS—EXECUTIVE EDICT ISSUED TO TRANSFER SUPERVISION FROM NAVY DEPARTMENT TO INTERIOR DEPARTMENT

President Hoover issued an Executive order February 27 placing the government of the Virgin Islands under the supervision of the Department of the Interior. (A summary of the announcement was printed in the issue of February 28.)

President Hoover recently appointed Dr. Paul M. Pearson, of Swarthmore, Pa., Governor of the Virgin Islands, and announced at the time that the government of the islands would be transferred from the Department of the Navy to the Department of the Interior.

The Executive order follows in full text:

PRESIDENT'S ORDER

"Executive order placing the government of the Virgin Islands under the supervision of the Department of the Interior.

"I, Herbert Hoover, President of the United States of America, under the authority conferred upon me by the act of March 3, 1917, entitled 'An act to provide a temporary government for the West Indian islands acquired by the United States from Denmark by the convention entered into between said countries on August 4, 1916, and ratified by the Senate of the United States on September 7, 1916, and for other purposes,' (39 Stat. 1132), and by virtue of all other powers thereto me enabling, do hereby place the administration of the government of the Virgin Islands, including expenditures and the appointment of personnel, under the supervision of the Secretary of the Interior, subject to the entrance upon duty of a civil governor, and direct that the unexpended balance of the appropriation 'Temporary government for the West Indian islands for the fiscal year 1931,' included in the Navy appropriation act, shall be transferred, effective on the entrance upon duty of the civil governor, to the Department of the Interior.

"Further, the Secretary of the Interior shall contract for the employment of and fix salaries of those persons employed in the government of the Virgin Islands of the United States whose positions and salaries are not specified in the annual budgets of the two colonial councils, and he may where necessary contract to furnish to such persons, or to any other appointees to positions in the islands, free transportation from the port of departure in the United States, including meals on the steamer, but no compensation or expenses for the journey to the port.

"Under the authority recited herein I do hereby order and direct that all naval officers, nurses, enlisted men, and clerical employees of the Department of the Navy now assigned to the executive departments of the municipal governments shall remain in their present positions until relieved by civil employees with the approval of the Secretaries of the Navy and Interior, but they shall be relieved not later than six months from the date of entrance upon duty of the civil governor.

"The requirement that the governor of said islands shall report to the President through the Secretary of the Navy, according to the instructions of the President in letter dated October 12, 1922, is hereby revoked, and the governor shall hereafter report to the President through the Secretary of the Interior.

"HERBERT HOOVER.

"THE WHITE HOUSE, *February 27, 1931.*"

PAY OF VILLAGE MAIL CARRIERS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 543) to increase the pay of mail carriers in the village delivery service, which were, on page 1, line 8, after "1925," to insert "(U. S. C., title 39, sec. 106)," and on page 1, line 9, to strike out all after "10" down to and including the word "annum," in line 1, page 2, and insert "Carriers in the village delivery service shall be graded, with salaries for each grade, as follows: First grade, $1,250; second grade, $1,350; third grade, $1,450. That in the readjustment of salaries for letter carriers in the village delivery service to conform to the grades herein provided, village letter carriers who are now receiving $1,150 per annum shall be placed in grade 1, those who are now receiving $1,250 per annum shall be placed in grade 2, and those who are now receiving $1,350 per annum shall be placed in grade 3. In determining the aggregate period of service upon which promotions are to be based, all time served as letter carrier in the village delivery service is to be included: *Provided*, That hereafter substitute letter carriers in the village delivery service when appointed regular carriers shall have credit for actual time served on a basis of one year for each 306 days of 8 hours served as substitute, and appointed to the grade to which such carrier would have progressed had his original appointment as substitute been to grade 1: *Provided further*, That letter carriers in the village delivery service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the third grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade."

Mr. GEORGE. I move that the Senate concur in the House amendments.

The motion was agreed to.

ADDITION TO WEST POINT MILITARY ACADEMY

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5732) to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation, which was to strike out all after the enacting clause and insert:

That the Secretary of War is hereby authorized to acquire, by purchase, condemnation, or otherwise, additional land in the vicinity of, and for use by, the United States Military Academy, in connection with the present military reservation at West Point, N. Y., such land being 15,135 acres, more or less, and including land surrounding Popolopen Lake, land bordering on the River Hudson, and other interlocking plots of land, all located in Orange County, N. Y.; and the sum of $1,500,000 is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended: *Provided*, That nothing herein contained shall adversely affect the existing water supply, its sources, or pipe lines of the town of Highlands, N. Y.

SEC. 2. The Secretary of War shall, by due advertisements in such manner as he deems best and calculated to give the widest necessary publicity, call for offers of land for use in connection with said West Point, N. Y., and if after negotiation he is able to buy said land or any part or parcel or tract thereof, and at such price or prices as he shall deem to be the fair and reasonable market value of the land, then he is authorized to purchase said land for said purpose at such prices; and if any of said offers of land are at prices deemed by the Secretary of War to be above the reasonable market value of such parcel or tract of land, and if after the negotiation the Secretary of War is unable to purchase the same at fair and reasonable prices as herein defined, then in such case the Secretary of War is authorized to request the Attorney General of the United States to institute condemnation proceedings for the acquiring of such tracts or parcels of land as may be necessary for such purpose.

Mr. REED. Mr. President, I move that the Senate concur in the amendment of the House. The only effect of the House amendment is to put in certain provisions for the protection of the water supply of the town of Highland Falls.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Pennsylvania that the amendment of the House be agreed to.

The amendment was agreed to.

AMENDMENT OF THE ACT OF MAY 12, 1900

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174), ch. 21, title 26), having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "if issued after December 31, 1931, and if claim for their redemption is presented by the manufacturer or importer within three years after the year of issue as indicated by the number or symbol printed thereon by the Government, irrespective of the date of their purchase. Beginning with the year 1933, stamps of any issue shall not be sold until those of the previous year's issue have been disposed of or later than one year after the year of issue"; and the Senate agree to the same.

REED SMOOT,
JAMES E. WATSON,
PAT HARRISON,
Managers on the part of the Senate.
W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

Mr. BARKLEY. Mr. President, I merely want to state that I hope the conference report will be agreed to at once. It is entirely satisfactory to all the interests concerned in the manufacture and sale of tobacco. The House desires to act on it immediately.

The VICE PRESIDENT. Is there objection?

Mr. COUZENS. Mr. President, I do not object, but I did not understand from the reading of the conference report that the Senate Finance Committee's provision for a six months' period was agreed to. Did not the committee amend the House bill?

Mr. BARKLEY. As the bill passed the House, it had a 2-year limitation. The Senate Finance Committee eliminated that 2-year limitation and left it entirely open. The conference report limits it to 1933. There is a limitation in the conference report, but it is longer than the two years, as passed by the House.

Mr. McKELLAR. I hope the report will be agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report?

The report was agreed to.

THE EIGHTEENTH AMENDMENT

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a short article by Mr. Thomas F. Cadwalader, one of the leading attorneys of Baltimore, on the subject "Is the Eighteenth Amendment Invalid—And Why?"

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

IS THE EIGHTEENTH AMENDMENT INVALID—AND WHY?

By Thomas F. Cadwalader

The extraordinary amount of publicity given to the extraordinary opinion of Judge Clark, holding the eighteenth amendment invalid because submitted to and ratified by State legislatures instead of State conventions elected for the purpose, makes the time opportune to try to clarify the issues as to the validity or invalidity of that amendment.

That its adoption was a very serious mistake from the constitutional point of view is the firm conviction of the overwhelming majority of lawyers, whatever their views might be about prohibition as a domestic policy. That the measure is for this or any reason actually unconstitutional and void appears to be the belief only of a very few, and those few reach such a conclusion on several distinct and even contradictory grounds. The layman might care to have these grounds set forth in some intelligible manner.

1. It has been ably argued that the amendment was illegally proposed because it was passed only by two-thirds of a quorum present in the House of Representatives and not by two-thirds of the entire membership of the House. The Constitution says that "two-thirds of both Houses" are requisite.

In other places the Constitution requires action on other matters by "two-thirds of those present," thus showing the apparent intention to distinguish between matters requiring the approval of two-thirds of the entire body and those where a two-thirds vote of a mere quorum, which might be little more than one-third of the whole House, would suffice.

However, the Supreme Court has held that if a quorum is present it constitutes the "House," and two-thirds of such a body is a sufficient majority. There is reason to believe that the first 10 amendments constituting the so-called Bill of Rights were proposed by only two-thirds of a quorum in the First Congress, and the Supreme Court gave weight to this. The fact, however, has been denied. The records of the First Congress are not full enough to determine it positively either way, though they seem to indicate that the action was by two-thirds of a quorum only.

2. Counsel for Sprague, the defendant before Judge Clark, argued that no amendment granting new powers to Congress, such as the eighteenth, could lawfully be ratified by State legislatures, especially since the tenth amendment became part of the Constitution. That amendment reads as follows:

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people."

The argument runs this way. The power to amend the Constitution is not a power delegated to the United States. The Federal Congress can merely propose amendments for ratification by the States in either of two ways. Therefore it is a reserved power. Reserved to whom? Either to the States or to the people, assuming there is a difference between them. Interpreting the term "States" as meaning the State governments or legislatures they argue that these are incapable of surrendering to any other body, even to Congress, any powers originally entrusted to them by their own people. A fortiori they would be incapable of vesting in Congress any powers that never were entrusted to them at all, and which the people in adopting their State constitutions forbade their legislatures to exercise. Therefore if a proposed amendment involves a redistribution of powers between the States and Congress or the grant of new powers to Congress that some or all of the States do not possess, it is necessary that recourse be had to the people themselves, i. e., to constitutional conventions to be elected by the people especially for the purpose of considering and acting upon the proposal. Accordingly it is the duty of Congress when it proposes an amendment to consider what sort of an amendment it is. If it merely limits the scope of Federal powers, or reserves to the people additional rights, or merely changes the machinery of government without affecting the substantive rights of the people (as for instance the twelfth amendment which changed the method of electing the President and Vice President) the Congress would be within its rights in submitting such a measure to the State legislatures; but if it affects entrusted powers or rights that are beyond the control of any legislature or government Congress must submit it to the people in separate State conventions, and if it fails to do this the ratification is ineffective and the amendment does not really become part of the Constitution at all.

This argument has a certain plausibility. Many pamphlets and two or three books have been written in support of it. It was not made by Mr. Root and his associates in the national prohibition cases and has never been considered officially by the Supreme Court.[1] It is, however, in the opinion of most lawyers fallacious. In the first place the Constitution itself makes no distinction in the Fifth Article or elsewhere between the powers of legislatures and those of conventions as ratifying agencies. Secondly, if the legislature of any State lacks competence to transfer its own powers, or to grant entirely novel powers over its own constituents, to Congress, why should it be supposed that conventions of the people in other States can do so? The people of Maryland might have limited the power of their own legislature to bind them, but did they grant power to conventions in New York and Pennsylvania to do to them what they refused to allow their own representatives to do? If so, such grant to foreign bodies was made in the Fifth Article of the Federal Constitution when Maryland ratified that instrument in 1788. But in that article they drew no distinction between foreign legislatures and foreign conventions. They conceded the power of adopting amendments to three-fourths of the States speaking through either of such sorts of assemblies as Congress might direct. The power to ratify amendments by three-fourths vote of the States depends entirely on the Fifth Article, and to its wording alone we must look to see how it can be exercised.

Certain writers hold however that when the people of all the States are called on to act through popular conventions, though elected in each State separately, and possessing no common bond,

[1] Some of the briefs filed contained the substance of this argument, and at least inferentially the court has overruled it.

the joint act of three-fourths of these conventions becomes an act of supreme sovereignty of the entire population of the Nation, and as such far transcends the powers of three-fourths of the legislatures. As to this it may be said that not a word in the Constitution and not a fact in our history can be adduced in support of it. Certain dicta of the Supreme Court, twisted out of the application shown by their context, and certain unfounded general assumptions, with a good deal of rhetoric added, form the basis of their argument.

The Constitution itself was adopted as everyone knows by popular conventions. But it was expressly provided therein, as was necessarily the case, that each convention bound its own State and no other. Any State was fully at liberty to stay out of the Union, and two of them in fact did. Nobody pretended they were legally bound by the Constitution until their own conventions assented to it. If the action of the people in these conventions had been that of one sovereign nation distributed for convenience into separate parts, as these authors assume, then a substantial majority would have bound all indiscriminately. But that never has been and never can be the case until either a revolution takes place or by unanimous agreement of the States our Federal form of Government is definitely abandoned and a consolidated national system takes its place. Whenever that happens, if it ever does, all question as to the validity of constitutional amendments will have vanished.

3. Judge Clark does not adopt the argument we have been considering. On the contrary he can see no distinction between the people of the States acting through their legislatures and the same people acting through their conventions except the purely pragmatic one that the second method would more clearly and satisfactorily reflect their reasoned opinions. Of this there can be little doubt. Conventions would be elected on the issue, which legislatures seldom are. They would contain a larger proportion of intelligent and public-spirited citizens and a smaller proportion of office seekers and political small fry. Their debates would be instructive and illuminating, or at least more so than those of the ordinary legislative assembly.

From these considerations, and also from a view of the importance the founders attached to conventions, Judge Clark concludes that Congress was really intended to refer all vitally important amendments, that is to say, all those involving new grants or vital transfers of governmental powers to these bodies and not to legislatures. If the Constitution did not say so—and it does not—apparently Judge Clark thinks it was a clerical oversight. He says that Congress is charged with the duty of selecting the ratifying agencies, and that this duty is not legislative but purely administrative, and involves the use of a discretion not uncontrollable by the courts. He, therefore, assumes the power and duty to control it by invalidating an amendment where Congress has misused its discretion according to the—unexpressed—intent of the Constitution, and has failed to submit it to those bodies most competent from practical considerations of public policy to deal with it wisely.

This is at least an original view of the extent to which judicial power may be pushed. But as the judicial power to avoid acts of legislation depends entirely upon the existence of a written Constitution, which inferentially at least, creates the power to strike down acts inconsistent with its terms, it seems quite untenable for the courts first to add something of their own to the written Constitution and then to strike out other parts which have been duly added consistently with its actual language though inconsistent with the judicial additions thereto. If this doctrine should prevail the Constitution would be henceforth whatever the judges might make it. To a great extent that is true now, of course. Some clauses in the instrument have been expanded or distorted by the Supreme Court beyond any semblance to the original intention of their authors. Judge Clark is really only endeavoring to put into the Constitution something that probably every member of the convention of 1787 would have assented to had he foreseen the conditions of to-day, and that most of them would have agreed to if suggested even without such foreknowledge. Yet it can not be denied there is no language in the instrument itself which by any stretch of logic or construction can be made to sustain his decision. If it be sustained it will be simply and purely a judicial amendment to the most vital article of the Constitution.

4. The argument given most publicity at the time of the hearing on the national prohibition cases in 1920 was very simple. It was to the effect that the tenth amendment, above quoted, was a restraint not only against encroachments by Congress on the rights of the States, but also against such encroachments by the legislatures or conventions of three-fourths of the States themselves. In other words, Article X of the amendments limited the scope of Article V providing how and when amendments might be made. Textually the position is tenable. The principal answer is that such a doctrine would forever prevent a redistribution or shifting of any powers whatever between the States and Congress. We should have to get along under the scheme adopted in 1788 forever, or until a revolution should occur or some foreign power conquers us. It seems incredible that the people who expressly provided for amendments almost without limit in 1788 should in the space of two years have concluded to withdraw the most important part of this very vital power to make government workable in the unknown future. It is less credible that the debates or writings of the period should not disclose such an intent, if that meaning is really attributable to Article X. Furthermore, it never was thought of seriously even during the bitter contest over slavery. In 1860 it was thought necessary if slavery were to be safeguarded from the amending power to propose a new amendment expressly restraining such interference, which was actually proposed by Congress and ratified by two or three States. The thirteenth amendment in 1865 abolishing slavery in the States was accepted without question as valid, the tenth amendment notwithstanding. The Supreme Court in the prohibition cases heard and overruled this argument.

5. Lastly there is another argument which was to some extent urged upon the Supreme Court in 1920 and which that court has therefore formally passed upon and overruled (though without rendering any opinion), but which has the double merit of being based not only on the wording of the Constitution itself but on the implied assumptions that underlie all politico-legal language in English-speaking countries. All written law in such countries is presumed to be enacted by either the voters who live under it or by their representatives, and it is a necessary part of the conception of legislation that the same power that enacts it can alter or repeal it at will. Indeed the accepted philosophic justification of man-made law consists precisely in this fact, and obedience to the law is deemed a duty because an orderly method of remedying its defects in accord with substantial public opinion is conceived to be always open to those on whom it may seem to bear harshly or unjustly. Consequently the method of legislating, and the only method of legislating, provided for in the Constitution is this familiar method by majority vote in a representative body, subject to frequent elections, and presumably or potentially responsive to the general currents of opinion. Amending the frame of government is a different thing from enacting laws, and consequently a different method of accomplishing it is provided. To enact laws by a method prescribed for a different purpose is a violation of the Constitution and finds no authority in its text. The first article of the Constitution reads: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Language could hardly be plainer in excluding legislative power granted by the Constitution from any other bodies, be they State legislatures, conventions, or any other. The legislative powers that those bodies possess were granted by entirely different instruments and for quite different ends. The power to make laws applicable to the whole Union was vested in Congress alone.

The eighteenth amendment does not purport merely to add new powers of legislation to Congress, which would be perfectly in consonance with the theory and practice of the founders, however unwise they might have thought the specific delegation to be. On the contrary, it purported to enact a law forbidding the manufacture and sale of liquor. No power was granted by the Constitution to enact any laws in this manner. If it can lawfully be done, then laws may be enacted—man-made legislation—which no power on earth short of revolution or the virtually unanimous consent of over a hundred million souls can possibly alter or repeal. Unalterable laws have no sanction in any civilized system of ethics, or in any logical conception of human government.

Of course, the founders could not have intended to vest legislative powers in the various bodies invested with the joint power of amending the Constitution because on the face of it this would necessarily result in a form of legislation that could indeed be enacted in response to a public demand, but could never again be subjected to the test that all law must meet—the continued support of public opinion expressed by substantial majorities at the polls and in the legislative chambers. The majority of a quorum in a single house in each of 13 petty legislatures can forever keep such laws fastened upon 48 Commonwealths, containing 120,000,000 people, inhabiting a vast continent washed by two oceans and almost touching every clime. The idea is unthinkable. It is repellent to common sense. It is the real and eternal vice of the eighteenth amendment or any analogous measure that may hereafter be conceived and brought forth from the same womb.

There is no need for any court to do violence to juristic traditions, to invent clauses not written in the Constitution, to stretch the ordinary legal significance of words, to overrule settled principles of law, in order to sustain this contention. Legislation by constitutional amendment never was before attempted, with the sole exception, if it be one, of the amendment abolishing slavery. Concede that this be an exception, it can yet be justified as a solemn covenant between victors and vanquished never to reestablish an institution which brought about an irreconcilable conflict between brothers and which perished in the devouring flame of war. But if this treatment of the slavery issue is to be a precedent to justify the making of unalterable laws on all subjects then democracy also received its death wound at Appomattox.

Judge Clark felt this argument was foreclosed by the Supreme Court's decision in 1920. No court is great enough to subject all the citizens of the United States to the necessity of obeying a law that by the vote of a substantial majority they or their representatives can not repeal. The court's decision was based on no reasoning, on no opinion vouchsafed. Many times in its history that court has had to overrule its former decisions. This decision, too, one is forced to believe, must in the course of time be overruled.

BALTIMORE, *January 14, 1931.*

STATE ENFORCEMENT ACTS UNDER EIGHTEENTH AMENDMENT

Mr. SHEPPARD. Mr. President, I ask permission to have printed in the RECORD an article entitled "State Enforcement Acts—Eighteenth Amendment Places Mandate on Commonwealths," by Jesse F. Orton.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

STATE ENFORCEMENT ACTS—EIGHTEENTH AMENDMENT PLACES MANDATE ON COMMONWEALTHS

By Jesse F. Orton

There has been much discussion of the question whether each State is under a duty, legal or moral, to pass an enforcement law in pursuance of section 2 of the eighteenth amendment, providing that "the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation." On the side relating to a legal duty I am not aware that any very complete or conclusive treatment has been published. I believe the following justifies an affirmative answer to the question.

If before the eighteenth amendment the States had possessed no power to regulate or prohibit the liquor traffic, the State power mentioned in section 2 would unquestionably be new power, and apparently it would be generally conceded that each State would be under a legal duty to pass an enforcement law, from which a moral duty would probably result even if it did not otherwise exist. Governor Ritchie of Maryland and other opponents of the amendment base their argument that no legal duty exists upon the premise that no new power was conferred upon the States by section 2. But, irrespective of them, it is well settled in law that when the Federal Constitution confers a power to execute a command or enforce a prohibition contained therein, it imposes a corresponding legal duty. This is the opinion of Chief Justice White, expressed in the national prohibition cases, as follows:

"I take it that if the second section of the article did not exist no one would gainsay that the first section, in and of itself, granted the power and imposed the duty upon Congress to legislate to the end that by definition and sanction the amendment would become fully operative." (253 U. S. 391.)

STATES DID HAVE POWER

Of course, prior to the eighteenth amendment each State did have power to regulate or prohibit the liquor traffic within its borders. This power was exclusive; but the Federal Government had as complete and exclusive power to regulate or prohibit trade or commerce in liquor between any State and its sister States or foreign countries.

I think it is very plain that section 2 did confer new power upon the States, notwithstanding their previously existing power to control intrastate transactions. In his opinion, Chief Justice White says: "I assume that it will not be denied that the effect of the grant of authority was to confer upon both Congress and the States power to do things which otherwise there would be no right to do" (p. 392).

Obviously this is true with respect to the control of interstate and foreign commerce in liquor. Under the Constitution before the eighteenth amendment no State had any power whatever over such commerce except a limited permission given by Congress in the Webb-Kenyon Act and the Reed amendment, revocable by Congress at any time. But section 2 of the amendment gave each State complete power to prevent absolutely all commerce in liquor between itself and sister States or foreign countries, by virtue of its concurrent power to enforce the prohibition (in sec. 1) of the importation of liquor into, or its exportation from, or its transportation within, the United States.

SIMILAR POWER FROM OTHER SOURCE

And with respect to the control of intrastate transactions, the power of each State was radically changed. It lost all power to permit or regulate the manufacture, sale, or transportation of liquor; it could only prohibit or prevent, in accordance with section 1. That it received new or additional power to enforce this prohibition of intrastate acts can hardly be questioned. It may have had a similar power before, constituting one of the powers reserved to the States ever since 1788. But there is surely such a thing as having the same or similar powers derived, respectively, from different and distinct sources. If the original source of this State power to prohibit intrastate transactions should be cut off, the power would still remain to each State given by section 2 of the amendment.

The natural and obvious meaning of the language used in section 2 forces the conclusion that the same power to enforce—that is, "to enforce this article" completely—was conferred upon Congress and the States. The words, "The Congress * * * shall have * * * power to enforce this article," admittedly conferred new power upon Congress to enforce the entire amendment. The same words, "the several States shall have * * * power to enforce this article," clearly must have conferred a corresponding new power upon the States. There is no intimation that any reference was made to power already existing. Obviously, the power which the States "shall have" must be new power so far as the prevention of interstate or foreign commerce is concerned; and it would be absurd to conclude that the words "power to enforce this article" refer in part to new State power and in part to the old police power of the States.

It thus appears that all the State power mentioned in section 2, "to enforce this article" by prohibiting the liquor traffic, whether intrastate or otherwise, had its source in the amendment itself. The previously existing State power to prohibit intrastate traffic in liquor might continue; but there would be no reason for mentioning that power in section 2, which spoke only of "power to enforce this article," for which purpose the power already possessed by the States was wholly inadequate. Being given a new and adequate power by the Constitution, the States are under a corresponding legal duty. It is not merely a moral duty; it is a strictly legal duty as well, since it is a duty to carry out an imperative mandate of the Constitution, although there is no way of compelling performance by Congress or the States except by political action.

SUPREME COURT OPINION

Governor Ritchie and other contenders who claim that the States are under no legal duty to pass an enforcement law, rely upon the opinion of the Supreme Court in United States *v.* Lanza (260 U. S. 377) and in Hebert *v.* Louisiana (272 U. S. 312). In stating a reason for its decision in the former case, the court said:

"To regard the amendment as the source of the power of the States to adopt and enforce prohibition measures is to take a partial and erroneous view of the matter. Save for some restrictions arising out of the Federal Constitution, chiefly the commerce clause, each State possessed that power in full measure prior to the amendment, and the probable purpose of declaring a concurrent power to be in the States was to negative any possible inference that in vesting the National Government with the power of country-wide prohibition State power would be excluded. In effect, the second section of the eighteenth amendment put an end to restrictions upon the State's power arising out of the Federal Constitution and left her free to enact prohibition laws applying to all transactions within her limits. To be sure, the first section of the amendment took from the States all power to authorize acts falling within its prohibition, but it did not cut down or displace prior State laws not inconsistent with it. Such laws derive their force, as do all new ones consistent with it, not from this amendment but from power originally belonging to the States, preserved to them by the tenth amendment, and now relieved from the restriction heretofore arising out of the Federal Constitution" (260 U. S. 377, 381–382).

Undoubtedly, many lawyers disagree with this opinion as to the effect of section 2, but not many appear to have done more than express surprise at the statement of the court. Thus Professor McBain, in his work on Prohibition, Legal and Illegal, says:

"Contrary to general popular impression, and contrary also to the apparent meaning of the phraseology of the amendment, the court has emphatically declared that the States have no power whatever generally to enforce national prohibition within their respective limits" (p. 28).

And after quoting the "line of argument" used by the court, Professor McBain says:

"It seems difficult to square it with the wording of the amendment. The amendment certainly declares that 'Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.' * * * For all practical purposes the court has read out of the amendment the declaration that 'the several States shall have * * * power to enforce this article by appropriate legislation'" (pp. 29–30).

I believe Professor McBain's opinion and the "general popular impression" to be correct, and the statement of the court to be clearly wrong. However, the decision which the court made in the Lanza case, and later in the Hebert case, was in no way dependent upon this erroneous statement. The decision was unquestionably correct, but the wrong reason was given for it. The statement of the reason, therefore, may be classed as a dictum, not binding upon the court in the future.

These two cases involved the well-established principle that when an act is punishable as a crime against the Federal Government, and also as a crime against a State, prosecution under the State law will not bar prosecution under the Federal law, and vice versa. But the Federal Constitution—fifth amendment—provides that no person shall be "subject for the same offense to be twice put in jeopardy of life or limb"; and most, if not all, of the State constitutions have a similar provision. Thus "double jeopardy" is forbidden in the Federal courts, and likewise in the State courts; but prosecution in both a Federal and a State court for the same act does not constitute "double jeopardy," it being considered that there are two distinct "offenses" against the two sovereignties. This principle was first recognized in 1847 in a case involving a prosecution for passing counterfeit money. (Fox *v.* Ohio, 5 Howard 410.)

An act committed on the Canadian border may be a criminal offense under the laws of Canada and also under the laws of the United States; and many acts now constitute offenses against the United States and against the State in which they are committed. If this principle were not recognized, it would be within the power of a State, by apprehending a criminal promptly and punishing him lightly, to give him immunity from adequate punishment; and the Federal Government might do the same in violation of the rights of a State. The Supreme Court in 1847 expressed the belief that this rule would be applied with caution by the Federal and State Governments and with due regard for the equities of each particular case; and I think it is generally admitted that it has been so applied, in a spirit of justice and accommodation between the Federal and State authorities.

In the Lanza case it appeared that the defendants had been prosecuted in the State court for illegal manufacture of liquor under the State law and had thereafter been prosecuted in the Federal court for the same act under the national law. The question before the Supreme Court was whether this second prosecution was in violation of the provision in the fifth amendment against "double jeopardy." The court held that it was not. Counsel for the defendants argued that in this case the State was exercising power granted by the Federal Constitution,

since both Congress and the States derived from section 2 their authority to enforce the eighteenth amendment, whereas in Fox *v.* Ohio and similar cases the States were exercising their own State powers. It was urged that power to enforce the amendment by punishing the manufacture of liquor was Federal power, whether exercised by Congress or by the States, and therefore the constitutional prohibition of double jeopardy was applicable.

Instead of meeting this argument by denying that double jeopardy existed, in the sense of the provision in the fifth amendment, even though the State was exercising power derived from section 2, the court disregarded the plain language of that section and announced that the States had nothing but their old original power to prohibit the liquor traffic within their borders. The court could not deny that the States now had power they had never before possessed (except by the grace of Congress), power to prohibit any sale of imported liquor. But the court construed this as an exercise of the old power, "relieved from the restriction heretofore arising out of the Federal Constitution." Section 2 plainly has no such meaning. And, furthermore, the States could now do much more than merely to prohibit the sale of imported liquor, or to confiscate or destroy it. They could prohibit and prevent the importation itself, since all transportation within the United States or importation into the United States was prohibited by section 1 of the amendment. It is certain that the mere removal of the "restrictions arising out of the Federal Constitution" could have given this new power?

STATES HAVE A DUTY

The court's decision might have been based on a much better foundation than a denial of the natural meaning of section 2. Lanza's argument that prosecution by both State and Federal authorities would be unlawful if the State's power came from section 2 was clearly unsound. The "appropriate legislation" by which the States were authorized to enforce the amendment was strictly State legislation, administered and executed by the State's own officers and courts; and violation thereof was an offense against the peace, dignity, and sovereignty of the State. Surely a State may be interested in the enforcement of a part of the Federal Constitution for its own peculiar State purposes. If the Federal authorities could give practical immunity to violators of State enforcement law, the grievance and indignity suffered by the State might be quite as serious as if the law had been passed under an original power of the State. Every reason for allowing double prosecution in the one case would, or at least might, be present in the other. The Supreme Court in United States *v.* Marigold (9 How. 560, 569) expressed the purpose of the rule permitting double prosecutions as that of "avoiding conflict between the State and Federal jurisdictions." Such conflict could not well be avoided unless the State were allowed to execute its "appropriate legislation," without interference from the Federal authorities; and, on the other hand, the Federal Government would be seriously hampered in the performance of its duty if it were subject to interference by the States.

It thus becomes evident that the constitutional provision against double jeopardy is applicable only to successive prosecutions in the Federal courts for the same offense. This was the logical and correct reason for the decision of the court in the Lanza and Hebert cases. The reason given by the court to the effect that section 2 did not confer power upon the States to enforce the amendment should be abandoned as illogical and incorrect.

The resulting conclusion is that each State, having received power to enforce a positive mandate of the Constitution, is under a legal duty to act thereunder and enact "appropriate legislation."

JESSE F. ORTON.

NEW YORK, *November 18, 1930.*

THE FLEXIBLE TARIFF

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD the prevailing and dissenting opinions rendered in the United States Customs Court, Third Division, involving the constitutionality of the flexible provision of the tariff act.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The opinions are as follows:

NEW YORK, N. Y., *March 3, 1931.*

Senator ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.:

Please correct mistake in Customs Court decision I gave you in second paragraph following quotation from Pollock *v.* Farmers' Loan & Trust Co. (157 U. S. 574) the words "the extreme modernists who prate of scientific taxation as if there could be such an absurdity concerning the political act of levying taxes or" was stricken out, making the sentence read: "Even those who talk of taking out politics the necessarily political act of writing tariff laws will realize," etc., and seven lines below that the words "which he writes to please himself" were stricken out, and there appeared in place thereof the words "under some elastic formula." If you have already printed it in CONGRESSIONAL RECORD, please have Public Printer make above correction.

MARK EISNER.

CONSTITUTIONALITY OF FLEXIBLE TARIFF

FOX RIVER BUTTER CO. *v.* UNITED STATES

1. The right to classify, as appearing in section 315, tariff act of 1922, by writing a new paragraph into the tariff act of 1922, is executive legislation and, as such, unconstitutional, being in conflict with Article I, sections 1 and 8, of the Constitution. The case of Hampton *v.* United States (276 U. S. 398), which dealt only with Executive changing of rates to keep them conformed to the cost-difference policy distinguished.

Paragraph 710 of the tariff act of 1922 reads:

"PAR. 710. Cheese and substitutes therefor, 5 cents per pound, but not less than 25 per cent ad valorem."

The new presidential provision reads:

"Cheese by whatever name known, having the eye formation characteristic of the Swiss or Emmenthaler type, 7½ cents per pound, but not less than 37½ per cent ad valorem."

2. Decision of the question whether Executive power under the flexible tariff extends to minimum rates will not avoid deciding the constitutional question because sustaining that claim in the protest would result in a smaller judgment.

3. The Executive action here contested concerning the conduct of the investigation including treating an advantage as a disadvantage, under and within the flexible provisions, is not subject to judicial review. Nor is the Tariff Commission's published report admissible in evidence for the purpose of showing the conduct and scope of said investigation or for showing a higher sales price of the foreign cheese in America was treated as a disadvantage to the American producer when it really was an advantage. These are matters confided to the discretion of the President and his advisors, the commission. There is no legal right to the imposition of a particular tariff rate.

"Review of reappraisement" cases and "Public Service Commission" cases distinguished.

[United States Customs Court, third division. Fox River Butter Co., plaintiff, *v.* United States, defendant. Port of New York. Protest 374220-G-25342-29. Decided February 24, 1931. (Judgment for the plaintiff.)]

Walden & Webster (J. L. Klingaman of counsel) for the plaintiff.

Charles D. Lawrence, Assistant Attorney General (James R. Ryan, special attorney), for the United States.

Before Young, Cline, and Brown, judges.

Young, Judge: This is a suit against the United States arising at the port of New York, brought to recover certain customs duties alleged to have been improperly exacted upon a certain shipment of cheese. The collector assessed the merchandise for duty at 37½ per cent ad valorem under the provisions of paragraph 710, tariff act of 1922, as amended by and in accordance with the presidential proclamation, T. D. 42251, increasing the duty.

The protest herein reads as follows:

"Protest is hereby made against your decision as to the rate or amount of duties chargeable on Swiss cheese and your assessment thereof at 7½ cents per pound, or 37½ per cent ad valorem, and your liquidation of the entries below named. The reasons for the objection, under the 'tariff act of 1922,' are that said merchandise is dutiable at 5 cents per pound but not less than 25 per cent ad valorem under paragraph 710, or in the alternative when assessed at 37½ per cent ad valorem at 7½ cents per pound. We further claim that the President exceeded his power in issuing his proclamation on Swiss cheese, because he is limited by law to proclaiming an increase in rate which will equal the difference in cost of production, and that such difference can not be one or the other of the two sums, whichever is higher.

"We further claim that under the law he could only increase the rate in the enacting clause and not in the proviso, or at the appropriate rate according to the component material of chief value provided such rate is not greater than the rate assessed, or at 10 or 20 per cent ad valorem under paragraph 1459."

Paragraph 710 of the tariff act of 1922 reads as follows:

"Par. 710. Cheese and substitutes therefor, 5 cents per pound, but not less than 25 per cent ad valorem."

The conclusion of the presidential proclamation, T. D. 42231 (51 Treas. Dec. 934), issued June 8, 1927, reads as follows:

"Now, therefore, I, Calvin Coolidge, President of the United States of America, do hereby determine and proclaim that the increase in the rate of duty provided in said act shown by said ascertained difference in said costs of production necessary to equalize the same, is as follows:

"An increase in said duty on cheese by whatever name known, having the eye formation characteristic of the Swiss or Emmenthaler type (within the limit of total increase provided for in said act), from 5 cents per pound, but not less than 25 per cent ad valorem, to 7½ cents per pound, but not less than 37½ per cent ad valorem."

The power-granting clauses of section 315 of the tariff act of 1922 relating to this controversy read as follows:

"SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended whenever the President, upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in costs of production in the United States and the principal competing country, he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in such costs of production necessary to equalize the same. Thirty days after the date of such proclamation or proclamations, such changes in classification shall take effect and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila): *Provided*, That the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in Title I of this act, or in any amendatory act. • • •

"(c) That in ascertaining the differences in costs of production under the provisions of subdivisions (a) and (b) of this section the President, in so far as he finds it practicable, shall take into consideration (1) the differences in conditions in production, including wages, costs of material, and other items in costs of production of such or similar articles in the United States and in competing foreign countries; (2) the differences in the wholesale selling prices of domestic and foreign articles in the principal markets of the United States; (3) advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country; and (4) any other advantages or disadvantages in competition.

"The President proceeding as hereinbefore provided for in proclaiming rates of duty shall, when he determines that it is shown that the differences in cost of product have changed or no longer exist which led to such proclamation, accordingly, as so shown, modify or terminate the same. Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list, or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provision of this section upon such articles shall exceed the maximum ad valorem rate so specified."

The plaintiff relies upon the following claims, as stated in his brief:

1. That the President in raising the minimum rate from 25 per cent to 37½ per cent ad valorem exceeded the power granted him in section 315 and that, therefore, the proper rate of duty is only 7½ cents per pound but not less than 25 per cent ad valorem.

2. That the President misconstrued section 315 (c) (4) apparently authorizing him to take into consideration in the determination of differences in the cost of production "any other advantages or disadvantages in competition," and has treated an advantage as a disadvantage, wherefore his proclamation should be set aside.

3. That because the Tariff Commission did not make what in law constitutes an investigation of the cost of production of Swiss cheese in Switzerland, the President's proclamation is premature and should be set aside.

4. That section 315 is a delegation of legislative power and therefore unconstitutional.

We take up No. 4, the last claim, first, relating to the constitutionality of the action taken, as by far the most important.

The constitutional question before us for decision is whether, under the above provisions, the President can write new language into the tariff act, i. e., insert a new paragraph therein, carved out of a statutory paragraph, as this proclamation before us does. That is, whether the words in section 315 *in italics* above, which expressly authorize the President to reclassify imported articles, are unconstitutional as in conflict with sections 1 and 8 of article I of the Constitution which limit legislation and taxing power to the Congress.

The delegation sustained in Hampton *v.* United States (276 U. S. 394), to which the language of the opinion in that case solely relates, was the part of the so-called cost-difference formula which affected tariff rates, based on the assumption that Congress in its statutory rates met cost differences and that the President's action was merely to conform them to that standard by making necessary adjustments to that end. By the legal fiction that the President was merely carrying out the intelligent plan and purpose of Congress in keeping rates adjusted to the cost-difference idea, either by finding what many persons (we think erroneously) believe to be mere facts and not judgments, or by making so-called findings in conformity with the cost-difference "purpose and plan," the case of Hampton *v.* United States (276 U. S. 394) sustained as constitutional that part of the statute actually involved therein. That Executive action involved only the increase of the rate on barium dioxide from 4 cents a pound to 6 cents a pound to equalize the difference in cost of production at home and abroad, without changing words in paragraph 12 which classified it.

That doctrine may be made to conform, in the Supreme Court's view, to dealing with tariff rates by Executive raising and lowering them, according to the so-called standard, and, in that view, may be treated as consistent with our constitutional division of powers. But it can not in any view be applied to writing a new tariff act by changing the language of the law. The minute the President does that he goes into a new field; he proceeds a thousand times further than changing rates to meet cost difference. When one writes new language, strikes out and inserts, writes new paragraphs (as is done here), he manifestly legislates. He makes new law. The simplest man on the street can see, without instruction from any court, that when the President does that he legislates. Most people know that the Constitution reposes that dangerous and heavy responsibility upon the Senators and Representatives whom the people elect in their States, no matter with what zeal Congress may seek to avoid the responsibility and pass this delicate trust on to the President. That is hardly an arguable proposition. It is difficult to support a self-evident proposition by argument. Either one sees it or his eyes are blind to the self-evident fact. No legal fiction can camouflage it.

Every lawyer who has ever tried a customs classification case, and every lawyer who has dealt with statutory construction, knows that when the language is changed by striking out and inserting, the construction of the law is inevitably changed. Every customs lawyer will see at a glance that when a new classification is written the legal incidents of the goods in customs law may be changed. In the case before us, out of a paragraph covering "cheese and cheese substitutes" as a general class, there is carved out a new paragraph covering an eo nomine designation, associated with special descriptive words. If the President can do that he can write any new provision levying duty upon any test he desires, based on use, or chief use, over a certain value, chief value, eo nomine terms, or any other of the numerous classifications commonly used in tariff laws, or newly invented by him. In short, he can write a new tariff law, which was self-evident from the statement of the proposition at the beginning of the discussion.

Every rule of customs construction may be changed in its application to the particular articles whose classification he rewrites. Such as the rule of commercial designation, chief value, use or chief use, similitude, noscitur ex sociis, and all the others.

If he should happen to base the new classification on value above a certain figure the incidents such as paying penalties for undervaluation may be newly applied, or an appeal to reappraisement to test the value and thus keep within or stay without the classification may arise by his action.

If the legal fiction under which presidential changes in rates have been upheld, namely, that he is merely carrying out the purpose and plan of adhering to the cost-difference formula, is attempted to be applied here it fails and fails utterly, because in rewriting the law he necessarily and incidentally affects many other matters which have no possible relation to the cost difference formula, of which he will not even be vividly aware. It is too plain for argument that when the President rewrites the language of the law he legislates, and we are not going to assume that the Supreme Court meant he could do that in the Hampton case in the absence of their expressly saying so. And they did not.

Nor do the limits in the statute save the attempted delegation to write new law. To legislate within limits is exactly the same on principle as legislating without limits. It can not be claimed that the limits even support the sustained cost difference purpose and plan. On the contrary, they tend to defeat it and make it fall short.

We hold without hesitation that the Hampton case sustained presidential changing of rates to meet cost difference under the cost formula with which it solely deals. That case involved nothing else and discusses nothing else. It does not attempt to validate as constitutional the bald writing of new language into the law by the President, which has many other effects and consequences totally unrelated to the cost formula.

Nor is the result affected by the fact that the statute attempts to link with changing rates the rewriting of the language of the law by reclassifying and attempts to give the President the right to so classify. We are not here dealing with congressional intent but with congressional power to violate our Constitution.

In the confusion which seems to have arisen over the scope and effect of the Hampton decision it is well to quote the language of the Supreme Court in Pollock *v.* Farmers L. & T. Co. (157 U. S. 574):

"Doubtless the doctrine of stare decisis is a salutory one and to be adhered to on all proper occasions, but it only arises in respect of decisions directly upon the points in issue."

And, again:

"Manifestly, as this court is clothed with the power and intrusted with the duty to maintain the fundamental law of the Constitution, the discharge of that duty requires it not to extend any decision upon a constitutional question if it is convinced that error in principle might supervene." (Ibid. 576.)

Error in principle would most certainly supervene if we attempted to extend the language of the Hampton decision on an alleged application of the rule of stare decisis to cover delegating to the President the power to write new tariff acts.

Even the extreme modernists who prate of scientific taxation, as if there could be such an absurdity concerning the political act of levying taxes, or those who talk of taking out of politics the necessarily political act of writing tariff laws, will realize that our unique constitutional plan of representative government does not contemplate delegating to our President the power to write the language of all our Federal tax laws, including classification of persons into the groups that shall pay graduated rates of income tax, which he writes to please himself. Yet if this can be done, so can that. We are not prepared to make a decision which legally authorizes the setting up of that executive despotism in America in face of the express words of our Constitution reading:

"ARTICLE I, SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

ART. I, SEC. 8. Congress shall have power to lay and collect taxes, duties, imposts, and excises," etc.

When it says "Congress" it does not mean the President. If that despotism is desired, let a constitutional amendment to that

end be proposed and ratified. Do not expect the courts, whose primary duty is to defend the Constitution, to set it up by construction and legal fiction.

One of the best judicial statements covering what can and what can not be delegated is in ex parte Wall. (48 Cal., 279), reading as follows:

"A statute to take effect upon a subsequent event, when it comes from the hands of the legislature, must be a law in praesenti to take effect in future. On the question of the expediency of the law the legislature must exercise its own judgment definitely and finally. If it can be made to take effect on the occurrence of an event, the legislature must declare the law expedient if the event shall happen, but inexpedient if it shall not happen. They can appeal to no other man or men to judge for them in relation to its present or future propriety or necessity; they must exercise that power for themselves and thus perform the duty imposed upon them by the Constitution."

No one can candidly say the language of the new provision as written by the President in this case is the complete act as it left the hands of Congress, written by Congress in praesenti to take effect in futuro. On the contrary, the language originated entirely with the President. He, and not Congress, unmistakably decides what the law shall be, which is the test. When, in Field v. Clark (143 U. S. 649), he looked into a foreign law book to find the actual fact as to whether the foreign country had incorporated a provision taxing our exports more than those of other countries and, by his proclamation of that simple fact, brought into effect a rate already written in amount by Congress, he was not writing the words of a new law, as he is here.

To recapitulate. When, as here, in addition to changing the rate, the President also changes the language he does much more than keep the rates to the plan of representing cost differences by the operation of the cost formula. He also changes the meaning of the act, or may change it. The latter is sufficient, because the legality of a power is not determined by what is done in the particular case before the court but by what may be done under it.

In Collector v. Day (11 Wallace 113), the tax levied on the salary of the State judge was only $30. Yet that was unconstitutional, because, if legal, it permitted the Federal Government to take his whole salary in taxes and thus destroy an essential instrumentality of the State.

In Brown v. Maryland (12 Wheaton), the State of Maryland levied a tax of $50 on importers which the Supreme Court held amounted to a State tax on imports, and the question of its small amount being referred to John Marshall, said on page 439:

"Questions of power do not depend on the degree to which it may be exercised. If it may be exercised at all, it must be exercised at the will of those in whose hands it is placed."

In both Stewart v. Palmer (74 N. Y. 183) and Gilman v. Tucker (128 N. Y. 190), the Court of Appeals of New York said:

"The constitutional validity of a law is to be tested not by what has been done under it but what may under its authority be done."

The President, under the guise of conforming to the cost difference formula, may, and, if he uses the proper language, can change the meaning of the law. In the case before us he changes the language as follows:

"Act of 1922, par. 710. Cheese and substitutes therefor, 5 cents per pound, but not less than 25 per cent ad valorem."

New presidential provision—

"Cheese by whatever name known, having the eye formation characteristic of the Swiss or Emmenthaler type, 7½ cents per pound, but not less than 37½ per cent ad valorem."

None of the expressions used by the President appear in the statute of 1922, which he is modifying. He uses descriptive words (eye formation) applied to an eo nomine description (Swiss or Emmenthaler), coupled with an expression "by whatever name known," which latter is frequently used to negative the effect of the rule of commercial designation.

If an eye formation cheese was universally bought and sold in the wholesale trade as something else it would, under the rule of commercial designation, the first and primary rule of customs classification, not be covered by paragraph 710 as "cheese or substitutes therefor," but bear some other rate. It would be especially included, however, in the new presidential written parsgraph by reason of the added words "by whatever name known."

But the particular language he used is not important. The issue turns on whether he made any change of language at all. Because, if he can make any changes in language, he can rewrite the language of the whole law.

Nor under the same principle is it important whether the particular langage the President uses actually produces a change in the construction and effect of the statute or not. This, at the time of making the change, it would frequently be next to impossible to determine, as the enormous volume of customs litigation filling the books testifies. It is enough if any change in meaning may result by changing the law. It is legislation on its face done by the conventional method of legislating, i. e., changing the language, whether it successfully changes the meaning or not. The possibility of the change in meaning is there, and the statutory right to change the language and incidentally the meaning is there, which is sufficient to make the words in the statute authorizing classification illegal. The language of the statutory paragraph before us was changed in at least three important particulars by the President.

This conclusion carries a judgment in favor of the plaintiff against the defendant for the sum of $404.25, which will accordingly issue.

As to the first contention in plaintiff's brief, we heartily agree with the brilliant argument of plaintiff's counsel conclusively showing that under a rational construction of the flexible provisions no power was intended to be granted to the President to advance a minimum rate.

Had the constitutional question above stated not been involved, we would have sustained this alternative claim in the protest.

Holding the view that the presidential power does not cover minimum rates will not enable us to avoid deciding the constitutional question. If we sustained the claim against advancing the minimum rate, it would only hold illegal the 37½ per cent ad valorem rate in the newly written paragraph, while a decision on the question of constitutionality holds illegal both the newly written 7½ cents a pound rate and the newly written 37½ per cent rate. The judgment on the minimum-rate claim would amount, as shown by the figures in the record, to $186.75, while the judgment on the claim of unconstitutionality would amount to $404.25. And the plaintiff is legally entitled to have his maximum claim decided. Therefore the constitutional question must be decided.

The second claim, as powerfully stated in plaintiff's brief, is an assertion that a higher sales price in America of the Swiss cheese, alone covered by the presidential written paragraph, was treated as a disadvantage to the American producer, when it really was an advantage to him, and that nothing could be added to the supposed calculation of cost difference on that account.

As to this claim, we are constrained to hold that it is not litigable, as the question of the reasonableness of a carrier's rate found by a State commission is generally held to be litigable, for the conclusive reason that the reasonableness of a carrier's rate is litigable at common law, and when fixed by a State commission it merely determines that common-law right. That determination by the commission, of course, can be and, as to State commissions, usually is made litigable, and under some State constitutions would doubtless be litigable without express statute. While, on the other hand, as no one has a legal right to the imposition of a particular tariff rate, a justifiable subject matter does not arise.

Secondly, it is not litigable because, as pointed out by the Hampton decision, the conclusion as to what is to be considered cost difference is not made by the Tariff Commission, who state that they added 4.9 cents to their finding of cost difference, due to something that the plaintiff claims to be an advantage instead of being a disadvantage, but by the President. He can ignore everything they do and make no ruling at all; can act on other information for other reasons; and even order an increase when they have suggested a decrease. Therefore their statement that they have done the remarkable thing charged does not vitiate his act.

As to the plaintiff's third claim, to the effect that the Tariff Commission show by their report that they did not find foreign costs, although the report shows that they did make some investigation in Switzerland, we hold that the extent of their investigation within the statute is not subject to judicial review, no legal right being here present to assert or judicially enforce. That may result in a wide discretion on their part as to how much and how little they shall choose to investigate and what sales prices, etc., they shall choose to consider as supposed evidence of foreign costs. That arbitrary power, in our opinion, was plainly intended to be conferred. The courts can not undertake to dictate the details of its performance or to declare the resulting levy illegal if they happen to think the investigation unjust or unfair. Besides, it is the President and not the Tariff Commission who fixes new rates. They are merely his advisers. He can ignore what they do and do the contrary. We have no power to interfere. This may be unfortunate and harsh in its results, but we believe it to be the law. The only remedy against that sort of action is solely the political remedy of repeal of the delegation to change rates.

The supposed formula for executive adjusting of rates which the Supreme Court has sustained is not, as generally supposed, a strictly cost-difference formula. It authorizes the use of two factors to determine cost difference which have no direct relation to cost difference and differ therefrom. They are the indefinite and uncertain expression meaning anything.

"Any other advantages or disadvantages in competition" ("other" referring to something beyond cost factors) and "selling prices in America of the two competing articles." Selling prices are not costs. They differ entirely from costs. How can one thing be found from two different things?

Thus we have a formula so indefinite in form with three different things so hopelessly mixed up that it would be impossible for a court (if it had the power) to say it had been improperly used or improperly applied.

Upon the question of the admissibility of the published report of the Tariff Commission on cheese, reserved at the trial, we sustain the defendant's objection thereto and hold it inadmissible, noting an exception for the plaintiff, and marking it for identification to make good plaintiff's exception, according to our established practice, such practice being based upon avoiding the necessity of remand for retrial in case that ruling is reversed on appeal. In this connection we do not deny that all the reports of the Tariff Commission under section 315 can be taken judicial notice of by the courts, in order to examine the uncertain, arbitrary, and discretionary nature of the process in considering the legality of the delegation and perhaps for some other purposes. That, however, does not make it admissible in evidence.

The claims it is offered to support are (1) because the commission's investigation in Switzerland was imperfect and incomplete

and (2) because by treating a higher price in America for foreign Swiss cheese as a detriment, instead of an advantage, to the American manufacturers they turned an advantage into a disadvantage. These questions we have already determined to be not justifiable, for the reasons (1) because the President, not the Tariff Commission, levies the new tax, (2) because no legal right is involved in this process.

A protest against the legality of a customs reappraisement of a parcel of merchandise is, and always was in the nature of, a legal contest. If applies the existing rule, or law, to a particular importation. The President's proclamation under section 315, on the other hand, makes the new rule, or law, under which all future importations of the article investigated must pay duty thereafter. The distinction is a simple and elementary one. It shows conclusively that the "review of reappraisement" cases cited by the plaintiff are not in point. Again the reasonableness of a State public-service commission toll or charge is only justifiable because it enforces the common-law right of the public-service company to charge, and the user to pay, a reasonable toll for services rendered. Indeed, it happens that a toll or charge for such services fixed by the Interstate Commerce Commission is not subject to judicial review for mere unreasonableness. It must be confiscatory, or amount to an arbitrary fiat, in order to be reviewed by the courts; the first because it is unconstitutional to confiscate by means of it, the second because it enforces a legal right existing at common law. But a tax can confiscate property. (McCray v. United States, 195 U. S. 27.) That is why John Marshall called it the power to destroy. A tax need not be reasonable. (Patton v. Brady, 184 U. S. at p. 623.) A tax may be arbitrary. (Flint v. Stone, etc., 220 U. S. 107.) If these are controlling political reasons why the people's representatives in Congress should never delegate this drastic power to others, because they are purely political and not legal reasons, we can not consider them in deciding this or any other case. The consequences can not be avoided by straining to set up a judicial review which does not and, because taxation is the power to destroy, can not exist.

Investigations are to be made in the discretion of the Tariff Commission or the President. (Norwegian Co. v. Tariff Commission, 274 U. S. 110.) The President may refuse to act after an investigation has been made by the Tariff Commission. This discretionary beginning and ending gives no one a statutory right to the levy of a particular tariff rate by this process, whether he be a consumer, importer, or producer.

At least as applied to writing new language into the statute, the matter in issue here, this discretionary beginning and optional ending, partakes wholly of the domain of the legislature. It excludes any possibility of the operation of the process within the statute being justifiable, and strongly supports our ruling above upon the question of constitutionality.

The theory of the Hampton case is that the process is automatic and self-acting, so that when the President acts to carry out the will of Congress, previously expressed in the formula, they, and not he, are legislating. He is supposed to be merely enforcing the statute according to the congressional will. But if Tariff Commission and President decide, in their discretion, if and when they will start the process, and the President, in his sole and uncontrolled discretion, can weigh and use or discard, as he sees fit, such evidence as has been collected by them or by him, and decide the amount of what new tax he shall proclaim (within the statutory limits) or whether or not he shall proclaim any tax whatever, executives exercise the very essence of legislative power—the power to initiate and the power to complete a new tax levy.

What becomes of the provision of the Constitution (Art. I, sec. 7) that—

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills"—

when a new tax is initiated by Tariff Commission or President, in their discretion, and its levy calculated and completed by the President, in his discretion, all outside the Halls of Congress?

Complete uncontrolled executive power, without judicial review, to initiate the process or to refuse to do so, with similar complete uncontrolled executive power to amend the statutory rate or to refuse to do so after investigation was not pressed upon the attention of the Supreme Court by the petitioner in the Hampton case as a separate substantive ground of unconstitutionality, because wholly legislative in character, nor was it expressly ruled upon by the Supreme Court nor discussed in the opinion.

No claim of fancied necessity, fancied after 142 years, will support this attempted grant of executive power to write tariff laws. Necessity knows no law. A constitution which can be brushed aside by necessity is no constitution.

Any claim to the effect that the President might write better tariff laws than Congress is not a legal argument but a political plea for a more autocratic kind of government than the republican form which the Constitution established.

The dissenting opinion is based entirely upon a misapplication of the doctrine of implied powers to make an express power effective, which has no application to a situation like this. Such a doctrine can not be invoked to expand a method of avoiding, by legal fiction, the command of an express constitutional limitation intended to prohibit executive legislation. The misapplication of any such doctrine here would have the effect of turning the prohibition into a permit.

We have the delegation in the Hampton case sustained upon the very technical ground that executive adjusting of rates to cost difference by legal fiction avoids the prohibition against executive legislation. To expand that doctrine to dividing up paragraphs and writing new words avoids the whole prohibition.

The grant of any power to the Executive to take any part in the legislative process must necessarily be carefully guarded and confined in order to preserve the express constitutional limitation of such power to Congress. Any implication or assumption of such power to support or expand what has been already sustained as legal implies a further impairment of the express constitutional limitation. There is no legal rule to justify the grant of further power in such circumstances.

The existing holding that authority may be delegated to merely change a rate in a complete paragraph, as it left the hands of Congress, implies no sanction for the granting of further power to divide up the paragraph.

It is not the liberal construction of a granted power to the Executive to make it effective and workable that we are considering, but how far an express limitation in the Constitution confining legislative power to Congress can be avoided by a congressional grant to such Executive.

A holding that power of rate adjusting may be granted by Congress to the Executive is therefore necessarily confined to the rates which Congress named in the statutory paragraphs of a complete law as it left their hands.

To grant further power to the Executive to break the paragraphs up in order to affect only part of the articles covered thereby is to grant power to change the body of the statutory law itself and to negative the congressional legislative arrangement of imported articles for taxation.

If the sustained theory of delegation applies not only to each statutory rate but to each separate article covered thereby, the Executive could take a hundred articles covered by a single statutory rate and tax them by a hundred separate amounts if he chose to investigate them all, or he could pick out one only if he chose to investigate no more.

If the power to select which articles in a paragraph he shall investigate, to change their taxable status, is not executive legislation, we would like to know what other name for such executive selection is appropriate.

If that power can be delegated, then an act which repealed all existing rates and simply authorized the Executive to fix the rate on every imported article upon cost difference within named limits or without limits would be equally constitutional. The legal nature of that delegation and of the delegation at issue here would be identical. Each would equally be an "intelligent purpose and plan."

If the theory of the Hampton case can be carried further than changing the rates as they are named and applied by Congress in the statutory paragraphs, then we are at a loss to state the legal limits beyond which such delegation can not go. If such legal limits can not be stated, then the constitutional limitation confining legislation to Congress ceases to exist. Nothing remains to which it can be applied.

We are unable to comprehend how the rule simply requiring an intelligent plan or purpose provides any limitation upon what power can be legally delegated, unless it is confined to the delegation actually sustained in the Hampton case. If not so confined, nothing remains of the express constitutional limitation.

This disposes of all phases of this complicated test case.

Judgment will issue in favor of the plaintiff for the sum of $404.25.

Concurring.

Entry 762877 herewith returned.

DISSENTING OPINION

Cline, judge: I regret that I am unable to concur in all of the conclusions reached by my associates in the case at bar. I concur in the ruling that the report of the Tariff Commission—which was marked for identification "Exhibit No. 1"—is inadmissible as evidence of the scope of the investigation upon which the President's proclamation was based. I believe this court is without authority to go behind the proclamation, which shows on its face that it was issued according to law.

As to all other questions raised herein, I respectfully dissent from the opinion of my associates.

The brief of plaintiff's counsel lays much stress upon the contention that the President, in exercising his power of revision under section 315, tariff act of 1922, construed as disadvantages certain conditions which are claimed to be advantages. There is no evidence in the record on this point, and it is not before us. The report of the Tariff Commission was excluded and matters appearing therein can not be considered in reaching a conclusion in the case at bar. The official papers covering the importation involved and the President's published proclamation are the only evidence in the record.

The official papers show: First, that 64 tubs of cheese, weighing 11,440 pounds net, were imported into the United States; second, that this merchandise was classified under paragraph 710 of the tariff act of 1922; third, that the total dutiable value of the cheese was $3,234; fourth, that duty was assessed thereon at 37½ per cent ad valorem, the total amount of duty being $1,212.75.

Paragraph 710 of the tariff act of 1922, as originally enacted by Congress, reads as follows:

"PAR. 710. Cheese and substitutes therefor, 5 cents per pound, but not less than 25 per cent ad valorem."

By virtue of the President's proclamation, issued under section 315 of the tariff act of 1922 and published in T. D. 42251, paragraph 710 is amended to increase the duty collectible thereunder on cheese having the eye formation characteristic of Swiss or Emmenthaler, as follows:

"An increase in said duty on cheese by whatever name known, having the eye formation characteristic of the Swiss or Emmen-

against the defendant for the sum of $404.25, which will accordingly issue.

The claims it is offered to support are (1) because the commission's investigation in Switzerland was imperfect and incomplete

having the eye formation characteristic of the Swiss or Emmen-

thaler type (within the limit of total increase provided for in said act), from 5 cents per pound, but not less than 25 per cent ad valorem, to 7½ cents per pound, but not less than 37½ per cent ad valorem."

It will thus be noted that the President's proclamation increased the amount of duty to be assessed upon one particular type of cheese, by whatever name known, exactly 50 per cent over the duty assessable under paragraph 710 as originally enacted, which is in accordance with the limitation placed upon the President's power in the proviso contained in section 315 (a), tariff act of 1922, the pertinent portion of which reads as follows:

"SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the *duties* fixed in this act do not equalize the said differences in costs of production in the United States and the principal competing country, he shall, by such investigation, ascertain said differences and determine and *proclaim the changes in classifications* or *increases* or *decreases* in any rate of duty provided in this act shown by said ascertained differences in such costs of production *necessary to equalize the same* * * *: *Provided*, That the total increase or decrease of such *rates* of duty shall not exceed 50 per cent of the rates specified in Title I of this act, or in any amendatory act." (Italics not quoted.)

In plaintiff's brief it is contended that section 315, supra, is an unlawful delegation of legislative power to the Executive, and therefore unconstitutional. In the case of Hampton *v.* United States (276 U. S. 394) the United States Supreme Court upheld the constitutionality of this section of the tariff act of 1922, and I believe the decision in that case controls the decision in the case at bar. In the Hampton case Mr. Chief Justice Taft, delivering the unanimous opinion of the court, said:

"It seems clear what Congress intended by section 315. Its plan was to secure by law the imposition of customs duties on articles of imported merchandise which should equal the difference between the cost of producing in a foreign country the articles in question and laying them down for sale in the United States and the cost of producing and selling like or similar articles in the United States, so that the duties not only secure revenue but at the same time enable domestic producers to compete on terms of equality with foreign producers in the markets of the United States. It may be that it is difficult to fix with exactness this difference, but the difference which is sought in the statute is perfectly clear and perfectly intelligible.

* * * * * * *

"If Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power. If it is thought wise to vary the customs duties according to changing conditions of production at home and abroad, it may authorize the Chief Executive to carry out this purpose, with the advisory assistance of a Tariff Commission appointed under congressional authority."

The decision of my associates holds that the Hampton case, supra, is not controlling in the case at bar because in the former case the court had before it a state of facts which involved only an increase of certain definite rates, whereas in the case now before us the President has added descriptive words in addition to raising rates. Section 315 (a), supra, expressly empowers the President to ascertain the cost differences and "determine and proclaim the changes in classifications or increases or decreases in any rate of duty * * * necessary to equalize the same." Thus the President, in exercising this power of classification in the case at bar, acted within the letter of the statute, and the question is whether or not, under the Constitution of the United States, that portion of section 315 (a) which delegates to the President the power to make "changes in classification" is valid.

The power to classify by descriptive words the particular article upon which the rate is to be increased or decreased is necessary and proper as a means to carry into effect the cost-difference policy which the Congress has announced in section 315 of the tariff act of 1922. The Supreme Court of the United States in the Hampton case, supra, has held this policy to be an intelligible principle and "not a forbidden delegation of legislative power." Congress, having stated its cost-difference policy, has intrusted the execution thereof to the President, and in its opinion in the Hampton case, supra, the Supreme Court has said that the Executive is thereby empowered "to make the adjustments necessary to conform the duties to the standards underlying that policy and plan." If, in the execution thereof, the President discovers that, due to "changing conditions of production at home or abroad," the rate applicable to a particular kind of cheese needs adjusting—although other kinds of cheese may not have been subjected to the changing conditions—he must, as an incidental power, use descriptive words to set apart and distinguish the particular commodity requiring a rate adjustment in order to conform to the legislative plan. Should the President be required to raise the rates on all cheese because of changes in competitive conditions of one kind, or must he act on none because the rates on all kinds are not in need of revision? So to hold is to give an absurd construction to the statute. In the case of Prigg *v.* Pennsylvania (16 Pet. 539, 10 L. ed. 1060) Mr. Justice Story, delivering the majority opinion of the Supreme Court, stated the following:

"The fundamental principle, applicable to all cases of this sort, would seem to be that where the end is required the means are given, and where the duty is enjoined the ability to perform it is contemplated to exist on the part of the functionaries to whom it is intrusted."

In the case of Marshall *v.* Gordon (243 U. S. 521, 61 L. ed. 881), Mr. Chief Justice White, in the opinion of the Supreme Court, said:

"The rule of constitutional interpretation announced in McCulloch *v.* Maryland (4 Wheat. 316, 4 L. ed. 579), that that which was reasonably appropriate and relevant to the exercise of a granted power was to be considered as accompanying the grant, has been so universally applied that it suffices merely to state it."

The majority opinion, delivered by Mr. Chief Justice Marshall, in the case of McCulloch *v.* Maryland (4 Wheat. 316, 4 L. ed. 579), enunciated the following rule:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are *appropriate*, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." (Italics not quoted.)

The President's power to set apart and describe the commodity in the case now before us, is a right incidental to the main general power of executing the cost-difference policy, and is conductive to its beneficial exercise.

The protest in the case before us makes the further claim that the President exceeded the power granted by the statute, in that he increased the minimum rate, as well as the specific rate, appearing in paragraph 710 as originally enacted, and the decision of my associates sustains this contention. I believe the President acted well within his statutory power when he increased the minimum rate. The exceptions to the President's power of revision within the 50 per cent limitation are expressly set forth in the last paragraph of section 315 (c), in the following words:

"Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provision of this section upon such articles shall exceed the maximum ad valorem rate so specified."

It will be noted that the only exceptions enacted by the above-quoted paragraph are: (a) An article may not be transferred from the dutiable list to the free list; (b) an article may not be transferred from the free list to the dutiable list; (c) the form of duty may not be changed; and (d) no maximum ad valorem rate may be increased. Section 315 (c) fails to except from the general terms of the statute the President's power to change a minimum ad valorem rate; and under the rule of construction, expressio unius est exclusio alterius, the President has this power. In the case of Ford *v.* United States (273 U. S. 593, 71 L. ed. 793), the United States Supreme Court held that this maxim is properly applied "when, in the natural association of ideas, * * * that which is expressed is so set over by way of strong contrast to that which is omitted that the contrast enforces the affirmative inference that that which is omitted must be intended to have opposite and contrary treatment." In the case of United States *v.* Dickson (15 Pet. 141, 10 L. ed. 689, 698), Mr. Justice Story, delivering the opinion of the Supreme Court, said that "where the enacting clause is general in its language and objects, and a proviso is afterwards introduced, that proviso is construed strictly, and takes no case out of the enacting clause which does not fall fairly within its terms." This statement was quoted with approval in the case of United States *v.* Ewing (140 U. S. 142, 35 L. ed. 388, 391). See also Wayman *v.* Southard (10 Wheat. 1, 6 L. ed. 253). In the case of United States *v.* Dickson, supra, the United States Supreme Court held further that—

"In short, a proviso carves special exceptions only out of the enacting clause; and those who set up any such exception must establish it as being within the *words* as well as within the *reason* thereof." (Italics not quoted.)

The Dickson case was cited, and the same general rule of law again stated by the Supreme Court in the case of Ryan *v.* Carter (93 U. S. 78, 23 L. ed. 807, 809) and Schlemmer *v.* Buffalo, etc., R. Co. (205 U. S. 1, 51 L. ed. 681, 685). It can not be said that the exception claimed in the case at bar is within the words of the limiting provision of section 315 (c) of the tariff act of 1922.

In the case of Arnold, Constable & Co. *v.* United States (147 U. S. 494, 37 L. ed. 253, 255), the United States Supreme Court, quoting from its opinion in the case of Brown *v.* Maryland (12 Wheat. 419, 6 L. ed. 678) applied the following principle in construing certain provisions in the tariff act of 1800:

"In Brown *v.* Maryland (25 U. S. 12, Wheat. 419, 438 (6: 678, 685)), Chief Justice Marshall recognized as 'a rule of interpretation, to which all assent, that the exception of a particular thing from general words proves that, in the opinion of the lawgiver, the thing excepted would be within the general clause had the exception not been made.'"

In the case of Kendall *v.* United States (107 U. S. 123, 27 L. ed. 437), the Supreme Court, construing a statute which enumerated certain exceptions to its general provisions, held, that "the court can not superadd to those enumerated" and that it had no authority to "engraft" additional exceptions upon the statute. In the case of Bend *v.* Hoyt (13 Pet. 263, 10 L. ed. 154, 158), involving the construction of certain sections of the tariff act of 1832, Mr. Justice Story, delivering the opinion of the Supreme Court, applied "the well-known maxim that an exception in a statute

and writing new words avoids the whole prohibition.

amounts to an affirmation of the application of its provisions to all other cases not excepted" and also stated:

"And it would violate every rule of interpretation to hold that where the legislature had declared the manufactures of silk, except one, free from duty, the court should create other exceptions by its own authority, without any express or implied intent on the part of the legislature, *manifested in the context* to warrant such exceptions." (Italics not quoted.)

Applying these rules of construction to section 315 of the tariff act of 1922, the context of that section does not manifest either an express or implied intent on the part of Congress to provide for any exceptions to the general policy other than those expressly enumerated therein, and therefore this court is without authority to engraft additional exceptions upon the statute.

Plaintiff's counsel contends in his brief that the effect of the President's proclamation in the case at bar was to increase the rate of duty assessable on the merchandise involved in excess of the 50 per cent limitation prescribed by section 315 (a) of the tariff act. A careful analysis of the duties assessable on this importation of cheese under paragraph 710 as originally enacted, with the duties assessed by the collector pursuant to the President's proclamation, discloses the following:

A computation of duty at 5 cents per pound upon 11,440 pounds, the total net weight as returned by the Government weigher, results in a total duty of $572, which is less than 25 per cent of $3,234, the appraised value of the merchandise. Therefore, under paragraph 710 as originally enacted, the 5-cent specific duty would not have been applicable to the shipment, but instead the merchandise would have been assessable at the minimum rate of 25 per cent ad valorem, or $808. The official papers show that the actual amount of duty assessed by the collector under the President's proclamation was $1,212.75, which is an exact 50 per cent increase over the amount of duty which would have been assessable under the original paragraph 710. Plaintiff's brief cites as examples hypothetical instances under other paragraphs of the tariff act, where a change in a minimum ad valorem rate might result in the assessment of duty in excess of the 50 per cent limitation upon the statutory power of the President. Such cases, which are entirely hypothetical, should be given little weight in reaching a decision in the case at bar, where the facts are as set forth herein and clearly show that the President has not exceeded the power granted by the statute in any particular. "To put an extreme case is not a good test of the fair and just interpretation of any statute." United States *v.* Dickson (15 Pet. 141, 10 L. ed. 689, 698).

After carefully considering all of the evidence and the briefs filed by counsel, I believe that the protest in the case at bar should be overruled and that judgment should be entered for defendant.

DEVELOPMENT OF THE MERCHANT MARINE

Mr. JONES. Mr. President, I have a very interesting letter from the Second Assistant Postmaster General with reference to the shipping situation and the development of the American merchant marine, which I ask permission to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, February 27, 1931.

Hon. WESLEY L. JONES,
United States Senate.

MY DEAR SENATOR: Know just how interested you are in the development of the merchant marine under the act known as the Jones-White Act of 1928, in the enactment of which you took such a prominent part, and realizing how impossible it is for you to leave your legislative duties to go to the scenes of action where these fine, new ships are being constructed, just want to advise you how the picture of the merchant marine is developing to a point where every American citizen can be justly proud of the progress that is being made in its upbuilding. Proud, not only because of the many new vessels that are being built but on account of the fact that over 20,000 men are now employed in the shipyards of the United States, and the further fact that practically every industry in the country is called upon in the construction of each new vessel.

The shipbuilding industry is the only one which has not felt the effect of the national depression which, of course, is also world-wide.

The first development I want to bring to your attention is that of the four fine ships which are fast being completed by the New York Shipbuilding Co. at Camden, N. J., for the Export Steamship Corporation, two of these vessels are now in service, and the first ship launched under this program was the *Excalibur*, now practically completing its first voyage to the Mediterranean, while the second ship is known as the *Exochorda*, and it left the port of New York on February 25. The other two ships are fast nearing completion and will soon be ready to leave the ways. These four magnificent ships represent the last word in marine architecture and every known device for the safety of life and the ship itself are included in their equipment. They are 475 feet in length and 8,700 gross tons, with a cargo-carrying capacity of approximately 6,000 tons and 34,000 cubic feet of refrigeration space and last, but not least, ideal accommodations for 152 first-class passengers. Every stateroom is of absolutely modern design with complete installation of hot and cold running water, shower and tub baths, and also metal beds which make one feel that the maximum of sleep and rest may be obtained. And the public rooms are large and comfortable and equipped as only the great, giant liners have been in the past. No longer will the traveling public have to look to the foreign liners for all these comforts aboard ship.

Let us now look at the accomplishments of the Grace Steamship Co. under the act. Four vessels of 16,200 tons displacement and 508 feet in length are being built. They will have accommodations for 222 first-class passengers and 64 third-class, and will cost about $17,000,000. The first ship will be ready for service about September 1, 1932. The building of these ships is very gratifying to the Latin American business man and merchant, as well as to us Americans. They will go a long way toward firmly implanting the American flag in the markets of Central and South America. They will have a cruising speed of 18 knots and carry passengers, mail, and freight, from one to eight days faster between the United States and their ports of call.

The Porto Rico Line sends out this week the magnificent ship, the *Borinquen*, built in the yards of the Bethlehem Shipbuilding Corporation (Ltd.), of Quincy, Mass. This vessel will ply between New York and Porto Rico, and is 429 feet over all and, like our other developments, she is the last word in marine architecture.

At the yards of the New York Shipbuilding Co. we find two ways occupied by the newly laid keels of the two, 30,000-ton, giant liners of the United States lines which will be ready for delivery in 1932. They will cost $11,000,000 apiece and will be the pride of the American merchant marine.

At the Federal shipyards in Newark, N. J., we find the Baltimore Mail Steamship Co. reconditioning five vessels bought from the Shipping Board at a cost of approximately $7,000,000. These vessels will be lengthened and practically as good as newly built vessels when completed. Everything will be new except the hulls and the passenger accommodations will be of the cabin type and absolutely the last word in marine equipment.

Wish it had been possible for you to have seen the inspiring sight on Saturday, February 21, at the yards of the Newport News Shipbuilding & Dry Dock Co., of Newport News, Va., as the giant 23,000-ton liner slid into the welcoming waters of the James River while the former first lady of the land, Mrs. Calvin Coolidge, sponsored the *President Coolidge*, a sister ship of the *President Hoover*, which lay about 75 per cent completed in one of the adjacent docks of the yard and would soon be given her trial trip and then take her place in the New York-California-Orient service of the Dollar Line. One could not inspect the *Hoover* from flying bridge to engine hole, as I did last Saturday with Mr. Stanley Dollar, without being thrilled over the accomplishments made possible under the Jones-White Act. Would that it were possible for every Member of the Congress who voted for the act in 1928 to see the results obtained as a result of their efforts. They will represent more than the last word in shipbuilding and passenger accommodations with outside swimming pool and a permanent sand beach and a sports deck which will look like that of the largest country club in the country, and plenty of cargo space to bring and take the products of this country and the world to the various ports of call.

Do not let us overlook the great building program of the United Fruit Co., which has placed contracts for six new vessels to take their place in the Caribbean Sea trade. These American-flag carriers are of 7,500 gross tons and will cost $3,500,000 apiece. They will be a notable addition to the great white fleet of this line.

And then we look to the west coast again for an answer to the question whether America plans to build a merchant marine second to none, and we find that the Matson Line (Oceanic Steamship Co.) has contracted for the steamships *Monterey* and *Mariposa*, which will be ready for delivery in 1932, at a cost of $7,500,000 each. These ships will have a gross tonnage of 17,500 tons and will far eclipse this line's effort in the present vessel, the *Malolo*. They are being built in the yards of the Bethlehem Co. at Fall River, Mass., and will be a notable addition to our flag services on the Pacific.

And we can go to the port of New York and see the steamships *Morro Castle* and the *Oriente*, of the Ward Line, sailing to and from the port of Habana, Cuba, each week, and as the American flag furls into the breeze from the stern staff, it waves to the world the message that the land of the Stars and Stripes builds well its merchant marine and that it truly means business as it daily builds a stronger, a larger, and a better fleet of ships.

Just as I am writing this letter to you the word comes to me that the Eastern Steamship Lines (Inc.) have to-day signed a contract with the Newport News Shipbuilding & Dry Dock Co. for two new 22-knot ships at a cost of $7,000,000 and, at the time the contract was awarded, it was said by Capt. Eugene E. O'Donnell, president of the line, that it may be necessary for them to build two additional vessels of this same type for the increased business which he believes will come after the world-wide business depression is over. These ships, like the many other sisters of this new fleet, will be 402 feet long with 10,000 tons displacement and will have accommodations for 756 passengers each.

And, my dear Senator, these ships which I have specifically mentioned do not represent the entire story. You might say, "Have we not forgotten the cargo-carrying vessel," that part of the merchant marine which might be called its backbone? No; that class of vessels has not been forgotten. We have contracts which have been awarded to the American-South African Line, the American Scantic Line, the Gulf Mail Steamship Co., the Lykes Bros. Steamship Co., the States Steamship Co., the Pacific

Argentine Brazil Line, the Tacoma Oriental Line, the Colombian Steamship Co., the Mississippi Shipping Co., and these lines just mentioned are real cargo carriers, and every contract carries with it a requirement to build vessels or provide for a reconstruction program.

And am certain, Senator, that you do not realize how far your ambition has been realized in this great development of the merchant marine. Let me say that the Post Office Department has now 40 contracts in operation, covering practically every trade route of the world. The number of new ships required to be built under these contracts is 46 and they range in speed and tonnage from 13 knots and 4,000 gross tons to 28 knots and 45,000 gross tons. And, in addition, there is a reconstruction program carried in these same contracts which requires 36 vessels, equal practically to a new vessel, at a cost of $14,700,000. The new shipbuilding program shows an expenditure of $238,947,000 or a grand total of $253,647,000 in all. Further, there are additional building requirements, which the Postmaster General may require, calling for a total of 10 new vessels, as trade may demand, at an approximate cost of $41,000,000.

This is the answer of America to the call from Congress that this country again build a merchant marine second to none in the world and thus assume the leadership that it held in the clipper-ship days of 1851.

United States shipbuilding showed a gain of 20,000 tons in the December quarter, while other great nations showed a decline in ship construction.

History will repeat itself as it always does. Increased trade will come to that nation which develops its own merchant marine. They say that our foreign investments total the staggering sum of $7,500,000,000. And this new merchant marine, which is fast coming into being, will secure control of the foreign markets for American industries as rapidly as they are conquered.

No longer will the citizen of this country have to wait until he sails into the harbor of the Golden Gate or salutes the Statue of Liberty at the port of New York to see Old Glory, for he will see it proudly floating from ships, American built, American owned, and manned by American seamen in the ports of the world and on the Seven Seas.

The task, which is not yet finished, will have to be completed through additional aid from the Congress which, in the past, has been most liberal in its attitude toward the upbuilding of the American merchant marine. Slight changes in the act will be necessary, and am sure the many friends of the merchant marine will help in this respect.

Let me say in closing, my dear Senator, that there is great glory in it for everyone who has had a part in the upbuilding of the merchant marine of this country, and to you personally we owe an everlasting debt of gratitude for your vision and the forward-looking policy you have adopted toward this great American question.

Please pardon the length of this letter, but it was my earnest desire to write you quite fully on this subject, which I know is very dear to your heart.

Very sincerely yours,

W. IRVING GLOVER,
Second Assistant Postmaster General.

PROHIBITION

Mr. JONES. Mr. President, I have here a very interesting statement by Dr. Arthur MacDonald with reference to prohibition. I ask that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROHIBITION

By Dr. Arthur MacDonald, Washington, D. C.

(Whether the author be wet or dry, is of no consequence; for science has no use for personalities.) Points on the use or abuse of alcohol as a beverage might be suggested as follows:

(1) The use of alcohol as a beverage is fundamentally a moral question, but it appears to have been made a political issue. The Apostle Paul (the greatest theological genius; Christ was the greatest moral genius) says "It is good neither to eat flesh nor drink wine nor anything whereby thy brother stumbleth or is offended or is made weak."

(2) Nature has placed the stomach under the brain and not above the brain.

(3) Alcohol as a beverage may be a geographical and racial question, and not a general issue; thus

(4) The people of the United States are about midway between the American Indian and the Latin race: Alcohol in excess makes the Indian crazy, the American drunk; but the Latin peoples seldom use it to excess. A Frenchman will discuss serious questions for an hour sipping one glass of wine; that hurts no one. But an American will often order many glasses. If the children eat all the sugar in the bowl and become sick they should not have any more sugar.

(5) Referring to the treating habit in our country, it is said in Europe, that Americans are the only animals who drink when not thirsty.

(6) In France, if any one appears drunk in public, he is often ostracized socially; not so in the United States. The French consider a person weak-willed if not able to avoid excess.

(7) In France, surgeons, passing through the hospital wards often remark to the students with them: "Gentlemen, this is a case for operation, but drinking weakens resistance to the healing of the wound, making it too dangerous to operate." During cholera epidemics drinkers in the hospital are usually passed by; to treat them is almost hopeless. In general alcohol tends to reduce resistance to disease. Notwithstanding, an old toper was bit by a rattlesnake and he was filled up with whiskey to cure him, but when he got well he went looking for more snakes.

(8) How can you know a drunkard when he is sober? (a) When walking he unconsciously makes very long slight staggers instead of short ones as when drunk. (b) When handing something up, as a fare to a conductor, he seldom looks up. It would seem that drink had exhausted him, and nature caused minimum exertion. (c) When taking water the drinker often smacks his lips involuntarily as he does when tasting whisky. (d) At the sight of green blinds in a saloon many drinkers were unable to resist entering the saloon. (This was before prohibition days.) In general, a person can be called a drunkard when he is so alcoholized that when sober he imitates in a slight way unconsciously the movements of his body when drunk.

(9) People are always moderate drinkers before they become drunkards. The moderate drinker usually gets drunk once or more times in a year; but these occasions tend to increase (man is a creature of habit) until he is nearly drunk if not actually so; not able to decide when to stop.

(10) The Bible says, "Love your enemies," but very few can; the drinker, however, is an exception, for he really loves whisky, his enemy.

(11) A father was asked why he did not get his boy some stockings and shoes; his truthful answer was that the money required would buy him many glasses of beer, and he preferred the beer.

(12) Before prohibition more than one-half of children in reformatories were there because their parents drank; the children did not drink.

(13) Prohibition statistics are necessarily very incomplete and unreliable, and therefore can not be used either for or against prohibition. It, however, has been long known to criminologists that the same town when wet has many more cases of assault than when dry. In short, the evils of drink became so enormous that is was possible to put prohibition into the Constitution of the United States, where it will remain for some time to come.

(14) In inebriate asylums there are a few cases where tapering off would be best; but it can not be allowed, for all the other patients would insist on the same privilege. Since prohibition has been in the Constitution the tapering off has been very great, and as yet it has not been possible to carry out strict prohibition. Those States which oppose prohibition and those persons who try to encourage breaking the law are moral secessionists, just as the States who left the Union were political secessionists.

(15) When a good sport loses out he keeps mum. Every time prohibition matters come to a vote in Congress the wets are beaten 3 to 1, but they are not good sports, they do not keep quiet.

(16) All criminals, bandits, ex-convicts, and thugs; all street walkers, harlots, prostitutes, and degenerates are against prohibition. But the good church people, the humanitarians, those who try to uplift and help others are for prohibition. Therefore, do not split hairs; join one crowd or the other. As the Bible says, "Ye can not serve God and mammon."

(17) Drunkenness is worse than addiction to opium, for it often leads to moroseness if not violence, as when a man becomes grouchy at home, or worse, beats his wife and children and otherwise makes his home a hell.

In fact, it is almost incomprehensible why some women should oppose prohibition, for they are the greatest sufferers from drunken husbands.

(18) The drinking husband if he does not make a hell of his home, makes it bad enough; comes to the house, is cross, irritable, and often a nuisance to his family, is uncleanly, soils the bed, and often acts in unmentionable ways. His family are ashamed; his behavior is a mortification and humiliation to them.

(19) In athletic contests, usually all participants, especially those in training, are forbidden to touch alcohol; sometimes they are made to swear on their honor that they will totally abstain from it. Yet there are those who have the hallucination that liquor makes them strong.

(20) A certain United States Senator of very high character drank and frequently was drunk and was sometimes seen so on the floor of the Senate; but fortunately he was in good humor when under the influence of liquor. This Senator said after prohibition was in the Constitution, he would obey it at any cost. He put his honor as a law-abiding citizen above his taste and appetite for drink. Would that there were more of such high, moral characters.

(21) Sometimes a man of prominence with a distinguished family, if there be any manhood left in him, wakes up some morning and realizes that he is a disgrace to his home on account of drunkenness, and shoots himself; but he brands his family name forever thereafter.

(22) In spite of all the enormous evils mentioned above, there are people who put their personal liberty and ease and joviality and pleasures of taste of liquor above morality, above the good of their fellow beings, and yet claim to be Christians. Yet they are unwilling to make any sacrifices for the good of human beings who are weak, unfortunate, in poverty, or other troubles. Such behavior in this world is hypocrisy.

(23) A young criminal tried to commit suicide because he wanted to meet his mother in heaven, the only friend he had had on earth, but whom his drunken father had killed.

(24) A drunkard may become insane, but the dipsomaniac (a periodical drinker) is insane to drink.

(25) The signs of drunkenness are, first stage (first 5 or 10 minutes): Pale face, its muscles drawn and fixed in position; eyes bright and glittering, moving quickly but constrained; mouth firmly shut, lips spasmodically affected in speaking; breath short and panting; pulse increased; speaking interrupted and difficult; body trembling with sensation of shivering. Second stage (after 5 to 10 minutes of first stage): Unnatural movements, very quickly distorted and staggering; irregular and unsteady mental activity; voice elevated and incessant talking with absurd boasting; nervous system loses power, is unduly sensitive; waste of nervous matter; blood impoverished, retarded in circulation; irritative effects; degenerative effects on the nerve centers; vasomotor paralysis, impaired reflex action; tissue changes; fatty fibroid; lungs; alcoholic phthisis, chronic interstitial pneumonia; cirrhosed liver, gin or hobnail liver; kidney cirrhotic, hard, or contracted; stomach with congestion of blood vessels, exaggerated or vitiated secretions from the gastric glands; effusion of serous fluid into the ventricles and arachnoid, with marked development of fibrous tissue, granular fat, etc., causing vasomotor paralysis; local stasis; alcoholic neuritis, etc.; in nutrition, lowering the vitality of the brain cells; post-mortem appearances, as excessive growth of connective tissue of the brain; nerve cells crushed, distorted, and atrophied.

(26) It is said you can not legislate morality. Well, murder, theft, and false pretense are fundamentally moral questions, but we have legislation for them.

(27) The enormous amount of many and various evils coming directly or indirectly from the use as well as abuse of alcohol as a beverage has caused our religious, humanitarian, and uplift people to place prohibition in the Constitution of the United States.

28) We live too fast, eat too fast (leads to eating too much), we tend to overdo many things, we have surplus vitality, like a young nation should have; in brief, the American life is stimulating enough; we need no alcoholic stimulants; wholesome food is sufficient. The future medicine will be dosing of food rather than drugs.

(29) Perhaps in the history of the world we are the first nation to place a moral issue in the highest form of law. It is to our credit to have taken the lead in morality; it is our moral optimism helped by religion that has accomplished it. We are in fact a genius nation in tightening on morality.

(30) The main question simmers down to this: Shall we stop the use of the thing, the enormous abuse of which is found impossible to lessen or cause to cease? In this United States a very extensive, long, and various preprohibition experience has shown this fact in the use of alcohol as a beverage. Therefore, the only practical thing left to do is to stop its use. This applies to our country, but not necessarily to every country, like France, for instance, where there is enormously less abuse of alcohol as a beverage.

(31) Let us therefore gird ourselves up and stand on our constitutional prohibition platform, which has been reaffirmed recently by our Supreme Court. Let morality and true patriotism be twins and unite and carry the prohibition fight straight on to final victory. Let us stand by forever the prohibition American flag and fight to the finish the much fewer but lower moral forces which are trying to pull down our flag.

(32) The wets give various reasons for their objections to prohibition: Intrusion on personal liberty; can not legislate morality; outrage to be deprived of an innocent glass of wine or beer; contributing to conviviality and pleasure; criminals becoming bootleggers; increasing crime; enforcement of amendment ridiculous, etc.

(33) The real reasons are: Pleasures in the taste of wine and beer and especially whisky, which gives a kick to them all, when added; and perhaps an occasional spree to forget one's troubles, etc. If they did not like wine, beer, or whisky, they certainly would not complain.

(34) The wets are not like the man who asked a railway superintendent for a pass. The superintendent inquired why he desired a pass. The man answered that he did not want to pay his fare. The superintendent said, "You can have a pass, you are the first to tell the truth around here for a long time."

OCEAN MAIL CONTRACTS

Mr. JONES. Mr. President, I have here a letter from Mr. John Nicolson somewhat in answer to a letter dealing with shipping matters which was placed in the RECORD by me some time ago. I think it but fair that it should be printed in the RECORD, and I ask permission that that may be done.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 26, 1931.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The statement by Mr. Plummer, vice chairman of the United States Shipping Board, published in CONGRESSIONAL RECORD of January 23, came to my attention accidentally; no notice was sent me from any source that such a publication was intended or had been made. This fact is mentioned because most of the statement is of personal references to the writer as the author of Senate Document No. 210, entitled "The Truth About the Postal Contracts."

My reply, published in CONGRESSIONAL RECORD of February 9, mentions that Mr. Plummer's comments on the author's relation to the grant of a postal contract for route No. 33 from Savannah to Europe would be answered separately, and I wish to partly cover the matter in this letter and, if you will indulge me, make several general comments which will materially aid you in evaluating the vice chairman's statement.

The vice chairman devotes a full column of fine print to the Savannah contract. He says that while the author "denounces the Shipping Board for acting along these very lines (i. e., as criticized in the Senate document), he charges the author with having advocated, and indeed, applied the very policies in favor of the port" of his old home city—Savannah," and cites my letter dated August 17, 1928, in support of the comment.

The writer admits his keen interest in southern ports; he lived 30 years in the South. Any imputation, however, that his official influence or work was applied in their favor, to the prejudice of the rights of other ports or areas, is unfounded and untrue. His influence was to the end that benefits extended by the Government to other areas should likewise be applied to the ports of the South Atlantic and the Gulf; as a matter of fact, that had not and has not been done. To illustrate—$135,000,000 has in the aggregate been awarded postal routes from the one port of New York, whereas the aggregate of all contracts for routes, in the aggregate, from all ports of the South, both Atlantic and Gulf, is less than $26,000,000.

Under these circumstances I became active to secure to southern ports a more equitable share of benefits under the law, including benefits under the postal contracts; hence my letter of August 17, 1928, from which he quotes, and about which he says:

"Although the line at that time had not even been purchased, and ultimately was purchased at the unprecedented low price of $3 per ton, which price was half consumed by the repairs which the board was forced to make before these ships would be accepted, Mr. Nicolson apparently determined that buyers of his old home's service should run no risks whatever in taking over this line, had several negotiations with the Post Office Department regarding a mail contract, and finally secured one at the maximum mail pay possible under the law of 1928."

The vice chairman's obvious intent is that the reader shall think the author is responsible for: (a) The sale of the ships at so low a price as $3 per ton; (b) having them put in such a fine state of repair, for delivery to the purchasers, as that the repairs cost half the purchase money; (c) that he "finally secured a mail contract at the maximum mail pay possible under the 1928 law"; and (d) that he was responsible for the terms of the contract and "didn't even suggest that the Savannah contract ought to contain a provision for building at least one new ship. Why?"

The writer can not claim merit or be charged with responsibility for either of these items.

As to the first two, incident to the sale of the vessels: The vice chairman knows that neither official work or informal contacts ever brought the author into negotiations or conferences concerning the sales prices of vessels or lines, or with respect to the amount expended on repairs of vessels sold. Having this knowledge, he nevertheless says: "This case being one where the 'subsidy' of low sales price and the subsidy of 'unjustifiable mail pay' were secured simultaneously."

Secured by whom—simultaneously? By the author—according to the vice chairman. The disclaimer of responsibility is not intended as a criticism of the terms—for the situation as of time of contract—and its terms, have not been analyzed. If, however, it violates any of the principles enunciated in the Senate document, it is disapproved.

As to the second two items—(c) and (d); incident to the postal contracts: The board's functions in respect to these were allotted, in their preliminary aspects, to the bureau of the board, of which I was director, and of which the vice chairman was the commissioner in charge. Notwithstanding this fact, because of the director's protests and disapprovals of the methods and policies applied by the commissioner, opportunity to even suggest the terms, when the matter was up for official action, was not accorded the director.

The motive of the vice chairman in attributing to the author responsibility for the terms of the Savannah contracts, is to attribute inconsistency to him, as the Senate document criticizes maximum rates in certain cases—especially when an early "subsidy" had been granted in the low sales price.

With similar motive he comments on the "Mail in Fact Transported" (Senate document, p. 36):

"But in this impressive list Mr. Nicolson makes no reference to the fact that the mail actually carried by the Savannah Line during four months would have amounted to only $38.66, while the mail-contract pay was approximately $130,000. * * * Why did he indulge in this omission?"

This comment suggests this was the only "omission." There were then 25 postal contracts outstanding, and 17 only are in the list, "Mail in Fact Transported"; hence 8 were not mentioned. To have put in these would have been cumulative only, and legal experience has taught an overaccumulation of evidence serves no useful purpose.

Prior to writing the letter of August 17, 1928, conferences, informally, with the Post Office Department revealed it was not apparent to them a route from a South Atlantic port to Europe could be declared a postal route, as the ordinary course of mail would be by the fast vessels in the North Atlantic route. The writer submitted these questions: (a) Would it satisfy requirements if parcels post only moved by that route? (b) Could not parcels post originating in the southeast quarter of the United States be sent by a South Atlantic route; and if so, (c) does

enough parcels post originate in that area to justify declaring the route a postal route under the new law?

The Post Office Department responded to the suggestion of a test, and had post offices in that area make a 10-day count of parcels post originating in them, addressed to Europe—with encouraging results. My letter of August 17, 1928, was then written. This was long before the line was sold. The letter reveals it was not a brief for any particular or prospective purchaser, but an appeal for the route and for the port—no matter who bought the line. These activities were during the absence of the commissioner in charge. Upon his return, for reasons previously mentioned, the writer's part soon ended. He had no part in the determination of the rate to be paid or provision relative to new tonnage.

Although the 1928 letter is substantially consistent with the Senate document, let us assume that it had advocated terms like those awarded lines from other ports to the extent that such terms had become the general and uniform practice of those in control. Although one who championed the southern ports had even then believed the terms were based on wrong views, legally and economically, would that be a reason, ethical principles not being involved, why southern ports should not be made to benefit by the policy and practice, in fact, being broadly applied to other areas?

To answer yes would be equivalent to ruling that a southern Democrat opposed to a protective tariff should not, a protective tariff having been enacted, demand for southern ports any benefits accruing under it. When the ocean mail act of 1891 was under debate, although many southern Senators were in opposition, nevertheless Senator Morgan, speaking in behalf of southern ports, said (vol. 22, p. 3641):

"* * * When it comes to the division of bounties and subventions voted by the Congress of the United States, we want to have a chance at once to enjoy some of those benefits."

Furthermore, and in conclusion, when the August, 1928, letter was written he knew that wrong methods and policies had been applied, but the contracts, which had been granted and the collateral facts bearing on them, had not been fully analyzed and ascertained, hence their enormity had not become fully apparent. This came when the writer, some time later, was preparing a paper he had been requested to present before the American Association of Port Authorities November, 1928, wherein he discussed the whole group, demonstrating how southern ports had not been awarded a proportional share. The author did not think his address before the Association of American Port Authorities was the occasion to dwell on other aspects of the matter, nor had his own convictions fully matured.

During 1929 he was convinced the discrimination against southern ports was not the only grave objection to the system that had been created and applied, resulting in many grossly excessive contracts, and he thereupon determined on a course of procedure which culminated in Senate Document No. 210, entitled, "The Truth About the Postal Contracts," applied as subsidies to shipping.

Very respectfully,

JOHN NICOLSON.

POSTAL CONTRACT—SOUTH ATLANTIC PORTS

UNITED STATES SHIPPING BOARD,
Washington, August 17, 1928.

Hon. WARREN IRVING GLOVER,
Second Assistant Postmaster General,
Washington, D. C.

DEAR SIR: Referring further to the possibility of a postal contract for the route between a South Atlantic port and north Europe ports, about which Mr. White, director of foreign mails, and the writer have several times conferred, with special reference to the route at present covered by the United States Shipping Board American Palmetto Line.

At our last conference we also had present Mr. E. T. Trosdal, the managing operator of the United States Shipping Board Line out of Savannah, and the possibility of changes in the service in conformance with postal requirements was considered at length. The conference closed with the understanding that Mr. Trosdal would give the matter further consideration; this he has done and has written us the results of his inquiries.

Although it was not suggested that a weekly service would be a condition precedent to obtaining a contract, Mr. White tentatively suggested that a weekly service to the United Kingdom and the Continent would simplify the problem from the point of view of the Postal Service. The possibility of an 8-day schedule has therefore been considered by Mr. Trosdal, and he is of the opinion that a private purchaser would not be justified in purchasing the line, even with the assistance of a postal contract, under an 8-day service guaranty. To install and maintain such a service would probably result in operating deficits exceeding the total postal compensation received.

This opinion is, of course, based on present conditions. However, all parties interested hope for an increase of exports and imports moving through South Atlantic ports, and that a weekly service in course of time may be amply justified, financially, and provision might be made for a weekly service when conditions justify it. Apart from a postal contract, the guaranty contemplated by the advertisement of the Shipping Board for the sale of this service to private parties has reference solely to a total of 24 sailings during the year, with large discretion in the purchaser as to exact date of sailings; that is to say, if a sailing is planned for a given date, the purchaser would be free to delay the sailing for a while to procure additional cargo; always provided the total sailings required were in fact met during the year, and that two occurred each month. Under a postal contract, this uncertainty would, of course, have to be eliminated to the end that the mail would arrive at destination by the contemplated dates.

While the managing operator of the Shipping Board has informed us that an 8-day schedule would be too onerous for a purchaser to assume, even with postal aid, he is of the opinion that three sailings per month, on fixed dates, with intervals of 10 days, could be reasonably risked by a purchaser, with postal aid, the sailings to be, say, on the 5th of the month to Bremen, with a stop at Plymouth; on the 15th to Liverpool, with a stop at Brest, France; on the 25th to Bremen, with a stop at Plymouth; and so on, indefinitely; the exact dates of sailings, however, to be mutually arranged. This would furnish 36 sailings per year. It is recognized that the mail matter which would be chiefly transported by this route would be parcel post. The 10-day count very kindly made at our request by your department in early July, to ascertain the parcel-post movement from post offices in the southeastern area of the United States to north Europe ports, furnish most encouraging statistics in favor of a postal contract for the transportation of such mail through a South Atlantic port, instead of having it go by rail to New York, thence to destination; its transport through, say, Savannah, is made more feasible because of the postal regulations which allow it to be held in New York as long as six days, in order to send it by an American steamer from that port; and to this six days must be added the time for transportation by rail from point of origin to New York, to the extent that such rail transportation may exceed the rail transport to Savannah.

It is frankly recognized both in Congress and in the administration of certain laws relating to ocean mail (such as the ocean mail act, 1891; sec. 24 of the merchant marine act, 1920; and the recent act of 1928) that the plan is in no sense solely for the transportation of mail; jointly with this important aspect of the matter is the fact that the development of our merchant marine is also intended, and the cooperation of the Post Office Department to that end has been most gratifying to the friends of the merchant marine. It is the obvious policy of Congress that the development of our merchant marine shall be a geographical development in the sense that lines operating from various parts of the United States should be encouraged and developed. Section 8 of the merchant marine act, 1920, has this in view in assigning to the Shipping Board the study of problems incident to the movement of our foreign commerce through natural channels. It is a fact that much of this commerce does not move through natural channels, and this fact is due not to deficiencies in our ports but to railway rates or regulations or other collateral factors which should be offset or corrected in favor of our exports and imports moving normally from a transportation point of view. It is within our knowledge that cotton, for instance, has been sent from points in Georgia and Alabama by rail to New York for transshipment there to Liverpool; it is obvious this is an abnormal transportation fact, and, if possible, should be corrected. We refer to it only as evidence of the importance of postal contracts being awarded in proper cases to South Atlantic and other southern ports in aid of steamship services from these ports in foreign trade.

Postal contracts have been awarded under the 1928 act very generously to services operating from North Atlantic ports, but no one has as yet either been awarded or advertised for a postal route from a South Atlantic port; the policy of geographical distribution of governmental aid in support of our merchant marine, to which we have referred above, is therefore in harmony with the suggestion now under consideration. This aspect of the matter has been the subject of press comment throughout the southeastern area of the United States, and also of formal action by various trade bodies of prominent southern cities, including cities of the interior. We will not undertake to enumerate these, but as specimens send herewith a copy of a letter dated August 10 received by us from the Atlanta Chamber of Commerce, and also of a letter dated August 14 from the Macon Chamber of Commerce inclosing also a formal resolution of that body. We understand several such resolutions have been sent you.

We appreciate, of course, such comments and communications are not controlling factors and that your consideration of the case will naturally be on its merits; we refer to them as evidencing the keen interest of the people of that area in the entire situation and in this particular project; that such general interest should be recognized is in harmony with that part of section 7 of the merchant marine act, 1920, which directs the Shipping Board in making sales of steamship lines to give special preference to people of the "domestic community" involved in the transaction.

The port of Savannah, with its extensive foreign commerce, is an apt illustration of the conditions of ocean transportation in our foreign trade. During the fiscal year ending June 30, 1928, the total number of sailings from Savannah of vessels in foreign trade was 362, and of this entire number only 65 were American-flag sailings, thus leaving 297 as sailings under foreign flags. To present the illustration in another form: The total amount of cargo involved in all sailings for 12 months ending March 31, 1928, was 383,011 tons, and of this total only 92,901 tons were carried in American-flag vessels, thus leaving 290,110 tons as having been carried in foreign-flag vessels. Of the total sailings, only 18 per cent were American vessels; of the total cargo carried, less than 24 per cent was carried in American vessels.

As applied to the service we have had under consideration, namely, from Savannah to north Europe, the importance of Government aid is demonstrated by the very heavy deficits which the Shipping Board has had to meet in the operation of the line now offered for sale. If the 10-day mail service to northern Europe and the United Kingdom, as suggested above, should be adopted as the basis of a postal contract, the expenditure by the Government through the Post Office Department would be less than $10,000 per voyage, whereas the cost to the Government of maintaining this service during the fiscal year ending June 30, 1928, was nearly $20,000 per voyage (to be more exact, it averaged $19,238 per voyage); hence, if the line is sold to private operators and a postal contract is given them on the basis of three sailings per month, as suggested above, the Government would save nearly $10,000 per voyage compared with last year's operations; we therefore commend to your consideration whether steps may not be appropriately taken to advertise the route mentioned on the basis suggested.

Please permit me to express my appreciation of the freedom you have given us to write you informally and from the point of view presented by this letter,

Very respectfully,

JOHN NICOLSON,
United States Shipping Board.

AMENDMENT OF COPYRIGHT LAW

Mr. TOWNSEND. Mr. President, I desire to renew my request that the Senate proceed to the consideration of House bill 16836 with the companion bill, Senate bill 5745.

The VICE PRESIDENT. Is there objection?

Mr. MOSES. Mr. President, I desire to submit a parliamentary inquiry. Is the Senator from Delaware asking for unanimous consent or is he making a motion that the bill be taken up?

The VICE PRESIDENT. The Senator is asking unanimous consent.

Mr. COPELAND. Mr. President, reserving the right to object, may I ask the Senator from Rhode Island [Mr. HEBERT] is there reasonable hope that we may finish this bill by 8 o'clock?

Mr. HEBERT. I think we can go a long way with its consideration if we could proceed until 8 o'clock without interruption. We have been on this bill now for about an hour, but really we have not been considering it for half that time because of interruptions for the presentation of reports and requests by various Senators. If we could proceed with the consideration of the bill without interruption until 8 o'clock, I am quite sure we would make very good progress.

Mr. COPELAND. Mr. President——

Mr. MOSES. May I make a suggestion?

Mr. COPELAND. If I have the floor, I yield to the Senator from New Hampshire.

Mr. MOSES. I notice that the junior Senator from Utah [Mr. KING] is now in his seat. We could make much more progress with the bill along the lines of the suggestion of the Senator from New York if the Senator from Utah would forego the privilege of having read in his hearing every word in the bill.

Mr. DILL. Mr. President, I want to say in response to that suggestion that the reading of this bill has brought to my attention some provisions which I did not know were in the measure. It is very evident that the bill needs some revision. I want to help pass it; but I have not studied the photographic provision, and I do not think other Senators on the committee have studied it. I think we ought to go ahead with the consideration of the bill in the way we are going.

Mr. MOSES. If the Senator from Alabama [Mr. BLACK] will permit me, I am astounded at what the Senator from Washington says, because I understood that he was meticulous in bringing about all the amendments which the Senate has added to the bill.

Mr. DILL. I want to say to the Senator from New Hampshire if he wants me to tell him how this bill was brought on the floor of the Senate, I will tell him, and the Senate may understand it.

Mr. MOSES. I always have a desire for information.

Mr. DILL. I have had some experience relative to this bill which the Senate does not know much about. The bill was ordered reported by a majority of the Committee on Patents before it was ever brought from the House of Representatives. When that was done I protested that hearings ought to be held because the committee had never considered the bill and it involved a complete revision of the law. I was told by the chairman of the committee that I had been overruled. I proceeded then in my own way to take care of that situation. I held the bill on the clerk's desk here until I had an agreement with the majority of the committee that there should be hearings on the bill. We had two days of hearings and amendments were proposed. We were rushed and considered only the amendments which were then offered. I did offer what amendments were adopted with one or two exceptions. I offered a large number of other amendments that were not adopted; but the committee never had time really to study the bill. That is the kind of consideration this bill had.

Mr. MOSES. If the Senator from Alabama will permit me to continue I recall the circumstances to which the Senator from Washington refers. Of course "us literary fellows" want to have the bill expedited as much as possible and I understood from conversations which I had with the Senator from Washington that through his efforts having brought about the hearings, having brought about the agreement to amendments which the Senate committee have now reported, the bill has been vastly improved in its effect, and that having been brought upon the floor in this form it would be possible to go on with it without the delay which has been occasioned for a great variety of reasons.

I want to ask the Senator from Washington is it possible—and I join him in the appeal which I have just made to the Senator from Utah—is it possible for us now to go on without taking all the time to read every word of the House text? The House text must have been familiar to both of the Senators to whom I am appealing; they must have known about it; otherwise the amendments to it would not have been proposed.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. BLACK. I yield.

Mr. SWANSON. There are other Senators who are interested in this bill besides the two Senators referred to by the Senator from New Hampshire [Mr. MOSES]. I should like to know what I am going to vote on.

Mr. MOSES. I am glad to know that the Senator from Virginia takes that view of legislation.

Mr. SWANSON. It is astonishing that any Senator should take that view, according to the Senator from New Hampshire.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The Senator from Delaware has submitted a request for unanimous consent, but the Senator from Alabama [Mr. BLACK] has the floor.

Mr. DILL. I object to the unanimous-consent request.

The VICE PRESIDENT. Objection is made.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. COPELAND. Mr. President, will the Senator from Alabama yield to me for a moment?

Mr. BLACK. I yield.

Mr. COPELAND. I appeal to the Senator from Delaware to let us go along with the copyright bill until 8 o'clock. If we have made no material progress by that time, I agree that it should be temporarily laid aside at least, and the other bill taken up. I am interested in the other bill, but I know that thousands of persons in this country, a great many of them living in my State, are vitally interested in the pending bill, and I want to be sure that the Senate has given it all the consideration that it may properly give. It is unfortunate that it came up so late, and yet, after all, we ought to have at least until 8 o'clock to see if we can make progress with the bill. Then, so far as I am concerned, after that time I feel that perhaps it might be wise to put it aside, for the time being anyway, and take up the other bill.

The VICE PRESIDENT. Objection is made to the request of the Senator from Delaware.

Mr. TOWNSEND. Mr. President, I move——

The VICE PRESIDENT. The Senator can not make a motion while the Senator from Alabama has the floor.

Mr. BLACK. I yield the floor if the Senator from Delaware desires to make a motion.

The VICE PRESIDENT. If the Senator yields the floor, some Senator must be recognized.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The Senator from Delaware.

TAX ON OLEOMARGARINE

Mr. TOWNSEND. I move that the Senate proceed to the consideration of House bill 16836 to amend the act entitled "An act defining butter," and so forth.

The VICE PRESIDENT. The question is on the motion of the Senator from Delaware.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Kendrick	Robinson, Ind.
Barkley	Fess	Keyes	Schall
Bingham	Fletcher	King	Sheppard
Black	Frazier	La Follette	Shipstead
Blaine	George	McGill	Shortridge
Blease	Glass	McKellar	Smith
Borah	Glenn	McNary	Steck
Bratton	Goff	Metcalf	Stelwer
Brock	Goldsborough	Morrison	Stephens
Brookhart	Gould	Morrow	Swanson
Broussard	Hale	Moses	Thomas, Idaho
Bulkley	Harris	Norbeck	Thomas, Okla.
Capper	Harrison	Norris	Townsend
Caraway	Hastings	Nye	Trammell
Carey	Hatfield	Oddie	Tydings
Connally	Hayden	Partridge	Vandenberg
Copeland	Hebert	Patterson	Wagner
Couzens	Heflin	Phipps	Walcott
Cutting	Howell	Pittman	Waterman
Dale	Johnson	Ransdell	Watson
Davis	Jones	Reed	Wheeler
Deneen	Kean	Robinson, Ark.	Williamson

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BINGHAM. Mr. President, the motion made by the Senator from Delaware would displace the so-called Vestal copyright bill in the last hours of the session. There are less than 42 hours between now and the 4th of March at 12 o'clock noon. It is true that the bill which the Senator from Delaware has moved to consider is a bill in which the dairy farmers of my State are deeply interested, as well as the dairy farmers of all other States. It is also true that the Vestal copyright bill is one in which every author and every ingenius inventor is interested. I venture to say, Mr. President, that there has been no bill in the last five years which has aroused more general interest throughout the country and which has been the cause of more letters being sent urging its passage and fewer letters being sent urging that it be not passed than the Vestal copyright bill.

Mr. President, both of these measures are important, both ought to pass, and I am wondering if some way may not be found whereby an arrangement may be made to divide the time between those in charge of each bill whereby at least two hours more may be given for the consideration of the copyright bill, which has already been improved by the amendments offered by the Senator from Washington and by the committee, so that that bill may be passed and may go into conference.

I ask the Senator from Delaware if he will not be willing to permit us to vote on his motion not later than 8.30 o'clock this evening and in the meantime proceed and see if we can not pass the Vestal copyright bill.

Mr. TOWNSEND. No, Mr. President; I should not want to agree to that. I should be willing to agree to unanimous consent to vote on the bill at a certain time to-morrow.

Mr. BINGHAM. On which bill?

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. Does he yield to the Senator from Idaho?

Mr. BINGHAM. I yield to the Senator.

Mr. BORAH. The suggestion of the Senator from Delaware seems to me to be an excellent one, if we could have an agreement to vote on the oleomargarine bill to-morrow at 2 o'clock.

Mr. TOWNSEND. Pardon me—and also on the other bill at a fixed time.

Mr. BINGHAM. Let us do one thing at a time. Can we not get an agreement to vote on the oleomargarine bill at any time to-morrow that would satisfy those who desire to speak?

Mr. BORAH. In the meantime, such time as we had we could utilize in considering the copyright bill.

I think it unfortunate that the copyright bill is likely to be defeated. A vast amount of work has been done upon that bill; and we know the penalty which will follow if it is not enacted, if the treaty which is the enabling act, as it were, is not ratified. I should like to see an attempt made to get a definite time for a vote to-morrow on the oleomargarine bill.

Mr. COUZENS and others addressed the Chair.

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. To whom does he yield?

Mr. BINGHAM. I yield to the Senator from Michigan.

Mr. COUZENS. Mr. President, I should not consent to fix any time to vote on the oleomargarine bill until we have had some debate on it. I never heard of a bill being presented and an agreement made to vote on it before we knew what it is all about. We had better go on with the motion of the Senator from Delaware, and then decide afterwards what we will do.

Mr. BINGHAM. Would the Senator be willing to vote on it after four hours of debate?

Mr. COUZENS. My own judgment is that it will not take that long. Let us consider the bill for 30 minutes, and see what it is all about, and then talk about a unanimous-consent agreement.

Mr. BINGHAM. Would the Senator agree to a proposal to have not more than four hours of debate?

Mr. COUZENS. Let us debate the bill first and see.

Mr. NORRIS and Mr. WATSON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. To whom does he yield?

Mr. BINGHAM. I yield to the Senator from Nebraska, and then I yield to the Senator from Indiana.

Mr. NORRIS. Mr. President, I should like to suggest that we find ourselves now where we always find ourselves whenever there is a limit about the adjournment of Congress. I should like to call the Senator's attention to the fact that he is now meeting just what we tried to relieve him of when he opposed the amendment in regard to the beginning and the ending of the term of Congress.

Now we have the copyright bill here; and while I have not been able to give it the consideration that I should like to give it because of this rush that comes on, I realize that it is important, and that we ought to consider it, amend it, if necessary, and do something with it; but we have had two or three days of it, and it is quite evident to me that the bill is not going to pass.

Now the Senator from Delaware wants to take up the oleomargarine bill, an important piece of legislation. It is late, it is true. In addition to that bill we have here a conference report on a bill on which we have spent a great deal of time, known as the maternity bill. It is doubtful whether any of these bills will pass now; but I see no help for the situation. We are up against a stone wall. We can not help it. I understand that there is a message coming from the President in the morning that ought to bring about a debate on another important bill, but there will not be time to do it.

So it seems to me that the Senator from Delaware is justified now in making a motion that will displace the copyright bill, much as I should hate to see it done; but it is quite evident that we shall not get this bill through. Senators have not had time to consider it, and probably all of the time will be consumed.

It may happen that that will be true of the other bill, too. It is an important bill. If we could pass it here and send it over to the House and have it come back here, I think we ought to dispose of it.

The same thing is true of the maternity bill. It is in the shape of a conference report now. It has passed both Houses, and a conference committee has been appointed, and has made its report. The House has adopted the conference report; and it seems to me that if these other bills can not be passed, if the time is going to be consumed, we ought to take up these things that have only one step left and finish them first, and then do the best we can with the other measures.

Mr. BINGHAM. Mr. President, of course the Senator from Nebraska could not resist the temptation to say, "I told you so"; but I will forgive him for that. Would he object if I asked unanimous consent that we may vote on the oleomargarine bill at not later than 2 o'clock to-morrow?

Mr. NORRIS. No; I will say to the Senator that I am not going to object; but I realize, to be fair about it, that Senators who would object at this time have reason for it.

Mr. GEORGE. Mr. President——

Mr. NORRIS. I know more about that bill than I do about this other one; but I heard what the Senator from Michigan [Mr. COUZENS] said about it. His request is not unreasonable. We ought not to be in the condition we are in, so that we are almost helpless. So far as I am concerned, I am ready to vote on the oleomargarine bill right now; but I have to respect the wishes of other Senators who have a right to know something more about it before they vote on it.

Mr. WATSON and Mr. McNARY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BINGHAM. I yield to the Senator from Indiana.

Mr. WATSON. Mr. President, I ask unanimous consent that the Senate vote on the copyright bill two hours from now.

Mr. COUZENS. I object.

Mr. TRAMMELL. Mr. President, I think the request of the Senator from Indiana is a very unreasonable one. This bill has been considered only a few hours, and it is a bill of 54 pages. It has many amendments proposed to it, and I think many features that a great many Senators object to when they have them brought to their attention. I do not believe there are half a dozen Senators on this floor who favor the provisions of section 6 in regard to photographs. I doubt if there are half a dozen Senators here who actually favor the provisions of that section.

I submit that on an important matter of this character, not having been heretofore considered by the Senate—simply a few hours on Saturday, with many other matters intervening taking up at least half the time, a bill which has only been considered a couple of hours to-day—it is nothing short of an effort to railroad a proposition to attempt to have it settled in two hours.

The PRESIDENT pro tempore. Objection is made.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. To whom does he yield?

Mr. BINGHAM. I yield to the Senator from Oregon.

Mr. McNARY. Mr. President, I was going to make a suggestion, and I shall state it in the form of a unanimous-consent agreement—that we proceed to the consideration of the House bill regulating oleomargarine, and that we have a final vote on the bill and all amendments thereto without further debate at 9 o'clock to-night, at which time, at the conclusion thereof, we return to the consideration of the copyright bill.

The PRESIDENT pro tempore. Is there objection?

Mr. COUZENS. I shall have to make the same objection I made before. I have not heard anything about the oleomargarine bill. After it has been discussed for 30 minutes I shall not object if Senators want to vote on it then; but I can not consent at this time.

Mr. McNARY. May I state to the Senator from Michigan that that allows 2 hours and 15 minutes for its discussion?

Mr. COUZENS. Yes; but I do not know what will intervene. What is the objection to waiting 30 minutes before we give unanimous consent for a vote?

Mr. KING. Let us debate it first.

Mr. COUZENS. Let us have 30 minutes of debate on it.

The PRESIDENT pro tempore. May the Chair suggest that the motion of the Senator from Delaware will have to be agreed to before that can be done?

Mr. McNARY. I appreciate that.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. The Senator from Delaware has consented to amend his motion to the effect that the unfinished business be temporarily laid aside for three hours, and that a vote on the oleomargarine bill be had at the end of three hours of debate.

Mr. ROBINSON of Arkansas. Mr. President, that can not be done by motion. If the Senator moves to proceed to the consideration of another bill, that will displace the pending bill. It is not competent to move to limit the consideration of a bill.

The PRESIDENT pro tempore. The Chair understood the suggestion of the Senator from Minnesota to be that unanimous consent should be granted for the temporary laying aside of the unfinished business, with an agreement to vote.

Mr. ROBINSON of Arkansas. I point out to the Chair that the Senator's suggestion was that the Senator from Delaware modify his motion so that it be that the pending bill be temporarily laid aside, and that at a fixed time a vote be taken on the bill which he moves to take up.

The PRESIDENT pro tempore. Of course that may not be done on motion.

Mr. ROBINSON of Arkansas. I am just pointing out that fact.

Mr. SHIPSTEAD. Mr. President, will the Senator from Connecticut yield?

Mr. BINGHAM. I yield.

Mr. SHIPSTEAD. Will the Senator from Delaware ask unanimous consent that the unfinished business be temporarily laid aside, and that at the end of three hours' debate a vote be taken on the oleomargarine bill?

Mr. TOWNSEND. I understood the Chair to say that that could not be done.

The PRESIDENT pro tempore. That may be done, by unanimous consent. It may not be done on motion. The Senator from Delaware now has a motion before the Senate. If the Senator from Delaware withdraws his motion and then asks for unanimous consent in the terms proposed by the Senator from Minnesota, and the Senate agree thereto, we may proceed under that.

Mr. TOWNSEND. Then can I renew my motion, if the request for unanimous consent fails?

The PRESIDENT pro tempore. Undoubtedly. It is always in order to move to proceed to the consideration of a bill.

Mr. COUZENS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Michigan?

Mr. BINGHAM. I yield to the Senator from Michigan.

Mr. COUZENS. The Senator from Delaware has made a motion to proceed with the oleomargarine bill, and I shall object to any other procedure except proceeding to consider that bill by motion.

Mr. BINGHAM. Of course, the Senator from Michigan can block all action on all bills at this time if he chooses.

Mr. COUZENS. I do not desire to do that.

The PRESIDENT pro tempore. The Senator making a motion may always withdraw it, may the Chair say to the Senator from Michigan.

Mr. BINGHAM. If the Senator from Delaware chooses to withdraw the motion and ask unanimous consent to deal with a matter in another way, I hope the Senator from Michigan will not object.

consent to vote on the bill at a certain time to-morrow.

bill, much as I should hate to see it done; but it is quite evi-

I can not consent at this time.

Michigan will not object.

Some of us are in the position that in our States there are several thousand dairymen and there are several thousand authors, and if we vote to take up one bill and lay aside the other we are bound to offend somebody. I should like to see both bills passed; and I am trying to find some way whereby we might instruct the Senator from Michigan fully in regard to this bill, either by an hour or two hours' or three hours' or four hours' debate on it, limiting the debate to 15 minutes to each Senator.

The Senator in charge of the bill tells me that he does not need more than 15 minutes to explain the bill, and then questions may be asked. In view of the fact that so many of us are interested in the passage of this bill, I am wondering whether we may not have a unanimous-consent agreement to limit debate on it.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield to the Senator from California.

Mr. SHORTRIDGE. It appears to be perfectly obvious that we can not secure any consent agreement in respect to the disposal of these two bills.

The copyright bill has been given weeks and months of consideration, has been immediately before the Senate for several days, and it would appear that the Senate is ready to express its view in regard to that bill. I suggest that we proceed to dispose of the motion of the Senator from Delaware and defeat it, and proceed to take up further and pass the copyright bill. We will then have plenty of time to-morrow to dispose of the oleomargarine bill, and either pass or defeat it.

So let us vote upon the motion of the Senator from Delaware.

Mr. DILL and other Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BINGHAM. I yield to the Senator from Washington.

Mr. DILL. Mr. President, it seems to me we are wasting a lot of time that we ought to put on the consideration of some bill. It is very evident that we can not get an agreement to vote at any particular time on any of these bills. I object to any unanimous-consent agreement to lay aside the copyright bill, and I have been one of the most active in trying to amend that bill. I should like to see that bill passed; but I am in a position a little bit like that of the Senator from Connecticut [Mr. BINGHAM], only worse. I have in my State a tremendous lot of dairy people who are deeply interested in and who are flooding my office with telegrams for the oleomargarine bill. I do not feel free to vote against taking it up when I do not know how long it may take. We may be able to dispose of it in a short time, and we can then go back to the copyright bill.

It seems to me that there is no use spending time trying to get a unanimous-consent agreement, because we can not get it.

Mr. ROBINSON of Arkansas. I call for the regular order.

The PRESIDENT pro tempore. The regular order is that the Senator from Connecticut has the floor debating the motion of the Senator from Delaware, which, having been made after 2 o'clock, is a debatable question.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. BINGHAM. I yield for a question.

Mr. SMITH. I think we have a splendid opportunity to help the Senator out of his dilemma, by not passing either bill, and therefore he can pacify both sides by saying nothing was done. I think that would be agreeable to a majority of the Senate.

Mr. BINGHAM. Mr. President, I do not desire to hold the floor indefinitely. I would like to know if it would not be possible to secure a unanimous-consent agreement for a limitation on debate on the bill of the Senator from Delaware?

Mr. BRATTON. That can not be done.

The PRESIDENT pro tempore. That bill is not before the Senate, and no agreement can be made to limit debate on a matter that is not before the Senate.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. McKELLAR. The copyright bill is a very complicated bill, one which I have not studied, and I really should not pass an opinion on it. But many things have occurred here, and statements have been made here about it this afternoon which it seems to me make it utterly impossible to pass the bill as it is.

There is one feature in the bill which ought to be passed, and ought to be passed at this time. I understand that the copyright of Mrs. Eddy's book will expire in June, and that there is a desire to get an extension of the copyright. I think somebody interested in this bill should prepare an amendment to strike out all the rest of it and simply extend the copyright on Mrs. Eddy's book for the next 10 years, or something of that kind. I know everybody in the Senate is in favor of the utmost religious freedom, and a large number of our people want to have this copyright extended, and we ought to extend it. But all these other provisions, a vast number of complicated provisions, some of them burdensome, some of them trying, some of them very unusual, surely we should not agree to at this late date in the session, and so far as I am concerned, I do not think I would agree to them. I do not believe any legislation is going to pass on this subject, but I am very much interested in the idea that the copyright on Mrs. Eddy's book should be extended for a period of time.

Mr. BINGHAM. Mr. President, I have held the floor for some time, but other Senators have done the talking. All I want to say is this: That with great regret I shall vote against the motion of the Senator from Delaware, notwithstanding the thousands of dairymen in my State who are interested in the bill, because I believe that in fairness to the copyright bill that ought to be disposed of first; and I think it could be disposed of in a few hours. I shall then vote to take up the oleomargarine bill.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Delaware.

Mr. LA FOLLETTE. Mr. President, I wish to make a brief explanation of the vote I shall cast on this motion.

I am in favor of the copyright bill, and I regret very much that it was taken up in the closing hours of this Congress. According to the Constitution, we must adjourn on the 4th of March. It has become evident that the Vestal bill is in a position where a very few Senators in opposition to it can bring about its defeat through a filibuster. I think it is also very evident, as a result of the maneuvering which has been going on in connection with the copyright bill, that there are more than a few Senators who are determined to talk it to death.

Therefore I shall vote to take up the oleomargarine bill, in the hope that there are not so many Senators who are determined to defeat that bill as there are who are determined to defeat the copyright bill.

Mr. COPELAND. Mr. President, the distinguished leader of the Republicans has always told me that you can explain a vote but that you can not explain a speech. I dare say I represent as many dairy farmers as anybody in the Senate, but likewise, I have a tremendous constituency interested in the copyright bill.

I am going to vote against the motion made by the Senator from Delaware because it is my judgment that if we could have two or three hours more debate on the copyright bill, we could reach some conclusion regarding it. The oleomargarine bill is bound to lead to much less debate, because there is less general interest in it. There is no question but that if we brought it up in the middle of the afternoon to-morrow we would have ample time to pass it. I wish that might be the sentiment of the Senate.

There are thousands upon thousands of persons in this country who are interested in the copyright bill. The matter has been before Congress for many years, and it is a matter which should be determined.

Mr. President, I hope the Senate will see fit to permit further debate for a reasonable time upon the copyright bill, and then in a very short time, in my judgment, we

can pass the oleomargarine bill, which I shall be very happy to vote for at the proper time.

Mr. COUZENS. Mr. President, I do not want it understood that I am opposed to the copyright bill in its entirety; but it is a 53-page bill, and in three or four days we have reached page 8. Everyone has been astounded at the changes which are sought to be made in existing law by this bill. I can not see why in the last hours of this session we should attempt to pass such a momentous measure, and to change existing law to such an extent, when there are other matters which ought to be settled now, and this matter could be passed by for the present.

I am not trying to filibuster against the measure, but in going over the bill we find many sections over which there will be considerable debate and differences of opinion, particularly the section to which the Senator from Washington just referred, section 6, with which he himself, as a member of the Committee on Patents, was not fully familiar. I also draw his attention to section 8.

I submit that it is not fair to hold up all legislation while we debate this bill to a conclusion.

The bill of the Senator from Delaware, I understand, is very controversial, and it seems to me that ought to be gotten out of the way first. So I am going to vote for his motion.

Mr. CAPPER. Mr. President, I am in favor of the copyright bill, but it is evident to me that we can not get a vote on it. The discussion has gone on for two days, and it is very plain that there is opposition which can not be overcome. I am very much in favor of the oleomargarine bill, and I believe it can be passed after an hour or two of discussion. While we are fixing up a program for to-night, I hope it will not be forgotten that some of us have been waiting here for more than a month to get a chance for action of some kind on the oil bill. There is a tremendous demand from a dozen States for action on this bill, and I shall insist that it have consideration before we adjourn.

Mr. HEBERT. Mr. President, I am going to take but one moment of time of the Senate. I can not allow to pass unchallenged the statement which has been made here that this bill has been under consideration for three days and that we have reached only page 8 of it. It is true that the bill has been before the Senate as its unfinished business for three days, but we have not considered it three hours. The fact is that we have not considered it for three-quarters of an hour. The time of the Senate has been taken up with the consideration of other matters, to the exclusion of this bill.

Much is made of the objection to section 6. That section is the existing law. It has been the law for years and years. If Senators object to it, they are at liberty to present amendments to it, but that is no reason why we should not consider the bill. I say that there are those on the floor of the Senate who have given serious consideration to this measure, and who have reached a conclusion about its merits. I do not want to take the time of the Senate needlessly, but I do want to set myself right before the Senate, because I reported the bill at the instance of the Committee on Patents, of which I am a member, and I am prepared to defend it on the floor, if Senators will give me an opportunity to do so.

For three days I have been endeavoring to have the Senate go on with the consideration of the measure. I have had to yield to the importunities of Senators during all that time. I repeat that the Senate has not given 45 minutes of consideration to the measure since it became the unfinished business of the Senate.

Mr. DILL. Mr. President, I do not want that statement to stand, because two hours and a half were spent on the bill the first day it was before the Senate, we took an hour or so on it yesterday, and we have had it up to-night nearly an hour and a half.

I want to be frank with the Senate. There are many things about this legislation as it has been written here that are a great improvement over the present law, but there are many parts of it to which the members of the Committee on Patents as a whole have not given careful consideration, and anyone who wants to may find an amendment he wants to offer as he goes along. I believe we will have a chance to pass this bill to-morrow, and I do not think we will get anywhere by trying to force Senators to act on a bill if they do not want to.

I would like to go ahead with the bill if that is the will of the Senate, but I want to go ahead in an orderly manner. I want to consider the bill as we go along, because we are writing new law. We are writing a law that will affect every home in the United States. It is revolutionary, and we ought to go carefully about writing such a statute.

I am willing to do whatever the Senate wants to do, but I do not want anyone to get the impression that we can go hurriedly through this legislation, because it is important to the future of the American people.

Mr. SHIPSTEAD. Mr. President, I want to extend my sympathy to the Senator from Rhode Island. I know the difficulties with which he has been confronted. But it is quite evident that the consideration of the copyright bill will take considerable time, and that there will be considerable debate.

I simply want to call the attention of the Senate to a statement accredited to Mr. Legge of the Farm Board, when testifying before a House committee as reported in the New York Times of February 28. He is said to have asserted that it was felt the Smoot-Hawley Tariff Act would not bring any substantial relief to agriculture. It is my opinion that the so-called oleomargarine bill would extend greater benefits to agriculturists than all the benefits, if any, they ever received from the tariff act that was passed last year. It should not take over an hour to explain the benefits of this measure to agriculture, and in view of the condition of the dairy industry following the ruling of the Secretary of the Treasury, it seems to me, with all due respect to the Senator from Rhode Island, that as this matter can be disposed of within an hour or two, so far as I am concerned, we should proceed to its consideration. I would be perfectly willing to go back and consider the copyright bill until the end of the session. It will very likely take until after to-morrow.

Mr. BLACK. Mr. President, I desire to ask the Senator from Rhode Island a question. He made the statement that section 6 is already in the existing law. I have looked through the law and can not find it.

Mr. HEBERT. Mr. President, I did not make that statement. I made the statement that it was the law. It is not statute law, but the right of photographers in these photographs in the pending bill is just as it is now stated in the law by court decisions.

Mr. BLACK. Can the Senator refer us to a decision which holds that the law is to-day as stated in section 6?

Mr. HEBERT. I have not the decision in mind, but before the conclusion of the consideration of the bill I think, perhaps, I can find the decision for the Senator.

Mr. SMITH. Mr. President, I was a member of the committee that studied the copyright bill. I appreciate the fact that it is perhaps one of the most important pieces of legislation which is likely to come before the Senate. There has been earnest and honest work done to try to formulate a bill which would be of the greatest benefit to those concerned. But it is of such a nature that I doubt very much if it is satisfactory to any member of the committee which considered it. There are features in it which are startling when one envisions the results.

What I rose to say in particular is that if we supplant this bill by any other measure it is tantamount to saying that the copyright bill is dead so far as this session is concerned. It is tantamount to saying that we find we can not get it through and therefore what it is possible to pass we will pass and make merely a gesture at the passage of the copyright bill. I think the Senator from Rhode Island [Mr. HEBERT], who has charge of the copyright bill, and the committee who worked upon it are entitled to have an opportunity to give it a thorough investigation as we have already started to do. Then, after certain amendments have been made and after it has been thoroughly discussed, I think the bill can very well go to its passage or rejection by this body. But I do not think it fair to the Senator from Rhode Island nor to the committee to take this way

Senate, and no agreement can be made to limit debate on a matter that is not before the Senate.

further debate for a reasonable time upon the copyright bill, and then in a very short time, in my judgment, we

Patents as a whole have not given careful consideration, and anyone who wants to may find an amendment he wants to

by this body. But I do not think it fair to the Senator from Rhode Island nor to the committee to take this way

of saying that Senators are against the copyright bill. That is what it is tantamount to doing. The minute we substitute another bill, it means that so far as any serious consideration of the copyright bill is concerned at this session, it is ended. In behalf of fair play I shall vote to keep the copyright bill before the Senate until we make some positive decision in reference to it.

LEASING OF LITTLE ROCK AIR DEPOT, ARKANSAS

Mr. REED. Mr. President, I ask unanimous consent out of order to report back favorably, with amendments, by unanimous vote of the Committee on Military Affairs, the bill (H. R. 15493) to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark. The first amendment merely authorizes the relocation of the railroad tracks in Bolling Field near Washington, which run across the middle of the field, which is eventually to be used as a landing field in that place. The second amendment is a direction to the Secretary of War to remove the old iron bridge which lies above the Key Bridge in the Potomac River here in Washington. The old bridge is a menace to navigation and is not used for traffic of any sort. The bridge ought to be removed. Those are the only amendments.

The PRESIDENT pro tempore. Is there objection to receiving the report? The Chair hears none, and the report is received.

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent for the present consideration of the bill just reported by the Senator from Pennsylvania, and will state that if it requires prolonged discussion I shall withdraw the request.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill. The amendments were, on page 1, after line 12, to insert a new section, as follows:

SEC. 2. That the Secretary of War be, and he is hereby, authorized and empowered to grant to the Baltimore & Ohio Railroad Co. a right of way for railroad purposes, in such location as the Secretary of War may approve, across the Bolling Field Military Reservation, D. C., as now and to be enlarged under authority of the act approved February 25, 1929 (45 Stat. 1303), in exchange, on such terms and conditions as the Secretary of War deems necessary, for the right, title, and interest of the Baltimore & Ohio Railroad Co. in the right of way occupied by it as now located and constructed across said property: *Provided*, That the expense incident to effecting said exchange, including grading and relocation on the new right of way of existing tracks and facilities, shall be payable from funds heretofore appropriated or those authorized to be appropriated, when available, for improvement of the landing field at Bolling Field.

The amendment was agreed to.

The next amendment was, on page 1, after line 12, after the amendment just agreed to, to insert a new section, as follows:

SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed to cause the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va., to be removed and sold or otherwise disposed of, and the sum of $228,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to cover the cost of such removal and disposal: *Provided*, That any balance remaining from this appropriation may be applied to such protection and improvement work on the Virginia side of the river, in the area included in the approaches to the Aqueduct Bridge and the new Francis Scott Key Bridge, as may be deemed necessary to insure that the surrounding conditions, after the removal of the old bridge, shall harmonize with the design of the new bridge and in no way endanger the said structure.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock air depot, Arkansas, and for other purposes."

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. REED. Mr. President, I was directed by the Committee on Military Affairs to report favorably, without amendment, the bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended. This is known as the National Guard bill. I ask leave to submit the report.

The PRESIDENT pro tempore. Is there objection?

Mr. LA FOLLETTE. Mr. President, reserving the right to object, may I ask the Senator what he intends to do regarding the consideration of the bill? I know nothing about the bill except that I was informed to-day that 73 amendments were put on it by the House, that only 20 minutes of discussion was had in the Committee on Military Affairs, and that six Senators voted against reporting on the bill on the ground that they did not know what was in it. If the Senator is going to press for the consideration of any such bill in the closing hours of the Congress, I would have to object to the reporting of it unless he can assure us that there will be plenty of time given to study the measure and find out what is in it.

Mr. REED. My request now is only for permission to report the bill. It is true, as the Senator said, that it was reported by a vote of eight to six and therefore in the request I am now making I am asking leave only to report it.

Mr. LA FOLLETTE. When does the Senator intend to try to take it up for consideration?

Mr. REED. It is perfectly evident from what Senators have said to me that there is no possibility of getting unanimous consent to take it up to-morrow. Therefore I am asking leave to report it only to put it on the calendar. If it should be possible to get consideration of it to-morrow I would like to do so, although I realize the difficulty of doing so.

Mr. LA FOLLETTE. Has the Senator studied the bill carefully?

Mr. REED. No; I have not. I was not present at the moment the vote was cast in the committee. I was in a conference committee and therefore did not vote either for or against the reporting of the bill. The committee voted by a vote of eight to six to report it out, and so in loyalty to the committee I am making the report which they directed, but I am not now asking for the consideration of the bill.

Mr. LA FOLLETTE. Inasmuch as I understand we are going to have a morning hour to-morrow, I shall have to object.

The PRESIDENT pro tempore. Objection is made.

TAX ON OLEOMARGARINE

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from Delaware [Mr. TOWNSEND] that the Senate proceed to the consideration of House bill 16836, known as the oleomargarine bill.

Mr. TYDINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	King	Robinson, Ind.
Barkley	Fess	La Follette	Schall
Bingham	Frazier	McGill	Sheppard
Black	George	McKellar	Shipstead
Blaine	Glenn	McMaster	Shortridge
Blease	Goff	McNary	Smith
Borah	Goldsborough	Metcalf	Smoot
Bratton	Gould	Morrison	Thomas, Idaho
Brock	Hale	Morrow	Thomas, Okla.
Brookhart	Harris	Moses	Townsend
Broussard	Harrison	Norbeck	Trammell
Bulkley	Hastings	Norris	Tydings
Capper	Hatfield	Nye	Vandenberg
Carey	Hayden	Oddie	Wagner
Connally	Hebert	Partridge	Walcott
Copeland	Hefiin	Patterson	Walsh, Mass.
Couzens	Howell	Phipps	Watson
Cutting	Johnson	Pittman	Williamson
Dale	Jones	Ransdell	
Davis	Kean	Reed	
Deneen	Kendrick	Robinson, Ark.	

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Delaware [Mr. TOWNSEND] that the Senate proceed to the consideration of House bill 16836, known as the oleomargarine bill.

Mr. BRATTON and Mr. HEBERT asked for the yeas and nays, and they were ordered.

The legislative clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his unavoidable absence, I withhold my vote.

Mr. HATFIELD (when his name was called). I have a general pair with the Senator from North Carolina [Mr. MORRISON]. Not knowing how he would vote, I withhold my vote.

Mr. TYDINGS. On this vote I have a pair with the senior Senator from Oklahoma [Mr. PINE]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. FESS. On this vote I am paired with the junior Senator from Arkansas [Mr. CARAWAY]. Not knowing how he would vote, I withhold my vote.

Mr. THOMAS of Idaho. On this vote I have a general pair with the junior Senator from Montana [Mr. WHEELER]. I find I can transfer that pair to the junior Senator from Oregon [Mr. STEIWER]. I make that transfer and vote "yea."

Mr. SHEPPARD. I am authorized to state that the Senator from Virginia [Mr. SWANSON] is necessarily absent. He has a general pair with the Senator from Colorado [Mr. WATERMAN]. If he were present, the Senator from Virginia would vote "yea."

I also desire to announce, that the Senator from Missouri [Mr. HAWES] is necessarily detained from the Senate by illness.

Mr. MORRISON. I transfer my general pair with the Senator from West Virginia [Mr. HATFIELD] to the Senator from Iowa [Mr. STECK] and vote "yea."

Mr. FESS. I wish to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 43, nays 32, as follows:

YEAS—43

Barkley	George	McMaster	Reed
Blaine	Glenn	McNary	Robinson, Ind.
Blease	Goff	Morrison	Schall
Borah	Gould	Moses	Shipstead
Brookhart	Hale	Norbeck	Thomas, Idaho
Capper	Hastings	Norris	Thomas, Okla.
Couzens	Howell	Nye	Townsend
Dale	Johnson	Partridge	Trammell
Davis	Jones	Patterson	Walcott
Deneen	La Follette	Pittman	Williamson
Frazier	McGill	Ransdell	

NAYS—32

Ashurst	Copeland	Hefiin	Robinson, Ark.
Black	Cutting	Kean	Sheppard
Bratton	Dill	King	Shortridge
Brock	Goldsborough	McKellar	Smith
Broussard	Harris	Metcalf	Vandenberg
Bulkley	Harrison	Morrow	Wagner
Carey	Hayden	Oddie	Walsh, Mass.
Connally	Hebert	Phipps	Watson

NOT VOTING—21

Bingham	Hatfield	Smoot	Walsh, Mont.
Caraway	Hawes	Steck	Waterman
Fess	Kendrick	Stelwer	Wheeler
Fletcher	Keyes	Stephens	
Gillett	Pine	Swanson	
Glass	Simmons	Tydings	

So Mr. TOWNSEND's motion was agreed to; and the Senate proceeded to consider the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes.

Mr. TOWNSEND. Mr. President, hearings were held on this bill in the House; it was very thoroughly discussed, both in the committee and on the floor of the House, and the bill passed the House by a vote of 303 to 101.

The purpose of the bill is to correct the condition that has arisen due to a ruling by the Commissioner of Internal Revenue on November 12, 1930, which threatens the life of the dairy industry in this country. There are 4,000,000 dairymen in the United States who are very keenly interested in the measure. In a brief statement I hope to point out to Members of the Senate the reasons for the need of this legislation and why it is an emergency measure.

Mr. President, in 1886 it became necessary for the Congress of the United States to legislate to regulate and control the sale of butter substitutes, as the fraud that was at that time being perpetrated upon the consuming public was threatening the life of the dairy industry. The condition at that time was such that President Cleveland, when he signed the bill, made this statement: "I venture to say that hardly a pound [referring to oleomargarine] ever entered a poor man's home under its real name and its real character." That law levied a tax of 2 cents a pound upon all oleomargarine; levied a special tax upon manufacturers, wholesalers, and retail dealers, and provided for branding the packages in which oleomargarine is sold. That act left the oleomargarine manufacturers free to color their product yellow. Substitution and fraud persisted, especially in public eating places. In 1902 the House of Representatives passed an amendment to the oleomargarine act of 1886 increasing the tax from 2 to 10 cents per pound, but provided that—

When oleomargarine is free from coloration or ingredients that causes it to look like butter of any shade of yellow the tax shall be one-fourth of 1 cent per pound.

The Senate adopted an amendment striking out the words "or ingredients" and inserted the word "artificial" before the word "coloration." The act then assessed a tax of 10 cents per pound upon oleomargarine, but provided—

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound.

Mr. Henry, of Connecticut, chairman of the House Committee on Agriculture, recommended the acceptance of this provision with this statement:

Inasmuch as it is not the purposes of this legislation to oppress a legitimate industry, this contention is conceded, and all the more willingly because, so far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a very perceptible shade of yellow by the use of any known ingredient.

It may be further said that if time and experience demonstrate that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient this defect in the law can be corrected by future legislation.

The record of the proceedings of Congress during the debates on this act will convince any reader that the intent of the enactment was to protect the dairy interests and that no such situation as that which at present confronts us was anticipated. This condition has developed because of the fact that the manufacturers of oleomargarine have learned to color their product yellow with palm oil; and the Commissioner of Internal Revenue, in a ruling on November 12, 1930, decided that oleomargarine thus colored was not artificially colored, and not subject to a tax above one-quarter of 1 cent per pound. So the very situation which was foreseen by those Members of the House who insisted on the words "other ingredients," and lost their fight, now confronts us.

I have reviewed the legislation with regard to oleomargarine, Senators, in order that you may see that this bill proposes simply to strengthen the existing law, so that it shall be proof against such interpretation.

Mr. VANDENBERG. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Michigan?

Mr. TOWNSEND. I do.

Mr. VANDENBERG. Am I correct, then, in understanding that if it had not been for the ruling of the commissioner a few months ago, this legislation would be unnecessary?

Mr. TOWNSEND. That is my understanding.

Mr. VANDENBERG. In other words, this bill simply validates the law for the last 28 years?

Mr. TOWNSEND. That is my understanding.

Mr. VANDENBERG. It seems to me it is simply in the name of plain honesty, as well as fair play to the farmer, that the Senator makes his plea.

Mr. TOWNSEND. All of the leading farm organizations in this country are supporting this measure. Among them are the following national organizations:

American Dairy Federation, National Cooperative Milk Producers' Federation, National Grange, American Farm Bureau Federation, American Association Creamery Butter Manufacturers (who make one-half of the butter made in the United States), National Dairy Union (a voluntary organization of large and small creameries), Holstein-Friesian Association of America, American Jersey Cattle Club, American Guernsey Cattle Club, Ayrshire Breeders' Association, and American Livestock Association.

Resolutions have been received in support from great numbers of State granges, from State dairymen's associations, from State creamery associations, and from individuals. Only last week representatives from these organizations from 24 States met in conference here with regard to this measure—over 100 persons.

STATEMENT BY ALEXANDER LEGGE

Addressing the Ways and Means Committee on February 18, Alexander Legge, president of the Farm Board, was especially insistent that palm oil be embargoed on the ground that it displaces American dairy products, stating that under a process discovered since the enactment of the Hawley-Smoot law palm oil can be used in oleomargarine, and that it is now seriously affecting the American dairy industry. Palm oil was left on the free list by the Hawley-Smoot tariff, and farmers have no protection against it.

However, it is my opinion that an embargo or a tariff will not relieve this situation permanently, for science will discover something that will take the place of palm oil unless the law is strengthened with respect to color in oleomargarine.

With respect to the bill, Secretary Mellon has said:

It is true that the production and sale of oleomargarine obtaining its yellow color from naturally colored ingredients have increased, and may continue to increase with the development of new oils made edible through improved methods of refining. The proposed amendment would, it is believed, prove easier of administration than the present law, for the reason that the question of whether the use of these naturally colored ingredients constitutes artificial coloration would not be raised. It is thought that S. 5745 would not materially affect the revenue collected from this source, because it is believed manufacturers would turn to the production of the white product taxed at the rate of one-quarter cent per pound, and thus avoid the higher rate of tax, namely, 10 cents per pound.

The Secretary of Agriculture says:

We have carefully considered the bill. The original act of August 2, 1886, was obviously intended to restrict the sale of oleomargarine colored yellow in imitation of butter. The effect of this law has been in part nullified by the recently acquired ability of the manufacturers of oleomargarine to obtain a yellow product by the use of naturally colored fats.

We believe that the bill would correct this condition, and, under the circumstances, is justified. So far as we can determine, the limit placed on the yellow color permitted in oleomargarine is high enough to allow the use of any naturally colored oleo oil, and would exclude the use of yellow-colored vegetable oils which are obviously added for the purpose of increasing the color. The bill, therefore, has the approval of this department.

Gentlemen, unless this bill becomes a law, disruption will follow in the dairy business. Butter can not be produced for a price to compare with oleomargarine, even should the latter product be obliged to pay the tax proposed. It can compete in food value, and that is most certainly conceded.

COMPARISON IN FOOD VALUES BETWEEN BUTTER AND OLEOMARGARINE

Doctor McCollum, of Johns Hopkins University, perhaps the highest-qualified food expert in the United States, when asked for his opinion on any campaign that should push forward a yellow-colored oleomargarine as a substitute for butter, replied:

I think it would be a step in the wrong direction from the standpoint of the maintenance of the Nation's health; that any invasion of so precious a product as butter or any other dairy product should be so marked that there is no prospect that a purchaser may be deceived as to what he is purchasing, and that no economic condition should be permitted to prevail which would enable an inferior food product to displace on the American table a superior food such as butter.

Palm oil is claimed to have a food value. But food experts state that the proportion of vitamin A found in butter and oleomargarine in equal amount is 30 to 1. While Doctor McCollum says that he has made no study of palm oil, which, since the ruling of November 12, has produced the yellow color in oleomargarine, he has read and is familiar with all that has been written on the subject and is convinced that the yellow substance in palm oil is not carotin, which is the mother substance of vitamin A, but cycopin, of much less food value. Butter will supply vitamin A in the most economical form.

See Doctor McCollum's statements in the House hearings, pages 76 to 80. Also this extract:

Mr. PURNELL. Doctor, I think this committee would like to know your estimate of the relative nutritive value of butter and oleomargarine, for instance, whether colored artificially or with some natural product.

Doctor MCCOLLUM. Margarines have been made out of many different materials, mainly out of animal body fats and of vegetable fats, in the case of certain margarines; in the case of certain others very largely, if not exclusively, of vegetable fats. It happens that there are no vegetable fats which provide vitamin A in any considerable amount. There are a few that contain traces of it, but very little. Animal fats vary in respect to this peculiar quality of vitamin A content, which I shall stress—vary because the food of the animal producing the fats varies. If a hog is kept on alfalfa, rape, or clover pasture and eats very liberally of leaves his fat will contain a demonstrable but not a large quantity of vitamin A; in fact, it is always low.

COMPARISON OF PRICES OF BUTTER AND OLEOMARGARINE

We shall not consider cost of distribution, but just of ingredients.

It is estimated that a pound of oleomargarine made entirely from vegetable oils costs 6.8 cents for the ingredients.

For 1 pound of oleomargarine made from a mixture of vegetable and animal oils, the price of the raw materials is 9 cents.

The cost of the cream necessary to make a pound of butter varies with the productivity of herds; but in a group of herds producing 200 pounds of butterfat annually, which is better than the average for the whole country, the cost per pound is estimated at 39 cents.

It would seem to me that there would be no question as to which industry we should favor in legislation—the dairy industry or the oleomargarine industry—when we realize that the dairy industry is the largest single branch of agricultural interest—21 per cent. In fact, from milk and its products are obtained $2,045,000,000; from meat, $435,000,000. Dairy cattle are on 78 per cent of the farms in this country, although 92 per cent of the butter used in the United States is manufactured from the cream in plants, and not made into butter on farms.

The number of people affected directly by the butter industry are, producers, 4,068,000; owners of manufacturing plants, about 5,000.

In contrast to this, the plants engaged in the manufacture of oleomargarine are given as 35; the number of wage earners in the plants, 1,369.

You may argue that this competition should not be great enough to disrupt the great dairy industry; but I warn you that sufficient figures are not yet available to show the leaps and bounds by which there will be an entirely different story should no restriction be made on this yellow product which so nearly resembles butter in appearance.

Moreover, it should be understood clearly that most of the oils used in the manufacture of oleomargarine are imported. Among these are palm oil from the West Coast of Africa, Dutch East Indies, Sumatra, Java, and the Free State of Liberia, coming into this country in great quantities, free of duty; soybean oil, the supply of which is almost unlimited, and which bears a tariff of 3½ cents per pound; coconut oil, 99 per cent of which comes from the Philippines free of duty. Palm oil was left on the free list because it was thought to have no food value.

Do you wish to support an industry that depends so entirely on foreign oils rather than support an entirely domestic industry?

Mr. BLACK. Mr. President, would the Senator object to yielding for an inquiry there?

Mr. TOWNSEND. Will not the Senator permit me to finish? Then I shall be glad to yield to him.

Mr. BLACK. I simply wanted to suggest a matter which the Senator may cover in his remarks. I desire to ask if the Senator would agree to an amendment which would protect against the importation of the foreign oil, but would not penalize the use of domestic oil. I think, if that were done, there probably would be very little difficulty in reaching an agreement.

Mr. TOWNSEND. Mr. President, I do not think I could agree to that, because this bill has been very carefully considered in the House, and very thoroughly discussed, and passed by a very large vote, and any amendment now that would cause further discussion in the House would be dangerous to the bill.

It is true that oleomargarine contains domestic oils. The first formula I have here calls for 8 or 9 per cent of cottonseed oil, and the same of peanut oil. The other oils used are coconut oil and palm oil. Right here permit me to quote from a statement made by Congressman JONES of Texas, which emphasizes the point I am trying to make:

I want to talk to the people from the South for a few moments about what kind of a commodity this is. Something has been said about cottonseed oil. According to the report of the Bureau of Internal Revenue, 6.90 per cent of this commodity is cottonseed oil and less than 1 per cent is peanut oil. There were only 30,000,000 pounds of cottonseed oil put into oleomargarine last year, while 185,000,000 pounds of coconut oil were used. The 30,000,000 pounds of cottonseed oil represented a value of $3,000,000. I have a report from the Bureau of Agriculture showing that $89,000,000 worth of cottonseed meal and cottonseed cake were fed to the cattle of America, and their estimate is that $51,000,000 of that was fed to dairy cattle. Of the 58,000,000 cattle in the United States, 32,000,000 are dairy cattle. In other words, there are seventeen times as much cottonseed products fed to dairy cattle as were put into oleomargarine. If you put the dairy cow out of business, you destroy your own products. This is a crisis not only for the dairy products but for cottonseed. It is a crisis for peanuts; it is a crisis for all domestic oils, because this country is being flooded with foreign oils. Nine hundred and eighty-two million pounds of coconut oil came into America last year. The trouble is that we have been favoring foreign commodities. Gentlemen talk about this being a domestic commodity. It is not a domestic commodity. It is made out of foreign ingredients, and the domestic ingredients are a minor portion.

The dairy cow is certainly a better customer of the cotton farmer and the soybean farmer than is the oleomargarine industry.

Let me insist that this legislation will not outlaw an industry, as has been suggested in the hearings by opponents; it will leave that industry just where it was before the ruling of November 12, 1930, when it was in a flourishing and prosperous condition. At that time the housewife might always buy oleomargarine instead of butter, and she may do the same when this bill shall have been passed. At that time she paid the same additional tax as is now proposed for yellow oleomargarine, if she desired it yellow in color. She may continue to do so under the provisions of this bill, but it may be said, "Why should she pay that additional 10 cents for the same article?" The question has even been asked: "Why deprive the poor man of his spread for his bread?" No one is trying to deprive him of it; he will have the same food value in white oleomargarine that he will have in the yellow; it is optional with him whether he shall pay the additional 10 cents for the yellow which he likes.

The whole question resolves itself thus: A grave situation confronts the dairy industry for the price of butter is reflected in the prices of all other dairy products. The economic distress that may follow the preference of the housewife of moderate means for yellow oleomargarine in no degree approaches the economic distress that would follow the disruption of the dairy business. For disruption would certainly follow; and it would be a national calamity to drive the dairy interests out of business, or to affect them to such an extent that their products would be in the class of luxuries.

The price of butter has never far exceeded the price of production. The law of supply and demand has taken care of that. At present, when butter should not be far from its peak price, which is generally reached December 1, the producers are losing money.

It is folly to try to explain that this is altogether a result of the prevailing economic depression or to compare it with selling prices of other products. Moreover, the condition which confronts us will become more alarming, as the latest census reports will convince you. Congress has protected the dairy interests all of these years; by supporting this bill we shall carry out the intent of previous legislation which has been enacted with that purpose. The same arguments which prevailed before are still cogent, and there is the additional argument that no ruling in recent years has so affected the dairy industry as the ruling under discussion. We must safeguard the industry from a recurrence of anything of that nature.

The pending bill passed the House by an overwhelming majority.

The VICE PRESIDENT. The bill will be read.

The legislative clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of section 3 of the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (U. S. C., title 26, sec. 207), is amended to read as follows:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any substance which causes such oleomargarine to be yellow in color, determined as provided in subsection (b) of section 8, shall also be held to be a manufacturer of oleomargarine within the meaning of this act and subject to the provisions thereof."

SEC. 2. Section 8 of such act of August 2, 1886, as amended (U. S. C., title 26, sec. 546), is amended to read as follows:

"SEC. 8. (a) Upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax at the rate of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof; except that such tax shall be at the rate of 10 cents per pound in the case of oleomargarine which is yellow in color.

"(b) For the purposes of subsection (a) and of section 3, oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than 1.6 degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the Lovibond tintometer scale or its equivalent. Such measurements shall be made under regulation prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and such regulations shall provide that the measurements shall be applied in such manner and under such conditions as will in the opinion of the commissioner, insure as nearly as practicable that the result of the measurement will show the color of the oleomargarine under the conditions under which it is customarily offered for sale to the consumer.

"(c) The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

SEC. 3. This act shall take effect upon the expiration of 90 days after the date of its enactment.

Mr. GEORGE obtained the floor.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New York?

Mr. GEORGE. I yield.

Mr. WAGNER. I ask unanimous consent for the immediate consideration of Senate bill 6114, to authorize the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J., to the Port of New York Authority.

The VICE PRESIDENT. Is there objection?

Mr. MCNARY. Mr. President, I should dislike to have the calendar called at this time for special bills. It is hoped that later in the evening we may consider the calendar. In addition to that, I think when this bill came up before there was some objection to it.

Mr. WAGNER. I have consulted those who objected, the Senator from Wisconsin and the Senator from Pennsylvania, and they have withdrawn their objections, on better understanding of the bill.

Mr. FESS. Mr. President, two or three Senators who are not in the Chamber at this time asked that a quorum be called if any request for unanimous request were made. So I wish the Senator would withhold his request.

Mr. WAGNER. Mr. President, I was going to suggest that if the Senator from Oregon proposed to have the calendar called, I would withhold my request.

Mr. McNARY. I shall have a call of the calendar if possible, and I think it will be possible.

Mr. BRATTON. When does the Senator from Oregon expect to have a call of the calendar?

Mr. McNARY. Some time later in the evening, after the disposition of the unfinished business.

Mr. WAGNER. I withdraw the request.

Mr. GEORGE. Mr. President, I desire to offer an amendment to the bill.

The VICE PRESIDENT. The amendment will be read.

The LEGISLATIVE CLERK. The Senator from Georgia proposes to add at the end of the bill the following:

That section 15 of the agricultural marketing act, approved June 15, 1929, is amended by adding at the end thereof a new subdivision to read as follows:

"(g) As used in this act, the term 'agricultural commodity' includes, in addition to other agricultural commodities, crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived; gum spirits of turpentine and gum rosin, as defined in the naval stores act, approved March 3, 1923."

Mr. GEORGE. Mr. President, I do not care to discuss this amendment further than to say that a bill to the same general effect has already passed the Senate. It passed the Senate, I believe, in June, 1930. The bill went to the House and was considered by the House Committee on Agriculture, and was reported with an amendment, and is now on the House Calendar in the exact form in which I have offered the amendment.

I have followed the suggestion of the chairman of the House Committee on Agriculture, Mr. HAUGEN. There is no change of meaning, however, between the suggestion made by the chairman and the bill as actually reported out by the House committee and the bill which actually passed the Senate.

I believe the Senator in charge of the pending bill is willing to accept the amendment. I earnestly hope so; and if so, I will not delay the Senate with any discussion.

Mr. TOWNSEND. Mr. President, I am willing to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to amendment. If there be no further amendments proposed, the question is, Shall the amendment be engrossed and the bill be read a third time?

Mr. CONNALLY. Mr. President, the Senator from South Carolina desired to be heard, and I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McGill	Shortridge
Barkley	George	McKellar	Smith
Bingham	Gillett	McMaster	Smoot
Black	Glass	McNary	Steck
Blaine	Glenn	Metcalf	Steiwer
Blease	Goff	Morrison	Stephens
Borah	Goldsborough	Morrow	Swanson
Bratton	Gould	Moses	Thomas, Idaho
Brock	Hale	Norbeck	Thomas, Okla.
Brookhart	Harris	Norris	Townsend
Broussard	Harrison	Nye	Trammell
Bulkley	Hastings	Oddie	Tydings
Capper	Hatfield	Partridge	Vandenberg
Caraway	Hayden	Patterson	Wagner
Carey	Hebert	Phipps	Walcott
Connally	Heflin	Pine	Walsh, Mass.
Copeland	Howell	Pittman	Walsh, Mont.
Couzens	Johnson	Ransdell	Waterman
Cutting	Jones	Reed	Watson
Dale	Kean	Robinson, Ark.	Wheeler
Davis	Kendrick	Robinson, Ind.	Williamson
Deneen	Keyes	Schall	
Dill	King	Sheppard	
Fess	La Follette	Shipstead	

The VICE PRESIDENT. Ninety-three Senators have answered to their names. A quorum is present. The bill is open to amendment.

Mr. CAREY. Mr. President, I have an amendment which I desire to offer to the bill. I want to say in offering it that I am not opposed to the bill, but I feel that the amendment will protect the local people who are engaged in the livestock industry.

The VICE PRESIDENT. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. Strike out the period at the end of section 8 (b), insert in place thereof a semicolon, and add the following proviso:

Provided, That the provisions of this section and the tax at the rate of 10 cents per pound as provided for herein shall not apply to oleomargarine made exclusively from fats and/or oils derived from domestic animals and/or seeds produced within the continental limits of the United States if such oleomargarine contains at least 50 per cent of fats and/or oils derived from domestic animals produced within the continental limits of the United States.

Mr. REED. Mr. President, there is a very large number of bills upon the calendar to which there is no objection. I have not the slightest desire to interfere with the progress of the oleomargarine bill which is now before the Senate, but it seems to me in fairness to the Senate as a whole that we ought to try to go over the calendar for unobjected bills to-night before we adjourn. If we do not do that, it is very probable that in the enrollment and engrossing of bills, a number of bills actually passed by both houses will not reach the President in time for his signature. I am going to suggest to the Republican leader or to the assistant leader that we make some satisfactory arrangement, say to start at 9 o'clock to-night to consider all unobjected bills on the calendar. That will not unduly interfere with the progress of the pending business.

Mr. McNARY. Mr. President, there is a great deal of force in what has been suggested by the Senator from Pennsylvania. I stated a few moments ago to the Senator from New York [Mr. COPELAND] that it has been the purpose to have a call of the calendar some time this evening, but I would not want to enter into an agreement now to commence at 9 o'clock until we have further considered the unfinished business. For the present I shall object, but a little later I shall be glad to cooperate with the Senator.

Mr. REED. Then I shall renew my request in about an hour.

Mr. ASHURST. Mr. President, while the Senator from Pennsylvania is on his feet may I ask him a question?

Mr. REED. Certainly.

Mr. ASHURST. I am quite exercised and alarmed about the fate of House bill 16982, a bill proposing to authorize the appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes. What is the fate of that bill, if the Senator from Pennsylvania can inform me?

Mr. REED. The present status is that the House and Senate conferees are in a deadlock. It may be that we can meet to-morrow morning. If we do, and if we fail to agree at that time, the Senator from Mississippi [Mr. HARRISON] and I will have something to say about it on the floor of the Senate.

Frankly, the present situation is that the House of Representatives wants to dictate the precise location of every hospital. The Senate wants to leave that to the President of the United States, with whatever help it occurs to him to summon to his aid. It is a question of logrolling and nothing else. I would rather not go into it too deeply to-night, but I shall discuss it fully to-morrow. We are still hopeful that the House will see fit to recede.

Mr. ASHURST. Mr. President, will the Senator from Pennsylvania indulge me another word on the subject?

Mr. REED. Certainly.

Mr. ASHURST. I thank the Senator from Pennsylvania for his frank statement. He is always frank. I wish to say to Senators that we are all, one not more than the other, interested in the fate of that bill which contains a program for expanding the present facilities for hospitalizing disabled ex-service men. I thank the Senator from Wyoming for giving me the opportunity to sound the alarm. I believe the bill is imperiled, and whilst I have no disposition to draw any strictures upon any Member of another body of Congress or upon a Member of this body of Congress, I say now that Senators to-morrow morning should have it in their minds and should have it in their voices to make a drive to put through this bill.

Mr. REED. Mr. President, I share the feelings of the Senator from Arizona entirely, but I am still hopeful that it is going to be possible for us to accomplish something. If it should not be, I do not intend to remain muzzled one minute. I want the Senate and the country to know just where the trouble lies.

Mr. BARKLEY. Mr. President, with reference to what the Senator from Pennsylvania said about the call of the calendar, I wish to draw the attention of the Senator from Oregon [Mr. McNARY] to the situation. I think we have had less real night work during the closing days of this session than is customary during a short session of Congress. There are not only many important bills on the calendar, but there are many pending bills which ought to be disposed of before we adjourn. So far as I am concerned, I am willing to stay here all night if necessary in order that we may dispose of important measures, not only on the calendar, but which are pending, together with conference reports and other important legislation that ought to be disposed of before we adjourn. I hope those in charge of the Senate on both sides of the aisle will, if necessary, insist that we stay here.

Mr. REED. Mr. President, I am not in any sense in charge of the Senate, but I agree with the Senator from Kentucky, only I think we do better work early in the evening than we do in the late hours of the night. I hope we are going to get at the calendar before it is too late.

Mr. SWANSON. Mr. President, I am in accord with the Senator from Kentucky and will "go him one better." I will stay here until the sun rises or until noonday!

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Wyoming [Mr. CAREY].

Mr. CAREY. Mr. President, I feel that the bill without the amendment which I have offered imposes a penalty upon the livestock grower and also upon the cotton grower in that oleomargarine is made both from the fat of cattle and of hogs, and also from cottonseed oil. My amendment would prevent the importation or the use in oleomargarine of palm oil and coconut oil, which are the oils which are being mostly used to-day in the manufacture of oleomargarine. My opinion is that the bill with amendment in it would give to the industry the protection which I think it ought to have. Therefore, I hope the amendment will be adopted.

Mr. TOWNSEND. Mr. President, much as I would like to agree with my friend from Wyoming, I must protest against the adoption of the amendment because the House discussed this very amendment very thoroughly, both in the committee and on the floor, and rejected it. I feel sincerely that if the amendment were agreed to it would defeat the measure.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Utah?

Mr. TOWNSEND. I yield.

Mr. KING. I did not have an opportunity of hearing the amendment read nor did I hear the observations made by the Senator from Wyoming [Mr. CAREY]. May I ask the Senator, if the amendment should be rejected, would it not be a discrimination against animal fats used in the manufacture of oleomargarine or some form of butter fat for use in cooking?

Mr. TOWNSEND. I do not think so. The amendment was offered in the House, both in the committee and on the floor, and was rejected by a very large vote. It was thoroughly discussed both in the committee and on the floor of the House, and was rejected in both places.

Mr. KING. Was not the rejection because it was designed to prevent the utilization of animal fats of the character described, as I understand it, in the manufacture of substitutes for butter?

Mr. TOWNSEND. My understanding is that this is the same amendment which was offered in the House and rejected there.

Mr. BARKLEY. Mr. President, I did not hear the amendment read nor did I hear it explained, but as I understand it, it seems that oleomargarine is exempt from the tax provided it is made exclusively of domestic ingredients so long as those domestic ingredients are one-half animal fat. In other words, the amendment provides that oleomargarine shall not be subject to the tax, although it has been colored by some artificial substance and therefore made to look like butter which it is not, so long as one-half of it is animal fat. Why should any special privilege or status be given to oleomargarine made wholly of domestic products, by giving it a color and a character and reputation which it does not enjoy in the natural state, and by exempting it from the tax which is proposed in the bill? If it is to be sold or used as lard, why should it not go as lard? Why should it be colored artificially to make it look like butter, which it is not? Why should the people be deceived into believing that it contains what is known in the medical profession as vitamin V, which is necessary in order to keep alive certain cells of the human body, when a ton of oleomargarine does not contain as much as an ounce of vitamin A?

Mr. TOWNSEND. That was the reason I understand that the House rejected the amendment.

Mr. BARKLEY. For the same reason the Senate ought to reject it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. SMITH. Mr. President, it is a matter of very great surprise to me, for two reasons, that Senators on this side of the aisle are supporting this measure. I do not think anyone in this body can accuse me of being an opponent of anything that would benefit the farmer or the farm, but I am going to content myself with pointing out, so far as I am concerned, the reasons why I can not support this proposition.

Divested of everything, the bill is designed to protect and foster one food product at the expense of another. If there is anything that is violative of every democratic principle, it is involved in this measure. It goes further than the ordinary protective tariff. Under the protective tariff we have heard, so long as the question has been discussed, that the measure of protection should be the difference between the cost of production at home and abroad, so as to give the domestic producer an opportunity to enjoy the market of his own country. In the case of this bill we propose to go beyond that and to impose an obnoxious tariff tax on one domestic article as against another domestic article.

Mr. NORBECK. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. SMITH. I yield.

Mr. NORBECK. I am not sure that I understand the Senator. If I understand the bill aright, there is a tax of only a quarter of a cent imposed unless the article is colored in imitation of butter. Is that correct?

Mr. SMITH. Yes. I am coming to that proposition now.

We are attempting to tax this commodity in order to foster and protect and develop the dairy industry. I ask any Democrat on this floor what is the principle of Republican protection if it is not to foster one industry at the expense of other industries. We have done that so far as foreign industries are concerned, but it is proposed to go further than that in this measure and to foster the dairy industry at the expense of what?

Mr. COPELAND. Mr. President, will the Senator from South Carolina yield to me?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from New York?

Mr. SMITH. I yield.

Mr. COPELAND. Does the Senator contend, then, that Democratic doctrine is against all protection?

Mr. SMITH. Yes; against all protection. Any true Democrat will vote for a tariff for revenue to help support his Government. I believe any foreigner who has an article to sell should pay for the privilege of being able to avail himself of the market of this country.

Mr. COPELAND. Mr. President, will the Senator from South Carolina yield just once more?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from New York?

Mr. SMITH. Let me finish my sentence.

Mr. COPELAND. I simply want to say that I do not agree with the Senator.

Mr. SMITH. I do not doubt that, for I have previously seen evidences of it. [Laughter.] Yes; we have pseudo-Democrats now to the destruction of our party, so that one can not tell the difference between this side and the other side when it comes to a measure affecting something produced within a given State. A man's loyalty to a principle is measured by the sacrifice he is willing to make for it. I do not propose to stand here and see the principles of democracy emasculated, as we are proposing to do in this measure, in order to protect the dairy industry.

Now let us analyze this measure and see what it means. Does any Senator say that oleomargarine is not a food product? In 1911 the late Senator Lodge, of Massachusetts, and I were on a subcommittee to investigate the cost of living. God save the mark. In 1911 we were talking about the high cost of living! There came up this very question of imposing a 10-cent tax on artificially colored oleomargarine. I asked Doctor Wiley, who was then at the head of the pure food administration, four questions. I asked him as to the nutrition, the wholesomeness, the palatability, and the digestibility of oleomargarine as compared with butter. He answered those four questions to the effect that practically the articles were equal, and he himself suggested a fifth element, that when colored with the pure extract of carrot oleomargarine was as pleasing to the eye as is Elgin butter.

Mr. President, it is not denied that oleomargarine is a food product; it is not denied that it has nutritive qualities, but the production cost is so low that the poor, who desire an edible fat in the form of oleomargarine, are using it to the detriment of butter. Now we propose to tax it so as to raise the cost of this common food in order that it may not be so readily available to the masses of the people and that there may be afforded a more profitable sale for butter. What have we been doing here during this session? We have been appropriating millions of dollars for the relief of the poor, and yet here we are about to impose a tax that will raise the price of an edible fat to the very ones who need our protection so far as a food supply is concerned.

Mr. President, I have had brought to my attention the fact that only 1.7 per cent of cottonseed oil is used in the production of oleomargarine, and, therefore, it has been intimated that I should not be opposing this bill on the ground that it would decrease the sale of cottonseed oil. If my political principles rested upon such a basis I would be a full-fledged Hamiltonian Republican. [Laughter.] In other words, I am asked to adopt the principle that so long as a given proposal is not beneficial to me or to the people of my State, I believe in a tariff for revenue, but when it is beneficial to me and to my State I am a protective-tariff man. I would not care if oleomargarine were made entirely of cottonseed oil, I would be here denouncing this bill as I am denouncing it to-night; and I am basing my opposition entirely upon the principle involved. I have received letters from all over my State urging the passage of this bill, and God knows I will go as far as any man in this body in fostering an industry that looks to diversified farming and to the aid of agriculture, but I am not going to attempt to aid agriculture at the expense of the rank and file of the American people who are dependent upon food and clothing.

Now I want to analyze this question just a bit further.

We put a tax of 10 cents a pound upon artificially colored oleomargarine on the ground that a fraud was attempted to be practiced upon the American people. Now it has been discovered that the fat from old cows carry a color like butter and that certain palm oil used in the manufacture of oleomargarine gives a color that is yellow. Therefore, the manufacturers of oleomargarine have avoided the technicality with reference to artificial colorization and thereby have been enabled to avoid the tax.

Mark you, Mr. President, the inhibition of the law was against artificially colored oleomargarine, but now that it has been discovered that it can be colored naturally the proponents of measures such as this come out in the open and say, "We want the tax imposed both upon the artificially colored and the naturally colored product." That means that they do not propose to allow the two products to come into competition with butter.

I will go to as great an extent as any Senator here in protecting the public against fraud. Let us require that the menu of every hotel and restaurant and eating place for the public shall have printed on it the statement, "We provide oleomargarine and butter and our guests may choose." Let us provide a penalty if one should be substituted for the other, and require that every package of oleomargarine shall be stamped "oleomargarine," and then, in justice to the public, require every pound of butter to be stamped "pure butter," so that the public may have its choice between two legitimate edible fats and know exactly what it is getting.

Here we make no such provision; but, in the face of the worst economic condition that America has ever seen we solemnly propose to place a tax upon a food that is readily obtainable by those who are stricken by the present economic calamity.

Now, I want to state to the Senate that from the Agricultural College of South Carolina and from dairy interests throughout my State the plea has come to me not to oppose this proposed legislation. I repeat I will go the limit with any Senator here in protecting the public against fraud, but I ask you, Mr. President, is oleomargarine a fraud? Look to what extent we tried to go here in putting upon the military appropriation bill a prohibition against soldiers in the Army ordering oleomargarine when they desired it. What is it all about? The dairy interests, if they want the support of the American people, should ask that these two articles of food should be clearly labeled and clearly protected each in its own sphere; but we on this side who are supporting this bill are committing ourselves to the most obnoxious form of the protective tariff.

I thank God that I have the distinction in this body of being perhaps the only Senator who voted against every schedule in the Smoot-Hawley bill and against the bill itself, and to-night I am sustained in my position in view of what has overtaken America under that iniquitous measure. Yet some Senators would stand here and say that the Government should not go to the succor of the American people when the Government brought about the condition from which they are suffering. The Treasury of the United States ought to be opened to the relief of the starving masses and to feed those in the bread lines, because the legislation Congress enacted helped bring about the conditions which caused the distress and suffering, if that legislation was not solely responsible; and the very source that brought the evil ought to be made to pay for it.

We are here treating symptoms, putting a little salve on some eruption on the body politic, without addressing ourselves to the disease itself and helping to eradicate it; and in the face of the calamity that has befallen the American people by our class legislation, by protecting the few at the cost of the impoverishment of the many, we are attempting to carry out the same thing to-night.

When I get ready to vote for this kind of thing I will move on the other side of the aisle. There I will find just about as much Democratic company as I have found heretofore here. [Laughter.] It is not a question of whether it is a tax against cottonseed oil. The idea of imputing to a real, genuine, Simon-pure Democrat a selfish motive.

No, Mr. President; I have a record that I propose to keep. This thing has spread rapidly. I want to see the dairy industry prosper. God knows we have failed in everything else. I think the attempt to help the farmer by the dairy industry is like the negro that sold a man a hound. The man asked him if the hound was good for coons. He said, "Yes, suh." The man took him out, and the coon ran right over the hound as though he had not been there at all. The man went back to the negro and said to him: "You told me a lie about that dog. That coon ran right over him and never paid any attention to him." The negro said, "Well, boss, I allus heard it said that everything is good for something. I tried that dog at every darn thing but a coon, and he wasn't no 'count. I thought sho', as a coon was the only thing left, he'd be good for coons." [Laughter.]

We have tried everything, so far as legislation is concerned, for the benefit and upbuilding of special privileges; and here to-night we are solemnly putting into the law an approbation of the law that is already on the statute books.

Some one said to me in the cloakroom a while ago, "Why, your 10 cents a pound tax on oleomargarine is already there. This is simply trying to place it on the natural oleomargarine." Because we did wrong in the first instance, it is now said that we must indorse it in the second instance.

I should have been delighted to join with any of my colleagues here in defining oleomargarine, and putting on any penalty if the manufacturers or dealers attempted to foist it on the public as butter.

Mr. President, does not everyone understand that if we can get the consent of our minds to do this thing, it is just as logical to put a tax on Guernsey butter as against Jersey butter, to put a tax on maple sirup as against cane sirup?

The amendment offered by the Senator from Wyoming [Mr. CAREY] is to the effect that the tax shall not be placed on this substance if it is derived from domestic fats. As a matter of course, between two evils I think I should prefer to vote for that; but it still carries the implication that if any foreign substance is used in the product a prohibitive tariff must be placed on it. I will not even subscribe to that, because I do not believe we have the right to tax one legitimate substance openly and above board in favor of another, especially in these times of distress.

I know it may encourage the cattle grower. I will do anything in my power legitimately to help develop the cattle industry, but I will not do it at the sacrifice of my political principles and my conviction of economic justice. Those who discovered oleomargarine and the process of making it pleasing and edible are entitled to our gratitude rather than to our tax. They have added to the possibilities of human support and food.

Mr. President, laying aside every other question, the thing that I rose for was to define my position as a Democrat—a Democrat who is against the protection of one industry at the expense of another, and of the American people.

I know what this means; I am fully apprised of what it means; but I want to keep my record straight, and I will keep it straight. If I were to be convinced that this did not include the principle of the protective tariff to the *n*th power, I might be able to vote for it; but what is the use of my standing here and pleading with my colleagues as to the principle involved in this thing?

Mr. President, it is useless for me to talk longer. I know the bill will pass. The thing that I regret more than anything else is that my section of the country has seen fit to indorse this kind of legislation. I wish we might have a line of clear demarcation based entirely upon principle, based upon equal rights to all and special privileges to none, even including the dairy people.

I have defined my position. I do not propose to have anything more to say on this measure; but I want to keep the faith.

The VICE PRESIDENT. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

Mr. COPELAND. Mr. President, I have listened with great interest, as I always do, to the remarks of the Senator from South Carolina [Mr. SMITH]. He is an earnest student of politics and of agriculture. I honor him for the views he has stated to-day; but he has intimated that a Democrat is one who believes only in a tariff for revenue.

That is not the original doctrine of our party. I heard a very remarkable address by the senior Senator from Louisiana [Mr. RANSDELL] on the subject of the protective tariff; and he pointed out to us, with ample quotations from Thomas Jefferson, what the founder of the Democratic Party thought about protection. But, regardless of what may be the theory of one member of the Democratic Party, even though he is so distinguished and able and consistent a member as the Senator from South Carolina, I could not permit the moment to pass without saying that I do not believe in the doctrines he presented.

Labor in America never had any chance until it combined and dealt collectively with its problems; and labor in America made little progress until we had a protective tariff which would protect labor against the serf-made and slave-made and slum-made products of the Old World.

Mr. SMITH. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. Yes.

Mr. SMITH. Where are the bread lines coming from now, and the 30,000,000 unemployed, under the protective tariff which is said to be taking care of American labor?

Mr. COPELAND. Let me ask the Senator a question. Are the bread lines due to the protective-tariff system?

Mr. SMITH. Ninety per cent; and to the substitution of labor-saving devices to take the place of labor.

Mr. COPELAND. Mr. President, I had hoped that I could disagree with the Senator on the one subject of protection; but I certainly disagree with him as regards the cause of the bread lines; and perhaps, if I speak long enough, I may come to that point. I want to say, however, that anybody who has visited the industrial establishments in England or France or Germany or Italy or Austria or any other country of Europe must be convinced that he does not want American labor to work under such conditions. American labor is sure to work under such conditions if we permit the cheap labor of Europe to compete with American labor. I believe in a protective tariff, in a tariff for protection as well as for revenue.

The Senator is distressed because it is hard to draw a line of demarcation between the two parties. There is no difficulty in my mind about it. I believe, and I say it in sincerity and without criticism——

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I do.

Mr. BARKLEY. I hope the Senator from New York observes the pleasing smile on the face of the senior Senator from Ohio [Mr. FESS]. [Laughter.]

Mr. COPELAND. I suppose my friend thinks that is "the smile on the face of the tiger." The Senator from Ohio need not smile. If he is smiling, he is not smiling over the fact that he thinks I may agree with him, but he is smiling because he sees a chance for division in the Democratic Party. That is what he is smiling about.

There is a great difference between the attitude of the two parties toward the tariff. The Republican Party is conspicuous for the passage of tariff schedules which favor great industries and the owners of those industries. The Democratic Party is seeking a tariff sufficient to protect American labor. It is not seeking to enrich the men who own these industries. It is seeking to make the conditions such that labor in America will have some of the "gravy" of life.

who are dependent upon food and clothing.

here. [Laughter.] It is not a question of whether it is a

the farm.

Mr. President, speaking of labor in America, my memory goes back to the time when a man working on the section on the railroad in my little community got a dollar a day. In that day the saying was—

A dollar a day
Is darn poor pay.

That is what the laborers got, and they worked 12 hours a day. Welfare laws have been passed, and protective tariff laws have been passed, hours of labor laws have been passed, and other measures which have helped labor in this country have been enacted.

If we were to destroy the protective-tariff system, labor would go back to the old-time conditions, provided along with the destruction of the protective-tariff system came the destruction of the other laws which have to do with the welfare of labor.

The farmer has been the victim of the tariff system; there is no doubt. He has been a willing victim, because he has always voted the Republican ticket. But everything he has to buy has certainly increased in price by reason of the tariff system.

Mr. President, is it not time that the farmer had his opportunity? There are very few times when he can have an opportunity under these laws we have passed.

We raise the tariff on wheat, but we do it just at a time when there is a great world crop of wheat, and he gets no benefit from the law. If the dairy farmer can get any benefit from the tax, which my friend from South Carolina says is another application of the American protective system, and destructive of Democratic law and custom and practice, then I want to vote for it in spite of the destruction of any theory.

The farmer has a hard time. He gets up early in the morning, works all day until nightfall comes, and then he has not anything to do but to milk the cows, bring in the wood, and go to bed, only to get up the next morning at 4 o'clock and do it all over again.

I am glad that in these last few years some thought has been given to the farmer. I am not pleased about some of the things we have done thinking we were going to help the farmer. We voted $500,000,000 in the hope and expectation that we might help the farmer. I am glad I did not vote for that legislation, because, as I see it, it has done the farmer much more harm than good. I can not yet conceive why it was we were not ready to accept the McNary-Haugen bill. It seemed to me when we were debating the measure, and as I have thought about it since, that that bill had in it some hope of helping the farmer. We had the debenture proposition before us, and that disappeared, and we have not done anything of practical value for the farmer.

As I see it, we have an opportunity now, by the passage of this measure, to give him some help. Therefore, Mr. President, so far as I am concerned, I want to vote for the measure.

This is not quite the time to discuss theories of government, I realize, and I know the hour is late; and while my heart is filled with some of the things I would like to say, I will say simply that, as far as I am concerned, regardless of any doctrine or theory, I am glad to vote for the measure before us.

Mr. BARKLEY. Mr. President, I had not intended to say anything at all about this bill until a little while ago, and I am not going to say much now, but I do wish to say that I do not regard this question as having any partisan politics whatever connected with it. I do not regard a vote either for or against the bill as any indication of a man's loyalty to or his opposition against any Democratic or Republican theory of government.

The question, it seems to me, is a very practical and a very simple one, whether we are to allow the manufacture of a certain combination made to be sold and used as a substitute for natural butter, produced from the milk of the cow, and that without levying a tax upon the product.

The cow has in all ages of the world been recognized as a necessary domestic animal, and the milk of the cow has always been recognized as one of the indispensable elements in human food.

Oleomargarine is the combination of animal fats and vegetable oils. Any sort of animal fat is lard, that is all it is, just lard, rendered from the animal by processes which we all understand. By taking lard, which is called animal fat, and mixing it with certain vegetable oils, we obtain a combination which is called oleomargarine, and which would still perhaps be in its natural color except for the fact that by adding a certain amount of palm oil, and other similar oils, the manufacturers are able to give it a color which makes it look like good, rich, Jersey butter.

It takes 25 pounds of oleomargarine to contain as much nutritive substance as 1 pound of butter made from the milk of the cow. Therefore, if by any process the Government of the United States should encourage the use of this substitute, it is thereby encouraging the use of a product calculated to deceive the people, calculated to work an imposition upon people who may not know any better, and who may be enticed by the cheapness of the article to think that they are getting just as much food value as they would be getting in a certain quantity of butter.

The tragedy of this is that in the large centers of population, where the growing children need the real food value of all the articles which they consume, people are induced to buy and consume this substitute, which is injurious and deleterious to the human system if consumed exclusively in place of butter.

There are certain elements in the human body which form the system by which food is masticated, digested, and absorbed, and the mastication, digestion, and absorption of food go into the production of blood and bone and muscle, and in order that the greatest amount of blood and bone and muscle may be obtained from a given quantity of food, it is necessary that the cells which produce the secretions of the human body shall be vitalized by the necessary requirements of food which feed those cells.

As I said on the other side of the aisle, when I was interrogating the Senator from Delaware, it is recognized all over the world that butter which is the product of the milk of the cow is one of the great containers of a very vital and indispensable food element known in science as vitamin A. I do not know just what vitamin A is. That is a medical term, and I do not think anybody thoroughly understands just what it means. But it has come to mean an outstanding element in the food of the human being, necessary to satisfy not only the hunger of the body, but to feed the cells which are so necessary to the production of the gases and juices which are required for the digestion and absorption of food taken into the human body.

For instance, it creates a saliva in the mouth, it creates certain juices in the stomach, one known as hydrochloric acid, I believe, and all the way from the consumption of the food, in all the processes of digestion, absorption, and elimination, these fluids and acids are required in order that health and strength may develop in the human being.

Oleomargarine does not contain an ounce of these elements. One might to-night, if he had the power, consume a ton of oleomargarine, and he would not obtain an ounce of vitamin A, required to feed and strengthen the cells which are so essential in the production of the gases and elements about which I have been talking, necessary in the mastication, the digestion, and the absorption of food. It therefore not only works, innocently, harm to the consumers in great centers of population, but in some cases it induces the producers of butter themselves to sell it in order to obtain a higher price for it and in return to buy the cheaper product and consume it to the injury of their own families, their own children.

Therefore, Mr. President, aside from the question of protection, aside from any relationship it may have to any tariffs, as a matter of honesty, as a matter of good faith to the consumers of human food, it does seem to me that this bill ought to pass, and I hope it will pass very shortly.

ALABAMA SENATORIAL ELECTION

Mr. HEFLIN. Mr. President, there is so much confusion here about what Democracy is that I think I need to set right some of my colleagues who seem to be at variance one

with the other. I want to bring their attention back to some of the fundamental principles of the party.

First. No representation in Congress based on alien population.

Second. No substitution of bank credits for the money of the American people.

Third. No American jobs for aliens.

Fourth. No foreign titles shall be accepted by any American citizen.

I commend that also to the senior Senator from Idaho [Mr. BORAH].

Fifth. No room for Fascism and communism in America.

Mr. BORAH rose.

Mr. HEFLIN. Does the Senator want me to yield to him?

Mr. BORAH. The Senator was not insinuating that I was wearing foreign badges?

Mr. HEFLIN. Not at all; but the Senator is chairman of the Committee on Foreign Relations, and he has my bill in his committee. That bill provides that no American citizen shall accept a title from any foreign king, prince, or state. The Constitution and the laws of our country provide that no American holding an office under the Government may accept a title from any foreign power.

Recently the King of Italy appointed a Fascist leader, a citizen in New York City, an Italian count. That Italian is an official of the Kingdom of Italy. That is a practice which should not be permitted in the United States, and I have introduced a bill which would prevent any American citizen from accepting a title of that kind.

I have called upon my good friend the Senator from Idaho, and each and every member of the Committee on Foreign Relations, to report that bill out. It has been in the hands of the committee a month, perhaps more, and I have a motion pending to discharge the committee from further consideration of the measure.

I am trying to return our Government to its ancient moorings. I am trying to bring it back to the fundamental principles of the American Government. We have wandered far afield. We have reached a time now when many men in public life are afraid to offend anybody who has any connection with the foreign countries. Alien influence in the United States is something tremendous. Time was when the American was alert, ready to go to the rescue when his own country was assailed and its principles attacked by anyone. But we have reached the point now with many men, some in public place, where they are afraid to offend the foreign elements in the United States. Mr. President, this is an alarming evil and danger.

Sixth. No flag above the Stars and Stripes. We have a custom now of pulling down the American flag on its own staff or hoist whenever we put out a pennant indicating that we are going to have religious services on our battleships. I have a resolution pending to stop that practice and custom. There is no necessity for pulling our flag down. I do not want to see it pulled down for anybody's flag or pennant. The Union Jack upon British battleships is never lowered. It holds its place in season and out of season, year in and year out. A pennant is put up to indicate religious services, but it is put somewhere else on the battleship. But there has been introduced into our Navy a custom of lowering our flag about 3 feet, pulling it down from its majestic place and sovereign status and putting a pennant above it. Senators, why should that be? Why not let the American flag fly at the top of its own hoist or mast? Why pull it down if it is desired to put up a pennant indicating religious worship is being held?

Seventh. No amalgamation of the white and negro races, no marriage between whites and negroes. Mr. President, the Democratic Party, the branch of it which I have the honor to represent, stands, first, unreservedly, for white supremacy.

Second. We demand the deportation of all aliens.

Third. We regard the separation of church and state as a fundamental American principle, one upon which the well-being and perpetuity of the Republic depends.

Fourth. We regard religious freedom, which allows every American citizen to have the religion of his or her choice, as of supreme importance, and we owe it to ourselves and those who are to come after us to preserve that principle inviolate.

Fifth. We regard the public school as the greatest agency, safeguard, and mainstay in promoting and preserving the democracy and liberty in America. It is the citadel and stronghold of free government.

Sixth. We regard free speech as the indispensable instrumentality of fearless, independent thinking and as the all-important medium for expressing our honest convictions. Free speech is a terror to tyrants and a deadly enemy of oppression wherever found.

Seventh. We regard the right of peaceful assembly as a dear and a sacred right. It is the American city of refuge where American men and women can go and discuss undisturbed any question of interest to them. Free speech and peaceful assembly are the radiant angels in the temple of liberty, the most powerful forces in our Government for the preservation of free government in America. The welfare of truth, right, justice, and liberty all depends upon those two great American institutions, free speech and peaceful assembly. If the free press shall succumb to alien influences, sinister interests, and predatory power, free speech and peaceful assembly will keep the fires of enlightenment and liberty forever burning in our country.

Eighth. We regard a free press as one of the mightiest agencies of our American civilization. With a press that is honest, fearless, and free to give the truth to the people, no harm can come to our great Republic.

Mr. President, to-night, I believe it is, Governor Smith addresses the Legislature of North Carolina. This is the beginning of his second race for the Presidency. As a Democrat, as a southern Democratic Senator, I have the right to know what his position is upon some of the questions which confront the American people. Time was, Mr. President, when the Democratic Party adhered strictly to principles. It insisted that the nominee should be true to the principles of the party. Not until Alfred E. Smith became the nominee of our party did we abandon that position. Heretofore the party has demanded that the nominee stand on the platform, that he be true to it, that he give whole-hearted support to it.

But in 1928 we fell upon dangerous and degenerate days for my party, and through the aid of Republicans in Republican States enough so-called Democrats were produced to nominate Alfred the anointed for President of the United States, and oh, the tactics that they used! Senators will recall that out in the State of Wisconsin our former colleague, Jim Reed, of Missouri, polled 35,000 votes and Smith 8,000, and Smith got the delegation. That is the principle which I can express best in telling the story about rabbit hash.

There was a county fair out in the West and a man was standing there at the gateway peddling his wares. He cried, "Right this way for your rabbit hash." He was selling rabbit hash on little wooden trays. A gentleman purchased some of it and tasted it. Then he said, "I do not get much of the rabbit flavor in this hash." The man said, "It is rabbit hash all right." The gentleman said, "Of what do you make that rabbit hash?" He said "Horse meat and rabbit." "On what principle?" "Fifty-fifty—one horse and one rabbit." [Laughter.] They gave Jim Reed "rabbit hash" in Wisconsin, although he had the "horse" end of the delegation from Wisconsin. [Laughter.]

Mr. President, the national convention met. They were there with a majority to nominate Governor Smith. They told us that he was the only man who could carry New York State for the Presidency. Well, he carried it with a vengeance, did he not? The people of New York would elect him governor but not President.

In order that the record may be kept straight, I want to submit some fundamental doctrine not only to the Senate, to the Democrats here, but to the country. This issue is to be fought out. The Democratic Party will not be sacrificed if I can prevent it. I have already suffered personally greatly because I dared to challenge Al Smith's leadership when he bolted my party's platform and forfeited his right

to run as a Democrat, but I have no apology to make for the stand I took. I am going to take it again if they nominate this man for President; I am going to oppose him again; and I am going to tell Senators some of the reasons why I am going to oppose him.

They can not come into my State with thousands and tens of thousands of dollars of money and work their skullduggery tricks to steal an election, to pervert my party from the ends of its institution, to buy up managers, corrupt the ballots, and carry their point over the will of the sovereign people of my State, and get away with it.

This is why I opposed Smith in 1928: First. He repudiated the party platform upon which he was nominated. Let me show Senators what that platform was. I quote its language:

> Speaking for the National Democracy, this convention pledges the party and its nominees to an honest effort to enforce the eighteenth amendment and all other provisions of the Federal Constitution and all laws enacted pursuant thereto.

This is from the 1928 Democratic platform.

Mr. President, Alfred Smith repudiated that plank, and I was read out of the party because I would not support him when he abandoned my party's platform; when he did not represent my party's principles.

Second. He appointed Raskob, a Republican, chairman of the Democratic National Committee. You will recall, Mr. President, that when Mr. Raskob was asked why they had gone over into the Republican Party to pluck him and make him chairman of the Democratic National Committee, he said, "I have done this in order to relieve the country of the damnable affliction of prohibition." Senators will recall, as will some other people, that Raskob never denied that statement until it was suggested to him that he do it when he appeared before the lobby committee in the spring of 1930. He never denied it once while he was going through the campaign of 1928.

Third. Governor Smith was not only a member but a chief of Tammany Hall, a political organization denounced by Cleveland and Wilson, the only two Democratic Presidents we have had in 60 years, as the most corrupt political organization in the United States. They picked out this chief of Tammany, put him at the head of my party, and he repudiated the party platform. They selected Raskob to be the chairman, and then when Democrats like myself over the country refused to support him they brought pressure to bear from Raskob and Alfred Smith.

Tammany! Look what is going on up there now. Corruption has invaded the judiciary; judges are being tampered with on the bench; judgeships are being sold as barter to the highest bidder. Investigations have been going on; and the situation is so corrupt they can not convict the culprits involved in this stupendous criminal deal; and I must submit to leadership for my party out of a concern like that. If I refuse, Mr. Alfred Smith and Raskob and his Tammany bunch use their influence in my State to have me read out of the Democratic Party, because those who were forced to run against me in the primary knew that I would beat them in the primary if they permitted me to enter it.

Mr. President, if you ask me why I say that, I reply that on the day of the inauguration of the governor in January of this year at Montgomery, the Montgomery Advertiser, a newspaper that I showed by the facts in the Senate was purchased by the brewery interests of the United States, stated in an article that if the State committee had not read me out of the party, I would have been elected to the Senate and Judge Locke, my running mate, would have been inaugurated as governor. There is an admission that I was the choice of the Democrats and that Judge Locke was the choice of the Democrats. We had supported Hoover against Smith. That is the situation; and those opposing me were not willing to let the party in my State decide whether they would punish me or not. They took in their hands to use the tactics of a political assassin, they shot me in the back and would not let me run in the primary.

I requested the State committee to permit me to run; my colleague [Mr. BLACK] did the same thing, and all others who had supported Hoover, 8 Members of the House out of 10 Democrats from Alabama, asked the State committee to do it; the governor of my State made a similar request; but, no; they said, "We are going to run Al Smith again in 1932, and we must punish everyone who opposed him in 1928 in order to intimidate the Democrats so that they will be ready to take whatever may be offered them in 1932 and will not dare to oppose Alfred when he shall be nominated the second time."

I wish my Democratic colleagues here only knew how the people out in the States feel. I am not talking about the victory recently achieved in certain districts where tremendous liquor funds were spent; I am talking about the thoughtful men and women, the moral forces of my country. The Democratic Party can not ignore them, and the intelligent, upstanding Democracy of America will not follow Tammany leadership.

Fourth. Governor Smith was recognized as the champion of the liquor forces of America and had stood in open opposition to the Democratic Party's declared position on that question. Mr. President, it is an interesting story about that telegram he sent to Houston. I do not know what time he sent it, but it was not read until half of the delegates had gone, thinking all of the business of the convention had been transacted.

I have talked to delegates who were there and witnessed what happened. The telegram was forgotten apparently, but somebody thought it could be slipped over just before the convention adjourned. So the telegram was read. Then Mr. Roosevelt, of New York, as I have been told, moved that the convention do now adjourn, and the Democratic delegates of the United States were not permitted to pass upon this action of Governor Smith. Mr. President, I am giving you the history of this movement out of which they struck down such Democrats as Senator SIMMONS of North Carolina and myself.

I am not boasting, but there is not a Democrat in this body who has fought more battles for the party than I have in the 25 years past. There is not a Democrat in this body who has been called on more frequently than I have by the national committee to carry the battle of the party into the various States of the Union. I have been looked upon as a leader of the party in my State, but when I failed to bow to this Tammany Baal, they read me out and undertook to assassinate me at the threshhold of my own party which I had helped to build up and had led so long in my State. But there is another day coming.

Fifth. Governor Smith's record as a member of the Legislature in New York State stamped him as a man who believed in social equality between whites and negroes. He voted for a bill there which compelled every white hotel and restaurant proprietor in New York State to admit and serve on equal terms both negroes and whites. My God, think of him leading the host of Democracy in the South; just think of it! Not only that, but the bill he voted for provided a heavy fine for any white hotel proprietor or restaurant proprietor who refused to admit and serve negroes the same as whites.

There he was seeking by law to compel white men to admit negroes to hotels and restaurants which hitherto had admitted and served only whites. He was not content with just being in favor of social equality between negroes and whites himself, but he voted to force that distasteful, degrading, and dangerous doctrine upon white men and women who are bitterly opposed to it. In doing that he took a stand hurtful to both races and violated the fundamental tenets of white supremacy, a cardinal doctrine of the Democratic Party. I could not support him for that reason.

Sixth. Mr. Smith was Governor of New York State for eight years; all during that time he sanctioned the marriage between negroes and whites, and at no time during his service as governor did he ever protest against it or seek to put an end to it by an act of the legislature.

Seventh. In the spring of 1928, prior to the convention that nominated Governor Smith at Houston, I read from the Senate floor an article from the New York World, a strong supporter of Governor Smith, boasting that he was in favor

of social equality between negroes and whites. I could not support him for that reason.

Eighth. Again, during the spring of 1928, before the national convention at Houston, Senator BLEASE, of South Carolina, had a newspaper article read in the Senate which declared that Governor Smith had promised certain negro leaders that if he were elected President he would put a negro in his Cabinet. As a Southern Democrat, I called upon Governor Smith to tell me and to tell the Democrats of the South whether the New York World had correctly stated his position on the negro question. Governor Smith never answered my question. He never denied the truthfulness of the New York World's statement. As a Southern Democrat, I called upon Governor Smith to tell me and the Democrats of the South whether or not the newspaper article stating that he had promised to appoint a negro in his Cabinet if he were elected President was true. He made no reply. He has not yet denied the truthfulness of that statement.

The charge that Governor Smith favored social equality of negroes and whites, that he favored mixed churches and mixed schools for negroes and whites, and marriage between negroes and whites, was made against him in the Southern and Western States all during the presidential campaign of 1928, but he never once denied the charge. He made no answer to the hundreds of questions demanding that he either affirm or deny these charges. Day after day, in my speeches in Alabama during that campaign, I read these charges and statements regarding Governor Smith's position on the negro question, and called upon him either to affirm or deny these charges. He did not and could not deny the truthfulness of the charges. He remained silent on the subject.

I then offered to make a present, first of $50 and then of $100, to Congressman OLIVER, chairman of the Smith campaign committee in Alabama—and I included John H. Bankhead in that offer—to get a statement from Governor Smith denying that he favored social equality between negroes and whites, denying that he favored mixed schools and mixed churches for negroes and whites, denying that he favored marriage between negroes and whites, and denying that he would, if elected, put a negro in his Cabinet. From the time I made that offer to the end of the presidential campaign they did not and could not get Governor Smith to deny any of these charges. Governor Smith has not yet denied the truthfulness of these charges. I challenge him now to deny them. He will not, he can not, deny them.

Think of a man being thrust upon the great Democratic Party as a candidate for President who holds the views that Governor Smith holds upon the question of social equality and marriage between negroes and whites! Think of southern Democrats being called upon to vote for such a man for President! His position is antagonistic and harmful to the South's position upon a question present with her always. Shall we, the Democrats of the South, surrender a position that we know is right, and accept the position of Governor Smith that we know is wrong and deadly to our civilization, to the peace and order and well-being of the Southern States?

Why, Senators, if that had been any other candidate, we would not have stood for it a moment, none of us. What strange influence is it that has so preyed upon the Democratic Party that it will make it get down and crawl like a mendicant, following in the wake of Al Smith and Raskob, leaders of a party that once pointed with pride to Thomas Jefferson, Grover Cleveland, Hickory Jackson, and Woodrow Wilson? Al Smith and Raskob! Lord God of Hosts, be with us yet! Is it not awful? [Laughter.] The great Democratic Party!

Oh, for a new outpouring of the spirit of George S. Houston and John T. Morgan in Alabama—men who honored Alabama and the Senate when white supremacy stood erect and knighthood was in flower! Think of taking up a Bowery leader and Roman Raskob, the Rumite, to lead the great Democratic Party, shaking a bottle and saying, "We have got to return liquor and the barroom, or the Democratic Party is dead"!

Is not that an awful thing? They are going to meet over here on the 5th of March, I understand, with Rummy Raskob leading the hosts, to commit the Democratic Party to this body of political death. It is not going to work. You are going to sever relations with that fellow or you are going to see the greatest stir in the Democratic ranks that you have witnessed in a lifetime.

We are not going to surrender the principles of our party. Think of a Democrat like myself, who believes with all his being in white supremacy, who has taught that doctrine all his lifetime, whose father fought for it in reconstruction days, being broken down by a committee controlled by these crooked interests and read out of the party in the very temple of the Democratic Party to make room for others who would take salt out of Raskob's hands and come up and get their blessing from Alfred the anointed! [Laughter.]

O Mr. President, we have fallen upon evil days! They thought we were asleep. We had just been watching and seeing what they were up to. Why, I saw Raskob come down here, chairman of the Democratic National Committee—God save the mark! He testified before the lobby committee of the Senate, and testified—listen—that he had contributed money to help beat Democrats in their election to Congress.

I never lifted my voice against a Democrat. I supported every Democrat nominated for Congress in my State. In every speech I made, I asked them to take the State ticket straight from the top down to the precincts, to elect every Congressman. I could not support Smith, because when he abandoned these principles he was no longer a Democrat. He was not entitled to Democratic support. He bolted my party's platform. He went out and selected a Republican to be the head of the national committee; and that chairman comes to the Capitol and swears that he has given money to help elect wet Republicans to Congress over dry Democrats!

Has anybody called him to account? Oh, no! Has anybody undertaken to lecture him? Oh, no! He has a million or so—purse-proud Raskob, with his money-bags! He can flaunt them in the face of our party. He can help elect wet Republicans over dry Democrats, but nobody asks him any questions. But when I, on conscientious grounds, refused to support his candidate for President in 1928, they pursued me; and what happened?

Why, his satellites in Boston, Roman Catholic Democrats, wired Senator ROBINSON and asked him to have me read out of the Democratic caucus. Why? Because of my stand on public questions, responsible to my party and my State and to the people who elected me, they wired the minority leader to call a Democratic caucus and read me out of the party. Is that home rule in our party? Is that local self-government—the old-time Democratic doctrine?—Boston Democrats, Roman Catholics, asking to have me read out of the party because they did not like my position on Alfred and the other questions involved?

They did not stop with that. They wired the governor of my State, Governor Graves, and asked him to call the legislature together and have me read out of the party in my State. Whence this new origin of leadership in our party—Boston Democrats telling the governor of my State what steps to take with a Democrat who dared to stand here and tell the truth for the good of his party and the good of his country?

They did that. That is the second step they took. The third step was to influence the State committee; and they did it.

We were all led to believe that they were going to let down the bars, and we were all coming in, and all of us were going to run and agree to abide the action of the primaries. I wanted to do that. I offered to do it. They said, "No; if you let HEFLIN into the primary, he will get the nomination"; so they deprived the Democrats of my State of an opportunity of punishing me if they wanted to, of an opportunity of indorsing me if they wanted to. They hamstrung my party in Alabama. They gagged it, hog-tied it, and

who had supported Hoover, 8 Members of the House out of | supporter of Governor Smith, boasting that he was in favor

politically assassinated me for the time—for what? Carrying out the edict of Al Smith's satellites, getting ready to make his campaign for 1932.

There it is, Senators. What happened on the State committee? One member who was for letting down the bars, who had promised to let down the bars, had financial difficulties. They arranged his finances, and he went up and voted to put up the bars, to read me out, and Judge Locke and the others.

What else? R. W. Patrick, of Norfolk, Va., elected on the State committee in 1926, moved to Virginia in 1927, and paid his poll tax in 1928 and 1929. They took him down there, paid his expenses and I do not know what else, and they voted him on that committee to read me out of the Democratic Party in December, 1929.

These are some of the foul things done, to give you an idea that the trail of the serpent is over it all, and when they read me out, Arthur Fite, a brilliant lawyer, a member of the committee from Jasper, took the matter up with Mr. Bankhead, the man who ran against me, and said, "If Senator HEFLIN goes into the primary, and his friends write his name on the ticket anyhow," handicapped as I would be, with my name not printed in the ballot, they would not print it.—"If his friends go in, Democrats, and write his name on the ticket and he gets a majority of them, will you concede his nomination?" Mr. Bankhead said, "I will not." That gives you an insight into the situation, too. They were not going to print my name on the ticket. His name appeared. My name was not on it. But they were going in, indignant men and women, and write it on and take a chance, and he said, "No. If he got a majority of them, I would not concede his nomination."

That is not all. Arthur Fite took it up with the chairman of the State committee, Mr. Pettus. They were figuring on buying thousands and tens of thousands of little stamps and stamping my name on the ticket, and making a cross mark in front of it, and Mr. Fite said, "If they stamp HEFLIN's name on the ticket, will you count those tickets?" He said, "I will not." The chairman of the State committee said, "We will not count those tickets."

How did they bar these Democrats? The law of my State provides that the State committee shall fix the qualifications of voters and candidates, but they shall be the same for voter and candidate. What did they do? They said, "Those who did not support Smith can come in and vote, but they can not run for office." The law plainly said, "If you let them in for any purpose, as candidate or to vote, they can vote under the law. If you let them in to vote, automatically under the law they are entitled to run." They violated that provision of the primary law when they kept me out of the primary.

The ablest supreme court judge in my State handed down a decision in which he said they violated the primary law of my State. My colleague, in a statement he gave out when the committee acted, said they had clearly violated the primary law in Alabama.

These are some of the steps taken to strike me down and to prevent me from having the opportunity of running before the Democrats of my State in the primary with any candidate they might pick.

These are the steps taken to force me to run outside. Listen, Senators. They said, "We will read him out. We will force him to run outside, and if we can get him outside, we will say he is attacking the party and running against the regular nominee." All over the State they said to Democrats who never scratched a ticket, "You are not going to support HEFLIN, are you? He is running outside of the party." They said, "You drove him out. He tried to run inside, he wanted to be a candidate and submit his cause to the primary, and you refused to let him run. We are with him. We are for him. We are not going into the primary," and they did not. That primary perished for lack of votes. They padded the returns more than 40,000. Judge Wilkerson charged that, and they never have denied it.

They claim to have gotten 200,000 votes in the primaries, and they voted but 150,000 in the general election. What became of the other 50,000? Did I take them away from them? They gave my opponent 50,000 majority. They could have given him 150,000 just as easily. They just counted it that way, and the votes were not there.

These are some of the steps taken to strike me down because I dared to oppose Al Smith for President.

Mr. President, in North Carolina they said, "Senator SIMMONS is old. We will let him in the primary." They had the machinery. In the last talk I had with him he told me he was satisfied that his majority was 60,000. But they beat him about that much, according to their count.

They said, "How about HEFLIN? Why not let him in? They are doing it everywhere else. Virginia let down the bars and they let them all in." They said, "No; if you let him in he will get the nomination." "Well, if he does, that shows that the Democrats are for him, and that is self-government, that is local home rule." "Oh, no," they said, "we are going to get him." There never was such a campaign made as they made against me. Whipped from the start!

Mr. President and Senators, I have seen men here this week, and saw some last week, who have been in my State, coming out of Florida, and they have said that people they have seen everywhere said they could not understand how I was defeated. They said, "He spoke here in our town before three or four thousand people, and they all held up their hands saying they were going to vote for him, and the other side had their meetings here and they had 150 to 200 people to hear them speak." That happened all over the State.

Senators, let me tell you something. If this thing continues, free government is dead in the United States. I know that I won my election. I know that the people elected me. Yet under this gag rule, until this contest is over, I must retire day after to-morrow, stricken down a victim of the Al Smith and Raskob régime in the Democratic Party. Are we going to submit to that? Are we going to continue that leadership?

Senators, no doubt you know what the silver fish does when his body gets covered all over with jellyfish. They annoy him, and he swims hither and thither. They finally become so obnoxious, so disgusting, so nauseating, that he leaps out of the water 10 feet or more, and when the sunlight and air hit the jellyfish they break loose, and the silver fish strikes the water far off, 10 or 15 feet away

The Democratic Party must spring out of this lagoon with the jellyfish—Raskob and Al Smith and the liquor interests—and free itself from these devilish, dangerous, demoralizing influences.

Mr. President, there is nothing to it. There are not five Senators in this body who will say to-night that we ought to continue Raskob as leader. There are not five Democrats on this side who will rise now and approve Raskob's leadership and say that he ought to be continued at the head of the Democratic National Committee. If they are here, let them stand up and say it. They will not do it.

What are we going to do Thursday, when they have their meeting to attempt to tie the Democratic Party to a wet program? You do that and you will hear something you have not been looking for.

Mr. President, the Democratic Party stands for white supremacy. Every southern Democrat worthy of the name stands unreservedly for that principle.

Smith refused to answer on that subject. I want to talk to you, my southern Democratic brethern, to every one of you. What are we coming to if we will stand for a man who favors social equality between negroes and whites? Think of my party and your party having a candidate at the head of the party who believes in social equality between negroes and whites. What has become of our party and the things we stand for on this great vital question if we are going to have negro children and white children educated side by side, in the same school; negroes and whites in the same churches, side by side; negroes and whites married. Think of it.

My friends, if that had been a Republican candidate who stood for those views, what would we have done to them? What would we have said about it?

I stood here in my place in the Senate and criticized Mr. Hoover for his order putting certain negroes and whites together in one of the divisions in the Commerce Department. I criticized him. He did wrong.

What did Governor Smith do? Did he ever deny any of these charges? No. What did Hoover do? During the campaign Governor Bilbo, of Mississippi, charged that he danced with a negro woman at a ball down there, and Hoover rose up in his wrath and said that was the biggest lie told in the campaign. Governor Bilbo retracted that statement, and the thing was dropped. Did Governor Smith ever express himself on this question? Not once. Down in Elizabeth, Tenn., when Hoover spoke down there during the campaign, they charged that if he were elected—and they made the same charge all over my State—that he would put negroes in post offices, and that we would have negroes in the legislature if Hoover were elected.

Down at Elizabeth, Tenn., Hoover said in a speech, "If I am elected President I will not appoint anyone in a community where the community is opposed to him." That is all we wanted him to say. He has not appointed a negro in the South. I do not agree with a great many things President Hoover has done, but I agree with the Democrat or the Republican who is sound on that question. On this issue Hoover had the edge, so I supported him against Smith.

I challenge Smith to-night to state, and I challenge any friend of his to get a statement from him to-morrow denying that he is for social equality between negroes and whites, denying that he favors marriage between negroes and whites, denying that he said he would put a negro in the Cabinet if he were elected President.

Mr. President, have we reached a time in America where a certain group can put up a candidate and we may not ask him questions, we may not compel him to come out on Democratic principles like we would another candidate? Have we reached the time when, if he happens to be a Roman Catholic, it will be said "Shh! Shh! Don't do that. No; you will offend him." Senators, what are you going to do about it? I want my party to be so clean, so honest, so courageous that it will make any candidate, whether he is a Protestant, a Catholic, or a Jew, walk up and take his stand on the Democratic platform and stand there. That is my position.

The Senator from South Carolina [Mr. SMITH] uttered a classic to-night. I took it down. He said, "A man's loyalty to a principle is measured by the sacrifice that he is willing to make for it." I said in the campaign in my State in 1928 that unless Governor Smith answered those questions and denied the statements I would not support him. I said I would take that course if I knew that I would never hold another office while I lived. That is my position, that is my principle, and I am willing to make that sacrifice. So help me, God, I will be true to those principles! My father and my mother taught them to me. Those principles warmed their hearts before I was born. My forebears have stood for those principles, and now because I have been true to them, standing with drawn sword at the altar place of my party with the unfurled flag of Jefferson in my hand, it was said, "Strike him down. He would not take Smith." Raskob said, "Strike him down. We are going to pick out another to go in his place." They employed bushwhacking tactics. They employed the tactics of political assassins against me. They would not meet me on the stump.

When I challenged my opponent all over the State, he would not meet me. I said that when that campaign was over I was going to ask the legislature to enact one little statute for me requiring him to meet me once so that he might see a crowd before he died. He had crowds of 100 to 150 to hear him, while I had 3,000 and 4,000 all over the State and 10,000 or 12,000 in the cities of Montgomery, Birmingham, and Mobile, and then I have to come here and have a certificate sent up in the hands of another who I know is not entitled to it. I know how it was obtained, and then I have to have this thing flaunted in my face! I have had letters from them, anonymous, saying that "We got John Roach Straton." He is dead. I do not know how he died. They said, "We are going to get Bishop Cannon," and they threatened me. They have not got Bishop Cannon yet. He has too much sense for them.

The senior Senator from North Carolina [Mr. SIMMONS] is sick now down in North Carolina. God bless him. He is the best Democrat from the Southland. I remember when that "Little Giant" in his prime unfurled the flag of the white man in North Carolina and led his forces in planting the flag of victory over the opposition. He drove out the scallawags and the carpetbaggers. He gave back home rule and self-government to the Old North State. He cleaned up in North Carolina, restored the ballot to the lily-white fingers of the Anglo-Saxons there, the proud Anglo-Saxon homes. He was sent here by the proud people of that State. He fought in this body for twenty-odd years. When he knew of Smith's record and the things he represented, he said, "These are contrary to my party. I would have to betray its principles if I accepted him." He refused to do it, and look what they did to him. Senators will remember that in the old days they stoned the prophets. They plucked out and destroyed the men of courage.

That is the campaign going on in the Democratic Party now. Unless one takes orders from Raskob and Al Smith and Tammany, it is said, "You are not a Democrat."

If that be true, then I am not a Democrat. I am a Jeffersonian Democrat. I am a southern Democrat. I am an Alabama Democrat. I stand for the things for which I have always stood. I never surrendered them in 1928, I never surrendered them in 1930, and I am not going to surrender them in 1932.

Senators, you may as well get ready. If they lay down their Raskob platform—a wet platform—you may as well put out the lights, for the jig will be up; it will be all over. The people of the Nation are not going to stand for that leadership. I repeat, they will not do it.

I would not do Alfred Smith or anyone else an injustice if I knew it. I am going to read a statement from a noted Roman Catholic paper which supports my position. This is a periodical published in New York City called America, of date February 22, 1930, a year ago. The Roman Catholic mouthpiece in substance said editorially that it has wiped out all lines of distinction between negro and white Catholics and says—listen, for I am going to quote—that:

When Senator HEFLIN stated in the Senate that the Roman Catholic group permits white and negro Catholic children to attend the same Catholic school and sit side by side in the same schoolroom, and permits white and negro Catholics to attend the same church at the same time and worship together, and approves marriage between white Catholics and negro Catholics, he tells the truth.

There it is. I am dealing with facts, Mr. President. I do not believe in those things. I am a southern Democrat. I believe in having a negro school and a negro teacher, a negro church and a negro preacher. I do not believe in having negroes and whites mixed up in this fashion. If you want to learn a lesson from history, go and visit the precincts of Mexico with her conglomerate mixtures of races, and look at the turmoil that has existed there for 400 years. There is a fair example of the amalgamation process which they would have us introduce here. If you want another example, go into Spain. When she pressed her conquest to the limits of the then known world, she stamped the image of Hercules upon her coins with the inscription, "Ne plus ultra"—no more beyond. Look at her now. The finest civilization that ever lived once existed there, but there came these mixtures of races, lowering of blood standards, corrupting the blood stream, and what do we see in Spain to-day? She is toppling, ready to fall, because of the mixture of races.

The same thing is being introduced into the United States, and we are being told that we must not oppose it. "If you do, you are fighting this group and will lose their vote." My God, when will the time come that candidates for positions here will have the courage to say, "I am an American. I am for American standards. I am for promoting and preserving American civilization. I am opposed to these alien influences. I am opposed to the amalgamation of the races. I stand for the American standards for the protection of the

blood strain of the white race of America." Senators, the day is not far distant when somebody will sound that around this Nation like a trumpet call, and he will win. The people are getting tired of this sort of business, very tired.

Mr. President, a few words more and I shall bring my remarks to a close. In the campaign of 1928 I never opposed Governor Smith because his religion was different from mine. I never opposed him because he worshiped in a way different from the way in which I worship. That was not it. I opposed him for another reason. I opposed him for the reason that he believes in a form of government which is antagonistic to the government in which I believe. He believes in the Roman Catholic form of government of union of church and state. I believe in the American form of government—separation of church and state. That is the difference between us.

I made a speech in this body last June and when I finished my remarks there were some 30 or 40 people out in the reception room from various States who sent their cards in to me to come out. They wanted to tell me that they approved my speech. I went out and shook hands with them and talked with them. I started back with a handful of cards. I had gone but a little distance when a lady hailed me and said, "Senator HEFLIN, did you get my card?" I did not know any of them. I did not know whether I had her card or not. I opened my hand and commenced to look amongst the cards, and she pointed and said, "That is my card. I am Miss La Barbe. I heard your speech and I approve of most of it. I wanted to shake your hand." She said, "I am a Democrat, but I am a Roman Catholic." I said, "I do not care what you are, just so you are a good American." She said, "I want to ask you a question, if it will not offend you." I said, "Go ahead." She said, "Why do you hate the Catholics so?" I said, "I do not hate them; I never attack the individual Catholic; I never attack his form of worship; I do not care how he worships; I believe in religious freedom; I want everyone to worship just like he or she chooses to worship; but I am attacking your political beliefs." She said, "What are they?" I said, "They are that the Roman Catholic form of government, the union of church and state, is correct, and the American form of government, separation of church and state, is incorrect; you are teaching that doctrine in every parochial school in the Nation; it is dangerous. Some day the Catholic young men will fight to establish that form of government when called upon by the high authorities to do it, and we shall fight to prevent it." She threw her hands up and very earnestly said, "Senator HEFLIN, I believe you are telling the truth."

Yes, Mr. President, I am telling the truth. I am telling a truth that is good for the Catholics; I am telling a truth that is good for Protestants and Jews. This Government, under God, shall remain a Protestant government, with separation of church and State.

Do Senators recall a few months ago when the Lutherans held a great convention, celebrating the anniversary of the Protestant reformation, and President Hoover sent them a telegram congratulating them and telling them the blessings that had flowed to us through the Protestant reformation, and mentioning the separation of church and state; and the Roman Catholic National Welfare Conference and the Roman Catholic hierarchy took him to task and tried to make him apologize for that American stand?

My God, what are we coming to in America! And when an American who stands and pleads for his country, pleads for the preservation of American ideals and institutions, is stricken down, they boast about it! For what? For the purpose of intimidating others and making them so cowardly that they dare not lift their voices in opposition to their program.

Mr. President, I believe there are thousands of Roman Catholics who if they knew the truth would not be led by this doctrine that is being propagated; I believe they would wake up because it is going to bring trouble to their children and their children's children.

Doctor Ryan in his book—he is right out here now, a professor in the Catholic University; he holds his appointment by a Roman Catholic king, Pope Pius and King-Pope the Eleventh—in his book called "Church and State" says pointedly and plainly, "When we are strong enough we are going to set up a Catholic state." Listen: "What chance would they then have against the Catholic state?" That is occurring right in the Capital, and I am the only man in this body who is condemning that doctrine. There are men here who are just as courageous as am I, but I want Senators to know what is going on. This burden fell upon my shoulders, and I dared to pick it up. I have never counted the cost in any fight that I have ever made. All I wanted to know was: Is it right? Is it good for my country? Am I doing my duty in this regard? And I have dared to take it up.

Now, I want to say to my friends on this side, the Democrats, that my Democracy was questioned in Alabama; every little "pirootin'" stump speaker they could get was out telling that I was not a Democrat. I said, "Well, I am accepted as a Democrat in the Senate; I hold positions on Democratic committees; I attend all the Democratic conferences and caucuses on the Democratic side; and the truth is, I am the best Democrat up there, if I do say it [laughter], because I am standing by the old-time religion, the old-time religion of Jefferson and Jackson, the old-time Democracy."

Now, is not our party a nice-looking object with Al Smith, with a bunch of his niggers, leading down the line, with his "white supremacy" Democrats coming along cheering and hurrahing for Alfred with his nigger brigade?

I am in favor of doing justice by the negroes. My father owned more slaves than did any man in my section of the State. Those old Heflin niggers think more of us than anybody else, but, Mr. President, our way of handling that question is the right way. It is necessary to segregate the negroes from the whites; there has to be a chasm between the whites and the negroes on the marriage question; there must be schools for white and schools for negroes. All of you will learn it one of these days. There is but one way to handle that question, and that is the way we handle it. It is best for the whites; it is best for the negroes, but here we were in 1928 with a candidate for President who stood for social equality between niggers and whites; nigger children and white children in school together; niggers and whites in church worshipping together; niggers and whites marrying.

Mr. President, what happened in the South? I am going to tell you something. Without interference from any source on the straightforward, untrammeled vote of the white people Hoover carried every Southern State but South Carolina. I am telling you he carried my State, I believe, by between forty and fifty thousand majority. They claimed it for Smith by 7,000, but they did not have as long to work on that as they did on me. If they had they would have made it 50,000. What is 50,000 among Raskob's friends?

What did the South do with such a leader? It cast him out; it would not take him. That is what happened and that is what is going to happen again if they nominate him. And I am going to tell you how they are going to try to nominate him. They are going to let a candidate spring up in the West. They will say lay off of him; let him have that State and the two or three around it; and they are going to fix the delegates so that they will be for Al Smith at heart. They will do that around in other States. They want to encourage about 8 or 10 candidates, and after they get into the convention and ballot for a while, they will march Alfred out, with a jug and a nigger, holding them up, and saying, "Here is our leader." I want to tell you in advance that the South will not stand for it. We know why. We are in favor of the separation of the races. We know what it means and what it has meant in every government on earth that has mixed the races. When the races are mixed the superior race is pulled down; the standard of the white race is lowered; the blood stream is corrupted, and when that happens it is a dangerous thing for our country, and whoever does that is an enemy to the white race in the United States. We are not going to stand for it.

Mr. President, I have no apology to make for the stand that I have taken. I would take it again under the same

circumstances. I am established in this faith; I know why I am a Democrat. Think of reading a Democratic United States Senator out of the party for failing to support one candidate after supporting all the ticket in his State! I will have served my party in the Congress 27 years day after to-morrow, 16½ years in the House and nearly 11 years in the Senate. I have been true to the principles of my party. I went into my State and preached the doctrine of my party there. I said, "We have done something now that we never did before." Every State in the Union, so far as I know, makes the governor the test of party loyalty, Democratic or Republican. In Alabama since the government was organized we have had that test.

If one supported the Democratic candidate for governor, he was all right; he was a Democrat to all intents and purposes. I have always done that; but this time they pulled down the State standard; they abolished the old custom; they intruded a new system upon us; they took a Bowery leader, a Tammany chief, who had repudiated the party platform, who stood for social equality, for marriage between negroes and whites, and brought him into my State, and said, "No Democrat who did not support him and indorse his position can be a candidate in a Democratic primary in Alabama." That is, in brief, the story in my State.

My friends, I have tried to stand for the things that were best for my party and best for my country. I have no apology to make for the stand I have taken. During the campaign of 1928 some friends came to my home to see me. They drove across the State. They wanted to appeal to me. They said: "Tom, if you will support Al Smith we will send you back to the Senate without opposition." I listened to them, and when they got through I said: "Now, will you let me make a statement? This man has bolted our party platform and has therefore forfeited the right to run as a Democrat. He appointed Raskob, a Republican, as chairman of our national committee. That is another reason for not supporting him. On the floor of the Senate I charged that he favored social equality and submitted the proof, and demanded of him either to affirm or deny it; I charged him with favoring marriage between whites and negroes, and challenged him to deny or affirm it, and he has not done either. I can not support him. He believes in a form of government that would overthrow this American form of government, the union of church and State, which has cursed every government upon which it has been fastened and has dragged it down to ruin. I am fighting for the preservation of my Government. I can not vote to put a man in the White House who believes in a system of government that is contrary to the present American form of government. That is my position, gentlemen."

They said, "They will beat you. They have the power. They have the machine." Then I said, "Gentlemen, that is not for me to consider now. I am considering my duty. I know what it is, and I will dare to do it. If I knew they would read me out, I would oppose him. If I knew I would never hold another office, I would oppose him"; and I took the course I did.

I made enemies—yes.

> He hath no enemy, you say:
> My friends, your boast is poor.
> He who hath mingled in the fray
> Of duty that the brave endure
> Must have made foes.
> If he has none,
> Small is the work that he has done.
> He has hit no traitor on the hip;
> He has removed no cup from perjured lip;
> He has never turned the wrong to right;
> He has been a coward in the fight.

That is the truth, uttered by a poet many, many years ago.

> Great is the facile conqueror.
> But haply yet is he
> Who, wounded sore
> And covered o'er
> With blood and sweat,
> Sinks foiled, but fighting ever more,
> Is greater yet;
> For, if not I, others will succeed;
> For freedom's battle, once begun,
> Bequeathed from bleeding sire to son,
> Though baffled oft, is ever won.

Fight on for these principles! Hold true to the American form of government! Dare to stand by the flag and its highest and best interests, and all will be well with our Republic.

ORDER OF BUSINESS

Mr. MORRISON obtained the floor.

Mr. REED. Mr. President, will the Senator yield to me just for a question?

Mr. MORRISON. If I do not lose the floor.

The VICE PRESIDENT. The Senator will not lose the floor if he yields for a question.

Mr. REED. Mr. President, I should like to address a question to the Senator from Oregon [Mr. MCNARY]. It comes pretty late. We have all been anxious to get at the calendar for unobjected bills, but I realize that it is pretty late now to ask that we start on them. What is the intention of the Senator from Oregon about that?

Mr. MCNARY. Mr. President, I hoped we might reach the calendar this evening; but I think it is very proper that we should go forward with this bill until we reach a vote. I was about to suggest, if it meets with the universal approval of those present, that we recess until 10 o'clock to-morrow, with the unanimous-consent agreement that we will proceed to the calendar at 11 o'clock for unobjected bills.

Mr. KING. Did the Senator say from 10 until 11?

Mr. REED. Starting at 11 o'clock.

Mr. KING. Starting at 10, and going on until 11 with unobjected bills?

Mr. MCNARY. I propose the following agreement——

The VICE PRESIDENT. Does the Senator from North Carolina yield for that purpose?

Mr. MORRISON. I shall occupy the floor for only a few minutes.

Mr. MCNARY. I can state my proposal in just a moment, if the Senator will bear with me.

Mr. MORRISON. I yield to the Senator.

Mr. MCNARY. I propose a unanimous-consent agreement that when we shall have concluded the work of this evening we recess until 10 o'clock to-morrow, and that at 11 o'clock we proceed with the consideration of the calendar on unobjected bills under Rule VIII, until completed.

Mr. ROBINSON of Arkansas. Pending the request of the Senator from Oregon, may I inquire when he expects the Senate to complete its business this evening?

Mr. MCNARY. I think, Mr. President—it is only a calculation—that we shall probably get a vote on the unfinished business in 30 minutes.

Mr. REED. Can we not then have an executive session?

Mr. MCNARY. Yes; then we shall have an executive session.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield? The Senator from North Carolina has the floor.

Mr. MORRISON. Mr. President, I should like to say now what little I have to say.

The VICE PRESIDENT. The Senator declines to yield.

Mr. MCNARY. Will the Senator bear with me until the Chair may state the proposal?

Mr. MORRISON. Yes, Mr. President; I will.

Mr. JONES. Mr. President, I desire to ask whether this agreement will interfere with conference reports.

Mr. MCNARY. During the consideration of the calendar, which will not require more than one hour, of course it will be exclusive of other business.

Mr. JONES. Will the Senator, then, couple with the agreement with reference to taking up unobjected bills on the calendar that it shall run from 11 to 12, not later than 12 o'clock?

Mr. MCNARY. Say 12.30; I should be glad to do that. I am sure we can finish at 12.30. I will couple that with a limitation of time from 11 to 12.30.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon?

Mr. WALSH of Massachusetts. Mr. President, may I suggest to the Senator that he fix the hour for convening at 10.30?

Mr. McNARY. I fixed the hour at 10.

Mr. WALSH of Massachusetts. Why not make it 10.30?

Mr. McNARY. I hope the Senator will not object to a 10 o'clock meeting. There is so much to do to-morrow; and that will give an opportunity for a roll call and some preliminary business prior to reaching the calendar. I am sure that will be found satisfactory.

Mr. WALSH of Massachusetts. We have some committee meetings arranged for 10 o'clock; but I will not press the suggestion.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Senator from North Carolina is recognized.

REPLY TO SENATOR HEFLIN

Mr. MORRISON. Mr. President, it distressed me to hear the Senator from Alabama [Mr. HEFLIN] so mercilessly assault one of the great religious denominations of our country, to which millions of our countrymen belong; but I shall not undertake to answer that part of his address.

It also distressed me to hear him so cruelly assault one of the greatest geniuses in government our country has developed in modern times, the candidate of the great Democratic Party for President of the United States in 1928; but I shall not undertake to answer that assault.

I hated to hear him assault his own great State of Alabama, and disclose to this body the corruption practiced upon him in his own State after he had served it so long here and in the other House of Congress; but I shall not interpose in that matter.

When, however, the Senator went out of way to assault the honor and the integrity of the State which I have the honor, in part, to represent here, I must lift my voice in defense of that great State in whose honor I have as much faith as I have in the honor of any people upon earth.

He states, Mr. President—

In North Carolina, they said—

Referring, as was disclosed by the previous part of his speech, to the Raskob crowd—

Senator SIMMONS is old. We will let him in the primary.

Mr. President and Senators, Raskob has not a single friend upon the Democratic executive committee of the great State of North Carolina; and no such statement was made by any representative of the Democratic Party as the Senator asserts.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. MORRISON. Yes; I yield.

Mr. HEFLIN. Does not the Senator know that the papers in the State stated that they had better let him into the primary; some wanted to keep him out, and some wanted him to come in?

Mr. MORRISON. I never heard a single, solitary Democrat in North Carolina question Senator SIMMONS's right to enter the primary, and I do not believe that any man upon that committee or any other responsible Democrat in North Carolina made any such contention.

There never was any sentiment to that effect. We thought a great deal more of Senator SIMMONS's conduct than the people of Alabama seem to have thought of the conduct of the distinguished Senator from Alabama. There was no objection whatever to Senator SIMMONS entering our primary, and all the Democrats of North Carolina were invited to enter it. If they had strayed away somewhat, they were invited to come back and receive free grace and never-dying love from the Democratic Party of North Carolina. I do not see where the Senator received that information.

They had the machinery—they.

We have a modern election law in North Carolina. All parties are represented in our Australian ballot-box system. Senator SIMMONS had representatives and markers everywhere, and a loyal band of Democrats, 130,000 strong, who stood round him and battled for him loyally and well. Under our election laws he could not have been defrauded.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. MORRISON. I do.

Mr. HEFLIN. What is the board called in the Senator's State—the election board?

Mr. MORRISON. The State board of elections; yes, sir.

Mr. HEFLIN. Senator SIMMONS told me that he did not have a friend on it.

Mr. MORRISON. That may be true. I am not informed; but all the board does is to certify the election officers to the precincts selected by the county organizations; and Senator SIMMONS did have a great many of the county organizations who gathered around him loyally and faithfully. As to these State election officers, there are only three—two Democrats and one Republican. I am sure the Republican was not a Raskob man and an enemy of Senator SIMMONS, through whose influence the electoral vote of North Carolina had been given to President Hoover. He was on the board. He has never uttered a single sentence indicating that he thought a fraud was perpetrated upon Senator SIMMONS

In many of the counties of the State Senator SIMMONS had the local election machinery, and everywhere he had representation of his own selection.

The Senator from Alabama states what Senator SIMMONS told him. Of course, I would not question any statement made by the Senator from Alabama or any other Senator upon this floor; but it astounds me that Senator SIMMONS should be so quoted, because after he was defeated by a vote of about 200,000 to 130,000 he supported the straight Democratic ticket, including his successful rival, Mr. Bailey.

I never heard from him or from anybody authorized to speak for him that he was defrauded. Such an utterance has never been made in North Carolina. His campaign managers—my friend, Col. John D. Langston, a man whose character is above reproach, whose loyalty and courage are above question—supported Mr. Bailey on the stump, and declared he had been fairly nominated and was entitled to the support of his party. Mr. C. A. Hines, the chairman of Senator SIMMONS's executive committee, did the same thing; and the 130,000 Democrats who supported Senator SIMMONS in his last great conflict in that State almost to a man supported Senator-elect Bailey, because they declared everywhere he had been fairly and honorably nominated, without abuse or vilification of Senator SIMMONS in the slightest particular by anybody in all the State.

Now, Mr. President, I want to say about the elections in North Carolina that they are fair. We have a great Republican Party in North Carolina, and they could not be swindled and cheated if anybody wanted to swindle and cheat them, for they are brave and intelligent, and they have a representative of their own choosing at every ballot box in that State. Mr. President, somebody—we never could find out who—told tales about us, and the two Nye committee went down to investigate us, and they kept open house in the capital of the State for some time. We never saw the eye of a man who traduced North Carolina, or heard evidence of a single, solitary fact that reflected upon the absolute honesty and integrity of that election. They investigated; they have not made their report yet. Upon that committee which visited North Carolina were Senator NYE and the great Republican Senator from Missouri [Mr. PATTERSON], and a Democratic Senator, Mr. WAGNER of New York. Their report has not yet been made, but North Carolina confidently awaits its publication, because we are confident that not one scintilla of evidence was produced before that committee which would in any way reflect upon the election in North Carolina.

I want to say this, that if the Senator has quoted Senator SIMMONS correctly, it will disappoint tens of thousands of Democrats in North Carolina to hear that he made any such statement.

Mr. HEFLIN. Mr. President, did not the Senator say that he did not know whether he had a friend on that board or not?

Mr. MORRISON. About what board is the Senator talking?

Mr. HEFLIN. The election board.

Mr. MORRISON. That is a board up at the capital with three men on it.

Mr. HEFLIN. Certainly.

Mr. MORRISON. And I have explained to the Senator all it has to do with the election.

Mr. HEFLIN. I will ask the Senator another question. Was not that particular board created since Governor Gardiner was elected governor?

Mr. MORRISON. It was not; it has been there a long time, except that he appointed a new board, because one of the old board was dead; he could not serve any longer. [Laughter.]

Mr. HEFLIN. He appointed a new board.

Mr. MORRISON. And there is not a man in North Carolina, not even a Republican—no; not even a man disturbed with the Raskob mania—but would testify that every man on it is above reproach, and Senator SIMMONS, I am sure, would not say one word reflecting upon a man on it. They do not do anything but appoint the county election officers certified to them by the respective chairmen in the counties.

I want to say this. I love Senator SIMMONS. I loved him for many years and stood by his side until he saw fit to withdraw his support from the party which had so long honored him. Then I could not follow him longer. But I never abused him. Nobody else in North Carolina ever abused him. With sadness we recognized that he had parted from us, and we nominated a brilliant statesman to succeed him in this great body and elected him by the largest majority a Democrat or any other candidate ever received in the history of North Carolina.

Mr. President, I desire finally to say that if Senator SIMMONS did make the statement the Senator ascribes to him, I care not who made it, as a representative of the proud people of North Carolina I deny it, I denounce it, I assert it is false, and not one bit of evidence can be brought here by Senator SIMMONS or any other living man to sustain this unjustified assault upon the proud people of North Carolina.

Mr. HEFLIN. Mr. President, I have not reflected upon North Carolina. I told what has been told me about what took place down there. I have my own views about what took place also.

I know the relationship between the Senator from North Carolina and Senator SIMMONS. I remember when Senator SIMMONS championed the Senator's cause for governor. He was recognized as Senator SIMMONS's candidate. The enemies of his charged that SIMMONS was supporting him.

Mr. MORRISON. Mr. President, will the Senator yield for a question?

Mr. HEFLIN. I yield.

Mr. MORRISON. Does the Senator recall that in that campaign I stated that I did not wear Senator SIMMONS's or any other man's collar? I was no man's candidate; I did not want to be appointed Governor of North Carolina, but elected by the proud people of the State, and I was elected by the largest vote a man ever received for governor in the history of the State.

Mr. HEFLIN. Senator SIMMONS supported the Senator very loyally.

Mr. MORRISON. Yes; and if the Senator will yield again, I supported him for 30 years before he supported me.

Mr. HEFLIN. Yes.

Mr. BARKLEY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. What has this to do with the oleomargarine bill? [Laughter.]

The VICE PRESIDENT. Under the rules of the Senate, a Senator may discuss any question he pleases.

Mr. HEFLIN. Mr. President, the history of that campaign has been written. Senator SIMMONS, this great Democrat, opposed Alfred Smith. He has been rebuked and punished for that.

It was reported during the campaign that a tremendous amount of money was spent in North Carolina on the primary day. It was rumored around here that a check for $27,000 went to Asheville, and that the bankers thought it was a joke, and none of them would cash it; that later they got into telegraphic communication with some of the forces up about New York, and the check was later cashed. I do not know in detail what all occurred down there.

Mr. MORRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HEFLIN. I yield.

Mr. MORRISON. Does the Senator think it is right to regale this country with dirty rumors like that, without any evidence to sustain them? The Nye committee hunted that check with all the power of the United States Government, and found out it was about like the rest of the things the Senator talks about.

Mr. HEFLIN. The Senator heard that rumor himself, did he not?

Mr. MORRISON. No; I never did.

Mr. HEFLIN. I thought the Senator said——

Mr. MORRISON. Until after the Nye committee was sent down there. They hunted and hunted and hunted, and found it was all a joke.

Mr. HEFLIN. I do not know about its being a joke. A lot of checks were used in my State, and they probably will not be found; but they were not jokes. That bunch up yonder know how to cover up their tracks.

Mr. President, the facts remain that SIMMONS opposed Smith, and in his ripe old age, the ablest Senator on this floor from the South, the first leader in the Southern States to clean up the ballot and restore the rule of the white man, this man in his old age, and feeble, has paid the penalty for opposing Al Smith. As to just how it was done and the details I hope the Nye committee will go to North Carolina and stay there under the direction of Senator SIMMONS, not just make a flying visit down there and come back.

I know the hold Senator SIMMONS had on the people of that State. I know how they followed him in 1928, overturned the party leadership in that State, the machine if you please, and carried the State by an overwhelming vote for Hoover. I am talking about what transpired in the machine. I have not attacked the people of my State. I am fighting for the people of my State. I am attacking the renegades of my party. I am attacking the corrupt machine of my State. I am after putting them out of politics, and I think I will put some of them in the penitentiary where they belong.

I am not attacking the people of North Carolina My grandfather was born in North Carolina. I love the Old North State, and I honor Senator SIMMONS, God bless him, old and feeble now, stricken down in his old age because he stood, a little giant, with drawn sword, at the altar place of his party, protecting and defending the things for which he has fought a lifetime.

The party is surrendering the things for which we have all stood, accepting the leadership of Alfred Smith and Raskob, new leaders in our party, and we are to be repudiated, cast down, politically assassinated, by the uprising of this new element, the old rum crowd of Tammany and of Europe. They are to be enthroned as the leaders of my party.

I will ask the Senator from North Carolina now whether he approves Al Smith's position on the negro question, social equality between negroes and whites, marriage between negroes and whites.

Mr. MORRISON. Mr. President——

The VICE PRESIDENT. The Senator has no right to ask a question of another Senator.

Mr. MORRISON. I am glad to answer it.

The VICE PRESIDENT. The Senator may yield for a question.

Mr. HEFLIN. Well, the Senator can answer it some other time if he has not time to answer it now.

Mr. MORRISON. Oh, I am ready. [Laughter.] And the Senator knows it.

Mr. HEFLIN. I reiterate what I said. My party has never before nominated a candidate who was wrong on so many questions. Al Smith is wrong on the immigration question. He is wrong on the deportation question. He is wrong on the whisky question. He is wrong on the negro

question. And he is a chief of Tammany, the very essence of corruption, and was their candidate for President in 1928.

My God, how my party has fallen down, to take up a leader like that, and the Democrats who dared to refuse him and to accept these principles and policies are to be stricken down under party discipline, and these gentlemen exalted and praised for the stand they take.

All hail to SIMMONS and his kind! God bless him! I always loved him. His place is going to be hard to fill in the Senate. He feared God, and God only. He never trimmed his sails for political fortune. He never shaped his creed for his cravings, or swallowed his convictions for a job. He dared to stand up and fight like a man. He fought in the open. He asked his enemies to meet him in the open, and for the last stand he made, standing at the altar place of his party in North Carolina, he is stricken down holding to the principles which have inspired him for a lifetime. God bless him, he is still true to them. He is still hugging them to his heart. He will not surrender them.

I will not surrender my principles. I will debate this question with my friend from North Carolina at any place in his own State, or with any other Senator in his State, and we will let the audience decide. Fill any auditorium with 8,000 or 10,000 people, and let us discuss this question and put it to a vote. I am willing to do that.

These things are near and dear to me. My father was tried in a Federal court before a carpetbag judge for being the head of the Ku-Klux Klan. He was one of the leaders in reconstruction days. They railroaded him. They wanted to convict him and get him out, a great Democratic leader. They tried him before a jury which had negroes on it. The jury made a mistrial or he would have been convicted under the evidence of men who had perjured themselves.

I know what it means. I have heard him tell the story over and over again of Confederate soldiers returning from the war, starting life over again on the shattered ruins of war, doing picket duty, walking the lone settlement roads at night with their rifles, guarding the widows and daughters of deceased Confederate soldiers from the lust and carnality of negroes drunk on their new found freedom.

I know what it is. My father stood with the whites for white supremacy. He died carrying that flag aloft. I have followed in his footsteps. I will never lower my arm. I stand by those principles. Come what will—Al Smith, Raskob, Tammany, alien influences—I will never desert those principles. So help me God, I will be true to them!

Mr. MOSES. Mr. President, before the Senate takes up the smooth and oleaginous course of legislation concerning butter substitutes I want to submit to the Senate this quotation from the Psalms: "Behold how good and how pleasant it is for brethren to dwell together in unity." [Laughter.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 896. An act to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;

S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership;

S. 2106. An act for the relief of John Baba;

S. 3206. An act for the relief of Rebecca Green;

S. 3831. An act for the relief of Georgia A. Muirhead;

S. 4509. An act for the relief of Thomas G. Hayes;

S. 4612. An act for the relief of the Corporation C. P. Jensen;

S. 4675. An act for the relief of the Seward City Mills (Inc.);

S. 4715. An act for the relief of John T. Doyle;

S. 4716. An act for the relief of Mrs. Thomas Doyle;

S. 4726. An act for the relief of Alexander H. Bright;

S. 5105. An act for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic and Pacific Railroad Co. in the State of New Mexico, and for other purposes;

S. 5193. An act for the relief of Mildred N. O'Lone;

S. 5199. An act for the relief of Leslie W. Morse;

S. 5215. An act for the relief of H. L. Todd; and

S. 5467. An act to amend an act for the relief of Augusta Cornog, approved May 29, 1928.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1244. An act for the relief of Capt. Christian Damson; and

S. 4274. An act for the relief of Dr. Cooper Nicholson.

TAX ON OLEOMARGARINE

The Senate resumed the consideration of the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes.

Mr. SHORTRIDGE. Mr. President, I favor the bill pending before the Senate. I trust it will meet the approval of this body to-night. I have many reasons supporting my view, but I do not wish to consume the time which would be necessary for their statement. In support of them, however, I ask that there may be incorporated in the RECORD certain telegrams and letters which I have received, that they may speak for me.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams and letters are as follows:

YREKA, CALIF., *February 16, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Over 2,000 subordinate Grange members in Siskiyou County urge your support of the BRIGHAM oleomargarine tax bill.

SISKIYOU COUNTY POMONA No. 6.

MODESTO, CALIF., *February 15, 1931.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Butter values the basic price determinator of all milk products suffered sympathetically with other commodities but Revenue Commissioner Burnet's ruling in November added another 10 cent industry killing price slump. Am exclusively identified with California dairy industry 35 years. Assure you dairy industry facing the most serious situation ever. Your constituency beg you to support Townsend oleomargarine bill, S. 5745.

J. H. SEVERIN,
Stanislaus County Dairy Inspector.

LOS ANGELES, CALIF., *February 14, 1931.*

Senator SAMUEL M. SHORTRIDGE:

Twelve hundred dairymen of this association ask you to support BRIGHAM bill, H. R. 15934. Their welfare depends upon your support. The butter industry needs all the help it can get; please help us.

H. A. WALSH,
Secretary Cooperative Dairy Products Association,
1236 Compton Avenue, Los Angeles, Calif.

MODESTO, CALIF., *February 15, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SIR: Will you kindly give your support to Townsend bill S. 5745 and Brigham bill, H. R. 16836, and try to get them through at this session.

I understand these bills are to correct the recent ruling which removed the tax on colored oleomargarine if it was colored by the use of palm oil.

This has worked a great hardship on us dairymen as it has lowered the price of butter fat considerably and it was already below the cost of production.

A great many dairymen have been forced out of business, losing their ranches and cows and more will be as soon as their reserve is used up.

Thanking you, I remain, yours truly,

RICHARD H. DAVIS.

RIVERSIDE, CALIF., *February 11, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.

In view of very serious condition confronting the dairy industry due to the introduction of yellow palm oil in manufacturing oleomargarine we urge your active support of Senate bill 5745 providing tax of 10 cents per pound on oleomargarine no matter how colored.

RIVERSIDE COUNTY FARM BUREAU.

SAN DIEGO, CALIF., *February 13, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Senate Office Building, Washington, D. C.

In the interests of California dairy industry we respectfully urge you to lend every possible assistance to bring about the enactment of the Brigham-Townsend oleomargarine color test bill.

MILK PRODUCERS' ASSOCIATION OF SAN DIEGO COUNTY.

WOODLAND, CALIF., *February 12, 1931.*

Hon. SENATOR SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SENATOR SHORTRIDGE: Members of the Yolo County Farm Bureau dairy department wish to urge your support of the dairy industry of this Nation by doing whatever is within your power to pass Senate bill 5745 (Brigham-Townsend bill) at the present session of Congress.

The dairy interests of Yolo County are vitally interested in this measure, as dairying here is affected by national conditions.

The dairy department of the Yolo County Farm Bureau represents 300 dairymen of this section of California, and they individually and collectively ask you to vote to put a tax of 10 cents per pound upon yellow oleomargarine, no matter how colored.

Very sincerely,

W. H. MARTIN.

SAN DIEGO COUNTY FARM BUREAU,
San Diego, Calif., February 11, 1931.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

DEAR SIR: The San Diego County Farm Bureau, in which organization 90 per cent of the dairymen of this county are enrolled, congratulates both the Senate and the House on their activities to date relative to the control of colored oleomargarine.

We do not write you with the intent of urging your efforts in this regard, since we have every assurance from past experience that you will lend your good offices to the support of the dairy industry of California, which is an important one. Rather, we write you to state our appreciation of the help you may be able to lend at this time to the dairy industry which faces in this new oleomargarine threat a most serious source of competition. With kind regards, I am

Very truly yours,

FELIX LANDIS, *Executive Secretary.*

PATTERSON, CALIF., *February 10, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

DEAR SIR: At our last regular meeting I was instructed by the membership to write you and say that this post approves of the present pending "Legion" legislation and to urge your support.

We, of course, know of the splendid cooperation you have given us in the past, and take this opportunity of thanking you for the same.

In addition to the above, the post also went on record favoring the 10-cent oleomargarine tax. This particular motion was brought about through the indorsement of this tax by our local Chamber of Commerce. As you know, dairying is one of our largest local industries.

Yours respectfully,

GEO. P. NEWCOMB.

SALIDA, CALIF., *February 8, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SIR: As a dairyman and a constituent of yours I would urge you to vote for the Townsend bill, putting a 10 per cent tax on oleomargarine.

Yours truly,

D. F. KOETITZ.

HANFORD, CALIF., *February 3, 1931.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Thousands of dairy farmers throughout San Joaquin Valley protest recent ruling by Revenue Commissioner Burnet relative to tax on oleomargarine containing substantial quantities of palm oil. All evidence indicates palm oil used for sole purpose of obtaining butter color and paying only ¼ cent per pound revenue tax. We ask your valuable assistance in rescinding ruling and supporting H. R. 15934, since passage of this bill at present session of Congress is of vital interest to our dairy industry.

CHARLES KLINT,
Vice Chairman State Farm Bureau Dairy Department.

LOS ANGELES, CALIF., *February 3, 1931.*

Senator SAMUEL M. SHORTRIDGE:

The Adohr Stock Farm, an organization of 9,000 acres and 2,500 head of dairy animals, together with the Adohr Creamery Co. and an organization handling the production of some 10,000 additional cows and employing approximately 625 men, respectfully urge your assistance and support of the Brigham bill, H. R. 15934. California's dairy industry is backbone of its agricultural activities, whereby making it an industry of paramount importance. The sale of oleomargarine with a nominal tax of ¼ cent per pound as prescribed by recent ruling Commissioner Burnet would be a disastrous blow to our great industry and its corresponding effect on the general welfare of California as a whole—I mention only California as no doubt you will receive similar communications from every dairy State in the Union. We respectfully ask your assistance.

MERRITT H. ADAMSON,
President Adohr Stock Farm and Adohr Creamery Co.

EL CENTRO CHAMBER OF COMMERCE,
El Centro, Calif., February 2, 1931.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

DEAR SENATOR SHORTRIDGE: As a community of California in which dairying is predominant we ask you to use every possible means to secure the passage of the Brigham bill, H. R. 15934, during the present session of Congress. The dairy industry, due to the competition of oleomargarine, has reached the lowest point in its history in the last 15 or 20 years. Means must be taken to restore this important basic industry to its rightful place. Dairy products constitute the most important single product of American farms and as you know in California and particularly Imperial Valley dairying is of paramount importance. Will you therefore take every possible means in the interest of this very wise proposed legislation. You will earn the gratitude of this and other dairying communities.

Yours very truly,

ROBERT HAYS, *Secretary-Manager.*

EUREKA, CALIF., *February 8, 1931.*

Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Humboldt County Dairyman's Association representing 1,200 dairy farmers of the county assembled to-day in annual meeting. Appeal to you to exert all possible effort and influence toward passage of Townsend oleomargarine bill just favorably reported to Senate by its Agriculture Committee. Failure to pass this bill will cause untold financial losses to dairy industry of Humboldt County, Calif., and the Nation.

HARRY B. HARBERS, *President.*

FRESNO COUNTY FARM BUREAU,
Fresno, Calif., February 4, 1931.

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SIR: At a meeting of the directors of the dairy department of the Fresno County Farm Bureau, February 4, 1931, certain proposed dairy legislation was discussed.

The board voted to request the assistance of Senators H. W. JOHNSON and SAMUEL M. SHORTRIDGE and Congressman H. E. BARBOUR in the passage of Senate bill 5745 or House bill 15934, known as the Brigham-Townsend bill, which contemplates a tax of 10 cents per pound on yellow oleomargarine. The passage of this bill would help to eliminate the unfair competition of oleomargarine against butter.

Very truly yours,

J. A. POYTRESS,
Chairman Dairy Department.

THE NATIONAL DAIRY UNION,
Washington, D. C., February 4, 1931.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR SHORTRIDGE: Your letters and your position with reference to the palm-oil ruling made by Commissioner Burnet have been very helpful to us.

We completed yesterday morning hearings before the Senate Committee on Agriculture on the Townsend bill (S. 5745), which, if it can be passed, will take care of this situation.

May we ask your interest, first, in getting this bill reported as quickly as possible by the Senate Committee on Agriculture; and, second, with the steering committee in the Senate to bring it to a vote?

Yours respectfully,

NATIONAL DAIRY UNION,
A. M. LOOMIS, *Secretary.*

SAN RAFAEL, CALIF., *February 3, 1931.*

Senator SAMUEL M. SHORTRIDGE,
United States Senate Office Building,
Washington, D. C.:

The board of directors of Marin County Farm Bureau, representing dairy industry of the county, very earnestly request your fullest support in securing passage of Brigham-Townsend bill at this session of Congress. This is necessary to maintain dairy industry of Nation on basis of American standard of living.

WILLIAM A. GNOSS, *President.*

FERNBRIDGE, CALIF., *January 31, 1931.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

Humboldt County dairymen request your assistance to have rescinded ruling Internal Revenue Department regarding tax oleomargarine colored to represent butter; also newly introduced bills, subject oleomargarine, vitally interest us, and we ask you to sup-

ants within the limits of the grant of land to the Atlantic

RIVERSIDE COUNTY FARM BUREAU.

tance. The sale of oleomargarine with a nominal tax of ¼ cent subject oleomargarine, vitally interest us, and we ask you to sup-

port passage during present session. Please send me copies House and Senate bills this subject.

F. M. BAILEY.

FERNDALE, CALIF., *January 31, 1931.*

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.:

The board of directors of Ferndale Bank earnestly hope you will attend committee hearings February 2 and 3 on Senator TOWNSEND's companion bill to H. R. 15934 and use your best efforts to speed its early passage, as it is of vital importance to us and our clients.

F. N. RASMUSSEN, *President.*

Mr. GEORGE. Mr. President, I desire to offer two perfecting amendments, both relating to the form of the bill. The amendment which I offered earlier in the evening having been adopted and referring to a matter not exactly germane to the original text of the bill, I move that the title of the bill be amended by adding at the end thereof the words "and for other purposes."

The VICE PRESIDENT. That must come after the passage of the bill.

Mr. GEORGE. That is true. I move now to add, at the end of section 4, the following words:

Except section 3, which shall take effect upon the approval of this act.

Section 3 relates to the amendment which I offered.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. GEORGE. I now move to renumber section 3.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is on its passage.

Mr. ASHURST. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). On this question I have a pair with the junior Senator from Arkansas [Mr. CARAWAY]. Not knowing how he would vote I withhold my vote. Were I permitted to vote I would vote "yea."

Mr. GLENN (when his name was called). I have a general pair for the night with the junior Senator from Tennessee [Mr. BROCK]. Therefore I withhold my vote.

Mr. MCNARY (when his name was called). On this vote I have a general pair with the senior Senator from Mississippi [Mr. HARRISON]. I am unable at the present time to obtain a transfer and I withhold my vote. If I were permitted to vote I should vote "yea."

Mr. SMITH (when his name was called). On this vote I have a pair with the junior Senator from Virginia [Mr. GLASS]. If he were present he would vote "yea." If I were permitted to vote I would vote "nay."

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WATERMAN]. I transfer that pair to the senior Senator from Iowa [Mr. STECK] and vote "yea."

The roll call was concluded.

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I understand that if he were present he would vote as I intend to vote and I am therefore free to vote. I vote "yea."

Mr. MCNARY. I find I can transfer my pair with the senior Senator from Mississippi [Mr. HARRISON], to the junior Senator from Oklahoma [Mr. PINE], which I do and vote "yea."

Mr. FESS. I wish to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH].

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The result was announced—yeas 68, nays 9, as follows:

YEAS—68

Barkley	Goff	McNary	Shipstead
Bingham	Goldsborough	Metcalf	Shortridge
Blaine	Gould	Morrison	Steiwer
Borah	Hale	Morrow	Stephens
Brookhart	Harris	Moses	Swanson
Bulkley	Hastings	Norbeck	Thomas, Idaho
Capper	Hatfield	Norris	Thomas, Okla.
Carey	Hebert	Nye	Townsend
Copeland	Howell	Oddie	Trammell
Couzens	Johnson	Partridge	Tydings
Cutting	Jones	Patterson	Vandenberg
Dale	Kean	Phipps	Wagner
Davis	Kendrick	Pittman	Walcott
Deneen	La Follette	Ransdell	Walsh, Mass.
Dill	McGill	Reed	Watson
Frazier	McKellar	Robinson, Ind.	Wheeler
George	McMaster	Schall	Williamson

NAYS—9

Ashurst	Bratton	Hayden	Robinson, Ark.
Black	Connally	Heflin	Sheppard
Blease			

NOT VOTING—19

Brock	Gillett	Keyes	Smoot
Broussard	Glass	King	Steck
Caraway	Glenn	Pine	Walsh, Mont.
Fess	Harrison	Simmons	Waterman
Fletcher	Hawes	Smith	

So the bill was passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, as amended, and for other purposes."

The bill (S. 5745) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, was ordered to be indefinitely postponed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 155. An act for the relief of Jesse J. Britton;
S. 181. An act for the relief of James H. Roache;
S. 351. An act for the relief of John Donahue;
S. 401. An act for the relief of Claude J. Church;
S. 1412. An act for the relief of Stanislaus Siemek;
S. 1918. An act for the relief of Irene Strauss;
S. 2068. An act for the relief of Lester L. Wilson;
S. 2615. An act for the relief of Arthur J. Robinson;
S. 3050. An act for the relief of James M. Booth;
S. 3184. An act to permit the county of Solano, in the State of California, to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif.;
S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased;
S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;
S. 4435. An act for the relief of James Williamson and those claiming under or through him;
S. 4696. An act granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2 in said section 5;
S. 4727. An act for the relief of the Federal Real Estate & Storage Co.;
S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton*;

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;
S. 5195. An act for the relief of Howard Dimick;
S. 5198. An act for the relief of T. Morris White;
S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.);
S. 5201. An act for the relief of C. O. Smith;
S. 5321. An act for the relief of Thomas F. Myers;
S. 5516. An act for the relief of E. G. Mason;
S. 6254. An act for the relief of United States Marshal George B. McLeod; and
S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co.; and
S. 5353. An act for the relief of Mrs. Herman M. Warr.

ADDITIONAL REPORTS OF COMMITTEES

Mr. HATFIELD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 2466. An act for the relief of William L. Bruhn (Rept. No. 1851); and
H. R. 3556. An act for the relief of Mabel L. Brown (Rept. No. 1852).

Mr. CAREY, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5813. An act for the relief of Harold M. Reed (Rept. No. 1853); and
H. R. 9070. An act for the relief of William Fisher (Rept. No. 1854).

Mr. WILLIAMSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 1428) for the relief of Thomas Murphy, reported it without amendment and submitted a report (No. 1855) thereon.

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (H. R. 10113) for the relief of Uriel Sliter, reported it without amendment and submitted a report (No. 1856) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 1605) for the relief of Frank C. Russell, reported it without amendment and submitted a report (No. 1857) thereon.

Mr. PATTERSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 896) for the relief of Frank D. Peck, reported it without amendment and submitted a report (No. 1859) thereon.

Mr. BROCK, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 3004. An act for the relief of Arthur Moffatt, deceased (Rept. No. 1860);
H. R. 5931. An act for the relief of Milton Lockhart (Rept. No. 1861);
H. R. 5932. An act for the relief of J. Walter Smith (Rept. No. 1862);
H. R. 5933. An act for the relief of Joseph C. Looney (Rept. No. 1863); and
H. R. 10136. An act for the relief of William Marks, also known as William Marsh (Rept. No. 1864).

Mr. BLEASE, from the Committee on Military Affairs, to which was referred the bill (H. R. 6128) to establish a national military park to commemorate the Battle of Kings Mountain, reported it without amendment and submitted a report (No. 1865) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 12215) for the relief of Daisy Ballard, reported it without amendment and submitted a report (No. 1866) thereon.

Mr. REED, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 10306. An act for the relief of Henry I. Power (Rept. No. 1867); and
H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md. (Rept. No. 1868).

Mr. REED also, from the Committee on Military Affairs, to which was referred the bill (H. R. 11529) for the relief of William J. Bodiford, reported it with an amendment and submitted a report (No. 1869) thereon.

Mr. MCMASTER, from the Committee on Claims, to which was referred the bill (H. R. 644) for the relief of Casey McDannell, reported it without amendment and submitted a report (No. 1858) thereon.

ADDITIONAL ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, March 2, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 471. An act providing for Saturday half holidays for certain Government employees;
S. 550. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes;
S. 1496. An act for the relief of Edith Barber;
S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation;
S. 4022. An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia;
S. 4030. An act to provide books for the adult blind;
S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico;
S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes; and
S. 5904. An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes.

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. NYE (by request):

A bill (S. 6270) to amend section 129 of the Criminal Code of the United States (35 Stat. 1112; U. S. C., title 18, sec. 235); to the Committee on the Judiciary.

By Mr. DAVIS:

A joint resolution (S. J. Res. 264) extending the duration of copyright protection in certain cases; to the Committee on Patents.

AMENDMENT TO COPYRIGHT BILL

Mr. DILL submitted an amendment intended to be proposed by him to the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works, which was ordered to lie on the table and to be printed.

INVESTIGATION RELATIVE TO THE CONSTRUCTION OF GOVERNMENT BUILDINGS

Mr. SHIPSTEAD submitted the following resolution (S. Res. 493), which was ordered to lie over under the rule:

Resolved, That the Federal Trade Commission is requested to conduct an immediate and thorough investigation of all facts relating to the letting of contracts for the construction of Government buildings, particularly with a view to determining (a) whether or not there are or have been any price fixing or other agreements, understandings, or combinations of interests among individuals, partnerships, or cooperations engaged in the produc-

tion, manufacture, or sale of building materials with respect to the prices or other terms at or under which such materials will be furnished contractors or bidders for such construction work; and (b) whether or not there is or has been any custom or practice by or in collusion with any such individual, partnership, or corporation and any official or employee of the Treasury Department in connection with the specifications for such construction work. The commission shall report the result thereof to the Senate and to the Department of Justice on or before December 7, 1931.

IMPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS

Mr. CAPPER. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 5818) to regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kansas.

Mr. ASHURST. Mr. President, I make the point of order that the bill proposes to raise revenue and that it alters the latest tariff act, and therefore the Senate is not eligible to institute and inaugurate such a bill.

The VICE PRESIDENT. That being a constitutional question, the Chair refers it to the Senate.

Mr. JOHNSON. Mr. President, if the point is to be entertained before the Senate, it ought to be discussed. I presume the Senator from Arizona, with his usual care, has prepared himself and is ready to discuss it. I am ready to present it as well, but I suggest to my friend the Senator from Arizona that we ought not to be cruel enough to the Senate to present the matter to-night.

Mr. ASHURST. Of course, if the able Senator from California desires me to submit some authorities on this question I should feel it my duty to do so. But I scarcely think that on a question of this character I ought to be required to make any other argument than merely to state the question. In other words, Mr. President, it seems to me that it would have been offensively presumptuous on my part to have informed the Senate that I was such a great constitutional lawyer that I discovered, whilst all the remaining Senators were oblivious to it, that the Senate of the United States could not originate a tariff bill and could not originate a bill looking toward the raising of revenue. If I had walked into the Senate a new Member and some one had done that, I would have said, "That is an offensively presumptuous man." But if there be a Member of the Senate who does not know the Constitution of his country well enough to know that the Senate can not originate a tariff bill, then I presume I had better begin to quote some authorities.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Maryland?

Mr. ASHURST. I yield.

Mr. TYDINGS. Will the Senator yield for the purpose of enabling me to move that the Senate take a recess until 10 o'clock to-morrow morning?

Mr. ASHURST. Yes; I yield for that purpose.

Mr. McNARY. Mr. President, I wish to state that we want to have a short executive session. I would not want to interfere with that plan.

Mr. TYDINGS. I want to offer my motion——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield before he does that?

Mr. TYDINGS. I yield, but I do not wish to lose the floor.

Mr. ROBINSON of Arkansas. I wish to suggest to the Senator from Oregon that the Senate has been in continuous session now 12 hours and 15 minutes and that it would not be objectionable, I think, to the Senator from Maryland or to other Senators to have a brief executive session; but unless he chooses to proceed in that way I think we ought to test out the question as to how long the Senate is going to remain in session to-night.

Mr. JOHNSON. Mr. President, if the Senator will yield to me, I desire to say I am very glad, indeed, to adopt that course; but by adopting it and saying nothing in respect to the matter, I did not want for one instant to have it thought by the Senate that I subscribe to the doctrine which has been enunciated by the Senator from Arizona. This bill is neither a tariff bill nor a revenue-raising measure; that can be demonstrated; but I am very glad, indeed, to let the discussion go over until to-morrow, then to be presented.

Mr. TYDINGS. Mr. President, I want to withdraw my motion and turn the remaining operations of the Senate over to the very able leader. I did want to make it clear that we were probably going ahead into a prolonged debate, and I did not want to do that to-night.

EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States, transmitting sundry nominations, which were referred to the appropriate committees.

REPORTS OF COMMITTEES

The VICE PRESIDENT. Reports of committees are in order.

Mr. PHIPPS. From the Committee on Post Offices and Post Roads I report certain nominations for the Executive Calendar.

The VICE PRESIDENT. The nominations will be placed on the calendar.

Mr. WATSON. From the Committee on Finance, I report the nomination of Richard N. Elliott, of Indiana, to be Assistant Comptroller General of the United States vice Lurtin R. Ginn, retired.

THE CALENDAR

The VICE PRESIDENT. If there be no further reports of committees, the Calendar is in order. The first business on the calendar will be stated.

The treaty, Executive H, an international convention signed at Berlin November 13, 1908, relative to the protection of literary and artistic works, which convention is a revision of a convention signed at Berne September 9, 1886, and also an additional protocol signed at Berne March 20, 1914, to the international convention signed at Berlin November 13, 1908, was announced as first in order.

Mr. BORAH. I ask that the treaty may go over.

The VICE PRESIDENT. The treaty will go over.

ORDER OF BUSINESS

Mr. LA FOLLETTE. Mr. President, I believe a great injustice has been done to the copyright bill and to those who have worked for many years to secure its enactment. I understood when we voted to take up the oleomargarine bill the Senator from Rhode Island [Mr. HEBERT] would be given an opportunity to go forward with the copyright bill which has been before the Senate for several days, but has had only a few hours of actual consideration by this body. I want to take occasion at this time to appeal to those who are in favor of the proposed copyright legislation not to vote to recess or adjourn to-night, but to go back into legislative session at the conclusion of the executive session, to take up the copyright bill, and to hold it before the Senate until we get a vote on it. If there be enough Senators here who are the friends of the measure to do that, we do not need to recess, but we can give this bill the consideration which its importance merits.

If that be done, Mr. President, and if Senators will vote to continue in session, then, while I shall do it reluctantly, I shall move to lay the motion of the Senator from Kansas on the table, because every Senator knows that it is a futility to take up here an embargo bill which has not been considered by the House of Representatives and which would be flung back in our teeth if we should pass it here, in the closing hours of this session, in order to give the impression to some independent oil producers in the country that they are having consideration of their measure.

It is a futility; it is a gesture of the worst kind, Mr. President, if I may be permitted to say so. To waste the few remaining hours of this session of Congress in the discussion of that futility when there is an important piece of legislation before the body that has had eight years of consideration in the House of Representatives; that has had careful consideration by a Senate committee, it seems to me, is not becoming to the dignity and common sense of the Senate.

So I hope, Mr. President, that we shall go back into legislative session at the conclusion of this brief session on the Executive Calendar, and that the Senate will vote to lay the motion of the Senator from Kansas on the table, will proceed to the consideration of the Vestal copyright bill, and that its friends will stay here until that bill shall have been either voted up or voted down by this body on its merits.

If that shall be done to-night, the bill can go to conference, can receive consideration, and have an opportunity to become law. If it shall not be done to-night, after eight years of conscientious effort upon the part of those who are supporting it, and the opportunity to join the International Copyright Union, we might as well throw the Vestal bill into the wastebasket.

Mr. DILL. I think I know a little about the copyright situation, and I just want to say that it is not necessary to stay here all night in order to put through the copyright bill. It ought to be considered here to-morrow. There is no sense staying here to-night in order to consider it to-night.

Mr. LA FOLLETTE. Will the Senator from Washington yield?

Mr. DILL. Yes, sir.

Mr. LA FOLLETTE. The Senator from Washington knows full well that there will be dozens of conference reports to-morrow. There is one conference report lying on the table now which the Senator's colleague will call up to-morrow and which will occupy hours of debate on this floor. It is rumored that the President's veto message on the Muscle Shoals measure is to come to the Senate to-morrow. That is a highly privileged matter, and will undoubtedly provoke long debate. So I say to the friends of the Vestal bill in this Chamber that, if they want that bill to have any further consideration at this session of Congress, they must obtain such consideration for it in the remaining hours of this night.

Mr. JOHNSON. Mr. President, I want just a word; that is all. There is much that has been said by the Senator from Wisconsin that is entirely accurate and there is something that he has said that is entirely inaccurate. The idea that the Vestal bill will be passed long since fled from this Chamber, and when the Senator from Wisconsin talks of futilities respecting the oil bill of the Senator from Kansas, he may just as well speak of the futility of the Vestal copyright bill.

I am for the Vestal copyright bill; I am perfectly willing to take it up, if it can be taken up, at any time, I do not care when; I am for the oil bill. It is a question which may or may not have an opportunity of hearing here in the last few hours. I grant, because it would be a bit of intellectual dishonesty otherwise, that there is little or no hope of the ultimate passage of the oil bill; but I say there is little or no hope of the passage of the Vestal copyright bill, and every man who has sat in this Chamber during the last few days or the last week or so realizes that fact full well.

Mr. ROBINSON of Arkansas and Mr. LA FOLLETTE addressed the Chair.

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Arkansas?

Mr. ROBINSON of Arkansas. I do not wish to take the Senator from California from the floor. I thought he had concluded.

Mr. JOHNSON. I am perfectly willing to yield to the Senator.

Mr. ROBINSON of Arkansas. If the Senator wishes to retain the floor I will not speak now.

Mr. JOHNSON. I have no particular desire to proceed if the Senator wishes the floor.

The VICE PRESIDENT. The Senator from Arkansas.

Mr. ROBINSON of Arkansas. I do not understand that this debate is in order on the consideration of the Executive Calendar. If Senators desire to test out the disposition of the Senate to remain here all night, of course it can be done on a motion to take a recess. If the Senator from Oregon shall make a motion to take a recess at the conclusion of the Executive Calendar, I shall support that motion, and I shall not do so from any disposition to obstruct legislation.

The Senate has been in session now for 12½ hours. The time has been taken by debate, much of which has been irrelevant to the question under consideration, and I do not think there is the slightest justification, in the condition in which we find the business of the Senate, in attempting to remain here all night long. I have concluded all that I wish to say at this time.

Mr. BORAH and Mr. LA FOLLETTE addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho.

Mr. BORAH. Mr. President, I do not know whether there is any possible chance to pass the Vestal bill, but I think it will be conceded by everyone that there is no possible chance of passing the embargo bill through the two Houses so that it will ever reach the President. It seems to me in view of that fact that the Senator from Kansas ought not to press his motion. I am sure the Senator from Kansas has no hope of the embargo bill becoming a law at this session.

The Senator from Oklahoma [Mr. THOMAS], who certainly is as sincere about this matter as anyone, announced this afternoon that there was no possible chance of passing the embargo bill at this session, and he was correct in his view. What is the use to spend the night here upon the embargo bill or spend any time upon the embargo bill? It does not make any difference how much one may be in favor of it, we know it is an impossibility. The House has put it aside; it is off its calendar; it is not going to consider it, and whatever time we put on it here is simply wasted. I think all those who are in favor of the bill will agree to that proposition.

The VICE PRESIDENT. The Senator from Wisconsin.

Mr. LA FOLLETTE. I merely wish to say a word in reply to the suggestion of the Senator from California that further consideration of the Vestal bill is a futility. I can not agree with that statement, Mr. President. The Vestal bill has passed the House of Representatives. Certain amendments have been put on in the Senate, and other amendments are pending, but there is a possibility of those amendments being considered and the bill being voted upon and sent to the House of Representatives, and there is still a possibility in my judgment, of its becoming a law. The reason I say that is that the debate upon this bill, as the Senator from Arkansas has pointed out, has not been directed to the subject matter. If we will remain in session here to-night, assuming that the friends of the bill have a majority, we can force the debate to a conclusion and secure a vote on the bill. If that is not done, then the Vestal bill is in the limbo of dead legislation.

Mr. JOHNSON. Mr. President, it is simply ridiculous to stay here all night on either bill, and, being ridiculous for us to stay here all night on either bill, we ought not to attempt it. I spoke not because I have any particular inside knowledge about the Vestal copyright bill, but I have ears that hear and eyes that see, and in the last few days on this floor it has become obvious to me that, however much I might wish, or the Senator from Wisconsin might wish, or the Senator from Rhode Island might wish, to pass the Vestal copyright bill, it is not going to be passed. If it were passed, it would be in such shape that it would be impossible to hold a conference upon it and make it a law at this session.

I recognize exactly the situation in regard to the oil bill. The Senator from Kansas, however, has the right to make his appeal in behalf of that bill, just as the Senator from Wisconsin has a right to make his appeal for the copyright bill, but I recognize in the situation here that it is very unlikely that either bill can become a law at this session.

Mr. DENEEN and Mr. HEBERT addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas [Mr. ROBINSON] suggests that all this debate is out of order. The Chair thinks he is correct. The Senate is in executive session, and it is not in order to consider anything except executive business, unless by unanimous consent.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senate is in executive session. It has no business to consider anything but executive business, except by unanimous consent.

Mr. BORAH. Mr. President, we have a right to discuss questions in executive session just the same as we have in legislative session.

The VICE PRESIDENT. If any Senator makes the point of order, the Chair is ready to rule.

Mr. BORAH. The Chair will not take me off the floor.

The VICE PRESIDENT. The Chair is not trying to do that. The Chair has not tried to do that.

Mr. BORAH. I know perfectly well that there is no limit on the right of debate here in executive session any more than there is in legislative session.

The VICE PRESIDENT. The Chair is ready to rule if the question is raised.

Mr. DENEEN. Mr. President——

The VICE PRESIDENT. The Senator from Illinois.

Mr. DENEEN. This morning I submitted three reports from the Committee on the Judiciary relating to Presidential appointments for Illinois. I ask unanimous consent that they may be considered. They are on the calendar.

The VICE PRESIDENT. The calendar has reached the point of post offices.

Mr. ROBINSON of Arkansas. Mr. President, I am going to call for the regular order.

ERNEST H. SMOTHERS

The VICE PRESIDENT. The regular order is the report of nominations on the calendar.

The Chief Clerk read the nomination of Ernest H. Smothers to be postmaster at Camden, Tenn., vice I. L. Presson, resigned.

Mr. ASHURST. Mr. President, on that I wish to be heard.

The VICE PRESIDENT. The Senator from Arizona.

Mr. ASHURST. Mr. President, I premise first by saying that I trust the Senator from Kansas [Mr. CAPPER] and the Senator from California [Mr. JOHNSON] will not feel in any sense offended because I presumed to make the point of order respecting the bill, which point of order I made some time ago. I recognize their indubitable right to move to proceed to the consideration of this bill; but I beg the indulgence of Senators long enough to say that in the closing hours of a Congress, with the country languishing from a lack of foreign trade, with ships in every port trying to obtain cargoes to carry our foreign trade, we are asked to consider a bill which paralyzes and destroys another part of our foreign commerce. We are asked to do it in the most revolutionary and unconstitutional manner. We are asked, in behalf of the Sinclairs and Dohenys, to put an embargo upon the importations of oil.

No, Mr. President; it will not be done by this Senate. It will require a different kind of Senate to lay an embargo upon oil and further paralyze our foreign trade. In saying this I mean no reflection on the estimable gentlemen on the other side or this side who, just as earnestly as I view a question, are in favor of the embargo.

Of all the men who have ever served with me in the Chamber, I think I love the Vice President the most, outside of my own colleague; but I protest against his ruling tonight. I protest against the ruling which he announced.

The VICE PRESIDENT. Will the Senator yield to the Chair just for a second?

Mr. ASHURST. Certainly. I yield to the Chair always.

The VICE PRESIDENT. The Chair's ruling was correct in this, that legislative business can not be taken up in executive session. The Chair did not say that Senators could not discuss anything they desired to discuss in executive session.

Mr. ASHURST. Then, I stand corrected, and the old affection stands unimpaired. [Laughter.]

So, Mr. President, I am pleased, I am gratified to know that the Vice President has not held—because no person who could occupy the chair would hold—that in executive session Senators are restricted as to what they shall say, and that a rule of germaneness applies the moment we go into executive session. We have never adopted a rule of germaneness. There is no such thing as remarks being germane in the Senate. The Senate would not be the Senate if there were a rule of germaneness.

Mr. President, I never speak at great length. I am going to close now.

If we can be assured, by voting against a recess, that we will consider the copyright bill, I am prepared to vote against a recess or adjournment; but I do not propose to vote for a continuation of the session with the understanding that if we step out to get a cup of tea some Senator will move to put an embargo on our foreign trade.

The Senator from Idaho [Mr. BORAH] a moment ago correctly called attention to the able speech of the Senator from Oklahoma [Mr. THOMAS]. Of all the men who have contested in behalf of the oil industry in this country, the name of the Senator from Oklahoma, like that of Abou Ben Adhem, leads all the rest. With an ability rarely equaled in the Southwest, with unsurpassed courtesy and scholarship and punctuality and correctness of conclusion from his own viewpoint, he has pressed his case. If one of us, during the course of the tariff bill, stepped outside, up jumped the Senator from Oklahoma to propose a tariff on oil. Three times when Senators would leave the Chamber up would be the Senator to propose an amendment for a tariff on oil. His State should reward him by returning him to the Senate, for he has so ably served her.

But, Mr. President, there is a larger question here than the mere question of serving the oil interests and the Dohenys and the Sinclairs of this country. Are we going to levy a tax, already too heavy, upon every person who uses an automobile, upon every farmer who has a motor upon his farm, in order to swell the profits, already great, of the oil industry?

No, Mr. President! This Congress has done some quite dubious things. The tariff bill which it passed was adverted to to-night by the Senator from South Carolina [Mr. SMITH], who said that 90 per cent of the distress and the woe and the misery that has come upon our country came directly from the tariff bill; yet here we have Democrats and Republicans proposing, not a tariff but an embargo.

Mr. BINGHAM. Mr. President——

Mr. TRAMMELL. Mr. President, what does the Senator think about the effect of the tariff on long-staple cotton?

Mr. ASHURST. I voted for it, but I do not want any embargo on long-staple cotton. Because, forsooth, I like a pinch of salt in my soup, it does not mean that I want to be immersed in brine. [Laughter.]

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I yield to the Senator from California.

Mr. JOHNSON. Let me correct one statement the Senator has made. The Dohenys and the Sinclairs and the big oil combines are against this bill. They are not in favor of this measure.

Mr. ASHURST. In reply to that, I say that Mr. Doheny's attorney wrote and asked me to vote for an embargo.

Mr. JOHNSON. Whom?

Mr. ASHURST. Mr. William G. McAdoo.

Mr. JOHNSON. That is beyond me. It is beyond me. Just let me make plain to the Senator, because he has left an imputation here that I am sure he does not intend, that I never support a bill at the instance of an interest such as the Senator has denounced. I have not supported this bill with any such design. It was independents who appeared before the Commerce Committee; it was the men who represented the smaller producers who made their appeal; and it is their appeal that was listened to by the Senator from Kansas and by the Commerce Committee—theirs, and theirs alone.

Mr. ASHURST. Mr. President, as a rule, when we listen to the independents it is the voice of Jacob, but it is the hand of Esau.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ASHURST. I yield the floor.

Mr. BARKLEY. I simply want to say in reply to the Senator, with reference to Mr. McAdoo, that while Mr. McAdoo did write letters in behalf of a tariff or some restriction on the importation of oil, I do not think it ought to be stated that he represents Mr. Doheny. I think in years past, at one time, he did represent Mr. Doheny in certain matters; but I do not understand that he is his attorney in this matter.

Mr. ASHURST. I do not consider the relation of attorney any improper relation at all.

Mr. BARKLEY. I understand; but it is not any relation that exists at all.

Mr. JOHNSON. But what the Senator indulged in was an imputation that at the instance of Doheny and Sinclair interests this bill was being pressed.

I have not the slightest conception of Mr. McAdoo's position or of Mr. McAdoo's inclinations, nor do I know anything at all about his clients. This bill, let me impress upon the Senator from Arizona—and he knows enough of the Commerce Committee to know that I am stating the fact—is the result of the appeal of men who are down in the dirt to-day and of those who are out of employment, 100,000 or more, in the oil fields, whose representatives testified before our committee. It is in the interest of the small producer, the man who is termed the independent in the oil business, not at the instance of the big companies; for the only testimony before us of the big companies was all in opposition to the measure.

Mr. TYDINGS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Maryland?

Mr. ASHURST. Just let me conclude, and then I shall be glad to yield.

I have said all that I care to say. I do not think it would be an improper relation if Mr. McAdoo or any one else represented the independents; but Senators will find out, after they have put an embargo upon oil—a substance which people everywhere must use—that they have put into the hands of the monopolists an instrument for the destruction of the independents; an instrument that will oppress the people with further and excessive taxation.

Mr. BLACK. Mr. President, will the Senator yield to me?

Mr. ASHURST. I do not yield for the moment.

The VICE PRESIDENT. The Senator from Arizona declines to yield.

Mr. ASHURST. Nothing in my remarks must be construed as challenging the motives of Senators. Nothing that I have said could be construed as any reflection upon the able Senator from California and his attitude in this matter. His attitude has been open, consistent, and able in his championship of this bill, which bill, by the way, should have been sent to the Committee on Finance; and Senators do not know any good reason why it was not sent to the Committee on Finance. Why was such a bill as this sent to another committee instead of the Finance Committee? It is a circumstance that does not rest well on the stomachs and the consciences of Senators.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Alabama?

Mr. ASHURST. I yield the floor.

Mr. BLACK. I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. REED. A point of order, Mr. President.

Mr. LA FOLLETTE. I call for the yeas and nays.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

Mr. BARKLEY. I make the point of order that the motion is not in order because, by unanimous consent, we have already agreed to take a recess until 10 o'clock, not 11 o'clock.

Mr. BLACK. I change the hour to 10 o'clock.

Mr. MOSES. I call for the yeas and nays.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). I transfer the pair I have with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Wyoming [Mr. CAREY], and vote "nay."

Mr. GLENN (when his name was called). I have a general pair for the evening with the junior Senator from Tennessee [Mr. BROCK], which I transfer to the junior Senator from Iowa [Mr. BROOKHART], and vote "nay."

Mr. MCNARY (when his name was called). Referring again to my pair and the transfer, I vote "nay."

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WATERMAN]. Not knowing how he would vote, in his absence I withhold my vote.

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH];

The Senator from Idaho [Mr. THOMAS] with the Senator from Montana [Mr. WHEELER];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Vermont [Mr. DALE] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Maryland [Mr. GOLDSBOROUGH] with the Senator from Massachusetts [Mr. WALSH].

Mr. BINGHAM (after having voted in the affirmative). I have a general pair with the junior Senator from Virginia [Mr. GLASS], and in his absence I withdraw my vote.

Mr. BULKLEY. In further carrying out the double transfer of my pair to the junior Senator from Arkansas [Mr. CARAWAY] and the senior Senator from Ohio [Mr. FESS], having a general pair with that Senator, and I having a general pair with the junior Senator from Wyoming [Mr. CAREY]—leaving the Senator from Wyoming [Mr. CAREY] paired with the Senator from Arkansas [Mr. CARAWAY]—I vote "nay."

The result was announced—yeas 12, nays 50—as follows:

YEAS—12

Black	Dill	McKellar	Robinson, Ark.
Blease	George	Morrison	Smith
Couzens	King	Norbeck	Tydings

NAYS—50

Ashurst	Glenn	McNary	Shipstead
Barkley	Goff	Metcalf	Shortridge
Blaine	Hale	Morrow	Steiwer
Borah	Hastings	Moses	Stephens
Bratton	Hatfield	Nye	Thomas, Okla.
Bulkley	Hayden	Oddie	Townsend
Capper	Hebert	Partridge	Trammell
Connally	Howell	Phipps	Vandenberg
Copeland	Johnson	Ransdell	Walcott
Cutting	Jones	Reed	Watson
Davis	Kean	Robinson, Ind.	Williamson
Deneen	La Follette	Schall	
Fess	McGill	Sheppard	

NOT VOTING—34

Bingham	Gillett	Keyes	Swanson
Brock	Glass	McMaster	Thomas, Idaho
Brookhart	Goldsborough	Norris	Wagner
Broussard	Gould	Patterson	Walsh, Mass.
Caraway	Harris	Pine	Walsh, Mont.
Carey	Harrison	Pittman	Waterman
Dale	Hawes	Simmons	Wheeler
Fletcher	Heflin	Smoot	
Frazier	Kendrick	Steck	

So the Senate refused to take a recess.

Mr. TRAMMELL. Mr. President, in view of the fact that the time in executive session so far has been occupied with the discussion of the Vestal copyright bill, I want to submit that this matter is very easy of solution. If those who are

supporting the bill will be willing to have all after the enacting clause stricken out and provide that the copyright privilege shall be extended to 60 years, that would take care of a great religious organization in this country, the members of which have been responsible to quite an extent for all of this stampeding process which has been carried on among Senators.

I have received a thousand telegrams and letters from people scattered all over my State, and to the best that I can ascertain, they have come almost altogether from propaganda carried on by the Christian Scientists, a religious organization for which I have the highest regard. I think perhaps there is a greater percentage of high-toned, honorable citizenship among the Christian Scientists than among any other people I know of, and I have a very high regard and esteem for them. But very largely the propaganda has come through that source. I am quite sure that has been the fact in my State.

That does not stampede me into supporting a complete and absolute change of the copyright system of this country. That does not stampede me or intimidate me into accepting absolutely objectionable provisions, simply because those folks wish to have an extension of a copyright. I understand they claim they want an extension. On the present book they are using, they will have probably 20 years more, but there is some book issued by Mary Baker Eddy the copyright of which will expire on June 4 of this year, and a great many Senators desire to allow them to have that perpetuated.

I do not know the reason why they want to perpetuate that when they have a more modern book, which will have 20 more years under the present copyright privilege, but they seem to want that. There seem to be a great many Senators who desire to accord them the privilege of keeping alive for a certain length of time one of their old editions, which would expire under the copyright law, I understand, on June 4.

As far as I am concerned, I have no objection to them doing that, it is all right if they wish to do it, and I have no objection if Senators wish to extend the copyright law for two or three years longer so that they can keep alive that old edition. I think that would be a very happy solution. That would certainly be a sacrifice of nothing particular.

On the other hand, that object and that purpose should not be used as a lever with which to force into the copyright laws features which are very objectionable, as I see them, to the interests of the American people and very objectionable and will be so considered, when the press of this country begins to dissect this bill, to the newspapers of the United States.

Take this bill and study it and interpret it and construe its provisions, and it will be found that it is going to hedge about and throttle the newspapers of the country, until they will be constantly in danger of violating the copyright law, a copyright law, as I believe it to be, not in the interest of the honest, legitimate author but in the interest of the manipulator of literature and science, and of those who conceive and bring forth productions.

I suggest that we can have a very happy solution of this matter by striking out all after the enacting clause and providing for the perpetuation of copyrights for 60 years. I do not see any reason why that should not be done, and if we do that we can then vote on the question as to whether or not this country shall enter into the Berne convention.

I have heard Senators who are supporting this proposition talk very earnestly and very patriotically against the United States becoming involved in foreign entanglements and making any concessions to foreign interests. I have often heard that argument made here, even by my good friend from Wisconsin, who is so anxious about this matter tonight. He has always been very apprehensive about any cooperation or any connection whatever with any foreign interest. But now he wishes to involve us in the Berne convention, and I dare say—and I do not consider this a reflection upon any Senator—that there are not half a dozen Senators on this floor who know what the provisions of the Berne convention are.

Yet we are asked to go pell-mell, helter-skelter into the Berne convention and accord to all the authors of every foreign country all kinds of privileges and all kinds of protection and favoritism in the United States which they do not enjoy to-day.

We can settle this matter in the way I have suggested. I concede that we might do that. I would like to accommodate these good people. But if we are not going to do that, then we are going to discuss the different features of this bill.

There is no filibustering. I want that understood. Everybody knows there is no filibustering. There is no filibustering involved. Talk about consideration of this bill. This bill has been actually considered by the Senate only six or seven hours altogether, and it has not been that Senators have talked when this bill was pending on extraneous subjects. The fact that the bill has not been considered more has been due to the fact that conference reports have been brought in, resolutions have been called up, we set the bill aside for the purpose of taking up the oleomargarine bill, and the bill has been set aside for strictly proper and legitimate purposes.

It has been considered at the most only five or six hours by the Senate, a bill making all kinds of changes, radical changes, in our present copyright system, involving us and plunging us into the Berne convention, which has been largely inspired and controlled and dominated by foreign interests, not American interests. I would like some time to see these different public policies shaped upon the idea of American ideas and American policies, instead of conforming always to some foreign policy or idea.

We can amply assist our friends among the Christian Scientists, for whom I have the very highest regard, by just deciding that we will extend the copyright privilege to a period of 60 years, say. At the present time I understand it is 56 years. That will take care of that situation. Most of those who have importuned us have been the people of this religious faith or their friends. We can take care of that situation in the way I have suggested.

Of course, if that is not done, some of us believe that there are very objectionable provisions in the bill which should be considered, very objectionable provisions, and as the consideration of the measure proceeds during the night we will occupy not any undue length of time, at least I would not, but I shall occupy sufficient time to discuss the provisions to which I have referred.

I have never seen the Senate get into such haste in the 14 years I have been a Member here upon a matter of such great importance. This measure is important not only to the authors and the producers of the country but it is important to all American citizens, the people generally of the United States. They have some rights to be considered.

I think as we proceed with the consideration of the measure it will be the duty of many of us who feel as we do to call attention to what we consider provisions which are discriminatory against the interests of the American people, generally speaking, and also in many instances discriminatory against the authors and the people who should be rewarded for whatever literary productions they may bring forth.

Of course we will discuss it unless we can agree upon the idea of an extension. If we can do that we can all go home and get a good night's rest and go away friends of the idea of a 60-year extension, and then we can consider the question of whether we will go into the Berne convention or not. We can vote on that matter, too.

Mr. JONES. Mr. President, I just want to make an announcement. I have a conference report which deals with a very important matter. It is a privileged matter, of course. But I want to give the petroleum bill an opportunity to have consideration. However, I feel that unless the bill is disposed of in two or three hours anyhow there is absolutely no chance for the passage of that bill or the copyright bill. After giving ample time for that purpose I shall feel that it is my duty to call up the conference report and ask for its disposition one way or the other. I thought I ought to give this notice before taking action.

Mr. SWANSON. Mr. President, I would like to ask the senior Senator from Oregon [Mr. McNARY] what purpose he has in connection with the calendar? For the last two days we have been told that we would have a call of the calendar to-night. There are bills on the calendar, which have passed the House, which affect the American people. They are domestic bills of importance that can be passed here in a short time. Are those bills to be sacrificed in order that we may have an interminable debate on a matter that everybody realizes there is not the remotest chance of passing at this session of Congress? If that is the case, then Senators must realize that their bills will die on the calendar.

Mr. McNARY. Mr. President, while the Senator from Virginia was absent on account of official business the Senate agreed to take up the calendar to-morrow morning at 11 o'clock.

Mr. SWANSON. That is fine.

POSTMASTERS

The VICE PRESIDENT. The question is, Shall the Senate advise and consent to the nomination of Ernest H. Smothers to be postmaster at Camden, Tenn.

Mr. PHIPPS. I ask that the nomination be confirmed.

The VICE PRESIDENT. Without objection, the nomination will be confirmed. The next nomination on the calendar will be stated.

The Chief Clerk read the nomination of John C. Spann to be postmaster at Allendale, S. C.

Mr. PHIPPS. I ask that the nomination be confirmed.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of L. Rather Day to be postmaster at Decatur, Ala.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE JUDICIARY

The Chief Clerk read sundry nominations for associate justices, Supreme Court of the Philippine Islands.

Mr. BINGHAM. Let those go over.

The VICE PRESIDENT. The nominations will go over.

Mr. KING. Mr. President, under the rules of the Senate is a single Senator's request sufficient to carry the nominations over?

The VICE PRESIDENT. They can only go over by unanimous consent or by a vote. The Chair announced that the nominations would be passed over, because it has been the practice; but the Chair will withdraw that statement if the Senator objects to the nominations going over.

Mr. KING. I realize that we are powerless in the situation. I will only say that the three judicial nominations which are upon the calendar were unanimously recommended by the Judiciary Committee. Objection was made to taking up the nominations and we are powerless under the rule and under unlimited debate which is permitted in the Senate to secure consideration of the nominations. I regret this very much.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. The Chair has announced the nominations would go over.

Mr. BINGHAM. May I say that so far as I know no objection has been raised in the committee to the three American judges who were nominated at the same time, but by a vote of 6 to 5 the Judiciary Committee this morning did not report any of them out for reasons best known to that committee. To confirm three Filipino judges and not confirm the three American judges would upset the balance of the court which has existed ever since the court was formed.

The VICE PRESIDENT. The next order of business on the Executive Calendar will be stated.

The Chief Clerk read the nomination of Luther B. Way to be United States district judge, eastern district of Virginia.

The VICE PRESIDENT. Without objection the nomination is confirmed.

COAST AND GEODETIC SURVEY

The Chief Clerk read the nomination of Ernst Ebert Strohsner and Chester Joseph Beyma to be aides, with relative rank of ensign in the Navy.

The VICE PRESIDENT. Without objection, the nominations are confirmed.

POSTMASTERS

The Chief Clerk read sundry nominations for postmasters.

Mr. PHIPPS. Mr. President, I ask that the postmasters be confirmed en bloc.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. LA FOLLETTE obtained the floor.

Mr. DENEEN. Will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. I yield.

Mr. DENEEN. This morning I submitted three reports relating to judicial nominations in Illinois. They are not printed or on the calendar. I ask unanimous consent for their present consideration.

The VICE PRESIDENT. Let them be reported.

The Chief Clerk read the nomination of Frank K. Lemon, of Illinois, to be United States attorney, southern district of Illinois.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Arthur M. Burke, of Illinois, to be United States marshal in the eastern district of Illinois.

The VICE PRESIDENT. Without objection the nomination is confirmed.

The Chief Clerk read the nomination of John P. Barnes, of Illinois, to be United States district judge, northern district of Illinois.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. RANSDELL. Mr. President, the Committee on the Judiciary recommended the confirmation of George W. Montgomery to be United States marshal, western district of Louisiana. I ask for the present consideration of the nomination.

The VICE PRESIDENT. The nomination will be stated.

The Chief Clerk read the nomination of George W. Montgomery, of Louisiana, to be United States marshal, western district of Louisiana.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. COUZENS. Mr. President, from the Committee on the Judiciary, I report favorably the nomination of Ernest A. O'Brien, of Michigan, to be United States district judge, eastern district of Michigan, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The nomination will be stated.

The Chief Clerk read the nomination of Ernest A. O'Brien, of Michigan, to be United States district judge, eastern district of Michigan.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

ASSAYER

Mr. ODDIE. Mr. President, from the Committee on Mines and Mining, I report back favorably the nomination of Elias Marsters, of Boise, Idaho, to be assayer in charge of the United States assay office at Boise, Idaho, and ask for its present consideration.

The VICE PRESIDENT. The nomination will be stated.

The Chief Clerk read the nomination of Elias Marsters, of Boise, Idaho, to be assayer in charge of the United States assay office at Boise, Idaho.

The VICE PRESIDENT. Without objection the nomination is confirmed.

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. The Senator from Wisconsin has the floor. Does he yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I yield to the Senator from Nebraska.

Mr. HOWELL. I ask unanimous consent as in legislative session that the Senate proceed to the consideration of Order of Business 901——

Mr. LA FOLLETTE. Mr. President, I can not yield for that purpose. I object. The Executive Calendar having been completed, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed legislative business.

RESTRICTION OF IMMIGRATION

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 500) further restricting for a period of two years immigration into the United States, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

At the proper place in the bill to insert:

"That from and after July 1, 1931, migration of citizens of the Philippine Islands to continental United States shall be limited to students, visitors for business or pleasure, merchants, government officials, their families, attendants, servants, and employees.

"For the issuance of permits to travel to continental United States an official shall be designated as provided in paragraph (f) of section 28 of the immigration act of 1924, as amended.

"This joint resolution shall be in force and effect for five years from and after the date of its approval, and if within that time the independence of the Philippines shall have been granted or by act of Congress definitely provided for, then this joint resolution shall continue in force definitely thereafter."

PROPOSED EMBARGO ON PETROLEUM

Mr. LA FOLLETTE. Mr. President, I move to lay on the table the motion of the Senator from Kansas [Mr. CAPPER] to proceed to the consideration of the so-called petroleum bill.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. TRAMMELL. That is true; but I can suggest the absence of a quorum.

The VICE PRESIDENT. The Senator may.

Mr. TRAMMELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	McGill	Shipstead
Barkley	Fess	McKellar	Shortridge
Bingham	George	McNary	Smith
Black	Glenn	Metcalf	Steiwer
Blaine	Goff	Morrow	Stephens
Blease	Hale	Moses	Swanson
Borah	Hastings	Norbeck	Thomas, Idaho
Bratton	Hatfield	Nye	Thomas, Okla.
Bulkley	Hayden	Oddie	Townsend
Capper	Hebert	Partridge	Trammell
Connally	Howell	Phipps	Tydings
Copeland	Johnson	Reed	Vandenberg
Couzens	Jones	Robinson, Ark.	Walcott
Cutting	Kean	Robinson, Ind.	Watson
Davis	King	Schall	Williamson
Deneen	La Follette	Sheppard	

The VICE PRESIDENT. Sixty-three Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Wisconsin to lay on the table the motion of the Senator from Kansas. [Putting the question.] The ayes seem to have it.

Mr. KING. I ask for the yeas and nays.

Mr. LA FOLLETTE. I object. The Chair announced his decision, and it is too late to ask for the yeas and nays.

The VICE PRESIDENT. No; it is not too late. Is the request for the yeas and nays seconded? Apparently not. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

AMENDMENT OF COPYRIGHT LAW

Mr. HEBERT. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1799, the bill, H. R. 12549, to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

Mr. TRAMMELL. Mr. President, I suggest the absence of a quorum. A good many Senators have left the Chamber thinking we were going to adjourn after we concluded executive business.

The VICE PRESIDENT. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	McGill	Shipstead
Barkley	Fess	McKellar	Shortridge
Bingham	George	McNary	Smith
Black	Glenn	Metcalf	Steiwer
Blaine	Goff	Morrow	Stephens
Blease	Hale	Moses	Swanson
Borah	Hastings	Norbeck	Thomas, Idaho
Bratton	Hatfield	Nye	Thomas, Okla.
Bulkley	Hayden	Oddie	Townsend
Capper	Hebert	Partridge	Trammell
Connally	Howell	Phipps	Tydings
Copeland	Johnson	Reed	Vandenberg
Couzens	Jones	Robinson, Ark.	Walcott
Cutting	Kean	Robinson, Ind.	Watson
Davis	King	Schall	Williamson
Deneen	La Follette	Sheppard	

The VICE PRESIDENT. Sixty-three Senators have answered to their names. A quorum is present.

Mr. JONES. Mr. President, I think I ought to state particularly the matter to which I referred to a moment ago. I did not refer to the conference report on the deficiency appropriation bill but to the conference report on the maternity bill, which is before the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island [Mr. HEBERT].

The motion was agreed to and the Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

RESTRICTION OF IMMIGRATION

Mr. REED. Mr. President, yesterday I entered a motion to discharge the Committee on Immigration from the further consideration of House Joint Resolution 500. I now call up that motion.

Mr. COPELAND. Mr. President, is it in order for the Senator from Pennsylvania to do that?

The VICE PRESIDENT. The Chair thinks it is in order, if the Senator makes the motion, but if the motion is carried and the joint resolution is laid before the Senate, of course it would displace the unfinished business.

Mr. REED. I would then have to make a further motion to proceed to its consideration. I am now moving only to discharge the committee from the further consideration of the joint resolution, and I should like to say before that comes to a vote that I am authorized by the committee to report the joint resolution. I tried to do so yesterday, but unanimous consent was refused, and obviously no opportunity will be given the committee to submit the report unless we are to have a morning hour except on the motion to discharge.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KING. As I understood the Senator from Pennsylvania, he just stated that he was instructed by the committee to report this House joint resolution.

Mr. REED. That is exactly so.

Mr. KING. When did the committee meet?

Mr. REED. The committee met last week and considered the measure before it passed the House, and authorized me when the joint resolution came over from the House to make a favorable report upon it.

Mr. KING. I happen to be the ranking Democratic member of the committee. I had no notice of such a meeting, and I never heard of the House joint resolution being before the committee. I knew that there had been a Senate bill before the committee which had been considered, and that bill was referred to the Senator from Pennsylvania [Mr. REED], the Senator from California [Mr. JOHNSON], the Senator from New York [Mr. COPELAND], and myself. I have been waiting for a meeting of that committee. It seems to me that if the committee met sub silentio, without giving notice to the other members of the committee, and took up a measure that had not been passed by the House, it is a procedure that can scarcely be vindicated.

Mr. REED. Notice was given to every member of the committee. It was at the last meeting of the Immigration Committee. At that time a number of bills were ordered reported, and this joint resolution was laid before the committee at that time.

Mr. KING. Before it passed the House of Representatives?

Mr. REED. Before it passed the House. The joint resolution passed the House without amendment. The committee acted on it in exactly the form in which it has come here. So I say, Mr. President, that the motion to discharge the committee implies no disrespect to the committee, but is in accordance with the wishes of every member of the committee who was present at the last meeting.

Mr. COPELAND. Mr. President——

Mr. REED. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, my recollection is that the Committee on Immigration appointed a subcommittee consisting of the Senator from Pennsylvania, the Senator from California, and myself.

Mr. REED. That is correct, Mr. President.

Mr. COPELAND. And these measures were referred to the subcommittee?

Mr. REED. Not this joint resolution, Mr. President.

Mr. COPELAND. All measures relating to the restriction of immigration were so referred, and there has never been a meeting of that committee.

Mr. REED. This House joint resolution was introduced in the other House after that subcommittee was appointed.

Mr. COPELAND. Mr. President, I want to say in positive terms, as a member of the committee, one who has been faithful in his attendance, that the Committee on Immigration appointed a subcommittee to deal with all these matters of the restriction of immigration, and that committee, as the Senator from Pennsylvania well knows, has never been called together. I am not aware of any time when the Committee on Immigration has passed upon the joint resolution in question.

Mr. REED. Of course, Mr. President——

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Alabama?

Mr. COPELAND. I yield.

Mr. BLACK. I desire to ask the Senator, if this is the joint resolution which cuts down the immigration to 90 per cent.

Mr. COPELAND. Yes; it is, Mr. President.

Mr. BLACK. I hope the Senator will press his motion.

Mr. REED. I am going to press it.

Mr. KING. Mr. President, will the Senator from Pennsylvania yield?

Mr. REED. I yield.

Mr. KING. I want to say to the Senator that, as I stated a moment ago, I have never received any notice of the meeting. My secretary has sent me a note since I made that statement saying the notice was received in the mail the day after the meeting was called. If there had been a meeting of the committee, I would have been there. I ask the Senator from California if he knew of this meeting.

Mr. JOHNSON. I knew that there was a meeting of the Committee on Immigration, but I was not present at any time when this joint resolution was ordered reported.

Mr. KING. The chairman of the committee is not here.

Mr. JOHNSON. I do not know who was present or who reported the bill.

Mr. STEPHENS and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I yield first to the Senator from Mississippi.

Mr. STEPHENS. Mr. President, I am a member of the Immigration Committee. I was notified of the meeting; I attended the meeting, and I will say in this presence that the Senator from Pennsylvania [Mr. REED] is absolutely correct. We were informed that this joint resolution was pending before the House and was likely to pass on that day. We considered the House joint resolution, and the Senator from Pennsylvania was authorized to report that joint resolution and to take whatever steps were necessary to secure its passage when it came from the House.

Mr. REED. I thank the Senator from Mississippi.

Mr. KING. Mr. President——

Mr. REED. I insist upon my motion.

Mr. KING, Mr. LA FOLLETTE, and Mr. COUZENS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield, and, if so, to whom?

Mr. REED. I yield to the Senator from Utah.

Mr. KING. I should like to ask the Senator from Mississippi a question.

Mr. STEPHENS. I will be glad to answer the Senator's question.

Mr. KING. I want to ask the Senator from Mississippi if he thinks the procedure followed was fair to members of the committee? After the joint resolution was before the committee for several weeks, it was referred to a subcommittee of which the Senator from Pennsylvania was chairman, and the Senator from California, the Senator from New York were members, and while the committee was waiting to receive their report some members of the committee, perhaps a majority—I was not there and never heard of the meeting—met and passed upon the same joint resolution which was in the House and had not been brought here. It does seem to me that it was not quite fair to the committee.

Mr. STEPHENS. I think I am not called upon to pass upon the fairness or the unfairness of the proceeding. I was simply stating what actually occurred in the committee. I presumed at the time that every member of the committee was notified of the meeting. I attended as did several others, and we had a discussion of the matter and reached the agreement which the Senator from Pennsylvania has stated.

Mr. COPELAND. Mr. President, I can not conceive it possible the Senate will view with pleasure this situation. As I have stated, by reason of differences in the committee a subcommittee was appointed of which the Senator from Pennsylvania was the chairman. Two or three times in the next two weeks after the appointment of the subcommittee the Senator from Pennsylvania suggested to me that tomorrow or next Monday or at some other time we were to have a meeting of the Senate committee. He never called the committee together, and the subcommittee never has had this matter before it, and has never given it any consideration.

Mr. REED. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. REED. That was all stated at the full committee meeting; it was all explained to the full committee, and, knowing that, the committee reached its decision.

Mr. COPELAND. I will ask the Senator from Pennsylvania how many members of the committee were present at the full committee meeting?

Mr. REED. I think that several were present. I do not remember the number.

Mr. COPELAND. Were there three?

Mr. REED. I have just asked the Senator from Mississippi——

Mr. COPELAND. Were there three present?

Mr. REED. Oh, there were more than that.

Mr. COPELAND. Were there five?

Mr. REED. I do not remember.

Mr. COPELAND. I venture to say that there was not a quorum present and so far as I am concerned I had no knowledge of such a meeting. It is beyond reason that the Senate should take advantage of such a situation, when the committee itself has not given consideration to the measure, and it might long since have done that had the Senator from Pennsylvania called together the subcommittee in order that it might report.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

Mr. TRAMMELL. Mr. President, as I understand, the object of the Senator from Pennsylvania is to have the committee discharged from the further consideration of the bill so that, following such action, he may call up this joint resolution which has already passed the House and which will make a reduction of 90 per cent in the immigration to America.

Mr. REED. That is exactly the case, Mr. President.

Mr. TRAMMELL. And, as a natural consequence, the adoption of a measure of that character will work very beneficially and will be helpful at least in affording some relief in the unemployment situation in this country.

Mr. REED. That is exactly correct, Mr. President.

Mr. TRAMMELL. I am very heartily in sympathy with the measure, and, regardless——

Mr. COPELAND. Will the Senator yield?

Mr. COUZENS. Mr. President——

Mr. TRAMMELL. Just a moment—and, regardless of whatever deliberation may have taken place on the part of the committee, I dare say that Senators know a great deal more about this measure than they do about the copyright bill and are thoroughly capable of passing upon the simple question of restricting immigration and trying to help the laboring people of America, millions of whom are out of employment and begging that relief be given them in order to enable them to better their situation so that they may seek a livelihood in the different avenues of industry in this country. I think we ought to take up the joint resolution and pass it.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New York?

Mr. TRAMMELL. I yield.

Mr. COPELAND. Is not the Senator aware of the fact that by presidential proclamation, without further action, we now may have such a restriction of immigration?

Mr. TRAMMELL. If that is true, the passage of the joint resolution will not hurt anything.

Mr. COPELAND. But why do we need it? What is the use of keeping us here all night to consider the measure?

Mr. TRAMMELL. What is the use of anybody opposing the joint resolution if it makes no further restriction than we have at the present time? Why should it be opposed?

Mr. COPELAND. Does the Senator consider that the way in which the matter has been dealt with by the committee is fair to members of the committee who have had no opportunity to discuss the joint resolution?

Mr. TRAMMELL. I think that that is equally as fair as the method which was adopted by the Committee on Patents in dealing with the copyright bill. A member of that committee stated this afternoon that the Committee on Patents voted to report that bill favorably before it had ever come to the Senate from the House of Representatives, and I did not hear my good friend from New York object to that. He did not object to that character of procedure in the case of a bill he favors.

Mr. REED. Mr. President, will the Senator yield?

Mr. TRAMMELL. Certainly.

Mr. REED. I think Senators may want to bear in mind that House Joint Resolution 500 was not messaged to us from the House until yesterday, Monday, after 12 o'clock.

Mr. HEBERT. Mr. President, will the Senator yield?

Mr. TRAMMELL. Certainly.

Mr. HEBERT. I merely wish to state, Mr. President, that the Committee on Patents did not report the copyright bill to the Senate until after it had fully considered some 400 or 500 amendments and had held very extensive hearings. I did not want the statement to go unchallenged that the committee had voted to report the bill without consideration.

Mr. TRAMMELL. Mr. President, I will say to the Senator that I do not make that assertion myself; but it will be recalled that the Senator from Washington [Mr. DILL] did state here to-day that the committee had voted to report this bill favorably before it ever came from the House. Now, of course, he states that he insisted that the committee should carry on an inquiry and investigation thereafter, and that it was done; but, preceding that, the Committee on Patents, he stated, had agreed to report the bill favorably before it ever came here from the House. I do not know who is right.

Mr. HEBERT. Mr. President——

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. COPELAND. If the motion of the Senator from Pennsylvania should prevail, will that displace the copyright bill?

The VICE PRESIDENT. The Chair would hold, without further information on the subject, that the carrying of this motion would not, but the carrying of the second motion would.

Mr. COPELAND. That is, the second motion would be the motion to take up the bill?

The VICE PRESIDENT. To suspend the rules and proceed to its consideration.

Mr. COUZENS. Mr. President, will the Senator yield in order that I may move for a recess?

Mr. TRAMMELL. Yes; I yield for that purpose.

Mr. COUZENS. I move that (at 12 o'clock and 30 minutes a. m. Tuesday) the Senate take a recess until 10 o'clock this morning.

Mr. LA FOLLETTE. I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his absence I withhold my vote.

Mr. FESS (when his name was called). I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the senior Senator from Vermont [Mr. DALE] and will vote. I vote "yea."

Mr. GLENN (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. BROCK]. I transfer that pair to the junior Senator from Iowa [Mr. BROOKHART] and will vote. I vote "nay."

Mr. McNARY (when his name was called). Again referring to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. BULKLEY (after having voted in the affirmative). I have a pair with the junior Senator from Wyoming [Mr. CAREY]. I transfer that pair to the senior Senator from Florida [Mr. FLETCHER] and will allow my vote to stand.

Mr. HATFIELD (after having voted in the negative). I have a general pair with the junior Senator from North Carolina [Mr. MORRISON]. I transfer that pair to the junior Senator from Maryland [Mr. GOLDSBOROUGH] and will let my vote stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON];

The Senator from Idaho [Mr. THOMAS] with the junior Senator from Montana [Mr. WHEELER];

The Senator from New Hampshire [Mr. KEYES] with the senior Senator from Montana [Mr. WALSH]; and

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER].

The result was announced—yeas 17, nays 43, as follows:

YEAS—17

Ashurst	Couzens	Johnson	Trammell
Black	Dill	King	Tydings
Bulkley	Fess	McKellar	
Capper	George	Robinson, Ark.	
Copeland	Hayden	Smith	

NAYS—43

Barkley	Davis	Hebert	Metcalf
Blaine	Deneen	Howell	Morrow
Blease	Glenn	Jones	Moses
Borah	Goff	Kean	Norbeck
Bratton	Hale	La Follette	Nye
Connally	Hastings	McGill	Oddie
Cutting	Hatfield	McNary	Partridge

Phipps	Sheppard	Stephens	Walcott
Reed	Shipstead	Thomas, Okla.	Watson
Robinson, Ind.	Shortridge	Townsend	Williamson
Schall	Stelwer	Vandenberg	

NOT VOTING—36

Bingham	Gillett	Keyes	Smoot
Brock	Glass	McMaster	Steck
Brookhart	Goldsborough	Morrison	Swanson
Broussard	Gould	Norris	Thomas, Idaho
Caraway	Harris	Patterson	Wagner
Carey	Harrison	Pine	Walsh, Mass.
Dale	Hawes	Pittman	Walsh, Mont.
Fletcher	Heflin	Ransdell	Waterman
Frazier	Kendrick	Simmons	Wheeler

So the Senate refused to take a recess.

Mr. KING. Mr. President, I move to lay upon the table the motion of the Senator from Pennsylvania [Mr. REED]; and upon that I demand the yeas and nays.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. FESS (when his name was called). Making the same announcement of the transfer of my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the senior Senator from Vermont [Mr. DALE], I vote "nay."

Mr. GLENN (when his name was called). I have a general pair for the evening with the junior Senator from Tennessee [Mr. BROCK] and therefore refrain from voting.

Mr. HATFIELD (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. MORRISON]. I transfer that pair to the junior Senator from Maryland [Mr. GOLDSBOROUGH] and will vote. I vote "nay."

Mr. McNARY (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

Mr. BULKLEY (after having voted in the affirmative). I transfer my pair with the Senator from Wyoming [Mr. CAREY] to the Senator from Iowa [Mr. STECK] and will allow my vote to stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Connecticut [Mr. BINGHAM] with the junior Senator from Virginia [Mr. GLASS];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Hampshire [Mr. KEYES] with the senior Senator from Montana [Mr. WALSH];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Idaho [Mr. THOMAS] with the junior Senator from Montana [Mr. WHEELER]; and

The Senator from Colorado [Mr. WATERMAN] with the senior Senator from Virginia [Mr. SWANSON].

The result was announced—yeas 12, nays 46, as follows:

YEAS—12

Blaine	Cutting	La Follette	Schall
Bulkley	Howell	Norbeck	Shipstead
Copeland	King	Nye	Tydings

NAYS—46

Ashurst	George	McNary	Smith
Barkley	Goff	Metcalf	Stelwer
Black	Hale	Morrow	Stephens
Blease	Hastings	Moses	Thomas, Okla.
Bratton	Hatfield	Oddie	Townsend
Capper	Hayden	Partridge	Trammell
Connally	Hebert	Phipps	Vandenberg
Couzens	Johnson	Reed	Walcott
Davis	Jones	Robinson, Ark.	Watson
Deneen	Kean	Robinson, Ind.	Williamson
Dill	McGill	Sheppard	
Fess	McKellar	Shortridge	

NOT VOTING—38

Bingham	Gillett	Keyes	Steck
Borah	Glass	McMaster	Swanson
Brock	Glenn	Morrison	Thomas, Idaho
Brookhart	Goldsborough	Norris	Wagner
Broussard	Gould	Patterson	Walsh, Mass.
Caraway	Harris	Pine	Walsh, Mont.
Carey	Harrison	Pittman	Waterman
Dale	Hawes	Ransdell	Wheeler
Fletcher	Heflin	Simmons	
Frazier	Kendrick	Smoot	

So the motion to lay on the table was rejected.

Mr. TRAMMELL. Mr. President, in connection with the joint resolution which the Senator from Pennsylvania seeks to bring before the Senate, with which I am very heartily in sympathy, I just want to say for the RECORD that I have had petitions and resolutions from all of the patriotic organizations of my State, and from practically every organized-labor council in my State, in behalf of this measure. In addition to that, I have had a large number of communications, by wire and letter, from patriotic people in Florida, generally speaking, who believe in restricted immigration and who believe that we should at this time do all we can in the interest of American laborers, that we owe our first duty to American labor, and that we should restrict foreign immigration to this country. I wish to make acknowledgment in the RECORD of all those petitions and resolutions which I have received from the State of Florida.

It has also been brought to my attention by the labor organizations of my State that the American Federation of Labor at some recent convention unanimously indorsed this joint resolution. I think it very important, and I hope we will get it up for consideration.

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from Pennsylvania.

Mr. COPELAND. Mr. President, if I understand the motion, it is to discharge the committee from further consideration of this joint resolution. This seems to be a very remarkable procedure. The committee has not considered the joint resolution. The joint resolution has just passed the House and was sent to the Senate for consideration. To attempt to discharge a committee from the consideration of what has here been considered is really a strange form of legislative racketeering.

I do not think the Senate should vote for it under the circumstances.

A subcommittee was appointed for the purpose of considering this joint resolution and other measures. The committee was not called to meet, never made any report to the full committee, and yet it is proposed now to discharge the committee from the further consideration of a joint resolution which it never did consider.

Mr. COUZENS. Mr. President, before the motion is voted on, I would like to have an explanation from the Senator from Pennsylvania, because there are a great many protests coming to Senators with respect to this proposed legislation, particularly with respect to the fact that it will deter or prevent the joining of many families. I think before this matter is voted on we ought to know from the Senator just what the measure proposes.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. COPELAND. I do not know, of course, what the further intent of the Senator from Pennsylvania is. The pending motion is to discharge the committee.

Mr. COUZENS. I understand that.

Mr. COPELAND. It would take a further motion to proceed to the consideration of the bill. Of course, I assume that the Senator from Pennsylvania would not be willing to displace the copyright bill.

Mr. COUZENS. That is not important to the question I asked, as I see it.

Mr. REED. Mr. President, if the Senator will yield, let me first answer the Senator from New York.

If the pending motion carries, it puts the immigration measure on the calendar, a privilege which I have been denied during the day when I asked unanimous consent to make the report.

Then it will be necessary to make another motion, to proceed to the consideration of the joint resolution, once it is on the calendar.

If there is going to be a filibuster against the copyright bill, I will not wait any longer, but I will make a motion for consideration of this joint resolution, and try to have it pass. If there is no filibuster against the copyright bill, I would like to see it acted on before this joint resolution is taken up.

Now to answer the question of the Senator from Michigan. Any immigration-restriction measure necessarily interferes to some extent with the reunion of families in this

country. When there is talk about reuniting families, we must remember that the separation always takes place in some other country, and the reunion desired always has to take place in this country; and that we did not separate the families, that the families separated themselves.

However, realizing the human appeal that is made by the man who wants to bring his relatives here from abroad, the Congress has very liberally allowed preferences to American citizens to bring in their relatives outside the quota entirely, and it has allowed preferences to them to bring in more distant relatives ahead of anybody else within the quota, and this measure does not in any way interfere with those preferences. What it does is to reduce the quotas themselves. In so far as it is possible within the reduced quotas, the process of reuniting families can go on.

I may say to the Senator that the evidence showed that even these reduced quotas would be large enough to allow all of the relatives preferences to come in from all of the countries of northern and western Europe. It will not prevent any family reunion from northern or western Europe—that is, the Scandinavian countries, Great Britain, Ireland, France, Belgium, Holland, Germany.

The countries which would be retarded in the so-called family reunions would be the southern and eastern countries of Europe, like Poland, Italy, some of the Balkan countries, countries in that part of Europe.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. REED. May I explain the reason why that is so?

Mr. COUZENS. Certainly.

Mr. REED. It seems to be the habit of a German or an Englishman or a Swede when he comes to the United States to bring his family with him. On the other hand, it seems to be the habit of the average Greek or Italian to come alone, leaving his family behind him, and it is from that latter class that we hear the demand for the reunion of families. The northerner, the average German, the average Englishman, the average Swede, does not make that demand so loud, because there never was a separation in his family. Ordinarily he has brought his wife and children with him to share his fate in the new land.

I now yield to the Senator from Michigan.

Mr. COUZENS. I would like to ask the Senator a further question. In section 2 of the joint resolution I find this language:

During such fiscal years no immigration visas shall be issued under subdivision (c) of section 4 of the immigration act of 1924.

What is subdivision (c) of section 4?

Mr. REED. That is that part of the immigration law which allows unlimited immigration from the countries of the Western Hemisphere. The effect of this joint resolution will be to allow quotas to the countries of the Western Hemisphere which will be exactly 10 per cent of the number of persons who came from those countries to the United States during the last fiscal year. In other words, if 20,000 Mexicans came last year—I have not the exact figures in my head, but I say that for the purpose of illustration—then the quota for Mexico beginning next July 1 will be 10 per cent of 20,000, or 2,000 persons. The immigration from Mexico will be limited to 2,000 persons during the next fiscal year, under those circumstances.

Mr. COUZENS. In other words, this is applying the quotas to countries which do not now have quotas?

Mr. REED. For the next two years.

Mr. COUZENS. I think that is a different phase of the situation. As I understood the proposal, it was to limit the countries which now have quotas, but I understand this goes further than that, and we will now place quotas on countries which never heretofore had quotas.

Mr. REED. We saw no use locking the front door and leaving the back door open. We saw no use keeping out British or Germans or Scandinavians and letting an indefinite number of Mexican people into the country.

Mr. COUZENS. I am not finding particular fault with that; but I was wondering why that was not done when the act was passed. If the front door was closed, why was not the back door closed then?

Mr. REED. Because we thought then that the immigration from the Western Hemisphere was relatively negligible. The year which has gone by has shown us that that is not so, and that the quality of the immigration we have been receiving from Mexico particularly, and from the British West Indies, was of the lowest type of citizen they had to send us.

Mr. BORAH. Mr. President, does this cover all the Western Hemisphere?

Mr. REED. Yes; it is absolutely impartial. It covers the whole round globe. Nobody is favored.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Pennsylvania.

Mr. COPELAND. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). Making the same announcement relative to my pair and transfer, I vote "yea."

Mr. GLENN (when his name was called). I have a general pair for the evening with the junior Senator from Tennessee [Mr. BROCK]. In his absence I withhold my vote.

Mr. HATFIELD (when his name was called). In keeping with my former statement, I transfer my pair with the junior Senator from North Carolina [Mr. MORRISON] to the junior Senator from Maryland [Mr. GOLDSBOROUGH] and vote. I vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Missouri [Mr. HAWES];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Idaho [Mr. THOMAS] with the Senator from Montana [Mr. WHEELER];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS].

The roll call was concluded.

Mr. GEORGE. I desire to announce that my colleague the senior Senator from Georgia [Mr. HARRIS] is necessarily absent. If he were present, he would vote "yea."

Mr. COPELAND. I wish to announce that my colleague the junior Senator from New York [Mr. WAGNER], who is necessarily absent, would vote "nay" if he were present.

Mr. BULKLEY (after having voted in the negative). I announce the same transfer of my pair as on the last vote and allow my vote to stand.

Mr. BLEASE (after having voted in the affirmative). I have a pair with the Senator from Maine [Mr. GOULD]. However, I understand that he would vote as I have voted on this question. Therefore I will allow my vote to stand.

The result was announced—yeas 44, nays 13, as follows:

YEAS—44

Ashurst	George	McKellar	Shortridge
Barkley	Goff	McNary	Smith
Black	Hale	Metcalf	Steiwer
Blease	Hastings	Moses	Stephens
Bratton	Hatfield	Oddie	Thomas, Okla
Capper	Hayden	Partridge	Townsend
Connally	Hebert	Phipps	Trammell
Couzens	Howell	Reed	Vandenberg
Davis	Jones	Robinson, Ark.	Walcott
Dill	Kean	Robinson, Ind.	Watson
Fess	McGill	Sheppard	Williamson

NAYS—13

Blaine	Cutting	Morrow	Shipstead
Borah	Johnson	Norbeck	Tydings
Bulkley	King	Nye	
Copeland	La Follette		

NOT VOTING—39

Bingham	Dale	Glenn	Heflin
Brock	Deneen	Goldsborough	Kendrick
Brookhart	Fletcher	Gould	Keyes
Broussard	Frazier	Harris	McMaster
Caraway	Gillett	Harrison	Morrison
Carey	Glass	Hawes	Norris
Connally	Hastings	McGill	Oddie
Cutting	Hatfield	McNary	Partridge

So the motion to lay on the table was rejected.

Patterson	Schall	Swanson	Walsh, Mont.
Pine	Simmons	Thomas, Idaho	Waterman
Pittman	Smoot	Wagner	Wheeler
Ransdell	Steck	Walsh, Mass.	

So Mr. REED's motion was agreed to.

The PRESIDENT pro tempore. The joint resolution will be placed on the calendar.

AMENDMENT OF COPYRIGHT LAW

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the convention of Berne for the protection of literary and artistic works.

Mr. HEBERT. Mr. President, the copyright bill is before the Senate. I ask that the clerk proceed with the reading of the bill.

The legislative clerk resumed the reading of the bill on page 8, section 7, and read to the end of section 7.

Mr. TYDINGS. Mr. President, it is after 1 o'clock a. m. and the Senate has agreed to meet at 10 o'clock a. m. I do not want to delay or interfere with the transaction of business, but it does occur to me that with only 57 Senators present at 1 o'clock in the morning it would be better to get some sleep and come back, and then take up the bill, than it would to go through the futile process of trying to understand it at this late hour in the morning. Therefore I move that the Senate take a recess until 10 o'clock this morning.

Mr. LA FOLLETTE. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. GLENN (when his name was called). I repeat the announcement made on the last vote and vote "nay."

Mr. HATFIELD (when his name was called). Making the same statement that I previously made I vote "nay."

The roll call was concluded.

Mr. BULKLEY. I transfer my pair with the junior Senator from Wyoming [Mr. CAREY] to the senior Senator from Iowa [Mr. STECK] and vote "nay."

Mr. FESS. I wish to announce the following general pairs:

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Idaho [Mr. THOMAS] with the Senator from Montana [Mr. WHEELER];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Missouri [Mr. HAWES]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 17, nays 39, as follows:

YEAS—17

Ashurst	Copeland	Johnson	Smith
Black	Couzens	King	Tydings
Blaine	Dill	McGill	
Blease	George	McKellar	
Connally	Hayden	Shipstead	

NAYS—39

Barkley	Hale	Morrow	Steiwer
Borah	Hastings	Moses	Stephens
Bratton	Hatfield	Norbeck	Thomas, Okla.
Bulkley	Hebert	Oddie	Townsend
Capper	Howell	Partridge	Trammell
Cutting	Jones	Phipps	Vandenberg
Davis	Kean	Reed	Walcott
Deneen	La Follette	Robinson, Ind.	Watson
Fess	McNary	Sheppard	Williamson
Goff	Metcalf	Shortridge	

NOT VOTING—40

Bingham	Dale	Goldsborough	Kendrick
Brock	Fletcher	Gould	Keyes
Brookhart	Frazier	Harris	McMaster
Broussard	Gillett	Harrison	Morrison
Caraway	Glass	Hawes	Norris
Carey	Glenn	Heflin	Nye
Patterson	Robinson, Ark.	Steck	Walsh, Mass.
Pine	Schall	Swanson	Walsh, Mont.
Pittman	Simmons	Thomas, Idaho	Waterman
Ransdell	Smoot	Wagner	Wheeler

So the Senate refused to take a recess.

The PRESIDENT pro tempore. The clerk will resume the reading of the bill.

The reading of the bill was continued to line 24, page 8, at which point the committee proposes to insert the following new provision:

Whenever any copyrighted work or part thereof shall hereafter be used, reprinted, copied, or distributed by or for the United States without license of the owner of the copyright or lawful right, such owner's remedy shall be by suit against the United States in the Court of Claims for the recovery of his reasonable and entire compensation therefor: *Provided*, That in any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by any defendant in an action for infringement: *Provided further*, That the benefits of this action shall not inure to any copyright owner who, when he makes such claim, is in the employment or service of the Government of the United States or the assignee of any such author, nor shall this section apply to any matter originated by the author during the time of his employment or service by the Government of the United States.

Mr. TRAMMELL. Mr. President, I desire to offer an amendment for the purpose of perfecting the amendment proposed by the committee. On page 9, line 8, I move to strike out the words "provided further," and to strike out also all of lines 9, 10, 11, 12, 13, and 14.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. TRAMMELL. I will state briefly that I have no desire to delay the bill. I think this is a matter of importance and worthy of some consideration. I do not know when I ever saw such an effort to railroad a matter of such great importance through the Senate as there is in this instance. Senators talk about filibustering! On the other hand, there seems to be a determined effort to try to railroad this matter through absolutely with no consideration of the different provisions of the bill.

The amendment which I have proposed to the amendment of the committee is to strike out the following language:

Provided further, That the benefits of this action shall not inure to any copyright owner who, when he makes such claim, is in the employment or service of the Government of the United States or the assignee of any such author, nor shall this section apply to any matter originated by the author during the time of his employment or service by the Government of the United States.

The plain and unquestionable language of the proviso which I seek to strike out is that if a person is working for the Federal Government or working for an assignee then that person, although holding a copyright which may have been granted years prior to his employment, shall have no right to institute a claim against the Federal Government nor against the assignee for infringement of that copyright. I do not think anybody wants to make such a complete slave of an employee of the Government or an assignee that he would have no right to proceed in order to protect his patent if it is infringed by the Federal Government or by some assignee. That is the plain language of the provision. I presume a great many of my friends in the Senate who are supporting this bill desire to have that done. They desire to have a law that will provide that if a Government employee had a copyright five years previous to his entry into the employ of the Government, and then finds the Government is infringing his patent after he goes into the Government employ, the fact that he has a position with the Government forever ties his hands and takes from him his right to sue for infringement and that the same applies with reference to an assignee.

Mr. HEBERT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Rhode Island?

Mr. TRAMMELL. I yield.

Mr. HEBERT. Let me say to the Senator that the committee, when considering this amendment, thought we ought to afford some protection to the Federal Government, but inasmuch as the Senator feels that that should not be done, I, on behalf of the committee, am willing to accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Florida to the amendment of the committee. Without objection, the amendment to the amendment is agreed to.

Mr. TRAMMELL. Mr. President, I desire to protect the Federal Government, but I do not think the Federal Government or an assignee should lay the strong hand, as it were, upon an employee and rob him of his rights, and that is the reason why I offered the amendment.

Mr. BLACK. I desire to ask the Senator from Rhode Island [Mr. HEBERT] if the provision is a new one which provides for suit against the United States Government by one to whom it has granted the grace of a copyright.

Mr. HEBERT. It is a new provision. The committee felt there was no reason why suit should not be brought against the Government for infringement of a copyright by the Government as well as by an individual.

Mr. BLACK. Does the Senator think that all matters of copyright or matters of grant by the Government are of special privilege which are frequently used as a monopoly, as the Authors and Composers Union of New York is using it at the present time? I call the Senator's attention to the fact that in last Saturday's United States Daily a report was made of a case pending in the Supreme Court at the present time. A suit was filed against a hotel in Kansas City, and here is what the report said:

> According to the brief a radio station at Kansas City broadcast a musical number with the permission of the copyright owner. The selection was picked up by the hotel central receiving set and through it made available to guests of the hotel in public and private rooms. Suit was instituted against both the broadcaster and the hotel.

The result is that under the law, even as it now exists, a suit is pending in the Supreme Court on the theory that if a hotel central office happens to pick up a tune, a popular melody, and transmits it to the private rooms of its guests a suit may be brought against the hotel. May I ask the Senator if the evidence before the committee did not show that 90 per cent of all the popular songs to-day were owned and controlled by one organization in New York; that 90 per cent of all the popular melodies that are broadcast over the radio are owned by one company in New York?

Mr. HEBERT. If the Senator will pardon me, that is not true. They are not owned by one company in New York; they are owned by the owners of the copyright—the Society of Authors and Composers. It is a New York organization of authors and composers. They are not owned by a company, I will say to the Senator.

Mr. TYDINGS. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. I yield to the Senator from Maryland.

Mr. TYDINGS. Will the Senator yield for the purpose of suggesting the absence of a quorum? There are very few Senators in attendance. This bill is important enough to command a quorum.

Mr. BLACK. I am perfectly willing to yield to the Senator from Maryland for that purpose.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	King	Sheppard
Barkley	Dill	La Follette	Shipstead
Black	Fess	McGill	Shortridge
Blaine	Glenn	McNary	Smith
Blease	Goff	Metcalf	Steiwer
Borah	Hale	Morrow	Stephens
Bratton	Hastings	Moses	Thomas, Okla.
Bulkley	Hatfield	Nye	Townsend
Capper	Hayden	Oddie	Trammell
Connally	Hebert	Partridge	Tydings
Copeland	Howell	Phipps	Vandenberg
Couzens	Johnson	Reed	Walcott
Cutting	Jones	Robinson, Ark.	Watson
Davis	Kean	Robinson, Ind.	Williamson

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment as amended.

Mr. BLACK. I want to ask the Senator from Rhode Island another question. Information came to me this afternoon, for which I can not vouch. It is on the same proposition that I was discussing with the Senator, and is to the effect that this so-called authors' and composers' association is, in reality, run for the benefit of a very few men in the city of New York. I was told by a man on the floor this afternoon that the evidence showed that they paid one man $100,000 a year salary. Does the Senator know whether or not that came out in the evidence?

Mr. HEBERT. It did not; but it did come out in the evidence that there are 700 authors and composers who are members of that society.

Mr. BLACK. The Senator did not bring out before the committee the amount that went to the authors and composers and the amount that went to eight men in New York, did he?

Mr. HEBERT. One of the witnesses before the committee testified that, from the revenue from fees and radio broadcasting, the society had an income last year of about $700,000.

Mr. BLACK. Did it appear how that money was divided?

Mr. HEBERT. It did not.

Mr. BLACK. I should like to ask the Senator another question. I have now on my desk a letter from a small hotel. The owner had a 4-piece orchestra at that hotel, a very good thing for the size of the town. He bought some music; the orchestra happened to play a piece which had been purchased at a music store, and the first thing he knew a man came to his hotel and informed him that he was infringing on the copyright and demanded, I believe it was, $250. The music had been played a few times, and he was finally compelled to settle for $60. Under the law as it is now written, could that be repeated?

Mr. HEBERT. Mr. President, that law was established by the Supreme Court of the United States in the case of Victor Herbert against Shanley's Restaurant, which was decided in 1917.

Mr. BLACK. Then, it is true that if a man happens to have a two or three piece orchestra playing at his hotel or restaurant and it plays a piece of music which was bought he must pay damages if he has not found out in advance to whom he should pay the royalty? Is that correct?

Mr. HEBERT. Mr. President, I thought I answered that question when I stated that that had been decided by the Supreme Court in 1917.

Mr. BLACK. I understood that. Now another question, I desire to ask, is this: I have also understood that if a bootblack stand here in the city of Washington has a radio and happens to play a piece of music—and of course all music will be copyrighted automatically under this proposed law—if the owner of the bootblack stand does not in advance pay a royalty he will be subject under this bill to $250 damages.

Mr. HEBERT. Mr. President, that is not so, because of an amendment which has been agreed to and which has been inserted in the bill.

Mr. BLACK. The penalty is $100 now, is it not?

Mr. HEBERT. It is not anything under the amendment as agreed to.

Mr. BLACK. May I say to the Senator that, according to the information given me by the Senator from Washington, in this bill the amount has been reduced from $250 damages to $100 damages.

Mr. HEBERT. Where no admission is charged to a place there is no charge for the music and no copyright infringement.

Mr. BLACK. There is no admission charged in a hotel restaurant or in a hotel café.

Mr. HEBERT. The Supreme Court held that there was in effect a charge for admission.

Mr. DILL. The Senator does not mean quite that. What the court held was that there was a reproduction for profit, because the reproduction of the music brought guests to the hotel.

Mr. HEBERT. It came to the same thing. The court held that as they were operating for profit; what is known as the "cover charge" was partly for the music being furnished.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. TRAMMELL. Mr. President, I should like to ask the Senator if the court so held under existing law why was it the committee did not try to give the public a little relief against such an abuse as that, instead of trying to strengthen the law and create a greater opening for an abuse of that kind against the public?

Mr. HEBERT. I do not think that the committee has done any such thing.

Mr. TRAMMELL. I think, if that is the law now, we ought to put an amendment in the pending bill to correct that, instead of trying to strengthen it and to give greater latitude for an abuse of that kind, to the annoyance of the people of this country.

At the appropriate time—and I do not want to lose my right—I am going to make a motion to strike out the amendment in section 7, in regard to suits against the Government. That is a new departure; that is a new privilege or concession which is given to the promoters. Ninety per cent of all the protection that is provided in this bill goes to that association in New York, instead of going to the authors. Not over 10 per cent goes to the authors, while 90 per cent of it goes to the trust and monopoly handling the productions of the authors throughout the country. I do not think we ought to open up an avenue to them so that they can harass and annoy the Government with their suits in the Court of Claims.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Michigan?

Mr. TRAMMELL. I yield.

Mr. COUZENS. Will the Senator offer an amendment to cut out the proviso beginning in line 8 and ending in line 14, on page 9?

Mr. TRAMMELL. I will offer that amendment.

Mr. COUZENS. That amendment was carried.

Mr. TRAMMELL. That was carried.

Mr. COUZENS. What is the objection to offering an amendment now to the amendment of the committee?

Mr. TRAMMELL. The substance of my proposal would be the rejection of the committee amendment, I presume.

Mr. COUZENS. Instead of offering it later, I trust the Senator will offer it now.

Mr. TRAMMELL. I want to have the entire amendment rejected.

The VICE PRESIDENT. Let the Chair suggest that that amendment would be in order after the committee amendment shall have been disposed of. It was agreed that the committee amendments should be considered first.

Mr. COUZENS. This is a committee amendment.

Mr. TRAMMELL. What I desire to do is really to reject the committee amendment. That is a particular feature of this section that I think is objectionable. It just adds another concession, allowing copyright owners to go into the Court of Claims, a privilege which, out of 120,000,000 people in this country, very few enjoy. It is a special privilege granted to this class to sue in the Court of Claims. Congress has never accorded to the ordinary citizen, if he has a grievance against the Government, the right to go into the court and sue the Federal Government. Yet we would make that concession to this particular class, while 90 per cent of the benefits of it would go to the trust operating in the production of these works.

Mr. REED. Mr. President——

Mr. TRAMMELL. I yield to the Senator.

Mr. REED. I desire to ask the Senator, who has given so much attention to this matter, whether, in his judgment, there is any possibility of passing this bill, even if the Senate should remain in session all night?

Mr. TRAMMELL. I dislike to say in regard to that. I have studied this bill. I will state frankly that my inclination was to support the bill at first, until I read it; but after I read it, I said, "I can not vote for anything like that unless it is very materially amended."

I spent about three or four hours reading this bill without any prejudice for or against it. When I read the bill I saw that the concessions were all made one way, as I conceived them; and I have just stated that under those circumstances I should like to vote for some reasonable protection and aid toward these poor unfortunates—that trust up there, for instance, which, I understand, pays about $100,000 a year to a representative. It is making enough money to do that; and some of the promoters of it are making a great deal more probably. I do not think, however, that it is quite proper to make such enormous concessions to this poverty-stricken concern that is chiefly backing this bill. If they can pay $100,000 or $150,000 a year for an attorney, and have all kinds of lobbyists around here advocating and pushing this measure, I do not think their condition is so very distressed that we should not give a little deliberation to considering the bill.

So I am going to discuss, from time to time, the different features of this bill which I think are not in the interest of the American people, and really not in the interest of the authors of the country, and I think in the main are absolutely against the interest of the press of the country. I do not know how much time it will take. The bill has fifty-odd pages and a good many amendments.

Mr. REED. How many pages have been considered thus far?

Mr. TRAMMELL. About nine pages, I think.

Mr. REED. Nine pages have been covered in four days, and there are 50 pages still to come.

Mr. TRAMMELL. Mr. President, that statement is not exactly correct. This bill was called up probably four days ago, but I do not think over six hours all told have been actually devoted to this particular bill.

The various extraneous matters that have arisen have not arisen in connection with any delay on this bill, but have arisen on account of conference reports, calling up the oleomargarine bill, and different other matters.

Mr. REED. If it has taken 6 hours to do 9 pages, it is going to take about 40 hours to do the remaining 40 pages; and there are only 34½ hours left of this Congress.

I should like to ask the Senator from Utah [Mr. KING] if he thinks this bill could pass to-night?

Mr. KING. Mr. President, I am not quite clear why the Senator should "pick on me."

Mr. REED. I know the Senator has studied it.

Mr. KING. I have given some little attention to the bill. I am utterly unable to answer the Senator. There are some provisions in the bill that are meritorious. There are some that I think should be amended.

I will say very frankly that the failure to pass the bill, in my opinion, would work no harm except, perhaps, to one organization referred to by the Senator from Florida a few moments ago. I am perfectly willing to grant the relief to which reference was made; but I am very much opposed to this automatic copyright, plunging the United States into European affairs without any reservations whatever. Our fathers have rejected that proposition every time it has come up; and yet I would waive that, because I am anxious to get a reasonably safe and sound bill through, and I would not take part in any filibuster.

Mr. REED. Oh, no.

Mr. KING. I have not talked 15 minutes on this bill.

Mr. REED. I am not implying that the Senator is filibustering.

I see the Senator from Indiana [Mr. WATSON], the Republican leader. May I ask him whether he thinks there is any chance of getting this bill through to-night, even if we stay in session all night?

Mr. WATSON. Mr. President and Senators, I have talked with a number of Senators who told me they thought there was no possibility of passing this bill to-night; but sometimes men talk one way and act the other, especially under press of circumstances such as may happen to people of our advanced years about 1.30 in the morning.

So far as I am concerned, I will say to the Senator from Pennsylvania that I am willing to stay here all night to help pass the bill.

Mr. REED. So am I, if it will pass.

Mr. WATSON. I am willing to stay here to help try to pass it. I think it is due the sponsors of this measure, who have worked so faithfully and so diligently for so many years to bring it to its present state of perfection, and I think it is due to the Senator from Rhode Island [Mr. HEBERT] that he be given a full opportunity to test the question as to whether or not the Senate really wants this measure passed.

I am in full sympathy with the Senator from Pennsylvania in wanting to pass his bill, because I think it is a most meritorious bill. I am a member of the committee that reported it; but, really, because of that fact I do not think this bill should be displaced as long as there is a possibility of passing it. That is my judgment.

Mr. FESS. Mr. President, will the Senator yield for a question? Is there any possibility of getting a limit on debate on the copyright bill?

SEVERAL SENATORS. No!

Mr. KING. Mr. President, we shall be greatly pleased to hear the Senator from Ohio, as we always are.

Mr. TRAMMELL. Mr. President, if the Senator will yield, I do not see why the Senator wants to try to railroad this proposition. No lengthy speeches have been made. I think every Senator here realizes that the different points of objection are matters that are perfectly proper to be discussed. Is not this question of opening up the avenue so that the Federal Government can be sued a matter of a little importance to the American people? A big question of that character has been discussed only 10 or 15 minutes.

Another question is that of subordinating the rights of an employee, and robbing him of his privilege to sue either the Federal Government or an assignee if there is an infringement of his copyright that might have occurred prior to his employment. That has occupied about 15 or 20 minutes. Is not that a matter of some importance to the Senate and to the American people?

Mr. FESS. That amendment has already been made.

Mr. TRAMMELL. There is no disposition to try to draw out the debate at all. There should not be any disposition to try to railroad this matter.

Mr. HOWELL obtained the floor.

Mr. COUZENS. I suggest the absence of a quorum.

Mr. HOWELL. Mr. President, will the Senator withhold that suggestion for a moment?

The VICE PRESIDENT. Does the Senator withdraw his suggestion?

Mr. COUZENS. I do not withdraw it, but I withhold it.

AMENDMENT OF PUBLIC ACT NO. 624, SEVENTY-FIRST CONGRESS

Mr. HOWELL. Mr. President, I have an amendment to a bridge bill which will not go through unless it is passed to-night. I am going to ask unanimous consent for the consideration of this bill. It is Order of Business No. 1901 on the calendar.

The VICE PRESIDENT. The clerk will state the bill for the information of the Senate.

Mr. BRATTON. What is the request?

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent for the consideration of a bridge bill, which the clerk is about to read for the information of the Senate.

The Chief Clerk read the bill (S. 6263) to amend Public Act No. 624, Seventy-first Congress, as follows:

Be it enacted, etc., That section 2 of Public Act No. 624, Seventy-first Congress, is amended by adding before the period at the end thereof a colon and the following proviso: "*Provided*, That no such city or county shall exercise any rights or powers herein granted unless and until a majority of the electors of such city or county, voting at a general election, shall have expressed their approval of the exercise of such rights or powers, or if a special election is held therefor, unless and until 60 per cent of the electors voting at such election shall have expressed their approval of the exercise of such rights and powers."

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed.

CALLING OF THE ROLL

Mr. COUZENS. Now I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	King	Robinson, Ind
Barkley	Dill	La Follette	Sheppard
Black	Fess	McGill	Shipstead
Blaine	Glenn	McKellar	Shortridge
Blease	Goff	McNary	Smith
Borah	Hale	Metcalf	Stelwer
Bratton	Hastings	Morrow	Stephens
Bulkley	Hatfield	Moses	Thomas, Okla.
Capper	Hayden	Nye	Townsend
Connally	Hebert	Oddie	Trammell
Copeland	Howell	Partridge	Vandenberg
Couzens	Johnson	Phipps	Walcott
Cutting	Jones	Reed	Watson
Davis	Kean	Robinson, Ark.	Williamson

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. A quorum is present.

RESTRICTION OF IMMIGRATION

Mr. REED. Mr. President, I move that the Senate suspend the second paragraph of Rule XXVI and proceed to the consideration of House Joint Resolution 500, further restricting for a period of two years immigration into the United States.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. COPELAND. What effect will the adoption of this motion have upon the pending bill?

The VICE PRESIDENT. It will displace the pending bill.

Mr. COPELAND. It will set aside the copyright bill. It will defeat the wishes and desires of the thousands of authors, musical producers, and others who are interested in this measure.

Mr. TRAMMELL. To refuse to set it aside would be contrary and disappointing to the wishes and the heart yearnings of all the patriotic organizations of America, of all the unemployed, and the laboring people of this country, those who believe in restricted immigration.

Mr. COPELAND. Mr. President, I can not quite follow the Senator.

Mr. COUZENS. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. COUZENS. I do not understand the statement just made by the Senator from New York. This bill would not change the status quo of authors and publishers. They are existing under the present law, and have been for many, many years. Why the haste to enact this bill?

Mr. HEBERT. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Rhode Island?

Mr. COPELAND. I yield.

Mr. HEBERT. I think I have already explained to the Senate that there is need for haste in order to get into the International Copyright Union before the 1st of August of this year, which is the last day on which the United States can enter. The authors and composers of this country consider it of very great importance for the United States to become a member of that union.

Mr. COUZENS. We have not been a member of the union up to this time, have we?

Mr. HEBERT. That is true.

Mr. COUZENS. Have they suffered very greatly because we have not been?

Mr. HEBERT. Oh, yes, Mr. President; they have been at a disadvantage. They have to go over to England to get their copyrights for use in other countries.

Mr. DILL. Mr. President, I think it ought to be said, in fairness, that we can go into the Rome convention just as well as into the Berne convention. The necessity of getting into the Berne convention is not itself a reason for passing this bill. A lot of people came before the committee and told us how important it was to get into the Berne convention, but when we asked them what the advantage was,

they just had two advantages to state. One was that we could make certain reservations—but this bill does not make those reservations—if we went into the Berne convention, which we could not if we went into the other. The second advantage was that it would cost a little bit more to run the convention from the United States Treasury under the Berne convention. I am not complaining about it, but I have failed to hear anybody give any real sound reason why there was any advantage in our getting into the Berne convention.

Mr. HEBERT. Mr. President, the soundest reason why we should not go into the Rome convention is that it does not exist. Only two states have signified their intention of adhering to the Rome convention, and it will not be in existence until six have agreed, and there is no assurance that six will ever agree.

Mr. DILL. The Rome convention was written in 1928 and the Berne convention was written in 1886. Mr. Solberg, who I think is as good authority on this matter as can be found, stated that in his judgment inside of three years there would not be anybody in the Berne convention, and other men who appeared before us stated that if we went into the Berne convention, we could then join the Rome convention. I do not think there is any great rush about getting in by August 1. I never have felt so. But I do think there would be many advantages from getting into a European convention. I dislike, however, to have the Senate told about the terrible burden upon us if we do not get into the Berne convention.

Nobody has been able to cite any real value of the Berne convention as against the Rome convention, while, on the other hand, the Rome convention would protect radio rights, which the Berne convention would not protect, and the Rome convention does protect the paternity of authors, which the Berne convention does not protect. I do not like to have the Senate given the impression that we are going to be ruined if we do not join the Berne convention.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. TRAMMELL. Would there be any inhibition against entering the Berne convention if we did not go in this year?

Mr. DILL. Yes; after August 1.

Mr. TRAMMELL. Then we would have to go into the Rome convention?

Mr. DILL. Yes.

Mr. TRAMMELL. Which latter is the more desirable, the Senator has been impressed.

Mr. DILL. I can not find any advantages in the Berne convention. It is not necessary to pass all this legislation and get into the Berne convention, but it is a little like the Christian Science proposition, this is all hung upon it as an excuse. But I am not objecting to our going into the Berne convention. I am objecting to anyone attempting to give the impression that we are forever barred from getting into the international union if we do not go in before the 1st of August.

Mr. TRAMMELL. I have suggested that the way to settle this is to provide that we will extend the copyright privilege three or four years, which would take care of the special case brought before us, and then we could vote on the question of whether or not we would enter the Berne convention, and the other important features could be disposed of.

Those who are so anxious to go into the Berne convention, those who are so anxious to extend the copyright privilege for three or four years to the particular case, can get the matter easily adjusted in that way, and the other important matters can be settled later.

Mr. HEBERT. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HEBERT. If the motion of the Senator from Pennsylvania shall be agreed to, would that displace the bill now under consideration?

The VICE PRESIDENT. It would displace the bill, and as it will take a two-thirds vote to carry the motion, it being a motion to suspend the rules, the Secretary will call the roll.

Mr. HEBERT. I hope the motion will not be agreed to.

Mr. COPELAND. Mr. President, it may seem strange for a doctor of medicine to make any plea for Christian Science, but as a matter of fact I have in my heart a sympathetic, kindly feeling for that organization.

The officials of that organization are very anxious that the copyright on Science and Health shall be continued. I have no question but that very much of the enthusiasm for this bill comes from the adherents to that faith.

The book referred to has brought comfort and happiness to thousands of people, and I feel that it is utterly wrong for us to deny to the Christian Scientists what they have so long sought. There are friends of the bill here, in spite of the disparaging things which have been said in the last 15 minutes; and I sincerely hope that the motion will not prevail, because if it does the copyright measure will be set aside and all the fond hopes of the friends of the measure will have fallen to the ground.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. GLENN (when his name was called). I have a general pair for the evening with the junior Senator from Tennessee [Mr. BROCK]. I understand that under the present circumstances that pair will not apply, and therefore I vote "nay."

The roll call was concluded.

The vote resulted—yeas 22, nays 34, as follows:

YEAS—22

Ashurst	Couzens	McKellar	Stephens
Barkley	Dill	Moses	Thomas, Okla.
Black	George	Reed	Trammell
Blease	Hayden	Robinson, Ark.	Williamson
Bratton	Jones	Sheppard	
Connally	McGill	Smith	

NAYS—34

Blaine	Glenn	La Follette	Shipstead
Borah	Goff	McNary	Shortridge
Bulkley	Hale	Metcalf	Stelwer
Capper	Hastings	Morrow	Townsend
Copeland	Hatfield	Norbeck	Vandenberg
Cutting	Hebert	Nye	Walcott
Davis	Johnson	Oddie	Watson
Deneen	Kean	Partridge	
Fess	King	Phipps	

NOT VOTING—40

Bingham	Glass	McMaster	Smoot
Brock	Goldsborough	Morrison	Steck
Brookhart	Gould	Norris	Swanson
Broussard	Harris	Patterson	Thomas, Idaho
Caraway	Harrison	Pine	Tydings
Carey	Hawes	Pittman	Wagner
Dale	Heflin	Ransdell	Walsh, Mass.
Fletcher	Howell	Robinson, Ind.	Walsh, Mont.
Frazier	Kendrick	Schall	Waterman
Gillett	Keyes	Simmons	Wheeler

So the Senate refused to suspend the rule.

Mr. DAVIS. Mr. President, on the vote just taken to suspend the rule I voted under a misapprehension. My vote is recorded in the negative, when I intended to vote "yea."

The VICE PRESIDENT. On this question the yeas are 22, and the nays are 34, and two-thirds of the Senators present not having voted in the affirmative, the motion is rejected.

Mr. REED. Mr. President, I give notice that I will renew the motion later in the day.

Mr. COPELAND. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. Is it possible for the Senator to renew the motion?

The VICE PRESIDENT. The Chair would rather pass upon that question when it comes up.

Mr. LA FOLLETTE. Mr. President, I do not like to let that motion stand on the RECORD. The Senator having had a vote upon his motion, and it having been voted down, I would like to have the Chair consider the question as to whether or not it does not require the filing of another notice.

Mr. REED. Mr. President, I am advised by the parliamentarian of the Senate that the efficacy of the notice remains as before, and that the same motion can be made at any subsequent stage of the proceedings.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. REED. I yield.

Mr. FESS. The motion to discharge the committee was carried and the joint resolution went on the calendar. To take it off the calendar before it gets on, as the Senator first attempted, would take a two-thirds vote, a suspension of the rules being necessary. It will not when it comes up in the regular order.

Mr. REED. Absolutely, but I propose to get it up on March 3 if I can, and I have already given notice of my intention to that effect. I am advised that that notice will remain, and that the same motion will be in order later in the day.

The VICE PRESIDENT. If the Senator wants a ruling on the matter at this time, the Chair is ready to rule. Does the Senator want a ruling?

Mr. REED. I shall be glad to have a ruling.

The VICE PRESIDENT. The Chair would hold that there would have to be another notice filed specifying the purpose of the joint resolution.

Mr. REED. When the motion is made, if the Chair rules in that way, of course it will be my duty to appeal.

Mr. LA FOLLETTE. I demand the regular order.

AMENDMENT OF COPYRIGHT ACT

The Senate resumed the consideration of the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works.

The VICE PRESIDENT. The question is on the committee amendment as amended.

Mr. DILL. Mr. President, this amendment was put in by the committee in order to have the copyright law conform to the patent law. The patent law contains identically the same wording. If this amendment is not agreed to then every person who feels a grievance will be coming to Congress with a bill to give him permission to go before the Court of Claims. I do not think it is a particularly serious matter either way whether the amendment is agreed to or not, but I may say that the committee put it in simply because it is the law as to patentees and we saw no reason why the same right should not be granted to copyright holders.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Alabama?

Mr. DILL. I yield.

Mr. BLACK. Suppose the Marine Band should happen to play this tune to which reference has been made, which seems to be protected by this small group monopoly in New York. Suppose the Marine Band happened to play it out here for the benefit of the public, would the Government be subject to a suit for damages?

Mr. DILL. No; it could not be, for the reason that the band was not producing the music for profit.

Mr. BLACK. Suppose the Marine Band went to some other town and they charged 10 cents admission, would the Government be subject to a damage suit in that case?

Mr. DILL. No; I do not think so. I think the person who charged the admission would be subject to a suit in that case.

Mr. BLACK. The Senator does not think the suit should be against the United States when it was the agent of the United States that committed the act?

Mr. DILL. The band would not be acting as the agent of the United States when playing at an entertainment at which an admission was charged.

Mr. KING. Mr. President, is the pending motion to strike out the amendment tendered by the committee?

Mr. TRAMMELL. Mr. President, my suggestion was that the amendment as amended be rejected, which accomplishes the same result. That is the pending question, whether the amendment should be agreed to or rejected.

Mr. KING. Mr. President, I am in favor of that motion. It seems to me that with the automatic copyright and the opportunity being given to every Tom, Dick, and Harry, if I may be permitted the language of the street, to bring suit against the United States in the Court of Claims for small or large amounts, and in view of the eagerness with which persons who claim that their rights have been infringed in the past by storekeepers, by bootblacks, and so forth, it is evident the United States would be compelled to submit to a multiplicity of suits in the Court of Claims. I think if the bill should become a law and its operation shall have been observed and we are familiar with it, its virtues and its vices, and it shall be apparent that persons should have the opportunity to go into the Court of Claims without the consent of Congress and without any further legislation, Congress would give them that opportunity.

It seems to me it is to invite everybody who could claim that the Government has infringed his copyright to bring suit, which would be a great mistake. The Marine Band and other bands of the United States may play musical numbers which are copyrighted, and we can conceive in many ways of the possibility of agents of the Government infringing without any intention to infringe some of the provisions of this bill. It seems to me it would be the part of wisdom to disagree to the amendment offered by the committee.

Mr. HEBERT. Mr. President, may I ask the Senator from Florida if his amendment affects the entire amendment proposed by the committee or just a part of it?

Mr. TRAMMELL. It affects the entire amendment proposed by the committee.

Mr. HEBERT. I have no objection.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was rejected.

The VICE PRESIDENT. The clerk will continue the reading of the bill.

The legislative clerk resumed the reading of the bill and read section 8, as follows:

SEC. 8. The copyright of a work of architecture shall cover only its artistic character and its design and shall not extend to processes or methods of construction, nor shall it prevent the making, exhibiting, or publishing of photographs, motion pictures, paintings, or other illustrations thereof, which are not in the nature of architectural drawings or plans, and the owner of the copyright shall not be entitled to obtain an injunction restraining the construction, substantially begun, or use, of an infringing building, or an order for its demolition or seizure.

Mr. COUZENS. Mr. President, I understand that a motion to strike out section 8 is not now in order?

The VICE PRESIDENT. It is not in order.

Mr. COUZENS. I think I recall that the Senator from Rhode Island [Mr. HEBERT] did not object to the elimination of section 8.

The VICE PRESIDENT. Such a motion could be made by unanimous consent.

Mr. COUZENS. I ask unanimous consent for permission to move to delete section 8 at this time.

Mr. HEBERT. Mr. President, I ought to say that the bill came from the House with this provision in it. It was inserted in the bill at the request of the American Institute of Architects. They very much desired to have such a provision in the bill. Senators will observe that it only goes to the artistic character of the design and not to the method of construction. It seems to me there should not be any very serious objection to it because it does not prevent the making of photographs of designs and other matters connected with it except to make use of them from which to build.

Mr. COUZENS. Mr. President, I do not know whether I am at liberty to quote the author of the bill, but in speaking with the author of the bill, Mr. VESTAL, to-night he said he was not at all keen about this provision. I pointed out to him that if this was enacted into law, no one could build another house like the house which he had seen. He might be infringing if he built a house that was designed like somebody else's house. While the bill is alleged to be a copyright bill for the protection of authors, that would be a copyright for the protection of architects.

The VICE PRESIDENT. Is there objection to considering the amendment of the Senator from Michigan at this time to strike out section 8? The Chair hears none. The question is on the amendment of the Senator from Michigan to strike out section 8. [Putting the question.] The ayes

have it and the amendment is agreed to. The clerk will resume the reading of the bill.

The legislative clerk resumed the reading of the bill and read to page 10, line 12, where the committee proposed to insert the following language:

But no assignment, mortgage, license, or other disposition of said copyright or any right or rights comprised therein shall be valid except as between the parties thereto, unless it is in writing signed by the owner of the right in respect of which such instrument is made, or, except in the case of a will, by his duly authorized agent.

Mr. KING. Mr. President, may I ask the Senator from Rhode Island if he does not think, where a transfer is made and a license is given or an assignment made, it should be recorded, in order that the public may be protected, so they may know who is the owner? They may know who owns the copyright, but if an assignment is made and not recorded they would have no means of learning who was the assignee or the vendee. Does not the Senator think that where it is assigned, where a purchase had been made, there should be a recordation of the copyright owner for the protection of the public?

Mr. HEBERT. That is precisely what the amendment of the committee does. The assignment is not good except as between the parties unless it is recorded. It is the same provision that applies all over the country as to a transfer of real estate.

Mr. KING. I may misunderstand the language of the provision.

Mr. DILL. Mr. President, if the Senator will look on page 11, line 18, he will find that the committee inserted an amendment which will cover the very point he is making. I think the Senator from Rhode Island misunderstood the question.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 24, page 10, where the committee proposed to strike out the following language:

Provided, That no assignment by the author, where the author is an individual, of the copyright in any work and no grant by him of any right or rights comprised therein (otherwise than by will), after the passage of this act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of 28 years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest, shall be null and void.

The amendment was agreed to.

The reading of the bill was resumed, the next amendment of the committee being on page 11, line 13, where the committee proposed to strike out the following provision:

SEC. 10. Assignments, grants, licenses, and mortgages of copyright or of any separate right therein, or any other instrument or paper writing relating to or affecting a copyright or rights therein, may be recorded in the Copyright Office at any time after execution. A failure so to record shall not affect the validity of any such instrument:

And to insert in lieu thereof the following:

Every assignment of copyright or any right or rights comprised therein shall be recorded in the Copyright Office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

Mr. DILL. Mr. President, this is a reenactment of the present law. The present law is the identical wording which the committee has inserted in preference to the permissive recording. It seemed to the committee that the recording should be mandatory as against innocent purchasers in this country within three months and in foreign countries within six months.

Mr. TRAMMELL. Mr. President, I would like to know why the recording of mortgages or assignments should be required and the idea of the recording of a copyright itself should be abandoned. Is that a consistent position?

Mr. DILL. No; I think not. The Senator knows the reason why the bill does not provide for compulsory registration and notice is that if that is done we destroy the automatic copyright, and without the automatic copyright we can not enter the international union. By an amendment which we will probably reach in a few minutes we will practically compel all copyright owners to register their work and put notice on them. It is very important that there should be a record somewhere in order that the public may be able to go and find out who owns a copyright when it has been assigned.

Mr. TRAMMELL. I think it is equally important that the public should have some place where it could go and ascertain whether or not a certain product is copyrighted. It seems that is to be abandoned and the system changed entirely.

Mr. KING. Mr. President, I should like to ask the Senator from Rhode Island or the Senator from Washington——

Mr. DILL. I offered the amendment and will be glad to answer the Senator's question.

Mr. KING. What provision is found in the bill to deal with copyrights in foreign countries obtained by Americans, automatically or otherwise, and copyrights obtained by foreigners in the United States, in the matter of assignments?

Mr. DILL. This will apply to any assignment of any copyright whether by foreigners or other people. If they want to make those assignments valid in this country they must file them here.

Mr. KING. Is there any obligation under this bill for an American author who obtains a copyright, for instance, in Germany to make an assignment in writing and have it recorded in Germany?

Mr. MOSES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MOSES. I am informed that the amendment beginning in line 18, page 11, has been agreed to; and yet it seems to be under discussion. Am I correct in that?

Mr. DILL. It has not been agreed to.

The VICE PRESIDENT. That amendment has not been agreed to.

Mr. KING. Even if it had been agreed to there would be no impropriety in trying to ascertain what its limitations and implications are.

Mr. DILL. I may say to the Senator——

Mr. MOSES. Who has the floor, Mr. President?

The VICE PRESIDENT. The Senator from Utah has the floor.

Mr. KING. I have the floor, and am asking the Senator from Washington a question.

Mr. DILL. I may say that I am unable to answer the question as to what the law is in Germany or England or other countries. This is one of those domestic provisions of law that International Union permits a country to control through its own legislation.

Mr. KING. May I ask the Senator what would be the situation if a foreigner who published his work in the United States obtained an automatic copyright and desired to make an assignment in the United States? Would he have to comply with this law?

Mr. DILL. If the person who secured the assignment wanted it to be valid in the United States as against any innocent purchasers in any assignment thereafter, he must record it. I may say this is the present law, and it works entirely satisfactorily.

Mr. KING. But we are not in the union.

Mr. DILL. But this is the present law when we are not in the union.

Mr. MOSES. Mr. President, I should like to hear some adequate reason for the amendment which substitutes the language beginning in line 18 for the provision in the House bill. My understanding was that the House provision was designed after much study to do away with the uncertainty and confusion which exist in the present copyright law, and it seems to me that the amendment now proposed simply adds to the confusion.

Mr. DILL. What did the Senator say?

or large amounts, and in view of the eagerness with which persons who claim that their rights have been infringed in

question is on the amendment of the Senator from Michigan to strike out section 8. [Putting the question.] The ayes

should be abandoned. Is that a consistent position?

Mr. DILL. What did the Senator say?

Mr. MOSES. It seems to me that this amendment adds to the confusion which is already complained of in the present copyright law.

Mr. DILL. This amendment simply provides a method of recording assignments. If the law shall not contain something of this kind there will be no protection for the innocent purchaser. There is not anything about the proposed new law that changes the need of having a record of assignments. I may say further to the Senator that I have consulted with the chairman and minority members of the House committee and they are entirely satisfied with this amendment and have no objection to it.

Mr. MOSES. Since this matter goes to conference, any way, I am not disposed to make any extended comment upon it, especially at this hour of the morning, but I wanted to know just why it was that the language was changed, inasmuch as I understood that the House, after much study, had sought to get rid of the confusion and uncertainty which exist under the present copyright law.

Mr. DILL. But not as to assignments.

Mr. MOSES. However, since the matter goes to conference, I am not disposed to pursue it.

Mr. COUZENS. Mr. President, I understood that this bill would not go to conference; that the House was going to accept all the Senate amendments; that that was the reason for the haste, because everybody admitted that there would not be time for the conferees to go over the bill, and, therefore, it was agreed that the House would accept all the Senate amendments and there would be no need of a conference.

Mr. MOSES. Does the Senator mean to say that the House has taken the position, after having spent several years in its several committees on patents in discussing this matter, and arriving at a form of words, that it is now going to surrender the whole matter?

Mr. COUZENS. That is the assurance we got, because it was pointed out that there would be no opportunity to have conferees meet and agree upon a conference report, and for the Senate to consider and act upon such a report. So it has been stated that the House it going to agree to the Senate amendments without a conference.

Mr. MOSES. I simply want to remark in connection with that that—and I think the Senator from Michigan will agree with me—that there has come a great change over the sentiment of the House if it is going to accept what the Senate does without any argument.

Mr. COUZENS. As the Senator knows, the House maintains its position very strongly on most matters, but it is glad to surrender other things some times.

Mr. MOSES. In other words, this bill is a trading proposition?

Mr. COUZENS. That is my understanding.

I wish to point out one thing, and to it I invite the attention of the Senator from New Hampshire. On page 11, lines 17 and 18, the House bill contains a provision reading:

> A failure so to record shall not affect the validity of any such instrument.

That is what the Senate committee cut out, and I think that is a proper provision to cut out.

Mr. MOSES. My understanding of that provision in the House text is that the House wished to carry the continuity of the automatic copyright clear through all subsequent proceedings that might arise.

Mr. COUZENS. I understand that is so, but giving the right to mortgage an instrument without any record, it seems to me, is going much farther than any automatic copyright law ought to go.

Mr. MOSES. I am not quite sure that I follow the Senator in that conclusion, but it seems to me that the automatic copyright is the key to the whole measure; that automatic copyright is the open sesame to our adherence to the convention, and that it has to go clear through every proceeding in connection with the copyright.

Mr. COUZENS. It has been pointed out repeatedly here, by the Senator from Rhode Island in particular, that, as a matter of fact, everyone would register his copyright, and if he does that, of course, it should follow that he would register his mortgage or assignment.

Mr. MOSES. Yes, indeed; if he is going to do that, but it is very considerable, if may I say so, to the Senator from Michigan, in the hope that the Senator from Rhode Island will hear what I say.

Mr. CONNALLY. I move that the Senate take a recess until 10 o'clock a. m. to-day.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas that the Senate take a recess until 10 o'clock a. m. to-day.

Mr. BLACK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McNARY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. REED (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON] and, in his absence, withhold my vote.

Mr. FESS (when his name was called). Making the same announcement as before, I transfer my pair to the senior Senator from Vermont [Mr. DALE] and vote "nay."

Mr. GLENN. I have a general pair with the junior Senator from Tennessee [Mr. BROCK] and therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. WAGNER (when his name was called). I am paired with the junior Senator from Missouri [Mr. PATTERSON], but I am advised that if he were present he would vote as I intend to vote. I therefore feel at liberty to vote and vote "nay."

Mr. BULKLEY. I understand that the Senator from Wyoming [Mr. CAREY], with whom I am paired, if present, would vote as I intend to vote. I therefore am at liberty to vote and vote "nay."

Mr. HATFIELD (after having voted in the negative). I transfer my general pair with the Senator from North Carolina [Mr. MORRISON] to the Senator from Maryland [Mr. GOLDSBOROUGH], and will let my vote stand.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Montana [Mr. WALSH];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. THOMAS] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Iowa [Mr. BROOKHART] with the Senator from Missouri [Mr. HAWES].

The result was announced—yeas 15, nays 34, as follows:

YEAS—15

Black	Copeland	Hayden	McKellar
Blaine	Couzens	Johnson	Smith
Blease	Dill	King	Trammell
Connally	George	McGill	

NAYS—34

Barkley	Hastings	Moses	Stephens
Bratton	Hatfield	Norbeck	Thomas, Okla.
Bulkley	Hebert	Nye	Vandenberg
Capper	Jones	Oddie	Wagner
Cutting	Kean	Partridge	Walcott
Davis	La Follette	Phipps	Watson
Fess	McNary	Robinson, Ind.	Williamson
Goff	Metcalf	Sheppard	
Hale	Morrow	Shortridge	

NOT VOTING—47

Ashurst	Gillett	McMaster	Smoot
Bingham	Glass	Morrison	Steck
Borah	Glenn	Norris	Steiwer
Brock	Goldsborough	Patterson	Swanson
Brookhart	Gould	Pine	Thomas, Idaho.
Broussard	Harris	Pittman	Townsend
Caraway	Harrison	Ransdell	Tydings
Carey	Hawes	Reed	Walsh, Mass.
Dale	Heflin	Robinson, Ark.	Walsh, Mont.
Deneen	Howell	Schall	Waterman
Fletcher	Kendrick	Shipstead	Wheeler.
Frazier	Keyes	Simmons	

So the Senate refused to take a recess.

Mr. HEBERT. As a part of the amendment of the committee the words beginning in line 1, page 12, with "Provided" down through and including the word "not," in line 8, should be deleted, and then in line 8 the words "Such proviso" should be changed to read "This paragraph."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. Mr. President, will the Senator briefly state the object of that. I confess that I do not perceive it.

Mr. HEBERT. The portion proposed to be stricken out is inconsistent with the amendment adopted by the committee on page 11.

Mr. LA FOLLETTE. Regular order, Mr. President!

The PRESIDENT pro tempore. The Chair is informed that a prior amendment to section 10 has not as yet been acted upon. Therefore it will be stated by the clerk.

The LEGISLATIVE CLERK. Strike out lines 13 to 18, page 11, down to the word "instrument," and insert the words heretofore read.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The legislative clerk continued the reading of the bill, beginning on page 12, line 8, and read as follows:

> This paragraph, however, shall not apply to unrecorded instruments by which periodical and/or newspaper publication rights are assigned or conveyed; but if, in addition thereto, such instruments also assign or convey other rights, and/or refer or pertain in any way to any other rights, then such instruments to the extent of the provisions or agreements contained therein relating to such other rights shall be subject to such proviso.

Mr. COUZENS. Mr. President, was the amendment proposed by the Senator from Rhode Island adopted?

The PRESIDENT pro tempore. It was.

The legislative clerk continued the reading of the bill, and read as follows:

> After the effective date of this act, upon the purchase of a part, but not all, of the rights of the author in or under a copyright, unless the instrument assigning such rights by its terms expressly includes the right of first publication, the purchaser shall be deemed to have knowledge, at the time of such purchase, of the existence of such first publication right in or under such copyright, having priority as to time of publication over any right or rights so purchased: Provided, That rights of first publication——

Mr. COUZENS. Do I understand the Senator from Rhode Island to mean that lines 16 to 23, just read, are in the existing law?

Mr. HEBERT. No, Mr. President. Under existing law there can be nothing bought except the copyright or the entire assignment of copyright. Under this bill there may be divisible rights in a copyright, all of which may be assigned, or any one of which may be assigned. That is in accord with the divisible-copyright idea provided by this bill.

Mr. TRAMMELL. Mr. President, may I ask the chairman of the committee just what is the meaning of the paragraph beginning with line 16 on page 12 in regard to the question of first publication? It seems that it provides that if a person sells a copyright, assigns it to some one, unless it is specifically provided otherwise, the copyrighter reserves the right of first publication. What does that mean—that they shall have the privilege of selling the first issue of the product that is copyrighted?

Mr. HEBERT. As the bill reads, Mr. President—

> Upon the purchase of a part, but not all, of the rights of the author in or under a copyright, unless the instrument assigning such rights by its terms expressly includes the right of first publication, the purchaser shall be deemed to have knowledge, at the time of such purchase, of the existence of such first publication right in or under such copyright, having priority as to time of publication over any right or rights so purchased.

In other words, under those conditions one who buys the copyright buys it with the understanding that there is a first-publication right outstanding against him; for instance, the right of magazine publication where there is to be a book right, or the right of book publication where there is to be a subsequent right to place upon a film for moving pictures, and the like.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. TRAMMELL. I do. I yield to the Senator.

Mr. SMITH. This is a very important matter, and I think those Senators who come in and vote against adjournment ought to stay here and help to put through this measure. Therefore, I suggest the absence of a quorum. We have passed upon several items since the last quorum call.

The PRESIDENT pro tempore. The Chair is trying to ascertain what business has been done since the last quorum was demanded.

Mr. SMITH. We have adopted one or two amendments.

The PRESIDENT pro tempore. Amendments have been agreed to in the meantime. Accordingly, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Glenn	La Follette	Robinson, Ark.
Blaine	Goff	McGill	Sheppard
Bratton	Hale	McNary	Shortridge
Bulkley	Hastings	Metcalf	Stephens
Capper	Hatfield	Morrow	Thomas, Okla.
Connally	Hayden	Moses	Townsend
Copeland	Hebert	Norbeck	Vandenberg
Cutting	Howell	Nye	Wagner
Davis	Johnson	Oddie	Walcott
Deneen	Jones	Partridge	Watson
Dill	Kean	Phipps	Williamson
Fess	King	Reed	

The PRESIDENT pro tempore. Forty-seven Senators having answered to their names, there is not a quorum present.

Mr. LA FOLLETTE. Mr. President, pursuant to paragraph 3 of Rule V, I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. It will be necessary to call the names of the absentee Senators first.

Mr. KING. I move that the Senate take a recess until 10 o'clock this morning.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Utah.

Mr. LA FOLLETTE. On that I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. GLENN (when his name was called). Making the same announcement as on the last roll call, I refrain from voting.

Mr. HATFIELD (when his name was called). In keeping with my previous announcement, I vote "nay."

Mr. McNARY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the junior Senator from Oregon [Mr. STEIWER] and will vote. I vote "nay."

Mr. WATSON (when his name was called). I have a pair with the Senator from South Carolina [Mr. SMITH], who is absent. Being unable to secure a transfer, I withhold my vote.

The roll call was concluded.

Mr. BULKLEY (after having voted in the negative). I have a pair with the Senator from Wyoming [Mr. CAREY]. I understand, however, that he would vote as I have voted. Therefore, I will allow my vote to stand.

Mr. STEPHENS (after having voted in the negative). I am paired with the Senator from Indiana [Mr. ROBINSON]; but I understand that he would vote as I have voted. Therefore, I allow my vote to stand.

Mr. WATSON. I find that I can transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Wyoming [Mr. CAREY], which I do, and will vote. I vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from New Hampshire [Mr. KEYES] with the senior Senator from Montana [Mr. WALSH];

The Senator from Colorado [Mr. WATERMAN] with the senior Senator from Virginia [Mr. SWANSON];

The Senator from Connecticut [Mr. BINGHAM] with the junior Senator from Virginia [Mr. GLASS];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Idaho [Mr. THOMAS] with the junior Senator from Montana [Mr. WHEELER]; and

The Senator from Iowa [Mr. BROOKHART] with the Senator from Missouri [Mr. HAWES].

The result was announced—yeas 9, nays 37, as follows:

YEAS—9

Blaine	Dill	Johnson	Robinson, Ark.
Connally	Hastings	King	
Copeland	Howell		

NAYS—37

Barkley	Hatfield	Moses	Thomas, Okla.
Bratton	Hayden	Norbeck	Townsend
Bulkley	Hebert	Nye	Vandenberg
Capper	Jones	Oddie	Wagner
Cutting	Kean	Partridge	Walcott
Davis	La Follette	Phipps	Watson
Deneen	McGill	Reed	Williamson
Fess	McNary	Sheppard	
Goff	Metcalf	Shortridge	
Hale	Morrow	Stephens	

NOT VOTING—50

Ashurst	Frazier	McKellar	Smoot
Bingham	George	McMaster	Steck
Black	Gillett	Morrison	Steiwer
Blease	Glass	Norris	Swanson
Borah	Glenn	Patterson	Thomas, Idaho
Brock	Goldsborough	Pine	Trammell
Brookhart	Gould	Pittman	Tydings
Broussard	Harris	Ransdell	Walsh, Mass.
Caraway	Harrison	Robinson, Ind.	Walsh, Mont.
Carey	Hawes	Schall	Waterman
Couzens	Heflin	Shipstead	Wheeler
Dale	Kendrick	Simmons	
Fletcher	Keyes	Smith	

So the Senate refused to take a recess.

Mr. LA FOLLETTE. A parliamentary inquiry. How many pairs were announced on that vote which were not recorded?

The PRESIDING OFFICER (Mr. FESS in the chair). Only one. The clerk will call the roll of the absentees.

The Chief Clerk called the names of the absent Senators, and Mr. CONNALLY and Mr. TRAMMELL answered to their names when called.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is not present.

Mr. LA FOLLETTE. Mr. President, pursuant to paragraph 3 of Rule V, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

Mr. CONNALLY. Mr. President, is that motion debatable?

Mr. LA FOLLETTE. I make the point of order that the motion is not debatable.

The PRESIDING OFFICER. The point of order is sustained.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. HOWELL entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum is present. The clerk will proceed with the reading.

The reading was resumed on page 12, line 23, the next amendment of the committee being on page 13, line 18, to strike out the following proviso:

Provided, however, That for this purpose, where such notice or instrument or assignment is mailed by registered mail properly addressed to the Copyright Office in Washington, the date of such mailing shall be deemed the date of record.

Mr. TRAMMELL. Mr. President, I want to ask a question merely for information. The first part of this section provides that where the copyright owner disposes of part of his interest, then unless specifically otherwise provided, the right of first publication is reserved in the owner. Then, following that provision of the measure, in this proviso is provided a method by which he is relieved of that right if he does not proceed within the period of one year.

The injustice of that against the author is that if the purchaser of only a part of the copyright shall take advantage of this technicality at a later date, he can exclude the owner from the right of first publication. I would like to ask the Senator from Rhode Island if he thinks that is justice to the author or owner of the copyright?

Mr. HEBERT. There is absolutely no injustice to the author. The law to which the Senator refers simply provides that unless the right of first publication is exercised within a year, it expires, and there is no more first publication right.

Mr. TRAMMELL. It provides that, but that is in the case where there is a sale of only a part of the right. That proviso reacts to the original provision. The original provision applies only to the sale of a part of the rights, and the institution in New York which is back of this, the monopoly, go and purchase a part of a right, as an illustration, from an author, and because the author does not exercise the right he retains within one year, then this purchaser, who has purchased only the right by a technicality, acquires all of the author's right, and the author is thereafter precluded from first publication.

That is a great injustice to the author, a great injustice to the owner of a copyright, to set up a system of technicalities whereby he loses a right which has not been paid for by the purchaser, the purchaser having purchased only a part of it. I do not think that is in the interest of the author.

Mr. BLEASE. Mr. President, does not the Senator understand that lawyers generally make laws so that there will be technicalities, and they can keep their business going?

Mr. TRAMMELL. I have heard that the lawyer representing this monopoly, which controls more than 90 per cent of all the music productions in this country, according to their own statement, was very largely the author of this bill as it appeared in the House. I do not know whether it is true or not that it was written by a lawyer to whom the monopoly pay a salary of perhaps $100,000 or $150,000 per annum.

Mr. BLEASE. The Senator would not expect lawyers to legislate themselves out of a job, would he?

Mr. TRAMMELL. No; I would not expect that. I wanted to understand this provision, and I really think it is to the detriment of the authors of the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 13, line 18.

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, there are a number of Senators who were very anxious to be here to deliberate on and consider this measure to-night. With this effort to force and railroad a proposition of this important character, I am going to suggest the absence of a quorum so that those Senators can come here and assist in the consideration of the measure.

Mr. HEBERT. Mr. President, will the Senator not withhold his request for one moment? If he will permit us to go along and finish the consideration of section 10—there are only a few more lines—I shall not press for the further consideration of the bill this morning. I will then yield to the Senator from Oregon to make a motion.

Mr. TRAMMELL. That is perfectly agreeable to me. I withdraw the suggestion of the absence of a quorum.

Mr. McNARY. I will then make a motion for a recess until 10 o'clock.

Mr. TRAMMELL. Very well.

The reading of the bill was continued to line 2, page 14, the last provision read being as follows:

All assignments, grants, licenses, mortgages, and other instruments, notices or paper writings hereinabove referred to, when recorded in the Copyright Office, shall be indexed in the name of the author and the assignor, licensor, or mortgagor, and in the name of the assignee, licensee, or mortgagee, and under the title of the copyright work.

Mr. McNARY. Mr. President, I ask the Senator from Rhode Island whether we have concluded the section about which he spoke?

Mr. HEBERT. Yes; we have.

RECESS

Mr. McNARY. I move that the Senate, pursuant to the agreement, take a recess until 10 o'clock this morning.

The motion was agreed to; and the Senate (at 2 o'clock and 55 minutes a. m., Tuesday, March 3), under the order previously entered, took a recess until to-day at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 2 (legislative day of February 17), 1931

REGISTER OF THE LAND OFFICE

Robert J. Carsner, of Oregon, to be register of the land office at The Dalles, Oreg., vice George W. Miller, who died before assuming office.

POSTMASTERS

ALABAMA

Tyler M. Swann to be postmaster at Roanoke, Ala., in place of T. M. Swann. Incumbent's commission expired January 29, 1931.

Roger S. Bingham to be postmaster at Talladega, Ala., in place of J. S. Chambers. Incumbent's commission expired February 14, 1931.

ARIZONA

Helen A. McNutt to be postmaster at Prescott, Ariz., in place of W. F. Day. Incumbent's commission expired January 7, 1931.

CALIFORNIA

Lillian G. Brackett to be postmaster at Geyserville, Calif., in place of L. G. Brackett. Incumbent's commission expired December 11, 1930.

Fred W. McCullah to be postmaster at Long Beach, Calif., in place of F. W. McCullah. Incumbent's commission expired January 29, 1931.

Warren N. Garland to be postmaster at Oakdale, Calif., in place of W. N. Garland. Incumbent's commission expired February 12, 1931.

COLORADO

Walter H. Morris to be postmaster at Granada, Colo., in place of G. W. Karn, deceased.

CONNECTICUT

Joseph H. Derenthal to be postmaster at Madison, Conn., in place of J. H. Derenthal. Incumbent's commission expired December 22, 1930.

Thomas B. McDonald to be postmaster at Sharon, Conn., in place of T. B. McDonald. Incumbent's commission expired December 13, 1930.

GEORGIA

William B. King to be postmaster at Bluffton, Ga. Office became presidential July 1, 1930.

Martha C. Aultman to be postmaster at Byron, Ga., in place of M. C. Aultman. Incumbent's commission expired February 9, 1931.

Jesse S. Weathers to be postmaster at Cairo, Ga., in place of J. B. Crawford, resigned.

Clifton O. Lloyd to be postmaster at Lindale, Ga., in place of C. O. Lloyd. Incumbent's commission expired January 21, 1931.

Theron E. Watson to be postmaster at Lithonia, Ga., in place of T. P. Philips. Incumbent's commission expired May 12, 1930.

Christine P. Hankinson to be postmaster at McDonough, Ga., in place of C. P. Hankinson. Incumbent's commission expired June 3, 1930.

William B. Smith to be postmaster at Tennille, Ga., in place of W. B. Smith. Incumbent's commission expired February 17, 1931.

ILLINOIS

H. Melville Potter to be postmaster at Ashley, Ill., in place of H. T. Peeck. Incumbent's commission expired February 24, 1931.

Madison R. Hunter to be postmaster at Avon, Ill., in place of G. E. Simmons. Incumbent's commission expired January 16, 1930.

Charles H. Collins to be postmaster at Casey, Ill., in place of C. H. Collins. Incumbent's commission expired June 30, 1930.

Charles V. Champion, sr., to be postmaster at Catlin, Ill., in place of Lem Neville, removed.

Clarence L. Kiger to be postmaster at Cisne, Ill., in place of C. L. Kiger. Incumbent's commission expired March 23, 1930.

Mode Morrison to be postmaster at Manteno, Ill., in place of Mode Morrison. Incumbent's commission expired January 28, 1931.

Henry J. Troeger to be postmaster at Mount Olive, Ill., in place of F. A. Sassmannshausen. Incumbent's commission expires March 3, 1931.

Clayton O. Merricks to be postmaster at Abingdon, Ill., in place of C. O. Merricks. Incumbent's commission expired December 11, 1930.

INDIANA

Guy J. Shaughniss to be postmaster at Angola, Ind., in place of F. B. Rowley. Incumbent's commission expired December 13, 1930.

Frost R. Harden to be postmaster at Covington, Ind., in place of J. W. McMahon. Incumbent's commission expired January 29, 1931.

Burr S. Balser to be postmaster at Delphi, Ind., in place of Morton Hefner. Incumbent's commission expired January 22, 1931.

Carl W. Sims to be postmaster at Frankfort, Ind., in place of E. A. Spray. Incumbent's commission expired January 29, 1931.

Normal V. McClellan to be postmaster at Goodland, Ind., in place of W. G. Beal. Incumbent's commission expired December 17, 1930.

Frank M. Martin to be postmaster at Gosport, Ind., in place of T. C. Dodd. Incumbent's commission expired February 5, 1931.

Pearle H. Moulton to be postmaster at Parker, Ind., in place of C. F. Morris, resigned.

Nellie G. Hallowell to be postmaster at Pendleton, Ind., in place of C. L. Bragdon. Incumbent's commission expired December 17, 1930.

Sol A. Tuttle to be postmaster at Pleasant Lake, Ind., in place of Martha Wise. Incumbent's commission expired June 10, 1930.

Omer R. Huff to be postmaster at Troy, Ind., in place of Lawrence O'Connor. Incumbent's commission expired May 19, 1930.

Valance U. Slater to be postmaster at Warren, Ind., in place of D. P. Keller. Incumbent's commission expired February 17, 1931.

Guy Hudson to be postmaster at Waynetown, Ind., in place of Isaac Sutton. Incumbent's commission expired January 15, 1931.

James C. Harris to be postmaster at Windfall, Ind., in place of Fred Dunn, removed.

IOWA

Alfred G. Rigby to be postmaster at Independence, Iowa, in place of A. G. Rigby. Incumbent's commission expires March 3, 1931.

Harold H. Phillips to be postmaster at Luverne, Iowa, in place of E. A. Haskell. Incumbent's commission expired January 7, 1931.

Lola Thomas to be postmaster at Randolph, Iowa, in place of A. V. Gillette, resigned.

Hiram K. Evans, jr., to be postmaster at Seymour, Iowa, in place of H. E. Morrison. Incumbent's commission expired February 16, 1931.

KANSAS

Newell R. Kirkham to be postmaster at Lebo, Kans., in place of N. R. Kirkham. Incumbent's commission expired February 24, 1931.

Clarence L. Keith to be postmaster at Menlo, Kans. Office became presidential July 1, 1930.

Louis Feuerbacher to be postmaster at Robinson, Kans., in place of R. B. Terrill. Incumbent's commission expired January 18, 1931.

KENTUCKY

Benoni H. Lott to be postmaster at Lewisport, Ky., in place of B. H. Lott. Incumbent's commission expired March 22, 1930.

Frank A. Mohney to be postmaster at Lynch, Ky., in place of S. F. Nelson. Incumbent's commission expired February 11, 1931.

Marsh F. Chumley to be postmaster at McHenry, Ky., in place of A. M. Smith. Incumbent's commission expired January 6, 1931.

Burton Roberts to be postmaster at Richmond, Ky., in place of Burton Roberts. Incumbent's commission expired February 11, 1931.

Clifford V. Bryant to be postmaster at Fleming, Ky., in place of A. G. Bryant, removed.

Benjamin F. Shepard to be postmaster at Wayland, Ky., in place of Byrd Wicker, resigned.

Mabel K. Kipping to be postmaster at Carrollton, Ky., in place of M. K. Kipping. Incumbent's commission expired February 17, 1927.

LOUISIANA

Jeannette Clarkson to be postmaster at Clarks, La., in place of P. B. Allbritton, resigned.

Howard A. Hudson to be postmaster at Lake Arthur, La., in place of B. S. Marquart. Incumbent's commission expired April 9, 1930.

MARYLAND

Thomas E. Brian to be postmaster at Ellicott City, Md., in place of T. E. Brian. Incumbent's commission expires March 3, 1931.

George W. Nichols to be postmaster at Hurlock, Md., in place of Mary Stevens. Incumbent's commission expired June 30, 1930.

Philip E. Huntt to be postmaster at Waldorf, Md., in place of P. E. Huntt. Incumbent's commission expired February 4, 1931.

MASSACHUSETTS

Wilfred B. Littlefield to be postmaster at Brockton, Mass., in place of L. T. Briggs, deceased.

James R. Delaney to be postmaster at Dedham, Mass., in place of F. A. Campbell, deceased.

John K. Parker to be postmaster at Duxbury, Mass., in place of R. B. DeWolf, resigned.

MICHIGAN

Frank E. Darby to be postmaster at Kalkaska, Mich., in place of F. E. Darby. Incumbent's commission expired February 16, 1931.

John F. Reed to be postmaster at Ravenna, Mich., in place of R. S. Cox, removed.

MINNESOTA

William J. Annon to be postmaster at Anoka, Minn., in place of G. H. Veidt. Incumbent's commission expired March 22, 1928.

Charles A. Allen to be postmaster at Milaca, Minn., in place of C. A. Allen. Incumbent's commission expired December 17, 1930.

Charles A. Luscher to be postmaster at Redwood Falls, Minn., in place of H. W. Ward, deceased.

Mathew Rivers to be postmaster at Rollingstone, Minn. Office became presidential July 1, 1930.

Lenore E. Merrill to be postmaster at Rose Creek, Minn., in place of L. R. Cronan, deceased.

Henry M. Burtness to be postmaster at Spring Grove, Minn., in place of H. M. Burtness. Incumbent's commission expired January 10, 1931.

MISSISSIPPI

Louise H. Gray to be postmaster at Greenville, Miss., in place of R. K. Haxton, resigned.

Mary C. Carr to be postmaster at Tylertown, Miss., in place of W. W. Collins. Incumbent's commission expires March 3, 1931.

MISSOURI

David W. Puthuff to be postmaster at Bolivar, Mo., in place of D. W. Puthuff. Incumbent's commission expires March 3, 1931.

Alta O. Snow to be postmaster at Holt, Mo., in place of W. H. Smith, removed.

Charles F. Hamrick to be postmaster at Stover, Mo., in place of C. F. Hamrick. Incumbent's commission expired February 6, 1930.

Frankie F. Tanner to be postmaster at Union Star, Mo., in place of L. D. Fisher, deceased.

NEBRASKA

Carl K. McCleery to be postmaster at Blue Hill, Nebr., in place of F. E. Britton, resigned.

Gustav A. Koza to be postmaster at Clarkson, Nebr., in place of G. A. Koza. Incumbent's commission expired February 11, 1931.

Edmund J. Barrett to be postmaster at Lawrence, Nebr., in place of H. H. Schroer, removed.

George F. McMullen to be postmaster at Walthill, Nebr., in place of G. F. McMullen. Incumbent's commission expired February 14, 1931.

NEW JERSEY

Alfred J. Perkins to be postmaster at Atlantic City, N. J., in place of A. J. Perkins. Incumbent's commission expired February 9, 1931.

John T. Boyd to be postmaster at Greystone Park, N. J., in place of J. T. Boyd. Incumbent's commission expires March 3, 1931.

Caroline A. Cowan to be postmaster at Haworth, N. J., in place of C. A. Cowan. Incumbent's commission expires March 1, 1931.

Howard G. Pearce to be postmaster at Point Pleasant, N. J., in place of Harold Chafey, resigned.

Richard T. Wilson to be postmaster at Ridgewood, N. J., in place of C. R. Stoneall. Incumbent's commission expired January 10, 1931.

William F. Bodecker to be postmaster at Tenafly, N. J., in place of W. F. Bodecker. Incumbent's commission expired March 1, 1931.

Jacob Feldman to be postmaster at Woodbine, N. J., in place of Jacob Feldman. Incumbent's commission expired February 16, 1931.

NEW MEXICO

Charles F. Wilhelm to be postmaster at Alamogordo, N. Mex., in place of O. C. Cady. Incumbent's commission expired March 1, 1930.

Gertrude E. Reid to be postmaster at Dexter, N. Mex., in place of F. E. Knight. Incumbent's commission expired May 29, 1930.

Ernest U. Scott to be postmaster at Grenville, N. Mex., in place of E. U. Scott. Incumbent's commission expired December 16, 1930.

NEW YORK

Nicholas Reilly to be postmaster at Brentwood, N. Y., in place of Nicholas Reilly. Incumbent's commission expired February 16, 1931.

Alexander Glendinning to be postmaster at East Quogue, N. Y., in place of Alexander Glendinning. Incumbent's commission expires March 3, 1931.

William T. Williamson to be postmaster at Troy, N. Y., in place of W. T. Williamson. Incumbent's commission expired February 24, 1931.

NORTH CAROLINA

Harley E. Wright to be postmaster at Canton, N. C., in place of C. F. Smathers. Incumbent's commission expired January 22, 1931.

Lawrence T. Gibson to be postmaster at Gibson, N. C., in place of A. M. Gibson. Incumbent's commission expired January 29, 1931.

NORTH DAKOTA

Louie L. Gardner to be postmaster at Langdon, N. Dak., in place of L. L. Gardner. Incumbent's commission expires March 3, 1931.

Francis R. Cruden to be postmaster at McHenry, N. Dak., in place of F. R. Cruden. Incumbent's commission expired December 17, 1930.

Martin H. Weber to be postmaster at New Leipzig, N. Dak., in place of M. H. Weber. Incumbent's commission expired January 17, 1931.

Sidney O. Dundas to be postmaster at Watford City, N. Dak., in place of S. O. Dundas. Incumbent's commission expired June 21, 1930.

Mary E. Swartwout to be postmaster at Wimbledon, N. Dak., in place of A. M. Hewson, deceased.

OHIO

Garnet E. Sharp to be postmaster at McArthur, Ohio, in place of J. C. Gill. Incumbent's commission expired December 21, 1930.

Lema M. Collins to be postmaster at Proctorville, Ohio, in place of M. V. Smith. Incumbent's commission expired February 12, 1929.

Karl Hale to be postmaster at Upper Sandusky, Ohio, in place of G. R. Irwin. Incumbent's commission expired February 26, 1931.

William E. Thomas to be postmaster at Wellston, Ohio, in place of W. E. Thomas. Incumbent's commission expired February 4, 1931.

Matthew C. Morrison to be postmaster at Bradner, Ohio, in place of J. P. Evans, resigned.

OKLAHOMA

Osman A. Gilbert to be postmaster at Cleveland, Okla., in place of Ward Guffy. Incumbent's commission expired January 18, 1931.

Harold D. Larsh to be postmaster at Norman, Okla., in place of G. D. Graves. Incumbent's commission expired February 16, 1931.

PENNSYLVANIA

Fred A. Wyckoff to be postmaster at East Stroudsburg, Pa., in place of G. C. Hughes. Incumbent's commission expired February 27, 1930.

Mahlon C. Cleaver to be postmaster at Girardville, Pa., in place of M. C. Cleaver. Incumbent's commission expires March 3, 1931.

Carl Steuer to be postmaster at Johnstown, Pa., in place of W. E. Shissler. Incumbent's commission expired December 22, 1930.

William F. Houser, sr., to be postmaster at Middletown, Pa., in place of W. F. Houser, sr. Incumbent's commission expires March 3, 1931.

Anna E. Snyder to be postmaster at Seven Valleys, Pa., in place of H. F. Groff, deceased.

SOUTH CAROLINA

Henry N. Folk to be postmaster at Bamberg, S. C., in place of H. N. Folk. Incumbent's commission expired May 26, 1930.

Paul DeL. Mazyck to be postmaster at Gaffney, S. C., in place of F. B. Gaffney. Incumbent's commission expired April 5, 1930.

Murray S. McKinnon to be postmaster at Hartsville, S. C., in place of J. S. Cathcart. Incumbent's commission expired June 12, 1930.

Clarence J. Fickling to be postmaster at Blackville, S. C., in place of H. A. Rich. Incumbent's commission expired May 12, 1930.

SOUTH DAKOTA

William B. Post to be postmaster at Andover, S. Dak., in place of S. T. Wickre, resigned.

Louis E. Castle to be postmaster at Britton, S. Dak., in place of L. E. Castle. Incumbent's commission expired December 17, 1930.

Charles A. Olson to be postmaster at Claremont, S. Dak., in place of C. A. Olson. Incumbent's commission expires March 3, 1931.

Claud I. Force to be postmaster at Clear Lake, S. Dak., in place of C. I. Force. Incumbent's commission expired February 23, 1931.

Ernest F. Roth to be postmaster at Columbia, S. Dak., in place of E. F. Roth. Incumbent's commission expired February 23, 1931.

William O. Johnson to be postmaster at Faulkton, S. Dak., in place of W. O. Johnson. Incumbent's commission expired February 5, 1931.

Gunnell M. Gorder to be postmaster at Frederick, S. Dak., in place of G. M. Gorder. Incumbent's commission expired January 14, 1931.

Thorvald Jordeth to be postmaster at Lebanon, S. Dak., in place of Thorvald Jordeth. Incumbent's commission expires March 3, 1931.

Clarence S. Johnson to be postmaster at Milbank, S. Dak., in place of C. S. Johnson. Incumbent's commission expired December 21, 1929.

Garfield G. Tunell to be postmaster at Mobridge, S. Dak., in place of G. G. Tunell. Incumbent's commission expired February 23, 1931.

Hattie Alseike to be postmaster at Northville, S. Dak., in place of H. F. Cook, resigned.

Percy R. Miklebost to be postmaster at Peever, S. Dak., in place of P. R. Miklebost. Incumbent's commission expired December 17, 1930.

William Zwicky to be postmaster at Rapid City, S. Dak., in place of J. H. Mathias, resigned.

Clarence I. Hougen to be postmaster at Wilmot, S. Dak., in place of C. I. Hougen. Incumbent's commission expired January 18, 1931.

TENNESSEE

Thomas H. Hale to be postmaster at Pikeville, Tenn., in place of S. L. Robinson. Incumbent's commission expired March 1, 1930.

Simon C. Dodson to be postmaster at Sparta, Tenn., in place of S. C. Dodson. Incumbent's commission expired January 24, 1931.

TEXAS

John R. Martin to be postmaster at Anson, Tex., in place of J. R. Martin. Incumbent's commission expired December 11, 1930.

Fred A. Mansfield to be postmaster at Bandera, Tex., in place of F. A. Mansfield. Incumbent's commission expired December 11, 1930.

Flora G. Bowers to be postmaster at Borger, Tex., in place of Harold Rothschild, removed.

John J. Crockett to be postmaster at Chapel Hill, Tex., in place of J. J. Crockett. Incumbent's commission expired December 10, 1928.

Alfred W. Orr to be postmaster at Livingston, Tex., in place of A. W. Orr. Incumbent's commission expired January 25, 1931.

Santford P. Rosette to be postmaster at Mission, Tex., in place of S. P. Rosette. Incumbent's commission expired March 29, 1930.

Mollie A. Hough to be postmaster at Montgomery, Tex., in place of M. A. Hough. Incumbent's commission expired December 11, 1930.

UTAH

Porter A. Clark to be postmaster at Parowan, Utah, in place of P. A. Clark. Incumbent's commission expired January 6, 1931.

VERMONT

Paul Tudhope to be postmaster at North Hero, Vt., in place of J. T. Tudhope, resigned.

VIRGINIA

James K. Carter to be postmaster at Clinchport, Va., in place of J. K. Carter. Incumbent's commission expired December 22, 1930.

Robert E. Fugate to be postmaster at Nickelsville, Va., in place of R. E. Fugate. Incumbent's commission expired March 16, 1930.

WASHINGTON

Lynn P. Hart to be postmaster at Hunters, Wash., in place of L. R. Menkee, resigned.

WEST VIRGINIA

Harison G. Vicars to be postmaster at Fort Gay, W. Va., in place of Oscar Sipple, removed.

Harry O. Lockman to be postmaster at Helen, W. Va., in place of H. O. Lockman. Incumbent's commission expired December 11, 1930.

James G. Meadows to be postmaster at Hinton, W. Va., in place of J. G. Meadows. Incumbent's commission expired March 30, 1930.

Thomas C. Scott to be postmaster at Philippi, W. Va., in place of T. C. Scott. Incumbent's commission expired January 17, 1931.

Ira W. Folden to be postmaster at Ronceverte, W. Va., in place of I. W. Folden. Incumbent's commission expired December 17, 1929.

Emmett W. Williams to be postmaster at Stotesbury, W. Va., in place of E. W. Williams. Incumbent's commission expired March 30, 1930.

Willard E. Hatfield to be postmaster at Williamson, W. Va., in place of W. E. Hatfield. Incumbent's commission expired March 1, 1931.

WISCONSIN

Edward C. Szyperski to be postmaster at Cudahy, Wis., in place of Paul Mlodzik. Incumbent's commission expired January 14, 1931.

Otto E. Born to be postmaster at Fond du Lac, Wis., in place of T. A. Watson, deceased.

George W. Rickeman to be postmaster at Racine, Wis., in place of G. H. Herzog, removed.

WYOMING

Albert J. Schils to be postmaster at Cokeville, Wyo., in place of A. J. Schils. Incumbent's commission expired December 16, 1930.

Arthur W. Crawford to be postmaster at Guernsey, Wyo., in place of A. W. Crawford. Incumbent's commission expired January 29, 1931.

Verne W. Mokler to be postmaster at Casper, Wyo., in place of E. M. Bean. Incumbent's commission expired January 8, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2 (legislative day of February 17), 1931

UNITED STATES DISTRICT JUDGES

Luther B. Way to be United States district judge, eastern district of Virginia.

John P. Barnes to be United States district judge, northern district of Illinois.

Ernest A. O'Brien to be United States district judge, eastern district of Michigan.

UNITED STATES ATTORNEY

Frank K. Lemon to be United States attorney, southern district of Illinois.

UNITED STATES MARSHALS

George W. Montgomery to be United States marshal, western district of Louisiana.

Arthur M. Burke to be United States marshal, eastern district of Illinois.

ASSAYER IN CHARGE

Elias Marsters to be assayer in charge, United States assay office, Boise, Idaho.

COAST AND GEODETIC SURVEY

Ernst Erbert Stohsner to be aide, with relative rank of ensign in the Navy.

Chester Joseph Beyma to be aide, with relative rank of ensign in the Navy.

POSTMASTERS

ALABAMA

L. Rather Day, Decatur.

ARIZONA

John Murray, Snowflake.

COLORADO

Robert L. Newton, Arvada.
Jessie L. Thurston, Carbondale.
Norman Matheson, Matheson.

FLORIDA

Matye E. Mills, Cross City.
Richard T. Bevington, Lake Worth.
Edward Roberts, Odessa.
George E. Gay, Palatka.
Millard C. Sullivan, Pinecastle.

GEORGIA

James A. Grant, Alto.
Afley M. Cherry, Donalsonville.
Frank Summerour, Duluth.
Laurene K. Coleman, Graymont.
Herschel I. Harris, Hamilton.
Eddie L. D. Horne, Leary.
Kate C. Knox, Lexington.
Allen E. Pettitt, Nelson.
Ivey M. Cox, Newton.
George H. Broome, Pavo.
Annie P. Harper, Stillmore.

IDAHO

Samuel P. Oldham, Rexburg.

ILLINOIS

Percy Gaston, Centralia.
William A. Fay, Jacksonville.
Henry D. Oakland, Maywood.
Rollin M. Meisenbach, Pearl.
Rebecca C. Miller, Smithfield.

KANSAS

Fred C. Ferguson, Attica.
Charles I. Zirkle, Garden City.
Henry J. Weltmer, Hiawatha.
E. Erwin Townsdin, Hugoton.
Durward J. Wilson, Hutchinson.
John J. Groshong, McLouth.
Ralph H. Gibbs, Oskaloosa.
Robert E. Martin, Stafford.

KENTUCKY

Ward H. Metcalfe, Brooksville.
Willie C. West, Crestwood.
Charles A. Bickford, Hellier.
Fountain S. Aynes, Pleasureville.
Lenora B. Bryant, Science Hill.

MICHIGAN

Emma Creevy, Barryton.
Robert Ryan, Bronson.
William E. Oakes, Drayton Plains.
Benjamin A. Faunce, East Lansing.
Lloyd R. Doane, Mason.
Lee J. Campbell, Royal Oak.

MINNESOTA

George M. Tronsrue, Long Prairie.
Louis A. Muckelberg, Millville.

MISSISSIPPI

Melzar J. Nye, Carrollton.
Neppie R. Lockwood, Crystal Springs.
Robert J. E. Barwick, Glen Allan.
Minnie B. Dubuisson, Long Beach.
Sidney M. Jordan, Louisville.
Nellie E. Hardy, Piney Woods.

MISSOURI

Bess N. Jones, Ethel.

MONTANA

Burr A. Davison, Roundup.

NEW HAMPSHIRE

Nellie C. Chaplin, Belmont.

NEW YORK

Howard Tuttle, Brewster.
Harold G. Haines, Earlton.
Arthur E. Brundage, Newburgh.
Harry A. Pearce, Ocean Beach.
Augustus P. Altemeier, Port Jervis.
Harry Pottenburgh, Rhinebeck.
David R. Dunn, Scarsdale.
William H. Young, Voorheesville.

NORTH DAKOTA

Chapin Hayford, Casselton.
Hugh C. Corrigan, Fargo.
Mabel Dickinson, Fullerton.
Alfred B. Welch, Mandan.

OHIO

Ernest C. Ludwig, Anna.
Roy H. Hannum, Long Bottom.
Marcus S. Roush, Rutland.
Pearl H. Cheney, South Charleston.

OREGON

Harry A. Cool, Drain.
Nellie G. Reed, Gold Hill.

PENNSYLVANIA

Kenneth Cooper, New Kensington.
James S. Fennell, Salina.
James A. Miller, Schellsburg.
Coleman A. Wingard, Spring Mills.
Charles Nahf, Tamaqua.
Anna Kolesar, Terrace.
Henry W. Merritt, Wilkes-Barre.

SOUTH CAROLINA

John C. Spann, Allendale.

SOUTH DAKOTA

Joshua Trumm, Hayti.
James E. McLaughlin, Onida.

TENNESSEE

Alexander H. Hill, Harrogate.
Guy V. Jackson, Humboldt.
Ernest H. Smothers, Camden.

TEXAS

Rebecca White, Carbon.
William T. McRee, Gruver.
Arthur B. Rook, Harrold.
William L. Keeler, May.
Isidore Newman, Mexia.
John B. Reneau, Munday.

WISCONSIN

Darryl V. Lampman, Augusta.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 2, 1931

The House met at 11 o'clock a. m. and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We draw near to Thee, our Father, not as unto an avenging God but by the way of a merciful Savior, touched with a feeling of our infirmities. Be with us this day. May we be patient and gentle, courageous and strong without rudeness. Again death has reduced our ranks. Beloved and honored in public and in private life, bearing a dignity and poise, the insignia of a wonderful character. Yes, Father, he has left us. O Death, thou dost come equally to all and make us all equal when thou dost come. We walk in no strange way. It was the way of the prophets, the apostles, the martyrs, the pioneers, and it will be our way. May we wait and walk patiently with Him who sends forth His love even as the sun sends forth the summer. Loving Father, remember her who in weakness is bowed in the silence of an unspeakable sorrow which curtains to-day in darkness, blots the sun out of noonday and the stars out of the night. The companion of the years sits bereaved and alone—the cheerless heavens above, the homeless earth beneath, and the tempest beating against her with its pitiless storm. O God, if Thou art just, and Thou art, then come and be her eternal refuge; take her to the Father's arms, the Father's breast, to the Father's heart, and at the last to the Father's home. Amen.

The Journal of the proceedings of Saturday, February 28, 1931, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 6169. An act to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes;

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

S. 6260. An act granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River;

S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.; and

S. J. Res. 233. A joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces.

THE LATE REPRESENTATIVE HENRY ALLEN COOPER

Mr. TILSON. Mr. Speaker, our distinguished colleague, Hon. HENRY ALLEN COOPER, who has been longest of all of us in the service of this House and one of the most beloved men who ever sat in this House of Representatives, has fallen at his post of duty. Ordinarily, of course, the House would immediately adjourn. Under the conditions which now confront us, so close to the end of the session, it will not be possible for us to adjourn, but instead, following a very notable precedent, it is my hope that out of respect to his memory we may recess until noon. A suitable resolution will be offered in a few moments to carry this idea into effect.

Mr. BROWNE. Mr. Speaker, as a friend and colleague of many years of Mr. COOPER, I ask for just a moment or two to pay a tribute to his memory.

Representative HENRY ALLEN COOPER, of Racine, Wis., passed away early Sunday morning at his apartment in the Washington Hotel overlooking the majestic Potomac, the Washington and Lincoln Memorials, a view which always stirred his soul to look upon.

In the passing of Representative COOPER the people have lost a friend who for 36 years in the Halls of Congress has been their valiant champion.

In every contest where human rights and property rights have come in conflict HENRY ALLEN COOPER has stood for human rights, and, like Henry of Navarre, his plume has always waved in the thickest of the conflict.

He believed in the principles of Thomas Jefferson and Abraham Lincoln, and held these principles higher than party fealty.

In all places and at all times he had the courage of his convictions, and was never afraid to stand with a small minority or even alone in espousing a cause he believed right.

A fearless, constructive, painstaking legislator.
A man of distinguished presence.
A classical scholar.
A skilled musician as well as a composer of music.
A cultured, interesting gentleman.

He would have ranked high at any period in the history of the American Congress.

Statesman, friend of truth, of soul sincere,
In action faithful and in honor clear,
Who broke no promise, served no private end,
Who gained no title, and who lost no friend.

Mr. MOORE of Virginia. Mr. Speaker, as a member of the Committee on Foreign Affairs, I have had the privilege of serving with Mr. COOPER for several years, and perhaps, so far as committee associations are concerned, no one is in better position to have formed an estimate of his unusual ability, of his great courage, of his high character, and his devotion to the public interests as he understood those interests. Just the other day he rose here and delivered a very beautiful address relative to the designation of one of the avenues of this city so as to relate its name to the Constitution. At the conclusion of that address the membership of the House rose and acclaimed him. That was just a little while ago, and since his sudden demise I have thought of what Cicero in his De Amicitia says of a somewhat similar occurrence. He recites that Scipio Africanus, who had rendered great service to his country, one evening ascended the hill in Rome to the capitol and there was received by the Senate with all of the respect which it could accord him, and with all of the acclamation which could be given a citizen of the Republic. He died that night, and Cicero in his record says that the happiest hour of the life of Scipio was the hour just before he died. So it seems to me in looking back we may believe that the very happiest hour in the long service of our friend here was when the Members of the House of Representatives after having known of his record for so many years, and after having had the opportunity to realize the manner of man he was, did what it did after that fine address of his—rose to their feet and testified to their great regard and affection for him. It would be fortunate for any man serving here or serving the public elsewhere to think that just before the shadows come upon him and he leaves the scene he should receive such splendid recognition as was accorded Mr. COOPER on that occasion.

Mr. OSIAS. Mr. Speaker, as a Representative of the Filipino people, I would be recreant to my trust if I did not rise and, on their behalf, join the membership of the House in an expression of the bereavement which all must feel at the departure of Congressman HENRY ALLEN COOPER.

That venerable figure has been removed from our midst, but he will ever be remembered. Mr. COOPER in life always interested himself in the Philippine question and in its proper solution. In season and out of season he defended the rights and the liberties of the Filipino people. Even in the days when it was difficult to stand in defense of those islands, he never swerved from his path of duty. Guided by what he believed to be just and right, he rendered disinterested service to the people of those distant isles, and in so doing he served both the United States and the Philippines.

Standing high in the councils of this Government, his advice was sought by no less than three Presidents on matters Philippine. He was the first chairman of the Committee on Insular Affairs of this body, and as such he played a prominent part in congressional enactments affecting the people of the Philippine Islands. To him more than any other single individual was due the passage of the act of Congress of July 1, 1902, which was the first organic law for the Philippines when civil government was implanted.

Mr. COOPER was greatly instrumental in the creation by Congress of the first elective Philippine Assembly. In the deliberations of the committee that passed judgment on that historic step toward self-government, there were some who doubted the capacity of the inhabitants to exercise greater autonomous powers. One, in fact, launched an intemperate attack on the Filipinos, calling them "pirates, barbarians, savages, incapable of civilization."

Congressman COOPER came to the defense of the Filipino people. He spoke of the culture and progress of the islanders. He recited with telling effect Rizal's Last Farewell, the epic poem of the great Filipino hero and martyr, and as a fitting climax Mr. COOPER said:

Pirates! Barbarians! Savages! Incapable of civilization! How many of the civilized Caucasian slanderers of the race could ever be capable of thoughts like these, which on that awful night, as he sat alone amidst silence unbroken save by the rustling of the black plumes of the death angel at his side, poured from the soul of the martyred Filipino? Search the long and bloody roll of the world's martyred dead, and where, on what soil, under what sky did tyranny ever claim a nobler victim?

Sir, the future is not without hope for a people who, from the midst of such an environment, has furnished to the world a character so lofty and so pure as that of Jose Rizal.

For these and other services the Philippines owes Mr. HENRY ALLEN COOPER a great debt.

In the passing of a soul so great, words are utterly inadequate. What he said, what he did, and, above all, what he was—these constitute the best monument to HENRY ALLEN COOPER, the public servant, the defender of right, a friend, true and tried, loyal and beloved.

It is a singular coincidence that Rizal's poem which Mr. COOPER in life used frequently to recite from memory should close with these words:

To die is to rest (Morir es descansar).

To COOPER death was rest. May he rest in peace.

Mr. LINTHICUM. Mr. Speaker, HENRY ALLEN COOPER served with me on the Committee on Foreign Affairs for some 18 years. I did not know him so well in the beginning, but when I did become well acquainted with him I found, just as did many other Members of the House, that he was not only a diligent legislator but a very devoted friend. For years I have met him on various occasions, together with Mrs. Cooper. I know of no couple who enjoyed a more lovely life together than did those two good people, whom I shall always revere. Mr. and Mrs. COOPER were always devoted, not only to the legislation and to the interests of the country but they were devoted to those things which bring Members closer together and which make legislation easier and persons better known and understood. Mr. COOPER did perhaps more than any other man to instill in the Foreign Affairs Committee that it was a committee which dealt with international affairs; that it was not a committee which should indulge in partisanship, and he worked to that end at all times. He was always impartial as to which Member or which party was interested in a measure. It was his sole purpose that it should be in the interest of the country through the Department of State and the Foreign Service, and when that appealed to him he was for the bill or against it, regardless of who introduced it or what party might be interested.

I feel I am like many other Members of this House. We have lost a very devoted friend, a very able legislator, and a very great social friend as well.

It is, however, gratifying that Providence spared him to the country and to Congress through so many years during the vigorous period of his life and until the sunset of his brilliant career.

Our committee will miss his wise counsel, his independent action, and his impartiality.

Mr. GUEVARA. Mr. Speaker and Members of the House, the Filipino people mourn the passing to the Great Beyond of the great American, HENRY ALLEN COOPER. At this moment, the 13,000,000 Filipinos are bereft by the death of the man who has been devoted to the cause of the Philippine Islands ever since that country was brought under the American Flag. During the years that Congressman COOPER has occupied his place in the Congress of the United States, he has rendered valuable service to the United States and to the Philippines, and his death is a loss, a great loss, to the American and Filipino peoples alike.

May I assure the American people that the memory of Representative COOPER will live forever in the hearts and minds of every Filipino of this and future generations.

May God give him the place he deserves in that invisible region to which all of us aspire to go some time.

Mr. FREAR. Mr. Speaker, I have no words that need be added to the splendid eulogy of HENRY ALLEN COOPER, uttered by Chaplain Montgomery in his prayer this morning. Those who have already spoken have also voiced their knowledge of the many superior qualities of our distinguished friend and colleague, a man whom we all loved. He was one of the best friends I ever had, and less than 30 days ago it was my privilege to express on this floor the high appreciation of an American patriot and nature's nobleman which this House had for Representative COOPER. He died as he would have wished, "in harness," and I offer the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 387

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY ALLEN COOPER, a Representative from the State of Wisconsin;

Resolved, That a committee of 25 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral;

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House;

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair will announce the appointment of the committee later.

The Clerk read as follows:

Resolved, That, as a further mark of respect, this House do now stand in recess until 12 o'clock meridian.

The resolution was agreed to.

Accordingly (at 11 o'clock and 26 minutes a. m.), the House stood in recess until 12 o'clock noon.

AFTER THE RECESS

The recess having expired at 12 o'clock noon, the House was called to order by the Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolution:

Senate Resolution 487

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY ALLEN COOPER, late a Representative from the State of Wisconsin.

Resolved, That a committee of 15 Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 12 o'clock meridian to-day.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 16111. An act to amend sections 1 and 7 of the second Liberty bond act, as amended.

EXTENSION OF REMARKS

Mr. TILSON. Mr. Speaker, I should like to ask the usual permission for all Members to extend remarks in the RECORD until the last issue of the RECORD of the present Congress is printed. This is the usual request and it means the Members' own remarks. The last issue will be printed, I understand, on the 16th of March.

Mr. SABATH. Does that mean a Member's own remarks on any subject.

Mr. TILSON. It does.

Mr. BANKHEAD. Will that include the right to incorporate statements, editorials, data, and things of that sort?

Mr. TILSON. I should think only where they are quotations that are properly explanatory of a Member's own remarks and not editorials or other articles from newspapers and magazines.

Mr. ABERNETHY. Does that mean one extension?

Mr. TILSON. No; as many extensions as desired.

Mr. SABATH. Will that permit a Member to extend his own remarks on the procedure of the House, on the rules, and on anything of that kind?

Mr. TILSON. On anything that is of a parliamentary character. Of course, these extensions will be under date of March 2 or March 3.

Mr. STAFFORD. I assume that with the passing of my colleague Hon. HENRY ALLEN COOPER, in this Congress there will be no memorial services in the next Congress with Mr. COOPER listed as one of those to whom we pay special tribute, and I assume it will be necessary to pay tribute to his services to extend remarks on his life and character in the RECORD of this session.

Mr. TILSON. No; the gentleman is mistaken about this. Mr. COOPER's name will be included in the next list of memorial services held by the House, so that there will then be opportunity for all who are Members of the Seventy-second Congress to extend their remarks. Mr. Speaker, I renew my request.

The SPEAKER. Will the gentleman restate his request?

Mr. TILSON. My request is that all Members may extend their own remarks in the RECORD until the last issue of the RECORD for the present Congress, which, I understand, will be not later than March 16.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all Members may have the privilege of extending their own remarks until the last issue of the CONGRESSIONAL RECORD. Is there objection?

Mr. McSWAIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McSWAIN. Would it be the Speaker's construction that this general request would cover the privilege given to me to revise and extend the remarks which I made on Saturday last, which I have withheld and have not yet printed.

The SPEAKER. The Chair thinks that the privilege to revise and extend remarks would extend back to remarks already made. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, there is one question I want to ask the gentleman from Connecticut. There are a great many Members who have not yet inserted their remarks on the lives and characters of deceased Members and a great many Members will not be able to do so until after the adjournment of Congress. What I want to know is whether or not those remarks will be included in the bound volumes that are to be issued later?

Mr. TILSON. In my judgment, they will be included, although I have not consulted with the chairman of the Committee on Memorials. However, I believe the resolution already adopted in connection with memorials would authorize what the gentleman has in mind.

Mr. RANKIN. That is all I am interested in.

The SPEAKER. Is there objection?

There was no objection.

THE RELATION OF THE NEWSPAPER TO THE PUBLIC

Mr. FRANK M. RAMEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address made by H. L. Williamson, editor of the United States Publisher, over the radio, on the subject of "The Relation of the Newspaper to the Public."

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by inserting an address made by H. L. Williamson. Is there objection?

There was no objection.

ELIJAH P. LOVEJOY AND FREEDOM OF THE PRESS

The death of Elijah Parish Lovejoy, the militant editor and publisher of slavery days in St. Louis and Alton, Ill., did more to strengthen the antislavery sentiment north of the Mason and Dixon line than, perhaps, any other incident preceding the Civil War.

Elijah Parish Lovejoy was born in Albion, Me., November 9, 1802, the son of a Congregational minister. When he was less than 4

years old he exhibited his ruling passion—an ardent desire for knowledge; at that age he read fluently in the Bible. As he grew older this insatiable desire grew more pronounced and he literally devoured book after book in his father's theological library. After reading all of his father's books he had recourse to a public library.

His powers of memory were exceedingly retentive. An incident serves to illustrate these powers. His Sunday-school teacher one day remarked to the class that it might increase its lesson for the next Sunday. During his leisure hours the following week he committed to memory the One hundred and nineteenth Psalm and 20 or more hymns to go with it. Poetry he drank in like water. By reading any piece of one or two pages twice he could accurately repeat it. It was no uncommon thing for him to repeat 150 hymns from Watts at a single recitation.

Under the forming hand of his mother, with a few months in each year at the district school, the first 18 years of his life were passed. At this time he set his heart strongly upon obtaining a public education. He spent a single quarter term in the academy at Monmouth, Me., during which time he read Vergil, Cicero, and Sallust. He had studied Latin but two or three weeks previous to this. His preparatory studies were continued at intervals in China Academy; he entered as a sophomore at Watervelt College in September, 1823, and graduated in 1826 with first honors in his class.

For several months after leaving college he was engaged in teaching in an academy. In May, 1827, he left his friends and native State with his eye fixed upon the inviting and youthful West. It was with great reluctance that he left his family and social circles to make his home among strangers. It was late in 1827 when he arrived in St. Louis. He was immediately engaged in teaching school.

In the course of the next year he was engaged in editing and publishing a political paper advocating the claims of Henry Clay to the Presidency. From letters written to his parents, the paper for which he worked seemed to have been the St. Louis Times—at that time a Whig organ.

In January of 1832 there was a great religious revival in St. Louis. Lovejoy became ardently interested in the work of the church and soon afterward he was wending his way toward Princeton, N. J., and that great school's theological seminary. He was enrolled in the seminary March 24, 1832, and began to educate himself for the ministry. During his summer vacation he visited his parents, who still lived in Maine.

In April, 1833, Lovejoy received a license to preach the gospel. Some months of the summer were passed in preaching at Newport, R. I., and as a temporary supply at the Spring Street Church in New York. While at the latter place he received news of the death of his father.

In the latter part of August, 1833, a number of friends in St. Louis requested, and even strongly urged, that Lovejoy return there and become the editor of a weekly religious paper. The friends furnished a capital of $1,200 for press, type, and other equipment. Lovejoy was to have entire control of the establishment with the right to mortgage the plant in order to secure more equipment and material. If the net income exceeded $500 a year the editor was to pay the surplus to the proprietors.

In pursuance of this arrangement the first number of the St. Louis Observer was issued.

Lovejoy, as editor of the Observer, often rode into the country around St. Louis, preaching and attending meetings of the Synod and Presbytery and other meetings for various benevolent objects.

Articles on slavery were frequently found in the Observer as early as 1834. The space devoted to the subject occupied about one-seventh of the paper a great deal of the time. Lovejoy was thoroughly convinced of the sin of slavery and cherished an ardent desire to see it abolished.

Sun and clouds alternate Lovejoy's life from this period on. One of the sunbeams was his marriage to Celia Ann French. The ceremony took place at St. Charles, Ill., August 4, 1835.

Later in the year, in October, Lovejoy was absent for two or three weeks attending the Presbytery and Synod at Potosi, Mo. While he was gone the publishers of the Observer received a communication advising an entire suspension of all controversy upon the exciting subject of slavery. While Lovejoy was not in his office the publishers agreed not to publish anything about slavery, but attached a string to the announcement by adding that the final policy would be determined upon the return of the editor. The angry mob was not satisfied with the explanation and threatened destruction of the Observer unless the editorial policy was completely and at once changed with regard to abolition.

When Lovejoy returned to St. Louis from his trip the abolition excitement was at its height. The immediate cause of the climax was the abduction of two negroes, who were taken to a field and lashed nearly 300 times. The newspapers carried articles threatening Lovejoy for his stand. "At any moment," he wrote his brother in Maine, "I expect to be hanged or tarred and feathered. * * * In the Observer of Thursday I shall come out openly, fearlessly, and, as I hope, in such a manner as becomes a servant of Jesus Christ, when defending His cause."

In his own office there was turmoil. The publishers requested him to resign. Lovejoy had legal control of the plant and could not have been forced to turn it over to the owners. However, he did not wish to continue the paper against their wishes, so he resigned. When control passed from his hands a note for $500 on the plant passed also. As the note was then due and could not again be renewed, the proprietors turned the plant over to the holder of the note, a Mr. Moore. Then the unexpected happened. Mr. Moore assumed control of the plant and asked Lovejoy to be editor on condition that he remove it to Alton. When he went to Alton to make arrangements the people received him with open arms. While there he received a plea from Mr. Moore in St. Louis to return at once and continue the publication of the Observer there. Lovejoy accordingly returned and resumed publication of the paper.

In June of 1836 came the determination to move the paper to Alton. After much deliberation and consultation with friends Lovejoy decided that the Observer would meet with much better support in the Illinois city and would be even more valuable to the subscribers, for the paper had a large circulation both in Missouri and Illinois.

The St. Louis office was destroyed by a proslavery mob on the eve of his departure for Alton. His press, type, and equipment were safe for the time being, however. The steamboat which carried his plant to Alton arrived on Sunday; Lovejoy declined to receive it on the Sabbath. The press lay on the bank all night. Early next morning five or six men destroyed the press and type and dumped them into the river.

Lovejoy immediately acquitted the citizens of Alton, and he had good reason to do so for later on the same day the citizens voluntarily and unanimously pledged themselves to make good the destruction which the vandals from the outside had caused. Lovejoy took the subscription of money and went to Cincinnati at once and secured new equipment. On the way home he fell ill and was forced to stay in Louisville for some time. Consequently the publication of the Observer was suspended from the middle of July to the 8th of September, 1836.

Lovejoy's paper soon threw Alton into a turmoil. Mass meetings were held to discuss him. Friends insisted upon a recognition of his right as a free citizen to express his opinion.

Proslavery advocates grew violent in their denunciation of him and threatened his property with destruction and his life with death. At one public meeting where the issue was hotly discussed Lovejoy arose and declared he was opposed to slavery but was not an abolitionist. This did not satisfy and the agitation continued with increasing fury.

At a public meeting July 11, 1837, the Observer was publicly condemned, not only because of its utterances and views, but because of its very presence the peace and order of the community was threatened. His reply was resolute and courteous but unyielding. A determination to remain and continue his course, unswerved and unbroken, was shown in every line, gesture, and movement. So on August 21 his office was again wrecked.

Willing friends bought him another press and outfit, which arrived a month later. Lovejoy was not in Alton at the time and the new machinery and material were stored in a warehouse. That night the building was broken open and the press and type were rolled into the river.

A fourth press was ordered. More resolute than ever, even to the point of foolhardy stubbornness, Lovejoy refused to move to Quincy. His friends urged him to accept the offer from a safer haven, but he announced his determination to remain in Alton and fight it out.

A public meeting on November 2 showed the feeling against him had grown. Friends of other days, still believing in his rights, condemned his judgment in inviting upon himself death and upon the town a tragedy and disgrace that could never be wiped out.

Lovejoy appeared to defend himself and his right to free speech. He was passionately and pathetically eloquent. He flamed as he stood for his rights; he wept as he told of his sick wife at home, a nervous wreck from the excitement, and the terrors of her life. He recounted her experiences in a garret to which she had been driven by the demonstrations of the mobs. But in spite of his pleas and his fiery defiance the resolutions were against him.

The fourth press arrived November 6, 1837, and was safely stored. A volunteer guard of 60 friends agreed to protect the warehouse. At 9 o'clock the following night, the guard, believing danger past, dispersed and nearly all went home. The mob soon gathered and the remnants of the guard were overpowered. The press was demanded or the building would be destroyed. Every man who would offer resistance was told he would imperil his life. The mob's demand was refused and the attack on the building began. A shot from within the building killed Lyman Bishop. Mayor John M. Krum ordered the mob to disperse, but its fury was only increased.

A ladder was raised against the building to enable one of the rioters to place a firebrand on the roof. Lovejoy and two volunteers offered to dislodge him. At this instance two shots were fired from behind a lumber pile. Lovejoy was in plain view and received five buckshot; he died without a struggle. No inquest was held and his body was buried next day. In January of the following year the defenders of the press were acquitted but the leaders of the mob were never apprehended.

Condemnation of Lovejoy's murder was universal. The reaction, of course, favored the antislavery and abolition press and advocates, and throughout the entire country they enjoyed greater freedom and more favors than had ever before been accorded them, and their cause commanded more and more respectful attention.

Elijah Parish Lovejoy is one of the editors selected by the Illinois Press Association for the Editors' Hall of Fame which will be formally opened at the University of Illinois in October, 1930, at the sixty-fifth annual convention of the association. Mr. Lovejoy was one of the first four editors to be selected by the hall of fame committee. The other three editors are Victor Fremont Lawson, former editor of the Chicago Daily News; Joseph Medill, former editor in chief of the Chicago Tribune; and Henry Wilson Clendenin, former publisher of the Illinois State Register at Springfield.

Eight more busts will be unveiled at the sixty-fifth annual meeting. These editors will be selected at the meetings this fall and next spring. Some pictures will also be hung in the hall of fame, which will be located at the University of Illinois.

ORDER OF BUSINESS

The SPEAKER. The Chair desires to state that at this moment he will only recognize requests for extensions.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. I see a great many Members, including the chairman of the Appropriations Committee, about to ask recognition, and I want to inquire of the Speaker as to the status of the business before the House when we adjourned on Saturday.

The SPEAKER. The Chair thinks that before proceeding with any other business he should state the parliamentary situation. When the House adjourned on Saturday there was pending a motion by the gentleman from Ohio to suspend the rules and pass a bill. The gentleman from New York has 10 minutes remaining and the gentleman from Ohio has 12 minutes remaining.

Mr. DICKSTEIN. Mr. Speaker, I understand it is just the reverse. I think the gentleman from New York has 12 minutes and the gentleman from Ohio 8 minutes.

The SPEAKER. The Chair is informed by the Clerk that the gentleman from New York has 10 minutes remaining and the gentleman from Ohio 12 minutes. If the House will indulge the Chair, he desires to state the situation in which we find ourselves. This mass of papers on the Chair's desk represents the requests for suspension of the rules, which the Chair has tentatively promised. Beyond that there are probably 40 or 50 Senate bills on the Speaker's table, similar House bills having been reported and now on the calendar, for which the Chair will grant recognition at some time or another. Besides that, there are a number of conference reports pending, there may be messages from the President, and but a few hours remaining before final adjournment.

Now, on Saturday night when the Chair recognized the gentleman from Ohio [Mr. JENKINS] to suspend the rules, intimation was made—I would not say that the Chair was accused, but it was rather intimated that the Chair was unfair in so doing.

The Chair is very jealous of what reputation he may have for fairness. There is one thing that the Chair has never consciously done, and never will do, and that is to be unfair under any circumstances, but the situation was that some gentlemen were exercising their parliamentary rights, under the rules as they exist, to interpose objections to the passage of the bill and to delay it as much as possible. The Chair has no criticism to make. The Chair thinks that any Member is not only within his rights, but it is his duty, where he is opposed to a measure, to adopt all proper parliamentary methods to prevent the passage of the bill; but in the interest of the speeding up of the business of the House, it is equally the right of Members in favor of the bill to use all proper parliamentary methods to speed its passage. One of these parliamentary methods which has been repeatedly used is the motion to suspend the rules.

The Chair agrees that suspension of the rules is not a normal legislative procedure. In a sense, it is a trifle unfair in that it limits debate and does not permit the right of amendment. If anybody thinks that the Chair covets the right to recognize or not to recognize motions to suspend the rules in the last six days of a session, he is far from being correct. It is one of the most burdensome, unpleasant duties that can fall to the lot of a Member of Congress. It is always unpleasant for the present occupant of the Chair to say no four out of five times, as he is compelled to do.

But there are times when suspension of the rules is vitally necessary to dispatch public business. It is going to be vitally necessary in the next few hours because very few hours remain before adjournment, and the Chair must use his discretion, when he believes it is in the interest of a large majority of the House to use the right of suspension.

I think the Chair is safe in saying that not more than three or four times since his incumbency of this office for the past six years has the motion to suspend the rules, out of hundreds of cases, received less than the necessary two-thirds; in other words, the Chair was in fact aiding the House to carry out its will.

Now, when we speak of the question of unfairness, may the Chair make this observation? If he was unfair on Saturday night in recognizing suspension of the rules, he was equally unfair the other day when he entertained a motion to suspend the rules to provide hospitalization for veterans. If he was unfair on Saturday night, he was unfair two weeks ago when he entertained a motion to suspend the rules to increase the borrowing capacity on veterans' adjusted-service certificates. If he was unfair on Saturday, he is going to be unfair to-day when he recognizes a motion to suspend the rules and pass a bill providing half holidays for Government employees. [Applause.]

I think the tempers of gentlemen were, perhaps, a little ragged the other evening, and I think on mature consideration and deliberation they will withdraw the charge that the Chair was unfair on Saturday. The Chair always tries to be not the master but the servant of a majority of the House of Representatives. [Applause.]

The Chair recognizes the gentleman from Ohio to call up the unfinished business.

Mr. JENKINS. Mr. Speaker, may I inquire how the time stands?

The SPEAKER. The gentleman from Ohio has 12 minutes remaining and the gentleman from New York has 10 minutes.

Mr. DICKSTEIN. Mr. Speaker, I would like to have recognition on a question of personal privilege with respect to the question of procedure of this House, and I would like to be heard on that question before we proceed with this bill.

The SPEAKER. The gentleman will state the grounds for his question of personal privilege.

Mr. TILSON. Mr. Speaker, there is an emergency matter here of such urgent importance that I think the Speaker, by unanimous consent, might suspend consideration of the immigration measure until the matter which the gentleman from Indiana [Mr. WOOD] has to submit is first considered.

THE LATE HENRY ALLEN COOPER

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the immediate consideration of a joint resolution (H. J. Res. 524) to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin. Such sum to be disbursed by the Sergeant at Arms of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

On motion of Mr. WOOD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The gentleman from New York will state his question of personal privilege.

Mr. DICKSTEIN. Mr. Speaker, my impression is, and I believe it is the rule, that procedure before this House should be properly recorded as appears from the stenographer's record which is transmitted and reported in the CONGRESSIONAL RECORD. Mr. Speaker, I charge that this RECORD of Saturday, apparently, underwent a perfect operation.

Mr. JOHNSON of Washington. Mr. Speaker, I make the point of order that that is a question of the privileges of the House and not a question of personal privilege.

Mr. Moore assumed control of the plant and asked Lovejoy to be denin, former publisher of the Illinois State Register at Springfield.

three or four times since his incumbency of this office for House and not a question of personal privilege.

The SPEAKER. The gentleman from New York will state his question of personal privilege.

Mr. DICKSTEIN. Certain remarks brought about this whole unpleasant situation, which arose from the very man, Mr. JOHNSON of Washington, who brought about this condition, whereby Mr. LAGUARDIA told some of the folks on the other side that he was just as good an American as anyone on the other side.

Mr. JOHNSON of Washington. Mr. Speaker, I ask that the gentleman's words be taken down. I said or did nothing that brought about that condition.

The SPEAKER. The Chair thinks the gentleman is making a proper statement of the question.

Mr. DICKSTEIN. The gentleman, Mr. JENKINS, introduced Mr. CABLE as a 100 per cent American from Ohio and that remark and that introduction brought about resentment on the part of one of the gentlemen, Mr. LAGUARDIA, as well as others on this side of the House. As a result of that remark and that introduction by the distinguished gentleman, Mr. JENKINS, from Ohio, of the other gentleman from Ohio, Mr. CABLE, there came about an awful row and confusion and almost blows, as a matter of fact, Mr. Speaker.

Now, these remarks and introductions have all been eliminated from page 6575 of the RECORD, and I am willing to testify to that.

Mr. SNELL. Will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. SNELL. If there was anything unpleasant Saturday night that ought not to have been said, is it not a good thing it was kept out of the RECORD? Let us be fair about it.

Mr. DICKSTEIN. I will say to the gentleman from New York [Mr. SNELL] I am just as fair as any man in this House.

Mr. SNELL. We all want to be fair.

Mr. DICKSTEIN. But when they leave out our conversation and objections to the remarks made by the other side, which were obnoxious and un-American, from the RECORD and cut out their remarks, I say that is entirely unfair, and it is about time the House should wake up, and I demand that what was said on the floor be restored to the CONGRESSIONAL RECORD.

Mr. SNELL. Does not the gentleman think that we had better cut it all out?

Mr. DICKSTEIN. That is a matter for the House as representatives of the American people.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. LAGUARDIA. I think it is only fair, as far as the statement I made, to say that I gave consent that one certain statement I made be stricken from the RECORD. Because, in the first place, I can absorb all the punishment that any Members of the House may try to inflict upon me. I do think it was extremely ungenerous on my part to compare my record at a certain time with anybody else's. When I was asked, I consented cheerfully that my statement go out. I do not care what they say about me. [Applause.]

The SPEAKER. The Chair does not think that the gentleman has laid a foundation for a question of personal privilege. It might be a question of the privilege of the House if the gentleman accompanies it with a resolution. The Chair does not see the object——

Mr. DICKSTEIN. The object is to call attention to the fact that a part of what occurred on Saturday has been eliminated from the RECORD, that questions and remarks are not printed.

The SPEAKER. The Chair does not see how the gentleman can get at that except by offering a resolution.

Mr. DICKSTEIN. Well, Mr. Speaker, under the circumstances, after hearing the statement of the gentleman from New York [Mr. LAGUARDIA] I withdraw my suggestion. [Applause.]

RESTRICTION OF IMMIGRATION

The SPEAKER. The unfinished business is the House joint resolution, restricting immigration. The gentleman from Ohio has 12 minutes remaining, and the gentleman from New York 10 minutes remaining.

Mr. JENKINS. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker and Members of the House, I desire to express my appreciation of the remarks made by the Speaker as to the necessity for orderly procedure of the House. We all know of the Speaker's continuous efforts for exact fairness. I hardly need to call the Speaker's attention to the fact that not one of the Members among the three-fourths or more in this House who favor further restriction challenged the Speaker. Nor did any of our greatly nonpartisan majority run out of the doors of the Chamber in an effort to prevent a quorum being counted.

Mr. CONNERY. Mr. Speaker, I make the point of order that the gentleman is not speaking to the bill. That was the point that was made on me last Saturday evening.

Mr. JOHNSON of Washington. I want to say that it is probable that the firm of Johnson, Johnson & Johnson, of Washington, is just as good as the firm of Dickstein, Dickstein & Dickstein, of New York [laughter], which may be the firm in power in the next Congress.

Now, as to the need for this bill.

The country would like absolute suspension. This bill does not mean absolute suspension by any means, for it will let in some 75,000 persons per annum, three-fourths of whom, at least, will be relatives. The bill is as liberal as the needs of the country will permit. It will keep out 188,000 each year for two years, or in round numbers 376,000 inhabitants from foreign lands from entering this country to take jobs needed by the millions of unemployed citizens in this country. And mind you, every alien legally in this country has a right under the Constitution and entitled to protection in that right. Please remember, also, that this bill is a suspension for two years, and that it is exactly fair as between all the countries of the world.

Mr. Speaker, I make bold to predict that when November comes again this country will still have the unemployed in addition to the 1,000,000 who are always out of work through failure to contact with the jobs. I can see when winter comes again many will be seeking jobs which they can not find, in spite of every possible effort of the Government to create work, and in spite of the efforts of the employers to provide work. We may care for 2,000,000 of the 5,000,000 now unemployed that way. We may live and buy and build among ourselves, but so far as I can see there is not a sign around the world of improved world conditions. I hate to make these pessimistic statements, but we must not fool ourselves. In fact, the soviet system points to worse conditions. Here in the United States the continued use of labor-saving machinery, the consolidation of business for economy's sake, the farm situations, the export figures, and the condition of the treasuries of most of our States and of our great Nation all are danger signs. I urge the passage of this bill. [Applause.]

Mr. DICKSTEIN. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. COOKE].

Mr. COOKE. Mr. Speaker, ladies and gentlemen of the House, in my opinion the bill under consideration is merely another hysterical effort on the part of this Congress to do something to relieve unemployment, and under the guise of patriotic endeavor a great many Members of this House are being deceived as to the real purpose of the legislation. There is not any question but that one can appeal to the patriotic ardor of Members of the House in this period of economic depression and get their support for an exclusion measure, but the bill before you is not as good in its provisions as are the regulations under which we are operating now. The Department of State, under the regulations which it is using, is excluding at least 93 per cent of the applicants for immigration to this country at the present time. This bill is a snare and a delusion, as far as being an exclusion measure is concerned. Gentlemen have not taken into consideration for a moment another principle involved in this

bill, and that is the right of American citizens to have united to them their fathers and mothers who are now in the old countries. From an economic standpoint, you are making a great mistake if this bill is enacted. Over $300,000,000 a year is being sent abroad at this time to support the wives and minor children of aliens and American citizens resident in this country. If you can spell from this bill anywhere a regulation of immigration beyond that which you are receiving now, if you can get from it an economic benefit that we do not now have, then I believe you would be justified in passing the bill; but as a matter of fact, it is wrong from the standpoint of economics, it is wrong from the standpoint of humanity, honesty, and justice on the part of the people of this country.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DICKSTEIN. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Speaker and ladies and gentlemen of the House, it is with sorrow that I rise here this morning. I shall not attempt seriously to discuss the resolution, because under the rule that might makes right all debate has been throttled. I am sorry as a Member of the House of Representatives at this session to have this record go down to posterity. I am indeed sorry and I say that some day it will rise to plague you. The Rules Committee of the House brought in a rule to grant four hours of debate on this resolution. What happens? Instead of a decent, orderly procedure under the rule, the rule was throttled and the time for debate limited to 40 minutes. Was that fair? Was that just?

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BOYLAN. Was that American fair play? Was it fair parliamentary procedure? I am ashamed of the record of this House on House Joint Resolution 500, the Jenkins resolution.

Mr. DICKSTEIN. Mr. Speaker, ladies and gentlemen of the House, I do not know how you are going to vote on this bill, but at least I ask you to be considerate and give me an opportunity to say a few words to you regarding this legislation. In the first place, this is not a proper exclusion or a suspension bill to relieve unemployment. This bill, if passed to-day and signed to-morrow, will not help any American to get one single job. The bill is nothing but a fraud on the American Congress concocted by a few members of my committee to present an opportunity to say that it is going to suspend 90 per cent of the immigration when, as a matter of fact, the State Department has suspended over 93 per cent of the immigration for the last six months.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. LAGUARDIA. What are these gentlemen who are going to restrict immigration going to do with the alien seamen's bill? That will be a real step.

Mr. DICKSTEIN. And why do not they deport the 400,000 criminal aliens illegally in the United States? That would do justice to the American people.

Mr. LAGUARDIA. The gentleman knows that the Immigration Committee of the House have been practicing sabotage on the alien seamen's bill because the steamships are against it.

Mr. JOHNSON of Washington. Our committee put that bill, S. 202, with amendments, on the calendar Saturday morning and we are trying to call it up.

Mr. DICKSTEIN. I wish the chairman of the Committee on Immigration would advise my good friend Mr. SNELL, the chairman of the Committee on Rules, who said on Saturday that I was against all immigration, that I voted in the committee for the exclusion of alien seamen and for other bills in that committee.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DICKSTEIN. I have not the time.

Mr. JOHNSON of Washington. The gentleman knows that the seamen's bill is on the calendar.

Mr. DICKSTEIN. And I voted for it.

Mr. JOHNSON of Washington. Of course.

Mr. DICKSTEIN. I want the gentleman to tell that to Mr. SNELL.

Mr. JOHNSON of Washington. Oh, the gentleman knows that we do not divulge what occurs in executive sessions in the committee.

Mr. DICKSTEIN. I also call to the attention of my very good friend the Speaker of this House, for whom I have the warmest regard and the very highest respect, that on Saturday when I made the point of no quorum he immediately took away the right of debate on this bill so that I might not have time enough to enlighten the people of the country and make you Members of the House understand what you are doing under this bill, and I might have had an opportunity to defeat it.

Under the hammer I can not defeat this bill, because Johnson, Johnson & Johnson of Washington, told the Committee on Rules that he had 75 per cent of the Members in his vest pocket, and 90 per cent of the Members are going to vote for his bill whether they understand it or not.

Now permit me to call attention, ladies and gentlemen of the House, to the fact that on Saturday was the first time in eight years' service in this Congress that I ever made a point of order of no quorum. That was the first time, gentlemen, and I call attention also to the fact that I have never made objection to any man's bill, so that I was not filibustering. All I was asking you was to give me an opportunity to explain and point out to you that by voting for this bill you are going to separate the children of men and women legally in the United States. You are forever going to separate the aged father and mother of American citizens. You are forever destroying the union of families, and, my Republican friends, you seem to forget it. When I tried to tell you something you hoodooed me, and you made so much noise that one would think there was a mob riot. Let me call something to your attention. I say to you, not by way of threat but by way of warning, I may be in the minority, but I am willing to vote to suspend immigration to-day if it will help one single American get a job. But, for God's sake, bring together the blood relatives and families, who will not be in competition with labor but families which will be consumers of American products.

Now I want you to take that home with you, because I hope to see you again, if God spares my life. In 1928 in the Republican platform what did you say? What did you tell the people of this country? That where a hardship is created you are going to unite families. What you are doing now is completely destroying the last vestige of blood between families. That is what you are going to do if you vote for this Johnson, Johnson & Johnson of Washington bill. Read it. The trouble with this Congress is that this kind of legislation is brought up without opportunity of debate. If you only could read the reports and hear the testimony, you would not vote for this bill. You would vote a hundred times against it. I make this promise now, gentlemen: I am willing to vote to suspend immigration and close our doors, but for God's sake let the little babies and the old people whom the Republican platform promised to unite come in. You are now completely destroying the promise, and I hope the people of this country will remember this condition. [Applause.]

For your information let me also present to you some statistics which I was able to obtain from our own State Department after considerable difficulty so as to be in a position to enlighten you as to the details of this proposed measure. Bear in mind, gentlemen and ladies, that we are seeking to pass this legislation for the sole purpose of relieving unemployment. It is therefore important for us to find out just how many competitors in our American labor market can come in under our present immigration laws.

I have before me a letter from the State Department dated January 15, 1931, which shows that during the month of November, for instance, a total of 76 quota visas were issued against the Polish immigration quota. In the month of December, 1930, these Polish quota visas amounted to 165, and as of July 1, 1930, the total demand from Poland for visas within the class of all legal preferences was in excess of 23,000, and in spite of that the monthly issue of visas does not exceed 165. All the visas that were issued were issued only to preferred immigrants. No immigration which was not in the preferred class has ever been able to come into the United States so that the only ones to whom visas were issued were wives, minor children, and parents of American citizens. If we are to cut down the quota it is not going to affect any new blood from immigrant countries who may enter the United States but these very fathers, mothers, wives, husbands, and children of immigrants who are now in the United States. How can any sane person claim that an aged parent or a minor child under the age of 18 or the wife of an American citizen may in any sense be deemed to be a competitor in the American labor market? These people are wholly innocent of any design to take away jobs from citizens of the United States and, of course, can not possibly combat with any one of us.

What is the purpose of such legislation? Can anyone be helped by it? As I said, if I can be convinced that a single American citizen will obtain any relief after this bill is passed I will be whole-heartedly for it. As it is I necessarily must be against it.

Turning, however, from opposition to the bill as a whole, serious questions arise, above indicated, that can and ought to be remedied by amendment. Limitation to one year has already been referred to as desirable. Much more oppressive and unjust, however, is the new provision contained in section 1, cutting down maximum quotas to one-tenth. Immediate relatives, such as wives and minor children of resident aliens born in some of the European countries involved, have been separated in shocking fashion for many years by the brutalities of the quota laws, which have called practically unanimously for rectification, and pledge after pledge to remedy these evils has been given, but practically wholly disregarded by Congress. Such wives and minor children are not breadwinners and do not come over to seek employment, and their presence here would not aggravate the employment situation in any way. Even after some slight but really inadequate relief was furnished by the act of May 29, 1928, amending section 6 of the quota law of 1924, repeated pledges were given that adequate relief would be afforded to the countries with small quotas, whose citizen husbands and fathers had been coming over here in large numbers in late years.

The Republican national platform adopted June 14, 1928 (a few weeks after this amendment of 1928), on which President Hoover and the present Republican Congressmen were elected, while favoring continued restrictions, expressly provided:

> Where, however, the law works undue hardship by depriving the immigrant of the comfort and society of those bound by close family ties, such modification should be adopted as will afford relief.

The Democratic national platform adopted two weeks later contained the following clause:

> Laws which limit immigration must be preserved in full force and effect, but the provision contained in these laws that separate husbands from wives and parents from infant children are inhuman and not essential to the purposes or the efficacy of such laws.

Although President Hoover has repeatedly declared himself as favoring such modifications, as did also his predecessors, and his Secretary of Labor and the Immigration Bureau again and again recommended such remedial legislation, Congress failed to carry out this pledge, and now is even asked to strike out practically nine-tenths of the inadequate relief it granted in 1928. Its Committee on Immigration and Naturalization is proposing to do this, despite the recommendation of Secretary of Labor Davis, contained in his annual report dated November 1, 1930, reading:

> I would exempt from this plan of control immigrants coming to join near relatives already in the United States. I have always advocated liberality in the matter of reuniting families, and my attitude has not changed in this respect.

The present bill arbitrarily treats wives and minor children of resident aliens quite differently than of citizens, section 4 (a) of the act of 1924 applicable to them not being modified in any way, though it is elementary that such residents ought to enjoy the same civil rights and family happiness as those already citizens. Separation of families is quite as inhumane, antisocial, and contrary to American interests in the case of the resident alien and prospective citizen as in the case of the man already naturalized.

Figures recently furnished by the State Department as to the number of applications of such near relatives of resident aliens registered at our consulates down to July 1, 1930, are striking as showing the number of persons involved, and how largely residents of southern and eastern Europe are discriminated against because of the small quotas assigned to them.

Twenty-seven thousand seven hundred and thirty-five wives, children, and parents of residents born in southern and eastern European countries are registered as seeking admission, as compared with 1,566 from northern and western Europe, as also 23,404 fathers, mothers, and husbands of United States citizens from the former group of countries, as compared with 692 from northern and western Europe. It will take many years for many of the former group before these near relatives can come over under our oppressive quota laws, even without such new curtailment.

As already pointed out, wives and minor children who are not breadwinners are involved, whose maintenance must be and is provided for by the husband and father resident in the United States.

Far from aggravating the employment situation in the United States, their presence here would keep hundreds of millions of dollars within our country to be spent here instead of being sent abroad for their maintenance there. Trade Information Bulletin No. 698, issued by the United States Department of Commerce for the year 1929, gives what it calls a conservative estimate of the amount of money sent that year by residents of the United States to their relatives abroad, namely, $247,000,000, exclusive of currency sent by mail. Figures kept by the Hebrew Immigrant Aid Society as to remittances by residents of the United States to near relatives abroad through its bureau during 1929, compared with the first 11 months of 1930, show that despite the hard times the amount did not greatly fall off in 1930, it having been more than 79 per cent of the preceding year's totals, and figures from other sources indicate a still higher percentage than this for 1930. The total of $247,000,000 for all races and creeds, reported by the Department of Commerce for 1929, reduced to the same 79 per cent for 1930 amounts to over $195,000,000. It is thus obvious that far from injuring our economic condition, just and humane laws authorizing reunion of families would keep enormous sums here to be spent in our own country. Nay, more, the narrow and oppressive provision barring reunion of families, and consequently involving transmission of such enormous sums to relatives abroad for their maintenance there for years past, is itself a serious contributing cause to our present economic troubles.

I believe that very few Members of Congress and Senators know the hardship and suffering that has been created by the act of 1924, which has cut immigration down to 150,000 for all of the world. As a result of the 1924 act thousands of families have been separated and have been waiting all these years with the hope that they can join their relatives. They have suffered untold hardships, and millions of dollars have been sent for their support and maintenance, and furthermore, since 1924 at least $1,000,000,000 has been forwarded to the European countries for the support of these relatives.

These families could not be united because of the small quota allotment to the countries under the national origin scheme. We are now trying to add additional hardships and burdens by cutting the quota down 90 per cent, which is practically closing the doors, as these relatives of persons entitled to come here under their preference quotas would never during their natural life be able to join their families.

In the past several months the State Department, through its consuls, have denied visas to persons legally entitled to come to the United States, whose preferences have been established for many years, and who are now refused admission on the ground they are liable to become a public charge. I have information that even children and wives of American citizens were denied admission on the ground of becoming a public charge; that aged parents of American citizens whose visas have been established and who are entitled to enter have been refused admission on the ground of liability to become a public charge, in spite of the fact that proof has been presented to the consuls of their financial ability.

The State Department, through its consuls, takes the position that under the 1917 act it has the power to exclude all persons likely to become public charges. I can not emphasize the matter more strongly or emphatically than to submit to this honorable body the additional and recent report of the State Department, published under the heading of Press Releases, dated January 24, 1931, which is marked "Exhibit C" of my minority views on this bill, and I hope that this Congress will find the time to thoroughly examine this report, which will prove my case beyond question of doubt that this bill, known as House Joint Resolution 500, to cut 90 per cent of immigration does not come in good faith and is not going to help labor conditions in the United States. On the contrary, it is destroying the firesides of American citizens whose husbands, whose fathers, whose mothers, and whose children will be forever debarred.

The principle so ably set forth by Theodore Roosevelt in his famous presidential message of 1906 should be heeded:

> We must treat with justice and good will all immigrants who come here under the law. Whether they are Catholic or Protestant, Jew or gentile; whether they come from England or Germany, Russia, Japan, or Italy matters nothing. All we have a right to question is the man's conduct. If he is honest and upright in his dealings with his neighbor and with the State, then he is entitled to respect and good treatment.

It is as plain as the nose on the face that if this bill passes, with only 10 per cent left of the quota, that 10 per cent will be classed by American consuls as public charges. In other words, we are building a fence around the United States and completely closing our doors regardless of rights of citizens.

I spoke to you a few moments ago of statistics which I have been able to obtain from our State Department. In order to make the situation clear I am inserting in the RECORD the information obtained from the department, together with the letters accompanying the same.

> DEPARTMENT OF STATE,
> *Washington, January 16, 1931.*
>
> The Hon. SAMUEL DICKSTEIN,
> *House of Representatives.*
>
> DEAR MR. DICKSTEIN: In accordance with the request made upon your call at the department on January 14, 1931, I am transmitting herewith a copy of the department's pamphlet entitled "Admission of Aliens into the United States"; also a copy of the latest press release on visa statistics, indicating further and continued reductions in visas issued to immigrants during November, 1930, as a result of the enforcement of the existing provisions of law in the light of the present economic conditions. As may be seen therefrom, 76 quota immigration visas were issued during the month of November against the Polish quota.
>
> I may add that the records indicate that 165 visas were issued under the Polish quota during December, 1930.
>
> Sincerely yours,
>
> A. DANA HODGDON,
> *Chief Visa Office.*

> DEPARTMENT OF STATE,
> *December 17, 1930.*
>
> VISA STATISTICS, INDICATING CONTINUED AND FURTHER REDUCTIONS IN VISAS ISSUED TO IMMIGRANTS DURING NOVEMBER, 1930
>
> I. QUOTA IMMIGRATION VISA STATISTICS FROM EUROPE[1]
>
> Reports from American consular officers assigned to 21 countries, whose annual quotas represent 148,466 of the total quota of 153,714, indicate that of the possible portion of the monthly 10 per cent of the total quotas, which 10 per cent equals 14,846, that only 944 visas were issued to nonpreference aliens as compared to 1,987 in October. This means that there was an underissue in November of 12,647 numbers which were available for issue to such applicants from those countries. In other words, there was an underissue of 93 per cent of numbers to this class of aliens who would normally have received visas during that month.
>
> The underissue of the possible monthly 10 per cent of the above quotas, amounting to 14,846, is 85 per cent if the visas issued to aliens entitled by law to preference as well as those classifiable as nonpreference aliens is taken into consideration.
>
> The consuls of the United States, in the enforcement of existing provisions of law in the light of present economic conditions, have brought about the above results without arbitrary rejections of applicants.
>
> Incomplete reports received to date from the remaining countries whose annual quotas amount to 5,248 and whose quotas are not restricted to a 10 per cent monthly issue indicate that only 41 numbers were issued during the month of November.
>
> II. NONQUOTA IMMIGRATION VISA STATISTICS FROM NORTH, CENTRAL, AND SOUTH AMERICA
>
> The two countries which have furnished the volume of nonquota immigrants to this country are Canada and Mexico, which contributed 89 per cent, or 70 and 19 per cent, respectively, of the total of 61,504 visas reported as issued to nonquota aliens during the fiscal year ended June 30, 1930. Consular officers in Mexico initiated stricter enforcement in that country in February, 1929, and in Canada in April, 1930. Reports received for the month of November indicate a continued decrease in visas issued in these two countries.
>
> (*A*) *Canada*
>
> Reports received from Canada indicate that only 806 nonquota visas were issued in November, 1930 (which figure includes unmarried minor children, the wives or the husbands of American citizens married prior to June 1, 1924, as well as certain professors, ministers, students, and previous lawful residents of the United States who would not be chargeable to the quota if there were a quota for Canada), as compared with 3,669 visas issued during the same month in 1929, which represents a reduction in visas issued during this period of 76 per cent. The 806 nonquota visas issued in Canada in November show a reduction of 800 visas issued when compared with 1,606 visas issued in October of the current year (a further reduction of 50 per cent).
>
> (*B*) *Mexico*
>
> Only 189 Mexicans (which figure includes unmarried minor children, the wives or the husbands of American citizens married prior to June 1, 1924, as well as certain professors, ministers, students, and previous lawful residents of the United States who would not be chargeable to the quota if there were a quota for Mexico) were issued visas in November, 1930, as compared with 2,889 in November, 1929 (the last corresponding normal month before stricter enforcement began), or a decrease of 93 per cent. The 189 nonquota visas issued in Mexico in November, 1930, show a reduction of 47 visas issued when compared with the 236 visas issued in October of the current year (a further reduction of 20 per cent).
>
> On the basis of these figures, both quota and nonquota, it is estimated that 135,000 aliens who would have come into this country during the quota year ended June 30, 1931, will not receive visas.
>
> The attached table of quota visa statistics for the month of November, 1930, represents reductions in visas issued to immigrants during the second month of the enforcement of the "likely to become a public charge" provision of the immigration act of 1917 by consular officers in the light of present unemployment in the United States, which policy was put in effect in October following the announcement in this regard by the President on September 8, 1930, based on a report presented by the State Department at his request.
>
> In this connection consular officers have been informed that in view of the serious unemployment which exists in the United States particular care should be taken before issuing immigration visas to determine whether the applicants may become public charges.
>
> If any alien, upon whom the burden of establishing admissibility is placed by section 23 of the immigration act of 1924, should be unable to establish that he is not likely to become a public charge the consular officer to whom he may have applied for a visa would have no other choice under section 2 (f) of the

[1] Includes all countries in the world other than most of the countries in the Western Hemisphere and certain parts of the Far East known as the so-called Asiatic barred zone.

immigration act of 1924 than to refuse a visa. Section 9 (f) of the act cited provides in part that "no immigration visa shall be issued to an immigrant if it appears to the consular officer * * * that the immigrant is inadmissible to the United States under the immigration laws * * * nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws."

Immigration quota visa statistics, November, 1930

[Countries with quotas of 300 or more]

Country	Monthly 10 per cent of quota[1]	Number relatives of American citizens	Farmers	Number relatives of aliens	Nonpreference	Total quota visas reported issued	Per cent issued	Per cent nonpreference issued	Per cent nonpreference underissued
Column	1	2	3	4	5	6	7	8	9	10
Austria	141	1	6	3	15	25	0.18	0.82	0.11	0.89
Belgium	130	2	1	10	11	24	.18	.82	.09	.91
Czechoslovakia	287	28	3	39		70	.24	.76	.00	1.00
Denmark	118	2	8	4	12	26	.20	.80	.12	.88
Finland	57		10			10	.18	.82	.00	1.00
France	309	3	4	14	67	88	.28	.72	.23	.77
Germany	2,596	22	2	106	91	221	.09	.91	.04	.96
Great Britain	6,572	9		138	398	545	.08	.92	.06	.94
Greece	91	16		15		31	1.00	.00	.00	.00
Hungary	87	42				42	.48	.52	.00	1.00
Irish Free State	1,785	2		3	82	87	.03	.97	.03	.97
Italy	580	296		131	17	444	.77	.23	.11	.89
Lithuania	39	17	3	18		38	.97	.03	.00	1.00
Netherlands	315	2	11	19	74	106	.34	.66	.26	.74
Norway	238	4	13	16	40	73	.31	.69	.20	.80
Poland	652	58	1	17		76	.12	.88	.00	1.00
Portugal	44	14		30		44	1.00	.00	.00	.00
Russia	278	10	8	25	111	164	.59	.41	.49	.51
Sweden	331	3	5	11	43	62	.19	.81	.14	.86
Switzerland	171	3			9	12	.07	.93	.05	.95
Yugoslavia	85	20	10	9	4	43	.51	.49	.00	.91
Total	[2]14,845	564	83	608	944	2,199	.15	.85	.07	.93

[1] Only 10 per cent of quotas which are 300 or over may be issued each month.

[2] Per cent of total monthly 10 per cent issued or underissued.

[3] The figure given under totals in column 9 represents the percentage of total nonpreference visas issued as compared to the monthly 10 per cent ratio after reduction of the preference cases listed under columns 2, 3, and 4. The figure under column 10 represents the corresponding underissue of visas.

NOTE.—The above figures represent visas actually reported as issued under each quota. In some instances reports on other visas for which quota numbers have been allotted to distant consulates are received by the quota control officers only after the end of the month for which allotted. The figures given for visas issued at the end of a given month are therefore in some cases provisional in character and are slightly less than the total obtained at a later date.

DEPARTMENT OF STATE,
Washington, February 27, 1931.

The Hon. SAMUEL DICKSTEIN,
House of Representatives.

DEAR MR. DICKSTEIN: Referring to your request over the telephone, I am inclosing a statement to show the reported demand as of July 1, 1930, against the various quotas on the part of aliens coming within the first preference and second preference classifications. I may add that these figures have been hastily prepared and may, therefore, require revision.

Very truly yours,

ELIOT B. COULTER,
Assistant Chief Visa Division.

Registered demand for visas as of July 1, 1930, as reported by consuls

[First-preference relatives and second-preference relatives only]

NORTHERN AND WESTERN EUROPE

	First preference	Second preference	Total
Belgium	5	8	13
Denmark	24	70	94
France	44	41	85
Germany	190	811	1,001
Great Britain and Northern Ireland	6	120	126
Irish Free State	38	28	66
Netherlands	30	56	86
Norway	105	171	276
Sweden	220	206	426
Switzerland	29	55	84
Total	691	1,566	2,257

Registered demand for visas as of July 1, 1930, as reported by consuls—Continued

SOUTHERN AND EASTERN EUROPE

	First preference	Second preference	Total
Austria	72		72
Czechoslovakia	653	2,481	3,134
Finland	80	157	237
Greece	730	176	906
Hungary	636	25	661
Italy	10,000		10,000
Lithuania	322	61	383
Poland	3,463	19,887	23,350
Portugal	90	908	998
Russia	2,871	121	2,992
Yugoslavia	422	77	499
Total	19,509	23,923	43,522

ALL OTHER COUNTRIES[1]

Albania	32	324	356
Armenia	4		4
Australia	1	9	10
Bulgaria	25	224	249
Egypt		21	21
Estonia	5	18	23
Iraq		15	15
Latvia	94	95	189
Luxemburg	1		1
Palestine	16	87	103
Persia	10	17	27
Rumania	900	200	1,100
South Africa		1	1
Spain	27	163	190
Syria	561	72	636
Turkey	1,535	101	1,636
Total	3,114	2,247	5,361

[1] Quotas less than 300.

These statistics can convince the impartial listener of only one thing—of the great clamor made by relatives and others entitled to preferences to obtain visas to enter this country and of the policy of restriction which the State Department has been pursuing for some time past, as I had occasion to speak on the floor of the House, and which policy results in a curtailment of immigration even beyond the terms of the proposed legislation.

We can, therefore, conclude that this legislation is wholly useless and unnecessary. That the State Department has already done as much and more as this bill proposes to do. That those who desire to come to the United States to-day are not coming in competition with our labor, but are coming to join relatives in the United States. We may, therefore, safely vote against this proposed bill, and whether we agree or do not agree with the policy of the State Department or with the general tenor of the existing immigration laws, no useful object can be served by passing this new bill.

Mr. Speaker, I yield back the balance of my time.

Mr. JENKINS. Mr. Speaker, ladies and gentlemen of the House, it shall be my purpose, if I possibly can, to make a statement of facts with reference to what this bill will do and will not do.

In the first place, permit me to say to you this is not a partisan bill. It is not a Republican bill. It is not a Democratic bill. It is a bill that comes out of the urge, the great demand of the people of America for further restriction of immigration. It comes indirectly to us, I might say, from a paragraph of the President's message.

This bill has the support of the Secretary of State in exact language, in unambiguous language. It has the support of the Secretary of Labor in unambiguous language. It has the support, I might say, of organized labor in unambiguous language. It has the support of the patriotic organizations of America in unambiguous language. Consequently, I am proud to stand on this floor and attempt to explain a bill that I think the American people would like to have passed at this time.

Saturday's RECORD shows a reference to me in the remarks of the gentleman from New York [Mr. O'CONNOR]. If the gentleman sought to convey the impression that I am in any way a devotee of the "hooded figure" referred to by him he was giving me a classification that I am not entitled to. He was mistaken.

I have prepared a table of figures which I have had made up into a chart. That table is as follows:

Exhibit A

	Present law	New bill
European (non quota): Wives and children of American citizens, teachers, ministers, returning visitors, all others	45,097	45,097
Western Hemisphere (no quota at present):		
Canada	41,248	
Mexico	11,801	7,637
All others	9,323	
Total	62,372	
European (quota):		
Great Britain, North Ireland, etc	65,721	
Germany	25,957	
Italy	5,802	
Poland	6,524	19,703
	153,714	72,437
All others	49,710	
	261,183	
Difference	188,746	

There is a great influx of population into this country that comes in without coming within the provisions of the quota laws. It is given no consideration in these figures which I have prepared on this chart. There are many thousands of people who come here to visit; people who come as transients. They are not considered as immigrants. They are absolutely not taken into consideration in this chart. They are outside all quotas and they come in in unlimited numbers. This bill under discussion will not curtail them in the least. There are two classes of people that I took account of here in this chart. They are all "immigrants," these two classes are the "nonquota" people and the "quota" people. At this point on the chart are represented the nonquota people who come here. They come outside of the quota, and it makes no difference where they come from just so they comply with the law as to health and literacy and other similar tests.

Mr. SABATH. Who are they?

Mr. JENKINS. They are the wives and children of citizens.

There are teachers, there are ministers, returning visitors, and a few other minor classifications.

Last year, ending with June 30, there were 45,097 of those people who came in from various countries. They came from all countries. I may tell you that Italy, of that 45,000, sent 17,872 people. They come in this list which I have indicated on the chart. They are mostly wives and children of American citizens. While Italy was sending in that number, Poland sent in 4,022; Rumania, 1,053; Greece, 1,875; Turkey, 1,039; while Germany was only sending 1,840, and Sweden was only sending 453. It is readily apparent that in this classification the southern European countries have a decided advantage. The opponents of this bill fail to explain this.

Now, let us go further. At this place on the chart is shown the Western Hemisphere. This bill seeks to deal with the Western Hemisphere. Up to this time we have had no quotas on the Western Hemisphere. Canadians and Mexicans come in without restriction whatever, except as to health, criminal records, and other requirements of a similar character.

A few days ago Canada issued an edict calling for a total suspension of immigration into Canada for two years.

I want to say to you that our bill provides for a 90 per cent suspension for two years. They have gone further than we have on this question of restriction. Let us see how many people came in from Canada last year—41,248. They were people who were seeking to become citizens, and not people who were merely passing over the border. I tell you men and women who live on the Canadian border that this bill will not interfere in any way with any man who daily crosses the border as a visitor or as one who wishes to transact business in our country or with a man wishing to pass from our country into Canada for the same purpose. They can cross from Canada in their cars just the same as they are doing now. A man who lives on either side can go and come like he has been doing. This bill does not interfere with him in the least.

Mr. HALE. Will the gentleman yield?

Mr. JENKINS. For a question.

Mr. HALE. Then why any restriction on Canada?

Mr. JENKINS. This is a restriction against those who come here to secure employment, to take the jobs of those who are citizens of this country.

Mr. SNELL. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. SNELL. What about a man who lives across the Canadian border and comes to Ogdensburg, in my district, to work during the day and goes back at night. Will he be shut off?

Mr. JENKINS. He will not be shut off if he comes within the purview of the agreement made by the Secretary of State and the Secretary of Labor with corresponding officers in Canada, an agreement made two or three years ago.

Mr. SNELL. Can the gentleman tell me what that agreement does?

Mr. JENKINS. It is a very exhaustive agreement, and I do not believe I have the time to go into it now. But I am advised that there will be no difficulty in that respect as to a man who has a job now, but it will affect those who in the future wish to come across to take the jobs that belong to our people.

Mr. JOHNSON of Washington. It applies to a man who is domiciled here, even though he sleeps in Canada at night.

Mr. JENKINS. I understand that the officers have worked that out. They appeared before us and gave us the absolute understanding, without any question, that the thing would be worked out satisfactorily to both nations.

Mr. SNELL. They can come here and continue here if they have a job here.

Mr. JENKINS. If they have a job here now; yes.

Mr. JOHNSON of Washington. If that is their status now.

Mr. GREEN. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. GREEN. When this matter was before our committee the gentleman will recall I offered an amendment whereby no visa should be issued to an immigrant unless he came from a country to whom we could deport.

Mr. JENKINS. I remember the gentleman's amendment.

Mr. GREEN. That was voted down. Another amendment I offered was that no visa should be issued to anyone except he be of the Caucasian race, and that was voted down.

Mr. JENKINS. Referring to this chart, as I said, Canada sent in last year 41,248, Mexico 11,801, and all other Western Hemisphere countries 9,323, a total of 62,372. Under this bill this number will be reduced to 7,637.

Let us go down to the next classification. I have been referring to the nonquota countries, and now I will discuss the quota countries. Great Britain, Ireland, Scotland, Wales, and some of the other principalities of Great Britain have a quota of 65,721; Germany, 25,957; Italy, 5,802; Poland, 6,524; and all the other countries of Europe have a combined quota of 49,710. That makes a total of 153,714. This is the total quota of Europe. This number together with the 45,097 nonquota from Europe represents the total influx of immigrants from Europe for the year ending June 30, 1930. This does not include visitors, and so forth, heretofore referred to. There are thousands who come in as visitors and in other ways who lose themselves in our population and never return to their native countries.

Mr. DUNBAR. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. DUNBAR. Under the head of Europeans, wives and children, teachers, ministers, and so on, the gentleman said over 10,000 came from Italy?

Mr. JENKINS. Yes; 17,872.

Mr. DUNBAR. Yet in the European quota the gentleman says that 5,802 came from Italy.

Mr. JENKINS. I confess that the immigration law is complicated and hard to understand. The first figures, 17,872, are nonquota immigrants; for instance, wives of citizens count. There is no limitation on these. If 50,000 Italians were naturalized this year, they at once bring in their wives and children, regardless of any quota limitation. But the second number, 5,802, that represents the quota fixed for Italy. That deals with immigrants who wish to come for the first time and the wives and children of aliens within this country who have not as yet been naturalized. The total quota immigration from Europe is 153,714. The total nonquota for 1929 and 1930 was 45,007. This figure can fluctuate, but the quota figures are fixed by law.

Now, what does this bill propose to do. It reduces quota immigration 90 per cent. In other words, each of these European countries will be reduced to 10 per cent. Ten per cent of 153,714 will be 15,371. You ask me then, how do I arrive at the figure 19,703. That figure is 10 per cent of the original quota plus the addition that comes by reason of the provision that allows a minimum quota of 100 to each country. Under this bill, therefore, the total European quota is reduced from 153,714 to 19,703.

Let us now consider the Western Hemisphere. What does it do in the Western Hemisphere? As heretofore explained, the Western Hemisphere is not under a quota. It is proposed by this bill to give to each of the countries of the Western Hemisphere a quota equal to the number of aliens arriving from that country into the United States during the fiscal year 1929–30. Then take 10 per cent of that number. In other words, fix a quota for these countries and then reduce it by 90 per cent, just like it proposes to do with all other quotas. From this chart you can see that Canada sent us 41,248 immigrants in 1929–30, while Mexico sent us 11,801, a total from the Western Hemisphere of 62,372. A 90 per cent reduction from this figure plus the additions that come from allowing each country a minimum of 100 gives a total of 7,637 which will be the quota immigration from the Western Hemisphere. In addition, as heretofore explained, any Canadian wishing to come to the United States for business or to cross daily about his business, if he is known to the immigration authorities on the border, will not be interfered with. Also, the wives and children of Canadians who have become American citizens can come in, in unlimited numbers. The same is true as to Mexico. Also, a Canadian or Mexican living here but who is not yet a citizen may bring in his wife and children; they must come under the quota, but are given preference ahead of new stock. By that I mean that a Mexican in the United States for permanent residence under this bill will be permitted to ask that his wife and children be permitted to come in, and they will be preferred ahead of a young single man or another married man still in Mexico wanting to come in.

You will note from this chart that the number of nonquota immigrants heretofore given as the number coming in under the present law is 45,097. You will also note that I carry that same figure over into the column headed "New bill." I do that for there will be absolutely no change in this class under the new bill. The number of this class coming next year may not be the same as given here. It may be larger or it may be smaller. This new law does not limit it any more than the present law does.

There is no change in that respect. They can come right along and this statement proves it.

Now, if you will total these columns, you will see that the column listed "new bill" totals 72,437. A total of the same classifications under the present law is 261,183. This shows a net gain of 188,746 per year for two years. [Applause.]

Now, I want to say again, ladies and gentlemen, like everyone else, I feel very kindly toward the Canadians, and I am glad that we can say to them, "You can come over and trade with us, you can come over and buy from us, you can come over and visit with us, with the little tickets, like you have always had, and we will go back and forth, as we have always done." There will be absolutely no trouble about it. If there is no trouble with Canada, our nearest neighbor and one of our finest friends internationally, we certainly should have no concern whatever with the results of passing this bill, from a diplomatic standpoint.

Now, what else are we doing under this bill? Great Britain takes a cut of 90 per cent, from 65,000 down to 6,572; Germany takes the same kind of cut, Italy takes the same kind of cut, and so does Poland.

If I have the time, I want to show you how the quotas of Poland and Italy and Turkey and the other southern European countries work out to the benefit of the women and children. As you know, in 1928 we passed a bill for the uniting of families. I was the author of that bill and I am proud of it, and I may say to you that the Department of Labor has repeatedly in its reports said that this bill has worked out wonderfully for the benefit of women and children. That bill provided that preferences within the quotas should be given to fathers and mothers of American citizens and wives and children of aliens within the country for permanent residence. Let me illustrate: Germany has a quota of about 26,000 per year. The law provides that preference be given to fathers and mothers of American citizens and husbands married before June, 1928. This preference applies to the extent of 50 per cent of the total quota, and a preference is given to the wives and children of alien residents to the extent of the other 50 per cent, and these wives and children are given the balance of the 50 per cent going to fathers and mothers if that class does not consume their percentage. To explain further, the German quota would be divided so that 13,000 could be used by fathers and mothers, if necessary, and 13,000 by wives and children. But in Germany only a small percentage is used for any of these preferences and the great bulk goes to new stock. But in countries like Poland every single item there of that whole 6,524 can go to the women and children [applause]; and I want to say to you that every single item does go to the women and children in Poland and in all the southern European countries. The Polish quota is divided so that 50 per cent goes to fathers and mothers and the other 50 per cent to the wives and children. The total quota is, under my bill of 1928, applicable to reuniting families.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. DICKSTEIN. Mr. Speaker, I yield one-half minute to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I simply want to explain the amendment which we were anxious to offer. We could not do so because the bill is being considered under suspension of the rules and no amendments are possible. It was an amendment to permit the fathers and mothers of citizens, who could show to the satisfaction of the Secretary of Labor that they would be properly cared for and would not engage in gainful occupation, to come in within the limits of the existing quota. This is the only request that we had to make, and it seems to me it was a humane, reasonable request, and I am sure would have had the support of American people. Such an amendment would not have weakened the bill. It would not have, in any way, defeated the purpose of keeping out peon labor. It would have given the opportunity of uniting families and getting in the many aged parents who have been waiting for years to join their children. Under the bill reducing quotas 90 per cent, these mothers will never live to reach their turn. It is without doubt the most scientific legislative cruelty ever devised by man. The failure to exempt parents of citizens from the 90 per cent cut can not be justified. Why not permit parents who will not look for work and who can be properly supported by their citizen children to enter? What justification can be given for this arbitrary general reduction? None. I have made every effort humanly possible to make you see the wrong, the hardship, the mental torture you are inflicting on thousands of good families. It seems it is all futile. Our only hope is that the Senate will not permit this outrage to become the law.

Mr. DICKSTEIN. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, ladies and gentlemen of the House, I want to call your attention to this chart. This chart is made up for the purpose of showing figures that do not belong here at all. These figures have nothing to do with the wives and children and fathers and mothers, because if a man comes here on a visit from a foreign country he has to go back, whether he goes back in one month or two months, whether he is a teacher or a minister. They also have nothing to do with the aged parents of 60 or 65, or the babies or wives of aliens legally admitted to the United States.

Mr. SABATH. And they would not take anybody's job.

Mr. DICKSTEIN. They would not take one single job away from anybody.

This is just another attempt to close the doors to make you believe that there are thousands of immigrants coming in here, when the truth of it is there are only 150,000 who can come in under the national-origins scheme, and Great Britain and the Nordic races, including Germany, get almost 112,000, thereby continuing to separate families as they have been separated since 1924.

As already pointed out, wives and minor children who are not breadwinners are involved, whose maintenance must be and is provided for by the husband and father resident in the United States.

Far from aggravating the employment situation in the United States, their presence here would keep hundreds of millions of dollars within our country to be spent here instead of being sent abroad for their maintenance there. Trade Information Bulletin No. 698, issued by the United States Department of Commerce for the year 1929, gives what it calls a conservative estimate of the amount of money sent that year by residents of the United States to their relatives abroad, namely, $247,000,000, exclusive of currency sent by mail. Figures kept by the Hebrew Immigrant Aid Society as to remittances by residents of the United States to near relatives abroad through its bureau during 1929, compared with the first 11 months of 1930, show that despite the hard times the amount did not greatly fall off in 1930, it having been more than 79 per cent of the preceding year's totals, and figures from other sources indicate a still higher percentage than this for 1930. The total of $247,000,000 for all races and creeds, reported by the Department of Commerce for 1929, reduced to the same 79 per cent for 1930 amounts to over $195,000,000. It is thus obvious that far from injuring our economic condition, just and humane laws authorizing reunion of families would keep enormous sums here to be spent in our own country. Nay, more, the narrow and oppressive provision barring reunion of families, and consequently involving transmission of such enormous sums to relatives abroad for their maintenance there for years past, is itself a serious contributing cause to our present economic troubles. In fact, Jane Addams, who has no superior in familiarity with conditions among the foreign born, in her newly published work, The Second Twenty Years at Hull House, suggests that our quota law immigration policy is responsible for much of our present disturbed economic condition in barring so many immigrants from our shores. She says (p. 278):

> The economists, it seems to me, have never sufficiently stressed the fact that the great number of immigrants formerly arriving represented an enormous mass of consumers who needed food, clothing, and shelter on a constantly rising standard of living. We are told that in this country of ours every person, on the average, eats about 5 bushels of grain a year. How far is our annual plethora of foodstuffs due to the fact that we were long accustomed to having to have markets come to us, so that we are slow to learn how to overcome the difficulty in disposing of our products in foreign markets.

There is no need to point out the elementary fact that the family is the basis of our civilized life and that laws separating near members of families are brutal and inhuman. This applies equally to resident aliens admitted for permanent residence as to citizens. The United States Supreme Court, in Meyer *v.* Nebraska (262 U. S. 390), well pointed out that among the inalienable rights granted by the fourteenth amendment to all residents is the right "to marry, establish a home, and bring up children," and it is pure despotism to deny this right to domiciled aliens under cover of our immigration laws. Far from remedying this evil, in accordance with party pledges, this bill reduces present maximum quotas to 10 per cent, subject to much additional administrative curtailment.

As already pointed out, this proposed legislation, I predict now, is intended as an entering wedge for the future, to build a fence around the United States and to continue to separate the families of resident aliens and to persons entitled to preference under the law, who are seeking to join their citizen children and citizen wives.

One does not have to argue very much to convince you gentlemen if you will just read Mr. Johnson's majority report accompanying this House Joint Resolution 500. I call your attention particularly to the statement contained in the report on pages 4 and 5:

> While it is true that immigration from Canada, Mexico, and Cuba was greatly reduced during the last fiscal year (and still further reduced during the past few months), it is apparent that the present economic situation assists United States consuls in applying the "likely to become a public charge" clause of the 1917 act, and when conditions change it will be increasingly difficult to use that clause as a barrier.

Now, what does the author mean by saying "that when conditions change it will be increasingly difficult to use that clause as a barrier"? Is not this legislation intended solely as temporary legislation to meet the present economic conditions, and if economic conditions should change to-morrow or next month why should there be any barrier against anyone who can meet the requirements of the law and be admitted under the 1924 act? What is intended by the author, Mr. JOHNSON, when he said "when conditions improve we will not be able to use the 1917 act as a barrier"? In other words, the chairman of immigration is now laying a foundation, using the depression as an excuse, that although conditions will improve to-morrow he wants something permanent to keep people away from the United States who would lawfully be entitled to come—from those bound in blood and from those who would have a right to bring them in.

This bill is going to separate the parents of American citizens forever, because they come within the preferred quota of the countries of their nationality. If you are going to take away 90 per cent of the small-quota countries you might as well have turned around and built a fence and let no one in, for as a matter of fact they will never in their lifetime be able to see their dear children, and you Members of Congress will have to carry the burden and carry it on your conscience, that you were the cause and support of this un-American piece of legislation, bearing in mind that you are not helping one single American job, but you are destroying the last breath of liberty among free people for which our forefathers fought and died.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SIROVICH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SIROVICH. Coming from the most congested district in this Nation, I have not had an opportunity to say a word. May I ask your indulgence, Mr. Speaker, to have five minutes to proceed out of order?

The SPEAKER. The gentleman from New York asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. JENKINS. Reserving the right to object, I shall object unless we may have five minutes to reply.

Mr. SNELL. If we start that procedure we will have to keep it up. We want to be fair. The gentleman is one of my very best friends, but I shall have to object.

Mr. SIROVICH. May I make an appeal to the House? I spoke to you, Mr. Speaker, on Saturday night, and I spoke to you this morning to show the unfairness of this bill.

The SPEAKER. The Chair has recognized the gentleman to make his request, but objection is heard.

All time has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I reserve the right to object——

The SPEAKER. The gentleman from New York [Mr. SIROVICH] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. McLAUGHLIN. I object, Mr. Speaker.

Mr. JOHNSON of Washington. I would like to couple with that request that the gentleman from Texas [Mr. BOX] have five minutes thereafter.

Mr. SNELL. Mr. Speaker, there is important business that we must conclude to-day, and I object.

The SPEAKER. Objection is heard.

The question is on the motion of the gentleman from Ohio [Mr. JENKINS] to suspend the rules and pass the bill.

Mr. DICKSTEIN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 299, nays 82, not voting 49, as follows:

[Roll No. 47]

YEAS—299

Abernethy	Dickinson	Johnson, Ind.	Pittenger
Ackerman	Dominick	Johnson, Nebr.	Pou
Adkins	Doughton	Johnson, Okla.	Pratt, Harcourt J.
Allen	Douglas, Ariz.	Johnson, S. Dak.	Pritchard
Allgood	Dowell	Johnson, Tex.	Purnell
Almon	Doxey	Johnson, Wash.	Quin
Andresen	Drane	Jonas, N. C.	Ragon
Arentz	Drewry	Jones, Tex.	Rainey, Henry T.
Arnold	Driver	Kading	Ramey, Frank M.
Aswell	Dunbar	Kelly	Ramseyer
Ayres	Dyer	Kendall, Ky.	Rampeck
Bachmann	Eaton, Colo.	Kendall, Pa.	Rankin
Bacon	Eaton, N. J.	Kerr	Rayburn
Baird	Edwards	Ketcham	Reece
Bankhead	Elliott	Kinzer	Reed, N. Y.
Barbour	Ellis	Knutson	Reilly
Beedy	Englebright	Kopp	Rich
Beers	Erk	Lambertson	Robinson
Blackburn	Ethridge	Lankford, Ga.	Romjue
Bland	Esterly	Lankford, Va.	Rutherford
Blanton	Evans, Calif.	Leavitt	Sanders, Tex.
Bohn	Evans, Mont.	Leech	Sandlin
Bowman	Finley	Lehlbach	Schafer, Wis.
Box	Fish	Letts	Schneider
Brand, Ga.	Fisher	Linthicum	Selberling
Brand, Ohio	Free	Loofbourow	Selvig
Briggs	French	Lozier	Shaffer, Va.
Browne	Fuller	Ludlow	Shott, W. Va.
Browning	Fulmer	McClintic, Okla.	Shreve
Brumm	Gambrill	McClintock, Ohio	Simmons
Buckbee	Garber, Okla.	McCormick, Ill.	Simms
Burtness	Garber, Va.	McDuffie	Sloan
Busby	Gasque	McFadden	Smith, Idaho
Butler	Glover	McKeown	Smith, W. Va.
Byrns	Goldsborough	McLaughlin	Snell
Cable	Green	McLeod	Sparks
Campbell, Iowa	Greenwood	McMillan	Speaks
Campbell, Pa.	Gregory	McReynolds	Sproul, Ill.
Canfield	Guyer	McSwain	Sproul, Kans.
Cannon	Hadley	Maas	Stafford
Carter, Calif.	Hall, Ill.	Magrady	Stalker
Carter, Wyo.	Hall, Ind.	Manlove	Steagall
Cartwright	Hall, Miss.	Mapes	Stone
Chalmers	Hall, N. Dak.	Mangee	Strong, Kans.
Chase	Haley	Michener	Strong, Pa.
Chiperfield	Hancock, N. C.	Miller	Summers, Wash.
Christgau	Hardy	Milligan	Sumners, Tex.
Clague	Hare	Montague	Swanson
Clancy	Hartley	Montet	Swick
Clark, Md.	Hastings	Moore, Ky.	Swing
Clarke, N. Y.	Haugen	Moore, Ohio	Taber
Cochran, Mo.	Hawley	Moore, Va.	Tarver
Cochran, Pa.	Hess	Morgan	Taylor, Tenn.
Cole	Hickey	Mouser	Temple
Collier	Hill, Ala.	Murphy	Thatcher
Collins	Hill, Wash.	Nelson, Mo.	Thurston
Colton	Hoch	Nelson, Wis.	Timberlake
Cooper, Ohio	Hoffman	Newhall	Tucker
Cooper, Tenn.	Hogg, Ind.	Niedringhaus	Turpin
Cox	Hogg, W. Va.	Nolan	Vestal
Crail	Holaday	O'Connor, Okla.	Vincent, Mich.
Cramton	Hooper	Oldfield	Wainwright
Crisp	Hope	Oliver, Ala.	Walker
Cross	Hopkins	Owen	Warren
Crowther	Huddleston	Palmer	Watres
Culkin	Hudson	Parker	Watson
Darrow	Hull, Tenn.	Parks	Welch, Calif.
Davis	Hull, Wis.	Parsons	Welsh, Pa.
Dempsey	Irwin	Patman	Whittington
Denison	James, Mich.	Patterson	Williams
De Priest	Jeffers	Peavey	Williamson
DeRouen	Jenkins	Perkins	Wilson
Wingo	Wolverton, W. Va.	Woodrum	Yon
Wolfenden	Wood	Wright	Zihlman
Wolverton, N. J.	Woodruff	Wyant	

NAYS—82

Aldrich	Cullen	Howard	Ransley
Andrew	Dallinger	Hull, Morton D.	Rogers
Auf der Heide	Dickstein	Hull, William E.	Sabath
Bacharach	Douglass, Mass.	Igoe	Sears
Beck	Doyle	Kahn	Seger
Black	Estep	Kvale	Sinclair
Bloom	Fenn	LaGuardia	Sirovich
Bolton	Fitzpatrick	Lindsay	Snow
Boylan	Fort	Luce	Somers, N. Y.
Brigham	Foss	McCormack, Mass.	Stobbs
Britten	Freeman	Martin	Sullivan, N. Y.
Buchanan	Garner	Mead	Sullivan, Pa.
Burdick	Gavagan	Merritt	Tilson
Carley	Gibson	Mooney	Tinkham
Celler	Gifford	Morehead	Treadway
Chindblom	Goss	Nelson, Me.	Wason
Christopherson	Graham	Norton	White
Condon	Granfield	O'Connor, N. Y.	Whitley
Connery	Griffin	Palmisano	Wigglesworth
Cooke	Hale	Prall	
Crosser	Hancock, N. Y.	Pratt, Ruth	

NOT VOTING—49

Bell	Golder	Kurtz	Spearing
Brunner	Goodwin	Langley	Stevenson
Clark, N. C.	Houston, Del.	Lanham	Taylor, Colo.
Connolly	Hudspeth	Larsen	Thompson
Corning	James, N. C.	Lea	Underhill
Coyle	Johnson, Ill.	Mansfield	Underwood
Craddock	Johnston, Mo.	Michaelson	Vinson, Ga.
Davenport	Kearns	O'Connor, La.	Whitehead
Dorsey	Kemp	Oliver, N. Y.	Wurzbach
Doutrich	Kennedy	Reid, Ill.	Yates
Fitzgerald	Kiefner	Rowbottom	
Frear	Korell	Sanders, N. Y.	
Garrett	Kunz	Short, Mo.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The following pairs were announced:

Mr. Connolly and Mr. Vinson of Georgia (for) with Mr. Kennedy (against).

Mr. Goodwin and Mr. Lanham (for) with Mr. Oliver of New York (against).

Mr. Kurtz and Mr. Stevenson (for) with Mr. Brunner (against).

Mr. Larsen and Mr. Taylor of Colorado (for) with Mr. Golder (against).

Mr. Garrett and Mr. Coyle (for) with Mr. Corning (against).

Mr. Johnson of Illinois and Mr. Reid of Illinois (for) with Mr. Kunz (against).

General pairs until further notice:

Mr. Doutrich with Mr. Clark of North Carolina.
Mr. Frear with Mr. Dorsey.
Mr. Underhill with Mr. James of North Carolina.
Mr. Yates with Mr. Kemp.
Mr. Davenport with Mr. Mansfield.
Mr. Wurzbach with Mr. Lea.
Mr. Sanders of New York with Mr. Underwood.
Mr. Korell with Mr. Whitehead.
Mr. Short of Missouri with Mr. Spearing.
Mr. Kiefner with Mr. Bell.
Mrs. Langley with Mr. O'Connor of Louisiana.
Mr. Fitzgerald with Mr. Hudspeth.

Mr. FITZGERALD. Mr. Speaker, I was not in the Chamber during the call, but if present I would have voted "aye."

The result of the vote was announced as above recorded.

House Resolution 370 was laid on the table.

PROMOTION OF HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. PARKER. Mr. Speaker, I call up the conference report on the bill S. 255, for the promotion of the health and welfare of mothers, infants, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255), an act for the promotion of the health and welfare of mothers and infants, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

JAMES S. PARKER,
JOHN G. COOPER,
SAM RAYBURN,
Managers on the part of the House.
HIRAM W. JOHNSON,
W. L. JONES,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 255, entitled "An act for the promotion of the health and welfare of mothers and infants, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely, that the Senate has receded from its disagreement to the amendment of the House, which provided that in addition to promoting the health and welfare of mothers and infants the United States shall cooperate with the States in promoting the general health of the rural population of the United States and extending the provision of the act to Alaska and authorizing an additional appropriation in order to take care of the additional territory. The second amendment corrects the title so as to make it conform to the body of the act.

JAMES S. PARKER,
JOHN G. COOPER,
SAM RAYBURN,
Managers on the part of the House.

Mr. PARKER. Mr. Speaker, the Senate receded from its disagreement and accepted the bill exactly as we passed it on Friday. The conference report shows that it is exactly the same bill that the House voted on and passed on Friday.

Mr. TUCKER. How about the increased appropriation?

Mr. PARKER. Five thousand dollars was added to take care of Alaska. That was done in the House.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

REDUCED CAR FARE FOR SCHOOL CHILDREN

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the special reduced street car fare bill for school children which has been signed by the President. That is a measure for which I have been fighting ever since the convening of the Sixty-sixth Congress. It is a shame that for all these years the 69,875 school children of Washington have had to pay full car fare. They will now have a 3-cent fare.

The SPEAKER. Is there objection?

There was no objection.

SATURDAY HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

Mr. LEHLBACH. Mr. Speaker, I move to suspend the rules and pass the bill S. 471, providing for a Saturday half holiday for certain Government employees, as amended.

The Clerk read the bill, as follows:

An act providing for Saturday half holidays for certain Government employees

Be it enacted, etc., That on and after the effective date of this act four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays throughout the year, with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: *Provided*, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees can not be spared, such employees shall be entitled to an equal shortening of the workday on some other day: *Provided further*, That the provisions of this act shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws.

The SPEAKER. Is a second demanded?

Mr. McCORMACK of Massachusetts. Mr. Speaker, I demand a second.

Mr. LEHLBACH. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, this bill was unanimously reported by the Committee on Civil Service last May. It was understood at that time that if the bill reported by the Post Office Committee granting a half holiday each week to postal employees was passed and sent to the President, that this bill would be allowed to come up for the consideration of the House.

This bill grants the Saturday half holiday to the other employees of the Federal Government, and I would like to call the attention of the Members of the House to the fact that 44 out of the 48 States of the Union have laws providing for a Saturday half holiday to all State employees.

Moreover, this legislation has repeatedly been recommended by the Civil Service Commission and by the Comptroller General.

Mr. GREEN. Does this apply to the District of Columbia or all over the country?

Mr. DALLINGER. With one or two slight exceptions, it applies to all civilian employees of the Federal Government, except the postal employees, who are taken care of by a law enacted by this Congress. The Civil Service Commission has recommended this legislation for the reason that the practice of granting a Saturday half holiday to Federal employees is not uniform throughout the country. It depends upon the official in charge. In many cases the collector of customs or the collector of internal revenue or some other Federal official in charge, as the case may be, gives his employees a Saturday half holiday because throughout the country, particularly in the cities, the Saturday half holiday has come to be an accepted fact. On the other hand, other officials in charge of Federal offices do not give their employees the Saturday half holiday but make them work Saturday afternoons whether there is anything really important to do or not. It, therefore, frequently happens that the clerical offices in the Federal building or a Federal establishment, such as a navy yard or arsenal, are the only mercantile or manufacturing establishments in their neighborhood where the employees are obliged to work Saturday afternoon. It is for that reason that the Civil Service Commission has recommended and urged that the practice in this regard be made uniform throughout the country.

Mr. GLOVER. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. GLOVER. We have already passed a bill granting a half holiday to the postal employees.

Mr. DALLINGER. Yes.

Mr. GLOVER. And this will place all of them upon the same plane?

Mr. DALLINGER. Yes.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. BURTNESS. The postal employees' bill is a 44 hour a week bill, with Saturday afternoon off.

Mr. DALLINGER. Yes.

Mr. BURTNESS. How many hours do the Federal employees in the District of Columbia, generally speaking, work during the week?

Mr. DALLINGER. I am very glad the gentleman has raised that question.

Mr. BURTNESS. I have the impression that most of the employees now work 7 hours a day for 6 days, which would make a total of 42 hours, or two hours less than the postal employees work.

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and do recommend to their respective Houses as follows:

Mr. DALLINGER. I take it the gentleman is referring only to the clerks in the District of Columbia, as the employees of the Government Printing Office, the Bureau of Engraving and Printing, and the Washington Navy Yard work eight hours a day.

Mr. BURTNESS. Yes.

Mr. DALLINGER. As a matter of fact, the determination of the hours of labor of the clerks in the District of Columbia is entirely in the hands of the heads of the departments. A good many years ago, in fact in 1901, Congress passed an act making Saturdays after 12 o'clock noon legal holidays for all purposes in the District of Columbia, but the heads of the executive departments have apparently paid no attention to the law. The clerks in the District of Columbia actually enjoy a Saturday half holiday during four months in the year by Executive proclamation.

Mr. BURTNESS. I am glad they do.

Mr. DALLINGER. But when the matter has been brought to the attention of the different Presidents—and the gentleman will find this law in the District Code, title 22, section 126, page 308—and they have been asked why it has not been enforced, the matter usually has been referred by them to the members of the Cabinet and that has been the last of it. So far as the law is concerned, all of the clerks in the District of Columbia are now supposed to have every Saturday afternoon in the year.

Mr. WELSH of Pennsylvania. Will this cure that defect?

Mr. DALLINGER. I think so. If the law recently enacted providing for a half holiday for postal employees is carrried out, there is no reason why the provisions of this bill should not be carried out.

Mr. WELSH of Pennsylvania. Will it be carried out?

Mr. DALLINGER. I think so, because, as I am informed, President Coolidge told representatives of the Government employees that he was unwilling by Executive proclamation to extend the Saturday half holiday beyond four months in the year, as he thought the matter ought to be decided by the Congress. In regard to the hours during the day that the clerks in the District of Columbia work, the shorter hours in the District are entirely due to the action of Congress. When I first came to Congress a Representative from the State of Missouri, Mr. Borland by name, tried year after year to have enacted in the form of a rider on an appropriation bill a provision compelling Government employees in the District of Columbia to work eight hours each day, and Congress every time by an overwhelming vote defeated the proposition. So if the clerks in the District of Columbia are working less than an 8-hour day it is due entirely to the action of Congress.

Mr. BURTNESS. The fact is, is it not, that they are now working 7 hours a day, and if this bill passes it will mean 7 hours for five days, or 35 hours, plus 4 hours on Saturday, or a week consisting of 39 hours? Is that correct?

Mr. DALLINGER. It will be a 39-hour week, but, as I have already stated, the hours they have to work are entirely in the hands of the heads of departments. As a matter of fact, a great many of them frequently work more than 44 hours a week, and some of them much longer than that. I know of one employee in the Supervising Architect's office who has worked every night until almost midnight for weeks.

Mr. BURTNESS. That is because of his interest in his work and his desire to do so, is it not?

Mr. DALLINGER. Not only that, but because of the rush of work. A head of a department or bureau can compel any clerk in the District of Columbia to stay after hours, and even can make that clerk come back in the evening and work, is he so desires, and there is no overtime paid.

Mr. BURTNESS. But that is the exception and not the rule?

Mr. BEEDY. Why is there not any provision in this bill for a 44-hour week, so as to make it uniform with other employees? Why make a distinction here?

Mr. DALLINGER. We are simply carrying out the recommendation of the Civil Service Commission for a uniform Saturday half holiday throughout the service.

Mr. BEEDY. But in getting that uniform half holiday you are making a 39-hour week for thousands of Federal employees as against the 44-hour week for others. I am wondering whether we will get into trouble on account of that.

Mr. DALLINGER. As a matter of fact, as I have already pointed out, so far as the law is concerned, all the Government employees in the District of Columbia are already supposed to have every Saturday afternoon off, but they do not get it.

This law was passed in 1901, making every Saturday after 12 o'clock noon a legal holiday for all purposes in the District of Columbia. The reason that Government clerks in the District of Columbia do not work as many hours per day as similar Government employees in the rest of the country or as many hours as the employees in the navy yards, the Government Printing Office, or the production department of the Bureau of Engraving and Printing is because Congress has refused to increase the time and require them to work eight hours. As a matter of fact, the heads of departments can make them work just as many hours as they desire.

Mr. BEEDY. But I do not see how this bill will correct the fact that they now have a half holiday but do not get it.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. DALLINGER] has expired.

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield to the gentleman two additional minutes.

Mr. CARTER of California. Will the gentleman yield?

Mr. DALLINGER. I yield.

Mr. CARTER of California. I am very much in sympathy with the legislation, but I notice there is excluded Interior Department employees in the field. I presume there is some particular reason for doing that.

Mr. DALLINGER. We tried to make this bill acceptable as far as possible to the heads of departments. The Secretary of the Interior represented to the committee that there were certain employees in the field in his department that were seasonal; that is, young men who were working their way through college and who were employed in the national parks during the summer, and it was felt that the Saturday half holiday should not apply to them. With regard to employees of the Panama Canal, the President and Secretary of War already have full authority to regulate the hours of labor there.

Mr. CARTER of California. Just one other question. This applies to those who are working on part time or piecework.

Mr. DALLINGER. Yes.

Mr. CARTER of California. How does the gentleman propose to reckon their earnings in the hours they are not working?

Mr. DALLINGER. I will ask the gentleman from New Jersey, the chairman of our committee, Mr. LEHLBACH, to answer that question.

Mr. LEHLBACH. The piecework basis is estimated. To-day's pay is estimated on the average piecework, and in that way the matter is adjusted. With regard to piecework in the Government, the pieces are not actually counted, but an average is struck.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. DALLINGER] has again expired.

Mr. McCORMACK of Massachusetts. I yield to the gentleman from Massachusetts one additional minute.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent to extend as a part of my remarks the report of the Committee on the Civil Service on this bill, which I prepared by direction of the committee, and which concisely states the reasons for this legislation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

[House Report No. 1498, Seventy-first Congress, second session]

SATURDAY HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

Mr. DALLINGER, from the Committee on the Civil Service, submitted the following report (to accompany S. 471):

The Committee on the Civil Service, to whom was referred the bill S. 471, having considered the same, report favorably thereon with a recommendation that the bill as amended be passed. The amendments are as follows:

Amend the title so as to read:

"A bill providing for Saturday half holidays for certain Government employees."

Strike out all of line 7 after the word "all," in line 8, and line 9 to and including the word "Government" in line 10, and insert in lieu thereof the following: "civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field," so that the bill will read as follows:

"*Be it enacted*, etc., That on and after the effective date of this act four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays throughout the year, with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: *Provided*, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees can not be spared, such employees shall be entitled to an equal shortening of the workday on some other day: *Provided further*, That the provisions of this act shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws."

This bill, if enacted, will establish a 4-hour workday on Saturday throughout the year, without loss of pay, for all civil employees of the Federal Government and the District of Columbia, except those employed in the Postal Service, those in the field service of the Department of the Interior, and employees of the Panama Canal on the Isthmus, practically all of whom are working under the provisions of the 8-hour law.

Employees of the Postal Service have been excluded from the provisions of the bill for the reason that the Committee on Post Offices and Post Roads has already reported a similar bill applying to all postal employees, which is on the Union Calendar. The field service of the Department of the Interior was excluded by the committee on account of the objections made by the Chiefs of Bureaus of Reclamation, Forestry, and National Parks, and the Indian Bureau, the field services of the three latter bureaus being very largely composed of temporary employees during the summer vacation period. The Panama Canal employees on the Isthmus were excluded because the committee felt that this service has other compensating advantages, and that the conditions of employment can be regulated by the Secretary of War under authority of the President without congressional enactment.

Employees of the Government Printing Office are included in the provisions of the bill, although legislation affecting this branch of the Government service does not ordinarily come before the Committee on the Civil Service. This action was taken in view of a statement made under date of February 11, 1930, by the Public Printer to S. M. Lee, clerk of the Committee on Printing of the United States Senate, which read in part as follows:

"I respectfully recommend that your committee propose an amendment to the Jones bill (S. 471), which is now on the Senate Calendar (No. 70), striking out the words "and the Government Printing Office" from line 9, page 1, of the bill. The elimination of those words would make the Jones bill, providing for a 44-hour week, applicable to the Government Printing Office as well as to other Government employees."

The United States Civil Service Commission, to which a number of House bills granting Saturday half holidays to different groups of Government employees were referred for comment, stated, through its secretary, Mr. John T. Doyle, in a letter to Hon. FREDERICK R. LEHLBACH, chairman of the House Committee on the Civil Service, that—

"The commission desires to state with reference to these bills in general that in the larger cities especially, in conformity with business usage in their localities, many, if not all, of the Federal establishments, in common with private business, observe the half-day holiday on Saturday afternoon. It is important to note that the District of Columbia Code provides that every Saturday after 12 o'clock noon shall be a holiday in the District for all purposes. Under an Executive order of May 9, 1927, from the first Saturday of June to the last Saturday of September, both inclusive, of each year, four hours, exclusive of time for luncheon, constitutes a day's work on Saturdays for all clerks and other employees of the Federal Government. The order permits exceptions to be made by the head of the department or establishment where the practice authorized is inconsistent with the provisions of existing law.

"It will be seen that there is thus an inconsistency of practice between the field and the departmental services, since the Government for only four months of the year follows the customs of banks and business houses in closing on Saturday afternoons.

"By statute the departments properly have the right to require employees to serve additional hours or on holidays when necessary.

"The legislation proposed is in general in keeping with the trend in outside business, and the commission favors conformity with the code in this matter. Reference is made to the comment by the Reclassification Commission on March 12, 1920, in House Document No. 686, Sixty-sixth Congress, second session, entitled 'Report of the Congressional Joint Commission on Reclassification of Salaries,' on page 92, where it is stated that as contrasted with the Government's policy regarding leave of absence 'many progressive employers in the business and industrial world, especially in the larger cities, grant their office employees two weeks' vacation and every Saturday afternoon with pay.'

"It is believed legislation of the kind proposed should affect all classes of Federal employees alike, and no particular class or group should be favored unless for administrative reasons."

The Comptroller General also favors the proposed legislation. In a letter to Chairman LEHLBACH, of the Civil Service Committee under date of May 16, 1930, he writes:

"In view of the lack of uniformity and because of the long-existing practice of the executives of requiring a full day's work on Saturdays except during the summer months, it would no doubt avoid much confusion and complaint if the matter should be covered by specific legislation * * *. As the administrative head of the General Accounting Office I would favor the granting of Saturday half holidays to all Federal employees where services may be spared, which would be in harmony with the trend of employment policies in the commercial world."

The language of the bill in question follows in a general way the Executive order issued by the President on May 9, 1927, which grants a 4-hour workday on Saturday for four months of the year, and which permits full pay for all those employees whose services can be spared. The Executive order above mentioned, however, does not provide compensating time off on any other day of the week in the few exceptional cases where the services of employees can not be spared on Saturday. These employees, under the terms of the proposed bill, would be entitled to a shortening of the workday on some other day of the week, which, of course, would be determined by the head of the department or bureau in which they work.

By enacting this legislation, therefore, Congress will not be establishing a new practice, but will merely be keeping pace with developments that have been going on in private industry for some time.

The cost to the Government of the proposed legislation can not very well be estimated since it does not involve a direct cost and may or may not reduce the quantity of work performed. In private business the experience has been that it has not materially reduced the output. Moreover, there is no evidence that the granting of Saturday half holidays to the Government employees of the District of Columbia four months of the year has resulted in any increased cost to the Government.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. DALLINGER. I yield.

Mr. COCHRAN of Missouri. This bill will in no way disturb the half holiday law that was passed for postal employees?

Mr. DALLINGER. Not in the least. The postal employees are specifically excepted from this bill.

Mr. COCHRAN of Missouri. It would not disturb the other law in any way, shape, or form?

Mr. DALLINGER. Not at all.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. EATON of Colorado. In correspondence with the gentleman or his committee it was indicated that employees of the Interior Department who were not actually in the field, as far as outside the cities is concerned, would be benefited by this bill, and the amendment has not been made. The employees of the Interior Department in the field have been excluded. Now, "employees in the field" has been construed by the Comptroller General to mean everybody away from Washington. For instance, in the city of Denver, Colo., there are over 250 employees in the Interior Department, and they are in the office and not in the field.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. DALLINGER] has again expired.

Mr. McCORMACK of Massachusetts. I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, it is a great pleasure for me to see this Saturday half holiday bill being favored by my colleagues from Massachusetts. It seems that Massachusetts rather has the floor to-day, with Mr. McCORMACK and Mr. DALLINGER.

In Massachusetts, of course, we have the half holiday for State employees on Saturday. I am glad to see that Congress to-day proposes to make Saturday a half holiday for Government employees.

Incidentally, I understand that this bill which is reported to the House to-day is the product of the brain of my distinguished colleague from Massachusetts, Mr. McCORMACK.

The bill proposed by the gentleman, Mr. McCORMACK, of all bills which were introduced in the committee, when the bills were referred to the different departments of the Government, was the bill which received the sanction of all de-

Mr. BEEDY. But in getting that uniform half holiday you are making a 39-hour week for thousands of Federal em-

bill S. 471, having considered the same, report favorably thereon with a recommendation that the bill as amended be passed. The amendments are as follows:

partmental heads, and therefore I think great credit should be given to Mr. McCORMACK to-day for his fine work in behalf of the Government workers and seeing to it that they get this Saturday half holiday.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. EATON of Colorado. Is Mr. McCORMACK the gentleman who is responsible for making the people who work in the offices outside of Washington, work on Saturday afternoons in the Interior Department?

Mr. CONNERY. I think the gentleman from Massachusetts [Mr. DALLINGER] explained that matter thoroughly a few moments ago.

Mr. EATON of Colorado. The gentleman from Massachusetts [Mr. DALLINGER] did not answer a word.

Mr. CONNERY. That is the gentleman's judgment. I listened to him and I thought he explained the matter very fully.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. SUMMERS of Washington. I do not want to detract at all from the credit which should go to the gentleman from Massachusetts [Mr. McCORMACK], but I call attention to the fact that we are considering the Senate bill introduced by Senator JONES, of Washington.

Mr. CONNERY. This bill was introduced in the House and it is substantially the same bill which Senator JONES introduced in the Senate except that the McCormack bill goes further and covers all Government employees rather than a limited class.

Mr. SUMMERS of Washington. Yes; they are similar bills.

Mr. CONNERY. But the real credit, as I understand the matter, belongs to my colleague, Mr. McCORMACK of Massachusetts, who has been making a valiant fight for a long time for this measure.

I expect this measure will pass the House overwhelmingly, and I wanted to take this opportunity to congratulate the House on passing such fine legislation for the Government workers.

Mr. GARBER of Oklahoma. Will the gentleman yield.

Mr. CONNERY. I yield.

Mr. GARBER of Oklahoma. Hearings were held on the McCormack bill?

Mr. CONNERY. Yes, sir.

Mr. GARBER of Oklahoma. Did the hearings develop the economic effect this would have on labor throughout the country?

Mr. CONNERY. I think so. When this bill passes, other employers will follow the practice of the Government on the Saturday half holiday and, eventually we will get around to a 5-day week, which I think will do much to clear up the depression and do away with overproduction.

Mr. GARBER of Oklahoma. I think the country generally is more interested in this national effect, of which the gentleman speaks, than in limiting it to the District of Columbia.

Mr. CONNERY. I think the national effect will be very salutary, and eventually we are coming to the 5-day week anyway, which, in my opinion, will be a fine thing for the country and necessary in view of the tremendous substitution of machinery for human labor that has taken place.

Mr. Speaker, I yield back the balance of my time.

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. RAMSPECK]. [Applause.]

Mr. RAMSPECK. Mr. Speaker and Members of the House, this House recently passed the 44-hour bill for the postal employees and the President signed that legislation. I sincerely hope he will approve this measure when it reaches him, and thus put the great number of employees in other branches of the Federal service on the same basis. I am quite sure there is no man in this House who really opposes this legislation. We have reached a point in our development in this country where we recognize the fact that 44 hours a week is long enough for any man to have to work in the Federal service. In spite of that fact, however, we have in the Federal prisons of this great Government guards who are working 70 hours a week, and I hope that in the next session of Congress legislation will be provided to stop that condition, which is deplorable. This bill in itself will give them at least a half day off each week, and it will help them to that extent.

It is a pleasure to pay tribute to our colleagues on the committee who have so diligently pressed this legislation, the gentleman from Massachusetts, Mr. McCORMACK, the gentleman from Massachusetts, Mr. DALLINGER, and the chairman of the committee. They deserve full credit for all that has been done in behalf of this measure. As I recall, no member of the committee was opposed to it, and the committee has been diligent in its efforts during this entire session in trying to get this measure before the House. We want to express our gratification to the Speaker for his courtesy in permitting us to bring it up at this late hour. I hope it will go through conference without any objection on the part of the Senate to the changes we have found necessary to make.

The employees of this great Government are diligent and faithful and I know they are entitled to this Saturday half holiday which this bill will give them. It is a pleasure for me to support it. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. LEHLBACH. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Speaker, ladies and gentlemen of the House, I wish to say a word in opposition to this proposal. We passed a bill some days ago which, I understand, is in the hands of the President, limiting the hours of employees in the Postal Service to 44 hours a week. It occurs to me that is about as little as anybody ought to work; in other words, they ought to be gracious enough and liberal enough to work 44 hours a week for Uncle Sam. If this bill becomes a law, this is going to be the situation under it: They will work but 39 hours a week, and the next thing that will happen will be the postal employees coming in and asking that they be permitted to work only 39 hours a week. Following what we did for the postal employees the employees in the service here are using that as a leverage to accomplish this purpose. If we do the thing they are now asking us to do we will again be discriminating against the postal employees, and at the very next session of this Congress or very soon thereafter there will be a bill before this House from the postal employees asking that their hours of labor be reduced at least to 39 hours per week, or perhaps under that, and directly we will yield to the demand.

It strikes me that we have been very liberal in fixing the hours of employment for Government employees. I remember when Mr. Borland, with all the earnestness of his being, and he was a very earnest man, thought that the employees of the Federal Government should work at least eight hours a day, but he failed in his endeavor.

They have gotten along pretty well, and we have not heard of anybody being overworked in the Government departments. There may be occasionally some man conscientious enough or some woman conscientious enough to work a little bit of overtime, but they are the exception. I will warrant you that if you go into any of these departments you will find that most of them quit at noon for their luncheon and at the end of the day's work on Government time. They are already up and ready to go; they have fixed themselves and ready to quit when the gong rings, and some of them ahead of that time, with the exception of those who are conscientious enough to work up to the required time. I do not think I am exaggerating when I say that the majority of the people in the Government service have more regard for their hours and their wages than they have for the work they are doing. There is no doubt about that. If you will go into any of these departments to-day, you will find at least one-third more employees than you would find in a commercial institution doing the same character of work. So to my mind there is no justification for the passage of this bill.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. LEHLBACH. Mr. Speaker, I yield one minute to the gentleman from Virginia [Mr. LANKFORD].

Mr. LANKFORD of Virginia. Mr. Speaker, ladies and gentleman of the House, I hate mightily to differ with my friend Mr. WOOD, because as a rule he is a very safe man to follow in matters of legislation. However, I am particularly interested in the navy-yard employees. It does seem to me that it is unthinkable in this modern day that they should be required to work from 8 o'clock in the morning until 4.30 in the afternoon, from Monday until Saturday, and not have Saturday afternoon off. I do not know what effect this is going to have in the District, and I do think that 44 hours a week is enough for any Government employee to work.

It does seem to me, however, that in this modern age we should give them at least Saturday afternoon off, and I hope that the measure will carry. I am glad it has come up, even at this late day in the session. I have been hoping it would come up all during the session.

Giving these men Saturday afternoon off is what I am interested in and what they are interested in. They are willing to give full service and full time if they can get Saturday afternoon for recreation and enjoyment. [Applause.]

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. GRANFIELD].

Mr. GRANFIELD. Mr. Speaker, I join with my colleagues from Massachusetts [Mr. CONNERY, Mr. McCORMACK, and Mr. DALLINGER] to urge the passage of the Saturday half holiday bill for certain Federal employees.

I wish to take the time to preface my remarks to compliment Mr. McCORMACK, the gentleman from Massachusetts, whose indefatigable and successful advocacy of this legislation brings it for consideration to the floor of the House to-day. He is the author of this bill, and I know that he will receive the gratitude of thousands of employees who will be benefited by its passage.

The gentlemen who have preceded me have presented to the House clearly and ably the purposes of this bill. This legislation should have been enacted into law years ago. Nearly every State in our Union allows its employees a half holiday on Saturday. The greatest commercial and industrial institutions throughout the United States have followed this policy of half holidays on Saturday. It is only fitting and proper that our Government which has already adopted this policy should extend its policy to the Federal employees affected by this bill.

It is possible to bring to the attention of the Members many other reasons why this legislation should be enacted into law. In doing so I would be covering, partially at least, the trend of the arguments already advanced by other Members who have spoken in behalf of this bill. I am heartily in accord with this legislation, and I trust it will receive the unanimous support of the Members of this branch of the Congress.

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. JOHNSON] such time as he may desire.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I am wholeheartedly in favor of the pending bill, but it is not my purpose to discuss this measure now. I have asked for time to-day to discuss another subject, and respectfully request that I not be interrupted until I have finished.

Mr. Speaker, during the closing hours of each session of Congress that it has been my privilege to be a Member, administration leaders have deemed it their duty to arise and solemnly announce from this floor that the administration in power at Washington has been eminently successful with its legislative program. The Congress and the country have been assured by the leaders near the close of every session, irrespective of whether it happens to be a regular or lame-duck session, that the powers that be have given the country "the most constructive legislative program in the history of this Republic."

I have been wondering, Mr. Speaker, if the House leaders of this Congress would, in the face of the record of the present session, follow the usual course of handing the House the same old stereotyped speeches. But I see they are running true to form. Already the annual speeches have begun. The distinguished and affable majority leader, the gentleman from Connecticut [Mr. TILSON], will no doubt soon arise on this floor and perform his usual annual task. It is amusing that even the many "swan songs" of our retiring Members have been brimming over with praises for the G. O. P. and its "constructive" party program that most of them have followed so blindly in the past, and which, in a great measure, is responsible for the defeat of over 50 Members of this House at the last election.

Not only have our Republican leaders persisted in their solemn declarations that each Congress has been the "most constructive" in the entire history of the Republic, but we are invariably told by the leaders on the other side of this aisle that the party in power has been the only real, true friend of the farmer and small business man. The Republican Party, however, has pledged its undying support to agriculture and business so often and broken those promises so regularly the public has begun to realize, as evidenced by the last election, that such pledges were insincere and obviously made for campaign purposes only. [Applause.]

A quarter of a century ago the slogan of the Republican Party was, as many of you no doubt recall, "the full dinner pail"; but with five to seven millions of men out of work, walking the streets and highways looking for jobs, and with unemployment in the most deplorable and distressing condition for the past 50 years, our Republican friends have long since been forced to abandon that time-worn slogan. "The full dinner pail" is now a memory. It was discredited and junked and a new slogan was of necessity born and brought forth to bolster up the party in power.

Despite the serious and unprecedented slump in business within the last several months, a condition that is the natural consequence of unfair and stupid legislation, the Republican Party has the unmitigated gall to continue to boldy declare its perpetuation in power is essential to a guaranty of good times. "Vote the Republican ticket and insure business prosperity" is another time-worn slogan that was adopted years ago as a sort of substitute for the "full dinner pail"; but that slogan, like the former, has been demonstrated to be a myth, a sham, and a fraud. For the past two years "Hoover prosperity" has been the butt of many jokes. However, with unprecedented poverty and want stalking through this land, it has ceased to become a joke. It is now a national tragedy. It is a serious situation when millions of American citizens are on the verge of starvation; when countless children of honest, loyal, American citizens go to bed each night hungry for bread, while at the same time granaries of American farmers are literally bursting with wheat they can not sell. It is not a joke, but a travesty and a humbug for the party in power to boast of being the alpha and omega of business prosperity in the face of the depressed and panicky conditions that have so far unmistakably marked the Hoover prosperity program. [Applause.]

In January, 1930, the then Secretary of Labor issued a statement reluctantly admitting that business had been "somewhat depressed" since the stock-market crash in 1929, but added, in effect, that business was then "picking up." Two weeks later the world was again assured that many were going back to work and that business in general was, by that time, "looking up." Some one has suggested that business was then, and is still, "looking up," lying flat on its back and helpless—but "looking up." It is interesting to recall that every two or three weeks thereafter for several months the distinguished Secretary of Labor sent forth statements from the Capital assuring the country that "every day in every way" business was becoming better and better. Similar reassuring statements came out of Washington at regular intervals throughout the year 1930, and

yet, in the face of such high-powered political propaganda, it must be now admitted that from the date of the inauguration of President Hoover until this hour business conditions have grown constantly worse. To-day legitimate business in America is not crippled—it is paralyzed!

Some of our Republican friends say it is unfair to charge the party in power with responsibility for this extended panic. Then, may I ask upon whose shoulders the responsibility may properly fall? Had prosperity smiled upon America the G. O. P. would have claimed all credit and glory, but when disaster comes the party in power throws up its hands in holy horror and vainly attempts to shun all responsibility.

Still another slogan of the Republican Party we heard so frequently in 1928, but which party leaders are now trying to forget, is the famous farm plank in their platform adopted at Kansas City, which so solemnly pledged that if returned to power the party would "place agriculture on equality with industries." The first gesture of the Hoover administration to carry out that campaign pledge was the calling of a special session and the rushing of the so-called farm relief bill through Congress. A bill was prepared behind closed doors and sponsored by a few of the faithful followers of "Farmer" Mellon and others who "farm" Wall Street. That so-called farm bill was presented to Congress by a committee of 15—11 of whom lived north of the Ohio and east of the Mississippi Rivers—and passed with little debate and practically no consideration. We were forced to accept the administration's bill or nothing. Under that so-called relief bill the Federal Farm Board was set up, and the farmer has been "relieved" of about everything he had left. Every time the Farm Board has made a move with respect to any farm commodity the price of that commodity has gone down. The board went into the stock market and bought 60,000,000 bushels of wheat, and the price of wheat went down to the lowest levels within the past quarter of a century. The board still holds that wheat, the inevitable effect of which is to terrorize and practically destroy the wheat market. The same or similar situation exists in the cotton market. The "noble experiments" of the Farm Board have been so disastrous to the farmers and so universally criticized that two of the Farm Board members have expressed their intention to resign. That seems to be about the only move made on the part of the Farm Board which will meet with the unanimous approval of the farmers of America. [Applause.]

Surely, Mr. Speaker, no one will arise on this floor and pretend to say that the present administration has fulfilled its sacred pledge to place agriculture on a parity with industries.

Then, to add insult to injury, the next step for the alleged purpose of keeping campaign promises of helping agriculture and restoring prosperity was the passage of a high tariff bill, the highest known in history. Rates were made higher than the highest of high-tariff advocates ever dreamed. A tariff wall was constructed so high around America that it virtually destroyed foreign commerce, and now other countries have retaliated by passing measures against the United States. The tariff bill was written and rushed through Congress in a similar fashion as was the farm bill. Farmer Mellon and his faithful followers were again the guiding factors. The tariff bill was lobbied and logrolled through the Congress of the United States in a shameful manner. During the limited discussion of the measure we were promised that business conditions would immediately revive upon the passage of the tariff act, and within six months, we were repeatedly assured, the country would be back to normalcy. Had business improved in the slightest the tariff bill would have been held up by its sponsors as the predominating factor. It is fair, then, to say that the tariff is responsible in a large measure for the nation-wide depression that followed, and has continued since its passage. It heaped additional burdens upon the American people—farmers, laborers, and business men—without giving anything in return, and an outraged public expressed itself in no uncertain terms at the election held the following fall.

It was during the consideration of the tariff bill that the people of America really began to understand the oft-repeated declaration of the party in power that it is the friend of business. It was plainly discernible then, as now, that "business" with our Republican friends means "big business"—corporate wealth, special interests, power trusts, steel trusts, international banks, and bond brokers with foreign securities. These special interests did not hesitate to send their representatives to Washington and ask for everything but the dome of the Capitol at the hand of this "business" administration; and "big business" got all it asked. For example, the Steel Trust demanded increased protection in the Hawley-Smoot tariff bill. Some of the steel corporations had made only 37 per cent interest on their investments the year previous, while others boasted of profits of 82 per cent and more. Their business had also shown a decided increase, while the farmers and small business men were going bankrupt.

On the other hand, the utter lack of any consideration shown the independent oil producers of the United States by this administration that has professed its loyalty and love for business men is one of the many glaring examples of the lack of sympathy or understanding on the part of the powers now in control at Washington of an American industry in dire distress.

Thousands of independent oil operators representing some 30 States, who have been reduced to poverty on account of the importation of foreign oil produced by cheap foreign labor, came to Congress and asked for relief in the tariff act, and again we saw the mighty hand of the Secretary of the Treasury, whom "big business" has designated as the "greatest Secretary since Alexander Hamilton." Never in the history of this Republic has any other one individual so completely dominated the Government at Washington as has Mellon. Although this "business administration," by its last tariff act, raised the price on all materials the oil producer must use in connection with his operations, which incidentally includes steel, it turned the deaf ear to the independent oil producers and 100,000 laborers in their employ and favored the Royal Dutch Shell, a foreign corporation, and the Standard Oil, that connived with the Mellon crowd to put the independent oil operators out of business.

During the session now drawing to a close, the independent oil producers again presented their case to Congress. I attended these hearings before the House Ways and Means Committee, and what an unusual case they made. These independent producers sponsored the Capper-Garber embargo bill and presented abundant and overwhelming evidence in their demands for immediate relief, but again the boasted party of protection ignored the pleas of these American business men. Again the party in power decided in favor of foreign corporations which with foreign capital and cheap foreign labor have all but destroyed a legitimate American industry. The action of that great committee in recommending another investigation of the oil situation and report back to Congress is in keeping with the policy of the Hoover administration of evading issues by appointing commissions. "Passing the buck" seems to be the order of the day at Washington.

And so the Republican Party, in full control of all branches of government, has failed dismally as the protector of American business, except, of course, the special interests that call themselves "big business." The party's pledges and slogans must needs be relegated to the scrap heap. The Steel Trust and Oil Trust have replaced the "trust" the farmers and legitimate business interests once had in the Republican Party.

It is needless for me to add that such a deplorable, nation-wide economic situation presents an excellent opportunity for real service by the party of Jefferson, Jackson, Bryan, and Wilson. Never in the history of this Republic has the time been when progressive thought throughout the country, including many independent Republicans, was so thoroughly

disgusted as it is to-day with the party in power. The eyes of the world are turning to the Democrats to lead the way in bringing order out of chaos. Will our party be able to rise to the occasion and stand foursquare for a constructive program, or is it possible that the party of Jefferson, with its splendid record of outstanding achievements in the interest of humanity and honest government, will forget fundamentals and go off after strange gods? With a progressive, constructive program and sane leadership the Democratic Party will again come into its own, and the party of special privilege, which has demonstrated so conclusively that it is long on promises but decidedly short on performance, will be scourged and driven from high places of power. [Applause.]

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, I am heartily in favor of this legislation which provides a half holiday on Saturday for all Government employees for the entire year for two reasons especially. One is I believe the employees are entitled to a half-day holiday each week for rest and attention to their own affairs, and, in the second place, I believe they will render better service to the Government if it is given to them. By Executive order half holiday on Saturday for four months in the year has been granted for a numbers of years in the District of Columbia. There is no evidence that it has resulted in any increased cost to the Government. The enactment of this legislation will not be establishing a new practice, but will merely be in keeping with the development that has been going on by private industry for a long while. In other words, it will be in accordance with the prevailing and growing sentiment in private industry to grant a half holiday all the year on Saturday. [Applause.]

Mr. McCORMACK of Massachusetts. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. I am pleased that this bill, unlike the immigration bill you forced through the House under false and misleading representations, by the professional restrictionists, will be of some benefit to the few Government employees; and I regret that it does not apply to the working people of the United States in general.

I hope that in the near future there will be passed such legislation that will establish not only a 4-hour workday on Saturday but also a law that will establish a 40-hour week. And if you gentlemen are really the friends of the laboring man, as you profess to be, and as you assure them—before the elections—you are, and if you will show but one-half of the interest for them in this bill, as you have shown in the immigration bill, such legislation could be passed without delay.

The statements made on the floor of the House as to the number of immigrants coming over were untrue and were deliberately made for the purpose of misleading the House and the Nation.

For five years I have advocated the restricting of Mexican, Canadian, and West Indies immigration; but the administration and the beneficiaries of this cheap labor—needed for the lumber and textile industries—on the one hand, and the railroads and the cotton planters' Sugar and Beet Trust on the other, have had such remarkable influence with these professional restrictionists that they have remained blind to the true situation and have failed to assist me. Under the pretext that it will aid unemployment, this bill was forced through in violation of all the rules of the House, and in a most arbitrary manner. Anyone with any degree of intelligence knows that this is nothing more than a false sham; since these people—to be prohibited from coming, by this bill—are for the greater part the wives and children of declarants and parents of American citizens, too old on the one hand, or too young on the other, to "seek the places of the American laboring man." Nevertheless, these false statements are being used constantly to unload on these few unfortunate immigrants the sins of the administration and its staunch "protectionists" in total disregard of their party pledge, adopted June 14, 1928, and on which President Hoover and the present Republican Congressmen were elected, which, while favoring continued restrictions, expressly provided:

> Where, however, the law works undue hardship by depriving the immigrant of the comfort and society of those bound by close family ties, such modification should be adopted as will afford relief.

How strange it is, that in one breath the President and some of you would-be leaders on the floor, say that the panic and depression is world-wide, and in the very next charge it to the few innocent children, wives, parents, and relatives of those American citizens who sacrificed their lives for our flag. The most ignorant will see through these false accusations and untrue charges.

I am now ready and willing to vote for the restriction of immigration from Mexico, Canada, and the West Indies; and am equally willing to put a complete stop to the immigration from the Philippines. But that can be done only by giving them their independence. For, to first refuse their release on the one hand and to then deny them admission on the other would meet with condemnation on the part of the civilized world.

The gentleman from Texas made a statement to the effect that—

> The 5,000,000 immigrants in the last five or six years are responsible for the depression.

That statement is as untrue as the others made by the proponents of this bill. The reports of the Department of Labor show that during the five months, from July to November, 1930, there were but 69,082 immigrants admitted to our shores.

If you gentlemen were in earnest in your desire to restrict Canadian, Mexican, British, and the Indies immigration to the same extent as European—even stopping completely all immigration from Europe—you could have easily done so, at any time during the session, without violating the rights and the privileges of the Members of the House in gross disregard of all the rules of the House.

In the palmiest days of Cannon and Cannonism and of Reed czarism, the constitutional rights and privileges of the Members of the House were never so wrongfully and brazenly violated as they were last Saturday night, when all precedents and rules were entirely swept aside by the Speaker. It is to be regretted that in the last few days of his service as Speaker he should have permitted himself to be used and "bullied" by the small coterie of crazy restrictionists to make impossible the reuniting of unfortunate families after many years of separation.

If that bill is of such vast importance as some of those representing certain secret, vested organizations pretend it to be it could have been called up for consideration anytime during the last week. Instead of devoting days to the Navy specialists, agricultural, and farmer bloc interests, as the oleomargarine bill, the three battleships bill, the "silk stocking" Navy officers' bill, and the real estate steal bill, as well as several other equally unimportant bills, this immigration bill, I repeat, could have been taken up instead. But as is the usual procedure of the Speaker and the manager of the House in the case of immigration bills, they waited until the very last moment—Saturday evening at 7, when all the Members were desirous of leaving and were in no mood to consider same—before calling it up for consideration. And then, after it was taken up under the agreed plan of a special rule, one hour for the rule and three for debate, at the very last moment, in flagrant violation of the rights of the Members, the Speaker, in a high-handed manner, ignored the rule which was being considered and recognized the gentleman from Washington [Mr. JOHNSON] to move to suspend the rule and pass the bill, thereby depriving the Members of any chance or opportunity of offering any amendment thereto or even debate thereon. Such action is unprecedented; it is to be regretted, for it will plague those responsible.

In my 24 years of service, it is the first time that I have witnessed the spectacle of a Speaker, without a quorum, and immediately after a vote has indicated that there were approximately only 136 Members present, with 12 or 16 not

voting, to count (as present) 230 or 240, and to declare a quorum present.

It is, of course, possible for men to err; but it is inexcusable for one occupying the high and important position of the Speaker of the House to make so deliberate and wrongful a count, in violation of true procedure and fair play. I hope that never again will such action be witnessed and permitted in this House, as I feel that the country will not tolerate for long such deplorable methods by the Speaker, who, drunk with power in his temporary occupancy of the chair of this so-called "greatest deliberate body in the world," with impunity, so flagrantly disregarded his oath of office and the rights of the duly elected Representatives of the American people.

And in conclusion, gentlemen, let me state that this bill, which has been forced through by such high-handed and unprecedented procedure, is not in the interests of American labor, as section 3 of the bill clearly makes possible and permits the importation of labor into the United States. And, judging the future by the past, the large industries will be able to import, at any and all times, the labor they seek or the labor they desire, even though this might result in beating down the wages of the American wage earner. But, as I stated, it does prevent the reuniting of unfortunate families.

I am satisfied that in the years to come, you who forced through this legislation will bow your heads in shame at the part which you have played in this manner.

Mr. McCORMACK of Massachusetts. Mr. Speaker, at the outset I want to answer an inquiry that was made by several Members on the Democratic side of the House when they asked me whether or not this bill applied to Federal employees outside of the District of Columbia. The answer to that question is that the bill applies throughout the entire country. It applies not only within the District but also to the field service throughout the entire country, affecting approximately 400,000 employees of the Federal Government.

Mr. HOUSTON of Hawaii. And I assume, of course, it applies to the Territories?

Mr. McCORMACK of Massachusetts. Yes; that is my understanding.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. McCORMACK of Massachusetts. Yes.

Mr. EATON of Colorado. Then why is it you except from the operations of this bill the office employees, almost 500 in number, who work for the Interior Department in the western part of the country?

Mr. McCORMACK of Massachusetts. I understand the only ones that are excepted from this bill in the Interior Department are those whose work is temporary. These people in the Department of the Interior outside of Washington are in the field. Such was the intention of the members of the committee. If some permanent employees of this department are affected, it is unfortunate, as such was not the intention of the committee. The committee was informed by the department, as I remember it, that during the summer time they employ temporary help whose work is such that this bill would be impracticable in its application to them. So far as the Canal Zone is concerned, I did not want them outside of the provisions of this bill, but it was necessary to make this compromise. Outside of the Canal Zone provision, whatever inequities exist are slight, and can be corrected later. The employees of the Canal Zone should be taken care of at the next session. I am sorry that it was necessary to make a compromise with reference to them, otherwise there was danger of a bill being reported that would have been broader than the limited provisions of the Senate bill.

The only ones excepted, as I understand it, are the temporary employees and those employed in the Panama Canal. This bill is a step in the right direction. As a result of mass production and the substitution of machinery for human labor it is only fair and proper that the Government should lead the way in trying to induce private employers to adopt ultimately a 5-day week. Practically every State in the Union gives to its employees a Saturday half holiday. Federal employees now get Saturday half holidays four months in each year. I might say that the principle of this bill was approved by all of the departments.

In conclusion, I want to pay my respects to the chairman of the committee [Mr. LEHLBACH] and all members of the committee and to the Member [Mr. DALLINGER] who opened the debate to-day for the manner in which they have devoted their efforts to secure passage of this bill. It is a unanimous report of the committee; all of the membership without regard to party voting to report it. There is complete harmony among the Members on the bill. The Speaker is to be congratulated on permitting the House to pass on this measure. If he had failed or refused to recognize the chairman of the committee to suspend the rules, this bill would have died with this session. This bill ought to pass, and I sincerely trust that the rules will be suspended and the bill sent over to the other body for action, in which event I am confident it will pass at this session. [Applause.]

Mr. LEHLBACH. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Speaker, as a Member of the House Civil Service Committee, which drew up and reported out favorably this half holiday bill for the benefit of Federal employees, I wish to state that I worked for this bill in committee and did all I possibly could to see that it reached the floor of the House.

The difficulty up until Saturday was that we could not get this bill on the floor of the House. Some of us drew up a petition to Speaker LONGWORTH to grant us a suspension of the rules, and he has very graciously done so this morning, and now we will pass this bill without difficulty. I was very glad to sign the petition to the Speaker.

This is the richest country in the world, and the Government can very well afford to set a reasonable standard of wages, hours, sanitary conditions, pensions, and retirement to private business and private industry by granting fairness and justice to its own Federal employees.

The Federal Government should also set a high standard for State, municipal, county, and township governments as to the manner in which they should treat their employees. It is to be regretted that private business and private industry, however, has set the standard for the Federal Government. There are 44 States which have already adopted half holidays for employees.

The half holiday on Saturday in private business and private industry is a common thing. Even further, such companies as the Ford Motor Co. of my city have advanced a five-day week with six days' pay as a forward step. Labor is better satisfied and can perform better and develop a higher standard of existence all along the line if it can obtain a five-day week.

People are entitled to more of the open air and of the sunshine and of recreation and are entitled to more letting down of the strain and tension of modern life.

I was very happy to vote and work for the half holiday for postal employees which has already become law during this session of Congress.

This bill covers other Federal employees in the service.

I was very glad to have assisted in the salary increase bill for Federal employees which came out of my committee and has been made law recently. I was also very glad to make the motion to put the retirement legislation as the first order of business in my committee during the last session of Congress. That retirement bill is now law and ended the struggle of many years of Federal employees to make their old age more secure.

This bill as passed to-day has already passed the Senate and will undoubtedly be signed by the President as he has signed the half holiday bill for postal employees. It is a great boon to thousands of Federal employees in Michigan and particularly in my own city of Detroit.

Mr. LEHLBACH. Mr. Speaker I yield to the gentleman from Colorado [Mr. EATON].

Mr. EATON of Colorado. Mr. Speaker, in the West there are a large number of employees in the Department of the Interior whose work is office work and others who work outside of the offices and literally in the field. The exception in this bill reads:

Employees of the Interior Department in the field.

And the construction of these words by the Comptroller is that everybody outside of Washington are in the field.

Some months ago I pointed out the effect of this construction upon the office employees of the Department of the Interior who were not in the offices in Washington, and received the following letters from Comptroller General McCarl and the gentleman from Massachusetts [Mr. DALLINGER]:

JUNE 5, 1930.

Hon. WILLIAM R. EATON,
House of Representatives.

MY DEAR MR. EATON: Further reference is made to your letter of May 28, 1930, in which you request answer to an inquiry as follows:

"I have an inquiry in regard to S. 471, which was reported to the House by the Committee on the Civil Service upon May 16, 1930, concerning the interpretation of the language in lines 3 and 4, page 2, consisting of the following words: 'Employees of the Interior Department in the field,' as to whether that language was confined in the land department to the employees of the inspection department, or whether your rules would include in its interpretation the register and other empoyees of a land office such as is operated in Denver, Colo."

In order to show the connection in which the words quoted by you are used, the following is quoted from the bill:

"That on and after the effective date of this act four hours, exclusive of time for luncheon shall constitute a day's work on Saturdays throughout the year with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: * * *."

The term "field service" or "service in the field" is ordinarily used to designate service other than the departmental service in the District of Columbia. Hence, the field service of the Department of the Interior ordinarily would be understood as including all employees under that department employed outside the departmental service in the District of Columbia. There is nothing in the wording of the bill here under consideration to indicate that the term "field," as used therein, is intended to have a more restricted meaning. It would seem, therefore, that there would be no justification for confining the application of the language in question to employees in the inspection service of the land department, but that it will be necessary, if the bill should become a law, to apply the language to all employees in the field service of the Department of the Interior, including the personnel of the local land offices, all of whom would be excluded from the benefits of the act.

Referring to the report of the Committee on the Civil Service of the House of Representatives, No. 1498, dated May 16, 1930, it is stated:

"* * * The field service of the Department of the Interior was excluded by the committee on account of the objections made by the chiefs of Bureaus of Reclamation, Forestry, and National Parks and the Indian Bureau, the field services of the three latter bureaus being very largely composed of temporary employees during the summer vacation. * * *"

If it is desired to give employees in local land offices the benefit of the act, it is suggested that there be inserted after the word "field" the words "other than employees in local land offices."

Sincerely yours,

J. R. MCCARL,
Comptroller General of the United States.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 12, 1930.

Hon. W. R. EATON,
House of Representatives, Washington, D. C.

DEAR COLLEAGUE: I have read with interest your letter of the 10th inst. with inclosure regarding S. 471 which I recently introduced favorably to the House from the Committee on the Civil Service.

As you perhaps know, this bill was objected to when it came up in the House a few days ago but I believe it will again be considered at the next session of Congress.

As introduced the bill was intended to exclude only those employees of the Department of the Interior in the field who work temporarily during the summer months, although its wording was such that it applied to all field employees generally. I am happy to say that if the bill is eventually enacted it will be amended so that only the temporary employees above mentioned will be excluded and all permanent employees will enjoy the Saturday half holiday throughout the year.

With warmest personal regards, I am

Very sincerely yours,

FRED W. DALLINGER.

I notice that the amendment suggested by the comptroller has been omitted. In discussing it recently with members of the committee, I was assured that an amendment to bring about the same result would be incorporated, and just a few moments ago I was informed by the gentleman from New Jersey [Mr. LEHLBACH] that it was proposed to amend the words on lines 3 and 4 on page 2 of this S. 471, so that they will read:

And such employees of the Interior Department in the field as the Secretary of the Interior may by regulation exempt from the provisions of this act.

He says these words will meet the situation, and they probably better express the idea to be incorporated. At any rate, with such an amendment, there will be given the opportunity to the Secretary of the Interior to designate which of the office employees outside of Washington will be given the same privileges as to Saturday afternoon work as will be enjoyed by those who work in the city of Washington.

Mr. LEHLBACH. Mr. Speaker, the title of this bill is an act providing for Saturday half holidays for certain Government employees. The length of time for work during the week has no relation to this Saturday half holiday at all. Saturday half holidays are universal in industry and in business. Forty-four States of the Union have Saturday half-holiday legislation for their own employees. For four months of the year the Government employees in the District have Saturday half holidays. The vast majority of the clerical forces in the field in the Government service have Saturday half holidays all of the year round. This extends an accepted practice. I ask for the passage of the bill.

The SPEAKER. The question is on the motion of the gentleman from New Jersey to suspend the rules and pass the bill.

The question was taken and, in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes."

The message also announced that the Senate had passed, without amendment, joint resolutions of the House of the following titles:

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, to be held at Geneva, Switzerland, on May 27, 1931; and

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 263. Joint resolution relating to loans to farmers in the drought and/or storm stricken or hail stricken areas of the United States.

The message also announced that the Senate had agreed to the amendments of the House to a bill of the following title:

S. 471. An act providing for Saturday half holidays for certain Government employees.

SECOND DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report upon the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year end-

ing June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, and ask unanimous consent to have the statement read in lieu of the report.

The SPEAKER. The gentleman from Indiana calls up a conference report upon the bill H. R. 17163 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 18, 20, 27, 41, 56, 60, 63, 64, 68, and 99.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 15, 17, 19, 21, 22, 28, 29, 30, 31, 32, 34, 35, 38, 39, 40, 42, 43, 48, 49, 50, 51, 53, 54, 55, 57, 58, 62, 65, 67, 71, 74, 75, 78, 80, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, and 98, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "Any" and insert in lieu thereof "Not exceeding $25,000 of any," and in line 6 strike out the word "are" and insert in lieu thereof "is," and in line 10 strike out "$265,000" and insert in lieu thereof "$240,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, after the word "for," insert the word "temporary," and in line 12, after the word "February," insert "27"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out "July 1, 1931," and insert in lieu thereof "on the date of the approval of this act"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Department of vehicles and traffic, District of Columbia: For personal services, fiscal year 1932, $34,300, together with the amount of $36,060 for personal services, office of the director of traffic, contained in the District of Columbia appropriation act for the fiscal year 1932: *Provided*, That the appropriation of $80,100 contained in the District of Columbia appropriation act for the fiscal year 1932 for the purchase and installation of electric traffic lights, etc., office of the director of traffic, shall be available for similar expenditures under the department of vehicles and traffic, District of Columbia."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The appropriation of $3,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the act entitled 'An act making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment,' approved December 20, 1930, is hereby continued available during the fiscal year 1932."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "(Public—No. 616—71st Congress)"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment after the word "approved" insert "February 28"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lines 7 and 8 of the matter inserted by said amendment strike out "year 1931 and to remain available until expended" and insert in lieu thereof "years 1931 and 1932"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment after "ruary" insert "27"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment in lieu of the dash insert "28"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That no part of this appropriation shall be expended until the State of Tennessee, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same concerned shall have given to the Secretary of War satisfactory assurances that immediately upon the completion of such improvements as may be made under this appropriation they will accept title to and maintain such portion of the road under the provisions of the act approved March 3, 1925 (43 Stat. 1104), and the Secretary of War is authorized to convey title to such road in accordance with the provisions of such act, except such portions thereof upon which have been erected by the Government or by States or by veterans' organizations or societies, monuments, markers, or tablets to mark and commemorate historic events connected with the battle"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 10, 14, 23, 25, 33, 36, 37, 44, 45, 46, 59, 61, 66, 72, 77, 79, 81, 82, 95, and 100.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS
J. P. BUCHANAN,
Managers on the part of the House.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On Nos. 1, 2, 3, 4, 5, and 6, relating to the Senate: Appropriates for the following expenses of the Senate as proposed in the Senate amendments—$600 to William A. Folger for expert services rendered to the Senate Committee on Pensions; $50,000 for miscellaneous items; $50,000 for expenses of inquiries and investigations; and $2,500 for folding speeches and pamphlets; and strikes out the appropriation of $25,000 inserted by the Senate for printing and classifying certain data submitted to the Senate by the National Commission on Law Observance and Law Enforcement.

On No. 7: Restores the House provision continuing during the interim of Congress a subcommittee of the House Committee on Appropriations, and strikes out the provision inserted by the Senate for a joint select committee on postal affairs.

On Nos. 8 and 9, relating to the Office of the Architect of the Capitol: Increases the amount which may be expended during the fiscal year 1931 for traveling expenses from $2,500 to $4,000, as proposed by the Senate, and retains the appropriation of $100,000 inserted by the Senate for fire protection in the Senate wing of the Capitol and in the Senate Office Building.

On No. 11: Reappropriates for the Federal Power Commission for 1932 the unexpended balances in the 1931 appropriation modified so as to limit the amount so carried forward to not to exceed $25,000.

On Nos. 12 and 13, relating to the Veterans' Administration: Inserts the appropriation of $2,000,000 proposed by the Senate for salaries and expenses in connection with the making of loans to veterans under the act of February 27, 1931, modified so as to restrict such expenses for temporary purposes; and inserts the amendment proposed by the Senate making the 1932 appropriation for the adjusted-service certificate fund available immediately instead of on July 1, 1931, as proposed by the Senate.

On Nos. 15, 16, and 17, relating to the District of Columbia: Appropriates $100,000 as proposed by the Senate for expenses of the District of Columbia Commission for the George Washington Bicentennial; appropriates $36,060 additional for the department of vehicles and traffic of the District of Columbia for carrying out the new traffic law; and appropriates $4,500 additional for the fiscal year 1932 for the Public Employment Service.

On Nos. 18, 19, 20, 21, 22, and 24, relating to the Department of Agriculture: Strikes out the increases of $25,000 and $50,000 proposed by the Senate under the Bureau of Plant Industry and the Forest Service, respectively, for blister-rust control; appropriates $35,000 as proposed by the Senate for western irrigation agriculture; appropriates $800,000, as proposed by the Senate, for the construction of buildings on Government Island, Alameda, Calif., for the Bureau of Public Roads, the Forest Service, and the Coast Guard, as provided by law; and strikes out the appropriation of $5,000,000 inserted by the Senate for roads on unappropriated or unreserved public lands, nontaxable Indian lands, etc., and inserts in lieu thereof a continuance during the fiscal year 1932 of any unexpended balances under the appropriation of $3,000,000 for this purpose for the fiscal year 1931.

On Nos. 26, 27, and 28, relating to the Department of Commerce: Appropriates $90,000, as proposed by the Senate, for salaries and expenses of the Federal Employment Stabilization Board; strikes out the appropriation of $15,000 inserted by the Senate for district and cooperative offices under the Bureau of Foreign and Domestic Commerce; and appropriates $147,000 for facilities for radio research investigations by the Bureau of Standards as authorized by the act of February 20, 1931.

On Nos. 29, 30, 31, 32, 34, 35, 38, 39, and 40, relating to the Department of the Interior: Appropriates $1,217,221.25 for payment to the Uintah, White River, and Uncompahgre Bands of the Ute Indians in accordance with the act of February 13, 1931; appropriates $165,000, as proposed by the Senate, for additional land for the Papago Indian Reservation, Ariz., as authorized by the act of February 21, 1931; makes technical corrections in connection with the House appropriations for the Frazer and Poplar, Mont., school districts appropriations; appropriates $75,000, as proposed by the Senate, for general support of Indians and administration of Indians' property; reduces the House amount of $100,000 for fees and expenses in connection with litigation involving Osage mineral rights to $25,000, as proposed by the Senate; provides, as proposed by the Senate, that $30,000 of power revenues on the North Platte irrigation project shall be available for the construction of transmission lines within the project.

On Nos. 41 and 42, relating to the Department of Justice: Provides for one passenger automobile at $3,000, as proposed by the House, instead of two with an appropriation of $6,000, as proposed by the Senate; and inserts the appropriation of $2,900, proposed by the Senate, for printing and binding for the United States Court of Customs and Patent Appeals.

On No. 43: Appropriates $140,000, as proposed by the Senate, for salaries and expenses for the Bureau of Labor Statistics for the fiscal year 1932.

On No. 47: Appropriates $10,000,000, as proposed by the Senate, for alterations to naval vessels as authorized by the act of February 28, 1931.

On Nos. 48, 49, 50, 51, and 52, relating to the Department of State: Appropriates $15,000, as proposed by the Senate, for expenses of the Fourth Pan American Commercial Conference; makes $290.58 of the appropriation for the International Technical Consulting Committee on Radio Communication available for payment of expenses incurred for entertainment; appropriates $56,000, as proposed by the Senate, for the arbitration between the United States and Sweden of a claim of a Swedish corporation under the special agreement between the two countries signed December 17, 1930; appropriates $400, as proposed by the Senate, for payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject; and appropriates $50,000 additional for expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries at Paris, France.

On Nos. 53, 54, 55, 56, 57, 58, 60, 62, 63, 64, and 65, relating to the Treasury Department: Appropriates $9,160, as proposed by the Senate, instead of $6,860, as proposed by the House, for an additional amount for the Division of Mental Hygiene of the Public Health Service; appropriates $150,000, as proposed by the Senate, for acquisition and enlargement of the laboratory for studies and research in connection with spotted fever at Hamilton, Mont.; provides a limit of cost of $75,000 for a public building at Bingham Canyon, Utah; strikes out the increase proposed by the Senate in the limit of cost for the Durham, N. C., public building; makes technical corrections in connection with the public buildings at Ellwood City, Pa., and Englewood, N. J.; strikes out the increase proposed by the Senate in the limit of cost of the public building at New London, Conn.; strikes out the increase proposed by the Senate in the limit of cost for the public building at Rockingham, N. C.; strikes out the increase proposed by the Senate in the limit of cost for the public building at Silver City, N. Mex.; and inserts the authority proposed by the Senate for the public building at Texas City, Tex.

On Nos. 67, 68, 69, 70, 71, 73, 74, 75, 76, 78, 80, and 83, relating to the War Department: Transfers $400,000 from the appropriation "Subsistence of the Army, 1931," to the appropriation "Pay of the Army, 1931"; strikes out the appropriation of $188,850 proposed by the Senate for an addi-

and so forth, contained in the act entitled 'An act making

Managers on the part of the Senate.

tional amount for construction of buildings, and so forth, in Porto Rico; appropriates $73,528.61, as proposed by the Senate, for the Government road across the Fort Sill (Okla.) Military Reservation; appropriates $10,000, instead of $15,000 as proposed by the Senate, for repair of docks at Fort Screven, Ga.; appropriates $142,000, as proposed by the Senate, for completion of the sea wall, construction of a warehouse, and construction of water mains, Selfridge Field, Mich.; appropriates $53,000, as proposed by the Senate, for the construction of buildings and utilities at Tucson Field, Ariz.; makes $126 of the appropriation for national cemeteries for the fiscal year 1929 available for the payment of obligations incurred during such fiscal year; appropriates $237,230, as proposed by the Senate, instead of $118,615 as proposed by the House, for paving Missionary Ridge Crest Road in the Chickamauga and Chattanooga National Military Park from Sherman Heights to the Georgia State line, and modifies the limitations of the House and the Senate so as to exempt the State of Tennessee from contributing to such improvements, but to require that the State, upon completion of such improvements by the Federal Government, will accept title to the road and maintain the same in the future as an approach road to the park; appropriates $650 additional for a tablet to Nancy Hart; and appropriates $800, as proposed by the Senate, for a survey of flood control on the Salmon River, Alaska.

On Nos. 84, 85, 86, 87, 88, and 89: Provides for the payment of claims for damages to or losses of privately owned property adjusted and determined by the different departments in accordance with existing law and certified to Congress for payment after the bill had passed the House.

On No. 90: Appropriates $19,906.23 for the payment of judgments rendered against the United States by United States District Courts in special cases, and certified to Congress for payment after the bill had passed the House.

On Nos. 91, 92, 93, and 94: Provides, as proposed by the Senate, for the payment of judgments of the Court of Claims, certified to Congress after the bill had passed the House.

On Nos. 96, 97, and 98: Appropriates $16,327.38 for the payment of claims allowed by the General Accounting Office, and certified to Congress after the bill had passed the House, and corrects section numbers in the bill.

On No. 99: Strikes out the appropriation of $48,852.83 inserted by the Senate for refunds to certain railroads of interest payments made to the United States under sections 209g and 212 of the transportation act.

DISAGREEMENTS

The committee of conference report in disagreement the following amendments, upon which the managers on the part of the House will recommend concurrence in the Senate amendments or concurrence in the Senate amendments with amendments:

On No. 10: Authorizing the Public Printer to continue the employment of William Madden, a CONGRESSIONAL RECORD messenger at the Capitol, notwithstanding the provisions of the retirement act.

On No. 23: Appropriating $2,700,000 for the boulevard to Mount Vernon.

On No. 25: Appropriating $134,466.69 for reimbursement to the State of Florida for roads and bridges destroyed by floods.

On No. 33: Appropriating $150,000 for the Hopi-Navajo Sanatorium, Winslow, Ariz.

On No. 37: Appropriating $75,000 for investigations in connection with proposed and existing reservoirs for irrigation purposes on the North Platte River, Wyo.

On No. 61: Establishing a limit of cost for a new Federal building at Omaha, Nebr.

On No. 72: Appropriating $150,000 for construction of buildings and utilities at Plattsburg Barracks, N. Y.

On No. 77: Appropriating $37,770 for paving Missionary Ridge Crest Road and Crest and Gap Road, Ga.

On No. 81: Appropriating $20,000 for dredging the channel of Fort Pierce Harbor, Fla.

On No. 95: Remanding to the Court of Claims the case of the Pocono Pines Assembly Hotels Co., with instructions to find the facts in the case and report to Congress.

On No. 100: Appropriating $2,500 to aid the Grand Army of the Republic in its Memorial Day services on May 30, 1931.

The committee of conference report in disagreement the following additional amendments, upon which the managers on the part of the House will recommend that the House further insist on its disagreement to the Senate amendments:

On No. 14: Appropriating $5,000,000 for additional hospital construction under the veterans' administration.

On No. 36: Advancing $5,000,000 to the reclamation fund from the general fund of the Treasury.

On No. 44. Appropriating $1,500,000, or an alternative of $500,000, for the United States Employment Service.

On No. 45: Appropriating $1,000,000 to the Children's Bureau for the promotion of the health and welfare of mothers and infants.

On No. 46: Appropriating $150,000 for improvements at the Charleston (S. C.) Navy Yard.

On No. 59: Repealing a previous limitation in connection with the New Bern (N. C.) public building.

On No. 66: Authorizing a limit of cost of $1,225,000 for a new building for the Court of Claims.

On No. 79: Appropriating $100,000 for a monument in memory of the first permanent settlement of the West at Harrodsburg, Ky.

On No. 82: Appropriating $10,000,000 for beginning construction of the Cove Creek Dam in Tennessee, in connection with the Muscle Shoals project.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. COCHRAN of Missouri. On page 62 of the bill, amendment No. 45, under the heading "Children's Bureau," $1,000,000 is provided to carry out the purposes of the maternity act. I make the point of order that this is not an act. The bill is in the making. It is legislation on an appropriation bill not authorized by law.

Mr. WOOD. Mr. Speaker, if the gentleman will wait until we get to that, he will find out why we are insisting upon our disagreement.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SCHAFER of Wisconsin. What has happened to the appropriation for the additional hospital building program to take care of the disabled veterans?

Mr. WOOD. The committee is waiting for the conferees to come to some agreement so that there can be an authorization.

Mr. SCHAFER of Wisconsin. The gentleman from Indiana is one of the Republican leaders of the House. The gentleman from Massachusetts [Mr. LUCE] is one of the conferees. The gentleman from Indiana can ask the gentleman from Massachusetts to have the Republican conferees accept the Senate amendment, so that we can take care of these disabled soldiers.

Mr. WOOD. I wish I had that much influence.

Mr. EATON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. EATON of Colorado. Amendment 37 is to take care of the dam and reservoir on the North Platte River. What has become of that?

Mr. WOOD. If gentlemen will just wait, we will take up these separate items and they can then propound questions

and the matter can be taken care of in an orderly way. We will take up the items that are in disagreement.

Mr. SCHAFER of Wisconsin. I know the gentleman from Indiana is in favor of providing additional hospitals for the veterans. Will the gentleman yield so that I can ask the gentleman from Massachusetts [Mr. LUCE] what is the present status of the hospital bill which is in conference?

Mr. LUCE. The conferees have not agreed.

Mr. SCHAFER of Wisconsin. Does it appear that the conferees will likely agree, so that an appropriation can be made before this Congress automatically adjourns within a short time?

Mr. LUCE. It is beyond the power of a Member of the House to read the intention of gentlemen in another body.

Mr. SCHAFER of Wisconsin. Then I say that the Republicans in this Congress who are in favor of providing hospital facilities for the disabled veterans better ask the Republican leaders to see what they can do to get this legislation enacted at this session and an appropriation made. The gentleman whom most of the Republican Members followed the other day when the Rankin motion was up for consideration was one of the Members of the House who made a speech against the hospital bill when it came before the House, and I sincerely hope that the Republicans will not be responsible for having this Congress adjourn without an authorization enacted into law and an appropriation made for the hospital building expansion program.

Mr. WOOD. Mr. Speaker, the conferees have not come to any conclusion, and there has been no action yet by the conferees. I am in hopes that that fact will have no influence upon the action on this report. I am hopeful that there may yet be an agreement on this hospital legislation. If there is, I say to gentlemen now that immediately after that agreement I shall introduce an independent resolution carrying the appropriation.

Mr. RANKIN. Mr. Speaker, will the gentleman from Indiana yield?

Mr. WOOD. Yes.

Mr. RANKIN. It looks to me as if the conference is adjourned sine die. So far as we are concerned, as the gentleman knows, the minority members of the conference are willing to accept the Senate amendment rather than see the bill killed. The gentleman from Indiana [Mr. WOOD] has two of the conferees right behind him. If either one of them had voted with us we could have brought the bill to the floor of the House to-day. Why not interrogate them and find out whether or not there is a shadow of hope for the bill to be agreed on in conference. It is with the Republican conferees of the House, and they must take the responsibility if this bill is killed.

Mr. LUCE. I would like to have it known that the House conferees have stood up for what the House directed them to do. [Applause].

Mr. CONNERY. And I would like to ask the gentleman from Massachusetts if that means that standing by the House is going to kill the hospital bill. Is he willing to see this bill killed simply because the House wants $12,000,000 and the Senate wants $20,000,000?

Mr. LUCE. The responsibility for that rests with the Senate conferees.

Mr. CONNERY. The responsibility rests with the gentleman and his colleague, according to the gentleman who is one of the conferees on this side.

Mr. WOOD. Mr. Speaker, regular order.

The SPEAKER. Regular order is demanded.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker and Members of the House, I very much regret that Senate amendment No. 5 has not been agreed to. This Senate amendment provides $25,000 to print the hearings taken by the Wickersham Commission. We have the Wickersham report. We have the report of the individual members, and then we have the consolidated report of all the members, which does not agree with their individual views. This House has always demanded that hearings be printed so that the Members can form their own judgment, but in the case of the Wickersham Commission we are prevented from having the hearings printed and we must depend entirely upon the report, to which the members themselves do not agree.

I understand the Senate has receded from this amendment, and I deplore the situation, because we all know from what has been stated in the newspapers that the hearings did not justify what some of the individual reports purported they did.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. LaGUARDIA. There is one advantage, and that is that those papers are now in the custody of a Senate committee, and sooner or later we will have them printed.

Mr. LINTHICUM. I am glad the gentleman mentioned that because it may be that later on we can have the hearings printed; but, gentlemen, that is nine months from now. Much can take place in nine months. We should have had that nine months in which to study and find out for ourselves what the hearings contained before the Wickersham Commission so that we ourselves might have information upon which to base our judgment. I very much deplore the fact that the Senate has receded from its amendment. It was a matter of only $25,000 and it would have been a satisfaction not only to Congress but a satisfaction to this country to know what the commission based its report upon. Of course, there is nothing that can be done. We certainly can not defeat this conference report which would be necessary, and the matter must go over for nine months. I certainly trust that Members of this House will consider the matter between now and the next session of Congress, and that we may have the hearings printed at that time.

Mr. WOOD. I may say to the Members of the House that each one of the items in this group of amendments in disagreement, and on which there may be diversified opinions, will be called up separately, so that for the purpose of expediting the business I trust there will be no further debate upon the conference report itself.

Mr. BYRNS. Will the gentleman yield three minutes to the gentleman from Alabama [Mr. ALLGOOD]?

Mr. WOOD. Yes. I yield to the gentleman three minutes.

Mr. ALLGOOD. Mr. Speaker, I wish to commend the action that has been taken by Congress in the building program. I believe in internal improvement. There are only two links in the chain that are left out in the completion of our building program throughout the Nation. We have taken care of the large cities. I have recently introduced a bill that will take care of the courthouse sites and towns and cities with postal receipts ranging from ten to twenty thousand dollars a year. In taking up the completion of our building program with the Post Office Department, I ascertained that $30,000,000 will build post offices at every courthouse site in the United States at which there is not now a Federal building. There are approximately 600 county sites without Federal buildings. Fifty thousand dollars is sufficient to construct a splendid post-office building. Just think of it, gentlemen. This Congress appropriated $30,000,000 only last week to recondition three old battleships, and yesterday England, France, and Italy agreed to discontinue their shipbuilding race for supremacy until 1936, when another disarmament conference will convene. By this agreement these leading nations of the world are indicating the way for peace.

Many of our people who live in the small towns and county sites have no symbol whatever of the Federal Government. They can see nothing that has been done by the Federal Government of a lasting nature. Millions of them will never have an opportunity to visit our National Capital. That they have a pride and patriotic spirit is evidenced by them having taxed their property for the construction of suitable courthouses, and there is no class of people who are more appreciative, and since introducing this measure my colleague from Alabama [Mr. OLIVER] informs me that

many towns have offered to donate sites to the Government in order to insure the construction of suitable Federal buildings. The Post Office Department officials estimate that $70,000,000 will provide buildings at all places other than county sites with receipts between ten and twenty thousand dollars. In addition to meting out justice to these small places, our Government will also save enormous sums annually now paid for rents.

I know it is too late in the session for hearings to be held on this bill, but I am inserting it in the RECORD so you will have the opportunity of studying it during the summer, and when we return to the Seventy-second Congress I expect to reintroduce this measure and hope to get favorable action during that session. [Applause.]

H. R. 17307

A bill to provide for the construction of post-office buildings in all county seats in the United States, and for other purposes

Be it enacted, etc., That it is the purpose of this act to provide a post-office building construction program to secure adequate post-office building facilities throughout the United States at advantageous costs by the utilization of local labor, services, and materials.

SEC. 2. Notwithstanding the proviso at the end of section 5 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913 (U. S. C., title 40, sec. 264), the Secretary of the Treasury is authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem to be necessary, and to cause to be constructed thereon, or upon lands belonging to the United States suitably located and available for the purpose, adequate and suitable post-office buildings (1) in every county seat in the United States (without regard to the volume of postal receipts), and (2) in every town or city in the United States where the postal receipts have reached the sum of $10,000 annually, except in any county seat, town, or city in which the construction of a post-office building has been provided for by Congress. In carrying out the provisions of this section priority shall be given to the county seats eligible under this act. The buildings authorized by this act shall be so constructed as to combine high standards of architectural beauty and practical utility. The sketches, plans, and estimates for buildings shall be approved by the Secretary of the Treasury and the Postmaster General. The Secretary of the Treasury, in his discretion, is authorized to provide space for other activities or branches of the public service in buildings authorized to be constructed by this act.

SEC. 3. (a) In providing for the construction herein authorized the Secretary of the Treasury shall in all cases let the contracts to, or employ, responsible contractors or construction companies who are residents or inhabitants of the respective congressional districts wherein the construction is proposed.

(b) All contracts or other provisions for or on behalf of the United States made under authority of this act shall contain provisions—

(1) That in the performance of work under such contract or provision or any subcontract thereunder, preference in the employment of mechanics, laborers, and draftsmen shall be given to American citizens who are inhabitants of the congressional districts wherein the construction is proposed, who are available and qualified to perform the work to which the employment relates.

(2) That in the procurement or use of materials and supplies in the performance of any contract or other provision for or on behalf of the United States made under authority of this act preference shall be given to materials and supplies produced or manufactured within the congressional district wherein the construction is proposed, whenever such materials and supplies are available and suitable for the purposes of the construction, at costs which are not disadvantageous to the United States in comparison with costs of materials otherwise readily procurable.

(3) That there shall be deducted from the amount payable to the contractor by the United States under the contract or other provision for performance of the construction, a penalty of $5 for each laborer or mechanic or draftsman for each calendar day during which such laborer, mechanic, or draftsman is willfully required or permitted to work in violation of the provisions of paragraph (1) of this subsection.

SEC. 4. (a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this act, shall be performed by the Office of the Supervising Architect, Treasury Department, under the direction of the Secretary of the Treasury, except as otherwise provided in this act.

(b) In so far as the Secretary of the Treasury deems it practicable and consistent with the purposes of this act, the Secretary of the Treasury is authorized to procure by contract with architects and engineers, residents of the congressional district wherein construction is proposed under this act, the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications, or to employ advisory assistance involving design or engineering features, and to pay reasonable compensation for such services.

(c) The Secretary of the Treasury is authorized to employ such additional technical, scientific, and clerical assistance in or under the Office of the Supervising Architect, both in the District of Columbia and elsewhere as he deems necessary, giving preference wherever practicable to inhabitants of the congressional district wherein the construction is proposed, and to fix such rates of compensation therefor as he deems proper, not, however, in excess of the maximum rates paid for the same or similar services in other departments, and to submit to Congress, through customary channels, estimates for appropriations for compensation for such personal service and for travel, subsistence, and other expenses involved in making any survey in preparation for the program and report herein provided for or in the examination of sites.

(d) Notwithstanding any other provisions of law the Secretary of the Treasury shall employ, in the performance of legal services connected with the procurement of title to sites for public buildings herein authorized, attorneys resident of the city or county wherein the construction is proposed, and may expend moneys for the construction herein authorized upon the rendering of a written opinion of such attorney or attorneys in favor of the validity of the title to the site or sites on which the buildings are proposed to be constructed.

SEC. 5. There is authorized to be appropriated the sum of $100,000,000 to be expended by the Secretary of the Treasury in carrying out the provisions of this act.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 10. Page 6, line 16, insert the following: "The Public Printer may continue the employment under his jurisdiction of William Madden, CONGRESSIONAL RECORD messenger, at the Capitol, notwithstanding any provision of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1930, and any amendment thereof, prohibiting extensions of service for more than four years after the age of retirement."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 14. Page 15, line 1, insert the following: "Hospital and domiciliary facilities and services, Veterans' Administration: For carrying out the provisions of the act entitled 'An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes,' approved February —, 1931, $5,000,000, to be immediately available and to remain available until expended."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 23. On page 31, after line 8, insert: "Bureau of Public Roads: For an additional amount for paving and other expenses of constructing the highway from Washington, D. C., to Mount Vernon, Va., including all necessary expenses for the acquisition of such additional land adjacent to said highway as the Secretary of Agriculture may deem necessary for the development, protection, and preservation of the memorial character of the highway, $2,700,000, to remain available until June 30, 1932."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur, with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 23, and agree to the same with an amendment as follows: Before the period at the end of the matter inserted by said amendment insert the following: ", and this amount shall provide for the entire completion of such project and all objects of expenditure incident thereto."

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, I think it would be very unfortunate if the House recedes on this amendment without a little further information in regard to it. I suppose

that road must be completed. It is like every other kind of work which the Government undertakes and then spends more money than it ought to. We appropriated $4,500,000 for that George Washington Memorial Boulevard, and certainly for 16 miles of road that is ample money. I am opposed to this additional sum, even though you add the proviso offered by the gentleman from Indiana. What earthly chance is there of that proviso being lived up to, if the commission sees fit to go ahead and obligate the Government for additional money? That is exactly what they have done. They spent the $4,500,000 and now say they want to spend $2,700,000 more. The same proviso might have been carried with reference to the expenditure of the $4,500,000, but instead of completing the road within that sum, they now ask for additional money. I am opposed to the amendment and still I realize that we can not leave a dirt heap down there and not complete it. I think the commission is very blameworthy for not having done its work within the provisions of the appropriation. They should at least have come back to Congress for more money before they obligated the Government.

I am further opposed to it on the ground previously referred to, namely, that we are spending $7,200,000 to build a most elaborate memorial highway to George Washington and then have it lead to a privately-owned property, and the only purpose of the road is to have it reach this privately-owned property. The fact that a group of patriotic women bought this property when it was going to decay about 1855, does not make it applicable in 1931. There is no reason why the Government should not to-day own that great shrine, probably the greatest shrine within all the world. [Applause.]

It ought to be owned by the Federal Government, and I for one object to spending $7,200,000 on a road which will reach to a turnstile, and there an admission is charged to enter that great shrine. I do not care how patriotic these women are. They never make a report to anybody and it is just a close corporation, a corporation that ought not to be given the privilege of having this free highway as a memorial reaching to their concession. It is time, my colleagues, that this matter was given serious attention by Congress. I have had a bill before the House for some years, although I have not pressed it, but I want to say to the ladies who are the regents and own that property that I shall press that bill in the next Congress to the best of my ability, and endeavor to reach an amicable arrangement for the Government ownership of Mount Vernon. Then if there is a road which reaches it, paid for by the Government, there will be some excuse. The only excuse given as to why these ladies do not want to disgorge is that they enjoy a trip there annually, and they say that if the Government should own this shrine it would become a picnic ground. If I know anything about the patriotic spirit of the American people, they are never going to desecrate Mount Vernon in any such manner as we are told they will. The property, if controlled by the Federal Government, will be as carefully managed as it is now. My bill will leave the women's organization in active charge.

Mr. PARSONS. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. PARSONS. How much per mile is this road supposed to cost?

Mr. TREADWAY. That was explained by the gentleman from Nebraska by putting silver dollars together. He showed that it would cost the number of silver dollars put upon end. Then the gentleman from Oklahoma [Mr. O'CONNOR] went him one better and said:

Let us build it with gold, so that it will be sixteen times more expensive.

I am for his proposition if we are going to spend money as carelessly as that.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CLARKE of New York. Why would it not be a good idea in these Government appropriations to make these officials who make the estimates liable, so that in case of failure to live within the estimates made they would be cut off the pay roll.

Mr. TREADWAY. If that could be done, that, of course, would accomplish the purpose the gentleman has in view. And that is the only way you will ever do it.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, I have asked this time particularly for the purpose of paying a tribute to the ladies who compose the Mount Vernon Association. I want to remind my good friend from Massachusetts that if it had not been for these good ladies, who come from every section of the country, Mount Vernon would not be what it is to-day. [Applause.] These ladies, out of their patriotism, their love for the traditions of this country, and their veneration for the memory of the Father of his Country, when the Government failed to take charge of Mount Vernon, formed a voluntary patriotic association of their own, more than 75 years ago. It is due to them that you have Mount Vernon out yonder to-day, preserved as it was when Washington lived. I think those ladies deserve the thanks and gratitude of the entire country for what they have done.

There are other patriotic associations composed of good women of the country which have performed similar services in connection with the homes of patriots, statesmen, and ex-Presidents, which the Government for one reason or another has neglected to preserve. The Ladies' Hermitage Association, in my own State, for years has preserved the home of Andrew Jackson—the Hermitage—just as Andrew Jackson left it when he died.

Now, one word as to this appropriation. It is true that when these estimates were submitted the commission was told that $4,500,000 was, in the judgment of those who were going to have the authority to make expenditures, all that was required to complete that highway. The act authorizing the building of the highway was passed by Congress, and the George Washington Bicentennial Commission was given authority to select the route. It has had nothing to do with the actual construction or the expenditures.

There were two propositions which came before the commission, of which I am a member. One of them was to take what is known as the river road, which was finally selected, and the other was to take the ridge road. There were those who favored the river road because under the estimates then submitted it only involved an expenditure of $150,000 or $200,000 more, and it was said by those who professed to know about such things that it had greater scenic value. Personally, I favored the ridge road because I felt it could be more economically constructed and at the same time afford scenic advantages on both sides of the road, which we do not have on the road which is now under construction. I may say that we were told that four and a half million dollars was all that would be required for the river route.

I want to say to my friend from Massachusetts that the commission has had nothing to do with the building of this road.

It is not its proposition and was not a part of the commission's work in doing honor to the memory of George Washington. It was an independent matter taken up by Congress and put through the Congress; and the money is being expended, not under the supervision of the commission, but under the supervision of the Bureau of Public Roads.

Now, how has this money been expended? I took occasion the other day to say that I could not understand why a sum of money amounting to an average of $462,000 per mile should be expended to construct this road.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. WOOD. Mr. Speaker, I yield the gentleman five minutes more.

Mr. BYRNS. But how has it been expended? We are to have a great memorial boulevard, 200 feet wide, for a distance of 14.6 miles. Those in authority have either bought or acquired in one way or another 805 acres of land, at an

average cost of $1,549 per acre. There is not any land in Virginia outside of the cities worth that amount. And do not forget that the most of this land is low, marshy land lying close to the river.

Two years ago it was proposed to establish a municipal airport for the city of Washington at Gravelly Point, and it was sought to pass a resolution providing that the first cash payment of $500,000 should be paid out of the Treasury of the United States. I objected to the request for the consideration of the resolution, and it was never passed. But now it appears that this appropriation has been used to acquire this whole property at the expense of the people of the United States. The appropriation provided that the Secretary might acquire the roadbed and additional lands when he thought it necessary for "parking." Undoubtedly Congress understood this to mean for parking automobiles, but those in authority have construed it to mean for public-park purposes. I do not understand why the Comptroller General, who is usually so technical, should have approved the payment or expenditure of money under any such strained construction. Congress was appropriating for a road, and I do not believe it would have made the appropriation if it had been informed that it was to be used for purchasing land not needed for that purpose. If such was the intention, it certainly should have been so advised. Whether so intended or not, it had the effect of a joker in the law as passed.

If the Washington Star states the facts, this has been acquired for the direct purpose of providing a municipal airport in the event Congress shall later on decide to establish one. I wish I had the time to read you all the Evening Star had to say on this subject after what is purported to have been an interview with the Director of Public Roads. It says this:

The Mount Vernon Boulevard development is being carried on with a view to the creation of a great airport at Gravelly Point, according to plans of the Bureau of Public Roads.

I want to know what the Bureau of Public Roads has to do with providing an airport for the city of Washington when Congress has refused up to this time to obligate the Federal Government to engage in that sort of business?

These plans—

So the article says—

provide for a great double airport site with two systems of runways connected at either end by taxi strips forming two great circles.

And later on, the article goes on to say that—

Despite the failure of Congress to go ahead with the Gravelly Point airport plan, the area will be developed just as though an airport were to be built, it was indicated. The aeronautical branch of the Department of Commerce, in line with the Gravelly Point airport plan, has located a radiobeacon station for the National Capital airways station adjacent to the Gravelly Point area. This beacon is in a position to serve the Gravelly Point area and is more than a mile away from the Washington-Hoover airport site.

Now, I would like to again ask what business has the Bureau of Public Roads or the Department of Commerce to undertake to spend hundreds of thousands of dollars of this money, appropriated as it was for the purpose of building a great monumental boulevard to the memory of George Washington, to develop the Gravelly Point area down there on the assumption that Congress may sometime, out of its generosity, devote the public funds of the United States to the building of a municipal airport, a commercial airport, if you please, for the city of Washington, which ought to do like all other cities of this country—build its own airport at its own expense. [Applause.]

Under the guise of being required for boulevard purposes, some one has unloaded on the Federal Government a lot of land—worthless in so far as the Government is concerned—at an enormous and unjustifiable price. What a pity an appropriation can not be made for a highly patriotic purpose without some one trying to make a personal profit out of it.

Mr. TREADWAY. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. TREADWAY. As a member of the commission may I ask the gentleman, in view of the fact we are going to have a beautiful boulevard and memorial to George Washington extending down the river to Mount Vernon, is there any likelihood of doing away with that large dump heap just as you leave the new bridge and as you get on the road, where for 24 hours a day there is a lot of smudge and smoke and débris being dumped in there? Under whose authority is this done and is there any chance of its being removed? It is a disgrace to the city of Washington, in my opinion. There should not be a dump heap for the rubbish of this entire neighborhood so near this city or along this new boulevard.

Mr. BYRNS. I will say to the gentleman that I have, to some extent, changed some of the views I expressed the other day after hearing Mr. MacDonald with reference to the expenditure of some of this money. Some of it is being expended for the purpose of acquiring unsightly land upon either side of the boulevard, so as to make it a real monumental road, and one that will be pleasing to the eye as well as satisfactory to the tourist as he travels over the road. But while approving the purposes, I seriously question whether he has the authority to do so under the law applying to this appropriation.

Mr. CRAMTON. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. CRAMTON. May I suggest to my friend from Massachusetts that if he would give the great influence that he has to the support of the bill which I have pending for amending the parkway act, we would be much nearer to cleaning up all those eyesores along the Potomac.

Mr. TREADWAY. Let me ask the gentleman in reply, if I may, whether the very disgraceful situation I am referring to is not south of the Memorial Bridge and along the line of the George Washington Boulevard, extending to Mount Vernon?

I understand the gentleman's effort is to secure a further boulevard running up to Great Falls, or north of the new bridge.

Mr. CRAMTON. The gentleman is in error about that; there is no boulevard proposed to Great Falls on the Virginia side. The act proposes to acquire all the land along the Potomac in Virginia, to remove all the eyesores, and the gentleman could not do anything to better expedite it than to support my bill, which he has not been inclined to do in the past.

Mr. TREADWAY. I am still inclined to oppose it, and I still maintain that this smoky dump that brings smoke into the White House and along the lower part of Washington whenever the wind is that way, is a blot on the landscape where we are to have a fine boulevard.

Mr. BYRNS. The remarks of the gentlemen have further confirmed me in the belief that this additional land should have been purchased under some such act as that to which the gentleman from Michigan has referred, and not under an act providing for the building of a memorial highway. I can not understand why it was permitted by those having supervision of the expenditures, or those charged with the auditing of the accounts.

In conclusion, having said what I have, let me say that under the circumstances I do not think there is anything Congress can do except to vote this appropriation. You have already appropriated $4,500,000 on this road, of which $3,500,000 has been actually expended. If you fail to make this appropriaton you simply lose what you have spent. The road is being built in the honor of the memory of George Washington. It is to be a great memorial boulevard. Notwithstanding what we may think of the extravagance of those in charge of the work, or what we may think of the manner in which they have expended the money, I believe that it would be very unfortunate if Congress should fail to appropriate this money and complete this boulevard to the home of Washington. Congress is assured that this will be all that will be required to complete this boulevard, and for that reason I think the amendment ought to be adopted. [Applause.]

This highway is being built as a memorial to Washington. Let me say that it might also be considered as a monument to the able and efficient service which our distinguished friend and colleague Judge MOORE of Virginia has rendered to the district which he has so faithfully represented. We all regret that he is soon to voluntarily retire to private life. His retirement is a distinct loss to the Congress and to the country.

Mr. WOOD. I yield five minutes to the gentleman from Illinois [Mr. HOLADAY].

Mr. HOLADAY. Mr. Speaker, at the present time I am opposed to the expenditure of $2,700,000 for this road while there are to-day thousands of ex-service men that do not have hospital and home facilities.

A few days ago when the hospital and home bill was before the House the gentleman from Massachusetts [Mr. LUCE], who, if I remember correctly, has heretofore opposed hospital legislation, stood on the floor and made a plea that the bill go to conference because, as he said, he felt that he had been insulted by not being allowed to speak on the bill.

It went to conference, and I thought at the time that the chairman of that conference committee, judging from his record on this floor, had no intention of ever bringing that bill back to this House. I interrogated the gentlewoman from Massachusetts, for I felt then that she was being led into a position where she might be responsible for defeating the legislation.

What is the result? Let me talk to you about the condition in the home in Danville, Ill. Since the matter was on this floor a veteran was turned out of the Danville home on Saturday because they did not have room for him. On Sunday morning his dead body was found in a box car, a short distance from the home. That is not the only instance of that kind that has occurred this winter.

I do not want to go back to the veterans of Illinois and say to them that we had $2,700,000 to add to $4,500,000 to build a driveway, but that we did not have money with which to build hospitals and homes for the veterans. I do not want that responsibility to be on the Republican Party.

Mr. WELSH of Pennsylvania. How does the gentleman know that we will get the hospitals if the Senate amendment goes through?

Mr. HOLADAY. I do not, but I do not want to accept the responsibility for a fancied insult that may or may not have been given to a Member of this body, and if it was, we are all sorry for it. For this trivial reason I do not want it to go out to the people of the country that the Republican Party—and we may as well face the facts, for that party will be responsible if it fails—is in the position of spending $2,700,000 for a driveway and yet can not spend $2,800,000 for soldiers' homes when there is no dispute about the need for them. As far as I am concerned I am going to do my best, irrespective of the outcome of this measure, to bring back to the House the item for the soldiers' homes.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. CRAMTON. The gentleman knows that if the pending amendment should be voted down that would not build any hospitals, and if the amendment should be adopted that will not prevent the building of any hospital. One does not depend upon the other.

Mr. HOLADAY. And I bring to the attention of the gentleman from Michigan [Mr. CRAMTON] who not only favors this, but I understand favors a few million dollars more for some more parks, that I believe it is a better policy to take care of the veterans in their hospitals and in their homes before we go to spending millions of dollars for parks, be those parks ever so desirable.

Mr. CRAMTON. Oh, I voted for the hospitals, as the gentleman well knows.

SETH PARKER

Mr. SNOW. Mr. Speaker, I ask unanimous consent to be allowed to proceed for one minute out of order.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNOW. Mr. Speaker, Bowdoin College is a typical small New England college, located in the beautiful town of Brunswick, Maine.

In its early days it graduated Longfellow and Hawthorne, and a little later a President of the United States, Franklin Pierce.

In 1896 three graduates of this little institution were occupying, respectively, the offices of Speaker of this House, President of the Senate, and Chief Justice of the United States—Thomas B. Reed, William P. Frye, and Melville W. Fuller.

It is my privilege to introduce to you this afternoon another Bowdoin graduate. He is not, however, a poet, a novelist, a statesman, or a jurist. He is, in fact, a mere boy, but is known from one end of this country to the other. His voice is familiar to 90 per cent of the membership of the House, but not 1 per cent of you have ever seen him.

He is in Washington at this time for the purpose of appearing to-night at Constitution Hall in a benefit performance for a very worthy Washington charitable organization. His services are donated, and such is his drawing power that all tickets were completely sold out over two weeks ago.

In my opinion this young boy is the source of more joy and cheer, and contentment, and wholesome enjoyment than any person living in the United States to-day.

Mr. Speaker, it is with a peculiar degree of pride that I now present to the House—in private life, Phillips H. Lord, of New York, but on each Sunday evening lovably known in radio as Seth Parker, of Jonesport, Maine. [Applause, the Members rising.]

SECOND DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker and Members of the House, I agree with every statement of our Republican colleague from Illinois [Mr. HOLADAY] with reference to the hospital building expansion program. I was one of those who voted against the motion to send the bill to conference. I gave at that time the reasons why; first, that the Senate bill provided $5,000,000 more for hospitals than the House bill; and, second, that if the bill went to conference in the closing days of the Congress, it might get into the legislative jam and die.

I understand that the conferees have failed to agree because the House conferees have held out against the Senate amendment. Perhaps I was too critical in my brief statement a few moments ago when referring to the gentleman from Massachusetts [Mr. LUCE], who opposed the Rogers hospital bill when it was first considered in the House. I understand that the author of the bill, who has the reputation of being a strong supporter of veterans' legislation, particularly legislation for disabled veterans, can by her vote accept the Senate amendment so that the legislation can be enacted and appropriations made before this Congress adjourns. I say to the members of the conference committee that there is nothing which indicates that the House by sending the bill to conference put its approval on an attitude on the part of the House conferees which would hold out for the House provision and let the bill die instead of giving way and accepting the Senate amendment. The least that we can expect of the Republican membership of the House is to demand that the Republican members of that conference committee make a report to this Congress and let the Congress on a straight issue decide whether we are going to have additional hospital facilities for the veterans or let the bill die in conference because of the pet hobby of one Member of Congress who has a reputation of being strongly in favor of the veterans.

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. CONNERY. I think the gentleman knows that I feel exactly as he does. We have no partisan interest in this matter.

Mr. SCHAFER of Wisconsin. No. In fact the allocation as embodied in the committee report from the Committee

on Military Affairs contains an additional domiciliary barracks for the Northwestern Branch National Home in my district. I do not consider that report absolutely binding, and even if I should lose that building, I would gladly lose it in order that the thousands and thousands of veterans throughout the country outside of my district may have additional hospital facilities available. [Applause.]

Mr. CONNERY. There is nothing partisan in this matter. The American Legion in Massachusetts sent a telegram asking that this matter be adjusted. I say to the gentleman as a Republican, and I am a Democrat, that if this dies, it would be a wonderful political issue for us in Massachusetts, but I do not want it to die.

Mr. SCHAFER of Wisconsin. Oh, its death would no doubt result in more lame ducks in the present Republican membership than the last election did.

Mr. CONNERY. I do not want to have that political issue.

Mr. SCHAFER of Wisconsin. No; it should not be a political issue.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mrs. ROGERS. Mr. Speaker and Members of the House, I had supposed that the House had some sort of loyalty to its own body. While the House did not instruct the conferees, still, the Members knew we were going to the conference with the understanding that we would stand up for the report written by the subcommittee of the Committee on World War Veterans' Legislation. If the Members listened to my speech on the floor on that day, they will remember I stated I would be willing to go along with the Senate bill and allow them to have over $2,000,000 for additional soldiers' homes and an additional $5,000,000 for Veterans' Bureau hospitals. But I did feel, in order to secure prompt hospital construction, that we should stand by our House report. Why should the House yield in every particular? Why should not the Senate yield to us on one point in order to secure at least prompt building to the extent of $12,500,000? [Applause.] Every one of the Members who has had any dealings with the Veterans' Bureau knows before we initiated the custom of putting in our committee report the general locations for hospitals that the building program went forward very slowly. I want hospitals built for our disabled. I know the needs. I have watched the boys.

Mr. CONNERY. Will the lady yield?

Mrs. ROGERS. I have watched your Yankee Division boys. I have watched them get well and I have watched them die. I do not believe anybody wants hospitals more than I. [Applause.] It is because I want them so much that I feel the Senate should go along with us and at least yield to our program for the $12,500,000 while we let them have an added $5,000,000 for additional hospitals. It seems a curious thing that the Senate is willing to kill the bill, and I can not believe it will. It is up to the Senate.

Mr. SCHAFER of Wisconsin. Will the lady yield?

Mrs. ROGERS. I yield to the heroic color sergeant of the Yankee Division, Mr. CONNERY. [Applause.]

Mr. CONNERY. I would like to say to the lady from Massachusetts she knows and the House knows I have the highest respect for all she has done for the disabled men of the Nation. We are up against a parliamentary situation. Is it not a fact that the Senate conferees will not yield, absolutely will not yield?

Mrs. ROGERS. I believe they will yield. They are not going to kill that bill. Does the gentleman think they will dare face those veterans? [Applause.] I do not think so. I do not believe they will dare do it.

Mr. CONNERY. Then, if the situation comes at the last moment when the lady is positively convinced that they will not yield further or will not yield, will the lady then agree with the Senate so that the bill can be passed?

Mrs. ROGERS. The gentleman knows perfectly well that the Senate will yield. [Applause.]

Mr. CONNERY. I hope they will.

Mr. WOOD. I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, for obvious reasons, among them that I do not feel particularly like making a speech, I will not take much time, but I feel I ought to make a few remarks in order to state the facts in respect to the situation. In all the 16 years I have been a Member of this House I have seen the close of a great many short sessions, but I do not believe I have ever seen so many excitable Members who were on this floor as I saw last Saturday night and again to-day.

The facts are clear with reference to the hospital-bill situation. About a year ago, as chairman of the committee, I appointed a subcommittee to decide what should be done with reference to hospitals, because the Senate had never initiated such legislation. It was a very competent committee on both the Republican side and the Democratic side. They have conducted hearings for a year. They brought in from 28 States members of the American Legion, Disabled American Veterans, Veterans of Foreign Wars, and State officials, and they have studied the situation. Without disagreement, that committee, for which I have a great deal of respect, prepared this bill. It affects about 14 States. It is the only committee that has given any consideration to the matter. There were no hearings held in any other legislative body. Some of the gentlemen of another legislative body have taken the position that if they do not get a hospital in their States or in their voting precincts we will have no bill. They have given no consideration to the bill whatever. I am wondering when there are 14 States affected by this bill how 28 Members of another legislative body are going to be able to explain next year just why they killed this bill. Do not forget it will be another legislative body that kills it if it is killed. It will not be killed by this House of Representatives.

As far as the amount to be expended for hospitals is concerned, as a matter of fact none of us care whether there are two or three million dollars more or less appropriated. We want to appropriate enough, however, and are willing to expend $20,000,000. If they wanted to add more, why did not the Members of another legislative body come out in the open and say, "I want a hospital in my voting precinct or in my State?" There probably would have been no objection to the appropriation being increased. As a matter of fact, I think there will be agreement on this bill. I can not conceive of the Members of another legislative body, when there is necessity for these hospitals, standing out against agreement. It will be very regrettable if they do stand out against it. There has never been a moment that they could not have had hearings in that other body. There has never been a moment that they could not have presented the facts with reference to their States. Those demanding hospitals never appeared before the committee. As a matter of fact, all the facts have been presented to the committee, a very competent and a very able committee, consisting of the lady from Massachusetts [Mrs. ROGERS], the gentleman from Connecticut [Mr. FENN], the gentleman from Vermont [Mr. GIBSON], the gentleman from Mississippi [Mr. RANKIN], the lady from New Jersey [Mrs. NORTON], and the gentleman from Mississippi [Mr. JEFFERS]. Nobody can say they are not competent. Nobody can say they did not work. In my opinion the House conferees are taking exactly the right attitude at this time. [Applause.]

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. WOOD. Mr. Speaker, I will yield four minutes to the gentleman from Mississippi [Mr. RANKIN] and then I shall move the previous question on my motion.

Mr. RANKIN. Mr. Speaker, I have but one motive in this matter and that is hospitalization for disabled veterans. We had as well face the facts. Unless the House conferees recede, we are going to lose this hospital bill.

I do not mind telling you that my colleague, the gentleman from Alabama [Mr. JEFFERS] and I were willing to stand by the House allocations if the Senate conferees would go along with us, but in case that was found to be impossible we were willing to accept the Senate amendments.

Now, here is your trouble: There is not a chance on earth for the Senate conferees to accept the House allocations. They can not do it. Because in this bill—and they pointed that out to us plainly, honestly, and I think, clearly—there are certain allocations provided for, and if they take these allocations back to the Senate and recommend them the bill will never get through. Because the House bill leaves out entirely the State of Virginia, which has not a single hospital, while in this bill there are at least two States that will get two or three additions if not new hospitals, that already have two or three. If you think the Senators from Virginia are going to stand for that you are mistaken. The Senators from Maryland are almost in the same predicament, and Senators from other States have served notice that they are not going to let these allocations go through.

Mr. HARDY. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. HARDY. Is this a pork barrel bill you are fixing up between the House and Senate?

Mr. RANKIN. It looks like it. But what does the Senate bill do? Why, it leaves the allocations to the President of the United States or his subordinates. Do you distrust your own President? If I, a southern Democrat, can trust the administration, can you not do so?

Now, I am going to be perfectly frank with you. I am opposed to "pork barreling" these hospitals about the country.

But the Senate conferees can not yield, and you can applaud until your hands are sore and you may talk from now until Congress adjourns on Wednesday, but unless the Republican House conferees yield, we are going to lose this bill, and I am not going to take the responsibility.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. SCHAFER of Wisconsin. Does not the gentleman think the House conferees should bring the question back to the House and let the House instruct them as to what they should do?

Mr. RANKIN. I am willing to do that. I made this fight the other day and I was ingloriously attacked for it. I knew what we were getting into. I am willing to bring it back and submit it to you, but I am just serving notice now that the Senate is not going to yield. They would never get it through the Senate. If we want to take care of these disabled men who are pleading for hospital beds, the thing to do is to have your House conferees yield or bring the question back and submit it to you.

Mr. COLE. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. COLE. Why impose any more duties on the President? Why should he be compelled to look after these hospitals?

Mr. RANKIN. The President is not shirking the responsibility. It is not my duty to come here and defend the President against you Republicans.

One distinguished Senator from a State that is seriously affected said frankly in the conference that he would go to the President and ask him to carry out our allocations as far as he could and so far as the House bill went, and another distinguished Senator from another State said he would do the same thing. I lay these facts before you gentlemen in order that you may know just exactly what the situation is. You may wave the party flag, as you did the other day, but I want to tell you that you are about to kill the hospital bill by your action.

If you do, the Republican conferees on the part of the House must assume the responsibility. [Applause.]

Mr. WOOD. Mr. Speaker, I move the previous question on my motion.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Indiana to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 25: On page 32, beginning at the top of the page, insert:

"For reimbursement to the State of Florida, for 50 per cent of the expenditures made by said State or subdivision thereof for repairing and rebuilding Federal highways as a result of the floods of 1928 and 1929, the sum of $134,466.69."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 25 and agree to the same with the following amendment: In lieu of the matter inserted by such amendment insert:

"For the relief of the State of Florida as a complete contribution and reimbursement in aid from the United States induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such State through the damage to or destruction of Federal aid highways and bridges by the floods of 1928 and 1929 imposing a public charge against the property of the State beyond its reasonable capacity to bear, fiscal year 1931, $65,000: *Provided*, That nothing contained in this paragraph shall be construed as an acknowledgment of any past or future liability on the part of the United States in connection with the restoration of such roads and bridges."

Mr. WOOD. Mr. Speaker, and gentlemen of the House, this amendment was put on in the Senate. You will recall that some years ago we passed an act with reference to reimbursing Georgia, South Carolina, and some of the other Southern States for damage to Federal-aid highways by reason of floods. A bill has passed the Senate and been reported in the House in favor of Florida. Florida claims to have expended $268,000 on account of floods in 1928 and 1929.

In order that this matter might be settled there was an agreement, as we supposed, between the Members of the Senate and the Representatives from Florida, but the gentleman from Florida, [Mr. YON], tells me there is not such an agreement or that there is a difference or misunderstanding as to the amount. We understood they were willing to accept $65,000 as a complete acquittance. The gentleman from Florida [Mr. YON] is insisting on $80,307.

This matter will have to go back to the Senate. So, if the motion I have made is adopted, it can go back again to conference and if the Florida gentlemen can get together or if they will finally conclude to accept this amount, all well and good; if they can not, of course, it will have to go out entirely.

Mr. YON. Will the gentleman yield to me?

Mr. WOOD. Yes.

Mr. YON. Mr. Speaker and gentlemen of the House, I would like to make a little explanation of this matter. We introduced a bill, and it went before the Committee on Roads a year ago, asking for damages for 1928 and 1929. I was out of town some at that time and the matter was delayed. For the year 1929 the States of South Carolina, Georgia, Alabama, and some other of the States of the Union got a full settlement about a year ago for as much as $1,500,000 each, approximately. We have a little bill here for $134,000 for the two years—1928 and 1929—and I have agreed with the chairman of the Committee on Appropriations, in charge of this bill, that we will forego claiming anything further than the year 1929 if they will give us the full amout of $80,307 that the 1929 damage amounts to, and I would ask the chairman of the committee at this time if he can not accept that as an amendment and let it go to the conference.

Mr. WOOD. I have already stated to the House that we have a tentative agreement between the conferees of the

House and the Senate upon the amount stated in this amendment. I do not know whether the Senate will agree to this proposition, but, at any rate, we had to bring it back here and our action here will have to be concurred in by the Senate. So, when it goes back, if the gentleman from Florida can agree among themselves in conjunction with their Senators, perhaps we can get together. If we can not, we will have to throw it all out.

Mr. YON. The Members of the House from Florida have agreed to this, rather than to continue it, and in order to close the matter up; but if the conferees can not agree to the amount stated above as of damage for and in full for damage for year of 1929, I will not agree to the amount stated as to the conference agreement for $65,000, for it would be manifestly unfair and would prejudice our claim, and I would rather than do so that the whole figure be thrown out, than to accept less and thereby prejudice my State's fair and just claim in the matter, and would rather risk the judgment of another Congress in passing on our claim.

Mr. WOOD. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. DOWELL].

Mr. DOWELL. Mr. Speaker, this matter, as the gentleman from Florida [Mr. YON] has suggested, was before the Committee on Roads.

The Committee on Roads having heard this question, the same as the others, believed that Florida should be treated the same as the other States.

I have been opposed to the bill that was presented because it included the year 1928 as well as 1929, but I believe Florida should be treated the same as the other States.

This appropriation will end all the flood road claims, so far as I know, before Congress, and I want to say that hereafter, so far as the Committee on Roads is concerned, in my judgment, it will be the policy to stand very firmly, and it will have to be a case where an unusual flood has occurred before consideration will be given to these flood road bills.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 33: page 44, line 10, insert "Hopi-Navajo Sanatorium, Winslow, Ariz.: For construction and equipment of a sanatorium, including quarters for employees, at Winslow, Ariz., on a site to be approved by the Secretary of the Interior and furnished to the United States free of cost, fiscal years 1931 and 1932, $150,000."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 36: Page 46, beginning in line 1, insert: "Advances to the reclamation fund: To carry out the provisions of the act entitled 'An act to authorize advances to the reclamation fund, and for other purposes,' approved ——, 1931, $5,000,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 37: Page 45, after line 8, insert: "Secondary projects: For continuation of investigations of the Seminole Dam and Reservoir and other possible storage sites and power development in connection with proposed and existing reservoirs on the North Platte River and its tributaries in Wyoming, fiscal years 1931 and 1932, $75,000."

Mr. WOOD. Mr. Speaker, I move to concur in the Senate amendment with an amendment.

The Clerk read as follows:

Amendment No. 37: Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: After the sum "$75,000" insert the following: "*Provided*, That nothing done in pursuance hereof, or under the authority hereof, shall be construed to initiate or enlarge or constitute any water right or appropriation of water, or any priority of appropriation of water whatever."

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 44, page 61, after line 3, insert:

"UNITED STATES EMPLOYMENT SERVICE

"To carry out the provisions of an act entitled 'An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes,' if said act becomes law, all unexpended appropriations available at the time of the enactment thereof for expenditure by the Employment Service of the Department of Labor, shall be available for expenditure by the United States Employment Service, Department of Labor, in the same manner and to the same extent as if the said United States Employment Service had been directly named in the laws making such appropriations; and in addition to such sums there is hereby appropriated for expenditure by such United States Employment Service for such purposes, a sum, which, together with the sums hereinbefore mentioned in this paragraph, shall not exceed $1,500,000, all of which shall be available immediately after said act becomes law: *Provided*, That if the act herein referred to does not become a law at the present session of Congress, the amount herein appropriated shall not exceed $500,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement. I yield one minute to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. MCCLINTIC of Oklahoma. Mr. Speaker, a short time ago I sent a telegram to the California Fruit Growers Exchange at Los Angeles, Calif., which has resulted in the donation of five carloads of oranges and lemons to the destitute who reside in the drought-stricken area. The telegram is as follows:

FEBRUARY 6, 1931.

CALIFORNIA FRUIT GROWERS EXCHANGE,
Los Angeles, Calif.:

I have noticed public statement that California orange growers are raising a fund of $5,000 to buy up surplus crops of oranges to destroy in order to prevent break in market. In view of the fact that certain south Texas vegetable growers have recently donated a carload of turnips and cabbages to be distributed through the Red Cross in southwestern Oklahoma it was my thought your purpose could be served in a wonderful manner by allowing this fruit to be eaten by people residing in a section of Oklahoma and elsewhere who are in destitute circumstances occasioned by the drought. I am especially interested in southwestern Oklahoma where a very large per cent of the people are now being fed by the Red Cross; therefore if some of these oranges could be shipped to the Red Cross at Altus, Hollis, Frederick, or Hobart, Okla. I know that the citizens supplied would be grateful. Answer collect.

[Official.] J. V. MCCLINTIC.

This donation has proved to be a godsend especially to those who were sick and unable to obtain this kind of food. This most worthy contribution was obtained for the entire devastated area in the United States. However, one carload was received by those residing in the district that I have the honor to represent, and distributed through the activities of the Red Cross.

I am advised to-day that Mr. Clem V. Williams and other patriotic citizens residing at Hooker, Okla., have donated a carload of wheat which will be shipped to Hon. George C. Wright, chairman of the Red Cross at Altus, Okla., to be milled into flour and distributed through the activities of the various Red Cross chairmen in Beckham, Custer, Washita, Jackson, Harmon, Greer, Kiowa, and Tillman Counties, to those in need of food. I am very appreciative for the fine motives which have prompted those to render this kind of help to a splendid citizenship, who have been made destitute because of a situation that they could not control, and I want to make this public announcement so that the donors may know that our people who have received this aid are thankful for such benevolence, which is worthy and honorable from every standpoint. [Applause.]

The motion of Mr. WOOD was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 45, page 62, beginning in line 1, insert:

"CHILDREN'S BUREAU

"For carrying out the provisions of the act entitled 'An act for the promotion of the health and welfare of mothers and infants, and for other purposes,' approved March —, 1931, $1,000,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 46, page 64, beginning in line 1, insert: "Navy yard, Charleston, S. C.: For improvement of shipbuilding ways, $150,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment numbered 46.

Mr. MCMILLAN. Mr. Speaker, will the gentleman yield me some time?

Mr. WOOD. I yield five minutes to the gentleman from South Carolina.

Mr. MCMILLAN. Mr. Speaker and gentlemen of the House, I should like very much to have the attention of the membership of the House and particularly the members of the conference committee on the second deficiency appropriation bill for just a few moments. The amendment now before the House has to do with providing building ways, or rather the repair to the building ways, at the Charleston Navy Yard. During the World War, building ways were erected at the Charleston yard to provide for the construction for four vessels at a time. This fact alone it seems to me shows the need of such facilities along the South Atlantic area of our country.

A few weeks ago the Navy Department recommended the sum of $150,000 for permanent repairs to one of these building ways. The item has the formal approval of the President through the Budget Bureau, and it has already twice passed the Senate during the present session of Congress. You gentlemen will recall that only a few days ago the Navy Department appropriation bill passed this House and carried an appropriation for the construction of 11 destroyers which has heretofore been authorized by Congress. Ten million dollars was carried in this bill for such a purpose.

In view of such affirmative action having been taken by the Congress I sincerely hope, and earnestly request, that the House and the committee on conference will favorably consider the incorporation of the Senate amendment in anticipation of the construction of these destroyers.

I desire to call attention of the House to the fact that in the fiscal year 1930 there was appropriated $570,000 by Congress for repairs to building ways in other navy yards of the country in anticipation of the construction of the new cruisers that were authorized to be built by Congress. In the fiscal year 1931 the sum of $565,000 additional was appropriated to complete such repairs. Surely it is proper and fair to now ask the House and the committee to provide for repairs to the building ways for the construction of destroyers in the only navy yard in the South which is admirably qualified from every standpoint to do such work, which, I repeat, has now been authorized and for which money has already been appropriated.

Many of you gentlemen, certainly those who were Members of the Seventieth Congress, will recall that two years ago without a recommendation of the department, without approval of the Budget, and over the objection of the committee on Naval Appropriations, this House by a record vote appropriated $300,000 for the extension of the dry dock at the Charleston Yard. This action it seems to me should convince every Member of Congress that it proposes to see maintained and operated a first-class navy yard along the South Atlantic coast of this country. I earnestly hope, therefore, that the conference committee when it goes back into conference on this item with the Senate conferees will concur with the Senate amendment and permit the Charleston Yard to be placed on a parity with other navy yards and thus be enabled as the only really southern navy yard to bid on the construction of one or more of the destroyers in the building program that will soon be under way by the Navy Department.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House further insist upon its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 59: Page 119, after line 18, insert: "New Bern, N. C., courthouse, customhouse, etc.: The proviso in the act of July 3, 1930, that no new site shall be acquired unless the city of New Bern shall agree to purchase the old site and building for a sum not less than the cost of the new site, and in the event that such an agreement is entered into, the Secretary of the Treasury may sell such a site and building to the city on such terms as he may deem proper, is hereby repealed."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement.

Mr. ABERNETHY. Mr. Speaker, I make a preferential motion that the House recede and concur in the Senate amendment and ask the gentleman from Indiana to yield me time.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from North Carolina.

Mr. ABERNETHY. Mr. Speaker, I know that I am undertaking now a rather difficult task, practically futile. I am appealing to the House on this matter and I am not coming to the House empty handed on reports. I have worked this matter out with the interdepartmental committee, the Bureau of the Budget, the President, and then I went before the House Committee on Public Buildings and Grounds and got a unanimous report from them. I appeal now to the membership of the House. I see many a Member before me whom I have helped with my vote when the matter did not concern politics. Here is my situation: New Bern is my home city. It is also the home city of Senator SIMMONS, long a Senator with a distinguished record retiring now from office on March 4. Both North Carolina Senators are behind the Senate amendment, the Senate conferees are insisting that the House recede and concur. New Bern, N. C., is suffering on account of its three bank failures. We do not get any new building in New Bern on a new site until the Secretary of the Treasury says we get it.

If we can not satisfy the Secretary of the Treasury that we need a building in New Bern, on a new site, how can striking out the proviso hurt? I have begged the chairman of this committee to let this go in. I pleaded with him, because it is my home city. It does seem to me that the House should recede and concur in this amendment.

Mr. BYRNS. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BYRNS. As I understand it, the city of New Bern has sufficient receipts to authorize the construction of a building there. Does the gentleman remember what the receipts are?

Mr. ABERNETHY. Oh, we have plenty of receipts.

Mr. BYRNS. It has been adjudged that New Bern is entitled to a new building, and that you get a new building?

Mr. ABERNETHY. Absolutely.

Mr. BYRNS. As I understand, this is the only limitation that has ever been imposed on any building?

Mr. ABERNETHY. There never has been a limitation of this kind proposed before in any city.

Mr. DUNBAR. On what ground is this city deprived of a public building?

Mr. ABERNETHY. Because the city had three bank failures. It agreed to buy a new site, and it could not buy a new site at this time. That is all there is to it.

Mr. DUNBAR. How does the gentleman expect us to help him?

Mr. ABERNETHY. Just vote to recede and concur. That is all. I am appealing here now to the distinguished chair-

man of the Committee on Appropriations. I am asking him to give me this consideration.

Mr. WOOD. Mr. Speaker, ladies and gentlemen, I think when you hear the facts with reference to this matter you will not be carried away by reason of the appeal made for any special individual. It seems to me the Appropriations Committee has been trifled with in this case. I speak advisedly. In the first instance, when a post office at New Bern was asked for, the proposal was approved to buy more ground and put an addition on to the present building at a cost of $210,000. Then the people thought there was not sufficient ground for that. The department agreed.

Then a new proposal was submitted to Congress to change that $210,000 proposition by giving the Secretary of the Treasury authority to build an entirely new building at a cost of $250,000 on a site which the city would furnish and in return for furnishing that site the city would get the old building for use as a city hall. The new site to be furnished was estimated to cost about $75,000. While that proposal was before the committee the gentleman from North Carolina came before us and explained that the city was financially in trouble on account of the failure of some banks and could not buy the new site but that if we would raise the amount of the proposal from $250,000 to $325,000 so the Government could buy the site they would agree to buy the old building for whatever the new site cost. The committee and Congress accepted that suggestion by placing the following provision on the authorization of $325,000 for the new site and new building:

Provided, That no new site shall be acquired unless the city of New Bern shall agree to purchase the old site and building for a sum not less than the cost of the new site and in the event such agreement is entered into the Secretary of the Treasury may sell such old site and building to the city on such terms as he may deem proper.

Now he proposes to repeal that condition. All in the world they have to do is to keep faith and complete the agreement that they promised to make with the Secretary of the Treasury.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. ABERNETHY. I told the gentleman and the Members of the House that we have agreed with the Secretary of the Treasury that no new building shall go on this new site until we do make satisfactory terms with him, but we will not get a building for the next 18 months, and our people down there are suffering. Let us give the Secretary of the Treasury a little discretion in the matter.

Mr. WOOD. Now, the gentleman is not fooling me, and I hope he will not fool you. He has said he has an understanding or agreement with the Secretary of the Treasury. Why does he not take his agreement to the Secretary of the Treasury? All the Treasury is asking is an agreement. All he has to do is to make an agreement upon such terms as the Secretary and the officials of the city of New Bern will make between themselves. They were satisfied when we gave them this proviso so that they could make an agreement that would be satisfactory to all concerned. That is not the trouble. It looks as though they want to repudiate this entire business.

Mr. ABERNETHY. The gentleman has control of all the time, and I hope the gentleman will not charge me with that.

Mr. WOOD. I am stating the facts exactly as they appear to me. They apparently do not want to give $75,000 for the present building. They want a new site that is going to cost the Government $75,000. In consequence they do not want to enter into this agreement that they said they would enter into, to pay the Government that price for this property. If they will enter into the agreement which they promised to enter into, that they would pay the Government exactly for the present property what the new site cost, there would be no trouble here at all. We have changed this thing three different times for them and finally gave them exactly what they wanted, in order that this building might be put up. The Government is to furnish the money in the first instance to buy the site. All they have to do is to enter into an agreement with the Secretary of the Treasury and keep faith by agreeing to pay for the property what the new site costs, upon such terms as they might agree upon.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from North Carolina [Mr. ABERNETHY].

The motion was rejected.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No 61: Page 193, line 4, insert the following: "Omaha, Nebr., Federal office building: For demolition of building and construction of a new building on a site owned by the Government, under an estimated total cost of $740,000, and there is hereby transferred from the War Department to the Treasury Department the land comprising the site of the old Post Office and Customhouse Building at Omaha, Nebr., together with the improvements thereon, which was turned over by the Secretary of the Treasury to the Secretary of War, under authority of the act of Congress, approved January 21, 1889 (25 Stat. 652.)"

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 66: Page 140, line 3, insert the following: "Washington, D. C., Court of Claims Building: For construction of a building, under an estimated total cost of $1,225,000.

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 72: Page 144, beginning after line 21, insert the following "Plattsburg Barracks, Plattsburg, N. Y.: To carry out the provisions of the act entitled 'An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes,' approved February —, 1931, fiscal years 1931 and 1932, $150,000."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate No. 72, and agree to the same with an amendment as follows: "After the word 'February' in the matter inserted by said amendment insert the numerals '28'."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 77, on page 149, beginning in life 16, insert: "Paving Missionary Ridge Crest Road and Crest and Gap Road: For improving and paving the Government roads known as the Missionary Ridge Crest Road and the Crest and Gap Road in the Chickamauga and Chattanooga National Military Park, from the Lafayette Road, in the State of Georgia, to the Tennessee-Georgia State line, a distance of approximately 1.1 miles, fiscal years 1931 and 1932, $37,770: *Provided*, That none of the money herein appropriated shall be expended until the State of Georgia, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same, shall have given satisfactory assurances to the Secretary of War that it will at all times maintain said road in good repair."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Paving Missionary Ridge Crest Road and Crest and Gap Road: For improving and paving the Government roads known as the

Missionary Ridge Crest Road and the Crest and Gap Road in the Chickamauga and Chattanooga National Military Park, from the Lafayette Road, in the State of Georgia, to the Tennessee-Georgia State line, a distance of approximately 1.1 miles, fiscal years 1931 and 1932, $37,770: *Provided*, That no part of this appropriation shall be expended until the State of Georgia or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same concerned shall have given to the Secretary of War satisfactory assurances that immediately upon the completion of such improvements as may be made under this appropriation they will accept title to and maintain such portion of the roads under the provisions of the act approved March 3, 1925 (43 Stat. 1104), and the Secretary of War is authorized to convey title to such roads in accordance with the provisions of such act, except such portions thereof upon which have been erected by the Government or by States or by veterans' organizations or societies monuments, markers, or tablets, to mark and commemorate historic events connected with the battles."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 79: On page 153, after line 9, insert: "For the erection of a suitable monument to the memory of the first permanent settlement of the West at Harrodsburg, in accordance with the terms of the bill S. 4384, which passed the Senate on February 17, 1931, $100,000."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement.

Mr. THATCHER. Will the gentleman yield to me for a question?

Mr. WOOD. Yes.

Mr. THATCHER. May I ask the gentleman whether there is any chance of getting together on that item.

Mr. WOOD. There is no chance of getting together on it unless the bill authorizing it passes the House. It has passed the Senate and is now pending in the House. It is the understanding that if it finally passes before this bill is concluded it will be inserted.

Mr. THATCHER. Of course, the chairman knows the merit of the proposition.

Mr. WOOD. Yes; I am in entire sympathy with it.

Mr. THATCHER. The item will go to conference again, awaiting the action of the House on the bill now pending?

Mr. WOOD. Yes.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 81: On page 153, after line 13, insert: "Fort Pierce Harbor: For dredging the channel of Fort Pierce Harbor, Fla., fiscal years 1931 and 1932."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with the following amendment: In lieu of the matter inserted by such amendment, insert:

"Fort Pierce Harbor: For dredging the channel of Fort Pierce Harbor, Fla., fiscal years 1931 and 1932, $20,000: *Provided*, That no part of this sum shall be expended until local interests shall have agreed to maintain such channel upon completion of the dredging herein provided for."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 82, page 153, after line 16, insert: "Muscle Shoals: For beginning the construction of the Cove Creek Dam in Tennessee, as provided in Senate Joint Resolution No. 49, approved February —, 1931, $10,000,000, to be available until expended."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 95: On page 179, after line 17, insert: "The case of the Pocono Pines Assembly Hotels Co. against United States of America, No. J-543 be, and hereby is, remanded to the United States Court of Claims with complete authority, the statute of limitations or rule of procedure to the contrary notwithstanding, to hear testimony as to the actual facts involved in the litigation and with instructions to report its finding of facts to Congress at the earliest practicable moment."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur.

Mr. STAFFORD. On what page does this amendment appear?

Mr. WOOD. On page 179.

Mr. STAFFORD. The gentleman is moving to concur in the Senate amendment?

Mr. WOOD. Yes. This will send it to the Court of Claims in order to endeavor to get the facts for Congress.

Mr. STAFFORD. The gentleman is aware of the fact that there are many such provisions carried in public bills?

Mr. WOOD. If the gentleman wants an explanation I will say that it involves a claim that was allowed by the Court of Claims for the burning down of a vocational institution occupied by the Government, and there is a question as to whether the Government is responsible or whether it is not. However, a judgment was rendered against the Government and there is a great diversity of opinion as to whether that judgment ought to be honored. Until the matter is further investigated the Congress should not propose to pay it.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 100: On page 190, beginning in line 1, insert: "To aid the Grand Army of the Republic in its Memorial Day services, May 30, 1931: To aid the Grand Army of the Republic Memorial Day Corporation in its Memorial Day services, May 30, 1931, and in the decoration of the graves of the Union soldiers, sailors, and marines with flags and flowers in the national cemeteries in the District of Columbia and in the Arlington National Cemetery in Virginia, fiscal year 1931, $2,500, to be paid to the treasurer of such corporation and disbursed by him for the foregoing purposes."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows: In line 1 of the matter inserted by said amendment before the word "To" insert the following: "Sec. 7."

The motion was agreed to.

Mr. WOOD. Mr. Speaker, I move that the House ask for a further conference with the Senate and that conferees be appointed.

The motion was agreed to.

The SPEAKER appointed the following conferees: Messrs. WOOD, CRAMTON, WASON, BYRNS, and BUCHANAN.

ECONOMIC INVESTIGATION BY WAYS AND MEANS COMMITTEE

Mr. HAWLEY. Mr. Speaker, by direction of the Committee on Ways and Means, I offer the following joint resolution to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, and ask for its immediate consideration.

The SPEAKER. The gentleman from Oregon asks unanimous consent for the present consideration of a joint resolution which the clerk will report.

to buy the site. All they have to do is to enter into an

"Paving Missionary Ridge Crest Road and Crest and Gap Road: For improving and paving the Government roads known as the

The Clerk read as follows:

House Joint Resolution 525

Resolved, etc., That for the purpose of obtaining information necessary as a basis for legislation, those members of the Committee on Ways and Means of the House of Representatives of the Seventy-first Congress who are Members elect to the Seventy-second Congress, after March 4, 1931, and until the organization of the Committee on Ways and Means of the House of the Seventy-second Congress, are authorized, as a committee, by subcommittee or otherwise, to investigate the economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries.

SEC. 2. For such purposes the committee is authorized to select a chairman, and the committee, or any subcommittee thereof, is authorized to sit and act at such times and places in the United States or elsewhere, to hold such hearings, to employ such experts and such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems necessary. The expenses of the committee, not to exceed $50,000, shall be paid out of the contingent fund of the House upon vouchers signed by the chairman.

SEC. 3. Subpœnas shall be issued under the signature of the chairman and shall be served by any person designated by him. In case of disobedience to a subpœna the committee may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents. Any district court of the United States, within the jurisdiction of which any hearing is carried on, may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring the person to appear before the committee or subcommittee thereof or to produce books, papers and documents if so ordered or to give evidence touching upon any matter under investigation, and any failure to obey such order of the court may be punished by the court as a contempt thereof. The provisions of sections 102, 103, and 104 of the Revised Statutes (U. S. C., title 2, secs. 192, 193, and 194) shall be applicable with respect to any person summoned as a witness under the authority of this resolution in the same manner as such provisions are applicable with respect to any person summoned as a witness in the case of an inquiry before a committee of the House of Representatives. Witnesses subpœnaed under authority of this resolution shall be paid the same fees and expenses as witnesses subpœnaed to appear before committees of the House of Representatives.

SEC. 4. The head of any executive department, independent establishment, or agency in the executive branch of the Government shall, upon request of the committee or any subcommittee thereof, furnish such records, documents, papers, correspondence, and information in the possession of such department, independent establishment, or agency as may assist the committee, and may temporarily detail any officers or employees of such department, independent establishment, or agency to assist such committee or subcommittee in carrying out the provisions of this resolution.

Mr. CRAMTON and Mr. BLANTON rose.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I hope not to do, I will ask the gentleman what his thought is with reference to the production of sugar in the United States. I note that unless the gentleman construes it to be, as it really is, one of the agricultural products, it would not be reached in this investigation.

Mr. BLANTON. This is nothing in the world but a "sugar" bill.

Mr. CRAMTON. I am not asking the gentleman; I am asking the gentleman from Oregon.

Mr. HAWLEY. Undoubtedly, investigation of the sugar industry would be included in these terms.

Mr. CRAMTON. I am very glad to have that assurance.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman if this resolution is expected to appease the 20 stalwart Republicans who were about to balk on the gentleman the other night and refused to attend the Republican caucus, when they could not get oil relief. Does the gentleman expect to appease them with this kind of "sugar" resolution?

Mr. HAWLEY. The purpose of this resolution is to obtain material information that the committee did not have when we were considering certain resolutions heretofore.

Mr. BLANTON. Oh, but the gentleman knows that nearly two months ago, at the instance of the governors of oil States, the independent oil operators came to Washington and held a convention, and they appeared before the gentleman's committee and before they appeared member after member of the Ways and Means Committee appeared before them, including our good friend, Doctor CROWTHER, and told them they must have relief immediately, but nothing has been done by the gentleman's committee.

The gentleman's committee is familiar with every fact about the oil industry. The gentleman's committee knows that Mr. Mellon's big company can lay gasoline down in New York from South America in their tankers for 4 cents a gallon, and it is still selling here in Washington at 16 cents.

This $50,000 is to be wasted. It is a mere gesture, and I object, Mr. Speaker.

Mr. HAWLEY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. J. Res. 525) to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, just read by the clerk.

The SPEAKER. The gentleman from Oregon moves to suspend the rules and pass the resolution just read.

Is a second demanded?

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. Mr. Speaker, I yield the time to the minority leader, the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker, I think in this connection that whoever is opposed to the resolution ought to control half the time.

Mr. BLANTON. I am opposed to it.

Mr. GARNER. I would not want to take all the time.

Mr. BLANTON. I shall yield the gentleman whatever time he wants.

The SPEAKER. The gentleman from Oregon is recognized for 20 minutes and the gentleman from Texas [Mr. BLANTON] for 20 minutes.

Mr. HAWLEY. Mr. Speaker, the Committee on Ways and Means have held hearings on a number of bills proposing duties or embargoes on products of various kinds. After the hearings were concluded and the committee gave consideration to the bills, in the light of the information so received, it was discovered that there was material information which affected the situation which they did not have. Such information can not be obtained without the authority given the committee by the pending resolution. On the subject of transportation of oil by tankers, numbers of vessels available, pipe lines, and other means of transportation further information was desired. Also the cost of production was involved, varying with the different fields in the country, which was not sufficiently presented to the committee. There was also presented the subject of the leases made on farm lands by oil companies. It was stated that farmers receive considerable revenue from the leases made on their lands; but no estimate was presented of the amount, or what value such leases are to the farming industry, except in a very general way. Undoubtedly this is an important factor.

Then there was also presented the question of the difference in cost of production of foreign and imported oils and domestic oils.

Incident to this discussion, the question was raised of the value in the refining of the different kinds of crude oil; what values were derived from crude petroleum imported from Venezuela, for instance, and how much per barrel of the different products of oil were so obtained; also the question as to the amount of different kinds of products were obtained from the domestic oil and their values. This involved the ascertainment of the comparative value of foreign and domestic oils when refined and the market values of the products.

Also the question of proration of oil among the different fields and different wells—how that could be effected by legislation and whether anything could be done in the matter of proration of imported oil.

One material question was that involved in the question of fuel oil. It appears that the imported oil produces more fuel oil and less gasoline than American oil. The American oils produce a greater proportion of gasoline and other products and a less proportion of fuel oil. That was a material

question that was pending when the committee finally concluded.

There are many other inquiries involved in the oil question which I will not take the time to name.

Similar questions were raised regarding agriculture, coal, lumber, manganese, and asbestos. This information still lacking, which can only be obtained satisfactorily by going to the various places where these products are, taking testimony of witnesses in regard to them, and making examination of books and operations.

Mr. BLANTON. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. BLANTON. The gentleman knows that Mr. Wirt Franklin, of Oklahoma, president of the Independent Oil Operators, being a wealthy man, has generously expended about $100,000 himself gathering facts and statistics which he placed before the gentleman's committee. This comprehensive information has been placed in the RECORD, both by the Senate and the House. What information does the gentleman expect to gather in addition to that fine statement of facts presented by Mr. Franklin? You can get all the facts from Mr. Mellon. If you ask Mr. Mellon to come before you and you want information that he does not want to give you he will not give it. He would laugh at you but he would not give the information.

Mr. HAWLEY. When the committee desires to get information from any great oil companies, we will get that information. We have the power to punish recalcitrant witnesses and make them testify.

Mr. BLANTON. If you put the minority leader [Mr. GARNER] at the head of the subcommittee he will get it, but I doubt if the chairman would.

Mr. HAWLEY. It was stated in the committee that the subcommittees would be made up in the usual manner. Undoubtedly the gentleman from Texas [Mr. GARNER] will be on any subcommittee he selects. He is never backward about asking questions.

Mr. BLANTON. But the gentleman from Oregon held him out of order every time he asked a question.

Mr. HAWLEY. The chairman held him out of order when he was out of order.

Mr. BLANTON. Yes, and he would be out of order when he asked a question for information that the chairman did not want to give.

Mr. HAWLEY. That would not necessarily follow, and in the cases referred to is an error.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. HAWLEY. I yield to the gentleman.

Mr. COCHRAN of Missouri. Does the gentleman feel, as far as this resolution is concerned, that if he gets the information he wants to secure it will result in the Republican Party seeing the mistake it has made and ask for a downward revision of the tariff at the next session? I am of the opinion if our export trade continues to decrease as it has since the present law was enacted even big business will be demanding a revision downward.

Mr. HAWLEY. The chairman can not tell what will happen until he sees what information is obtained. However, the proposals recently before the committee have all been for increases.

Mr. McREYNOLDS. Is it the intention of this committee to go to Russia to investigate the oil question?

Mr. HAWLEY. If such a joint resolution were passed by Congress and signed by the President it would be an official act and if the Government of Russia were asked to admit the committee so designated to make an investigation in Russia, that would be a recognition of the Soviet Government.

I have taken the advice of Doctor TEMPLE, of Pennsylvania, who, I think, all agree is a competent authority on international questions.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SCHAFER of Wisconsin. The gentleman from Texas [Mr. BLANTON] who demanded a second, appears to be strongly in favor of either a tariff on oil or an embargo. I wish the gentleman from Oregon would ask the gentleman from Texas whether, if a protective tariff or an embargo had been placed on oil in the last tariff bill he would have supported it.

Mr. BLANTON. I will support a tariff on any product that needs a tariff to equalize the difference in the cost of production between this country and any peon country in the world.

Mr. SCHAFER of Wisconsin. And he would double-cross the people of Texas.

Mr. BLANTON. I would not double-cross anybody. I would not even double-cross BOB LA FOLLETTE.

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. FINLEY. The gentleman is aware that the coal-mining industry of this country is in quite as depressed a condition as any others mentioned in the gentleman's resolution. Is it the intention under this resolution to make an investigation of the causes of that depression?

Mr. HAWLEY. All the questions involved in the economic situation with respect to coal will be investigated.

Mr. SPROUL of Kansas. I would like to ask the gentleman a question. If the committees of the Senate and the House are authorized to make the investigation——

Mr. HAWLEY. The pending resolution applies only to the House committee.

Mr. SPROUL of Kansas. Would other parties, unofficial, be permitted to appear and take part in the investigations that will be conducted, in the way of cross-examining witnesses, as, say, a friend of the committee, so to speak?

Mr. HAWLEY. That would depend upon what the committee would decide. Undoubtedly the committee will be glad to have any suggestions that anyone may make.

Mr. SPROUL of Kansas. I should think so. We ought to have full information upon the question.

Mr. McFADDEN. Is there in contemplation an investigation of the operations of the Federal Farm Board in connection with the agricultural study?

Mr. HAWLEY. That might be included, but I have not considered the question sufficiently to make a definite answer.

Mr. McFADDEN. Is it not a big factor in the economic situation with respect to agriculture?

Mr. HAWLEY. It is.

Mr. O'CONNOR of New York. Is it the purpose of this resolution to satisfy in part the gentlemen from Kansas and other places who stayed away from the Republican caucus the other night?

Mr. HAWLEY. I have already answered that question. It is for the purpose of obtaining the information the committee needs to reach a conclusion as to what ought to be done, based on information, additional to that it now possesses and some information that can be obtained only under a resolution giving the committee the powers provided in the resolution.

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. CHIPERFIELD. I just want to inquire what business it is of the gentleman from New York [Mr. O'CONNOR] or the gentleman from Texas [Mr. BLANTON] to inquire into the internal affairs of the Republican Party?

Mr. BLANTON. It is of interest to the people of the country to know that 20 stalwart Republicans refuse to attend a Republican caucus.

Mr. CHIPERFIELD. In other words, these gentlemen are interfering where they do not belong.

Mr. BLANTON. We will take care of that.

Mr. CHIPERFIELD. And we will take care of this side for a while.

Mr. BLANTON. Yes; for a little while longer.

Mr. BURTNESS. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BURTNESS. I am wondering whether or not the gentleman or his committee had given any consideration as

to the general nature of the investigations that are to be made with respect to agricultural products particularly?

Mr. HAWLEY. They are specially named in the resolution.

Mr. BURTNESS. I know they are, but I am wondering whether or not the gentleman is in a position to give us any general idea as to the nature of the investigation that could be made with reference to agricultural products.

Mr. HAWLEY. My opinion is that the committee would consider the agricultural situation in all seriousness and make diligent investigation of the problems involved in it.

Mr. BURTNESS. I have every confidence that it will.

Mr. DYER. It would probably give four-fifths of its time to agriculture, in accordance with the action of this Congress in giving four-fifths of its attention to agricultural questions.

Mr. HAWLEY. I think the intention is to make diligent inquiry of all of the problems.

Mr. GIBSON. We have a serious problem in relation to maple sugar in connection with the tariff.

Mr. HAWLEY. I do not know whether maple sugar is an agricultural product or not. If it is, we will investigate that.

Mr. GIBSON. It is an agricultural product.

Mr. HAWLEY. I reserve the remainder of my time.

Mr. BLANTON. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker and gentlemen of the House, as stated by the gentleman from Oregon [Mr. HAWLEY] this resolution was reported this morning unanimously by the Committee on Ways and Means, but until 10 o'clock this morning no Democrat had an opportunity to read the provisions of the resolution. That, of course, is pleasing to the Republican side, because they do not want Democrats to have any information as to the kind of skullduggery they propose to perform until they are ready to do it. [Laughter.]

This resolution, in my judgment, is advisable if it is carried out in good faith, and the presumption is that it will be carried out in good faith. It empowers the Ways and Means Committee to make an investigation, through a subcommittee or the whole committee, of the economic conditions pertaining to oil, manganese, asbestos, lumber, and agricultural products. However, the real reason for this resolution is not apparent upon its face. It ought to be entitled, a resolution to save the face of the Speaker and the Republican organization of the House on account of the manner in which they have dealt with the oil situation.

That is what this resolution is. It never was intended for getting information upon which to base legislation. But they desired the gentleman from Kansas [Mr. HOCH] and the gentleman from Oklahoma [Mr. GARBER] and other Members from oil-producing States to be able to go back and tell their constituents that the best they could do was to get a committee appointed to gather information. From that information they hoped to bring in legislation in the Seventy-second Congress giving relief for the oil industry and thereby control their votes in the organization of the House in December. [Applause.]

I always like to tell the truth about things. That is exactly what this resolution is for. It is for the purpose of protecting the organization of the Republican Party of this House, and for no other purpose.

Mr. Speaker, more than 60 days ago Mr. HAWLEY, chairman of the Ways and Means Committee, was appealed to to give an opportunity to consider the question of levying a tariff on oil. You never could even get him to call the committee together. In fact, according to press reports, he gave out the statement that there would be no committee meeting for the purpose of considering a tariff on oil. The pressure became so great that the Speaker intervened and commanded an opportunity for the oil people to be heard. After the independent oil people were heard, they made a case so strong that the so-called free traders on the Democratic side, as they have been erroneously termed, were in favor of a duty on oil. I venture the assertion that out of 10 Members on the minority side, 9 of them would have voted for a duty on oil, but you Republicans on the committee would not do it. You claim to be protectionists, and yet you failed to vote for a duty on oil, Mr. HAWLEY. Now you are coming in and asking for this investigation

Mr. Speaker, the case is complete. As far as levying a tariff on oil from Venezuela is concerned, the case has been made. Every Republican on that committee knows that a case has been made and that there should be a duty on oil. But what happened? As soon as some of these New England people found out that there was a real consideration for a duty on oil, that the Speaker of the House had become alarmed and was looking at the setting sun in the west, they immediately arose in the east, and said: "We have some votes, and while we are regular you must give us a chance to be regular." Nick looked over the field, and when he glanced at New England with that large number of votes and down in Kansas with 6 or 7 and in Oklahoma with 1, he said, "Hold it up, gentlemen. Stop. I have made a mistake."

If you will recall that morning after the passage in his office, he was so excited, so agitated, that he could not even put the questions before the House on the various subjects. [Laughter and applause.]

Ah, sir, how does that vary from what it was six years ago! Remember that scene of that mighty Speaker, sitting on the stand, when he issued the ultimatum to those western people, when he took them by the nape of the neck and the seat of the pants and threw them out of committees, not only threw them off of committees but demoted them to the point of humiliation. He was monarch of the forest, a lion shaking his mane to the world, "We are pure Republicans; we will have none of you." [Laughter and applause.]

Now we have him at this day, when he has looked over the scene and he has seen the diminishing opportunity he has to keep his crown; he is like a 4-month-old puppy, whining, saying, "For God's sake, don't give me any more lashes. I will be good from now on." [Laughter and applause.]

Take it as you will, there can be no doubt that this resolution was brought in as a partisan matter, hoping to make it a partisan resolution, and I say that advisedly. I challenge any Republican to deny it. I will prove it. But when it came into committee a Democrat moved that it be reported. The Democrats made it unanimous. After the Republican membership of the Ways and Means Committee had caucused and had their little conference and fixed this thing up, they said: "Maybe we can get the Democrats to oppose it, and that will save us." But when we got in there and we learned the situation, we determined not to let them get by with it. So we unanimously reported this to this House for its consideration. [Applause and laughter.]

Whether or not you will get anything out of it, I do not know. It will depend upon the energy, the forcefulness, the desire, and effort to go into the oil question; $50,000 will not pay the expenses of the oil investigation. Production, transportation, refining, marketing must all be investigated. Not only that, Mr. HAWLEY, but I am putting it into the RECORD now, sir. I want to know whether you are going to ask Uncle Andy to come before the committee and explain the holding companies in the oil industry?

Mr. HAWLEY. I have no objection. I suppose all organizations importing oil into this country will be subpenaed to appear and give any testimony the committee may desire, and I suppose that will include all oil companies, including the one in which the gentleman says Mr. Mellon is interested.

Mr. GARNER. I want to suggest to you, sir, so that the RECORD may show it now, that the first two witnesses to summon and to bring their books should be Andrew W. Mellon and Mr. John D. Rockefeller, jr., so we may have something concerning this oil business that will be of some value. I want to know about the old companies. I want to know whether there is a price control of oil in this country. I think a great many people believe there is in this country an oil industry controlling the price to the ultimate consumer. To ascertain these facts you must summons these men who control the industry, and I undertake to say that Mr. Mellon and Mr. Rockefeller come nearer controlling it than any other two men, and they can come nearer giving us information on which to ascertain what is necessary with reference to it than any other two men in the country.

I am thoroughly convinced of two things about oil from the limited investigation I have made. First, that you ought not to permit these four companies which control oil in this country to bring cheap oil from abroad and put it in competition with the independent oil people. [Applause.] Of this I am convinced.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. GARNER. Second, I am thoroughly convinced that as an economic problem the marketing of oil, of gasoline, and of lubricating oil in this country ought to be severed from the production, transportation, and refining of oil. Of those two things I am convinced from the limited investigation I have made. If you will do that, if you will give the independents a fair opportunity to produce oil and compete with these old-line companies, who control the market in this country, you will be doing something worth while for them. Then if you will tell the four old-line companies to sell their filling stations, and not permit the people who produce, transport, and refine oil to retail the refined products, you will go a long way toward putting oil, gasoline, and lubricating oil in this country in competition. Those two things I know ought to be done now.

I am going to vote for this resolution. I realize it is in your behalf, Mr. Speaker, and I want to do something at least to make you happy before the end of the session. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, this resolution is an effort to placate the Representatives from the oil States. It will deceive no one in the Middle West. It will give the recalcitrant Members a chance to get back on the reservation.

Congress adjourns on the 4th day of March, 1931. The leaders have deceived those interested in the oil industry, towing them along until the very closing days of the session, into the belief that favorable action would be taken in behalf of an embargo or a tariff on oil. Those more intimately familiar with the situation were not deceived. The four big companies who import 82 per cent of the oil have a strangle hold on the situation and, of course, are opposed to any legislation in favor of the independent oil producers.

AN ISSUE IN 1928 CAMPAIGN

Representing the administration, Senator CURTIS, then the nominee of his party for Vice President, during the campaign last year committed the administration to a policy of protection on oil. On September 27, 1928, Senator CURTIS, in Oklahoma, advocated a tariff in the following language, as shown by the following published quotation from his speech:

> Our Democratic friends favor a competitive tariff. That will not help a single farmer in this country, not a workingman in this country, not a single oil producer, not a manufacturer of goods. The Republicans are opposed to a competitive tariff and favor a protective tariff.
>
> In the last two revenue bills I proposed a duty on oil. You, in Oklahoma, I see, have requested the limitation of oil production. I took a market report and found that last year we imported 77,000,000 barrels of oil into this country. I suggest that we shut out those 77,000,000 barrels, and you would not have to shut down production here.

We strenuously insist upon faith being kept and that this campaign pledge be carried out.

I introduced a bill providing for a tariff of $1 per barrel on oil and 50 per cent ad valorem duty on refined products. I supported the embargo bill, which was a temporary measure, limiting the importation of crude oil to 16,000,000 barrels for three years; but the Republican members of the Ways and Means Committee, after holding hearings for a number of days, and having all the facts available before the committee, passed a resolution declining to take up for consideration either the tariff bill or the embargo bill. This, of course, defeated the legislation for this session of Congress.

In the meantime, 67 cents per barrel is offered for oil in the mid-continent field. There is a market at this time for only a small percentage of the oil produced. Everyone knows that the oil interests have been betrayed. The steering committee of the Senate has refused to give consideration to the bill reported to the Senate. Everyone knows that consideration could be secured for this legislation if it were favorably recommended by the President. By special message he has urged the enactment of much legislation during this session of Congress, but Congress has not been urged to enact this legislation, which is of vital importance to the oil industry of the country. The independent producers have no chance against the Big Four.

The oil situation has been investigated and reported upon by the Tariff Commission. All the facts have been placed before the Ways and Means Committee. They want more time to appease the wrath of western Members and have fallen upon this plan to pass a resolution to make an investigation. Let the resolution pass. It will deceive no one. It will serve as an excuse to defeat any legislation at the present session. In the meantime the Big Four will complete their strangulation of the independent producers.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Speaker and Members of the House, the Ways and Means Committee has reported two resolutions. One you have before you,. It provides for an investigation by the members of the committee of conditions in these industries. The other one is for a further investigation by the Tariff Commission particularly upon refined products of oil, which was not included in their first investigation, the report to be made by the 1st of next December. I certainly hope that both of these resolutions will be adopted, because I am confident, in the first place, that the report of the Tariff Commission will furnish an absolute basis for tariff legislation in the oil industry. With reference to the resolution now before us, I am confident that if the members of the Ways and Means Committee will go out into the oil country they will come back with a story which will confirm our viewpoint as to the legislation.

Now, reference has been made to these resolutions as placating certain Members of the House. I know nothing about that, but I know that these resolutions are in no way what we asked for. But, for the reasons stated, I hope they will be adopted.

In the few minutes I have, just let me say a word or two about this oil situation. The great oil industry is prostrate in a dozen States in this Union, from West Virginia to the State of California. And what has the industry been asking at this session?

It has only asked that there be applied to importations a measure of the same limitation which the industry itself has applied to domestic production.

I say there is no industry in this country which has done so much in the last two years to meet its problem without governmental aid as the oil industry.

The statement is made that if you limit importations of oil or place a tariff upon oil, this will increase the price of fuel oil. I have no time to discuss this, but I say that this is a strange argument to be coming from protection States.

It is said it will increase the price of gasoline. I say the figures disprove this. Over a course of years it is shown that the price of crude oil would go down 50 per cent, while at the same time the price of gasoline would go up.

I give my good friends credit for sincerity, but I say to them that in my judgment the independent oil industry of this country is now in process of strangulation, and within a comparatively short time, unless something is done, a comparatively few big oil companies will have control of the oil properties of this country, and when they have this control

then we will see what price will be paid by the consumers of this country for fuel oil and gasoline.

We have made no sectional appeal. I want to say that without any rancor we have simply resisted, and I may say resented, a sectional application of the policy of protection to which we have given our support, and I am sure that when our good friends upon the Republican side know all the facts, there will be no question about the result. When they know all the facts I am sure they will not repudiate the policy of protection when we are in distress, a policy of which they have been the beneficiaries for many years with our help.

Now in the moment of closing let me say, so there may be no misunderstanding, to my good friend from Texas JACK GARNER—and I am sorry he is not here—let him be under no misapprehension. As fond as I am of my friend from Texas I have no intention whatever of helping secure for him a certain automobile which he has had his eyes on for some time—none whatever. [Laughter and applause.]

During the years I have been here I have seen too much lip service by my friends on the Democratic side in behalf of the policy of protection when the issue was not before us for vote and such little support of it when it was before us for vote to be fooled by any protestations of support of the policy of protection that may be made from the Democratic side of the House. I have been appealing to you Republicans as a Republican and registering my position in every possible way so that there may be no misunderstanding about it.

I am appealing to my Republican friends in the House for the same sort of protection for our country when we are in distress that we have readily granted in the past to them when their industries came here seeking protection. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and Members of the House, I would not want the impression to go out to the country that the Democratic Party has become a high-protection party. There are some of us who are still against high protection, who are still against a protective tariff on oil. There are still some of us who oppose this resolution because we know it is the forerunner of a high-protective duty on oil, which will inure to the benefit of the four or more companies at which it is directed; and after a protective tariff, then you are going to outprotection protection and put on an embargo, and there are still some Democrats left who will vote against the resolution and vote against a high-protective tariff even if it is on oil. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield one-half minute to the gentleman from Kansas [Mr. AYRES].

Mr. AYRES. Mr. Speaker, in reply to the gentleman from New York [Mr. O'CONNER] who has just taken his seat, I want to say that there are Democratic Members of this body who are in favor of a tariff on oil and I am one of them.

Now in reply to my colleague from Kansas who said, "I have seen too much lip service by my friends on the Democratic side in behalf of the policy of protection, and so forth." I resent that statement and do not propose to let it pass unchallenged. The delegations in Congress from the States of Kansas and Oklahoma, both Democrats and Republicans, have worked unceasingly for the past six or eight weeks to get some legislation to relieve the independent oil producers. I am willing to leave it to the men who were here from Kansas, Oklahoma, and Texas representing the independent producers whether or not we Democrats from those States did our part, and further, Mr. Speaker, with final adjournment confronting us by noon day after to-morrow, I should feel I were derelict if I did not in these closing hours of the session again voice my protest against the utter disregard of the distressing plight of the independent oil producers and refining companies of our country that has been manifested by the administration and the leaders of the majority party.

The unwillingness to do absolutely anything toward alleviating the actually startling situation in which the independent oil industry of the country finds itself is another indication of the vacillating course the party in power has pursued as to all proposals in the interest of business recovery and in extending relief in one form or another to those who have been reduced to a state of sheer want through drought conditions and widespread unemployment.

I have exhausted every means at my disposal to secure legislation that would keep foreign oil from our shores. Failing this, I was determined to prevent as far as I could the use of taxpayers' money to buy oil of foreign production for use by our Federal agencies. I, therefore, first succeeded in amending the appropriation for the United States Shipping Board Merchant Fleet Corporation to prevent the purchase of fuel oil of any kind of foreign production, either at home or in our possessions, where domestic oil is available, providing the cost of our oil does not unreasonably exceed the cost of foreign-produced oil. I next directed my efforts to get a similar restriction placed on the naval appropriation bill. The Navy is by far the largest Federal user of fuel oil. I met with considerable opposition but in the end succeeded in having included in the bill, which the President approved on Saturday, a provision which reads as follows:

Provided further, That no part of this appropriation shall be available, any provision in this act to the contrary notwithstanding, for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions where oil of the production of the United States or its possessions may be procurable, notwithstanding that oil of the production of the United States or its possessions may cost more than oil of foreign production, if such excess of cost, in the opinion of the Secretary of the Navy, which shall be conclusive, be not unreasonable, but nothing herein shall apply to fuel oil on hand or on order on July 1, 1931.

I am fully cognizant of the fact that nothing short of an embargo on the importation of foreign oil will appreciably aid in the solution of the domestic oil problem, but my amendments at least are tantamount to committing the Government to the embargo principle in so far as they apply to the use of oil by its own agencies. And let me say right here that these amendments are not mere gestures. I shall make it my business when Congress convenes in regular session next December to ascertain to what extent, if any, foreign oil has been bought in preference to domestic oil solely on account of a price difference, and what that difference has been, and what factors have contributed thereto. It may be possible to lay down foreign oil along the Atlantic and Gulf coasts and possibly at points in our possessions at a lower cost than the domestic product because of cheaper production costs and lower transportation charges. These factors should be discounted under my amendments. The only factors that should enter into the determination of the reasonableness of the prices quoted for domestic oil should be those that contribute to the difference between the delivery price quoted for domestic oil at different points in the United States and its possessions. If the spirit of my amendments is complied with, the effect no doubt will be an increase in our budget for oil consumed by Federal agencies. What of that? We look to such a result and that was taken into account by myself and those with whom I negotiated in order to have my amendments adopted, and I desire to say here that I am ready and willing to vote larger appropriations to meet the additional cost.

I can not conceive of any branch of the United States Government, and especially the United States Navy and Merchant Fleet, purchasing fuel oil from a foreign source. Even though it may be purchased at a less cost, patriotism alone should forbid it. If it were impossible for the Navy and the merchant fleet to procure fuel oil of American production, it would be a different story; but we have millions of barrels of home-produced oil on the Atlantic coast, on the Gulf coast, and on the Pacific coast. There can be no reasonable excuse for not purchasing this oil from our people to whom the Navy, the Merchant Fleet Corporation, and our Government itself must look for support.

The Navy Department would prefer not to be hampered by my amendment. It has been contended that it might deny the purchase of fuel oil on the East coast, due to the fact that the major producers in their refining processes make use of considerable quantities of Mexican and South American crude oils, which become mingled with American crude, and it would be impossible for the Navy, as a purchaser, to determine whether the fuel oil offered contains crude oils wholly of domestic or foreign production, or a mixture of both. The very purpose of my amendment is to make it impossible for the Navy and Merchant Fleet Corporation to purchase fuel oil produced in Mexico and South American countries by peon labor and brought into this country in competition with American labor. My object has been to compel these governmental activities to purchase fuel oil refined wholly from American crude. If such large companies, like the Standard, the Gulf, and the Dutch Shell, with their subsidiaries, want this business, and the records show that these concerns furnish practically all of the fuel oil for the Navy and Fleet Corporation, let them refine American crude. If they will not do this, then let the Navy and the Fleet Corporation purchase it from companies that will.

The Navy and Shipping Board can require a certificate to accompany all bids for supplying fuel oil that they are based upon a product refined wholly from American crude. Congress can not directly compel American private concerns to purchase fuel oil refined wholly from American crude, but it can compel this Government, or its departments, to do so, and in the face of the existing condition of the independent oil industry of the United States, it is our duty to do it. That is the reason for my amendments to the appropriation measures for the Navy and the Merchant Fleet Corporation.

The independent oil producers and refining companies are to-day almost bankrupt because of unfair treatment by their Government. Practically every industry in this country, except the oil industry, received ample protection in the tariff measure that was passed last year, and it is unquestionably a fact that no industry or business appearing before the Ways and Means Committee during the hearings on that measure made a stronger or better case for a tariff than the independent oil industry; but notwithstanding that fact, for some inexplicable reason or motive it was denied any protection. Because of that neglect on the part of the Government, thousands of men and business concerns formerly large income-tax payers, to-day scarcely can pay state and local taxes assessed against their properties.

We were told prior to the passage of the measure increasing the potential borrowing limit on adjusted service certificates that we would close the fiscal year with a deficit of something like half a billion dollars. A considerable portion of this amount is owing to the substantial decline in revenues derived from income taxes. The condition of the oil industry in this country in a large degree is responsible for the financial predicament in which the Government finds itself. Former heavy income-tax contributors to the Federal Government are to-day either bankrupts or bordering on that state.

But that is not all, Mr. Speaker. The trouble is not confined to the oil operators; it extends to the farmers as well. Thousands of farmers leased their lands to operators at a remunerative rate, which provided them with ready money to meet their obligations, and to-day they are deprived of this income because the lessees either were compelled to cancel their leases or continue them at substantially reduced rates.

To what extent farm acreage throughout the entire Nation was leased, I am unable to state. In my own State of Kansas alone there were approximately 12,600,000 acres under lease which, before this oil situation arose, brought to Kansas farmers $10,500,000 of lease money and, in addition to this, I am told that they were getting from lease bonuses and from royalties, over $5,000,000 per annum, or a total annual income of over $15,000,000. Within the past eight months this source of income practically has been wiped out.

A few days ago I obtained data showing the situation in the five counties of the eighth congressional district of Kansas, which I have the honor to represent. They show that there are 3,230,080 acres of land in that district, of which 1,806,139 acres were under lease. Of that area approximately 80 per cent was leased for $1 per acre, or a total of $1,444,911. The remaining 20 per cent was leased for 50 cents and upwards per acre, or for about $180,614, thus making a total of $1,625,614 paid annually to the farmers in those five counties. Many of these leases have been canceled, and on many more leases still in effect the price has been reduced materially. The oil lease to the farmer is a serious matter in view of poor crops and low prices for such crops as he is able to produce, together with increased taxes, and the cancellation of his lease leaves him nothing with which to meet his obligations. Here is a copy of a letter written by one of these farmers of my own county to an oil man of Wichita, Kans., when informed that his lease money would be reduced to 50 cents per acre. This is what he said:

I regret most exceedingly to hear that you are compelled to reduce your rentals on your oil lease on my land, for these oil leases have sure been a godsend to those of us tax-ridden farmers * * *, but we are used to taking orders; you know we can only have what the elements and that "Hooverized" Farm Board will permit us to have, then we must submit to being taxed blind by a bunch of "dead beat" nontaxpayers, then we must pay the other fellow's price for things we must buy. This, it seems is the penalty we must pay for the privilege of being farmers; so, if 50 cents per acre is all you can pay on your lease, we will accept it—because we have to—and say we like it. But right here I want to compliment, congratulate, and thank all you oil men for having given the farmers of Sedgwick County far more relief than they will ever get from Washington, and many thanks for what you have already paid me.

I am personally acquainted with the author of this letter. He is a fine citizen. While he has expressed his feelings in a somewhat caustic manner, one can not blame him. This letter, Mr. Speaker, is indicative of the feeling of a great many farmers who believe they have received a raw deal; and they have. These farmers have been told that the so-called farm relief or farm marketing act would put them on an equal basis with other industries; that the tariff measure passed would relieve their situation. They have been given both, and about the only relief they have received has been to relieve them of what they had, by hard knocks, been able to save up, and that has been precious little during the last 8 or 10 years. One place where there might have been something done to help the farmer, along with others, was to have put a tariff on oil, but the powerful interests would not permit it, so about all the farmer can do now is to express his opinion concerning those who have made so many promises, and wait for a chance to express himself more forcibly, which I prophesy he will do in the election of 1932.

I shall now refer to another group who have been affected adversely by the plight of the independent oil producers and whose future is not promising under the administration's do-nothing policy. It is estimated that over 100,000 oil-field workers in the mid-continent field alone are jobless, and that in the United States over 1,000,000 men in the various oil fields are unemployed. This, of course, does not mean the oil-field workers alone, but includes thousands of employees of the independent refining companies. It is said that the average daily wage of these workers, skilled and otherwise, was from $5 to $18 per day. This was sufficient to support a family very nicely; but, as has been stated, thousands of these workers have had their daily wage reduced, and thousands more have been let out and receive not a penny to sustain life, but are in the bread lines. I received, a few days ago, a telegram from the commander of the Salvation Army of Wichita, Kans., as follows:

Convinced with our knowledge of present conditions that much help can come through passing of Garber-Capper oil relief bills. It is imperative that this happens. Present and future status of those engaged in all industry in Wichita and vicinity hanging in balance. Something must be done now in this crisis. We are

feeding more than 570 families, average 5 to 6 to family. A great number formerly employees in oil industry.

SALVATION ARMY OF WICHITA,
GEORGE HUNT, *Commanding.*

These men, only a few months ago, were receiving living wages and providing for themselves and families. It is the first time in the history of Kansas that there have been bread lines. This condition is not confined alone to the actual workers in this industry but reaches much further. When these men are thrown out of employment they naturally cease to be consumers and buyers of the necessities of life, such as food, clothing, and so forth, and their effacement as buyers is reflected in business of many kinds. Clerks in stores in numerous instances have had their salaries reduced or have been forced to quit because the business would not justify continuing their employment. It is an endless chain. There is no need further to dwell upon its many ramifications. I have received reliable information that a machine company in the city of Wichita, which furnishes a great part of the oil-field machinery in the mid-continent district, including Kansas and Oklahoma, has had its output of machinery cut 75 per cent in that district alone. Because of this, they have had to lay off men of all classes, laboring men and skilled high-salaried men. A number of the small competitors of this larger concern have been compelled to shut down entirely and let out all of their men. And what of the banks? How long may we expect them to survive? Because of this condition in the mid-continent fields many banks already have been forced to close their doors.

Let us turn to the lumber business. In the hearings on the embargo measure before the Ways and Means Committee, Mr. Ortmeyer, of Wichita, Kans., stated that ordinarily in the mid-continent oil fields over 250,000,000 feet of lumber were consumed in a year, and the records show that this consumption has dropped off more than 50 per cent in the past six months. The fact of the matter is, Mr. Speaker, that business of all kinds in the mid-continent field practically is paralyzed, all on account of the independent oil industry being put out of business. And, in the face of all this, what encouragement does the administration offer? The leaders of the political party in power here in Washington do not seem to be interested enough to do anything or even to permit anything to be done.

Soon after Congress convened in December I began receiving letters and telegrams asking me to do everything possible for a tariff on oil. My reply to these messages was that I have been at all times in favor of a tariff on oil and would have voted for it when the present tariff act was passed if given a chance. I have stated that, from a talk had with the leaders of the House, it was very evident that no oil tariff legislation would be considered at this session, and that unless the President could be persuaded to take a hand in this matter that there would be no oil measure even considered. I suggested that it would be well for the independent oil producers and their friends to urge the President to seek means that would enable him to meet the existing emergency; that, in my opinion, Congress would grant his request; and that this seemed to be the only way by which the present leaders of Congress, or the party in power, could be prevailed upon to act. My suggestion was severely criticized by some for bringing the President into the picture. There is not a single word or syllable in that suggestion that I wish to retract. And why should I? What I predicted has come to pass. To those who have been here in Washington for the past six weeks, pleading for protection for the independent oil producers, the President and the leaders of the majority party have given a sympathetic hearing, but nothing more.

In my opinion, a measure providing for a tariff of $1 per barrel would have passed both Houses of Congress by an overwhelming majority; but the committee having charge of such legislation refused to report such a measure. That committee also refused to report the Capper-Garber measure to limit the importation of oil to 16,000,000 barrels. Under the rules governing the House of Representatives the leaders of the party in power have absolute control of all legislation and are empowered to say just what legislation can be considered, as well as what can not be considered. They have decreed that oil tariff legislation should not be considered.

While I realize, as I have indicated before, that the two amendments that have been adopted, which were offered by me, providing that the United States Merchant Fleet Corporation and the United States Navy shall use fuel oil of American production, will not appreciably relieve the American oil producers, they appear to be the full measure of relief that may be looked for at this time. It is not much, but it is all we have gotten.

The New England interests have never been timid in their demands for the highest tariff obtainable on all produced in that section, and certain Congressmen from Western States have at all times assisted them in getting it. But when the time comes to reciprocate, as it did a few days ago, to provide a tariff on oil, or even to support a measure to limit the importation of oil for a year or so, they unhesitatingly said they could not go along as it would increase the cost of fuel oil and gasoline to New England users. Then some of the western supporters of the New England tariff sounded a warning note to the effect that there is another day coming. Yes, there is; but I am afraid before that day is reached it will be too late to help the independent oil industry. For one, I am anxious to see it settled at once, even though it means an extra session of Congress. That is the only reason that can be given for not settling this question within the next two months, instead of letting it drag until next winter. A great industry is prostrate; thousands of investors are facing bankruptcy. Now is the time to bring about the relief sought, not next winter, when Congress convenes in regular session.

Who is it that is afraid of an extra session of Congress? I notice that whenever it has been necessary to call an extra session to pass a tariff measure, such as the Smoot-Hawley measure, there has been but little or no complaint from the New England interests. Why not have one now, if the time be too short before adjournment, to enact a law for the protection of the independent oil producers?

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. O'CONNOR].

Mr. O'CONNOR of Oklahoma. Mr. Speaker and gentlemen, I am opposed to this resolution. The Ways and Means Committee proposes during the summer recess to investigate the economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries. Now, we all know that an entire summer could be consumed in investigating any one of these fields. If this resolution said what it meant, it would cut out all the enumerated subjects mentioned and put in just one—apple sauce. [Laughter.]

This resolution carries an appropriation of $50,000 to defray the expenses of the committee in securing information on these various subjects. So far as the oil industry is concerned, every bit of information which they can obtain or will obtain and a great deal more is now available and they can have it for the asking. In fact, we think they already have it on oil from the hearings that were held last summer and this session on the embargo bill. Mr. GARNER and the Democratic membership have made and will continue to make political capital out of the failure of the committee to report out the oil embargo bill. I am wondering how many of these gentlemen on the other side of the House, who are now so loud in favor of helping the oil interests, would have voted for the tariff bill if it had contained adequate protection on crude oil? The only justification that I can see for the committee's refusal to report this bill is so that this body might have credit for making some of the blunders that have been made and not leave them all to the other end of the Capitol or the other end of the Avenue.

I have been a Republican and a protectionist all my life, and I have said truthfully that the Democrats want protection for the things produced in their districts and everything produced elsewhere to come in duty free; but I have found to my sorrow that certain gentlemen of my own party take exactly the same illogical position.

In fairness, however, I do not believe that the full and complete blame for failure to report the embargo bill should be placed on the Ways and Means Committee; a portion must be shared by the independent oil interests.

Among the independents there are two schools of thought in reference to the policy of proration of oil production. One group believes that the policy of proration is unsound, is a mere pretext for price fixing, and is the weapon used by the so-called Big Four to further crush the independent interests. The other school of thought believes firmly in proration and feels that if the same should be now abandoned it would mean bankruptcy of the independent oil concerns, both great and small. Suits have been brought, and some are now pending, attacking the legality of proration. Legislation is proposed in the State of Oklahoma to prevent proration. The governor of our State has appointed an oil committee, which said committee split and made a divided report on this matter. The lie has been passed, and prominent gentlemen are at each other's throats.

The purpose and justification of the embargo bill was to compel the importers to prorate their importations to the same extent as the domestic producer is now prorating his production either because of legal requirements or voluntary agreement.

It would seem quite obvious that the passage of the embargo bill would mean the continuation of the policy of the domestic proration. While on the other hand, the failure to pass the embargo legislation would have a very marked tendency to add strength to the cause of the opponents of proration.

In this situation I believe it is a fair and justifiable inference that this lack of harmony and unity over proration tremendously weakened the whole hearted, bona fide support in good faith of the entire independent oil interests in their pressing their cause before the committee to a favorable outcome.

The embargo bill died in the Ways and Means Committee. It died before it was born, but its early demise was hastened, if not caused, by the bitter quarrel existing between its parents over the question of proration. If it was a boy, it would mean the continuation of proration; if it was a girl, the abandonment of proration. If it was neither, it would leave the warring factions of the independent oil industry where it found them, without arming the one group or disarming the other.

In closing I want to repeat here in part the statement which I made before the Ways and Means Committee during the hearings on the bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, D. C., February 14, 1931.

The committee met at 10 o'clock a. m., Hon. WILLIS C. HAWLEY (chairman) presiding.

The CHAIRMAN. The committee will be in order. When the hearing was interrupted last night by the roll call in the House, Congressman O'CONNOR, of Oklahoma, had been called to the stand. If the gentleman is here and ready to proceed, we shall be glad to hear him at this time.

STATEMENT OF HON. CHARLES O'CONNOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, I am glad of this opportunity to appear here, because I represent the first district and my home, the city of Tulsa (which is in one of the 10 counties in my district), the headquarters from which the operations of the mid-continent field are largely managed and financed, that being the great oil city of the mid-continent field.

The oil business grew to be one of the major industries of the country, without any governmental help whatever. The country is full of big businesses, of which we are proud, which have developed from their infancies into great world industries behind the wall of the protective tariff, in which my party used to believe.

The only thing that we are asking here is that the oil business receive the same consideration as other great industries. The thing that astonishes me is the fact that men who call themselves protectionists and whose section of the country has been built by and because of a protective tariff have come around to the point where they are now protectionists only for their particular industry or their part of the country.

The management of these great industries further think, after they have been built up because the American people have paid a higher price for their tariff protected output, in order that they could maintain a high wage standard, and develop the great American market—I say, they now think that, because they are so big, have had all the benefits of the policy of protection—they owe nothing in return and should be free to go to the uttermost parts of the world for their raw material, wherever they can buy it the cheapest. They do not want to buy the American raw material if it costs more; and crude oil is raw material.

Now, I am not supporting this embargo bill just because I was the father of the idea. I am the man who laid this baby on the doorstep of a tariff meeting (in Tulsa last fall held by the people who are here urging this legislation), and, it not being a legitimate child, it received a rather cold reception at their hands, but now, in spite of its parentage, they have adopted it because it is a promising child. We are here asking for this bill because it is the only thing we can get under the circumstances, and, in my opinion, it is the only thing that can do us any immediate good.

It is very easy, gentleman, especially if you are opposed to a proposition, to defeat it by making it very involved, by spreading it too widely, by making it widely complicated and involved. Regardless of how much merit there is in the many controverted claims, and there is merit in all of them, there is merit in the argument with respect to employment, etc., that has been brought up here. But I want to put my thumb right on the one thing that this embargo will do, and that is undisputed and unanswerable.

Suppose, this morning, instead of appearing here as a Congressman addressing you gentlemen as members of the distinguished Ways and Means Committee I appeared as a salesman offering to sell 100,000,000 barrels of crude oil to you as prospective buyers of crude oil. That is exactly the situation. You gentlemen are buying the oil for the American consumer. Here is another salesman selling crude oil. I am selling the American oil and I am selling it at the same price as the other fellow. I am asking that you buy your own people's oil for our own people—oil that is being now held back in our wells. The opposition salesman wants you to buy the oil that comes into this country from abroad. To whom are you going to give the purchase order?

I do not think that the embargo will do nearly all that the men who are in favor of it expect it to do. In my opinion, it will not affect at all the price of gasoline. But if it will do this much, if it will sell 100,000,000 barrels of American oil, in round numbers, now in the wells ready to run to the American people, that the importers' salesman is now selling to them, that will help a great deal. The importers say that that is only 10 per cent, and such a little bit that it does not amount to anything. But 10 per cent often means the difference between profit and loss in a great industry.

Ten per cent more oxygen will save the pneumonia patient. We are asking you to put the pulmotor on this industry that is practically strangled and suffocating by proration aggravated to the extent of our importations.

Let me give you one illustration. Not due to proration, but due to the lack of storage, the Prairie quit buying oil down there. We had 300,000 small wells in this country that were producing 500,000 barrels a day; say a barrel and a half each. Those wells are on the pump. When you stop pumping them, those wells go dry, just as a cow goes dry when you stop milking her.

The only difference is, the cow may become fresh again, but these wells will never flow again. Such a waste and loss is an economic crime.

I am not one of those who believe in trying to catch the millennium by putting legislative salt on its tail. But I say to you gentlemen that these eastern people who are opposed to this proposition do not realize the extent of the great market that we are furnishing for their goods. I will ask Mr. Hastings and Mr. Galloway, if they will, for a moment, to unfold this picture of the skyline of Tulsa, so that you gentlemen may see it.

Your first reaction when looking at that picture is, "Why, those people do not need any help."

That city was built on the oil business. But I am telling you that every brick that you see there, every bit of steel, everything that went into those buildings was purchased somewhere outside of Oklahoma.

What are these buildings for? Why is this building (the Exchange Bank) in which I have my office, there? It is there because people are in business down there, and making their living there, and those people consume food and use clothing and shoes and buy automobiles and use all the things that are produced by you people. The people on the Atlantic coast who are so afraid that you are going to have a rise in your price of fuel oil should realize that we are furnishing you a pretty good market for the products which you produce.

I think it will raise temporarily the price of fuel oil on the east coast, but keen domestic competition and use of tankers on the Mississippi will soon overcome that.

Gentlemen, I am not one of those who blames a company for being big. Oil is a big-company business. A lot of these independent companies are big companies. But here is the situation. There are companies who own the acreage in foreign fields. I am glad that some American companies own some of that acreage. I wish they would go everywhere and I wish the American Government would back up American business, instead of trying to interfere with American business. But here is the proposition. They can produce oil cheaper there than they can here. They can make more money by selling us oil that they produce there, than here. But these follows here at home do not have any foreign oil. They are prorating and holding back their oil.

I think if the intelligence departments of these large companies could just see that it was a whole lot better to make a voluntary gentleman's proration agreement covering importations, and carry

it out, there would not be any need of coming here to Congress to ask for an embargo on foreign oil in order to compel them by law to do what we are already doing at home and thus make our proration here effective.

I do not know how much the Government can do to help business. I think the statesmanship in industry (if any there be) is going to restore prosperity. It's their job. But you can not restore prosperity if you are going to leave great industries like the oil industries prostrate. The statesmanship that is going to restore industry has got to come from industry, from those who know industry and its problems.

If there was some magic way by which the Government could get out of business and stay out of business, and the people who are charged with the leadership of industry could be trusted not to be selfish, greedy, and shortsighted, depression would soon cease and stability and prosperity return to bless us.

Mr. BLANTON. Mr. Speaker, I yield one-half minute to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC of Oklahoma. Mr. Speaker, on July 18, 1921, I made on this floor one of the first speeches in favor of an importation tax on crude oil, realizing that if the independent producers were not given some kind of protection that sooner or later the very condition that exists at the present time throughout the Nation would be brought about. At that time the so-called war contracts were still being filled and the Shipping Board was paying from $1.25 to $1.80 per barrel for low-grade crude, and the Navy was taking oil on contracts made during the war at an average cost of $2.73 per barrel. It was about this time that a congested condition began to appear in the United States, occasioned by an overproduction of low-grade oil and, if my memory serves me correctly, it would have been possible for the Government to buy all of the oil desired from the smackover field in Arkansas at a price of 60 cents per barrel. I was of the opinion then, as now, that the independent producers were entitled to receive the same kind of protection as other legitimate industries and that the oil companies who were the beneficiaries of these Government contracts by making a profit from $1.05 a barrel to $2.13 should be made to pay a sufficient importation duty to protect producers in the United States. As a part of my remarks made on that date I respectfully wish to call the attention of the House to what was said on that occasion, as it is apparent that the same financial interests that opposed such legislation at that time are now doing everything in their power to prevent the independent producers from being protected against a flow of cheap oil from foreign countries.

The speech of July 18, 1921, is as follows:

Mr. GARNER. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC. Mr. Chairman, if I am correctly informed, the independent oil producers of the United States at this time are practically bankrupt. This situation has been brought about by the rapid decline in price of fuel oil and certain of its by-products. If the independent producers and refiners are forced to continue selling their products at a price below the cost of production, it will be only a matter of time until their properties will have to pass into the hands of others. Should the Standard Oil Co., or their subsidiaries, acquire possession of these properties it means the creation of a complete monopoly on petroleum, and in my judgment the citizens of this country would then be compelled to pay the highest prices ever charged for gasoline and other by-products of oil.

To-day the independent producers of oil are the only competitors of these large oil corporations. They are pioneers that open up and develop practically all of the oil fields of this country. This competition is absolutely necessary to protect the Nation and its many industries, for if the time ever comes when a group of oil companies are able to gain complete control over the oil industry, then every citizen of the Nation will be forced to directly or indirectly contribute to the monopoly.

It has been stated on this floor that the Standard Oil Co. and its subsidiaries are opposing the placing of an importation tax on oil. On the 24th day of June I introduced resolutions directed to the Secretary of the Navy and the chairman of the Shipping Board, requesting all available information relative to contracts made for the purchase of fuel oil from July 1, 1920, to May 1, 1921. I have here a reply to each of these resolutions, which contains information that shows that the Standard Oil and other large companies have made profits of many millions out of these contracts, and, because of the low price of Mexican fuel, I estimate that these companies will make an additional $30,000,000 of profit on the oil yet to be delivered on these uncompleted contracts.

I wish to bring to your attention a letter I have received from the Shipping Board, which shows that 17,550,000 barrels of fuel oil are yet to be delivered at prices ranging from $1.25 (buyer paying taxes amounting to approximately 47 cents) to $1.80 per barrel.

UNITED STATES SHIPPING BOARD,
Washington, July 8, 1921.

Hon. JAMES V. McCLINTIC,
House of Representatives, Washington, D. C.

DEAR MR. McCLINTIC: As per request contained in your letter of the 2d instant, I give you below in round figures the amount of fuel oil yet to be delivered under the contracts covered by the statement which I forwarded to you with my letter of June 30, 1921:

	Barrels
Atlantic Refining Co	2,300,000
Atlantic Lobos Oil Co	250,000
Atlantic Gulf Oil Corporation	10,000,000
Gulf Refining Co	----------
Standard Oil Co. of New Jersey	4,000,000
Midwest Refining Co	1,000,000

I trust that this gives you the desired information.

Very truly yours,

J. C. O'LAUGHLIN,
Assistant to the Chairman.

I also wish to direct your attention to the contracts made by the United States Navy for the purchase of fuel oil.

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At this time Mexican fuel oil, including the export tax and transportation charges, costs approximately 82 cents per barrel to land the same in the United States. According to the recapitulation relating to contracts with the Navy, the average cost per barrel is $2.73. The average cost to the Shipping Board is approximately $1.65 per barrel. At this figure the Standard Oil and other large companies will take from the Government a great many millions of dollars that they have a legal right to take—yet they can not escape the brand of being profiteers. The smaller independent oil companies in the United States are not in a position to compete for this class of business; yet they are in a position to bring about a sufficient amount of competition to give some protection to small consumers of gasoline and other by-products of oil.

It is very evident to my mind that a few large companies and subsidiaries can put into effect a monopoly on Mexican fuel oil, and the contracts here given speak for themselves. It is fair to estimate that only about 50 per cent of the contracts with the Navy and Shipping Board has been completed. If this is true and an import tax of 35 cents per barrel on crude oil is levied, then the oil companies holding uncompleted contracts will be compelled to pay a tax of approximately $8,000,000 on the amount of oil yet to be delivered.

My distinguished colleague, the gentleman from Oklahoma, Mr. Chandler, called attention to the fact that the Standard Oil Co. has contracted for 50,000 barrels of Mexican crude oil daily for a period of two and one-half years, and a tax of 35 cents per barrel would bring into the Treasury a sum exceeding $13,000,000.

Inasmuch as these contracts are in effect, the tax will have to be paid by the oil companies. In other words, they will have deducted from their profits the amount of import tax which is proposed in this bill should the same become a law. I can readily understand why this opposition has appeared, and I am of the opinion that the item will be stricken from the bill.

The Democratic Party has declared itself in favor of a tariff for revenue only. The Government has already paid many millions of profit to these large oil companies and will continue to do so until these contracts are completed. I have shown how this tax will increase the revenue of the Nation and at the same time cause certain contract holders who are making enormous profits to return a small portion as a contribution toward the maintenance of the Government; therefore I intend to vote for the perfecting amendment introduced by my colleague [Mr. Carter], the gentleman from Oklahoma.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. McCLINTIC. I will be glad to yield.

Mr. BYRNES of South Carolina. The gentleman is in favor of this tax upon oil?

Mr. McCLINTIC. I am, for the reason that I have named.

Mr. BYRNES of South Carolina. Can the gentleman tell me if the Republican members of the Ways and Means Committee who framed this bill were sincerely in favor of giving this tax. Why did they not tie it with the other hundreds of provisions of the bill instead of having a separate vote on it? Can the gentleman answer me?

Mr. McCLINTIC. I realize if the Republican members of the Ways and Means Committee really wanted to help this situation in Oklahoma they would have tied it up in their caucus and it would not have been subject to discussion at the present time.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. BLANTON. Mr. Speaker, I yield to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Speaker, I think the resolution now pending has some merit in it. But I do believe that a great deal of politics is in this resolution. I want to ask why, recognizing that the economic conditions of the country are so bad in so many sections, why we do not extend it further and investigate some of the industries, and especially some of the monopolies that control food and the necessities of life. I think there is no question that we are coming to a time, and are very near that time just now, when there must be some legislation in the interest of the common man or the masses of our citizens, laborers, farmers, and small business men.

The SPEAKER. The time of the gentleman has expired.

Mr. BLANTON. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Speaker and gentlemen, this resolution which has shrunk from a bill to get tariff on oil to a resolution of investigation is like a 50-cent shirt bought from a mail-order house—it has shrunk dreadfully on the first washing. I am interested in conserving the oil industry. I do not represent the independent oil producers, neither do I represent the Big Four. All I am after is to conserve the $12,000,000,000 industry. But I hope the Ways and Means Committee will investigate some manner in which they can save us from bankruptcy while they are making this investigation of oil. [Laughter.]

Mr. BLANTON. Mr. Speaker, I yield half a minute to the gentleman from Georgia.

Mr. EDWARDS. Mr. Speaker, I am not opposed to obtaining information sought under this resolution. I am opposed to the proposed embargo on oil. I am against all embargoes. They are unsound and undemocratic. It is my information an embargo on oils, including gasoline, would result in an increase of 5 or 6 cents per gallon to the consumers of gasoline. Assuming this is correct, it is estimated this would entail an increase in cost of gasoline of from six to ten million dollars to Georgia per annum. In Georgia there is now a tax of 6 cents for State funds that help in highway construction in that State. It is too high, regardless of what purpose it goes for. I am not willing that the people of Georgia be further taxed on the gasoline they use. With the State tax of 6 cents per gallon and then a Federal tax of 6 cents, an embargo, it would mean a total tax of 12 cents per gallon.

It will affect the whole country about like it does Georgia, and the consuming public will be taxed hundreds of millions of dollars each year that will inure to the benefit of the big oil monopolies. These big monopolies control prices of the crude oil. Crude oil sells at a low price, but motor oil, fuel oil, and gasoline are high in price. That would continue to be the case if an embargo is put on oil. The monopolies will control the price of the crude oil and will get the benefit of the tariff or embargo. It will not benefit the independent small well owner. The public, as usual, will pay the bill and bear the burden, while the oil trusts will gather in hundreds of millions of dollars meant to benefit the small well owners in the oil fields if an embargo is put on oils.

Mr. BLANTON. Mr. Speaker, this proposed resolution to allow the Ways and Means Committee to waste $50,000 in junketing all over the world is a ridiculous farce, and merely an attempt on the part of this administration to again "pass the buck," and thus try to escape their duty and responsibility to the independent oil operators of the United States.

This resolution was not drawn up until to-day. It has never yet been printed. It has never yet been introduced in the House of Representatives. Not all of the members of the Ways and Means Committee know anything about it. None of the other 410 Members of this House, except the Speaker, knew that it was in existence, or that it would be called up. It is now called up under suspension of the rules, when all of the rules of the House are thrown to the winds out of the window, and it has to be passed just as the typewritten copy came out of the pocket of the gentleman from Oregon [Mr. HAWLEY], and it can not be amended in the slightest particular. We can not even dot an "i" or cross a "t."

The people of Kansas, and the people of all of the rest of the United States, are tired of "passing the buck." Wasting this $50,000 of the people's money may appease and satisfy the gentleman from Kansas [Mr. HOCH], but it is not going to satisfy the people of Kansas. They have just gotten over the shock of the President wasting $500,000 passing the buck in a foolish, useless, valueless, ridiculous Wickersham investigation.

It is yet fresh in their memory that his predecessor, President Coolidge, wasted $400,000 in passing the buck on the coal investigation. Their report has not been read by any person in the United States, and it never will be read. It was a useless waste of $400,000, pure and simple.

On January 15, 1931, there was held in this city a convention of delegates from all oil-producing States, who were appointed to such conference by the governors of those States, and that convention was ably addressed by Mr. Wirt Franklin, of Oklahoma City, who was acting for the Independent Oil Operators of the United States. By consent of this House, I printed his comprehensive address in the RECORD, and you will find it on pages 2284 to 2288, inclusive, of the daily RECORD for January 15, 1931. The United States Senate deemed it of such value and importance that it, too, printed this same address in the RECORD.

Many of those leading delegates of that conference appeared before the Ways and Means Committee and testified in detail concerning the necessity for an immediate embargo against foreign petroleum produced in South America and Mexico by peon labor and shipped into the United States by Mr. Mellon and his big oil monopolies.

Many of the members of the Ways and Means Committee appeared before that convention and promised these delegates to this governors' conference that they would grant them needed relief.

After wasting this $50,000 junketing all over the world this summer the Ways and Means Committee will not be possessed of a single important fact about this necessity for an embargo, or at least a substantial tariff, on petroleum than they know already at this time.

But not being adverse to taking these pleasurable junket trips, very naturally we find that without waiting to print their resolution, and without waiting to introduce it, and without waiting to study it and understand it, and without waiting to take it up in its regular order, the Ways and Means Committee reported the typewritten copy unanimously, and we find all of the committeemen favoring the junket and announcing that they will vote for the resolution. Hence there is no chance whatever to defeat it. But I intend to vote against it. I have heretofore voted against all junkets. I have never yet been on one during my 13 years of service here, and I intend to vote against all junkets in the future. This is a waste of $50,000. If our minority leader [Mr. GARNER] could conduct this investigation, it would be worth the money, for he would force Mr. Mellon to answer questions and he would obtain valuable information regarding foreign oil monopolies. But he will not be allowed to have his way about the matter. The gentleman from Oregon [Mr. HAWLEY], as chairman of the committee, will say what is to be done and what is not to be done, and the whole proceedings will be farcical and the $50,000 wasted. I have done my best to stop it. That is all I can do.

Mr. HAWLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts.

Mr. TREADWAY. Mr. Speaker, all of the debate in relation to the adoption of this resolution has centered around oil, with the exception of the remarks just made by the gentleman from Texas [Mr. BLANTON]. I call the attention of the House to the important provisions included in the resolution applicable to other products than oil. By reading the resolution it will be seen that the commission asks to be empowered to investigate in order to secure information as a basis for legislation relative to coal, lumber, manganese, asbestos, and agricultural products. That would include grain, butter, poultry, and every other agricultural product. The people interested in these other products have been before the Committee on Ways and Means with exactly as plausible a story as have the oil people. If we are to investigate for anyone, certainly they are entitled to the same consideration from Congress as the oil people. I urge the House to realize that in asking for a continuation of the

labors of the Ways and Means Committee during the summer we are not limiting our investigation to oil but to every industry that appeared before the Ways and Means Committee asking for relief. Members from all sections of the country, it seems to me, should unite with us in an effort to pass this resolution and secure the information, in view of expected legislation during another session.

Mr. BLANTON. Are you going to abolish the Tariff Commission?

The SPEAKER. The time of the gentleman from Massachusetts has expired. The question is on the motion of the gentleman from Oregon to suspend the rules and pass the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 226, noes 25.

Mr. BLANTON. I demand the yeas and nays, Mr. Speaker, however impossible it may be to get them.

The SPEAKER. The gentleman from Texas demands the yeas and nays. As many as favor taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Twelve gentlemen have risen, not a sufficient number, and the yeas and nays are refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was passed.

COST OF PRODUCTION OF CRUDE PETROLEUM, ETC.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 386, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 386

Resolved, That the United States Tariff Commission is directed, under the authority conferred by section 332 (g) of the tariff act of 1930, to investigate the differences in the cost of production of the following domestic articles and of any like or similar foreign articles: Crude petroleum, fuel oil, gasoline, and lubricating oils.

The investigation made under this resolution shall be made as if such investigation were an investigation authorized under section 336 of the tariff act of 1930, except that the cost of production of foreign articles shall be ascertained only for foreign articles exported, directly or indirectly, from countries from which there was exported, directly or indirectly, to the United States during the period from January 1, 1929, to December 31, 1930, inclusive, more than 2,000,000 barrels in the aggregate of crude petroleum, fuel oil, gasoline, and lubricating oils, and except that the Tariff Commission shall report the results of its investigation to the President and to the House of Representatives not later than the beginning of the next regular session of Congress.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, what powers are conferred by this resolution that were not conferred upon the gentleman's own committee in the investigation just authorized by the House.

Mr. SABATH. Mr. Speaker, to save time, I object.

ORDER OF BUSINESS

The SPEAKER. The Chair intends now to recognize Members to call up bills of three classes: First, Senate bills which have been recommended by the appropriate committee of the House; second, Senate bills where a similar House bill favorably and properly reported by the committee is on the calendar; third, House bills with Senate amendments, where the request is to concur in the Senate amendment.

Mr. MOORE of Virginia. May I ask the Speaker whether his enumeration includes private bills?

The SPEAKER. It does not.

THE AMERICAN MERCHANT MARINE

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating an address which I delivered at the recent merchant marine conference.

The SPEAKER. Is there objection?

There was no objection.

Mr. BRIGGS. Mr. Speaker, in accordance with the permission granted me by the House, I am taking occasion to include in the RECORD the following address delivered by me on January 21, 1931, before the Fourth National Conference on the Merchant Marine:

Mr. Chairman and gentlemen of the conference, not only the American merchant marine, but the merchant marine of every country, is feeling severely the effect of the world-wide economic depression and resulting alarming decline in foreign trade. As a consequence, shipping interests the world over have suffered enormous losses and ocean freight rates have been abnormally low.

But American ships, notwithstanding such depression, continue to carry a substantial part of our foreign commerce.

Before the World War our American merchant marine was probably at its lowest ebb. It only carried 9.4 per cent in value of the foreign commerce of the United States. Official reports of the United States Shipping Board for the calendar year 1929 show that the vessels of the United States carried 40 per cent of all this country's foreign trade and 38 per cent of ocean-borne cargoes, an increase of approximately 400 per cent in 15 years.

During that period and throughout the year 1930 most conspicuous progress has been made in the modernization of American vessels engaged in foreign trade.

It is also interesting to note that in 1913 the total gross tonnage of American vessels employed in the foreign trade was only about 1,000,000 tons, whereas to-day over 5,602,493 tons are engaged in the transportation of foreign commerce.

Of course, that is only a part of the picture, because we have a finer fleet engaged in coastwise commerce than the Nation has ever had before, a fleet which is available, even to a very large extent, for trans-Atlantic service when its services might be needed.

There is documented under the flag of the United States nearly one-fourth of the world tonnage. Of course, it is not to be understood that all of such tonnage is equally modern; but, by and large, the development of the American merchant marine under Government aid provided by the Jones-White Act and other legislation has shown conspicuous advancement.

The United States Shipping Board, which, through the Merchant Fleet Corporation, has so extensively operated Government-owned vessels over established trade routes, has disposed of practically all of the Government lines on the Pacific coast and nearly all on the Atlantic coast, and only continues to operate upon a substantial scale in the Gulf of Mexico.

THE MID-YEAR STATUS

On June 30, 1930, official figures showed that 74 per cent of American vessels and 72 per cent of the tonnage was owned by private American interests, and of the 466 ships in the hands of the Government only 184 were in active operation, with the remainder subject to disposition by sale or otherwise.

And so while we hear a great deal about the competition on the part of the Government with the privately owned merchant marine of the United States, when we analyze it we find after all that there is very little of it; that what the Government has been trying to do and accomplishing is to put in the hands of private interests not only a substantial number of excellent ships but to encourage them to build finer and better ships, and the Government to give such aid as it might in furtherance of that program.

Since 1924 the Shipping Board has decreased appropriations necessary for its operation from $50,000,000 annually to $5,950,000, or a reduction of $44,050,000.

And in this connection I should like to say that the American people should at all times be fully advised that while this Government has entered upon a program of mail aid costing, as indicated by the Assistant Postmaster General a moment ago, $22,500,000 up to this time, yet through that process it has been saving $44,000,000 a year that used to be expended in Government operation. [Applause.]

It has done more, because through that it has enabled private industry not only engaged in shipping but in the shipyards of this Nation, as indicated also in previous speeches, to start on a program, an auxiliary program of shipbuilding, that promises—if we have the coherence of those interested in shipping and the avoidance of the strife and dissension that sometimes is engendered and developed—that promises, I say, to make America again the master of the seas.

A great deal of credit is due the United States Shipping Board and Fleet Corporation for the way it has conducted Government operation of Shipping Board vessels, managed the affairs of that mammoth institution, and promoted the policies of the American merchant marine. It is probably true that it has made mistakes and pursued policies with which many fair-minded and capable Americans differ, but it has encountered many difficulties and problems for which it was not responsible in the administration of the Shipping Board and its affairs, and I think it ought to be said that the board has discharged its duties and responsibilities with great loyalty and capacity and has rendered splendid service to the American people. [Applause.]

CITATION OF SEVERE CRITICISM

You have heard a great deal from official sources and other sources severely criticizing the Shipping Board for its disposition of American ships at rates that appear to be to many absurdly low, contrasted with the cost of those vessels, but it must be remembered that the costs of those vessels were war costs, not current costs of replacement; that those vessels were war-built vessels; we did not have the time to construct them under all lines which would have been most agreeable and satisfactory to the trade; but we were building those vessels to transport supplies and troops to win the World War, and we did an excellent job of it; and I want to say for the Shipping Board that in disposing of those vessels and disposing of them to the best advantage of which it was

capable so that those who purchased them might be able to continue to operate them it was only carrying out the policies which Congress had declared in the merchant marine act of 1920. Where it has done that fairly and to the best of its ability and judgment, it does not lie in the mouths of anyone to criticize it. It may be that some confronted with that situation think that they might have handled it to better advantage in one form or another or gotten more money here or there, but they were not confronted with the actual conditions in disposing of those ships then. The very fact that to-day you have got tied up in various parts of the Nation an enormous number of ships which the board did not wish to sacrifice, and which now to-day it has to scrap, indicates that probably if the board had been free and untrammeled and unhampered by so much criticism it could have disposed of them to the American public to much better advantage and with far greater return to the American people.

Several investigations of the board have been made under congressional direction from time to time, those authorized by the Sixty-sixth and Sixty-eighth Congresses being of the most exhaustive character.

Senator COPELAND referred to the 13 volumes of 6,000 pages. That was just one of these investigations that covered about everything conceivable.

The result of such investigations, as appeared in the reports of the committees conducting the same, was that the management of the affairs of the Shipping Board was a creditable one.

I do not think that it can be too often repeated that the American merchant marine, built by the Government, resulted in far greater returns to the American people than the entire cost of that immense fleet.

THE PUBLIC'S OPINION

I do not think that the people of the United States should be educated up to the thought—the erroneous thought—that this great fleet, that cost over $3,000,000,000, was just a lot of junk and useless material. It has paid for itself and returned, in my opinion, nearly twice the original cost. The Shipping Board records reflect that up to 1920 they earned about $500,000,000 net on their operations at the then current high costs of transportation rates. The President of the United States when he was Secretary of Commerce testified before the Merchant Marine Committee of the House of Representatives that the act of the Shipping Board in placing at the disposal of the grain-growing interests of the United States in 1926, 100 or more ships to move the grain of the United States raised the price of grain from $1 a bushel in the United States to $1.65 and netted $650,000,000 to the American people more than they would have otherwise gotten had it not been for the availability of American ships when foreign ships were not available. The decline in freight rates which has been occasioned by the presence of the American merchant marine in normal times has saved from a billion to a billion and a half dollars to the American people; and we can not estimate what these services have meant to the American people in promoting the development of their foreign trade, which until the past year has grown so enormously and by leaps and bounds.

Had the merchant marine not demonstrated its value, it not only could not have been continued but the Government aids which have been granted could never have been secured.

OUTLINE OF PRIMAL IMPORTANCE

And I want to assure you, gentlemen, that these matters of Government aid received the greatest scrutiny and the greatest consideration and the greatest amount of debate before they were ever translated into legislation. It has required years of effort to secure them; and if you gentlemen want to preserve them you had better keep a united front, eliminate your dissensions, and fight for only one thing—the upbuilding and maintenance of your merchant marine—in justice to all.

This historical summary, showing the remarkable growth and progress of our merchant marine in the last 16 years, is, of course, interesting and most absorbing. But it should not obscure the fact that the primary purpose of Congress was to develop a merchant marine sufficiently large, modern, and well balanced to carry the greater portion of our commerce and to serve as a naval and military auxiliary whenever needed.

Congress further sought in the merchant marine act of 1928, the so-called Jones-White Act, to provide for an equitable distribution of the ocean-mail contracts, so as to adequately serve not only the Atlantic and Pacific coast ports but those of the Gulf of Mexico and so recorded in the act of 1928. Although the foreign commerce of the Gulf is second in volume and value and is only outranked by that of the North Atlantic, yet the percentage of mail contracts awarded the Gulf and now in operation is only a little in excess of 7 per cent. If there is taken into consideration mail aids which do not go into effect for one or two years yet, then the percentage has been somewhat increased, but not commensurate with the provisions of law authorizing such aids.

One of the reasons, probably, for this situation is to be found in the resistance which has been experienced by the Shipping Board in carrying out its policy of preference, under the law, in the sale of established trade routes to communities, or those locally interested in such communities, with the assurance of an ocean-mail contract commensurate with the needs of the service, its development, and the law controlling the awards.

I want to say in this connection that the ocean-mail aid was not designed simply to build up great passenger services on the ocean. It was designed just as much to sustain and build up a cargo service for the United States, and all are eligible for that aid. But the primary purpose of building up those services was not to serve even ports; it was to serve the great areas of the United States through which ports serving them the commerce moved; and to assure and insure the perpetuation and preservation of the shipping services which the United States Shipping Board had built up, so that those communities at all times would have those outlets for their products and have their steamship lines and steamship communication that they could utilize and not be compelled in the competitive system of trade even throughout the United States, in the effort to obtain a fair share of foreign trade, to be hampered with additional burdens of rail transportation across the United States over long distances when ports were at their door or very near there which they could utilize if only the proper steamship service were furnished them.

"LANGUISHING" LEGISLATION

The additional legislation which has been recommended to carry into effect the policies of the Shipping Board remains languishing in the Senate of the United States with apparently little or no prospect of further consideration there, unless immediate steps be taken by those interested in the preservation of an American merchant marine to do all in their power to secure consideration and legislative action upon the pending measures.

As most of you gentlemen know who have been identified with the merchant marine, the Shipping Board some time ago construed the merchant marine act of 1920 and the Jones-White Act of 1928 to authorize a preference in the sale of the Shipping Board's services to local interests and even to local operators; and also that comprehended within the spirit of the laws, if not strictly within the letter, the award of mail contracts to such services, and such policy was pursued and carried out by the Shipping Board and the Post Office Department for quite a long time, until in the Gulf there developed a condition which challenged that construction and brought about a ruling of the Comptroller General which muddied the waters and has prevented to a very large extent the further disposition of the American trade routes operated by the Shipping Board to private interests until that situation is cleared up. In order to clear it the provision was adopted in the White bill, now pending in the Senate, that that preference should be recognized. It passed the House practically without opposition, but it has languished in the Senate all the past session and now still languishes there. If it still continues to languish and does not pass the Senate during this Congress it will have to be reintroduced in the next Congress, and no one knows what its ultimate fate will be.

If discord and antagonism, selfishness or greed, evidence themselves in the working out of the policies and application of the aids which Congress has provided, it can be confidently assured that insurmountable difficulties will arise in not only obtaining any additional aid but in preserving those which have been provided.

The interests of the Gulf and the great territory which it serves in the South, Southwest, and Mississippi Valley area of the United States require the same assurance of permanent and dependable service under the American flag which has been accorded the Pacific and the North Atlantic ports; and if such consideration is denied or so obstructed by other interests as to defeat the purpose and spirit of the merchant marine act of 1920, and that of 1928, it is altogether probable that the South, Mississippi Valley, and southwestern areas of the United States and their representatives will feel that their interests are not being recognized; and the benefit of their support will be lost in the furtherance of any program of Government aid which results in not only discrimination but the deprivation of services which it was understood would be established and continued upon a permanent basis with ultimate ownership and control in the communities and areas served by such steamship lines and trade routes.

CONSTRUCTIVE OPPORTUNITY

A real opportunity exists to build up an American merchant marine second to none, of which the United States can well be proud; but that opportunity can not be seized if strife and dissension develop among American shipping interests and those who are supposed to be friends of the American merchant marine. Can't anyone see how suicidal it is to allow such a situation to develop or grow? It disgusts those who want to help and furnishes destructive arguments and material to those who are doing all they can to prevent the United States from regaining its former prestige on the seas and becoming once more a nation dependent upon no other for the transportation of its commerce.

Of course, foreign interests will rejoice and encourage strife, dissension, and discontent among you as long as you permit it; and every time you do you lose much ground and set the American merchant marine backward another long way. Bear this in mind, too: The commerce of the United States is not going to give foreign shipping interests Government aid to any extent or under any form that it can prevent. It will not furnish foreign shipping interests or foreign flags ammunition to injure or destroy our own fleet. This Nation is trying to build up a strictly American merchant marine with an individual loyalty, and upon no other basis can you justify Federal aid.

You are confronted to-day with a most serious economic situation, in that we have lost over one-fourth of our foreign trade in one year, nearly two billion and three-quarters of a billion dollars. That can't be permitted to continue. It is partly due to world depression, but also largely to the development of the keenest foreign competition. Every effort must be made to keep and expand our foreign markets, to carry more of our exports and imports in American-flag ships. Live up to the high ideals of

on the Merchant Marine.

America in your relations with the American public and world at large and show that you are worthy of the aid which the Government has given you, and remember always that in shipping, as in everything else, united we stand, divided we fall. I thank you. [Applause.]

FORT GRISWOLD, CONN.

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4248, authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the State of Connecticut, for the purposes of a public park and historic memorial, the tract of land owned by the United States known as the Fort Griswold tract, situated on the east shore of New London Harbor, in the State of Connecticut, and bounded northerly by the Fort Griswold monument reservation and by the land of various private parties, easterly and southerly by the land of various private parties, and westerly by New London Harbor and by the land of various private parties; reserving to the United States, however, the right to resume possession and occupy said tract or any portion thereof whenever in the judgment of the President an emergency exists that requires the use and appropriation of the same for the public defense.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ADDITION TO WEST POINT MILITARY RESERVATION

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5732, to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation, which I send to the desk and ask to have read.

The SPEAKER. Is there objection?

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, will the gentleman tell us whether or not the matter of the property along the river for aviation purposes has been straightened out?

Mr. JAMES of Michigan. Yes; and the gentleman from New York [Mr. FISH], from that district, will put a letter into the RECORD which covers the matter.

Mr. O'CONNOR of New York. So that it is satisfactory to the War Department and to everybody concerned?

Mr. JAMES of Michigan. Yes.

Mr. O'CONNOR of New York. So that there will be an opportunity for an aviation field along the river.

Mr. JAMES of Michigan. There is a satisfactory agreement between the people representing the people of Highland Falls and the War Department. Mr. FISH will put a letter into the RECORD, of which I have a copy.

Mr. O'CONNOR of New York. I want it made clear to me. Members from New York have been communicated with with reference to this proposition. The first plan was to take some fifteen or sixteen thousand acres.

Mr. JAMES of Michigan. Yes.

Mr. O'CONNOR of New York. And then the gentleman from New York [Mr. FISH] complained about taking 2,000 acres out of the city of Highland Falls.

That property was principally the assets of Mr. Morgan, Mr. Saterlee, and others, who are large taxpayers.

Mr. JAMES of Michigan. That has been settled.

Mr. O'CONNOR of New York. Is that property going into the military reserve?

Mr. JAMES of Michigan. It is going in, but the War Department is not going to take it for five years.

Mr. O'CONNOR of New York. In other words, there will not be an opportunity for an aviation field for five years?

Mr. JAMES of Michigan. Yes. They expect to get a lease from these gentlemen until such time as the 5-year option has expired.

Mr. O'CONNOR of New York. On the assurance of the gentleman from Michigan [Mr. JAMES] that this bill, as it is finally worked out, is satisfactory to the people who wanted complete facilities given at West Point, I shall not object.

Mr. LAGUARDIA. Reserving the right to object, it is all right for the gentleman and his committee to arrange with our distinguished colleague from New York [Mr. FISH] to adjust these matters, but the Government from time to time must take land. Are we establishing any precedent by this arrangement, whereby the Government will be hampered in the future from taking necessary land?

Mr. JAMES of Michigan. I do not think so.

Mr. BLANTON. Reserving the right to object, the gentleman knows there has been some little encouragement, however unwarranted, offered our good colleague the gentlewoman from California [Mrs. KAHN] in her effort to try to move West Point to the west coast. It has gone even so far that some Californians have begun to believe that cadets are going to be marching down the streets of that city on the west coast very soon.

If the gentleman is going to spend all this money for this additional land for West Point, why does he not be fair with the gentlewoman from California, and with California itself, by telling them there is no chance on God's earth for West Point ever to be moved out on the west coast?

Mrs. KAHN. We believe there is a chance.

Mr. JAMES of Michigan. If this bill goes through, there is no chance of West Point being moved.

Mr. LAGUARDIA. Will the gentleman yield further?

Mr. JAMES of Michigan. I yield.

Mr. LAGUARDIA. I want to be fair. When the War Department appropriation bill comes up if there is any excessive charge for rentals for this aviation field, I am going to oppose it. It is quite all right to satisfy these people so that the land will be subject to local taxation for five years, but if as a result of that there is going to be any excessive charge for leases, we are going to fight it out on the merits when it comes before us.

Mr. JAMES of Michigan. And if that thing occurs the chairman of the committee will be with the gentleman.

Mr. LAGUARDIA. I expect that.

Mr. SABATH. Will the gentleman yield?

Mr. JAMES of Michigan. I yield.

Mr. SABATH. Can we ascertain now what the agreement is as to the price of this property?

Mr. JAMES of Michigan. No; because the War Department is authorized to buy or to condemn.

Mr. SABATH. You want to acquire it by condemnation?

Mr. JAMES of Michigan. Either buy it or condemn it.

Mr. SABATH. If you are as successful there as they have been here, it will cost us many, many million dollars more than it is worth.

Mr. SNELL. The land is not worth as much in our State as it is here in Washington.

Mr. GREEN. Reserving the right to object, if there is such a conflict as to the value of the land, in my State we will give you any amount of land you want for either the Naval Academy or West Point.

Mr. STAFFORD. Will the gentleman include the Everglades National Park?

Mr. JAMES of Michigan. Regular order.

Mr. SABATH. Will the gentleman yield?

Mr. JAMES of Michigan. I yield.

Mr. SABATH. Knowing the chairman of the committee as well as I do, I know that it was not on his encouragement that the governor of our State acted when he was ready to take over West Point and assure the people of Illinois they were going to bring West Point to our State. Of course, we have wonderful sites for it but I do not believe the governor of our State had any assurance from the gentleman from Michigan [Mr. JAMES] that West Point would be moved.

Mr. JAMES of Michigan. I have had no communication with the governor of the gentleman's State about it.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire, by purchase, condemnation, or otherwise, approximately 17,000 acres of land in Orange County, N. Y., as an addition to the West Point Military Reservation; and there is hereby authorized to be appropriated an amount not to exceed $1,500,000 for payment for the title to such land and the necessary expenses incident to its purchase.

With the following committee amendment:

"Strike out all after the enacting clause and insert in lieu thereof the following:

"'That the Secretary of War is hereby authorized to acquire, by purchase, condemnation, or otherwise, additional land in the vicinity of, and for use by, the United States Military Academy, in connection with the present military reservation at West Point, N. Y., such land being 15,.35 acres, more or less, and including land surrounding Popoloper. Lake, land bordering on the River Hudson, and other interlocking plots of land, all located in Orange County, N. Y.; and the sum of $1,500,000 is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended: *Provided*, That nothing herein contained shall adversely affect the existing water supply, its sources, or pipe lines of the town of Highlands, N. Y.

"'SEC. 2. The Secretary of War shall, by due advertisements in such manner as he deems best and calculated to give the widest necessary publicity, call for offers of land for use in connection with said West Point, N. Y., and if after negotiation he is able to buy said land or any part or parcel or tract thereof, and at such price or prices as he shall deem to be the fair and reasonable market value of the land, then he is authorized to purchase said land for said purpose at such prices; and if any of said offers of land are at prices deemed by the Secretary of War to be above the reasonable market value of such parcel or tract of land, and if after the negotiation the Secretary of War is unable to purchase the same at fair and reasonable prices as herein defined, then in such case the Secretary of War is authorized to request the Attorney General of the United States to institute condemnation proceedings for the acquiring of such tracts or parcels of land as may be necessary for such purpose.'"

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks and to incorporate in connection therewith a letter from the Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FISH]?

There was no objection.

Mr. FISH. For several weeks past Mr. JAMES, chairman of the Committee on Military Affairs, and myself, in cooperation with Supervisor Carrol A. Parry, of the town of Highlands, Mr. Jacob L. Hicks, and Mr. Kopold, have been trying to work out with the military authorities a compromise bill which would permit the proper expansion of the Military Academy at West Point, but would at the same time protect the vital interests of the taxpayers and people living in the town of Highlands, school district No. 2, and the village of Highlands Falls. Thanks to the earnest efforts of Mr. JAMES and the spokesmen of the town, village, and school district a compromise has been reached which is agreeable to the consolidated boards representing the people in that community.

The people in the vicinity of the Military Academy at West Point do not desire and never have attempted to stand in the way of the acquisition of all the property that is essential for the proper development of the greatest military academy in the world. The people in my district are proud of the splendid record of the Military Academy and its graduates for efficiency and patriotic service to the Nation, both in war and peace. For more than 125 years the graduates of the Military Academy at West Point have served our Republic with valor and distinction in all our wars and given to the country the services of some of our most eminent engineers to help develop our waterways, rivers, and harbors, and even the Panama Canal. It is well to remember when critics offer puny and ill-considered bills to change the location of the Military Academy at West Point, either to the West or the South, that there are approximately $40,000,000 of Government funds invested in buildings at West Point, and back of that, and of even more significance, are the great traditions connected with that historic site from the days of the Revolutionary War. I say to those Members of Congress who have spoken of a possible removal of the Military Academy from West Point that there is just as much chance of moving the Capitol and White House from the city of Washington.

The United States Military Academy belongs to the Nation and the American people cherish its traditions and the glorious names of its graduates, which include Presidents, statesmen, distinguished engineers, and such military leaders as U. S. Grant, William Tecumseh Sherman, George H. Thomas, Philip Sheridan, Robert E. Lee, T. J. (Stonewall) Jackson, Jefferson Davis, Joseph Wheeler, and John J. Pershing.

In accordance with the permission already granted I desire to insert the letter signed by the Secretary of War and addressed to the consolidated boards in the town of Highlands, giving satisfactory assurance of the use of water without charge to the village of Highland Falls and the hamlet of Fort Montgomery, and that no land would be acquired east of the main highway between Highland Falls and Fort Montgomery until July 1, 1932, provided the bill is enacted into law.

FEBRUARY 28, 1931.

To the BOARD OF TRUSTEES,
Village of Highland Falls, N. Y.
TOWN BOARD,
Town of Highlands, N. Y.
BOARD OF EDUCATION,
Union Free School District No. 2, Town of Highlands, N. Y.

GENTLEMEN: It has been brought to the attention of the War Department that the municipal interests which you represent are apprehensive that under the provisions of a bill now pending in Congress, H. R. 14811, S. 5732, certain lands in the town of Highlands, N. Y., which now bear a considerable portion of the assessed taxes of your respective municipalities will be taken by the United States Government, thus depriving said municipalities of the taxes upon the same.

You are advised that should the measure above referred to be enacted into law, the War Department will not, under the authority therein contained, acquire title to any lands or property east of United States Highway Route 9W as it now lies in said town of Highlands and village of Highland Falls, N. Y., within a period of five years from July 1, 1932.

Immediately after July 1, 1932, the War Department will, in so far as it has legal authority, take all necessary steps to acquire the land upon which the water supply and system of the village of Highland Falls is located, including the purchase, at a price mutually agreeable, of the interest therein which said village now owns in the watershed from which this supply is obtained. When the watershed is acquired the War Department will guarantee to said village of Highland Falls the right to the use of the water up to the capacity of the said village of Highland Falls' present watershed without charge.

The War Department will also permit the settlement known as Fort Montgomery in the said town of Highlands to tap the West Point pipe line free of charge to supply the necessary water for all domestic purposes, provided that such connection with the pipe line will be made in a manner which will not impair the water supply to West Point.

This statement is made to you for the purpose of obtaining your consent to the bill now pending and will not be binding on either party if said bill fails to be passed by the present Congress.

Sincerely yours,

PATRICK J. HURLEY,
Secretary of War.

The above letter from the Secretary of War is sufficient guaranty that the provisions of the bill will be scrupulously carried out in every detail. I have implicit faith that the War Department will exert every means in its power to see that both the letter and the spirit of the bill are put into effect. I have the personal assurance of Mr. JAMES of Michigan, chairman of the Committee on Military Affairs, and sponsor of the bill, that he will cooperate and insist on the complete fulfillment of every provision of the bill.

It is a matter of personal gratification that a compromise bill has been agreed on that will permit the War Department to buy additional land adjoining the Military Academy at West Point in order to provide an adequate water supply that will take care of the needs of the institution for years to come. It is hoped and expected that the proposed expansion of the military reservation will provide sufficient ground to establish an artillery target range, also for 1-pounders and machine guns, and a much-needed rifle range, the present one being utterly inadequate for the present requirements of the cadets.

The people of the town of Highlands and the village of Highland Falls have made real financial sacrifices in order not to jeopardize the expansion, efficiency, and development of the United States Military Academy and are entitled to

the gratitude and thanks of the Government and of the American people. Let no one in the future ever say that the people of the town of Highlands objected to or opposed the expansion of the Military Academy, which, under the provisions of this bill, is permitted to acquire nine-tenths of all the land in the town.

ATTENDANCE OF REGULAR ARMY AT OLYMPIC GAMES

The SPEAKER. The Chair will say he proposes to recognize the chairman of the Committee on Military Affairs [Mr. JAMES] for two bills, after which he will recognize the gentleman from New York [Mr. WAINWRIGHT].

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 5715) to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] asks unanimous consent for the present consideration of the bill, S. 5715, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted etc., That the Secretary of War is hereby authorized to direct the training and attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games: *Provided*, That all expenses incident to training, attendance, and participation in the Tenth Olympic Games, including the use of such supplies, material, and equipment as in the opinion of the Secretary of War may be necessary, may be charged to the appropriations for the support of the Army: *Provided further*, That applicable allowances which are or may be fixed by law or regulations for participation in other military activities shall not be exceeded.

The SPEAKER. Is there objection?

Mr. COLLINS. Reserving the right to object, I would like to ask the gentleman a question or two. Will the Army take horses to the Olympic games to use them for polo?

Mr. JAMES of Michigan. No, sir.

Mr. COLLINS. Will the Army participate in polo games at the Olympic games?

Mr. JAMES of Michigan. No, sir.

Mr. COLLINS. What will be the cost of representation?

Mr. JAMES of Michigan. It will not increase the Army appropriation bill at all.

Mr. LaGUARDIA. Reserving the right to object, I want to ask one question which I think will help the bill. Is the gentleman sure that this bill providing these expenses will not disqualify the participants as amateurs?

Mr. JAMES of Michigan. It will not. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement to that effect.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The statement referred to follows:

WAR DEPARTMENT,
Washington, D. C., February 28, 1931.

Hon. W. FRANK JAMES,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. JAMES: Referring to Senate bill S. 5715, which if passed will authorize the expenditure of appropriations for the support of the Army, to allow personnel and animals of the Regular Army to participate in the tenth Olympiad to be held at Los Angeles, Calif., in the summer of 1932.

It is not the intention of the War Department to transport polo teams under the authority contained in the proposed bill nor is it expected that foreign armies will participate in any polo events connected with the Olympic games.

On the floor of the House yesterday Mr. LaGUARDIA asked if the passage of the proposed bill would destroy the amateur status of Army participants. It will not. Under the regulations drawn up by the International Equestrian Federation, of which the United States Cavalry is a member, an officer in active service is classed as an amateur for participation in the equestrian or modern pentathlon events of the Olympic games.

Yours very truly,

PATRICK J. HURLEY,
Secretary of War.

MEMORANDUM FOR MR. JAMES, CHAIRMAN MILITARY AFFAIRS COMMITTEE

The Olympic Games are held every four years.

The next will be held in 1932 at Los Angeles, Calif.

Athletes from most of the nations of the world participate in these games.

There are two classes of events in the games for which the participants come almost exclusively from the various armies of the world.

These are: (a) The riding events; (b) the modern pentathlon.

Teams from not less than 10 armies of the world will participate in the above events in 1932.

The United States is the host nation and the American Army, in the eyes of the world, the host for the riding events and, to a lesser extent, for the modern pentathlon. This, however, will entail no expenditure of public funds.

There are three riding events. Two of them are designed to be a thorough test of the endurance, courage, and skillfulness of both riders and horses. The third is one designed to show the skillfulness of the rider and horses from a purely training standpoint.

The first two require the same riders and horses to participate in an endurance phase, but always under careful veterinary supervision. A phase showing the ability of rider and horses to gallop across difficult country, a phase showing the ability of both to negotiate most difficult obstacles of all types, and a final phase showing the training of man and horse.

This class of event is greatly encouraged among the various armies of the world, in order to develop in their young officers courage, skillfulness, hardiness, and quickness of thought, which are such prized qualities in the military man, and, in addition, to train their horses in the endurance and skillfulness which should be possessed by officers' chargers.

This type of international contest is held annually in Europe and was made a part of the Olympic Games because of their training and military value.

The other event in which, as a rule, only military personnel compete, is the above-mentioned modern pentathlon.

This is a modern counterpart of a similar event which was in the original Olympic games, and was intended to demonstrate the endurance, resourcefulness, and ability of a military courier.

The modern event consists of long-distance cross-country running, swimming, fencing, pistol shooting, and cross-country riding, all of which must be done by the same individual.

As a rule only persons with military training are sufficiently skilled in all of these things to successfully compete in the modern pentathlon.

The War Department wishes to enter teams in each of the three riding events, and the modern pentathlon.

The bill before the House seeks to authorize the use of public funds for training and sending military personnel and horses to Los Angeles.

Any amount expended will come from current appropriations and will not require additional funds.

A total of about 15 young officers will participate as principals and alternates in the riding events and eight or ten in the modern pentathlon.

Participation in these events requires long and careful training but this can be done without detriment to the officers' military duties.

Enlisted men are entitled to participate in both classes of events and will be given an opportunity to compete.

For training prior to the events, candidates with their horses must be assembled at some central place, such as Fort Riley, Kans., and final successful candidates must be sent to Los Angeles, and then to their homes.

The total cost involved will not exceed $15,000.

The number of officers involved, 25; enlisted men, 20; and horses, 30.

Polo will not be participated in by Army personnel.

The passage of this bill will in no way effect the amateur status of any military personnel. Their status is distinctly laid down in Olympic regulations.

American teams have participated in the last four Olympic games on private funds, but under those circumstances proper preparation could not be made for participation, and American teams have not been particularly successful.

The games being held in the United States make it most desirable that the best possible preparation be made.

The passage of this bill will allow such to be done.

The participants in the games will be at Los Angeles for approximately one month.

No more than normal expense will be required from War Department appropriations for participation in the games.

GUY V. HENRY,
Major General, United States Army, Chief of Cavalry.

WASHINGTON, D. C., *February 28, 1931.*

Hon. FRANK JAMES,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

DEAR MR. JAMES: You have asked me the following questions:

(a) Will the Army take horses to the Olympic games that are usable for polo?

(b) Will the Army participate in any polo games at the Olympic games?

(c) Will the cost of representation exceed $15,000?

I can answer to each of the three above-mentioned questions "no."

Yours very truly,

GUY V. HENRY,
Major General, United States Army,
Chief of Cavalry.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

RETIREMENT OF DISABLED NURSES

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 6231, to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy."

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to have the gentleman explain his bill and show exactly what new drains it will place upon the Treasury of the United States.

Mr. McSWAIN. I do not think it will involve the expenditure of any additional money over and above what Congress intended when it passed the act last year.

Mr. BLANTON. Which is how much?

Mr. McSWAIN. Well, the expenditure under the act of last year, my recollection is, would involve an average of about $1,500 a year for the first few years.

Mr. BLANTON. What is the total expenditure?

Mr. McSWAIN. Only $1,500 by way of retirement.

Mr. BLANTON. One thousand five hundred dollars each to so many nurses?

Mr. McSWAIN. This is to retire nurses in the Army and the Navy who are disabled in line of duty.

Mr. BLANTON. And the total additional expense, over and above what is expended now, is about how much annually?

Mr. McSWAIN. It will involve for the first few years about $1,500 a year.

Mr. BLANTON. Does the gentleman mean $1,500 apiece?

Mr. McSWAIN. No; that is the total. This will involve $450 additional for the first year, under the construction of the Comptroller General.

Mr. BLANTON. Then the passage of this bill just means $450 to be taken out of the Treasury?

Mr. McSWAIN. No; that much additional over and above that which would be expended under the act passed last year.

Mr. BLANTON. I would like to know how much more money is going to be taken out by reason of the passage of this bill and which otherwise would stay in the Treasury.

Mr. McSWAIN. Four hundred and fifty dollars for the first year, and after that we can not tell how much. It will depend on the number of nurses who retire.

Mr. COLLINS. All nurses are retired at a stipulated base amount. Then the superintendents have added, when they are retired, $2,500 per annum to this base retirement allowance.

Mr. McSWAIN. There is one superintendent in each corps.

Mr. COLLINS. I understand. Then assistant superintendents have added to the base amount that they receive when retired $1,500 a year, and the chief nurses have added annually when retired $600 to their base retirement pay.

Mr. BLANTON. Then, it will cost into the thousands?

Mr. COLLINS. Yes.

Mr. McSWAIN. Let me be sure the gentleman understands. This is a letter I have just received from the Surgeon General of the Army, General Ireland, in which he says there is now no application for retirement by any superintendent or chief nurse in the Army, and only one chief nurse in the Navy.

Mr. BLANTON. About how many nurses will this bill affect?

Mr. McSWAIN. I can tell the gentleman exactly It will affect 140 all told in the next generation.

Mr. BLANTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and Navy," shall be construed, from its effective date, as authorizing the pay of members of the Army Nurse Corps and the Navy Nurse Corps retired thereunder to be computed upon the basis of the entire amount of the active-service pay received by each, respectively, at the time of her transfer to the retired list, including in the cases of superintendents of Nurse Corps, assistant superintendents, directors, assistant directors, and chief nurses the money allowance prescribed as part of their compensation by section 13 of the act of June 10, 1922 (42 Stat. 631).

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

MEMORIAL TO THE SECOND DIVISION, AMERICAN EXPEDITIONARY FORCES

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 233, to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces, a similar House resolution being on the Speaker's desk, No. 467.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a Senate joint resolution, which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and is hereby, authorized and directed to grant permission to the Second Division Memorial Association, American Expeditionary Forces, through Maj. Gen. J. G. Harbord, United States Army, retired, president, or his successors in office, for the erection as a gift to the people of the United States on public grounds in the District of Columbia, a memorial to the Second Division: *Provided*, That the design and location for the memorial shall be approved by the National Commission of Fine Arts: *Provided further*, That such monument shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital and that the United States shall be put to no expense in or by the erection of said monument.

The SPEAKER. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, this resolution as originally written proposed that this monument be erected somewhere along B Street, now Constitution Avenue. Has that provision been stricken from the resolution?

Mr. WAINWRIGHT. That provision has been stricken from the resolution, so that the design and the location will be left entirely to the approval of the Fine Arts Commission.

Mr. COLLINS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

A similar House resolution was laid on the table.

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent that I may extend, as a part of my remarks upon this resolution, a statement of the services of the Second Division, appearing in the report of the Committee on the Library.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. WAINWRIGHT. Mr. Speaker, this resolution grants to the Second Division Memorial Association, American Expeditionary Forces, through Maj. Gen. J. G. Harbord, United States Army retired, the president of the association and one of its battle commanders, permission to erect here at the Nation's Capital, as a gift to the people of the United States, a memorial to that great Regular Army division. That division contained the Marine brigade of immortal fame for the capture of Belleau Wood, and took part in every major offensive of the American Army in France. Through its ranks including replacements, went almost 70,000 men, of these 4,419 were killed in battle and 20,657 wounded. For the information of the House I in-

clude in these remarks the brief but excellent and comprehensive statement of the service, the achievements, and the battle record of the Second Division contained in the report to this House of the bill by the Committee on the Library:

No division of the expeditionary forces in the Great War has recorded more remarkable achievements than those of the Second Division. Its formal organization as a division was effected by War Department order of December, 1917. It existed semiofficially for several months before that, but its units were scattered and its unity was not yet an actuality. The Fifth Marines reached France in June, 1917; the Ninth and Twenty-third Infantry and Fifth Machine Gun Battalion in September; the Sixth Marines, Second Engineers, Division Trains, and Sixth Machine Gun Battalion in October; the Twelfth, Fifteenth, and Seventeenth Field Artillery in December, 1917, and January, 1918; the Fourth Machine Gun Battalion in January, 1918.

No division could have been organized with better units. The Ninth and Twenty-third Infantries were two of the old line regiments of our Army with fine records almost covering the period of our existence as a Nation. The War of 1812, Mexico, the War of Secession, the Philippines, Santiago, and China are written on their regimental colors, and their history is that of the early struggles of our country, the winning of the West, the war with Spain, the Boxer trouble, and many encounters with the wily Tagalo and savage Mohammedan Moro. The Marines, a selected body of men, with their proud boast of "First to fight," and a record in their country's battles "from the halls of Montezuma to the shores of Tripoli," brought a wealth of tradition and esprit and mingling their forest-green with the olive drab became as "army" as the Army itself. The artillery and auxiliary units more recently organized under the national defense act brought to the division the vigor and dash of youth, as marked in organizations and peoples as it ever is in individuals. Indeed, America's whole participation in the World War was that of a young Nation with the energy and drive that distinguishes youth from age.

To all these units the volunteers and the selective conscription had brought great numbers of eager youngsters from every phase of American life. No duty could be named—technical, mechanical, military, or civil—for which some expert could not be found. Officers who had spent their lives preparing to lead men in battle, the finest types of American regular soldiers and marines, engineers from the great enterprises of industrial life, linguists, artists, athletes, artisans, physicians, authors, lawyers, captains of finance, experts and organizers of all phases of active business life by hundreds caught the step and marched under the Indian head and star.

In January, 1918, all elements of the division were assembled near Bourmont, in the western foothills of the Vosges, and began a most intensive training for the ordeal before them. The German offensive of March, 1918, made it necessary for them to continue their training in actual service, and, on March 16–26, the Second Division took over the Toulon and Troyon sectors between Verdun and St. Mihiel. Aside from training received under fire, it had three more brief breathing spells which were devoted to instruction, near Robert Espagne, May 14 to 20; Gisors and Chaumont-en-Vexin, May 21 to 29; Columbey-les-Belles, August 18 to September 1, 1918.

From the cold official records of the American Expeditionary Forces the story of its achievements from March 26, 1918, may be paraphrased as follows:

Verdun sector, March 15–May 13, 1918: Division occupied Toulon and Troyon sectors in conjunction with French. A German raid in force was made against the Ninth Infantry on April 13, 1918. This was the largest demonstration made against American troops up to this time. The Ninth Infantry took some prisoners and inflicted heavy casualties on the Germans.

Aisne-Marne defensive (west of Chateau-Thierry), May 31–June 5, 1918: The division moved by camion to area northeast of Meaux and took up a position across the Paris-Metz highway west of Chateau-Thierry on June 1, 1918. The German advance on Paris was stopped and the enemy thrown back during this operation, which lasted until June 6, 1918.

Chateau-Thierry sector, June 6–July 9, 1918: Almost continuous fighting marked the Second Division's stay in this sector. During this time the Belleau Wood and the villages of Bourescbes and Vaux were captured. Casualties were heavy, but the American Army demonstrated its ability to successfully meet in battle the best of German troops.

Aisne-Marne offensive (Soissons), July 18–19, 1918: Attached as part of the Twentieth Army Corps (French Tenth Army) near Soissons on the western side of the salient the Germans had pushed down to the Marne. Captured Beaurepaire Farm, Vaucastille, Vierzy, and advanced to Tigny.

Marbache sector, August 12–16, 1918: Quiet sector on Moselle River. No action except for numerous patrols.

St. Mihiel offensive, September 12–16, 1918: Went into the line near Limey, night of September 9–10, 1918; attacked with First American Army September 12, 1918; captured Thiaucourt, Xammes, and Jaulny and advanced to the vicinity of Rembercourt. Relieved September 16, 1918. Took many prisoners; losses slight.

Meuse-Argonne offensive (Champagne), October 1–10, 1918: Moved from Mairy-sur-Marne to Suippes Souain area. Went into front line under Twenty-first Corps (French) October 1, 1918, near Somme-Py. Cleaned up Essen trench. Jumped off October 3, 1918, and advanced to Medeah Ferme, Blanc Mont Ridge Road. Captured the strong enemy position of Blanc Mont and town of St. Etienne. Losses severe. Relieved by Thirty-sixth Division, United States, October 10, 1918, and moved to rest area near Somme Suippes.

Meuse-Argonne offensive, November 1–11, 1918: Marched to First American Army area October 22–25, 1918. Relieved Forty-second Division in line near Landres-et-St. Georges, night of October 30–31. Attacked November 1, 1918, advanced to corps objective. Captured Landres-et-St. Georges, St. George, Landreville, and Bayonville; continued the advance for several days; captured Fosse, Nouart, Letanne, and Beaumont. Crossed the Meuse the night of November 10–11, 1918, and was fighting east of river when the armistice went into effect.

Three hundred and nineteen officers and 9,972 men who were present with the division on March 15, 1918, were still present for duty on November 11, 1918.

Remained in the Beaumont-Pouilly area refitting until November 17, 1918.

March to the Rhine: Marched at 5 a. m. on November 17, 1918; crossed the American front line, advanced through Belgium and Luxemburg, and entered Germany December 1, 1918. Reached the Rhine in the vicinity of Remagen and crossed this river December 13, 1918. Occupied area No. 2 of the American sector of the Coblenz Bridgehead and established headquarters at Heddesdorf.

Accomplishments in the field: Kilometers advanced against opposition, 62. Prisoners captured: Officers, 288; men, 11,738; total, 12,026. Material captured: Heavy artillery, 74; light artillery, 269; trench mortars, 58; machine guns, 1,350 (many machine guns captured at St. Mihiel were not counted and are not figured in this total); antitank guns, 8; rifles, 1,000 (not counted except in the St. Mihiel offensive).

Decorations awarded: Medals of honor, 7; distinguished-service crosses, 675; distinguished-service medals, officers, 10; Belgian crosses, officers, 6; Legion of Honor (French), officers, 17; medaille militaire (French), men, 42; croix de guerre (French), 2,740; croce di guera (Italian), 15; Knight of Order of Crown of Italy, officer, 1; citations for distinguished gallantry, 795.

Such is the curt official record—its brief entry on the page of history. To write that entry cost the Second Division 4,419 killed, and 20,657 wounded; 35,343 replacements were sent to the Second Division—over 5,000 more than were sent to any other of the many fine American divisions. It lost 157 prisoners to the enemy. It spent 66 days in an "active sector," a period equaled only by the older First Division, which has 93 such days to its credit. Its service in "quiet sectors," 71 days, was equaled or exceeded by five other American divisions. But one other of our divisions, the Seventy-seventh, equaled the number of kilometers, 62, which it advanced against the opposition of the enemy.

CLASSIFICATION OF OFFICIAL MAIL MATTER

Mr. SANDERS of New York. Mr. Speaker, I call up the conference report on the joint resolution (H. J. Res. 357) classifying certain official mail matter.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 357) classifying certain official mail matter having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

A. D. SANDERS,
CLYDE KELLY,
JAMES M. MEAD,
Managers on the part of the House.

L. C. PHIPPS,
G. H. MOSES,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

Conference was had on House Joint Resolution 357. The Senate conferees receded from their amendment and the bill is restored as it passed the House. The bill as it now stands permits Members of Congress to send to their own address official matters without limitation as to weight, exactly the same as is provided under present law for public documents.

A. D. SANDERS,
CLYDE KELLY,
JAMES M. MEAD,
Managers on the part of the House.

The conference report was agreed to.

BRIDGE ACROSS THE OHIO RIVER

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5624) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky., now on the Speaker's table, and ask unanimous consent for its immediate consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky., authorized to be built by the act of Congress entitled "An act authorizing J L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Shawneetown, Ill.," approved May 1, 1928, heretofore extended by an act of Congress approved June 20, 1929, are hereby further extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE BOEUF RIVER, LA.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6132) granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La., and ask unanimous consent for its immediate consideration, a similar House bill being on the calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana, and their successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across Boeuf River, at a point suitable to the interests of navigation, at or near Buckner, within the parish of Richland, in the State of Louisiana, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

PIPE-LINE BRIDGE ACROSS THE MISSOURI RIVER

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6161) granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River, and ask unanimous consent for its present consideration, a similar House bill being on the calendar.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, to construct, maintain, and operate a pipe-line bridge and approaches thereto across the Missouri River from a point in either Dakota or Dixon Counties in the State of Nebraska to a point in either Union or Clay Counties in the State of South Dakota, at a point suitable to the interests of navigation: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That in approving the plans for said pipe-line bridge such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is fully authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. PATTERSON. Mr. Speaker, reserving the right to object, may I inquire what this is?

Mr. DENISON. This is a Senate bill on the Speaker's table, with a similar House bill on the calendar.

Mr. PATTERSON. I understood that; but is it a private toll bridge or railroad bridge?

Mr. STAFFORD. It provides for a pipe line across the Missouri River. Under reservation of objection, Mr. Speaker, I would like to propound an inquiry, as this is the first time in this Congress I have known of a bill providing an authorization to build a pipe line across a river. Is it necessary to obtain the consent of Congress to merely extend a pipe line under a stream that does not interfere with navigation?

Mr. DENISON. It is.

Mr. STAFFORD. Does the gentleman know in how many instances Congress has been called upon to grant special privileges of this character?

Mr. DENISON. I can not state the number of instances, but we have done this before.

Mr. BURTNESS. And, if the gentleman will yield, of course, it may also be in the form of a trestle running across the river.

Mr. DENISON. Yes; the bill does not state how it is to be done.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE LITTLE CALUMET RIVER

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6165) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River, on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois, and ask unanimous consent for its present consideration, a similar bill being on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, on the line of Cottage Grove Avenue extended, on the section line between sections 14 and 15, township 36 north, range 14 east, and just south of the east and west quarter lines through sections 14 and 15, Thornton township, in said county and State, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Passed the Senate February 17 (calendar day, February 26), 1931.

Attest:

Secretary.

Mr. SABATH. Mr. Speaker, reserving the right to object, where is this bridge to go?

Mr. DENISON. Across the Little Calumet River, but I do not remember just where.

Mr. SPROUL of Illinois. I will say to the gentleman that it is in my district. It is across the Little Calumet River. The roadway in Halsted Street has been closed for the past year.

Mr. SABATH. Will it not affect plans that are now in preparation as to certain improvements?

Mr. SPROUL of Illinois. No; this is a navigable stream, and it has to have the approval of the War Department.

Mr. SABATH. For whom is this bridge?

Mr. SPROUL of Illinois. It is for Cook County.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS ELEVEN POINTS RIVER, OREGON COUNTY, MO.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6181) to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the bridge constructed across the Eleven Points River at or near Thomasville, in the county of Oregon and State of Missouri, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE JAMES RIVER AT GALENA, STONE COUNTY, MO.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6182) to legalize a bridge across the James River at Galena, Stone County, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the bridge constructed across the James River at Galena, in the county of Stone and the State of Missouri, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE WHITE RIVER, STONE COUNTY, MO.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6183) to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the bridge constructed across the White River, approximately 11 miles south of Reed Springs, Stone County, Mo., is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS WHITE RIVER, TANEY COUNTY, MO.

Mr. DENISON. Mr. Speaker, I call up the bill, S. 6184, to legalize a bridge across the White River at Forsyth, Taney County, Mo.

Mr. SABATH. Reserving the right to object, are all these bridges toll bridges?

Mr. DENISON. If the gentleman will look at the title it will give him the information. This is to legalize a bridge across White River, Mo. It is to legalize a bridge that has been already built. The bridge is there, but they want to legalize it so that they can maintain and operate it.

Mr. SCHAFER of Wisconsin. Reserving the right to object, what evidence was presented before the committee indicating that there is any lack of merit in legalizing the building of the bridge? Does the gentleman tell me that a corporation has a right to build a bridge and then come to Congress and have it legalized?

Mr. DENISON. This is simply to legalize a public bridge.

Mr. SCHAFER of Wisconsin. Is it a free bridge?

Mr. DENISON. Yes.

Mr. SCHAFER of Wisconsin. I should object to legalizing any private toll bridge.

Mr. DENISON. I do not think that has ever been done.

The Clerk read the bill, as follows:

Be it enacted, etc., That the bridge constructed across the White River at Forsyth, in the County of Taney, State of Missouri, is hereby declared to be a lawful structure, and the consent of Congress is hereby granted to the Missouri State Highway Commission, its successors and assigns, to maintain and operate said bridge in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT WELDON SPRINGS, MO.

Mr. DENISON. Mr. Speaker, I call up the bill S. 6185, granting the consent of Congress to the State Highway Commission of Missouri, to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The authority hereby granted shall cease and be null and void unless the actual construction of the bridge be commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE WHITE RIVER, MO.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6186) granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo., and ask unanimous consent for its present consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, in the County of Taney, and State of Missouri, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The authority hereby granted shall cease and be null and void unless the actual construction of the bridge be commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

AUTHORITY TO WEST VIRGINIA TO ACQUIRE CERTAIN BRIDGES

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6190) authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary line streams or rivers of said State, and ask unanimous consent for its present consideration.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think some explanation should be made of this bill as it is out of the ordinary.

Mr. DENISON. Mr. Speaker, this is a Senate bill which has passed the Senate and is now on the Speaker's table. The House Committee has considered and favorably reported a similar bill which is on the calendar. It authorizes the

State of West Virginia in pursuance of a law which has been passed by the unanimous vote of both branches of the legislature of that State and approved by the governor to take over every toll bridge in the State and make it a free bridge.

Mr. STAFFORD. I hope other States will do likewise.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and more adequately provide for military and other purposes, and to secure to the public the use of the herein-described bridges free of tolls as promptly as possible, the State of West Virginia, by and through the State Bridge Commission of West Virginia, or the successors of said commission, be and it is hereby authorized to acquire, purchase, rebuild, improve, maintain, and operate any or all of the following bridges and approaches thereto, at points suitable to the interests of navigation, in accordance with, and upon the approval of, the plans and location of said bridges as provided in an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the limitations herein provided, to wit:

A bridge across the Shenandoah River at or near Harpers Ferry; a bridge across the Potomac River at or near Harpers Ferry; a bridge across the Potomac River at or near Shepherdstown; a bridge across the Potomac River at or near Berkeley; a bridge across the Ohio River at or near Chester; a bridge across the Ohio River at or near Newell; a bridge across the Ohio River at or near Weirton; a bridge across the Ohio River at or near Middle Ferry; two groups of bridges across the Ohio River at or near Wheeling, each group consisting of a bridge from the city of Wheeling, W. Va., to an island in the Ohio River, constituting territory of the State of West Virginia, and a connecting bridge from said island to a point in Ohio; a bridge across the Ohio River at or near Benwood; a bridge across the Ohio River at or near St. Marys; a bridge across the Ohio River at or near Williamstown; a bridge across the Ohio River at or near Parkersburg; a bridge across the Ohio River at or near Mason City; a bridge across the Ohio River at or near Point Pleasant; a bridge across the Ohio River at or near Huntington; a bridge across the Big Sandy River at or near Kenova; a bridge across the Tug Fork River at or near Fort Gay; a bridge across the Tug Fork River at or near Kermit; a bridge across the Tug Fork River at or near Williamson; a bridge across the New River at or near Hinton; a bridge across the New River at or near Prince; a bridge across the Kanawha River at or near Kanawha Falls; a bridge across the Kanawha River at or near Chelyan.

SEC. 2. Subject to the aforesaid conditions and limitations the State of West Virginia, by and through the State bridge commission or the successors of said commission, shall be, and it is hereby, authorized to acquire by purchase or condemnation any private property, rights, or interests relating to bridges under construction or authorized to be constructed at any or all of the following locations and to construct or rebuild said bridges, to wit: A bridge across the Ohio River at or near Sistersville; a bridge across the Ohio River at or near New Martinsville; a bridge across the Ohio River at or near Wellsburg; a bridge across the Ohio River at or near Moundsville; a bridge across the Monongahela River at or near Star City; a bridge across the Kanawha River at or near Point Pleasant.

The times for commencing and completing the construction of new bridges authorized by this section shall expire two and four years, respectively, from the date of approval hereof.

SEC. 3. There is hereby conferred upon the State of West Virginia and the West Virginia Bridge Commission, or the successors of said commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, rebuilding, and/or operation of any and/or all such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 4. The State of West Virginia, by and through the West Virginia Bridge Commission, or the successors of said commission, is hereby authorized to fix and charge tolls for transit over any and/or all such bridges, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 5. The State of West Virginia, by and through the State Bridge Commission of West Virginia, or its successors, may unite or group all or such of said intrastate bridges into one or more separate projects for financing purposes as in its judgment shall be deemed practicable, and may also unite or group for financing purposes in any one issue of bonds such interstate bridges as the West Virginia Bridge Commission shall determine to be competitive, but no particular project or group shall be so united that any such project or group will include both interstate and intrastate bridges. If tolls are charged for the use of a bridge or bridges in a project, the rates of toll to be charged for the use of such bridge or bridges embraced in the particular project shall be so adjusted as to provide a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge or all of the bridges included in the particular project and their approaches under economical management, and not to exceed an amount sufficient, in addition to the foregoing, to provide a sinking fund sufficient to amortize the aggregate cost of the bridge or all of the bridges embraced in the particular project, and their approaches, including reasonable interests and financing costs, as soon as possible under reasonable charges, but within a period not exceeding 25 years from the date of approval of this act. The tolls derived from the bridge or bridges embraced in any particular project may be continued and paid into the appropriate sinking fund until all such costs of the bridges embraced in the particular project shall have been amortized. In any event tolls may be charged on the basis aforesaid for transit over the bridge or bridges in each project for which revenue bonds of said State are issued, and such tolls may be continued and adjusted at such rates as may be necessary to pay such bonds with interest thereon and any lawful premium for the retirement thereof before maturity, subject only to the power of the Secretary of War or other authorized Federal authority to regulate such rates.

SEC. 6. The failure of the State of West Virginia, by and through the State Bridge Commission of West Virginia, to acquire, purchase, construct, improve, maintain, and operate any one or more of the foregoing bridges, or to unite or group any one or more for financing purchases, shall in no wise affect its authority or powers hereby granted to acquire, purchase, construct, improve, maintain, and operate such bridge or bridges as it may deem expedient, and any one of the bridges herein authorized may be purchased, acquired, or constructed as a single project without uniting such bridge in a joint project with other bridges authorized herein.

SEC. 7. When a sinking fund sufficient to amortize the cost of any bridge or bridges in any particular project or group or sufficient to pay the principal and interest on bonds issued for the purpose of financing such particular bridge or bridges or project or group shall have been provided to the extent hereinbefore required, the bridge or bridges included in any such project or group shall thereafter be maintained and operated free of tolls. All tolls shall be uniform as between individuals and as between vehicles of the same class as to each bridge, but different rates of toll may be charged for the use of different bridges in any group of bridges included in a single project for financing purposes.

SEC. 8. The powers conferred by this act are supplementary and additional to all other authority and powers heretofore granted by law for the construction of the hereinbefore named bridges, but all acts or parts of acts heretofore enacted authorizing the construction of the hereinbefore named bridges which are in conflict with the terms of this act be, and the same are, hereby repealed in so far as such conflict exists. Nothing in this act shall be construed as authorizing tolls to be charged for the use of any one or more of the hereinbefore named bridges except as hereinabove provided, and nothing herein shall be construed so as to prohibit the State of West Virginia from paying all or any part of the costs of the acquisition, purchase, construction, improvement, maintenance, and operation of any one or more of such bridges or their approaches, and any and all bonds issued for such purposes, from any funds of the State which may now or hereafter be made available for that purpose.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS SAVANNAH RIVER, AUGUSTA, GA.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6220) granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga., and ask unanimous consent for its present consideration.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Charleston & Western Carolina Railway Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Savannah River, at a point suitable to the interests of navigation, at or near Augusta, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Charleston & Western Carolina Railway Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, PA.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6232) granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa., and ask unanimous consent for its present consideration.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Fayette, Pa., or its board of county commissioners, their successors or assigns, and/or to the county of Washington, Pa., or its board of county commissioners, their successor or assigns, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interest of navigation, at or near Fayette City, Pa., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches, under economical management. An accurate record of the costs of the bridge and its approaches, the expenditure for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

D. S. PRENTISS AND OTHERS

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6266) authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the town of New Boston, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements. If the bridge is not taken over by the States as provided in section 4 after the amortization of the senior securities, the net revenue in excess of 8 per cent of the cost of the structure as provided in section 6 shall form a sinking fund, which shall be applied in reducing the cost of making the structure a free bridge to the States or adjacent counties desiring to take it over, maintain, and operate it.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies, or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including a reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War, and with the highway departments of the States of Illinois and Iowa, a sworn itemized statement, showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon the request of the highway department of either of such States, shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation, the said D. S. Prentiss, A. R. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, shall make available all of the records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, are hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that Senate bills 2859, 4671, 4687, 4690, 6140, 6018, and 6045 be indefinitely postponed, similar House bills having been enacted into law.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SECOND LIBERTY BOND ACT

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16111) to amend sections 1 and 7 of the second Liberty bond act, as amended, with Senate amendments thereto and concur in the Senate amendments.

The SPEAKER. Is there objection.

Mr. GARNER. Mr. Speaker, I reserve the right to object simply to call attention to what these amendments are. This is the $28,000,000,000 authorization of bonds by the Treasury Department. It passed the House and an effort was made in the House to strike out the section that was stricken out in the Senate. It will be recalled that there was a roll call on the bill and that 150 gentlemen voted to strike out that section. The bill went to the Senate and that section was stricken out. The gentleman from Oregon is now trying to comply with what the minority wanted at that time.

Mr. HAWLEY. I might take some exception to the gentleman's speech, but I shall not.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the title of the bill and the Senate amendments, as follows:

Strike out lines 9 to 11, inclusive, page 1, and lines 1 to 9, inclusive, page 2.

Amend the title so as to read: "An act to amend section 1 of the second Liberty bond act, as amended."

The Senate amendments were concurred in.

COMMISSIONERS OF LINCOLN PARK

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5781) granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in consideration of the acceptance of this act by the Commissioners of Lincoln Park, a municipal corporation organized and existing under the laws of the State of Illinois, subject to all the provisions, conditions, requirements, and limitations hereof, consent, permission, and authority are hereby granted to said the Commissioners of Lincoln Park to exercise complete jurisdiction over the navigable waters of Lake Michigan which lie within the following-described boundaries:

Beginning at a point at the intersection of the existing bulkhead along Lake Shore Drive in Chicago, Ill., with the existing pier which is parallel to and north of Ohio Street extended and south of Ontario Street extended, thence easterly along said pier to a point in a line parallel to and 350 feet easterly of said bulkhead along the Lake Shore Drive, thence northwesterly along said last-described line to a point in a curve of 200 feet radius and tangent both to said last-described line and to a line 350 feet southerly from the southerly side of and parallel to the shore arm extension breakwater extending into Lake Michigan from a point near the intersection of Oak Street and Lake Shore Drive, thence along said curve to a point in said line last described, thence easterly along said line to a point in a line at right angles with said shore arm extension breakwater at the eastern extremity thereof, thence northward along said last-described line to said shore arm extension breakwater, thence westward along said shore arm extension breakwater to the shore line.

The rights herein granted shall include the right to destroy the navigability of the above-described waters altogether, and to perform any other acts which said the Commissioners of Lincoln Park would be entitled to perform if the above-described waters were nonnavigable.

SEC. 2. Said the Commissioners of Lincoln Park are also hereby granted the right to erect an additional breakwater to connect the said shore arm extension breakwater near the intersection of Oak Street and Lake Shore Drive with the shore line.

SEC. 3. From and after the taking effect of this act said the commissioners of Lincoln Park shall assume possession of the said shore arm extension breakwater near the intersection of Oak Street and Lake Shore Drive and shall thereafter be liable forever for its care and custody, and said the Commissioners of Lincoln Park shall maintain the said breakwater in good order and thorough effective condition for its purpose of the inclosure and protection of Chicago Harbor.

SEC. 4. Said the Commissioners of Lincoln Park shall signify its acceptance of this act by written notice to the Secretary of War within 60 days after the passage of this act, and this act shall become effective immediately upon its acceptance by said the Commissioners of Lincoln Park. In the event of nonacceptance within 60 days this act shall become null and void.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, I reserve the right to object. What is this about?

Mr. DEMPSEY. There is a breakwater in the inner harbor which is largely out of repair and which the Lincoln Park commissioners need for the World's Fair. It will cost about a quarter of a million dollars. They propose to take it over. It will not curtail the harbor where shipping is had. Instead of that it will add to the harbor where pleasure yachts are anchored.

Mr. SABATH. Is this to extend the lagoon there?

Mr. DEMPSEY. Yes. They also expect to build a breakwater of their own, which will involve a very large expenditure. It is one of the great improvements of Chicago, and is desired by everybody there.

Mr. SABATH. But I want to know how far you are going and what you desire to do?

Mr. DEMPSEY. There are three things that are done: First, we turn over to the commissioners of Lincoln Park for future maintenance the Oak Street Breakwater. Second, we give the commissioners of Lincoln Park the right to fill in a strip of land 350 feet in width along the lake shore and on the south side of the Oak Street Breakwater. Third, we give them the right to construct an extension of the Oak Street Breakwater to the shore.

Mr. STAFFORD. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. STAFFORD. Fifteen years ago, perhaps, there was a bill passed by the House granting to the United States Steel Corporation the right to fill in the lake at Gary, subject to the consent of the State of Indiana. That bill was reported from the Committee on Interstate and Foreign Commerce, of which Mr. Mann was chairman. I was fortunate enough at that time to be a member of that committee. That bill was predicated upon the idea that the State of Indiana had exclusive jurisdiction, subject only to the rights of navigation.

Mr. DEMPSEY. That is true.

Mr. STAFFORD. When I read the bill that is reported by the Committee on Rivers and Harbors I found that there was no provision made that those privileges should be extended to the consent of the State of Illinois, but that the National Government assumes jurisdiction over that which is largely local, and where it only has the right to legislate because it is over navigable waters.

Mr. DEMPSEY. No. There is no necessity of reciting what the jurisdiction or what the local rights of the two parties are. We have the breakwater there. We have constructed it and maintained it. The primary purpose of it is to enable them to take over this breakwater, to extend it, and to fill in some land. It will add to the harbor. It will add in every way.

Mr. STAFFORD. Oh, I am not taking issue at all on the merits of it. I am only taking issue as to the authority of the National Government to assume jurisdiction over that which is largely State, because the title to the land under the waters of Lake Michigan at Chicago is in the State of Illinois.

Mr. DEMPSEY. Now, as to that we can not cede what we do not have. If we attempt to cede what we do not have, that part of the act will be futile and void.

Mr. STAFFORD. That is the conclusion to which I came as far as this act was concerned, and knowing the high standard the gentleman has as a lawyer I wish to get his views on that point.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. CHINDBLOM. May I say this improvement is to be done by the Lincoln Park Commissioners, which is a municipality created by the statutes of the State of Illinois, a public municipality, and that the Legislature of the State of Illinois has passed complete laws covering the matter of

riparian rights and other rights on the shore of Lake Michigan.

Mr. STAFFORD. That covers the point. Otherwise there would be no authority in the National Government.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. SCHAFER of Wisconsin. Is there anything provided in this bill which will permit the Capone or Thompson combine in Chicago to still get more water from Lake Michigan?

Mr. DEMPSEY. Not for the present.

Mr. SABATH. Oh, they are not interested in water. They are interested in something stronger than water.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ISLE ROYALE NATIONAL PARK, MICH.

Mr. CRAMTON. Mr. Speaker, because of an emergency I ask unanimous consent for the present consideration of the bill (H. R. 17005) to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARNER. Reserving the right to object, is this a Senate bill?

Mr. CRAMTON. It is a House bill. The emergency is that the bill does not become fully effective unless these lands are ceded to the United States. The Legislature of Michigan is now in session. It will not be in session again for two years.

Mr. GARNER. Let me understand the situation. I want to know exactly what the situation is. I understood the Speaker was going to call up certain bills in certain classes. Does this bill come within the rule that the Speaker laid down or is this an emergency matter? I just want to know so that the membership may understand that they may appeal to the Speaker on emergency matters as well as on regular matters which he has called up.

The SPEAKER. A matter which is a real emergency, but not an imaginary emergency. For a real emergency the Chair will recognize Members.

Mr. GARNER. The Speaker has examined this bill and recognizes the gentleman from Michigan, that it is a real emergency, although it is not a Senate bill or a House bill, where a Senate bill of similar nature has been passed? The Speaker thinks it is of sufficient emergency that he should recognize the gentleman from Michigan [Mr. CRAMTON]?

The SPEAKER. The Chair was informed that the bill was of very great emergency, and that if brought up in this way would, in all probability, pass the Senate. On a mere assertion of emergency, the Chair does not always recognize.

Mr. CRAMTON. A companion bill has been favorably reported in the Senate and I am hopeful of getting action there to-night.

Mr. GARNER. In view of the statement heretofore made, the Speaker should be sure that there is an emergency when he takes up a House bill, and it should not be taken up unless there is every assurance that the bill is going to be passed by the Senate; otherwise it is useless to consider it.

Mr. CRAMTON. I have great hope that it will be passed.

Mr. GARNER. One man in the Senate can defeat any piece of legislation now until we adjourn.

Mr. CRAMTON. I know of no opposition to it.

Mr. HOLADAY. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HOLADAY. Does this apply to any other park except the park in the gentleman's home State?

Mr. CRAMTON. It does not. My interest in Isle Royale as a possible national park was first aroused by the late Stephen T. Mather, first Director of the National Park Service. He was my friend and one of the greatest privileges of my long service in Congress was the opportunity given me to work with him from 1920 until his ill health forced his resignation as head of the Park Service. He was a man of the highest ideals, great enthusiasm, generously contributing many thousand dollars annually of his own money in park acquisition and development but always handling Government funds with wise economy. I came to be very close to him in his work and his friendship, and the close contact with his ideals and his enthusiasm are among the richest memories of my life here. No one knew better the scenic values of the United States than he, and no one has done as much as he to raise high the national-park standard. In the several years preceding his retirement we discussed together almost every important problem of the service, every important proposed development.

Among these was the creation of the Isle Royale National Park. It was the one outstanding new national-park project in his interest, and for it he was most enthusiastic. He visited the area in 1925 and brought back with him the most wonderful moose pictures I have ever seen, as well as pictures of the unusual scenery. He said then the name Isle Royale surely did justice to the island, for he had "never visited a more kingly bit of natural wonderland than this."

In his report upon this bill the Director of the National Park Service, Mr. Albright, says:

> The area was carefully inspected in 1925 by former Director Mather of the National Park Service, who gave it his unqualified approval. He was much impressed and very enthusiastic over the possibilities.

So impressed was I by his enthusiasm for and interest in the project that I feel creation of the Isle Royale National Park will be another monument to his zeal, foresight, and devotion in the preservation of these outstanding areas for perpetual use and enjoyment by the people of the Nation.

Dr. Gilbert Grosvenor, president of the National Geographic Society, has expressed approval of this area as a national-park project.

As the attached report of Director Albright indicates, the area is indorsed as a national-park project by noted and disinterested experts who have studied it.

The January issue of Outdoor America contains an interesting descriptive article by Dr. Frank R. Oastler, of New York, indorsing Isle Royale as fully up to national-park standards. The Izaak Walton League of America have written me of their special interest "in the preservation of the Isle Royale region."

Recently the Herald, of Duluth, Minn., carried this editorial statement:

A GREAT NATIONAL PARK

Representative CRAMTON, of Michigan, has introduced a bill in Congress to make Isle Royale a national park when the lands to be included are acquired by the Government. He did this in cooperation with Representative JAMES, whose district includes the island.

Anybody who has seen Isle Royale, which isn't an island but a noble archipelago, will agree that if this bill goes through and becomes effective the island will constitute one of the Nation's greatest park assets.

There is no grander or lovelier scenery in the world than this picturesque island with its brood of lesser islands and its scenic fiords and wild wooded heights. It is also one of the greatest wild-game sanctuaries in the country, with more moose than can be found anywhere. It is a wonderful place to visit, or to choose as a vacation spot or site for a summer home, and if the Government takes it over and lets the world know about it, it will quickly become one of the Nation's favorite resorts.

Congress should by all means pass this bill, thus adding at small expense what will be one of the greatest treasures in the Nation's collection of national parks.

The Detroit News, which has given much attention to this project for a number of years, recently said editorially of this bill:

In one respect those resources are unique. Because of the low temperature of the waters of Lake Superior, Isle Royale is unlike any other spot in the United States except other islands in Lake Superior. It is in some ways typical of land to be found much farther north, in Canada. It possesses flora of the sub-Arctic region, growing alongside plants native to Michigan. It is rich

region for the scientist not only because of its situation but also because the island remains practically unspoiled by the activities of man.

If adopted by Congress, the Cramton bill would awaken a wider interest in the importance of Isle Royale as a national possession. It would give a more definite invitation to generous property owners to deed their holdings to the Government as a gift to the Nation; and while the measure specifically provides that the United States shall make no purchase of property, it might encourage the raising of private funds to buy such parts of the island as perhaps can be obtained in no other way. The island is royal not in name alone; it is regal in its unique qualities and is worthy to stand untamed and unspoiled with the Yellowstone and the Yosemite as one of our finest national possessions.

During the administration of President Coolidge, Federal homestead lands totaling over 9,000 acres on the island were withdrawn from entry or sale by Executive order, pending the outcome of a land-acquisition program on the island. At the same time a similar order was issued by Michigan withdrawing 2,100 acres of State-owned land. In addition to this the Island Copper Co., of New York, through its chairman of the board, Thomas F. Cole, stands ready to deed to the Government, without cost, its holdings of some 45,000 acres, provided the island is made a national park. This leaves approximately 76,000 acres still in private hands, of which 72,000 acres are controlled by one corporation.

The Park Service has repeatedly stated that it can not afford to establish any national parks unless the Government secures title to practically all of the lands within the contemplated boundaries of the park, for its experience in attempting to secure private holdings after the establishment of a park site have been most unfortunate and expensive.

Isle Royale needs nothing to become a national park except an angel, some one or some group who will purchase most of the remaining land in private hands and present it to the Government. The National Park Service will do the rest.

The bill involves no expense to the Federal Treasury for acquisition of the lands. The expense for development will not be large since expensive and extensive roads would never be appropriate for development.

It is near a large population and will in time to come attract and charm many visitors.

The proposed park area lies in the congressional district of my colleague [Mr. JAMES], with whom I consulted before introducing the bill and who is much interested in this proposed recognition of some outstanding scenery in his district. As a matter of fact, the visitor who travels through my colleague's district in the upper peninsula of Michigan en route to Isle Royale will find much wonderful scenery for his enjoyment.

The following report of the National Park Service gives much interesting information about this area as a park project:

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, February 19, 1931.

Reference is made to letter dated February 11, from the chairman of the Committee on the Public Lands, House of Representatives, inclosing for report a copy of H. R. 17005, Seventy-first Congress, third session, entitled "A bill to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes."

Isle Royale is the largest island in Lake Superior, located just inside the international boundary about 25 miles north and west of Keweenaw Point in Michigan. It lies in Keweenaw County of that State. It is approximately 44 miles long, with an average width of 5 miles. Its area is estimated at approximately 205 square miles. Twelve square miles of this are composed of inland lakes, 24 in number, leaving 193 square miles, or approximately 123,520 acres net, of land area. To this may be added about 2,000 acres on the immediately surrounding smaller islands which should be included in the project. It is accessible by boat from about May 1 to November 15. For the remainder of the year it is icebound. During the open season boats from Duluth, Minn., Houghton, Mich., and Port Arthur, Ontario, provide transportation. A good many people now fly over the island. It has no telegraph or telephone connections with the mainland. The last census indicated only 23 registered voters, mostly trappers, fishermen, or miners, who live scattered throughout the area. It is used on a very small scale for summer-resort purposes, a small lodge being available at Rock Harbor on the eastern end.

The topography of the island is quite broken, and can perhaps be best described as a moss and forest covered mass of gigantic rocks, the result of a volcanic upheaval. It has the appearance of being almost entirely in its primeval state, for, due to the rugged formation, lumbermen have left its tree growth alone. The island is said to have burned over in the remote past, and evidence of such fires can be seen in places. However, in such instances nature has restored conditions well. There are many marvelous beauty spots in their primitive condition, thus offering perfect examples of nature's textbooks for the study of scientist and student. Especially is this the case on the smaller islands surrounding the main Isle Royale. The exquisite, rugged beauty of the cliffs of the shore lines, indented with countless small bays and mouths of trout streams that may be enjoyed by sailing along the narrow, deep fiords or channels, constitutes a particularly fascinating contribution to the scenic offerings of the park.

Due to the peculiar combinations of inland lakes and forested terrain, these factors may be held accountable for the preservation and increase of the wild life of the island. Without this sheltering cover of balsam, spruce, beech, birch, poplar, and pine, Isle Royale to-day doubtless would not be the home of moose, woodland caribou, beaver, deer, and other wild life. It is considered no exaggeration to estimate 2,000 moose and 400 woodland caribou on the island, the latter an animal not encountered elsewhere within the confines of the mainland of the United States. Moose may now be seen with little effort by any visitor. This in itself will present an unusually fine wild-life spectacle. Botanists report a wealth of flora, equaling in season the finest flower displays of the other national parks. The flora and fauna of the island, said to be entirely foreign to the neighboring shores of the lake and to be sub-Arctic in character due to the perpetually cold waters by which Isle Royale is surrounded, have long been the object of scientific curiosity. The waters of the island and the surrounding lake abound with fish, so that the sport of fishing would be one of the outstanding attractions of the park. The island group is considered the greatest breeding grounds for the herring gull in the Great Lakes. The proposed park thus offers large opportunities for study and enjoyment to the lover of bird, animal, and fish life under most favorable conditions.

Another most interesting feature of the island is the archæological remains. In two remote sections, one on the northern shore and the other in the south Siskiwit Bay district, extensive mining operations of ancient days have been uncovered. How far back into our history these go has not yet been definitely determined. On the old Minong workings, near McCargoes Cove, great piles of stone hammers, crude large stone steps leading to the water's edge, and other stone implements have been uncovered. Whether these represent the operations of ancient white man or began with their Indian antecedents is unknown. However, there are remains of literally thousands of open-pit mines from which, in aboriginal times, the early inhabitants of these regions obtained practically all of the copper that was used in aboriginal America. From here and the adjacent mainland, where all of this copper was obtained, it found its way by the trade routes into other parts of North America, and all of the copper, so far as can be determined, which has been found in mounds in the South and elsewhere, was originally obtained from this immediate vicinity. Here, at and near the head of McCargoes Cove, therefore, may be said on good authority to be the real seat of this great ancient mining industry.

It is therefore evident that from a scenic, recreational, scientific, and educational standpoint here is presented one of the outstanding opportunities for the establishment of a great island national park unique of its kind in the system and measuring up to the high standards that have been prescribed for such establishment. Its type of scenery, utterly distinct from anything now found in our national-park system, its primitiveness, its unusual wild life and interesting flora, its evidences of possible prehistoric occupation, all combine to make Isle Royale and its neighboring islands of national-park caliber.

It is this very unusualness which will also present unusual problems for development, if and when created as a national park. Complete protection, of course, is the prime object aimed at. The island appears peculiarly adapted for the building of a simple system of horse and hiking trails from one end of the island to the other, following ridges or partly at lower elevations near the shores with other trails, crossing over and connecting the longer parallel trails. From these pathways unending and everchanging scenes of marvelous beauty would be unfolded, without disturbing the wilderness character of the area, or the wild life. Such development of the inner section of the park would be paralleled by the boat routes through the channels surrounding the island.

The matter of establishing this national park was first seriously brought to the attention of the department in 1924 through the interest of Michigan conservation associations which were actively pushing the matter and exerting themselves toward securing the private holdings on the island in order that they could be offered to the Federal Government. The area was carefully inspected in 1925 by former Director Mather of the National Park Service, who gave it his unqualified approval. He was much impressed and very enthusiastic over the possibilities. It has been visited and reported on by other outstanding men of authority, notably this past summer by Harlan P. Kelsey, of Salem, Mass., a botanist and conservationist, as collaborator for the service, and Dr. Frank R. Oastler, of New York City, outstanding in conservation circles and a member of the advisory board on educational problems in national parks, both of whom were high in their praise of the area from a scenic and scientific standpoint.

The area was also studied in 1930 by Senator Walcott, chairman of the Special Committee on the Conservation of Wild Life Resources of the United States Senate, and other members of that committee. In all discussions of the possible creation of this park, the department and the service, while being favorable to the project, have taken the stand that the only condition under which the project would be acceptable under established policies would be that all the area required should be conveyed to the Federal Government without cost, as was the policy approved by Congress for the establishment of the three proposed southern Appalachian parks.

It may be pertinent to observe at this point that, while all except 9,121 acres of the island, which are public land, are in private or State ownership, the head of one of the large copper companies owning considerable acreage on the island has indicated that some 21,000 acres of their holdings would be turned over to the park project without cost, in the event of the establishment of the park, and that this gift may be increased to 45,000 acres. The Conservation Commission of the State of Michigan stands ready to deed 2,240 acres of land under its jurisdiction toward the project. Altogether commitments have been made to turn over approximately 56,000 acres of the total required for the park, leaving the rest still to be acquired by local authorities.

Under the provisions of H. R. 17005, the actual establishment of this national park is based upon the condition that the land deemed necessary be turned over to the United States without cost of acquisition.

* * * * * * *

With these changes made I heartily recommend that this bill be given favorable consideration and enacted into law.

HORACE M. ALBRIGHT, *Director.*

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That when title to all alienated lands within such area of Isle Royale in Lake Superior, Keweenaw County, Mich., as shall be designated by the Secretary of the Interior in the exercise of his judgment and discretion as necessary or desirable for national-park purposes, shall have been vested in the United States, said area shall be, and is hereby, established dedicated, and set apart as a public park for the benefit and enjoyment of the people, and shall be known as the Isle Royale National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States title to any lands located on said islands offered to the United States, without cost, as may be deemed by him necessary or desirable for national-park purposes.

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 26, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes," as amended: *Provided*, That the provisions of the act approved June 10, 1920, known as the Federal water power act, shall not apply to this park.

With the following committee amendments:

On page 1, in line 3, strike out the words "such area of," and after "Michigan" in line 5, insert the words "and immediately surrounding islands."

On page 2, in line 4, strike out the word "land" and insert the word "lands."

In line 17, strike out the figures "26" and insert the figures "25."

The SPEAKER. Is there objection?

Mr. GREEN. Mr. Speaker, reserving the right to object, it seems very strange to me that only a few days ago my State desired a bill passed very similar in nature to this. We purported to give to the Federal Government 1,300,000 acres of land in the southern portion of Florida for a national park.

Mr. CRAMTON. Will the gentleman yield?

Mr. GREEN. I am not going to object to your bill unless you force me to do so. When we offered to give that land we found on the other side of the aisle a legion coming up to protect the Federal Treasury and to prevent the Everglades National Park from being established. Now, then, we find the gentleman from Michigan coming in with all of the lions and lambs lying down together, and they are all communing together to help him to pass his park bill. I am going to see if gentlemen on the other side of the aisle [Republican], who were so zealous to stop the bill for the State of Florida, when we wanted to establish our national park—I am going to see if those gentlemen now are going to object to the passage of this bill to establish a national park in the State of Michigan. I am not going to object. I am willing for the gentleman to have his park. Why not couple with your request, that our bill be also passed. I hope the Democrats will not object but will let objectors come from over there on your own side. But it does seem strange that when we want our national park there is so much objection. When we wanted our bill passed to reimburse our fruit-fly sufferers, a legion objected on the other side of the aisle. It is all right with you, on the other side of the aisle, when the park is to be established in Republican territory, or when reimbursement claims come from your own section of the country. "Consistency, thou art a jewel." Why are you not consistent. Why not also pass our Everglades Park bill? [Applause.]

Mr. HOWARD. Mr. Speaker, reserving the right to object, may I ask the gentleman to state the emergent character of this legislation?

Mr. CRAMTON. Certainly. The bill provides that the park shall not come into being until all the lands involved are donated to the United States. The Legislature of Michigan is now in session; there is a movement in the State toward the acquisition of those lands, and the legislature will not meet again, in the ordinary course of events, for two years.

Mr. GREEN. Our legislature had already passed a bill to donate the land.

Mr. CRAMTON. I will say to the gentleman that I favored the bill for a park in the State of Florida and would have been glad to have a chance to vote for it. More than that, the lady from Florida [Mrs. OWEN] has assured me that she does not object to what the gentleman suggests as a discrimination.

Mr. HOWARD. Mr. Speaker, if she does not object I do not, either.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 1, in line 9, after the word "States," insert: "And exclusive jurisdiction over the same shall have been ceded by the State of Michigan to the United States."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COLONIAL NATIONAL MONUMENT IN THE STATE OF VIRGINIA

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5616, to amend an act entitled "An act to provide for the creation of the colonial national monument in the State of Virginia, and for other purposes," approved July 3, 1930. I would like to say in explanation that the other day we passed the companion House bill. I did not then know the Senate bill had already passed the Senate, but since it had passed the Senate and is pending here, I am now asking to have the Senate bill passed.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of an act entitled "An act to provide for the creation of the colonial national monument in the State of Virginia, and for other purposes," approved July 3, 1930, is hereby amended to read as follows:

"SEC. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act, which shall not exceed the sum of $2,000,000, to be available for all expenses incident to the examination and establishment of the said colonial national monument and for the acquisition of lands and/or lands and improvements needed for the completion of the monument, including the securing of options and other incidental expenses. The area of the Yorktown battlefield, authorized for inclusion in said monument, is hereby extended to not to exceed 4,500 acres, and all Government-owned lands within the boundaries of said monument as established by presidential proclamation, except those determined by the Secretary of the Interior as not necessary in carrying out the objects of said monument, are hereby transferred to the administrative jurisdiction and control of the National Park Service."

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when the House bill was brought before the House for consideration the other day under unanimous consent, I interrogated the mover of the motion with two explicit

questions as to the amount of additional money that would be required in case the limit of appropriation was lifted. The appropriation up to that time for this purpose was limited to $500,000. I tried my best, in my feeble way, to obtain information as to what additional burden would be placed upon the National Government by the authorization to purchase the additional acreage. No such information could be furnished me. I thought at that time it was ordinary farm property. I came to find out shortly afterwards, that very same day, that we were imposing an obligation upon the National Government of $1,500,000 to purchase additional land of 2,000 acres or thereabouts—land for this Colonial National Park.

I do not think it is dealing fairly or frankly with the membership of the House, when a million and a half dollar proposition is involved, for the sponsor of that legislation not to be acquainted with the merits of the proposition, so that in answer to a direct inquiry he can advise the House as to the added obligation. I have been criticized in this House for being economical and if I had known this project was going to entail an obligation of $1,500,000, threefold the original proposition, I would most certainly have objected. [Applause.]

Now, we have before us the proposal for the first time that the authorization of appropriation shall be increased from $500,000 to $2,000,000. We are also confronted with the situation that if we do not place this limitation on, it may go to three or four or five million dollars. I should have had, and this House should have had, the information when the original House bill was under consideration, so that we could have exerted our right to block this extravagant appropriation of $1,500,000 for public-park purposes, when the taxpayers in these piping times of peace will be obliged to pay the additional amount.

The SPEAKER. Is there objection?

Mr. SABATH. I object.

Mr. CRAMTON. Will the gentleman withhold his objection a moment?

Mr. SABATH. I withhold it.

Mr. CRAMTON. I will say to my friend from Wisconsin [Mr. STAFFORD], while he no doubt had it definitely in mind that he wanted that information, it is my recollection that he did not ask the direct question as to the amount of money. He did ask about the acreage.

Mr. STAFFORD. I asked twice about the additional amount of money caused by this additional authorization and got no reply.

Mr. CRAMTON. It is not fair to my colleague from Michigan, who made the request, to insist upon that. The situation is this: The bill passed the House a year ago with no limitation as to the amount of money or the acreage. The Senate put in a limitation of $500,000 and of 2,500 acres, and this was accepted in conference. At that time we could have secured in conference an agreement on this amount of $2,000,000, but we felt that the interest of the Treasury would be conserved by not hanging up that large stated sum, so we accepted the limitation of $500,000.

Again this year the Committee on the Public Lands reported out the bill removing any limitation as to money and providing 4,500 acres as to acreage. The Senate in their bill have insisted upon putting in this limitation of $2,000,000, which I believe is more than will ever be spent, and it is not, in my judgment, the most economical proposition to have it stated in the bill; but they passed it in this form and I am trying to pass the Senate bill here.

I will say to the gentleman that the acquisition of lands in this monument is limited to the Yorktown Battlefield almost entirely. Jamestown Island the State of Virginia is endeavoring to buy and giving to the Government. Anything acquired in Williamsburg will be presented to us. The parkway, 20 miles long, to connect these three historic shrines is not costing us over $43,000; but in the Yorktown Battlefield, one of the most momentous, historical places in America, it is necessary that the lands acquired be adequate.

Now, it so happens that in this increase of 2,000 acres, 1,400 acres, as I understand it, is the watershed of Newport News, and about 600 acres of increase is all that is involved in possible purchase, and the bulk of this was bought a few years ago by a land-development company. They started to put up a large hotel property, and they laid out a great golf course, and as you go over this sacred, historic shrine you find bunkers named for General Lafayette and General Washington, and so forth. This is one of the things we want to prevent. The people who bought this land have given an option to parties interested to sell it to the United States at the price they gave for it several years ago, and without any charge for interest or taxes.

Mr. SABATH. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. SABATH. How long ago was it that this development started?

Mr. CRAMTON. Several years ago, and within the last few months offers have been made by certain parties, and we are assured that we can acquire the option. If the option expires, I am afraid that the United States will be later charged much more for these lands which are essential.

Mr. SABATH. Are they essential or are the people who started it finding themselves embarrassed by having an extensive lot of land on their hands and are now trying to get the Government to relieve them from the dilemma in which they find themselves?

Mr. CRAMTON. We are permitted to take over the option, and if we do not take that option we will have to pay much more for the land in the future.

Mr. SABATH. Much more than the price was two years ago?

Mr. CRAMTON. We are offered the land through the exercise of that option at what it cost without interest. The gentleman from Virginia [Mr. BLAND] is cognizant of these facts, as the matter is in his district.

Mr. SABATH. The gentleman from Virginia has investigated this matter and regards this as a reasonable sum?

Mr. BLAND. This applies to the Moore House and the land immediately adjoining it——

Mr. CRAMTON. The reference is to the option which has been given on the lands involved in the hotel development scheme?

Mr. BLAND. Yes.

Mr. SABATH. It is all under option?

Mr. CRAMTON. Several hundred acres.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. The following is the report of the Director of the National Park Service upon my original House bill, which proposed to entirely remove the money limit.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, January 14, 1931.

Memorandum for the Secretary.

Reference is made to the request under date of January 13, 1931, from the chairman Committee on the Public Lands, House of Representatives, for a report on H. R. 15984, entitled "A bill to amend the act entitled, 'An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes,' approved July 3, 1930."

The bill would remove the limitation of $500,000 on appropriations to be made for the establishment of the Colonial National Monument; would increase from 2,500 to 4,500 acres the amount of land of the Yorktown battlefield which may be included in the monument, and would transfer to the Department of the Interior such tracts of Government-owned land as are necessary for completion of the monument.

At the outset let me say that no more funds will be requested during the present session of Congress, but ultimately, and perhaps next year, further increments of money will be needed and this legislation would open the way for the submission of estimates at the proper time. As a matter of fact, if this bill is enacted into law, it will give the Colonial National Monument the legal status originally approved by the Bureau of the Budget.

When the original bill for the creation of the Colonial National Monument was before the Bureau of the Budget and the Appropriation Committees of Congress, we had no data as to the value of lands that would be required for monument purposes. As a result of work done during the past summer we now have a fairly accurate line on land values, and it appears that at least $1,500,000 in addition to the original $500,000 will be required for acquisition of lands to complete the project. While we recognize the desirability of having a limitation in law placed on expenditures for a new project, we feel it important in this case not to have an amount stated in the bill because of its influence

on the value of land. We know by experience that as soon as an amount is stated, the owners have a tendency to fix the value of their land in accordance with the amount authorized. We would prefer to leave it to the Bureau of the Budget and Congress to determine the amounts which may be estimated for under this authority and abide by their decision as to whether we are proceeding in an orderly and businesslike fashion.

A study of the Yorktown battlefield, parts of which are to be included in the Colonial National Monument, indicates that it will not be possible to protect all the principal points of this historic spot under the limitation of 2,500 acres—which the Colonial Monument act authorizes to be acquired. However, if this is raised from 2,500 to 4,500 we will be able to adequately protect and preserve for all time all historic points which should be properly a part of the monument. It is not proposed to acquire by purchase all of the additional 2,000 acres. Approximately 1,000 acres within the limits of the monument as defined by the proclamation belong to the city of Newport News, being a part of the watershed protecting the municipal water supply. As the objects of the city and the National Park Service will be along the same lines, to preserve and protect the area, it is not contemplated to buy the city's lands and it is believed that the city will grant certain rights of way and a landscape easement by donation or at small cost.

Several tracts of land now under the jurisdiction of other departments should form a part of the Colonial National Monument. These are the peace monument at Yorktown, administered by the War Department; the monument on Jamestown Island, administered by the Treasury Department; and two or three small parcels in the Navy mine depot and the Navy fuel station. The transfer to the department of such areas as are essential is provided by proclamation of the President and this proposed legislation is merely confirmatory of such action.

I believe that H. R. 15984 is a most desirable bill, and it is necessary if the Colonial National Monument is to be complete. Therefore, I recommend that it be enacted into law.

HORACE M. ALBRIGHT, *Director*.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. TILSON. Mr. Speaker, I had hoped that we might take a recess in a very few minutes, as we are to have an evening session.

Mr. CRISP. Will the gentleman permit me to say that I do not think that anybody has yet been recognized on this side.

The SPEAKER. The Chair will recognize the gentleman from Georgia.

INCREASE OF PAY OF MAIL CARRIERS

Mr. CRISP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 543) to increase the pay of mail carriers in the village delivery service.

Mr. Speaker, this bill has been favorably reported by the Committee on the Post Office and Post Roads, and they recommended that an amendment reducing the maximum to village carriers of $100. I ask unanimous consent to consider the bill and disagree to the Senate amendment so that the bill will pass.

There are 954 of these village letter carriers, and the pay they now receive is from $1,150 to $1,350 a year. The bill as it passed the Senate gives them $1,250 to $1,500. The carriers who do the same work as these letter carriers get $1,700 to $2,100.

As I say, there are now 954 of these village letter carriers throughout the United States.

Mr. SPROUL of Illinois. Mr. Speaker, I am on the Committee on the Post Office and Post Roads. They came to us and requested an increase of $150 a year.

At the time we increased the salaries in 1928 we gave the employees an increase of $300 a year, but we practically left these men out. Now we have reduced their request from $150 to $50 a year, and for that amount I think they ought to have it and that this bill ought to pass.

Mr. CRISP. I thank my friend, and I hope the House will take the same fair and equitable view.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. We have done something for all of the letter carriers both in the first and second class offices, and those in the village delivery service at this session of Congress. We have granted them a 44-hour week service, with the privilege of an allowance for service on Saturday afternoon if they are compelled to serve at that time. As I read this bill it provides in some instances for automatic promotions which will result in $200 promotion on June 1.

Mr. SPROUL of Illinois. Oh, $50 is the highest increase, if you take it all along the line. The village carriers besides are not coming in on the 44-hour a week proposition.

Mr. STAFFORD. Why not? It applies to all letter carriers.

Mr. SPROUL of Illinois. Not to the village carriers.

Mr. CRISP. My friend from Wisconsin [Mr. STAFFORD], I am sure, is fair. These village carriers do exactly the same work as the city carriers, with this additional hardship. The village carriers are in places of less than 5,000 population, and many times they have to do their work through a mud street because they are not paved. The maximum pay they receive is $1,350, while the maximum pay a city carrier receives is $2,100. The Senate bill increases the maximum to $1,550. I hope my friend will not object. There are 954 of these village carriers.

Mr. STAFFORD. I was under the impression that it increased it only to $1,450.

Mr. CRISP. As the Senate passed the bill the other day the maximum was made $1,550. The Committee on the Post Offices and Post Roads has reported it favorably, with a recommendation reducing the maximum to $1,440. In view of the lateness of the session and the possibility of its not getting through, and in view of the modesty of the salary asked, I am going to ask the House to disagree to the House amendment and agree to the Senate bill.

Mr. SCHAFER of Wisconsin. How many hours a day do these carriers work? Is it not a fact that they have only one train a day in some of these small towns, and these people work a few hours a day and have another job on the side?

Mr. CRISP. I would not think so, but I confess I can not answer the gentleman's question.

Mr. STAFFORD. I suppose that inadvertently the gentleman stated that it was proposed to increase these men's pay up to $1,550?

Mr. CRISP. That is the Senate bill.

Mr. STAFFORD. And the House bill is $1,440. As I read the bill, I gained the impression that there would be an increase of $200 on July 1.

Mr. CRISP. I do not think there is anything in that.

Mr. CLARKE of New York. These village carriers, especially in the small towns, in the wintertime have especially hard work to perform.

Mr. STAFFORD. What are their hours of employment?

Mr. CLARKE of New York. Some of them start very early in the morning.

Mr. SABATH. And sometimes they have half a dozen letters to deliver in a day.

Mr. CLARKE of New York. Oh, that is a silly remark.

Mr. LaGUARDIA. The gentlemen from the rural districts helped us to get the postal salary increase bill through and we ought at least to reciprocate.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection. Let the bill be passed with the House amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 10 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, as amended, is amended to read as follows:

"SEC. 10. That the pay of carriers in the village delivery service under such rules and regulations as the Postmaster General may prescribe, shall be from $1,250 to $1,550 per annum. The pay of substitute letter carriers in the village delivery service shall be at the rate of 60 cents per hour."

SEC. 2. This act shall take effect on the date of its approval.

With the following committee amendments:

Page 1, line 8, after the figures "1925," insert: "(U. S. C., title 39, sec. 106)."

Page 1, line 10, strike out section 10 and insert: "Carriers in the village delivery service shall be graded, with salaries for each grade, as follows: First grade, $1,250; second grade, $1,350; third grade, $1,450. That in the readjustment of salaries for letter carriers in the village delivery service to conform to the grades herein provided, village letter carriers who are now receiving $1,150 per annum shall be placed in grade 1, those who are now receiving $1,250 per annum shall be placed in grade 2, and those who are now receiving $1,350 per annum shall be placed in grade 3. In determining the aggregate period of service upon which promotions are to be based, all time served as letter carrier in the village delivery service is to be included: *Provided*, That hereafter substitute letter carriers in the village delivery service when appointed regular carriers shall have credit for actual time served on a basis of 1 year for each 308 days of 8 hours served as substitute, and appointed to the grade to which such carrier would have progressed had his original appointment as substitute been to grade 1: *Provided further*, That letter carriers in the village delivery service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the third grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade."

The SPEAKER. The question is on agreeing to the committee amendments.

The Senate amendments were agreed to; and the bill as amended was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 23, 37, 72, 77, 81, and 100 to the bill (H. R. 17163) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes."

The message also announced that the Senate further insists on its amendments to said bill numbered 14, 25, 36, 44, 45, 46, 59, 66, 79, and 82 and agrees to a further conference requested by the House on the disagreeing votes of the two Houses thereon.

The message also announced that Mr. JONES, Mr. SMOOT, Mr. HALE, Mr. GLASS, and Mr. MCKELLAR had been appointed to be the conferees on the part of the Senate.

Mr. STRONG of Kansas. Mr. Speaker——

Mr. GARNER. Mr. Speaker, reserving the right to object, I do not know for what purpose the Chair is going to recognize the gentleman from Kansas [Mr. STRONG], but it is after 6 o'clock. I want to call the attention of the gentleman from Connecticut [Mr. TILSON] to that fact and to the further fact that at 8 o'clock to-night there is to be a session of the House for the consideration of certain bills which the Speaker has announced he will recognize for consideration. I just want to know how long we are going on this afternoon.

Mr. TILSON. If the gentleman will permit the one recognition, I agree with him that after this bill is considered I shall move to take a recess.

Mr. GARNER. I do not know what measure it is which the gentleman is calling up, but I shall not object.

PAYMENT OF CERTAIN CLAIMS OF GRAIN ELEVATORS AND GRAIN FIRMS

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 303), with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Kansas [Mr. STRONG] asks unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 303), with Senate amendments, and agree to the Senate amendments. The Clerk will report the joint resolution and the Senate amendments.

The Clerk reported the joint resolution by title and read the Senate amendments, as follows:

Page 2, strike out lines 1 to 9, inclusive.

Page 2, after line 9, insert:

"*Provided*, That the Comptroller General of the United States is authorized to waive production of the original orders for cars, but that no claim shall be allowed and paid unless claimant shall file, under oath, a declaration based on personal knowledge showing his ownership of the wheat on which he claims interest and insurance; that the wheat was not held for any person, company, or association under any agreement, written, oral, or implied; that the wheat was not being held for seed, and that every reasonable effort was made to obtain cars each week for shipment of the grain in the elevator: *And provided further*, That no claim shall be allowed which has heretofore been adjudicated by any court nor where claimant actually profited by the delay nor where claimant filed a claim for such interest and insurance in any case prior to 1922."

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, I object.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. KENNEDY, of New York, for the balance of the session on account of illness.

SILVER NEEDS STABILIZATION

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a speech I made on silver, with certain extracts and tables which accompanied my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. ARENTZ. Mr. Speaker, in any discussion of the reasons for the present world-wide depression the break in the price of silver must be included among the contributing causes.

Not since the time of William Jennings Bryan has the silver question received so great attention as it has during the past year. Until recently the financial leaders, the economists, and those in the United States Congress, with few exceptions, have looked on silver as a commodity and let it go at that. "There is an overproduction," they said; "let the silver producers curtail the same as the farmers who are confronted with a wheat surplus."

SILVER—THE IMPORTANCE OF SILVER IN THE PRODUCTION OF ARGENTIFEROUS ORES

By Charles White Merrill

Silver is unique among the metals in that but two-fifths of its production is derived from ores more valuable for silver than for other metals therein contained. Thus, price is of less weight in controlling silver production than is price in the production of other metals. The relations of silver revenue to total ore revenue in the production of argentiferous ores accordingly is not only of importance to the silver industry but is a factor of considerable consequence to the production of gold, copper, lead, and zinc.

The recent decline in silver price to levels never before recorded, therefore, has provoked much inquiry as to the extent to which silver is a by-product of other metal production, the extent to which its by-product nature will tend to maintain its production in spite of price, and the extent to which the production of other metals may be affected by the price of silver.

This study brought out the following salient features:

1. Over one-half of the world's production of silver is from ores that derive less than 40 per cent of their recoverable value from silver. Almost one-third is from ores carrying not more than 20 per cent of their value in the form of silver.

2. One-third of the world's silver production is from ores that derive over 70 per cent of their value from silver.

3. Over one-half of the world's silver production may be considered by-product silver.

4. Over one-quarter of the world's silver production may be considered derived from "straight-silver" ores, as that proportion is produced from ores depending on silver for over 80 per cent of their recoverable value.

5. Ores valued at less than $10 per ton, of which silver at 50 cents an ounce contributed over 50 per cent of the value, produce one-fifth of the world's silver.

6. Eighty per cent of United States silver is produced as a by-product, but in Mexico 46 per cent of the silver production is from "straight-silver" ores.

7. Revenue derived from by-product silver in low-silver ores is a more important factor in the profits of metal mines than is apparent by contrasting the values of the metals in the ore.

8. Silver-bearing ores which produce 91 per cent of the world's silver also produce 85 per cent of the world's gold, 69 per cent of the lead, 66 per cent of the copper, and 46 per cent of the zinc.

9. Ores in which silver is the principal source of revenue provide 49 per cent of the world's silver; those in which lead is the principal source of revenue, 24 per cent of the world's silver; copper, 14 per cent; zinc, 7 per cent; gold, 5 per cent; and tin, 1 per cent.

I wish to bring to your attention, fellow Members of Congress, certain facts which I hope will cause you to assume a different attitude respecting this important question. Because of the present situation of silver and its world-wide

effect on hundreds of millions of people the attention of the world is challenged. This problem has been discussed in newspapers and magazines and recently most extensively by financiers and economists in publications put out by the banks of this and foreign lands. Doubt is expressed on every hand as to the ability of the gold reserves to supply the needs of the world. Silver has its place in the monetary world and it is believed that it is most desirable, that it is in fact essential, for the general welfare of the world that more stable relations between silver and gold be established.

In a recent conference by the writer with Andrew Mellon, Secretary of the Treasury, in an effort to gain his support in the calling of an international conference on silver, Mr. Mellon stated that although in recent years silver has been looked upon as a commodity it is doubtful, he said, if it would ever cease to function as money in many countries of the world. He agreed that fully 750,000,000 people located in the countries of India, Indo-China, and China, not to mention the Latin Americas, are suffering from an economic depression caused at least to a degree by the decline to new low points in the price of silver.

There are numerous reasons advanced for the present world-wide depression and similarly for that of silver. Silver, the circulating money of more than half of the people of the world, is demoralized.

The so-called silver nations—

Said John F. Sinclair, in the Washington Star—

are fighting for their economic life—all of them—India, China, Mexico, and several countries of South America.

Silver has fought gold for supremacy for 2,000 years. It has fought a gallant but hopeless struggle. Only in the last hundred years has it finally lost out.

During the World War silver had a new lease on life—it climbed into the heights again and in 1917–18 it sold for $1.38 an ounce. For a number of years before this the price was kept at approximately 60 cents per ounce. It fluctuated very little from that point. Then something happened—a decline set in. In 1928 silver was worth 58 cents per ounce. In 1929, 53 cents per ounce, in 1930 it was worth from 45 cents in January to 32.6 in December and at present is selling at 27.5 cents. What is the result? The nations which pay their imports in silver find that the depreciated silver has enabled them to buy less goods than ever before. Foreign trade has dried up. American exports to and imports from silver-using countries decreased, during the first 11 months of 1930, as follows:

	Exports (per cent)	Imports (per cent)
South America	37	32
Mexico	13	23
India	19	30
China	27	36

No wonder Prof. Charles J. Bullock, of Harvard University, characterized the collapse of silver as "a world calamity."

This question is asked the world over, What has caused silver to drop to its lowest value in all history? It is not overproduction.

The following table is taken from information given by Handy and Harman:

Consumption of silver by India and China

	China, including coinage of Chinese Mints	India
	Fine ounces	*Fine ounces*
1924	41,700,000	105,300,000
1925	59,400,000	106,700,000
1926	73,900,000	91,600,000
1927	85,000,000	90,000,000
1928	124,000,000	89,000,000
1929	136,700,000	81,800,000
	520,700,000	567,300,000
6-year average for China		86,783,333
6-year average for India		94,550,000
6-year average for both China and India		181,333,333

The above figures, showing consumption, include resales of silver by Governments, which supplies, so far as available, are shown below.

Statement of silver derived from Government sales

	1929	1928	1927	1926	1925	1924	Total
Debasement of British coins	10,000,000	5,500,000	1,200,000	700,000	7,000,000	2,000,000	26,400,000
Demonetized coins						18,000,000	18,000,000
French	10,000,000	19,000,000	8,000,000				37,000,000
Belgian		13,000,000					13,000,000
Indo-China [1]	12,000,000						12,000,000
Sales by Indian Government	35,000,000	23,500,000	9,200,000				[2] 66,700,000
	67,000,000	60,000,000	18,400,000	700,000	7,000,000	20,000,000	173,100,000

[1] Mr. Kann estimates sales by Indo-China in 1929 at 50,000,000 ounces. (See p. 7.)
[2] The National City Bank of New York estimates the amount sold by India since 1926 at 82,500,000 fine ounces (see p. 14 of its Economic Review, etc., of January, 1931) Mr. Kann at 85,000,000 ounces (see p. 7, supra).

Estimates of world production of silver

(In fine ounces)

	By Director of U. S. Mint	By Handy & Harman	By American Bureau of Metal Statistics
1924	239,434,703	239,100,000	238,779,157
1925	248,213,993	245,150,000	241,697,187
1926	253,736,196	253,600,000	253,049,173
1927	253,961,065	251,300,000	253,121,265
1928	257,925,154	257,200,000	254,569,163
1929	[1] 261,715,021	[1] 260,900,000	[1] 261,268,718
Total 6 years	1,515,115,122	1,507,100,000	1,502,781,663
Average 6 years	252,019,187	251,183,333	250,463,611

[1] Subject to revision.

Industrial consumption of silver (as given by the report of the Director of the United States Mint, June 30, 1930, p. 251)

1928	60,757,062
1929	57,584,812

New York Handy & Harman silver price

	High	Low	Average
1924	72.125	62.750	66.781
1925	72.875	66.500	69.065
1926	66.625	61.500	62.107
1927	60.000	53.625	56.370
1928	63.625	56.500	58.176
1929	57.500	46.500	52.993
1930—January	46.875	43.250	45.000
February	44.000	40.875	43.193
March	43.125	39.625	41.691
April	42.875	41.625	42.428
May	42.500	37.250	40.756
June	38.625	33.250	34.565
July	35.375	33.500	34.346
August	36.375	34.250	35.192
September	37.000	35.500	36.315
October	36.125	35.500	35.846
November	36.500	34.125	35.934
December	34.875	30.750	32.635
1930	46.875	30.750	38.154
1931, Jan. 9			28.500

No, there has been no overproduction of silver. But there has been an oversupply of silver on the world market for the past five years.

The whole trouble, states Mr. Francis H. Brownell, was obviously caused by the enormous sales of government-owned silver, which was more than eighteen times the total increase in production for the entire three years 1927, 1928, and 1929 over that of 1926. If silver owned by governments had been held and not offered for resale the increase in production would have been a negligible factor.

Relative to sales of government silver Mr. Kann, a prominent Shanghai authority, says, in substance:

The sale by governments had a doubly harmful consequence: First, because large extra quantities of silver were thrown on the market, irrespective of whether, when, and where these were wanted; and second, the harmful psychological effect caused by the uncertainty, or rather the certainty, of more coming in the near future. This has been a huge black cloud overshadowing the silver market like the Angel of Death.

The movement was initiated by Great Britain in 1920. At that time the British pound sterling had lost in value. The wounds caused by a most frightful war were still wide open. The ministry had to hunt for means wherewith to balance the country's budget and in searching for funds, struck upon the idea of melting Great Britain's silver coinage (then 0.925 fine) and reminting the same, but with a basic fineness of only 0.500. Large quantities of extra silver thus obtained and were then disposed of in 1921 and 1922. But the sale of further supplies from the same source continued from year to year, unheralded and uncontrolled. In 1929 alone about 10,000,000 ounces were being supplied to an unwilling market.

The example of England was promptly followed by Germany and Poland.

In 1919 and 1920 France became a large seller of silver, a considerable portion of which, derived from melted 5-franc pieces, was shipped to Shanghai. During her severe monetary troubles, extending until 1928, France abstained from minting silver coins, but instead circulated in the country 1 and 2 franc pieces made from brass and aluminum.

The example of these countries was promptly followed by most of their neighbors, notably Belgium, Switzerland, and Italy, all of which have figured as sellers of silver at the most inopportune time.

During the latter part of 1929, Indo-China sold large quantities of silver, derived from demonetized piaster coins, in preparation of her adoption of the gold bullion standard in the spring of 1930. The quantity disposed of in 1929 may be estimated at as high as 50,000,000 ounces. As the sale was carried out just when the silver slide had set in, a veritable avalanche developed, causing panic on the world's silver market.

The greatest adversary to silver's stability, however, was and still is British India. At the close of 1925 it was definitely resolved to change from the then existing gold exchange standard to a gold bullion standard and to dispose of large quantities of silver, derived from demonetized rupee coin. The total amount for sale was to be fixed by law and was made dependent upon the quantities of rupee coins reverting to the Treasury for circulation.

The Indian farming classes, constituting the great bulk of the population, have always kept their savings in the form of silver. Individual family savings are not of sufficient volume (it is said that the income of more than three-fourths of India's population of over 300,000,000 averages only about $36 per person per annum in United States currency, or, say, $180 per annum for a family of five) to be made in gold, although this also is hoarded wherever possible. It is this hoarding or saving by the people of India and China that through past centuries has absorbed, and still absorbs, the new mine production of silver not used for coined money or in the arts. The total amount of silver so held as hoards is variously estimated at from 5,000,000,000 to 8,000,000,000 of ounces. These people have followed this practice from time immemorial. For 4,000 years they have seen governments rise and wane and disappear. Their experience with coins has been that, in the long run, they have become worth no more than their silver content and they have come to prefer the form of fine or standard silver as having ultimately a more uniform and permanent value than coins at their par or face value. The recent political disturbance in India may have accented this traditional feeling.

Then, too, the Indian peasant values silver for itself. The greater quantity he can get for a given amount of produce or money, the better bargain he believes he has made. The silver rupee contains at the present time a quantity of fine silver about equal to one-third of the amount of fine silver that that rupee can buy in the market. It is customary in India for a bride to receive a dowry largely in silver. This is often in the form of bracelets and anklets. A father having, say, 100 rupees can, by exchanging the rupees and buying silver, make about three times the showing in actual silver that he would make if he gave the original rupees, and a correspondingly greater impression. The tendency to turn in the coined silver rupees, and in lieu thereof to obtain fine silver in an amount exceeding that contained in the coins, has been going on in India since the price of silver began to decline shortly after the war and the silver content of the rupee fell below the amount of fine silver that coin would buy. A silver rupee is brought in and exchanged (theoretically, at least) for a paper rupee, which, being tied both to gold and to the English monetary system at a fixed rate, enables the original owner of the silver rupee to buy, on a gold basis, a much greater volume of actual silver than he had when he held the original silver rupee. As the fall in the price of silver continues, this tendency becomes accented, since each fall in the price enables the owner of a silver coin to buy an increasing amount of pure, uncoined silver. Obviously, this exchange would not go to the extent of a tendering of all the silver rupees now coined in India and taking fine silver in exchange. In doing current business a certain amount of rupee or silver coins is necessary, and probably always will be under any monetary system. The exchange is only of those rupees which are not necessary for circulation as current money, but which would be kept as savings—that is, hoarded—and were so hoarded when the silver content equaled substantially the amount of fine silver the coin would buy. The total exchange, therefore, will probably be limited to that amount of coined silver rupees not necessary for current monetary purposes.

The existence of such an excess stock came about during the war, when Great Britain bought heavily of supplies from India and also employed many Indian troops and civil employees. As all of Great Britain's energies were turned to munitions, shipments from Great Britain to India were at a low ebb, and the abnormal balance of exchange in favor of India required payment in hard money—either gold or silver—since doubt existed as to the possible ultimate redemption of paper money. Silver consequently rapidly rose in value during the war and reached a high price, the peak being above the melting point of many coinages. To fill the demand, which was very much in excess of current mine supply, Great Britain obtained from the United States about 200,000,000 ounces of silver which had previously been in its vaults, which were immediately coined into the form of rupees and used to pay for Indian troops and supplies. The result is that, at the end of the war, an extremely abnormal stock of rupees had been coined and placed in circulation, and when, after the war, demand ceased, the price of silver began to fall, the excess stock of rupees which had been placed in circulation began, through the working of the tendency above described, to come back into the Indian Government's possession and fine silver to be purchased in lieu thereof. That Government also had left on hand a considerable amount of silver not yet coined.

This total stock of excess silver thus coming into the possession of the Indian Government has been estimated at from 300,000,000 to 400,000,000 ounces of fine silver, and it is this amount which the Indian Government must either keep in its vault as a reserve against a future emergency of similar nature (as does the United States, which holds in its Treasury over 400,000,000 ounces of silver coined in the form of dollars), or it may sell the silver in order to buy the gold to maintain its reserves under the present gold bullion standard. It was this latter course that was recommended by the Royal Commission in 1926 and which is now the law in India.

As above stated, one of the means of maintaining the gold reserve back of the paper rupee issue is through the sale from time to time of the surplus silver in its possession. The Indian Government built a refinery, where the alloys are taken out, and the silver contents made available for the market as fine silver. Looking back over the last three years, it seems probable that the Indian Government has raised annually somewhere between $10,000,000 and $20,000,000 (£2,000,000–£4,000,000) for this purpose through the sale of silver. This seems a small sum for a government to be concerned about, but it must be remembered that the balance of trade (excess of exports over imports) is in favor of India. (See Annual Statement of Seaborne Trade of British India with the British Empire and Foreign Countries, published by the commercial intelligence department of the Indian Government.) As India, however, is primarily an agricultural country, there may be periods of time in any year when the balance of trade is against it. Then, when the harvests move, the former deficit for that year is made up and substantially surpassed for the year as a whole. The balance of trade in India's favor, as a whole, strengthens the gold reserves.

If the Indian Government wishes to raise, say, $12,000,000 (£2,400,000) per annum to protect its reserves, and the price of silver is 50 cents per ounce, it can accomplish its end by the sale of 24,000,000 ounces; but if the price of silver is only 30 cents, it must sell 40,000,000 ounces, and the sale of this greater amount would still further reduce the price, making it necessary to sell an increasing amount to realize a given amount of money. As the fall in silver price tends still further to accent the exchange of silver rupees above described, a vicious circle is created.

A preliminary estimate was suggestive of an approximate quantity of 240,000,000 ounces of bar silver (nearly one year's world production) to be disposed of whenever the authorities thought fit. The total amount of melted silver sold up to now by the Indian Treasury is about 85,000,000 ounces. This figure in itself is large, but the chief danger is in the undefined future policy as to time and quantity of further silver stocks being disposed of. "Due to the fact that most of the other sources of surplus silver will give out in the near

future," states Mr. Kann, "there would be better prospects ahead for the white metal if it were not for the genuine threat emanating from India."

Irving Trust Co., of New York, in its Mid-Month Review of Business for December 17, 1930, says:

No banker or merchant can fail to feel the challenge offered by the irrationality of idle factories here or in Europe at a time when a considerable fraction of the human race, able and willing to work, is living at the verge of starvation. At the same time there are gluts of many commodities. What can be done about it? Is there nothing in the science of economics which can cope with a distribution problem of such large dimensions?

The problem of silver: Perhaps silver gives a clue. Half the world's population still uses silver as its money metal—India, China, Mexico * * * and other countries. In China silver has been used as the store of value for nearly 4,000 years. In India lifetime savings take the form of silver jewelry, bangles, table utensils, cult objects and statuary, bullion and coins, hidden in the rafters or buried in the ground. Myriads of people want metallic wealth, which 'neither moth nor rust doth corrupt'—not paper money that becomes sodden by the wet from thatched roofs or makes good provender for rats and insects (and fire). It is a serious matter to disturb folkways of such long standing. Yet the Government of India in 1926 imposed upon the people legislation * * * providing that India should adopt a gold bullion standard in place of the previous gold exchange standard, and gradually sell on the open market the excess stocks of silver, consisting of several hundred million ounces, then held in the Indian Treasury; the proceeds of these sales would serve to augment the treasury's gold holdings, which were to be increased gradually until the requirements necessary to the operation of a free gold standard should be accumulated. In line with this legislation, the Indian Treasury has disposed of large amounts of silver, and in March, 1930, imposed an import duty of 4 annas (between 9 and 10 cents) on the white metal.

At the time that the royal commission issued its recommendation, silver was selling at about 65 cents an ounce. A rapid fall in the price followed, and in December, 1926, the price averaged 53½ cents. Punctuated by occasional rallies, the trend has since been downward, and on the 16th of the present month quotations reached 31½ cents, the lowest level in the history of the world. Because Indians and Chinese, from time immemorial, have been accustomed to invest their savings in silver—the amount of such accumulated savings, in India alone, being conservatively estimated at 7,000,000,000 ounces—the extent of the social upheaval can hardly be imagined. Inasmuch as China is on a silver basis, her purchasing power in terms of imports has been melting away, and thus American sales to China have woefully declined. In addition, the Chinese are suffering from a world-wide decline in the gold prices of the commodities which they export. It seems safe to infer that the silver catastrophe has been a major factor in the unrest in India and the economic crisis in China. If so, the full effects of the situation have not yet been witnessed.

"Debasement of silver currencies in Europe: In addition to the events just described, Great Britain, Germany, France, Austria, Holland, Italy, Mexico, and some other countries have debased their silver coinage since the war, so that considerable supplies of the metal have been dumped from these sources upon a market that has now become demoralized. For the past five years silver production has been almost static at about 250,000,000 ounces per annum. Gold, too, has been produced in recent years in fairly constant quantities, or about an annual average of 19,350,000 ounces. * * * Bearing in mind the fact that the major portion of the silver now produced is a by-product of mining carried on chiefly for some other metal or metals, and the further fact that for the past five years the total silver output has been relatively constant, although the price has fallen some 50 per cent, it is evident that the economic law of supply and demand has been fundamentally disturbed by legislation.

"A suggested remedy: The facts clearly indicate the nature of the relief which is needed, and it is to be hoped that neither short-sighted nationalistic prejudices nor mere doctrinaire notions about bimetallism will stand in the way of the type of legislative action that is urgently necessary if the western nations are not going to push the Orient into an even deeper abyss of misery. The purchase of a few million ounces of silver annually by the treasuries of the leading commercial occidental nations for the purpose of augmenting the depleted silver content of their silver coins, or of using silver instead of paper for currency of small denominations, would exert an immediately beneficial effect. Some agreement, also, to proceed more cautiously in foisting the gold standard upon nations who are not yet ready for it would lessen the real concern that was expressed in the interim report of the gold delegation of the financial committee of the League of Nations lest gold supplies within a few years may be insufficient to support the growing volume of credit that is based on gold. These measures would help to preserve the value of the immense silver hoards in India and China and save the 700,000,000 of inhabitants from utter catastrophe. The historical defects of bimetallism in certain western currencies are well known and no one wishes to see them occur again. But we can still remain on the gold standard and use to advantage larger amounts of silver in our currencies. As far as the Orient is concerned, silver has been their standard of value from time immemorial. In the western countries for many centuries silver was of predominant importance until some 70 years ago the relative advantages of the gold standard became apparent to the United States and to other European countries. Thus here silver has become a commodity rather than primarily money, whereas in the minds of half the human race it still remains money first and commodity only secondarily. To forget this would be a serious psychological and political blunder. But mere altruism need not be the motive for trying to better the present silver situation. In helping our eastern neighbors we would be helping ourselves. Silver prices for many years have fluctuated slightly in advance of commodity prices. Thus, in preventing a debacle in the price of silver we would set in motion forces that would uphold general commodity prices and augment and stabilize international commerce. By broadening the monetary use of silver, here and in Europe, we would greatly strengthen the gold standard and insure its relative stability and permanence."

I believe with Mr. Francis H. Brownell in the statements he has made in two information pamphlets published January 14 and 16, 1930, that the crux of the question is—

Is it possible for the Indian Government, under its present laws, (1) to realize yearly the amount of money which it needs at times to preserve its reserves, and (2) over a period of years to sell its entire excess silver stock—without selling an amount of silver each year, which will seriously disturb the market and cause a decline in price?

Let us consider from the statistics of the last three years—1928, 1929, and 1930—whether there was a demand for Government silver in excess of new mine production sufficient to take care of India's needs. The following table sets forth the essential facts:

	1928	1929	1930
	Ounces	*Ounces*	*Ounces*
New mine production	257, 200, 000	260, 900, 000	243, 700, 000
Sales by Governments of silver formerly used as money [1]	60, 000, 000	67, 000, 000	71, 500, 000
Total silver sold	317, 200, 000	327, 900, 000	315, 200, 000
Deduct consumption of India and China	213, 000, 000	218, 500, 000	217, 500, 000
Balance	104, 200, 000	109, 400, 000	97, 700, 000
Deduct used for industrial purposes	[2] 60, 750, 000	[2] 57, 500, 000	[3] 50, 000, 000
Balance that must have been absorbed by Governments other than India and China	43, 450, 000	51, 900, 000	[3] 47, 700, 000

[1] There is every reason to believe more was sold. These figures are only what is known to have been sold.

NOTE.—All figures are from Handy & Harman's Reviews for the respective years except figures from Report of director of mint, June, 1930, marked (*), and figurefor 1930 (*) which is an estimate of the author, believed to be conservative.

The following essential facts are apparent from a consideration of the above table:

(1) That new mine production in no one of these three years was sufficient to meet the demands of India and China plus the demand for silver for industrial purposes.

(2) Hence it follows that sales of government-owned silver by India would be needed to supply the demand of those governments which are still annually buying silver for subsidiary or other coinage purposes. In no one of these three years did the amount so purchased fall below 40,000,000 ounces. In 1929 it amounted to over 51,000,000 ounces. The average can safely be set at more than 40,000,000 ounces per annum. The probability is that this amount was exceeded in the year 1930, which we have estimated at this low figure for the purpose of conservatism.

Now, this buying by governments can be controlled if the governments are sympathetic. They do not have to buy at any given time, and they obviously should prefer to buy at times when they could make the best bargains.

Suppose the governments selling silver, particularly India, had, during the three years 1928, 1929, and 1930, let it be publicly known that no silver would be sold below some announced level of price, say, 24d. in London or, roughly, 50 cents in New York, and if contemporaneously those nations buying over 40,000,000 ounces each year for subsidiary coinage had bought only when the price of silver fell below such announced level, we can reasonably deduce that three results would have been obtained:

1. The purchasing nations would have bought their silver when the price fell below the 24d. level and thus would have made a good bargain.

2. The dealers in silver would have resumed their former practice of also buying when the price fell below the 24d. level, knowing that the agriculturist and other demand for silver would in due season arise and that meanwhile governments would not be selling.

3. The effect would have been to stabilize the price, since buying would have come in at the low levels in sufficient quantity to carry over an otherwise dull period.

(4) As the production of new mined silver fell short of supplying the requirements of India, China, and the arts, it seems certain that the market requirements in excess of new-mine production would have compelled a price which would have yielded the amount of money India needed to obtain through sale of a lesser number of ounces of silver than she actually sold each year.

The sale of government-owned silver formerly used as money, being in the future largely, if not entirely, in the hands of India, can easily be held for sale at the proper levels of the market. The law appears not to compel the sale of silver the moment the gold

reserve falls below a certain level. A wise discretion is vested in the Government on this point.

Allusion has been made heretofore to the excess stock estimated at 300,000,000 to 400,000,000 ounces of silver largely in coined rupees, which the Indian Government has and which the Royal Commission's report of 1926 contemplated selling in order ultimately to acquire a sufficient gold reserve for the new gold monetary system. What the total excess stock of coined rupees will finally prove to be can not yet be determined with any degree of accuracy, but all the figures so far available seem to indicate that it does not reach a total of more than 400,000,000 ounces of silver in addition to the silver which has already been sold, and is probably much less than that amount. On the basis of the experience of the three years 1928 to 1930, inclusive, India might reasonably expect to sell about 35,000,000 ounces per year of this stock without injuriously affecting the market, and thus, in a period of, say, 10 to 12 years, would be able, without unnecessarily disturbing the market, to work off the entire excess stock gradually.

This, of course, assumes no relevant change of importance in present world monetary systems. It is interesting to note that much in the Royal Commission's report originally contemplated that the sale of this excess stock over a period of 10 or more years would not greatly disturb the market or price. While it is now evident that this can not be done without cooperation on the part of other governments, it is still entirely feasible if the necessary cooperation is furnished.

It seems probable that the volume of mine production of silver, especially from silver mines proper, is beginning to fall, with the prevailing lower price. There is nothing in the present situation leading one to assume that mine production of silver will exceed in 1931 what it was in 1930—less than 245,000,000 ounces. On the contrary, there is every present reason to believe that production of silver in 1931 will be an amount below that of 1930. As mine production fails, assuming demand in India and China to remain constant, it becomes obvious that the Indian Government would be able to sell a still greater amount of its excess stock of silver.

It thus seems that it is for the interest of India to strongly cooperate with the governments in stabilizing the market price of silver—certainly so long as the production of new mine silver does not exceed such an amount per annum as will prevent India's selling the necessary amount of silver to protect her reserves.

It is also obvious that if the price of silver could be stabilized at some given level and at the same time the Indian Government could thereby achieve a sale necessary to raise its requirement for reserve purposes, the great mass of the Indian people would be greatly benefited, in that the market value of their hoardings would not be diminished and in that any individual hoarder finding it necessary to sell a part of his savings would be enabled to realize a very much greater price.

The Indian Government has at all times, as is evidenced from the speeches of its finance minister and debates in Parliament etc., been solicitous, so far as it could, to preserve the price of silver, since the lower the price, the greater the burden placed upon it, for the reasons above outlined. In short, it is solely because of the necessity at times of raising funds with which to protect its gold reserve that the Indian Government is compelled to sell, and it apparently, on the whole, has done so only to the extent necessary for this purpose. That its Government is desirous of cooperation is best evidenced by the statement of Sir George Schuster, finance minister, who said, in his budget speech in March, 1930:

"I am prepared, on behalf of the Government of India as important producers, to say that if the other interests concerned show any desire to consider the possibility of joint action for the regulating of sales in order to meet the present situation, the Government of India would willingly cooperate." (See Handy & Harman's Review for 1930, p. 12.)

Perhaps no step of cooperation on the part of the leading nations of the world toward united action in curing the present business depression could be more easily and readily taken than the action proposed in regard to silver. Since it would improve trade with nearly one-half the human race, such cooperation must necessarily have a tremendously inspiring effect on all nations as being the forerunner of further informal or formal cooperation in solving the other problems which now confront international trade. It would not only tend to restore and help the foreign export trade with India, China, Mexico, and other silver-using countries (even though on some form of the gold standard), but would have a far-reaching beneficial effect upon the general world situation.

	Ounces
India	94, 500, 000
China	123, 000, 000
	217, 500, 000

(See their Review of Silver Market for 1930, pp. 14 and 20.)

(b) The United States Mint (report of Director, June 30, 1930) estimates world industrial consumption of silver as:

	Ounces
1928	60, 757, 062
1929	57, 584, 812
The average of the two years is	59, 170, 937

(c) For annual production, see the table on page 16. While the peak has been as high as over 261,000,000 ounces in 1929, curtailment of by-product production and the fall in price have greatly lessened this amount. Preliminary estimates are that 1931 will not exceed a production of over 245,000,000 ounces, more likely less. It is hardly probable that the production of 1929 will be again attained, even should the production of copper, lead, and zinc again rise to the same high level, for the reason that the apex of production of some of the largest silver mines in Mexico has already been reached and within another two years will begin to decline rapidly.

It is necessary that India should agree to the plan, as that is the country most likely to sell government-owned silver in the near future. Japan and China should also be consulted and tied in to the arrangement, and probably also Spain, which is perhaps the most potential seller of silver. Other governments are not so important, as they are not likely to be sellers of silver.

The arrangement between the governments need not be formal in its nature. It can be informal—a gentleman's agreement—but the governments should each publicly announce its policy in terms easy of comprehension. It should last for a sufficient time for a fair trial.

The immediate effect would be to remove from the market the present threat of sales by governments. This alone would greatly improve the price level. The fall in the price of silver was not due to current overproduction, but to the sales of silver formerly used as money by different governments. (See pp. 4 to 7.)

PRODUCTION AND CONSUMPTION

(a) Consumption [1] by India and China has averaged during the 6-year period 1924–1929, 181,333,000 ounces per annum, with a peak of 218,000,000 ounces in 1929. (See appendix, p. 15.) Handy & Harman estimate consumption for 1930—

Under the heading, Improving World Trade Conditions by Informally Stabilizing Silver, he further says:

Stabilizing the price of silver, at no fixed ratio to gold, involves three elements:

First, and most important, an informal understanding between the United States, England including India, France including Indo-China, and as many other governments as possible, that no sale will be made, for a stated period, say three years, or until further notice, of any silver now or hereafter owned by each government, at less than some fixed price, say, for example, 50 cents per ounce.

Second, an understanding that those governments will purchase the amount of silver they are now authorized by law to purchase for subsidiary coinage, whenever the price of silver in the open market is below the figure to be agreed upon as above.

Third, as compensation for agreeing as provided in "first," and to prevent too rapid a rise—an understanding that the governments, and particularly India, may sell government-owned silver whenever the price is more than, say, 5 cents above the figure agreed upon as above.

From the foregoing (a), (b), and (c) we may reasonably and conservatively predict mine production and consumption of silver per annum for the next three years, as follows:

	Ounces	Ounces
Annual production, not over, and probably less than		250, 000, 000
Consumption of India and China, say	180, 000, 000	
World industrial consumption, say	50, 000, 000	
		230, 000. 000
Leaving for subsidiary coinage and other nations' monetary uses		20, 000, 000

The above estimate is believed ultraconservative. The consumption of India and China will probably be more than the estimate; production will probably be less (materially so in 1931), even though the price be 50 cents per ounce.

BUYING

The United States, Japan, many of the European and most Latin American and other countries are still using silver for subsidiary coinage. Legislative authorizations for continuing purchases for this purpose are in existence. The exact limits are not known, but conservative approximations run from 20,000,000 to 50,000,000 ounces per annum.

If, then, by informal arrangement, these governments should begin buying, within present legislative authority, silver for subsidiary coinage whenever the price falls below some agreed-upon figure—say, 50 cents per ounce—there is every reason to believe that the price of silver would come back to at least such price, provided further Government sales below the agreed-upon figure are stopped for some publicly known period. By this is not meant that the governments, in purchasing for subsidiary coinage, should necessarily pay 50 cents per ounce. They would simply pay the market price prevailing, but they would begin buying for subsidiary coinage purposes whenever silver fell below, and would (unless necessary) cease buying whenever silver reached the 50-cent level.

Many of those intimately connected with the silver market are of the belief that the mere authoritative announcement by India and other principal governments, of intention to refrain from further sales of government-owned silver (below the agreed-upon figure) would, in itself, in a short time bring silver back

[1] The ultimate consumption of India and China is in the hoarding by the people as savings. This amount has no necessary relation to the amount used as coined money—in fact, is in the main distinct therefrom.

to a level of 50 cents per ounce. The basis of this belief is the fact that, notwithstanding an annual production of more than 250,000,000 ounces in the years 1926, 1927, and 1928, the price of silver did not fall below 51.5 cents per ounce until 1929, when India made its greatest sale (35,000,000 ounces) of any year. (See tables in appendix.) In 1929 also occurred the large sale by Indo-China of an unknown but probably even greater amount than sold by India. (See pages 7 and 15.)

A study of the above statistics indicates that a buying power of over 20,000,000 ounces per annum by governments for subsidiary coinage purposes is sufficient, if properly used, to stabilize the price above some fixed level, say, 50 cents per ounce, provided no further sales are made by governments below a level slightly, (say 5 cents per ounce) higher, and that there will be, at times, a demand above that higher figure which will permit governments to sell substantial amounts.

I am in full sympathy with Senator PITTMAN'S proposal for the calling of an international conference. I think the suggestion an excellent one, and for weeks have put my full force behind it because I believe it is sound, practical, and to the point.

I direct it to the attention of the President, and sincerely hope he may call an international conference at the earliest practical date to work out some such plan as is outlined above, and there is no doubt in my mind that it would be an event of world-wide importance.

ORDER OF BUSINESS—PRIVATE CALENDAR

Mr. HASTINGS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HASTINGS. I wanted to ask if the order only provides for the consideration of Senate bills unobjected to, on the Private Calendar to-night?

The SPEAKER. The Chair asked the parliamentarian to prepare a statement with regard to just what was covered in the arrangements for to-night. The Chair thinks that the orderly and fair way of complying with the resolution agreed to on February 26, 1931, would be to begin at the star and call each Senate bill on the Private Calendar and each Senate bill on the Speaker's table, where a similar House bill is on the Private Calendar, in their numerical order, in which both classes of bills appear on the Private Calendar. When that has been completed, the Chair should then recognize Members to ask unanimous consent to take Senate bills from the Speaker's table, where similar House bills are on the Private Calendar, before the star.

The Speaker will not be in the Chair tonight, but designates the gentleman from New York [Mr. SNELL] to act in his stead.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. J. Res. 357. Joint resolution classifying certain official mail matter;

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931; and

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 471. An act providing for Saturday half holidays for certain Government employees;

S. 550. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes;

S. 1496. An act for the relief of Edith Barber;

S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions to dispose of a portion of the Amelia Island Lighthouse Reservation;

S. 4022. An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia;

S. 4030. An act to provide books for the adult blind;

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico;

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes; and

S. 5904. An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House now take a recess until 8 o'clock this evening.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, at 8 o'clock p. m., the House was called to order by the Speaker pro tempore [Mr. SNELL].

HOUR OF MEETING

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet to-morrow at 11 o'clock a. m.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-night it adjourn to meet to-morrow at 11 o'clock a. m. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PARKS. Mr. Speaker, I desire to present a unanimous-consent request that on to-morrow, after the business on the Speaker's desk has been disposed of, the gentlewoman from Arkansas [Mrs. OLDFIELD], may be permitted to address the House for five minutes. I assure the present Speaker that this meets with the approval of the Speaker of the House, because I mentioned it to him.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that to-morrow, after the disposition of business on the Speaker's table, the gentlewoman from Arkansas [Mrs. OLDFIELD], may be permitted to address the House for five minutes. Is there objection?

There was no objection.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 543. An act to increase the pay of mail carriers in the village delivery service; and

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10658) entitled "An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26)."

STATEMENT OF THE INDIAN RIGHTS ASSOCIATION

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that, in connection with an extension of my remarks on Indian affairs, I may include some material from the Indian Rights Association and also from officials of the Government.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD and to include therein material from the Indian Rights Association and from officials of the Government. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, under leave to extend my remarks by the inclusion of material from the Indian Rights Association of Philadelphia, I present a statement on the progress of Indian affairs prepared by M. K. Sniffen, secretary of that organization.

The Indian Rights Association was formed nearly 50 years ago, and has followed a constructive policy of cooperation as well as of criticism. I believe this report of Mr. Sniffen is valuable to students of Indian affairs. It is as follows:

PROGRESS IN INDIAN AFFAIRS

By M. K. Sniffen, secretary Indian Rights Association

Charles J. Rhoads, Commissioner of Indian Affairs, and J. Henry Scattergood, associate commissioner, have been in charge of the Bureau of Indian Affairs for 20 months. In attempting to evaluate what they have accomplished during that time it is proper to bear in mind what they inherited when they assumed charge on July 1, 1929.

The report of the Meriam survey, conducted by the Institute for Government Research, which has been accepted by practically all careful thinkers as a judicial, comprehensive, and sane study of the Indian situation as a whole, may be taken as a base.

That report confirmed what former Secretary Work said about "the poverty of the Indian Service," and recommended that for at least a limited period the Federal appropriations should be increased 100 per cent to bring the service to something approaching modern standards for welfare work. Other outstanding defects were (1) the attempt to feed the children at the boarding schools on an average per capita of 11 cents a day; (2) a service personnel largely substandard in equipment and insufficient in numbers to do the work called for—low pay, long hours, isolation, and poor living conditions, making it difficult to attract and hold high-grade employees; (3) the poverty and unadjustment of the Indians, many of whom are very poor.

When Messrs. Rhoads and Scattergood entered upon their duties they concentrated on the most urgent matters facing them, and these were the points indicated above. At the time the Meriam report was issued the total appropriation for the Indian Service was $14,991,485 for the year 1928. Following the publication of that report, in answer to appeals from friends of the Indians, there was an increase of about $3,000,000 the next year. The act for the year beginning July 1, 1931, carries $28,184,590 for the Indian Service (of which $24,914,490 is from the Federal Treasury and $3,270,100 from tribal funds), close to the amount recommended. This is a tribute to the effective presentation of the needs to the Budget and to Congress by Messrs. Rhoads and Scattergood, who had the hearty support of the President and the Secretary of the Interior. It is now possible to provide 37.8 cents a day for subsistence for each Indian pupil, assuring an ample diet, sufficient in quantity and quality, as against the former allowance of 11 cents per capita plus what was raised by those schools having gardens. The clothing allowance for each pupil is now $40 as against $22.

Additional funds made it possible to secure an increased and more competent personnel to inaugurate a reorganization program, with the following results:

EDUCATION

In August, 1930, Dr. W. Carson Ryan, jr., formerly professor of education at Swarthmore College, Pennsylvania, and one of the leading authorities on education in the United States, was appointed director of Indian education. Under his supervision that work is being brought up to a plane equal to approved State standards. Higher qualifications are demanded for all academic teachers, in accordance with present-day standards, which include a college degree for principals, along with teaching experience. The compensation now offered is more on a par with that paid in the educational world at large. Inducements are offered to old school employees who may not be up to the new standard to better prepare themselves for the present requirements by giving them educational leave with pay to attend summer schools.

The obsolete "uniform course of study" has been discarded, as the present grade of teachers are capable of forming their own course of study suitable to the needs of their pupils, or adopting any other course now in existence. Suitable textbooks are being supplied to the schools under expert guidance.

It is the aim to provide an opportunity for every Indian child to secure a practical education, with especial emphasis placed on vocational work in the higher grades, so that they will be properly prepared to earn their living after leaving school, whether on the reservation or in competition with the whites. The vocational instruction is being reorganized under Supervisor James Arentsen, who made such a success of similar work in the public schools of Tennessee.

The newly organized guidance and placement division will supplement the work of the schools by becoming familiar with the qualifications of the students before they leave school and securing employment for them where it is available. In addition, this division will keep in touch with these students after they accept jobs and encourage them to "hold on." Heretofore these young people were "dropped cold" when they went home from the schools, just at the time a continuation of interest was so essential. It is not surprising that many of them in the past became discouraged for lack of such friendly interest and returned to the reservation—"back to the blanket"—because there was little or no work to be had.

Another marked improvement is abolishing the positions of girls' matron and disciplinarian (for boys) and substituting therefor "advisers" of a high grade, with the training and ability to understand boys and girls and to sympathize with them in a real friendly manner. These advisers are constantly associated with the students in the formative period of their lives, and the importance of securing those of the proper type is obvious.

The drudgery heretofore imposed on the Indian pupils under the guise of "vocational work"—scrubbing floors and the like—has been reduced to the minimum through additional school employees provided for in the increased school appropriation.

The number of home economics teachers has been increased to better prepare the girls for what is to follow when they leave school and go to the reservation or to towns and cities.

Scout troops for boys and girls are being organized in the boarding schools in cooperation with the Boy Scouts of America, under Stanley Harris, and the Girl Scouts, by Miss Twohy, regional director in the Southwest, both organizations maintaining their representatives. This plan includes summer camps, which have won high favor among the present troops. The teaching of these two institutions stresses self-reliance, respect for the rights of others, and obedience to law; and the spread of such principles should go far toward developing a satisfactory form of student government and minimize the need for any severe discipline from the school authorities.

As fast as funds will allow the buildings are being put in a good state of repair and better quarters for employees are provided to make them more comfortable and contented, especially in the isolated points.

There are 217 schools maintained by the Government for Indians—20 nonreservation boarding schools, 52 reservation boarding schools, 13 sanatorium boarding schools, and 132 day schools. There are 28,600 children attending these schools; 5,000 are in mission and other private schools, while 36,000 attend the public schools. It is estimated that 9,000 Indian children are not in school, chiefly because of remoteness of their homes.

Closer cooperation is being developed between State and Federal Governments to encourage a greater number of Indian children to attend the district public schools wherever they can be made available, on such terms of immediate and continuing financial assistance by the Federal Government as will be just to the States and the communities where they reside.

Provision is now made by which promising students at Indian schools can be assisted to obtain a college education.

Referring to additions to the personnel that are contemplated, Doctor Ryan said:

"The following types of positions will be emphasized: (1) Vocational directors in the three fields of trade and industrial education, agricultural and home economics; (2) school principals who are qualified by training and experience for an educational program that will include practical arts and other activities in addition to the ordinary classroom work; (3) teachers of native art; (4) vocational counselors and school social workers who will help to bridge the gap between school and home and school and work; (5) boys' and girls' advisers familiar with modern methods of handling boys and girls and developing responsibility; (6) more adequate dormitory supervisors; (7) properly qualified directors of health and physical education; (8) institutional workers who will be better practical teachers of Indian boys and girls as well as more economical administrators of Government funds."

The reorganization of the educational work is not only dealing with the present situation but planning for the future, looking ahead for the next 15 years. It includes a study of the home environment of the pupils and development of a broad, practical, comprehensive program that means "education for life."

HEALTH WORK

Dr. M. C. Guthrie, of the Public Health Service, continues in charge of the medical activities for the Indians. Under his direction the personnel of this division has been greatly strengthened by the following additions since July 1, 1929: 1 assistant to the chief medical director, in charge of hospital administration; 2 assistant supervisors of nurses (for work in the field from the office of the district medical directors); 10 full-time school and agency physicians; 6 part-time school and agency physicians; 6 traveling dentists; 34 field nurses; 63 hospital nurses; and approximately 100 others employees engaged in health activities.

The appropriation for "Conservation of health among Indians" for the fiscal year is $3,138,000, an increase over that of the previous year of $490,000. For the year beginning July 1, 1931, the amount is $4,475,000, plus $75,000 for clinical survey of tuberculosis, trachoma, venereal, and other diseases.

Six new hospitals are to be constructed from the 1931 health appropriation: San Xavier Sanatorium, Arizona; Pipestone Hospital, Minnesota (to replace an old one); Walker River Hospital, Nevada; Winnebago Hospital, Nebraska (a replacement); Seger Hospital in Oklahoma, to be located at Clinton, Okla.; Toma Hospital in Wisconsin (to replace an obsolete plant).

A new hospital was constructed at Colorado River Agency, Ariz., during 1930. The hospital at Fort Totten, N. Dak., was reconstructed and enlarged, and is about ready to open. A new hospital was constructed and is in operation at Flandreau School, South Dakota. The capacity of the Kiowa Hospital in Oklahoma was increased to 100 beds by an addition and is now in operation. New hospitals are under construction at Fort Belknap and Tongue River in Montana; Turtle Mountain, N. Dak.; Pawnee, Okla.; Pine Ridge, S. Dak.; and Hayward, Wis. These latter institutions will be completed and put in operation before June 30, 1931.

Further increases in personnel, particularly field nurses, with some increase in hospital personnel, are planned for the year beginning July 1, 1931. There will then be available $375,000 for the construction of a 100-bed sanatorium at Albuquerque, N. Mex. (including equipment and employees' quarters); $375,000 for two sanatoriums at Pierre, S. Dak., of 100-bed capacity, and employees' quarters; and $75,000 for a 30-bed hospital at Ignacio, Colo.

There are now 144 full-time physicians, including 15 specialists in eye, ear, nose, and throat work. Supplementing this staff of physicians are more than 350 hospital and field nurses. The new entrance pay of physicians is $2,900, for hospital nurses $1,800, and for field nurses $2,000.

Commissioner Rhoads reports that "during the past year more than 38,000 Indians received hospital treatment in Government institutions, while a few years ago it was practically impossible to persuade many Indians to accept hospitalization even though desperately ill."

Good progress has been made in developing active cooperation with State officials in matters of health and welfare work for Indians, especially in California, Minnesota, Wisconsin, and Montana. A bill is now pending in the Montana Legislature to make Indian Service physicians deputy State health officers.

PERSONNEL

No matter how sound any reorganization plan may be, without the right kind of personnel to carry it through failure is inevitable. The serious effort that is being made by the present administration to secure a qualified personnel for important "key" positions in the Indian Service is indicated in the following recent additions:

Dr. W. Carson Ryan, jr., director of education: Formerly professor of education at Swarthmore College, Pennsylvania, an educator of national reputation, and a member of the Meriam survey staff.

Miss Mary Stewart, assistant director of education: Formerly dean of women and teacher, University of Montana, and director of junior guidance and placement in the United States Department of Labor.

J. H. Holst, supervisor of secondary education: Formerly with the State College of Montana.

Dr. Erl A. Bates, advisor in Indian extension work: Professor of anthropology, Cornell University, long-time student of Indian affairs, and author of The Bates Plan for Backward Races. (Loaned by Cornell for one year.)

Mrs. Jane Bartlett Bates, advisor in Indian extension work: Child Guidance School, Cornell University; graduate of Chicago University; student under Jane Addams; home-economics teacher; home demonstration agent; and holder of the Rockefeller fellowship at the Merrill Palmer School, Detroit, Mich.

A. C. Cooley, director of agricultural extension and industry: Formerly director of extension for the State of New Mexico and later head of the reclamation extension service, United States Department of Agriculture.

Mrs. Henrietta K. Burton, supervisor of home economics extension: Formerly head of the home economics department, State of Arkansas.

James Arentsen, supervisor of industrial education: Former director of vocational education, State of Tennessee.

Robert T. Lansdale, personnel officer: Formerly with University of Michigan; graduate of Oberlin College and New York School of Social Work; master's degree from Columbia University; secretary of the Montclair (N. J.) Council of Social Agencies.

Dr. William H. Bryan, director of hospital administration: Formerly with the United States Department of Health.

Maj. William S. Post, director of irrigation: Formerly with the United States Geological Survey; consultant and supervisor of construction in water-development projects in California and extensive irrigation and engineering work for the State of California and in private practice.

Others could be mentioned, but these names are sufficiently suggestive of the type of men and women being sought for the Indian Service.

It is noted that the Indian Service has a personnel of over 5,000, operating on 200 jurisdictions, scattered over 26 States, and in attempting to bring it up to a high state of efficiency it is no small task to study the individuals and evaluate their past work. When changes are made for the betterment of the service following such a study, the administration can avoid "putting round pegs in square holes," or doing injustice to anyone concerned.

During the past 18 months a number of superintendents and others have left the service largely through the operation of the new retirement act, and the aim has been to replace them with the best possible material obtainable, through promotion, or "new blood," under civil-service requirements. The turnover is probably upward of 25 per cent.

EXTENSION WORK

To improve the economic conditions among the Indians there has been created a division of agricultural extension and industry, the aim of which is to assist them in utilizing to the fullest extent the natural resources on the reservations, and to have it "tie in" with the various activities of the service—health, education, etc.

The director of this division is A. C. Cooley, with headquarters at Salt Lake City, Utah. To assist him there is a supervisor of home-demonstration work, with 5 home-demonstration agents and home agents; a supervisor of extension work, with 18 full-time extension agents and 5 cooperating extension agents; a well-equipped supervisor of livestock, in addition to 300 farmers and stockmen and dairymen in connection with school farms and dairies and reservation work.

The extension work includes making a special study of each of the 200 Indian reservations and the development of a specific farm and home program for the benefit of the inhabitants thereof. It also includes cooperation of the State and county agricultural extension forces and the United States Department of Agriculture.

Closely allied to this program is the—

GUIDANCE-PLACEMENT WORK

Placement centers have already been established in Minneapolis, Minn.; Kansas City, Mo.; Albuquerque, N. Mex.; Phoenix, Ariz.; Salt Lake City, Utah; Los Angeles, Calif.; Berkeley, Calif.; and others are in contemplation as funds permit. Each center is in charge of a trained worker, who makes contacts in towns and cities, and with Indians at schools and on reservations in his or her district. Part of the duty of these placement officers is vocational guidance and follow-up work to see that Indians become adjusted to their new environment. In this field of endeavor every effort is being made to secure the cooperation of local welfare groups to develop on a proper basis the social side of these Indian migrants.

While the placement and guidance work is under the division of education, it aims to help any able-bodied Indian to secure employment according to his ability.

DECENTRALIZATION

By putting more responsibility upon superintendents and others in the field, decentralization of the activities of the Indian Service is taking place, in the field and in the Indian Office.

Every year thousands of routine matters came from the field to the bureau calling for nothing but a formal approval—useless time-killing work at both ends of the line. In most of these minor matters, not involving a question of policy, superintendents are authorized to act upon their own responsibility. They are under heavy financial bond, and are more competent to deal with matters involved than are clerks in the Washington office several thousand miles away.

The voluminous correspondence of a purely routine nature is now being handled through the heads of divisions, who actually write the letters and are authorized to sign them, where they do not involve matters of policy. This relieves the commissioners of the necessity for signing, in a mechanical manner—for it is physically impossible for them to read such papers—the hundreds of letters that heretofore were brought to their desks for this formality.

Routine correspondence and reports from the field are being reduced to the lowest possible minimum. Circular 2725, sent to superintendents on December 1, 1930, reduces the number of reports on minor matters in the field, requiring them semiannually instead of monthly. Other routine reports heretofore sent to Washington can be deposited in the local agency records. This obviates much unnecessary work in the field and will tend to avoid an accumulation at the Indian Bureau of records that are of little value.

One of the most prolific sources of complaint and discontent to Indians—and "grief" to superintendents—has been the individual Indian moneys, derived from leases, land sales, etc., and placed to the credit of individuals at the respective agencies. When an Indian wished to draw any of this money he signed a formal application stating the amount and the purpose for which it was to be used. This was sent to the Washington office, with the superintendent's recommendation, for formal approval and its return to the agency was usually a matter of weeks. Meanwhile the Indian who wanted his own money went through a period of "watchful waiting" and frequent inquiry at the agency about word from Washington. He could not understand the delay, and irritation was inevitable, with consequent annoyance to his superintendent, whose hands were tied until the formal approval was received.

The method of handling these funds has been radically changed by Circular 2725. Authority is therein granted superintendents to make payments, not exceeding $500, to the Indian depositors practically "on demand," or according to the custom of modern savings banks. As a majority of the 90 agencies—and the 20 non-reservation boarding schools—carry individual Indian moneys—upward of 80,000 accounts—the effect of Circular 2725 will be far-reaching.

Superintendents are also authorized by Circular 2725 to lease Indian tribal land for farming, grazing, and business purposes, where the annual rental does not exceed $1,000, without the necessity of submitting such leases to the Indian Office for approval.

Superintendents are authorized by circular 2725 to contract for sales of timber of a stumpage value not exceeding $100, subject to the recommendation of a special forest officer.

There is now a special commissioner to Indians of the Southwest—former Governor of New Mexico, H. J. Hagerman—with headquarters at Santa Fe, N. Mex., who has general supervision over the work in the States of New Mexico, Arizona, Colorado, and Utah. Mr. Hagerman acts as a coordinator of general policies in the Southwest so that progress may be balanced and that no one jurisdiction may be favored at the expense of the whole. While plans are in the making he assembles the details and presents to the Washington office a proposal for final consideration. He is not supposed to be responsible for local details of operation, which are the duty of the individual superintendents. Governor Hagerman has been in charge of special negotiations in land exchanges and other problems involving the joint interests of several agencies.

Due to insufficient funds in the past many buildings at the schools and agencies deteriorated; and since they are being repaired and modernized in addition to new building operations, a well-qualified architect was obtained from the Supervising Architect's Office of the Treasury Department to direct the work. The construction staff has been increased to five competent persons, which should mean greater efficiency in this necessary work.

To bring about these results of far-reaching effect much intensive study of the whole field was necessary by Messrs. Rhoads and Scattergood. They have aimed that all changes shall mean real improvement in method and personnel. Perhaps more rapid progress would have been made had it been possible to create a division of planning and development, or a general staff of trained assistants. But the trend of events has been largely along the lines recommended by the Meriam group.

There is, however, much to be accomplished before the task is finished, and the commissioners are fully aware of that fact. There has been so much to do that it was a question of what should be done first, and they concentrated on health, education, and economics—things of vital importance to all. If one considers that these 340,541 Indians live in 200 reservations or communities scattered over 26 States (mostly west of the Mississippi River), speak 60 distinct languages, have little or nothing in common, are affected by numerous separate treaties and laws, it will be evident that the Indian question is extensive and complex. Hardly two reservations are alike, and must be treated as separate units. Each tribe has its own culture. In readjusting the Indians to changed conditions the time element is an important consideration. It is unreasonable to expect them in a generation to reach a point for which the white man required centuries.

Among the things needed are a reorganization of the Indian Bureau at Washington, which is "in the making," and developing an efficient supervisory service.

Good progress has been made, and it is hoped that the commissioners will not grow weary in well-doing but will continue in their reconstruction work until the entire Indian Service is brought to the standard set forth in the Meriam report and put on such a permanent basis that public opinion will never allow it to backslide.

M. K. SNIFFEN,
Secretary Indian Rights Association.

GEORGIA A. MUIRHEAD

The Clerk called the first Senate bill on the Private Calendar, S. 3831, for the relief of Georgia A. Muirhead, a similar House bill (H. R. 10614) being on the Calendar.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to credit the accounts of Georgia A. Muirhead, postmaster at Hemingford, Nebr., in the sum of $264.42, representing the amount of postal funds lost by reason of the failure of the First National Bank of Hemingford, Nebr., and shown on final audit of her accounts as postmaster to be due the United States.

SEC. 2. The surety on the bond of the said Georgia A. Muirhead as postmaster is relieved of any liability on account of such loss.

The bill was ordered to be read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

A similar House bill (H. R. 10614) was laid on the table.

CAPT. CHRISTIAN DAMSON

The Clerk called the next Senate bill, S. 1244, for the relief of Capt. Christian Damson, a similar House bill (H. R. 12289) being on the Calendar.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as with this bill and as to others of similar purport, where the accident occurred after the enactment of the employees' compensation act of 1916, I am going to offer amendments similar in purport to the following:

In the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Capt. Christian Damson, who is alleged to have suffered injury while employed on or about August 17, 1918, in line of duty: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act.

The purpose of this proposed substitute is to leave it to the Employees' Compensation Commission to determine in fact whether the injury arose out of the service rather than, under the phraseology of the Senate and House bills, to indicate the determination.

Mr. COLLINS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. COLLINS. Does not the gentleman think that this bill ought to be amended by striking out everything after the word "duty," on page 2, and just leave to the commission the right to adjudicate the question of liability, and so forth?

Mr. STAFFORD. That is the purpose of my amendment. I do not know whether the gentleman heard me read the amendment which I intend to propose.

Mr. COLLINS. I did not.

Mr. STAFFORD. If this is acceptable to the author of the bill and those interested, I have no objection.

Mr. SOMERS of New York. That is entirely acceptable to the author of the bill.

There being no objection, the Clerk read the bill (S. 1244), as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Capt. Christian Damson, a civilian employee of the War Department, who was injured on the steamship *Cudahy*, a vessel of the Army Transport Service, on or about August 17, 1918.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Strike out all after the enacting clause and insert:

"In the administration of the Employees' Compensation Act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Capt. Christian Damson, who is alleged to have suffered injury while employed on or about August 17, 1918, in line of duty: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H. R. 12289) was laid on the table.

LILLIAN G. FROST

The Clerk called the next Senate bill on the Private Calendar, S. 4345, for the relief of Lillian G. Frost.

Mr. COLLINS. Mr. Speaker, reserving the right to object——

Mr. STAFFORD. Mr. Speaker, I object. This is similar, in purport, to many bills providing for a year's salary.

CORPORATION C. P. JENSEN

The Clerk called the next Senate bill on the Private Calendar, S. 4612, for the relief of the Corporation C. P. Jensen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the Corporation C. P. Jensen for services rendered to the United States on October 12, 1926, by the steamship *Anneberg*, its officers and crew, in connection with the rescue from a sea peril of two United States prohibition agents and their disabled motor boat off the coast of Florida, and to allow in full and final settlement of said claim not to exceed the sum of $500. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $500, or so much thereof as may be necessary, to pay said claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

H. L. TODD

The Clerk called the next Senate bill on the calendar, S. 5215, for the relief of H. L. Todd, a similar House bill, H. R. 13094, being on the calendar.

Mr. COLLINS. Mr. Speaker, reserving the right to object, this is to pay for certain services of enlisted men who acted as chauffeurs. The chauffeurs were enlisted men in the Army. Is that so?

Mr. WELCH of California. During the 1923 holiday rush in the San Francisco post office Postmaster Todd borrowed a number of trucks from the War Department, and in the interest of expedition and economy retained the services of a number of furloughed soldiers. Unconscious of department rules, he was afterwards notified, or at least his bondsmen were, that he would have to pay this money out of his own pocket, regardless of the fact that the Government was the beneficiary of the services of these expert men. The Postmaster General has recommended the payment of this claim.

Mr. COLLINS. I have been protesting in the past against the use of enlisted men in the Army as chauffeurs.

Mr. WELCH of California. If the gentleman will permit me, this has nothing to do with the retaining of chauffeurs.

Mr. COLLINS. The report says so. The report says enlisted men of the Army were used as chauffeurs on trucks loaned by the War Department to the city post office.

Mr. WELCH of California. The gentleman should make a distinction between a chauffeur and a truck driver. These were men who drove big 5 and 10 ton trucks.

Mr. COLLINS. I am telling the gentleman what the committee report recites. I want the facts. These three men were actually enlisted men in the Army who were employed to drive trucks for the post office, and the postmaster paid them, and the General Accounting Office held that he improperly paid them, and now the postmaster asks relief.

Mr. WELCH of California. Had they been discharged soldiers or civilians it would have been all right. He was unconscious of the rule of the department and he hired them by reason of the fact that he knew them to be experts.

Mr. BLANTON. Reserving the right to object, this postmaster was an old postmaster of the city of San Francisco, with a book of the rules and regulations and the law on his table. For years he could find out in 15 minutes from an inspection of that book—and he probably knew about it—because the Post Office Department says that he violated the law and that he did not have the authority to employ the soldiers.

Another thing: These soldiers were still in the Army. They got their pay check every month from the Government. Under the regulations of the Army if they received money from another Government institution to which they were not entitled, it could have been deducted from their pay each month. That is a method that they have devised.

Only the other day I had a prominent man here from my district. He served gallantly, was a fine officer, and a dozen years after the war he got a notice from the War Department that on some little trip they had overpaid him 40 cents and they wanted him to send it back to them. Why did they not take this out of the soldier's pay check?

Mr. WELCH of California. The gentleman refers to the postmaster at San Francisco as an old man in the service. May I correct the gentleman? Mr. Todd is not an old man in the service of the Government. He has only been postmaster of San Francisco for two years.

Mr. BLANTON. That is long enough to learn something about these rules and regulations. How much salary did he get; $12,000?

Mr. WELCH of California. Something like $8,000 or $9,000.

Mr. COLLINS. The gentleman knows that soldiers are being used every day as domestic servants in certain households and he knows this is improper and wrong.

Mr. BLANTON. Yes; and they are required to wash the children's clothes in the back yard.

Mr. WELCH of California. I think gentlemen are going to extremes in this particular case. I will repeat again it was in the interest of economy that he borrowed the trucks and hired the soldiers.

Mr. BLANTON. I will say this, although the gentleman did not accomplish anything for them, my friend undertook to do something for the low-paid Government employees. He started out all right, but did not accomplish anything—the big high-paid officers got all the money, but because he tried to do something for the poorly paid Government employees I am not going to object to his bill. [Applause.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of H. L. Todd, postmaster at San Francisco, Calif., in the sum of $1,935.90, and to certify such credit to the General Accounting Office. Such sum represents the amount disbursed to enlisted men of the United States Army for services as chauffeurs on trucks loaned by the War Department to the post office at San Francisco in December, 1928.

SEC. 2. The surety on the bond of the said H. L. Todd, as postmaster at San Francisco, Calif., is hereby relieved of any liability on account of such disbursement.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FARMERS' GRAIN CO., OF OMAHA, NEBR.

The Clerk read the title of the next Senate bill on the Private Calendar, S. 899, authorizing the Treasurer of the United States to refund to the Farmers' Grain Co., of Omaha, Nebr., income taxes illegally paid to the United States Treasurer.

Mr. STAFFORD. I object.

Mr. SEARS. Mr. Speaker, will the gentleman reserve his objection?

Mr. STAFFORD. Yes; I reserve the objection; but I say to the gentleman that there have been at least 10 bills on the Private Calendar arising out of discovered mistake in the amount of tax paid after the time under the statute of limitations has elapsed, and to each and every one of those 10 bills I have objected. I take this position: If the Government is going to refund taxes where there have been innocent mistakes made, then there should be some general legislation. Personally I have had two cases come to my attention from my own district where they have been denied refunds even though there is no question about there having been erroneous computations. The Committee on Ways and Means in particular ought to devise some general plan where a mistake has been made which is discovered after the statute of limitations has run, for refunding, rather than to single out for preferential treatment individual cases.

Mr. SEARS. I do not think there is anything preferential in this at all.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SEARS. Yes.

Mr. BLANTON. The Secretary of the Treasury reports that "the department looks with disfavor on the enactment of special legislation designed to give relief from the operation of the statute of limitations, and that he is therefore unable to give his approval to the bill. What I would call to the attention of the gentleman from Wisconsin is that this is one bill which in this present extravagant Congress the Bureau of the Budget says does not conflict with the President's financial policy, and it is approved by the Budget. In view of the fact that our friend from Nebraska [Mr. SEARS] is going out, I hope the gentleman will let the bill go through.

Mr. STAFFORD. I have to be consistent with the position I have taken on other bills.

Mr. SEARS. This amount was paid and the whole matter was in the hands of the department. As soon as the department said it was, then the statute would run. There is no question about the merits of the case.

Mr. STAFFORD. There should be some general legislation listing this character of claims so that the department can pay them.

Mr. SEARS. I should be very glad to help pass a special law.

Mr. STAFFORD. I am trying to bring this to the attention of the Committee on Ways and Means.

Mr. SLOAN. Mr. Speaker, will the gentleman reserve his objection further?

Mr. STAFFORD. Yes.

Mr. SLOAN. The facts are I filed for this creamery, which I have known since its organization, a bill precisely like this, and filed it in the House. It was taken before a subcommittee of the Committee on Claims, Mr. DOXEY being the member. We had a hearing of two or three hours. We took testimony, and the bill was up for consideration by the Committee on Claims when this bill came over from the Senate, and it would have been passed by the Committee of the House, but to expedite matters I withdrew, or rather did not press, my bill, thinking that as it had been recommended by the Senate and the chairman of the Senate Committee on Claims, Senator HOWELL, that there would be no question about it. They were unable to arrive at this for a number of years, because the determination of whether there had been an overpayment was delayed, as there were no other corporations discovered where they could make their complaints. If Mr. DOXEY is present he will verify this statement, because I conducted through him and with him the hearings.

Mr. STAFFORD. I do not question the merits of many of these tax-refund cases; but if we are going to lift the statute of limitations, I say we should lift it on all of them.

Mr. SLOAN. I suggest this point, that, of course, the gentleman has the keeping not only of his own conscience but of the conscience of the House, and I suggest his objection should be made, not on an arbitrary position but on the judgment a reasonable man would take of a bill of this character, where there is no question about the right of recovery. The gentleman would not set up his consistency against the judgment of the House, would he?

Mr. PARKS. Mr. Speaker, I demand the regular order.

Mr. STAFFORD. I object.

FAIRMOUNT CREAMERY CO.

The Clerk called the next bill, S. 3620, for the relief of the Fairmount Creamery Co. at Omaha, Nebr.

Mr. GREENWOOD. Mr. Speaker, I object.

LEBANON EQUITY EXCHANGE OF LEBANON, NEBR.

The Clerk called the next bill, S. 4018, for the relief of Lebanon Equity Exchange of Lebanon, Nebr.

Mr. STAFFORD. I object.

THE ATLANTIC & PACIFIC RAILROAD CO.

The Clerk called the next bill, S. 5105, for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic & Pacific Railroad Co. in the State of New Mexico, and for other purposes.

Mr. DICKSTEIN. I object.

Mr. COLTON. Will the gentleman withhold his objection?

Mr. DICKSTEIN. Yes.

Mr. COLTON. This bill was sent up by the Secretary of the Interior. Each year in the administration of the land laws there are certain peculiar cases calling for equity, which the Commissioner of the General Land Office and the Secretary of the Interior call to the attention of Congress These are called omnibus bills. This is simply an omnibus bill sent up to correct certain cases which call for equity and which can not be corrected without legislation.

Mr. DICKSTEIN. A bill of this kind should not be on the Consent Calendar. Ninety per cent of the bills on this calendar have no business here. The Members of Congress have been getting away with murder with these bills. They are appropriations and demands upon the Treasury. It is going to give some of you a dose of your own medicine.

Mr. COLTON. This could not go on the Consent Calendar. We tried to get it on the Consent Calendar but they will not permit it. The parliamentarian holds that this is a private bill, does not appropriate any money, does not appropriate any property, and there is no general legislation contained in it, and therefore it can not go on the Consent Calendar.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. SMITH of Idaho. This is legislation in which no particular Member of Congress is interested, but it covers cases which the Commissioner of the General Land Office finds he can not allow.

Mr. DICKSTEIN. Does the gentleman say there is no appropriation?

Mr. SMITH of Idaho. No appropriation.

Mr. DICKSTEIN. Mr. Speaker, I withdraw my reservation of objection.

Mr. STAFFORD. Reserving the right to object, in one particular, I notice that in line 8, page 2, you authorize the railroad company to get lieu lands of equal quantity. It is customary for such bills to read "lands of equal value."

Mr. COLTON. I have no objection to that, but where it is necessary, as it would be in this case, to send out officials of the General Land Office to determine the value of the lands it costs more than to give them an equal area, because the valuable lands are gone anyway. What land there is left is largely of small value.

Mr. STAFFORD. This would not permit the railroad company to receive heavily forested lands in lieu of these lands which these old settlers appropriated?

Mr. COLTON. Oh, no. Absolutely not.

Mr. STAFFORD. Mr. Speaker, I shall not press the objection.

There being no objection the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Santa Fe Pacific Railroad Co., successor in interest to the Atlantic & Pacific Railroad Co., may, when requested by the Secretary of the Interior so to do, deed to the United States any part or all of sections 9, 15, and 23, township 2 north, range 4 west, New Mexico principal meridian, the title to which was derived by said railroad company through the act of Congress of July 27, 1866 (14 Stat. L. 292), in aid of the construction of said railroad, any portion of which sections is and has been occupied by any settler or claimant, by themselves or their predecessors in interest, for a period of not less than 40 years next before the passage of this act, and shall then be entitled to select in lieu thereof and to have patented other sections of vacant, unreserved, nonmineral public land of equal quantity in said State as may be agreed upon with the Secretary of the Interior: *Provided*, That the Secretary of the Interior shall as soon as may be after the passage of this act cause inquiry to be made of all lands so held by settlers or claimants, and shall cause the holdings to be surveyed, and on receiving such deed shall at once, without cost to the claimants, cause patents to issue to each such claimant for his or her holdings: *Provided further*, That not to exceed 160 acres shall be patented to any one person: *And provided further*, That any fractions of any such sections of land remaining after the issuance of patents to the settlers or claimants as aforesaid shall be subject to entry or other disposition the same as other public lands of the United States.

SEC. 2. That the Secretary be, and he is hereby, authorized to issue patent upon stock-raising homestead entry, Buffalo, Wyo., No. 025881, made by James Scott on April 7, 1926, for the south half of the southeast quarter and southeast quarter of the southwest quarter, section 13, southeast quarter of the northeast quarter, and northeast quarter of the southeast quarter, section 23, and north half of the northwest quarter, and southwest quarter of the northwest quarter, section 24, township 41 north, range 88 west, sixth principal meridian, in support of which final proof was submitted on October 15, 1929.

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

AUGUSTA CORNOG

The clerk called the next bill, S. 5467, to amend an act for the relief of Augusta Cornog, approved May 29, 1928, a similar House bill (H. R. 11594) being on the House calendar.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Reserving the right to object, does the gentleman know whether this lady is drawing compensation or not?

Mr. IRWIN. She is in a hospital.

Mr. COLLINS. Is she drawing compensation?

Mr. IRWIN. Yes. This merely——

Mr. COLLINS. I know; it merely gives her $2,000.

Mr. IRWIN. Oh, no. I beg the gentleman's pardon. It merely transfers her from one hospital to another, without any compensation whatever. It is merely a transfer, which is agreed to by the department.

Mr. COLLINS. The gentleman just read half of the bill. The bill provides—

The Secretary be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,000 to Augusta Cornog—

And so forth.

Mr. STAFFORD. If the gentleman will permit, I wish to say to the gentleman I did not have time to examine the original act on yesterday when I examined this bill, but I take it, upon careful reading the proposed amendment, that all that is intended by the language referred to by the gentleman from Mississippi [Mr. COLLINS] was to rewrite the original act?

Mr. IRWIN. Yes.

Mr. STAFFORD. I do not take it that the claimant would be entitled to an additional $2,000.

Mr. IRWIN. No. The amount of money involved is the same as in the original bill.

Mr. COLLINS. I will ask the gentleman again, Is this lady drawing a monthly amount as compensation for having contracted tuberculosis?

Mr. IRWIN. No, sir. In the last session Congress did pass a bill giving her $2,000, and this is merely giving them permission to transfer her from a Veterans' Bureau hospital to another hospital in the South.

Mr. COLLINS. Then is this an additional $2,000?

Mr. IRWIN. No, sir, it is not. It is simply the old bill giving her $2,000, and this is simply a transfer, giving the department the right to transfer her from one hospital to another.

Mr. SABATH. Is legislation needed for the purpose of transferring a patient from one hospital to another?

Mr. IRWIN. Yes.

Mr. COLLINS. I have an idea this bill, if enacted, will allow her an additional $2,000.

Mr. IRWIN. I will say to the gentleman if he does not feel satisfied, we will be glad to amend the bill, because I know the bill is intended to make a transfer from one hospital to the other, and that is all. That is to amend the original bill which was passed a year ago, so as to give them permission to transfer her from one hospital to another.

Mr. STAFFORD. I suppose the gentleman would have no objection to the following provision:

Provided, That in the construction of this act no additional payment shall be made to that heretofore made.

Mr. IRWIN. That is perfectly satisfactory.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act for the relief of Augusta Cornog, approved May 29, 1928, be, and the same is hereby, amended as follows: After the semicolon following the word "hospital," strike out the following words: "and that said Augusta Cornog shall be admitted to such Army hospital as may be directed by the Surgeon General of the United States Army for necessary care and treatment" and insert in lieu thereof the following: "and that said Augusta Cornog shall be removed from Fitzsimons General Hospital, an Army hospital at Denver, Colo., and that the Director of the Veterans' Bureau be required to admit her to the United States veterans' hospital at Oteen, N. C., for necessary care and treatment," so that the same will read as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,000 to Augusta Cornog, a former employee of the United States Public Health Service, who contracted tuberculosis while employed at the Atlanta Veterans' Bureau hospital; and that said Augusta Cornog shall be removed from Fitzsimons General Hospital, an Army hospital at Denver, Colo., and that the Director of the Veterans' Bureau be required to admit her to the United States veterans' hospital at Oteen, N. C., for necessary care and treatment."

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. It is the concensus of opinion that there is no need of the amendment which I suggested. The bill only provides for the reenactment of existing laws, with the privilege of transferring her to the Veterans' Bureau hospital instead of an Army hospital.

Mr. BLANTON. Mr. Speaker, I rise in opposition to the amendment. In letting this bill pass it is understood from the chairman of the committee and from the author of the bill that when this bill is passed and is construed by the department, they are not to pay another sum other than the $2,000 originally agreed to by the first bill?

Mr. IRWIN. No; they are not to pay her any additional at all.

Mr. BLANTON. It is just a matter of transfer?

Mr. IRWIN. It is just a matter of transfer.

Mr. BLANTON. With that understanding, there is no objection.

Mr. IRWIN. That is the understanding.

Mr. COLLINS. Mr. Speaker, I would like to have the chairman of this committee write a letter to the commission to that effect, so as to make it clear that no additional payment is carried in the bill.

Mr. IRWIN. I will be glad to do that.

Mr. BRAND of Georgia. There is nobody going to make any claim.

The bill was ordered to be read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

A similar House bill, H. R. 11594, was laid on the table.

THOMAS G. HAYES

The Clerk called the next Senate bill, S. 4509, for the relief of Thomas G. Hayes, a similar House bill, H. R. 12398, being on the calendar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Thomas G. Hayes, formerly private, Company A, One hundred and forty-second Machine Gun Battalion, Camp Beauregard, Alexandria, La., as reimbursement for money he failed to receive which was contained in registered letter No. 15158, which letter was mailed to him by Miss E. Hoffman, New Orleans, La., on April 26, 1918, and to allow in full and final settlement of said claim not to exceed $40. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40, or so much thereof as may be necessary, to pay said claim.

The bill was ordered to be read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

A similar House bill, H. R. 12398, was laid on the table.

MILDRED N. O'LONE

The Clerk called the next Senate bill, S. 5193, for the relief of Mildred N. O'Lone, a similar House bill H. R. 14507, being on the calendar.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Mildred N. O'Lone for blood furnished June 17, 1930, for transfusion to Clarence Judd, a patient in a Government hospital, and to allow in full and final settlement of said claim an amount not in excess of $25. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25, or so much thereof as may be necessary, for the payment of such claim.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill (H. R. 14507) was laid on the table.

GEORGE C. MANSFIELD CO.

The Clerk called the next Senate bill, S. 5475, for the relief of George C. Mansfield Co. and George D. Mansfield, a similar House bill (H. R. 1887) being on the calendar.

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill involves a claim of $126,000, and I do not believe it ought to pass at this time and in this atmosphere.

Mr. SCHAFER of Wisconsin. This bill provides that the Court of Claims shall have jurisdiction of this claim and shall determine its merits.

Mr. BLANTON. But at present this claimant has no legal claim at all against the United States that could be enforced, unless we would grant a special gratuity to permit it to go back to the Court of Claims, and it does involve $126,000 to come out of the Treasury.

Mr. SCHAFER of Wisconsin. They have a moral claim. The bill passed the Senate unanimously; the House subcommittee held extensive hearings on the bill and reported it out. The testimony produced indicates that this company suffered an actual loss by reason of the unfair and arbitrary action of a Government agency. The Senate amendment to the House bill covers the amendment which I suggested to the Subcommittee of the Committee on Claims providing that it shall only carry the actual loss suffered without interest.

Mr. BLANTON. The gentleman from Wisconsin is usually such a careful and dependable watchdog of the Public Treasury that he does not generally allow these $126,000 bills to be passed under unanimous consent.

The SPEAKER pro tempore. The gentleman from Texas will suspend to receive a message from the Senate?

Mr. BLANTON. Mr. Speaker, are we to be slammed off our feet in this way? Are we going to be forced to split up our argument just because a message, through our friend, comes from the Senate?

The SPEAKER pro tempore. The Chair asked the gentleman if he would suspend.

Mr. BLANTON. I do not want my paragraph split up in that way.

The SPEAKER pro tempore. If the gentleman refuses to suspend, that is all right.

Mr. BLANTON. I do refuse to suspend until I get through this sentence.

Mr. PARKS. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. BLANTON. I object.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to return to the bill just under consideration.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to return to the bill just under consideration. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This bill involves $126,000.

Mr. PARKS. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection to the consideration of the bill?

Mr. BLANTON. I object; but I wanted to give the gentleman from Wisconsin a chance to speak on the bill. But as it involves $126,000 I can not allow it to pass without due consideration. I object.

MRS. THOMAS DOYLE

The Clerk called the next Senate bill, S. 4716, for the relief of Mrs. Thomas Doyle, a similar House bill, H. R. 12960, being on the calendar.

Mr. SABATH. Mr. Speaker, reserving the right to object, I notice this bill is for the relief of Mrs. Thomas Doyle and then there is another bill for the relief of John T. Doyle.

Mr. LEAVITT. John T. Doyle is the son of Mrs. Thomas Doyle.

Mr. SABATH. What is this about? Are they husband and wife?

Mr. LEAVITT. No. Mrs. Thomas Doyle is the mother of John Doyle. She is a half Indian and John T. Doyle is a quarter Indian. They are not living on the Crow Reservation; they are living in Wyoming, and they are constituents of Senator Kendrick. He has told me personally that he knows them and that both of them are entirely competent to carry on their own business. This bill allows them to sell the lands they have and use the money just as any other competent person would be allowed to do.

Mr. SABATH. They are half Indians?

Mr. LEAVITT. One is half Indian and the other is quarter Indian.

Mr. SABATH. And they are now restricted under the law?

Mr. LEAVITT. They have sold all of their surplus land and now they have certain restricted homesteads. It requires an act of Congress to allow them to dispose of them.

There being no objection, the bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Mrs. Thomas Doyle, Crow allottee No. 1657, for land allotted to her under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

A similar House bill, H. R. 12960, was laid on the table.

JOHN T. DOYLE

The Clerk called the next Senate bill on the Private Calendar, S. 4715, for the relief of John T. Doyle, a similar House bill (H. R. 12959) being on the calendar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to John T. Doyle, Crow allottee No. 1660, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CHARLES PARSHALL

The Clerk called the next Senate bill on the Private Calendar, S. 612, for the relief of Charles Parshall, Fort Peck Indian allottee, of the Fort Peck Reservation, Mont.

Mr. COLLINS. Mr. Speaker, I object.

REBECCA GREEN

The Clerk called the next Senate bill on the Private Calendar, S. 3206, for the relief of Rebecca Green.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Rebecca Green, postmaster at Barbourville, Knox County, Ky., in the sum of $597.56 due to the United States on account of postal funds embezzled by Frederick Custer Miller, former assistant postmaster at Barbourville, Ky., in the year 1927.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN BABA

The Clerk called the next Senate bill on the Private Calendar, S. 2106, for the relief of John Baba, a similar House bill (H. R. 8093) being on the calendar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized to settle and adjust the claim of John Baba for additional compensation for work performed under contract of June 20, 1928, for the making of certain repairs to floors, doors, etc., in several buildings at Schuylkill Arsenal, Philadelphia, Pa., and to allow said claim in the sum of not to exceed $335. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $335, or so much thereof as may be necessary, for the payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ALEXANDER H. BRIGHT

The Clerk called the next Senate bill on the Private Calendar, S. 4726, for the relief of Alexander H. Bright, a similar House bill (H. R. 13086) being on the calendar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle, adjust, and certify to Congress the claim of Alexander H. Bright in the sum of $573.50 in full settlement for damages to his Moth airplane by an Army airplane at Boston, Mass., on November 16, 1929.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ROSE FEFFERMAN, ADMINISTRATRIX

The Clerk called the next Senate bill on the Private Calendar, S. 1382, for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership, a similar House bill (H. R. 9003) being on the calendar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to examine and settle the claim of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership, for $1,900.80, arising out of an auction sale held November 23, 1922, of certain mittens, and for $412.99 arising out of an auction sale held on December 12, 1923, of certain knives and spoons, and to deduct therefrom $1,440.90, due the United States by the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., as damages for breach of an auction sale on May 10, 1923, of certain blankets, and there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated not to exceed $872.89 for payment of such sum as may be allowed by the Comptroller General of the United States in full settlement of all claims of Rose Fefferman, administratrix, and the United Mercantile Distributing Co. against the United States on account of said auction sales.

Passed the Senate January 26 (calendar day, February 10), 1931.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

PIONEER STEAMSHIP CO.

The Clerk called the next Senate bill on the Private Calendar, S. 896, to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pioneer Steamship Co., of Cleveland, Ohio, the sum of $3,100.50 for money paid as duty upon certain repairs in foreign ports.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

C. H. PRICE

The Clerk read the next title to the Senate bill on the Private Calendar, S. 6072, for the relief of C. H. Price.

Mr. COLLINS. Reserving the right to object, this bill should be amended, but that would probably result in its defeat, so the gentleman should furnish a statement to the commission making no claim for compensation prior to the date of the award. I suggest that he agree to do this.

Mr. STAFFORD. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. STAFFORD. This is similar to the bill considered the first of the evening, when I stated that I would offer a substitute providing that in the administration of the employees compensation act we waive the statute of limitations and further provide that no benefit thereunder shall accrue prior to the enactment of this act.

I may say that I observe from the procedure in the Senate on Saturday that whenever a Senate bill with a House amendment comes up it invariably goes through without reference to committee. If the gentleman will accept the amendment I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of C. H. Price, who suffered injuries to his eyes while he was serving as foreman in the drainage work for the Public Health Service in Lauderdale County, Ala., in 1918 and 1919, and is now practically blind.

Mr. STAFFORD. Mr. Speaker, I offer the following substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following: "That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of C. H. Price, who was alleged to have suffered injury to his eyes while in the performance of duty as foreman in the drainage work of the Public Health Service in Lauderdale County, Ala., in 1918 and 1919: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act."

The amendment was agreed to.

Mr. COCHRAN of Missouri. Mr. Speaker, I arise in opposition to the amendment. As I understand the bill it is to place under the Compensation Commission a person injured prior to the passage of the act.

Mr. STAFFORD. No; subsequently.

Mr. ALMON. The compensation act was passed in 1916.

Mr. COCHRAN of Missouri. I rose to call the attention of the House to a matter—not to object to this bill—but in the first session of this Congress a bill introduced by me passed the House without any objection, to grant a man who had a wife and six children recognition under the employers' compensation act. He lost his right hand in an accident at the Naval Academy six months prior to the time the compensation act went into effect.

That bill has been pending before the Senate Committee, and I was told to-day that the reason the bill was not reported by the Senate Committee was that the Senate Committee reports no bill to place a man or woman under the compensation act.

Now, I know myself that one bill which I introduced in the Seventieth Congress passed the House and the Senate, and was signed by the President, thereby placing that person under the compensation act. I know of a dozen other bills of the same character. I am not going to take it out on this person because the Senate has not acted favorably on my bill, but I want to say that this is not the first time in this session where bills have passed similar to bills I have introduced and there has been objection made to the bills I have introduced. I serve notice now. I propose to defend my constituents' interests in the next Congress, and my bills will be passed or others of a similar nature will not.

Mr. VESTAL. If the gentleman will yield I might say that just a week ago the House objected to a bill of mine, where a man was injured where he was only three months behind in filing his claim with the Compensation Commission, and the compensation act had been on the statute books for two or three years.

Mr. COCHRAN of Missouri. I say to the gentleman that his bill should have been passed.

Mr. VESTAL. I think so myself.

Mr. COCHRAN of Missouri. I withdraw the reservation.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

DAISY O. DAVIS

The Clerk called the next bill, S. 182, for the relief of Daisy O. Davis.

Mr. STAFFORD. Mr. Speaker, this is a similar one to the bill just passed, where the accident occurred after the enactment of the employees' compensation act. I have prepared a similar amendment to the one just offered, and if that is acceptable to the author of the bill, I have no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Daisy O. Davis, a former employee in the Treasury Department.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Strike out all after the enacting clause and insert:

"That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Daisy O. Davis, who was alleged to have suffered injuries while employed on or about September 12, 1923, in the Treasury Department: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act."

The amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DR. COOPER NICHOLSON

The Clerk called the next bill, S. 4274, for the relief of Dr. Cooper Nicholson.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a similar bill, where the accident occurred subsequent to the enactment of the compensation act of 1916. I have prepared a similar amendment, and with the understanding that it be agreed to I have no objection to the bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Dr. Cooper Nicholson, who suffered an injury to his left eye while in charge of Main Hospital No. 1, at Muscle Shoals, Ala., during the World War.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Strike out all after the enacting clause and insert: "That in the administration of the employees compensation act of September 7, 1916, as amended, the Employees Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Dr. Cooper Nicholson, who is alleged to have suffered an injury to his left eye while in charge of Main Hospital No. 1, at Muscle Shoals, Ala., during the World War: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act."

Mr. COCHRAN of Missouri. Mr. Speaker, I reserve the right to object merely to call attention to the fact that here is another bill sent over from the Senate in a matter of compensation under the employees compensation act.

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

THOMAS BIRD

The clerk called the next bill, S. 4676, for the relief of the estate of Thomas Bird, deceased.

Mr. DICKSTEIN. Mr. Speaker, I object.

LESLIE W. MORSE

The Clerk called the next bill, S. 5199, for the relief of Leslie W. Morse.

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to have some information about this bill.

Mr. BLANTON. It appropriates $20.

Mr. SABATH. I withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Leslie W. Morse, formerly private, Company A, One hundred and fortieth Regiment United States Infantry, as reimbursement for money contained in registered letter No. 337, which letter was mailed to him by his father, Fred Morse, De Sota, Kans., on April 20, 1918, receipted for by the proper Army agency and never delivered to the addressee, and to allow in full and final settlement of said claim not to exceed $20. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20, or so much as may be necessary, to pay this claim.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

SEWARD CITY MILLS (INC.)

The Clerk called the next bill, S. 4675, for the relief of the Seward City Mills (Inc.).

Mr. SOMERS of New York. Mr. Speaker, I reserve the right to object. Is there any one here who can give me any information about this?

Mr. IRWIN. Mr. Speaker, this is a bill sent down by the Comptroller General admitting that there was a mistake and misunderstanding in the contract. The Comptroller General recommends that the bill be paid.

Mr. SOMERS of New York. And the gentleman is personally acquainted with some of the facts in the case?

Mr. IRWIN. Yes. It is a just bill.

Mr. SOMERS of New York. That satisfies me.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the Seward City Mills (Inc.), for a balance alleged to be due under the contract 1-I-Ind-1660, dated September 7, 1928, for the delivery of flour to the Indian Service, and to allow in full and final settlement for said claim the sum of not to exceed $830.82. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $830.82, or so much thereof as may be necessary, for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WHITE B. MILLER

The Clerk called the next Senate bill on the calendar, S. 4105, for the relief of the estate of White B. Miller, a similar House bill, H. R. 15525, being on the House Calendar.

Mr. BLANTON. Mr. Speaker, I object. This bill appropriates $25,000.

Mr. McREYNOLDS. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. Certainly.

Mr. McREYNOLDS. I am sure the gentleman would not object if he understood the conditions.

Mr. BLANTON. There are two bad reports against this bill.

Mr. McREYNOLDS. I would like to give the gentleman the facts. The facts are that Mr. Miller was not a regularly employed United States Assistant Attorney General. He was employed in special cases. The first employment was made in a lot of tax cases in 1925. He was employed in the Big Four Savannah cases, and also included the trial of tax cases which are listed in a letter which I have here. The gentleman can see the list of cases.

Mr. COLLINS. How much was involved?

Mr. McREYNOLDS. In those cases various sums were involved. He prosecuted one of those cases to the Supreme Court of the United States and recovered $500,000.

Mr. COLLINS. And the fee is only $25,000?

Mr. McREYNOLDS. He was paid in those cases. A year afterwards, in 1926, he was employed at that time to look into these tax cases in which there was over $2,000,000 involved. On April 24, 1926, the Attorney General sent a contract to Mr. Miller to sign, in which it was provided—

Your compensation will be decided by the Attorney General upon the conclusion of your services.

Mr. Miller refused to accept that; and on April 24, 1926, Attorney General Sargent changed that wording to read—

You will be allowed reasonable compensation at the close of your services.

There was over $2,000,000 involved in those cases.

Mr. COLLINS. And he is asking for a fee of only $25,000?

Mr. McREYNOLDS. He is only asking a fee of $25,000, and it has been approved by the Attorney General.

Mr. COLLINS. That seems to me to be a reasonable fee.

Mr. McREYNOLDS. The fact of it was he expected a $50,000 fee, and that had been approved by the department under Mr. Sargent, Attorney General; but in the change of administration they agreed to give him a fee of $25,000 and asked the Bureau of the Budget to put it in the appropriation bill. They thought it could not be handled in that way and asked for special legislation. On the other side of these tax cases was Chief Justice Hughes's firm. Mr. Miller saved the Government $1,080,000.

Mr. BLANTON. I call attention to one fact that the gentleman has not mentioned. This is from the report of Attorney General Mitchell. He says:

> At the time of Mr. Miller's appointment in the Cannon cases he was already receiving the maximum of $10,000 a year as a special assistant to the Attorney General for conducting the Hare cases at Savannah, Ga.

Now, if he were already drawing $10,000, which is the same salary that the gentleman draws, and which I draw, and which I drew during the first 12 years I was here, during which time I gave every moment of my time to the Government, vacations and otherwise, he does not deserve an extra $25,000 for looking after these cases.

Mr. COLLINS. Will the gentleman yield?

Mr. BLANTON. Yes. I am sorry, but I must object. If this special attorney were going to try a case involving $25,000 down in Tennessee, he would ask for a week to try the case. He would ask the court to give him four hours to argue the case before the jury. He would not call it up here toward midnight after a hard day's work, with a few Congressmen here, all tired out, and ask it to be passed in a moment. That is not the way to try a case involving $25,000 attorney's fee. I want to know the Government's side of this case. I am a friend of the gentleman and his colleague. We belong to the same party. I would like to grant him a favor if I could, but I have never yet objected to a bill because, forsooth, it happened to be a Republican bill or a Democrat bill. I have objected to bad bills. I object, Mr. Speaker.

Mr. COLLINS. Will the gentleman withhold his objection?

Mr. O'CONNOR of New York. Regular order, Mr. Speaker.

Mr. BLANTON. I will withhold the objection, but I intend ultimately to object.

The SPEAKER pro tempore. Regular order has been demanded. Is there objection?

Mr. BLANTON. I object.

ASHEVILLE, N. C.

The Clerk called the next Senate bill, S. 5039, authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes, a similar bill (H. R. 14946) being on the House Calendar.

Mr. STAFFORD. Reserving the right to object, as I understand this bill, the gentleman is seeking to give to the city of Asheville a former post-office site and building that was erected thereon, on the basis that the city originally donated the tract; and in further justification for the contribution back to the city, the city also donated the land for the new site?

Mr. PRITCHARD. The citizens did by public subscription. They raised the money to give it to the Government.

Mr. STAFFORD. As I understand, the new site is worth almost twice the value of the old site?

Mr. PRITCHARD. The building and land combined; yes.

Mr. STAFFORD. It is because of the fact that the citizens donated the new site, as well as donated the old site, which I think is a liberal set-off, that I do not press the objection.

Mr. SABATH. Your people seem to be very liberal, and I think the bill should be passed.

Mr. PRITCHARD. We just want this for the purpose of entertaining our friends when they come to our city.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to convey by quitclaim deed to the city of Asheville, N. C., the land in said city known as the old post-office site, together with the building thereon, to be used exclusively for public park and street purposes. If the city of Asheville fails to use such land for the purposes herein provided, or attempts to alienate such land, title thereto shall revert to the United States.

SEC. 2. It shall be expressly stipulated in such deed that notwithstanding the transfer of title, the United States shall be permitted to occupy, without payment of rent to said city, the building now located on such post-office site until such time as the new post-office building now under construction in said city shall be completed and made available for use.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CONSTRUCTION OF PIPE LINES, GULF REFINING CO.

The Clerk called the next Senate bill, S. 5297, to permit construction, maintenance, and use of certain pipe lines for petroleum and petroleum products, a similar House bill (H. R. 15010) being on the House Calendar.

Mr. BLANTON. Mr. Speaker, I object.

Mr. DICKSTEIN. I object.

Mr. KELLY. Will the gentleman withhold his objection?

Mr. BLANTON. Certainly, but this bill would permit Mr. Mellon's big monopoly to put a pipe line under the Capitol. I object to that.

Mr. KELLY. If the gentleman will let me say a word, this bill will result in the expenditure of a considerable amount of private funds, instead of contributions from the Treasury. It is a fair provision, which can injure no one.

Mr. O'CONNOR of New York. If the gentleman is not going to object, I shall.

Mr. PARKS. Mr. Speaker, regular order.

Mr. BLANTON. I object.

R. B. MILLER

The Clerk called the next Senate bill on the calendar, S. 3088, for the relief of R. B. Miller.

Mr. STAFFORD. I object.

Mr. SHAFFER of Virginia. Will the gentleman withhold his objection?

Mr. STAFFORD. I will withhold the objection.

Mr. SHAFFER of Virginia. In this case this man shipped a certain amount of manganese from Bland County, Va., to Reading, Pa. The Director General of Railroads, who was Solicitor General, states in his report that Mr. Miller has an equitable claim, and that if he had filed this equitable claim in time in all probability it would have been allowed. You have been suspending the statute of limitations all night, and I see no reason why the statute of limitations should be imposed in this case.

Mr. STAFFORD. As I read the report, this man Miller filed a claim with the Interstate Commerce Commission, and the Interstate Commerce Commission held that the rate was reasonable on the commodity rate. Now he wants to have a new adjudication of the manganese that was shipped during the war. The damages are only conjectural, and if we allow this bill to pass there will be any number of bills of similar import.

Mr. SHAFFER of Virginia. The Solicitor General says this is an unreasonable charge, and he said in this report that if the charge to Harrisburg, Pa., was reasonable, then this charge was unreasonable and that he is entitled to a refund of $2,400.

Mr. STAFFORD. Let me read this:

> The legally published rates on the balance of Mr. Miller's shipments during Federal control to Harrisburg, Pa., and Graham, Va., were not class rates and it does not appear that they were unreasonable rates.

That is what I base my opinion on. I object.

UPSON-WALTON CO.

The Clerk called the next Senate bill, S. 13, for the relief of the Upson-Walton Co., a similar House bill, H. R. 15327, being on the calendar.

Mr. COLLINS. Mr. Speaker, I object.

Mr. MOONEY. Will the gentleman withhold his objection?

Mr. COLLINS. Yes.

Mr. MOONEY. As a matter of fact, this bill is to protect a company that did some work for the Shipping Board, on which they lost money. The Shipping Board at one time entered into an agreement to pay and then refused because the company with which they had a subcontract failed. It gives them the right to sue in the Court of Claims and appropriates no money for them at all. It is to make up money that was actually lost by this company.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

CICERO A. HILLIARD

The Clerk called the next Senate bill, S. 2481, for the relief of Cicero A. Hilliard.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a bill similar to those heretofore considered, where the accident occurred subsequent to the passage of the employees' compensation act. I have prepared an amendment waiving the statute of limitations, and, if that is acceptable to the author of the bill, I have no objection to the bill.

Mr. VESTAL. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. VESTAL. Is this another one of those bills that goes back?

Mr. STAFFORD. It is not retroactive. No bills are being considered in the House where the accident occurred prior to the enactment of the employees' compensation act, in 1916. This injury occurred in 1925, but he failed to file a claim within the one year prescribed by that act.

Mr. VESTAL. I can not quite understand why the House is permitting this sort of bill to pass when other bills were objected to, where the injury occurred only three years ago.

Mr. SCHAFER of Wisconsin. I shall object in order to make the policy uniform. I will reserve the objection and state that it is manifestly unfair for the conscientious objectors to object to the consideration of bills introduced by Members of the House on certain grounds, because they come within a class, and the very next day allow Senate bills in the same class to pass.

Mr. STAFFORD. The gentleman will certainly not level that charge against me, because I have not in one instance objected to any bill that came within the purview of the employees' compensation act, where the accident occurred after the enactment of that act. We have passed five bills to-night of similar purport, and if the gentleman objects to this bill then he is doing a manifest wrong to this claim and giving preferential consideration to those other bills. I did not object to the bill of the gentleman from Indiana.

Mr. BACHMANN. The gentleman from Indiana is right. I objected to his bill the other night, the same kind of a bill. I objected because the report did not show how long afterwards he brought it to the attention of the commission.

Mr. DICKSTEIN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mrs. OWEN. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. A gentleman on the gentlewoman's side called for the regular order, and I can not yield.

Mr. COLLINS. Mr. Speaker, the gentleman who demanded the regular order did not rise.

The SPEAKER pro tempore. Yes; the gentleman from New York [Mr. DICKSTEIN] rose and demanded the regular order.

Mr. DICKSTEIN. Mr. Speaker, I withdraw the demand for the regular order.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I withdraw my objection and reserve the right to object.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Indiana [Mr. VESTAL] what he has to say with respect to the bill.

Mr. VESTAL. What I desire to say is that it seems to me—and I do not want to object to the bill, because I have never objected to a bill on the floor of this House in my life; but I do not understand how it comes about that bills of this character are not objected to when the sort of bill I brought in here the other night was objected to, where the party was seeking this same remedy. He was injured only three years ago and he just missed by a month or so of filing his claim before the statute of limitations applied.

Mr. BACHMANN. I want to say that the gentleman from Indiana is absolutely right. The only trouble was that the report in his case did not show how long it was before he asked for the benefits of the employees' compensation law, and if any of the Senate bills are going through to-night I think it is right that the gentleman should have his bill go through. It is the only bill of the kind I know of that was objected to, and unless we can turn back to it I am going to object to all Employees' Compensation Commission bills that come from the Senate that are in the same category. We ought to treat every Member fairly.

Mr. McDUFFIE. But two wrongs do not make a right.

Mr. BACHMANN. But his bill is in the same category.

Mr. STAFFORD. We have passed five of these bills to-night. Is the gentleman going to start now to level this character of objection to the bills?

Mr. BACHMANN. There was only one such bill, and I objected to it with the understanding we had between the committee on this side and the committee on the other side, and it is not fair to take advantage of some Member of the House.

Mr. ROMJUE. Will not the gentleman permit the gentlewoman from Florida [Mrs. OWEN] to explain the bill?

Mr. MONTAGUE. She is the patron of the bill.

Mr. COCHRAN of Missouri. Will the gentleman yield? Tell us something about this understanding the gentleman is talking about.

Mr. BACHMANN. The gentleman heard it the other night.

Mrs. OWEN. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mrs. OWEN. Does the gentleman realize the purpose of this bill?

Mr. BACHMANN. I do.

Mrs. OWEN. The purpose is to extend the benefits of the employees' compensation act to this claimant, although he failed to file the claim within the year as provided by law.

Mr. BACHMANN. Why did he not file his claim within the year?

Mrs. OWEN. This is a man over 80 years old, employed by the Government at a paltry wage. The man did not realize it was necessary to make more than a verbal complaint. This is exactly the same type of bill, five of which have been passed this evening. Would there be any equity in barring out the claim of this old man?

Mr. BACHMANN. I will say to the gentlewoman from Florida that I am glad to let the bill go by and not object to it, but I am calling the attention of the Members of this House to the fact that this is a Senate bill, and the gentleman from Indiana had a bill of the same kind where the gentleman involved is 78 or 79 years old and the bill is on all fours with this bill. He had his injury in 1927 and he was an employee of this House. There is no difference between that bill and the pending bill. I objected to the other bill the other night.

Mrs. OWEN. Will the gentleman point out what possible service it would be to this old gentleman to bar out this other man who has a claim against the Government?

Mr. BACHMANN. I will say to the gentlewoman from Florida that the only thing I am seeking to do is to give every Member the same right with respect to these matters and not prefer a Senate bill over a similar House bill.

Mr. PARKS. Because an injustice was done to another man, does the gentleman want to do an injustice to this claimant?

Mr. BACHMANN. No; but I want unanimous consent a little later to return to that bill.

Mr. PARKS. All right; the gentleman will get it.

Mrs. OWEN. I shall certainly not object.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I will not object provided the House, before we pass the objection stage on this bill, will permit the gentleman from Indiana to go back and have his bill considered. It is on all fours with this bill, and I do not think it is proper to refuse to pass a House bill if we are going to pass a similar Senate bill in another case.

Mr. O'CONNOR of New York. Mr. Speaker, I demand the regular order.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 12659).

The regular order was demanded.

The SPEAKER pro tempore. The regular order has been demanded. The Chair had recognized the gentleman from Nevada to ask unanimous consent to return to a bill, and the Chair will ask the gentleman whether the bill he refers to is back of the star.

Mr. ARENTZ. It is back of the star.

The SPEAKER pro tempore. If it is back of the star, the Chair is not in position to recognize the gentleman to make the request, in view of the statement made by the Speaker and the arrangement under which we are operating to-night.

Mr. CLARKE of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MICHENER). The gentleman will state it.

Mr. CLARKE of New York. Will the Chair explain again what is the rule that we are working under, and whether or not we have a right to go back of the star?

The SPEAKER pro tempore. Let the Chair read for the information of the House the statement of the Speaker in regard to procedure:

> The Chair will make this statement in order to clarify the procedure to-night. The Chair thinks that the orderly and fair way of complying with the resolution agreed to on February 26 would be to begin at the star and call each bill on the Private Calendar, and each Senate bill on the Speaker's table, where a similar House bill is on the Private Calendar, in their numerical order, in which both classes of bills appear on the Private Calendar. When that has been completed the Chair will then recognize Members to ask unanimous consent to take Senate bills from the Speaker's table where similar House bills are on the Private Calendar before the star.

Therefore the present occupant of the chair feels that he should not recognize the request to return to bills on the calendar before the star.

The Clerk will report the next bill.

FRED N. DUNHAM

The Clerk read the title of the next Senate bill on the Private Calendar, S. 3839, for the relief of Fred N. Dunham.

Mr. STAFFORD. I object. I will reserve the objection.

Mr. PARKS. I call for the regular order. Why should we have 30 minutes' debate when these bills are brought up when a Member knows that he is going to object, and block everybody who have bills ahead. That is the only reason I ask for the regular order.

The SPEAKER pro tempore. Is there objection?

Mr. PARKS. I ask for the regular order from now on.

Mr. STAFFORD. I object.

TO AMEND SECTION 2 OF THE ACT OF FEBRUARY 25, 1927

The Clerk read the title of the next Senate bill on the Private Calendar, S. J. Res. 56, to amend section 2 of the act of February 25, 1927 (44 Stat. L., pt. 2, p. 336).

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

ROSCOE M'KINLEY MEADOWS

The Clerk read the title of the next Senate bill on the Private Calendar, for the relief of Roscoe McKinley Meadows.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

Mr. MONTAGUE. Will the gentleman withhold his objection?

Mr. COLLINS. I will.

Mr. MONTAGUE. If my good friend will examine the bill, I think he will find it eminently just. Here is a man, a chaplain in the Navy, who sustained a 45 per cent injury. He was held to be a regular officer by the Comptroller General, and later the Navy held him to be a provisional officer, so he was caught both ways. He was a regular officer in the Navy or an emergency officer, or vice versa.

Mr. HILL of Alabama. In other words, under the ruling he was not eligible either as a regular or an emergency officer, and, of course, having served for over two years during the war as an officer of the Navy, subjecting himself to all of the risks, dangers, travails, and hardships of the service, he should be entitled to the benefits either as a regular officer or as an emergency officer.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

DANIEL S. SCHAFFER CO. (INC.)

The Clerk called the next bill, S. 1249, for the relief of Daniel S. Schaffer Co. (Inc.).

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This was a claim originally for over $33,000. The Senate passed it for $17,765, showing that there was that much inequity in it to start with. I object.

Mr. GAMBRILL. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. Certainly.

Mr. GAMBRILL. This account was presented, it is true, for about $33,000, but in the auditing made by the Navy they disallowed certain items and reduced the amount to $17,765. Everything has been done in the orderly, customary way. The accounts have been audited by the Navy Department, the bill has been passed by the Senate, and has been favorably reported by the Committee on Claims. Everything has been done that could be done in order to put this bill in proper shape for consideration by this House. The only items allowed by the Navy Department were the excess labor costs which they were compelled to pay by reason of the act of the Government.

Mr. BLANTON. Mr. Speaker, this is based on a claim that runs back to 1917. If it could be taken up in an orderly way and discussed and argued in a proper way, we could likely reach some proper agreement, but to be brought here and disposed of in an instant is not proper on a $33,000 bill that has been already reduced to $17,765. I therefore object.

CAPT. JACOB M. PEARCE

The Clerk called the next bill, S. 5779, for the relief of Capt. Jacob M. Pearce, United States Marine Corps.

Mr. SCHAFER of Wisconsin. I object.

Mr. COLLINS. I object.

Mr. BRIGGS. On what grounds do the gentlemen state that they object?

Mr. COLLINS. Because it rearranges the entire personnel of the Navy. I object.

COUNTY OF SOLANO, CALIF.

The Clerk called the next bill, S. 3184, to permit the county of Solano in the State of California to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy, in his discretion, is hereby authorized to permit the county of Solano in the State of California to lay, construct, install, and maintain such sewer outlet or outlets as circumstances demand without detriment to naval interests, over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, upon conditions and plans to be previously approved by the Secretary of the Navy: *Provided*, That the permission given pursuant to this act shall not pass any right or title in said dike or the accretions thereto and shall be revocable by the Secretary of the Navy when, in his judgment, the maintenance of said sewer outlets is inimical to or endangers the interests of the naval service.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

JAMES H. ROACHE

The Clerk called the next bill, S. 181, for the relief of James H. Roache.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object, because there is an unfavorable report upon this bill. I would inquire whether these improvements were made by this claimant when he knew that he did not have any right to the land.

Mr. DRANE. No; he did not know. He spent all of the money he had on the property. He went on it in good faith. The Government put him on it in good faith, and he spent his money there doing everything that was necessary. After his money was spent the Government found that it had put him on in error and asked him to leave, and he had to leave, and he lost his money.

Mr. STAFFORD. I withdraw the reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James H. Roache, out of any moneys in the Treasury not otherwise appropriated, the sum of $944.50 as reimbursement in full for expenses and losses incurred in connection with improvements made by him on the land embraced in his homestead entry 021325 for the southeast quarter northeast quarter section 4, township 35 south, range 26 east, Tallahassee meridian, Florida, after said entry had been allowed on May 10, 1927, and prior to receipt of notice on or about June 27, 1927, that said allowed entry had been held for cancellation owing to fact the identical land was patented to the State of Florida August 31, 1903.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CLAUDE J. CHURCH

The Clerk called the next bill, S. 401, for the relief of Claude J. Church.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Claude J. Church, a citizen and resident of Monroe, La., the sum of $300 as compensation for injuries received by him when struck by a mass of ice and snow falling on him from the roof of the Federal building at Monroe, La., when in the act of entering the said building.

Mr. COCHRAN of Missouri. Mr. Speaker, I move to strike out the last word. I rise simply for the purpose of asking some Member from Louisiana to tell the Members of this House how often they have ice and snow in Louisiana so thick that it falls off a Federal building and strikes the head of a pedestrian. As long as there is no Member from Louisiana present who can enlighten the House I withdraw the pro forma amendment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BENJAMIN BRAZNELL

The Clerk called the next Senate bill, S. 457, for the relief of Benjamin Braznell.

Mr. STAFFORD. This is a tax bill, and I have been objecting to this class of bills.

Mr. COCHRAN of Missouri. I would not object to it for that reason alone.

Mr. STAFFORD. Yes. I am different from the gentleman from Missouri. I try to be consistent.

I would like to have some explanation of this bill.

Mr. KELLY. I will say that this measure has been before Congress for a number of years and favorable committee reports have repeatedly been made. The Treasury Department has admitted that there is a just claim, but that by a technicality as to the filing of the claim for refund it is impossible to pay this amount which is properly due the estate involved.

Mr. STAFFORD. This is similar to the other bills, Mr. Speaker, and I object.

AMOS D. CARVER ET AL.

The Clerk called the next Senate bill on the calendar, S. 1367, for the relief of Amos D. Carver, S. E. Turner, Clifford N. Carver, Scott Blanchard, P. B. Blanchard, James B. Parse, A. N. Blanchard, and W. A. Blanchard.

Mr. BLANTON. Mr. Speaker, this bill appropriates $35,000, and I object.

Mr. BLACK. Will the gentleman reserve his objection?

Mr. BLANTON. Certainly.

Mr. BLACK. This bill sets forth a claim that has already been passed upon by the Court of Claims, in which claimants were awarded $175,000. The United States Supreme Court handed down a decision to the effect that the Court of Claims had no jurisdiction. The Senate committee has passed this claim; the Senate has passed the bill; the House committee has reported it. The claimants are willing to accept $35,000. They already had a judgment on the merits by the Court of Claims for $175,000. The Government will save money by the passage of this bill. I think the gentleman, in view of the fact that the claimants are willing to accept this reduction, should withdraw his objection.

Mr. BLANTON. The Chief Justice has made such an eloquent oration in behalf of his bill that I turn it over to the Republican administration and call attention to the fact that it appropriates $35,000.

Mr. COLLINS. Mr. Speaker, I am going to object to it.

The SPEAKER pro tempore. Objection is heard.

Mr. BLACK. Mr. Speaker, I make a point of order that there is no quorum present.

Mr. O'CONNOR of New York. A parliamentary inquiry, Mr. Speaker. I would like to ask whether the Speaker thinks there is a quorum present.

Mr. BLACK. Mr. Speaker, I only make the point of order because there is no use having this session to-night. What is the use of having the Senate pass bills when one man can object to them over here?

The SPEAKER pro tempore. Does the gentleman insist on his point of order?

Mr. BLACK. Does the Speaker desire me to withdraw the point of order?

The SPEAKER pro tempore. Yes.

Mr. O'CONNOR of New York. I would like to make a parliamentary inquiry as to whether or not the Chair thinks there is a quorum present.

The SPEAKER pro tempore. The Chair thinks there is a quorum.

STILLWELL BROS. (INC.)

The Clerk called the next Senate bill on the calendar, S. 1671, for the relief of Stillwell Bros. (Inc.).

Mr. STAFFORD. Reserving the right to object, a bill on all fours with this was objected to a minute ago by the gentleman from Texas, a bill introduced by the gentleman from Maryland [Mr. GAMBRILL]. This is to pay a subcontractor.

Mr. MILLER. Is that any reason for objecting to this claim?

Mr. STAFFORD. Well, we like to be consistent.

Mr. BLANTON. I do not fool with them when they are that small.

Mr. STAFFORD. As I understand the facts in this case, some years back we passed as an item in the naval appropriation bill authorization to the Navy Department to settle claims with principal contractors where there was loss occasioned by higher costs during the war.

Mr. MILLER. Yes; but it did not apply to subcontractors.

Mr. STAFFORD. It did not apply to subcontractors. This is a case where a subcontractor, under a principal contractor of the Navy Department, suffered a loss?

Mr. MILLER. Yes, sir.

Mr. STAFFORD. The gentleman has served a long time on the Committee on Naval Affairs. Can the gentleman inform the committee as to how many similar cases there are of claims of subcontractors who would be entitled to relief if this bill were passed?

Mr. MILLER. At the time the act was passed granting relief to principal contractors there were many claims of subcontractors. I was a member of the Naval Affairs Committee at that time, and we thought the best thing to do would be to pass a bill giving relief to the principal contractors, but let the subcontractors either submit to an audit of their claims or come to Congress with a private bill. That is the principle we followed. This claim has been audited and has been reduced from $27,000 to $5,900.

Mr. STAFFORD. Can the gentleman inform the House as to how many such claims exist, similar in their nature to this claim?

Mr. MILLER. No; I can not. I do not have that information.

Mr. STAFFORD. Has Congress heretofore passed any bills of this character?

Mr. MILLER. Oh, yes. They have given relief to subcontractors.

Mr. SABATH. When we were not looking; yes. This would set up a dangerous precedent, and I object, Mr. Speaker.

THOMAS F. MYERS

The Clerk called the next Senate bill on the calendar, S. 5321, for the relief of Thomas F. Myers.

Mr. COLLINS. Reserving the right to object, merely for the purpose of asking a question. This gentleman was on a sidewalk and a private automobile which had been commandeered by a policeman struck him.

Is it the idea of the chairman of the committee that the District is liable?

Mr. MOORE of Virginia. I will say that I know something about the case. The bill was introduced by the chairman of the District Committee in the Senate. The automobile which struck the pedestrian on the sidewalk was in charge of an employee of the District of Columbia. The injury occurred in 1926 and the man lost his leg.

Mr. BLANTON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BLANTON. This bill merely permits the commissioners to adjudicate this claim. If the gentleman were to give his idea about the merits of it, it might induce the commissioners to do something that they otherwise might not decide to do. I would suggest that we merely pass the bill and leave it to the commissioners in their own discretion.

Mr. MOORE of Virginia. That is what the commissioners ask may be done rather than to permit the man to have another day in court.

Mr. BLANTON. The gentleman from Mississippi asked the gentleman from Virginia to express his views as to the merits of the case.

Mr. COLLINS. I heartily thank the gentleman from Texas for his voluntary suggestions to me; however, I know what I am after.

Mr. SABATH. The gentleman from Texas is desirous of helping out a little bit this time.

Mr. BLANTON. The commissioners are so used to following WALTON MOORE, and this House usually does the same thing, and I suggest that we do not object to the bill but allow it to go through.

Mr. SABATH. They can not follow a better man than the gentleman from Virginia.

Mr. COLLINS. The thought I have is this: Here was a citizen on the sidewalk and the automobile which struck him was a private automobile.

Mr. MOORE of Virginia. But in charge of the Government's officer and, to all intents and purposes, a Government vehicle for the time being. That is the situation, and the statute says that in such a case as that the District is liable to a suit, that statute having been passed in 1930.

Mr. STAFFORD. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. STAFFORD. I assume the gentleman would have no objection to a clause providing that no interest shall be allowed on the amount of the award.

Mr. MOORE of Virginia. The only thing is that might prejudice it. I will give the gentleman my word of honor that I will communicate with the Commissioners of the District of Columbia and say that was the intent at the time this bill was passed.

Mr. STAFFORD. With that assurance I shall not press the amendment.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'CONNOR of New York. Is it proper for the gentleman from Florida [Mr. GREEN] to sit beside the gentleman from Wisconsin [Mr. SCHAFER]?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. SCHAFER of Wisconsin. Does not the gentleman believe the bill is on all fours with the bill that was objected to by the Democratic objector the other night, the bill introduced by the gentleman from Indiana [Mr. VESTAL].

Mr. COLLINS. The gentleman from Wisconsin is mistaken. I did not object to that bill.

Mr. SCHAFER of Wisconsin. I thought the gentleman, Mr. COLLINS, and the gentleman, Mr. BACHMANN, both took the floor and indicated that they had an agreement to object to those compensation bills.

Mr. MOORE of Virginia. This is not a bill of that sort.

Mr. SCHAFER of Wisconsin. It is on the same principle.

Mr. MOORE of Virginia. It is to waive the statute of limitations. The claim has not been filed and prosecuted under the law which was in effect providing for giving an injured person an opportunity to have his day in court. If the man were in court to-day—and he was in court once—the District Commissioners would have the right to waive the statute of limitations.

Mr. SCHAFER of Wisconsin. I shall not press my objection, but I hope that before this Congress adjourns the gentleman from Indiana [Mr. VESTAL] may bring his meritorious bill up, and I may say at this time that I shall not object this evening if the gentlewoman from Florida will ask unanimous consent to return to the bill to which I objected.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are authorized, notwithstanding any statute of limitations, to hear, determine, and settle, under the act approved February 11, 1929, as amended by the act of June 5, 1930, entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," the claim of Thomas F. Myers against the District of Columbia on account of injury sustained by him on September 8, 1926.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CICERO A. HILLIARD

Mr. STAFFORD. Mr. Speaker, in view of the statement just made by my colleague, that he withdraws his objection to Private Calendar bill No. 1126, Senate bill 2481, I ask unanimous consent that we return to that bill.

Mr. BACHMANN. Mr. Speaker, I object.

HAZEL L. FAUBER, ADMINISTRATRIX

The Clerk called the next Senate bill, S. 3230, conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased, a similar House bill, H. R. 9364, being on the calendar.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding the lapse of time or the statute of limitations to hear, examine, adjudicate, and render judgment under the act of June 25, 1910 (36 Stat. L., ch. 423, p. 851), as amended July 1, 1918 (40 Stat. L., ch. 114, pp. 704, 705; U. S. C., title 35, sec. 68), on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, or her successor, as the legal representative of the estate of said decedent, for the use of or the manufacture by or for the United States without license of the owner thereof or the lawful right to use or manufacture the same, of certain inventions of said William Harrison Fauber, deceased, described in or covered by Letters Patent Nos. 971029, 1024682, and 1121006, issued by the Patent Office of the United States on September 27, 1910, April 30, 1912, and December 15, 1914, respectively.

SEC. 2. That from any decision in any suit prosecuted under the authority of this act an appeal may be taken by either party as is provided for by law in other cases.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill (H. R. 9364) was laid on the table.

J. D. STEWART

The Clerk called the next Senate bill, S. 3144, for the relief of J. D. Stewart.

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, this is a bill that is similar to the one objected to by the gentleman from West Virginia and it is also similar to the bill which was presented by Mr. VESTAL, of Indiana, some time previously. It would be my suggestion to the House that we consider all three of these bills at this time, because they are all alike, and settle them at this time, and stop the wrangling which has been going on, and which I think, has crowded out three meritorious bills, because the parties did not file within one year under the compensation law.

Mr. BACHMANN. Mr. Speaker, I hope that this unanimous-consent request will be granted.

Mr. GREENWOOD. I think the gentlewoman from Florida [Mrs. OWEN] ought to be allowed to call up her bill and the gentleman from Indiana [Mr. VESTAL] ought to be allowed to call up his bill and that they all should be considered.

Mr. COCHRAN of Missouri. Is it not possible for the House of Representatives by unanimous consent to do anything to-night that it desires to do?

The SPEAKER pro tempore (Mr. SNELL). Under the ruling of the Speaker before the House adjourned this afternoon it was understood we would not go back of the star until after all the Senate bills had been considered.

Mr. GREENWOOD. Then, Mr. Speaker, I submit this unanimous-consent request at this time, that this bill, being similar to the one that the gentlewoman from Florida [Mrs. OWEN] introduced, that we return to her bill and pass that bill, and then pass the pending bill, with the understanding that after the calendar has been finished, the gentleman from Indiana [Mr. VESTAL] will be allowed to call up his bill.

Mr. O'CONNOR of New York. Mr. Speaker, that would be a violation of the understanding, I submit, that we had when we went into this session and to preserve the rules of the House the present occupant of the chair should not entertain the request.

Mr. GREENWOOD. It would not be a violation of the rules, because we have frequently returned to bills ahead of the star after the calendar had been finished at the evening session.

The SPEAKER pro tempore. After we have finished the other bills, the Chair would be willing to entertain such a request.

Mr. GREENWOOD. I submitted my request in a spirit of harmony, because all three of the bills are similar and all of them are meritorious.

Mr. BACHMANN. I think that is what should be done and when we reach the end of the calendar, I will agree to that request.

Mr. GREENWOOD. I am not asking now to go back of the star, but to consider the bill of the gentlewoman from Florida [Mrs. OWEN], with the understanding that after the calendar has been finished, the gentleman from Indiana [Mr. VESTAL] can submit his request to go back at that time.

Mr. BACHMANN. Reserving the right to object, I have no objection if the gentleman will make his request at the conclusion of the calendar so that all three bills can be taken up at that time.

The SPEAKER pro tempore. The Chair thinks that would be all right.

Mr. BACHMANN. With that understanding, I shall renew my request after the calendar is called.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

HOWARD DIMICK

The Clerk called the next Senate bill on the Private Calendar, S. 5195, for the relief of Howard Dimick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Howard Dimick for refund of the amount paid by him for the purchase of a motor vessel *V–13604* sold by the Prohibition Service but not delivered to him, and to allow said claim in an amount not exceeding $910. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $910, or so much thereof as may be necessary, for the payment of this claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

T. MORRIS WHITE

The Clerk called the next Senate bill on the Private Calendar, S. 5198, for the relief of T. Morris White.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of T. Morris White as reimbursement for balance of money not previously refunded of the amount of $152.49 erroneously paid to the Office of Public Buildings and Public Parks of the National Capital for 586½ cubic yards of ashes and cinders retained for the use of the contracting officer as provided by contract PBP–13, dated June 23, 1926, and covered into the Treasury of the United States, along with other money received from said contractor as "Miscellaneous receipts, proceeds of Government property," and to allow in full and final settlement of said claim not to exceed $69.81. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $69.81, or so much thereof as may be necessary, to pay this claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NATIONAL DRY DOCK & REPAIR CO. (INC.)

The Clerk called the next Senate bill on the Private Calendar, S. 5200, for the relief of the National Dry Dock & Repair Co. (Inc.).

Mr. SABATH. Reserving the right to object, what is this bill about?

Mr. BLANTON. Two hundred and four dollars.

Mr. SABATH. What is it for?

Mr. BLANTON. The Comptroller General recommends that this bill be enacted, and whenever he recommends a bill, that is all I want to know.

Mr. SABATH. And the gentleman approves it?

Mr. BLANTON. Yes.

Mr. SABATH. If the gentleman from Texas approves it, I have no objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the National Dry Dock & Repair Co. (Inc.) for damages resulting from the action of the Government in can-

celing a proposal accepted March 11, 1930, for certain repair work to the steamer *Pickering*, and to allow in full and final settlement of said claim the sum of not to exceed $204. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $204, or so much thereof as may be necessary, for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. CROWTHER. Mr. Speaker, I move to strike out the last word. Mr. Speaker and Members of the House, these are relief bills that we are considering, and I want to say that the business revival has brought relief to many of my constituents. In Amsterdam, N. Y., the Bigelow-Sanford Carpet Mills, which have been operating only two days a week, started a week ago Monday to run five days a week. The Chalmers Knitting Mills Co., one of the largest users of cotton in my territory, started last Monday and notified the employees that they would run from midnight Sunday nights to midnight Saturday nights on a 24-hour schedule for at least eight months. [Applause.]

Mr. Speaker, I mention these facts to show that there is at least a ray of the sunshine of prosperity gleaming through the clouds of depression. [Laughter.]

Mr. Speaker and gentlemen of the House, in the discussions as to the causes of this period of depression which has seriously affected agricultural and industrial prosperity the critics have all laid great stress upon the evil effects of the present tariff law known as the Hawley-Smoot bill. Democratic orators have made the welkin ring with their vociferous denunciations of this tariff law, and without offering the slightest evidence point to it as the primary cause of the business depression.

The fact that our exports have decreased very considerably is not conclusive evidence that retaliatory tariffs by foreign countries have shut out our merchandise. The whole world is involved in this depression, and the purchasing power of foreign nations has shrunk in the same ratio as it has in this country.

We have had five periods of depression and unemployment during the last 50 years, and this is the first really severe one that has occurred during a Republican administration. During our past periods of depression, however, the rest of the world was in fairly good shape and our recovery was not long delayed.

Agriculture was hard hit by the drought last year and farmers who depended upon cotton and grain for their income were in many sections of the country left almost destitute. A fairly normal crop of both wheat and corn was harvested in spite of abnormal weather conditions, but unfortunately the world supply increased tremendously and the price obtained by our farm folks was in many instances below the cost of production. Russia alone increased her wheat production 475,000,000 bushels in 1930. Evidence given by witnesses before the Ways and Means Committee during the Russian embargo hearings clearly demonstrates that the United States has lost her foreign market for export wheat. Russia can produce her wheat for 17 cents per bushel. This certainly demonstrates that we must produce only for our own consumption, and if necessary raise our tariff on wheat to a point where forced labor production in Russia shall not drive our farmers to the wall.

The statement that the present tariff is unconscionably high is without foundation of fact. The public is fed up on declarations of this character, which are issued purely as political propaganda. Two-thirds of our imports from foreign countries are admitted free of duty. One-third are on the dutiable list. In the writing of the Hawley-Smoot bill only one-third of the rates on dutiable commodities were changed, and they were not all raises by any means.

WHAT IS REAL PROTECTION?

In the national Republican platform of 1908 you will find the following:

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries.

This last sentence in this statement is the meat in the coconut, and just so long as we base the allocation of rates, or their change by the Tariff Commission, on a basis of the difference in production costs here and abroad, with no consideration of the "reasonable profit to American industries," then we are departing from our fundamental policy of a protective tariff and subscribing to the doctrine of a competitive tariff.

FOREIGN COSTS VERSUS INVOICE AVERAGES

Where cost of production in foreign countries is not ascertainable as described in section 336 (h) (4) the Tariff Commission is now availing itself of section 336 (e) (2), which permits the use of the weighted average of invoice prices as evidence of such costs. This method has been used in the majority of the cases recently decided, and their report shows that the duties on five commodities—wood flour, pigskin leather, hats, bonnets, and hoods of straw, and so forth, and maple sugar and maple sirup—were all reduced and that one—woven-wire fencing—was raised. The importation of these products in 1929 amounted to $3,400,000, and the reduced duties will mean a saving to the importers and a loss to the Treasury of $500,000 on that basis.

It may be interesting to those of you who are vitally interested in a protective tariff to read what the American Tariff League suggested at an interview with the Tariff Commission. An extract from their statement follows:

USE OF FOREIGN INVOICE PRICES IN LIEU OF COSTS

In a majority of the commission's flexible tariff reports thus far submitted the recommended changes in duty are made not on the basis of the difference between foreign and domestic costs but on the basis of the difference between the invoice prices of imports and domestic costs of production. This, we told the commission, was not in our opinion a fulfillment of the protective principle in the tariff law, nor in many cases would it be fair to the American producer to base a duty on the difference between his cost and the foreigner's invoice price in view of the fact that the latter would ordinarily include the foreigner's cost plus a share of his selling expenses and profits, and in some cases might also include foreign income or profits taxes.

On this basis we urged upon the commission that flexible tariff rate adjustments be made on the basis of the difference between foreign and domestic costs as the law contemplated, and that in case where the expense and difficulty of securing actual foreign costs were prohibitive, that the commission arrive at a constructive foreign cost on the basis of the difference between foreign and domestic wages, costs of raw materials, and investment charges (all of which are available or readily ascertainable in the foreign country), instead of using foreign invoice prices as the equivalent of foreign costs. In this latter connection we referred particularly to the commission's recent findings in the wood-flour investigation. In these the commission considered the average invoice value of imported wood flour of $13.79 a ton, as the equivalent of the foreign cost of production, and on this basis recommended a decrease in the wood-flour duty from 33⅓ to 25 per cent. For purposes of illustrating our viewpoint we pointed out that if the average foreign selling price of $13.79 included, say, only a 10 per cent margin for foreign selling expenses, profits, and similar items, that the 33⅓ per cent duty would have been within 1 per cent of equalizing the foreign and domestic costs, thereby indicating no reason for a decrease in the duty.

In order to make clear to the commission our viewpoint on the equalization of foreign and domestic costs we referred to the declared intention of the tariff law to protect American industry and labor—an intention also clearly indicated in the provisions under which the commission operates. In view of this and also of the provision in the law giving the commission the legal power to demand cost data from the American producer under oath (which authority does not extend to the foreigner), we proposed that in the administration of the flexible tariff provision the commission should place the burden of the proceedings on the foreign producer or importer; that in cases where the commission could not readily ascertain foreign costs that the foreign producer or importer should be required to furnish accurate foreign costs. His failure to do so should be construed as an unwillingness on his part to cooperate with the commission and should operate to deny to him the right to object to the foreign cost as determined or construed by the commission.

After permitting us to present our views, the commissioners discussed our suggestions, but with no indication that they would be considered, at least for the present. Chairman Fletcher advised us that the commission had resolved upon its present rules of procedure after due consideration and that no change in these would be made for the time being. Further in this connection, the chairman advised us that a resolution adopted by the National Council of American Importers and Traders requesting the commission to return to the former policy of making available a preliminary statement of information had been denied by the commission.

In view, therefore, of this very definite indication of the commission's intention to pursue its present policy, we earnestly renew our suggestion to our members concerned with flexible tariff investigations that they be prepared to furnish the commission with the most complete evidence of foreign costs available to them. Chairman FLETCHER advised us that the commission has in contemplation a considerable enlargement in its foreign staff, with headquarters in Brussels, but until the commission itself shall undertake by some such means the collection of adequate foreign cost data it is our opinion that the present procedure places the burden in flexible-tariff investigations largely on the domestic producer. Believing this, we emphasize it to our members, and for their assistance in meeting this problem we have prepared a suggested schedule of information which we believe should, if possible, be submitted to the commission in order to avoid flexible-tariff adjustments made on the basis of incomplete or inaccurate data. A copy of this schedule is inclosed, and we invite your suggestions and criticisms of it.

TARIFF FOR ALL

If the policy of protective tariff can not be applied with equal advantage to all commodities—where foreign competition destroys market values, regardless of its percentage of domestic production—then there is something basically wrong with the policy. In my opinion, it can and should be applied all along the line, and no American producer, whether he supplies industrial products, agricultural products, or products of the mine and the oil well, should be denied its advantage. I regret that the oil producers did not come to Congress during the consideration of the tariff by the Ways and Means Committee. Later on they presented their case and no fairer, no stronger case for tariff protection has been before the Congress in years.

While the importations are only 11 per cent of domestic production, the advantage of cheap production and cheap transportation are all in favor of the importing companies. The cry was raised that the price of gasoline would be raised to the consumer, but the evidence submitted at the hearings demonstrated that there was no relation between the price of gasoline and the price of crude oil even at the eastern seaboard, where transportation rates were lowest.

PROPHECY UNFULFILLED

When the tariff bill was under consideration we heard the Democratic spellbinders shout from the housetops the declaration that the duty on sugar would cost the people of this country $100,000,000 a year; that the duty on cement would cost the farmer and the builder millions more; that boots and shoes would cost more; blankets would advance in price and clothing prices would go up. But none of these dismal predictions have come to pass. All these commodities are cheaper to-day than when the tariff bill was passed. The Democratic prophets are without honor save in their own bailiwicks.

The house of Raskob, Shouse & Co. scattered their propaganda concerning the cost of the tariff bill to the American people to the four corners of this Nation. One billion dollars, they declared, would be the burden placed on our consumers. In 1922 a Democratic spokesman, the Hon. Norman W. Davis, made the statement that the "burden on the tax-burdened masses would be $6,000,000,000 due to the Fordney-McCumber bill," and now my Democratic friends are quoting an economist who, they say, is an authority on the tariff as contending that—

If only one-half of the legalized tariff allowances are added to the merchandise sold in our general stores, the cost to consumers is $10,000,000,000 annually, as computed by experienced Federal statisticians.

The logical deduction is that if it was all added, the cost to consumers would be twice that amount, or $20,000,000,000, but either statement falls far short of being the truth.

ADDED-COSTS THEORY IS A DUD

If you will examine the hearings on the Hawley-Smoot bill held in 1929, I feel certain that you will not find any evidence that any commodity which had a protective rate in the Fordney-McCumber bill in 1922 had increased in price to the consumers during that period of seven years. On the other hand, many commodities had fallen in price, due to rapidly increasing imports, and the American producers appeared in behalf of a higher rate of protection. All the Democratic attacks upon the tariff costs to consumers are based upon the theory that the rate of duty is added to the retail price of the merchandise. As a matter of fact, this condition has never prevailed and they know it, and they also know that such a premise is incorrect and can not be substantiated by facts. But it is so easy to say that a 20 per cent ad valorem duty on imported shoes makes a $5 shoe made in America cost $6 to the consumer that they can not refrain from this illogical, unsound method of computation. The ease with which the result may be arrived at especially appeals to my Democratic friends from the "hookworm" territory.

WHERE ARE THE DEMOCRATS ON THE TARIFF QUESTION?

Traditionally against the policy for many years, fighting it tooth and nail at every opportunity, they were converted to the policy almost overnight by Mr. John J. Raskob, who succeeded in having 90 per cent of the Democratic candidates for Congress in 1928 declare for the protective tariff plank in the Houston platform.

During the revision of the tariff following this election, no Democrat lost or was denied an opportunity to present his case in behalf of his constituents where an adjustment of rates seemed necessary. Outstanding Democrats declared that the protective tariff was here to stay, and they were desirous that its benefits be extended to their constituents where foreign competition was gradually encroaching upon the home market.

But once the tariff bill became a law, then the barrage of calumny and vituperation broke loose. On the platform, in the press, and over the radio we read and listened to such nonsensical phrases as "unconscionably high rates," "subservience to big business," "the Grundy tariff," "a robber tariff," "vicious legislation to repay campaign contributors," and a host of other vindictive and false accusations that are not supported by facts, but what does a free trader care for facts? He is the same gentleman who, in his platform of 1892, said, "We denounce the McKinley tariff law as the culminating atrocity of class legislation." He is the same glib-tongued gentleman who in the 1904 platform said:

We denounce protection as a robbery of the many to enrich the few.

It is the same gentleman who, in his 1924 platform, said that "the Fordney-McCumber Tariff Act is the most unjust, unscientific, and dishonest tariff-tax measure ever enacted in our history."

At least one outstanding Democrat must have changed his mind for my good friend and committee colleague, the gentleman from Georgia [Mr. CRISP] introduced at this session the old Fordney-McCumber bill with some minor changes, including the substitution of the Hawley-Smoot agricultural rates for those in the old law. His action is another example of the fairness and consistency which are marked characteristics in the legislative activities of the distinguished gentleman from Georgia.

BACKSLIDING RASKOBITES

It is quite evident that a considerable percentage of the 90 per cent that might well be termed Raskobites are backsliders and have made an earnest endeavor to rally the sadly depleted forces of the Jeffersonian Democracy, and to this effort the 10 per cent of Simon-pures who turned a deaf ear to the siren call of John J. and Al are extending a helping hand.

My Democratic friends, why do you not get together on this vital economic policy? Many of your most brilliant members have subscribed to its merits. Your constituents are and have been benefited by the tariff over a long period of years. When the Republicans write a tariff bill we listen to your supplications—and sometimes they are in the nature of demands—and in a spirit of fairness we accede to those demands, even though we know you will vote against the bill on final passage.

Your chief argument during a campaign is that it is an economic and not a political problem, and yet in and out of Congress you play politics with this important policy at every opportunity.

How are you Democrats going to be able to look the world squarely in the eye when you are explaining your attitude on this question? You have been against it; you have declared for it; some of you have supported it half-heartedly; and some of you have passed by on the other side, and a woefully small contingent of willful men announce very faintly that they are still free traders. What a predicament you are in!

Come on out in the open; do not let your prejudice override your judgment, but be fair enough to support legislation that your constituents have benefited by and that has materially improved our living conditions.

WHY BLAME THE TARIFF?

That we have passed through a period of serious depression no sensible person will deny, but to hold the tariff responsible for such conditions is manifestly unfair. We are looking forward to a gradual recovery with a renewal of industrial and agricultural activities, and the tariff law will aid rather than prevent such recovery. It is the first time in more than 50 years that the Democrats have had an opportunity to spread propaganda relating to unemployment under a Republican administration, and they have certainly worked overtime.

1930 NOT A TOTAL LOSS

In the Magazine of Wall Street, Theodore Knappen reviews things, and finds that while conditions are bad enough, 1930 has not by any means been a total loss; for example, he points out that the brunt of the business depression fell on the steel, construction, and automobile industries. But even so, these industries were better off than in 1920.

Similarly, the total volume of manufactures in America in 1930 was far above the total for 1920. There was only a slight drop in electric power output from 1929. The gasoline consumption for 1930 was the largest in American history. Department store sales in 1930 equaled those of 1929 in volume and were only slightly below them in value. Chain-store sales increased in volume and fell off in value only fractionally.

Nor is that all. Savings banks deposits gained during 1930. The aggregate of interest and dividend payments on securities was considerably ahead of that of 1929. Capital issues of domestic securities were larger than in any previous years except 1928 and 1929.

The country is in better health than we supposed. This is not to say that there has not been much suffering. But it does mean that the country is on a sound basis for a healthy revival.

LABOR INDORSES TARIFF

During the hearings held previous to the tariff revision the American Federation of Labor expressed itself in no uncertain terms as favoring the policy of protective tariff. Mr. Matthew Woll appeared as a representative of the International Allied Printing Trades Association, and stated that—

He would be glad to join with any other group to get full and adequate protection, which has been the principle of American labor.

Later on in the hearings he stated:

I favor protecting every industry, whether it be agriculture or otherwise, against foreign competition.

Never before has organized labor been represented by as many witnesses at tariff hearings, and their attitude has been one of exact fairness in the application of the protective-tariff policy. The title of the bill is as follows: "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," and with these worthy objectives no real American will disagree.

THREE TARIFF POLICIES

There are three definable tariff positions: A tariff for revenue only, allocating duties so low as to give the foreign manufacturer an appreciable advantage in our markets and increase importations to displace American-made goods. Second, a competitive tariff, which lays duties that will exactly equalize the cost of production here and abroad and give the foreign producer an equal chance to supply the needs of our people. Third, a protective tariff that will allocate such duties as will keep the American market for the American producer, permit the payment of decent wages, and maintain the American standard of living.

This is the policy that has been instrumental in making us the greatest of all nations, and if the Hawley-Smoot bill had not been enacted into law we should have seen our markets flooded with foreign merchandise and the existing depression would have been far more disastrous in its results.

Our people are very soon going to awaken to the fact that the policy of real protection to American industry has been sidetracked for a makeshift policy of competitive tariff. When they come to a full realization of the evils that may result we shall hear from them in no uncertain terms, and their message will be a demand to return to the protective policy.

C. O. SMITH

The Clerk read the title of the next Senate bill on the Private Calendar, S. 5201, for the relief of C. O. Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of C. O. Smith for loss or damages sustained on account of the Government's destruction of 2,800 pounds of seed cotton owned by him and which remained unharvested from a 7-acre tract of land leased to the Bureau of Entomology, Department of Agriculture, for experimental plots for cultural control investigations in re pink bollworm of cotton, under lease No. Ae-992, dated November 12, 1929, and to allow in full and final settlement of said claim not to exceed the sum of $168. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $168, or so much thereof as may be necessary, to pay said claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COOS HEAD RIVER MILITARY RESERVATION

The Clerk read the title of the next Senate bill on the Private Calendar, S. 3360, authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the University of Oregon, State of Oregon, subject to the conditions hereinafter specified, the following described part of the Coos Head River and Harbor Reservation situated on the south shore of the entrance to Coos Bay in Coos County, Ore.:

All of lot 2, the westerly 750 feet of lot 3, all of lot 1 except the west 300 feet thereof, and all of the southwest quarter northwest quarter, except the west 300 feet thereof, all in section 2, township 26 south, range 14 west, Willamette meridian, in the county of Coos, Ore.; excepting therefrom the parcels of land released to the Treasury Department by letter from the Assistant Secretary of War, dated April 24, 1913, and more particularly described as follows: Site for station buildings beginning at a point north 41° 30' west 1,907 feet from the southeast corner northwest quarter of section 2, township 26 south, range 14 west, Willamette meridian, thence north 33° 15' west 400 feet; thence west 33° 15' south 400 feet; thence south 33° 15' east 400 feet; thence east 33° 15' minutes north 400 feet to the point of beginning, and containing 3.673 acres; also a site for lifeboat house commencing at a point 775 feet north 33° 15 minutes west from the starting point of site and the station grounds; thence running west 33° 15' south 150 feet; thence south 33° 15' east 225 feet; thence east 33° 15' north 150 feet; thence north 33° 15 minutes west 225 feet to the point of beginning, and containing 0.774 of an acre.

SEC. 2. The lands hercin authorized to be conveyed shall be used by the University of Oregon solely for scientific and educational purposes, subject, however, to the right of the United States, in case of war or other emergency, to assume control of, hold, use, and occupy said lands or any part thereof for any and all military, naval, or other governmental purposes, and subject at all times to the rights of the United States, stated in section 4 hereof. The deed executed by the Secretary of War under the provisions of section 1 of this act shall contain the express condition that if the University of Oregon shall at any time attempt to alienate said lands that same shall revert to the United States.

SEC. 3. The provisions of the act entitled "An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes," approved August 21, 1916, and of any permit granted by the Secretary of War under such act, shall not apply to the lands herein authorized to be conveyed, after the date of such conveyance, nor shall such act or permit apply to the unconveyed part of lot 3 after the date of this act.

SEC. 4. The lands herein authorized to be conveyed to the University of Oregon shall at all times be subject to the right of the United States to occupy and use such part thereof as are now or may hereafter be needed for jetty site or sites, for rights of way for tramways from the unconveyed part of lot 3 to such jetty site or sites, and for ingress and egress by persons engaged in river and harbor work; and the United States shall at all times have prior right to three-fourths of the natural flow of streams draining lots 2 and 3.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES WILLIAMSON

The Clerk read the title of the next Senate bill on the Private Calendar, S. 4435, for the relief of James Williamson and those claiming under or through him.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, I have been waiting all through the third session of the Seventy-third Congress for the gentleman from New York [Mr. CROWTHER] to take the floor and picture the bread lines and the soup kitchens under Democratic administration. I have been wanting to take him to New York and show him the bread line; not in single file but in phalanxes, in legions, to show him the bread line and the soup lines—not under Democratic administration but under high protection Republican administration. [Laughter and applause.]

Mr. BLANTON. Reserving the right to object, we are not paying any attention to the distinguished gentleman from New York [Mr. CROWTHER] because he has just been to a banquet.

There being no objection, the Clerk read the bill, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to James Williamson, in trust for those claiming under or through him, the patent of the United States for lots 5, 6, and 7, section 14; lots 7, 8, and 9, section 23; and lots 1, 2, and 3, section 24, all in township 30 south, range 38 east, Tallahassee meridian, Florida, without mineral reservation, the same to be in lieu of the patent which issued to James Williamson in trust for those claiming under or through him, on April 3, 1930, under the act of December 22, 1928, containing a reservation of coal and all other minerals.

The bill was ordered to be read a third time, was read the third time and passed and a motion to reconsider laid on the table.

JAMES W. NUGENT

The Clerk called the next bill, S. 35, for the relief of James W. Nugent.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers James W. Nugent, late of Troop F, First Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said troop and regiment on July 29, 1903: *Provided*, That no pension, back pay, or allowances shall accrue prior to the passage of this act.

With the following committee amendment:

In line 9 after the word "pension" insert the word "bounty," and in line 10, strike out the word "accrue" and insert "to be held to have accrued."

The committee amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

JESSE J. BRITTON

The Clerk called the next bill, S. 155, for the relief of Jesse J. Britton.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives Jesse J. Britton, who served in Troop H, Second Regiment United States Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on September 22, 1900: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

IRENE STRAUSS

The Clerk called the next bill, S. 1918, for the relief of Irene Strauss.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Irene Strauss, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government, for the death of her husband, Arthur B. Strauss, resulting from injuries sustained when he was struck by a United States mail truck in San Francisco, Calif., on September 26, 1927: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JAMES M. BOOTH

The Clerk called the next bill, S. 3050, for the relief of James M. Booth.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to James M. Booth, dependent father of Stancil Hume Booth, the sum of $1,500 on account of the death of his son, Stancil Hume Booth, who was killed while on duty at Fort Screven, Chatham County, Ga., on April 9, 1929, by coming in contact with an electric wire on a pole in the Government reservation at Fort Screven, Tybee Island, Chatham County, Ga., which pole and electric-lighting system was the property of the United States Government and under its control.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WALTER J. BRYSON PAVING CO.

The Clerk called the next bill, S. 4434, for the relief of Walter J. Bryson Paving Co.

Mr. STAFFORD. I object.

G. ELIAS & BRO.

The Clerk called the next bill, S. 4334, for the relief of G. Elias & Bro. (Inc.).

Mr. BLANTON. I reserve the right to object. This bill appropriates $20,000 and the Postmaster General reports that it is not just; that these airplanes were refused acceptance. The bill is disapproved by the department. Therefore I object.

Mr. DEMPSEY. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. Yes.

Mr. DEMPSEY. I want to say what the facts are with regard to this bill. By examining the papers it will be seen that Paul Henderson, son-in-law of the late Martin B. Madden, was the Second Assistant Postmaster General of the United States. He gave an order for five airplanes and those five airplanes were tested by a committee. A favorable report was made by the test committee upon all of these airplanes. Four of them were paid for. This particular airplane only was not paid for. Then the matter was investigated by the expert of the department. We have his report here. It says that this airplane had all the tests and was fully up to the standard and should have been accepted.

give the foreign producer an equal chance to supply the | and North Bend, Oreg., both being municipal corporations, for

Mr. BLANTON. Mr. Speaker, will the gentleman yield?
Mr. DEMPSEY. Yes.
Mr. BLANTON. Here is what the Postmaster General said.
Mr. DEMPSEY. Yes; but the Postmaster General——
Mr. BLANTON. Oh, the gentleman ought to know it.
Mr. DEMPSEY. I know exactly what he said.
Mr. BLANTON. He is your Postmaster General.
Mr. DEMPSEY. Wait a minute.
Mr. SABATH. The gentleman from New York has no confidence in him.
Mr. BLANTON. Is not Walter M. Brown your Postmaster General? Let me call attention to what he says. If you are not going to let the House know what the Postmaster General says there is no use of going any further.
Mr. DEMPSEY. But that is not what he says to-day.
Mr. BLANTON. I am not surprised. He may change his mind a dozen times a day.
Mr. DEMPSEY. He has changed his mind. He sent a representative before the Senate committee, and the representative before the Senate committee testified that this claim was a just claim.
Mr. BLANTON. Does the gentleman want us to consider his remarks? Let me tell the Members what the Postmaster General said.
Mr. DEMPSEY. But that is past history. That is not what he is saying to-day.
Mr. BLANTON. He says this airplane was the fifth on the list.
Mr. DEMPSEY. He says also that it was a good airplane and that it met all of the tests.
Mr. BLANTON. But it was turned down.
Mr. DEMPSEY. No; he sent his representative before the Senate committee, and they say——
Mr. BLANTON. I will say this to the gentleman: The gentleman has rendered such signal service to the United States Government and his people on waterways, and I have such a high regard for his splendid work in that particular, that if his Republican administration will let $20,000 be paid to a Democrat when the Postmaster General, a Republican, says that it is not just, why, take it out of the Treasury and pay it. I am willing that he should have it.
Mr. DEMPSEY. Let me say this: I have had 16 years of service here, and this is the first private claim I have ever had.
Mr. COLLINS. Mr. Speaker, I object.

ELIZABETH B. DAYTON

The Clerk called the next Senate bill on the calendar, S. 5839, for the relief of Elizabeth B. Dayton, a similar House bill (H. R. 13735) being on the House Calendar.
The SPEAKER pro tempore. Is there objection?
Mr. STAFFORD. I object, Mr. Speaker.

W. W. PAYNE

The Clerk called the next bill on the calendar, S. 43, for the relief of W. W. Payne.
There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Snyder or his assigns, upon his executing and filing a satisfaction of the judgment hereinafter referred to, out of any moneys in the Treasury not otherwise appropriated, the amount of the judgment recovered by him in the United States District Court for the District of Montana against W. W. Payne for acts committed by the said Payne as and while acting as superintendent of the Glacier National Park and by direction of the Director of National Parks, not to exceed the sum of $1,800; and should the amount necessary to satisfy such judgment be less than $1,800, then to pay the difference to the said W. W. Payne.

With the following committee amendment:

Page 2, line 2, after the figure "$1,800," strike out the balance of line 2, all of line 3, and line 4.

The committee amendment was agreed to.
The bill as amended was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.
A similar House bill was laid on the table.

Mr. GIFFORD. Mr. Speaker, owing to so much confusion, I did not hear Calendar 1219 called. I would like to ask if it was called.
The SPEAKER pro tempore. It was called and objected to.
Mr. GIFFORD. I ask unanimous consent, Mr. Speaker, to return to Calendar 1219.
Mr. WOOD. I object.
The SPEAKER pro tempore. Objection is heard. The Clerk will call the next bill.

MRS. HERMAN M. WARR

The Clerk called the next Senate bill on the calendar, S. 5353, for the relief of Mrs. Herman M. Warr, a similar House bill, H. R. 15229, being on the House Calendar.
Mr. BACHMANN. I object.
Mr. RUTHERFORD. Will the gentleman withhold his objection?
Mr. BACHMANN. I will withhold the objection.
Mr. RUTHERFORD. This is a very meritorious case. This man had been in the employ of the Prohibition Unit. He was a disabled World War veteran and he could not qualify regularly for civil service on account of his disability. This man was killed in a prohibition raid and he left seven little children, the oldest 9 years of age. This bill has the recommendation of the department if the gentleman will read it. All departments have recommended it.
Mr. BACHMANN. Why did he not file a claim with the Compensation Commission?
Mr. RUTHERFORD. The man is dead. This bill only gives his widow the benefit of the Employees' Compensation Commission with the amount fixed in the bill as the maximum.
Mr. BACHMANN. Why did she not file a claim within the time limit of one year?
Mr. RUTHERFORD. She did not know anything about it. The man was just killed last August—August, 1930.
Mr. BACHMANN. She still has time then. Why did she not take it up with the Employees' Compensation Commission? What is the need of the legislation?
Mr. IRWIN. The need of the legislation is that in order to compute compensation you have to state the salary. This man was on a per diem basis.
Mr. BACHMANN. This case is not on all fours with the other cases then?
Mr. IRWIN. No; it is not.
Mr. BACHMANN. This action must be taken?
Mr. IRWIN. Yes. This action must be taken.
Mr. BACHMANN. I withdraw the objection, Mr. Speaker.
Mr. SABATH. I reserve the right to object, Mr. Speaker.
The SPEAKER pro tempore. Regular order is demanded.
Mr. RUTHERFORD. I will tell the gentleman the reason. At the time this man was killed he had just got out of the service, and, strictly speaking, they could not recognize him as a civilian employee at that time.
Mr. SABATH. So, he was not in the employ, but you provide, nevertheless, $150 a month?
Mr. RUTHERFORD. No. They only get two-thirds of that. He had only been out a few days.
Mr. SCHAFER of Wisconsin. Will the gentleman yield?
Mr. SABATH. I yield.
Mr. SCHAFER of Wisconsin. Is this not the case where a man was temporarily employed and taken in a raid by a Federal prohibition agent, and therefore he did not come under the United States Employees' Commission, although he was performing his duty as a Government agent?
Mr. RUTHERFORD. That is the case exactly.
Mr. SCHAFER of Wisconsin. I hope my colleague will withdraw his objection. The Claims Committee carefully considered the bill.
The SPEAKER pro tempore. Is there objection?
There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Mrs. Herman M. Warr, widow of Herman M. Warr, a former employee of the Bureau of Prohibition, the provisions of an act entitled "An act to provide compensation for

employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and the pay of the said Herman M. Warr, at the time of his death, shall be deemed to have been at the rate of $150 per month.

Mr. STAFFORD. Mr. Speaker, I offer an amendment which I have sent to the Clerk's desk.
The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.
The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of line 12, strike out the period, insert a colon, and the following: "*Provided*, That no benefits hereunder shall accrue prior to the enactment of this act."

The amendment was agreed to.
The bill as amended was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

ARTHUR J. ROBINSON

The Clerk called the next Senate bill on the calendar, S. 2615, for the relief of Arthur J. Robinson, a similar House bill, H. R. 7695, being on the House Calendar.
Mr. BLACK. Reserving the right to object, what is this bill about?
Mr. SOMERS of New York. It is simply to correct a military record.
There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army Arthur J. Robinson shall be held and considered to have been honorably discharged as an unassigned recruit, United States Army, on January 18, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.
A similar House bill was laid on the table.

JOHN DONAHUE

The Clerk called the next Senate bill, S. 351, for the relief of John Donahue.
There being no objection, the bill was read as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy John Donahue shall be held and considered to have been honorably discharged from the United States Navy on March 19, 1903: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

The bill was ordered to be read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

G. ELIAS & BRO. (INC.)

Mr. DEMPSEY. Mr. Speaker, I understand that the gentleman from Mississippi has satisfied himself that he was under a misapprehension in objecting to No. 1206 on the calendar and that he withdraws his objection.
Mr. COLLINS. I have no objection to returning to the bill, but the gentleman is misquoting me.
The SPEAKER. Is there objection to returning to this bill?
Mr. SCHAFER of Wisconsin. Mr. Speaker, I object. Let us proceed with the calendar.

JOHN E. ROSS

The clerk called the next Senate bill, S. 1640, for the relief of John E. Ross.
Mr. STAFFORD. Mr. Speaker, I object.
Mr. BLAND. Will the gentleman withhold his objection?
Mr. STAFFORD. Yes.
Mr. BLAND. This is a case in which this man received no notice that his property was taken. The statute of limitations passed, and the Navy Department permitted others to go on and take his oysters. He was damaged to a greater extent than that allowed by the committee. A similar claim, wherein a party had the right to go before the Court of Claims, with a less acreage, resulted in a judgment of $14,000 in that case. That man had only 98 acres while this man had 235 acres. There was no opportunity given, and through the action of the Navy Department he was deprived of his property and no relief at all was given him.
Mr. STAFFORD. When did this claim arise?
Mr. BLAND. The Government took the property in 1918 or 1919, and notified parties to come before a special board, but in this particular case they gave no notice to this man and he had no knowledge that his property was taken until after the statute of limitations had expired. If that had not been so he would have gone into the Court of Claims.
Mr. SCHAFER of Wisconsin. I may say that when this claim was considered by the full Claims Committee a question arose with reference to it, particularly with reference to one or two members, and Judge Box, the chairman of the subcommittee, who had given it very careful consideration, got further evidence, and then after a second hearing, which lasted an hour and a half, the committee favorably reported the bill.
Mr. BLAND. There was a question about the acreage, and in order to satisfy the committee we got an abstract of title from the Commonwealth down to the time the property passed into the hands of this man.
Mr. SCHAFER of Wisconsin. The gentleman is correct. We considered that at the second hearing before the Claims Committee.
Mr. STAFFORD. Is there any attorney interested in this case?
Mr. BLAND. I think so, but I do not know.
Mr. STAFFORD. The gentleman will have no objection to the usual attorney's fee clause?
Mr. BLAND. I shall be compelled to accept it.
Mr. STAFFORD. The gentleman has such wonderful persuasive powers with the Senators from his State that there will be no question about getting the bill through the Senate.
There being no objection the bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John E. Ross, of Williamsburg, Va., the sum of $15,350 as compensation for his oyster grounds, for oysters on said grounds, and for his dwelling house, and damage to his oyster business as a result of the Federal Government taking over said property and area for a Navy mine depot.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.
The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.
The Clerk read as follows:

Amendment offered by Mr. STAFFORD: In line 9, after the word "depot," strike out the period, insert a colon and add the following:
"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.
The bill was ordered to be read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

PUBLIC SERVICE COORDINATED TRANSPORT OF NEWARK, N. J.

The Clerk called the next Senate bill, S. 2035, for the relief of the Public Service Coordinated Transport of Newark, N. J.
Mr. BLANTON. Mr. Speaker, I object. This bill appropriates $122,442.
Mr. ACKERMAN. Will the gentleman withhold his objection?
Mr. BLANTON. Yes.

A similar House bill was laid on the table.

Mr. ACKERMAN. This is a claim that has been approved by the Comptroller General of the United States, if the gentleman pleases.

Mr. BLANTON. That is right, but it ought not to pass here.

Mr. ACKERMAN. It is a war claims bill.

Mr. BLANTON. Yes; but it ought not to pass in that sum without any consideration at all.

Mr. ACKERMAN. There has been a large amount of consideration.

Mr. BLANTON. It is too large a sum to pass here at this hour and without consideration.

Mr. ACKERMAN. If the gentleman pleases, there has been a large amount of consideration, and a large amount has been deducted from the original claim.

Mr. BLANTON. I know; $15,000.

Mr. ACKERMAN. Thirty thousand dollars, if the gentleman pleases.

Mr. BLANTON. I am sorry. I am a good friend of the gentleman and a good friend of the gentleman from New Jersey [Mr. LEHLBACH], who is interested in it. I hate to object, but it ought not to pass. There ought to be a policy that bills of this character ought not to pass under unanimous consent. We are getting careless. We are getting to be a tremendous Congress, $4,000,000,000, $5,000,000,000, and $6,000,000,000. I object.

WALTER HARRELL ALLEN

The Clerk called the next Senate bill, S. 3951, for the relief of Walter Harrell Allen.

Mr. STAFFORD. Mr. Speaker, I object.

PERMISSION TO CERTAIN OFFICERS OF THE UNITED STATES NAVY AND MARINE CORPS TO ACCEPT DECORATIONS, ORDERS, AND MEDALS

The Clerk called the next Senate bill, S. 4800, to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered.

Mr. SABATH. Mr. Speaker, I object.

PRINCETON CLUB OF PHILADELPHIA

The Clerk called the next Senate bill on the Private Calendar, S. 4907, authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton*.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, let me say that in view of the invasions of the private clubs of Philadelphia just a few nights ago, I can not imagine what club in Philadelphia, whether it is the Princeton Club or not, has any use for a bowl with a ladle. Without the ladle, the bowl might be useful for ornamental purposes in which to plant flowers, but after the drastic action by the authorities in that city of brotherly love, in the private clubs there, I can not see the purpose of this bill. If the gentleman from New Jersey, who years ago was interested in ladles and little glasses that used to tinkle, would withdraw the ladle part and let the bowl go through, it would be all right.

Mr. FORT. The gentleman has not noticed that it is for preservation and exhibition as a souvenir of the past.

Mr. O'CONNOR of New York. As an antique?

Mr. FORT. Yes.

Mr. O'CONNOR of New York. I withdraw the objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia, for preservation and exhibition, the bowl and ladle formerly in use on the U. S. S. *Princeton: Provided*, That no expense shall be incurred by the United States for the delivery of such bowl and ladle.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JEFF DAVIS CAPERTON AND LUCY VIRGINIA CAPERTON

The Clerk called the next Senate bill on the Private Calendar, S. 1793, for the relief of Jeff Davis Caperton and Lucy Virginia Caperton.

Mr. BACHMANN. Mr. Speaker, I object.

Mr. HALL of Mississippi. Will the gentleman reserve his objection?

Mr. BACHMANN. I reserve it.

Mr. HALL of Mississippi. The gentleman understands that this only extends the statute of limitations in this case.

Mr. BACHMANN. I do; and I will say to the gentleman that this is the same kind of bill that the gentlewoman from Florida [Mrs. OWEN] tried to get through, and if the gentleman will include this bill in the motion at the end of the calendar, I shall have no objection to all of them going through at that time.

Mr. HALL of Mississippi. The gentleman means bill of a similar character?

Mr. BACHMANN. Yes.

Mr. HALL of Mississippi. I thank the gentleman.

The SPEAKER pro tempore. Objection is heard.

LESTER L. WILSON

The Clerk called the next Senate bill on the Private Calendar, S. 2068, for the relief of Lester L. Wilson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester L. Wilson, of Tigard, Oreg., the sum of $144 for loss of personal effects in the sinking of the United States concrete ship *Captain French*, the said Lester L. Wilson having been a seaman on the *Captain French*, and reimbursement for his loss of personal effects as aforesaid having been refused by the War Department because of his alleged failure to sign shipping articles prior to the voyage.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

E. G. MASON

The Clerk called the next Senate bill on the Private Calendar, S. 5516, for the relief of E. G. Mason.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $200 to E. G. Mason, of Mercedes, Tex., which sum was paid by him April 6, 1928, to the United States by reason of the forfeiture of the bail bond of Valentin Trevino, who was later taken into custody by said Mason, at his own expense, and surrendered to the United States marshal, entered a plea of guilty, and sentenced to serve a term in jail.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STANISLAUS SIEMEK

The Clerk read the title of the next Senate bill on the Private Calendar, S. 1412, for the relief of Stanislaus Siemek.

Mr. STAFFORD. Reserving the right to object, I have difficulty in bringing my mind to a conviction that this man has any claim against the Government. I know he made a claim of $15,000 many years after the accident. When the officers of the Government called upon him he was still plying his trade at a butcher's block and seemed able to do the work he had done before.

Mr. PALMISANO. The bill was filed by my predecessor in 1924. It is true the officers did make an investigation and found him working, but it was also true that he had been under the doctor's care since 1922. There is a doctor's bill of $800 for services rendered not only by the present doctor but by his father for injuries received.

Mr. STAFFORD. Is the gentleman acquainted with this claimant?

Mr. PALMISANO. I have met him since I have been here. He is crippled and can not stand up for any length of time.

Mr. STAFFORD. When a person files such a preposterous claim as this for $15,000 it raises a suspicion as to the bona fides of the claim. Then he makes a concession for this small amount, and it inclines one to believe that there is not much merit in the claim, especially in view of the fact that he accepted compensation for the injury to his automobile at the time of the accident.

Mr. PALMISANO. The bill of 1924 was introduced at $15,000, and naturally I followed the same procedure—whether it was done at the claimant's suggestion or by the Member of Congress who preceded me I can not say. Since this bill has been reported this claimant is willing to accept this amount because of his present condition.

Mr. STAFFORD. I withdraw the reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $3,500 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to Stanislaus Siemek, of Baltimore, Md., in full compensation for injuries, permanent and otherwise, resulting from a driver of a United States Army truck negligently running into and upon Stanislaus Siemek while his automobile was parked on the north side of Foster Avenue, between Lakewood and Glover, on the 18th day of May, 1922, at which time the said Stanislaus Siemek was inspecting the engine of his parked automobile, and said injuries resulting from no fault of the said Stanislaus Siemek: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FEDERAL REAL ESTATE & STORAGE CO.

The Clerk read the title of the next Senate bill on the Private Calendar, S. 4727, for the relief of the Federal Real Estate & Storage Co.

Mr. COLLINS. Reserving the right to object, this bill comes to my attention so recently that I have not had an opportunity to read it. It was put on the calendar very recently. I desire more information than I have been given in the report.

Mr. THATCHER. This bill only gives the claimant company the right to go into court to determine its rights, waiving the statute of limitations, because of the fact that for a number of years negotiations were had between the company and the War Department on the points at issue. Major Somervell, the resident United States engineer, entered into an agreement to settle the matter, but long delay was occasioned through the action of War Department officials, and the agreement was not finally approved by the Secretary of War.

When Colonel Grant, Director of Public Buildings and Grounds, got into the matter further delay was occasioned. The claimant asks only for the right to go into the Court of Claims to have the claims determined and reported to Congress. This company ought not to suffer because of its efforts to reach an agreement without the necessity of litigation. Agreement was reached between the company and the United States resident engineer and reduced to writing and signed by the company, but it was not approved formally by the Secretary of War.

Mr. STAFFORD. Is this claim a modern claim?

Mr. COLLINS. Yes; it arises out of the closing of a road.

Mr. McKEOWN. I think I can tell the gentleman what happened.

Mr. STAFFORD. When did it happen?

Mr. McKEOWN. When they built this water conduit on the Conduit Road. This man's property was out there. I have no interest in it except this: The man seemed to be outraged by the conduct of an officer of the engineer's bureau, and I went out there. They had shut off his road into his residence. They went out there and arbitrarily built some buildings and shut him off and shoved him to the other side.

Mr. STAFFORD. Does the gentleman mean that he did not have any rights under existing law to recover damages under those conditions?

Mr. McKEOWN. He could recover damages in any court, if he did not have the Government to deal with, but he could not sue the Government without the permission of the Government, and that is all he is asking.

Mr. COLLINS. Why should the Government be expected to pay? The District of Columbia closed this road or street.

Mr. THATCHER. That is only one phase of it. There is the running of all this silt through his property. If the gentleman will read the agreement made by Major Somervell he will see that there was an agreement touching these matters, and Major Somervell recognized the justice of these claims.

Mr. COLLINS. Is the chairman of the Committee on Appropriations in favor of the bill?

Mr. WOOD. Yes.

Mr. COLLINS. Then I withdraw the reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Court of Claims of the United States is hereby authorized and empowered to hear and determine and report to Congress the claims of the Federal Real Estate & Storage Co., as owners of lands lying partly in Montgomery County, Md., and partly in the District of Columbia, arising out of the taking and closing of the Little Falls Road, leading from the Conduit Road to the aforesaid lands of the Federal Real Estate & Storage Co., by the building of the Delecarli filtration plant and other buildings in connection therewith, and for the closing of a road substituted therefor by the agreement of the United States district engineer and the Federal Real Estate & Storage Co., any statute of limitations to the contrary notwithstanding.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

PUBLIC SERVICE COORDINATED TRANSPORT, OF NEWARK, N. J.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 1248, S. 2035, for the relief of the Public Service Coordinated Transport, of Newark, N. J.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to return to Calendar No. 1248. Is there objection?

Mr. SABATH. This is the claim for several thousand dollars?

Mr. LEHLBACH. Twenty-two thousand dollars.

Mr. SABATH. It is a rather large claim to take up at this stage.

Mr. LEHLBACH. This has the recommendation of the Comptroller General, who found himself unable to approve the payment sought to be made by the War Department, which everybody acknowledged was due, because it was not executed with the formality required by law. The Comptroller General drew this bill.

Mr. SABATH. I know; but it is rather strange that the committee is obliged to reduce the claim that the Comptroller General recommends by $30,000. It it does that, the chances are that it should be reduced by $100,000 more.

Mr. LEHLBACH. They have a perfect right to do that.

Mr. SABATH. It just shows how reckless he is in his recommendations.

Mr. LEHLBACH. I hope the gentleman will not object to this.

Mr. SABATH. If I thought it was a just and valid claim I would not object. I do not think it is a valid claim. I object.

GEORGE B. M'LEOD

The Clerk called the next bill, S. 6254, for the relief of United States Marshal George B. McLeod.

Mr. SABATH. Mr. Speaker, I reserve the right to object.

Mr. RAMSPECK. Mr. Speaker, this is a claim to pay a court reporter for some stenographic work done on the order of the Department of Justice in reporting evidence in a case which the district attorney was investigating in the southern district of Georgia. The Comptroller General disallowed the payment because of some provision in an appropriation bill that provides that no man can be paid two salaries they amount to over $2,000 a year. This man was drawing $1,800 a year as a court reporter.

Mr. SABATH. He was United States marshal?

Mr. RAMSPECK. No. The money was paid to a court reporter by the marshal and disallowed in the marshal's account. The gentleman understands that all of the secretaries to the Federal judges act as court reporters and get fees for it, but they held this as compensation, and therefore they disallowed the United States marshal's account. If the gentleman will notice, the Attorney General says that under the circumstances in the case he has no objection to the passage of the bill. They could not approve it because of that law, but it is all right for Congress to pay it, because the services are rendered and that they were worth what they cost. They were let on competitive bids by order of the Department of Justice.

Mr. SABATH. The gentleman thinks it is all right?

Mr. RAMSPECK. Absolutely.

Mr. STAFFORD. This is a case where there is no question that the services were rendered.

Mr. RAMSPECK. The Attorney General himself says that it appears the service is authorized, and so far as known they were of the value stated.

Mr. STAFFORD. I have no objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of George B. McLeod, United States marshal for the southern district of Georgia, in the amount of $577.50, being the amount paid by him to J. W. Talbert for stenographic service in reporting the testimony of James J. McGrath in the matter of the United States against Sonia Goldberg and others in February, 1929.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MACON, DUBLIN & SAVANNAH RAILROAD CO.

The Clerk called the next Senate bill on the calendar, S. 2614, for the relief of the Macon, Dublin & Savannah Railroad Co., a similar House bill, H. R. 9397, being on the House Calendar.

Mr. STAFFORD. Reserving the right to object, I ask the author of this bill to make some explanation of it.

Mr. RUTHERFORD. Mr. Speaker and gentlemen of the House, on the Macon, Dublin & Savannah Railroad Co., in 1917, during the war, the tariff rate was based on Macon, Ga., because at that time Camp Wheeler, a point 6 miles beyond Macon, at Swift Creek, was not in the tariff schedule. When freight was shipped from all points to this camp, the freight rate being based on Macon, Ga., this little railroad never got one cent for its hauling and its switching. At that time the Auditor for the War Department was supreme. This is an absolutely bona fide claim. As you will notice, the comptroller says it is just and should be paid. This is simply to have it referred to the accounting office for certification and then for a report to be made to Congress.

Mr. STAFFORD. I was rather impressed by the statement made by the Comptroller General that the claim was rejected by the Auditor for the War Department, in accord with the well-known rule as to reopening such matters, and there was no fraud, error of computation, or newly discovered evidence.

Mr. RUTHERFORD. That is right.

Mr. STAFFORD. Why should we reopen it if it was once adjudicated?

Mr. RUTHERFORD. The Auditor for the War Department at that time was final, and therefore these people could not proceed. The comptroller held to the contrary, and while they were awaiting the decision of the Comptroller General the statute of limitations intervened.

Mr. STAFFORD. Would the gentleman be willing to have this claim allowed without interest?

Mr. RUTHERFORD. Surely.

Mr. STAFFORD. I do not press the objection.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the claim of the Macon, Dublin & Savannah Railroad Co. against the United States in relation to the transportation of Government property by way of Macon to Camp Wheeler, both in the State of Georgia, in the year 1917, be, and the same hereby is, referred to the General Accounting Office for settlement, and for certification of any amount due to the Congress, pursuant to section 2 of the act of July 7, 1884 (23 Stat. 254).

Mr. STAFFORD. Mr. Speaker, I offer an amendment, which I have sent to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 1, line 9, after the word "Congress," insert the words "without interest."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BUTTE ANGLERS' CLUB

The Clerk read the next Senate bill on the calendar, S. 4696, granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2 in said section 5.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That there is hereby granted, subject to vested existing rights, to the Butte Anglers' Club, of Butte, Mont., lot 1 of section 5, township 2 south, range 9 west, and to the Northern Pacific Railway Co. lot 2 in said section, upon its filing with the Secretary of the Interior a duly certified copy of a conveyance of the said land to the said Butte Anglers' Club. In each case the patent, in evidence of the grant herein made, shall provide that the land conveyed shall revert to the United States if and when after two years from the date thereof the premises cease to be used for the propagation of game fish and that any and all mineral of any kind or character within the granted lands reserved to the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. STAFFORD. Mr. Speaker, I make the point of order there is no quorum present.

Mr. HILL of Alabama. Will the gentleman withhold that for a moment?

The SPEAKER pro tempore. Will the gentleman withhold his point of order for a moment? There are one or two matters which gentlemen say are emergencies, and there are one or two bills to which objections have been withdrawn, and the Chair would like to recognize them if the gentleman will withhold his point of order.

Mr. STAFFORD. I will withhold it. I would like to say that we have now got down on the Private Calendar to the consideration of Senate bills reported as late as February 19. There are hundreds of House bills reported prior to February 19 which have not been considered at all. We have done very heavy work to-night. I have no objection to withholding the point of no quorum for the purpose stated.

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia [Mr. WOLVERTON] for one matter which the gentleman claims is an emergency.

S. A. LONG

Mr. WOLVERTON of West Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 112), which is an emergency.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va., in his last will and testament, dated August 27, 1927, and recorded in book 14, page 308, of the records of the county court of Harrison County, W. Va., be declined by the Government of the United States and that the estate of the said S. A. Long be forever discharged from any obligation to the United States growing out of said last will and testament.

Mr. BRIGGS. Reserving the right to object, what is the emergency?

Mr. BACHMANN. If the gentleman will yield?

Mr. WOLVERTON of West Virginia. I yield.

Mr. BACHMANN. This is not my bill, but I can give the gentleman the facts. An old gentleman out there died, and he had had some trouble with his family, and he made a will in which he made a bequest of $5,000 to the United States Government. There is one heir, a daughter, in destitute circumstances. This is an emergency matter because if it is not passed at this Congress the money will go to the United States.

Mr. BRIGGS. I do not press the objection, Mr. Speaker.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

G. ELIAS & BRO. (INC.)

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to return to No. 1206 on the calendar, S. 4334, for the relief of G. Elias & Bro. (Inc.). I understand the objection has been withdrawn.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, what is the explanation of the bill?

Mr. DEMPSEY. The bill is one for the purchase price of an airplane. Five airplanes were constructed under a contract with Paul Henderson, Second Assistant Postmaster General, the son-in-law of Martin Madden. All of the airplanes were tested and all of them were found to conform to the specifications.

Mr. STAFFORD. Except one, for which a claim is now being made.

Mr. DEMPSEY. No. This airplane itself was found by the testing committee to conform to the specifications.

Mr. STAFFORD. Then why did they not accept the plane?

Mr. DEMPSEY. There is no explanation of why they did not accept it, because the testing committee approved it, the expert of the department at the present time has approved it, and the representative of the Post Office Department before the Senate committee has testified that there was a contract, that the plane was tested and there was no fault found with it.

Mr. STAFFORD. As to the other four planes, the Government had the use of them and accepted them?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. In the instant case the Government refused to accept the plane. The Government had it in its possession against its protest for six months, but the Government did not accept it, and returned it to the claimant and he accepted it in return.

Mr. DEMPSEY. No; the claimant did not accept its return.

Mr. STAFFORD. What was done with the plane, as the Government did not use it?

Mr. DEMPSEY. The claimant was obliged to remove it, because the Government insisted that he remove it.

Mr. STAFFORD. And you are now asking the Government to pay for something it did not receive?

Mr. DEMPSEY. We have the report of the testing committee; we have the report of the Senate committee.

Mr. STAFFORD. Who has the plane?

Mr. DEMPSEY. The plane has been held ready for the Government.

Mr. STAFFORD. The plane is no longer of any use to the Government?

Mr. DEMPSEY. But it is the Government's fault that it has not used it; it is not the fault of the claimant at all. This claimant will receive not to exceed one-half of what this plane actually cost him under a contract that, if he would manufacture a certain kind of plane, it would be accepted. The chairman of the committee will tell the gentleman that his committee has unanimously approved of this bill, after a most patient and careful investigation, and the Senate committee has likewise unanimously approved it, after a most patient and careful examination. The House committee says that a very grave injustice has been done this man. He is ill and he is liable to become a bankrupt, all because the Government has failed to live up to a proper, honest, and legitimate contract.

Mr. IRWIN. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Illinois. The trouble I have had with this bill is that the Government has not the property.

Mr. DEMPSEY. The claimant is ready to deliver it. It is the fault of the Government that it has not the possession of the property, and it is not our fault.

Mr. IRWIN. This man furnished the Government with this plane. They were to put one of their own engines in it, and because it did not work properly they did not take this plane, but that was not the fault of the man who built this plane, but it was because of the engine placed in this plane.

Mr. STAFFORD. What is the amount in the Senate bill?

Mr. DEMPSEY. Twenty thousand dollars, and it cost him $50,000.

Mr. STAFFORD. Will the plane go to the Government if this bill is passed?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. Where is there any wording in the bill to that effect?

Mr. DEMPSEY. If the bill does not contain such language, I am perfectly willing to have it placed in the bill.

Mr. STAFFORD. Then amend the bill to that effect, and with that understanding I shall not object.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. Elias & Bro. (Inc.), of Buffalo, N. Y., the sum of $35,000, in full compensation for one air mail plane type M–1, delivered to the Post Office Department by said company on June 9, 1925, said air mail plane having been constructed by the aforesaid company in compliance with written and verbal instructions issued by the official in charge of the air mail service of said department during the month of October, 1924.

Mr. STAFFORD. It was the understanding the amount was to be $20,000.

Mr. DEMPSEY. That is right; and that was the House bill.

Mr. STAFFORD. I offer an amendment, Mr. Speaker, reducing the amount to $20,000.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 6, strike out "$35,000" and insert in lieu thereof "$20,000."

The amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Insert at the end of the bill the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

C. M. WILLIAMSON ET AL.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to return to Calendar No. 831, a bill which was considered a few evenings ago and objected to by the gentleman from Texas, who has withdrawn his objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

Mr. COLLINS. I object, Mr. Speaker. The bill is back of the star.

ROSCOE M'KINLEY MEADOWS

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent to return to No. 1134 on the Private Calendar.

Mr. STAFFORD. I object, Mr. Speaker.

ESTATE OF WHITE B. MILLER

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to return to No. 1113 on the Private Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. CLARKE of New York. Mr. Speaker, I object.

R. P. BIDDLE

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2047) for the relief of R. P. Biddle, with a Senate amendment, and concur in the Senate amendment.

Mr. O'CONNOR of New York. Mr. Speaker, I make the point of order that that request is not in order.

Mr. BACHMANN. Yes; it is. This is a House bill that has passed the Senate with an amendment.

The SPEAKER pro tempore. Is it a Private Calendar bill?

Mr. BACHMANN. Yes.

The Clerk reported the bill by title, and read the Senate amendment, as follows:

Page 1, line 8, strike out "$1,320" and insert "$423.56."

Mr. O'CONNOR of New York. Mr. Speaker, what is the number on the Private Calendar? If it is behind the star, it is not in order.

Mr. BACHMANN. The star has nothing to do with this bill. It has passed the House.

Mr. O'CONNOR of New York. That does not make any difference. The order of business to-night is to call the Private Calendar and to consider bills on the Private Calendar after the star.

The SPEAKER pro tempore. Does the gentleman object?

Mr. O'CONNOR of New York. I make a point of order against consideration of the bill.

The SPEAKER pro tempore. If the gentleman objects, that is all that is necessary.

Mr. O'CONNOR of New York. I make the point of order it is not in order to consider the request to-night.

The SPEAKER pro tempore. The point of order is sustained.

Mr. BACHMANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BACHMANN. This bill has already passed the House.

The SPEAKER pro tempore. But it is not on the Private Calendar.

Mr. BACHMANN. It is a private bill.

GROVER CLEVELAND BALLARD

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take up the bill (S. 6233) for the relief of Grover Cleveland Ballard. The bill has passed the Senate and is now on the Speaker's table.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $246.75 to reimburse Grover Cleveland Ballard, an ex-service man of the World War, for money expended for medical and surgical services in reamputating his leg, which was shot off below the knee in battle during the World War.

Mr. STAFFORD. As I recollect this bill, this man had the privilege of the services of the Government surgeon, but declined them and then went to a special private service and now asks to be reimbursed for the expenses of this private service when he had refused the public service.

Mr. RANKIN. Let me say that this young man's leg was shot off in the Argonne fight during the World War. At the same time he was badly burned with mustard gas and laid there for nearly 24 hours. When his leg was amputated he came home. Later he had to have the leg amputated again. He went to the Government bureau hospital and while he was coming out from under the ether they went off and left him and he fell out of bed.

Later it was necessary to have the leg amputated the third time. He consulted the bureau hospital physicians and they did not recommend it, but it was found that he had to have it done and so he went to a private physician, the best he could find, and had it amputated the third time.

Mr. STAFFORD. Mr. Speaker, I will not object.

Mr. HALE. Mr. Speaker, reserving the right to object, I have been sitting here three hours, waiting for my bill to come up. The House stopped just before it reached my bill. I can not see any reason why we should jump ahead into the end of the calendar that we have not reached, and unless there is some good reason I shall object.

Mr. RANKIN. I was not trying to get ahead of anybody.

Mr. STAFFORD. We want to make some progress. We do not want to take up bills out of order.

The SPEAKER pro tempore. Is there objection to this bill?

Mr. CLARKE of New York. I shall object. There was an agreement that we should stop at 11 o'clock. We have been here since 11 o'clock this morning, and I make the point of order that there is no quorum present.

EXTENSION OF REMARKS

HOSPITALIZATION OF CERTAIN FORCES

Mr. WELCH of California. Mr. Speaker, the President, in the exercise of his veto power, has returned to the House with his disapproval my bill, H. R. 6997, conferring the benefits of hospitalization and the privileges of the soldiers' homes to those persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition on vessels owned by the United States and engaged in the transportation of troops, supplies, ammunition, or materials of war and who were discharged for disability incurred in this service.

In the veto message it was stated that the Secretary of the Interior had furnishcd figures indicating that this act would confer these benefits upon approximately 7,000 former employees of the Transport Service who are now living. As a matter of fact there are very few such former employees who would be compelled to avail themselves of the benefits of this act were it made law. The act itself specifically limits those affected by it to former Transport Service employees who served on board vessels owned by the Federal Government and who were discharged honorably for disabilities incurred in line of duty. The number who received these discharges is not large and there are but a negligible indigent few who would take advantage of this legislation.

These men, though technically civilian employees of the Government, were under stringent military discipline and served in uniform. They made up the gun crews of the transports upon which they served. When troops were landed from their ships these seamen manned the ships' boats carrying the landing forces and were under hostile gunfire from both the Spanish and the Philippine insurrectionists. They were exposed to the same hazards as were the troops they were carrying and they suffered casualties under fire. I am appending to these remarks a copy of a disability discharge issued to one of the men who would be affected by this act and I am also appending a copy of a pass issued to a transport seaman in the Philippines in 1900 permitting him to be absent from his ship during evening hours.

Railroads and other private industries make provision for their employees who serve them faithfully and those who are disabled in the performance of their duties. The Federal Government has enacted laws safeguarding the employees of the railroads and practically every State in the Union has enacted workmen's compensation laws compelling private employers to care for disabled employees. Progress demands humanitarian legislation. Should the Federal Government, on one hand, force private employers to care for their employees and on the other overlook the services rendered by a patriotic group of men who were disabled in the service of their country? Such an attitude is not consistent.

The cost of this legislation would be comparatively little. The indigent few who will take advantage of such an act as this should be assured of medical treatment or a home, and these few unfortunate men, disabled in the service of their Government, would not displace former soldiers needing hospital care. Our Government is generous and it is only fair and just that these old men, friendless and alone, disabled by hostile gunfire or by accident while serving their country in time of emergency and discharged because of these disabilities, should be given the aid of a grateful nation, even though this aid may come too late for most of them.

The veto of a measure such as this upon erroneous information furnished him by his departmental advisers has subjected the President to the criticism that he has done a very petty act. The cost in dollars and cents to the Government, if this legislation were approved and not vetoed, would be practically nothing, but the harshness of the veto, its departure from recognized governmental policy and humanity's dictates entails a cost in heartburning and a sense of injustice toward men who served their country well. This cost can not be estimated. There remain only a few, not 7,000 as stated in the message, who wore the uniform of their country at its behest; who served exactly as soldiers served in war; who were under fire; who did their duty well; who received honorable discharges from the military authorities of the United States; and who, injured and discharged for disabilities actually received in line of duty, are denied the poor privilege of hospitalization made necessary by their injuries received in the service of their country. It is a sad travesty upon the present-day attitude of a great and wealthy nation.

U. S. ARMY TRANSPORT "HANCOCK,"
ENGINEER'S DEPARTMENT,
January 4, 1900.

Permission to be absent from the ship from 6 p. m. to 12 p. m. is hereby granted N. McCall.

I. I. MURPHY,
Chief Engineer.

Approved.

J. J. BRADLEY,
Captain and Assistant Quartermaster,
Transport Quartermaster.

DISCHARGE

WAR DEPARTMENT,
ARMY TRANSPORT SERVICE,
U. S. ARMY TRANSPORT "SHERMAN,"
February 16, 1900.

Name: P. Kuhl; rating, seaman.
Proficiency: Very good.
Conduct: Very good.
Reasons for discharge: Hurt in the service.
Time of service: From May 22, 1899, to August 25, 1899.
Port of entry: San Francisco, Calif.
Port of discharge: San Francisco, Calif.

C. H. GRANT, *Master.*

Approved.

JAMES C. READ,
Captain and Assistant Quartermaster,
United States Volunteers,
Transport Quartermaster.

EXTRACTS FROM SHIPPING ARTICLES

It is also agreed that the crew shall mutually assist each other in the working of the ship, shall handle cargo and trim coal if required by the master, and shall purchase and wear the prescribed uniform.

It is also mutually agreed and understood that any return of this ship to a port in the United States within the time which the contract covers shall not operate as a discharge.

It is also mutually agreed and understood that those of the crew who shall serve the full term of shipment shall be furnished with transportation and board money from the port in the United States where discharged to the port where shipped, but all those who are discharged for cause, or at their own request, are not entitled to transportation or board money.

It is also mutually agreed that in case of emergency or of necessity the crew, or such members of the crew as may be needed, shall serve such period of time beyond the term of shipment as the emergency or necessity shall demand, at the same rate of pay as expressed in shipping articles, and a failure to so serve shall carry with it a forfeiture of transportation and board money.

PROPOSED CONSOLIDATIONS OF RAILROADS

Mr. GOSS. Mr. Speaker, I am opposed to a plan of consolidation of railroads into a limited number of systems, to be compelled or unduly influenced by Federal statute or agencies of the United States Government. The grounds for opposition are stated in part 5 below. However, I might not object to individual plans of consolidation having merit.

2. THE STATUTORY PROVISIONS ARE IMPOTENT

Section 5 (4), (5) of the interstate commerce act (U. S. C., title 49, ch. 1), among other things, requires the Interstate Commerce Commission to prepare and adopt a plan for the consolidation of the railway properties of the United States into a limited number of systems. Additional provisions of that section are to the effect that the commission shall agree upon a tentative plan of consolidation, publish that plan, hold public hearings on it, and then adopt and publish a plan of consolidation. All of that has been accomplished. A tentative plan was agreed upon and published on August 3, 1921, proposing 19 consolidated railroad systems. (63 I. C. C. 455.) Later, on December 9, 1929, the commission adopted and published a plan proposing 21 consolidated railroad systems (159 I. C. C. 522).

Attention is directed to the following provisions of paragraph 4 of section 5:

The several systems shall be so arranged that the cost of transportation as between competitive systems and as related to the values of the properties through which the service is rendered shall be the same, so far as practicable, so that these systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties.

The quoted provisions are impracticable in that such uniform results evidently can not be attained through any sound plan of consolidation. The stockholders of the companies paying regular dividends above 5 per cent obviously will not voluntarily accept consolidations which will reduce the value of their securities, and it is doubtful that the stockholders of the weaker railroad companies, in times of speculation based on proposed consolidations or mergers, would sell their securities at a reasonable price. Inflation would be inevitable if the statutory provisions could be enforced. The results sought, in the quoted provisions of the statute, can not be attained through suggested consolidations, which is the full force of this innocuous legislation. Such results, if attainable, could be attained only by means of compulsory consolidation of railroad systems which probably can not be imposed under our present Constitution.

The railroad consolidation theory has been advocated continuously since the passage of the transportation act, reflecting the instigation theory, which was approved on February 29, 1920. However, very little of substance has developed from the expression of that theory in the statute.

The Interstate Commerce Commission, in its letter of February 4, 1925, to the chairman of the Senate Committee on Interstate Commerce recommended repeal of that part of section 5 of the interstate commerce act, which required the commission to adopt a plan for the consolidation of all the railroad properties into a limited number of systems.

The commission's report of December 9, 1929, in which it adopted and published the plan of consolidation, seems to reflect the action of a tribunal compelled by statute to perform an unpleasant duty. The concurring opinions of individual members of the commission, which in substance were

expressions of dissent, provide a good foundation for that impression. The commission, at page 79 of its latest annual report to Congress on December 1, 1930, informed Congress that the commission had requested that it be relieved of the duty of formulating a plan of consolidation, and that upon failing to obtain that relief it adopted and published the plan of December 9, 1929.

The plan of consolidation was adopted and published about 15 months ago. It can not be enforced through compulsion. Absence of effort to consolidate railroad systems in accordance with the plan is noticeable. The proposal of the four trunk line systems in northeastern territory is not in harmony with the commission's plan.

3. THE PRESENT STATUS OF THE CONSOLIDATION PROBLEM

No application for consolidation is pending before the Interstate Commerce Commission. The so-called four trunk line system plan has not been submitted to that tribunal.

An important question at hand now is: Is the consolidation problem definitely before the Congress or the Interstate Commerce Commission now?

The subject is before the Senate Committee on Interstate Commerce for consideration in S. 668, and before the House Committee on Interstate Commerce in H. R. 3208. The main purpose of S 668 is "to authorize voluntary railroad unifications, but only to the extent that they promote the public interest." H. R. 3208 is of similar purport.

More than 10 bills on the subject have been introduced in the Senate and House since the first session of the Sixty-eighth Congress, 1923–24. The problem at present is centered in the two bills—S. 668 and H. R. 3208. This history of futile attempts at statutory railroad consolidation is not encouraging for advocates of the statutory theory.

It appears that the Interstate Commerce Commission has passed the problem to Congress. The commission, at pages 79–80 in its annual report to the Congress on December 1, 1930, referred to its request that it be relieved from the statutory requirement that it formulate and publish a plan for railroad consolidations; also, that failing to obtain such relief it had adopted and published a plan on December 19, 1929. The commission also said:

Nothing has been undertaken before us by any of the carriers under section 5 (6) looking to carrying out the plan. Whatever has been accomplished has been as heretofore under paragraph (2), as is more fully explained elsewhere in this report.

Paragraph (6) of section 5 of the interstate commerce act contemplates the filing of applications by carriers with the commission for authority to consolidate in conformity with the plan of consolidation adopted and published by the commission.

Paragraph (2) of section 5 of the interstate commerce act authorizes the commission to approve the acquisition of control of one carrier by another carrier by means of leasing, purchase of capital stock, or by means other than consolidation.

The annual report of the commission of December 1, 1930, carries the consolidation provisions of section 5 (4), (5), (6) before both Houses of the Congress with a strong suggestion that those provisions are unsound and impracticable legislation.

4. GROUNDS URGED IN SUPPORT OF THE THEORY OF CONSOLIDATION

Support of weak lines: The principal reason urged by advocates of consolidation is that consolidation of railroad systems that are strong in financial resources and earning power with railroad systems that are weak in financial resources and earning power will sustain or shelter the weak system and provide better service to the public served by the weak system. That end can not be attained unless the stockholders of the strong companies voluntarily accept an arbitrary reduction of the value of their securities. Will they permit their earnings to be absorbed by the weak system without obtaining any offset? I can not put myself in the place of stockholders of either the strong system or the weak system and develop the charitable bequest needed by the weak system.

The boards of directors of strong railroad corporations occupy positions of trust in which the directors can not dissipate the property or income of such corporations by assuming the burdens of weak railroad corporations without obtaining offsetting benefits. And if the weak system had such benefits it would not be weak. The established business policy of the strong railroad systems is to divest themselves of unprofitable branch lines which is the antithesis of this panacea advocated by consolidationists. Action of the Pennsylvania system and the Boston & Maine to divest themselves of unprofitable branch lines is well known.

The Railroad Commission of Louisiana, by its order, attempted to compel a corporation to continue operation of a railroad when that operation resulted in a loss of more than $1,500 per month. The corporation resisted on the grounds that the order, if enforced, would deprive it of its property without due process of law, in violation of the fourteenth amendment to the Constitution of the United States. The Supreme Court of the United States, in Brooks-Scanlon Co. v. R. R. Commission (251 U. S. 396), sustained that contention of the corporation and said:

A carrier can not be compelled to carry on even a branch of business at a loss.

Railroad Comm. v. Eastern Tex. R. R. (264 U. S. 79), and Colorado v. United States (271 U. S. 153), are to the same effect.

The Government can not compel any railroad system to assume and conduct the unprofitable operation of another railroad system nor in the absence of exceptional circumstances can it require any large system to continue operation of an unprofitable component. The fourteenth amendment and sound business practice stand against the weak system doctrine of the advocates of consolidation.

Other reasons, urged in support of the consolidation theory, are (1) fair return can be obtained at uniform rates; (2) better adjustment of rates; (3) adequate and efficient transportation facilities and service for all communities; (4) limited number of more strong and stable railroad systems; (5) rehabilitation or improvement of railroad credit; (6) more economical and convenient financing; (7) sustained earning capacity, better assurance of regular returns to investors, and improved railroad credit; (8) solution of terminal problems; (9) economy in construction, maintenance, and operation; (10) shorter hauls and choice of routes and better grades by railroad management; (11) discontinuance of duplicate service; (12) improved car service; (13) solid trains and heavier car loading; and (14) discontinuance of back hauls and interchange at certain junction points.

It is noticeable that no strong or cogent reasons are urged in support of this great departure from past practice. In fact, those 14 reasons are mere remarks which do not invite lengthy discussion.

It has been conceded by the most active advocates of consolidation that consolidation will effect little, if any, reduction of railroad operating expenses. Mr. Alfred P. Thom, of the Committee of Railroad Executives, at the hearing on S. 2224 (1925), page 67, said:

I would not be frank with the committee if I did not state that a good deal of expert opinion among railroad people is to the effect that the idea of economy can be overestimated as a cause for consolidation. There is a difference of opinion among men on that subject.

5. GROUNDS FOR OPPOSITION TO RAILROAD CONSOLIDATIONS

Various grounds for opposition to railroad consolidations may be summarized as follows: (1) No substantial benefits will accrue to the shipping public from consolidation; (2) the advocates of consolidation have failed to present persuasive reasons for that drastic change; (3) the consolidation theory is war-time doctrine, which is not supported by present conditions; (4) strong grounds for belief that best results to shipping public in operating efficiency, service, and rates are obtained from smaller railroad systems, whose executives can maintain personal contact with shippers and keep informed of their competitive problems, needs, and prospects; (5) great consolidated systems, if financially successful, will be powerful, arrogant, and indifferent to needs of shippers; (6) wholesale consolidation of railroads would result in uneconomical and unwieldy operation; (7) consolidations will result in inflation of securities, prodigality of expenditures, and huge profits of promoters, and the resulting greater burden will be placed on the neck or back of the shipper; (8) the shipping public has not advocated consolidation, and the consolidation sentiment is artificial and emanates from a small group in financial circles that seek profits from sales or exchanges of securities; (9) no car shortage has been experienced in five years and the war-time conditions that prompted suggestions of consolidation have disappeared; and (10) no feasible or practicable plan of consolidating railroads into a limited number of systems can be developed or imposed by the Government. The whole scheme is illusory.

6. WHAT IS THE SOUND POSITION TO TAKE IN DEALING WITH THE PROBLEM OF RAILROAD CONSOLIDATION?

It should be borne in mind that two plans of statutory treatment of the railroad consolidation problem are before Congress at the present time.

First, the consolidation of all railroad property in the United States into a limited number of systems under a general plan promulgated by the Interstate Commerce Commission. That is the present statutory plan, as reflected in section 5 of the interstate commerce act, and the implied means of enforcement is denial, by the Interstate Commerce Commission, of any application for consolidation that is not in harmony with that plan. Of course, consolidations effected without obtaining the approval of the commission may incur prosecution for violation of the Sherman Antitrust Act. This, in substance and effect, is a statutory strait-jacket in so far as small meritorious consolidations, not in conformity with the general impracticable plan, may be involved.

Second, voluntary consolidations, as initiated by parties or railroad companies, to be approved by the commission if and when the merits of the case and the public interest command such approval. This sound and elastic plan of voluntary consolidations can not be developed and applied unless and until the provisions of section 5, which compelled the commission to promulgate the 21-system plan, are repealed. The commission, in its letter of February 4, 1925, to the chairman of the Senate Committee on Interstate Commerce, advocated repeal of those provisions of section 5 and amendment of that section so that the statute would admit of these smaller meritorious consolidations.

In the commission's letter of February 4, 1925, we have the mature judgment of the tribunal that dealt with this complex problem during a period of several years, and it seems that when that problem is solved the satisfactory solution will be in harmony with the recommendations of the commission in that letter.

There are several important reasons for withholding support of a statutory plan of railroad consolidation which contemplates creation of a limited number or certain number of railroad systems by any agency of the Government. Several of those reasons are stated in the following paragraphs.

Impracticability: Adverting to the provisions of section 5 of the interstate commerce act, which are reproduced on page 1 above. Our railroads were constructed for the purpose of serving, and being supported, by our agriculture, manufacturing, mining, and forests, and by our selling and distributing activities. The railroads, like other business enterprises, have distinctive characteristics. It is impossible to assemble groups of railroads that, when consolidated, will conform with the provisions of section 5, which I refer to. It is impossible to incorporate into a Federal statute satisfactory specifications for all bridges or tunnels to be constructed in this country. Neither consolidation of railroads nor building of bridges are proper subjects for statutory strait-jackets.

Lack of foundation: Consolidation of railroads should be prompted by circumstances and conditions arising from operation of individual railroad enterprises. When the Government undertakes to impose consolidations, by force of statute, it will waste the time of its agencies in attempting to consolidate certain business enterprises which will not and can not be consolidated. I venture the suggestion that there is no reasonable expectation that as much as 20 per cent of the railroad values, reflected in the commission's 21-system plan, can be consolidated in conformity with that plan.

Weak railway lines: The fourteenth amendment to the Constitution of the United States and numerous decisions of the Supreme Court of the United States stand in the path of gaining support for financially weak railroad lines through consolidations.

Larger systems not advantageous: The representatives of the traffic departments of large shipping enterprises prefer to deal with the smaller railroad systems having executives who are informed of, and in contact with, local conditions. Those representatives fear indifference of executives of the proposed large railroad systems and that their rate and service problems will be delegated to subordinates in those large systems who will not make decisions and who will not have authority to act. It should be borne in mind that the shipping public did not propose any of these consolidated systems.

Elusive features: It should be borne in mind, in considering any statutory plan of consolidation, that the Government may be unable to compel complete performance of any plan of consolidation which one of its agencies approves. It may require from 1 to 20 years to work out a given plan of railroad consolidation. The United States Government has very little power or authority in connection with the consolidation of railroads. Its officials or commissions can approve a proposed plan, and the only effect that approval has is to protect those who participate in the consolidation from prosecution for violation of the Sherman Antitrust Act. The consolidators may bring forward a plan of consolidation in writing which, if carried out, would merge or consolidate many strong and financially weak lines. At the time the consolidators present their plan to the commission they may not have discussed the matter with the management of many of the corporations named in the plan. Undoubtedly they have not then bought all of the capital stock of many of the corporations involved. The plan is merely an expression of hope. If and when the plan is approved by the Interstate Commerce Commission the consolidators start to buy or acquire the capital stocks of the corporations to be consolidated and that effort may continue for several years. The corporations that they acquire control of can be consolidated. Those that they can not buy control of, either by reason of the owner's price being too high or the consolidators' offer being too low, can not be included in the consolidation. The substance is that the Government may authorize a certain consolidation, involving the merging of certain weak lines with strong lines, and at the end of two years or five years find that the consolidators had consolidated only the choice properties and left out the weak lines because they could not buy them at a satisfactory price. And in such case the Government can not unscramble that part of the consolidation which is accomplished nor compel the consolidators to buy and take in the weak lines at a price which they do not elect to pay.

Commission's recommendations sound: I referred to the fact that the commission, in its letter of February 4, 1925, recommended amendment of section 5 of the interstate commerce act, which, if made, would have relieved it of the duty of promulgating the 21-system plan of consolidation which it published on December 9, 1929.

Subparagraph (a) of section 5 (6) of the interstate commerce act provides that when any voluntary consolidations are proposed, by application to the commission, the plan must be in harmony with and in furtherance of the complete plan of consolidation. The complete plan of consolidation is the 21-system plan published by the commission on December 9, 1929. Whenever a relatively small plan of consolidation is laid before the commission now it must conform with the 21-system strait-jacket or the commission must amend or change the strait-jacket.

If the recommendations in the commission's letter of February 4, 1925, were adopted and passed by the Congress, then the strait-jacket of the 21 large systems would be removed,

and appropriate consolidations, more especially smaller consolidations dictated by sound business principles, could be proposed and approved. In fact, the reasons suggested by the advocates of consolidation lend stronger support to the smaller and more elastic voluntary consolidations than to the commission's prescribed 21-system plan.

7. THE FOUR TRUNK LINE SYSTEM PLAN

Referring to the proposed four trunk line system described in the speech of Representative PARKER in the House of Representatives on January 8, 1931.

That plan has not been submitted to the Interstate Commerce Commission by means of formal petition or application, the only means of obtaining action on that plan by that tribunal. I do not understand that the Congress, or any of its committees, contemplate taking definite action on the 4-system plan. I can discuss that plan here as an interesting phase of the railroad-consolidation problem, but I can not deal with it as a matter presented formally under conditions calling for definite action by any agency of the Government.

Certain statistics present the four proposed systems in the following light:

	Total operated mileage	Per cent	Total investment in road and equipment	Per cent	Net railway operating income	Per cent
Pennsylvania R. R.	10,548.64	100.0	$3,333,223,624	100.0	$205,687,215	100.0
New York Central	12,920.96	78.1	2,487,589,546	74.6	128,915,299	62.7
Chesapeake & Ohio	12,554.07	75.9	1,990,300,739	59.7	113,219,377	55.0
Baltimore & Ohio	11,156.16	67.4	1,970,976,938	59.1	89,918,511	43.8

The proposed systems show substantial variation in mileage to be operated, in investment and in net railway operating income. However, I doubt that such variation should condemn, or that uniformity of those items should commend any given plan of consolidation. For example, the Delaware, Lackawanna & Western Railroad Co. is well able to compete with the Pennsylvania Railroad system, and to give efficient service to its patrons although a comparison would develop a material difference of mileage, investment, and income of those two railroad systems. In fact the Lackawanna undoubtedly can furnish better service and more effective competition when being operated in its present independent position than when merged with any one of its large competitors.

The four trunk line plan reflects important departures from the 21-system plan promulgated by the Interstate Commerce Commission (159 I. C. C. 522) on December 9, 1929. For example, the following important carriers are assigned to different railroad systems in those two plans:

Carrier	Commission plan	Four Trunk Line plan
Lehigh & Hudson River	System No. 2, New Haven	Baltimore & Ohio.
Delaware, Lackawanna & Western R. R.	System No. 6, Chesapeake & Ohio.	New York Central.
Lehigh Valley R. R.	System No. 7, Wabash-Seaboard.	Chesapeake & Ohio.
Wheeling & Lake Erie R. R.	do	Do.
Wabash System	do	Pennsylvania R. R.
Norfolk & Western	do	Do.
Detroit, Toledo & Ironton Ry	do	Do.

It seems to me that the shipping public served by the Delaware, Lackawanna & Western Railroad and the Lehigh Valley Railroad should and will resist the incorporation of those two strong lines, which are efficiently operated and which furnish valuable competitive service, into huge railroad systems in which "absentee landlord methods" will seriously impair present efficient service and valuable competition.

The Reading Co. lines should not be merged in the Baltimore & Ohio system, as is proposed in the 4-trunk-line plan, but should be kept free of domination by any large railroad system, in order that those lines will provide a competitive route into Philadelphia for any competitor of the large railway systems developed during the next 50 years.

The Central Railroad Co. of New Jersey owns acres of valuable lands on the western shore of upper New York Bay. This land is suited to use for railroad and steamship terminal facilities at one of the most congested harbors in the world. The Central Railroad of New Jersey should be kept an independent terminal line, available for the use of large railroad systems which in the future may seek entrance to New York Harbor. Further, the Central Railroad of New Jersey, as such independent terminal carrier, should be the operator of one or more belt-line railroads which necessarily must be constructed on the New Jersey shore in the near future to afford terminal and switching service for all of the railroad systems operating in that district.

A BILL TO PROVIDE FOR A NATIONAL PROGRAM OF EROSION STREAM FLOW INVESTIGATIONS ON FOREST AND RANGE LANDS

Mr. LEAVITT. Mr. Speaker, I have to-day introduced a bill intended to provide for a national program of erosion stream flow investigations on forest and range lands. It is to add a new section to the McNary-McSweeney Act, reading as follows:

SEC. 11. That for such experiments, tests, and investigations, at the forest experiment stations or elsewhere, as may be necessary to determine the rôle or function of forest, chaparral, grass, or other natural vegetative cover characteristic of forests or ranges or wild land, under varying conditions of growth, soil, topography, precipitation, utilization, and other factors, and the form in which such cover will be most effective in the regulation of stream flow and the delivery of the maximum amounts of usable water, the prevention of destructive floods, the control of erosion, and the maintenance of soil productivity on the watersheds of the Mississippi and Colorado Rivers and other streams subject to destructive floods or important for navigation or for supplies of water in irrigation, municipal use, power, or other use; to determine the functions and most effective use of such cover in preventing the formation and movement of dunes or other wind erosion, and the effects of forest upon climate and rainfall; and for such other investigations as may be necessary for the control of erosion and the regulation of stream flow on forest and range lands, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $500,000.

The necessity of enacting this measure has become apparent to the various forestry, farm, and civic organizations which have turned the attention of careful study upon a national problem of the first importance. These organizations include such nationally known bodies as the American Farm Bureau Federation, the Society of American Foresters, the American Forestry Association, and the National Grange. Other groups have come to this same conclusion. It is my purpose in introducing this measure at this time to present it for study and consideration by the Members of Congress and all those interested during the months before Congress convenes in December, and to again introduce it in the next session to be pressed for enactment.

Water is becoming the most important and the most valuable crop of forest and also of range lands in many parts of the country, even exceeding timber and forage. This is true in a number of portions of the arid West, where the availability of water is the most important factor in the foundation of the existing economic structure and prosperity. It is particularly true, for example, in southern California and the great interior valleys of California, where the entire present and future agricultural and urban development is dependent upon water from forest and range lands. The severe droughts of the past year have also shown the importance of the water crop from forest lands for municipal purposes, power, and so forth, in many parts of the humid East. It is becoming increasingly urgent, therefore, to obtain the knowledge which will permit the management of forest and range lands with full recognition of their function of water production.

A second reason for such a program is to ascertain the extent to which we can and should depend upon forest and range lands for the amelioration of destructive floods. An outstanding example of flood damage is that of the Mississippi in 1927, which caused a loss of $300,000,000 and took 214 lives. Flood damages in California total many millions of dollars annually and affect agricultural lands, urban development, roads, reservoirs, and so forth. Destructive floods, however, in streams of all sizes where some or large

parts of the drainage area is or should be in forest or range lands, are common to practically every part of the United States. We should have the knowledge which will make possible the management of such forest and range lands in full recognition of their possible function in the prevention of destructive floods.

A third consideration is the number and magnitude of public and private programs throughout the United States for flood control, irrigation, the improvement of navigation, municipal water supplies, and for power, which are being planned largely or wholly without regard for the possible relation of forest or range cover to stream flow and erosion. Outstanding again is the Mississippi, where flood control and navigation programs total approximately $350,000,000. The silt carried by the Colorado River totals 137,000 acre-feet annually and its control is being disregarded in the developmental plans for the Boulder Dam. Stream flow and erosion problems of first magnitude are involved in the Roosevelt, Coolidge, and Elephant Butte Reservoirs in Arizona and New Mexico, and numerous other projects which have already been completed.

The need for research is to determine the place or function of the vegetative cover in stream flow regulation and erosion control. It is first of all to determine the value of such cover, and, second, to determine the extent to which the forest may be cut and removed and forage plants used by grazing without interfering seriously with the influence on stream flow and erosion. It is to determine under what conditions the maximum amount of usable water is delivered. It is conceivable and, in fact, probable that under widely different conditions of soil, topography, precipitation, and the character and density of forest and range cover that their influences may vary within rather wide limits. This necessitates the consideration of requirements for the United States as a whole, and is one of the reasons for a national program.

Obviously facts of the character indicated are of concern to very diversified groups, both public and private, including agriculture and the domestic livestock industry, the forest industries, navigation and power interests, municipalities, States, and the Federal Government.

AGREEMENTS AND COMPACTS BETWEEN STATES (CONSTITUTION, ART. I, SEC. 10)

Mr. CLARK of Maryland. Mr. Speaker, under leave to extend my remarks on the subject of congressional consent to agreements and compacts between States, I am including Acts of Congress Authorizing or Ratifying Agreements Between States, prepared at my request by Mr. McClenon and Mr. Gilbert, members of the legislative service staff, showing 55 such agreements or compacts up to date.

The matter referred to above is as follows:

ACTS OF CONGRESS AUTHORIZING OR RATIFYING AGREEMENTS BETWEEN STATES

Joint resolution of May 12, 1820 (3 Stat. 609, V). Kentucky and Tennessee, February 2, 1820. Boundary line; agreement ratified.

Act of June 28, 1834 (4 Stat. 708–711). New York and New Jersey, September 16, 1833. Boundary line, execution of process, etc.; agreement ratified.

Act of February 15, 1848 (9 Stat. 211, ch. 10). Missouri and Arkansas. Boundary line confirmed.

Act of January 3, 1855 (10 Stat. 602, ch. 20). Massachusetts and New York, May 14 and July 21, 1853. Cession of district of Boston Corner by Massachusetts to New York ratified.

Act of February 9, 1859 (11 Stat. 382, ch. 28). Massachusetts and Rhode Island. Attorney General directed to assent to agreement between States in adjustment of boundary dispute before Supreme Court.

Joint resolution of February 21, 1861 (12 Stat. 250, No. 9). Arkansas, Louisiana, and Texas. Joint action for removal of "raft" from Red River; assent to acts of State legislatures relating to, past or future.

Joint resolution of March 10, 1866 (14 Stat. 350, No. 12). Virginia and West Virginia. Cession of Berkeley and Jefferson Counties to West Virginia recognized and approved.

Act of March 3, 1879 (20 Stat. 481–483). Virginia and Maryland. Boundary line; agreement approving award of arbitrators January 16, 1877, ratified.

Act of April 7, 1880 (21 Stat. 72, ch. 49). New York and Vermont, November 27, 1876, and March 20, 1879. Boundary line; agreement ratified.

Act of February 26, 1881 (21 Stat. 351–352). New York and Connecticut, December 8, 1879. Boundary line; agreement ratified.

Act of October 12, 1888 (25 Stat. 553, ch. 1094). Connecticut and Rhode Island, May 4 and 5, 1887. Boundary line; establishment ratified.

Act of August 19, 1890 (26 Stat. 329–333). New York and Pennsylvania. March 26, 1886. Boundary line; establishment ratified.

Act of July 24, 1897 (30 Stat. 214, ch. 12). South Dakota and Nebraska, June 3 and 7, 1897. Boundary line; compact ratified.

Joint resolution of March 3, 1901 (31 Stat. 1465, No. 19). Tennessee and Virginia, January 28 and February 9, 1901. Boundary line; agreement ratified.

Act of March 1, 1905 (33 Stat. 820, ch. 1295). South Dakota and Nebraska. Boundary line; compact approved.

Act of January 24, 1907 (34 Stat. 858–861). New Jersey and Delaware, March 21, 1905. Jurisdiction over Delaware River, process, etc.; agreement ratified.

Joint resolution of January 26, 1909 (35 Stat. 1160, No. 4). Mississippi and Louisiana. Boundary line and criminal jurisdiction; agreement authorized.

Joint resolution of January 26, 1909 (35 Stat. 1161, No. 5). Mississippi and Arkansas. Boundary line and criminal jurisdiction; agreement authorized.

Joint resolution of February 4, 1909 (35 Stat. 1163, No. 7). Tennessee and Arkansas. Boundary line and criminal jurisdiction; agreement authorized.

Joint resolution of June 7, 1910 (36 Stat. 881, No. 31). Missouri and Kansas. Boundary line and criminal jurisdiction; agreement authorized.

Joint resolution of June 10, 1910 (36 Stat. 881, No. 32). Oregon and Washington. Boundary line; agreement authorized.

Joint resolution of June 22, 1910 (36 Stat. 882, No. 34). Wisconsin, Illinois, Indiana, and Michigan. Criminal jurisdiction on Lake Michigan; agreement authorized.

Act of March 1, 1911 (36 Stat. 961, ch. 186, sec. 1). General consent to agreements between States for conservation of forests.

Act of October 3, 1914 (38 Stat. 727, ch. 315). Massachusetts and Connecticut, March 19, 1908, and June 6, 1913. Boundary line; establishment ratified.

Act of August 8, 1917 (40 Stat. 266, sec. 5). Minnesota and North and South Dakota authorized to make agreements for improvement of navigation and control of floods on boundary waters and tributaries.

Act of April 8, 1918 (40 Stat. 515, ch. 47). Oregon and Washington, 1915. Protection of fish in Columbia River, etc.; agreement ratified. (Oregon, Laws 1915, ch. 188, sec. 20.)

Act of September 13, 1918 (40 Stat. 959). Wisconsin and Minnesota. March 26 and April 9, 1917. Mutual cessions of territory ratified.

Act of July 11, 1919 (41 Stat. 158, ch. 11). New York and New Jersey. Construction of tunnel under Hudson River; agreements authorized. (See New Jersey Laws, 1918, chs. 49, 50; New York Laws, 1919, ch. 70, and General Laws 1919, ch. 178.)

Joint resolution of March 4, 1921 (41 Stat. 1447, ch. 176). North and South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska. Jurisdiction over boundary waters; agreements authorized.

Joint resolution of June 30, 1921 (42 Stat. 104, ch. 38). Pennsylvania and Delaware. Boundary line; reestablishment ratified.

Act of August 19, 1921 (42 Stat. 171, ch. 72). Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. Apportionment of waters of Colorado River and its tributaries. Agreement to be made by January 1, 1923, subject to approval by legislature of each State concerned and by Congress.

Joint resolution of August 23, 1921 (42 Stat. 174–180). New York and New Jersey, April 30, 1921. Creation of "Port of New York Authority," for comprehensive development of port of New York (supplement to agreement of 1834, noted above). Agreement ratified.

Joint resolution of July 1, 1922 (42 Stat. 822–826). New York and New Jersey, 1922. Supplemental agreement, embodying comprehensive plan for development of port of New York, ratified.

Joint resolution of September 22, 1922 (42 Stat. 1058). Kansas and Missouri, March 18 and April 15, 1921. Development of waterworks plants at Kansas City; agreement ratified.

Act of January 10, 1925 (43 Stat. 731–738). New York and Connecticut, January 3, 1911, and March 15, 1912. Boundary line; agreement ratified.

Act of January 29, 1925 (43 Stat. 796–798). Colorado and New Mexico, November 27, 1922. Distribution of waters of La Plata River; compact ratified.

Act of March 4, 1925 (43 Stat. 1268, ch. 534). Washington, Idaho, Oregon, and Montana. Apportionment of water supply of Columbia River and its tributaries. Agreement to be made by January 1, 1927, subject to approval by legislature of each State and by Congress.

Act of March 8, 1926 (44 Stat. 195–201). Colorado and Nebraska, April 27, 1923. Apportionment of waters of South Platte River; agreement ratified.

Act of April 13, 1926 (44 Stat. 247, ch. 129). Extension of time for agreement under act of March 4, 1925, above, to December 1, 1927.

Act of July 3, 1926 (44 Stat. 831, ch. 754). Idaho, Wyoming, Washington, and Oregon. Apportionment of waters of Snake River; agreement authorized, subject to ratification by Congress.

Act of February 26, 1927 (44 Stat. 1247, ch. 216). South Dakota and Wyoming. Apportionment of waters of Belle Fourche and Cheyenne Rivers; agreements authorized, subject to ratification by Congress.

Joint resolution of March 3, 1927 (44 Stat. 1403, ch. 382). Provisions of act of March 4, 1925, above, extended to December 31, 1930.

Joint resolution of February 16, 1928 (45 Stat. 120–128). New York and Vermont, May 11, 1927. Bridge across Lake Champlain; agreement ratified.

Joint resolution of March 10, 1928 (45 Stat. 300–303). Wisconsin and Michigan, December 1, 1927. Bridge across Menominee River; already executed agreement authorized.

Act of December 21, 1928 (45 Stat. 1058–1066). Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. Various agreements as to Colorado River authorized; compact of November 24, 1922, under act of August 19, 1921, above, ratified.

Joint resolution of March 1, 1929 (45 Stat. 1444, c. 448). Oklahoma and Texas. Titles to land transferred between States; negotiations by governors authorized.

Act of March 2, 1929 (45 Stat. 1502, c. 520). Colorado and New Mexico. Water supply of Rio Grande, San Juan, and Las Animas Rivers and tributaries; negotiations authorized.

Act of March 2, 1929 (45 Stat. 1502, c. 521). New Mexico, Oklahoma, and Texas. Water supply of Rio Grande, Pecos, and Canadian Rivers and tributaries; negotiations authorized.

Act of March 2, 1929 (45 Stat. 1503, c. 522). New Mexico and Oklahoma. Water supply of Cimarron River and tributaries; negotiations authorized.

Act of March 2, 1929 (45 Stat. 1517, c. 537). New Mexico and Arizona. Water supply of Gila and San Francisco Rivers and tributaries; negotiations authorized.

Act of March 2, 1929 (45 Stat. 1517, c. 538). Colorado, Oklahoma, and Kansas. Water supply of Arkansas River and tributaries; negotiations authorized.

Act of April 10, 1930 (46 Stat. 154, c. 130). Oklahoma and Texas. Bridges over Red River. Past and future agreements approved.

[The act of April 19, 1930 (46 Stat. 224, c. 194) authorizes "the State Highway Board of Georgia, in cooperation with the State Highway Department of South Carolina," and a city and county in Georgia, to construct a bridge over the Savannah River; this would presumably not involve a formal agreement between the States as such.]

Act of June 17, 1930 (46 Stat. 767–773). Colorado, New Mexico, and Texas, March 9, April 19, and May 22, 1929. Use of waters of Rio Grande above Fort Quitman, Tex.; compact ratified.

Act of January 19, 1931 (Pub., No. 568, 71st Cong.). Idaho and Wyoming. Boundary line; compacts authorized.

NOTE.—S. 2890, authorizing compacts between Idaho, Montana, Oregon, Washington, and Wyoming for division of the waters of the Columbia River, passed the Senate April 1, 1930, and was reported in the House May 14. Various bills authorizing other compacts have been introduced and are now pending, but none of them have apparently been reported out of committee yet.

I am informed of only two Federal cases involving the construction of the constitutional provision—Article I, section 10—relating to agreements between States since the case of Sterns *v.* Minnesota (179 U. S. 223).

In Virginia *v.* West Virginia (220 U. S. 1, 26) the Supreme Court upheld an agreement between West Virginia and what was recognized by Congress as the State of Virginia; this agreement had been ratified by Congress and upheld by the Supreme Court in Virginia *v.* West Virginia (11 Wall. 39).

In North Carolina *v.* Tennessee (235 U. S. 1, 15) the Supreme Court held that an agreement between the two States to survey and mark the boundary line, which had been left uncertain by the original cession from North Carolina to the United States, was not such an agreement as required the consent of Congress.

In view of the fact that in the future Congress will almost certainly be called upon to assent to or ratify an increasing number of compacts or agreements between States, I have thought the above references would be helpful to Members of the House.

REPUBLICAN ADMINISTRATIONS' HOSTILITY TO VETERANS' LEGISLATION

Mr. CONNERY. Mr. Speaker, many of us, especially the veterans themselves, find it impossible to understand the hostility of Republican administrations to legislation liberalizing the Government's treatment of World War veterans. Almost every proposal for the benefit of former service men is met with steely, stony-faced opposition at the White House.

There have been three Republican Presidents since the World War and all of them have vetoed legislation passed in the interest of the veterans.

In 1922 President Harding vetoed the so-called bonus bill. The House of Representatives repassed the bill over his veto, but it was killed in the Senate for lack of the necessary two-thirds vote.

In 1924 President Coolidge vetoed the present adjusted compensation act, accompanying his veto with a message in which he severely criticized the veterans; but Congress overrode the veto and it became a law.

Last year President Hoover vetoed the bill adjusting the compensation of disabled veterans, although a substitute measure was finally passed.

Now, President Hoover vetoes the veterans' loan bill, a bill under which veterans who need it will be able to borrow not money which really belongs to the Government but borrow against their own claims, against a debt the Government has confessed it owes them, up to 50 per cent of the value of the certificates the Government has already issued to them acknowledging its debt to them. Personally I have favored paying these claims in cash, but under the circumstances, due to the influence of the administration and of big financial interests with a majority in this Congress, we were unable to even get a vote on that proposal. So we had to agree to this bill or nothing. It is better than nothing, because it lowers the interest rate the veterans' must pay and increases the amount they may borrow. But the President opposed doing even that, although in his letter to Senator SMOOT, chairman of the Senate Finance Committee, expressing his opposition to the loan bill, he admitted that the Government owes to the service men "a special obligation beyond that to any other groups of citizens."

On one occasion in President Coolidge's administration, when General Hines and the legislative representatives of the American Legion, the Veterans of Foreign Wars, and the Disabled Veterans agreed on a bill for the relief of disabled veterans estimated to cost about $39,000,000, the administration forced a reduction in the fund for this purpose to $9,000,000, although General Hines and the representatives of the veterans' organizations were in entire agreement that $39,000,000 was the minimum amount with which the necessary care could be given the disabled men.

Every time a proposal is brought forward to deal liberally and fairly with the former service men in the matter of their claims growing out of this "special obligation" we are told from the other end of the Avenue that the Treasury can not afford it, that the country can not stand it. Once when a veterans' bill was pending Secretary Mellon estimated there would be a Treasury deficit of $300,000,000. Instead, there was a surplus of $600,000,000. He was wrong $900,000,000. Notwithstanding such predictions, when Congress, responding to the demands of justice and the needs of the veterans, has passed legislation in the interest of the service men, it has failed to bring the dire results predicted by Mr. Mellon, either to the Treasury, to the bond market, or to business.

Always, when Congress proposes to do justice by the men who rallied to the colors during the World War, the word comes from the White House that the country can not afford it. Yet somewhere in the recesses of the Treasury, Mr. Mellon is always able to find enough money to meet other demands. It has been possible to return $3,000,000,000 in tax refunds and credits to huge corporation and other income-tax payers, although this money was collected more than a decade ago in war-profits taxes. It has been possible to find money with which to guarantee a return to the railroads, to subsidize great shipping interests, and even to cancel billions of dollars of debts owed to us by foreign governments. It was even possible to reduce income-tax rates when the stock-market panic broke, and that helped save the hides of a lot of stock gamblers. It seems that it is only when bills are pending seeking to do justice to the service men that the Treasury Department becomes panicky, and grows alarmed about Treasury deficits and about what may happen to the security market.

It is a matter of record that every act that has been passed for the purpose of discharging the obligation we owe to the men who offered themselves on their country's altar has been passed over the bitter opposition of the last three Republican Presidents and the Secretary of the Treasury who has served under them.

POEM ENTITLED "WILL ROGERS"

Mr. SPARKS. Mr. Speaker and Members of the House, under permission to extend my remarks in the RECORD, I include the following poem composed by Ignatius I. Murphy, of Hays, Kans., as a tribute to the noted humorist, lecturer, and humanitarian, Will Rogers.

WILL ROGERS

Kindly wit, philosopher, friend,
He won a Nation's heart,
And when grim mis'ry clutched the land,
Nobly he bore his part.

The pioneer blood in his veins,
Descendant of the braves,
From humble walks he rose to fame,
Winning his country's praise.

No tarnish dims his honest name,
No envy seeks his crown,
Alone, unsought, he gained the heights
Of merited renown.

Far more than jester's cap and bells
Are his by one accord,
A man 'mongst men, we hail him all,
He touched the common chord.

A SHIPPER'S VIEWS ON INLAND WATERWAYS

Mr. NIEDRINGHAUS. Mr. Speaker, there is no section of this country more vitally concerned with the problem of transportation than the upper Mississippi Valley, and those who have given careful study to this problem are convinced that relief can come only through cheaper forms of transportation. Missouri is especially impressed with the importance of a solution for this problem—just now when she realizes that she is to lose three seats in the next Congress. Representation in Congress is based on population. Population depends upon the success of industry and agriculture. Along with Missouri each State in the valley west of the Mississippi River will see its representation reduced in the next Congress. March 4, this group of six States will lose 17 seats in this House, while States which have enjoyed the benefits of cheap water transportation will greatly increase their representation in the next House; and it is certainly a matter of concern to the whole country that this great agricultural interior should be given an opportunity to develop.

Our loss of representation in Congress is clearly the result of the failure of industry to develop in the Mississippi and Missouri Valleys, and industry can not develop where the freight rates do not permit it to compete with industry in other sections of the country.

Hostility has developed toward river improvement in certain railway sections. I am sympathetic with the railways, and I am convinced that the development of industry in the upper Mississippi Valley will be a great benefit to the railways of that section.

The Monsanto Chemical Works is a most important industry in my district. Among the raw materials which they use are large quantities of sulphur which come from Texas. I find that the rail rate on sulphur from the Texas mines to their St. Louis plant is substantially twice as great as the water rate on sulphur from the Texas mines to Boston while the distance from Texas to Boston is twice as great as the distance from Texas to St. Louis. When the Mississippi River and the Texas-Louisiana Intracoastal Canal are completed so that barges can be loaded with sulphur at the mines and unloaded in this chemical plant in St. Louis, these rail rates will be tremendously reduced. The result will be a great stimulus to this chemical industry in St. Louis, and what applies to the chemical industry applies to practically all the other industries of St. Louis. The growth and development of these industries will increase the population of St. Louis, will give more jobs to men, will bring more business and prosperity, and in all of this the railways will share.

Mr. John F. Queeny, chairman of the board, Monsanto Chemical Works, one of the most prominent citizens of St. Louis and one of our most successful business men, has dictated a statement entitled "A Shipper's Views on the Development of Inland Waterways." This statement contains so much sound, forceful argument, that I feel it will be useful to the House and the country, and I am, therefore, presenting it to you. His statement is as follows:

As a shipper of substantial tonnage, and since it is the shipper who pays the freight bills, I have been very much interested in the recent discussions and criticisms coming from railroad officials regarding the development of our inland waterways.

Much is said about subsidizing the efforts to restore transportation on our inland rivers. I look upon this subsidizing as a proper function of our Government, particularly during this experimental period, or what might be considered the reestablishment of navigation on our inland rivers. So far as the Federal Barge Line is concerned, it must not be forgotten that this is purely a demonstration on a small scale, and under the law must be disposed of by the Government just as soon as the experiment is completed.

Transportation and commerce have been protected and subsidized since the dawn of civilization. Ancient Rome subsidized highways and ancient Venice subsidized its commerce on the high seas in the protection from pirates, and the greatness of both these cities was due to the growth of their commerce because of these subsidies.

Up to the present day the highways of commerce are subsidized with the taxes of the people, including the taxpayers in the Mississippi Valley, paying for battleships to protect coastal and foreign commerce; for the Panama Canal; for lighthouses on the coasts; with Consular Service in foreign countries. These forms of subsidies are common to all civilized nations and all civilized nations subsidize and develop their inland rivers.

With all of these subsidies for protection and development of water transportation on the high seas and coastwise, why should the farmer, the workman, the manufacturer, and all of the taxpayers in the interior, who pay their share of taxes for lighthouses and other deep-water transportation subsidies, be denied like protection and support for navigation on our inland water highways?

That the rivers are natural highways of commerce is recognized the world over, and that our Nation should allow these badly needed natural resources to go to waste, is unthinkable.

Commerce and transportation (and without either one you can not have the other) are subsidized in all directions; the lighting of our air routes, the State and Federal aid to hard roads, and the subsidies to navigation on the Great Lakes, the coastal routes, and the high seas, the cost on the people of the Interstate Commerce Commission with its large expenditures supported by taxation and charged under the law to see to it that the railroads operate profitably. I am informed that some thirty odd millions of dollars of the taxpayers' money has been spent to date to valuate the railroad property and the job is not yet completed.

As shippers we shall always be dependent upon the railroads, and we realize that the railroads must prosper and that we will as shippers in the long run make up any losses the railroads suffer in increases in our freight bills. But as interested students of transportation we shippers in the interior realize that the development of railroads will not be injured but will profit ultimately in the interchange of commerce with the rivers, just as the railroads have had their intensive development wherever commerce enjoyed the use of water transportation, for example, in places like the Rhine Valley, the Pittsburgh district, the Great Lakes territory, and coast-wise territory. Intensive development of railroads does not take place in desert territory.

Because ditches can be dug more economically with machinery than with pick and shovel, would you destroy the machinery? Because raw material can be transported by river more economically than by rail, would you destroy the river? No. We must, here in the interior, have both with the interchange of traffic between the rail carriers and the river carriers on joint through rates and through bills of lading; in other words, coordinated river and rail transportation.

In my opinion, the solution of the railroads' difficulties is not the antagonism of economical competition but rather constructive thought and action along the lines of corrections in the transportation act, particularly any injustices in the transportation act such as, perhaps, the recapture clause affecting the credit of the railroads, a correction in the act permitting the natural consolidations of railroads, or in any other reasonable manner aiding the railroads. To such constructive offers the railroads will have our hearty support.

I agree with Mr. Queeny that there is nothing revolutionary about the improvement of our rivers at public expense. As a matter of fact, a river is a highway just as much as a hard road is a highway; and when the river is improved any citizen who has a towboat, a packet boat, or a pleasure boat can go upon this public highway with as much freedom as any man who owns a pleasure car or any other kind of a motor vehicle can go upon our highways. We have long since abolished toll roads. There is even opposition in this House to toll bridges, and I do not believe that the American people are at all disposed to go back to toll highways or that they want to impose tolls upon the traffic which is to navigate our great, free, water highways.

In times of war and peace our water highways have been free and open for commerce and for the national defense.

It has never been the policy of our Government to permit any individual, firm, or corporation to have a monopoly on these greater water highways. They are capable of rendering the public a great service. They can only be developed at public expense and their improvement should not be delayed. I fully agree with Mr. Queeny that there is nothing unusual or extraordinary about the public improvement of these great free highways.

BY THEIR FRUITS

Mr. CANNON. Mr. Speaker, Associated Press dispatches to the country carry the headlines that the Seventy-first Congress is dying, and from the country comes back the reply, "Let it die."

Never within the memory of any man now living has a Congress approached its end so little lamented and so universally execrated.

During the term of this Congress more men have been bankrupted, more men have been deprived of employment, more men have been dispossessed of their homes, more men have gone to prison, more men have been consigned to suicide graves, more women have wept, and more children have gone hungry than under the administration of any previous peace-time Congress in the Nation's history.

We have had more bank failures during the life of this Congress and at the same time a greater concentration of wealth in the hands of a few than in any like period in the annals of this or of any other country. Over a thousand banks—practically all of them in the agricultural districts—have failed in the last year alone, while the number of millionaires reported by the Treasury Department has doubled and the number of corporations receiving incomes in excess of $5,000,000 per annum has increased from 187 to 229 since this Congress convened.

This Congress found wheels of industry turning and leaves them silent. It found men employed and leaves them selling apples on the street. It found standard stocks and bonds above par and leaves the invested reserves of every country bank depleted with defaulted coupons. It found a prosperous commerce and leaves export and import channels clogged by insuperable tariffs. It found every table supplied and leaves bread lines, soup houses, and food riots.

For the first time in the history of the Republic a peace-time Congress has spent $10,000,000,000. For the first time since the war the United States Treasury reports a deficit. For the first time State legislatures are appealing to the Federal Government for relief. For the first time the governors of the States are calling a conference to consider the problem of domestic distress. For the first time wheat is being burned as fuel. For the first time American women are working in the fields. For the first time American progress falters.

Wheat is cheap and bread is dear. Livestock is low and meat is high. Shoes are taxed and diamonds are free. In the cities, car loadings are down; construction is at a standstill; factory employment is dropping and sales volumes shrink steadily. In the country, reserves are exhausted, production is declining, taxes are delinquent, interest on farm mortgages is defaulting. And everywhere the clock of material progress has been set back.

This Congress has failed in every major purpose. It has failed to solve the farm problem. It has failed to relieve unemployment. It has failed to redeem bonus certificates. It has failed to liberalize its own rules. It has failed to abolish lame-duck sessions. It has failed to provide for veterans and their widows and orphans. It has failed to settle the World Court controversy. It has failed to give the Nation the benefit of Muscle Shoals. It has failed to reform the tariff. It has failed to redeem promises made by both political parties in the last campaign. And it has failed utterly to achieve adequately any objective for which it was convened.

But, Mr. Speaker, this Congress has failed still more signally. It has failed to rise to an opportunity for service the equal of which was never presented to any legislative body of ancient or modern times—the adjustment of production and consumption, the equitable distribution of the economic output of the Nation.

The Secretary of Agriculture reports that the granaries of the Nation are bursting with surplus food products, while the President of the United States announces that 6,000,000 children are undernourished. In every community there is acute need of manufactured commodities. And the industrial plants which produce those commodities are idle for lack of patronage.

On every hand are untilled fields, while men clamor for bread. In every city are idle manufactories, while families are denied necessities which they produce. And everywhere are armies of unemployed eager to toil in field and factory, ready to produce every luxury which would contribute to the happiness of mankind. Only one thing is lacking—a legislative and economic adjustment which would provide for every man both labor and remuneration and for every family the requirements and luxuries of life without stint.

America is a land of fertile farms, with husbandmen ready to bring to every table their choicest products. America is a land of high-powered factories and skilled artisans ready to manufacture every commodity a household could consume. Why should any man lack employment? Why should any family want for the products of modern civilization? It is only necessary to adjust this vast mechanism; to correlate our plants, our labor, our production, our markets, our consumption, our finance, our management, to supply employment and luxury for all. We have the farms and the farmers to feed every citizen. We have the textiles and the mills to clothe every family. We have the machinery and the mechanics to manufacture radios and automobiles for every household. All that we need is the statesmanship which will give men opportunity to work, provide their families with purchasing power, offer industry a market, and the market a clientele.

This Congress has failed to provide that statesmanship. This Congress has not only failed to remedy pressing economic conditions but it has contributed to the fundamental causes which produced them. Legislation has been enacted giving industries, classes, and sections undue advantages at the expense of other industries, classes, and sections. Laws granting special privileges, laws subsidizing favored beneficiaries, laws monopolizing natural resources, laws legalizing predatory tariffs, laws levying discriminatory taxes, and laws exploiting the people for the benefit of the few have served to perpetuate these inequalities, to further reduce incomes, to further limit buying power, and to correspondingly decrease the markets of other industries and congest national commerce.

For the difficulty is not overproduction, as some would have us believe. If legitimate needs were supplied, there would be no surplus. The trouble is not overproduction but underconsumption. There is no commodity on the shelves of our merchants or in the warehouses of our jobbers; there is no service dispensed by our artisans or supplied by our professional men, that the country would not consume in record time if purchasing power was raised to normal by supplying an outlet for its own labor, an investment for its own capital, and a market for its own products. The problem reduced to its simplest terms is: How can we by legislation insure for our producers equality of opportunity for production and marketing which will give them purchasing power in proportion to their services to society.

This problem is especially applicable to agriculture. Congress has enacted laws affecting the wage scales of labor entering into commodities which the farmer must buy. Congress has enacted laws guaranteeing fixed incomes on capital invested in public-service corporations which the farmer must patronize. Congress has enacted laws permitting manufacturers to increase prices which the farmer must pay. And Congress has enacted laws which shift the burden of taxation from capital and industry to the farmer, until farm costs have increased and farm incomes have declined to a point where farm legislation is imperative.

This Congress was under peculiar obligation to provide such legislation. Twice the McNary-Haugen bill had been passed by both House and Senate and twice the President had vetoed it. Twice the united farm organizations of the Nation had been refused legislation, previously accorded industry, transportation, labor, and finance. Both political parties had pledged themselves in the last campaign to return agriculture to a place of economic equality with other industries, and the President called an extra session for that specific purpose. The Nation confidently expected the farm problem to be solved by this Congress.

How inadequately the Seventy-first Congress discharged that solemn obligation is now apparent to the most partisan. It has failed by every test. It has not controlled the surplus. It has not prevented overproduction. It has not effectuated the tariff. It has not stabilized the market. It has not given agriculture equality with other industries. And it has not brought the farmer a fair price for his products, a fair wage for his labor, or a fair return on his investment. Since the bill became a law the price of farm products has fallen $3,000,000,000. When this Congress was elected wheat was selling for $1.44 a bushel and bread was 10 cents a loaf. To-day wheat is 35 cents a bushel on the farm and bread is still 10 cents a loaf in the city. And wheat is selling in Germany and France to-day for $1.50 a bushel. Since this Congress convened eggs have fallen from 38 cents a dozen to 8 cents a dozen at the farm; prime steers, which were then quoted at $15.50, are now selling at $7 or lower; and hogs which brought $11.40 at that time are now being marketed at $6.50, while farm machinery and other necessities of production which the farmer must buy are still selling at war-time prices. Under the administration of the agricultural marketing act the standard of living on the American farm has declined to the irreducible minimum, and agriculture's lack of purchasing power has precipitated one of the greatest panics in the economic history of the Nation.

How hopelessly the act has failed is further indicated by the futile campaign to secure reduction of acreage. The attempt to restrict production is not only a confession of failure but it is wholly impracticable. The farmer has certain fixed charges which must be met. Taxes, interest, and maintenance must be paid and can not be postponed for even one crop season. To expect individual farmers of the Nation to voluntarily effect a reduction approaches absurdity. In fact, reports from the crop estimates of my own State, instead of showing a reduction, reflect a substantial increase—not because the farmers of Missouri are out of sympathy or unwilling to cooperate but because they have no choice in the matter. They have bills to meet, mouths to be fed, families to be cared for, and they can not care for them by permitting their fields to lie fallow.

The farm bill has failed. The Congress which enacted it has failed. Agriculture is prostrate; commerce is stagnate, and 7,000,000 unemployed men are walking the streets—many of them dependent on charity—

Begging for bread—in a plentiful land!
Begging for bread—with a trade in his hand!
Sound as a dollar, in heart and in head,
Ready for work, and yet—begging for bread?

Begging for bread—but not begging alone;
Now are they swollen to numbers unknown,
Who weary the highways with heart-breaking tread,
And swarm through our city streets—begging for bread.

Begging for bread—with such stores on our hands
We could feed the unfed of all habited lands;
Food rotted to order—starvation widespread—
Organized waste—millions—begging for bread!

"The Congress is dying."
Let it die.

IT IS THE VETERANS IN NEED WHO ARE BORROWING ON THEIR ADJUSTED-SERVICE CERTIFICATES

Mr. COCHRAN of Missouri. Mr. Speaker, in order to defeat the legislation providing for a 50 per cent loan to holders of adjusted-compensation certificates, many statements were made by prominent Government officials that the veterans as a whole who would borrow from the Government were not actually in need. Other statements issued solely for the purpose of preventing the passage of the bill related to how it would affect the Treasury, others predicting an assault upon business that would retard a return to normal.

Two years ago I introduced a bill providing that the money then in the Treasury to the credit of the adjusted-compensation fund be loaned to the veterans at a low rate of interest. Mr. Mellon in a lengthy letter to the chairman of the Ways and Means Committee vigorously opposed my bill, as he did all legislation that would permit the veterans to borrow on their certificates.

Let us see what has happened. Veterans all over the country are making applications for loans, the number in my own city, St. Louis, I understand, exceeding those in other cities of a like size. Our unemployment situation finds 10 per cent of our citizens out of work.

What do the veterans say they need the money for? Representatives of prominent newspapers in St. Louis went among the veterans and asked for information along this line. On the first day they found one man who said he was employed. On the second day they found two employed seeking loans. The balance, thousands, were out of a job, married, their dependents without the necessities of life, some sick and in need of medical care, others about to be evicted from their living apartments for nonpayment of rent. The money received by these veterans immediately, as I predicted, goes into circulation.

I personally requested the representatives of the Veterans of Foreign Wars in Washington to go among the veterans making applications for loans at the Washington office and interview the men to see how many were receiving loans who did not need the money. This morning I received the report from Maj. Edwin S. Bettelheim, jr., chairman of the national legislative committee. And what did he report? He told me he understood there has been some discussion as to just whether or not the recent bonus bill is really acting as a relief measure for needy veterans or whether it is being used by all veterans as an opportunity to get some money.

He took occasion on Saturday morning and again on Monday morning to interview approximately 150 men in the line, telling them that he was not connected with the Government in any way and not attempting to pry into their personal affairs but was interested in knowing just why they were applying for the loan on their bonus. He told them that he did not desire their names but just their reasons.

He found less than one-half of 1 per cent had never borrowed before. He found the men in line, many without overcoats and many in shabby clothes. One or two had their wives or children with them. A goodly percentage were from out of town and had been living on charity here in Washington awaiting the final passage of the bill. Quite a number had been disappointed in their appeal for compensation and their disability allowances. Quite a number of them admitted that they were dependent for food on the Veterans of Foreign Wars soup kitchen conducted at Sixth Street and Pennsylvania Avenue.

Some of the reasons given him by these men for their place in line were taken down and listed as follows:

The first man needed the loan very badly for his wife and child in New Jersey.

Next man, out of work.

Been waiting on the list for entry to Walter Reed Hospital for three months; finally had to go into Emergency Hospital.

The next four men gave the reply—

Out of work.
To pay back installments on his home in Virginia.
Refused to give any reason.
Wife and child destitute.

The next one was a woman in line submitting the application of her husband who was home desperately ill and no funds coming into the family.

Child's face injured and in hospital. Is only borrowing part of the loan.
Mother in Gallinger Hospital.
Out of work.

Four more men out of work.

Man threatened with dispossession of himself and family of four out of two rooms unless back rent was paid or assured by the end of the month.

Two men from New Jersey had come here expecting work on Government construction and were going home again with the hope of using this money to tide them over until they got a job.

Secondhand Ford on which back payments were due liable to be taken from him.

And so the list of reasons go on. A number of them wanted to pay mortgages on their homes down here in near-by Virginia; others used it to pay miscellaneous bills.

He only found one man who admitted that he was not really in need, but he said he could use the money. He failed to see any automobile salesmen that were spoken of, and every man that he saw but one or two looked and dressed as though this loan would be a real relief to them.

In his office here he has made out blanks for a large number of men, most all of whom he knew were in need of money because they have previously extended loans and relief to them.

Mr. Speaker, we have not made a mistake. We have helped the veterans who needed help—the men who helped their country when the country needed their assistance.

The people of my city are not complaining about the adoption of this legislation.

Every dollar of this money will be used in such a way that business, little and big, will benefit thereby. Placing money in circulation helps business. Increase the buying power of the people of the United States as we have done in this instance and business conditions will surely improve.

The city boys will spend their money to help themselves and their families, live as Americans should live, while the boys from the country will be able to borrow money that will enable them to care for their needs and purchase seed to make a crop.

So far as the country as a whole is concerned, this legislation, which I started two years ago, as the RECORD will show, long before others ever thought of suggesting such a proposition, will be far more beneficial than any legislation passed by Congress during the past two years.

COMMUNISM

Mr. BACHMANN. Mr. Speaker and Members of the House of Representatives, several days ago an organization known as "American Civil Liberties Union" sent a communication to the Members of the House of Representatives urging the defeat of the program advocated by a committee of the House which investigated communist activities in this country. This is the same organization that has been assisting in the communist movement for several years. Roger N. Baldwin, a director and who appears to be its managing head, appeared before our committee, of which my good friend and colleague, the Hon. HAMILTON FISH, Jr., of New York, was chairman, declined to take an oath, saying he did not believe in God, and denied he was a communist, but finally admitted that he was a former member of the I. W. W. Mr. Baldwin also testified that Mr. W. Z. Foster, one of the leaders of the communist movement, and candidate for President on the communist ticket in 1924 and 1928, is affiliated with the American Civil Liberties Union.

This same organization has been active in furnishing bonds and providing for the defense of certain known communists who have been charged with inciting riots and other criminal offenses. It rallied to the defense of the communists who were indicted as a result of the strike and riots at Gastonia, N. C., and the defendants when released on bond left the country and are now in Russia. Through the activity of the American Civil Liberties Union these men were released and went unpunished and the ends of justice defeated.

Mr. Baldwin also testified that he is a member of the board that has charge of the "Garland fund"; that he has helped to finance the Daily Worker, the official communist newspaper in the United States; that he has assisted in financing the International Labor Defense, another communist organization; that he helped finance the communist strike at Passaic, N. J., to the extent of $15,000; that in the 1926 communist strike of the Lady Garment Workers Union $100,000 was loaned; and that he has also assisted in the financing of a number of foreign-language papers controlled by the communists.

In fact, there can be no question but that the American Civil Liberties Union under the guise of "free speech" and "civil liberty" is assisting the Communist Party, an organization whose membership is almost wholly composed of aliens and controlled by an alien government, in the spreading of its propaganda and the carrying out of its program for the overthrow of the Government of the United States and the establishment of a soviet form of government in its place.

This attack against the committee of the House of Representatives appointed to investigate communist activities has been very ably answered by an editorial which appeared in the Wheeling Daily News, of Wheeling, W. Va., in its issue of Friday, February 20, 1931, which follows:

THE COMMUNISTIC PROPAGANDA

The American Civil Liberties Union has vigorously opposed the activities of the House of Representatives committee which has been investigating communism in the United States. The union charges that the committee, headed by Representative FISH, has promoted a spirit of intolerance and repression in this country, caused an increasing number of attacks on peaceful assemblage and scores of unjustified arrests and prosecutions, and has revealed a lack of any conception of America's traditional civil liberty.

The union adds that revolutions are not produced by propaganda but by unbearable conditions; that the way to fight communism is to mend capitalism.

There is a distinct difference between depriving American citizens of their civil liberties and investigating the activities of foreign propagandists in the country whose avowed purpose is to destroy the Government. The latter is what the Fish committee has been doing. Able Members of the House of Representatives have been appointed to this committee, and they have taken their duties seriously and intelligently. They have brought to light many facts about communists in the United States which are startling to the American public.

There have been no hysterical attacks upon the reds. Having made their investigation, members of the committee have introduced measures in Congress to deal with this menace to American institutions.

Nor has communism sprung up in the United States as a revolt against capitalism as the American Civil Liberties Union contends. It is a movement led from without the country. It is directed by the officials in Moscow. It is essentially an attack by foreign peoples on our institutions and Government. Certainly Congress should investigate these communistic activities and pass the measures necessary to prevent them.

SOUTH DAKOTA STATE CEMENT PLANT

Mr. WILLIAMSON. Mr. Speaker, on February 18 the gentleman from Pennsylvania [Mr. COYLE], among other things, discussed the State cement plant, owned and operated by the State of South Dakota, at Rapid City, and endeavored to show that it has been operated by the State at a loss. To make his point, he indulged in considerable juggling of figures.

I opposed the construction of the plant at the time it was voted upon by the people of our State, but, once established, I felt that it was entitled all the support we could give it, and in the main it has had this in a surprising degree.

No better cement is manufactured anywhere than comes from this mill. It has freed the State from the strangle hold of the cement trust and has without question given to our people a cheaper and better product than they would otherwise have had. Its management has been singularly free from politics, both under Republican and Democratic administrations. It has been operated strictly as a business institution and as such has been a success. There is every reason to believe that the capital cost and interest will within a reasonable time be returned to the State, leaving the plant as net profit, to say nothing of the saving to our people in the lower price of cement not only from the State mill but from outside competing mills which have been obliged to meet State competition in competitive territory.

That I might have authoritative information, I wrote Hon. George Philip, of Rapid City, S. Dak., chairman of the State cement commission and asked him to reply to the speech of my distinguished colleague from Pennsylvania. This has been effectively and authoritatively done and I take the liberty of quoting therefrom at some length. I commend the facts contained in the excerpt to the perusal of my friend from the Keystone State.

This is with reference to the speech of Congressman COYLE, appearing at page 5326 of the CONGRESSIONAL RECORD, under date of February 18, 1931. Mr. COYLE seems to oppose the "State in business" idea. With his view, I, in principle, agree. That, however, does not alter the fact that South Dakota is in the cement business, and it is the duty of the people of this State to make its business a success in so far as it can fairly and legitimately be made so. Neither does it alter the fact that public men, whether they be Congressmen from the cement producing section of Pennsylvania, or just humble, nonsalaried cement commissioners from South Dakota, should try to give correct information in regard to the business.

I am neither an auditor nor a bookkeeper, and, as a consequence, I am not able to juggle the figures to the confusion of anyone. I just have the viewpoint of the everyday Scotchman that if I have earned money which I have not spent, and for which I am not indebted, the money is mine. The same should be true of a cement plant, even though State owned.

The constitutional amendment for the cement business, adopted in 1918 (against which I voted, by the way), allowed the State to engage in the production and sale of cement. A commission of high-grade men was appointed by Governor MCMASTER, and they built a very good 2,000-barrel plant, and production commenced in the closing days of 1924. A bond issue for $2,000,000 was floated on a difficult market, and consequently the terms were not as favorable as they would be to-day. It cost the entire sum of $2,000,000 to build the plant, and the legislature of 1925 appropriated $275,000 to put the plant in operation. This was soon paid back from the earnings of the plant. Since that time there has been paid back from the earnings of the plant to the State treasurer for the credit of the cement plant interest and sinking fund, the sum of $800,000, the last payment of $50,000 having been made in December, 1930. Up to June 30, 1930, the end of the fiscal year, the amount so paid back was $750,000. All this was from earnings of the plant not needed in its operation, and it must be remembered that the plant, by reason of improvements, additions, and replacements is more valuable and up-to-the-minute to-day than when it commenced operations; and in that time, except for the above-mentioned sum of $275,000, which was promptly paid back, the State has not been called upon to put up a dime to finance the operation of the plant. It at all times keeps on hand, and has now, an adequate cash balance from its own earnings to carry on production and improvements.

Mr. COYLE said that there are other employees of the State who work for the cement plant, but who are not carried on the pay roll. In this he is entirely in error. With the exception of the State treasurer, in whose office certain cement-plant funds are carried—and they require no addition to the required force in that office—there is no other State officer who works for the cement plant in any way who is not on the pay roll of the plant. Even the State auditor whose duty it is to audit the plant twice a year, presents his bill for that service to, and has it paid by the plant.

Mr. COYLE mentions "curious bookkeeping." To me all bookkeeping is more or less "curious," but the system employed at the State plant seems as simple as any, because it has nothing to conceal, not even the amount of a taxable income. The State auditor calculated, and proved to my satisfaction, that, after depreciation and before interest, the profit of the plant from January 1, 1930, to June 30, 1930, inclusive, was $90,660.70.

The books of the plant show that the plant is being depreciated on exactly the same basis as privately owned cement plants, and as approved by the Government. This charge is regularly made.

Our biennial report for June, 1930, correctly shows in the trial balance an item of $750,000 returned to the cement-plant interest and sinking fund. It also shows cash and current assets of $491,872.41, a total of $1,241,872.41. The total interest for this period is $513,500. It seems to me that no one but a very expert bookkeeper can show a loss.

Mr. COYLE mentions loss from taxes. South Dakota had no cement plant, and to this day would have had none unless it erected one of its own. Consequently, that loss is pure fiction. We might as well calculate the loss of taxes on our ocean shipping when we have neither shipping nor ocean.

Mr. COYLE's figures are wrong, and those who agree with him, and with me, that the State should not be in business can take very small comfort from the record of the South Dakota Cement Plant.

Waiving all discussion as to the possible reduction of price of cement to the ultimate consumer, the South Dakota plant is paying for itself.

VOCATIONAL EDUCATION AND REHABILITATION FOR PORTO RICO

Mr. REED of New York. Mr. Speaker, this bill (S. 5139) to extend the benefits of the Smith-Hughes Act and the civilian rehabilitation act to Porto Rico is of the highest importance to the welfare of our fellow citizens of Porto Rico. When this bill was before the Committee on Education, of which I have the honor to be chairman, there appeared before us Col. Theodore Roosevelt, Governor of Porto Rico; Resident Commissioner, FELIX CORDOVA DAVILA; Senator Santiago Iglesias, of Porto Rico; and other distinguished persons interested in the educational affairs of Porto Rico.

The people of the United States of America have a profound admiration and a genuine affection for their fellow citizens of Porto Rico, and the fact that this bill was passed by the House of Representatives by a unanimous vote is evidence of the fine feeling that exists between the people of continental United States and the people of our beautiful island possession of the south.

The evidence before our committee demonstrates clearly and convincingly that Governor Roosevelt has approached the problems of Porto Rico in a very sympathetic and practical manner. I think it is well within the facts to say that Governor Roosevelt of Porto Rico has taken the time to visit the farms of the island, both large and small, to ascertain the real needs of the children of school age and the parents of these children. It seems there are over 500,000 children of school age with facilities to take care of little more than half of this number. Under the leadership of the governor and other prominent citizens of Porto Rico, modern schoolhouses have been built and are being built by the children interested in vocational work. Also the necessary furniture to put into these buildings has been made by the children as a part of their vocational school work. There is a farm in connection with every school, the products of which are used to feed the children. There is a garden in connection with every little home, which helps to sustain the family life. All this work is being done under trained supervision so that the children of Porto Rico, at least so far as facilities are available, will receive practical training in vocational work. If this work is continued over a period of time it will be sure to raise the standards of living throughout the island and soon produce a generation of highly trained and skilled workmen for the island.

We must not lose sight of the fact that Porto Rico has over 600 industries, employing nearly 20,000 persons, of whom 16,000 are wage earners, having a total capital of more than $84,000,000. It is highly important that the school children of the island should have a thorough course in vocational education in order that present industries may be made more efficient; also that new industries may be developed to give employment to our citizens.

The people of Porto Rico are to be commended for the courage and energy with which they have met and overcome the calamities which nature has inflicted. The cyclone that swept the island in 1928 left ruin and devastation in its wake. The people have shown a spirit of determination worthy of the best traditions of any race on earth. Homes have been rebuilt, new schools have been established, and every effort is now being made to put the island on a sound economic basis.

It is needless to enlarge upon the value of civilian rehabilitation because the result obtained in this country has convinced those familiar with the facts that the legislation is practical and wise. There are many people in Porto Rico who are prevented from carrying on a gainful occupation because of physical defects, congenital, or acquired by accident, injury, or disease. It is safe to assume that a very large percentage of these people will, under this act, be retrained and prepared to become self-supporting, self-respecting citizens.

I feel certain that at the end of two years the work carried on under this act will be so resultful and highly beneficial in every particular that the work will be continued by Porto Rico with the assistance of Federal aid from the United States Government.

WHAT IS THE MATTER WITH THE ECONOMIC CONDITION IN THE UNITED STATES? IS THERE A REMEDY THAT WILL CURE IT?

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, every thinking man and woman in the United States has frequently, no doubt, asked himself or herself this ques-

tion: What is the matter with the economic condition in this country, and is there a remedy that will cure it?

It is my opinion that there are several causes for the present disturbed conditions in the United States, and I shall mention a few of them that have contributed to the present condition.

Of course everyone knows that the drought situation in nearly 20 States has been a very great disturbing cause in those sections, but the drought alone was not the only thing that had to be contended with even in those States. I doubt if anyone has ever seen in the history of this great Republic the economic distress that prevails in the United States now.

It is estimated that we have at least 5,000,000 men who are out of employment. If that be true, and each laborer represents a family of 5, and that would be about the average, then we have at least 25,000,000 people who are suffering on account of the present conditions.

As long as the stock and bond market and dealing in futures is carried on as it is now, we may expect a calamity, distress, and unrest in business at any time. Just a few months ago we retired at night thinking everything was in a normal and healthy condition financially, and the next morning read in the paper that the bottom had fallen out of the stock market at New York, and multiplied thousands of people had lost all they had invested in stocks and bonds. In other words, they had gotten to the point that they were not financially able to stay in the market and protect the stock they had bought before, and consequently lost everything they possessed. Of course everyone knows it was "shaking out the shorts," or a case of the big fish eating the little ones. This should not be allowed to prevail in a government of the people, for the people, and by the people.

Ninety-five per cent of the business of the world is done on confidence, and happenings like the one just above referred to destroys the confidence of the people, and instead of investing their money they hide it away in some lock box or private place and thus take it out of circulation. What we need now is a restoration of confidence.

No one can foretell now what might happen at any moment with reference to the financial condition of the country when it is handled as it is now by these stock exchanges, and dealing in futures as is now permitted.

Another thing that has contributed very much to the destruction of confidence is the banking laws that are now in force. We have seen more banks fail in the United States in the last year than possibly ever failed in that period of time before in the history of our Government. In my opinion that was largely caused by reason of the looseness of our laws with reference to banking.

These are some of the causes that have produced a lack of confidence, but they are not the greatest cause. It is my opinion that the Smoot-Hawley Tariff Act passed by this Congress has had more to do with the destroying of confidence and disturbance of business conditions in this country than either or all of the causes above mentioned.

The tariff schedules fixed in this bill are very much higher than ever proposed in any other tariff law in the United States. The schedule of tariff that was prevailing in 1922 was the highest we had ever had up to that time, but its high rates were nothing to compare with the Smoot-Hawley tariff bill.

This act has some good provisions in it. The schedules with reference to agriculture will be helpful where they are effective. The trouble is that not more than 25 per cent of the rates fixed on agriculture will be effective and beneficial.

The call of a special session of Congress was for the purpose only of aiding agriculture and to amend the tariff act as it affected agriculture. But the truth was, when the floodgate was open for tariff legislation the whole tariff bill was rewritten with rates kited on everything so high that the consuming public could not buy.

When the last presidential campaign was on the people were told by the party then in power, and now in power, that everything was prosperous and that we should not disturb the prevailing conditions, but just as soon as they were reinstated in power then this legislation followed that has brought on this disturbed condition that we now have to face.

A careful study of that legislation will convince, I think, any reasonable mind that the legislation was intended to be beneficial to the manufacturer more than to any other class; and the rates of tariff fixed in this bill have, instead of helping the manufacturer, kicked back on him and hurt him and brought about the distressed times we are having now.

Here is the condition that now prevails. Here is the factory that is running day and night producing one of the necessities of life. The price on that commodity produced is raised, we will say, 25 per cent to 50 per cent, and will cost the consumer that much more. The purchaser has just so much money to spend, and if the purchasing power of his dollar is decreased he must necessarily decrease the amount of his purchasing or, in other words, when he has spent that which he has then he must quit.

The manufacturing establishments in the United States that thought they would be benefited by this tariff act have gone on and manufactured a heavy stock of the production that they manufacture and have their total capital invested in manufactured products much of which is on hand and no market for, either in the United States or elsewhere. What is the result that follows? The factory must either close down entirely or cut its time to one or two days in the week, and that puts laborers out of employment and puts them to seeking employment elsewhere, and when he goes there for employment it is the same in other places. The same condition prevails throughout the entire United States.

When this high wall of tariff was built around the United States for the purpose of putting out competition from other nations, they passed legislation to retaliate against it, and in many instances have made it so high that it has destroyed the export trade the United States has always enjoyed heretofore. We have had reciprocal trade relations with other nations and our export trade has now been practically cut off.

There is one provision in the Smoot-Hawley bill that is enough in itself to cause the destroying of confidence as now prevails in the United States, and that is the flexible provision in this tariff act. This flexible provision provides that the President of the United States may raise or lower tariff rates 50 per cent. This is a dangerous power to rest in the hands of a single individual however honest he may be. It is not people rule, and is not in accordance with the principle of a free government. The tariff is a tax. It has been well said that the power to tax is the power to destroy. The business world can see from this one provision the danger that might arise at any moment. It places an arbitrary power in the hands of one individual where he could make or break any corporation in the United States. He could raise or lower the tariff to a point that would be the destruction of business. The business world knowing the provision is in the tariff act and fearing its consequences are afraid to invest and afraid of the conditions that might follow from it.

A study of the uses of this power in the past will show that it is dangerous. Just a few days ago it was announced in the press that under this provision of the Smoot-Hawley Tariff Act an announcement had been made of a small reduction in the tariff on straw hats and an increased tariff placed on wire fences that the farmers of the country have to use.

Now, let us discuss for a few moments how this condition that we have spoken of above could be remedied. Legislation can play an important part in the restoration of business conditions.

First of all, our banking laws should be remedied as suggested above. The Smoot-Hawley tariff bill should be repealed and will have to be either repealed or modified before we have normal conditions in the United States.

The present distressed condition has taught us at least one great lesson, and that is that if any nation is to be prosperous and to have normal conditions prevail whereby all the people can be taken care of and provided with a living that we must take care of agriculture.

It is a known fact to everyone who has studied the agricultural marketing act that it does not go far enough to provide the relief that was intended to be provided, and it will never be effective as it should be unless it is amended and unless a different policy of administration is adopted in enforcing this agricultural marketing act.

We all know that so far as cotton is concerned the act has proven ineffectual. The bill could be amended so as to fix and maintain a stabilized market for the price of this great commodity which is one of the greatest money crops raised here. The price to-day is so low that it does not equal the cost of production let alone giving a reasonable profit to the farmer for his labor and a reasonable interest on his investment.

I have an amendment pending before the Agricultural Committee of this Congress which if passed would make it effective on this great commodity. Everyone knows that if we are going to control and stabilize the price of cotton that we must control the bulk of it. The taking of a million bales of cotton off the market where we have 14,000,000 bales would have about as much effect as taking one bucket of water out of a well.

I hope when the next Congress meets we will be able to amend this agricultural marketing act and make it effective.

If you will take the number of acres of land in the United States and divide it equally between every person in the United States you will find that there would be a fraction over 15 acres of land for every person in the Union. Any person who has enough strength and energy to work can take 15 acres of land and by proper cultivation and care make enough to provide a living for that one individual. This would give to a family of five 75 acres of land.

The Lord never intended that anyone should starve, nor will they if they have a mind to work. Of course, it is not expected that everyone will engage in farming, for it is just as necessary that we have industries and people following various vocations and avocations of life because they furnish a market for the surplus of production of agriculture, and each should go hand in hand and be fairly treated.

One of the things most needed in the United States and in each of our States is economical government. If the Government of the United States were run economically, as it should be, it could be run on half the expense it is now costing. That is also true in each State. We should not only preach the Monroe doctrine but practice it. To have no entangling alliances with other nations. As far as lies within us, we should be at peace with all the nations of the earth and have reciprocal trade relations so we would have a foreign market for all our surplus products in the United States.

One of the causes for the low price of cotton is the discrimination against us by other nations which have heretofore been able to sell their manufactured products in the United States who have been shut out by a high-tariff wall, and they are going to other countries that produce cotton and selling them their products and, in turn, buying their cotton and establishing trade relations with them that have heretofore been enjoyed by the United States, and thus deprives us of selling our surplus products abroad.

It is time the people were thinking along this line before we wreck every hope that we have of continued prosperity.

RESTRICTION OF CANADIAN IMMIGRATION A NEW POLICY

Mr. CONDON. Mr. Speaker, this resolution (H. J. Res. 500) by virtue of the provisions of section 2 thereof proposes an entirely new policy of restricting immigration to this country from our great friendly neighbor to the north of us, the Dominion of Canada. In the guise of unemployment relief it seeks to shut the door to the Canadian immigrant who under our present laws can freely enter, by providing that only 10 per cent of last year's total of Canadian immigrants may be admitted. In my opinion this is neither wise nor just. It is not wise because it is a complete reversal of a policy of over a hundred years of unbroken international friendship and mutual cooperation and friendliness between two great nations that has won the admiration of the world. Canada and the United States touch each other along 3,000 miles of unprotected border where for generations the peoples of both countries have traveled back and forth with scarcely a thought that they were traversing the boundary of nations foreign to each other. During that long period of time no untoward incident has happened to mar that record of free and happy intercourse, and no harm has come to the economic, political, or social interests on either side of the border.

Now we propose to begin the building of a wall, not, indeed, a wall of bricks and mortar but nevertheless a wall. I venture to say, Mr. Speaker, that if this resolution is unhappily enacted into law it will breed distrust and suspicion where none exists now; it will make for friction between the two nations and inevitably result in incidents that will endanger if they do not interrupt the long years of friendly intercourse of the past. What have we to fear from a continuance of the present unrestricted Canadian immigration? Some say it is necessary to relieve unemployment. That is not so and the advocates of this resolution know it. The fact of the matter is there is no ground for fear of any kind.

What is the matter with the type of immigrant coming from Canada that the advocates of this legislation are so impatient to put them under the ban? For my part I know of no complaint against the Canadian in the part of New England from which I come, and I dare say other Members of Congress from that section will gladly testify to the same effect. The distinguished gentleman from Vermont [Mr. GIBSON], a member of the committee, says in his minority report opposing this resolution that in his own State are many splendid citizens who came from Canada. I, too, can say that in my State of Rhode Island there are many thousands of such citizens who came there from the Province of Quebec and are numbered among the leaders of our political, social, and business life. Their coming has enriched Rhode Island in an immeasurable degree. The State would be, indeed, the loser in every way had they not been permitted to come in the generous numbers which they did in the last half century. In the mass they are sober, industrious, thrifty, and hard-working members of the communities in which they live, and in addition they are loyal and devoted citizens of this great country which gave them their opportunity. In the last war their sons were early at the front fighting gloriously for the flag, and in no instance was there any doubt of their loyalty and allegiance. As individuals they have forged to the front in the professions, business, and public life. They have furnished political leaders to both of the great parties, and, in the past, Rhode Island has had two representatives of the race of French Canadians, governor of the State, and one now represents our State in the other Chamber of this great Congress, Hon. FELIX HEBERT, the junior Senator from Rhode Island. In the face of these facts I can not bring myself to believe that this country will suffer in any way by continuing to permit these people to freely come among us and participate in the privileges and responsibilities of American citizenship.

I shall vote against this resolution because of this unjust, unwise, and unfair discrimination against our friends from Canada, and I shall vote against it also because it makes impossible the reuniting of families, which, in my opinion, is unsocial and inhuman to the last degree. This same section 2 of the resolution absolutely shuts the door of hope to thousands of separated members of families, wives, aged mothers and fathers, and little children. This very phase of the legislation has evoked the solemn protest of scores of religious, charitable, and social-welfare societies who have an intimate knowledge of the cruelty and inhumanity that results from this separation of husbands from wives and parents from little children. There is no sound reason for excluding these people, as practically all of them are either too young or too old to become competitors in the labor market for the jobs of American workmen. For years and years they have been hopefully waiting for the day when once again they would be reunited to the sepa-

rated members of their families. What a disappointment the passage of this bill will be for them! If there were something real and tangible to be gained for American labor by the passage of this legislation, this might excuse, though it could not justify, such inhumanity; but no such benefit will be derived. On the contrary, because these dependents must be supported by the breadwinner of the family living here, millions of dollars are sent over annually to these foreign countries and will continue to be sent for an indefinite time in the future, thus taking large sums of money permanently out of the country which if these dependents were permitted to enter would flow into the domestic channels of trade.

The sponsors of this resolution offer it as a partial remedy at least for unemployment, but, Mr. Speaker, unemployment was not caused by immigration nor will it be removed or mitigated by the passage of such legislation as here proposed. Unemployment is a by-product of the maladjustment of our economic system and the sooner we stop fooling ourselves in the belief that we can eradicate it by such makeshift legislation as this the sooner shall we approach a real solution of the problem. Let us stop running after false gods in our anxiety to find a job for every man and above all let us not be guilty of heartless and cruel inhumanity in our haste to cure the ills from which we suffer. I do not believe this legislation is really intended to help American labor in this emergency, but is part and parcel of a carefully planned and concerted movement having for its ulterior object the exclusion of all immigration from this country. Of course, such a policy can not be openly advocated now with any hope of success and consequently the promoters of it seek to mask their purpose behind a pretext and, of course, the pretext most readily at hand and most likely at the moment to win support from every quarter, is the relief of unemployment. By this pretext organized labor, it would appear, has been enlisted in the fight on the side of the exclusionists. I am indeed sorry to find labor asking for this legislation because I do not find that the laboring people generally in my district, which is highly industrialized, approves of this type of legislation. On the contrary I have no hesitancy in saying that it is the overwhelming opinion of the people of Rhode Island, and particularly the people of the district which I have the honor to represent, that immigration legislation such as that now before us to-day is unworthy of the approval of the Congress of the United States and ought not to be enacted into law.

IMMIGRATION BILL SHOULD BE AMENDED

Mr. LUDLOW. Mr. Speaker, I regard the measure now before the House of Representatives with mixed and contradictory emotions.

I believe it is necessary to put further temporary restrictions upon immigration as a matter of justice to American workingmen who are altogether too numerous for the jobs that are available in these parlous times and who should not have their chances of securing employment jeopardized by an influx of laborers from foreign lands. I believe also that it is not fair to the foreigners that this high tide of immigration should continue because when they come they do not find the paradise of prosperity their imaginations had pictured but a dead sea of disappointment.

I find, therefore, that I am in perfect accord with the main purposes of this bill but I do protest that it is not as considerate as it should be of the ties of family. I believe that our immigration laws should recognize the sanctity of the home and the sacredness of family ties and should make most liberal provision for the reuniting of families.

Every argument of kindliness and humaneness protests against families being kept asunder. While the life of the pending bill is limited to two years and while it recognizes the preferences that heretofore have existed in favor of relatives, it so reduces the quotas that in my judgment it will operate to shut out some immigrants who might well be allowed to join their relatives in this country. To keep these relatives separated for two years is to my mind a gross injustice.

I had expected to offer some amendments to take care of this situation. Preliminary canvasses had convinced me the amendments would be adopted, but the promoters of the bill were taking no chances on amendments. They suddenly decided to railroad the bill through under whip and spur, and when it was brought to the floor the privilege of offering amendments was denied. I think one of the most disgraceful scenes I have ever witnessed in Congress is the speed with which this bill is being rushed through to passage, with all privileges of amendments cut off. The bill must be voted up or down. Members of the House can "take it or leave it." They can not improve it with amendments.

The bill has yet to run the gauntlet of the Senate. It may fail there or it may be amended in that body so that it will be unobjectionable from the standpoint of uniting families, but if it passes the Senate and is signed by the President, I will make it my business to introduce on the opening day of the next Congress an amendment which I shall hope to see adopted. That amendment will add at the close of section 4 of the bill the following:

> In addition to authority to issue visas otherwise provided in this act and in the immigration laws now in force the Secretary of State in his discretion may cause visas to be issued, not to exceed 200 in any one calendar month, to provide for the reuniting of relatives in exceptional cases where great hardship would result if this authority were not exercised.

This amendment, or at least its substance, has the approval of such men as Reid Lewis, director of foreign language information service, ex-Congressman Nathan D. Perlman, representing the American Jewish Congress, and other authorities on immigration who appeared before the congressional committees. It would vest in the Secretary of State a wise discretion which could be relied upon to correct glaring instances of inhumanity in the administration of our immigration laws.

THE ADJUSTED COMPENSATION LOAN BILL

Mr. WILLIAM E. HULL. Mr. Speaker, I am the son of a soldier of the war of 1861 to 1865, and I have always pledged myself to be favorable to legislation to aid and assist any soldier, whether the War of the Rebellion, the Spanish-American War, or the World War.

Since I have been in Congress I have supported every measure that has ever come up to aid soldiers, and my record to-day is 100 per cent for the soldier.

I believe that if this country requires the youth of this Nation to join the Army and go to the front for the protection of the Union, it is the country's duty to support this man after the war is over.

I recall to-day my action in Congress during the eight years that I have been a Member of Congress.

I had only been here a few months when I was called upon to consider the most important measure that has ever been offered in behalf of the soldier of the World War and that was the war risk insurance act which was passed. This was the adjusted compensation act for the veterans and their dependents and I supported this bill with my vote.

It passed the House of Representatives and the President of the United States saw fit to veto it and I was one of those who believed it a just bill and voted to pass the law over the President's veto.

Again, in 1924, 1925, and 1926, acts to clarify and liberalize the compensation insurance pertaining to the veterans of the World War were passed and I also voted for them because I believed it was necessary to clarify the act in order to give the soldiers the necessary relief.

Bills to build hospitals and make other minor adjustments to the compensation law were brought forward at different times. These, I always supported.

In the Seventy-first Congress we passed the American Legion hospital bill. At this time, I made a speech upon the floor of the House in favor of it. This speech is in the CONGRESSIONAL RECORD of December 16, 1929, and I quote one paragraph of that speech:

> It has been my purpose at all times to vote for all bills that would be beneficial to the sick and those unable to make a living for themselves. I believe that the Government should provide adequate hospital housing facilities for the care of the disabled veterans, and I favor this measure known as H. R. 234, authorizing an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act of 1928, as amended, and for other purposes.

Learning through my congressional experience in dealing with the soldiers in my district, I found that there were many cases of actual hardship and distress that could not be covered by the war risk compensation act through technical reasons and consequently last summer I sponsored and supported the legislation to give to the soldiers of the World War a pension for disabilities not of service origin.

A few days ago I supported the measure to authorize loans to the soldiers holding adjusted compensation, believing that as the Government had assumed this obligation with the soldier that it was no more than just to make a part payment on that loan at this time when there is so much distress abroad in our land.

My friends, those of us who are in Congress and who are favorable to helping the soldier can do no better than to pass legislation to aid the sick and needy, and I believe that this country should be generous in its gifts to the soldier and should act in a way that will impress upon the younger generation that the Government is willing and ready to stand by the boy who follows the flag. I am sure if this is done and a future war should come, we would have no difficulty in raising an army for the protection of the Nation.

FURTHER FOOD RELIEF EXPEDITIONS—MICHIGAN TO ARKANSAS

Mr. KETCHAM. Mr. Speaker, supplementing my remarks of some days ago commenting upon the wonderful work done by the people of Benton Harbor and Covert in sending food to drought-stricken Arkansas, I just want to mention some other communities of my district which have likewise answered the call of want and were not willing to be outdone by their neighbors in spreading good cheer and sharing their bountiful stores of provisions with others less fortunate.

From the communities of Eau Claire and Baroda, of Berrien County, Mich., four truck loads of provisions consisting of 250 loaves of bread, beans, flour, rice, sugar, bacon, potatoes, cabbage, turnips, carrots, canned goods, clothing, and so forth, were taken to Earle, Ark. In addition to the provisions supplied, the students of the Eau Claire school raised about $25 to be added to the milk fund for hungry Arkansas kiddies.

On Sunday, February 22, three truck loads of food started for Paragould, Ark., from Hartford, Van Buren County, Mich. Contributions were also made to this caravan from the townships of Bangor, Lawrence, Keeler, and Watervliet. Hartford did not label its venture as "charity" or "relief," but the Caravan bore the banner, "Hartford, Mich., the garden spot of the world, direct to Arkansas." Editorial comment upon the movement is so fitting that I can not refrain from quoting it:

> "Peace on earth, good will to men" has held full and undisputed sway in Hartford this week. What a noble, inspiring spectacle was afforded by the hundreds who trekked in and out of the town hall, bringing their offerings of food for a people made hungry by the caprice of nature. * * * Paragould is welcome. The pleasure is all Hartford's.

The fourth food relief expedition to Arkansas from Berrien and Van Buren Counties left from Watervliet and was joined by trucks from New Troy, Keeler, and Sawyer, with Piggott, Ark., as their destination. With this expedition these two counties have now put approximately 60 tons of goods into Arkansas, approximately a thousand dollars in cash, and the communities of South Haven in Van Buren County, Lake Township in Berrien County, and other places are planning like expeditions.

The spirit of giving has been so contagious and these good people have derived so much pleasure out of their generosity and the helping of the less fortunate, that, in addition to all the provisions and money sent direct to Arkansas, these two counties have also oversubscribed their Red Cross quotas to the extent of several hundred dollars each.

Again I say there is a "right way" and a "wrong way," and the gratitude of those who received can not possibly exceed the happiness of those who gave.

THE CHARGES AGAINST POSTMASTER CHARLES J. MOOS

Mr. MAAS. Mr. Speaker, the astounding farce goes on. It would be a comedy if it were not so tragic. I doubt if anywhere in the annals of our Government there will be found a more sordid trail than the story of the post-office leases. There seems to be no length to which they will not go to keep it covered up and to prevent the facts from reaching the public. There must be good reasons. And there are.

I do not wish to keep this matter agitated before this House, but there are facts that the Congress and the public are entitled to have. The best way to end this appalling situation is to expose it in all its hidden baseness. Why are the facts denied the Congress? Why does a high official, when he does condescend to report to Congress, deliberately misrepresent the facts?

The leasing situation is thoroughly bad and represents a most ugly chapter of governmental failure. It is indeed an unlovely picture to see men high in the Government and in party councils not only shield and protect but participate in a huge fraud upon the Government.

Enough facts have finally been dug out and in spite of most sinister obstacles have been made public so as to convince all that there is a thoroughly inexcusable and deplorable situation existing.

Yet a Cabinet officer undertakes to tell Congress and the country that all is well, that there is nothing wrong with a condition that has been and is robbing the people of millions of dollars a year in fraudulent post-office rentals based on fictitious values. The Post Office Department has been so conducted that professional leasing rings got a monopoly on the business of building and renting parcel-post substations and post-office garages. They are enabled and permitted to rob the public of untold millions, certainly well over a hundred million dollars, at least, in inflated bonds on these stations.

This iniquitous scheme seemed to have had its start with a lease at St. Paul, where the Post Office Department leased a building put up for it by promoters without bid or competition of any sort. There is good reason to believe that the building never cost $200,000 and the land was appraised at $50,000. Yet the Post Office Department agreed to pay $120,000 a year for 20 years and the promoters unloaded on the public, under the misrepresentation that they were Government bonds, or guaranteed by the Government, over a million dollars in bonds, and were preparing to unload another $800,000 issue in addition when the investigation got started.

A Federal grand jury at St. Paul reported evidence of fraud, graft, and corruption, in the whole transaction and requested an investigation by the Department of Justice. A Federal court later awarded a total damage on the St. Paul station in condemnation as compensation for the land, building, and value of the lease of $334,000.

Right in the midst of the condemnation case, mind you, gentlemen, while the case was being tried in St. Paul, Postmaster General Brown sent a prepared statement to be read to Congress stating that the St. Paul property was worth $677,000, although his own department files at the very time showed that post office appraisers had established a value of $405,000.

Later he said it was worth $800,000. During the final determination of the case in Federal Court at St. Paul, while the Government was doing its best to acquire the property at a reasonable price, the Assistant Postmaster General, Mr. Arch Coleman, suddenly appears at St. Paul without warning or notice to the Federal district attorney and lo and behold! appears in court as the first and star witness against the Government. He goes to St. Paul, mind you, gentlemen of the House, at Government expense, to be the chief wit-

ness on behalf of one of the most notorious of these professional post-office leaseholders and bond promoters against the Government. The Post Office Department was supposed to be the client, the district attorney the client's lawyer. What would any of you lawyers think if your client in a lawsuit were, without consulting you, to appear as the chief witness voluntarily on the other side of the case?

How long would you believe in his sincerity and his fitness to be head of a great superbusiness dealing in hundreds of millions of dollars such as the Post Office Department.

My main reason for voting against the Government operation of Muscle Shoals was my complete disgust and distrust of Government operation and management of its business enterprises as demonstrated by the Post Office Department. This year we will have the largest postal deficit we ever had. It will run to the astounding sum of $150,000,000. I have become so thoroughly imbued with a lack of confidence of politically controlled governmental management of business enterprises that I feel that the worst thing we can do is to extend that policy. I believe, however, that for the protection of the public interests, that the people should retain public ownership of our natural resources, such as water power, but under proper and adequate supervision and regulation have them efficiently operated by private interests.

For instance, do you suppose a board of directors would long retain as one of its corporation an executive officer who told the board that official information he had gathered for them and in his files about the corporation's affairs was no concern of the board of directors and that he refused to make the information available to the board because it was not "compatible to the corporation's interest" for the board of directors to know about the corporation's affairs.

Yet that is just what Postmaster General Brown has done. He refused a committee of Congress access to his official files about matters which Congress was then legislating. He also refused to make public the result of an investigation of the postmaster at St. Paul on charges which I preferred as to participation in the notorious lease there and improper use of his official position to advance his own private insurance business. One of our cardinal principles is to keep the Government from unfairly competing with private business. It should also extend to Government officials.

This postmaster, Charles J. Moos, uses his public office to force people dealing on a large scale with the post office to give his insurance firm their business. He does the same thing with the postal employees. This is the crudest, rottenest kind of unfair competition with private business. Yet Postmaster General Brown exonerates and protects Mr. Moos in this abuse of a public office.

My charges are dismissed by Postmaster General Brown and Mr. Coleman as being "trivial." Let us see whether you would consider them trivial. I recite them:

1. That Postmaster Moos spent but a small part of the day at the post office or in postal work and the vast majority of his time at his office at the William B. Joyce & Co. and in the soliciting of his private insurance business. The postmaster has rarely ever been in the post office regularly during the business hours of the day.

2. That he had a private telephone installed from his office in the William B. Joyce & Co. to the post office, which could be connected to the switch board of the post office. When calls were made for the postmaster over the phone the fact was not given out that he was not in the post office, but the call was simply switched through to William B. Joyce & Co., and those calling thought they were talking to him at the post office, thus concealing the fact that he was in reality engaging in his private business during the working hours of the day.

3. That he circularized the postal employees by letter for their insurance business. Copy of the letter was made part of the file.

4. That he had full knowledge of the making of the noncancelable lease on the St. Paul commercial post office station which since has become the object of a nation-wide scandal. Although Mr. Moos was not postmaster when the original negotiations were made by the Post Office Department to lease the quarters for the St. Paul commercial postal station, as this was done under a previous administration, Mr. Moos did become postmaster before the building was completed, and it was under his administration that the post office department moved into the new building and that the lease was signed. This was done in spite of the fact that there was a protest from substantial business men of St. Paul before the post office department moved into the new building against the terms of the lease which was being negotiated. The assistant postmaster at St. Paul, Mr. O. H. Negaard, protested repeatedly in detail and in writing to Postmaster Moos against making the original lease which was for 20 years and cancelable, noncancelable in 1925. Under the original lease the Government could vacate the property at any time on 90 days' notice, and the postmaster at St. Paul refused to pay any attention to the advice of his assistant postmaster and the lease was quietly rewritten with the cancellation clause dropped out. To comply with the law which prohibited the remaking of leases unless there was a substantial benefit to the Government, $775 per year was dropped from the rental. This, however, was fictitious consideration for the Government, inasmuch as the lease originally called for $120,775 per year. This small amount of $775 can only be considered as colorful and an attempt to evade the law. During the negotiations it was agreed that if the lease was rewritten without the cancellation clause that there would be a very much more substantial reduction in the rent, but this provision was left out when the lease was negotiated finally.

5. That Postmaster Moos directly profited from the making of the lease noncancelable. After the lease was negotiated Mr. Moos went to Chicago, presumably on official business, as he went at Government expense, visited the office of the owner of the station, Mr. Jacob Kulp, where he solicited the insurance on the leased building. At this conference it was agreed that he was to get the insurance and later this was confirmed by letter with a list of expirations, which his firm, the Wm. B. Joyce & Co., wrote in an amount exceeding $1,000,000 coverage, as follows: $500,000, fire; $330,000, tornado; $250,000, explosion; $120,000, rental, plate glass, elevator, and public-liability insurance.

This is all the more significant in view of the fact that there is a question whether the building ever cost $200,000, and in any event a Federal court in condemnation action last year gave an award of, as total compensation for the value of the land, building, and the value of the lease itself, as $334,000. Mr. Moos interposed no objections during the negotiations to the making of the lease noncancelable and apparently was rewarded by having the insurance transferred to his firm.

6. That a similar transaction took place in regard to a leased post-office garage at St. Paul. A garage for the Post Office Department under lease by people who had their own insurance connections contained a cancelation clause; Mr. Moos was instrumental in having the lease canceled and negotiations for a new garage undertaken. The new garage was built and when the owners got a noncancelable lease their insurance was switched to Mr. Moos's insurance firm.

7. That Mr. Moos had the Post Office Department trucks pick up the parcel-post packages of a number of business concerns and take the same to the post office. This was done for a few favorite firms who were good customers of Moos's insurance agency, but is not done generally.

8. That post-office employees were permitted and encouraged to solicit their fellow workers for insurance for the Wm. B. Joyce & Co. agency, the Moos insurance firm. That those employees who did not switch their insurance business, or boost the insurance firm of the postmaster, were denied promotions and were given the more undesirable assignments, and those employees who were most active in writing and soliciting business for the postmaster were given the best assignments and were promoted.

9. That Mr. Moos forced the owners of subpostal stations in St. Paul to place their insurance in his firm before they could get leases with the Post Office Department.

10. Mr. Moos was not in the insurance business when he became postmaster, but some time afterward used his position as postmaster to get into the insurance business.

11. That Mr. Moos demoted a number of department heads at the St. Paul post office because they refused to circulate petitions demanding his reappointment. They refused to boost his private insurance business and some of them were opposed to the making of the lease noncancelable and told investigators about the lease and the postmaster's connection with it.

12. That Mr. Moos organized and used the post-office band to promote his insurance business.

13. That he used official post-office bulletins to promote his insurance business.

14. That Postmaster Moos is also the president of a building and loan association and that he permitted and encouraged postal employees to solicit their fellow employees to purchase stock in his building and loan association.

15. That an agent of the Foshay Co., which is now bankrupt and in the hands of the receivers, was allowed to solicit post-office employees during working hours. A number of post-office employees lost heavily in the collapse of the Foshay Co.

Since the expiration of Moos's term, a year ago in January, no examination has been called for the selection of a postmaster and Mr. Moos has not been designated as acting postmaster nor has he been appointed postmaster. I have repeatedly requested a civil-service examination for the selection of an eligible list for the appointment of a new postmaster or have insisted that if the administration is going to retain Mr. Moos, that he be regularly appointed and his name sent to the Senate, where an opportunity would be given to protest against his appointment and all of the facts officially presented on both sides.

I have charged the administration with knowing full well that Mr. Moos will never be confirmed and that they have therefore withheld submitting his name to the Senate for that reason, for as soon as he were rejected he would have to leave the office and his successor would have to be appointed.

Gentlemen of the House, do you consider these charges as trivial? How much reliance can you place in officials who report to you that they are? Yet Assistant Postmaster General Coleman told a committee of this House that Mr. Moos was being retained because my charges were trivial. But you will note that Mr. Moos's name has not been sent to the Senate where the charges would have a fair and impartial hearing, although his term expired over 13 months ago. Mr. Coleman told the committee recently that Mr. Brown intended to reappoint Mr. Moos as postmaster at St. Paul. But time has gone on and nothing is done. If the department intends to reappoint Mr. Moos, why do they not do so?

Mr. Moos is standing on his Post Office Department whitewash and the statement that a grand jury exonerated him. I should think that the less he said about the grand jury the better. As a matter of fact, he really protests too much and too soon, for he is defending himself against charges which have not yet been made. Why? Something on his mind? He had not been charged with any criminal act that would warrant grand jury action. My charges were as to gross impropriety in office. He jumps up and seeks to vindicate himself by hiding behind a grand jury report. Up until the time that he made his suspiciously too vigorous defense, at least in advance of accusations, no one realized that he had even been called by the grand jury.

But talking about the grand jury it might be well to point out that the first grand jury indicted no one, but made a general charge of graft, fraud, and corruption in the St. Paul lease. Incidently that grand jury did not know that Mr. Moos had obtained over $1,000,000 worth of insurance coverage on the St. Paul commercial post office, nor did they know how and under what circumstances he obtained it. There are other things not known then that are known now, however. The grand jury at St. Paul, behind which he seeks to hide, recommended a complete investigation and second grand jury action, as it had insufficient evidence or time to indict anyone.

The second grand jury, which was to receive the report of a Department of Justice investigation, was suddenly halted and the case never presented. Had it been we would have had some most enlightening exposures. I charge that the second grand jury was called off as a result of a conspiracy and collusion in the Post Office and Justice Departments.

Here is a partial trail of sickening corruption. Post-office inspectors exchanged files with the Department of Justice investigators at the outset of the investigation, and much of the evidence disappeared. An agent of the Department of Justice, who is investigating the case and who gets too hot on the trail, leaves the service about that time. The assistant Federal district attorney at St. Paul is dismissed suddenly and without warning on the eve of presenting the case to the grand jury. The new Federal district attorney, as fine and square a Government prosecutor as ever lived, shortly after his taking office is high pressured into signing a whitewashing report by a high official from Washington of the Department of Justice upon misrepresentation to him about the report. Later when he fearlessly and courageously fought the Government's case against most insidious opposition of high governmental officials, he is harassed, shadowed, investigated, and an attempt made by Government agents to discredit him.

By orders of high officials the criminal case is deliberately withheld from the grand jury until the statute of limitations has barred presentation and then the file closed with the report that it is now too late to further pursue the matter.

When by sheer persistence the matter is finally forced out in the open, it is found that the incriminating books of one of these professional lease holders have been destroyed. Two hundred thousand dollars in bonds issued against this leased property have never been accounted for. The records that would indicate to whom they were sold or given and to whom the interest payments were made have disappeared. No one has appeared to redeem these bonds. Why? Had a proper investigation been made honestly in the first place the whereabouts and why abouts of these bonds would have been known.

Yet we are told that there is nothing wrong about the lease situation, and that my charges against Postmaster Moos are trivial. Well, I shall not let the matter rest there. The facts, and all of the facts, are going to be made known to Congress and the public.

So far everyone connected with trying to expose these leasing deals has been gotten out of the way. Vicious campaigns have been made against my reelection to Congress ever since I started this exposure. These campaigns have been well financed, highly organized, and though other issues have been raised as camouflage, the real cause was my activity in pursuing the post-office lease matters. I have known what was behind the opposition, but I am determined to leave no stone unturned until the whole miserable business is cleaned up. Sometime I may tell the House some of the personal indignities to which I have been subjected since I started this demand for a clean-up. But until it is wiped out I shall confine myself to the official records in the matter. You shall have the whole truth regardless of who or how many it hits, or how high up they are.

RETIREMENT OF REPUBLICAN CONGRESSMEN FROM THE STATE OF ILLINOIS

Mr. WILLIAM E. HULL. Mr. Speaker, the great State of Illinois that has furnished illustrious men to the Nation, beginning with Abraham Lincoln, the Great Emancipator, and since his time the majority of the Illinois delegation have been faithful to the Republican cause.

During the last campaign we were confronted with a condition that caused four of our best Members to be retired from Congress. These men have been faithful servants to the Government of the United States and, as they retire from their seats in Congress, it is fitting that they should be properly mentioned.

EVERETT DENISON, one of our leading Members, was elected to the Sixty-fourth Congress and reelected to each succeeding Congress until the Seventy-second Congress. While he has been defeated at the polls, he still has the respect of the majority of the citizens of his district and no doubt, in time, if it is his desire, he will be returned. Mr. DENISON has, during his term of Congress, been recognized upon the floor of the House as a man of great ability. He is a good constitutional lawyer, has passed many bills on the floor of this House for the benefit of the Nation, and as he retires to-day it is the Congress that is the loser.

The next in time of service is our venerable Congressman from Chicago. We, of the Illinois delegation, have always respected him on account of his kindness to each of us. He has always taken a great interest in every Member of the Illinois delegation and during the latter years of our most respected citizen of high standing in Congress, he was his most personal friend, the late Martin B. Madden. Mr. SPROUL retires from Congress at a good ripe age; but upon his retirement, he takes the highest respect from every Member of this House to his home, and we wish him many pleasant and happy days in the future.

ALBERT MICHAELSON, who was defeated in the primary, has been a Member of this House for 10 years. He has been a member of the Rivers and Harbors Committee, has taken great interest in the promotion of inland waterways, and his influence upon the floor and in the committee has been of such a nature that his loss will be felt not only by his committee but by the Members of Congress.

EDWARD M. IRWIN, who has been in Congress but a short while—six years—has had a remarkable success and advancement in the House of Representatives. His influence, his hard work, and his friendliness with his colleagues have brought him to the chairmanship of one of the important committees of the House and his loss as chairman of the Claims Committee will be felt by every Member in the House who has had the opportunity to go before his committee; and at this juncture, I would like to read an editorial from the Alton Telegraph, the principal paper in his district, which appeared on February 18:

Congressman EDWARD M. IRWIN, near the close of his present term of office, and with a certainty that he will be superseded for at least two years, has put through Congress a bill providing post-

office buildings for both Wood River and East Alton. Defeated in his aspirations for reelection the Congressman has not lost his enthusiasm to maintain a reputation as a worker for his district. In his career in Congress he has been one of the most useful of Congressmen.

While he has refrained from making any exhibition of his speechmaking powers, and frankly he would tell anyone he was no speechmaker, he was proud of the fact that he knew how to work and wanted to do it. In his career as Congressman he has been of great assistance to a large number of his constituents. It is undoubtedly true that he has done more correspondence with and for his constituents than any other Congressman the district has known. He has performed countless personal services for people back home who needed special services from him at the National Capital. His time will expire March 4, and no matter how good his successor is, it is more than could be expected that the people could have from any other person such devoted self-sacrificing service as Doctor IRWIN has given the twenty-second district. That would be too much luck for anyone to expect. He has set a high mark in service for those who may follow him to emulate. Wood River and East Alton will have special reason for uniting in the opinions here expressed.

Mr. Speaker, it is my thought that the retirement of these four Republicans is much regretted not only by the Republican side of this House but by the Democratic side, because they are four men who have been instrumental in bringing about satisfactory legislation to the entire House.

WHAT PROHIBITION HAS DONE TO THE AMERICAN HOME

Mr. COCHRAN of Missouri. Mr. Speaker, in his campaign speech at Elizabethton, Tenn., October 7, 1928, President Hoover said:

> The purpose of the eighteenth amendment is to protect the American home. I wish it to succeed.

One of the leading prohibition advocates in the United States is Canon William Sheafe Chase, head of the International Reform Association, a professional prohibition organization. Canon Chase was one of the contestants for the $25,000 prize offered by William C. Durant, automobile manufacturer, for the best plan to enforce prohibition. In his paper submitted in that contest, as reprinted on pages 121 and 122 of Mr. Durant's book entitled "Law Observance," Canon Chase said:

> Liquors may be manufactured in the dwelling or obtained in any other way, and the same rule applies as to disposing of them.
>
> The only limitation to the home saloon is that liquors are not sold within its walls in the presence of Federal officers unless they are bribed or are trespassers. That limitation is easily evaded by the ordinary bootlegger.
>
> Here we have the compromise that drove the saloon from the public places, where children were protected by being barred from their doors, into the private homes, where the children must live.
>
> The children could not go to the saloon but the Volstead Act takes the saloon to the children.
>
> Here in the home the adult members of the family and "bona fide" guests sit with children at the family table, sip these constitutionally protected liquors, damn the Constitution, curse the law, and villify the enforcement officers. Children here are led into lives of crime.

SERIOUS THREAT TO LAW AND ORDER

The National Commission on Law Enforcement and Observance, comprised of 11 outstanding American citizens to study and report on the prohibition question, devoted many pages of its recent report to the effect of home manufacture of intoxicants on the lives of children and its general effect on law and order. On page 22 of the House reprint of its report the commission said:

> To the serious effects of this attitude of disregard of the declared policy of the national prohibition act must be added the bad effect on children and employees of what they see constantly in the conduct of otherwise law-abiding persons.
>
> Such things as the effect on youth of the making of liquor in homes, in disregard of the policy, if not the express provisions of the law; the effect on the families of workers of selling in homes, which obtains in many localities; and the effect on working people of the conspicuously newly acquired wealth of their neighbors who have engaged in bootlegging are disquieting. The widespread and scarcely or not at all concealed contempt for the policy of the national prohibition act and the effects of that contempt must be weighed against the advantage of the diminution (apparently lessening) of the amount in circulation.

On pages 32 and 33 of the commission's report are its findings and conclusions with respect to the manufacture of beer, wine, and distilled liquors in the homes. After presenting facts to show the frequency of such manufacture the commission says:

> But there is more to be considered than the difficulties of detection without invasions of homes and violation of constitutional guaranties. The bad effects of such operations, on the verge of or in violation of law, carried on in the home are self-evident. Adults living in such an atmosphere of evasion of law and law-breaking and children brought up in it are an obstruction to the present enforcement of the law and a serious threat to law and order in the future.
>
> The difficulties presented by home production differ from those arising in other phases of the general situation in that they involve the arousing of resentment through invasion of the home and interference with home life. Necessity seems to compel the abandonment of efforts for effective enforcement at this point, but it must be recognized that this is done at the price of nullification to that extent. Law here bows to actualities * * *.

WHAT CONSTITUTES A SALOON

In a campaign speech delivered October 26, 1928, Charles Evans Hughes, now Chief Justice of the United States, but then a private citizen, said:

> What is meant by a saloon? I suppose we should have a scientific definition of a saloon. You don't alter the fact by changing the name. To-day we have the speakeasy, and that is a part of the conditions of which complaint is well made.
>
> * * * * * * * *

HUNDREDS OF THOUSANDS OF HOMES A POTENTIAL WINERY, BREWERY, OR DISTILLERY

Hon. Amos W. W. Woodcock, Director of the Prohibition Bureau of the United States Department of Justice, appeared before the Appropriations Committee of the House of Representatives December 8, 1930, in connection with the appropriations for the enforcement of prohibition. He was interrogated as follows by Representative GEORGE HOLDEN TINKHAM:

> Mr. TINKHAM. What is your interpretation of that part of section 29 of the Volstead Act? [Reading:]
>
> "The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home."
>
> Mr. WOODCOCK. The courts have interpreted that, and I, of course, accept the interpretation of the courts.
>
> Mr. TINKHAM. Their interpretation is what?
>
> Mr. WOODCOCK. Well, I tried the Hill case, and the court in the Hill case said that "nonintoxicating" meant nonintoxicating in fact. If a person made—in that case it was both wine and cider, or fruit juices and cider—for exclusive use in his home, why the burden was upon the Government to prove that they were intoxicating in fact. Then the same conclusion was reached by the Circuit Court of Appeals in the Isner case.
>
> Mr. TINKHAM. How can the consumption of alcoholic liquor be regulated by your department with this provision in the Volstead Act, as interpreted by the court?
>
> Mr. WOODCOCK. How can it be regulated?
>
> Mr. TINKHAM. How can the consumption of alcoholic liquor be regulated?
>
> Mr. WOODCOCK. I say, all we are attempting to do is to stop the commerce in intoxicating liquor. I do not think that section has very much bearing upon it one way or the other.
>
> Mr. TINKHAM. Well, that section permits the making of wine and home-brew for home consumption, does it not?
>
> Mr. WOODCOCK. No, sir; not wine; nonintoxicating fruit juices is the language.
>
> Mr. TINKHAM. Yes; nonintoxicating. Grape juice is nonintoxicating at first, is it not?
>
> Mr. WOODCOCK. I think so.
>
> Mr. TINKHAM. It would permit the making of nonintoxicating grape juice in the home and home-brew, which subsequently, of course, becomes intoxicating?
>
> Mr. WOODCOCK. Not home-brew, Mr. TINKHAM. The saving exception is in favor of nonintoxicating fruit juices and cider.
>
> Mr. TINKHAM. If you permit those to be made in the home, nonintoxicating fruit juices and cider, and if you can not get a search warrant without a sale being made, why is not the production of alcoholic liquor possible as a practical matter in every home in this country?
>
> Mr. WOODCOCK. I think it is of that particularly limited class of alcoholic liquors.
>
> Mr. TINKHAM. So, really, we might say, in a large way—not perhaps what we might call a fanciful way—every home, under the law, can become a winery, or a brewery, or a distillery?
>
> Mr. WOODCOCK. No; I do not admit anything like that, because the exception is not in the phrase containing breweries.
>
> Mr. TINKHAM. But you can not raid a home where home-brew is made unless there is a sale. Certainly every home, to a practical degree, can become a brewery.
>
> Mr. WOODCOCK. That is the law that Congress has passed.
>
> Mr. TINKHAM. That is true. I am not asking you to criticize the law. I am asking you about the results of the law.
>
> Mr. WOODCOCK. I think the prosecution of a person for making home brew, with no commercial aspect, is not impossible, of course, but it is very difficult.
>
> Mr. TINKHAM. Well, the fact is, that with the right under the Volstead Act to make fruit juices and cider plus the fact that a house can not be searched unless there is a sale, every home in this country may produce as much alcoholic liquor for home consumption as is desired, and there is no other result that can possibly be reached under the law.

GOVERNMENT AID IN HOME WINE MAKING

The Federal Farm Board has lent to the California grape growers, according to a letter by Edgar Markham, assistant to the President, written to me under date of January 21, 1931, a total of $19,187,622.07, of which $2,555,330 was a direct loan to Fruit Industries (Ltd.), whose principal business is manufacturing concentrates for the production of champagne and wine in the homes. More than 80,000 cars of California grapes are shipped annually, largely for home wine-making purposes, and the Government is subsidizing this industry with huge loans.

QUANTITY OF LIQUOR MANUFACTURED IN THE HOME AS COMPARED WITH PREPROHIBITION PRODUCTION

It is impossible to determine with accuracy the amount of whisky, gin, wine, beer, and cider manufactured in the homes of the people under prohibition conditions. It is known that great quantities of household commodities are converted into alcohol in the homes.

We have an official estimate of the amount of illegal liquor produced in the United States for the fiscal year ending June 30, 1930, by Amos W. W. Woodcock, director of the United States Prohibition Bureau of the Department of Justice. It is to be expected that Mr. Woodcock would be extremely conservative in estimating the quantity of unlawful liquor made in the United States since it is his duty as chief prohibition enforcement officer to suppress entirely the production of all unlawful alcoholic beverage. Mr. Woodcock's estimates of the quantity made are much below the estimates of unofficial investigators and research men. Since, however, Mr. Woodcock's estimates are official, and were published under the authority of the Bureau of Prohibition of the Department of Justice, they will be used here to show the probable extent of home manufacture of various kinds of alcoholic drinks.

WINE

Under section 29 of the national prohibition law, as interpreted by the courts and the Prohibition Bureau, it is entirely lawful to manufacture 12 to 20 per cent wine in the home for home use. The following tables from Mr. Woodcock's survey show the amount of wine consumed in the United States for five years before prohibition and the amount he finds made in the United States during the last five prohibition years:

Before prohibition

	Gallons
1915	32,911,909
1916	47,587,145
1917	42,723,376
1918	51,598,024
1919	54,272,656
Total	229,293,090

After prohibition

1925	137,225,550
1926	126,165,400
1927	143,573,400
1928	153,614,400
1929	118,320,300
Total	678,320,050

It is stated by Mr. Woodcock in his survey that the wines made since prohibition contain an average of 12 per cent of alcohol. It will be seen from the foregoing tables that almost exactly three times as much wine of 12 per cent alcoholic content has been made during the last five years of prohibition as were consumed during the five years preceding the adoption of the national prohibition law. It is admitted that most of this wine is made in the homes, and it is also admitted that under the anomalous provision of section 29 of the national prohibition act this manufacture is not unlawful.

BEER

There is also a very large quantity of home brew made in the homes of the people. Mr. Woodcock estimates that there were 683,032,000 gallons of home brew of 3.4 per cent of alcohol made in the United States in 1930. Although the home brew contains but 3.4 per cent of alcohol, as against 12 per cent of alcohol in home made wines, its manufacture is unlawful under the national prohibition act. Mr. Woodcock estimated the amount of absolute alcohol in the 1930 production of home brew at 23,223,088 gallons.

In 1919 there were 669 breweries operating in the United States manufacturing 2.75 per cent beer. These 669 breweries produced 852,977,018 gallons of beer. The beer manufactured in all the operating breweries of the United States contained very little more absolute alcohol than the home-brew Mr. Woodcock found made in the homes in 1930, after 10 full years of Federal and State prohibition enforcement.

WHISKY, GIN, DISTILLED LIQUORS

Mr. Woodcock's survey shows the following quantities of 100-proof whisky, gin, or other distilled spirits made unlawfully in the United States in 1930:

	Gallons
From corn sugar	45,900,000
From cane and beet sugar	10,000,000
From molasses and grain	4,000,000
From diverted alcohol	9,929,218
Smuggled liquor	3,557,500
Total	72,486,718
Spirits legally withdrawn, 1919	82,118,111

It will be seen from these tables that in 1930, after 10 years of National and State prohibition, Mr. Woodcock found that the unlawful production and smuggling in of distilled liquors was only 9,631,393 gallons short of the legal withdrawals of 1919, the last wet year.

TAXES, CRIME, ETC.

Accepting Mr. Woodcock's survey at its face value it shows that three times as much wine is being manufactured under prohibition as before prohibition; that the beer manufactured in 1930 contained almost precisely the amount of alcohol as the beer manufactured in 669 operating breweries in 1919, and that the production and smuggling of unlawful whisky, gin, and other distilled spirits in 1930 was only 9,631,393 gallons short of the legal withdrawals of 1919.

In 1919 the Federal Government collected $365,211,252.26 in revenues on distilled liquors and $117,839,602.21 on fermented liquors, or $483,050,854.47 on both distilled and fermented liquors.

These figures prove that all that prohibition has done is to divert the manufacture of liquor from a lawful, regulated, controlled industry into an unlawful, unregulated, and uncontrolled industry, and to transfer the manufacture from Government-supervised wineries, distilleries, and breweries into the homes of the American people.

They further prove that the Federal Government has lost, on the basis of 1919 production and withdrawals, $483,030,854.47 in revenues each of the 10 prohibition years, or $4,830,308,744.70 in all.

In other words, the revenues the Government might have collected on the lawful alcoholic beverage industry have gone as profits into the pockets of violators of the national prohibition law, and these profits have financed the greatest criminal ring in the history of the Republic.

As the distinguished champion of prohibition, Canon Chase, well said, "Prohibition has taken the saloon to the children in the homes, and the children are here led into crime."

The folly of an institution that has driven the manufacture of liquor into the homes of the people and criminalized the children of the country is the answer that prohibition echoes back to Mr. Hoover who said that "The eighteenth amendment was intended for the protection of the American home."

APPALLING EXTENT OF UNLAWFUL DISTILLING

Another index to the extent of unlawful distilling in the United States under the operation of the national prohibition law is found in the number of unlawful distilleries, stills, and parts of stills captured by the Federal prohibition officers during the 10 years of the law. A compilation of this unlawful apparatus is made by the prohibition bureau every year. These reports, taken from the official records,

show the following number of stills, parts of stills, and illicit distillers reported captured by the Federal prohibition agents alone:

1920	32,863
1921	95,993
1922	110,150
1923	158,132
1924	158,976
1925	172,537
1926	161,979
1927	208,673
1928	261,661
1929	247,242
1930	285,891
Total	1,893,496

The foregoing figures show a steady and enormous growth of unlawful distilling in the United States during the entire prohibition era. They also show that no matter how many stills and parts of stills the Federal Government captures in any one year that there is always a greater number awaiting capture the succeeding year.

In 1926 former Federal Prohibition Administrator Gen. Lincoln C. Andrews testified before a subcommittee of the United States Senate Judiciary Committee that in his opinion the Federal officers did not capture more than 1 out of each 10 stills in operation.

If General Andrews's estimate was correct—and no official of the Government was in better position to make an estimate—then it is apparent that not less than 18,934,960 unlawful distilleries, stills, and parts of stills have been in use during the 10 years of the prohibition law.

General Andrews testified that a great number of stills were in operation in the homes of the people. It is very difficult for the officers to capture stills in the homes, for the reason that no warrant may be issued for the search of any dwelling house except upon proof of unlawful sale of liquor. To get such proof is often very difficult, for the prohibition agent must gain entrance to the dwelling and make a purchase of liquor before he can swear out a search warrant.

In the course of the hearings former United States Senator James A. Reed, of Missouri, undertook to elicit from some of the professional prohibitionists who appeared as witnesses what the effect of this widespread manufacture of liquor must have upon the women and the little children in the home. One of the witnesses thus interrogated was Mrs. Ella A. Boole, president of the National Woman's Christian Temperance Union.

On page 1086 of the record of the hearings of the subcommittee appears the examination of Mrs. Boole by Senator Reed:

Senator REED. • • • Do you know that the prohibition department seized last year (1925) 172,600 stills?

Mrs. BOOLE. I have heard it.

Senator REED. Well, that is the official record.

Mrs. BOOLE. Yes.

Senator REED. Now, I am not arguing with you in regard to what we may desire, because I understand that you desire that everybody should stop the use of liquor altogether, and there may not be a very great difference of opinion as to the desirability of that if it can be accomplished, but I am dealing with the condition as it is. Do you know of any condition prior to prohibition where there was any such number of stills as I have named, running in private homes, the most of them? You will agree with me that that was not true then, will you not?

Mrs. BOOLE. Yes; that was not true.

Senator REED. • • • Do you think it makes for the moral advancement of the family to have liquor manufactured in the home?

Mrs. BOOLE. Why, of course it does not, Senator Reed.

Senator REED. Do not you think it is a very detrimental thing to the little children to see liquor manufactured in the home?

Mrs. BOOLE. Yes; but Senator——

Senator REED. • • • If it is true that in 172,600 homes the prohibition officers have found stills, and nearly all of them in the homes, of a great majority of them, and that they have probably not gotten more than 1 out of 10 that exists, which would mean 1,720,600 stills, nearly all of them in the home, do you not think that is absolutely a terrible condition?

Mrs. BOOLE. Yes; but I think——

Senator REED. Well, if that is true, it is a terrible condition, is it not?

Mrs. BOOLE. It is a terrible condition. • • •

Mrs. Boole, in explanatory testimony, denied that all the stills were making liquor in the presence of little children. She said that it was her experience that in most of the homes where stills were operating there are no children, and that as much of the liquor was manufactured at night the children would not be present.

Senator Reed pressed her for an answer to his interrogatory as to whether it was better to have the liquor manufactured in the homes, in the presence of the women and the children, or outside of the homes, but she declined to answer.

The National Commission on Law Observance and Enforcement in its recent report to the President and Congress states that there has been more sustained effort to enforce the prohibition law than any other law on the statute books. But in spite of this fact the violations of the law, as shown by the records, have increased year by year. The commission, on page 140 of its original report, says:

> The statute [prohibition] has been in force for a decade with large majorities in Congress pledged to give effect to it and militant organizations pushing to that end. There has been more sustained pressure to enforce this law than on the whole has been true of any other Federal statute, although this pressure in the last four or five years has met with increasing resistance as the sentiment against prohibition has developed. No other Federal law has had such elaborate State and Federal enforcing machinery behind it. That a main source of difficulty is in the attitude of at least a very large number of respectable citizens in all communities and a majority of the citizens in most of our large cities and in several States is made more clear when the enforcement of the national prohibition act is compared with the enforcement of the laws as to narcotics.
>
> • • • • • • •
>
> The sustained pressure of the Federal Government to enforce the national prohibition law resulted, for the fiscal year ending June 30, 1930, in the following results, as shown by the annual report of the Federal Prohibition Commissioner:
>
> Number of persons arrested for violation of law..... 83,222
> Number of persons convicted..... 54,085
>
> The report shows that the penalties assessed against 54,085 persons convicted of violation of the national prohibition laws amounted to 14,172 years of imprisonment and fines of $6,678,732, and that in addition thereto property valued at $29,238,077.48 was seized, of which $20,202,278.69 was destroyed.
>
> But the tragic thing about it is that the Federal Government alone, so say nothing of what the State governments are doing, is imprisoning more than 1,000 persons every week in an attempt to enforce the prohibition law. Speaking on this phase of prohibition in the National House of Representatives on February 7, 1930, the Hon. JAMES M. BECK, former Solicitor General of the United States and now one of the most brilliant Members of Congress, said:
>
> It was Edmund Burke who said that he did not know how to frame an indictment against all the people, but he might have gone further and said that you can not indict a substantial portion of the people. The fact that after 10 years of enforcement, with the expenditure of hundreds of millions of dollars and a ghastly sacrifice of many lives, the prohibition law is still largely unenforced damns it beyond any defense.

MATERIALS USED IN MAKING MOONSHINE WHISKY

For six months of 1930 the Federal Prohibition Bureau at Washington kept a record of the materials captured with stills. These materials are used by the moonshiners for making whisky and alcohol. The following is the record as shown by the report of the Prohibition Commissioner:

	Quantity	Equivalent in alcohol
Molasses	223,706 gallons	150,700 gallons.
Cane, beet sugar	714,013 pounds	89,251.63 gallons.
Corn sugar	162,431 pounds	116,243.10 gallons.
Grain	536,256 pounds	28,304 gallons.
Molasses mash	98,600 gallons	15,680 gallons.
Sugar mash	14,946,307.68 gallons	2,391,409.20 gallons.

In addition to these materials for distilling, the Federal agents seized 201,414.13 gallons of denatured alcohol and

alcoholic preparations from which it was intended to make moonshine whisky.

The yield in proof gallons of alcohol—which means 100-proof whisky or gin—from the materials captured with the stills would have been 3,179,199.32 for the 6-month period of 1930.

If the same proportions of materials was captured during the succeeding six months they would have yielded 6,358,398.64 gallons of moonshine whisky of 100 proof, for the year.

On the basis of 1 still in 10 captured, the yield of alcohol from illicit distilling would have been 63,583,986 gallons. This is quite close to the amount of moonshine Mr. Woodcock estimated was produced from the same materials in 1930.

DEMORALIZING EFFECT OF PROHIBITION ON HOME LIFE IN THE COAL-MINING DISTRICTS

Mr. James J. Forrester, research expert for the National Commission on Law Observance and Enforcement, in an article in Current History, for March, 1931, presents a graphic picture of the deadly demoralizing effect of prohibition upon the home life of the people in the coal-mining regions. Here is his portraiture of the conditions, based upon his personal investigations for the Wickersham Commission:

All evidence tends to show a highly demoralizing effect of prohibition upon certain large elements of our foreign population. This is nowhere more apparent than in the large coal-mining areas, where the overwhelming and undisputed testimony is that continuous, open, and flagrant violations of the law exists among the workers. They make and drink the vilest liquors in their homes, almost without exception, and there is free indulgence on the part of women as well as men, and by boys and girls.

Places where liquor can be had are more numerous than before prohibition, and there is practically no effort to conceal them. This condition in the anthracite regions shows not only a lack of observance of the prohibition law, but has developed a general contempt for all law among all classes of the foreign born except the Lithuanians. The testimony of physicians who come in contact with the conditions, is, with few exceptions, that not only is intemperence increasing, but loathsome diseases, and that there is wholesale disregard of sexual morality.

DESCRIPTION OF THE DESPERATE CONDITIONS IN COAL-MINING REGIONS BY REV. FATHER FRANCIS KASACSUN, A CATHOLIC CLERGYMAN OF LUCERNE COUNTY, PA.

Compare the picture of the pathetic and distressing conditions found by Mr. Forrester in the coal-mining regions in 1930 with the conditions described by the Rev. Father Francis Kasacsun, of Lucerne County, Pa., before the subcommittee of the Judiciary Committee of the United States Senate April 10, 1926. He testified under oath:

You can find stills in practically every other home. They make it, they drink it, they sell it. Anywhere from $1.50 to $2.50 a quart. The private families that make it sell it. In some cases they sell it to the saloonkeeper.

The stills are copper kettles with a whole lot of coils, and the women folks take care of that. The men are at work, and the women folks take care of it. Drink it themselves, and in many cases the children drink.

Never (before prohibition) in my occupation as a Catholic clergyman have I found children drinking hard liquors. I have never found that the youth, anywhere from 14 to 18 or 19, that drank hard liquors. And now you see children drink. You can see them drunk. I have seen them drunk myself. There were a few children last year found drunk in the schools of the towns, and had bottles of it in their pockets. Last year there was a girl around 14 in the town arrested drunk. About two weeks ago there was a boy in another small suburban town that was caught drunk on the street. The school-teachers have been complaining about children coming to school under the influence of liquor. Before, the men, as I said, drank. Now the women are drinking and the children are drinking.

I go into the homes at least twice a year. I visit the homes. Many times I find mothers around 45 and 50 years of age drunk, so drunk that they can not stand on their feet; and the youngsters anywhere from 6 to 7 years of age have to do their own cooking because the mothers are drunk.

I have also found some grass widows making moonshine and selling it, and also inviting people into their homes, selling the whisky, treating them, and selling themselves at the same time.

So that there is an increase in immorality in the private homes.

You will find that the flask habit is on the increase and that very much immorality is going on amongst the youngsters, due to prohibition.

WOMEN AND YOUNG PEOPLE DRINK MORE THAN EVER

On the subject of drinking among women and young people of both sexes Mr. Forrester says:

The estimated number of speak-easies is three times the number of saloons before prohibition, and in some large centers of population the proportion is even greater. No reliable estimate is obtainable from the investigations as to the number of people who are drinking, as compared with those who drank before prohibition, but there is abundant evidence showing the increase in the classes of those who are drinking, and in the character of drinking. Many women who did not drink intoxicating liquors before prohibition are now indulging in them and young persons of both sexes are drinking far more than formerly. From the wide disregard of the law, and the ease with which liquor is obtainable, it would appear that in general only those are not drinking who do not wish to drink.

• • • • • • • •

HOME MANUFACTURE OF LIQUOR FOR SALE

On the manufacture of liquor in homes for commercial purposes Mr. Forrester says:

A fourth and prolific source of supply is the home manufacturer, who may also be said to include the individual and independent moonshiner type of former days, whose tribe has increased manyfold during the decade of prohibition. The basement of his house, a garage, a barn, sometimes an abandoned or temporarily untenated dwelling, is the scene of his operations, both in the cities and in the country.

The distilling apparatus is easy to obtain, the materials abundant, and the process simple. He uses redistilled commercial alcohol, corn sugar, corn meal, fruit, fruit and vegetable parings, raisins, and various kinds of cereals. The most commonly used ingredient is corn sugar, the production of which has increased far beyond the apparent demand of legitimate commerce during the past five or six years. He sells direct to the local trade, to speak-easies, "beer flats," "blind pigs," and other places handling small quantities with quick turnovers.

Investigation shows that the country adjacent to most cities and large towns is honeycombed with illicit stills, many of them of large capacity. • • • It is these that supply the great army of bootleggers and speak-easies. • • • The liquors are not so good as those imported, and the cost to the consumer is less, but there are "millions in it" for the makers, the bootleggers, and the retailers. The demand is heavy; the danger of arrest is comparatively small and of successful prosecution still smaller.

TESTIMONY OF MRS. VIOLA M. ANGLIN

Mrs. Viola M. Anglin, chief deputy probation officer of the magistrates courts of New York City, testified before the subcommittee of the Judiciary Committee of the United States Senate April 10, 1926:

The probation officers under my supervision, and there are 16 of them, tell me that in each of their districts—I mean in each one of their probation districts—you can find from 100 to 150, and in some of them 200, stills. • • • The children can not help but know that stills are running in the houses, and they can not help but know that their own parents, the people to whom they must look for guidance and everything, are disregarding the law and laughing at it.

THE EFFECT OF PROHIBITION ON TEMPERANCE

The most generally accepted indices of the effect of prohibition on temperance are arrests for drunkenness and deaths from alcoholism and a comparison of these statistics with those of other countries that do not have prohibition or have liquor-control systems restricting the sale of intoxicants.

Another index are the polls of the greater colleges and universities of the country conducted by the students themselves through their publications. The students ask themselves whether they drink, get drunk, and whether they are in favor of the enforcement of the prohibition law, its repeal, or its amendment to legalize light alcoholic beverages. These results of these polls are interesting and important. Early in the year 1930 polls were taken at 18 of the largest colleges and universities of the United States, including all of the highest rank.

CITY OF WASHINGTON

Arrests for drunkenness in the city of Washington, the National Capital, ought to be a fair index of the effect of prohibition on temperance. The police department of Washington has been keeping a record of arrests for drunkenness since 1913, when the Sheppard law was adopted making drunkenness an offense punishable by fine. Captain Edwards, in charge of police statistics, says that there has been no change in the policy of the police department in making arrests since the adoption of that law. Anybody found drunk and disorderly on the streets has been arrested since the date of its adoption.

If there is any American city where prohibition ought to be effective it is Washington. The city is under control of the Federal Government. Every police officer is a Federal

officer. In addition to the police force there is a large staff of Federal prohibition agents operating in Washington.

drunkenness in New York City only, and use these statistics to prove that European cities are sodden with drunkenness.

From year to year it has increased appropriations for Fed-

The reign of tears is over. The slums will soon be only a

officer. In addition to the police force there is a large staff of Federal prohibition agents operating in Washington.

The effect of prohibition on temperance in Washington is fairly reflected in the arrests for drunkenness for six years preceding the adoption of the national prohibition law and for the last six years under the operation of the law. The population of Washington in 1920 was 437,571 and in 1930 it was 486,869, an increase of only 49,396—an average increase of less than 5,000 a year.

Arrests for drunkenness

Before prohibition:		After prohibition:	
1914	8,837	1925	10,571
1915	9,751	1926	12,907
1916	9,394	1927	13,375
1917	9,648	1928	13,796
1918	6,896	1929	13,942
1919	6,793	1930	14,409
Total	51,321	Total	79,000
Yearly average	8,553	Yearly average	13,166

With an increase in population of only 49,398 in 10 years from 1920 to 1930 the arrests for drunkenness in the model city of Washington were 1,832 more than twice as many as in 1919, the last year before prohibition.

WASHINGTON AND LONDON

It is interesting to compare arrests for drunkenness in Washington, the American National Capital, under all the prohibition enforcement the Federal Government can give it, with London, the English Capital. The approximate population of London is 10,000,000 as compared with 486,869 for Washington.

	Arrests for drunkenness, Washington	Convictions for drunkenness, London
1914	8,837	65,448
1928	13,796	33,641

This startling record shows that while Washington, under the national prohibition act, was growing steadily more drunken the city of greater London, under a wise liquor regulatory system, was reducing its convictions for drunkenness by approximately 66 per cent.

On the basis of population there are about 10 arrests for drunkenness in the model city of Washington, under the operation of the "noble experiment" to one in London.

Increase in arrests for drunkenness in Washington, from 1914 to 1928	4,959
Decrease in convictions for drunkenness in London, from 1914 to 1928	41,847

ARRESTS FOR DRUNKENNESS IN PHILADELPHIA, AS COMPARED WITH CONVICTIONS FOR DRUNKENNESS IN ENGLAND AND WALES, 1928

1928	
Philadelphia, 1,950,561 population	60,395
England and Wales, 40,000,000 population	55,642
Excess of Philadelphia over England-Wales	4,753

Here we have the almost unbelievable record that the arrests for drunkenness in the city of Philadelphia, with only 2,000,000 population, exceed the convictions for drunkenness in England and Wales, with a combined population of 40,000,000, by 4,753. But if that appears to be startling, we find that the arrests in the city of Chicago for drunkenness in 1928 exceeded the convictions for drunkenness in England and Wales in the same year by 19,260. There were 74,802 arrests for drunkenness in the city of Chicago, and only 55,642 in all of England and Wales.

NEW YORK

The city of New York is universally condemned by prohibitionists as being the most wide-open city in America with respect to the sale of liquor. It is estimated that its speak-easies pay millions of dollars a year in graft for the privilege of unmolested operation. But when the prohibitionists want to prove that America is very sober under national prohibition they quote the statistics of arrests for drunkenness in New York City only, and use these statistics to prove that European cities are sodden with drunkenness.

On the basis of arrests for drunkenness, New York is the most sober of all the large American cities. The arrests for drunkenness in New York in 1928, with its nearly 7,000,000 of population, were only 13,353. This was several hundred fewer arrests for drunkenness than in the city of Washington, with only one-fourteenth the population of New York. But New York City is the only major American city the prohibitionist can compare favorably with London, Paris, or other European capitals in the matter of arrests for drunkenness.

DEATHS FROM ALCOHOL COMPARED WITH DEATHS FROM OTHER DISEASES

The professional prohibitionists—that is, the prohibitionists who make their living out of prohibition politics and propaganda—have created the impression that alcohol is the great destroyer of human life. Before the adoption of the prohibition law they made the claim that alcohol was killing more than 100,000 people every year. The truth is that deaths from alcoholism have always been very small. In 1919, which was the last year before national prohibition, there were only 1,367 deaths from alcoholism in the entire registration area of the United States.

There is an average of 1,250,000 deaths in the United States every year. But alcohol has always been a negligible factor in death-rate statistics. In fact, the death rates from alcohol are so insignificant that they have never been carried in the Statistical Abstract of the United States.

Deaths from alcohol (United States census reports)

1910	2,909
1911	2,875
1912	3,183
1913	3,744
1914	3,257
1915	2,945
1916	4,161
1917	3,907
1918	2,193
1919	1,367
1920	900
1921	1,611
1922	2,467
1923	3,149
1924	3,155
1925	3,694
1926	4,109
1927	4,372
1928	4,627
1929	4,339

Deaths from other causes

	1927	1928
Heart disease	711,796	737,340
Cerebral diseases	91,001	99,624
Cancer	103,578	109,770
Tuberculosis	87,567	90,659
Pneumonia	87,230	112,193
Nephritis	100,163	108,513
Total	681,335	758,413
Total deaths	1,236,949	1,378,675

The foregoing statistical record from the reports of the United States Census Bureau show that heart disease, cancer, cerebral diseases, tuberculosis, pneumonia, and nephritis cause more than one-half of all the deaths in the United States. The staggering total of deaths from these causes was 681,335 in 1927 and 758,413 in 1928, or 1,439,748 in two years.

Compare these 1,439,748 deaths in two years with the insignificant total of 1,367 deaths from alcohol in 1919—the year before the National Government embarked upon the "noble experiment."

COMPARISON OF MONEY SPENT TO SAVE LIVES FROM ALCOHOL AND FROM OTHER DISEASES

Notwithstanding the fact that the deaths from alcohol in the entire registration area of the United States amounted to only 1,367 in 1919, the Federal Government embarked upon the costly experiment of prohibition to save that number of lives.

From year to year it has increased appropriations for Federal enforcement until the aggregate appropriations for the prohibition and industrial alcohol bureaus, the Coast Guard, customs, and expenses of administration of the law through the Federal courts amounts in round numbers to $50,000,000 a year.

Now, as shown by the records of the Internal Revenue Department, the Federal Government is losing $483,040,854.47 a year in revenue taxes. Adding the direct cost of enforcement to the loss in taxes we have $533,040,854.47 as the cost to the Federal Government alone of the attempt to enforce prohibition.

We find from the records of the Census Bureau that notwithstanding this enormous cost the deaths from alcohol in 1929 were more than three times the number of deaths from the same cause in 1919, before the Federal Government began the "experiment."

So the Federal Government, while spending and losing $533,040,854.47 to save a mere handful of lives, has played the game so badly that the deaths from alcohol trebled during the years that prohibition has been in effect.

While the Government has spent and lost this enormous sum, aggregating nearly $5,000,000,000 in 10 years, what is it spending to save the lives of the 1,250,000 who die from other causes every year—many of them preventable.

The records show that it is spending for all public-health activities only about $10,000,000.

How many of the 1,439,748 deaths from heart disease, cancer, and the other four diseases that are really destructive of human life might the Federal Government have saved if it had used the $1,066,081,708.84 that it frittered away on a worse than useless effort to enforce the prohibition law, which, if fully successful, would have saved only a few lives, if it had expended this money in scientific research and aid to save the victims of heart disease, cancer, tuberculosis, diseases of the brain, kidneys, and respiratory organs?

ENGLAND'S MARVELOUS STRIDES TOWARD TEMPERANCE

The reduction in convictions for drunkenness in England from 188,887 in 1913 to 55,642 in 1928—a reduction of 70.5 per cent—has been brought about by strict regulation of the liquor trade in the matter of hours of sale and in the reduction of the number of places of sale. Added to these is a high rate of taxation.

These restrictions have resulted in a reduction in the sale of spirits from 31,790,000 gallons in 1913 to 12,881,000 in 1928, or a per capita reduction from 0.7 of a gallon in 1913 to 0.29 of a gallon in 1928.

There was a reduction in the consumption of beer from 35,250,000 barrels in 1913 to 20,819,000 barrels in 1928, or a per capita reduction from 27.76 gallons in 1913 to 16.96 gallons in 1928. There was a very slight increase in the consumption of wine from 0.25 of a gallon in 1913 to 0.375 of a gallon in 1928.

During the last two years this downward trend has continued, but the exact statistics are not available.

EFFECT ON PRISON POPULATION

In 1913 there were 18,989 persons in all the prisons in England. That was at the rate of 50.3 prisoners per 100,000 of population. In 1926, the last year for which statistics are available, there were only 9,508 convicts in all the prisons in England, or only 24.3 prisoners per 100,000 of population. During the period of this liquor-control system which brought about wonderful results in the reduction of the number of convictions for drunkenness there was also such a remarkable decline in the number of prisoners in the penal institution that England has been able to sell 27 jails.

PRISON POPULATION IN THE UNITED STATES

The principal claims made for prohibition, in advance of its adoption as a national policy, was that it would empty the jails, eradicate crime, and convert the United States into a real millennium. These claims were perhaps never better stated than by the Rev. William A. Sunday, who preached the funeral sermon of John Barleycorn when the eighteenth amendment was ratified. He said:

The reign of tears is over. The slums will soon be only a memory. We will turn our prisons into factories and our jails into storehouses and cornerib. Men will walk upright now; women will smile and the children will laugh. Hell will be forever for rent.

How completely this forecast of prisons and jails turned into factories, storehouses, and cornerib failed, is shown by the records of the Census Bureau on prison population.

On January 1, 1910, there were 68,735 prisoners in all the State and Federal prisons and reformatories. On January 1, 1927, this number had increased to 96,126. The prison population per 100,000 of population had increased from 74.7 to 85.

There are at present more than 9,000 prisoners in the State penitentiaries of Illinois alone, almost as many as in England.

United States prisoners per 100,000 of population, 1927	85
England, prisoners per 100,000 of population, 1927	24.3

ILLINOIS PRISON POPULATION INCREASED MORE DURING PROHIBITION DECADE THAN IN THE PREVIOUS 60 YEARS

Rodney H. Brandon, director of the Department of Public Safety of the State of Illinois, under date of August 29, 1930, issued a press release containing the gist of a report that he had made to the governor on that date.

He said:

During the 1920–1930 decade the increase in the State's penal population was 131.25 per cent, and was greater than the total increase for the 60 years previous to 1920. The increase in 1930, as compared with 1929, was 11.74 per cent. Should this rate continue the prison population will be more than trebled by 1940.

He said further:

During the decade which ended June 30, 1930, the population of Illinois charitable and penal institutions increased 50.85 per cent. In the same period the population of the State increased 17.65 per cent. The increase in the institutional population was three times the increase of the State's population.

Forty new buildings were on that date under construction for housing the victims that were being poured into the prisons and charitable institutions of that State.

SOME CONDITIONS IN MISSOURI

The Governor of Missouri, Hon. Henry S. Caulfield, was quoted in a newspaper interview February 10, 1931, as saying that there had been an increase of 500 in the prison population of Missouri's already overcrowded penitentiary during the first two years of his term. He added:

I can't explain the increase in crime which puts prisoners in such numbers into the prison.

The Federal prohibition enforcement department made for the National Commission on Law Observance and Enforcement a report on the conditions of enforcement in all the States. In response to a Senate resolution the reports of 32 of these States were submitted to the Senate. One of these States was Missouri. The investigator for the Federal prohibition bureau reported:

That in St. Louis, the chief city of Missouri, there were stills in 20 to 25 per cent of the homes in certain largely populated sections of the city.

The report drew a picture of drinking among young people with the effect that morals had been reduced below par.

CHICAGO

Col. Robert Isham Randolph, president of the Chicago Association of Commerce, as spokesman for the Chicago Business Men's Committee for the Prevention and Punishment of Crime, reported last week that more than $2,000,000 a week in profits on the beer racket in Chicago are available for bribery and corruption.

He stated that there were 20,000 beer joints in Chicago, selling 100,000 barrels of beer each week, and that the standard price to the retailers was $55 a barrel, of which $52 a barrel was profit. Deliveries are made in trucks protected by armed guards. It was estimated by Colonel Randolph that 2,000 gunmen, armed guards, collectors, fixers, and custodians of brothels, gambling houses, and handbooks were engaged in the manufacture and wholesale distribution.

He concluded his report as follows:

Hoodlum gangs to-day in Chicago have corrupted the law-enforcement agencies to a degree that is tragic; they murder, rob, and bribe with apparent immunity. And the cornerstone of the power is the sale of beer—not whisky.

DRINKING IN COLLEGES AND UNIVERSITIES

A great deal of opinion has been voiced as to whether there is drinking in colleges and universities and whether the drinking is more or less than it was before the adoption of the national prohibition law. This discussion last year led the students of 18 of the large colleges and universities to poll themselves, through their university publications, as to whether they drink or get drunk or whether they favor the enforcement, modification, or repeal of the national prohibition law.

The result of the poll was printed in the record of the hearings of the Judiciary Committee of the National House of Representatives on the prohibition bills, page 1229. The result was as follows:

	Yes	No
Do you ever drink	19,503	10,210
Do you ever get drunk	4,781	9,417
Percentage who drink	66	
Percentage who get drunk	34	
For enforcement of prohibition		4,699
For modification of dry law		12,299
For repeal of prohibition law		7,722
Percentage for repeal or modification		81

Included in this poll were Amherst, Assumption, Brown, Colgate, Cornell, Dartmouth, Harvard, Lafayette, Michigan, Pennsylvania, Purdue, Pittsburgh, Princeton, Massachusetts Institute of Technology, Williams, New York University, Yale, and Rutgers.

CONCLUSION

I have endeavored, in all fairness, to picture the prohibition situation as it really exists. The statistics and quotations can not be questioned. In my opinion, so long as the raw material is available it is apparent real prohibition will never exist in this or any other country.

How long will it be before the people responsible for existing conditions will admit their mistake and lend their efforts toward the enactment of legislation—National and State—that will bring a return of real temperance in this great country of ours?

THE DANGERS OF COMMUNISM IN THE UNITED STATES

Mr. HOPKINS. Mr. Speaker, communism, like some malignant growth, has fastened itself upon the United States, and unless some action is taken to eradicate it, may become a cancer that will destroy the very heart of our beloved Government. The surest cure for communism, I believe, is the complete understanding on the part of the public of its objectives and practices. The communistic doctrine when stripped of its verbiage is innately abhorrent to any red-blooded American. The danger lies in apathy, lack of understanding, and a failure to realize the fatality of allowing such a cancerous growth to go on without careful treatment.

Ladies and gentlemen of the House of Representatives, let me take your time to-day to review the subject of communism, to trace its history from the beginning, to show its spread through Russia, thence to the United States, and to reveal through the testimony of the communists themselves the real objectives of this movement.

COMMUNISM DEFINED

Communists openly pledge allegiance to the red flag of Soviet Russia and the forcible overthrow by bloody revolution of all other governments. The following definition of communism is given in the report of the congressional committee for the investigation of communistic propaganda:

A world-wide political organization advocating: (1) Hatred of God and all forms of religion; (2) destruction of private property, and inheritance; (3) absolute social and racial equality; promotion of class hatred; (4) revolutionary propaganda through the Communist International, stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war; (5) destruction of all forms of representative or democratic governments, including civil liberties, such as freedom of speech, of the press, of assembly, and trial by jury; (6) the ultimate and final objective is by means of world revolution to establish the dictatorship of the so-called proletariat into one world union of soviet socialist republics with the capital at Moscow.

The patent and cardinal point for Americans to remember is that the main object of the communists in the United States is to forcibly overthrow our Government, destroy our system of private property, and put in its place a soviet or communistic government. Sovietism and communism are essentially synonymous terms.

HISTORY OF COMMUNISM

Communism and its half-brother, socialism, was first introduced in its embryo form in 1848 by Karl Marx and Friedrich Engels. They published the Manifesto of the Communist Party, which presented the following as its basic thought:

The history of all human society, past and present, has been the history of class struggles; incessant warfare between the exploited and the exploiter, between oppressed classes and ruling classes at various stages in the evolution of society; the struggle has now reached a stage of development when the exploited and oppressed class (the proletariat) can not free itself from the dominion of the exploiting and ruling class (the bourgeoisie) without at one and the same time and forever ridding society of exploitation, oppression, and class struggles.

Communists scorn to hide their views and aims. They openly declare that their purpose can only be achieved by the forcible overthrow of the whole extant social order. Let the ruling classes tremble at the prospect of a communist revolution. Proletarians have nothing to lose but their chains. They have a world to win. Proletarians of all lands, unite.

THE FIRST INTERNATIONAL

To properly understand the development of this movement we must go back to the First International Association of Workers, which was formed at London in September, 1864, largely as a result of the manifesto to which I have just referred. While Karl Marx was largely responsible for this First International, after six years he withdrew his support from it because the anarchists were becoming too powerful within the organization, and he was bitterly opposed to them. As a result this First International Association survived only nine years. It must be said to Marx's credit that he preferred to tear down his own handiwork rather than see the anarchist element get control.

THE SECOND INTERNATIONAL

The so-called Second International, which was organized in Paris in 1889, followed very closely after the teachings of Marx, and to this day remains the guiding hand of world socialism. Before Marx's death in 1883 he found in Nicolai Lenin a very fervent and radical worker. Lenin later repudiated the Second International and became the leader of the radical wing of the socialists.

FIRST RUSSIAN REVOLUTION

Probably no other event or series of events is so much misunderstood by the general public as the events beginning with the abdication of the Czar of Russia and the ultimate control of Russia by the communists, bolshevists, or soviets. Many are of the opinion that the communists were responsible for the overthrow of the Czar. On the contrary, the Communist Party, as we now know it, or its leaders, had very little, if anything, to do with the overthrow of the Government. Czar Nicholas II abdicated and the reigns of government were taken over by the liberal wing of the Duma, the representative body of Russia, whose members were elected by the people. Prince Lvov was the leader of this liberal group, and it is to be remembered that the United States was the first nation to recognize the provisional government of Russia, which was organized on the same democratic principles as our own. This all occurred in March, 1917.

While all this was going on in Russia it should also be borne in mind that the World War was in progress. At this same time Lenin was in exile in Switzerland and Trotsky was living in the Bronx, New York. Kerensky was at the head of the Russian provisional government, which functioned as a representative democracy for eight months,

at the end of which period it was overthrown by the communists.

No matter how justifiable a revolution against the czar's régime, no credit can be claimed by the communists in order to secure sympathy from liberals throughout the world.

Communism made very little growth in Russia until the revolutions took place and the czar's government was overthrown. With the formation of the provisional government political amnesty was declared and all exiles were allowed to return to Russia. Lenin, who was then in exile in Switzerland; Stalin, who was an exile in Siberia; and Trotsky, who was an exile in the Bronx, New York, immediately took steps to return to Russia. Trotsky, who had been delivering orations throughout New York and in Philadelphia made his farewell speech just before sailing for Russia in which he is reported to have said:

I want you people to organize and keep on organizing in America in order that you may be able to overthrow this dirty, rotten Government of the United States. I am going back to Russia to overthrow the government there and stop this war with Germany.

The German Army's general staff knew that it would be greatly to the advantage of the central powers if revolution could be stirred up among the Russian troops. It was with the aid of the German general staff officers that Lenin and 30 other revolutionists were sent through hostile German territory in a sealed car into Russia.

On November 7, 1917, just a little more than a year before the armistice was signed, just a few months before very many American troops were beginning to arrive in France, and at probably the most critical period during the World War, Lenin and about 30,000 communists, taking advantage of the simplicity of the peasants of Russia, promising to give them land and wealth and promising the almost exhausted army a separate peace with Germany at once, staged a revolution that placed 150,000,000 Russian people under communistic, or soviet rule. Kerensky was driven into exile and most of the members of the former government were executed. Lenin and his followers had made an unsuccessful uprising in St. Petersburg in July, 1917, and as a result had to flee to Finland for protection. As the Germans became more successful against the Russian Army, however, the difficulties of the new provisional, or socialistic government, increased and dissatisfaction grew among the troops until finally revolution took place and Lenin took control. It should be kept in mind that the provisional government under Kerensky was a typical socialistic government.

Probably the most interesting and instructive point to the average citizen of the United States who believes in representative government is the fact that at the regular elections in Russia in 1917, there was a communistic party and members of this party ran for offices in the national legislature against the representatives of the Kerensky party. However, in view of the fact that the communists failed to elect a majority of the members of the national assembly it was dissolved by Lenin, the dictator. The first act, therefore, of the official communist or Soviet Government in Russia was to do away with representative form of government. To Americans, this should be a very enlightening point.

THE THIRD INTERNATIONAL

The Third International or what might more properly be called the Communist International was organized by Lenin at Moscow in March, 1919. This International was an outgrowth of the radical wing of the Second International, of which Lenin was the leader. Conferences were held in Switzerland in 1915 and 1916 by the radical group of the Second International. The Third International pretends to be the headquarter association representing the advanced workers in every nation of the world and it no doubt has a great influence among workers in many nations.

The communists or Third International, known in Russia as the "Comintern," had its first international meeting in Moscow in March, 1919. Radicals from all over the world came to the meeting and since that time this Communist International has been the central medium of instigating class warfare and social revolution in all countries, in order to establish a World Soviet Union with the capital of the world at Moscow.

The government of Russia which is known as the Union of Socialist Soviet Republics (U. S. S. R.), is an autocratic, self-constituted dictatorship by a small group of self-perpetuated revolutionists. Lenin was the founder and the first dictator. Joseph Stalin, the secretary general of the communists' party, is now the actual dictator. While the Communist Party as such has less than 2,000,000 members in Russia out of a total population of 150,000,000, yet it entirely controls the Soviet Government which has charge of Russia, and the Communist International, which is the fountainhead of communism throughout the entire world.

To any person who believes in representative government it is enlightening to learn that the Russian Communist Party is the only legal party in Russia. All other parties are outlawed.

We find in Russia three great distinct yet interrelated organizations. First, the Russian communistic party; second, the Soviet Government, and third, the Communist International. While each of these pretends to be a separate organization there is an interlocking directorate that really places all of the control in the hands of the dictator and his advisers. The central committee of the Russian Communist Party, of course, dominates the Soviet Government through its subcommittee of 10 members known as the "Politbureau," whose members as a rule hold all the important offices in the Soviet Government as well as in the Communist or Third International. It should be kept in mind that these officers are self-perpetuating in nature.

The principal function of the various organizations, in addition to governing Russia, is to carry out a propaganda campaign for communism throughout the entire world and to stir up revolution and class hatred in every country that can possibly be reached.

The legislative power of the Soviet Government is vested in the Congress of Soviets, which meets every two years and selects a Central Executive Committee to represent it during the intermission. The Central Executive Committee in turn selects a smaller group known as the presidium. This latter group is the real legislative authority and appoints the local commissars and judges of the government. The presidium is closely affiliated with the politbureau and usually many of its members are the same. Stalin and Mollotoff hold offices in both of these organizations.

I do not intend to take any more time to-day in discussing the development of the Communist Party in Russia. I should like to have time to discuss the economic policy of the communist Government or its so-called 5-year program. To-day, however, I want to take what time is left to discuss the growth of communism in America and to show the cooperation and assistance, leadership and direction that is coming from Soviet Russia to aid and develop the communists of the United States.

THE GROWTH OF COMMUNISM IN THE UNITED STATES

At a meeting of the American commission of the Third International, which was held in Moscow in the month of May, 1929, the following speech was delivered by Stalin, the dictator. This speech was suppressed from general publication, as are many of the speeches, orders, and publications of the soviet or communistic Government of Russia.

Stalin stated:

I consider that the Communist Party of the United States is one of the few Communist Parties to which history has given decisive tasks from the point of view of the world revolutionary movement. The revolutionary crisis has not yet reached the United States, but we already have knowledge of numerous facts which suggest that it is approaching.

It is necessary that the American Communist Party should be capable of meeting the moment of crisis fully equipped to take the direction of future class wars in the United States. You must prepare for that, comrades, with all your strength and by every means; you must constantly improve and bolshevize the American Communist Party. You must forge real revolutionary cadres and leaders of the proletariat who will be capable of leading the millions of American workers toward the revolutionary class wars.

Molotoz, at present a member of the presidium and president of the Council of Commissars, in a report that he made

munist International, stirring up communist activities in foreign

tioned as a representative democracy for eight months,

class warfare and social revolution in all countries, in order

dent of the Council of Commissars, in a report that he made

on the growth of communism and the "revolutionary thrust," made the following statement:

The Comintern has given particular attention to the situation in the Communist Party of the United States.

A special delegation of the executive committee of the Comintern was sent to the last congress of this party (Communist Party of the United States. Afterwards, for several weeks, there sat at Moscow a commission of the presidium of the executive committee of the Communist International which specially studied the situation in the Communist Party of the United States. The presidium of the executive committee of the Communist Party radically renewed the direction of the American Communist Party and created within it the conditions of a real Bolshevist development of the party and of a reinforcement of its authority among the working masses.

The Communist Party of the United States was first organized in Chicago in September, 1919.

Shortly after the party was organized the Government, acting at that time under the provision of war-time legislation, was able to drive this obnoxious growth underground. In 1921 the "Workers Party of America" was formed as a camouflage for the real Communist Party and continued to work under this name until 1924, when, as a result of the repeal of war measures and consequent discontinuance of Government activities on the part of the Department of Justice, the original Communist Party was again permitted to reappear in its old form. Each year these communists have become more bold, until at present they flaunt their revolutionary activities throughout the country, openly encourage class warfare, class hatred, and instill in the minds of the youths of foreign-born and of foreign people a disgust and hatred for the American Government, its institutions and traditions.

Unfortunately, at the present time the Department of Justice has no power, no authority, no funds from Congress to investigate communistic propaganda or activities or suppress the same. I sincerely hope that the Members of this Congress will give serious consideration to the evidence that has been submitted to us by the investigation committee and that at the next session of Congress we will be able to put into effect some healthy remedies for the situation that now exists.

It is extremely interesting to know that when the Communist Party was organized in America a Japanese (Sen Katayana) was chosen as president of the American section of the Third International, and from 1919 until just recently he has represented America at Moscow. This Japanese has had a very interesting and checkered career. He was born in Japan in 1859, and was driven out of his own country in 1916. He found refuge in the United States, where he immediately became a leader in the radical wing of the Socialist Party, which later became affiliated with the Communist or Third International. Recently Katayana was taken to Moscow and employed as an advisor on all Oriental matters. William W. Weinstein is the present head of the American section of the Communist International, although Mr. William Z. Foster has been the active candidate for the President of the United States at the last two elections on the communist ticket.

Surprising as it may seem, many States—Missouri among them—allowed the Communist Party to have its name printed on our regular election ballots.

At the present time the Communist Party of the United States is thoroughly and highly organized nationally and locally and is extremely active. Great encouragement and direction of all local activities is constantly received from Moscow. The effort to communize the foreign-born element in our population has met with greater success than any other effort of the communists. A great effort has been made to get members from the colored race in America, but fortunately, with the exception of those in large population centers, very little progress along this line has been made. The majority of the communists can neither read nor write the English language, and they are reached through the communistic foreign-language press of this country. It is astonishing to learn of the circulation these papers have in the industrial centers of the United States.

Some of the basic principles of the Communist Party in America can best be gathered from the testimony of various communistic leaders. Following is some testimony given before the congressional committee by Mr. Foster, who was twice candidate for President of the United States of the Communist Party:

Mr. FOSTER. Our party considers religion to be the opium of the people, as Karl Marx has stated, and we carry on propaganda for the liquidation of these prejudices amongst the workers.

The CHAIRMAN. To be a member of the Communist Party, do you have to be an atheist?

Mr. FOSTER. In order to be—there is no formal requirement to this effect. Many workers join the Communist Party who still have some religious scruples or religious ideas; but a worker who will join the Communist Party, who understands the elementary principles of the Communist Party, must necessarily be in the process of liquidating his religious beliefs, and, if he still has any lingerings when he joins the party, he will soon get rid of them. But religion—that is, atheism—is not laid down as a formal requirement for membership in the Communist Party.

The CHAIRMAN. Have you been to Russia?

Mr. FOSTER. Yes. Eight or nine times.

The CHAIRMAN. You are familiar, then, with the workings of the Communist Party in Russia?

Mr. FOSTER. Reasonably.

The CHAIRMAN. Well, can members of the Communist Party in Russia be married in the church and maintain religious beliefs of that nature, and practice them?

Mr. FOSTER. My opinion is that a member of the Communist Party of the Soviet Union who would be married in a church would not be of any value to the Communist Party

The CHAIRMAN. Could he maintain his membership in the party?

Mr. FOSTER. He would not.

The CHAIRMAN. He would be put out of the party?

Mr. FOSTER. Eventually, if not for that specific act.

The CHAIRMAN. Would it not be the same in this country?

Mr. FOSTER. As I stated before, workers who would be so imbued with religious superstitions that they would be married in a church would be of no value to the Communist Party.

The CHAIRMAN. And the same thing would happen to them in this country that happens to them in Russia?

Mr. FOSTER Of course.

The CHAIRMAN. What you advocate is a change of our republican form of government and the substituting of the soviet form of government?

Mr. FOSTER. I have stated that a number of times.

The CHAIRMAN. Now, if I understand you, the workers in this country look upon the Soviet Union as their country; is that right?

Mr. FOSTER. The more advanced workers do.

The CHAIRMAN. Look upon the Soviet Union as their country?

Mr. FOSTER. Yes.

The CHAIRMAN. They look upon the soviet flag as their flag?

Mr. FOSTER. The workers of this country and the workers of every country have only one flag and that is the red flag.

The CHAIRMAN. Do you owe allegiance to the American flag; does the Communist Party owe allegiance to the American flag?

Mr. FOSTER. The workers, the revolutionary workers, in all the capitalist countries are an oppressed class who are held in subjection by their respective capitalist governments and their attitude toward these governments is the abolition of these governments and the establishment of soviet governments.

The CHAIRMAN. Well, they do not claim any allegiance, then, to the American flag in this country?

Mr. FOSTER. That is, you mean the support of capitalism in America—no.

The CHAIRMAN. I mean if they had to choose between the red flag and the American flag, I take it from you that you would choose the red flag; is that correct?

Mr. FOSTER. I have stated my answer.

The CHAIRMAN. Could not you answer a little more definitely and specifically whether they owe any allegiance to the American flag?

Mr. FOSTER. I have stated my answer.

The CHAIRMAN. I do not want to force you to answer if it embarrasses you, Mr. Foster.

Mr. FOSTER. It does not embarrass me at all. I stated very clearly the red flag is the flag of the revolutionary class, and we are part of the revolutionary class.

The CHAIRMAN. I understood that.

Mr. FOSTER. And all capitalist flags are flags of the capitalist class, and we owe no allegiance to them.

The CHAIRMAN. Well, that answers the question.

Now listen to the acceptance speech of W. Z. Foster when he accepted the candidacy to run for President of the United States on the communist ticket. This speech was made on May 25, 1928. He spoke as follows:

Our party, different from the Socialist Party, creates no illusions amongst the workers that they can vote their way to emancipation, that they can capture the ready-made machinery of the State and utilize it for the emancipation of the working class. On the contrary, we must utilize this campaign to carry on wide-

spread and energetic propaganda to teach the workers that the capitalist class would never allow the working class peacefully to take control of the State. That is their strong right arm and they will fight violently to the end to retain it. The working class must shatter the capitalist state. It must build a new state, a new government, a workers and farmers' government, the soviet government of the United States. No communist, no matter how many votes he should secure in a national election, could, even if he would, become President of the present Government. When a communist heads a government in the United States, and that day will come just as surely as the sun rises, that government will not be a capitalistic government, but a soviet government, and behind this government will stand the Red Army to enforce the dictatorship of the proletariat.

The Communist Press has a paid circulation of approximately 350,000 in the United States; exclusive of hundreds of shop papers and local publications.

The Daily Worker is published in New York and is a national official organ of the communistic party, and is the only paper that is printed in English. It has a daily circulation of 35,000 and goes into 1,118 American cities and towns.

The following testimony of Mr. Louis Bebrits, editor and chief of the Uj Elore, a revolutionary communist daily printed in Hungarian in New York City given before the congressional committee is both interesting and alarming to an American reading it.

Mr. BEBRITS. I am always fighting against capitalism and seeking to overthrow capitalism and to get a soviet government.

Mr. BACHMANN. Yes; and you would go to the extent of using force and violence the same as they did in Russia when the Russian provisional government was overthrown and the communist took control?

Mr. BEBRITS. I can not imagine a revolution without the same methods as the Russian workers and farmers used.

To a nation whose fundamental philosophy is based on a belief in God, the following testimony of Mr. M. J. Olgin, editor of the Morning Freiheit, is indeed shocking:

Mr. OLGIN. I agree perfectly with what Marx said about religion; that religion is the opium for the people.

The CHAIRMAN. Do you believe in abolition of all religion?

Mr. OLGIN. I believe in enlightening all the people so they may stop believing what don't exist. • • •

Mr. BACHMANN. Since 1922 you owe no allegiance to the American flag?

Mr. OLGIN. Since 1922 I am a communist, and that is a revolutionist.

Mr. BACHMANN. You are fighting to displace the American flag; is that not true?

Mr. OLGIN. I am fighting under the red flag to displace American capitalism by a government of workers and farmers.

Later Mr. Olgin said:

I know of no changes in history that have ever been accomplished without violence and struggles.

To the citizens of America who have long believed in private property, the freedom of opportunity for all, and the sacredness of the American home, the following testimony of Mr. Bebrits, editor of the Uj Elore, is indeed interesting:

Mr. ESLICK. If your idea of the new state would come into being at once, a change from our form of government to the soviet form of government, would you pay the landowner and the merchant and the other property owner anything for his holdings?

Mr. BEBRITS. The landowner, the property owner, will not get anything. I hold it that property owning, in my opinion, is the result of robbing generations of the people.

Mr. ESLICK. You would take away lands, merchandise, banking?

Mr. BEBRITS. Yes.

Mr. ESLICK. All of these forms of industry?

Mr. BEBRITS. Yes.

Mr. ESLICK. You would make no compensation whatever to the owners?

Mr. BEBRITS. No.

Mr. ESLICK. But suppose the capitalist class and individual corporations refused to give it up, then how would you take it away from them except by force?

Mr. BEBRITS. All revolutions are working with force.

Mr. ESLICK. And you would go to the extent of killing him in order to take his property, would you not, if it became necessary?

Mr. BEBRITS. I guess he will be wiser than to say he will stand and get killed.

To organized labor in the United States there should indeed go a great deal of credit for the tremendous forward drive that America has made in the last 50 years. American labor has truly formed the advance guard of our rapid drive in advancing civilization. The improvements in the standards of living in America has come about largely because of the cooperation which has existed between American labor and American industries.

Organized labor should be given tremendous credit for having withstood the onslaughts of communism and socialism that has been directed against it from Moscow. The people of America can never adequately express their appreciation to organized labor for the very brave and decided stand these organizations have always taken against communism.

In 1919 Mr. William Z. Foster, the present head of the Communist Party in America, was an active worker in the American Federation of Labor. No doubt, he was largely responsible for the great Youngstown steel strike which took place at that time. Mr. Foster was also an officer in the Industrial Workers of the World organization in America. As soon as his activities were understood by the labor officials he was immediately put out of the organization. This is the whole idea of the communist Government in dealing with labor. Their idea is to bore from within. Throughout the entire United States the soviet or communist Government has tried to organize unions within unions and has tried to stir up strikes and hatred within our labor organizations.

The farsighted and wise leadership of Samuel Gompers, and now the wise leadership of Mr. Green, have gradually made it possible to eliminate from the American Federation of Labor such cancerous growths in their organization. Probably no other organization in America, including the Department of Justice, has done more to hold the front-line trenches against communism in behalf of Americanism than has the loyal American labor leaders and the rank and file of the American Federation of Labor and of the other great labor organizations of this country. So effective has been the work of these labor leaders that the Communist Party has now had to change its types of propaganda to a certain extent. However, it is to be regretted that in certain important unions of the federation such as the garment, needle, textile, and mining trades, the communists have succeeded in almost breaking up the organizations.

The action of organized labor in dealing with the communists should be a grand and noble example for the industrial leaders of this country to follow. As one of the members on the investigation committee, Mr. HAMILTON FISH, said:

Our economic organization is on trial, and our industrial leaders must link their arms in the arms of our labor leaders if we are to successfully combat this growing evil of communism.

THE WORK OF THE COMMUNISTS AMONG THE YOUTH OF AMERICA

To me the most dangerous and insidious propaganda that is now being practiced by the communists is that among the youth of America. As Hon. JOHN NELSON, my good friend and colleague, a member of the investigation committee, said:

America can have no more vicious or dangerous enemy than he who seeks to implant in the minds of impressionable youth the seeds of class hatred, anti-Americanism, and revolution. In the world of practical affairs, to American-born men and women, with minds toughened by contact with an imperfect world, the philosophies of the communist make but little appeal; but youth, with its energy and idealism, lacking the experience and judgment to weigh and discriminate, is often distressingly warped and deluded in its formative years by the trickery of this propaganda.

Communistic propaganda activities among the youth of America are carried on through two organizations, the Pioneers of America and the Young Communistic League. Membership in the Young Pioneers of America is made up of children from 8 to 15 years of age. At the latter age they graduate into the Young Communistic League, with which organization they are affiliated until they reach the age of 23, when they become eligible for membership in the Communist Party proper.

Modeling after the noble organization of Boy Scouts of America, and yet despising that organization, the communists have their own organization, Young Pioneers. In this organization the children, largely foreign born, are taught contempt for law, government, and religion. In-

munism and world revolution. To undersell the rest of the world

astonishing to learn of the circulation these papers have in the industrial centers of the United States.

State and utilize it for the emancipation of the working class. On the contrary, we must utilize this campaign to carry on wide-

labor has truly formed the advance guard of our rapid drive in advancing civilization. The improvements in the stand-

structions containing detailed information are issued to the leaders having this work in charge. Schools are held in our cities where teachers or leaders of these Young Pioneers are trained. You parents who have boys who are members of the Boy Scouts of America and who are acquainted with the loyalty of these young members and the pledge that they take listen to the oath that all pioneers must take upon joining that organization:

I pledge allegiance to the workers' red flag and the cause for which it stands. One aim throughout our lives—freedom for the working classes.

The Young Pioneers are taught that the workers and their children all over the world have but one fatherland, the soviet fatherland, but one flag, and that the red flag, symbolizing the red blood of the workers of the world.

To this organization of young boys and girls, and the organization, the Young Communist League, is often given the job of passing out treasonable literature. The communists realize that if the grown-ups gave out the literature they would be either arrested or subject to mob violence, but they know by having the youngsters give out this literature they will not be molested.

One of the most important features of work done by the communists among the young people is the conducting of schools for foreign-born children. The primary purpose of such schools is to teach the principles of communism and prevent the Americanization of the children of these foreign-born people. Summer camps are also maintained for the children. In 1925 there were just two of such camps in the United States, but in 1930 they were increased to more than 20.

During attendance at these camps the children are educated in the principles of communism, they are taught anti-religious ideas, and are also taught to hate and hold in contempt all American institutions and all religion. They are taught further to render no allegiance to the American flag, the Stars and Stripes, and it is never displayed at any of their camps to-day. On the contrary, they are taught to reverence the red flag of communism and world revolution and to properly pledge allegiance to it. Communist schools and communist camps serve no other purpose than to prejudice the children of America and to try in every way that they know how to overthrow our present Government.

Again, I say the work of the communists among the young people of America is the most pernicious and dangerous of all the propaganda that they are now carrying on. If America is to stand by and give the Communist Government, a foreign government operating from Moscow, free access to the plastic minds of the children of America in its attempt to sow the seeds of anarchy, revolution, and class hatred, we are unconsciously aiding the most pernicious enemy of civilization in its conquest to overthrow organized government in the world.

There is an irrepressible conflict between Russian communism and a belief in God. The Communist International and the Soviet Government have declared war on religion. They have done everything to mock, descry, and outlaw religion. They have torn down shrines, desecrated temples and burial grounds, turned churches into clubs, and have murdered priests and clergy by the thousands. Communists openly claim that no one but an atheist can be a true communist.

The recommendations made to this Congress by the congressional committee appointed to investigate communistic propaganda are:

First. Instruction of our consular officers abroad to be very strict in the selection of immigrants and the issuing of visas.

Second. Authorization and appropriations to enable the Department of Justice to resume the work which was carried on previous to 1924, that of following up radical activities in the United States and cooperating with the various States in the same kind of work and reporting the same to the Congress.

Third. Additional appropriations to enable the Department of Labor immediately and continuously to deport all undesirable and illegally entered aliens whose deportation is indicated under our existing statutes.

Fourth. Amending of our present immigration laws so as to make it possible for us to more fully rid ourselves of criminal aliens, including all of those convicted under the anarchy and criminal syndicalism laws of the Federal States.

Fifth. Amendments to our postal regulations giving authority to the post-office officials to more strictly supervise the publication and transmission through the United States mails of radical publications which have as their object the overthrow of our Government.

Sixth. The encouragement and support of organized labor.

It has, indeed, been truthfully stated that America's best defense against the "red shirt" of the communist and the "black shirt" of the fascists is the "blue shirt" of the American workingman. In our fight against communism we can have no more effective ally than the 5,000,000 patriotic citizens comprising the American Federation of Labor and our other labor organizations.

AMTORG CORPORATION

I am going to take a minute or two to tell you something about Amtorg. I do not want to take up the economic situation at this time because of lack of time.

Russian trade in this country is conducted through an agency called the Amtorg Trading Corporation. It is incorporated under the laws of the State of New York. All of the stock of the corporation stands of record in the name of Peter A. Bogdanov, chairman of the board of directors, as trustee for the Bank of Foreign Trade of the Soviet Union. This bank is owned by the State Bank of Russia, and the State Bank of Russia is owned by the Soviet Government. Not a share of stock of this corporation is owned by an American. Every official of Amtorg with but one exception is a citizen of Soviet Russia.

The business of Amtorg Trading Corporation is conducted largely on a credit basis, with only $2,000,000 invested capital, and the commerce to America from Russia is equal to about one-third of the amount of its purchases in the United States. From 60 to 65 per cent of its business must of necessity be on a credit basis. The Soviet Government claims that in 1929 Russia sold us over $30,000,000 in commerce and we exported to Russia over $107,000,000 in commerce.

When called before our committee a number of the officials of Amtorg denied they were communists, but nearly all of them were communists in Russia. Before coming here some of them held very high positions with the Communist Party or the Soviet Government. They severed their communist relationships to come to the United States.

The biography of Peter A. Bogdanov, chairman of the board of directors of Amtorg, shows he began his career as a revolutionist when only 18 years of age and while yet a student. He was arrested in 1902 and served a prison sentence. In 1905 he was elected a member of the Bolshvik executive committee of the Russian Socialist-Democratic Labor Party and a member of the underground organization in the army. Later he went to Moscow and became active in the underground subversive organization as a member of the Communist Party.

In the beginning of the communist revolution he was president of the revolutionary committee of Gomel City. In 1919 he was appointed president of the council for the military industry and in 1921 president of the supreme economic council. During the year 1923 he was appointed chief of the supreme administration of the military industry and president of the committee for war minister orders.

He is now the highest official of Amtorg. Admitted to this country as a temporary visitor for the purpose of overseeing the affairs of this trading corporation, it will be interesting to note how long the Government of the United States will permit him to remain here.

The investigation of the committee discloses that Mr. Delgassa, vice president of the Amtorg, resigned and gave as his reason that he would not sign a statement of perjury, as would be the case if he made a statement to the effect that he was not a communist. He further stated that Amtorg was filled with communists, and after his resigna-

tion he was afraid to go on the streets because under the Russian courts and the order of the secret police this man had been sentenced to be shot and forfeit all of his property for having testified against communism.

We hear a great deal about the so-called 5-year economic program of Soviet Russia. To understand this we must analyze the action of the government toward the landowners of Russia, particularly the Kulaks, or more successful peasant farmers. Any farmer who owned more than two cows and two horses was considered wealthy and his property was largely confiscated by the Red Army.

The Soviet Government has gradually taken over most of the land in Russia, and is operating at the present time farms ranging in size from 185,000 to 500,000 acres. The labor on these farms as well as in the lumber camps is composed largely of forced, convict, and conscript labor.

G. T. Grinko, vice chairman of the Union of Socialist Soviet Republics State planning commission, who is credited in a large part with being the author of this plan, in his recent book entitled "The Five Year Plan of the Soviet Union," in the first chapter, under Planned Economy and Perspectives, defines the 5-year plan, its purposes, and objects:

"The 5-year plan is a program for the further extension and consolidation of the great October revolution. Nor should the great international significance of the plan be underestimated. For the first time in history a vast country, with inexhaustible natural resources and a population of 150,000,000 free people, faces the world with an elaborate plan for upbuilding a socialist economy and culture—a socialist society. We fully share the view expressed in the editorial of the Pravda of August 29, 1929: "The 5-year plan is an important part of the offensive of the proletariat of the world against capitalism; it is a plan tending to undermine capitalist stabilization; it is a great plan of world revolution."

Its hope of accomplishment is thus defined:

"The great task set by the 5-year plan for the development of the productive forces of the Soviet Union through rapid industrialization and steady strengthening of the socialist elements in national economy is that of attaining and surpassing the technical and economic level of the advanced capitalist countries, thus assuring the triumph of the socialist system in its historic contest with capitalism."

The following statement is taken from the book written by the author of the 5-year plan (Prospects of Industrial Development):

These, to sum up, are the major statistical barometers of industrial development in the Soviet Union: 22,000,000,000 kilowatt-hours of electric current, 140,000,000 tons of coal, 40,000,000 tons of crude oil, 17,000,000 tons of cast iron, 8,000,000 tons of chemical fertilizers, nearly 150,000 tractors, and nearly 250,000 automobiles, 2,000,000,000 rubles' worth of industrial machinery, and more than a billion rubles' worth of agricultural implements will be produced in the last year of this 5-year period.

The unfortunate situation in regard to the Russian 5-year plan is that the actual execution of this plan is being carried on under the direction of foreign engineers and experts, many of whom are Americans. The testimony presented to the committee indicates that the largest line of credit extended the Soviet Government in the purchase and installation of machinery comes from American industry. It is almost impossible to believe that certain American industries are willing to go to the extent of financing a Government that is carrying out a plan to destroy not only American industry but industry throughout the world.

The 5-year program will have a particularly striking effect on agriculture. From 1924 until 1929 Russia exported very little wheat. By the end of the first year of the 5-year program Russia exported 100,000,000 bushels of wheat, largely from the Government owned and operated farms. Mr. Gutchikoff, president of the Russian Grain Trust, states that in 1931 acreage will be increased 150 per cent and that the trust will export more than 200,000,000 bushels of wheat. This means the ultimate destruction of the world market for American wheat.

If I had time, I could give similar figures for cotton, fruit, cattle, tobacco, beet sugar, oil, manganese, and particularly lumber and pulpwood.

I wish to quote here a conclusion arrived at by the congressional investigating committee in regard to the 5-year program:

Conclusions as to the 5-year plan: Boiled down to a reasonable conclusion, if the 5-year plan succeeds, the Soviet Union is to become a great money making machine that it may finance communism and world revolution. To undersell the rest of the world in agricultural and industrial products is a part of the scheme to create unrest, ripening into revolution.

This activity would affect us ultimately in the destruction of our grain and cotton markets; especially is this true of wheat and cotton produced by peasant labor on Government-owned and controlled land, practically without cost, and with which American labor can not compete. The same would be true in the industrial world. Russian products have already practically destroyed the manganese industry with us. It seemingly threatens our lumber and wood-pulp industries, as well as the anthracite coal and oil markets, and the proof strongly indicates that convict and impressed labor are used especially in producing lumber and pulpwood.

Taken in connection with the acts and avowed purposes of the Soviet Union, the 5-year plan is not intended alone to benefit the home union and government and to improve the condition of the Russian people. It goes much further. Its purpose is not to build up but to tear down and destroy.

Pravda, the communist organ, of August 29, 1929, fully defines its purpose:

"It is a plan tending to undermine capitalist stabilization. It is a great plan of world revolution."

In closing, let me repeat that the most effective and remedial measures that can be taken against this obnoxious growth in our body politic is the understanding by the general public of their principles and practices. These principles and practices are innately abhorrent to the liberty loving and orderly minded American. It is self-evident that the communists have only one object in view, not to obtain control of the Government through peaceful and legal political methods of a political party, but to establish by force and violence a dictatorship to function under the supervision of the Communist International at Moscow. Let us take effective measures against this "enemy within our lines."

THE TRAGIC YEAR—COUNTRY SUSTAINED ECONOMIC LOSS IN 1930 APPROXIMATING ONE-THIRD THE TOTAL NATIONAL WEALTH—SLUMP IN FARM PRICES AND INDUSTRIAL PRODUCTION UNPRECEDENTED IN NATION'S HISTORY—ENORMOUS INCREASE IN BANK AND BUSINESS FAILURES

Mr. BYRNS. Mr. Speaker, for a year and a half, ever since the autumn of 1929, this country has been in the depths of the most serious economic depression in its history. It is generally admitted that the year 1930 brought to American industry, including agriculture, and to the American people as a whole the most serious distress ever experienced during any period of peace in the history of the Republic. Economic values shrunk to such a degree that the losses involved probably equaled or exceeded one-third the total national wealth, estimated at something like $350,000,000,000, a shrinkage greater than the total wealth of any of several European nations.

ADMINISTRATION RESPONSIBILITY

As to the degree of responsibility for this economic disaster resting upon the political party now in power, the people may be left to determine for themselves. This disaster has reduced many among our agricultural population to such extremes of want that the cry for bread has swollen to a chorus, has filled our industrial cities with bread lines and soup houses, has paralyzed industry, and reduced our national income so seriously that we are confronted with a deficit in the Federal Treasury it now appears will amount to several hundred million dollars.

Whatever the degree of responsibility of the Hoover administration for the crisis which came upon the country following the stock-market panic of 1929, that administration can not point with truth or certainty to a constructive effort on its own part which in any degree lessened the seriousness of the situation, or in any substantial degree alleviated the misery from which a people have been suffering. This notwithstanding the fact that this great depression settled upon the country during the administration of a President who was advertised in the campaign preceding his election as the best-equipped man ever offered for the Presidency by any political party, as being indeed a veritable worker of economic miracles who would lead the country along the high road of prosperity and happiness until we reached that Utopian state in which the poorhouse would become only a memory.

In years gone by the Republican Party has always posed as the party of prosperity, as the only party fit to or with the capacity to govern; we were told that Republican policies were a guarantee of good times and that it was only under Democratic administrations that panics could occur. President Hoover lent himself to this fiction. Indeed, no candidate of his party ever went quite as far as did he during the presidential campaign of 1928, when he attributed all of good the people had enjoyed for nearly a decade to the policies and leadership of the Republican Party and, in effect, gave his guarantee that if the people would but elevate him to the Presidency and continue his party in power they would ere long reach that goal when poverty would be banished from the land. He talked glibly of the increased use of telephones, automobiles, of bathtubs, and so forth, and advertisements printed in the newspapers of the country by the campaign committee of his party promised to put a chicken in every pot and a car in every garage.

Implying that Republican policies under his immediate predecessors, Presidents Harding and Coolidge, had wrought an economic miracle, Candidate Hoover said in a speech delivered at Newark, N. J., September 17, 1928, of 5,000,000 men alleged to have been out of work when President Harding was inaugurated and Mr. Hoover became Secretary of Commerce that not only had these men been restored to employment but that—

We had produced a fundamental program which made this restored employment secure on foundations of prosperity.

He said this result was not an "accident" and was not "achieved by luck" but was due to the "sound governmental policies and wise leadership" of the Republican Party, and added:

Continuous employment and prosperity depend upon the continuance of these policies.

A little earlier, in his speech of acceptance at Palo Alto, Calif., on August 11 of the same year, Mr. Hoover held out the hope of the eradication of poverty and the elimination of the poorhouse as the goal to which these policies were eventually to lead. He said:

The poorhouse is vanishing from among us. We have not yet reached the goal, but, given a chance to go forward with the policies of the last eight years, we shall soon, with the help of God, be in sight of the day when poverty will be banished from the land.

PROMISES VERSUS PERFORMANCE

Before calling into review the distressing and calamitous occurrences of the last year and a half it should be said that the claim that the prosperity which the people of this country enjoyed between 1921 and 1928, for which Mr. Hoover claimed all of the credit for his party, was due to those policies was a false claim, as may be easily shown. The country and the world had but recently returned to the ordinary pursuits of peace time. For more than four years the greatest nations of the earth had been engaged at the business of mutual destruction. With the return of peace, restoration was begun. This country had loaned to European countries something like $15,000,000,000. This gave great impetus to our trade. These loans financed foreign purchases of the products of our farms and factories.

For our own part, for four years our energies had been devoted to the production of food and other essentials for waging war. Road, railroad, and building construction were practically suspended. With the coming of peace, these things took on an impetus unparalleled in the industrial history of any country. Automobile production reached an unprecedented figure. Instalment buying was encouraged, and workers mortgaged their earnings for months ahead. These things brought about the prosperity of which Candidate Hoover talked, and not any "unparalleled service" by the Republican Party, as he claimed. But the balloon had gone too high; it ran out of gas; the crash had to come. It did come and it brought with it such a train not merely of agricultural and industrial disaster but of human hunger and woe that for long, long years to come the year 1930 will be referred to as the tragic year—the year during which a proud and prosperous people reached the bottom of the abyss of distress.

SHRINKAGE IN VALUES

I have said that economic losses sustained during the 1930 panic year equaled about one-third the total national wealth of the country. In 1928 the national wealth of the United States was estimated at slightly in excess of $350,000,000,000.

From the peak of the inflation, in September, 1929, to December, 1930, the shrinkage in security values was not less than $80,000,000,000. The Wall Street Journal fixed the total value of all securities listed on the New York Stock Exchange at $136,409,448,062 in September, 1929, and in December, 1930, at $96,404,684,348, a shrinkage of slightly in excess of $40,000,000,000. It is estimated that the value of all securities listed on the New York Stock Exchange is about half the value of all securities outstanding. Possibly it is a little less than one-half the total. If the securities shrinkage on the New York Stock Exchange alone was in excess of $40,000,000,000, then the total shrinkage for all securities, listed and unlisted, was not less than $80,000,000,000.

It may be said that some of this was a "paper loss." Unquestionably some of it was. But much of it was actual. Certainly it was real to those who bought securities at peak prices and were sold out by their brokers because they could not produce the money with which to protect their markets. When those stocks changed hands at peak prices, somebody was obligated to pay for them. Probably some are still held by their purchasers, but it will be a long time before they will be able to sell those securities at the high prices which they paid for them. Even admitting that much of this tremendous shrinkage was a "paper loss," $80,000,000,000 is a very huge sum, and such allowance can be made and still leave a very staggering real loss which security holders must absorb.

INDUSTRIAL CURTAILMENT

The Census Bureau reported the value of the output of manufacturing plants in the United States during 1929 at somewhat more than $69,000,000,000, or in round figures, $70,000,000,000. The industrial curtailment during 1930 was very marked. Probably it is too conservative to say that the curtailment was 20 per cent. But employing that low figure, the reduction in industrial output under 1929 was $14,000,000,000, and the tremendous unemployment throughout the year would indicate that the reduction was probably considerably more than that. This decreased industrial production was a very heavy loss, felt not only by the industrial enterprises themselves but by every stockholder, every employee who was laid off or had his working time reduced, by every producer of raw materials, every jobber, every commission merchant or retailer who handled the products of these plants and shared in the profits ordinarily derived from handling these products from the farm, field, or mine from which the raw material came to the ultimate consumer who purchased the finished product.

UNEMPLOYMENT

It is easily demonstrable that the loss due to unemployment among wage earners was well in excess of $10,000,000,000. In its issue of October 15, 1930, Standard Trade and Securities said that the reduction is potential purchasing power "caused not only by actual unemployment but the further loss due to subnormal number of working hours and wage cuts," exclusive of agricultural and Government workers, was $8,853,000,000. This figure was based on an unemployment estimate of only 3,742,000. Since that time it has been shown that the number of unemployed is probably double that figure. On January 7 of this year, Col. Arthur Woods, chairman of the President's Emergency Committee for Employment, fixed the number of wage earners without any job at from four to five millions, while on January 27 of this year President William Green, of the American Federation of Labor, placed the number of wage earners totally unemployed at 5,700,000, with also a large increase in the number of part-time workers. This number of unemployed in January was estimated by President Green as being 2,300,000 greater than the number completely without work one year before. The January survey of the American Federation of Labor showed 27 per cent of the skilled workers affiliated with that organization to be "totally unemployed."

In a statement issued synonymous with the unemployment report, President Green condemned the Federal administration for its failure to comprehend the seriousness of the situation and its "inexcusable delay" in starting a national work project. Only the kindly hand of charity was preventing thousands upon thousands actually dying of starvation.

The average wage of wage earners in the United States is $1,200 per year. Applying this figure to only 5,000,000 totally unemployed, as admitted by Colonel Woods, the wage loss for one year from unemployment is $6,000,000,000. If we take the larger figure of President Green, even with no allowance whatever for unemployment among office workers and farm hands, the loss in pay rolls is easily $10,000,000,000. More probably it is fifteen billions.

VALUE OF FARM PRODUCTS

Serious and long-continued as the distress of agriculture has been, it will doubtless be surprising to some to know that farm crops in the United States is 1930 had a value of $2,400,000,000 less than the value of the same crops produced in 1929. The figures are reported by R. G. Dun & Co. and are therefore reliable, particularly as they are backed up by figures obtained from the Department of Agriculture only a few days ago.

This terrific shrinkage in farm-crop value—amounting to about $400 per farm family—was not due to decreased acreage or to decreased production but almost solely was occasioned by lower prices for the farm products.

In 1929 the total wheat production of the United States was 806,508,000 bushels, with a value fixed by the Department of Agriculture at $840,921,000. In 1930, according to the same authority, wheat production totaled 850,965,000 bushels, with a value of only $517,407,000. Thus, although production was increased by nearly 45,000,000 bushels, the value of the crop fell by $227,000,000.

In 1929 the cotton crop amounted to 14,919,000 bales, valued by the Department of Agriculture at $1,225,000,000. In 1930 the cotton crop amounted to 14,243,000 bales, with a value of only $674,044,000. While production decreased nearly 700,000 bales, or about 5 per cent, the value of the crop decreased more than $550,000,000, or more than 40 per cent.

In 1929 the corn crop was 2,622,000,000 bushels, valued at $2,042,000,000, or close to 80 cents per bushel. In 1930 the production fell to 2,081,000,000 bushels, while the value of the crop dropped to $1,378,874,000, or to but slightly more than 65 cents per bushel.

In 1930 the production of oats, rye, and white potatoes exceeded the production of the preceding year, yet, despite this fact, the value of all farm crops in 1930 was nearly two and one-half billion dollars less in 1930 than in 1929, or an average of $400 per farm family. This is almost half the total average annual net income per farm family. This happened in the face of the promises of the Hoover administration to solve the farm problem and place agriculture on a parity with other industries.

What were some of the Hoover administration promises? In its national platform of 1928 the Republican Party said:

The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

If the Hoover administration has placed agriculture on an economic equality with other industries, it is the equality of distress, and has been brought about by bringing other industries down to a level with agriculture rather than elevating agriculture to a level with industry in the prosperity it enjoyed prior to the tragic year 1930.

In his speech of acceptance at Palo Alto, Mr. Hoover said that the problem of agriculture was the "most urgent economic problem" confronting the country and that "we have pledged ourselves to find a solution." He dedicated his abilities to "secure prosperity and contentment in that industry where I and my forefathers were born."

What did the Hoover administration do? It passed the Hawley-Smoot tariff bill, and it passed the act under which the Federal Farm Board was created with what the President, when he appointed the members of the board, characterized as "responsibility, authority, and resources such as have never before been conferred by our Government in assistance to any industry." This board was appointed in July, 1929, and since that time Congress has given it $500,000,000 without hint or hindrance as to what it should do with it or how it should be expended, saying only that it use the money to solve the problem of the farmer and end his distress.

What have been the results? Despite this huge sum of money placed at the disposal of a board endowed with unprecedented authority, the farm crops of 1930 were worth less by nearly two and a half billion dollars than those of 1929. From January, 1930, to January, 1931, the index of the general level of farm prices as reported by the Federal Bureau of Agricultural Economics dropped 40 points, to the lowest level since 1912, the last year of the Taft administration. Wagon prices for wheat in the Middle West dropped perilously close to a half dollar per bushel, and during the last winter the Associated Press carried the news that in Iowa wheat was actually used for fuel because it was cheaper than coal, while in Chicago oats brought less than the price of sawdust. Despite its unlimited authority and the expenditure of this huge sum of money the Farm Board which President Hoover appointed to diagnose and cure the ills of agriculture has been able to recommend nothing to the farmers except that they curtail the acreage devoted to production. On one occasion one of the members of the board suggested that farmers transfer 5 per cent of their acreage to reforestation, probably on the assumption that if they would wait 30 years for the trees to mature they could be converted into sawdust and sold at a better price than oats would command.

SLUMP IN FOREIGN TRADE

Another heavy loss sustained by the country during the tragic year 1930 was in its foreign trade. The total volume of this trade fell off, as compared with 1929, by $2,737,780,000, or approximately two and three-quarters billion dollars. Exports declined during the year by $1,399,788,000 and imports by $1,337,992,000. The decrease was more than 25 per cent. In January of this year there was a further slump of $287,000,000 in our foreign trade.

Mr. Hoover himself furnished a yardstick with which to measure the value of foreign trade to our people, and its effect not only on business but upon the American home. In his speech at Newark, N. J., on September 17, 1928, he said:

More than 2,000,000 families in the United States earn their living to-day producing goods for export and another million families earn their living in the manufacture of raw materials which we import in exchange for our goods.

He pointed with pride to the circumstances during the years between 1921 and 1928, years in which he presided over the Department of Commerce and was hailed as a great trade expert, that American exports had increased by a billion dollars. He said that this increase had "brought a living to a half million families," and, generally speaking, meant higher standards of living and higher wages to American workers.

In one year of his presidency the total volume of foreign trade declined by two and three-quarter billion dollars. If 3,000,000 families earned their living in our foreign trade in 1928, as he pointed out, then when that trade fell off more than 25 per cent in 1930, more than 25 per cent of those 3,000,000 families were deprived of that means of earning their livelihood.

The greatest single factor contributing to this disastrous loss of trade must be conceded to be the Hawley-Smoot tariff bill, which President Hoover signed, in great haste, with what amounted to an apology, that it was better to end the existing uncertainty by signing a bad bill than to keep the country in suspense as to the sort of a tariff bill that would finally be enacted.

As a result of that act scores of countries which have been friendly customers passed retaliatory tariffs. Trade began to dwindle months before the tariff act was finally approved, because the world had long known that the act itself would not be very different from that which the House had passed, a bill carrying the highest tariff rates in our history, many of them practically embargoes. It is interesting to note, however, that of the two and three-quarter billion dollar falling off in foreign trade in 1930, one and three-quarter billions of the loss occurred during the second half of the year, after the Hawley-Smoot Act had gone into effect.

While this act, which has had this blighting effect on international commerce and has thrown millions of American workers out of jobs, was approved apologetically by the President, other spokesmen of his party hailed it as a benefaction to mankind and proclaimed it a worker of economic miracles. In the Senate, on the eve of the vote by which the bill was passed by that body, Senator WATSON, of Indiana, Republican leader in the Senate, voiced this optimistic prophecy:

It is my prediction, deliberately made on the floor of the United States Senate, that after the passage of this bill this afternoon the skies will clear, and within a comparatively brief time the sun again will shine and bring prosperous conditions and happy days back to the people of the United States.

That prediction was made last June. The answer is written in the faces of those who stand in the bread lines and haunt the soup kitchens in every industrial center in America; it is found in the unemployment figures of the president of the American Federation of Labor and of the chairman of the President's own commission on employment. It is reflected in lowered security values, decreased industrial output, in the number of corporations and individuals showing, not merely reduced earnings but actual losses. In fact, one wag has suggested that the only man who has been able to make any profits of late is the fellow who manufactures red ink. Unless conditions improve soon, he may be under the necessity of consuming a large part of his own product.

BANK AND BUSINESS FAILURES

For banking institutions and business houses generally, 1930 was indeed a tragic year.

R. G. Dun & Co. reports that for 1930 the number of bank failures in the United States was 934, and their liabilities amounted to $908,157,788, as compared with 437 failures during 1929, with liabilities amounting to $218,796,582. The number of failures more than doubled, while the liabilities involved almost quadrupled. The Federal Reserve Board gives the number of failures during 1930 as in excess of 1,300. The discrepancy is accounted for by the fact that in one case the number of mere suspensions is not included but only actual failures. I have used the smaller figures as reported by R. G. Dun & Co.

The same agency reports that during 1930 the number of commercial or business house failures was 26,355, with liabilities aggregating $668,283,000, as compared with 22,909 failures with liabilities totaling $483,250,000 during 1929.

The Republican Party wrote these words into its platform back in 1904:

A Democratic tariff has always been followed by business adversity; a Republican tariff by business prosperity.

It is interesting to note here for the benefit of those, if any, who still cling to this Republican fiction that the number of bank failures during one year of the Hoover administration, 1930, exceeded by 188 the number of all the banks failing during all of the eight years of the two administrations of Woodrow Wilson, and that the liabilities of the defunct banks were almost four times as great. From 1913 to 1920, inclusive, eight years of the two last Democratic administrations, the total number of banks failing was 746 and the amount of liabilities involved $226,484,447.

OTHER FIGURES

There are other figures, but they merely serve to increase the evidence of the enormity of the shock which our economic structure has sustained. For instance, R. G. Dun & Co. reports that during 1930 the total amount of bank clearings fell below the 1929 figures by $174,000,000,000. Gross railroad earnings during the year fell below those of 1929 by $964,000,000, while net earnings of first-class railroads fell off by $389,594,000. Building permits in only 37 States fell below those for the same States in 1929 by $1,250,000,000. During 1930—and all figures I am giving are from R. G. Dun & Co.—pig-iron output decreased under 1929 by 10,800,000 tons; steel output fell off 14,660,000 tons; cotton consumption at home decreased 1,726,000 bales and exports of cotton by 1,922,000 bales; while the value of wheat exports decreased $23,000,000.

The foregoing is the record of what has occurred; a record of cold figures and indisputable facts. But, in the minds of many, the severest indictment yet brought against the Hoover administration is its callousness; its failure to even try to do anything; its ostrichlike attitude of refusing to see or hear; its failure to recognize conditions as they did exist. In fact, the charge is warranted that the administration either willfully misrepresented the real condition or was woefully ignorant of the facts. Neither can we forget that during most of the crisis, if the administration has felt any concern at all, it has been for the great, selfish money interests rather than for the masses of the people.

We recall that in November, 1929, when the great stock-market panic broke on Wall Street, Mr. Hoover and Mr. Mellon, the Secretary of the Treasury, rushed forward with a proposal for a decrease in the income-tax rate, for the obvious purpose of "pegging" the stock market and stopping the break in prices. This suggestion came, not when it would do the small investors, or even the small speculators, any good, but after the savings of thousands had been wiped out. The market was then "pegged" and the big gamblers were able to buy in the dumped stocks at prices which were but a fraction of their former quotations. We know that every time a proposition has been made to meet the adjusted-compensation claims of the World War veterans, or to liberalize treatment of them, their widows, and orphaned children, we are told that the Treasury can not afford it, and that it would be disastrous to the bond market. Yet somewhere in the recesses of the Treasury Mr. Mellon has been able to find enough money to pay out $3,000,000,000 in tax refunds and credits, although 83 per cent of the money so refunded was collected by the Woodrow Wilson administration more than a decade ago, and was collected in excess profits, much of it from war profiteers, for the sole purpose of paying the expenses of winning the war. And the end of these refund payments is not even yet in sight.

FALSE OPTIMISM

We recall, apropos the disposition in high places to deny that conditions were anything like as bad as they have since been proven to be, how in January and February of last year frequent statements were issued from the White House to the effect that the worst was over, that the pendulum was swinging in the right direction, that the upturn had occurred, and that prosperity was only 60 days around the corner. On January 21, 1930, a White House statement said that—

The tide of employment all over the country has changed in the right direction.

The same day Secretary of Labor Davis said that employment was definitely on the upward trend. He insisted that the number of unemployed was not more than half as great as back in 1921, and never did he admit the number out of work to be in excess of 3,000,000. He predicted a great deal of business in 1930, and that the year should see us well on the way to complete recovery from the depression of the last few months of 1929. Secretary of Commerce Lamont joined the Pollyanna chorus and predicted a record year for 1930 in construction and maintenance work. Yet six months later the chairman of the President's own committee on employment admitted the number then out of work to be almost double the highest figure Secretary Davis ever conceded, while instead of the record year in construction which Secretary Lamont foresaw, Dun & Co. report a falling off of a billion and a quarter dollars in the amount of building permits in only 37 States. If the other 11 were added the decrease would likely be more than a billion and a half.

The attitude of the administration toward the whole situation is well illustrated by the remarks of the President himself, made to a committee of visitors calling at the White House on June 4, 1930, to urge a speeding up of public works as an aid to the unemployed and an example to private industry, that the idle might be put to work, and a little coal be stored in the bin and flour in the pantry against the hard days of the winter to follow. This committee consisted of a distinguished number of bishops, manufacturers, bankers, and so forth. One of its number was Hon. Amos Pinchot, brother of Pennsylvania's Governor. Writing months afterwards, in the issue of the Nation of January 14, 1930, of how the committee's suggestions were received by President Hoover, Mr. Pinchot said:

THREE WEEKS TOO LATE

We were listened to with the scant patience and restrained exasperation of a man who knew every angle of the situation far better than we who had presumed to advise him. Whereupon he launched into a clear, forcible, and convincing speech, in which he proved to us that we were wrong in every point. Unemployment, he said, was being shamefully exaggerated. Its peak had been reached and passed. The tide had turned. The Census and Labor Departments reports and other information to which, as he reminded us, he had better access than we, would presently show that things were quite different from what we feared. Yes; we were now to drift peacefully, if slowly, back to good times. With calm confidence he spoke of the results that were being gained through the conference he had called of great business leaders and of their fine response to his appeal not to curtail the volume of their activities. He showed us, in authoritative style, that every agency of both the Federal and State governments was working at top capacity to relieve the situation. "Gentlemen," he said, "you have come three weeks too late."

Yet, six months later, Colonel Woods, the President's own representative, found the number of unemployed to be almost double the number admitted by the administration at the time the President was saying unemployment was being "shamefully exaggerated." If he had said it had been "grossly underestimated," he would have been nearer the truth.

Undoubtedly the President believed what he said, for it is a matter of record that instead of the Government taking the lead at that time in speeding up public works it lagged behind. Congress was then in session. It adjourned on July 3, 1930, after making appropriations for the fiscal year beginning July 1. It is a matter of record that not only did neither the President nor his Budget Bureau recommend any increased expenditures for public works to take up the slack in employment but that appropriations which were made by the Republican Congress on the recommendation of the Republican President for public construction were actually almost $26,000,000 less than made for similar purposes during the last preceding year. It was not until winter came, not until the bread lines had lengthened to distressing proportions, not until the wolf of hunger was at the door of millions of homes that the President or anybody identified with his administration came forward with a suggestion that a single extra dollar be expended on a Federal construction program.

The administration's failure to realize the seriousness of the unemployment situation during 1930 was as complete as its failure to appreciate the seriousness of the suffering of men, women, and children in the drought area, covering 21 States, in January of this year, when John Barton Payne told a Senate committee the four million and odd dollars then available for relief work was ample and that to make an appeal for additional funds would make the Red Cross a laughing stock. Yet within a week Mr. Payne joined President Hoover, who is also president of the Red Cross, in appealing to the country for $10,000,000 additional relief funds.

ECONOMIC LOSSES IN 1930

I append hereto figures on the shrinkage in security values, losses in bank and commercial failures, decreased railroad earnings, and so forth, which give an idea of the economic shock sustained by the country during 1930:

Shrinkage in security values from peak in September, 1929, to December, 1930	$80,000,000,000
Loss in wages of unemployed during 1930 not less than	$10,000,000,000
20 per cent decrease in value of manufactures (under 1929)	$14,000,000,000
Decrease in foreign trade under 1929	$2,737,780,000
Failure of 934 banks in 1930, with total liabilities of	$908,157,788
Failure of 26,355 commercial houses, with total liabilities of	$668,283,842
Decrease in bank clearings under 1929	$174,000,000,000
Decrease in gross railroad earnings under 1929	$964,000,000
Decrease in value of farm crops under 1929	$2,400,000,000
Decrease in building permits (37 States)	$1,250,000,000
Decrease in freight-car loadings, cars	7,000,000
Decrease in pig-iron output (tons)	10,800,000
Decrease in steel output (tons)	14,660,000
Decrease in cotton consumption (bales)	1,726,000
Decrease in cotton exports (bales)	1,922,000
Decrease in value of wheat exports	$23,408,000

THE POSTAL SERVICE AND THE SURVEY

Mr. MEAD. Mr. Speaker, the Postal Service is not only a great business but in its multiplied operations and scope of service rendered it is without doubt the biggest distinctive business in the world. It is owned and operated by the people, and no service, either public or private, comes in more regular or intimate contact with them. Every phase and feature of our common endeavors depends largely on the certainty of its processes, and the business man at his desk awaits the arrival of the letter carrier to begin his daily tasks.

The service rendered by the post office during the passing years has been deserving of high commendation, due to its plan of operation and the ability and loyalty of the great army of postal workers, totaling well above the 300,000 mark. There is no other institution, either public or private, where the patron receives greater returns for his dollar, and postage rates in the United States are the cheapest in the world. Dating back more than 20 years, postal operations have undergone a constant process of refinement in a steady and persistent effort to cut out lost motion, take up the slack, and eliminate every operation that could be eliminated, and dispense with every possible postal employee whose services could otherwise be absorbed, until at the close of the administration of former Postmaster General New it was conceded by all competent observers that in this regard postal progress had reached the saturation point. The volume of production performed per unit of postal workers had practically doubled during this period, and this fact was further evidenced with a greatly increased amount of service rendered by a lesser number of employees in various branches of the service. Less men were doing more work than ever before.

In fact, the limit had been reached in attempting to further refine and torture the Postal Service to a lower operating cost basis without doing injury to the service and denying postal patrons the character of service to which they were entitled. Nevertheless, with the advent of the present Postmaster General, Walter F. Brown, on March 6, 1929, it soon became apparent that the profit policy was to be the moving purpose in postal operations and that no effort would be spared and no opening discarded to force the postal budget to balance. Postmaster General Brown on repeated occasions declared that the Post Office Department should be operated on a self-sustaining basis and indicated that its whole plan and purpose of postal administration was to achieve its objective with little regard to the effect of this policy on service efficiency. Addressing the Bronx Board of Trade at a gathering held in New York City April 3, 1930, Postmaster General Brown said:

As I stated at the outset, the business of the Post Office Department is essentially that of a public utility. Like any other properly managed public utility, it should conduct its operations without financial loss; that is to say, its rates of charge to the public should be adjusted so as to provide an income sufficient in the aggregate to pay the cost of all of its services. There is no more logic and justification in asking the Government to transport your private mail for less than cost than there would be in asking an electric-light company to light your house or a telephone company to furnish you with long-distance service for less than cost.

Co. reports that during 1930 the total amount of bank | falling off of a billion and a quarter dollars in the amount

There is no warrant in postal history or in the legislative action of Congress to justify this statement by Postmaster General Brown that the post office must be run on a profit or self-sustaining basis. On the contrary, the supreme aim of the post office is to render service, whether this service results in a bookkeeping postal deficit or not, and postage rates have time and again been fixed on the general concept of rendering the greatest service to the American people, and at a level far below the cost of handling such mail matter. Postmaster General Brown, in a frantic purpose to prove a postal profit, has stopped at nothing to attain this end, as subsequent developments have shown. In this same address he gives further evidence of a retrenchment policy, declaring:

As far as we can, we are endeavoring to cut down operating costs. We are surveying the organization and administration of all the larger post offices with a view to introducing labor-saving machinery and eliminating unnecessary operations and personnel.

During the past year or more Postmaster General Brown has been busy in carrying out this plan, which he refers to as "eliminating unnecessary operations and personnel." The service has been searched and ransacked in an effort to find places where consolidations could be effected, service reduced to lower limits or wiped out entirely, and added duties assigned to already overworked employees. A survey conducted by post-office inspectors in response to the orders of the department was made in some 19 of the larger offices and a revised system of rendering service to patrons, based primarily on a reduction in service both in regularity and frequency, with less men and less collections and dispatch of mail, was established. The result of these surveys in the larger offices was made the basis of a general plan to be more widely observed and postmasters were instructed accordingly.

With this object in mind, a communication addressed to postmasters and embracing a long series of instructions was, on June 5, 1930, issued from the office of the First Assistant Postmaster General. The opening statement of this communication reads:

With a view to securing uniform service in all large offices, the following instructions have been issued for your guidance, and you are directed to proceed immediately in making a survey of your office.

The plan outlined in these instructions is, in the main, the one which has been followed by postmasters and inspectors cooperating with them at offices where surveys have been made or are now under way.

In the long list of instructions to postmasters that this communication from the department contained the prime object is a reduction of service in regularity and frequency for the purpose of reducing the postal working force and in the end operate the Postal Service at a lower money cost. Just this is what has happened, and this is the chief achievement to be credited to the survey. Time was, and that not so long ago, when as many as 6 and 8 deliveries of mail were accorded patrons in busy and active commercial centers. This has been stopped. Quoting further from this department communication of June 5, we find under the caption "City Delivery Service" the following:

Under ordinary conditions not more than four delivery trips are justified in the business sections. Additional deliveries are not to be scheduled unless the volume of mail to be handled is so great that it can not be disposed of under a 4-delivery-trip schedule. The point is that four trips provide ample service to the patrons; additional trips are to be made only where necessary to facilitate the work in the post office. Make special report for the consideration and approval of this office in all cases where it appears to be necessary to provide more than four delivery trips.

The establishment of 3-trip routes is to be confined to strictly business territory where train schedules do not justify four trips and to mixed business and residential routes where the nature of the business justifies two morning deliveries. In the matter of setting up 3-trip delivery routes it should be understood that small neighborhood business houses, such as grocery stores, drug stores, etc., are not the character of business houses which appear to be entitled to more than two deliveries a day. No residence or apartment house, irrespective of size, requires more than two deliveries a day to meet the needs of the patrons. It is far more economical to provide for auxiliary service to assist the carriers on heavy residential routes on days when a large mail is to be handled than it is to make a useless trip on 4 or 5 days of the week.

The schedules of all carriers, particularly those assigned to 2-trip routes, should be arranged so they will return to the station from their morning trips by 11.30 a. m., in order that collections can be dispatched to meet the interstation schedule in the middle of the day. In some cities, to provide sufficient time for this exchange of mail between stations throughout the city, making it possible for all local mail collected in the morning to be delivered in the afternoon, it will be necessary to swing the carriers for 1 hour and 45 minutes to 2 hours between the morning and the afternoon trips. Quite a large area can be covered with interstation service if the delivery carriers return with collections at 11.30 a. m. and do not report for the afternoon trip until 1.15 or 1.30 p. m. It is essential that this interstation exchange of mail in the middle of the day be maintained if good local service is rendered the patrons. It is therefore necessary to insist that station superintendents and others who are in charge of the carriers see that the work is properly arranged to insure their return to the station on schedule time.

This revised system of rendering service to postal patrons predicated upon the surveys ordered by Postmaster General Brown and based in part on the above-quoted instructions has now been in operation long enough for us to pass judgment on its general practicability and wisdom. What effect has it had on service efficiency? What effect has it had on the maintenance of good service? What has it, then, done toward aggravating the present serious unemployment problem? What has been its effects on service enthusiasm and morale? Let us hear what the Postmaster General thinks about it.

In referring to this subject under the caption "Reorganization of Post Offices," Postmaster General Brown, in his annual report recently made public, refers to this matter in the following terms:

Surveys are being made by post-office inspectors at the largest post offices. They are now in progress at New York and Chicago and will be extended to other large cities.

Post offices have been organized on a business basis, the responsibilities of supervisors have been more clearly defined, simplified methods of distribution and new and approved methods of accounting have been adopted, the collection and delivery and other services have been made uniform, the distribution of mails has been centralized, night work has been reduced to a minimum consistent with public needs, and merit has been rewarded and inefficiency appropriately dealt with.

The reports of the results obtained at 17 offices where the survey work has been practically completed indicate that an estimated annual saving of $1,500,000 will be effected when the surplus man power developed can be absorbed through the filling of vacancies occurring in the service. No regular employees have lost their positions as a result of these surveys.

The evidence at hand and from many sources does not at all bear out this approving interpretation of either plan or purpose of the survey or the results that have attended its operation. Its chief result has been a reduction of service to postal patrons in an attempt to further tighten up a system that had already been refined to the saturation point. Service has been reduced in the delivery, collection, and dispatch of mail, and complaints as to the injury this reduction has caused have been intense and widespread. This is evidenced by highly critical editorial comment appearing in the press nation-wide and by sharp complaint emanating from postal patrons who have been compelled to suffer a reduction in the character of service to which they have been accustomed. True enough, Postmaster General Brown declares that "no regular employees have lost their positions as a result of these surveys." This statement is misleading and conceals the actual facts in the case. As a result of this widespread reduction in service a great army of substitute clerks and letter carriers have had their prospect of promotion set back so far as to make the outlook in this regard appear hopeless, while their wages have declined almost to the vanishing point because the work that hitherto fell to their lot is now being performed by the regular employees whose former positions have been absorbed in this survey and are now postal employees without definite assignments. A conservative estimate would fix the total of postal employees who in practical effect have lost their jobs at more than 5,000.

Let us examine this whole proposition, which has so little to commend it from a standpoint of sound public policy. To-day and during the past year the subject of unemployment has been our most menacing problem. The evils and woe that attend the workers thrown into involuntary idleness confront us everywhere, awaiting our keenest concern and sympathy and challenging our resourcefulness as a people. What, may I inquire, does it profit a big department of the Government to institute and observe a policy which, aside from many other fatal defects, results chiefly in adding to the army of the unemployed?

ANTHROPOLOGY AND PREVENTIVE MEDICINE—MEMBERS OF CONGRESS CAN LEND A HAND

Mr. GRIFFIN. Mr. Speaker, Dr. Arthur MacDonald, a distinguished anthropologist and author of a number of scientific works of great value, is endeavoring to collect certain data respecting Members of Congress which he believes may prove to be of some historic as well as scientific importance.

His work is purely voluntary and disinterested. To accomplish any degree of success he must have the cooperation of the individual Members of the House and Senate. He urges them to get in touch with him and submit to certain anthropological measurements. These are few and simple, being height; weight; chest girth; arm reach; hand grasp; length, width, and height of head, of face, and nose, and a few physiological measurements.

Doctor MacDonald informs me that he will be glad to make appointments at the convenience of the Member if communicated with at his address, No. 314 East Capitol Street.

Twenty-four specialists of Johns Hopkins University have consented to examine gratis every Member of Congress who takes the physical anthropological measurements of Doctor MacDonald.

The medical examinations are supplementary to Doctor MacDonald's measurements, and may prove of value in discovering latent physical weaknesses or defects.

Incipient tendencies, not yet noticed, if discovered early by the specialist usually can be remedied, but if undetected they may become serious, if not fatal. Each specialist makes a full report to Doctor MacDonald, and the Member examined can have a copy. The one fundamental idea is to keep well, and every hour spent in these examinations may add many years to the Member's life and also spare him from much pain, suffering, and sickness. This will enable him to be still more efficient in his public service. The examination by different specialists is fundamental. The problem is to have the normal decadence of life extended equally to all the vital organs, for the chain is never stronger than its weakest link. Synchronicity is the secret of long life.

HON. ELBERT S. BRIGHAM

Mr. GIBSON. Mr. Speaker, my colleague Hon. ELBERT S. BRIGHAM, who for the past six years has represented the people of the first congressional district of Vermont, goes out of office to-day. He retires voluntarily to accept a responsible position with one of the great life insurance companies of the country. It is a privilege and a pleasure to pay him a deserved tribute.

Mr. BRIGHAM was educated in the high school of the town where he now resides, in Middlebury College, and holds an honorary degree from the University of Vermont. He has filled many positions of trust by election and appointment attesting the confidence of his fellow citizens.

Farming early engaged his attention, and he made such a success of it that he was appointed commissioner of agriculture of Vermont. He served 11 years in this position. His cooperation and help brought agriculture to a comparatively profitable condition in his State.

He was elected to the Sixty-ninth Congress by a splendid majority; reelected to the Seventieth and to the Seventy-first Congresses by majorities that gave indication of the appreciation of his constituents of his faithful and efficient service in their behalf.

It has been a privilege to work with Mr. BRIGHAM in behalf of the people of Vermont. Our relations have been characterized by the utmost cordiality, and in him I have had the utmost confidence and respect for his ability. He has approached problems of legislation with an open mind, has given them careful study, and has arrived at independent conclusions with the best interests of his constituents always in mind. We have not been in agreement at all times, but I have entertained the utmost respect for his opinions. We have never allowed differences of views to mar the harmony of our relations or to interfere in the least degree with attainment of our objectives.

In Congress Mr. BRIGHAM has won and held the respect and confidence of his colleagues. His friends have increased in an ever-widening circle. They join with me in expressing regret at the termination of his service and in extending to him our best wishes for success in the future.

Mr. BRIGHAM wound up his work in Washington by securing the passage of a law that bears his name providing for a tax on oleomargarine. This act means much for the dairying interests not only of his own State but of all the country. It will help to stabilize and bring a greater measure of prosperity to a great industry. The successful passage of this measure required the ability of a statesman, and ELBERT S. BRIGHAM measured up to the needs of the hour.

I feel a sense of personal loss in the severance of the happy official and personal relations of the past six years.

TABLE OF WOOD FROM HISTORICAL SERVICE

Mr. TILSON. Mr. Speaker, during an earlier session of the Congress just closing two comrades, veterans of the Spanish War, brought to Washington and presented to me as the floor leader of the House a table of unusual construction. For a long time it stood in my office just off the floor of the House, where it was examined by many Members, and photographs taken of it by some of the news services. It stands now in my private office. The two Spanish War veterans who were responsible for this unique gift were Mr. Royal B. Lovelace and Mr. Harry Livingston Relf. Comrade Relf did most of the work of collecting the material, while Comrade Lovelace did the actual work of construction.

The top of the table, about 3 feet square, is a map of the United States with outlying Territories and possessions. It is made of wood of different colors gathered from every State in the Union, Hawaii, Alaska, the Philippines, and Panama Canal Zone. Each piece of wood, cut to scale, represents the State, Territory, or possession in which the wood grew.

In addition to all the States, Territories, and possessions being represented a considerable number of pieces of wood from historical sources are also inlaid in the top of the table. These historical pieces are from trees, houses, and other structures, such as the house where Lincoln was born, home of John Sevier, oldest schoolhouse in Oklahoma, courthouse where Jackson held court, the tree where "D. Boone cill'd a bar," the original White House, the oldest house in South Carolina, where George Washington was a guest, a Spanish ship sunk by Dewey, house of Admiral Farragut, the Charter Oak at Hartford, a fence post on "Teddy Roosevelt's ranch" in the Dakotas, the Lincoln home at Springfield, Ill., and a number of other historical sources. Documentary evidence from the governor of the State or other official in each case is presented in an affidavit, or otherwise, to prove the authenticity of the origin of each piece of wood. On the whole, it is a most unique and interesting piece of furniture.

The table is largely the handiwork of Mr. Lovelace, requiring the leisure time of a number of years while he was a patient in the Mountain Branch of the National Soldiers' Home, at Johnson City, Tenn. The reasons assigned for presenting the table to me were not only that I am floor leader of the House but because the table was made at a soldiers' home located in the very county in which I was born. I appreciate the gift, and sincerely thank my two good comrades, the donors, for thus honoring me.

HON. RICHARD N. ELLIOTT

Mr. LANHAM. Mr. Speaker, the trials and tribulations which often come to a Member of Congress can be appreciated only by a fellow Member. We are frequently misunderstood as we work together for what we conceive to be the public good. But in our arduous service, aside from the

self-satisfaction which devotion to duty affords, there is one compensation which always cheers and comforts us and it is, perhaps, the most pleasing compensation we can possibly derive from our legislative careers. I refer to the friendship and companionship of those with whom we labor.

For the last 10 years it has been my privilege to serve on a committee, and in more recent years on three commissions, with the Hon. RICHARD N. ELLIOTT, of Indiana. The association with him has been both helpful and delightful and I am happy to number him among my cherished friends. We have not always agreed on public questions—what two of us have? But his record has been consistently one of honest purpose, fair dealing, industrious effort, courageous advocacy, and conscientious conviction. These sterling traits of statesmanship have characterized his service and they have been delightfully seasoned with that affable personality which has endeared him to us all, not in cold formality as the gentleman from Indiana, but as DICK ELLIOTT, our friend.

His has been the leading spirit in much and important legislation, legislation happily devoted to the pursuits of peace, and he has won for himself thereby an enduring place in the annals of congressional accomplishment.

As he goes to new labors for which his talent and training peculiarly fit him, let me indulge the hope that he may find both the work and the workers as pleasing and congenial as he has made himself in his dealings with men and measures here. I feel sure that I speak the sentiment of us all in saying that our very best wishes and affectionate regard will always attend him.

BILL FOR THE RELIEF OF IRA L. REEVES

Mr. GIBSON. Mr. Speaker, the purpose of this bill is to permit Ira L. Reeves, formerly a major in the Regular Army and a colonel in the emergency forces, to appear before a retiring board for reexamination and, if found entitled thereto, to authorize his appointment and retirement as a major of infantry. This bill was reached on the Consent Calendar February 25, 1931, and was objected to by the gentleman from Wisconsin [Mr. STAFFORD].

It is only fair to a distinguished officer and a patriotic citizen to place in the RECORD a few observations as to the merits of this bill. Colonel Reeves holds the unique distinction of having been retired as a captain for wounds received in the Philippine campaign; of being restored to active duty in the World War; of being promoted to grade of colonel in recognition of his services; of having been gassed in France, and then being refused retirement although still suffering from the original wounds, and in addition the disability of permanent ill effects from gas poisoning.

Colonel Reeves has served in every military emergency with which the United States has been confronted during his lifetime; has made important contributions to the military education of the colleges of the country; has served in several administrative capacities in the War Department, and has been decorated by his own country and by France.

He began his military service as a private in the Missouri National Guard, then enlisted in the Regular Army, and rose to the rank of first lieutenant during the Spanish-American War; was recommended for his promotion for "untiring energy and bravery that could not be excelled during five days of marching and fighting." He then went to the Philippines with his command, participated in many engagements, and was wounded in action. He then performed light duties until 1902, when he was retired for disabilities caused by his wounds, with the rank of captain.

During the intervening years to the World War he served as professor of military science and tactics at Purdue University; organized the "Indian Territory Volunteer Militia" which became the National Guard of Oklahoma when that State was admitted to the Union; served as military instructor at Miami Military Institute in Ohio and at the University of Vermont; and as president of Norwich University. During the Mexican border service he served as colonel of the First Vermont Infantry and took that regiment to the border; was at the head of the Vermont State Committee of Public Safety during the period immediately preceding the outbreak of the World War and at the commencement of the war was ordered to Washington, where he, with other specially selected officers under his direction, made a survey of the personnel and office methods of all War Department bureaus in Washington. This comprehensive survey resulted in many fundamental reorganization recommendations which were put into effect by the Secretary of War.

Desiring active service he was restored to the active list and given choice of a commission of brigadier general or as a colonel overseas. He chose the latter and arrived in France to participate in the drive in the Metz sector. He was gassed and sent to a hospital. After a partial recovery he was assigned to the command of a regiment, but was soon assigned to organize the American Expeditionary Forces University at Beaune Cote d'Or. This institution, serving the men of the American Expeditionary Forces, offered over 300 courses with over 500 instructors and had a student attendance of nearly 18,000, and was then the largest residential educational institution in the world.

Upon returning to the United States in July, 1919, Colonel Reeves at once engaged in important bureau duties at Washington. He was made a member of the War Credits Board and of the War Department Claims Board. The work in hand involved the liquidation of approximately $4,000,000,000 worth of contract liabilities of the War Department.

Following the armistice he was awarded the distinguished service medal of the United States and made a chevalier of the Legion of Honor of France. He has been awarded practically all the medals of his country for faithful service in her cause.

In November, 1919, Colonel Reeves applied for retirement. The medical officers of the board are said to have been unanimous in recommending it, but the line officers of the board were reluctant to retire him on the ground that his services were too valuable to be dispensed with. He then resigned, feeling that civil life offered opportunities not offered in the service. He soon found that his health would not stand the strain of civil activities, owing to his wounds and the effects of gas. It would seem only fair and reasonable that he should be given an opportunity to show that at the time he resigned he was incapacitated for active service. That is all this bill proposes. He asks no back pay allowances; he asks no increase in rank; he asks nothing that the Congress of the United States may not, in perfect justice to itself and to the Nation, thankfully grant.

Yet under the present rules governing the consideration of the Private Calendar one man is able to block such meritorious legislation. This situation is deplorable. Members of the committees give careful consideration to the bills, spend days in close consideration, only to find their work and efforts wasted because a single Member, after what must be only a superficial examination, can block enactment by an objection. Here we see bureaucracy operating in all its nakedness. A department opposed to the passage of a measure only has to enlist the sympathetic support of one Member, and its purpose is accomplished. I am in favor of an amendment of the rules that will end such a situation.

My personal experience in dealing with a problem in which the people of my State are vitally interested leads me to the conclusion that we should further amend the rules so that the members of a committee may control its deliberations and direct its action. These two amendments will be helpful in securing consideration of meritorious proposals.

THE JOHN J. PERSHING NATIONAL MILITARY PARK

Mr. LOZIER. Mr. Speaker, I have introduced H. R. 17207, a bill providing for the creation of the John J. Pershing National Military Park, near Laclede, Linn County, Mo., the birthplace of General Pershing. It directs the Secretary of War to acquire by purchase, condemnation, or otherwise such lands near Laclede as may be suitable for the memorial objects of the act. It authorizes an appropriation of $250,000 for the purchase, landscaping, and beautification of the park, and the Secretary of War is charged with the maintenance and administration of the park. I shall earnestly advocate the enactment of this bill.

The second congressional district of Missouri, which I have the honor to represent, has given to the world several men who exerted a potential and enduring influence on the world's history, among whom was Gen. John J. Pershing, who was born in Linn County and who won deathless fame as commander in chief of our military forces in the World War, the most sanguinary conflict that has ever scourged the earth since the first page of human history was written.

Gen. Enoch H. Crowder, provost marshal general of the United States Army during the World War, and who probably did more than any other individual to create, organize, train, and equip our armies, was born in Grundy County, in my district, and within about 50 miles of the birthplace of General Pershing. It is significant that these two men who had so much to do with our military operations during the World War were both Missourians and both born in the second congressional district of that State.

Samuel L. Clemens, otherwise known as Mark Twain, was born in the little village of Florida, in Monroe County, in the second Missouri district. He was not only America's greatest humorist but he was a profund philosopher who established a new school of literature, scaling the mountain heights of human nature and sounding all the depths and shoals of human emotions.

Sol Smith Russell, the great comedian of the last generation, who moved millions to laughter and to tears, first saw the light of day in Brunswick, Chariton County, Mo., in my district.

This great district has produced numerous other men who attained enviable distinction in State and national affairs, and who made worth-while contributions to the forces that promote the public weal.

But in appraising the eminent men given to the world by the second Missouri congressional district, by all recognized standards by which true greatness is measured, Gen. John J. Pershing stands preeminent. Providence decreed that he should play a conspicuous part in the never-ending and all-embracing drama of human events.

General Pershing has lived in an heroic age. He has a large part in some of the most important events of all time. He led to battle millions of brave men in the most colossal and destructive war that has ever ravished nations and decimated humanity since the beginning of time.

Under his skillful direction the American Army tipped the scales of destiny, turned the tide of battle, and applied a force without which victory would have inevitably perched on the banners of the Central Powers.

General Pershing was no accident. He won his rank by a mastery and wise application of military tactics, by a comprehensive knowledge of the principles of successful warfare that have come down to us from the long line of war lords that in the sweep of history have led great armies with banners to victory. He not only thoroughly understood the science and art of war, but his inherent military aptitude enabled him not only to visualize conditions but to initiate and carry to a successful conclusion vast military movements.

No student of military science will ever rate him as having only mediocre ability. He was not an opportunist. In directing the movements of his mighty army his farseeing vision swept from sector to sector, extended far behind the lines of the enemy, and, by sound judgment and sober reasoning, aided by an unexplainable military intuition, he formed comprehensive plans that required weeks or months to effectuate; and having once determined his objective, he industriously and, may I say, relentlessly exerted every possible force and influence to accomplish his well-considered aims.

Indubitably General Pershing was gifted with a high order of military genius—not the brilliant dash and seemingly reckless strategy of Napoleon nor the initiative of Marlborough at Schellenberg, Blenheim, Ramillies, and in the immortal Flanders campaign, which in skill and resolution has no equal in the annals of war, and which to the end of the world will be the subject of study and admiration of military men.

General Pershing lacked the intrepidity of Phil Sheridan, the sturdy strategy of Robert E. Lee, the reckless daring of Prince Rupert at Naseby, Turenne's marvelous mastery of army maneuvers, and Von Moltke's sagacity and consummate preeminence in the science of war. But it can be truthfully said that General Pershing combined many of the qualities of many of these war lords and, considering changed conditions, is entitled to rank high among those military leaders whose genius have often changed the history of the world and the course of human events.

General Pershing led a great army at a time when warfare had been modernized and when the age-old strategy that had won victory and undying fame for generals in the past had become inefficient and obsolete. In modern warfare the personal equation and the spectacular elements are largely eliminated and there is but little, if any, opportunity or necessity for individual initiative and pageantry, which formed a large part of the military activities in the past.

Obviously, man power will always be the most important single factor in military conflicts because of the intelligence, initiative, and resourcefulness of the individual soldiers, but in modern wars chemicals, machinery, and other man-made instrumentalities are becoming increasingly important, and ordinarily the best organized, best equipped, and best operated military machine wins.

General Pershing, engaged in modern warfare, wisely adopted modern methods, modern agencies, and modern instrumentalities, all of which had a tendency to obscure real military genius as understood by the average man, but which in fact require a very high order of military genius to operate efficiently.

If General Pershing had been at the head of a great army in any of the historic wars in the past, I am convinced that he would have displayed to an eminent degree many of the types of military genius appropriate in those periods. In other words, General Pershing as ably exemplified the particular type of military genius suitable for the period in which he lived as did the war lords in the past utilize the strategic or military formulas and systems best suited for the time in which they lived.

Though hedged about by entirely different conditions which necessarily limited his initiative, he nevertheless demonstrated a high order of military genius. Confronted by the superb armies of the Central Powers, the best organized, best equipped, and most efficient fighting machine that the world has ever known, General Pershing displayed the same dogged determination, resourcefulness, and initiative that General Grant exhibited while he was hammering his way to Richmond; the same sound judgment and inflexible will manifested by Wellington in his peninsular campaign and when his English squares stood the shock of the charge by the imperial guard at Waterloo.

It is fitting, therefore, that our beloved Republic, even in the lifetime of General Pershing, create a national military park in his honor and commemorative of his outstanding military genius and in recognition of the service he has rendered to the land that gave him birth. And it will be especially appropriate to locate this memorial park near his birthplace in Linn County, Mo. I believe I may well indulge the hope that this proposal will be adopted and this memorial park established near Laclede, Mo. I am sure the American people will approve such action.

AGRICULTURAL LOSSES

Mr. AYRES. Mr. Speaker, losses sustained by agriculture in this country during 1930 amounted to several billion dollars. In the value of crops alone it amounted to nearly two and a half billion dollars. In addition the value of livestock sold from the farms and ranches was approximately $225,000,000 less in 1930 than in 1929, making the total shrinkage in crop and livestock values in one year more than $2,600,000,000.

Some say that these losses were due in large part to the devastating drought of last summer, which affected 21 States. The record does not justify such a conclusion, not-

of commodity prices. This was equivalent to saying that

The main feature of the plan contained in my bill is the

onel of the First Vermont Infantry and took that regiment to the border; was at the head of the Vermont State Com-

objects of the act. It authorizes an appropriation of $250,000 for the purchase, landscaping, and beautification of

immortal Flanders campaign, which in skill and resolution has no equal in the annals of war, and which to the end of

devastating drought of last summer, which affected 21 States. The record does not justify such a conclusion, not-

withstanding the ruin which the drought occasioned. The fact is that, excepting corn and cotton, there was larger production in the other staple crops in 1930 than in 1929, yet they brought smaller returns to those who produced them.

In 1930 wheat production amounted to 850,965,000 bushels, valued, according to figures from the Department of Agriculture, at $517,407,000. In 1929 the wheat crop totaled 806,508,000 bushels, valued at $840,921,000. Thus while the 1930 wheat crop was nearly 45,000,000 bushels larger than that produced in 1929, its value was $323,000,000 less.

In 1929 the corn crop amounted to 2,622,000,000 bushels, valued at $2,042,000,000. In 1930 the corn crop was 2,081,000,000 bushels, valued at $1,378,874,000. Thus while production fell off about 540,000,000 bushels, the value of the crop dropped $670,000,000.

The size of the corn crop decreased about 20 per cent, but the value of the crop was approximately one-third less. One would think such a substantial reduction in production would make for a higher price for the product, yet whereas the average value of the 1929 crop was about 77 cents per bushel, the substantially smaller crop of 1930 was worth only about 67 cents per bushel. There is something fundamentally wrong with a situation in which the law of supply and demand is so completely set at variance.

Cotton production in 1929 amounted to 14,919,000 bales, valued at $1,225,000,000. The 1930 cotton crop was 14,243,000 bales, valued at only $674,000,000. Thus, while production dropped only 676,000 bales, the value of the crop decreased $551,000,000. While production fell about 5 per cent under 1929, the value of the crop dropped about 40 per cent.

In 1930 the oat crop exceeded the production of 1929 by 160,000,000 bushels, but the value of the crop fell from $538,445,000 in 1929 to $453,976,000 in 1930, a decrease of $84,469,000.

Production of rye in 1930 exceeded that of 1929 by 15,000,000 bushels, but the value of the crop fell from $35,371,000 in 1929 to $20,895,000 in 1930, a decrease of $14,476,000.

White potato production in 1930 was a little more than 6,000,000 bushels greater than in the preceding year, but the value of the crop fell from $460,701,000 in 1929 to $326,457,000 in 1930, a drop of $143,244,000.

For 1929 the Department of Agriculture reported the total of the 75 principal crops grown in the United States at $8,675,270,000. For 1930 it reported the value of the same crops at $6,274,427,000. This is a decrease of $2,400,743,000, or more than 25 per cent. How long can American agriculture survive such a terrific loss?

The Department of Agriculture's index figure, computed on the price of all farm products, dropped 40 points from January, 1929, to January, 1930, and February reports show it still dropping. Based on a pre-war average of prices of farm products, the index figure stood at 134 points in January, 1929. In January of this year it was at 94, the lowest level of farm prices since 1912, the last year of the Taft administration.

These facts reflect the complete failure of the Hoover administration to redeem its pledge to solve the problem of agriculture. In 1929 the President prevented the enactment of a farm bill favored by the farmers' organizations, and in lieu of that caused the enactment of the law under which the Federal Farm Board was created. He appointed the members of the Farm Board in July, 1929. The board had what he said was "responsibility, authority, and resources such as have never before been conferred by our Government in assistance to any industry." In urging Congress to enact the Farm Board bill, President Hoover said it was a "proposal for the steady upbuilding of agriculture onto firm foundation of equality with other industry and would remove the agricultural problem from politics and place it in the realm of business."

Congress gave the Farm Board $500,000,000 to do for agriculture what President Hoover said the proposal was intended to do, but in the first crop year after the President's plan was put into effect, the value of the farm products dropped more than $2,600,000,000.

If this is the steady upbuilding of agriculture onto a firm foundation, then it is time for the agriculturist to pray that the "upbuilding" cease at once.

STABILIZING THE BUYING POWER OF MONEY

Mr. BURTNESS. Mr. Speaker, permit me to call your attention to a bill reintroduced at the opening of the extra session in 1929. I refer to my H. R. 112, the only bill now before Congress having for its object the stabilization of the commodity price level and so of the buying power of money.

This subject has been so fully discussed during the past decade that further argument for dollar stability should be unnecessary. The public is finally, and again painfully, becoming aware that our so-called standard of value—fixed in its weight and varying, therefore, in its essential quality, buying power—is a standard in name only. A true standard would prevent change in the average buying power of money, just as our standards of weight and length prevent change in the weight of the pound weight and in the length of the yardstick.

My bill would not stabilize the prices of individual commodities nor in any way conflict with the law of supply and demand. Indeed, it would broaden the scope of that law by bringing within its reach the price of gold, which has heretofore been price fixed. I say the price of gold has been fixed, not its valure. Though the gold unit purports to be a standard of valure, its own valure constantly fluctuates, its price alone remaining stable. And this is simply because it is measured in terms of itself. It is always worth a hundred cents—a hundred-hundredths of itself. What a standard with which to measure valures!

The valure of the gold dollar is its average buying power, and tested by buying power it is seen to be less reliable in its essential quality than a rubber tapeline. Certainly no tapeline in actual use ever shrank in its length as our dollar shrank in its buying power 1915 to May, 1920, nor stretched in length as our gold dollar stretched in buying power during the deflation period. The gold unit of 25.8 grains was nominally the standard of valure 1915 to May, 1920, when the price level rose to two and one-half times its pre-war stage. As compared with the gold dollar of 1915, the gold dollar of May, 1920, was a 40 per cent dollar; and as compared with the gold dollar of May, 1920, the gold dollar of July, 1921, was a 170 per cent dollar.

In 1922 the Federal reserve authorities virtually abandoned the gold standard by making the commodity price level the ultimate criterion of valure. From that time up to the middle of 1929 they prevented any marked inflation or depression of the dollar's buying power, employing as their guide the index of commodity prices. When the price level tried to rise they halted it by contraction of credit and other means. When the price level tried to decline they increased the supply of money in circulation. The price level itself, therefore, virtually served as the valure standard by which the buying power of the yardstick of price, the gold dollar, was partially stabilized; as nearly stabilized, perhaps, as it could have been without the weight regulation of the unit, which must be a main feature of real stabilization of the dollar.

That the heads of the Federal reserve felt that they were doing, after 1922, all they reasonably could do through the means at their command to prevent rise or fall of the price level, appears in the testimony of Benjamin Strong, governor of the Federal Reserve Bank of New York at the hearings on H. R. 7895 before our Committee on Banking and Currency April 6, 1926. Congressman WILLIAMSON asked whether—

The Federal Reserve Board could stabilize the price level to a greater extent than they have in the past by giving greater expansion to market operations and restriction or extension of credit facilities.

Governor Strong replied:

I personally think that the administration of the Federal reserve system, since the reaction of 1921, has been just as nearly directed as human wisdom could direct it toward that very object.

Later, in reply to a question by Mr. GOLDSBOROUGH, Governor Strong agreed that after four years of a fairly stable index number there would remain no evidence of inflation

of commodity prices. This was equivalent to saying that there would exist no evidence of depreciation of the valure of the dollar and consequently no justification for further so-called deflation. Mr. Strong was not only governor of the great Federal Reserve Bank of New York, but also chairman of the market committee, which handled the open market transactions of the New York banks. He was probably the most influential man in the whole system. Had he lived it seems likely that the present disastrous depression would have been checked as soon as it started. He died late in 1928, and the slump of the price level began in July, 1929. By December, 1930, the price level had gone down nearly 20 per cent, raising the buying power of money, and with it the burden of debts and taxes about 25 per cent.

Had our bill been in effect even during the past two years the world-wide scramble for gold, which was one of the causes of the sharp rise in its valure, which in turn was the direct cause of the price slump, would not have affected our domestic markets. For we would have been cut loose from the fixed-weight gold unit. As gold rose in the world market less and less of it would have been needed to hold our price level at its initial stage. Meanwhile the weight of the uncoined bullion dollar in which our currency would have been redeemable would have grown gradually smaller and the stock of gold in the United States Treasury would have divided into more and more dollars as gold advanced in valure.

As to the producers of goods the prices of which depend largely on the foreign markets, they would have at least this consolation. The burden of their debts would not be going up while their incomes were going down. Had our dollar been stabilized, it would have taken no more goods and labor to pay their debts and taxes than the same payments would have taken before the European depression began. The small price in foreign money they now realize from the sale of their exports would divide into more American dollars, for our dollars would not as now be unjustly inflated.

The plan embodied in this bill is the oldest of the proposals to stabilize the buying power of money. It is older by 15 years than that of Irving Fisher and by more than 25 years than that of Keynes. It was first published in 1896 by Dana J. Tinnes, now of Grand Forks, N. Dak., whose work along monetary lines is known to well-informed economists in this country and to a considerable extent abroad. It is my belief that the Tinnes plan is not open to any of the valid objections against the two proposals to which I have referred, the Fisher plan embodied in the Goldsborough bill, H. R. 402, of 1925, and the "managed currency" scheme of J. Maynard Keynes, of England. Since these two have received very wide publicity, I will in a few sentences summarize them for comparison with the scheme I sponsor.

While my bill is expected to produce real stability by blocking tendencies toward change in the price level as soon as detected, neither Keynes nor Fisher aims at anything more than approximate stability. They would both stop redeeming currency in fixed weights of gold, but would have a variable buying price and selling price for gold, the two prices about 1 per cent apart. Raising this "pair of prices" is equivalent to reducing the weight of gold represented by the money unit; and lowering them is equivalent to increasing the weight of the gold unit. This double price for gold would, of itself, make actual stabilization impossible. For in order for the currency and the gold unit to remain of the same valure they must be freely interchangeable on equal terms both ways.

Keynes would have the gold prices revised every Thursday morning, with occasional stabilizing changes in the bank discount rate. But he would leave the control of the commodity price level where it now is, in the hands of private interests. For his "managed currency" would be managed by the Bank of England. Fisher would have his plan administered by the United States Treasury and would have the fixing of the pair of prices properly automatic. But, unfortunately, his adjustments are plainly inadequate, being made but six times a year and each limited to 1 per cent. Also his brassage charge would affect foreign exchange rates, hindering the import of gold.

The main feature of the plan contained in my bill is the daily adjustment of the weight of the uncoined bullion dollar in which all currency would be redeemable. Whenever gold tends to cheapen, as shown by a rising tendency of the price level, a trifle more gold is added to the bullion dollar to check the rise. And whenever gold tends to grow dearer, as it is now doing, the bullion dollar is reduced in weight, thus blocking the depression of the price level. Anyone who knows that more gold would buy more goods, thus lowering prices, and that less gold would buy less goods, thus raising the price level, must see that tendencies toward change in the price level can be counteracted by proper corrective change in the gold weight of the measure of price, the dollar. Such change in the gold weight of the dollar does not involve any reminting of coins, for the gold would not be in coins, but in bars marked with their weight. Therefore weight adjustments would be no more than slight alterations of the mint rate—the rate at which currency would be redeemed in gold at the Treasury. Assisting the main stabilization process would be the purchase and sale of United States bonds. Bonds would be sold when price inflation is threatened, thus withdrawing currency from the market. Bonds would be bought on the open market when price depression threatens, thus increasing the supply of money in circulation.

To illustrate the plan, take the present monetary situation. Suppose that when our price level began to decline, a lowering of the mint rate had immediately begun, the dollar gradually growing smaller and smaller. If it be true that less gold will buy less goods, the buying power of the dollar could not have continued increasing while its weight was decreasing. Suppose that at the same time the United States Treasury had begun buying bonds on the market, paying for them in currency, and thus increasing the supply of money in circulation, would not this have aided the stabilization process by making the weight adjustments less necessary? Could the slump of the price level have continued a year and a half while the dollar in which price is measured was growing lighter and while the supply of money in circulation was being prevented from shrinking? This would not be change but prevention of change. The bullion dollar would be continuously changing in its gold weight to prevent change in its only essential quality—buying power. And blocking change in the gold unit, from which all our currency derives its value, would at the same time stabilize that currency, and with it all credit extended and all contracts written in terms of that currency.

Passage of this bill will not invite but should greatly lessen speculation in gold, or, what is the same thing, in gold valure. One can now gamble in gold when monetary conditions are unsettled by investing in safe, secured notes, mortgages, bonds, bank certificates of deposit, bank or Government currency, and so forth. For the valure of all of these rise and fall with the valure of the fixed-weight gold dollar. This may not be generally recognized as speculating in gold, but it is by far the most common method.

With this bill in force, this most attractive and seemingly innocent method would be barred. The valure of all such obligations would be stabilized by being payable in dollars having always the same average buying power.

One can also now speculate in gold either by storing the actual metal or by depositing it in the United States Treasury in exchange for gold certificates, which can be put into immediate use earning interest. With our bill in force such deposits would be paid for in Treasury notes redeemable not in a fixed weight of gold but in the weight shown by the mint rate current when the gold is withdrawn.

It has been argued that with this bill in effect one could profit by depositing gold when the bullion dollar was light and withdrawing it when the dollar became heavier. But the dollar would be light only if gold were dear and would be heavier only if gold were cheap. Just how one could profit by depositing a given number of dollars' worth of gold and later withdrawing the same number of dollars' worth of gold remains to be explained.

A reversal of this process would be somewhat more promising. But this would involve actual storage of the metal, with loss of interest during the time stored, plus cost of

storage and fire and theft insurance. Considering that the daily adjustments would be very small and the carrying costly, this prospect does not look enticing. It could be profitable only in case of a great rise in the market valure of gold, and even then any profit made would not be at the expense of the Treasury. Also the provisions in the bill suspending the right to deposit when the valure of gold is declining and restricting large withdrawals when its valure is rising would make such speculation more difficult.

The fact that slumps in foreign exchange rates—deviations from par—affect the foreign trade of a country has led some to fear that stabilization by America alone would hurt our trade. If the imports of a country exceed her exports, visible and invisible, or if the credit of her traders is in question, her exchange will sell at a lower rate, putting both her importers and exporters at a disadvantage. Readjustments of mint pars can have no such effect. Dollar stabilization would make the changes in the valure of gold, now camouflaged by the fixed weights of the money units, visible in all comparisons between prices stated in stabilized and those stated in unstabilized units. And that is all.

Any man intelligent enough to see that at home he was not being wronged by corrections in the unit intended to prevent change in its value could also see that price changes quoted in the money of a foreign country—in so far as they were due to the steadiness of our dollar—could not harm him, for they would be changes in seeming only—in foreign price only and not in valure as measured in other goods or in the dollars in which he would receive payment.

Take the exporter of wheat as an example and see whether the shifts in sterling exchange due to stabilization by America alone would affect his foreign market.

If the valure of gold as measured in other commodities and the price of wheat in Liverpool both remain stationary, the price of wheat in dollars would also remain steady save for alterations due to other causes.

Were gold to depreciate on the British market—other market influences remaining unchanged—the Liverpool price of wheat as measured in British money would advance, while the price in dollars would remain stationary.

Were gold to appreciate there as compared with other commodities—other influences unchanged—the Liverpool price of wheat in British money would decline, while the price in dollars would hold stationary.

In other words, if not disturbed by influences acting directly on the supply-demand of wheat, its price would remain constant regardless of that part of the change in the relation of United States to British money due to dollar stabilization.

Price constancy, if it means stability in relation to gold only and not to commodities in general in the markets in which he buys and sells other things, can neither hurt nor help him unless it is the gold itself he wants.

Fixed valure relations between the money units of the various nations are not even desirable. Countries adopting sound economic and financial policies should not have the continuous prosperity they have so earned disturbed by unwise or reckless neighbors.

SKETCH OF THE BILL H. R. 112

It makes the gold unit variable in its weight in order that it may be made invariable in its essential quality, buying power. The weight regulation is vested in a monetary standard division of the Treasury Department. The division collects trade and price data, constructs the daily price index number, the market gage, and by its guidance adjusts the weight of the bullion dollar. It also assists the stabilization process by purchase of bonds when the price level tends to decline and sale of bonds when the price level tends to advance.

Price-level tendencies are measured at 2 a. m. daily and changes announced at once, before the markets and the mint open for the day, thus barring all chance of speculation on advance information of weight change. Metric weights are used. A bulletin showing all adjustments during the week with the data on which they were based is issued weekly to protect against error or fraud.

Gold coins and silver dollars are retired, the metal being minted into bars, each marked with its weight. Free coinage of gold is continued, gold bars being issued instead of coins. All paper currency except Federal reserve and national bank notes are replaced by a new issue of Treasury notes, for which a redemption fund is provided by consolidating all existing gold and silver funds. Redemption is in gold or, at the option of the applicant, in silver, not at a fixed ratio to gold but at its current market price.

Further details of the measurement of price-level tendencies and adjustment of the daily mint rate are given in the accompanying copy of the weekly bulletin.

MONETARY STANDARD BULLETIN

Week of.....193

Market gage schedule Commodities and markets	First adjustment, Monday						
	W	Q	QW	P	PQW	P	PQW
Cotton, middling, Galveston, lb	.0178	5.8823	.1047	.17	.0179	.19	.0199
Hogs, light butchers, Chi., cwt	.0274	7.6922	.21077	.13	.0274	.12	.0253
Milk, fluid, New York, cwt	.0184	.2793	.00514	.358	.0184	.360	.0185
Wheat, 2 dark spring, Mpls., bu	.0050	.641	.00321	.156	.0050	.158	.0051
Wheat, 2 hard win., Kas. City, bu	.0056	.6667	.00373	1.50	.0056	1.53	.0057
All other commodities	.9258				.9258		.9258
Market gage at close of day					1.		1.0003
Mint rate for following day					1.672*		1.673

Column W, relative trade importance of the various entries, shown in decimals. Q, physical quantity of each sold for $1 at the start. QW (W times Q) the weighted quantities which together make up the goods-dollar. P, current market prices. PQW, the goods-dollar components, priced. Their sum is the market gage for the day. All goods on the wholesale market to be listed; only a few farm products are here shown, all other goods—.9258 of the whole—being lumped together below. The initial mint rate, *1.672 grains (25.8 grains) is the present weight of the gold dollar. At 2 A. M. daily the current mint rate is multiplied by the newly-computed market gage to get the new mint rate, which is announced at once. Cols. P and PQW are revised daily, cols. W and QW quarterly, and the entire schedule yearly.

Market gage schedule—Continued. Daily adjustments Tuesday to Saturday, inclusive

Close of.....	Tuesday		Wednesday		Thursday		Friday		Saturday	
QW	P	PQW	P	PQW	P	PQW	P	PQW	P	PQW
.1047	.19	.0199	.19	.0199	.19	.0199	.17	.0178	.17	.0178
.21077	.12	.0253	.12	.0253	.13	.0274	.13	.0274	.13	.0274
.00514	3.58	.0184	3.58	.0184	3.58	.0184	3.58	.0184	3.58	.0184
.00321	1.54	.0049	1.53	.0049	1.51	.0048	1.49	.0048	1.49	.0048
.00373	1.48	.0055	1.49	.0056	1.45	.0054	1.45	.0054	1.45	.0053
All other goods		.9258		.9258		.9258		.9258		.9258
New market gage		.9988		1.		.9997		.9996		.9995
New mint rate		1.673		1.673		1.673		1.671		1.670

NOTE.—VALURE is rate of exchangeability for goods, as distinguished from the many other meanings of the ambiguous word, value.

HON. SCHUYLER MERRITT

Mr. SNELL. Mr. Speaker, the retirement of the Hon. SCHUYLER MERRITT, of Connecticut, at the end of this session will be deeply regretted by all. He has been a warm personal friend since he first came to Congress, and I shall miss his genial companionship. No man is better equipped to help solve present-day problems than Mr. MERRITT, and we can ill afford to lose at this time men of his experience, judgment, and ability. To-day public life specially needs men of courage, and such a man is Mr. MERRITT. He also represents the highest type of a cultured gentleman. He is the kind and character of a man I am proud to call my friend. His retirement is not only a loss to his State but to the American Congress.

THIRD-CLASS POSTMASTERS' EQUIPMENT ALLOWANCE

Mr. MEAD. Mr. Speaker, the bill H. R. 229 proposes to give to third-class postmasters who are required to own or rent post offices, fixtures, and equipment a yearly allowance equal to 8 per cent of their salaries. The allowance asked is modest, as the box rents received by the department from personally owned and rented equipment amount to 11.25 per cent of the salaries of the postmasters.

There are 10,956 postmasters of the third class. Of these 1,642 are in quarters leased by the department, where fixtures are furnished by the lessor. This leaves 9,314 offices at which the postmasters are required to purchase or rent the fixtures. The salaries of the third class range from $1,100 to $2,300, graded according to postal receipts.

This group of 9,314 postmasters are the only officers, agents, or employees of the Government compelled to provide the equipment necessary to conduct the Government's business. Fourth-class postmasters are granted an allowance for rent, fuel, light, and equipment. Postmasters of the first and second class are provided with necessary equipment, and some of the higher-salaried grades of third class are in leased quarters. Rural letter carriers get an equipment allowance. This group of third-class postmasters should be relieved of this discrimination and placed on an equality with other postmasters and postal employees.

Postmasters required to provide equipment are in most—if not all—States compelled to pay personal taxes on it. The Post Office Department fixes the amount of rental charged for boxes, the postmaster furnishes the boxes and collects the rentals, keeps the records, turns the box rentals in as postal revenues, pays taxes and insurance on his equipment, and receives no revenue from his investment.

These postmasters on account of the requirement to provide fixtures and equipment are taken advantage of by firms manufacturing post-office equipment. If they buy they are compelled to pay a very high price. If they rent they are compelled to pay exorbitant rentals. The lease contract postmasters renting equipment must sign stipulates that it shall be in effect so long as the lessee continues as postmaster. It provides that the lessee will pay for all freight, hauling, and erection charges in connection with installation. It also provides that at the expiration of his incumbency as postmaster he shall immediately, at his own expense, take down and crate and ship to the owner, freight charges prepaid.

If the postmaster buys he runs the risk of losing his position after a 4-year term, and then he has no market for his equipment unless his successor will purchase it from him. It may be readily seen that this provides a setting for complications unsatisfactory to both.

The following statement submitted by a postmaster in Utah is typical:

Since taking charge of this post office July 1, 1922, which pays an annual salary of $1,900, I have provided necessary equipment at a cost of about $1,700. During the seven and one-half years I have collected in box rents $3,012.52, all of which has been remitted to the department. I have been obliged to pay for all repairs, insurance, taxes, investment on equipment, etc.

H. R. 229 provides an equipment allowance equal to 8 per cent of the salaries of postmasters. In my case this would amount to $144 per annum, while the box-rent collections average $401.64 per annum. The department would still receive from this office $257.64 in box-rent collections in excess of the allowance on personally owned equipment.

The Post Office Department has no definite policy in leasing quarters at third-class post offices. There are 394 offices with salaries of $2,300, 664 with salaries of $2,200, and 835 with salaries of $2,100, a total of 1,893 offices. As there are only 1,642 offices in leased quarters, it is evident that a discrimination exists in granting leases.

Through a questionnaire sent to postmasters in offices not under lease by the National League of Third and Fourth Class Postmasters, a statement has been compiled which I ask to have printed as part of my remarks. The following is the summary:

Summary

Offices reporting	2,127
Average salary	$1,623.00
Total value of equipment owned and rented	1,346,569.00
Value of equipment average postmaster	633.00
Total box rents collected	888,159.15
Box rents, average per year	182.50

Box rents average 11.25 per cent of salaries.

Extending this to cover the 9,314 post offices in quarters not under lease we find that the value of the equipment owned and rented by the postmasters is $5,895,772, from which the box rents turned in to the department as postal revenues are $1,699,805. The Post Office Department estimates that this bill would cost about $1,200,000. The box rents more than cover this estimate.

In very many offices of the third class the fixtures are entirely inadequate. For this the postmaster can not be blamed. He is appointed for a 4-year term only, and, even if financially able, would not feel disposed to invest his own money for which he would receive no return. The majority of these postmasters are unable to buy suitable fixtures, so they must rent them. It is desirable—yes, necessary—to have adequately equipped post offices, but these can not be had under the present inequitable system. The enactment of this bill would enable more than 9,000 communities to have post offices of which they would not feel ashamed.

Equipment owned and rented by third-class postmasters in offices not under lease

State	Number of offices	Salaries	Value equipment owned	Rent paid per annum for equipment	Box rents collected
Alabama	32	$50,900.00	$13,446.00	$71.50	$4,339.58
Alaska	1	1,100.00	500.00		90.30
Arizona	8	12,400.00	4,850.00	10.80	1,572.20
Arkansas	22	34,300.00	9,215.00	432.80	3,621.84
California	42	72,400.00	19,000.00	994.32	11,411.01
Colorado	44	70,700.00	21,785.00	599.80	8,001.69
Connecticut	12	20,000.00	3,365.00	100.00	2,294.31
Delaware	5	7,200.00	1,250.00		691.71
Florida	32	48,000.00	18,495.00	486.30	6,076.58
Georgia	21	31,700.00	9,290.00	433.80	2,740.98
Hawaii	5	8,400.00	3,300.00	166.00	1,320.60
Idaho	17	29,100.00	9,670.00	177.00	3,314.72
Illinois	97	152,900.00	41,540.00	2,933.00	18,253.65
Indiana	125	202,900.00	44,240.00	2,358.80	18,890.67
Iowa	194	331,700.00	92,040.00	2,513.40	42,669.79
Kansas	94	154,400.00	48,424.00	970.40	16,885.13
Kentucky	31	48,300.00	11,200.00	391.10	3,975.63
Louisiana	85	30,800.00	11,757.00	647.20	4,741.53
Maine	36	59,600.00	17,545.00	370.40	6,678.27
Maryland	14	20,400.00	3,590.00	55.00	1,157.57
Massachusetts	28	44,700.00	14,385.00	108.00	5,686.75
Michigan	68	100,800.00	32,730.00	186.80	11,735.63
Minnesota	118	193,300.00	71,865.00	453.40	21,005.99
Mississippi	22	33,600.00	9,500.00	603.40	2,757.90
Missouri	66	105,500.00	28,288.00	1,856.20	9,945.69
Montana	23	37,100.00	10,913.00	230.25	5,867.21
Nebraska	89	144,000.00	48,105.00	1,284.40	16,966.01
Nevada	6	10,600.00	3,840.00		1,228.62
New Hampshire	10	14,400.00	5,425.00	453.36	1,070.02
New Jersey	38	66,000.00	14,260.00	518.50	8,930.57
New Mexico	8	13,000.00	5,000.00		1,306.60
New York	90	148,600.00	41,370.00	677.00	15,809.34
North Carolina	22	36,200.00	11,445.00	490.80	3,333.22
North Dakota	70	117,700.00	38,950.00	1,809.40	14,565.77
Ohio	57	88,600.00	27,091.00	155.38	9,806.19
Oklahoma	49	76,400.00	23,414.00	1,057.45	8,709.52
Oregon	28	45,900.00	17,470.00		6,064.48
Pennsylvania	93	147,100.00	40,360.00	1,863.20	16,693.78
Rhode Island	3	5,000.00	920.00		735.55
South Carolina	9	13,900.00	3,450.00	90.00	1,852.33
South Dakota	49	80,700.00	20,948.00	1,309.43	9,376.24
Tennessee	17	26,800.00	7,185.00	366.00	2,263.95
Texas	103	165,500.00	49,800.00	2,864.90	20,134.95
Utah	19	31,800.00	10,780.00	307.20	4,898.37
Vermont	16	26,800.00	7,680.00		2,072.06
Virginia	30	60,700.00	14,995.00	841.00	4,392.74

ent and neglectful policy as to our waterways was resumed. No | sions are practically all provided for now. The biggest unit still

New mint rate	1.673				

NOTE.—VALURE is rate of exchangeability for goods, as distinguished from the many other meanings of the ambiguous word, value.

Equipment owned and rented by third-class postmasters in offices not under lease—Continued

State	Number of offices	Salaries	Value equipment owned	Rent paid per annum for equipment	Box rents collected
Washington	34	$66,200.00	$23,725.00	$275.20	$3,258.99
West Virginia	7	11,600.00	3,510.00		1,418.50
Wisconsin	82	136,600.00	40,075.00	1,224.30	11,533.53
Wyoming	8	12,900.00	4,310.00		1,782.90
Total	2,127	3,451,800.00	1,020,902.00	31,967.69	388,159.15

Summary

Offices reporting	2,127
Average salary	+$1,622.00
Total value of equipment owned and rented	1,346,569.00
Value of equipment average postmaster	+633.00
Box rents, average per year	182.50

Box rents average 11.25 per cent of salaries.
Proposed bill provides for 8 per cent of salaries.

PRIVATE CALENDAR

Mr. IRWIN. Mr. Speaker and Members of the House of Representatives, as retiring chairman of the Committee on Claims, having served in that capacity during the Seventy-first Congress, I am taking the liberty of enlightening the membership of the House in some degree as to the necessity of adopting some method whereby the work assigned to this committee may secure the consideration to which it is entitled.

In the Seventy-first Congress 1,700 bills were referred to this committee. By diligent attention to those claims our committee was able to consider about 50 per cent of them—and in this connection I will state that I am sure no committee in the House has worked harder than has the Committee on Claims during the past session in order to give serious consideration to the work before it. However, with the vast number of bills referred to this committee it is impossible to keep up with this work, and at the end of the session we find 750 bills remaining without any consideration, a majority of which will no doubt be reintroduced in the Seventy-second Congress.

Recognizing the situation, I introduced and had reported favorably in the last session a bill (H. R. 17168) which would give to the Comptroller General authority to settle claims against the Government for private-property damage up to $1,000, provided the claimant agreed to such settlement; if not, then such claims to be referred to the Court of Claims. But owing to the legislative jam in the short session just closed I was unable to have the bill considered. The bill also provided for personal-injury and death claims. The committee was ably assisted by the members of the Court of Claims and by the Attorney General, and feels certain that this bill would, if enacted into law, take care of from 50 to 60 per cent of the total claims referred to the Claims Committee. The committee would then be able to consider the 40 per cent remaining and at the same time do justice to the hundreds of claimants who have claims against the Government, some of them pending for years, who are certainly entitled to consideration, and which can never be considered if we continue in the future as we have in the past.

Now, just a word in reference to the rules governing the consideration of the Private Calendar. I think you will all agree with me when I say our present rule of unanimous consent, where one man who has given but a few moments' consideration to the merits of a bill can object to the passage of any bill, thereby defeating it after the committee has given it due consideration, should be changed. Many times bad humor and prejudice on the part of some Member will defeat a worthy and just claim, and I will "with charity for all and malice toward none" call your attention to some of the unparliamentary—yes, disgraceful—scenes enacted on the floor of this House the past few weeks when the Private Calendar was up for consideration. The rules should be changed, by all means.

I am merely giving my views as one who is deeply interested because of the experience I have had in such matters in giving claims against the Government a just and equitable consideration so that the hundreds of claimants to-day waiting patiently may have their claims brought to a determination. I am in hopes that in the next Congress my views and recommendations as set out in this statement may be given consideration, to the end that justice in full measure may be given to those who are entitled to receive justice.

INEQUALITY OF OPPORTUNITY FOR COMMISSIONED OFFCERS OF THE NAVY

Mr. JOHNSON of Washington. Mr. Speaker, this bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy is worthy of the most serious consideration of the House, and I am unqualifiedly in favor of its passage. For two years we have delayed this legislation, which meets with the approval of the major portion of the officer personnel in the Navy, with the approval of the Navy Department, and has the unqualified indorsement of the House Naval Affairs Committee. The bill is one which will result in a substantial saving to the Government.

This is not a radical measure. It is an attempt to smooth out inequalities of opportunity. It is a substitution of a policy known as "age in grade" for one of "service in grade." Whereas a youngster may enter the Naval Academy under the present personnel legislation and find, because he entered near the maximum age limit, that he will not have an opportunity for selection to the higher ranks in the Navy because the present law says he must retire at a certain age if he is not selected for the next higher rank; under the proposed law he is given a certain term of service in the grade in which to prove his worth for the next higher rank, without regard to his age. Surely we can not sacrifice trained officers because they happen to be one or two years older than others of their rank. Those one or two extra years may mean added judgment, more ability in making quick, clean-cut decisions.

The bill makes provision for those who were commissioned during the World War from the enlisted ranks or from civilian life. These officers have an opportunity to progress through professional examinations or to honorably retire from the Navy with all the monetary benefits of such retirement. In the case of those who held warrant officer rank to revert, if they so choose, to such rank.

I regret that during this Congress no progress has been made with this pay bill. It is not possible for the younger officers to hold their own with the pay accorded them. There has been no adjustment in many years, and I sincerely hope that the Naval Affairs Committee in the next Congress will give serious consideration to proposals to adjust their pay.

FLOOD CONTROL AND INLAND WATERWAYS NAVIGATION

Mr. SINCLAIR. Mr. Speaker and Members of the House, under permission to extend my remarks in the RECORD, I include an address delivered by me at the annual meeting of the Mississippi Valley Association held in St. Louis on November 24 and 25, 1930.

The address is as follows:

Mr. Chairman and members of the Mississippi Valley Association, it is an honor to be invited to address this distinguished body. This association is the only organization in America that I know of which is advocating a policy sufficiently broad in vision to provide for the best interests of the agricultural, industrial, and commercial groups composing the vast central portion of our country.

Prior to the great World War it was considered hardly respectable to be an advocate of inland-waterway improvements. There had been so much waste of public funds in that endeavor and so much loss in the construction of ill-considered projects that the people were skeptical of every new proposal for river development. The term "pork barrel" was a familiar epithet hurled at devoted advocates in Congress of waterway projects, and it was repeated by every crossroad weekly newspaper throughout the land. Proposals for a comprehensive national policy of control and utilization of the run-off waters of the country, and the use of its streams could not get a sympathetic hearing, although thoughtful men everywhere realized we were wasting one of our most valuable assets. The World War demonstrated the need for water transportation as a supplement to the railways, which alone were inadequate to meet the emergency. Some progress was made at that time and the Government barge line on the Mississippi was established, but after the crisis had passed the same indifferent and neglectful policy as to our waterways was resumed. No definite plan of national scope for improvement of our waterways as a whole has been adopted.

Then came the great flood of 1927, with its heavy loss of life and property. The calamity was of such proportions as to challenge the attention of the entire Nation. Much thought was given to the question of the control of our flood waters, but even then, when it came to the type of legislation to be enacted, the people most affected and who had suffered most from the ravages of uncontrolled stream flow preferred to accept a piecemeal and emergency plan of relief rather than to hold out firmly for the kind of legislation that would be an effective and comprehensive remedy. The final solution of the problem must be one which will serve the best interests of each section of the entire river basin.

A new session of Congress is now approaching and a demand comes from these same localities to save them from the dangers of the Jadwin plan of legislation passed at their behest. The approved project of flood control is one that nobody now wants in its entirety.

The first problem that confronts the Nation with respect to our waterways and their economic uses is that of a comprehensive public policy. We really have not any broad national plan that will fit the future development of our country. The man in Louisiana has one thought upon the matter; the man in Kansas and Nebraska another. What we need is a plan broad enough to take in all the affected areas—the 31 States within the great Mississippi Basin as well as all the other States indirectly interested, and with sufficient elasticity to include the future expansion of this great and growing country. That duty, I say, rests with Congress. Congress should say what the policy shall be, and place the responsibility for carrying it out upon the engineering profession. I for one am willing to go on record now and state that it is the duty of the National Government to control the entire flow of all interstate streams, from their source to the mouth, and to utilize the waters therein to the utmost for the benefit of agriculture, industry, navigation, and flood control. Such uses will constitute the highest economic good to the entire Nation. With this definite and comprehensive policy adopted by Congress, then the detailed plans of the various projects can be more intelligently and economically worked out by engineers. Individual projects should be considered with reference to how each will fit into the whole system.

It is true that Congress has placed some restrictions upon the engineers of the War Department in passing upon the advisability of adopting new projects. Now, the engineers are asked to report upon the commercial possibilities, the economic justification, the feasibility from an engineering standpoint, and the estimated cost of each new waterway project, as well as the extent of both the Federal and local interests therein. This is all very valuable information as far as it goes; it enables Congress to more easily come to a wise decision in passing new legislation. Projects wholly lacking in merit are no longer authorized. Ill-advised legislation is no longer considered. However, the engineers can not be expected to do justice to the individual project when we have no national policy, nor can they state how any single project, under present conditions, will affect all others.

This association has advocated the standardization of channels of the great central waterway system. Congress has attempted to do this, but only on the main traffic lines. There is still a great lack of uniformity in the various waterway projects. The main river channel depth for navigation has been placed, for the most part, at 9 feet with all the other river channels tributary varying in depth from 4 to 8 feet. It should be the aim of this association and of Congress to insist upon a uniform legal standard depth for the entire waterways system of the country at 9 feet, and work for that accomplishment as quickly as possible.

Originally river transportation was the chief means of commerce. It failed not because of railroad competition, as some may think, but because of the instability and uncertainty of its waterway channels. In the handling of slow moving, bulk commodities river transportation supplements, rather than competes with railroads. There is a distinct field in the country's traffic for each to fill. The uncertainty of our waterways is what has driven much of the commerce from the Mississippi River and its tributaries. Only this last season, after years of labor and much expense, most of the traffic on the river north of Memphis had to be abandoned or was tied up for want of water in the channel. We can not maintain a 9-foot channel unless we have the water to flow in it. The fundamental thought, advanced by Senator Newlands nearly two decades ago, in favor of source-stream control, is as sound to-day as it was then. The principles of waterway development, as he enunciated them, should yet be enacted into law by Congress. If we are to have permanent regulation and the full use of our waterways his idea must be adopted as the controlling and guiding influence.

In dealing with this question of waterways we should consider, I believe, each entire river system as a whole. The great waterway of the central portion of our country is the Mississippi-Missouri River system. Improvements on the main stream and each of its tributaries should be contemplated and made from the Gulf to the head of navigation on each—I mean the natural navigation. The Ohio River has already been partially taken care of, with its system of locks and dams, the completion of which was dedicated last year by the President. But additional works should be put in looking to the control of stream flow in flood time. The upper Mississippi and the Chicago-Illinois diversions are practically all provided for now. The biggest unit still to be developed and completed is the upper Missouri River, as far at least as Fort Benton, Mont. No less a depth than a 9-foot channel should be considered throughout all the stretches of this main river. Let us standardize completely our waterway improvements. When we have adopted a plan of uniform depth throughout the length of our main waterways, we must next maintain this depth of channel throughout the entire year, both in low water and in flood times. This of necessity will require source stream control in the upper reaches of the river. The importance of controlling the flow of our streams at or near the source has not been fully appreciated heretofore by those living in the lower valley; in addition to its effect upon floods it is absolutely essential in the improvement and development of navigation. Without exception all of our rivers flow more swiftly at their source. The gradient per mile is much steeper, and in consequence the siltage and erosion of soil into the stream is very heavy. Slow up this run-off water at or near its source and it will lessen or completely eliminate all erosion and siltage. This in itself will be a wonderful saving in the maintenance of a navigable channel in the lower Mississippi River. There is now being spent each year for dredging the channel between Cairo and New Orleans, for the purpose of maintaining a sufficient depth for navigation, the sum of approximately one and one-half million dollars. This large sum can be greatly reduced by source stream control. In addition, the river banks will become fixed and stabilized on the lower reaches of the river. When we remember that erosion each year removes twenty times as much plant food from the soil as is used in the growing of crops in the United States we can begin to realize how important this one item alone is in the national economy. We have lost from wastings and erosions in our country more than 17,000,000 acres of land which we can not reclaim.

The abandoned farms of the Appalachian region are mute evidences of this wastage of a great national resource. The McCook Conference of Governors held last January said: "Soil erosion is recognized as the greatest waste of the heritage of the Nation." Unless water is stored during the floods on the upper Missouri and its tributaries as an aid to summer or low water flow, the general improvements now being made up to Kansas City and Sioux City will be of little value. The result, so far as navigation is concerned, will prove to be even less adequate than is the Ohio River navigation project. It has been demonstrated that the Pittsburgh dams and reservoirs, or some such supplemental storage system which will hold back flood peaks—the water to be released during dry weather to maintain navigation as water is needed—should be an essential part of a proper navigable channel on the Ohio. In a much greater degree are reservoirs and dams necessary on the upper Missouri.

Investigations into the drainage, precipitation, and run-off waters in this upper region have been made in my State of North Dakota. There is one reservoir site on the Missouri River above the city of Bismarck which is capable of storing 15,000,000 acre-feet of water. This will take care of about 40 per cent of the run-off waters of the Missouri River drainage basin. Detailed surveys have been made of this proposed reservoir site by Mr. R. E. Kennedy, State engineer. His plans and estimates are for the construction of a reservoir by means of a large earthen dam with a steel-concrete core. The dam proposed would be over 2 miles long, with a maximum height of 175 feet above the river bottom, and a spillway of 1,500 feet. The full capacity of the reservoir would be 30,000,000 acre-feet. The cost is estimated at $47,500,000, or $3.30 per acre-foot. Siltage of the river would be deposited in the lake thus formed at the upper end over a 60-mile area and would take 280 years to fill. The dimensions of this reservoir-lake would be approximately 140 by 1½ miles. It is believed that this improvement will affect the discharge of the Missouri River by reducing the flood flow at least 80 per cent at Bismarck and will increase the low-water flow at least 70 per cent at the same point. In other words, it will have the effect upon the river of giving it a stabilized flow throughout the year and will insure a constant uniform depth of channel below, which is absolutely necessary in the promotion of water navigation. It is very important to note the provision made for siltage, for the upper Missouri River carries 80 per cent of the total siltage of the Mississippi River system.

Engineers generally are agreed that the flood problem of the lower Mississippi River is the question of getting rid of approximately 20,000,000 acre-feet of excess water at the mouth of the Arkansas River. The 1927 flood contained only 16,000,000 acre-feet of water in excess of what the present adopted levee system, when completed, will be able to carry safely in the main river below the mouth of the Arkansas. The reasonable margin of safety above the 1927 flood should be provided for, which is 25 per cent over the 1927 basis. The main problem of the lower river, therefore, is how to take care of this 20,000,000 acre-feet of water more than the Mississippi River can safely handle below that point. Rather than turn the waters loose through fuze-plug channels or diversions, which will destroy vast areas of land and property in the Boeuf and Atchafalaya Basins, we ought to study first every other feasible plan which gives promise of taking care of this flood water in some better way. I am convinced this surplus water will all disappear if we develop the available reservoir sites on the upper tributaries. Such a program of reservoir control should be made a part of the adopted Jadwin plan by amending it. It will be less expensive in the long run to the Federal Government, and will at the same time repay in added benefits to the sections of country affected more than the original cost.

The Great Plains region is suffering severely from extremely high freight rates. The agricultural and industrial development of this section is held back by reason of prohibitory freight rates. As an illustration of the influence of transportation rates upon an industry I will cite the case of flax of which I am a large producer. North Dakota raises about one-half the total flax crop of the United States. We import some 20,000,000 bushels additional annually to supply the normal needs of the Nation. All of this could be easily supplied by the flax-growing States. Yet we find that for the last 20 years the Argentine farmer has been able to deliver his flax on either of our coasts cheaper than can the North Dakota farmer. In fact, the Argentinian has enjoyed an exclusive monopoly of that business by reason of cheap water transportation.

The American farmer, largely because of the freight differential, has been unable to reach the market of his country east of Buffalo, N. Y. With a developed inland waterways system the flax of Montana and North Dakota could reach the New York markets by an all-water route, and meet foreign competition on a favorable footing. This area produces 80 per cent of the basic raw materials of the country, such as wheat, corn, potatoes, butter, cotton, and livestock. It also contains vast mineral resources awaiting developments. These raw materials are bulk commodities and lend themselves readily to water transportation. With a properly developed waterway system the impetus to other industrial developments in the region would be so great that it would add materially to the railroad traffic. Thus, the revenues of the railroads would be increased rather than diminished thereby. It is a shortsighted policy which prompts railway executives to oppose development of river transportation, and I am happy to know that a changed attitude is now being shown by many of those interested in our railways.

I have tried to stress, as the central thought of my discourse, that there can be no safe, certain, and permanent river transportation until we have a controlled river channel. We must control the run-off waters of our rivers from the source to the mouth. Dangerous and destructive floods must be prevented if we are to have a prosperous and developed river commerce. The two activities must go hand in hand. Let the flood-control advocates recognize the fact that their interest lies with the navigation advocates. Do the job at once.

A great economic depression hangs over our land and the world to-day. Large numbers of men are unemployed. I believe it will be wise economy and the part of statesmanship to set these men at gainful work on public improvements. And, of these there is none which will yield a richer return nor more permanent benefits than the proper development of our inland waterways. Now, when industry is lagging, is the time to push this great public work. The program already adopted can be augmented and speeded up. Let us bend every effort toward its successful completion, not in 20 years, but in 5, so that we may profit from its establishment in our lifetime. I, for one, pledge myself to do my utmost to that end.

THE UNITED STATES COAST GUARD

Mr. ABERNETHY. Mr. Speaker, it is my purpose to take this opportunity to pay tribute to one of the greatest organizations of our Government, the United States Coast Guard. This is one of the earliest organizations of the Government, and until recently had practically no criticism against it whatsoever. In recent years, however, this organization has had imposed upon it the duty of undertaking to enforce the liquor laws in addition to other violations, and has been subject to attacks from some sources, which I do not think have been justified in any particular.

This organization is headed by one of the best men in public life, Rear Admiral F. C. Billard. I have come in close contact with this organization, and from the highest to the lowest it will compare favorably with any other governmental activity.

The life-saving branch of the service has stood out conspicuously in the past.

I feel that in the rescue of the fishermen adrift on the ice fields of Lake Erie February 7, 8, and 9 that the United States Coast Guard performed a service that reflects great credit upon that organization. This rescue is traditional of the Coast Guard and characteristic of the work which that valiant service performs. Editorials from various newspapers representing the larger cities throughout the United States have voiced the opinion that the service should receive national recognition for the very efficient rescue of 41 fishermen.

The work of effecting this particular rescue extended over a period of 48 hours. Receiving word that the men were adrift in very exposed and dangerous positions at 10 a. m. of February 7, the rescue was not completely effected until 9.45 a. m. of the following Monday morning, a period of 47 hours.

During this entire period the Coast Guard personnel in and about Buffalo were actively engaged in rescuing these men from their position of peril—this in the face of a blinding northeast blizzard, with the temperature at 18° and a strong northeast gale.

In effecting the rescue it became necessary for the Coast Guard to employ the services of airplanes. The service was also assisted by the local Buffalo interests in placing additional planes at the disposal of the service for use in locating the drifting men. Due to the intensity of the storm it was impossible for planes to take off until approximately 26 hours after the fishermen had first been reported adrift. This delayed the rescue of the fishermen for 24 hours. The matter of planes is mentioned to point out the humanitarian duties which they may be called upon to perform.

Due to the fact that the marooned fishermen had drifted several miles into the open lake, the exact whereabouts could not be determined by Coast Guard forces. The planes having finally located the missing men, the Coast Guard activities were immediately directed to the rescue. Approximately four hours after the men had been located Coast Guard personnel and craft had effected the rescue of the first boatload of fishermen. Great difficulty was experienced in accomplishing this rescue, due to the fact that it was necessary to haul small boats a distance of 7 miles over the broken ice fields and then cross open fissures which were full of heavy slush, which was almost impossible to penetrate. The marooned men were escorted ashore and the work of accomplishing the rescue of the remaining men continued through Sunday afternoon. As darkness set in Sunday night all but 3 of the last 20 survivors had been rescued. In order to accomplish this rescue it was necessary that Coast Guard personnel who were operating the rescue boats remain on the floating ice fields in order that their places in the boats might be taken by the fishermen. This self-sacrifice on the part of seven coast guardsmen who willingly sacrificed their own safety for that of the marooned fishermen is particularly commendable and truly representative of the traditions of this noble service. By strange irony of fate one of the coast guardsmen who surrendered his place in the rescue boat was the same man who two years ago was so severely criticized while in the performance of his sworn duty. I refer to Motor Machinist's Mate Glenn S. Jennings. Two years ago this young man, while in the performance of his duty in the suppression of smuggling along the Niagara frontier, in attempting to stop an automobile which was supposed to have been smuggling contraband, fired a shot at the tire of this automobile which ricocheted and hit the occupant of the car, Mr. Jacob Hanson. Now Jennings appears in another rôle. I call this to your attention to show the diversity of duties which the coast guardsman is called upon to perform.

With the approach of darkness Sunday night the weather conditions changed and the wind shifted to the northeast, which caused the ice floe to again separate and drift farther into the lake. The separation of the ice floe and the fact that it drifted farther up the lake caused a temporary suspension in the rescue operations. The three fishermen and the seven Coast Guard Men were therefore required to spend the night on the ice, although continual effort was made during the night to effect their rescue. With the coming of morning, planes were again chartered by the Coast Guard to locate these missing men. Personnel from adjoining Coast Guard stations—Cleveland, Erie, and Niagara Falls—were called in to reinforce the personnel which had been engaged for the preceding 36 hours, and who were fast becoming exhausted from their arduous labor. Upon the missing men being again located Monday morning, the rescue was speedily accomplished and the remaining fishermen and Coast Guard personnel rescued.

I call this accomplishment to your attention not that it is different in any way than a thousand other similar accomplishments which have been effected by the Coast Guard during the past few years but for the reason that at this particular time, when the Coast Guard is being criticized and censured while in the performance of its sworn duty, I feel that the true and paramount duties of this excellent service should be called to your attention.

OLEOMARGARINE

Mr. WILLIAMSON. Mr. Speaker, in a recent decision the Commissioner of Internal Revenue held that palm oil, when used as a substantial ingredient of oleomargarine, can not be considered as artificial coloring matter within the act imposing 10 cents a pound tax on oleomargarine when artificially colored. This ruling has had a most serious effect in lowering the price of butter, and unless promptly remedied by making all yellow oleomargarines subject to the tax as proposed by the bill (H. R. 16836) now before us will prove disastrous to the dairy industry of this country.

Oleomargarine has practically no food value. The discussion here shows that it contains no vitamin A, which is essential to life and an important ingredient of butter. It has also been stated by the gentleman from New York [Mr. SIROVICH], who is an eminent physician, that it takes 25 pounds of oleomargarine "to give you as much nutritive value as does 1 pound of wholesome butter made from cow's milk." If this is correct, the manufacture and sale of oleomargarine is a fraud upon the public and should be entirely prohibited. Canada has already done this, not only in the interest of the dairyman and farmer but in the interest of public health.

For a long time a tax on oleomargarine was opposed by the South, as large quantities of cottonseed oil and peanut oil were used in its manufacture. However, the use of peanut oil has fallen from 21,593,000 pounds in 1917 to 5,000,000 pounds in 1927, and the use of cottonseed oil is rapidly reaching the vanishing point. In place of using these comparatively wholesome oils, the manufacturers have resorted to the use of coconut and palm oils. Both of these are foreign oils and are produced under conditions which make them both cheap and unfit for human consumption.

The tariff protects butter against competition from foreign butter and animal products but does not effectively reach the substituted vegetable oils now used in oleomargarine. Imposing the tax of 10 cents a pound on colored oleomargarine will help, but I would go further and prohibit its manufacture altogether. This is demanded both in the interest of childhood, to whom vitamin A is essential to health and growth, and the American farmer.

THE HOOVER ADMINISTRATION

Mr. GARNER. Mr. Speaker, it is my judgment that the record of the Seventy-first Congress and of the first half of the Hoover-administration is keenly disappointing to the people, who have been promised so much and for whom so little has been performed.

This administration and this Congress came into power two years ago with a number of definite commitments, but outstanding above all else was the pledge to do two things: To solve the problem of agriculture and to accomplish a "limited" revision of the tariff. Neither promise has been kept in good faith, whether for lack of vision and capacity or whether from unwillingness to keep faith with the people each of you may determine for yourself, just as each voter will determine that question when he or she comes to return a verdict on the Hoover administration in the election next year.

I do not believe it an exaggeration to say that as a candidate before the country a little more than two years ago Mr. Hoover was probably more profuse in his promises than any other candidate had ever been. There was little that was good that the country had enjoyed that Mr. Hoover did not attribute to the policies and the leadership of the political party with which he had at last decided to affiliate himself, and there was nothing he was not willing to promise, even an eventual Utopian state in which poverty and the poorhouse would be unknown.

Among other things, Mr. Hoover was induced to pledge, in the event of his election, to convene Congress in special session to do two things, namely, revise the tariff and produce a cure for the ailments from which agriculture had so long been suffering. At least President Hoover kept the promise to convene Congress in special session, and it was so convened in April, 1929, only a little more than a month after Mr. Hoover was inaugurated. He sent a message to Congress in which he made two specific recommendations, dealing with the farm problem and the tariff.

On the subject of agriculture, after picturing the plight into which that industry had fallen, he said:

> There being no disagreement as to the need of farm relief, the problem before us becomes one of method by which relief may be most successfully brought about.

He added that his administration was—

> Pledged to create an instrumentality that will investigate the causes, find sound remedies, and have the authority and resources to apply these remedies.

On the subject of the tariff, in the same message, President Hoover pointed out what he said was "the necessity for some limited changes in the schedules" of the existing tariff law. He wanted, mind you, only a "limited" revision, and the test of the necessity for revising a rate or a schedule was—

> Whether there has been a substantial slackening of activity in an industry during the past few years, and a consequent decrease of employment due to insurmountable competition in the products of that industry.

These were the pledges. It is appropriate to inquire how they have been kept. As for myself, it is my deliberate judgment that they have not been kept either in good faith with the people or in harmony with sound principles of good common sense. It is my opinion, too, that this verdict will be concurred in by an overwhelming majority of the people of the country.

AGRICULTURE

First, I shall discuss the pledge and the performance with respect to agriculture. You know, all of you, what happened. Congress was disposed to pass a farm bill containing the principle of the export debenture, which was a very simple proposition, in that it was nothing more nor less than an attempt to give agriculture at least some of the benefits of the tariff, benefits which have for so long been bestowed in a discriminatory way to other industries, such as the steel, the aluminum, the textile, and many other industries. Mr. Hoover rejected that plan, even though the Senate actually voted it into the bill. It became manifest that we must accept either the Hoover plan or get no plan at all. So we had to accept the Hoover plan, even though the export-debenture plan was approved by every important organization of farmers in the country and was, I have not the slightest doubt, the choice of a majority of the Members of this House as well as of the Senate. However, there is no use talking about that. We could not get the export-debenture plan, or any other plan except that of Mr. Hoover himself, and so his plan was adopted. Under it the Federal Farm Board was created, made up of members selected by the President himself. In announcing the appointment of this board, President Hoover himself said there had been lodged in the board—

> Responsibility, authority, and resources such as have never before been conferred by our Government in assistance to any industry.

Moreover, it was given the huge appropriation of $500,000,000 with which to do its job. Congress dealt generously with the board; it attached no string to a single dollar of the money. It asked only that the board do something to revive the farming industry. Well, what has happened?

I do not believe there is a man within the sound of my voice, or even in the whole length and breadth of the country, who will say that the board, by what it has done or what it has attempted to do, has justified the confidence which the President reposed in it. There is not a farmer, not an economist, not an individual who has taken the pains to inquire into the state of the farming industry who is not bitterly disappointed at what must be confessed to be the absolute failure of the Hoover board, the complete breakdown of the administration's plan for farm relief.

The Farm Board was created 20 months ago. To-day, notwithstanding the very extraordinary power conferred upon the Farm Board and the very huge sum of money placed at its disposal, the agricultural industry is in very

much worse condition than it was when the board was created. Let me quote you just a few lines from a statement appearing in the newspapers only the other day under the name of R. W. Dunlap, who is Assistant Secretary of Agriculture: He said:

> The year 1930 was one of considerable disappointment not only to farmers but also to those engaged in many other industries. Agriculture suffered because the prices for agricultural products dropped to a much greater degree than the prices of products for which farmers must pay.

I would say that Mr. Dunlap, who is Secretary Hyde's right-hand man, was stating the case somewhat mildly when he said the year 1930 was one of "considerable disappointment" to the farmers. He might have said that it was a year of considerable anguish, even of downright disaster to a great many of them, without laying himself open to the accusation of having overstated the case.

Let me give you just two or three figures by way of illustrating just how "considerable" was the disappointment from which the farmers suffered last year.

In 1929, according to the Department of Agriculture's own figures, the total value of the principal farm crops produced in the United States was $8,675,000,000. At the end of the crop season of 1930, after the Farm Board had been operating with almost unlimited capital for nearly a year and a half, it was found by the same official authority that the value of the same crops was $6,274,000,000, or almost precisely $2,400,000,000 less than the value of the same crops in the preceding year. Also, from 1929 to 1930 the value of livestock sold off the farms and ranches of the country dropped a little more than $225,000,000. Add this to the $2,400,000,000 loss in the value of crops and we have a shrinkage of $2,625,000,000, which the farmers and stockmen, those engaged in the basic industry of the country, had to absorb in a single year, notwithstanding the profuse promises of the President to cure the farmer's ills and notwithstanding the grain exchange and other manipulations of the President's Farm Board. I am not so sure, either, but that we will have to add to this stupendous loss the $500,000,000 which was appropriated for the use of the Farm Board, for I am beginning to think that we might as well have tossed that money to the birds, so far as any beneficial effect on the agricultural industry is concerned.

This appalling, this ruinous loss in farm crop values can not be attributed to the score of either underproduction or overproduction, for there was not a material difference in the crop production of 1929 and 1930.

Wheat and cotton are two of our principal crops, and what we know as "money crops." In 1929 wheat production in the United States was 806,500,000 bushels, and it had a value of $840,921,000. In 1930 the crop amounted to 850,900,000 bushels, an increase of about 44,000,000 bushels; but it had a value of only $517,407,000, a decrease of $227,000,000.

In 1929 the cotton crop amounted to 14,919,000 bales, with a value of $1,225,000,000. In 1930 the crop was 14,243,000 bales, with a value of only $674,000,000, a decrease of more than $550,000,000.

How many years do you imagine that agriculture, our basic industry, can go on absorbing such losses and still exist? Is it any wonder that the columns of the newspapers of every county in the land are cluttered up with advertisements of farm sales under foreclosure?

From January, 1929, to January, 1930, the average price of farm products, as shown by the index figure of the Department of Agriculture, dropped 40 points to the lowest level since January, 1912. And it is still dropping.

In the face of these facts, these indisputable Government figures, can anyone maintain longer that the Hoover policy of farm relief and the Hoover Farm Board are not a flat failure?

THE TARIFF

I shall deal but briefly with the subject of the tariff.

As I have shown, President Hoover committed himself to a policy of "limited revision" of the tariff. That pledge was not kept, as nobody knows better than you gentlemen of the House. All of you know how, when the hearings were opened by the Ways and Means Committee, great swarms of greedy lobbyists thronged the corridors of the House Office Building and later the Senate Office Building, pot-bellied with greed and endowed with capacity to get what they were after. They got it. The Ways and Means Committee of the House and the Finance Committee of the Senate were surrounded by "men who knew what they wanted and how to go about getting it." They had made their contributions to the campaign chest of the Republican Party, and they were here to collect their dividends, and they collected.

Instead of a "limited revision" all of the schedules were opened up, and when the Hawley-Smoot tariff bill was finally passed it contained the highest level of rates ever written into an American tariff. It is true he signed it rather apologetically, but the President signed it nevertheless, and he never committed a greater error or helped to commit the country to a more ruinous policy.

The rates of the Hawley-Smoot tariff bill add enormously to the burden of living costs of the American people. One economist who is an authority on the tariff contends—

> If only one-half of the legalized tariff allowances are added to the merchandise sold in our general stores, the cost to consumers is $10,000,000,000 annually, as computed by experienced Federal statisticians. And one-half of this—

He adds—

> is over and above the requirements of honest protection.

To realize that the tariff policy of the Hoover administration and of the Republican majority in this Congress is ruinous it is necessary to go no further than to the foreign-trade figures of the Department of Commerce.

During the calendar year 1930 our foreign trade fell below the trade for 1929 by $2,737,780,000. During the first seven months following the signing of the tariff bill by President Hoover our foreign trade fell off more than $2,000,000,000.

A well-known economist has said that "customs tariffs determine the extent and flow of international trade." Without a decent, fair, honest tariff policy we can not expect the friendship of the rest of the world, and without that friendship we can not hope to find a sufficient market for our export surpluses of grain and cotton, as well as of manufactured products.

It is no answer, as some of the opposition would have us believe, to say that the remainder of the world is also in the depths of a depression. If it is, the fault is more upon us than any other country. Not only have we done nothing by our tariff policy to help keep the rest of the industrial world out of chaos but we have actually contributed to it. Scores of countries have enacted retaliatory tariffs on the principle that if they may not sell to us they will not buy from us. Apply this principle locally. Let a merchant set himself up in business in the community of any of you. Let him buy nothing in that community; let him import carpenters, bricklayers, electricians to erect his store building; let him spend not a dollar among you except what he must pay in taxes, and how long do you suppose he would stay in business? If he does not buy in the community, he will not long sell in that community. And so it is with nations; if we will not buy anything, we can not sell anything.

Of the importance of this foreign trade, not only to our manufacturing industries, to our cotton and wheat growers, but to all of the people, I cite no less an authority than President Hoover himself. In 1928, when he was a candidate, he made the statement that our foreign trade meant a living for no fewer than 3,000,000 American—not individuals, mind you—but families. Well, our foreign trade fell off about 27 per cent in 1930, and it is still dropping. If 3,000,000 families were earning a living as a result of our foreign trade in 1928, when Mr. Hoover was a candidate and spoke so proudly of our foreign trade, then 27 per cent of those families were deprived of that means of earning their livelihood in 1930. That is part of the answer to your problem of unemployment. Our short-sighted, silly, selfish tariff policy, by its ruinous effect on foreign trade, accounts for the unemployment of the workers in more than 800,000 families, according to President Hoover's own yardstick.

I am not talking to you now about the policy of protection or of free trade or of a tariff for revenue. I am talking to you about the ruinous, dishonest policy of inflicting outrageous and unjustifiable tariff duties on commodities that are essential to the life and comfort of our people, and doing it in the name of protection.

For this policy Mr. Hoover and the Republican majority in Congress must assume the responsibility. For it they must answer to the people, as more than 50 of you discovered to your sorrow in the election of last November. They must answer, too, for the failure of the administration not merely to deal sympathetically with the problem of agriculture but to deal with it in any effective way.

On this record, on the record of the complete breakdown, the utter failure of the Hoover administration and this Congress to keep its pledges with reference to agriculture and the tariff, I say that the last two years have brought the most bitter disappointment to the people of this country of any short-sighted, stupid, silly, selfish policy ever followed by any party or President in any administration.

Upon your record you will be judged. Viewing that record, I and my colleagues look forward with confidence to the approach of another presidential election year, when the people will have opportunity to return their verdict, to render their judgment, and to once again wrest back power from the selfish interests which have seized and abused it.

TURPENTINE GUM AND ROSIN

Mr. HARE. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following statements made before the Committee on Agriculture February 17, 1931, the committee having under consideration Senate bill 2354:

Mr. HARE. Mr. Chairman and gentlemen of the committee, I appear in support of this bill in a dual capacity, both as a representative of a number of constituents who produce turpentine gum and rosin and then as a witness to explain what turpentine gum is and its relation to agriculture.

I might say at the outset that in my earlier life all of my time was spent on the farm, where I was engaged in many types of farming. We grew cotton, corn, wheat, oats, potatoes, livestock, and ran what we called a "turpentine farm." We used the same labor in each and every operation. That is, I or other members of the family, for we did practically all of our own work, would be found plowing corn one day, chopping cotton the next, and "chipping" pines the third. Or we may plow cotton one day and dip rosin the next, depending somewhat on weather conditions, for quite often we would be able to work the turpentine farm when you could not work the cotton or corn farm, particularly after heavy rains when the land would be too wet to work cotton or corn, but you could chip pines or dip rosin. We used the same mules in plowing cotton and corn in hauling turpentine gum and rosin. We used the same labor in each operation. The work was all under the same management. It is just simply a different type of farm, but a farming operation nevertheless.

The difficulty, as I understand it, in this matter has been on the part of the Farm Board to determine whether turpentine gum is a farm crop or farm product, the contention being that if it is a farm product it should be placed in the same classification as any other farm product and the producers be entitled to share in the benefits of the agricultural marketing act. In my section it is the exception to find anyone who works a "turpentine farm" who does not also do other farm work; that is, a "turpentine farm" is simply a type of farming, or one of many agricultural operations carried on by a number of farmers in my district, as well as other parts of the country.

Mr. Chairman, I have a letter here from one of the best and largest farmers in my district. I will read what he says: "There are many of us who have for years planted our pine seed"—that is, they plant pine seed like they plant cotton, corn, wheat, or other farm crop. Reading further, he says: "We set our pine plants," just like you set sweetpotatoes, tomatoes, pecan trees, fruit trees, or any other plant on the farm. There is no doubt but what an apple or peach orchard is a type of farming; there can be no doubt but what a pecan grove is a type of farming; then where can there be any doubt about planting and cultivating pine trees as being a type of farming? If so, then turpentine gum and rosin should certainly be classed as products of the farm, just as apples, peaches, pecans, or maple sugar. Listen to what this farmer goes on to say in his letter: "We have plowed the trees, hoed, protected them, and cared for these trees each year to the same extent and in the same manner that we would our other farm program."

So it is only a question of whether or not this turpentine gum and rosin should be included in the marketing act on the basis of other farm crops. Knowing the situation as I do, I can not see where there can be any doubt whatsoever.

Mr. FULMER. That is, the farming turpentine business is largely like the farming pecan business, and the pecan growers have organized and have come under operations of the board.

Mr. HARE. Yes; that is a good illustration. It is just like the tobacco business also. In my State a man may have 4 acres of tobacco and 50 acres of cotton in order that he might be able to organize his labor to the best advantage. And for that same reason he takes in or includes turpentine farming. He has so many acres or trees he will cut one year; so many he will work next year; and let these rest [illustrating], just like we let our land rest from time to time. In other words, there is diversification in it, and it is purely a farming operation. You can not get anything else out of it, and this type of farming should have been included in the original agricultural marketing act.

Mr. Chairman, in view of the fact that I have been limited to five minutes, I will ask to insert in the record some letters and telegrams I have received in behalf of this amendment.

ESTILL, S. C., *February 12, 1931.*

Hon. BUTLER B. HARE,
Member of Congress, Washington, D. C.:

The George amendment, classification gum turpentine and rosin farmers under Capper-Volstead, now in House Agricultural Committee, sponsored by LARSEN, of Georgia. Necessary you rush this out of committee for passage. This will be a great help to the people of your district. Thanking you for past favors,

W. L. RHODES.

ESTILL, S. C., *February 13, 1931.*

Hon. BUTLER B. HARE,
Member of Congress, Washington, D. C.:

Will greatly appreciate your help in getting George amendment, classifying gum turpentine and rosin from under Capper-Volstead Act, out of committee for passage this session. This is among the largest industries in our district. Employs thousands of people and is badly in need of help. Kindest regards.

M. H. O'NEAL.

YEMASSEE, S. C., *February 13, 1931.*

Hon. BUTLER B. HARE,
Member of Congress, Washington, D. C.:

Amendment by Senator GEORGE, gum turpentine and rosin farmers, Capper-Volstead Act, being sponsored by Congressman LARSEN. Amendment in Agricultural Committee. Please use best efforts to get this out at earliest possible moment.

C. E. BULLARD.

VARNVILLE, S. C., *February 15, 1931.*

Hon. B. B. HARE,
Washington, D. C.

DEAR MR. HARE: Mr. Irvin Post and others of the executive committee of the Gum Turpentine-Rosin Marketing Association, of Jacksonville, Fla., and Savannah, Ga., have been very insistent that I accompany them to Washington for a hearing before the House Agricultural Committee in re Senator GEORGE's amendment classifying the gum turpentine-rosin farmers as being eligible under Capper-Volstead Act. I know you are familiar with the subject, and that it will be a pleasure to assist in every way possible to obtain the desired results for our cause.

There are many of us who for years have planted our pine seed; also set out our pine plants, and plowed, hoed, protected, and cared for these young trees each year the same as any other part of our farm program. Therefore there should be no question as to the product we get from our trees being eligible under Capper-Volstead or any other agricultural act. And the growers and producers thereof should be, and are in my opinion, entitled to the privileges enjoyed by other agricultural products. Why should we as tree growers and producers be denied the right to organize ourselves into a cooperative marketing association to handle and market the product we grow and produce on our farms? And why should not our Government under our agricultural and marketing acts extend to us the financial assistance needed to carry forward and accomplish this end the same as it does for other kindred agricultural products that are grown from the soil on our farms and produced on, in, or by the trees? I've got to stop—the subject is so interesting and the present situation so intensely vital to the industry until I will be writing you a long letter before I know it.

Thanking you in advance for all assistance in the matter and all courtesies shown our gum-spirits committee, I am,

Very truly yours,

T. H. TUTEN.

THE POWER TRUST

Mr. LAGUARDIA. Mr. Speaker, under permission granted to extend my remarks I want to insert a letter received today from a gentleman of the State of Massachusetts indicative of some of the splendid, high-type, calm, conservative, dignified gentlemen who support the Power Trust. The letter speaks for itself:

ATTLEBORO, MASS., *March 3, 1931.*

Congressman LAGUARDIA,
Washington, D. C.:

After listening to your effort at oratory last evening, which, by the way, sounded more like a squawky "red" soap-box spouter on the east side, from which you come and where the worse bunch of low-downs elect you.

I have lived 60 years and have yet to hear a complaint on the high cost of electricity or gas. We do the most of our cooking

tinued on and after April 26, 1931, under the supervision

was not kept, as nobody knows better than you gentlemen of the House. All of you know how, when the hearings

the unemployment of the workers in more than 800,000 families, according to President Hoover's own yardstick.

Mr. FULMER. That is, the farming turpentine business is largely like the farming pecan business, and the pecan growers have organized and have come under operations of the board.

high cost of electricity or gas. We do the most of our cooking

with gas, and the bill last month was $1.19. Also, we have an electric refrigerator, sweeper, radio, toaster, etc., and the bill last month was $8.45. Can one ask more?

You spoke of cheap gas supplied by the Canadian Government and you say nothing of the big taxes that they do not pay that the United States companies do.

If you and that bunch of "red" western Senators would use your addled brains toward something that would aid business instead of trying to tear it down, you would have as many friends here as you now have in Russia and we would have had plenty of employment long ago. And by the way, I should like to know how much Russia pays you.

Your name shows what you are, a dirty foreigner, in a class with Capone, and those that can't be deported should be shot.

Hoping you will soon be in hades.

J. R. WALCOTT.

P. S.—It would be a fine business run by such politicians as we have now in Washington.

OLEOMARGARINE AND TURPENTINE

Mr. LANKFORD of Georgia. Mr. Speaker, the House has just passed the oleomargarine bill carrying a provision declaring that certain naval-stores products shall be classed as farm products and as such entitled to all the benefits of the Federal Farm Board marketing act. This is a recognition that has long been sought by the turpentine producers and which many of us hope will be very beneficial to them.

On at least three former occasions I have expressed rather fully my reasons for actively supporting this legislation and I shall not now make an extended argument in support of the proposition, except to repeat the statement, that in my opinion the Farm Board has a better chance to make a real try out of its marketing plan with this product than with any other. I say this for the reasons heretofore urged in support of this recognition, and I now wish to urge the Federal Farm Board to grant to the turpentine producers all possible assistance authorized by law. The turpentine producers and their friends have made a hard fight to secure that which many thought them entitled to under the original act.

I was one of those who feared the original act was too doubtful in its terms and susceptible of a construction excluding gum-turpentine products. My fears were well founded, as was established by later developments. One of my criticisms of the original Farm Board marketing act was aimed at the indefinite terms of the bill. I felt and stated that too much was left open to several different constructions. I urged that the bill be couched in definite and unequivocal terms, so there could be no doubt about the legislative intent.

In fact, when the original bill was passed I had pending a bill with definite, certain language specifically including naval-stores products. I could not secure the approval of my bill or any of its provisions. Congress was determined to pass the original bill as reported and without amendment, and did so. I am glad this provision of my bill has been written into the law and hope still more of my plan will be enacted in the near future. I have heretofore said so much about my contract control of production and price marketing plan until I shall not now further discuss this proposal.

I do, though, want to say a few words concerning the splendid fight that has been waged to secure enactment of the proposal including gum turpentine as entitled to all the relief of the Federal Farm Board. Those of us in the House who favored the enactment of this proposal believed that our colleague, Mr. LARSEN, should introduce the measure for the relief of the turpentine producers. We came to this decision deliberately because of Mr. LARSEN's position on the House Committee on Agriculture, and because of his ability as a legislator, coupled with his untiring determination to succeed when serving his people.

We were not at all mistaken in our decision. Having kept in close touch with the matter before the Farm Board, before the House Committee on Agriculture, on the floor of the House, and at all times, whether in private conference or in public legislative combat, I am in position to know and state of my own knowledge that no one ever rendered more faithful and efficient service in behalf of a measure than did Mr. LARSEN in behalf of this one.

It is my candid judgment that the measure would have met much greater difficulties and probably been defeated except for his splendid help.

Time and again I found the proposal getting past what appeared to be unsurmountable hurdles; all because of Mr. LARSEN's splendid activity and the good work not only of Mr. LARSEN but also of his many friends here who were helping, even though some of them knew nothing about turpentine but simply wanted to help their friend Mr. LARSEN and had faith in the bill because he was its author.

Senator GEORGE introduced and passed the proposal in the Senate. It was well that he take the lead there, since he had argued the matter repeatedly before the Farm Board and was from the turpentine section of the greatest turpentine-producing State in the Nation.

After the bill passed the Senate, came to the House, and a favorable report was made by the House Committee on Agriculture certain manufacturing interest who had always been unfriendly to the bill became very active against the measure, and for a time it seemed that we were doomed to certain defeat. Congress was nearing adjournment, we had tried every parliamentary move to get the bill up for consideration, but were blocked. It seemed we could not move. We believed we could pass the bill if we could only get it up, and yet we were uneasy about the outcome even if a vote was taken. We knew that certain interest was waging an awful fight against the bill, and knew that only a small percentage of the Members represented turpentine sections.

We were seeing all our friends that we could possibly reach and yet the situation was most serious.

While the oleomargarine bill was being considered and debated in the House my colleague, Mr. EDWARDS, of Georgia, and I were discussing the seriousness of the turpentine situation and each expressed the wish that there was some way to tie the turpentine proposition to the oleomargarine bill so as to secure for the turpentine proposal the votes of the oleomargarine supporters. We knew, though, under the rules of the House the turpentine item could not be tacked onto the oleomargarine bill by amendment.

To make a long story short, the oleomargarine bill passed the House, went to the Senate, where the rules of procedure are more liberal. Senator GEORGE made the strategic move necessary to force the passage of the bill, and without which the bill would have failed of passage. He not only made the proper move at the right time and in the proper way, but also brought to bear his legal and legislative acumen in effectively forming and safeguarding a situation which would force the passage of the provisions of his bill.

After the amendment was secured by Senator GEORGE the fight ceased to be hard. The friends of the proposal were jubilant and many of the enemies of the turpentine bill were mad but found themselves bound to vote for it rather than defeat their pet oleomargarine bill. It was an amusing situation. Many of those who did not like turpentine were forced to swallow it when the dose was given with oleomargarine.

We were glad to secure the passage of the bill by any legitimate means. We were almost desperate. Our folks were suffering, wanted the bill passed, and believed it would help them.

Among the many who wired me to support the bill are the following:

W. V. Musgrove, Homerville, Ga.; H. Langdale, Valdosta, Ga.; Lakeland Turpentine Co., Lakeland, Ga.; A. J. Baldwin, Naylor, Ga.; Moody Bros., Surrency, Ga.; D. E. Coleman, Valdosta, Ga.; Alex K. Sessoms, Waycross, Ga.; A. H. Croom, Baxley, Ga.; L. M. Autrey, Valdosta, Ga.; B. A. Bennett, Millwood, Ga.; Pearson Turpentine Co., Pearson, Ga.; Paul M. Lang, Pearson, Ga.; F. A. Shaw, Willacoochee, Ga.; J. T. Paulk, Willacoochee, Ga.; B. G. Oberry, sr., Willacoochee, Ga.; Miles & Dunn, Baxley, Ga.; J. B. Lewis, Waycross, Ga.; E. D. Rivers, Lakeland, Ga.; G. W. Varn, Valdosta, Ga.; the Downing Co. (Inc.), Brunswick, Ga.; D. J. Henderson, Ocilla, Ga.; J. G. Henderson, Lakeland, Ga.; W. L. Miller, Lakeland, Ga.; R. L. Patten, Lakeland, Ga.; Reason Henderson, Lakeland, Ga.; R. Simpson, Lakeland, Ga.; W. W. Turner, Valdosta, Ga.; J. A. Bennett, Valdosta, Ga.; W. M. Prescott, Valdosta, Ga.; J. T. Holt, president Baxley Kiwanis Club, Baxley, Ga.; L. L. O'Quinn & Bros., Odum, Ga.; Georgia Forestry Association, T. G. Woolford, president, Atlanta, Ga.; Gum Turpentine Rosin Marketing Association, Jacksonville, Fla.; D. A. Sapp, Brunswick, Ga.; J. D. Odom & Co., Waverly, Ga.; J. H. Harvey & Co., Gardi, Ga.; Sasser & Co., Lake City, S. C.; Sapp & Reynolds, Bainbridge, Ga.; Appling Turpentine Co., Baxley, Ga.; Alcorn Naval Stores Co., Dexter, Ga.; Cadwell Naval Stores Co., Dexter, Ga.; Laurens Turpentine Co., Glenwood, Ga.; Carr & Howard, Kite, Ga.; Screven Turpentine Co., Sylvania, Ga.; Carolina Naval Stores Co., Dorchester, S. C.; McClellansville Turpentine Co., McClellansville, S. C.; Wiergate Naval Stores Co., Wiergate, Tex.; Pine Harbor Naval Stores Co., Eulonia, Ga.; Union Turpentine Co., Lake Park, Ga.; Odum Turpentine Co., Odum, Ga.; Coastal Turpentine Co., Uvalda, Ga.; Rosa Turpentine Co., Poplarville, Miss.; Eastman Gardiner Naval Stores Co., Laurel, Miss.; Altamaha Turpentine Co., Graham, Ga.; White Springs Naval Stores Co., White Springs, Fla.; Gem Naval Stores Co., Kirkland, Ga.; Sansavilla Turpentine Co., Mount Pleasant, Ga.; Better Rosin Corporation, Cogdell, Ga.; and Waynesville Naval Stores Co., Waynesville, Ga.

Among those who came to Washington and rendered most splendid and efficient service in behalf of the bill are the following:

T. J. Aycock, Jacksonville, Fla.; Julian Langner, Jacksonville, Fla.; James Fowler, Soperton, Ga.; Robert Newton, Hattiesburg, Miss.; Raymond L. Sullivan, Savannah, Ga.; M. O. Dunning, Savannah, Ga.; and A. K. Sessoms, Cogdell, Ga.

In conclusion let me say I sincerely trust the Federal Farm Board, by reason of this law, renders a real service to the turpentine producers. These producers are worthy of assistance, really need it, and will cooperate in every way possible in helping the board make here and now a real success.

FIVE CIVILIZED TRIBES

Mr. HASTINGS. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I wish to insert the following with reference to the Five Civilized Tribes bill.

In order to explain the bill under discussion, which is much misunderstood, I am inserting the bill, as follows:

Be it enacted, etc., That all funds and other securities now held by or which may hereafter come under the supervision of the Secretary of the Interior belonging to restricted members of the Five Civilized Tribes of Indians of one-half or more Indian blood, including heirs born since March 4, 1906, shall remain subject to the jurisdiction of said Secretary until April 26, 1956, subject to expenditure in the meantime for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as the said Secretary may prescribe: *Provided*, That where the entire interest in any tract of restricted and tax-exempt land belonging to members of the Five Civilized Tribes is acquired by inheritance, devise, gift, or purchase, with restricted funds, by or for restricted Indians, such land shall after April 26, 1931, remain restricted and tax exempt during the life of and as long as held by such restricted Indians, but not longer than April 26, 1956, unless the restrictions are removed in the meantime in the manner provided by law: *Provided further*, That such restricted and tax-exempt land, held by anyone, acquired as herein provided, shall not exceed 160 acres: *And provided further*, That all minerals, including oil and gas, produced on or after April 26, 1931, from said lands so acquired shall be subject to all State and Federal taxes as provided in section 3 of the act approved May 10, 1928 (45 Stat. 495).

SEC. 2. That the attorneys provided for under the act of May 27, 1908 (35 Stat. 312), shall have the right to appear and represent any restricted member of the Five Civilized Tribes before the county courts of any county in the State of Oklahoma, or before any appellate court thereof, in any matter in which said restricted Indians may have an interest, and no conveyance of any interest in land of any full-blood Indian heir shall be valid unless approved in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of Oklahoma, and said probate attorneys shall have the right to appeal from the decision of any county court approving the sale of any interest in land to the district court of the district of which the county is a part.

As above stated, this bill contains two sections. The first part of the first section only deals with funds and other securities belonging to restricted Indians and makes sure that the restrictions on these funds and securities are continued on and after April 26, 1931, under the supervision of the Secretary of the Interior, as at present. It does not give any preferential right to an heir born after March 4, 1906. The bill in no place does that.

The first proviso of section 1 permits an entire interest to be acquired in restricted and tax-exempt land by inheritance, devise, gift, or purchase with restricted funds, and places the restricted Indian exactly in the same position as a restricted allottee. He can not acquire more than 160 acres, and this is subject to the mineral tax as provided in section 3 of the act of May 10, 1928.

It will be observed that this section does not enlarge the restrictions, nor does it enlarge tax-exempt lands. It only continues restricted funds and securities as restricted, so that large sums may not be turned over to non-English speaking Indians who may improvidently expend them.

I am sure that no one who reads the bill will think for a moment that large sums of money should be turned over to these inexperienced Indians without any supervision.

The second section relates to probate procedure and permits the probate attorneys as a matter of right to go into the probate courts and represent restricted Indians, and this is done in accordance with the rules and procedure in probate matters adopted by the Supreme Court of Oklahoma. Surely no one can object to this provision. The section further gives the right of appeal to the district court.

I know of no county judge in my district who is not earnestly protecting the restricted Indians. Everybody knows there has been some criticism against some of the county judges, and, while I do not share in this criticism, this section of the bill gives the right of appeal in the event it is believed the Indians are overreached in the sale of their inherited lands.

We have provided for appealing most every other case for white people as well as the Indians, and surely no one can have any objection to an appeal in the sale of inherited lands.

Much of the discussion on the floor of the House when this bill was up for consideration was far afield and it clearly shows that there was a misconception of the provisions of the bill.

Let me repeat that the restrictions were extended by the act of May 10, 1928, and this bill does not further extend the restrictions nor does it enlarge the acreage of tax-exempt lands.

CONGRESSMAN JOHN C. BELL, 1893 TO 1903

Mr. TAYLOR of Colorado. Mr. Speaker, during the past few days we have all listened with genuine appreciation to many eloquent and richly deserved eulogies upon the life, character, and public services of our departed colleagues in this Chamber. In honoring them we honor ourselves and render a splendid service in patriotism and loyalty and encouragement to the youth of our country.

These formal memorial occasions are confined to those brothers who pass to the Great Beyond while in the active service here in Congress. Those many hundreds of ex-Members of Congress who reach the end of life's journey after retiring to private life have no congressional mention made of their departure or of their loyal and eminent services to our country. There are probably many more really great men to whom our States and our Nation actually owe a profound debt of sincere gratitude who die in private life than while in Congress.

Very few people have time to ever read more than occasionally a few headlines or matters in which they are especially interested in the hundred and fifty thousand words in the average daily issue of the CONGRESSIONAL RECORD. Nevertheless it is absolutely the only place or document anywhere in our country where any mention of the life record of any Member can ever be preserved in any form readily accessible to the general public.

The bound volumes of the CONGRESSIONAL RECORD in the public library of every city in the United States and all the large libraries of the world will be a permanent record as long as this planet is inhabited by human beings.

It has always seemed to me that it would be eminently fitting if the Members of Congress from each State would occasionally insert in the RECORD a very brief and conservative statement of the services to our Nation of a few of the most eminent Members of Congress their States have produced and who passed to their reward as private citizens. It would cost comparatively nothing and would, I think, be encouraging and conducive to a more vigorous Americanism, as well as immensely gratifying to all their descendants and friends.

With that sentiment in mind I have taken the liberty of occasionally paying a deferential mark of admiration and respect to the memory of several of the greatest names and minds in our State's history, men who were really builders of Colorado and the entire West. My humble tributes appear in the RECORD of the dates as follows:

Senator Charles J. Hughes, February 12, 1911.
Senator Thomas M. Patterson, September 15, 1917.
Senator Henry M. Teller, February 13, 1923.
Senator John F. Shafroth, February 28, 1923.
Congressman William N. Vaile, February 20, 1929.
Territorial Delegate Hiram P. Bennet, February 16, 1931.

What memories those names conjure to the minds of all old-time Coloradans!

Senator Hughes and Congressman Vaile died while in Congress. The others passed to their reward in private life at their homes in Denver.

Colorado has been most exceedingly fortunate in the selection of all of her 5 Territorial Delegates, 18 United States Senators, and 24 Congressmen. Patterson was a Delegate, a Representative, and a Senator; Chilcott and Chaffee were each a Delegate and a Senator; and Shafroth was a Representative and a Senator. Our State has never been humiliated or compelled to bow her head in shame for any of their actions, as some other States have at some time or other been compelled to do. Of the few of those 42 Coloradans who are left with us to-day, there are 2 octogenarians in vigorous health of whom both the Territory of Colorado and the Centennial State have been proud from their boyhood days—Senator Charles S. Thomas and Congressman John C. Bell.

Feeling that a few kindly greetings as we journey down the western slope of life are far better than waiting until they can not be appreciated, I was genuinely glad of an opportunity to express a few words of admiration of Senator Thomas in the RECORD of June 16, 1930, and under leave to revise and extend my remarks in the RECORD I am pleased indeed to make a brief friendly reference to Judge Bell. He is the only former Member of either the Senate or House now living in my congressional district. He represented the western half of our State, that is now my district, for 10 years, from March 4, 1893, to March 4, 1903. I was delighted to join in a humble way in some of his nominations, which were practically always unanimous, and a part of that time I was supremely proud to be the chairman of his campaign committee, and I have never wavered a moment in my profound admiration of him for almost a half a century.

No man ever represented Colorado in Congress with more earnest and unselfish devotion. Through all our desperately trying frontier times and gyrations in politics and business he has always been the soul of honor. In his private life, in his practice of law, and on the bench and in Congress—in every office or position he has ever occupied—he has been a valiant champion of human rights. His heart has always beat for common humanity, for honesty, for fair dealing, and his entire life has been a noble example and inspiration to the youth of western Colorado.

He never sought publicity or played to the gallery. His record in Congress was not spectacular, but he was always a hard and indefatigable worker. In addition to diligently attending to the very large amount of detail office work, correspondence, and requests of all kinds that every Congressman has, he found time to prepare and forcibly deliver a great many wonderfully learned and exhaustive speeches on a great variety of subjects. His speeches appearing in the RECORD during that 10-year period are a veritable storehouse of information on those subjects.

It must be a very great gratification and satisfaction to Judge Bell, as it is to his thousands of friends, to realize that nearly all the measures that he fought for so long and so valiantly 35 years ago were either enacted during his service here or have been placed on the statute books since then.

The West will always owe him a sincere debt of gratitude for his very important aid in bringing about the enactment of the national irrigation and reclamation policy. While he, together with all the West, failed in their long and heroic fight to prevent the demonetization of silver, yet he was partially successful in his fight against the banking practice in vogue at that time and against the trusts and some of the tariff outrages. He was successful in his efforts regarding the national income tax and for an 8-hour day and a voluntary bankruptcy law.

His activities covered a wide range and all of them were honest and for the betterment of common humanity. In the light of over a third of a century he has nothing in his official career to regret. He has been a great public official in all his offices and lived a grand life. Colorado will always be proud of him. Our State in particular, and the West in general, are better for his long, vigorous, earnest, honest, and efficient career.

When the future historians of our State shall write the records of the men who made Colorado truly great, the name of John Calhoun Bell, scholar, able lawyer, profound judge, statesman, orator, faithful public servant, loyal son of Colorado, kind, unselfish, big-hearted, generous, genial gentleman, will be given a very prominent and most creditable page among our State's great builders.

In the recently published new edition of The Biographical Directory of the American Congress, 1774 to 1927, the brief sketch pertaining to Judge Bell is as follows:

Bell, John Calhoun, a Representative from Colorado; born near Sewanee, Franklin County, Tenn., December 11, 1851; attended public and private schools in Franklin County, Tenn.; studied law in Winchester, Tenn., and was admitted to the bar in 1874; moved to Colorado in 1874 and commenced practice in Saguache, Colo.; county attorney of Saguache County, Colo., from 1874 to 1876; resigned in May of the latter year; moved to Lake City, Colo., in 1876; clerk of Hinsdale County in 1876; mayor of Lake City in 1885; moved to Montrose, Montrose County, Colo., in 1886, and continued the practice of law; judge of the seventh judicial district of Colorado in 1888; elected as a Democrat to the Fifty-third and to the four succeeding Congresses (March 4, 1893–March 3, 1903); unsuccessful candidate for reelection in 1902 to the Fifty-eighth Congress; member of the United States Industrial Commission in 1900 and 1901; resumed the practice of law in Montrose, Colo., judge of the Court of Appeals of Colorado 1913–1915; again resumed the practice of law, and is a resident of Montrose.

At my request, one of Judge Bell's daughters, Mrs. John L. Stivers, has prepared a short family biographical sketch, which I insert herewith, as follows:

CONGRESSMAN JOHN C. BELL, SECOND DISTRICT, COLORADO, 1893–1903

Just as the towering peaks of Colorado's western slope form a majestic background for much of her early years of struggle and accomplishment, just so has the rugged strength and ability of former Congressman John C. Bell left itself as an imperishable page in this section's early history of progress.

Being one of eight children, John Calhoun Bell was born of Rachel (Laxsom) and Harrison Bell on a Tennessee farm in the Sewanee section of the Cumberland Mountains, in the month of December, year 1851.

The parents of the lad were fine, honest, highly respected citizens. The father, aside from farm duties, found time to engage in the exchange of lands and horse trading, was an extensive planter, served as sheriff of Grundy County, and was long one of the leading men of his district.

From educational and cultural standpointe the youth came into the world at an inopportune time. The horrible war was but recently ended. Universities, for lack of funds, were closed, and the little log-cabin school, to which the boy had been sent early in life, shut its doors for the same reason. It was a sad time for parents, ambitious for the education of their children.

Finally, through the untiring efforts of the community and of two professors from Knoxville University, a little school was established at Boiling Forks, and we find later enrolled among its students the subject of this sketch.

Here the youth studied until his teens, distinguishing himself in numbers, literature, and civil government, and early showing the great nobility and loftiness of character which has always distinguished him.

With grade and high-school years now disposed of, the time for choosing a vocation was at hand. At first there was a wavering between law and medicine, but law finally won out, and the tall, lank, future Congressman made his way to Winchester, where he entered as student the law offices of Brennan, Hunt & Davis.

After serving here his allotted time, in April of 1874, the young man was issued a diploma in law from the Supreme Court of the State of Tennessee, and thus the hour had arrived for the choosing of a suitable location for the practice of his profession.

The South was as yet staggering under the blow of the war's defeat; the North had adjustments to make, which were slow in the making; to the East stretched the illimitable sea, thus leaving only the glorious and little explored West as the land of promise for ambitious youths during this period of reconstruction.

A few months as master of a school placed within the needy palm of the young attorney sufficient money to give him courage to leave the stamping ground of his youth and forever turn his face toward those regions of the West, whose history of hidden treasure read like the tale of gold-paved streets in some new Jerusalem.

The first step of the young man was at St. Louis, where, at the famous Planter's Hotel, he listened breathlessly to the tales of the unearthing of beds of gold near Denver, or Del Norte, or in any one of the many rich mineral districts in the heart of the Colorado Rockies.

As the train whistled into Denver the young attorney was all eyes and ears, listening to the hoof thud of the heavy teams bearing to smelters their new-found ores, watching excited miners in native garb, or outlaws with long, bristling mustaches taking in the possibilities of the future as all plied up and down the streets of the city, then a thriving, overgrown town, with a population of some eight thousand inhabitants.

A few days at the Shipiro Hotel convinced Bell that he must again move. Everyone was talking of Del Norte and its possibilities. There he would cast his lot. Once there he took up his abode at the Messler Hotel, entering into partnership with one Newton Love, who already had won some judicial distinctions in the Columbine State.

Here a few months and it was deemed wise to establish a branch law office at Saguache, to which place Mr. Bell went, immediately receiving the appointment of county attorney.

The year 1876 was the year destined to bring another change of location for the struggling attorney. This time he made his way to Lake City where, from the moment of his arrival, his success was phenomenal; and it was here that the friendship between the young attorney Bell and the heroic Otto Mears sprang up—a friendship which has grown stronger with the passing of the years.

Immediately his success was not only in his own locality but spread to neighboring sections. Honors and offices were heaped upon him in great numbers, he having been made county clerk, county attorney, and mayor in quick succession.

In 1885 he formed a law partnership with the Hon. Frank C. Gondy, and the head office was trasferred to Montrose, Colo. Again the attorney made rapid strides—his popularity, honesty, and marked ability fast making him one of the most prominent lawyers and figures of his State.

In the year 1888 he was elected to the office of judge of the seventh judicial district of the State of Colorado, an office which he held with great distinction until 1892.

During these years the judge became intensely interested in the agricultural possibilities of the Uncompahgre Valley and, like his father before him, took great pride in his holdings of land, which, under his careful supervision, were changed from seeming arid deserts to fields and orchards of unsurpassed beauty and promise.

During the years, too, the future Congressman had journeyed more than once back to the home of his childhood, bringing back on one of his return trips as wife Susan Abernethy, the sweetheart of his early years. To them were born two daughters, Susan and Ethel by name.

The year 1892 had arrived, and it proved to be the outstanding year of achievement in the life of Judge Bell, for it was at this time that the constituents of the second congressional district called him to represent their needs in the halls of the United States Congress at Washington.

Here, always a leader, always a friend of the great and the oppressed, always an advocate of everything splendid and progressive, he served not only his State but his Nation with distinction until the year 1902. It was a Republican year, and the Congressman and his little family again took up their residence in Montrose, he, forming at different intervals, varying partnerships, the last one being with John L. Stivers, a native of Iowa, an honor graduate of the law school of Yale University, who in later years was to become through marriage a member of the Bell family.

Upon his return, for many years Judge Bell was most active in the Democratic politics of his State, serving more than once as committeeman to the Democratic National Presidential Convention, and at one time serving for some years in the court of appeals in Denver, Colo.

As time went on he gradually became less and less active in the practice of law, increasing with the years his interest in the cattle industry of his section, and giving much time to the development of the hundreds of acres of land which he had so helped to reclaim while fighting for the great Uncompahgre relief project while in the Halls of Congress.

The achievements which Judge Bell has so helped to bring to the State of his choice, like the towering peaks about, shall ever be an imperishable part of Colorado's western slope history, but in the hearts of those who have known this noble man something finer, better, deeper, even more lasting than the annals of history shall linger with his memory.

In closing I quote from a short biography given by one of his admirers of a few years back—a tribute which is as true to-day of the Grand Old Man, as he is known in his own community, as it was when life was still new and fresh and challenging:

"Judge Bell as a man bears an enviable reputation for sincerity, hospitality, sociability, and integrity; a lover and practicer of the truth, with a soul of honor, incorruptible, and noble."

I also insert herewith a roll call of the longevity service record of Colorado's membership in Congress for 70 years, including the 15 years and 5 months that Colorado was a Territory, from February 28, 1861, when President Buchanan signed the bill creating the Territory of Colorado, to August 1, 1876, when President Grant signed the bill admitting our State into the Union, and from that date to March 4, 1931.

COLORADO'S MEMBERSHIP IN CONGRESS FOR 70 YEARS

Five Territorial Delegates in Congress: Hiram P. Bennet, 4 years; Allen A. Bradford, 4 years; George M. Chilcott, 2 years; Jerome B. Chaffee, 4 years; Thomas M. Patterson, 1 year.

Colorado's 18 United States Senators: Henry M. Teller, 29½ years; Edward O. Wolcott, 12 years; Lawrence C. Phipps, 12 years; Charles S. Thomas, 7 years; Nathaniel P. Hill, Thomas M. Bowen, Thomas M. Patterson, Simon Guggenheim, and John F. Shafroth each served 6 years.

Sixteen of our United States Senators have been elected and two appointed. Our present United States Senator, CHARLES W. WATERMAN, has now served four years of his present term. Jerome B. Chaffee, Charles J. Hughes, jr., Samuel D. Nicholson, and Rice W. Means each served about 1 year and 9 months. Horace A. W. Taber served 35 days. George M. Chilcott served by appointment 9 months, and Alva B. Adams served by appointment 18 months. On November 4, 1930, Hon. Edward P. Costigan was elected for a full term, to succeed Senator PHIPPS on March 4, 1931.

The terms of service of Colorado's 24 Representatives in Congress from August 1, 1876, to March 4, 1931, have been as follows:

EDWARD T. TAYLOR, 22 years; CHARLES B. TIMBERLAKE, 16 years; GUY U. HARDY, 12 years; John C. Bell, 10 years; John F. Shafroth, 9 years; William N. Vaile, 8½ years; James B. Belford, 7 years; Edward Keating, 6 years; Robert W. Bonynge, 5 years; George G. Symes, Hosea Townsend, Franklin E. Brooks, Herschel M. Hogg, John A. Martin, Atterson W. Rucker, and Benjamin C. Hilliard, each 4 years; Lafayette Pence, George W. Cook, Warren A. Haggott, George J. Kindel, Harry H. Seldomridge, and WILLIAM R. EATON, each 2 years; Thomas M. Patterson and S. Harrison White, each 1 year.

In addition to the above service all of the State's present delegation in the House—TAYLOR, TIMBERLAKE, HARDY, and EATON—are reelected to March 4, 1933.

HON. J. A. GARBER AND HON. JOSEPH C. SHAFFER

Mr. LANKFORD of Virginia. Mr. Speaker, I want to take this opportunity to say au revoir to my colleagues in the Virginia delegation, Hon. J. A. GARBER and Hon. JOSEPH C. SHAFFER.

Congressman GARBER of Virginia has left a deep impression upon the Congress which has just ended, and his friends are legion among the Members on both sides of the House. By reason of his energy, his activity, his ability, and his knowledge of the needs of the agricultural interests of Virginia, he has contributed a great deal to the welfare of the State of Virginia and the country as a whole in his service as a member of the important Committee on Agriculture in the Seventy-first Congress. His ability to make friends among the members of this important committee and in the House made him an unusually valuable member of the Virginia delegation, and that State has lost a valuable Representative peculiarly in a position to help her in her important agricultural problems in the loss of Congressman GARBER of Virginia. True to his constituents to the last, he continued to serve them earnestly, energetically, and ably until the Speaker's gavel fell on the morning of the 4th of March.

on a great variety of subjects. His speeches appearing in | tinguished him.

Of Congressman SHAFFER of Virginia I can say that it is not only my feeling but that of the Members of the House generally that he is a man in every sense of the term, and has served his State, his district, and his country loyally, efficiently, and intelligently in the Seventy-first Congress as a member of the Committees on Roads and Mines. These committees are peculiarly important to the citizens of Virginia and the district which he represented, and rarely have I seen a man more earnestly imbued with the desire to serve conscientiously and faithfully his constituents and his country than Congressman SHAFFER of Virginia. Being a man of deep convictions and sincerity of purpose, he approached problems of State and National importance with the utmost care and consideration. He is a strong mountain character of clean, high ideals, and it was in this attitude that he approached the solution of all problems affecting the people of Virginia and the country as a whole. Conscientious and careful to the extreme, when his mind was once made up it was impossible to swerve him from his convictions.

These two Congressmen have been a great asset to the State of Virginia, and their valuable services will be missed in the next Congress.

THE HILL V. PALMISANO CONTESTED-ELECTION CASE

Mr. PALMISANO. Mr. Speaker, ladies and gentlemen of the House, I wish to take this opportunity to thank you for ignoring the contested-election case filed by John Philip Hill against me. I never had any doubt as to the outcome of the contest from the day I read the charges placed against me by Mr. Hill. The contestant in his petition made so many ridiculous assertions that he actually charged conspiracy between the Republican and Democratic election officials. The charges were so ridiculous that I immediately forwarded a copy of them to the State's attorney of Baltimore City and demanded that the contestant be cited before the grand jury so that the repeaters and conspirators would be sentenced to the penitentiary. Mr. Hill was before the grand jury, according to the Baltimore papers. The Department of Justice also investigated the alleged fraud, as was testified to by Morris D. Traub, an investigator from the Department of Justice. (See Record, p. 113.)

Notwithstanding the fact that the contestant appeared before the grand jury and the investigation made by the Department of Justice, no one was arrested or indicted; the conclusion was that the charges were not based on substantial evidence.

I wish to call the attention of the Members of the House to the fourth precinct of the third ward. In this precinct I have resided for about 45 years. The testimony of one of the star witnesses of the contestant, one Max Steiner, would have the committee believe that I imported a considerable number of repeaters from Pennsylvania. Two of the repeaters Steiner stated he knew and one in particular being of the underworld character. Steiner refused to give the address of this man, thereby protecting him from prosecution. The committee discarded the testimony of Steiner.

I wish to further call your attention to the registered vote in this precinct in the 1928 and 1930 elections; also the number of votes cast in said elections, together with the votes received by the principal candidates, viz:

Registered, 1928		*Registered, 1930*	
Democrats	535	Democrats	[1] 460
Republicans	32	Republicans	[2] 49
Declined	13	Declined	15
	580		524
President Hoover	32	Mayor Broening	36
Senator Goldsborough	29	Mr. Hill	56
Mr. Hill	61	Governor Ritchie	433
Governor Smith	459	Palmisano	411
Senator Bruce	431		
Palmisano	416		

[1] Decreased 75. [2] Increased 17.

You will note that in the 1928 election only 87 per cent voted and in the 1930 election 96 per cent voted.

Notwithstanding the fact that in the fourth precinct of the third ward there was an increase of 17 Republicans registered in 1930, Mr. Hill received 5 votes less than in 1928 election. I received only 5 votes less than in 1928, although there was a decrease of 75 Democrats in the registration. My majority over Mr. Hill was 355 in both elections.

WAR DEPARTMENT APPROPRIATION BILL

Mr. YON. Mr. Speaker and Members of the House, I am opposed to any amendment that would cause the suspension of or lessening the effort in the training given the youth of our land either in the Reserve Officers' Training Corps or the citizens' military training camps. I am not one that would have the Government causing any oppression to the length of any extra expenditure of funds in the maintaining of our national defense, but when you observe that this Nation, with its 125,000,000 population and with its possessions or dependencies stretching one-half around the world, I feel that with our great wealth and possibilities that an army that consists of 12,000 officers—that is, an average of 12,000 officers—and something like 900 warrant officers and an enlisted men's strength of 118,750, with an additional 6,500 Philippine Scouts, making a total of 138,216 officers and men for our standing Army.

I say that we are the least military of all the nations of the earth, and especially as compared to wealth, breadth, and population. Of course, we have, in addition to our regular establishment, a well-organized National Guard, with a total strength of 185,000. This force is, of course, under the dual administration and direction of the State and National Governments and has been created from those that had service in the World War, an organized reserve force of 101,000, and the main source therefore of our possible defensive strength will come from that great body of our young men and boys that are being trained in reserve officers' and citizens' military training camps. I have observed the operation of these encampments. I have been to the camp open to the boys in the citizens' military training camp and to the Reserve Officers' Training Corps. There happens to be a most delightfully located military post at Fort Barrancas, Pensacola, in my district, where this unusual opportunity is given the young men and boys of the country, and from my observation there I feel that the money that is appropriated for this splendid work is expended for the good of the national defense as well as to build up a splendid manhood for the future. What we propose to take care of in the future in this bill is the training of 127,000 reserve officers' trainees in the training corps and 37,500 for the citizens' military training camps.

AN INHUMAN BILL

Mr. CELLER. Mr. Speaker, under general leave granted Members to extend their remarks in the RECORD, I submit the following relative to the Jenkins resolution (H. J. Res. 473, now H. J. Res. 500).

The Brooklyn section of the National Council of Jewish Women have sent to me a copy of a resolution adopted by that organization expressing their disapproval of the Jenkins proposal, which I herewith set forth:

Whereas the present existing immigration laws have the effect already of separating residents from their wives and children living abroad, and said laws have been declared in many respects to be inhuman and have been so declared by the President of the United States; and

Whereas the Secretary of State of the United States has declared on December 18, 1930, before the Senate Committee on Immigration that even under the present laws he has succeeded in curtailing immigration to this country during the month of October, 1930, to 22 per cent of the quotas of immigration law classes and during the month of November, 1930, to 15 per cent of the quotas of immigration law classes, and such restriction was effected by his department upon the ground that the incoming aliens were likely to become public charges owing to the present economic conditions; and

Whereas the present existing laws, by virtue of the power conferred upon the Secretary of State as aforesaid, are more than sufficient to protect the residents of this country from invasion by foreign labor; and

Whereas there is pending before the Congress of the United States a measure which has for its object the further curtailment of immigration to 10 per cent of the present quotas, which will result in greater inhumanity by curtailing the opportunities of residents, whose wives and minor children reside abroad, to have those wives and children join their husbands and fathers in this country, and such further curtailment of immigration would establish a dangerous precedent for this country to adopt: Now, therefore, be it

Resolved, That the Brooklyn section, Council of Jewish Women, do hereby express their disapproval of the House Joint Resolution 473 (now H. J. Res. 500) now pending in Congress, which has for its object the further curtailment of immigration to this country upon the ground that the same is unnecessary, oppressive, barbarous, and inhuman; and be it further

Resolved, That a copy of this resolution be forwarded to each of the Senators representing the State of New York and to the Congressmen representing this borough in Washington, and also to the Committee on Immigration and Naturalization in Congress.

Dated Brooklyn, N. Y., February 24, 1931.

A true copy.

HILDA L. WEINSTEIN,
Chairman on Legislation.

This measure provides for the suspension for two years of general immigration into the United States by cutting down quotas by 90 per cent. That is, immigration shall be reduced for the next two fiscal years, to wit, July 1, 1931, to June 30, 1933, from 150,000 per year to 15,000 per year.

I am strenuously opposed to this legislation because I have never yet in my experience as a Representative found an immigration measure of a temporary character that did not become permanent. In other words, I fear that when the two years have expired a bill will be offered and passed making the restriction permanent.

This legislation will be cruel and inhuman in its application, because it will involve the separation of families. Under the present statute aged fathers and mothers of citizens here and aged fathers and mothers and minor children of aliens legally here are given preference within the quotas. There are so many of them, however, awaiting visas at our American consulates in foreign countries that these preferential aliens practically exhaust the quotas. This is particularly true in countries like Italy, Poland, Russia, Rumania, and Lithuania. Now it is proposed to cut down the quotas to 10 per cent. This means cutting near relatives down to 10 per cent. In other words, this bill prevents the reunion of families.

The bill also disregards party pledges. The Republican national platform adopted June 14, 1928, reads as follows:

Where, however, the law works undue hardship by depriving the immigrant of the comfort and society of those bound by close family ties, such modification should be adopted as will afford relief.

Likewise, the Democratic national platform contains the following provision:

Laws which limit immigration must be preserved in full force and effect, but the provisions contained in these laws that separate husbands from wives and parents from infant children are inhuman and not essential to the purposes or the efficacy of such laws.

The separation of families is inhuman and barbarous and should not be countenanced, even under the guise of aiding unemployment. But this bill will not help in the economic depression. Aged parents and minor children, because of age or youth, can not take the places of American workmen, but, on the contrary, they would help in the unemployment situation; they would increase the army of consumers; 27,735 wives, children, and parents of residents born in southern and eastern Europe are registered as seeking admission. Under the present statutes it will take many years, because of repressive restrictions, for the wives, children, and parents of aliens legally here to come to this country. Under the instant bill, with the cutting down of quotas to 10 per cent, it might take hundreds of years.

The Department of Commerce conservatively estimates that aliens resident in the United States send to their near relatives abroad $247,000,000 a year, exclusive of currency sent by mail. Keeping the families apart only continues the need for the constant sending of this money abroad. This money could well be used in the United States, particularly under the prevailing economic conditions. There are, however, "none so blind as they who will not see." The proponents of this legislation are enthusiastically misguided. They can not see beyond the ends of their noses.

The law-abiding aliens in our midst ask for bread, and they are given a stone. A cruel ocean separates them from their loved ones, and this heartless measure will keep them asunder further. What a far cry it all is from the days when we, with open arms, received these very aliens who came to this country when we were making our greatest strides in railroading, shipping, manufacturing, electricity, telegraphy, and so forth. We forget our immeasurable debt to our aliens. We forget that our music is almost wholly German or Italian; that our paintings are borrowed from the French; that our literature comes from England and Russia; that our architecture is Roman, Gallic, Byzantine. Our kindergartens and universities are patterned upon German models; Paris dictates our style of dress. Even our cooking is most likely to be French; and if not French, then Italian or German.

I should like to take many of our alien-baiters to our Statue of Liberty on Bedloes Island, in New York Harbor, where they might see upon the wall of the statue the tablet on which is engraved these glowing words from a sonnet by Emma Lazarus:

Keep ancient lands your storied pomp!" cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed, to me;
I lift up my lamp beside the glowing door!

LIEUT. GEN. EDGAR JADWIN

Mr. THATCHER. Mr. Speaker and colleagues, in the closing days of the session there has come to us the news of the death, in the Canal Zone, on the 2d of this month, of one of our Nation's ablest soldier-engineer officers, Lieut. Gen. Edgar Jadwin, retired, and former Chief of Engineers of the United States Army.

General Jadwin's career has been a distinguished one. He was born at Honesdale, Pa., August 7, 1865, and was, therefore, something more than 65 years of age at the time of his death. He graduated in 1890 at the United States Military Academy at West Point and stood at the head of his class. Upon his graduation he was appointed as second lieutenant in the Engineer Corps of the Army, and served with that organization in varying capacities of ever-increasing authority and usefulness until finally, on August 7, 1929, he retired from active duty with the rank of major general, after having served a term as Chief of Engineers.

In 1907 he was sent to the Isthmus of Panama with the Army Corps contingent, and there, until the year 1911, he performed invaluable service in connection with the construction of the Panama Canal. He first served in the central, or Culebra, division of the Canal work, and afterwards as resident engineer of the Atlantic, or Gatun, division. In the last-named capacity he had immediate supervision, among other things, of the dredging operations of the approach channel extending from the open sea to Gatun Locks.

While he was engaged in the Panama Canal service it was my privilege to become acquainted with General (then Major) Jadwin during my own official connection with the great isthmian enterprise, and we became, and thenceforward remained, close friends. His reputation there, as always elsewhere, was that of a highly skilled and capable engineer and a man of unblemished integrity.

He had many other important assignments of duty during his long and useful career. He was widely famed because of his river and harbor work in the United States. He performed notable engineering and military service in Europe during the World War. He served as a member of the American mission to Poland in 1919. He was awarded the distinguished-service medal by the United States, was made a companion of the Order of the Bath by Great Britain, and commander of the Legion of Honor by France.

As Chief of Engineers he supervised the plan, which was adopted by Congress, for the control of floods in the Mississippi Valley. In 1929 he was appointed by President Hoover as chairman of the Interoceanic Canal Board, charged with the duty of making a survey of the proposed Nicaraguan canal, together with the survey touching the matter of increased facilities of the Panama Canal. While engaged in this work on the Isthmus death came to him.

His has been, indeed, a most active and successful life. The world is greatly advantaged because of his having

lived in it. His service added distinction to a branch of our Army organization long known for its worth and efficiency—the Engineer Corps. But rarely is one ready for the final summons, and death is usually tragically commonplace. However, in the sense that in a large and highly important way he had done his "bit" in the world, General Jadwin was prepared to go; and he fell into the last great sleep amid the lovely tropical scenes of his effective isthmian labors, and upon the very brink of the mighty waterway which his skilled hands had helped to fashion. Thus the work of his life was beautifully dramatized by the time, place, and manner of his departure. If this was decreed as the hour for his going, his family and friends must feel that he could not have left them in any way more fitting. The Nation mourns his loss, and our deepest sympathies go forth to his wife and children.

Most worthily has he wrought; his memory shall endure.

THE RECORD OF THE SEVENTY-FIRST CONGRESS, COVERING THE FIRST HALF OF THE ADMINISTRATION OF PRESIDENT HOOVER

Mr. CANFIELD. Mr. Speaker and ladies and gentlemen of the House, I am of the opinion that the record of the Seventy-first Congress, covering the first half of the administration of President Hoover, is greatly disappointing to a large majority of the American people.

When the Hoover administration came into power it found the country prosperous, our people happy and, for the most part, contented. At the half-way mark of that administration we find the country in the depths of the most serious depression of our economic existence—a depression that, had it occurred during a Democratic administration, would have been referred to as a plain panic. Agriculture has not been revived, as promised. On the other hand, its condition is far more critical than it was two years ago. Industry has been retarded; our foreign trade has been seriously diminished; millions of workers walk the highways and the streets searching for employment in order that they may earn an honest living, but are unable to find jobs at any wages. In fact the condition has been so grave during the last several months that millions of honest, faithful, and energetic workers who have never before known the meaning of the word "want" have been compelled to take their places in breadlines sustained by charity to avoid starvation.

Under whose administration have these distressing things occurred? They have occurred under the administration of a President who, when he was a candidate for the high office which he holds, was advertised to the country as a superman, one who was better qualified for the office to which he aspired than any other candidate for the Presidency ever offered by any politfcal party. They have occurred under the administration of a President who as a candidate even promised that if we would elevate him to the office which he sought and make possible a continuation of the policies which had been followed by his immediate predecessors, and which he pledged himself to continue, we would finally reach that state where poorhouses would be eliminated and poverty be unknown.

It is my solemn judgment that no administration ever promised more than did that of the present or perform less. Although Mr. Hoover was hailed as a man capable of working miracles in economics and in statecraft because of his intimate knowledge of business affairs and his lifetime of travel in other countries, he has, I do not hesitate to say, failed more completely than any other President in the life of our Nation. He has not disclosed a capacity for leadership; too frequently he has not demonstrated that he possesses that courage which has characterized our really great Presidents; and more disappointing than all else, because it was therein we expected most, he has not displayed that far vision so necessary in a President if he is to deal successfully with the great problems which arise from time to time in our national life.

Certainly it can not be offered in extenuation of the failure of the Hoover administration that a hostile party was in control of the Congress, for in this House the administration majority was more than 100 and in the Senate the Republican majority was 17. If it be said that in the body at the other end of the Capitol a number of Senators in his own party, whom we denominate as progressives, did not give him cooperation and show him loyalty, I reply that that very fact is proof of one of the failures on the part of the President to which I have alluded—that is, his failure to demonstrate capacity for or exercise leadership. Had he been the great leader he was certified to be during the campaign preceding his election he would have been able to work in harmony with this element in the Senate, for with a single exception they gave him loyal and effective support during his campaign. In fact, it should be said that the most conspicuous among the progressive members of his party in the Senate who have broken with the President is the able Senator from Idaho, who, more than any other individual, helped to bring to Candidate Hoover that support so necessary for him to carry in the election the great agricultural States of the Middle West and the Northwest.

During his campaign in 1928, Mr. Hoover was induced by this same Senator to commit himself to a pledge to convene Congress, in the event of his election, in special session to deal with the farm problem, and to find a remedy for the ills of agriculture.

That promise, at least, Mr. Hoover kept, in so far as it related to the calling of the special session. He did call Congress in session in April, 1929, and it has been in session about three-fourths of the time since. He made two major pledges, one to solve the farm problem, and the other to give the country a "limited revision" of the tariff.

A farm bill was passed, but it was not the bill the farmers themselves, through their organizations, urged be passed, and a tariff bill was passed, but it was a bill revising the tariff by wholesale, and adding literally hundreds of millions of dollars annually to the cost of living of the American people.

The farm bodies, many leading economists, and undoubtedly a majority of the Members of Congress favored the passage of a farm bill containing the export-debenture principle. This was nothing more nor less than a device to make the tariff at least partially effective on farm products, and was projected because everybody had agreed that the farmer had been suffering from very serious and very unjust tariff discriminations under the existing law. The Senate even went so far as to write the export-debenture principle into the farm bill, but the President, using the great power of his office, forced it out. It became a question of adopting the President's plan of farm relief, or having no plan at all. So the President's plan was adopted. He selected the members of the Federal Farm Board to place his plan in operation, and Congress unstintingly voted it enormous sums of money, aggregating finally a half billion dollars, with which to endeavor to make its plan effective. It can not thus be pleaded that the Farm Board, of the President's own creation, lacked either the authority or the funds with which to do what he had pledged it would do. In fact, when he announced the appointment of the Farm Board he referred to it as a board having "responsibility, authority, and resources such as have never before been conferred by our Government in assistance to any industry."

What has been the result? What has this board accomplished? A few figures I shall give you answer the question far more eloquently than any words I can employ.

During 1930 the value of the principal farm crops produced in the United States was $2,400,000,000 less than the value of the same crops in 1929. To put it another way, the value of the same crops, of substantially equal production in both years, speaking as a whole in 1929 before the Hoover plan went into operation, was almost $2,500,000,000 greater than the value of the same crops raised under the first year of the Hoover plan.

In addition, the value of the livestock sold off the farms and ranches of the country in 1930, the first year under the Hoover plan, was approximately $225,000,000 less than the sum realized from the sale of the same kind of stock in 1929.

Add these together and we find that in 1930, under the Hoover plan, the crop growers and stock raisers took a loss

of more than $2,600,000,000, due entirely to a decrease in prices under the level of 1929.

In January of this year the Department of Agriculture reported that the index figure representing the average of all farm crop prices had dropped 40 points under the level of January, 1929, and had reached the lowest point since 1912, the last year of the Taft administration. And when this report was made the level of prices was still sinking, and is now substantially below the pre-war level.

These are terrific losses. There should and will be added to them when available figures showing losses the farmer sustained last year by reason of the continued shrinkage in the value of his land and buildings. What this will be I do not know, but I am sure it will be tragically high, and added to the current losses in crop and livestock values by reason of price decreases aggregates a sum that foredooms the ruin of the agricultural industry in America unless early and effective means of checking this downward trend are found. The average net income per farm family in the United States has recently approximated $300. Last year the decline in crop values under 1929 averaged $400 per farm family. Even a blind man may see that at this rate farm incomes will soon reach the vanishing point.

In the light of these facts can it be truthfully said that President Hoover has kept faith with the farmers and redeemed the pledge he made in his speech of acceptance at Palo Alto, Calif., August 11, 1928, when he said:

> The most urgent economic problem in our Nation to-day is in agriculture. It must be solved if we are to bring prosperity and contentment to one-third of our people directly and to all of our people indirectly. We have pledged ourselves to find a solution.

If agriculture is now on a "parity" with industry, then it is the parity of despair accomplished by bringing industry down to the level of despair which agriculture has occupied for so many years.

THE TARIFF

I believe that if anyone should have the hardihood to now arise and say that the Hoover administration has kept its promise to the farmers of America, that answer has been effectively disposed of. So I now turn to the tariff.

As I have said, when the President called Congress into special session in April, 1929, he pledged a "limited revision" and made the test of necessity for revision of a rate or schedule whether the industry affected was suffering from excessive imports and whether there was substantial unemployment among the workers in those industries. In short, tariff revision was to be so limited that it was only to be a step in eliminating that discrimination from the tariff under which agriculture was suffering and to assist those industries where import duties were so low that they were being injured by heavy imports.

Instead of this promised "limited" revision the Hawley-Smoot tariff bill was passed, containing the highest level of rates ever written into an American tariff bill. It does not help the farmer but injures him. His last condition is worse than his first. As for the consumer he must pay increased prices, due to the tariff, for practically all of the necessities of life. One well-known economist, an expert on the tariff, estimates that by reason of the rates in the Hawley-Smoot bill the consuming public is paying annually a tariff toll of $10,000,000,000, or virtually double the amount of protection that can be justified for the industries that are profiting from these high duties.

What has been the effect of the tariff? No man can say with exactness what industrial conditions would have been or what the volume of our foreign trade would have been had the Hawley-Smoot tariff bill not been passed. But we do know that forever the lie has been given to one of the false claims of the opposition. In one of its platforms—I believe it was that of 1904—the Republican Party said that prosperity always followed the enactment of a Republican tariff and hard times always came after the enactment of a Democratic tariff law.

Under the operations of the policy of which the opposition has heretofore been so boastful, the country has sustained the most severe economic shock in its history, a shock that would have been fatal to any other country not endowed with the wonderful resources which our country possesses, and not populated by a people with the resiliency, resourcefulness, and determination of the American people.

How much of the responsibility for the economic disaster of the last year and a half is due to the policies of the Hoover administration each may determine for himself. We may say in all fairness, however, that in the past the opposition has claimed a mortgage on prosperity and has attempted to make the American people believe that only under its policies could the country be prosperous. Nobody has been more emphatic in this claim than was President Hoover in 1928, when he talked of the increased use of the telephone, the automobile, the radio, and the bathtub as a Republican achievement. We know that he voiced especial pride in the fact that while he was Secretary of Commerce our exports of goods to foreign countries increased $1,000,000,000.

It can not be questioned that our present ruinous tariff policy has been responsible for much of the recent terrific slump in our foreign trade. For 1930 our foreign trade was $2,737,780,000 less than during 1929. During the first seven months of the operation of the Hawley-Smoot tariff our foreign trade decreased more than $2,000,000,000.

The effect of this loss of trade has been felt not only by the farmer who raises wheat and by the producer of manufactured goods which have been finding their way into the markets of the world but it has been felt in every home and at every fireside in the land. For proof of the truth of this statement I cite the high authority of the President himself. During the 1928 campaign, when he was speaking of our great foreign trade, Mr. Hoover made the statement that 3,000,000 American families made their living out of the production of goods we exported and out of the manufacture into finished products of the raw materials we exported in exchange for our imports. Our foreign trade fell off in 1930 under 1929 by 27 per cent. If 3,000,000 families gained their livelihood in 1928 as a direct result of this foreign trade, then when our foreign trade fell off 27 per cent last year 27 per cent of those families were thrown out of that means of employment. They went to join the bread lines and to occupy the soup houses that fill every industrial center in the land. And the ruinous effect of that decreased foreign trade was reflected in the lowered price on every bushel of wheat and of corn grown on the farms of America and every pound of cotton produced in our sunny but now well-nigh impoverished Southland.

That a country that will not buy can not long sell is an economic verity as true as the gospel itself. Since the Hoover administration's tariff policy became known scores of nations have passed retaliatory tariffs. South American countries that bought hundreds of millions of dollars' worth of goods from us annually, in the aggregate, are turning to the countries of Europe for many of the things that we formerly produced in our factories and on our farms. I am not now criticizing or even discussing the principle of protection. Under the system that has been built up in this country a protective tariff has become essential to our welfare. But it ought to be a fair tariff policy—one that will permit the even flow and friendly exchange of commodities; one that is as fair to the farmer who tills the field as it is to the magnate who harvests dividends from the toil of the workers in the steel and aluminum mills. It must not be the sort of a tariff policy that robs Peter to pay Paul, because under the American theory of government all men are equal before the law. A tariff law should not be permitted that violates that theory, that takes $10 from one pocket of the farmer's pants while it puts only $1 in the other.

I am not so biased a partisan as to say that this Congress does not have any accomplishments to its credit. I would give credit where it is deserved. It is true that the process was slow, but finally a building program was adopted which will place needed public buildings in many cities and help to stimulate industry and somewhat reduce the unemployment. This legislation came late, but it is at last a fact accomplished. There has been other legislation passed that ought

to have been passed. But many, far too many, things were neglected.

A bill was finally passed which will be helpful to that great army of men who served the country so well during the trying days of the World War. Congress passed the World War veterans' loan bill. It was not the sort of a bill many wanted. Many favored legislation providing for early cash settlement of the veterans' claims. Some opposed any sort of legislation, and conspicuous among these were the Secretary of the Treasury, certain large selfish financial interests, and even the President himself. Despite this opposition, notwithstanding the veto of the President, the loan bill was passed. Under it veterans may now borrow up to 50 per cent of the value of their certificates, and at 4½ per cent interest annually instead of 6 per cent.

I believe this legislation, which I voted for both as a member of the Ways and Means Committee and as a Member of the House, to be justified from any viewpoint from which we may look at it. Certainly no one can fail to justify it as a step in the direction of the discharge of that patriotic obligation we owe to the service men who offered their all on the altar of their country's liberty. Economically, I have no hesitancy in saying I believe it is sound legislation, the Treasury Department to the contrary notwithstanding. These loans place no additional financial obligation on the Government, for it is lending the veterans money it has already admitted it owes them. It is doing it at a rate of interest higher than the rate it is paying for such money as it may have to borrow.

If it continues to do this, actually the Government will make money out of the process. Just now there is a good deal of what we call "timid money" in the country. It is in hiding, because under the present state of things its possessors hesitate to make investments. This money is, therefore, idle and those who own it will be glad to lend it to the Government, for they know that to be a safe investment. So if the Government borrows this money at a low rate of interest, then turns around and lends it to the veterans, the money is brought out of hiding and is placed in circulation. This will stimulate all business. The veterans will use the money in many ways. Some will help pay off mortgages on their homes, some will use it to pay rent, to pay their grocery bills, to pay the tailor, the butcher, the baker, and the candlestick maker. The money thus is released to the many channels of trade and all business will be stimulated. Sometimes the business balance is very delicate and a comparatively small thing will turn the balance either in the right or in the wrong direction. It can easily happen that the few hundred million dollars placed in circulation through these loans to veterans will be the turning point in the trend of business that will turn us out of depression in the direction of the high road of prosperity.

I might go on and refer to other things, such as the failure to settle the long-pending Muscle Shoals problem solely because of the President's veto, and many other things. But I shall not attempt to go further into detail, because I believe I have already directed attention to enough of the problems which were promised to be solved, but which have not been solved, to prove the truth of the indictment which I have brought against the Hoover administration. That indictment is that, promising more than, possibly, any other administration in our national history, it has kept fewer of those promises than any other administration we have ever had.

TIME LIMITS OF LEGISLATIVE SESSION

Mr. RAMSEYER. Mr. Speaker, section 4, clause 2, of the Constitution provides:

> The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

The two years' term of Members of Congress ends on March 4 of every odd-numbered year. The session of Congress which assembles on the first Monday of December of the even-numbered years automatically comes to an end on the 4th day of March following. This so-called short session of Congress has a definite time limit. Many of the States limit the time that their legislatures can remain in session.

Three States have a limitation of 40 days.
One State has a limitation of 45 days.
Two States have a limitation of 50 days.
Eighteen States have a limitation of 60 days.
One State has a limitation of 61 days.
One State has a limitation of 70 days.
Two States have a limitation of 75 days.
Two States have a limitation of 90 days.
One State has a limitation of 100 days.
One State has a limitation of 157 days.
Sixteen States have no limitation on their legislative session.

The following table contains more specific information on the time limitation of legislative sessions of each of the States:

Limitation of legislative sessions of the various States

State	Governor's term begins	Legislature begins	Legislature meets	Limit
Alabama	January, 1931	January, 1931	Quadrennially	50 days.
Arizona	do	do	Biennially	60 days.
Arkansas	do	do	do	75 days.
California	do	do	do	None.
Colorado	do	do	do	Do.
Connecticut	do	do	do	157 days.
Delaware	January, 1933	do	do	60 days.
Florida	do	April, 1931	do	Do.
Georgia	July, 1931	June, 1931	do	Do.
Idaho	January, 1931	January, 1931	do	Do.
Illinois	January, 1933	do	do	None.
Indiana	do	do	do	61 days.
Iowa	January, 1931	do	do	100 days.
Kansas	do	do	do	50 days.
Kentucky	January, 1932	January, 1932	do	60 days.
Louisiana	May, 1932	May, 1932	do	Do.
Maine	January, 1931	January, 1931	do	None.
Maryland	do	do	do	90 days.
Massachusetts	January, 1930	do	Annually	None.
Michigan	January, 1931	do	Biennially	Do.
Minnesota	do	do	do	90 days.
Mississippi	January, 1932	January, 1932	do	None.
Missouri	do	do	do	70 days.
Montana	January, 1933	January, 1931	do	60 days.
Nebraska	January, 1931	do	do	None.
Nevada	do	do	do	60 days.
New Hampshire	do	do	do	None.
New Jersey	January, 1932	do	Annually	Do.
New Mexico	January, 1931	do	Biennially	60 days.
New York	do	do	Annually	None.
North Carolina	January, 1933	do	Biennially	Do.
North Dakota	January, 1931	do	do	60 days.
Ohio	do	do	do	None.
Oklahoma	do	do	do	40 days.
Oregon	do	do	do	None.
Pennsylvania	do	do	do	60 days.
Rhode Island	do	do	Annually	60 days.
South Carolina	do	do	do	40 days.
South Dakota	do	do	Biennially	60 days.
Tennessee	do	do	do	75 days.
Texas	do	do	do	60 days.
Utah	January, 1933	do	do	Do.
Vermont	January, 1931	do	do	None.
Virginia	January, 1934	January, 1932	do	60 days.
Washington	January, 1933	January, 1931	do	Do.
West Virginia	do	do	do	45 days.
Wisconsin	January, 1931	do	do	None.
Wyoming	do	do	do	40 days.

THE WORK OF THE WAKEFIELD NATIONAL MEMORIAL ASSOCIATION

Mr. BLAND. Mr. Speaker, pursuant to leave granted me, I extend my remarks on the work of the Wakefield National Memorial Association.

The Wakefield National Memorial Association deserves the gratitude of the American people for its work in restoring the birthplace of General Washington, in caring for the graves of his ancestors, and in making those properties a national shrine.

The association commenced this work under the most trying circumstances. The Government owned a few acres of land on which had been erected a monument to mark the birthplace of Washington. Little else had been done. The bodies of Washington's ancestors lay in a neglected graveyard located in a field with no road or path leading to that sacred spot. The road which led to the monument area was a winding forest road so narrow in many places that two machines or even two horse-drawn vehicles could not pass, and it was so impassable in bad weather that cars traveling to and from Wakefield were sometimes unable to proceed.

In order to afford access to Wakefield the United States had built a wharf, which served no practical purpose, as the wharf was located about a mile from the monument. There was no improved walkway or road from the wharf to the site of the monument, and there was no way of covering the distance except on foot. The use of the wharf was circumscribed with official red tape, and this wharf was so little used that when it was carried away by ice about 1918 no effort was made to restore it.

Wakefield was so inaccessible to the general public that it was seldom visited. The graves of the Washingtons were overgrown with weeds and burrowed by ground hogs. These graves were located in a field and entirely surrounded by private property, so that such of the public as might desire to visit this cemetery could do so only by license of the owner or by committing a trespass.

This was the condition when Mrs. Harry Lee Rust, of Washington, D. C., organized the Wakefield National Memorial Association. Mrs. Rust and the noble band of patriotic women associated with her aroused the interest of the American people in the great need of making Wakefield a national shrine. They prosecuted their work under the most adverse circumstances. The difficulties which met them in their work at times seemed insuperable, but they never permitted themselves to become discouraged. Even though the health of Mrs. Rust, their leader, became imperiled by her tireless efforts, she and all of her noble workers continued their efforts until they overcame all obstacles and secured success, though there is still much to be done.

WHAT HAS BEEN DONE

The association has secured 367 acres of land which had been owned by General Washington's father, grandfather, and great-grandfather, including the site of the wooden house near Bridges Creek bought by John Washington in 1664, eight years after he came to Virginia, and occupied by John Washington and his descendants.

This acreage also includes the site of the house in which General Washington was born, and the association is building a house as nearly as possible like that which was then on this property. This house will be built of brick made by hand from clay taken from the Washington lands and burned on the place. There will be rebuilt also the ancient kitchen, and it will be similar to the original kitchen. The old garden, sloping from the house to the river, will be restored. This garden will be a replica of a Virginia colonial garden of that period, according to plans prepared by a landscape architect of both gardens and grounds, and necessary funds for the garden and grounds have been donated.

The acreage secured also includes the graveyard which contains the remains of General Washington's ancestors and near relatives. The original vault has been uncovered and reconstructed, and the remains which were found in the vault and were impossible to identify have been placed in a large casket within the rebuilt vault and arched over with brick. A monument will be erected in the graveyard in memory of John Washington; tablestones of colonial design will be inscribed to the descendants of John Washington, known to have been buried there; a brick wall of colonial design will inclose the graveyard; cedars will surround the inclosure, and a pathway bordered with cedars will connect the inclosure with the road.

The monument erected by the Government has been relocated at a more appropriate site, and the Government has contributed $30,000 for the relocation and improvement of this monument.

An improved highway has been built connecting Wakefield with the Kings Highway, which extends from Fredericksburg down the Northern Neck, and is close to the birthplace of James Madison, the birthplace of James Monroe, the birthplace of Washington, and Stratford, the birthplace of Richard Henry Lee and Gen. Robert E. Lee.

The purchase of these 367 acres of land was made possible through the generous contribution of Mr. John D. Rockefeller, jr., who purchased 267 acres of land for the association at the price of $115,000 upon conditions which have been met.

The work of the association has been done in large part by volunteers and without any salaried officers until October, 1930, when a secretary was employed to expedite the work and prepare for the transfer of the properties to the United States in February, 1932.

The United States also appropriated $50,000 for the use of the association in restoring the birthplace. This was in addition to the $30,000 appropriated in connection with the monument.

There also stood on this property originally a log house, and it is hoped that if sufficient funds can be secured a similar structure will be erected to typify the earliest period of American life.

It is contemplated to build on the premises a lodge for the reception, hospitality and convenience of visitors. This is essential, as Wakefield is 35 miles from Fredericksburg, the nearest center of population, and 95 miles from Washington. The architect's plans for this structure have been completed, but that work can not proceed because of lack of funds.

It would be a splendid recognition of the worthy work which this association has done and a splendid act of patriotism for Americans to rally to the assistance of this association in such numbers and with such contributions as to enable the association to complete all of its plans before 1932 and to transfer the completed project to the United States in February, 1932, as a devoted recognition of the services of Washington, without whom the Nation would not exist.

It will be necessary to raise about $200,000 to finish this great work, and when finished it will be a lasting tribute to the Father of his Country and conclusive proof that one republic at least has shown itself grateful.

THE SATURDAY HALF-HOLIDAY BILL

Mr. GIBSON. Mr. Speaker, it is a matter of congratulation that the Saturday half-holiday bill has become law through the signature of President Hoover. The history of this legislation is of peculiar interest. There is one step in its progress that should not be lost sight of. This is plainly set forth in the two following letters:

MARCH 6, 1931.

Hon. ERNEST W. GIBSON,
United States Capitol, Washington, D. C.

DEAR SIR: Now that the tumult and the shouting is subsiding over the Saturday half-holiday bill for Government employees, I find in looking over the list of names of the great and near great who are credited with the responsibility of this legislation, no mention is made of the important part that you played in your capacity as chairman of the subcommittee which drew up the amended bill as it passed.

We are referring to the meeting held in the early part of April, 1930, by the subcommittee of the Civil Service Committee, consisting of yourself and Representatives ADDISON T. SMITH, of Idaho, and J. W. MCCORMACK, of Massachusetts, who were directed to make a study of S. 471 (Jones bill) as it passed the Senate and other pending measures on this subject, together with the correspondence submitted by the various departments of the Government.

Before your honorable committee there was permitted to appear N. P. Alifas, of the machinists, who looked after the interest of the 8-hour group, and the undersigned, who sponsored the interest of the 7-hour group.

As a result of the discussions and deliberations the Jones bill was amended in the most liberal manner possible in the interest of all of the employees concerned, and I want to take this opportunity, and I feel confident that I am expressing the sentiment of Mr. Alifas when I state that not only do I appreciate the courtesies extended but also I am grateful for the final results that have been achieved.

In our opinion, this meeting was the crucial point in the parliamentary progress of this legislation. Your office and your committee should therefore receive proper recognition for the part they played, and I want to take this opportunity to assure you that it will be and has been my privilege to bring these salient facts to the attention of our members.

With kindest personal regards and best wishes, I am,
Sincerely yours,

C. L. ROSEMUND, *President.*

MARCH 7, 1931.

C. L. ROSEMUND,
President Technical Engineers, Architects, and Draftsmen's Unions, Metal Trades Department, American Federation of Labor, Washington, D. C.

MY DEAR MR. ROSEMUND: This will acknowledge and thank you for your kind letter of the 6th instant relative to the Saturday half-holiday bill for the benefit of Government employees.

Advances to the reclamation fund on account of

passage of laws giving half holidays every week to postal

I appreciate more than words can express the spirit that prompted your letter. It had not occurred to me to lay claim to any credit for the passage of this act, since I am always content with securing the enactment of meritorious legislation without thought of credit to anyone.

It may be well, however, to have the record show the facts. Senator JONES introduced the bill in the Senate (S. 471). I introduced a similar bill in the House (H. R. 712). The Senate bill received early favorable action and was duly referred to the Civil Service Committee of the House. After some consideration a subcommittee, of which I was chairman, was appointed to consider the half-holiday bills and bring them into harmony. A meeting of this subcommittee was held in my office, at which meeting you appeared as the representative of the 7-hour group, while Mr. N. P. ALIFAS looked after the interests of the 8-hour group. The Jones bill in amended form was reported to the House committee, amended and reported out, and Representative DALLINGER, of Massachusetts, was placed in charge of its passage.

It is only fair and just to say that the able way that you and Mr. ALIFAS presented your cases to the subcommittee made it possible to reach and agreement satisfactory to all interests concerned. Had it not been for the splendid spirit of cooperation on your part and that of Mr. ALIFAS and the loyal work of your respective groups, I doubt if the measure could have been enacted during the life of the Seventy-first Congress.

Permit me to congratulate you and your organization members on the outcome.

Again thanking you, and with personal regards, I am,

Sincerely yours,

E. W. GIBSON.

AT LAST WE HAVE CONGRESSIONAL REAPPORTIONMENT

Mr. CLANCY. Mr. Speaker, a tremendous victory for orderly government in the Republic was won when this Congress recently frustrated all efforts to delay or block congressional reapportionment.

The Detroit News published on March 2, 1931, the following timely editorial, entitled:

AT LAST WE HAVE CONGRESSIONAL REAPPORTIONMENT

Recent action of the Census Committee of the House of Representatives removing all obstacles to reapportionment of congressional seats is conclusive proof of the power of informed public opinion to have its way in this country. The truth plainly has been brought home to the politicians that the people of every section desire observance of the provisions of the Constitution, even though in specific local instances it results in loss of representation.

For persistent effort in bringing this movement for fair congressional representation to successful conclusion, great credit is due to Representatives ROBERT H. CLANCY and CLARENCE J. MCLEOD, of Detroit. In session after session they have been acknowledged leaders in every reapportionment fight in Congress, and on all other fitting occasions have helped in the creation of sentiment.

The measure finally prevails, not because of predominance of influence of those localities benefited by increased representation but by constraint of growing public sentiment that the mandates of the Constitution must be obeyed.

The overwhelming victory on February 27 of the friends of constitutional reapportionment in the House Census Committee must be a source of the greatest satisfaction not only to real friends of the Constitution but to those millions of Americans in the large cities and in the more rapidly growing States who have been unjustly disfranchised of representative government for the past 11 years.

The full membership of the committee was present the first time during this Congress, and by a decisive vote of 13 to 8 all bills to block or retard reapportionment were killed. This means that the automatic reapportionment as fixed by the law of 1929, passed in the first session of the present Congress, will go into effect March 4.

This vote means that probably never again will a movement to increase the size of the House beyond 435 Members ever gain considerable headway. It means that instead of reapportionment being made the football of Congress, as it has been on so many occasions during the country's growth, and especially during the past 11 years, the question will practically be taken out of politics.

For the aforesaid law of 1929 provides that when the census is taken every 10 years the figures shall be merely reported to the Secretary of Commerce and he shall automatically divide the population of the country by the 435 Members and allot the Congressmen to the various States by the principle of major factors.

This settlement means that the dangerous hostility between the rural and the city elements of the population, the hostility which has been rapidly growing since the advent of the eighteenth amendment and prohibition, will be considerably minimized because the automatic reapportionment will tend to prevent the mobilizing of these two great American armies of political and economic thought.

The victory means that a mandate has been issued by Congress to the many recalcitrant legislatures who have been hostile to reapportionment that they need not look for comfort to Congress now for any new laws setting aside the reapportionment of March, 1929.

When Congress reconvenes in December, 1931, many legislatures will have been redistricted. The foes of reapportionment can not hope to control both the House and the Senate for a determined Senate filibuster can kill an unjust bill, and it might safely be presumed that a presidential veto would meet an unjust reapportionment bill.

The most comforting aspect of the vote to-day to the friends of reapportionment was the clear indication that even the States which lose Congressmen under the reapportionment act of 1929 voted against delay or blocking the reapportionment. Men like Representatives NEWHALL, of Kentucky; SWICK, of Pennsylvania; and GREENWOOD, of Indiana, deserve the very highest praise for their patriotic votes in favor of reapportionment because strong elements in their States tried to influence these Members to vote against reapportionment because their States lost Congressmen and electoral votes through the reapportionment act of 1929.

As a member of the Census Committee and as a man who has fought throughout the years for reapportionment, I am particularly gratified that my city of Detroit will now get the 4 additional Congressmen, 4 additional electoral votes, and 8 additional delegates to the presidential conventions to which it has been entitled for so long a period.

Detroit is still disfranchised by the Michigan State Legislature out of 7 State senators and 19 State representatives. I sincerely hope that the State legislature will profit by the unselfishness and patriotism of many Congressmen and Senators who are willing to let the Constitution rule on reapportionment and that the Michigan State Legislature will now grant to Wayne County its rightful constitutional number of State senators and State representatives.

Moreover, the action of the House Census Committee to-day is a mandate to the Michigan State Legislature to immediately reapportion the congressional districts upon a fair and just basis.

CONGRESS AND THE RELIEF PROGRAM

Mr. TILSON. Mr. Speaker, with the exception of the time necessary for the proper consideration of the annual appropriation bills, most of the time of the present session has been devoted to relief measures made necessary by unemployment and a widespread drought. The total of Government expenditures authorized or actually made for these purposes is staggering in its magnitude, but justifiable in so far as substantial progress has been made in properly relieving distress. There have been differences on this floor, and sometimes the views of the House have differed from those of the Senate as to the best method of dealing with the existing conditions, but in fairness to all let it be said that, regardless of party, each individual has sincerely directed every effort toward securing the wisest and best means of relief within the proper scope of the Federal powers.

The amount authorized for relief measures of various types totals approximately $400,000,000, omitting advancements to the Farm Loan Board, and such sums as may turn out to be necessary to increase the loans under the service certificate act, to which reference will be made later.

The principal items making up the appropriations for relief are as follows:

Emergency construction act, including $80,000,000 for Federal-aid highways, $25,500,000 for rivers and harbors and flood control, and $10,500,000 for roads in national forests, national parks, etc	$116,000,000
Emergency construction items in first deficiency act for various departments	15,000,000
Federal-aid highways, additional amount appropriated at the present session, exclusive of the $80,000,000 special item, over the amount appropriated at the last session	42,000,000
Advances to the reclamation fund on account of decline in receipts to the fund resulting from the depression	$5,000,000
Drought relief, including loans for seed, feed, fertilizer, and other agricultural rehabilitation, including rural sanitation and medical supplies in drought areas	69,000,000
Increase in public-building appropriations at present session over like appropriations at last session for construction and sites, $10,000,000 and additional authorization for construction of new buildings, $100,000,000	116,000,000
Advances to the Shipping Board construction loan fund for making loans for the construction of merchant vessels in the American merchant marine	35,000,000
Total	398,000,000

There are a great many other smaller items scattered through the appropriation bills which bring the total well over the figure of $400,000,000 which I have indicated, and if we add to it the $250,000,000 appropriated for the Farm Board, the total amounts to over $650,000,000.

THE VETERANS' LOAN ACT

As is well known, I opposed the bonus loan bill in the form it was enacted because I believed, and still believe, that it was not necessary to go so far in order to relieve needy veterans, and that it was not best for other veterans or the rest of the country to induce veterans to borrow on their certificates under existing economic conditions. I was in favor of restricting the loans to those veterans who are in need, not because I begrudge a single dollar to the veterans but because I think that except in cases of actual present need it is best for them as a matter of insurance protection that they retain their bonus certificates unimpaired. I took the same position as I would if Congress had the power to increase the loaning value of insurance policies with private insurance companies. I would dissuade veterans from borrowing on their bonus certificates just as I would dissuade policyholders in private insurance companies from borrowing on their insurance policies, except when in actual need. Those who advocated this bill contended that only the veterans who are in dire need will borrow on their certificates in any event. If this contention is correct, then my proposal to limit it to those in need would have better served the purpose. However, a sufficient vote was given in both Houses to pass the bill over a presidential veto and it is now a law. We all hope that it will turn out to be a boon to veterans, rather than an inducement to them to sacrifice what amounts to the protection of a paid-up insurance policy of twice the amount that can now be borrowed upon it.

RELIEF OF UNEMPLOYMENT

A bill of great importance in its relation to the relief of unemployment passed by Congress was one for the planning in advance of public works to meet unemployment cycles.

A bill abolishing in effect the present Federal employment service and substituting in each State an agency for this purpose was sent to the President by Congress, but did not receive his approval. The bill as passed provided for an employment service which would function through State employment bureaus. The President's refusal to sign the bill was apparently based upon the belief that more would be lost than gained by attempting to change systems in the midst of unemployment and industrial depression.

Another correlated bill, providing for the collection of more accurate statistics concerning employment conditions, was passed at the last session of Congress and has been in operation for some time. These bills were sponsored originally by Senator ROBERT F. WAGNER, Democrat, of New York, and it is a pleasure to give him the credit he deserves for urging them upon Congress. It is only fair to point out, however, that they could not have been passed in the House except by the aid of Republican votes, which were freely given.

MAINTAINING THE WAGE SCALE

The Congress has shown a lively interest in the welfare of Government employees and of labor in general by the passage of laws giving half holidays every week to postal employees, Saturday half holidays throughout the year to other Government employees, and requiring that prevailing wage rates in the vicinity where the work is done be paid by all contractors on Government-building projects. The latter law meets a situation which was rightfully criticized by labor leaders throughout the country. Under the old law it was possible for contractors on public buildings to import labor from other parts of the country and often pay them much less than the locally prevailing scale of wages.

PROHIBITION LAW AMENDMENT

One noteworthy event in prohibition legislation occurred during the session, and this was the uniting of both "wets" and "drys" on an amendment to the prohibition laws. The amendment was to the so-called Jones law and limited the penalties that may be imposed for slight infractions of the prohibition law. It has become a law by the President's approval.

NEW OLEOMARGARINE LAW

A bill of great interest to farmers which was passed at the recent session and has become a law by the President's signature is one that provides further regulation for the sale of oleomargarine in order to protect the public against deception by the sale of oleomargarine by unscrupulous dealers for butter.

WOMEN WIN NEW RIGHTS

Another important act of this Congress which was passed with the support of all the great women's organizations of the country is an amendment to the Cable Act, which was sponsored by Mr. CABLE himself. This amendment provides that no American woman can lose her American citizenship through marriage to an alien or residence abroad unless she herself renounces her allegiance to the United States.

PRESIDENT VETOES SHOALS BILL

A bill for the disposition of Muscle Shoals was passed by both the House and Senate, but a veto by the President was sustained in the Senate, and would doubtless have been sustained by a more decisive vote in the House. As pointed out quite clearly and forcibly in the President's veto message, this measure, if enacted into law, would have committed the country to a policy of Government operation of power plants and would have served as a precedent for similar operation of other public utilities.

As usual in a short session, a large part of the available time was necessarily given to consideration of the regular annual appropriation bills. Despite the press of relief work the usual care and scrutiny have been given them. They faithfully carry out a policy of economy in so far as it has been possible to do so without conflicting with the relief program. They are larger than ever before in many instances, but the increase may be justified so far as the additional sums are wisely and properly expended for necessary improvements and expansions and at the same time provide much-needed employment.

The present depression has been an unusual one, because for probably the first time in our history an industrial slump has been coincident with a great drought, which of itself would have been a national calamity. Nevertheless, the conditions have not approached in distress those which have existed contemporaneously in all the other countries of the world, or those which have existed in previous economic depressions in our own country. It should be remembered that periods of depression have recurred in this country somewhat regularly about every 10 years. Cycles of prosperity and depression have visited this country just as they have every other great commercial nation of the world and at practically the same intervals.

TARIFF PROTECTS WAGE STANDARDS

It is well to note in passing—and I think the credit for this may to a large extent be given to our sound protective-tariff policy—that this depression has to only a very limited degree been accompanied by a reduction of wages. The fact is that while many people may now be out of employment, those who are regularly employed are perhaps better off than ever. This state of affairs is well presented by the

following article in the Labor Banner of December 12, 1930, which I shall take the liberty of including as part of my remarks:

Industrial workers who have not been thrown out of employment by depression now command the highest "real wages" ever known in the United States.

REAL WAGES COUNT

"Real wages," not money wages, determine the financial condition of workers, it is claimed. When the number of dollars in the pay envelope is increased, there is no gain to the worker if prices of necessities also soar. The pay envelope contains money wages. But if the cost of living declines when money wages rise, then "real wages" also advance. Since 1921 money wages have increased and the trend of living costs have been downward. Real wages thus have been gaining for nine years. The trend of money wages and of living costs is shown in the following table:

Year	Gain in money wages or workers' earnings since 1921	Decrease from 1921 level of cost of living
	Per cent	*Per cent*
1930	12	8
1929	12	6
1928	11	6
1927	10	4
1926	9	3
1925	8	4
1924	7	6
1923	6	6
1922	3	8
1921	0	0

The gain in real wages in the last 12 months accounts in part for the fact that bank savings deposits this summer rose to the highest total in history. Workers still employed are in a position to buy more and save more than a year ago without reducing their living standards, if they choose. This partly offsets the lack of buying power on the part of 3,500,000 persons who are without employment. It also tends to modify the depression for the country as a whole.

COPYRIGHT BILL FAILS

Owing to the legislative jam in the Senate during the closing days of the session, a number of important measures which passed this House failed to be enacted into law. The most important of these was the so-called Vestal bill, which provided for a complete revision of the copyright laws and which if passed would have paved the way for the admission of the United States into what is sometimes called the International Copyright Union. This bill was of vast importance to the writers, playwrights, and composers of the entire country, and it is most unfortunate that it failed to pass owing to the peculiar rules of the Senate, which render 95 Senators entirely impotent to pass legislation if one individual Senator chooses to make them so.

RESTRICTION OF IMMIGRATION

Another important bill which was lost in the Senate 1-man filibuster was that reducing all immigration quotas temporarily by 90 per cent to aid in relieving unemployment. The failure to pass this bill, however, is not so serious, because the State and Labor Departments are already limiting immigration almost to the zero point.

The failure to secure action in the Senate on the bill extending the life of the maternity law brings to a conclusion a long-drawn-out fight on this law by those who believe that the work done under it is entirely outside the scope of the Federal Government's powers and is an invasion of State rights.

The proposed constitutional amendment to eliminate the so-called "lame duck" session of Congress, the session which starts in December after a general election and continues until March 4, when the new Members take office, died in conference. This proposal was defeated in a previous Congress. In this Congress the House passed the so-called Norris resolution, which had already passed the Senate, as it had many times before; but the House inserted by a very decisive majority the so-called Longworth amendment fixing a limit to the length of the second session, which would have prevented Congress from staying in continuous session throughout the two years of its existence unless called in special session by the President. The failure of the Senate conferees to agree to the House amendment resulted in the defeat of the resolution. It is obvious that so long as the rules of the Senate make it possible for 1 Senator to prevent 95 Senators from passing any legislation without his consent, it will be necessary for the House to insist upon a fixed date for ending the last session of a Congress. Otherwise it would be necessary for Congress to remain in session until every bill favored by a Senator is enacted into law. The Treasury would probably be unable to stand indefinitely the strain that would be put upon it by such a program.

By the "lame duck" proposal, instigated and kept alive by an inane but catchy phrase, it is seriously proposed to amend the fundamental law of the land in order to remedy a situation brought about by the archaic rules of the Senate. It remains to be seen whether the rules of the Senate are regarded by the people of the country as more sacred than the Constitution upon which our Government and our liberties rest.

PRESENT NATIONAL AND INTERNATIONAL BANKING SITUATION

Mr. McFADDEN. Mr. Speaker, under general leave granted to Members to extend their remarks in the RECORD, I herewith insert the following:

Banking deals with money and the money value of things, and it is therefore in communities where there is much money and many valuable things that banking reaches its greatest magnitude. Needless to say that here in the United States, and in the era in which we are living, more banking is being done with real money and real things than was ever done anywhere in the world before.

Financial transactions, including those which overlap frontiers, are now carried on upon so great a scale that it is no easy task, even for bankers engaged in extensive transactions, to perceive the larger tendencies and estimate their probable results. Formerly we were accustomed to estimate conditions about us and consider these as determining whether business was likely to be good or bad. There is too much tendency to do that now and to ascribe to local or domestic conditions reasons for the state of trade or of credit at a particular moment.

Before the Federal reserve system was established in 1913 thousands of banks maintained their own gold reserves. After its establishment the member banks gave their gold reserves into the control of the Federal reserve banks and a vast central pool of credit was created under control of the Federal Reserve Board.

"Credit once brought into existence," some one has said, "is a natural fluid which can not be kept from flowing into the nearest channel available under the gravitational force of demand in the form of interest rates." The streams of credit which have flowed out of this central reservoir since its creation have brought changes and raised problems which were undreamed of in 1913. We have centralized the creation of credit and its uses.

The revolutionary character of the Federal reserve system was greatly magnified by the coming of the war in Europe in 1914. Historically, the central bank came into existence as a war instrumentality. The Bank of England was created in 1694 to establish a central pool of the nation's wealth upon which the government of William III could draw to defray the expenses of its wars upon the Continent, and since that date its resources have been primarily at the disposal of the British Government in its imperial and foreign enterprises. The central bank enables the Government to utilize, if it so desires, the entire credit power of the nation in enterprises abroad.

No doubt this was not in the mind of the Congress when it established the Federal reserve system. A status of peace seemed to be our normal condition, and it was the stabilization and equalizing of credit conditions in our domestic economy that was uppermost in the minds of the legislators.

From 1914 to 1917 our stimulated foreign trade gave us a large favorable trade balance which was offset by loans by private bankers to the Allies. After we entered the war the belligerent governments suspended shipments of gold. The allied governments asked and received credits from the United States Government sufficient to cover all debts, and

these credits were raised here by the floating of the Liberty and Victory loans.

I would invite your attention to the way the "stream of credit," which we are likening to a natural fluid, has flowed during the past 14 years, viewed, as it were, from some stationary point of observation which ignores minor eddies or whirlpools, the rate of the current here or there, or the depths or shallows at a particular point.

Beginning with 1917 we see it sweeping eastward across our political boundaries "under the gravitational force of demand in the form of interest rates" and under the impulsion of a foreign war. For four years and more the vast current flowed unchecked. These four years of war did their devastating work in Europe. Year by year on an ever-greater scale the warring states expended their stored-up wealth outside of Europe.

When the armistice came, and with it the reaction from war, all Europe was stunned and inert, but there existed an insistent demand for foodstuffs, goods, and commodities which had to be met. Europe presented a limitless consuming market, and the producing market was in the United States alone.

You will recall the enormous industrial energy with which America met this demand. And in order that the manufacturers, merchants, and workers might be paid without depending upon remittances from the foreign purchaser, the Government extended further loans to the allied states and, through the War Finance Corporation, advanced hundreds of millions of Government money to the banks so that the banks could continue to finance the producers.

Month after month this went on, with the credit inflation mounting far beyond that which would have been justified by the gold base, and during this period nobody inquired what the consequences would be if Europe could not settle its trade balance. Finally, in 1920, the Government became alarmed; it ceased making loans to the banks for the financing of exporters, called on the governments of Europe to settle their trade balance in gold, and induced the Federal Reserve Board to raise its rates.

Never was industrial activity on such an intensive and so vast a scale so suddenly and so completely reversed. From one end of the country to the other bank credits were frozen, factories closed, and not only foreign but domestic trade brought almost to a standstill. This condition lasted through 1921.

Returning to our metaphor of credit as a natural fluid, the scene from our stationary point of observation is now changed. The rushing stream that had been pouring across our territorial borders has dried up as quickly as it had sprung forth. Where before had been a broad and swift-flowing current there appeared sandy wastes through which could be discerned a few trickling streams flowing from one stagnant pool to another. Credit for domestic purposes was as unavailable as for foreign.

This sudden industrial stagnation in the United States was as unpleasant as it was unexpected, but it was felt far more acutely in Europe, which for a year had been living upon the importations from the United States.

There was only one way to have these importations begin again, and that was by paying for what had already been sent so that the banks in the United States could again have sufficient reserves to allow them to make new loans to exporters. The allied governments, therefore, had to remove the embargoes which they had maintained on the exportation of gold so that the European trade balance with America could be settled.

The recovery in the United States in 1922 coincided with the receipt of continued importations of gold on an immense scale. Gold continued to flow into the United States until, as you will recall, our gold stock in 1924 amounted to $4,000,000,000. It is on the basis of this gold cover that the great industrial activity of the past decade has been able to be carried on.

The influx of the gold refilled the great credit container of the Federal reserve system. Out of this container in 1922 innumerable small streams of credit began to flow throughout the United States. The sandy stretches and the stagnant pools disappeared and there was movement again everywhere.

If a governmental policy had been entered upon in 1922 of confining the use of Federal reserve credit to the needs of the domestic market and of foreign trade, business and financial conditions in the United States would have been stabilized upon a sound basis and the function of the Federal reserve system would have become more clearly defined.

If it were considered that the political and social structures in Europe might disintegrate without the aid of great loans from the United States, this would have been regarded as a political question which would have been given due consideration and regulated by legislation at Washington.

The belligerent states of Europe were entirely impoverished as a result of the war. Their industrial and financial potentialities were greatly and permanently lowered. Europe to-day is no better able to carry a foreign debt of $20,000,000,000 than the states of South America would be. But this view has not prevailed at Washington.

The great international banking interests of the East have persisted in the view that the war in Europe was only an incident, although a grievous one, in the history of that continent, that the thread of European life and activity could be taken up after the war and followed under substantially the same conditions that had prevailed before 1914.

Under this appraisal, the ultimate financial resources of the states of Europe remain as great as they ever were and assurances are given the American people that investments in Europe are a good risk. Yet the German Government has been able to pay reparation annuities only out of the receipts of loans from America, the allied states groan under the payment of installments on their debts to America, and are protesting that they can not pay these installments unless they first receive the money from Germany. Most of the states of Europe are nearly denuded of gold, which is the only measure of monetary wealth, and their resources and those of private citizens are necessarily limited by the amount of the gold. It is probably no exaggeration to say that substantially the only monetary wealth in Europe to-day is the credits which are continuously flowing there from New York.

Since 1922 the air has been filled with schemes and plans for utilizing Federal reserve credit in Europe. In 1924 the international bankers devised the Dawes plan, which created negotiable German reparation bonds in the sum of $4,000,000,000, the bulk of which were intended to be sold in the United States. The State and Treasury Departments of the United States Government actively participated in these negotiations, but they did not meet with the approval of President Coolidge and the bonds could not be offered on the American market.

Nevertheless an active propaganda here proclaimed the Dawes plan as a final settlement of the contentions in Europe, and with this propaganda as a basis the international bankers entered upon a policy of pouring the money of American investors into Europe through the purchase of governmental, municipal, and industrial bonds.

Notwithstanding the fact that political, financial, and economic disintegration has steadily increased in Europe with the passage of the years, the propaganda of prosperity in Europe has been kept alive in this country in order that the international bankers might continue in their lucrative trade of selling European bonds here. The Dawes plan has been revived in the Young plan of 1929, under which negotiable German reparation bonds in the sum total of $3,250,000,000 are available for sale upon the American market.

In a speech which I made here recently I included a table showing the loans which the international bankers have made abroad since 1919 and the banking houses which made them. The total of these loans is nearly $8,000,000,000. Add to this $9,000,000,000 in loans made prior to 1919, making a total of $17,000,000,000, which, together with the public debts of $12,000,000,000 that the European states owe the United States Government, makes a total debt of $29,000,000,000 owed by the foreigners to the people of the United States, and if the $3,000,000,000 in Young plan reparation

bonds were disposed of in this country the total would be raised to $32,000,000,000.

This practice of the bankers of extending loans by billions of dollars to Europe began during the war and has continued under the Dawes and Young plans. They have been doing substantially what the Dawes plan would have accomplished if it could have been put into operation in the United States.

These vast loans gave Europe a renewed purchasing power here, and the greatly stimulated trans-Atlantic trade was the basis of the feverish financial optimism which centered itself in the operations of the stock market which culminated in the crash of 1929.

During those five years we saw once more the great stream of credit flowing eastward across our borders. And again we saw it suddenly terminate in 1929 and the sandy wastes and stagnant pools reappear. This time there was no gold stock in Europe to be shipped westward to settle the foreign debt. The billions advanced by the international bankers have not been repaid.

Under the Young plan it was the intention to post the first tranche of the reparation bonds on the American market in 1929. If the bonds had been acceptable and the way opened for the floating of successive tranches, the improvement in Europe's purchasing power would have been immediate, trans-Atlantic trade would have immediately revived, and industrial depression in the United States would have been checked. There would have been no collapse of stocks in 1929. It would, however, merely have been postponed. Stagnation here would have supervened at a later date, when European purchases here had exhausted the credit, just as it supervened here in 1920 and again in 1929.

If the international bankers now resume the practice of selling European securities here at the rate of a billion dollars a year, we will have several years of exaggerated industrial activity like those which followed the Dawes plan, followed likewise by a sudden stagnation like that after 1929, supervening when the European credit has been expended here. The great stream of credit flowing eastward across our borders will be checked again and the sandy wastes and stagnant pools will reappear.

The longer this policy of the international bankers is followed the greater becomes the number of people throughout the country who hold foreign securities which the mounting debts of foreign governments make it less and less possible for them to repay, and the greater grows the proportion of the liquid wealth of the country which remains in the hands of the international bankers.

As an adjunct of this policy the eager support which the international bankers of New York have given to the Bank for International Settlements set up under the Young plan is entirely logical. It is in the nature of a central bank for Europe, through which the European States collectively may deal with financial centers outside of Europe. The receipts from the sale of more than $3,000,000,000 worth of Young plan reparation bonds outside of Europe were intended to fill its coffers with gold at an early date.

But there is no way in which gold from America can be made to flow into Europe through payment of balances because the balance of payments is so greatly in favor of the United States. The Stresemann policy, which I have discussed in the Congress, and which has guided every foreign office in Europe for years, is a plain notification to us that loans from the United States in billions is the sole basis upon which the European statesmen propose to reconstruct European affairs. Under the Stresemann policy many more billions were to have been received from America in the space of a few years than Europe had to pay to America on balance. This would have caused a flow of gold from America to Europe.

The gravity of this for us lies in the fact that the Stresemann policy had the wholehearted support of the international bankers of New York. That it is their desire that gold in large amounts shall flow from the United States to Europe is evidenced by their support of this policy, and now that the Stresemann policy has failed it is being urged in New York by the leading international bankers that we should release a portion of our gold for the reserves of depleted central banks in Europe.

The relations of the Federal Reserve Bank of New York with the banks of Europe have become as intimate in the matter of extensions of credit as if these European banks were members of the Federal reserve system. One can but wonder upon what theory of banking this practice is based.

No bank ever existed except under the protection of some sovereign authority and for the furtherance of the purposes of that sovereign power. Without such sovereign protection its treasures would be at the mercy of any band of marauders. The practices which the Federal reserve bank and the international bankers of New York are following would indicate an assumption that a political alliance or a superstate has been created under whose sovereign will the safety and security of these international banking transactions is guaranteed. If there were, in fact, a single sovereign power dominating the United States and the states of Europe, and a bank of international settlements were set up by this power, then the gold reserves of the central banks could be kept in the Bank for International Settlements where they would remain permanently; credits and debits of gold would be entered upon its books in the manner in which this is done for domestic banks by the Federal reserve system.

Inasmuch as the creators of the Bank for International Settlements assume that some sort of political status quo exists in the world sufficiently powerful to guarantee the safety of gold deposits in the Bank for International Settlements, and are inviting our Federal reserve system to intrust a part of its gold stock to the custody of that bank, prudence would move us to inquire what is the political authority or sovereign power under whose protection the bank will operate.

It is located within the territorial limits of the small neutral state of Switzerland and it is not pretended that it derives its security from Swiss protection. It rests upon the security of the treaties at The Hague which put the Young plan into operation about a year ago. The Hague conference was not characterized by harmony and good will. It was one of the stormiest and bitterest international conferences ever held. It can hardly be denied that the sole motive for agreement was the mutual financial benefit which might accrue if the bulk of the $3,000,000,000 worth of Young plan reparation bonds, there being created, could be disposed of in the United States. If the bonds can not be so disposed of in the United States, the motive which made the signing of The Hague treaties possible fails, and there is nothing to hold the parties to their agreements.

The centrifugal influences in Europe are dominant, as may be seen by studying the political relationships of any one state to the others. All are armed to the teeth, except those held in subjection by the treaty of Versailles.

Is there any interest which they may be said to have in common? There is one, and we may find it by examining the important international conferences there since the war.

The first important international conference after the treaty of Versailles was the London ultimatum of 1921. At this conference Germany assumed liability for the payment of $33,000,000,000 in negotiable reparation bonds—and, incidentally, pressure by the State Department here upon Germany had much to do with her signing of the treaty. Twelve billions of these bonds were to be commercialized immediately on the international market. It was the purpose to sell them outside of Europe, and the proceeds were to be divided between the allied governments.

The next important conference was that of Genoa in 1922, at which the presence of the United States was urged most insistently. The motive here was to facilitate the marketing of the reparation bonds outside of Europe, but the absence of the United States caused the main purpose of the conference to fail.

The next great international conference was the Dawes plan conference in London in 1924. This was for the fixing of the annuities which Germany should pay, but without reducing the total amount of her liabilities. The chief interest was in finding out how large a sum could be obtained by issuing negotiable reparation bonds to be sold on the investment markets of the world. That treaty provided for the issuance of $4,000,000,000 worth of these bonds, the proceeds to be divided among the allied governments. Secretaries Hughes and Mellon were present in London at the negotiating of these agreements.

The Dawes plan bonds, however, could not be sold in the United States, partly because of the bad relations on either side of the Rhine and partly because the Coolidge administration would not permit it here. The Dawes plan, therefore, failed in its main purpose, as the London ultimatum had done.

It was after the Dawes plan was signed that the international bankers of New York began selling German municipal and industrial securities here upon an enormous scale, the loans mounting, as you will recall, to more than a billion and a half dollars. Germany out of her own resources had no means whatever of paying the Dawes plan annuities. She paid them, and it was intended that she should pay them, out of these receipts from America.

Notwithstanding the failure of these various treaty adjustments in Europe to accomplish their purpose, there was so much encouragement from the international bankers of New York, and at times from administrations in power in Washington, that this one motive of common action among the states of Europe remained alive. In France it got into domestic politics and in 1927 aided in keeping Poincaré in power.

The chief interest at the time of the meeting of the Council of the League of Nations at Geneva in 1928 was a plan "for the final settlement of German reparations." This plan was to fix not only the amount of the annuities Germany was to pay but the total number of years over which they were to be paid. By treaty settlements provision was made for the appointment of a committee of experts to draw up a plan, and it was desired that an American should be the chairman. This was the origin of the Young committee, which met in Paris in February, 1929, and substantially rewrote the Dawes plan, reducing the amount of the commercializable reparation bonds to $3,250,000,000.

This plan was made effective by The Hague treaty the next year. Under the London ultimatum and the Dawes plan Germany had held back when it came to issuing the commercialized bonds because the burden was too great for her to assume. At The Hague conference, however, she was assured of one-third of the receipts from their sale, and this assurance induced her to become a party to the treaty.

The Young plan bonds were offered here last July as "the German international 5½'s," but the venture was not successful. If the bonds can not be sold here on the scale intended, the entire Stresemann policy, as it is called—that is to say, the one policy which might unite the states of Europe in a common cause sufficiently strong to keep them at peace—fails and falls to the ground.

That, apparently, is what has happened in Europe. The defection of Italy leaves Britain and France in a close alliance to maintain the treaty of Versailles, with its reparation demands upon Germany, while in Germany there is a strong and growing purpose of radically revising the Young plan, and the Breuning Government holds on to power only by yielding more and more to this demand.

Tranquillity in Europe, therefore, seems more than dubious. These major conferences of which I have spoken have not been League of Nations conferences. The League of Nations is not a superauthority exercising sovereign power. It could not afford physical security to the Bank for International Settlements.

What, then, might be the fate of the gold stocks held in trust in the vaults of the Bank for International Settlements if this one motive of common action in Europe failed? If, as a result of a common policy in Europe, a continuous flow of gold and credits from America can not be secured, what is there to hold these states together in peace? There is nothing, unless they can bring themselves to a radical revision of the treaty of Versailles, which will eliminate the idea of German reparations to be commercialized outside of Europe, and which will undo the other injustices of that treaty.

It can not be said, then, that there is a stable status quo in Europe emanating either from comprehensive treaty agreements or from the creation of a supersovereign power; and there is no territory in Europe where the gold reserves of a world bank would not be exposed to the vicissitudes of international strife. The site of the present bank has been chosen in the general locality of the territory which for centuries has been known as the cockpit of Europe.

I stated above that political, financial, and economic disintegration since the war have been increasing in Europe. I know of no disinterested observer who denies this. The following conclusions were expressed in an article by the well-known observer, Frank Simonds, just the other day:

> In sum, the impression I gather from Geneva and from the public men of all European countries here assembled is this: With the exception of France, the condition in all continental countries has become such that the familiar issues and problems of the postwar era, problems political and military, have become actually side issues.
>
> Disintegration within the countries has become so general and gone so far that one of the most familiar judgments one meets is that capitalistic and democratic civilization is endangered, if not doomed, and that Europe is drifting toward a general catastrophe, still continuing to murmur the old words of nationalism.
>
> Or, to put it differently, there is a growing recognition that recovery from the World War has not yet even begun and that no one can now guess what the new Europe will be like, although more and more are convinced that it will be incredibly unlike the old.
>
> In any event, what seems in America to have remained an economic crisis has in Europe broadened into a political, social, and intellectual crisis. Informed people are no longer discussing the question of return of prosperity, but whether old Europe can survive this final catastrophe.

To continue indefinitely to make loans to a debtor who can not pay is not good business and is not good banking. These vast loans which I have listed have been made practically without security, for the scarcity of gold in Europe makes their settlement in the customary way impossible.

It would seem that our experience in 1920, when a vast credit inflation was carried to a most perilous degree because of the delay abroad in settling an immense trade balance, would be a sufficient warning against jeopardizing a great part of the Nation's wealth in advances to an insolvent debtor.

In 1920 payment in gold, though dangerously delayed, could be and was made in time. But if inflation here were again carried to a similar excess in expectation of settlement from abroad, the consequences would not result so happily if the foreign debtor failed or were unable to ship gold.

There is a strong tendency here to exaggerate the total amount of our foreign trade in proportion to our domestic trade and its relative importance. It ought not to be forgotten that our entire foreign trade is normally less than 10 per cent of our domestic trade. The vast free-trade markets, producing and consuming, within our continental limits constitute the greatest business empire the world ever saw.

It can hardly be controverted that to preserve the health, energy, and activity of this great domestic market and to protect it from stagnation by the proper management of its currency is of the first importance to the American people. To divert or tamper with the flow of credit needed in this market in order to create and strengthen producing markets abroad is a policy not in the interests of the American people.

It would seem to be a sound principle that loans abroad should be in proportion to the value of our normal foreign trade, and limited by that measure. This is all that the outside world has a right to ask and is all that was ever undertaken by any other nation.

If the world were filled with communities possessing great monetary wealth, the organization of giant industrial enterprises in the United States for the purpose of exporting their products on a vast scale might be a logical development.

But the world to-day is not filled with such communities, and it is precisely those communities which constitute the largest consuming markets for American export products that are without the means to pay for them. The extent to which foreign nations since the war have been consuming American-created products without the means to pay for them is measured by that enormous sum of $8,000,000,000 extended in foreign loans by private bankers to which I have referred.

There is a tendency, I may say here, to seek to discredit critics of the international banking policy which has prevailed here since the war, and to denounce their views as radical or unsafe. This criticism is wide of the mark when directed against efforts to guard and preserve the national wealth of the United States and to render the capital of its citizens secure under the protection of the laws of their own country. They are not to be confounded with any form of radicalism. In my own case I fear no comparison of motives with the motives of those who have dominated our foreign financial policy since the war and who have brought upon us successively the conditions of 1920 and 1930.

If it is admitted that what we have been doing is not good banking policy and is not based on business principles, it may be urged that the policy is justified on sentimental grounds. Here a subject of discussion is opened up which is outside the bounds of a discussion of banking and sound banking principles. We enter the realm of politics and international relations, of allied debts and reparations, and must discuss the question of whether, how far, and to what nations the financial assistance of our Government ought to be given.

This is in fact the field to which our inquiries ought to be turned not as bankers but as patriotic citizens. The unrestrained selling here of billions of dollars' worth of European securities by private bankers ought to come to a stop while the ideas of the Government and of the people are clarified on great fundamental questions which are essentially political in their nature. International rights and obligations ought to be fearlessly considered and definitely settled. Until this is done there are none who have the right to divert the credit of the Federal reserve system from domestic to foreign uses unchecked and on a scale which has twice imperiled the safety of the country, and which may imperil it in the future.

The Federal Reserve Board is not intended to be an autonomous body serving foreign banks, if it so chooses, precisely as it serves member banks in the United States. Nor should it expand credit without limit in order to facilitate the sale in this country of billions of dollars' worth of foreign securities. To relieve it of responsibility in this connection I recently introduced a resolution for the creation of a capital issues board to pass upon the issue of such securities.

The shifting foundations upon which our financial relations with the States of Europe now stand should be replaced by a stable base erected by political authority.

Efforts at treaty settlements between the states of Europe and the international bankers of New York like the Young plan, setting up a Bank for International Settlements at Basel intended to facilitate the transfer of credits and the shipment of gold from New York to Europe and to make possible the sale in the United States of German war reparation bonds to the amount of over $3,000,000,000, of which our State Department professes to remain entirely ignorant, ought to become a thing of the past.

This titanic flow and ebb of credit since the war has not been a matter of ordinary trade and commerce governed by the principles of political economy and of banking. It has been primarily political in its nature and has evidenced the desperate efforts of governments in Europe to regain the economic power they possessed before the war.

It has been the repercussion of these efforts upon our unregulated Federal reserve system that has disturbed our domestic conditions. The stream of credit was not properly regulated at the source; the great sluice gates of the dam were not properly guarded.

In conclusion, we have in the Federal reserve system an engine of stupendous power, whose destructive potentialities, perhaps, are as great as its constructive power. It is a governmental agency, and its action should be guided by definite governmental policy.

DRAINAGE DISTRICTS AND THE GLENN-SMITH BILL

Mr. MILLIGAN. Mr. Speaker, I regret exceedingly that the administration refused to permit the House to consider and take some action on the Glenn-Smith bill, an act to provide for the aid of farmers in any State by the making of loans to drainage districts, levee districts, and levee and drainage districts.

This bill on June 13, 1930, passed the United States Senate by a unanimous vote. It was then referred to the Committee on Irrigation and Reclamation of the House of Representatives for consideration. This committee on December 20 made a unanimous report to the House favoring the passage of this bill. Later the Rules Committee of the House was asked for a rule for the consideration of the measure. This they failed to grant. Neither could the chairman of the committee secure recognition to suspend the rules of the House and pass the bill. I am of the opinion that had the House of Representatives been given an opportunity to vote upon this measure it would have passed it by a substantial majority, and its enactment would have brought direct relief to thousands of overtaxed farmers throughout the Nation.

The bill provided for the creation of a revolving fund out of which the outstanding obligations of drainage and levee districts might be purchased and refinanced. The loans were to be made only to the legally constituted authority which had issued the bonds or to its successors. This was not to be done until the Secretary of the Interior had made an examination of the engineering work of the successful operations thereof and found the lands designated as being benefited actually receiving a benefit to a reasonable degree.

The Secretary of the Interior was to have an appraisal made of the value of the taxable properties in each district that made application for a loan, and was empowered to make such compromises and reductions in the amount of the existing indebtedness as he deemed fair and reasonable. The loans were to be made for a period not exceeding 40 years, to be determined by the Secretary in each case, and were to bear interest at the rate of 3 per cent per annum, payable annually, with a proviso that during the first five years of the loan the interest may, in the discretion of the Secretary, accrue and be payable during the successive years of the loan in equal annual installments.

The loans were to be secured by the issuance and delivery to the Secretary of the Treasury by the legally constituted authority refunding bonds payable to the United States in the amount of the loan, the bonds being a lien on all the taxable property within the said districts.

This legislation was not in any form a gift to agriculture or to the farmers. It was merely a matter of extending credit so that these people might have a fair opportunity to work out their financial obligations and save their homes from being sold under a tax bill. There would have been no loss to the Federal Government if this legislation had been enacted.

By reason of falling prices of farm commodities, drought, and flood, the farmers in these districts are placed in financial straits because of the additional burdens in drainage taxes. If this bill had been enacted, it would have given them a breathing spell, and in time they could work out their problem, as the land in the confines of these districts is the most productive land to be found.

I am personally familiar with the conditions that now exist in my district and in northwest Missouri, where vast areas of lands are included in drainage districts and vast sums of money invested in such enterprises. The latest available information, which is not complete for all the counties in the northwest section of the State, shows as follows:

County	Land in drainage enterprises in 1929 (acres)	Drainage conditions in 1929: Land unfit for crop for lack of drainage (acres)	Drainage conditions in 1929: Land drained fit for normal crop (acres)	Drainage conditions in 1929: Land partly drained, fit for partial crop (acres)	Land in occupied farms: Total land (acres)	Land in occupied farms: Land planted in 1929 (acres)	Capital invested in enterprises
Andrew	24,311	5,286	18,183	842	23,250	17,928	$509,800
Atchison	101,284	14,560	86,958	105	90,409	80,145	858,741
Daviess	38,066	3,611	7,000	27,455	35,900	24,500	815,000
Gentry	28,282	1,992	22,699	3,591	27,782	18,620	866,908
Harrison	22,423	5,260	8,700	8,523	22,100	10,700	445,750
Holt	47,306	9,944	35,169	2,193	47,159	41,079	676,910
Mercer	14,631	4,090	8,785	1,846	14,631	6,400	171,310
Nodaway	40,830	3,746	34,429	2,655	40,772	36,234	630,253
Ray	14,162	2,690	9,212	2,350	13,662	12,982	238,500
State	3,450,866	308,971	2,753,099	388,796	2,659,721	2,246,350	46,292,782

In the entire State of Missouri there are 3,450,866 acres of land in drainage districts, with a total investment of $46,292,782. This gives an idea of the amount paid each year by these overburdened taxpayers of the State in payments of principal, interest, and maintenance charges.

These enterprises have been organized not alone for selfish benefits but for improvement and protection of public health, flood control, and to reclaim valuable and productive lands.

If the administration had seen fit to enact this bill into law, it would have produced more direct benefits to the farmers than any law on our statute books. It would have allowed many families to retain their homes which will, unless some relief is provided, be sold under a tax lien.

"PRICE FIXING DANGEROUS TO RETAILER AND TO PUBLIC"

Mr. CROSSER. Mr. Speaker, the Supreme Court of the United States has held that—

> • • • Contracts between manufacturers and wholesale and retail merchants to control • • • the price for all sales by all dealers • • • eliminating all competition and fixing the amount the consumer must pay, amounts to a restraint of trade • • • invalid both at common law and under the • • • antitrust act.

The interests which demand the power to fix prices ask for a law to nullify this decision of the Supreme Court and to destroy the provisions of the antitrust law to which the decision refers. They claim that some retail dealers sell goods at a price which is too low and therefore they ask for a law which would enable producers of goods to prevent retailers from selling goods for less than the price dictated by producers.

To enact a law making it possible for producers of goods to fix a price below which retailers could not lawfully sell such goods would be unwise and wrong for many reasons, some of which will be stated.

The purpose of the antitrust laws and of the Supreme Court decision was to assure the people of the United States the benefit of competition. The bill being pushed by the interests desiring to fix prices would to a great extent prevent competition.

The right of competition means that anyone may offer to sell his goods at prices and on terms which he believes will cause them to be bought by those desiring to purchase such goods.

This principle, freedom of competition, has, in the past, generally saved the public from being forced to pay a price higher than necessary to provide a reasonable profit for the seller.

If we were to enact a law such as demanded by the interests desiring to have price fixing made lawful, almost everything required for the home would be sold at a price fixed by the producer. It would then be useless, and, in fact, foolish for a person, wishing to buy a common brand of goods, to go for them even a hundred yards beyond the store nearest his home. The buyer would know very well that he could not buy such goods at any store for a cent less than he would pay to the store nearest his residence.

The storekeeper, then, could not hope to attract customers residing outside his own little neighborhood, for he could not offer them a better price. In going even a few hundred yards beyond the store nearest his residence the buyer would merely be causing himself loss by wearing out shoe leather. Under such conditions the storekeeper would become a mere order taker for the producer. He must sell at the price ordered by the producer, and he must pay whatever the producer demands. In fact, the storekeeper would have little more freedom or discretion in selling his goods than if he were a mere agent for the producer, but the producer would not be responsible, either to the storekeeper or to the public, as he would be responsible for a person legally appointed by him as an agent to sell his goods.

When a producer sells his goods through his agents, who lose money in trying to sell, it is the producer's money that is lost and not the agent's money.

Under the proposed price fixing law, however, the price at which a producer's goods must be sold by the retailer could be controlled by the producer as surely and exactly as if the producer were selling through his own agents, for whom he would be responsible.

The producer of goods could say what price the retailer must charge, and yet such producer would not be risking the loss of any money in operating the store.

If a law were passed to allow producers to fix prices below which goods could not be sold by retailers, it would then be useless for a storekeeper to advertise for the purpose of increasing his business, for he could not offer any better price than other stores in the community. The producer having fixed or dictated the same price for all stores in the same community, one store could not advertise a price better than the other stores could offer to buyers. With price fixing fully in effect, about all that a store could say in an advertisement would be, "Come to our store; we have nicer show cases and more attractive clerks."

The general fixing of retail prices below which goods could not be sold would be harmful to retailers in another way, illustrated as follows: Suppose that a storekeeper had accustomed the public to buying a certain kind of soap, the retail price of which had been fixed by the maker at 10 cents a bar. The retailer when he began to sell the soap paid the maker 6½ cents a bar. After the storekeeper had, however, accustomed the public to buying that particular kind of soap, he would be compelled to carry the soap in stock to satisfy his customers. Then the soap maker, knowing that the storekeeper must have that particular kind of soap for his customers, would naturally say to himself, "I can now raise the price which the dealer must pay me for my soap," and raises the price the retailer must pay the maker to 9 cents a bar. In this way the soap maker would increase his profit while the storekeeper's profit would become smaller.

The producer would be the more tempted to increase the price charged to the storekeeper because of the fact also that practically the only advertising that would be done would be in magazines of nation-wide circulation. We must remember that there would be no reason for local advertising, for advertising of individual dealers, because the price fixed for all retailers would be the same.

If the producer of goods could fix a price to suit himself and the retailer could not lawfully sell such goods for less than the price fixed, the retailer would be injured in another way. He might be hard pressed for money and might desire to sell some of his goods at a sacrifice to get money to save himself from being forced out of business. We all know of storekeepers who during the present hard times have saved themselves from ruin by selling part of their goods for even less than cost. If, however, the law had allowed producers to fix prices which storekeepers could not reduce, the merchant in need of cash to pay his creditors could not have sold part of his stock at lower prices to get money to do so. Many merchants have large stocks of goods but no money. If they can get money by selling some goods at a sacrifice they can often save themselves from ruin, but they could not do so if the law were to permit price fixing.

"But," shout the advocates of price fixing, "what about chain stores; price fixing would stop their growth." The answer to that is that the proposed price fixing law would not prevent development of the chain system at all, but, on the contrary, would give the chain stores an advantage. It is one of the tricks of propagandists to yell loudly against something which they believe unpopular and then to ask the public to accept what they propose, although it could have no bearing at all upon the alleged evil against which the propagandists roar but, in fact, would probably make the trouble worse.

Whether you approve or disapprove of chain stores, let me assure you that the proposed law to authorize price fixing would not interfere with them in the least. The interests which demand a law to permit price fixing admit that under such law the buyers of large quantities of goods could lawfully and properly be given a price lower than that paid by buyers of smaller quantities. Any large chain system could buy from a producer quantities of goods many times larger and therefore at a lower price than could the man with one store. Because it would thus pay less, the chain store's percentage of profit would be greater.

Remember, too, we have been emphatically assured by those clamoring for the right to fix prices that there will always be some goods the retail prices of which will not be fixed by producers. If necessary, therefore, to attract more customers, the chain store would offer to sell for less than the usual price some of these goods the retail price of which would not be fixed. Then the customer being in the store to buy goods thus reduced in price, he would naturally buy whatever he might need of goods on which the prices had been fixed. Thus the chain store would do most of the business, and because of its large purchases would buy cheaper than could the small dealer goods upon which the same retail price would be fixed, and so the chain store would, of course, make a larger profit.

Let me point out another objection from the standpoint of both the storekeeper and the public. Suppose that Mr. Smith, a storekeeper, were to buy a large stock of goods upon which the producer would have fixed a retail price below which the goods could not be sold to the public. If later the cost of producing that class of goods were to become less, then Mr. Smith, the storekeeper, would not be able to sell his price-fixed goods. Other goods of the same class and of as good quality but produced later at a lower cost would be for sale at retail for less money, and because just as good and cheaper they, instead of the price-fixed goods, would be bought by the public. The dealer, then, who would have bought a large stock of certain price-fixed goods, when the cost of production would have been high, would suffer loss, because he could not reduce the fixed retail price of such goods in order to sell in competition with other goods of the same class.

The proposed price fixing law would injure the public by preventing competition. Without competition the producers of goods could fix prices that would be altogether unfair to the buyer.

At present, with competition, if a producer of goods tries to keep in force too high a price, some one offers to the public the same kind of goods at a lower price, and he gets the business.

If you do away with competition, the public can be charged whatever pleases the producer, who then practically becomes a monopolist. The consumer then could not help himself for the reason that the producer of goods could compel the retailer to keep up the high prices.

To make it lawful for producers to dictate retail prices which storekeepers could not reduce would greatly increase the cost of living and would put the retailers in the iron grasp of great producers.

Some retail dealers have been led to believe that, if given the power to fix unchangeable retail prices, the producers would be nice and kind to them and would not raise the prices which the retailers would be forced to pay producers. Let me warn such people to beware. Burns stated the case well when he said:

> But och, mankind is unco weak
> An little to be trusted;
> If self the wavering balance shake
> It's rarely right adjusted.

THE JONES-M'CORMACK SATURDAY HALF-HOLIDAY BILL

Mr. McCORMACK of Massachusetts. Mr. Speaker, the passage of the bill known as the Jones-McCormack bill, Senator JONES having introduced it in the Senate and I in the House, granting a Saturday half holiday to Government employees, will, in my opinion, be most beneficial to the Government. It will enable the faithful employees to return to work on Monday morning better physically and mentally as a result of the rest they secure over the week-end.

In these days when leading business men, as well as those in charge of the great labor organizations, are advocating a 5-day week, it is but fair that we grant to the Federal employees a 5½-day week, especially when the great majority of those employed throughout the Nation are enjoying the Saturday half holidays granted by their employers.

In some of the large cities of the country, during certain periods of the year, the large department stores, as well as industries, provide a 5-day week during the summer months.

The Federal Employee, the official magazine of the National Federation of Federal Employees, has the following to say in its issue of March 1 relative to the law recently enacted:

SATURDAY HALF-DAY BILL BECOMES LAW

The Jones-McCormack Saturday half-holiday bill was passed by the House on March 2 and signed by President Hoover on March 3. The text of the congressional debate on the bill will be carried in full in next month's magazine.

In the brief debate which followed consideration of the bill in the House, where it was called up by Representative LEHLBACH, who moved suspension of the rules, no opposition was expressed other than by Representative WOOD, of Indiana, but on a viva voce vote the bill was passed without opposition. Senator JONES, of Washington, secured unanimous consent for acceptance of the House amendments to avoid delay by sending the bill to conference.

The national officers already have discussed with the Interior Department and congressional leaders the securing of an Executive order conferring the benefits of the short Saturday on field employees of permanent tenure in the Interior Department. That group was eliminated at the request of the Secretary of the Interior because of the many temporary and seasonal employees on its rolls.

Federal employees owe a very substantial debt of gratitude to Chairman LEHLBACH, of the Civil Service Committee, whose skillful generalship adds the Saturday half holiday law to an already long list of legislative accomplishments during his chairmanship of that committee, which position he leaves with the closing of this Congress. The national office presented Mr. LEHLBACH with the pen and holder used by the President in signing the act.

Great credit is also due Senator JONES and Representative MCCORMACK for their sponsorship of the measure. Representatives LAGUARDIA and DALLINGER also were indefatigable in their efforts to secure its passage.

The National Federation has addressed a communication to President Hoover expressing the heartfelt appreciation of organized Federal employees who are benefited by the Saturday half holiday law.

THE PLIGHT OF A GREAT INDUSTRY

Mr. GUYER. Mr. Speaker and Members of the House, I wish at this time to discuss the plight of a gigantic industry, which in normal times and under ordinary conditions employs directly and indirectly almost a million men—an industry comparable in dignity and importance with the power industry in the United States. Its very magnitude and former prosperity has in its time of crisis prevented and impeded the correct understanding of its dilemma.

There was a time when an individual who had an oil well of a few thousands of barrels daily was considered a rich man. To-day one who has several such wells may be on the verge of bankruptcy, if he has large sums invested in them, from the fact that there is little or no market for his product; and when sold it is marketed below cost of production.

Those engaged in the petroleum industry have heroically attempted by proration and curtailment to overcome the difficulties which confronted their business, but because of vast importations of petroleum and its products from foreign countries their efforts have been in vain and all their plans have been abortive in the face of this flood of foreign imports of oil and oil products.

Now they appeal to the only power which can give them aid, the Congress of the United States, and ask that a tariff be imposed on imports of petroleum and its products in order to protect their industry from the inroads of oil from countries where labor is cheap and where petroleum can be obtained for almost nothing. This, linked with cheap water transportation, produces the most ruinous competition. Here is a just demand, and the Republican Party by reason of its age-old advocacy of the protective principle as a means of stabilization of industry should come at once to the rescue of a great industry in this emergency.

There is no discounting the difficulty of amending the tariff schedules now, but the dire necessity justifies even this heroic remedy. When New England's textile industry was in distress the West came to its rescue with an adequate tariff, and now we demand this very proper Republican remedy for the ills of the petroleum industry, particularly in the mid-continent field.

In lieu of a tariff we have asked a limited embargo, based on the degree of proration which we ourselves have imposed on the domestic industry. This would be of immense and speedy relief and should be yielded as an emergency measure.

When the tariff bill was before Congress I favored some degree of protection, as I believe all the Kansas delegation did; but there was no backing for it by the oil producers when it was before the House. A fine showing was made before the Finance Committee of the Senate, but not before the Ways and Means Committee of the House. If some degree of protection had been placed in the tariff bill then the President, who is sympathetic toward the oil industry, in conjunction with the Tariff Commission, could, under the flexible provision of the tariff act, raise the tariff so it would be an effective relief. This not having been done, the fight for the industry must be carried on until it is stabilized for the home market to meet the time when Russia will take our export market from us by dumping her oil, which belongs to the state and costs her nothing, for the destruction of the oil industry unless we retain by protection or embargo the market of our own country.

IMMIGRATION

Mr. YATES. Mr. Speaker, under leave this day granted to extend my remarks in the RECORD upon the bill pending—in other words, the House joint resolution restricting immigration—I rise to say that I am in favor of this bill and hope that it will pass the Senate as it has passed the House. I was compelled to be absent from the floor of the House when the roll call on this legislation occurred. Had I been present, I would have voted with the 298 other Members of the House who voted "aye." See page 6744 of CONGRESSIONAL RECORD for March 2. As it is, I am paired for the bill with the distinguished gentleman from Louisiana [Mr. KEMP], and this sufficiently shows both his position and mine. I have already stated that if present I would have voted for the bill.

Hon. ALBERT JOHNSON, distinguished chairman of the Immigration Committee, recently said:

> This bill is absolutely necessary. The Dominion of Canada has already suspended all immigration for two years, with the single exception of orphan boys who are sent by the churches from the cities of the British Isles to be put on farms and raised, just as 30 and more years ago New York sent its orphan boys out to the West to be adopted and raised and where later some of them became governors of States. Canada has suspended immigration for two years in this world emergency. Mexico has done nearly the same thing. In the last three or four days Canada has placed an embargo on soviet-made goods. Canada is for Canada. It is time for the United States to do something for the United States.

Mr. Speaker, I believe there is need for this bill. I believe that the country would like absolute suspension. I do not pretend to know that the whole country would like absolute suspension, but I am familiar with the State whose Congressman at large I have the honor to be. I think I know Illinois as well as any man who lives in it and I believe that this bill would be enacted into law if it were possible to have a state-wide vote upon the subject.

The best authorities prove that this bill will keep out 188,000 persons each year for two years, or, in round numbers, 376,000 immigrants from foreign lands. It will prevent this vast army from entering this country to take jobs needed by the millions of unemployed citizens here. In spite of this act of restriction, every alien legally in the country has his rights under the Constitution and is entitled to protection in that right. It should also be remembered that this bill is a suspension for two years only. Furthermore, it is exactly fair as between all the countries of the world.

I agree with the distinguished chairman of the Committee on Immigration [Mr. JOHNSON], the able Representative from the State of Washington, that the need of restriction is vital and the danger of nonrestriction is colossal. I agree with him in his idea that in addition to the million who are always out of work through failure to contact the jobs—the misfits—there will be next winter at least 3,000,000 and perhaps 4,000,000 who will seek jobs which they can not find. I agree that we may care for 2,000,000 out of 5,000,000 by creating Government work, but in spite of everything we would have 2,000,000 on our hands.

These may be pessimistic statements, but, as Mr. JOHNSON points out, we must not fool ourselves, for, in fact, the soviet system points to worse conditions. Here in the United States the continued use of labor-saving machinery, the consolidation of business for the sake of economy, the farm situation, the export figures all are danger signs; so are the conditions of most of our State treasuries.

PAYMENT OF PREVAILING RATES OF WAGES ON FEDERAL BUILDING CONSTRUCTION

Mr. BACON. Mr. Speaker, under general leave to print, I desire to submit the following statement I made before the Labor Committee of the House on January 31, 1931, on H. R. 16619, introduced by me:

STATEMENT OF HON. ROBERT L. BACON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

The CHAIRMAN. I believe that Mr. BACON, the author of the bill, desires to say a few words at this time. Mr. BACON.

Mr. BACON. I have no intention of delaying these proceedings, but because of the fact that I have been working on this whole problem since 1926 I should like to have permission to submit a brief statement at this point

There is no need, I believe, for me to add any explanation of the terms of the bill as given by the Secretary of Labor.

This committee has, in three different Congresses, carefully considered the whole subject, during each of which it held public hearings. During the present Congress the last hearings were on two bills, one by Representative SPROUL and the other by myself, H. R. 9232 and H. R. 7995, respectively. In the Sixty-ninth Congress the Committee on Labor had before it my bill, H. R. 17069, which was reported unanimously on March 4, 1927. In the Seventieth Congress a unanimous report was made on H. R. 11141 after full hearings. This measure, which I also had the privilege of sponsoring, was bottomed on the plan of effecting the same desired results by limiting the employment on Federal projects to local citizen labor, with definite preferences. The aim of this bill was the same as the one introduced and considered in the Sixty-ninth Congress, but its amended form was due solely to the common desire to avoid constitutional objections which it was feared might be lodged against the previous measure.

The executive department also carefully considered the subject. On August 6, 1930, the matter was presented by me to the President in the form of a more or less full memorandum setting out the need and desirability of such a policy and making the suggestion that it might, perhaps, be made effective through administrative action. While this memorandum to the President suggested a variation in the details of the proposal, in substance it was essentially the same.

I think it is granted that there is no further need of extended hearings on the subject.

The translation of the present proposal into law would, in substance, assert that our Government is not willing to continue a partnership with contract practices that force it, unwillingly, to give aid and encouragement to the demoralization of standard local labor conditions. That simply is the gist of the whole proposal.

In line with our tremendously enlarged public building program the Government's position in this problem has been greatly accentuated. We have the condition to-day on many Federal construction projects where the terms "local labor" and "prevailing rates of wages" mean absolutely nothing; where local workmen are merely envious onlookers, off the reservation, simply because the Federal contractor concerned has been able to bring into the community a cheap, bootleg labor supply, with profit to himself

and, perhaps, also, I am ashamed to say, with profit to the Federal Government. We are witnessing Federal construction work going on, in the erection of post offices, customhouses, courthouses, hospitals, etc., where local labor is absolutely disregarded or where the prevailing rate of wages means nothing to the contractor; and we see certain Federal contractors dumping this cheap labor into an already demoralized labor market at the expense wholly of the local workman, his family, and his community. To permit the Federal Government to aid in the disruption of stable labor conditions is not fair or decent.

To the contractors this proposal will guarantee equality of opportunity in bidding. The competition between them will not be lessened, but it will be limited to the economy and efficiency of their managerial organizations. By removing the temptation to import cheap, bootleg, itinerant labor or to cut the prevailing wage rates, the advantage that unscrupulous contractors wield to-day of clubbing their way to the top of the list as low bidders, will be effectively eliminated.

I merely want to add one thing, namely, that, for the first time, we have got all these departments together on a bill. That, of itself, I would think, is a notable accomplishment. If the bill is amended in any way, their responsibility may cease immediately.

I believe that if we can go to the Speaker of the House and tell him that the administration and all the executive departments are behind this bill that we can bring this bill up on the floor under a suspension of the rules and pass it quickly. The session is rapidly drawing to a close, and I see no way of getting this bill through except by the procedure just suggested.

I hope the committee may see fit to report the bill favorably immediately, so that we may take it upon the floor next week. Its enactment into law would do much to quiet the discontent which increases to serious proportions especially during times of economic depression, times such as we are having to-day.

This bill may not be perfect in every respect, but I think the Secretary of Labor, when he says that 90 per cent of all cases will adjust themselves without controversy, is right; and I believe that Mr. Westmore is correct when he says that he can enforce this provision 100 per cent without real controversy. Moreover, if, in any later Congress, defects appear, they can always be corrected by amendment of the law.

Mr. TAYLOR. Is a similar bill pending in the Senate?

Mr. BACON. A similar bill is pending in the Senate.

(The above bill, known as the Davis-Bacon bill, became a law with its signature by the President on March 3, 1931, being Public Law 798.)

AN ADDRESS DELIVERED BEFORE THE GEORGE WASHINGTON MASONIC NATIONAL MEMORIAL ASSOCIATION

Mr. BLOOM. Mr. Speaker, under leave to extend my remarks, I include the following address delivered by me before the Twenty-first Annual Convention of the George Washington Masonic National Memorial Association:

I deem it a great honor, both as a Mason and as associate director of the George Washington Bicentennial Commission, to have the privilege of addressing the Twenty-first Annual Convention of the George Washington Masonic National Memorial Association.

You are so familiar with the Masonic life and history of George Washington that nothing I could say upon that subject would be either new or, perhaps, interesting. However, I can not refrain from reflecting at this time upon a coincidence—one of many in the remarkable life of George Washington—which found the star of our mystic order rising in America almost at the very time that the future first President was born at Wakefield, in your own historic State.

It seems to me natural and inevitable that a man of Washington's character should have joined our great fraternity, for the ideals of Masonry, its conception of divine order and guidance, were, of course, his own.

That he was not yet 21 years old when he applied for admission at Fredericksburg, is a subject of considerable comment.

Yet George Washington matured early. He was a youth of great self-reliance and steadfast purpose. No doubt the brethren of the Fredericksburg Lodge knew him intimately and knew well his qualifications.

From the time that he was raised to the sublime degree of Master Mason, August 4, 1753, until his death, George Washington was the ideal Freemason.

During all those long and burdened years when this great man served humanity and established our Republic, he never deviated from the great lessons which he learned within the halls of our brethren.

When we consider George Washington's life in its fullness, can we think of any weakness, any deficiency, anything lacking in his manhood? Could anyone suggest a trait of character, a circumstance of life, which would have made him more perfect?

When we think of the young surveyor treading the pathless wilderness, we know that every thought and act was of noble purpose. When we think of him as a youthful soldier beyond the Alleghenies, we think of him as a man and a Mason. When we think of him as a farmer, as a member of the Virginia Assembly, as a member of the Continental Congress, as head of the Revolutionary forces, as President of the Constitutional Convention, yes, and as President of the United States, we think of him as a Mason, always bringing credit and honor upon our order.

I would like to mention one particular instance of Washington's love and veneration for Masonry, which was manifested during the Revolutionary War and which has always strongly impressed me.

In a regiment of the British Army there was a traveling lodge with a warrant from the Grand Lodge of Ireland.

After an engagement, in which the British were defeated, the private chest of the lodge, containing its jewels, furniture, and implements, fell into the hands of Washington's troops.

When Washington learned of this fact he ordered the chest to be returned to the lodge and the regiment under a guard of honor. The surprise and delight of the officers and men may be imagined when this noble tribute was paid them.

Accompanied by a guard of honor, with music playing a sacred march, the chest containing the constitution and implements of the craft, borne aloft like another Ark of the Covenant, equally by the Englishmen and Americans, through the lines of the regiment, who presented arms and colors, and hailed the glorious act by grateful cheering.

There is a well-founded tradition that George Washington and his Masonic brethren held military lodges during the old French War, and I am told there is a cave near Charles Town, W. Va., a short distance from Winchester, which to this day is called Washington's Masonic Cave.

All through the Revolution the influence of Freemasonry was strongly felt, both in the Halls of Congress and upon the battlefields.

If I were to recite the names of the soldiers and statesmen who figured high in the events leading up to and during the Revolutionary War, it would include a majority of the greatest men of that period. Such men, for instance, as Paul Revere, James Otis, Benjamin Franklin, John Hancock, Peyton Randolph, John Jay, Roger Sherman, Robert Livingston, and Robert Morris.

Also such warriors as Nathanael Greene, Ethan Allen, Anthony Wayne, William Moultrie, "Lighthorse" Harry Lee, Israel Putnam, John Stark, Francis Marion, John Sullivan, Lafayette, Baron von Steuben, and many others.

As men and Masons, we have much to learn concerning our own craft and our own exalted order from the life of George Washington. We can read into every act of his the influence of those lessons of Freemasonry which many of us sometimes are tempted to neglect. Should all of us achieve the same standards of manhood which George Washington achieved, we would then be as he was, ideal Masons.

This great memorial rising here upon this historic spot is a glorious tribute to a glorious brother. It is a fitting testimonial to the honor which George Washington has brought to Masonry. In all the world there is no such monument. True, there are mighty shafts and temples in honor of great men, but where is there such a testimonial to the character of any one man? This monument rising from this spot does not glorify Washington the soldier or Washington the President or Washington as a statesman; all these things are molded into the character of Washington the Mason. And it is inspiring to think that this magnificent Masonic memorial is a tribute from our brother Masons everywhere under the flag.

The George Washington Bicentennial Commission, established by act of Congress and which I have the honor to-day to represent as its associate director, is organizing throughout the world a mighty celebration in honor of the two hundredth anniversary of George Washington's birth.

This event will take place next year. In the preparation for this celebration we have had the finest historians and research experts in the United States at work. They have delved into every conceivable phase of George Washington's life. They have followed through every tradition and every legend, they have reread every history and every comment. Is it not worthy of note that in all this study, in all this delving into the most obscure places, not one thing has developed to dull the luster of George Washington's name?

I deem it one of the proudest moments of my life that I can meet here with you, my brethren, and add my humble devotion to yours in honor of that man who stands for all that is beautiful and noble in the order of Freemasonry.

REPORT TO MY CONSTITUENTS

Mr. COCHRAN of Missouri. Mr. Speaker, at the close of each session of Congress since I have been a Member I have placed in the RECORD an account of my activities in order that my constituents might have an opportunity to judge my service. The people who honor a citizen by sending him to Washington as their Representative in Congress have a right to know his views on public questions. In campaigns I have voiced my sentiments frankly and in language that needed no further explanation to clarify.

I have served now in the Sixty-ninth, Seventieth, and Seventy-first Congresses. I have never missed a session of the House nor failed to be recorded on every roll call since I took my seat in the Sixty-ninth Congress. My record, therefore, is an open book.

The session just closed, known as the lame-duck session, affords an outstanding argument in support of the Norris resolution which seeks to place in office immediately following the election the Representatives elect, as well as prevents those repudiated by their constituents from participating in the consideration of legislation thereafter. Lame ducks contributed toward the defeat of the Norris resolution, but it will be revived in the next session and I predict is passage.

Another important piece of legislation that failed to pass over the President's veto, due in no small degree to the vote of lame-duck Members, was the Muscle Shoals bill. This, an outstanding farm relief measure, because it would have resulted in cheap fertilizer, so much needed by the farmers, will also be revived in the next session and I likewise predict its passage.

The pocket veto by the President of the Wagner bill was a blow to the millions out of employment. It was sound legislation and should have become a law. In the next session this bill will be passed again and in time to give the Senate and House an opportunity to vote on the President's veto.

I read with interest the statement of the Republican leader, that genial gentleman from Connecticut, JOHN Q. TILSON, entitled "The tariff in the Election of 1930."

The tariff bill opposed by 1,000 of the leading economists of the country, a bill that placed an additional burden of over $1,000,000,000 on the people of this country, extending special benefits to the privileged class, which I opposed, was an issue in the last election. Mr. TILSON defends the tariff. In the final analysis the result of the election of 1930 should certainly be the deciding factor as to whether or not the people of this country approved of this nefarious bill.

In the Seventy-first Congress the Republicans had a majority over the Democrats of 100 Members. After the election in November, 1930, this majority dwindled to 2. That is the answer to the question, "The tariff in the Election of 1930."

The law creating the Federal Farm Board, which carried with it an appropriation of $500,000,000 of the people's money, has utterly failed so far to bring relief to the agriculture interests. I voted against this bill, feeling at the time it was not sound legislation.

In my opinion, the less said about the Seventy-first Congress the better. Taking everything into consideration, the country might have been better off if the House and Senate within the first week of each session had passed resolutions continuing the appropriations and gone home.

My record will disclose that I supported all legislation that might be termed legislation seeking to benefit the masses of the people and opposed legislation which I felt conferred special privileges on special interests.

The Seventy-second Congress which convenes in December will see a Republican majority of two in the House and a Republican majority of one in the Senate. The question of organization has not as yet been definitely determined.

The Democrats will have a responsibility equally as great as the Republicans, and the Seventy-second Congress will afford an opportunity for statesmanship. Unless politics are set aside and statesmanship prevails chaos will result, and the country will suffer.

There is an opportunity to liberalize the rules and this will be done. I am also in favor of the Democratic organization adopting a policy that will enable all the members to have a voice in the program. I favor the creation in the Democratic organization of a committee on committees, a steering committee, and a conference of all members at least once a month, where the Democratic membership will tell the leaders what they desire, rather than the leader decide the Democratic policy.

The Democrats in the Seventy-second Congress will be in a position to force a roll call on all important legislation.

I contend that when a public official goes before his constituents seeking reelection he should base his claims upon past performances rather than future promises. For this reason I am in favor of forcing a roll call on all legislation relating to questions that will be an issue in the election of 1932. Only in this way will the people be able to judge the service of their representatives.

I hope to see a record vote on the resubmission of the eighteenth amendment, modification of the Volstead law, on Muscle Shoals, the "lame-duck" resolution, the Wagner unemployment bill, the anti-injunction bill, the tariff, revenue laws, inheritance taxes, the debenture farm-relief proposal, as well as all other controversial questions. Some of these measures I will support, others I will oppose; but I am willing to place my views on record on any question of vital interest to the people of the country.

I am pleased to say that after six years of hard labor the appropriations are in the Treasury Department for the construction of a new Federal office building in St. Louis, as well as for the construction of a new post office in St. Louis. The two projects involve an expenditure of nearly $10,000,000. No one has worked harder to secure the legislation necessary for these projects than I have.

I have cooperated with the civic organizations of my city and assisted in securing a direct air-mail route from St. Louis to New York, as well as other recognition from the Government to which the leading city of the Mississippi Valley was entitled.

I have continued to serve all who have called upon me for help, where the request was a legitimate one.

As soon as conditions will permit, I will return to St. Louis, where I will be available to my constituents during the summer months in the event they need my assistance.

COMMUNISM AND THE RECOMMENDATIONS OF THE HOUSE COMMITTEE

Mr. FISH. Mr. Speaker, under the general leave extended to Members to extend their remarks in the RECORD I submit the following radio address on Communism and the Recommendations of the House Committee delivered by me over the National Broadcasting Co. system, WRC, Washington, at 7.45 p. m., Monday, March 16, 1931:

This is the first opportunity I have had to speak on a coast-to-coast network on communism since the House Committee to Investigate Communist Activities in the United States, of which I had the honor to be chairman, made its report and recommendations. I am grateful to the National Broadcasting Co. and in the limited time allotted me will endeavor to present the facts to the listening and invisible public so that they may make up their own minds and form their own conclusions on this most vital of world problems.

Time will not permit me to present all the recommendations, so I venture to suggest that individuals who are interested in securing a more complete statement of facts should write to their Representative or Senators, or even to me, for a copy of House Report 2290, which is available free of charge, and you can help by expressing your approval of these recommendations direct to your Senators and Representative in Congress.

I can assure any right-thinking American of interesting and worth-while reading. That is an easy promise to fulfill, for communism is to-day the most important and far-reaching issue affecting the civilization of the world and the happiness and safety of our people. The much-discussed question of prohibition sinks into insignificance when compared to communism, which enters into practically every human activity and threatens our standards of living, civil rights, and all the ideals, traditions, and even our form of government, which we cherish and are a part of.

Communism may be divided into three parts: (1) The revolutionary or political, which is the least dangerous in the United States; (2) the religious or moral; and (3) trade competition with Soviet Russia, which is the most menacing, as it constitutes an immediate threat to our economic well-being.

I am not an alarmist and do not anticipate any serious danger to our republican form of government from the revolutionary communists in the United States until communism has made greater progress in China, India, and Germany. The communists in Germany number 15,000,000 and have an armed and drilled organization larger than the German Army and can create a serious disturbance in that country any time it suits the purpose and policy of Moscow.

Our committee reached the conclusion, after extensive study, that there were between five and six hundred thousand communists in the United States, of which two-thirds were aliens. The communists admit openly that they take their orders from Moscow, and are apparently proud of it. In other words, the Communist Party is not in reality an American political party but a section of the Communist International at Moscow, aimed at the heart of our Government and at the life, liberty, and happiness of our people. It openly advocates replacing the American flag by the red flag and the overthrow of our republican form of government by force and violence.

The Communist Party or movement in the United States is largely an alien conspiracy in our midst, having certain definite aims and purposes, which can be defined as destruction of all

religious beliefs, of private property and inheritance, promoting class hatred, and spreading revolutionary propaganda through the Communist International to incite strikes, riots, sabotage, and industrial unrest, and, lastly, to bring about a class or civil war, aimed to overthrow our republican form of government by force and violence and establish the dictatorship of the proletariat or soviet form of government with the world capital at Moscow.

If the alien communists in the United States, who have come here of their own free will and accord to enjoy the equal opportunities and protection of our laws, do not like our country and its free institutions, let them go back to their native lands, where they can enjoy the low standard of wages and oppressive laws which they are accustomed to, and where there is no freedom of speech, of the press and assembly, or trial by jury. If they will not depart or cease their revolutionary propaganda, then it is the duty of Congress to enact laws to deport all alien communists. They do not fear our police, our courts, or our jails, but they do fear deportation, and that is the most effective weapon against the kind of warfare the communists are waging against the Government of the United States and against its firmest foundations—the home, the family, and religion.

The Federal Government, through the Department of Justice, should be given power to investigate and keep in contact with the revolutionary activities of the communists as a precautionary measure to guard against this alien conspiracy of hate and destruction that permeates all section of our country and is well organized and supported by iron discipline.

The most serious and immediate issue is the protection of free American labor against competition from the convict and forced labor in Soviet Russia, which has seized and confiscated all lands and natural resources. The 5-year plan in Russia is making marked progress, and in oil, lumber, wheat, and cotton has been highly successful, due to the credit extended by American bankers, capitalists, and industrialists, and the use of American engineering brains and technical skill, the shipment of tractors, combines, sawmill machinery, and oil equipment. Lenin, who was a great man, was right when he said that capitalists will commit suicide for temporary profit. That is just what American capitalists have been doing by aiding a communist government, dedicated to the destruction of capitalism and all noncommunist governments.

We in this country have done more to build up communism in Russia in the last three years than any other country. The net result is that we will lose a billion dollars' worth of American exports in four commodities—oil, lumber, wheat, and cotton—within the next four years. We have already this year lost the world market in wheat, and we will lose it in oil, lumber, and cotton in exactly the same way.

Free American labor can not compete with the products of soviet labor harnessed and shackled to their jobs and paid 20 cents gold a day. The greed of American capitalists is helping to build up Soviet Russia, with greater natural resources than ourselves and which have cost the Soviet Government nothing. The products of forced and convict labor in Soviet Russia will undersell us in the world markets and bring economic loss and ruin to many of our most important industries.

Mr. Molotov, the president of the Council of Peoples Commissars, in a recent speech in Russia paid his compliments to me and referred bitterly to the embargo placed on soviet lumber and pulpwood by the Treasury Deparement, holding me responsible for it. If there were no other reason, and there are many, to justify the investigation of communist activities conducted by the House committee, I would say, "Thank God that we have been able to help in establishing an embargo on the murderous harvest of lumber and pulpwood, soaked and reeking with human blood, imported into the United States, in competition with free American labor and in the midst of a serious depression in our lumber and pulpwood industry."

No words can adequately depict the sufferings, outrages, inhumanities, and horrors endured by a million or more political prisoners in the timber camps around Solovetski and Archangel and northern Siberia. With nothing to eat but a small amount of black bread and cabbage or fish soup, no clothes but what they carried on their backs when arrested, the political prisoners work until they are exhausted or go insane and die off like flies, which is the process of liquidating the political enemies of communism, as there are still many available to replace them.

The prisoners in our American jails or the cannibals in the South Sea Islands would turn away in dread at the living horror of the lives of soviet political prisoners in process of liquidation. The ancient slave master at least fed and tried to maintain the physical health of his slaves to enable them to do more work, but in Soviet Russia lives have no value, as there are plenty of replacements to fill the places of the enemies of communism who have been liquidated in the forests and mines of Soviet Russia.

Human sympathy is not limited by convention or by international law, and knows no boundaries set by nations or limitations of race, color, or creed. Mr. Molotov may rave and denounce capitalists governments and the activities of our investigating committee for bringing about an embargo on convict-made lumber and pulpwood, but public opinion the world over will approve such an embargo and denounce the horrors of the soviet prison camps under the merciless administration of the O. G. P. U., supported by a government of terror by terror through force and violence.

Just so long as our capitalists bought lumber and pulpwood produced by convict labor to be used by the American people, we had a moral complicity in the basest and blackest human outrage in our day and generation. Mere remonstrance is mockery and indignation nothing, except as it leads to action. The only proper and constructive answer was the laying of embargoes, and Canada and the United States have shown the way to those nations of the world that trade with Soviet Russia.

For the past few years the American capitalists have been the biggest standing joke in Russia. The soviet leaders, while outwardly extending the utmost courtesies, have been laughing up their sleeves at the frantic efforts of the greedy and money-mad bankers and industrialists to build up revolutionary communism for the sake of temporary profit. These short-sighted and dollar-chasing American capitalists do not count the cost of promoting world revolution; their motto is apparently "After me, the deluge." Let me remind them of the words of Calvin Coolidge: "We do not intend to barter fundamental American principles for commercial advantage."

I want to take this opportunity to refer to the activities of the American Civil Liberties Union, an organization that upholds all revolutionary elements in the country that are trying to destroy civil liberties and overthrow our republican form of government by force and violence. It uses the names of some well-known citizens, including bishops and professors, as a smoke screen for its activities, most of its executive committee being socialists, or near socialists, and in some instances out-and-out communists. Its motto should be: "My country, right or wrong, I am against it."

The use of the word "American" in its title is mere camouflage. Mr. Roger N. Baldwin, the director of the American Civil Liberties Union, was formerly an Industrial Worker of the World, and is to-day one of the most consistent and violent denouncers of our republican form of government. The following is an extract from our committee report: "The American Civil Liberties Union is closely affiliated with the communist movement in the United States, and fully 90 per cent of its efforts are on behalf of communists who have come into conflict with the law. It claims to stand for free speech, free press, and free assembly, but it is quite apparent that the main function of the American Civil Liberties Union is to attempt to protect the communists in their advocacy of force and violence to overthrow the Government, replacing the American flag by a red flag and erecting a soviet government in the place of a republican form of government, guaranteed to each State by the Federal Constitution. Roger N. Baldwin, its guiding spirit, makes no attempt to hide his friendship for the communists and their principles. He was formerly a member of the Industrial Workers of the World, and served a term in prison as a draft dodger during the war. This is the same Roger N. Baldwin that has recently issued a statement: 'In the next session of Congress our job is to organize the opposition to the recommendations of the committee investigating communism.'"

This is the same organization that gave bail and protected the six communists who shot down the chief of police at Gastonia, and who, after being sentenced, jumped bail, and are now living in Soviet Russia. Our committee is perhaps fortunate in having such opposition. Lined up solidly behind most of our recommendations to Congress are such powerful groups as the American Legion and all veterans' organizations, the Catholic Church and practically all Protestant denominations, the American Federation of Labor and most of the fraternal and patriotic associations, particularly the Daughters of the American Revolution, and other organizations of women.

The opposition is composed of the communists, socialists, radicals, atheists, and all those with alleged grievances against the Government, and have the backing of the communist and socialist press and such radical papers as the Scripps-Howard chain, which, on any issue affecting Soviet Russia, might just as well have been written in Moscow by Stalin or the polit bureau. There is not much left of the Socialist Party, as the rank and file have deserted and have gone over to the communists, leaving only a few Protestant ministers and a number of pink intellectuals and a lot of vociferous, sobbing sister socialists, many of them wearing pearl necklaces and owning liberty bonds safely tucked away in well-protected safe-deposit boxes.

If you are in favor of the two main recommendations of our committee: (1) Enlarging the authority of the Department of Justice for the purpose of investigating and keeping in constant touch with revolutionary propaganda and activities of the communists in the United States, and (2) strengthening immigration laws to prevent the admission of communists into the United States, and providing for immediate deportation of all alien communists, then do not fail to get a copy of House Report 2290 and express your views direct to your Representative in Congress.

SOLDIERS' BONUS LEGISLATION

Mr. BRAND of Georgia. Mr. Speaker, under general leave granted to all Members of the House to extend remarks on the soldiers' bonus legislation, I wish to include excerpts from my statement made before the Ways and Means Committee of the House when the committee was holding hearings upon this legislation, as follows:

I want to call your attention to this fact, that my bill, H. R. 6620, was first introduced by me in March, 1926. I have introduced it at every succeeding Congress. In other words, I was the first Member of Congress to introduce a bill granting the veterans the right to receive the cash value of their adjusted-service certificates. The thought came to me that a bill like this would be very helpful, particularly to the veterans, and at the same time of substantial assistance to the people generally because of the disastrous effect of the extreme drought that prevailed in Georgia in 1925, when creeks disappeared, rivers became lower than they had been for 60 years, trees died, and the corn and cotton crops were burned up.

I contend that this bill, if it should become a law, will cost the Government less than any bill that has been introduced.

According to General Hines, it would cost $1,693,750,000. If you take from this sum the $700,000,000 or $800,000,000 now in the Treasury, evidenced by Treasury certificates and equivalent to cash, plus the amount of the loans which have been made to the veterans, it will be seen that the outlay on the part of the Government will be decreased to an amount less, by far, than under the provisions of other bills.

I introduced the first bill of this character and Mr. GARNER introduced the last. If this committee can not report favorably Mr. GARNER'S bill, which I prefer to all the bills that have been introduced, then I think it would be the duty of the committee and Congress to pass my bill.

According to my information, this bill can be made effective without seriously disturbing the economic condition of the Treasury or the financial condition of the country generally.

Mr. CRISP. Judge, when you say pay the face of the policy, you mean pay the adjusted-service credit of a dollar a day or $1.25 a day, plus the interest. That is what you mean?

Mr. BRAND. Yes, sir.

Mr. CRISP. You do not mean the face of the policy, the cost of paying which would total something like $3,400,000,000?

Mr. BRAND. No. I mean the cash value of the certificate plus 4 per cent interest, compounded annually, from the date it was issued down to the date of cashing the same.

Mr. DOUGHTON. Under your bill, from what date do you compute the interest?

Mr. BRAND. From the date of the issuance of the certificate.

Mr. DOUGHTON. The certificate that the soldier is now holding?

Mr. BRAND. Yes; with interest at 4 per cent compounded annually.

As I understand, actuaries in the Treasury Department assert that every dollar that is put in circulation has a purchasing power of $5, and likewise a debt-paying power of $5. If the veterans are given the permission to surrender their certificates and receive the cash value, I think it will help the present depressed situation more than anything else this Congress can do.

Mr. COLLIER. Do you believe that the apprehensions of these great financiers that increasing our bonded indebtedness in the amount of $1,000,000,000 would cause such a serious rupture of the country's economic status are justified?

Mr. BRAND. I do not. It would have a temporary depressing effect among the immensely wealthy people and the big banks all over the country who are large owners of bonds and securities, but it would soon pass by. It would likewise have an unfavorable effect upon the general economic situation of the country but, in my judgment, it would be only temporary in its nature. The war had a hundred times more serious effect on us than the evil effects predicted by many of the witnesses opposing this legislation who testified before the Ways and Means Committee, and yet we got over it.

Mr. COLLIER. I am asking you as one of the leading students of finances in the House and one who is on the Banking Committee. I wanted to get an expression of opinion from you.

Mr. BRAND. That is my mature opinion about it. But I think we would soon recover from any evil effects of it because it will put millions of money in circulation which is greatly needed by practically all classes of people throughout this Nation.

Mr. CANFIELD. Judge, did I understand you to say that in your opinion, if this legislation were passed, and the men were given cash, and the money put into circulation, it would cause more bank failures?

Mr. BRAND. No; not if the certificates are cashed; but if bonds are issued I think it will have that effect. A bond issue will take money out of the banks. With the present nervous condition of depositors who have money in the savings and checking departments of banks, they will take their money out of the bank and buy bonds and to that extent it would cause some of the weak banks to fail.

Mr. CANFIELD. If you have listened to the testimony that has been given to us, you have no doubt come to the same conclusion that I have, that most of those who are appearing here opposed to this legislation are more interested in the bondholders than in the soldiers. In your opinion, what effect would it have if we issued bonds of smaller denominations to the soldiers themselves? The bond is then their property. They can take it and sell it to whom they please.

Mr. BRAND. If the soldiers can easily convert the bond into cash, the bond is as good as cash. But to the ordinary soldier cash is more attractive than a bond. He would rather have the cash than anything else. He needs the cash. Besides, the cash would put the veteran beyond the power of the bond sharks.

Mr. DOUGHTON. Judge BRAND, you have expressed the fear that if this legislation should be enacted into law, owing to the nervous condition that now prevails throughout the country, some people who now have their money in banks will withdraw the money and purchase these bonds, which will in turn adversely affect the banks.

Mr. BRAND. I think so.

Mr. DOUGHTON. If that is done, will not that money in turn, after the soldiers get it, be put into circulation, to buy goods and pay debts, and thereby find its way right back into the banks?

Mr. BRAND. It will go right back into the banks; that is true. But in the meantime some small banks might fail. I am not talking about the great banks of the country, like those in Chicago and New York. You can not break them as long as the Federal reserve system is operating. But I am talking of the little country banks.

Since my appearance before the Ways and Means Committee, while this legislation was under consideration by the committee, Congress has passed a bill in behalf of veterans authorizing the United States Veterans' Bureau, under the World War adjusted compensation act, to make loans to the veterans instead of providing for payment in cash the amount due the veterans on their certificates at the time of the payment. The amount that can be loaned on an adjusted-service certificate is half the face value, thus a certificate for $1,500 would have a loan value of not less than $750. The rate of interest charged upon these loans is 4½ per cent per annum, compounded annually.

The vice in this loan proposition is in charging the veterans any interest at all. As I see it, the money proposed to be loaned to the veterans is their money and they should not be required to pay interest on their own money. While it is true that the adjusted-service certificates do not call for payment until 1945, nevertheless it is a debt which the Government owes the veterans. Under this scheme the veterans are required to pay interest on a contract or debt which the Government owes the veterans, though it does not mature until 1945.

Whether my conviction is sound or not, I do not think it fair to the veterans to charge any interest at all. If, however—and this is now the law—they are to pay interest it should not be at a rate greater than what it costs the Government to borrow the money to make the loans, even if the Government has to do this. It is fairly well settled and a historic fact, at present at least, that the Government can borrow money at a rate from 2½ to 3 per cent. This being true, according to my conception of justice, the veterans ought not to pay any greater rate of interest than the Government has to pay on the money which it borrows to loan to the veterans. This opinion of mine may appear to be radical and, therefore, subject to criticism, but I do not think so.

SPEECH BEFORE THE HOUSE OF REPRESENTATIVES OF THE STATE OF DELAWARE

Mr. FISH. Mr. Speaker, under the general leave extended to Members of Congress to extend their remarks in the RECORD I include the following speech delivered by me before the House of Representatives of the State of Delaware, at Dover, Del.:

Mr. Speaker and members of the House of Representatives of the State of Delaware, it is a great honor to be invited here this afternoon to address you on communism and communist activities in the United States. By direction of the House of Representatives at Washington a special committee of five Members of the House was appointed by the Speaker last May to investigate communism and report back with recommendations. This special committee, of which I was chairman, made a most extensive and exhaustive investigation. Hearings were held in all sections of the country—Washington, New York, Boston, Detroit, Chicago, Seattle, Portland (Oreg.), San Francisco, Los Angeles, Chattanooga, Birmingham, Atlanta, New Orleans, and Memphis. Approximately 275 witnesses testified under oath or affirmation before the committee, including representatives of labor, business, church, veterans, municipal, police, and executive departments of the Federal Government. All groups, regardless of race, color, or creed, were permitted an opportunity to appear before the committee.

A number of the leading communists testified, including William Z. Foster, twice communist candidate for President; J. Louis Engdahl, well-known communist agitator and head of the international labor defense; Israel Amter, district organizer of the Communist Party in the New York City district; Williams Simons, district organizer for the Communist Party in California; Joseph Fields, head of the communist youth movement at Seattle; Louis Bebritz, editor of the Hungarian communist daily newspaper, Uj Elore; Moissaye J. Olgin, editor of the Jewish communist Freiheit, published in New York; Harry Gannes, acting editor of the Daily Worker, official daily organ of the Communist Party of America. I have enumerated the names of the leading communists so that no one may claim later that they were overlooked by the committee in securing the facts in regard to communist activities in the United States.

The issue of communism is the most important, most vital, and far-reaching as affecting the civilization of the world and even the happiness and safety of our people. The merits or demerits of prohibition fade into insignificance compared to communism and all its ramifications, which enter into every form of human activity throughout the world.

It was the purpose of the committee to present a carefully prepared report, based upon the facts developed at the various hearings, to give a comprehensive picture of the activities of the communists affect the interest and welfare of the American people and the security and stability of our republican form of government.

strategic points—such points as they mention in their pronuncia- | years later joined the firm of Hornblower & Weeks. No civic

a moral complicity in the basest and blackest human outrage in our day and generation. Mere remonstrance is mockery and indignation nothing, except as it leads to action. The only proper and

substantial assistance to the people generally because of the disastrous effect of the extreme drought that prevailed in Georgia in 1925, when creeks disappeared, rivers became lower than they had

reserve system is operating. But I am talking of the little country banks.

Interest and welfare of the American people and the security and stability of our republican form of government.

Time will not permit a detailed account in my present remarks of all communist activities in the United States, including the propaganda carried on in the public schools and among the youth of America, or in our industrial plants, or among the negroes, and even in the National Guard and civilian military training camps. Suffice it is to say that the committee is convinced that the surest and most effective way of combating communism in the United States is to give the fullest possible publicity to the fundamental principles and aims of the communists, which are the same throughout the world, as they are not likely to prove acceptable to any considerable number of American citizens, unless camouflaged by other extraneous issues such as unemployment insurance or disarmament.

The principles and aims of communists in Moscow and communists in Berlin, Paris, London, New York, Los Angeles, Tokyo, and Pekin are the same. They stand on the same platform and advocate the same principles, and all take their orders from the Communist International, with headquarters in Moscow, and obey them implicitly.

It is not difficult to find out exactly what these principles are and to define communism so that he who runs may read, as communists do not attempt to hide their fundamental purposes and admit and are apparently proud of taking their orders from Moscow and giving allegiance to the red flag and the Soviet Union.

The following is a definition of communism, a world-wide political organization advocating: (1) Hatred of God and all forms of religion; (2) destruction of private property and inheritance; (3) absolute social and racial equality, promotion of class hatred; (4) revolutionary propaganda through the Communist International, stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war; (5) destruction of all forms of representative or democratic governments, including civil liberties, such as freedom of speech, of the press, and of assembly and trial by jury; (6) the ultimate and final objective is by means of world revolution to establish the dictatorship of the so-called proletariat into one world Union of Soviet Socialist Republics with the capital at Moscow.

The following are the recommendations made by the committee:

"(1) Enlarging the authority of the Bureau of Investigation of the Department of Justice for the purpose of investigating and keeping in constant touch with the revolutionary propaganda and activities of the communists in the United States, and to provide for additional appropriations for skilled agents to devote their entire time to investigating and preparing reports on the personnel of all entities, groups, individuals, who teach or advocate the overthrow of the Government of the United States by force and violence.

"(2) Strengthening immigration laws to prevent the admission of communists into the United States and providing for immediate deportation of all alien communists.

"(3) Provide for additional appropriations to the Bureau of Immigration for vigorous handling of deportation cases.

"(4) Amend the naturalization laws so as to forbid the naturalization of a communist.

"(5) Amend the naturalization laws so as to cancel the naturalization certificate of a communist.

"(6) Deny reentry to the United States to an alien who has visited Russia to secure training in communistic doctrines.

"(7) Amend post office laws to declare nonmailable all newspapers, magazines, pamphlets, circulars, etc., published, written, or produced advocating revolutionary communism.

"(8) Amend interstate commerce laws to prohibit transportation of newspapers, magazines, pamphlets, circulars, etc., advocating revolutionary communism.

"(9) Enactment of Federal law to prosecute communists or other persons, organizations, newspapers, etc., in the spreading of false rumors for the purpose of causing runs on banks.

"(10) Restriction of, or elimination of, the use of secret codes or ciphers with any Government with which the United States has no diplomatic relations, and its trade agencies.

"(11) In view of the fact that the Soviet Government is under the control and direction of the communists, that the Treasury Department request, through the State Department, permission to send inspectors or agents to investigate the prison camps and the pulpwood and timber-cutting districts of Soviet Russia, and report back regarding the alleged production of lumber and pulpwood by convict labor, in order to intelligently and properly enforce the provision of the tariff act of 1930, section 307, which reads as follows:

"'All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.'

"The difficulty in administering the law has been to prove that certain shiploads of pulpwood or lumber are specifically produced by convict labor. Up to now the Treasury Department has been unable to prove the use of convict labor in connection with any specific cargoes, and the recent regulations requiring a certificate of origin and good character on each shipment to the effect that convict labor is not used is not sufficient for the protection of free American labor and industry.

"If the Soviet Government should refuse such a reasonable request as sending American inspectors to investigate the use of convict labor in the production of lumber and pulpwood when approximately a thousand Russian engineers and Soviet subjects are roaming about at will in the United States gathering all kinds of information in our factories, mills, and mines, then the committee recommends that the Treasury Department prohibit the entry of soviet pulpwood and lumber until such time as the agents of the Treasury Department are permitted by the Soviet Government to make a thorough investigation and report.

"(12) That the Treasury Department should request through the State Department permission to send inspectors or agents to investigate the use of forced or indentured labor in Soviet Russia in order to intelligently and properly enforce the provision of the tariff act of 1930, section 307, which reads as follows:

"'The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"'"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. (See Trade and Commerce Section.)'

"(13) That immediate consideration be given by the Congress to the placing of an embargo on the importation of manganese from Soviet Russia.

"(14) That the Communist Party of the United States of America, section of the Communist International, be declared illegal, or any other counterpart of the Communist Party advocating the overthrow of our republican form of government by force and violence, or affiliated with the Communist International at Moscow, be declared illegal; and that the executive authority of each State and the legislature thereof be informed of the revolutionary principles and objectives of the Communist Party of the United States of America, section of the Communist International, and be requested to take appropriate action to have said party excluded from, or denied recognition as, a political entity.

"Hon. Charles Evans Hughes, now Chief Justice of the Supreme Court of the United States, in a 500-page memorandum submitted to the Senate January 21, 1924, in his capacity as Secretary of State, devoted many pages to the Workers (Communist) Party programs regarding 'force and violence,' and is quoted in part as follows:

"'• • • It will be seen that the question of whether communist programs contemplate the use of force and violence has been passed upon by every class of tribunal which could pass upon it, namely, Federal and State courts, administrative tribunals and legislative committees of both Federal and State Governments, and in every class the result has been in support of the position that force and violence are inseparable from communist programs.'

"Mr. Hughes stated further, in the same report, that—

"'It is believed that the evidence presented by the Department of State establishes the unity of the Bolshevik organization known as the Communist Party, so-called Soviet Government, and the Communist International, all of which are controlled by a small group of individuals, technically known as the political bureau of the Russian Communist Party. Second, the spiritual and organic connection between this Moscow group and its agents in this country—the American Communist Party and its legal counterpart, the Workers' Party. Not only are these organizations the creation of Moscow but the latter has also elaborated their program and controlled and supervised their activities. While there may have existed in the United States individuals, and even groups, imbued with the Marxist doctrines prior to the advent of the Communist International, the existence of a disciplined party equipped with a program aiming at the overthrow of the institutions of this country by force and violence is due to the intervention of the Bolshevik organizations into the domestic political life of the United States. The essential fact is the existence of an organization in the United States created by and completely subservient to a foreign organization striving to overthrow the existing social and political order of this country. Third, the subversive and pernicious activities of the American Communist Party and the Workers' Party and their subordinate and allied organs in the United States are activities resulting from and flowing out of the program elaborated for them by the Moscow group.'

"To further carry out the statement of Mr. Hughes given above, the Workers' Party referred to in his report has now changed its name to the 'Communist Party of the United States of America, section of the Communist International.'

"There is a sham distinction between the right to advocate in an academic way any doctrine we like, and the right, which is not a right under any reasonable interpretation of our Constitution, to preach and plan the overthrow of our republican form of government by force and violence.

"One of these programs is to appeal to public opinion; the other, in the case of communists in the United States, is a military plan of revolution, directed from abroad by a foreign government.

"While the communists call themselves a party, they are not in the American sense a party at all, and this word is a misnomer, for the reason that communists openly disavow the purpose of accomplishing their ends by parliamentary or constitutional methods. Nor are they seeking or expecting to win the approval of a majority of the people, any more than in Russia, where 150,000,000 people are governed by 1,500,000. The socialist government of Kerensky in Russia was overthrown by a mere handful of communists, insignificant in number as compared with those to-day affiliated with the Communist Party in the United States. All the communists in the United States expect to do is to collect into their organizations enough fanatical, desperate men and women to strike at

strategic points—such points as they mention in their pronunciamentos as key industries, and to inaugurate a reign of terrorism and bring about an armed uprising.

"It is self-evident that the communists and their sympathizers have only one real object in view, not to obtain control of the Government of the United States through peaceful and legal political methods as a political party but to establish by force and violence in the United States and in all other nations of a 'soviet socialist republic,' to which they often refer in their literature as a 'dictatorship of the proletariat.'"

This is abundantly made clear by the fact that no communist could take the oath of office to uphold the Constitution and the laws of the United States. The ballot is only used as a means to carry on revolutionary propaganda to overthrow our republican form of government. The Communist Party is not and never has been an American party, but is a section of the Communist International, taking its orders from Moscow, and obeying them implicitly and immediately. Such an alien and anti-American party has no place on the ballot in the United States.

It constitutes an alien conspiracy in our midst, aimed at the heart of our Government and the happiness and safety of our people. Of the five or six hundred thousand communists in the United States, two-thirds are aliens. They came here of their own free will and accord to enjoy the equal opportunities and protection of our laws, and if they do not like our ways or free institutions and form of government, let them go back to their native lands, where there is no freedom of speech, of the press, of assembly or trial by jury, where they can enjoy the pitiful wage scale and oppressive laws that they have been accustomed to in the past.

If these alien communists will not cease their seditious and revolutionary propaganda, hatred of our institutions, and stop urging the overthrow of our republican form of government by force and violence, then the Congress of the United States should enact effective laws to deport all alien communists and keep them from entering the United States.

Our republican form of government represents and continues to be the hope and aspiration of the struggling masses the world over, where all people have equal rights and equal opportunities under the law. Ours is a government by the consent of the governed, wherein every citizen is a sovereign and enabled to take part in the shaping of the destinies of the Nation and whose civil rights are protected by the guarantees of the Federal Constitution. There is no need or room for fascism or communism or any other form of dictatorship in the United States.

Let us rededicate ourselves to the proposition that a government of the people, by the people, and for the people shall not perish from this earth. Let us reaffirm our belief in our republican form of government, as it is the fairest, soundest, most honorable form of government ever devised by the mind of man.

JAMES J. PHELAN, OF BOSTON, MASS., AWARDED THE LAETARE MEDAL BY THE NOTRE DAME UNIVERSITY

Mr. McCORMACK of Massachusetts. Mr. Speaker, the Notre Dame University annually, upon Laetare Sunday, which comes during the season of Lent, confers upon an outstanding citizen of the Catholic laity of the United States the Laetare medal.

The announcement has just been made that this year Mr. James J. Phelan, of Boston, Mass., one of our leading citizens, has been recognized.

Reverend Father Sorin inaugurated the policy at Notre Dame in 1883, and since then some of the leading citizens of the United States have been recognized. The medal takes its name from the Sunday on which it is awarded. On one side it bears the name of the person recognized and on the other side the motto in Latin, "Truth is mighty and shall prevail."

The first recipient was the historian, John Gilmary Shea, of Philadelphia. Among the other recipients were: 1886, Gen. John Newton, military engineer; 1894, Augustin Daly, theatrical manager; 1896, Gen. William S. Rosecrans, leader of the Army of the Cumberland in the Civil War; 1901, William Bourke Cochran, lawyer; 1902, Dr. John B. Murphy, famous surgeon; 1903, Charles J. Bonaparte, Attorney General under President Roosevelt; 1910, Maurice Francis Egan, teacher, author, former minister to Denmark; 1916, Dr. James J. Walsh, physician and author; 1917, William Shepherd Benson, Chief of Naval Operations during the World War; 1925, Albert F. Zahm, director Aerodynamic Laboratory, United States Navy; 1927, Margaret Anglin, actress; 1929, Gov. Al Smith, of New York; 1930, Frederick P. Kenkel, journalist, of St. Louis.

Mr. Speaker, the recognition of Mr. James J. Phelan is well deserved. He started his career as a page boy on the Boston Stock Exchange and is now one of the leading bankers of my city. Within nine years he rose from a page boy on the stock exchange to become one of the members, and three years later joined the firm of Hornblower & Weeks. No civic undertaking in Boston is complete without the name of James J. Phelan on the committee. He has been most active in connection with the raising of money for various worthy charities, not only in our city but when the people of the country were called upon to assist those who had suffered disaster in other parts of the Nation, as well as the world. He was one of the leading members of the committee that handled the Liberty loan drive during the World War.

This is not the first time Mr. Phelan has been honored. His Holiness the Pope honored him by making him the first Knight of Malta in the United States, also Knight Commander of the Order of Pope Pius the Ninth, and in the spring of 1928 he was again honored with a grand cross of the Sovereign Military Order of Malta.

Mr. Phelan was born in Toronto, Canada, in 1871, and has been a resident of Boston, Mass., since 1880. He has never ceased his activities in behalf of those who need assistance, and at the present time he is chairman of the Massachusetts emergency committee on unemployment.

I join with the people of my city in congratulating Mr. Phelan upon the recognition he so well deserved.

HON. THOMAS M. BELL

Mr. LANKFORD of Georgia. Mr. Speaker, long before I came to Congress 12 years ago I had learned how much Hon. THOMAS M. BELL was admired, respected, and truly loved by all who knew him. Upon entering here and becoming fully acquainted with Mr. BELL, I soon became one of his true friends, and understood why he has always been loved so devotedly. His people and friends were only returning his devotion for them.

No man ever served here who understood more fully the wishes of the common people or labored more for their best interest. Mr. BELL understands and sympathizes with every noble impulse of his people. I have never seen a Member of this House who could more quickly or more correctly determine whether or not a proposal was for the best interest of those he represented. His knowledge of his people and their needs and his innate honesty of purpose enable him to know at all times just what is best for his people and what they want as fully as though they were all gathered about him and discussing the proposition with him.

He is honest, able, fearless, truly loyal, and has been truly the Representative of his people. His district and the entire Nation will suffer a great loss by his retirement at the end of the present session.

CONGRESS AND APPROPRIATIONS

Mr. GIBSON. Mr. Speaker, this session of Congress is the object of adverse criticism by reason of the appropriations made by it. This criticism is unjust and unwarranted.

Appropriations are made only after careful and exhaustive study on the part of the Committees on Appropriations of the House and the Senate, composed of members of both parties who have become experts in the problems of Government expenditures. The Republican and the Democratic members work in harmony and rarely disagree.

The President transmits to Congress his recommendations in the Budget, which itemizes to the last cent the expenditures he believes necessary to run the Government during the fiscal year. This Budget is worked out by experts after exhaustive and prolonged study. The committees take the Budget estimates, subject them to further careful study, hear the testimony of those intimately familiar with the needs of each department and bureau, arrive at conclusions, and put them into bills for each department and independent establishment. These recommendations are in turn carefully considered by the House and the Senate. The bills are passed and sent to the President for his approval.

The appropriations for this session were $27,785,701.07 less than the amount recommended by the Executive in the Budget and the supplemental estimates. It is true that the total appropriations were $518,032,225 greater than the appropriations for the last session. But an extraordinary situation confronted the country and Congress. The economic

convict labor in the production of lumber and pulpwood when approximately a thousand Russian engineers and Soviet subjects

in the United States expect to do is to collect into their organizations enough fanatical, desperate men and women to strike at

stock exchange to become one of the members, and three uation confronted the country and Congress. The economic

depression, the drought, and the necessity of granting relief to hundreds of thousands of suffering citizens made these appropriations absolutely necessary. In granting relief the Congress gave expression to what was in the hearts and minds of the American people. Every one of these increased appropriations had the approval of the Bureau of the Budget.

It is an outstanding fact that commencing with the Sixty-seventh Congress down to and including the Seventy-first Congress, covering a period of 10 years, Congress has cut below the estimates of the Executive Budget in its grants the enormous sum of $413,132,181. This total may be itemized for the sessions during this period as follows:

Fiscal year 1923 and prior years (67th Cong., 1st and 2d sess.)	$312,361,792.27
Fiscal year 1924 and prior years (67th Cong., 3d and 4th sess.)	10,741,504.15
Fiscal year 1925 and prior years (68th Cong., 1st sess.)	9,024,637.08
Fiscal year 1926 and prior years (68th Cong., 2d sess.)	12,596,495.90
Fiscal year 1927 and prior years (69th Cong., 1st sess.)	6,716,064.34
Fiscal year 1928 and prior years (69th Cong., 2d sess.)	7,752,939.03
Fiscal year 1929 and prior years (70th Cong., 1st sess.)	9,139,939.51
Fiscal year 1930 and prior years (70th Cong., 2d sess.), increase	8,142,294.71
Fiscal year 1931 and prior years (71st Cong., 1st sess.)	25,155,353.30
Fiscal year 1932 and prior years (71st Cong., 3d sess.)	27,785,701.07
Total reduction effected by Congress in estimates of appropriations since the establishment of the budget system	413,132,181.94

It is worthy of note that the Congress during the 1919-1921—before the establishment of the budget system—cut the appropriations $3,890,000,000 under the proposals of the administration.

The newspapers, magazines, broadcasters, and public speakers have created a widespread misapprehension that Congress is extravagant in dealing with the money of the people and unmindful of the taxpayers. Statements to that effect do not square with the facts. The statements as to the work of Congress in dealing with appropriations herein set forth can not be successfully disputed.

ADJOURNMENT

Mr. IRWIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p. m.) the House, under its previous agreement, adjourned until to-morrow, Tuesday, March 3, 1931, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

871. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Mud River, Ky., with a view to the control of its floods (H. Doc. No. 793); to the Committee on Flood Control, and ordered to be printed, with illustrations.

872. A letter from the Executive Secretary of the Near East Relief, transmitting report for the year ending December 31, 1930; to the Committee on the Judiciary.

873. A letter from the Chief Scout Executive of the Boy Scouts of America, transmitting copy of the twenty-first annual report of the Boy Scouts of America (H. Doc. No. 794); to the Committee on Education and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. S. J. Res. 119. A joint resolution authorizing the Comptroller General of the United States to consider, adjust, and settle the claim of the Indiana State Militia for military service on the Mexican border; without amendment (Rept. No. 2923). Referred to the Committee of the Whole House on the state of the Union.

Mr. REED of New York: Committee on Education. H. R. 10821. A bill to provide for the further development of vocational education in the several States and Territories, and for other purposes; without amendment (Rept. No. 2926). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL of Pennsylvania: Committee on the Post Office and Post Roads. H. R. 229. A bill granting equipment allowance to third-class postmasters; with amendment (Rept. No. 2927). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL of Pennsylvania. Committee on the Post Office and Post Roads. H. R. 14908. A bill to amend the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes; with amendment (Rept. No. 2928). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. S. 6203. An act to increase the amount authorized to be appropriated for the expenses of participation by the United States in the international hygiene exhibition at Dresden, Germany; without amendment (Rept. No. 2930). Referred to the Committee of the Whole House on the state of the Union.

Mr. SEGER: Committee on Rivers and Harbors. H. R. 11512. A bill amending the river and harbor act, approved March 3, 1899, for the protection and preservation of the navigable waters of the United States; with amendment (Rept. No. 2931). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DRIVER: A bill (H. R. 17337) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. COLTON: A bill (H. R. 17338) to amend the Criminal Code of the United States; to the Committee on the Judiciary.

By Mr. HOCH: A bill (H. R. 17339) to amend paragraph (3) of section 1 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. ESTERLY: A bill (H. R. 17340) to provide for the construction of a post-office building at Kutztown, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17341) to provide for the construction of a post-office building at Catasauqua, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17342) to provide for the construction and site of a post-office building at Boyertown, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17343) to provide for the construction of an addition to the present post-office building, or a new modern building, and the acquisition of land adjacent to the present post-office building at Reading, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17344) to provide for a survey of the Delaware River, Pa.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17345) to provide for a survey of the Schuylkill River in Berks County, Pa.; to the Committee on Rivers and Harbors.

By Mr. LEAVITT: A bill (H. R. 17346) to amend the act entitled "An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes," by adding thereto a new section, to be numbered section 11; to the Committee on Agriculture.

By Mr. GOSS: A bill (H. R. 17347) to provide benefits for women who served with the American expeditionary forces during the World War; to the Committee on Military Affairs.

By Mr. LEA: A bill (H. R. 17348) appropriating $50,000 for the control of the beet-leaf hopper; to the Committee on Appropriations.

Also, a bill (H. R. 17349) to authorize the free transmission, outside of the mail, of reports of the sale and delivery of milk and other farm products to a creamery or other local market; to the Committee on the Post Office and Post Roads.

By Mr. STOBBS: A bill (H. R. 17360) proposing an amendment to the Sherman Antitrust Act; to the Committee on the Judiciary.

By Mr. WOOD: Joint resolution (H. J. Res. 524) to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin; to the Committee on Appropriations.

By Mr. HAWLEY: Joint resolution (H. J. Res. 525) to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes; to the Committee on Ways and Means.

By Mr. BUCKBEE: Joint resolution (H. J. Res. 526) providing for the appointment of a special subcommittee of the Post Office and Post Roads Committee to investigate and report upon a revision of the postal rates; to the Committee on Rules.

By Mr. McFADDEN: Joint resolution (H. J. Res. 527) to provide for an investigation with respect to certain matters related to banking; to the Committee on Rules.

By Mr. GIBSON: Resolution (H. Res. 389) directing an investigation by the Tariff Commission of rates on maple sirup and sugar; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Idaho, memorializing Congress to create an amendment to the existing tariff law that will enable sugar in liquid form to be subject to the same tariff as other sugars; to the Committee on Ways and Means.

By Mr. KORELL: Memorial of the Oregon Legislature, petitioning Congress to extend air-mail service to several points between Portland, Oreg., and San Francisco, Calif.; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 17350) granting a pension to Louis Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17351) granting an increase of pension to Margaret Solmire; to the Committee on Pensions.

Also, a bill (H. R. 17352) granting a pension to Peter B. Frey; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 17353) granting an increase of pension to Jennie Bowman; to the Committee on Pensions.

Also, a bill (H. R. 17354) granting an increase of pension to Mary E. Emily; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 17355) authorizing the conveyance by quitclaim deed of the portion of the abandoned Erie Canal within the Watervliet Arsenal Reservation to the city of Watervliet, N. Y.; to the Committee on Military Affairs.

By Mr. DOWELL: A bill (H. R. 17356) granting a pension to Mrs. M. F. Culbertson; to the Committee on Invalid Pensions.

By Mr. HANCOCK of New York: A bill (H. R. 17357) granting a pension to Joseph John Stevens; to the Committee on Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 17358) granting a pension to Ann Matthews; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 17359) granting an increase of pension to Emma Middleton; to the Committee on Invalid Pensions.

By Mr. FREE: Resolution (H. Res. 388) to pay Mrs. Daniel Shea, widow of Daniel Shea, late an employee of the House, a sum equal to six months' salary and an additional sum of $250 for funeral expenses; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10306. Petition of citizens of New Orleans, La., urging the passage of the Sparks-Capper bill, stop-alien representation amendment to the United States Constitution, excluding unnaturalized aliens from the count of population for apportionment of congressional districts; to the Committee on the Judiciary.

10307. By Mr. CHINDBLOM: Petition of J. E. Bonner, 2548 Fargo Avenue, Chicago, Ill., and 37 other residents of Chicago, Ill., for cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

10308. By Mr. BACON: Petition of sundry citizens of Long Island, N. Y., favoring passage of so-called Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10309. By Mr. CHINDBLOM: Petition of George Mikel and 37 other residents of Waukegan, Ill., for cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

10310. Also, petition of Nicholas M. Keller and 156 other residents of Waukegan, Ill., for cash payments of adjusted-compensation certificates; to the Committee on Ways and Means.

10311. By Mr. HANCOCK of New York: Petition of Rev. Arthur P. White and other residents of Syracuse, N. Y., in support of the Sparks-Capper amendment; to the Committee on the Judiciary.

10312. Also, petition of Josephine Webb Beardslee and other residents of Jordan, N. Y., in favor of the Sparks-Capper amendment; to the Committee on the Judiciary.

10313. Also, petition of Flora A. Morton and other residents of Onondago County, N. Y., favoring the Sparks-Capper amendment; to the Committee on the Judiciary.

10314. By Mr. HOOPER: Petition of citizens of Augusta, Mich., urging Congress to support proposed Sparks-Capper amendment to the United States Constitution excluding unnaturalized aliens from the count of population for apportionment of congressional districts; to the Committee on the Judiciary.

10315. By Mr. JOHNSON of Nebraska: Petition for support of Sparks-Capper amendment to the United States Constitution by citizens of Oxford, Nebr.; to the Committee on the Judiciary.

10316. By Mr. NELSON of Maine: Petition of 16 citizens of Columbia Falls, Me., urging support of the Sparks-Capper alien amendment, being House Joint Resolution 356, to exclude aliens from the count of the population for apportionment of congressional districts; to the Committee on the Judiciary.

10317. By Mr. SPARKS: Petition of Osborne Women's Literary Club, of Osborne, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

10318. Also, petition of Women's Missionary Society, of Lincoln, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

10319. By Mr. STRONG of Pennsylvania: Petition of citizens of Rochester Mills, Pa., in favor of amending the Constitution to exclude unnaturalized aliens from the count of population for congressional apportionment; to the Committee on the Judiciary.

10320. By Mr. WATSON: Petition of residents of Bucks County, Pa., favoring the Sparks-Capper stop alien representation resolution; to the Committee on the Judiciary.

10321. By Mr. YATES: Petition of Thomas R. Doherty, secretary Ringwood Local, Ringwood, Ill., urging the passage of House bill 15934 as in his opinion it will benefit the farmer; to the Committee on Agriculture.

10322. Also, petition of Paul W. Treed, treasurer Arnold Bros. Packers, Chicago, Ill., urging the defeat of bills relative to oleomargarine; to the Committee on Agriculture.

10323. Also, petition of Anna M. Ramsey, 2909 Pine Avenue, Mattoon, Ill., urging the passage of the proposed Sparks-Capper amendment to the Constitution relative to the 7,500,000 unnaturalized aliens; to the Committee on the Judiciary.

10324. Also, petition of Helen W. Bayne, 905 North Lowlea Avenue, Chicago, Ill., requesting Congress to pass the Sparks-Capper amendment to the Constitution relative to the 7,500,000 unnaturalized aliens in the United States; to the Committee on the Judiciary.

10325. Also, petition of Evelyn Hyde, Meredosia, Morgan County, Ill., urging the immediate passage of the Sparks-Capper amendment to the Constitution; to the Committee on the Judiciary.

SENATE

TUESDAY, MARCH 3, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Sheppard
Barkley	Frazier	McGill	Shipstead
Bingham	George	McKellar	Smith
Black	Gillett	McMaster	Smoot
Blaine	Glass	McNary	Steiwer
Blease	Goff	Metcalf	Stephens
Borah	Goldsborough	Morrow	Thomas, Idaho
Bratton	Gould	Moses	Thomas, Okla.
Brock	Hale	Norbeck	Townsend
Broussard	Harris	Norris	Trammell
Bulkley	Harrison	Nye	Tydings
Capper	Hastings	Oddie	Vandenberg
Caraway	Hatfield	Partridge	Wagner
Carey	Hayden	Patterson	Walsh, Mass.
Connally	Hebert	Phipps	Walsh, Mont.
Copeland	Howell	Pine	Waterman
Couzens	Johnson	Pittman	Watson
Cutting	Jones	Ransdell	Wheeler
Dale	Kean	Reed	Williamson
Davis	Kendrick	Robinson, Ark.	
Dill	Keyes	Robinson, Ind.	
Fess	King	Schall	

The PRESIDENT pro tempore. Eighty-five Senators have answered to their names. A quorum is present.

CAPT. CHRISTIAN DAMSON

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1244) for the relief of Capt. Christian Damson, which was to strike out all after the enacting clause and insert:

That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Capt. Christian Damson, who is alleged to have suffered injury while employed on or about August 17, 1918, in line of duty: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act.

Mr. COPELAND. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 35. An act for the relief of James W. Nugent; and

S. 4334. An act for the relief of G. Elias & Bro. (Inc.).

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 43. An act for the relief of W. W. Payne;

S. 182. An act for the relief of Daisy O. Davis;

S. 1640. An act for the relief of John E. Ross; and

S. 6072. An act for the relief of C. H. Price.

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 6161) granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River, and it was signed by the Vice President.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Finance:

DEPARTMENT OF STATE,
STATE OF IDAHO.

I, Fred E. Lukens, secretary of state of the State of Idaho, and legal custodian of the original enrolled copies of all acts passed at the various sessions of the Legislature of the State of Idaho, do hereby certify that the annexed constitutes a full, true, and complete transcript of the original enrolled copy of Senate Joint Memorial No. 10, enacted by the twenty-first session of the Legislature of the State of Idaho, and filed in this office the 24th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital of Idaho, this 27th day of February, A. D. 1931.

[SEAL.] FRED E. LUKENS,
Secretary of State.

LEGISLATURE OF THE STATE OF IDAHO,
TWENTY-FIRST SESSION,
IN THE SENATE.

Senate Joint Memorial 10. (By agricultural committee)

To the honorable Senators, the House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas Idaho and other Western States have only the markets of California and Texas as profitable outlets for the millions of bushels of wheat produced by them, due to high freight rates to eastern markets and also due to the fact that eastern markets are supplied by the Central States; and

Whereas the California and Texas markets are, at the present time, ruined by large cargoes of wheat being unloaded daily from Canada and Argentina, this condition being due to the present tariff provisions on wheat, whereby for a period of two years wheat may be imported into the United States from other countries without duty if the equivalent is exported in the form of finished products, feed, or the equivalent in wheat, even though it is of the most inferior grade of wheat produced in the United States, thus resulting in the cheaper grades of wheat fixing the price on the best grade of wheat produced in the United States; and

Whereas the present Farm Board having pegged the price of wheat a few cents above the price of Canadian and Argentine wheat, the western coast millers find it profitable to ship wheat from Canada and Argentina by water; and

Whereas the farmers of Idaho and other intermountain States have, at this time, approximately two-thirds of last year's crop in storage and are unable to sell it for more than 35 cents per bushel for the best grade of wheat produced in the United States: Now, therefore, be it

Resolved by the Senate of the State of Idaho (the house of representatives concurring), That we most respectfully urge upon the Congress of the United States of America to place an embargo upon all grains and grain products imported into the United States until such time as Congress shall enact legislation beneficial to the farmers; and be it further

Resolved, That the secretary of state of the State of Idaho be authorized, and he is hereby directed, to forward certified copies of this memorial to the Senate and the House of Representatives of the United States of America and to the Senators and the Representatives in Congress from this State.

This senate joint memorial passed the senate on the 21st day of February, 1931.

G. P. MIX,
President of the Senate.

This senate joint memorial passed the house of representatives on the 21st day of February, 1931.

C. A. BOTTOLFSEN,
Speaker of the House of Representatives.

I hereby certify that the within Senate Joint Memorial No. 10 originated in the senate during the twenty-first session of the Legislature of the State of Idaho.

CARL C. KITCHEN,
Secretary of the Senate.

Mr. BULKLEY presented letters in the nature of memorials remonstrating against the passage of the so-called Gillett birth control bill, being the bill (S. 4582) to amend section 305 (a) of the tariff act of 1922, as amended, and sections 211, 245, and 312 of the Criminal Code, as amended, which were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

CLEVELAND, OHIO, *February 19, 1931.*

Hon. ROBERT J. BULKLEY,
The Shoreham, Washington, D. C.

DEAR SENATOR BULKLEY: We, the active and honorary members of the Society of St. Vincent de Paul, Particular Council, Diocese of Cleveland, join our Right Rev. Bishop Joseph Schrembs in submitting to you our protestations to Senate bill No. 4582, introduced by Senator GILLETT, of Massachusetts.

This bill has for its purpose the amendment of the Criminal Code and tariff act so that literature and material for use in contraceptive measures could be imported into and distributed throughout the country.

As citizens we are in no uncertain terms decidedly opposed to the passage of such a measure, because the result would certainly demoralize the subjects, endanger health, and would increase the obscenity and pornography of the Nation, and, above all, it would destroy the long-standing traditions of proper cohabitation.

We trust that this be printed in the RECORD and also that you follow our protestations by voting against the measure when the same is before you for consideration.

Respectfully yours,

SOCIETY OF ST. VINCENT DE PAUL,
GEO. H. PASKERT, *President.*
A. J. WEY, *Secretary.*
FRANK G. KLEINHENZ,
Executive Secretary.

YOUNGSTOWN, OHIO, *February 12, 1931.*

Protest concerning Senate bill 4582, to amend tariff act (1930) and Penal Code to permit importation, distribution, and sale of contraceptive literature and instruments

Hon. ROBERT J. BULKLEY,
Senate Office Building, Washington, D. C.

DEAR SIR: The Loyola Study Club, having a membership of 30 persons, respectfully call your attention to the bill introduced by Senator GILLETT, of Massachusetts, last May providing for the amendment of the tariff act and of the Criminal Code in order that literature and material for use in contraception or mechanical birth control could be imported into and distributed through the country.

The bill was referred to a subcommittee of the Judiciary Committee consisting of Senators GILLETT, BORAH, of Idaho, and BRATTON, of New Mexico. This committee is arranging for a public hearing to be held on February 13.

As a club and individually we most strenuously protest against this proposed measure. You must realize the great dangers to public health and morals, especially of our young people, and the increase in obscenity and pornography which will result should present Federal restriction be removed. Also an added burden will be placed on State authorities, particularly when State laws now forbid the use and sale of contraceptives, in seeking to meet the increased traffic in these articles, as well as in information and advertisements and the spread of immoral literature generally which must certainly follow.

Please incorporate this protest in the report of the hearing.

Very sincerely yours,

THE LOYOLA STUDY CLUB,
Youngstown, Ohio,
ANNE MORGAN, *President.*
CATHERINE GERRITY,
Corresponding Secretary.

ST. JOSEPH'S COURT, NO. 433,
CATHOLIC ORDER OF FORESTERS,
Columbus, Ohio, February 17, 1931.

The Hon. ROBERT BULKLEY.

DEAR SIR: St. Joseph's Court, No. 433, Catholic Order of Foresters, is an organization of Catholic men whose aim is to promote glory to God and instill in its members the ideals of which our country has stood and should ever stand—purity of morals, religious liberty, the sanctity of marriage and integrity of the home as the foundation of the State and Nation.

We wish to go on record as true Americans, to register our conscientious objections to the bill which Senator Gillett is sponsoring, namely, to permit the dissemination of contraceptive literature, medicinal means, be it either medical or surgical, for such will tend to the ruination of our youth, whom you, as our representative at Washington, should strive rather to protect than destroy.

This bill, if it should pass, will destroy our manhood and womanhood and lay us open to degeneration, make our women not any better than prostitutes. This bill is knocking down the very safeguards of the Nation—should our country be called upon to fight for her very existence, how are we to have the man power to uphold our national liberty, our national honor?

Can you not see how iniquitous such a law will be, how disastrous to our country which we will defend with our lives?

Do you wish to have our country go on record so as to open the door permitting all kinds of immorality, obscenity, etc.—to destroy the moral standing of our Nation—if you do, then you are not worthy of being a representative of our Government.

To-day our country is fast becoming a lawless nation. Are you going to make it an immoral one also? Do you think we, the citizens of the United States, we, whose moral code is founded upon the teachings of Christ, can let such a bill become a law? We can not and will not.

Our wives and daughters are too near and dear to us to let us sit supinely and permit such an outrage to be perpetrated.

For the best interests of our country, our homes, our wives, mothers, and children, we must vehemently protest any such amendment to Act 305 of 1930 in the tariff code, as destructive to our country and homes, which are the foundation of our State and Nation.

Please insert this, our protest, in the records of the Congress as one of many Catholic organizations opposing such amendments.

Respectfully submitted.

ROMAN KEMPF, *Chief Ranger,*
JOHN G. DAUER, *Secretary,*
1023 City Park Avenue.

Mr. SHEPPARD presented petitions of Hon. A. S. Burleson and sundry other citizens of Texas; of Mrs. D. F. Abney and sundry other citizens of Brownwood; of members of the Woman's Missionary Society of the Methodist Church, of Hubbard; of C. G. Kersey, Texas Technological College, and sundry members of the Y. M. C. A., of Lubbock; Mrs. Hyman Hall and sundry other citizens of Houston; of ladies of the Central Texas Conference, Methodist Episcopal Church South, by Mrs. F. P. Culver; Rev. A. T. White and sundry other citizens of Gregory; of the Tabernacle Baptist Church, of Gustine; Mrs. A. C. Williams and sundry other citizens of Sweetwater; Mrs. J. E. Shields and sundry other citizens of Neches; Mrs. C. H. Hedge and sundry other citizens of Henderson and Elderville; Mrs. J. E. Stephens and sundry other citizens of Austin; the Woman's Missionary Society, Methodist Episcopal Church, of Hubbard; Miss Maurine Ratliff and sundry other citizens of Lubbock; and Mrs. Arthur Leggote and sundry other citizens of Waco, all in the State of Texas, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented petitions of Mayor P. Thompson and sundry other citizens of Bay City, of W. P. Rylander and sundry other citizens of Martindale, and of A. D. Schuessler and others of the Southern Methodist University, of Dallas, all in the State of Texas, praying for the ratification of the World Court protocols this winter or spring, which were referred to the Committee on Foreign Relations.

Mr. WALSH of Massachusetts presented petitions of 2,000 citizens of the State of Massachusetts, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. PARTRIDGE presented a petition numerously signed by sundry citizens of the State of Vermont, praying for the passage of legislation placing a tax of 10 cents per pound on oleomargarine, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. WALSH of Montana presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Post Offices and Post Roads:

House Joint Memorial 5, memorializing Congress for the passage of pending legislation, providing that the United States shall aid the States in the construction of rural post roads, and for other purposes

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas the agricultural interests of the State of Montana can not be served and do not have access to the present Federal-aid system of highways; and

Whereas rural mail carriers in the State of Montana are handicapped in the speedy distribution of the United States mail by reason of poor and inadequate intracounty and intercounty highways; and

Whereas the farming interests of the State of Montana would be better served at all times of the year by improving third-class highways which would mean much to the future development of the State of Montana; and

Whereas there has been introduced in the House of Representatives of the United States of America a bill known as H. R. 13542 of the Seventy-first Congress, entitled: "A bill to amend the act

entitled, 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes "; and

Whereas the passage of said bill, or similar legislation, is of vital importance to the State of Montana: Now, therefore, be it

Resolved, That the House of Representatives of the State of Montana, the Senate concurring, that the Congress of the United States of America, be, and it is hereby, memorialized to pass the amendment now pending, or similar legislation, whereby the rural post roads may be improved with Federal aid; and be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state of the State of Montana to both Houses of the National Congress and to each of the Senators and Representatives in Congress from the State of Montana.

W. R. FLACHSENHAR,
Speaker of the House.
TOM KANE,
President of the Senate pro tempore.

Approved February 26, 1931.

J. E. ERICKSON,
Governor.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, W. E. Harmon, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of House Joint Memorial No. 5, memorializing Congress for the passage of pending legislation, providing that the United States shall aid the States in the construction of rural post roads, and for other purposes, enacted by the twenty-second session of the Legislative Assembly of the State of Montana, and approved by J. E. Erickson, governor of said State, on the 26th day of February, 1931

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 26th day of February, A. D. 1931.

[SEAL.]

W. E. HARMON,
Secretary of State.

THE COAL-MINING SITUATION, MONTANA

Mr. WALSH of Montana presented communications relative to coal-mining conditions in the State of Montana, which were referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

To the United States Senators and Congressmen of Montana:

As we started out to outline the ills of the coal-mining industry we will try to follow our argument in favor of the shorter hours' work for the miners of America. Understanding the mining conditions better, we will try to prove that the labor-saving machine has not brought the millennium of mining coal, as some thought it would a few years ago.

The modern labor-saving machines in coal mines have, as stated before, thrown out of employment more than 50 per cent, the "speed-up system" took place, and the output of coal increased. The buyer of coal did not gain anything, because the price of coal remained practically the same, wages went down on top of it, the machine, therefore, did not bring what the coal operators said it would—more work and better wages.

Who profited by the introduction of machines? The miners didn't, the public didn't, the consumer of coal didn't. The only one that profits by the introduction of these labor-saving devices is the coal company and the maker of the devices.

Therefore we feel that on top of all these that the only demand left for the coal miners of the United States of America is the shorter work day to solve the question of unemployment in the coal mines of America.

There should not be any opposition from the standpoint of lack of production, because overproduction is so great that there is no argument left for anyone to defend.

There should not be any opposition from the owner because it cost too much to produce the coal on a shorter work day than under the present system, according to the statement of the operators—the public is paying, anyhow.

There should not be any opposition from the representatives of the State or Federal Governments, they are all in favor of solving the unemployment problem and in favor of shorter work day. Therefore, it seems to us that it should meet the approval of all the governmental agencies, without any disastrous effects upon the stability of our Government.

We feel that instead of charity at the hand of either charitable institutions or Government institutions specially created, the only logical solution of the unemployment question is the shorter hours of labor extended to all the industries of America to such an extent that will best serve the interest of the American people.

We therefore urge upon you to take the matter up and fight through the Congress of the United States of America for shorter work day for the workers of America as the only solution to this great unemployment problem.

Sincerely yours,

Committee: Bearcreek Local Union 858, Joe Bonone, chairman, Roy Wadsworth, John Bone, secretary; Bearcreek Local Union 4457, Willis Wadsworth, Frank Johnstone, Adam Wakenshaw; Washoe Local Union 2659, Alex Heatherall, Joe Sandersom; Bearcreek Local Union 1729, Ed Barker, Wm. Dempster; Red Lodge Local Union 1771, George Doran, George McDonald.

BEARCREEK, MONT., *February 26, 1931.*

To the United States Senators and Congressmen of Montana.

GENTLEMEN: The United Mine Workers of America, of Carbon County, Mont., presents the facts regarding the coal-mining situation in this county and also will suggest remedy for unemployment.

These facts are made presentation to you gentlemen for memorandum, so that in the future when further consideration will be given to the unemployed situation you will be in a position to know the feeling of the miners in Carbon County; and, we may suggest, further, that is the sentiment of the coal miners of the State of Montana.

What has been done by the Government, the public, and the captains of industries to relieve the unemployment question?

The United Mine Workers of America, through its representatives, for years have vainly tried to impress upon the public of America that the cutting of wages, introducing of labor-saving devices, and keeping the same hours of labor would not benefit the public in general.

We have pointed out, time and again, that every time a wage reduction takes place—whether it be in the coal mines or other industries—that reduces the purchasing power of the workers, and the inevitable result—chaos, misery, and starvation—not only of the workers affected by the wage cut, but automatically the people at large in the United States of America.

The installment of labor-saving devices in the last decade came so fast that the minds of the captains of industries, governmental representatives, and, in many instances, labor representatives, did not keep pace with the advances made by the machines.

Basing our argument in the introduction of labor-saving machinery in the coal mines of Montana, and in all other coal-mining States in America, we find that more than 50 per cent of the men are thrown out of employment, without any adjustment made to safeguard the future of those men thrown out of employment; therefore leading to the disastrous situation that the present day is seeing itself coming to the fore, to be side-stepped by almost every influential person or corporation in our country.

By ignoring the real issue of unemployment we are left to discuss the matter within ourselves, and the only channel open for us is to try with those that are representing the people at large, if they are so disposed to give us a helping hand, to get to the fundamental of this germ that is penetrating into the sick fellow—the workingmen of America.

We therefore will express on the above sentiment that the only hope for the American people to emerge from the malady of unemployment is shorter hours of labor, to be extended through Federal laws, to every important industry of the Nation, to the extent that will eliminate forever the unemployment ills.

Much has been said about appropriating money for the relief of those that are thrown out of employment. To what extent the appropriation no one seems to understand. We feel that the appropriation of money—it does not make any difference how much—will never solve the unemployment question.

Therefore, we feel now, as in the past, that the only solution to this great and important problem is the shorter working hours for every worker in the United States of America, and that will solve the unemployment problem forever.

REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 12374) for the relief of William R. Cox, reported it without amendment and submitted a report (No. 1871) thereon.

Mr. REED, from the Committee on Military Affairs, to which was referred the bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended, reported it without amendment and submitted a report (No. 1872) thereon.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. STEPHENS, from the Committee on the Judiciary, reported favorably the nomination of B. B. Montgomery, of Mississippi, to be United States marshal, northern district of Mississippi, which was placed on the Executive Calendar.

Mr. McNARY, from the Committee on Public Lands and Surveys, reported favorably the nomination of Robert J. Carsner, of Oregon, to be register of the land office at The Dalles, Oreg., which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 6272) for the relief of the North American Dredging Co.;

A bill (S. 6273) for the relief of the Snare & Triest Co.; and

A bill (S. 6274) for the relief of the Standard Dredging Co.; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 6275) to amend section 33, Title II, of the national prohibition act; to the Committee on the Judiciary.

STABILIZATION OF THE COAL INDUSTRY (S. DOC. NO. 323)

Mr. BULKLEY presented for publication certain papers, being Appendix No. 24 and extracts from the report of the Royal Commission of New South Wales, appointed to inquire into the coal industry and printed by the government printer of New South Wales, 1930, with related matter, which were ordered to be printed as a Senate document.

AMENDMENT OF NATURALIZATION LAWS

Mr. JONES obtained the floor.

Mr. JOHNSON. Mr. President, I ask the Senator from Washington to yield to me for the presentation and consideration of a conference report now on the clerk's desk, and concerning which I think there will be neither debate nor controversy.

Mr. JONES. I yield for that purpose.

The PRESIDENT pro tempore. The Chair lays before the Senate a conference report, which will be read.

The report was read as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws with respect to posting of notices of petitions for citizenship, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 4. (a) Section 3 of the act entitled 'An act relative to the naturalization and citizenship of married women,' approved September 22, 1922, as amended, is amended to read as follows:

"'SEC. 3. (a) A woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after this section, as amended, takes effect unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens.

"'(b) Any woman who before this section, as amended, takes effect, has lost her United States citizenship by residence abroad after marriage to an alien or by marriage to an alien ineligible to citizenship, may if she has not acquired any other nationality by affirmative act, be naturalized in the manner prescribed in section 4 of this act, as amended. Any woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 on account of her race.

"'(c) No woman shall be entitled to naturalization under section 4 of this act, as amended, if her United States citizenship originated solely by reason of her marriage to a citizen of the United States or by reason of the acquisition of United States citizenship by her husband.'

"(b) Section 5 of such act of September 22, 1922, is repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HIRAM W. JOHNSON,
DAVID A. REED,
WILLIAM H. KING,
Managers on the part of the Senate.
ALBERT JOHNSON,
JOHN L. CABLE,
Managers on the part of the House.

Mr. BLAINE. Mr. President, may I ask the Senator from California what has been accomplished by the conference?

Mr. JOHNSON. The endeavor has been made by the adoption of what has been called the Cable Act to make the situation in respect to women like that in regard to men in the matter of naturalization. There are one or two minor matters which have been dealt with, but that is the major proposition we have in the bill. The conferees were unanimous concerning it and I trust the report may be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

TENURE OF CONGRESSIONAL MEMBERS OF THE GEORGE WASHINGTON BICENTENNIAL COMMISSION

Mr. FESS. I introduce a bill and I shall ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The bill will be read at length.

The bill (S. 6271) relating to the tenure of congressional members of the George Washington Bicentennial Commission, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the membership of Senators and Members of the House of Representatives on the George Washington Bicentennial Commission shall continue irrespective of their terms as Members of Congress.

Any vacancies arising in the personnel of the said commission shall be filled as follows: Any vacancies occurring among Senators shall be filled by the President of the Senate, and any vacancies occurring among Members of the House of Representatives before the organization of the Seventy-second Congress shall be filled by appointment of the present Speaker of the House of Representatives.

Mr. FESS. I ask unanimous consent for the present consideration of the bill.

Mr. ROBINSON of Arkansas. Mr. President, I concur in the request.

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President approved and signed the following acts and joint resolutions:

On February 27, 1931:

S. 3045. An act for the relief of Walter P. Crowley;

S. 3648. An act to correct the naval record of Edward Earle; and

S. 5959. An act authorizing the purchase of the State laboratory at Hamilton, Mont., constructed for the prevention, eradication, and cure of spotted fever.

On February 28, 1931:

S. 4750. An act to authorize alterations and repairs to certain naval vessels;

S. 3213. An act for the relief of E. F. Zanetta;

S. 4677. An act for the relief of Dr. B. T. Williamson, of Greenwood, Miss.;

S. 2892. An act for the relief of Helen F. Griffin and Ada W. Allen; and

S. 2643. An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928.

On March 2, 1931:

S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park;

S. 6171. An act to regulate the prescribing and use of waters from the Hot Springs National Park, at Hot Springs, Ark., and for other purposes;

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 1042. An act for the relief of Mary Altieri;

S. 988. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

George Doran, George McDonald.

JOHN L. CABLE,
Managers on the part of the House.

S. 1072. An act for the relief of Gabriel Roth;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 1748. An act for the relief of the Lakeside Country Club;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 5083. An act to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.;

S. 6032. An act amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes"; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

On March 3, 1931:

S. 4030. An act to provide books for the adult blind;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of Crow Indians; and

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. 471. An act providing for Saturday half holidays for certain Government employees;

S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation;

S. 4022. An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoors signs and other forms of exterior advertising within the District of Columbia;

S. 4051. An act authorizing the Pillager Bands of Chippewa Indians residing in the State of Minnesota to submit claims to the Court of Claims;

S. 5904. An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes; and

S. J. Res. 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project;

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States transmitting sundry military nominations were referred to the Committee on Military Affairs.

(For nominations this day received see the end of Senate proceedings.)

WELFARE OF MOTHERS AND INFANTS—CONFERENCE REPORT

Mr. JONES. Mr. President, it has become perfectly clear to me that there is no hope of passing at this session a copyright bill. I have a conference report to present, which is privileged, of course. I did not call it up yesterday because conditions were not satisfactory and, furthermore, I wanted to give a fair opportunity for the Senator in charge of the copyright bill to have it passed, if it were possible to do so. As I said, it seems to me clearly impossible to enact that legislation during this session.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I yield.

Mr. KING. I do not share the views expressed by the Senator.

Mr. JONES. I can not help that.

Mr. KING. I know the Senator can not, but I think that the copyright bill could be disposed of in three or four hours.

Mr. JONES. There are 50 pages in the bill. I think there are only 12 pages of the bill that we have disposed of in the whole time we have given to its consideration. So I felt that I could not delay the presentation of this conference report any longer.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from New York.

Mr. COPELAND. The report which the Senator has in mind is a privileged matter, is it not?

Mr. JONES. Yes; it is.

Mr. COPELAND. I join with the Senator from Utah in the belief that we can pass the copyright bill, and, if the editorials in the metropolitan press are any indication of the sentiment of the country, it is very important to pass that bill now. The conference report being a privileged matter, the Senator can present it at any time he sees fit; but I think it would be calamitous if we should permit the Senate to adjourn without having passed the copyright bill.

Mr. JONES. I should be glad to do anything I possibly could to aid in the passage of that bill in proper form, and therefore the sooner we get through with this conference report the more time we will have for the copyright bill. I take it that proceeding to the consideration of the conference report will not displace the unfinished business, as the conference report comes up as a privileged matter.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. COPELAND. Is the Senator from Washington correct in his statement that the consideration of the conference report would not displace the unfinished business?

The PRESIDENT pro tempore. The presentation of the conference is a privileged matter; but the Chair understands the Senator from Washington desires to call up the conference report by unanimous consent.

Mr. COPELAND. So that the ruling of the Chair, as I understand, is that the consideration of the conference report would not displace the unfinished business.

The PRESIDENT pro tempore. The Chair holds that a conference report is highly privileged, and the privilege attaches to the consideration of the whole matter, but the Chair understood that the Senator from Washington was about to ask unanimous consent, and that would not displace the unfinished business.

Mr. JONES. I am going to present the conference report and ask for its consideration under the rule.

Mr. COPELAND. Mr. President, let me be clear. If the Senator from Washington presents the conference report at this time, as he indicated, does that affect the pending bill?

The PRESIDENT pro tempore. No; if he presents it at this time, it is a privileged matter and does not affect the status of the pending measure.

Mr. JONES. The unfinished business continues and will come up for consideration immediately upon the disposition of the conference report.

The PRESIDENT pro tempore. The simple effect of the action the Senator from Washington desires to take is to suspend the consideration of the copyright bill.

Mr. COPELAND. Temporarily.

The PRESIDENT pro tempore. Until the conference report shall be disposed of. The privilege attaches to the conference report throughout.

Mr. JONES. As soon as we get rid of the conference report the Senate may proceed to the consideration of the copyright bill.

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I yield.

Mr. BINGHAM. I may say to the Senator and those who are interested in the copyright bill that a discussion of this conference report, in which the House tacked on to a measure which the Senate had already passed, an entirely new measure which has never been considered by the Senate, will require a great many hours of debate.

Mr. JONES. That is the reason why I want to take it up as soon as possible.

Mr. TRAMMEL and Mr. KING addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I yield first to the Senator from Florida.

Mr. TRAMMELL. In view of the fact that I have taken quite a bit of interest in the copyright bill, in an effort to try to improve it in some particulars in which I have felt the bill has not been properly considered from the standpoint of the public interest and the authors' interest and the interest of the press of the country, I wish to state that I have had no desire whatever to delay the copyright bill, and I am very hopeful that we may go ahead to-day and secure a final vote upon it. Having taken this attitude, I am perfectly willing, so far as I am concerned, to limit the debate to say 10 minutes or 15 minutes on each amendment and 30 minutes on the bill, if that will help to expedite it. I think, however, that is as much of a concession as should be made on an important measure of this kind.

Mr. JONES. Mr. President, pursuant to the rule, I present the conference report on Senate bill 255 and ask for its immediate consideration.

Mr. REED. I ask that the report may be read.

The PRESIDENT pro tempore. The conference report will be read.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. COPELAND. Would action of the Senate in agreeing to the motion displace the unfinished business?

The PRESIDENT pro tempore. It would merely suspend the consideration of the unfinished business. The conference report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

HIRAM W. JOHNSON,
W. L. JONES,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.
JAMES S. PARKER,
JOHN G. COOPER,
SAM RAYBURN,
Managers on the part of the House.

Mr. KING. That is not all the report, is it?

Mr. JONES. That is the report.

Mr. KING. Then, let us have read the original bill plus the new bill which is now presented. We have had no chance to consider or discuss it, and it has never been before the Senate.

Mr. JONES. I want to suggest that the question of whether the Senate will proceed to the consideration of the report is not debatable under the rule.

The PRESIDENT pro tempore. That is quite true. Does the Senator move to proceed to the consideration of the conference report?

Mr. JONES. I move to proceed to the consideration of the conference report.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington.

Mr. KING. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KING. Is the utterance of the distinguished chairman that the motion is not debatable the law of the land as well as of the Senate?

The PRESIDENT pro tempore. It is.

Mr. KING. Therefore, being the law of the Senate and of the land, I will raise no further question.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington. [Putting the question.] The Chair is in doubt.

Mr. JONES. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, may the question be stated?

The PRESIDENT pro tempore. The question is on proceeding to the consideration of the conference report.

Mr. BINGHAM. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BINGHAM. If this motion carries, does it displace the copyright bill?

The PRESIDENT pro tempore. It does not. The Chair will again state that it merely suspends the consideration of the copyright bill. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. STEPHENS (when his name was called). On this question I have a pair with the Senator from Indiana [Mr. ROBINSON] and therefore withhold my vote.

The roll call was concluded.

Mr. HATFIELD (after having voted in the affirmative). I have a general pair with the junior Senator from North Carolina [Mr. MORRISON]. I am informed that if he were present he would vote as I have voted. Therefore I will let my vote stand.

Mr. WATERMAN (after having voted in the negative). I inquire if the senior Senator from Virginia [Mr. SWANSON] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. WATERMAN. I have a general pair with that Senator, and will therefore withdraw my vote.

Mr. GILLETT. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence I withhold my vote. If free to vote, I should vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Iowa [Mr. BROOKHART] with the Senator from Missouri [Mr. HAWES];

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Maryland [Mr. TYDINGS]; and

The Senator from Illinois [Mr. GLENN] with the Senator from Iowa [Mr. STECK].

Mr. SHEPPARD. I desire to state that the senior Senator from Missouri [Mr. HAWES] is detained from the Senate by illness.

The result was announced—yeas 59, nays 16, as follows:

YEAS—59

Ashurst	George	McKellar	Sheppard
Barkley	Goff	McMaster	Smith
Black	Hale	McNary	Smoot
Blaine	Harris	Norbeck	Steiwer
Bratton	Harrison	Norris	Thomas, Idaho
Brock	Hastings	Nye	Thomas, Okla.
Capper	Hatfield	Oddie	Townsend
Caraway	Hayden	Partridge	Trammell
Carey	Hebert	Patterson	Vandenberg
Connally	Johnson	Pine	Wagner
Couzens	Jones	Pittman	Walsh, Mont.
Dale	Kendrick	Ransdell	Watson
Fess	Keyes	Robinson, Ark.	Wheeler
Fletcher	La Follette	Robinson, Ind.	Williamson
Frazier	McGill	Schall	

NAYS—16

Bingham	Glass	King	Phipps
Blease	Goldsborough	Metcalf	Reed
Bulkley	Gould	Morrow	Shipstead
Dill	Kean	Moses	Walsh, Mass.

NOT VOTING—21

Borah	Deneen	Morrison	Tydings
Brookhart	Gillett	Shortridge	Walcott
Broussard	Glenn	Simmons	Waterman
Copeland	Hawes	Steck	
Cutting	Heflin	Stephens	
Davis	Howell	Swanson	

So the motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to Senate bill 255.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

MACON, DUBLIN & SAVANNAH RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House to the bill (S. 2614) for the relief of the Macon, Dublin & Savannah Railroad Co., which was, on page 1, line 9, after the word "Congress," to insert "without interest."

Mr. HARRIS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MRS. HERMAN M. WARR

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5353) for the relief of Mrs. Herman M. Warr, which was, on page 1, line 12, after the word "month," to insert a colon and "*Provided*, That no benefits hereunder shall accrue prior to the enactment of this act."

Mr. BLACK. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DR. COOPER NICHOLSON

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4274) for the relief of Dr. Cooper Nicholson.

Mr. KING. Let the amendment be read.

The amendment of the House, which was to strike out all after the enacting clause and to insert, was read, as follows:

That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Dr. Cooper Nicholson, who is alleged to have suffered an injury to his left eye while in charge of Main Hospital No. 1, at Muscle Shoals, Ala., during the World War: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act.

Mr. BLACK. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EMERGENCY OFFICERS RETIRED WITH PAY

Mr. ASHURST. Mr. President, statements have been made, and much erroneous information has been circulated, charging that a very large number of emergency officers retired with pay are employed in the Veterans' Bureau. Hence, in order to supply the country with correct information, I ask leave to have printed in the RECORD a letter and accompanying lists setting out the facts as to the number of emergency officers actually so employed.

One of these lists supplies the names of such emergency officers on the retired list as are employed in the Veterans' Bureau, and the other list sets forth the names of the emergency officers on the retired list who are not employed in the Veterans' Bureau.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
Washington, February 25, 1931.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: Reference is made to your letter of February 10, 1931, addressed to the Director of the Veterans' Bureau, requesting a list of emergency officers retired with pay who are employees of the Veterans' Bureau, and also a list of those retired who are not employed by the bureau.

These lists are attached and show, in the case of bureau employees, the name, "C" number, bureau designation, salary, amount of retirement pay and State; and in the case of all other officers, the name, "C" number, amount of retirement pay and State.

Very truly yours, FRANK T. HINES, *Administrator.*

Employees of the Veterans' Bureau who have been placed on the list of emergency officers retired with pay February 20, 1931

Name	State	Bureau designation	Salary	Retirement pay
Adams, Rosen Conklin, C-396379	Kentucky	Physician	$4,000.00	$262.50
Adams, Winthrop, C-1008996	Massachusetts	Medical officer in charge	7,500.00	150.00
Ale, John H., C-165794	Indiana	Regional manager	4,800.00	125.00
Allison, Jas. Richard, C-1333372	South Carolina	Physician (part time)	2,400.00	125.00
Anderson, Charles L. G., C-276953	District of Columbia.	Physician	3,800.00	240.62
Ankenbrandt, Albert Andrew, C-533955	New York	....do	4,600.00	150.00
Appling, Chas. Dowling, C-1335743	Arizona	Contact representative	2,300.00	106.25
Arnold, David Elmer, C-528832	California	Rating specialist (physician)	4,600.00	187.50
Arntzer, Julius, C-367045	Arizona	Physician	5,400.00	150.00
Arwine, James Tevis, C-1348348	California	....do	4,400.00	187.50
Aten, Everett Maxwell, C-1339817	New York	Disbursing officer	2,600.00	150.00
Babcock, Archer D, C-1053094	....do	Physician (part time)	2,570.00	218.75
Bacon, Harry P., C-1238977	Minnesota	Physician	4,600.00	150.00
Bailey, Frank James, C-161973	Arkansas	Chief, dental clinic	4,200.00	165.00
Baker, David Alfred, C-1233549	California	Physician	4,000.00	150.00
Baker, Erasmus Shanks, C-185242	Louisiana	....do	4,600.00	125.00
Ballard, James Clinton, C-1431002	Arkansas	....do	3,800.00	206.25
Ballou, James Larkin, C-478262	Oregon	....do	4,600.00	150.00
Barlow, Alfred M., C-364089	Ohio	Regional attorney	3,800.00	125.00
Barnhart, Harry Henry, C-315989	Pennsylvania	Senior contact representative	3,300.00	210.00
Barry, Howard Jerome, C-402339	Illinois	Rating specialist (physician)	3,800.00	120.05
Bays, John Ransom, C-107323	Kentucky	Rating specialist (legal)	3,300.00	168.20
Beatty, Jesse James, C-1340848	Arizona	Clinical director	5,600.00	125.00
Beckett, Clinton Geo., C-345823	Mississippi	Physician	4,600.00	187.50
Beem, Levi A., C-365733	Indiana	Rating specialist (occupational)	3,300.00	165.00
Bernard, Laurence Judah, C-500449	California	Physician	4,600.00	125.00
Birchfield, George Irving, C-1344508	Michigan	....do	4,000.00	150.00
Bittner, Earl Robb, C-230958	Maryland	Clerk (A)	1,980.00	116.87
Black, Dennis Leo, C-272182	Massachusetts	Physician	4,600.00	125.00
Blair, George Arnold, C-323892	Tennessee	Rating specialist (occupational)	3,300.00	165.00
Blake, William James, C-220788	Massachusetts	Regional manager	5,600.00	125.00
Bohn, Charles Reinhardt, C-310088	New Jersey	Rating specialist (occupational)	3,300.00	198.00
Bondurant, Alpheus John, C-524547	Colorado	Physician	4,600.00	125.00
Borden, Archibald David, C-1271880	California	Regional manager	4,800.00	225.00
Bowman, Lang Fulton, C-293768	Kansas	Physician part time		125.00
Boyd, Benjamin Day, C-411008	Alabama	Dentist	3,800.00	162.50
Brady, Henry Adrian, C-280940	Ohio	Physician	3,800.00	150.00
Brady, Robert Newton, C-1165618	Illinois	Foreman of mechanics	1,860.00	187.50
Breedlove, Geo. Boles, C-821266	Indiana	Medical examiner (fee basis)		150.00
Brod, Benjamin, C-516030	New York	Physician	4,200.00	125.00
Brodie, Benjamin, C-406944	....do	....do	2,500.00	125.00
Brown, John Ryston, C-1219116	Minnesota	....do	4,600.00	125.00
Buck, Samuel Cory, C-1392369	California	....do	4,200.00	150.00

Employees of the Veterans' Bureau who have been placed on the list of emergency officers retired with pay February 20, 1931—Continued

Name	State	Bureau designation	Salary	Retirement pay
Burstien, Louis Launcelot, C-385146	California	Physician	$4,200.00	$125.00
Byrne, Joseph Vincent, C-356731	District of Columbia.	Chief of division	4,800.00	150.00
Caldarone, Alfred A., C-1407925	Rhode Island	Physician	4,000.00	150.00
Carling, John, C-479058	California	....do	5,200.00	150.00
Casey, Timothy Joseph, C-1356573	....do	Physician (part time)	2,400.00	125.00
Cassidy, Franklin Chester, C-1203276	Colorado	Physician	4,600.00	125.00
Chambers, Wilfred Ernest, C-1084035	Missouri	Medical officer in charge	6,500.00	206.25
Chance, Jenner Perry, C-1347324	Minnesota	Physician	4,600.00	206.25
Chase, Alpha Manley, C-412533	Colorado	....do	4,600.00	195.00
Christianson, James, C-455831	Wisconsin	....do	4,600.00	165.00
Cochrell, Benj. A., C-1169128	Kentucky	....do	4,400.00	150.00
Compton, Booten Stoves, C-351915	Louisiana	Chief, medical service	5,800.00	125.00
Cook, George Francis, C-362756	District of Columbia.	Adjudicator	2,800.00	165.00
Cooley, Beamon Sherley, C-1126009	Alabama	Physician	4,200.00	125.00
Copeland, Paul Richard, C-1437604	Florida	....do	4,800.00	125.00
Crane, Bruce Alexander, C-1272227	California	Mechanic (per diem)		116.87
Crawford, Harry Struthers, C-1227726	Missouri	Physician	4,000.00	150.00
Cummings, John M., C-791014	New York	Contact representative	2,800.00	137.50
Daggett, Byron B., C-542964	....do	Rating specialist (occupational)	3,300.00	165.00
Dallis, Park A., C-430465	Georgia	Architectural engineer	2,600.00	
Dally, Wendell Phillips, C-1082458	Maryland	Physician	4,600.00	150.00
Darrah, Homer C., C-288536	Montana	Dentist	3,800.00	165.00
Davis, Eugene, C-1139337	Tennessee	Medical officer in charge	5,500.00	187.50
Davis, Joseph Allen, C-220095	California	Field examiner	2,800.00	106.25
Decker, Ernest Raymond, C-400090	District of Columbia.	Junior legal member	3,800.00	106.25
Delaney, Jos. Peter, C-900412	Arkansas	Physician	3,800.00	125.00
Derdiger, Louis Hellair, C-1238853	Minnesota	....do	3,800.00	150.00
Devine, Clark Bailey, C-507075	Arizona	....do	4,600.00	150.00
Diodati, Vincent Maria, C-457651	Pennsylvania	....do	4,600.00	150.00
Dodd, Thomas Franklin, C-583283	District of Columbia.	Rating specialist (physician)	4,800.00	187.50
Doherty, Wm. T., C-1296394	Kansas	Physician	5,200.00	125.00
Donahue, John Leo, C-186199	Arizona	....do	4,600.00	150.00
Donnelly, James Gordon, C-1338343	District of Columbia.	Medical supervisor	5,600.00	125.00
Donovan, Timothy Stephen, C-1021730	New York	Physician	4,200.00	125.00
Dorsey, Stanton, C-506851	District of Columbia.	Associate sanitary engineer	3,300.00	125.00
Douglas, Harrie Abraham, C-22375	....do	Superintendent of construction (engineers).	3,300.00	150.00
Duffy, Frank Thomas, C-392351	Illinois	Regional manager	5,600.00	125.00
Duncan, Ernest Allen, C-1284568	New Mexico	Physician	2,400.00	187.50
Duncan, Miles Jordan, C-13746	California	....do	5,200.00	150.00
Dunham, Franklin Williams, C-402756	New York	Assistant attorney	3,200.00	125.00
Durham, Robert Blakely, C-1123681	South Carolina	Regional medical officer	4,200.00	150.00
Edwards, Thomson, C-1076797	Pennsylvania	....do	5,600.00	150.00
Ehlert, John Matthews, C-1333856	Alabama	Physician	4,400.00	125.00
Ellis, Luther E., C-327132	Michigan	Regional manager	4,800.00	150.00
Ellis, Robert Alvine, C-1328543	Texas	Adjudicator	2,600.00	106.25
Endler, Joseph Charles, C-1024080	New Jersey	Regional dental officer	4,000.00	150.00
Ernest, F. James Mahon, C-1275983	Oregon	Physician	4,600.00	206.25
Engle, Richard D., C-357519	District of Columbia.	Rating specialist, claims	3,300.00	106.25
Essenson, Oscar Samuel, C-319663	California	Physician	4,600.00	150.00
Eversole, Earl J., C-1149797	Kentucky	....do	4,000.00	125.00
Eyerly, Tema LeClerc, C-388628	Colorado	....do	4,200.00	150.00
Fannin, Frank Arthur, C-221795	Oklahoma	....do	4,600.00	150.00
Fauret, Glenn Cameron, C-410242	California	Rating specialist (occupational)	4,200.00	165.00
Felter, Charles T., C-316830	District of Columbia.	Contact representative	2,800.00	150.00
Feltham, Percy Marshall, C-396813	Georgia	Superintendent of construction	4,800.00	150.00
Ferguson, Jose Marvin, C-452347	Arkansas	Medical officer in charge	6,500.00	150.00
Field, Albert, C-252464	Illinois	Physician	4,200.00	150.00
Fitzgerald, William Thomas, C-567006	New York	Regional adjudication officer	4,800.00	131.25
Foster, Thomas, C-906198	District of Columbia.	Consultant in G. M	5,400.00	150.00
Fouche, James Sample, C-906771	South Carolina	Physician	3,800.00	150.00
Foxwell, Raymond K., C-1085459	District of Columbia.	Physician (part time)	1,800.00	125.00
Fraine, John Henry, C-1242548	Minnesota	Regional attorney	4,000.00	312.50
Galbraith, John Robt., C-1287971	Maryland	Assistant chief of division	5,600.00	106.25
Gallagher, Michael Lee, C-470507	Illinois	Physician	5,400.00	150.00
Gardner, Wm. E., C-282065	California	....do	3,800.00	125.00
Garlinghouse, Orestes Lucien, C-268844	Kansas	Physician (fee basis, $5 per examination).		187.50
George, John Cecil, C-460938	North Carolina	Physician	4,600.00	187.50
Gibson, William Clement, C-1134609	Missouri	Medical officer in charge	6,500.00	125.00
Gill, John L., C-1303457	Texas	Physician	4,000.00	150.00
Gilstrap, Harry Benson, C-361845	Oklahoma	Regional manager	4,800.00	206.25
Given, Ellis Edgar Willits, C-1360619	Pennsylvania	Physician (part time)	3,000.00	218.75
Gleason, Benj. Whitney, C-1016195	New Hampshire	Physician	4,600.00	150.00
Graf, John Edw., C-1207109	Indiana	....do	3,800.00	125.00
Grant, Harold R., C-583044	Michigan	Field examiner	2,900.00	125.00
Graw, Adolph Eugene, C-1330871	Louisiana	Dentist	3,700.00	125.00
Greene, Fred Baxter, C-418534	Oregon	Assistant to disbursing officer	2,160.00	165.00
Gridley, Normal Brown, C-1055501	New York	Member central board appeals	3,300.00	150.00
Haines, William Henry, C-1057336	New Jersey	Physician	2,400.00	150.00
Hall, Jesse Lee, C-257172	District of Columbia.	Rating specialist (medical)	5,400.00	150.00
Hanson, Henry Virgil, C-282325	Minnesota	Physician	4,000.00	150.00
Hasbrouck, Edwin Marble, C-396579	Virginia	....do	4,200.00	150.00
Heeley, Thomas Francis, C-206589	Connecticut	Physician (part time)	1,114.00	150.00
Hemp, Albert Bushnell, C-1240227	Minnesota	Adjudicator	2,900.00	106.25
Hinchcliff, John William, C-424112	Mississippi	Assistant to regional accountant	1,860.00	150.00
Hindman, Samuel, C-328104	Ohio	Physician	4,600.00	150.00
Hobby, Edwain Elmer, C-906074	California	....do	4,600.00	206.25
Holland, Josiah Huttou, C-272569	Wyoming	Physician (fee basis)		165.00
Hooks, Hilary George, C-267547	West Virginia	Regional manager	4,400.00	150.00
Hopkins, Samuel Rice, C-1224859	Illinois	Rating specialist (physician)	3,800.00	187.50
Howard, John Frederick, C-603154	Colorado	Physician	4,600.00	150.00
Howe, John Bell, C-314928	Illinois	....do	4,200.00	150.00
Hoyt, Benj. Franklin, C-448030	California	Physician (part time)	2,400.00	150.00
Howe, Theodore Gilman, C-907028	....do	Physician	4,400.00	150.00
Huff, Scott Miller, C-[illegible]00	New Jersey	....do	4,000.00	180.00
Hummel, Charles Edward, C-240752	Maryland	Contact representative	2,880.00	240.00

Employees of the Veterans' Bureau who have been placed on the list of emergency officers retired with pay February 20, 1931—Continued

Name	State	Bureau designation	Salary	Retirement pay
Ingalls, Henry Allison, C–328278	New Mexico	Physician (part time)	$1,000.00	$340.62
Irion, Edwin Clair, C–654777	New York	Assistant regional attorney	3,300.00	125.00
Jackson, Charles Tillman, C–515427	California	Property custodian	2,900.00	100.25
Johnson, Benj. Priestley, C–1159952	Kentucky	Member central board appeals (occupational).	3,200.00	150.00
Johnson, Edwin Martin, C–1094334	District of Columbia.	Medical officer	4,400.00	150.00
Joiner, William Edwin, C–1280965	Washington	Physician	4,600.00	150.00
Jolley, William Albert, C–892309	Arkansas	....do	5,000.00	262.50
Jones, Edward Barton, C–22281	District of Columbia.	....do	4,600.00	150.00
Jones, Ralph Phillips, C–150874	Colorado	....do	4,800.00	125.00
Kane, Francis Leo, C–118306	New Jersey	Regional adjudication officer	3,300.00	150.00
Kearney, Charles A., C–902014	Idaho	Physician	4,600.00	150.00
Keeler, Claude Charles, C–528515	Minnesota	....do	5,400.00	150.00
Kendall, William Eugene, C–617221	Illinois	Charge of reception service	5,000.00	187.50
Kimbell, Isham, C–1126579	Louisiana	Physician	3,800.00	150.00
Kinsold, Herbert Clark, C–1378994	Pennsylvania	....do	1,800.00	150.00
Kinney, Kenneth Wm., C–496219	District of Columbia.	....do		
Krohn, Arthur Smith, C–497246	Wisconsin	Messenger	1,250.00	150.00
Ladd, John, C–1095633	District of Columbia.	Rating specialist (physician)	5,000.00	150.00
Latham, Ernest Richard, C–1014166	Massachusetts	Regional dental officer	4,600.00	150.00
Lazenby, Karl Kilpatrick, C–1090136	North Carolina	Physician	3,800.00	150.00
Leahy, William Richard, C–1288433	California	Regional medical officer	4,400.00	150.00
Lewis, Benjamin Jefferson, C–409740	South Carolina	Physician	3,800.00	125.00
Liberty, Cyril Ambrose, C–627341	District of Columbia.	Field supervisor	3,800.00	106.25
Lightner, Homer Grayson, C–1249464	Kentucky	Physician	5,400.00	150.00
Lochte, Henry C., C–392330	Louisiana	....do	4,400.00	125.00
Loewy, Ignatz David, C–318761	Arizona	Clinical director	6,000.00	206.25
Long, Henry Donald Foster, C–1089753	Ohio	Field examiner	2,600.00	163.00
Long, William Walker, C–1130497	Alabama	Physician (part time)	2,400.00	150.00
Longino, Dick R., C–1119085	Georgia	Physician	3,800.00	125.00
MacMillan, Marion Blaisdell, C–121094	Wisconsin	....do	4,600.00	187.50
MacNeil, Bernard Chester, C–909547	District of Columbia.	....do	5,200.00	125.00
Maher, Harry Ellsworth, C–1230898	North Dakota	Rating specialist (occupational)	3,200.00	125.00
Malone, Will Hale, jr., C–960177	Georgia	Physician	4,400.00	125.00
Maloney, James Edward, C–1033403	New Jersey	....do	3,800.00	275.25
Malonson, James Henry, C–1015333	Massachusetts	....do	4,200.00	180.00
Manion, Wm. Orville, C–1400933	Oregon	....do	4,800.00	150.00
Marcellus, Marius Breckenridge, C–304178	....do	....do	4,600.00	243.75
Martin, Albert, C–414898	California	....do	4,600.00	150.00
Martin, John Foley, C–1933711	....do	....do	4,400.00	125.00
Matthews, Walter Monroe, C–1322129	Arkansas	....do	4,600.00	125.00
McCaffrey, Hugh, C–541479	Virginia	Adjudicator	2,800.00	116.87
McCrillis, Wm. Wallace, C–1293899	California	Dentist	3,700.00	150.00
McCulloch, David Coyle, C–472132	....do	Physician	4,600.00	150.00
McCully, Rob Roy, C–1044252	Ohio	....do	4,400.00	187.50
McDermott, Bernard A., C–1378436	District of Columbia.	Medical officer	5,000.00	125.00
McDonald, John Thomas, C–1390985	Arizona	Physician	4,400.00	125.00
McDonald, Oral Holmes, C–240926	Kentucky	....do	3,800.00	125.00
McEwen, William Wright, jr., C–1230223	Colorado	Field examiner	2,800.00	125.00
McFarland, Samuel B., C–1293382	California	Physician	4,600.00	150.00
McKnight, James L., C–445490	Arizona	....do	4,600.00	125.00
McNulty, Herbert L., C–1080026	Pennsylvania	Chief engineer	3,200.00	125.00
Metcalf, Arthur B., C–422590	District of Columbia.	Associate civil engineer	3,200.00	100.25
Meyst, Charles H., C–291115	Wisconsin	Physician	4,600.00	150.00
Mize, Harlan E., C–508925	Illinois	....do	4,600.00	150.00
Monroe, Harry S., C–205324	Pennsylvania	Regional medical officer	4,600.00	125.00
Montgomery, Chas. G., C–1357506	North Carolina	Contact representative	2,800.00	150.00
Moore, Paul D., C–1396426	Washington	Physician	3,800.00	125.00
Moore, Roy D., C–308340	California	....do	4,400.00	150.00
Morgan, John E., C–267747	Iowa	Physician (fee basis)		187.50
Myers, John W., C–1182283	Illinois	Associate medical officer	3,200.00	106.25
Nelson, John E., C–1348121	Minnesota	Dentist	4,200.00	125.00
Nelson, Edwin O., C–138275	....do	Physician	4,000.00	125.00
Nevitt, Philip H., C–1169148	Kentucky	....do	4,400.00	125.00
Newquist, Daniel C., C–394626	Iowa	Property custodian	2,900.00	165.00
Newsom, Erle T., C–269059	New York	Physician	3,800.00	150.00
Nichols, John H., C–611392	....do	Personnel clerk	2,100.00	165.00
Niewns, George A., C–150125	Missouri	Physician	4,600.00	125.00
North, Thomas J., C–1143907	Kentucky	Field examiner	2,600.00	106.25
Ochs, Leon M., C–1205779	Missouri	Physician	3,800.00	125.00
O'Ferrall, John T., C–430159	Louisiana	Physician (part time)	1,800.00	150.00
Owens, Wm. H., C–309539	Georgia	Physician	4,400.00	125.00
Park, Wm. E., C–250346	North Carolina	....do	4,600.00	150.00
Parker, Edward M., C–905722	District of Columbia.	Medical member	5,000.00	187.50
Partington, Cyrus B., C–409973	Colorado	Physician	4,600.00	125.00
Patterson, Chas. H., C–199851	Idaho	Rating specialist	3,800.00	125.00
Patterson, Clayton A., C–1272011	California	Regional dental officer	5,200.00	165.00
Patterson, Edward L., C–609776	Montana	Physician	3,800.00	150.00
Patton, John R., C–1405707	Massachusetts	....do	4,200.00	150.00
Penrose, Thomas W., C–313793	Pennsylvania	....do	3,800.00	243.75
Pfeiffer, George E., C–905370	Oregon	Chief, surgical service	5,600.00	125.00
Phares, Willard A., C–1225475	Kansas	Physician (part time)	1,500.00	187.50
Phillips, David B., C–1166391	Ohio	....do	900.00	150.00
Pickett, Geo. Edward, C–411020	North Carolina	Adjudicator	2,800.00	106.25
Pippy, William, C–1351630	Montana	Chaplain	641.00	196.00
Prill, John H., C–1178006	Wisconsin	Physician	3,800.00	150.00
Ralph, Charles Edward, C–903855	District of Columbia.	....do	4,400.00	187.50
Rea, Melvin Oscar C–1320065	Texas	....do	2,800.00	125.00
Reed, Carl Oliver, C–1246431	Maryland	Regional medical officer	4,400.00	150.00
Richards, Granville H., C–146035	New Mexico	Physician (part time)	2,400.00	150.00
Richeson, Austin Bresnen, C–296959	Oregon	Assistant to regional manager	3,200.00	225.00
Riordan, John Kenneth, C–431039	Wisconsin	Contact representative	2,900.00	125.00
Roach, Richard Aloysius, C–1392779	California	Physician	4,400.00	150.00
Robbins, Frank, Carver, C–902846	Maryland	....do	4,600.00	187.50
Roberts, Wm. J., C–548268	New Mexico	....do	4,200.00	150.00
Robertson, Edd LaFayette, C–1379632	Maryland	Rating specialist physician	5,400.00	187.50
Robinson, Guy Frank, C–1393804	California	Physician	4,800.00	150.00

Employees of the Veterans' Bureau who have been placed on the list of emergency officers retired with pay February 20, 1931—Continued

Name	State	Bureau designation	Salary	Retirement pay
Rosenfield, Milton Synder, C–481595	California	Rating specialist	$3,300.00	$106.25
Ross, Cecil Hubert, C–1305679	Alabama	Physician (part time)	600.00	187.50
Rucker, Claude Nelson, C–289008	West Virginia	Regional medical officer	4,200.00	150.00
Ruff, Horace Ewing, C–1321608	Arkansas	Physician	3,800.00	243.75
Saubert, Walter John, C–906127	Illinois	Regional dental officer	4,000.00	125.00
Saye, Wilburn Earle, C–1337370	South Carolina	Specialist, neuropsychiatrist	4,600.00	125.00
Schaeffer, Chas. Edwin, C–1383279	District of Columbia.	Technical assistant	3,700.00	150.00
Scott, Harry Alex., C–313537	Missouri	Physician	4,800.00	125.00
Sedgley, Frank Robert, C–1347438	Minnesota	Chief, Surg. and G. U. Serv	5,600.00	150.00
Sedwick, Wm. Alexander, C–315419	Colorado	Orthopedic specialist (fee basis)		150.00
Selbert, Alexander Wood, C–618268	Arizona	Physician	4,200.00	125.00
Selbert, David Allen, C–365002	Washington	....do	4,000.00	125.00
Severe, Wm. Earle, C–309297	Maryland	Contact representative	2,700.00	106.25
Shamburger, Roland Lamar, C–23515	Mississippi	Attendant, hospital	1,260.00	106.25
Shankle, Henry DeWitt, C–630922	Montana	Physician	3,800.00	150.00
Shelly, Hargus Gerald, C–503849	Kansas	Regional medical officer	4,400.00	150.00
Sherrer, Moses Esson, C–394032	Oregon	Physician	5,400.00	150.00
Sherry, Cameron Banning, C–528020	Texas	Rating specialist (occupational)	3,300.00	106.25
Shewmaker, Oscar Francis, C–389022	Kentucky	Physician	4,000.00	125.00
Simons, Willis Nelson, C–1016826	New York	....do	4,200.00	125.00
Sisson, Howard Robert, C–282524	Pennsylvania	Assistant to regional manager	3,600.00	125.00
Skinner, George Coleman, C–102512	District of Columbia.	Chief medical officer	6,500.00	150.00
Small, John Joseph, C–467751	Pennsylvania	Dentist	3,800.00	150.00
Smith, Albert, C–654899	District of Columbia.	Rating specialist (physician)	4,800.00	125.00
Smith, Dallas Burton, C–225707	Louisiana	Representative of administrator	6,500.00	262.50
Smith, Frederick Jennings, C–1304241	California	Physician	4,600.00	187.50
Smith, Robert P., C–1283805	Montana	....do	5,000.00	187.50
Smith, William Wolff, C–1379239	District of Columbia.	General counsel	9,000.00	187.50
Soper, John Elford, C–210272	Minnesota	Physician	4,200.00	150.00
Starnes, Chas. Emanuel, C–1392334	Arizona	....do	4,600.00	125.00
Steindler, Leo Fleischer, C–313517	Maryland	....do	4,000.00	150.00
Stephenson, William Oliver, C–1423583	Texas	....do	4,600.00	150.00
Stookey, Paul Forrey, C–1224136	Missouri	Physician (part time)	600.00	125.00
Strong, Sneed, C–276881	Texas	Physician	3,800.00	150.00
Thomas, John Donoclift, C–1017507	Massachusetts	Dentist	3,800.00	125.00
Thompson, Harry John, C–613768	Indiana	Physician	4,000.00	150.00
Thornton, James William, C–1257360	California	....do	4,800.00	187.50
Togus, Leopold Theodore, C–247588	New Hampshire	Physician (part time)	1,200.00	150.00
Towler, Gray Bowers, C–538481	New York	Field examiner	2,800.00	125.00
Travis, Robert Raymond, C–321555	Washington	Dental mechanic	2,300.00	106.25
Von Dahn, Howard C., C–1339479	Florida	Medical officer in charge	6,500.00	150.00
Wakefield, John Dillon, C–283048	Ohio	Physician	4,200.00	150.00
Walker, Allen Huddleston, C–298520	Arkansas	Regional medical officer	4,600.00	180.00
Walter, Emil, C–314638	District of Columbia.	Assistant approving officer	3,300.00	250.00
Wang, Charles William, C–1078050	Pennsylvania	Physician	3,800.00	125.00
Ward, E. Alson, C–1322840	Arizona	Secretary to rating board	1,620.00	125.00
Warren, Bacil Augustine, C–561123	....do	Physician	4,200.00	150.00
Wells, Robert Fletcher, C–319756	Georgia	Dental officer	4,000.00	125.00
Weltner, Fred Paul, C–274034	West Virginia	Physician (part time)	2,400.00	206.25
Wheate, Justus Marchal, C–317534	California	Physician	5,400.00	240.62
Wheeler, William Darr, C–322616	New Jersey	Field examiner	2,600.00	150.00
Whitaker, Lee Wales, C–305840	Colorado	Chief, dental clinic	4,200.00	125.00
Whiting, Nathaniel Eugene, C–1243901	Kentucky	Regional adjudication officer	3,800.00	137.50
Whitledge, Herbert Edwin, C–405430	....do	Medical officer in charge	6,500.00	150.00
Wilson, Gordon, C–1381902	District of Columbia.	Physician	2,500.00	187.50
Winemiller, Lee Hanville, C–654689	Colorado	....do	2,100.00	187.50
Woodall, Howard, C–825074	Texas	Clerk (B)	1,440.00	150.00
Woods, Phillips H., C–1090531	Pennsylvania	Regional medical officer	4,600.00	150.00
Woodson, Mortimer, C–1329223	Texas	Rating specialist (occupational)	3,300.00	125.00
Woodward, Roy B., C–1057188	New York	Regional medical officer	4,400.00	125.00
Worthen, Jesse Montgomery, C–320431	Washington	Physician	3,800.00	150.00
Wyatt, Frederick Leroy, C–349167	Alabama	Rating specialist (occupational)	3,400.00	165.00
Wyatt, Hamlette G., C–455837	Arizona	Chief, dental clinic	4,200.00	125.00
Yates, Riley Barber, C–498591	Wisconsin	Physician	3,800.00	150.00

EMERGENCY OFFICERS RETIRED WITH PAY WHO ARE NOT BUREAU EMPLOYEES

ALABAMA

Name, C number, and amount retirement pay

Andrews, Landoff Watson, C–905331	$125.00
Amos, Sidney Russell, C–701494	106.25
Armour, William S., C–1305523	
Bates, Cecil F., C–188914	125.00
Bell, Harry Walton, C–1309615	150.00
Benners, Allen Cadwalader, C–223374	125.00
Bennett, Harvey E. (guardian, Mrs. Irma B. Bennett), C–1308576	125.00
Bond, Farrar W., C–192634	106.25
Bower, Orman, C–156692	23.75
Boyd, Austin Francis Jefferson (guardian, A. G. Boyd), C–453072	150.00
Brown, Charles Hunt, C–285585	150.00
Brown, Henry Ben, C–158083	125.00
Brown, Raymond R., C–1137424	180.00
Brooks, Rezo, C–1308004	125.00
Burns, Robert Abraham, C–1307641	225.00
Campbell, Elmer Bernard, C–366932	150.00
Campbell, Hugh S., C–466076	106.25
Chaffin, William Henry, C–159152	195.00
Clark, Oscar, C–607178	195.00
Coker, Lorenzo Dow, C–605653	165.00
Coleman, John C., C–601358	165.00
Comer, Travis L., C–283354	150.00
Davis, Harwell Goodwin, C–220610	$187.50
Dew, Charles, C–326918	106.25
Dixon, Frank M., C–157132	106.25
Dobbins, Robert A., C–1309521	165.00
Downing, Elisha, C–1306050	150.00
Esslinger, Joseph P., C–1127782	165.00
Fallaw, Thomas Howard, C–1303407	180.00
Dabney, Malcolm Grant, C–239131	150.00
Faris, William Elbert, C–1128611	150.00
Faulk, Wallace H., C–614054	165.00
Favors, George William, C–389215	180.00
Freeman, John Inzer, C–1331022	150.00
Gilchrist, John Porter, C–278240	125.00
Gillespie, Robert James, C–806815	125.00
Glenn, George Arrington, C–1305403	187.50
Green, William M., C–557047	162.50
Hagood, Middleton H., C–1311356	206.25
Harris, Charlton Sidney, C–1333939	125.00
Hartmann, Charles, C–427334	125.00
Henley, Courtney Scott, C–413534	150.00
Hicks, Josiah Carney, C–479433	125.00
Hildreth, Francis Marion, C–505228	195.00
Hooper, John William, C–14748	150.00
Hubbard, Graph John, C–1303722	250.00
Inge, Francis Marion, C–207759	150.00
James, Hudnall, C–166660	106.25
Jeffers, Lamar, C–462965	225.00
Jeffers, William H., C–1300663	106.25
Johnston, Ira Leonidas, C–379000	150.00

Jordan, Headley E., C-1303634	$125.00
Kelly, Richard Bussey, jr., C-1128934	180.00
Kelly, Samuel Bledsoe, C-1309339	137.50
Langley, Orlando Velpeau, C-134528	125.00
Lawton, Walter Terrell, C-458926	125.00
Legare, Julien Keith, C-195047	150.00
Leopold, Elmer Edward, C-388718	106.25
Lewis, Thomas K., C-541832	150.00
Long, Francis M., C-1134598	125.00
Long, John P., C-1310169	206.25
Maura, Frank Rutledge, C-258002	187.50
May, Clarence H., C-506912	106.25
McCalla, William A., C-240606	218.75
McMeans, Heath L., C-1304436	180.00
Meade, Ray, C-261509	125.00
Messer, Glenn E., C-561539	106.25
Moon, Hartley Allen, C-344047	225.00
Moore, Ernest Abram, C-329382	150.00
Mumford, Louis Sinclair, C-256995	150.00
Muse, George Peary, C-1311397	106.25
Newell, James Kirk, C-1126995	125.00
Newsome, John Parks, C-543542	150.00
Northington, James Levi, C-8357	125.00
Osborne, Ollie F., C-522799	127.50
Pace, Fulton, C-1302041 (guardian, Mrs. Mary Zeph Pace)	125.00
Parker, Ralph E., C-1305900	106.25
Patterson, Albert Love, C-462714	125.00
Peabody, Frank, C-140686	206.25
Perry, Clarence Thomas, C-1303558	125.00
Peters, William Marcus, C-1302648	150.00
Phillips, James H., C-150449 (guardian, A. B. Phillips)	125.00
Phillips, George Wendell, C-385525	106.25
Pollard, Emmett Eugene, C-1135100	125.00
Rademacher, Fred M., C-230750	150.00
Rankin, Howard Payne, C-884491	165.00
Reid, Thomas Campbell, C-789510	150.00
Robbins, William Jesse, C-133736	125.00
Rowell, James Thomas, C-299963	125.00
Sanders, John Gillis, C-235405	150.00
Sauls, Charles E., C-1133058	125.00
Scales, John Perkins, C-382898	125.00
Schwarz, Joseph, C-1308703 (guardian, Leon Schwarz)	150.00
Shaffer, John P., C-1307649	106.25
Simpson, Robert Tennent, jr., C-1304013	150.00
Sisson, Charles Newton, C-160577	150.00
Smith, Emmett Preston, C-1300873	150.00
Speight, Oscar Cobb, C-1324139	165.00
Staggers, William Llewellyn, C-165752	125.00
Steiner, Robert Eugene, C-1311627	375.00
Summers, Edward Henry, C-464963	137.50
Sutcliffe, Charles William, C-276591	150.00
Teague, Albert G., C-1133359	106.25
Thompson, Herman Winkler, C-412114	180.00
Waller, Luther H., C-1301076	125.00
Walthall, Junius Leigh, C-350414	187.50
Walker, George Vincent, C-381541 (guardian, Mrs. Erin L. Walker)	125.00
Ward, William Taylor, C-445502	125.00
Weatherford, Zadoc Lorenzo, C-501799	125.00
Williams, John Henry, C-285352	125.00
Williamson, Thomas N., C-1307115	125.00
Winslett, Edmund J., C-1306533	125.00

ARIZONA

Andrews, Lloyd James, C-272207	106.25
Blechacz, John William, C-235907	125.00
Brown, Wallace A., C-331730	106.25
Clarke, Everite M., C-698331	106.25
Clohessy, Timothy T., C-123270	125.00
Cook, Charles Francis, C-1047164	106.25
Cogswell, Sterling C., C-1044635	125.00
Courtney, Gerald, C-1009370	125.00
Davidson, Henry C., C-1036918	127.50
Davis, John Paul, C-180390	106.25
Dittmar, Charles F., C-1042393	150.00
Dolman, Carroll George, C-1266791	150.00
Edwards, Bryant Benjamin, C-394711	137.50
Fairgrieve, Russell B., C-1415298	150.00
Filer, Burrit Boynton, C-905443	125.00
Gatterdam, Eugene Alfred, C-475506	125.00
Gignilliat, Thomas H., C-1059422	106.25
Greene, Belville Foble, C-512565	125.00
Greene, Paul Clinton, C-279418	125.00
Haefer, Oscar, C-136649	125.00
Hampshire, Claude Carlyle, C-266567	125.00
Hardy, Ernest M., C-522930	125.00
Harring, Neil Houten, C-1196517	165.00
Henning, Oswald F., C-20361	165.00
Hobgood, Guy, C-392838	106.25
Hough Henry A., C-1393548	125.00
Howard, Lewis H., C-1090340	150.00
Jurden, George Bantly, C-1197000	106.25
Kehn, Marvin A., C-1296433	125.00
Kibler, Charles S., C-1263791	150.00
King, Winfield Scott, C-740179	150.00
Kleinsmid, James Archibald, C-176436	150.00
Kryse, Edmund Andreas, C-412863	150.00
Lawhead, Simon Stiffler, C-1268766	$125.00
Lawrence, James Jackson, C-290384	137.50
Lewis, Edward, C-280687	125.00
Mahoney, Dan Lawrence, C-463910	125.00
Mahoney, Vernon L., C-1134798	125.00
Marschall, John Hall, C-906201	106.25
McDowell, Coy Russell, C-905499	116.87
McGuire, James Alexander, C-320649	125.00
Mock, Robert Leroy, C-1390069	150.00
Monical, Grant Stafford, C-1261701	150.00
Moore, Claude Merrill, C-175305	150.00
Moreno, Joaquin Fermin, C-396082	125.00
Nash, Elmer C, C-1326933	106.25
Nelson, Rufus R., C-190790	165.00
Paquin, Albert J., C-454151	106.25
Peck, Franklin Joseph, C-1272512	125.00
Pedersen, Inar Aubert, C-351279	165.00
Phillips, Charles Lawrence, C-1260543	106.25
Pundt, Augustus N., C-1338087	106.25
Ramsey, John Thomas, C-1375141	125.00
Randle, Cole Theodore, C-244078	125.00
Ricuifi, Robert Marion, C-523031	106.25
Riley, Eugene, C-537188	150.00
Roemer, Fred A., C-243585	125.00
Rogers, Richard Lyman, C-1222028	106.25
Scheerer, George William, C-1395790	125.00
Schneck, Maximilian R., C-347775	106.25
Schoening, Edward Herman, C-1271510	106.25
Sligh, Sidney Boughtnight, C-106312	106.25
Smith, Walter Clarence, C-587562	125.00
Sponagle, James Milton, C-1265302	125.00
Sprietsma, William Miles, C-470366	106.25
Swain, Yolland Francis, C-385647	125.00
Telford, Robert Eugene, C-1344528	125.00
Thompson, George, C-366463	106.25
Twitchell, Frederick Martin, C-346227	106.25
Tyson, Alfred, C-347825	137.50
Van Horn, James Byron, C-300601	165.00
Walker, John Charles, C-384383	106.25
Warren, Harry Pratt, C-567214	150.00
Weatherford, Thomas Leeroy, C-232282	125.00
Wilson, Marcus Earl, C-1325647	125.00
Wray, James Garrett, C-398553	106.25
Wright, Austin Charles, C-905836	125.00
Yellott, Richard E., C-441695	150.00

Supplemental list

Konold, Heischel Scott, C-1055383	150.00
Wright, William A., C-1275253	106.25

ARKANSAS

Abington, William H., C-396365	243.75
Angus, Robert Morton, C-365693	243.75
Applegate, Timothy Page, C-158555	106.25
Baird, William Granville, C-1427776	187.50
Ballard, George Clinton, C-398095	150.00
Baker, William Pitt, C-905201	165.00
Barrier, Leonidas Forister, C-1288906	150.00
Bevans, Albert B., C-1293933	106.25
Booth, George Myers, C-445444	106.25
Boyce, Samuel G., C-153165	125.00
Brown, Hugh Torrence, C-1425739	187.50
Browning, Eugene Rutledge, C-60401	125.00
Bruce, Walter Hugh, C-390676	240.62
Brunner, Frank Joseph, C-259930	106.25
Burk, Edmond F., C-314661	125.00
Burns, Coleman D., C-526731	180.00
Castleberry, Frank Lawrence, C-325318	150.00
Clark, Charles Buford, C-386318	125.00
Crandall, John Aston, C-1337779	150.00
Decker, Joseph Shelby, C-14908	106.25
Ellis, Jeff, C-1326560	195.00
Elkins, Lindsey Robert, C-614624	225.00
Elton, Albert Morten, C-206042	150.00
Felts, Wylie Robert, C-326961	125.00
Fly, Thomas Micajah, C-389911	125.00
Fox, William Spencer, C-249021	125.00
Fraser, Robert Lee, C-151581	125.00
Friberg, John Thompson, C-463651	103.25
Garrison, David Milton, C-1294961	162.50
Halbrook, John Franklin, C-1320068	125.00
Higgins, William Wellington, C-1433204	125.00
Hodges, Guy, C-386907	125.00
Howard, Thomas F., C-380285	106.25
Humble, Terry A., C-1329489	206.25
Jarvis, Ben Charles, C-1291163	138.12
Jeffett, William F., C-198768	150.00
Jenkins, John S., C-240628	150.00
Jones, Isaac Jarrett, C-484094	150.00
Jones, William E., C-1286503	125.00
Judd, Roland Dewitt, C-1286121	125.00
Kelly, Thad Robertson, C-792771	106.25
Kingsworthy, Burton Sutton, C-905239	187.50
Kory, Roscoe Conklin, C-180368	150.00
Kriesel, William August, C-239485	150.00
Leming, Sam Kellough, C-1322899	106.25
Little, Curtis Joseph, C-1430702	-------

Mason, James Pat Dyer, C-504666	$125.00
Mathis, Ross, C-202939	125.00
McKenzie, Ernest Monroe, C-1432014	125.00
McLaughlin, William Heber, C-240066	125.00
McLean, Lucian Lamar, C-1426829	125.00
McWilliams, James L., C-269150	125.00
Means, James Mathew, C-344525	106.25
Mikles, Richard Crockett, C-247735	127.50
Mitchell, William F., C-8740	106.25
Moore, Newton A., C-431036	125.00
Morrison, Joseph F. W., C-577084	150.00
Murrey, James Thomas, C-1327907	125.00
Murrey, Joe H., C-224633	125.00
Palmer, John H. (guardian, Mrs. Anna Mae Palmer), C-1324930	150.00
Peel, David Walker, jr., C-261096	125.00
Pratt, William Ray, C-1324689	106.25
Prichard, Allen Courtland, C-168250	125.00
Privitt, Corbett Otho, C-1427272	106.25
Prothro, Ernest Whitfield, C-1321878	150.00
Purvis, Walter Moody, C-1289949	150.00
Richards, Charles Organ, C-351968	125.00
Rhine, Thomas E., C-1325403	125.00
Roberts, David Carson, C-1321448	125.00
Robertson, Hugh, C-546369	106.25
Robbins, Oscar B., C-907026	125.00
Rohrer, Samuel Jesse, C-337368	137.50
Russell, Martin Butler, C-905444	137.50
Sanborn, Richard F., C-705464	106.25
Steele, Harry Clarence, C-388278	125.00
Steele, John Douglas, C-1327825	137.50
Steele, Raphael William, C-1425324	125.00
Simpson, John Clifton, C-1431489	125.00
Smith, Erasmus Ross, C-1294533	240.62
Smith, Samuel Theodore, C-314019	125.00
Smith, Walter S., C-500246	127.50
Snodgrass, William Anderson, C-272563	187.50
Spillyards, Henry H., C-1323796	125.00
Tapscott, Samuel Thomas, jr., C-1433109	125.00
Thiolliere, Anthony Claudius, C-593984	150.00
Thorpe, Samuel B., C-1427108	150.00
Underhill, John S., C-1294683	180.00
Wallace, Eugene G., C-251967	125.00
Watlington, Abisha Slade, jr., C-1320459	106.25
Walter, E. Winn, C-1327462	218.75
Woods, Frederick Davis, C-404915	150.00
Zooman, Albert Benjamin, C-360102	165.00

Supplemental list

Earle, Edward Henry LaTouche, C-132791	125.00
Haney, Arthur Ceberry, C-774781	150.00

CALIFORNIA

Ackley, George Clark, C-484693	175.00
Ackley, John Felix, C-477451	150.00
Adamson, Dova Wallace, C-211581	125.00
Alberga, Aurelious Pescia, C-400680	125.00
Alberty, Ernest Henry, C-380191	180.00
Ainsworth, Frank Harrison, C-1261300	187.50
Akin, Raymond Alva, C-1391639	187.50
Albert, Paul Brawshaw, C-479318	125.00
Alden, Harry Scott, C-1395890	150.00
Alden, Melvin Allison, C-1197188	106.25
Allen, Charles Bert, C-2943561	106.25
Allen, Frank Elwell, C-297743	106.25
Allen, Richard Earle, C-315042	127.50
Anderson, Bernhard, C-905394	210.00
Anderson, Joseph, C-1270203	106.25
Anderson, Oscar, C-490562	206.25
Andrist, James W., C-1348883	150.00
Andrews, Benjamin Theodore, C-121451	106.25
Anglin, John Franklin, C-659695	125.00
Arce, Louis, C-906787	125.00
Archer, Samuel David, C-325809	125.00
Armstrong, Charles Francis, C-1262045	225.00
Ary, Charles L., C-420468	137.50
Ascheim, Joseph, C-1395340	127.50
Arce, Louis, C-906797	125.00
Askey, Harrison Lemley, C-310075	106.25
Aubrey, Albert J., C-1391508	187.50
Avey, John L., C-1273654	150.00
Bailey, Samuel T., C-243167	125.00
Bain, John S., C-1260974	106.25
Baker, Ernest, C-1271488	116.87
Baker, George Washington, C-288913	125.00
Bales, Ernest Norment, C-1277543	137.50
Ballam, George A., C-526138	137.50
Ballentine, William E., C-511760	125.00
Balsley, Horace Clyde, C-446498	150.00
Banks, Alfred E., C-1391285	187.50
Barbee, John T., C-160362	187.50
Barclay, Edward E., C-1177515	225.00
Barker, Clarence Nichols, C-4267	180.00
Barnes, Gerald Cowenhoven, C-338180	125.00
Barnett, Arthur R., C-1265471	106.25
Barnum, Floyd Elta, C-354426	243.75
Barton, Charles, C-818974	187.50
Bayless, Claud Carson, C-203089	$165.00
Beal, David Cannon, C-607307	106.25
Beaumont, George Davis, C-1397850	150.00
Beckman, Frank Frederick, C-482644	137.50
Behr, Edmond Ellsworth, C-235539	106.25
Behre, John Rufus, C-317467	61.80
Belles, Harry Weston, C-505033	106.25
Bell, Joseph L., C-1283811	187.50
Belyea, James Alonzo, C-850976	150.00
Bennett, Abram, C-495035	106.25
Benton, Culmer C., C-281148	125.00
Berlin, Roscoe Conklin, C-1395872	187.50
Biermann, Carl Frederick, C-232119	162.50
Binnie, John Fairbairn, C-1206148	218.75
Black, Grover Cleveland, C-478170	116.87
Black, Walter L., C-535552	106.25
Blackmer, Laurence M., C-1249750	106.25
Blanchard, Laurence Cleveland, C-258768	125.00
Bland, Raymond L., C-1047316	125.00
Blatherwick, Edwin Gordon, C-565234	125.00
Blodgett, Frederick Charles, C-1261202	165.00
Blomquist, Wallace Hess, C-377837	125.00
Blum, Edward H., C-299592	125.00
Blyth, Godfrey Waring, C-315507	106.25
Boatman, Leslye Martin, C-299026	106.25
Boddy, Elias Manchester, C-137760	106.25
Boley, Albert Leroy, C-415608	150.00
Borst, Fenton F., C-125465	125.00
Boud, Ernest Jemison, C-503101	125.00
Bouldin, Charles Foster, C-474306	165.00
Bowen, Fred Phelps, C-239092	150.00
Bowers, Yarnall L., C-905832	175.00
Boxmeyer, Roy Fred, C-276506	106.25
Boyd, Leonard Claud, C-601734	137.50
Brandon, Herbert Aubrey, C-1271169	187.50
Brewer, Frank Benton, C-1289830	150.00
Brenner, Charles Raymond, C-906123	125.00
Brindley, Reginald Walter, C-524657	138.12
Brittan, Arthur, C-1241027	125.00
Broderick, Eugene James, C-153564	150.00
Brown, Arthur Leon, C-1260353	150.00
Brown, Lawrence Palmer, C-123248	150.00
Bruner, William John, C-905202	111.25
Brya, Francis E., C-1185464	106.25
Buckman, Guy Vincent, C-1395103	106.25
Buell, Ernest Eugene, C-856394	187.50
Burgard, John Clark, C-282827	125.00
Burgess, Fred, C-250521	116.87
Busch, William T., C-502902	150.00
Bushey, Franklin P., C-1028860	137.50
Butler, Lawrence Donald, C-477681	116.87
Butt, Kirk, C-229626	106.25
Byers, James Elliott, C-199639	125.00
Byrnes, Ralph Leonidas, C-272480	206.25
Caldwell, Lester J., C-319857	150.00
Capron, Albert J., C-414093	150.00
Cluen, Raymond John, C-1393218	125.00
Campbell, Daniel R., C-1391071	125.00
Campbell, Robert Augustine, C-233532	150.00
Campbell, Roscoe C., C-21093	125.00
Cantlon, Philip E., C-1394219	250.00
Cargill, John Herbert, C-210033	137.50
Carlin, William Hayes, C-337440	125.00
Carlisle, John Griffin, C-558767	125.00
Carlson, Leonard Henry, C-247053	180.00
Carmichael, Harry Graham, C-1273297	125.00
Carner, Harry Lee, C-255499	125.00
Carter, Allen Atwater, C-340498	106.25
Cartwright, James L., C-302968	106.25
Case, Clarence Arthur, C-1249729	106.25
Cashion, William A., C-1400972	150.00
Cawthorne, Carleton, C-1249957	125.00
Chambers, William James, C-489476	206.25
Chenoweth, Charles Everett, C-420935	195.00
Chidester, Walter B., C-1392081	125.00
Christensen, George Andrew, C-546225	187.50
Christie, Clem Studebaker, C-595224	150.00
Christensen, Walter, C-905808	210.00
Christie, Ralph Conklin, C-325921	150.00
Chute, Parmer W, C-317609	165.00
Church, Percy Clarke, C-1260030	150.00
Cichy, Martin Joseph, C-395917	137.50
Clapper, Manford Marion, C-240187	150.00
Clark, John C., C-663501	106.25
Clark, Robert Burton, C-351747	106.25
Clark, Samuel Gilbert, C-344136	106.25
Clarke, George William, C-1391429	187.50
Clements, Alan Arthur, C-220760	165.00
Cline, Harry X., C-394287	225.00
Clower, Clifford, C-390899	125.00
Cobb, Vaughn M. (guardian, Citizens National Trust & Savings Bank), C-1390180	106.25
Coghlan, Charles Clement, C-200748	106.25
Cohn, Eugene Solis, C-263686	150.00
Cohen, Sydney N., C-206635	195.00
Cole, Okey Kenneth, C-356556	106.25
Colman, Nicholas I., C-328076	106.25

Collier, Lewis Bramwell, C–1272766	$150.00
Collier, Leon B., C–271920	125.00
Collima, Lawrence Dennis, C–1304983	210.00
Commins, Charles Montgomery, C–301911	106.25
Compton, Paul, C–905329	71.25
Comstock, Earl, C–390824	150.00
Conaty, Charles Clement, C–176654	125.00
Conerty, James Matthew, C–899560	125.00
Conley, William, C–312729	116.87
Conrad, Frederick A., C–1395122	116.87
Conroy, Thomas Payne, C–292337	106.25
Cook, Martin Valentine, C–306849	125.00
Cooper, Frederick Herbert, C–525580	137.50
Cooper, John E., C–1378967	187.50
Copeland, John Charles, C–905774	150.00
Coppedge, James Frederick, C–710390	127.50
Cosby, Frederick Nugent, C–239455	187.50
Crawford, Harry Huston, C–315011	106.25
Crawford, Hilary Herbert, C–506754	125.00
Creighton, Christopher, C–1265048	125.00
Crouch, Lloyd H., C–436550	106.25
Crosby, Walter W., C–1393972	262.50
Cross, John F., C–1239584	150.00
Crossman, Edward Cathcart, C–706836	180.00
Cushing, Charles Farwell, C–1223078	125.00
Dailey, Gardner Acton, C–181635	106.25
Dale, George Lawrence Alfred, C–408782	187.50
Dalton, William Burns, C–239082	150.00
Daniels, Cecil Richard, C–905199	106.25
Dashiell, William Allaire, C–235791	125.00
Davis, Arthur Meader, C–138086	106.25
Davis, Brett, C–1390014	125.00
Davisson, William Henry, C–178733	106.25
Decker, Charles William, C–1397332	300.00
Deering, Prentiss Charles, C–265208	125.00
De Lancey, Clinton Charles, C–1271964	150.00
Delaney, Wesley Leonard, C–1305426	150.00
DeMuth, John Gilbert, C–681890	195.00
De Rose, Ralph Marston, C–145710	125.00
Desmond, Michael Ambrose, C–1275079	125.00
Dietrich, Edward, C–198501	125.00
Dillon, William T., C–1393627	195.00
Donahey, William J., C–906451	210.00
Donnell, James Byron, C–321153	125.00
Dorgan, John A., C–1053455	125.00
Dow, Julian Neal, C–12230	150.00
Drake, Daniel Webster, C–1083661	125.00
Draper, Stuart Lull (guardian, Charles F. Draper), C–1284328	106.25
Drugg, Walter Chase, C–279462	116.87
Duby, Theron Samuel, C–206743	125.00
Ducket, John Henry, C–905298	23.75
Duddleson, William Jefferson, C–256706	125.00
Duhring, Frederick Stearns, C–1271719	125.00
Dustin, Cornelius Joseph, C–285624	106.25
Dyson, Henry Baldwin, C–415899	125.00
Eardley, Philip C., C–439463	127.50
Easton, Robert C., C–381873	111.25
Easton, Wilbur Weston, C–187124	106.25
Edwards, Richard, C–157327	106.25
Edwards, Samuel Hamilton, C–1397318	111.25
Eklund, Emil J., C–1266178	125.00
Eldridge, Arthur Clark, C–905310	36.25
Elkington, William Edward Chase, C–636097	30.00
Elliott, Norman A., C–359523	106.25
Ellis, Russell Depuy, C–445560	165.00
Ellsworth, Charles H., C–1254365	150.00
Emerson, Joseph George, C–1173531	125.00
Emery, Nathaniel W. (guardian, Citizens Loan & Trust Co.), C–663745	125.00
Enderle, Maurice Frank, C–450706	125.00
Ennis, Charles Melville, C–585156	125.00
Ericsson, Ralph Bernard, C–473604	150.00
Erickson, Edward T., C–1152437	180.00
Eshleman, John Martin, C–403694	150.00
Evans, David William, C–546069	125.00
Evans, John Benjamine, C–1270850	195.00
Eversen, Osmund, C–1392552	150.00
Eyre, Thomas Taylor, C–419065	150.00
Fahlberg, Ivar Theodore, C–655015	150.00
Fancher, Richard M., C–1428640	150.00
Farrage, James, C–905477	125.00
Farris, James Gillespie B., C–232469	165.00
Faulk, Robert L., C–1325020	125.00
Faugsted, George Edward, C–419203	180.00
Faure, Henry Emil, C–906901	150.00
Felix, Ralph William, C–634134	150.00
Fensch, Francis Elmer, C–1270018	125.00
Ferguson, William Hastings, C–1393110	187.50
Fiechter, Walter, C–226365	150.00
Field, Harry Gooding, C–1394609	237.50
Fields, David B., C–1269106	150.00
Filler, Alfred, C–905862	56.25
Fitts, Buron Rogers, C–289465	106.25
Fitzpatrick, Charles B., C–1266501	150.00
Fitzsimmons, James Thomas, C–906373	56.25
Flamm, Roy Harrison, C–120277	116.87
Flanagan, Joseph M., C–361243	125.00
Flynn, Bernard Andrew, C–306272	$125.00
Fogerty, Clement A., C–281302	150.00
Folkedahl, Joseph Benjamin, C–374514	116.87
Fosdick, Harold Esmond, C–1264465	195.00
Fowler, Frank Herbert, C–230199	281.25
Fox, Robert Myron, C–578242	150.00
Frary, Louis Allston, C–1272498	125.00
Frederick, George Otto, C–279499	125.00
Freedman, Charles Stanton, C–342906	187.50
French, William P., C–531928	150.00
Frisbee, Edward Barton, C–489240	125.00
Frost, Charles McNaughton, C–364446	225.00
Furlong, Hartley, C–391467	106.25
Fysh, Kenneth H. P., C–581015	106.25
Gadeberg, Peter M., C–1259199	206.25
Gain, Clint Bon, C–1390674	180.00
Gallagher, George Lemon, C–1396760	218.75
Gantz, Solomon Joseph Z., C–497971	150.00
Garman, Ory W., C–460401	243.75
Garoutte, Earl P., C–268528	106.25
Garrette, Edwin Charles, C–350714	106.25
Garvey, Phil Francis, C–527933	106.25
Gerlack, Alvin, C–332474	106.25
Gerstenkorn, Max (guardian, E. G. Twogood), C–1265518	127.50
Gerstenkorn, Roy Edward, C–584710	125.00
Gibson, Florian Greenleaf, C–447824	106.25
Giddens, James Alfred, C–1394831	56.25
Gilbert, Roy Olson, C–353777	106.25
Gillen, Harry Samuel, C–473412	106.25
Gilliam, Rexie Emmett, C–313271	137.50
Gilliland, Eugene William, C–1392861	125.00
Gilmour, Frederick, C–1267443	180.00
Glasgow, Charles Franklin, C–216547	106.25
Geraghty, John Richard, C–38251	137.50
Godshall, Franklin Meyers, C–238496	116.87
Goetz, Herbert A., C–420307	125.00
Golden, Wesley B., C–460080	125.00
Goldman, Abraham Saul, C–431660	106.25
Grant, Louis Theodore, C–334318	187.50
Grant, William L., C–254837	187.50
Grason, Joseph Clarence, C–197469	150.00
Graupner, Adolphus Ehrhardt, C–383867	150.00
Green, Frank James, C–353527	165.00
Greenwood, Bert McD., C–372389	106.25
Griffin, Charles Francis, C–334300	150.00
Grocott, Albert, C–23541	165.00
Guilfoil, James Anthony, C–226927	125.00
Habegger, Jacob A. (guardian, Maybelle P. Habegger), C–453683	187.50
Hacker, Homer H., C–270616	165.00
Hair, Arthur J., C–232857	125.00
Hall, Thayer Denton, C–255040	125.00
Hammett, Benjamin D., C–1272217	125.00
Hanbery, James Willis, C–26450	125.00
Hardy, Robert Samuel, C–1400075	187.50
Harman, Grover Bernard, C–630898	125.00
Harper, Benjamin F., C–1172940	125.00
Harper, Edgar Ollie, C–279348	106.25
Harrington, Charles Westcott, C–604199	106.25
Harris, Emory Lorenzo, C–216312	165.00
Harris, Roy D., C–1065362	125.00
Hart, Ralph Stacy, C–1390273	187.50
Hart, Trusten Mitchell, C–1274011	125.00
Hastings, John Le Roy, C–180651	125.00
Hatch, William Sherman, C–1269384	187.50
Havlin, Stewart Harry, C–598965	125.00
Hawks, Earl B., C–246387	187.50
Hayden, John Ellsworth, C–432593	106.25
Hayes, Claude Frank, C–13850	125.00
Haysel, Arthur Richard, C–253262	180.00
Head, David Barnett, C–410362	106.25
Healy, Louis A., C–1345035	150.00
Health, Warren E., C–245582	150.00
Heatherly, Maynard, C–905588	46.80
Heckelman, Oren Fritz, C–328094	125.00
Heffelfinger, Miles Akin, C–345670	150.00
Heller, Richard Ignacious, C–266023	106.25
Hendricks, Hyda Holland, C–293516	125.00
Herrell, Arthur B., C–762565	125.00
Hershfield, Ben C., C–1392694	125.00
Herzog, George Kramer, C–237384	187.50
Hicker, Harry DeVere, C–372184	125.00
Hicks, Arthur W. T., C–334310	195.00
Hill, Charles Augustus, C–1035393	180.00
Hill, John Emmett, C–1393279	150.00
Hill, John Young, C–323167	125.00
Hoffeditz, William Lewis, C–327964	150.00
Holloway, Garrett Lafayette, C–494068	125.00
Holmes, Aubrey Foster, C–170044	106.25
Holmes, Glen C., C–1396678	116.87
Hoop, Albert F., C–1266076	175.00
Hopkins, Richard J., C–1003833	106.25
Hornaday, Francis Paul, C–391118	106.25
Hudson, William Julius, C–403811	125.00
Huff, Thomas Sterling, C–304224	165.00
Hughes, Donald Dudley, C–280876	125.00
Hughes, Lotus Graham, C–342750	106.25
Hughey, George Haring, C–283006	125.00

Hull, Ward Wesley, C–272966	$125.00
Hunter, Gilbert Marshall, C–1288282	125.00
Hunter, William, C–723133	137.50
Hurrle, Charles Glyde, C–1269283	106.25
Hurst, George William, C–1272020	225.00
Hurst, Gordon Hyslop, C–466832	106.25
Hussey, Samuel W., C–471787	225.00
Hutson, Edgar Sims, C–600111	150.00
Hyams, Joseph Brooks, C–1394354	67.50
Ingels, Roland Theodore, C–259939	125.00
Ingersoll, Robert LeRoy, C–849010	125.00
Innes, William Henry, C–630906	125.00
Insley, Harry E., C–1261542	180.00
Jacobus, Jesse Jay, C–350103	125.00
Jaeckle, William, C–805944	195.00
Janney, Nelson Wilson, C–1390128	150.00
Jaqua, John Bell, C–135841	125.00
Jarrett, Paul Harrison, C–275375	106.25
Jennings, Thomas Haven, C–1396183	218.75
Jessup, Carl J., C–313058 (Bank of Italy National Trust & Savings Association, guardian)	125.00
Jessup, Albert Hall, C–429352	150.00
Jewell, Howard William, C–142597	106.25
Johnson, Lester Andrew, C–836440	125.00
Johnson, Ainsley Q., C–325917	150.00
Johnson, Alexius E., C–459756	125.00
Jordan, Harry Fiquet, C–1269086	210.00
Johnson, Walter Conway, C–485128	150.00
Johnson, William E., C–434526	165.00
Jones, Alexander J., C–566300	150.00
Jones, Ames Randolph, C–476301	150.00
Jones, Charles Henry, C–1267602	162.50
Jones, Ray Williams, C–478803	106.25
Jones, Robert Riley, C–356535	165.00
Jordan, David Jefferson, C–367250	125.00
Kane, J. Pearce, C–23301	150.00
Karigan, Stephen Edward, C–905360	111.25
Kay, Guy Leslie, C–134596	125.00
Keith, Glenn Russell, C–1266439	125.00
Kellar, Andrew Conley, C–870020	125.00
Kellar, Charles H., C–347798	116.87
Keller, Frank Morris, C–1265016	125.00
Kendall, Herbert Raymond, C–697775	106.25
Kerfoot, Ethelbert Gordon, C–309685	150.00
Kerns, Samuel Milton, C–469718	187.50
Keskey, Charles A., C–696347	125.00
Kieruiff, H. Newton, C–329886	150.00
Killoran, Andrew S., C–1272967	125.00
King, Ernest Harold, C–290647	150.00
King, Paul Arthur, C–358881	116.87
Knupp, Glenn Harold, C–156209	106.25
Koerner, George H., C–1270699	125.00
Koffard, Edward Louis, C–180367	137.50
Koughan, John James Kirwan, C–1262463	187.50
Krone, George Marshall, C–352408	150.00
Kukuck, Frederick Coleman C–1038555	106.25
Kunz, Charles Henry, C–905625	250.00
Kurschinski, Albert, C–282769	106.25
Kutch, Melcherd Heilmer, C–1159732	150.00
Kutz, Forrest Eugene, C–665698	125.00
Lamb, Edward, C–395829	137.50
Lamb, George C., C–1256503	150.00
Lanagan, James, C–1268014	187.50
Lang, Louis Magnus, C–1393020	225.00
Langnecker, Harry Leslie, C–390694	150.00
Langtre, Leon Ferdinand, C–206998	150.00
Lawler, Victor Francis, C–550549	106.25
Lawrence, Golder Israel Riley, C–139436	125.00
Laxdal, Fred E., C–1236131	106.25
Lee, Stephen McMillan, C–1271841	106.25
Levy, Reuben Martin, C–342546	106.25
Lewis, Floyd D., C–291524	187.50
Lewis, Floyd E., C–546076	125.00
Lewis, Richard P., C–1251704	125.00
Lewis, Victor C., C–466550	165.00
Liboy, Frederick, C–318851	150.00
Liggett, Harry Bucher, C–229501	106.25
Lindberg, Albert William, C–282305	150.00
Linden, Robert Royal, C–905497	124.90
Lindsay, Roscoe Theodore, C–319381	150.00
Little, Frederick Eugene, C–299894	106.25
Long, David G., C–285491	116.87
Loudon, Thomas, C–637670	148.75
Lucas, Elmer Isiral, C–328891	210.00
Luck, Everett J., C–526687	137.50
Luden, John F., C–1270637	125.00
Lum, Burleigh A., C–1270802	106.25
Lundberg, Edwin Martin, C–195193	125.00
Luttrell, James Creed, C–360476	125.00
Lutz, Milton Charles, C–477758	125.00
Mabry, William Cary, C–292454	150.00
Mace, Lloyd Russell, C–140672	125.00
Mackie, Julian James, C–1390580	106.25
Macklin, Robert Kirkpatrick, C–382405	125.00
MacLeod, George H., C–1395279	106.25
MacNab, Clayton Leroy, C–585171	180.00
Malloway, Jesse Scharden, C–324297	125.00
Maloney, Clarence B., C–444800	$125.00
Mann, Charles Henry, C–261900	187.50
March, Roy Fuller, C–576287	125.00
Marcus, Samuel Morris, C–325626	150.00
Marr, Elmer Thomas, C–1263346	137.50
Marshall, Henry Foster, C–344677	125.00
Martin, Robert Grant, C–1191701	150.00
Martin, Thomas Johnson, C–1292590	125.00
Massey, Robert L., C–1273838	125.00
Masterson, John Richard, C–334432	125.00
Mastin, William A. N., C–417616	116.87
Mattair, Lewis Henry, jr., C–265502	125.00
Matthews, Alfred Ira, C–334393	150.00
Mayes, William Mayer, C–312396	106.25
Mayne, William, C–1396447	187.50
Mayne, William Hawthorne, C–1393106	150.00
Maul, Thomas, C–264547	106.25
Marxmiller, Harry George, C–224709	187.50
McBrady, William Joseph, C–307920	180.00
McCampbell, Basil D., C–850988	106.25
McCarthy, William Ellis, C–1263164	150.00
McCoy, Anderson E., C–905880	137.50
McCullough, William Andrew, C–1394943	130.00
McCune, Murray Mars, C–124768	106.25
McDermott, James H., C–622760	150.00
McDowell, John, C–377721	125.00
McFaul, William D., C–1250070	165.00
McGrath, James George, C–1270847	150.00
McKinnon, Harold R., C–546320	125.00
McLarney, John Francis, C–1264215	180.00
McMurdo, Percy F., C–1090314	180.00
McQuary, Arthur Garfield, C–905512	106.25
McRae, Donald Murdock, C–1393887	150.00
Meloy, Lawrence Vinton, C–157063	106.25
Mentzer, Francis Carol, C–145531	150.00
Meyer, Henry William, C–338082	125.00
Miles, John Adams C., C–1264058	125.00
Millard, Alfred, jr., C–170196	125.00
Milledge, John, C–773382	180.00
Miller, Earl George, C–623593	180.00
Miller, Jesse Chester, C–248905	106.25
Miller, William Hoffman, C–1145638	125.00
Milliken, Albert A., C–1396578	150.00
Minge, Oliver L., C–452727	125.00
Mingins, Royal Wood, C–329271	116.87
Moir, Lawrence I., C–1263500	137.50
Montgomery, James Richard, C–549122	165.00
Moon, Elmer Louis, C–1274126	106.25
Moore, Clarence Conrad (guardian, Mrs. Kathryn A. Moore), C–1263342	150.00
Moore, Evert Leon, C–905692	71.25
Moore, John Randle, C–331805	106.25
Moore, Monta James, C–354804	137.50
Moreno, John G., C–809482	187.50
Morgan, Robert Ridley, C–1260642	187.50
Morgan, William John, C–341898	150.00
Morgenstern, Arthur H., C–331466	125.00
Morris, Charles L., C–1395324	150.00
Mosby, Ellsworth Charles, C–128433	137.50
Moss, Charles Abraham, C–230545	125.00
Moyer, Bruce Hamlin, C–1393272	125.00
Moyers, Eugene B., C–358911	150.00
Mueller, Carl Stanley, C–300809	106.25
Mulholland, Emmett Paul, C–486098	106.25
Muller, Frank Louis, C–1324902	187.50
Murphy, George Stewart, C–1273353	187.50
Murphy, Linus J. (guardian, Security First National Bank of Los Angeles, Calif.), C–182589	125.00
Murphy, William J., C–190835	106.25
Murray, William K. (guardian, Mrs. Gertrude N. Murray), C–312343	187.50
Myers, Thomas Baxter, C–1272086	165.00
Neighbors, Sidney Webster, C–1263619	125.00
Neil, Matthew, C–54119	71.25
Newlon, Benjamin Franklin, C–342812	125.00
Nevius, John Wilson, C–267996	125.00
Newlove, John Wesley, C–340375	125.00
Nickerson, George Payne (guardian, George P. Anderson), C–263557	187.50
Nilsson, Nils, C–1267285	206.25
Nink, John Julius, C–1320272	106.25
Norman, Ransom Lee, C–1269580	137.50
Nugent, William Angus, C–407505	116.87
Null, Marion M., C–467970	187.50
Park, Durward B., C–1396668	150.00
Parks, Ion Watson, C–777555	125.00
Parrish, Earl Thomas, C–248126	125.00
Pate, Robert Edward, C–905475	36.25
Pease, Tapley Harold, C–862147	150.00
Peebles, Dudley Colin, C–1217031	125.00
Pelton, Harold Phillips, C–605796	165.00
Pelton, Hazlitt Lee, C–1269150	125.00
Peretzky, Stephen, C–1390764	71.25
Petch, Thomas Robert, C–317581	150.00
Peterson, Howard P., C–1037760	106.25
Phillips, John Jacob, C–786621	225.00
Pinder, Joseph William, C–1269540	165.00

Pinkerton, Benjamin G., C-1264316	$150.00
Pittman, William P., C-1050365 (guardian Harriette B. Pittman)	116.87
Poole, Richard Ernest, C-406473	125.00
Pope, Langdon Andrew, C-1165275	106.25
Portman, Andrew Nelson, C-315294	106.25
Postin, William Roland, C-1392304	150.00
Pracy, Joseph Idell, C-1394229	106.25
Pranteuf, John, C-1323642	71.25
Price, Harold Willis, C-232624	106.25
Price, Luther Glynne, C-622345	125.00
Prideaux, William Dowing, C-1093917	240.62
Prior, Roger Wellington, C-282592	106.25
Purcell, James Joseph, C-636904	36.25
Quint, Frederick Leland, C-283367	125.00
Quinn, John Robertson, C-1266060	150.00
O'Brien, Edward Lawrence, C-1195150	150.00
O'Connor, Cornelius, C-1270677	150.00
O'Dell, James M., C-1281623	125.00
Oesch, Edward Dee, C-1263931	125.00
Orr, Charles Lowry, C-513273	125.00
O'Hara, Charles Joseph, C-257378	106.25
Olson, Berto Alexander, C-612514	180.00
Radtke, Leonard B., C-174643	116.87
Radke, William Lynn, C-277087	125.00
Randall, George Borand, C-1280628	150.00
Randle, Nelson, George, C-239936	187.50
Ratliff, Clinton Pierce, C-1394341	125.00
Rawls, Percy Scott, C-1394818	187.50
Rea, James Glen, C-247282	125.00
Read, Francis T., C-268169	125.00
Reagan, Aloysius Henry, C-190150	125.00
Reese, Neilson Walker, C-211731	106.25
Reeder, Harry Calvin, C-1390282	125.00
Regan, John H., C-1210771	125.00
Repass, Merle Marion, C-316991	106.25
Rexroad, Charles A., C-226463	150.00
Rice, Harold Edwin, C-340020	106.25
Ricciardi, Attilio, C-413554	106.25
Richards, Alma W., C-376319	125.00
Richardson, Benjamin H., C-209156	125.00
Richardson, George Henry, C-1396338	150.00
Rickert, Charles B., C-905231	150.00
Riehl, Louis Arthur, C-1261054	106.25
Ritter, Clair A., C-1326121	106.25
Roberts, Jay Gilbert, C-171051	150.00
Roberts, Ralph Smith, C-348854	150.00
Robinson, Charles Stuart, C-1391222	150.00
Robinson, Edward McCready, C-163017	195.00
Roemer, Albert John, C-459576	106.25
Rogers, Elmer Hanson, C-391696	187.50
Ronan, John P., C-1393790 (guardian Farmers & Merchants National Bank of Los Angeles, Calif.)	150.00
Ross, Frank Emory, C-906863	150.00
Royle, William Henry, C-823175	125.00
Rubin, Earl Victor, C-333290	125.00
Rucker, Julian Henry, C-417803	106.25
Rucker, Winfred Leeper, C-905418	150.00
Ruoff, William, C-244273	150.00
Ryan, Alexander, C-856296	187.50
Sanchez, Gilbert Joseph, C-385892	106.25
Sandow, Bruno Francis, C-905377	150.00
Sanford, James Robert, C-337159	125.00
Sanford, William James, C-1199192	106.25
Sattig, John Henri, C-463034	180.00
Saunders, Clark Edward, C-264963	150.00
Savage, Seth Hubbard, C-12930	125.00
Saxe, Louis Bernard, C-1345383	106.25
Schenk, Lawrence Peter, C-330038	125.00
Schmid, John, C-292062	165.00
Schmidt, John Hans Adam, C-152332 (guardian, Mrs. Helena M. Schmidt)	106.25
Schroeder, Otto Frithiof, C-1391611	187.50
Shupe, Norris J., C-1393009	187.50
Schwabland, William Tecumseh, C-1396107	125.00
Schwarz, Theodore Edward, C-338718	187.50
Scott, Thomas Winfield, C-274056	125.00
Scott, William Robert, C-265640	150.00
Sebree, Guy Ollis, C-755062	106.25
Selvage, Eugene S., C-288843	106.25
Seymour, Lewis, C-20920	243.75
Shalar, Elmer Matthias, C-498455	106.25
Sharon, Walter Edmond, C-1278510	112.80
Shaw, jr., Arthur J., C-509006	125.00
Sheean, Joseph Raphael, C-1277327	125.00
Sheinutt, Zepheniah, C-446038	125.00
Shiels, George Franklin, C-1260921	187.50
Shumaker, Ray, C-1271681	106.25
Slater, Francis Clyde, C-258573	106.25
Slattery, Frank E., C-1265031	125.00
Sloan, Orville Joseph, C-1214453	125.00
Simpson, Monroe Tilden, C-905253	250.00
Simpson, William Henry, C-905749	165.00
Simmons, Virgil, C-281949	106.25
Simon, Harold Kiel, C-311575	116.87
Siprelle, Chester D., C-1391918 (guardian, Mrs. Anna R. Siprelle)	150.00
Slater, Elvin Wilson, C-1393527	$125.00
Smith, Bashford, C-345419	125.00
Smith, Charles Edward Wingate, C-598783	106.25
Smith, Charles L., C-396995	106.25
Smith, Edgar W., C-313519	125.00
Smith, Edson S., C-166262	106.25
Smith, Jackson Harold, C-320986	150.00
Smith, James William, C-653755	125.00
Smith, Joseph Stanley, C-325339	106.25
Smith, Robert Lewis Irvine, C-239667	187.50
Spears, Gayle Noa, C-1269759	126.25
Spencer, George Franklin, C-1441010	125.00
Spigelmyre, Ford Ellsworth, C-384070	165.00
Spicer, Morgan V., C-836424	125.00
Stamm, Walter William, C-116957	125.00
Steffy, John Logan, C-1392013	125.00
Stanfield, Clarence Marshall, C-1245332	106.25
Stanley, Winslow Charles, C-172545	106.25
Stephenson, Lloyd Tevis, C-1272780	165.00
Stewart, Firman E., C-464350	106.25
Stewart, Luther Philip, C-347349	250.00
Stillwell, Richard C., C-1275580	116.87
Straus, Louis Freeman, C-1346402	137.50
Strathen, Frederick, C-1272081	150.00
Strayer, Elmer Clyde, C-526473	125.00
Stromee, Leo Albin, C-239660	180.00
Strong, Frank, C-124940	125.00
Stuart, Edward, C-1395838	187.50
Sullivan, Daniel Joseph, C-905290	71.25
Sullivan, Walter James, C-388968	150.00
Sutliff, Howard D., C-340008	106.25
Swank, Omer Edwin, C-332101	106.25
Swift, Percy Edward, C-204757	125.00
Swinney, Raymond Woodridge, C-1224725	125.00
Sunderland, Carl Francis, C-1396152	165.00
Symes, Clarence Donald, C-609673	150.00
Taggart, Gilbert League, C-182865	137.50
Tannehill, Charles Monroe, C-1268401	116.87
Taylor, Ben Bradley, C-364590	116.87
Terry, Vinal Smith, C-231317	150.00
Thayer, Wayne, C-206686	125.00
Thickstun, Dorsey Woodruff, C-369826	281.25
Thomas, Walter L, C-157696	165.00
Thompson, Herbert Lloyd, C-413030	150.00
Thornberry, Risher W., C-1272397	165.00
Tibbals, Carl L., C-1392259	125.00
Tillson, Frank Cephas, C-294651	106.25
Timme, Arthur R., C-1264652	125.00
Todd, Dorian E., C-1260508	106.25
Toft, Paul Lewis, C-905232	71.25
Topping, Moses Hawkins, C-310722	125.00
Touchstone, Grady Russell, C-337513	125.00
Tucker, Glenn Albert, C-905508	127.50
Tureck, John Charles, C-905386	71.25
Turner, Ben E., C-264018	125.00
Turley, Jay, C-249643	150.00
Turner, Kenneth Beymer, C-411777	187.50
Underhill, Alvin J., C-1270014	106.25
Upton, Ford Jewett, C-166169	125.00
Uznay, Charles Haskell, C-242419	106.25
Van Burgh, Lisle R., C-205981	137.50
Vanderwerf, Howard Witzel, C-391291	106.25
Van Deusen, Edward T., C-1016963	106.25
Vanderlin, John H., C-1274960	125.00
Van Gent, Conrad Eugene, C-410714	125.00
Van Gilder, Frank Ralston, C-298729	137.50
Vega, Frank A., C-1272007	187.50
Vickers, Edward William, C-234812	106.25
Vincent, James Attmore, C-290654	150.00
Vollee, William H., C-710169	165.00
Vollmer, William Steiner, C-413897	106.25
Vollenweider, William F., C-434503	116.87
Wahl, Edward W., C-372561	150.00
Waidelich, Arthur George, C-654847	125.00
Waldo, Herbert S., C-1263511	106.25
Walker, Revello Monroe, C-637147	36.25
Warnick, Arthur Gould, C-1200302	106.25
Washburne, A. Jay, C-1274924 (guardian, Mrs. Emma E. Washburne)	200.00
Wasson, James T., C-847122	125.00
Watner, David Isaac, C-446044	106.25
Watson, Joseph Twichell, C-320051	165.00
Watson, John C., C-209157	150.00
Waybur, Robert Rehn, C-906852	125.00
Weber, Adolph Gottig, C-1267954	150.00
Wedgwood, Dean Richard, C-1397663	125.00
Weirick, Arthur M., C-221037	125.00
Welsh, Rex Earl, C-282647	106.25
Wemple, Emmet Le Roy, C-1394499	187.50
Wessels, Arthur Lewis, C-1265687	125.00
Whaley, Harry Rex, C-1283311	106.25
Wheeler, Harry L., C-1274408	125.00
Whiffen, Roscoe Albert, C-163360	150.00
White, Albert Blakeslee, jr., C-428317	125.00
White, Charles F., C-1267775	125.00
White, Leslie Gordon, C-621103	125.00
White, John Roberts, C-702536	218.75

Whitehead, Joseph Lloyd, C-310606	$106.25
Whiteside, Robert Banning, C-291800	106.25
Whitmore, Frank Beach, C-221665	150.00
Whittaker, John Henry, C-1438838	125.00
Whitthorne, Harry Sherman, C-493784	150.00
Wicoff, Weir Willis, C-502532	150.00
Widmann, Jesse Everett, C-78847	125.00
Wild, Carl, C-188976	125.00
Williams, Elbridge Thayer, C-377720	106.25
Williams, John Marshall, C-721492 (guardian Mrs. Harriett A. Williams)	106.25
Williams, Kenneth Alston, C-1265313	106.25
Williams, Levens Day, C-295693	165.00
Williams, Ray Terry, C-316726	137.50
Williams, Walter Albert, C-403652	125.00
Wincher, Ellsworth Milton, C-1050808	125.00
Winner, William Lane, C-415167	106.25
Winter, Hugo, C-905604	71.25
Wirths, Carl William, C-306781	125.00
Wiser, Frank Clayton, C-310062	240.62
Wishard, Harry Albert, C-1271672	125.00
Wojtkowski, Louis, C-27679	137.50
Wolcott, Lester Oren, C-203325	125.00
Wolf, Lester M., C-464408 (guardian Rose Foorman)	106.25
Wooldridge, Jesse Walton, C-476058	187.50
Woolley, Paul G., C-1393479	187.50
Worley, Earl Raymond, C-1228781	125.00
Wright, Francis McGonigle, C-1270066	106.25
Wright, Linn Clinton, C-621919	125.00
Wright, John Richard, C-689078	106.25
Wright, jr., Marcus Joseph, C-17796	148.75
Wuttke, Paul, C-558543	180.00
Wyckoff, Harry W., C-498178	106.25
Wygant, Robert Cecil, C-353683	150.00
Wyman, William McKee, C-199141	106.25
Younkin, Daniel G., C-1387	165.00
Young, Jesse E., C-1044404	137.50
Zacher, Vernon B., C-197454	125.00
Zellermayer, Louis, C-215176	165.00

Supplemental list

Barondes, Royal de Rohan, C-1261087	175.00
Barton, Edward Williams, C-287718	150.00
Bash, Henry Edwin, C-458082	125.00
Berggren, Tell John, C-1390668	150.00
Boore, Nicholas Milton, C-1046582	125.00
Fish, Walter Harold, C-1392116	106.25
Fox, Emory E., C-344449	150.00
Green, Maxwell Talbot, C-1391890	125.00
Keyes, Henry Sheridan, C-717529	225.00
Low, Robeson Lea, C-1049261	195.00
McDowell, William John, C-905545	105.00
Murphy, Jesse James, C-202731	116.87
O'Neill, James Henry, C-834602	
Ray, Carl L., C-1114735	150.00
Wheeler, Charles M., C-1396224	150.00

COLORADO

Adams, John Jackson, C-220595	125.00
Barton, Charles Harry, C-559217	150.00
Begun, Hurley, C-1012512	125.00
Bennett, Clarence Wilson, C-1254539	106.25
Bennett, Walter Scott, C-200917	150.00
Brannaman, Ray Harold, C-494608	125.00
Bres, Edward W., C-1256367	125.00
Brown, Clement McCune, C-1256899	106.25
Brown, Morrow Duncan, C-252110	150.00
Brown, Thaddeus Claire, C-310913	125.00
Buckland, William E., C-583749	106.25
Buell, Temple Hayne, C-1251984	106.25
Bush, Bradford Stetson, C-272476	106.25
Callahan, Patrick Henry, C-465178	125.00
Cannon, Adolphus, C-1258564	137.50
Carpenter, Clark Bailey, C-437805	125.00
Chase, John S., C-154280	137.50
Chisholm, Archibald Joseph, C-333460	150.00
Clancy, Richard Elmore, C-165246	125.00
Comn, Roy Gregg, C-1255165	206.25
Coleman, Oscar E., C-556466	125.00
Conkling, Charles Edward, C-238751	150.00
Conlee, Charles R., C-1253421	125.00
Conner, Wayne Asbury, C-1113807	125.00
Cook, John F., C-1250664	125.00
Copsey, Fay Marion, C-369662	106.25
Coughlin, John Patrick, C-1186159	106.25
Cox, Casper Waldo, C-345161	125.00
Craven, Alexander Robert, C-461867	106.25
Edwards, Will Elmer, C-281816	137.50
Eitzel, David Sylvester, C-1254024	150.00
Elliott, jr., John William, C-1246631	156.25
Deems, Irving, C-422630	111.25
Devereux, Louie, C-1296579	125.00
Dickey, Frank Goodrich, C-1253068	125.00
Doud, Ralph S., C-430618	150.00
Driggs, Adrian Agustus, C-394435	125.00
Dunn, Lloyd Carson, C-194277	165.00
Finley, Harry McKever, C-1215431	106.25
Forster, Alexius Mador, C-1257352	$218.75
Frakes, Eugene N., C-119244	125.00
Fuller, John Andrade, C-634168	106.25
Galloway, Albert James, C-398233	106.25
Gardner, jr., Neil E., C-1255671	106.25
Gatchell, Worth T., C-233739	150.00
Goodman, jr., John Bartlett, C-279159	243.75
Goodspeed, Morton, C-1047813	106.25
Gorsuch, John Crittenden, C-285607	150.00
Graham, John Wirt, C-906374	125.00
Green, jr., Berryman, C-526954	150.00
Griffin, Alfred T., C-327060	195.00
Griffin, Maurice Vaughan, C-382694	150.00
Grohman, Louis Joseph, C-1257055	125.00
Guthrie, Carl James, C-1226085	137.50
Hackett, Wayne H., C-421452	150.00
Hall, Robert Keith, C-318727	106.25
Halle, Simon, C-1098106	106.25
Hallenbeck, Vernon Myers, C-1196654	106.25
Harl, Maple T., C-1252925	187.50
Harn, LeRoy Raymond, C-295643	116.87
Hart, Arthur LeRoy, C-390267	250.00
Haupert, Paul F., C-1383499	125.00
Haviland, Harold Colvin, C-1248896	125.00
Hawkins, Leon G., C-354120	125.00
Hawthorne, Edmund, C-1157117	180.00
Haynes, John M., C-218671	137.50
Hearn, Guilford C., C-761029	137.50
Hellman, Frank J., C-458337	106.25
Helman, Carl Henry, C-341199	150.00
Herrick, Myron Collins, C-429782	106.25
Higginbotham, Walter Burke, C-492272	106.25
Holland, Fred Y., C-359554	116.87
Holland, Lew Elmore, C-1254127	125.00
Horn, Wilbur F., C-1327854	162.50
Hunt, William Calhoun, C-375483	116.87
Huntington, Glen Herbert, C-447121	125.00
Irish, Joseph Elder, C-462450	125.00
Jaques, Lawrence, C-707034	125.00
John, Edward Leslie, C-834005	106.25
Johnson, Allison Gaines, C-1253288	137.50
Jones, Charles Arthur, C-1256083	106.25
Jones, Fred Andrew, C-368078	
Jones, James D., C-370351	106.25
Jones, Ralph Cleek, C-187937	
Jory, Herbert W., C-1196174	106.25
Keim, Thurman E., C-303229	150.00
Keithley, Alfred E., C-17938	106.25
Lacewell, Alexander, C-526797	127.50
Laughren, Charles Aloysius, C-1256032	106.25
Lee, James Augustine, C-420688	165.00
Little, Lowell, C-144870	150.00
Lilly, Eugene Joseph, C-1255999	150.00
Livingston, John Lambert, C-657909	165.00
Lunstead, Eugene, C-432609	106.25
Mabrey, Warren Lee, C-1222978	243.75
Marical, James Edward, C-430748	137.50
Masserini, Maurice J., C-598733	106.25
Mann, Earl Washington, C-299203	125.00
Maxwell, William Hurd, C-624633	150.00
McCoy, Earl Warner, C-1332359	125.00
McCrossin, jr., William P., C-624546	150.00
McKie, William Henry, C-1249854	150.00
McKinley, Leo George, C-586912	175.00
Meadows, Turner F., C-488200	138.12
Miller, James Burney, C-1229630	106.25
Mix, Walter S., C-528268	125.00
Moore, Isaac Edward, C-291540	125.00
Morehart, Lee R., C-1218716	106.25
Morrison, Lewis Richard, C-256997	106.25
Mouser, Merrill Kenton, C-670312	125.00
Moylan, Edward Raleigh, C-498175	106.25
Mulcahy, Raymond Francis, C-503751	150.00
Murray, Edgar Claude, C-542192	125.00
Murphy, Edward Sheridan, C-1252557	150.00
Myer, Erskine Reed, C-236137	125.00
Nelson, Charles Ernest, C-230016	125.00
Neuhauser, John Paul, C-308149	125.00
Nimmo, William Thomas, C-517369	106.25
Parks, Ernest Courtland, C-347792	250.00
Parson, Charles Lyman, C-247618	125.00
Pate, Clarence Lee, C-597284	116.87
Peck, Allen Steele, C-272131	218.75
Pennington, Elgar John, C-493416	106.25
Peterson, Evan Emery, C-1396457	106.25
Pettee, Burnell Greene, C-905365	106.25
Philbin, Paul Albert, C-830736	106.25
Pierson, James C., C-1246636	150.00
Potter, William Jerome, C-378645	206.25
Pratt, Harold Clifton, C-464829	106.25
Proudfit, Lucas, C-1102219	125.00
Oakley, Gurney Orlando, C-1257464	180.00
Ohmart, Walter A., C-218195	125.00
O'Kelley, Lawrence LeRoy, C-252820	106.25
Ostrum, Harry Theodore, C-1257060	125.00
Owen, Harry, C-458131	162.50
Owens, Robert Lee, C-390141	150.00
Oyler, David Walter, C-506963	137.50

Quarles, Robert E., C–1246086	$125.00
Quenstedt, Henry Emile, C–1334706	225.00
Raffety, Charles Edward, C–405768	106.25
Rearden, Charles Percy, C–436597	162.50
Reilly, Joseph John, C–509111	150.00
Reynolds, William Houston, C–347806	125.00
Rhea, Robert, C–533510	106.25
Savage, James Allen, C–446041	106.25
Scott, jr., Francis Marion, C–431188	106.25
Sevier, Charles Edwin, C–560735	150.00
Seymour, Charles Edward, C–217226	137.50
Seringer, Schuyler Colfax, C–1202146	180.00
Shackelford, Goddard, C–1255512	187.50
Shafer, Harry Summers, C–1257017	125.00
Shankland, Ralph Graham, C–325909	125.00
Shay, Raymond Arthur, C–444655	116.87
Shepherd, Garnette A., C–1250710	125.00
Sherwood, George Wesley, C–1171273	106.25
Shipp, Tom Lee, C–1258658	165.00
Smead, Burton Armstrong, C–519830	218.75
Smith, Clarence Ray, C–374725	125.00
Smith, Shirley Steele, C–331965	125.00
Smith, Wm. Harry, C–617318	106.25
Smith, William Dudley, C–905799	165.00
Snyder, Floyd, C–239676	106.25
Stockman, George Dryden, C–390398	150.00
Strickler, Glen Wood, C–548434	106.25
Stoker, John Russell, C–1257558	125.00
Stroud, Ira Lee, C–516112	195.00
Swerdfeger, Elbert Byron, C–203611	150.00
Sughrua, Thomas Joseph, C–1191480	106.25
Sutherland, Jim Wilson, C–435688	116.87
Sutton, James Henderson, C–1341737	116.87
Talcott, Carleton H., C–1257054	106.25
Taylor, Joseph Christopher, C–1256355	262.50
Tilly, Cecil Hall, C–1253087	125.00
Thomas, James Rodefer, C–1248549	150.00
Tompkins, Howard Richard K., C–305747	180.00
Troute, Foye R., C–512217	125.00
Utley, Tabor E., C–566850	180.00
Van Sams, Louis, C–1249280	150.00
Wagner, Harry Cecil, C–191906	125.00
Wagner, John Albert, C–386121	106.25
Westfall, Albert Frank, C–1234113	125.00
Wheeler, Bert Lee, C–353327	106.25
Whitlock, Louis H., C–1044861	125.00
Wilcox, Roy D., C–1253583	106.25
Williams, Patrick Henry, C–1226384	106.25
Wilson, Chauncey Groman, C–509094	106.25
Wilson, George Washington, C–434514	106.25
Wilson, Richard Thomas, C–770155	125.00
Wolfgang, George Edward, C–730747	106.25

Supplemental list

Abernathy, James Thomas, C–1305061	106.25
Dozois, George A., C–524593	125.00
King, William Travers, C–598747	71.25
Markland, Hugo Leonard, C–620732	106.25
Null, Charles Elgy, C–338044	125.00
Shipman, James W., C–1254694	116.87
Watson, Harold, C–1255334	150.00

CONNECTICUT

Bennett, Arthur Carleton, C–1021905	210.00
Bruenn, John Joseph, C–473305	106.25
Burke, William Patrick, C–1038716	150.00
Cafferty, Edmund John, C–1028539	137.50
Campbell, Thomas W., C–394960	187.50
Chase, Frank Sanborne, C–571510	106.25
Choate, Donald Hutchinson, C–1049518	106.25
Dabbs, Charles Henry, C–1032386	165.00
Dennehy, William J., C–1045763	150.00
Devine, Joseph James, C–304904	106.25
Dooley, Frank Martin, jr., C–301715	106.25
Fairty, Harry Christian, C–1051740	106.25
Farrington, Edward Chipman, C–348184	180.00
Feegel, John Richard, C–210539	150.00
Fitzpatrick, Edward Earl, C–476957	125.00
Fuessenich, Leonard C., C–1058671	162.50
Garlick, Edward E., C–326582	125.00
Geer, Clarence William, C–368161	165.00
Gettings, James A., C–1046675	150.00
Grant, James Levi, C–141019	106.25
Gray, John Luther, jr., C–239494	180.00
Jenkins, Charles A., C–454914	125.00
Kane, Thomas Robert, C–1037235	125.00
Keefe, Robert Edwin, C–208438	106.25
Kelly, Patrick J., C–267244	116.87
King, Malcolm L., C–14427	106.25
Lawrence, Clinton C., C–1058083	106.25
Ledford, John, C–182153	162.50
Le Houllier, Emerson John, C–330891	125.00
Lewis, Irving F., C–369412	106.25
Loader, Victor H., C–1038918	106.25
Marshall, William Crosby, C–1056063	150.00
McCarthy, John Thomas, C–1048167	106.25
McGuire, Gerald Charles, C–317722	106.25
Morgan, Gerald Michael, C–1022817	$150.00
Morriss, William H., C–506289	150.00
Murphy, Allen Bean Mac, C–240068	106.25
O'Brien, William James, C–1045356	36.25
O'Neill, Edward Gerald, C–306419	106.25
Raymond, Henry Jarvis, C–1043453	125.00
Raymond, Landon Thomas, C–274677	125.00
Richards, Earle Franklin, C–1057889	125.00
Reiman, Conrad Frederick, C–1062459	150.00
Roberts, Allan Kirk, C–1206339	150.00
Scarborough, Clarence Colton, C–256903	125.00
Seigall, Harry Arthur, C–338820	125.00
Smith, Harley Wright, C–1051157	125.00
Smith, Samuel, C–530414	187.50
Spencer, Herbert, C–534000	125.00
Stevens, George Ralsey, jr., C–314421	125.00
Strickland, Daniel Walter, C–1035520	165.00
Sullivan, Jeremiah B., C–1046727	150.00
Ward, James Joseph, C–563622	116.87
Weed, Arthur R., C–446507	150.00
Yaeger, Robert E., C–1029898	106.25

DELAWARE

Bean, Herbert Souder, C–520181	116.87
Darneille, James Franklin, C–1071829	210.00
Gabriel, Harry S., C–786525	125.00
Kenney, Richard Rolland, C–455320	243.75
McCarthy, Robert Patrick, C–289813	150.00
MacNutt, Cecil Crane, C–211900	106.25
Phelps, William Elliott, C–327657	106.25
Porter, Howard Elwood, C–320561	137.50
Porter, Mark Leslie, C–330227	106.25

Supplemental list

McKelvey, William John, C–322800	125.00

DISTRICT OF COLUMBIA

Adams, Raymond Edmond, C–130372	150.00
Adams, Robert, C–1094020	206.25
Anderson, Cecil Henry, C–486285	195.00
Austin, Henry Exum, C–1040000	125.00
Awl, Francis Asbury, C–1091530	180.00
Baker, Richard Royall, C–400933	106.25
Barr, Albert T., C–1095036	150.00
Bartram, Alfred James, C–365110	137.50
Bell, Elmer T., C–1380294	106.25
Black, Ernest W., C–906013	125.00
Bischoff, Marvin Franklin, C–306266	150.00
Boal, Frank Kiskadden, C–1382132	125.00
Boernstein, Sigismond George, C–615385	125.00
Botsford, Norman Lippincott, C–273362	125.00
Bowman, Ripley, C–444463	106.25
Boyd, Robert, C–561814	180.00
Brink, Harrison Steck, C–427846	150.00
Brockway, Charles Leon, C–548191	125.00
Brooks, John Ernest, C–1094110	210.00
Browne, Philip, C–393006	187.50
Browning, John Wells, C–392051	150.00
Burch, Albert S., C–160335	125.00
Burnham, Charles H., jr., C–1094036	125.00
Byers, Jason David, C–905216	111.25
Callahan, Francis Xavier, C–612849	125.00
Campbell, Charles Cleveland, C–1087658	125.00
Carll, Joseph L., C–1087426	125.00
Carroll, John Henry, C–285635	137.50
Carroll, Mitchell Benedict, C–300762	106.25
Carter, Leonard Joshua, C–393018	106.25
Cash, David Pintus, C–1053134	125.00
Cavanagh, John, C–905205	71.25
Cavenaugh, Michajah B., C–255601	165.00
Chamberlin, Arthur Louis, C–376360	137.50
Childs, Clarence Chester, C–303365	243.75
Coe, Henry Clarke, C–1053784	250.00
Coe, Robert, C–531296	200.00
Cogswell, Theodore Lawrence, C–278957	125.00
Coleman, James Johnston, C–703898	106.25
Coles, Malcolm Argyle, C–522405	187.50
Costello, John Thomas, C–554263	180.00
Coumbe, Arthur Garner, C–470304	187.50
Crosby, George Joseph, C–415024	243.75
Cullen, Frederick J., C–297784	187.50
Cupp, Walter Roberts, C–423203	165.00
Davidson, Carlton H., C–231899	150.00
de Poix, Elzear Paul, C–1063796	
Dinger, Jean T., C–360478	125.00
Donnally, John Cotton, C–611461	125.00
Donnelly, Richard J., C–126220	206.25
Donogh, Robert Park, C–654936	125.00
Dougherty, James Lawrence, C–101314	125.00
Dyche, Harry Bernard, C–311373	125.00
Eddington, Walter John, jr., C–606684	165.00
Egense, John N. C., C–1085433	137.50
Eller, Robert L., C–1378074	125.00
Engel, Richard Drum, C–357519	106.25
Everett, Melville Clarence, C–1173675	106.25
Faulkner, Ralph Howard, C–356769	150.00
Fenton, Willard Joshua, C–1226578	125.00

Flood, Peter H. A., C–404718	$150.00
Flynn, Frank S., C–1085744	150.00
Finn, John Francis, C–1091456	125.00
Fortescue, Granville Roland, C–1045017	206.25
Ford, William George, C–375393	127.50
Foster, Thomas, C–906198	150.00
Foy, Bernard Joseph, C–1086249	125.00
Fraser, Donald William, C–239093	116.87
Furbershaw, Arthur William, C–297945	125.00
Gardner, Michael Edward, C–191611	150.00
Godfrey, Michael Francis, C–315357	175.00
Gookin, Edward Richard, C–569805	131.25
Gose, John H., C–322553	125.00
Gallagher, George Dominic, C–1087023	106.25
Gaylord, Charles Henry, C–1090117	150.00
Gibson, Edmond Hannon, C–215722	125.00
Gilbert, Prentiss Bailey, C–313059	150.00
Giovannoni, Joseph A., C–1085016	180.00
Given, Harvey, C–315225	150.00
Graham, Edgar, C–333979	106.25
Greaves, Harrison Adams, C–654898	150.00
Gregory, Joseph P., C–702840	165.00
Grobstein, Albert, C–1377389	106.25
Guthrie, Frederick P., C–1089128	150.00
Haddix, Peter E., C–657908	180.00
Hagans, Marcellus H. P., C–824920	150.00
Hall, Arthur Joseph, C–364511	150.00
Hampton, Edward M., C–1099594	106.25
Harbour, Schuyler Colfax, C–282329	150.00
Hartig, Frank Harold, C–381883	106.25
Healey, Martin, C–318644	71.25
Hermes, Theron Bernard, C–549999	125.00
Hewey, George Austin, C–906533	187.50
Higgins, Francis Lucius, C–1381752	106.25
Hill, Edward David, C–431610	165.00
Himes, William Daniel, C–313440	106.25
Hoffman, Daniel O. N., C–1089086	125.00
Hooe, Abram Barnes, C–1099065	187.50
Horton, Harry M., C–456960	150.00
Howard, James Tunis, C–319950	137.50
Howley, William Timothy, C–571773	131.25
Hoyle, Harry Thomas Lee, C–1247142	125.00
Hunt, John Stuart, C–905426	187.50
Hutchinson, Lester Bowser, C–1265674	150.00
Inman, Edward Keyser, C–364995	125.00
Inge, Berkley, C–256534	180.00
Jacobs, John Martin, C–415154	106.25
Jervey, Frank J., C–303381	150.00
Kelly, Frances K., C–352746	106.25
Kennedy, Harold S., C–1093159	125.00
King, Harry Clifton, C–354028	150.00
King, Nathaniel Sylvan, C–116720	106.25
King, Wm. Albert, C–1379462	
Kingsley Joseph Theodore, C–371760	187.50
Kochli, Fred, C–305124	165.00
Kyle, William H., C–420912	180.00
Lansdale, Geo. LeRoy, C–568138	150.00
Layne, John H., C–494091	106.25
Lee, Lawrence Augustus, C–409545	106.25
LePevre, George Richard, C–164709	150.00
Leister, Fred Everett, C–347827	165.00
Lewis, Harry Turner, C–549498	180.00
Lockwood, Schee Merritt, C–201014	106.25
Loveland, John Winthrop, C–1097322	250.00
McCullough, Leo Joseph, C–526265	125.00
Main, Daniel Carr, C–905347	150.00
Manning, William J., C–325601	150.00
Marlow, Howard Waring, C–301572	125.00
Marquette, John J., C–537194	165.00
Marsh, Walter Roberts, C–1054346	106.25
Matteson, Frederick William, C–1091982	187.50
Matthews, Alfred Watts, C–1376759	106.25
May, Elmer N., C–393732	106.25
Means, Rice W., C–1258444	240.62
Merrill, John Houston, C–1098609	281.25
Miller, William Laval, C–906583	150.00
Miner, Ross Halford, C–1015467	150.00
Mitchell, Iverson Othello, C–1098048	125.00
Moffitt, H. Watson, C–1380425	125.00
Montfort, Louis B., C–1375285	180.00
Montgomery, Outerbridge H., C–1089633	106.25
Mudd, Kostka, C–326998	125.00
Murdock, James O., C–318097	150.00
Murphy, John, C–311442	165.00
Nelsen, Francis Charles, C–1204205	125.00
Norfleet, Robert Edward, jr., C–213090	106.25
Norman, Frank Lawrence, C–1097807	150.00
O'Donovan, John H., C–157368	106.25
Odum, Burillie M., C–308176	125.00
Oulahan, Richard, C–1051505	150.00
Owens, Frank M., C–535512	116.37
Parrish, John Edward, C–1376681	125.00
Perkins, Boyd Wilkinson, C–1381056	195.00
Peyton, Robert Lloyd, C–379692	137.50
Phillips, George Washington, C–1085418	106.25
Picchione, Alfred A., C–502309	106.25
Pillow, Noel Abner, C–354869	106.25
Pinto, Rene Wentworth, C–187801	$106.25
Powell, James C., C–460733	125.00
Prenner, Isadore S., C–1365791	125.00
Pritchard, Frank Arnold, C–400948	106.25
Reece, Brazilla Carroll, C–1379438	125.00
Renshawe, Clarence Winslow, C–324781	125.00
Richardson, Harry Dee, C–322351	162.50
Richardson, Harry F., C–170132	180.00
Riley, Herbert Frank, C–453058	106.25
Riordan, David L., C–401904	106.25
Roberts, Curb E., C–1308193	106.25
Roberts, Thomas Kent, C–472649	116.87
Robinson, Christopher C., C–360392	116.87
Roddy, Norman Leo, C–362321	106.25
Ross, Waldo Alexander, C–358878	150.00
Schaeffer, Lloyd Diehl, C–188960	106.25
Scott, John Reed, C–1378484	218.75
Sewell, Shermont Ralph, C–381189	137.50
Sheehy, John Q., C–565514	150.00
Sheridan, William Franklin, C–905413	34.37
Simmons, Maynard James, C–272108	187.50
Slaughter, Thomas Foster, C–1380932	125.00
Smith, Taylor Bivens, C–297630	125.00
Stancliff, Henry Trumbull, C–1377624	165.00
Stockman, Otto J., C–535381	116.87
Swackhamer, Walter B., C–1397517	150.00
Tall, Otis Jackson, jr., C–1379551	106.25
Thorne, Wilcox George, C–1296489	150.00
Thralls, Francis, C–400518	180.00
Tilghman, George D., C–563306	137.50
Trammell, Harvey Eric, C–347824	137.50
Vane, Patrick Percy, C–905228	71.25
Van Fleet, Joseph Suydam, C–505148	180.00
Van Strum, Henry W., C–1149180	106.25
Wall, Benjamin, C–10500	150.00
Walsh, Harry Anthony, C–356088	175.00
Walsh, Joseph Aloysius, C–1090788	125.00
Walsh, Thomas David, C–296222	125.00
Watson, William Ulysses, C–489435	165.00
White, Joseph Byron, C–1381195	125.00
Wiggins, William Fall, C–567003	125.00
Whiting, Louis Wine, C–330921	150.00
Whitman, John B., C–1087210	106.25
Whitson, William Essex, C–1095300	125.00
Williams, Ashby, C–546678	218.75
Williams, Nathan, C–332269	147.20
Williams, Russell H., C–1088686	137.50
Wilson, Harry Linden, C–429805	165.00
Wise, Charles Edward, C–253228	150.00
Withers, Guy, C–276841	187.50
Wyeth, Nathan Corwith, C–222194	187.50
Yowell, Alexander W., C–225478	106.25

Supplemental list

Harris, Andrew William, C–524998	116.87
Stehman, Cameron, C–284864	162.50

FLORIDA

Abernathy, Charles Vance, C–306279	106.25
Allen, Langhorne, C–618965	180.00
Alley, William Linwood, C–165793	125.00
Andrews, Chadbourne Avery, C–300761	125.00
Ash, Harry Lee, C–158643	106.25
Barcroft, John Dawson, C–817289	106.25
Beale, Charles Lincoln, C–557733	106.25
Beers, William Le Roy, C–1045469	150.00
Bond, Andrew Robeson, C–1336821	150.00
Boyd, John Elliott, C–905359	218.75
Bradley, J. Luther, C–905999	243.75
Brown, Oliver Clinton, C–572163	125.00
Burnley, Edwin Ratcliffe, C–443836	106.25
Burns, John M., C–530413	150.00
Byrd, Charles Brown, C–1336032	106.25
Cain, William Quiggin, C–1254829	106.25
Carmack, John F., C–362153	206.25
Chambers, Joseph Russell, C–373376	165.00
Childs, Arthur Scott, C–325807	150.00
Church, Albert Dean, C–1090050	106.25
Coleman, Arthur W., C–205920	165.00
Cortina, Frederick Joseph, C–320841	106.25
Crank, Paul, C–530633	250.00
Crutchfield, Inman Payne, C–460272	106.25
Decker, George Spencer, C–1010517	150.00
Dempsey, James Samuel, C–1104967	162.50
Dempsey, Walter A., C–504680	187.50
Dew, James Albert, C–1110348	106.25
Dodge, Percy Loraine, C–820637	150.00
Duggan, James Reynolds, C–560580	116.87
Duncan, George M., C–906211	187.50
Echols, Thomas Jefferson, C–1099221	206.25
Edmunds, Henry Reed, C–161927	106.25
Faircloth, Guy Anton, C–905901	106.25
Ferris, Thomas Hampton, C–201732	106.25
Fickle, Melvin Eugene, C–460753	106.25
Fowler, Byron Calhoun, C–304029	150.00
Freeman, Albert Howard, C–147204	150.00
Frey, Newt, C–451650	137.50

Froemke, Fayette Lawrence, C–785057	$106.25
Fulton, Dennis Theodore, C–1343511	125.00
Garnache, William J., C–356429	165.00
Gassner, Walter Scott, C–1049585	125.00
Gee, Frank Wilson, C–792515	125.00
Gill, Charles Robert, C–571234	165.00
Glaze, John W., C–370386	106.25
Glover, Thaddeus B., C–1061306	225.00
Grant, Vincent James, C–350442	106.25
Grayson, Laurence Ayres, C–414917	106.25
Green, George Benjamin Lent, C–1117328	125.00
Greenwell, Barry Tyler, C–1337507	125.00
Grossman, Edgar Frederick, C–270556	125.00
Hall, John E., C–1336416	150.00
Hammons, Robert Walter, C–1037285	150.00
Hampton, Edwin Birkett, C–905698	150.00
Harwood, Manton E., C–167818	125.00
Hatton, Rondo, C–746153	106.25
Hazlewood, Walter J., C–1165496	180.00
Heck, Maurice Eby, C–392616	150.00
Hill, Frank Edmond, C–1334778	106.25
Hooks, Don Melville, C–544234	243.75
Hosey, John Thomas, C–496743	150.00
Huau, Joseph Hipolito, C–275527	150.00
Hubbard, Roscoe C., C–1113739	187.50
Ives, William Childs, C–210741	116.87
Jaudon, Eugene Keene, C–329458	150.00
Jenkins, Frederick Elmer, C–389273	206.25
Jones, John Page, C–328705	106.25
Kearns, Frank M., C–307069	150.00
Keebler, Alfred V., C–291551	125.00
Kemp, Austin James, C–457628	125.00
Kennon, Charles L., C–157068	125.00
King, John P., C–1340521	106.25
Knibiehly, Allen Ford, C–311949	125.00
Lambertson, Francis William, C–421989	180.00
Lansing, Charles, C–269513	150.00
Latham, Charles Otis, C–621882	150.00
Leach, John Warren, C–386842	125.00
Leffers, Richard, C–436298	125.00
Lefler, Nelson N., C–338518	125.00
Lewis, Schuyler Colfax, C–482907	162.50
Lough, Charles Melvin, C–150832	106.25
Luce, Earle Parsons, C–316918	125.00
Lynch, Junius Francis, C–906652	281.25
MacMichael, Earle Haggett, C–463064	175.00
Mahoney, John Lewis, C–313454	187.50
Martin, William Gaston, C–483034	106.25
McCrum, Douglas Stuart, C–694828	125.00
McKenzie, Francis C., C–248901	106.25
Metcalf, Ben Hicks, C–1009550	218.75
Moeller, Maximillian, C–39939	125.00
Morgan, Joseph A., C–1336540	125.00
Morrison, Hal T., C–1117725	195.00
Noel, Henry Leland, M. D., C–32763	150.00
Oliver, John V., C–706832	127.50
Osteen, Harry Atwater, C–1340914	125.00
Parramore, James Buchanan, C–134125	150.00
Peterson, Walter Severin, C–207356	106.25
Porter, Bernice M., C–556878	106.25
Powe, Victor Thrashley, C–1305422	125.00
Powell, Garland Wheeler, C–1380998	150.00
Powers, Harvey C., C–278046	180.00
Putney, Wesley Reid, C–164278	125.00
Ramage, Raymond Brock, C–1304221	150.00
Ray, Lecil Stanley, C–563320	137.50
Riddel, Herbert Ewing, C–1121673	150.00
Riddler, George, jr., C–1175284	106.25
Rohrer, Ralph McGregor, C–905634	106.25
Sheep, Harry Hinton, C–156129	125.00
Shivers, Olin G., C–317321	225.00
Smith, George W., C–1043703	137.50
Smith, Paul Alden, C–455015	125.00
Smith, Simon Stewart, C–1027892	210.00
Spaulding, Irah Dudley, C–1120349	150.00
Stelling, Sidney Jacob, C–209371	125.00
Stinson, William Miller, C–498668	150.00
Stockton, James Roosevelt, C–589354	150.00
Sturkie, Robert Bartow, C–905867	187.50
Stutts, Baldwin S., C–560463	150.00
Thetford, Alphonso, C–123856	125.00
Travers, William Alexander, C–215096	106.25
Tucker, Allen B., C–280114	150.00
Turck, Raymond Custer, C–381876	300.00
Twitchell, Ralph Spencer, C–311150	125.00
Vaughn, Richard Owen, C–338584	106.25
Vanderkool, David, C–523542	253.12
Vines, Edward H., C–259001	187.50
Virgin, Roscoe S., C–510711	180.00
Walker, George Keith, C–941566	125.00
Walton, William Norfleet, C–115153	106.25
Webster, Ben, C–381830	187.50
Webster, John Adams, C–905300	106.25
Weldon, George Rainsford, C–233472	150.00
Wentworth, Daniel Webster, C–280784	180.00
Wight, Samuel Kaspar, C–193363	125.00
Wilder, Philip Edgar, C–1409763	106.25
Williams, Clarence Jefferson, C–235970	$106.25
Williams, John R., C–515208	127.50
Williams, William B., C–1106958	125.00
Wilson, William, C–258236	375.00
Worrell, Magnus Leon, C–845389	195.00
Wyatt, Thomas Hall, C–510049	125.00
Wylie, Ward L., C–122922	137.50
Supplemental list	
Wiedemer, Maurice Becht, C–446031	125.00
GEORGIA	
Abrams, Victor R., C–1123598	106.25
Adams, Edwin G., C–1337493	150.00
Alexander, Henry Aaron, C–285523	125.00
Allen, Ernest Grady, C–326210	125.00
Allison, James Howard, C–346032	125.00
Anderson, James Weldon, C–257190	106.25
Anderson, Lee Jackson, C–101662	125.00
Angier, jr., Clarence, C–299579	175.00
Anthony, jr., Edwin Raphael, C–1111755	125.00
Avery, John Elwyn, C–1115335	150.00
Aycock, Mell, C–515492	150.00
Aycock, Thomas Rufus, C–1121793	150.00
Bagley, George Washington, C–680751	125.00
Baker, George Lathrope, C–506978	106.25
Baldwin, Thomas Beverly, C–1344298	106.25
Ballard, Isaac Newton, C–527984	137.50
Barfield, Harry Marion, C–327904	125.00
Barker, Homer Lumpkin, C–528844	125.00
Bartlett, Willie Evans, C–108063	106.25
Bassett, Ralph P., C–302586	150.00
Battey, Hugh Inman, C–254387	125.00
Beaman, Henry A., C–1069429	150.00
Beauchamp, Walter Lee, C–361403	126.00
Bellinger, Edmund C., C–279453	125.00
Binion, Richard, C–1117196	125.00
Blackburn, John Davies, C–317876	137.50
Blackburn, Thomas E., C–1115168	125.00
Blair, Leslie L., C–1336861	150.00
Blount, Frederick J., C–1343629	125.00
Bond, Benjamin F., C–31283	125.00
Boone, William L., C–156455	106.25
Bouzigues, Paul Richard, C–533297	125.00
Boyd, Willis Morgan, C–326194	125.00
Brawner, Leon Edward, C–663722	125.00
Brewer, Dr. Walpole Cheek, C–245277	150.00
Brown, James Everett, C–1332735 (guardian, John L. Brown, sr.)	106.25
Bruce, Alden, C–509280	127.50
Busey, Thomas Jesse, C–195706	125.00
Cooper, James Roy, C–143725	150.00
Cabaniss, Emmet O., C–248742	125.00
Calloway, James Taylor, C–558775	150.00
Cann, William Grammell, C–906497	125.00
Carroll, Edward Grady, C–1117360	106.25
Carthron, Glenn Thomas, C–519847	137.50
Cheek, Aldine Lawrence, C–582991	165.00
Cheek, Ovid Hugh, C–188468	125.00
Cole, William Edgar, C–1339647	106.25
Corbitt, Henry T., C–1118183	187.50
Cornog, William Wallace, C–1122416	150.00
Crenshaw, Wendel Paine, C–1112555	125.00
Crough, Alsey C., C–1117580	137.50
Crowe, Arthur Lyons, C–370099	150.00
Cunningham, George A., C–560570	106.25
Daly, Richard Randolph, C–1344879	187.50
Davis, Alton Walker, C–1111178	125.00
Davis, Edward Campbell, C–239055	218.75
Dean, William Kiser, C–1337845	137.50
DeLoach, John Keller, C–1332101	165.00
Dillard, Robert Bascome, C–567125	150.00
Dorsey, Arthur Roy, C–406926	106.25
Downey, Carroll William, C–1334861	125.00
Dulin, Charles Lutin, C–1305182	300.00
Dunagin, George Alexander, C–581336	125.00
Duncan, Charles Gilbert, C–1339542	150.00
Eden, Charles Theophilus, C–1335633	116.87
Emory, Walter, C–343479	150.00
Etheridge, Robert Loy, C–455523	106.25
Fanning, Odom Olin, C–322426	150.00
Farmer, Myron Hall, C–566141	150.00
Foreman, Evan Howell, C–1340342	150.00
Fryckberg, Harry Anthony, C–322858	150.00
Furlong, Thomas A., C–228600	125.00
Galt, William A., C–283106 (guardian Miss Malinda Galt)	125.00
Gertman, William M., C–418866	150.00
Giles, Ben Stuart, C–239416	125.00
Grealish, Samuel Pomeroy, C–1336443	180.00
Green, Thomas E., C–1335086	106.25
Greenwood, Albert E., C–322551	106.25
Guice, John Inman, C–239497	125.00
Harris, Ernest R., C–1335337	150.00
Harrison, George L., C–567011	165.00
Harris, Rufus Carrollton, C–1265889	125.00
Haynes, Brantley, C–501611	106.25
Head, Marvin Monroe, C–1333658	150.00
Hendricks, Willie Hartridge, C–547951	150.00

Henry, Clarence Alexander, C–458026	$106.25
Henry, jr., Thomas J., C–249729	125.00
Hightower, John Hallman, C–544722	125.00
Hill, Hines L., C–382833	106.25
Hitz, Alex Mayer, C–572699	125.00
Hodges, Charles A., C–590795	150.00
Hodgson, Ralph Reginald, C–1057569	125.00
Hogue, Benjamin C., C–719636	165.00
Holland, William Tate, C–1333287	137.50
Hook, James Preston, C–500156	125.00
Horning, Albert Wesley, C–205696	116.87
Howell, Henry Gordon, C–1331476	125.00
Isbell, Jesse Epps Dean, C–1333552	125.00
Ivey, James Edward, C–198382	106.25
Jackson, Wendell G. W., C–1117320	150.00
Jenkins, William Franklin, C–265575	125.00
Joerg, Thomas Franklin, C–179527	165.00
Jowitt, Thaddeus Clarence, C–1111104	243.75
Kaliska, William G., C–905532	165.00
Kelly, Alonzo Morris, C–134597	106.25
Kelley, James E., C–1123037	195.00
Kennedy, Harvey John, C–299716	106.25
Lawson, Edwin L., C–277078	125.00
LeHardy, Julius C., C–702161	22.50
Leman, DeManville Abraham, C–1339472	150.00
Lester, Henry Frank, C–1331555	180.00
Lewis, F. Courtney, C–1104578	125.00
Little, Young Allen, C–166662	150.00
Malone, Benjamin Floyd, C–594678	106.25
Mallory, William Reville, C–536586	106.25
Manning, Arthur John, C–1342166	165.00
Martin, James Jackson, C–1340197	125.00
May, William A., C–764050	150.00
McBride, James Napier, C–901676	125.00
McCarthy, Thomas Leo, C–1124255	180.00
McClure, James Henry, C–660746	150.00
McCoy, Walter R., C–529264	150.00
McCurry, William Edgar, C–1103325	150.00
McDonald, Frederick Honour, C–597189	125.00
McDonald, George Tennell, C–285086	125.00
McKibben, John D., C–1106963	137.50
McLemore, Whitney C., C–1250951	106.25
Meeks, Jesse Littleton, C–251416	125.00
Middlebrooks, John Harvey, C–1340708	106.25
Miller, Boyce Etheridge, C–133342	165.00
Moody, Wilkie Osgood, C–303535	106.25
Moon, Fred Tapley, C–360162	137.50
Morris, Mace Andrew, C–337589	106.25
Nall, C. Copeland, C–518865	125.00
Nash, Homer Edwin, C–550960	125.00
Neal, Turner Benton, C–1343236	150.00
O'Neill, John Charles, C–317453	125.00
Palmer, Millwood Jonah, C–497481	116.87
Parr, Lemuel W., C–446575	106.25
Peacock, Eli Julian, jr., C–1110788	206.25
Pierson, Fred, C–476841	71.25
Pitman, James Fling, C–463805	150.00
Powell, Alfred Turner, C–492424	150.00
Pourron, Edward Justine, C–279879	150.00
Pullen, Herbert T., C–525758	106.25
Pumpelly, William Collins, C–1335437	150.00
Purse, Ben Snider, C–223917	125.00
Puryear, Edward A., C–394592	106.25
Randle, Morris Dewey, C–312106	106.25
Ransom, Elmer Inglesby, C–252038	125.00
Rathborne, St. George F., C–1337127	206.25
Ray, O'Glen, C–1334255	125.00
Redd, Homer Lewis, C–1331378	125.00
Richardson, Marion S., C–1112159	125.00
Richards, Walter Alan, C–296983	125.00
Roberts, George Arthur, C–1342568	116.87
Roberts, Vivian Hill, C–577943	187.50
Rock, Edward, C–1408951	125.00
Rose, Frederick Preston, C–1116862	106.25
Rothenberg, William, C–1122345	116.87
Russell, Alonzo Deveaux, C–175125	127.50
Sabiston, Harry Alexander, C–234458	165.00
Sanford, Henry Edwin, jr., C–530361	137.50
Scales, James Berry, C–906622	125.00
Scheuer, Leopold Moses, C–1378398 (guardian, Max Scheuer)	106.25
Sellers, William LeRoy, C–480995 (guardian, J. F. Sellers)	137.50
Seward, Charles Mitchell, C–264005	106.25
Shaddix, Walter Louis, C–1335089	125.00
Shanks, Edgar DeWitt, C–355417	150.00
Sheridan, Leo Daniel, C–261562	106.25
Shinkel, Jacob M., C–1076129	125.00
Short, William Griff, C–270335	125.00
Sigman, John Monroe, C–905476	187.50
Sipple, Julius Ward, C–415738	125.00
Sitton, Joseph Benjamin, C–1111742	———
Slaton, William Franklin, jr., C–1342764	206.25
Smith, Ernest Oren, C–1450076	125.00
Smith, James Herbert, C–293670	150.00
Smith, James Robert, C–214149	125.00
Spahr, Herman L., C–1334844	125.00
Stapleton, Frank Davenport, C–1337311	$150.00
Stegall, Benjamin F., C–693220	125.00
Stone, Guy Orlando, C–1115063	125.00
Stowe, Belvy Greene, C–242130	125.00
Swann, William K., C–1337205	150.00
Taylor, Moncy L., C–1332348	106.25
Thompson, Hugh Smith, C–169370	125.00
Thompson, John Homer, C–382014	150.00
Thrasher, Roy, C–776038	165.00
Tidwell, Frank Boynton, C–255776	150.00
Tinley, Joshua Eli, C–241067	127.50
Travis, Ernest Fears, C–166070	195.00
Van Henry, Arthur, C–475022	150.00
Wallace, George Lamar, C–280476	125.00
Waller, Robert T., jr., C–1342524	150.00
Walker, Newton Wright, C–175133	116.87
Walker, Sidney, C–702538	187.50
Ward, Sylvester Creighton, C–806226	187.50
Weaver, Homer Jesse, C–1331625	210.00
Wellborn, Carlton Juan, C–535050	125.00
Wellborn, James Madison, C–554235	150.00
West, Edward Shippen, C–1095839	165.00
Williams, Adrian Dallas, C–531551	150.00
Wood, Evans Beauchamp, C–151697	125.00
Wood, Raiford James, C–1100239	106.25
Woodruff, Benjamin H., C–232410	150.00
Yarbrough, Roy E., C–1325735	138.12
Supplemental list	
Lynch, Joseph Arthur, C–359075	125.00
Hull, Richard MacLeod, C–135644	125.00
IDAHO	
Albert, Lester Freeman, C–220647	137.50
Allen, Arthur Henly, C–1402152	180.00
Cole, Fern Morton, C–1401554	150.00
Duval, Claude H., C–449584	243.75
Fitch, Scott Mathewes, C–527559	150.00
Fowles, Joseph Dell, C–314727	106.25
Hamilton, Oliver Prescott, C–1277227	150.00
Hawley, Edgar Thomas, C–1283682	165.00
Lewis, Harry Tait, C–380491	250.00
Moore, Charles Otto, C–457645	187.50
Patch, Leroy V., C–905878	281.25
Quane, Oliver J., C–1348860	225.00
Spilman, Burt B., C–509026	165.00
Thompson, John B., C–614859	106.25
Supplemental list	
Fite, Jerome Victor, C–213139	127.50
ILLINOIS	
Adams, Frank Ulyses, C–439057	210.00
Aird, Andrew John, C–905752	125.00
Albee, Erwin, C–226357	106.25
Albers, Edgar Harvey, C–1218287	125.00
Allyn, Paul R., C–292360	150.00
Amet, Herbert Poidevin, C–292372	125.00
Andrews, Lawrence G., C–220600	106.25
Armbrust, George W., C–1197772 (consignee Forest Park State Bank)	180.00
Armstrong, James Noah, C–494112	125.00
Bailey, Charles B., C–617514	125.00
Barnes, Ralph Edward, C–328115	125.00
Barnes, Ray Arthur, C–555006	125.00
Barnfield, William H., C–579519	125.00
Bear, Fred Louis, C–805632	125.00
Beatty, James Phillip, C–163922	195.00
Beckhelm, William E., C–604126	162.50
Bellinger, James Edward, C–1178240	125.00
Bisson, Walter Clinton, C–281760	165.00
Bierly, James Roy, C–1186387	125.00
Bilderback, Byron, C–1172768	125.00
Bluiett, Napoleon Porter, C–259305	106.25
Boice, Frank B., C–297113	125.00
Bortz, John Alexander, C–1179882	150.00
Boston, John R., C–347519	106.25
Bowman, Charles S., C–1390379	125.00
Boyd, Theodore Elliott, C–216630	106.25
Bradbury, William Ethelbert, C–236230	106.25
Bray, Willis Jennings, C–358729	125.00
Brenner, Samuel L., C–282425	106.25
Broche, Arthur Thomas, C–231477	150.00
Brooks, Charles Wayland, C–237236	125.00
Brown, William Simon, C–906814	150.00
Buff, Byrl Byron, C–1297927	127.50
Burchfield, David Lanning, C–291248	125.00
Burkhardt, Charles F., C–133538	150.00
Burns, John Leo, C–1347435	106.25
Butner, Andrew Jackson, C–429312	125.00
Calkins, Arthur Alfred, C–444747	125.00
Callahan, Edwin Bernard, C–281796	180.00
Canfield, Harry Eugene, C–300080	125.00
Carmody, Thomas James, C–170079	125.00
Carr, Hal Leroy, C–512791	195.00
Carrick, Manton Marble, C–532704	187.50
Carter, Justin Edward, C–198576	137.50
Center, Charles Dewey, C–100554	300.00

Chapman, Daniel Ward, C-523959	$106.25
Chapman, Ralph Dwyer Clinton, C-333836	125.00
Christensen, William Charles, C-475784	137.50
Claridge, Loyal T., C-246564	106.25
Clarke, Homer Hay, C-275853	137.50
Cleland, James Samuel, C-346382	125.00
Coates, Arthur E., C-210747	106.25
Coffey, Frederick Douglas, C-604083	106.25
Cook, Ellis Sumner, C-463145	206.25
Conway, Bernard Philip, C-477427	150.00
Cooley, Everett Monroe, C-346180	150.00
Copeland, Norman, C-905502	125.00
Courtney, Clarence Hayes, C-314541	150.00
Crane, Edgar Arthur, C-471957	106.25
Crippen, Phillip Rose, C-528003	150.00
Cross, Roland Roberts, C-212585	125.00
Crowe, Dorsey Ryan, C-403553	106.25
Cruzen, Roy Ellis, (consignee the Foreman Trust & Savings Bank), C-1196043	150.00
Danewit, Otto Gustave, C-204905	106.25
Daniels, Charles Lyle, C-127047	150.00
Danner, John Simon, C-905897	89.00
Darby, Earl Meade, C-202074	125.00
Davidson, Samuel E., C-424436	106.25
Davis, Charles Sumner, C-625300	150.00
Dean, Harry Carpenter, C-247093	106.25
DeBolt, Clyde E., C-522839	106.25
DeGaris, William H., C-334153	137.50
Denison, Franklin A., C-447019	312.50
Dimond, Harry Alfred, C-150095	125.00
Dugan, Richard Deyo, C-191608	125.00
Dull, Charles W., C-1189644	106.25
Dunn, John William, C-1182762	150.00
Durnion, Richard Erwin, C-1202899	106.25
Dusenbury, Roy Francis, C-337606	150.00
Eardley, Fred Ernest, C-253483	210.00
Edison, Samuel Martin, C-162584	150.00
Edwards, Francis Main, C-1190975	150.00
Ellis, Edward Kent, C-1435168	150.00
English, Lee M., C-223234	125.00
Ethell, Mark Ray, C-172673	106.25
Etherton, Monroe, C-1441671	106.25
Farrar, Benjamin David, C-264338	206.25
Faught, George Maynard, C-292313	125.00
Fawver, J. Roy, C-486613	106.25
Feldott, Edwin A., C-1200833	125.00
Fitzsimmons, Frank Nathaniel, C-246609	150.00
Flynn, John J., C-1091293	150.00
Forkin, William Patrick, C-906469	150.00
Fox, Charles Moses, C-339945	106.25
Fox, Kenneth Lawrence, C-390889	125.00
Frankenstein, Herbert Adolph, C-1245782	125.00
Franzen, Frank Clarence, C-239094	106.25
Fuller, Edward Reino, C-371799	150.00
Fullerton, Charles Bushnell, C-467548	180.00
Gano, Henry Augustus, C-468926	106.25
Gardner, J. Francis, C-1202937	106.25
Gesell, Walter B., C-252915	150.00
Gift, Lyle Henry, C-279420	150.00
Gillespie, Edwin Simpson, C-1174144	150.00
Gooder, William Verner, C-365093	250.00
Goodison, Harry Bowman, C-388449	125.00
Goodspeed, Earl Ladd, C-492785	165.00
Goodwin, Alexander Willard, C-367983	150.00
Gore, Forrest B., C-672108	127.50
Gough, William E., C-316,070	
Greene, Merton William, C-1051632 (consignee Evanston Trust & Savings Bank)	106.25
Greer, Mark, C-1189908	150.00
Guilfoyle, Thomas S., C-191294	106.25
Gumm, Albert Gottlieb, C-1176455	150.00
Hall, Damon Irl, C-199755	106.25
Hall, George B., C-239593	125.00
Hall, Kenneth Canright, C-345724	106.25
Hannan, David Edward, C-424102	150.00
Hanmore, Frederick C., C-1197939	125.00
Hansen, Oscar Lee, C-115109	150.00
Hardesty, Tully O., C-249535	150.00
Hartman, John A., C-839660	180.00
Hartnett, David Louis, C-316,081	106.25
Hartwell, Dalisa Dow, C-346025	150.00
Hassfeld, Adolph F., C-1203478	150.00
Hays, Verne, C-363776	125.00
Heath, Clifford Jackson, C-162062	165.00
Hefner, Harry Edward, C-292004	106.25
Helmick, Homer H., C-447627	106.25
Henderson, Henry, C-1207730	125.00
Herrold, Alexander E., C-184825	150.00
Hiatt, Homer Sam, C-291450	125.00
Hikes, Waldo E., C-780563	150.00
Hildum, La Rue, C-1186267 (consignee Central Trust Co. of Illinois)	125.00
Hogg, William Bennett, C-1324255	125.00
Holcombe, Thomas Hull, C-905592	125.00
Holland, James A., C-277872	150.00
Hollowell, Thomas Robert, C-233260	150.00
Holm, George S., C-518395	125.00
Holt, Burton P., C-282096	$125.00
Hoover, Charles Franklin, C-282095	150.00
Hoppe, Edwin Samuel, C-765711	210.00
Houchin, Ervin William, C-348352	106.25
Howard, William Harrison, C-471625	150.00
Hubbell, Joseph Albert, C-1193389	125.00
Hughes, Charles E., C-179619	125.00
Hunter, David, jr., C-201667	150.00
Ince, Edward Gratton, C-138082	150.00
Isensee, Frank Paul, C-559934 (consignee Peoples Trust & Savings Bank)	106.25
James, Allen Murray, C-315662	106.25
Jaycox, Frank, C-106093	175.00
Johnson, John Arthur, C-1199724	125.00
Johnson, Frank Alan, C-458997	116.87
Jones, Cloyd E., C-294882 (consignee Elsie K. Jones, David J. Jones)	125.00
Jones, Edward Paul, C-514572	106.25
Judd, Ralph C., C-708961	125.00
Katz, Joseph Maurice, C-317560	106.25
Kauffman, Harlan B., C-1185995	125.00
Keith, Lawrence P., C-317258	106.25
Keller, Charles C., C-235048	106.25
Kempski, Felix Anthony, C-743174	137.50
Kerrick, Charles La Fayette, C-379235	125.00
Kesler, Gerald Lea, C-435798	106.25
Kestubaum, Meyer, C-292835	106.25
Killoran, Thomas Christopher, C-1192947	180.00
King, Ralph, C-350244	150.00
King, William Gibbon, C-376390	106.25
Knotts, Howard C., C-530431	106.25
Knudson, Ernest P., C-1097228 (consignee Old Dearborn State Bank)	106.25
Krichel, Joseph Henry, C-485159	125.00
Kuehne, Albert William, C-254239	125.00
La Bach, Paul Mayer, C-281591	187.50
Lakin, Ralph Owen, C-264693	125.00
Lamond, John T., C-1253106	116.87
Lane, Elisha Cromwell, C-159095	125.00
Lang, Edward J., C-225211	281.25
Lanigan, Leo Anthony, C-1441315	180.00
Lehman, Lester Ludger, C-279380	116.87
Leisner, Paul Winge, C-254185	106.25
LeSaulnier, Herman L., C-1196032	125.00
Lewis, Charles S., jr., C-389690	125.00
Lewis, Raymond P., C-299379	106.25
Lippert, Frederick J., C-378345	150.00
Logan, John Arthur, C-248483	125.00
Longwell, Chester A., C-193640	137.50
Loudin, Forrest Allen, C-387316	106.25
Lovell, John Herbert, C-264414	116.87
Lundgren, DeWayne C. E., C-1196192	106.25
Lutyens, Henry Edward, C-189935	125.00
Lynn, Percy, C-437260	106.25
Machamer, Elmer Edward, C-324946	106.25
Malik, Louis, C-1264214	106.25
Malone, Frank Joseph, C-439637	125.00
Mangum, William Robert, C-477812	187.50
Marland, Joseph Andrew, C-100155	106.25
Marshall, Ralph William, C-475256	150.00
Marshall, Thomas Holland, C-286103	106.25
Mathis, Allen W., C-159477	125.00
May, Charles N., C-1078151	106.25
May, Lewis Renwick, C-247740	125.00
Mayer, Peter C., C-1204530	125.00
McCann, James S., C-257358	125.00
McCoy, Dwight Wesley, C-1230784	106.25
McDonald, Archie J., C-455606	137.50
McDavid, Carroll M., C-654250	125.00
McDavid, Jesse T., C-1193870	187.50
McKinney, Clarence D., C-1202395	125.00
McNair, F. M., C-1192695	125.00
McNamara, Joseph, C-1162442	137.50
McNulta, Scott, C-439137	125.00
McQuillan, Albert B., C-433425	150.00
Merrill, George Baker, C-91695	125.00
Meyering, William David, C-303370	150.00
Miller, Harry Frederick, C-313867	225.00
Miller, Hubert Frederick, C-275561	218.75
Milum, Vern G., C-223890	106.25
Mitchill, Forster Isaac, C-1171057	106.25
Moeller, Frederick William, C-903670	187.50
Montgomery, Albert H., C-299872	187.50
Mooney, Paul, C-1183246	125.00
Mooney, Raymond, C-573266	131.25
Moore, George Henry, C-210651	150.00
Moore, Joseph, C-583556	250.00
Morgan, James Woods, C-1213006	106.25
Morgan, Lynn J., C-905186	150.00
Morlan, Frederick H., C-598732	150.00
Morrison, Cyrus C., C-1205971	150.00
Morton, Harry Thomas, C-905223	187.50
Moynihan, Allan James, C-285402	125.00
Munhall, Maurice H., C-167670	137.50
Murphy, James Orvil, C-1221319	125.00
Myers, Joseph George, C-159494	116.87
Myriand, Eiel Harmon, C-375838	125.00

Nagel, Frank Emil, C-229604	$150.00
Newton, Roy Chester, C-172665	106.25
Nolan, Charles Lincoln Vincent, C-511647	106.25
Novak, Joseph, C-244523	150.00
O'Brien, Thos. Jas. (C-119588 (consignee, Chicago Title & Trust Co.)	106.25
Ofner, Spencer Everett, C-1203867	125.00
O'Hara, Fred Summa, C-289518	206.25
Olds, Milford Hixon, C-170077	106.25
Palmer, Robert Carrel, C-1435521	106.25
Patton, Harry T., C-1179851	106.25
Paul, Edward Reichard, C-521185	125.00
Percival, Andrew Jackson, C-406242	137.50
Pfeiffer, Reuben Roland, C-149442	125.00
Phillips, Francis A., C-519260	125.00
Phillips, Wendell John, C-1095588	137.50
Pierzynski, Thaddeus Stanley, C-283061	125.00
Pinkstaff, James Tilden, C-174059	116.87
Pliska, Joseph Stanley, C-1190698	175.00
Poole, Charles Judson, C-257735	187.50
Powell, Charles, C-1200004 (consignee, Marie L. Powell)	106.25
Pratley, Fred C., C-1208672	137.50
Ready, John Francis, C-445905	250.00
Reed, John Emory, C-1435266	125.00
Rennie, Thomas Wesley, C-1184131	125.00
Richmond, Jacob Joseph, C-474168	116.87
Ridecut, George Rawleigh, C-298014	106.25
Rider, Carroll Alexis, C-490891	106.25
Riley, John Lee, C-247700	150.00
Riordan, John W. J., C-1204200	106.25
Rockwell, Reuben L., C-1046791	150.00
Rogers, Buell Sumner, C-1437031	243.75
Rogers, Percy Earl, C-239684	125.00
Ronayne, Frank Joseph, C-580420	150.00
Ronayne, Robert D., C-250351	150.00
Rondthaler, Harold, C-389779	106.25
Royal, Thomas Everitte, C-266111	125.00
Sampson, George Harry, C-1039066	106.25
Sanders, James L., C-191130	106.25
Sayre, Sydney L., C-1196789 (consignee The Northern Trust Co.)	125.00
Scanlan, Walter Raymond, C-184640	125.00
Schuh, Carl Alexander, C-347666	125.00
Scott, Byron Robert, C-593777	106.25
Shaver, Maitland Victor, C-314580	125.00
Shay, Wellington Herbert, C-512376	150.00
Sheedy, David, C-346282	210.00
Simms, Austin, C-378425 (consignee The Northen Trust Co.)	106.25
Slusser, Carl W., C-1426311	150.00
Slyh, Donald Macey, C-479395	125.00
Smedberg, Joseph Duncan, C-12105	150.00
Smith, Albert, C-194250	218.75
Smith, Frank P., C-435690	125.00
Smith, Howard Galbrath, C-388645	125.00
Smith, Thomas B. F., C-1199752	150.00
Smith, Warren B., C-612091	106.25
Southard, Earl, C-306711	137.50
Southwick, Marshall W., C-1198265 (guardian Annette W. Southwick)	106.25
Spaulding, Oliver R., C-238713 (consignee Ella M. Spaulding)	125.00
Speed, Kellogg, C-196730	187.50
Sprinkel, Roscoe, C-237178	106.25
Stanton, Willard James, C-534953	165.00
Steen, William Aloysieous, C-316554	106.25
Stewart, Edward Paul, C-279105 (consignee Peoples Trust & Savings Bank	106.25
Stiggleman, James W., C-275656	125.00
Stocker, Alfred, C-709093	150.00
Summers, Anthony, C-1170249	125.00
Suthers, William Glenn, C-346806	106.25
Swaim, David Ross, C-1193281	281.25
Sweinhart, Victor Culp, C-295164	180.00
Teague, Mark Hanna, C-351232	106.25
Templeton, Charles Kickham, C-436481	106.25
Tew, Tracy Lewis, C-509790	106.25
Thomas, Harry A., C-575798	106.25
Thornton, Earle Clark, C-257233	243.75
Thorp, John Notman, jr., C-239902	165.00
Tileston, Perley Dominic, C-384915	210.00
Traband, Philip Joseph, C-656079	150.00
Trapp, Albert Rubly, C-239710	150.00
Trueblood, Ralph R., C-216656	150.00
Vail, William Henry Heegaard, C-319238	125.00
Van Order, Paul Ingham, C-202050	195.00
Wall, Whitney, jr., C-321623	150.00
Warner, Elmer, C-333436	116.87
Weaver, Harry G., C-1251905	206.25
Webb, Byford Hodgen, C-1202180	125.00
Webster, Laban Elza, C-618882	106.25
Welsh, Gerald Eugene, C-280423	125.00
Westermann, Lawrence, C-277666	125.00
Wheatley, Edward J., C-239600	150.00
Wheelock, Warren Overton, C-579343	187.50
Whitacre, Benjamin Clyde, C-424382	106.25
Wier, Joseph Lamar, C-705922	$206.25
Williams, Arthur, C-281821	210.00
Williams, Avon Hugo, C-188106	106.25
Williamson, James Holland, C-935685	150.00
Wilson, William McDonald, C-579752	165.00
Wingerter, Ernest Louis, C-1297205	180.00
Wirtz, Adolph W., C-228113	125.00
Wise, Earl Gronlund, C-27977	125.00
Wolcott, Oliver Seymour, C-277636	106.25
Woodnick, George William, C-1181300	187.50
Woodruff, Ernest Walker, C-265204	125.00
Wright, Eugene Pelrson, C-1200025	187.50

Supplemental list

Magie, Frank Ogden, C-1186083	106.25
Sparks, Denton H., C-201215	106.25

INDIANA

Anderson, Hanson Hale, C-1417984	125.00
Austin, Fred, C-282421	116.87
Barnes, Clifton R., C-232519	106.25
Beck, Flavius Jasper, C-608142	150.00
Beem, David Joslin, C-495931	225.00
Belcher, Oliver Lee, C-821063	125.00
Benham, James W., C-334343	150.00
Benham, Raleigh F., C-163519	125.00
Bennett, Everett Nathaniel, C-1145715	125.00
Bergman, Alfred Henry, C-1196086	150.00
Boner, George Washington, C-329708	150.00
Boyd, Clarence Elbert, C-473348	125.00
Branch, Emmett Forest, C-378760	312.50
Brand, George F., C-1155303	150.00
Brickley, Harry Dwight, C-378169	125.00
Bridwell, Harry, C-304517	127.50
Brooks, Emery Wilbur, C-254696	150.00
Brophy, John W., C-1390245	106.25
Brown, Karl Trueblood, C-366584	187.50
Burkhalter, De Nise, C-196916	150.00
Burlington, J. Roy, C-1153649	150.00
Burns, William Edwin, C-310288	150.00
Butcher, Roger Elmer, C-1150048	125.00
Carpenter, Emil Claybourne, C-618348	137.50
Childs, Leslie, C-13419	125.00
Clauser, Albert Charles, C-298742	125.00
Cleland, Samuel Clayton, C-334315	106.25
Coleman, Henry Fitch, C-263690	187.50
Cooper, Ross A., C-1163664	125.00
Cope, Harry H., C-111778	125.00
Costlow, Glenn Charles, C-261235	125.00
Cottingham, Henry Patterson, C-486861	125.00
Cox, Bruce G., C-501438	125.00
Crane, Millard, C-279625	125.00
Cray, Arthur Boyden, C-1157138	165.00
Crook, David Henry, C-903129	165.00
Davis, Charles Guy, C-419388	180.00
Denner, Rufus Joel, C-282029	150.00
Davis, James Edgar, C-396856	150.00
Driscoll, James Edgar, C-368470	106.25
Doeppers, William August, C-317684	125.00
Donlin, Anthony Byrnes, C-350406	106.25
Eby, Allen Dale, C-605716	106.25
Elrod, Stephen Benton, C-181697	150.00
Espy, Murry G., C-268104	106.25
Faris, Frank B., C-241415	125.00
Fattic, John Bartow, C-362578	187.50
Flaugher, Richard Greer, C-1436083	125.00
Foust, William Edward, C-524228	125.00
France, Walker, C-527003	125.00
Frisz, Joseph Adolph, C-1141368	150.00
Fruth, Virgil Jaye, C-445338	125.00
Garver, Irwin Leonard, C-1150075	106.25
Gibbons, George Lee, C-1144507	125.00
Gifford, Hanson Smiley, C-317637	150.00
Gilpin, John Henry, C-132729	150.00
Glover, John James, C-1216936	106.25
Green, Earle Stanley, C-368977	225.00
Greene, Frederick William, C-419962	106.25
Greene, Willis Harold, C-1147931	116.87
Grimes, Ray Dryden, C-292691	106.25
Gutelius, Charles Bradford, C-380219	225.00
Hadley, Walter Gresham, C-802107	125.00
Hamilton, Geo. William, C-1155374	125.00
Hansen, John Cornelius, C-905721	195.00
Hardin, Newton, C-8721	150.00
Harley, Wilbur Herbert, C-1288233	106.25
Harris, Walter William, C-327266	150.00
Hegewald, Charles Spence, C-1423371	125.00
Heller, Daniel Clarence, C-1186425	156.25
Hendryx, Aylmer Everett, C-282208	150.00
Henry, Robert Henry, C-262377	106.25
Henshaw, Frederick R., jr., C-1167230	106.25
Hoover, Albert Clinton, C-366003	125.00
Huber, John George, C-412352	125.00
Humphreys, Frank Blair, C-906661	225.00
Hursey, Virgil Garfield, C-172012	125.00
Inman, Gilbert Perry, C-482449	125.00
Johnson, Taylor Hadley, C-504608	125.00

Kast, Harry L., C–1017314	$106.25
Keller, Carl Clyde, C–1422052	106.25
Kern, Frank Weaver, C–240592	125.00
Knapp, Arthur Le Roy, C–437658	150.00
Latshaw, Ross, C–577930	10.00
Lester, Claude E., C–291525	187.50
Lindstrom, Walfred, C–1150208	125.00
Lord, James Austen, C–487515	125.00
Loy, Forrest A., C–450032	125.00
Mace, Elmer Ellsworth, C–1163725	125.00
Manson, James Byron, C–349425	106.25
Martin, Harvey Heber, C–1200959	187.50
Melson, Garth B., C–905891	125.00
McClary, William H., C–219542	106.25
McClelland, Frank Allen, C–287963	125.00
McKahan, Don M., C–373857	150.00
Miner, Erwin, C–1168948 (guardian Grant Trust & Savings Co.)	150.00
Minturn, Joseph Allen, C–341033	150.00
Misener, Walter Leroy, C–429849	150.00
Mitchell, William L., C–1164178	137.50
Moore, John H., C–344744	125.00
Mower, Elmer Bramble, C–83321	150.00
Mowers, Bert Soule, C–16828	150.00
Murphy, Lewis James, C–293504	106.25
O'Neil, John James, C–197072	125.00
Parkison, William, C–1160589	150.00
Peterson, Archa Lee, C–456111	125.00
Pickett, Roy W., C–214337	106.25
Pinney, Norman William, C–672940	127.50
Potts, Clifford Joseph, C–405111	125.00
Power, Herman, C–334613	150.00
Robinson, Frank C., C–268682	225.00
Rogers, Robert Campbell, C–508490	150.00
Ross, Warner Anthony, C–1146793	187.50
Rowland, Calvin L., C–468785	150.00
Royer, Elmo Ray, C–290421	187.50
Shacklett, Henry Blant, C–457351	150.00
Scheffer, Ferdinand Herman, C–215262	116.87
Schreiber, Adam William, C–274655	150.00
Shields, Scott Wilkerson, C–344365	125.00
Scott, John W., C–316547	106.25
Sherk, Wendell, C–293331	125.00
Sims, Leland McKinley, C–303479	106.25
Small, George W., C–281938	125.00
Smith, James L., C–610835	125.00
Smith, Joseph Parker, C–227945	150.00
Snider, George F., C–181113	116.87
Stephan, Joseph Edward, C–1158098	125.00
Stephenson, Hugh McCleery, C–1143545	125.00
Stout, Lester J., C–197588	125.00
Strother, Carl B., C–318577	150.00
Summers, Franklin Lyle, C–120506	125.00
Swank, Paul Jennings, C–470729	106.25
Tabor, Frank A., C–1158995	150.00
Tharp, Floyd Oscar, C–10076	137.50
Thompson, Walter Scott, C–1155287	116.87
Timmons, Charles Clyde, C–603726	125.00
Trent, William Russell, C–432994	116.87
Tucker, Carroll J., C–802288	150.00
Vandament, Walter Thomas, C–472142	125.00
Voll, Bernard John, C–87279	125.00
Wallace, Joseph M., C–1196934	106.25
Webb, Samuel, C–409965	106.25
Weeks, George Eric, C–406886	106.25
Welchous, Alvie McGregor, C–1416114	125.00
Welsh, Edgar, C–117867	125.00
White, John Anderson, C–390543	150.00
Wilmeth, Delbert Olen, C–238706	150.00
Wise, Dale O., C–178259	206.25
Wright, Walter Waldo, C–276993	150.00
Young, Edward Milton, C–222772	150.00
Young, John Sandy, C–379380	106.25
Supplemental list	
Van Sweringen, Budd, C–328932	187.50
IOWA	
Bare, Elmer Anderson, C–216593	150.00
Bloom, Ray C., C–1227984	106.25
Brock, Raymond O., C–301407	116.87
Bryant, Fred Spindler, C–227140	165.00
Carlson, Amel A., C–439494	125.00
Carson, Dean Herring, C–381853	125.00
Clary, William Henry, C–240185	125.00
Elgar, Herman E., C–439252	106.25
Eveleth, John McDonald, C–265222	218.75
Fraser, Walter, C–194815	125.00
Gier, Philip Elmore, C–54581	106.25
Hakes, Legard B., C–275881	106.25
Hartman, Chester James, C–199878	137.50
Jepson, William Roscoe, C–343184	125.00
Kelley, William Arthur, C–240589	195.00
Kellogg, Orson Arza, C–1223681	125.00
Kofmehl, William Henry, C–550718	137.50
Lesan, Cassius True, C–277935	150.00
Loehwing, Walter Ferdinand, C–363422	106.25
Malony, John Henry, C–497651	150.00
Meredith, Edward Roy, C–287704	$150.00
Negus, Alvah, C–1350488	150.00
Nelson, Audley Emmet, C–536302	150.00
O'Brien, Daniel James, C–1439412	125.00
Peckham, Howard Dewayne, C–312669	180.00
Peters, Ernest Eugene, C–356271	106.25
Petty, Wallace Sidney, C–382503	150.00
Phillip, Ralph Earl, C–271905	106.25
Rowe, Donald Murray, C–484018	106.25
Schide, Clarence C., C–270359	106.25
Sweeney, Orland Russel, C–256224	187.50
Walker, John Milton, C–321643	150.00
Weiser, Victor Albert, C–1349949	106.25
Welsh, George Pere, C–213520	106.25
Wilson, Edmund Willoughby, C–1211772	150.00
Wright, Howard Jesse, C–312563	150.00
KANSAS	
Adams, Charles Samuel, C–1274758	125.00
Barnes, Walter Burton, C–17437	162.50
Bates, Vernon Elwell, C–88178	125.00
Bentley, Bruce Morton, C–457141	125.00
Bermant, Lester Clifford, C–299585	106.25
Billings, Earl Kay, C–1210062	106.25
Buckley, Martin B., C–166177	150.00
Burnett, Clanrold A., C–89219	125.00
Butler, James Clyde, C–438046	150.00
Butler, William Lucas, C–438047	125.00
Brewster, Roger Bernard, C–239070	150.00
Claeren, Edward L., C–906125	250.00
Clark, Earl Finley, C–413016	125.00
Clarke, Cecil Alexander, C–437811	125.00
Cludas, Arthur Louis, C–310537 (guardian Mrs. Nella B. Cludas)	150.00
Cooper, Harry Allen, C–509689	137.50
Cullum, Arthur B., C–1439861	150.00
Cummings, Lester A., C–1185492 (guardian Gertrude Cummings)	125.00
Dillingham, William Roy, C–1221403	150.00
Divine, Duke Girdner, C–177002	125.00
Eagan, Robert Emmette, C–561761	125.00
Edwards, Charles Evan, C–14302	162.50
Fast, John, Clarence, C–350038	125.00
Fitzpatrick, Fred R., C–240988	312.50
Fox, Burton Edward, C–1227539	137.50
Germain, Everett Earl, C–1219677	106.25
Gray, Louis Wilbur, C–311690 (guardian Mrs. Alma L. Gray)	150.00
Haerle, Edward Jacob, C–279939	125.00
Hamilton, Walter, C–499350	125.00
Harris, Lawrence T., C–579277	137.50
Haskell, John Jarvis, C–446069	225.00
Hawk, Benjamin Franklin, C–210973	187.50
Henderson, Ralph C., C–1220955	150.00
Hood, Tarlton A., C–143897	150.00
Hooper, Edward Waddell, C–1228847	150.00
Huey, Frank G., C–224059	106.25
Humphrey, George Ferguson, C–213023	180.00
Hyde, John Jackson, C–1227051	150.00
Kelly, Carroll B., C–610404	131.25
Klock, Helmer Alfred, C–1217244	106.25
Kurtz, Russell Lenoir, C–278307	187.50
Johnson, Paul Brent, C–1222383	150.00
Love, Ralph Huntington, C–521514	180.00
Lyon, Charles Walter, C–458406	150.00
McManigal, John Wesley, C–217713	137.50
McDonnall, Zara Harman, C–308603	106.25
McClain, Alvah Smith, C–905448	187.50
Mendenhall, Homer, C–764029	243.75
Mielke, Charles Harry, C–193544	187.50
Mills, Arthur McPherson, C–1219515	195.00
Mundell, Walter Newton, C–85350	150.00
Nease, Stephen Gilbert, C–217925	137.50
Nienstedt, William Frederick, C–239513	150.00
Page, Willifred, C–210857	125.00
Perkins, Roy William, C–905923	225.00
Preston, Richard Otis, C–426257	125.00
Reed, Charles Sidney, C–1229235	106.25
Root, Frank Pletcher, C–384209	150.00
Ross, Richard Still, C–536425	125.00
Russell, William Leonard, C–1439630	106.25
Schrader, Lewis Milward, C–1211355	125.00
Scott, John Rutherford, C–435719	187.50
Shewalter, George Milton, C–1162852	125.00
Stanton, Samuel Cecil, C–495182	250.00
Stryker, William Lester, C–249805	165.00
Sutton, John Magruder, C–255095	150.00
Taggart, Henry Hutchinson, C–1209721	125.00
Toomey, Ernest, C–320263	106.25
Trueheart, Marion, C–298191	150.00
Tucker, Claude C., C–425209	125.00
Walker, Frank J., C–484406	150.00
Warner, Albert Rowland, C–255080	150.00
Wasson, Clyde Hamilton, C–219334	125.00
Whittberry, Joe Storms, C–823854	106.25
Whitson, Clyde F., C–721353	106.25

Wilson, Frank Wendel, C–1223877	$106.25
Withers, George A., C–516414	206.25
Young, Richard Claude, C–117890	150.00
Supplemental list	
Rudbeck, John, C–411150	125.00
KENTUCKY	
Allen, Rudolph, Commander Hiram H. Allen, C–305380	116.87
Austin, James A., C–407696	125.00
Bach, Luther, C–216989	125.00
Baker, Horace, C–250097	165.00
Barlow, Edward Callistus, C–413394	150.00
Banks, David Paul, C–1420863	187.50
Bizzell, Matthew Andrew, C–819092	125.00
Blount, Henry Clay, C–1141707	125.00
Bogan, Henry Smith, C–393187	106.25
Brewer, Frank Giltner, C–317887	187.50
Brock, George Simeon, C–489318	150.00
Brown, William Henry, jr., C–172870	137.50
Bryant, Ura M., C–618094	137.50
Buckner, John Dawson, C–387020	106.25
Bushong, Perry W., C–1154645	150.00
Caldwell, James Guthrie, C–299789	125.00
Coleman, Robert M., C–187136	150.00
Coolidge, Walter L., C–174728	150.00
Collier, Thomas Reed, C–184406	125.00
Coulson, Wallace Magnus, C–293474	
Cox, William Moss, C–307829	150.00
Craig, Henry Harrison, C–1099339	165.00
Curd, Joyes, C–384441	125.00
Curtis, William Earl, C–245778	106.25
Dade, Randolph, C–1423022	125.00
Dawson, John S., C–1270764	106.25
Denman, Francis Eugene, C–483718	125.00
DeWeese, Clarence, C–141804	187.50
Dillion, James Knox, C–1142541	165.00
Dowdall, William Turpin, C–301297	150.00
Doyle, George F., C–597266	150.00
Duncan, Richard Finley, C–165578	150.00
Eckman, William Guy, C–90761	125.00
Eubank, Albia Linnea, C–694664	106.25
Everman, Ord, C–654870	150.00
Eversole, James Garfield, C–1416106	165.00
Frazier, Emery Lee, C–826506	125.00
Fuss, John Carroll, C–475701	150.00
Gabbert, Roy Dennis, C–1161762	150.00
Gaines, Noel, C–1149277	243.75
Hacker, David Lyttle, C–440596	125.00
Hall, Edmond Parker, C–1153108	138.12
Hamilton, Finley, C–408566	165.00
Hancock, Jethra, C–1161749	150.00
Happy, Frank Feland, C–1421114	150.00
Havely, Theo Ward, C–1337918	106.25
Henry, Jouett, C–481892	312.50
Heuschling, Allen John, C–1421196	127.50
Hobson, Charles Nourse, C–906664	125.00
Honaker, Harry Price, C–1151918	150.00
Howard, Joseph, C–346778	125.00
Hyatt, Meredith Woodson, C–1154705	150.00
Jackson, David Thomas, C–30092	180.00
Jones, Henry Bascom, C–197509	150.00
Keffer, Smithfield, C–357759	125.00
Kelley, James, C–197240	116.87
Kessinger, Benjamin Lee, C–1153965	106.25
Kibbey, Delbert Valley, C–484168	106.25
Liggett, David Carl, C–446854	106.25
Longmire, Charles William, C–391719	250.00
Lyon, Howard, C–620131	125.00
Lyons, Thomas Barkley, C–1377628 (commissioner Peoples Bank of Fleming County)	125.00
Mason, James Boyd, C–360178	187.50
Matlack, Leonard Freeman, C–905597	56.25
McCoy, Stephen Clifford, C–645603	150.00
McDowell, Addie, C–473752	180.00
McGinty, Michael James, C–846931	106.25
McGraw, Joseph F., C–323507	116.87
McKinley, David Howard, C–594499	150.00
McLean, Charles E., C–304218	125.00
McWilliams, Wiley E., C–279957	125.00
Menefee, John Newell, jr., C–1416104	150.00
Millis, John M., C–195038	106.25
Morris, James M., C–1163958	150.00
Moss, Morton McTyeire, C–1415844	150.00
Moss, Robert Carlisle, C–433038	150.00
Murphy, Robert E., C–1154395	106.25
Nickell, Homer Lee, C–165977	125.00
Nisbet, Wm. Kemp, C–448814	
Nolan, Joseph Wynne, C–350488	150.00
Ogden, Paul Jonathan, C–657508	125.00
Osborn, Henry Chilton, C–1416508	150.00
Owen, Evan Ellis, C–1418821	125.00
Owsley, Grant Alexander, C–627255	106.25
Page, Marion W., C–614786	150.00
Parrigin, Oliver H. P., C–311362	150.00
Pindar, Leon Otley, C–1142471	125.00
Pipes, Mastin Lee, C–100497	150.00
Porter, Robert William, C–432263	$150.00
Price, John Thomas, C–1152894	150.00
Rau, Ernest, C–298285	150.00
Reed, Washington, C–1160623	125.00
Richardson, John B., jr., C–351975	150.00
Ridley, James Urey, C–1417771	150.00
Riley, Augustus B., C–292606	150.00
Royalty, Hubert E., C–583970	187.50
Scrivner, Samuel Tudor, C–598093	125.00
Seale, Charles L., C–419264	106.25
Shriver, Ray Otto, C–104694	125.00
Showalter, Daniel E., C–435926	150.00
Simpson, George C., C–510704	116.87
Smith, John I., C–1142868	150.00
Smith, Samuel Clemens, C–1141714	150.00
Snowden, Frank Beatty, C–436256	125.00
Sory, James Dunn, sr., C–421053	187.50
Spencer, John G. Carlisle, C–253214	106.25
Stoddard, James Kent, C–263983	125.00
Strong, Elbert, C–168588	125.00
Thompson, Geo. L., C–1416234	125.00
Thompson, Paul Erwin, C–87264	106.25
Treleaven, William, C–905781	150.00
Turner, Edmond Daniel, C–500643	125.00
VanMeter, Benjamin F., C–1416371	206.25
Veal, Marvin Speed, C–520532	150.00
Vinson, Charlie E., jr., C–1113124	150.00
Williams, Ralph O'Neal, C–178286	106.25
Woodson, Hylan Hale, C–417757	125.00
Wright, Oscar Catlette, C–359955	106.25
Young, Albert De Forest, C–290437	150.00
Supplemental list	
Combs, John Wesley, C–319457	150.00
LOUISIANA	
Aldag, Harry Walter, C–213944	127.50
Allen, Kotz, C–181896	150.00
Baker, John Saunders, C–409643	165.00
Billing, Samuel A., C–516163	187.50
Black, Bryan, C–263158	281.25
Brown, Emmett Wilson, C–1103933	150.00
Burnham, George Harmon, C–411816	150.00
Chatham, Robert C., C–1135494	106.25
Christian, Early Bickham, C–169693	106.25
Coe, Albert Miles, C–205923	150.00
Cook, Claude Thomas, C–800013	116.87
Cook, Paul Darwin, C–179755	187.50
Crow, James J., C–1301936	106.25
Devron, John Alexander, C–1139412	206.25
Evans, Niles P., C–252597	125.00
Ewing, Joseph Luther, C–434147	125.00
Ferguson, Elijah Pleasant, C–1131015	125.00
Ferrill, Frank B., C–1089611	150.00
Floyd, Winfield N., C–1127995	125.00
Ford, Herbert S., C–1303010	150.00
Foster, Marion H., C–273166	125.00
Foster, Robert Balch, C–1126476	106.25
Freden, Gustaf E. N., C–237182	106.25
Genella, Louis Julian, C–213889	150.00
Green, Andrew Arthur, C–243850	180.00
Gregory, Edward Manhardt, C–1256461	125.00
Grevemberg, Francis B., jr., C–386456	150.00
Haynes, Walter A., C–1103187	106.25
Holmgren, Carl Martin N., C–1091227	106.25
Kelly, John L., C–1125223	187.50
Kibbe, Pressley A., C–1305514	150.00
Kopfler, Joseph Starns, C–905252	150.00
Kopfler, William F., C–1301607	125.00
La Coste, Warren J., C–528242	106.25
Lyon, George Clyde, C–392091	125.00
MacArthur, James Harper, C–1437432	125.00
Malsby, John D., C–1337506	137.50
McAloney, Lorne Gilmore, C–316580	150.00
Mestayer, Otto Joseph, C–653540	106.25
Miller, Benjamin Wentworth, C–563315	125.00
Mittendorf, Bradley C., C–429185	106.25
Moody, Magnus Martin, C–278283	106.25
Morris, Harold Roscoe, C–563773	106.25
Morrow, Bishop Levi, C–479076	165.00
Nowlin, J. C., jr., C–263282	125.00
Padgett, William Alexander, C–518980	225.00
Pafford, Jefferson W., C–1113073	125.00
Parker, George Alexander, C–680704	162.50
Pittman, John L., C–541243	150.00
Primrose, Joseph H., C–1267462	137.50
Reams, Paul E., C–503659	106.25
Robert, James J., C–156241	187.50
Sartor, James Clarence, C–558895	150.00
Schwam, Walter M., C–1307734	106.25
Seemann, William Henry, C–123289	150.00
Sevier, Henry C., C–151780	106.25
Sherwood, William F., C–1137968	106.25
Smith, Herbert B., C–17681	150.00
Thiele, Richard, C–1097953	150.00
Thomson, John Herndon, C–195492	125.00
Tooley, Josiah O., C–667644	106.25

VanZelfden, Cornelius, C–1301629	$125.00
Varnado, Samuel R., C–1307651	150.00
Walet, Perry Henry, C–555653	125.00
Wiener, Earl Loeb, C–1096120	106.25
Wilson, Wilbe Radford, C–425311	125.00
Wittbeck, Albert Tyler, C–253423	150.00
Wood, Lewis Hilliard, C–165109	125.00
Wooten, Chancellor F., C–185302	150.00
MAINE	
Benoit, Romeo Eugene, C–1406252	106.25
Carroll, James Henry, C–420739	150.00
Cousins, William L., C–1019895	187.50
Crosby, Clarence H., C–1008640	125.00
Dickey, Walter, C–1005621	106.25
Downes, Joseph Watson, C–1382700	106.25
Eastman, James Walker, C–905457	150.00
Garney, John A., C–304021	137.50
Gould, Willis Elden, C–436353	125.00
Griffin, Francis Augustus, C–340281	106.25
Haskell, William Langdon, C–430766	225.00
Hasty, Percy Albert, C–505587	150.00
Hermann, Solomon Andrew, C–1003719	243.75
Hewitt, John Everett, C–1251697	187.50
Hobbs, Henry C., C–569811	180.00
Love, James A., C–1001244	106.25
McNeil, Harry Daniel, C–193681	125.00
O'Leary, Edwin Dolan, C–291565	106.25
Pelletier, Joseph John, C–353385	150.00
Slocum, Paul Frederick, C–447875	125.00
Southard, William Edward, C–214183	281.25
Swett, Guy I., C–229235	180.00
Supplemental list	
Ham, John C., C–501522	150.00
MARYLAND	
Adams, John Myron, C–352675	150.00
Ballard, Eugene Caesar, C–370339	125.00
Barnes, Harry Oliver, C–1085895	106.25
Berger, Clyde Dolson, C–505373	106.25
Beziat, Frederick Hamilton, C–303843	125.00
Blades, Webster S., C–686411	125.00
Bledsoe, Edwin Page, C–1115234	150.00
Boyden, Malcolm C., C–1094883	150.00
Boyle, James Brooks, C–420672	150.00
Brown, William Arthur, C–414005	106.25
Burke, Edmund, C–906101	128.60
Casey, Arthur, C–487179	243.75
Cawley, William Dennis, C–139812	150.00
Charles, Frederick Henry, C–905481	125.00
Clary, John Henry, C–404793	106.25
Cochran, Harry Berch, C–1377564	150.00
Colley, Thomas Milton, C–488075	137.50
Coney, Edgar Heath, C–404418	116.87
Costinett, Joseph Rocca, C–203291	125.00
Council, Wilford A., C–1094005	125.00
Creecy, Donald B., C–1123662 (guardian, Anne B. Creecy)	150.00
Cross, George G., C–311041	125.00
Daily, John Walter, C–1093969	150.00
Donaldson, Robert Fenton, C–905803	
Donegan, Daniel Albert, C–1097919	106.25
Elphinstone, Douglas Cassel, C–480346	150.00
Evans, Alexander Mason, C–1094773	125.00
Fay, Daniel Edgar, C–1380677	150.00
Ferrandini, Edmond V., C–1099300	150.00
Gaddess, Harry Wilfrid, C–204516	150.00
Gillis, Alexander James, C–177789	150.00
Gordon, Philip, C–418639	225.00
Grammes, Robert Asa, C–1091922	218.75
Grevemberg, Carlos Ernest, C–1380464	150.00
Gross, Harry, C–636584	237.50
Grubb, James Obdeyer, C–195760	150.00
Guistwhite, Bruce H., C–485249	125.00
Hall, Elmer G., C–1093801	125.00
Haslup, Charles Leroy, C–363774	106.25
Hacth, Carl Tilden, C–412125	106.25
Hopper, Pearl D., C–573253	187.50
Huebner, Albert Frederick, C–224053	150.00
Johannes, William Ashton, C–905212	116.87
Johnson, Robert William, C–256577	150.00
Jones, Harold Curtis, C–202019	106.25
Jones, Joseph Hall, C–1417308	125.00
Kalss, Edward Windon, C–865803	116.87
Kane, Clinton Austin, C–705212	150.00
Kennedy, Robert Eugene, C–418546	165.00
Kirby, Thomas, C–240518	150.00
Kolls, Alfred C. (guardian, Baltimore Trust Co.), C–1092091	150.00
Krumm, Harry William, C–1095962	106.25
Lewis, jr., William Penn, C–563102	125.00
Linville, James Z., C–1380661	180.00
Lutz, jr., James Augustus, C–240156	125.00
Marcus, Lawrence, C–1043037	125.00
Matthai, Joseph Fleming, C–253277	125.00
Matthews, Charles Newton, C–349442	125.00
McCluer, Edwin Alexander, C–248234	125.00
McShane, Arthur J., C–1094668	150.00
Mess, George B., C–557836	106.25
Mitchell, Ezra Getchell, C–1095093	$150.00
Moore, John Carroll, C–418642	125.00
Myers, Charles Eugene, C–906745	187.50
Newgirg, Michael Henry, C–362567	125.00
O'Connell, James Henry, C–1086491	106.25
Oliver, Fred Nash, C–563309	187.50
O'Neill, Henry H., C–684927	150.00
Phelps, Joseph Spence, C–238740	137.50
Pitcher, Edwin Hoffman, C–426428	125.00
Reuter, Francis J. G., C–906229	125.00
Rice, German William, C–905807	180.00
Roberts, Ernest, C–1377907	187.50
Roberts, Robert Orson, C–905397	106.25
Robey, Charles Francis, C–223963	106.25
Rothman, Arthur Gordon, C–146067	162.50
Sands, Richard Elbert, C–357956	150.00
Sappington, Purnell F., C–171262	150.00
Semmes, Harry Hodges, C–180873	106.25
Sheets, William Stokes, C–1144051	187.50
Shields, Thomas, C–420354	125.00
Sneeringer, Michael Reily, C–509468	106.25
Starr, Edward James, C–565560	106.25
Sterling, Gordon Cornelius, C–186017	106.25
Stow, James Russell, C–32075	116.87
Tobey, Paul Titus, C–1181039	106.25
Traut, Fred Grandon, C–221329	125.00
Trump, Charles Samuel, C–277646	116.87
Turner, Harry C., C–1087484	150.00
Tyndall, Ira Clinton, C–1382464	150.00
Van Hollen, Donald B., C–193354	106.25
Vey, Edgar Allan, C–502204	150.00
Vinup, Frederick Henry, C–245875	206.25
Vipond, Benjamin Leslie, C–209153	150.00
Walls, William Ralph, C–358368	106.25
Whittaker, Burton Edward, C–1378756	106.25
Williams, jr., Frank Edwin, C–221733	125.00
Williamson, Philip Hearn, C–106868	125.00
Wilson, Alfred Curtis, C–1098578	106.25
Wilson, William Valentine, C–249880	125.00
Worthington, Leland Griffith, C–500366	137.50
Supplemental list	
Crook, Charles Samuel, C–326357	125.00
Corcoran, Matthew John, C–324519	150.00
MASSACHUSETTS	
Ahern, Joseph A., C–522327	150.00
Allen, Woodward, C–309887	187.50
Ames, Shirley Lesquereux, C–400639	150.00
Andrews, George Wilson, C–298201	150.00
Austin, Walter W., C–224962	180.00
Bachelder, Frank E., C–563800	125.00
Bacon, Henry Stuart, C–272543	106.25
Balch, William H., C–1405009	187.50
Bampton, Sidney W., C–375482	125.00
Barr, Harry Hillman, C–664552	106.25
Behringer, Theodore F., C–1407759	106.25
Bell, Hollis Westcott, C–1015919	106.25
Benoit, Samuel Joseph, C–267094	150.00
Bergen, William M., C–307411	150.00
Berman, Louis, C–1027959	137.50
Bernard, Andrew James, C–612763	137.50
Berndes, Walter O., C–286217	106.25
Berry, Bernard Monroe, C–117461	150.00
Blanchard, William Bradford, C–303847	137.50
Blanchard, William Herbert, C–444980	206.25
Bobst, Frank T., C–1014519	125.00
Boldridge, Chauncey H., C–300988	150.00
Brannen, Francis Annis, C–1015934	187.50
Breen, Frederick, C–235780	125.00
Breen, Vincent Charles, C–393317	180.00
Bridges, Thomas Austin, C–347980	106.25
Brockmann, Arthur, C–520192	210.00
Brown, Fred Parsons, C–509533	150.00
Brown, Harry Dunlap, C–906273	150.00
Buffinton, Ernest Richmond, C–165772	106.25
Bumps, Charles Hadley, C–265315	180.00
Burger, Ernest Rudolph, C–533262	195.00
Burr, Ernest Rollins, C–9253	106.25
Butler, David Mathew, C–266364	125.00
Butler, Joseph Francis, C–1003958	106.25
Butler, Patrick William, C–420211	150.00
Campbell, Paul James, C–1008742	106.25
Carlson, John Rudolph, C–83309	125.00
Carr, Andrew J., C–502921	210.00
Carr, Barton, C–1004579	125.00
Carroll, Bernard Francis, C–1009271	125.00
Casey, James Bernard, C–307216	106.25
Cavanaugh, Frank W., C–295214	187.50
Charron, Wilbur Arthur, C–826401	150.00
Chase, Porter B, C–1406709	281.25
Chesbro, Phillip Gordon, C–484710	125.00
Choate, Joseph B., C–239259	150.00
Cleary, John James, C–467414	106.25
Cogan, James E., C–1408611	106.25
Cole, Judson Henry, C–238856	150.00
Collins, Joseph John, C–247215	106.25
Comerford, Charles A, C–532005	106.25

Comerford, John Thomas, C–177477	$150.00
Connell, William A., C–486124	106.25
Cooper, Edwin H., C–1007208	150.00
Cooper, Frank Cyril, C–502297	106.25
Corbin, James William, C–326707	106.25
Corbett, Edward Francis, C–405674	137.50
Cormerais, Henry Dana, C–306850	210.00
Cosgrove, John, C–1011008	
Crafts, Addison F., C–1406542	225.00
Crane, Charles Allen, C–341383	106.25
Cross, Lawrence J., C–1019513	116.87
Cummings, Howard James, C–252137	116.87
Curley, Clarence P., C–1017792	150.00
Daly, Arthur J., C–474210	150.00
Dalzell, Arthur Herbert, C–346635	125.00
Damon, John Warren, C–397790	106.25
Day, Wallace Clesson, C–295627	125.00
Dearborn, Walter Scott, C–1407329	106.25
Dee, Michael James, C–1405057	180.00
Doane, Harry Leslie, C–830518	250.00
Dobbins, William Everett, C–1091439	206.25
Dobbs, George Francis, C–165153	106.25
Dolan, James Joseph, C–1018922	125.00
Donovan, Arthur Patrick, C–397517	106.25
Donovan, Frank Leo, C–1003576	250.00
Doten, Max Vincent, C–258263	106.25
Drake, Harry Floyd, C–484428	106.25
Duane, James Thomas, C–210494	165.00
Dunn, John H., C–1407699	281.25
Dunn, Joseph Henry, C–1407577	150.00
Dwyer, William Joseph, C–534314	125.00
Earl, John Joseph, C–266934	106.25
Eastman, Harry N., C–559411	195.00
Edwards, Frank Pierce, C–906269	210.00
Elkins, Samuel T., C–1010153	106.25
Ellinwood, Waldo Sherman, C–488827	127.50
Estes, Frederick Anson, C–239266	206.25
Ewen, Arthur, C–279613	106.25
Farrell, William Joseph, C–1011506	125.00
Faulkner, Ralph Lindsay, C–1009956	150.00
Fay, William M., C–289454	125.00
Finnerty, Charles William, C–304041	125.00
Fitchet, Seth Marshall, C–164328	165.00
Fitzgibbon, Edward J., C–340432	137.50
Flaherty, William A., C–210547	106.25
Fleischner, Herbert Edmund, C–457394	187.50
Fleming, John Aloysius, C–224529	125.00
Foley, Thomas Francis, C–1016512	243.75
Foote, Alfred Franklin, C–1405315	281.25
Fornason, Charles F., C–1034554	187.50
Fowler, Edward Clinton, C–1012003	137.50
Fyfe, Andrew, C–1009381	125.00
Gallagher, Thomas J., C–1001200	125.00
Gates, Ernest A., C–276897	250.00
Gibbs, Warmoth Thomas, C–546445	106.25
Gillis, Frederick James, C–457213	125.00
Gillis, John Angus, C–530993	116.87
Gillon, Edward Francis, C–1005085	125.00
Ginivan, Robert A., C–537808	106.25
Gish, Daniel Bralley, C–369989	125.00
Glidden, Arthur Boynton, C–105289	165.00
Grant, Walter B., C–326454	106.25
Greeley, Julian Francis, C–1019705	106.25
Griffin, William Henry, C–1015221	150.00
Grimes, Eustis Bernard, C–409678	106.25
Groah, Edward Herbert, C–296240	162.50
Guilfoil, Thomas J., C–1015535	187.50
Hagan, Thomas Joseph, C–328866	250.00
Hall, Herbert William, C–279358	150.00
Hallberg, Carl John, C–387618	137.50
Hansen, Arthur Alexander, C–201042	206.25
Harding, Arthur Ellsworth, C–1000894	187.50
Harding, Robert Francis, C–316593	125.00
Harrington, Francis P., C–1018867	150.00
Harrington, Frederick, jr., C–134173	106.25
Hartwell, Herbert Francis, C–383615	165.00
Harwood, Franklin Andrews, C–28318	125.00
Hawks, Horace G., C–1409762	106.25
Healey, Patrick F., C–209592	150.00
Healy, Jeremiah Joseph, C–239529	195.00
Healy, John J., C–501999 (guardian, Anna Du Moulin)	137.50
Hickey, Charles F., C–1014717	106.25
Hickey, James F., C–1005941	250.00
Hickox, Edward Junge, C–315081	137.50
Hodgkins, William F., C–756644	125.00
Holland, Edward L., C–1062824	106.25
Holmes, Joseph Gardner, C–538854	175.00
Hopkins, Lawrence F., C–1006667	125.00
Horton, George Elmer, C–905705	210.00
Houston, Clarence Preston, C–214947	150.00
Howe, Edward J., C–1405686	106.25
Hoyle, Henry R., C–1012912	150.00
Hughes, Joseph Vincent, C–1407083	106.25
Hunting, Arthur Israel, C–456953	150.00
Ingraham, Elmer C., C–212070	106.25
Ireland, Orville Friend, C–288226	125.00
James, William Edgar, C–1018200	$165.00
Jenkins, Thomas Lincoln, C–905353	281.25
Johnson, Philip I., C–1406355	125.00
Jones, Albert E. B., C–392239	116.87
Jones, Daniel A., C–298048	116.87
Jones, Frederick Ellis, C–498289	262.50
Jones, Robert L., C–197157	150.00
Jones, William Emerson, C–304171	125.00
Kearns, Thomas Wilfred, C–400721	125.00
Keating, Thomas F., C–1007685	125.00
Keenan, Barry, C–1017824	150.00
Keller, Paul, C–322089	137.50
Kelley, James Richard, C–412299	116.87
Kelley, Thomas U., C–477306	106.25
Kelly, Eugene Edmund, C–537807	106.25
Kennedy, William Edward, C–240089	116.87
Kennerly, Edgar Oliver, C–392070	125.00
Kerr, James, C–1011381	138.12
King, Mark Aloysius, C–446680	150.00
Kirlin, Alfred Patrick, C–381351	106.25
Knauth, Felix W., C–238202	125.00
Ladd, Walter Alexander, C–1408422	150.00
Lahey, Jeremiah J., C–611997	106.25
Lally, Francis H., C–741507	125.00
Lally, Michael Joseph, C–376475	106.25
Lane, Philip Thomas, C–1000388	162.50
Lawson, Henry George, C–554056	150.00
Leontine, Gaspar E., C–1019195	187.50
Letzing, John Laurence, C–388821	
Lydon, John J., C–1016916	165.00
MacCarthy, Eugene Richard, C–1407740	106.25
MacDonald, Calin Campbell, C–905829	106.25
Mack, David Gibson, C–543069 (guardian, Mrs. Gertrude D. Mack)	125.00
MacNeil, Angus Joseph, C–907065	125.00
Mahoney, Augustine Francis, C–498098	106.25
Mahoney, John W., C–1012257	180.00
Maloney, Arthur Michael, C–119557	106.25
Maloon, Ralph I., C–236880	116.87
McAvey, Thomas L., C–1405842	187.50
McCann, William Fenton, C–1410195	150.00
McCarthy, Thomas, C–1009908	210.00
McCormick, William A., C–1015694	150.00
McClure, Samuel, jr., C–1391292	150.00
McDonnell, Henry Grattan, C–358870	106.25
McGay, Walter Howard, C–1016104	125.00
McGlone, Joseph Carlton, C–288505	106.25
McIntyre, Donald Roy, C–378558	
McKenney, Harry, C–169117	106.25
McLean, Obadiah Ritchey, C–569279	125.00
McNellis, Bernard Joseph, C–569822	125.00
McPhail, John Gunn, C–1410266	150.00
Menard, Henry George, C–424823	116.87
Merrill, Henry Mudgett, C–290722	106.25
Millward, Arthur Henry, C–624231	106.25
Mix, Donald Guernsey, C–428020	106.25
Morris, Robert Edmund, C–286604	106.25
Moulton, Paul, C–1409540	150.00
Moyse, George Crendon, C–473071	195.00
Muicahy, George Francis Arthur, C–1014012	106.25
Mullaney, James J., C–264423	106.25
Murphy, Arthur W., C–1405795	106.25
Murphy, Thomas F., C–338711	225.00
Nabers, Bruce Quigley, C–487045	150.00
Nagel, Frederick F., C–393108	106.25
Nelson, John Alfred, C–492901	106.25
Neville, Maurice Patrick, C–1002178	106.25
Newell, Joseph, C–1266135	240.62
Nicholls, Melvin Henry, C–308145	116.87
Norton, William Michael, C–1000577	106.25
Noxon, John Franklin, jr., C–188135	106.25
Noyes, Edwin Miles, C–145436	106.25
Oates, Walter Alexander, C–312346	106.25
O'Brian, Patrick Francis, C–380795	162.50
O'Brien, John, C–1006178	150.00
O'Connell, Fabian V., C–743126 (guardian, Loretta G. McCormack)	125.00
O'Connor, Michael J., C–1009196	165.00
Ogden, Joseph T., C–1408101	125.00
O'Neil, Frank Patrick, C–295019	150.00
Orr, Gordon Dickson, C–1409610	125.00
Packard, Thomas Dudley, C–1018051	125.00
Paglia, Jeremiah James, C–625682 (consignee, Mrs. Eleonore E. Paglia)	125.00
Parker, John E., C–297694	210.00
Parlow, George Gibson, C–1011340	150.00
Bank of Boston)	106.25
Patrick, Howard, C–1405639 (consignee, Merchants National	
Penney, George S., C–214273	210.00
Perry, Harold Clinton, C–1126230	106.25
Phelps, Ernest Henry, C–526467	137.50
Phillips, Charles Elmer, C–1016870	106.25
Pierce, Hammond M., C–204643	106.25
Pierce, Reuel Alfred, C–203214	150.00
Pond, William Gilbert, C–410113	210.00
Power, Thomas Edward, C–185405	150.00

Pratt, George W., C–758001	$106.25
Pringle, James Robert, C–1405614	106.25
Putnam, Eben, C–435549	150.00
Ramsay, William W., C–1010590	240.62
Ranlett, Louis Felix, C–166339	106.25
Ratigan, William Andrew, C–1016160 (guardian, Mrs. Elizabeth A. Ratigan)	172.50
Reardon, Cornelius Leo, C–1006806	125.00
Reardon, Frank J., C–1405437	180.00
Reardon, Timothy James, C–178053	106.25
Reddy, Daniel P., C–168232	106.25
Reed, George Roland, C–703880	106.25
Reed, Leslie Stevens, C–1409830	106.25
Regan, William Francis, C–449088	150.00
Richardson, Francis Allen, C–333602	150.00
Ricker, Maurice Stanley, C–419764	125.00
Ricketts, Joseph W., C–206974	150.00
Riley, Henry Irving, C–1268317	125.00
Riley, John Joseph, C–426625	125.00
Robart, Ralph Whitley, C–293811	125.00
Roberts, George Albert, C–491942	187.50
Robinson, Arthur, C–399408	106.25
Rose, James Patrick, C–459744	137.50
Ryan, Edward Francis, C–555744	125.00
Saftel, Harry R., C–1039127	125.00
Sanford, Alfred Osro, C–1018436	106.25
Sargent, Lester F., C–1409318	180.00
Sawhill, John McKnight, C–434524	125.00
Scarles, Herbert L., C–273107	150.00
Scheller, Louis, C–388861	125.00
Schuyler, Philip Lansing, C–303475	281.25
Schwartz, George Harvey, C–906707	125.00
Selden, James Kirkland, C–127187	106.25
Shaughnessy, Paul Francis, C–403550	150.00
Shea, Thomas Pancratius, C–396607	125.00
Sheehan, Edward Bernard, C–203091	150.00
Sheehy, Edmund P., C–432639	106.25
Sherry, James P., C–1088054	125.00
Sirois, Edward Devlin, C–409103	106.25
Smith, Charles Warren Henry, C–255288	162.50
Smith, Chellis Vielle, C–1410228	125.00
Smith, Clarendon W., C–1407000 (conservatrix, Margaret D. Smith)	106.25
Snow, Simon Charles, C–671277	125.00
Spalding, George Edward, C–523534	106.25
Spellman, Martin Henry, C–482865	125.00
Spencer, Harry Lovering, C–905853	137.50
Stanchfield, Charles C., C–1006648	195.00
Stanley, Gilbert, C–309649	125.00
Stearns, William Brackett, C–1050427	150.00
Stewart, George William, C–1410414	150.00
Stinehart, Elmer Charles, C–1007922	125.00
Stirzaker, Ernest Joseph, C–1406383	106.25
Sutton, Daniel F., C–611950	125.00
Swindler, Harold Frank, C–1016011	137.50
Talbot, Robert Adams, C–1017909	106.25
Taylor, Ira Chase, C–280466	137.50
Tenney, Gerald E., C–1022239	150.00
Tidd, John Henry, C–1406641	195.00
Tierney, Thomas F., C–1013186	165.00
Trask, Charles Albert, C–1009271	125.00
Trotman, Frank Paul, C–1013449	106.25
Upton, Charles Louis, C–134794	150.00
Ulrich, Francis Paul, C–609891	116.87
Vera, Frank Jerry, C–1006954	125.00
Vigeant, Napoleon Joseph, C–1019341	106.25
Walsh, George W., C–1016278	150.00
Walsh, James Francis, C–439866	137.50
Walsh, John Leo, C–250400	106.25
Warner, George Vernon, C–380498	106.25
Warner, Hunt, C–234038	106.25
Waterhouse, Charles N., C–1018184	106.25
Weir, James Duncan, C–616383	210.00
Weise, Leo, C–427094	137.50
Wellman, Harold Orne, C–1410083	125.00
Welsh, Peter James, C–1014771	125.00
Windsor, King Olaf, C–246069	150.00
White, Harry D., C–1038241	125.00
White, Arthur Francis, C–185324	106.25
Williams, Haskell, C–18563	125.00
Wilson, Andrew Thomas, C–98485	137.50
Wilson, Harvey William, C–176740	106.25
Winquist, Lennart, C–1008979	
Winslow, Edmund John, C–587978	116.87
Winston, John Francis, C–1016023	150.00

Supplemental list

Webster, Edward E., C–1009485	106.25

MICHIGAN

Alexander, John, C–1029072	125.00
Anglemire, Raymond Lee, C–303259	150.00
Ashmun, Louis Henry, C–1155299	125.00
Ballard, Freeman A., C–601523	106.25
Barcus, Walter J. E., C–1198130	150.00
Barnwell, John B., C–1056321	106.25
Baskerville, Robert J., C–294740	150.00
Beuker, Bernard Johan, C–1175595	$187.50
Bohstedt, William, C–252489	150.00
Boldon, Harry, C–303798	116.87
Bradley, Kenneth C., C–1187339	116.87
Breakey, James F., C–333377	187.50
Brittian, William Sebastian, C–658717	125.00
Brown, Howard, C–1191100	150.00
Brunk, Henry Jerrett, C–289475	150.00
Bullock, Earl Sprague, C–306157	187.50
Bush, Daniel Tilden, C–416715	137.50
Carney, James Joseph, C–537701	106.25
Casper, Franklin S., C–229390 (guardian, National Bank of Ionia)	106.25
Cooley, Randall Marvin, C–522056	206.25
Conrick, John P., C–522819	150.00
Crabbe, George Simmons, C–238804	180.00
Dudley, Ethelbert L., C–305257	165.00
Dumas, Victor Morley, C–1437528	250.00
Dunham, William Herbert, C–619348	150.00
Etu, Walter J., C–1198924 (guardian, Louise Etu)	125.00
Flick, Fred S., C–433004	106.25
Gambs, Ernest Rudolph, C–618504	125.00
Gansser, Augustus H., C–232462	281.25
Gilmore, Harry F., C–288658	150.00
Hartman, Ernest Valentine, C–124340	150.00
Houser, Frederick Ferris, C–33030	106.25
Hullberger, Milo R., C–179369	106.25
Irvin, Harry Clay, C–367247	150.00
Irving, Ira Lloyd, C–542535	
Jameson, Earle Clifton, C–473969	125.00
Jameson, H. Burton, C–146189	106.25
Johnson, Henry T., C–1179307	137.50
Kelly, Harry Francis, C–90210	106.25
King, Louis A., C–1437527	150.00
Kirkpatrick, Dixon Heckman, C–547167	150.00
Kowalski, Charles J., C–1171487	137.50
Krohn, Albert Henry, C–339621	125.00
Kunze, Lewis W., C–342850	137.50
Lahmann, Charles Fred, C–127134	162.50
Lamb, Franklin, C–1202930	137.50
Lawrence, Frank A., C–1174505	175.00
Leneweaver, Charles Frederick, C–380948	106.25
Lewis, Raymond McKinley, C–1193796	150.00
Loye, Harry August, C–280080	106.25
Lyons, Roy T., C–325393	125.00
Malejan, Harry M., C–1441436	218.75
Markey, Raymond Alfred, C–150405	125.00
Martindale, Edsell Herbert, C–1204370	125.00
McClain, Robert J., C–393620	106.25
McCullough, Jay Charles, C–228126	250.00
McIntosh, William Fraser, C–539875	125.00
McMenomy, Robert Leo, C–1395616	106.25
McSwain, Fletcher, C–1035287	125.00
Minier, Edward William, C–435851	210.00
Millberry, Mark Andrew, C–463352	180.00
Millen, Victor A., C–489380	116.87
Miller, Edwin Evans, C–205936	150.00
Murphy, Joseph Patrick, C–187413	137.50
Nelson, Frank Justin, C–811362	106.25
O'Brien, James Francis, C–558312	106.25
O'Hora, Bernard Anthony, C–407237	125.00
Oill, George Vernon, C–360641	150.00
O'Neil, John N., C–573260 (guardian, Union Trust Co.)	125.00
Owen, Edward Kirkpatrick, C–136177	125.00
Peart, George Wesley, C–284602	150.00
Peck, Ward Harrison, C–162245	125.00
Perry, Donald Antonio, C–447127	125.00
Phillips, David D., C–539870	210.00
Portmess, Robert Chester, C–822649	125.00
Potter, Clark B., C–360456	137.50
Pyle, Wynand Van K., C–194068	150.00
Rainwater, Joseph B., C–162542	116.87
Sergeant, Floyd Almer, C–87928	106.25
Spawr, Clarence Valentine, C–1194149	195.00
Sobie, Joseph James, C–427335	127.50
Steinberger, Otto Charles, C–185602	165.00
Steinhilber, Cloyd Wilmot, C–88154	125.00
Stirling, Robert Bateman, C–405240	106.25
Sullivan, Gordon Bostwick, C–1436491	125.00
Sullivan, John Lawrence, C–412641	106.25
Thacker, Edward Casey, C–172041	106.25
Thompson, William Darius, C–291955	150.00
Tinder, John William, C–307730	150.00
Torrey, William Burrell, C–87268	180.00
Tuck, Raymond George, C–363968	125.00
Wacker, Benjamin Gottlieb, C–625726	106.25
Waters, George, C–236824	187.50
Webb, Hardie Black, C–482131	116.87
Weine, Richard Henry, C–285296	106.25
Westrate, William, C–245373	125.00
Whipple, Charles Joseph, C–707801	125.00
White, Edmond Gordon, C–157096	106.25
White, Harold Kirk, C–124983	106.25
Wilson, James M., C–232437	150.00
Wilson, Merritt Baxter, C–219709	180.00
Wise, Andrew Boyd, C–326092	106.25

Wright, Royale Alfred, C–299975	$125.00
Yeager, Harry Gilmer, C–172428	125.00
Zacharias, John A., C–473479	180.00

MINNESOTA

Allen, Raymond Lawrence, C–1232869	150.00
Anderson, Edward Thomas, C–479321	150.00
Anderson, James Kerr, C–566152	125.00
Ashby, Bert, C–677614	150.00
Baker, William F., C–349077	125.00
Balch, Robert M., jr., C–244866	106.25
Barnett, Joseph Henry, jr., C–440950	150.00
Berg, Elmer William, C–221477	137.50
Bjorneby, Peter C., C–1349313	125.00
Bissonnette, Arthur Thomas, C–412937	125.00
Bonfoey, Donald Russell, C–444464	187.50
Bush, Walter Lewis, C–561079	125.00
Coalter, William D., C–1238240	116.87
Darling, Walter Henry, C–322966	187.50
Davy, Jesse John, C–254935	150.00
DeLaine, Charles Edouard, C–255492	148.75
DeMalignon, Francis Edwin, C–170828	127.50
Dolan, James Henry, C–1349614	125.00
Dwyer, William Dalton, jr., C–700345	106.25
Eckman, Louis Leonard, C–331268 (Mrs. Margaret Eckman guardian)	165.00
Ernst, Henry William, C–906573	125.00
Fiksdal, Mads J., C–292314	150.00
Flanagan, Arthur James, C–278191 (Mary T. Flanagan, guardian)	106.25
Ganfield, Roy William, C–1249773	125.00
Gleason, William Thomas, C–1242741	106.25
Gonnella, Joseph Carl, C–492224	106.25
Goodman, Allen Laird, C–329327	125.00
Graham, Fred David, C–1233671	150.00
Graham, William Edward, C–216583	106.25
Grann, Clarence Nelson, C–1345726	106.25
Gunderson, Sophus Daniel, C–207321	106.25
Hagerman, William F., C–161685	150.00
Haney, Claude Leonard, C–12355333	150.00
Helmick, Alexander, C–1243273	106.25
Hemenway, William P., C–1347417	150.00
Hill, Ernest Sylvester, C–332102	150.00
Hinck, Harry James (guardian, Mrs. Helen Bartlett Hinck), C–379747	165.00
Hockridge, Richard Earl, C–270059	125.00
Hunte, August Frederick, C–1350227	125.00
Jensen, Joseph Arthur, C–1276835	125.00
Kaldunski, Theodore Anton, C–210646	127.50
Keefe, Andrew Percy, C–1241549	150.00
Kelly, Giles O., C–362312	137.50
Kennedy, Arthur Todd, C–1242033	200.00
Kingsley, Burton Lewis, C–1237450	150.00
Knapp, Frank Norris, C–1346096	125.00
Kneebone, John Henry, C–1232241	106.25
Lamb, Harold Ladd, C–716577	225.00
Lindsay, George Elliot (guardian, James E. Carr), C–1189767	106.25
Lindsay, William Vardeman, C–1347432	187.50
Loughin, Charles A., jr., C–477757	106.25
Luce, Erle David, C–314564	312.50
Lund, Eli Reuben, C–480919	125.00
Mallon, George Henry, C–1234679	165.00
Markus, N. W., C–191155	106.25
Marshall, Robert G., C–343870	150.00
McCauley, Philip Joseph, C–263154	165.00
McCrea, Herman Stanley, C–1232380	106.25
McDonough, James Paul, C–387250	125.00
McLeod, Howard Leigh, C–1350028	125.00
McKenzie, Cedric Francis, C–319872	125.00
McVety, Ann Packard, C–1174193	106.25
Metzroth, Carl Frank, C–603873	125.00
Mollison, William Theodore, C–1242952	312.50
Morriss, Herbert A., C–1243788	187.50
Moynihan, Andrew Francis, C–420026	150.00
Mulcahey, Edward Patrick, C–331039	106.25
Nannestad, Jonas R., C–1346257	125.00
O'Boyle, Michael Dilliam, C–197071	106.25
Olson, Van Cleave A., C–712882 (guardian, John G. Olson)	106.25
Olson, Reinhardt, G., C–283016	150.00
Ormond, Frederick C., C–558898	180.00
Pederson, Reuben M., C–1242863	240.62
Perry, Oliver S., C–1237643	240.62
Peterson, Elmer Otto, C–268385	125.00
Peterson, Percy Thomas, C–690402	106.25
Powell, Herbert J., C–479084	125.00
Prentice, James Del, C–1351979	162.50
Preston, Paul James, C–1234362	150.00
Quilling, Milton A., C–230929	116.87
Reed, Ray Elmer, C–453535	127.50
Robbins, Douglas Ford, C–707000	125.00
Robertson, Henry William, C–1348116	106.25
Robertson, John Banks, C–215768	150.00
Ronning, Alvin Norman Heidor, C–865674	106.25
Routhier, Raymond L., C–1242394	106.25
Ryan, Thomas A., C–1350045	150.00
Safro, Louis Labe, C–1243555	106.25
Sanborn, Courtland Rockwell, C–266783	$125.00
Sargeant, Howard Lee, C–1351645	125.00
Saxton, Robert Henry, C–489061	125.00
Scott, William, C–1346662	106.25
Scott, William E., C–462803	125.00
Scott, William F., C–352247	137.50
Skinner, Cleveland, C–1346738	243.75
Simonet, Joseph S., C–380054	125.00
Southwick, Mariano B., C–1178840	187.50
Staley, John C., C–1350265 (guardian, Alexander R. Hall)	218.75
Stevens, John, C–204755	125.00
St. Clair, Gordon Griffith, C–1351625	150.00
Stock, William John, C–1240545	150.00
Street, Frank Willis, C–515832	125.00
Stuart, Edwin Marvin, C–283341	116.87
Sullivan, Lester Eugene, C–679261	106.25
Swedenburg, Axel Wilhelm, C–500698	125.00
Thompson, Charles Elliott, C–376392	225.00
Thompson, Richard Charles, C–472603	125.00
Wahlquist, Harold Ferdinand, C–1231221	125.00
Warren, Edward Richard, C–250399	125.00
Wheeler, Merritt W., C–1347455	150.00
Winter, Clarence B., C–1346187	206.25
Wolfangle, George H., C–1347019	106.25
Young, Henry Gottfritz, C–510898	125.00
Zobel, Carl Julius, C–1238372	125.00

MISSISSIPPI

Adams, Winfred Cooper, C–137706	150.00
Alexander, Cassius Dent, C–1303949	150.00
Aycock, William Jasper, C–430512	125.00
Barkley, Claud D., C–270452	150.00
Barnwell, Frank Hayne, C–189071	106.25
Baylis, George Warren, C–155379	125.00
Beams, Douglas E., C–1302777	165.00
Blank, Guy B., C–305360	106.25
Britt, Wallace Leslie, C–1310354	187.50
Buckingham, Henry G., C–1335244	125.00
Burns, Joseph Strattion, C–34261	150.00
Carr, Hilton Rice, C–1137425	125.00
Calquhoun, Walter N., C–1137226	106.25
Clarke, Cyrus Augustus, C–1131377	106.25
Coker, Perry Ander, C–243018	125.00
Crawley, David Ephraim, C–1135821	150.00
Daniel, Sam Hardeman, C–251082	127.50
Gray, Robert Ellington, C–1128858	125.00
Grayson, Thomas Jackson, C–309874	125.00
Green, Curtis Taylor, C–1309382	150.00
Griffin, Garnett William, C–304081	150.00
Guy, Thomas Jesse, C–364173	106.25
Hamilton, Waring, C–831950	125.00
Henson, Edward Newell, C–470560	125.00
Hill, Marion L., C–1138859 (guardian, Mrs. Antoinette Hill)	106.25
Houtz, Bumond Clyde, C–412179	106.25
Huggins, Cleveland Paul, C–1311462	150.00
Kellis, John Howard, C–1301726	125.00
Kent, Henry C., C–1133376	150.00
Kibbe, Gordon Mirro, C–403180	125.00
Lofton, Albert Columbus, C–334994	125.00
Lotterhos, George, C–554634	125.00
McCalmont, John A., C–1306853	225.00
McHenry, Wiley Earskine, C–344023	138.12
McVey, Eric A., C–149825	150.00
Middleton, Caleb Scattergood, C–906303	150.00
Miller, Francis Loren, C–474140	106.25
Moore, William Milous, C–334506	195.00
Morgan, Lewis Riley, C–236946	180.00
Murphy, James B., C–1085233 (guardian Mrs. Lela B. Murphy)	106.25
Oberschmidt, Leon P., C–1130909	106.25
Owens, William R., C–312616	125.00
Peery, Arnold Liddell, C–1270596	150.00
Phyfer, Lamar F., C–306707	106.25
Polk, Phil Russell, C–1135309	150.00
Powell, Henry Bradford, C–342541	150.00
Price, Frank Ray, C–565574	106.25
Beedy, John Dennis, C–796300 (guardian Miss Nora Beedy)	125.00
Riley, Franklin Gail, C–216458	150.00
Robins, John Quitman, jr., C–906245	106.25
Russell, Presley B., C–1135782	125.00
Rye, Burnie W., C–1308689 (guardian Mrs. Sallie Peck Rye)	125.00
See, Mart, C–905262	243.75
Schwartz, Grover Cleveland, C–1213891	125.00
Walker, Charles Emmitt, C–240815	125.00
Ware, Robert Lowery, C–1126642	106.25
Watson, Henry Willis, C–299494	106.25
Wayman, Herbert Lee, C–233819	165.00
Williams, Neal M., C–741606	106.25

MISSOURI

Adkins, Eugene Monroe, C–858179	125.00
Albers, Edward August, C–1438154	125.00
Allard, Dean Conrad, C–170841	106.25
Allen, Jacob Wood, C–146633	125.00
Amfahr, Will Penn, C–144488	106.25
Ball, Logan Marshall, C–258500	106.25
Barngrove, James Longmoor, C–317629	206.25

Barr, Robert William, C–74125	$206.25
Bennett, Albert O., C–292846	106.25
Boland, Philip Pierre, C–294370	106.25
Bolin, Frank E., C–1210974	150.00
Bradley, Glade T., C–252963	150.00
Breckinridge, Archie, C–626635	137.50
Brockmeyer, Edwin J., C–113345	106.25
Brooks, Louis Joshua, jr., C–294729	150.00
Broyles, Watkins Andrew, C–87706	106.25
Bruce, John Rufus, C–233423	125.00
Burton, William Grover, C–1221329	125.00
Cavaness, Ernest Worth, C–1221454	150.00
Constable, John Ferdinand, C–276643	243.75
Cook, Scott, C–1215290	125.00
Cox, Harvey Bernard, C–241002	125.00
Cushing, John Branch, C–341428	125.00
Davis, Charles L., C–253379	150.00
Davis, Phillips Norton, C–653595	150.00
Donaldson, Clyde Owen, C–1224514	150.00
Duncan, Floyd Reed, C–1206389	106.25
Edens, Louis M., C–703032	125.00
Elam, William Tecumseh, C–1217371	150.00
Esserman, Eli Locos, C–179606	106.25
Fisher, Neville Charles, C–421754	150.00
Foster, Forest Field, C–221478	125.00
Frame, George David, C–424826	106.25
Gambs, James Jacob, C–1078686	156.25
Gardner, George W., C–257912	125.00
Gilbert, Frank, C–1096737	187.50
Glenn, Joseph Earl, C–505144	125.00
Goessling, Augustus Michael, C–303862	125.00
Goldman, Jay M., C–1329433 (guardian, Leon H. Goldman)	125.00
Grey, William Andrew, C–905526	250.00
Gross, Elmer Theodore, C–1418208	125.00
Hallar, Forrest, C–524595	125.00
Hamm, George Walter, C–354058	125.00
Harrison, Edmund Lee, C–609646	125.00
Heiple, Edward Eli, C–353032	125.00
Heithaus, Joseph John, C–315043	125.00
Henderson, James Alexander, C–293892	106.25
Hendrick, Thomas Franklin, C–246457	210.00
Henske, Godfrey W., C–375083	125.00
Higbee, Matt Lyman, C–1156049	250.00
Hobart, Carl Albert, C–410494	150.00
Hodge, Russell Lowe, C–1221095	150.00
Hogan, William George, C–122046	125.00
Hughston, James Buchanan, C–1206598	116.87
Hume, John Robert, C–258760	150.00
Imes, Terrance William, C–278280	106.25
Jaco, Estill Luther, C–1152601	187.50
Johnson, Archie Nelson, C–391083	206.25
Johnston, William Wylie, C–277886	206.25
Jones, Oliver Guy, C–230004	226.60
Jordon, Ira Wesley, C–171650	106.25
Keath, Howard Bascomb, C–174894	106.25
Keith, jr., Alonzo Fred, C–1430345 (guardian, Jennie S. Keith)	150.00
Kelley, Ralph Rackett, C–905646	125.00
Kelly, Joseph Patrick, C–1228862	150.00
Kimberlin, Joseph Wesley, C–1228180	150.00
King, Joseph E., C–476820	125.00
Kinsella, James Aloysius, C–1225481	150.00
Lederman, Harold Plant, C–1229383	106.25
Lee, jr., Elbert J., C–1050033	150.00
Levey, Simon Ashe, C–301596	150.00
Locker, George Everett, C–501206	150.00
Love, Frank Wellington, C–482978	195.00
Maguire, John Thomas, C–310793	125.00
Malley, John Albert, C–1217465	125.00
Martin, James Hardy, C–166674	125.00
Maynard, Frank, C–1012747	138.12
McCarty, William Herbert, C–300842	106.25
McCullough, Robert Henry, C–237638	150.00
McGinnis, Elzie V., C–246096	137.50
McGuire, Bernard Francis, C–905191	195.00
McGuire, Clarence A., C–248552	187.50
McKee, Joseph Wallace, jr., C–1221419	125.00
McKinney, John V., C–306187	150.00
McKinney, Joseph Lee, C–1222483	180.00
McQueen, Joe Welch, C–217904	150.00
McTaggart, Ernest D., C–1326557	125.00
McWilliams, William Harmon, C–1210673	180.00
Meier, Gunther, C–245545	210.00
Meyers, Montague M. (guardian, Harry C. Meyers), C–345097	125.00
Miller, Dan Tucker, C–1152249	125.00
Miller, Clarence Louis, C–309589	125.00
Moore, Richard, jr., C–1225715	150.00
Narriey, George Raymond, C–460756	125.00
Naslund, Elmer, C–303531	106.25
Nathan, Winfrey Gatewood, C–315193	125.00
Nelson, William L., C–199565	150.00
Nettle, Harry, C–15782	106.25
Norman, Joseph D., C–379128	125.00
Owens, Roy Jefferson, C–1215806	125.00
Peatross, James L., C–625083	218.75
Peistrup, Edward C., C–294702	$125.00
Perry, John Morris, C–364018	150.00
Pierce, Walter, C–255239	137.50
Platter, Abram Edson, C–362755	125.00
Poindexter, Francis, C–99305	106.25
Postelthwaite, Frank M., C–318554	125.00
Rails, William Earl, C–341671	106.25
Rauschkolb, George Henry W., C–113233	165.00
Ray, Norman Paul, C–552009	125.00
Richards, Thomas Carter, C–121884	150.00
Robinson, Edward Everette, C–379213	125.00
Sale, Irwin, C–1225362	106.25
Sanders, William Philip, C–1229155	165.00
Schumacher, Clark P., C–577742	137.50
Schuster, George Arthur R., C–156328	106.25
Scrafton, Wallace Todd, C–509147	137.50
Sharp, William Lowery, C–539547	165.00
Skinker, Thomas Julian, C–282529	125.00
Slaughter, Stephen Olin, C–547344	137.50
Smith, William Irving, C–1218562	150.00
Snell, Harold Vaughn, C–516904	106.25
Springer, Mark Dooley, C–202582	150.00
Stack, Aloysius Justin, C–1225460	125.00
Stansbury, Otis Percival, C–309785	116.87
Stanton, Christopher M., C–239655	137.50
Stout, Francis Rogers, C–151968	106.25
Stumberg, Bernhardt K., C–13233	150.00
Taylor, Norman Bates, C–604115	150.00
Terrall, Ralph Eliot, C–221115	125.00
Thompson, William Givens, C–209043	125.00
Tittman, Eugene Charles, C–217499	125.00
Titterington, Richard M., C–291347	125.00
Van Horn, Eustus E., C–516712	137.50
Vessells, Francis Meredith, C–501236	187.50
Waldron, Jay Clark, C–1213305	106.25
Warren, Henri Laurens, C–475245	125.00
Westphal, Frederick August, C–182326	106.25
Williams, Douglas Kyril, C–1213869	106.25
Wilson, Verne Reynolds, C–263799	125.00
Wornall, Francis, C–415774	106.25
Yazel, Herman Eugene, C–906411	150.00
Young, Clare F., C–543822	125.00
Supplemental list	
Crist, Hunter C., C–304852	180.00
Johnson, Walter Thomas F., C–622190	127.50
MONTANA	
Bivins, Horace W., C–278890	210.00
Britell, Oley Alphonso, C–347350	150.00
Carroll, Daniel Brendan, C–313885	125.00
Cowley, Stephen James, C–1348569	187.50
Cummins, William Edward, C–239469	125.00
Farris, John M., C–1346276	106.25
Flachsenhar, Walter R., C–433449	106.25
Foot, Paul, C–561807	150.00
Fulkerson, Clarence D., C–286246	150.00
Galen, Albert John, C–1346746	218.75
Hoskyn, Wilber John, C–196562	125.00
Janes, Arthur DeWitt, C–1255732 (guardian, G. A. Janes)	106.25
Johnson, Harry Maurice, C–1350886	150.00
Johnson, Howard A., C–402607	106.25
Josephson, Joseph Theodore, C–1235723	125.00
McDaniel, Winfred Porter, C–317059	150.00
Mortell, Frank Clyde, C–300744	106.25
Murphy, James Clement, C–303742	106.25
Near, Harold Keith, C–298893	106.25
Lamey, Arthur Francis, C–345628	125.00
Little, William Starling, C–412903	180.00
Lord, Bertram Eckford, C–1239927	125.00
Ferry, Owen H., C–212209	125.00
Rader, Ralph Dennis, C–1352137	187.50
Sharp, Louis P., C–264010	106.25
Sheridan, Charles Leondis, C–328532	225.00
Sickenger, Clifford C., C–1238436	106.25
Smith, Charles James, C–412260	150.00
Smith, Will Remeses, C–1347094	125.00
Southmayd, LeRoy, C–1351489	187.50
Taylor, Verne Lee, C–1284010 (guardian, Wm. E. Taylor)	106.25
Valentine, Charles P., C–1346485	106.25
Wiedeman, George John, jr., C–258231	106.25
NEBRASKA	
Anderson, Ralph Earl, C–594574	106.25
Andresen, Ezra, C–845201	106.25
Brown, Gilbert Silas, C–1215291	150.00
Cretsinger, Clyde Franklin, C–1223985	106.25
Gildersleeve, Harry Dale, C–1313647 (guardian, L. C. Gildersleeve)	106.25
Haynie, Otis William, C–490919	56.25
Hlava, Albert V., C–506281	106.25
Hupp, Allen Thurman, C–313458	180.00
Johnston, George Washington, C–1228273	150.00
Jonaitis, George F., C–443699	125.00
Kidder, Clarence Eugene, C–1228158	125.00
Kline, Orval L., C–1225752	116.87
Kokjer, Thomas Edgar, C–703254	131.25
Kregel, Mark G., C–1329514	106.25
Munger, Irvia Clarence, C–1207702	125.00

Pirsch, Gregor B., C–275617	$106.25
Limburg, John Irwin, C–109624	125.00
Linquist, Arthur Lawrence, C–201577	150.00
Major, Francis Davison, C–497649	125.00
Racely, George Andrew, C–217937	150.00
Range, Wilber N., C–490855	195.00
Ritchie, jr., William, C–135614	150.00
Sellery, Alfred John, C–441670	106.25
Taylor, Vantrese LaFayette, C–1212140	106.25
Webster, Calvin, C–295556	106.25
Vassell, Fred Walter, C–156751	125.00
Yoder, Charles Albert, C–264164	150.00
Young, Harry Raymond, C–287386	116.87
NEVADA	
Aldrich, Alexander Hamilton, C–341381	165.00
Burns, James J., C–399762	125.00
Hezzelwood, George Wellington, C–123252	106.25
Hunter, William Gordon, C–287245	150.00
Keys, George G., C–355897	150.00
Lotz, Truman LeRoy, C–338532	106.25
Rains, Hugh E., C–1264690	106.25
Shawe, Hamilton Bruce, C–294654	137.50
Smith, Thomas A., C–215351	106.25
NEW HAMPSHIRE	
Abbott, Frank James, C–446973	------
Ballor, Edwin Maurice, C–1089966	106.25
Brokenshire, John R., C–480446	106.25
Coulter, Arden Frank, C–1018060	180.00
Deming, Reginald C., C–1019062	106.25
Estabrook, Clarence Ware, C–368073	125.00
Fiske, George Varnum, C–1011771	240.62
Fuller, Enoch Doble, C–1018619	106.25
Gallishaw, John, C–109030	106.25
Hay, John R., C–311312	150.00
Hultzen, Lee Sisson, C–444567	137.50
Kennard, Reginald Parry, C–1016633	150.00
Knowlton, John Greenleaf W., C–176993	187.50
Lee, Joseph P., C–1013398	165.00
Maguire, Daniel Lawrence, C–1405196	125.00
Main, Matthew William, C–517595	150.00
McDonough, Hubert B., C–306730	106.25
McKay, Arthur James, C–289816	106.25
Quirk, Thomas Joseph, C–343025	150.00
Sayers, William Joseph, C–497391	180.00
Wing, Persons Walton, C–539819	150.00
NEW JERSEY	
Aikens, John Joseph, C–331387	150.00
Alberto, Joseph, C–530182	127.50
Apgar, George Leland, C–419422	162.50
Atwater, Benjamin Leonard, C–438274	137.50
Baird, Thompson McDonald, C–1033253	187.50
Baker, Franklin Hanway, C–905514	187.50
Bateman, Sydney B., C–765615	150.00
Becke, Edward, C–1042257	125.00
Becker, Charles Frederick, C–905930	125.00
Beery, Otto Russell, C–174673	106.25
Bissell, Leonard A., C–1042036	125.00
Bonnell, Harry Morton, C–220785	106.25
Brock, Arthur Edgar, C–1049101	165.00
Bryant, Donald Reid, C–192588	106.25
Buffington, Malcolm R., C–178768	106.25
Caccavajo, Joseph, C–1028949	187.50
Campbell, Horace Sydney, C–153931	137.50
Carter, John Francis Joseph, C–298907	106.25
Chambliss, William Henry, C–1050878	165.00
Childers, George Ellis, C–160312	106.25
Childers, Robert Jefferson, C–1056864	159.00
Clark, William Alexander, C–105942	187.50
Cochran, Fred, C–1246476	125.00
Condon, William Joseph, C–400967	165.00
Conlin, Alan Bruce, C–298546	106.25
Conlogue, John Augustine, C–296850	106.25
Conover, Alfred P., C–26446	175.00
Corning, Benjamin Harry, C–1063101	125.00
Costello, Michael J., C–403554	150.00
Doyle, George, C–282469	116.87
Crans, Joseph M., C–1048920	106.25
Crocheron, Hal Hamilton, C–415740	106.25
Crosby, Gaston Erskine, C–346014	116.87
Dam, Andrew Colton, C–319201	165.00
Daniel, Richard Curd, C–598506	150.00
Day, Benjamin F., C–243173	210.00
DeLong, Oscar Anderson, C–1047952	150.00
Dennett, Harold Odell, C–321563	137.50
Desmond, Charles, C–1062926	187.50
Doyle, William A., C–392116	195.00
Drever, Richard Julius, C–465943	187.50
Eager, Daniel J. (guardian, Philip J. Eager), C–265237	125.00
Ellis, Albert H., C–60466	150.00
Felderman, Leon, C–574369	150.00
Fischer, Adolf Karl, C–341187	106.25
Fryer, Loren M., C–1028530	150.00
Gaw, Scott Neill, C–1378730	125.00
Gerard, Fred Lewis, C–905639	125.00
Gracy, Leonard Elder, C–385382	187.50
Griesemer, Zadoc Lawrence, C–313091	$187.50
Hackett, James Morris, C–1043190	150.00
Hagerty, Edwin Dillon, C–657653	187.50
Harley, Halvor Larson, C–384561	150.00
Harris, Richard F., C–313420	137.50
Haste, Joseph Patrick, C–365905	106.25
Hauser, Simeon Floyd, C–293503	106.25
Higgins, Lucius Cornelius, C–905222	165.00
Jersek, Walter, C–305304	127.50
Josephson, Maurice, C–530955	125.00
Kearns, John Ralph, C–514346	125.00
Keller, Henry, jr., C–215222	125.00
Kloidt, Ferdinand Herman, C–266610	125.00
Knight, Isaac Warner, C–905920	150.00
Kulp, Samuel Chestnut, C–905761	137.50
Laux, Thomas Campbell, C–378349	106.25
Legg, Henry Frederick, C–223874	125.00
LeHardy, Frank Miller, C–1306315	106.25
Loomis, Stanley D., C–286573	137.50
Lowe, John E., C–412887	106.25
Lundblad, Walter E., C–232725	150.00
MacGuffie, Robert N., C–332591	125.00
MacLeod, Everett Herbert, C–457060	125.00
MacMurrough, Francis Kean, C–108432	150.00
Manheimer, Louis B., C–1045163	150.00
Marion, Vincent S., C–1034766	125.00
McCluskey, Edward P., C–298323	137.50
McIntyre, Howard Hoke, C–509416	106.25
McKelway, George Irvine, C–475910	187.50
McNally, Robert C., C–1052448	150.00
Meddaugh, Samuel A., C–1057869	150.00
Middleton, Ulysses G., C–117828	150.00
Millar, Louis Lesser, C–377959	125.00
Miller, Haydock Harvey, C–402789	137.50
Miller, Warren James, C–301481	106.25
Morrow, David W., C–1379065	125.00
Muehlberg, Clarence Elmer, C–334794	106.25
Mueller, Edward Charles, C–203364	125.00
Muzzy, Charles Ashton, C–519358	150.00
Myers, William Edward, C–179503	106.25
Naismith, Robert, C–348384	125.00
O'Toole, James Arthur, C–571751	116.87
Paletz, Harry Julius, C–316160	125.00
Pannaci, Charles Emonual, C–326115	150.00
Perlberg, Harry James, C–261324	125.00
Pierce, Matthew Alexander, C–252148	125.00
Pullis, Stephen Fowler, C–313802	165.00
Ralph, Kendrick James, C–289400	125.00
Randolph, George David, C–1053739	106.25
Reddan, Martin William, C–218469	187.50
Reddan, William Joseph, C–430002	180.00
Redfield, John Jordan, C–563302	125.00
Remsen, John Leon, C–298961	150.00
Riecke, Henry August, C–315638	150.00
Rogers, William N., C–239691	150.00
Ryan, James F., C–492397	125.00
Sabol, Stephen Alexander, C–256900	125.00
Salmon, Walter, C–164706	116.87
Schlecht, William Martin, C–607508	106.25
Schumacher, John F., C–352132	125.00
Scott, Cornelius Chapman, C–906181	106.25
Selbert, Raymond Smith, C–177221	150.00
Shanahan, Francis Joseph, C–583167	106.25
Smith, Edward Percy, C–390553	106.25
Steinmetz, George H., C–1051216	106.25
Stern, Kenneth Gibson, C–1052094 (guardian, the Hackensack Trust Co.)	125.00
Sutphin, William Halstead, C–380066	150.00
Sutton, Sherwood, C–239666	106.25
Thornburg, John Alexander, C–306014	180.00
Truscott, Dale, C–539025	106.25
Van Buren, Henry Mandell, C–1045542	106.25
Van Mason, Charles Emmett, C–1166013	106.25
Varley, Herbert Paul, C–333905	106.25
Walters, John Cuthbert, C–477931	137.50
Watkins, Walter Edward, jr., C–1043845	106.25
Wenk, John Frederick, C–225011	106.25
Wesson, Major Frederick, C–496441	125.00
Wild, Charles Andrew, C–293633	195.00
Williams, Chester Arthur, C–350034	180.00
Williams, Roberts, C–291352	125.00
Wilson, Gill R., C–535959	125.00
Wise, John Bernard, C–521852	150.00
NEW MEXICO	
Allan, Hugh Waldon, C–1256608	125.00
Angle, George Keyser, C–1257927	150.00
Atherton, Alney L., C–257551	150.00
Bouldin, John Watson, C–1298176	106.25
Bujac, Etienne De P., C–7790	243.75
Cochrane, Walter Clifton, C–485784	125.00
Cunningham, Peter Richard, C–326365	116.87
Douthirt, Cranford Haywood, C–276866	150.00
Drewry, Walter L., C–223223	125.00
Duffin, James Vincent, C–1376989	106.25
Flint, Warren A., C–1256042	106.25

Gatling, Henry Gilliam, C-467923	$106.25
Guild, James Russell, C-583679	125.00
Hay, George W., C-187004	
Herring, Finis A., C-610497	106.25
Herring, Harry Telemach, C-599958	262.50
Hess, Seymour Isaac, C-286522	150.00
Johnston, Lewis Stuart, C-1267790	150.00
Judkins, Walker D., C-906903	150.00
Kinsinger, John Wesley, C-1392205	150.00
Lembke, Charles Henry, C-85901	125.00
Lieberman, Joseph, C-402572	180.00
Lutz, Charles Henry, C-276785	106.25
Matthews, William C., C-1254376	125.00
McCullough, William H., C-1250204	137.50
McHughes, James Herbert, C-1251628	150.00
Melendy, Ralph Peter, C-1222376	165.00
Oglesby, Richard Arnold, C-1258801	125.00
Paine, John Howard, C-1210054	106.25
Patton, Frank H., C-589914	125.00
Powell, William H., jr., C-1252810	125.00
Sanford, John Holibaugh, C-505352	150.00
Shelton, Deane O., C-374842	175.00
Shuster, William Howard, jr., C-393742	125.00
Sisk, Arthur H., C-1253457	150.00
Spotts, Milton Arthur, C-1263883	150.00
Starts, Oscar Francis, C-1254334	125.00
Stevenson, Philip Edward, C-344667	106.25
Stewart, John Barker, C-880094	116.87
Sumner, Gordon, C-471492	125.00
Sweeney, James L., C-408414	106.25
Turner, Elmer Page, C-1193340	106.25
Valentine, Leon Clare, C-224960	106.25
Vogt, Albert Herbert, C199482	125.00
Weil, Gustave Menderson, C-269534	106.25
West, William E., C-279795	106.25
Westhafer, Edison Kerl, C-427241	225.00
Williamson, George Morrison, C-321306	125.00
Wood, Jay Gould, C-1343625	150.00
Woolford, Austin Withers, C-208028	106.25
Woolston, William H., C-1177592	125.00
Wright, Harold Hannon, C-1032683	106.25
NEW YORK	
Adae, Charles Flamen, C-492165	106.25
Adams, Purser Elder, C-339707	106.25
Adsit, Henry, C-196770	165.00
Allen, Alfred D., C-312045	106.25
Allen, Charles S., C-182529	125.00
Allen, George Smith, C-14536	150.00
Allen, Ira Alphonso, C-905295	187.50
Ammermann, John, C-1052767	125.00
Andronaco, Gaetano, C-348685	150.00
Archer, James J., C-289408	180.00
Armstrong, William, C-371905	138.12
Ashe, George Gregory, C-109853	125.00
Babcock, Harry Allen, C-313967	106.25
Bailey, George Thomas, C-149183	106.25
Barker, James Joseph, C-1033787	106.25
Barnum, Frederic Lee, C-239785	125.00
Battin, John Adkins, C-239480 (guardian, Battin, Charlotte C.)	187.50
Beare, Clifford Livingston, C-565641	187.50
Bence, Mathew Francis, C-189879	127.50
Benson, Charles Emile, C-433531	125.00
Bentley, Charles Raymond, C-1046223	150.00
Bernhard, James Michael, C-318294	125.00
Bermingham, Franklin Andrews, C-477984	106.25
Bill, Roswell Herbert, C-565196	106.25
Birkman, Frederick William, C-190719	106.25
Birmingham, Ferdinand H. D., jr., C-1095146	106.25
Block, Edgar Norman, C-223426	150.00
Boag, Joseph John, C-309021	125.00
Bolles, Ralph (guardian, Kane, Ralph F.), C-168203	106.25
Booth, Burton S., C-1039091	150.00
Boullee, William H., C-415163	116.87
Brady, Lester Strayer, C-452778	106.25
Brennan, Lennox Clark, C-188461	150.00
Briggs, Robert Trueman, C-519844	165.00
Brill, Edward, C-1026793	106.25
Brock, Wilbur A., C-1302029	125.00
Broughton, Averell Matthew, C-168601	125.00
Brown, Edward Lawrence, C-235454	106.25
Brown, Howard J., C-1056196	116.87
Browning, Robert F., C-182709	106.25
Bryant, Emmons, C-1057421	187.50
Burdick, Earle Leslie, C-206739	125.00
Burleigh, Charles Earl, C-1267709	106.25
Burnett, Arthur Curtis, C-310023	125.00
Burns, Grant, C-1048213 (guardian, Kane, Ralph F.)	150.00
Busck, Julius Gunni, C-317216	150.00
Byrans, Robert Ainsworth, C-420208	175.00
Cahill, Francis Joseph, C-379257	150.00
Campbell, Duncan, C-289050	125.00
Carstens, Henry A., C-334277	106.25
Cary, Harry Ellsworth, C-374412	106.25
Case, Edgar Rapelye, C-482902	125.00
Cassedy, J. Townsend, C-290983	125.00
Castle, Harvard DeHart, C-498244	$125.00
Cattus, Charles B., C-1042021 (guardian, Cattus, John V. A.)	116.87
Chambers, John Earl, C-579284	116.87
Cheever, Silas W. V., C-265485	106.25
Clemenger, Francis J., C-1061005	210.62
Cleworth, Clarence William, C-231352	106.25
Clifford, John James, C-230429	165.00
Clifton, Clarence Anthony, C-573275	180.00
Cockburn, Alexander H., C-1380670	150.00
Colligan, Arthur P., C-316039	106.25
Cone, Herbert A., C-183598	106.25
Constable, William, C-261237	150.00
Cook, Millard Fillmore, C-8678	175.00
Cooper, Leslie Eugene, C-320762	106.25
Cooper, Norman Scott, C-1043775	125.00
Corey, Thomas Vincent, C-1035616	106.25
Cormier, Joseph Anthony, C-498003	116.87
Costigan, Leo Hubert, C-484683	150.00
Cotter, John, C-25683	106.25
Coursey, Thomas Joseph, C-583385	162.50
Court, William Stanley, C-472765	150.00
Courtney, John, C-576293	195.00
Cowan, Herman, C-1050267	125.00
Coyle, Thomas Aloysius, C-368158	106.25
Craig, Edward Marshall, jr., C-201267	106.25
Crane, Edward Fulmer, C-524994	131.25
Crockett, William Francis, C-239472	206.25
Cronan, George Daniel, C-1024464	125.00
Crossman, James Edgar, C-98449	150.00
Curtin, John J., C-277455	125.00
Curtin, Thomas Emmet, C-1036553	106.25
Daly, Daniel Joseph, C-235848	125.00
Dare, Gilbert DeWitt, C-683307	150.00
Davenport, Ralph Martin, C-317861	150.00
Dayton, Edwin W., C-1059533	250.00
DeBerri, Edmond Moffott, C-418760	125.00
Demong, Charles W. (guardian, Demong, Clara, Mrs.), C-787160	125.00
Devine, Norman Broughton, C-1039601	106.25
Diedling, Rudolph F., C-234153	150.00
Dixon, Felix A., C-1055928	106.25
Dober, Siegmund Alexander, C-307352	106.25
Dodds, Hiram E., C-397403	106.25
Donnelly, George (guardian, Donnelly, Mary), C-371344	125.00
Dorn, Ralph Waldo, C-376877	165.00
Douglas, Richard, C-561816	180.00
Douglass, Stephen, C-464039	116.87
Doyle, Stanley B., C-464096	125.00
Doyle, Thomas Stephen, C-452945	125.00
Duke, Haydn Olin, C-436340	125.00
Durell, Anthony W., jr., C-1041312	125.00
Dufloco, John Milton, C-308789	106.25
Duryea, Wright, C-332995	125.00
Eagleton, John Thomas, C-316753	106.25
Ebert, George Walter, C-426737	150.00
Eddy, Harold Morton, C-220080	106.25
Eller, Louis Henry, C-1042234	250.00
Ellis, Thomas F., C-1028015	150.00
Estill, Joe Garner, jr., C-433931	125.00
Evans, Leland Gray, C-593097	127.50
Everett, Oscar Vincent, C-905180	71.25
Fairchild, Hoxie Neale, C-353924	106.25
Felsen, Joseph, C-448765	150.00
Felt, Clement George, C-213547	106.25
Ferrier, William Henry, C-364690	150.00
Fesselmeyer, William Thomas, C-213133	106.25
Fiedelbaum, Benjamin, C-1044299	150.00
Finn, James Gregory, C-567007	180.00
Finn, John Joseph, C-228599	125.00
Fisher, Octavius A., C-1039985	125.00
Fisher, Tunis Harold, C-181909	106.25
Fitts, Robert Henry, jr., C-411671	116.87
Fitzhugh, Edward Judson, C-306905	106.25
Flood, John Vincent, C-203723	106.25
Ford, Fred Harry, C-625648	125.00
Fox, William Alexander, C-299015	125.00
Fraser, Charles E. K., C-1039632	150.00
Gagnon, Alfred, C-279664	127.50
Gallagher, Thomas John, C-122955	106.25
Gardner, Kenneth, C-433442	281.25
Gardner, William Jenning, C-309822	150.00
Garry, James Joseph, C-347273	106.25
Gellerstedt, Robert Strickland, C-234497	125.00
Georgi, Edwin Albert, C-376633	125.00
Gifford, Charles Conyngham, C-350410	106.25
Gildersleeve, Donald M., C-458691 (guardian, Gildersleeve, Susanna K.)	125.00
Gillett, Ransom Hooker, C-223472	243.75
Gilliam, Henry Leigh, C-306552	106.25
Gillick, Owen Phillip, C-402620	125.00
Gilligan, Edward, C-308010	150.00
Gilmore, Samuel James, C-306308	116.87
Golding, Joseph Edward, C-224334	150.00
Goldstein, Jacob, C-361881	106.25
Goodwin, Wilder, C-306573	165.00
Gordon, John Hamlin, C-318009	125.00

Grabenstein, Joseph, C-1034230	$125.00
Graham, William B., C-493228	187.50
Granger, William S., C-604656	137.50
Graves, Leonard Knight, C-351905	206.25
Gray, George Edward, C-273834	150.00
Grenfell, Frederick A., C-553723	137.50
Griffiths, Albert Farnsworth, C-563611	150.00
Grimes, Frank Edward, C-1033298	106.25
Groesbeck, Elwood, C-306074	150.00
Grosner, Joel, C-609713 (guardian, Grosner, Antoinette)	150.00
Hahn, Albert Gaither, C-445421	150.00
Hall, Edward Flemmon, C-368742	106.25
Hall, George McKenzie, C-1281217	150.00
Hall, Robert Anderson, C-312512	125.00
Hallahan, Henry T., C-521007	137.50
Halley, James M., C-216200	106.25
Halliday, Herbert Richard, C-392718	106.25
Halvorson, Alfred Olai, C-1243485	106.25
Harrison, Lewis Edmund, C-1027981	106.25
Hart, George Clark, C-341376	210.00
Harvey, Olin Frisbie, C-391496	312.50
Hatch, Roscoe Conkling, C-490559	125.00
Hastings, Thomas Wood, C-295739	187.50
Hay, Paul Franklin, C-176114	125.00
Heatherington, Walter Alfred, C-1030253	106.25
Hegeman, Harry Hall, C-470982	125.00
Helms, Birch, C-1043254	187.50
Henly, Henry F., C-686180	125.00
Hepburn, William, C-293495	150.00
Hepper, Edward W., C-1037169	148.75
Herron, Ashley M., C-559953	215.00
Hicks, Jacob Lawrence, C-1041406	165.00
Hodder, William Lord, C-405296	180.00
Hogan, John Thomas Hopkins, C-252892	150.00
Hopes, Charles William, C-333090	106.25
Hoyle, Alonzo T., C-1008861	150.00
Huber, John Joseph, C-906580	150.00
Ingalls, Paul Vernon, C-419418	106.25
Ireland, Walter Matthews, C-353897	125.00
Jackson, Stephen Perris, C-452013 (guardian, Josephine Jackson)	165.00
James, Herbert Thomas, C-1028347	106.25
Jensen, William C., C-841371	125.00
Johns, Edward Robert, C-436992	125.00
Johnson, Cortland A., C-158512	106.25
Johnson, Harry Franklin, C-518356	150.00
Jones, Fred Goodwin, C-502747	150.00
Jones, George Russell, C-322244	150.00
Jones, Rochester Burnett, C-154139	125.00
Judd, Herman, C-276809	150.00
Keene, Charles H., C-390146	225.00
Kelley, Francis A., C-1043555	125.00
Kelley, Henry Edward, C-298134	125.00
Kelly, Columban Francis, C-282204	125.00
Kemman, Hugo August, C-520193	106.25
Kenny, John J., C-1054049 (guardian, Agnes Kenny)	106.25
Kent, Robert Craig, jr., C-1050626	165.00
Kenyon, Harold Edward, C-305539	195.00
Kerr, Edward C., C-1035184	150.00
Kerr, Mathew, C-1052729	150.00
Keyes, Frederick William, C-240590	125.00
Kiely, William Francis, C-425817	125.00
Kiessling, Emil Otto, C-361965	125.00
Kimball, George Pryce, C-401418	125.00
Kimbell, Ira Charles, C-905805	162.50
King, Chester Harding, C-410341	243.75
Kinlock, Osman Franklin, C-519093	150.00
Kinney, Alfred E., C-1091720	125.00
Kirches, Harry J., C-226201	125.00
Kivlin, Charles Franklin, C-905243	150.00
Klingsmith, Frederick Charles, C-403972	106.25
Knight, Chandler S., C-309428	125.00
Kobbe, William Hoffman, C-307460	187.50
Koenne, Edward A., C-224681	106.25
Kraner, Joseph, C-171145	125.00
Kupfer, Charles, C-291516	125.00
Lamb, Orin R., C-603564	125.00
Langer, Jerome Francis, C-395628	210.00
Lansing, William, jr., C-180598	150.00
Laraway, Frank J., C-509869	243.75
Lasher, Herbert, C-241827	106.25
Lachua, Isaac, C-366737	138.12
Laughlin, Douglas E. S., C-506512	106.25
Laughlin, Harry Matthews, C-1059173	125.00
Leahy, Sylvester Richard, C-319467	150.00
Lee, Thomas Henry, C-141669	125.00
LeMay, Arthur Aloysius, C-326320	125.00
Lemon, Andrew MacMillan, C-431616	
Lent, Charles Valentine, C-348162	106.25
Leonhardt, Heinrich C., C-381917	125.00
Lerner, Macy Levy, C-240177	150.00
Lersch, Joseph Ferdinand, C-139721	106.25
Lesser, Dr. Leon Edward, C-1043469	125.00
Lipes, Harry Judson, C-161519	225.00
Lipsky, Joseph, C-1002037	106.25
Litchult, Andrew Slover, C-905309	106.25
Lockwood, Willard George, C-820865	$125.00
Lohr, Floyd D., C-774541	125.00
Long, George Stevenson, C-1364098	125.00
Lopez, Enrique, C-142711	106.25
Loomis, Walter Otis, C-377741	116.87
Lowe, Arthur, C-1022089	125.00
Lynch, Frank Joseph, C-284500	106.25
Mabry, Gregory, C-1045728	150.00
MacDougall, Daniel Robert, C-315460	106.25
Mack, William Jacob, C-404544	187.50
MacNaugher, Joseph, C-249156 (guardian, Holmes, Richard S.)	106.25
MacRossie, Thomas Donald, C-294868	150.00
Mahan, Leonard Daniel, C-516561	137.50
Mahoney, Justin Thomas, C-1026723	106.25
Maloney, Edward R., C-241899	262.50
Maloney, John P., C-386568	106.25
Manners, Cecil C., C-1055524	150.00
Maslin, Henry, C-492677	210.00
Mason, Arthur Vincent, C-1057548	106.25
Marine, James S., C-867999	125.00
Matthews, Charles S., C-364086	123.00
McAnerney, John, C-180803	106.25
McBride, William Ambler, C-164350	106.25
McClellan, George Birton, C-155355	127.50
McClure, Donald Armstrong, C-143852	106.25
McEveety, Charles L., C-219788	125.00
McGuigan, Lewis Granville, C-1067196	150.00
McGuirk, Alexander Halleran, C-461563	125.00
McIntosh, John Francis, C-300843	106.25
McKeogh, Arthur Francis, C-1080755	125.00
McLean, Guy Marshall, C-1031679	150.00
McPhail, Donald Thomas, C-387265	150.00
Mead, Benjamin Charles, C-277873	195.00
Meehan, James Joseph, C-1035418	127.50
Meeker, Herman E., C-538910	150.00
Metcalfe, George Thomas, C-332431	106.25
Miller, Charles Ross, C-358875	125.00
Miller, Louis Linton, C-1058107, Edith G. Miller, guardian	125.00
Miller, Franklin Letcher, C-361645	187.50
Miller, Harold Ames, C-174800	125.00
Miller, Laurence William, C-1026478	165.00
Mills, John Arthur, C-196746	106.25
Mitchell, Frank Mebane, C-413402	125.00
Mitchell, Nicholas, C-410590	106.25
Mitchell, Sidney, C-423131	150.00
Moffatt, Nelson, C-442370	125.00
Mollere, Joseph Francis, C-252485	165.00
Moloney, Herbert William, C-340383	125.00
Montgomery, Howard Leychester, C-426646	125.00
Moon, Basil G., C-1036440	225.00
Moore, Floyd Hazerd, C-37371	125.00
Morgan, George Haslam, C-321801	106.25
Morris, Henry H., C-1050095	137.50
Morse, John Dennis, C-348170	138.12
Mulrean, Leo James, C-267589	106.25
Murphy, John Michael, C-1026111	106.25
Murphy, Peter James, C-277846	106.25
Murtha, William Henry, C-433069	106.25
Nash, Joseph Edward, C-305308	116.87
Neary, Edward Joseph, C-313466	106.25
Neelands, Ralph W., C-373646	106.25
Nemser, Abraham, C-616485	125.00
Nesbitt, Clarence Clark, C-385580	125.00
Nettleton, Albert Everett, C-217704	116.87
Newell, William Albert, C-1045425	206.25
Newman, Jerome Scofield, C-699564	125.00
Nial, Thomas Matthew, C-346864	125.00
Niebling, George F., jr., C-1055746	125.00
Nichols, George Pardee, C-176842	195.00
Nietz, Adolph H., C-1053022	125.00
Nixon, Albert Benjamin, C-303201	106.25
Norvell, Richard F. (guardian, Norvell, Doris), C-1059799	116.87
O'Connell, Francis Aloysius, C-434508	106.25
O'Connor, Richard B., C-330102	125.00
O'Donnell, Joseph, C-535949	127.50
Olmsted, Bruce C., C-1029647	137.50
Olsen, Wilfred Franklin, C-415783	137.50
O'Neill, Harry L., C-531332	106.25
Orrell, Eugene Dallas, C-320377	137.50
O'Shaughnessy, Thomas Joseph, C-1049390	106.25
Osborn, Charles Whytlaw, C-428632	150.00
Osburn, Charles Y., C-480311	106.25
Page, Frank A., C-370246	106.25
Parker, Emerson Fitch, C-381939	106.25
Parker, Partis F., C-238428	150.00
Parks, Paul Blaine, C-331835	106.25
Perrin, Norman Suydam, C-1057074	125.00
Peterson, Fred Andrew, C-1050441	
Petross, Robert, C-1044549	106.25
Pfohl, Harold F. L., C-1028694	125.00
Phelps, Stanley Smith, C-1349563	106.25
Philbin, Joseph Aloysius, C-519262	125.00
Philips, Carlin, C-456605	187.50
Post, Frederick, Ralph, C-67824	210.00
Puffer, Charles Edwin, C-606066	150.00

Quinn, William J., C–1037534	$106.25
Quirk, John H., C–1051697	106.25
Rathbun, Walter L., C–1058710	150.00
Read, William S., C–286007	106.25
Reed, Linn Vander Hyden, C–1020210 (guardian, Loomis, Lynn A.)	125.00
Reese, Ernest Eugene, C–388035	125.00
Reid, Henry J., C–557430	137.50
Reid, William Bradley, C–905419	218.75
Reimann, Benjamin C., C–531101	106.25
Reynolds, William Graham, C–411001	150.00
Ridgway, John J., C–191111	125.00
Rikeman, Thomas W., C–221565	137.50
Riordan, Thomas Jerome, C–1041060	106.25
Rodgers, James Linn, C–486457	262.50
Rowan, Walter F., C–400392	106.25
Rutherford, James Kenneth, C–247277	125.00
Rutledge, Thomas F., jr., C–1039858	106.25
Ryan, Benedict Mack, C–344886	125.00
Ryan, Edward Leo, C–268677	125.00
Ryan, Paul Arthur, C–1051340	125.00
Ryan, Richard J., C–250181	180.00
Saladino, William Lambert, C–1061274	
Sanches, James Andrew, C–442016	106.25
Sandburg, Charles A., C–1036529	250.00
Saunders, Thomas Henry, C–213521	125.00
Saunders, William Hennessy, C–156845	
Schelter, Louis John, C–446037	150.00
Schermerhorn, Charles E., C–362314	116.87
Schlesinger, Louis, C–175525	106.25
Schoenberg, Louis, C–385092	127.50
Scott, Samuel Hubbard, C–321469	137.50
Senecal, Alphonse Leo, C–412634	187.50
Shannon, Samuel, C–387623	106.25
Shea, William, C–486321	106.25
Sheehan, Walter Burt, C–563306	131.25
Sheeran, David Joseph, C–338608	150.00
Shelley, William Risley (guardian Shelley, Delia), C–1020114	150.00
Sheridan, Thomas William, C–360621	106.25
Shindell, Samuel Harvey, C–133719	106.25
Shook, Harry Franklin, C–428918	125.00
Smeallie, James Donald, C–348603	125.00
Smith, Charles, C–569808	175.00
Smith, Harold Francis, C–283762	125.00
Smith, Holmes Scudder, C–404737	116.87
Smith, Lee Roy, C–1037633	116.87
Smith, Raymond Goodale, C–1260698	106.25
Snook, Theodore Page, C–350035	125.00
Spence, Albert Harley, C–1050754	137.50
Spencer, Lorillard, C–311343	243.75
Spitzer, Eugene Reynolds, C–295570	125.00
Spony, Albert, C–331157	125.00
Stafford, Bart Lanier, C–544942	106.25
Stapleton, Felix, C–368403	106.25
Stephany, Alfred Rudolph, C–1051345	125.00
Stevens, Glenn Ridgeway, C–851018	106.25
Stevenson, Maurice Sexton, C–535931	137.50
Stewart, Howard Barker, C–496430	116.87
Stone, Henry Chase, C–1254421	125.00
Stowbridge, Robert Walter, jr., C–622717	150.00
Straley, John Alonzo, C–218374	106.25
Stratton, John McKee, C–339937	125.00
Street, Harold Horton, C–353307	137.50
Stromeyer, Walter Herman, C–905996	
Strong, Samuel Meredith, C–1032024	187.50
Stutt, George Washington, C–1035939	150.00
Sullivan, Daniel Arthur, C–436062	127.50
Sullivan, Jeremiah Mark, C–579302	106.25
Sullivan, Willis Edmund, C–1018137	125.00
Taylor, Arthur John, C–365776	206.25
Taylor, George Townsend, C–348171	150.00
Teepell, Frank A., C–1022509	150.00
Thomas, Charles A., C–488995	150.00
Thomas, John Wesley Morgan, C–850980	106.25
Thompson, Clarence M., C–1025841	206.25
Thompson, Willard Cornelius, C–294509	125.00
Timmons, Peter Mathias, C–304484	195.00
Tracy, Joseph Paul, C–906310	106.25
Travis, Joseph John, C–1009131	206.25
Treadway, Lucien, C–273899	125.00
Trobear, Joseph, C–1054161	125.00
Tuck, John Bennett, C–113244	281.25
Tynan, Lancelot James, C–1042218	137.50
Twomey, Thomas Andrew, C–1061619	125.00
Uhrstrom, Charles, C–1045334	106.25
Van Nostrand, Hobart Sanford, C–491484	125.00
Valeur, Marius Torkildsen, C–905877	150.00
Vincent, George S., C–1397303	125.00
Vincent, Harry Lansing, C–143123	125.00
Walker, George, C–325191	180.00
Walsh, Francis William, C–271842	125.00
Walsh, James Joseph, C–414534	210.00
Walsh, James Henry, C–1058180	150.00
Walsh, Malcolm, C–489605	125.00
Webb, Harold George, C–430361	125.00
Webber, John Daniel, C–312965	195.00
Weir, William John, C–1047093	$187.50
Weller, John Cyrus, C–1430217	187.50
Wells, Leroy T., C–407402	106.25
Wende, John Anthony, C–194799	125.00
Wertz, Harold Brentana, C–391284	125.00
Werzinger, John F., C–1050132	125.00
Whinihan, Sylvester M., C–315422	106.25
Williams, James Frederick, C–557441	116.87
Williams, Thomas Charles, C–253610	127.50
Williams, Thomas E., C–1043478	106.25
Wilson, Fred DeGrande, C–201648	187.50
Witthack, Henry Fred, C–298294	116.87
Woarms, Edwin H., C–326328	106.25
Wolcott, Bernard C., C–460751	125.00
Wolf, Bernard Jacob, C–1038698	125.00
Wood, Harry Gardner, C–1049374	165.00
Woddell, Charles Edward, C–614490	150.00
Woodward, Harold C., C–284647	225.00
Woolfe, Irving King, C–434515	106.25
Woolshlager, John Felix, C–419410	150.00
Wolcott, Charles Clements, C–1180832	150.00
Yancey, Stirling R., C–1056407	225.00
Young, Harry J., C–1058237	138.12
Zimmerman, Robert Francis, C–400165	150.00
Zuckerman, Samuel, C–323471	125.00

Supplemental list

Anson, Joseph, C–1044657 (guardian, Milliken, John F.)	125.00
Kaufman, Frank, C–572431 (guardian, Sullivan, James A.)	125.00
MacElroy, Andrew J., C–466852	187.50
Warner, Russell Ammon, C–172401	125.00

NORTH CAROLINA

Adams, Daniel Weisinger, C–238792	218.75
Altman, Berkeley Dixon, C–530406	106.25
Baier, George Frederick, jr., C–413400	125.00
Baisden, Roy T., jr., C–567023	106.25
Bard, Charles I., C–284615	210.00
Bateham, Boyd Elwood, C–1344390	125.00
Beckham, Dewitt T., C–195763	116.87
Beehler, Frank, C–1092515	125.00
Black, John Wilton, C–267466	125.00
Blois, Douglas Spivey, C–374062	125.00
Boddie, Samuel Perry, C–318958	206.25
Boyarsky, Joseph, C–1337636	165.00
Buchanan, Charles Augustus, C–307814	116.87
Bule, Roderick Mark, C–384158	150.00
Camp, Earl Franklin, C–299780	106.25
Campbell, James Wallace, C–309909	180.00
Cheshire, James Webb, C–217362	125.00
Clark, Elliott Bynum, C–26140	125.00
Hamilton, Benjamin Kirk, C–499630 (guardian, Thomas D. Clark)	150.00
Clement, Edward Buehler, C–445857	150.00
Cobb, Thomas Kesler, C–1341323	106.25
Cox, Walter Ross, C–521312	210.00
Daniels, Thomas Cowper, C–219953	175.00
Dodge, William W., jr., C–239078	106.25
Desher, Julius Arthur, C–555072	150.00
Dunlap, Joseph Phillips, jr., C–162487	125.00
Dunn, William Hardy, C–233540	150.00
Ellsworth, Benjamin F., jr., C–1108123	125.00
Ennis, Robert Sidney, C–1106607	180.00
Ensign, Chester Oscar, C–139822	125.00
Fisher, Adam, C–359828	150.00
Fulford, Richard B., C–1120362	180.00
Glickman, David, C–471604	150.00
Goley, Kent Wallace, C–1124082	106.25
Gregory, Paul Anthony, C–306930	125.00
Hamilton, William Armstrong, C–1375065	206.25
Hathaway, James Alexandria, C–1381414	106.25
Hooks, Thel, C–396069	150.00
Hutchison, Francis Albertus, C–1337852	150.00
Izard, John, C–343342	187.50
Jeffords, James Ernest, C1336590	106.25
Jervey, Theodore D., C–395053	180.00
Johnson, Otis Hackett, C–1328828	150.00
Jones, Robert Duval, C–1340781	243.75
Kaplan, Herman Hiram, C–1032132	125.00
King, Edward, C–265464	125.00
King, Parks McCombs, C–270062	165.00
Koon, Job Hansell, C–367462	175.00
Laye, Henry Albert, C–1337099	125.00
Leonard, Owen Woodin, C–182227	116.87
Luff, Frederic Ernest, C–297350	125.00
MacConnell, John Wilson, C–324626	218.75
Marsh, Thomas B., jr., C–14738	106.25
Martin, Ernest Moore, C–1336001	106.25
Maynard, George C., C–1094024	125.00
McIntosh, Donald M., C–515037	150.00
McKenzie, George Shelton, C–243930	106.25
Merritt, Harold Dutton, C–562695	106.25
Miller, William M., C–1111694	106.25
Mills, John David, jr., C–348166	106.25
Montgomery, Charles M., C–654707	150.00
Murph, Daniel Edgar, C–313848	150.00
Nance, Alexander Washington, C–366642	125.00
Neely, Guy L., C–1339031	106.25

Parker, James Roy (guardian, Thomas F. Parker), C–1333576	$125.00
Peterson, George Langdon, C–255684	250.00
Plummer, Francis Arnold, C–698876	106.25
Poate, Ernest M., C–239646	125.00
Pratt, Joseph Hyde, C–341152	275.00
Pritchard, George Littleton, C–157671	125.00
Rhodes, Adrian Burbank, C–205428	137.50
Rosborough, William McLure, C–1121980	125.00
Shupp, Roy Franklin, C–377725	125.00
Sifford, Ernest Jirard, C–268751	150.00
Slear, John Klump, C–370633	125.00
Smith, Norfleet S., C–337594	125.00
Smith, Robert Lee, C–495990	165.00
Smith, Whitefoord Gamewell, C–1120659	150.00
Stanard, Hugh C., C–364516	106.25
Stirewalt, Neale Summers, C–546315	125.00
Stone, Wallace Burton, C–906415	165.00
Stoner, Ira James, C–617627	125.00
Suggett, Orril LeGrand, C–141024	150.00
Swan, Frank Wise, C–906465	150.00
Taylor, John Douglas, C–1344534	106.25
Thornburg, Zebulon Brady, C–343649	150.00
Tillery, Isaac G., C–687659 (guardian, L. B. Tillery)	106.25
Vining, Morgan, C–1119205	150.00
Walker, Alfred Husband, C–234023	106.25
Wallace, John Whitlock, C–432182	106.25
Ward, Wm. Farrier, C–1119529	106.25
Washington, Bushrod Corbin, jr., C–159264	137.50
Watson, David Lewis, C–1337427	106.25
Williams, Edward Sidney, C–312664	125.00
Wilson, Harry Hall, C–315406	187.50
Winstead, Rolland Tyson, C–195926	106.25
Woodley, Samuel Spruill, C–372883	106.25
White, William R., C–1342354	106.25
Whitfield, Fitzhugh Lee, C–1335540	180.00
Wright, William F., C–1112735	125.00
Wysong, Homer Clytus, C–906024	125.00
Youngblood, Lewis Emile, C–1338563	137.50

NORTH DAKOTA

Brolling, Alfred Marshall, C–279487	106.25
Flett, Charles M., C–1351218	125.00
Flynn, James J., C–221542	106.25
Henry, Frank Selmes, C–1238413	250.00
Kelly, John J., C–1349802	106.25
Lonnevik, Thomas, C–1231596	195.00
Maercklein, Edwin H., C–262064	125.00
Patterson, Thos. Christopher, C–1352541	243.75
Sampson, Homer, C–1242728	106.25
Sgutt, Emanuel, C–300975	106.25
Thompson, Charles, C–378343	150.00
Voss, Carl, C–225642	125.00
Woodford, Stewart L., C–396359	125.00

OHIO

Allen, Grover Cleveland, C–609807	127.50
Alexander, Arthur Hadden, C–177828	125.00
Austin, Henry John, C–467267	125.00
Bail, Frank Wooster, C–396090	125.00
Baldwin, Francis G., C–212475	206.25
Barnard, Benjamin Clyde, C–1156870	187.50
Barnes, Jean Carlyle, C–415187	137.50
Barry, John E., C–25876	162.50
Bartlett, Edward Charles, C–582762	106.25
Barton, Jesse M., C–315155	106.25
Bass, Samuel Q., C–308960 (guardian, Edith P. Bass)	150.00
Becht, Charles, C–1167559	210.00
Bell, Clement L. V., C–273171	125.00
Bell, Frank Mathew, C–906426	150.00
Bennett, Harry Harper, C–906595	150.00
Betzner, Clarence Wilford, C–1159979	150.00
Blackburn, Herbert Marfield, C–579333 (guardian, Ira R. Blackburn)	125.00
Bland, Arthur Vere, C–334135	150.00
Bleser, William P., C–1334545	150.00
Birnbaum, Alfred Victor, C–268271	125.00
Bissell, Fred Crawford, C–1418064	125.00
Bondy, Edmund R., C–1419096	150.00
Boster, Harold Augustus, C–366872	125.00
Brown, Jesse Fred, C–1168860	125.00
Brown, Joseph Reese, C–473031	137.50
Brainard, Albert J., C–236442	150.00
Braine, Elgin, C–266864	165.00
Brenner, Jacob P., C–167873	106.25
Bryant, John Lewis, C–486421	116.87
Buchman, Robert Allen, C–1149509	125.00
Burnett, Edward Jesse, C–905472	150.00
Bunge, Robert C., C–391451	165.00
Cahill, Alphonso I., C–239051	125.00
Campbell, Charles Knight, C–234469	125.00
Campbell, James Edwin, C–254074	165.00
Carr, Raymond Millard, C–300927	150.00
Carroll, Mark G., C–575919	125.00
Carter, William Corwin, C–1167806	125.00
Christensen, John W., C–275088	150.00
Christopher, Harry Vincent, C–139267	150.00
Clark, John William, C–1147127	125.00
Cleveland, James Harlan, C–140519	$125.00
Cooley, John McManigal, C–206153	150.00
Coppage, Carroll Trenchard, C–373387	125.00
Cornell, Sidney Vance, C–297792	150.00
Cosgrove, Louis Cooper, C–481129	165.00
Crawford, Lewis Charles, C–155926	150.00
Crist, William L., C–708791	106.25
Cross, Price E., C–285864	106.25
Cummings, Joseph Daniel, C–482387	106.25
Curley, Harry Oswood, C–519195	150.00
Curry, Howard Spencer, C–1154119	187.50
Daly, John F., C–1035631	125.00
Daniels, Irving Lewis, C–495827	150.00
Davis, Howard Hubbell, C–268965	150.00
Deem, Benjamin Franklin, C–1143870	137.50
Dilatush, Frank Allen, C–353196	150.00
Dix, Charles C., jr., C–210760	106.25
Dolphin, James Basil, C–178739	125.00
Dube, Isadore Henry, C–906368	262.50
Eddy, Emmett William, C–156416	180.00
Edgerton, Harry Meek, C–905452	106.25
Edwards, Malcolm W., C–293073	125.00
Ehlers, Walter Louis, C–101195	106.25
Epperson, Carrick Hughes, C–208710	106.25
Everett, Edward Alfred, C–1162606	125.00
Fisher, Amos T., C–151020	125.00
Frary, Lewis Seth, C–262606	106.25
Funk, Perry Jefferson, C–440581	137.50
Gage, John Gray, C–1159487	125.00
Gallagher, Frank Joseph, C–1363348	125.00
Gamblee, Ellsworth A., C–246573	125.00
Garvin, Roger Baldwin, C–1421398	125.00
Gath, Philip, C–394312	187.50
Gaumer, George Rutherford, C–1154655	137.50
Gibson, Harold Eugene, C–193451	125.00
Gilbert, Ora Bennet, C–409747	195.00
Gill, William Craw, C–1169603	281.25
Givens, Fred George, C–1151625	165.00
Goff, William Mitchell, C–296320	150.00
Goddard, Charles Curtis, C–129862	106.25
Gordon, Elijah Joseph, C–300933	206.25
Gossett, Eckley Gaylor, C–345014	150.00
Graham, James Martin, C–1244026	150.00
Graham, Stuart Donald, C–272203	106.25
Gray, Lowell H., C–270866	106.25
Griffin, Oliver Herald, C–372337	106.25
Grisemer, Walter, C–87988 (guardian, I. H. Grisemer)	106.25
Griswold, Glenn Elgin, C–1160905	125.00
Haefele, George Leonard, C–447880	125.00
Haglund, Carl, C–1151599	137.50
Hall, Raymond Richards, C–1156629	106.25
Hall, William D., C–199041	125.00
Hanabergh, Frank John, C–346273	225.00
Hannan, Lawrence J., C–466499	125.00
Hardman, Thomas Elmer, C–412542	150.00
Hartnett, Cornelius Richard, C–315476	106.25
Haynes, William, C–1162531	150.00
Hazlett, George W., C–1144548	106.25
Heimlich, Daniel, C–499107	125.00
Helfrich, Martin Lewis, C–328105	150.00
Herbert, Thomas John, C–479297	125.00
Herbst, Edward, C–1160945	150.00
Heyman, Fred George, C–225210	106.25
Hill, Louis, C–1415534 (guardian, the Firestone Park Trust & Savings Bank)	150.00
Hinant, Hubert M., C–465776	137.50
Hinchman, Edward M., C–1158355	125.00
Hoover, Ervie R., C–1155692	162.50
Houck, Hiram E., C–254762	150.00
Houk, Roy Morrison, C–429329	180.00
Hughes, William Ralph, C–466833	180.00
Hunter, Vernon Doy, C–365121	150.00
Hurd, James Fay, C–341423	116.87
Huston, James A., jr., C–654056 (guardian, the Newark Trust Co.)	106.25
Huston, Perry William, C–277783	165.00
Ibershoff, Adolph Ernest, C–310876	150.00
Jackson, Charles Chylon, C–480107	106.25
James, Carl Merton, C–169106	116.87
James, Hugh Sawyer, C–530645	125.00
Jenkins, George Washington, C–543288	195.00
Johnson, Charles Ross, C–905495	125.00
Johnson, Burke L., C–1165419	150.00
Johnston, George Edward, C–209443	125.00
Johnston, Irvin Rex, C–367242	175.00
Joyce, Edw. Leo, C–1163273	180.00
Judkins, Robert John, C–1147501	150.00
Kaeppel, Oscar O., C–471866	225.00
Kaminski, Theophile Charles, C–526460	106.25
Kasinski, Theodore J., C–1416343 (guardian, Mary J. Kasinski)	125.00
Keenan, Willis H., C–317267	150.00
Keiser, Jay G., C–1163515	150.00
Keneally, Edward J., C–1416352	106.25
Kennedy, Clifford C., C–1165258	125.00
Kern, Kenneth Mason, C–489731	125.00
Kirby, Charles L., C–77187	106.25
Klumph, Thorp Alexis, C–1161315	195.00

Koehl, Charles, C–217902	$127.50
Kolpien, Kenneth Hanchett, C–353631	106.25
Lantz, James Morris, C–1145237	150.00
Larrabee, Charles H., C–475248	165.00
Lauterbach, William Frederick, C–393985	150.00
Lehmann, Frank John Joseph, C–277933	125.00
LeRoy, Bernard R., C–1165924	125.00
Leslie, Raymond C., C–572884	180.00
Limb, Marcus Robert, C–383836	250.00
Linn, William Joseph, C–190402	106.25
Litty, John Charles, C–331058	106.25
Lochwitzky, Alexander M., C–1042407	150.00
Long, Brice Hayden, C–714016	125.00
Loveless, Ralph M., C–1415453	106.25
Lyon, Claude C., C–150836	125.00
MacCracken, Ralph Ransom, C–463970	225.00
MacLane, Harry Forward, C–238092	150.00
Maertz, Charles, C–674757	187.50
Majewsky, Leo R., C–702092	125.00
Marquiss, Charles Ruben, C–520196	137.50
Marx, Robert S., C–219546	150.00
Matthews, David Jones, C–1421601	125.00
McCleery, John M., C–1166696	125.00
McElroy, Joseph Edward, C–309857	150.00
McEwen, Frank Phillip, C–193979	125.00
McGrady, John J., C–454442	150.00
McHenry, Joseph Bostock, C–1160629	150.00
McIntyre, James Francis, C–1163709	125.00
McKeon, Joseph M., C–1165839	125.00
McMullin, James Oliver, C–301870	116.87
McNerney, Joseph Dennis, C–345952	125.00
McNicol, Lester Bechtel, C–248898	106.25
Meyers, William Henry, C–407212	262.50
Miller, John Heil, C–1140501	150.00
Miller, Walter John, C–465515	125.00
Moodey, Robert Radcliffe, C–321743	125.00
Moore, Luman Gordon, C–822795	150.00
Moore, Robert Glenn, C–660380	106.25
Murbach, John F., C–303537	150.00
Musgrave, Charles Alva, C–399378	180.00
Norris, Fred T., C–23727	187.50
O'Brien, Martin A., C–380697	125.00
Oldham, Ralph William, C–140872	106.25
O'Malley, George Patrick, C–1422021	187.50
Orwick, Harvey E., C–1099152	125.00
Osborn, Morse F., C–248497	150.00
Owens, Otto James, C–132224	125.00
Oyler, Frank Lee, C–17278	175.00
Palmer, Richard Raymond, C–1417905	106.25
Peinert, Earl Fray, C–159437	125.00
Pfeifer, William C., C–379507	125.00
Phillips, Robert B., C–340127	106.25
Pirrung, Joseph Edward, C–C1154788	187.50
Portmann, Milton C., C–209566	187.50
Radcliffe, Frank C., C–1150597	165.00
Ragor, Charles A., C–328969	106.25
Rank, John E., C–1142430 (guardian, J. C. Rank)	106.25
Ransbottom, Ivah J., C–49196	125.00
Reed, Wilton Charles, C–413557	150.00
Rice, Harry E., C–527777	106.25
Roberts, Henry Denny, C–1334546	125.00
Robert, Walter, C–155544	
Robins, Julius Charles, C–1158549	106.25
Rock, Laylin, C–511997	125.00
Roe, Allen Perkins, C–811662	106.25
Rogers, George Brydges, C–294517	125.00
Roiph, Oliver Optic, C–343020	125.00
Roseler, Edward G., C–1416119	106.25
Roseler, Ednor M., C–535466	106.25
Roudebush, James Franklin, C–292055	106.25
Rowe, James William, C–391576	187.50
Ruhlin, John C., C–1380555	106.25
Rylander, Wilber Edmond, C–515004	106.25
Sattler, Robert Ray, C–1158261	125.00
Schaufelberger, Hugo Silvan, C–394515	116.87
Schauweker, Arthur Albert, C–402551	106.25
Schlesinger, Albert Leonard, C–307153	106.25
Schmitt, Ralph Scribner, C–287210	125.00
Seese, William Richard, C–312685	137.50
Shadrach, John William, C–183474	125.00
Shanks, Clifford Lawrence, C–577823	106.25
Silvers, Otho L., C–240917	106.25
Simms, Willard Eugene, C–1154262	125.00
Smith, Claude Everett, C–813566	150.00
Smith, Herbert Howard, C–147635	165.00
Spencer, James, C–1159559 (guardian, Francis Spencer)	106.25
Springer, John, C–905429	165.00
Sprow, Henry Adam, C–1159751	180.00
Stanbery, Sanford Bailey, C–906366	375.00
Stephens, Clarence Clark, C–288576	137.50
Stewart, Floyd Reynolds, C–392085	150.00
Stout, William, C–1049284	210.00
Stradley, Early Ernest, C–905442	56.25
Stull, Charles Mohler, C–361996	150.00
Sutherland, Paul, C–126783	106.25
Syman, Louis L., C–905613	150.00
Talcott, John A., C–1168610	125.00
Teske, William T., C–1416240	$106.25
Texter, William Horace, C–467463	125.00
Theller, Erling Carsten, C–398281	150.00
Thoburn, Theodore, C–1421969	125.00
Thompson, Josiah D., C–1419240	150.00
Thornberry, Albert Ewing, jr., C–249745	150.00
Thornton, Brian Joseph, C–342137	106.25
Tilden, John Alexander, C–425509	125.00
Tuttle, Frank Osborn, C–1421981	106.25
Tuttle, George E., C–1155976 (guardian, Mrs. Beulah Tuttle)	150.00
Van Gorder, Florence Spears, C–905242	312.50
Varney, James D., C–322350	187.50
Velt, Conrad, C–1244073	165.00
Verwohlt, Howard William, C–358886	125.00
Voges, John Clauss, C–264772	106.25
Walker, Orville J., C–1044277	125.00
Wallach, Charles, C–414604	125.00
Watson, Hugh, C–356204	106.25
Wendock, Edward George, C–437453	125.00
Webster, George Davis, C–232278	150.00
Wentz, Walter, C–303259	106.25
West, John Albert, C–301765	150.00
Westcott, Earl A., C–380465	150.00
Westfall, Delta Grover, C–347364	106.25
Westphal, William C., C–1156561	125.00
Whitwham, Gratian P., C–1415014 (guardian Catherine P. Whitwham)	125.00
Winders, Frank, C–1421694	218.75
Wise, Harry Wright, C–279873	125.00
Wolf, Henry William, C–384963	106.25
Woodworth, Gladwyn Anson, C–393645	106.25
Worthington, Wilbur Blackman, C–292084	150.00
Wright, John E., C–586751	106.25
Supplemental list	
LaPage, Percy William, C–496279	116.87
Schreck, Harold F., C–1163234	125.00
OKLAHOMA	
Affholder, Irvin Ernest, C–425195	106.25
Aitken, Wallace Andrew, C–437549	187.50
Allison, Frank, C–1296090	125.00
Atkins, Clyde C., C–211574	125.00
Bales, Mark Hodges, C–1286372	106.25
Banks, Thomas Gray, C–275023	150.00
Barbee, Wyatt, C–175616	106.25
Barber, Lebbeus B., C–1427487	106.25
Bisbee, Walter Griswold, C–218683	150.00
Bocher, Lawrence Calvin, C–194763	106.25
Bolend, Floyd J., C–310755	281.25
Brown, Alfred Allen, C–1296188	150.00
Browning, Robert Le Roy, C–225968	125.00
Byrd, John Homer, C–197889	125.00
Campbell, Novel Walter, C–1321023	150.00
Caraker, Charles T., C–835918	187.50
Davis, Hale Virginius, C–1320388	125.00
Deans, Fenwick Rieff, C–123229	125.00
De Priest, Melvin Johnson, C–208492	150.00
Doggett, Sylvester, C–1216314	125.00
Emerson, John Ellis, C–235475	106.25
Farthing, Welbourne Owen, C–1320214 (guardian, Robert F. Farthing)	106.25
Finley, James Hubert, C–265842	150.00
Guthrie, Austin Lee, C–383875	150.00
Haigh, Harry, C–611963	125.00
Harrington, William Emery, C–906043	187.50
Hoffman, Arthur Bufford, C–494880	162.50
Holliday, Oliver Morton, C–1213690	150.00
Hutchinson, Alva Roy, C–168931	106.25
Johnson, Leroy, C–249326	125.00
Jones, Albert Lamartine, jr., C–257504	150.00
Keefner, Edward William, C–142592	106.25
Knoblock, Cecil Coyne, C–167791	106.25
Lancaster, Grady, C–393943	106.25
Lewis, Miles L., C–313135	125.00
Lipscomb, William Patrick, C–1297557	206.25
Little, Daniel Erastus, C–503184	150.00
Long, Jesse Henry, C–232975	125.00
Long, Ross David, C–212081	187.50
McIntosh, Daniel Cobb, C–267581	125.00
Meyer, Emil Albert, C–134729	106.25
Morphew, John Earl, C–1266330	106.25
Mylon, William, C–1326867	106.25
Neal, Herman Ivy, C–770173	125.00
Oakes, Gail Clifford, C–521875	131.25
Rogers, Glenn Wells, C–313808	150.00
Rucks, William Ward, C–221735	187.50
Sayre, Horace Hendel, C–428668	150.00
Schultz, William Jennings, C–314411	137.50
Shaffer, Guy Oscar, C–38267	195.00
Shaunty, John Norris, C–1293788	125.00
Stagner, George Herbert, C–171724	187.50
Stolper, Joseph Harry, C–175249	150.00
Stover, Curtis Edward, C–401142	137.50
Thompson, Robert Franklin, C–320137	137.50
Waite, Edson R., C–297709	243.75

Warren, Charles I., C–1252838	$137.50
Wenner, David John, C–1294988	125.00
Whitaker, William Jerry, C–446271	125.00
Supplemental list	
Jenkins, Elihu E., C–123853 (guardian, H. L. Payne)	106.25
OREGON	
Barr, David Walton, C–1282955	106.25
Belden, Miles Bebee, C–1277812	106.25
Blachly, Arthur Trew, C–1284685	125.00
Blackstock, James Thomas, C–338638	150.00
Bradford, Holt William, C–278207	125.00
Burdick, Bert Charles, C–1400790	150.00
Burgard, William Norman, C–374190	125.00
Burkett, Benjamin Scott, C–125425	125.00
Burns, John S., C–281394	125.00
Carlson, Enoch Bernard, C–505678	137.50
Cook, Mortimer Parker, C–451522	137.50
Crouch, Junious Elmer, C–188428	150.00
Dalton, Ernest C., C–1281561	187.50
Dorris, Albert Ray, C–1284146	106.25
Dorris, Benjamin Fultz, C–346345	125.00
Edwards, Franz Gill, C–1008207	150.00
Feldenheimer, Roy, C–25596	106.25
Feldman, Jacob, C–480561	162.50
Firey, Frank Paul, C–221307	125.00
Forsyth, Enoch Avard, C–1402589	187.50
Frey, George Robert, C–239091	106.25
Frost, Charles E., C–429984	150.00
Green, John Seymour, C–660569	125.00
Greene, Herbert Merton, C–211412	187.50
Halverson, Henry F., C–197541	180.00
Hamer, Thomas Ray, C–905934	262.50
Hamill, Robert Michel, C–355698	106.25
Hiddleson, Roy Dee, C–460677	116.87
Hogan, Cicero Francis, C–531703	165.00
Huntley, Merritt B., C–135575	150.00
Johnson, Charles Parker, C–479216	125.00
Keeley, Ralph C., C–311648 (guardian, Title & Trust Co.)	106.25
Lane, Melvin C., C–414727	127.50
Maercklein, Ivan Rudolph, C–226226	150.00
MacCracken, Gordon, C–1284600	150.00
McKay, James Douglas, C–315742	125.00
Metcalf, Harry K., C–424085	225.00
Mickey, Robert Dee, C–320916	106.25
Mills, Verni Victor, C–1276271	106.25
Milner, Lawrence Armstead, C–334519	180.00
Montag, Benjamin Butler, C–231121	137.50
Moreland, Julius Cæsar, C–549261	106.25
Morse, Edwin W., C–906414	150.00
Newmyer, Philip L., C–249494	150.00
Noble, George Bernard, C–281195	125.00
Page, Prince Caleb, C–906925	150.00
Pargon, Joseph Augustus, C–206115	150.00
Phelps, Francis M., C–211320	137.50
Platt, William Paul, C–489212	165.00
Pineo, Harold D. W., C–1278247	125.00
Price, Ray H., C–1402020	106.25
Rauch, Cloyd Dixon, C–221558	165.00
Reddick, Joe G., C–1402771	137.50
Reeves, Frank Hall, C–313216	125.00
Robbins, Urban Grant, C–217189	125.00
Salade, Louis Audenried, C–851140	125.00
Scroggs, William Paxton, C–830033	125.00
Sharkey, Ralph Louis, C–755185	125.00
Smith, Leo Bruce, C–213958	180.00
Stearns, Carey S., C–1283287	106.25
Stelzner, Albert H., C–454523	116.87
Stewart, John Archibald, C–234601	150.00
Sweeney, Thomas A., C–1402141	150.00
Switzer, Lewis, C–1394120	106.25
Webb, James Ellsworth, C–445485	125.00
Whiteside, Edwin Eugene, C–275746	150.00
Williams, David Albert, C–400732	150.00
Wood, Joseph Frederick, C–1400727	150.00
Zimmerman, Edward L., C–276693	125.00
PENNSYLVANIA	
Anders, Daniel Webster, C–495574	187.50
Anderson, William, C–216952	150.00
Angwin, Lewis E., C–1026144	125.00
Akerley, Byron Leslie, C–167875	125.00
Alexander, Garbutt Reed, C–1076019	106.25
Alexander, King, C–122644	106.25
Allderdice, Lawrence, C–409292	106.25
Ashton, William E., C–1077686	218.75
Banks, Lloyd McClellan, C–1065103	106.25
Barnes, George S., C–488585	125.00
Barron, Marshall Scott, C–297675	137.50
Bash, James Erwin, C–185263	106.25
Beale, Harvey D., C–1080632	125.00
Beck, Theodore, C–153355	125.00
Bergstein, Alfred Morton, C–232111	125.00
Bernard, Marcus Alphonso, C–220787	106.25
Bickell, Ulysses Grant, C–603951	125.00
Biddle, Justice Mitchell, C–25781	106.25
Billingslea, John Smith, C–18120	$106.25
Blackman, William, C–309022	125.00
Blain, West Elliott, C–181082	180.00
Blount, Reginald M., C–486924	137.50
Bogart, Clark Stetson, C–1083593	125.00
Bostwick, John Vaughan, C–805822	150.00
Botjer, Henry George, C–207785	125.00
Boyes, Andrew M. C., C–246784	125.00
Boyle, John Edgar, C–1076700	165.00
Boyer, Orman Leslie, C–1360409	106.25
Breen, Joseph William, C–286237	206.25
Breisch, Leigh Hedwig, C–1067850	125.00
Breslin, William Aloysius, C–1362957	125.00
Bretz, John Thomas, C–297503	195.00
Brew, Paul, C–449530	106.25
Britten, Chester R., C–1079916 (the Clearfield Trust Co., guardian)	106.25
Brown, Thomas Edward, C–1364468	125.00
Brown, William Elbridge, C–446630	125.00
Bryan, Samuel Smith, jr., C–400536	125.00
Buchanan, Thomas Chalmers, C–154114	106.25
Buell, William C., jr., C–1364969	125.00
Buggy, Frank Raymond, C–376362	165.00
Cain, Robert Sneath, C–87299	180.00
Caldwell, Herbert Clyde, C–313731	125.00
Campbell, Jay Howard, C–905758	150.00
Cannon, James T., C–483689	150.00
Caruso, Adolfo, C–906105	125.00
Clapp, George Houghton, C–209693	150.00
Clark, Chester Fairchild, C–265321	125.00
Claypoole, Ronald Semple, C–490834	106.25
Clement, Charles Maxwell, C–906305	500.00
Clendening, Robert Maslin, C–397428	150.00
Cobb, Murray Addison, C–1080700	157.50
Colcher, Abraham E., C–1366120	125.00
Condit, George Smith, C–298905	125.00
Conn, Ralph Edmund, C–906722	125.00
Conner, William Page, C–395720	106.25
Conway, George Raymond, C–1078733	116.87
Cooper, Herbert, C–162950	150.00
Coover, Merle Edgar, C–156468	125.00
Cort, Thomas Laird, C–338854	150.00
Cox, James Renshaw, C–390653	
Cramer, Joseph William, C–393667	106.25
Crawford, Harry Thomas, C–1084192	125.00
Critchfield, John Burnworth, C–341372	125.00
DaCosta, John Chalmers, C–1080773	187.50
Dale, George Cooper, C–389235	125.00
Daniels, Clarence D'Azavado, C–1066151	125.00
DeGraw, Charles Henry, C–1074664	150.00
Devereaux, Edward James, C–302213	125.00
Devereux, Robert Trafford, C–469441	187.50
Devlin, Charles J., C–237447	106.25
Diamond, Francis X., C–392073	106.25
Diller, Warren Levi, C–1360310	150.00
Dodd, William A., C–302938	125.00
Doheny, Frank P. (Norristown-Penn Trust Co. & J. E. Doheny, guardians), C–1083013	106.25
Doran, Robert John, C–224269	106.25
Dorwart, George Marks, C–219951	106.25
Doyle, Thomas L., C–569324	150.00
Drayton, Frederick Rogers, C–288975	150.00
DuBarry, Joseph Napoleon, C–200543	150.00
Dussere, Louis, C–1065788	106.25
Edwards, Harry Daniel, C–338879	137.50
Ege, Edward Fay, C–1066081	106.25
Eggleton, William J., C–405234	150.00
Ehrgood, George Albert, C–1071435	150.00
Eller, Valentine Burton, C–157030	150.00
Elberson, Alden D., C–303028	125.00
Ellinger, Jacob Edgar, C–1078825	150.00
Ellis, Thomas Biddle, C–1078134	312.50
Embry, Talton Henry, C–321535	106.25
Everett, LeRoy, C–160287	137.50
Eves, Paul Wilson, C–608649	125.00
Ezickson, William J., C–399328	150.00
Fantom, William Henry, C–480039	180.00
Farrell, Patrick F., C–346880	106.25
Feifoldy, Edmond, C–337998	116.75
Ferguson, David McGaughey, C–315086	106.25
Fiscus, James Hudson, C–237473	150.00
Folsom, John Henry, C–140282	106.25
Foos, Harry Miller, C–182797	150.00
Ford, Howard A., C–1069316	106.25
Forney, Charles Blain, C–24137	106.25
Fravel, Hugh C., C–247009	125.00
Gamble, Robert Bruce, C–1071404	281.25
Gentner, John Milton, C–53354	180.00
Gerhardt, Paul Henry, C–456243	150.00
Getz, Ralph F., C–392251	106.25
Gilmore, William B., C–1375791	150.00
Glenn, William Schaffer, jr., C–452651	150.00
Glidden, Burt Rufus, C–188873	106.25
Goodman, Robert, C–1363068	125.00
Gould, Frank Robling, C–376967	125.00
Graham, James Guss, C–398181	125.00
Gray, Joseph Wilson, C–402561	125.00

Greene, Albert Van Nesse, C–256528	$106.25
Gregson, John LeRoy, jr., C–497735	125.00
Grimes, Robert Bruce, C–1363748	187.50
Groff, James A., C–371796	180.00
Gruber, Charles, C–327453	125.00
Gwyer, Charles Francis, C–503505	125.00
Hadsell, Sidney Charles, C–278282	106.25
Hafner, John, jr., C–315385	127.50
Hagerling, Sidney Alexander, C–1361371	218.75
Haley, Edward McIntyre, C–1046330	150.00
Hammitt, John Kelley, C–569807	106.25
Harris, Arthur Charles, C–425187	125.00
Harvey, Francis Alexander, C–305597	125.00
Hawkens, Edward Andrew, C–204416	150.00
Hebeacker, William F., C–267669	150.00
Heiser, Oliver Raymond, C–367014	125.00
Hempstone, Frank Waldo, C–1383462	125.00
Hendler, Ullmann C., C–217145	150.00
Henninger, Allen, jr., C–99808	106.25
Higgins, Harry S., C–174900	125.00
Hinds, Alexander M., C–248234	125.00
Hoenstine, Floyd Guanar, C–298162	106.25
Holton, Thomas Aloysius, C–1361040	150.00
Honhart, Harold E., C–381869	137.50
Hooper, Thornton Dayton, C–482914	125.00
Hoover, Wesley C., C–503843	195.00
Hopkins, Wayne Leslie, C–190339	106.25
Hoyt, Frank Wellington, C–246415	106.25
Hunt, Herbert Price, C–194191	162.50
Hunter, Andrew, C–342607	150.00
Huston, Dell Clifford, C–197386	125.00
Joachim, William F., C–366905	125.00
John, Rutherford Lewis, C–419415	187.50
Jones, Charles Edward, C–1079818	187.50
Jones, James W., C–311906	150.00
Johnson, Wesley B., C–1083206	106.25
Johnston, Charles, C–1067358	165.00
Kearns, Edward Lee, C–905279	312.50
Kelter, William Alfred, C–513555	137.50
Kent, Samuel L., jr., C–586992	125.00
Kestner, Edward Victor, C–260326	243.75
Kerst, Joseph Edmund, C–232795	106.25
Kirk, George Breon, C–292474	125.00
Klauder, Joseph Victor, C–1367300	187.50
Kleinstuber, William O., C–307031	125.00
Kleppinger, Samuel Adam, C–17792	150.00
Kline, Wade Turney, C–314295	195.00
Koenig, Carl Frederick, C–326047	125.00
Koontz, James Byron, C–183833	125.00
Krause, Robert Sheldon, C–561823	125.00
Krlechbaum, Roy Ritner, C–489195	165.00
Landis, Edward Paul, jr., C–1075182	106.25
Lauer, Carl Frederick, C–376468	150.00
Lauer, Kurvin William, C–208396	106.25
Leitzell, Wilbur Forest, C–214793	187.50
Leonard, Charles Forrest, C–232580	125.00
Lightner, James Newton, C–1075998	195.00
Linn, Charles F., C–1366908	150.00
Lockhart, Andrew Robert, C–227452	195.00
Love, Preston Armstrong, C–437966	125.00
MacGee, Roy James, C–539503	125.00
MacLeod, Norman Mac C., C–686283 (Provident Trust Co. of Philadelphia, guardian)	125.00
MacKenzie, Arthur Lee, C–1072721	125.00
MacReynolds, Abel Mathias, C–655057	243.75
Maguire, Edward Bayard, C–210143	137.50
Malcomson, William Henry, C–432354	106.25
Martin, Jesse Penney, C–605445	180.00
Martin, Richard Charles, C–553717	125.00
Maxey, David Rexford, C–470241	156.25
McClelland, Quinton J., C–1066841	106.25
McDonnell, Owen F., C–217846	106.25
McFarland, Joseph, C–624541	187.50
McCarr, Thomas E., C–358868	150.00
McGough, Edward A., C–1082564	106.25
McKeon, James Stephen, C–354186	125.00
Meehan, Edward Joseph, C–453487	262.50
Meley, Edward Jewitt, C–442849	150.00
Mihovilovich, John (guardian, Integrity Trust Co.), C–509594	106.25
Miller, Albert William, C–305870	137.50
Milko, John George, C–2446	116.87
Miller, George Harlan, C–360453	106.25
Miller, Philippus, C–442176	106.25
Minor, Arthur J., C–905777	150.00
Moore, William B., C–307043	116.87
Morgan, Leonard Davis, C–258037	106.25
Morris, Edward Aloysius, C–551428	125.00
Mosher, James Sherman, C–188659	150.00
Moyer, Albert Floyd, C–323817	106.25
Moyer, William Westfall, C–1082780	150.00
Muller, Julius, C–577628	137.50
Murphy, George W., C–1360272	106.25
Murphy, Joseph T., C–338957	150.00
Murray, Valentine, C–509459	195.00
Murrin, Connell Edward, C–381504	125.00
Myers, Charles Henry, C–316398	106.25
Nelan, Thomas Gibbons, C–245576	$187.50
North, Louis Arthur, C–360463	106.25
O'Brien, Raymond John, C–371751	125.00
O'Daniel, Andrew Allison, C–265136	150.00
O'Leary, John Jeremiah, C–221053	150.00
Osthaus, Robert Axford, C–87189	116.87
Owens, John Joseph, C–267103	180.00
Owens, Robert J., C–272276	150.00
Parker, Brantly F., C–150299	150.00
Parks, Cornelius Griffin, C–1363118	125.00
Parsons, Isaac Ivison, C–338126	150.00
Patten, Morgan Howarth, C–430436	125.00
Peppler, Harry Augustus, C–517705	150.00
Peters, Jacob Markwood, C–169196	243.75
Petty, Orlando Henderson, C–1069672	150.00
Phillips, Donovan R., C–1381460 (guardian, Mrs. Martha J. Phillips)	125.00
Piper, William Scott, C–239650	150.00
Plank, David H., C–1051790	125.00
Pogue, Frank Milton, C–1363661	150.00
Pollock, Benjamin Harrison, C–264173	125.00
Potter, Hannibal Ellis, C–307327	106.25
Poux, George Adrien, C–322579	175.00
Purman, Daniel O., C–355926	125.00
Quinn, Thomas J., C–209961	150.00
Quiri, James H., C–1366469	125.00
Raeder, William John, C–212336	125.00
Ranck, Edmund Ross, C–152376	150.00
Randall, Floyd Hamilton, C–1077672	262.50
Ransom, Percy Stephen, C–499596	106.25
Read, Harry Malcolm, C–1084827	125.00
Read, Robert James, C–258916	106.25
Reber, Alvin David, C–199163	106.25
Rebuck, Walter Edgar, C–287471	106.25
Reed, Joseph Marshall, C–194070	150.00
Rehfuss, Louis Allgaier, C–515231	125.00
Replogle, George Brown, C–1163095	150.00
Rhode, Solon LaFayette, C–520361	125.00
Rhule, Wilbur Lee, C–238720	106.25
Richardson, Joseph G., C–535902	150.00
Robison, Gerald Austin, C–338758	106.25
Rodefer, Onward Allen, C–776203	106.25
Roemer, Leon Frederick, C–26454	106.25
Rogers, John Allyn, C–1073676	106.25
Rosen, Theodore, C–295255	125.00
Rosenbloom, Hyman G., C–1099271	125.00
Ross, William Charles, C–381360	106.25
Rountree, William Lincoln, C–906394	210.00
Roy, Wilford Shriner, C–1079786	150.00
Rudy, John M., C–1082586	195.00
Ruhnka, Roy, C–412119	150.00
Sawhill, Donald Vere, C–54339	106.25
Schaeffer, John Adam, C–172312	125.00
Schickram, Paul, C–906437	175.00
Scholl, Harry Arndt (Provident Trust Co., guardian), C–1362591	125.00
Schrier, Edward Joseph, C–321634	106.25
Schug, Carl Adelbert, C–187249	125.00
Schwartz, Max Jacob, jr. (Provident Trust Co. of Philadelphia, guardian), C–1075440	125.00
Seixas, William H., C–1076752	106.25
Seligman, Louis, C–1082041	125.00
Servais, Louis J., C–1363966	106.25
Shanks, Charles Robert (Franklin Trust Co., guardian), C–1361432	127.50
Shelly, Isaac High, C–1078396	187.50
Sheridan, Philip J., C–1083844	150.00
Sheridan, Walter David, C–153314	106.25
Shields, Harry Paul (M. J. Geary, guardian), C–1360502	106.25
Shoemaker, George Joseph, C–306016	116.87
Shoemaker, Philip C., C–206651	125.00
Sholes, Eber Corban, C–444534	106.25
Short, Philip, C–366396	116.87
Signor, De La Ray, C–502536	187.50
Smith, David Scull, C–245806	187.50
Sobernheimer, Harry B., C–410982	125.00
Sponseller, Harling Eugene, C–1093700	106.25
Squier, Lowell W. (Mrs. Luella Squier, guardian), C–146110	106.25
Stackhouse, John M. (Bloomsburg Bank-Columbia Trust Co., guardian), C–524029	106.25
Stackpole, Edward J., jr., C–553716	150.00
Steen, William Lewis, C–247708	150.00
Steidle, Edward, C–202820	150.00
Stivanson, Archie M., C–905346	180.00
Stonebraker, Elias William, C–1069914	125.00
Storm, Albert James, C–497100	150.00
Sullivan, George A., C–512546	150.00
Sullivan, John Joseph, C–199685	148.75
Summerton, Ralph Nelson, C–296833	106.25
Suplee, Irwin Shaw, C–1080676	106.25
Taylor, William E. G., C–209173	180.00
Thompson, George Frank, C–1084026	125.00
Tibbins, George Hoy, C–1073756	125.00
Tibbins, Perry McD., C–221109	125.00
Tilghman, Charles Henry, C–252766	150.00
Tinstman, Carl C., C–1066511	137.50
Turner, William Frederick, C–406835	125.00

Umberger, Paul Repass, C–298584	$150.00
Unger, Wood, C–328150	150.00
Vanderlin, Carl Joe, C–221635	106.25
Van Horn, Frank A., C–239941	125.00
Ventress, George Elmer, C–701989	150.00
Vieslet, Victor Pierre, C–1057813	125.00
Walker, Paul Ewing, C–73594	106.25
Walsh, Richard J., C–1077551	150.00
Watson, Richard White, C–1365925	281.25
Watson, Roy Cooper, C–394715	125.00
Weaver, John Rex, C–497542	150.00
West, Frank Joseph, C–360864	116.87
Wheeler, Martin Luther, C–232371	137.50
White, John Bernard, C–280424	125.00
Wickham, Otto Wilman, C–322450	106.25
Wilkinson, David Bryan, C–153395	125.00
Williams, Edward James, C–483289	150.00
Williams, James A., C–206772	150.00
Williams, Ralph Oliver, C–390933	106.25
Willson, George Merritt, C–905255	165.00
Wilson, Benner Marshall, C–371785	125.00
Woomer, Lester E., C–299941 (guardian, Harry C. Woomer)	125.00
Woods, William Wilson, C–429942 (guardian, J. Irwin Johnson)	150.00
Wright, Denny Dobyns, C–267706	137.50
Wurster, Lloyd Edward, C–247541	125.00
Yocum, jr., Charles Alvin, C–346934	125.00
Yohe, Edward Lindsay, C–283030	150.00
Young, Charles Francis, C–363198	125.00
Zychowicz, John Francis, C–1080031	150.00
RHODE ISLAND	
Barton, Charles W., C–287182	116.87
Blanchard, Howard Everett, C–298554	150.00
Brownell, Jonathan T., C–86610	106.25
Champlin, Vincent, C–171956	125.00
Drummond, Frank C. P., C–362290	116.87
Irving, William R., C–224676	106.25
Johnson, Smith S., C–484237	187.50
McGreen, Thomas Edward, C–616660	150.00
Peterson, Hans Otto, C–1405772	125.00
Ridlon, John, C–1200074	187.50
Sayles, Arthur Updike, C–346693	127.50
SOUTH CAROLINA	
Acker, Halbert Hammond, C–1335266	125.00
Anderson, Clifton Brown, C–164236	106.25
Bailey, Waller, C–1335459	125.00
Barnwell, Nathaniel Berners, C–358892	218.75
Bates, Frances David, C–714035	106.25
Blaylock, Charles D., C–316675	106.25
Bostick, Bonham Hagood, C–1333528	125.00
Boulware, John Hugh, C–15730	125.00
Brennen, Edward Joseph, C–468092	106.25
Burgin, Van Hampton, C–160134	106.25
Burkett, Andrew Carroll, C–373657	137.50
Campbell, Isaac Johnson, C–1337873	125.00
Cappelmann, Ernest Henry, C–1333273	150.00
Clement, Edward D., C–429006	150.00
Collett, William Arthur, C–717590	250.00
Davis, Irby D., C–196158	125.00
Deas, Henry, C–1334946	125.00
Dobson, James F., C–1342873	125.00
Dozier, James Cordie, C–906137	125.00
Eason, James Lanier, C–1333216	116.87
Eaton, Robert Knight, C–820943	125.00
Fulmer, Roland Hoyt, C–1332805	180.00
Gillespie, William Lockwood, C–483810	206.25
Greet, Loul, C–440461	137.50
Guillebeau, Clarence, C–1104727	106.25
Hamilton, Reuben Gilliam, C–318827	187.50
Hart, Augustus Griffin, C–183400	116.87
Hart, Joseph Everett, C–275434	180.00
Harris, Henry H., C–438762	150.00
Harvin, Frank Madison, C–1104025	150.00
Hazlehurst, John G., C–906421	150.00
Haynie, William R., C–1107325	125.00
Holmes, McGowan, C–364092	150.00
Hudgens, Robert Watts, C–348190	165.00
Hudson, Norman Eldridge, C–1110427	106.25
Hutchison, Hiram, C–197391	150.00
Irby, Pierce Butler, C–1337910 (guardian, Julia M. Irby	116.87
Julien, Carl Thomas, C–140613	106.25
Knox, Julius Terrell, C–512626	150.00
Lyons, John Sprole, C–254860	125.00
McLain, Charles Lucas, C–653549	180.00
McLure, John Thomas, C–337592	150.00
McKeown, James Simpson, C–765580	162.50
Mahon, jr., Gabriel Heyward, C–395033	225.00
Marshall, Foster, C–388318	106.25
Marshall, Thomas Booth, C–304087	137.50
Miller, Connor Joshua, C–265523	125.00
Mills, James H., C–535967	125.00
Moore, William Andrew, C–324392	106.25
Morse, Albert Augustus, C–1119342	106.25
Murray, Cromwell Emory, C–592637	165.00
Nims, jr., Frederick, C–323265	$106.25
Nininger, Charles Mackubin, C–1121023	165.00
O'Neill, L. Arthur, C–154975 (commissioner, the National Bank of Sumter, S. C.)	106.25
Peake, Theodore James, C–518943	187.50
Pearcy, William H., C–358874	125.00
Pitts, Thomas Antley, C–1342394	150.00
Pressly, Ebenezer Wideman, C–1330315	218.75
Pruitt, Harrison Almus, C–905402	125.00
Register, David Wells, C–1120273	150.00
Rice, Max, C–256935	106.25
Ryan, Gerald Duncan, C–236668	125.00
Sain, Ernest, C–476250	106.25
Sansbury, Lonnie Simeon, C–1332822	106.25
Simmons, Benjamin Francis, C–398199	106.25
Sligh, Charles E., C–457404	150.00
Smith, jr., Daniel T., C–194899	116.87
Spencer, jr., C. R., C–279109 (commissioner, C. R. Spencer, sr.)	106.25
Turner, James Rogers, C–311586	106.25
Weatherbee, Ashley B., C–1114342	125.00
Welch, William Marvin, C–1344443	208.25
White, David Lapsley, C–255753	125.00
White, Richard Green, C–1100912	125.00
Williams, Arthur Middleton, C–370319	175.00
Wilson, Rosko J., C–556140	125.00
Wood, Landrum W., C–1337070	125.00
Woodruff, Billie Alter, C–356309	125.00
Wyman, Benjamin F., C–268156	150.00
SOUTH DAKOTA	
Craig, Dickey Willard, C–1350356	125.00
Crawford, James Harry, C–1349751	125.00
Donley, John Stafford, C–517395	125.00
Eckert, Earl Oliver, C–1351417	106.25
Hazle, William A., C–780560	281.25
Hunt, William Moody, C–1240588	150.00
Lowthian, George Henry, C–146908	150.00
Mertens, John Joseph, C–493239	150.00
Muchow, Arthur Herman, C–388387	150.00
Rayburn, Robert LaVerne, C–154298	125.00
Warren, Howard H., C–1243948	175.00
Wright, Oscar Reilly, C–764056	150.00
Supplemental list	
Carson, David J., C–548890	150.00
TENNESSEE	
Adams, David Porterfield, C–488039	125.00
Anderson, Henry Osgood, C–413994	125.00
Andrews, James Lindsay, C–1117929	187.50
Apperson, John Wright, C–211373	106.25
Armstrong, Bedford E., C–339281	125.00
Ballard, Leslie Nathaniel, C–1124018	165.00
Beaman, Archie Keith, C–1337186	106.25
Bly, Robert, C–1285218	137.50
Boone, Daniel Hilliard, C–1123303	150.00
Bradley, John W., C–589194	125.00
Brown, Emmett E., C–1110682	150.00
Brown, Ernest Clairborne, C–220781	125.00
Brown, Arthur L., C–585950	106.25
Brumit, Phillip Isaac, C–208018	180.00
Buckles, Walter Avory, C–395465	180.00
Burks, James W., C–1121890	206.25
Burnett, Paul F., C–636874	106.25
Bush, Martin Marshall, C–263698	137.50
Cable, Thomas William, C–267451	180.00
Clary, William Franklin, C–283695	187.50
Cotten, Leon D'Castro, C–529112	125.00
Crews, John Durst, C–392071	
Cross, James, C–256515	116.87
Currin, John A., C–133581	106.25
Curtis, Harry William, jr., C–461651	180.00
Dance, Ernest Franklin, C–1331337	106.25
Davis, Thomas Lyles, C–330859	187.50
Duncan, Joseph French, C–131314	125.00
Du Vergey, Charles Philip, C–254919	150.00
Dyer, Lloyd E., C–170530	150.00
Ellis, Nathaniel Watson, C–486206	137.50
English, Thomas Young, jr., C–828540	150.00
Franklin, William Easley, C–252393	150.00
Frater, Homer B., C–209280	106.25
Fredrickson, John Robert, C–299595	106.25
Galloway, Robert Edmunds, C–165860	106.25
Gant, Albert Minter, C–431991	125.00
Garrett, Leslie, C–268548	127.50
Gilbreth, Florian R., C–845450	116.87
Griggs, Cardwell William, C–399263	165.00
Hackney, William Loretz, C–1335964	106.25
Haggard, John Baker, C–12324	125.00
Hammond, LeRoy H., C–616464	150.00
Hampton, John Erwin, C–215827	150.00
Hatcher, William Benson, C–327098	125.00
Hathaway, Caleb Rutherford, C–198158	225.00
Harris, Albert Wynne, C–160667	150.00
Hendley, Charley, C–414385	125.00
Jeter, Joshua Edgar, C–1343542	150.00
Johnson, Joseph Edward, C–162075	150.00

Johnson, Robert Tipton, jr., C–518149	$125.00
Johnston, Thomas Stewart, C–1199175	150.00
Kaplan, Max, C–204194	125.00
Keeling, James Henry, C–198660	150.00
King, Charles Coefield, C–905893	125.00
King, Samuel L., jr., C–254148	106.25
Kuhlman, Fred W., C–273077	125.00
Lansden, David Snodgrass, C–220910	106.25
Lassiter, John Henry, C–1337772	150.00
Lewis, John Gatewood, C–1331865	165.00
Lillard, David Wiley, C–481560	165.00
Lyons, Thomas Sebastian, C–294546	150.00
Matteson, Lewis Charles, C–244524	137.50
McCall, George Trevathan, C–280883	125.00
McCall, James Henry, C–905326	165.00
McGinnis, John Edward, C–331224	150.00
McNeal, Archibald Walter, C–552122	125.00
Miller, Thomas Peacock, C–137853	150.00
Morgan, Jerome Logan, C–281575	225.00
Morison, James H. S., C–181001	150.00
Myers, William Albert, C–1334573	137.50
Passino, Edward Andrew, C–284683	165.00
Peters, Hugh L., C–782289	150.00
Peyton, Robert L., C–1117480	125.00
Quinn, Jim, C–513903	106.25
Reece, Lemiel L., C–1098158	106.25
Roberts, Maurice McVey, C–1256586	125.00
Roulhac, John Saunders, C–1115135	125.00
Ryan, Daniel, C–341410	210.00
St. John, Frank Love, C–906230	150.00
Shea, Martin Coyle, C–905379	106.25
Shell, Erby, C–319166	116.87
Smith, Larkin, C–907043	225.00
Stanley, Robert Hendricks, C–373268	225.00
Stem, Leon Thayer, C–168590	125.00
Stevens, Leslie Vail, C–384903	106.25
Taylor, John Q., C–1117162	150.00
Teachout, Stanley Ross, C–1450011	150.00
Thomas, George Conner, C–625834	125.00
Thompson, William Cary, C–612388	106.25
Wade, Bruce, C–636982	106.25
Wallace, John William, C–200634	150.00
Walker, John Hamilton, C–160391	106.25
Webb, Floyd, C–1329469	125.00
Weed, Lee Henderson, C–187874	106.25
Wiggins, Milton Cayce, C–396496	125.00
Wilcox, Robert Clive, C–378152	125.00
Williams, Thomas, C–423331	210.00
Williams, Roby, C–456131	165.00
Willien, William Fleming, C–237263	150.00
TEXAS	
Adams, Roy Hodge, C–906789	125.00
Aiguier, Roy L., C–198145	125.00
Allison, Dwight, C–716692	150.00
Anderson, George R., C–269780	150.00
Anderson, James Leroy, C–1433302	125.00
Arnold, Raymond S., C–1328542	106.25
Austin, Charles Jeff, C–832375	195.00
Bagaley, Edward Thomas, C–203125	125.00
Baker, Oscar Lindsey, C–238778	165.00
Baldwin, John Browning, C–1288595	125.00
Barend, Ira Charles, C–431865	137.50
Barlow, Rayford E., C–231926	150.00
Barnes, William Wallace, C–340779	127.50
Barr, Jesse William, C–88177	150.00
Batemen, William Houston, C–405326	116.87
Bell, Alexander Deacon, C–315152	180.00
Bellmont, Leo Theodore, C–211716	150.00
Benson, Walter David, C–512864	137.50
Benton, Jonas Alfred, C–252912	165.00
Bixler, Joseph Glenn, C–300151	125.00
Blackwell, William G. L., C–1323387	125.00
Blanchard, Carey Snead, C–275792	165.00
Blann, Joe H., C–452038	116.87
Bomar, Spencer Edmund, C–464439	195.00
Borden, Joseph Lee, C–318220	125.00
Brasher, Clarence Elmore, C–621962	106.25
Braun, Harry E., C–275619	125.00
Briscoe, Charles S., C–276924	150.00
Brotherson, Guy Lester, C–1260961	116.87
Brown, Clarence S., C–286245	187.50
Brown, Lindsley M., C–1329085	187.50
Brown, Joseph Leslie, C–567994	150.00
Brownlow, Joseph Leonard, C–1295919	
Bruce, Grover Cleveland, C–261629	125.00
Burtis, Edwin Samuel, C–1394976	106.25
Bush, Howard Marion, C–265316	150.00
Bynum, Willis Mark, C–301742	106.25
Cameron, Burr Solomon, C–236420	106.25
Campbell, Robert Keener, C–332911	125.00
Campbell, William Edward, C–252125	150.00
Carlson, George Nathaniel, C–260532	150.00
Carpenter, Eugene R., C–1324922	150.00
Carson, Earl James, C–380252	150.00
Coffen, Dell Edw., C–1286110	137.50
Coney, Mason Cleveland, C–159380	125.00
Coyle, Arthur J., C–1323604	$165.00
Cox, Lee B., C–1433964	125.00
Cox, Thomas M., C–1340508	125.00
Chadwell, Leonard Shirley, C–297912	116.87
Chandler, Richard Olney, C–1431494	106.25
Christman, Clarence Daniel, C–1301395	125.00
Craig, Harold L., C–551337	106.25
Crittenden, Eugene Wilkerson, C–154033	165.00
Crome, Conrad Fink, C–364252	150.00
Crosby, James Hardin, C–202968	125.00
Crow, Floyd Arnold, C–1290927	106.25
Culp, Alexander B., C–360481	150.00
Cunningham, William Burt, C–188626	106.25
Curtis, Thomas Blakemore, C–905182	125.00
Daffan, George Q., C–1433706	125.00
Darby, Tilghman O., C–1429154	125.00
DeGrummond, Henry Clay, C–860142	125.00
Delano, Herman Stevens, C–508234	106.25
De Verta, Frank Alexander, C–905349	150.00
Devine, Albert Elder, sr., C–270707	187.50
Dickinson, Bertram Grandage, C–368874	243.75
Dickson, Albert Maxcy, C–1123353	106.25
Dinwiddie, Robert A., C–1326851	125.00
Dotson, Eugene Malcolm, C–1328223	125.00
Durant, Ira E., C–1429740	165.00
Durham, Louis A., C–1325731	150.00
Egbert, Orville E., C–319102	150.00
Elliott, Wellwood Clifton, C–378860	137.50
Everall, Ben C., C–1224658	206.25
Everett, James P., C–458015	106.25
Ferrol, Walter, C–905782	165.00
Fickessen, William Robert, C–383667	150.00
Fields, Barney Winston, C–341341	125.00
Fillmore, Hartson Dustin, C–1326006	150.00
Fletcher, Robert Stell, C–235714	116.87
Franks, Grover Cleveland, C–211724	106.25
French, Frank Davis, C–611911	206.25
Frey, Harry, C–1182243	125.00
Frost, Marion Morgan, C–440056	106.25
Fullerton, Clarence B., C–443622	125.00
Garrett, George Harvey, C–1324501	150.00
Gaston, Alpheus Dickerson, C–393025	125.00
Gentry, Brady Preston, C–1320189	150.00
Glick, Edward Franklin, C–94126 (guardian, Ida May Glick)	150.00
Glover, Henry Clay, C–905473	187.50
Gore, Vernon, C–343949	106.25
Graham, Clyde Burrell, C–14742	165.00
Graham, Malcolm J., C–280640	150.00
Grant, Thomas P., C–450755	150.00
Gray, Jessy Franklin, C–1266432	125.00
Greeman, Nelson William Linton, C–594040	125.00
Greer, Hal Irby, C–239489	125.00
Grogan, Roy Lee, C–535356	125.00
Haden, John B., C–749108 (guardian, Henry C. Haden)	150.00
Hafer, Warren Lavere, C–1079112	106.25
Hall, John Clarence, C–891945	106.25
Hamlin, Carl O., C–1433354	150.00
Handly, Lucius Lamar, C–306627	125.00
Hankins, Stayton Marshall, C–172615	125.00
Hardway, Orestes Elmer, C–230537	206.00
Hatfield, Walter H., C–816984	125.00
Harp, John Holland, C–1290362	106.25
Harrell, Theodore H., C–287533	218.75
Harrington, Sul Ross, C–1295736	106.25
Harrison, Louis Jay, C–531479	175.00
Haubold, Egon Gus, C–1290346	150.00
Heckler, Charles E. E., jr., C–1335223	106.25
Helm, Dury L., C–1320762	125.00
Hennessey, Carleton, T., C–403401	125.00
Hill, Willard Dimock, C–401771	125.00
Hills, Delbert DeWitt, C–278975	150.00
Hiner, Bert Cecil, C–410177	150.00
Hitt, Joe L., C–1167578	106.25
Holman, William Shields, C–1431793	225.00
Howard, Henry Lee, C–252295	165.00
Howell, Henry Amasa, C–1430569	125.00
Howell, Robert Lee, C–164092	125.00
Hunsaker, John Everett, C–323284	106.25
Hyman, Joseph Henry, C–350046	150.00
Hyslop, Wilbur Riley, C–265766	125.00
Imel, Edward Stanton, sr., C–106338	150.00
Irby, Benjamin Earle, C–190858	106.25
Jackson, Noah Riley, C–1430280	125.00
Jackson, Joseph Brown, C–1299687	125.00
Jackson, Will E., C–3181119	312.50
Jameson, Roy Abram, C–1294634	165.00
Jennings, William A., C–20264	125.00
Jones, Hubert Blackburn, C–230580	150.00
Jones, Joseph Clifford, C–1324126	150.00
Johnson, James Jefferson, C–255919	150.00
Johnson, William B., C–255921	125.00
Kelly, Ben F., C–276209	106.25
Kelsey, Everett E., C–289216	125.00
Kershner, William Perry, C–828140	150.00
Klevlan, Charles E., C–521408	106.25
Kile, Sherman Clarke, C–1288159	150.00

King, John Longino, C–412037	$150.00
King, William Jesse, C–441333	150.00
Knight, Samuel Reuben, C–802385	106.25
Kveton, Patrick Henry, C–1285248	150.00
Landrum, Marvin M., C–100141	125.00
Lange, August F., C–424961	187.50
Lansing, Dudley Kenneth, C–545200	195.00
Leatherberry, George S., C–1328740	106.25
Leftwich, Snowden Marshall, C–174952	150.00
Legnard, John B., C–163839	150.00
Leonard, Stark E., C–636725	150.00
Leslie, Leland Lloyd, C–1293327	125.00
Lewis, Henry Clay, jr., C–412458	106.25
Lincecum, Addison L., C–1328706	150.00
Linehan, Will John, C–819135	106.25
Lockhart, Delta Epsilon, C–1321531	150.00
Loomis, Edgar W., C–596339	206.25
Lovell, Clyde W., C–451258	125.00
Mann, Samuel Richard, C–905813	150.00
Mason, Clinton Carmack, C–221064	150.00
Marshall, Clyde Morgan, C–150655	106.25
Maverick, Maury, C–263050	125.00
Maxwell, Jesse J., C–1428653	106.25
McCain, Clifford, C–471581	125.00
McLean, John Thompson, C–449108	180.00
McClain, John W., C–318788	125.00
McLain, William Elvage, C–363276	187.50
McClellan, Clarence L., C–1246343	125.00
McCollough, Irvin Randolph, C–1289069	150.00
McDaniel, Alfred Clifton, C–144650	187.50
McDonnell, Aloysius V., C–1289783	150.00
McGale, David A., C–1323914	150.00
Merrem, Leslie Crane, C–208562	125.00
Meyers, Harry, C–574278	195.00
Middleton, Jackson, C–636500	210.00
Milam, Cecil A., C–905420	137.50
Miller, Claude Duvoll, C–1295167	125.00
Miller, David Baker, C–175167	125.00
Miller, Robert Finney, C–1290645	150.00
Mitchell, Leonard G., C–370076	187.50
Mitchell, Merlin, C–1286758	150.00
Monk, Walter C., C–1289710	106.25
Morgan, James Benton, C–85301	125.00
Moses, Andrew, C–234055	125.00
Moses, Robert Lewis, C–544425	125.00
Murphy, Ewell E., C–262736	106.25
Murray, Joseph Jackson, C–307931	125.00
Muse, Ernest Cavin, C–1434678	150.00
Nesbit, William Edward, C–489490	125.00
Ostrom, Peter V., C–293901	180.00
Paige, Wendell Heath, C–202454	125.00
Painter, Orval C., C–280091	106.25
Parrott, Farley Crafford, C–312521	150.00
Paschall, Ancil E., C–275545	106.25
Pearsall, Francis Stanley, C–217587	106.25
Pedigo, William Sherman, C–238735	150.00
Peel, Dock D., C–1156890	106.25
Perkins, James I., jr., C–782125	106.25
Porter, Irving Dalton, C–215893	150.00
Prather, Robert Marion, C–152653	125.00
Price, Edward Humphrey, C–274512	125.00
Rader, Frank Kearns, C–490112	125.00
Reeves, Emory West, C–253441	125.00
Reinhardt, Daniel E., C–1322509	125.00
Rickard, Herbert E., C–1299997	150.00
Rieck, Hugh Wm., C–603265	150.00
Rike, Wm. F., C–1297946	225.00
Robbins, John C., jr., C–321939	106.25
Robinson, Guy Thornwell, C–318462	125.00
Robinson, Henry Meyer, C–477103	106.25
Rodgers, Rollin W., jr., C–250369	125.00
Ross, Nealie Edward, C–392778	150.00
Sanders, Randolph Ramsay, C–261950	106.25
Sanford, Harold Mizner, C–471322	137.50
Scott, Sanford, C–475334 (guardian, Joe M. Scott, jr)	125.00
Scotten, Frank Dean, jr., C–314584	125.00
Scully, John Henry, C–491933	195.00
Schwald, Norman A., C–246281	150.00
Seagraves, Charles, C–378435	137.50
Sharp, Roy Franklin, C–165095	106.25
Simpson, Sloan, C–1335458	281.25
Sinclair, Wm. Carl, C–1288072	106.25
Smith, Edward Coombs, jr., C–235874	150.00
Smith, Vinny Leeander, C–129110	150.00
Snyder, Milton Allan, C–626564	125.00
Southworth, Wm. A., C–569231	125.00
Spencer, Edwin Ray, C–299501	125.00
Spencer, Paul Guy, C–285697	150.00
Stackable, John Bernard, C–318452	150.00
Stafford, Earl, C–1291902	125.00
Standifer, Charles Herbert, C–822559	150.00
Starnes, Mert Hawkins, C–425133	125.00
Stell, Leonard Hampton, C–145014	106.25
Stephan, Karl George, C–856500	106.25
Stewart, Charles Robert, C–312925	187.50
Stiller, George Milwayne, C–296036	106.25
Stokes, Wm. Thomas, C–209944	125.00
Stradal, Elmer Stephens, C–1222943	$137.50
Strong, Elmer Dwight, C–1257592	125.00
Swonger, J. Boyd, C–198103	150.00
Swope, John Douglas (guardian, L. M. Swope), C–299474	106.25
Suggs, Frank, C–471133	206.25
Tallmadge, Frederick A., C–1285635	165.00
Taulbee, James Menifee, C–470716	125.00
Temple, Thomas Latane, jr., C–239903	125.00
Terrell, Alexander Watkins, C–163086	106.25
Thomas, Lawrence G., C–1086267	150.00
Thompson, Donald Raines, C–230774	125.00
Thompson, Wm. Roy, C–1329185	106.25
Tillman, Adolph S., C–471801	150.00
Toland, Wm. A., C–1288297	225.00
Tongate, James Monroe, C–197303	116.87
Tomlin, Morell, C–304279	165.00
Towery, Forrest Lee, C–196901	165.00
Tyson, John Thomas, C–1429633	150.00
Venable, Douglas Randolph, C–436658	150.00
Vidrine, Grover Cleveland, C–430749	106.25
Walker, Tom Percy, C–354755	125.00
Walton, James O., C–332151	125.00
Ward, James Delano, C–368569	106.25
Warner, Forbes H., C–906600	71.25
Weinfeld, Louis M., C–1329294	150.00
Wheeler, Edgar Louis, C–376454	106.25
Wheelock, Ernest Eugene, C–508192	137.50
Whisenant, Herbert Wesley, C–276995	125.00
White, Harold Le Roy, C–1395178	137.50
Whittington, Harris Diaz, C–1325506	150.00
Williams, Pascal, C–1261836	138.12
Winters, Raymond Cyprian, C–694815	125.00
Witherspoon, Louis G., C–1256906	150.00
Witt, Roy R., C–260700	125.00
Womack, Jesse Lee, C–373051	150.00
Wood, Conan T., C–1292854	106.25
Yates, Milton Wallace, C–1426608	138.12
Yarbrough, John Welch, C–366608	106.25
York, Edwin Ruthvan, C–177036	195.00
Younger, Louis Henry, C–1296454	250.00
Supplemental list	
Harrison, Louis Jay, C–531479	175.00
UTAH	
Bardsley, Jesse, C–1246260	106.25
Clark, Oliver R., C–1250907	125.00
Dieringer, Benedict John, C–389962	106.25
Field, George Joseph, C–905504	125.00
Lemon, Frank James, C–1282844	150.00
Murray, Arthur Lapham, C–246747	150.00
Openshaw, Clarence Roy, C–239517	150.00
Snyder, Fred Fulmer, C–305288	106.25
Thompson, Thomas Raymond, C–685018	106.25
VERMONT	
Abernethy, Landen, C–449239	125.00
Bullock, William Lyman, C–130370	125.00
Burns, John James, C–1019547	106.25
Clark, Frederick Ellsworth, C–525126	206.25
Delehanty, Nicholas James, C–513387	150.00
Fisher, Benjamin W., C–1001233	106.25
Hamilton, James Madison, C–134005	180.00
Hayes, George Eugene, C–1409545	137.50
Hayes, William Francis, C–1014962	116.87
Kendrick, Jack Boyce, C–1003757	106.25
Kerrigan, John P., C–350448	150.00
Mayhew, Horace Charles, C–484723	116.87
McProud, Wilbur C., C–169063	150.00
Morrill, William Henry, C–1007694	125.00
Shaw, Walter S., C–1406077	137.50
Sumner, Charles Stewart, C–189636	180.00
Stoughton, Perley M., C–1014853	125.00
Wood, Charles Clement, C–12836	106.25
Wright, Raymond S., C–1409067	106.25
VIRGINIA	
Addison, John Daingerfield, C–205585	125.00
Allen, Morris Simpson, C–614449	165.00
Anderson, George James, C–541896	150.00
Barnes, Clarence Elwood, C–183612	106.25
Betts, Claude S., C–461130	106.25
Blake, Monroe Heath, C–237519	125.00
Boushall, Thomas Callendine, C–636753	125.00
Brockett, Clyde Waring, C–1093919	106.25
Brown, John Dorsey, C–371797	125.00
Brown, Ralph Waddell, C–477848	150.00
Buchanan, John J., C–1085414	106.25
Bunkley, William H., C–414637	125.00
Cammer, Claude R., C–120122	125.00
Campbell, Clyde Augustus, C–1058537	106.25
Christian, James R., C–675747	137.50
Coffman, Frank, C–360475	106.25
Cole, Dean B., C–1037256	125.00
Cord, John Charshee, C–479646	106.25
Couper, James Hamilton, C–426661	125.00
Craddock, Abram P., jr., C–1333025	150.00
Culbertson, William R., C–1088293	125.00

Daughton, John B., C–577731	$150.00
Davant, Harry Wilton, C–296176	165.00
Davis, Simmons, C–464975	106.25
Divine, John Parker, C–554926	165.00
Duncan, Francis G., C–1381741	125.00
Eastham, Granville, C–13907	125.00
Elliott, Samuel Tilden, C–219045	150.00
Ervay, Ernest Calvin, C–1335997	195.00
Ewell, Nathaniel McGregor, C–508001	150.00
Fitts, John Blair, C–265335	125.00
Foster, Edward Lee, C–1383057	125.00
Frazier, William, C–521871	150.00
Fretwell, George Biscoe, C–342949	125.00
Fugate, Charles Radford, C–906038	125.00
Gilbert, Chauncey McLean, C–506185	125.00
Gilman, Alfred Kelly, C–241235	127.50
Hamilton, Thomas Marion, C–411651	125.00
Harnsberger, John Hopkins, C–159178	125.00
Harris, William Aquilla, C–906094	218.75
Harrison, Gunyon Mitchell, C–307722	165.00
Harrison, Robert Peyton, C–383936	106.25
Hennelly, James Hannan, C–275893	106.25
Herbert, Julius Melville, C–258127	106.25
Hewitt, Marion Stetson, C–1383426	180.00
Holladay, Gray G., C–1096092	150.00
Hooten, Claude Gibson, C–1122857	125.00
Hughes, James Francis, C–477091	125.00
Hulvey, Charles Newton, C–517006	225.00
Humphrey, William Lodge, jr., C–211492	125.00
Hundley, Robert G., C–252335	106.25
Hutcheson, Robert S., C–534309	106.25
Ingram, Sylvanus L., C–1096686	106.25
Jacob, Clyde Hancock, C–332213	125.00
Jeffers, George Linwood, C–351738	106.25
Jones, John Whittier, C–179557	106.25
Kinsey, Henry Clay, jr., C–208440	106.25
Knight, Laurence Edwin, C–205671	125.00
Lancaster, Paige Irving, C–478618	125.00
Leach, George Obed, C–905400	250.00
Lee, Henry Daniel, C–439857	116.87
Long, Hugh Omar, C–1337440	127.50
Manley, Jethro, C–429208	195.00
Martin, Edward W., C–1097086	125.00
Massey, William Broaddus, C–249735	125.00
McCann, George, C–854570	106.25
McCluer, Barton B., C–217781	125.00
McKenney, James Baldwin, C–280908	106.25
McLeod, Alexander, C–1382423	150.00
Meade, Everard Kidder, C–239556	125.00
Menefee, Marvin James, C–419401	125.00
Meredith, Alglenon R., C–174487	106.25
Moss, Charles Curtis, C–549241	162.50
Nalle, Owen, C–626232	137.50
O'Brien, John, jr., C–145892	125.00
Odenthal, Hugo John, C–813153	125.00
Parsons, George Lake, C–1378382	165.00
Patterson, Frederick W. McL., C–320063	206.25
Perkins, Lewis Bryant, C–511902	150.00
Petty, William Edward, C–1376903	106.25
Phillips, Charles Clarence, C–1163413	187.50
Pillow, Benjamin T., C–261127	125.00
Powell, Matthew Jones, C–605573	106.25
Proulse, Alan Brooks, C–169205	125.00
Reynolds, Robert Henon, C–279252	106.25
Robeson, John Maxwell, C–470051	206.25
Robinson, Julian McG., C–190298	150.00
Robinson, Malcolm Graeme, C–610863	106.25
Ross, John James Wise, C–205406	150.00
Royster, Royall Hobgood, C–117643	106.25
Rust, Ben Wood, C–643608	106.25
Ryder, Ollie A., C–291788	125.00
Sanford, Joseph Lipscomb, C–216850	206.25
Scott, William Samuel, C–1092797	125.00
Sears, Charles Edward, C–585681	150.00
Sebtakin-Ross, Vladimir A., C–1095840	180.00
Shamburger, Lacy Lee, C–296071	125.00
Sharman, Herbert, C–906218	71.25
Shepperson, Charles Marsh, C–1099810	125.00
Shriver, Alfred Wallace, C–283375	125.00
Sigmund, Robert, C–905611	71.25
Stanell, Jasper Newton, C–1090120	116.87
Summers, Forest T., C–400926	125.00
Towles, William C., C–1380924	106.25
Trow, Walter Gordon, C–251020	206.25
Trower, William Bell, C–1088110	125.00
Tuck, David Asa, C–476470	106.25
Turner, Robert Marshall, C–239706	125.00
Turner, Walter Lee, jr., C–293166	106.25
Van Dervoort, Jameson, C–248106	125.00
Varney, Frank Burton, C–497137	165.00
Vittum, Charles Calvin, C–1005975	106.25
Waller, James A., jr., C–1375983	125.00
Weaver, Robert H., C–256952	127.50
Wedderburn, Frank A., C–305808	180.00
Whitehouse, Edwin Hayes, C–258241	125.00
Whittle, William Murray, C–1096214	150.00
Wiltshire, Turner Hill, C–371803	$187.50
Worrell, Wise, C–331038	137.50
Wright, William Raymond, C–1254720	125.00
Young, Edgar Williams, C–144499	150.00

Supplemental list

Crump, Edward F. C., C–1382332	106.25

WASHINGTON

Akers, Edgar William, C–428757	127.50
Ambler, Harry Atwood, C–481653	150.00
Angove, Clarence Virden, C–161009	106.25
Babcock, Loren Robertson, C–1281109	106.25
Beach, George William, C–1401460	150.00
Bender, William Henry, C–1400173	116.87
Boggess, Robert Edward Lee, C–155773	116.87
Bowling, George Isaac, C–151055	36.25
Bradley, William Joseph, C–364728	137.50
Branchflower, Lyle E., C–239063	106.25
Brockett, Norwood W., C–1400247	150.00
Brown, Charles, C–1276016	153.00
Brown, Ira C., C–905200	180.00
Burr, Benjamin Emmons, C–440960	125.00
Burson, Henry Clay, C–466155	150.00
Campbell, Arthur R., C–680468	125.00
Carufel, Edward James, C–1284419	106.25
Cashion, Michael John, C–160549	71.25
Chase, Clifford Earl, C–264583	187.50
Cheney, Joseph Curtis, C–281751	106.25
Coe, Frank Almer, C–430116	150.00
Coffey, Edgar Nathan, jr., C–1401688	137.50
Coles, Paul David, C–266715	106.25
Coulter, Waldo Wendell, C–136170	125.00
Cox, Edward Wirt, C–382203	150.00
Cusick, John H. (guardian, Mary Cusick), C–1400562	106.25
Dean, John Ralph, C–472252	150.00
DeTennencourt, Ted Edward, C–185032	137.50
Dorsett, Karl Charles, C–375219	150.00
Drain, Jesse W., C–407956	150.00
Drew, Charles Wallace, C–314125	150.00
Drown, Ashley M., C–256433	106.25
Eaton, Charles Edward, C–905927	
Evans, Donaldson Hampton, C–1276965	165.00
Everly, Ronald Edward, C–1276295	137.50
Farrell, Theron L., C–317605	137.50
Ferry, David William, C–611798	125.00
Fotheringham, Stuart Gano, C–1400711	106.25
Gallagher, Lawrence James, C–1282877	150.00
Gaston, George C., C–105894	106.25
Ghering, Roscoe L., C–308006	125.00
Gill, Edwin Stanton, C–1400326	165.00
Graves, Harold Francis, C–276935	106.25
Grennell, Lloyd Clary, C–362358	106.25
Gribble, Gary Charles, C–527964	106.25
Grover, Walter Lester, C–1400959	150.00
Hall, Edward Everett, C–830087	150.00
Harkins, Earl Henry, C–382743	165.00
Hart, DeLoss (guardian, Ada L. Hart), C–1281567	106.25
Helmer, Phil Franklin, C–324898	106.25
Hickerson, Joseph B. L., C–383168	187.50
Hoff, Einar (guardian, Anna M. Hoff), C–322832	125.00
Hollander, Tyre H., C–1283371	106.25
Horr, Ralph Ashley, C–593928	125.00
Houser, Paul Willard, C–445415	125.00
Howe, George Brazier, C–905383	195.00
Hynds, Arthur August, C–283494	106.25
Kennedy, Marvin C., C–1402620	106.25
Kessey, Raymond Johnson, C–905309	195.00
Keys, Walter, C–511705	195.00
Kroger, Harry Albert Richard, C–906046	71.25
LaMarche, Elbert Eugene, C–339548	125.00
Legg, Emmett J., C–1400281	125.00
Looff, Hans Walter, C–417374	125.00
McDonald, Joseph Malcolm, C–744508	150.00
McBraun, James B., C–1275606	106.25
McGirr, Horace Donald, C–13388	106.25
McIntyre, Harry John, C–250313	106.25
Mantor, Ralph Edgar, C–508183	116.87
Maryatt, Roy L., C–566352	125.00
Miller, Edmund Jackson, C–1345485	106.25
Mitchell, James Buckley, C–1282993 (guardian, Charles G. Bates)	125.00
Mitchell, Whiting B., C–906909	125.00
Morgan, Elmer Alan, C–1277154	127.50
Murphy, Thomas Berton Niles, C–329044	125.00
Nelson, John Francis, C–701763	150.00
Olsen, Amos Floyd, C–225541	106.25
O'Sullivan, George Timothy, C–278991	116.87
Pape, Glenn E., C–322447 (guardian, Seattle Trust Co.)	125.00
Pippin, William H., C–293317	125.00
Pittson, Harry, C–230542	127.50
Rice, William Peter, C–545547	150.00
Rinearson, Meldrum McCown, C–643561	125.00
Ristine, Earl F., C–361571	150.00
Rosmond, William D., C–200709	106.25
Runnels, Garland Dee, C–403602	137.50

Sayres, Arthur Richards, C–331096	$125.00
Schumacher, Herman Oscar, C–257713	106.25
Smith, Irving Davenport, C–236743	150.00
Strome, Carey Lloyd, C–1283584	106.25
Sullivan, Mitchell Sanborn, C–1280038	106.25
Taft, George Courter, C–482324	106.25
Thaanum, Dean Charles, C–232357	106.25
Wale, Garland Barber, C–172226	137.50
Wardell, Henry R., jr., C–1280730 (guardian, Mrs. Mabel Wardell)	165.00
Ware, Thomas Grant, C–345117	106.25
Winslow, Guy H., C–246729	125.00
Winters, Henry Laurence, C–906011	187.50

WEST VIRGINIA

Affolter, George Richard, C–1088646	125.00
Arnett, Ulysses G., C–1085127	150.00
Baker, James Ankrom, C–297519	125.00
Bates, Charles L., C–1094018	125.00
Bee, Archie, C–427354	125.00
Berthold, Arthur Vernon, C–284539	137.50
Blivens, Charles Edgar, C–240662	150.00
Bonsall, Judson, C–1079864	106.25
Bradley, Thomas R., C–229078	125.00
Bratt, George Gerald, C–252222	180.00
Brooks, Leonard L., C–212344	106.25
Butler, Stanley Cornealius, C–247126	125.00
Callison, Hayward C., C–1091784	106.25
Carrington, George Cabell, C–169624	150.00
Chesley, Charles Webster, C–624705	125.00
Conley, Philip Mallory, C–1085584	106.25
Corregan, Frank G., C–1088561	125.00
Edmiston, Andrew, jr., C–277977	106.25
Ferguson, Joseph Hart, C–905376	150.00
Ford, George Michael, C–200973	165.00
Friel, William Wheeler, C–298558	125.00
Godbey, Martin Van Buren, C–1376205	150.00
Goff, Tib Neuberry, C–1085637	150.00
Gulher, James Morford, C–456071	125.00
Gunn, Neale Richmond, C–1091677	125.00
Haan, Albert Edward, C–418858	165.00
Hall, Charles Clifford, C–260854	150.00
Hamilton, Lewis Stokes, C–462010	125.00
Kirby, Luther Hill, C132018	150.00
Jones, Clarence Maupin, C–572211	137.50
Jones, Thomas W., C–507832	150.00
Knott, Arthur D., C–536528	150.00
Lambert, Asabel C., C–146983	125.00
Leu, Raymond H., C–1375872	125.00
Mayberry, Irvin William, C–1376941	150.00
Mayes, Howard Garland, C–267191	125.00
McBee, Thomas J., C–1380313	125.00
McCue, Earl Newlon, C–565524	187.50
McMillen, Herbert C., C–387259	250.00
Metzger, Louis F., C–358523	125.00
Parsons, Alvah L., C–540740	125.00
Peters, Albert Lee, C–1375764	150.00
Petty, Laurence Arthur, C–1090483	125.00
Pyles, Harry Harrison, C–298575	116.87
Roller, Francis Oliver, C–324807	106.25
Robertson, Wyndham Bolling, C–1376350	150.00
Schaffer, Wilhelm, C–151673	125.00
Shipley, Wood, C–534878	125.00
Shisler, George, C–364059	106.25
Shumaker, John William, C–661621	116.87
Smith, Frank C., C–318688	150.00
Snider, Robert James, C–168817	150.00
Staats, Charles Otmer, C–272905	187.50
Stasel, Brenace, C–098702 (guardian, Kenneth S. Kurtz)	106.25
Stewart, Melville, C–431571	125.00
Wever, George Lowry, C–906133	243.75
Woods, Peter Dick, C–363026	125.00

WISCONSIN

Andrews, Clifford W., C–343330	187.50
Aplin, Floyd W., C–1191128	150.00
Bailey, Paul Edward, C–276532	106.25
Ballard, James Allen, C–462901	150.00
Behrend, George Washington, C–461050	127.50
Beimdieke, Henry Wendel, C–236981	210.00
Bengs, August H., C–1436887	210.00
Bergs, Frederick J., C–280352	125.00
Berkbigler, Leonard B., C–1200627	127.50
Blenski, Michael Francis, C–906640	180.00
Blixt, Edward F., C–1188818 (Fretchen Blixt, guardian)	165.00
Boerke, Edison Morse, C–440838	125.00
Buchholz, August R., C–257163	180.00
Burns, James Francis, C–1194157	150.00
Buss, Victor Irving, C–367958	150.00
Caldwell, Edgar Newman, C–557448	225.00
Clemens, James Peter, C–360287	150.00
Czaskos, Edmund Teofil, C–230271	150.00
Darling, William S., C–1196860	150.00
Darnlieder, Francis Andrae, C–577985	106.25
Davis, Dudley H., C–33464	106.25
Davis, Robert J., C–277517	106.25
Dempsey, Gregory William, C–275873	$180.00
Derse, Anthony G., C–333388	180.00
Dieckhoff, John Carl, C–1181882	125.00
Doherty, Leo Aloysius, C–197263	125.00
Donaldson, Harry M., C–246045	125.00
Drake, Frank Nathan, C–219658	150.00
Eberdt, Rexford Hildred, C–246694	165.00
Eck, Gustave Elmer, C–372738	150.00
Falligant, George Battey, C–1192870	125.00
Fenner, Fred A., C–518391	116.87
Fitz, Erwin Otto, C–305728 (guardian, Henry F. Fitz)	125.00
Franklin, Leonard Irwin, C–485320	125.00
Gay, John Briggs, C–384172	137.50
Gay, Welland, C–1092597	106.25
Greene, Charles, C–1437783	125.00
Gritzmacher, Arnold Albert, C–245492	150.00
Haight, Walter Lyman, C–415814	150.00
Haverstick, Frank W., C–1199276	150.00
Hays, Harland Roger, C–184690	106.25
Hill, Alvah Moore, C–1181558	165.00
Hill, Emmett C., C–230233	137.50
Holmes, Benjamin Harrison, C–289104	150.00
Huberty, Ray C., C–541216	106.25
Imhoff, Martin Daniel, C–332027	250.00
Jameson, Arthur W., C–384399	125.00
Johannes, Jacob Anton, C–252375	162.50
Jung, William Stanley, C–247772	137.50
Kampmeier, Arthur Jacob, C–268025	125.00
Kosak, Leo Stanley, C–492359	195.00
Laing, De Witt B., C–573445	137.50
Lane, David W., C–1030763 (guardian, Minerva Lane)	106.25
Leach, Milford Arthur, C–1123375	150.00
Leffler, Robert Wallace, C–282313	125.00
Lindbaum, Roland H., C–375855	243.75
Linderud, Fritz Valdemar, C–476038	148.75
Lyksett, Albert J., C–197270	150.00
Lyon-Campbell, Arthur Francis, C–444659	150.00
Kirkpatrick, Lester Eugene, C–142704	137.50
Krahn, George W., C–22930	125.00
Markham, Harold E., C–496427	180.00
Marshall, Irving Davis, C–244552	106.25
Mayville, Edward Melville, C–210249	150.00
Merrill, Robert Allen, C–343573	187.50
Michels, Erwin Joseph, C–1197616 (guardian, Mrs. Anna Lucas)	106.25
Mitchell, Edward Oscar, C–476016	106.25
Moll, Norman, C–236302	106.25
Morley, Joseph Clark, C–314037	125.00
Myrick, Avery Leroy, C–1436588	125.00
Nathness, Albert, C–415939	210.00
Nelson, Norman Oscar, C–253574	187.50
Nicol, Alexander Lee, C–512214	137.50
Nordquist, Eric (guardian, Herman Nordquist), C–1195856	106.25
O'Brien, Harold Nelson, C–150433	125.00
O'Connell, George Francis, C–1196210	243.75
Oliver, Joseph Henry, C–906080	125.00
Oliver, Lawrence H., C–208116	125.00
Perry, Orlando H., C–352947	106.25
Plasecki, Stanley Edmund, C–1437179	187.50
Pippin, Ivan Beauford, C–578582	125.00
Plant, George Frank, C–488211	165.00
Plant, Joseph Henry, C–386145	125.00
Prouty, William A., C–471888	150.00
Pruett, Eugene Francis, C–385731	106.25
Rossmann, Fred, C–185719	150.00
Schneller, John Benjamin, C–448803	281.25
Schoenfeld, Charles J., C–317316	150.00
Scott, Milton Harrison (guardian, Central Wisconsin Trust Co.), C–747592	125.00
Seaman, Gilbert E., C–905521	312.50
Sortomme, Richard Ferdinand, C–395656	243.75
Smith, Bert Louis, C–171729	195.00
Smith, Eugene Albert, C–905623	150.00
Stavrum, Edwin R., C–1269886	125.00
Stophlet, Donald Stirling, C–306484	125.00
Swarthout, Ellis Frank, C–215265	125.00
Taylor, Bradley, C–308071	106.25
Thompson, Charles N., C–1239762	106.25
Turner, John, C–905879	312.50
Tyler, Clyde Leroy, C–588268	125.00
West, John Mathias, C–486417	195.00
Wildish, Allen, C–1180480	210.00
Woodworth, Leigh Jackson, C–474901	125.00
Yorton, Andrew Henry, C–214573	137.50
Zink, Philip Jacob, C–224295	281.25

WYOMING

Bennett, Bertram William, C–1257330	206.25
Betts, William Hubert, C–507524	150.00
Davis, Walter Floyd, C–475282	125.00
Edmondson, William Otto, C–539183	125.00
Esmay, Rhodolph Leslie, C–358328	106.25
Hynds, John, C–1257194	150.00
Krueger, Herman Fred, C–98276	125.00
Nicholas, Thomas Arthur, C–270060	
Peberdy, Joseph Horace, C–313010	165.00

Riner, Harry Martin, C–577743	$137.50
Rush, Roy Leslie, C–266209	125.00
Smith, William Francis, C–431025	225.00
Snyder, Otto Kerr, C–556897	150.00
ARGENTINE REPUBLIC, SOUTH AMERICA	
Kent, George Archibald, C–400372	125.00
BRAZIL	
Bell, James McKim, C–172438	125.00
CANADA	
Daunais, Joseph Charles, C–1032197	150.00
DeBessieres, Eloysius Santana, C–377103	150.00
Dickinson, Raymond Nettleton, C–144690	125.00
Harrigan, Cornelius, C–1038732	125.00
Rogers, Alan, C–311547	106.25
CANAL ZONE	
Grau, George R., C–482903	165.00
Hilliard, Claude P., C–272908	106.25
Tatelman, Edward Israel, C–682358	106.25
CHINA	
Colbert, John Wm., C–346179	187.50
DOMINICAN REPUBLIC	
Shepherd, Grant, C–126739	150.00
ENGLAND	
Bailey, Oscar Hiram, C–297746	165.00
McFarlane, Frederick C., C–277582	150.00
Mellen, Chase, jr., C–300637	106.25
Slaughter, Edgar Harold, C–185834	106.25
Wight, Thomas Henry Toynbee, C–1391992	150.00
FRANCE	
Allen, Samuel W. K., C–610488	138.12
Alling, Roger Willis, C–164570	106.25
Barcas, Victor, C–1044629	150.00
Behar, Ely Maxim, C–307984	125.00
Bradford, Leonard George, C–654495	116.87
Bush, Ellsworth B., C–655142	165.00
Duggan, Patrick Fergus, C–906119	111.25
Foreman, Herbert Spencer, C–579121	125.00
Goodrich, Edson E., C–636549	180.00
Hardy, Hippolyte Leon, C–654923	187.50
Heinrichs, Waldo Huntley, C–303089	125.00
Hensley, Edwin Mather, C–185372	106.25
Hoornbeek, Henry G., C–655028	150.00
Jellum, Kristen, C–324935	125.00
Kearney, jr., William R., C–655767	165.00
Lacombe, George L., C–280934	150.00
McDermott, Paul E., C–1276831	106.25
Newhall, Richard Ager, C–234213	106.25
Norman, Seaton, C–386701	225.00
Peck, Sedley C., C–360983	106.25
Riley, Thomas Erin, C–712893	162.50
Skaggs, Joe Lewis, C–351824	116.87
Stine, Harry E. N., C–653996	195.00
Watkins, Rex Eugene, C–1045808	106.25
GREECE	
Bennett, George, C–1197880	125.00
HAWAII	
Emerson, George, C–1300859	106.25
Farrell, Andrew, C–655428	150.00
Lucas, William C., C–550024	150.00
Van Wyck, Crittenden, C–277688	187.50
IRELAND	
Killikelly, Christopher, C–489428	195.00
MEXICO	
Collier, Ellsworth B., C–1303152	125.00
Wythe, George, C–793172	187.50
PERU, SOUTH AMERICA	
Burdett, William Carter, C–305580	165.00
PHILIPPINE ISLANDS	
Lagman, Raymundo, C–682615	137.50
Tenario, Mariano Flores, C–907108	125.00
POLAND	
Corcoran, Wm. Warwick, C–278465	125.00
PORTO RICO	
Bird, Jorge, C–654745	125.00
Catala, Arturo, C–255067	116.87
Forestier, Fernando, C–176425	106.25
Giuliani, Francisco, C–653672	106.25
Lippitt, Wm. Fontaine, C–906174	281.25
Rola, Edward C., C–171067	106.25
Serbia, Romulo, C–655172	106.25
WEST INDIES	
Hall, Cecil V. E., C–509916	106.25

PROPOSED INVESTIGATION OF CONDITIONS IN INDUSTRIES

Mr. SMOOT. Mr. President, from the Committee on Finance I report back favorably House Joint Resolution 525, to provide for the investigation of the economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, and ask for its immediate consideration.

Mr. JONES. If it will take no time, I shall not object.

Mr. LA FOLLETTE. Mr. President, I ask the Senator from Utah to wait just a short time, in order that I may confer with certain Senators concerning the joint resolution.

The PRESIDENT pro tempore. Objection is made.

Mr. SMOOT. Mr. President, I withdraw the report.

The PRESIDENT pro tempore. The Senator from Utah withdraws the report.

INVESTIGATION RELATIVE TO THE CONSTRUCTION OF GOVERNMENT BUILDINGS

Mr. JONES. Mr. President, the Senator from Minnesota [Mr. SHIPSTEAD] has a matter which will not take any time. I yield to him in order that he may present it.

Mr. SHIPSTEAD. Mr. President, I send to the desk a resolution which I ask to have stated, and I ask its immediate consideration.

The PRESIDENT pro tempore. Without objection, the resolution will be read for the information of the Senate.

The legislative clerk read Senate Resolution 493, submitted by Mr. SHIPSTEAD on the 2d instant, as follows:

Resolved, That the Federal Trade Commission is requested to conduct an immediate and thorough investigation of all facts relating to the letting of contracts for the construction of Government buildings, particularly with a view to determining (a) whether or not there are or have been any price fixing or other agreements, understandings, or combinations of interests among individuals, partnerships, or corporations engaged in the production, manufacture, or sale of building materials with respect to the prices or other terms at or under which such materials will be furnished contractors or bidders for such construction work; and (b) whether or not there is or has been any custom or practice by or in collusion with any such individual, partnership, or corporation and any official or employee of the Treasury Department in connection with the specifications for such construction work. The commission shall report the result thereof to the Senate and to the Department of Justice on or before December 7, 1931.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. REED. I ask that it go over, Mr. President.

The PRESIDENT pro tempore. Objection is made.

Mr. McNARY. Mr. President, I was about to ask the Senator from Minnesota to withhold the request until we reach the Calendar; but I understand that objection has been made, so that the resolution goes over.

Mr. SHIPSTEAD subsequently said: Mr. President, I am told by the Senator from Pennsylvania that he now has no objection to the consideration of Senate Resolution 493.

The VICE PRESIDENT. Let the resolution be read for the information of the Senate.

The Chief Clerk reread the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KEAN. I object.

The VICE PRESIDENT. Objection is made.

AMENDMENT OF COPYRIGHT LAW

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES. I yield to the Senator from Florida.

Mr. FLETCHER. I submit certain telegrams, which are samples of many I have received on the copyright bill, and ask to have them inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The telegrams are as follows:

WINTER PARK, FLA., *March 2, 1931.*

Senator DUNCAN U. FLETCHER:

Florida is the winter home of many authors. Many more will be sure to avail themselves of its grateful climate. There are nearly a score of them who live in this town. May I ask that you and Senator TRAMMELL give your vote to the copyright bill?

IRVING BACHELLER.

ORLANDO, FLA., *March 2, 1931.*

Senator DUNCAN U. FLETCHER,
Care United States Senate, Washington, D. C.:

Indorse general copyright bill and urge prompt consideration and passage.

OLIVE BRUMBAUGH,
Librarian Albertson Public Library.

WINTER PARK, FLA., *March 2, 1931.*

Senator DUNCAN U. FLETCHER,
Care United States Senate:

Strongly urge your support of pending general copyright bill.

EDWIN O. GROVER,
Director Rollins College Library.

WELFARE OF MOTHERS AND INFANTS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. WALSH of Massachusetts. I should like to inquire from the Senator from Washington how long this measure has been in conference.

Mr. JONES. I am going to make a brief statement about the bill when these preliminary matters are disposed of.

Mr. WALSH of Massachusetts. I thought the Senator perhaps might discuss the conference report, but I did not know that he would inform us as to the length of time it has been in conference.

Mr. JONES. I shall do that.

Mr. WALSH of Massachusetts. May I take this occasion to say to the Senator that a week ago I voted in committee against reporting a very important bill, on the ground that there was not time for discussion and consideration of the measure. Where important measures have been held for weeks in conference, other than the deficiency appropriation bill—it is very proper that that bill should be delayed—I do not think we can, during the last 24 hours of this session, deliberate and consider fairly and adequately measures of this kind and character. We ought not to have to wait until this very late hour for serious consideration of these measures. I, for one, propose to do what I can to prevent any more legislation of importance being considered where weeks have been taken for discussion and deliberation in conference to decide upon very serious matters where there was a grave conflict of opinion.

Mr. JONES. Mr. President, if I may have the attention of the Senate for just a few moments, I can give an outline of this measure that I think will present the main points. I should like to do this without interruption, if possible.

First, referring to what the Senator from Massachusetts has asked, I beg to say to him that he can not complain as to the length of time this bill has been in conference. If the Senator from Massachusetts has any complaint to make with reference to the length of time the bill was in conference, it will probably be because it was too short. The bill was taken to conference yesterday morning. It passed the House in its present form just a few days ago. We had a conference on it yesterday morning, and I may briefly state what the situation was in conference.

The Senate, of course, is familiar with the measure that the Senate passed some time ago. It dealt peculiarly with mothers and infants and maternity problems, and was very similar to a measure that was enacted into law several years ago and carried out. I need not go into the details of that measure.

The bill went to the House. It was given most careful consideration over there. It was detained in the committee for quite a while, I think largely for the purpose of study and consideration, and was somewhat expanded in its scope. As finally reported and passed in the House, it was a measure that the Senate members of the committee studied pretty carefully; and we felt that there was a good chance of passing the bill as we had agreed to it in the Senate.

We had a conference. There it was found that the House was very strongly in favor of the measure that it had passed; but I think I can say for the Senate conferees, at least, that we felt that a very good measure had been passed by the House, that it was a little broader in its scope than the Senate bill; and that, on the whole, it was really a better bill, looking more generally after the health conditions throughout the United States, and especially the health conditions of women and children in the rural sections of this country.

It appeared that the measure as we had passed it through the Senate, after the House had taken the action that it did, very likely would not be accepted in the House, and could not be passed there. We did not know, of course, whether the measure as passed by the House could be accepted in the Senate or not. The time for its consideration being so short we felt that the measure, when understood by the Senate, would appeal to the Members of the Senate. So, as what we thought was the best course to take, the best thing to do under the circumstances, we agreed to the House provision; and, as I say, we were not in conference a long, long time.

Mr. WALSH of Massachusetts. Mr. President, when did the bill pass the House?

Mr. JONES. The bill passed the House just a few days ago. I will get the date of it in just a moment.

Mr. REED. February 27 is the date of the blue print.

Mr. JONES. It does not show on this copy. There has not been a print of the bill, I presume, as it passed the House; but it passed the House on the 27th day of February.

Mr. WALSH of Massachusetts. It passed the Senate several weeks before that date.

Mr. JONES. In January.

Mr. WALSH of Massachusetts. What is the reason for the delay in the House? Does the Senator know?

Mr. JONES. As I said, the Interstate Commerce Committee went into the matter and the situation very fully. They had, I think, hearings of considerable length there, and gave a great deal of study and consideration to the problem, just as I know the Senator would have them do on a matter of this importance; and they did it. This is a very carefully prepared and well-considered and well-matured piece of legislation.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. JONES. I yield.

Mr. KING. The Senator says this is a well-matured piece of legislation. I doubt whether there is a single Senator in the Chamber, except, perhaps, the Senator from Washington and his two conferees, who has read this bill. It has not been considered by a committee.

Mr. JONES. Mr. President, this bill has taken the usual course. It is the usual thing, when a Senate bill goes over to the House and all after the enacting clause is stricken out and what purports to be a new bill is put in, that it is sent to conference. That is what was done in this case. Why should there be any suggestion that any improper or unusual course has been taken with reference to this bill? It has not been done.

Now, I want to state briefly the differences between the bill as it passed the Senate and as it comes to us now.

There is no great change in the provisions that we passed through the Senate, so far as what they dealt with is concerned; but the scope of this bill has been broadened to a certain extent. Let me call attention now, briefly, to the main points in the bill.

First, it provides for a general supervisory board composed of the Surgeon General of the Public Health Service, the Chief of the Children's Bureau, and the Chief of the Bureau of Education. Those three members constitute a general board for the purpose of coordinating the activities of the Government dealing with public health.

I can see no objection to that. I can see that lots of good might come out of it. We want to have our health activities coordinated, just as we would like to see a good many other Government activities coordinated. That is one change in the bill as it passed the House.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. JONES. I yield.

Mr. WALSH of Massachusetts. Is it not a fact that within a few days we released the head of the Bureau of Education from administrative work in connection with the Indian schools, taking the position that the Bureau of Education ought to be advisory entirely? And now are we not, under this measure, putting the Bureau of Education into administrative work related to health?

Mr. JONES. Mr. President, I think not. I think we are putting them into an advisory capacity, into a sort of supervisory capacity. That is the purpose and object of this board.

Let me just read from the bill:

The board shall have the power to approve—

Not really to formulate, but—

The board shall have power to approve or disapprove all plans providing for cooperative work between the United States and the several States under this act, which plans—

After they are prepared, after they are gotten up by the different agencies of the United States and the States—

shall be submitted to the board for its consideration and approval, and when it has approved these rules and regulations—

Then the administration of them is carried on by these other agencies.

Mr. WALSH of Massachusetts. Mr. President, it seems to me their power is of the highest character, that the whole method and manner of administering the act is in that board.

Mr. JONES. I think not. I do not look at it that way. The administration of it is not; it is the approval of the plans submitted to the board with which the board has to do, and after the plans are approved, the administration of them is in another agency, to be carried out by another agency, and it seems to me there is a great difference between actually administering the rules and regulations, and approval of them, passing on them in the first instance.

Section 3 of the bill really provides the addition by the House to the measure as it passed the Senate. What does that do? That broadens the scope of this work, so as to cover rural health conditions, and makes provision for authorizing appropriations to carry out rural health facilities and rural health work—broadens it, although that primarily deals with maternity and infancy, and so forth, in the rural communities generally. It provides for an initial appropriation of $250,000.

Mr. REED. Mr. President, will the Senator show us where that is in section 3, where rural health work is limited or made primarily to deal with mothers or children? I do not find anything of that character.

Mr. JONES. I said generally rural health. It broadens it over the scope of the House provision. But another provision of another section, section 5, I think it is, provides for carrying out the original work, or the work that was proposed by the House.

The language of section 3 is:

SEC. 3. (a) For the purpose of enabling the Public Health Service, under the general supervision of the board, to cooperate with the State agencies of health in the development of local health units or organizations for the prevention of disease and the promotion of health among the rural population as provided in section 4 of this act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1932.

That is the broadened scope of this legislation. That is the broadened work, which was not covered by the House bill. It especially deals with conditions in the rural communities.

I will say this, Mr. President, that if anybody had asked me where the most healthful conditions were, where the greatest health was, I would have said in the rural communities. Yet the physicians of this body will tell us that the health conditions in rural communities are not so good as they are in the cities.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I gladly yield to the Senator from New York.

Mr. COPELAND. I thoroughly indorse what the Senator says. We hear much said about the wide-open spaces, and the advantages of living there. As a matter of fact, the health conditions, particularly of women and children, are very much worse in rural sections than in the cities, and the reasons are perfectly plain. The cities are organized. They have health departments, inspectors, nurses; they have propaganda in the way of public-health education. The people are taught the importance of dental care, and all the other measures with which we are familiar, while in the rural sections, particularly the remote sections of our country, back from the settlements, where such advice is not accessible or available, there it is that we have the conditions spoken of. So I thoroughly agree with what the Senator from Washington has said in regard to that matter.

Mr. JONES. Mr. President, we provide for an initial appropriation of $250,000 for the first year. Five per cent of that shall go to the States, to be expended in health activities by the States generally.

That amount is to be increased from year to year for about five years, I think it is, until it is increased up to $3,000,000.

Mr. BINGHAM. Mr. President, I am sure the Senator does not intend to misinform the Senate.

Mr. JONES. No.

Mr. BINGHAM. I am not surprised that he is not thoroughly familiar with this very long bill.

Mr. JONES. I am pretty familiar with this bill, I want to say to the Senator.

Mr. BINGHAM. The Senator has just said that for the first year it would cost only $250,000, but I find on page 9, lines 10 and 11, what I suppose to be provision for the fiscal year ending June 30, 1932, the sum of $750,000.

Mr. JONES. I did not say this bill would cost only $250,000 the first year. I said this activity in section 3 would cost that.

Mr. BINGHAM. I am reading section 3.

Mr. JONES. I thought the Senator said he was reading section 9.

Mr. BINGHAM. No; I said page 9. The Senator is not sufficiently familiar with section 3 himself. Section 3 provides that there shall be authorized to be appropriated for the fiscal year ending June 30, 1932, and for each fiscal year thereafter, $250,000, as the Senator said. Then, in lines 10 and 11, I find $750,000 more, which makes $1,000,000 instead of the $250,000 the Senator mentioned. That is in section 3.

Mr. JONES. That is what I intended to say, if I did not say it.

Mr. BINGHAM. There is quite a difference between $250,000 and a million dollars.

Mr. JONES. There is a difference of $750,000.

Mr. BINGHAM. Of course, the chairman of the Committee on Appropriations does not ordinarily consider little differences like that.

Mr. JONES. I am not trying to go greatly into detail with reference to this measure.

For the fiscal year 1933 a million dollars. Then there is added $250,000, then $250,000, and $2,000,000, and for each fiscal year thereafter $3,000,000.

That is a continuous appropriation, at least so long as the Congress allows the provisions of the act to remain in force. That is for health facilities among the rural population.

Mr. BINGHAM. I trust the Senator will make it plain that that $3,000,000 is in addition to the one million provided elsewhere in the bill.

Mr. JONES. Yes; that is true; the $1,000,000 provided elsewhere is to carry out the act as we passed it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. BARKLEY. If the Senator has not already done so, he should point out that the activities with reference to rural sanitation, so far as the Public Health Service is concerned, are activities which have already been in progress under the Public Health Service for many years. The board which is mentioned and proposed to be set up in this act is simply a continuation of a board which has existed since 1912, and we are now appropriating $338,000 a year for this very purpose. So that the effect of this is simply to increase the amount available for rural sanitation under the Public Health Service along lines which they have already outlined and surveyed.

Mr. JONES. To make more effective work initiated a long while ago, and the need of which I think has been demonstrated from year to year.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state what is the increased authorization in the bill which has been reported by the conferees over the bill as it passed the Senate?

Mr. JONES. The Senate bill dealt only with the infant and maternity propositions, and we appropriated in it $1,000,000 a year. This provides $1,000,000 a year for that work, and then this additional amount for the general health conditions among the rural population.

Mr. WALSH of Massachusetts. Namely, $3,000,000 more?

Mr. JONES. Yes. That is the main change in this bill made by the House.

Mr. REED. Mr. President, will the Senator from Washington submit to a question?

Mr. JONES. I yield.

Mr. REED. As I read subsection (a) of section 3, it does not provide for rural sanitation, it does not provide for spending any money for improving health conditions in rural districts. It provides only for the development of units or organizations. How in the world anyone is to spend $3,000,000 a year developing units I do not know. Those units are to be for the prevention of disease and the promotion of health, but the Federal activity is to cost $3,000,000 a year, which is to be matched by another three million from the States, which is to be spent entirely, apparently, for the pay of persons to go around and encourage the formation of units. As the bill is written, I see no function to be performed under these appropriations except encouraging the organization of what are called units, whatever they are.

Mr. WALSH of Massachusetts. And that is a new function.

Mr. JONES. Oh, no.

Mr. REED. It seems to be. It certainly was not in the Senate bill that went to the House.

Mr. JONES. I told the Senate this was the main addition to the Senate bill made in the House.

Mr. BARKLEY. Mr. President, will the Senator from Washington yield?

Mr. JONES. I yield.

Mr. BARKLEY. I simply want to say, in reply to the Senator from Pennsylvania, that these units are health units in counties of the States where this work will be carried on. They are in existence now in many counties, but they are part-time units. This bill will permit them to be all-time units during all the year, for all-time units operating from one year's end to another. In many of the counties at the present time they operate only part of the time; and, of course, to that extent are inefficient, in so far as they fail to operate all the time, in order to keep in touch thoroughly with health conditions in the counties where they exist.

Mr. REED. The language is so vague that it is very difficult for me to read any meaning out of it, but I gather that $6,000,000 is to be spent, half by the Nation and half by the States, in employing people to go around and exhort the rural population to form health units. If those exhorters are paid say $3,000 a year, this appropriation will pay for 2,000 exhorters, and it seems to me that a good deal of rural exhorting is going to be done before many years have elapsed. That is the way the bill reads.

Mr. BARKLEY. The Senator emphasizes the word "exhort," which has a peculiar meaning in some sections of the country. But this bill is not in any way limited to medical exhortation. It is for the purpose of disseminating literature and information, and coordinating the health units of all the counties under the direction of the health departments of all the States, in cooperation with the Public Health Service here; and the plans which will be carried out in all the States are plans which are initiated by the public-health service of the States through the county organizations, down to the people, and approved by the department here.

Mr. REED. That is not what the bill says. Let us suppose there is an epidemic of smallpox, and people need vaccination in the rural communities. They could not be vaccinated under this bill. All the authorities could do would be to develop local health units or organizations. If that does not mean exhorting people to join them, I do not know what it does mean. They could not spend a penny in practical work for the rural population.

Mr. BARKLEY. The work would not consist of somebody going around and asking people to join the Red Cross.

THE CALENDAR

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered into the Senate will now proceed to the consideration of unobjected bills on the calendar under Rule VIII. The clerk will report the first bill on the calendar.

The bill (S. 168) providing for the appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as first in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. 49) authorizing Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. Res. 119) authorizing and directing the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco* and certain matters pertaining to interstate air commerce was announced as next in order.

Mr. COUZENS. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action of Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

Mr. REED. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. BINGHAM. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1916) to amend section 1025 of the Revised Statutes of the United States was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4357) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3344) supplementing the national prohibtion act for the District of Columbia was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3558) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, was announced as next in order.

Mr. FESS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3399) to amend section 2 (e) of the air commerce act of 1926 was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence, etc., was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 4015) to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. BLAINE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4254) to provide for the compromise and settlement of claims held by the United States of America arising under the provisions of section 210 of the transportation act, 1920, as amended, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2497) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4561) for the relief of Sally S. Twilley was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 455) to amend certain sections in the Code of Law for the District of Columbia relating to offenses against public policy was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 105) to authorize the merger of street railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 191) for the relief of George B. Marx was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3238) for the relief of Martin E. Riley was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5212) for the relief of George Charles Walthers was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4597) to provide educational employees of the public schools of the District of Columbia with leave of absence with part pay for purposes of educational improvement, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 201) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the fiscal years ending June 30, 1866, 1867, 1868, and vesting the right in each State to sue in its own name, was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 12056) providing for the waiver of trial by jury in the district courts of the United States was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5659) to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders was announced as next in order.

Mr. BLAINE. Over.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

The bill (S. 5365) to repeal section 7 of the postal act approved May 29, 1928, was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5285) to amend the organic act of Porto Rico, approved March 2, 1917, was announced as next in order.

Mr. WALSH of Montana. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5416) to provide for the filling of certain vacancies in the Senate and House of Representatives of Porto Rico, was announced as next in order.

Mr. WALSH of Montana. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 132) extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to Porto Rico, was announced as next in order.

Mr. PITTMAN. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 120) authorizing the President to reorganize the administration of the insular possessions, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 5288) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF FEDERAL FARM LOAN ACT

The bill (H. R. 12063) to amend section 16 of the Federal farm loan act was considered. The bill had been reported from the Committee on Banking and Currency with amendments, on page 2, line 2, to strike out the words "within a period of seven months after the date of the passage of this act"; in line 16, to strike out the word "purchasing" and insert the word "acquiring"; and in line 19, after the word "acquisition," to insert the following proviso:

Provided, however, That the acquiring banks shall not be authorized to make loans at any one time in more than eight States, of which one State shall be the State in which the bank has its principal office, one shall be contiguous to such State, the others shall be the States in which the acquired joint-stock land banks were authorized to make loans at the time of such acquisition, and all of said eight States shall be situated in contiguous territory.

So as to make the bill read:

Be it enacted, etc., That section 16 of the Federal farm loan act, as amended (U. S. C., title 12, ch. 7, secs. 811–823), be amended by substituting in the eighth paragraph thereof (U. S. C., title 12, ch. 7, sec. 818) a comma for the period at the end of the first sentence and adding the following new matter: "except as hereinafter provided."

SEC. 2. That section 16 of the Federal farm loan act, as amended, be further amended by inserting after the last paragraph thereof (U. S. C., title 12, ch. 7, sec. 823) the following new paragraph:

"In any case where a joint-stock land bank has been, or may be, declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board, any Federal land bank or joint-stock land bank may, in the manner as may be prescribed by the Federal Farm Loan Board and with the approval of the Federal Farm Loan Board, acquire the assets and assume the liabilities of said joint-stock land bank in the hands of a receiver. Any joint-stock land bank which has acquired or may hereafter acquire the assets and which has assumed or may hereafter assume the liabilities of another joint-stock land bank may, if authorized by the Federal Farm Loan Board, make loans secured by first mortgages on farm lands within the States in which the other joint-stock land bank was authorized to make loans at the time of such acquisition, and the acquiring bank may, with the approval of the Federal Farm Loan Board, continue to make loans in the States where it was authorized to make loans at the time of such acquisition: *Provided, however,* That the acquiring bank shall not be authorized to make loans at any one time in more than eight States, of which one shall be the State in which the bank has its principal office, one shall be contiguous to such State, the others shall be the States in which the acquired joint-stock land banks were authorized to make loans at the time of such acquisition, and all of said eight States shall be situated in contiguous territory."

The amendments were agreed to.

Mr. KING. Mr. President, I have had a letter in regard to this measure expressing some apprehension as to its effect. I should be very glad if the Senator would explain briefly the purpose sought to be accomplished by the bill.

Mr. NORBECK. The reason for the bill is that under the present law the general stock land bank may operate in only two States. The farm loan business has not been very profitable and quite a few of the banks have been in distress. Some of them have sold out to others. The trouble has been that the buyer can only liquidate and can not continue the business because of the limitation to two States. Really I believe it will help the public in the agricultural sections to get some loans which are not now available.

Mr. FLETCHER. Mr. President, there was some objection, the idea being that there might be a kind of monopoly; that some big banking concern might buy up a lot of these banks in distress; and so the committee limited the operation to eight States in the case of some organization acquiring the banks. They can not operate outside of eight States. There is no such danger, and I think any apprehension on the part of the Federal land banks that their business would be interfered with is unfounded. There is no danger of creating a great concern that would absorb all the joint-stock land-bank business in the country. They will not be permitted to operate beyond the territory of eight States.

Mr. KING. Does the Senator think that it is wise to permit any corporation to acquire the banks within eight States? Would not that be considerable of a monopoly which possibly might jeopardize the land banks or affect in some way, directly or indirectly, the financial operations of the credit system within that district?

Mr. FLETCHER. I think there would be no objection on that ground. The fact is that having a good, strong organization to go in and put itself in a position to accommodate the farmers would be much better for the farmers.

Mr. NORBECK. Mr. President, I desire to offer an amendment to the last committee amendment which was agreed to.

The PRESIDENT pro tempore. To enable the Senator to do that it will be necessary to reconsider the vote by which the last amendment was agreed to. Without objection, the last amendment agreed to as proposed by the committee will be reconsidered, and the Senator from South Dakota offers the following amendment to the amendment, which will be stated:

The CHIEF CLERK. On page 2, line 21, strike out "eight" and insert "five," and on page 3, in line 2, strike out the word "eight" and insert the word "five," so that as amended the committee amendment will read:

Provided, however, That the acquiring bank shall not be authorized to make loans at any one time in more than five States, of which one shall be the State in which the bank has its principal office, one shall be contiguous to such State, the others shall be the States in which the acquired joint-stock land banks were authorized to make loans at the time of such acquisition, and all of said five States shall be situated in contiguous territory.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 5515) to amend section 29 of the act of August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," was announced as next in order.

Mr. WHEELER. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 406) authorizing the special committee on campaign expenditures to impound ballots and ballot boxes was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 5440) to authorize an emergency appropriation for special study of, and demonstration work in, rural sanitation was announced as next in order.

Mr. ROBINSON of Arkansas. That may go over.

Mr. McNARY. The provisions of the bill were included, I think, in a supply bill.

Mr. ROBINSON of Arkansas. Yes.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5810) to facilitate the use and occupancy of national forest lands for purposes of residence, recreation, education, industry, and commerce, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

THE STAR-SPANGLED BANNER

The bill (H. R. 14) to make the Star-Spangled Banner the national anthem of the United States of America was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. GOLDSBOROUGH. Mr. President, will the Senator withhold his objection until I can make a brief statement? The bill has the support of 5,000,000 signers of petitions. It has the support of 70 patriotic and civic organizations, which have indorsed it, as well as 25 governors, to say nothing of numerous colleges and universities throughout the country. The Star-Spangled Banner is already the national anthem in the hearts of the people of the Nation, and I had hoped, as had many others, that it might be recognized by the Congress and the bill become a law. I hope the Senator will withdraw his objection.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GOLDSBOROUGH. I yield.

Mr. FESS. I reported this bill from the Committee on the Library after a tremendous amount of public interest had manifested itself. I had no interest in it. It ought to have gone to the Judiciary Committee and in fact did go there and was afterwards sent to the Committee on the Library. Because I have not persisted in trying to get action on it upon the various calls of the Calendar, some of my friends seem to think I am not interested in it. I want them to understand that there is no opportunity to bring it up except on an occasion of this kind and I regret that it is not permitted to pass now.

Mr. LA FOLLETTE. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. Objection has been made and the bill goes over.

BILLS PASSED OVER

The bill (S. 915) to incorporate the American National Institute (Prix de Paris) at Paris, France, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5818) to regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes, was announced as next in order.

Mr. COUZENS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 2828) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 413) continuing in force until the end of the Seventy-second Congress Senate Resolution 316, agreed to February 26, 1929, was announced as next in order.

Mr. REED. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs was announced as next in order.

The PRESIDENT pro tempore. That is the unfinished business.

The bill (S. 5025) to amend section 126 of the Judicial Code as amended was announced as next in order.

Mr. BRATTON. Mr. President, I think this is the bill to which the junior Senator from Texas [Mr. CONNALLY] objected the other day. He is absent for the moment and therefore I ask to have it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6172) to expedite the deportation of certain aliens and for other purposes was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2358) to provide for the appointment of an additional district judge for the western district of Washington was announced as next in order.

Mr. KING. Let that go over.

Mr. BLAINE. I ask that the bill go over temporarily.

The PRESIDENT pro tempore. The bill will be passed over. Objection has been made by the junior Senator from Utah [Mr. KING].

CLAIM OF GEORGE J. SALEM AGAINST EGYPT

The joint resolution (S. J. Res. 252) authorizing an appropriation for the expenses of the arbitration of the claim of George J. Salem against the Government of Egypt, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the sum of $52,000 is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, to defray the expenses of the United States in the arbitration of the claim of George J. Salem against the Government of Egypt, including honorarium to the arbitrators, compensation of employees in the District of Columbia and elsewhere, without reference to the classification act of 1923, as amended, stenographic and other services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), rent, purchase of necessary books and documents, official cards, printing and binding, one-half of all reasonable and necessary joint expenses of the tribunal incurred under the terms of the arbitral agreement, and such other expenses as may be authorized by the Secretary of State; and the Secretary of State is authorized to reimburse from the said appropriation any other appropriation from which payments may have been made for purposes connected with this arbitration prior to the time when the appropriation herein authorized shall have become available.

ADMINISTRATOR OF VETERANS' AFFAIRS

The bill (S. 6191) allowing the Administrator of Veterans' Affairs, on the relinquishment of his present office in good standing, to receive 50 per cent of the salary for the office as now authorized by law, was announced as next in order.

Mr. CUTTING. Mr. President, reserving the right to object, I should like to ask the Senator from Pennsylvania [Mr. REED] whether he can explain the reason for haste in having the bill passed at this time rather than waiting until the Administrator of Veterans' Affairs actually does retire.

Mr. REED. Mr. President, it is not exactly haste. Director Hines has had a great many offers of private employment at salaries far beyond that which he is receiving from the Government. He is still in his fifties and he has to make a decision about his future. He gave up his retirement privileges in the Army in order to take over the Veterans' Bureau work. He has done that work, I believe, to the great satisfaction of all Members of Congress and all shades of political belief. This is the only way in which his future can be provided for by the Government. If he does not get something like this he will have to accept some of the private employment which has been offered.

Mr. COUZENS. What is the necessity for passing it now? The House can not consider it.

Mr. REED. I believe it can be put through the House if it is passed now.

Mr. THOMAS of Idaho. Mr. President, as the Senator from Pennsylvania has well said, General Hines is rendering a wonderful service in looking after the expenditure of a billion dollars a year. It seems to me that we would be making a mistake not to pass the bill.

Mr. REED. I thank the Senator from Idaho.

Mr. CUTTING. Mr. President, I could not allow to go unchallenged the remark that no Member of the Senate disapproves of the way in which General Hines is directing the Veterans' Bureau and conducting the administration of veterans' affairs.

It is quite true that before General Hines succeeded Colonel Forbes there had been a condition of scandal and graft in the administration of the bureau. Of course no one rejoices more than I do that an end has been put to that condition.

From the point of view, however, of the disabled veteran, I should say that he suffered less from Forbes's genial incapacity and graft than he has from the narrow honesty and lack of sympathy which has been shown by the bureau from that day to this. The whole policy of the bureau has been to save the taxpayers' money, not through administrative economies but at the expense of the disabled veterans. The whole procedure of the bureau has been wound up in red tape so that, in spite of the fact that the law directs that the benefit of the doubt should be given to the veteran, in 95 per cent of the cases where there is a doubt the decision is made the other way. I have seen thousands of the best men in this country dying off simply on account of the intolerable system followed by the Veterans' Bureau.

I had thought there was no other way by which to voice my protest against this situation than to object to this resolution. I know, however, Mr. President, that the situation is not due merely to the personal fault of General Hines. The bureau has become so large an organization that it is probably beyond the power of any one man to rectify the conditions to which I object. I do not wish to place myself in the attitude of making personal objection to a man who, so far as I know, has done his duty as he saw it from the beginning. Therefore, with this word of explanation I shall withdraw the objection I have made to the resolution.

Mr. BLAINE. Mr. President, I am not disposed in advance of retirement of some one in the public service to guarantee him a fixed salary in the future. If General Hines has performed his duty, that is a simple thing to have done and what every public official ought to do, and that does not warrant any special consideration by Congress.

I am not one of those who, as the Senator from New Mexico has just indicated, are disposed simply because some one has endeavored honestly to carry out his duty to contrast that with some dishonest administration and then give special merit and special consideration to the honest official. Every official ought to discharge his duties efficiently, effectively, and honorably. Therefore, Mr. President, I am disposed to object to the present consideration of the resolution.

Mr. NORBECK. Mr. President, I hope the Senator from Wisconsin will not do that. It is not because of honesty alone but because of the outstanding ability of the official that this bill should be passed. Admitting that in the tens of thousands of cases coming before the Veterans' Bureau a good many errors have crept in—and I admit I have not always agreed with General Hines as to policy—I think the Government does need a man like General Hines in key positions such as that he is now occupying.

The PRESIDENT pro tempore. Objection being made, the resolution will go over.

GEORGE WASHINGTON MEMORIAL PARKWAY

The Senate proceeded to consider the bill (S. 5740) to amend subsection (a) of section 1 of the act relating to the George Washington Memorial Parkway, approved May 29, 1930, which had been reported from the Committee on the District of Columbia with amendments.

The amendments were, on page 2, line 25, after the word "shall," to strike out "when" and insert "as"; on page 3, line 2, after the word "highway," to strike out "when" and insert "and"; in the same line, after the word "and," to strike out "the"; in line 7, after the word "be," to strike out "said highway"; in the same line, after the word "and," to strike out "said lands"; in the same line, after the word "be," to strike out "maintain and" and insert "maintain"; in line 8, after the word "administered," to insert "and controlled"; in line 10, before the word "lands," to insert "said highway and"; in the same line, after the word "lands," to strike out "acquired" and insert "transferred to him"; in line 13, after the numerals "1925," to insert "and those conferred upon the Secretary of Agriculture by the act approved May 23, 1928, as amended"; on page 4, after the word "include," to strike out "(1)"; in line 9, after the word "side," to strike out "of the Potomac River, (2)" and insert "and"; at the beginning of line 11, to strike out "such river" and insert "the Potomac"; in the same line, after the word "and," to strike out "(3)"; in the same line, after the word "across," to strike out "such river" and insert "the Potomac"; in line 12, after the name "Great Falls," to strike out "with" and insert "and"; in line 14, after "Potomac" to strike out "River"; in line 21, after the word "Federal," to strike out "air" and insert "aid"; on page 5, line 7, after the word "United," to strike out "States," and insert "States;"; in line 17, before the word "of," to strike out "States" and insert "State"; in line 18, after the word "adequate," to strike out "guarantee" and insert "guaranty"; in line 19, after the word "from," to strike out "any"; in the same line, after the word "responsible," to strike out "source" and insert "sources"; and in line 23, after the word "or," to strike out "guarantee" and insert "guaranty."

The amendments were agreed to.

Mr. BINGHAM. Mr. President, some time ago we passed a bill of similar nature to which certain Senators objected very seriously. I should like to have the bill as amended read in order that we may know what is now in the bill.

The PRESIDENT pro tempore. The clerk will read the bill, as requested.

Mr. BRATTON. Mr. President, I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. COPELAND. Mr. President, I hope the Senator from New Mexico will withhold his objection. This is an important bill. I was under the embarrassment the other night of objecting to it at the request of another Senator. I listened to the hearings on this bill in the District of Columbia Committee, and I sincerely hope that the bill may be considered upon its merits, and I hope it may be passed.

The PRESIDENT pro tempore. Is the objection maintained?

Mr. CAPPER. Mr. President, I hope the Senator from New Mexico will not press his objection.

Mr. BRATTON. Mr. President, I would have no objection to the bill, but the request has been made for the reading in full of the bill. It is a Senate bill, and obviously it can not pass and become a law at this session of Congress. Accordingly, it seems to me a waste of time to stop the call of the calendar and read the bill at length.

The PRESIDENT pro tempore. The objection is maintained, and the bill will go over.

Mr. BINGHAM. Mr. President, I have no objection to the bill. It is not long, and I think it ought to be read and passed.

The PRESIDENT pro tempore. The objection is maintained, and the bill goes over.

BILLS PASSED OVER

The bill (H. R. 10174) authorizing the sale of a certain tract of land in the State of Oregon to the Klamath Irrigation District was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 6148) authorizing A. A. Lilly, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Big Sandy River at or near where it enters into the Ohio River, and between the cities of Kenova, W. Va., and Catlettsburg, Ky., was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 12095) to amend section 113 of the Judicial Code, as amended (sec. 194, title 28, U. S. C.), was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

PROTECTION OF LOS ANGELES WATER SUPPLY

The Senate proceeded to consider the bill (H. R. 11969) withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes, which had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was in section 1, page 1, line 6, after the article "the," to strike out "watershed" and insert "watersheds now or hereafter"; and in line 7, after the name "Los Angeles," to insert "and other cities and towns in the," so as to make the clause read:

That the following-described public lands are hereby withdrawn from settlement, location, filing, entry, or disposal under the land laws of the United States for the purpose of protecting the watersheds now or hereafter supplying water to the city of Los Angeles and other cities and towns in the State of California, to wit:

The amendment was agreed to.

The next amendment was, on page 2, at the beginning of line 1, strike out "The" and insert "All of section 1," so as to read:

All of section 1.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I think some Senator should explain this bill.

Mr. JOHNSON. I am prepared to explain it, and shall be very glad to do so.

The PRESIDENT pro tempore. Will not the Senator from Tennessee permit the remaining committee amendments to be agreed to and then discuss the bill?

Mr. McKELLAR. No; let us have an explanation now.

The PRESIDENT pro tempore. The Senator from California is recognized.

Mr. JOHNSON. Mr. President, the bill is designed to protect the watershed of various cities in California situated in the Inyo and Mono Valleys. All the land that is sought to be withdrawn by this bill is now under withdrawal by Executive order. Every right that any individual may have in any of this land is protected by the bill itself, and especially excepted are all rights that exist and especially excepted are recreational and grazing uses of the land.

The city of Los Angeles, for instance, has recently authorized a bond issue of $38,000,000 for the purpose of increasing its water supply from the Mono and Inyo Valleys. The water supply for that city and for the adjoining cities can not appropriately be increased without having some protection in relation to the watershed all of which to-day is withdrawn by Executive order. This bill is confirmatory of the Executive order.

Mr. BRATTON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from New Mexico?

Mr. JOHNSON. I yield.

Mr. BRATTON. The bill is expressly subject, is it not, to all vested water rights, grazing rights, and recreational rights? It protects every vested right to the land, does it not?

Mr. JOHNSON. Every right is protected, and the department favors the bill.

Mr. McKELLAR. Are any of the lands mineral or oil lands?

Mr. JOHNSON. No, sir; and all rights are reserved of that sort. The land is withdrawn for agricultural purposes alone and is not susceptible of agriculture. It is sparsely settled bowlder and sage brush land in the mountains.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. JOHNSON. Yes, sir.

Mr. KING. Was a reconnaissance survey, as it is called, made by the Interior Department with a view to determining just what should be allocated and reserved to Los Angeles without injury to others?

Mr. JOHNSON. Yes, sir; and the amendments in the bill are the ones suggested by the Interior Department.

Mr. KING. And the bill permits the Government to come in and assert its title whenever it pleases?

Mr. JOHNSON. Positively.

Mr. McKELLAR. Was the committee unanimous in reporting the bill?

Mr. JOHNSON. Yes, sir.

The PRESIDENT pro tempore. The next amendment reported by the committee will be stated.

The next amendment of the Committee on Public Lands and Surveys was, on page 9, line 6, after the word "northeast," to strike out "quarter" and insert "quarter," so as to read:

The northeast quarter, lot 1, north half of lot 2, northwest quarter, and the northeast quarter, southeast quarter section 19.

The amendment was agreed to.

The next amendment was, on page 13, line 23, after the word "the," to strike out "east" and insert "west," so as to read:

The east half, the east half west half, the southwest quarter northwest quarter and the west half southwest quarter section 36.

The amendment was agreed to.

The next amendment was, on page 15, line 11, after the word "half," to strike out "southwest" and insert "southeast," so as to read:

The southeast quarter northwest quarter, the southwest quarter, the west half southeast quarter, and the southeast quarter southeast quarter section 22.

The amendment was agreed to.

The next amendment was, on page 16, line 10, after the word "east," to strike out "half" and insert "half," so as to read:

The east half east half, the northwest quarter northeast quarter, the northeast quarter northwest quarter section 12.

The amendment was agreed to.

The next amendment was, on page 18, line 4, before the word "quarter," to strike out "northeast" and insert "northwest," so as to read:

The south half lot 2 northwest quarter, lot 2 southwest quarter section 7.

The amendment was agreed to.

The next amendment was, on page 30, line 21, after the word "east," to strike out "half" and insert "half," so as to read:

The east half, the northwest quarter, the east half southwest quarter, and the southwest quarter southwest quarter section 11.

The amendment was agreed to.

The next amendment was, on page 32, line 17, after the word "south," to strike out "half" and to insert "half," so as to read:

The south half, the north half northwest quarter and the southwest quarter northwest quarter section 5.

The amendment was agreed to.

The next amendment was, on page 34, line 8, after the word "northwest," to strike out "half" and insert "quarter," so as to read:

The northeast quarter, the north half northwest quarter, the northwest quarter southwest quarter, the south half south half, and the northeast quarter southeast quarter section 28.

The amendment was agreed to.

The next amendment was, on page 40, after line 10, to insert "all the unsurveyed portions of section 19, township 2 north, range 27 east, and sections 13 and 24 of township 2 north, range 26 east, known as Bird Island."

The amendment was agreed to.

The next amendment was on page 49, line 7, after the words "section 1," to insert, "township 3 south, range 29 east, Mount Diablo meridian," so as to read:

Fractional southeast quarter southeast quarter section 29, township 2 north, range 28 east, Mount Diablo meridian; section 1, township 3 south, range 29 east, Mount Diablo meridian; the north half lot 2, lot 3, lot 4, and the southeast quarter southwest quarter section 19; all in township 3 north, range 29 east, Mount Diablo meridian;

The amendment was agreed to.

The next amendment was on page 50, line 2, after the word "any" to insert "existing valid water right or"; in line 15, after the word "for" to insert "recreational or"; and beginning in line 16, after the word "purposes" to insert "under such rules and regulations as the Secretary of the Interior may deem necessary to conserve the natural forage resources of the area," so as to make the proviso read:

Provided, That nothing in this act contained shall be construed as affecting any existing valid water right or lawful homestead or desert-land claim heretofore initiated, or upon which any valid settlement has been made and is at the date of this act being maintained and perfected pursuant to law, but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made, and upon the extinguishment of any such claim by cancellation, relinquishment, or otherwise, this withdrawal shall immediately apply to and become effective upon such land: *And provided further*, That nothing herein contained shall be construed as affecting the use or occupation of any of said withdrawn lands for recreational or grazing purposes under such rules and regulations as the Secretary of the Interior may deem necessary to conserve the natural forage resources of the area.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes."

BILL PASSED OVER

The bill (H. R. 14248) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances of the public domain, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

INVESTIGATION AND STUDY OF TRANSPORTATION AGENCIES

The joint resolution (S. J. Res. 250) directing an investigation and study of transportation by various agencies engaged in interstate commerce was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The joint resolution will go over.

Mr. COUZENS. Mr. President, will the Senator who objected to the joint resolution withhold his objection? The information which it is hoped to obtain is very much needed by the Committee on Interstate Commerce with respect to the conditions existing as between water lines, bus lines, and truck lines. I see no reason why the Interstate Commerce Committee should not have the information. The joint resolution simply provides for an investigation in order that the information may be obtained for the Interstate Commerce Committee.

The PRESIDENT pro tempore. Is the objection maintained?

Mr. COPELAND. I do not have any objection to the joint resolution, but I want to offer an amendment.

The PRESIDENT pro tempore. The committee amendments are first in order.

Mr. SHIPSTEAD. Mr. President, I also want to offer an amendment.

Mr. LA FOLLETTE. I should like to offer an amendment, Mr. President.

Mr. SMOOT. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. There are no committee amendments to the text, the committee amendment being to the preamble. Does the Senator from New York desire to offer an amendment to the text of the bill?

Mr. COPELAND. Mr. President, may I have the attention of the Senator from Ohio?

Mr. SMOOT. Mr. President, I ask that the bill go over.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

SALE OF CERTAIN UNITED STATES PROPERTY TO PORT OF NEW YORK AUTHORITY

The bill (S. 6114) to authorize the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J., to the Port of New York Authority, was announced as next in order.

Mr. McKELLAR. Let that go over.

Mr. WAGNER. Mr. President, I desire to inquire what Senator objected to Senate bill 6114?

Mr. McKELLAR. I objected to it, Mr. President; but I made a mistake about it. I desire to withdraw the objection. I intended to object to Order of Business No. 1799, House bill 12549.

The PRESIDENT pro tempore. That has gone over under objection.

Mr. REED. Mr. President, when we last considered the calendar it was I who objected to the consideration of Senate bill 6114. I have looked into it as much as I have been able to do in the limited time, and it seems to be entirely all right. I am afraid that if we defeat the bill we will defeat the chance of the Shipping Board to get even as much as they are now offered for these piers; so I withdraw my objection.

Mr. WAGNER. The information I have is that at any other sale the Shipping Board could make the highest amount they would receive would be a million dollars less than is provided in this measure.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. WAGNER. Yes.

Mr. McKELLAR. The property is to be used for public purposes by the port authority, is it?

Mr. WAGNER. Yes. The port authority, as the Senator knows, is a public corporation.

Mr. McKELLAR. Yes.

Mr. WAGNER. It is the result of a compact between New Jersey and New York.

Mr. McKELLAR. Yes.

Mr. WAGNER. The port authority propose to acquire the property in fee simple, but they propose to lease it out for operating purposes, so that the city of Hoboken—which, ever since the piers were taken over by the Federal Government, has received no taxes upon this property—will receive its annual taxes, as heretofore it has. I may say to the Senator that all of the public bodies concerned in this matter—the legislatures of the two States, the governors of the two States, and all of the public bodies that have had any contact with this proposition—favor it.

Mr. McKELLAR. Mr. President, I desire to say to the Senator that I have no objection to the price or to the sale. I am just wondering whether the money is to be covered into the Treasury as it is received.

Mr. WAGNER. The bill so provides, at the very end.

Mr. COPELAND. Thirty per cent is to be paid at once, and the rest in 15 years.

Mr. WAGNER. The terms are fully set forth in the bill itself.

Mr. McKELLAR. There is no provision, however, that the purchase price shall be paid into the Treasury of the United States. I imagine it goes to the Shipping Board.

Mr. WAGNER. The very last provision, I think, covers that.

Mr. McKELLAR. No; it is to be deposited in the construction-loan fund.

Mr. WAGNER. Of course, that is a fund controlled by public authority. Will the Senator withdraw his objection?

Mr. McKELLAR. Yes; I withdraw my objection to the consideration of the bill. I think, however, that the money ought to be covered into the Treasury; and I shall propose an amendment to that effect after the committee amendments have been disposed of.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 2, line 19, after the words "lower than" to strike out "the lowest current yield on any interest-bearing obligation of the United States issued subsequent to April 6, 1917 (except postal savings bonds and short-term Treasury notes), outstanding at the time the sale is consummated" and to insert "3½ per cent annually, payable semiannually;" on the top of page 3, to insert a new section as follows:

SEC. 3. There shall also be excluded a piece or parcel of land in said city, contiguous to the east line of the present post-office site as transferred under the second deficiency act, 1929, fronting 25 feet along the north line of Newark Street and extending at that width in a northerly direction 175 feet; also a piece or parcel of land 25 feet wide on the northerly side of said post-office site and contiguous thereto, as extended herein, running westerly along the south side of First Street extended, 225 feet, more or less, to the easterly side of River Street.

And on page 3, line 12, to change the number of the section from "3" to "4," so as to make the bill read:

Be it enacted, etc., That the United States Shipping Board is authorized for and on behalf of the United States to sell to the Port of New York Authority (a body corporate and politic, created by compact between the States of New York and New Jersey with the consent of Congress) all the right, title, and interest of the United States in and to certain properties situated in the city of Hoboken, State of New Jersey, commonly known as the Hoboken Pier Properties, consisting of docks, piers, warehouses, wharves, and terminal equipment and facilities, including all leaseholds, easements, rights of way, riparian rights and other rights, estates, and interests therein or appurtenant thereto, which were acquired by the proclamation of the President of the United States, under the provisions of an act of Congress, entitled "An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," approved March 28, 1918, and acts amendatory thereof and supplemental thereto.

SEC. 2. That the purchase price thereof shall be the sum of $4,283,000 and the said United States Shipping Board is authorized to accept said amount on the following terms, to wit: Thirty per cent of said purchase price in cash and the balance by acceptance of the bond and mortgage of the Port of New York Authority running for a period of 15 years and bearing interest at a rate not lower than 3½ per cent annually, payable semiannually.

SEC. 3. There shall also be excluded a piece or parcel of land in said city, contiguous to the east line of the present post-office site as transferred under the second deficiency act, 1929, fronting 25 feet along the north line of Newark Street and extending at that width in a northerly direction 175 feet; also a piece or parcel of land 25 feet wide on the northerly side of said post-office site and contiguous thereto, as extended herein, running westerly along the south side of First Street extended, 225 feet, more or less, to the easterly side of River Street.

SEC. 4. All sums received as a result of the sale of such property shall be deposited in the construction loan fund created by section 11 of the merchant marine act, 1920, as amended (U. S. C., Supp. III, title 46, sec. 870).

The amendments were agreed to.

Mr. McKELLAR. Mr. President, I offer the following amendment: In line 13, page 3, after the word "deposited," I move to strike out all the rest of the section and insert the words "in the Treasury of the United States."

Mr. WAGNER. Mr. President, I may suggest to the Senator that I am not personaly concerned with whether the money goes into this fund or into the Treasury; but I am very anxious to have this legislation passed at this session, and I should not want to have any amendment proposed which might encounter opposition in the House.

Mr. McKELLAR. I do not see how any amendment providing for the payment of money into the Treasury of the United States would encounter opposition. If there is some arrangement by which this fund is to be transferred to some operating or building fund, it seems to me it is wrong. It ought to be appropriated by the Congress of the United States; and I hope the Senator will accept the amendment.

Mr. WAGNER. Will the Senator restate the amendment?

Mr. McKELLAR. On page 3, after the word "deposited," I move to strike out all the rest of the section, and insert the words "in the Treasury of the United States."

Mr. COPELAND. That is all right.

Mr. WAGNER. I do not object to that.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. McKELLAR].

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. BRATTON. Mr. President, when Order of Business 1721, Senate bill 5740, was reached, the Senator from Connecticut [Mr. BINGHAM] asked to have the bill read at length. In the interest of time I thereupon objected, and asked that it go over.

I understand that the Senator from Connecticut does not desire the bill read. I therefore withdraw my objection, and ask unanimous consent that we return to that number on the calendar.

The PRESIDENT pro tempore. Without objection——

Mr. DALE. Mr. President, I am very sorry; I shall have to object to that request.

The PRESIDENT pro tempore. Objection is made.

REPORT ON SENATORIAL CAMPAIGN EXPENDITURES, 1930, PENNSYLVANIA

Mr. NYE. Mr. President, I send to the desk a report from the Select Committee on Senatorial Campaign Expenditures, I shall not ask for its reading at this time but shall call it up later. I merely present the report.

The PRESIDENT pro tempore. Without objection, the report will be received and lie upon the table.

Mr. PATTERSON. Mr. President, I desire to submit a separate report relating to the same matter, and ask that it be printed as a document and published in the RECORD.

The PRESIDENT pro tempore. The report will be accepted and printed in the RECORD, as requested by the Senator, and will lie upon the table, also.

Mr. NYE. Mr. President, if my motion did not carry the request, I desire now to make the request that the main report be printed in the RECORD also.

The PRESIDENT pro tempore. That will be so ordered; but the Chair understood that the Senator wished to have it read later, in which event it would go into the RECORD automatically. However, the order to have the report printed in the RECORD will be made now.

The reports are as follows:

[Senate Report, No. 1870, Seventy-first Congress, third session]

SENATORIAL CAMPAIGN EXPENDITURES, 1930, PENNSYLVANIA

Mr. NYE, from the Select Committee on Senatorial Campaign Expenditures, submitted the following report (pursuant to S. Res. 215):

The Select Committee on Senatorial Campaign Expenditures, 1930, appointed pursuant to Senate Resolution 215, submits the following report on the senatorial primary and general election in the State of Pennsylvania for the year 1930:

The following expenditures in the primary election of 1930 in the State of Pennsylvania were reported to or ascertained by the committee as made by or on behalf of the various senatorial candidates or the tickets headed by them:

Davis-Brown ticket (headed by James J. Davis)	$622,928.39
Joseph R. Grundy	420,701.03
Bohlen-Phillips ticket (headed by Francis H. Bohlen)	167,393.78
Webster Garfield Drew	675.69

Of the amount set forth above, which was expended by or on behalf of Senator JAMES J. DAVIS, the following Davis-Brown committees expended the following amounts:

Davis-Brown (Vauclain) committee	$314,748.58
Davis-Brown (Bleakly) western Pennsylvania committee	117,425.88
Citizens Davis-Brown (Quigley) committee of Philadelphia	59,037.41

On June 2, 1930, Samuel R. Vauclain, treasurer of the Davis-Brown committee, appeared before your committee and personally made a report for his committee, which showed a total expenditure of $129,693.33.

The following differences may be pointed out between his report to the committee and the report filed subsequently by him with the secretary of the Commonwealth:

Total amount reported by Davis-Brown (Vauclain) committee to the Senate committee, at its hearing June 2, 1930	$129,693.33

of which amount $39,897 was disbursed to the chairmen of the various county committees. No unpaid debts were reported at that time nor any intimation given that there were unpaid debts, and it may be inferred from Mr. Vauclain's testimony that this was a full and complete accounting for his committee. However, later he filed a report within the time required by law with the secretary of the Commonwealth at Harrisburg, which showed a total expenditure of $196,905.42, and in addition thereto enumerated unpaid obligations of $117,843.16, making a total of $314,748.58, which amount is $185,055.25 in excess of the amount he reported on June 2 to the Senate committee. Of this additional amount revealed by his report $65,792 was expended and disbursed by the committee from funds received but which were not turned over to the treasurer as provided by the Pennsylvania statute, but for which receipts are in the hands of the treasurer, and of this latter amount $51,376 was disbursed to the chairmen or treasurers of the Republican League, the Upper Darby committee, and 18 county committees.

In order to ascertain the total amount expended on behalf of the Davis-Brown ticket in the primary and the expenditures that may have been made by or on behalf of Senator Davis in the general election, the committee found it necessary to assemble the reports of the various county committees from each of the 67 counties of Pennsylvania through which a large proportion of the money used in these campaigns was actually expended.

In view of the failure of some 50 county committees in the primary and general elections to file their reports with the secretary of the Commonwealth at Harrisburg, it was necessary for your committee to send its investigators into these counties to secure these reports.

Summarizing the evidence thus revealed by the investigations of your committee it appears that a total of $622,928.39 was expended on behalf of the ticket headed by Senator JAMES J. DAVIS in the primary election.

To recapitulate the amounts which make up this total, the following statement is submitted:

Vauclain complete supplementary report shows expenditures for Davis-Brown committee	$196,905.42
Debts of Vauclain Davis-Brown committee	117,843.16
Total amount expended by Davis-Brown Bleakly western Pennsylvania committee	117,425.88
Amounts expended by counties from other sources than Vauclain or Bleakly committees	86,499.89
Unpaid obligations by counties	7,680.47
Amount contributed to Philadelphia wards by Quigley citizens' Davis-Brown committee	82,800.00
Reports filed by ward committees reveal expenditures in excess of amount contributed by citizens' Davis-Brown committee	12,095.08
Other items of expenditures of citizens' Davis-Brown committee	26,737.41
Senator James J. Davis personal campaign expenditures	12,426.45
Gift to Senator James J. Davis of one full-page advertisement by A. D. Lasker	1,890.00
Brown-Davis lawyers' committee, seventh ward, Philadelphia, contribution from Warren C. Graham	249.36
Republican borough organization, McKees Rocks	513.74
Independent committee of tenth legislative district, Wilkinsburg	1,411.48
Unpaid obligations shown by various ward committees	50.00
Total	622,928.39

(Of this total a $5,000 contribution to Lancaster County by the so-called Vauclain Davis-Brown committee is in doubt.)

GENERAL ELECTION

The following expenditures were reported to or ascertained by your committee as having been made by or on behalf of the tickets headed by the Republican and Democratic candidates in the general election of 1930:

James J. Davis	$494,720.90
Sedgwick Kistler	103,801.87

Summarizing the evidence revealed by the investigation of your committee, it appears that a total of $494,720.90 was expended on behalf of the Republican ticket headed by Senator JAMES J. DAVIS in the general election.

To recapitulate the amounts which make up this total, the following statement is submitted:

Republican central campaign committee, Philadelphia, Pa.	$113,631.14
Reports filed by ward committees revealed expenditures in excess of contributions by Republican central campaign committee	24,708.21
Wilkes-Barre (city) committee	540.00
Scranton (city) committee	2,456.70
Bethlehem (city) committee	2,811.15
Easton (city) committee	4,657.00
McKeesport Republican executive committee	1,247.60
Personal expenditures by Senator James J. Davis	4,063.49
Expenditures by Republican State campaign committee	190,616.14
Amounts expended by county committees in excess of amount contributed by Republican State committee	141,158.56
Unpaid debts of county and city committees	7,626.33
Deficit, county and city committees	1,204.53
Making a total of	494,720.90

Thus in the primary and general election a total of $1,117,649.29 is revealed as having been expended on behalf of the Davis-Brown ticket in the primary and the Republican ticket in the election.

Your committee is impressed by the size of these aggregate expenditures even when due regard is given to the area and population of the State of Pennsylvania. It regards the expenditure of $622,000 as excessive and inimical to the public interest, whether such sum is expended on behalf of one candidate or a group of candidates in any primary election. Such a condition can not be permitted to continue unchallenged without the most serious consequences to the Nation.

Your committee in this connection feels it proper to recall the language used by the Senate upon a former occasion in the condemnation of the expenditure of $195,000 on behalf of a candidate in a primary election:

"That whether the amount expended in this primary was $195,000, as was fully reported or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended.

"The expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved."

It is proper also to record the fact that similar language was upon a later occasion adopted by the Senate in condemnation of the expenditure of $785,000 in behalf of the Vare-Beidleman ticket in the Pennsylvania primary of 1926 as follows:

"*Resolved*, That the expenditure of such a large sum of money to secure the nomination of the said William S. Vare as a candidate for the United States Senate prima facie is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of a free Government."

The conviction that such expenditures as were referred to in these respective Senate resolutions and such expenditures as were made in the Pennsylvania campaign of 1930 are excessive and inviting of serious consequences is strengthened because the record shows that a large proportion of such immense sum was expended for the employment of "watchers" and "messengers." The use of this so-called "watcher and worker" system in the conduct of election campaigns was thoroughly investigated and severely condemned by the Senate committee which conducted the investigation of the election of William S. Vare. While the evidence before this committee does not permit a complete statement of the total amount expended for watchers and messengers in the election of 1930, the following facts appearing upon the record or in sworn reports filed with the secretary of the Commonwealth and in the offices of the various prothonotaries and clerks of the court of quarter sessions are sufficient to establish the large proportion of the total represented by this class of expenditure.

Analysis of 33 reports filed by the treasurers of county committees with the secretary of the Commonwealth shows a total expenditure of $139,477.84. Of this amount there was expended for watchers, messengers, and transportation of voters to the polls $98,263.11, which is 70.4 per cent of the total amount expended by these committees for election purposes.

That this vicious system still continues unabated and that it played a large part in the Pennsylvania election of 1930, it is necessary only to quote from the large mass of testimony upon this point received by your committee, the following statement by James A. Walker, former secretary of the Commonwealth of Pennsylvania:

"The CHAIRMAN. Now, tell me this. I think it might be generally assumed that watchers are engaged to watch election board officials. Is this true?

"Mr. WALKER. That is what the law puts them there for.

"The CHAIRMAN. Well, is that what they are engaged for?

"Mr. WALKER. Not primarily.

"The CHAIRMAN. What do they do?

"Mr. WALKER. Get votes.

"The CHAIRMAN. Those that do anything at all, I am referring to now.

"Mr. WALKER. Certainly. Mr. Chairman, might I explain?

"When I came into politics in Philadelphia, in Pennsylvania, it was in the old thirtieth ward, which is a down-town ward just north of Washington Avenue. Now, that was when Israel Durham, as leader of the city, and Boies Penrose was the commander of the State, and I was taught in that school. A watcher was chosen primarily because he had enough influence with a certain number of voters to guide and direct them into voting for the ticket which they thought appointed the watchers. So that if a man was, as we would say, good for 10 votes, or if he came from a house where there was a group of—of course I am going back to prior to the nineteenth amendment—where there was a group of men, and he had influence with those men, it was worth something to get his good will and have him get those men out and vote your ticket. On the other hand, where you found a man identified by marriage or blood relationship with a number of people in a division, in a precinct or district, he was a good man to have around, because he may get 20 or 30 votes for you, get them all to thinking the way he did, hence he was appointed a watcher. The case of watching the ballots meant nothing. That was not the deal at all.

"Mr. DAVIES. Really a worker?

"Mr. WALKER. He was a worker.

"Mr. DAVIES. Hired worker?

"Mr. WALKER. And he was paid for working. That is what it ment. If a division leader was wise, he wouldn't take a watcher that was not good for at least 10 votes. Didn't he get $10?

"The CHAIRMAN. Did you have anything to ask the witness?

"Mr. DAVIES. Yes, sir. Of course, I didn't have the benefit of the schooling that you have had. I came from the country.

"Mr. WALKER. Well, Penrose was chief up State.

"Mr. DAVIES. But in the country, even for election for county offices, county prosecutors, judge, and the rest of them, it is generally usual for both sides and both parties to have workers at the polls who keep lists of voters and would see to it that the men who were favorable to their particular candidates be brought to the polls.

"Mr. WALKER. May I ask, Mr. Davies, what county you come from?

"Mr. DAVIES. I come from the West. I don't come from Pennsylvania. But what I am getting at is this: There is no necessary imputation of corruption or fraud by the hiring of workers at the polls.

"Mr. WALKER. I don't think so; don't think so yet; part of organization.

"Mr. DAVIES. Exactly. Workers might be freely employed.

"Mr. WALKER. We do the same thing in lodges and in different ways. We get our friends busy for our candidates.

"Mr. DAVIES. I don't know whether you agree with me or not, Mr. Walker, but I would like to get your expression on this. It does not necessarily follow that because a candidate, for instance, has watchers in Pennsylvania, that he is buying votes at a dollar each.

"Mr. WALKER. No; it doesn't necessarily follow. Of course, some of them are a great deal cheaper.

"Mr. DAVIES. I don't believe you will admit that constitutes fraud, then, even in Pennsylvania. In other words, there is a perfectly legitimate function for workers to perform without buying votes?

"Mr. WALKER. Certainly. You can give some of them a cigar."

As regards the contention that Senator JAMES J. DAVIS is chargeable with only a small percentage of the total expenditures made on behalf of the so-called Davis-Brown ticket, your committee feels that it is not called upon to attempt the impossible task of determining the amount of expenditures to be allocated to each individual candidate. In any event your committee does not regard it as material whether an excessive expenditure is made on behalf of a single candidate or a ticket comprising numerous candidates.

In the supplemental reports members of the committee set forth and discuss the evidence received by your committee bearing upon the questions of how expenditures were made on behalf of Senator DAVIS and how far he was personally or constructively responsible for such expenditures. This discussion is not included in this report, however, because in the view of a majority it is not material to the principal point at issue.

Unless the expenditure of more than $600,000 in the primary on behalf of the ticket headed by Senator DAVIS can be construed as in itself constituting corruption, in fairness to Senator DAVIS as well as the other candidates in the Pennsylvania senatorial election, your committee desires to state that the evidence heard by it does not disclose any corruption for which he may be held personally responsible, nor has anything been revealed in the testimony before this committee relating to the conduct of the Pennsylvania senatorial campaign reflecting upon the honor and integrity of Senator DAVIS or any other senatorial candidate.

Your committee will in due course present recommendations for legislation designed to curb or prevent such undesirable features as have been disclosed in the course of its investigation. Such recommendations must necessarily be made from a national viewpoint and must be based upon and await a mature consideration of the evidence collected by this committee in all the States to which its investigation extended. Such recommendations will, however, be made by your committee in its general report.

GERALD P. NYE,
Chairman.
PORTER H. DALE.
C. C. DILL.
ROBERT F. WAGNER.

SUPPLEMENTAL REPORT

As has been shown in some detail in the report of the committee, there was expended in the primary campaign in Pennsylvania a total of $622,928.39 on behalf of the Davis-Brown ticket. The organizations which collected and expended this money carried on the customary campaign in behalf of the entire ticket. There appears to be no dispute regarding either the amount of the expenditure or the general purposes for which it was used.

There is contention, however, over the fairness of charging any material part of this aggregate expenditure to Senator DAVIS. Testimony taken by the committee reveals the serious attempts to prove a lack of close relationship between Senator DAVIS and the Davis-Brown campaign leaders and to establish further that there was no real need for large expenditures in his behalf. This supplemental report is presented for the purpose of making available to the Senate certain facts bearing upon this contention which were developed in the course of the hearings.

NEED FOR EXPENDITURES

The vote cast in the primary election is the best evidence to indicate the need for activity and expenditures by and for candidates. The official tabulation shows that the 1,504,241 votes cast in the Republican primary in 1930 were distributed as follows:

James J. Davis	733,108
Joseph R. Grundy	493,191
Francis H. Bohlen	249,408
Webster Garfield Drew	28,484

Senator DAVIS received, therefore, a plurality, but not a majority, of the total vote cast. He had 38,000 votes less than his combined opponents, receiving only 44 per cent of the total votes as compared with 56 per cent for his combined opponents.

The distribution of the vote throughout the State is impressive. A study of the results of the Pennsylvania primary, county by county, reveals that of the 67 counties in the State, DAVIS carried 19, Bohlen 1, and Grundy 47. In other words, Senator DAVIS carried less than one-third of the counties throughout the State. His margin of victory in 6 of the 19 counties carried by him was less than 1,000 votes.

The main strength of Senator DAVIS was shown in Philadelphia County, where he received 245,751 votes, Bohlen 108,812, Grundy 60,525, and in Allegheny County, where DAVIS received 141,144, Grundy 46,389, and Bohlen, 37,553.

CHARACTER OF OPPOSITION

The character of the opposition encountered by Senator DAVIS in the primary is perhaps best described by the following extract from his own testimony before the committee:

"The simple fact is that I was a candidate for the Republican nomination for the Senate from the State of Pennsylvania in opposition to Senator Joseph R. Grundy, one of the most powerful political and financial figures in the State of Pennsylvania, and identified for 20 years last past as the political agent for the most powerful financial interests, the influence of which has been felt not only in Pennsylvania but throughout the Nation."

The record shows that in addition to the advantages above referred to Mr. Grundy waged a vigorous campaign at an expense of $420,701. This sum was expended solely on behalf of Mr. Grundy's campaign, as he was not definitely identified with any State ticket. More than half of this money was expended for literature, advertising, radio, and other similar purposes, and only a relatively small proportion, on the basis of Pennsylvania standards, was expended for "watchers" and other election-day expenses.

IMPORTANCE OF PHILADELPHIA ORGANIZATION

A study of the testimony heard by the committee, as well as an analysis of the figures which have been presented above, leads to the conclusion that the greatest asset of Senator DAVIS in the primary campaign was the backing of the great political machines in Philadelphia and Pittsburgh, particularly the Philadelphia organization headed by William S. Vare.

As evidence of the power of the Philadelphia organization, the testimony of Gen. Edward Martin, chairman of the Republican State committee, is most impressive. He declared, in response to a question from the committee:

"If they had indorsed Senator Grundy, Senator Grundy would have carried Philadelphia by an enormous vote."

Later, in explanation of the source of power of this political machine, he added:

"The great Philadelphia organization, as I told you a moment ago, gets results from the service it performs for its people, and when those men indorse a certain candidate the voters in Philadelphia have confidence in those candidates and support them."

The significance of General Martin's testimony that Mr. Grundy would have carried Philadelphia by an enormous vote if he had had the support of that organization will be realized when it is seen that if the results in that one city had been reversed Grundy would have won the primary nomination by a plurality of 130,000 votes.

The testimony also appears to indicate that, at least during a considerable period, it seemed probable that Mr. Grundy, rather than Mr. DAVIS, would receive the support of the so-called Vare organization. Upon this point the testimony of Mr. James A. Walker, former secretary of the Commonwealth of Pennsylvania and a close friend and political associate of Mr. Grundy, may be quoted:

"I recall that immediately after the appointment (of Mr. Grundy to the United States Senate) there was a great dinner given in the Manufacturers' Club in Philadelphia in honor of Mr. Grundy. At that dinner the mayor of Philadelphia, Mr. Mackey, spoke most highly and most forcefully of Mr. Grundy and his attainments. One of the four spokesmen, in fact the spokesman for the organization of Philadelphia at that time, was Mr. Charles B. Hall, a leader of the seventh ward, a member of the council. Mr. Hall wrote a very, very fine letter, which was put in the newspapers, indorsing Mr. Grundy. And so it went along until shortly before the primary, when, because of a disagreement between Mr. Grundy and the city leaders as to who should be candidate for governor, there was a break.

"Thereupon Mr. Grundy decided that he would run alone, that he would not be a part of any ticket, and I joined with those who advocated him wherever possible throughout our section of the State, and from the time the primary campaign started until it finished it was a hard fight, and it might be considered a hard fight for this reason, that there is not anybody in political life in Pennsylvania that does not know that Mr. Grundy is a hard fighter. When he puts his hand to a thing he fights for it and fights extremely hard."

The record of this committee also shows clearly that Mr. DAVIS did not announce his candidacy until after he had conferred with William S. Vare and had received assurance that he would have the support of the Philadelphia organization. This is plainly stated in the testimony of Senator DAVIS:

"Senator WAGNER. Mr. Secretary, you were supported by what is known as the Vare machine, weren't you, or organization?

"Mr. DAVIS. I don't know what you call it. I know it by the Republican organization of Philadelphia.

"Senator WAGNER. You never heard of it as the Vare machine?

"Mr. DAVIS. I have heard it referred to at times as the Vare organization.

"Senator WAGNER. There is no doubt in your mind that Mr. Vare and his organization, that we have heard a good deal about heretofore, was in your corner, supporting you?

"Mr. DAVIS. The Republican organization of Philadelphia supported me; yes, sir.

"Senator WAGNER. Has Mr. Vare anything to say in relation to who they will support?

"Mr. DAVIS. Well, I can't tell you that.

"Senator WAGNER. You have no knowledge of that at all?

"Mr. DAVIS. I talked with Mr. Vare and he said that he would support me.

"Mr. CHAIRMAN. Was this prior to your announcement?

"Mr. DAVIS. I think so. Yes; I talked with him and asked him whether or not he was going to be a candidate, and when he said he was not to be a candidate, then I announced myself as a candidate.

"Senator WAGNER. Did you know at the time you announced you would have the support of the Republican organization of the city of Philadelphia?

"Mr. DAVIS. Yes; I think so.

"Senator WAGNER. You did know?

"Mr. DAVIS. Yes."

RELATION TO CAMPAIGN COMMITTEE

With reference to the question of the relation of Senator DAVIS to the campaign committees which handled expenditures on behalf of the Davis-Brown ticket, the following extract from the testimony of Senator DAVIS may be quoted:

"Senator DILL. But you ran as the Davis-Brown ticket?

"Mr. DAVIS. Yes.

"Senator DILL. So that there wasn't any segregation of funds, I take it?

"Mr. DAVIS. I think you will find they will be able to give you a very good accounting of what the money was used for.

"Senator DILL. What I am trying to get is whether you, either by tacit agreement or by express directions, approved of what they did and were doing?

"Mr. DAVIS. Well, I didn't have any agreement or tacit understanding with them about anything. They just carried on their campaign.

"Senator DILL. Do you take responsibility for what was done—and I have no knowledge now of what was done——

"Mr. DAVIS. Well, I wouldn't want to assume responsibility for anything that I knew nothing about.

"Senator DILL. I know, Mr. DAVIS, but this is your campaign. You are getting the votes here to be nominated.

"Mr. DAVIS. I suppose that more or less I would have to go along and take my share of the responsibility, whatever it is.

"Senator DILL. You consented to their acting in behalf of the Davis-Brown ticket?

"Mr. DAVIS. I consented to the chairman representing me; yes, sir."

In this connection it is proper to note the later statement of Senator DAVIS, which appears upon the record of this committee, as follows:

"In Pennsylvania, with a population of 10,000,000, with nearly 4,000,000 voters in the State, a wide contest in 67 counties, there was involved the candidacy of nearly 20,000 candidates for the office of Senator, governor, judge, legislator, State, city, county committeemen, and upon which was dependent the control of the Republican organization. Of course, such an expenditure or such a contest resulted in the expenditure of quite a sum of money, but it is utterly unjust to charge me with the responsibility for the expenditure of such a sum."

It is proper to state that, so far as the committee is concerned, no attempt was made at any time to charge Senator DAVIS with the expenditures on behalf of the 20,000 candidates to whom he refers. It may be noted, however, that a tabulation was submitted in evidence which shows that the local candidates of Westmoreland County, Pa., reported an average expenditure of $321. If it is fair to assume that such an average would prevail throughout the State as applied to the alleged 20,000 candidates, then a total expenditure of more than $6,000,000 would result.

NO SEGREGATION OF EXPENDITURES

The testimony before the committee indicates that the $622,000 expended in the Pennsylvania primary of 1930 was directed to securing the election of the Davis-Brown ticket as a unit and that no substantial difference in the amount of this expenditure would have occurred if there had been only one candidate or if the number had been even larger.

The most conclusive testimony upon this point was that of William R. Douglas, who was actively engaged in the solicitation and disbursement of funds for the State Davis-Brown committee, of which Samuel R. Vauclain was treasurer:

"The CHAIRMAN. Supposing the only individuals upon your ticket were the candidates for governor and for State officers, how much less would the expenditure have been?

"Mr. DOUGLAS. Not 1 cent less.

"The CHAIRMAN. You are arguing, then, that the expenditures would have been as great with Mr. DAVIS off of the ticket?

"Mr. DOUGLAS. Absolutely.

"The CHAIRMAN. As they were with him on the ticket?

"Mr. DOUGLAS. Absolutely.

"The CHAIRMAN. Now, supposing Mr. DAVIS had been the only candidate on your ticket, what would the expenditures have been then?

"Mr. DOUGLAS. In a contest?

"The CHAIRMAN. Yes.

"Mr. DOUGLAS. In a similar contest they would possibly be the same thing. It is just the cost of conducting election machinery in the State."

Samuel R. Vauclain, treasurer of the Davis-Brown campaign committee and one of the leading business men of Pennsylvania, was equally definite in his testimony regarding the impossibility of segregating the amount expended on behalf of any one candidate, as shown by the following extract from his testimony:

"Senator DILL. Mr. Vauclain, you spent this money for whom—in whose interest?

"Mr. VAUCLAIN. I spent that money in the interest of the Davis-Brown campaign committee. The money was theirs. I was merely the treasurer.

"Senator DILL. Did this money pay for the candidates separately or as a combined ticket, their advertising and campaigning?

"Mr. VAUCLAIN. The combined ticket.

"Senator DILL. The combined ticket?

"Mr. VAUCLAIN. The combined ticket. I think I had two letters, one for $2,500 and one for $100, to be spent exclusively for Mr. Brown, and I so notified the committee and the committee replied that that money would be so expended.

"Senator DILL. Your advertisements that you ran in the papers, were they run advertisements for DAVIS and Brown, or were they run for DAVIS individually and Brown individually?

"Mr. VAUCLAIN. I could not answer that question. I did not arrange for the advertisements.

"Senator DILL. There is no way of segregating this fund and saying part of it was spent for one candidate and part for the other?

"Mr. VAUCLAIN. Only so far as the $2,600 is concerned."

Apart from the general testimony bearing upon this point, attention may also be directed to the following extract from the large mass of detailed evidence appearing in the record of the committee relating to the expenditures which appear to be directly chargeable to Senator DAVIS. Samuel L. McFetridge, head of a large printing establishment, testified that of the total bill of $74,806 rendered by his firm $24,656.45 was properly chargeable as Senator DAVIS's share of the total. He later modified this by stating that $2,062.50 was charged for printing 150,000 copies of the biography of Senator DAVIS which were sent to Illinois for distribution at a Moose convention and that he did not consider that this latter amount should properly be charged to Senator DAVIS's campaign expenditures in Pennsylvania. The total amount, however, was included among the unpaid obligations of the so-called Vauclain committee.

In addition, therefore, to the fact stated in the report of the committee that the excessive amount of $622,000 was expended in the Pennsylvania primary of 1930 on behalf of the Davis-Brown ticket, the record appears to show that there was a serious contest in the primary and that the expenditures on behalf of the Davis-Brown ticket were for the benefit of Senator DAVIS as much as any other candidate.

APPENDIX

The following tabulation of the votes cast at the primary election held May 20, 1930, for the office of United States Senator was compiled by the secretary of the Commonwealth of Pennsylvania and appears in the record of the hearings of the committee on page 470:

Counties	Republican				Democratic	
	Joseph R. Grundy	Webster Garfield Drew	James J. Davis	Francis H. Bohlen	Sedgwick Kistler	Scattering
Adams	2,730	50	724	77	1,194	1
Allegheny	46,389	3,289	141,144	37,583	4,625	651
Armstrong	4,748	324	4,479	766	790	62
Beaver	5,099	357	9,692	2,564	684	83
Bedford	3,257	229	2,126	129	896	6
Berks	6,220	163	4,142	2,144	6,092	26
Blair	6,691	485	9,210	2,180	1,408	
Bradford	5,382	455	3,361	410	367	50
Bucks	10,548	108	2,632	1,241	937	18
Butler	3,544	586	4,390	1,739	827	7
Cambria	10,636	641	7,641	3,188	2,912	
Cameron	445	56	230	68	96	4
Carbon	2,692	162	1,632	412	2,350	
Center	3,917	327	2,459	290	1,242	2
Chester	12,196	351	9,276	2,188	979	
Clarion	2,155	202	2,246	118	1,274	
Clearfield	5,280	572	4,275	513	1,725	28
Clinton	1,882	181	2,116	235	884	11
Columbia	2,589	112	1,707	191	2,256	21
Crawford	4,653	123	2,673	1,445	753	33
Cumberland	6,396	424	3,449	361	1,800	
Dauphin	11,087	1,124	22,443	1,449	1,344	
Delaware	32,047	794	18,839	14,137	1,010	70
Elk	3,516	140	1,086	420	1,128	
Erie	5,449	376	7,602	8,795	980	187
Fayette	4,497	691	12,845	1,580	3,124	
Forest	450	23	229	17	53	6
Franklin	4,207	240	1,492	336	1,042	17
Fulton	723	17	83	14	282	1
Greene	1,233	85	994	140	1,932	
Huntingdon	4,248	184	2,133	207	493	
Indiana	5,330	409	5,141	533	558	49
Jefferson	3,772	332	4,468	359	716	42
Juniata	1,473	46	385	21	414	
Lackawanna	22,183	1,738	27,557	7,349	5,495	
Lancaster	14,845	240	5,911	3,191	1,120	
Lawrence	5,632	232	5,029	2,386	309	63
Lebanon	3,401	182	2,675	1,551	521	
Lehigh	3,176	131	3,570	1,664	2,647	23
Luzerne	27,942	1,233	24,573	5,785	3,988	281
Lycoming	5,583	352	2,973	775	1,892	
McKean	2,935	914	1,650	1,027	651	36
Mercer	3,128	325	5,816	1,763	738	69
Mifflin	3,730	77	1,407	101	800	51
Monroe	1,112	18	359	69	1,447	8
Montgomery	19,218	379	10,729	10,674	1,903	
Montour	849	20	719	36	454	5
Northampton	5,035	121	4,059	1,241	6,284	
Northumberland	7,697	578	9,486	1,752	3,786	
Perry	2,286	141	1,421	128	490	4
Philadelphia	60,325	3,676	245,751	108,812	19,070	247
Pike	881	46	494	25	332	3
Potter	1,273	150	954	88	216	
Schuylkill	11,612	706	20,003	4,263	4,069	
Snyder	1,916	141	940	105	330	18
Somerset	4,263	376	4,853	973	583	24
Sullivan	739	35	268	50	145	3
Susquehanna	3,091	245	1,687	135	559	21
Tioga	3,879	280	1,824	162	182	18
Union	2,162	101	899	146	321	
Venango	5,065	270	4,388	771	234	48
Warren	3,982	301	2,396	678	254	28
Washington	9,104	554	11,865	2,371	1,045	116
Wayne	3,514	208	1,454	238	483	
Westmoreland	15,031	1,036	23,046	4,606	3,994	511
Wyoming	2,433	183	884	161	685	28
York	9,851	267	2,472	562	5,838	35
Total	493,191	28,484	733,108	240,408	123,654	3,025

Scattering, Republican votes, 50; other votes, no party, 152

SEPARATE REPORT

A careful analysis of the testimony relating to expenditures in the senatorial campaign in the State of Pennsylvania will disclose that there is no evidence before the committee which reflected in any manner upon the personal integrity or honesty of Senator DAVIS in private or public life, or in his conduct in either the primary or general election. The foregoing statement is substantially the same as that used in the concluding paragraph of the original committee draft of its report to the Senate, but was changed without the holding of further hearings or the development of any new facts. There can be no question but what the fact is indisputably established that Senator DAVIS was duly chosen and elected by the people of the State of Pennsylvania to the Senate of the United States. The plurality for Senator DAVIS in the primary was 239,917—in the general election, 938,848.

The only question which might be raised is one of constructive responsibility on the theory that Senator DAVIS should be held for all expenditures made on behalf of the ticket in the Republican primary made up of seven candidates, the titular head of which was the candidate for the Senate of the United States.

There was no evidence before the committee of any corrupt practice or excessive expenditure that could properly be charged to Senator DAVIS, either in the primary or the general election.

The facts are briefly the following:

In a bitter contest for control of the Republican Party organization in Pennsylvania, the Brown-Davis-Shannon-Dewey-Maxey-Linn-Drew ticket, through their committees, spent $622,938.39. The contest in the primary in the State of Pennsylvania centered around the governorship. The race for the Republican nomination for United States Senator was secondary to that contest. In support of this position, witness the examination by Senator NYE of Senator Grundy, one of the defeated candidates for the Republican nomination for United States Senator, found on page 30 of part 1 of the Pennsylvania hearings, by the committee:

"The CHAIRMAN. In the campaign in which you were a candidate for Senator—I think you could speak in an unprejudiced manner respecting it—what was the main issue in the campaign? Was it the primary of a Senator or the nomination of a governor?

"Senator GRUNDY. Well, you ask for my opinion?

"The CHAIRMAN. Yes. What was generally considered the most important?

"Senator GRUNDY. Well, you are asking me my personal opinion?

"The CHAIRMAN. Just so, Senator.

"Senator GRUNDY. The election of a governor overshadowed everything else in the campaign.

"The CHAIRMAN. I gathered as much from our independent studies of it."

The foregoing conclusions of former Senator GRUNDY and Senator NYE are strongly corroborated by many witnesses who appeared before the committee and who were active in the primary campaign in Pennsylvania.

Senator DAVIS filed a statement of contributions and personal expenditures as follows: $10,541.45, and in addition thereto certain contributions which were given by friends to the Allegheny County Republican Committee or paid by the donors for advertising and circular letters. These committee receipts and expenditures were made, listed, and filed with the proper officers of the State of Pennsylvania, under and pursuant to State statutes, which permitted the expenditures of such sums for the purposes enumerated. They were expenditures lawfully made under the law of Pennsylvania.

Mr. Samuel Vauclain, treasurer of the Brown-Davis committee, appeared before the committee shortly after the primary and made a preliminary report as of May 29 of the receipts and expenditures of his committee. Subsequent thereto, on June 18, and within the time prescribed by the statutes of the State, Mr. Vauclain filed a complete report with the proper officials of the State of Pennsylvania.

There is nothing in the record that would indicate any interest on the part of Mr. Vauclain or any members of the committee to conceal or hold back any of this information.

It should also be stated to the Senate that the committee has received every cooperation and aid that was possible from Senator DAVIS in the matter of these investigations through himself, through his counsel, and through witnesses whom he summoned.

There appeared before the committee certain witnesses who had been in charge of disbursements and expenditures in behalf of the Brown-Davis-Shannon-Dewey-Maxey-Linn-Drew committees functioning throughout the State of Pennsylvania. These witnesses knew the purpose for which the money was spent, and they all testified to facts which established that not more than from 3 to 10 per cent of the total expenditures was made by said committees for or in behalf of Senator DAVIS. No witnesses were called before the committee who testified to the contrary, nor is there any other testimony in the record from which any other conclusion can be drawn.

Much testimony was presented to the committee through its investigators appertaining to "watchers" employed by committees on election day. In this connection it should be observed that express provision is made by the statutes of Pennsylvania for such disbursements and that such expenditures are lawful.

The law of Pennsylvania provides that each candidate is entitled to two watchers at each voting precinct to be paid at the rate per day of $5 in the country districts and $10 in the city districts. The statutes place no limitation upon the amount that may be expended but simply prescribe the purposes to which the primary or election expenditures may be applied.

In conclusion, there was no evidence of frauds, irregularities, corrupt practices, or undue expenditures in the general election. The record as to the primary is conclusive, that there were no election irregularities chargeable to Senator DAVIS, or such as may have had an appreciable effect upon the results; that the total personal expenditures of Senator DAVIS were in the relatively small sums as hereinbefore set forth, and were in no manner a violation of the corrupt practices act of the State of Pennsylvania.

The record establishes the fact that Senator DAVIS was lawfully chosen and elected a Senator of the State of Pennsylvania; nor has any evidence been offered which could in any manner adversely affect the qualifications of Senator DAVIS as a Member of the Senate of the United States.

ROSCOE C. PATTERSON.

Mr. REED subsequently said: Mr. President, I send to the desk and ask unanimous consent to have printed in the RECORD three letters passing between the Senator from North Dakota [Mr. NYE], chairman of the Select Committee on Campaign Expenditures, and the attorneys for Senator DAVIS, together with a memorandum brief filed by counsel for Senator DAVIS with the Select Committee when it was engaged in the preparation of its report. I ask to have this brief and these letters printed after the printing of the report of the Senator from Missouri [Mr. PATTERSON] in the CONGRESSIONAL RECORD of to-day.

The VICE PRESIDENT. Without objection, the request will be granted.

The matter referred to is as follows:

MARCH 2, 1931.

Hon. GERALD P. NYE, *Chairman*
Select Committee on Campaign Expenditures,
Senate Office Building, Washington, D. C.

DEAR SENATOR NYE: In accordance with our understanding with you and pursuant to precedent in the investigation of senatorial campaign expenditures, we hand you herewith for the purpose of publication and filing with your report a memorandum brief in behalf of Senator JAMES J. DAVIS.

Very truly yours,

JOSEPH E. DAVIES.
CHAS. J. MARGIOTTI.
Counsel for Senator James J. Davis.

MARCH 2, 1931.

Messrs. JOSEPH E. DAVIES,
CHARLES J. MARGIOTTI,
Counsel for Senator James J. Davis,
Smith Building, Washington, D. C.

GENTLEMEN: The memorandum brief presented by you under cover of your letter of March 2, has been laid before the Select Committee on Senatorial Campaign Expenditures.

Your letter implies a misunderstanding which I think should be cleared up. While I did say to you that I would gladly lay any memorandum you might offer before the committee, I could not of course, speak for the committee and guarantee that such memorandum would be presented in its report.

The committee has considered the request and, in view of the fact that its report offers no challenge against the right of Senator DAVIS to retain his seat, finds no precedent for such action as your letter requests.

I am, therefore, returning the brief you enclosed for such disposition as you may care to make of it.

Very truly yours,

GERALD P. NYE.

WASHINGTON, D. C., *March 2, 1931.*

Hon. GERALD P. NYE,
Chairman Select Committee on Campaign Expenditures,
Senate Office Building, Washington, D. C.

DEAR SENATOR NYE: You are right when you say that it was our understanding that your promise to us to incorporate our memorandum brief for Senator DAVIS in the majority report of your committee was conditioned upon the approval of the committee.

We regret that the committee has not seen fit to acquiesce in the printing and publication of this memorandum brief in its formal report.

It is quite obvious that it is manifestly unfair that a printed document such as a report of your committee, which will be accessible to the political enemies of Senator DAVIS for political purposes, should contain only an ex parte statement against the Senator and should not contain in the same publication the facts of Senator DAVIS's side of the controversy.

Very respectfully yours,

JOSEPH E. DAVIES,
CHARLES J. MARGIOTTI,
Counsel for Senator James J. Davis.

MEMORANDUM BRIEF, FILED BY COUNSEL FOR SENATOR JAMES J. DAVIS

The facts developed by the hearings before the committee are briefly the following:

There is no evidence in the record which reflects adversely upon the personal integrity or honesty of Senator JAMES J. DAVIS in the conduct of either the primary or general election. This is admitted. The sole question which has been raised has been one of constructive responsibility, on the theory that Senator DAVIS should be held for all expenditures made on behalf of the State ticket, which he headed as candidate for the Senate in the primary election contest, which total expenditures amounted to approximately $620,000.

Under the law as it now stands by the decision of the Supreme Court of the United States in the Newberry case (256 U. S., p. 469) and until that decision is reversed, the constitutional prerogatives of the Senate of the United States do not extend to the control or regulation of primary elections. The power of the Senate would therefore appear to be confined under the Constitution to the general election. We first discuss herein the general election and then the primary.

THE GENERAL ELECTION

It is not alleged nor is it contended in the general election that there was fraud or corrupt practice which could be charged to Senator DAVIS, or to any campaign committees espousing his cause. It is conceded that the nomination was the equivalent to an election and that no expenditures were necessary, so far as the senatorship was concerned.

The sums expended in the general election, approximately $490,000, were made necessary by the bitter, hard-fought, and closely contested battle over the governorship, the contest being between the Hon. Gifford Pinchot, the Republican nominee, and the Hon. John Hemphill, the so-called Liberal-Democratic and wet candidate, and the fact is that the expenditures in the general election were made for the candidacy of Governor Pinchot almost wholly. This is admitted and supported by all testimony in the record.

Senator DAVIS carried the general election by 938,848; the candidate for governor carried the State by 56,670.

THE PRIMARY ELECTION

The facts appertaining to the primary election are as follows:

Senator Grundy admitted having contributed personally to the expenses of his own candidacy $291,000. The record establishes that approximately $588,000 was expended by the Grundy committees, with 24 counties still unreported. The Grundy committee's reports, together with the Pinchot reports, show an aggregate expenditure of $745,447, with approximately 31 out of the 67 counties unreported.

The record discloses that when Senator DAVIS announced his candidacy for the Senate, the campaign of the Hon. Francis Shunk Brown for the governorship was under way and had been in process of active organization for a year theretofore. This organization indorsed the candidacy of Senator DAVIS, and a full and complete State ticket was named to be submitted to the electorate in the primary, with the name of Senator DAVIS as a candidate for the Senate at the head of the ticket.

The following were the various State committees which functioned for the so-called Davis-Brown-Shannon-Dewey-Maxey-Linn-Drew ticket:

The Vauclain eastern Pennsylvania committee, the Bleakley western Pennsylvania committee, the Allegheny County committee, and the Quigley citizens' committee of Philadelphia. The above committees expended approximately $510,000. In addition to the foregoing, the Senate Select Committee procured reports from the county committees, showing that local county organizations devoted to the Davis-Brown-Shannon et al. ticket had collected and expended locally, in the interest of local candidates for various offices as well as the Davis-Brown-Shannon et al. ticket, approximately $99,000. It should be borne in mind that the county committees under the law could file their report either with the secretary of the Commonwealth or with the local clerk of courts.

The Davis-Brown-Shannon et al. State ticket, consisted of seven candidates as follows: United States Senator, Governor of Pennsylvania, lieutenant governor, secretary of internal affairs, justice of the supreme court, and two judges of the superior court.

The record establishes (there is no testimony to dispute the fact) that there were approximately 20,000 other candidacies throughout the State including candidates for Congress, for the State legislature, and for State, county, and precinct committeemen, all of which candidates were identified with the State ticket in this state-wide contest for the control of the party in Pennsylvania.

The record establishes conclusively, and the fact is not contraverted, that the only evidence which has been offered to the committee establishing what part of this $620,000 might possibly be charged as expended for Senator DAVIS was that which was produced by witnesses who appeared at the request of Senator DAVIS. These witnesses were responsible men who had direct charge of receipts and disbursements of these committees and who were in the best position to know what sum was required and what proportion thereof might be fairly charged as expended in the senatorial contest. The evidence stands uncontradicted that the sum expended which could possibly be charged to Senator DAVIS did not exceed $50,000. There is no evidence in the record to dispute this fact.

See testimony of William R. Douglas, of the Vauclain committee; State Senator Joseph C. Trainer, of the Quigley committee; W. W. Bleakley, of the Western Pennsylvania committee; Harry Olivery Perry, of the Allegheny County committee; Allen M. McLean, of Erie and Crawford Counties; Gen. Edward Martin, State Treasurer of Pennsylvania and chairman of the Republican State Committee; A. Boyd Hamilton, secretary of the senate of Pennsylvania, and assistant chairman of the Republican State Committee of Pennsylvania; Bernard J. Myers, State chairman, Davis-Brown committee; Hon. George W. Maxey, judge of the Supreme Court of Pennsylvania; Hon. J. Frank Graff, judge of the Superior Court of Pennsylvania; Hon. John H. McCann, judge of Court of Common Pleas of Cambria County; Hon. James B. Drew, judge of the Superior Court of Pennsylvania; Hon. John G. Whitmore, judge of the Superior Court of Pennsylvania; Hon. Benson Taylor, secretary of property and supplies of Pennsylvania; Rev. Ernest P. Pfatteicher, president Lutheran Ministerium of Pennsylvania; Msgr. John J. Curran, of Wilkes-Barre; Mrs. Hannah Durham, executive committeewoman of the Republican State Committee; Mrs. Worthington Scranton, committeewoman of the Republican National Committee; Hon. John A. Phillips, president of Pennsylvania Federation of Labor; Philip Murray, international vice president United Mine Workers of America; George B. Rowand, State chairman of the Brotherhood of Railroad Trainmen; Hon. Philip H. Dewey, secretary of Internal Affairs of Pennsylvania; Edward Petrillo, former Pennsylvania deputy attorney gen-

eral; William Grundish, Pittsburgh newspaper man, and others, many of whom were Grundy supporters.

Some witnesses testified that the total sum spent did not exceed 3 per cent; others that it did not exceed 10 per cent of the total sum. There is no evidence to show that any greater sum than $50,000 could fairly be charged in the primary election to Senator DAVIS, and there is a great deal of evidence to the effect that by reason of the extraordinary popular strength of Senator DAVIS there was need for practically no expenditure of money to assure his nomination. Senator DAVIS appeared before the committee and stated in part as follows:

"On May 26, 1930, and again on June 2, 1930, I appeared before this committee and gave to you, under oath, statement of my expenditures in my campaign for the Republican senatorial nomination in the State of Pennsylvania, and then furnished this committee with itemized statement showing that I had spent out of my personal funds the sum of $10,646.45, and that certain contributions from other sources in the sum of $9,100 had been turned over to the Allegheny County Republican Committee. That is all I had to do with financial matters connected with my campaign.

"I wish to restate emphatically that I have nothing to conceal, that I have not spent a dollar corruptly or contrary to law, nor collected any money other than that which was lawful and which I have reported as above.

"I was scrupulously careful in all matters having to do with expenditures or collection of money in my campaign. I charged everyone connected with me or any organization that was supporting me that my name must not be used in the collection of funds. I also admonished everyone with whom I came into contact that I would not stand for any improper, extravagant, or unlawful use of money.

"The simple fact is I was a candidate for the Republican nomination to the Senate from the State of Pennsylvania in opposition to Senator Joseph R. Grundy, one of the most powerful political and financial figures in the State of Pennsylvania and identified for 25 years last past as the political agent for the most powerful financial interests, the influence of which has been felt not only in Pennsylvania but throughout the Nation.

"In my political activities in Pennsylvania I was not identified with any group or faction, being more or less of a political orphan. In announcing my candidacy I appealed for the support from all people of the State regardless of faction. One of the very large political groups of the State saw fit to support me, and, of course, I was glad to receive it.

"I am sure this committee will not overlook the fact that my candidacy was indorsed by the miners, railroad men, carpenters, bricklayers, and every central labor council throughout the State, together with patriotic and other societies whose membership ran literally in hundreds of thousands. These men do not vote for money. Neither can their votes be purchased.

"In Pennsylvania, with a population of approximately 10,000,000 with nearly 4,000,000 voters, with a state-wide contest in 67 counties, there was involved the candidacies of nearly 20,000 candidates for office of Senator, governor, judge, legislator, State, city and county committeemen, and upon which was dependent the control of the Republican organization.

"Of course, such a contest resulted in the expenditure of a large sum of money, but it is utterly unjust to charge me with the responsibility for the expenditure of such a sum with which I had nothing to do."

It is also admitted that such slight evidence of irregularities as does appear, with reference to the primary election, is negligible, and that the irregularities, if any, did not affect such primary election and were no greater than those which occur frequently in great cities in and outside of Pennsylvania. Senator DAVIS carried the State against Senator Grundy, exclusive of the county of Philadelphia, by 54,691 and carried the State in its entirety by 239,917.

ISSUE IN THE PRIMARY ELECTION

It was stated by Senator Grundy before the committee as his opinion, and this was concurred in by Chairman NYE, that the principal contest in the primary was not over the senatorship but was over the governorship. The Chairman of the State Republican Committee, General Martin, also so testified. This view was asserted also by Judge Drew, of the Superior Court of Pennsylvania; Judge Maxey, of the Supreme Court of Pennsylvania; and by all other witnesses, many in number, called either by the committee or by Senator DAVIS, with the exception of James A. Walker, one of Grundy's chief lieutenants, called by the committee. It is interesting to note that as to the general election even Mr. Walker stated, "After the primary I think I am bound to say that Mr. DAVIS had a walk-over. If he spent more than $500 he was gypped." Substantially all witnesses testified that the expenses in the primary were principally incident to the contest over the governorship and should properly be applied to that contest and should not be charged to the candidate for the senatorial nomination.

The record establishes that the contest in the primary was bitter and in fact involved the control of the Republican Party of the State. This contest reached down into the smallest political subdivisions in the contests for State and county committeemen. By reason of laws recently passed it was stated the power of the governor had been greatly increased by reason thereof. There rested in his control appointments to 17,000 offices.

Representatives of the American Federation of Labor, of the United Mine Workers, of the Railway Brotherhoods, of leading organizations of women voters, of representatives of the World War veterans, also editors and political writers, clergymen of different denominations, judges, business men, representatives of prominent racial political organizations, and others all testified to the fact that the contest was over the governorship, and not the senatorship, and that Senator DAVIS had elements of popularity, by reason of his distinction as a member of the Cabinet of three Republican Presidents, as Secretary of Labor, and by reason of his contact with people of the State, through fraternal, religious, and labor organizations, which made him one of the most popular candidates for the Senate which Pennsylvania had known in her political life; and that it would be unfair and unjust to attempt to charge him with the responsibility for the total expenditures of the Davis-Brown-Shannon et al. ticket, because his strength was such that he needed no such expenditure, and that his candidacy was an additional asset that gave strength to the candidate for the governorship which was the real issue of the primary.

It has been urged that a large percentage of the expenditures of these committees consisted of payments made to watchers and messengers at the polls. In that connection, however, it should be noted that the statutes of Pennsylvania specifically provide for such disbursements as lawful disbursements. The Legislature of Pennsylvania in the exercise of its police power over its elections has decreed that such expenditures are proper and lawful.

It affirmatively appears that there were approximately from 20 to 30 candidates on each ballot; that there were approximately 8,500 election precincts in the State. The law of Pennsylvania provides that each candidate is entitled to two watchers, to be paid at the rate of $5 and not to exceed $10 per day.

It was therefore apparently within the contemplation of the legislature that in such a situation as the foregoing with 20 candidates in 8,500 precincts that a sum equal from one to two million dollars might properly have been expended by these candidates in the lawful disbursements of moneys, if required, for watchers alone.

In Senator DAVIS's campaign he scrupulously followed the law in all respects, and it was not shown that a single dollar was contributed by him, or in his behalf, in violation of any law, of either the Commonwealth of Pennsylvania or of the United States of America, or that any money was expended for or on account of Senator DAVIS in violation of the law or outside the sphere of legitimate campaigning.

The standard to determine what is, and what is not, legitimate expenses should be carefully pointed out and the line of demarcation correctly drawn and designated by law between what is sanctioned and what is forbidden.

The primary elections are exclusively within the sphere of the State law and by inquiry into the law of the State of Pennsylvania it will be found that the legislature of that State has laid down a guide in primary elections, the act of April 23, 1927 (P. L. 367) amending section 4 of the act of March 5, 1906 (P. L. 78) entitled "An act to regulate nomination and election expenses, etc." This statute places no regulations upon the amount that may be expended but simply limits the use to which the expenditures of money may be applied. The act provides as follows:

"No candidate, and no treasurer of any political committee, shall pay, give, or lend, or agree to pay, give, or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes:

"First. For printing and traveling expenses, and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone, and public-messenger services.

"Second. For the rental of radio facilities.

"Third. For political meetings, demonstrations, and conventions, and for the pay and transportation of speakers.

"Fourth. For the rent, maintenance, and furnishing of offices.

"Sixth. For the employment of watchers at primary meetings and elections, to the number allowed by the law, but no candidate or treasurer of any political committee shall pay to any watcher in any election district in a city compensation in excess of $10 per diem or to any watcher in any other election district compensation in excess of $5 per diem.

"Seventh. For the transportation of voters to and from the polls.

"Eighth. For legal expenses bona fide incurred in connection with any nomination or election."

From the entire record it is clear that these disbursements of approximately $620,000 were not unlawfully made, but in fact were made under the express provision of the law—political expenditures authorized by the law of the State.

It is a fact that in the Pepper campaign the expenditures per vote in the primaries for the Pepper-Fisher ticket was $3.50; the Vare-Beidleman expenditure per vote was $1.32; and the expenditure per vote of Mrs. Pinchot as candidate for Congress in the 1928 primary was $1.35 (see Reed Committee Report, Senate—Rept. 1858, p. 79). The total expenditure of the entire Davis-Brown-Shannon et al. ticket was less than 90 cents per vote, and the maximum total expenditure that could possibly be charged to Senator DAVIS was less than 7 cents per vote. The expenditure per vote of Governor Pinchot in the primary contest for governor, according to reported expenditures, was approximately 25 cents per vote.

LEGAL POSITION

The Senate derives its power in this situation by reason of section 5, article 1, of the Constitution of the United States which reads:

"Each House shall be the judge of the elections, returns, and qualifications of its own Members."

The Supreme Court of the United States has held that Congress has no constitutional power to regulate primary elections by Federal law (256 U. S. 232).

It should be affirmatively borne in mind that Senator DAVIS is at present a Member of the United States Senate with all the rights and privileges that accrue to him under the Constitution of the United States. That status can be changed under the Constitution of the United States only by certain definite methods.

First. The Senate might declare the seat vacant provided the Senate found that the Senator had not, in fact, been "duly chosen" as the Constitution provides by the electors of the State of Pennsylvania; by reason of the fact that the election had been vitiated by fraud or illegal practices connected therewith.

Second. The Senate might declare the seat to be vacant by reason of the fact that the sitting Senator did not have the qualifications prescribed by section 3 of article 1 of the Federal Constitution which provides that "No person shall be a Senator who shall not have attained the age of 30 years and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

In this situation it is an admitted fact that there is no fraud or undue expenditures in the general election. It is affirmatively established that the expenditures made in the primary were all authorized by the laws of the State of Pennsylvania and were in no manner in violation of the corrupt practices act of that State. It is also admitted that the personal expenditures and receipts of Senator DAVIS as filed are correctly reported and are not excessive.

With reference to the qualifications of the Senator under the Constitution no objection has been raised and no contest has been filed.

In conclusion, therefore, it is respectfully submitted that the only question presented by the record in this case is whether Senator DAVIS can be constructively held to be responsible for the total expenditures of the committees for the state-wide Davis-Brown-Shannon et al. State ticket, of which he was the titular head.

For the Senate of the United States to attach responsibility under such facts as these would be to establish a precedent of a most serious character. There would scarcely be a Member of the Congress of the United States who might be elected in a presidential year who, if he happened to be identified with the State ticket and State political committees, might not be faced with the possibility of being held responsible for the total expenditures in a state-wide campaign which would necessarily be in such sums as would unwittingly place him in violation of both the State and Federal corrupt practices act.

The determination of this question involves not only the right of a Senator to a seat in the Senate of the United States, but it involves the right of the voters of a sovereign State to representation in that great body under the Constitution of the United States. To deprive either the voters of the State of Pennsylvania or the Senator involved of such constitutional right upon a theory of constructive responsibility for the violation of some undefined standard of conduct which has never been clearly defined or declared either by State or Federal law to be an offense or an unlawful act can not, we respectfully submit, be seriously considered.

The standard of conduct which is alleged to be violated by the facts in this record have never been defined or declared to be either a crime or a violation of State or Federal law. It is basic in Anglo-Saxon jurisprudence that offenses against the Commonwealth to which penalties are attached must be set forth in statutes with definiteness and certainty; for in no other manner have human rights been secured against the exercise of despotic power. From Magna Charta to the present day, any attempt to impose constructive responsibility for an alleged unlawful act which has never been clearly set forth and defined in advance of the act is abhorrent to all principles of justice. To hold otherwise upon the facts in this record would be in derrogation of the rights of a Senator of the United States and the rights of a sovereign State of the Union. It would, moreover, be in violation of the fundamental and basic law of the land which the Senate of the United States has always vigorously maintained.

JOSEPH E. DAVIES,
CHARLES J. MARGIOTTI,
Counsel for Senator James J. Davis.

ADDITIONAL JUDGE IN NEW YORK

The bill (H. R. 12032) to provide for the appointment of one additional judge for the southern district of New York was announced as next in order.

Mr. BLAINE. Mr. President, I desire to inquire of the junior Senator from New York [Mr. WAGNER] the territory embraced within the southern district of New York.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

PAYMASTER CHARLES R. O'LEARY, UNITED STATES NAVY

The bill (H. R. 1449) for the relief of Paymaster Charles Robert O'Leary, United States Navy, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. Will the Senator from Utah permit the Senator from Maryland [Mr. TYDINGS] to make a statement about this bill?

Mr. KING. Certainly.

Mr. TYDINGS. Mr. President, very briefly, I may state that there were two paymasters in the Navy who, due to a change in the selection law, were left in a particular grade. The Senator from Virginia [Mr. SWANSON] some years ago introduced a special bill under which one of these men was promoted out of that grade. That left this one paymaster, Commander O'Leary, discriminated against. He is the only man in this class, the others having been taken care of by special legislation. He would have been promoted long since except for the fact that the selection act was changed in 1918, and it was impracticable to call him before the examining board until six months after the act had gone into effect. Therefore he was left with another officer in the grade unexamined.

The Senator from Virginia [Mr. SWANSON] has secured the promotion of one of these officers through a special act. All I am asking for is that Congress treat the remaining officer, Commander O'Leary, exactly as was done in the other case.

Mr. KING. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I yield.

Mr. KING. My objection was prompted because of the statement made by the Secretary of the Navy that—

In view of the foregoing the Navy Department recommends against the enactment of the bill.

Mr. TYDINGS. Yes; that is true; but the bill had a hearing in the House of Representatives. It passed the House. It is now over here, where it was referred to the Senate committee, and it is now up for passage with a favorable report. I submit that as long as we have taken care of the other officer in this grade it is fair to take care of this one. Otherwise he will be discriminated against.

I hope there will be no objection to the consideration and passage of the bill.

Mr. KING. I withdraw the objection.

The bill was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That hereafter Paymaster Charles Robert O'Leary, United States Navy, shall be regarded as having been promoted to the rank of pay inspector in the United States Navy on the 11th day of January, 1918: *Provided*, That said Paymaster Charles Robert O'Leary shall establish to the satisfaction of the Secretary of the Navy, by examination, his mental, moral, physical, and professional qualifications to perform all the duties of said grade: *Provided further*, That nothing herein shall be construed to entitle Paymaster Charles Robert O'Leary, United States Navy, to any back pay, allowance, or other emoluments in this permanent rank.

LIEUT. COMMANDER CORNELIUS DUGAN (RETIRED)

The bill (H. R. 816) for the relief of Lieut. Commander Cornelius Dugan (retired) was announced as next in order.

Mr. KING. Mr. President, I see that the Secretary of the Navy recommends against this measure. I do not want to object if there is any adequate explanation of it.

Mr. SMOOT. Let it go over.

Mr. ODDIE. I hope the Senator from Utah will withdraw his objection.

The case is a very meritorious one. The Committee on Naval Affairs has studied it and is satisfied that it is fair and right and that the bill should pass.

Mr. SMOOT. I ask that the bill go over.

Mr. LA FOLLETTE. I call for the regular order.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

AMENDMENT OF SECOND DEFICIENCY ACT, FISCAL YEAR 1930

The bill (S. 6210) to amend the second deficiency act, fiscal year 1930, was announced as next in order.

Mr. SMOOT. Mr. President, the second deficiency act has already passed.

Mr. FESS. Mr. President, will the Senator yield for a moment? This bill is to correct an error in the bill requiring the town of New Bern to pay for the site on which the post office is located the same amount that a new site would cost. We just eliminate that.

Mr. SMOOT. If I am not mistaken, that very matter has been corrected in the deficiency bill.

Mr. FESS. That may be. I do not know. It was not so.

Mr. JONES. That item is in dispute in conference.

Mr. SMOOT. What I mean to say is: It is in the second deficiency bill, and, of course, it is one of the items that will have to be finally decided.

Mr. FESS. This bill is simply to place the town of New Bern in just the same position as every other town.

Mr. SMOOT. I have no objection to the bill, but I think the matter ought to be attended to in the second deficiency bill.

Mr. FESS. I hope the Senator will let this bill go through. It will not do any harm.

Mr. SMOOT. It will not do any harm, and it will not do any good.

The Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the following proviso in the second deficiency act, fiscal year 1930, is hereby repealed: "*Provided*, That no new site shall be acquired unless the city of New Bern shall agree to purchase the old site and building for a sum not less than the cost of the new site, and in the event such an agreement is entered into the Secretary of the Treasury may sell such old site and building to the city on such terms as he may deem proper."

PURCHASE OR CONSTRUCTION OF BUILDINGS FOR POST-OFFICE STATIONS, ETC.

The bill (H. R. 13566) to provide for the purchase or construction of buildings for post-office stations, branches, and garages, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. FESS. Mr. President, will the Senator withhold his objection?

Mr. LA FOLLETTE. Mr. President, I think there would not be any purpose in doing that. I am objecting on behalf of a Senator who is not present. Therefore, any argument the Senator might make would not make any difference.

Mr. FESS. Will the Senator permit me to make a very brief statement?

Mr. LA FOLLETTE. If the Senator will make it very brief.

Mr. FESS. It will be very brief.

Mr. President, the committee unanimously reported this bill. It is simply to put into the hands of the Postmaster General a leverage so that he can get better terms in these renewals of leases. There are about 78 buildings of the first class now occupied under leases that will have to be renewed, 14 others of the second class, 91 stations, and 15 garages. All of these must be either released or purchased, and if we do not pass this authority the Government can be held up in making the leases. That is why I had hoped to have the bill considered and passed at this time.

Mr. SMOOT. Again I want to call the Senator's attention to the fact that in the purchase of these stations we have saved at least one-half of the interest on the investment.

Mr. LA FOLLETTE. Mr. President, I am not in a position to listen to the arguments. Senators realize that requests are made for objections, and the Senator who made the request of me is absent. Therefore, under the circumstances, I shall reluctantly have to insist upon my objection.

The PRESIDENT pro tempore. The bill is indicated to have gone over.

ZUNI PUEBLO INDIANS, NEW MEXICO

The bill (H. R. 8476) to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a survey to be made of the land held by the Zuni Pueblo Indians in New Mexico as their grant under section 8 of the act of July 22, 1854 (10 Stat., 308, 309), and the boundaries thereof identified: *Provided*, That upon completion of the required survey, and acceptance thereof, he shall cause to be issued to the Zuni Indians a patent covering the lands surveyed, of the same form heretofore issued for other Pueblo Indian grants in New Mexico.

KIOWA INDIAN RESERVATION, OKLA.

The bill (S. 5799) authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Kiowa Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita, Caddo, and Delaware Indians, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to advertise and sell to the highest bidder for cash, the following-described tracts of land on the Wichita, Caddo, and Delaware Indian Reservation in Oklahoma: The southeast quarter southeast quarter, section 3, township 9 north, range 10 west, Indian meridian, in Oklahoma, 40 acres; and the north half northeast quarter northwest quarter and southeast quarter northeast quarter northwest quarter, section 10, township 7 north, range 10 west, Indian meridian, in Oklahoma, 30 acres: *Provided*, That the proceeds derived therefrom shall be used by the Secretary of the Interior in purchasing suitable tracts of lands more conveniently situated for the Wichita, Caddo, and Delaware Indians.

SEC. 2. The Secretary of the Interior is hereby authorized to make rules and regulations necessary for carrying into effect the provisions of this act.

LAKE CHAMPLAIN BRIDGE

The Senate proceeded to consider the bill (S. 6188) to extend the times for commencing and completing the construction of a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt., which had been reported from the Committee on Commerce with an amendment, on page 2, line 1, to strike out "the date is hereby expressly reserved" and to insert in lieu thereof "March 2, 1931," so as to read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across Lake Champlain, at a point suitable to the interests of navigation, between a point at or near East Alburg, Vt., and a point at or near Swanton, Vt., authorized to be built by Jed P. Ladd, of Burlington, Vt., his heirs, legal representatives, and assigns, by the act of Congress approved March 2, 1929, are hereby extended one and three years, respectively, from March 2, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER OF THE NORTH BRIDGE

The Senate proceeded to consider the bill (S. 6205) to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922.

Mr. SHIPSTEAD. Mr. President, I ask that House bill 16334 similar to the Senate bill, be substituted for the Senate bill.

The PRESIDENT pro tempore. Will not the Senator from Minnesota inform the Chair whether that bill has passed the House? There is no indication on the calendar that it is in the Senate.

Mr. McNARY. I ask for the regular order.

Mr. SHIPSTEAD. Mr. President, I move that the Senate Committee on Commerce be discharged from the consideration of the House bill.

Mr. McNARY. I suggest that we proceed with the calendar, and return to that bill when the House bill is located.

The PRESIDENT pro tempore. Without objection, the bill will be passed over temporarily.

SALARY OF DIRECTOR OF UNITED STATES VETERANS' BUREAU

The bill (S. 6237) fixing the salary of the Director or the Acting Director of the United States Veterans' Bureau was announced as next in order.

Mr. CONNALLY. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CONVEYANCE OF LAND TO THE STATE OF WYOMING

The Senate proceeded to consider the bill (S. 3771) authorizing the Secretary of the Interior to convey certain lands to the State of Wyoming, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 7, after the word "Wyoming," to insert the words "upon tender by the State of Wyoming of a quitclaim deed to the United States of all its right, title, and interest in and to the remaining lands in said section 36," so as to read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to the State of Wyoming for the east half of northeast quarter of section 36, township 58 north, range 100 west of the sixth principal meridian, in Park County, Wyo., upon tender by the State of Wyoming of a quitclaim deed to the United States of all its right, title, and interest in and to the remaining lands in said section 36: *Provided*, That title to said land shall be held and considered to have vested in the State of Wyoming on July 10, 1890.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MISSOURI RIVER BRIDGE, NEBRASKA

The Senate proceeded to consider the bill (S. 6228) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr., which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved March 29, 1928, heretofore extended by act of Congress approved March 2, 1929, and further extended by act of Congress approved March 3, 1930, are hereby further extended one and three years, respectively, from March 29, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

VOCATIONAL EDUCATION

The Senate proceeded to consider the bill (S. 3969) to provide for the further development of vocational education in the several States and Territories, and for other purposes, which had been reported from the Committee on Education and Labor, with amendments, on page 1, line 6, to strike out "1931" and insert in lieu thereof "1932."

Mr. BINGHAM. Mr. President, I ask that this bill may be read.

The PRESIDENT pro tempore. The clerk will read, as requested.

The Chief Clerk proceeded to read the bill.

The first amendment of the committee was, on page 1, line 6, to strike out "1931" and insert in lieu thereof "1932."

The amendment was agreed to.

The reading was resumed, the next amendments of the committee being on page 1, line 7, to strike out "$1,000,000" and insert in lieu thereof "$500,000"; and on page 1, line 8, to strike out "$1,000,000" and insert "$500,000."

The amendments were agreed to.

Mr. BINGHAM. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

SULLYS HILL NATIONAL GAME PRESERVE

The Senate proceeded to consider the bill (H. R. 8534) for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes, was considered, read the third time, and passed.

ISLE ROYALE NATIONAL PARK

The bill (S. 6221) to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Mr. President, I ask that House bill 17005, which is identical with the Senate bill as amended, be substituted for the Senate bill.

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That when title to all alienated lands within Isle Royale in Lake Superior, Keweenaw County, Mich., and immediately surrounding islands as shall be designated by the Secretary of the Interior in the exercise of his judgment and discretion as necessary or desirable for national-park purposes shall have been vested in the United States and exclusive jurisdiction over the same shall have been ceded by the State of Michigan to the United States, said area shall be, and is hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, and shall be known as the Isle Royale National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States title to any lands located on said islands offered to the United States, without cost, as may be deemed by him necessary or desirable for national-park purposes.

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes," as amended: *Provided*, That the provisions of the act approved June 10, 1920, known as the Federal water power act, shall not apply to this park.

The PRESIDENT pro tempore. Without objection, Senate bill 6221 will be indefinitely postponed.

THE STAR-SPANGLED BANNER

Mr. TYDINGS. Mr. President, a moment ago objection was made to the consideration of Order of Business 1501, The Star-Spangled Banner bill. I understand the objection has been withdrawn.

Mr. LA FOLLETTE. Mr. President, I shall object to returning to bills already passed over until we finish the call of the calendar.

The PRESIDENT pro tempore. Objection is made.

EASTERN DISPENSARY AND CASUALTY HOSPITAL

The Senate proceeded to consider the bill (S. 6246) providing for an appropriation toward the alteration and repair of the buildings of Eastern Dispensary and Casualty Hospital, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of the revenues of the District of Columbia and the Federal Government in like manner as other appropriations of the District of Columbia, the sum of $50,000 for the alteration and repair of the present buildings of Eastern Dispensary and Casualty Hospital in the District of Columbia, and for retiring the present existing indebtedness on such buildings: *Provided*, That not more than $20,000 of this appropriation may be used for the alterations and repairs under the supervision of the municipal architect.

CONSTRUCTION OF PIPE LINES

The bill (S. 5814) to provide for the issuance of permits for the construction of pipe lines for the importation into the United States of natural or artificial gas, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That after the date of the enactment of this act it shall be unlawful for any person to undertake the extension of a pipe line, or the construction of a new pipe line, for the purpose of importing or through which there could be imported into the United States any natural or artificial gas, or to engage in the importation into the United States by means of such new or extended pipe line of any natural or artificial gas, unless and until there shall first have been obtained from the Secretary of the Interior a permit for such extension, construction, or importation. No such permit shall be granted unless the Secretary of the Interior finds that such extension, construction, or importation will be in the public interest, having regard, among other factors, to the needs of the territory to be served by such pipe line, the potential competition of such pipe line with the pipe lines of domestic producers, and the effect of its operation upon the revenues accruing to the United States out of gas leases on the public lands.

SEC. 2. The application for and issuance of any such permit shall be under such rules and regulations as to hearing and other matters as the Secretary of the Interior may from time to time prescribe. Upon receipt of any application for such permit the Secretary of the Interior shall cause notice thereof to be given to and a copy filed with the governor of each State in which such new or extended pipe line is proposed to be constructed. Said notice shall also be published once each week for three consecutive weeks in some newspaper of general circulation in each county in or through which such pipe line is proposed to be constructed. The public service or utilities commission, or other appropriate authorities of the State, shall have the right to make before the Secretary of the Interior such representations as they may deem just and proper for preserving and conserving the rights and in-

terests of their people and the States, respectively, involved in such proceedings, and any party in interest shall be entitled to be heard therein.

SEC. 3. Any construction or operation contrary to the provisions of this act may be enjoined by any court of competent jurisdiction at the suit of the United States, the Secretary of the Interior, any commission or regulatory body of the State or States affected, or any party in interest.

SEC. 4. Nothing in this act shall be construed to relieve any person from complying with any law, State or Federal, nor to authorize any action for which a permit is required under this act, if such action is prohibited by other law, State or Federal.

MARGARET M'CREANOR

The bill (S. 5988) authorizing the issuance to Margaret McCreanor of a patent for certain lands was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of the homestead laws relating to residence requirements, the Secretary of the Interior is authorized and directed to issue to Margaret McCreanor, of Helena, Mont., widow of Richard McCreanor, a patent for the lands upon which homestead entry was made by the said Richard McCreanor, homestead entry survey No. 1180, township 11 north, range 1 west, principal meridian, containing 33.02 acres.

ACCOUNTS OF DISBURSING OFFICERS

The Senate proceeded to consider the bill (H. R. 8677) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department, which had been reported from the Committee on Claims with amendments, on page 4, to strike out the proviso in the following words:

Provided, That refund to Major Miller in the amount of $75 is hereby authorized and directed, being the amount refunded by him to the United States on account of this disallowance.

The amendment was agreed to.

The next amendment of the committee was to insert at the end of the bill the following:

SEC. 13. That hereafter any officer, warrant officer, or nurse of the Army, who, upon trial by a general court-martial is found to be indebted to the United States by reason of any overpayment, or to have received money to which he or she is not entitled, and who upon demand by the Secretary of War has refused to refund the same, shall be summarily dismissed from the service.

SEC. 14. That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of the following-named officers of the Army of the United States in the sums herein stated, which now stand as disallowances on the books of the General Accounting Office:

Clarence M. Exley, major, Finance Department, the sum of $22.56, representing public funds for which he is accountable, being payment of mileage of two officers of the Army traveling on orders of the War Department.

William A. MacNicholl, major, Finance Department, the sum of $145.70, representing public funds for which he is accountable, being payment of mileage and expenses to an officer of the Army traveling on orders of the War Department.

Arthur O. Walsh, captain, Finance Department, the sum of $84.60, representing public funds for which he is accountable and which comprise minor errors in computation of pay and allowances due military personnel who are no longer in the service of the United States.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Austin H. Brown, major, Finance Department, the sum of $46.58, being the amount he has refunded to the United States on account of disallowances in his account as a disbursing officer.

Mr. HOWELL. Mr. President, I offer an amendment as a substitute for section 13.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. The Senator from Nebraska offers the following substitute for the amendment proposed by the committee, on pages 6 and 7, to strike out section 13, and insert in lieu thereof the following:

SEC. 13. That hereafter disbursing officers are authorized and directed to withhold from the pay, allowances, or moneys payable on any other account to any person by the United States, the amount of any payment or payments made to such person and disallowed in the accounts of any disbursing officer.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MILBURNE CREEK, NEW YORK

The bill (H. R. 16632) to legalize a quay in Milburne Creek at Baldwin Harbor, N. Y., was considered, ordered to a third reading, read the third time, and passed.

DISPOSAL OF LIGHTHOUSE RESERVATIONS, MICH.

The bill (H. R. 9413) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan, was considered, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, NORTH DAKOTA

The bill (S. 6252) granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of North Dakota to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Elbowoods, N. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

SURVEY OF WILLAMETTE RIVER, OREG.

The Senate proceeded to consider the bill (S. 6166) to provide for preliminary examination and survey to be made of the Willamette River and its tributaries, Oregon, with a view to providing a navigable channel from Portland to Springfield, which had been reported from the Committee on Commerce with an amendment, on page 1, line 9, to strike out "examination and survey" and insert in lieu thereof "examinations, surveys, and contingencies of rivers and harbors," so as to read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination and survey to be made of the Willamette River and its tributaries, Oregon, with a view to providing a navigable channel from Portland to Springfield. The cost of such examination and survey shall be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION ON NATIONAL BANK SHARES

The bill (S. 1550) to amend section 5219 of the Revised Statutes, as amended, was announced as next in order.

SEVERAL SENATORS. Over!

The PRESIDENT pro tempore. The bill will be passed over.

Mr. NORBECK. Mr. President, this bill was reported by me from the Committee on Banking and Currency, and I ask that the report be printed in the RECORD at this point.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 1806, Seventy-first Congress, third session]

TAXATION ON NATIONAL BANK SHARES

Mr. NORBECK, from the Committee on Banking and Currency, submitted the following report (to accompany S. 1550):

The Committee on Banking and Currency, to whom was referred the bill (S. 1550) to amend section 5219 of the Revised Statutes, as amended, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The purpose of this bill is simply to restore to the States the right to tax national banks the same as State banks—a right they had enjoyed for about a half century before it was abrogated by a decision of the Supreme Court of the United States to such an extent that in many States it is now impossible or impracticable to tax national banks proportionately with State banks.

The proposed bill reads as follows:

"*Be it enacted, etc.*, That subdivision (b) of paragraph 1 of section 5219 of the Revised Statutes, as amended, is amended to read as follows:

"In the case of a tax on shares, the taxes imposed shall not be at a greater rate than is assessed upon other moneyed capital used or employed in the business of banking."

The court held in effect that the rate applied to moneys and credits must under certain conditions be the basis of bank taxation. The result is that in certain States national banks have refused to pay their usual taxes and are paying one-tenth or less.

Some States finding the condition intolerable have been compelled to extend the same privilege to State banks, with the result that the tax burden falls heavily on other classes of property and other taxpayers in the community.

It has been argued that it may be dangerous to grant this power to the States, but the answer is that the States have enjoyed such power for about 50 years and have not abused it.

Exhaustive hearings were held on this question. Every interest was heard. Everyone admits the unfairness of the present situation. A great injustice results.

The committee is of the opinion that the remedy lies in the proposed legislation.

JOHN T. O'NEIL

The bill (H. R. 3564) for the relief of John T. O'Neil was considered, ordered to a third reading, read the third time, and passed.

GENERAL PULASKI'S MEMORIAL DAY

The Senate proceeded to consider the joint resolution (S. J. Res. 247) directing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, which had been reported from the Committee on the Library with an amendment, on page 2, line 4, to strike out "directed" and insert in lieu thereof "requested," so as to read:

Resolved, etc., That the President of the United States is authorized and requested to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1931, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies of the death of Gen. Casimir Pulaski.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was stricken out.

The title was amended so as to read: "Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski."

A. J. BELL

The Senate proceeded to consider the bill (H. R. 10052) for the relief of A. J. Bell.

The bill was ordered to a third reading, read the third time, and passed.

DR. W. A. COX

The Senate proceeded to consider the bill (H. R. 6207) for the relief of the estate of the late Dr. W. A. Cox.

The bill was ordered to a third reading, read the third time, and passed.

H. L. LAMBERT

The Senate proceeded to consider the bill (H. R. 7833) for the relief of H. L. Lambert.

The bill was ordered to a third reading, read the third time, and passed.

PORT ARTHUR CANAL & DOCK CO.

The Senate proceeded to consider the bill (H. R. 12498) for the relief of the Port Arthur Canal & Dock Co.

The bill was ordered to a third reading, read the third time, and passed.

CHARLES THOMAS AND EDGAR THOMAS

The Senate proceeded to consider the bill (H. R. 303) for the relief of Charles Thomas and Edgar Thomas, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Thomas, the sum of $50 a month for 100 months, from and after the date of the approval of this act, in full settlement of all claims against the Government for injuries sustained by him on October 8, 1928, when he was struck by an Army truck. Such monthly payments shall be made through the Employees' Compensation Commission.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act for the relief of Charles Thomas."

LOUIS CZIKE

The bill (H. R. 5521) for the relief of Louis Czike, was considered, ordered to a third reading, read the third time, and passed.

BOARD OF UNDERWRITERS OF NEW YORK

The bill (H. R. 8785) for the relief of the Board of Underwriters of New York, was considered, ordered to a third reading, read the third time, and passed.

THOMAS C. EDWARDS

The Senate proceeded to consider the bill (H. R. 8953) for the relief of Thomas C. Edwards, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the claim of Thomas C. Edwards growing out of losses suffered under contracts of June 13, 1917, for delivering hay to the Quartermaster Corps, Fort Sam Houston, Tex., is hereby referred to the United States Court of Claims with jurisdiction to hear the same to judgment and with instructions to adjudicate the same upon the basis of the losses suffered due to conditions arising out of the late war, to the cancellation of orders given by the Government for the delivery of the hay, and the encountering of a severe drought.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WALTER L. TURNER

The bill (H. R. 9035) for the relief of Walter L. Turner, was considered, ordered to a third reading, read the third time, and passed.

NEW YORK MARINE CO.

The bill (H. R. 9575) for the relief of the New York Marine Co. was considered, ordered to a third reading, read the third time, and passed.

BARNET ALBERT

The bill (H. R. 10631) for the relief of Barnet Albert, was considered, ordered to a third reading, read the third time, and passed.

FRANK J. SPENCER

The bill (H. R. 11911) for the relief of Frank J. Spencer, was considered, ordered to a third reading, read the third time, and passed.

COOPERATIVE CREDIT LAWS

The resolution (S. Res. 408) to make a complete survey of cooperative credit laws and systems, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

OKAW DAIRY CO.

The bill (H. R. 9354) for the relief of Okaw Dairy Co. was considered, ordered to a third reading, read the third time, and passed.

CHARLES S. GAWLER

The bill (H. R. 8983) for the relief of Charles S. Gawler, was considered, ordered to a third reading, read the third time, and passed.

FRANK J. MICHEL AND OTHERS

The Senate proceeded to consider the bill (H. R. 12632) for the relief of Frank J. Michel and Barbara M. Michel and others, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$5,000" and insert in lieu thereof "$2,500"; on page 2, line 6, to strike out "$5,000" and insert in lieu thereof "$2,500"; on page 2, line 17, to strike out "$5,000" and insert in lieu thereof "$2,500," so as to read:

Be it enacted, etc., That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to

pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,500 to Frank J. Michel and Barbara M. Michel, in full for all claims they, or either of them, may have against the Government on account of the death of their son, Lawrence Michel, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States.

SEC. 2. That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,500 to Sophia Mary Klima, widow, in full for all claims she may have against the Government on account of the death of her daughter, Elsie Klima, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States.

SEC. 3. That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,500 to Katie Kroart, widow, in full for all claims that she may have against the Government on account of the death of her son, William E. Kroat, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

H. H. LEE

The Senate proceeded to consider the bill (H. R. 7339) for the relief of H. H. Lee, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$233.75" and insert in lieu thereof "$150," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government, the sum of $150 to H. H. Lee as reimbursement for loss by fire to his own property while assigned to protection of Government holdings during the Half Moon forest fire in Glacier National Park.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

L. E. BURTON

The bill (H. R. 7784) for the relief of Mrs. L. E. Burton was considered, ordered to a third reading, read the third time, and passed.

POSTMASTER A. E. WHITE

The bill (H. R. 12076) authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds was considered, ordered to a third reading, read the third time, and passed.

MILDRED B. CRAWFORD

The bill (S. 6226) for the relief of Mildred B. Crawford was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mildred B. Crawford the sum of $2,500 in full settlement of all claims against the Government of the United States for injuries which she sustained December 4, 1924, by the revolving door (which had been condemned) at the front entrance of the post office at Staunton, Va.: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JOHN SANFORD TILLOTSON

The Senate proceeded to consider the bill (H. R. 10562) for the relief of John Sanford Tillotson which had been reported from the Committee on Claims, with an amendment, on page 1, line 11, strike out the "period" after "insurance," insert a "colon" and add the following:

Provided, That Catherine M. Tillotson, the second wife of Dr. Clarence A. Tillotson, deceased, shall first waive any vested right she may have in said war-risk term insurance.

So as to make the bill read:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed to pay to John Sanford Tillotson, designated beneficiary under the war-risk term insurance granted to Clarence A. Tillotson (XC 1391507, formerly captain, Medical Corps), the benefits payable by reason of the maturity of said insurance in the same manner as though the said John Sanford Tillotson were within the restricted permitted class of beneficiaries for war-risk term insurance: *Provided*, That Catherine M. Tillotson, the second wife of Dr. Clarence A. Tillotson, deceased, shall first waive any vested right she may have in said war-risk term insurance.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RELIEF OF THE STATE OF CALIFORNIA

The bill (S. 5080) for the relief of the State of California, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the net balance due the State of California of $6,462,145.33 as certified by the Comptroller General of the United States, August 14, 1930, and printed in Senate Document Numbered 220, Seventy-first Congress, third session, the same to be accepted in full settlement of all advances and expenditures and interest thereon made by said State.

Mr. KING. Mr. President, what became of calendar 1991?

The PRESIDENT pro tempore. That measure was passed last night as amended.

DIPLOMATIC AND CONSULAR ESTABLISHMENTS

The bill (S. 6255) to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of further carrying into effect the provisions of the Foreign Service buildings act, 1926, as amended, there is authorized to be appropriated, in addition to the amount authorized by such act, an amount not to exceed $10,000,000 of which not more than $2,000,000 shall be appropriated for any one year. Sums appropriated pursuant to this act shall be available for the purposes and be subject to the conditions and limitations of such act, as amended.

TALLAHATCHIE RIVER BRIDGE

The bill (H. R. 16115) granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River was considered, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF THE OIL INDUSTRY

The resolution (S. Res. 418) creating a special committee to investigate crude-oil prices and certain other matters relating thereto, was announced as next in order.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that Senate resolution 418 be postponed for consideration in connection with a joint resolution now ready to be reported by the chairman of the Finance Committee.

The PRESIDENT pro tempore. The attention of the Chair was attracted elsewhere for the moment. Will not the Senator repeat his request?

Mr. THOMAS of Oklahoma. Mr. President, the resolution now under consideration is the resolution about which I spoke at some length on yesterday. The resolution does not carry any item of expense for the investigation committee. On yesterday it was suggested that the resolution be amended to provide for the sum of $10,000. If there is no objection to the resolution at this time, I desire to move that the item of expense be limited to $10,000.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Oklahoma.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. THOMAS of Oklahoma. I yield.

Mr. FESS. The Committee to Audit and Control the Contingent Expenses of the Senate took this matter up for consideration, and agreed that if the item of expense could be limited to $10,000 the resolution would be reported, and we will report it under that condition.

The CHIEF CLERK. On page 4, line 1, the committee proposes to insert "not exceeding in the aggregate $50,000." The Senator from Oklahoma moves to strike out "$50,000" and insert "$10,000" so as to read:

Not exceeding in the aggregate $10,000.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BLAINE. Mr. President, I desire to offer an amendment adding a new paragraph to the resolution.

The PRESIDENT pro tempore. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. The Senator from Wisconsin proposes to add a new paragraph to read as follows:

Tenth. All facts relating to (a) the effectual and uniform proration of domestic supply; (b) the application of similar proration to like imports; (c) the useful limitation of new oil developments; (d) the maintenance of common carrier privileges in transportation; (e) the protection of equitable markets in behalf of all producers and consumers.

Mr. PHIPPS. Mr. President, I suggest that the resolution go over for later consideration.

The PRESIDENT pro tempore. On objection, the resolution will go over.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the following bills:

H. R. 2222. An act for the relief of Laurin Gosney;

H. R. 6227. An act for the relief of Elizabeth Lynn; and

H. R. 8242. An act for the relief of George W. McPherson.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 531. An act for the relief of John Maika; and

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1412. An act for the relief of Stanislaus Siemek;

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased;

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.;

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;

S. 5215. An act for the relief of H. L. Todd;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5624. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky.;

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games;

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation;

S. 5781. An act granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park;

S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;

S. 6179. An act to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo.;

S. 6180. An act to legalize a bridge across the St. Francis River 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

S. 6181. An act to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.;

S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;

S. 6190. An act authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State;

S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy";

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

S. 6254. An act for the relief of United States Marshal George B. McLeod;

S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.;

H. R. 16111. An act to amend section 1 of the second Liberty bond act, as amended;

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.; and

S. J. Res. 233. Joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, March 3, 1931, that committee presented to the President of the United States, the following enrolled bills and joint resolutions:

S. 1412. An act for the relief of Stanislaus Siemek;

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased;

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.;

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;

S. 5215. An act for the relief of H. L. Todd;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5624. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky.;

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games;

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation;

S. 5781. An act granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park;

S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana, to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;

S. 6161. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;

S. 6179. An act to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo.;

S. 6180. An act to legalize a bridge across the St. Francis River 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

S. 6181. An act to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.;

S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;

S. 6190. An act authorizing the State of West Virginia, by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State;

S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy";

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

S. 6254. An act for the relief of United States Marshal George B. McLeod;

S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.;

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.; and

S. J. Res. 233. Joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces.

HEIRS OF C. K. BOWEN

The bill (S. 4075) for the relief of the heirs of C. K. Bowen, deceased, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Mary E. Christenson, Houston, Tex.; Mrs. F. N. Helman, Seabrook, Tex.; Mrs. A. B. Christenson, Burbank, Calif.; and C. K. Bowen, Burbank, Calif., heirs of C. K. Bowen, deceased, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $450.50, for damages sustained by the said heirs of the said C. K. Bowen, deceased, who lost his life during the hurricane of September 8, 1900, when the light station at Halfmoon Shoals, Tex., was demolished and the said C. K. Bowen was drowned, as shown by Public Document No. 103, Fifty-seventh Congress, first session, dated December 7, 1901.

S. F. STACHER

The bill (S. 6124) for the relief of S. F. Stacher was considered, and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of S. F. Stacher, superintendent and special disbursing agent, Eastern Navajo Indian Agency, Crown Point, N. Mex., in the sum of $3,004.17, representing an expenditure of that sum in the appropriation for Indian school buildings, over and above the $37,000 authorized for construction and equipment of a heating and power plant at Eastern Navajo School, fiscal year 1929.

Mr. KING. I ask that the bill go over.

Mr. BRATTON. Mr. President, let me make a brief statement before the Senator offers his objection. In the construction of certain buildings the amount exceeded the appropriation. My recollection is that it grew out of an incorrect estimate of freight charges. Mr. Stacher did not get a dime of this money. It all went into improvements at the Indian Agency. It is merely to prevent a technical charge against him of $3,004, of which he did not get a dime. The Government has the full amount and it is recommended by the department and, as I understand, by the General Accounting Office.

Mr. KING. I shall not press the objection.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGINE PORGES ZIMMERMAN

The bill (H. R. 918) for the relief of Regine Porges Zimmerman was considered, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF OIL INDUSTRY

Mr. BLAINE. Mr. President, I ask permission to return to Calendar No. 1905, the resolution (S. Res. 418) creating a special committee to investigate crude-oil prices and certain other matters relating thereto. I desire to withdraw the amendment which I offered.

The VICE PRESIDENT. Without objection, the Senate will recur to the consideration of Calendar 1905.

Mr. PHIPPS. Mr. President, at the time I entered an objection to the resolution and asked that it go over. I still maintain my objection.

The PRESIDENT pro tempore. Objection is made.

JOSIAH J. HOSTETLER

The bill (H. R. 2589) for the relief of Josiah J. Hostetler was considered, ordered to a third reading, read the third time, and passed.

WILLIAM H. BALDWIN

The bill (H. R. 2699) to authorize an appropriation to cover damages to an automobile of William H. Baldwin was considered, ordered to a third reading, read the third time, and passed.

A. S. PHIPPS

The bill (H. R. 5063) for the relief of A. S. Phipps was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6288) for the relief of Frank Rizzuto was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

WIDOW OF JOHN CURTIS STATON

The bill (H. R. 9660) for the relief of the widow of John Curtis Staton was considered, ordered to a third reading, read the third time, and passed.

FRITZ ZOLLER

The bill (H. R. 11189) for the relief of Fritz Zoller was considered, ordered to a third reading, read the third time, and passed.

CHARLES C. BENNETT

The bill (S. 4348) for the relief of Charles C. Bennett was considered. The bill had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$15,000" and insert "$2,174.60," and at the end of the bill to add a new proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles C. Bennett, of the city of Candor, N. C., the sum of $2,174.60 for bodily injuries sustained by him on December 16, 1927, when an automobile in which he was riding was in collision with a reconnaissance truck at the United States Army, the said truck being one of a fleet of trucks traveling toward Fort Bragg, N. C., driven by Private Thomas C. Robertson, of Fort Bragg, N. C.: *Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLEGHENY RIVER BRIDGE, VENANGO COUNTY, PA.

The bill (H. R. 17196) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa., was considered, ordered to a third reading, read the third time, and passed.

ADJUSTED-SERVICE CERTIFICATES

The bill (S. 6269) relating to the making of loans to veterans upon their adjusted-service certificates was announced as next in order.

Mr. SMOOT. Mr. President, this bill was placed upon the calendar without going to a committee. I move that the bill be referred to the Committee on Finance.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Utah.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator from Utah will not do that. It is a very simple bill. It permits the veteran who has taken out his certificate within the last two years to apply for a loan upon his certificate just as others may do who took out their certificates two years or more ago. It would seem to me that the veteran who did not propose to put the Government to the expense of issuing a certificate is to be commended, even though he may now be in a position where he has to ask for the issuance of it, and he ought to be permitted to apply for a loan upon it.

Mr. SMOOT. But that is not all there is in the bill. I am quite sure if the Senator knew what it is he would not approve of it, as the committee did not approve of it this morning.

Mr. WALSH of Massachusetts. As I understood the Senator from Kentucky [Mr. BARKLEY], this is the only provision in the bill.

Mr. SMOOT. I do not want to discuss it now, but I shall object to its present consideration, anyway.

The PRESIDENT pro tempore. On objection, the bill will go over.

Mr. COPELAND. Mr. President, I hope the matter may be adjusted. The very thing the President was pleading for was relief of the needy veteran, and I find these veterans who delayed making application until this time are the very ones who are in need.

Mr. SMOOT. But that is not what the bill provides. When the bill comes before the Senate at the proper time I shall call the attention of the Senate to its provisions.

Mr. SMITH. Mr. President, may I ask the Senator from Utah what chance the bill has of coming before the Senate if it is not acted on now?

Mr. SMOOT. Even if it does not go to the committee I shall be obliged to object to the present consideration of the bill and that will settle it.

Mr. McNARY and Mr. PHIPPS called for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Clerk will report the next bill on the calendar.

WILLIAM L. BRUHN

The bill (H. R. 2466) for the relief of William L. Bruhn, was considered and was read.

Mr. BINGHAM. Mr. President, the bill to which the Senator from Utah objected just a moment ago is one to which many of us might be opposed, but I hope the Senator from Utah will withdraw his objection and before 12 o'clock to-morrow permit us to pass it for this reason——

Mr. COUZENS. Mr. President, the bill has gone over and I call for the regular order.

Mr. BINGHAM. I am speaking on the bill now before the Senate. Have I five minutes to speak on that bill or not?

The PRESIDENT pro tempore. Under the rule the Senator has five minutes, one and one-half minutes of which have already expired.

Mr. BINGHAM. Congress by a large majority, in which I did not participate, voted to override the President's veto on the adjusted-service certificate legislation. The theory on which they did it was to relieve particularly the ex-service men who are in distress. A great many ex-service men have never taken out their bonus certificates because of reasons best known to themselves. They felt that in justice to themselves they would not do it, but under the pressure of present distress circumstances in the country a great

many have taken out their certificates within the last few weeks.

It does not seem to me fair, although I am opposed to the legislation and was opposed to it, to deny to these service men who find themselves in great distress at this particular time the right to make loans on their certificates when those who were more anxious to receive the certificate two years ago or more have their certificates. I hope the Senator from Utah, with whom I acted in opposing the bill, will permit this particular matter to go through in order to relieve those who are in particular distress.

Mr. SMOOT. Mr. President, I can not do it because it would be an injustice to all the other veterans, and there is no need of putting a few of them upon a preferential basis.

The PRESIDENT pro tempore. The question is on the passage of the bill (H. R. 2466) for the relief of William L. Bruhn.

The bill was ordered to a third reading, read the third time, and passed.

MABEL L. BROWN

The bill (H. R. 3556) for the relief of Mabel L. Brown was considered and was read.

Mr. COPELAND. Mr. President, may I have the attention of the Senator from Utah [Mr. SMOOT] for a moment? I plead with the Senator from Utah to permit the veterans' adjusted service certificate bill to pass.

Mr. SMOOT. I can not do it, so the Senator need not proceed.

Mr. COPELAND. If the Senator will listen a moment I shall be glad. The very fact that these veterans have not applied until now is an evidence that they were seeking to save that little reserve. But in this time of necessity the situation is different. I have no doubt the Senator has had letters, like I have had, from wives of veterans begging that now they might be permitted to have the relief which would be afforded them under this bill. I am sure the kind heart of the Senator from Utah would be touched if he has received such letters, and that he would permit the passage of the bill.

Mr. SMOOT. That is not involved in the matter at all. When the bill comes before the Senate I shall tell the Senate just what the condition is. Why should these veterans have the advantage of $15,000,000—and that is what it would mean if we passed this bill. In the committee to-day, when it was considered, we decided not to report it.

Mr. COPELAND. I am very sorry.

The PRESIDENT pro tempore. The question is on the passage of the bill, H. R. 3556, for the relief of Mabel L. Brown.

The bill was ordered to a third reading, read the third time, and passed.

HAROLD M. REED

The bill (H. R. 5813) for the relief of Harold M. Reed was considered, ordered to a third reading, read the third time, and passed.

WILLIAM FISHER

The bill (H. R. 9070) for the relief of William Fisher was considered, ordered to a third reading, read the third time, and passed.

THOMAS MURPHY

The bill (H. R. 1428) for the relief of Thomas Murphy was considered, ordered to a third reading, read the third time, and passed.

URIEL SLITER

The bill (H. R. 10113) for the relief of Uriel Sliter was considered, ordered to a third reading, read the third time, and passed.

FRANK C. RUSSELL

The bill (H. R. 1605) for the relief of Frank C. Russell, was considered, ordered to a third reading, read the third time, and passed.

FRANK D. PECK

The bill (H. R. 896) for the relief of Frank D. Peck was considered, ordered to a third reading, read the third time, and passed.

MILTON LOCKHART

The bill (H. R. 5931) for the relief of Milton Lockhart was considered, ordered to a third rading, read the third time, and passed.

ARTHUR MOFFATT

The bill (H. R. 3004) for the relief of Arthur Moffatt, deceased, was considered, ordered to a third reading, read the third time, and passed.

WILLIAM MARKS

The bill (H. R. 10136) for the relief of William Marks, also known as William Marsh, was considered, ordered to a third reading, read the third time, and passed.

JOSEPH C. LOONEY

The bill (H. R. 5933) for the relief of Joseph C. Looney was considered, ordered to a third reading, read the third time, and passed.

J. WALTER SMITH

The bill (H. R. 5932) for the relief of J. Walter Smith was considered, ordered to a third reading, read the third time, and passed.

CASEY M'DANNELL

The bill (H. R. 644) for the relief of Casey McDannell was considered, ordered to a third reading, read the third time, and passed.

COMMEMORATION OF BATTLE OF KINGS MOUNTAIN

The bill (H. R. 6128) to establish a national military park to commemorate the Battle of Kings Mountain was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to commemorate the Battle of Kings Mountain, which was fought on the 7th day of October, 1780, the Kings Mountain battle ground, in the State of South Carolina, including such adjacent and contiguous lands as may be useful and proper in effectually carrying out the purposes of this act, is hereby declared to be a national military park, to be known as the Kings Mountain National Military Park, when such land including said battle ground shall become the property of the United States.

SEC. 2. The Secretary of War shall ascertain on what land the Battle of Kings Mountain was fought and, subject to the provisions of section 355 of the Revised Statutes, shall proceed to acquire title to such land together with such adjacent and contiguous lands as he may deem useful and proper in effectually carrying out the purposes of this act, either by purchase or gift or by condemnation under the provisions of the act entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888.

SEC. 3. Such park shall be under the control and direction of the Secretary of War. The Secretary is authorized to prescribe from time to time such regulations for the care and management of such park as he may deem necessary.

SEC. 4. Upon such terms and conditions as he may prescribe, the Secretary of War is authorized to permit any person occupying any land within the boundaries of such park to continue to occupy such land, but the Secretary may revoke such permit at any time.

SEC. 5. The Secretary of War shall open or repair such roads in such park as may be necessary, and ascertain and mark with tablets or otherwise, as he may determine, all lines of battle of the American troops and British troops engaged in the Battle of Kings Mountain and other historical points of interest pertaining to the battle which are within the boundaries of the park. The Secretary is authorized to employ such labor and services and to obtain such supplies and materials as may be necessary to carry out the provisions of this section.

SEC. 6. The authorities of any State which had troops engaged in the Battle of Kings Mountain may enter the Kings Mountain National Military Park for the purpose of ascertaining and marking the lines of battle of such troops, but before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be approved by the Secretary of War. Any State organization or individual may, with the approval of the Secretary of War, erect monuments or place tablets within such park.

SEC. 7. There is authorized to be appropriated the sum of $225,000, or so much thereof as may be necessary, in order to carry out the provisions of this act.

Mr. BLEASE presented the following summary, which was ordered to be printed in the RECORD:

MARCH 3, 1931.

Summary of statements made by Col. H. L. Landers, historical section, United States Army, before the Senate Military Affairs Committee January 30, 1931, during the hearing on H. R. 6128, to establish a national military park to commemorate the Battle of Kings Mountain.

The classification of battlefields was made in 1925 by the Army War College, and was adopted as a War Department policy. Kings Mountain was put in Class IIb, sometimes referred to as Class III.

The act providing for battlefield commemoration was approved June 11, 1926.

Colonel Landers was placed in charge of that portion of the historical section, Army War College, which is engaged in studying and investigating battlefields, under the act of 1926. He has been on this work since August, 1927.

One of the first studies made was the 1780–81 campaign in the South. A detailed history of the Battles of Kings Mountain and The Cowpens was prepared and published as a House document.

While engaged in the study of this campaign I was much impressed with the importance of Kings Mountain—so much so, in fact, as to make the following statement in my history:

"In considering the effect of the Battle of Kings Mountain upon the situation in the South, it was only this epic tragedy to Ferguson's army that halted Cornwallis in his subjugation of North Carolina. Without this, or a similar calamity, he would have reached the northern border of the Province in December, and with the Chesapeake occupied by the British Fleet, Virginia would have suffered the same fate."

* * * * * * *

"The Battle of Kings Mountain was the outstanding victory of the Americans in 1780. Following it Cornwallis was compelled to abandon North Carolina, and for a time assume the defensive. It put an end to the possibility of an eventual peace with England under such terms as might have resulted in the retention of the Southern Provinces under British rule."

I stated elsewhere in the history that in 1780 there were conversations of a serious nature wherein was discussed the possibility of the Northern Provinces being granted their independence, while England retained the Bahama Islands, the Floridas, Georgia, and the Carolinas.

In answer to questions from the committee I stated that careful thought has been given to the importance of the Battle of Kings Mountain during the three and a half years that I have worked on the Revolutionary period, and that my conclusion was this battle ranked next to Saratoga and Yorktown in importance—outranking Lexington, Bunker Hill, Trenton, Princeton, Brandywine, Monmouth, and others. Furthermore, that had I made the original classification of battlefields, I would have placed Kings Mountain in Class I.

The attention of the committee was invited to the fact that whereas several reports submitted by the War Department on bills to create a national military park at Kings Mountain contained definite recommendations against such legislation, in view of the classification made in 1925; that when the last report was written in February, 1930, on H. R. 6128, this "recommendation against" was no longer part of the report.

H. L. LANDERS,
Colonel, F. A., D. O. L.,
Historical Section, A. W. C.

DAISY BALLARD

The bill (H. R. 12215) for the relief of Daisy Ballard was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles Ballard, who was a member of Companies M and B, Second Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of July, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

DONATION OF BRONZE CANNON

The bill (H. R. 12781) to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to donate, without expense to the United States, to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md., four bronze cannon of Civil War type on hand at the Watervliet Arsenal, Watervliet, N. Y., and described as follows: Bronze cannon, 12-pounder, muzzle-loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 108; bronze cannon, 12-pounder, muzzle-loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 109; bronze cannon, 12-pounder, muzzle-loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 110; bronze cannon, 12-pounder, muzzle-loading, smooth bore, length 72 inches, estimated weight 1,200 pounds, diameter of bore 4⅝ inches, gun No. 111.

HENRY I. POWER

The bill (H. R. 10306) for the relief of Henry I. Power was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army Henry I. Power, late of Company I, First Regiment South Carolina Infantry, war with Spain, shall hereafter be held and considered to have served 90 days or more of honorable service: *Provided*, That no bounty, pension, back pay, or other allowances shall accrue prior to the passage of this act.

WILLIAM J. BODIFORD

The Senate proceeded to consider the bill (H. R. 11529) for the relief of William J. Bodiford, which had been reported from the Committee on Military Affairs with an amendment on page 1, line 9, after the date 1899 to insert "and he shall be entitled to the benefits of any laws relating to pensions," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William J. Bodiford, who was a member of Company I, Second Regiment South Carolina Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on April 19, 1899, and he shall be entitled to the benefits of any laws relating to pensions: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN W. ADAIR

Mr. HAYDEN. Mr. President, I should like to have the attention of the Senator from Nebraska [Mr. HOWELL] chairman of the Senate Committee on Claims. There was passed by the House of Representatives on May 23, 1930, a bill (H. R. 1057), for the relief of John W. Adair, of Pinetop, Ariz., to compensate him for the loss of the life of his son, John Robin Adair, who was killed on June 21, 1916, by the branch of a tree falling on him while fighting a forest fire on the Fort Apache Indian Reservation in Arizona. That bill has been pending before the Senate Committee on Claims for more than nine months. I have appeared before the committee three times in an effort to secure a favorable report upon the bill. I have been told from time to time that the committee was considering the question whether any bills of this class, which grant relief for injuries which occurred prior to the passage of the act to provide compensation for employees of the United States, approved September 7, 1916, would be reported to the Senate. I am reliably advised that there are precedents for the enactment of legislation of this character; that similar bills granting such relief have been passed at other sessions of Congress. The young man died less than three months before the compensation act to which I have referred went into effect. I now ask unanimous consent that the Committee on Claims may be discharged from the further consideration of the bill (H. R. 1057) and that it may be considered and passed by the Senate at this time.

Mr. McNARY. Mr. President, I feel I must obtrude for a moment. I do not think that the request of the Senator from Arizona is in accordance with the spirit of the unanimous-consent agreement to consider bills on the calendar. I ask for the regular order.

The VICE PRESIDENT. The regular order is demanded. The clerk will state the next bill on the calendar.

RESTRICTION OF IMMIGRATION

The joint resolution (S. J. Res. 500) further restricting, for a period of two years, immigration into the United States was announced as next in order.

Mr. WALSH of Massachusetts. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

JAMES W. NUGENT

Mr. WALSH of Montana. Mr. President, there are on the desk two Senate bills returned from the House with amendments. I ask that they may be laid before the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 35) for the relief of James W. Nugent, which were, on page 1, line 9, after the word "pension," to insert "bounty," and on page 1, line 10, to strike out the word "accrue" and to insert "be held to have accrued."

Mr. WALSH of Montana. I move that the Senate concur in the House amendments.

The motion was agreed to.

W. W. PAYNE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 43) for the relief of W. W. Payne, which was, on page 2, line 2, to strike out all after "$1,800" down to and including the word "Payne" in line 4.

Mr. WALSH of Montana. I move that the Senate concur in the House amendment.

The motion was agreed to.

DAISY O. DAVIS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 182) for the relief of Daisy O. Davis, which was to strike out all after the enacting clause and insert:

That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of Daisy O. Davis, who is alleged to have suffered injury while employed on or about September 12, 1923, in the Treasury Department: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act.

Mr. FLETCHER. I move that the Senate concur in the House amendment.

Mr. HOWELL. Mr. President, I ask that this matter be passed over temporarily.

The VICE PRESIDENT. Without objection, it will be passed over temporarily.

Mr. FLETCHER. What is the order, Mr. President?

The VICE PRESIDENT. The action on the amendment of the House has been passed over temporarily at the request of the Senator from Nebraska.

Mr. FLETCHER subsequently said: Mr. President, I understand that the Senator from Nebraska has withdrawn his objection to the consideration of the amendment of the House to Senate bill 182, and I ask that the amendment of the House be concurred in at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the amendment is concurred in.

Mr. FLETCHER. I ask in this connection that the papers accompanying the bill, being Senate bill 182, Seventy-first Congress, second session, for the relief of Daisy O. Davis, which bill has been passed by the Senate and House, may be returned to Miss Davis, there being no adverse report thereon.

The VICE PRESIDENT. Without objection, it is so ordered.

BRIDGE ACROSS THE RED RIVER OF THE NORTH

Mr. SHIPSTEAD. Mr. President, House bill 16334, a bridge bill, now in the Committee on Claims, is identical with Senate bill 6205, being Order of Business 1857. I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the House bill, and that it may be substituted for the Senate bill and considered at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Committee on Commerce is discharged from the further consideration of House bill 16334, and that bill will be substituted on the calendar for Senate bill 6205.

Mr. SHIPSTEAD. I ask unanimous consent for the present consideration of the House bill.

There being no objection, the bill (H. R. 16334) to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922, was read, considered, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 6205 will be indefinitely postponed.

ADDITIONAL JUDGE, WESTERN DISTRICT OF WASHINGTON

Mr. JONES. Mr. President, the Senator from Wisconsin [Mr. BLAINE], when Order of Business No. 1712, being Senate bill 2358, was reached, asked that it go over temporarily. I wonder if the Senator will not permit that bill to pass? It merely provides for the appointment of an additional district judge in the western district of the State of Washington. I explained the necessity for the passage of the bill several nights ago when the calendar was under consideration, and I hope that it may now be passed.

The VICE PRESIDENT. Does the Senator from Wisconsin withdraw his objection?

Mr. KING. Mr. President, I will ask the Senator from Washington to withhold his request until I may have an opportunity to consult with the junior Senator from Washington.

Mr. JONES. Very well.

THE STAR-SPANGLED BANNER

Mr. TYDINGS. Mr. President, when Order of Business No. 1501, being House bill 14, was reached there was objection. I understand that the objection has now been withdrawn. It is the so-called Star-Spangled Banner bill which has passed the House four times, and I certainly hope that at this session we may dispose of it.

The VICE PRESIDENT. The bill will be reported by title.

The CHIEF CLERK. A bill (H. R. 14) to make The Star-Spangled Banner the national anthem of the United States of America.

The VICE PRESIDENT. Is there objection?

Mr. LA FOLLETTE. I think, in view of the fact that we have called the Calendar when Senators who were here and who interposed objections have left, we ought not to go back now to bills to which objection has been made.

The VICE PRESIDENT. The Senator from Wisconsin objects.

Mr. TYDINGS. Mr. President, will the Senator permit me to say a word?

Mr. LA FOLLETTE. Certainly.

Mr. TYDINGS. Of course, the request of the Senator from Wisconsin is equivalent to taking up no bills to which objection has been made when the Calendar was called. That is what it amounts to. I went to the Senator who objected to the bill. He told me he had no further objection. If objection is going to be made to every bill which was originally objected to, we are just wasting time considering the calendar, because that is the only character of bills before us now. I hope the Senator will let this bill go through.

Mr. LA FOLLETTE. Mr. President, in this particular instance I happen to know one Senator who is opposed to this bill and who was present when another Senator objected to its consideration. The Senator from Maryland has been to see the Senator who objected, but the other Senator who I know is opposed to the bill has left the floor. It seems to me after the bills on the calendar have been called and objections have been made that they should not again be considered in the absence of Senators who may have objection. If the Senator will defer the request for a few moments until I can confer with him, I shall not interpose any objection.

Mr. TYDINGS. I only have seven minutes. That is my difficulty. I should be very glad to defer the request, but I am afraid we will pass this order of business before the Senator can make the inquiry which he desires.

ADJUSTED-SERVICE CERTIFICATE LOANS

Mr. BARKLEY. Mr. President, I am informed that while I was temporarily absent from the Chamber the Senator from Utah [Mr. SMOOT], the chairman of the Committee on Finance, presumed to make an adverse report on a bill that was not referred to the committee. On yesterday I introduced a bill that was not referred to the Finance Committee, but was allowed to remain on the Vice President's desk, where it now is. The Finance Committee had no jurisdiction to consider that bill because it was not referred to the committee, and if the committee has made any report on it it has done so without jurisdiction.

Mr. SMOOT. Mr. President, the Senator is wrong. The committee made no report upon it at all. When the calendar was called and his bill was reached I objected to its consideration. The Senator from New York spoke to me in relation to it, and asked me to withdraw my objection. I told him the reason why I could not do so. That is the history of the matter.

Mr. BARKLEY. I desire to enter a motion to proceed to the consideration of the bill.

The VICE PRESIDENT. That would displace the unfinished business, and is not in order under the unanimous-consent agreement under which the Senate is operating.

Mr. BARKLEY. I desire to know what the parliamentary status of the bill is. On yesterday I introduced this bill and, on account of the shortness of time, it was not referred to the Committee on Finance but remained on the Vice President's desk. I entered a motion at that time which, under the rules, had to go over, to suspend the rules for the passage of the bill. On further investigation I find that it is not necessary to suspend the rules because the bill, not having been referred to the committee, but being on the Vice President's desk, it is in order to move to proceed to its consideration. I do not desire to interfere with conference reports, but I do not desire to be jockeyed into a position where I can not move to consider the bill.

The VICE PRESIDENT. There was objection yesterday, as the Chair was advised, and under the rule the bill went to the calendar and was reached this morning. The Senator, when he can secure recognition, can move to proceed to the consideration of the bill, but a motion of that kind would displace the unfinished business which is now the conference report on the maternity bill.

Mr. BARKLEY. I do not desire to displace the conference report.

The VICE PRESIDENT. Later on the Senator may be recognized.

HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Let the Chair lay before the Senate the conference report so that there may be something pending on which Senators may be recognized. The Chair lays before the Senate the conference report on Senate bill 255.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. GOFF. Mr. President——

The VICE PRESIDENT. The Senator from West Virginia.

Mr. JONES. Mr. President, I thought I had the floor when we entered into the unanimous-consent agreement for the consideration of the calendar.

The VICE PRESIDENT. Did the Senator have the floor when the unanimous-consent agreement was made?

Mr. JONES. Yes.

The VICE PRESIDENT. The present occupant of the Chair was not advised of that, not being in the Chair at the time. Therefore the Senator from Washington is recognized.

Mr. GOFF. Mr. President, will the Senator from Washington yield? I merely desire to make a motion to substitute a House bill for a Senate bill and ask that the House bill may be considered at this time.

Mr. JONES. I hardly see how I could yield for that purpose.

Mr. GOFF. I should like to ask unanimous consent to consider the bill.

Mr. JONES. Will it take any time or arouse any discussion?

Mr. GOFF. I think there may be some discussion, but I can not state how long the discussion may be.

Mr. JONES. I do not see how I can yield for that purpose at the present time. I desire to have the conference report disposed of, if possible.

Mr. GOFF. How long, may I ask the Senator from Washington, will he consume on the conference report?

Mr. JONES. I myself am not going to consume very much time; I am nearly through.

Mr. GOFF. How long, in the opinion of the Senator, will the conference report which he now wishes considered consume?

Mr. JONES. That I can not tell. There are some Senators who seem to have a very determined attitude with reference to the conference report and who seem to be disposed to take considerable time. That is one reason why I do not feel I can yield to the Senator at this time for his bill.

Mr. MOSES. Will the Senator from Washington permit me a word?

Mr. JONES. I yield.

Mr. MOSES. Mr. President, if the Senator from Washington will permit me to reply to the question propounded by the Senator from West Virginia, I can assure him and the other Senators that the time it will take to dispose of this conference report is somewhat problematical, but it is likely to be many hours.

Mr. GOFF. Mr. President, will the Senator from Washington yield?

Mr. JONES. No; I think I had better go on. I desire to make a brief statement, and then I want to have those who desire to oppose the conference report take the time.

The VICE PRESIDENT. The Senator declines to yield further.

Mr. GOFF. Will the Senator yield to me for just one question?

Mr. JONES. Certainly.

Mr. GOFF. If the motion which I have made is entertained by the Chair, it is my understanding that it will not supplant the matter which the Senator has before the Senate.

Mr. JONES. I think that probably is correct; but it is a question of the time that will be consumed in connection with it. I should like to dispose of this conference report as soon as possible. It may take considerable time. It very likely will, from the indications in the offing.

Mr. GOFF. Do I understand—to put it this way—that the Senator refuses to yield at this time?

Mr. JONES. I do not like to put it that way. I feel that I should go on with my conference report.

The VICE PRESIDENT. The Senator declines to yield.

THE STAR-SPANGLED BANNER

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. JONES. I understand that what the Senator from Maryland proposes will lead to no discussion. I yield to him.

Mr. TYDINGS. Mr. President, I am the last objector to Order of Business 1501, House bill 14. I have just talked to the Senator from North Dakota [Mr. FRAZIER], and he has withdrawn his objection.

The VICE PRESIDENT. The Secretary will state the title of the bill for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 14) to make the Star-Spangled Banner the national anthem of the United States of America.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BLEASE. I object.

The VICE PRESIDENT. The Senator from South Carolina objects.

Mr. TYDINGS subsequently said: Mr. President, a moment ago the Senator from South Carolina [Mr. BLEASE] objected to the consideration of the "Star-Spangled Banner" bill. I understand now that he does not care to make any objection. I know of no other Senator who has objected.

I ask unanimous consent that the bill may be taken up and passed.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill (H. R. 14) to make the Star-Spangled Banner the national anthem of the United States of America, as follows:

Be it enacted, etc., That the composition consisting of the words and music known as the Star-Spangled Banner is designated the national anthem of the United States of America.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 10560) to amend section 22 of the Federal reserve act, in which it requested the concurrence of the Senate.

WELFARE OF MOTHERS AND INFANTS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. JONES. Mr. President, just before we went on with the calendar the Senator from Pennsylvania [Mr. REED] intimated that he understood that all this money could be used in the procurement of help, officials, and so forth, to carry out the provisions of the bill.

The bill in itself is very plain, and I am going to read the language of it:

From each of such additional sums so much, not to exceed 5 per cent thereof, as the Secretary of the Treasury, upon recommendation of the Surgeon General of the Public Health Service, may estimate to be necessary for administering the provisions of this act, shall be deducted for such purposes, to be available until expended—

In other words, for employees and administrative agencies, and so forth, not exceeding 5 per cent of this amount can be used. What becomes of the balance? The balance of the money is allotted to the various States for the activities contemplated by the bill. This is the way it reads:

and the remainder of each of such additional sums shall be allotted to the several States in the proportion which the rural population of each State bears to the total rural population of all the States, as determined by the latest available United States census—

In other words, so far as the distribution of money is concerned, this bill is framed largely along the lines of the public highway act. We allot a large sum of money to various States to be used by them in the construction of highways, roads, and so forth. We do not actually spend it ourselves. It is administered under certain conditions, regulations, and so forth, by them; and so this money is provided to be administered in substantially the same way.

Then there is a provision about allotment to the States—

Provided, That no allotment out of any of the appropriations under this act shall be made to any State for any fiscal year until at least an equal sum shall have been provided by such State for the same fiscal year for rural health work within the State under this act—

That language, it seems to me, is very plain. There can be no controversy about how that money is going to be used.

Here is another provision with reference to that which I think is rather important, and to which I want to call attention—

And provided further, That after Federal funds appropriated under this Act shall have been expended in three consecutive fiscal years for the support of rural health work in any county, township, town, or other political division or subdivision of any State, the amount allotted and paid from such funds shall not exceed 25 per cent of the total funds made available, as herein provided, for the further support of such work in said division or subdivision in any fiscal year.

In other words, after three years the amount of money contributed by the National Government is diminished. It is only 25 per cent of the total funds made available for the further support of the work in any fiscal year.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. JONES. I should like to get through this statement without interruption if I possibly can.

Mr. BINGHAM. I merely wanted to make a comment on the point which the Senator has just explained—that in a large State, with many counties and many towns, the amount could keep on for 200 or 300 years; but in a small State, with only five or six counties and only a few towns, the amount would not be available after a short time, because it can only go to any particular division or subdivision for three years.

Mr. JONES. A certain amount of it is continued indefinitely. It does not stop entirely at the end of three years. The language of the bill is perfectly plain, and does not warrant the construction just suggested by the Senator from Connecticut.

With reference to the other amount for the Children's Bureau, the $1,000,000 a year that is provided here, there is substantially the same provision as to its distribution. Ten thousand dollars goes to each State, to be used by the State practically as it sees fit in health activities, but the balance is to be distributed among the States in the proportion which their population bears to the total population of the United States as determined by the latest available census; and the bill provides that 5 per cent of this sum shall be used for administrative expenses.

Mr. President, this, in brief, is the fundamental character of this measure. Up to $3,000,000, after a certain period of time, is available for general health activities in the rural sections of the country. In another section of the bill it provides that this money shall be used in the rural sections and in towns and cities not exceeding 50,000 in population. Then the other $1,000,000 a year for the Children's Bureau is used along the same lines that it was used heretofore.

Mr. President, we use a great deal of the money of the United States along various lines. We use it to aid in the construction of highways. We use it for the preservation of animal life generally. We contribute our part toward dealing with diseases affecting various phases of animal life. It seems to me that we can not use some of our money any better than for the preservation of human life, of child life, of removing, if possible, some of the dangers of maternity. That is the purpose of this bill.

There may be criticism, of course, of the Government engaging in work of that kind. I think it is too late to raise that question, at least in a very effective way. If we had not engaged in these other activities, if we had not joined with the States and different sections and communities and parts of the States, in aiding them to deal with problems affecting animal life of various kinds, there might be some valid objection to our entering upon this work; but I do not see how the money of the National Government can be expended along more important lines than in the preservation of human life, and especially in the preservation of the lives of our mothers and the children that they bring to us.

This, in brief, is the character of this measure. This, in brief, is its purpose. I do not feel that I should take the time of the Senate further with reference to details, or anything of the kind.

I hope the conference report will be agreed to.

Mr. WALSH of Massachusetts. Mr. President, a political unit that is not able to finance its fundamental obligations, to promote the public health, and to educate its people ought not to be an independent state. It ought to be a territory or a dependency.

If there is any basic obligation resting upon the people who constitute a political state, it is that of preserving the public health and of educating its own people. Certainly those Members of this body who during the past session have seen the administration take the unalterable attitude that even in a great emergency, even when people are starving through economic depression that is nation-wide, the Federal Government shall not have its Treasury tapped to relieve human suffering, can not with good grace urge now an appropriation from the Public Treasury to help promote

rural health and help educate mothers in the care of infants during childhood.

I said earlier in the discussion this morning that it was no time, in the last 24 hours of a session of Congress, to inject here, for deliberation and consideration, new propositions of a legislative character. The distinguished and able Senator from Washington [Mr. JONES] replied that this was not a new proposition. I read from the remarks of a Member of the House who supported and voted for this measure, and who warned the Members of the House that the injection of new activities in and the imposition of new burdens on the Federal Government in the House proposal which was substituted for the Senate bill would lead to serious opposition in the Senate. The Member of the House from Alabama who discussed this proposition said:

Every objection, constitutional, political, and otherwise, which can be offered against the Senate bill can be urged against the Cooper bill, and in addition it may be truthfully said that by it we are entering into a new field.

Mark this, from a Member of the House who believes in this legislation and who voted for it:

By it we are departing from the limitation of attention to matters of maternity and infancy and going into the field of rural sanitation, communicable diseases of all kinds, and general health questions relating to our rural population. If any Member had reason to vote against the Senate bill, he has that same reason and an additional reason for voting against the proposed amendment.

There were those in the Senate who opposed the bill there with great vigor and determination. I assume that they were sincere in their position and that they will oppose the final passage of this measure with equal determination, because, by adopting this amendment they will be afforded new reasons, new arguments, and new grounds of objection.

Those who vote for this amendment do not cast a final vote. They do but vote to project this entire matter back into the Senate, where it will be debated—at what length I do not know—during the closing hours of the present session. Only three days are left in which Congress may take action upon this measure. It will be easy enough in the Senate to delay this measure until it is too late for the House and Senate to agree upon it.

So, without questioning the sincerity of those who are opposing this amendment, I direct the attention of those who are really friendly to maternity and infancy legislation to the fact that if you vote for this amendment you may be voting to kill the legislation.

That is just what they have done. They voted to kill this legislation by presenting to the Congress in the last hours of the session a new activity, a new undertaking, which might lead to a tremendous drain in the future on the Public Treasury, which might lead to a new corps of public officials, which would mean another bureaucratic government in the Federal Government.

Mr. KING. Mr. President, from whose address was the Senator reading?

Mr. WALSH of Massachusetts. From the address of Representative HUDDLESTON, of Alabama.

Mr. President, I feel no compunction in diverting from the subject matter under consideration and taking this occasion to present some views I entertain toward the obligation and the duty which my party, the Democratic Party, has in the present situation in this country to wage a political movement for a new economic freedom.

THE ECONOMIC DEPRESSION AND ITS CAUSES

Mr. President, there has been a good deal of discussion in the press in recent days to the effect that at the meeting of the Democratic national organization in the near future the representatives of the party and the members of that organization should discuss the policy which the party ought to adopt toward the prohibition question. As an humble member of the party, I feel that it is appropriate, during the closing hours of this session, to suggest a political issue which is greater and more important to the American people than even the issue of prohibition.

I represent a Commonwealth which has very strong convictions on the question of prohibition. Massachusetts might be described as a wet State, and the members of the Democratic Party there decidedly urge a change in the present Federal prohibition policy. I strongly favor a speedy revocation of present conditions. But I am certain that it is going to take much future education of the people to the failures of prohibition, and several years more of discussion to get repeal.

However, in my judgment, there is an issue more immediately important than prohibition, which has to do with the happiness, the welfare, and the prosperity of all our people, which we ought to unite upon and make the great issue of the next national campaign. I am going to take the time, if the members of my own party will give me their attention, to present some views I entertain as to this other important issue.

In my judgment, the voters have made the general business depression prevailing throughout the country the present dominant political issue in American life. On this issue, therefore—and voters, not parties, make issues—political leaders should take a stand, be informed as to the causes, and should place the responsibility for the present economic crisis. Let us see if we can fix the political responsibility for present business conditions.

We have spent a good deal of time at this session on questions of relief. How much time have we spent trying to find out what the causes were which led to the widespread depression? How much time have we spent trying to find out what political agencies in this country are responsible, in part or in whole, for the depressed business conditions existing from one end of the land to the other? None whatever.

Mr. President, the causes, in my judgment, are complex and many, but I believe very strongly that there are certain financial practices which are, in large part, at the root of the present situation. I also believe that these calamitous conditions should have been foreseen and preventive measures invoked by the Government long before the economic structure of the country collapsed.

I consider the present business depression, which has caused the widespread unemployment and all the other economic troubles that confront us in every sphere of our industrial and financial life, to be due largely to financial exploitation and stock manipulations that have taken place in this country since the World War, and developing on a gigantic scale, with almost the rapidity of clouds converging in an electric storm. Mergers, consolidations, refinancing schemes, changes in financial structures, stock dividends, rights and warrants, all causing overcapitalization, stock watering, and a highly inflated condition of security prices are responsible, in large measure, for our present economic breakdown.

These false and artificially created values gave a wrong and false impression of the real status of business, and that false impression was hailed as "prosperity," when, in fact, we now know that what we had was an unsound, if not a dishonest, inflation of capitalization in industry and finance. To speak plainly, it was gambling, and the false showings made by gambling. We are to-day the victims of an orgy of gambling with money, securities, businesses, and industries that is without parallel in the history of the world. As in all gambling it has ended with the victims of the gambling game broke, and their dependents, in this case the workers, the middle class, and the general public, robbed of their possessions and of their opportunities to sustain and rehabilitate themselves.

Mr. President, the period of the past 10 years has been an epoch of mergers and financial exploitations of business without check, hindrance, or restraint. The results were both nefarious and ruinous. It is a black page, indeed, in our history, this era of complete subservience to materialism, this epoch of the triumph of greed and selfishness. We have witnessed the natural and inevitable result of a political philosophy and a political leadership dominated by the self-interest of the powerful few who control the vast mergers of the wealth of the country rather than by consideration of the general public interest.

The extent to which this orgy of consolidations and reconsolidations of industry and this federation and refederation and pyramiding of wealth and the recapitalization of industry have brought personal hardships, property losses, mental anguish, and unemployment to millions of our people can not be measured. No government that makes any pretense to support principles of justice and equality of opportunity

can escape its share of responsibility or its proper condemnation for these conditions.

During the time that these exploitations and unsound speculations and inflations have been going on the officials of our Government continued to announce publicly from time to time that "conditions were fundamentally sound" and "conditions safe," and not a hand or voice was raised in protest or restraint by those to whom we had a right to look for preventative measures against an inescapable economic debacle. Indeed, the party in control of the administration at Washington, in election after election, pointed to these conditions as evidence of real prosperity and guaranteed that this prosperity, which, we now know, was based on false standards and was destructive of the public welfare and was a breeder of contempt for government, would be maintained indefinitely if we continued to intrust to that party the control of the Government.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Massachusetts yield to the Senator from New York?

Mr. WALSH of Massachusetts. I yield.

Mr. WAGNER. Is it not a fact that at the time these predictions were made, to the effect that we were economically unimpaired, the Government, because of its own negligence, had at hand no economic information upon which to base any such statement or prediction?

Mr. WALSH of Massachusetts. Mr. President, the Senator is correct, and I intend to develop, before I get through with my prepared speech, ample evidence that an implied partnership existed between the organized wealth of this country and Government to inflate securities, business, and finances and to permit the orgy of gambling which existed in this country for 10 years, and which has finally brought our people to financial prostration, has resulted in unemployment, misery, suffering, and sorrow, and has almost ruined our entire economic fabric.

I thank the Senator for his interruption and for calling my attention to the fact that the dominant political party has repeatedly and repeatedly pointed to this inflation as evidence of prosperity.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. WALSH of Massachusetts. I yield.

Mr. ROBINSON of Arkansas. The Senator from Massachusetts has referred to the action of the representatives of the administration, the President, the Secretary of the Treasury, and others in attempts to make it appear that business conditions justified further expansions of credits and increases in stock prices all out of proportion to true value. It may amaze the Senator from Massachusetts and mankind generally to learn that the chairman of the Republican National Committee, the Senator from Ohio [Mr. FESS], recently published an article intended to carry on the very process referred to by the Senator from Massachusetts. Even in the present period of depression, when business conditions generally in the United States are worse than ever before during the lifetime of the Senator from Ohio or, for that matter, during the lifetime of the oldest Senator, the Senator from Ohio undertakes to carry forward at this time propaganda to convince the country that it is really prosperous and that the blessings of prosperity which the people of the United States are now enjoying are attributable to the mysterious and matchless measures and policies of the present occupant of the White House.

Mr. President, will the Senator from Massachusetts yield to me for just a moment more?

Mr. WALSH of Massachusetts. With pleasure.

Mr. ROBINSON of Arkansas. The article to which I refer summarizes the efforts of the Senator from Ohio [Mr. FESS] to convince the American people that there exists no real depression, that actually when the situation is analyzed there is prosperity. The essence of the article is epitomized in such headlines as America Presses Onward. In another publication the same article appears under the headline "Two Years of Hoover." I do not wish to abuse the kindness of the Senator from Massachusetts, but the remarks which I have in mind in this connection seem pertinent to his general discussion.

The Senator from Ohio in the article referred to declares that the institutions of the United States remain unchanged, that we "have an orderly government of law based on the Constitution, a national ideal of fair and equal opportunity for every man and woman"; and yet when he made the statement 6,000,000 of his fellow men and 15,000,000 or 16,000,000 of their dependents were not enjoying equal opportunities with those enjoyed by other citizens. There were 6,000,000 laborers and 15,000,000 of their dependents who were without means of livelihood.

Mr. WALSH of Massachusetts. And 15,000,000 more on part-time employment.

Mr. ROBINSON of Arkansas. Yes; and 15,000,000 more on part-time employment. Yet the Senator from Ohio [Mr. FESS] primed himself to boast that this is really a period of prosperity, and in order to establish that conclusion he produces paragraph after paragraph of figures, refers to savings accounts, and mentions increased deposits in the State of the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Securities became so worthless that there was nothing else for the people to do with their money but go to the savings banks. Stocks and bonds had fallen tremendously. No one was investing in stocks and bonds then or now because of the uncertainty of the real value of stocks and bonds.

Mr. ROBINSON of Arkansas. The Senator from Ohio [Mr. FESS] actually claims credit for the prosperity which he says blesses this Nation, and attributes it to the measures enacted by the present administration pursuant to a partisan platform. Listen! He declares that—

> During a period of 70 years, except for intervals of 16 years, the economic policy of the United States has been guided by the Republican Party.

Let me ask the present occupant of the chair, the Senator from Ohio [Mr. FESS], what has that policy led to and what results have come to the American people from it?

Mr. WALSH of Massachusetts. The whole purpose of my address is to try to demonstrate that unfortunate result.

Mr. ROBINSON of Arkansas. The Senator from Ohio continued in his article:

> And nowhere else in the world has there been such a growth of wealth shared by the mass of the people. The liability, therefore, of a decrease of business and employment during the last year is a kind of temporary draft upon our resources and strength. That is encountered and overcome in every sound private business enterprise.

Mr. President, the Senator from Ohio has tried to make the American people believe that the present depression is really sound in so far as economics and business are concerned; and yet everywhere in the Nation, in every great city of the Republic, there are thousands of men, who are earnest in their purpose to earn their living by toil, who can not secure the opportunity. To my mind, there is no more pitiful spectacle on this earth than that of a man who is willing to work and earn his living but who, through no fault of his own, can not secure that opportunity. It is a mere boast, in line with the old-time practice of the Republican Party, represented by such spokesmen as the Senator from Illinois [Mr. GLENN], who is galling under the remarks which I am now making, and the Senator from Ohio [Mr. FESS].

During the last 50 years, in every campaign, the Republican Party has gone to battle in the name of prosperity, and now when the country is less prosperous than ever before in its history its leaders are actually trying to bolster up the old plea.

Mr. President, I thank the Senator from Massachusetts, and I apologize to him for consuming so much of his time.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. WALSH of Massachusetts. I wish the Senator from Illinois would make reply after I finish. I thank the Senator from Arkansas, and I am glad to know the interest of

the leader of the minority in the political issue which I am discussing.

May I say to the Senator from Alabama [Mr. HEFLIN] that this is an economic issue that reaches into every home, that touches every life, that ought to be now the dominant controlling issue of the great Democratic Party. We ought not to be arguing issues relating to religious or racial differences or relating to the wet and dry issue when men and women are starving, are suffering, are unemployed, and when business is broken down and much of the business of the country is on the verge of bankruptcy. It is time for some political agency in this country to make economics the dominant issue. The great problem, the political problem of the next few years, is the reconstruction of a new economic system which will forever separate government from business and elect to public office officials who will observe a regulatory attitude toward the greed and selfishness of organized wealth.

Mr. GLENN. Mr. President, will the Senator from Massachusetts yield to me now?

Mr. WALSH of Massachusetts. I prefer not to do so; I prefer to continue.

Mr. GLENN. I do not care to make any extended remarks, but in view of the rather numerous excerpts and quotations from the article written by the present occupant of the chair, the Senator from Ohio [Mr. FESS], which have been referred to by the minority leader, I think it only fair that the whole article be inserted in the RECORD, and I now ask unanimous consent for that purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. ROBINSON of Arkansas. Mr. President, I shall object. I think it would be unfair to the CONGRESSIONAL RECORD to print and circulate, under the frank of the Senator from Illinois, the article written by the Senator from Ohio.

Mr. GLENN. Of course, if the Senator from Arkansas——

The PRESIDING OFFICER. The Senator from Arkansas objects.

Mr. WALSH of Massachusetts. Mr. President, let me proceed. What I have said thus far, it very properly may be said, is of a general character, and I can conceive of some stalwart Republican putting this question: Who foresaw this debacle? What public men foresaw and pointed out and inveighed against the conditions which you assert have existed in this country for the last 10 years, and which have produced the present business depression? I propose now to discuss that phase of this subject.

To open-minded men and students of economics the present disastrous situation has not been unforeseen. As far back as the campaign of 1924, Democratic leaders pointed out the extent to which overcapitalization and stock watering was increasing, and recited specific instances of the ruin resulting or threatened. In the Democratic national platform of 1924, as in earlier platforms, this evil was specifically condemned and the economic earthquake that was certain to follow was predicted.

Now, Mr. President, I turn to the platform of 1924. May I say that I take some pride in having drafted, with the junior Senator from Arkansas [Mr. CARAWAY], both of us being members of the committee on resolutions, this very plank in the platform of the Democratic Party in 1924—just seven years ago.

FRAUDULENT STOCK SALES

> We favor the immediate passage of such legislation as may be necessary to enable the States efficiently to enforce their laws relating to the gradual financial strangling of innocent investors, workers, and consumers, caused by the indiscriminate promotion, refinancing, and reorganizing of corporations on an inflated basis, resulting already—
>
> Already—
>
> in the undermining and collapse of many railroads, public service and industrial corporations, manifesting itself in unemployment, irreparable loss and waste, and which constitute a serious menace to the stability of our economic system.

How prophetic! In 1924 the Democratic platform condemned the refinancing and reorganization of corporations and the inflation of wealth, and pointed to the very consequences that we now know have resulted all too disastrously from the failure of governmental agencies to stop and prevent these criminal financial practices.

I read from another plank in the Democratic platform of 1924 headed "Private Monopolies," and reading—

> The Federal Trade Commission has submitted to the Republican administration numerous reports showing the existence of monopolies and combinations in restraint of trade and has recommended proceedings against these violators of the law. The few prosecutions which have resulted from this abundant evidence furnished by this agency created by the Democratic Party, while proving the indifference of the administration to the violations of law by trusts and monopolies and its friendship for them, nevertheless demonstrate the value of the Federal Trade Commission.
>
> We declare that a private monopoly is indefensible and intolerable, and pledge the Democratic Party to a vigorous enforcement of existing laws against monopoly and illegal combinations, and to the enactment of such further measures as may be necessary.

I think, Mr. President, it was the Senator from Utah [Mr. KING] who made a speech on the floor of the Senate several years ago pointing out the fact that many reports had been made by the Federal Trade Commission to the Department of Justice submitting evidence of alleged violations of the Sherman antitrust law, but that practically no prosecutions of any kind whatever had been instituted. Indeed many progressive-minded Senators have protested similarly and repeatedly since 1922. No wonder corporations continued to combine and to reorganize from that time on to the detriment of the public interest.

In March, 1928, a citizen of Worcester, Mass., wrote a letter to Senator BORAH, calling his attention to these financial exploitations. I will now read Senator BORAH'S reply. It is strong language, but indicates that what was going on in our economic system was well known and that its dangers could be fully appreciated by those who, in their thought and utterance, were free from the domination of so-called high financiers. The reply of the Senator from Idaho was as follows:

> I feel you are entirely correct in your view and in your diagnosis. I am taking up the subject of your letter with the committee now dealing with this subject. The whole trouble with this proposition is, Mr. Alden—

I am still quoting from the letter of the Senator from Idaho—

> The whole trouble with this proposition is, Mr. Alden—
>
> Mark these words—
>
> that we haven't got the nerve to do what we ought to do.
>
> "We haven't got the nerve to do what we ought to do."
>
> It would pretty nearly bring on a revolution to break the hold of the monopolistic forces. But that ought to be done. Sometime it will have to be done.
>
> Sincerely yours,
>
> WILLIAM E. BORAH.

That is strong language, but it indicates that what was going on in our economic system was well known and its dangers could be fully appreciated by those who were free from the domination of greedy high financiers. Several Senators on this floor, including the Senator from South Carolina [Mr. SMITH] and the Senator from Missouri [Mr. REED] again and again protested against these financial methods.

But, Mr. President, let us turn to some other sources than public men, who may be suspected, perhaps, of discussing this subject in a certain way merely because of its political value or advantage in a campaign. Let me read from one of many business and financial reports upon this subject. I read from the Cotton Market Forecast, a publication distributed weekly for the exclusive use of its subscribers. It describes itself as the "gatherer and disseminator of cotton market news." In its issue of October 20, 1930, it sets forth present economic conditions, and their causes.

Mr. President, I read from a market letter in a financial journal published in October, 1930. Mark its indictment of the methods of high financing in this country during that period. I quote:

> From 1924 to 1928, inclusive, corporations were not only capitalized far in excess of tangible or physical value but recapitalized over and over.

No politician is saying this; no public man is saying it; nobody in the midst of a political campaign is saying it; but a financial journal published in the interest of the cotton industry—the cotton broker, the textile manufacturers, and cotton-cloth commission merchants.

From 1924 to 1928, inclusive, corporations were not only capitalized far in excess of tangible or physical valuation but recapitalized over and over again—just so long as earnings could be made to appear as "attractive investments." A million-dollar corporation which showed legitimate earnings of 12 per cent was immediately made into a two million dollar one paying 6 per cent, the added million being nothing but "water" so far as physical valuation was involved.

Note this—

In the aggregate—

In the aggregate—

this doubling of capitalization ran into billions.

No wonder we are prostrate; no wonder business is depressed; no wonder farms are abandoned; no wonder millions are unemployed when "in the aggregate this doubling of capitalization ran into billions." Now let me read the final sentence from the article in this financial journal:

Thus, a few men grew enormously rich at the expense of the many. And now the country is paying for this questionable high finance, the devastating results reaching from palaces down into mere hovels.

That is the language of a financial organ, published to give its subscribers accurate and correct financial news.

Bankers of high repute and of unselfish aims—and there are many in this class, for all have not been engaged in this unsavory business, although the inflation of capital and trust making became so common that most investment banking institutions were forced to engage in it—confirm this diagnosis and express regret over the methods of high financing that have been in extensive use during recent years and that they have been helpless to prevent. Moreover, Henry Ford, a few months ago, supported this opinion in a strong public statement.

But, Mr. President, why prolong further presentation of the evidence that is not refuted in any well-informed quarter but is merely suppressed and hushed?

I will disgress at this point to call attention to a Senate resolution. On March 1, 1927, four years ago, in the closing days of the session, I proposed a resolution which I asked to have considered—and, of course, it was objected to and could not be passed—asking for a recess committee, to do what? To study this very question, pointing out these conditions on March 1, 1927. Did it get any attention? Why, I was "an enemy of prosperity." I was "trying to undermine prosperity." I was "attacking the stock market." I was "pulling down the value of securities, of stocks and bonds," in seeking to have an inquiry made into the extent of this inflation, and to have a check extended by the Government before the awful debacle came that was certain and inevitably to come.

I ask that that resolution and the speech I then made be printed in connection with my remarks at the end of my address.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALSH of Massachusetts. That resolution, in brief, provided for the appointment of a committee of 15—

To sit during the recess of Congress to make a constructive inquiry into the economic state of the Nation, in order that the Congress may be in a condition to demand, and the Congress which next reconvenes to enact, such legislation as may be helpful to these basic industries. That a thorough investigation be made by the committee:

First. As to the exact status of the general agricultural conditions in this country.

Second. To what extent does unemployment exist, and to what extent has there been curtailment of production in various industries throughout the country; the causes of these conditions, and the remedies needed to restore prosperity to these industries.

Third. To what extent do existing tariff laws, either by excessive duties or the want of sufficient tariff protection, and the tax on corporation incomes affect these industries and their employees?

Fourth. To what extent is the prevalent consolidation and reconsolidation of industries and the issuance of watered stock increasing the cost of living and bringing about economic conditions that are unsound and insecure?

Fifth. Whether and to what extent the growth of business consolidation in the mercantile life of the country is increasing or decreasing the cost of living, and whether this movement is leading toward a sound or unsound economic status for the future.

Sixth. What measures will be helpful both in continuing the prosperity that may be found to exist in certain industries and in making that prosperity general by restoring good business conditions to the industries that may have curtailed production and caused unemployment.

Of course, as I have said, the resolution was considered as an attack upon prosperity, and rejected.

But, why prolong further a presentation of evidence that inflation and gambling was rampant, for it is not refuted in any well-informed quarter, but is, I repeat, merely suppressed and hushed?

Mr. President, who now can doubt but that this redoubling of the capitalization of our industries and of our financial structures, which is alleged to have run into about fifty billions, is responsible for the terrible decline in values, the widespread business depression, and the general unemployment.

The result has not been sudden or unforeseen; it has been accumulating steadily for a long time. In my candid judgment, the 10 years of political control which we have had since the World War are responsible. Republican administrations are responsible, both through omissions to act and through affirmative declarations that this type of prosperity, the result of juggling and gambling and trust-making, was sound and secure and made for the permanent welfare of the people of the United States. This is a responsibility that can not be dodged, notwithstanding that Mr. Calvin Coolidge, on the eve of the campaign in Massachusetts last October, when he made a public speech over the radio calling for the support of Republican candidates, made this statement:

No party can guarantee prosperity.

Let me ask you to keep that phrase in mind while I quote to you, a little later, some of Mr. Hoover's phrases upon what political parties can do to preserve prosperity:

No party can guarantee prosperity.

Surely Mr. Coolidge does not claim that it is not a solemn obligation of government to prevent the destruction of the general business of the country by reckless and unconscionable financing methods that are within its power to prevent. Surely he would not hold that the Government, or the officials who control it, should not refrain from doing and promoting those practices and things that will inevitably destroy prosperity? And yet that, both of these counts, is precisely what his party did during the whole of his administration. And his successor started to follow in his footsteps, up to the time when he was interrupted by what he calls, "the crash."

The Democratic Party, whatever Mr. Coolidge may do or say, can not take the position that government must not supervise the misuse of power—be it the power of the gangster or of the liquor racketeer, or the worthless-stock promoter or of wealth combining to prevent a fair distribution of the resources of the Nation.

Misuse of power! Why, all government restraint is based upon the doctrine that there is in human nature an impulse to be selfish, to be greedy. What is the law of larceny but a law restraining the greed and the selfishness of one man in his concept of the property rights of another man? Yet the very purpose of corporations, the very purpose of trust formation, is that by several people combining, and by combining large sums of money, more greed and more selfishness can be exercised, and more profit accumulated. And yet these men, with their modern political philosophy, dare to say that it is not a function of government to restrain the misuse of organized financial power—but it may restrain the misuse of the wrong tendency in the individual to selfishness and greed. Oh, but to restrain the misuse of power by corporate control is "interfering with business"; and, of course, they, thereby pretend there is no selfishness and greed in organized business.

Democrats can not accept the doctrine that we are helpless with respect to economic wrong; that depressions, after they come, can not be cured, or, at least mitigated, by legislative act. That they can be prevented, even, by government, the Democratic Party must believe and strive for. Depressions do not cause themselves. Back of every depression is a series of human acts, and human acts presume responsibility—a man or group of men who can be called to account and compelled to do differently. And, I inquire, who but the state must do that calling to account and that compelling of a remedy?

Government has not met its obligation by enacting laws and then consistently failing to enforce its regulations to restrict organized greed. It must not only legislate and courageously enforce the safeguards necessary, but it should not cease its efforts until it has fostered policies that provide, as economic conditions change with the years, for a just distribution of the country's undoubted resources of wealth, to equalize economic opportunities, and to give to the poor the special protection of which they stand in need. Such a course and obligation of service to the public the Republican Party has abdicated. Whatever may have been the views of its founders, the Republican Party is to-day recognized as the instrument of the vested interests, to carry out their desires and to reap advantage therefrom.

Protection of the citizen, both in his separate and aggregate capacity, was the fundamental aim of the framers of the Constitution. To plunder the citizen without governmental hindrance is not less offensive or reprehensible because softer names are used, such as profits, revenues, stock dividends, investment trusts, or mergers. Soft words are always used by the conqueror or plunderer who usurps the property of others as his inheritance.

Why is it that we regulate transportation companies, electric-light companies, and similar public utilities instead of leaving them to their own devices? Do we not forbid these companies, which are specially charged with a public interest, to issue stocks and bonds based upon their earnings rather than upon their actual assets, in order that they may not overcharge and rob the public?

Must the unorganized masses stand by and allow organized combinations of private business to exploit them and spread economic ruin, suffering, and unemployment? Do government powers bestowed on corporations carry immunity with respect to the law against gambling with legitimate business or conspiring to concentrate the wealth of the Nation in the possession of the few? Is there no responsibility here for some political power and political leadership in this country to protect the many against the concentration of the wealth of the Nation in the possession of the few?

Let me read to you some recent promises and some admissions of governmental responsibility for prosperity, if indeed they are not actual admissions of governmental support of this brand of prosperity that I have been describing. You remember what I said Mr. Coolidge said a short time ago about the inability of any government to guarantee prosperity. Now, let me read you what Mr. Hoover said about prosperity.

On September 30, 1928, Mr. Hoover said:

Without the wise policies which the Republican Party has made effective during the past seven and a half years, the great prosperity we are now enjoying would not have been possible.

Again, on October 23, 1928, Mr. Hoover announced that—

Under the administration by the Republican Party in the last seven and a half years our country as a whole has made unparalleled progress. A continuation of the policies is fundamentally necessary to the further advancement of this progress.

Did not the country, in the election of 1928, act favorably upon this advice and give Mr. Hoover and the Republican Party the opportunity for the continuation of the policies which he declared to be necessary for the further advancement of prosperity? We know that it did.

Mr. SWANSON. Mr President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. SWANSON. As I understand from the quotation of the Senator, President Hoover admits that present conditions are the result of Republican policies and principles of legislation.

Mr. WALSH of Massachusetts. There is no doubt about it.

Mr. SWANSON. He said that in September. If the conditions in September were rotten in substance and simply pleasant in appearance, he admits that the Republican Party is responsible for them, does he not?

Mr. WALSH of Massachusetts. The Senator has said, in his direct way, what it would take others to say in many sentences.

Mr. SWANSON. He has admitted his responsibility. He can not deny it, and the whole structure of cards has fallen down, he has admitted twice.

Mr. WALSH of Massachusetts. He said he took to himself and his party credit for the prosperity of seven and a half years. He pleaded to be elected President of the United States to continue that prosperity, to carry out the policies for which his party and its leaders had stood, which he said represented and caused the so-called prosperity which existed.

Mr. SWANSON. Mr. President, has the Senator any subsequent quotations from him?

Mr. WALSH of Massachusetts. He said on September 17, 1928, this prosperity was not an "accident" and was not "achieved by luck" but was due to the "sound governmental policies and wise leadership" of the Republican Party, and added:

Continuous employment and prosperity depend upon the continuance of these policies.

A little earlier, in his speech of acceptance at Palo Alto, Calif., on August 11 of the same year, Mr. Hoover held out the hope of the eradication of poverty and the elimination of the poorhouse as the goal to which these policies were eventually to lead. He said:

The poorhouse is vanishing from among us. We have not yet reached the goal, but, given a chance to go forward with the policies of the last eight years, we shall soon, with the help of God, be in sight of the day when poverty will be banished from the land.

Mr. President, what has happened, then, that has impeded this promised prosperity? Frankly, is it not that the seven and a half years of Republican rule referred to by Mr. Hoover and accepted as prosperity were, in fact, an era of high financing that smacked of the temporary and insecure prosperity of the gambler?

There is the whole story. It was gambling prosperity. It was inflating stocks, bonds, industry, and finance; and, as I said earlier in my address, the gambler sooner or later comes to ruin.

But, alas! In this case the gambling, fostered and encouraged by government, has brought ruin and sorrow and heartaches to millions of human beings, unemployment, stocks and securities wiped out, widows and orphans bankrupt and penniless. Yes; it is the result of gambling; and gambling of a nation-wide character, unfortunately, supported and approved by those in high stations.

I do not blame Mr. Hoover for it all. This thing could not happen in one year. I think he deserves some pity. He inherited it. It is a political philosophy, as I am going to show later, that has long prevailed. He must take the responsibility because he defends it; but it is a political philosophy which started after the war, when men became drunk with the profits they made during the war and turned to using the corporation laws of this country for their selfish purposes, without hindrance, without check, without restraint. They proceeded to stiletto—that is the word, "stiletto"—every legitimate business and every legitimate enterprise in this country by their methods of high financing.

Mr. Hoover may have largely inherited, through the mistakes and omissions of his own political party, the conditions which exist at present in this country. He is the recipient of conditions which are the result of a political philosophy and political practices which permitted the greedy, the heart-

less, and the sinister financial interests to exploit the public and manipulate the money of the American people, the money of investors and depositors, to enrich themselves. The Republican Party represents this philosophy. Their leaders defend it. Therefore they must take the political consequences.

What do we need in America? Some of the governmental activities that are used to restrain larceny should be applied to restraining those who have picked the pockets of investors, who have destroyed industry, through overcapitalization and watered stock, and have brought about unemployment, by insidiously using the seal of the Government and the corporation laws to enrich themselves.

I ask the Senators of my own party who are listening to me, is there not something in this situation that calls for a vigorous protest, and for leadership, and for a dominant political issue? Is there not something here aside from developing religious animosities, and racial hatreds or discussions of other questions, however important they may be in this locality or that locality, something that reaches into every home, that reaches into every pocket, something that has shaken to its foundations the whole economic fabric of the American Nation? Yes, Mr. President, the issue in America to-day is a reorganized, a rebuilt, a new economic structure, and we must see to it that those who have caused the destruction of the present economic structure shall not do the rebuilding, or we will have a repetition of what has happened.

That is the issue, Shall the new, sound, sane, sensible economic policy of the future be intrusted to those who have wrecked the old system and who are responsible for its destruction, or shall we have a new deal? Shall we have men take the leadership in public life animated by a determination to preserve for all classes of the American people the great slogan of the Democratic Party, of its great founder, Thomas Jefferson, "Equality of opportunity"? Not special privilege for the powerful, for the few, for the wealthy, for the campaign contributors, but equality of opportunity for the farmer, for the miner, for the mechanic, for the men and women who toil, for the men and women who invest their money in corporations in this country, with the expectation that the Federal Government will not allow them to be robbed?

That is the problem confronting the Democratic Party, and here is its opportunity, and success is knocking at its door. The right to work; the right to be secure in investments; the right to know that business is not being conducted for mere exploitation and the robbery of the few; the right to prevent the destruction of the business of the country by unlawful and unreasonable exploitation.

I sincerely believe the great issue in America to-day is the one I am discussing. Surely we are not going to permit the political party and leaders who are responsible, those who have caused the wreck, to take further charge and reconstruct the new economic system that must be built on the ashes of the present system.

Look about you, Senators. See the smokeless chimneys in every village, the deserted towns, the empty tenements, the vacant stores, the ever-increasing army of unemployed. These are all evidences of an economic system that was labeled prosperity by the political leaders and responsible Government officials of the dominant political party.

Who seriously believes that all necessary Government restraint has been, or is being, used and that ought to have been used to assure the average citizen his rights, equality of opportunity, and protection against poverty and unemployment?

Mr. President, who of you dare claim that all of the agencies of government have been used, even attempted to be used, to prevent this awful havoc that has visited the American people through the neglect and indifference of governmental officials or through the absolute partnership of Government officials with selfish, greedy, sinister, financial interests in this country?

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. SWANSON. If the Senator will permit me, I have always thought this, that no wealth is created by government. Government takes wealth from the people to carry on its operations. All wealth is created by the people, the masses of the people struggling and producing things.

Honest government is government that will so direct affairs as to let money stay in the pockets of the people who produce it. Dishonest government is government that takes the profits of A and transfers them to B.

I understand from the citations the Senator has made that government in the last seven years has used its power improperly to distribute the wealth created by the people into the pockets of the few. The officials of the Government wanted to distribute wealth for gambling, and how did they do it? All corporations and enterprises are in stock gambling to-day. The gamblers have wanted to make the stock sell for twice what they could ordinarily get for it. So they made money cheap, abnormally cheap.

It will be remembered that my colleague, the junior Senator from Virginia [Mr. GLASS], protested that they had no right to make money cheap by ordering the banks in Chicago and other centers to reduce their rates of discount. They made money so cheap that the prices of stocks and bonds and securities were doubled. Then there was a good deal of gambling, which the Senator has so graphically described, and when the stocks began to quiver, and the gamblers could not put them higher, the President and the Secretary of the Treasury announced that they were not any higher than they ought to be, that the boom was still in front of us. They still continue to deal in stocks, and the masses of the people had their earnings taken from them in the orgy of gambling that went on.

We regulate railroads, because the railroads by excessive rates take too much of the earnings of the people and put them in their pockets. I think the Senator is right in saying that the functions of the Government should be exercised to keep the earnings in the pockets of the people who produce them, and not allow them to be distributed improperly by improper legislation. That has been the issue of Democracy, has it not?

Mr. WALSH of Massachusetts. That is very well stated. Let me relate an incident which impressed me very much, a very graphic picture of what I am trying to show.

A few years ago an old lady came to my office and threw down on the table in my office two certificates of stock, representing a cost of $2,000. She said to me, "Where can I get the money on those certificates?"

As soon as I looked at them I saw that they were worthless. The name of the corporation seemed to suggest that; I knew it was a worthless concern. I turned to her and said, "Madam, why did you buy those stocks?"

She said, "I put into them the last dollar I had in the world. My husband had saved $2,000, which he had invested in a savings-bank account; the agent told me I would make great profits and big dividends, and I drew the $2,000 out of the bank and put it into those stocks."

"My dear woman, why did you not ask somebody? Why did you not go to some Government official and inquire about those stocks and their value?"

She said, "I did that very thing. I did that very thing."

"What did you do?"

"I went to the statehouse with my certificates in my hand, before I bought them, and said, 'Is there such a corporation in this State, the State of Massachusetts?'"

The officer, the commissioner of corporations, said, "Yes; there is such a corporation."

"Is it existing?"

"Yes."

"Is it operating?"

"Yes."

She said, "I invested my money on the strength of that statement, for I did not believe my Government would allow its seal to be attached to a certificate of stock that was worthless and valueless and of no consequence. I believed that my Government, when it put its seal on a bond and stock, had an obligation to prevent that security being sold when it was actually valueless."

Mr. President, the whole trouble is that this philosophy of government of the dominant party in its partnership with privileged wealth has allowed the corporate laws, well-meaning and well-intended to help and encourage business, to be actually used in exploitation of the public—not only exploitation of the public, but for the destruction of business.

What has been the chief business of large groups of investment bankers since the war? It has been the buying of prosperous industries, consolidating them, inflating the capital, and then dumping the stocks on the public and destroying the industry. Let me give illustrations.

Some months ago I visited in the West an industry famous for its food products. The manager of the industry inquired if I knew a certain banker. I said, "Yes; I know him well. How do you know him?" He said, "He comes here frequently." I said, "What is his connection with your business?" He said, "He is trying to buy my business." I said, "Do you have much of that?" He said, "Senator, there is not a week goes by that I do not have agents of banking concerns coming here and knocking at my door, begging me to sell my industry in order that they may reorganize, inflate millions of dollars, and sell the stock to the public." These bankers only go to prosperous industries that have a successful trade-name because that stock can be easily sold. No struggling industry is taken.

One of the reasons for the depression in my section of the country to-day is due to the fine old industries, 75 to 100 years old, with a national reputation, known in every financial institution in the world as solid and substantial, which have been looted, which have been consolidated and reconsolidated, so that they to-day have a capitalization that makes it impossible to produce at a going price the products which they have been manufacturing. These promoters buy these industries to exploit them and not to manage them more economically.

I have in mind one industry in my own community where I live that in the last 15 years has gone through 5 consolidations, and yet the physical valuation of those industries of $15,000,000 was inflated to $40,000,000, and before the crash came at all the stock in those consolidated industries went down to the small sum of 86 cents. I can take Senators to communities where school-teachers, widows, professional men, who bought the certificates of stock in the parent industries which were most prosperous, which had a world-wide trade reputation, and they did not conceive, they could not take the time to study and investigate, the manipulations and the changes in the financial structure that were with rapidity carried on, and which resulted in those securities becoming practically worthless.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. WALSH of Massachusetts. I yield.

Mr. TRAMMELL. In the Senator's study of the question has he not found that practically all corporations worth while have an overcapitalization? Have not practically all of any great consequence, the biggest institutions in the country, an overcapitalization?

Mr. WALSH of Massachusetts. Yes. What is the object? The Senator has a prosperous business. I have a prosperous business. What is the object of putting our businesses together? Why does a banker come and offer the Senator $1,000,000 for a plant that is worth $500,000? Why does a banker come to me and offer me $1,000,000 for a plant that is worth $500,000? Is it not done by the banker to recapitalize them for $3,000,000 or $4,000,000 and thus put two or three million dollars in his pocket? That is what has been going on in industry and business in the last 10 years. That is what has made smokeless chimneys, deserted villages, empty homes in the land. It is a terrible story of wreck and ruin that cries to heaven to vengeance.

In the closing hours of this session I am appealing to my own party, because it is the minority, to take up this issue, to expose this fraud and corruption, to go forward as crusaders to establish a new economic system in the country that will restore economic equality of opportunity and that will crush out the greed and the selfishness which have saturated the business of the country and which have brought the awful economic ills which exist at the present time.

Mr. President, let me tell you what I think the obligation of government is with respect to such economic questions as unemployment. We spend millions of dollars to employ a large corps of men in the Army and Navy to defend us in the event of war. We spend large sums of money and the untiring efforts of many efficient officers to prevent disease and the spread of it. We even anticipate great catastrophes, such as earthquakes, and have relief and rehabilitation plans perfected in the event the catastrophe occurs.

Are not the hardships which unemployment causes akin to those of war and pestilence? Unemployment means poverty, misery, suffering, mental anguish, broken-hearted mothers, despairing fathers, undernourished children, disease! Yes; unemployment is a catastrophe. It is more widespread to-day in America than ever. It reaches into every avenue of life, the saleswoman, the stenographer, the bookkeeper, the accountant, clerical employees, foremen, superintendents; even railroad and restaurant employees have been made jobless, as well as the workers in every line of industry.

What has been done to anticipate or to prevent this awful plague of unemployment? Belatedly, on the eve of campaigns, committees were hurriedly appointed to study the problem—a problem that had already been made acute throughout the entire country for months and that has been increasingly acute in several States for a much longer period. Even the few limited measures to deal with this problem, proposed during the last session of Congress, failed to be acted upon, because the administration refused to recognize the importance and seriousness of this problem. Instead of adequate measures for relief, we have been given repeated promises from week to week that it would be over soon and the need for it would pass. The administration has been indeed prolific in promises but sterile in deeds. There has been much prophesy and no foresight, and now the winter is here. One must be blind who does not see the terrible struggle against accepting charity, as well as anguish and suffering, that is being visited upon many of our people.

I repeat, a little vision and a strong hand raised in protest against, instead of applause for, the gambling prosperity of recent years; a plan to construct large and extensive and much-needed public works, reforestation and reclamation projects, and the institution of measures of flood control, and dredging harbors, deepening and widening navigable rivers, and other similar work—the plans for all these things prepared in advance—would long ago have contributed powerfully toward relieving the present want and suffering.

Mr. President, I have discussed thus far the existing economic depression, because I consider this the momentous problem of immediate importance. Now let us turn to another subject and observe to what destructive ends this false political philosophy may go in another field of governmental activity.

When the agricultural West demanded relief the administration set up in the very Government itself the principle of trust control. The Federal Farm Board, which the representatives of the farmers in the Senate opposed until it was forced upon them by the administration, is a Government bureau, which has been given a working fund of $500,000,000 of public money to engage in an elaborate scheme of buying, selling, and fixing the price of agricultural products. The proposal of those imbued with the philosophy I have described was very naturally to propose what amounted to a dictatorship for farm relief. The failure of this unwise undertaking is now everywhere recognized.

It is this same political philosophy, supporting the self-interest of the few, that last year, in the midst of the present economic debacle, built a tariff wall, for the apparent benefit of favored interests, that has ruined our export trade, in-

vited business retaliation from other nations, threatened our friendly relations internationally, and crippled domestic production. I inquire, was not the natural consequence of this philosophy of government an embargo tariff—a tariff policy that meant the world markets for ourselves but no markets here for the rest of the world?

But enough of the examples of consummate selfishness of and for the favored powerful few which represents the political philosophy that the Democratic Party must set its forces against. Let us leave the field of political principles and consider the executive power, and contemplate the necessity and importance of the correct political philosophy in this branch of the Government.

Mr. President, the same lines of division which we know exist among legislators will be found in the executive branch of our Government. Men in command look forward or look back; they are progressive or they are conservative; they favor popular rights or defend entrenched wealth. And therefore, depending on which way they face, they exercise incalculable influence over the present and future course of government and the welfare of the people.

Let me illustrate: The Executive appoints in local, State, and Federal Government, membership on all the governing commissions that touch the daily life of the citizen at innumerable points. These political executive leaders appoint in some jurisdictions members of the judiciary for life. In the selection of these officials who constitute a vast army of public servants, with bureaucratic powers, the Executive must choose between able lawyers or commissioners of one or the other political school of thought.

Leaders occupying executive positions can nullify the benefits of every progressive measure enacted by State and Federal lawmakers by appointing reactionary-minded, controlled officials, or, what is even worse, a class of officials whose public service is based on expediency rather than a militant disposition to safeguard and defend the rights of the unselfish citizen who asks no favors and seeks no privileges.

Again, the Executive who becomes the leader of his party and the exponent of its principles, under our form of government, must chart for us, through his power of appointment, the course which shall guide our future relationship in regulating transportation, insurance, agriculture, electric and water power, tariffs, interstate commerce in merchandise and securities, the radio and other instruments of communication; in fact, all the innumerable activities that intimately affect the welfare and the everyday life of every citizen in the land.

The controversy that raged in the Senate for several days early in the present session revolved around this principle. On the surface the contest was over the confirmation of the members of the Power Commission, but the real contest was one of protest by a majority of the Senate against a power commission assumed, rightly or wrongly, to be subservient to the power interests rather than the public interest.

Mr. President, the increase of bureaucratic government also emphasizes the importance of the political philosophy that should differentiate the two major political parties of this country. Which philosophy can best investigate, scrutinize, and expose the activities of the hundreds of bureaus and the tens of thousands of employees, who in many instances possess the power to make regulations, as important as laws, to declare crimes and penalties and to spend billions of the people's money? Surely some leadership in our Government that is effective and espouses unmistakably the public interest and is not a mere rubber stamp should serve the people as a real safeguard and prevent these agencies from becoming the pliable tools of selfish and predatory interests. It is only through individual leaders and a political organization devoted and consecrated to the public welfare as distinct from self-interest that the people can secure responsible and efficient service in bureaus far removed from the people's influence and control.

Thus, Mr. President, the contention and strife for domination between these two political philosophies is going on with respect to every issue and every agency of the Government. Is there any doubt that the forces of organized self-interest have triumphed for many a year through their control of the majority party? Is not the time now at hand for the restoration of government to the common man?

What then is the clear opportunity and mission of the Democratic Party? Is it to continue wrangling about religion, about prohibition, about tariff rates, or is it to accept this call coming from millions of human beings who look to their Government—oh, for what? Indeed, for very little. The masses are only asking the right to fight and to die for it in time of war, and in time of peace raising their hands and saying, "All we ask is leave us alone, stop exploiting us, stop plundering us, stop robbing us, leave us alone." That is the cry that comes up to political leaders from millions of human beings.

What party is going to answer their cry if it is not the party that claims to be the advocate and spokesman of the common man, of the everyday citizen, of the man and woman on the street, of the man back on the farm, the small storekeeper, the mechanic, the clerk behind the counter? Are they to be voiceless? Is the plundering to go on and on because of the weakness and the blindness of political leadership in this country to foresee the importance of this issue and to make it the dominant controlling issue in the next campaign in this country?

Mr. President, briefly stated, the perceptions and aspirations of the poor—I am defining what I conceive to be the Democratic mission—of the working man and woman, the multitude, must be recognized and dealt with adequately by the party of the people. The Democratic Party, unlike the Republican Party, must not think entirely of the strong and powerful.

Somewhere, at some place, there ought to be a powerful political agency under our Government thinking of the weak and the poor. More than ever, the Democratic Party must watch, work, and think for the common welfare, and realize what are the means alone by which these problems can be solved. Our aim must be for the establishment of justice, which the fathers of the Republic knew was the chief end and purpose of government. "Abolish justice," said a great saint and scholar, "and what are governments but great robbers?" Have we reached that time? Has economic justice been so abnegated in this country that we have reached a state where the Government has become part and parcel of the agencies in this country which are robbing the great masses of their birthright?

I would choose for the present day's slogan of the Democratic Party Whittier's definition of justice: He called justice, "the hope of all who suffer; the dread of all who wrong." The Democratic party must insist upon the dispensation in government of that justice that is "the hope of all who suffer; the dread—the eternal dread—of all who wrong."

EXHIBIT A

(Speech of Hon. DAVID I. WALSH, of Massachusetts, Tuesday, March 1, 1927)

Mr. WALSH of Massachusetts. Mr. President, there is one long-standing custom of the British Parliament that I have often thought we would do well to adopt, and for the adoption of which the need never seemed to me greater than it seems to-day.

From time to time the House of Commons, as every Senator is no doubt aware, sets apart a day for the consideration of "the state of the nation." At such times the members of the cabinet and the responsible heads of any and all administrative departments, are obliged, if called upon, to answer in person any questions that may be asked as to the policies they are adopting and the reasons for them, and as to the evidence in support of any statements put forth by the administration or its supporters for the purpose of influencing public opinion. It is a custom the value of which can hardly be overestimated, it seems to me, not only in deterring administrative officials from embarking on courses which they will find it difficult to justify, but also in affording a safer basis for the drafting of remedial legislation, and for the giving or withholding the confidence of the House of Commons and of the nation from the ministry of the day.

We are confronted in the closing hours of this short session with a situation that sorely needs such an unpartisan or bipartisan investigation as this custom of the British House of Commons provides. We are dispersing to our homes, and shall reassemble in December, the victims of confused and conflicting reports as to what the effect of the policies of the present administration upon the condition and prospects of the Nation really has been, and with no safe means of deciding whether all is going as well as we have a right to expect, or what if any legislative

action should be taken to curb, stimulate, or direct administrative activities during the time that must elapse before the verdict of the voters themselves can be obtained.

On the one hand, administration spokesmen and the administration press are broadcasting the assertion that our Nation is enjoying, and has every prospect of continuing to enjoy, a prosperity that has never been approached before in the history of this or any other people. Republican propagandists the country over are repeating an estimate said to be based on the income-tax returns that the combined incomes of the people of the United States in the year just ended reached the amazing total of $95,000,000,000, or an average of about $2,000 for every head of a family and unmarried adult of either sex. And the growth of bank deposits, the quick absorption of vast issues of corporation stocks and bonds, and the immense sums that are seeking investment in foreign industries, are cited as unquestionable proofs of the reality and auguries of the permanence of this new age of gold. But when we turn from the fountains of partisan propaganda to more responsible and unbiased sources, to those whose knowledge of actual conditions comes from personal contact and individual experiences we hear an undertone of dissent and complaint so widespread and affecting so many of our fundamental industries and so large a proportion of those who depend on them for the necessaries and comforts of life that one is led to suspect that it may be the rapidly growing and dangerous concentration, rather than the healthful diffusion, of the national wealth that is evidenced by the widely advertised financial achievements of the year just elapsed.

Is not the prosperity which is so widely heralded the prosperity of monopoly? Is it not a prosperity that is discouraging individual initiative, driving the producer, the independent manufacturer, the small business man to the wall and confining the accumulation of wealth to the monopolies of industry and finance? And is not this monopoly, which is the distinctive product of our age, aiming to extend and perpetuate itself through a skillfully devised plan to seek and maintain control over both the legislative and the administrative departments of our Government?

We have heard much of late about the troubles of the wheat growers of the Middle West and the textile industries of the East, but perhaps we may find trouble in some section of the country other than the West or the East, with its crowded industrial centers, passing through a period of unemployment that has been longer continued in many of the basic industries than any like period in our history. Let us turn to the South and see if the present alleged prosperity is filling the coffers of the southern planter with wealth. The speeches delivered upon this floor and at the other end of this building have disclosed the same sad story of depressed land values in the cotton States, of bank foreclosures, and of financial ruin to those engaged in this industry that has been so graphically told in Congress in regard to the Western States.

All that I might say is summed up in an editorial on the cotton surplus published in the Washington Post on February 4, in these words:

"Only through a drastic slash in the cotton acreage to be planted this spring can the cotton States hope for relief from the depression which has well-nigh bankrupted the South during the past year. The price of cotton in New York, New Orleans, and Liverpool remains below the actual cost of production, and there is little hope of better prices in sight. * * * The only hope for better conditions in the market, if acreage is not reduced, lies in increased activity by the boll weevil. But the planter can not afford to put his faith in the boll weevil. * * * It is up to the bankers and merchants of the cotton States to refuse credit to those planters, black and white, who insist upon attempting to raise more cotton than the market will absorb."

These startling situations in the West and South are represented as local and passing setbacks due to surplus production, under climatic conditions which can not be foreseen or controlled, but which may be offset by a comparatively small and inexpensive amount of governmental interference. But the farm census reports tell a different story. They show that in every State in the Union there has been in the last few years a steady shrinkage in farm population, notwithstanding the fact that in our farm population there are 400,000 more births than deaths, year by year.

They show also that in every State there has been a marked shrinkage in the value of farm implements and machinery, and in all except one or two a shrinkage in the value of the farms themselves, while in all without exception the amount of farm mortgages and the ratio of the mortgage total to the total of farm values has risen, in the latter case from an average ratio of about 25 per cent to around 45 per cent, and in one State to 78 per cent, of the still shrinking farm values. Are not these statistics indications of something more than a passing and sporadic interruption of a general prosperity? Depression of farm values and real estate generally, which is the condition throughout the country, has never before been an indication of the existence of real or lasting prosperity.

And what of the hundreds of thousands who are abandoning the farms to seek a living elsewhere? Are they finding a place in our manufacturing industries?

If so, these should show a corresponding increase in the number of their employees beyond the increase corresponding to the country's annual growth in population. But is this really the case? We have in Massachusetts a department of labor and industries which, in my opinion, is unexcelled in painstaking thoroughness by any similar body in the United States, and this department, in a bulletin issued February 21, of the present year shows the decrease of employment in certain industries, by a comparison between the average number of wage earners employed during the five years between 1919 and 1923, and those employed in January of 1927, to be as follows:

In all industries taken together there were 15.6 per cent fewer persons employed than the average five years before.

In the boot and shoe industry there were 38.8 per cent fewer employees; in the cotton and textile goods industry there were 25.3 per cent fewer employees; in the textile machinery and parts industry there were 37.8 per cent fewer employees; in the woolen and worsted goods industry there was a reduction of 13 per cent. That the depression is continuing is indicated by the fact that statistics for all industries combined show that the number employed January, 1927, was 5 per cent smaller than in January 1926. That the shrinkage in employment which has been noted in the 39 leading industries for several months still continues, is shown by the fact that from December 15 to January 15 the aggregate weekly earnings shrank also to the extent of 139,047; while the average weekly earnings per person employed dropped from $24.37 to $23.96—both figures, by the way, quite noticeably under the before-mentioned "average yearly income of $2,000." And lest the citizens of Massachusetts should be unduly depressed by this showing, the bulletin goes on to state that for the United States as a whole, for the corresponding period, the percentages of decrease in numbers employed and in aggregate weekly earnings were both twice as great as in Massachusetts.

The pay-roll statistics from the July number of the United States Labor Review show that employment in the manufacturing industries fell off 18.7 per cent from 1920 to 1925. This report reveals also that the pay roll of the industries show a shrinkage of 32.3 per cent from 1920 to 1925. The comparison of the 1920 pay-roll index for the month of May, with the 1926 pay roll from the same month, shows a 6-year shrinkage of more than 40 per cent.

I shall not dwell upon the well-known decadence of the cotton textile industry in New England, where within the past few years nearly 40 factories have gone out of business altogether and several more have been absorbed by more successful competitors. So far as the cotton mills are concerned this situation may have passed beyond the reach of remedial legislation, since it is alleged to be due in the main to economic conditions for which no political organization and no party administration can justly be blamed. But it is a condition causing such great unemployment and loss of invested capital that the Government ought to determine the facts and find a remedy if one is to be found.

With the woolen mills the case is somewhat different. If the opinion of the Carded Woolen Manufacturers' Association is to be accepted, their main handicap lies in the 31-cent tariff on clothing wools, a tax which varies, they assert, from 40 to 100 per cent on their raw material, or from one to two and one-half times the total labor cost of converting the wool into cloth in the mills. To expect permanent prosperity under such a tariff burden is, of course, absurd.

I hold in my hand a list of the woolen mills which were forced out of business since the Fordney-McCumber tariff law of September, 1922. They are 39 in number. Eleven of them were located in New York State, 7 in Connecticut, 10 in Rhode Island, 9 in Massachusetts, and 1 each in Pennsylvania and Vermont.

But the main point that I wish to emphasize here is that the present and continuing shrinkage in employment and in weekly earnings is not confined to the textile industries, nor is it peculiar to New England alone. To a greater or less degree it pertains to all, or nearly all, our leading industries, and extends to nearly every State. The Federal Reserve Bulletin for January states that the output of the shoe industry in 1926 was 7½ per cent less than in 1923, and that in the same period the wage earnings in the Massachusetts shoe industry fell from $83,000,000 to $65,000,000, or nearly 24 per cent.

The automobile business has been referred to as an evidence of prosperity. As a matter of fact, it is one of the key industries that is shrinking. Statistics show the production of automobiles and trucks throughout the country in January, 1927, to be 249,506, which, compared with their production in January, 1926, of 388,220, is a reduction of 68,714, or 21.5 per cent. The reduction in the month of December, 1926, compared with December, 1925, was 45.6 per cent. But possibly this is not a fair comparison, as December is the month of readjustment of business in the automobile trade.

Statistics further show employment in the automobile industry in December, 1926, was 19.8 per cent under the 1925 level. The number employed in Detroit for the week ending February 2, 1927, was 48,019 less than that employed for the corresponding week in 1926.

In the financial papers generally are to be found, here and there, sanguine utterances (not editorial, however) like these: "With money plentiful and labor employed at the best wages ever enjoyed, and business picking up in the agricultural districts, everything seems to point to a good business year," and, "in view of the huge accumulations of wealth that have piled up in the face of liberal public expenditures, the new year offers the promise of solid progress."

But when they descend to details the "promise of progress" quickly fades, and the outlook becomes even less reassuring than that of the Reserve Bulletin. Nation's Business for December, 1926, justifies the caution that "1927, at least for the first half, may see some shading off" by asking what else is to be expected after a year that witnessed "the record number of bank failures, the second largest number of business failures, and the fourth largest total of failure loss," and when "in the last five years 100,000

concerns have suspended, owing their creditors over $3,000,000,000." And the December number of Guaranty Survey, of New York, notes, as other financial summaries do also, "Curtailment in the key industries of building and automobiles, diminishing export-trade balances, the outflow of capital, and increasing competition at home and abroad."

What conclusions are we to draw from this conflict between glittering generalities and somber pictures of details? The usual barometers of Wall Street are all "set fair." Money is plentiful, savings deposits increasing, bank reserves ample, no feverish speculation in evidence, a complete absence of the conditions that indicate the approach of financial stringency or panics on exchange. But how are we to harmonize this halcyon outlook with the depressing situation that prevails in so many branches of industry and pervades all sections of the Republic? Who has any definite knowledge of the present extent of unemployment or can even guess what has become of the hundreds of thousands of men and women who have forsaken agriculture, and who, instead of finding vacant places waiting for them in our leading manufacturing industries, have been joined by other thousands who have lost their jobs by the curtailment of these very industries; a curtailment, it appears, that even yet is not at an end?

For most of us, Mr. President, the long recess that we hope is so soon to begin will mean, in the main, a release from the pressure of legislative duties, and in this off year a relief also from the burdens of a political campaign. It will not, however, release us from the duty of caring to the extent of our opportunities for the welfare of the constituents who have honored us with their confidence and who continue our salaries whether Congress is in session or not.

Mr. President, I want to put the Senate on record to find out if its conception of the responsibility of its Members to the country justifies them in retiring from the National Capitol on the 4th day of March and absenting themselves for nine long months—with continuing salaries and four paid clerks—from any inquiry, study, or preparation of a plan of action, in view of the steady and constant decline in so many industries which furnish the sustenance of life to our working people, the deplorable state of the farmers of the West, the depression of the cotton industry in the South, the laying off of wage earners throughout the country, and the large number of bank suspensions and business failures throughout the United States. Are we to be content that all is well with our people and that economic conditions are sound because financial statements show the dominance of high finance in such striking contrast to actual conditions as they affect the individual wage earner, the agriculturist, and the cotton planter? The Congress can not avoid its responsibility by charging the President with failure to call an extra session and pointing to the fact that it has no power of its own initiative under the Constitution to call such a session. I know that extra sessions of Congress are burdensome, causing much personal inconvenience to Senators and Representatives, but I do not hesitate to declare that in my opinion the great legislative business of this country, with its many complex problems, can not be studied, debated, and settled in the same period of time that sufficed more than 100 years ago for the performance of the work of Congress, to wit, less than 70 days. The American people are not without the power to fix responsibility in such a case as this. The party in control of the Government must answer for its omissions as well as for its commissions.

Mr. President, Congress has become distinguished throughout the country in recent years for its large number of investigations of malfeasance in office, of corruption and incompetency of governmental departments, and also of flagrant abuses perpetrated by candidates for office in attempts to debauch the electorate by the excessive use of money in elections. It is time to have a constructive investigation—one that seeks to find sound and sane solutions of our economic problems, a remedy for conditions throughout the country which despite our great wealth appear to be rushing us headlong toward a course that can only end in the impoverishment of the many and the enrichment of a favored few.

The imperative need of such an investigation as I am urging upon the Senate has been impressively emphasized by the events of the past few days. All our protracted efforts to devise a measure of relief for the afflicted farmers and planters of the West and South have been brought to naught by a veto—which I can not but approve—on the ground that the measure is not only unconstitutional but ill-advised, and that in operation it would aggravate instead of relieve the hardships it was designed to correct.

Under these conditions, is not this the very least the Congress is bound to do, in justice to so many constituents to whom this fresh disappointment has come to intensify the pangs of hope so long deferred—can we in common humanity refuse to take every means in our power to provide the next Congress with all accessible evidence necessary to enable the discovery of a genuine remedy, the drafting of a measure that will be both constitutional and workable, the adoption of the best policy that human faculties can devise for the rescue of our basic industry from a depression which all our other industries can not fail to share?

I propose in the resolution which I have submitted that 15 Senators representing the agricultural, cotton, and manufacturing States be appointed to sit during the coming recess and be equipped with all the powers and facilities required for a thorough study of the economic state of the Nation, to determine the real extent and the causes of the untoward conditions that are reported to exist in so many industries, and especially the extent and the social consequences of the increasing unemployment that has been their natural result. The committee should discover whether the methods of the governmental agencies employed in gathering industrial and economic statistics are sufficiently thorough and scientific, and whether, in gathering and collating their material and in publishing their results, they are free from partisan bias and immune from partisan control. And when the necessary data are collected the committee should advise us, with the aid of the ablest economists that the country can afford, what steps should be taken by the Seventieth Congress to correct past errors, to avert impending dangers, and to make our prosperity in years to come the common heritage of all, not the envied perquisite of a favored few.

RESOLUTION

"Whereas it is constantly alleged that the country is enjoying a period of unparalleled prosperity and the large sums collected in taxes upon incomes and the increase in bank deposits are asserted to form a main evidence of this prosperity; and

"Whereas, on the other hand, it is repeatedly asserted that the agricultural industry on the whole is in a depressed and struggling condition, especially in the corn-producing and wheat-producing States of the West and in those States where cotton is produced, causing bank foreclosures, mortgage foreclosures, and in some cases bank failures; and

"Whereas in other parts of the country it is alleged that abnormal unemployment in industrial centers is existing, with the result of a great curtailment in the purchasing power of the American people, of itself sufficient to cause a dangerous lowering of normal industrial conditions: Be it

"*Resolved*, That a committee of 15 be appointed to sit during the recess of Congress to make a constructive inquiry into the economic state of the Nation in order that the country may be in a condition to demand, and the Congress which next reconvenes to enact, such legislation as may be helpful to these basic industries. That a thorough investigation be made by the committee:

"First. As to the exact status of the general agricultural conditions in this country.

"Second. To what extent does unemployment exist, and to what extent has there been curtailment of production, in various industries throughout the country; the causes of these conditions, and the remedies needed to restore prosperity to these industries.

"Third. To what extent do existing tariff laws, either by excessive duties or the want of sufficient tariff protection, and the tax on corporation incomes affect these industries and their employees.

"Fourth. To what extent is the prevalent consolidation and reconsolidation of industries and the issuing of watered stock increasing the cost of living and bringing about economic conditions that are unsound and insecure.

"Fifth. Whether and to what extent the growth of business consolidation in the mercantile life of the country is increasing or decreasing the cost of living, and whether this movement is leading toward a sound or unsound economic status for the future.

"Sixth. What measures will be helpful both in continuing the prosperity that may be found to exist in certain industries and in making that prosperity general by restoring good business conditions to the industries that have curtailed production and caused unemployment."

The committee to have full authority to issue subpœnas, compel the production of documents necessary to such inquiry, and to organize an administrative force sufficient to carry on the aforesaid work.

The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, but shall not include any allowance for traveling or other incidental expenses of members of the committee.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 6046) to authorize advances to the reclamation fund, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 155. An act for the relief of Jesse J. Britton;
S. 181. An act for the relief of James H. Roache;
S. 351. An act for the relief of John Donahue;
S. 401. An act for the relief of Claude J. Church;
S. 543. An act to increase the pay of mail carriers in the village delivery service;
S. 896. An act to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;
S. 1244. An act for the relief of Capt. Christian Damson;
S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership;
S. 1918. An act for the relief of Irene Strauss;
S. 2068. An act for the relief of Lester L. Wilson;
S. 2106. An act for the relief of John Baka;

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co.;
S. 2615. An act for the relief of Arthur J. Robinson;
S. 3050. An act for the relief of James M. Booth;
S. 3184. An act to permit the county of Solano in the State of California to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif.;
S. 3206. An act for the relief of Rebecca Green;
S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;
S. 3831. An act for the relief of Georgia A. Muirhead;
S. 4274. An act for the relief of Dr. Cooper Nicholson;
S. 4435. An act for the relief of James Williamson and those claiming under or through him;
S. 4509. An act for the relief of Thomas G. Hayes;
S. 4612. An act for the relief of the Corporation C. P. Jensen;
S. 4675. An act for the relief of the Seward City Mills (Inc.);
S. 4696. An act granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2 in said section 5;
S. 4715. An act for the relief of John T. Doyle;
S. 4716. An act for the relief of Mrs. Thomas Doyle;
S. 4726. An act for the relief of Alexander H. Bright;
S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia, the bowl and ladle formerly in use on the U. S. S. *Princeton;*
S. 5105. An act for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic & Pacific Railroad Co. in the State of New Mexico, and for other purposes;
S. 5193. An act for the relief of Mildred N. O'Lone;
S. 5195. An act for the relief of Howard Dimick;
S. 5198. An act for the relief of T. Morris White;
S. 5199. An act for the relief of Leslie W. Morse;
S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.);
S. 5201. An act for the relief of C. O. Smith;
S. 5321. An act for the relief of Thomas F. Myers;
S. 5353. An act for the relief of Mrs. Herman M. Warr;
S. 5467. An act to amend an act for the relief of Augusta Cornog, approved May 29, 1928;
S. 5516. An act for the relief of E. G. Mason;
H. R. 531. An act for the relief of John Maika;
H. R. 918. An act for the relief of Regine Porges Zimmerman;
H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;
H. R. 2222. An act for the relief of Laurin Gosney;
H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;
H. R. 3564. An act for the relief of John T. O'Neil;
H. R. 5521. An act for the relief of Louis Czike;
H. R. 5813. An act for the relief of Harold M. Reed;
H. R. 5931. An act for the relief of Milton Lockhart;
H. R. 5932. An act for the relief of J. Walter Smith;
H. R. 5933. An act for the relief of Joseph C. Looney;
H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox;
H. R. 6227. An act for the relief of Elizabeth Lynn;
H. R. 7784. An act for the relief of Mrs. L. E. Burton;
H. R. 7833. An act for the relief of H. L. Lambert;
H. R. 8242. An act for the relief of George W. McPherson;
H. R. 8476. An act to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor;
H. R. 8534. An act for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes;
H. R. 8785. An act for the relief of the Board of Underwriters of New York;
H. R. 8983. An act for the relief of Charles S. Gawler;
H. R. 9035. An act for the relief of Walter L. Turner;
H. R. 9070. An act for the relief of William Fisher;
H. R. 9354. An act for the relief of Okaw Dairy Co.;
H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;
H. R. 9575. An act for the relief of the New York Marine Co.;
H. R. 9660. An act for the relief of the widow of John Curtis Staton;
H. R. 10052. An act for the relief of A. J. Bell;
H. R. 10113. An act for the relief of Uriel Sliter;
H. R. 10306. An act for the relief of Henry I. Power;
H. R. 10631. An act for the relief of Barnet Albert;
H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26);
H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship, and for other purposes;
H. R. 11189. An act for the relief of Fritz Zoller;
H. R. 11911. An act for the relief of Frank J. Spencer;
H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;
H. R. 12215. An act for the relief of Daisy Ballard;
H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.;
H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.;
H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;
H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922;
H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.;
H. R. 17005. An act to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes; and
H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.

REPORT ON THE WAR FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, submitting, pursuant to law, the report of the War Finance Corporation (in liquidation), covering the period from December 1, 1929, to December 31, 1930, which, with the accompanying papers, was referred to the Committee on Finance.

REPORT OF THE FEDERAL FARM LOAN BOARD

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the fourteenth annual report of the Federal Farm Loan Board, for the year ended December 31, 1930, which, with the accompanying papers and exhibits, was referred to the Committee on Banking and Currency.

ADDITIONAL WICKERSHAM COMMISSION DATA

The VICE PRESIDENT laid before the Senate a communication from the chairman of the National Commission on Law Observance and Enforcement, dated March 3, 1931, reporting, in response to Senate Resolution 463 (submitted by Mr. TYDINGS) requesting the reasons for withholding

information by the commission as to prohibition enforcement in 16 States, and transmitting prohibition surveys on the States of New York, New Jersey, and Louisiana, which, with the accompanying documents, was referred to the Committee on Printing.

He also subsequently laid before the Senate a communication of the same date from the chairman of the National Commission on Law Observance and Enforcement, transmitting a prohibition survey on the State of Colorado, which, with the accompanying document, was referred to the Committee on Printing.

He also subsequently laid before the Senate a further communication of the same date from the chairman of the National Commission on Law Observance and Enforcement, transmitting a prohibition survey on the State of Illinois, divided into two parts (Part I referring to the State outside of the city of Chicago, and Part II to the City of Chicago), and also stating that all of the State reports received by the commission have been transmitted to the Senate with the exception of those relating to California, South Dakota, Massachusetts, and Nebraska, which appear to have been sent to the commission, but which search thus far has failed to discover, etc., which, with the accompanying documents, was referred to the Committee on Printing.

ADDITIONAL PETITIONS AND MEMORIALS

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Commerce:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Fred E. Lukens, secretary of state of the State of Idaho, and legal custodian of the original enrolled copies of all acts passed at the various sessions of the Legislature of the State of Idaho, do hereby certify that the annexed constitutes a full, true, and complete transcript of the original enrolled copy of House Joint Memorial No. 3 enacted by the twenty-first session of the Legislature of the State of Idaho, and filed in this office the 25th day of February, 1931.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the Capital of Idaho, this 27th day of February, A. D. 1931.

[SEAL.] FRED E. LUKENS,
Secretary of State.

LEGISLATURE OF THE STATE OF IDAHO,
TWENTY-FIRST SESSION,
In the House of Representatives.

House Joint Memorial 3, for the navigation development of the Columbia River and its tributaries. (By committee on agriculture)

To the honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the State of Idaho, in legislative session assembled, most respectfully represent and petition as follows:

That the Columbia River and its main tributaries, the Snake and Willamette, are navigable streams, but require further improvements of channels to meet up-to-date navigation conditions, and that such improvements will make possible the towing of fleets of barges loaded with products which to-day lie dormant or suffer restricted market outlet because of transportation costs; and

Whereas the people of the Columbia, Snake, and Willamette River districts have organized themselves together and formed the Columbia Valley Association for the purpose of carrying out their program; and

Whereas the program of the Columbia Valley Association provides for development as follows:

1. By navigation of the rivers so far as possible in the present condition of their channels.

2. By improvement of the channels so that navigation may be further facilitated and extended.

3. By canalization through the building of dams whereby such channels may be still further improved.

And, whereas the use of these rivers is the Pacific Northwestern link for the national inland waterways of the United States; and

Whereas there is now a bill before Congress presented by Senator STEIWER asking for the deepening and widening of the channel of the Columbia to 7 feet in depth and 100 feet wide from Portland to the mouth of the Snake; and for the deepening and widening of the channel of the Snake to 5 feet in depth and 100 feet wide from the mouth of the Snake to Asotin, Wash., and asking for an appropriation of $858,000 to carry on the work: Now, therefore, be it

Resolved, That we, your memorialists, approve the program of the Columbia Valley Association and urge that Congress establish this channel improvement as a project and appropriate the $858,000 of funds necessary for such improvement work, and we believe this program is in full harmony with that proposed by President Hoover for the development of our inland waterways system and an aid to agriculture and industry; be it further

Resolved, That one copy of this memorial be forwarded to the President of the United States, one copy to the President of the United States Senate, Speaker of the House of Representatives, and to each Member of the Idaho, Montana, Oregon, and Washington delegations in Congress.

This house joint memorial passed the house on the 19th day of February, 1931.

C. A. BOTTOLFSEN,
Speaker of the House of Representatives.

This house joint memorial passed the senate on the 23d day of February, 1931.

G. P. MIX,
President of the Senate.

I hereby certify that the within House Joint Memorial No. 3 originated in the house of representatives during the twenty-first session of the Legislature of the State of Idaho.

PAUL DAVIS,
Chief Clerk of the House of Representatives.

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of the State of Montana, memorializing Congress for the passage of pending legislation providing that the United States shall aid the States in the construction of rural post roads, and for other purposes, which was referred to the Committee on Post Offices and Post Roads. (See joint memorial printed in full when presented to-day by Mr. WALSH of Montana.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the annual convention of the New Mexico Wool Growers' Association, expressing appreciation and gratitude to the Federal Farm Board for "its splendid and effective cooperation and the very valuable assistance which has been rendered to the National Wool Marketing Agencies and to all other subsidiary agencies in connection with wool growing and wool marketing," which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a communication from the Secretary of War, transmitting copy of a resolution adopted by the Provincial Board of the Provincial Government of Capiz, P. I., protesting against alleged injustices committed against Filipinos in the United States, and requesting a Federal investigation thereof and the enactment of laws that will give due protection to Filipinos in this country, which, with the accompanying paper, was referred to the Committee on Territories and Insular Affairs.

The VICE PRESIDENT laid before the Senate a telegram, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed in the RECORD, as follows:

SALEM, OREG., *March 3, 1931.*

CHARLES CURTIS,
President of the United States Senate,
Washington, D. C.:

I have the honor to inform you that the Thirty-sixth Legislative Assembly of Oregon, now in session, has passed the following resolution:

"Senate Joint Memorial 12

"*To the honorable Senate and House of Representatives of the United States of America in Congress assembled:*

"We, your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

"Whereas the Government of the United States has an investment of $700,000, and the people of Langell Valley located in Klamath County, State of Oregon, have an investment of $900,000, the entire amount of which is threatened with certain destruction from drought conditions this year; and

"Whereas this irrigation project is a part and portion of the United States reclamation department; and

"Whereas the reclamation department in 1923 sold the surplus waters in Clear Lake, which is the natural reservoir for the Langell Valley irrigation district, for commercial purposes, receiving therefor more than $25,000; and

"Whereas the reclamation department has in its program of construction a short canal to tap the second large water supply which remains intact at the present time; and

"Whereas the reclamation department at a cost of $35,000 can run this canal, insuring a plentiful water supply for the 16,000 acres of irrigated land in Langell Valley for this season: Now, therefore, be it

"*Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein)*, That we, your memorialists, the Legislative Assembly of the State of Oregon, do hereby petition the Congress of the United States of America to take action at the earliest possible date to prevent this unit of the Reclamation Service known as the Langell Valley community in Klamath County to become dry and arid, thus causing the Government to lose its investment of $700,000, and the settlers of Langell Valley to lose their investment of $900,000; and be it further

"*Resolved*, That the Commissioner of the Reclamation Service, Mr. Elwood Meade, be consulted immediately as to the facts pertaining to the Langell Valley situation, with the request that the reclamation department furnish the necessary funds to construct the short canal; and be it further

"*Resolved*, That in case the reclamation department has no funds available that an appeal will be made to the drought-relief department of the United States Government, or to some other agency that has sufficient funds, so that immediate work may be begun; and be it further

"*Resolved*, That the secretary of state of the State of Oregon be, and he hereby is, authorized and directed forthwith to transmit a certified copy of this joint resolution to both branches of the United States Congress by telegraphic communication.

"Adopted by the senate February 25, 1931.

"WILLARD L. MARKS,
"*President of the Senate.*

"Concurred in by the house February 27, 1931.

"F. J. LONERGAN,
"*Speaker of the House.*"

HAL E. HOSS, *Secretary of State.*

HOUSE BILL REFERRED

The bill (H. R. 10560) to amend section 22 of the Federal reserve act was read twice by its title and referred to the Committee on Banking and Currency.

ST. FRANCIS RIVER BRIDGE, MADISON, ARK.

Mr. CARAWAY. Mr. President, some days ago the House passed House bill 16419, an authorization for the construction of a highway bridge across the St. Francis River in St. Francis County, Ark. It is to be built by the highway commission of the State as a free bridge. I ask unanimous consent that the committee may be discharged from the consideration of the bill and that it be taken up and passed.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Chief Clerk read the bill (H. R. 16419) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Arkansas State Highway Commission and their successors and assigns to construct, maintain, and operate a free highway bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation, at or near Madison, Ark., on State Highway No. 70, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. BINGHAM. Mr. President, is this course satisfactory to the chairman of the Committee on Commerce?

Mr. CARAWAY. He is present.

Mr. JOHNSON. I have no objection.

The VICE PRESIDENT. Without objection, the Committee on Commerce will be discharged from the further consideration of the bill.

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE, MOUNDSVILLE, W. VA.

Mr. DALE. Mr. President, there are only three bridge bills remaining on the clerk's desk. I ask unanimous consent that they may be disposed of.

The VICE PRESIDENT. Is there objection?

The clerk will read the first bill.

The Chief Clerk read the bill (S. 6216) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va., which had been reported from the Committee on Commerce with amendments, on page 1, line 7, after "1929," to insert "heretofore extended by act of Congress approved May 19, 1930"; and on the same page, line 8, before the word "extended," to insert the word "further," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va., authorized to be built by the Moundsville Bridge Co., its successors and assigns, by an act of Congress approved March 1, 1929, heretofore extended by act of Congress approved May 19, 1930, are hereby further extended one and three years, respectively, from March 1, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The VICE PRESIDENT. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIPE-LINE BRIDGE ACROSS MISSOURI RIVER

The VICE PRESIDENT. The clerk will read the next bill.

The Chief Clerk read the bill (S. 6253) granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River, which had been reported from the Committee on Commerce with amendments, on page 2, line 1, after the word "navigation," to strike out the balance of line 1, and down to and including line 8, and in lieu thereof to insert a comma and the words "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, to construct, maintain, and operate a pipe-line bridge and approaches thereto across the Missouri River and approximately nine-sixteenths of a mile downstream from the bridge of Sioux City Bridge Co. across the Missouri River at Sioux City, Iowa, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is fully authorized to exercise the same, as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE, STAR CITY, W. VA.

The Chief Clerk read the bill (S. 6262) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va., which had been reported from the Committee on Commerce without amendment, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Monongahela River, at or near Star City, W. Va., authorized to be built by the Monongahela Bridge Co., its successors and assigns, by an act of Congress approved May 16, 1930, are hereby extended one and three years, respectively, from May 16, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. REED. I ask unanimous consent, out of order, to report, for the calendar only, a bill from the Military Affairs Committee to amend the national defense act, sometimes spoken of as the National Guard bill. I do not ask

present consideration of the bill at this time, but just to put it on the calendar.

The VICE PRESIDENT. The clerk will state the title of the bill.

The CHIEF CLERK. A bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended.

The VICE PRESIDENT. Without objection, the report will be received, and the bill will be placed on the calendar.

ADVANCES TO THE RECLAMATION FUND

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6046) to authorize advances to the reclamation fund, and for other purposes, which were, on page 2, line 6, to strike out the word "funds" and insert "fund," and on page 2, line 6, to strike out all after "July 1," down to and including the word "completed" in line 10, and insert "1933."

Mr. BORAH. I move that the Senate concur in the amendments made by the House.

The motion was agreed to.

JOURNAL OF MARECHAL DE CAMP OF SIEGE OF YORKTOWN (S. DOC. NO. 322)

Mr. FESS. Mr. President, I hold in my hand an unpublished journal of the siege of Yorktown, prepared by marechal de camp, covering the period of the siege from October 6 until October 19, the latter day being the day of the surrender. It is a very valuable document. It has been translated from the French by the French department of William and Mary College, and up to date it never has been published. In view of the sesquicentennial celebration that is coming soon, I ask unanimous consent that it may be printed in the RECORD and also as a Senate document with illustrations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

JOURNAL OF THE SIEGE OF YORK (TOWN)
(By the general staff of the (French) Army)

OPENING OF THE TRENCH FROM THE 6TH TO THE 7TH OF OCTOBER, 1781

Marechal de camp (brigadier general?), Baron de Diomenil brigadier (then, as in the Spanish Army to-day, a rank between that of brigadier general and colonel) the Count de Custine. Bourbounais (troops from old province of Bourbon) two battalions. Soissonnais (troops from old province of Soissons) two battalions. Night workmen (engaged in working on the trench during the night of the 6th-7th October), 1,000 men.

The trench has been opened in a parallel whose left rests on a ravine which follows the redoubt of Pigeons Hill and whose right joins the left of that (trench) of the Americans crossing at right angles the high road of York (town). This parallel was supported by four redoubts, two in the territory of the Americans and two in that of the French.

The American offensive, which in reality, together with our own, constitutes but one and the same, rests its right upon the river. Their work of last night (6-7 October) has been the construction of that part of the parallel which belongs to them. At the same time they have opened on our left, joining the upper part of the river, a trench supported by a battalion of Touraine and the grenadiers and chasseurs (light infantry). They have begun a battery the object of which is to fire upon the enemy vessels in the upper river.

The enemy soon discovered this offensive and it has attracted their attention so completely that they have no knowledge whatever of our main offensive, upon which they have directed no fire, contenting themselves, as on preceding nights, with firing upon the redoubts which we have abandoned and upon the two constructed by the Americans on both sides of the Hampton Road, which are behind our works. Chance shots have resulted in no worse than a slight contusion to an officer of the Royal Deux Ponts and a more severe wound to a soldier of the same regiment, both belonging to the men working on the trenches.

In the offensive of the Touraine regiment there was one artillery officer dangerously wounded and six grenadiers of whom two only slightly and a soldier of the Agenois troops. At daybreak the works of the great offensive were found almost everywhere in condition to receive the troops. There have been employed during the day in the improvements of the parallel 400 workmen taken from the trench battalions.

FROM THE 7TH TO THE 8TH (OCTOBER)

Marechal de camp, the Chevalier (Knight) de Chatellux.

Two battalions of Agenois, two battalions of Saintonge night workmen—900 men.

Last night 500 workmen were employed under the direction of engineers to begin the communications with the rear and on the left of the parallel to improve it as well as the redoubt and to make the zigzag communicating trenches to the batteries. The 400 other night workmen were employed, together with those of the battery, in the construction of the batteries. For the offensive against the upper river we have continued the construction of the battery, which was found at daybreak in condition to fire. We have employed 400 day workers, taken from the trench battalions, to perfect the works of the two preceding nights and to continue the construction of the batteries. For the American offensive, they have begun to construct the batteries.

Wounded in the great offensive—six men.

Condition of the batteries begun the night of the 7th–8th:

AMERICAN

On the right, joining the river, one battery of six cannon and four howitzers. Near the first French redoubt, a battery of five cannon.

FRENCH

No. 1. A big battery composed of 4 pieces of 16.2 mortars of 12 inches, 4 mortars of 8 inches, 2 howitzers of 8 inches, a little behind the parallel and a little to the left of the Hampton highroad.

No. 2. A battery of 4 pieces of 24, also behind the parallel and to the right of the ravine on which it rests.

No. 3. One of 3 pieces of 24, in the direction of and behind the extremity of the parallel.

No. 4. One of 3 pieces of 24, to the left of the ravine on which the parallel rests.

FROM THE 8TH TO THE 9TH

Marechal de camp, the Marquis of St. Simon.

Brigadier, the Count de Custine.

Two battalions of Gatinais, two battalions of Deux Ponts Auxiliaries, the grenadiers of Soissons and of Saintonge night workmen, 800 men.

Half the night workers were employed under the direction of engineers to complete the communications begun the preceding night and the others, together with the artillery, to continue the construction of the batteries and to begin the construction of a new one.

No. 5. Of seven mortars, in front of the parallel toward the left.

We have employed 400 day workers, taken from the trench battalions, on the same tasks. The Americans have continued the works of the night and preceding day. Their battery of six pieces of cannon and four howitzers, joining the river, was found to be in condition to fire two hours before night. The battery for the offensive on the upper river began at about 3 o'clock to fire upon an enemy frigate, which was obliged to slip its cables and retire.

One killed, one wounded.

FROM THE 9TH TO THE 10TH

Marechal de camp, the Count de Diomenil.

Two battalions of Bourbonnais, two battalions of Soissons troops. Auxiliaries: Chasseurs, Agenois, and Gatinais.

Night workers, 700 men.

Four hundred workmen were employed under the direction of engineers to palisade the redoubts of the parallel and to improve communications, and 300, together with those of the artillery, to continue the batteries. At daylight the following batteries began to fire:

The American battery of five cannon, and the French batteries, one and two.

At the end of two hours firing, the enemy (blot, illegible, ceased?) entirely.

We employed 200 day workers, taken from the trench battalions, to improve communications and to continue the work on the batteries which are not yet completed.

Wounded in the great offensive, two men.

FROM THE 10TH TO THE 11TH

Marechal de camp, Baron de Diomenil; brigadier, the Count de Custine. Two battalions of Agenois, two battalions of Saintonge. Auxiliaries: Chasseurs of Soissons and of the Royal Deux Ponts.

Night workers, 300 men.

The night workers were employed in improving the batteries and redoubts. During the night we continued to fire bombs from the American batteries and from our battery No. 1. We fired red-hot balls at the vessels from the battery of the upper river offensive and set fire to a vessel of 44 (guns), the *Caron*, and to two transports.

Our batteries Nos. 3 and 4 have continued to fire during the day. The enemy began again, at about 3 o'clock in the afternoon, to fire a few shots from their right upon battery No. 5 and upon the neighboring (earth) works.

One killed, three wounded.

FROM THE 11TH TO THE 12TH

Marechal de camp, Chevalier de Chatellux.

Two battalions of Gatinais, two battalions of Royal Deux Ponts. Auxiliaries: Chasseurs Bourbonnais and grenadiers of Saintonge.

Night workers: 800 men.

We have employed 150 night workers to begin a second parallel at about 280 yards (140 toises) in front of the first and 300 yards (150 toises) from the city at its point of greatest elongation, the left resting on the big ravine on which rests also the first (parallel), and which serves as a means of approach for reaching it. The American workers have done their part of this parallel to the right, where it extends to the point opposite their battery of five pieces of cannon. Having one outlet (debouche) which starts from the ravine to the left of our battery No. 2 and advances by zigzag up to the second parallel. This parallel is covered by two redoubts. We have employed 50 night workers to complete battery No. 5 and upon reparations of the others. To cover this work and to conceal it from the enemy we have caused our batteries of mortars and howitzers, as well as those of the

Americans, to fire all night, and we continued a moderate firing from our batteries of cannon. The enemy has fired some bombs and a few cannon shots, which have not interrupted our works, and these have been found, at break of day, in good condition. They ought to be as good as those of the Americans. At daylight our battery No. 5 began firing, and we continued the fire of our battery of cannon until 9 o'clock, when, fearing to incommode the American day workers, we discontinued it. But the fire of the enemy having been resumed, we began at about 11 o'clock to fire from our batteries Nos. 3 and 4. We had the work on the new parallel continued by 300 day workmen taken from the trench regiments.

Wounded in the great offensive, four men belonging to the Third Battalion, that of Touraine.

FROM THE 12TH TO THE 13TH

Marechal de camp, the Marquis de St. Simon.

Brigadier: The Count de Custine.

Auxiliaries: Chasseurs Bourbonnais and grenadiers of Saintonge.

Two battalions of Bourbonnais, two battalions of Soissonais.

Auxiliaries: Grenadiers of the Agenois and Gatinais.

Six hundred night workers.

The night workers have improved the city works; 300 day workers have completed the parallel and begun the construction of the batteries.

Six killed and 11 wounded in the great offensive, besides Messrs. de Miotes and Dutour, officers of the Soissonnais, who were wounded.

FROM THE 13TH TO THE 14TH

Marechal de camp, the Count de Diomenil.

Two battalions of Agenois, two battalions of Saintonge.

Auxiliaries: Grenadiers of the Soissonnais and of the Royal Deux Ponts.

Night workers, 600 men.

Three hundred night workers have been employed in improving the redoubts and the other works of the trenches; the other 300 have been employed in the continuation of the batteries. These works have been continued by 300 day workers taken from the trench battalions.

In the great offensive, 1 killed, 28 wounded.

Condition of the batteries begun during the night of the 13th–14th: No. 6. Between the two communications and a little in front of the second parallel, 6 pieces of cannon. No. 7. To the left of the mouth of the left communicating trench and of the parallel, 6 pieces of cannon. No. 8. In the parallel at the right of the left redoubt, 6 pieces of cannon. No. 9. In front of the left of the parallel, 8 mortars and 2 howitzers.

FROM THE 14TH TO THE 15TH

Marechal de camp, the Baron de Diomenil.

Brigadier: The Count de Custine.

Two battalions Gatinais, two battalions Royal Deux Ponts.

Auxiliaries: Grenadiers of Saintonge; Chasseurs Bourbonnais, Agenois, and Soissonnais.

Night workers, 800 men.

The attack upon the two advanced redoubts of the enemy, one resting on the river, the other at its left having been ordered, was made at night, consisting of American Light Infantry supported by two of their trench battalions. The whole, commanded by the Marquis de Lafayette, attacked the redoubt on the river, captured it with bayonets at the end of their muskets. They had 4 officers wounded and about 20 soldiers killed or wounded.

The French troops had the task of attacking the other redoubt. They issued by the right flank of the American battery of five cannon and advanced in the following order: The companies of grenadiers and chasseurs of the trench regiments, commanded by Count William of Deux Ponts, second ranking colonel of the Royan Deux Ponts, and the Marquis de L'Estrade, lieutenant colonel of the Gatinais, the first battalion of Gatinais, the auxiliary grenadiers and chasseurs of the trenches, with the exception of the chasseurs of Soissons (destined to distract the enemy to the left of our main attack). This above-mentioned division was ordered to support the attack under the orders of the Marquis de Rostaing, colonel of the regiment of Gatinais. The Baron de Diomenil conducted the whole attack and set forth with four companies of grenadiers and chasseurs in the best order and in the greatest silence. The enemy early discovered the column, upon which it began a lively musketry fire. The enemy's abatis was found to be in much better condition than we had hoped after having bombarded this redoubt for several days with much artillery. In spite of the enemy's fire the carpenters of the trench regiments opened some passages through it by which the grenadiers and chasseurs of the Gatinais and Deux Ponts entered into the fosse and with them the same carpenters who were obliged to cut away also some palisades in order to open the fraise of the redoubt. The same grenadiers and chasseurs took advantage of these openings to mount upon the parapet where they re-formed for attack which soon obliged those of the enemy who remained there to surrender. We made prisoner 40 soldiers and 3 officers and counted 18 dead. The rest to the number of 120 escaped by flight. Our loss in this attack was about 80 men killed or wounded.

The enemy began at once a very lively fire of cannon and howitzers upon the redoubt which we had just captured and thus caused the death of many more of our men. As soon as we had become masters of the redoubt 500 workmen issued from the right of the second parallel to prolong this up to the (captured) redoubt. American workmen have continued this parallel between the two captured redoubts and have opened a communicating trench between the first parallel, starting from between their big battery and their first redoubt on the right and directed toward the enemy redoubt which they had captured. All these works have been pushed with the greatest speed and were found far advanced at daybreak. The feint ordered on the left of our works having been pushed a little too ardently by the Count de Custine, we lost a few men there. We had also, early in the evening, attracted the attention of the enemy toward the upper river by a feint executed without loss by the regiment of Touraine. Two hundred night workers have been employed to continue the work on the batteries and the other 100 in improving the communications along the whole extent of our works of the preceding nights. The enemy have continued a rather heavy fire of bombs and howitzers on our works, which has greatly incommoded our workmen. The regiment of the Bourbonnais came into the trenches at 10 o'clock in the evening to reinforce them in case the enemy should undertake to interfere with our work by a serious attack.

Killed 46 men, wounded 68, in the great offensive.

Officers wounded: Count William de Deux Ponts; the Chevalier de Lameth, assistant first sergeant; Mr. de Circuit, captain of the Gatinais; Mr. de Berthelun, also captain of the Gatinais; Mr. de Souque, second lieutenant of the Gatinais; Mr. de Lutzow, lieutenant of the Royal Deux Ponts.

FROM THE 15TH TO THE 16TH

Marechal de camp, the Chevalier de Chatellux.

Bourbonnais, until the evening of the 15th, two battalions.

Soissonnais, two battalions.

Agenois, auxiliaries for the night: Chasseurs of the Royal Deux Ponts, auxiliaries.

Night workers, 500 men.

One hundred night workers were employed to improve the batteries. The other 400 were employed in perfecting the parallel and the redoubts. At 5 o'clock in the morning the enemy made a sortie. They entered one redoubt near battery No. 6 and into our batteries where they imperfectly spiked the guns which were able to fire six hours later. Battery No. 6 began firing about noon.

Killed 1, wounded 37, in the great offensive.

Officers wounded: Mr. de Marin, captain of the Soissonnais; De Bargues, lieutenant of the Bourbonnais; de Houdelot, lieutenant of the Agenois; De Lammont, second lieutenant of the Agenois; De Purignant, lieutenant of artillery. Mr. de Bourguimont, captain of the Argenois, was made prisoner by the enemy during their sortie.

FROM THE 16TH TO THE 17TH

Marechal de camp, the Marquis de St. Simon.

Brigadier, the Count de Custine.

Two battalions of Gatinais, two battalions of Saintonge.

Auxiliaries: Grenadiers of the Agenois.

Night workmen: 300 men.

The night workers have continued to improve the trench works and have fortified the batteries which began to fire at daybreak. At about 10 o'clock, the enemy sent bearers of a flag of truce requesting a suspension of hostilities for 24 hours to consider terms of surrender of the place, the place itself, and the fate of the troops. Firing ceased on both sides, but General Washington not finding the propositions (of the enemy) sufficiently explicit, gave orders to resume fire.

One killed, 10 wounded. The Marquis de St. Simon slightly wounded.

FROM THE 17TH TO THE 18TH

Marechal de camp, the Count de Diomenil.

Two battalions of Bourbonnais, two battalions of Royal Deux Ponts.

Another truce bearer arrived at about 3 o'clock, with propositions which have caused hostilities to cease on both sides, until the signing of the terms of surrender at noon on the 19th.

Two killed, four wounded.

Mr. de Bellenger, lieutenant of Artillery, killed.

Page 6. Mr. de Droulet, lieutenant of Grenadiers of the Agenois, was wounded October 1 in a feint made upon the redoubt on the enemy's right as well as six volunteers of St. Simon. (Footnote.)

Recapitulation of killed and wounded of the French Army

	Killed		Wounded	
	Soldiers	Officers	Soldiers	Officers
1781				
Oct. 1	None.	None.	6	1
Oct. 6	None.	None.	8	[1] 2
Oct. 7	None.	None.	6	None.
Oct. 8	1	None.	1	None.
Oct. 9	None.	None.	2	None.
Oct. 10	1	None.	3	None.
Oct. 11	None.	None.	7	None.
Oct. 12	6	None.	11	2
Oct. 13	1	None.	28	None.
Oct. 14	46	None.	62	[2] 6
Oct. 15	1	None.	37	[3] 5
Oct. 16	1	None.	10	1
Oct. 17	2	1	1	None.
Total	59	1	182	17

[1] Officers of Artillery.
[2] Circuit, captain of the Gatinais.
[3] Captain Marin, of the Soissons.

Terms of surrender agreed upon between General Washington, the Counts de Rochambeau and de Grasse, on the one hand, and the Hon. Lord Cornwallis, lieutenant general of the forces of his Britannic Majesty, commanding the garrisons of York (town) and Gloucester, and Thomas Symond, Esq., commanding the naval forces of His Britannic Majesty in the York River in Virginia and elsewhere.

(Accepted.)

ARTICLE 1

The garrisons of York (town) and of Gloucester, including the officers and sailors of the vessels of His Britannic Majesty, as well as all other sailors, surrender as prisoners of war to the combined forces of America and France. The troops shall be prisoners of the United States and the entire naval forces shall be prisoners of the Navy of (S. M. T. C.) His Very Christian Majesty.

(Accepted.)

ARTICLE 2

The artillery, the weapons, clothing, military chest, and stores, of whatever sort they may be, shall be handed over without damage to the heads of the various departments appointed to receive them.

(Accepted.)

ARTICLE 3

To-day at noon the two redoubts on the left flank of York (town) shall be delivered, the one to a detachment of American infantry and the other to a detachment of French grenadiers. The garrison at York (town) will march to a place agreed upon in front of its outposts, with weapons in their arms, flags in their cases, and drums beating a march either English or German. It will lay down its arms and return to camp, where it will remain until it be directed to the place of its destination. Two posts of Gloucester will be delivered over to two detachments of troops, American and French, sent to take possession of them. The garrison will withdraw therefrom (Gloucester) at 3 o'clock in the afternoon, the cavalry will carry the naked sword, with trumpets blowing, and the infantry will march out in the same manner as that of York (town) and return to their camp until they shall have been entirely evacuated.

(Accepted.)

ARTICLE 4

The officers will keep their swords and they as well as the soldiers will keep their private property of every description. No part of their baggage or papers can ever be subjected to inspection or search. The baggage and papers of the officers taken during the siege will also be kept for them. It is understood, however, that property of inhabitants of this country which shall be visibly in the hands of the garrison can be reclaimed.

(Accepted.)

ARTICLE 5

The soldiers will remain either in Virginia or in Maryland or in Pennsylvania and shall remain by regiments as far as possible. They shall have the same rations as those of the American Army. Superior officers of each nation, English, Ansbach, Hessians, or other officers, shall, upon giving their word of honor, have the liberty of residing with their regiments in the proportion of 1 officer to 50 men or to visit them often and be witnesses of their treatment. The officers will receive and will distribute to their men clothing and other necessities. For this purpose passports will be granted to them upon demand.

(Accepted.)

ARTICLE 6

The general, civil employees, and other officers who are not employed as herein before mentioned, to them it is said that if they so desire, they may have permission, upon giving their parole, to go to England, to New York, or to any other part of America now in possession of English forces, at their option. The Count de Grasse will furnish them the necessary vessels to carry them to New York within 10 days counting from the present date, as truce bearers. They will remain in a place to be agreed upon until they embark. The officers of the civil department of the Army and Navy are included in this article. Those will be given passports to go by land for whom vessels can not be furnished.

(Accepted.)

ARTICLE 7

The officers will have permission to keep soldiers with them as domestics in accordance with ordinary practice in the service. Domestics who shall not be soldiers will not be regarded as prisoners and may go with their masters.

ARTICLE 8

La Bonnette, naval sloop, will be equipped and commanded by its captain and crew and left entirely at the disposition of Lord Cornwallis from the moment that the terms of surrender shall have been signed. It will receive on board an aide-de-camp to carry the dispatches to Sir Henry Clinton. The soldiers whom he will judge suitable to send to New York will be allowed to leave without being examined when the dispatches shall be ready. His lordship promises, on his part, that the vessel will be returned to the Count de Grasse, if he escapes the dangers of the sea; that he will carry off no public property, and that those of the crew, or the soldiers who are passengers, who are missing will be taken into account when they shall be returned.

ARTICLE 9

Merchants will keep their property and will have three months to dispose of it or to take it with them. They shall not be considered prisoners of war.

(Merchants may dispose of their property. The allied armies will have the right of first purchase. They will be considered prisoners on parole.)

ARTICLE 10

Natives or inhabitants of different parts of this country now in York (town) and Gloucester will not be punished for having joined the English Army.

(We can not consent to this article. It is absolutely a civil matter.)

ARTICLE 11

Hospitals will be furnished for the sick and wounded. They will be cared for by their own doctors on their word of honor. They will be furnished medicines and provisions of the American hospitals.

(The stores of the hospitals which are at present in York (town) and Gloucester will be delivered (to the Americans) for the use of the sick and wounded English. One will give them passports to procure for them other provisions from New York. According as the occasion may demand hospitals will be furnished for the sick and wounded of the two garrisons.)

ARTICLE 12

Wagons will be furnished to carry the baggage of officers remaining with the soldiers and of doctors when they are on the way to attend the sick. This expense will be at the cost of the State.

(Wagons will be furnished if it is possible.)

ARTICLE 13

The vessels and boats in the two ports with all their provisions, cannons, stores, and supplies will be delivered in the condition in which they now are to an officer of the Navy who shall be appointed for that purpose. Property of private citizens will be taken off first; that is, property which has been put on board for its safety during the siege.

(Accepted.)

ARTICLE 14 AND LAST

No article of the terms of surrender shall be violated under pretext of reprisals. If there is any doubtful expression, it will be interpreted in accordance with the sense and meaning of the word.

(Accepted.)

Done at York (town) in Virginia the 19th of October, 1781.

(Signed) CORNWALLIS.

Condition of the garrison of York (town) and Gloucester made prisoner October 19, 1781, and property taken from the English.

Names of English and German regiments taken at York (town) and Gloucester.

First Battalion of Guards; regiments, the Third, the Seventeenth, the Twenty-third, the Thirty-third, the Forty-third; Regiment of Mountaineers, the Seventy-first, the Seventy-sixth, the Tenth; the Queen's Rangers (light infantry); the British Legion or Legion of Tarleton. German regiments: A regiment of the Hereditary Prince of Hesse, regiment of Bossen, regiment of Ansbach, regiment of Seybold.

The General Cornwallis, O('H)ara, 2 colonels, 11 majors, 52 captains, 89 lieutenants, 36 ensigns, 2 chaplains, 12 adjutants, 10 quartermasters, 10 doctors, 22 aides, 295 sergeants, 121 drummers, 3,273 musketeers; total in good health taken at York (town), 3,935. Sick: 90 sergeants, 44 drummers, 1,741 musketeers; total, 1,875. At Gloucester, 1,100 men, 750 sailors; total from Gloucester, 1,850. Killed, 389; wounded, 679; taken prisoner or deserted during the siege, 135; total, 1,203; grand total, 8,663 men.

ARMS

Muskets, 7,326; cannon of iron, 140; cannon of bronze, 74; flags, 22; barrels of powder, 300; howitzers and mortars, 22; horses, 455.

VESSELS

Transports, 62. The *Charon*, of 44 guns, burned during the siege. *La Guadeloupe*, frigate, sunk in deep water. Two war sloops and one frigate taken.

THE FRENCH ARMY AT YORK (TOWN)

The Count de Rochambeau, lieutenant general; the Baron de Diomenil, marechal de camp, brigadier general; Chevalier de Chatellux, same; Marquis de St. Simon, same; Count de Diomenil, same; De Choisi, brigadier (rank between brigadier general and colonel); Duke de Lauzun, same; De Beville, same; De Custine, same.

	Men
Thirteenth Regiment of Bourbonnais	1,000
Forty-first Regiment of Soissonnais	1,000
Thirty-fourth Regiment of Touraine	1,000
Sixteenth Regiment of Agenois	1,000
Eighty-fourth Regiment of Saintonge	1,000
Eighteenth Regiment of Gatinais	1,000
One hundred and fourth Regiment of Royal Deux Ponts	1,000
Legion of Lauzun	600
Volunteers of Saint Simon	300
Detachments of the Fleet	800
Artillery, miners and workmen	600
Total of French Army	9,300

FRENCH NAVY

Count de Grasse, De Barras, De Montreuil, Bougainville, general officers.

War ships 36; frigates, 8; war sloops, 6; transports, 26.

French Artillery: 12 pieces of 24, 10 pieces of 16, 10 pieces of 12, 8 mortars of 12, 8 howitzers. Total ordnance, 90 pieces.

AMERICAN ARMY

General in Chief Washington, Du Portail, Lincoln, Marquis de Lafayette, Baron von Steuben, Wayne, Knox, generals. Nelson commanding the militia.

Troops

	Men
Pennsylvania Regiment	1,000
Regiment of—	
Congress	300
Rhode Island	400
Do	300
Lafayette	300
Hamilton	300
Connecticut	300
Wayne	300
Lincoln	300
Von Steuben	300
Canada	300
Stuart	300
Massachusetts Bay	300
Light Infantry	500
Riflemen	200
Dragoons	150
Total	5,550

Militia of Virginia, Maryland, Mountain Blues and Carolina, 2,000 men.

American Artillery, 60 pieces of ordnance of all sorts.

Losses of the English: 2 captains, 4 lieutenants, 13 sergeants, 4 drummers, 266 musketeers, killed. Five lieutenants, 1 ensign, 24 sergeants, 11 drummers, 570 musketeers, wounded. One major, 2 captains, 1 lieutenant, 5 sergeants, and 126 musketeers missing.

General Washington expressed publicly to the entire Army his satisfaction with its excellent conduct, with the valor and courage with which it had distinguished itself in the siege in his order of October 20, 1781, the sense of which is as follows: The general congratulates the Army for the glorious event of yesterday. The generous proofs which His Very Christian Majesty has given of his attachment to the American cause ought to undeceive the abused minds of our enemies, convince them of the happy and decisive results which ought necessarily to follow this alliance, and inspire in all citizens of their states the most enduring sentiments of gratitude. A fleet the most numerous and the most powerful which has ever been seen in these seas, commanded by an admiral whose talent and good fortune promised the greatest success, an army composed in the most distinguished manner both of officers and of soldiers are the pledges he has shown us of his affection for the United States. It is due to the aid of this power than there has been assured us the brilliant success which we have just won. The general takes advantage of this opportunity to beg his Excellency the Count de Rochambeau to receive the testimony of his hearty gratitude for the counsel and aid which he has received from him at all times and expresses likewise in the most sincere manner his thanks to Generals Baron de Diomenil, Chevalier de Chatellux, Marquis de St. Simon, and Count de Diomenil as well as to Brigadier General de Choisy, who has had a separate command, for the glorious manner in which they have worked for the success of the common cause. He hopes that the Count de Rochambeau would be so kind as to express to the army which he commands the high opinion which he has of the distinguished worth of the officers and soldiers of its several corps and he begs him to present in his name to the companies of grenadiers and chasseurs of the regiments of Gatinais and of Royal Deux Ponts for the two pieces of bronze artillery which they captured from the enemy and he hopes that they will keep them as a testimony of the courage with which they have taken, sword in hand, the enemy redoubt on the night of the 14th. They ought to perpetuate the remembrance of an action in which the officers and soldiers have shown the most noble emulation and the most distinguished courage. If the general were to thank in particular all those who have deserved his thanks, he would have to mention the whole army, but he feels himself obliged by his own inclination, his sense of duty, and his gratitude to express his obligation to the Generals Lincoln, Marquis de Lafayette, and Baron von Steuben for the excellent direction of affairs in the trenches, to General du Portail, to Colonel Kerney for the vigor and intelligence which they manifested in the direction of the earthworks, to General Knox, and to Colonel D'Aboville for the care and attention with which they have hastened the transportation of artillery as well as for the wise arrangements of the artillery and the activity which they have shown in the batteries. He begs the officers whom he has just named to give to the officers and soldiers of the corps which they respectively command his sincere thanks. The general would be guilty of an ingratitude for which he hopes no one will ever reproach him if he failed to testify in the most energetic terms to His Excellency Governor Nelson, his perfect satisfaction for the latter's own personal conduct and that of the militia which he commands. For he has distinguished himself by his activity, his emulation, and his courage. The importance of the blow which the United States have just struck will be an ample remuneration for the fatigue and dangers which the whole Army has borne with so much patriotism and determination.

ADDRESS BY HON. F. H. LAGUARDIA ON THE POWER QUESTION

Mr. LA FOLLETTE. Mr. President, I ask permission to have printed in the RECORD a speech delivered by Congressman LAGUARDIA, of New York, over the National Broadcasting system recently, on the power question.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Gentlemen of the Power Trust and fellow consumers, I desire to express my thanks to the National Broadcasting Co. for its courtesy in granting me this opportunity to express the consumers' side of the power question. Consumers are not organized and, therefore, seldom have the opportunity to broadcast or to reply to the prosperous electric, gas, and public-utility corporation with unlimited funds collected from these same consumers.

I can understand the anxiety of the Power Trust in protecting their source of easily gotten fortunes. But I do object to their designation of the other side as ignorant, demagogic, radical, and destructive. In my criticism of the power magnates—the big fellows of the Power Trust—I desire to point out that I do not refer to the engineers and technical personnel, who are excellent, efficient, and useful citizens. They are in no way responsible for the conditions and practices which I oppose.

The men in control of the power interests—or to put it plainly, the Power Trust—are not interested or even concerned in public service or the sale of electric current. They are primarily interested in corporate control and the sale of stock. They know more about the stock ticker than the dynamo. Can it be denied that public-utility companies are monopolies? Can the consumer select his electric, gas, or trolley company? Not at all. Then why the expenditures of millions of dollars charged to the consumers for advertisement? The Power Trust is not a "myth." It is an existing, active, well-organized combination of power, gas, electric, and trolley corporations united in a common purpose of keeping private control of public utilities—maintaining high rates, influencing legislation, and fighting public ownership. The uncontroverted proof of the existence of this trust is contained not only in 20 volumes of legal evidence presented to the Federal Trade Commission in Washington but also in the list of mergers published in the trust's own publications and in the copious flow of literature issued by investment bankers, stock brokers, and bond pluggers. The existence of a combination—the Power Trust—is further evidenced by huge expenditures from common funds for purposes entirely selfish and unrelated to actual operation or maintenance of any one company.

By this I mean the maintenance and support by various groups of public-utility corporations of the joint committee of the National Utility Association, of 420 Lexington Avenue, New York City, whose telltale photostatic checks to lobbyists, politicians, and others shocked the country not so very long ago. And also the existence of another agency of publicity and dispenser of power funds is the National Electric Light Association. Its checks, too, to institutions of education to insure the teaching of trust philosophy of public service are now part of public records. Then there are the various State committees of public information maintained in no less than 36 separate States, all doing the same kind of business. Then the purchase of or investment in newspapers and other publications; a long pay roll of men and women lecturing on the virtues of privately owned public utilities; the retainers of highly paid lobbyists at the National and State capitols, are all matters of public record.

The evidence already presented is conclusive of the existence of this combination or trust, but permit me to read from yesterday's daily newspapers. Only yesterday, March 1, 1931, the Consolidated Gas Co. of New York announced the coming issue and marketing of an additional $110,000,000 of securities. Is the Consolidated Gas Co. an isolated independent entity in New York City? Not at all. In its own announcement it states frankly that the Brooklyn Edison Co., Kings County Electric Light & Power Co., and other companies are units of the consolidated gas system. Then it goes on to say that the total funded debt of the system is $250,937,540. They call it a system. I call it a trust. Then the news item goes on to talk about the "parent company," and the parent company paid out in dividends during the year no less than $57,080,808. This enormous dividend is derived from excessive rates paid by the consumers. This system or combination in the East, which is only a small fraction of the entire system and combination, is in and of itself one of the largest combines in the United States.

It is the vicious activities of the combination which have brought upon the private utility companies the opposition of the public and the movement for public ownership and operation of such necessary service. In our present industrial, economic, and social life electricity and gas have become necessaries of life. Electricity and gas have become as indispensable to our everyday life as air and water. Air is still free, but how would consumers like to buy water from their local gas and electric-light company? Think it over. It was not so very long ago that water was monopolized by private corporations. Owing to poor service, exorbitant rates, vicious political activities, private water companies have been put out of business. Yet the same arguments which were urged against public ownership of water supply and the same denunciations of public-spirited men and women who fought private water companies are to-day used by the Power Trust. Comparisons are made by the Power Trust between what they term "private ownership and efficient business operation and public ownership with inefficient political operation." I accept that challenge.

The publicly owned and operated water supply all through the country compares more than favorably with the costly privately owned and operated gas or electric service of any city. If the same accountancy practices and returns allowed the gas and electric companies by our corporate-minded courts were applied to any municipal water system, the price of water would be about 25 cents a gallon. If the same basis for rate fixing were applied to the Panama Canal—and by that I mean valuation of all physical property on the theory of reproduction cost, franchise, and good-will value, interest on bonds covering actual investment, and return on stock covering fictitious and artificial valuations—it would cost more than the value of a ship to go through the canal. A better comparison might be made between private and publicly owned companies rendering like services. The rates of the municipally operated electric plant at Jamestown, N. Y., are lower than that of the privately owned company. Yet the publicly owned plant uses expensive coal purchased from private mines while the private plant uses public waters from a publicly owned stream.

The power plants in Canada sell current cheaper than the private plants across the river in New York, both generating the same kind of current from identically the same river. The municipal electric plant in Los Angeles has operated successfully in spite of an unrelenting warfare in the courts waged by the private interests. The municipal electric plant of Cleveland has not only reduced rates but has practically paid for itself in a few years. Tacoma, Seattle, and many cities have their own publicly owned electric plants operating successfully at lower rates than the trust companies in cities of like size. If publicly owned plants, and operated by the public and not for profit, are better and cheaper than privately owned and operated companies, and granted the indispensability of electric service, what justification is there for the continuance of the latter?

Another fair comparison of a very recent occurrence may be cited right here in Washington. Two weeks ago Congress passed a law giving the 78,458 school children of the District of Columbia car fare at 3 cents. About four days ago Congress passed a law granting loans to 3,500,000 veterans of the World War. Within two hours after the veterans' bill passed the first loan was made and the Veterans' Bureau is prepared to take care of thousands and thousands of applications a day. The school children's car fare law, which takes effect immediately, although it has back of it the entire power and force of the United States Government, the President of the United States, the American Congress, has up to this time been ignored by one of the subsidiaries of the Power Trust, who are simply making faces at the United States Government and ignoring the mandate of the law. Yes; we have a public service commission in the District of Columbia.

The enormous profits just stated resulting from an excessive and exorbitant rate is the complete answer to the statement recently made that consumers are fully protected from the self-styled benevolent monopoly by regulation and State public-service commissions. It was stated, too, that the very people who are now clamoring for public ownership and operation of public-service utilities were the same who years ago demanded and brought about the regulation of public-utility companies. That is true; but we now witness exorbitant and unreasonable rates resulting in dividends out of all proportion to returns to other industrial investments because, mark you, there is no risk involved in this business. The Power Trust does not have to find a market.

We realize that the whole system of regulation has broken down and this public service which is necessary to our modern life can no longer be left in the hands of a greedy, selfish, and unconscionable monopoly. Only a few days ago no less an authority than the distinguished former Secretary of State in the Wilson Cabinet, the Hon. Bainbridge Colby, stated—I quote: "The boastful brag of the utility companies, their lobbyists, legal janizaries, agile accountants, and obliging experts is 'We regulate regulation.'" In other words, the public utilities are regulating the public-service commissions instead of the public-service commissions regulating the public-utility companies. And in support of that statement there stands a long list of former public-service commissioners throughout the country who are now officers of these companies or otherwise on the pay roll.

The present determined and necessary movement for the public ownership and operation of electric service is not the result of any new school of political or economic thought. It is not a new issue for political purposes. It is the inevitable sequence to the greed, selfishness, and viciousness of this combination of public-utility companies and their unreasonable exploitation of the consumer. The fight is on and, like every other fight in this country coming from a patient and exploited public, is bound to be carried on to a successful conclusion. There is a determined fight in every State of the Union for lower rates. There is a determination in the American Congress to carry on as far as the Federal Government has jurisdiction in these matters to curb the control of this trust and protect public streams from private exploitation. This fight is being led by that great statesman and public-spirited citizen, the Hon. GEORGE W. NORRIS, of the United States Senate. There is an ever-increasing number in both the House and Senate taking up this fight and following his lead. The reasons for this fight are so apparent and so just and the opportunity of rendering great public service is so clear that the movement against this combination is bound to grow and to continue to final success. A combination of power companies and banks can control the industries of any section of the country. American industries are entitled to power as cheaply as may be obtained from publicly owned plants in Canada and other countries. There is not a mother keeping house in this country but dreads the moment when the gas and electric bills come. The rates are too high. The average home has not the opportunity of enjoying the benefits of the progress made in electricity. Every home should have the benefit of the use of power, not only for light but for refrigeration, washing, cleaning, and sewing. The publicly owned power plants, whether municipal in this country or government in other countries, have set the standard of reasonable rates. The privately owned trust-controlled corporations have stubbornly kept to constant increasingly high rates.

The Power Trust has had its day; it is high time the consumers have theirs.

IN THE MATTER OF THE MINNESOTA JUDGESHIP

Mr. SCHALL. Mr. President, in the interest of representative government as opposed to an assumption of dictatorship, which is assumed by the head of the Department of Justice, I wish to make a short speech.

Mr. President, February 10, page 4439 of the RECORD, in a letter to the President, I said:

Your Attorney General has succeeded in so alienating the personnel of his department that of the seven Assistant Attorneys General who were there when he was Solicitor General, not one was in office a few months after he took office. The list of those who left, voluntarily or otherwise, includes the alert and resourceful William J. Donovan, who did yeoman service for you in the last election; the brilliant George R. Farnum; the patient and plodding Parmenter, of Oklahoma; the industrious Galloway, of Indiana; and Mabel Walker Willebrandt, whose untiring zeal in your behalf in the last election was unexcelled. Last but not least I mention the courteous and efficient John Marshall, of West Virginia. None of these could get along with your Attorney General and no high-class and self-respecting lawyer can long work with one so autocratic and dictatorial. He did the Republican Party no service when he turned out John Marshall, a loyal party man, and kept as administrative assistant one C. E. Stewart, an Alabama Democrat.

I call your attention to the testimony of Assistant Attorney General Parmenter, found on page 1237 of part 3 of the hearings before the Senate Committee on Indian Affairs, pursuant to Senate Resolution 79, wherein Mr. Parmenter testifies as to his conversations with your Attorney General, who at the time was Acting Attorney General:

* * * He then asked me if I could not return an indictment and leave Mr. Burke out. I told him no. He said, "Then, can you not let the matter, so far as Mr. Burke is concerned, run on until later?" I told him no; I could not do that.

He then gave a shrug of his shoulders and a motion of his head which I interpreted to mean that if in the grand-jury room Mr. Burke was about to be included in an indictment all I would have to do would be to indicate in some such way that he should not be included, and he would not be. I told him I would not do that for any man. * * * I went back down, and I think it was the next day, which would probably be the 29th, I received a memorandum to discharge that grand jury.

In a civil trial involving the facts in this case Federal Judge Knox refers to the manipulations charged to Burke as "a sordid story" and "a studied attempt to dissipate the wealth of Jackson Barnett." I know that you will approve of the actions of Parmenter, but it was because of his right stand that the "right-thinking" Mr. Mitchell, when he came into the office of Attorney General, could see no further use for such an assistant.

A member of the Supreme Court severely criticized the actions of the Attorney General's office in this case.

On February 16, 1931, I wrote the following letter to Attorney General Mitchell, which I am sure will be of interest to the Senate and the President, and should be of special interest to the Judiciary Committee:

Hon. WILLIAM D. MITCHELL,
Attorney General, Department of Justice.

MY DEAR MR. ATTORNEY GENERAL: Request has been made of me as United States Senator for information regarding the following matters, and I hereby respectfully request of you that you give me information regarding the following:

Was Pierce Butler, jr., member of your former firm, appointed as special counsel in the Barnett Indian cases? If not, what work was he assigned?

Was Mr. C. W. Bunn, the father of a member of the firm of which you were formerly a member, appointed as special counsel in a boundary case in the eastern part of the United States in which the boundary line of the State of Connecticut was involved?

Was Mr. M. J. Doherty, a former partner of yours appointed as special counsel in the "wire-tapping cases"?

Was Mr. W. E. Rumble, a former partner of yours, appointed as a special attorney in any matters for the Government since you have been Solicitor General or Attorney General?

In calling your attention to these matters, I would appreciate it if you would let me know in what capacity, whether as special masters in chancery or as counsel for the Government, any or all of these gentlemen appeared.

I would appreciate it if you would give me full and complete information as to when, if at all, the parties mentioned in this letter were appointed as such and whether it was during your tenure of office as Solicitor General or as Attorney General of the United States; and I would also appreciate it if you would give me complete information as to what fees they received for acting in the various capacities they may have been appointed to.

With sincere regards, I am,
Yours truly,

THOS. D. SCHALL.

To date I have received no answer. The only reply that I have had is a notice through the Associated Press that there is to be filed a contest for my seat against me by the Democratic organization of Minnesota.

A gentleman by the name of H. H. D'Autremont was the chairman of the Democratic organization up to about the time that Mr. Mitchell received this letter. Through the influence of our Attorney General Mitchell's former partner, Pierce Butler, jr., and his public-utility branch-banking associates, Mr. D'Autremont was removed as chairman, and one Mr. J. J. Farrell was installed in office. Mr. Farrell immediately appointed a committee to investigate the chances of bringing a contest against me as a blackmailing or trading proposition, and veiled suggestions some time ago came to me that if I would get off this judiciary fight there would be no contest. The head of this emergency committee I understand is Mr. James O'Brien, a Democrat, a lawyer, residing in Minneapolis, who is the attorney for the Minneapolis Journal and a corporation lawyer generally. His associate or partner, George M. Bleecker, is a director of the Northwestern National Bank, one of the two branch-banking concerns in our State, the other branch-banking concern is the one with which Pierce Butler, jr., is connected. Out of Mr. O'Brien's office and through him has emanated the drive for the confirmation by the Senate of Mr. Nordbye for United States district judge of my State, whose nomination I understand the Judiciary Committee has refused to report out.

Before election Mr. D'Autremont, as chairman of the Democratic organization, charged, for the purpose of dissipating any effect my frank may have had in offsetting the adverse influence of almost the entire newspaperdom of Minnesota, that I had misused my franking privilege. The question was referred to the Postmaster General, and he decided that I had not. After election Mr. D'Autremont appointed a committee to investigate whether they could find any cause anywhere upon which a contest could be based. The committee reported there was none.

The answer to my letter to the Attorney General and to my fight for justice for the people of Minnesota for a representative government in judicial matters as well as otherwise is that I am to have a contest, and it seems to me that the President and the Senate, the Judiciary Committee, and especially the Privileges and Elections Committee should know how close our Attorney General Mitchell is connected with the men who are starting this contest upon the ground that I have misused my franking privilege and that I have broken some Minnesota law in securing my election. The Minnesota statute reads that any violation of the election laws must be taken advantage of within 30 days.

The so-called contest is a spiteful one and grows immediately out of my fight for the appointment of a Federal judge who was the overwhelming choice of the people of my State. After they have slandered me through the publication of the official document, the so-called complaint of this proposed contest, throughout the newspapers of the country it will end in the same way as the contest of 1924 ended, which was that it was unanimously dismissed by the Privileges and Elections Committee and by the entire Senate. After such unanimous exoneration and rebuke to them by the Senate, this ruthless public-utility crowd, whose business it is to control, if they can, whatever forces there are, such as newspapers and legislators, proceeded to have the State senate of my State hold a hearing. Of course, the State senate had no more right to hold such a hearing than the village of Podunk would have to unseat the President of the United States. But I gladly attended their hearings, and they did not produce one scintilla of evidence against me. The outcome of this hearing was entirely a farce, so far as they were concerned, and the special hand-picked committee was forced to unanimously exonerate me, and the entire State senate did likewise.

Will the right-minded, right-thinking individuals whose greed for money and power has driven them mad never end their persecutions of me if I dare protest their usurpation of power which, under the Constitution, rests in the Senate? Am I to be harassed continually because I speak and vote in the interests of the people of Minnesota, and do not hesitate to assert my belief that public utilities, railroad companies, insurance companies, and corporations in general have only the same rights that any other individual of the State or Nation has? It is a lamentable state of affairs where a United States Senator can not voice his opinion on matters of public weal or espouse a just cause without being subjected to persecution.

Since these people control nearly every newspaper in the State they know it will be impossible for me to reply, and the wounds they inflict in their daily and weekly publications of slander and lies can never be healed. They know that my lean pocketbook can not purchase in large volume the printing of what I may have to say here upon the floor and thereby get the truth to the people of my State to counteract the damnable slander and lies that their newspapers constantly print concerning me. This fight over the Minnesota judiciary is not a fight between men. It is a matter of principle and an attempt to substitute a representative government, which the Constitution says we have, instead of a dictatorship as the Attorney General has established in connection with judicial appointments. However, good the laws may be that we pass if the interpretation is twisted to suit the emergency, the spirit of the law is defeated.

But Mr. President, I have faith in the providence of circumstances that has taken care of me against this kind of opposition over a period of 16 years; that kept me in the House of Representatives for 10 years and that has twice placed me in a seat in the United States Senate. I was re-elected to the Senate despite thousands and thousands of dollars brought into my State to buy and mislead the voters; despite the fact that I had no organization; despite the fact that only a very few newspapers supported me; despite the fact that I was double-crossed through the very Republican organization that should have supported me but which in reality surreptitiously supported my Democratic opponent.

A few days before election when it was too late for me to organize a committee to reach throughout the vast territory of my State, chairmen of Republican county committees and captains of the precincts came out openly in support of the Republican candidate for governor and the Democratic candidate for the United States Senate. Yet despite their unsavory manipulations, despite their extravagant expenditure of a million or more, I was elected and the Republican candidate for governor defeated. Minnesota has always been safely Republican. Philadelphia and Chicago are mere pikers when compared to Minneapolis in its conduct of the recent election. Precincts where I am recorded with 35 or 37 votes in reality gave me 103 and 151.

They do not dare recount the ballots, for if Minneapolis alone were recounted I am satisfied it would net me a gain of 50,000 votes. The Minneapolis Journal, whose conduct was typical of many newspapers publishing filthy lies of me without the least foundation, was on the street election night 20 minutes to 8 o'clock announcing that my Democratic opponent had carried Minneapolis against me by 20,000, yet the ballot boxes were not opened under the law until 8 o'clock. Over and above the double-crossing and slanderous, lying, vile propaganda constantly kept before the voters by about 400 papers of my State, despite the fraud practiced upon me in that entire election, I was given enough votes to overcome whatever fraud there was and force the then governor of the State, who was my violent enemy, the man I beat for the Republican nomination by approximately 100,000, the man who was the head and front of the double-cross of the Republican party, to sign my certificate of election which is here on file with the clerk of this Senate to-day and which I am confident will never be dis-

turbed by any contest. I shall move forward whatever the opposition in that path of truth and honor which my best judgment shall prescribe and with the belief that the God who notes the sparrows' fall will note my humble attempt to do what I can with the light I have to keep truth from the scaffold and wrong from the throne.

THE MACHINATIONS OF OUR ATTORNEY GENERAL WHO USED HIS LEGAL KNOWLEDGE AND LATER HIS OFFICIAL POSITION TO ENRICH A CLIENT AT THE EXPENSE OF THE GOVERNMENT

On February 13 last my distinguished colleague the junior Senator from Rhode Island placed in the RECORD (p. 4779) a letter from one Charles P. Sisson, Assistant Attorney General, purporting to set forth the treatment accorded by the Department of Justice to the inheritance-tax case of Flannery, Administrator, *v.* Willcuts. According to the letter, the case was disposed of by the department on June 6, 1928, which was a full year before Mr. Sisson became connected with it. Naturally he could have no personal knowledge of any of the matters which he assumes to relate and doubtless, for that reason, he was chosen by the Attorney General to write the letter. At any rate, we may be sure that the latter carefully edited, if he did not dictate, its contents. As might be expected, then, the letter is more significant for what it fails to state than for what it contains. In the first place, no proper appraisal of Mitchell's conduct is possible without a clear understanding of the facts out of which the case arose.

Mitchell was the attorney for Mrs. Mary T. Hill, widow of the railway magnate, James J. Hill, who died in 1916, leaving her a fortune of over $16,000,000 which had been accumulated in the United States, although Mr. Hill, like Mitchell's father, was foreign born. In the fall of 1921, when she was in her seventy-fourth year and had been seriously ill for some weeks, Mrs. Hill, under Mitchell's advice and direction, executed a series of so-called trust agreements, purporting to dispose of a large part of her estate by gift, and also a will. Within two years from the date of any of these instruments Mrs. Hill died. As the Federal statute provided that such dispositions "shall, unless shown to the contrary, be deemed to have been made in contemplation of death," and, therefore, subject to inheritance tax, the United States collector required the payment thereof, which amounted to $1,130,616.08. The administrator appealed to the Commissioner of Internal Revenue, D. H. Blair, an able lawyer. A full hearing was conducted before him, and a number of lawyers, including several from Minnesota, participated, and as Mitchell was then Solicitor General and in Washington, it can hardly be doubted that he was in touch with those representing the administrator and advised them. The commissioner, after full hearing, upheld the tax.

The administrator then brought an action in the United States District Court for Minnesota to recover back the $1,130,616.08 which the collector had received and the commissioner had upheld. After a full hearing the district judge (Molyneaux) rendered judgment for the Government and against the administrator upon elaborate findings of facts which I ask to be included at the end of my remarks.

The administrator then took the case to the United States Circuit Court of Appeals, where it was argued in his behalf by distinguished counsel. There was no oral argument on behalf of the Government; its case was submitted entirely on a brief. Mitchell, as Solicitor General, was the one to see that the Government's interests were protected. He knew better than anyone else the question involved and its importance to the Government. All the more because he had represented the estate should he have seen to it that the Government was given every opportunity to uphold its right. Yet his office insisted that the case be submitted without an oral argument to offset that made for the administrator. The administrator's brief consisted of 91 pages, and his case was exhaustively presented, while the Government's brief has only about 20. Who vicariously acted for our Bourbon Mitchell in preventing an adequate presentation of the Government's case?

The result was what might have been expected and what Mitchell unquestionably wanted. The circuit court of appeals judge (Lewis), not having the aid of Government counsel, and doubtless inferring from their absence and Mitchell's testimony at the trial below that the Government did not wish to press the case, wrote an opinion reversing the judgment of the district court. The opinion is so full of obsequiousness to Mitchell and contains so many errors of law and fact that it is herein attached entire which I ask to be included following these remarks. Anyone reading this opinion can see the danger of allowing an Attorney General to set himself up as a dictator of judicial appointments. Why should the Attorney General name the judges before whom his client, the Government of the United States, will constantly appear?

It will be seen that the gist of this opinion is the statement that "The finding of the court"—that is, that the gifts were made "in contemplation of death"—"was without any basis in fact on the proof adduced • • • and contrary to the undisputed proof."

Yet, the opinion itself recites that on April 1, 1921, Mrs. Hill signed a statement reciting that—

> The said trusts were of the nature of gifts causa mortis (i. e., made on account of death) and subject to revocation.

Judge Lewis, after quoting this, declares that—

> Mrs. Hill did not say that these gifts were made causa mortis.

But that reads like a quibble. Moreover, it is only one of several similar statements which clearly refute Judge Lewis in stating that the trial court's finding "was without any basis in fact."

On July 15, 1920, she had said of one of these trusts (transcript or record of testimony, p. 423)—

> The foregoing document was signed by me during a severe illness, with the understanding that I should have the right to revoke it during my lifetime. I do now hereby cancel and revoke it.

On the 10th of July, 1920, she had said of another of these trusts the same thing. (Rec. p. 426.) And again on the same day, and evidently for the same reason, she had revoked another of these trusts. (Rec. p. 427.) It was upon such evidence as this that the district judge and the Commissioner of Internal Revenue relied in upholding the tax, and it was clearly evidence of the most direct nature. Mitchell knew of this evidence, for his affidavits show he was still her attorney when these statements were signed. Mitchell's alleged evidence had consisted of three affidavits made while he was an attorney and all carefully prepared for the purpose of showing that these trusts were not created "in contemplation of death." He was not cross-examined and these affidavits amounted to an argument for the administrator. Judge Lewis quotes practically all of them and virtually bases his opinion thereon. But the statements of Mrs. Hill herself as to her intent and condition are better evidence than Mitchell's opinion and she states repeatedly that these documents which Mitchell induced her to execute were signed when she contemplated death. Thus, so late as April 1, 1921, the year in which she died, she wrote (Rec. p. 392)—

> Being suffering from a severe illness, the said trusts were of the nature of gifts causa mortis and subject to revocation on my recovery, and, having fully reconsidered the same, I do hereby in all things confirm the said trusts.

Again on the same page the opinion speaks of Mrs. Hill's will of December, 1919, as one "which she never executed." That finding was not only "without any evidence to support it," it was false, and Mitchell must have known it, for he drafted the will which she executed, yet he took no step to correct the finding.

Judge Lewis was so impressed with the importance of Mitchell that the opinion is based upon his three affidavits which constitute nearly one-third thereof, and obviously the learned judge neglected to consider the other evidence. A close study will show that his opinion is full of errors. One Government attorney was not afraid to tell the truth about it. Some two weeks after the opinion was filed, United States District Attorney Lafayette French wrote the following letter to the Attorney General, dated May 9, 1928, and urged in unequivocal terms that a writ of certiorari to the Supreme Court be sued out:

Reference is made to the above-entitled case. The Circuit Court of Appeals of the Eighth Circuit reversed the judgment of the District Court of Minnesota. The clerk of the Circuit Court of Appeals advises that the judgment of that court was entered on April 23, 1928.

The case involves the question of whether property included in two trusts created by the decedent, Mary T. Hill, on November 25, 1919, and July 19, 1920, known as the "grandchildren's trust" and the "children's trust," respectively, was properly included in the gross estate of Mary T. Hill at the time of her death. It was the contention of the Bureau of Internal Revenue that the trusts in question effected a transfer and disposition of property in contemplation of death within the meaning of section 402 (c) of the revenue act of 1918 and therefore that the property was properly included in Mrs. Hill's estate.

The case was tried in the court below without a jury. The district judge made general findings of fact, the pertinent finding herein being as follows: "That the transfers, gifts, and trusts set forth in the complaint • • • were and each of them was made and created by the decedent, Mary T. Hill, in contemplation of her death, within the meaning of section 402 (c) of the revenue act of 1918."

The circuit court of appeals in its opinion filed April 18, 1928, holds: "The finding of the court quoted, supra, was without any basis in fact on the proof adduced to support it and contrary to the unsupported proof, and was therefore an error in law." For this reason the circuit court of appeals reversed the decision of the district court.

I am clearly of the opinion that the evidence supports the quoted finding of the District Court of Minnesota, and I therefore recommend the filing of a petition for a writ of certiorari. I make this recommendation because the last and fatal illness of Mrs. Hill, from which she died, commenced on November 11, 1919; because on November 24, 1919, she made final provisions for a sister, a close friend, and the family servants in the nature of trusts which provided them with an income for the rest of their lives; because in the case of the sister it is significant that this final provision was in lieu of monthly payments theretofore made to the sister by Mrs. Hill; because Mrs. Hill on November 25, 1919, by what has been referred to heretofore as the "grandchildren's trusts," made final provision for her grandchildren; because on December 19, 1919, she made final provision for her children by certain trusts, and executed, signed, sealed, and delivered her last will, whereby she directed the payment of all inheritance, transfer, and estate taxes payable on gifts made by her within two years prior to her death; because the last-named transaction includes the trusts created on November 24 and 25, 1919, inasmuch as they were made within two years of her death; because by all these transfers she effected a complete disposition of all her property; because thereafter, while Mrs. Hill partially recovered, she never resumed her customary activities, and died from a condition which existed on November 11, 1919, the commencement of her last illness. The foregoing statements, in my opinion, and the finding of the district court are supported by the following undisputed evidence, to which your attention is respectfully invited.

The decedent, Mary T. Hill, was born July 1, 1846. (R. 431.) At the time the trusts in question were executed she was over 73 years of age. (R. 68.) During 1919 she had been attended by Dr. James S. Gilfillan, one of the most prominent physicians in St. Paul. (R. 221.) Early in 1919, and probably before then and after examination, Doctor Gilfillan had found that Mrs. Hill was suffering from high blood pressure, degeneration of the heart muscle, and chronic nephritis. (R. 225.) Chronic nephritis is the same thing as interstitial nephritis (R. 225) and the death certificate (R. 431) shows that interstitial nephritis was a contributory cause of Mrs. Hill's death which occurred on November 22, 1921. The condition had existed for three years prior to her death. The condition manifested itself by discomfort to the patient. (R. 222.) Mrs. Hill had been told by Doctor Gilfillan not to walk upstairs and always to be careful about any physical exertion, never to do anything in a hurry. (R. 224.) While the doctor does not remember whether he told Mrs. Hill why she should not overexert herself, the trained nurse, who was constantly employed to see that she did not do so (R. 140), testifies that Mrs. Hill was told in 1919 that she was very ill (R. 141). Doctor Gilfillan testified that Mrs. Hill's condition as he found it in 1919 was such that she would get worse; improve temporarily, but get worse eventually. (R. 225.)

Up to 1919 Mrs. Hill had always been an active woman. (R. 80.) She maintained an apartment in New York City (R. 84) and a place on Jekyl Island in Georgia (R. 80). She also maintained a residence at North Oaks, a farm situated about 10 or 12 miles from St. Paul, at Pleasant Lake. (R. 80.) It was her annual custom and habit to go to New York and Jekyl Island in the winter, returning to New York and then to St. Paul in the spring. From her St. Paul residence she would, in accordance with her custom, proceed to the North Oaks residence in the middle of the summer, where she would remain until early fall. (R. 80–84–138, et seq.)

Mrs. Hill was taken ill during the night of November 11, 1919, when her son-in-law, Doctor Boeckmann, a practicing physician of St. Paul, was called to attend her. (R. 147.) Dr. Peder A. Hoff was called by Doctor Boeckmann on the morning of November 12, 1919, to attend Mrs. Hill. (R. 143.) From an affidavit made by the doctor, which is at record 262, the following appears: That immediately after being called he made an examination of said deceased and found that she had an enlarged heart, an abnormal high blood pressure, and upon exertion had some difficulty in breathing."

Mrs. Hill had been confined to her bed since November 9. (R. 143.) Her illness progressed, and on November 25, 1919, "she was ill, quite ill" (R. 171), and by December 19, 1919, she was very ill (R. 143). She was desperately ill. (R. 200.) She was confined to her bed and to her room from November 11, 1919, until February or March of the following year. (R. 143.) An additional nurse was employed in November, 1919. (R. 145.) This nurse did not leave until July, 1920. (R. 145.) During the period referred to of her illness she was in bed on a hospital cot. (R. 171.) A specialist from New York was called to visit her. (R. 145.) Doctor Hoff was in daily attendance upon her, calling two or three times a day. (R. 156.)

In this situation and on November 24, 1919, Mrs. Hill executed a trust agreement providing an income for her sister in lieu of monthly payments which she had made to her sister theretofore. (R. 65, 66.) On the same date and under the same circumstances Mrs. Hill created a trust in favor of a life-long and intimate friend (R. 69); she likewise created a trust in favor of all the family servants (R. 70).

Likewise and on November 25, 1919, she created what has been referred to hereinbefore as the "grandchildren's trusts" (R. 74), whereby she provided for her grandchildren. At this time, as well as on November 24, 1919, Mrs. Hill executed the instruments referred to while in bed, propped up with pillows. (R. 219–220.)

On December 19, 1919, "When she was considering she was on the point of death" (R. 163), Mrs. Hill executed certain trusts in favor of her children (R. 164–421–424). On that date she executed a memorandum covering the disposition of certain jewelry (R. 164–427). She also executed an assignment in favor of Mary Mendenhall Hill (R. 427). Likewise, on said date she executed a will (R. 167–429) wherein she directed that all inheritance, transfer, and estate taxes payable on gifts in trust or otherwise made by her within two years prior to her death should be paid out of her estate (R. 429). Inasmuch as Mrs. Hill died on November 22, 1921, it is established that this transaction includes the trusts created on November 24 and 25, 1919. (It will be noted that the circuit court of appeals (Op. p. 8) was of the opinion that the will was never executed by Mrs. Hill. This understanding on the part of the circuit court of appeals undoubtedly arises by reason of the fact that the exhibit at record 429 is an incomplete copy of the will executed by Mrs. Hill. The will was destroyed late in 1920 (R. 167). The exhibit must be read with the evidence establishing that the will was executed, signed, sealed, and delivered (R. 165 et. seq.) in order to understand the situation). By the conveyances, assignments, memorandums, and the will aforesaid on December 19, 1919, Mrs. Hill effected a complete disposition of all of her property.

When Mrs. Hill was able to leave her bed and room in the spring of 1920 and up to July, 1920, she was not as strong as she was before she was taken ill (R. 145). While she resumed her reading, the receiving of visitors, and her interest in general affairs (R. 145–146) she was an invalid until she died (R. 148). She never resumed her accustomed before-breakfast walks (R. 152). While she took automobile rides, she was always accompanied by a nurse (R. 152). On two occasions she did some shopping (R. 152), which was accomplished by having the merchandise delivered to her automobile, in which she remained, for her inspection (R. 153). Her automobile trips were limited to drives about the city, and on one occasion a drive into the country over paved roads (R. 153). She never walked unless accompanied by some one (R. 154). She never resumed her visits to New York, Jekyl Island, or the North Oaks Farm (R. 154). She remained at her St. Paul residence.

Since the evidence indicated in the foregoing brief review of the facts discloses that Mrs. Hill's last fatal illness, from which she died, commenced on November 11, 1919; that she shortly thereafter and on November 24, 1919, provided for a sister, a close friend, and all the family servants by instruments accomplishing a final disposition of her property; that in the case of the sister the final disposition was in lieu of monthly payments theretofore made by Mrs. Hill; that on November 25, 1919, she made provision for her grandchildren by instruments in the nature of final disposition of her property; that on December 19, 1919, she provided for her children by instruments to the same effect, and made her last will and testament which she executed, signed, sealed, and delivered; that by said will she directed the payment of taxes on all gifts made by her within a period of two years of her death; that her death occurred on November 22, 1921, which clearly brings the trusts created on November 24 and 25, 1919, within the provision of the will aforesaid; that although Mrs. Hill was able to resume her reading, converse with friends, and get about with the aid of other persons and in her automobile, she never resumed her customary activities; and that she died from a condition which existed on November 11, 1919, the time of the commencement of her last illness, it appears clear to me that the thought of possible death in the reasonably near future was present in Mrs. Hill's mind and was the motive actuating the gifts made, which are the subject of controversy in this case, to wit, the grandchildren's trust and the children's trust.

In its opinion of April 18, 1928, the circuit court of appeals also held that the plaintiff in error saved for review the question of the sufficiency of the evidence to support the findings of fact of the trial court. In this connection your attention is invited to

the fact that the plaintiff in error at the conclusion of the trial moved the court "for judgment in favor of the plaintiff and against the defendant for the amount claimed in the complaint, and interest as therein set forth" (R. 255). He also, after the conclusion of the trial but within the time allowed by the court, filed requested findings of fact and conclusions of law (R. 433). These steps, in my opinion, are insufficient to save the question indicated for review by the appellate court. The proceedings indicated in the record at pages 449, 450, 452, 466, occurring long after the trial of the cause in the district court and after the trial term, were not, in my opinion, effective for any purpose.

There is transmitted herewith a copy of the opinion of the circuit court of appeals filed on April 18, 1928. In connection with your consideration of this case it is recommended that the briefs of the defendant in error submitted to the district court and circuit court of appeals and the transcript of record be reviewed by you. The general counsel of the Bureau of Internal Revenue has in his possession the last-named documents. A copy of this letter is being supplied him.

A few days later Mr. French received the following letter:

TREASURY DEPARTMENT,
BUREAU OF INTERNAL REVENUE,
Washington May 21, 1928.

In re George P. Flannery against Willcuts (estate of Mary T. Hill).
Hon. LAFAYETTE FRENCH, JR.,
United States Attorney, St. Paul, Minn.

SIR: Receipt of your letter of May 14, 1928, inclosing copy of your letter to the Attorney General recommending a petition for certiorari in the above-entitled case, is acknowledged with thanks.

This office has also recommended to the Attorney General that a petition for certiorari be filed and has asked him to instruct you in the premises.

Respectfully,

C. M. CHAREST,
General Counsel.

Mr. Sisson shows that both of these letters were received at the Department of Justice. Undoubtedly they were referred to Mitchell who, as Solicitor General, passed on all such recommendations. But Mitchell was careful not to answer them. Instead they were referred to Mrs. Willebrandt, who wrote as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 22, 1928.

LAFAYETTE FRENCH, JR., ESQ.,
United States Attorney, St. Paul, Minn.

SIR: Your letter of May 9, relative to application for certiorari in the case of Flannery, Administrator, v. Willcuts, has been received, together with the inclosures, and the matter is receiving careful consideration by this office.

Pending any conclusion by this office, kindly take the necessary steps to procure a stay of the mandate pending the time allowed for certiorari. Also kindly take whatever further steps may be necessary to protect fully the interests of the Government during such period.

Respectfully,

MABEL WALKER WILLEBRANDT,
Assistant Attorney General
(For the Attorney General).

Who first recommended that petition for certiorari be not filed? Mr. Sisson's letter does not disclose the name of any individual who did; he merely says that "the tax division * * * prepared a memorandum" to that effect. But who signed the memorandum and what reasons did it set forth? We are left entirely in the dark. Was the signer among the few fortunate ones whom Mr. Mitchell retained? Or was it Mrs. Willebrandt herself, who has since left? The latter impression is the one sought to be conveyed. Why did not the Attorney General present a statement from Mrs. Willebrandt (whose office is still but one block from his) as to whose hand really exerted the gentle pressure to "recommend that petition for certiorari be not filed"?

Attorney General Sargent's part appears to have been limited to signing his name under the word "approved" on the "memorandum by the tax division." Everyone at all familiar with the Department of Justice affairs during his term knows that Sargent would rely entirely, and rightly so, upon Mitchell in such matters, and this incident well illustrates it. The Sisson letter would infer that the "tax division" (whoever that was) finished its memorandum on June 5, sent it to Solicitor General Mitchell in due course and received his "suggestions" (which contrary to the invariable practice were not in writing), and then submitted it to Mr. Sargent who was able to "approve" it on the day following its original preparation. Clearly he could have given it no adequate consideration and the speed with which it was rushed through seems incredible to those who are familiar with the time usually required for a paper to pass through two divisions of the Department of Justice. Obviously the whole affair was Mitchell-arranged. Who would dare thwart the Solicitor General's idea about the matter, and they couldn't help knowing what he wanted if they only read his testimony against the Government in the case; no consideration by any known, responsible official—no reasons given—but a course of action followed which exactly fitted the interests of Mitchell's former client, the "Hill estate."

What was the excuse for all this camouflage? According to Mr. Sisson it was "the impropriety of his [Mitchell's] having anything to do with the consideration of the matter of applying for certiorari." But so long as he remained Solicitor General it was his inescapable duty to pass upon it. He had been the attorney for Mrs. Hill; he had prepared the papers which deprived the Government of its revenue; he had been (while Solicitor General) the principal witness against the Government; clearly he knew more about the case than anyone in the department would ever know. Yet he permitted the Government's interests to be frittered away by an opinion which virtually disregarded that evidence and declared that "The finding of the court quoted supra was without any basis in fact."

Again the Seventh Circuit Court of Appeals had held that a finding of the Internal Revenue Commissioner unless arbitrary and capricious was conclusive. The holding of Judge Lewis, eighth circuit, thus raised a conflict between circuits and that, under a Supreme Court rule, is a ground for certiorari. (Rec. p. 47.) Mitchell was well aware of this and for that reason alone it was his duty as Solicitor General to resolve the conflict by applying for the writ. He did not have to turn that question over to Mr. Sargent and no one in the department was so familiar with the case as Mitchell. To dodge that duty by placing the matter in the hands of unidentified subordinates and disposing of it through a hasty and perfunctory reference to the Attorney General who knew nothing about it, was, I submit, a failure to conserve the Government's interests.

With Mitchell's ethics as a background of what a "right-thinking" lawyer should be, it seems to me his objection to Ernest Michel for United States district judge in Minnesota, as being unfit for that position because he specialized in personal injury law, exceeds all honest men's comprehension and will stand out flaringly when you take into consideration that he could not say a word against Mr. Michel's integrity, ability as a lawyer, or his character, and when you also take into consideration that Mr. Michel was indorsed by both Senators and the entire Minnesota delegation, by all the State officials, a majority of the State senate, over 600 lawyers and a score of judges, headed by the Chief Justice of our Supreme Court, who said Michel was a man of character, integrity, and ability, and that, in his opinion, if appointed he would make an excellent Federal judge. When you take into consideration the Attorney General's rejection, without reason or rhyme, of 10 other able, competent lawyers submitted to the President by me at the President's request, particularly in view of his own actions in the Hill case, his gesture surpasses the ordinary understanding. If you manipulate as Solicitor General to save a railroad magnate's wife's estate a million and a quarter you are "right-minded" and "right thinking." If you sue a railroad company and recover $5,000 for some poor devil who has been injured, you are not the right sort of timber for the bench.

Having turned down 11 worthy and able lawyers of my State, suggested by me, he causes the President to send to the Senate the name of Gunnar H. Nordbye, nine days before adjournment, under the flimsy excuse that Minnesota is in dire need of a judge, and with this argument hopes that the power of the administration can force through, without due investigation, the confirmation. In this he was very much mistaken, for the Judiciary Committee, to whom the nomination was referred, refused to send the name to the Senate. He expected the people of Minnesota to forget that he had had more than nine months to submit a name. Certainly it is not unreasonable for the Senate to refuse to do in nine days what the Attorney General, with all the facilities of his great office, did not do in nine months.

Mr. Nordbye's partner's law practice, previous to his appointment to the bench by the governor, was almost exclusively personal-injury cases, yet Mr. Mitchell turns down Mr. Michel because he says Mr. Michel's partner's legal practice is in the main personal-injury claims and selects a man whose practice before appointment to the judgeship was in the main personal injury. The distinction, of course, between Mr. Michel and Mr. Nordbye is that Mr. Nordbye has been on the bench for a number of years and his bench actions in behalf of public utilities, insurance companies, railroads, chain banks, chain stores, chained newspapers, and chained politicians has been highly satisfactory to our United States Attorney General, "Democrat Mussolini" Mitchell, and no doubt over and above the fact that the "right-minded," "right-thinking" demonstration as judge of Mr. Nordbye is the knowledge that Mr. Nordbye is a leader of the crowd in Minnesota, who deplore that I am the United States Senator and have viciously fought me by fair and foul means—mostly foul—for my retention of this great office.

Mitchell knew that the Hill case had been successively before no less than five distinct functionaries, only one of whom—Judge Lewis—had decided against the Government. In no other case would the Solicitor General have accepted the one and rejected the four. The fact that he had been of counsel should have made him all the more careful to see that the Supreme Court should settle the question. The opportunity to help a client keep that vast sum should not have deterred him from the duty of his office as Solicitor General, which was to see to it as Solicitor General that the Supreme Court ruled upon it. He can not extricate himself from the obligations devolved as Solicitor General by any such circuitous process to protect himself and insure the Government's defeat.

I ask the President of these United States and the good people over whom he governs if this is an ethical act and if such actions warrants him putting any confidence in the opinion of his Attorney General as to whether a lawyer is "right-thinking" and deserving. The very fact that the Attorney General, the Solicitor General, whose imperative duty it was to see to it that such cases went to the Supreme Court, whatever his personal belief in the matter may have been, since he drew the original papers in the case as the Hill attorney and testified in the case and was the generalissimo in conducting his clients to victory, should have bound him as the very least of his duty to see to it that the matter was spread before the Supreme Court for final determination.

I submit that the Hill case alone shows that the Attorney General's advice should not be taken in matters where his interests and prejudices are involved. The Attorney General showed clearly, in his brand-new policy of that office, to wit, his newspaper campaign against Ernest A. Michel for United States district judge in Minnesota, that there was some strong incentive urging him at all costs to see to it that Mr. Michel did not become judge and no doubt the same motive prompted him to turn down the 10 other names of estimable and able lawyers presented to the President at the President's request and cause the President to submit the name of Gunnar H. Nordbye whom he knows to be "right-thinking" and "right-minded" in all matters pertaining to public utilities, railroads, insurance companies, and combinations of corporations and would be especially obnoxious to me personally since he has not only fought me politically but has belittled, slurred, and slandered me and has continuously spoken disparagingly of my character.

The fact that Mr. Michel was indorsed by the entire Minnesota delegation in Congress, hundreds of lawyers and over a score of judges, a majority of the State Senate of Minnesota, and all State officials elected by the people had no effect upon him for unless you are "right-minded" as shown by the measure stick in the Hill and the Jackson Barnett cases "you can not enter" into the sacred precincts of the judiciary with the advice and consent of such an Attorney General.

Mr. SCHALL. Mr. President, I ask to print Judge Molyneaux's findings of fact in the Hill case and Judge Lewis's opinion.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

[United States District Court, District of Minnesota, third division. George P. Flannery, administrator of the estate of Mary T. Hill, deceased, plaintiff *v.* Levi M. Willcuts, collector of internal revenue for the district of Minnesota, defendant. Findings of fact and conclusions of law]

Messrs. Boyesen, Otis, Brill & Farley, for plaintiff; Lafayette French, jr., United States Attorney, for the defendant; A. W. Gregg, general counsel for the Bureau of Internal Revenue and T. H. Lewis, jr., special attorney, Bureau of Internal Revenue, of counsel.

This case came duly on for trial before the undersigned, one of the judges of said court, and was tried to the court without a jury, on November 29, 1926, and for several days thereafter, at a general term of said court.

A trial by jury was duly waived by written agreement signed and duly filed by the parties hereto.

The court finds as facts, herein, as follows:

1. That the plaintiff is now and at all times hereinafter set forth was a citizen of the United States of America and a resident of the city of St. Paul, in the county of Ramsey and State of Minnesota; that the matter in controversy herein, as hereinafter set forth, exclusive of interest and costs, exceeds the sum of $3,000 and arises under the Constitution and laws of the United States of America, and particularly under a law of the United States providing for internal revenue.

2. That Mary T. Hill died intestate on or about the 22d day of November, 1921, and that, at the time of her death she was a resident of the city of St. Paul, in the county of Ramsey and State of Minnesota, in the United States of America, and that thereafter certain proceedings were duly instituted in the probate court for said Ramsey County, then and there having jurisdiction, for the purpose of probating the estate of said decedent, Mary T. Hill, and that such proceedings were had therein, that thereafter and on the 16th day of May, 1922, the said plaintiff, George P. Flannery, was duly appointed administrator of the estate of said decedent, Mary T. Hill; that he thereupon duly qualified as such administrator, then became, ever since has been and now is the duly appointed, qualified, and acting administrator of the estate of said decedent, Mary T. Hill.

3. That on the 11th day of May, 1921, the defendant, Levi M. Willcuts, was duly appointed collector of Internal Revenue for the district of Minnesota, and thereafter and on the 1st day of June, 1921, filed his bond and took oath of office as such collector, and ever since has been and now is the duly appointed, qualified, and acting collector of Internal Revenue for the district of Minnesota, at St. Paul, Minn., under and by virtue of the laws of the United States of America.

4. That after the death of said decedent, Mary T. Hill, and after the appointment of said plaintiff, George P. Flannery, as administrator of her estate, and on the 27th day of December, 1922, the said plaintiff, as administrator aforesaid, prepared and filed at St. Paul, Minn., with the said defendant, as collector of Internal Revenue for the district of Minnesota, as aforesaid, his return for the United States estate tax in the matter of said estate, and that said estate tax return was so prepared and filed on Form 706, so-called, with said collector of Internal Revenue of said United States, and that said blank form, so numbered 706, upon which said return was so prepared, was furnished to said administrator by the said defendant.

That in and by said return, an estate tax liability was disclosed in the sum of $2,011,060.96, and that said sum of $2,011,060.96 and all thereof was thereafter and heretofore paid by said plaintiff, in his representative capacity as administrator aforesaid, to said defendant as Collector of Internal revenue aforesaid, and that said payment was made in United States Liberty bonds and in cash on December 27, 1922, and that an official receipt was duly given to said plaintiff, as administrator aforesaid, by said defendant for such payment, which said receipt was attached to and made a part of the claim for refund hereinafter referred to.

5. That thereafter an audit and review of the property and assets of the estate of said decedent, Mary T. Hill, and of the estate tax return, so filed by plaintiff, was duly made by agents or auditors of the United States Treasury Department, and that the conclusions and determination of said agents or auditors were thereafter duly returned to and filed with the Commissioner of Internal Revenue in the Estate Tax Division of the Bureau of Internal Revenue of the United States Treasury Department.

6. That thereafter and on or about September 2, 1925, and after the completion of said audit and review, a tentative determination of a so-called deficiency in the estate tax in the matter of said estate of Mary T. Hill, in the sum of $1,143,123.73, was made by the Commissioner of Internal Revenue of said United

States Treasury Department, and this plaintiff was notified of such tentative determination by written communication signed by R. M. Estes, deputy commissioner, dated on said September 2, 1925, which said communication bore the symbols and was entitled "MT:ET-875-CWM."

7. That thereafter the plaintiff prepared and on the 30th day of September, 1925, he filed with the Commissioner of Internal Revenue in the estate tax division of the Bureau of Internal Revenue of the United States Treasury Department objections and exceptions to said tentative determination of a so-called deficiency tax in the matter of the estate of said decedent, Mary T. Hill, which said objections and exceptions, so made and filed by this plaintiff, were dated on the 28th day of September, 1925, and that thereafter and on the 23d day of October, 1925, supplemental objections and exceptions were filed with said Commissioner of Internal Revenue, which said supplemental objections were dated on the 21st day of October, 1925.

8. That thereafter and on the 23d day of October, 1925, at 2 o'clock p. m., a hearing was had before said Commissioner of Internal Revenue, at Washington, D. C., upon said tentative determination of a deficiency, so dated September 2, 1925, in the matter of the estate of said decedent, Mary T. Hill, and upon the objections of this plaintiff thereto, so dated September 24, 1925, and upon the supplemental objections, so dated October 21, 1925.

9. That after said hearing before said commissioner, and on the 7th day of December, 1925, this plaintiff received from the United States Treasury Department and from the Commissioner of Internal Revenue of that department a certain written communication, a so-called closing letter which said communication is dated December 4, 1925, and was signed by D. H. Blair, commissioner, in and by the terms of which said department found and determined that said estate of Mary T. Hill and this plaintiff as administrator thereof was liable for an additional or deficiency estate tax in the sum of $1,130,616.08.

10. That thereafter and by a writing dated April 7, 1926, a demand was made upon this plaintiff by the defendant for the payment of the so-called deficiency tax in the matter of the estate of said Mary T. Hill in the said sum of $1,130,616.08, in and by which, among other things, notice was given to plaintiff that an additional assessment in said sum of $1,130,616.08 had been made against the estate of said Mary T. Hill, and against this plaintiff as administrator aforesaid, and notice was further given that, "If payment is not made within 30 days after the date of this notice, the law provides that interest will accrue at the rate of 10 per cent per annum from 30 days after date of this notice until date of payment."

11. That this plaintiff paid to this defendant, the total additional amount so demanded, to wit: The sum of $1,130,616.08, and that said payment was so made to said defendant in two installments and on the following dates and in the following amounts: April 30, 1926, $1,050,000; May 5, 1926, $80,616.08—that upon the payment being made, as hereinbefore set forth, receipts were duly delivered by said defendant to this plaintiff.

12. That at the time of the respective payments last above referred to, this plaintiff filed with the said defendant, as collector aforesaid, written protests, in and by which the grounds of the protest as hereinafter and in paragraph 14 of this complaint alleged, were fully set forth.

13. In determining an alleged deficiency, and in computing the amount thereof, the Commissioner of Internal Revenue of the United States Treasury Department included in the value of the gross estate the value of properties, stocks, and bonds, to wit:

(a) Item 2 of Schedule E of the administrator's estate-tax return: Bonds transferred to Northwestern Trust Co. as trustee, by trust instrument dated the 24th day of November, 1919, for the benefit of the following-named persons, respectively: Anna E. Phelps, Mary Phelps, and Gertrude Phelps Horrigan. The valuation placed by the Commissioner of Internal Revenue on the bonds so transferred being fixed for the purposes of taxation at the respective sums appearing immediately after the names of said beneficiaries named in said trust, to wit:

Anna E. Phelps trust	$85,125.00
Mary Phelps trust	8,512.50
Gertrude Phelps Horrigan trust (Through inadvertence, the Gertrude Phelps Horrigan trust is described in the administrator's return as the Mary Horrigan trust.)	8,512.50

(b) Item 3 of Schedule E of the administrator's estate-tax return: Bonds transferred to Northwestern Trust Co. as trustee, by trust instrument dated the 24th day of November, 1919, for the benefit of the following-named persons, respectively: Emma Raguet and Mary Meaney. The valuation placed by the Commissioner of Internal Revenue on the bonds so transferred being fixed, for the purposes of taxation, at the respective sums appearing immediately after the names of said beneficiaries named in said trust, to wit:

Emma Raguet trust	8,512.50
Mary Meaney trust	4,256.25

(c) Item 4 of Schedule E of the administrator's estate-tax return: Bonds transferred to Northwestern Trust Co. as trustee, by trust instrument dated the 24th day of November, 1919, for the benefit of the following-named persons, respectively: Michael C. Downey, Joseph Sikorski, Axel Johnson, Alice Maitland, Walter A. Maitland, James Maitland, Hugh Campbell, Mrs. Hugh Campbell, Pharioide Van den Broecke, Sarah Trott, Robert C. Miner. The valuation placed by the Commissioner of Internal Revenue on the bonds so transferred being fixed, for the purposes of taxation, at (11 in all) ---------- $21,281.25

(d) Item 5 of Schedule E of the administrator's estate-tax return: Stocks, bonds, and properties transferred, by trust instrument dated the 25th day of November, 1919, for the benefit of the following-named persons, respectively: James N. B. Hill, Louis Warren Hill, jr., Maud Van Cortlandt Hill, James Jerome Hill, 2d, Cortlandt Hill, George Norman Slade, Georgiana Mary Slade, Mary Hill Boeckmann, Gertrude Hill Boeckmann, Anson Beard, jr., Mary Beard, and Dorothy Hill. The valuation placed by the Commissioner of Internal Revenue on the stocks, bonds, and properties so transferred, for the benefit of each of said beneficiaries, save one, being fixed, for the purposes of taxation, at $206,930, and one, to wit, the Dorothy Hill trust, at $13,465; total (grandchildren's trust) ---------- 2,379,695.00

(e) Item 12 of Schedule E of the administrator's estate-tax return: Stocks, bonds, and properties transferred, by trust instrument dated the 19th day of July, 1920, for the benefit of the following-named persons, respectively: Mary Hill Hill, James N. Hill, Louis Warren Hill, Clara Hill Lindley, Charlotte Hill Slade, Rachel Hill Boeckmann, Ruth Hill Beard, Gertrude Hill Gavin, and Walter J. Hill. The valuation placed by the Commissioner of Internal Revenue on the stocks, bonds, and properties so transferred, for the benefit of each of said beneficiaries, being fixed, for the purposes of taxation, at $219,671; total (children's trust) ---------- 1,977,039.00

(f) Item 16 of Schedule "E" of the administrator's estate-tax return: Bonds transferred to Northwestern Trust Co. as trustee, by trust instrument dated the 19th day of October, 1920, for the benefit of Mary Mendenhall Hill. The valuation placed by the Commissioner of Internal Revenue on the bonds so transferred, being fixed, for the purposes of taxation, at ---------- $85,125.00

(g) The transfer, by decedent, to Rachel Hill Boeckmann, on or about the 8th day of July, 1920, of a diamond necklace valued by the Commissioner of Internal Revenue of the United States Treasury Department, for the purposes of taxation, and included by said commissioner in decedent's gross estate, at--- 18,000.00

That said stocks, bonds, and properties, described in items (a), (b), (c), (d), (e), (f) were listed by the plaintiff, as administrator aforesaid in Schedule "E" of his Federal estate-tax return, as he was by the instructions printed on said estate-tax return and by the regulations of the United States Treasury Department, required to do.

14. That after payment in full of said alleged deficiency estate tax in the matter of the estate of said Mary T. Hill, and on or about the 18th day of May, 1926, this plaintiff duly filed with the defendant, as Collector of Internal Revenue aforesaid, on Treasury Department, Internal Revenue Service form 843, a claim for refund of the aggregate amount so assessed and collected in said estate, to wit: the sum of three million, one hundred forty-one thousand, six hundred seventy-seven and four one-hundredths ($3,141,677.04) dollars, on the ground and for the reasons set forth in Paragraph XIII of the complaint, and that said sum included an amount for which this plaintiff in said claim also demanded a refund, to wit: the amount so assessed and collected as and for a deficiency tax, so amounting to the sum of one million, one hundred thirty thousand, six hundred sixteen and eight one-hundredths ($1,130,616.08) dollars and so paid under protest as aforesaid, on the ground that said last-named sum was assessed against the estate of said Mary T. Hill, deceased, by reason of the erroneous and illegal inclusion by the Department of Internal Revenue in the gross estate of said decedent of the property and the value thereof, transferred and conveyed by said Mary T. Hill in her lifetime by those certain deeds of trust and transfers specifically set forth as items (a), (b), (c), (d), (e), (f), and (g) of section (1) of paragraph 14 of this complaint, and that the grounds of said claim for refund, in so far as the same related to said transfers, were that the said items and the value thereof, so transferred and conveyed by said decedent in her lifetime were not, nor were any or any part of them a part of her estate and were not subject to taxation for Federal estate taxes, in that said decedent did not make such transfers or convey such property in contemplation of her death or to take effect in possession or enjoyment at or after her death, within the purview of the statute providing for the assessment and payment of a Federal estate tax, and on the further ground that in assessing a so-called deficiency, the Commissioner of Internal Revenue had failed to allow as a deduction, necessary administration expenses in the sum then incurred, to wit: in the sum of two hundred sixteen thousand, four hundred forty-five and thirty one-hundredths ($216,445.30) dollars.

15. That thereafter said claim for refund was rejected, refused, and in all things denied by the Commissioner of Internal Revenue of the United States of America, and this plaintiff was notified thereof by written communication dated July 8, 1926.

16. That although duly demanded, said sum of $3,141,677.04 has not, nor has any part hereof, been paid to this plaintiff.

17. I further find that the transfers set forth in subparagraphs (a), (b), (c), (d), (e), (f), and (g) of paragraph 14, on pages 9, 10, and 11 of the complaint, were made and completed and the trust therein referred to accepted by the trustees on the respective dates therein set forth.

18. I find, as hereinbefore stated, that the administration expenses paid by said administrator in administering the estate of said Mary T. Hill amount to $216,445.30, of which the commissioner has allowed the sum of $178,412.62; the difference of $38,032.68 is a proper deduction from gross estate, and the plaintiff has overpaid said defendant $9,508.17.

19. That the transfers, gifts, and trusts set forth in the complaint and identified in paragraph 14 thereof as (a), (b), (c), (d), (e), (f), and (g) were and each of them was made and created by the decedent, Mary T. Hill, in contemplation of her death within the meaning of section 402 (c) of the revenue act of 1918.

As conclusions of law, I find that the plaintiff is entitled to judgment against the defendant in the sum of $9,508.17, together with interest thereon as allowed by law from May 5, 1926, at the rate of 6 per cent per annum until the date of final judgment herein; that the plaintiff is not entitled to recover from the defendant otherwise than as herein stated.

Let judgment be so entered.

Dated at Minneapolis this 30th day of March, 1927.

United States District Judge.

Lewis, circuit judge: Mary T. Hill died intestate November 22, 1921, aged 75 years, 4 months, and 21 days; and the principal question in this case is whether certain gifts made by her were a part of her estate under the revenue act of 1918 (40 Stat. 1057), subject to the Federal estate tax. She was the widow of James J. Hill, who died intestate May 29, 1916, leaving a large fortune in which her distributive share amounted in value to more than $16,000,000. The administrator of her husband's estate in settlement with her gave her about $1,000,000 in cash, and for the remainder of her share almost all of it consisted of stock in banks and trust companies, stock in railroad companies and other corporations, mortgage bonds of railroad and other corporations, United States bonds and bonds of foreign countries. From these she made the gifts in question and left at her death an estate of more than $10,000,000, on which her administrator paid an estate tax of $2,011,060.96. The tax officials thereafter claimed a deficiency in the amount of the taxable estate and required her administrator to pay an additional sum of more than $1,000,000 on the gifts here in question as a part of her estate, which he did under protest. Her administrator then brought this action to recover the additional sum paid. Trial by jury was waived. Without discussing the issues or stating the reasons for his conclusions, the district judge made general findings of fact, among them:

"That the transfers, gifts, and trusts set forth in the complaint • • • were and each of them was made and created by the decedent Mary T. Hill in contemplation of her death within the meaning of section 402 (c) of the revenue act of 1918 (Comp. Stat. par. 6336¾c (c))."

Recovery was therefore denied.

That part of section 402 of the act of 1918 to which the court referred in its finding reads thus:

"That the value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated—

• • • • • • •

"(c) To the extent of any interest therein of which the decedent has at any time made a transfer, or with respect to which he has at any time created a trust, in contemplation of or intended to take effect in possession or enjoyment at or after his death (whether such transfer or trust is made or created before or after the passage of this act), except in case of a bona fide sale for a fair consideration in money or money's worth. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such a consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title." (40 Stat. 1057, 1097.)

The gifts, except one, were made in the form of trusts, and are referred to as (1) trusts for decedent's 13 grandchildren; (2) trust for decedent's 9 children; (3) trusts for other relatives, friends, and employes; and (4) the gift of a diamond necklace valued at $18,000 to one of decedent's daughters, made on July 8, 1920. The written declarations of trust specified the property transferred for each donee to a named trustee. They were absolute in form, gifts inter vivos, no interest or future control being retained by the donor; and immediately after the declarations were executed they and the property specified for each donee were delivered to and received by the trustee who accepted the trust. The trust for 12 of the grandchildren was executed on November 25, 1919, and a separate trust for the remaining grandchild was executed on October 19, 1920. For each of 11 of her grandchildren Mrs. Hill conveyed to the named trustee in trust 546 shares of the capital stock of the First National Bank of St. Paul, Minn., 144 shares of the capital stock of the Northwestern Trust Co. of St. Paul, Minn., and $77,000 in cash, and for the other grandchild exactly half that number of shares and cash. For the thirteenth grandchild she established a trust estate consisting of $100,000 par value Great Northern Railway mortgage bonds. The powers of the trustee in handling the trust estates are set forth. Compensation for the services of the trustee were provided for out of the income and there were restrictions as to payment of income to the beneficiaries, one-half the net income until each beneficiary reached the age of 30 years, thereafter all of it, and at the age of 40 years the whole estate to be delivered to the beneficiary. There was disposition of the trust estate in case of death before that time.

The declaration of trust for her nine children was executed July 19, 1920. That instrument transferred to the trustee for each child $21,000 par value United Kingdom of Great Britain and Ireland and the French Republic joint 5 per cent bonds, 33 shares of the capital stock in St. Paul Cattle Loan Co. and a named number of shares in different banks and trust companies doing business in New York City, Chicago, St. Louis, Minneapolis, and St. Paul. Each child was to receive, during his or her life, the net annual income of the trust estate and there was disposition of the corpus of the trust estate upon the death of each child. The powers of the trustee were expressed and a limitation put on compensation for its services. There were three separate declarations of trust covering donations to a sister, friends, and employees, in which Great Northern Railway mortgage bonds constituted the gifts, the largest one being $100,000 face value of said bonds given in trust for decedent's sister. The others for the different donees were each not more than $10,000 nor less than $1,000 of such bonds. These last three declarations were all executed by the donor on November 24, 1919.

(1–3) It will be noticed that the trust for 12 of the grandchildren and the 3 trusts for a sister, friends, and employees were executed scarcely within the 2 years preceding Mrs. Hill's death. The one for the other grandchild and the one for the nine children were executed more than one year, but less than two before the date of her decease. At the trial defendant stood on the presumption raised by the statute quoted supra, and plaintiff took the burden of showing that the gifts were not made in contemplation of death. We, of course, agree with counsel for defendant in error, that this court will not weigh the evidence, if it is in disagreement, to find on which side it preponderates, but we may search "the record to find whether there is any substantial evidence to support the lower court's finding that as a matter of fact these gifts were made in contemplation of death." If there is no such evidence the court erred in law. We are also in accord with counsel's statement in his brief that the cases "hold that the thought of death must be the actuating motive without which the gift would not have been made"—adding thereto the qualification that the "thought of death" as an anticipation of the inevitable which we all realize, is not within the statute; but to be within the statute the thought must arise because of some known infirmity which, it is believed, will likely cause death. We agree with Judge Morton that gifts inter vivos are not taxable under this statute, unless it can be said on the facts of the case they are testamentary in purpose. Bradley *v.* Nichols (D. C.) 13 F. (2d) 857.

(4) It seems reasonable to suppose that the taxing officials also acted solely in reliance on the statutory presumption; but if that presumption is inconsistent with the facts in the case it must give way. It will have served its purpose, in effect, so declared by the statute. In Fresh *v.* Gilson (16 Pet. 327, 331, 10 L. Ed. 982) it is said:

"But presumptions can stand only whilst they are compatible with the conduct of those to whom it may be sought to apply them; and still more must give place, when in conflict with clear, distinct, and convincing proof."

Wigmore on Evidence (2d Ed.), paragraph 2491, says:

"Nevertheless, it must be kept in mind that the peculiar effect of a presumption of law (that is, the real presumption) is merely to invoke a rule of law compelling the jury to reach the conclusion in the absence of evidence to the contrary from the opponent. If the opponent does offer evidence to the contrary (sufficient to satisfy the judge's requirement of some evidence), the presumption disappears as a rule of law, and the case is in the jury's hands free from any rule."

In Mobile, J. & K. C. Railroad Co. *v.* Turnipseed (219 U. S. 35, 31 S. S. Ct. 136, 55 L. Ed. 78, 32 L. R. A. (N. S.) 226, Ann. Cas. 1912A, 463, a State statute which raised a presumption of negligence where damages were inflicted by the running of locomotives or cars was under consideration. The court (p. 43 (31 S. Ct. 138)) said:

"The only legal effect of this inference (of negligence) is to cast upon the railroad company the duty of producing some evidence to the contrary. When that is done the inference is at an

end, and the question of negligence is one for the jury upon all of the evidence."

(5) We summarize the uncontradicted facts adduced at the trial: Mrs. Hill spent the winter of 1918–19 at the Hill winter home in Georgia, stopped for a while in New York City at an apartment which she had held under lease for several years and which she had furnished, and returned to St. Paul in April or early May, 1919. The furnishings in the New York apartment were hers, she kept two maids there, she had an automobile and a chaffeur there, and owned the garage. Her lease on the apartment expired October 1, 1920, and on its expiration she renewed it for three years. When she returned to St. Paul in the spring of 1919 she at once took up the subject of establishing trusts for her children and grandchildren. She first discussed the matter with Mr. Toomey, her business manager at St. Paul. Mr. Toomey had been in the employ of Mr. Hill for many years. He was entirely familiar with Mr. Hill's interests and had rendered services in looking after his property. After Mr. Hill's death he acted in that capacity for Mrs. Hill. A rough draft was at once drawn up, expressing Mrs. Hill's wishes in the matter. Her first idea was to make one declaration of trust, describing therein the property to be given and held in trust for each child and each grandchild separately. Mr. William D. Mitchell, then an attorney at St. Paul, now Solicitor General, was then employed by Mrs. Hill some time in May, 1919, to put the declaration in proper form. Her consultations with Mr. Mitchell resulted in a decision to make two declarations of trust, one for the children and one for the grandchildren. Mr. Mitchell made several drafts to meet Mrs. Hill's wishes. She finally concluded to make one trust for 12 of the grandchildren and another for the other grandchild. Before the fall of 1919 came on she had fully settled, in consultation with Mr. Mitchell, the grandchildren's trusts and also the trust for her nine children, except the disposition to be made of the remainder estate in the property that she was to put in trust for them. They were to have only a life interest, receiving the net income. Mr. Mitchell left St. Paul on his vacation some time during the summer and did not return until the fall. Also Mrs. Hill, early in July, went to North Oaks Farm, some 12 miles out of St. Paul, and remained there until October or early November. North Oaks Farm had been maintained by Mr. Hill and was a part of his estate. It consisted of approximately 4,000 acres, about 1,000 of which was in cultivation.

Mrs. Hill, while there during the summer of 1919, became interested in the comfort of the help employed and decided to build better quarters for them and make other improvements on the place. She personally selected the site for the new building, selected a contractor, sent for an architect, and gave personal attention to these improvements, made at a total cost of about $60,000. While she was there some one of her children in St. Paul, without her knowledge or wish, sent Doctor Gilfillan, who had been her physician, out from St. Paul to see her. She did not know the doctor was coming. She said she did not know why he had been sent out, she did not need his services. That was the last call made by Doctor Gilfillan. Later when she needed a physician she sent for Doctor Hoff. Doctor Gilfillan testified that when he examined Mrs. Hill at North Oaks Farm in the fall of 1919 he found high blood pressure, muscular trouble with the heart, and kidney trouble, but he did not tell her about her condition in that respect and she did not ask him about it. He testified that he had been her physician prior to that time; that he never saw her worried over herself or over her condition; that she was of good spirits and of a very equable disposition and not nervous in any way; that she never indicated that she anticipated death in the near future and never talked to him about it. He said she tended to be overactive, and he told her not to go upstairs and to be careful about any physical exertion, never to do anything in a hurry.

When Mr. Mitchell and Mrs. Hill had both returned to St. Paul in the fall of 1919, the execution of the grandchildren's and children's trusts was again taken up. Mrs. Hill again expressed some uncertainty about the dispositions to be made of the nine remainder estates in the children's trust, but the trust for the 12 grandchildren was prepared by Mr. Mitchell in accord with her instructions, and on November 25, 1919, she executed that declaration and, as has been said, it and the securities and cash therein named for each grandchild were at once delivered to the trustees and they accepted. Mrs. Hill was in bed at that time. She was taken ill about November 12, 1919, and Doctor Hoff was called. She remained in bed or in her room until about the middle of December, 1919, when she became seriously ill. She began to improve early in January following and was able to leave her room within a few weeks thereafter and to go out as soon as the weather permitted. Her recovery appears to have been gradual and complete. A trained nurse who was first called into the home at the time of Mr. Hill's last sickness remained with Mrs. Hill as a sort of companion and servant, and she testified that she regarded Mrs. Hill as something of an invalid, after her illness that has just been referred to, until her death; but the testimony of many other witnesses, neighbors, and friends, and members of her family, indicates that the testimony of the nurse as to Mrs. Hill's condition after that sickness was rather exaggerated. Throughout the remainder of 1920 and 1921 up until her last illness, while not so active as she had been previous to November, 1919, she went about, took automobile rides, was as interested as theretofore in her household affairs, read the papers, was interested in public affairs, read good literature, visited with her friends, and was as cheerful as she had been theretofore. She is described as having a very placid, calm disposition and an alert mind, never depressed, and at all times in possession of all her faculties. She was industrious and returned to her habit of sewing and knitting. Early in January, 1920, her business manager took up important matters with her and she was able to consider with him business transactions from that time on until her last sickness, which came on in October, 1921, from which she died on November 22, 1921.

The testimony of neighbors, relatives, and friends as to Mrs. Hill's physical and mental condition, her activity, her uniform cheerfulness, and her daily interest in affairs during a period of more than two years prior to her death is too lengthy to be reviewed. It all tends to establish that her mind was free from thoughts of death, except on or about December 19, 1919, when she was seriously ill and made gifts causa mortis to some of her children and grandchildrden, which she subsequently expressly revoked, and had a will prepared which she never executed. As has been said, she seemed to fully recover from that illness and thereafter her health was as good and she was as active physically and as alert mentally as might be expected from one of her age, with no suggestion from her, nor conduct on her part, indicating that she was in contemplation of death.

On April 1, 1921, she appointed new trustees for six of her grandchildren under the trust which she had executed for them on November 25, 1919, the trustees named in the original declaration having resigned as to those beneficiaries. She had reserved the power in that declaration to fill any vacancy that might occur during her life. In that instrument of appointment of April 1, 1921, we find this statement over her signature:

"Being advised that, as said trust deed was executed by me while suffering from a severe illness, the said trusts were of the nature of gifts causa mortis and subject to revocation on my recovery, and, having fully reconsidered the same, I do hereby in all things confirm the said trusts, except," followed by a paragraph giving the new trustees for the six named grandchildren power to withhold from said six beneficiaries the net income or a part thereof that was to be paid to them under the original declaration and add it to the principal of the trust estate, or at any time thereafter release it to said beneficiaries. Some reliance is placed on the above excerpt to support the contention that the grandchildren's trust was in its nature testamentary. It will be noticed that Mrs. Hill did not say that these gifts were made causa mortis. Moreover, at that time Mrs. Hill had recovered from her illness of December 19, 1919, and was going about, taking automobile rides and calling at Mr. Toomey's office on business matters, and she says in the excerpt that she confirms the grandchildren's trust in all things except the modification which she then attempted to make as to the distribution of income to six of the beneficiaries. Mr. Mitchell drew that document and his testimony explains fully how it came to be made. Perhaps no one was better informed as to Mrs. Hill's intentions and purposes in making these gifts and her status of mind when she decided to do so than Mr. Mitchell. We therefore quote the substance of all of his testimony. He said:

"During the years 1919, 1920, and 1921, and for some time prior thereto, I acted as attorney for Mrs. Mary T. Hill, of St. Paul, widow of the late James J. Hill. In that capacity I drafted, as her attorney, all of the indentures of trust agreements executed by her during and after the year 1919, including the so-called grandchildren's trust, executed November 25, 1919, and the so-called children's trust, signed July 19, 1920. • • • the records and accounts of this office (his law office) show that, commencing May 19 and for a period of several days thereafter, I gave my entire time and attention to drafting the children's and grandchildren's trusts. From these facts I am able to say with certainty that the plan to create these trusts was conceived by Mrs. Hill prior to May 19, 1919, many months before her first serious illness. The first draft, made on May 19, 1919, covered both the children's and grandchildren's trusts, all of those being included in one document. It became evident later that more rapid progress could be made if these two proposals were treated separately as Mrs. Hill was undecided in the summer of 1919 as to the disposition to be made of certain remainder interests under the children's trust and, as she had definitely made up her mind during the summer of 1919 with respect to the provisions of the grandchildren's trust, the instrument relating to the grandchildren's trust was finally drafted and prepared for signature without waiting her decision with respect to the matters involved in the children's trust. Mrs. Hill, after examining the preliminary draft of the grandchildren's trust and certain revisions thereof which I prepared under her instructions during the summer of 1919, reached a final decision in the late summer of 1919 respecting all its provisions. The reason that the grandchildren's trust was not actually signed prior to November 25, 1919, was because in the late summer and early fall I was away on a vacation and was not here to complete the final draft until October or November.

"Mrs. Hill's decision as to the making of the grandchildren's trust and as to all the terms and provisions thereof and her final instructions with respect thereto were made and given more than two years prior to her death and prior to the inception of her first serious illness. The children's trust was not planned or conceived by her while ill or as a result of illness, but long prior to her first serious illness. In the spring of 1920, after her first serious illness, she again took up the matter of the children's trust and reached a decision as to all its provisions, and the same was executed in July of that year. In all my dealings with Mrs. Hill prior to her first serious illness in the early winter of 1919 nothing she said or did indicated that she was in apprehension of death or making these children's and grandchildren's trusts in contemplation of death or that she had any apprehension of her decease occurring at an early date or within the period of expectancy of a woman of her age. On the contrary, during the period in 1920 and 1921 after her first illness and before her final and fatal illness, she was singularly free from any apprehension of this kind.

"With respect to the document signed by her April 1, 1921, attempting to amend the grandchildren's trust so as to authorize the trustees to withhold income from the beneficiaries in their discretion, the facts are as follows: As soon as the grandchildren's trusts were signed in November, 1919, copies were furnished to the parents of the grandchildren. Shortly thereafter and in the spring of 1920 Mr. John T. Toomey, Mrs. Hill's agent and business manager, informed me that two of Mrs. Hill's daughters had objected to the provisions of the trusts on the ground that they gave their children an independent income at an early age and freed them from parental control, and that they had expressed these objections to Mrs. Hill and that Mrs. Hill was disturbed and unhappy because they were not satisfied with the trusts and wanted to know if the trusts could not be changed to suit her daughters' ideas in this respect. I advised Mrs. Hill through Mr. Toomey at that time that no power of revocation was contained in these grandchildren's trusts and that Mrs. Hill had no power to change them without the consent of the beneficiaries, who were minors and could not consent to changes.

"Two or three times thereafter, during 1920 and the early part of 1921, Mr. Toomey again brought up this subject, and said that two of Mrs. Hill's daughters were still criticizing the trusts and expressing their criticisms to Mrs. Mary T. Hill, who continued to be disturbed and uncomfortable about the situation, and Mr. Toomey kept urging me to suggest some way that the matter could be fixed up so as to relieve Mrs. Hill's mind on the subject; and, finally, in the early part of 1921, I told Mr. Toomey that he might have Mrs. Hill sign an amendment to the trusts, changing the provisions respecting distribution of income, coupled with a recital that the trust was executed causa mortis. I told Mr. Toomey at the time that this amendment was made that it was my opinion the amendment was not legally effective because in truth and in fact, although Mrs. Hill was slightly ill at the time the grandchildren's trust was actually signed, it had been planned and decided upon before that and was not, in my opinion, intended by her to be revocable in case she recovered from the illness from which she was suffering when the document was signed. I also told Mr. Toomey that if the amendment was executed in this way it would probably be effective as the beneficiaries, when they became of age, were not likely to contest the validity of the amendment, and so this method of handling the situation was suggested to Mrs. Hill as a way out of the difficulty and in order to satisfy the criticisms made by her daughters. • • • That the children's trust was not planned or conceived by decedent while ill or as the result of illness, but long prior to her first illness, and was merely interrupted by the first illness, so called; that in the spring of 1920, after her first serious illness, she again took up the matter of the children's trust and reached a decision as to all its provisions, and the same was executed on or about July 19, 1920; that the children's trust, as originally discussed and drawn, was substantially the same in terms as the children's trust finally so executed, and that the only substantial difference therein was in the disposition of certain remainder interests after the termination of the life estates therein set forth; that in all of his dealings with decedent, nothing she said or did indicated that she made said children's trust or grandchildren's trusts in contemplation of death or that she had any apprehension of her decease occurring at an early date, or within or prior to the period of expectancy of a woman of her age; but, on the contrary, during the period in 1920 and 1921, after her first illness and before her final and fatal illness, she was singularly free from any apprehension of this kind. • • •

"In all my dealings with Mrs. Hill on the subject of these trusts she never by word or deed disclosed any desire or intention that the possession or enjoyment of the trust estates by the respective donees should be in any way dependent or conditioned upon her death, nor did she in any way disclose any purpose or intention to so draw the trust instruments that the possession or enjoyment of the trust property by the donees would be deferred until after her death. In the case of the grandchildren's trusts the provisions deferring the enjoyment of the income, or a portion of it, and of the principal of the trust estates until the grandchildren attain the ages specified, were devised solely in the interests of the grandchildren and with a view to giving them the use and enjoyment of the property at ages at which they were competent to receive and use it in a proper manner and at ages when they would probably find it useful. Never in my conversations or dealings with Mrs. Hill about these trusts was the question whether the beneficiaries would have the enjoyment of the property before or after her death mentioned or discussed, and never in any of such conversations or dealings did Mrs. Hill ever discuss or mention the question whether the property covered by these trusts or any other of the trusts would or would not be subject to estate or inheritance taxes, and in none of my conversations or correspondence with her did I ever raise the tax question or suggest or mention the problem whether by making these trusts she should or could relieve her estate from any transfer, inheritance or estate taxes, and I am very sure from my dealings with Mrs. Hill and knowledge of her intentions and character that neither of these trusts was devised or executed with any thought on her part of relieving her estate from any taxes; I am sure she did not have that problem in her mind and in planning these trusts had no thought of the operation of the tax laws, and her whole aim and purpose in the making of these two trusts was to make during her lifetime gifts to her children and grandchildren which would insure them a moderate income during their lives, and the possession and enjoyment of which would take effect in them at times and under conditions which would serve their best interests, without regard to whether she was living or dead."

We have noted that the greater part of the property placed in trust for 12 of the grandchildren, and substantially all for the 9 children, consisted of stock in banks that had come to Mrs. Hill from her husband's estate. Shortly after receiving her share she expressed a wish not to continue to hold these stocks. She thought she could not assume the burden of looking after them, and repeatedly said that Mr. Hill had told her bank stocks were not a good investment for a woman. At the time of Mr. Hill's death the only property she owned was the family home, its furnishings, some valuable jewels, and 29 shares in the Great Northern Railway Co. She had had no experience in or liking for business affairs.

Without further review of the facts it is our opinion that a reasonable and fair estimate of all the proof leaves no other rational conclusion than that none of the gifts under consideration were made in contemplation of death; that the ones made to the children and grandchildren had been determined upon by Mrs. Hill and formulated in general terms as early as in the spring of 1919, at a time when she had no thought of the approach of death; nor under the proof did she contemplate death when she executed any of the declarations of trust in 1919 and 1920. The three lesser trusts constituting gifts to other relatives, friends, and employees are all of small amounts, excepting one of $100,000 to a sister, the remainder are from $1,000 to $10,000 each, making a total of $60,000. They and the necklace which she gave to one of her daughters on July 8, 1920, of a stated value of $18,000, seem to be immaterial parts of her estate and thus are excluded from her taxable estate by the statute in terms.

The finding of the court quoted supra was without any basis in fact on the proof adduced to support it and contrary to the undisputed proof, and was, therefore, error in law.

(6) The plaintiff also sued to recover the $2,011,060.96 that was paid by the administrator as an estate tax on more than $10,500,000 in value of property which Mrs. Hill owned and possessed at the time of her death. As to that, it is argued that no estate tax had accrued upon Mrs. Hill's estate under the revenue act of 1918 (40 Stat. 1057) at the time of its repeal by the act of 1921 (42 Stat. 227), and that the repealing act saved only accrued taxes. This same question, under revenue acts in like terms, was considered and decided by this court in Page v. Skinner (D. C., 293 F. 468). We rejected the contention as unsound for the reasons there stated. We, therefore, think the court did not err in denying relief in that respect.

Defendant in error insists that under the procedure taken in the trial court the record here presents no issue for our consideration. Without repeating here the steps that were taken at the close of the testimony it is sufficient to say we think the plaintiff saved the point that the court's finding was wholly without support and contrary to proof.

We think the court erred in its finding that the gifts were a part of Mrs. Hill's taxable estate. In that respect the judgment is reversed.

Mr. SCHALL. I ask to print telegrams, letters, clippings, editorials, statements which pertain to this judiciary fight and to the contest against me to be filed—I understand to-day—and I also ask unanimous consent to print parts of the hearings before the Subcommittee of the Judiciary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCHALL. Mr. President, I insert in the RECORD an exract from the hearings on the nomination of Gunnar H. Nordbye to be Federal judge in Minnesota, held before the subcommittee of the Judiciary Committee, as follows:

Mr. SCHALL. Mr. Chairman, the nomination and presentation to the Senate of Mr. Gunnar Nordbye's name for Federal judge in the United States District Court of Minnesota, I believe to be a personal affront to me by the Attorney General. The Attorney General knows him to be a violent, active political enemy of mine. The Attorney General, Nordbye, and ex-Governor Christianson were working hand in hand to defeat me at the last election.

Mr. Nordbye was appointed to the district bench by Governor Christianson and had Governor Christianson been elected to the Senate, Mr. Nordbye would have been named for this very judgeship. I defeated Governor Christianson for the Republican nomination in the last primaries by approximately 100,000 votes. Governor Christianson, with his entire political machine, which he had built up through six years as Governor, of which Mr. Nordbye was a powerful leader, opposed me. Governor Christianson, with the aid and help of such men as Mr. Nordbye and our Attorney General, Mr. Mitchell, and many other miscalled big men of our State whose names would not affect the question at issue here, succeeded in lining up the public-utility interests throughout my State and throughout the Nation for my Democratic opponent, Mr. Hoidale, who came out upon the radio and

announced that if he were sent to the Senate he would in all ways cooperate with President Hoover.

It seemed that my great crime for which I should be defeated was in standing by the farmers of my State, and it was carefully circulated sub rosa that I had failed the great interests in the tariff question and that especially I had been untrue to the administration in voting for the equalization fee and debenture plan in farm relief.

In carrying out their grand double cross of the Republican Party, they controlled the great Republican Minneapolis Journal and some 400 satellite newspapers who put on through their papers, the most vicious, lying, yellow journalism ever exhibited in my State and without parallel in savage cruelty in any State and it is still going on. In their abuse of me they hoped to defeat the lawfully chosen head of the Republican ticket and still elect the Republican candidate for governor. I was elected and the Republican candidate for governor defeated. The so-called Democrats were irritated because they lost. The so-called Republicans were angry because they won.

This combination of misnamed Democrats and so-called Republicans, headed by the governor and his wonderful public-utility machines, so manipulated the Republican State central committee, upon whom I had a right to rely for support as head of the Republican ticket, that it gave me that faint praise which is worse than open opposition. It billed the State with pictures of the entire Republican State ticket, my picture being carefully omitted. Everywhere men were being slipped into pivotal positions in the campaign who personally avowed they were Republicans but whose work was for the Democratic candidate.

The week before election, when it was too late for me to organize a committee to cover the vast territory of my State, the Republican chairmen of many county committees and captains of precincts came out openly and spoke and worked for the Republican candidate for governor and the Democratic candidate for the United States Senate. This public-utility gang with the chain banks, chain stores, chain newspapers, and chained politicians succeeded in betraying the voters of the Twin Cities which vote caused my Democratic opponent, early in the evening of election day, with an elaborate speech over the radio, to accept his election, but the farmers, God bless them, the small villages, Duluth and the range overwhelmed their millions, their manipulation, their slander, and villification, and elected me, despite the fact that I had no organization and but very few newspapers.

CORPORATIONDOM GOD

Now the Attorney General, because of my daring to oppose his dictatorship in judicial appointments, has so manipulated Democratic politics in the State of Minnesota through his former partner, Pierce Butler, jr., and his associates, that within the last few days they have replaced former Democratic State Chairman H. H. D'Autremont with their tool, J. J. Farrell. This is the same John J. Farrell, who was appointed food and dairy commissioner (agricultural commissioner) by Governor Hammond who was proven to be the packers' man Friday in farmers' clothing and let out. Farrell announced to the press within the last few days that he is going to file a contest against me in the United States Senate; that I am going to be charged with violating the State corrupt practices act and violating Federal regulations governing the use of postal franking privileges. This contest originates right here in Washington and is an attempted intimidation to cause me to abandon this judicial fight and allow our judicial dictator to continue to name judges whose "right-mindedness" and "right-thinking" qualifications correspond with what his corporation mind thinks should be. It was this same crowd that brought the farcical so-called contest of 1924. Will their persecution never end?

D'Autremont, the former Democratic State chairman, feeling that my frank might in some degree counteract the statewide newspaper opposition to me, before election charged openly through the newspapers that I was misusing the franking privilege. The matter was referred to the Post Office Department and the Post Office Department said that I was not. After election D'Autremont appointed a committee to search out whether there had been any discrepancies upon which a contest could be based. That committee, though they would have liked to have found something, were forced to report in the negative but now the Pierce Butler, jr., Democrats and some misnomered Republicans who have never stood for anything or anybody except themselves and the public-utility crowd in Minnesota are going to have another contest and have so ordered it through their special chairman and his committee. Mr. Farrell has appointed Mr. James O'Brien to head the committee to bring this contest. Mr. O'Brien is attorney for the Minneapolis Journal and in general a public-utility-corporation lawyer. His partner is attorney for the Northwestern National Bank and their group of branch banks. Mr. O'Brien is in the foremost rank to-day promoting the candidacy of Mr. Nordbye, securing names of lawyers to his petitions and his office is the headquarters of the Nordbye drive. Mr. O'Brien is a Democrat, the same as our Mussolini Attorney General, Mr. Mitchell. They and the people of Minnesota can rest assured that I am going on and do my duty as I see it whatever the cost to my peace of mind. If I would just keep still about Attorney General Mitchell and let Mr. Nordbye be appointed there would be no contest. If I oppose Nordbye because he is the candidate of the holier-than-thou Minneapolis Journal, the crafty Governor Christianson, the "right-minded," "right-thinking" Attorney General Mitchell and in fact all of that gang of the most unscrupulous pirates that ever scuttled a political party, they will teach me that there is a god in corporationdom.

Senator SHIPSTEAD and I, together with the entire Minnesota delegation, the governor of my State and all its State officials, a majority of the State senate, over 600 lawyers, a score of judges headed by the chief justice of our supreme court, recommended to the President, Ernest A. Michel for this judgeship. Through the advice of the Attorney General, the President rejected Mr. Michel. I attempted to get the true picture of the situation in Minnesota in regard to Mr. Michel to the President. I assured him that Mr. Mitchell and my opponents in the last primaries and election had made Mr. Michel an issue. The Minneapolis Journal and its 400 satellites had heralded to my State that in order to defeat Mr. Michel from becoming Federal judge it was necessary to defeat me and that if I were elected Mr. Michel would become a Federal judge. I accepted the issue and the people elected me and I was therefore loath to betray the people of my State and urged with all the understanding at my command that the President perceive the situation as it was. Unable to convince him over the objections of the Attorney General and Mr. Michel having released me from my pledge to the people in his behalf, I complied with the request of the President to send him 8 or 10 names from which list he promised me he would choose one. I sent him 10 names of worthy and able lawyers of my State. He replied that there was not time to look up the fitness of this list and with the advice and consent of his Attorney General, no doubt, sent to the Senate the name of Mr. Nordbye, the representative and helper of the very men who by their frantic efforts to defeat me succeeded in beating the Republican ticket in Minnesota. To ask me to indorse Mr. Nordbye is to ask me to betray the people of Minnesota who elected me and to place in the saddle my enemies. I have, therefore, no other course left to me in self-preservation than to declare that Mr. Nordbye is personally objectionable to me. The burden is on me to-day, Mr. Chairman. It will be no doubt upon you and our colleagues to-morrow. The Constitution declares that "the President shall nominate and with the advice and consent of the Senate appoint." I hope that the advice and consent of the Senate will be against this confirmation.

Mr. Chairman, I feel that I am entirely justified in making the fight that I have against the attempt of Attorney General Mitchell to put over on Minnesota as United States District Judge Gunnar H. Nordbye.

Mr. Nordbye is the antithesis of all I have fought for in this judgeship as is typified by the Minneapolis Journal, a Republican paper whose yellow journalism, falsification, slander, and belittlement of me is without parallel in the political history of Minnesota, while I was lawfully chosen by the people of Minnesota the Republican candidate for the United States Senate by approximately 100,000 majority.

I personally object to his confirmation, which would be obnoxious to me and place in the saddle in my State the belittlers and slanderers and defamers of my character. Mr. Nordbye is and has been my personal political enemy and has attacked my character, belittling and slandering me upon various occasions. Reports of such slanders, such belittlements, such villification, such attacks upon my character came to me by hearsay constantly during the recent campaign, so pursuant to the wish of the committee, I am herewith submitting three wires and a statement upon that point. I ask that the time-honored custom of the Senate be enforced and that your committee and the full Judiciary Committee reject his confirmation.

MINNEAPOLIS, MINN., *February 20.*

Hon. THOMAS D. SCHALL,
United States Senate:

Party named by President supported Magnus Johnson and Einar Hoidale, and often at Elgin Lunch said mean, unkind, nasty, and personal things about you.

E. T. JOHNSON.

MINNEAPOLIS, MINN., *March 1.*

T. D. SCHALL,
United States Senate:

My name is Clarence Rhodes; my address is 2616 Fifteenth Avenue South, Minneapolis, Minn. Sometime between September and October, 1930, I overheard a conversation at the Christianson Lunch, Sixth and Marquette, between Judge Gunnar Nordbye and two men who walked up to his table and sat with the Judge, who had been sitting alone eating lunch at noon. I was sitting within three or four feet and heard all that was said. These men said to Judge Nordbye: "Well, what do you think of the Senator's election, Judge." He smiled and said: "This is the end of TOM SCHALL. I have never voted a Democratic ticket, but this time I am going to. SCHALL is absolutely unfitted to represent the people of Minnesota. He is a demogogue, he is crooked, and his associates are crooked. I do not see how any respectable voter can support SCHALL against Hoidale." Another time at the Elgin Lunch, Second Avenue and Fifth Street, I heard Judge Nordbye ridicule Senator SCHALL in this language: "He is an unfit scoundrel and should not be Senator. I hope you can not support SCHALL, but will do what you can for Einar Hoidale." I will corroborate this by affidavit if committee wishes.

CLARENCE RHODES.

MINNEAPOLIS, MINN., *March 1.*

Senator THOMAS D. SCHALL,
United States Senate:

During the senatorial primary in June, 1930, I was secretary of the Schall Volunteer Committee with headquarters in the Dyckman Hotel, and my name was printed in the papers and on the stationery as said secretary. Sometime before the primary I met Judge Gunnar Nordbye on the street near the Dyckman Hotel and he said in substance: "Good morning, Mr. Leen. I see that you are in charge of the Schall headquarters. It is too bad that a young lawyer of your ability and future should link yourself with a man like TOM SCHALL. He is not the type of a fellow that a young Norwegian like yourself should be linked with. I hope you can get out of that mess and be for Governor Christianson, who is more your type of a fellow than that man SCHALL." I said to him that TOM SCHALL was an old friend of mine and that I believed he would defeat Governor Christianson in the senatorial primary, and Judge Nordbye answered: "A man of SCHALL's type can never beat a high-type officeholder like Governor Christianson." There was more to the conversation but I can not remember all the details. My general recollection is that Judge Nordbye was quite vindictive against Senator SCHALL's candidacy. Can send affidavit on this matter if requested.

ORELL R. LEEN,
Attorney at Law, 623 Plymouth Building.

My name is Michael Ferch. I have frequently gone to the Elgin lunch room for lunch during the past eight years and have frequently cashed my personal check at this lunch room. In this Elgin lunch room nearly everybody talks politics during a campaign. This lunch room is patronized principally by lawyers and courthouse officials.

I have frequently seen Judge Nordbye in the lunch room and heard him discuss politics.

During the primary campaign last year I heard him say, "I don't see how any decent man can vote for SCHALL. Christianson is a statesman and SCHALL is a fraud."

At this time someone suggested to Judge Nordbye that Christianson had appointed him judge and he said, "I don't care if he did or not. I would vote for anybody but TOM SCHALL."

It was generally known that Judge Nordbye was favorable to Christianson and personally bitter toward SCHALL. In the conversations I have heard in the Elgin lunch room in which Judge Nordbye participated, whenever the name of TOM SCHALL was mentioned Judge Nordbye always mentioned him in a vindictive and bitter manner. It is generally known in Minneapolis that Judge Nordbye was a violent and bitter opponent of TOM SCHALL both in the primary election and in the fall election, and if sufficient time were given, I believe I could bring forth at least a dozen persons who would verify this statement.

MICHAEL FERCH,
1816 Fifth Street SE., Minneapolis, Minn.

Senator BLAINE. Senator SCHALL, had you been led to believe from general report in Minneapolis that Judge Nordbye had used scurrilous language toward you during the campaign?

Senator SCHALL. Yes; it came to me.

Senator BLAINE. Such as exampled by the telegrams that you have filed this morning?

Senator SCHALL. It came to me constantly during the campaign through innumerable people what Judge Nordbye was doing and saying.

Senator BLAINE. I was going to ask you if it was general.

Senator SCHALL. I think it was very general.

Senator BLAINE. Now, to what do you attribute Judge Nordbye's personal antipathy toward you?

Senator SCHALL. Well, in the primary campaign I showed up Governor Christianson, the securities commission, and the crowd generally at the capitol, that had robbed the people of Minnesota of about $47,000,000, and through various speeches I made those statements. This muskrat farm and Foshay fraud was a part of it, and Judge Nordbye was very active in seeing to it that the grand jury did not investigate. He succeeded in doing it. I noticed a letter in there from Governor Olson, where he attempted to state Nordbye did his duty, but if you remember the Federal grand jury indicted both the muskrat proposition and Foshay later upon the very testimony that Judge Nordbye submerged.

Senator BLAINE. That is all in the evidence.

Senator SCHALL. Yes.

Senator BLAINE. Judge Nordbye was appointed by Governor Christianson?

Senator SCHALL. Yes.

Senator BLAINE. And during the campaign, as I gather from those who are present here, during these several hearings, this muskrat farm, fur farm proposition, including the issuing of securities and selling of muskrats which they did not own——

Senator SCHALL. About 230 muskrats they had in all.

Senator BLAINE. All became issues in the campaign?

Senator SCHALL. Yes.

Senator BLAINE. And in that way Judge Nordbye became involved.

Senator SCHALL. Yes; took a very strong hand in manipulating things to protect his friend, Governor Christianson.

Senator BLAINE. This campaign, this issue respecting the fur farm was a keen issue of the campaign?

Mr. SCHALL. Yes; 230 muskrats were used to mulch the people out of about $666,000.

Senator BLAINE. I was getting at how keen an issue it was, whether casually mentioned——

Senator SCHALL. No; it was a vital issue.

Senator BLAINE. On the street corners and in lunch rooms?

Senator SCHALL. Yes. And to defeat it it became necessary to attempt to destroy me.

Senator BLAINE. I want to find out if this issue was discussed in the newspapers, lunch rooms, street corners, and in political speeches.

Senator SCHALL. Yes.

Senator BLAINE. And it became of deep interest to the people of Minnesota?

Senator SCHALL. Yes.

Senator BLAINE. That is all.

Is there anything further, Senator?

Senator SCHALL. I shall put into the record some extracts of a speech, which goes to the point at issue here, delivered by me over radio on April 24, 1930, which Senator BORAH put into the CONGRESSIONAL RECORD in its entirety on May 12, 1930.

"The grand-jury investigation brought out that 6,000 units, 18,000 rats, had been sold to the public for over $600,000, where in reality they had only 230 rats to sell. The securities commission knew, because they had affidavits before them of farmers who lived upon these lakes that there was not a rat in the lakes, because in the winter there were no rat houses, and without such houses no rat could live through the winter. Yet the securities commission took the unsupported statement of the men interested. Would not you think that a just governor would be glad to have such skullduggery investigated instead of telling the grand jury that he had investigated and that everything was all right? Maybe the governor is blind.

"What would they do to me if I had such skeletons in my political closet? Hundreds of the most brilliant, ingenious, unscrupulous newspaper minds in the State, helped out liberally by eastern talent, are hired to manufacture daily clever poisonous columns of mud barrage. They are having a hard time to find material. It must give one a kingly feeling to know the highways of information can be closed at will. No wonder such security induces the Mussolini complex, which refuses to dignify any question, however pertinent, with a reply. But surely the governor must answer why he gave a letter used in photostatic copy in their stock-selling campaign recommending such investments, when the slightest exertion upon his part would have informed him of the ratless condition of the Lakes. Were the governor and the members of his State securities commission asleep when this fraud was being perpetrated? Had the governor again gone blind? The governor said that the State securities commission were all right and that no investigation was necessary. Why did the governor feel that way? How do the victims feel? I consider these proper questions.

THE DIAMOND MOTOR PARTS CO. (INC.)

"The Federal authorities after six weeks' investigation have found that this company, another pet of the State securities commission, has taken millions of dollars from the people. Twenty-nine indictments have been found, but indictments butter no parsnips. Must the victims take their losses lying down? It can not be possible that the governor thinks that his State securities commission, being Cæsar's wife, can do no wrong? I should think it would be a proper question to ask him why, having their signed resignations, he has permitted appointees of his to remain in office when he has direct and certain knowledge that the people of this State had been robbed and mulcted out of millions of dollars as a result of their corrupt conduct. Maybe the real governor, W. I. Norton, will not allow him to do the things that so apparently should be done.

"I was informed just yesterday by a prominent lawyer of our State that this security commission had given a license to a corporation in Canada that they knew was bankrupt at the time. The license was granted with the understanding that no stock should be sold in Minnesota. Its express purpose was to aid the grafters to secure licenses in other States. I ask the governor if that kind of robbery shall continue to advertise the State of Minnesota to other States who may still believe that we have an honest blue-sky commission.

"The State is infested with these financial pirates and the governor's commission, whose resignations are in his hands this minute, fails to act, and says, with the pirates and grafters and bunco men, that everything is all right.

"Is it possible, Mr. Governor, that we can get no redress in this State against this piracy and looting outside of the Federal Government? I submit that the people of Minnesota are entitled to hear from the governor on these items. I am sure that all these questions are ethical; certainly, much more ethical than the conduct of his State securities commission. Would the governor, with his well-known opposition to investigations, had he been in the United States Senate, have voted against Teapot Dome, post-office contracts, and other frauds?

"Do you remember the early part of last February our governor went to New York, hobnobbed with and spoke upon the same platform as J. C. Penney, founder and president of the chain stores organization of the country? Do you think this trip had anything to do with the governor's friend, Mr. W. I. Norton, visiting New York a couple of weeks later? Does Mr. Norton think he can not only secure control of the State legislature of Minnesota but elect a governor and a United States Senator?

"The echo of the governor's and Chain Store Penney's brave words on law enforcement had hardly died away when news came of the

discovery of the lack of law enforcement on the part of his securities commission back here in Minnesota. Instead of going to the capitol when he arrived in the Twin Cities, he went straight to the courthouse in Hennepin County, and the newspapers informed us he visited the county attorney and his appointee the judge, who was handling the grand jury, who at that time were considerably worried about how 230 muskrats could possibly be sold as 18,000."

Mr. MONAGHAN. Wasn't the Cochran swindle involving $250,000 in the campaign also?

Senator SCHALL. Yes; and also Cochran, about a couple million dollars—Cochran, through the help of the governor, was manipulated out of the district courts, but the Federal courts took the matter up, and he was sentenced to 20 years, and Governor Christianson's friend, A. E. Nelson, a member of the governor's securities commission, was sent up for 20 years. I'll put into the Record at this point an extract of what I had to say in the same radio speech on the Cochran-Nelson frauds, which will show conclusively the issue in the election and why Judge Nordbye was so anxious to protect the securities commission and his friend, Governor Christianson.

THE COCHRAN GOLD-NOTE SWINDLE

"Nearly $2,000,000 were taken from the people by these promoters. The State securities commissioner, A. E. Nelson, his appointee, was sentenced to 20 years in the Federal penitentiary for participating in this fraud.

"Several different counties of our State brought indictments against Cochran. None of these indictments was ever tried, except in Stillwater, where Cochran pleaded guilty and was fined $1,000. It is rumored, had our State courts tried these cases evidence would have been competent that would have reached right straight back into the administration and shown that before you could get a license out of this securities commission you had to visit and get the approval of the governor's friend, W. I. Norton, who, as everyone knows, with the advice and consent of Backus and the public-utility crowd, is reputed to be virtually the governor of our State.

"The swindlers operated either by the license or the acquiescence of the State securities commission. The State authorities did not move as they should in the matter, and there would not have been any criminal prosecution but for Lafayette French, the United States district attorney, who convicted the whole outfit. Why did the governor keep A. E. Nelson in office 18 months after the charges had been launched against him, and why did he oppose any criminal prosecutions in this matter?

THE FOSHAY FLOTATIONS

"This concern operated under the license of the State securities commission. The governor in a public address described Mr. Foshay as the Alexander Hamilton of Minnesota. Alexander Hamilton was a financier, but of a different variety.

"Last September, when the Foshay Tower was being dedicated, our governor stood before a large audience and announced to the people of our State that Foshay had done more for Minnesota than any other man in many years. If the governor had used the preposition "to" instead of "for," he would have for the first time in all his six years as governor been serving the people of the State. What was the governor's State securities commission doing while Mr. Foshay was reaching down into the pockets of the people to the extent of many millions of dollars? Why did not the governor sound the tocsin and warn the people against this "Mississippi bubble," instead of selling himself as Foshay's head high-powered salesman? Why has he been so deeply silent ever since the bubble burst? Certainly these are fair questions.

"I will take time for just one illustration out of many that could be cited of this modern Alexander Hamilton's wizardry. He bought the power plant at Little Falls for $30,000, floated a corporation of a million dollars upon this property, and with the advice and consent of the governor's commission sold it to the people of Minnesota.

"Do not you think that now, since he has laid aside his executive robes and become a candidate for the United States Senate toga that the governor should "unlax" and take the people into his confidence and give some explanation concerning this leaning, or "tottering," tower fraud which he by his own personality and with all the dignity of the governor of our great State aided with the persuasion of his own golden tongue?

"If he feels that this would be condescending and destroy his quiet dignity, do not you think that he should require his commission to explain? I can not for the world see why such an honest man as Teddy should insist that his commission be not investigated.

"Do you suppose, if he should by mistake get into the United States Senate, he would persist in this peculiar mental slant and on a much larger scale permit conditions to afflict not only the people of Minnesota but of the hentire Nation?"

SPEECH OF TOM DAVIS BEFORE SUBCOMMITTEE OF THE JUDICIARY COMMITTEE ON HEARING ON NOMINATION OF GUNNAR H. NORDBYE

Mr. DAVIS. Mr. Chairman, this committee should know that to put over the present nominee is an effort to belittle Senator SCHALL and is done for political purposes and none other.

If this appointment is made it will be the first time that the Senate of the United States has surrendered its prerogative and allowed an Attorney General to disregard not only the interests of a United States Senator, but to seek to put across an appointment designed and intended to belittle him in the eyes of the people of his State.

In the campaign of Senator SCHALL for nomination and reelection not only the Attorney General but his friends were opposed to the reelection of Senator SCHALL.

The outstanding influence in Minnesota seeking to put over this nomination and thereby ruin Senator SCHALL is none other than the Minneapolis Journal, a paper which is known for its reactionary tendencies and which, in its mad desire to defeat Senator SCHALL in the recent election and in its bitter hatred and desire to limit his influence as a Member of the United States Senate, has continually misrepresented and falsified the position of Senator SCHALL upon practically every issue of interest to the people.

I call your attention to an editorial of Saturday evening, February 28, 1931, with reference to the matter before your subcommittee, which ought to convince you of the unfairness of the fight now being made to force this nomination.

This editorial of the Minneapolis Journal reads in part as follows: "• • • Thus fall the two screens behind which SCHALL and BLAINE and their ilk are blocking the confirmation of President Hoover's nominee for Federal judge in Minnesota. Nordbye is to be denied confirmation, not because he showed any bias in the fur-farms inquiry, not because he is not a progressive, not because of the last-minute character of his nomination, but solely because his appointment will not square any political debt that TOM SCHALL incurred during last year's campaign.

"That is the real reason and the only reason, and if SCHALL and BLAINE were not canting hypocrites they would frankly say so."

MINNEAPOLIS JOURNAL REPRESENTS EVERY VICIOUS INTEREST

No name is too sacred and no reputation too honored to escape the attacks of this paper and the interests it represents in an effort to force this nomination through. The Minneapolis Journal represents every vicious privileged interest in the State of Minnesota. It is known as the "sheet" which has always been opposed not only to the Democratic Party but to the progressive cause.

Back of this effort to force this nomination through is a hatred and an ill will never before equaled in the political history of Minnesota.

I call this editorial to your attention because it typifies and characterizes the nature of the miserable attacks which have been made for over six years against Senator SCHALL.

As a sample of such attacks I call your attention to an editorial appearing in the Minneapolis Tribune under date of October 14, 1930, which editorial typifies the kind of a dastardly fight being constantly waged against Senator SCHALL and in which the Minneapolis Tribune very fairly portrays to the people the hatred back of the fight on Senator SCHALL.

"The Dawson Sentinel, published and formerly edited by Governor Christianson, has for years had a quasi-administration prestige among Republican weeklies throughout the State.

"Naturally the nomination of Senator SCHALL over the governor by some 93,000 votes in the last primary gave the Dawson Sentinel no pleasure whatever. Since then it has been one of the most enthusiastic followers of the Journal in the interests of 'clean politics,' which is to secure its victory by the election of the Democratic candidate for the United States Senate. Animated solely by its idealistic yearning for 'clean politics' the Dawson Sentinel had the following to say editorially:

"'And now SCHALL'S son smashes his car into an oil truck at Washington. We expected something like that to happen about the time SCHALL reached Minnesota. The "Poor Blind Tom" racket is about worn out. A new sympathy gag must be played. But it won't work. He has fooled the people before, but he can not continually fool them, as he shall find out on November 4.'

"'For sheer savagery, we don't know of anything in the annals of 'clean politics' that exceeds this. Even the desired end of 'clean politics' hardly justifies accusing a candidate of deliberately having his son's arm and leg broken for political purposes, and gloating over a 'new sympathy gag.'"

Senator SCHALL'S son has been continuously flat on his back in bed since the accident and I am informed by the doctors that he will no doubt be there for six months more, a weight of fifty pounds attached to his right leg and a lighter weight attached to his left arm, both leg and arm badly mangled.

This vicious attack upon Senator SCHALL appeared in the Dawson Sentinel, a paper owned by ex-Governor Christianson, who appointed Judge Nordbye to the district bench of Minnesota. It is known by the people of Minnesota that Judge Nordbye was a strong supporter of Governor Christianson in his effort to defeat Senator SCHALL and it is also known that Judge Nordbye has never been a friend or supporter of TOM SCHALL.

This committee is asked to tell Senator SCHALL that he must sit supinely by and allow the appointee of Governor Christianson to be confirmed to the Federal bench for life in a further effort to break down Senator SCHALL'S influence in his home State and to discredit him in the eyes of the people.

Would any Senator feel that he should be placed in such a situation and not realize that politics is being played with this judicial appointment? I want this committee to know that so far as I am concerned or the friends of Mr. Michel, my partner, that we have no regrets for the manner in which his name was presented to the President of the United States. He was vouched for and his appointment urged by both Senators from Minnesota, by every Congressman from our State, by the Chief Justice of the Minnesota Supreme Court and the Governor of Minnesota.

When Senator SCHALL called upon Attorney General Mitchell in December and again urged the appointment of Mr. Michel, the Attorney General replied to him as follows: "Well, you have given me only one name, and it is my privilege to name the judge and not yours. All the Constitution says is 'with the consent of the Senate.'"

SCHALL answered: "No; you forget one word. It is 'with the advice and consent of the Senate,' and you have never advised with me and I have gone along with you. I did not oppose your appointment as Attorney General and yet you have never advised with me on any of your appointments for Minnesota. I want to get along with you if I can, but you must realize after the fight that has been made that the people of Minnesota in the primary election and in the general election have said by their votes that they want Michel for judge. I did not make it an issue in the campaign but my enemies and your friends made it an issue and the newspapers made it an issue, but those in favor of Michel did not bring the judiciary into politics and never answered these charges, and you know that this cost me votes and might have defeated me. I can't in good faith submit any other name because you admit you have nothing against Michel's character and ability, and why can't you go along with me and send in a report to the President, not that he is your choice but that he has been recommended by both Senators, by 10 Members of Congress, by the chief justice of the Minnesota Supreme Court and by over 600 lawyers in Minnesota, including 8 or 10 district judges, and that for that reason, while he is not your choice, you feel he should be appointed."

Mitchell replied, "No, I won't do it, and the bill never ought to have been passed, and if I had known that we were going to have this fight I would have blocked the passage of the bill."

The Minneapolis Journal and some 300 other newspapers in a campaign of slander and of vilification sought to defeat Senator SCHALL, first with ex-Governor Christianson in the primary, and then with the Democratic nominee. This Democratic nominee did not represent the Democracy of Minnesota, for the Minneapolis Journal assured the people of the State that were he elected to this high position, "he would stay put and never forget that he represented Republican Minnesota."

During both of these campaigns the Journal and its allied papers made a direct issue of the appointment of a Federal judge in an effort to defeat Senator SCHALL, and on Sunday, November 2, 1930, two days before the election, in an appeal to the people, had the following to say:

"In the primary election, Davis aided materially in the nomination of SCHALL by asking in radio speeches that Davis's friends in the Farmer-Labor Party go into the Republican primary and vote for SCHALL.

"Davis is touring the State now, speaking for SCHALL, and is on the air several times each week in radio speeches.

"It is an open secret that Senator SCHALL has promised Davis that, if elected, he will press upon President Hoover the appointment of Mr. Davis's law partner for Federal judge, a life position.

"This proposed appointee, while a practicing attorney, is a man of no judicial experience. For years he has been actively associated with Mr. Davis in the prosecution of personal injury cases. Senator SCHALL sent his recommendation to the President last summer but the President refused to make the appointment.

"If Tom Davis succeeds in putting over the election of SCHALL, the appointment of Davis's law partner to be Federal judge in Minnesota is sure to follow. With SCHALL in the Senate for six years and with senatorial courtesy giving him veto power on any appointment not satisfactory to him, SCHALL can make good on his appointment promise to Davis by the simple process of sitting down and waiting. The President will have to send in the appointment recommended by SCHALL or there will be no judge."

I want to call your attention to a significant sentence in this article, and if it is true then the responsibility for this situation rests squarely upon the shoulders of the administration and of the Attorney General. It is this: "Senator SCHALL sent his recommendation to the President last summer but the President refused to make the appointment."

In justice to the administration I desire to say that my information is that this is not correct; but if it be correct, why should the administration now seek to force the Senate to surrender its rights and privileges and ask the Senators to confirm a nominee who is personally objectionable to Senator SCHALL and most of whose supporters for this confirmation are, have been, and always will be opposed to him.

In the face of the unfair attempt to inject the appointment of a Federal judge into politics it must be said to the credit of Senator SCHALL and those supporting the appointment of Mr. Michel that never once did they seek to answer such unjust charges and put the judiciary into politics. This appointment was put into politics by the enemies of Senator SCHALL and with the connivance of the Attorney General and his friends in Minnesota.

After hundreds of lawyers and a number of district judges had indorsed Mr. Michel for this position, certain lawyers in Minneapolis, headed by Arnold Guesmer, who was formerly attorney for the Illinois Central Railroad Co., and also formerly a partner of Rome G. Brown, who represented the water-power interests in Minnesota, arranged for a vote of the Hennepin County Bar Association, and Mr. Guesmer and his committee, many of whom represented privileged interests in Minnesota, proposed the name of Gunnar Nordbye to be submitted to the bar.

I offer to this committee as Exhibit 1 the letter sent out with reference to this vote, and call your attention to the fact that although Mr. Michel had received substantial indorsements his name was neither mentioned nor submitted to the members of the bar.

The total vote received by Judge Nordbye in this vote was 221, while 267 lawyers in Minneapolis, after this vote was taken, petitioned the Attorney General for the appointment of Mr. Michel, and this in spite of the fact that Judge Nordbye was a sitting judge in Hennepin County.

No sooner had Judge Nordbye been named by the President than a large number of lawyers in Minneapolis naturally and necessarily approved this appointment. I have no quarrel with the sentiment or judgment of these gentlemen but human nature and human motives are well known to this committee and no matter whose name was sent in were he a district judge of Hennepin County it goes without saying that scores of lawyers would immediately approve the appointment and not want to be placed in the embarrassing situation of opposing a judge before whom they might have to appear.

The matter under consideration is of more importance than the appointment of Judge Nordbye or any other individual. This matter goes deeper than the success or failure of any candidate for this position.

Among the lawyers who immediately sought to put the mantle of approval upon the name of Judge Nordbye was Charles Fowler, of Minneapolis, a man known throughout Minnesota as the representative of the power interests and one of the outstanding and successful lobbyists in the Legislature of Minnesota.

Personally I have for him a friendly feeling, but let me suggest to your committee and to the Senate of the United States that "the ox knoweth his master and the ass his master's crib."

It is because of the nature of this fight, because of the unjust and dishonest attempt to mislead the people in this matter, because of the arbitrary position of the administration, because of the assumption of superior virtue upon the part of the Attorney General, because of the fact that this committee must know that the privileged interests of this country had to bring tremendous pressure to bear in order to override the "advice and consent" of both of our United States Senators, the wishes of every Member of Congress from Minnesota, the support of over 600 lawyers and judges, that this nomination should not be confirmed.

Before any appointment is made in this matter, this committee should know what influences and what interests are able to prevail upon the administration and the Attorney General to disregard and flout the wishes of the people of Minnesota.

The Attorney General took upon himself the task of making an unprecedented and dishonest attack not only against Mr. Michel but against the speaker, and giving to this attack nationwide publicity. Before doing so, he and his subordinates were consulted with reference to another vote to be taken by the Minnesota State Bar Association in which the only question submitted was: "Do you favor the appointment of Ernest Michel for Federal judge?"

There were more than 20 aspirants for this position, and as Senator SHIPSTEAD stated, "Mr. Michel was pitted against the field."

Such a method of voting is dishonest, unfair, and could only be approved by egotistical and "right-thinking" gentlemen.

Less than half the lawyers in Minnesota belong to the State Bar Association, because it is a known fact that the association is dominated and controlled by attorneys who represent the privileged interests.

This vote was taken in order to give the Attorney General some semblance of an excuse for overriding the wishes of the people of Minnesota. Upon the close of that vote, Senator SHIPSTEAD said that the indorsement of nearly 25 per cent of the vote of the bar of Minnesota was a remarkable indorsement of Mr. Michel.

Before the vote in this matter was taken, and for the purpose of controlling this vote, the Attorney General publicly issued in the press an attack of Mr. Michel and Senator SCHALL, stating that Michel would not be appointed. He did this with full knowledge that his high office protects him in this dastardly attack. He did so with the full knowledge that Mr. Michel and his friends were powerless to combat or refute such a palpable abuse of power.

I call these matters to your attention not merely because they are unjust but because they characterize the methods that have been adopted during all the time the question of a new Federal judge has been involved.

The administration waited until February 20 before submitting the name of Judge Nordbye for Federal judge. On February 19 Senator SCHALL, in response to the President's letter of the 18th, submitted the names of 10 lawyers and judges, any one of whom was a capable and competent lawyer and could fill this position.

The President, in his reply to Senator SCHALL'S letter of the 19th, said: "It would require a considerable period of time to investigate these men as to fitness and connections."

It is well known that the Department of Justice has at its command ample facilities for ascertaining the standing and fitness and connections of any proposed nominee in a very short time.

How can the Attorney General in good faith ask this committee or the Senate of the United States, which is a coordinate branch of the Government and whose "advice and consent" to any nominee is as vital if not more so to such an appointment as is the suggestion of the Attorney General, to investigate and pass upon the fitness of a nominee in the closing hours of this session with a very few days in which to make such inquiry.

DESIRE OF SENATOR SCHALL'S DEFEAT

This appointment was delayed until after the primary election in June, 1930, in the hope that Senator SCHALL would be defeated

for nomination. Failing in this, the appointment was held up, not by Senator SCHALL but by the Attorney General and the administration, until after the November election, also with the hope and desire that Senator SCHALL would meet with defeat. Such methods are a disgrace to American politics.

The railroads, the power interests, and the great financial interests are vitally interested in the appointment of a Federal judge. This is the first time that the people of Minnesota have taken an active interest in such an appointment. They have the right to take such an interest and should do so. The people have a right to know how Federal judges are appointed and created.

To allow this nomination to go through is tantamount to an admission by this committee and by every Senator of the United States that the Attorney General is entitled to exercise arbitrary power and shall become an autocrat in the selection of Federal judges.

Such a situation is unbearable in American politics. Such an abject surrender by the Senate of the United States would mean that henceforth the "advice and consent" of a Senator can be flouted and disregarded at the mere whim and fancy of any gentleman who ascribes to self the quality of "right thinking."

Confirmations rushed through in the closing days of the session and appointments made without ample opportunity to investigate the nominees for such offices have already cost the people of the United States millions upon millions of dollars.

REVALUATION OF RAILROADS

At the time the name of Pierce Butler was proposed for the United States Supreme Court and for some time previous thereto the firm of Butler & Mitchell, the latter now Attorney General of the United States, had represented the railroads of the West and I am also informed of other sections of the country in a fight to establish a principle of revaluation of railroads which was contrary to every progressive thought of the day and age.

Pierce Butler was confirmed for the Supreme Court of the United States, and I want to say to the credit of Senator SHIPSTEAD, who was then in the Senate, that he voted against such confirmation.

Soon afterwards, Mr. Mitchell, another member of this firm, was made Solicitor General, and with the advent of the present administration became Attorney General of the United States. It was either through him or his subordinates that the interests of the Government on revaluation had to be presented to the Supreme Court of the United States.

The principles laid down in the O'Fallon case, in which Justice Butler did not participate, and the principles laid down on the question of revaluation of other public utilities, in which I am informed Justice Butler did participate, have written into the law of this Nation a principle which this same firm of Butler & Mitchell, before they were confirmed for these high positions, contended for.

The issue before your committee and the United States Senate is far bigger than the fitness or unfitness of any proposed candidate. Gentlemen of this committee, this is the real and vital issue: Shall such judicial appointments be made "by and with the advice and consent of the Senate," or shall they be made in an arbitrary manner by the Attorney General?

Shall such appointments be made with an utter disregard for the feelings or the interest of a United States Senator, or shall they be made with some decent respect for the high office of United States Senator?

Shall such an appointment be made for the purpose, which now must be apparent to this committee, of injuring a United States Senator and limiting his influence, or shall it be made with an eye to the protection of the fundamental rights of the Senate?

The forcing through of this appointment may please the administration and salve the conscience of the Attorney General, but in the years to come this committee and every Member of the United States Senate will have to face a situation which can mean nothing more or less than an abject surrender to political machinations and to arbitrary and egotistical power.

This is the only opportunity I can ever have, either in behalf of myself or my partner, Ernest Michel, to refute the dishonest and unjust attacks made by the Attorney General.

It is true that I have tried personal injury cases for the last 25 years against the railroads of the Northwest and that Mr. Michel has been my partner during all of those years.

Twenty-five years ago a fatherless German boy came to my office, then but 18 years of age, and for three years he read law in my office at Marshall, Minn., and together we read Blackstone and Kent and Story and Parsons, and he developed into one of the ablest lawyers in the State.

He had and still has, in spite of the attack of the Attorney General, the respect and the confidence of the judges of both the trial and appellate courts of the State of Minnesota.

It was his hope and desire that he might serve his country as a Federal judge. To my mind, it is infinitely better that he never receive such an appointment if it have to be accomplished by the anointing of privileged interests.

FEDERAL EMPLOYERS' LIABILITY LAW

The Federal employers' liability law and safety appliance acts of Congress were enacted for the protection of railroad men in this country, and the railroads of this Nation have exerted every effort in obtaining judicial decisions in the Federal courts and in the State courts emasculating the wise and humane provisions of these laws.

During all these years Ernest Michel as an appellate-court lawyer has had no small part in combating the efforts of the railroads to destroy the salutory provisions of these laws and has had a large part in the appellate courts of 10 States, in the circuit court of appeals of the United States, and in the United States Supreme Court in protecting the interests of those who work for a living.

The firm of which he is a member, both the speaker and Mr. Michel, are members in good standing in the Supreme Court of Minnesota and in the Supreme Court of the United States.

If the railroads of the Northwest could have deprived Mr. Michel of the right to practice law, if there were ever any charges or honest criticism of his conduct as a lawyer or a man, he would have been disbarred years ago.

I am unalterably opposed to the proposition that a man who fights against the railroads and privileged interests can never hope to become a Federal judge. I am firmly of the conviction that a lawyer does not need to be approved and sanctified by the power interests and the railroads in order to serve his country.

A lawyer's capital is his reputation and his standing with his clients, and I would like to leave in the record, though perhaps not germane to the issues before this committee, the fact that in the 25 years the firm of Davis & Michel has fought privileged power and arrogant wealth, though they may not have the approval of the "right-thinking" Attorney General, they have the confidence, the faith, and the appreciation of thousands of men and women whose interests they have protected against the greed of railroads.

For the Attorney General to seek to charge Mr. Michel with being an ambulance chaser is a dastardly and dishonest thing. The lawyers of this country know how business is solicited, some of it openly and honestly and some of it surreptitiously and hypocritically by belonging to exclusive clubs and fawning before the representatives of privileged interests.

This attack of the Attorney General was given publicity in the magazine Time; and later on this same magazine printed the following letter, written by a representative Minnesota attorney:

"HENRY R. LUCE,

"*Editor Time, 205 East Forty-second Street, New York City.*

"DEAR SIR: In your issue of February 9, an article appeared relative to the proposed appointment of Ernest A. Michel as Federal judge in Minnesota. This article does a very grave injustice to one of the State's outstanding lawyers (not an ambulance chaser) who is the choice of both United States Senators, every one of the 10 Minnesota Congressmen, and who has received a more overwhelming indorsement than anyone who has ever aspired to such a position. Not only is your article incorrect; but it is, in my opinion, clearly libelous.

"It is true that the firm of Davis, Michel, Yaeger & McGinley specializes in appearing for injured railroad workmen. There is a vast difference between the shyster type, who use tricky methods, and the high type of lawyers (and they are too few) who are satisfied to let the lucrative corporation practice go by the boards and fight for justice to the worker.

"Your article, and the appellation "Chaser Michel," conveys the idea that Mr. Michel's work has been only that of a solicitor of cases. This is not correct and it does a gross injustice to a man whose entire work has been that of legal research, briefing, and trial work. So far as I have been able to learn, Mr. Michel has never personally solicited a case in his life. While he may be responsible for the conduct of anyone in behalf of his firm, nevertheless to convey the impression that he is a mere solicitor instead of one of the outstanding lawyers of the State is highly unfair.

"You undoubtedly were not informed that Mr. Michel had appeared in or briefed cases in causes in the supreme courts of probably a dozen States, that he has often appeared in and briefed cases for the Federal courts, including the circuit court of appeals and the Supreme Court of the United States.

"In fact, one of the cases Mr. Michel argued before the Supreme Court of the United States was argued with Mr. William D. Mitchell, the present Attorney General, on the other side. Mr. Michel represented the injured man and Mr. Mitchell the Canadian Northern Railroad Co. The case involved purely and only a question of constitutional law. (See Canadian Northern *v.* Eggen, 252 U. S. 554.)

"The firm of which Mr. Michel is a member has collected millions of dollars from railroads. Clients do not criticize their methods, fairness, or honesty. So successful has the firm been that the Brotherhood of Railroad Trainmen have retained them as regional counsel in 14 States.

"It is surprising to see a magazine of Time's liberal tendencies join the hue and cry against the so-called "ambulance chaser." In Minnesota, the supreme court sanctioned the solicitation of law business. (See Johnson *v.* Great Northern Railway Co., 128 Minn. 365.) In 1929 the legislature passed a law inferentially legalizing the solicitation of personal injury cases by lawyers, but barring laymen.

"So outstanding has Mr. Michel been in his profession that not only have the entire congressional delegation and both Senators called on the President personally to indorse him, but hundreds of lawyers, including Gov. Floyd B. Olson (Farmer-Labor), Chief Justice S. B. Wilson (Republican), Attorney General H. N. Benson (Republican), a dozen district judges, mayors of Minneapolis and St. Paul, President Hoover's Minnesota preconvention manager, Ivan Bowen, as well as many bankers and industrial leaders, with the solid ranks of organized labor, are backing him for judge. Here in Minnesota we feel that Attorney General Mitchell is firmly set against Mr. Michel because he has never represented corporations but only workingmen.

"Mr. Michel has never been "cited" for ambulance chasing as stated in your article. The Nebraska case you refer to, 197 NW. 599, did not personally involve Mr. Michel nor was he ever before the court in that case or did the court ever claim any jurisdiction over him.

"There is much to be said for the lawyer who faces the brunt of trained claim agents and railroad lawyers. I personally know of many cases where claim departments isolate badly injured men, get statements from them while in bad physical and mental condition from shock, and try every available trick to avoid liability. It takes a specialist to outfight these men, backed by a railroad bank roll. So cleanly has Michel fought, that numerous railroad and corporation lawyers are among his written indorsers.

"When a man is permanently injured, his settlement check is his last railroad check. Generally he knows no other work. It is fair that these men or their dependents receive every dollar to which they are entitled. If there were not a few high-grade firms ready to take the stigma of so-called "ambulance chasing" (a term incidentally fostered by corporations most affected by their ability) it would be a sad day for the working men of America.

"For your information I am inclosing a clipping from the Minneapolis Tribune under date of January 4, 1931, containing a statement by Senator SCHALL relative to Mr. Michel.

"Do you not think that your libelous and unfair article, your comparison of a high-grade lawyer to a doctor who hangs around the corner waiting for accidents to happen, should be corrected? You have given very prominent space to the unjust, incorrect, and libelous article, and it seems to me that good sportsmanship would dictate that you give equally prominent space to the true facts.

"Sincerely yours,

"THOMAS B. MOUER."

* * * It was the Attorney General with his "right thinking" who connived and figured in every way to thwart the wishes of the chosen representatives of the people of Minnesota. It is now the Attorney General who seeks to force this appointment through in the closing days of the session in the hope and earnest desire that he may injure Senator SCHALL.

* * * * * * *

THREATENED CONTEST OF SCHALL'S SEAT

I want also to tell your committee that you should have the opportunity to know how the various attacks made against Senator SCHALL have been timed and given publicity in the press, all with the design and purpose of enabling the Attorney General to put this thing across on the United States Senate.

The proposed contest against Senator SCHALL'S second election by the people of Minnesota curiously but intentionally appeared in the papers at the very time the issue of the appointment of a Federal judge was paramount in the minds of the people.

I have been Senator SCHALL'S attorney in previous contests and am his friend, and it might be interesting to your committee to try to ascertain whether or not this most recent attempt to assassinate and ruin a Senator's character has not had the timely and "right-thinking advice and consent" of the Attorney General.

I hope that your committee will refuse to approve of this appointment.

LAST BULWARK

To-day, the Senate of the United States stands as the last bulwark in defense of the rights and liberties of the people against arbitrary power.

The miserable attacks made by unthinking men and by some of the press against the Senate of the United States is a disgrace to our Nation. The Senate of the United States has stood and is standing firm in the faith of our founding fathers in defense not only of the people's liberties but in defense of the constitutional right of the Senate of the United States to "advise and consent" with the President before any appointment is made. If this nominee should be confirmed the Senate must surrender its rights and become the object of the contempt and ridicule of the press of this Nation.

If this nominee is confirmed the Senate must say that no longer will it stand firm in its adherence to the fundamental rights of a free people.

[The Country Press, March 6, 1931]

A FAIR STATEMENT OF THE JUDGESHIP SITUATION

The refusal of the Judiciary Committee of the Senate to confirm G. H. Nordbye as judge of the Federal court for Minnesota will result in a vacancy in that office at least until Congress convenes in December. Minnesota already has three United States judges. Two of these are unable to attend to their duties for the greater part of the time due to sickness. If the judges all were well and able to do their work, Minnesota would not need another judge. And it was to remedy this condition that a law was passed by Congress last year providing for an additional judge.

Immediately upon the passage of the law creating this additional judgeship, Senator SCHALL sent to the President the name of Ernest Michel and recommended his appointment to this newly created office. Michel's appointment was also indorsed by Senator SHIPSTEAD and the entire Minnesota delegation in Congress and by hundreds of lawyers and judges throughout Minnesota, including Chief Justice Wilson and Gov. Floyd B. Olson. So that the President and Attorney General Mitchell have known that Senator SCHALL was going to insist upon the appointment of Michel during all that time.

In the political campaign last year this judgeship question was made an issue both in the primary and general election. SCHALL'S enemies, headed by the Minneapolis Journal and all its satelites, which includes all the powerful corporate interests of Minnesota, insisted that if SCHALL were elected Michel would receive this appointment, and insisted that it was necessary to defeat SCHALL in order to head off that very undesirable thing. The result was that in the primary election these interests stood solidly behind Christianson. But SCHALL was nominated on the Republican ticket by over 100,000 majority. And Hoidale was the Democratic nominee. In the general election in the fall these same interests stood solidly behind the Democrat, Hoidale, and against SCHALL, and this opposition included Attorney General Mitchell and all the influence of the administration at Washington. SCHALL was elected. And when the matter of this judgeship came up again at the session of Congress just closed, Senator SCHALL insisted that Michel receive the appointment to which he had previously recommended him. Attorney General Mitchell, to whom the President referred the matter, then said that SCHALL had given him only one name from which to choose. SCHALL refused to submit any other name.

Now, right here, it is proper to say that no one is objecting to Michel because he is not a good lawyer or a good man. They are objecting to him really because he is too good a lawyer. His practice has consisted largely in combating the efforts of railroads to destroy the salutary provisions of the Federal employers' liability law and the safety appliance acts of Congress, and his firm, Davis & Michel, have had a large part in protecting the interests of those who work for a living. He would be the judge, and as such would uphold the provisions of these laws as Congress intended they should be. The railroads do not want such a man on the Federal bench.

The result was that about the middle of February the President definitely stated that he would not appoint Michel. Michel thereupon released Senator SCHALL from further efforts in his behalf and SCHALL then, at the President's suggestion, sent in the names of 10 representative lawyers and judges either one of whom would have made a good judge. The President then said that he did not have time to examine into the fitness of these men and without consulting with Senator SCHALL, and at the suggestion of Attorney General Mitchell, appointed Judge Nordbye of Minneapolis and recommended that the Senate indorse his appointment. Who is Nordbye? He was appointed to the district bench in Minneapolis by Governor Christianson a few years ago, and if Christianson or Hoidale had been nominated and elected United States Senator from Minnesota, there is no doubt that Nordbye would have been appointed to the Federal bench and no questions asked. But the "best laid schemes o' mice and men gang aft aglee." Christianson was defeated and SCHALL elected. But the corporate interests of the State want their political program to go through regardless of the wishes of the people of the State. It is far better that this office remain vacant than that any such dirty political deal as that should be successful. We commend Senator SCHALL for opposing Nordbye's appointment. If he had not done so the people of this State would have the right to feel that he had surrendered to the corporate interests of the State. That he has not done so shows that we have the right man in the right place for United States Senator.

[The Tribune-Herald, an independent newspaper; W. B. Brown, editor, owner, and publisher]

THE FEDERAL JUDGESHIP

There is only one class of people in the State of Minnesota who are for TOM SCHALL, and that is the common people. There is a majority of the common people in this State, however, which accounts for the fact that TOM SCHALL was reelected United States Senator at the last election. His opponents, however, political and otherwise, are numerous and they certainly comprise an aggregation of die-hards.

These die hards were so confident that SCHALL would be eliminated at the primaries that they resorted to ridicule of him. Even his physical affliction, his blindness, was slightingly referred to by the aggregation of white collars who never have and never will accept TOM SCHALL. But SCHALL defeated the standard bearer who was saved over for two years to defeat SCHALL.

When the general election rolled around these good party men, the ones who are most wholly responsible for the persecutions which have been heaped upon TOM SCHALL all during his first term in the United States Senate, bolted their party, refused to accept TOM SCHALL as a senatorial candidate and by every means possible tried to throw the support of the Republican Party to a Democrat candidate. Even then SCHALL beat them, thanks to the vote of the eighth congressional district, but this crowd is not yet ready to concede the blind lawyer from Minneapolis as the Senator-elect from this State.

Senator SCHALL, some time ago, submitted to the President the name of Ernest A. Michel, of Minneapolis, for appointment as a Federal judge in this district. Last week William DeWitt Mitchell, Attorney General of the United States, himself a Minnesota man and a corporation lawyer, notified Senator SCHALL that he could not recommend Mr. Michel to the President and at the same time (January 27) he gave a statement to that effect to the press. The Attorney General also referred to the recommendation of

Senator SCHALL in behalf of Mr. Michel as the payment of a political debt.

Ever since Senator SCHALL mentioned Michel's name months ago SCHALL's enemies in Minnesota, have been very active in trying to discredit Michel. Sifted down this opposition seems to be that Michel is a poor man's lawyer and his "background" is not right. In other words he did not have the proper judicial experience. Funny talk this when seven of the nine judges of the United States Supreme Court never had any judicial experience before they entered upon their duties in the High Court.

Now comes the Attorney General of the United States and refers to the naming of Mr. Michel for a Federal post as the payment of a political obligation. Well what of it? What if it does pay a political obligation? Is that any reflection on Mr. Michel's integrity or ability any more so than the charge that was broadcast so freely in this State that Michel did not have the proper background?

It looks as though SCHALL's enemies are trying to embarass him at the White House and just how long President Hoover will stand for it remains to be seen. With the entire Minnesota delegation in the House and Senator SHIPSTEAD joining with Senator SCHALL in the recommendation of Mr. Michel and Senator SCHALL, the Senator-elect from this State, regardless of whether his enemies accept him as such or not, it hardly seems possible that the President of the United States is going to permit his views to be shadowed by a lot of poor losers in Minnesota who have an axe to grind. The people of Minnesota want a poor man's lawyer, and merely a lawyer, for Federal judge and we trust President Hoover will give us what we want.

[The Minneapolis Tribune, Minneapolis, Minn., Tuesday, January 27, 1931]

SCHALL-MITCHELL ROW ON JUDGE—ASSAIL EACH OTHER OVER NOMINATION—ATTORNEY GENERAL SAYS HE WILL NEVER APPROVE MICHEL, SENATOR'S CANDIDATE—CLASH SUGGESTS A COMPLETE BREAK OF MINNESOTA SOLON WITH ADMINISTRATION

By Arthur F. Authier, Tribune Washington correspondent

WASHINGTON, January 27.—Attorney General Mitchell and Senator THOMAS D. SCHALL clashed to-day in counter statements over the vacant Federal judgeship in Minnesota. The Attorney General, while the bar association is being polled in the State, served notice he would never recommend Ernest A. Michel, Senator SCHALL's candidate for the position, adding he thought he voiced the attitude of the right-thinking people.

To this Senator SCHALL sharply responds by saying:

"The protests to Michel are exclusively from those right-public-utility minded men, any of whom, should they be appointed, would not meet with the approval of the people of Minnesota."

COMPLETE BREAK SUGGESTED

The clash between the Republican elective representative of the State and the Cabinet officer from Minnesota, suggests a complete break between Senator SCHALL and the administrative forces. It is colored somewhat by the unexpected nomination, made yesterday, of former State Senator Edward E. Smith, campaign supporter of Senator SCHALL, as collector of customs.

The spirited statement by Attorney General Mitchell and the equally spirited counterstatement by Senator SCHALL, make the surface evidence of a break complete, rendering it seemingly difficult for the Senator to become an administration supporter, regardless of what solution may be made of the judgeship problem.

PUTS BLAME ON SENATOR

Attorney General Mitchell calls attention to the need of Minnesota for appointment of another judge and puts responsibility for failure to secure such a judge during the present session on the Senator. He does this on the ground that Senator SCHALL has submitted the name of only one man. The Attorney General insists that it is the responsibility of the Executive to make appointments and the function of the Senate is either to approve or disapprove. To this Senator SCHALL counters by saying the Constitution provides appointments shall be made with the "advice and consent" of the Senate, and that in this constitutional provision "advice" comes first.

INSPIRED, SCHALL SAYS

The Minnesota Senator assumes the Mitchell statement comes at a time when it will coincide with the bar association poll and claims it would be manifestly unfair in view of the manner in which the interrogation is made to judge the result as a disapproval of Michel in the event he should not have a majority of votes. He charges the poll has been inspired from Washington. His position is that to ask the lawyers of the State whether they are for Michel or for any one of the numerous other candidates is manifestly unfair to Michel. Relative to the right of the Attorney General to participate in the appointment of judges, Senator SCHALL maintains it is questionable practice in view of the fact the United States, through the Department of Justice, frequently is litigant before the very judges the Attorney General assists in naming.

Senator SCHALL admits there are many able lawyers who could be selected but he doubts if he could find another one who would meet with the approval of both the Senators and the entire House delegation as has been done in the case of Mr. Michel. Relative to the Attorney General's inference that the payment of political debts is connected with the recommendation of Mr. Michel, Senator SCHALL uses strong language and says it is an "inferential insult to the people of the State."

WILL CONTINUE FIGHT

In his reference to right-public-utility-minded men, Senator SCHALL raises the issue upon which he will continue his fight, apparently determined to go into the ditch with Mr. Michel if necessary, regardless of what work may be demanded of a wrecking crew afterwards.

The Mitchell statement, by implication, disposes of Mr. Michel as disqualified according to the standards which the Attorney General sets up. While the debate is pending, former Attorney General George T. Simpson, of Minnesota, is in Washington and is credited with being a "willing Barkus" if the Michel candidacy does not go through.

The statement is an appeal to the people of the State for an understanding of his position, and explains there is a way out for Senator SCHALL if he will recommend some one else than Michel for the place.

The Mitchell statement contains the remarkable assertion that some of the indorsers of Mr. Michel have privately explained why they did not intend their recommendations seriously. He intimates also, that lawyers are loathe to refuse a recommendation for a man likely to be appointed, suggesting that Federal judges sometimes might be swayed by private feelings of resentment or at least that lawyers fear they might be so moved.

THE SCHALL STATEMENT

The Schall statement follows:

"The statement of Attorney General Mitchell, which has been called to my attention through other sources than the Attorney General's office, undoubtedly has been issued at this time so that its publication will coincide and cooperate with the movement of the board of governors of the Minnesota Bar Association to take a vote of their membership through the mails, which vote is to be recorded not later than the 9th of this month. The movement of this board has been inspired from Washington.

"No doubt the Attorney General could name off a dozen fine lawyers of the State of Minnesota who would be satisfactory to him, but it seems to me that the entire membership of selected representatives of the people of Minnesota should have more weight than a Democratic attorney general who is the man who appears in the United States courts in behalf of an interested litigant—the Government of the United States—in civil and criminal proceedings. To permit the attorney of any litigant to pick the judge before whom such attorney may present litigation is contrary to all the principles and ideals of our American system of Government.

"CITES 'ADVICE' CLAUSE

"In the Attorney General's opinion the duty of selection rests with the President and the function of the Senate is to approve or disapprove such nominations. The Attorney General seems to deliberately overlook the word 'advice,' which is in the Constitution. The Constitution reads, 'With the advice and consent of the Senate.'

"The people of Minnesota, through their elected representatives, Federal and State, unanimously advises the nomination of Mr. Michel, but the Attorney General, unanimously advises anybody else, which is a wide field to put Michel up against and shows the unfairness of the proposition put out by the board of governors to the lawyers of the State. There are at least 20 able lawyers in the State of Minnesota with their lightning rods up for this appointment and the friends of these 20, no doubt, it is thought in the bar association vote, will outweigh the lawyer friends of Michel, for the question simply put to them is, 'Are you for Ernest Michel or against him for Federal judge?'

"I can't see why the Attorney General should assume this responsibility. There is no provision for it anywhere in the Constitution or in the law. In fact, since his client, the Government of the United States, is the most frequent suppliant for justice before these Federal judges, it would seem advisable that he should not have any such power as naming the judge.

"I too could pick 12 lawyers, any one of whom would be able and competent and any one satisfactory to me individually, but I doubt if I could secure for any one of those 12 the indorsement of the entire State officials of the State of Minnesota and the entire Minnesota delegation, Senate and House, which Michel has and which make him completely the choice of the people of Minnesota. My enemies, against my wishes, made his appointment an issue in the primaries and in the election.

"I am forced to the conclusion that the Attorney General displays less than good taste to say the least when he makes reference to the payment of political debts. It is an inferential insult to the people of our State to even intimate that they would consider political expediency rather than sound qualifications and integrity in their choice of a judicial appointee.

"On several occasions the Attorney General has made references to the necessity of appointing a right minded lawyer. I confess I am still at a loss to determine just what he means by that type of legal practitioner. I have yet to have been informed, and I believe the public shares that with me, of anything in the record of Mr. Michel which would eliminate him from being classed with the most ethical of his profession. The protests to Michel are exclusively from those right-public-utility-minded men, any of whom, should they be appointed, would not meet with the approval of the people of Minnesota.

DISLIKES THAT METHOD

"I dislike to believe that a man's qualifications for the important office of judge of the Federal court shall be determined by his club affiliations, social classifications, of his alma mater, or the bank accounts of his associates.

"Ernest Michel began his practice of law at Marshall, Minn., and had the general practice of a country lawyer. About 10 years ago he moved to Minneapolis. He has either argued cases orally or prepared briefs in cases submitted to the supreme courts of the States of Minnesota, Michigan, Wisconsin, Indiana, Iowa, Nebraska, South Dakota, Montana, and Illinois. He has been educated in the school of hard knocks of a self-made lawyer. He has won his way up from the ranks of a poor farmer boy to be indisputably one of the best lawyers of the State, and his knowledge first hand of humanity makes it possible for him to understand that 'the quality of mercy is not strained.' It is the opinion of several hundred lawyers, a score of judges headed by a supreme court justice, that he would make an able and just judge. Ernest Michel is 43 years of age, the best part of his life is ahead of him. He is vigorous in health and has industrious habits. He has good ability, plus common sense and sound judgment. His character and integrity are beyond question; he has thorough knowledge of law; he has a well rounded professional experience. It is true he has never had any judicial experience, neither did the great Chief Justice John Marshall have any. Neither has Michel had any experience as a public utility corporation lawyer. However, his practice could not be described as that of a specialist. He represents high standards of professional conduct, not only commands the universal respect of the members of his profession but he enjoys the confidence of the people of the State generally.

"I admit Minnesota is in need of a judge. He should be confirmed at this session. If this is not done it will only be because Attorney General Mitchell refuses to accept the advice of the entire delegation of officials of the State of Minnesota, both State and National, who, it seems to me, represent the thought of the people of Minnesota and the people of Minnesota can better afford to await a time when such a judge can be named, than to have some one named who will not fill those specifications."

[Minneapolis Tribune, January 29, 1931]

SCHALL INSISTS HOOVER REVEAL MICHEL'S FOES—DEMANDS MITCHELL, PRESIDENT, DISCLOSE THOSE WHO WITHDREW BACKING—NEITHER SIDE ABLE TO BACK DOWN IN ROW OVER JUDGE APPOINTMENT

By George F. Authier, Tribune Washington correspondent

WASHINGTON, January 28.—Carrying on the fight for the appointment of Ernest Michel as Federal judge in Minnesota, Senator THOMAS D. SCHALL to-day called upon President Hoover and Attorney General Mitchell to make known the names of those indorsing Mr. Michel, especially those who, the attorney general claims, have withdrawn their indorsements secretly.

Likewise, he called upon the President and the Attorney General to make public the names of corporations and corporation lawyers opposing the appointment of Mr. Michel. Opponents to a judicial nomination, he says, are as important for public information and guidance as indorsers.

BASED ON HOOVER POLICY

The demand for publication of indorsers and opponents is based on a previous declaration of policy made by the President, that he would make public the names of those who have indorsed judicial candidacies. Senator SCHALL carries the policy further and insists that if it is important for the public to know who is favorable to a judicial appointment, it is logically as important for the public to know who opposes it. The Senator coupled this with the fighting declaration that so far as he has been able to find out, the opponents are those who are "right-public-utility-minded."

The SCHALL declaration is coincident with a realization that the Minnesota judicial fight has become a national issue, with the administration using it as a weapon in its continuing struggle with the Senate over powers and prerogatives. Senator SCHALL plans to discuss the issue on the floor of the Senate within a few days.

The battle has gone so far that, with declarations on both sides, it is assumed here neither side can withdraw. Neither will it be any solution of the difficulty, it is thought, for Mr. Michel to withdraw his candidacy, since that would put Senator SCHALL in the position of having secretly connived at the withdrawal in order to relieve him of a possible difficulty.

CLAIMS CONSTITUTION IGNORED

The claim made by Attorney General Mitchell, that some indorsers have secretly withdrawn their approval, likewise is seen as placing the Minnesota house delegation in a position where the members will have to stick to the last ditch. Any change on their part now, it is pointed out, would subject them to the suspicion of being among those who were willing to curry favor with a possible judicial appointee and then curry favor with some one else by saying they did not mean what they said when they said it.

"I observe," Senator SCHALL said to-day, "that it is claimed by those who assume to speak for the administration in a journalistic manner that the President is inaugurating a new policy of naming judges, namely, to assume the Constitution provides the functions of the Senate shall be confined to passing on the nominations after they have been made.

"This is a deliberate ignoring of the Constitution and I am sure so good a lawyer as Attorney General Mitchell has read and studied that document. The Constitution says appointments shall be made with 'the advice and consent' of the Senate. Naturally, advice must come before the nomination is made, and it means also the entire Senate shall act.

"The people of a State are interested in a Federal appointment and the people of a State are in better position to know the qualifications of a judge than some one far removed from the State either by residence or by location of interests elsewhere and the latter applies to Attorney General Mitchell. Mr. Mitchell's interests are now wrapped up with the administration to which he belongs and even during his residence in the State, his interests were circumscribed to some extent by the fact that he was the legal representative of the Great Northern railroad and other corporations.

NOT AN ELECTION ISSUE

"I did not make the appointment of Mr. Michel an issue in the election. Others who opposed me did that and newspaper organs inimical to my candidacy presented the issue to the public on the ground that if I were defeated, Mr. Michel would not be appointed and Mr. Mitchell's friends were diligently at work to defeat me. Naturally, that advertised the fact I was for Mr. Michel.

"Still, the people of the State voted for me, and if, as it was charged, Mr. Michel was an issue, then the people of the State definitely expressed their position upon the question.

"For the Attorney General to charge by insinuation or otherwise that Mr. Michel is not a suitable appointee is to insult the intelligence of the electorate of Minnesota, whether they voted for me or not.

"Mr. Mitchell claims certain indorsers of Mr. Michel have withdrawn their approval. That suggests a degree of mendacity that is difficult to comprehend. The President has stated he would follow the policy of making known the names of those who indorsed judicial candidates. I now call formally upon him and the Attorney General to make public the indorsements of Mr. Michel and to make known also the names of those who have undertaken, secretly, to appear on one side and in reality to be on the other. The charge places under suspicion every indorser of Mr. Michel of having done something that honorable men will not do. Every house member has indorsed Mr. Michel. Certainly the Attorney General does not want to insinuate they have played double.

RIGHT TO KNOW OPPONENTS

"The public has a right to know who indorses a judicial candidate. It is the right, also, to know who opposes a candidate and why.

"The Attorney General dwells on the attitude of 'right-thinking people' as indorsing his position. I call upon him and the President to let the public know who are these 'right thinking people' and to let the public know what corporations directly or through their representatives have opposed Mr. Michel's appointment. And this does not apply only to those who have made written representations. Let us have the names of those who, by word of mouth, have undertaken to show that Mr. Michel would not be a fit judge, something from which the public might gather the viewpoints of corporation lawyers relative to judicial appointments in this day of the power issue."

[Austin Daily Herald, Austin, Minn., Saturday, March 7, 1931]

STAR WITNESS IN SENATE FIGHT ON NORDBYE URGES CHOOSING OF JUDGE FROM RURAL AREA—TRUMAN PIERSON, INVESTIGATOR, SEES CHANCE FOR COMMUNITIES OUTSIDE TWIN CITIES TO GET REPRESENTATIVE ON BENCH—EXPLAINS OPPOSITION TO MINNEAPOLIS MAN

Whether by accident or design, the Herald does not know, but nevertheless it was in the same city where Truman Pierson, of Minneapolis, spent last night and to-day, is in possession of a statement with reference to the Federal judgeship which may or may not mean something. Mr. Pierson, who is an insurance salesman and promoter of highway construction programs, came to Austin last night from Slayton, Minn., on his way to Waukon, Iowa.

This is the same Mr. Pierson who testified at Washington last Saturday against the confirmation of Judge Gunnar Nordbye's appointment to the Federal bench in Minnesota. Alfred Steadman, Washington correspondent for the St. Paul Pioneer Press, wrote an extremely interesting story about Pierson's testimony at the time. The Minneapolis man appeared more anxious to make speeches against the jury system of meting out justice than about helping the committee with its probe of the Hoover appointee, and from time to time to Senator STEIWER of Oregon and other members of the committee reminded the witness that they merely wanted questions answered and not speech given.

ON INVESTIGATING JURIES

Both Pierson and his wife are members of investigating juries. Mrs. Pierson sat in on the Federal jury that recently brought in indictments against W. B. Foshay, and Pierson stakes his claim to fame on his part in the muskrat-farms investigation that recently sent W. W. Robbins to the Federal penitentiary.

Mr. Pierson declares that a candidate from the rural districts of Minnesota now stands a good chance of being named and appointed to the Federal bench as the result of the dismissal of Nordbye's appointment.

GIVES INSIDE SLANT

"A man from rural Minnesota for Federal judge may eventually be the compromise choice of the administration at Washington and the Senate, it appears," said Pierson. The situation is brought

about by realization of what actually apparently took place in the hurried and crowded last days of a hectic session of the United States Senate, an inside slant on which the Herald obtained from Mr. Pierson, who was said to be the key witness of the United States Senate forces opposed to the appointment of Gunnar H. Nordbye, of Minneapolis, and to the President for submitting it in the manner in which he did, which it was claimed was an attempt to stampede the Senate into action. Mr. Pierson returned from Washington Thursday night.

Mr. Pierson was called as a witness against Nordbye by Senator BLAINE, of Wisconsin, chairman of the Senate subcommittee on the judiciary, for appearance Wednesday, February 25, which BLAINE said was the only day left for a hearing. Pierson did not respond to the call, and then received a forthwith order to appear not later than Saturday morning, February 28, at 10 o'clock. Placed on the stand, he related in detail the attitude and actions of Judge Nordbye when he was in charge of the famous Muskrat-Foshay grand jury of January–February, 1930. It was the muskrat fur-farm case, where evidence showed muskrats, largely on paper, had been sold to the amount of over $600,000, and it was charged that involved in the shady transactions were a number of State officials and others. The Foshay concern had then crashed, depriving many people of several millions of dollars, and both of the cases, Pierson showed, were waiting at the door of the Hennepin County grand jury for action when Judge Nordbye delivered what is now regarded as his famous charge, inasmuch as it is this grand jury charge and his attitude throughout the session that apparently has deprived him of a place for life on the Federal bench.

LEADER OF GRAND JURY REVOLT

Pierson was the leader of a group of grand jurors, 19 of whom rebelled against the foreman who had been named by Judge Nordbye and who, it is said, was objected to by the jurors as standing in the way of an expeditious delving into the fur farms and Foshay cases. The jurors signed a round robin to Judge Nordbye asking for the appointment of a new foreman, which Nordbye refused. Then, too, Pierson informed the Senate that Mrs. Myra Griswold, executive clerk to Governor Christianson was drawn on the grand jury which had been asked to investigate the securities commission of Governor Christianson and named in connection with both Foshay and fur farm cases. This Pierson declared "handicapped and embarrassed" the jury and he declared that Judge Norbye should have removed both the foreman and Mrs. Griswold but neglected to do so. After two months' battle the grand jury, Pierson stated for the record at Washington, managed to dig up valuable evidence and was ready to proceed when its official life was up and Judge Nordbye was then asked to continue the jury for another two months to finish its work. Failing to have Nordbye do this Pierson filed a minority report to the grand jury which Pierson told the Senate committee Nordbye had suppressed and introduced an affidavit from George Hemperly, district court clerk at Minneapolis, to show this minority report had never been filed.

So with these and other serious details of charges filed by Pierson before it the Senate committee of the whole, consisting of about 20 Senators, decided to ignore the nomination and give it no attention whatsoever. This of course amounted to a virtual snub to the President and automatically killed the nomination not only for the session but for all time, according to reports.

OPPOSITION IS EXPLAINED

The Pierson opposition to Nordbye is separate and apart from senatorial objection, either on the part of Senator SCHALL or others. But the objection of Senator SCHALL is all powerful because it has back of it the natural traditional senatorial courtesy plus the strong feeling in the Senate against the administration. Pierson while here made it plain that he had no candidate he favored, had no idea of reversing his stand on Nordbye, even if Senator SCHALL had approved him, an impossibility however, so far as anybody can see because Nordbye and Christianson are in the anti-SCHALL camp.

All things considered, with serious charges having been made against Nordbye backed with proofs and records on file with the Senate, make of the Nordbye case a closed issue, it is said. Consequently there has begun a new campaign for a new judge and several sections of rural Minnesota are at work for their favorite candidate, working quietly. It is pointed out that of the three existing judgeships, St. Paul, Minneapolis and Duluth, the three big cities, each have one judge while the smaller cities and towns have none and that therefore here is an opportunity to assign to rural Minnesota the fourth judgeship. On top of this it is said that where the big cities can not agree on a fourth judge from any one of the cities they may compromise with one from the country and of course in this reckoning there must be taken into consideration that the Senate is likely to make certain that the new selection is favorable to Senator SCHALL. Meantime lightning rods of friends of candidates are going up in several counties. It looks as though President Hoover and Senator SCHALL must agree or there will be no judge named.

[Marietta News, Marietta, Minn., January 22, 1931]

"United States Senator THOMAS D. SCHALL is doing the right thing in standing pat on the Michel appointment for the Federal judgeship. Michel may not suit some corporations, for having been attorney for the common people, but he seems to be a real man, or he would not have received the indorsement of the entire Minnesota delegation of Senators and Representatives, as well as such men as Secretary of Labor Doak, Chief Justice S. B. Wilson of the Minnesota State Supreme Court, as well as many judges and attorneys over this and neighboring States. While we do not know Mr. Michel personally, we have heard his praises sung by many who do know him, and though many other friends would like the appointment we believe the representatives of our State in Congress should have to say so before the President in preference to the Attorney General who seems to oppose his appointment for some unknown reason, as the reasons advanced are without merit."—The Brainerd Tribune.

We would like to add to the above that the Attorney General most likely received one of the crowbars left over from the recent election to throw in the gearing.

[The Labor World, Duluth, Minn., Saturday, January 31, 1931]

MITCHELL FOULS MICHEL

It is refreshing to read of the stand taken by Senator HENRIK SHIPSTEAD in reply to the foul-blow delivered Tuesday by Attorney General Mitchell against Ernest A. Michel, of Minneapolis, recommended by Senator SCHALL for appointment as United States district judge for Minnesota. Driven into the open, Mr. Mitchell aimed to justify his opposition to Michel by attacking his standing as a lawyer.

Of the public men from Minnesota at Washington, Mr. Mitchell stands alone in his opposition to Mr. Michel's appointment by President Hoover. As the head of the Department of Justice he holds the key to the situation for the moment. Every Member of Congress from this State, including the two senators and the 10 congressmen have personally recommended the appointment of the Minneapolis lawyer.

Mr. Mitchell stated that "some" indorsements by Minnesota lawyers had been privately withdrawn. He failed, however, to explain the influence that was brought to bear to have them "withdraw" their indorsements. Senator SHIPSTEAD states that he has received indorsements for Michel from 400 lawyers and citizens, and not one has written him withdrawing his support from Michel.

The Attorney General then added, that "our file of protests against this nomination is more impressive than in any other case before the department for years past." And this doesn't surprise anybody who knows anything at all about the way the interests work that would oppose the nomination of Mr. Michel, or any other lawyer of his legal bent.

Mitchell said that a man for such a post "should have legal ability, plus common sense and sound judgment, and it goes without saying that his character and integrity should be beyond question," which, by innuendo may be interpreted to mean that Mr. Michel lacks legal ability, common sense, and sound judgment, and is of questionable character and integrity. Strong implication, that.

This leaves an opening. Who is Mr. Mitchell? Who is Mr. Michel? Before he became Attorney General, Mr. Mitchell was an outstanding Minnesota railroad company attorney. He is of the Frank Kellogg and Pierce Butler type of lawyer, partly political and partly legal. He is corporation-minded. His training has made him such. He could no more get away from it than could Mr. Kellogg or Justice Butler.

In legal cases Mr. Michel has opposed Mr. Mitchell. He has represented railroad employees and he has secured a number of very large judgments against railroad companies. It would seem that it takes a lawyer of ability to repeatedly win cases against powerful railroad corporations. Mr. Michel is publicly-minded. He knows the difference between the public and a private interest and through his life he has been found on the side of the people.

Judges of State courts before whom Mr. Michel has tried cases have urged his nomination. Surely they are in a better position to know of this lawyer's legal ability, common sense, sound judgment, character, and integrity than is Mr. Mitchell, who during all his professional life has been antagonizing Mr. Michel in the trial of lawsuits. If the Attorney General were a good sport instead of a foul-blow dealer, as his amazing statement of Tuesday would indicate he is, he would recognize merit, even in an enemy.

So after all is said and done, the truth is that Mr. Mitchell, the Attorney General of the United States, still thinks he is the attorney for the railroad companies he formerly represented. He is not a bit fair in his opposition to Mr. Michel, whose ability and character are not involved at all. Mitchell is afraid of Michel, who isn't of the Judge Parker sort. Michel has social vision. He has ideas of justice not in accord with corporation lawyers. And this tells the whole story.

[The Country Press, Moorhead, Minn.]

THERE CAN BE NO COMPROMISE

More than a year ago Congress passed an act providing for an additional judge for the United States Court for the District of Minnesota. This additional judge was needed because of the accumulation of business in the Federal courts of the State. Under the law Federal judges are appointed by the President with the "advice and consent of the Senate." For the position this created Senators SCHALL and SHIPSTEAD united in recommending Ernest A. Michel, of Minneapolis.

For a full understanding of the question a short history of Michel's career may be necessary. He was born and reared in the southern part of the State. His parents immigrated to this country from Germany and settled on a farm near Appleton, where Michel first saw the light of day. As a boy and young man he experienced all of the hardships and struggles incident to farm life. He received the best education his parents could afford and shortly after graduating from high school he became acquainted with Tom Davis, then practicing law at Marshall, Minn. Mr. Davis was impressed with the eagerness of Michel to become a lawyer and at once took him into his office. He studied law, was admitted to the bar, and became a partner in the law firm of Davis & Michel. They had a large general practice all over the southwestern part of the State and a part of their business consisted in settling and adjusting claims of injured employees against railroad companies. This part of their business increased and it became necessary for the better transaction of their business for them to move their offices to Minneapolis, where the firm still continues along the same lines of work.

This brief statement gives a general view of the background of the man who has been recommended for this office by both of the United States Senators and to prevent whose appointment such a vicious fight has been waged. Michel's part in the work of the firm has consisted in preparing briefs, the argument of cases in the higher courts to which many have been appealed. He is a great student and possesses intimate knowledge of the law in all its branches and is an expert in suits brought by injured employees against railroad companies for damages. He is a man of fine character, who by the sheer force of his ability has attained a high place in the legal profession. He is recommended for this office by a higher percentage of lawyers and judges than any other man who was ever appointed to an office of this kind. Then why does he not get this appointment? Is it being opposed and held up by interests that are not seeking the appointment of a good judge but rather one who will be satisfactory to them?

Both United States Senators and the entire Minnesota delegation have requested the President that this appointment be made. But Attorney General Mitchell, who, prior to his appointment, represented large railroad and other corporate interests, to whom the President has submitted this matter, refuses to indorse Michel. Mr. Mitchell says there is strong opposition to Michel for the office, but what that opposition is or who it is that is opposing him the Attorney General refuses to reveal. That it comes from the railroads and other large corporate interests there can be no doubt. The result is there is a deadlock with Attorney General Mitchell on one side and both United States Senators and the entire Minnesota delegation on the other.

Some Minnesota newspapers are now saying that there should be a compromise, that another name than Michel's should be presented for consideration. With this view we do not agree. On a matter of this kind there can be no such thing as compromise. The refusal to send in the name of Michel by reason of opposition that is obviously inspired if not openly advised by the interests at present in the control of the Republican Party would be one of the most dangerous precedents that could possibly be made. It would intensify the feeling that is in the minds of the common people of Minnesota, who are watching this case, that Mr. Michel does not get the appointment because he has not served his apprenticeship with the big corporations.

It is true that Michel has not had rich clients; he has not sought them. Perhaps if he wanted them they would have come to him and gladly availed themselves of his services and he could have basked in the smiles and bounty of the rich. But there are those who would rather have the favor and friendship of those who toil, of those who need help and can not help themselves than all the wealth of the world. Is such a man to be deprived of the right to hold office by reason of the opposition we have indicated? To this question there can be but one answer. And Senator SCHALL is taking the only position he can consistently take in this matter—standing firmly in the middle of the road.

[Minneapolis (Minn.) Star, Saturday, February 14, 1931]

SENATOR SCHALL'S MISTAKES

By L. T. Knowles

How easy it is to find fault with those in power. We can see where Senator SCHALL made two mistakes. No. 1 was when he flew from somewhere to Washington to be on hand to vote down the nomination of Judge Parker, the president's unpopular candidate for the United States Supreme Bench.

No wonder he is in bad. He might have taken a slow train and arrived too late for the vote. No. 2 was in connection with the appointment of a Federal judge in Minnesota. Here his procedure was very "unbusinesslike." Instead of sounding out the gentlemen who put up the big money for Republican campaigns and finding out which corporation lawyer they wanted, he goes and appoints a mere lawyer with no corporate training.

Methinks that if the great engineer drops a few more wrenches into the machinery the Government will be in a fair way to fall into the hands of the Democratic Party in 1932.

[Akeley Herald-Tribune, Akeley, Minn., February 12, 1931]

FEDERAL JUDGESHIP

There is no question but what a large majority of the people of Minnesota will indorse the firm and steadfast stand that United States Senator THOMAS D. SCHALL has taken in refusing to submit the name of any man for judge of the United States district court other than Ernest A. Michel, former Marshall boy.

The Herald-Tribune has implicit faith in President Hoover, but is convinced that the President is ill advised as to the real merits of Mr. Michel—and he is not the first man doing good among the common people to be crucified through misunderstanding, jealousy, prejudice, and selfish motives.

The people of Minnesota settled the question of this particular case at the polls last November when Senator SCHALL was re-elected in the face of the opposition of the most powerful organization of fat boys that ever posed as a political organization. Compare carefully the vote of the Twin Cities with the rural districts of Minnesota, where the people are fairly free from coercion or influence of any slave-making corporations or their well-paid hirelings.

Certainly the people of this State should have a little something to say about its affairs—and they did instruct their two Senators and 10 Congressmen to present their compliments to the President and respectfully request him to send in the name of Ernest A. Michel to the Senate for confirmation as Federal judge. The congressional delegation has performed its mission. What will the voters say in 1932 if this appointment is not made? Why, Minnesota will go Democratic—and, presumably, Mitchell will "kill two birds with one stone."

[St. Paul (Minn.) Dispatch.]

SCHALL MORE SINNED AGAINST

To the EDITOR OF THE DISPATCH:

Don't you think it is high time to silence the continued abuse by your paper and others of Senator SCHALL? Senator SCHALL has been more sinned against than sinning. The people seemed to think a lot of him when, regardless of the newspaper-hammer racket, they elected him as Senator.

He has not been treated fairly in the matter of the judgeship, either. At the President's request SCHALL proffered 10 names, and without as much as looking over the list, the President named Judge Nordbye, of Minneapolis, for the job, probably after consulting Mitchell, the Attorney General. The law says that such appointments are made "by and with the consent of the Senate" and not by and with the consent of Mitchell or anyone else.

Ernest Michel, proposed by SCHALL, has been held up to scorn by the chorus of corporation knockers. So was Brandeis when he was proposed for Justice of the Supreme Court. The latter was called a socialist and an anarchist, but President Wilson appointed him and he is now regarded as one of the finest judges on the Supreme Bench. Senator SCHALL doesn't want Nordbye any more than Mitchell wants Michel. There are half a dozen splendid men offered for this post by Senator SCHALL and as a matter of right and courtesy his wishes should be respected. Personally, I cast my vote for Mr. SCHALL because of the mean and venomous attacks made against him. No doubt others did the same. It was this same kind of malevolence that was responsible for nominating Mayor Thompson in Chicago.

Stop knocking and let poor Hoover continue his blundering.

TOTE FAIR.

ST. PAUL.

[Henderson (Minn.) Independent, Friday, February 6, 1931]

Since Senator SCHALL was elected, in spite of the publicity given during the campaign regarding the promised appointment of Ernest A. Michel, of Minneapolis, to the Federal bench, that in itself is sufficient evidence that the voters approved of the appointment, notwithstanding the late protest of the State bar association. You reap as you sow.

[The Missouri Democrat, Kansas City, Mo., February 27, 1931]

A BLIND SENATOR WHO REFUSES TO BLINDLY FOLLOW PRESIDENT HOOVER

Because THOMAS D. SCHALL, the blind Senator from Minnesota, has not blindly followed President Hoover in all his foolish official acts, Hoover has refused to appoint Senator SCHALL's selection for Federal judge at St. Paul, Minn. After the appointment hung fire for some weeks, Hoover suggested to the Minnesota Republican Senator that while he wouldn't appoint the Senator's personal choice, if the Senator would submit the names of 10 other Minnesota Republicans, he would name one of the number submitted by SCHALL for Federal judge at St. Paul. This the blind Senator did, as the President suggested, believing Hoover would keep his promise, and now it is announced from Washington that President Hoover has ignored the 10 names submitted by the Republican Senator and appointed a man objectionable to Senator SCHALL. Of course, Senator SCHALL will oppose the confirmation of Hoover's selection for the judgeship, and the fight is on to the finish between President Hoover and the Republican Senator from Minnesota and our sympathy is entirely with the blind Republican Senator. Is it any wonder that any decent, self-respecting Republican Senator can't support the President? The blind Republican Senator from Minnesota, who was reelected last November over Hoover's opposition, is not as blind mentally as Hoover appears to be. It is not strange that the Republican Senators have no respect for or confidence in their President, the engineer of the wrecking train of the Republican Party. This paper has the highest respect and admiration for the two blind Senators who will be in the new Senate, SCHALL, Republican, of Minnesota, and Gore, Democrat, of Oklahoma, who are giants as statesmen compared to the present President of the United States.

[Renville County Journal, February 26, 1931]

ERNEST A. MICHEL WITHDRAWS

While Ernest A. Michel has withdrawn his name as a nominee for the appointment to the Federal judgeship in Minnesota, the deadlock still continues with little prospect that it will be solved very soon. Under the circumstances, we believe that Minnesota can better afford to wait than to accept the dictation of President Hoover and his Attorney General Mitchell. The judgeship squabble involves more than the willfulness of personalities. It involves the principle of Property Rights versus Individual Human Rights. Property rights have been in the ascendancy in this country, and that school of thought has developed in exact ratio with industrial development. President Hoover is not a humanitarian. In the nature of his life profession he moves and acts in the atmosphere of property development. His present Attorney General is a born and bred puppet under that system. It is beyond the Attorney General's pale to understand that the individual human has any rights whatsoever. So we have this judgeship fight, which is not a fight between President Hoover and Senator SCHALL but a fight between the cold-blooded and ruthless brutality of corporation's as against the rising consciousness of the individual who under our system has been slugged into insensibility but who is coming out of his coma. The political revolt in Minnesota is evidence aplenty that there is an awakening.

The voters of Minnesota were solidly behind Ernest A. Michel because they felt that he understood and respected their rights. But the rights of the voters of Minnesota in this case do not extend beyond the State limits, and so we have the spectacle of President Hoover and Attorney General Mitchell dealing them this solar plexus, aimed not at Senator SCHALL but at the constituency of Minnesota. Senator SCHALL has made a great fight for the people of Minnesota. He has been abused and slandered by the metropolitan press of this State in a manner that has called for its every conceivable ingenuity. In this the city press has been supported by the entire rural "me-too press" of Minnesota. The fight is on and Senator SCHALL may lose this round in behalf of his constituency, but that does not end the battle.

[Watertown (S. Dak.) Public Opinion]

NONPOLITICAL POLITICS

The Minnesota Federal judgeship tug of war, with President Hoover on one end, and Senator THOMAS SCHALL on the other, continues interesting. The Senator finally decided to test the sincerity of the President by submitting a list of 10 available attorneys, as the White House had requested. Now President Hoover has passed the initiative back to the Senator by submitting a list of 10 from which SCHALL is asked to name a favorite.

Out of this exchange, the Senator issues with some advantage. At least he has fairly well established the intention of the executive department, including Attorney General Mitchell, to limit the availables to men whose views are known to be in rather close harmony with those of the administration. The original objection to Mr. SCHALL's first choice was that politics dictated his candidacy, and that Federal judgeships should not be contaminated by anything political.

Mr. Mitchell interposed himself because of an alleged conviction that Ernest Michel was not qualified from the ethical viewpoint of the leading legal lights in Minnesota. Having exhausted every argument he could conceive to disabuse the Attorney General of his prejudice against Michel, Senator SCHALL finally consented to follow the request of the President.

Certainly in the list of the names the Senator chose there was at least one capable lawyer. However, the White House was unable to discover one notwithstanding it contained the names of some of the most successful barristers in the State. The submission to SCHALL of a counterlist, picked by Hoover or Mitchell, suggests that, after all, the political phases of the controversy were more important to the administration than the comparative qualifications of available aspirants.

The whole controversy undoubtedly turns upon the outlook which divides liberal from conservative. The President, himself a conservative, appears to have been willing to estop any man of known liberal views from gaining a seat on the Federal bench. It is difficult to understand how a determination to avoid any contact with politics in shaping the Federal judiciary can be harmonized and coordinated with this evident application of political fitness to the Minnesota situation. Senator SCHALL may not have been able to liberalize the bench by winning his point in the Michel case, but he has driven the administration into tactical acknowledgment there was something phooey about the original declaration that politics must be kept out of the judicial picture.

[New York Times, January 27, 1931]

WHO NAMES FEDERAL JUDGES?

In this era of ill feeling it is no wonder that Attorney General Mitchell has gone out of his way to pick a quarrel with the Republican Senator from Minnesota. Mr. SCHALL has recommended the appointment of a certain candidate for Federal judge who is approved by the other Minnesota Senator and by the whole House delegation from that State. Is not a Senator's recommendation, so buttressed, final? The formal act of appointment rests with the President. In practice the power of recommendation is that of appointment. The Attorney General says, with some heat, that he will not commend Mr. SCHALL's choice to the President. He intimates that Mr. Hoover disapproves it.

He seems to blame Mr. SCHALL for submitting only one name. It has been the custom, he says, when a Senator's first selection has been received unfavorably at the White House, that the sponsoring Senator or Senators should offer additional names. Mr. Mitchell holds that the people of his Minnesota don't want appointments made "to pay political debts." He refers to the lofty position which Mr. Hoover has taken in regard to the bench:

"President Hoover has raised a standard of judicial appointments in which political 'usefulness' does not enter. He has refused repeatedly to be bent by such motives."

It is true that Mr. Hoover tried to make satisfactory nominations for judicial posts. He depended much on the suggestions of bar associations, excellent organizations but not always free from the influences of "State pride," personal association, and, in some cases, of partisanship. It is impossible to keep the political motive and origin out. A judge's office is patronage, like any other office. Respectable talents and character are supposed; but a judge, like a marshal or a postmaster, must be produced in the regular way and by the regular machine. Congress establishes or enlarges courts for political purposes. Mr. Mitchell knows very well that Mr. Hoover has not been able to remain aloof from considerations of political "usefulness."

What but that was the fount of the nomination of Judge Parker? In Pennsylvania and in Kansas nominations for Federal judges made by the Senator or Senators were firmly resisted by the Attorney General. Were any new names sent in? No. In the face of Mr. Mitchell's hostile report and Mr. Hoover's opposition, the nominations were forced through, forced upon the Attorney General and the Executive. Both had to eat their leek. All Senators are interested in maintaining their practical "right" of appointment. Mr. SCHALL charges Mr. Mitchell with "less than good taste." He might better be charged with lack of memory.

These high questions of office are independent of good taste, nor have they anything to do with "the people" of Minnesota, on whose bosom both the Attorney General and the Senator lay themselves tenderly. There is a certain system of making appointments. Mr. Mitchell may give advice as a technical expert. He can't hope to change the system. Least of all can he expect to interfere successfully with the distribution of judicial offices in his "home State." In a much larger and truer sense it is Mr. SCHALL's home State. All Federal jobs in it, with whatever proper allocation to his colleague, Mr. SHIPSTEAD, and the House delegation, are not to be distributed without his advice and consent.

[The Minnesota Union Advocate, February 19, 1931]

FORTY-SEVEN LAWYERS

(Dedicated to the Ramsey County Bar Association, with apologies to Mother Goose)

News Item.—Forty-seven of the 250 members of the Ramsey County Bar Association, St. Paul, passed a resolution of commendation of Attorney General Mitchell.

Seven and forty lawyers,
Summoned to convene,
Meet in hurried session,
Sit with gravest mien.

Mitchell has been flouted,
Naughty TOMMY SCHALL
Scoffs at his pure ethics—
'Twill not do at all.

When the meeting's opened
Each begins to sing
Praises high to Mitchell,
Brave their voices ring.

Mitchell is requited
For the rude affront;
Thomas should apologize,
But it's odds he won't.

[Minneapolis (Minn.) Journal, Wednesday, February 18, 1931]

Supporting Senator SCHALL is the Alexandria Echo, one of the leading Farmer-Labor papers of the State. The Echo sees in the fight on Michel an effort to get a corporation lawyer on the Federal bench and thinks that the reason President Hoover has asked Senator SCHALL to submit a list of 8 or 10 men from whom the President is to make a selection is that, "out of that unheard-of number of names it is expected that surely there will be one corporation lawyer acceptable to Attorney General Mitchell." The Echo in another comment says, "The farther this Michel fight goes the more certain the public has become that it is only a fight to keep corporation-minded men on the Federal bench." The Olivia Journal, another Farmer-Labor paper, takes the same position as the Alexandria paper, and says that the fight against the man Senator SCHALL wants is to keep a man off the bench "whose sympathies are with the common people."

The Farmer-Labor Leader, organ of the party, supports Senator SCHALL in his demand for the Michel appointment and says, "the fight on Michel is a manifestation of conservative influence to keep the courts on the side of big business."

One of the few Republican papers in the State supporting Senator SCHALL in his position is the Brainerd Tribune. "Michel was named and it is now a question as to whether the corporations shall dictate the appointment or the common people be given consideration," it says.

[Minneapolis (Minn.) Journal, Tuesday, January 20, 1931]

PRAISE FOR MICHEL

The Wadena Pioneer Journal, edited by Congressman HAROLD KNUTSON of the sixth district, strongly approved the Michel appointment, basing its support on the ground of Mr. Michel's fitness and qualifications for the judgeship. The Pioneer Journal asks, "What Senator is better able to advise the President on judicial appointments for Minnesota than Senator SCHALL?" The Wadena paper praises Michel for his "human" qualities and says that "the Federal bench needs humanizing."

The Minneapolis Labor Review takes the same position as the Pioneer Journal and indorses the Michel appointment because of the humanizing effect upon the bench it would have. "Michel is qualified beyond question," says the Labor Review. "His heart beats in sympathy with the working people of the cities and the farms and, in failing to hasten Michel's appointment, President Hoover is only adding to his unpopularity and convincing the common people of Minnesota and the Nation that the appointees to the Federal bench must be considered aristocrats or they will not be appointed."

The Alexandria Echo, strong Farmer-Labor paper, vigorously indorses the Michel appointment and in a recent issue said: "Further delay can have only one result—distrust and dislike of those who are congesting the courts and hampering and hindering law enforcement and justice by denying this man the place on the Federal bench which he deserves and which he must eventually win."

[Minneapolis Tribune]

DEFENDS SENATOR SCHALL

To the EDITOR OF THE TRIBUNE:

For months Senator SCHALL has been the subject of severe criticism. During the discussion there has not been a charge made of any value. He used the franking privilege accorded to Senators. Some of his friends are said to have been overzealous in his interest during his campaigns for election. These charges are too insignificant for serious consideration.

It is time for his enemies to give the straight-thinking public some good reasons for all the clamor that they are making. I have noted carefully his votes in the Senate, and they have been generally correct. He voted against the Government going into business that would compete with the private citizen. He voted against the Government joining the World Court. He has voted at all times for legislation that would help agriculture. Like other Republican Senators, he has differed with the President on some public questions. I am at a loss to know what he has done or said that has caused so much political ballyhoo.

He nominated a man for judge who was well recommended by the best of our public men, and immediately the dogs of war were let loose. Where, then, lies the cause of so much political spleen?

I believe that I am correct in saying that the Republican Party in Hennepin County has become so degenerate that it consists of mugwumps, half-breeds, and whatnots. We can not blame Democrats for tearing the Republican Party into shreds, but we have nothing but censure for the political wobblies who of late years have been calling themselves Republicans. No man of character will condemn the Senator for standing loyally by his friends. He is to be commended for his courage and pluck in defending himself against a pack of wolves.

REPUBLICAN, *Minneapolis.*

[Grand Rapids, (Minn.) Independent, Friday, February 20, 1931]

BOUND TO GET A CORPORATION LAWYER

Ever since the Michel judgeship fight began Senator SCHALL has been lambasted for not submitting two or three names (instead of only one) so that the President would have some choice, not be forced to accept or reject the one man offered. Now comes the President and asks SCHALL to submit the names of 8 or 10 men. Asking for such an unheard-of number of names from which to pick a judge can mean only one thing: SCHALL is quite certain to recommend another "poor man's lawyer" if he can't have Michel, but if he must send in 8 or 10 names it is expected that out of that number there will surely be one corporation lawyer acceptable to Attorney General Mitchell.

It would have been better had SCHALL been openly and frankly ordered to agree to the appointment of a corporation lawyer as judge—none other need apply.—Alexandria Park Region Echo.

[Sioux City (Iowa) Journal, Wednesday, March 4, 1931]

ATTORNEY GENERAL HIT—SENATOR DECLARES CONTEST OF HIS ELECTION IS SPITE WORK

WASHINGTON (A. P.).—Senator SCHALL charged in the Senate Tuesday that Attorney General Mitchell, with whom he has been disputing the appointment of a Federal pudge for Minnesota, is "close" to those who are planning to contest his election.

"The so-called contest is a spiteful one and grows out of my fight for the appointment of a Federal judge who was the choice of the people of my State."

SCHALL said that through the influence of Mitchell's former law partner, Pierce Butler, jr., and his associates, H. H. D'Autremont was removed as chairman of the Democratic organization in Minnesota and J. J. Farrell was installed in office and immediately appointed a committee to investigate "the chances of bringing a contest against me."

Attorney General Mitchell refused to recommend appointment of Ernest Michel, recommended by the Minnesota Republican for the judgeship, and President Hoover instead nominated Gunnar H. Nordbye, whom SCHALL is opposing.

"The answer to my fight for justice for the people of Minnesota for a representative government in judicial matters as well as otherwise is that I am to have a contest, and it seems to me that the President and the Senate and especially the Judiciary Committee should know how close Attorney General Mitchell is connected with the men who started this contest upon the ground that I have misused my franking privilege and that I have broken some Minnesota law in securing my election," SCHALL asserted.

This action, SCHALL said, followed a letter he wrote to Attorney General Mitchell asking about appointment of the Attorney General's former law associates as special Government counsel.

In this letter, which SCHALL read to the Senate, Mitchell was asked if Butler had been appointed as special counsel in the Barnett Indian cases; if J. W. Bunn, father of a member of Mitchell's former law firm, was appointed special counsel in a boundary case; M. J. Doherty, a former law partner, a special counsel in the "wire-tapping cases"; and W. E. Rumble, another former partner, as special attorney in any cases. SCHALL also asked what fees they received, if employed.

He said he had received no answer to the letter.

[Harmony (Minn.) News, Thursday, February 19, 1931]

T. D. SCHALL, the blind radical Republican Senator from Minnesota, resents President Hoover's request that he cease recommending Ernest Michel, of Minneapolis, for a Federal judgeship and submit a list of "fit" candidates. He puts all the blame for the situation on Attorney General Mitchell, declaring that the latter's "corporation public-utility connections" have warped his judgment. SCHALL isn't letting the affair rest. He sent a letter calling to the attention of the President "some of the former corporation connections of his Attorney General," and also told the Senate all about these.

"As a Republican and a Senator," SCHALL wrote, "let me importune you, Mr. President, not to close your eyes to the lessons of recent political history. Taft wrecked his administration by trusting Ballinger; Harding wrecked his by trusting Fall, Daugherty, and others of lesser notoriety like Theodore Rush Holland.

"Are you going to wreck yours by further trusting your Attorney General? The answer is for you to make; but millions of loyal Republicans throughout the land are hoping and praying for a negative answer."

BROOKLYN, N. Y., *February 11, 1931.*

Hon. THOMAS D. SCHALL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your stand on the attitude of Attorney General Mitchell and President Hoover, relative to the appointment of a Federal judge for your district, deserves the hearty applause of all who appreciate the importance of an impartial judiciary.

In a government by political parties, we expect the recommendation to be made in favor of a member of the prevailing party. Every act on the subject provides that the President of the United States, by and with the advice and consent of the Senate, shall appoint, etc. This language follows the Constitution except the words "• • • he shall nominate" after which are the words, "and by and with the advice and consent of the Senate, shall appoint." But nowhere do we find any provision requiring or permitting the advice of the Attorney General. And every lawyer knows that to give the Attorney General such control over the judiciary would destroy its independence.

Every lawyers' association in the country should enter its protest against the intrusion on the constitutional rights of the people proposed by the administration. Otherwise the time will come when our Federal judges will be reduced to mere ancillary counsels to the Department of Justice. Those among us who have labored in that department and observed its rapid centralization culminating in bureaucratic control under Mr. Mitchell, know the dangers to the very basic protection of our civil rights and liberties which are bound to result and which, indeed, are already imminent under the present Washington administration.

I have been amazed to learn that the New York Times yesterday made light of your stand editorially and also committed the error of stating that you are seeking to force the approval of Mr. Mitchell. As I understand it, you are denying his right to interfere and drawing attention to the danger of giving the Government's attorney a voice in the nomination of a Federal judge when he is to practice in the very court in which he seeks to control the appointment. The attention of the Times should be drawn to this and that influential paper should admonish the President against such a dangerous policy.

Respectfully,

WM. A. DEGROOT.

BROOKLYN, N. Y., *February 14, 1931.*

Hon. THOMAS D. SCHALL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Many thanks for your letter of February 13. I wish I might have copies of the RECORD containing your discussions relative to the appointment of a Federal judge in your district.

Certainly you may use my letter of February 11, 1931, if you desire.

If you have occasion to use my printed circular, in answer to Mr. Mitchell, you are at liberty to do so.

I admire your courage; I know that you are right, and I hope that your splendid fight will result in drawing attention to the bureaucracy of this administration.

Yours truly,

WM. A. DEGROOT.

[Published July 16, 1929]

FORMER UNITED STATES ATTORNEY WILLIAM A. DEGROOT ANSWERS ATTORNEY GENERAL WILLIAM D. MITCHELL

FIRST PUBLISHED STATEMENT CHALLENGES WISDOM, TRUTH, AND MOTIVES OF NEW ATTORNEY GENERAL—CHARGES WASHINGTON ADMINISTRATION WITH POLITICS AND PROPAGANDA—SAYS HIS HONESTY AND DILIGENCE IN OFFICE ARE ADMITTED—PROVES HIS ADMINISTRATION ONE OF MOST EFFICIENT IN UNITED STATES—PROMISES FURTHER STATEMENT THAT WILL BE INTERESTING—AIMS TO CREATE PUBLIC SENTIMENT AGAINST MAKING OFFICE FOOTBALL OF NATIONAL AND LOCAL POLITICS

In deference to the wishes of my friends, I make the following statement at this time. By this and other articles I hope to contribute something to create a public sentiment against future attempts to make the important office of United States attorney a football of politics.

A United States attorney is appointed according to law as my certificate indicates:

"Know ye, that, reposing special trust and confidence in the integrity, ability, and learning of William A. DeGroot, of New York, I have nominated, and by and with the advice and consent of the Senate, do appoint him attorney of the United States, in and for the eastern district of New York, and do authorize and empower him to execute and fulfill the duties of that office, according to law, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said William A. DeGroot, for a term of four years, commencing with the date hereof, subject to the conditions prescribed by law."

This was duly signed by President Coolidge and Attorney General Sargent on December 14, 1925, after I had been in charge of the appeal and law department in that office for over three years, and had been recommended by judges and lawyers and many distinguished men, including Hon. Charles E. Hughes, under whom, as Governor of New York, I served in the State Assembly.

By a recent ruling of the United States Supreme Court, on a divided opinion, Justices Holmes, McReynolds, and Brandeis dissenting, that court recognizes the power of the President to terminate such appointments by an Executive order without the concurrence of the Senate in the case of a postmaster. It can not be used against a Federal judge, and it should not be used against a United States attorney who for all practical purposes is a quasi-judicial officer; especially while the Senate is in session and where the power is used to defeat the choice of a preceding administration, because the arbitrary and capricious use of such a power might easily defeat justice or serve the basest political ends. Both these evils were present in this case, as I shall show by a subsequent article, and to those acquainted with the facts it is most amazing that the President should lend the power of his high office to further the real purposes behind his unusual and drastic action. And in view of the widespread publicity given to the incident by the administration, no thoughtful mind can escape the conclusion that the part played by the new Attorney General is in furtherance of a stealthy political propaganda which, if followed to its logical conclusion, would prove a menace to our free institutions.

If the course the Attorney General has pursued and published so widely were not tainted with deception and clothed in official bravado and could be justified by a failure on my part of those attributes which might have changed since my qualifications were ascertained at the time of my appointment, such as lack of personal integrity or diligence and attention to public duty, I would not dare to question his action in the one case and would be ashamed to in the other. On a frank statement that a favorite was being groomed for the place at the end of my term, I would have surrendered the office cheerfully and with the same just pride that I now take in the achievements of my administration. But he could not wait until December 14, for that would not serve the purpose of the political opportunists acting under the pretense of public necessity. Indeed, I recall that he said I was "verbally" requested to resign by Attorney General Sargent, and that official gave me a hearing and did not have time to consider the matter; but it would be more appropriate to say the old inside gang in the department did not succeed in pulling the wool over the eyes of that astute New England lawyer. I will explain all that quite fully in my next broadside, and, in that respect, it will be interesting reading.

Mr. Mitchell asked me to resign within 30 days of his own much-heralded appointment, and said I could write my own explanation. He gave me no reason except that he desired a change. That, of course, would have served his purpose, and political capital would have been made of it just as in the cases of Cole, Cook, and Guber. But, knowing there was no intelligent reason why I should abandon my work under a four years' contract with the Government and stultify myself by signing my own official death warrant, I decided to throw the responsibility on the administration, and at least reserve the right as a free lance to revise the epitaph which a Democratic Attorney General would write for the official tombstone of a Republican United States attorney.

Since Mr. Mitchell sent his "inefficiency" ghost stalking through the land, I have read with interest the reaction of hundreds of newspapers to the publicity methods used by the Washington authorities. It is not a little surprising that many correspondents have taken the bait of the Attorney General and swallowed it whole; but some have not, and a mighty host of people in this district and wherever I have gone, are still asking the pertinent question, "Why should the President remove a United States attorney admitted to be 'honest and diligent' on the alleged ground of 'inefficient' service, without any charges, without a hearing, and without any reference whatever to the accomplishments of his administration?"

Well, my friends, all talk of "inefficiency" is simply an excuse and not a reason for the action of the administration. The fact is and the records show that our district had become one of the most efficient in the United States during my administration. I say this to the credit of a loyal and faithful staff and I will prove it.

It appears from the last published Report of the Attorney General for the year 1928, at page 67, that efficiency of United States attorneys is based primarily on three important considerations, the number of cases commenced, the number of cases closed, and the number of cases left pending each year. This report boasts that, although in the 91 districts throughout the United States there were 12,000 more cases commenced in the fiscal year ending June 30, 1928, than in the fiscal year ending June 30, 1927, to which the United States was a party, there were 5,083 cases cleared from the old dockets of the prior year. That is to say, at the close of the fiscal year 1927, the Government had left pending and not disposed of 56,857 old cases, but at the close of the fiscal year 1928, this number had been reduced to 51,774. And now, permit me to let you into a secret which an adroit Attorney General did not see fit to mention to the press when he gave nation-wide publicity to his talk of "inefficiency" in our district. Please note that of the 5,083 old cases disposed of in all the 91 districts throughout the United States for the year 1928, 2,540 of these were terminated in the eastern district of New York. In other words, our district alone contributed 50 per cent of the entire gain of the whole country in clearing the court dockets of old cases in the last fiscal year ending June 30, 1928; and this good work was progressing with similar commendable success for the ensuing year right up to the time I was flipped out of office. Does that look like "inefficiency"?

Then again, here are a few more pertinent items which the Attorney General did not deem advisable to mention in bringing about my official demise. In the fiscal year 1927 we had the highest number of criminal convictions of any district in the United States, 2,022. In the year 1928 we bettered this record by 331 cases, making a total of 2,353 convictions for 1928, and we disposed of 6,026 cases, criminal and civil, that year. During my term of office we averaged 40 convictions to 1 acquittal, which was 25 per cent above the average of 33 to 1 throughout the country. Ninety per cent of these were prohibition cases. The President's statement that only 8 per cent of felony cases resulted from the prohibition law is misleading to the average reader because most prohibition cases have been misdemeanors and fully 90 per cent of the criminal cases in the Federal courts have arisen under the prohibition law. And I may also add that 50 per cent of the civil cases to which the Government is a party have come under the prohibition law.

The last administration drew attention to some of these facts and complimented our district for its work and for its cooperation with the Prohibition Department during my administration. It showed that our collection of the fines imposed ranged up to 90 per cent, which placed us in the very forefront for efficiency, and asked for suggestions as to how we accomplished these results. Our suggestions were relayed to the delinquent districts and the income of the department was thus increased $250,000 last year. Attorney General Sargent personally wrote me that the income of my district was four times our expenses, which, he said, was "very good." Does that look like "laxity" in the prosecution of prohibition cases, or was I too zealous to satisfy the hypocritical minds of the boys who have injected this problem into their political manipulations?

When the new Attorney General essays to challenge my efficiency, he had better look to his own laurels. While he was Solicitor General I was in charge of a great law business in one of the largest and most rapidly growing districts in the United States and he was playing with a handful of cases which dwarfs into insignificance by comparison. He stepped into an office organized by one of the best constitutional lawyers in the country, Hon. JAMES M. BECK, and had power to go into the Supreme Court on cases won by the Government in the trial court and the Circuit Court of Appeals, and confess error and have the whole

success of the Government in the courts below brought to naught. Without any power and dependent upon the field official of the Attorney General for help and working tools, I stepped into an office in which the evidence of departmental neglect was patent to every one. My distinguished predecessor, Hon. Ralph C. Greene, was unable to secure help either professional or clerical or to obtain salaries sufficient to properly carry on the work of the office. Five experienced assistants had decided to resign and were dissuaded from doing so only until the end of Mr. Greene's term, and two more resigned shortly thereafter.

Thus, when I took over the Government law business in this district, our force of assistant attorneys had been reduced to a corporal's guard and we did not have a lawyer on the staff available to try a felony case. We had inherited nearly 6,000 stale cases with new ones coming in at the rate of about 4,000 per year. Our equipment was so inadequate that we had no set of the Federal Reporter and only half a set of the Supreme Court reports. We had no library room and insufficient office space where the Government law business had increased 521 per cent in the past few years. Our civil reports were six months in arrears. There were 1,145 criminal cases in default with no action taken on the bonds and no one to take charge of them. Our boat and automobile libels had accumulated and the Army base was filled with liquors, cars, and utensils awaiting libel proceedings to clean them up and our customs claims were neglected. Commercial fraud rings, alcohol rings, liquor warehouse rings, counterfeit rings, narcotic rings, bank defaulters, and rumor mongers and tattlers and titlers fostered by the Department of Justice were rampant in this populous and rapidly growing district which had but three judges to man five parts of court with arrearages of private litigations fast mounting to its present staggering figure of over 8,000 cases awaiting disposition. The change since then so far as the Government business is concerned, should be a revelation to those of short memory.

I immediately bombarded the department for help, salaries, and equipment and showed the need of three more judges. It took nearly three months to get our first contingent of new men, who had to be trained for the service, and many more months to bring our allotment up to an adequate working force and provide for replacements of a number who voluntarily resigned or did not measure up to our standards. All talk of the department having to "force out seven men for gross irregularities" is a gross fabrication. As help became available, the office force was organized, deputized, and supervised and the work divided into departments which in turn were subdivided, and assistants and clericals were placed in charge and given all possible chance to study the law and procedure. Some subjects had never before been taken up in a systematic manner, notably customs claims, libels, bond forfeitures, and commercial frauds. We found some 200 customs claims tied in bundles and relegated to odd corners of the office. These papers were carefully sorted, separated, numbered, and filed, and a systematic correspondence resulted in the collection of small claims aggregating $5,000, $6,000, and $7,000, respectively, for the first three months, the work continuing until the old cases were closed and the business was brought down to date.

We established a commercial frauds bureau in charge of Morris Packer, which commanded nation-wide attention and approval by the National Association of Credit Men, and cleared the office files of this difficult class of cases, convicting 31 defendants and practically breaking up the commercial fraud rings in this district by sending their recognized leaders to jail. And this work was brought down to date.

We adopted a systematic and vigorous method in disposing of old cases and handling current work on boat, automobile, liquor, and food and drug libels, and that work was down to date so far as my administration was concerned.

The large work in arrears on bond forfeitures was taken up in conference with a representative of the department, Judge Campbell and myself, and we disposed of 900 of these cases in the criminal and civil sides of the court, and were taking care of the current bond forfeiture work which had never been done before my administration.

With the court several years behind on its civil calendars, we were working beyond the capacity of the court by effecting a great number of settlements with the approval of the Government departments affected.

All our criminal cases were disposed of without bargain days or $10 calendars, and in the last fiscal year, we averaged $80 per case in fines against $33 for the adjoining district and collected up to 85 per cent of the fines imposed against 67 per cent. We had broken the heart of the criminal rings and made the district a dangerous place for them to inhabit.

With two additional judges authorized and a skillful force of trained assistants and clerks, we had reached the highest standard of achievement in the history of the district with a splendid outlook for the future. The old dockets in all departments had been reduced to one-third their former burden and we were forging ahead with unprecedented strides when the stalking horse of politics and political propaganda took the center of the stage to fool the public with sensational newspaper talk, and the Government law business has been knocked flat and so crippled that it will not be restored to the standards we reached for many months to come.

The perpetrators of this hollow sham who have been handing out left-sided compliments to me for my "honesty and diligence," but shop talk about "lack of efficiency," "need of cleaning up," and "reorganization," with appropriate gestures to the voter relayed to every hamlet in the country, cast the die for control under false colors just at a time when I was about to investigate the investigators. My admonition to them is that they "can not fool all the people all the time."

It is my duty to say the Government law business is done by the hard-working, underpaid men in the field. The academics and political favorites gathered in the Department of Justice from all parts of the country and vouched for by Senators and Representatives who have votes in Congress on administrative measures, do not know much about our needs and care less. Many of them never faced a court and jury and opposing counsel. They are past masters in shifting responsibility, fostering their own preferment, and never allowing business to interfere with pleasure. They both fear and pander to the dispensers of patronage, but their knowledge of Government law business in big districts like this is so limited that their opinions frequently run counter to those of the practical lawyer in the field over whom they exercise authority which hinders and delays the administration of justice. And if the field official who works while they fish and play has the courage to call his soul his own, they can tag him for the scrap heap through the agency of departmental sycophants, itinerent investigators, moss-groping examiners, and keyhole spies whenever favored political bosses dictate.

Our first needs for the continued success and proper administration of the Government law business in this district are less interference from California, Minnesota, West Virginia, Louisville, and way stations through Washington; less bureaucracy there and more fearless initiative here with better compensation to secure and hold experienced, practical lawyers in the Government service in this great district, which includes three of the five boroughs of New York City with other territory in its bounds; and, finally less politics, national and local, less publicity propaganda and more sincerity and efficiency in Washington, with a real appreciation for honest, diligent, progressive work in this field. That reform can not come too soon for the public good, and I shall dedicate myself to it as I did before I was flipped out of the public service by the aces and deuces of superpower riding in the saddle of breezy talk of supereficiency in political parade of the new nationalism. O shades of our patriotic sires, save us from their folly!

WM A. DEGROOT.

[Bowbells (N. Dak.) Tribune, Friday, February 27, 1931]

HOOVER DISREGARDS SCHALL, NOMINATES JUDGE

WASHINGTON, February 20 (A. P.).—President Hoover to-day nominated Gunnar H. Nordbye, of Minneapolis, to be Federal district judge in Minnesota.

Mr. Hoover made his own selection after months of dispute with Senator SCHALL, of Minnesota, during which the President rejected the Senator's original nominee, Ernest Michel, and turned down 10 other men recommended by the Senator.

The issue brings a test of strength between the President and the Senate over the selection of members of the judiciary. How far the Senate will go in supporting SCHALL is unknown.

Generally, it has upheld a "personally objectionable" stand by a Senator against an appointee in that Senator's State.

Immediately after the President had nominated Nordbye SCHALL said he would oppose the choice.

"Nordbye has been a leader of the opposition," SCHALL said. "Under the circumstances I do not see how I can be expected to support him. I shall fight his confirmation."

After rejecting the name of Michel, upon the advice of Attorney General Mitchell, also a Minnesotan, President Hoover asked SCHALL to present the 10 names, which also were rejected.

Then the Chief Executive submitted eight names to the Senate. "I consider it desirable," the President said, "in the interest of the people of Minnesota that the man appointed shall not only have had judicial experience but shall be entirely free from any private connections which might have been challenged."

Mr. Hoover added that none of the men suggested by SCHALL had been proposed by citizens of Minnesota.

[St. Paul (Minn.) Dispatch, Wednesday, March 11]

RECESS NAMING OF NORDBYE POSSIBLE—HOOVER CONSIDERS APPOINTMENT—JUSTICE DEPARTMENT CITES PRECEDENT

WASHINGTON, March 11.—With legal opinions to support such a course, President Hoover is considering the possibility of making an interim appointment of Gunnar H. Nordbye as Federal judge in Minnesota, it became known to-day.

Members of the Senate Judiciary Subcommittee agreed at hearings on Nordbye that a recess appointment would not be legal because this is a new position never filled before.

Two precedents have been found, however, supported by the opinions of two former Attorney Generals, the Department of Justice disclosed, in which recess appointments have been made in parallel cases. There is no binding distinction in law between old and new vacancies, the department has found.

If appointed, however, Judge Nordbye would have to risk confirmation by the Senate, and in the event of failure would receive no salary for time he had served. The administration apparently is not informed as to whether he wishes appointment under these circumstances.

Senator SCHALL to-day said he expects to confer personally with President Hoover soon in an attempt to agree on some other nomination than Nordbye's.

Though there are several names on the list of eight submitted by the President which are not agreeable to him, with further

consideration he might be able to find one of the others who would be satisfactory, Senator SCHALL said.

He expects to confer with Hoover within the next week, as he plans to return to Minnesota about March 19, Senator SCHALL said.

[Milbank (S. Dak..) Herald-Advance, Wednesday, February 25, 1931]

CONSIDERABLE INTEREST IS MANIFEST IN THE ATTEMPT TO SELECT A MAN FOR THE FEDERAL JUDGESHIP OF MINNESOTA

Senator SCHALL recommended an attorney by the name of Ernest A. Michel, but Hoover refused to appoint him because Attorney General Mitchell, formerly a corporation lawyer, of Minnesota, would not indorse him.

The President suggested to SCHALL that he submit a list of names from which a selection might be made and SCHALL complied with his request. The President, however, went over his head and appointed Gunnar Nordbye, a Twin City attorney, who meets with the approval of the Attorney General. The Senate has not as yet confirmed the appointment and probably will not at this session.

To a man up a tree at this distance, it looks as though the Attorney General was usurping considerable authority as well as assuming the rôle of dictator.

[Plattsmouth (Nebr.) Journal, Wednesday, March 4, 1931]

ELECTION OF SCHALL IS BASIS OF CONTEST—NOTICE OF ACTION FILED IN SENATE—MINNESOTAN INFERS MITCHELL MAY HAVE PART

WASHINGTON.—Notice of a contest against the election of Senator SCHALL, of Minnesota, was filed in the Senate. The communication was signed by Einar Hoidale, Democratic senatorial nominee in the November election. It said a petition would follow which would charge illegal use of the mails; violation of the Minnesota corrupt practices act, and illegal and fraudulent voting in some of the polling places. Senator WALSH, Montana, presented the contest without comment.

The action came a short while after a statement by SCHALL inferring that Attorney General Mitchell might have a part in an election contest against him had been read in the Senate.

"It seems to me," SCHALL said in a statement read to the Senate, "that the President and the Senate and especially the Judiciary Committee should know how close our Attorney General, Mitchell, is connected with the men who are starting this contest upon the ground that I have misused any franking privilege and that I have broken some Minnesota law in securing my election."

"The so-called contest is a spiteful one," he added, "and grows out of my fight for the appointment of a Federal judge who was the choice of the people of my State."—State Journal.

[Sebeka (Minn.) Review, Friday, March 6, 1931]

Minnesota Democrats announced, through Chairman J. J. Farrell of their State executive committee, that they would try to unseat Senator THOMAS D. SCHALL, elected last November in a 5-cornered contest. Farrell said SCHALL would be charged with violating the State corrupt practices act and also with violating Federal regulations governing the use of postal franking privileges, and that the State elections committee would be asked to declare the seat vacant so that a new election may be called.

When Senator SCHALL was told of this in Washington he said only: "That does not deserve comment."

The blind Senator's dispute with President Hoover and Attorney General Mitchell over the appointment of a new Federal judge for Minnesota continues. After rejecting SCHALL'S choice for the post, Ernest D. Michel, of Minneapolis, the President named Gunnar B. Nordbye, now a Minneapolis district judge, and SCHALL immediately announced he would contest the nomination in the Senate. His course in this matter, it is said, has led some Hoover Republicans in Minnesota to support the ouster move.

[Bowbells (N. Dak.) Tribune, Friday, February 27, 1931]

PLAN FIGHT ON SCHALL SEATING—MINNESOTA DEMOCRATS WILL CONTEST BLIND SOLON'S ELECTION

ST. PAUL, February 21 (A. P.).—Decision to contest the election of Senator THOMAS D. SCHALL, Republican, last November, in an attempt to prevent his being sworn in on March 4 was announced here to-day by J. J. Farrell, chairman of the Democratic State executive committee.

Charges to be brought against Senator SCHALL, it was announced, will be twofold—that he violated the corrupt practices act of Minnesota and that he violated Federal laws by misusing his postal franking privilege.

[Ada (Minn.) Index, Wednesday, March 4, 1931]

If the recent move started by the State Democratic committee to contest the election of Senator SCHALL is no more successful than previous attempts to unseat the Senator a lot of energy and money are going to be wasted. Abuse of the franking privilege and violation of the corrupt practices act are the main charges brought against SCHALL in this latest move to unseat him, but it is going to be difficult to make these charges stick. The Postal Department has already ruled that there were no grounds for formal charges against SCHALL for abusing the franking privilege, this question being raised during the last campaign. As far as the violation of the corrupt practices act is concerned, SCHALL has successfully defended himself on this charge in former contests, and will likely be able to do so again in this latest contest in view of the fact that his conduct of the last campaign was no worse than any of the preceding campaigns on which his election was contested.

[Fairmont (Minn.) Sentinel, Saturday, March 7, 1931]

A lot of other Minnesota papers feel mighty peeved that Senator SCHALL gives the Minneapolis Journal all the credit for throwing mud at him.

[Hinckley (Minn.) News, Thursday, March 5, 1931]

The name of TOM SCHALL, United States Senator from the State of Minnesota, has been appearing in the headlines of the daily papers of the State for the last few weeks in regard to the appointment of a Federal judge for the State of Minnesota. Senator SCHALL just presented the name of Ernest Michel, an attorney of the Twin Cities, for nomination by the President of the United States. The Constitution of the United States provides that such appointments are to be made by the President, with the approval of the Senate, and it has been customary in the past for the President to nominate the man selected by the senior Senator from that State.

However, United States Attorney General Mitchell, who also hails from the Twin Cities, objected to Mr. Michel on the grounds that he was incompetent for the position, and that Senator SCHALL was merely paying a political debt by this appointment. Therefore, the President, taking the advice of the Attorney General, wrote Mr. SCHALL that he would not nominate Mr. Michel for this position, but that if Mr. SCHALL would send him a list of 10 other names, he might be able to pick one from the list for nomination, subject to approval of the Senate.

Senator SCHALL then presented the names of 10 others, but the President, ignoring this list entirely, sent to the Senate the name of Judge Nordbye, of Minneapolis. The Senate has always in the past favored the nominations of a brother Senator, and so Senator SCHALL succeeded in having the confirmation of the appointment held up until the adjournment of this session of Congress.

Mr. SCHALL opposes Judge Nordbye on the grounds that he is a political enemy, and had a large number of protests to Mr. Nordbye's appointment read into the CONGRESSIONAL RECORD. The backers of Judge Nordbye say that the appointment will stand and confirmation by the Senate will be sought at the session of Congress which opens next fall, while Senator SCHALL plans to submit the names of 10 other candidates whom he would prefer for the job. Senator SHIPSTEAD has been silent on the matter, except that he says he sees no reason for the nonconfirmation of either Nordbye or Michel.

After all is said, it seems to us that the people of the State of Minnesota should have something to say about who fills the position of Federal judge, and the people of the State of Minnesota certainly elected TOM SCHALL as their representative in the United States Senate.

Mr. SCHALL. Further discussion of this subject can be found on pages 3428 of the RECORD of January 29, 1931, 3673 of the RECORD of January 31, 3858 of the RECORD of February 3, 4117 of the RECORD of February 6, 4438 of the RECORD of February 10, 4780 of the RECORD of February 13, 5508 of the RECORD of February 20, and complete hearing of Judiciary Subcommittee.

CONSOLIDATION OF RAILROADS

Mr. COUZENS. I ask unanimous consent, out of order, to introduce a bill concerning the consolidation of railroads, and I ask to have the bill printed in the RECORD.

I do not subscribe to all the details of the bill, but it is the best we have been able to prepare at this short session.

I present and ask unanimous consent to have printed in the RECORD, following the bill, an article published in the New York Evening Post of February 28, 1931, by Prof. T. W. van Metre, of Columbia University, bearing on the question of railroad consolidations.

The VICE PRESIDENT. Without objection, it is so ordered.

(The article by Professor van Metre will be found in the RECORD following the bill referred to.)

The bill (S. 6276) to regulate the unification of carriers engaged in interstate commerce, and for other purposes, was read twice by its title, referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the interstate commerce act, as amended, is amended by inserting after the enacting clause thereof the following heading:

"TITLE I.—REGULATORY PROVISIONS—GENERAL"

SEC. 2. The interstate commerce act, as amended, is amended by adding at the end thereof a new title to read, as follows:

"TITLE II.—REGULATORY PROVISIONS—UNIFICATION OF CARRIERS

"DEFINITIONS

"SEC. 201. As used in this title—

"(1) The term 'interstate or foreign commerce' means commerce between any place in a State, Territory, or possession of the United States, or the District of Columbia, and any place outside thereof; or between points within the same State or within the District of Columbia, but through any place outside thereof; or within the District of Columbia.

"(2) The term 'carrier' means (a) a common carrier engaged in the transportation in interstate or foreign commerce of passengers or property wholly by railroad or partly by railroad and partly by water, within the continental United States, subject to Title I of this act; (b) a railroad or terminal corporation, even though not engaged in such transportation, which owns property used or held for use in such transportation; and (c) a corporation organized to effect a unification under this title and for the purpose of engaging in such transportation; but does not include sleeping-car companies or express companies.

"(3) The term 'securities' includes shares of capital stock, bonds, or other evidences of interest or indebtedness issued by a carrier.

"(4) The term 'voting securities' means all outstanding securities having voting privileges.

"AUTHORITY FOR UNIFICATIONS

"SEC. 202. (1) The unification of carriers or of property of carriers, through any method or procedure provided for in this title, may be authorized by the commission where it finds that such unification will promote the public interest; that it will not substantially lessen existing carrier competition; and that existing routes and channels of trade and commerce will be maintained so far as practicable. In determining the public interest the commission shall give due consideration to the preservation of the transportation system of the Nation; to the preservation and improvement of the service afforded by necessary weak or short lines; to the interests of users of service of carriers, employees of carriers, communities, established industries, and seaports; to the balancing of carriers or carrier systems, so that so far as practicable such carriers and systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties; and to such other factors as may be in the public interest.

"(2) The unification of carriers or any of the railway properties of carriers, directly or indirectly, or the acquisition, directly or indirectly, through any agency of any right, title, or interest in any of the railway properties of, or any of the voting securities issued by any other carrier, shall after the approval of the railway consolidation act of 1931 be unlawful, unless such unification or acquisition is in accordance with the provisions of this title or with an order of the commission (entered before or after the approval of the railway consolidation act of 1931, under paragraph (2) of section 5); but the provisions of this title shall not be held to prohibit (a) the acquisition by a carrier of additional shares of capital stock issued by another carrier of which control has been previously lawfully acquired; or (b) the formation of a subsidiary corporation and the acquisition of all or any part of the securities thereof for the construction, operation, and ownership of branches, extensions, or terminals, or equipment or facilities to be used in connection with such branches, extensions, or terminals.

"(3) The term 'unification' as used in this title includes:

"(a) An acquisition by or transfer to one or more carriers, by purchase, sale, exchange, lease, or otherwise, of all or a part or the right to operate all or a part of the properties and franchises of one or more carriers.

"(b) A corporate merger of one or more carriers into any other carrier corporation.

"(c) A corporate consolidation of the properties, rights, and franchises of two or more carriers into a single corporation.

"(d) The acquisition by one or more carriers of securities issued by another carrier, by purchase, exchange, or otherwise, which effects an acquisition of control of such carrier by the carrier or carriers acquiring such securities.

"(e) The acquisition or exercise of common control of two or more carriers, direct or indirect, and whether accomplished by means of a holding company; by a voting trust; by the acquisition or exercise of control of a carrier by a person affiliated with another or other carriers, or by two or more such persons acting jointly; by the acquisition or exercise of control of two or more carriers by one person, or by two or more persons acting jointly; by the acquisition or exercise of control of a carrier by any person having control of one or more other carriers, or by all or any one of two or more persons having such control; by the acquisition or exercise of control of a carrier by any person, or two or more persons acting jointly, where the effect of such acquisition may be to place said carrier and one or more other carriers under common control, whether directly or indirectly exercised; or otherwise. The word 'person' includes corporations and associations. A person shall be held to be affiliated with a carrier if, by reason of the relationship of such person to such carrier, the effect of the acquisition of control of another carrier by such person may be to create a common control of the carrier acquired and the carrier with which such person is affiliated.

"(4) The provisions of this section shall not apply to unifications effected prior to February 28, 1920, or to any control exercised between that date and the date of approval of the railway consolidation act of 1931 pursuant to any merger, consolidation, or acquisition of control lawfully effected prior to that date.

"UNIFICATION UNDER AUTHORITY OF THIS TITLE

"SEC. 203. (1) In order to bring about a unification, two or more carriers shall have power to agree on a plan therefor to be carried out under the authority of this title.

"(2) The plan may provide for one or more of the following:

"(a) An acquisition by or transfer to one or more of the petitioning carriers or a transfer to any other carrier, by purchase, sale, exchange, lease, or otherwise, of all or a part, or the right to operate all or a part of the properties and franchises of one or more carriers, and, if so desired, the disposition of all or a part of the remaining assets of any such carrier.

"(b) A corporate merger of one or more carriers into one of the petitioning carriers or any other carrier corporation.

"(c) A corporate consolidation of the properties, rights, and franchises of two or more carriers into a single corporation.

"(d) An acquisition of securities issued by a carrier, by purchase, exchange, or otherwise, or the approval by the commission of an acquisition of securities under the provisions of paragraph (2) of section 205.

"(3) Nothing in this title shall be construed to authorize or provide for the creation, directly or indirectly, of any Federal or national corporation; and all the powers, rights, privileges, and franchises granted by this act to any corporation now existing or hereafter created are, and shall be deemed to be, supplementary and in addition to or in modification of the powers, rights, privileges, and franchises of such corporation granted by its charter or existing under the laws by virtue of which it was or may be created.

"JOINT AGREEMENT AND PETITION

"SEC. 204. (1) Two or more carriers may petition the commission for the approval of a plan to be carried out under the authority of this title if the boards of directors of such carriers have authorized, and such carriers have executed under their respective corporate seals a joint agreement proposing such plan. The petition shall set out the plan in such detail as the commission may require. Any such petition or plan may be amended at any time by leave of the commission.

"(2) Such joint agreement shall set out—

"(a) The terms and conditions of the plan and the methods by which it is to be effected.

"(b) A statement of the financial plan and of the securities, if any, to be authorized and to be issued in carrying out such plan, the substantial rights, privileges, powers, and immunities granted or denied the holders of one class of shares that are not equally granted or denied the holders of any other class of shares, and the terms on which such securities are to be issued.

"(c) Such other provisions and details not inconsistent with this title as the boards of directors may deem necessary or appropriate, or as the commission may require.

"(3) Any such joint agreement shall be held to be authorized by the board of directors of any such carrier if a majority of the directors in office vote therefor.

"(f) A copy of the joint agreement, executed in accordance with the provisions of this section, shall be filed as a part of the petition.

"ACQUISITION OF SECURITIES—NO JOINT AGREEMENT

"SEC. 205. (1) Any carrier or carriers, in order to bring about a unification through the acquisition of securities, may petition the commission for the approval of a plan to be effected by the acquisition by such carrier or carriers of securities issued by any other carrier or carriers, if such plan has been adopted by the board of directors of the petitioning carrier or carriers. Such petition shall set out the plan, including the terms, methods, and purpose of the proposed acquisition and the issue of any new securities that may be involved therein, in such detail as the commission may require. Such plan shall be held to be adopted by the board of directors of a petitioning carrier if a majority of the directors in office vote therefor.

"(2) Any carrier shall have power to acquire at any time securities issued by a carrier classified during the preceding calendar year by the commission as a class 2 or a class 3 carrier if such acquisition has been authorized by the board of directors of the acquiring carrier and does not amount to a unification as defined herein; but the privilege of voting in respect to any securities so acquired shall not be exercised by the acquiring carrier, directly or indirectly, until the commission has by order approved such acquisition upon petition therefor by such carrier. Such petition shall set out the terms, methods, and purpose of such acquisition and such other details in respect thereto as the commission may require. In its consideration of said petition the commission shall be governed by the same considerations which obtain in the consideration of a petition for unification, in so far as they are applicable, and the provisions of this title as to procedure upon petitions for unification shall apply to petitions for approval of acquisition herein referred to. After hearing, the commission shall make its order granting or denying approval of said petition. If, after hearing, the commission refuses to approve any such acquisition, the securities involved shall be sold or otherwise disposed of by the carrier in such manner as the commission shall prescribe. Any such acquisition shall be held to have been authorized by the board of directors of the acquiring carrier if a majority of the directors in office vote therefor.

"(3) Any carrier desiring to acquire any right, title, or interest, in any of the railway properties of or any of the voting securities issued by any other carrier, except securities excepted in sub-

paragraphs (a) and (b) of section 202 (2) and securities referred to in section 205 (2), if said proposed acquisition does not amount to a unification as defined herein, and if such acquisition has been authorized by the board of directors of the acquiring carrier, may file with the commission a petition for the approval of such proposed acquisition. Such petition shall set out the terms, methods, and purpose of such acquisition and such other details in respect thereto as the commission may require. In its consideration of said petition the commission shall be governed by the same considerations which obtain in the consideration of a petition for unification, in so far as they are applicable, and the provisions of this title as to procedure upon petitions for unification shall apply to petitions for acquisition herein referred to. After hearing, the commission shall make its order granting or denying approval of said petition. Any such acquisition shall be held to have been authorized by the board of directors of the acquiring carrier if a majority of the directors in office vote therefor.

"NOTICE AND HEARING

"SEC. 206. (1) The commission shall give reasonable notice of the time and place for a public hearing to each of the carriers filing, or joining in the filing of, a petition under this title, to the governor of each State in which is located any part of the lines of any of such carriers and to the executive or administrative agency of each such State having jurisdiction over carriers by railroad. Such carriers and any governor and agency so notified, or any representative designated by any such governor or agency, and, subject to such rules as the commission may prescribe, any other person having an interest, shall be afforded a reasonable opportunity to be heard.

"(2) In any proceeding upon a petition filed under this title the commission may, in its discretion, without separate hearing, take any action which it is authorized to take under the provisions of section 20a of this act; and in any proceeding upon a petition filed under section 204 the commission may, in its discretion, without separate hearing, take any action which it is authorized to take under the provisions of paragraphs (18), (19), or (20) of section 1 of this act.

"(3) Prior to or at the time a petition is called for hearing, but not thereafter except for good cause shown, any carrier may file with the commission an intervener's petition praying that it be made a party to the proposed unification.

"ORDER OF THE COMMISSION

"SEC. 207. (1) If, after such hearing the commission finds that the proposed unification is in accordance with law; that existing carrier competition will not be substantially lessened; that existing routes and channels of trade and commerce will be maintained so far as practicable; that the proposed unification will promote the public interest; and that such provisions of this title as are conditions precedent to the entry of the order have been complied with, the commission may enter an order approving the plan. The commission may approve any such plan by the methods and upon the terms and conditions set forth in the petition, or with such modifications thereof, or by such methods or upon such terms and conditions (including, specifically but not exclusively, terms and conditions as to the joint or common use of terminal facilities and main-line tracks for a reasonable distance outside the terminal, subject to the provisions of paragraph (4) of section 3 in respect to compensation and damages), as it may prescribe in the public interest.

"(2) The commission is specifically authorized and directed to prescribe in its order approving and authorizing any proposed unification such terms and conditions as it may find are necessary to prevent the dismissal, lay-off, or demotion of employees, and/or uncompensated losses of rights, privileges, and conditions of employment, resulting from the anticipation or consummation of such proposed unification; and/or to compensate employees for all losses and expenses sustained by them (including losses and expenses sustained through change of residence, or disposition of home) as a result of the anticipation or consummation of such proposed unification, to the extent that the commission determines that such losses result from the proposed unification and not from other economic factors. The term 'employee' as used herein means a person defined as an employee in the railway labor act.

"(3) The commission is further specifically authorized to make it a condition of any consolidation or acquisition of control that existing through routes and channels of trade and commerce shall be maintained, and also to require as a condition precedent to its approval and authorization of such unification that the petitioning carriers shall make a party to the proposed unification and acquire control of, consolidate or merge with, or purchase the properties of any other carrier, not included within the application, which the commission finds should in the public interest be included and whether or not such carrier has filed an intervener's petition. In the event of such a condition precedent, the commission is also authorized in its discretion to approve and authorize the acquisition of control, consolidation, merger, or purchase specified in such condition precedent with or without other proceedings under this section. If the commission shall prescribe such condition precedent, the carriers filing the petition may report to the commission (at any time prior to the date upon which the holders of the voting securities consent to the adoption of the plan as approved, as provided in section 208) the efforts made by them to consummate any acquisition, consolidation, merger, or purchase specified in the condition; and if, after hearing, the commission is of the opinion that the carrier that is to be made a party is insisting on unreasonable terms, the commission may revoke or modify the condition if it finds that such revocation or modification is not contrary to the public interest; or, if requested to do so by such carrier, may prescribe the terms on which the carrier may be made a party to the proposed unification; or, if the commission determines that it is in the public interest, it may authorize one of the petitioning carriers to acquire by condemnation under section 213 the properties, rights, and franchises of the carrier that is to be made a party.

"(4) The carriers and the commission shall give due consideration to the inclusion in the plan of short and of weak carriers in the territory involved.

"(5) If the commission finds, upon objection of a holder of any security issued by a carrier a party to the plan, that any of the terms and conditions of such plan are unfair or unreasonable, then it may approve such plan upon such terms and conditions as it finds to be fair and reasonable.

"(6) The commission shall not approve or authorize any such proposed unification where, except for such approval and authorization, said unification would be in violation of any of the antitrust laws as designated in section 1 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, and acts amendatory thereof: *Provided*, That nothing herein or in the antitrust laws contained shall prevent the approval and authorization by the commission of the inclusion in any proposed unification of carriers owning and/or operating steam or electric railroad properties commonly classified as short-line railroads, required as a condition to any acquisition of control or other unification heretofore or hereafter approved and authorized by the commission; or of the inclusion in any proposed unification of any other carrier if the commission shall find that because of the financial condition of said carrier such inclusion is necessary to its preservation as a carrier; that it is an essential part of the transportation system of the Nation; that existing competition will not be unduly lessened, and that the inclusion of said carrier in the proposed unification is in the public interest.

"(7) The commission shall approve no plan for the unification of carriers or their properties under this act which does not require the continued operation of general offices and shops at such places as they have been located under contracts for value, or under bond issue, or by law, or under judicial decree, unless such plan shall provide for full and adequate and continuous compensation for such removal, which compensation may be furnished by the permanent location and maintenance at such place of other offices or shops by the carrier, its successors, receivers, or assigns, with at least as large pay rolls as the facilities removed.

"(8) The issue of securities, or the assumption of any obligation or liability in respect to any securities, shall be subject to all the provisions of section 20a, but such provisions may be administered as provided in paragraph (2) of section 206, except that in no case shall the commission authorize the issuance of securities based upon a capitalization of intangible values resulting from the proposed unification.

"CONSENT OF CARRIERS

"SEC. 208. (1) An order of the commission under section 207 shall not become effective unless the board of directors and the holders of the voting securities of each of the carriers designated therein, or, in the case of an acquisition of securities under section 205 or under subdivision (d) of paragraph (2) of section 203, the board of directors of the acquiring carrier, consent thereto.

"(2) The board of directors of a carrier shall be held to have consented thereto if a majority of the directors in office vote for the adoption of the plan, as approved.

"(3) The holders of the voting securities of any such carrier shall be held to have consented thereto if at least a majority of the votes of the holders of the shares of capital stock entitled to vote, are cast in favor of the adoption of the plan as approved, at a special meeting held for such purpose; unless, in case of bonds the holders of which have the right to vote, the trustee in the mortgage securing the same shall file with the carrier at such meeting a certificate showing that the holders of a majority of such bonds dissent from the proposed plan. In case of such dissent of bondholders as shown by a certificate thus filed, a vote shall be taken at such meeting and the holders of the voting securities of any such carrier shall be held to have consented if a majority of the votes to which the holders of all voting securities are entitled are cast in favor of the adoption of the plan as approved. Any such special meeting shall be held and conducted, and notice thereof shall be given, in any manner lawful for a special meeting of the stockholders of such carrier, except that personal notice of such meeting shall be served on the trustee in any mortgage under which the bondholders have a right to vote on the question to be determined. The right of the holders of any such bonds to vote and the number of votes that each is entitled to cast at such meeting shall be determined by and shall be in accordance with the provisions of the mortgage or other instrument conferring the power, and the right of any holders of the shares of capital stock to vote, and the number of votes which any such stockholder is entitled to cast upon any question at such meeting, and the method of voting, shall be determined in the same manner and subject to the same conditions and limitations as if such question were presented at a special meeting of such stockholders.

"(4) A certificate for each carrier under its corporate seal, signed by its president or one of its vice presidents, and attested by its secretary or an assistant secretary, and duly acknowledged before a notary public by such president or vice president and secretary or assistant secretary, that its board of directors and, if required under the provisions of paragraph (1) of this section, the holders of its voting securities, have consented thereto, shall be filed with the commission and shall be prima facie evidence of the facts so certified.

"EFFECTIVE DATE OF ORDER OF THE COMMISSION

"SEC. 209. An order of the commission under section 207 shall become effective upon the expiration of 30 days from the date on which the commission certifies that the board of directors and, if required, the holders of the voting securities, of each of the carriers designated in such order (in respect to which consent is required under section 208) have consented thereto, in accordance with the provisions of section 208, except as such order is suspended or set aside, in whole or in part, by a court of competent jurisdiction upon suit begun prior to the expiration of such period.

"EFFECT OF ORDER OF THE COMMISSION

"SEC. 210. (1) On and after the effective date of the order of the commission approving a plan, each carrier designated in any such order, in accordance with such order, shall have authority and power necessary or appropriate to carry into effect, and to do any and all acts necessary or appropriate in order to carry into effect such plan as approved; to issue, sell, or exchange securities, in accordance with the terms and conditions and by the methods, if any, set forth in such order; to hold, maintain, and operate any properties acquired by it pursuant to such plan; and to exercise its franchises, and to carry on and to do any business authorized by its franchises, whether theretofore its own or acquired by it pursuant to such plan.

"(2) Any such carrier and its officers, directors, agents, and employees shall be relieved from all restraints or prohibitions of the laws or constitution of any State or any decision or order of any State authority, in so far as may be necessary or appropriate to enable such carrier and its officers, directors, and agents to enter into and carry into effect such plan, or in accordance with such plan to hold, maintain, and operate any properties and exercise any franchises, whether theretofore its own or acquired by it pursuant to such plan.

"(3) The entry of any order by the commission under this title approving a plan of unification and the certification by the commission under section 209 shall, from and after 60 days from the effective date of such order, be conclusive evidence that the carriers designated in such order, and their boards of directors and holders of voting securities, have complied with the provisions of this title which are applicable to such carriers, boards of directors, and holders of voting securities, and which are conditions precedent to the entry of such order and such certification.

"(4) The title to, or right or interest in, real estate, vested by deed or otherwise in any carrier designated in the order of the commission, shall not be held to revert or to be in any way impaired by reason of this title of this act or of anything done under the provisions of this title of this act or an order of the commission entered thereunder.

"EFFECT OF CORPORATE CONSOLIDATION AND OF CORPORATE MERGER

"SEC. 211. (1) Upon the effective date of the order of the commission in the case of a plan presented for a corporate consolidation of two or more carrier corporations (referred to in this title as the 'constituent corporations') into a single corporation (referred to in this title as the 'resulting corporation'), except as restricted or limited in the plan as approved.

"(a) The corporations shall be held to be consolidated;

"(b) The resulting corporation shall have all and singular the rights, privileges, powers, immunities, exemptions, and franchises of each of the constituent corporations, respectively, but only to the same extent as possessed or enjoyed by, and to be possessed and enjoyed only within the same territory as in the case of, each such constituent corporation;

"(c) All property, real and personal, and all debts due on whatever account, including stock subscriptions and other things in action, belonging to any of the constituent corporations shall be held to be transferred to and vested in the resulting corporation without further act or deed, as effectually as they were vested in the constituent corporation;

"(d) All debts, liabilities, and duties of each of the constituent corporations shall thenceforth attach to the resulting corporation and become and be its debts, liabilities, and duties and be enforceable against it to the same extent as if such debts, liabilities, and duties had been incurred or contracted by or imposed upon it.

"(2) Upon the effective date of the order of the commission approving a plan for a corporate merger of one or more carriers (referred to in this title as the 'merging corporations') into one of the petitioning carriers or any other carrier corporation (referred to in this title as the 'continuing corporation'), except as restricted or limited in the plan as approved—

"(a) The merging corporations shall be held to be merged into the continuing corporation;

"(b) The continuing corporation shall have all and singular the rights, privileges, powers, immunities, exemptions, and franchises of each of the merging corporations, respectively, but only to the same extent as possessed or enjoyed by, and to be possessed and enjoyed only in the same territory as in the case of, each such merging corporation;

"(c) All property, real and personal, and all debts due on whatever account, including stock subscriptions and other things in action belonging to any of the merging corporations, shall be held to be transferred to and vested in the continuing corporation without further act or deed as effectually as they were vested in the merging corporation;

"(d) All debts, liabilities, and duties of each of the merging corporations shall thenceforth attach to the continuing corporation and become and be its debts, liabilities, and duties, and be enforceable against it to the same extent as if such debts, liabilities, and duties had been incurred or contracted by, or imposed upon it.

"(3) In the case of any such corporate consolidation or merger, the rights of creditors and all liens upon the property of any of the constituent or merging corporations shall be preserved unimpaired, and the constituent corporations, or the merging corporations, as the case may be, shall be deemed to continue in existence so far as may be necessary to preserve such rights and liens.

"(4) Any action or proceeding pending, upon the effective date of the order of the commission, by or against any such constituent or merging corporation may be prosecuted to judgment as if such consolidation or merger had not been effected, but the resulting corporation or the continuing corporation, as the case may be, may upon motion become or be made a party thereto.

"DISSENTING STOCKHOLDERS

"SEC. 212. (1) The holder of a share of capital stock issued by a carrier a party to a plan approved by the commission may, in accordance with the provisions of this section, becomes a dissenting stockholder within the meaning of this title, if such plan provides (through a corporate consolidation, merger, sale, exchange, or lease, or in any other manner) for—

"(a) The disposition of all or substantially all the properties, franchises, and other assets of such carrier; or

"(b) The acquisition by such carrier of properties, franchises, or other assets; except that the provisions of this subdivision shall not apply to any person unless, if such plan were being carried out under State law, such person, if he did not consent thereto, would be entitled to obtain payment in cash for his share, and except that this subdivision shall not be held to limit the application of subdivision (a) of this paragraph.

"(2) The holder of any such share shall be held to be a dissenting stockholder only if—

"(a) He was registered as the holder of such share upon the date of the entry of the order of the commission approving the plan, and continued to be so registered until the closing of the books for the purpose of the special meeting at which the consent to the adoption of such plan was voted; and

"(b) He voted against the adoption of the plan at such meeting or prior thereto gave to the carrier of which he is a stockholder a written protest against the adoption of such plan; and

"(c) Within 60 days after such meeting he gave written notice to such carrier that he does not consent to the adoption of such plan (except that if at the time of such meeting any such registered stockholder is deceased or under a legal disability and there is no legal representative duly authorized to act for him, or if any such registered stockholder dies or becomes under a legal disability within such 60 days, then such notice may be given at any time prior to the expiration of 60 days from the date on which such disability is removed or the date on which a legal representative is duly authorized to act for such stockholder, whichever date is the earlier).

"(3). The petitioning carriers, upon notice filed with the commission at any time before the effective date of the order of the commission approving the plan, may withdraw and abandon their petition proposing a plan as to which there is a dissenting stockholder; but if not so withdrawn or abandoned, then on and after such effective date, every share of stock which was registered in the name of a dissenting stockholder prior to the entry of the order of the commission approving the plan and which continued to be so registered until the giving of the notice under subdivision (c) of paragraph (2) of this section shall be purchased by the acquiring or continuing carrier, or if not so purchased, taken by condemnation in accordance with the provisions of section 213.

"RIGHT OF EMINENT DOMAIN

"SEC. 213. (1) Any carrier which fails to purchase stock as required by section 212 shall institute proceedings, in the United States district court for a judicial district within a State in which the carrier which issued the stock is chartered, for the condemnation of such stock. In the case of a carrier chartered under an act of Congress, then such proceedings shall be instituted in the Supreme Court of the District of Columbia.

"(2) If such carrier fails to acquire such stock by purchase or condemnation any holder of such stock may, after the expiration of 90 days from the effective date of the order of the commission approving the plan, institute in his behalf proceedings for the condemnation of such stock by such carrier. Such proceedings shall be had in the court which would have had jurisdiction of such proceedings if instituted by the carrier.

"(3) Any carrier authorized by an order of the commission entered under this title to acquire any property (other than stock) held or enjoyed without power of assignment or transfer, or any right or interest in any such property, may, with the consent of the owner or holder thereof, institute proceedings in the United States district court for the judicial district in which such property is located, or of which the owner of such property, right, or interest is an inhabitant, for the condemnation of such property, right, or interest. If such property is located in the District of Columbia, application may be made to the Supreme Court of the District of Columbia.

"(4) Upon the institution of any proceedings under this section, the court shall transmit, under its seal, the petition in such

proceedings, or a copy thereof, to the commission for an inquiry and report to the court of the just compensation to be paid for the stock or other property or right or interest in property to be condemned in said proceedings. The costs of any proceedings under this section and, subject to the approval of the commission or the court (as the case may be), the expenses (including reasonable counsel fees) incurred in connection with such proceedings, shall be taxed against the condemning carrier.

"(5) The United States district courts and the Supreme Court of the District of Columbia are hereby given jurisdiction to hear and determine proceedings for condemnation instituted under this section and to enter appropriate orders of condemnation therein, and it shall be the duty of the commission, upon receipt of any such petition, or a copy thereof, from any such court, to ascertain the just compensation to be paid for any such stock, or any such property, right, or interest, and to report thereon to the court.

"(6) The practice, pleading, forms, and modes of procedure for proceedings for condemnation under this section (except proceedings by the commission) shall conform as nearly as may be to the practice, pleadings, forms, and modes of proceeding in suits in equity, and the powers of the courts of the United States to prescribe rules of proceeding shall apply to proceedings for condemnation under this section to the same extent as they apply to suits in equity; except that—

"(a) The holders of stock of any one carrier may be joined in one proceeding;

"(b) Notice of any such petition shall be given to the holders of the stock, or their legal representatives, or to the owners of the properties, rights, interests, or franchises, to be condemned, either by personal service, or, if for good cause shown permitted by the court, by publication at least once a week for four successive weeks in a newspaper published in the judicial district or in the District of Columbia (as the case may be);

"(c) Reasonable notice and opportunity to be heard shall be afforded each such holder or owner in such manner as the commission or the court (as the case may be) may prescribe; and

"(d) The report of the commission shall be treated by the court and proceeded on in the same manner as the report of a master in chancery in a suit in equity, and the court may, for good cause shown, hear and consider additional evidence or remand the proceedings to the commission for the taking of additional evidence and further consideration and report.

"(7) Upon the payment of the amount of the award, or in the case of refusal to receive the amount, then upon the deposit thereof with the clerk of the court, the stock or property or the right or interest therein shall be held to be transferred to the petitioning carrier and to have become its stock, property, right, or interest. In case of failure to pay the amount awarded within 30 days after the judgment or decree making the award has become final and upon the deposit with the clerk of the court of the certificate of such stock properly assigned or the documents properly transferring such property, right, or interest, final process to execute the award may be had by writ of execution in the form used by the court in suits at common law in actions of assumpsit.

"TAXATION

"SEC. 214. No tax shall be levied or collected under any revenue law of the United States, or by or under the authority of any State or any political subdivision thereof, in respect to any issue, sale, delivery, or transfer of any security, or any agreement to sell, or memorandum of sale of, any security, if in pursuance of an order of the commission under this title approving a plan. Gain from the sale or other disposition of property, or income from any distribution, in connection with any such unification shall not be subject to tax by or under the authority of any State or any political subdivision thereof, except to the extent that money is received from time to time from such sale, disposition, or distribution. Any such unification shall be held to be a reorganization within the meaning of that term as used in Title I of the revenue act of 1928.

"UNIFICATIONS UNLAWFULLY EFFECTED BY ACQUISITION OF SECURITIES

"SEC. 215. (1) The commission shall, immediately after the approval of the railway consolidation act of 1931, conduct an investigation and ascertain the securities of carriers owned, held, or controlled by other carriers, by persons affiliated with carriers as defined in section 203, by persons having control of carriers, by holding companies, and by other persons the owning, holding, or controlling of securities of carriers by whom may, in the opinion of the commission, result in a unification of carriers or their property.

"(2) Whenever the commission shall have reason to believe that the ownership, holding, or control of the securities, property, or franchises of any carrier by any other carrier, or by any other person, constitutes or may result in a unification, as defined in section 203, and that said unification has not been lawfully effected, it shall issue and serve upon such carrier or other person a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The carrier or other person so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission or board requiring such carrier or other person to divest itself of the securities, property, or franchises of the carrier or carriers named in the complaint owned, held, or controlled by it. Any person may make application, and upon good cause shown may be allowed by the commission to intervene and appear in said proceeding by counsel or in person. Testimony in any such proceeding shall be reduced to writing and filed in the office of the commission or board. If upon such hearing the commission shall be of the opinion that the ownership, holding, or control of the securities, property, or franchises of the carrier or carriers named in the complaint by the carrier or person complained of constitutes or may result in a unification, not lawfully effected, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such carrier or other person an order requiring such carrier or other person to divest itself of the securities, property, or franchises so owned, held, or controlled, in the manner and within the time fixed by said order. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

"(3) All the provisions of section 11 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended, relating to the enforcement of orders of the commission by circuit courts of appeals and to applications to set aside orders of the commission, and the provisions of said section 11 as to the service of complaints, orders, and other processes of the commission are made applicable to proceedings under this section.

"APPLICATION OF EXISTING LAWS

"SEC. 216. (1) In the case of an application under paragraph (2) of section 5 pending at the time of the approval of the railway consolidation act of 1931 the commission shall if it is of the opinion that it is in the public interest, make it a condition of its further consideration of the application that further proceedings in respect thereto be in accordance with, and that the entry of any order therein be subject to, the provisions of this title.

"(2) Any of the evidence included in the record of the commission in its proceedings under paragraph (2), (4), or (5) of section 5 and any abstract or written materials made by the commission and based upon such evidence shall be preserved and shall be available to and may be used by the commission in its proceedings upon a petition filed under this title; but any such evidence, abstract, or materials so used shall, by reference or otherwise, be made a part of its record in such proceedings.

"SEC. 217. The remedies afforded by this title shall constitute the exclusive remedies of any of the stockholders of a carrier in opposition to the exercise of any authority or power under this title.

"SEC. 218. The commission is authorized to prescribe from time to time such rules and regulations as it may deem necessary for carrying out the provisions of this title.

"REPEALS

"SEC. 3. (1) Paragraphs (4), (5), (6), and (8) of section 5 of the interstate commerce act are hereby repealed.

"(2) Paragraph (2) of section 5 of the interstate commerce act is hereby amended by adding at the end thereof a new sentence, to read as follows: 'No application shall be made under this paragraph after the approval of the railway consolidation act of 1931; and the provisions of sections 202 and 207 shall apply to any order of the commission approving and authorizing an acquisition under this paragraph upon application made prior to the approval of the railway consolidation act of 1931.'

"SHORT TITLE

"SEC. 4. This act may be cited as the 'railway consolidation act of 1931.'"

[From the New York Evening Post, Saturday, February 28, 1931]

FOUR-PARTY RAIL PLAN HELD ILLEGAL AND BURDEN ON SHIPPER—COLUMBIA PROFESSOR CITES I. C. C. DECISIONS BARRING NEW PROJECT—NO RATE REDUCTIONS VISIONED IN MERGERS—HOOVER SCORED FOR FAILING TO GRASP INTENT OF TRANSPORTATION ACT

(By T. W. Van Metre, professor of transportation, Columbia University)

On December 30 last President Hoover issued from the White House a statement to the effect that the trunk-line railroad executives, after many weeks of deliberation, had reached an agreement upon a 4-system plan of railroad consolidation in eastern territory. The chief features of the agreement were made public, and it was said further details would be worked out in the near future and the entire plan submitted to the Interstate Commerce Commission.

The news that the trunk-line executives had finally agreed upon a mutually satisfactory plan of consolidation was received with keen interest, and the plan itself, as outlined in the published statement of the railroad officials, was given almost universal approval in the press. So strong was Mr. Hoover's indorsement of the proposed scheme of consolidation and so nearly unanimous was the favorable comment in the editorial and financial columns of the leading newspapers of the country that the few stray voices which were raised in criticism or objection went virtually unheard. It appeared that the plan would be swallowed whole without protest.

It was a noteworthy fact, however, that in hardly a single instance was editorial approval of the projected plan accompanied by an analysis either of the legal difficulties which might be encountered in the effort to give effect to the plan, or of the economic results which might follow the consummation of the plan, provided all legal difficulties could be overcome. It seemed to be taken for granted that the 4-system scheme was feasible and practicable and that it would, when carried out, be of great benefit to transportation, to industry, and to commerce.

CRITICISM IS STIFLED

It is probable that the President's unqualified approval of the 4-system agreement had the effect of stifling criticism. Senator COUZENS condemned the "ethics" of Mr. Hoover's taking it upon himself to announce the consolidation agreement, but even the Senator had little or nothing to say about the merits of the suggested consolidation program. It is somewhat difficult to see why the President should be censured for giving his approval to the plan. He has as much right to his opinion as anybody else, and he has a right to give expression to that opinion. But, on the other hand, there is no reason why one should hesitate to disapprove of the 4-system agreement merely because it receives the indorsement of Mr. Hoover, who happens to be President.

After all, it has not been an unusual occurrence for persons of unquestioned intelligence to disagree with Mr. Hoover on a wide variety of public questions, ranging from farm relief to tariff and prohibition. And as far as railway transportation is concerned, his continued and persistent advocacy of Government construction of inland waterways upon which the Government itself operates barges at a substantial financial loss in direct competition with important railway systems may well raise some doubt as to the fundamental soundness of any of Mr. Hoover's conclusions in the field of transportation economics.

BARGE STAND CITED

A compelling reason why there should be no reluctance to differ with the President in the matter of eastern railroad consolidation appears in the statement which he issued on December 30. For in this statement Mr. Hoover displayed an unawareness—one is tempted to say ignorance—both of the purposes of the consolidation legislation of 1920 and of the probable results of the proposed consolidation, which goes far to discount any value that might be attached to his remarks by reason of the eminent position which he occupies.

The opening paragraph of the President's statement reads:

"The transportation act passed by Congress in 1920 provides for a consolidation of railroads into a limited number of strong systems in order to maintain broader competition, more adequate service, simplification of rate structure, lower operating costs, and in the long run lower rates to the public."

Omitting any discussion of the strained construction which the President's doubtless hasty effort at composition imposed upon the word "maintain," it is sufficient to point out that anybody who is at all familiar with the legislative history of the transportation act knows that not a single one of the several objectives of consolidation enumerated by the President received the slightest emphasis in the debates and discussion preceding the enactment of the law.

Moreover, not a single railroad president has given the public the slightest reason to hope that these objectives will be attained in any substantial degree through consolidation. A number of railroad presidents have declared in pointed fashion that one thing which consolidation will not bring about is a reduction in rates to the public. Certainly nobody can honestly assert that the 4-system plan will broaden competition, providing, as it does, for mergers which are already under the condemnation of the Interstate Commerce Commission because in that body's opinion they would, if permitted to become effective, destroy competition.

DESIGNED FOR WEAK LINES

The consolidation clauses of the transportation act had but one important purpose. They were designed to save the weak railroads of the country from financial and physical disaster. Consolidation was really an adjunct to the new rule of rate making embodied in section 15A of the interstate commerce act. It was to effect the permanent salvation of the weak lines and put an end to the receipt of recapturable excess earnings by strong lines.

Whether because of a growing realization of a lack of soundness in the President's views on railroad consolidation, or because a few weeks of sober reflection have deepened the conviction that too much is at stake in this consolidation program to permit the 4-system plan to pass unchallenged, it is impossible to say, but it is an interesting fact that opposition to the 4-system plan of consolidation is beginning to make an appearance. Individual shippers and shippers' organizations, commercial bodies representing the interests of various communities, and investors in railroad securities are openly voicing their objections to the proposed plan. Those who have believed that the final plan, when presented to the Interstate Commerce Commission, will not be changed are doomed to disappointment.

In view of the fact that the plan, when laid before the Interstate Commerce Commission, is certain to meet with strenuous and bitter opposition, it may be worth while to examine the objections to which this program of consolidation may properly be subjected.

In the first place the 4-system scheme represents a gross and inexcusable perversion of the purpose of the law. The consolidation provisions of the transportation act were written into the law to bring about the absorption of the weak railroads of the country by the stronger and more prosperous systems. In this 4-system plan, as far as it has been revealed to public scrutiny, there is scarcely a mention of the allocation or disposition of weak railroads. Instead, the public is offered a plan for uniting a few great railroads of unquestioned financial stability.

LINES ALL STRONG

In the light of the well-known purpose of the law it is simply impossible to justify a scheme of railroad consolidation which provides for the merger of the Lackawanna with the New York Central, of the Lehigh Valley with the Chesapeake & Ohio and the Erie, and of the Reading-Jersey Central with the Baltimore & Ohio. Not one of these roads, by any possible stretch of the imagination, can be classified as a weak railroad, and yet, it is with these lines that the 4-system scheme of the eastern railroad executives is primarily concerned.

In fact it was the difficulty of dividing the Lackawanna, the Lehigh Valley, and the Reading-Jersey Central among the four major trunk-line systems in a mutually satisfactory manner that made it impossible for several years for the executives to reach an agreement upon an acceptable consolidation program. Even now, the plan, as published, provides that some features of this particular problem will have to be settled by "arbitration."

In the second place the legality of certain features of the 4-system scheme may well be questioned. It must be borne in mind that this scheme properly comes under the "consolidation" clauses of the transportation act. It should not be considered as a plan of "unification." The acceptance of this 4-system proposal by the Interstate Commerce Commission presupposes a modification of the commission's general "plan" of consolidation, which that body published in December, 1929.

The section of the transportation act requiring the commission to prepare a plan for railroad consolidation provides that in the division of the railways of the country into systems "competition shall be preserved as fully as possible and wherever practicable the existing routes and channels of trade and commerce shall be maintained." A mere glance at the 4-system plan agreed upon by the trunk-line executives and indorsed by Mr. Hoover should convince anybody that the commission can not accept it and keep within either the letter or the spirit of the law.

LEGALITY IS QUESTIONED

If ordinary common sense did not indicate that this proposal, if carried into effect, would violate the law, we have a record of decisions and orders of the Interstate Commerce Commission, which raise grave doubts of the legality of the 4-system plan.

The commission has devised and published two general plans of railroad consolidation, the tentative plan issued in 1921, and the so-called complete plan, which was adopted and published in 1929.

During the preparation of both these plans the commission considered the advisability of establishing four large Eastern systems, and in both instances it definitely rejected a 4-system grouping in favor of a 5-system arrangement, basing its decision upon the theory that the 4-system plan would eliminate competition to a greater extent than was advisable or permissible under the terms of the law.

How can the commission reconcile its past attitude with an acceptance of this new plan?

If the commission's two rejections of the 4-system scheme were not enough to cast doubt upon its legality, we have the decisions which it handed down in connection with the unauthorized acquisition of the control of the Western Maryland by the Baltimore & Ohio, of the Wheeling & Lake Erie by the Nickel Plate, and of the Wabash and the Lehigh Valley by the Pennsylvania.

These acquisitions were condemned because they constituted violations of the Clayton law, in that their result would be a harmful suppression of competition. While it may be argued that under the terms of the transportation act a railroad may, if authorized to do so by the commission, acquire control of a competing line without being considered guilty of violating the antitrust laws, yet how can the commission assert that it is preserving competition "as fully as possible" when it approves of a merger which it has specifically pronounced to be so destructive of competition as to be illegal.

CITES FORMER DECISIONS

In other words, the commission's own decisions show that part of the 4-system plan for providing for the union of the Wabash with the Pennsylvania, of the Western Maryland with the Baltimore & Ohio, and of the Wheeling & Lake Erie with the Nickel Plate is probably illegal.

Conceding, however, for the sake of argument, that the commission, by giving a liberal interpretation of its powers under the law—and it must be confessed that the commission has in times past showed that it can be extremely liberal in its interpretations—will decide the 4-system plan not to be illegal, there still remains a legal hurdle to be surmounted before the plan can be carried into effect.

Here again it must be borne in mind that this scheme is a scheme for consolidation. It should not receive approval under the subterfuge that it represents a unification of lines "not involving * * * consolidation * * * into a system for ownership and operation." And if the plan does represent consolidation, then there must be a strict compliance with those clauses of the law indicating how consolidation shall be effected. Each system shall be owned by a single corporation and the "bonds at par of the corporation which is to become the owner of the consolidated properties, together with the outstanding capital stock at par of such corporation, shall not exceed the value of the consolidated properties as determined by the commission."

Now there should be no mistake about this. The 4-system scheme, if it means anything, is a plan for creating in the eastern region four of the "limited number" of systems into which Congress declared the railroads of the country might be divided. It was clearly the intention of Congress that the capitalization of these great consolidated systems should, at the time of their organization, be no greater than the value of their properties.

VALUATION QUESTION

Before the proposed consolidations can be carried out in the manner clearly intended by Congress, the troublesome problem of valuation must be settled, the commission must assign a final valuation to the eastern lines, and the properties must be capitalized on the basis of this valuation. Whoever believes that the problem of valuation will be settled in the near future, and that the eastern railroads will consent to a general recapitalization such as the law plainly requires, has a faith and an optimism that circumstances hardly justify.

While consideration of these legal problems is of undoubted importance in any attempt to forecast the outcome of this bold effort to remake the map of eastern railroads, they are really of less ultimate significance than the economic results which the proposed plan of consolidation will have, if carried to a successful conclusion. After all, if this 4-system scheme is economically advisable, but impossible of accomplishment by reason of legal obstacles, the legal barriers should be promptly removed. The matter of real significance is whether the 4-system plan, if carried out, would promote the welfare of business—would have a beneficial effect upon trade and industry and upon railway transportation itself.

What advantages, from the standpoint of public interest, can be claimed for this plan of consolidation? First of all, it may accomplish what Congress intended consolidation should accomplish—the preservation of certain weak railroads, though it must be confessed that at its present stage the 4-system plan betrays no interest on the part of its proponents in the so-called weak lines. Second, it is glibly asserted that it will result in certain economies of operation, reducing the costs of operation so as to enable the carriers to earn a higher net income, which in the dim future they may be induced to share with the public through the medium of reduced rates and fares.

WEAK ROADS ARE FEW

In connection with the first of these advantages—the elimination of weak roads which have too little traffic to be financially prosperous, but the continued operation of which is deemed to be necessary in the public interest—comparatively little objection has been raised, though there may be some question as to the strict morality of penalizing a successful business venture in one community for the purpose of preserving an unwise and improvident venture in another. Moreover, the weak railroad problem is of minor importance in the East, and there would be little or no objection to plan of consolidation, the purpose of which would be to merge the few existing weak lines with the stronger and more prosperous systems.

But the 4-system scheme is not a plan designed in the interest of weak roads. Its outstanding feature is the combination of strong roads with strong roads. If it can be justified at all, therefore, it must be upon the grounds of greater economy of operation. It is up to the advocates of this ambitious proposal to show that the combinations will result in operating economies of such a character as far to outweigh any possible disadvantages which might flow from such mergers.

It is a most interesting fact that no attempt has been made thus far to show wherein these combinations would result in any striking increase of operating efficiency. Even Mr. Willard, whose road stands to gain by far the most if this 4-system plan is ever carried out, asserts that virtually the only economy to be expected from consolidation will be that resulting from a decrease in employment. Not a few railroad executives have flatly proclaimed that the grandiose schemes of consolidation talked about during the past 10 years will result in no substantial savings whatever, and the experience of Great Britain with railroad consolidation would seem to demonstrate the correctness of their position.

The "advantages" of these mergers will be confined primarily to the improved position which some of the lines will have in competition with the others, and the great opportunity to effect savings by the reduction or suppression of service in communities which will no longer possess competitive routes.

BOLSTERS UP RAILROADS

For example, the Baltimore & Ohio will reach the New York metropolitan district just as it does now, but it will own the line from Philadelphia. If, by constructing a few miles of new road, the Baltimore & Ohio can establish for itself a shorter route between New York and Chicago, it will be in a position, perhaps, to take more traffic from the Pennsylvania, the Central, and the Erie, but that means only that the Baltimore & Ohio will be better off and the others not so well off. The Baltimore & Ohio will also get the Western Maryland, and forever put an end to the nightmare of another strong competitive line from Cleveland to Baltimore. But where the public will gain by the elimination of such a line as a competitive factor has not been clearly shown.

The Pennsylvania, by obtaining rights on the Nickel Plate, will be able to compete more effectively with the New York Central along the southern shore of Lake Erie, but here again it is merely a case of one railroad's gain being another's loss. No added facilities for public service are made available. The absorption of the Lehigh Valley by the Van Sweringen system, of the Lackawanna by the Central, and of the Wabash by the Pennsylvania would represent only a nearer approach to monopoly in certain regions, with the "advantage" all in favor of the monopolists rather than the public.

As far as the economy of this consolidation scheme is concerned, the chances are more than even that whatever limited saving the huge systems might be able to effect by virtue of changed operating conditions would be dissipated many times over because of the waste arising from the difficulty of administering enterprises of such enormous size. In any comparison of the operating efficiency of the prosperous systems of the East with that of the large systems, the smaller systems assuredly do not suffer. Any claim that the business of these smaller lines would be more efficiently conducted if they were merged with the large ones needs more to substantiate its validity than mere assertion.

DISADVANTAGES SEEN

Along with the "advantages" claimed for this 4-system program must be considered the disadvantage it may possess.

Most important, perhaps, of all these possible disadvantages is the elimination of competition which this plan threatens to accomplish.

In the past parallel railroads competed with one another in service and in rates. Rate wars between parallel lines no longer occur, but there has never been a time when competition in service did not prevail, and such competition has never been stronger than it is at the present time. That such competition is highly beneficial any shipper will freely testify, and so will anybody who has ever witnessed the introduction of a competing railroad into a community previously served by a single line. Under the 4-system plan much of the competition in service now existing would simply be wiped out and hundreds of communities which now have competitive routes would become noncompetitive points. They would soon discover that when competition in service disappears it takes with it the high quality of service which competition sustains.

The effect of the elimination of the competitive service of parallel lines would be less important, however, than the effect which many communities would feel because of the influence of these consolidations upon industrial and market competition. Such competition has been and still is the most important of the many factors affecting railway service and rates, and particularly railway rates. In the absence of the direct competition of a parallel line a railroad may be somewhat neglectful of some features of its service, but if it is to prosper financially it must maintain a scale of rates and a standard of service which will permit the industries which create its traffic to prosper.

Let such a railroad be absorbed into some great system with lines serving competing producing and marketing centers, and the competitive advantages enjoyed by the territory adjacent to the absorbed line by reason of its independence would at once be endangered.

PARALLEL COMPETITION

Railroads must meet the competition of parallel lines, and railroads serving restricted areas must maintain a watchful interest in the welfare of the regions they traverse to insure their own prosperity, but a huge system, sprawling over a wide territory in much of which there is no competition, may give scant attention to many districts without entertaining any fear of a diminished net income. It reserves its favors for competitive points and for the most highly productive traffic centers and lets its noncompetitive points and the less productive areas struggle along as best they may. The influence of competition or of the absence of competition on railroad practice is too old a story in American economic development to permit its lesson to go unheeded.

No better illustration of the enormous influence of competition—railway, industrial, and commercial—upon railway rates can be found than in the study of the rates between New York and the district west of the Appalachian highland, commonly referred to in railroad geography as Central Freight Association territory. The system of railroad differentials, under which New York has been able to retain her commercial supremacy in the face of the efforts of Boston, Baltimore, and Philadelphia to usurp her position, was established and has been maintained by reason of New York's competitive advantages in transportation. This competitive advantage has existed solely because New York has had rail routes to the West which have not served competing ports.

RATES ARE ATTACKED

The system of seaboard differentials has been under assault by the commercial interests of New York's rival ports for more than a generation. For many years the Interstate Commerce Commission refused to disturb the long-standing adjustment, solely on the grounds that competition, as well as distance and other elements of cost, should receive consideration in the determination of rate relationships. Recently, however, the commission began to weaken.

In its eastern class-rate decision it has ordered into effect a scale of class rates on domestic traffic, under which the differential in favor of Baltimore and Philadelphia will be substantially increased. The new rate relationships have been determined by distance instead of by competition. Should commodity rates and rates on exports and imports follow the course of domestic class rates, New York will find her commercial position greatly endangered.

Thus far the commission has not been disposed to alter the relationships of commodity rates or of export and import rates. But it probably would take only one change in the present situation to cause the commission to modify its stand. This change would be the establishment of a system of railroad control under which Philadelphia and Baltimore could successfully prosecute a charge that the present differentials constitute an undue prejudice against them and an undue preference of New York.

Now what has the 4-system plan of consolidation got to do with this? Everything. No charge of undue prejudice can be sustained, let us say, by Baltimore as against New York so long as New York has a railroad extending to the West which neither

serves Baltimore nor exercises an important influence in the establishment of joint rates to Baltimore. In other words, the continued independence of the Lackawanna and of the Lehigh Valley is New York's last and probably her only insurance against the disturbance of the railroad differentials applying to export and import traffic. The Van Swearingen system and the New York Central, while not reaching Baltimore, do share considerably in the traffic carried to and from that port under joint rates.

AFFECTION CHANGES

New York should not be deceived by the Baltimore & Ohio's anxiety to get to New York over its own rails, nor get greatly excited over the promise of the new short line to the West. New York is not the Baltimore & Ohio's chief interest. That road gets 3 cents a hundred pounds more for hauling export merchandise from Chicago to New York than for hauling the same merchandise from Chicago to Baltimore. The 3 cents does not begin to pay for the added haul. The Baltimore & Ohio would much prefer to take 3 cents less and stop the movement at the Baltimore piers, but it brings it to New York because the shippers order it done, and it can not charge more because competition forbids it. But let a 10-cent differential be given to Baltimore and the shipper may decide the difference in cost to be great enough to warrant sending his goods to that port. The Baltimore & Ohio will waste no time weeping for New York. It will get more business than ever—but it will go to Baltimore.

Neither the Baltimore & Ohio nor the Pennsylvania came to New York for the purpose of building up the commerce of that port. New York's magnificent trade was created before they came. For several years they tried their hardest to divert that commerce to Philadelphia and Baltimore, and it was only after their persistent efforts to divert it met defeat that they developed their present affection for New York.

It is difficult to see why the New York Central executives are willing to enter this 4-system agreement. Certainly if the plan worked out in its present form the Central will gain less and stand to lose more than its two chief competitors. But, even if the New York Central seems blind to its own interest and to the interests of the city which has contributed most of its prosperity, there is no reason why the commercial interests of New York should give their approval to a scheme which holds for them such possibilities of grave and irreparable injury.

TRANSFER OF FOREST LANDS TO SOUTH DAKOTA FOR PARK PURPOSES

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD a report from the Department of the Interior on Senate bill 6092. The bill proposes to transfer certain forest land to the State of South Dakota for park purposes. The measure has passed the Senate, but it is before the House committee. There is embraced in the report a letter from Horace M. Albright, Director of the National Park Service, addressed to the Secretary of the Interior. That letter is transmitted here with a letter from Secretary Wilbur to the Senator from North Dakota [Mr. NYE], the chairman of the Committee on Public Lands and Surveys.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, March 2, 1931.

Hon. GERALD P. NYE,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR MR. CHAIRMAN: I have your request for report on S. 6092, a bill to transfer certain forest lands to the State of South Dakota for public-land purposes and creating the Mount Rushmore Reservation.

The officers of this department have for many years taken a keen interest in the development of State parks and for that reason the Commissioner of the General Land Office and the Director of the National Park Service have prepared, by my direction, separate memoranda on this legislation relating to Custer State Park, copies of which are inclosed. These memoranda set forth general views on measures of this kind. Personally I have had the good fortune to be associated with the development of State parks in California, and I was a member of the State park commission of that State until I came to Washington.

In submitting these memoranda to you I am not unmindful of the fact that most of the lands affected are under the jurisdiction of the Department of Agriculture and I assume, of course, that the action of your committee will be governed largely by the views of the Secretary of that department.

Very truly yours,

RAY LYMAN WILBUR.

UNITED STATES DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, March 2, 1931.

Memorandum for the Secretary:

S. 6092 proposes to grant certain forest lands to the State of South Dakota for public park purposes, and to create the Mount Rushmore Reservation.

For the purpose of enlarging the Custer State Park, it is proposed to grant the publicly owned forest and other lands within parts of Ts. 2 and 3 S., R. 4 E., Ts. 2, 3 and 5 S., R. 5 E., and T. 2 S., R. 6 E., Black Hills meridian, specifically described in the bill by section numbers, as well as township and range.

I think State parks should be encouraged whenever their creation would not be inconsistent with good administration and protection of Federal holdings. If the lands affected by this legislation were not under the administration of another department I would favor their transfer to the State. I believe in the rapidly extending policy of State park creation, first because there is a growing demand for State parks to meet local recreational and educational requirements, and second, because State parks relieve the pressure on the Federal Government for national parks that do not measure up to the standards of the national park system.

Of the several classes of public reservation utilized for the preservation of scenic resources and the provision of outdoor recreation State parks are now recognized as the most important in point of numbers of persons served. Their importance in the outdoor recreation scheme is shown in figures recently collected by the National Conference on State Parks which show that the 3,000,000 acres of State parks in the United States last year were visited by some 45,000,000 persons.

Custer State Park is one of the most important of the State parks, with an attendance last year of 370,000 persons in a territory which, except for the Black Hills in which the park lies, is largely devoid of unusual and desirable recreation opportunities. The park has been in existence since 1919; its administration is well established and sound; and the State has made more than reasonable provision for its upkeep and development. The State has been very successful in its game conservation program, the park being well stocked with native mammals and birds, including wild turkey.

The transfer of land from the national forest to the State park apparently does not involve any complication of administration, since both national forest and State park administration have existed side by side since the park was created. It would, however, round out the boundaries of the park and thus simplify administrative control; it would protect the scenic values of roads to the construction of which the State has contributed very generously; it would make possible certain recreation developments of high value; and it would assure the permanent devotion to inspirational and recreational use of lands of exceptional beauty.

It appears to be the desire of the people of South Dakota to make sure that this area be maintained in perpetuity as a park, feeling that the land is more valuable for park purposes than for national forest purposes in that under fundamental policies governing the administration of national forests the recreational and inspirational park values may be impaired by economic development of some of the natural resources of the region.

Inasmuch as practically all of the lands in the area are within the boundaries of the Harney National Forest, and are therefore under the jurisdiction of the Department of Agriculture, it is assumed that this legislation has been taken up with that department.

It might be stated, however, that should the State of South Dakota desire to add the present Wind Cave National Park to the Custer State Park, legislation to accomplish this transfer would meet the approval of the National Park Service.

It might also be stated that in view of the unique geological formation of the Black Hills and the scenic qualities of this region, the whole area, including, of course, our Wind Cave National Park, could be considered for national park status if it were not for the existence of the present State park.

There is a precedent for this proposed transfer of lands to the State in the law covered by chapter 368 of the United States Statutes at Large, the act of April 13, 1928, an act granting certain lands to the State of California (45 Stat. 428). This act grants to the State of California certain lands in the Stanislaus National Forest for State park purposes, the Calaveras Grove of Big Trees State Park.

The bill provides, in the first section thereof, that the grant and conveyance shall be conditioned upon the State's maintaining the described lands in perpetuity for public-park purposes as an enlargement of its present State park, the consolidated park unit being described as approximately 105,000 acres, which shall include sections 17, 18, 19, and 20, township 3 south, range 7 east, Black Hills meridian, and further conditioned upon the State's maintaining a park unit of not less than 100,000 acres, and upon acquiring at least 90 per cent of the privately owned lands within the exterior boundaries of said park, inside of a period of not exceeding 10 years from the date of approval of this act. It would appear that these conditions properly safeguard the interests of the United States.

According to the CONGRESSIONAL RECORD of February 10, 1931, this bill passed the Senate on that date.

HORACE M. ALBRIGHT,
Director National Park Service.

TRUCKEE RIVER STORAGE

Mr. ODDIE. Mr. President, for many years past considerable conflict has existed between the various interests on the Truckee River system as to the nature of development which should be made to avoid the continuation of drought, which has caused severe loss and suffering, and to provide sufficient water for the irrigation settlers on the Truckee River system.

Last summer I had numbers of conferences with the leaders of these various interests, and am glad to report that

they have reached an agreement which provides for additional water storage and other developments on the Truckee River system.

For the purpose of making available the information concerning these conferences and the subsequent correspondence with these various representatives of the Nevada interests, the Secretary of the Interior, the Commissioner of Reclamation, and others, I herewith submit for the RECORD some of the principal correspondence and documents leading to the passage by the Senate on February 26, 1931, of the bill (S. 5172) which I introduced providing for upstream storage on the Truckee River system. This bill is substantially in the form recommended by the various Nevada interests I have referred to.

I ask unanimous consent that the correspondence may be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, March 5, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

DEAR SENATOR ODDIE: In accordance with my talk with you when I left for Denver last month, I have discussed with Chief Engineer Walter the matter of storage on the Truckee, Carson, and Humboldt Rivers, and at my request the attached memorandum was prepared by Hydrographic Engineer E. B. Debler, of our Denver office, for your information.

Sincerely yours,

ELWOOD MEAD, *Commissioner.*

[Telegram]

WASHINGTON, D. C., *March 8, 1930.*

Hon. GEORGE WINGFIELD,
Reno, Nev.:

Bureau Reclamation has notified me that Newlands project and Truckee Meadows interests are gradually drawing together in a scheme to provide what will probably amount to joint storage, and that plan will also include a settlement of differences in matter of administering Lake Tahoe with regard to adjudication that has been under way for 17 years. Bureau states it would be unwise for them to take any action in matter at present time, but department will furnish advisers who might aid these interests in formulating a comprehensive plan to eliminate present difficulties and provide needed storage to augment present irrigation and permit moderate expansion, particularly in Truckee Meadows. Suggest you take matter up with interested parties and advise me as to their opinion and suggestions. Am not satisfied with bureau's statement and want some ammunition from home to use here. Best wishes.

TASKER L. ODDIE.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, April 25, 1929.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: Reference is made to your letter of January 7, 1929, to the Secretary of the Interior, inquiring as to the results of our investigations of storage possibilities on the Little Truckee River, and to his reply of January 14 stating that at that time the investigations were still in progress.

There has just been received in this office an advance copy of a report by our engineer, Mr. Debler, giving the results of our investigations, of Truckee River storage possibilities which have been in progress during the past two years. This report has received my approval, and authority has been given our chief engineer to furnish copies direct to the Truckee-Carson irrigation district, the Reno Chamber of Commerce, and the State engineer of Nevada.

The details of the report are extremely complicated and no brief synopsis can be furnished which would adequately present its conclusions. We expect to receive an additional copy of the report from Denver within the next few days and I shall be glad to loan this to you when it arrives, if you wish to see it.

Yours very truly,

ELWOOD MEAD, *Commissioner.*

Be it resolved, That Donner and Independence Lakes and pondage be selected as the most practical, feasible, and economical for upstream storage, from the information available, and it is also the belief of the directors of the Truckee-Carson irrigation district that the combination of Donner and Webber Lakes and pondage look attractive; and it is requested that the Bureau of Reclamation carefully investigate both of the above proposed developments.

I, L. V. Pinger, secretary of the Truckee-Carson irrigation district, do hereby certify that the above and foregoing is a full, true, and correct copy of an excerpt from the minutes of the regular meeting of said board held on June 2, 1930.

[SEAL.] L. V. PINGER,
Secretary Truckee-Carson Irrigation District.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, June 6, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

DEAR SENATOR ODDIE: Mr. Northcutt Ely of this department has made known to me your desire to secure again the loan of the report on Truckee River investigations by E. B. Debler, April, 1929. I am sending this to you herewith.

I have written our chief engineer at Denver about sending a man for further studies, and will keep you advised of developments in the matter as soon as reply has been received.

Very truly yours,

ELWOOD MEAD, *Commissioner.*

THE SECRETARY OF THE INTERIOR,
Washington, July 3, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: On May 26 you wrote me inclosing a copy of your bill, S. 4508, for the construction of a reservoir in the Little Truckee River, Calif., etc. This I acknowledged on May 29, with the statement that the matter was being referred to the chief engineer of the Bureau of Reclamation at Denver, and on receipt of reply I would communicate with you further.

Reply has now been received from Chief Engineer Walter, who states that the parties in interest have not reached an agreement on a plan of development, and until they do, the Bureau of Reclamation can be of no assistance in the matter. In this view the Commissioner of Reclamation and I concur.

Very truly yours,

RAY LYMAN WILBUR.

RENO, NEV., *July 26, 1930.*

Re Upstream Storage, Truckee River.

Mr. R. F. WALTER,
Chief Engineer, Denver, Colo.

DEAR MR. WALTER: I inclose herewith copy of letter from Commissioner Mead to Congressman ARENTZ, dated May 22, 1930, upon the above subject.

I am also sending you under separate cover by express, a completed report and supplemental report prepared by representatives of the Washoe County Water Conservation District (Reno Valley), the Truckee-Carson Irrigation District (Newlands project), the Sierra Pacific Power Co., and Mr. H. C. Dukes, Truckee River water master.

The report includes a study of Truckee River flow including its tributaries over the 10-year period from 1920 to 1929, inclusive, as well as storage possibilities in Donner, Webber, and Independence Lakes and the Little Truckee River Canyon site, when coordinated with Lake Tahoe, etc.

It is desired that you check up the same and send an engineer from your office to confer with the interested parties as well as make any field examinations that you deem necessary to the end that by December 1, 1930, you will be in a position to give your opinion as to the most feasible present development.

It is also requested that you forward to me a form of the contract proposed in Doctor Mead's letter to provide for expense of further investigation by your office.

Yours very truly,

GEO. G. DEVOE,
Secretary Joint Commission of Washoe County Water Conservation District, Truckee-Carson Irrigation District, and Sierra Pacific Power Co.

RENO, NEV., *August 17, 1930.*

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.:

Lake Tahoe and Nevada farmers trouble settled last night for three years, giving Government engineers chance to make survey of lake and Truckee River, which might prevent bitter and expensive litigation. In my opinion, upstream storage is the only thing that will settle matter and satisfy the Truckee Meadow farmers.

GEO. WINGFIELD.

FAIRBANKS, ALASKA, *August 18, 1930.*

Hon. GEORGE WINGFIELD,
Reno, Nev.:

I am much distressed over situation facing Nevada farmers because of water shortage, and am wiring Doctor Mead, Commissioner of Reclamation, to-day, urging speedy action in having stipulation enforced, and from correspondence with his bureau officials during last few days feel very hopeful that this will be accomplished. If matter not settled promptly and satisfactorily, will take it up with President. For many years I have worked and voted in the Senate for measures from which California has benefited in many ways and to the extent of many millions of dollars, and now when my State needs help from her for the prevention of serious loss and suffering by our farmers, and which help can be given without loss to anyone, I expect California to do the right thing by giving this help in allowing the water to be pumped from Lake Tahoe without further delay. Have about completed my official work in Alaska; am leaving for home to-day. Kind regards.

TASKER L. ODDIE.

FAIRBANKS, ALASKA, *August 18, 1930.*

Hon. ELWOOD MEAD,
Commissioner of Reclamation,
Washington, D. C.:

Condition of Nevada farmers because of shortage of water in Truckee River is most serious and distressing and will result in heavy losses and disaster if condition not corrected immediately. I strongly urge you to use every possible means to expedite enforcement of stipulation providing for pumping of water from Lake Tahoe. Further delay will be most disastrous. Please advise my office of results. Kind regards.

TASKER L. ODDIE.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D. C., August 19, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: Upon my return to Washington this morning, I have your telegram of the 18th regarding water shortage in the Truckee River and the proposed pumping from Lake Tahoe. I have also been advised of the negotiations that have taken place during the last couple of weeks in this matter. It so happens that Secretary Wilbur is now in California and Mr. Stoddard of the Truckee-Carson Irrigation District, and others have had conferences with him and Mr. Ely, his assistant. Telephone message received from your secretary gives the cheering information that arrangements have now been completed whereby a limited quantity of water may be pumped from the lake. This, I hope, will be sufficient to meet the most urgent needs of the farmers and of Reno and Sparks.

Very truly yours,

ELWOOD MEAD, *Commissioner.*

AUGUST 21, 1930.

Mr. Lawrie, my secretary, talked to Mr. Dent, counsel of Reclamation Service, and was advised that no report has been made by the Reclamation Service on the upper Carson River since the last report made two years ago. Doctor Mead will be in Nevada some time shortly after the middle of September, when he will go into the matter of the upper-river storage on both Carson and Truckee Rivers with view to working out concrete plan of operation to increase the storage.

E. T.

IRRIGATION DISTRICT NO. 1, CARSON VALLEY UNIT,
NEWLANDS PROJECT,
Minden, Nev., August 22, 1930.

Senator T. L. ODDIE,
Washington, D. C.

DEAR SENATOR ODDIE: We are inclosing herewith copy of telegram sent to Doctor Mead this date, which is self-explanatory, and we will appreciate if you will get in touch with Doctor Mead, urging his favorable consideration of our request, also advising us of any developments in the matter that may come to your attention.

Thanking you, we are, respectfully,

H. F. DANGBERG,
President Board of Directors.

MINDEN, NEV., *August 22, 1930.*

Hon. ELWOOD MEAD,
Reclamation Bureau, Department of the Interior,
Washington, D. C.:

We are advised that you plan to hold conferences and personally investigate the necessity and feasibility of upstream storage on the Truckee River in the near future. We submit that in view of the fact the United States Government has joined the Truckee and Carson Rivers to store water for the Newlands project that the streams are largely interdependent and that any fair and just development of the system requires joint consideration. Congress has taken this view in legislation appropriating money to investigate storage sites and other matters. We therefore request that the water users of the Carson River above Lahontan participate in all conferences and that a scheme be proposed to develop the entire area and avoid the probability of one section being advanced at the expense of another. We request your advices.

IRRIGATION DISTRICT NO. 1, CARSON VALLEY
UNIT TRUCKEE-CARSON PROJECT,
H. F. DANBERG,
W. F. DRESSLER,
LOUIS STODIECK,
Directors.

WASHINGTON, D. C., *August 25, 1930.*

Hon. H. F. DANGBERG,
President Board of Directors, Irrigation District No. 1,
Carson Valley Unit, Minden, Nev.

DEAR MR. DANGBERG: In Senator ODDIE's absence in Alaska on important official business, it gives me pleasure to acknowledge the receipt of your letter of August 22 and copy of your telegram of the same date to Dr. Elwood Mead referring to water storage on the upper Truckee and Carson Rivers.

Doctor Mead expects to be in Nevada to investigate this some time shortly after the 15th of September, and, as Senator ODDIE expects to return to Reno on or about September 1, I am forwarding your letter and inclosure to the Senator, as I feel sure he will be able to take the matter up personally with Doctor Mead to better advantage.

If there is anything that I may be able to do here in Washington to assist at any time, please do not fail to call upon me.

Very truly yours,

H. N. LAWRIE.

[Telegram]

WASHINGTON, D. C., *October 29, 1930.*

Hon. TASKER L. ODDIE,
Reno, Nev.:

The Bureau of Reclamation has not yet prepared any recommendations on matters covered by Lake Tahoe agreement and probably will not be in a position to do so until hearings of interested parties have been held in the field. I will see that you are advised whenever there is anything specific to discuss with you.

JOHN H. EDWARDS,
Acting Secretary.

RENO, NEV., *September 4, 1930.*

Hon. RAY LYMAN WILBUR,
Secretary of the Interior,
(Care of Stanford University, Palo Alto, Calif.)

MY DEAR MR. SECRETARY: Following up my previous discussions with you on the questions of upstream storage on the Truckee River and its tributaries, I am anxious to talk over various phases of these problems with you as soon as possible. As I told you, I intend to introduce legislation in the Senate providing for this work at the beginning of the coming session. I know that many problems will have to be worked out before we will know exactly what steps to take.

I will attend the Boulder Canyon Dam commencement exercises in Las Vegas on September 17, and will be glad to discuss these problems at that time with you; also with Doctor Mead.

With my best wishes, and anticipating the pleasure of meeting you in Las Vegas, I remain,

Very sincerely yours,

TASKER L. ODDIE.

MR. KING'S PROPOSED FORM OF LETTER OF TRANSMITTAL

SEPTEMBER 10, 1930.

Hon. TASKER L. ODDIE,
United States Senator, Washington, D. C.

DEAR SENATOR ODDIE: Inclosed herewith is a report of cooperative committee appointed to investigate and study Truckee River water supply and upstream storage possibilities, with particular reference to:

(a) Supplemental water storage possibilities.

(b) The coordination of such storage with the upbuilding of the water surface level of Lake Tahoe.

(c) Regulative pondage on the Truckee River.

(d) Sufficiency of the water supply to relieve the periodic water shortages for lands irrigated directly from the Truckee River in the Truckee meadows and the Newlands project bench lands.

(e) A basis for the division of the flow of the river as between the Truckee River users, the Truckee-Carson irrigation district, and the Sierra Pacific Power Co.

The study herewith was conducted by engineers representing the Washoe County water conservation district, Truckee-Carson irrigation district, Sierra Pacific Power Co., and the Federal court water-master's office, at a cost in excess of $10,000. Much use was made of the Debler report in the study.

Your keen interest and valued assistance in this matter to date is very greatly appreciated, and we trust this report will bring to you a further understanding of the details of the problem which will hasten its solution.

We respectfully request your further assistance and cooperation in the solution of this very important problem of the Truckee River water users, in order that governmental funds may be acquired to put any plan finally adopted into operation.

Yours very truly,

GEO. G. DEVORE,
Secretary the Truckee River Joint Committee.

SEPTEMBER 10, 1930.

Hon. TASKER L. ODDIE,
United States Senator, Washington, D. C.

DEAR SENATOR ODDIE: Inclosed herewith is a report of cooperative committee appointed to investigate and study Truckee River water supply and upstream storage possibilities, with particular reference to:

(a) Supplemental water storage possibilities.

(b) The coordination of such storage with the upbuilding of the water-surface level of Lake Tahoe.

(c) Regulative pondage on the Truckee River for the following purposes:

First. To even out irregularities in the river during the irrigation season.

Second. To introduce fluctuations in the flow during the nonirrigation season to coincide with power demands.

Third. To make possible smaller drafts from Lake Tahoe.

(d) Sufficiency of the water supply to relieve the periodic water shortages for lands irrigated directly from the Truckee River in the Truckee Meadows and the Newlands project bench lands.

(e) A basis for the division of the flow of the river as between the Truckee River users, the Truckee-Carson irrigation district, and the Sierra Pacific Power Co.

The study of upstream storage possibilities has been the subject of investigation for many years, and was recently dealt with in considerable detail and reported upon by E. B. Debler for the Reclamation Service, under an appropriation by Congress of $50,000. Practically every possible storage site on the river was investigated and reported upon.

The study herewith was conducted by engineers representing the Washoe County Water Conservation District, Truckee-Carson irrigation district, Sierra Pacific Power Co., and the Federal court water-master's office, at a cost in excess of $10,000. Much use was made of the Debler report in the study.

It has been recognized for some time by the parties in interest that the full value of Lake Tahoe as a reservoir (with a capacity of 940,000 acre-feet) could not be realized unless a reserve supply of water could be built up in the lake. In order to raise the water level of the lake and build up a reserve supply, it is necessary to draw less water from the lake. This could be done under conditions existing for the past several years only by creating other storage from which water may be drawn while Tahoe is closed.

In order to prevent the releasing of more water from Lake Tahoe during the irrigation season than is actually required for irrigation it is necessary to have a uniform flow in the river during this season, which would conserve in Lake Tahoe the present regulatory losses. Furthermore, when the irrigation requirements are met the power requirements are also fulfilled as far as possible.

Also, it is desirable during the nonirrigation season to conserve water in Lake Tahoe by the reduction of drafts from the lake whenever it is possible without interfering with the water storage of Lahontan Reservoir.

It is proposed to create both of these conservations as far as possible by means of pondage, which in the irrigation season will be used to maintain a uniform flow in the river, and during the nonirrigation season will be used to fluctuate the river flow so as to correspond to the power demands and at the same time supply Lahontan with its required winter storage.

The report indicates that with these pondage reservoirs a material amount of water could have been conserved in Lake Tahoe over that actually conserved, and at the same time augment the supply for the requirements of storage in Lahontan and power generation.

While a number of plans of storage were studied, the study indicates that either of the three following plans may well be adopted, viz:

1. Lakes Tahoe, Little Truckee Reservoir, and regulatory pondage;

2. Lakes Tahoe, Donner, and Independence and regulatory pondage, or

3. Lakes Tahoe, Donner, Independence, and Webber and regulatory pondage.

The report shows that when these plans were tested by applying them to the recorded water supply for the past 10 years, 1920 to 1929, inclusive (including four years of extremely low water supply), that—

First. Either of the first two plans provided a fully sufficient water supply for the Truckee River lands and bench lands under the Derby Canal, also additional water for Lahontan Reservoir storage.

Second. The addition of Webber Lake in plan No. 3 provided additional protection (in excess of plans Nos. 1 and 2) in case the cycle of years of low water supply should continue, and made available still more water for storage in Lahontan Reservoir.

The report shows that if either of the first two plans had been in operation during the last 10 years, that—

(a) There would have been no shortage of water for irrigation purposes for the lands proposed to be benefited.

(b) Lahontan Reservoir would have been materially benefited.

(c) The amount of power generated would have been materially increased during the irrigating season and somewhat increased during the nonirrigating season.

(d) The water surface level of Lake Tahoe would at all times have been higher than under the actual conditions, varying from 8 to 26 inches above the recorded levels, a benefit not only to the irrigation and power interests, but also to Lake Tahoe shore owners.

(e) The necessity of pumping water from Lake Tahoe and the temporary purchases of water from Donner and Independence Lakes during the seasons of 1924, 1929, and 1930 for irrigation, power, and sanitary purposes would have been eliminated.

(f) The water supply would not only have eliminated the large expense of pumping and purchase of water but would have prevented the large losses of crops of the farmers and also the purchase of electrical energy from California power plants, that might better have been generated in Nevada, thereby providing more capital for the development of Nevada resources, without detriment to the irrigation interests.

The results of the study show that the assumptions upon which it was based were well founded, and should be adopted as a basis of stipulation in the Truckee River water adjudication suit now pending in the United States District Court for Nevada, thereby eliminating the principal objection to the proposed decree. Particularly it is proposed to pool the storage waters created by either development, as well as the Lake Tahoe waters and the natural flow of the Truckee River during the irrigation season, dividing the flow into equitable proportions between the Truckee River users and the Newlands project.

We respectfully request your hearty assistance and cooperation in the solution of this very important problem of the Truckee River water users in order that governmental funds may be acquired to put the plan adopted into operation.

Yours very truly,

GEO. G. DEVORE,
Secretary the Truckee River Joint Committee.

[Telegram]

RENO, NEV., *October 28, 1930.*

HON. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

I will appreciate it if you will request the Bureau of Reclamation to make you a complete detailed report of the status of, and the bureau's recommendations regarding Lake Tahoe which will involve and set forth the respective interests and claims of the United States, the State of Nevada, the State of California, the Newlands project farmers, the irrigationists of the Truckee River, the Sierra Pacific Power Co., the cities of Reno and Sparks, and the Lake Tahoe littoral landowners with their respective rights as to the high and low water levels. It is essential that this report be submitted to you prior to the commencement of any hearings held by you or your representatives pursuant to the so-called Lake Tahoe agreement entered into between California and Nevada interests, respectively, on August 19, 1930. I request you to send me a copy of this report as soon as possible by air mail. Please wire me, Reno, when I can expect it.

TASKER L. ODDIE,
United States Senator for Nevada.

[Telegram]

RENO, NEV., *November 6, 1930.*

HON. WILLIAM DEWITT MITCHELL,
Attorney General, Department of Justice,
Washington, D. C.

By agreement of parties, Secretary of Interior Wilbur will hold field hearings relative to conflicting claims of the United States, the State of Nevada, and the State of California, etc., to waters of Lake Tahoe. The United States is one of the principal parties interested in the lake as a reservoir and its waters by virtue of the rights to said lake previously held by the State of Nevada which were ceded to the United States Government for reclamation purposes by act of 1913, also because of Government Indian-reservation land, water rights in the lake, by agreement with the power company, Federal decrees, appropriations of water, and an expenditure of millions of dollars in connection with the Newlands reclamation project. The United States has sold water rights to project farmers in excess of three millions of dollars, which rights are largely predicated upon its rights in Lake Tahoe. I believe it to be of the greatest importance that all data relative to the rights and claims of the United States be gathered and fully presented by the United States Attorney for Nevada at the hearings, and that nothing be left undone that will jeopardize the rights of the United States. In view of the above will you authorize the United States attorney for Nevada to proceed accordingly and wire me of the action taken?

TASKER L. ODDIE,
United States Senator for Nevada.

[Telegram]

RENO, NEV., *November 6, 1930.*

HON. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

Re Lake Tahoe controversy hearings and my wire October 28 and reply from Acting Secretary Edwards October 29. The rights of the United States, together with its claims and relevant matters are so manifold and complex as to make extremely difficult their presentation in any report on the Lake Tahoe agreement. I believe the rights and claims of the United States for its Indian and reclamation lands, together with its obligations, should be fully presented to you by the Department of Justice at the hearings you will hold on the Lake Tahoe controversy in order that you may be aided by having a presentation of the rights of all interested parties. I have wired the Attorney General to-day as follows:

"By agreement of parties, Secretary of Interior Wilbur will hold field hearings relative to conflicting claims of the United States, the State of Nevada, and the State of California, etc., to waters of Lake Tahoe. The United States is one of the principal parties interested in the lake as a reservoir and its waters by virtue of the rights to said lake previously held by the State of Nevada which were ceded to the United States Government for reclamation purposes by act of 1913, also because of Government Indian reservation land, water rights in the lake by agreement with the power company, Federal decrees, appropriations of water, and an expenditure of millions of dollars in connection with the Newlands reclamation project. The United States has sold water rights to project farmers in excess of $3,000,000, which rights are largely predicated upon its rights in Lake Tahoe. I believe it to be of the greatest importance that all data relative to the rights and claims of the United States be gathered and fully presented by the United States attorney for Nevada at the hearings, and that nothing be left undone that will jeopardize the rights of the United States. In view of the above, will you authorize the United States attorney for Nevada to proceed accordingly and wire me of the action taken?"

I suggest that you confirm this action by notifying the Attorney General of your approval. Kindly wire me here.

TASKER L. ODDIE.

[Telegram]

WASHINGTON, D. C., *November 7, 1930.*

HON. TASKER L. ODDIE,
Reno, Nev.

Am writing you with reference to Lake Tahoe matter.

RAY LYMAN WILBUR.

THE SECRETARY OF THE INTERIOR,
Washington, November 7, 1930.

HON. TASKER L. ODDIE,
Reno, Nev.

MY DEAR SENATOR ODDIE: With reference to your telegram of the 6th, I am inclosing a memorandum submitted by Mr. Ely, who participated in the discussions in San Francisco between the Lake Tahoe interests and those representing the Nevada water users.

It will be some time before the Bureau of Reclamation studies are completed and no discussions in the field will be held until after that time. I will see that you are fully advised.

As to the participation of the Department of Justice, I believe you will find this matter covered in Mr. Ely's memorandum.

Very truly yours,

RAY LYMAN WILBUR.

NOVEMBER 7, 1930.

Memorandum for the Secretary.

Senator ODDIE's telegram, of November 6, suggests the Department of Justice's participation in the Lake Tahoe-Nevada matter. I see no objection if the Department of Justice wishes to participate on Senator ODDIE's request, but see no occasion for this department to ask that intervention, as the matter is not in litigation, and any hearings held by you or on your behalf will be for the collection of facts only, with a view to an ultimate amicable adjustment carried into a court decree. If, however, any of the local officials of the Department of Justice have particular knowledge of this situation possibly the Department of Justice would permit them to act unofficially on behalf of the Truckee-Carson irrigation district and the Indians. But as this is a nonlitigated settlement discussion the administrative responsibility should rest in the Bureau of Indian Affairs and the Bureau of Reclamation, rather than the Department of Justice.

As you know, your intervention in this dispute between the Lake Tahoe shore owners and the Nevada water users is at the request of all parties, transmitted to you through an agreement reached by them in San Francisco in August. This agreement provides a 3-year truce during which certain Lake Tahoe water levels will be respected. During that time it is requested in the agreement that the Secretary of the Interior investigate the whole situation and make recommendations for the establishment of ultimate lake levels and disposition of the other questions in conflict respecting the use of Lake Tahoe water. It is contemplated in the agreement that the recommendation of the Secretary will be introduced in a court proceeding whose decree, by consent or otherwise, will provide a final solution to the controversy.

I believe that you will not be in a position to hold hearings or have them held on your behalf until the studies of the Truckee River are completed. I am advised that the engineering investigation has been completed but the bureau's position on the economic questions, such as the proportion of contribution by benefited interests, has not been formulated. Nor has it been determined whether the proposed engineering work is economically feasible. Furthermore, it will require careful study to correlate the Lake Tahoe lake levels with the results of any engineering work effected.

Accordingly, I believe it will be a matter of months before you will be in a position to take any active steps to carry out the request of these parties for your recommendation.

NORTHCUTT ELY, *Executive Assistant.*

[Telegram]

WASHINGTON, D. C., *November 7, 1930.*

TASKER L. ODDIE,
Reno, Nev.

Interior Department advises no immediate prospect hearings Lake Tahoe matter. Will give your request prompt attention when date for hearings set. United States Attorney and Special Assistant Ward fully cognizant of Government's interest.

WILLIAM D. MITCHELL,
Attorney General.

[Telegram]

RENO, NEV., *November 7, 1930.*

HON. WM. D. MITCHELL,
Attorney General, Department of Justice,
Washington, D. C.

Your wire to-day received. The United States should have its attorney gather data necessary for the proper presentation of the Government's case in order that it may be adequately prepared in ample time prior to hearings, otherwise the rights of the United States will be jeopardized. Proper preparation of Government's case will undoubtedly require weeks or months, hence imperative necessity for immediate action by Government attorney. Delay or insufficient preparation in this matter may result in inability of Government to fulfill its contracts and obligations and will imperil the rights of various Government lands and interests. This matter warrants independent and thorough investigation by your department. Please wire your decision.

TASKER L. ODDIE,
United States Senator for Nevada.

[Telegram]

WASHINGTON, D. C., *November 8, 1930.*

HON. TASKER L. ODDIE,
United States Senator, Reno, Nev.

Am contacting United States attorney and the special assistant in the field and will report to you later.

MITCHELL, *Attorney General.*

RENO, NEV., *November 15, 1930.*

HON. TASKER L. ODDIE,
Reno, Nev.

DEAR TASKER: I am inclosing herewith original letter from Secretary Wilbur to yourself dated the 7th instant, also original memo by Northcutt Ely, assistant to the secretary, together with a number of copies thereof which you desire to mail to Mr. Summerfield, Mr. Devore, and others.

Thank you very much for permitting us to make copies of the same, and all of the Nevada interests are very much pleased at the contents of both instruments as it indicates that an investigation and report will be made by the Bureau of Reclamation prior to the date of the hearings by the secretary in the Lake Tahoe matter.

I am leaving for Winnemucca to-morrow, Sunday, and will probably be gone most of next week so I may not have the opportunity of again seeing you before you leave for Washington. If not, good-bye and good luck to both Mrs. Oddie and yourself.

I will keep you fully informed of developments here as they arise.

Sincerely yours,

ROY W. STODDARD.

RENO, NEV., *December 5, 1930.*

HON. T. L. ODDIE,
United States Senate, Washington, D. C.

DEAR SENATOR ODDIE: The board of directors of the Washoe County water conservation district (Truckee Meadows) and the board of directors of the Truckee-Carson irrigation district (Newlands reclamation project) have reached a tentative agreement as to basic principles involved in the entry of a final decree in the Truckee River adjudication suit. The final decree, when entered by stipulation, will, we believe, forever dispose of adverse interests or inharmonious relations between the parties.

Preparation of final and complete wording of a proposed stipulation is now in progress and will be speeded as rapidly as possible. The stipulation provides for the construction of upstream storage development by the Truckee Meadows and construction of two small regulatory pondage reservoirs by the Sierra Pacific Power Co.

The Truckee Meadows interests are not as yet prepared to designate the exact location of their proposed reservoir, but we believe it will facilitate matters if you will please immediately introduce a bill in Congress for the appropriation of $750,000 to cover the cost of the proposed construction, and, immediately upon further details being available, you will be promptly advised accordingly.

It is the wish and desire of the Truckee-Carson irrigation district to give whole-hearted support to the appropriation and construction and to that end will lend its name and give any assistance within its power to secure the appropriation, not only because of a direct benefit to the bench lands of the Newlands project but also because of its desire to continue the spirit as well as the letter of the present tentative agreement which disposes of all friction between the two interests.

The Sierra Pacific Power Co. has not as yet become a party to the agreement nor has it definitely signified its intention to become a party thereto or to oppose a proposed agreement and adjustment. However, it is felt that the agreement of the two irrigation districts is sufficient to proceed forthwith with the introduction of the bill, and should the power company elect not to become a party to the stipulation it is the intention of the two irrigation districts to proceed, nevertheless.

Your valued assistance in securing the appropriation and taking care of other matters in connection therewith will be greatly

appreciated and likewise will the support and assistance of Senator PITTMAN and Mr. ARENTZ, to whom we will forward copies of this letter and the proposed bill.

Should you require further detailed information as to present status, please wire, and both districts will forward from time to time further details as the situation progresses.

Thanking you for your many courtesies, we are

Yours very truly,

WASHOE COUNTY WATER CONSERVATION DISTRICT,
By THOS. R. KING, *Engineer-Manager.*
TRUCKEE-CARSON IRRIGATION DISTRICT,
By COOKE & STODDARD, *Its Attorneys.*

RENO, NEV., *December 5, 1930.*

Hon. S. S. ARENTZ,
House of Representatives, Washington, D. C.

DEAR MR. ARENTZ: We inclose copies of a letter to Senator ODDIE and a bill for introduction at this session of Congress. These papers, we trust, are self-explanatory.

In so much as Senator ODDIE handled this matter at the session of Congress last past and has been in attendance at many of the conferences leading to the stipulation mentioned, we have requested him to again introduce the bill.

May we count on your assistance in seeing the bill through to final passage? We shall be glad to furnish you with any possible help from this end that you may desire.

Thanking you for past courtesies, we are,

Very truly yours,

WASHOE COUNTY WATER CONSERVATION DISTRICT,
By THOS. R. KING, *Engineer-Manager.*
TRUCKEE-CARSON IRRIGATION DISTRICT,
By COOKE & STODDARD, *Its Attorneys.*

RENO, NEV., *December 5, 1930.*

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

DEAR SENATOR PITTMAN: We inclose copies of a letter to Senator ODDIE and a bill for introduction at this session of Congress. These papers we trust are self-explanatory.

Inasmuch as Senator ODDIE handled this matter at the session of Congress last past and has been in attendance at many of the conferences leading to the stipulation mentioned, we have requested him to again introduce the bill.

May we count on your assistance in seeing the bill through to final passage? We shall be glad to furnish you with any possible help from this end that you may desire.

Thanking you for past courtesies, we are,

Very truly yours,

WASHOE COUNTY WATER CONSERVATION DISTRICT,
By THOS. R. KING, *Engineer-Manager.*
TRUCKEE-CARSON IRRIGATION DISTRICT,
By COOKE & STODDARD, *Its Attorneys.*

A bill for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to provide for the construction of a reservoir in the Little Truckee River, State of California, and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, for the irrigation of lands along the Truckee River in the State of Nevada and the Newlands reclamation project.

The Secretary of the Interior is hereby further authorized to acquire, by purchase, condemnation, or otherwise, such water rights, rights of way, and lands as may be necessary to carry out the provisions of this act.

SEC. 2. There is hereby appropriated from the special fund in the Treasury, known as the reclamation fund, the sum of $750,000 for the purpose of carrying out the provisions of this act.

JANUARY 6, 1931.

Hon. ELWOOD MEAD,
Commissioner of Reclamation,
Washington, D. C.

MY DEAR DOCTOR MEAD: Following up my conversation with you this morning, I herewith inclose a copy of my letter of to-day to Hon. JOHN THOMAS, chairman of the Senate Committee on Irrigation and Reclamation, with reference to the bill which I have introduced, S. 5172, providing for additional water storage for the Truckee River system.

In the inclosed letter I wish particularly to call your attention to the fact that all of the heretofore conflicting interests on the Truckee River system in Nevada are, for the first time, in agreement as to a plan of procedure and have united in support of the bill which I have introduced. It has taken a long while to bring this favorable condition about. Last summer I devoted much time in assisting these various interests in reaching an agreement.

The droughts on the Truckee River system result in great hardship and distress to the irrigationists and are bound to recur unless additional storage, such as called for in my bill, is provided. This drought condition also endangers the sanitary system of Reno and Sparks, Nev., thus threatening the health and life of their people.

Should this bill pass it will meet the serious drought condition which has prevailed for so many years on the Truckee River system and will make unnecessary the continued costly pumping of water from Lake Tahoe, which is being seriously attacked by the property owners around the lake. The passing of this bill will go a long way toward relieving the unemployment situation in the State of Nevada, which is extremely acute at this time.

I feel confident that an additional and ample appropriation will be made available in this session of Congress for carrying on the necessary work of the Reclamation Bureau.

Under these extreme emergency conditions which exist at the present time, I shall greatly appreciate your prompt report on this bill.

Very sincerely yours,

TASKER L. ODDIE.

WASHINGTON, D. C., *January 6, 1931.*

Hon. JOHN THOMAS,
Chairman Committee on Irrigation and Reclamation,
United States Senate.

MY DEAR SENATOR THOMAS: You have already received a copy of my bill S. 5172, copy of which I inclose for ready reference, providing for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, etc., and appropriating $750,000 for carrying out the provisions of the act.

I have been working on this matter for a number of years. Last year I introduced a similar bill, S. 4508, but I want the present bill to replace it.

For many years past there has been a lack of agreement between the Truckee Meadows water users, the Newlands reclamation project, and the power company, all of whom are interested in this question. I met frequently with the representatives of the various interests in Nevada this past summer, and have had much correspondence with the departments regarding steps leading to a settlement of the controversy. I have received a letter dated December 5, 1930, signed by Thomas R. King, engineer-manager of the Washoe County water conservation district, and Cooke & Stoddard, attorneys for the Truckee-Carson irrigation district, all of Reno, which reads as follows:

"The board of directors of the Washoe County water-conservation district (Truckee Meadows) and the board of directors of the Truckee-Carson irrigation district (Newlands reclamation project) have reached a tentative agreement as to basic principles involved in the entry of a final decree in the Truckee River adjudication suit. The final decree when entered by stipulation will, we believe, forever dispose of adverse interests or inharmonious relations between the parties.

"Preparation of final and complete wording of a proposed stipulation is now in progress and will be speeded as rapidly as possible. The stipulation provides for the construction of upstream storage development by the Truckee Meadows and construction of two small regulatory pondage reservoirs by the Sierra Pacific Power Co

"The Truckee Meadows interests are not as yet prepared to designate the exact location of their proposed reservoir, but we believe it will facilitate matters if you will please immediately introduce a bill in Congress for the appropriation of $750,000 to cover the cost of the proposed construction, and immediately upon further details being available you will be promptly advised accordingly.

"It is the wish and desire of the Truckee-Carson irrigation district to give whole-hearted support to the appropriation and construction and to that end will lend its name and give any assistance within its power to secure the appropriation, not only because of a direct benefit to the bench lands of the Newlands project, but also because of its desire to continue the spirit as well as the letter of the present tentative agreement which disposes of all friction between the two interests.

"The Sierra Pacific Power Co. has not as yet become a party to the agreement nor has it definitely signified its intention to become a party thereto or to oppose a proposed agreement and adjustment. However, it is felt that the agreement of the two irrigation districts is sufficient to proceed forthwith with the introduction of the bill and should the power company elect not to become a party to the stipulation it is the intention of the two irrigation districts to proceed nevertheless.

"Your valued assistance in securing the appropriation and taking care of other matters in connection therewith will be greatly appreciated and likewise will the support and assistance of Senator PITTMAN and Mr. ARENTZ to whom we will forward copies of this letter and the proposed bill.

"Should you require further detailed information as to present status please wire and both districts will forward from time to time further details as the situation progresses."

I am most anxious to secure a favorable report from the Interior Department on this bill and will request you to give it your careful consideration as promptly as possible. I shall be glad to discuss the matter with you at your convenience.

With best wishes, I remain,

Very sincerely yours,

TASKER L. ODDIE.

STATEMENT BY SENATOR TASKER L. ODDIE ON THE NEED FOR AN EMERGENCY APPROPRIATION TO THE RECLAMATION FUND TO PROVIDE STORAGE FACILITIES IN POWER-PLANT DEVELOPMENTS TO RELIEVE THE DROUGHT CONDITIONS ON THE TRUCKEE AND CARSON RIVERS, BEFORE THE SENATE COMMITTEE ON RECLAMATION, JANUARY 6, 1931

For a number of years the waters of the Truckee and Carson Rivers of Nevada have, during periods of drought, run so low that there was an insufficient supply of water for the settlers on the Truckee-Carson Irrigation District, the Truckee Meadows water users, the power companies using said waters, and the water users on the Carson River system. In the low stages of the Truckee River, during drought seasons, the sewage disposal at Reno and Sparks, Nev., is also made difficult and, in the absence of pumping water from Lake Tahoe, the conditions would be a serious menace to health. In each of these drought years, the most serious being that of the season of 1930, it has become necessary to pump water from Lake Tahoe into the Truckee River in order to satisfy as far as possible the requirements of irrigationists and the cities of Reno and Sparks for sewage disposal. As each year has passed the property owners surrounding Lake Tahoe have protested on the ground that it was substantially lowering the level of Lake Tahoe and destroying the value of their property. Through the good offices and the able assistance of the Secretary of the Interior and the representatives of the irrigation districts and water users involved, a tentative agreement was entered into last summer which provides for a permanent solution of this problem by the development of a reservoir system at the headwaters of the Truckee River and by supplementing the present power plant at Lake Lahontan by a new power plant at a higher elevation which will permit the conservation of the winter water supply in Lake Lahontan.

Great losses have been sustained by the settlers using the waters of this river because of these drought periods which will undoubtedly continue unless these developments are made.

Early in this Congress I introduced S. 5172, authorizing an appropriation of $750,000 to provide for additional storage facilities on the upper Truckee River and the impounding of the waters of Webber, Independence, and Donner Lakes, which lie in California but which flow into the Truckee River system. The Chief of the Reclamation Service, Doctor Mead, has conducted a considerable investigation in the field and has much of the necessary information of an engineering character required to carry into effect the provisions of this bill. He has, however, sent a report opposing the same at the present time because of the insufficient balance remaining in the reclamation fund. Furthermore, he could not recommend the legislation that I introduced last year on this same subject because of the serious conflicts existing between the various interests involved in the system. I worked hard last summer with the representatives of these various interests in trying to bring them into agreement on a definite plan of development. This agreement has been effected and consequently the objections of the Reclamation Bureau have been completely satisfied. On the strength of this I desire a reconsideration of my bill, S. 5172.

Yesterday I introduced a bill providing for the construction of another dam in the Truckee River before it enters Lahontan Reservoir, the construction of which will cost about $200,000, and which will greatly conserve the winter waters behind the Lahontan Dam for the use of the settlers on the Newlands project. These two bills should be considered as one project in meeting the drought situation on the Truckee and Carson Rivers and in making it unnecessary in the future to pump water from Lake Tahoe, which reduces its elevation.

The situation is critical and it is imperative that something be done immediately to relieve the same. It has required a great deal of time and effort to bring the parties in interest to an accord as to what should be done in meeting the drought situation and now is the time to provide the necessary relief. Undoubtedly the reclamation fund is low because of the serious conditions confronting the agricultural industry in the past few years which has cut down the earnings of settlers on reclamation projects and postponed the repayments to the Government. In Nevada this situation has been rendered even more acute through the inadequate supply of water to irrigation settlers. If this work could be provided for promptly through an additional appropriation to the reclamation fund, it would also greatly assist in relieving the unemployment situation in a State where other forms of relief are most difficult to provide. Grave and disastrous results in severe losses and suffering have resulted from the shortages of water for a number of years, part of which have been caused by failure of the Government to live up to its agreements with the settlers in furnishing adequate water supplies.

I herewith supply copies of the bills to which reference has been made and a letter to the chairman of the committee referring to same.

TASKER L. ODDIE.

JANUARY 6, 1931.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, January 15, 1931.

Memorandum for the Secretary.

Attached letter of January 10 requests further report concerning S. 5172, a bill providing for additional storage on the Truckee River watershed.

In my memorandum of December 16 I pointed out as a prerequisite to construction of the desired storage works the necessity of securing an agreement among the various interests affected, particularly in the matter of determining the benefits to be received, allocation of costs, and kindred matters. I have been furnished with a copy of a letter dated January 6, 1931, written by Senator ODDIE to the chairman of the Senate committee, from which it appears that substantial progress has been made in composing the differences which have hitherto existed among certain conflicting interests. It is gratifying to note that a tentative agreement has been reached as to certain basic principles involved, although I do not understand that negotiations have yet reached the stage where it would be possible to make a definite determination of how the water to be developed would be divided, and by whom the costs to be incurred by the United States would be returnable. It is possible that these further details could be arranged without undue delay and difficulty.

In my former memorandum attention was also invited to the present depleted status of the reclamation fund. Unfortunately this situation has not improved since that memorandum was written, but, on the contrary, conditions are now considerably worse than then depicted. It has been necessary to curtail construction work now in progress under existing contracts, and it is possible that discontinuances of construction will be necessary within a short time. It is certain that construction must of necessity be confined to completing work of the most urgent character, such as that on the Gooding Canal, and even the discontinuance or curtailment of this work may become imperative. It is possible that the funds available will not be more than sufficient to cover the necessary operation and maintenance costs for a period.

These conditions make it plainly evident that no new construction work can be undertaken at this time, however urgent the character of it may be. This is regretable, but I can suggest no other course of action.

ELWOOD MEAD, *Commissioner.*

THE SECRETARY OF THE INTERIOR,
Washington, January 17, 1931.

Hon. JOHN THOMAS,
Chairman Committee on Irrigation and Reclamation, United States Senate.

MY DEAR SENATOR THOMAS: In response to your letter of January 10 addressed to Commissioner Mead, of the Bureau of Reclamation, requesting further report on S. 5172, there is transmitted herewith a supplementary memorandum of Doctor Mead on this subject. In this memorandum I concur.

I deeply regret the necessity of making this further unfavorable report.

Very truly yours,

RAY LYMAN WILBUR.

UNITED STATES SENATE,
COMMITTEE ON IRRIGATION AND RECLAMATION,
January 19, 1931.

Hon. TASKER L. ODDIE,
United States Senate.

DEAR SENATOR: I am inclosing herewith carbon copies of communications from the Department of the Interior covering your bill (S. 5172) providing for additional storage on the Truckee River watershed, the same being self-explanatory.

Yours very truly,

JNO. THOMAS.

JANUARY 20, 1931.

Hon. ELWOOD MEAD,
Commissioner of Reclamation,
Washington, D. C.

MY DEAR DOCTOR MEAD: In regard to my letter to you of January 6, 1931, in which I referred to the bill which I have introduced in the Senate, S. 5172, providing for additional water storage for the Truckee River system, and your reply dated January 15, 1931, to the Secretary of the Interior:

I note with gratification that you feel the importance of the tentative agreement which has been reached by the various interests on the Truckee River system which have been at variance up to a few weeks ago as to certain of the basic principles involved. I wish to assure you that if plans were perfected and appropriations made available for the construction of the reservoir system provided for in the bill which I have introduced, no complications would arise or time be lost in arriving at whatever legal understanding might be necessary.

I call your attention to the urgent necessity for this work because of the suffering from the serious drought conditions which have existed for a number of years along the Truckee River system and the acute unemployment situation existing in the State of Nevada.

It is impossible for me to harmonize the statements in your memorandum to the Secretary of the Interior with the President's policy on unemployment and drought relief. The President has consistently and wisely urged increased appropriations for river and harbor development, road construction, erection of public buildings, and development of other public works in order to make available more employment for American labor. Consequently, when in your report you say that the current construction work

of the Reclamation Service must be seriously curtailed or altogether discontinued, it seems to me entirely antagonistic to the President's well-chosen program for the relief of unemployment. To be consistent, it would be necessary not only to supply the reclamation fund with the necessary appropriations to carry on the current work but to increase that fund in order to include the necessary new construction, especially in the case of Nevada, where that construction would afford a long-needed drought relief and where failure to provide for this construction would bring untold suffering and distress.

I feel that this matter should be called to the President's attention in most emphatic terms, and that with his knowledge of conditions he will support an adequate appropriation to take care of not only current construction of the Reclamation Service work but to provide for those new works to overcome drought conditions existing in the State of Nevada.

Another reason for this work, to which I have heretofore called attention, is the necessity for providing ample water for the Truckee River in these drought years to carry the sewage away from the cities of Reno and Sparks. If this is not attended to promptly serious epidemics may occur which would jeopardize the lives and health of thousands of people.

It is not necessary for me to call to your mind the fact that the Government has been delinquent ever since the settlers were first brought into the Newlands project because of failure to live up to its sacred agreements to supply adequate water, which makes even more necessary that this obligation be no longer deferred.

The people of Nevada are not going to benefit by drought appropriations which have been made. They are not asking charity; but they do expect that the Government live up to its obligations to overcome these drought conditions by providing adequate drainage and irrigation works.

If the funds were made available for the construction of the reservoir system provided for in my bill on the Truckee River system it would go a long way toward alleviating the acute unemployment situation in Nevada. This is another reason why this work should be undertaken at this time in order that the President's program for the relief of unemployment be geographically distributed in an equitable manner.

I will appreciate your prompt and careful consideration of this matter and an early reply.

Very sincerely yours,

TASKER L. ODDIE.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, January 22, 1931.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: Replying to your letter of January 20 relative to the Humboldt River, and your letter of the same date relative to developments on the Truckee:

I wish to assure you that the necessities of Nevada have never been lost sight of, and that within the near future the matters you mention will be given direct attention. You are, however, aware of the fact that unless we can get more money than is coming into the reclamation fund from the present sources, it will be impossible to provide for any construction work on either the Humboldt or the Truckee Rivers for some time to come. The money is not in the treasury to complete contracts already made, and of course we can not start any new construction until provision has been made for meeting our obligations to the workmen and the contractors on work now going on. I am, therefore, hoping that through your effort and the efforts of others familiar with the situation, we may be able to secure approval to use over again $5,000,000 of the money paid into the Treasury in the last five years, and also be relieved from continuing these payments for another five years. That would enable us to relieve very distressing situations in a number of States.

The right course seems to be to arrange for a conference with the interested people on the Humboldt and the Truckee as soon as weather conditions make it possible. Nothing can be gained, it seems to me, by trying to hold those meetings before the 4th of March, and it will be very difficult for us to do it because of the great pressure of work on all our staff at this time.

I leave to-day for California and I shall be very glad to meet anyone who would care to come to San Francisco where I will be at the Palace Hotel between January 26 and 29, or to Las Vegas, where I will be on the 4th or 5th of February. What is needed now is to have the views of the people on both the Humboldt and the Truckee Rivers as to what arrangements can be made for the repayment of construction costs. Can not you take up with them the preparation of a statement on the Humboldt that will show the value of stored water and where it should be used, so that it may be before me when I return here?

On the Truckee, if a storage is to be built there, there must be an agreement as to who is to pay for it. I am not informed as to what will be the attitude of the people on the Newlands project. They are meeting their payments, but whether they will be willing to have those payments increased is something about which I am not advised. One of the parties benefited will be the people of the Truckee Meadows. Will they be willing to form a district, or in some way that will be satisfactory to the Government and in accordance with the law, enter into an obligation to repay the cost of this development within 40 years? I shall appreciate it if you will inform the proper parties that I am anxious to have all the information which can be furnished as to how the repayment of new works for the conservation of the water of the Truckee is to be made.

I shall hope to take this matter up with you again on my return.

Sincerely yours,

ELWOOD MEAD, *Commissioner.*

JANUARY 22, 1931.

Col. ARTHUR WOODS, *Chairman,*
President's Emergency Committee for Employment,
Washington, D. C.

MY DEAR COLONEL WOODS: On January 15, 1931 Hon. Ray Lyman Wilbur, Secretary of the Interior, transmitted to me a copy of the report by Dr. Elwood Mead, commissioner of reclamation, on a bill which I introduced, S. 5172, providing for additional water storage for the Truckee River system, in which it was stated that there were insufficient funds to carry on the current construction work of the reclamation service and that it would be necessary seriously to curtail that work and possibly to discontinue some of it, which obviously would create additional unemployment in sections of the country which are now suffering acutely and to which other forms of relief are not available.

This seemed to me so inconsistent with the President's plan to increase public construction in the interest of lessening unemployment that I wrote a letter to Dr. Mead on January 20, 1931, calling attention to this matter and the serious drought conditions on the Truckee River system, which have created extreme hardships for the irrigation settlers. A copy of the letter to Doctor Mead is inclosed for your information.

I know you are familiar with the conditions prevailing and I believe that no more constructive results could be obtained in overcoming the unemployment conditions throughout the Western States than to make available, perhaps through a temporary loan to the reclamation fund to be returned from payments to the fund which will come due in the future, an amount sufficient not only to provide for the completion of the current construction work of the reclamation service but also to provide additional storage facilities on the Truckee River system in order to meet the emergency drought conditions.

The people of Nevada will not benefit through appropriations made available to the States in which droughts occurred last year and they are not now asking for charity but believe that the Government should meet its just obligation to supply adequate water to the settlers on the Truckee River system.

I shall greatly appreciate your consideration of this matter.

Very sincerely yours,

TASKER L. ODDIE.

THE PRESIDENT'S EMERGENCY COMMITTEE FOR EMPLOYMENT,
DEPARTMENT OF COMMERCE BUILDING,
Washington, D. C., January 30, 1931.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: I wish to acknowledge the receipt of your letter of January 22 and to thank you for sending a copy of your letter of January 20 to the Commissioner of Reclamation, as well as a copy of your bill S. 5172.

Very truly yours,

ARTHUR WOODS.

JANUARY 22, 1931.

The PRESIDENT,
The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: On January 15, 1931, Hon. Ray Lyman Wilbur, Secretary of the Interior, transmitted to me a copy of the report by Dr. Elwood Mead, Commissioner of Reclamation, on a bill which I introduced (S. 5172) providing for additional water storage for the Truckee River system, in which it was stated that there were insufficient funds to carry on the current construction work of the Reclamation Service and that it would be necessary seriously to curtail that work and possibly to discontinue some of it, which obviously would create additional unemployment in sections of the country which are now suffering acutely and to which other forms of relief are not available.

This seemed to me so inconsistent with your plan to increase public construction in the interest of lessening unemployment that I wrote a letter to Doctor Mead on January 20, 1931, calling attention to this matter and the serious drought conditions on the Truckee River system, which have created extreme hardships for the irrigation settlers. A copy of the letter to Doctor Mead is inclosed for your information.

I know you are familiar with the conditions prevailing, and I believe that no more constructive results could be obtained in overcoming the unemployment conditions throughout the Western States than to make available, perhaps through a temporary loan to the reclamation fund, to be returned from payments to the fund which will come due in the future, an amount sufficient not only to provide for the completion of the current construction work of the Reclamation Service but also to provide additional storage facilities on the Truckee River system in order to meet the emergency drought conditions.

The people of Nevada will not benefit through appropriations made available to the States in which droughts occurred last year, and they are not now asking for charity but believe that the Government should meet its just obligation to supply adequate water to the settlers on the Truckee River system.

I shall greatly appreciate your consideration of this matter.

Very sincerely yours,

TASKER L. ODDIE.

THE WHITE HOUSE,
Washington, January 23, 1931.

The Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of January 22. We have a number of instances of the kind you mention and we are endeavoring to set up some method which will deal with them all.

Yours faithfully,

HERBERT HOOVER.

WASHINGTON, D. C., *January 24, 1931.*

CHAS. W. MAPES, Esq.,
President Washoe County Water Conservation District,
Reno, Nev.:

Have just sent important wire to Thomas R. King, engineer-manager, and Lester D. Summerfield, attorney, Washoe County Water Conservation District, regarding upstream storage on Truckee River and suggest your seeing them regarding matter and if possible joining them in trip to San Francisco to confer with Doctor Mead between January 26 and 29.

Kind regards.

TASKER L. ODDIE.

WASHINGTON, D. C., *January 24, 1931.*

THOMAS R. KING, Esq.,
Engineer-Manager, Washoe County Water Conservation District,
Reno, Nev.

LESTER D. SUMMERFIELD, Esq.,
Attorney, Washoe County Water Conservation District,
Reno, Nev.

ROY W. STODDARD, Esq.
Attorney, Truckee-Carson Irrigation District, Reno, Nev.

DEAN STUVER, Esq.,
Care of Truckee-Carson Irrigation District, Fallon, Nev.

S. R. MAREAN, Esq.,
Care of Truckee-Carson Irrigation District, Fallon, Nev.

GEORGE DEVORE, Esq.,
Care of Sierra Pacific Power Co., Reno, Nev.

HARRY C. DUKES, Esq.,
Water Master, Truckee River, Reno, Nev.

I have recently taken active steps to expedite action on my bill, S. 5172, authorizing appropriation of $750,000 for upstream storage on Truckee River as per plan agreed upon by water users on Truckee River system which you helped bring about. On January 6 I wrote strong letter to Doctor Mead inclosing letter I had written to Senator THOMAS, chairman Senate Committee on Irrigation and Reclamation, outlining the situation in detail and insisting on favorable action. On January 15, Doctor Mead made report to Secretary of Interior on this bill, in which he referred to the composing of previously existing differences among certain conflicting interests on the river. He further stated: "In my former memorandum attention was also invited to the present depleted status of the reclamation fund. Unfortunately this situation has not improved since that memorandum was written, but, on the contrary, conditions are now considerably worse than then depicted. It has been necessary to curtail construction work now in progress under existing contracts and it is possible that discontinuance of construction will be necessary within a short time.

"It is certain that construction must of necessity be confined to completing work of the most urgent character, such as that on the Gooding Canal, and even the discontinuance or curtailment of this work may become imperative. It is possible that the funds available will not be more than sufficient to cover necessary operation and maintenance costs for a period. These conditions make it plainly evident that no new construction work can be undertaken at this time, however urgent the character of it may be. This is regrettable, but I can suggest no other course of action."

On January 20 I again wrote an especially strong letter to Doctor Mead, calling his attention to urgent necessity for this work because of the suffering from serious drought conditions which have existed for numbers of years along Truckee River and the acute unemployment situation existing in Nevada, as well as the danger of epidemic because of shortage of water to carry sewerage through Reno and Sparks. I then took matter up actively with the Secretary of Interior and insisted on prompt action. The result of this is a letter from Doctor Mead, dated January 22, from which I quote, as follows:

"I wish to assure you that the necessities of Nevada have never been lost sight of, and that within the near future the matters you mention will be given direct attention. You are, however, aware of the fact that unless we can get more money than is coming into the reclamation fund from the present sources it will be impossible to provide for any construction work on either the Humboldt or the Truckee Rivers for some time to come.

"The money is not in the Treasury to complete contracts already made and of course we can not start any new construction until provision has been made for meeting our obligations to the workmen and the contractors on work now going on. I am therefore hoping that through your effort and the efforts of others familiar with the situation we may be able to secure approval to use over again $5,000,000 of the money paid into the Treasury in last five years and also be relieved from continuing these payments for another five years. That would enable us to relieve very distressing situations in a number of States.

"The right course seems to be to arrange for a conference with the interested people on the Humboldt and the Truckee as soon as weather conditions make it possible. Nothing can be gained, it seems to me, by trying to hold those meetings before the 4th of March and it will be very difficult for us to do it because of the great pressure of work on all our staff at this time.

"On the Truckee, if a storage is to be built there, there must be an agreement as to who is to pay for it. I am not informed as to what will be the attitude of the people on the Newlands project. They are meeting their payments but whether they will be willing to have those payments increased is something about which I am not advised. One of the parties benefited will be th people of the Truckee Meadows. Will they be willing to form a district or in some way that will be satisfactory to the Government and in accordance with the law enter into an obligation to repay the cost of this development within 40 years?

"I shall appreciate it if you will inform the proper parties that I am anxious to have all the information which can be furnished as to how the repayment of new works for the conservation of the water of the Truckee is to be made." I have arranged for Doctor Mead to meet the various parties in interest at the Palace Hotel between January 26 and 29 and strongly suggest your meeting with him there. I have sent this same telegram to Thomas R. King, manager Washoe County water conservation district; Lester D. Summerfield, attorney Washoe County water conservation district; Roy W. Stoddard, attorney Truckee Carson irrigation district; Dean Stuver, Truckee Carson irrigation district; S. R. Marean, Truckee Carson irrigation district; George Devore, Sierra Pacific Power Co.; and Harry C. Dukes, water master Truckee River. Please keep careful record of conference and advise me promptly by wire, Government rate, collect, of developments and result. I have informed Doctor Mead of formation of Washoe County conservation district, including water users on Truckee meadows. I have taken matter up with the President and have shown him that insufficient funds in Reclamation Service will cause unemployment which is inconsistent with his wise policy of recommending additional appropriations for public works in order to decrease unemployment. He is trying to work out satisfactory plan for securing additional reclamation funds. Your cooperation in assisting in carrying out suggestions in this telegram and in keeping me advised by wire will be very helpful to him.

TASKER L. ODDIE.

JANUARY 24, 1931.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: In Doctor Mead's letter of January 22, he has requested conferences in San Francisco between January 26 and 28, 1931, with the settlers on the Humboldt and Truckee River systems. In order to facilitate these conferences I have sent telegrams to the following interested parties requesting that they meet Doctor Mead:

TRUCKEE RIVER SYSTEM

Thomas R. King, engineer-manager, Washoe County water-conservation district, Reno, Nev.
Lester D. Summerfield, attorney, Washoe County water-conservation district, Reno, Nev.
Roy W. Stoddard, attorney, Truckee-Carson irrigation district, Reno, Nev.
Dean Stuver, Truckee-Carson irrigation district, Fallon, Nev.
S. R. Marean, Truckee-Carson irrigation district, Fallon, Nev.
George Devore, Sierra Pacific Power Co., Reno, Nev.
Harry C. Dukes, water master, Truckee River, Reno, Nev.

HUMBOLDT RIVER SYSTEM

Hon. Morley Griswold, Lieutenant Governor of Nevada, Carson City, Nev.
Hon. H. J. Murrish, Lovelock, Nev.
George Banks, Battle Mountain, Nev.
Robert Krumbein, Winnemucca, Nev.

I will appreciate it very much if you will send a wire to Doctor Mead giving him the names of the parties I have requested to meet him so that he will be fully prepared.

Very sincerely yours,

TASKER L. ODDIE.

THE SECRETARY OF THE INTERIOR,
Washington, January 26, 1931.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: As the upstream-storage question on the Truckee River appears to be closely tied in with the question of equation of Truckee River stream flow against Lake Tahoe water levels, I suggest that all interests will be desirous of having the upstream-storage question disposed of prior to any further action by the department toward fixing an equation between Lake Tahoe water levels and use of Truckee River water. I am pleased that you have taken the leadership in working out the upstream-storage problem and will be glad to have you keep me in touch with developments. As you know, the primary question is one of financial feasibility; the division of the cost as among the bene-

ficiaries is an essential point which must be disposed of at the outset and I trust that you will be successful in effecting an agreement.

Very truly yours,

RAY LYMAN WILBUR.

[Telegram]

JANUARY 26, 1931.

Hon. GEORGE WINGFIELD,
Reno, Nev.:

Have sent following telegram to Thomas R. King, engineer-manager, and Lester D. Summerfield, attorney, Washoe County water conservation district; Roy W. Stoddard, Dean Stuver, and S. R. Marean, Truckee-Carson irrigation district; George DeVore Sierra Pacific Power Co., and Harry C. Dukes, water master Truckee River, requesting them meet Doctor Mead at San Francisco between 26th and 29th. "I have recently taken active steps to expedite action on my bill (S. 5172) authorizing appropriation of $750,000 for upstream storage on Truckee River as per plan agreed upon by water users on Truckee River system which you helped bring about. On January 6 I wrote strong letter to Doctor Mead, inclosing letter I had written to Senator THOMAS, chairman Senate Committee on Irrigation and Reclamation, outlining situation in detail and insisting on favorable action. On January 15 Doctor Mead made report to Secretary of Interior on this bill in which he referred to the composing of previously existing differences among certain conflicting interests on the river." He further stated: "In my former memorandum attention was also invited to the present depleted status of the reclamation fund. Unfortunately this situation has not improved since that memorandum was written but on the contrary conditions are now considerably worse than then depicted. It has been necessary to curtail construction work now in progress under existing contracts and it is possible that discontinuance of construction will be necessary within a short time. It is certain that construction must of necessity be confined to completing work of the most urgent character, such as that on the Gooding Canal, and even the discontinuance or curtailment of this work may become imperative. It is possible that the funds available will not be more than sufficient to cover necessary operation and maintenance costs for a period. These conditions make it plainly evident that no new construction work can be undertaken at this time, however urgent the character of it may be. This is regrettable, but I can suggest no other course of action." On January 20 I again wrote an especially strong letter to Doctor Mead, calling his attention to urgent necessity for this work because of the suffering from serious drought conditions which have existed for numbers of years along Truckee River and acute unemployment situation existing in Nevada, as well as danger of epidemic because of shortage of water to carry sewage through Reno and Sparks. I then took the matter up actively with Secretary of Interior and insisted on prompt action. The result of this is a letter from Doctor Mead, dated January 22, from which I quote as follows:

"I wish to assure you that the necessities of Nevada have never been lost sight of and that within the near future the matters you mention will be given direct attention. You are, however, aware of the fact that unless we can get more money than is coming into the reclamation fund from the present sources it will be impossible to provide for any construction work on either the Humboldt or the Truckee Rivers for some time to come. The money is not in the Treasury to complete contracts already made, and, of course, we can not start any new construction until provision has been made for meeting our obligations to the workmen and the contractors on work now going on. I am, therefore, hoping that through your effort and the efforts of others familiar with the situation we may be able to secure approval to use over again $5,000,000 of the money paid into the Treasury in last five years and also be relieved from continuing these payments for another five years. That would enable us to relieve very distressing situations in a number of States.

"The right course seems to be to arrange for a conference with the interested people on the Humboldt and the Truckee as soon as weather conditions make it possible. Nothing can be gained, it seems to me, by trying to hold these meetings before the 4th of March, and it will be very difficult for us to do it because of the great pressure of work on all our staff at this time.

"On the Truckee if a storage is to be built there, there must be an agreement as to who is to pay for it. I am not informed as to what will be the attitude of the people on the Newlands project. They are meeting their payments; but whether they will be willing to have those payments increased is something about which I am not advised. One of the parties benefited will be the people of the Truckee Meadows. Will they be willing to form a district or, in some way that will be satisfactory to the Government and in accordance with the law, enter into an obligation to repay the cost of this development within 40 years? I shall appreciate it if you will inform the proper parties that I am anxious to have all the information which can be furnished as to how the repayment of new works for the conservation of the water of the Truckee is to be made."

I have arranged for Doctor Mead to meet the various parties in interest at the Palace Hotel, San Francisco, between January 26 and 29, and strongly suggest your meeting with him there. I have informed Doctor Mead of formation of Washoe County conservation district, including water users on Truckee Meadows.

Please keep careful record of conference and advise me promptly by wire. Government rate, collect, of developments and result. I have taken matter up with President and have shown him that insufficient funds in reclamation service will cause unemployment, which is inconsistent with his wise policy of recommending additional appropriations for public works in order to decrease unemployment. He is trying to work out satisfactory plan for securing additional reclamation funds. Your cooperation in assisting in carrying out suggestions in this telegram and in keeping me advised by wire will be very helpful to him. I suggest you send one or more of your representatives who have helped materially in bringing about the settlement of controversies among water users on Truckee River system and establishment of a national policy on which I am basing request for Federal aid. I have seen the President this morning personally about this, and have urged a loan or $5,000,000 for the Reclamation Service. In the Senate Appropriations Committee we have already approved a cancelation of the repayment to the Treasury by the Reclamation Service of $1,000,000 a year for five years. A personal appeal from you to the President will help materially. Best wishes.

TASKER L. ODDIE.

RENO, NEV., *January 26, 1931.*

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.:

Re your wire 24th. Many thanks for your most active interest and explicit wire. Have discussed in full with C. W. Mapes, president our district, who concurs in the following. Washoe County water conservation district, duly organized and functioning, will bear entire financial burden of initial supplemental storage on Truckee River and enter into necessary legal contracts for repayment of funds to the United States within 40 years. While the financial burden is assumed by the Washoe County district the ownership entitled to benefits accrue the substantial part to the Truckee-Carson district, which is now an incomplete bureau of reclamation enterprise. It is therefore believed by all parties that Government should aid in relieving the distressing conditions now existing by advancement of funds over 40 years without interest. Truckee-Carson irrigation district will not be called upon for financial assistance. All parties mentioned in your wire leave Reno for San Francisco to-night, though Doctor Mead has not yet arrived there. Will keep you fully advised of conference progress.

THOMAS R. KING,
Engineer-Manager W. C. W. C. D.

JANUARY 28, 1931.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: I am in receipt of your letter of the 26th instant regarding the questions of upstream storage and the equation of Truckee River stream flow against Lake Tahoe water levels.

I feel very hopeful that the meeting I have arranged with Doctor Mead, in San Francisco, between the various parties in interest in the State of Nevada on the Truckee River will be successful. The meeting is going on now, and I am looking for good results from it. I appreciate very much your cordial cooperation in this matter.

With my best wishes, I remain,

Very sincerely yours,

TASKER L. ODDIE.

SAN FRANCISCO, CALIF., *January 30, 1931.*

TASKER L. ODDIE,
United States Senate, Washington, D. C.:

Turrettin, Summerfield, Mapes, King, Devore, Dukes, Stuver, Marean, Harmon, and Stoddard conferred with Doctor Mead in San Francisco yesterday. His attitude believed favorable to Truckee River conservation. He advises that further action on 750,000 upstream reservoir and 200,000 additional Lahontan power-plant appropriations be deferred temporarily pending congressional enactment of bill for 5,000,000 and bill authorizing retention in reclamation fund of 1,000,000 annually for five years. However, we want immediate appropriation if possible, and if there is any way that the 5,000,000 and the 1,000,000 annual reclamation appropriations can be increased so as to take care of our two appropriations without jeopardizing the enactment of the five and one million dollar bills it would be highly desirable. Chances look good to secure appropriations with 40-year repayment contracts without interest providing 5,000,000 and 1,000,000 deferred payment bills can be increased or other reclamation funds made available. We also urge passage of Smith-Glenn bill as safeguard. Truckee River people would, of course, prefer reclamation funds without interest if not too long delayed. Mead advises that an amendment to act of December 5, 1924, referring to allocation of power revenues is contemplated by Congress. Please get in touch with Senators who have preparation of amendment and insist upon protection of additional Lahontan power-plant revenues to Truckee-Carson irrigation district. Definite arrangements have been made for Doctor Mead and others to visit Nevada personally next April to further investigate and check up on the Truckee River development so that Budget provision can be made by July next. This telegram has been read and approved by all of the above-named Nevada parties. Please send copies of Smith-Glenn bill (S. 4123) to above parties. Wire how situation develops.

ROY W. STODDARD
(For the above parties).

RENO, NEV., *February 2, 1931.*

The Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR TASKER: C. W. Mapes, president of the Washoe County water-conservation district, while in the office this morning ask

me to convey to you his appreciation of your most active interest in our Truckee River problem, and to advise you that he had received a copy of Senate bill 4123, and also a copy of the letter of Secretary Ray Lyman Wilbur addressed to you under date of January 26, 1931.

I also wish to express the same thoughts.

As I read the bill there occurs to me the question as to whether or not a project such as we propose, which has not yet incurred the indebtedness for construction purposes, might secure funds for same under the act as now worded. Would you be so kind as to secure for us an interpretation of the act as related to this particular question? I gained the impression at the conference with Doctor Mead in San Francisco on January 27 that it would be possible for us to secure our funds under the above-mentioned act, providing the requirements of the Department of Interior were satisfactorily met and the bill duly passed.

With kindest personal regards, I am,

Sincerely,

WASHOE COUNTY WATER CONSERVATION DISTRICT,
By THOS. R. KING, *Engineer-Manager.*

THE SECRETARY OF THE INTERIOR,
Washington, February 19, 1931.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: I believe that Mr. Ely discussed S. 5712 with you this morning. This is a bill introduced by you to authorize construction of a storage project on the Little Truckee in Nevada. As amended in committee, it provides that no funds should be expended prior to execution of a repayment contract satisfactory to the Secretary and changes the bill from an appropriation measure to an authorization.

The department has consistently urged opposition to unnecessary bills authorizing new reclamation projects; as you know, special authorization is not needed in such cases and the problem is one of appropriation simply.

In this particular case, however, I have no objection to the enactment of the bill. Controversies over use of Truckee River waters and those of Lake Tahoe, from which the Truckee River drains, have been acute for several years; and this department was instrumental last summer in arranging a 3-year truce between California and Nevada interests pending the working out of a permanent solution. If you believe that this bill will assist in solving the Nevada part of the problem on which you have been effectively working and facilitate the working out of a repayment agreement among the Nevada interests, the department has no objection to its passage.

You of course understand that passage of this bill will not expedite construction of the project contemplated by the bill. The reclamation fund has no money now available, and the appropriations now pending in Congress for the reclamation fund are restricted to projects already in construction and must be so used.

Very truly yours,

RAY LYMAN WILBUR.

Mr. ODDIE. The debate on the floor of the Senate at the time of the enactment of S. 5172 providing for upstream storage on the Truckee River system was very brief and in order to make a continuous record I herewith insert the same at this time.

RESERVOIR IN LITTLE TRUCKEE RIVER, CALIF., ETC.

The Senate proceeded to consider the bill (S. 5172) for the construction of a reservoir in the Little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, which had been reported from the Committee on Irrigation and Reclamation, with amendments, on page 2, after line 7, to insert "No funds shall be expended under this act until a contract or contracts satisfactory to the Secretary of the Interior shall be executed by an irrigation district or districts, or other agencies organized under State law, for the repayment of the sums expended for the purposes of this act," and on the same page, line 13, after the word "hereby," to insert "authorized to be," so as to make the bill read:

"*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to provide for the construction of a reservoir in the Little Truckee River, State of California, and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, for the irrigation of lands along the Truckee River in the State of Nevada and the Newlands reclamation project.

"The Secretary of the Interior is hereby further authorized to acquire, by purchase, condemnation, or otherwise, such water rights, rights of way, and lands as may be necessary to carry out the provisions of this act.

"No funds shall be expended under this act until a contract or contracts satisfactory to the Secretary of the Interior shall be executed by an irrigation district or districts, or other agencies organized under State law, for the repayment of the sums expended for the purposes of this act.

"SEC. 2. There is hereby authorized to be appropriated from the special fund in the Treasury known as the reclamation fund the sum of $750,000 for the purpose of carrying out the provisions of this act."

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. JONES. Mr. President, I objected to the consideration of this bill once or twice before; but I have received a letter from the Secretary of the Interior which reads as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 19, 1931.

Hon. WESLEY L. JONES,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR MR. CHAIRMAN: I believe that Mr. Ely discussed S. 5172 with you this morning. This is a bill introduced by Senator ODDIE to authorize construction of a storage project on the Little Truckee in Nevada. As amended in committee, it provides that no funds should be expended prior to execution of a repayment contract satisfactory to the Secretary, and changes the bill from an appropriation measure to an authorization.

I have been thoroughly in harmony with your consistent opposition to unnecessary bills authorizing new reclamation projects and appreciative of that attitude; as you know, special authorization is not needed in such cases, and the problem is one of appropriation simply.

In this particular case, however, I have no objection to the enactment of the bill. Controversies over use of Truckee River waters and those of Lake Tahoe, from which the Truckee River drains, have been acute for several years; and this department was instrumental last summer in arranging a 3-year truce between California and Nevada interests pending the working out of a permanent solution. If Senator ODDIE believes that this bill will assist in solving the Nevada part of the problem and facilitate the working out of a repayment agreement among the Nevada interests, the department has no objection to its passage.

Senator ODDIE will, of course, clearly understand that passage of this bill will not expedite construction of the project contemplated by his bill. The reclamation fund has no money available and the appropriations now pending in Congress for the reclamation fund are restricted to projects already in construction and will be so used.

Very truly yours,

RAY LYMAN WILBUR,
Secretary.

I know, as the department maintains, that the appropriation of the reclamation fund for particular projects by Congress is not encouraged, and we always take care of that in the general bill; and this special appropriation will not really amount to anything. If, however, it will help in bringing about the agreement that is referred to here, I am perfectly willing that that shall be done. I desire to have it understood, however, that I will not consider this as a precedent for legislation hereafter allotting the reclamation fund under separate measures.

Mr. KING. Mr. President, I call the attention of the Senator from Nevada to the fact that, as I read this bill, it in part provides for the irrigation of privately owned lands. I am not sure that it is a reclamation project. The language of the bill is so ambiguous that I can not tell; but if it be for irrigation of privately owned lands—and it refers to irrigation districts under the State law, from which I should assume that it refers to privately owned lands—then there ought to be some provision under the terms of which the owners of the lands should pay their share of the cost of the project, not in 40 years without interest, but within 20 years and a reasonable amount of interest.

Mr. ODDIE. Mr. President, there is a provision in the bill as follows:

"No funds shall be expended under this act until a contract or contracts satisfactory to the Secretary of the Interior shall be executed by an irrigation district or districts, or other agencies organized under State law, for the repayment of the sums expended for the purposes of this act."

Mr. KING. Let me say to the Senator that the representative of the Secretary of the Interior called to see me this afternoon, because I had objected to some features of this bill. I asked him with regard to the matter I have just mentioned; and he said that so far as he knew—and he was here representing the Secretary of the Interior—the owners of lands who were not on reclamation projects would have 40 years, without interest, for the payment of their share of the water. It seems to me it is unjust.

Mr. ODDIE. There is nothing in the bill to show that, Mr. President. The contracts will have to be satisfactory to the Secretary of the Interior, and an appropriation for this purpose will have to be approved by both Houses of Congress, before this work can be done. At that time he will see that proper contracts have been made. If the bill passes he will be able to take the necessary preliminary steps in carrying it into effect.

Mr. President, this will benefit the Newlands reclamation project, which was the first reclamation project of all. Former Senator Newlands, of Nevada, was a man of great ability and high integrity. He was one of the most brilliant and distinguished Members this Senate has ever had. He has been well called the "father of reclamation." This bill will save the Newlands project from a great deal of trouble, and will be a great benefit to it. I hope the bill will pass.

Mr. KING. Mr. President, I do not object to this bill, but I do think there ought to be an amendment under the terms of which those persons who were the beneficiaries of this Federal appropriation, who own lands of their own, would pay a reasonable proportion of the cost, and they ought to pay for it within 20 years. They ought to pay reasonable interest on the deferred payments,

instead of getting it for 40 years without interest at all, as those who live under the reclamation projects do.

Mr. ODDIE. Mr. President, I am satisfied they do not expect that much, and I do not believe the Secretary of the Interior would allow it in that way. I know he will see to it that this matter will be handled in a fair and businesslike manner. The passing of this bill will insure the successful carrying out of the agreement recently made between the various interests on the Truckee River watershed, namely, the Washoe County Water Conservation District, the Truckee-Carson Irrigation District—Newlands project—and the power company. These interests have for many years been in disagreement and after much hard and efficient work on the part of all these heretofore conflicting interests, in which I was privileged to take part, an agreement was reached recently, and this bill is based on and the result of this agreement. There will undoubtedly be funds in the reclamation fund available for this work when it will be needed to carry out the provisions of this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON, D. C., *February 27, 1931.*

The Senate last night passed my bill (S. 5172) for construction reservoir in Little Truckee River and for dams and other improvements in Webber, Independence, and Donner Lakes, etc., with amendment providing for repayment under contract with Secretary of Interior and authorizing payment of $750,000 for same. Adverse report from Commissioner of Reclamation on this bill published in committees report started strong opposition to bill in Senate, defeating my repeated efforts this last month to secure action by Senate. Have been worried over this matter and finally took it up personally with Secretary of Interior and had a showdown, with resulting favorable letter from Secretary to Senator JONES, chairman Appropriations Committee, who had opposed bill. Secretary's letter is as follows:

"I believe that Mr. Ely discussed S. 5172 with you this morning. This is a bill introduced by Senator ODDIE to authorize construction of a storage project on the Little Truckee in Nevada. As amended in committee it provides that no funds should be expended prior to execution of a repayment contract satisfactory to the Secretary and changes the bill from an appropriation measure to an authorization.

"I have been thoroughly in harmony with your consistent opposition to unnecessary bills authorizing new reclamation projects and appreciative of that attitude, as you know special authorization is not needed in such cases and the problem is one of appropriation simply.

"In this particular case, however, I have no objection to the enactment of the bill. Controversies over use of Truckee River waters and those of Lake Tahoe, from which the Truckee River drains, have been acute for several years, and this department was instrumental last summer in arranging a 3-year truce between California and Nevada interests pending the working out of a permanent solution. If Senator ODDIE believes that this bill will assist in solving the Nevada part of the problem and facilitate the working out of a repayment agreement among the Nevada interests, the department has no objection to its passage.

"Senator ODDIE will, of course, clearly understand that passage of this bill will not expedite construction of the project contemplated by his bill. The reclamation fund has no money available and the appropriations now pending in Congress for the reclamation fund are restricted to projects already in construction and will be so used."

Secretary Wilbur sent me a similar letter which Irrigation Committee embodied in supplemental report. This letter helped to silence extended opposition and enabled me to get bill through Senate last night. This bill is the result of joint efforts of the representatives of the Washoe County conservation district, the Truckee Carson irrigation district, and the power company, who have worked hard and effectively in bringing about the settlement of the long-existing disagreements between them and the recent agreement which is embodied in the bill. Senator THOMAS'S $5,000,000 appropriation for reclamation fund was included in deficiency bill which passed the Senate yesterday. This appropriation, together with recent action of Congress in suspending repayments to Treasury Department by Reclamation Service of $1,000,000 per year for next three years, should relieve financial tension in reclamation fund. Furthermore, revenues to reclamation fund should increase with general improvement in business which is expected, and this should enable Reclamation Service to enlarge its construction to include Truckee development.

TASKER L. ODDIE.

WHAT WOULD LINCOLN DO?—ADDRESS BY DR. M. E. DODD

Mr. BROUSSARD. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Dr. M. E. Dodd, pastor of the First Baptist Church, and president Dodd's College, Shreveport, La., on February 12, 1931, entitled "What Would Lincoln Do?"

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT WOULD LINCOLN DO?

There are three or four things I want to say before beginning my address.

First, I wish to acknowledge with sincere appreciation the large number of responses that have come to me personally, and to this station, some appreciative, some critical, concerning my address last Thursday night. It is impossible to answer all of these personally, so I will ask all the friends to accept this acknowledgment as an expression of gratitude for whatever good the address may have accomplished.

Second, I will speak again at this hour Thursday night of next week on the subject, "What Would Washington Do?"

Third, the question has been raised as to what has a preacher to do with economic, political, and patriotic subjects. I would ask in reply, What did the Rev. John Witherspoon have to do with signing the Declaration of Independence? His name came close to Jefferson, Franklin, and Hancock. Preachers have had a lot to do with American principles and ideals from the very beginning and they will probably continue to do so to the end. The Rev. Richard Furman, pastor of the First Baptist Church, Charleston, S. C., which was the first Baptist Church established in the South, was an outspoken leader of the American patriots during the War of the Revolution—so much so that England put a price on his head. This was also true of scores and hundreds of other preachers during the Revolution and has been in every American crisis since. And unless the preachers do take more active and aggressive interest in social righteousness and justice, the day of doom can not be postponed much longer, and, I may say, unless the people join the prophets of righteousness in the support of all programs for the promotion of "equal rights to all and special privileges to none" the day of doom will come sooner than they think.

Fourth, I wish to reiterate that I am giving these addresses on Americanism solely and purely out of love for my country and a desire to promote her health and happiness, peace and prosperity.

Fifth, I have chosen for my topic to-night, "What Would Lincoln Do?" This topic is chosen because to-day is the anniversary of Lincoln's birth. If I had been speaking on January 19 I probably would have chosen the topic, "What Would Robert E. Lee Do?" or, if I should speak on June 3 my topic would be, "What Would Jefferson Davis Do?" Let me ask all who have heard the announcement of this topic for to-night and have written in to know whether I am a southerner or a northerner, whether I am a Democrat or a Republican, if I tell the truth and speak for the right what does it matter where I was born or what my political affiliations are? However, for the sake of those who might receive my message in a different spirit because they fear that I am a sectional partisan, I may say that I was born, reared, educated, and have lived practically all of my life in the South and I register my political affiliations as a Democrat.

I have had the privilege, however, for a number of years of being the honored guest of distinguished individuals and churches and assemblies throughout the East, North, and West, and I find, as you would, that there is little, fundamental and elemental difference between the old American type of New England and the South or between the North and the Southwest. A distinguished gentleman in Boston said to me one time that the descendants of the original Americans, both North and South, East and West, should be affiliated politically instead of divided because their aims and ideals are so nearly alike.

It is time to be done with the hatreds and prejudices of a past war, many of which, as in all wars, were the result of propaganda for the purpose of producing fighters.

I may claim, also, to be one of that large and increasing number of southerners who are coming to appreciate more and more the outstanding personality worth of Abraham Lincoln and his ideals. Many of us feel that in many respects Lincoln was a genuine friend of the South and that if he had not been taken away so suddenly the period of reconstruction in the South would have produced less suffering and that fewer scars would have remained.

It was 122 years ago to-day that he was born of a cultured, refined Virginia lady and a rather crude, improvident backwoodsman, frontierman. The lengthening shadow of Lincoln casts itself farther and farther out as the years come and go. He is honored throughout the civilized world. His biography has been written in 17 different languages. Three thousand eight hundred different volumes have been written about him. He is more popularly known as "Honest Abe," "The Rail Splitter," but we might speak of him also as the "Wrestler," the "Fighter," the "Pioneer," the "Patriot," the "Peace Maker," or the "Believer."

However, it is not our purpose here to enter upon a study of Lincoln's life or character or work. It is rather our purpose to point out some of the Lincoln ideas, ideals, and attitudes and to discover what he would do with some of our present-day problems.

I might say, incidentally, that if Lincoln were now living and conducting a small store business in Salem, Ill., as he did at one time, I believe he would join Mr. Henderson's Modern Minute Men and help to stem the tide of that increasing menace, the centralized monopoly of all our business enterprises, commonly called the chain systems.

I might say again, incidentally, that if Lincoln were now living and were a member of the State legislature, a Member of Congress, or President of the United States, as he was, that he would also join Mr. Henderson in the fight for the preservation of our great railroad systems, for the protection of our good roads, and for the equalization of tax burdens upon the bus and truck lines.

I am quite sure again that if Lincoln were living he would resist with all his might and main every encroachment upon universal human rights. He believed strongly in constitutional government and especially in that part of our own constitutional rights which guarantees to every individual "life, liberty, and the pursuit of happiness." One of his greatest acts, of course, was the signing of the Emancipation Proclamation for the slaves. In doing this he felt that he was divinely guided and, having the approval of Almighty God and of his own conscience, he believed he was rendering the largest single service of his life.

It was in the greatest of all his speeches, the Gettysburg Address, that he declared uncompromising and eternal devotion to the principles that "government of the people, by the people, and for the people" should not perish from the earth. If he were living now, he would undoubtedly pledge himself in the present-day conflicts to the same thing and call upon the rest of us to follow him.

But I have more than these mere incidental suggestions concerning what Lincoln would do. There are great principles involved. Of course, none of us can say what any man, not even what we ourselves, would do under certain circumstances until the situation actually arises, except to say that a man like Lincoln would do the right as God gave it to him to see the right and would do it with all his might.

In one of Lincoln's earliest addresses he spoke of the eternal conflict that rages between right and wrong. Centuries before Lincoln, one greater than he, even that brainy Semite of Tarsus, had said, "We wrestle against principalities and powers, against darkness in high places." This conflict rages at different periods of the world's history around different issues, but it is always the same. It is the conflict between right and wrong, between good and bad, between truth and error, between light and darkness, between health and sickness, between freedom and slavery, between life and death, between heaven and hell, between God and the devil. On the one side is right, good, God, truth, light, health, life, liberty, and heaven. On the other side is wrong, evil, error, darkness, sickness, death, slavery, hell, and the devil.

The supreme question for every man is to decide on which side he will stand. Lincoln was one time urged by a committee to call a season of prayer that God might be invoked to the support of their side. Lincoln replied that he was vastly more concerned as to whether he was on God's side than whether God was on his side.

If we get on the side of human health and happiness, light, liberty, life, right, righteousness, and truth we will be sure that we are on God's side and will be guaranteed His support in whatever enterprise we may be engaged without having to pray for it.

The conflicts of the centuries have been battles of ideas. Men do not fight for mere things. They fight for ideas. The recent great World War was a war of ideas. The present economic, social, political, and religious conflicts are contests between opposing ideas.

In my last address I pointed out that the foundation of this Nation rests upon four corners. These four corners are the political ideal, democracy; the social ideal, equality; the economic ideal, independence in business; the religious ideal, freedom of conscience.

Now, George Washington and the other fathers of our Nation laid this foundation strong and substantial upon these four great principles. They had to fight for these principles. They offered the full measure of their resources in material possessions and the last drop of their blood to secure them to their posterity.

Those who have come after them have been building the superstructure of that temple of national glory.

And in each one of the corners of this temple conflicts have gone on between opposing ideas.

The fight did not come into the open again and cause the shedding of blood until Lincoln's day, and he took his stand unhesitatingly on the side of the American political, social, economic, and religious ideals, respectively, of democracy, equality, independence, and freedom of conscience.

The same conflict came into the open again in the day of Wilson, and he stood for the ideals of Washington and Lincoln.

To me there is a striking parallel between these three and three other great men of the past who had to do with the history and glory of another great race and nation.

Washington corresponds to Abraham, the founder of the nation.

Lincoln corresponds to Moses, the preserver of the nation.

And Wilson corresponds to David, the glorifier of the nation.

Another crisis is approaching in this Nation and we need another Moses or David, another Lincoln or Wilson. More than that, we need a universally enlightened and aroused people. Our present-day leaders are not leaders at all. They are politicians, with their ears to the ground and with their hands behind their backs, or they have selfish interests to serve, seeking through governmental control their own ends.

This present-day struggle is manifesting itself more especially in two of the corners of this temple of the Nation which we are seeking to erect upon that strong foundation. These two focal points of difficulty are in the economic and religious corners of this house.

The economic conflict is between the two clashing ideas of the centralized control of all wealth on the one hand or universal distribution of wealth on the other.

When I say that Lincoln would undoubtedly take his stand in behalf of the masses of the people and against the concentration of financial forces in the hands of a few and when I take my stand unhesitatingly at the same point, it must not be understood that what is said is spoken in condemnation of legitimate capital. Capital is necessary to the conduct of business, and all of us are capitalists of one kind or another. The only difference is that the capital of one is outside of himself in mere things like money, while the capital of others is within themselves in brain, brawn, or character. And it should be the ambition of every soul, especially those of the second type, to increase their capital as the days come and go.

When I speak of the great evil resident in the continued concentration of wealth into the hands of a few and call for the correction of this evil, I am speaking as much in the interest of those who now control this wealth as in the interest of the masses of the people. Because, when the day of doom, the hour of reckoning, the moment of judgment does arrive, those who now possess the power, together with their children and children's children, will be the first to suffer the horrible consequences of this evil. It was so in the French Revolution; it was so in the Russian Revolution; and just as certain as God is God and as the sun shines, it will be so in the next American revolution.

I would plead, therefore, with the controllers of concentrated coin, for their own sakes, to conquer their greed for gold, subdue their passion for power, and manifest the milk of human kindness in every direction. Refusing to do this, there can be but one consequence—revolution.

Selfishness and greedy grasping for personal gain, simply for the sake of having it, is the crowning sin of the centuries. "Selfishness is the negation of God, the abortion of time, the vagrant of the universe, the suicide of society, and the doom of the soul."

Nothing but death and destruction can come in the wake of the concentrated control of the wealth and resources of the Nation. It is like the circulation of the blood in the human body. It is pumped from the heart to the utmost extremities, carrying its health-giving vitality. Then it flows back to the center for purification to go again upon its mission of mercy. But if the heart should begin to hoard the blood for its own sake and refuse its free and universal circulation, it would mean death to the body, the heart included. It is like the circulation of water. When it is caught up by the warm rays of the sunshine and distributed in refreshing showers to all parts of the hungry land and produces fruit and food and fragrant flowers, it blesses the world and goes on its way back to the ocean to be caught up and carried out once more. But should the ocean hoard its precious drops of water, refusing to give them up, the land would become parched, and drought and famine and death would be the result.

So it is with the wealth of the Nation. As long as it continues in free, full circulation with equal right of all individuals to enjoy its blessings, then the body politic is healthy and happy, but when it becomes concentrated and is hoarded in the hands of a few for their selfish ends the body itself begins to die and this will mean the ultimate destruction of the centralized hoarders themselves. We have only to view our present terrible depression to discover a perfect illustration of this point right at hand.

In the opposite corner of this temple of the Nation being builded upon that four-cornered foundation another conflict is raging. It is between spiritual religion on the one hand and a paganized materialism on the other.

The strongest corner in the foundation of Abraham's nation was spiritual religion. Moses builded upon that and David builded upon it until the nation came to the peak of its glory. But other forces entered in and that temple fell, "and great was the fall of it."

Washington, and the founders of this Nation, recognized the same spiritual ideals as the chief corner stone, and Lincoln and Wilson followed after in their work of building. But if this corner stone is to be destroyed, great will be our fall, also.

Brilliant Rousseau said, "Never was any nation formed that did not have religion for its basis," and even sarcastic, critical Hume said, "If you find a people without religion rest assured that they do not differ much from brute beasts." Religion is the source of morality and morality is the source of national strength.

The French Revolution with all its blood and cruelty and horror was largely the result of atheism. The French Assembly passed a resolution declaring "there is no God." They abolished Sabbath, they unfrocked the ministers, they turned churches into places of business, and they enthroned a peasant girl as goddess to be worshiped.

Materialism and the greed for gold are now attacking, viciously attacking, this foundation of our American glory, and it behooves Jewish rabbi, Catholic priest, Protestant preacher, and Baptist minister to awake to the impending danger and to arise to the defense of the religion of the Bible which we profess.

The paganism which is now being driven on to conflict by a class materialism exalts dollars above dreams, coin above character, substance above the soul, the physical in preference to the psychical, and the temporal above the eternal.

One of the most arresting and absorbing books which I have read in some time is called Religion in a Changing World, by Rabbi Hillel Silver, of Cleveland, Ohio. He points out how certain groups have been disporting themselves by poking fun at orthodox religion and now they awake to find themselves confronted with an enemy of all religions, namely, materialism, and without any means of combating it because they have thrown away their own implements of warfare and have been making sport of those who did have something with which to fight.

Also the masses, who have been forsaking the places of worship, neglecting their daily devotions, and going out upon the mad

scramble for pleasure and profit, should awake to the fact that unless they put themselves on the side of God and right and truth and righteousness and light and life and liberty they need not expect God Almighty to come to their help in the day of their calamity.

THE PACKERS' CONSENT DECREE—ARTICLE BY PROF. HUGH G. GRANT (S. DOC. NO. 324)

Mr. BROCK. Mr. President, I ask to have printed as a public document a paper entitled "The Packers' Consent Decree," prepared by Prof. Hugh G. Grant, formerly of the faculty of the Alabama Polytechnic Institute, and based upon researches of documentary material relating to the legislative history of the packers' consent decree which was recently modified by the Supreme Court of the District of Columbia. The paper contains a summary of legislation leading up to the decree and subsequent thereto, and in addition a résumé of the various court decisions growing out of the decree.

The VICE PRESIDENT. Without objection, it is so ordered.

THE UTES' LAST STAND—ARTICLE BY MRS. C. W. WIEGEL

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed in the RECORD an article on the Ute Indians by Mrs. C. W. Wiegel, chairman Colorado State Indian Commission, of Denver, Colo.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

In the year 1848 and during a period of time prior thereto extending beyond the memory of man, the Ute or Utah Tribe of Indians * * * roamed over, occupied, and claimed and exercised the exclusive right of occupancy of all lands lying west of the continental divide of the Rocky Mountains in what is now the State of Colorado, together with portions of what is now the northern part of the State of New Mexico and the eastern part of what is now the State of Utah. * * * The natural resources of the territory they so claimed and occupied were adequate for their habits and wants. In the year 1848 the United States acquired sovereignty over and the fee simple title to all of said lands so claimed and occupied by these Indians and they then became, and their descendants still are, the wards of the United States. There being reserved for these Indians in said territory "designated and set apart for the absolute and undisturbed use and occupancy of said Indians" a portion of said possessions which has become known as "the Consolidated Ute Reservations."

Many later treaties confirmed this action. In 1880 the Tabequache, Muache, Weeminuche, and Capote Bands of Utes occupied this reservation. "By the act of Congress of February 20, 1895 (28 Stat. 677), provisions, among others, were made for allotments in severalty to the Southern Ute Indians of lands on the Southern Ute Reservation in Colorado, adjoining New Mexico, and for the settling on the west 40 miles of said Southern Ute Reservation of all those Indians not electing to take allotments in severalty." The Indians, principally the Weeminuche Band, electing to retain the tribal mode of living, retired to said 40-mile strip and that portion of the Southern Ute Reservation is now designated as the Ute Mountain Reservation but all functioning under one agency situated at Ignacio, Colo.

The Ute Mountain Indians are still of the same mind as they were in 1895, and desire to retain their tribal mode of living and to hold their entire reservation lands intact. This fact is well known in Congress. About five years ago a special committee consisting of Congressman CRAMTON, Congressman LEAVITT, Congressman TAYLOR, Mr. George Beam, and others visited this reservation, held an all-day council with these Indians and heard the headmen say they would not sell a foot of their ancestral lands. This reservation comprises about 500,000 acres of fine grazing sheep land and the owners realize it is increasing in value each year.

Considering the facts that the Ute Mountain Utes are natural sheepmen, that their holdings are ideal for the sheep industry, the Congress of 1928–29 appropriated $50,000 for a reimbursable fund with which these Indians were to buy sheep and enter into the sheep industry—each man to have his individual band of sheep but to hold and use the grazing lands in common as heretofore. Against their better judgment these Indians were eventually persuaded to borrow from this fund, being assured and promised that they would be assisted in every way by the Indian Bureau to make a success of the undertaking. Over $40,000 were borrowed, the sheep purchased by the superintendent, turned over to said Indians, and they are doing their best to "make good," but without, to date, any special instruction or guidance, as was promised.

The Ute Mountain Reservation lies between Mesa Verde and the Utah line and south to the New Mexico line with three townships extending into New Mexico. Adjoining on the south is the Navajo Reservation. The Navajo country is similar to the Ute Mountain Reservation, good for sheep raising, and the Navajos are also natural-born sheepmen. The Navajos are increasing in population by leaps and bounds, as is also their sheep industry, and their reservation is too small to hold them. They must expand. Provision is being made in various ways for this expansion; a large group is to be sent into southeast Utah; buying and exchanging of other lands in New Mexico and Arizona will adjust this overcrowded condition.

These three townships in New Mexico belonging to the Ute Mountain Utes lie to the north and east of the Navajo Reservation and west of Farmington and in the now famous gas and oil belt. This seemed a desirable area to buy for the Navajos, as the Utes are not occupying said land but have leased it to a white man for several years for grazing purposes. The Utes were approached by interested parties working for the Navajos. But the Utes refused to sell. Then it was proposed to leave this tract for the Navajos upon the expiration of the present lease. Again the Utes objected, saying they might as well sell as lease, because if the Navajos leased this land they never could be removed. Commissioner Rhoads asked the writer last month, "If the Utes do not need the land at the present time and it is to be leased, why not give other Indians who do need it the preference over whites?"

The answer is because when a white man leases ground for grazing purposes he throws his flocks or herds onto the land with sufficient number of men to look after them and when the lease expires he simply drives his stock off the land and gives up possession. It is a well-known fact that the women and children of the Navajos are the sheep herders and wherever the sheep go there goes the family and all the other possessions. If this tract was leased to the Navajos, many, many families would move onto the land and remain there. This is not a temporary measure for a temporary difficulty. The Navajos need more room and will increasingly need more room. They are looking for permanent holdings. What would be done with these families after the proposed lease expires, 5, 8, 10, or even 15 years from now, when the Utes will need this land for themselves? What could be done? Where could they find new homes? It seems as unfair to the Navajos as the Utes unless—

It looks to the friends of the Utes as if this might be an entering wedge, and when the first lease expires the land will be "legislated" over to the Navajos with or without the consent of the Utes, whose ownership of these lands has been acknowledged by solemn treaty between them and the United States, the latter guaranteeing their rights to "the absolute and undisturbed use and occupancy of same." Not for a day, not for a year, but for as long as a white man has title to his properties under the laws of our country. Not until some white man casts covetous eyes on the Indians' belongings, not until certain so-called white friends of one tribe wish to despoil another tribe, not until certain interests desire control and manipulation; but a perpetual, unceasing right to ownership and control of that which has always been his. Another angle to the situation is that this particular tract of Ute land is immensely rich in gas, oil, and coal.

And the profit eventually is to the white man.

If this plan is consummated, is it not a forerunner of other tracts being lopped off here and lopped off there from the Ute Mountain Reservation until the Utes have very little or nothing left of their estate?

The Indian Bureau persuaded the Ute Mountain Indians to borrow money, buy sheep, promising large increase, through its (the bureau's) beneficent cooperation, until their flocks would cover all their beautiful grazing grounds; the Indians to become, in course of time, free, independent, well-to-do business men in the sheep industry, owning their own grazing grounds, and real citizens of the State in which they reside.

Then within six months is advanced this plan to take away from them over a hundred thousand acres of their patrimony which will be needed in the very near future for their own flocks.

Are treaties, promises, agreements, acknowledgment of ownership, etc., again mere scraps of paper to be tossed aside when the white man begins to covet that which is the Indian's by every known right?

Are the Ute Mountain Utes to be dispossessed? They are making their last stand against the white invader. Who will enlist in their cause?

Mrs. C. W. WIEGEL,
Chairman Colorado State Indian Commission.

FEBRUARY 24, 1931.

C. H. PRICE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6072) for the relief of C. H. Price, which was to strike out all after the enacting clause and insert:

That in the administration of the employees' compensation act of September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to examine and consider the claim of C. H. Price, who is alleged to have suffered injuries to his eyes while in the performance of his duties as foreman in the drainage work for the Public Health Service in Lauderdale County, Ala., in 1918 and 1919: *Provided*, That no benefits thereunder shall accrue prior to the enactment of this act.

Mr. BLACK. I move that the Senate concur in the House amendment.

The motion was agreed to.

OSCAR R. HAHNEL

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2811) for the relief of Oscar R. Hahnel, which was, on page 1, line 6, to strike out "$150" and insert "$500."

Mr. HOWELL. I move that the Senate disagree to the amendment of the House.

The motion was agreed to.

THE SOVIET GOVERNMENT OF RUSSIA

Mr. BORAH. Mr. President, as we all know, Russia occupies about one-sixth of the earth's surface; she has a population of about 150,000,000; at the present rate of increase her population will number 300,000,000 in 35 years. Russia has a radio station 650 miles north of the Arctic Circle. Her southern boundary is upon a parallel with Richmond, Va. Her timber lands are more extensive than were the timber lands of the United States 60 years ago. Her cotton lands are more extensive than the cotton lands of the United States. Her wheat lands are equal in area to the wheat lands of the United States and Canada combined. This is the government and these are the people which our Government officially does not know exist.

I can see no real peace in Europe until the Russian problem is settled. It is my belief there can be no disarmament of any moment, particularly land disarmament, until Russia is brought into the family of nations and amicable relations and clear understanding with all other powers are established; that there can be no economic health or stability in Europe, or the world, so long as this gigantic power, stupendous and incalculable in her natural wealth and her man power, is writhing and struggling to escape her thralldom; and this will last so long as she is treated as an outlaw and denied an opportunity to enjoy the ordinary methods of credit and trade. I feel that all efforts toward peace and better understanding among the nations must be indefinitely retarded so long as one-sixth of the earth's surface, occupied by the third largest population in the world, is estranged and afraid.

The great question is: How can the problem be solved? My contention is that friendly relations between nations springing out of a tolerant practice of the usual amenities of friendly powers will heal rapidly the wounds left by the revolution, dissipate the fears—which are the basis of armaments—and harmonize the conflicting economic policies of the world.

I realize that there are serious problems connected with Russia and our relationship to Russia, but it is my feeling that these problems can better be dealt with if the ordinary relations between nations are established between Russia and all other governments. I do not feel that we can ever deal with Russia satisfactorily to ourselves or to Russia under the present program.

Mr. President, the present Government of Russia has been in existence now for 12 years. That Government is in complete control of Russia. There is no other government disputing its authority; there is no other government or organized force contending with it or assuming to contend with it for authority in Russia. It is performing all the functions and duties and obligations of government as viewed from the standpoint of the Soviet Government itself. Some of those views we will discuss before we close, but as a government it is operating and controlling all government affairs in Russia.

It has maintained that control under most extraordinary circumstances and most adverse conditions. It has resisted invasion from without and revolution from within. I do not know of any government in Europe which has maintained its existence under more trying and difficult circumstances or under greater or more severe attacks than has the Russian Government.

It will be recalled that on March 15, 1917, Czar Nicholas abdicated. The provisional government was immediately organized. March 22, 1917, we recognized that government. November, 1917, the Soviet Government was established. November 11, 1918, the armistice was signed. June 28, 1919, the treaty of Versailles was signed. Nevertheless, Mr. President, during the latter months of 1918 and during the year 1919 Russia was invaded by four powerful nations. War was carried on upon Russian territory within the Russian dominion for some months. It was, I think, conceded to be a distinct effort through force of arms to put down one form of government and to establish another form of government in Russia.

I am interested in this feature of it, Mr. President, only for the reason that I desire to show to what extent and under what circumstances the Government of Russia has been able to maintain itself and satisfy the most exacting terms of international law as to its right to exist.

The brilliant Winston Churchill in his book, entitled "The Aftermath," discussing this feature of the Russian history, says:

Large sums of money and considerable forces have been employed by the Allies during the year—

The statement was made September 15, 1919—

Britain has contributed the nominal value of nearly one hundred million; France between thirty and forty million; the United States has maintained and is still maintaining over one thousand strong in Siberia; Japan has an army of between thirty and forty thousand troops in eastern Siberia. Admiral Kolchak, equipped mainly with British munitions, reached in May a total of nearly three hundred thousand. General Deniken's armies aggregated at the present time—

That was in 1919—

at nearly one quarter of a million combatants.

Further on in discussing the attitude of the Allies toward Russia he says:

Were they (the Allies) at war with Soviet Russia? Certainly not; but they shot Soviet Russians at sight. They stood as invaders on Russian soil. They armed the enemies of the Soviet Government. They blockaded its ports and sunk its battleships. They earnestly desired and schemed its downfall. But war—shocking! Interference—shame! It was, they repeated, a matter of indifference to them how Russia settled her own internal affairs. They were impartial—bang!—and then—at the same time—parley and tried to trade.

We all know that Mr. Churchill is a severe critic of the Russian form of government, and was greatly opposed to the policy of his Government when the Government of Great Britain recognized Russia.

Under these conditions the Soviet Government was set up in Russia; and under these conditions it maintained itself and still maintains itself as the controlling power of Russia.

It has been said, and is constantly repeated, that the peasantry of Russia, constituting 85 per cent of the Russian people, are opposed to the Russian Government; that they are held in subjection and in control through sheer force; and that, if they had their way, they would overthrow the Russian Government.

I have no doubt that the peasantry of Russia are individualistic. I have no doubt that they are opposed to the communistic theory in a large measure, if not by a large majority. They evidenced that fact in 1921 when they compelled Lenin to modify his views with reference to communism. I apprehend that if they were entirely free to exercise their choice they would greatly modify, if not entirely change, the Russian form of government. Let that be conceded. But, Mr. President, as between the Russian Government as it now exists and has existed since it was organized 12 years ago and what the peasantry see in the future in case this Government is destroyed, the peasantry undoubtedly are for this Government. They feel that if the present Government is overthrown the old régime will be restored, that the peasantry will be separated from the land, that the old estates will be reestablished; they are, therefore, as against anything which can possibly be presented to them, in favor of the present Government of Russia.

This was well demonstrated in the great war which resulted from this invasion, the civil war in 1918 and 1919. It was through the power and influence and support of the peasantry that the Soviet Government was enabled to succeed against the invaders. It was by reason of the loyalty and support of the great mass of the Russian people throughout Russia that the Soviet Government was triumphant. I entertain no doubt but that if another condition such as that should arise, or if an attempt were made to overthrow the present Government of Russia, through the connivance of

powers upon the outside or otherwise, the peasantry of Russia would support the Soviet Government. It has given them their land. It has given them hope. It has given them aspirations; and while their conditions are poor in many respects, they are infinitely more desirable to them than those which they left, or those which they may have to encounter in case the present Government is destroyed.

Mr. GLENN. Mr. President, will the Senator yield for a question for information?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I do.

Mr. GLENN. Will the Senator state about what percentage of the people of Russia are included in the peasant class? I ask for information.

Mr. BORAH. About 85 per cent.

Mr. President, another and further discussion by way of preface: Every few weeks, or few months, at most, during the last 12 years it has been published far and wide that the Soviet Government of Russia had fallen, or was falling. When this news would go out there would be great rejoicing in certain quarters. There were those who seemed to feel with Soviet Government overthrown our Government was no longer in danger and that our institutions were secure against overthrow. A short time ago a dispatch was sent out to the effect that widespread revolt prevailed in Russia, that the Government was likely to be overthrown, and that Stalin had been assassinated. Four days afterward an extended interview was published in our papers from Stalin, who, according to the previous dispatches, had been several days dead. Such has been the information about Russia coming principally from Riga, the greatest manufacturing center of forgeries and of false information in the world to-day.

Mr. President, no one would rejoice more than myself to see the Government of Russia changed in many essential particulars. I entertain no doubt it will be changed, though probably not speedily. But who could wish for its overthrow and for an attempt to restore in some form the old régime and to reestablish old conditions? Are we interested in seeing the brutal system which for 300 years, exploited and oppressed the people of Russia again riveted upon the Russian people. For more than 150 years every popular movement in Russia has had its origin in an insatiable hunger for land. Are we interested in seeing the land taken from the peasants, in seeing the old estates restored, the schools closed, and all voice in government denied? Are we interested in seeing the incompetency, the corruption, the cruelty, the brutality of the old government restored?

But it is useless to speculate on whether we would like to see these things done, for they can not be done. An attempt to bring about old conditions would inaugurate an era of misery and bloodshed, of suffering, and decimation which no tongue could portray and no language could paint. The peasant of Russia will not go back. The youth that have come up with this new conception of life will not go back. Whatever may be the future of Russia, old Russia is dead. In that belief there is great comfort. Communism and the communistic theory of government may fail. But the revolution is an accomplished fact. Its work can never be undone. The present Government of Russia may be greatly modified, but the revolution has given us a new Russia, a people disenthralled from that hideous past, and no power on earth can bring back that past. For myself, I greatly rejoice in that thought. I wish that such things could have been brought about with less suffering and sacrifice, but it is worth all that it has cost to bring it about.

The present Government with all its faults—and they seem huge to us—is doing something which must ultimately redound to the welfare of the whole Russian people. The peasant is in possession of the land. In the short space of 12 years, much of which time Russia was engaged in driving out foreign foes who had no more right to be in Russia than the burglar has to be in my house, an educational system has been established which has elicited the commendation of the best educators of our land. Illiteracy has been reduced by 50 per cent. The common man has been made to feel he has a right to exist. The whole people of Russia entertain a new hope and are inspired by a new faith in the future. The present Government has done more for the people of Russia in 10 years than the old government of the Czars did in 200 years.

I have from the start sympathized with the Russian people as a people in their effort to escape from the cruel system of the past. I sympathize with them now. They are a people capable of the most exalted devotion to a cause. They are brave, and they are willing to sacrifice themselves for others. Their capacity for suffering is indicative of their capacity for endurance in a cause for which they are once enlisted. They are the same people who in the Great War mobilized 21,000,000 men, who furnished 14,000,000 men in arms fighting over a front of 3,500 miles, who stood at one time against one-third of the German Army, two-thirds of the Austrian Army, all of the Hungarian Army, who lost more than 2,500,000 men dead on the field of battle, who had 3,000,000 men wounded, 2,000,000 taken prisoners, 1,000,000 of whom died in prison, who captured 400,000 Germans, 1,000,000 Austrians, 300,000 Hungarians. These are the brave people who fought under the most adverse circumstances. Corruption and incompetency of the government had deprived them of the weapons and arms of warfare. A great English statesman has said it was not too much to say that the Russians at one time saved the Allied cause. These are the same people, with the same high and great qualities. I do not propose to let a few men, or a new and exceptional situation, blind me to their worth as a people. I repeat, I sympathize with them in their great struggle. I would recognize their Government and aid them in all proper ways to work out their problems and reach their ultimate goal.

When I think of Russia, therefore, and seek to determine a proper course to be pursued by this Government toward Russia, I do not think primarily of Lenin and Trotsky and Stalin, although they have been and some still are outstanding figures in that moving drama. I think of the 150,000,000 men, women, and children who are moved by the same passions and governed by the same virtues as other peoples. Thinking of them and their interests, and the United States and our interests, I seek to determine what our policy should be. These people are struggling in their own way and under the most adverse circumstances to work out their own salvation. It is for their aid and for their interests that I would act, and by which I would be governed. I can understand how one could loathe and abhor an individual leader, but I do not know how one could hate, or even be indifferent to, the welfare of a whole people. How can a whole people encompass within their wrath another people? These people are endeavoring to put behind them for all time their everlasting peonage and degradiation. They are traveling through fire in devious paths and over bloody roads. But they are striving to be an independent and powerful people. These people want freedom. They want security against old oppression. They may not see clearly, but they are reaching for better things and a better life. In the words of Edmund Burke, "The poorest being that crawls on earth contending to save itself from injustice and oppression is an object respectable in the eyes of God and man."

The younger Pitt, in dealing with the French Revolution, saw only Robespierre, Danton, Barere, and other leaders, and shaped his policy toward the French Revolution in accordance with his conception of these men. Washington saw the whole people of France, believed in them, even in the bloodiest hours of the revolution believed in them, and shaped a policy far different and far wiser. Leaders are here for a day. The people are here for all time. It is the people who will determine finally the policy of Russia and her place in the politics of the world. I prefer to keep in mind the Russian people, in whose ultimate success socially, economically, and politically I have unbounded confidence.

Their Government and their plans do not suit me, but their Government suits them. Quoting again from Burke:

If any ask me what a free government is, I answer that for any practical purpose it is what the people think so, and that they and not I are the natural lawful and competent judges of this matter.

The people of Russia, as there are abundant facts to prove, prefer this Government to the old government or to any government which the old forces could, or would, establish.

Mr. President, when I was discussing the recognition of Russia eight years ago a learned and able Secretary of State took the position that there was nothing in Russia to recognize, or about which we should be concerned. He referred to Russia as an economic vacuum. On one occasion he used language as follows:

It is manifest to this Government that in existing circumstances there is no assurance for the development of trade, as the supplies which Russia might now be able to obtain would be wholly inadequate to meet her needs and no lasting good can result so long as the present causes of progressive impoverishment continue to operate. It is only in the productivity of Russia that there is any hope for the Russian people, and it is idle to expect resumption of trade until the economic bases of production are securely established.

Mr. President, the gravest concern of the economic world to-day, and of the capitalistic nations of the world, is how to take care of that "economic vacuum," what to do with the vast exports coming out of Russia. The greatest economic disturbance in the world to-day arises out of the productive power as it is rapidly increasing in Russia. It is dangerous to prophesy concerning 150,000,000 people when devoted and consecrated to a definite object. What seemed an impossibility has become a startling reality. Russia is no longer an economic vacuum, she is a vast economic power creating concern in every capitalistic nation on the globe.

Our exports to Russia have increased about 214 per cent over the pre-war exports. Our imports from Russia are something like 24 per cent less than before the war. For the first six months of 1930, the Soviet Government spent nearly $7 in this country for every dollar's worth of goods they sold to us.

According to the report of the United States Chamber of Commerce for January–June, 1930, the Soviet Government was the sixth best foreign customer of the United States during that period.

According to the Department of Commerce Reports, August 25, 1930, the first half of 1930 gave Russia the first place as a purchaser of our agricultural machinery.

The Commerce Reports, April 28, 1930, showed that the Soviet Union was our third largest foreign customer for American industrial machinery.

The Commerce Reports, May 26, 1930, showed that they were our fifth largest customer for American mining and quarry machinery.

The Commerce Reports, 1929, show that they were our fourth largest foreign customer for electrical equipment.

The Commerce Reports, 1929, the same reports from which I have been quoting, showed that they were our fourth largest foreign customer for American metal-working machinery.

The same reports, May 5, 1929, showed that they were our second largest foreign customer for American construction machinery.

It is shown that for the first six months of 1930 they were our leading foreign customer for American air compressors.

During the last seven years Russia has purchased $262,700,000 worth of cotton from the United States.

Mr. President, I ask permission to insert in the RECORD at the close of my remarks some figures with reference to the exports and imports of Russia.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(See Exhibit A.)

Mr. BORAH. Mr. President, Mr. Knickerbocker, the New York Evening Post correspondent, who visited Russia, has given us a very full survey of the development of Russia under what is known as the 5-year plan. I have not the time, nor have I the desire to quote at length from his articles, but I desire to quote enough to illustrate what I am seeking to establish—first, the stability of the Russian Government, and, second, the success of its industrial plan thus far, so as to meet every condition which is ordinarily exacted with reference to establishing the ordinary normal relations between another country and this country.

This writer says:

Standing here in Cheliabinsk in the midst of the vast growing walls of the largest tractor plant in the world, one is irresistibly reminded of the remarks of Izvestia, official organ of the Soviet Government, that "the manufacturing of a tank and a tractor have a great many points in common. Even artillery, machine guns, and rifles could be manufactured successfully in the commercial factories.

The Urals have their own plan within the 5-year plan. This year they produced 800,000 tons of iron and steel and next year will produce 1,100,000 tons.

In 1933 six to seven million tons of steel and eight million of cast iron is the goal of the plan, revised several times upward.

Writing of the Stalingrad factory, he said:

There are 380 Americans at work in the Stalingrad tractor factory. This is the largest American colony in the Soviet Union. A few engineers. Most are highly skilled workmen. American workmen, here under a 1-year contract, receive from $200 to $300 a month paid into an American bank in dollars, plus 300 to 400 rubles a month paid in rubles in Stalingrad. Their breakfast, lunch, and dinner in the American restaurant cost them 3 rubles 50 kopeks a day, their rent from 22 to 32 rubles a month. Cognac, wine, and beer are plentiful and very cheap in the special cooperative store reserved for their use.

The Soviet Union is banking heavily on the help of American engineers and qualified workmen to make the 5-year plan a success.

Speaking of the great asbestos mine, he says:

Rukeyser is an excellent illustration of the American engineer successful in Russia. Graduate of Princeton '16, Columbia '18, and with an engineering experience that has touched nearly every continent, Rukeyser specialized in asbestos mining, invented a system of processing the mineral, was quoted in engineering handbooks as an authority, and in 1928 at the beginning of the 5-year plan was invited by the Soviet Government to come to the Urals and see what could be done toward putting the insignificant soviet production on a rational basis. "Rational" in this case, an instance typical of the dimensions of the plan, meant multiplying the production by 10 within five years.

To-day, two years after the first visit of the American engineer, "Uralazbest" is turning out more than twice the production of 1928, more than four times the production of 1913. By 1933 the total production of all the area controlled by the trust, a vast store of more than 12,000,000 tons of high-grade asbestos ore in a single deposit 36 miles long, probably will reach 250,000 tons yearly, valued at $25,000,000, one and one-half times the tonnage and twice the value of the whole production of the seven largest mines in Canada, now the principal source of this indispensable industrial product of the world. The production of asbestos in the whole Soviet Union in 1913—at the beginning of the year—was 13,762 tons; in 1927 it was 26,000 tons, and in the year just closed, "Uralazbest" turned out 56,000 tons.

Mr. President, I ask permission to insert the balance of this in the RECORD at the close of my speech.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(See Exhibit B.)

Mr. BORAH. Mr. Thomas D. Campbell, the great farmer and wheat grower of Montana, said a short time ago:

I have just returned from an investigation of agricultural and economic conditions in several European countries and in Russia, and I find that the biggest market in the world to-day for American goods is in Russia. There is enough business there to relieve our industrial depression almost immediately.

Col. Hugh L. Cooper says:

The marked success of American machinery and equipment, both thoroughly demonstrated in severe competition with those of other countries, has produced an opportunity for American trade that has immeasurable potentialities.

Ralph Budd, president of the Great Northern Railway, and one of America's leading railroad authorities who has been invited by the soviet to act as adviser on their railway development projects, reports that nearly $3,000,000,000 worth of equipment will be necessary for the modernization program if the 5-year plan is to be realized.

Mr. Budd anticipates that the bulk of initial orders, at least, will be placed in the United States, and that a staff of 160 or more American railway executives will be employed by the Russians to direct the huge program.

Whether we approve or disapprove, we are compelled to realize the fact that the mainspring of the Russian policy

is an inexorable determination to succeed. And they are calling into their service the best talent in this country and Germany and other countries to aid them in their enterprise.

With the greatest natural resources in the world, with a man power excelled in no nation in the world, harnessed by the talent and the genius of American engineers and American business men, together with those of Germany, we may well base our future program upon the proposition that they are going to succeed.

The London Economist, in a recent publication, said:

> The opening of this vast market means not only the eventual supply of the needs of the peasants as consumers. The peasants as producers constitute a still more important market. Indeed, this is likely to be the greatest market of all for the metal, the engineering, the wood-working, and the chemical industries. Among goods badly needed by the peasants one need only mention tractors, lorries, motor cars, ploughing, reaping, and threshing machines, utensils required for dairy work, and machines essential to various village industries, not to speak of petroleum and fertilizers. * * * And the peasants' market is not the only one. That furnished by the urban population must not be overlooked. This market is smaller, but big in possibilities of development.

A few days ago I received a letter from an engineer living in Philadelphia, who has just returned from Russia. He was in charge of a large construction program in Russia. I read a paragraph or two from his letter:

> My experience there, while in direct contact with the workers, convinced me that the people are contented and are making sacrifices in a patriotic manner to put through the 5-year plan; sacrifices such as we made during the World War. I am further convinced from what I have been able to observe that their plan will go through.
>
> It has afforded me much amusement to read some of the statements which have appeared in the press, so colored that it ceases to be humorous, and contrary to the spirit of fair play as we know it in America.
>
> What Russia asks for to-day is a chance to modernize itself so that it shall be upon an equal footing with the rest of the world, and it seems to me that we should not be jealous of so worthy an ambition.

In my opinion, the greatest potential, the greatest developing market in the world for American goods is in Russia. This market is ours under any reasonable policy. Our conditions, our great unemployed, ought to encourage us to seek foreign markets wherever they may be found.

Mr. President, there is one thing about the present policy with reference to Russia that I think we ought to take into consideration. It does not keep out of Russia those who have the ability of themselves and of their own means to go into Russia and exploit Russia and get whatever they may desire out of Russia. The disadvantage of the present program is that it militates against the man of ordinary means. Without consuls, without the ambassador, without the representatives of the Government, unless he is of sufficient affairs financially to finance his own proposition and to purchase his own protection from his own special agents, it is practically impossible for him to do business in Russia.

Only a few days ago a gentleman from California who was seeking a large contract in Russia came to my office and asked for a letter. He stated that the great difficulty of the man of limited means doing business in Russia was to form contacts, to get representation at the sources of power. He stated that he was seeking this great contract in competition with English individuals; that they had their ambassador, their consuls, and their representatives, and it was practically impossible for him to do business upon equality with them. Therefore he was seeking some means by which to get an introduction to Russia.

Mr. FESS. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. FESS. Has the Senator gone into the character of labor that is employed? There is very much said about that.

Mr. BORAH. I am going to say something about it. I shall refer to it briefly at least. But I want to speak about this other matter first.

There are now something over 40 American corporations doing business in Russia and helping in a substantial way the Russians to work out their industrial revolution. There are over 2,000 experts from the United States employed as technical experts and as employees of American corporations. Those corporations extend credit running over four and five years. The Russian régime now owes America something over $175,000,000—that is, American corporations and individuals. All over Russia there are important enterprises conducted and directed by American engineers and American business men.

The result of the policy now obtaining with reference to Russia is to dedicate Russia to exploitation by powerful business interests and to withhold any advantage which might accrue to the ordinary business man in dealing with Russia. For instance, the Standard Oil Co. of New York and the Vacuum Oil Co. are dealing with Russia and have been for some time. They purchased from the soviet oil industry under various contracts oil products valued at $10,000,000 yearly. When Mr. Hughes was Secretary of State he declared that Russia was an economic vacuum and that it was dangerous to make contracts or undertake to do business in Russia. After he became attorney for the Standard Oil Co. upon his retirement his client felt perfectly safe, apparently, in making contracts in Russia.

The Standard Oil Co. of New Jersey vigorously protested against the Russian dealings of the Standard Oil Co. of New York. The Standard Oil Co. of New Jersey is said to be closely affiliated with the Royal Dutch interests. Sir Henry Deterding, of the Royal Dutch interests, attempted and failed in 1922 at Genoa to secure a monopoly of control of Russian oil.

The Russian Oil Products (Ltd.), a Russian company, undersold the Anglo-American Oil Co., an offshoot of the Standard Oil Co. of New Jersey, the Royal Dutch Shell, and the Anglo-Persians, and caused them a great deal of trouble. This aroused these companies and their friends to the great danger of bolshevism and to the possible overthrow of the Government of the United States by propaganda. They became deeply interested in religious freedom and free government, and in preserving them from overthrow by the Russian Bolshevists—after the oil controversy.

Mr. President, it has been interesting to study the new deluges of propagandism coming out against Russia and to observe how they synchronize with some refusal on the part of Russia to grant large oil concessions or other concessions with reference to their natural resources. All that has been particularly true with reference to the man who has been called the Napoleon of oil, Lord Deterding, seeking in the first instance to deal with Russia, to secure Russian oil concessions, and failing to do so he has been an open advocate since that time of the overthrow of the Russian Government, even by force if necessary. We can not disassociate the propaganda campaign entirely from the selfish interests of those who are dissatisfied with treatment which they receive at the hands of Russia in refusing oil concessions. Lord Nelson himself, upon the deck of his famous flagship going into action against the navies of the world, was not a more heroic figure than Lord Deterding going to the defense of families and religion and free institutions—after he was refused the concession of oil in Russia.

Mr. President, the International General Electric Co. sold technical apparatus and supplies to Russia valued at $25,000,000 over a period of six years. The International Harvester Co. have sold farm machinery valued at $20,000,000 during the past four years. The United States Steel Corporation have purchased soviet manganese ore valued at millions of dollars during the past six years. The Bethlehem Steel Corporation have purchased soviet manganese ore valued at millions of dollars during the past six years.

The Radio Corporation of America have sold soviet organizations $1,000,000 worth of commodities. The Ford Motor Co. have received orders from the soviet organization covering tens of millions of dollars. The du Pont de Nemours Co. have large contracts with the Soviet Government. The Westinghouse Electric Co. have sold considerable apparatus to the Soviet Government.

The Caterpillar Tractor Co. has sold scores of millions of dollars in implements to soviet organizations during the last few years.

The Oliver Farm Equipment Co. has had the same scale of order as Caterpillar Tractor Co., as have the Allis-Chalmers Manufacturing Co. and Deere & Co.

Adolph Lewisohn & Sons (Inc.) have sold millions of dollars worth of nonferrous metals to soviet organizations. Albert Kahn (Inc.) has a contract for designing the Stalingrad tractor plant. The Freyn Engineering Co. are consulting engineers for the Soviet State Institute for the designing of steel mills and are working on construction contracts valued at over $100,000,000.

The Austin Co. is engaged in technical assistance on an automobile plant at Nizhni-Novgorod, to cost over $100,000,000. Arthur G. McKee & Co. are consulting engineers on the construction of the Magnitogorsk steel plant, which will cost over $400,000,000. Hugh L. Cooper & Co. are consulting engineers on the construction of the Dneiper River hydroelectric power plant, to cost over $100,000,000.

So the large business interests are carrying on business with Russia, possibly under some disadvantages, but not under controlling disadvantages, while the smaller business man is precluded practically from carrying on business under present conditions.

Let us say a word with reference to our imports from Russia. A few days ago I secured from the Department of Commerce some figures with reference to imports from Russia. Let us take first wheat. In 1929 Russia imported into the United States 12 bushels of wheat worth $17. In 1930 she imported no wheat whatever. Yet I venture to say that millions of farmers in the United States last summer were led to believe that large importations of wheat were coming into the United States. I read a public address by a man in public office who said "What is the tariff worth to the American farmer upon wheat when the Russian is laying down wheat in New York City for 38 cents?" There has been no wheat laid down in New York from Russia. There are no imports of that nature coming into the United States at all.

Let us take lumber. In 1929 the total imports of soft lumber were 37,936,000 board feet. In 1930 the imports were 70,760,000 board feet. The value in 1929 was $768,465. The value in 1930 was $1,544,212.

I noticed a few days ago that the Treasury Department had excluded under its rulings the importation of lumber on the ground that convict labor had been employed in its production. Five days thereafter the Treasury Department admitted the importations of manganese—excluding lumber upon one day and admitting manganese practically upon the next day. That may not be entirely the fault of the Treasury Department. I will undertake to show, if I can be given enough means, from the class of people from whom they take their testimony, that there is convict labor in the lumber camps or that there is not convict labor in the lumber camps. I will undertake to show from these émigrés and escapes and convicts that there is convict labor in the manganese camps or there is not convict labor in the manganese camps. We have no reliable evidence. We have no means of getting reliable evidence. Our whole policy of trade with Russia depends on proof which no court would consider worthy of credence.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I yield.

Mr. BARKLEY. During the recent summer when I, in company with other Members of the Senate, happened to be in Russia the question came up as to the type of labor that was being used in Russia for the production of manganese and in the lumber camps for the production of lumber.

The officers of the Russian Government offered to send us by airplane to the manganese mines and also to the lumber camps to enable us to make our own investigations, and to determine for ourselves in so far as we could, whether there was any enforced convict labor being used in either of those enterprises. We had to decline that invitation because of lack of time. I mention this merely as an evidence of what at least appeared to be the good faith of the Russian Government in undertaking to afford facilities to those of us who were there at that time to make an investigation of our own.

Mr. BORAH. Mr. President, so long as we undertake to conduct our affairs and to base our public policy upon the testimony which comes from the class of men who are prepared to sustain or defeat a contention in regard to this matter we will surely have a wobbly, uncertain, and unsatisfactory policy. I have no doubt, of course, Mr. President, that there is convict labor in Russia, but I think, compared with the amount of labor in totality, it is small.

And, of course, there is what is called enforced labor, if you accept the contention that every man in Russia is put to work for the Government. I have no doubt, if we accept that definition, that there is some enforced labor in Russia; that is to say, people who are not satisfied with the governmental situation and who work under the direction of the Government, but the amount of such labor is small compared with the entire amount of labor. Make no mistake, my friends, 150,000,000 people might be coerced against revolution, but they could not be coerced into doing a fit day's work if they were not willing to do so. The evidence shows, beyond question, that the great mass of the Russian people are interested in what they call the 5-year plan. They want to make a success of it and there is, aside from the fact that they are communists or working under a communistic government, a personal desire to have it succeed. It would naturally be so, for after 300 years during which they and their ancestors, their forbears, have been mere slaves, peons, mudsills, they feel that they are now, although slowly and at great sacrifice, working out their freedom. While there may be found in that country, as in all others, convict labor, it is so small compared with the totality of labor that it can have very little effect on the prices of products.

The Senator from Ohio [Mr. FESS] has asked about labor and labor conditions. Mr. Knickerbocker, in his articles, says:

> On this whole trip I observed but one troop of convict laborers, a road gang of the sort one frequently meets in Texas or any other of the Southern States still using convicts on highway construction.

Again he says:

> On the broader subject of the status of labor in general in the Soviet Union, it may be said that the evidence tends to the conclusion that, leaving the timber regions out of account, out-and-out convict labor is employed to no perceptible degree in the accessible industries of the Soviet Union. The assumption that all labor in the Soviet Union is forced labor is not borne out by the records of a labor turnover in all industry so extreme that it has caused severe financial losses and become one of the chief internal objections to successful accomplishment of the 5-year plan.

Mr. Duranty, the reliable, accurate, and I think impartial correspondent of the New York Times, in a very recent article, says:

> Despite the mobilization process here and the repressive measures against shirkers, however, it is untrue to talk of the Russian masses as a nation of slaves. In fact, the Bolsheviki are theoretically trying to transform a slave nation into a free, self-governing people by the dual means of education and discipline.

Colonel Cooper, the builder of the Keokuk Dam, of the Wilson Dam, and now the great Dnieprostroy project in Russia, has this to say:

> We hear a lot of loose talk about convict-made goods, dumping, and embargoes, and we haven't the facts upon which to base intelligent action. We are not going to stop Russia from progressing along paths the leaders have mapped out. We can make up our minds to that.

Again, quoting from Mr. Duranty, he says:

> Criminals, in the ordinary sense of the word, are better treated in the Soviet Union than in any other country—with due allowance for the universal shortage of living quarters and commodities. They work, but they get trade-union rates for their labor,

the produce of which is sold exclusively within the Soviet Union, and they have "parole" holidays yearly, which they almost never break.

Mr. President, I do not contend that there is no problem involved with reference to American labor and with reference to American industry. I do not contend that we should throw down the bars and leave our people, either producers or laborers, open to the economic attack which may come from Russia; but I do contend that we will never deal with it in a systematic, satisfactory, stable way until we establish the normal relationship which should exist between governments which have business with each other.

I have listened over the radio to and read discussions on Russia much of late, and I have been interested in some of the reasons for inveighing against Russia; some of the arguments which are advanced as to why we should refuse to recognize Russia or to even trade with Russia. It is urged in the first place that Russia is governed by a cruel dictator, that only a few ruthless rulers hold control. Suppose that is true. When has Russia been governed by other than a dictator? When have other than a few ruthless rulers had control of Russia? What kind of a government did Russia have before the present Government? How many people participated in the rule of Russia then? Who complained of the old dictatorship? Did we not recognize the old Russian Government? Did we not do business with the old Russian Government? Did we have societies and organizations inveighing against the old Russian Government? Furthermore, it is said that the people have no voice, that they are ruled through fear and force. What voice had the people in the old Russian Government? I maintain that the people of Russia are far better off under the present Government than they have ever been in their history. They are undergoing great hardships and are undoubtedly suffering greatly. But they at least have a future, their face is toward better things.

Let me read a paragraph from Humanity Uprooted, a profoundly interesting book by Mr. Hindus. Speaking of a public meeting which he attended and of how the people were taking part in the discussion, he said:

> I remembered him [the muzhik] so well in the old days, this lowly, miserable creature of a muzhik, how meek he seemed in the presence of officials, how humbly he would bow before a man in a uniform, or sometimes only in city clothes. But now, in this desolate village, I witnessed the extraordinary spectacle of a bedraggled, mud-spattered muzhik actually denouncing and haranguing officials—all government—with no more restraint or compunction than as if he were scolding his son or whipping his horse. It seemed so terribly unreal, so unbelievably heroic. At first I thought this was just an exceptional outburst of fury, a dash of gall on a surging billow of despair. But further experience in the village dispelled the supposition swiftly enough. It was the same everywhere I traveled. It would be impossible to overestimate the significance of this burst of audacity in the peasant. It implies many things, chief of all, an awareness of self which was alien to him in the prerevolution era. Clearly, the revolution has been blasting his passivity out of him and battering him into a pride, a self-respect, a dignity which he never had manifested in the old days.

Again he says, speaking of a peasant:

> In one other respect has the life of the peasant grown richer. He has a more abundant variety of social diversions than he ever had in the old days. Theatricals, for example, were scarcely known in the Russian village in the prerevolutionary times. They are widespread now. Wherever there is a village with a schoolhouse there one is likely to find a little theater. In villages far removed from centers of civilization I came on clubhouses equipped with extraordinary stage paraphernalia.

Again he says:

> Time will only continue to fan the new consciousness of the peasant and spur him into ever-increasing self-assertiveness, and make him constantly more demanding. It can not be otherwise.

There can be no doubt, Mr. President, that a new life, a new existence has been given to the peasant of Russia. There can be no doubt that he is a different human being with a different outlook. They may inveigh and propagandize and falsify the facts, but the truth is, that the revolution has released the Russian people from the old, dead, hopeless past.

Further, it is contended that Russia is antireligious. There is no doubt that the leaders of Russia, or some of the most important leaders, are antireligious. But how much of religion, of real religion, was in Russia when a vile, lascivious pervert like Rasputin could dominate and direct the religious affairs, as well as the civic affairs of Russia? How much of religion, save now and then an isolated and devoted follower of the Savior, existed in Russia when the Russian court was infested and dominated by this miserable, slimy creature who was not only a disgrace and a challenge to religion, but who was a disgrace to the most ordinary rules of decency, who had sunk to the dead level of total depravity? And what religious leaders in this country protested against recognizing the old régime while these conditions prevailed? And what religious leaders in this country would now like to return to such conditions as prevailed under the old régime?

It is also claimed that she has repudiated her debts and confiscated property. She did repudiate her debts and confiscate property. She has stood ready for eight years to pay her debts. She is willing to meet the United States at any time upon a basis of equality to compensate for the damages of confiscation if the United States will consider the damages of invasion. It is claimed also that Russia does not respect her contracts and her agreements. I have here upon my desk a list of some three or four hundred firms who have been, and still are, doing business in Russia. Has anyone heard of any violation of contract with these men? These firms have extended credit, they have made heavy contracts. Is not the very fact that they continue to do business with Russia a better evidence of Russia's keeping her contracts than the testimony of escapes and convicts and criminals and heated agitators? Russia has kept her contracts with our business men, and I have been advised by a number of these business men that she has kept her contracts most carefully and meticulously.

Mr. President, the three great and, I believe, imperishable instincts of the human race are religion, family, and property—something to believe, something to love, something to possess. Let us admit that those who now govern and dominate Russia, not the people of Russia, stand against them all. We stand for them all. Let us admit that it is an irreconcilable conflict. Let us concede that those who govern Russia, not the people of Russia, would uproot and destroy them all. Let us admit that they would summon them all to the bar of public opinion and would exile them from human affairs, if they had the power. We would foster and strengthen them all. Our whole civilization is built around them. But how deep and strong is our faith? Do we fear that capitalism will fall, will cave in, if brought in contact with communism? Are we afraid of the contest? My belief is that the closer the contact, the more certainly will communism be modified and ultimately disappear. In such a contest we have not only the experience of all time behind us, but we have the support of one of the most dominant and irresistible of human passions—the desire for property. Do we believe in our institutions? Do we doubt the intelligence and character of our own people? Are we fearful lest the family as an institution, around which our whole fabric of society has been constructed, will break in pieces if brought to the test by that cruel absurdity which would make the family hearthstone the casual meeting place of social derelicts? Is our religion of that feeble sort that we dare not meet face to face those who have said in their hearts there is no God? For my part, I have no fear. During the French Revolution there was a time when religion was disowned, property confiscated, and the great fundamental principles of ordered society rejected. But the French people came back. And the Russian people will come back. The vast majority of the Russian people are a deeply religious, law-abiding, home-loving people. It seems to me that our conduct is a sorry manifestation of an utter lack of faith in our own people, in our own institutions, and in our own professions. If you should empty all the communistic propaganda possible into the very lap of the American people, if you should preach against property until tongues were paralyzed with weariness, if you should inveigh against parliamentary government and free institutions, it would not move the American people from

their moorings or affect one-half of 1 per cent of our population. The safest security against all these things is the American people. The whole scheme as proposed in Russia would go to wreck upon the rock of American citizenship.

But let me assume I am in error in the belief that our Government and our people are secure against communism. What are we going to do about it? The American people are neither blind nor deaf nor dumb. They read, they see, they hear, they know what is going on. They know all about the communistic creed. Our newspapers and magazines tell of the teachings and the preachings of the Russian leaders. You can not put an embargo upon news or ideas in these days. The people do their own reading and their own thinking. I am glad it is so. The restlessness and the discontent in this country springs not at all from Russian literature or Russian teachings. We stand or fall not by what Russia does, but by what we do right here in our own country. We are slow about cleaning up our cities and making property safe and human life secure. We have failed to give work to those who are hungry and who would like to work. We have been unable to cleanse our system of corruption. We have tolerated a system which compels honest and clean business men to pay tribute to crooks and criminals for the protection which their government fails to give. These are the things which cause restlessness and discontent and discouragement among our own people. It is not Russian literature which is disturbing our people or which we need fear. It is not that which is happening in Russia nor what Russia is proposing that is bringing doubt and worry to our own people. It is the conditions here in our own land. These are the things which challenge the attention and arouse the anxiety of the American people.

Capitalism should turn its eyes inwardly and take an account of its own internal affairs. Capitalism must turn its eyes inwardly and take into consideration and solve its own internal problems. If we do not solve them, God only knows what will happen. If we do solve them, communism and all antagonistic "isms" will prove impotent in their tasks. We have in this country from five to seven million men and women unemployed, seeking something to do. What has communism to do with that, and what is our solution? There are in the capitalistic nations of the world some fifteen to sixteen million men and women unemployed. What has communism to do with that? The mechanization of modern industries has left millions of men and women in middle life, or later, to readjust their whole lives to wholly new conditions, to adapt themselves to wholly new environments. They want to know how. Capitalism has not answered. Communism has had nothing to do with that. Mass production, our boasted achievement, continues to pile up goods in the sight of those whose purchasing power is daily diminishing. What is capitalism's answer to that? And what had communism to do with bringing on that condition? We can not answer such questions by assailing communism. We hear about a surplus of food, a surplus of clothes, a surplus of fuel, and yet we know there are millions who are unable to secure enough of this surplus to keep them from hunger and cold. What is capitalism's answer to that? Can we meet the problem by assailing communism? I am not in the least disturbed about communism of itself. I am, I confess, disturbed about the unsolved problems of capitalism. And I am almost equally disturbed over the fact that the time which we ought to devote to solving these questions and to bringing about conditions which would help to solve them, are devoted to attacking some other theory and agitating against some other government. The time to stop building smoke screens ought to be near at hand.

Mr. President, if I had my way about it I would establish normal relations with the Russian Government. In doing so I would not assume I was indorsing the communistic theory; in doing so I would not indorse their method of carrying on their government; in doing so I would have no fear of their teachings or their propaganda undermining American citizenship. I would believe that as Russia is there, with her 150,000,000 people, occupying one-sixth of the earth's surface, that we have got to deal with her, and that it is better to deal with her in that way than in the abnormal and extraordinary way which leads to abnormal and extraordinary policies.

EXHIBIT A

Soviet purchases in the United States,[1] 1929–30 and 1928–29—Orders placed by the Amtorg Trading Corporation, the All-Russian Textile Syndicate, Centrosoyus-America (Inc.), and Selskosoyus-America (Inc.)

[In thousands of dollars]

	1929–30	1928–29	Change
			Per cent
1. Raw materials:			
Cotton	$16,437	$31,161	−47.2
Nonferrous metals	1,883	4,339	−56.6
Miscellaneous (rubber, etc.)	976	602	+62.1
Total	19,296	36,102	−46.5
2. Semimanufactured products (paints and dyes, chemicals, rosin, etc.)	1,845	2,690	−31.4
3. Industrial equipment:			
Metal-manufacturing industry	2,236	4,249	−47.3
Machine-building industry	18,279	5,748	+218.0
Mining industry	1,751	1,392	+25.8
Metallurgical industry	6,682	1,363	+349.1
Oil industry	8,154	9,824	−16.9
Electrotechnical industry	1,449	195	+643.1
Chemical industry	1,279	976	+31.0
Post, telegraph, and telephone industry	1,300	200	+423.1
Food industry	1,368	496	+175.8
Ship and marine equipment	1,419	1,416	+.2
Miscellaneous	3,073	4,518	−31.9
Total	46,050	30,337	+51.5
4. Power-plant equipment	4,338	3,717	+16.6
5. Automotive and transport equipment:			
Passenger cars	2,392	2,463	−2.5
Motor trucks	3,094	2,013	+53.7
Miscellaneous (motor cycles, motor boats, etc.)	204	809	−74.6
Total	5,690	5,275	+7.8
6. Agricultural machinery and supplies:			
Tractors, combines, and accessories	64,027	20,176	+217.3
Machinery and implements	2,387	7,092	−66.4
Miscellaneous	1,028	1,009	+1.9
Total	67,442	28,277	+138.5
7. Consumers' goods: Office accessories and machines	151	933	−83.8
8. Miscellaneous	4,411	320	+1,278.4
Total purchases	149,223,000	107,651,030	+38.6

[1] Including purchases in Canada in 1929–30 totaling about $4,000,000.

Soviet sales in the United States, 1929–30 and 1928–29 (actual deliveries)

	Fiscal year		Gain (+), decline (−)
	1929–30	1928–29	
			Per cent
1. Furs	$6,482,242	$8,299,215	−21.9
2. Lumber materials	4,632,379	1,357,944	+241.0
3. Anthracite coal	2,165,115	633,993	+241.5
4. Manganese ore	3,370,000	6,050,539	−44.3
5. Casings	2,896,688	2,675,595	+8.3
6. Fish products	1,763,829	1,873,559	−5.9
7. Waste products (rags and bones)	1,401,726	981,054	+42.9
8. Precious metals	1,375,186	3,617,464	−62.0
9. Flax, tow, and hemp	1,111,024	827,813	+34.2
10. Licorice root	629,540	511,695	+23.0
11. Bristles	614,042	867,296	−31.7
12. Matches [1]	383,983	262,395	+46.3
13. Dried mushrooms	345,658	479,012	−27.8
14. Rugs and art and handicraft products	273,220	72,088	+279.0
15. Miscellaneous [2]	3,572,448	2,179,083	+63.9
Total	31,017,045	30,749,045	+.9

[1] Matches are no longer imported from the Union of Soviet Socialist Republics.
[2] Includes confectionery, seeds, rugs, horsehair, santonin, motion-picture films, various minerals, foodstuffs, crude drugs, etc., and also Amtorg sales in Canada in 1929–30 totaling about $2,500,000.

EXHIBIT B

TANK AND TRACTOR

Standing here in Cheliabinsk in the midst of the fast-growing walls of the largest tractor plant in the world, one is irresistibly reminded of the remark of Izvestia, official organ of the Soviet Government, that "the manufacturing of a tank and a tractor

have a great many points in common. Even artillery, machine guns, and rifles could be manufactured successfully in the commercial factories."

BUILD FOR WAR, TOO

The Urals have their own plan within the 5-year plan. This year they produced 800,000 tons of iron and steel and next year will produce 1,100,000 tons.

In 1933 six to seven million tons of steel and eight million of cast iron is the goal of the plan, revised several times upward. Magnetogorsk will lead them all, but Nizhni-Tagil and Bakal plants will help to bring the Urals' share of soviet iron and steel production to 50 per cent of the output of the entire country. Coal from the Kuznetzk Basin, from Kizel, Chasavaya, Karagadar; copper from the Bogomolov smelters; aluminum from Alapaevsk; nitrates, sulphuric acid, potash, phosphates, from Bereznikov, Saldinsk, Solikamsk, and tractors from Cheliabinsk, are all elements in the Ural plan. All fall under Izvestia's remark that "we must plan all the metal industries in such a manner as to guarantee the production of the necessary amounts of arms and munitions."

Dimensions of the plant are impressive. The assembly building is the largest building in point of area in the world. Six hundred and forty-four yards long and 196 yards wide, covering an area of 26 acres, the assembly hall could contain 21 American football fields with enough room left over to provide dressing rooms for the players. The foundry, 336 yards long by 276 yards wide, would accommodate 14 football fields, while the forge, 295 yards by 184 yards would harbor 9.

PLANT TRULY IMMENSE

Even more impressive than figures is it to stand at one end of the assembly plant and look down toward the other end, along an uninterrupted line of concrete foundations a third of a mile long. "There," pointed John K. Calder, of Detroit, chief of construction at Cheliabinsk, "you see that horse and wagon crossing the road? That's the end of the building." The horse and wagon were mere specks against the brown earth of the excavation.

It is difficult to get a panorama of the Cheliabinsk plant, for its size is too great to be embraced by a single view, and there are no elevations from which it can properly be seen. To take it all in it is necessary to walk for an hour around the site, as I did with Calder, talking of the work in progress, its prospects, and his experiences in the Soviet Union.

Tall, mustached, tight-lipped, handsome, Calder is the sort of figure of an American that springs to mind when one thinks of picturesque feats of engineering in far corners of the earth. One of the first American engineers to come to the Soviet Union to work under the 5-year plan, he brought with him a rich experience in industrial construction in America. His first job was the Stalingrad tractor plant. He completed it in six and a half months, far ahead of schedule. This accomplishment, his candor and fearlessness were factors that have won him the distinction, shared among Americans only by Col. H. L. Cooper, of being one of the very few foreigners who are called to personal conferences with the inaccessible Joseph Stalin. His personality is worth dwelling upon as an example of the type of American engineer helping to put over the plan.

NEED 7,000 MORE MEN

Lack of labor has also played a rôle in obstructing progress. There are now at work on the whole project, including the construction of the workers' city, 12,000 workers, of whom 2,000 are working on the factory buildings. At least 7,000 more are needed. The same methods of recruiting are used by the Cheliabinsk tractor-construction company as are used at Magnetogorsk to get men. They send out agents to recruit hands from all over Russia, but the supply has not yet caught up with the demand.

Worker efficiency also is said to be not as high in Cheliabinsk as in Magnetogorsk, because Magnetogorsk is dry and Cheliabinsk very wet. It was possible for the authorities to impose prohibition on Magnetogorsk because the place is so isolated. In Cheliabinsk, a city that had a population of 90,000 before the tractor plant was started, prohibition was technically impossible. To-day 40 workers on one sector of the plant failed to appear, having enjoyed their rest day with vodka yesterday.

In writing of the Stalingrad factory on November 25, 1930, he further says:

There are 380 Americans at work in the Stalingrad tractor factory. This is the largest American colony in the Soviet Union. A few are engineers. Most are highly skilled workmen. American workmen, here under a 1-year contract, receive from $200 to $300 a month paid into an American bank in dollars, plus 300 to 400 rubles a month paid in rubles in Stalingrad. Their breakfast, lunch, and dinner in the American restaurant costs them 3 rubles 50 kopecks a day, their rent from 22 to 32 rubles a month. Cognac, wine, and beer are plentiful and very cheap in the special cooperative store reserved for their use. The food in the restaurant at the two meals I tried was quite the equal of any good middle-class boarding house at home.

DEPENDING ON AMERICANS

The Soviet Union is banking heavily on the help of American engineers and qualified workmen to make the 5-year plan a success. It is investing to that end an amount of money very considerable for Russia. It has already been mentioned that the total number of Americans at work on the plan is probably around 1,000. The engineers receive $5,000 to $10,000 a year apiece; most of them not under $10,000. The total American pay roll of the Soviet Union would probably equal $10,000,000 a year. And the plan calls for doubling, or tripling, the number of Americans now at work.

HUGE TRACTOR FACTORY

Elwood F. Riesing, conveyor engineer, took me over the plant. As the most famous new factory of the 5-year plan, the most-debated example of what soviet production will be under the plan, its outward appearance deserves description. To a layman, it was impressively big, modern, well equipped. Riesing assured me it could not have been better laid out, set up, and outfitted had it been erected in America.

The assembly building, bristling with an endless forest of lathes, drills, gear cutters, and a hundred machines that only a specialist could name, all of them bearing American trade-marks, stretched 446 yards long and 105 wide, inclosed by glass walls that let in light like a studio. Not all the machines were working. There still were lacking several, ordered but not yet delivered, and without which production could go forward only limpingly.

Riesing's own specialty, the conveyor, that one-time rock of dissension between capitalist and socialist, now band of union, is in this plant two city blocks long, with half a mile of chain. The motor conveyor, with a normal speed of 2 feet per minute, was working at 6 inches a minute, and at that had frequently to stop. Tractor No. 41 was on the belt at the moment we were there. The plant is geared to a capacity production of one tractor every five and a fraction minutes, 11 an hour, 50,000 a year. The International Harvester plant in Milwaukee has a capacity production of 128 tractors in 8 hours, the Stalingrad plant a program capacity of 88 in 8 hours.

PARTS ALL-SOVIET MADE

The tractor being produced here is a 2-ton, 15-30 horsepower wheel tractor corresponding to the 15-30 International Harvester machine. From raw metal to finished machine it is made of all-Soviet parts, with the exception for the time being of radiator, carburetor, magneto, and Timken bearings. These parts are now American. Factories for their production in the Soviet Union are promised under the plan.

The number of women at work in the shop was high. Nearly half of the machine operators were girls in their twenties. The average age of the men operators appeared also very low. This is a fixed policy of the Soviet industry—to train young workers in the new factories under American supervision. Among every group of twenty to thirty operators there was an American workman whose task it was to supervise and instruct, the system planned for a series of new Soviet plants. The Americans stay on the job until the Russians are capable of handling their machines efficiently.

(In Moscow, V. V. Ossinsky, president of the All-Union Automobile and Tractor Trust, gave me the following actual production figures achieved up to October 5: In the month of August, 20 tractors; September, 60; but in the five days, September 21 to 25, there were 12 produced; in the 5 days, September 26 to 30, there were 20 produced; in the 5 days October 1 to 5, there were 32 produced; and in these last 5 days, 80 were prepared for assembly. "In October," said Ossinsky, "I think we shall produce 200 to 400, against the plan of 1,000, and in November we shall do 1,000. After that progress should be very rapid.")

[New York Evening Post, November 28, 1930]

ROSTOFF ON THE DON

By R. H. Knickerbocker

Manager of the largest farm in the world, Jacob F. Bogomolkin sat in his office at Gigant, in the north Caucasus, and told me that the acres over which he presided numbered 642,000, a round 1,000 square miles.

His permanent laborers numbered 2,800, he said, their wages averaging 100 rubles a month, his farm implements and machines totaled 8,000 pieces, and the Government's investment in the farm had been 27,000,000 rubles. Three hundred thousand acres had been sown this year and there had been 4,000,000 bushels of wheat and rye produced, he said, at a cost of 54 cents a bushel, and this enabled such a profit he emphasized, that Gigant had already paid back the Government 20,000,000 rubles from this and last year's winnings. Profits next year would be 10,000,000 rubles. Gigant, he admitted, was an enormous success.

Speaking of the great asbestos mine at Azbest, an obscure town, November 20, 1930, he says:

GRADUATE OF PRINCETON

Rukeyser is an excellent illustration of the American engineer successful in Russia. Graduate of Princeton '16, Columbia '18, and with an engineering experience that has touched nearly every continent, Rukeyser specialized in asbestos mining, invented a system of processing the mineral, was quoted in engineering handbooks as an authority, and in 1928 at the beginning of the 5-year plan was invited by the Soviet Government to come to the Urals and see what could be done toward putting the insignificant soviet production on a rational basis. "Rational" in this case, an instance typical of the dimensions of the plan, meant multiplying the production by 10 within five years.

To-day, two years after the first visit of the American engineer, "Uralazbest" is turning out more than twice the production of 1928, more than four times the production of 1913. By 1933 the total production of all the area controlled by the trust, a vast store of more than 12,000,000 tons of high-grade asbestos ore in a single deposit 36 miles long, probably will reach 250,000 tons yearly, valued at $25,000,000, one and one-half times the tonnage and twice the value of the whole production of the seven largest mines in Canada, now the principal source of this indispensable industrial product for the world. The production of asbestos in the whole Soviet Union in 1913 was 13,762 tons; in 1927 it was 26,000 tons; and in the year just closed "Uralazbest" turned out 56,000 tons.

The Russians are enthusiastic, the project is under way, and output is mounting at a pace that promises to put this forest city at the head of the world's asbestos producers. In 1923 Canada produced 273,865 tons, valued at $11,238,000; South Africa, 23,584 tons, valued at $1,965,000; Rhodesia, 39,000 tons, valued at $970,000, and Cyprus, 16,000 tons, valued at $350,000, a world total outside of Russia of 352,449 tons, valued at $14,523,030. If the 5-year plan for "Uralazbest" is realized it will mean that in 1933 these mines will have a production valued at nearly twice that of the entire world production in 1928.

Figures such as these sound fantastic. In Moscow it is easy to dismiss them as "Soviet statistics." Here in Azbest they are easy to believe. A day spent in a tour of the mines almost forced conviction. Thirteen thousand men working in 7-hour shifts the clock around are mining 10,000 tons of rock a day. Chasms like western American canyons sink deep into the ground, and in their depths steam shovels dig mountainous mouthfuls. From cable conveyors fall incessant streams of ore on cars. The mills run night and day. Fourteen new electric shovels are on their way, and 200 new 10-ton cars.

Forty million rubles are being spent in the next 12 months on plant and equipment. Three new mills, each larger than any other in the world, are scheduled. An electric-power plant of 36,000-kilowatt-hour capacity is under construction. The railroad is being converted into broad gage. A brick factory here is producing 5,000,000 bricks a year for the new buildings. With complete mechanization of the mines and mills, one-half the number of workers will turn out five times the production.

A hospital with 120 beds and a polyclinic with 60 beds, with a staff of physicians, have been installed for the people who once had to travel all the way to Sverdlovsk for a doctor. Their "House of Culture" has just been completed at a cost of 1,200,000 rubles. In Azbest they do not need to worry about fuel; there is enough for a century of winters at their backdoors, though Moscow freezes.

[New York Evening Post, December 5, 1930]

THE GREAT POWER DAM AT DNIEPROSTROY, UKRAINE—DAM MORE THAN MILE LONG

With Fifer I spent the day on the dam, now a little more than half completed, but already a most impressive achievement. Its dimensions satisfy even the Russian love of superlatives. A mile and a quarter long, 200 feet high, it will contain 1,150,000 cubic meters of concrete, a power house 820 feet long, operating under a head of 116.5 feet a set of 9 turbines of 85,000 horsepower apiece, but to render an ultimate total of 850,000 horsepower, and an annual production of 2,500,000,000 kilowatt-hours. This is a larger power production than any other single unit in the world, even of Niagara Falls. Muscle Shoals produces 620,000 horsepower. The turbines are larger than any other, the next largest being the 75,000-horsepower units in use at Niagara.

We watched them installing the water passages of the turbines, fresh from the American manufacturer. Twenty-eight feet in diameter, the huge snail-shaped steel structures dwarfed the men at work. It took us 30 minutes to walk across the mile-long caisson dam to the other side of the river. They were placing concrete at an average rate of 3,000 cubic meters a day.

There were more than enough machines to help. Thirty 40-ton locomotive cranes, 10 steam shovels, 50 locomotives, 80 dump cars, all American machinery, presented such a forest of equipment as could not be seen elsewhere on any single construction site in the world, according to the Americans here. The Dnieprostroy Dam, enjoying the particular favor of the Government, is more highly mechanized than any in America, and the 17,000 workers on the job, with their 5-day nonstop week, have been able to place more concrete per month than has ever been placed in engineering history before. In September were placed 88,000 cubic meters, against the highest record at Muscle Shoals of 53,000 in one month, and in October the Dnieprostroy record was 110,900 cubic meters.

The scheme holds out promises of business for American machine manufacturers, for, according to L. L. Rodert, chief soviet engineer, there will be spent abroad $150,000,000 and most of it in America, for the equipment of the factories planned. They include an aluminum plant by French engineers for 15,000 tons yearly; a ferro-alloy plant for 260,000 tons yearly; a metallurgical plant by American engineers for 1,150,000 tons of cast iron yearly; a coke plant, and a cement plant. For these factories all the plans have been received, and for the whole project sewers and water lines have been laid, and a brick factory put in operation. Fifteen million dollars have been spent this year on planning preliminary work and foundations and next year will be expended $80,000,000. Seven thousand workers are employed already on construction and 45,000 will be needed next year. The prospects for unemployment in the building trades in the Soviet Union appear to be remote.

[New York Evening Post, November 19, 1930]

THE FORD PLANT AT NIZHNI-NOVGOROD

At the time of the signing of the Ford contract, the plant's capacity was fixed at 100,000. A few months later it was jumped to 140,000. At the time of the Ford contract the time required for building the plant was fixed at two years. A few months later, when the contract for construction was let to the Austin Co., the time for building was shortened to 15 months. This is typical of 5-year-plan methods. The goal is constantly being pushed forward, always at a little beyond human capacity. The result is a terrific tension in every branch of national activity, and a rate of construction and production that, for Russia, is extremely fast. At the same time the setting of impossible tasks nearly always results in failure, sometimes by a good deal, sometimes by a few per cent, to reach the last revised goal. This is then seized upon by many unobservant critics as proof that the plan has failed, whereas in nearly every case the original figures have been attained, if not surpassed.

BEHIND PLAN SCHEDULE

This is the case here in Nizhni. "The First Model Communist City," as they call it, is going up at a speed that would do credit to a much less backward country than Russia. It is, however, behind the revised plan. Construction has been going on now for five months. During that time the foundations have been laid for the assembly plant, 2,000 feet long, a building that competes with the assembly plant in Cheliabinsk tractor factory for being the longest building in the world; the repair, tools, and maintenance buildings are up; the personnel employment bureau is about done; and enough permanent dwellings have been erected in the new city to accommodate several thousand of the working force.

The rest of the 10,000 building-trades workers are living in a city of barracks. They have their communal restaurants, where the food is considerably better than any to be had in Moscow; their movies and theater, clubs and reading rooms typical of construction camps all over Russia.

Beyond the plant lies the site of the new city, ideally situated near the river, with parks stretching down to its banks, and designed to provide the maximum of comfort and convenience. The blocks of apartment houses are arranged in such a manner that to go from any part of the dwelling center to any other part, or thence to the restaurant and schools, it will not be necessary to cross a street. This was done for the children.

VAST COMMUNITY PLANNED

Besides the dwellings there are being erected a "House of the Soviets," a "Palace of Culture," a museum, a polyclinic and hospital, hotel, shops, garbage-disposal plant, bathing beach, bakery, laundry, garage, railroad station, cold-storage plant, slaughterhouse, sport stadium, police and fire stations, a huge factory kitchen, schools, and a crematorium. Within the housing group are communal clubs, nurseries, and a kindergarten.

Of all this there have so far been completed two rows of apartment blocks. By December, 1931, the city is supposed to be complete for 25,000 inhabitants, and by December, 1932, it must be ready to accommodate 50,000.

RUSSIAN OIL SUPPLY NOVEMBER 29, 1920—OIL RESERVES LEAD WORLD

Few but professional oil men realize that the Soviet Union is possessed of oil reserves that are declared by nonsoviet as well as soviet expert sources to be larger than those of any other country. The soviet authorities are never backward about estimating their country's natural wealth, and they place the total oil reserves at 32,000,000,000 barrels, with 10,000,000,000 in the territory of Azneft alone. The United States Geological Survey estimates soviet oil reserves at 6,775,000,000 barrels. The Federal Oil Conservation Board gives the United States no more than 5,500,000,000 barrels. An estimate of Venezuela's reserves is lacking, but they are not believed to be as large as America's. Since the United States Geological Survey estimate of soviet oil resources was made there have been opened up rich new fields, as Maikop, with a huge gusher last year, that has led Azneft to fix a yearly production for that field alone of 14,000,000 barrels by the end of the 5-year plan.

None but professional oil men follow closely the results of soviet oil production, but the figures should be of interest to every layman conscious of their meaning: In 1913, pre-war Russia had a total production of 62,834,000 barrels. By 1926 soviet production had passed pre-war. In 1927 it was 79,682,000 barrels; 1928, 83,992,000 barrels; 1929, 98,851,000 barrels, and in the year just closed, 119,700,000 barrels. The 5-year plan had only called for a production of 113,400,000 barrels this year. It had originally proposed that by 1933 production should be 151,900,000 barrels but the probability that the industry would reach this figure by next year, in half the time proposed, led to the fixing of a new plan figure for 1933 of 280,000,000 barrels, or 341 per cent of the preplan output. Soviet production is now twice pre-war production and the Soviet Union has forged to third place among world petroleum leaders, ranking not far from Venezuela's 137,000,000 barrels, though with a production hardly more than one-tenth of America's 1,005,603,000 barrels.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 39) provid-

ing for the printing of a manuscript entitled "Washington, the National Capital."

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes.

The message further announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 528. Joint resolution making an appropriation to provide books for the adult blind; and

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 35. An act for the relief of James W. Nugent;

S. 43. An act for the relief of W. W. Payne;

S. 182. An act for the relief of Daisy O. Davis;

S. 6046. An act to authorize advances to the reclamation fund, and for other purposes;

H. R. 644. An act for the relief of Casey McDannell;

H. R. 896. An act for the relief of Frank D. Peck;

H. R. 980. An act to permit the United States to be made a party defendant in certain cases;

H. R. 1605. An act for the relief of Frank C. Russell;

H. R. 2466. An act for the relief of William L. Bruhn;

H. R. 2589. An act for the relief of Josiah J. Hostetler;

H. R. 3004. An act for the relief of Arthur Moffatt, deceased;

H. R. 3556. An act for the relief of Mabel L. Brown;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 6128. An act to establish a national military park to commemorate the Battle of Kings Mountain; and

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70.

HOUSE JOINT RESOLUTIONS REFERRED

The following joint resolutions of the House were severally read twice by their titles and referred as indicated below:

H. J. Res. 528. Joint resolution making an appropriation to provide books for the adult blind; to the Committee on Appropriations; and

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926; to the Committee on Finance.

MUSCLE SHOALS—VETO MESSAGE (S. DOC. NO. 321)

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read as follows:

To the Senate:

I return herewith, without my approval, Senate Joint Resolution 49, to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama; to authorize the letting of the Muscle Shoals properties under certain conditions; and for other purposes.

This bill proposes the transformation of the war plant at Muscle Shoals, together with important expansions, into a permanently operated Government institution for the production and distribution of power and the manufacture of fertilizers.

Disregarding for the moment the question of whether the Federal Government should or can manage a power and fertilizer manufacturing business, we should examine this proposal from the point of view of the probabilities of success as a business, even if efficiently managed. Such an analysis involves a consideration of the capital invested, the available commercial power, the operating costs, the revenue to be expected, and the profit and loss involved from this set-up. The figures and estimates given herein are furnished by the War Department upon the authority of the Chief of Engineers.

VALUE OF THE OLD PLANT AND FURTHER CAPITAL OUTLAY REQUIRED

The following properties and proposed extensions are embraced in the proposed project:

(a) Wilson Dam and its hydroelectric equipment, valued at $37,000,000, being the original cost of $47,000,000 less $10,000,000 applicable to navigation.

(b) The steam-power plant at Muscle Shoals, valued at $5,000,000, being a reduction for depreciation of $7,000,000 from the original cost of $12,000,000.

(c) Proposed further additions to the electrical plant at Muscle Shoals costing $9,000,000.

(d) Proposed construction of Cove Creek Dam, with hydroelectric plant with transmission line to Wilson Dam, $41,000,000, of which $5,000,000 may be attributed to flood control and improvement of navigation or, say, $37,000,000.

(e) Proposed construction of transmission lines for wholesale distribution of power within the transmission area, $40,000,000.

(f) Nitrate plants, quarries, and so forth, at Muscle Shoals which originally cost $68,555,000 but upon which no valuation is placed at present.

The total valuation of the old property to be taken over for the power portion of the project is therefore $42,000,000 after the above deductions from original cost. The new expenditures from the Treasury applicable to the power business are estimated at $90,000,000, less $5,000,000 which might be attributable to flood control, or a total of $127,000,000 of capital in the electrical project. This sum would be further increased by accumulated interest charge during construction. As shown later on, several millions further would be required for modernizing the nitrate plants. The total requirement of new money from the Federal Treasury for the project is probably $100,000,000, even if no further extensions were undertaken.

AMOUNT OF POWER AVAILABLE FROM THIS PROJECT

Assuming the additional power given by the construction of the Cove Creek Dam and the use of steam power for five months in the dry season each year, and taking the average load factor from experience in that region, about 1,300,000,000 kilowatt-hours of continuous power could be produced annually. Considered as a general power business a portion of this must be held in reserve to protect consumers, leaving a net of about 1,000,000,000 kilowatt-hours annually of salable power. This amount would be somewhat increased if a large proportion of 24-hour load were applied to fertilizer manufacture.

The secondary power for a period of less than seven months in the year is not regarded as of any present commercial value.

OPERATING COSTS

The following is the estimated annual overhead and operating cost of the electrical end of the project, including the steam plant, necessary to convert 7-month secondary power into primary power, as stated above:

Interest at 4 per cent per annum on capital of $127,000,000	$5,080,000
Amortization	1,890,000
Operating and maintenance cost of hydroelectric plant	775,000
Operating and maintenance cost of steam plant	850,000
Operation and maintenance cost of transmission lines	550,000
Total	9,145,000

The estimated cost of production and distribution is, therefore, about 9.1 mills per kilowatt-hour. If only part of the transmission lines were constructed it would decrease capital and operating charges but would not comply with the requirement of equitable distribution through the transmission area.

ESTIMATED GROSS INCOME

The purpose of the bill is to provide production and wholesale distribution of surplus power and to give preference to States, municipalities, and cooperative organizations. It further provides that the policy of the Government must be to distribute the surplus power equitably amongst States, counties, and municipalities within transmission distance of Muscle Shoals and provides for the construction of transmission lines to effect this purpose. Such a transmission system for wholesale purposes only is estimated to cost $40,000,000. If it is proposed to sell power at retail to householders, then there would need be a great increase in the estimates of capital outlay and operation costs for such distribution.

The average gross income of the power companies in that territory, including retail as well as wholesale power, is about 12 mills per kilowatt-hour. This includes retail residential power averaging something over 50 mills per kilowatt-hour. Miscellaneous industrial power realizes about 10 mills per kilowatt-hour. The power sold wholesale to other companies and those engaged in municipal distribution averages about 7.2 mills per kilowatt-hour.

It is impossible to compute Muscle Shoals income under this project upon a basis which includes retail power sales, as this is a project for wholesale distribution only. It is impossible to compute it upon the basis of miscellaneous industrial rates as sales for industrial purposes from Muscle Shoals would presumably be mainly for manufacture of fertilizers and it would not be possible to average 10 mills per kilowatt-hour. A rate of not over 2 mills would be a large charge for such power. While the load factor would be improved by large use for this purpose, the net result, however, would be to diminish the gross income below the above rates from municipal and miscellaneous industrial services.

Assuming that the whole 1,000,000,000 kilowatt-hours should be sold to municipalities or other power distributors, it would on the basis of the realizations of the private companies of 7.2 mills yield a gross annual income to this project of about $7,200,000, or a loss upon this basis of nearly $2,000,000 annually. This territory is now supplied with power and to obtain such an income it would be necessary to take the customers of the present power companies. To secure these customers it would be necessary to undercut the rates now made by them. It is difficult to estimate the extent to which it would be necessary to go in such rate cutting in order to secure the business. In any event it would of course diminish estimated income and increase the losses.

It is obvious that any estimate of income contains a large element of conjecture, as the proportions of industrial and municipal load can not be foretold. But any estimate of the income of the project as set up by this legislation will show a loss.

FERTILIZER MANUFACTURE

The plants at Muscle Shoals were originally built for a production of nitrates for use in war explosives. I am advised by the War Department that the very large development in the United States by private enterprise in the manufacture of synthetic nitrogen now affords an ample supply covering any possible requirements of war. It is therefore unnecessary to maintain this plant for any such purposes.

This bill provides that the President for a period of 12 months may negotiate a lease of the nitrate plants for fertilizer manufacture under detailed limitations, but in failure to make such a lease the bill makes it mandatory upon the Government to manufacture nitrogen fertilizers at Muscle Shoals by the employment of existing facilities or by modernizing existing plants or by any other process. I may state at once that the limitations put upon lessees in the bill are such that this provision is of no genuine importance. Inquiries have been made of the most responsible and experienced concerns that might possibly undertake such lease and they have replied that under the conditions set out in the bill it is entirely impractical for them to make any bid. The leasing provision is therefore of no utility; it may at once be dismissed. In consequence the project we have to consider under this bill is the manufacture of fertilizers by the Federal Government.

The Department of Agriculture reports that these plants are now more or less obsolete and that with power at even 2 mills per kilowatt-hour, with proper charges included, could not produce the products for which they are constructed as cheaply as these products are now being sold in the wholesale markets. Therefore, it would be necessary to modernize the equipment at an unknown cost in millions. There is no evidence as to the costs of nitrogen fertilizers by the newer equipment, and there is therefore no basis upon which to estimate the results to the Government from entering upon such a competitive business. It can, however, be stated with assurance that no chemical industry with its constantly changing technology and equipment, its intricate problems of sales and distribution, can be successfully conducted by the Government.

PROPOSED ADMINISTRATION

The first essential of all business is competent management. Although the bill provides for the management by three directors, the Congress must from the nature of our institutions be the real board of directors and with all the disadvantages to a technical business that arise from a multitude of other duties, changing personnel, changing policies, and regional interests. These three directors are to have political qualifications, as it is stipulated that not more than two shall be of one political party. They are to receive $50 per diem, but are limited to $7,500 each for the first year and $5,000 annually thereafter. The act provides that:

> All members of the board shall be persons that profess a belief in the feasibility and wisdom, having in view the national defense and the encouragement of interstate commerce, of producing fixed nitrogen under this act of such kinds and at such prices as to induce the reasonable expectation that the farmers will buy said products, and that by reason thereof the corporation may be a self-sustaining and continuing success.

In other words, they are to say that they believe in Government manufacture of fertilizers, and that it can be made a success on this set-up. We are thus supposed to appoint business administrators on the basis of their beliefs rather than their experience and competency. These directors are manifestly to have a political complexion and apparently the entire working force is likewise to have such a basis of selection, as the usual provision for the merit service required by law in most other Federal activities is omitted. Three men able to conduct a $150,000,000 business can not be found to meet these specifications.

GENERAL CONSIDERATIONS

I am firmly opposed to the Government entering into any business the major purpose of which is competition with our citizens. There are national emergencies which require that the Government should temporarily enter the field of business, but they must be emergency actions and in matters where the cost of the project is secondary to much higher considerations. There are many localities where the Federal Government is justified in the construction of great dams and reservoirs, where navigation, flood control, reclamation, or stream regulation are of dominant importance, and where they are beyond the capacity or purpose of private or local government capital to construct. In these cases power is often a by-product and should be disposed of by contract or lease. But for the Federal Government deliberately to go out to build up and expand such an occasion to the major purpose of a power and manufacturing business is to break down the initiative and enterprise of the American people; it is destruction of equality of opportunity amongst our people; it is the negation of the ideals upon which our civilization has been based.

This bill raises one of the important issues confronting our people. That is squarely the issue of Federal Government ownership and operation of power and manufacturing business not as a minor by-product but as a major purpose. Involved in this question is the agitation against the conduct of the power industry. The power problem is not to be solved by the Federal Government going into the power business, nor is it to be solved by the project in this bill. The remedy for abuses in the conduct of that industry lies in regulation and not by the Federal Government entering upon the business itself. I have recommended to the Congress on various occasions that action should be taken to establish Federal regulation of interstate power in cooperation with State authorities. This bill would launch the

Federal Government upon a policy of ownership and operation of power utilities upon a basis of competition instead of by the proper Government function of regulation for the protection of all the people. I hesitate to contemplate the future of our institutions, of our Government, and of our country if the preoccupation of its officials is to be no longer the promotion of justice and equal opportunity but is to be devoted to barter in the markets. That is not liberalism, it is degeneration.

This proposal can be effectively opposed upon other and perhaps narrower grounds. The establishment of a Federal-operated power business and fertilizer factory in the Tennessee Valley means Federal control from Washington with all the vicissitudes of national politics and the tyrannies of remote bureaucracy imposed upon the people of that valley without voice by them in their own resources, the overriding of State and local government, the undermining of State and local responsibility. The very history of this project over the past 10 years should be a complete demonstration of the ineptness of the Federal Government to administer such enterprise and of the penalties which the local communities suffer under it.

This bill distinctly proposes to enter the field of powers reserved to the States. It would deprive the adjacent States of the right to control rates for this power and would deprive them of taxes on property within their borders, and would invade and weaken the authority of local government.

Aside from the wider issues involved, the immediate effect of this legislation would be that no other development of power could take place on the Tennessee River with the Government in that field. That river contains two or three millions of potential horsepower, but the threat of the subjection of that area to a competition which under this bill carries no responsibility to earn interest on the investment or taxes will either destroy the possibility of private development of the great resources of the river or alternately impose the extension of this development upon the Federal Government. It would appear that this latter is the course desired by many proponents of this bill. There are many other objections which can be raised to this bill, of lesser importance but in themselves a warranty for its disapproval.

It must be understood that these criticisms are directed to the project as set up in this bill; they are not directed to the possibilities of a project denuded of uneconomic and unsound provisions, nor is it a reflection upon the value of these resources.

I sympathize greatly with the desire of the people of Tennessee and Alabama to see this great asset turned to practical use. It can be so turned and to their benefit. I am loath to leave a subject of this character without a suggestion for solution. Congress has been thwarted for 10 years in finding solution by rivalry of private interests and by the determination of certain groups to commit the Federal Government to Government ownership and operation of power.

The real development of the resources and the industries of the Tennessee Valley can only be accomplished by the people in that valley themselves. Muscle Shoals can only be administered by the people upon the ground, responsible to their own communities, directing them solely for the benefit of their communities and not for purposes of pursuit of social theories or national politics. Any other course deprives them of liberty.

I would therefore suggest that the States of Alabama and Tennessee, who are the ones primarily concerned, should set up a commission of their own representatives, together with a representative from the national farm organizations and the Corps of Army Engineers; that there be vested in that commission full authority to lease the plants at Muscle Shoals in the interest of the local community and agriculture generally. It could lease the nitrate plants to the advantage of agriculture. The power plant is to-day earning a margin over operating expenses. Such a commission could increase this margin without further capital outlay and should be required to use all such margins for the benefit of agriculture.

The Federal Government should, as in the case of Boulder Canyon, construct Cove Creek Dam as a regulatory measure for the flood protection of the Tennessee Valley and the development of its water resources, but on the same bases as those imposed at Boulder Canyon; that is, that construction should be undertaken at such time as the proposed commission is able to secure contracts for use of the increased water supply to power users or the lease of the power produced as a by-product from such a dam on terms that will return to the Government interest upon its outlay with amortization. On this basis the Federal Government will have cooperated to place the question into the hands of the people primarily concerned. They can lease as their wisdom dictates and for the industries that they deem best in their own interest. It would get a war relic out of politics and into the realm of service.

HERBERT HOOVER.

THE WHITE HOUSE, *March 3, 1931.*

The VICE PRESIDENT. The question is, Shall the joint resolution pass, the objections of the President to the contrary notwithstanding?

Mr. ROBINSON of Indiana and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. The Senator from Indiana is recognized. Does he yield to the Senator from Nebraska?

Mr. NORRIS. I do not ask the Senator to yield. I want the floor in my own behalf.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JONES. As I understand, the consideration of the presidential veto is a matter of high privilege; indeed, a matter of higher privilege than the conference report now pending before the Senate. I ask the Chair whether or not the consideration of the veto message will displace the pending conference report.

The VICE PRESIDENT. The Chair is of the opinion that it will not displace the pending conference report.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate Nos. 1 and 3 to the bill (H. R. 15493) to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes, and that the House had disagreed to the amendment of the Senate No. 2 to the bill.

The message further announced that the House had passed a joint resolution (H. J. Res. 522) creating a joint committee to investigate and report upon matters respecting private claims, in which it requested the concurrence of the Senate.

THE SOVIET GOVERNMENT OF RUSSIA

Mr. ROBINSON of Indiana. Mr. President, I do not desire to delay any consideration of the question now before the Senate, either the question relating to Muscle Shoals or the conference report referred to by the Senator from Washington. I would like, however, much as the Senate is pressed for time, to say a few words in answer to the statements made by the distinguished senior Senator from Idaho [Mr. BORAH] on the question of possible recognition of the Soviet Government in Russia.

I have the greatest admiration for the eminent Senator from Idaho. I recognize his splendid talent and great ability, and I pay tribute to his earnestness, to his courage, and to his honesty. But I can not agree with him on certain positions which he at times takes with reference to matters before the Senate, and I find myself in entire disagreement with him on this question.

I do not see that the French Revolution has anything at all to do with the situation which obtains in Russia to-day. If I remember what transpired in those remarkable times, the French revolutionists were busily engaged almost from the beginning in consolidating the revolution. They did not seek to have that revolution spread throughout the world—that is, to the extent of deliberately planning against other

nations, sending incendiaries into other countries, sending emissaries preaching red rebellion into other lands—but rather they concerned themselves with making successful the great movement they had originated themselves.

Again, Mr. President, so far as I can remember, treaties entered into by the revolutionists of that day were kept. They were not violated.

In the next place at the time of the French Revolution we were very feeble among the nations of the earth. We were just starting on our new plan of government after a revolution. To-day we are the most powerful country on the globe. The Senator from Idaho seems to insist that because this country recognized the French Revolution it is incumbent upon us to do the same with Russia. He stated, among other things, that he had faith in the 150,000,000 people of Russia. That may be true, Mr. President, but if we recognize Russia we recognize the Government of Russia and not the 150,000,000 there. I am opposed to entering into any partnership of any kind with a government which seeks to destroy the one under which I myself live and have my being. I would not recognize a government which seeks to destroy this country which has done more for the average man than all the other governments in history put together.

The Russian Soviet has little faith in treaties. Treaties are scraps of paper to them. I want to read from a statement of Menjinsky. He is the head of the O. G. P. U. of secret police of Russia, a power in the councils of the Soviet Government, and the Third International, which are precisely the same. I quote from his statement:

> As long as there are idiots to take our signature seriously, and to put their trust in it, we must promise everything that is being asked, and as much as one likes, if we can only get something tangible in exchange.

There, Mr. President, is the notion of the present Russian Government with reference to treaties, showing the little faith they have in treaties and that they regard them practically as scraps of paper.

Everybody knows that the present Government in Russia ignored completely the terms of the Kellogg treaty in the Chinese situation, the Manchurian muddle, the railroad dispute. I go back again to what Zinoviev said on February 2, 1919, on the Princes Island proposal. I quote:

> We are willing to sign an unfavorable peace with the Allies. It would only mean that we should put no trust whatever in the piece of paper we should sign. We should use the breathing space so obtained to gather our strength in order that the mere continued existence of our government would keep up the world-wide propaganda which Soviet Russia has been carrying on for more than a year.

That again illustrates forcibly, I think, the little trust we may have in the present Russian Government so far as the sacredness of treaties is concerned.

Again Trotsky, before he was exiled and when he was a power in the present Government—and the same principles obtain to-day as when Trotsky was one of the Moscow masters—in his Peace Program, published at Petrograd in February, 1918, said:

> If in waiting the imminent proletarian flood in Europe, Russia should be compelled to conclude peace with the present-day governments of the central powers, it would be provisional, temporary, and transitory peace, with the revision of which the European revolution will have to concern itself in the first instance. Our whole policy is built upon the expectation of this revolution.

So, Mr. President, it seems to me it would be a travesty and only a travesty to sign a treaty and depend upon the plighted faith of a government which through its official spokesmen proclaims cynically to the world that it will observe these agreements, these treaties, if they turn out to their own advantage, but will repudiate them if they believe their own advantage would be served thereby. I can not at all agree with the Senator from Idaho [Mr. BORAH] when he says that this country would be advantaged by entering into an understanding with the present Russian Government. England tried it, France tried it, Mexico undertook to establish such relations, and all those countries were thoroughly disillusioned.

With reference to the Chinese experience the Washington Herald said editorially on July 25:

> History appears to have been repeating itself in China's recent experience with the Soviet Government of Russia. What China charges Russia's communist agents with doing in Manchuria, the United States, Great Britain, France, Germany, and Japan well know other communist agents of Russia have attempted to do in their respective countries.
>
> France was forced to demand the recall of the soviet ambassador from Paris.
>
> Great Britain was compelled to break off relations with the Soviet Government because of the discovery in London of the same sort of proof of the same sort of soviet plottings that China unearthed in Harbin.
>
> And Germany, Japan, and the United States have more than once been compelled to deport conspirators against their own peace and safety acting in the name, and apparently on behalf, of the organized tyranny that holds all Russia in its grip to-day.
>
> In the light of the proof that is piling up not only in the Far East but in other corners of the world that the Soviet Government of Russia is waging unceasing warfare against democracy everywhere, it begins to look as if the democracy of the world will finally be forced to take up this challenge and combat the tyranny of Russia.
>
> For the Soviet Government to-day is no less tyrannical in its treatment of the Russian people than was the Czar's government.
>
> And the tyranny in Russia to-day is no less a tyranny because it calls itself popular government.
>
> Under the communist Government of Russia freedom of speech, freedom of the press, freedom of worship, freedom of thought, freedom of conscience, freedom to work or not to work have one and all been taken away from the Russian people. * * *
>
> There is less popular liberty in Russia at this moment than in any other country on the face of the globe. And if the Soviet Government is permitted by the rest of the world to continue its plottings against the peace of the world, the tyranny of Russia will follow the soviet flag.
>
> There is no graver menace to democracy to-day than the yoke of tyranny which the Soviet Government has pressed down upon the people of Russia. And democracy in its own defense can not afford much longer to be blind or deaf or dumb in the face of the threats to the peace of the Pacific that are now coming out of Moscow.

Mexico had an interesting experience. The soviet influence in that country was considerable, but to-day the Government of Mexico, following the attempted assassination of President Rubio and the revelation of widespread red plots to overthrow the Government by violence, is fully alive to the menace of revolutionary communism, and the federal government is carefully watching red revolutionary activities and taking steps to protect the Government and people against them. The Mexican red insurrectionaries have been compelled to move their official headquarters from Mexico City to New York City. It is rather sad to note that here in this country we permit them to do pretty much as they please. When they are rooted out of Mexico or France or Great Britain they immediately come to this land of the free and set up their machinery to overthrow the Government of the United States, which means more to mankind than any government ever established through human genius.

Some time since the Cincinnati Enquirer published an editorial from which I quote the following:

> The United States, Canada, and the Governments of South and Central America are indebted to Mexico for the Mexican Government's refusal to continue in diplomatic relationship with the Mad Mullahs of Moscow. With customary insolent duplicity the Soviet Government long used Mexico as its chief vantage point on the American Continent from which to propagate and extend its poisoned philosophies, trampling upon all laws of comity and hospitality.

Those activities are now transferred to New York, where they are given free rein. I have been informed recently that there are more than 600,000 members of communist organizations working throughout this land and sowing seeds of dissention, insurrection, and revolution everywhere.

I would like to quote from Pravda, published in Russia, something with reference to the action of the Soviet Government and the Komintern in 1928, in connection with the world-wide effort of the communists to overthrow established governments and to bring about revolution everywhere:

> In the colonies where the proletariat does not exist the overthrow of the power of the imperialists must coincide with the organization of soviet (peasant) with the confiscation of the undertakings and foreign concessions and their transmission to the hands of the state. * * * Thus, the forward-moving revolution, by involving the workers of the home countries in the fight for the dictatorship of the proletariat, rouses also hundreds of millions of colonial workers and peasants for the fight against foreign imperialism.

That is the philosophy. First let it be understood that the Union of Socialist Soviet Republics of Russia after it was organized began immediately to finance the world-wide revolution under the Third International. Mr. President, the child is father to the man. The Soviet Government in Russia under domination of the Moscow masters created the Third International, dominates it, and the whole purpose of the Third International is to bring about world-wide revolution all over the globe. And the tragedy of it all is that they are largely succeeding, as I expect to show in a moment. I quote from a speech by Gourko-Kriakin, published in Pravda in 1927, the following:

"During my stay in Paris (1917)," wrote Pavlovitch, "I visited all oriental revolutionaries—constitutionalist young Turks, Persians, Hindu emigrants, Chinese officers, etc. There were often meetings at my house of Hindu revolutionaries, Persians, and Chinese, with whom I discussed revolutionary plans and action. I composed the proclamations and wrote for their newspapers and reviews."

Now, Mr. President, still further, in order that we may know something of their program, not as a result of propaganda, as suggested by the distinguished Senator from Idaho, but from the lips of their own leaders, I quote from the Commissariate of Commerce of the Union of Socialist Soviet Republics:

In the East, even more than elsewhere, the organs of this commissariate play an important part in Bolshevist penetration. An official outline of the activity of the Vladivostok section of the association for the scientific study of the Orient insists on the fact that this section, which plays a more and more important rôle in Bolshevik subversive action in the Far East, is closely linked with the economic organs of the Soviet Government. Further, the soviet press has announced that an important task falls to the "Russo-Oriental Chamber of Commerce as regards Bolshevik penetration in Asia."

Mr. President, the best reason, it seems to me, why all patriotic Americans should oppose recognition of the present Moscow Government is the fact that, by its own statements, it seeks to overthrow the Government of the United States. If we were to recognize that government at the present time, it would mean that a soviet embassy would be established here in Washington with many immunities, an official staff, with attachés of all sorts, committed to their program to destroy this Government. Their activities are inimical enough to us as it is at present. Why should we encourage them further by recognizing their Government which seeks to destroy us?

Mr. President, I make bold to say that if the United States should publish a program of destruction and announce to the world what it proposed to do, as has the Moscow Government, and then should undertake to send an ambassador to any other country with whom we had diplomatic relations, the previous statement of program made by us would be considered equivalent to a declaration of war. So the Moscow Government is practically at war with us under almost any fair construction of the hostile declaration published against us. The distinguished Senator from Idaho would have us recognize that government whose purpose in coming here would be chiefly to destroy the Government under which we live.

I should like to read a very brief statement, the words of Vera Simonton, an American writer, upon her return to Vienna from a tour of Soviet Russia.

RUSSIA OF TO-DAY

I have come from the soviet jungle, where it is every man for himself and the devil take the hindmost. The Russians have been leveled downward to the extent that all are serfs. They have just changed masters, that's all. The workers' paradise is in reality a human standardization at the bottom, with all initiative crushed, with hunger staring all in the face, with winter approaching and with no chance of buying enough food, let alone clothing.

Women have the hardest lot in Russia to-day. They bear the brunt of the suffering. They are herded indiscriminately into irregular and regular families. They do not enjoy a trace of privacy. Women stand for hours in line before the cooperative food shops, which are really government monopoly stores where one must have a book to purchase small rations. Often after waiting all night they are told that the supply is exhausted. The black bread sold privately in the street is twice the price of that sold in the cooperatives. The tea is bad. The Government dictates even how much one is to eat.

I do not see where the Soviet Government is doing much for the 150,000,000 Russian people. I fail to see the point of the able Senator from Idaho in insisting that the present Russian Government may change and that, in the end, the people will have their way. That may be true, but it does not necessarily follow. It was not so in France. After the French Revolution had run the course of a few years there came "the man on horseback"; Napoleon established the first Empire, and the ideals of the Empire were as far removed from those of the French Revolution as are the two poles from each other.

After the Empire, which was an absolutism, came again a Kingdom. Finally a Republic succeeded the monarchy and France has had three Republics in the course of a century. So, Mr. President, it may be a long while before the 150,000,000 people in Russia rule the 500,000 communists who have seized and now hold the governing power.

On January 18 an official ukase of the Soviet Government of Russia was issued, conscripting all labor needed in the railroad service. I have a statement to that effect here which I shall not read, but I ask that it may be incorporated in the RECORD at this point in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

An official ukase of the Soviet Government issued on January 18 conscripts all labor needed in railroad service. All departments, enterprises, and administrations were ordered to report the names of all persons having railway experience within 10 days, and to dismiss such employes with two weeks' pay and orders to report to the soviet railway administration. Criminal proceedings, it was announced, would be taken against persons who try to evade such service, and employers who assist in such concealment. The entire mobilization must be finished by March 1. This order is printed in the soviet official press. Yet the soviet authorities and their mouthpieces in the United States who persistently attempt to conceal the true character of the Moscow despotism by impudent lying will continue to deny that labor is conscripted in Soviet Russia.

Mr. ROBINSON of Indiana. Again, Walter Duranty, the Moscow correspondent of the London Times—and may I say that these dispatches were subject to soviet censorship—placed the number of exiles at work in Russian concentration camps at 1,000,000, 200,000 of whom are in the northern timber camps. I ask at this point that the statement may be incorporated in the RECORD in full.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

Walter Duranty, Moscow correspondent of the London Times, whose attitude toward the Soviet Government is not unfriendly, and whose dispatches are subject to soviet censorship, in a special cable to the New York Times under date of February 2, places the number of exiles at work in Russian concentration camps at 1,000,000, 200,000 of whom are in the northern timber camps. Exile, Duranty states, is not only a form of punishment, but a method of disarming opponents of the Soviet Government. In addition to the exiles in concentration camps are more exiles forbidden to live in cities or other specified localities. The total number of people sentenced to some form of exile during the past two years Duranty places at 2,000,000.

Mr. ROBINSON of Indiana. And finally, Mr. President, the soviet official press records political executions, and rather incompletely, for the months of October and November, as follows:

Kulaks (property-owning peasants)	147
Enemies of the Soviet Government	39
Religious activity	32
Specialists and sabotageurs	25
Contrabandists and spies	3
Total	246

Yet, Mr. President, those who openly and those who secretly sympathize with the Russian system of government and with Russian activities in the United States attempt to deny that there is persecution in that country.

Again I desire to read from a report made to the economic section of the League of Nations.

Alvin E. Johnson, Geneva correspondent of the New York World, I am informed, Mr. President, has conducted an exhaustive official inquiry which proves that the soviet dictators are carrying forward an ambitious plan for world-wide dumping as a means of economic disturbance leading to revolution in noncommunist nations. I read from his statement:

This is being pushed forward through constantly increasing enslavement of the workers and farmers, with wholesale conscription of labor, and unbelievable conditions prevailing in the timber camps and fisheries of eastern Russia. Here many scores of wretched men, half starving, are held in slavery and driven to their tasks insufficiently fed and clothed.

I read further from his statement:

Wholesale seizures of people have been made on trumped-up charges, and they have been condemned to a living death as slaves of the dictatorship, because of inability to get free labor to submit to the iron discipline imposed by the Moscow masters. The aristocrats, bourgeoisie, and kulaks, numbering millions, are disappearing from the face of Russia; where they have gone is a mystery, but it is apparent that most of them have been exterminated. The officials of the economic section call attention to the fact that enlightened statesmen in noncommunist countries have become aroused to the reality of the menace involved in the enslavement of millions of people to a ruthless political and industrial machine, inspired by hatred for the rest of the world, and moved by a fanatical purpose to destroy all noncommunist nations.

Again, with reference to the labor situation in Russia, I should like to quote from Matthew Woll, vice president of the American Federation of Labor. Everybody knows that Mr. Woll and the American Federation have, so far as they could, violently opposed the penetration of Bolshevism into this country with all of the terrifically dire effects it has occasioned wherever it has been permitted to operate. Mr. Woll states:

ENSLAVE LABOR IN SOVIET RUSSIA

America's wage earners are not frightened by the bombast of the Soviet 5-year plan. But we are concerned at the enslavement as political convicts of countless thousands of Russian and Finnish peasants whose only offense is, that after a lifetime of hard labor, they have shown enough efficiency to own half a dozen cattle. These are the people that are being forced to cutting down the timber, mining the coal, and producing the materials being shipped into and dumped upon our market now.

The method by which these innocent and hard-working agriculturalists are converted into convicts is very simple.

A decree forbidding all retail merchants to sell any goods in any part of the country to any individual not possessed of a collective card has been issued by the Soviet Government. But those cards are delivered only to farmers who have consented to abandon their lands and stocks of grain to the community.

Some farmers have tried, and try yet, to resist the compulsion and to live on the products of their farms. Then the "shock brigade" intervenes.

The stubborn village is surrounded by armed bands; the peasants are seized under the threat of guns; they are tied up, stripped, horsewhipped; 1 out of 10, if no more, is shot; the rest are deported to remote provinces and never heard of anymore.

This process of enslavement of the peasants is being systematically and openly extended to Russia's entire agricultural population.

The system of state slavery applied to the industrial workers necessarily takes a somewhat different form.

On October 11, last, Soviet Russia issued a decree abolishing all relief whatever for their unemployed and forced them not only to work under orders or starve but to work under orders or be blacklisted by the soviets who have a monopoly of employment. Here are the exact words of this newest law. I quote from the New York Times dispatch of Duranty, the most ardent and reliable of pro-soviet correspondents:

"Unemployed persons must accept work, not only in accordance with their own specialty but also, if necessary, work requiring no special qualification.

"No reasons for refusal of such proposed work will be accepted except illness supported by a medical certificate. Refusal to accept work will involve removal of such persons' names from labor exchange files."

In other words, the unemployed must accept the work offered by the Government on its own terms or be officially blacklisted.

As the soviet is the sole employer and does not permit its victims to leave the country, this new soviet law can only mean that all soviet labor has become forced labor, as defined by our law.

Mr. President, there is much along this line that I might mention; but I go back again to the economics section of the League of Nations, which has had laid before it an official report summarizing the results of a long and authoritative inquiry into the menace of Soviet Russia's operations.

Summarizing the findings, which go into great detail, the report said:

From what has been shown it is quite clear that the use of compulsory labor plays a large part in the work connected with Russian exports. Even if the output of starving, ill-treated men is much below that of workmen living in decent conditions, it must be admitted that the work done by men whose lot is little better than that of slaves and whose life does not seem to be valued very highly, is very cheap for the employer. To this fact must be added the low cost of raw materials in Russia, where everything belongs to the State.

Russian exports can thus easily win foreign markets in spite of all competition and customs protection. That the Union of Soviet Socialist Republics is following a conscious and considered policy is evident when we consider that Russia is suffering from considerable shortage of most of the commodities which it exports.

Russia's purpose, says the report, is twofold: One to insure the success of the 5-year plan—

May I say right there that this is the most ambitious plan for arming and mobilizing an entire nation—the same 150,000,000 people mentioned by the Senator from Idaho—that ever was undertaken in the history of the world by any people in peace time. If we are feeling that every effort should be made to bring about peace on earth and good will toward men, why should we lend any encouragement to a government that is deliberately planning for a world-wide war and revolution and that has, as the foundation of this planning, this very 5-year plan?

Russia's purpose, says the report, is twofold: One to insure the success of the 5-year plan; the second, indirect and insidious, is the aggravation of unemployment and industrial depression in all parts of the world.

Indeed, Mr. President, they do not deny this. Officially, Russia admits—the present Russian Government, which is not the Russian people, but which is the government we are asked to recognize—this government which we are asked to recognize officially has stated time and again, as I think I shall show before I get through, that the whole program of the Third International, backed by the Moscow masters, is to bring about world-wide revolution, in order that communism may rule and govern mankind everywhere.

The second, indirect and insidious, is the aggravation of unemployment and industrial depression in all parts of the world through disorganization of markets in order to destroy the "capitalist system." The Moscow government officially admits the former; the Third International, which dominates the Moscow government, confesses the latter.

Of course, the whole purpose is, as far as possible, definitely to hamstring industry in this country, and to bring about as much discontent as possible among all the people of the country, to the end that we may have chaos here and in the very near future—and the earlier the better, from their standpoint—that is their third objective—a communist government set up here among our own people.

There are those who undertake to differentiate between the Soviet Government of Russia and the Third International. The Soviet Government is, of course, the Union of Socialist Soviet Republics in Russia that rules the 150,000,000 people referred to by the able Senator from Idaho; but the Third International covers the world, and they work right together. There is no difference between the two.

I have been informed that 49 pages of documentary information bear out the following statement by the head of the Division of Russian Affairs to the United States State Department, as shown in a printed document issued from the United States Government Printing Office. I quote. It is brief, and I will read it:

The Communist Party is a member of the Third or Communist International, having in fact organized it, and the leaders in the party are also the chief executive officers of this world revolutionary bureau. The leaders of the Third International are also officials of the soviet institutions. The propaganda literature of the International is printed in the soviet printing establishments and included in the official organs of the soviets.

The interrelation of the Bolsheviks, the Russian soviets, and the Third International is such, in fact, that while the three may be distinguished theoretically, in practice they represent a single movement, backed by the administrative machinery and the resources of Soviet Russia. This is important, especially from an international viewpoint, because the aim of the Communist or Bolshevist Party is world-wide revolution and the purpose of the Third International is to propagate revolution and communism throughout the world.

America included.

Mr. President, I do not suppose anybody will deny that the Moscow masters have undertaken to abolish both religion and the family; and again we have the language of their leaders for this statement.

Back in 1923, in a speech before the department of education in Russia, Lenin—and Lenin, of course, is worshiped as a god in Russia—made the following statement:

Give us the child for eight years, and it will be a Bolshevist forever. We have struck the kings from the earth * * * now let us strike the King from the skies.

Referring, of course, to Almighty God.

We must hate—hatred is the basis of communism. Children must be taught to hate their parents if they are not communists. If they are, then the child need not respect them, need no longer worry about them.

Those are not the words of an American propagandist against Bolshevism. Those are not the words of Deterding. Those are the words of Lenin himself, the founder of this philosophy, or at any rate the man who put it into practice on the largest scale the world has ever known.

Izvestia, official organ of the central executive committee of the United Soviet Socialist Republics, under date of August 1, 1929, makes the following statement relative to the armament of the soviets and the disarmament of other nations:

While the defense of one's fatherland is not to be tolerated in imperialistic countries, in the country of the proletarian dictatorship it is one's first revolutionary duty. Here in the United Soviet Socialist Republics the armed proletariat is the defender. The defense of the Soviet Socialist Republics is in harmony with the class interests of the international proletariat and is its foremost duty.

Again, Lunacharsky said, at Moscow:

We hate Christianity and Christians; even the best of them must be regarded as our worst enemies. They preach love of one's neighbor and mercy, which is contrary to our principles.

Christian love is an obstacle to the development of the revolution. Down with the love of one's neighbors. What we need is hatred. We must know how to hate; only thus shall we conquer the universe.

Mr. President, this is not a propagandist. These are the words of Lunacharsky in Moscow.

Let me quote Lenin still further:

Religion must be abolished. The best country is a godless country. If religion will pass out quietly, our attitude will be one of benevolent tolerance. But if it resists we will hasten its exit by violence proportioned to its resistance.

Mr. President, already atheistic organizations have sprung up in this country, especially among our young people, to foster this philosophy, and thoroughly to distribute and disseminate this propaganda. Here are two of the institutions in which we believe perhaps the most deeply; both are sacred to us—religion, the worship of Almighty God, and the family, the home. Both of these institutions have been destroyed, or are well on the way to destruction in Russia today—under this communist government it is suggested here we ought to recognize.

One of the greatest authorities on Russia, I suppose, is Sir Paul Dukes. He made the following statement, with which I think all of us can agree:

The central tragedy of the bolshevist régime of Russia, an organized effort to subvert and corrupt the minds of children.

Mr. President, the Daily Worker is the organ of the Third International, published in New York City. I have several editorials from that journal. I shall not take the time to read them; but that the Senate and the country may know something of the program of the organization here and in the world, I do desire to read a brief statement from this journal.

The red army of the Union of Socialist Soviet Republics is the international army of the workers and peasants of the entire world. In the whole world there is not one member of the working class, not one hard-working, exploited farmer, who can not truthfully say: "The red army is my army, which has but one single motive—the liberation of the toilers of all countries from capitalist slavery!"

More than ever before it is necessary to drive this truth home to the working class and toiling farmers of all countries, and to the hundreds of millions of exploited colonial victims of imperialism. For war is coming. Imperialist war is only a short time ahead of us. Again the whole world will flame with fire and drip with blood in the struggle of the imperialist governments among themselves to seize the greater portion of the world for exploitation, and against the Union of Socialist Soviet Republics to destroy the hope of emancipation from capitalist-imperialist exploitation and slavery.

In that cataclysm it will be necessary to transform the imperialist armies into the opposite of imperialist armies—into red armies. It will be necessary for the class-conscious workers in each imperialist country and in each imperialist army to struggle fearlessly and ably to bring about the defeat of their "own" imperialist government as a part of the work of transforming imperialist armies into armies of liberation of our class. It is necessary for the working class of the whole world to be mobilized in defense of the socialist fatherland of all the workers and its Red Army.

It will be necessary for workers and farmers, mobilized in the United States imperialist forces facing the red army of the Union of Socialist Soviet Republics, to go over en masse to the side of the red army.

Therefore it is necessary to show the workers of all countries that the red army is our international working class army.

Mr. President, I should also like to have incorporated in the RECORD at this point a statement which has been furnished me, I think, from the National Republic on the subject of marriage in Soviet Russia. I shall not take the time to read it.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Marriage in Soviet Russia may be contracted in two ways—by registration and by free consent. Both have binding legal validity. Registration calls for the following procedure: The parties appear before a magistrate (no previous notice is necessary) and make a declaration of their desire to be married. The only question asked by the authorities, writes Anker Kirkeby in Politiken, Copenhagen, is: "Do you know if your prospective husband (or wife) is sound in health?" The answer being satisfactory, the marriage is registered and is ipso facto an accomplished fact. "Free" marriages are entered into without official registration. The parties simply declare themselves married. But both the man and woman have the same legal responsibilities as in the case of a registered marriage. Proof of their union can always be secured; it can be shown that they have lived together as man and wife, or a third party can be found to whom they have represented themselves as being married. A marriage may be dissolved whenever one of the parties wish it; no cause or reason need be given. But the husband is obliged to provide for the support of his wife for six months following the separation; if she is in poor health or otherwise unable to support herself, he must continue to provide for her for a full year. Every woman more than 45 years old is included in this latter category. When the woman is the one who earns the most, it is she who must pay for his support during the prescribed period following a divorce. No difference is recognized between the children of registered marriages and those of a free marriage. There are no "illegitimate" children in Russia—all are equally legitimate.

Mr. ROBINSON of Indiana. I also want to have inserted in the RECORD a statement from the Daily Worker, the soviet journal published in New York, with reference to the part the Communist Party and the red army played in the Manchurian matter with the Chinese.

Also another statement from the same source on Building Socialism in the Soviet Union, where Joseph Stalin, head of the Soviet Government and of the Third International, gives certain directions to the communists in America.

Another statement I ask to have inserted is taken from the Daily Worker, the issue of September 18, 1918, with reference to the growth of the communist movement.

The VICE PRESIDENT. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

In reporting the victory of the Soviet Union over the Chinese Government in the recent Manchurian Railroad dispute, the Daily Worker, national organ of the Communist Party of America, says among other things: "The Red Army did not gain its victory by iron and blood alone, but also by its revolutionary kindlelight. * * * The Russian Red Army seized all the foodstuff and distributed it among the people in order 'to get their favor.' There were airplanes carrying Chinese propagandists and distributing leaflets in Chinese vernacular language. In these leaflets the conditions of the workers, peasants, and soldiers in Soviet Russia were contrasted with those in China. Leaflets written in the name of 'our' soldiers who went over to the red army, and pictures of our soldiers together with the red army, were also widely distributed.

"This helps to explain the complete demoralization of the Chinese army.

"The influence and effect of the victory of the red army was not limited to Manchuria. It spread like fire everywhere in China.

"The Chinese under the leadership of the Communist Party of China, have made gigantic headway in their struggles."

American defenders of Soviet Russia attempt to differentiate in their public utterances between the Third International and the Soviet Government in their false claim that revolutionary agitation in the United States is not under the direction of the Soviet Government. The central editorial in the Daily Worker, official Russian communist organ in the United States, is by Joseph Stalin, head of the Soviet Government and of the Third International. Stalin directs American communists to read two books: Building Socialism in the Soviet Union, which present working plans whereby the communists in the United States may lay the groundwork for the communist revolution here; second, The Trade Unions of the Union of Socialist Soviet Republics, suggesting ways in which the working trades of the United States may be subverted to communist revolutionary purposes. It is fair to say that those who pretend there is a distinction between the Moscow Government and the Third International know better. It is not ignorance but cunning which causes them to take this position.

The following paragraph is from the report of Comrade Kussinen at the tenth plenum of the executive committee of the Komintern, governing body of the communists of the world, as printed in the Daily Worker, official revolutionary communist organ, New York, issue of September 18:

"If we think of the mass fights which have taken place during the short period since the Sixth World Congress, we may truly say: The world army of the active class fighters is growing at a tremendously rapid pace. The miners in the Ruhr and in Scotland, the textile workers in Poland and in France, the barricade fighters of Berlin, the Bombay strikers and demonstrators, the plantation strikers in Colombia, the rebellious negroes in the Congo, the striking agricultural laborers in Czechoslovakia and in Poland, the revolutionary trade-unions and the peasant guerrilla warriors in China, the rebellious tribes in Morocco, and hundreds of thousands of other fighting groups—this is a gigantic active army. It shows how the revolutionary movement is growing throughout the world. If it goes on at this rate, all will be well. Yet the Communist International should and will bring together even greater masses of the millions for the fight against the world bourgeoisie and for the proletarian world revolution."

Mr. ROBINSON of Indiana. Mr. President, we hear our friends say from time to time that the way to kill communism in this country is to pay no attention to it; that we should have nothing to do with it; that we should not discuss it, place no obstacle in its path. That is largely the plan we have been following, and the movement has grown by leaps and bounds.

I have here some clippings from a newspaper which I ask to have inserted in the RECORD, illustrating to some degree the remarkable growth of the membership of the organization in the United States. I ask to have three clippings on that subject inserted at this point.

There being no objection, the matter was ordered to be inserted in the RECORD, as follows:

GROWTH OF COMMUNISM IN THE UNITED STATES

"The way to kill communism," declare the camouflaged press agents of revolutionary radicalism, is to ignore it; repression will only promote it. The policy of indifference has been followed in this country; the communist vote of 48,000 in 32 States in 1928 has risen in an off year to more than 130,000 in 25 States. In Germany the same policy has resulted in a growth of communist strength from a few thousand to four and a half million. The most useful assistants of revolutionary radicalism are those who attack and ridicule all those who believe that the Government has no right to tolerate the preaching and plotting of the overthrow of the American Government by violence through organization directed from abroad by a dictatorship which has sworn the destruction of the American Government. The professions of nonsympathy with communism accompanying most of these arguments in favor of a hands-off policy toward communism are palpably insincere.

Incomplete returns from the November election indicate that at least 180,000 votes were cast for communist tickets in the 24 States of the Nation, as compared to 48,288 in 32 States in 1928, showing an increase of more than 80,000 red votes. In Cleveland, Ohio, where reds had to vote by using stickers, 5,400 stickers were made use of by communists and sympathizers. Cleveland daily newspapers ridicule the idea that there are that many revolutionary reds in the United States, and local politicians permit these insurrectionaries to use municipal auditoriums. The total vote so far reported from Ohio totals 9,478, as against 2,884 in 1928.

Communist Foster polled, according to incomplete returns, approximately 25,000 votes in New York City, while incomplete returns from Minnesota give Roine for lieutenant governor 13,847, against 5,100 in the previous election. In Connecticut incomplete returns give 1,500, as compared with 750 in 1923. Incomplete returns from Massachusetts give Hoffman for State treasurer 6,019, as against 3,225 in 1926; from South Dakota, 7,000, etc.

Over 170,000 names of legal voters appeared on petitions which were filed to put the communist ticket on the ballots of 24 States. While communists were piling up a new record vote in the United States, their big brothers, the socialists, who are paving the road to Bolshevism also polled a huge vote in New York State for governor, and claim approximately 175,000 votes as compared to 88,329 in 1928. In California, Upton Sinclair is said to have polled 50,000 or over as compared to 30,000 in 1928. It is estimated that the total vote of socialists and communists will be approximately 650,000, to which can be added the votes cast for "friendly" candidates running beneath other banners to fool the dear public.

SNIFFING AT FACTS DOES NOT DESTROY FACTS

During the last campaign 170,000 signatures of legal voters were attached to petitions for placing the communist ticket on the ballot in 25 of the 48 States of the Union; 130,000 communist ballots were cast this year in these 25 States. The Fish committee estimates that three-fourths of the communists in the United States are unaturalized aliens. Many more are migrants or under age. From all this may be derived an idea of the reasonableness of the theory of only 40,000 communists in the United States. The communist press has a paid circulation of more than 200,000 in the United States, exclusive of hundreds of shop papers and local publications. The Daily Worker, national official organ of the Moscow-directed Bolshevists, has paid circulation in 1,118 American cities and towns. The cost of maintaining this one communist publication is $172,000 a year. The communist ticket received more than 6,000 votes in the last municipal election in the single city of San Francisco. In the single small city of Springfield, Ohio, at the last municipal election, the number of communist votes was in excess of 1,000.

In New York on October 21, over 20,000 persons paid admission to the communist rally in Madison Square Garden, arranged in honor of the release of William Z. Foster and other communist leaders from the penitentiary on conviction of inciting to riot. Five thousand more people were unable to gain admission. A collection of $3,000 was taken up from among those who had already paid to get into the meeting, and $900 worth of communist literature was sold. Twelve hundred Young Pioneers, communists but not voters, paraded.

There are subsidiary communist organizations in the United States, openly proclaiming communist control, to the number of about 40, and comprising a membership of several hundred thousand people. No showing of facts, however, will affect the attitude of those who are urging the American people to adopt no repressive measures toward the conspiracy to overthrow the American Government by violence. The fact that they so grossly underestimate communist strength in the face of known facts, however, has significance.

Mr. ROBINSON of Indiana. Mr. President, I am trying to be as brief as possible, and therefore I shall not take the time to read another statement I have, but I ask that there be inserted in the RECORD at this point in my remarks a news story containing an article published in the socialist newspaper, L'Ere Nouvelle, of Paris, prepared by Senator Victor Dalbiez, of France, with reference to conditions there at the present time, and the program of the Soviet Government in dumping Russian commodities in other lands, in an effort to bring about chaos, and to destroy the industrial systems of those countries.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Senator Victor Dalbiez, of France, in an article published in the socialist newspaper L'Ere Nouvelle, of Paris, sets forth the fact that Soviet Russia is employing her exports to foment world revolution through the creation of an economic crisis in noncommunist countries. This statement is of special importance coming from Senator Dalbiez, since he was president of the economic section of the Franco-Soviet Congress which for four years sought to reestablish French commercial relations with Soviet Russia.

M. Dalbiez says that Russian exports, now becoming formidable in quantity because of the help given by foreign capital, and in cheapness because they unite stolen property and slave labor, "is being used by Stalin to facilitate the export of soviet products below the world price with the object of preparing a world revolution and increasing propaganda funds for communist groups in other countries which obey Moscow's orders."

M. Dalbiez continues: "The directors of the Soviet Union, as M. Caillaux recently showed, have organized a system of dumping by which they are seeking to throw on the world markets foodstuffs and materials obtained by insufficiently paid workers and even by forced, unpaid labor, so as to create unemployment and grave economic disorders in other countries which will be propitious to their communist propaganda. Thus one sees how the government of the Soviet Republics and the Third International make a kind of division of labor. The government seeks to create economic disturbances which the Third International exploits. * * * Stalin himself showed in a recent speech how much he was counting on the system to help create difficulties in capitalistic countries. His words breathe the hope that by it communism will be victorious over the rest of the world. * * * We must set up in the face of the foreign commerce monopoly of Russia control exchanges which will protect our manufacturers and merchants and prohibit the importation into France of foodstuffs or merchandise of which the sale price is fixed in Russia not on the basis of cost but with the avowed political aim of ruining nations which permit this commerce while at the same time the unfortunate workers and peasants who produce it are starving."

These words of Senator Dalbiez help explain the recent fight by the biggest financial interests in this country, now in profitable partnership with Bolshevism, to prevent the enactment of effective tariffs against the products of Soviet Russia, such as timber, oil, anthracite coal, and manganese, and their more recent battle,

aided by the radicals generally and by the metropolitan newspapers and newspaper syndicates, which are the mouthpieces of predatory international capital, to prevent the entry into this country of commodities produced by enslaved or convict labor, for the displacement of free labor in the United States and Canada.

The country is inundated with speakers and publications propagandizing for the joint program of the international bankers and socialists to bring the economic level and standard of living in the United States to that of the cheap labor countries of the world, the bankers being prompted by the prospect of profits as toll takers and the socialists by their desire to produce a proletarian class which will accept European socialism. Antioch College, Yellow Springs, Ohio, is the seat of the "League for the Organization of Progress," which prints and circulates a monthly periodical called Records of Progress. This publication was originally published in London, Paris, and Berlin, and printed in six languages. Later it was printed as a European weekly under the name Call of Humanity. It is now reestablished at Antioch. Those signing the statement of republication in the first American issue include M. Livitnoff, Assistant Commissary of Foreign Affairs of Russia, the Government sworn to the destruction of the American Government by violence. Much of the material printed is propaganda for the World Court and League of Nations, for the cancellation of European debts to the United States and especially the razing of the American tariff behind which the United States maintains a higher standard of living for the masses than is maintained in European and Asiatic nations.

Mr. ROBINSON of Indiana. Mr. President, I would like at this point also to have inserted what purports to be one month's record (May, 1930), of revolutionary activities in this country, as published in the National Republic, as well as an article on the 5-year plan.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RECENT REVOLUTIONARY ACTIVITIES

May Day, heralded throughout the world by the Moscow dictatorship as a day for Red revolutionary demonstrations, passed off rather quietly in the United States, due to the firm measures taken by the authorities in many cities when "the battle for the streets" was attempted on March 6. It is understood that the reaction from the March 6 demonstrations was so unfortunate from the Red standpoint that organizations sympathetic with the communists, such as the American Civil Liberties Union, advised against further lawlessness on the second demonstration date. July 4 is fixed as the next day for concerted revolutionary demonstrations in the United States.

The May Day demonstrations resulted in 300 arrests and a number of casualties as a result of clashes with police. In New York 87 Red revolutionaries were arrested during the day.

Arrests during the month of April amounted to 600 or more. There were several deportations ordered by courts, and the courts ordered the citizenship of one communist revoked. Many of those arrested were imprisoned, but the majority are yet to be tried. In most instances those arrested have been employed as revolutionary speakers and organizers, and the total of nearly 2,000 arrests this year evidently affected the operations of the party on May Day. This, however, is only a temporary lull during which the ranks will reorganize. Reports by cities follow:

Chicago, May 1: Over 10,000 paraded to Union Park, and 23 arrests on sedition charges and 50 for distribution of literature was the police record for the day. A meeting was held in Ashland Auditorium where Lucy Parson and Gebert spoke. Nels Kjar was chairman of the meeting.

Indianapolis, May 1: Over 300 marched to the State capitol in Indianapolis and later held a meeting in the city auditorium.

Trenton, May 1: Three hundred or more marched in Trenton and speakers held forth at Monument Park. Two arrests were made.

Washington, D. C., May 1: The announced demonstration of communists at the White House did not materialize. A night meeting was held at 78 P Street NW., where Red leaders spoke under police protection.

New York City, May 1: Eighteen thousand police were ready to cope with any possible rioting in New York City, where 20,000 or more communists, shouting defiance at the police, the press, and the "bosses' government," marched on Union Square, which an hour before had been the scene of an anticommunist demonstration. Fifty Reds were arrested, most of the charges covering distribution of communist handbills. Eight were arrested when the police clashed with 200 Reds at Fifth Avenue, while 5 men, 2 women, and a boy were arrested in a third demonstration.

Oakland, Calif., May 1: Thirty Oakland police charged 50 men and women Reds who were attempting to parade, and dispersed them. Four paraders were taken to the hospital and several were arrested.

Los Angeles, May 1: Twenty-four arrests were made as crowds of Reds gathered at the City Hall Plaza in an attempted May Day demonstration and resisted efforts of policemen to keep the sidewalks clear. Half of those arrested were schoolboys and girls under the age of 17. Singing communist songs and jeering the police, they were escorted to the police station. Two police officers were beaten severely.

Kansas City, May 1: Accused of circulating red literature, three men were arrested here. The literature called for a demonstration in the afternoon and urged workers to throw down their tools in protest against "American capitalism."

Cincinnati, Ohio, May 1: Over 1,800 took part in the May Day demonstration here which police broke up. Six were arrested.

Pittsburgh, May 1: Two thousand four hundred communists gathered in Pittsburgh and vicinity. Speakers addressed the crowds, and about 75,000 pieces of communistic literature were distributed. Seven arrests were made.

Baltimore, May 1: Several hundred communists celebrated May Day here while the police kept an eye open to prevent any possible disturbances as Reds marched through the streets with banners.

Columbus, Ohio, May 1: Several hundred communists took part in the Red May Day demonstration here. Saul Jagoda and D. Watson were the speakers.

Cleveland, May 1: Over 1,000 Reds massed in Public Square and paraded the downtown section, carrying banners with the slogans "Work or Wages," "Against Imperialist War," "For the Defense of the Soviet Union."

Wilkes-Barre, Pa., May 1: Slinger and Pershing, speaking to 100 reds here, were arrested. The International Labor Defense is taking legal action to gain their release.

New Haven, Conn., May 1: Four reds were placed under arrest here when a crowd of communists met in a May Day demonstration. Vincent, Jacobsen, Patterson, and Curry were those arrested.

Los Angeles, April 26: Five members of the Communist Party were placed under arrest here following a battle with police and high-school students. The battle began when students gave chase to communists making speeches and distributing literature from the Roosevelt High School grounds. One student was injured.

El Centro, Calif., April 15: Horiuchi, asserted leaders, and 85 followers were arrested here after a raid throughout the Imperial Valley. Literature seized revealed widespread ramifications of a plot to take armed possession on April 20 after destroying the cantaloupe crop valued at millions of dollars.

Chicago, April 12: Twelve girls and four boys, participating in a demonstration of 300 young communists in front of the board of education offices, were placed under arrest. They represented themselves as members of the Young Pioneers of America and protested the board's attempt to wreck their organization.

Cleveland, April 14: Mounted police broke up a demonstration of communists here. One policeman was hit on the head with a pop bottle when he charged the crowd. Several hundred had a few hours previously marched on the Cleveland County fund headquarters demanding $4,500,000 cash for unemployment.

Philadelphia, April 18: Eight hundred or more communists gathered in front of the city hall on a call of the International Labor Defense to protest the conviction of Foster, Miner, Amter, Lester, and Raymond, the five members of the New York unemployment delegation.

Gregori T. Grinko, finance minister of the Soviet Government and vice chairman of the "Gosplan" which evolved the 5-year plan, says on page 30 in his book entitled "The 5-Year Plan of the Soviet Union—A Political Interpretation," just off the press of the International Publishers, publishing soviet propaganda books in the United States: "The 5-year plan is a program for the further extension and consolidation of the great October revolution. Nor should the great international significance of the plan be underestimated. For the first time in history, a vast country with inexhaustible natural resources and a population of 150,000,000 free people faces the world with an elaborate plan for upbuilding a socialist economy and culture—a socialist society. We fully share the view expressed in the editorial of the Pravda of August 29, 1929: 'The 5-year plan is an important part of the offensive of the proletariat of the world against capitalism; it is a plan tending to undermine capitalist stabilization; it is a great plan of world revolution.'" This confirms officially the statement repeatedly made by the National Republic that the exportation system of the Soviet Government is a part of the plan to foment world revolution

Mr. ROBINSON of Indiana. Mr. President, there is much more I would like to say on this subject, but I shall not detain the Senate longer. It seems to me, in conclusion may I suggest, that it would be utterly foolhardy for us to recognize a government, and to some degree at least, go into partnership with that government, whose announced purpose is to destroy the country in which we ourselves live. Certainly we should not do so unless we can see some advantage in it for us, and I confess, after studying it as carefully as I can, with whatever feeble ability I may possess, that I can see no single advantage in any direction to the American people from a recognition of the Soviet Government.

Mr. President, I believe in the system of government under which we live. In this country, and under our Constitution, every child, regardless of the circumstances of birth, has an equal opportunity with every other child to carve out for himself a career, to aspire to the heights of glory in every line of human endeavor.

In Russia, under the present system, there is no such opportunity afforded anyone. All human life is standardized. All are on the same level, and the level is low. No one may aspire to go higher than his neighbor, it makes no difference how much talent, how much brain power, how much physical energy he may possess; he is held enthralled by that system of government, which undertakes to do even the thinking for the 150,000,000 people in that benighted land.

Germany followed the same system we have followed to some degree. There it was argued, too, that things should be permitted to drift so far as communism was concerned, that there should be a spirit of laissez faire. It was said, "It will not grow, it will not increase its membership, but if we pay too much attention to it, or undertake to drive it out, then it will thrive and grow and flourish."

Mr. President, what was the result there? What has been the result? This movement which would abolish our system of government, would abolish the home, would abolish God, would abolish religion, has grown to such an extent in Germany that I am informed that in the general election held there some few months ago the Communist Party cast more than 2,000,000 votes and elected upwards of 40 members of the Reichstag, the governing body of that land.

China, with more than 400,000,000 people, a fourth of the population of the entire globe, is in utter chaos and has been for the past two years or more, and human life, to say nothing of property, has not been safe on a single foot of ground in that great country.

We have seen the workings of communism in Mexico, in France, in Great Britain, in India, in Egypt. All over the world, wherever communism has undertaken to gain a foothold, the results have been precisely the same, revolution. It has been spreading in South America, where in six or seven or possibly more countries there have been rebellions in the past few months against governments that were stable but a year ago.

Mr. President, it is seriously proposed that we recognize that system here, recognize this government which has brought so much misery into the world already, and, to a degree at least, go into partnership with it, permit it to establish an embassy here in Washington, which would distribute and disseminate the poison of the system throughout our land.

I say that that would be the greatest mistake, in my judgment, this Government could make. It would be a mistake so far as the Government is concerned; it would be a mistake so far as labor is concerned, so far as children are concerned, so far as men and women everywhere throughout the length and breadth of the land are concerned. I trust that no such action may be contemplated by our Government.

Mr. President, there is much more to be said on this subject, but I shall not detain the Senate any longer.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;

S. 5248. An act to extend the boundaries of Wind Cave National Park, S. Dak.;

S. 5989. An act to authorize the acquisition of additional land for enlarging the Capitol Grounds;

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended; and

S. 6263. An act to amend Public Act No. 624, Seventy-first Congress.

The message also announced that the House had agreed to the amendment of the Senate to the following bills and joint resolution of the House:

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 10562. An act for the relief of John Sanford Tillotson; and

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms.

The message further announced that the House had agreed to the amendments of the Senate to the following bills of the House:

H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 11368. An act to fix the annual compensation of the secretary and the Governor of the Territory of Alaska;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watersheds supplying water to the city of Los Angeles, Calif., and for other purposes;

H. R. 12063. An act to amend section 16 of the Federal farm loan act; and

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel and others.

The message also announced that the House had passed a bill (H. R. 17262) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 14. An act to make the Star-Spangled Banner the national anthem of the United States of America;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh; and

H. R. 16836. An act to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes.

REGULATION OF BROADCASTING

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD a compilation of bills introduced in Congress relating to the regulation of broadcasting. This work has been done by Mr. John Nicolson, a member of the bar, who has been a deep student of the various phases of the radio problem.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

BILLS AND RESOLUTIONS INTRODUCED

Radio bills and resolutions introduced in the Fifty-eighth to the Seventy-first Congresses, inclusive, 1903 to 1931, presenting their titles, by whom introduced, to what committees referred, and their subsequent legislative history, including references to debates, compiled by John Nicolson.

This is printed in the CONGRESSIONAL RECORD because it is a consolidated index of items distributed through the 33 volumes involved, thus giving more direct access to material, including debates, which may be of value in further legislation on a subject still in its formative state.

The matter referred to is as follows:

H. R. 17744 (58th Cong.), by Mr. Ketcham. Title: "To promote the efficiency of the Revenue-Cutter Service by providing for the equipment of the vessels of that service with approved wireless telegraph apparatus for communication between vessels of the Coast Guard and coast wireless telegraphic stations." Referred to Committee on Interstate and Foreign Commerce (vol. 39, p. 890).

S. 5949 (60th Cong.), by Mr. Hale. Title: "To regulate the use of wireless telegraphy." Referred to Committee on Naval Affairs (vol. 42, p. 2959).

S. 9279 (60th Cong.), by Mr. Frye. Title: "To require radio-telegraphic installations and radio telegraphers on certain ocean steamers." Referred to Committee on Commerce (vol. 43, p. 2120).

H. R. 17719 (60th Cong.), by Mr. Sheppard. Title: "Prescribing penalties for interference with official wireless messages." Referred to Committee on the Judiciary (vol. 42, p. 2322).

H. R. 18979 (60th Cong.), by Mr. Peters. Title: "Prescribing penalties for interference with official wireless messages." Referred to Committee on Naval Affairs (vol. 42, p. 3114).

H. R. 21689 (60th Cong.), by Mr. Beall of Texas. Title: "To promote the safety of employees and passengers upon steamships engaged in interstate, coastwise, or foreign commerce by requiring their equipment with wireless telegraph apparatus." Referred to Committee on Interstate and Foreign Commerce (vol. 42, p. 5902).

H. R. 27145 (60th Cong.), by Mr. Burke. Title: "To require radio telegraphic installations and radio telegraphers on certain ocean steamers." Referred to Committee on the Merchant Marine and Fisheries (vol. 43, p. 1454).

H. R. 27318 (60th Cong), by Mr. Peters. Title: "To require radio telegraphic installations and radio telegraphers on certain ocean steamers." Referred to Committee on Interstate and Foreign Commerce (vol. 43, p. 1555).

H. R. 27480 (60th Cong.), by Mr. McCall. Title: "Requiring ships to be equipped with wireless telegraph apparatus." Referred to Committee on Interstate and Foreign Commerce (vol. 43, p. 1709).

H. R. 27672 (60th Cong.), by Mr. Burke. Title: "To require radio telegraphic installations and radio telegraphers on certain ocean steamers." Referred to Committee on the Merchant Marine and Fisheries (vol. 43, p. 1887). Subsequent history: Reported back with amendments (H. Rept. 2088), page 2115; amended and passed House, pages 2495–2501. Referred to Senate Committee on Commerce, page 2545.

S. 7021 (61st Cong.), by Mr. Bourne. Title: "To require apparatus and operator for radio communication on certain steamers." Referred to Committee on Commerce (vol. 45, p. 2898). Subsequent history: Reported back (S. Rept. 421), page 3339; debated, pages 3533, 5601, 5764; passed Senate, page 5764; referred to House Committee on the Merchant Marine and Fisheries, page 5867; reported with amendments (H. Rept. 1373), page 6580; debated, amended, and passed House, pages 8558, 8559; Senate concurs in House amendment, page 8627; examined and signed, pages 8755, 8788; approved by the President (Public, No. 262).

S. 7061 (61st Cong.), by Mr. Depew. Title: "To regulate the use of radio communication." Referred to Committee on Commerce (vol. 45, p. 2991).

S. 7243 (61st Cong.), by Mr. Depew. Title: "To regulate radio communication." Referred to Committee on Commerce (vol. 45, p. 3270). Subsequent history: Reported with amendments (S. Rept. 659), page 5872; amended and passed Senate, page 8222; referred to House Committee on the Merchant Marine and Fisheries, page 8447.

H. R. 12384 (61st Cong.), by Mr. Peters. Title: "Prescribing penalties for interferences with official wireless messages." Referred to Committee on Naval Affairs (vol. 45, p. 9).

H. R. 19560 (61st Cong.), by Mr. Burke of Pennsylvania. Title: "To regulate and control the use of wireless telegraphy and wireless telephony." Referred to Committee on the Merchant Marine and Fisheries (vol. 45, p. 1136).

H. R. 21757 (61st Cong.), by Mr. O'Connell. Title: "Requiring all vessels under the control of the Government excepting torpedo boats, torpedo-boat destroyers, and submarines to be equipped with wireless-telegraph apparatus." Referred to Committee on Naval Affairs (vol. 45, p. 2376).

H. R. 22558 (61st Cong.), by Mr. Burke of Pennsylvania. Title: "To regulate and control the use of wireless telegraphy and wireless telephony." Referred to Committee on the Merchant Marine and Fisheries (vol. 45, p. 2939).

H. R. 23595 (61st Cong), by Mr. Greene. Title: "To regulate radio communications." Referred to Committee on the Merchant Marine and Fisheries (vol. 45, p. 3835). Subsequent history: Reported back (H. Rept. 924), page 4146.

H. J. Res. 95 (61st Cong.), by Mr. Roberts. Title: "To regulate and control the use of wireless telegraphy and wireless telephony." Referred to Committee on Naval Affairs (vol. 45, p. 246). Subsequent history: Reported back and House Joint Resolution 182 substituted, page 3987.

H. J. Res. 182 (61st Cong.), by Mr. Roberts. Title: "To regulate and control the use of wireless telegraphy and wireless telephony." Referred to Committee on Naval Affairs (vol. 45, p. 3987).

S. 3815 (62d Cong.), by Mr. Hitchcock. Title: "To amend an act entitled 'An act to require apparatus and operators for radio communication on certain ocean steamers.'" Referred to Committee on Commerce (vol. 48, p. 365). Subsequent history: Reported with amendment (S. Rept. 680), page 5542; debated, pages 5317, 5528, 5595; amended and passed Senate, page 5595; referred to House Committee on the Merchant Marine and Fisheries, page 5677; reported with amendment (H. Rept. 734), page 6736; debated, amended, and passed the House, pages 7575–7577; Senate disagrees to House amendment and asks for a conference, page 7593; House insists on its amendment and agrees to a conference, page 7801; conferees appointed, pages 7593, 7801; conference report (No. 1007) made in House, page 9189; conference report debated and agreed to in House, pages 9189, 9190; conference report made and agreed to in Senate, pages 9229, 9230; examined and signed, pages 9310, 9386; approved, June 24, 1910 (Public, No. 338), page 9586.

S. 5455 (62d Cong.), by Mr. McLean. Title: "To establish a system of wireless telegraphy in the Philippine Islands." Referred to Committee on Philippine Islands (vol. 48, p. 2434). Subsequent history: Reported with amendment (S. Rept. 703), page 5994; debated, page 8228.

S. 6412 (62d Cong.), by Mr. Bourne. Title: "To regulate radio communication." Referred to Committee on Commerce (vol. 48, p. 5013). Subsequent history: Mr. Bourne; report from Committee on Commerce (S. Rept. 698), pages 5013, 5959; debated, pages 5317, 6015–6018; amended and passed Senate, page 6018; referred to House Committee on the Merchant Marine and Fisheries, page 6099; reported back (H. Rept. 741), page 6851; debated, pages 7572–7574, 8296, 8297, 8535, 8536, 8667, 9078, 9249, 9255, 9821, 10502–10518, 10591–10596; amended and passed House, page 10596; Senate concurs in House amendment, page 10644; examined and signed, 10745, 10748; approved by the President (Public No. 264), page 11045.

H. R. 15357 (62d Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 48, p. 220). Subsequent history: Reported with amendment (H. Rept. 582), page 5081; debated, pages 8677, 9249, 10596; bill S. 6412 substituted, pages 7572, 9255.

H. R. 23716 (62d Cong.), by Mr. Berger. Title: "To provide for Government ownership of wireless telegraphs." Referred to Committee on Interstate and Foreign Commerce (vol. 48, p. 5307).

H. R. 24025 (62d Cong.), by Mr. Alexander. Title: "To amend sections 4400 and 4448 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operator for radio communication on certain ocean-going steamers." Referred to Committee on the Merchant Marine and Fisheries (vol. 48, p. 5721). Subsequent history: Reported with amendment (H. Rept. 857), page 5911; debated, pages 6833, 6834, 9249, 10699–10691; amended and passed House, pages 10690–10691; referred to Senate Committee on Commerce, page 10706.

H. J. Res. 300 (62d Cong.), by Mr. Evans. Title: "To create a joint commission to investigate the use of the air for the purpose of communication and report what regulation, if any, is desirable." Referred to the Committee on Interstate and Foreign Commerce (vol. 48, p. 5010).

S. 720 (63d Cong.), by Mr. McLean. Title: "To establish a system of wireless telegraphy in the Philippine Islands." Referred to Committee on the Philippine Islands (vol. 50, p. 161).

H. R. 3981 (63d Cong.), by Mr. Cary. Title: "Providing for equipment of apparatus and operators for radio communications at all life-saving stations." Referred to Committee on Interstate and Foreign Commerce (vol. 50, p. 357).

H. R. 12172 (63d Cong.), by Mr. Steenerson. Title: "To authorize the Postmaster General to establish an experimental radio-communication service." Referred to Committee on the Post Office and Post Roads (vol. 51, p. 2218).

H. J. Res. 172 (63d Cong.), by Mr. Moss of West Virginia. Title: "Directing the Secretary of War to investigate and report to Congress at the earliest practicable time the advisability of the establishment of wireless telegraph stations along the Ohio River." Referred to Committee on Military Affairs (vol. 51, p. 939).

S. 2377 (64th Cong.), by Mr. Sheppard. Title: "For the establishment of a medium-power radio station at Galveston, Tex." Referred to Committee on Naval Affairs (vol. 53, p. 312).

S. 3776 (64th Cong.), by Mr. Jones. Title: "Providing for the establishment of a radio station on Unga Island, Alaska." Referred to Committee on Naval Affairs (vol. 53, p. 1424). Subsequent history: Reported with amendments (S. Rept. 449), page 8140; amended and passed Senate, page 11288; referred to House Committee on Naval Affairs, page 12982.

S. 7478 (64th Cong.), by Mr. Fletcher. Title: "To regulate radio communication." Referred to Committee on Commerce (vol. 54, p. 539).

H. R. 9821 (64th Cong.), by Mr. Nolan. Title: "To prohibit the employment of any person who is not a citizen of the United States as radio operator or telegrapher on any vessel of the United States engaged in interstate or foreign commerce; and to establish the age of radio operators." Referred to Committee on the Merchant Marine and Fisheries (vol. 53, p. 1409).

H. R. 9823 (64th Cong.), by Mr. Cary. Title: "Providing for equipment of apparatus and operator for radio communication at all life-saving stations." Referred to Committee on Interstate and Foreign Commerce (vol. 53, p. 1409).

H. R. 9914 (64th Cong.), by Mr. Kahn. Title: "Making appropriation for a radio station on Unga Island, Alaska." Referred to Committee on Naval Affairs (vol. 53, p. 1481).

H. R. 13842 (64th Cong.), by Mr. Wickersham. Title: "Making an appropriation for the establishment of a radio station at Seward, Alaska." Referred to Committee on Appropriations (vol. 53, p. 5055).

H. R. 19350 (64th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 54, p. 782).

H. R. 21098 (64th Cong.), by Mr. Lewis. Title: "To secure to the United States a monopoly of electrical communication for hire; to provide for the acquisition by the Post Office Department of the telephone and telegraph network; and to license certain telephone lines, radio and telegraph agencies." Referred to Committee on the Post Office and Post Roads (vol. 54, p. 4856).

S. 1733 (65th Cong.), by Mr. Fletcher. Title: "To regulate radio communication." Referred to Committee on Commerce (vol. 55, p. 621).

S. 5235 (65th Cong.), by Mr. Sheppard. Title: "To amend a joint resolution entitled 'Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and operate the same in such manner as may be useful or desirable for the duration of the war, and to provide just compensation therefor,' approved July 16, 1918." Referred to Committee on Interstate Commerce.

S. 5287 (65th Cong.), by Mr. Kellogg. Title: "To provide for the control, supervision, and operation of telegraph, telephone, marine cable, and radio systems." Referred to Committee on Interstate Commerce. Subsequent history: Debated, pages 1080, 1081.

H. R. 2573 (65th Cong.), by Mr. Padgett. Title: "To further regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 55, p. 504).

H. R. 4042 (65th Cong.), by Mr. Nolan. Title: "To prohibit the employment of any person who is not a citizen of the United States as a radio operator or telegrapher on any vessel of the United States engaged in interstate or foreign commerce, and to establish the age of radio operators." Referred to Committee on the Merchant Marine and Fisheries (vol. 55, p. 1723).

H. R. 4189 (65th Cong.), by Mr. Gould. Title: "Authorizing the use of radio stations under the jurisdiction of the Navy Department for commercial purposes between the United States and Hawaii, Guam, and the Philippines." Referred to Committee on Naval Affairs (vol. 55, p. 1843).

H. R. 13159 (65th Cong.), by Mr. Alexander. Title: "To further regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 56, p. 11669).

H. J. Res. 427 (65th Cong.), by Mr. Greene of Massachusetts. Title: "Directing the Secretary of the Navy to instruct the United States representative to the Inter-Allied Radio Conference that they shall not commit the United States to any policy of government ownership or operation of commercial radio stations." Referred to Committee on Naval Affairs (vol. 57, p. 3406).

H. Res. 577 (65th Cong.), by Mr. Greene of Massachusetts. Title: "Directing the Secretary of the Navy to furnish forthwith to the House of Representatives the originals or copies of all papers, documents, or correspondence on file in the Navy Department relating generally to the subject of an interallied radio conference, and other facts relative to the origin and purpose of such conference." Referred to Committee on Naval Affairs. Subsequent history: Committee discharged; agreed to, page 4245.

S. 120 (66th Cong.), by Mr. Kellogg. Title: "To repeal chapter 154 of the act of the second session of the Sixty-fifth Congress, being the joint resolution entitled 'Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war and to provide just compensation therefor,' approved July 16, 1918." Referred to Committee on Interstate Commerce (vol. 58, p. 56). Subsequent history: Reported with amendment (S. Rept. 4), page 636; debated, pages 746, 857–859, 915–922; amended and passed Senate, page 922; referred to House Committee on Interstate and Foreign Commerce, page 1006; reported with amendment (H. Rept. 45), page 1199; debated, pages 1337–1365, 1393–1395; passed House, page 1396; Senate asks for conference, page 1427; House agrees to conference, page 1448; conferees appointed, pages 1427, 1448; conference report made in the House (H. Rept. 71), page 1776; conference report made in Senate and agreed to, pages 1720, 1906–1907; conference report agreed to in House, pages 1924–25; examined and signed, pages 2047, 2102; approved by the President (Public, No. 9), page 2532.

S. 154 (66th Cong.), by Mr. JONES, of Washington. Title: "Providing for the establishment of a radio station on Unga Island, Alaska." Referred to Committee on Naval Affairs (vol. 58, p. 57). Subsequent history: Reported back adversely and indefinitely postponed, page 4994.

S. 2523 (66th Cong.), by Mr. Calder. Title: "To amend section 3 of an act entitled 'An act to regulate radio communication,' approved August 13, 1912." Referred to Committee on Commerce (vol. 58, p. 2696).

S. 3172 (66th Cong.), by Mr. Lodge. Title: "To authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication." Referred to Committee on Foreign Relations (vol. 58, p. 6484).

S. 3177 (66th Cong.), by Mr. Poindexter. Title: "Authorizing commercial service by naval radio plants." Referred to Committee on Naval Affairs (vol. 58, p. 6484).

S. 3399 (66th Cong.), by Mr. McNary. Title: "Authorizing the use of radio stations under the control of the Navy Department for commercial purposes, and for other purposes." Referred to Committee on Commerce (vol. 58, p. 8114).

S. 4038 (66th Cong.), by Mr. Poindexter. Title: "To regulate the operation of and to foster the development of radio communications in the United States." Referred to Committee on Naval Affairs (vol. 59, p. 4001). See Senate Document 248.

S. 4487 (66th Cong.), by Mr. Calder. Title: "To amend section 1 of the act entitled 'An act to require apparatus and operators for radio communication on certain ocean steamers,' approved June 24, 1910, as amended." Referred to Committee on Commerce.

S. 4681 (66th Cong.), by Mr. Fletcher. Title. "To further regulate radio communications." Referred to Committee on Commerce (vol. 56, p. 7521).

H. R. 9822 (66th Cong.), by Mr. Rogers. Title: "To authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication." Referred to Committee on Foreign Affairs (vol. 58, p. 6659). Subsequent history: Reported with amendment (H. Rept. 387), page 7044; debated, amended, and passed House, pages 7329–7349, and 9212–9214; referred to Senate Committee on Foreign Relations, page 7355; reported back, page 267; passed Senate, page 267; examined and signed, pages 386, 389; presented to the President, page 469; approved (Public, No. 100), page 769.

S. J. Res. 130 (66th Cong.), by Mr. King. Title: "Proposing a plan for the adjustment of claims made by citizens of the United States for indemnification for losses suffered in Mexico not otherwise redressed." Referred to Committee on Foreign Relations (vol. 59, p. 111).

S. J. Res. 170 (66th Cong.), by Mr. Poindexter. Title: "To authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public." Referred to Committee on Naval Affairs (vol. 59, p. 3865). Subsequent history: Reported with amendment (S. Rept. 466), page 4112; debated, amended, and passed Senate, pages 4112–4117; referred to House Committee on the Merchant Marine and Fisheries, page 4258; reported with amendments (H. Rept. 1003), page 7324; debated, amended, and passed House, pages 7709–7711; Senate concurs in House amendment, pages 7874–7875; examined and signed, pages 8156, 8160; approved by the President (Public Resolution No. 48), page 8620.

H. R. 421 (66th Cong.), by Mr. Esch. Title: "To repeal chapter 154 of the act of the second session of the Sixty-fifth Congress, being the joint resolution entitled 'Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war, and to provide just compensation therefor.'" Referred to Committee on Interstate and Foreign Commerce (vol. 58, p. 21).

H. R. 3075 (66th Cong.), by Mr. Nolan. Title: "To prohibit the employment of any person who is not a citizen of the United States as radio operator or telegrapher on any vessel of the United States engaged in interstate or foreign commerce, and to establish the age of radio operators." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 272).

H. R. 7007 (66th Cong.), by Mr. Britten. Title: "To require the installation of wireless equipment on all passenger-carrying ships measuring more than 150 feet in length." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2303).

H. R. 7288 (66th Cong.), by Mr. Mapes. Title: "To require the installation of wireless equipment on all boats or ships carrying passengers for fare and going out of sight of land." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2574).

H. R. 9822 (66th Cong.), by Mr. Rogers. Title: "To authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communications." Referred to Committee on Foreign Affairs (vol. 58, p. 6659). Subsequent history: Reported with amendment (H. Rept. 387) page 7044; debated, amended, and passed House, pages 7329–7349, 9212–9214; referred to Senate Committee on Foreign Relations, page 7355 (see same bill continued in vol. 59).

H. R. 10831 (66th Cong.), by Mr. White of Maine. Title: "To restore to private ownership and operation certain radio stations, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 59, p. 100).

H. R. 10888 (66th Cong.), by Mr. Hilliard. Title: "To acquire military control, by eminent domain in the form of a lease, of the marine cable, wireless, and telephone and telegraphic agencies of communication, providing for their unification to release large numbers of operators and artisans for the military service, and providing for just rentals to the owners, pending their ultimate purchase." Referred to Committee on Military Affairs (vol. 56, p. 3813).

H. R. 11779 (66th Cong.), by Mr. White of Maine. Title: "To restore to private ownership and operation certain radio stations, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 59, p. 1602).

H. R. 12305 (66th Cong.), by Mr. Britten. Title: "To acquire site for distant-control radio station in Porto Rico." Referred to Committee on Naval Affairs (vol. 59, p. 2482).

H. R. 12647 (66th Cong.), by Mr. Padgett. Title: "To regulate and control the manufacture, distribution, storage, use, and possession in time of war of apparatus used in radio communication, and for other purposes." Referred to Committee on Naval Affairs (vol. 56, p. 8661).

H. R. 13384 (66th Cong.), by Mr. Fletcher. Title: "To regulate radio communication." Referred to Committee on Commerce (vol. 58, p. 2696).

H. R. 13559 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13560 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13561 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13562 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13563 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13564 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13565 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13566 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13567 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13568 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13569 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13570 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

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H. R. 13573 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

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H. R. 13641 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

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H. R. 13655 (66th Cong.), by Mr. Alexander. Title: "To regulate radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 2696).

H. R. 13656 (66th Cong.), by Mr. Alexander.

H. J. Res. 217 (66th Cong.), by Mr. Greene of Massachusetts. Title: "To direct the Secretary of the Navy to remove the restrictions on the use and operation of amateur radio stations throughout the United States." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 6013).

H. J. Res. 218 (66th Cong.), by Mr. Greene of Massachusetts. Title: "To direct the Secretary of the Navy to open certain naval radio stations for the use of the general public." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 6013).

H. J. Res. 304 (66th Cong.), by Mr. Greene of Massachusetts. Title: "To authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public." Referred to Committee on the Merchant Marine and Fisheries (vol. 59, p. 3651).

H. Res. 283 (66th Cong.), by Mr. Greene of Massachusetts. Title: "Requesting information of the Secretary of the Navy." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 4952).

H. Res. 291 (66th Cong.), by Mr. Greene of Massachusetts. Title: "Requesting information of the Secretary of the Navy." Referred to Committee on the Merchant Marine and Fisheries (vol. 58, p. 5479).

S. 31 (67th Cong.), by Mr. Poindexter. Title: "To regulate the operation of and to foster the development of radio communications in the United States." Referred to Committee on Naval Affairs (vol. 61, p. 143).

S. 1627 (67th Cong.), by Mr. Kellogg. Title: "To regulate the operation of and to encourage the development of radio communication in the United States." Referred to Committee on Interstate Commerce (vol. 61, p. 1097).

S. 1628 (67th Cong.), by Mr. Kellogg. Title: "To regulate radio communication and foster its development." Referred to Committee on Interstate Commerce (vol. 61, p. 1097).

S. 2290 (67th Cong.), by Mr. Calder. Title: "To amend section 3 of an act entitled 'An act to regulate radio communications,' approved August 3, 1912." Referred to Committee on Commerce (vol. 61, p. 4156).

H. R. 163 (67th Cong.), by Mr. Curry. Title: "Authorizing the use of radio stations under the control of the Navy Department for commercial purposes, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 61, p. 90).

H. R. 4132 (67th Cong.), by Mr. White of Massachusetts. Title: "To regulate the operation of and to encourage the development of radio communication in the United States." Referred to Committee on the Merchant Marine and Fisheries (vol. 61, p. 418).

H. R. 13773 (67th Cong.), by Mr. White of Massachusetts. Title: "To amend an act to regulate radio communication, approved August 3, 1912, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 64, p. 1617). Subsequent history: Reported back (H. Rept. 1416), page 1865; debated, pages 2328–2355, 2781; amended and passed House, page 2798; referred to Senate Committee on Interstate Commerce, page 3238.

H. R. 14169 (67th Cong.), by Mr. Sinclair. Title: "To secure to the United States a monopoly of the electrical means for the transmission of intelligence for hire; to provide for the acquisition by the Post Office Department of the telephone and telegraph network; and to license certain telephone lines, radio and telegraph agencies." Referred to Committee on Interstate and Foreign Commerce (vol. 64, p. 2924).

H. J. Res. 278 (67th Cong.), by Mr. Brennan. Title: "Providing for the installation and operation of radiotelephone transmitting apparatus for the purpose of transmitting the proceedings and debates of the Senate and of the House of Representatives, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 62, p. 3130).

H. J. Res. 287 (67th Cong.), by Mr. Brand. Title: "Directing the United States Department of Agriculture to investigate feasibility of furnishing market prices of cotton by radiophone to the farmers of cotton-growing States." Referred to Committee on Agriculture (vol. 62, p. 3888).

H. Res. 357 (67th Cong), by Mr. Brand. Title: "Directing the United States Department of Agriculture and the Post Office Department to investigate the feasibility of furnishing market prices of cotton, corn, wheat, livestock, and dairy products by radiophone to the farmers." Referred to Committee on Agriculture (vol. 62, p. 7937). Subsequent history: Reported with amendment (H. Rept. 1064), page 3138; debated, page 8086.

H. Res. 525 (67th Cong), by Mr. White. Title: "Requesting the Federal Trade Commission to investigate and to report to the House the facts relating to the ownership of radio patents, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 64, p. 3536).

H. Res. 548 (67th Cong.), by Mr. White. Title: "Requesting the Federal Trade Commission to investigate and report to the House the facts relating to the ownership of radio patents, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 64, p. 4212). Subsequent history: Reported back (H. Rept. 1686), page 4341; considered and agreed to, page 5544.

S. 2930 (68th Cong.), by Mr. Howell. Title: "Reaffirming the use of the ether for radio communication or otherwise to be the inalienable possession of the people of the United States and their Government, and for other purposes." Referred to Committee on Interstate Commerce (vol. 65, p. 4915). Subsequent history: Reported back (S. Rept. 311), page 5055; debated, page 5733; passed Senate, page 5737; referred to House Committee on the Merchant Marine and Fisheries, page 5907; reported with amendment (H. Rept. 719), page 8496; referred to the Committee on the Merchant Marine and Fisheries (vol. 66, p. 2361).

S. J. Res. 175 (68th Cong.), by Mr. Jones of Washington. Title: "To amend section 2 of the public resolution entitled 'Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes,' approved April 14, 1922." Referred to Committee on Commerce (vol. 66, p. 2501).

S. J. Res. 177 (68th Cong.), by Mr. Jones of Washington. Title: "To amend section 2 of the public resolution entitled 'Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes.'" Referred to Committee on Commerce (vol. 66, p. 2613). Subsequent history: Reported back (S. Rept. 1104); passed Senate, page 3559; referred to House Committee on the Merchant Marine and Fisheries, page 3740; passed House, page 3876; examined and signed, pages 3990–3998; presented to the President, page 4101; approved (Pub. Res. No. 56), page 5090.

H. J. Res. 311 (68th Cong.), by Mr. Free. Title: "To amend section 2 of the joint resolution entitled 'Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes.'" Referred to Committee on the Merchant Marine and Fisheries (vol. 66, p. 756).

H. J. Res. 317 (68th Cong.), by Mr. Free. Title: "Extending the time limitation authorizing the use of Government-owned radio stations for certain purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 66, p. 1501). Subsequent history: Reported back (H. Rept. 1133), page 1718.

H. J. Res. 334 (68th Cong.), by Mr. Free. Title: "To amend section 2 of the public resolution entitled 'Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes,' approved April 14, 1922." Referred to Committee on the Merchant Marine and Fisheries (vol. 66, p. 2550). Subsequent history: Reported back (H. Rept. 1345), page 2743; laid on the table (see S. J. Res. 177), page 3876.

S. 2328 (69th Cong.), by Mr. Dill. Title: "To amend section 1 of an act entitled 'An act to amend and consolidate the acts respecting copyright,' approved March 4, 1909, as amended, by adding subsection (f)." Referred to Committee on Patents (vol. 67, p. 1807).

S. 3963 (69th Cong.), by Mr. Borah. Title: "To provide for the regulation of radio communications, and for other purposes." Referred to Committee on Interstate Commerce (vol. 67, p. 7341).

S. 4057 (69th Cong.), by Mr. Dill. Title: "For the regulation of radio communications, and for other purposes." Referred to Committee on Interstate Commerce (vol. 67, p. 7948).

S. 4156 (69th Cong.), by Mr. Dill. Title: "For the regulation of radio communications, and for other purposes." Referred to Committee on Interstate Commerce (vol. 67, p. 8574).

S. J. Res. 125 (69th Cong.), by Mr. Dill. Title: "Limiting the time for which licenses for radio transmission may be granted, and for other purposes." Referred to and considered in the Committee of the Whole and passed Senate (vol. 68, p. 12959). Subsequent history: Debated, page 13067; passed House, page 13046; examined and signed, pages 12, 38; presented to the President; approved, page 93 (Pub. Res. No. 47).

S. J. Res. 132 (69th Cong.), by Mr. Copeland. Title: "Authorizing the Secretary of Commerce to regulate radio broadcasting stations, and for other purposes." Referred to Committee on Interstate Commerce (vol. 68, p. 279).

S. J. Res. 165 (69th Cong.), by Mr. Copeland. Title: "Authorizing the Secretary of Commerce to regulate radio broadcasting stations, and for other purposes." Referred to Committee on Interstate Commerce (vol. 68, pp. 4108, 4148).

H. R. 5589 (69th Cong.), by Mr. White. Title: "For the regulation of radio communications and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 67, p. 901). Subsequent history: Debated, pages 5474, 5485, 5585.

H. R. 9108 (69th Cong.), by Mr. White. Title: "For the regulation of radio communications, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 67, p. 3660). Subsequent history: Reported back (H. Rept. 404), page 4729; debated, pages 5473, 5474, 5485; laid on the table (see H. R. 9971), page 5716.

H. R. 10987 (69th Cong.), by Mr. Vestal. Title: "To amend the copyright act of 1909, with respect to radio and broadcasting." Referred to Committee on Patents (vol. 67, p. 6935).

H. R. 9971 (69th Cong.), by Mr. White. Title: "For the regulation of radio communications, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 68, p. 4956). Subsequent history: Reported back (H. Rept. 464), page 5130; debated, pages 5473–5505, 5555–5586, 5645; amended and passed House, page 5647; referred to Senate Committee on Interstate Commerce, page 5688; reported with amendment (S. Rept. 772), page 8960; debated, pages 11436, 12000, 12230, 12335, 12480, 12497, 12614, 12617, 12630; amended and passed Senate; Senate insists upon its amendment and asks conference, page 12618; conferees appointed, pages 12618, 12778; House disagrees to Senate amendment; agrees to conference, page 12778 (see S. J. Res. 125), page 12959.

H. R. 15909 (69th Cong.), by Mr. Underhill. Title: "Granting authority to the Secretary of Commerce to regulate radio communications." Referred to Committee on the Merchant Marine and Fisheries (vol. 68, p. 1152).

H. R. 16867 (69th Cong.), by Mr. Bloom. Title: "To prevent the radio broadcasters from charging the public for listening in." Referred to Committee on the Merchant Marine and Fisheries (vol. 68, p. 2744).

H. J. Res. 294 (69th Cong.), by Mr. Dickstein. Title: "Authorizing the Secretary of Commerce to regulate radio broadcasting stations, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 68, p. 16).

H. J. Res. 296 (69th Cong.), by Mr. White. Title: "Prohibiting the issuance of radio broadcasting licenses within the United States until otherwise prohibited." Referred to Committee on the Merchant Marine and Fisheries (vol. 68, p. 16).

S. 2317 (70th Cong.), by Mr. Watson. Title: "Continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes." Referred to Committee on Interstate Commerce (vol. 69, p. 1161). Subsequent history: Reported with amendment (S. Rept. 226), page 2405; debated, pages 2533, 2544, 2562; amended and passed Senate, page 2563; referred to House Committee on the Merchant Marine and Fisheries, page 2692; reported with amendment (H. Rept. 800), page 3828; made special order (H. Res. 132), page 4486; debated, pages 4473, 4486, 4500, 4508, 4562, 4590; amended and passed House, page 4589; Senate disagrees to House amendments and asks conference, page 4608; conferees appointed, pages 4610, 4662; House insists upon its amendments and agrees to conference, page 4662; conference report submitted in House (H. Rept. 992), pages 4989, 5113; debated, page 5113; agreed to, page 5120; conference report submitted in Senate, page 5155; debated, pages 5155, 5288; agreed to, page 5304; examined and signed, pages 5408, 5413; presented to the President, page 5414; approved (Public, No. 195), page 5557.

S. 2853 (70th Cong.), by Mr. Dill. Title: "To amend an act entitled 'An act for the regulation of radio communications,' approved February 23, 1927, and for other purposes." Referred to Committee on Interstate Commerce (vol. 69, p. 2116).

S. 4675 (70th Cong.), by Mr. Dill. Title: "To amend an act entitled 'An act for the regulation of radio communications,' approved February 23, 1927, and for other purposes." Referred to Committee on Interstate Commerce (vol. 70, p. 54).

S. 4929 (70th Cong.), by Mr. Watson. Title: "To amend an act entitled 'An act for the regulation of radio communications,' approved February 23, 1927." Referred to Committee on Interstate Commerce (vol. 70, p. 564).

S. 4937 (70th Cong.), by Mr. Watson. Title: "Continuing the powers of the Federal Radio Commission under the radio act of 1927, and for other purposes." Referred to Committee on Interstate Commerce (vol. 70, p. 3109). Subsequent history: Reported back (S. Rept. 1715), page 3109; debated, page 3746.

S. 5550 (70th Cong.), by Mr. Jones. Title: "To authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes." Referred to Committee on Commerce (vol. 70, p. 2276). Subsequent history: Reported back (S. Rept. 1602), page 2658; passed Senate, page 3147; referred to House Committee on Public Buildings and Grounds, page 3414; passed House (in lieu of H. R. 16608), page 3684; examined and signed, pages 3745, 3805; presented to the President, page 3812; approved (Public, No. 793), page 4120.

S. Res. 351 (70th Cong.), by Mr. Dill. Title: "Requesting the Federal Radio Commission to formulate a schedule of fees." Considered and agreed to, page 5058.

S. Con. Res. 29 (70th Cong.), by Mr. Dill. Title: "Recommending the prosecution by the Department of Justice of certain companies for alleged violation of the antitrust laws in connection with the manufacture of radio apparatus and radio communication." Referred to Committee on Interstate Commerce (vol. 70, p. 1521).

H. R. 8825 (70th Cong.), by Mr. White. Title: "To amend an act entitled 'An act for the regulation of radio communications,' approved February 23, 1927, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 69, p. 1146).

H. R. 13750 (70th Cong.), by Mr. White. Title: "To amend an act entitled 'An act to require apparatus and operators for radio communication on certain ocean steamers,' approved June 24, 1910, as amended by the act approved July 23, 1912." Referred to Committee on the Merchant Marine and Fisheries (vol. 69, p. 8678).

H. R. 13931 (70th Cong.), by Mr. James. Title: "To authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C." Referred to Committee on Military Affairs (vol. 70, p. 9420). Subsequent history: Reported with amendment (H. Rept. 2138), page 1946; debated, page 2776; amended and passed House, page 3670; referred to Senate Committee on Military Affairs, page 3712; reported with amendment (S. Rept. 1863), amended, and passed Senate, page 4111; House concurs in Senate amendments, page 4615; examined and signed, pages 4697, 4812; approved (Public, No. 875), page 5226.

H. R. 14467 (70th Cong.), by Mr. Huddleston. Title: "To amend the radio act of 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 15).

H. R. 14819 (70th Cong.), by Mr. Davis. Title: "To amend an act entitled 'An act for the regulation of radio communication, and for other purposes,' approved February 23, 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 121).

H. R. 15430 (70th Cong.), by Mr. White. Title: "Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 710). Subsequent history: Reported back (H. Rept. 2396), page 2963; made special order (H. Res. 321), pages 3764, 3766; debated, pages 3766, 3777; amended and passed House, page 3787; in Senate, read twice and ordered to lie on the table, page 3812; debated, pages 4848, 4872; passed Senate, amended, page 4885; House agrees to Senate amendments, page 5070; examined and signed, pages 5170, 5217; presented to the President, page 5230; approved (Public, No. 1029), page 5229.

H. R. 15572 (70th Cong.), by Mr. Darrow. Title: "To amend the radio act of 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 907).

H. R. 15922 (70th Cong.), by Mr. Crowther. Title: "To provide for not less than 50 clear channels of radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 1237).

H. R. 16608 (70th Cong.), by Mr. Elliott. Title: "To authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for the use as a constant-frequency monitoring radio station, and for other purposes." Referred to Committee on Public Buildings and Grounds (vol. 70, p. 2255). Subsequent history: Reported back (H. Rept. 2293), page 2506; laid on the table (S. 5550 passed in lieu), page 3684.

H. Con. Res. 47 (70th Cong.), by Mr. Davis. Title: "Requesting the Federal Trade Commission to transmit to the Attorney General evidence taken under complaint charging monopoly in radio, and requesting Attorney General to consider and take such action as may be warranted." Referred to Committee on the Merchant Marine and Fisheries (vol. 70, p. 1609).

H. J. Res. 317 (70th Cong.), by Mr. Porter. Title: "Authorizing an appropriation in the sum of $19,800 to pay for the expenditures involved in the participation by the United States in the International Telegraph Conference to be held at Brussels in 1928." Referred to Committee on Foreign Affairs (vol. 69, p. 9518). Subsequent history: Reported back (H. Rept. 1876), page 10045.

S. 2276 (71st Cong.), by Mr. Dill. Title: "Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, as amended." Referred to Committee on Interstate Commerce (vol. 72, p. 30). Subsequent history: Reported with amendment (S. Rept. 56), page 434; debated, page 706; passed Senate as amended, page 715; taken from Speaker's table and passed House, page 761; examined and signed, pages 804, 811; presented to the President, page 838; approved (Public, No. 25), page 1044.

S. 3448 (71st Cong.), by Mr. Johnson. Title: "To amend the act of February 21, 1929, entitled 'An act to authorize the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon, for use as a constant-frequency monitoring radio station, and for other purposes.'" Referred to Committee on Commerce (vol. 72, p. 3136). Subsequent history: Reported back (S. Rept. 195), page 3965; passed Senate, page 6579; taken from Speaker's table and passed House in lieu of H. R. 9483, page 6720; examined and signed, pages 6766, 6816; presented to the President, page 6822; approved (Public, No. 123), page 7056.

S. 3849 (71st Cong.), by Mr. Keyes. Title: "To authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio research investigations." Referred to Committee on Public Buildings and Grounds (vol. 72, p. 5027).

S. J. Res. 176 (71st Cong.), by Mr. Dill. Title: "Transferring the functions of the radio division of the Department of Commerce to the Federal Radio Commission." Referred to Committee on Interstate Commerce (vol. 72, p. 8711). Subsequent history: Reported with amendment (S. Rept. 694), page 9190; amended and passed Senate, page 9356; referred to House Committee on the Merchant Marine and Fisheries, page 9485; reported with amendment (H. Rept. 1633), page 9520; debated, page 11523.

S. Res. 36 (71st Cong.), by Mr. Dill. Title: "To provide for the equipment of the Senate Chamber for broadcasting the proceedings of the Senate." Referred to Committee to Audit and Control the Contingent Expenses of the Senate (vol. 71, p. 343).

S. Res. 38 (71st Cong.), by Mr. Dill. Title: "Requesting the Federal Radio Commission to hold hearings on the radio corporations application for wave lengths." Referred to Committee on Interstate Commerce (vol. 71, p. 343).

S. Res. 80 (71st Cong.), by Mr. Couzens. Title: "To investigate certain matter relating to power and communications in interstate and foreign commerce." Referred to Committee on Interstate Commerce (vol. 71, p. 2161). Subsequent history: Reported back with an amendment; referred to the Committee to Audit and Control the Contingent Expenses of the Senate, page 2312; reported back, considered, amended, and agreed to, page 2575.

H. R. 1911 (71st Cong.), by Mr. Darrow. Title: "To amend the radio act of 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 71, p. 503).

H. R. 4499 (71st Cong.), by Mr. French. Title: "To prohibit the announcement, conduct, and advertising of lotteries by means of radio communication." Referred to Committee on the Merchant Marine and Fisheries (vol. 71, p. 4187).

H. R. 5637 (71st Cong.), by Mr. White. Title: "Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, as amended." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 10). Subsequent history: Reported back (H. Rept. 35), page 634; passed House, page 741; proceedings vacated and laid on the table, page 823; S. 2276 passed in lieu.

H. R. 5716 (71st Cong.), by Mr. Celler. Title: "To provide for the regulation of the transmission of intelligence by wire or wireless." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 12).

H. R. 9483 (71st Cong.), by Mr. Elliott. Title: "To amend the act of February 21, 1929, entitled 'An act to authorize the purchase by the Secretary of Commerce of a site and the construction of a building thereon for use as a constant-frequency monitoring radio station, and for other purposes.'" Referred to Committee on Public Buildings and Grounds (vol. 72, p. 3061). Subsequent history: Reported back (H. Rept. 772), page 4337; supplemental report filed (H. Rept. 772), page 4827; passed House, page 6630; then indefinitely postponed and S. 3448 passed in lieu, page 6720.

H. R. 10473 (71st Cong.), by Mr. White. Title: "To amend the radio act of 1927, approved February 23, 1927, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 4757).

H. R. 10652 (71st Cong.), by Mr. Elliott. Title: "To authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio-research investigations." Referred to Committee on Public Buildings and Grounds. Subsequent history: Reported back (H. Rept. 934), page 5660; debated, pages 6078, 7356; passed House, page 7357; referred to Senate Committee on Commerce, page 7395; reference changed to Committee on Public Buildings and Grounds, page 7792; reported back (S. Rept. 1598) February 12, 1931; passed Senate February 17, 1931; approved February 20, 1931 (Public No. 700).

H. R. 10967 (71st Cong.), by Mr. Henry T. Rainey. Title: "To amend section 13 of the radio act of 1927, approved February 23, 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 5782).

H. R. 11635 (71st Cong.), by Mr. White. Title: "To amend the radio act of 1927, approved February 23, 1927, and for other purposes." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 7051). Subsequent history: Reported back (H. Rept. 1179), April 15, 1930; passed House, April 30, 1930; referred to Senate Committee on Interstate Commerce, February 11, 1931; reported back (S. Rept. 1578), amended, and passed Senate February 17, 1931.

H. R. 12599 (71st Cong.), by Mr. Lehlbach. Title: "To amend section 16 of the radio act of 1927." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 9521). Subsequent history: Reported back (H. Rept. 1665), page 9694; debated, page 11924; amended and passed House, page 11529; referred to Senate Committee on Interstate Commerce, page 11553; reported back (S. Rept. 1105), page 11749; passed Senate, page 11881; examined and signed, pages 11596, 11598; presented to the President, page 12019; approved (Public, No. 494), page 12510.

H. R. 12903 (71st Cong.), by Mr. Britten. Title: "To provide for the removal of the Otto Cliff's radio station." Referred to Committee on Naval Affairs (vol. 72, p. 10539).

H. R. 12948 (71st Cong.), by Mr. Sirovich. Title: "Transferring the function of the Federal Radio Commission to the radio division of the Department of Commerce." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 10690).

H. R. 14074 (71st Cong.), by Mr. Denison. Title: "To regulate radio equipment on ocean-going vessels using the ports of the Canal Zone." Referred to Committee on Interstate and Foreign Commerce. Subsequent history: See House Report No. 2819.

H. J. Res. 102 (71st Cong.), by Mr. Wood. Title: "Making an appropriation for expenses of participation by the United States in the meeting of the international technical consulting committee on radio communications to be held at The Hague in September, 1929." Referred to Committee on Appropriations (vol. 71, p. 2629). Subsequent history: Passed House, page 2677; referred to Senate Committee on Appropriations, page 2718; reported with amendment (S. Rept. 32), page 2758; passed Senate, amended, page 2940; House concurs in Senate amendment, with amendment, page 3218; Senate agrees to the amendment of the House to the amendment of the Senate, page 3091; examined and signed, pages 3130, 3286; presented to the President, page 3286; approved (Pub. Res. No. 17), page 4006.

H. J. Res. 217 (71st Cong.). Subsequent history: Reported from Committee on Appropriations (H. Rept. 549), January 28, 1930; makes appropriations for the Radio Commission; passed House, January 29, 1930; Passed Senate, January 29, 1930; approved, February 1, 1930; Public Resolution No. 35.

H. J. Res. 334 (71st Cong.), by Mr. Reid of Illinois. Title: "To amend the radio act of 1927, by providing for three Government broadcasting frequencies, one for the Department of Agriculture, one for the Department of the Interior, and one for the Department of Labor." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 8707). Subsequent history: Remarks, page 9184.

H. J. Res. 337 (71st Cong.), by Mr. Sirovich. Title: "Transferring the function of the radio division of the Department of Commerce to the Federal Radio Commission." Referred to Committee on the Merchant Marine and Fisheries (vol. 72, p. 9188).

RADIO BILLS, LISTED BY NUMBERS AND CONGRESS UNDER COMMITTEES TO WHICH ASSIGNED

(Number of Congress is in parentheses)

I. House Committee on Interstate and Foreign Commerce: Bills—17744 (58th), 21689 (60th), 27318 (60th), 27480 (60th), 23716 (62d), 3981 (63d), 9823 (64th), 421 (66th), 14169 (67th). Resolution—300 (62d).

II. House Committee on Merchant Marine and Fisheries: Bills—27145 (60th), 27672 (60th), 19560 (61st), 22558 (61st), 23595 (61st), 15357 (62d), 24025 (62d), 9821 (64th), 19350 (64th), 2573 (65th), 4042 (65th), 13159 (65th), 3075 (66th), 7007 (66th), 7288 (66th), 10831 (66th), 11779 (66th), 163 (67th), 4132 (67th), 13773 (67th), 5589 (69th), 9108 (69th), 9971 (69th), 15909 (69th), 16867 (69th), 8625 (70th), 13750 (70th), 14467 (70th), 14819 (70th), 15430 (70th), 15572 (70th), 15922 (70th), 1911 (71st), 4499 (71st), 5637 (71st), 5716 (71st), 10473 (71st), 10967 (71st), 11635 (71st), 12599 (71st), 12948 (71st). Resolutions—217 (66th), 218 (66th), 283 (66th), 291 (66th), 304 (66th), 278 (67th), 525 (67th), 548 (67th), 311 (68th), 317 (68th), 334 (68th), 294 (69th), 296 (69th), 47 (70th), 334 (71st), 337 71st).

III. House Committee on the Judiciary: Bill—17719 (60th).

IV. House Committee on Naval Affairs: Bills—18979 (60th), 12384 (61st), 21757 (61st), 9914 (64th), 4189 (65th), 12305 (66th), 12647 (66th), 12903 (71st). Resolutions—95 (61st), 427 (65th), 577 (65th), 182 (61st).

V. House Committee on the Post Office and Post Roads: Bills—12172 (63d), 21098 (64th).

VI. House Committee on Military Affairs: Bills—10888 (66th), 13931 (70th). Resolution—172 (63d).

VII. House Committee on Appropriations: Bill—13842 (64th). Resolution—102 (71st).

VIII. House Committee on Foreign Affairs: Bill—9822 (66th). Resolutions—317 (70th), 357 (67th).

IX. House Committee on Agriculture: Resolution—287 (67th).

X. House Committee on Patents: Bill—10987 (69th).

XI. House Committee on Public Buildings and Grounds: Bills—16608 (70th), 9483 (71st), 10652 (71st).

XII. Senate Committee on Naval Affairs: Bills—5949 (60th), 2377 (64th), 3776 (64th), 3177 (66th), 154 (66th), 4038 (66th), 31 (67th). Resolutions—170 (66th).

XIII. Senate Committee on Commerce: Bills—9279 (60th), 7021 (61st), 7061 (61st), 7243 (61st), 3815 (62d), 6412 (62d), 7478 (64th), 1733 (65th), 2523 (66th), 3399 (66th), 4487 (66th), 4681 (66th), 2290 (67th), 5550 (70th), 3448 (71st). Resolutions—175 (68th), 177 68th).

XIV. Senate Committee on Philippine Islands: Bills—6455 (62d), 720 (63d).

XV. Senate Committee on Interstate Commerce: Bills—5287 (65th), 5235 (65th), 120 (66th), 1627 (67th), 1628 (67th), 2930 (68th), 3968 (69th), 4057 (69th), 4156 (69th), 2317 (70th), 2853 (70th), 4675 (70th), 4929 (70th), 4937 (70th), 2276 (71st). Resolutions—132 (69th), 165 (69th), 29 (70th), 176 (71st), 38 (71st).

XVI. Senate Committee on Foreign Relations: Bill—3172 (66th). Resolution—130 (66th).

XVII. Senate Committee on Patents: Bill—2328 (69th).

XVIII. Senate Committee on Public Buildings and Grounds: Bill—3849 (71st).

SENATOR HEFLIN AND HIS PUBLIC SERVICE

Mr. HEFLIN. Mr. President, I ask unanimous consent to print in the RECORD some excerpts from a few of the many letters that I have received regarding me and my service.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"Permit me to say that there is one Senator who has had the courage to stand for Americanism while in the Senate Chamber. I will always think of you as a real American and allow me to thank you for the good that you have tried to do for your country." (E. Schoeneman, New York.)

"Your usefulness is not at an end as I see it, but is just beginning, as we have a fight on our hands to preserve Americanism and Protestantism." (C. B. Helms, Philadelphia, Pa.)

"I would like to let you know, sir, that I was following your campaign with very much interest, and I was hoping strongly that you would win in your fight for reelection to the United States Senate. I feel it is no fault of your own, but instead was the result of a concerted attack and persecution against you by

the forces of evil and booze of the Roman Catholic group. I want you to know that I agree with you and in your stand, always have and always will." (Ellis F. DeWitt, New York, N. Y.)

"We have done all in our power for you though our means are small and wish I could have cast 1,000 votes for you instead of 1, but so long as 'the 27' are in control, I don't think I will ever vote the supposed-to-be-straight Democratic ticket." (B. Freeman Cosby, Selma, Ala.)

"God bless you, and I hope he will use you for the good of the common people. We made a fine vote here considering the old liners. I am still for you and the great Democratic principles you stand for." (P. M. Bradford, Warrior, Ala.)

"I am still a TOM HEFLIN man. The principles for which you and I stand will be living after the other side is dead and forgotten." (T. D. Hawkins, Alabama.)

"I admire and love your loyal American spirit. You are a man that money and the devil can not buy." (Frank Hilburn, Pollard, Ala.)

"I feel that when you opposed Al Smith you did what every true American should have done, and when Tammany, Rome, and rum read you out of the primary because of your fearless stand for Americanism I became more anxious than ever for you to win." (J. W. Searcy, Bremen, Ala.)

"I feel that we have been bought out in this county or have been double-crossed." (Ben J. Kirk, Parrish, Ala.)

"Your many friends are standing with you to hold up your hands. We know the election was not fair and those who were elected got the office dishonestly." (Mrs. J. P. McAdory, Bessemer, Ala.)

"I see by the papers that you have been defeated in this race for United States Senate and words fail me to express my regrets in the matter. One thing I feel sure of and that is the millions of old John Raskob did the trick. Senator, it is hard for me to believe there has not been fraud practiced in the election, and I still hope that in the near future it will be counted correct and the count will find you far in the lead." (C. F. Vaughn, Glen Allen, Ala.)

"I feel sure you are not downcast after the fight you made in the greatest political fight ever waged in Alabama. Your friends are still with you. You fought so grandly while the foulest thrusts were 'struck below the belt.' You know, dear Senator, that 'truth crushed to earth will rise again.' You are not whipped, but will be heard from again." (S. A. Ellis, Birmingham, Ala.)

"Your friends are still all with you and still have the utmost confidence in you and in your ability to win. Senator, let our enemies know that the fight has just started." (J. D. Moore, Nashville, Ark.)

"I never have believed you would be defeated, nor I do not believe yet you have been. The fraud and corruption which Tammany and that crowd have used is what I expected, as they could not defeat you in any other way. So I say again I hope you will have the facts brought to light, and I am sure you will." (Daly Smith, High Point, N. C.)

"Many threats were made to the breadwinners that they would lose their jobs if they didn't support the ticket. That very thing went on all night Friday and until election day. The street-car employees were forced to let their wives and babies go hungry or vote the ticket." (Mrs. W. H. Bachelor, Wetumpka, Ala.)

"Senator, you are greater in defeat than in victory, and you are now in a position to 'beard the lion in his den.' Keep on fighting in the cause that you upheld so nobly in your recent campaign. Protestant America needs you." (J. H. O'Neill, Morgan City, La.)

"I have never been so surprised or disappointed over an election as I am over the election in Alabama. I was in Alabama during most of the campaign It looked like you would win by a landslide. I voted for you and did all I could for you. I hope this is not the last of you and that you will live to help give the Democratic Party a much-needed house cleaning." (L. M. Thomas, Hamburg, Ark.)

"Congratulations on your noble fight. Your enemies belied you. That you met with foul play in the last days of the campaign there can be no doubt, much of which I believe will sooner or later be uncovered and brought to light, and when done will restore you to the favor of the people of Alabama and the Nation. Deception, if nothing more, was perpetrated, and defeat thereby is not defeat and gain thereby is not gain." (W. W. Williams, Gordo, Ala.)

"Raskob's money brought about the result in the November election. I want you to know that you have a host of friends here. I believe with all my heart the election was stolen. Don't give up. Truth crushed to earth will rise again. A neighbor just returned from Kentucky says that all the people there, Democrats and Republicans, wanted you to be reelected." (Mrs. F. K. Hewlitt, Decatur, Ala.)

"In victory or defeat you have the knowledge that those who are your friends honor, love, and trust you, and we know that this morning in your heart you hold the truest principles of Democracy, guarding them against those who, sitting, in their estimation, in lofty places, would barter them, as men have always bartered the most precious things of earth. Wherever you are this gloriously beautiful day just thank God that you can look the world serenely in the face and say, 'I played fair.' I just felt that I wanted to tell you that it is a privilege just to call you my friend." (E. M. Cannon, Opelika, Ala.)

"I have wanted to write you since the election, but was so hurt to know you were defeated that I have wondered if I could say something to help you in any way to forget the treacherous way you have been treated." (Mrs. E. Granger, Montgomery, Ala.)

"Let me assure you of my faith in you and in the principles for which you so valiantly fought. The fight has just begun for the year 1932. You will be a 'thorn in the flesh' of the wet Raskob bunch." (W. A. Bates, Brownsville, Tenn.)

"Please allow me to heartily congratulate you on the grand, noble, and fearless battle you put up in the last election against the crooked, rum-soaked forces of Raskob." (L. T. Carter, New York.)

"I have no words to express my feeling over the election and I am so glad you are attempting a contest. You have won enough laurels to rest on the remainder of your life, but you have stood between us and our enemies so many years, you don't want to rest while the Government is plundered." (Mrs. J. Russell, Glen Allen, Ala.)

"What hurts me and almost 100,000 more is that you stepped down from the greatest office Alabama could give and fought so hard to free or save our country, and then after you won the victory and every Democrat in Alabama was glad of it, then they turned their backs on you, and with their thousands of money set up 27 men that took your right from you in an open primary. That is what makes my heart bleed, but thank God you are another Stonewall Jackson and are standing like a mountain for justice, and for God's sake don't flinch. We are with you until death." (J. S. Daw, Castleberry, Ala.)

The Senate has unearthed some very slimy political deals, and the end is not yet. Senator NYE, of North Dakota, is as fearless as he is honest, and we are convinced that he will not let up until he has purged the national political fights of the debauchery which has attended them in the past.

"The Senator is fighting in the interest of the whole people, and for that reason he has the strongest kind of following.

"Right here let me say that your following is no stronger in Alabama than it is in the whole United States. A big movement follows a big leader and the Protestant people of the United States. 'The fight is on, O Christian soldier,' and there is no plea which you represent have found voice in Arkansas, Idaho, Nebraska, Wisconsin, North Dakota, Iowa, and doubtless in other States. 'The fight is on, O Christian soldier' and there is no retreat and no bridges over which we may return for there is no returning until a common enemy has been defeated and permanently subdued." (Dr. and Mrs. M. A. Taylor, Waterloo, Iowa.)

"I am writing you to tell you that in the hearts of loyal Alabamians you are still enshrined. I do not yet know the particulars of this tragedy that has overtaken Alabama. The election was bought, paid for, and delivered.

"Well, my dear friend, we love you and we are not licked. I do not know what our next move will be, but you can always count on me and mine." (Mrs. O. N. Bird, Dothan, Ala.)

"No one regrets more than I that you are to cease being the Senator for a season. You have fought a good fight, a bit like John the Baptist." (Rev. W. R. Yeakel, Philadelphia, Pa.)

"It gives me great pleasure to write to a man who has the American red blood rushing through his veins and pluck and spunk as you. I hope that you can get a recount on the last election. I want to see you get a square deal." (Claude Tribble, Clinton, Ind.)

"In these few words I wish to personally congratulate you on the noble fight you are making for clean politics in this Protestant America." (Chas. G. McIntyre, Niles, Mich.)

"I have just read in the CONGRESSIONAL RECORD your speech recently delivered in the United States Senate. I have just one word to say, you are not going down, you are going up. I predict that you will be our President some day." (Charles Price, Baraga, Mich.)

"I am with you, heart and soul, if you care to immortalize yourself by taking up the pure-blooded Americans' fight, and I am willing to proclaim from the housetops that I am for HEFLIN and Protestantism and will back it up with my money, time, and vote." (C. L. Seat, Dallas, Tex.)

"I congratulate you on your stand on public questions and wish to say that I hope you will be successful in getting a real investigation in the Alabama senatorial election." (J. G. Simpson, Mulberry, Fla.)

"I want to thank you for the great work you are doing in Congress toward relief for the farmers in the drought-stricken area of our country." (J. B. Tyler, Hawley, Tex.)

VERBENA, ALA.

Am indeed sorry the election turned out as it did, but I feel like it was stolen from you in most of the counties. Anything I can do for you in any way any time, don't fail to call on me, and I certainly hope there will be some way for you to find the tricks that have been pulled in this election.

L. DEWEY HUGHES.

MOBILE, ALA.

I admire a man of your caliber. A real crusader of medieval stamp. I have only recently become a resident of Alabama and as a result know little about Alabama's politics, but if the many tales of corruption in politics heard by the average citizen are true, we certainly need a reorganization of the Democratic Party. We either need a reorganization of that party or the establishment of a new party.

L. M. FILLYAW.

CITRONELLE, ALA.

Some voters of our State have learned not to be led by the voice of "the 27" or any other set who clamors to run so great a State as Alabama. In the offing I see a clearer horizon and surely look for cleaner politics. The rottenness of both the last primary and general election was awful, and pray that we may never see another like it.

E. B. COVERSTONE.

YOUNGSTOWN, OHIO.

I am so sorry they defeated you. I hope it's all a mistake and that you will yet find you have won when they recount the votes. You have been so faithful in every way to your country and your people.

GRACE W. AIKEN.

EVANSVILLE, IND.

I can not express in words our appreciation to you for the fight you are waging for Americanism. If it were only appreciated by the millions of Americans who call themselves Protestants, and if that were the case the battle would be won. I want you to accept these words of encouragement knowing that we realize that your battle is our battle, your defeat our defeat, and your victory our victory.

HAROLD KISSEL.

PATTONSBURG, MO.

They can't keep a good man down and you will yet come out on top with a great victory. I was hoping and praying for your reelection to the Senate, and that you would win by a great and wonderful majority, for we need true patriotic men in the House and Senate, both men and women, that are true patriotic Americans that stand for clean and honest politics, and for the preservation of free government in America.

JAMES G. JOLLY.

GARY, IND.

Your stand for pure Americanism and clean government is admirable. Your fearlessness in voicing your honest convictions has won you many friends and admirers, as well as a number of hatreds. Here's hoping that a recount will yet proclaim you victor.

O. A. JORDAN.

MONTEVALLO, ALA.

I wish to thank you for the brave fight you have made against great and untold thousands of dollars spent to defeat you. Yet I don't believe you have been defeated—just counted out. It is common talk here that you were treated that way here, and that is my belief.

B. B. PEETE.

PHILADELPHIA, PA.

The writer was dreadfully sorry to know you were not returned to the Senate after making such a gallant fight for the South.

M. E. GRENARD.

FORT BENNING, GA.

I had the pleasure of hearing you speak just before the past election, in Florence, and I must say that I enjoyed it very much. What we need is more men like you.

HOWARD F. KERBY.

MCRAESVILLE, GA.

You have many friends down here in middle Georgia who regret your defeat. We are thankful for the great and noble work you have done in our lawmaking bodies the past 25 years, and the stand you took against vice and crime, and I think of you our much-loved friend, true soldier for humanity and the common people that worked and labored for us so long.

W. M. FORTNER.

TELFORD, PA.

We congratulate you for what you did, for no other man could have received the votes you did, in spite of the ring politicians and the rum and Rome crowd opposing you, and deceiving the voters. On November 4 when I went to the poll I was sorry I could not vote for you.

Mr. and MRS. H. N. LANDES.

BUFFALO, N. Y.

For some time I have watched your efforts in Washington and the efforts you have put forth, in the interests of the vast majority of the American people.

From this distance it is hard for me to see why the people of Alabama have not had the proper appreciation of the work you have been doing in their behalf, and I am taking this opportunity of writing you to say that there are many voters in this district who sincerely regret that you were not returned to office.

It may possibly seem far in the future, but time may correct the matter and at a later date you may be again returned to office to continue your noble work.

JAS. L. KIRK.

EL PASO, TEX.

I am very sorry of your defeat. The State Democratic committeemen, in my opinion, were unfair in refusing to let you run as a Democrat. I know that you have given Alabama many years of faithful representation. And what I admire most about you is that no interests could control you. You were absolutely independent and always tried to vote for the welfare of the people. In your many years of service you have gained fame throughout the world. You will be missed in the Senate by your many friends.

FRANK FLYNN.

HOUSTON, TEX.

The more good men that are crucified like you, SIMMONS, and Congressman BOX, of Texas, the more material we will have to form a new political party that may revolutionize and purify the political affairs of our country. You are greater and dearer to me than ever now. If I can be of service to you, don't hesitate to call on me.

E. J LEDEN.

SEATTLE, WASH.

I have admired your sterling qualities and marvelous fighting spirit displayed from time to time in governmental affairs and otherwise during the time of your incumbency. I wish we had a man of your caliber and stamina in this "neck o' the woods."

I have never had that great pleasure of meeting you, however much I would like to, to tell you that you have a stranger friend "out west" who has been interested and pulling for you right along and I still have faith in the fact that you will "come back" in a bigger and greater capacity than ever. "You can't keep a good man down." So, don't give up the ship. Some day, if you ever decide to take a trip from the grand and glorious old South to this Pacific coast of ours, stop off a while in Seattle. You'll like it here.

P. H. JENNINGS.

ROSSVILLE, GA.

You have never heard of me but I have known you a great many years, and been your champion against all odds, and will be as long as I live. Please advise if I can be of service at any time.

JAMES H. ABBOTT.

PHILADELPHIA, PA.

Your patriotic Protestant leadership in the Senate of the United States of America has been a lighthouse to the sleeping Protestant American people who can thank God for your fearlessness in speaking the truth in 1928.

EUGENE H. TABBUTT.

PORTLAND, OREG.

You are finishing as you began—loyal ever; and you have given us another proof by your defense of Major General Butler. You may feel that you are not appreciated, but such is not the case. This morning while at breakfast we talked about your courageous defense of Butler. There were perhaps 60 men in this dining hall, composed of all political beliefs. It would have gladdened your heart to have heard the tribute they paid to you.

D. T. COLLIVER.

MARBLEHEAD, MASS.

It is with great pleasure to notice in Boston papers your recent speech on the most vital issue of recent times. Thank God for your courage in the matter. More power to you. I well recall the last time I heard you speak at Brockton, Mass., and the pleasure it gave me.

H. E. HOWARD.

CAPE GIRARDEAU, MO.

I have admired your courageous course in political life and deeply regretted the failure of the people of Alabama to return you to public life. I notice that you are making a brave fight for more relief to starving farmers and that in your speeches you referred to the assistance the Government has been giving the shipbuilders. I should be thankful if you could send me some data on the gifts, subsidies, and loans that have been and are still being handed out by the Government to shipping interests.

L. R. JOHNSON.

MOUNDS, ILL.

You are to be complimented for your introduction of bills Nos. S. 5162 and S. 5163. They should duly receive unanimous support, and I can think of nothing that would be more immediately and genuinely effective in affording speedy remedy for the unemployment condition and general financial distress than the forthwith passage of these two bills.

Here's hoping you are the next President of the United States. You richly deserve the position, and the people would for once have a friend in the White House.

J. KELLY-SMITH.

ALLENTOWN, PA.

The Vare investigation by the Senate should enlighten every Senator as to the general existing conditions. That certain class that injects corruption in elections always is found in our industrial and thickly inhabited centers.

THOMAS R. LICHTY.

GALENA, ILL.

I want to write and tell you how proud I was to read in the CONGRESSIONAL RECORD of your speech made on the Senate floor in praise of your and our friend Major General Butler.

I am getting a box of clothing ready to send to the drought sufferers. Would like to send it to Alabama needy people. Would you kindly give me an address where it would be of most good.

MRS. ELIZABETH KOHLBAUM.

CROCKETT, TEX.

If the Democratic Party even nominates a man from New York in 1932 it will be defeated. It matters not who he is. The manly thing for the Democratic Party to do is to cut entirely loose from Wall Street and advertise it to the world; rely on the solid South, the Middle States, and the West for votes; and it will be swept into power. But as sure as it even caters to Wall Street in any way, it will be defeated and will deserve to be, as people have enough.

Governor Roosevelt in staying away from Tammany Hall's entertainment should not be permitted to fool anybody.

This country needs a real patriotic, God-loving, God-fearing party. And if you can weed out the satanic element it will be swept into power in the next presidential election.

By far the Democratic Party had better go bankrupt than to bow to the forces now seeking to control it.

THOS. SELF.

SONNET ON SEVENTY-FIRST CONGRESS

Mr. WHEELER. Mr. President, I ask leave to have printed in the RECORD a sonnet entitled "In Finer Scales," by George Sanford Holmes.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

IN FINER SCALES

By George Sanford Holmes

Good-bye, old squabbling Seventy-first! Your race
Is run at last; now you must face the facts
And let your record rest upon your acts.
Ten billion dollars was the giddy pace
You set; on drought relief you turned 'bout-face
And compromised your soul, but raised the tax
You label "tariff"; gave us new peace pacts
And held the stage till final gasp of grace.
But in the end your record will be weighed
In finer scales than politicians heed;
And wanting shall be found, if on your head
There rests the blood of but one child unfed,
One innocent, who cries to you in need
And still shall die by bureaucrats betrayed!

THE TARIFF

Mr. WHEELER. Mr. President, I ask leave to have published in the RECORD a paper on the tariff, by H. E. Miles, chairman of the Fair Tariff League.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE TRICKS IN TARIFF REVISIONS FOR 60 YEARS—A PROTECTIONER'S VIEWPOINT—MANUFACTURERS ONLY WISH TO MAINTAIN THEIR PREVAILING AND DISHONEST RATES—FARMERS DUPED LIKE INFANTS—COSTING THEM BILLIONS OF DOLLARS

Substantially speaking, even since our Civil War, those manufacturers who make billions of dollars from the tariff annually, have simply run a bluff in each new revision. The tariff of 1913 excepted, the manufacturers have known since 1867 that their rates were from 20 to 60 and 100 per cent higher than honest protection justifies.

The writer knows this because, himself a manufacturer, he has been close to them in all revisions for 30 years.

They know perfectly well that wage costs in our standardized industries are about as low (sometimes lower) as anywhere in the world. Said Secretary Mellon, "In many lines, we more than meet foreign competition." In a June issue of the Saturday Evening Post, Henry Ford says that "all American prices are too high except wages, which are too low." From 1910 to 1930, Mr. Ford quadrupled his wages and in the same period halved the cost of his product and gave a far better product to boot. His minimum wage of $7 per day is far cheaper now than one-fourth that wage in 1910.

Around Chicago, with a not expensive machine, one man shapes 50,000 brick per hour at a wage cost of 2 cents per thousand brick. This nets him $10 per day. The brick manufacturers tell of the $10 per day, and conceal the only fact that concerns the tariff, the 2 cents per thousand.

A man makes a spark plug in 6 seconds. What difference does it make whether his wage is 70 cents per hour or 30 cents as in Europe with only a fraction of the output per hour.

As many glass bottles are now made at a wage cost of 3 cents as at $1 a few years ago. The tariff on bottles is fifteen times this wage cost. It is five times more than Alexander Hamilton's tariff when bottles were blown by mouth. The cost of common window glass, and plate glass has been reduced 30 per cent in 10 years, and yet the manufacturers whose tariff rates have been wickedly high for 40 years, got big increases above the last tariff, because their sales prices were so extortionate that some glass was imported and this was made an excuse for increases. The tariff had nothing to do with it.

This is the story for a thousand products.

The public is befooled like a sentimental old lady by a cunning beggar. There is no lie so hurtful to our economic life as this statement that American wages are high and that the tariff must therefore be higher. It is not the wage per day that concerns the tariff, but the wage cost of each particular product. The American woman who weaves 12,000 yards of cotton cloth per week for $16 is cheaper than the European weaver at $6.50 weaving 4,000 yards or less. Our weavers average 70 to 90 automatic looms each, and the foreign weavers from 4 to 12 looms, mostly not automatic.

There is less than 20 cents of wages in $1 of silk, cotton, or woolen cloth at factory prices; but the manufacturers' tariff grant in woolen goods is 50 per cent to 60 per cent, not including the protection on raw wool. In silk woven fabrics the tariff is 55 per cent to 65 per cent. It is from 110 per cent to 120 per cent of the foreign makers' total cost of conversion and profit. The duties on fine cotton cloths are as bad.

While factory wages are higher than pre-war, the output per worker averages 55 per cent more than pre-war.

In 1920, in India, the average weekly wage of cotton-mill operatives was $1.25 per week; but India was buying denims and drills in the United States because they cost less there.

A new automatic machine makes 73,000 electric-light bulbs every 24 hours, displacing 2,000 hand operatives.

In St. Louis recently 70 men digging sewers with machines did the work of 7,000 men with pick and shovel.

In harvesting wheat with the sickle, still used in some countries, 45 to 50 hours of labor are required per acre of 15 bushels. The hand cradle, common in Europe, requires 35 to 40 hours. The horse-drawn harvester requires 3 to 4 hours, with an accompanying thresher charge of 10 cents per bushel. The new "combine," harvester and thresher, takes from three-fourths to 1 hour at a total cost of 3 cents to 5 cents per bushel. With four and one-half million less people on our farms than in 1909 the output of our farms has increased 50 per cent in the last 30 years and 20 per cent in the last 10 years. Agriculture keeps step with manufacturing.

This is the miracle of American production—an extremely low wage per unit of product and the highest day wage in the world.

Our profiteering manufacturers control tariff legislation and will not permit their Congressmen to require the disclosure of these facts, knowing that their disclosure would reduce the tariff 30 per cent to 60 per cent and still leave it amply protective.

Our farmers are the ultimate sufferers. Everyone else gets his wage and other income on a basis of this tariff dishonesty. Otherwise, he or she could not live in comfort. Thus, the tariff graft is mostly passed on to that 28 per cent, or 27,000,000 of our people, who live on our farms, who can not pass it on because farm products are sold in Europe in vast quantities at free trade or world prices, and those prices determine domestic prices, which are Liverpool prices less the heavy freight charges to Liverpool. Thus, our farmers pay the bulk of the tariff graft and are sinking from bad to worse with a certainty of no considerable improvement till they learn the truth about the tariff and make it right. It is much the same with the 23,000,000 residents in our rural communities dependent upon the surrounding farms—a total of 50,000,000 people desperately hurt by the tariff.

THE TARIFF ON FARM PRODUCTS ALMOST WORTHLESS

The other trick in the tariff is in quieting our farmers by giving them substantially any rates they want, however high, on farm products. The manufacturers know that these farm rates are almost worthless except on wool, sugar, and flaxseed, and a few lesser items, of which we produce only a fraction of our requirements. On these, our producers have only to meet the prices of the imports that we must have upon which the duty is paid. The tariff benefits on them cost our farmers in their purchases many times what they gain in the tariff rates.

The new tariff adds $950,000,000 to the face value of 19 of our general crops, including all the big ones—wheat, corn, potatoes, rice, hay, tobacco, cattle, hogs, eggs, and cotton; but in fact, it adds only $12,500,000 of actual value to come through increases in prices. Was there ever such dishonesty as this giving, apparently, of $950,000,000 on which farmers will realize only $12,500,000? The former tariff gave in cash $91,100,000, or 1 per cent average increase in price on all these crops, though it pretended to give $269,000,000. It pretended to give 30.3 per cent to be added to farm value. It did give, as stated, $91,100,000, or 1 per cent. It was worth one-thirtieth of its face value. The new tariff pretends to give on these 19 crops $3,640,800,000,000, or 41 per cent. It does give $103,700,000, or 1.2 per cent. It is worth one thirty-fourth of its face value.

If our farmers will stand for this, they will stand for anything, and why worry about them. If they elect Congressmen who won't give satisfactory pledges for tariff reform, why should anyone strive for farm relief?

For instance, the old and the new tariffs seem to promise $379,300,000 on wheat. They give $17,600,000. Note the difference.

The old tariff promised $426,000,000 on corn, and the new tariff $710,000,000. Neither tariff is worth anything in normal years to corn prices, because the only imported corn is Argentine flint corn, lacking in starch, and good only for poultry feed as compared with our corn.

The old tariff promised $67,500,000 on hogs, and the new tariff $269,900,000. Neither is worth anything because we sell up to

$200,000,000 of pork and pork products abroad at free-trade prices and are the world's reservoir for these products. Exactly the same on tobacco, on which both tariffs promised $480,700,000 and gave only about $3,400,000, and that on the special type of shaded Sumatra only, and under protest of our general growers, because it makes our cheap cigars too expensive.

All these and similar figures are made by Federal experts and others who are complete masters of the agricultural tariff and its effect, and everywhere accepted.

How long, O Lord, how long will our farmers stand for this double-crossing, dishonest rates for manufacturers, and bunko rates to farmers?

H. E. MILES,
Chairman Fair Tariff League.

REPORT OF BOARD OF ACTUARIES OF THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND (S. DOC. NO. 325)

The VICE PRESIDENT laid before the Senate a communication from the Administrator of Veterans' Affairs, transmitting the Tenth Annual Report of the Board of Actuaries of the Civil Service Retirement and Disability Fund under the provisions of law, which, with the accompanying papers, was referred to the Committee on Civil Service.

Mr. DALE. Mr. President, I ask that the report may be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. REED. Mr. President, a number of routine Army nominations have just come from the President. None of them is for a general officer. All of them are routine promotions of colonels or officers in lesser grades. I ask unanimous consent, as in executive session, that they may be confirmed.

Mr. KING. Mr. President, no new positions are created?

Mr. REED. No new positions are created.

The VICE PRESIDENT. Is there objection? Without objection, the nominations are confirmed.

PREVENTION OF UNEMPLOYMENT

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the RECORD an address by John P. Frey, who is secretary-treasurer of the metal trades department of the American Federation of Labor, delivered in the city of Washington on January 26, 1931, entitled "The Function of Wages and Hours of Labor in Permanently Preventing Unemployment."

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

From the day when it was organized the American Federation of Labor has been profoundly interested in establishing permanent preventives of unemployment.

On many occasions it has been forced to adopt policies to deal with the acute human and economic problems created by involuntary idleness during periods of industrial depression.

While recognizing that the unemployed must be housed and fed, trade-unionists have resented the thought that wage earners eager for work should be subjected to bread lines, cots in warehouses or armories, and the widely advertised public charity for their relief.

While the human suffering caused by widespread unemployment has gripped their heartstrings, American trade-unionists have been primarily interested in removing the basic reasons of unemployment. As a most practical and soundly economic method they have steadily and consistently advocated higher wages. We have believed that higher wages increase the volume of employment, while lower wages operate to decrease employment and the volume of manufactured goods.

The American Federation of Labor has been forced by necessity to study the economics involved in production and distribution and to search for a clearer understanding of the economic facts involved. At the Atlantic City convention of the American Federation of Labor, held in 1925, a declaration relative to wages was adopted which will bear restatement, for it has become the generally accepted position of our organized wage earners. In substance it was:

"That American industry and commerce must suffer serious injury unless the wage earners' real wage, the purchasing power of their wages, increased in proportion to industry's increasing capacity to produce."

It is evident from this statement, that in addition to insisting that the wage earner should receive a wage rate to which his labor entitles him, it is essential for the health of industry and commerce that these wages should increase in proportion to the wealth being created by industry and commerce, and that any failure to maintain such an economically sound wage must result injuriously to the wage earner, and disastrously to industry and commerce.

We will grasp the economic soundness of the American trade-union position by examining the industrial, commercial, and financial experience of recent years.

Whatever differences of opinion there may be as to the causes for the existing industrial depression, there will be agreement with the statement that a most serious industrial depression affects our country at the present time, and that similar depression varying in degree, is at present affecting practically every nation of the earth.

Many reasons for this world-wide depression have been advanced. Among the most important, apparently, are the diversion of wealth for military purposes in Europe and Asia; a world agricultural crisis; a fall in the value of silver; political unrest; burdensome taxation to pay off war debts; speculation, and overproduction or underconsumption. In our country the principal reasons are probably lowered agricultural prices and so-called overproduction.

The term "overproduction" is as unsatisfactory as it is misleading. We use it only because it has appeared so frequently in connection with statements relative to the causes for the unhappy industrial situation which now exists.

We are informed that there has been an overproduction of agricultural products; yet, in addition to the bread lines now to be seen in the industrial centers of the world, we find ourselves called upon to feed starving farmers in our own country, and witness the failure of hundreds of banks in the agricultural districts.

It is said that there has been an overproduction of manufactured goods; yet, nothing is more evident than that mankind is eager to own and use even more manufactured goods than have ever been produced. The problem is not in the capacity of our industries to produce but of the peoples of our country and of the world to find the means for purchase.

Since the World War manufacturing industries have been rapidly developed in countries which had previously depended largely upon others for manufactured goods. Processes of manufacture have been greatly improved. As a result, the wealth created by these industries has increased more rapidly than at any previous time in the world's history. Yet, we find the purchaser's market so unable to make use of this new creation of wealth and of industry's capacity to produce, that millions of wage earners in our own and many other countries are unemployed and many of them dependent upon private and public charity.

We can not reach sound conclusions as to the economic steps which are essential, if we are to prevent permanent unemployment, unless we have some understanding of the marvelous changes which have taken place in the creation of wealth by industry, agriculture, and through the enormously increased per capita productivity of labor.

Federal statistics for the 5-year period ending 1927 indicate that approximately 2,000,000 wage earners had been eliminated from the production and transportation industries; over 900,000 from our manufacturing establishments. Approximately 240,000 from our railway transportation service (and this does not include the railway shopmen), and some 800,000 from agriculture.

Yet, with the elimination of these 2,000,000 wage earners during a 5-year period, we find that in 1927 our manufacturing industries were producing more in volume and value than in 1922; that the number of ton-miles and passenger-miles hauled by our railroads was larger than ever before, and that the volume of our agricultural products had materially increased.

This 5-year period was practically a normal one. There had been no artificial stimulation to industry. There had been no serious depression. While we would not attempt to forecast, the experience of this 5-year period would justify the conclusion that during normal times in the future, if scientific and technical methods continue to be applied to industrial processes, that there will be a further elimination of wage earners required to produce an equal volume of goods which some now hold created an overproduction which caused the present industrial depression.

Industry's capacity to increase the volume of per capita production has been so rapid as to be revolutionary in its effect upon our civilization. Power and machinery in a most extraordinary manner have replaced the workman's brawn and skill. In 1869 there was 1.14 horsepower per wage earner applied in our American industries. The increase in the volume of power developed slowly, for in 1899 it was but 1.90. Beginning with the present century the development was rapid. In 1927 it had increased to 4.65 per wage earner, and at the present time it is assumed that it amounts to over 5 horsepower per capita.

This power has been applied to machinery, iron and steel carrying the strain formerly resting upon human backs. Much of this machinery performs operations which would be physically impossible to accomplish by human beings regardless of their physical strength or their manual skill.

To power and machinery have been added the application of chemical and other technical and scientific processes which have greatly increased industry's capacity to produce. Yet, with this enormous increase in productive capacity, we seem to be only beginning the application of industrial processes which will, to an even greater extent, increase the volume of per capita production in our manufacturing industries.

We are informed by Federal authority that if all of our blast furnaces were as efficient as the most efficient, the volume of production of pig iron at the close of 1929 could be secured by the employment of 3,000 men instead of the 28,000 then employed.

If our sawmills were operated as efficiently as the best, 45,000 men would do all of the work then being done by 292,000.

If our coal mines were operated on the basis of the most efficient, 420,000 men would produce the coal then requiring 750,000.

If our boot and shoe factories were all operated as efficiently as the best equipped, 28,000 boot and shoe workers would produce the same number of pairs of shoes then being turned out by 196,885.

Equally astounding statistics have been compiled relative to agriculture. We are informed that if agriculture was carried on as efficiently in all of the States as it was in Illinois in 1929, 3,500,000 farmers and farm laborers would produce what then required the labor of 8,100,000 men and women on our farms. Yet, the production of farm products per capita in Illinois is not as great as in Iowa.

Why is it that with this astonishing capacity to increase production we should find ourselves in the grip of so serious an industrial depression?

Are we to assume that increasing the Nation's wealth tends to create unemployment and stagnation of business? Are we to believe that the increasing productiveness of our farms necessitates the application of charity to keep many farmers from starvation? Are we to believe that increasing the wage earner's capacity to produce must result in increasing the number permanently unemployed?

If we are to believe these things, it will be because of our failure to understand the principal cause of our present economic unbalance, the failure to distribute the wealth created by industry and commerce so that the mass of the people can make use of the abundance of goods produced. In other words, we must interpret the present industrial depression by comparing the amount of wages paid to the new wealth created by industry.

It will then be found that primarily industry is staggering, and an army of unemployed are clamoring for work because industry and commerce, particularly since the war, have been paying wages which were economically unsound. The wage rates have been altogether too low.

Nothing could be more revealing than the cold, stark figures of the census of manufactures for 1929 as compared with the census for 1927. During these two years there was an increase of 393,006 in the number employed. The additional wages paid in 1929 over 1927 amounted to $572,828,522. This was a material increase in the wage earner's capacity to consume, but the value of the products increased so enormously during this 2-year period that the wage earners in industry were in reality much less able to purchase the output.

In 1927 the total value of our manufactured products was $62,718,347,289. In 1929 it was $69,417,515,929. In two years the value of these products had increased by $6,699,168,640.

To appreciate the full significance of these figures, we should compare them with those submitted by the census of manufactures for 1925 and 1923.

In 1923 the value of products for all manufacturing industries was $60,529,574,115. In 1925 it was $62,668,259,591. The increase in 1925 over 1923 was almost $2,000,000,000, but the increase of 1927 over 1925 was but a trifle over $50,000,000.

How does this compare with the total of wages paid? In 1923 the total of wages exclusive of salaries was $11,007,851,450. In 1925 it was $10,727,337,625. In 1927 it was $10,848,802,532.

The total value of products in 1923 was $60,529,574,115, while the total paid out in wages was $11,007,851,450.

In 1929 the value of products was $69,417,515,929 while the wages for that year were $11,421,631,054.

While the increase in the wages paid in 1929 over 1923 amounted to $413,779,604, the value of manufactured products increased from $60,529,574,115 to $69,417,515,929, an increase of $8,887,941,814.

It will be seen from these figures that although there was a rapidly widening gap from 1923 between the value of products and the volume of weges, that this gap was widened much more rapidly in the years 1928 and 1929.

We have not attempted to break down the figures for value of products into consumers and producers' goods. For the purpose of indicating the trend this is unnecessary. Even if these figures were broken down to an even greater extent, the outstanding feature would be the accelerating speed with which the value of products have outstripped the volume of wages.

Additional evidence of this widening gap is found in the Federal statistics which give the percentage of wages paid to the value added by manufacture. In 1849 the wage earner received in wages 23.3 per cent of the value of the finished product, and 51.1 per cent of the value added to the raw material through his labor. In 1929 the wage earner received 16.5 per cent of the value of the finished product, and but 36.2 per cent of the value added by labor.

As the principal market for our manufactured products is the home market, it is not difficult to understand why this enormous increase in the value of products as compared with the increase in the total wages paid, resulted in a collapse of the consumer's market, which, more than any other factor, or all of the other factors combined, is responsible for our present industrial and commercial stagnation.

The comparatively small increase in the total wages paid as compared to the enormous increase in the value of products manufactured, created a rapidly increasing undercapacity to consume.

Industry during these two years had more successfully than ever before demonstrated its capacity to produce, but had to an equally demonstrable degree failed to provide for a distribution of the wealth created, which would enable the mass of the people to maintain a consumer's market which would permit industry and commerce to function normally and healthfully.

In view of the rapidly widening gap between wealth created and wages paid between the years 1927 and 1929, it is of interest to note some of the financial results which followed.

Wages and salary payments in manufacturing industry for the first half of 1930 were approximately $815,000,000 less than for the first half of 1929. Yet, dividend payments for the first half of 1930 were $350,000,000 more than for the first six months of 1929.

Wage and salary payments to railroad employees for the first half of 1930 decreased $91,000,000. Yet, during the same period, railroad dividend payments increased $39,900,000.

During the first 11 months of 1930 all corporations paid out in interest and dividends $7,494,627,000. For the same 11 months of 1929 all corporations paid out $6,881,101,000, an increase of $613,526,000 over the same period of 1929.

It has been impossible to secure any such complete data relative to agriculture, though in this group we know that enormous suffering and financial loss has been caused because of the farmers' purchasing capacity return for their contribution to national welfare. It should be noted, however, that modern and more scientific methods have enabled the agriculturist to increase his per capita output, so that it has fully kept pace with industry's increasing capacity to produce.

The statistics relative to value production and total wages paid, with their staggering implications, make it evident that one main cause for the existing national depression has been the failure of those directing industry and commerce to understand certain simple economic facts. Industry can no more continue to produce without a market than it can check money out of the bank without having first made sufficient deposits.

Our production experts have astounded us with the results which they have secured in industry, and we are now staggering industrially because of their utter failure to stabilize production, or to establish an economically sound relation between the wealth produced by industry and the amount of wages paid to the workman.

Unless the real wage paid increases in proportion to industry's capacity to produce, there can be no permanent prevention of unemployment. It is a realization of this fact which led the American Federation of Labor to adopt the wage philosophy which it announced in 1925. It is not merely a question of the volume of wages which must be paid unless industry and commerce desires to strangle itself, for dividends and interest will not continue to be paid unless the real wage is materially increased.

The American trade-union movement has steadily advocated a shortening of the hours of labor. The first trade-union effort was to establish a 10-hour day, then slowly the hours were reduced to 9, and then to 8 by the organized workers.

Our efforts met with the employers' active opposition. They held that shortening the hours of labor involved higher costs of production; that it retarded industry in the production of wealth, and increased the cost of products to the public; that shortening the hours of labor was unsocial as well as uneconomic.

Time and experience have proved that they were wrong, for as the hours of labor decreased, the output per capita increased while the labor costs of production decreased, although the dollar and cent wage were advancing.

The 9 and in some instances the 8 hour day had been established before present methods of industrial production had fully demonstrated their revolutionary effect.

The increased use of power, the introduction of new types of machinery, of chemical and other technical processes, the more intelligent direction of production, has created an entirely new economic condition.

HOURS OF LABOR

The justification and advisability of shortening the hours of labor are not entirely those of 50 years ago. It is no longer necessary that men should work as many hours as formerly so that all might live in comfort and abundance. The use of power to replace human brawn, and of machinery to replace the skilled craftsman, should give the mass of the people a much greater opportunity to enjoy the recreations and the opportunities which modern civilization affords.

If the industrial era which we are now entering was not so revolutionary in its results, we might not be justified in advancing the thought that the wage earner should have more leisure so that he would become a larger consumer by spending more money. Yet, unquestionably, many of our industries and business enterprises must depend in the future largely upon supplying those products which will be principally purchased in connection with the wage earner's leisure time.

The thought has been advanced in some quarters that reducing the hours of labor would reduce unemployment. We can not bring ourselves to advocate a reduction in the hours of labor with the belief that it would of itself reduce unemployment. If our assumption that the present industrial depression is due principally to the failure of industry to pay an economically sound wage, then reducing the hours of labor could not improve the situation except temporarily.

If one-half of our wage-earning population were idle and the other half working full time and those employed would agree to

work half time so that the other half would have employment and the total wages paid were not increased, then the only thing accomplished would be that everyone would be employed part time. but the total amount paid in wages would in no way increase the capacity of the wage earners as buyers.

The American trade-union movement believes that the hours of labor should be materially reduced. Humane, social, and economic facts justify such a reduction. But we are equally convinced that this is in no way a remedy for unemployment unless the wages are increased until they reach the point where the total real wage is balanced with the volume of wealth created by industry.

We have presented and considered the statistics and economics of the problem created by the relationship of total wages to total value of manufactured products. We have refrained from any expression of opinion relative to the moral, the social, and the political problems which these economic facts have created.

We have endeavored to present the data with the sole object of bringing out the facts. For our present purpose the facts brought out are so staggering in their implications that we have left them to speak for themselves. We have endeavored to restrict ourselves to the subject assigned to us—the part played by wages and hours of labor in the permanent prevention of unemployment.

The data to which your attention has been called should be sufficient to compel those occupying directive positions in industry and commerce to realize the vivid dangers which have been created through their failure to pay an economically sound wage.

COMMERCIAL ACTIVITIES IN SOUTH AND CENTRAL AMERICA

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD a statement regarding commercial activities of South and Central America, by Victor M. Cutter, president of the United Fruit Co.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

STATEMENT REGARDING COMMERCIAL ACTIVITIES OF SOUTH AND CENTRAL AMERICA

By Victor M. Cutter, president United Fruit Co., address at annual meeting, Wednesday, February 18, 1931

In common with other industrials, results for the past year indicate that the United Fruit Co. suffered to some extent from the world-wide business depression. Your management is not wasting time in mourning over the past, nor bewailing present conditions; its efforts are directed toward the future.

Our fundamental problem is that which it always has been: To produce, transport, and sell the highest quality products at the lowest possible price in such increasing quantities as will insure stable and permanent profits, compatible with reasonable prices to the consumer, fair wages to labor and management, and a just return to stockholders.

MEETING CHANGING CONDITIONS

Business depression not only requires more economy, careful planning, conservative production, and more aggressive selling, but with increasing insistence it demands careful research into ways and means for increasing volume and profits. It also demands open-mindedness and willingness to change company policy when found necessary to meet rapidly changing economic conditions.

Your management is aware that the trend of the times for the past few years has been toward increasing production and competition, not only in our own business but in industry in general. To meet this condition our operating expenditures five years ago were more closely budgeted than ever before and a plan was formulated for logically meeting increased production and competition as well as for increasing our own business. Our plan covered operations from production to sale and all the products in which we trade. It was realized that more facts about products and operations, together with closer forecasts of the future, were necessary to enable us to carry out this plan intelligently.

THE GREAT VALUE OF RESEARCH

Intensive research has been carried on as to varieties of our various products, methods of cultivation, irrigation, drainage, and agricultural practice. The result has been that research more than paid its cost in each year in improvements, which will, of course, continue throughout the years to come, and the unit cost of our produced products has dropped steadily each year for the past five years, with reasonable expectation that further reductions in cost can be made.

Sales research has largely increased our knowledge of our markets, has made possible the closer estimating of our requirements, and added to our ability to place a perfect product on the table of the consumer.

PLENTY OF GOOD BANANA LAND

1. Production: It was realized that our business required primarily sufficient reserves of land to enable it to be certain of a supply of lowest-cost, highest-quality products. Consequently, we have purchased during the past few years what we believe to be the best available lands, both cultivated and uncultivated, from the point of view of quality production, as well as location with respect to markets.

ECONOMIES IN TRANSPORTATION

2. Transportation: Intensive study has been carried on as to size of units, types of construction, methods of heating and refrigeration in our fleet, as well as research in transportation by mules, motors, tramways, cableways, and railways in the Tropics, and in the transporting of fruit after its arrival in the country of destination. Notable economies have been effected in all forms of transportation and great improvements in methods of handling have resulted in delivering more uniformly clean and well-ripened fruit to the consumer. Economies in ship operations and particularly in refrigeration have been notable.

INCREASING OUR SALES EFFORT

3. Sales: With production and transportation well cared for, it was realized that the greatest volume of business consistent with reasonable returns would furnish the broad base necessary for establishing permanency in our business. Our reorganized and strengthened sales forces were knit together so that we were in a position not only to serve our present markets but to expand into new markets until all temperate countries were properly supplied with our products.

Our operations have been unified so that we are in a position through our permanent supply of fruit, our adequate fleet, and our sales organizations to supply any shortage in any market and to some extent to relieve distressed and overloaded markets. All estimates and forecasts are made jointly by our production, transportation, and sales departments, coordinated through our statistical and forecasting service.

A SQUARE DEAL FOR EVERYONE

We have rigidly adhere to a policy of fair dealing in sales, without recourse to dumping, price cutting, rebates, advertising allowances, commissions, and unfair trade practices. On the other hand, we have increased our service to wholesalers, jobbers, and retailers by greatly amplifying our advertising and our sales promotion activities.

THE VALUE OF ADVERTISING

Advertising has been more largely employed than ever before and most effectively, not only institutional and educational advertising but direct mail as well. Educational work has emphasized the dietetic value of our products through the indorsements of doctors, dietitians, nursing schools, health centers, camps, and cooking schools. Moving-picture films have been utilized not only for development of our passenger and freight traffic but in visualizing to the public, and particularly our dealers and retailers, the banana industry from start to finish.

SMALLER CAPITAL DEMANDS

The completion of our 5-year plan and careful calculations for the future indicate the probability of smaller capital demands during the next few years than in the immediate past. Nevertheless our cash position has been kept strong in continuance of our conservative policy. The rigid economies effected in our operations will probably enable us to produce the best fruit, sugar, and cacao at the lowest known costs and to meet effectively any competition which may arise.

COST OF PURCHASED FRUIT TOO HIGH

It always has been our policy to purchase a large proportion of our fruit in the countries in which we operate, to pay the highest contract price for purchased fruit, and to require from our contractors in return the highest possible quality. This policy will be continued, in so far as possible, but bananas are now selling at below pre-war prices, and it is improbable that contract prices can be maintained at double the pre-war level for this product when all other agriculture is in extremity. It is certain that independent planters, free from heavy overhead charges, should be able to profitably sell their fruit to us at prices approximating our own production costs. Any expansion in planting tropical products under present conditions requires careful calculation as to quality and cost of production, as well as accurate forecasts of the probable demand and price trend over the next few years. Conservation of cash resources with moderation in production are therefore indicated at present for ourselves as well as other agriculturists.

BANANA WEIGHT RECORD WAS HIGH

In 1930 world shipments of bananas totaled about 103,000,000 stems of bananas, of which your company shipped approximately 65,000,000. In weight sold a new record for volume was established. Prices for sugar and cacao made a new low record for 30 years or more. Fruit prices were somewhat lower than during the preceding year. Passenger and freight traffic and our merchandise business suffered, due to the general depression, but somewhat less in the Caribbean area than elsewhere in the world.

OUR WORK IN THE TROPICS

After due allowance for depreciation the United Fruit Co. owns fixed properties in the Tropics valued at $126,000,000. During 1930 the company paid in taxes and duties, exclusive of the United States, nearly $5,000,000 to the governments of the various countries in which it operates; it bettered communications by increasing the number of stations and the scope of its radio operations; in owned and leased lands it has over a half million acres under cultivation, and it operates more than 1,700 miles of railways. It plays a useful part in furnishing employment to the nationals of the countries in which its plantations are found and the diversity of employment, coupled with the size of its pay rolls, has a tendency to stabilize economic conditions and to increase the purchasing power of the individual.

Last year in wages and for purchased fruit and sugarcane the company spent $42,610,416.86, an amount slightly larger than that expended in 1929.

Spent for pay rolls, purchased fruit and cane

Colombia	$7,643,933.60
Costa Rica	4,272,452.24
Cuba	5,184,106.30
Guatemala	3,083,223.95
Honduras	11,917,129.11
Jamaica	6,461,114.12
Panama	4,048,457.54
Total for 1930	42,610,416.86

COLOMBIA

During the year Mr. Enrique Olaya Herrera was elected to the Presidency. His country called him from his Washington post for this higher honor. Colombia has not escaped the economic depression due to low prices for all of her products, including coffee, the principal export. The Government program of public works will require careful and economical planning. Arrangements must be made for interest payments on substantial foreign loans effected in times of prosperity. Appreciable progress in balancing the Government budget has already been made. It appears of great importance to avoid additional heavy taxation and to settle pending questions of relationships with foreign oil, industrial, and railway companies. It is believed that President Enrique Olaya Herrera, with the background of many years' service in the interest of his country abroad and the support of the legislative branch, will be able to solve these problems so that Colombia may make the progress which her potential resources would indicate as possible.

COSTA RICA

The revenues of Costa Rica have shown a sharp decrease, due to low prices for its principal products and a heavy reduction in imports due to low purchasing power of the population caused by the depression. President Cleto Gonzalez Viquez, with the approval of Congress, during the year definitely settled the banana tax, discussions of which had been carried on for some time previous. Settlement of this question was necessary in order to place this important industry on a proper basis. The appointment of Dr. Tomas Soley Guell as secretary of the treasury is significant because of his international reputation as a financier. Already there is evidence that progress is being made in balancing the national budget.

HONDURAS

Economic conditions are unsatisfactory in Honduras, as in other countries, but its obligations have been punctually met and under President Mejia Colindres a program of economy in governmental administration has had preferential attention. Governmental program of highway construction has been continued and notable progress has been made in education by the opening of new schools.

GUATEMALA

Guatemala is suffering from drastic reduction in price of coffee as well as sugar. Efforts are being made to balance revenues and expenses and the Government has recognized its obligations in the financial depression and will undoubtedly adjust her program to conform with the situation. The political changes which have occurred during the year have not affected industrial progress.

PANAMA

Panama has not suffered to the same extent as the other countries in which we operate. Progress has been made in the development of communications. The Government continues to encourage private initiative and enterprise.

NICARAGUA

President Moncada is giving Nicaragua an orderly administration. There have been occasional instances of banditry in isolated sections, but the country at large has been peaceful. Nicaragua has continued to reduce her bonded indebtedness. The development of the national guard, with consequent efficient police protection, will encourage industrial development. A boundary treaty has been signed with Honduras which will be helpful to both countries in their mutual relations.

SALVADOR

Salvador, although a populous and industrially well-developed country, has suffered severely through low prices for its products. Railway connections have been established through Guatemala, connecting Salvador with the Atlantic seaboard by rail for the first time in its history. This will give the country quick access to world markets.

JAMAICA

Jamaica is very nearly a 1-crop country, almost entirely dependent on the prosperity of the banana industry. Last year Jamaica had a record banana crop, due to favorable growing conditions, as well as extension of plantings. The prices realized by producers in the island have been steadily dropping for the past five years, as was to have been expected in view of the increased world production. The declining price trend for bananas and serious danger from hurricanes will lead the farsighted planter to consider greater diversification of crops.

DEVELOPING INTERNATIONAL COOPERATION

The most impressive development of the year, in the Republics of the Caribbean area, is the increasing evidence of their willingness to cooperate internationally. They have not escaped the consequences of low prices for their major products, yet their first concern has been to continue the service of their foreign obligations. This has meant radical curtailment of operating expenses—something which is never popular, yet the thoroughness with which the statesmen of these countries have met this problem constitutes the best assurance for a successful future.

Worthy of mention in this same connection is the conclusion of treaties providing for the friendly arbitration of boundaries—matters which have been pending solution for many years.

Last year marked the centenary of the death of Simon Bolivar—the Great Liberator of the five republics in northern South America. The event was marked by appropriate observance all over the world and it served to focus interest anew in the history of our southern neighbors. It is a source of satisfaction to witness this trend toward a better understanding of these same neighbors by our people in the United States.

MORE COMMON SENSE AND HARD WORK

It is evident that the prosperity of our own country can not in future be accomplished by splendid isolation. The recovery from the world-wide business depression will not be accomplished by means of local spending, tariff walls, or by artificial stimulants. Prosperity will return through carefully planned, progressive business policy, and with common sense and hard work. Production of agricultural and manufactured goods has been effective in great volume. The first step in the return to prosperity may well be found in more economical and wider distribution of products and the development of world markets. The United Fruit Co. has always strongly favored foreign trade and closer relations with other countries, both as regards production and markets. Our interest lies largely in Latin America, and it has been our policy to conduct our business in accordance with the highest ethical principles and business standards and to make it clear that we are interested in permanent development and not at all in temporary exploitation.

OUR EFFORTS TO BE HELPFUL

Our medical department has continued its efficient work and research, with special attention to sanitation and preventive medicine. The result has been freedom from any epidemics in the districts in which we operate. Malaria is more nearly under control in these districts than ever before. Mortality and sick rates now compare favorably with those prevailing in temperate climates.

We have continued to encourage and aid archæological, medical, and other research in the countries in which we operate. We have assisted in the development of the Caribbean area, not only as a winter playground but as an increasingly attractive all-the-year-round attraction. Honor students of schools in Latin America have been encouraged to visit our country, and we have aided honor students from our own country in visiting Latin America.

Our radio telegraph department has greatly increased its communications and has started broadcasting service in Latin America.

In short, our company has steadily followed its policy of improving communications, and fostering cultural and social relations, as well as increasing our business, in the territory throughout which it operates.

THE NEW YORK WORLD

Mr. COPELAND. Mr. President, I think everyone who has read the New York World for many years is interested to know about its status. There is a very interesting signed article by Mr. William A. Griffin, publisher of the New York Inquirer, being rather a fascinating account of the career of the New York World, which I ask may be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the New York Telegram, March 1, 1931]

INSIDE STORY OF PULITZER FAILURE—20 YEARS OF BLUNDERING, PETTINESS, AND ARROGANCE MARKED PULITZER DECLINE—POLICY OF NEWSPAPERS TOTALLY OUT OF SYMPATHY WITH SENTIMENTS OF FORMER SUPPORTERS—STRENGTH WASTED INDORSING UN-AMERICAN ATTITUDE IN FOREIGN AFFAIRS AND BECOMING COMMON SCOLD OF CITY, STATE, AND NATION

The cause of decent journalism sustained a loss this past week when two of the long-established World newspapers passed out of existence forever and the third one, the Evening World, was merged in the Evening Telegram. They should have been revived and made into spokesmen for American and Democratic ideals instead of passing into oblivion. From an historic point of view in the newspaper field, the passing of the New York World is a tragic event. It marks the death of a journal which for 50 years has claimed a national leadership in the morning field.

With all its faults, and it had many, the morning World had come to be considered by millions of people as the great organ of liberal thought and the great champion of the rights of the plain people.

CARVED NAME FOR ITSELF

Under the leadership of Joseph Pulitzer it had carved for itself, in spite of his strong prejudices and bitter personal enmities, a position which it took 20 years of blunders and weakness upon the part of his successors to destroy. In the early days of Pulitzer he made many fights for good causes and endeared the paper to a great following by the audacity and frankness and courage of his assaults upon corruption and entrenched privilege in many fields of activity.

Because of this his narrowness and intolerance on many questions were overlooked and he acquired for the paper a reputation for devotion to the best traditions of American Government and business that made the World a great power throughout the land.

But with success came the inevitable weakness that has followed so many self-made men in democracies. The paper gradually ceased to be American and became international in its policies and its adherence. It ceased to be Democratic and became the great modern organ of mugwumpism. It no longer thought the rights of the plain people to be of value compared with the privileges of the socially well-placed minority. It set aside its policy of trying to persuade its opponents in favor of one of scolding its friends and it came toward the close of his days to be the common scold of everything with which it disagreed and of everybody whom it could not control. The end was inevitable!

BECAME COMMON SCOLD

With the great sense of humor which has come to be the outstanding quality of Americans, the public will put up for a time with the eccentricities of one who has rendered to it some outstanding services. But we are easily bored and that which is continuously censorious presently becomes ridiculous. The tradition of success which had grown up under the adventurous father became a fixed obsession with the softly reared sons. Because of their belief that the father was infallible in the office of the World, arose the conviction that all courage and knowledge and capacity were centered there under the sons.

Presently they were not content with attempting to run the city or the State, or even the Nation; but they wanted to direct the affairs of mankind. On Friday came the end of such vainglorious dreams. The Pulitzers have passed into newspaper history and where Joseph thundered in the index, most of the remaining pages of the book were only blank paper. The people of New York have shown definitely once more their power to control those who pretend to make the sentiment of the community. We are a patient and long-suffering people, but we will not support with our patronage or our money a newspaper which advocates the establishment of the League of Nations or the World Court; a paper which would destroy the American Navy, our first line of defense; a paper which would transfer to the sorely tried shoulders of the American taxpayer another $10,000,000,000 by the cancellation of the foreign debts.

TRADITION BECAME OBSESSION

Add to these things the hysterical attacks constantly made on the elected public officials of the city, upon the leaders chosen for party purposes by the great majority of the citizens, the continual effort to point out the occasional blemish on the greatest city in the world without a word as to its manifold virtues and achievements and you have the reasons why there is no longer a morning or a Sunday World and why the Evening World has sunk its identity in the paper formerly the evening edition of James Gordon Bennett's New York Herald. Sic transit gloria mundi, and with it into the limbo of "soon to be forgotten" things have gone the little sons of a violent father.

A last-hour effort to save these papers in order to restore them to the service of the people of our Nation and State and city was made by the owner of these newspapers. Had we bought the papers we would have made them what Joseph Pulitzer pretended to make them, papers loyal to the finest ideals of our country and devoted to the best traditions of American journalism. But it was not to be. The process of failure had advanced too far to leave reasonable time for negotiation. A sudden sale was necessary and was arranged.

We trust that under the enterprising guidance of the Scripps-Howard syndicate the growth of the former James Gordon Bennett paper may be increased by what remains of the Joseph Pulitzer foundation. We wish for them clarity of judgment and increase of influence along any lines that make for service to our country, our State, or our city. We print in another column our offer to purchase these papers while they were still going concerns.

WILLIAM GRIFFIN,
Publisher Griffin Newspapers.

DETAILS OF GRIFFIN BID TO SALVAGE THE WORLD—PROPOSED TO CONTINUE OPERATING WITH EXISTING STAFF—COMPLETE POLICY REVERSAL ON WORLD COURT, FOREIGN AND LOCAL AFFAIRS CONTEMPLATED

FEBRUARY 26, 1931.

PRESS PUBLISHING CO. AND TRUSTEES UNDER THE LAST WILL AND TESTAMENT OF JOSEPH PULITZER, DECEASED.

GENTLEMEN: I hereby make you the following firm offer:

For the plant, machinery, equipment, good will and all tangible and intangible assets of the World, the Evening World, and Sunday World, $5,250,000, upon terms and conditions of payment to be mutually agreed upon.

The foregoing proposal is made subject to the following conditions:

That the policies of the papers referred to shall be unrestrictedly determined by me from my entry into possession without regard to any traditional attitudes or policy.

I shall conduct the papers with a decent respect for the opinion of others, but always retaining the right to have convictions and opinions of my own to be advanced without apology and advocated without loss of humor or good temper.

They will be dedicated to advancing and preserving, undeterred by any consideration of expediency, the fundamental principles of Americanism and Democracy, as exemplified by Washington, Jefferson, and Jackson.

They will enter upon and pursue resolutely these policies free from bias or prejudice against any individual or organization, whether political or other in character.

They will express the conviction that it is the privilege and the right of a great newspaper not alone to champion causes and principles but to support candidates and political leaders who are worthy of support.

They will be alert to oppose vice and corruption wherever found, and in that opposition they will not be bound by geographical or partisan lines.

They will champion the principle that personal rights are sacred and that property rights are entitled to the protection dictated by sound, progressive, social and economic principles under the law.

They will be devoted to the preservation of American institutions first and foremost.

They will champion adherence to the Monroe doctrine and all that that doctrine logically implies.

They will oppose the entrance of the United States into the World Court or participation in any entanglements in Old World politics as being subversive of the best interests of our people and of the unfettered sovereignty of this Nation.

In short, this proposal is submitted in contemplation of and with insistence upon the right of the proposer to conduct and manage these journals in accordance with his concept of the proper functions of progressive, liberal, humanitarian, and decent journalism—informing the public mind—but with no undue effort to control it—and untrammeled by the claims of any individual or group of individuals to special privileges.

Holding these views, as I do, I am persuaded that these newspapers may be brought to the high position to which they should belong and from which they have fallen by reason of their departure in various ways from the standards hereinbefore set forth.

Their present condition, in my opinion, follows upon a disregard of the national views and political philosophy of the greatest number in the community. The foreign policies of these papers in the past, I am convinced, have been opposed to what the vast majority of our citizens conceive to be the true interests of America.

Their position upon many internal affairs—sociologically and politically has done violence to the instinctive and reasoned convictions of the readers to whom they were addressed.

It is further contemplated that the stock ownership of these papers shall be vested in the employees of the papers in the largest measure consistent with the voting control by me.

I make known my position frankly to you, so that in the event of purchase there may be no claim made by you as to any right of direction as to the policies of any of the papers; or any claim that they have unknowingly departed from the policies or plans of the late Mr. Pulitzer. Moreover, it is upon these lines that I am now successfully conducting my own newspapers.

My attorney, Judge Daniel F. Cohalan, advises me that this offer must be conditioned upon your ability to pass unquestioned title to the properties forming the subject matter hereof.

Judge Cohalan and I will be pleased to confer with you, or your designated representatives, concerning this proposal at your early convenience.

Very truly yours,

WILLIAM GRIFFIN,
President Griffin Newspapers.

NO HINT GIVEN WORLD STAFF OF IMPENDING LOSS OF JOBS—MOST OF 3,000 EMPLOYEES LEFT STRANDED BY SUDDEN SCRAPPING OF NEWSPAPERS HAD SEVERAL UNEASY MONTHS—RUMORS THAT PULITZERS WERE TRYING TO SELL WERE NOT CONFIRMED UNTIL CASE WAS TAKEN TO SURROGATE'S COURT TUESDAY

The major tragedy of the sinking of one of the Nation's most famous papers and aspirant to the title of the American counterpart of the Manchester Guardian was the continued uneasiness in which the employees were kept ever since the rumors of the sale of the Pulitzer newspapers were circulated several months ago until the final death knell was rung and turned 3,000 highly specialized men into the street in search of new jobs.

Many of the men affected have served the World organization over long periods of time, some of the employees having records approaching the 40-year mark. The first official intimation they had that the many rumors were true was when the hearing was held before Surrogate Foley for the purpose of breaking the clause in the will which forbade the sale of the newspapers, which was reported to the Evening World by the news service.

The decision of the surrogate early Friday morning and the news that the Scripps-Howard contract for the sale of the newspapers had been completed was brought to James Barrett, veteran city editor, while he was at his desk getting out his editions, informing him that he and his colleagues were in the position of the crew of a sunken ship floundering on the heavy seas in flimsy lifeboats.

The final blow was preceded by a 2-day warning and the employees were more or less prepared, though hoping against hope that their bid to buy the newspapers and to be allowed to continue them, or that the bid of some other person who would continue them, might be accepted. Only a few months before when the rumor that the Times had bought the Pulitzer papers was current, they had the reassurance by an official bulletin from the executive office that no such move was contemplated.

As late as last Tuesday morning World employees were in utter darkness as to the status of their paper. Many of them, assailed by questioners, scoffed at the suggestion. They pointed out that the World, Evening World, and Sunday World all had substantial circulations and that such a pusillanimous surrender was unthinkable under the circumstances. The previous mergers in

New York City's newspaper history all came at logical times, or in response to attractive bids from a purchaser, like the late Frank A. Munsey, seeking to build up a powerful organization out of weaker journals.

The idea that anyone would voluntarily step out in search of a purchaser for the newspapers founded by the late Joseph Pulitzer under existing conditions was inconceivable to them. The scrapping of the morning and Sunday Worlds, and the absorption of the Evening World will hit from 80 to 90 per cent of the employees for whom there will be no openings in New York's newspaper circles. Editorial writers, men on the news staff, feature writers, compositors, stereotypers, pressmen, circulation, and advertising men are thrown on the employment market at a time when most staffs in the city have already been pared down to the bone. It has been pointed out that there are men in New York City to-day, former employees of James Gordon Bennett's Herald, who have not worked a day on a newspaper since it was merged, and who have managed to drag along on odd jobs since that time. Similar fates are expected for many of the World men.

This situation has aroused a considerable undercurrent of criticism for the sons of Joseph Pulitzer who were so indifferent to the welfare of their employees who had served them faithfully. The abject surrender is compared to the abandonment of a seaworthy ship on the high seas because of fancied fears on the part of the captain.

PROHIBITION

Mr. SHEPPARD. Mr. President, I ask permission to have published in the RECORD an article entitled "Signs of Drought in the Workers' Speak-Easies," by Whiting Williams, which appeared in the Literary Digest of February 14, 1931.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the Literary Digest of February 14, 1931]

SIGNS OF DROUGHT IN THE WORKERS' SPEAK-EASIES

By Whiting Williams

He was able to get the gang's quart bottle of "smoke" up to his lips—but no further.

He just couldn't down it, once he discovered that the thin, milky, smokelike stuff was nothing but gasoline and denatured alcohol stolen from a near-by garage.

It was embarrassing, too, for in Chicago's jungle—only two blocks from the Union Station—his inability to gulp down the "smoke" led to the suspicion that he was not one of the gang, but a Government undercover man.

Nevertheless, as he tells us in the Survey Graphic (New York), Whiting Williams was able to get in and be accepted in the workers' speak-easies, and the results of his investigation will be rather surprising to those who believe that two speak-easies grow where one saloon grew before, and that there is more drunkenness and more money spent in liquor than prior to prohibition.

As he has done before in his investigation of labor problems and conditions, Mr. Williams, an employer, moved about in disguise and under an assumed name. He is not here attempting to settle the vexed question of prohibition, but to set down facts as he discovered them among groups of idle men, "whether found at plant gate, private or public employment office, the workers' speak-easy, the hobos' 'jungle,' or what have you."

Considered in conjunction with the Wickersham report, Mr. Williams's findings are doubly interesting.

Putting together all the hours and all the days in all the "wetter-than-average" places, the fact remains, says Mr. Williams, that—

"In the old days more intoxicated men than I discovered this year could have been encountered in two or, possibly, three saloons within a few blocks in a single one of the whole list of communities visited."

He recalls a winter's morning in Homestead in 1919, when the workers from a 13-hour night shift shoe-horned themselves into any one of the five or six saloons to get 1, 2, or 3 editions of "Blacksmith and his Helper"—a big whisky helped down by a huge beer—before they turned in to bed. But last summer Mr. Williams was prepared to defend this conviction:

"All the speak-easies of Homestead are not handling in a whole average day of 1930 as much of either alcohol or money as crossed a single average saloon bar in Homestead during a single morning of 1919."

The reason is plain, says this experienced investigator, and he points to the difference between the old saloon, with its bright lights and inviting comforts, and the modern speak-easy, dark and grimy, with the threat of the "law" always hanging over it. Much less money, too, is being spent for the manufacture of home-brew, finds Mr. Williams, and it has a constantly lowering percentage of alcohol. Other factors are working against the flow of liquor, for, as Mr. Williams sees it:

"Related undoubtedly to all this significant combination of greatly increased cost and danger, with decidedly decreased lure and sociability, is another surprising development—I mean the way every industrial district discloses nowadays hustling truckload after truckload of soft drinks, alongside still others of bottled milk!

"No one can observe these signs of industry's changing mores without being prepared to learn that carbonated beverages, mainly at a nickel a bottle, will total 15,000,000,000 half pints this year, and are increased each year steadily to the tune of a cool—in fact, an ice-cold—billion.

"This development, along with the several others mentioned, has doubtless behind it other changes than the eighteenth amendment alone.

"Certainly in Homestead, for instance, a huge blow was undoubtedly delivered against the 'Blacksmith and his Helper'—and all his other sweating Polish and Lithuanian acolytes—the very morning after that ungodly 13-hour night shift was assassinated, along with steel's 12-hour day.

"The same blacksmith was also, of course, given a cruel wallop by low-priced flivvers, inexpensive movies, and installment radios, as also by all the various constructive efforts of more intelligent labor leaders and more socialized employers."

Whatever the cause of its demise, finds Mr. Williams, it is plain that the saloon is dead, and its soul "is not marching on in the speak-easy," which leads to his third conviction: "That our present effort to control John Barleycorn has provided a cushioning of vast proportions against the impact of current unemployment."

Replying to the argument that the law is not enforced, Mr. Williams writes his fourth conviction that "anything like a loyally backed, efficiently organized and ably staffed effort at nation-wide enforcement is not yet two years old."

Interviews with Federal judges, district attorneys, and prohibition agents brought the same story. Ex-barkeeps and thugs have been weeded out; the enforcement agency represents not jobs but careers. "And one result is that when to-day we corner a bunch of 'leggers' and answer their query by assuring them that we're 'Federals,'" Mr. Williams was told, "they tell us, 'Don't shoot. We'll come down'—and they don't try bribes on us, either."

Conviction is becoming easier, says Mr. Williams, and he recites several instances of big bootleggers being convicted by high-calibered agents; though he admits that even the new policy will take time to get down to the small distillers in stable and garage who furnish liquor, bottles, labels, and even the cobwebs to deceive the trusting into believing that they are getting good Canadian liquor.

Mr. Williams's article was evidently written before the Wickersham report came out, for he says, "in the light of these recent administrative changes it is to be hoped that the Wickersham Commission will think it worth while to counsel longer trial of present efforts." The commission did counsel exactly that.

Any continuation of hard times, believes Mr. Williams, will quite likely be an increasingly forceful argument against any substitute for the speak-easy. "For surely," he writes, "as long as we are anxious to conserve to the utmost the productive power of the mass citizen, then we'd best be at least careful about monkeying with a plan which, whatever its faults, has undoubtedly transferred during recent years, and especially recent months, more than a few hundred millions of dollars from alcohol to gasoline, shoes, and bathtubs."

Without attempting to weigh the moral aspect of the problem of prohibition against the economic aspect—an aspect which doesn't affect some opponents of prohibition—Mr. Williams tells us a story that illustrates the difference in point of view between the prosperous "ritualists" and the hard-fisted "escapists." He was talking to a steel-worker friend in Pueblo, Colo.:

"'What the hell right have you got to write about that?' he exclaimed when I said I wanted to get up an article on the worker and prohibition.

"'I'll betcha a dollar,' he replied to my protest, 'you was never in a saloon a dozen times, and I'll betcha $4 you was never good and lousy drunk.'

"'Me,' he went on, 'I used to take 18 shots o' hard liquor every day—come in here and sweat it out before this furnace, and it didn't do me no harm. I mean physically. 'Course, we never had no money. So just lately, since the State went dry, the old woman and I was figurin' how we'd paid for the house, and would soon own the car. And then we got mad athinkin' how in all the big clubs, seems like, the rich people sit and talk about how Percy This and Reginald That are drinkin' more 'n before. And then they end up by saying, "Ain't prohibition hell?"

"'Reminds me how Jim Slavins and I went up to Denver one Sattiday night on a bat. We reckoned we'd drink up all the good liquor in Denver, and we'd 'a done it, 'ceptin' they run in a fresh supply on us about 4 in the mornin'.

"'Well, next day Jim ordered some ice water, and when it come he gulped it down with both hands on the pitcher. And when he set it down he says, "Damn these temperance guys," he says, "that tries to talk about water. They make me sick. Wy damn their eyes," he says, "they ain't got the faintest idea what a wonderful thing water is."'"

BOOKS FOR THE ADULT BLIND

Mr. SMOOT, from the Committee on Appropriations, reported back favorably without amendment the joint resolution (H. J. Res. 528) making an appropriation to provide books for the adult blind, which was considered by unanimous consent, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That to enable the Librarian of Congress to carry out the provisions of the act entitled "An act to provide books for the adult blind," approved March 3, 1931, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year 1932, the sum of $100,000.

PROFFER OF ARTICLE ON "TWO YEARS OF HOOVER"

Mr. McNARY. Mr. President, the Sunday Star, published in the city of Washington, in the issue of March 1, contained a very able and interesting article by Hon. SIMEON D. FESS, chairman of the Republican National Committee, entitled "America Forges Ahead—Two Years of Hoover," which I ask unanimous consent to have inserted in the RECORD.

The VICE PRESIDENT. Without objection——

Mr. BARKLEY. Mr. President, reserving the right to object, is not that the same article to which the Senator from Arkansas [Mr. ROBINSON] objected earlier in the day?

Mr. McNARY. I did not know that objection was made.

Mr. BARKLEY. The Senator from Arkansas objected earlier in the day to the insertion of an article by the Senator from Ohio [Mr. FESS].

Mr. McNARY. Under those circumstances I will withhold the request.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. BLACK obtained the floor.

Mr. JONES. Mr. President, I have a conference report on the second deficiency appropriation bill which I desire to call up at this time. Will the Senator from Alabama yield for that purpose?

Mr. BLACK. I prefer not to yield for that purpose at this time, because I do not expect to talk very long. The Muscle Shoals matter has come up, and since it has come before the Senate the subject of Russia has been discussed at great length.

Mr. JONES. May I say to the Senator that it is quite important?

Mr. BLACK. Very well; if it does not take any time.

Mr. JONES. I do not think it will, because it is a complete agreement. May I say that the principal item in dispute was with reference to Charleston, S. C. That has been very satisfactorily arranged with the Senator from South Carolina [Mr. SMITH]. The Secretary of the Navy has money available that he can use, and he will use it. That is taken care of. This is a complete report.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KING. There is a conference report now pending before the Senate. If another conference report is presented and taken up for consideration, does not that supersede the first one?

The VICE PRESIDENT. Not if it is done by unanimous consent.

Mr. JONES. I ask unanimous consent that that may be done.

Mr. KING. I object.

The VICE PRESIDENT. Objection is made.

Mr. JONES. Very well; I withdraw the conference report for the time being.

MUSCLE SHOALS—VETO MESSAGE

The Senate resumed the consideration of the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, to authorize the letting of the Muscle Shoals properties under certain conditions, and for other purposes, returned to the Senate by the President without approval.

The VICE PRESIDENT. The question is, Will the Senate pass the joint resolution, the objections of the President of the United States to the contrary notwithstanding?

Mr. BLACK. Mr. President, the people of Alabama and the people of the South particularly have received a very great shock to-day. Bearing in mind the statements made by Mr. Hoover when he was a candidate for the high office of President and when he came to the South and sought the votes of the people of the South, they had believed that the present measure relating to Muscle Shoals would receive his signature. Thousands of people in the South voted for Mr. Hoover as the presidential candidate because he came into their midst and made statements which would have led any reasonable man to believe that he would sign a measure such as he has to-day vetoed. He has to-day vetoed a measure which would have placed thousands of people at work in Alabama, which would not have injured the business of the Nation, and which would have brought untold benefits to the people of the country.

Unfortunately, Mr. President, I am irresistibly led to the conclusion by the statements in the message that he has vetoed the bill with a thorough and complete misconception of the facts in the case. Either the facts as stated by the President in his message are incorrect or the facts as stated by the Army engineers in their report to this body, which was filed on March 24, 1930, were not correct. Which one of the two statements is correct it will be the duty of the public to determine.

It is unfortunate, Mr. President, that after 10 long years of delay the people of the Nation are to be denied a solution of this controvery as the first blast of the campaign of 1932 is turned loose upon them. It is to be regretted that for political advantage the people of the Nation shall longer suffer, as the wheels remain idle at Muscle Shoals, as the farmers of the Nation continue to pay tribute to the Government of Chile and to the foreign nitrate producers of the world, in order that the political advantages of the administration may be furthered.

It is true that the veto message which came to this body to-day will bring joy and gladness into the hearts of those who will contribute in most substantial amounts to the campaign in 1932, but it is likewise true that it will bring sadness and sorrow into the hearts of thousands of men and women who have been anxiously awaiting the time when the President elected by the people of the Nation would give to them that which they believed he had promised when he spoke at Elizabethton, Tenn., in the campaign of 1928.

Before I proceed further, and in order that there may be no misunderstanding when I say the veto message has been signed upon a misconception of facts, I invite attention to page 1 of the veto message, upon which this statement appears. In stating the value of the plant and the further capital which will be required it is said:

(e) Proposed construction of transmission lines for wholesale distribution of power within the transmission area—$40,000,000.

Note the expression "for wholesale distribution of power." Then I turn over to page 2, and I find a prepared itemized statement of the operating costs of Muscle Shoals, and I find thereafter this plain, blunt statement:

The estimated cost of production and distribution is therefore about 9.1 mills per kilowatt-hour.

The Senate will bear in mind that this is a plain unequivocal statement by the President of the United States, a statement which has now been heralded over the wires into every section of the country to the effect that it would cost 9.1 mills per kilowatt-hour for the production and distribution of power at the Muscle Shoals plant.

I now invite attention to the report filed by the Army engineers. We were told a few days ago that this is "a cold engineering proposition." The country was told it is not a political, but a cold engineering proposition. Bearing in mind that the veto message coming from the hand of the great engineer states that it will cost 9.1 mills per kilowatt-hour to produce and distribute power, I now invite attention to the signed statement of the Board of Engineers with reference to this particular project, which is a public document, House Document No. 328, Seventy-first Congress, second session, dated March 24, 1930, and I read from page 16, as follows:

22. Since the Government-owned hydro plant at Muscle Shoals has been in operation the power developed has amounted to only about 20 per cent of the available power which may be economically developed at the site, while the remainder has gone to waste. This has been a serious loss. It is due to the fact that the final disposition of the Muscle Shoals power and nitrate plants has not been decided upon and no long-term contract for the development and sale of this power could be made. The district engineer states that if the installation at this plant were increased to 340,000 kilowatts it could produce about 2,000,000,000 kilowatt-hours of primary and secondary power in an average year without the further development of storage.

With interest at 4 per cent on the investment, and proper charges for depreciation, amortization, maintenance, and operation, but no taxes or insurance—

And no taxes or insurance are included in the itemized statement of the veto message—

the cost of production of this entire amount is estimated at 1.36 mills per kilowatt-hour.

As a "cold engineering" fact by the very department which it was given out to the press would pass upon the bill, the country is told that it would cost 1.36 mills to produce the power. Oh, but, some one says, "What about the distribution?" Let us go a little further. It will be noted that the figures in the veto message refer to the wholesale distribution of power. It was estimated according to my understanding on a 250-mile transmission line. I now read further from the engineer's report:

The district engineer estimates that this power could be transmitted for use in conjunction with existing steam plants within a radius of 350 miles to give firm hydrosteam power at a cost of 4.16 mills per kilowatt-hour if it could all be sold.

It can be produced at Muscle Shoals for 1.36 mills and transmitted 350 miles, the engineers say, at a cost of 4.16 mills per kilowatt-hour. If this be a cold engineering proposition and not a political proposition, and if the veto message be not an argument in order to justify the present high rates of electricity throughout the country, I ask who is right—the engineering department, whose report was not made for the purpose of furnishing data to be used as a basis for vetoing Muscle Shoals legislation, or the veto message which has been received in this body to-day?

Why was this statement made? What is the object and purpose of attempting to mislead the country into believing that it will cost more than 9 mills to produce and distribute this power? Let us go a little further into the argument. A little further on we find that from some source—of course, it is not revealed in the message—there has been obtained certain information with reference to the wholesale prices of power in the Southern States. We find the statement made that electric current is sold at wholesale at 7 mills. That, of course, is most interesting information to the people in that section, many of whom pay as much as 10 cents.

But, going further, the argument is set forth that it is impossible to do anything on a paying basis at Muscle Shoals because the cost of the power is too high.

The statement is made that Muscle Shoals can not compete with power sold by the power companies at an average rate of 7 mills. But, Mr. President, the engineering department, after an exhaustive study, which has been reported to this body in two great volumes, has stated that it can be produced at 1.36 mills per kilowatt-hour and that it can be transmitted 350 miles at a little more than 4 mills; and yet the astounding statement comes to this body from the President of the United States in the face of the report of the engineering department of our Government, that it will cost more than 9 mills to produce and distribute electricity.

Let us proceed. The argument is made in the veto message that it will cost more by reason of the fact that the Government will expend more money at Cove Creek Dam. Let us see if that is in line with cold engineering facts. Remember that it is not a political issue but is a cold engineering question which faces the country. In the words of the President:

This is less than the present cost of generating equivalent power in modern steam plants. This power could be developed somewhat more economically with the aid of Cove Creek storage but this storage is not essential to the economic development and sale of much of the available potential power at Dam No. 2, Muscle Shoals.

Mr. President, if it be true that we are to consider this from a cold engineering standpoint, the question immediately arises, Shall we take the statement which has been sent to this body by the engineering department when there was no question involved of relieving the people of this Nation from the throttle-hold of the power interests and the fertilizer companies?

I state to-day, as I have previously stated here, that there are two interests that benefit by the delay of Muscle Shoals legislation. Yea, I might say there are now three. The two interests to which I have previously referred are the fertilizer interests and the power companies. It might be said now that it must be thought that political parties can also benefit by further holding up the settlement of this 10-year-old program.

Mr. President, that is but one of many such statements which appear in the veto message. I find in the message, on page 4, this statement:

The plants at Muscle Shoals were originally built for a production of nitrates for use in war explosives. I am advised by the War Department that the very large development in the United States by private enterprise in the manufacture of synthetic nitrogen now affords an ample supply covering any possible requirements of war.

I deny that statement, and I claim that it can be disproved by the facts in the War Department, by the figures in the Commerce Department, and by the facts that appear in every magazine in this Nation which has collected facts with reference to the production of nitrogen. If we have enough nitrogen to take care of explosives for war purposes, it will be necessary at the same time to have enough nitrogen to take care of our agricultural sections. How could we fight a war without food? It would be impossible. And we know at the outset that in case of war we can not withdraw the nitrogen which now must be used on the farms in order to utilize it for explosives. If we should do that, agriculture would suffer; food could not be supplied to our people; and our ability to defend this Nation would be seriously curtailed.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BLACK. I yield.

Mr. NORRIS. Before the Senator from Alabama leaves the power proposition, I want to ask him if it is not true that the engineers' estimate of the cost of 1.36 mills for power was based upon Muscle Shoals without Cove Creek Dam?

Mr. BLACK. That is correct.

Mr. NORRIS. It must be apparent, then, that with Cove Creek Dam everybody admits that power can be produced at a cost very much below 1.36 mills. Is not that true?

Mr. BLACK. That is true, except as to the statement that everybody admits it. Everybody admitted it until to-day. Until to-day it was admitted by everyone, so far as I know, who has ever said anything about Muscle Shoals or known anything about Muscle Shoals.

Mr. NORRIS. The only place where the Senator finds it is not admitted is in the President's veto message.

Mr. BLACK. That is correct.

Mr. NORRIS. But the school child knows that if we should increase the flow of the Tennessee River at Dam No. 2 in times of low water and decrease the flow in times of high water, which Cove Creek Dam would do, there would be a very material increase of primary power at Muscle Shoals Dam; and if without the equalization that Cove Creek Dam will bring about the engineers are right when they say that power can be produced for 1.36 mills per kilowatt-hour, it would follow that if the primary power should be practically doubled it would pretty nearly cut the cost in two.

Mr. BLACK. I fully agree with the Senator from Nebraska, and until to-day I did not know that that proposition had ever been questioned. As a matter of fact, although I have given some study to the proposition, although I have received many estimates from the engineering department, although they have given out many statements concerning it, so far as I know, until to-day no individual has ever denied, expressly or by inference, that it would not reduce the cost of the production of power at Muscle Shoals to build Cove Creek Dam.

Mr. President, I referred a few moments ago to the statement in the veto message that the War Department had advised—

That the very large development in the United States by private enterprise in the manufacture of synthetic nitrogen now affords an ample supply covering any possible requirements of war.

It is a well-known fact that we would need no less nitrogen for fertilizer purposes in time of war than in time of

peace. As a matter of fact, it is necessary. It would be essential that the farmer should have fertilizer in order to feed the armies and to feed the people.

I now call attention to the fact that in the year 1929 there were used in this country a total of 513,300 tons of nitrogen. There were imported into the country a total of 239,500 tons. Without that 239,500 tons of nitrogen, even in a time of peace when we were not called upon for explosives in order to protect our country, it was necessary to import 239,500 tons of nitrogen. In the next year, 1930, with the depression on, there was a total consumption of nitrogen of 485,000 tons, and the total imports were 180,000 tons. Suppose that we should be cut off from the nitrogen of the world and should be compelled suddenly to replace that 180,000 tons of nitrogen with the additional amount which would be required for war purposes, is there anyone who is foolish enough to believe that the Secretary of War, under those circumstances, would say that we have all the nitrogen that we need for war purposes?

Mr. President, this is the only civilized country in the world, except Russia, that is not independent of other countries for its nitrogen, and it is because of the same interests that have worked year in and year out against a bill which would provide for the operation of the nitrate plants at Muscle Shoals.

In view of the fact that the Secretary of War has made the statement that we need no nitrates from abroad, I desire to read a part of the hearings before the Committee on Foreign Relations with reference to the naval disarmament treaty.

No one would say, I presume, that the naval officers who appeared and testified before the Foreign Relations Committee were testifying with an idea that their evidence would have anything to do with Muscle Shoals, yet we find this statement in the testimony. Remembering that the Secretary of War says, according to the veto message, that we do not need any nitrogen from abroad. Let me read the statement that was made by Rear Admiral W. H. Stanley, United States Navy, found on pages 311 and 315 of the hearings before the Foreign Relations Committee, a document printed by the United States Government Printing Office:

Admiral STANLEY. Commerce protection, of course, becomes necessary when we engage in a war with some enemy. The necessity for commerce protection comes from the fact that this country is not self-supporting in a war.

Note that:

This country is not self-supporting in a war.

Now, let us see why he said it was not self-supporting:

We must obtain raw materials from other countries to carry on a war.

Senator JOHNSON. For instance?

Admiral STANLEY. We must have rubber, we must have nitrates, we must have manganese—

And so forth.

Then, on page 315, bearing in mind that he had made the statement that we must build ships and spend money at the rate of from twenty-five to forty-five million dollars per ship to protect our commerce, I return to the subject:

Senator BLACK. Returning to the subject of the commerce which you say we have to protect, or need to protect, you mentioned nitrates. Where do those nitrates come from?

Admiral STANLEY. They come from Brazil and Chile.

Senator BLACK. Do you recall whether or not it is a fact that the first naval engagement of the World War was fought off the coast of Chile?

Admiral STANLEY. Yes.

Senator BLACK. In order to protect nitrates?

Admiral STANLEY. Yes; I think that was it.

And yet, in spite of that the Secretary of War holds that we are independent, according to the veto message, we imported last year 180,000 tons, or practically 40 per cent of the total amount that was used; and if this country should become involved in war to-day it would send its $40,000,000 battleships down to protect the coast of Chile.

But what difference does that make? The operation of the nitrate plants will interfere with the Guggenheims. The Guggenheims have a half control of the nitrate beds in Chile. The southern farmer pays 25 per cent of the entire taxes of the Chilean Government. The farmers of the States of Alabama, Louisiana, Georgia, Mississippi, North Carolina, and South Carolina pay practically 25 per cent of every dollar of revenue that goes into the Chilean Government's treasury. Why is that? It is because we are afraid, as alleged, that if we provide for a lease to be made of Muscle Shoals it will interfere with private initiative and destroy individualism in America.

The Secretary of War says, according to the veto message, that we need no nitrogen from abroad. Let the Secretary of War and the others who make that statement explain to the country where this 180,000 tons of nitrogen would come from if war should be declared against this Nation. Let them, before they herald abroad throughout this land the misleading information that we are producing as much nitrogen as we need, explain, if they can, what will replace that 40 per cent of nitrogen which was used in this country last year in peace times.

It is well known that if war should be declared we would need more nitrogen, not less nitrogen. What difference does it make if we train our boys, if we call them from their homes and take them away from their parents to fight our battles, if we spend $40,000,000 in building battleships—what difference does it make if, after those battleships are built and after those boys are taken away from their homes and their firesides, we do not have the necessary elements to provide explosives to be used in war time? Why do we not have them? It is because the chemical interests and the power interests have a throttle-hold upon the government of this Nation.

Let there be no mistake. If that had not been true, these plants would have long since been in operation. This issue is as plain as it can be. It is an issue between those who seek, as best they can, to represent the best interests of the plain people of this Nation, as against those who depend upon the untold wealth, the incalculable millions of the beneficiaries of special privilege and predatory greed to stifle the voice of the people and defeat legislation intended for their benefit.

If that is to be the issue in 1932, if this is to be the opening battle, let there be no mistake. Let each man place himself where his conscience and his political philosophy entitle him to be.

Those who oppose this measure belong on the side of special privilege and greed. They belong on the side of those who have gained immense wealth by extracting it from the pocketbooks of the poor people whom they have had under their heel through the years of their oppression. If the issue can be carried to the people, if the press will give the message as it is and let it speak for itself, if the news flashed abroad over the wires reaches into the remote country precincts, be not deceived. The people will know, and the issue will be plain.

This Muscle Shoals measure is dying at this session of Congress because the power companies and the fertilizer companies and those who control the wealth of this Nation want it to die. It is dying because it is known that if it should be signed and become a law the farmers of this Nation would have for one time the privilege and opportunity of buying fertilizer at a reasonable rate. It is dying because of the fear of those who sit in the high places and who extract their millions from the pockets of the people of this country who pay an extortionate price for the electric current which turns the washing machine, which illuminates the humble home, which revolves the wheels of industry, and which operates the great business of this Nation.

Never before in all the history of the world have more fabulous fortunes been made than have been accumulated in this Nation by the beneficiaries of special privilege and greed. I make no exceptions. They are not even willing to give to the plain, average, everyday citizen the crumbs that fall from their tables. In an age when wealth has been concentrated in the hands of a few in this country with their immense wealth, they stand like a giant colossus, and they show their power when the time comes that it is to be made manifest; and it has been shown in the Muscle Shoals veto.

Mr. President, when the admirals were talking for a big Navy, when the admirals desired to dig down into the pockets of the taxpayers in order to build a navy to protect the commerce of this Nation, they said, "We must build big ships in order to protect the nitrate deposits in Chile." To-day, however, the shoe is on a different foot. The question is, Shall there be the slightest opposition to and competition with the huge chemical companies that have created their fabulous wealth over night, some of them making as much as 500 per cent in a year? Shall there be any competition with the huge power companies, one of which was shown by the investigation before the Federal Trade Commission to have made more than 3,000 per cent on the investment in one year?

The battle is on. The people will not be fooled.

Now, let us go a little further with reference to these statements in the President's message.

The statement is made that the leasing provision should be dismissed as if by a snap of the finger because it is of no importance. The statement is as follows:

I may state at once that the limitations put upon lessees in the bill are such that this provision is of no genuine importance.

Of course, the limitation was that they should make only 8 per cent profit. I am willing to admit, in this day when huge fortunes are built overnight, when 3,000 per cent is common, when such huge profits are welcomed by the great, that a mere matter of 8 per cent is not worth the snap of a finger.

Promoters are not accustomed to a limitation of profit to 8 per cent. Let us go a little further.

Inquiries have been made of the most responsible and experienced concerns that might possibly undertake such lease and they have replied that under the conditions set out in the bill it is entirely impractical for them to make any bid.

The President was given a year, under the joint resolution, to find a lessee. In five short days the investigation is sufficient to enable him to say that no lessee can be obtained. Of whom were those inquiries made? Let us see:

Inquiries have been made of the most responsible and experienced concerns that might possibly undertake such lease.

Who were they? People engaged in the same business, of course. A search would not be made among those who were not engaged in the same business. The inquiry was evidently made, "If I sign this bill, will you bid, and instead of making the huge profits you have heretofore made on account of a prohibitive embargo tariff, accept 8 per cent?"

Naturally there are few of us who would have anticipated that under those circumstances the possible bidders would have fallen over themselves to say they would bid. Naturally they might also have wanted to know the terms of the lease. They might also have wanted to know the price of the power.

It would be interesting to know whether they were told that this power would cost them 9 mills, when the engineers say they could buy it there on the spot, if they bought it at cost, for 1.36 mills. It would be interesting to know whether these people were offered that power at 2 mills, the price which the Alabama Power Co. pays to-day.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator.

Mr. McKELLAR. Would it not also be very interesting to know to whom the inquiries were addressed?

Mr. BLACK. It would be interesting to know whether the Guggenheims, who are engaged in the nitrate business, were queried. It would be interesting to know whether or not the du Ponts, who are engaged in the chemical business, were asked about it. It would be interesting to know whether the Carbide Co. was asked anything about it.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. NORRIS. I will ask the Senator if it would not also be interesting to know why a great business man, a great engineer, should sell power to the Alabama Power Co. for 2 mills a kilowatt-hour, when he says it costs over 9 mills to make it, when Florence and the other cities there are willing to pay what it does cost, and he will not sell it to them?

Mr. BLACK. Of course, it costs less to make it when it is to be sold to the Alabama Power Co. than it would to make it for sale to a municipality! That is manifest, of course!

Mr. McKELLAR. Mr. President, that is an engineering fact.

Mr. BLACK. That is a cold engineering proposition. There is nothing political in that.

Is it not interesting to imagine that where eight or ten million dollars is to be invested, without any terms of the proposed lease having been set forth, without any statement having been made as to the price which the lessee would have to pay for power, without outlining what form the lease was to take, that the position should be assumed that because no one comes forth and says, "We will invest this eight or ten million dollars," it necessarily follows that nobody would make an offer?

I make the statement, and I challenge contradiction from any man who knows anything about the situation which faces the people of this country and who knows anything about the chemical business and this lease provision, that there is not the slightest shadow of doubt on earth but that if this measure had been signed, a lessee would have been promptly obtained. Let us see.

The leasing provision is therefore of no utility; it may at once be dimissed.

This leasing provision is dismissed in six lines by the President. In order that we may get some idea of what it is, let me call attention to the leasing provision. Language to the contrary notwithstanding, it is as clear and unambiguous as any statement that was ever written. He who runs can read it and understand it if he has average intelligence.

Mr. McKELLAR. Mr. President, can an engineering intelligence understand it?

Mr. BLACK. Of course, this is a cold engineering proposition. The inference is left in this veto message that it is proposed to put the Government into the fertilizer business. For four years I have been in this body, and I think it will be remembered that in the first remarks I ever made on this floor I said I thought the best way to operate this plant so as to produce fertilizer was by a lease properly safeguarded. That is the position I have held. That did not mean I was not willing to have the Government operate the plant if it could not be operated under a lease.

Let me call attention to this leasing provision. A lessee could go there and buy all the power he wanted at a price fixed as fair and reasonable by the President. Is there anything wrong about that? I think the lessee probably would have to obtain the approval of the board appointed by the President, but it would be his board. Is there anything wrong about that? Are there any limitations in that? That was up to the President.

The lessee starts out by buying all the power he needs to manufacture fertilizer or fertilizer ingredients exclusively, except that he can manufacture the necessary by-products. That is the first part of the lease. It was up to the President to set out the terms, to fix the prices of power, and there at Muscle Shoals, if his engineers knew what they were talking about, he could have sold it for 2 mills or less, not 9 mills.

That is the first part of the leasing provision. After they had manufactured all of the fertilizer they could manufacture, it is provided that the lessee would have a preference in a certain amount of additional power for manufacturing purposes. Naturally the rate would have been attractive, because of the fact that the power would be produced there at 1.36 mills, and it would cost them probably five or ten times that much to buy it from the Alabama Power Co.

Going a step further, they could get all the secondary power they wanted to utilize in the manufacture of other products. So there it was.

On the fertilizer they sold they were given the privilege of making an 8 per cent profit, but on the other independent products there was no limitation of profit. That made it attractive. It was equivalent to saying to the prospective lessee, "We want you to manufacture fertilizer. You come

in and manufacture fertilizer and we will give you only 8 per cent profit, but every time you use 100 kilowatts for manufacturing fertilizer and passing the benefit on to the farmer, we will sell you 15 additional kilowatts to manufacture other products, with no limitation of profit, and we will likewise sell you all the secondary power you want if we have it."

That is a very attractive proposition to chemical companies, but it guarantees that they must manufacture fertilizer, and that they must sell it at 8 per cent profit. It is an automatic guarantee, because if they did not manufacture fertilizer and use power for that purpose, they could not buy power to use in the manufacture of other commodities and obtain more than an 8 per cent profit.

The fly in the ointment is that if they manufactured fertilizer, they would be competing with the American Cyanamid Co.'s plant at Niagara Falls. This company imported 50,000 tons of that product into this country last year. The total capacity of the cyanamide plant at Muscle Shoals, when built, was 40,000 tons.

They would compete with the nitrate of Chile, which is largely owned to-day by the Guggenheim interests. It would have placed thousands of people to work in a section where they were most severely injured by the drought, and where the Red Cross has been compelled to go and take food to the starving people. It would have carried real farm benefit to the farmers of this Nation, and it would have accomplished this by competing, not with American nitrogen, but by employing American labor, whereas the fertilizer which we use to-day is produced by the labor of people in Chile and in Canada.

According to the iniquitous tariff bill which was signed, this is supposed to be an administration which believes in a tariff. Yet we are not accorded the privilege of operating for the benefit of our people our own property, paid for by the hard-earned dollars of the toilers of this Nation. Why? Because the Fertilizer Trust and the Power Trust object to it.

If that issue is to be carried to the people, let it go squarely. Let it be known that the issue is whether the people want representatives in this Government who stand for the interests of all, or representatives who stand for the interests of the specially privileged few, who can make the largest contributions in campaign years.

Mr. NORRIS. Mr. President, I want to make a suggestion to the Senator from Washington. I presume he knows it better than I do, but there are some indications from what I have heard that there is a filibuster on the conference report on the maternity bill. Everyone ought to have the right to debate everything fully. I think that matter has been fully debated. A determined filibuster can prevent the passage of anything between now and noon on the 4th of March. But I want to suggest to the Senator from Washington that there is only one way to fight fire, and that is to fight it with fire. If there is a filibuster on the maternity bill I think he ought to object to anything and everything and fight it out on that bill and not grant unanimous consent for anything for friend or foe.

Mr. REED. Mr. President, I have not supplied any fire. I have not talked five minutes to-day.

Mr. NORRIS. I am not charging the Senator from Pennsylvania with anything. I am not thinking of him or the proposition he has made. If we have a filibuster to fight we can not let our friends get in and have a lot of measures passed, because that will end the filibuster.

Mr. REED. Of course, that is true. The Senator from Washington is up against what no other Member of the Senate is. As chairman of the Committee on Appropriations he is charged with responsibility for a vast amount of legislation. We are all trying to get the business of the country done. This poor little Army bill that I am trying to get considered now has no connection with the other matters referred to and I hope it may be agreed to.

Mr. BLACK. Mr. President, the statement is made in the veto message that the Department of Agriculture reports that these plants are now more or less obsolete. I desire to invite the attention of the Senate to the fact that that would not be material in so far as the bill is concerned. A lessee could construct other plants which would not be obsolete if these plants are obsolete. But it is a little bit remarkable, if these plants are obsolete that we should have imported into this country last year 50,000 tons of fertilizer manufactured by a plant similar to the plant at Muscle Shoals. Of course the Secretary of Agriculture may be right and the plant at Niagara Falls may be obsolete. It may be that they are shipping that fertilizer here and competing with fertilizer which is manufactured in an obsolete plant; but it is a little remarkable that on an open market on open competitive bids the farm bureau of Alabama purchased the exact kind of fertilizer manufactured by this process and is using it now in the year 1931. Therefore if the Secretary of Agriculture is right and if the plant is obsolete, an obsolete plant exactly like it is competing with all the modern up-to-date plants in the world and is taking their business away from them in progressive America.

This is the next statement in the veto message which shows a misconception of the facts. I shall later call attention to the fact that although on page 4 of the veto message the plant is said to be obsolete, yet on page 7 the conclusion is reached that there is a great possibility at Muscle Shoals for the farmer.

The statement is also made, ostensibly on the faith of a statement by the Department of Agriculture, that fertilizer could not be manufactured at Muscle Shoals as cheaply as it is sold to-day on the wholesale market. Chilean nitrate is bringing $39 per ton at the port, or it was a few days ago. Thirty-nine dollars per ton at the port is 13 cents a pound wholesale. In a test run at Muscle Shoals immediately after the project was completed, valuing the power at 4 mills when it only cost 1.36 mills to produce it, nitrogen was manufactured at a cost of 8.75 cents per pound. Ten years ago, without the new and modern improvements, with a test run at 4 mills per kilowatt for the power, nitrogen was produced at 8.75 cents per pound, and Chilean nitrate is selling to-day wholesale at the port for 13 cents per pound.

It is also undoubtedly true that if fertilizer should be manufactured down there according to new and up-to-date methods it could be manufactured at from 3 to 5 cents per pound. Its cost wholesale to-day at the port is 13 cents per pound. Yet the Secretary of Agriculture, famous because of his fear that we were recently advancing perilously near to a dole, doles out the information that fertilizer can not be produced to-day at Muscle Shoals as cheaply as it is sold wholesale in this country.

What reason is there to think that if it could be manufactured 10 years ago, valuing power at 4 mills per kilowatt-hour, so as to sell at 8.75 cents per pound, that it should cost more than 13 cents per pound to-day, if the power were valued at 1.36 mills? It is but another of the glaring inaccuracies and misconceptions that appear in the message from the first to the last page of this veto message. Having no case to build upon facts, it became necessary to send to the departments to obtain information which could be exploded in the records of these departments.

What is the proposition for solution of this 10-year old problem? What great thought has been evolved in the contemplation of the "cold engineering" problems involved to settle this age-old controversy? What new thought is projected out into the world from the mind of the great engineer to settle the Muscle Shoals problem? A commission—another commission! Commissions have been piled upon top of commissions until it is difficult to find one's way through the bureaus in the city of Washington. There are commissions to determine everything imaginable from the cradle to the grave, commissions to determine the kind of food we shall eat, the kind of clothes we shall wear; commissions to determine our foreign relations—commissions and commissions at every turn. And now there is projected another commission—and what a commission!

And what is the latest commission? Here it is: It is proposed that the States of Alabama and Tennessee should set up a commission. Do we recall how readily Arizona agreed with California and how Colorado and Arizona rushed into each other's loving embrace in order to settle a power controversy? Quite to the contrary. Is it likely that Alabama and Tennessee would act in a different manner to settle the Muscle Shoals controversy? Now isn't that a wonderful suggestion? It might have sprung from the brains of the high officials of the great power companies who bid fair to control the destinies of the Nation.

Let us see who is going to be on the commission besides the representatives of the two States.

A representative from the national farm organizations.

Where have the national farm organizations been for the past few weeks when the fight has been raging in Washington in an effort to obtain cheap fertilizer for the American farmer? Where have the leaders of these farm organizations been while the fight was on to reduce the price of fertilizer to the American farmer? Where were the "generals" of agriculture employed by the farmers of the Nation to come to Washington to look out for their interests? Have their voices been raised in an appeal to the President of the United States? Have their voices been heard aiding those who seek really to benefit the American farmer? Yes, Mr. President, it is fitting and appropriate that these gentlemen, who have been as silent as the tomb, whose voices have not been audible in Washington in the past two weeks, who have not come here to fight the battles of the farmers of the Nation, should be added to the commission.

Who constitutes the other part of this commission that will solve this problem as though by magic? Let me quote from the veto message:

The Corps of Army Engineers.

Now, which Army engineer will we get? Will we get the Army engineer who reported that power at Muscle Shoals cost 9 mills or will we get the engineer who reported that power at Muscle Shoals cost 1.36 mills? Which one of these Army engineers will be added to this commission? Who will appoint this Army engineer, and who will approve him before his name comes for appointment to this body?

Yes, Mr. President; another great argument has come forth, a new thought has been born into the world. A commission must solve the problems of the universe. With commissions, why should poor, struggling humanity worry any more over its ills? Are political philosophers troubled? Are they distressed? Are they torn between conflicting emotions? Are they doubtful as to the course to pursue upon some delicate governmental problem? Appoint a commission; let a commission decide it. Why not let a commission decide this controversy as to Government operation and private operation if commissions are so all-powerful and infallible?

O Mr. President, this is but another suggestion longer to retard the hopes of the people who have looked with longing eyes toward Muscle Shoals as a place where the price of their fertilizer could be reduced, and they could see instead of starvation the hope of food and clothes for themselves and for their children. But what hope is there? Shall it become enmeshed in a commission? No, Mr. President; it is manifest that there is only one remedy. That remedy is not in a commission; it is in the sovereign voice of those who should be sovereign in this Nation. It rests with the people of America. Thank God, the power interests have not yet been able to take away their sovereignty. They may poison their minds with false propaganda; they may enter the sacred precincts of the public schools; they may invade the sanctity of the colleges of this Nation; they may employ college professors to instill false doctrines into the minds of the youth of the land; but as yet the people still have the right to vote and the people still have the right to elect their officials. Thank God for that.

Of course, this right would be taken away from them. One sees in the reactionary press the hope expressed day by day of a coming change. Here and yonder one finds expression given to the idea of degeneration in the lawmaking bodies of this land because the people have been selecting them. Mr. President, I admit, in so far as the service of the special privileged is concerned, that that class would be benefited by taking away the right of suffrage; but the people of this country will not yield it. By a slow and tedious process they obtained for themselves the right to name their officials in this and other bodies; it has been an age-old struggle and every inch they have gained as they marched forward has been acquired after toilsome labor and sacrifice.

I do not stand here as an exponent of Government operation in business; I favor the operation of private business by private initiative whenever it can be accomplished. I would not break down a single one of the traditional principles underlying American achievement; but, Mr. President, the time is coming in this Nation when something must be done in order to curb the growing power of those who themselves seek to destroy the private initiative and competitive business system upon which this Nation has been built. They want no competitive business system; they desire a government of monopoly for monopoly and by monopoly; and I predict that when this bill passes at the next session of Congress, and passes over the veto of the present President, as I believe it will, the people will obtain great benefits in every section of this land.

The farmers in Alabama last year went out under the burning sun and toiled from sunrise until sundown to raise cotton, which was manipulated by the same shrewd minds that control to such a large extent the affairs of this Government to-day, and every pound of cotton raised cost those farmers one-fourth of the price received for it through the fertilizer he put into his soil. It is a problem which involves the difference between starvation for the southern farmer and that reasonable prosperity which every American citizen is entitled to have.

And so, Mr. President, I could not permit a paper so filled with misconceptions and with statements that can not be supported by facts to go unchallenged in this body when the ultimate aim and end and effect of that paper is to take away from the people whom I try in part to represent their rights and privileges under this Government.

Mr. President, just one further thought and I am through. The statement was made that after this great commission should be appointed it could lease the nitrate plants to the advantage of agriculture. Is not that a wonderful statement? How does that compare with the statement on page 4 that the nitrate plants are obsolete? How does that statement compare with the statement on page 4 that fertilizer can not be manufactured at Muscle Shoals as cheaply as it is sold now on the market? One of the statements is not correct; they can not both be true. Let me read them to you, Mr. President:

The Department of Agriculture reports that these plants are now more or less obsolete.

Mr. BINGHAM. Mr. President, may I ask from what page the Senator is reading?

Mr. BLACK. I am reading from page 4.

The Department of Agriculture reports that these plants are now more or less obsolete, and with power at even 2 mills per kilowatt hour, with proper charges included, could not produce the products for which they are constructed as cheaply as these products are now being sold in the wholesale markets.

Bear in mind that the engineers' report states that power costs only 1.36 mills.

Let us go over now to page 7—I refer the Senator from Connecticut to page 7, the seventh line from the bottom:

It could lease the nitrate plants to the advantage of agriculture.

How could it lease the obsolete plants to the advantage of agriculture? What benefit could any American farmer re-

ceive from leasing plants that are out of date and useless? What hope is there to American agriculture from the operation of plants which can not produce fertilizer as cheaply as it is sold wholesale?

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from Connecticut?

Mr. BLACK. I yield to the Senator.

Mr. BINGHAM. May I ask the Senator what print of the President's message he is using. I do not find what he has referred to in the place he has indicated.

Mr. BLACK. I am using the print which is headed—

Message from the President of the United States to the Senate, returning without approval Senate Joint Resolution 49, to provide for the national defense by the creation of a corporation for the operation of the Government properties at or near Muscle Shoals in the State of Alabama, to authorize the letting of the Muscle Shoals properties under certain conditions, and for other purposes.
March 3, 1931.
United States Government Printing Office, Washington, 1931.

Mr. BINGHAM. Yes; I am aware of the caption, but the print I have in my hand is headed "Senate Document No. 321." Is that the same thing which the Senator has?

Mr. BLACK. I am reading from a copy of the message that came up to-day, one of the first messages which was delivered here.

Mr. President, the President in the latter portion of the message objects to the bill because of the building of transmission lines. There is a recognized difference of opinion as to whether or not transmission lines should be built by the Government. It strikes me that the President would have been fairer if he had rested his case upon the question of the building of transmission lines.

Now, Mr. President, I desire to read to the Senate a statement Candidate Hoover made when he went into the section of the South where Muscle Shoals is located, pleaded for the votes of the southern people, and stated his position on Muscle Shoals, a statement which obtained for him the support of many good men and women who entertained the belief that he meant what he said and would do what he said. I quote:

There are local instances where the Government must enter the business field as a by-product of some great major purpose, such as improvement in navigation, flood control, scientific research, or national defense, but they do not vitiate the general policy to which we should adhere.

When asked to interpret the above statement, Mr. Hoover said:

You may say that means Muscle Shoals.

In a subsequent statement he amplified his position still further when he said:

There is no question of Government ownership about Muscle Shoals, as the Government already owns both the power and nitrate plants.

We agreed that he might lease the nitrate plants. He told the people down there there was no question about that, because the Government already owned them. He said further:

The major purposes which were advanced for its construction were navigation, scientific research, and national defense. The Republican administration has recommended that it be dedicated to agriculture for research purposes and development of fertilizers in addition to its national-defense reserve.

Did the President go down into Tennessee and elsewhere in the South and tell those people that Muscle Shoals was useless for national defense? He was a candidate then. He was in the vicinity of Muscle Shoals. There were people from Florence, Sheffield, and Tuscumbia, Ala., who made the trip all the way to Elizabethton, Tenn., to hear Mr. Hoover express his views. There were people, life-long Democrats who came back from Elizabethton and subsequently supported Mr. Hoover because they believed that when elected President of the United States he would settle the Muscle Shoals controversy, as indicated by his utterances at Elizabethton.

He did not tell them he would appoint a commission. He did not tell them he would suggest another method which would prolong for 10 more years the interminable delay. He did not say, "I will appoint a Farm Bureau man, and a man from Tennessee, and a man from Alabama, and a member of the Engineer Corps, to work it out." He led them to believe that he possessed that mentality and that statesmanship which was sufficient to enable him to make suggestions as to a proper settlement of this controversy. Now, after he has been here two years, after he has made more equivocal statements which it would take a soothsayer to understand, he comes to this body at last with a "solution"; and the solution is, "I can not do it. I do not know how to handle this problem. I confess my inability. Although I admit that I am a great engineer, I can not solve this problem. I will have it done by a man from Tennessee, a man from Alabama, a member of the Engineer Corps, and an officer of the farm organizations," and bear in mind the farm organizations have been strangely silent for the past few weeks while this fight has been raging in the Capitol.

Mr. President, who is benefiting? The Alabama Power Co. and the fertilizer companies. The Alabama Power Co. continues to buy at 2 mills this power that the President says costs 9 mills to produce. Have you stopped to think that if those figures are correct, the Alabama Power Co. has received a bonus running up into the millions and millions and millions of dollars during the past few years that they have bought this power at Muscle Shoals? And yet, if this statement is true, it is the duty of the President of the United States, before the sun rises in the morning, to issue an order to the War Department to cancel this contract with the Alabama Power Co., and no longer sell them at 2 mills power which it costs the people of the United States Government 9 mills to produce.

I maintain that if it costs the United States Government 9 mills to produce that power, and they continue to sell it for 2 mills, Al Capone and his bunch of racketeers and buccaneers never picked a pocket or robbed a man any more successfully than the people of the United States are being robbed to-day to benefit the Alabama Power Co.

If it is to be an issue, let the challenge be accepted. Do the people of this Government want their public officials to sell to special beneficiaries for 2 mills power that costs 9 mills to produce.

Personally, Mr. President, I do not believe it is possible. I recall those halcyon days when it was pictured from one end of this country to the other that the poorhouse was vanishing from among our people. I recall the days when it was said that the best thing to give to a man was employment, and money in his pocket; and that all that was necessary to bring happiness and joy to the people of this Nation was to elect Mr. Hoover, who would continue the policies which had been inaugurated by his predecessor, and the "great engineer" would put his hand on the throttle and carry the people on to a higher prosperity and progress.

Now, Mr. President, two years have elapsed—two fateful and eventful years. Bread lines mark the streets of the cities of this Nation. Gaunt poverty stalks abroad in the agricultural sections of our land. Hunger and want is the common companion of the people of this Nation. The Secretary of Agriculture, appointed by the "great engineer" with his hand on the throttle, is so fearful of a dole that he balks. He is willing to put in jail a man who dares to spend for food for himself and his children a dime of the money borrowed to relieve him from starvation.

Mr. President, I believe a day of reckoning is coming. On March 4 this Congress passes out of existence. On March 4 a new Congress comes in. It is too late now to secure a special session. Of course, the hand that signed the veto of Muscle Shoals legislation never would call that Congress into session until it comes here by operation of law. They come, and we hope that there will be a liberalization of rules in one of the bodies in this Capitol that will remove the shackles against free speech. The people have risen en masse and protested against a system which leaves

them in hunger and in want, and they have sent new men here, replacing many who have followed this administration.

Do not be deceived. They will send more in the next election. Let us hope that in 1932 no false issues will present themselves to obscure the sane and sober vision of the people of America. Let us hope that in 1932 the "great engineer" will march forth from the White House a sadder but a wiser man.

Mr. BINGHAM. Mr. President——

Mr. BLACK. I yield to the Senator from Connecticut.

Mr. BINGHAM. I have been told that the present fertilizer plants at Muscle Shoals are obsolete and could not produce fertilizer in a manner successfully to compete in the market with other synthetic fertilizer. Is that correct, Mr. President?

Mr. BLACK. I regret that the Senator from Connecticut was not here, because I brought out the facts and showed that if the machinery there is obsolete, we shipped into this country last year 50,000 tons of fertilizer manufactured in a plant exactly like it, which competed with the product of every fertilizer company in the world; that the people of Alabama, the Farm Bureau, bought on the competitive open market, from the lowest bidder, fertilizer manufactured by exactly the same process that could be used at Muscle Shoals.

Mr. NORRIS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BLACK. I do.

Mr. NORRIS. I hope the Senator from Alabama will not permit the Senator from Connecticut to have him go over that ground again. The Senator realizes that time is very important.

Mr. BLACK. I am not going to.

Mr. BINGHAM. Mr. President, notwithstanding the gentle protest of my dear friend from Nebraska, will not the Senator from Alabama tell us whether he knows of any organizations that are prepared to lease the fertilizer plants at the present time?

Mr. BLACK. I might state to the Senator that we gave the President a year in which to find a lessee. It was not supposed that one would be found in four days. I have not the slightest shadow of doubt but that if this bill were signed a lease would and could be obtained, and that the plants would be operated to their full and complete capacity; and any man who studies the proposition will reach the same conclusion, in my judgment.

Mr. BINGHAM. Does the Senator know of any concern that is willing to lease?

Mr. BLACK. I am not in as close touch with the big chemical companies, perhaps, as the Senator is, or as President Hoover is.

Mr. BINGHAM. I am not in touch with them at all; but I assumed that the Senator, who has been such a sincere advocate of the use of this great plant so long, must have been in touch with people who are interested in it. I remember that at one time Mr. Ford was willing to lease it. Is he still willing to lease the plant?

Mr. BLACK. No; Mr. Ford is not.

Mr. BINGHAM. For what reason? Does the Senator know?

Mr. BLACK. The Senator will have to find that out from Mr. Ford. I do not know. It was some years ago when he bid. He was a younger man then than he is now. I doubt if Mr. Ford would want to embark on a new undertaking at this time of his life.

Mr. BINGHAM. It is not so long ago that he embarked on the production of a new type of car.

Mr. BLACK. That was not embarking on a new business; was it?

Mr. BINGHAM. It cost him a good deal of money—I have been told about $50,000,000.

Mr. BLACK. I do not know. It does not cost me much. I run one of them, and I get along pretty well with it.

Mr. President, I do not care to go into this matter any further, because in a previous part of my remarks I have answered the questions which the Senator asked. The fact remains that Muscle Shoals is still unsettled; that it could have been settled by President Hoover; that he has declined to do it. The farmers of this Nation are suffering from it. The people who are entitled to buy power at a reasonable rate are suffering from it. The power companies and their stockholders are growing richer from it. The fertilizer companies and their stockholders are growing richer from it.

That is the reason why the joint resolution was vetoed. Let there be no mistake. This measure does not provide for the manufacture of commodities at Muscle Shoals by the Government. It provides for a lease, which could have been obtained, and would have been obtained. Those who are coming to the new Congress were elected in the main by a different party. I hope that when the next Congress meets there will be passed in this body within the first week a Muscle Shoals bill which will protect the rights of the American people, that it will swiftly go through the other House, and when it shall return here again from Mr. Hoover's pen that both bodies will let him know by two-thirds vote that at last the people have come into their own, and that no longer is this Nation controlled by the interlocking directorates of the fertilizer companies, the power companies, and the huge predatory interests of this Nation.

Mr. BROCK. Mr. President, the amount of power consumed by four of the largest cities in Tennessee, and the population of those cities, are as follows:

	Kilowatt-hours	Population 1930 Census
Power consumed during 1929:		
Chattanooga	226,950,000	119,798
Nashville	114,160,000	153,866
Memphis	160,175,000	253,143
Knoxville	91,925,454	105,802
Total	593,210,454	632,609
Population of State, exclusive of the four cities mentioned above		1,983,947
Total population of State		2,616,556

Muscle Shoals at present, on basis of 50 per cent load factor, would supply for general distribution 512,270,000 kilowatt-hours. This would lack 80,940,000 kilowatt-hours of supplying the four cities mentioned above. With Cove Creek Dam completed, there would be an excess amounting to 175,189,000 kilowatt-hours after supplying the four cities.

In other words, if Tennessee got all the power from Muscle Shoals and Cove Creek, there would only be 175,189,000 kilowatt-hours left to supply the remainder of Tennessee's population of 1,983,947 after supplying the four cities above mentioned, to say nothing of what Alabama and other interested States would be entitled to.

For instance, the Alabama Public Service Commission advised that the gross receipts of the Alabama Power Co., from sales of electrical energy in Alabama during the calendar year 1929, were $1,099,000,000.

The average amount of power consumed per person in the four cities is 941 kilowatt-hours per annum or 78⅓ per month. Amount of Muscle Shoals power left, even with Cove Creek Dam completed, would give to each inhabitant of the State of Tennessee, outside of the four cities, 88 kilowatt-hours per year, or 7¼ per month, which is not enough to make toast for breakfast.

The amount of power consumed per inhabitant in the State of Alabama is 439 kilowatt-hours per annum or 36.5 per month. If all power at Muscle Shoals, with Cove Creek Dam completed, were sold for distribution on basis of 50 per cent load factor, each of the 12,000,000 persons residing within a radius of 300 miles of Dam No. 2 would be entitled to 64 kilowatt-hours per annum or 5⅓ per month. Compare this with the consumption per capita in the four cities.

I ask to have printed in the RECORD a table showing the power developed on various dams.

Without objection, the table was ordered to be printed in the RECORD, as follows:

Cove Creek Dam used for the low-flow regulation of the Tennessee River will increase the primary power at all downstream power projects as shown below

[Basis for estimate obtained from House Document 185, Seventieth Congress]

	Primary power from present low flow of river	Primary increase from storage	Total primary after Cove Creek Dam is completed
	Horsepower	*Horsepower*	*Horsepower*
White Creek Dam	14,190	42,560	56,750
Chickamauga Dam	32,276	63,840	96,116
Hales Bar Dam	23,856	44,809	68,665
Guntersville Dam	24,897	42,560	67,457
Dam No. 3	42,000	62,000	104,000
Dam No. 2	84,000	112,000	196,000
Pickwick Dam	46,608	62,717	109,325
Aurora Landing Dam	67,200	67,200	134,400
Total	335,027	497,686	832,712

The six unconstructed main-stream dams are not economical power projects without upstream storage. Example: The construction cost per horsepower of Chickamauga Dam without Cove Creek storage figures $777; with Cove Creek storage, $262.

FEDERAL ESTATE TAX

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution for reference to the Committee on Finance.

The joint resolution (H. J. Res. 529) to amend section 302 of the revenue act of 1926 was read twice by its title and referred to the Committee on Finance.

Mr. SMOOT. Mr. President, the Committee on Finance has authorized me to report the joint resolution, and to ask for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Let it be read for the information of the Senate.

The Chief Clerk read, as follows:

Resolved, etc., That the first sentence of subdivision (c) of section 302 of the revenue act of 1926 is amended to read as follows:

"(c) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, including a transfer under which the transferor has retained for his life or any period not ending before his death (1) the possession or enjoyment of, or the income from, the property or (2) the right to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth."

The VICE PRESIDENT. Is there objection to the immediate consideration?

Mr. BINGHAM. Mr. President, I make the point of order that there is not a quorum present.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Shipstead
Barkley	Frazier	La Follette	Shortridge
Bingham	George	McGill	Smith
Black	Gillett	McKellar	Smoot
Blaine	Glass	McMaster	Steck
Blease	Glenn	McNary	Stelwer
Borah	Goff	Metcalf	Stephens
Bratton	Goldsborough	Morrow	Swanson
Brock	Gould	Moses	Thomas, Idaho
Broussard	Hale	Norbeck	Thomas, Okla.
Bulkley	Harris	Norris	Townsend
Capper	Harrison	Nye	Trammell
Caraway	Hastings	Oddie	Tydings
Carey	Hatfield	Partridge	Vandenberg
Connally	Hayden	Patterson	Wagner
Copeland	Hebert	Phipps	Walcott
Dale	Johnson	Pittman	Walsh, Mont.
Davis	Jones	Reed	Waterman
Deneen	Kean	Robinson, Ark.	Watson
Dill	Kendrick	Robinson, Ind.	Wheeler
Fess	Keyes	Sheppard	

Mr. BLACK. Mr. President, I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is absent on account of illness.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

Mr. NORRIS obtained the floor.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I will yield if it will not take up much time.

Mr. SMOOT. I simply want to make a statement, and I hope Senators will listen to my explanation of what this joint resolution would provide.

Mr. COPELAND. Mr. President, I think I must object.

Mr. SMOOT. I will ask the Senator not to object until I can make a statement. I am quite sure he will not object after he hears what I have to say.

Mr. COPELAND. I withhold my objection.

Mr. SMOOT. Every member of the Finance Committee has approved of the joint resolution, it passed the House without a single word of objection, and it relates to a decision of the Supreme Court handed down only yesterday afternoon. I want to make a brief statement about it.

Mr. COPELAND. I shall be glad to hear the Senator.

The VICE PRESIDENT. Does the Senator from Nebraska yield for that purpose?

Mr. NORRIS. I yield, with the understanding that the time to be taken will not be great.

Mr. SMOOT. Mr. President, yesterday afternoon the Supreme Court of the United States handed down decisions in three cases—Burnet against Northern Trust Co., Morsman against Burnet, and McCormick against Burnet—in which the court held that where an owner of property had made a transfer in trust reserving the income of the property or the right to dispose of the income therefrom, to himself for his life with remainder to others after his death, the value of the property should not be included in the estate of the donor for purposes of Federal estate tax upon his death.

Section 302 (c) of the revenue act of 1926 provides as follows:

SEC. 302. The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible wherever situated—

* * * * * * *

(c) To the extent of any interest therein of which the decedent has at any time made a transfer by trust or otherwise in contemplation of or intended to take effect in possession or enjoyment at or after his death except in a case of a bona fide sale for an adequate and full consideration in money or money's worth.

It had generally been considered that this provision of the statute covered cases such as those referred to above. The Treasury Department had so construed the statute since the first Federal estate tax law in 1916 and its regulations so provide. If, for example, the owner of property transferred the title to his house to a trustee for the benefit of his children after his death, but in the meantime reserved the use, income, and enjoyment of the house to himself during his own lifetime, it was supposed that the value of the property at the date of his death should be included in his estate for purposes of the estate tax. Under the decisions rendered yesterday, the property would not be included in computing the Federal estate tax.

It is entirely apparent that if this situation is permitted to continue, the Federal estate tax will be seriously affected. Entirely apart from the refunds that may be expected to result, it is to be anticipated that many persons will proceed to execute trusts or other varieties of transfers under which they will be enabled to escape the estate tax upon their property. It is of the greatest importance, therefore, that this situation be corrected and that this obvious opportunity for tax avoidance be removed. It is for that purpose that the joint resolution is proposed.

Mr. ROBINSON of Arkansas. Mr. President, as I understand the statement just made by the Senator from Utah, and the joint resolution to which the statement refers, it is proposed to prevent the evasion of liability for estate taxes by the passage of this measure, and there is nothing to indicate that the collection of the taxes might not be entirely defeated by the process to which the Senator has referred, namely, of transferring property in trust in the way suggested.

Mr. SMOOT. That is correct. The decision of the Supreme Court came almost like a bombshell, because nobody ever anticipated such a decision. The first estate-tax law that was ever enacted contained the section to which I have called attention; but when a case went to the Supreme Court, the Supreme Court held that the property would not be taxable.

Mr. ROBINSON of Arkansas. It is desired to have the law apply to a trust indicating an express intention to evade the inheritance tax.

Mr. SMOOT. Yes. Everybody thought the law was perfectly plain.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WALSH of Montana. I happened to be in the Supreme Court when the court handed down the opinion referred to.

I entertain very grave doubt whether, in view of the decision of the court, it will be possible to make taxable estates thus conveyed in trust with a remainder over to the donor, but I can conceive of no reason why anyone should object to the effort to make the estates so taxable.

It may be said in this connection that the opinion was by a divided court, 5 to 4; so that the view entertained at the time the act was passed by the Congress, that estates of this character would be within its provisions was a very reasonable assumption, because it has been sustained by the view of four of the members of the court.

I can scarcely think that anyone would countenance this obvious effort to evade the effect of the estate tax.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Nebraska further yield?

Mr. NORRIS. I yield.

Mr. ROBINSON of Arkansas. I did not understand the declaration by the Senator from Montana that in view of the court's decision it is doubtful whether it is possible to make the property taxable as prescribed in the bill.

Mr. WALSH of Montana. Mr. President, the question was presented with respect to the validity of a statute of the State of Massachusetts quite similar to our own statute. The argument proceeded upon the line that while the property had passed, the interest of the grantor had passed at the time he executed the interest, and not at the time of his death, that as the estate tax could be made applicable only to the property at the time of the death of the former owner, and that to make it taxable would be to make taxable the conveyance which had taken place long prior to his death, and that that was forbidden by the provision of the Constitution against statutes which deprived persons of their property without due process of law.

Mr. ROBINSON of Arkansas. If the transfer be resorted to as a device to escape liability for the tax, there would be no question about it, I take it, if it were made in anticipation of death.

Mr. WALSH of Montana. Exactly. It was intended, however, to eliminate that feature, and the transfer is supposed to have been made in perfect good faith.

Mr. SMOOT. Mr. President, I am informed by the Treasury Department——

Mr. NORRIS. Mr. President, are we not ready to vote on it? I have not heard any opposition to it.

Mr. FLETCHER. Mr. President, I just want to say that I do not believe in the Federal estate and inheritance tax law at all. I believe the Federal Government ought to retire from that field of taxation and leave it wholly to the States. But I will not raise any objection.

Mr. COPELAND. Mr. President, while I have no enthusiasm for the estate tax, I am impressed by the arguments which have been presented, and I withdraw my objection.

The VICE PRESIDENT. Is there objection to proceeding to the consideration of the resolution?

Without objection, the Senate proceeded to consider the joint resolution, which was ordered to a third reading, read the third time, and passed.

JOHN E. ROSS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1640) for the relief of John E. Ross, which was, on page 1, line 9, after the word "depot," to insert a colon and the following proviso:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. SWANSON. I move that the Senate concur in the House amendment.

The motion was agreed to.

G. ELIAS & BRO. (INC.)

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4334) for the relief of G. Elias & Bro. (Inc.), which were, on page 1, line 6, to strike out "$35,000," and insert "$20"; and on the same page, in line 13, after the figures "1924," to insert a colon and the following proviso:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COPELAND. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

THOMAS L. LINDLEY

Mr. CAPPER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. NORRIS. I yield.

Mr. CAPPER. Mr. President, I move that the House of Representatives be requested to return the engrossed bill, Senate bill 1696, for the relief of Thomas L. Lindley.

The VICE PRESIDENT. Is there objection?

Mr. COPELAND. Mr. President, would this affect in any way the pending business?

The VICE PRESIDENT. It would not. Is there objection? The Chair hears none and it is so ordered.

OCEAN MAIL CONTRACTS (S. DOC. NO. 326)

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed as a Senate document certain articles taken from the CONGRESSIONAL RECORD and certain other articles by the Shipping Board and by Mr. John Nicolson in reference to ocean mail contracts. There is a collection of material as to these mail contracts, all of which is here put together, which I desire to put in the Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

IMPORTATION OF MANGANESE ORE

Mr. ODDIE. Mr. President, I ask unanimous consent that the Committee to Audit and Control the Contingent Expenses of the Senate be relieved from further consideration of Senate Resolution 484, to investigate the merger and relationship of certain steel companies and the activities of certain Government officials in connection with the importation of manganese ore from Soviet Russia. I have been expecting a decision in this matter from the committee as the chairman informed me this afternoon that he expected the committee to act to-day on the resolution.

The PRESIDENT pro tempore. The Chair is compelled to rule that the motion will have to go over for one day, it being a motion to discharge a committee, unless unanimous consent may be granted. Is there objection to the request of the Senator from Nevada?

Mr. BLAINE. Mr. President, reserving the right to object, I want to express myself in accord with the Senator from Nebraska [Mr. NORRIS]. Under these circumstances and in the absence of our leaders on both sides of the Chamber and in the absence of a quorum I must object.

The PRESIDENT pro tempore. Objection being made, the motion goes over for one day.

THE NEW YORK WORLD AND RALPH S. KELLEY

Mr. GLENN. Mr. President, I ask unanimous consent to have inserted in the RECORD two documents relating to the oil-shale controversy.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The documents are as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 27, 1931.

Hon. GERALD P. NYE,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR MR. CHAIRMAN: Documents furnished by the former management of the New York World and introduced in your RECORD this morning show that Ralph S. Kelley, who tendered his resignation on September 29, 1930, and made sensational charges of maladministration of oil-shale lands, which were later published by that paper, had actually been under contract with that newspaper since September 11, and that he had been negotiating with it since July 29, two months before he tendered his resignation, and while he was in Government pay. The contract of September 11 provides specifically that Kelley should write his articles before resigning. During much of this time he was absent without leave. He had made at least one trip to New York while on Government pay at the expense of the New York World (August 7), without permission. On other occasions he was in conference in Washington with representatives of the World while "actually physically disabled for the performance of his official duties" according to sick-leave applications which he filed. On other occasions (August 20, in particular) he was conferring with the paper's managing editor in Washington without asking any leave at all.

Your attention is specifically invited to the fact that Kelley on July 25 was ordered to take charge of all-oil shale matters in the United States; that after leaving Denver and before reporting for duty in Washington he had offered his story to the New York World (July 29); that he remained in Government employ for two months thereafter while he was negotiating with and writing for the World; that his contract specifically provided that if he should be discharged prior to tendering his resignation his compensation should be cut to $6,000; and that at least 10,000 words must be submitted to the World " by September 16, 1930, and prior to the resignation of the party of the first part."

In consequence of these negotiations Kelley failed entirely to perform his official duties during a large part of the time, and refrained from rendering to the Secretary of the Interior the report to which he was entitled.

I returned to Washington on September 25; Kelley broadcast his letter of resignation with its charges on September 28, a Sunday, without making any attempt to see me and in accordance with a prearranged plan with the newspaper.

A question of public policy is thus squarely presented, whether a newspaper for its own profit can, with impunity, pay a Government employee to write for it disclosures of confidential Government records and to remain in Government service while he is doing so, so that the newspaper may have the benefit of his use of those documents and of his supposedly voluntary resignation.

Your committee can perform a genuine service if it will draft and sponsor legislation to make a repetition of this sell-out impossible. A simple statute penalizing the sale of Government papers or information contained therein without permission of the head of the department would be effective.

As the newspaper in question has changed hands and stopped publication I have no wish to personalize any issue between that paper and myself. I do not know whether anything is to be gained by demanding a personal examination of the members of the old management, contemptible as their conduct has been. I do strongly ask, however, that your committee devote itself to the constructive job of rendering a repetition of such a job impossible.

Very truly yours,

RAY LYMAN WILBUR.

CHRONOLOGY OF EVENTS DURING NEW YORK WORLD'S TRANSACTIONS WITH KELLEY

World officers referred to are F. D. White, general manager; Walter Lippmann, editor; Ralph E. Renaud, managing editor; Herbert Pulitzer, president Press Publishing Co.; F. B. Knapp, manager, and Messrs. Moyer and Williams, New York World Syndicate; Foster Gilroy, promotion manager; Elliott Thurston and H. E. C. Bryant, of the World Washington office.

July 7, 1930: Kelley ordered to Washington by Secretary Wilbur.

July 23, 1930: Kelley left Denver for Washington. (He did not report for duty until August 5.)

July 25, 1930: Commissioner Moore wrote Kelley at Washington, "Under the Secretary's letter to you of July 7, 1930, you were assigned to this office for work on oil-shale claims. It is desired both by this office and the department to expedite final action on cases involving oil shale. You are therefore directed to take charge of such work in this office under the supervision of myself and my staff and take such steps as will bring about the desired results."

July 25, 1930: 4.40 p. m., Kelley arrived in Washington. Did not report.

July 28 to August 4, 1930, inclusive: Kelley off duty; applied for sick leave for this period on August 11, accompanied by certificate of Dr. George R. Huffman that "I treated him on July 28, 29, August 8 at my office and during eight days he was actually physically disabled for the performance of his official duties." Kelley did not work until August 5.

July 29, 1930: Lippmann says—Ralph S. Kelley, in Washington, telephoned Lippmann, in New York, stating that he had an urgent confidential matter connected with the news department. "Mr. Kelley finally consented to talk with a member of the Washington Bureau. I thereupon requested the news department to instruct the bureau to see Mr. Kelley and report on what he had to say." (NOTE.—Kelley was on sick leave this day.)

July 29, 1930: H. E. C. Bryant, of World Bureau, in Washington, wrote Lippman, "I saw the man Kelley to-day, but got very little out of him. He said that you had given him a fright by saying that if he would tell the World man his story, then we could check up on it, and get the information in a way not to involve him. This is not what he wants. I told him that if he wanted to sell his information that he should see you or some one else in the New York office who would have the authority to deal with him. That seemed to interest him. He asked me to communicate with you. My suggestion is that you invite him over, and go over the matter with him. He is very nervous, lest he lose his job. (NOTE.—Kelley was on sick leave this day.)

July 29, 1930: Moore wired Hathaway, Denver, asking where Kelley was.

About July 30, 1930: Renaud says, "About a week before," August 7, Lippmann had told Renaud that Kelley "had held a position somewhat similar to that held by Glavis" under Ballinger.

July 30, 1930: Lippmann wrote Bryant offering to pay Kelley's fare to New York, asking that he bring samples with him.

July 30, 1930: Kelley first reported at General Land Office. Left at 12.30.

August 1, 1930: Kelley wrote Lippmann, asking a conference for Monday next, asking "several hours." (Kelley was on sick leave August 1 and on "Monday next," August 4.)

Undated: Telegram, Lippmann to Kelley, stating Monday is impossible.

August 1, 1930: Moore and Havell called at Kelley's hotel; out.

August 2, 1930: Kelley phoned office. Was told that shale work needed attention. Said he would come for mail but could not work (Moore's diary).

August 4, 1930: Lippmann to New York World in Washington to tell Kelley that "we would like to see him at my office Thursday, 4.30."

August 4, 1930: No report from Kelley (Moore's diary).

August 5, 1930: Kelly at work (Moore's diary).

August 6, 1930: Commissioner Moore's diary contains a notation, "Kelley is working."

August 6, 1930: Telegram, Kelley to Lippmann, "As you suggest, I will meet you to-morrow at 2.30 p. m."

August 7, 1930: Commissioner Moore's diary contains the notation, "3 p. m. Obenchain reports that Mr. Kelley absent to-day. No cause. Perhaps sick." (NOTE.—Kelley filed no leave slip and accepted Government pay for this day. On this day he was in New York (Renaud's statement) and received $25 expense money.)

August 7, 1930: Lippmann says, "Kelley, Renaud, and Lippmann held a conference in Lippmann's office at 2.30, hearing an hour's outline of his story." Lippman "left the matter entirely in the hands of the managing editor, who is in charge of the news," and had no further communications with Kelley except casual meetings in Renaud's office.

August 7, 1930: Renaud says, "Kelley came to Renaud's office and 'showed me a number of documents which he declared were copies of papers filed in the Interior Department and all matters which had passed through his own office in Colorado.' I told him at that time the World would consider his material, and that I would give him an answer as to the series he proposed to write as soon as possible. My first step was to read the documents he had left with me." Renaud wired T. H. Walker, of the Denver Post, as to Kelley, and received a "highly satisfactory" answer. "At the next council meeting (undated) I reported on Mr. Kelley's story and offered for perusal the documents he left with me."

August 7, 1930: Kelley signed a receipt in New York for $25 for "advance payment to be accounted for on editorial pay roll for week ending August 9, 1930." Kelley applied for no Government leave for this day and drew Government pay for it.

August 8, 1930: Commissioner Moore's diary contains the notation, "Kelley reported in office working."

August 8, 1930 (Friday): Kelley took one hour's annual leave, 3.30 to 4.30.

August 9, 1930: Kelley returned to duty, 9 a. m.

August 11, 1930: Lippmann says, "I was present at the council meeting on August 11, at which Mr. Renaud presented his report on Kelley's material, and I voted with the other members of the council in favor of printing the material if it could be purchased at a price satisfactory to Mr. Pulitzer. I then left on a month's vacation." A policy was agreed to for the editorial writers that the paper would not support Kelley's contentions but would take a position that his record entitled him to a hearing and the World would "ask only that his charges be impartially examined by a Senate committee, and that the World would consistently decline to anticipate the verdict of such a committee."

August 11, 1930: Renaud says, "* * * It was voted to accept Mr. Kelley's series, provided that a satisfactory price could be arranged and if he resigned voluntarily from the Department of the Interior coincident with making public his charges concerning the administration of the oil-shale lands."

August 11, 1930: Renaud wrote to Kelley that Pulitzer was examining the material and would take several days for it. "When he has finished you will probably see me in Washington." Kelley was on duty.

August 11, 1930: Kelley filed with the commissioner his only report on work while in Washington; it is on status of pending cases. (See Richardson, Exhibit 9.)

August 16, 1930: Kelley wired Renaud, urging prompt action "upon the matters the subject of my trip to New York."

August 16, 1930: Telegram, Renaud to Kelley: "Will see you Tuesday or Wednesday. Decision favorable. Regards."

August 16, 1930: Renaud wrote Kelley, "The reaction on your material here is very good. I expect to get in touch with you some time next week, Tuesday or Wednesday, probably."

August 19, 1930: Renaud telegraphed Kelley, "Will be in Washington at Mayflower Wednesday afternoon and Wednesday evening. Will be glad to see you. Regards."

August 20, 1930: Renaud says he saw Elliot Thurston, head of the Washington Bureau, in Washington, "Discussed Kelley's story at length, and thereafter asked Mr. Kelley to my room, where Mr. Thurston and I went over the matter with him in great detail. Both Mr. Thurston and myself were quite convinced of the value of the material. I offered Mr. Kelley $12,000 for his story, specifying, however, that he should work with Mr. Thurston in the preparation of it. At the time of this interview I saw no one and talked to no one regarding Mr. Kelley's story except Mr. Kelley and Mr. Thurston. At no time have I ever discussed the matter with anyone in political life in Washington or anywhere else." * * * "Thereafter, Mr. Kelley made several trips to New York, the dates of which I do not recall, on which we discussed the scope and limits of his story and his approach to it." (NOTE.—Kelley made no leave application for August 20, and drew Government pay for this day.)

Undated: Renaud telephoned Kelley and says he "wrote him directing him to have Mr. Thurston rewrite the series, though Mr. Kelley was to be (and was) the final arbiter of all factual matter."

September 1 and 2, 1930: Kelley filed annual-leave application for these days; was on pay, however.

September 4, 1930: Kelley's last day at work.

(Undated:) White says: "Some weeks after this date (August 11) Mr. Renaud reported that he had made a compensation agreement with Mr. Kelley, and later called me to his office where Mr. Kelley was present for the purpose of putting the verbal agreement in written form. When this was done, it was forwarded to Mr. Kelley at his Washington address. He suggested some unimportant addition which was made and the amended contract was signed."

September 5 to 15, 1930, inclusive: Kelley applied for sick leave for this period on September 28 (received September 30) accompanied by Dr. George D. Huffman's certificate that "I personally attended Ralph S. Kelley in my professional capacity from September 8 to 26, 1930; that during said period I treated him on September 8, 12, 15, 19, 23, 26, and during 21 days he was actually disabled for the performance of his official duties."

September 8, 1930: Kelley to F. G. White, general manager of the World. (Kelley was absent without leave; later, September 26, applied for sick leave, September 5 to 15.) "Receipt is acknowledged of two copies of proposed contract. May I offer the following suggestions," stating that he did not wish to be obligated to prepare more than 20,000 words. "I am sure you would not want me to manufacture material in order to make up a certain number of words. * * * I am inclosing a paragraph containing suggested changes for paragraph 3 to follow the word 'thereafter' on the seventh line. * * * I would also suggest the elimination of the phrase about taking leave of absence as there are special reasons why it is inadvisable to place this in the contract." (NOTE.—This draft and White's letter of transmittal not furnished.)

September 9, 1930: Obenchain phoned Kelley, who told him he was under doctor's orders and unable to work.

September 10, 1930: White to Kelley: "I send herewith revised copies of the contract. * * * Mr. Renaud consents to make the balance 12,000 words, or even 10,000, if that is all you need to fully present the facts. I have made the changes accordingly in the contract and initialed them on the margin * * *."

September 11, 1930: Contract signed. (Kelley was absent without leave; he later applied for sick leave for September 5 to 15, but was on pay until September 1.) This contract, in six articles, provides:

Preamble: "Whereas Ralph S. Kelley, now Chief of Field Division, Department of the Interior, * * * feeling it to be his duty to advise the public, * * * proposes to resign from the service September 21, 1930 * * *."

"Whereas the Press Publishing Co. * * * proposes to cooperate with the party of the first part so that the public may be fully informed * * *."

I. "This agreement shall be effective on the date of the resignation of the party of the first part from the Department of the Interior, now contemplated as of September 21, 1930, but only if the matter submitted by the first party on or before September 16, as provided hereafter, is accepted by the second party. If that is not accepted, this contract shall be null and void whether the first party resigns or does not resign his position."

II. "The party of the first part agrees to furnish to the party of the second part a complete statement of his 'contentions and investigations * * * as verbally outlined to it and to supply to it on request any letters, documents, plats, or copies thereof which he may legally supply, and not subversive of the public interest, for the information of the party of the second part and through it the information of the public * * *.'

"The party of the first part agrees to hold himself and his proofs referred to at the service of the party of the second part, or any court or congressional investigation in any proceedings growing out of such publication."

III. The World "guarantees" to Kelley the sum of $12,000, "one-half to be paid on publication of the first 10,000 words of the series and the balance on the publication of the last article or not later than 15 days after the first payment." At least 10,000 words to be submitted to the World "by September 16, 1930, and prior to the resignation of the party of the first part; also a brief summary of the balance of the series, and if found satisfactory to the party of the second part accepted by it within four days thereafter. And upon such acceptance and the receipt of the balance of the series, which shall consist of at least an additional 12,000 words * * * at least 10,000 words on or before September 23, 1930, the balance on or before September 30, 1930, the party of the second part shall, subject to the provisions of Article V of this agreement, become obligated to the party of the first part for the full amount provided herein, even though such additional 12,000 words shall be in whole or in part rejected." * * * Kelley agrees that he will not furnish or sell any articles of a similar nature prior to March 15, 1931.

"It is understood that the essence of this contract is the granting to the party of the second part under the terms aforesaid of the first and exclusive use for newspaper and/or periodical publication of the aforesaid articles and that if this condition be violated by the party of the first part all obligations to the party of the second part hereunder shall forthwith terminate and be at an end."

IV. In addition, the World will pay Kelley "50 per cent of the net of the syndication revenues in excess of" $12,000.

V. "If the party of the first part (Kelley) is discharged from the service before his resignation is tendered or his resignation requested before he voluntarily submits it, the value of the series shall be revised pro rata by mutual agreement to a figure not to exceed $6,000. If, however, it is established that his discharge prior to resignation is the result of any employee of the party of the second part (World) directly or indirectly communicating to the department the plans of the party of the first part, then and in that event this revision shall not be made."

VI. The World may submit the articles to counsel for advice, and Kelley will be guided thereby. The World "shall have full and uncontrolled right to edit, eliminate, or change said articles as it shall deem best, subject, however, to the right of the party of the first part to pass on the factual presentations under his name that are published by the party of the second part."

Contract is dated September 11, 1930, signed Ralph S. Kelley and Press Publishing Co., by F. D. White, vice president.

September 11, 1930: Kelley wrote White, inclosing signed contracts in duplicate. "As I understand it," Kelley is to furnish 10,000 words by September 16, an additional 10,000 by September 23, and the additional by September 30, to bring the total up to 22,000. (NOTE.—$12,000 for 22,000 words is over 54 cents a word.) "With regard to the clause concerning my resignation, it is slightly changed from the wording in the first contract. * * * It might well be that the Secretary, after receiving my resignation, would not accept it and would fire me, in which event Article V would not protect me. Can you not insert the following phrase after the word 'service' in Article V, 'before his resignation is tendered'?" (Done.)

September 16, 1930: Kelley to White, acknowledging receipt of signed contract.

September 16, 1930: Kelley to Renaud—"I am inclosing herewith draft of another article which I have designated 'Disclosure of Confidential Evidence.' I shall transmit to you this week draft of another article of perhaps 5,000 words discussing attempted destruction of public records. I believe the article inclosed, with the one which will be forwarded to you within a few days, together with those previously forwarded, comprise something like 25,000 words. Other articles will follow next week." (NOTE.—Other letters of transmittal not furnished. It is apparent from the date of this letter that much of the material was written during the period when he was drawing Government pay, ending September 15.)

September 18, 1930: Renaud to Kelley, accepting.

September 18, 1930: Moore and Obenchain called at Kelley's hotel. Out.

September 18, 1930: Kelley later phoned Moore, was told that work was accumulating, and said he was under doctor's care, but expected to be back at work soon.

September 23, 1930: Copy of letter, Kelley to Renaud, confirming understanding in Renaud's letter of the 18th. (Copy bears notation, "Original letter given to Mr. Renaud February 7, 1931, F. D. White, per L. V. S.")

September 25, 1930: Secretary Wilbur arrived in Washington.

September 25, 1930: Renaud to White—"Here is a copy of my letter to Kelley and Kelley's letter to me confirming the contract."

September 28, 1930: (Sunday) Kelley to Secretary Wilbur, resigning and making charges. Delivered to all press correspondents and press associations. Secretary Wilbur first heard of it from the World that day.

September 29, 1930: New York World Syndicate telegraphed identical telegrams to the Rocky Mountain News, Denver, and the Denver Post: "Kelley has written 15 articles for World, which will be released beginning next Monday, telling amazing story of Colorado oil scandal. See news story from Washington to-day. It will be a news sensation and will lead to congressional action. Will sell you exclusive State rights at $500. Giving you first chance, so please reply. Keep fact Kelley has written articles confidential." (Both papers refused.)

September 29, 1930: Knapp says Renaud summoned him (F. B. Knapp, manager, New York World Syndicate) and told him that the World "had purchased an important series of articles by Ralph S. Kelley and that the syndicate department was expected to sell these articles to newspapers throughout the country and derive therefrom whatever revenue possible."

Thereafter the series of Mr. Kelley was offered to "all important papers in the country," but the "total sale was disappointing." The papers accepting were:

Philadelphia Record	$500
Camden Courier-Post	50
St. Louis Post-Dispatch	350
Syracuse Herald	150
San Diego Union	100
Scranton Times	100

September 29, 1930: Secretary Wilbur received Kelley's letter, called it nonsense, refused the resignation, suspended him, demanded his facts, said Kelley was being exploited, and demanded a full investigation.

September 29, 1930: New York World Syndicate telegraphed 90 newspapers offering a series of 15 articles for prices ranging from $100 (Long Beach Press-Telegram) to $500 (Los Angeles Examiner; Times).

September 30, 1930: Secretary Wilbur to Attorney General Mitchell asking a complete investigation.

September 30, 1930: Kelley's application for sick leave, September 5 to 15, dated September 26 received, accompanied by doctor's certificate that "during 21 days he was actually physically disabled for the performance of his official duties," but period of attendance stated is September 8 to 26, inclusive, or 19 days. (NOTE.—During this period Kelley has written 25,000 words; see Kelley's letter, September 16.)

September 30, 1930: Knapp, World Syndicate, to Perrin, St. Louis Post-Dispatch—"No one in Washington knows that these articles are coming out, and they will undoubtedly make a sensation as they are full of dynamite for certain people. Naturally, we have paid Kelley a big price. There will be some illustrations, and I will see that you get them, but they will probably have to come by air mail. There will probably be some corrections in the proofs because of possible libel. There are one or two points that our lawyers have not cleared up yet, and if they make any corrections I will see that you get them before you start publication."

September 30, 1930: World Syndicate mailed corrected proofs to 18 papers.

October 1, 1930: World wired again to certain newspapers offering story.

October 1, 1930: Williams, at Buffalo, to Knapp, New York—"Papers here refuse oil story at any price. Consider it too dull and lacking in public interest • • •."

October 1, 1930: Kelley cashed United States check No. 82804, dated September 15, 1930, for $144.75 for "services."

October 1, 1930: Knapp to Williams, Chicago—"At 4 o'clock this afternoon Knox's secretary phoned me that Hearst was not interested in the oil series so I wired you to go ahead to Detroit, Chicago, etc. Inclosed are 6 sets of corrected proofs. These proofs are all corrected for libel and can be left with papers for publication."

October 2, 1930: Richardson to Kelley inviting testimony and cooperation, offering stenographer and facilities.

October 2, 1930: Knapp to Williams, Chicago—"I am afraid it is going to be a terrible flop. Hearst turned it down, so Wheeler tells me, because he thought it was not worth paying the price and he could get all he wanted out of the news."

October 2, 1930: Knapp to Moyer, Pittsburgh, "I am here doing my best to hold the bag and have not as yet passed the bad news around. Bill reports that papers say the stuff is too deadly dull and they do not want to attack the administration."

October 2, 1930 Knapp to numerous newspapers offering story, "• • • The World has contracted with Mr. Kelley for this story, which will be full of dynamite for certain high officials and will certainly lead to a congressional investigation and probably some important resignations • • •."

October 2, 1930: New York World Syndicate telegraphed to St. Paul Pioneer Press and others, "Kelley, who resigned in new oil scandal, has written 15 articles exposing theft of oil lands that will rival Teapot Dome • • •."

October 3, 1930: Knapp to Post-Dispatch, St. Louis, "Air mailing to-night proofs first eight articles corrected for libel and some illustrations."

October 3, 1930: Kelley to Richardson, declining to testify, and charging prejudice on Mr. Richardson's part.

October 3, 1930: Knapp to Moyer, Pittsburgh, "The Kelley series is almost a complete flop but things have happened that I think show we are not blamed. Bovard of the Post-Dispatch rang me up to-day and said he would not print the articles if he were paid to do so but if he could print a digest of about four columns, covering one week, he would pay $350 to help us out. I put this up to Mr. Pulitzer and he agreed to let the Post-Dispatch do as they wanted. I also told him in detail all that we had done and the same thing that happened in St. Louis had happened in all other cities where we had failed to make sales. I also told the story to Mr. White and they acted very nicely about the matter and I do not think blame us in the slightest. They realize it was a hopeless story to sell but will be a good thing for The World. I wired you not to try to sell to any other paper in Washington as Mr. Pulitzer would like to push the sale of The World there now that the Post has declined • • •. I wanted you to get this letter so that it would relieve your mind, as I was bothered myself, but after my talk with Mr. Pulitzer and Mr. White, I think they understand we were up against an impossible task."

October 3, 1930: Advertisements were run in The World and the Evening World on the Kelley series, starting October 6. On the same day ads were also run in 136 suburban papers.

October 4 and 5, 1930: The World printed front-page advertisements of the forthcoming Kelley series under the headline, "Kelley's Own Story of Oil Graft Will Begin in the World Monday."

October 4, 1930: Knapp to San Diego Union, "• • • Your attention, however, is specifically directed to articles 4 to 8, inclusive, which must be substituted for those which you already have. Please destroy the copy you have now."

October 4, 1930: Williams, Chicago, to Knapp, New York, telegram, "Both Chicago and Milwaukee papers refuse Kelley's story positively and emphatically. Too long and too dry and devoid of public interest."

October 6, 1930: Publication began.

October 6, 1930: Kelley submitted an expense account for $69 and signed receipt No. 18837 for that amount, "Advance payment to be accounted for on editorial pay roll for week ending October 11, 1930, expenses in connection with oil-shale articles." Dates covered by expenses not given.

Railroad fare	$44
Taxis	3
Telephones	1
Tips	1
Room, 4 nights	20

October 6, 1930: Knapp to Bovard, St. Louis Post-Dispatch: "Of course, this is rather a meager list, but it is the result of a week's intensive effort of air mailing the letters, telegraphing, and two men on the road. You will be interested to know that your opinion of the series that you told me over the phone is the same opinion that we are getting from the leading newspapers. While the story is on a very important subject and may lead to interesting developments at Washington, the reaction of most editors was that the articles were dry and uninteresting and much too wordy. Of course—and I am speaking to you confidentially—I knew this when we started to sell it, but I had nothing to do with the preparation of the copy except that it was handed to me to put out. Your opinion certainly helped me in convincing our people that the syndicate department had done everything possible to sell the stuff and that we were not responsible for the failure to place it with more newspapers."

October 6, 1930: During publication the World published colored advertising placards, of which six have been furnished: "Oil-company dummies used to get hold of Government lands, says Kelley in the World to-day"; "Washington helped money barons get valuable oil lands, says Kelley"; "False facts accepted as basis for oil-land grab, says Kelley"; "Congressman seeks legislation giving away oil lands, says Kelley"; "Secretary Wilbur advised of Colorado oil situation, says Kelley"; "Twenty billion for oil companies by Interior Secretary's decision, says Kelley."

October 8, 1930: Check No. 222402, for $6,000, payable to Ralph S. Kelley, drawn on the American Exchange Irving Trust Co., American Exchange Office, New York, canceled October 14, 1930, indorsed Ralph S. Kelley, Elliott L. Thurston. Paid through the Commercial National Bank, Washington, D. C. (This was an "accepted" check, acceptance dated October 11, 1930, by Irving Trust Co.; similar to a certification.)

October 9, 1930: Knapp to Bovard, St. Louis Post-Dispatch: "Inclosed please find two sets of revised proofs of the first columns of the Kelley series, articles 7, 8, and 10. Important changes have been made in these three columns by our lawyers, and please use these for copy in place of the proofs that have been previously sent you."

October 19, 1930: Publication ended; 14 articles instead of promised 15.

October 24, 1930: Attorney General Mitchell transmitted Richardson's report holding Kelley's charges to be baseless.

October 27, 1930: Editorial in the New York World on the Richardson report: "Further evidence of bias appears at the very beginning of the report, where Mr. Kelley is stated to have been absent from the department without permission; during last September, when, according to Mr. Kelley's statement published in to-day's issue of the World, he was on sick leave, attested by a doctor's certificate, and communicated to the supervisor of the General Land Office." (He did not apply for leave until September 28; during the period covered by the certificate, September 8 to 26, he had been writing for the World. See his letter of September 16.)

October 28, 1930: Secretary Wilbur dismissed Kelley as of September 29.

October 29, 1930: Editorial New York World, "To the best of our knowledge the facts with respect to the Kelley articles are these: The articles were prepared by a Government servant who has an honorable record of more than a quarter of a century behind him in the Department of the Interior. The articles were written, Mr. Kelley informed the World and the readers of the World, because Mr. Kelley believed that only a public protest on his part could put an end to methods which he regarded as a scandalous betrayal of the public interest."

October 29, 1930: President Hoover issued a statement on the Kelley-World matter.

October 29, 1930: Press Publishing Co., check No. 222684, payable to Ralph S. Kelley, drawn on American Exchange Irving Trust Co., American Exchange Office, New York, certified October 25, 1930, canceled October 27, 1930, indorsed by Ralph S. Kelley, and the "Chase National Bank, city collection."

October 30, 1930: Editorial, New York World—"• • • He therefore asked as payment for his articles the equivalent of two and a half years' pay in order that he might have time to establish himself in a new career." • • • "The World investigated Mr. Kelley in Denver and in Washington as thoroughly as it could." (Investigations in Denver consisted of writing to a man on the Denver Post; (Renaud's statement); investigations in Washington not stated.) • • • "The most conclusive proof of Mr. Kelley's good faith was found in the public records." (Quoting joint letter of attorneys to Obenchain, April 23, 1930.) (NOTE.—When did the World find this? Before or after hearing Kelley?) (And the balance of Obenchain's report is not very helpful to the World.) "The President, moreover, has forgotten one vital fact; that is, that the official at the department who would have answered these inquiries is the same gentleman who covered himself with such glory in the matter of the Harding oil leases" (Finney).

October 30, 1930: Senator GLENN demanded to know how much the World had paid Kelley.

October 31, 1930: Editorial World—"We refer Senator GLENN to the editorial printed in the World yesterday, October 30, which describes our relations with Mr. Kelley. As stated in that editorial, the amount paid Mr. Kelley was the equivalent of two and a half years' pay, the exact sum being $12,000, and no further promises or engagements of any kind were made except that Mr. Kelley is bound by contract to hold himself and his proofs at the service of any congressional investigation." (NOTE.—Kelley's salary was $3,600; 2½ times $3,600 is $9,000; he was paid $12,000.) As to "no further promises or engagements of any kind" see the Kelley-World contract, article 4, which promises "50 per cent of the net syndication revenue in excess of the above sum of $12,000." Also, the World failed to answer Senator GLENN's demand about dates.

November 1, 1930: Knapp to San Diego Union, Scranton Times, Pittsburgh Press, Syracuse Herald: "Please mail clippings any editorial comment you ran on Kelley since Thursday."

November 1, 1930: Pittsburgh Press wrote: "As I told you when you were here, we accepted these articles subject to the approval of our attorney. He has turned thumbs down on their publication in the Press; in view of the developments on this situation we feel it is out of the question to take a chance by overriding his judgment." (Acknowledged November 3.)

November 6, 1930: Secretary Wilbur wrote House and Senate Public Lands Committee asking review of oil-shale matters looking toward legislative clarification of uncertainties in existing law.

December 23, 1930: Secretary Wilbur wrote the World asking a statement.

December 25, 1930: The World printed a statement "that it has never believed or implied that in all these complicated transactions he did any dishonorable thing."

LITTLE ROCK (ARK.) AIR DEPOT

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate numbered 1 and 3 to the bill (H. R. 15493) to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes, and disagreeing to the amendment of the Senate numbered 2 to the said bill.

Mr. REED. Mr. President, this is a case in which the Senate agreed to the House bill, but added two amendments, one providing for moving the railway track which runs across the middle of Bolling Field, and the other an amendment providing for the removal of the old Aqueduct Bridge next to the Key Bridge in Georgetown. The House agreed to the Bolling Field amendment and disagreed to the other one, and I move that the Senate recede from its amendment numbered 2.

Mr. JONES. Mr. President, I do not believe in retaliating in reference to these various measures; I think each measure should be dealt with on its own merits. Yet we hear that there is no reciprocity along that line.

Mr. REED. If the Senator will yield, I am sure he knows I tried to get the second deficiency conference report taken up right now.

Mr. JONES. I know the Senator did.

Mr. REED. And the Senator who objected had nothing to do with the conference report which I am asking to have considered. I do not want anything more than reciprocity.

Mr. JONES. I know that. The Senator has always acted along those lines, and I am going to treat him in exactly the same way. But I am not sure how I may act in reference to other matters. I do not believe in retaliation myself. I believe, as I said, in acting upon every measure on its own merits, letting every measure stand on its own bottom, as the common expression is. Yet it seems sometimes that in order to accomplish things we have to use different sorts of methods. I shall not do it unless I feel that I am absolutely forced into it, but I thought I would make this suggestion.

Mr. REED. I thank the Senator.

Mr. NORRIS. Mr. President, it is perfectly evident that there is a filibuster against the conference report on the maternity bill which is in charge of the Senator from Washington [Mr. JONES], and that the veto message of the President, being highly privileged, necessarily displaces the conference report while it is being considered. It is also very evident that at this time in the session, even if the vetoed bill could be expected to pass through the Senate and the House, it would be a physical impossibility for that course to be pursued unless it was done by unanimous consent. We only have presented to us another illustration that is coming day after day and hour after hour, that where a definite time is fixed for the adjournment of a session of Congress, that matters can be held up at any time and no business transacted. I am not complaining of the men who aid in the filibuster. Under the Constitution of the United States they have a right to do it because we are going to adjourn to-morrow at noon.

Some important legislation which a large majority of the Senate favors hangs now in the balance. I think the bill which is vetoed by the President is more important than any of those things and if, by continuing the consideration of the veto message, we could bring about the passage of the bill over the President's veto, I would of course never take the step that I am about to take. But inasmuch as that bill can not become a law and we know it, and all of the time taken on it only delays the conference report and other bills that are behind it, I am going now to ask unanimous consent that the veto message of the President be laid aside.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. I object.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. NORRIS. Oh, no, Mr. President, I have not yielded the floor.

Mr. BINGHAM. Mr. President, can the Senator hold the floor after submitting a unanimous consent agreement?

The VICE PRESIDENT. The Senator can hold the floor. The Senator from Nebraska has not yielded the floor. He is recognized.

Mr. REED. Mr. President, will the Senator from Nebraska yield to me?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. NORRIS. I yield.

Mr. REED. There is great merit in what is said by the Senator from Nebraska. The Muscle Shoals matter has reached the President after years of work and consideration in the Senate and House. There is no reason why we should avoid a decision upon it.

Mr. NORRIS. I am not claiming there is a filibuster on the President's veto message.

Mr. REED. I know the Senator is not.

Mr. NORRIS. But all the time taken up on it, of course, helps the filibuster just that much.

Mr. REED. I understand that the Senator thinks debate on the Muscle Shoals matter is to some extent being used to defer action on the maternity bill. There is no reason why both matters should not be settled. Every Senator knows his own mind on the Muscle Shoals matter. I am going to suggest—of course, I am not trying to take the floor away from the Senator from Nebraska—a unanimous-consent agreement that at 10 o'clock this evening the Senate shall without further debate proceed to vote upon the veto message of the President on the Muscle Shoals bill.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. NORRIS. I yield.

Mr. JOHNSON. I ask the Senator from Pennsylvania if he will not change his request so the order will be appropriate, to provide that at 10 o'clock we shall vote upon the conference report on the maternity bill?

Mr. REED. No; I will not.

Mr. JOHNSON. I knew the Senator would not.

Mr. REED. No; I would not agree to that.

Mr. NORRIS. We can not get either agreement now.

Mr. JOHNSON. Of course, the Senator would not change his request.

Mr. REED. I am trying to settle one vote at a time.

Mr. JOHNSON. The Senator will settle it by a filibuster on the maternity bill.

Mr. REED. Mr. President——

Mr. NORRIS. I decline to yield further, except for a vote on the motion of the Senator from Pennsylvania to recede from the amendment.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 5524. An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;

S. 6103. An act to authorize a change in the design of the quarter dollar to commemorate the two hundredth anniversary of the birth of George Washington; and

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following bills and joint resolution, and they were signed by the Vice President:

S. 1640. An act for the relief of John E. Ross;

S. 4334. An act for the relief of G. Elias & Bro. (Inc.);

S. 5248. An act to extend the boundaries of Wind Cave National Park, S. Dak.;

S. 5989. An act to authorize the acquisition of additional land for enlarging the Capitol Grounds;

S. 6072. An act for the relief of C. H. Price;

S. 6263. An act to amend Public Act No. 624, Seventy-first Congress; and

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 522) creating a joint committee to investigate and report upon matters respecting private claims was read twice by its title, and referred to the Committee on Rules.

PROVIDING BOOKS FOR THE ADULT BLIND

Mr. SMOOT. From the Committee on Appropriations, I report back favorably without amendment the joint resolution (H. J. Res. 528) making an appropriation to provide books for the adult blind. I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was ordered to a third reading, read the third time, and passed.

MUSCLE SHOALS—VETO MESSAGE

The Senate resumed the consideration of the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, to authorize the letting of the Muscle Shoals properties under certain conditions, and for other purposes, returned to the Senate by the President without approval.

The VICE PRESIDENT. The question is, Will the Senate pass the joint resolution, the objections of the President of the United States to the contrary notwithstanding?

Mr. NORRIS. Mr. President, I have in my desk a large number of documents and papers referring to Muscle Shoals. If it were not for the parliamentary situation which I have just briefly described, I would like to take some of them and review the legislation somewhat. But, much as I am tempted to do that, I am not going to stand in the way of a speedy vote on the conference report on the maternity bill. I want to call the attention of Senators to the fact that there are two conference reports yet to be considered. One of them is a conference report that has to be agreed to by the House on the second deficiency appropriation bill, which contains hundreds of items and which will seriously affect the Government if it is not approved, and which, incidentally, will seriously affect a lot of Senators who have items in it.

Notwithstanding that fact, it seems to me it is my duty, at least it has been suggested to me by several Senators that they think it is my duty, to discuss briefly the veto message of the President. I am not going to discuss it longer than 10 or 15 minutes.

Of course, I am very much disappointed that the President has taken this course. I think he is entirely inconsistent with his own conduct, inconsistent with his own pledges, with his promises that he made to the American people, particularly those promises referred to and read again to-day by the Senator from Alabama [Mr. BLACK], which he made in a speech in Tennessee when he was a candidate for office, and in the interview which he gave to the papers after that speech. His message to-day is a flat contradiction of the promises that he made then to the American people. Everybody, of course, has a right to change his mind, and to do that even after election, but at least the facts ought to be laid before the American people.

Mr. President, the veto message contains a large number of misstatements, as I understand the facts. It is because I think I ought briefly to call attention to some of those inconsistencies that I have taken the floor and shall trespass for a few moments upon the time of the Senate.

For the first time the President proposes a new solution of the Muscle Shoals problem. During all the time that it has been debated during the time of his predecessor, he was in the Cabinet. For two years he has been the Chief Magistrate. While he was in the Cabinet, because he was an engineer of great reputation, he had a great deal to do, or was supposed to have a great deal to do, and I think did have a great deal to do with the ideas of President Coolidge upon an engineering matter like this. So the President has been officially and closely connected with the Muscle Shoals question for a large number of years, practically ever since we have had it before Congress. For the first time he proposes a new solution.

What is that new solution? In this message he says, "Turn Muscle Shoals over to Alabama and Tennessee." He first had said that the Government could not operate the property; that the Government could not operate Muscle Shoals, because it would cost the Government to produce power such an enormous rate that it could not be sold in competition with other power produced by private citizens. He said the Government could not manufacture fertilizer at Muscle Shoals, so he discarded that idea.

According to the first part of the President's message the Government has nothing to do with the matter and ought to get rid of it. Then he turns around and says the solution of the problem is to turn it over to Alabama and Tennessee, and he tells us what they can do. He says that the commission which he suggests should be appointed "could lease the nitrate plants to the advantage of agriculture." In the first part of his message he said the nitrate plants are of no account whatever and of no value. He then says the commission "could lease the nitrate plant to the advantage of agriculture." The power plant is to-day earning a margin over operating expenses. Such a commission could increase this margin without further capital outlay and should be required to use all such margin for the benefit of agriculture.

It is a useless, worthless property that the Federal Government can not operate and get anything out of, but he proposes to turn it over to Alabama and Tennessee and tells them that they have a great thing in it, that they can help agriculture, that they can make some money out of it and use it to help agriculture. I wonder if the President of the United States can be so cruel to some of the States in our Union as to give them what he has just said is a gold brick? He said it is worthless for the Federal Government, but it is valuable for a State government to operate it. I presume under his theory if he could turn all of the Federal Government property over to a State, that it would be a burden for the Federal Government, but it would be a joy and a pleasure for the State. Either the Federal Government is incompetent—and he is at the head of it—or he is blackmailing the States, one or the other.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. GLASS. Aside from the economic issue involved, will the Senator give us the distinction in principle between the Federal Government operating the plant and a State government operating it?

Mr. NORRIS. The proposition is just the same even as he puts it. We provided in the bill for a board to handle the property. The President proposes to have a commission that will handle it in behalf of the States. In another part of his message he said the bill is really making of Congress a board of directors, and yet it has the same principle involved, so far as the management of the property is concerned, as does the Federal Farm Board which was created in an act that was passed for him in his farm-relief program, where he had his own way, where he turned down every proposition of Congress, and where he got the bill he wanted, appointed the board he wanted, and it is now operating. But when it comes to Muscle Shoals this kind of a board would be a failure. If it makes as big a failure—but I will not say that. I do not think the Federal Farm Board can possibly succeed because it is circumscribed by the law, and I think its members have been trying to enforce it as well as they can.

But what I am calling attention to is that when it comes to a power problem, when the Power Trust is interested, this proposal is a vicious thing, but when it comes to something else where he appoints the board, the same as he would appoint this board, it is a beautiful thing.

Mr. GLASS. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. GLASS. The President said in his message that he is opposed on principle to Government operation in competition with individual enterprise.

Mr. NORRIS. Yes.

Mr. GLASS. I want the Senator to point out the distinction between Federal Government operation of an enterprise and State government operation of the same enterprise.

Mr. NORRIS. There is none. The same principle is involved.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. The President said, as the Senator from Virginia has well stated, that he is opposed to Government operation.

He is opposed to creation of a board; but the farm-relief measure, his own law, provided for the same kind of a board. So it depends on whether it is the farmer who is to be affected or the Power Trust that is interested.

Mr. BINGHAM rose.

Mr. NORRIS. I yield to the Senator from Connecticut.

Mr. BINGHAM. Mr. President, I am wondering if the Senator from Virginia [Mr. GLASS] has read the veto message?

Mr. GLASS. Oh, yes; I have read every word of it. Why should the Senator from Connecticut propound that inquiry to me?

Mr. NORRIS. Mr. President, I did not yield to have a question asked to some one else.

Mr. BINGHAM. Will the Senator yield for a question?

Mr. NORRIS. I will yield for a question to myself.

Mr. BINGHAM. My question to the Senator from Nebraska is this: Does the Senator from Nebraska understand that the President's suggestion that the States of Alabama and Tennessee set up a commission of their own representatives, together with representatives of the national farm organizations and the Corps of Army Engineers, to lease the plant at Muscle Shoals in the interest of the local community and agriculture generally involves Government operation?

Mr. NORRIS. The suggestion is for a lease.

Mr. BINGHAM. Exactly; to lease, not to operate the plant.

Mr. NORRIS. And that is what we have provided for in this bill. We have provided for the leasing of the nitrate plants for the benefit of agriculture.

Mr. BINGHAM. If the Government can not lease the plant it will have to operate it.

Mr. NORRIS. Of course, if the board provided in the bill could not lease the plant, Tennessee and Alabama could not get a commission that would be able to lease them.

Mr. BLEASE. Mr. President, will the Senator permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. NORRIS. I yield.

Mr. BLEASE. Does the Senator from Nebraska not think that this measure violates every principle of State rights?

Mr. NORRIS. No; I do not think so.

Mr. BLEASE. I do.

Mr. NORRIS. Well, the Senator from South Carolina has a right to think so.

Mr. President, further on in the message the President bemoans the fact that these plants are proposed to be operated by a Government board, a corporation, and that no taxes are going to be paid. I regret that evidently the President has not read the bill, because the bill provides for the payment to Alabama and to Tennessee of a 5 per cent commission on all the power that is sold from Muscle Shoals and from Cove Creek, which would amount to more in lieu of taxes than would be paid if the same property were owned by a private individual; I do not think there is any question about that.

There are very few private corporations, generating and distributing and selling power in the United States, that pay as taxes as much as 5 per cent of their gross sales. Some of them pay less than 2 per cent. So the President evidently did not read that part of the bill. That is one place where the engineer referred the matter to somebody who was not an engineer to get advice so that the engineer could act on an engineering proposition.

There are some other figures. The Senator from Alabama [Mr. BLACK] pointed out some. It is not going to cost 9 mills to make electricity at Muscle Shoals, especially when the plant shall be completed. I think it will be made for less ultimately than 1 mill per kilowatt-hour. The President's own engineers, the Senator from Alabama pointed out, have shown and have testified before the committees of Congress that at Muscle Shoals power would cost 1.36 mills. If the entire plant were completed, if Cove Creek Dam were in operation, and the flow of the Tennessee River were adjusted, as that dam would adjust it—and perhaps later additional flood-control dams will be constructed—there could be produced at Muscle Shoals some of the cheapest water power in the world.

The power is there; all that has to be done is to regulate the flow of the Tennessee River. The President bases his calculation again upon some erroneous figures. He estimates $41,000,000, as I recall, as the cost of Cove Creek Dam, and allows only $5,000,000 of that to be charged up to flood control, when everybody who knows anything about the subject knows that Cove Creek Dam is a flood-control proposition; that power is only incident. We were anxious to provide for its construction in the bill because it would be an economic sin to let any private party build Cove Creek Dam.

If private parties built it, they, of course, would want to make all the money they could out of it for power; they would let the reservoir fill up and would never let the water out, because, as water was allowed to flow out of the reservoir, the power generated would decrease, until, when all the water was out, there would be no power; but when the Government owns it, it is a flood-control proposition. It could let out that water or a great share of it, perhaps all of it in some years. After the experience of a few years it would be possible to determine just how much ought to be let out. When the water was let out the power generated there would decrease very materially. A private party would not let it out. So the chief value of Cove Creek and Cove Creek Reservoir is flood control; its next value is for navigation purposes, and power comes third.

One reason the Government can afford to build Cove Creek Dam is that, since it owns Dam No. 2, when it let the water out in seasons of low water at Cove Creek it would increase the power which may be developed at its property. So it is not so great a loss after all, and it would not be nearly so much as leaving the reservoir full of water and letting the stream run over and get the benefit of over 200 feet fall of water. So when the President only charges off about one-eighth, according to his figures, or a little less than one-eighth of the cost, he is not fair. He ought to charge off at least three-fourths of it for flood control and navigation.

The Tennessee River is one of the largest streams in the country, but sometimes in the neighborhood of Chattanooga and between Cove Creek and Muscle Shoals the water gets down so low that there is no navigation in the river. When it gets down that low navigation ceases, and power at Muscle Shoals decreases. However, by the use of Cove Creek Dam the power at Muscle Shoals would be increased, and the navigability of the stream would be increased for 300 miles.

Mr. President, that is not all. Cove Creek is valuable as one of the ways of controlling the flood waters of the Mississippi River. I want to tell you, sir, that the time is coming when wherever God made a basin that will hold back the flood waters of the tributaries of the Mississippi River we are going to build dams at those places and hold the waters back. That, in the main, is how we are going to prevent the damage that is done in Mississippi and Louisiana by overflows in the Mississippi River. The basin in the vicinity of Cove Creek is the largest basin on the east side of the Mississippi River. It will hold 3,500,000 acre-feet of water. That is a large volume of water. The impounding of that water alone would have a very material effect upon the flood waters of the Mississippi River. So the President is not fair when he says we will charge up all of this flood control and this navigation proposition to power.

Of course, it is an engineering proposition, and if the great engineer had referred it to an engineer instead of to somebody else, he would have obtained better information. He himself ought to know better. If he remembers what he read when he went to school, and studied engineering, he ought to know that the prime reason for the construction of Cove Creek Dam is flood control and navigation. I never would advocate the Government building a dam at Cove Creek for power purposes. Power is the third consideration when it comes to the construction of the Cove Creek Dam. So the President, when he arrives at the figure of 9 mills a kilowatt-hour, is figuring on an exorbitant price for Cove Creek Dam, and is figuring on an unfair distribution of that cost. Nobody else would figure it in any such way.

Let us take another item that is included in his estimate of what the whole thing will cost and what he wants to bring returns on. He says in his message that $40,000,000 will be used to build transmission lines. Mr. President, we have had this bill several times before the Committee on Agriculture and Forestry; we have gone into every detail of it, every sentence of it, every line of it. No one ever proposed, no one ever thought, no one ever believed for one moment that the corporation which it was proposed to create would spend $40,000,000 in order to build transmission lines. The President and others, including the Power Trust interests, were opposed to putting this provision in the bill. Why did we put it in, and what is the language when it is in? If Senators will look at the bill they will find it says:

In order to place the board—

That is, the governmental board which would operate the property—

upon a fair basis for making such contracts and for receiving bids for the sale of such power it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant.

If they did not have that power, they would be helpless; if they did not have that power, the Alabama Power Co. would through all time, as it has now, have a monopoly upon the power generated in that plant, which is owned and has been paid for by the taxpayers of the Nation. We wanted to give the board an opportunity to say to municipalities and farm organizations, "If you do not build this transmission line, we will." We wanted to give the people of municipalities the right to build it, and we gave them in the bill an incentive to build it.

If municipalities or States or farm organizations provided for in the bill will build their own transmission lines, the bill authorizes a better contract to them than though the Government should build it. We offered them an inducement to encourage them to build it.

What would happen if this provision were not in the bill? I do not suppose there is a municipality in Tennessee or Alabama that has authority now to build transmission lines outside of its own corporate limits through Tennessee, Mississippi, Georgia, and Arkansas. If municipalities have the right to build transmission lines within the State they could not build them outside the State. The State legislatures even by a constitutional amendment could not give them authority to build transmission lines in another State, and in order to get to Muscle Shoals they would have to cross a State line. How helpless they would be; they would not get there or they would have to go to some private party; they would have to go to some unit of the power trust and say, "Bring it here and we will buy it of you." That is what would happen if we had not put this provision in the bill.

I do not anticipate that this board, if the bill had become a law, would ever, in a hundred years, spend $10,000,000. They might spend that much because they would build a line connecting the two plants, but, outside of the connecting line between Muscle Shoals and Cove Creek, which is a matter of business, the Government would want to undertake when it constructed the Cove Creek Dam in order to get cheap power for the building of Cove Creek Dam, probably in a hundred years the board would not spend $10,000,000, perhaps not $5,000,000, perhaps not $1,000,000.

Yet if they did not have that authority, the people would be helpless. Knowing that the Government could come in and do it, there would be no reason why the power company or any other private corporation would try to hold up a municipality by way of giving them a transmission line in order that they might get some of this electricity.

There is another instance where our President has not been fair; and these things he has added together, and computed, and he says we must make 4 per cent on them.

Mr. President, it seems to me that anyone who knows what the facts are, and who reads this message, can see that

these figures are wrong. They are not only wrong but they are unfair. It does not cost, and it will not cost, 9 mills to make electricity at Muscle Shoals. It does not cost that much at other places where they have the same advantages, where they have the same natural resources that exist there. Nobody can tell in advance just what the cost will be. There will be a lot of secondary power there, not salable, as a rule, not very valuable; and yet, if you can get a customer to buy it, it is all clear gain. There will be a large amount of it there. When the Cove Creek Dam is finished, and the steam plant provided for in the bill is finished, and the machinery is put in the dam that is there now, waiting for the machinery, we will have perhaps 500,000 horsepower owned by the Government for sale to municipalities and counties and individuals.

Mr. President, it is not a question of putting the Government into the power business. It is there now. We own it. It is not like going into it as a power proposition. We have not gone into it as a power proposition. We went into it as a matter of national defense. If we had war to-morrow, we would start up that nitrate plant the next day. We would build up the fires in the steam plant and operate it. Nobody would destroy it any more than they would go out with dynamite and blow up a battleship. The only difference is that it has a peace-time use and the battleship does not.

It is not a question of Government operation. It is a question of whether the Government should keep its own property.

Mr. BINGHAM. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. NORRIS. I yield to the Senator.

Mr. BINGHAM. The Senator, of course, is much more familiar with the joint resolution than I am. I have been looking at the joint resolution since the Senator told me that it does not require Government operation; and, while I find it is true that there is a provision for leasing the nitrate plants, I do not find any provision for leasing the power plant.

Mr. NORRIS. Oh, no; and, if I had my way, the provision for leasing the nitrate plants would not be there. It was not there when the committee reported the joint resolution. It was not there when I introduced the joint resolution. It was not there when the joint resolution passed the Senate. It was put in by the House.

I am going to take that up now, since we have gotten to it. Before I do, so that the Senator from Connecticut will understand, let me say that nobody claims that we are providing for leasing the power. I have not contended such a thing.

Mr. BINGHAM. I beg the Senator's pardon. I thought the Senator from Nebraska and the Senator from Virginia [Mr. GLASS] both stated that the President recommended that the States of Alabama and Tennessee should do exactly what the joint resolution provided for the Federal Government to do.

Mr. NORRIS. Ah, the President recommends that they shall lease the nitrate plants to Tennessee and Alabama. That is on page 7.

Mr. GLASS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. Yes.

Mr. GLASS. May I make an inquiry of the Senator from Nebraska or the Senator from Connecticut?

Mr. NORRIS. The Senator will have to make the inquiry of me, because the Senator from Connecticut has not the floor, and he can not get it.

Mr. GLASS. May I inquire just exactly how this quasi Federal-State commission is to acquire possession of the plant?

Mr. NORRIS. Why, we shall have to give it to them. If the President has his way, we shall have to pass a law turning the Government property over to the States or the States' commission. That is the only way they can get it.

Mr. GLASS. Inasmuch as the State of Alabama paid into the Federal Treasury last year only $7,000,000 and the State of Tennessee but $16,000,000, and the State of Virginia $96,000,000, I would not vote for a proposition to give away our property on any such basis as that.

Mr. NORRIS. Why, Mr. President, I can not conceive of anybody in the Senate who would do it, either. It is a proposition that I think can not command the respect of anybody who can think out what is fair and what is square. Nobody on earth, so far as I know, has ever proposed this except that great engineer; and he got his advice from somebody who was not an engineer.

The President says in the veto message that he could not lease these nitrate plants. He may be right; but, lease them or not, if they are not leased they are operated under the Senate joint resolution; and I want to tell you what that would mean. It is in the law now. The Senate joint resolution is unchanged, excepting that we added the leasing authority for the nitrate plants, and provided that if they were leased the operation of the nitrate plants by this Government corporation should cease while the lease was in effect. If the lease for any reason is canceled, or no lease is made, then the measure goes on just exactly as it passed the Senate, and all the other provisions put in by the House become null and void. That is what the joint resolution provides.

Suppose the nitrate plants are not leased. Then this corporation operates them; and, Senators, after a consideration of years by the Agricultural Committee, they unanimously reached the conclusion contained in the provision for the operation of the nitrate plants. We did not provide that this corporation had to operate the cyanamide-process plant that is down there, or any other plant that is there. We tried to give this corporation just as much authority as an individual would have if he owned the property.

There is a disagreement as to whether this plant is out of date or whether it is not. Some think it is. Some think it is not. So we provided that this corporation could operate the plant, could change the plants, could improve them and bring them up to date, or could build an entirely new plant; and that is what I think they would have done. I have not any doubt on earth about it; and if anybody would have leased it, that is what he would have done. He would have built a new plant, modern and up to date, on a different system of getting nitrogen from the air.

But we were confronted with a propaganda that President Hoover's friends were spreading over this country, headed by Chester Gray, who has misrepresented more farmers in Washington than he ever properly represented. That propaganda was, "Lease this property to private parties and they will make fertilizer that will cut the price in two in the middle"; and we just called their bluff. Those men, without a single exception, were men who used to come from the White House to the committee to advocate that very thing, and from the White House to the newspapers, where they spread the propaganda all over and deceived millions of farmers by making them believe that such cheap fertilizer could be made there. I think it was entirely exaggerated; but we who did not believe that could be done said to them, "We will lease this property to you. We will only ask that you do one thing—make fertilizer. Make fertilizer and we will let the President lease it on any terms he wishes as to price or rental. He can let you have it for a dollar a year. Make fertilizer. That is all we ask you to do"; and they backed out, and we had that for weeks before the conference committee.

Really, these chemists, these people who wanted to establish a big chemical factory down there, wanted to get a bonus big enough so that they could pay losses; and they had "jokers" in every bill that has ever come here before this one, which would relieve them from manufacturing fertilizer if they could not sell it at a profit of 8 per cent. So they said, "We must have something else"; and we gave them something else.

I never thought we ought to have done it, although I agreed to it. It was only because it was necessary to com-

promise to get any bill at all that I agreed to it; and I think the other conferees agreed with me fully. We agreed to give to the lessee a preferential right for power equaling 15 per cent of the power that he used in making fertilizer; and so we had to provide that he could not use that power to process a by-product of the power that he got with his lease. In other words, he did have an advantage over any other purchaser of power. He could get it for 50 years, and nobody else could. He could get it in advance, and nobody else could. Everybody else who took power had to agree that on two years' notice, if a community, a farm organization, a municipality, or a county wanted the power, and there was not enough to go around, they were to have the preference; and after notice of two years they could take it away from an ordinary corporation or individual. This lessee was excluded. This preference was given to whoever was the lessee, and it stands there in the measure.

Now the President says he can not lease the plant. He has tried for two or three days to lease the plant that he would have had a year to lease under the law if he had signed the bill and let it become a law. If he can not lease it, there is no harm done. Then the Senate joint resolution commences to operate.

Now let me tell you what is in the Senate joint resolution on that score. It is the greatest experimental plant, the greatest experimentation that ever has been undertaken in the history of the world to cheapen fertilizer on a large, broad scale. We provided that the income should be used for experimentation with fertilizer. We provided that they could lease lands and make contracts with farmers to try out any new fertilizer.

What do we need in this country, as far as agriculture and the consumers are concerned, more than any other one thing? It is to cheapen fertilizer. The consumers of America are interested, just as much as the farmers are, in making cheaper fertilizer. We know that chemists all over the world have been experimenting. They have been improving it. It is true that it is getting a little bit cheaper; but nobody has ever gone into the experimentation of cheapening fertilizer on as large a scale as is provided for in the Senate joint resolution.

No private party could do it. I am not complaining at all, because, when you perform experimentations, more often than otherwise they prove to be failures. You try a thousand times, and you would be glad if the next time would bring you success; and you lose your money, you lose your time, and so forth.

A private party could not afford to do it. The Government could do it. It is a proper expenditure of money to cheapen fertilizer. We have been doing, in a small way, that very kind of work ever since I have been in Congress, and I think for a good many years before. Nobody complains that it is not right to use public money to experiment, to see if we can not cheapen the cost of fertilizer.

That is not all, however. If a private party learns a new process and cheapens fertilizer, what does he do? He has it patented, and he has a monopoly under the patent until it expires. Under this measure if the Government had cheapened the cost of fertilizer it would have been open to the world; and, Mr. President, I want to say that I think it is an honor to America that in the study of getting nitrogen from the atmosphere, one of the greatest inventions in cheapening that ever was made, was made by an American citizen, an official of the American Government. He was not working for a private party. He was not working for a private corporation, where the splendid incentive of efficiency always exists. He was working for the Government, under the "dead hand" of the Government. He developed a new process for the extraction of nitrogen from the atmosphere that has gone all over the civilized world. It did not cost anyone a cent. He is here now in the Bureau of Mines.

Mr. President, I think that the people of the United States, if not of the civilized world, must before long cheapen fertilizer. It is a very peculiar thing that it has not been cheapened before. Freight alone will make it impossible to ship cheap fertilizer to any distance so as to supply an extensive territory. There is more dirt and sand in fertilizer than actual fertilizing ingredients.

There is a world unknown in chemistry. The book is being gradually opened, and our scientists, and the scientists of the world for years have been studying the chemical methods by which the ingredients of fertilizer can be made.

Not many years ago it was so expensive to get nitrogen from the atmosphere that it was of no practical value. The old arc process was used. There had to be power, and a vast amount of it, gotten at a low rate, in order to make it profitable, so the process was almost worthless.

Scientific men discarded that. They invented the cyanamide process. That was known when we got into the war, and we built a large cyanamide plant at Muscle Shoals. At the time it was built it was as modern as any cyanamide plant in the world. But since that time it has been found that Germany discovered a new method during the war. She would have been conquered long before she was if she had not discovered that method, because she could not get nitrogen from Chile. She was shut off from the usual supply.

When the war was over we discovered what she knew. We have improved the process. Plants have been built employing the synthetic or Haber process which is much cheaper in my judgment. It takes much less power than does the cyanamide process.

I think if this bill had been signed and become a law, the lessee who would have taken this property over would have built a new plant which would have taken more power, and would have cost less money to produce more nitrogen than can be produced under the old system.

The first plant to be built was up at Syracuse, a plant built since the war, and every plant that has been built was better than the one before. There is one at Hopewell, in the State of Virginia, and another in West Virginia, where nitrogen can be produced from the atmosphere with the modern method much cheaper. That would be one of the things we would have done in the experimental plant, and we would have paid for it out of the sale of power. That is what was provided in the bill.

Mr. President, we would have had this bill passed 10 years ago if it had not been for the Power Trust. Every step we have tried to take we have found right across the road of human progress this octopus. It was from some of the developments which came out of the consideration of the Muscle Shoals proposition that we provided by resolution for the investigation of the Power Trust which has been going on for more than a year, and if Senators will read the evidence that has been produced almost daily, and has been for more than a year, before the Federal Trade Commission, it will cause them to blush for shame at the dishonorable, the reprehensible methods which have been pursued from the Pacific to the Atlantic, from the Lakes to the Gulf, by the Power Trust, and the Power Trust has stood between the American people and the development of Muscle Shoals. I am sorry to say that our President—perfectly conscientious in his belief, I think—is with the Power Trust.

This is a great victory for the Power Trust. If we had had our way and this bill had gone into effect, Muscle Shoals would not only have been beneficial to all of the South, new factories would not only have sprung up, not only would new towns have sprung up, but, in addition to that, it would have been a yardstick for the whole Nation. The Power Trust would be unable to pull the wool over the eyes of the people, as they have been pulling it over their eyes in the past.

It would have developed the natural resources which God gave to our people. God did not intend that they should be given away to the Power Trust or to any other monopoly. It would have turned the falling water into electricity, which would have gone into the homes, thousands of homes, all through the South, and brought comfort and blessing and happiness to millions of people, besides, as I have said, setting the example all over the United States. But the President has killed the bill. He has vetoed it, and to-night the Power Trust are in high jubilee. They are happier than

they have been at any time since we commenced to investigate them through the Federal Trade Commission. They have won a great victory.

The President said that if this bill had become a law we would have been putting the power question into politics. My friends, it could not be gotten into politics any further than it is in politics now. The Power Trust is in politics, down in the school district, in the Boy Scout meetings, in the women's clubs, in all the municipalities of the land, before all the Members of Congress, in the campaigns for Senators, in the campaigns for governors, in the campaigns for State commissioners, and last, but not least, in the campaign for President of the United States.

There is not a place in the political firmament where the Power Trust has not its servants, its faithful servants, stationed to-night, right now, living off the fat of the land, taking their toll from the poor people of the land, taxing every home, taxing every factory, taxing every citizen, and doing it out of property which belongs to the people, the streams which flow down hill, which God intended should be a blessing to people rather than to the power interests.

That is what this meant, that is what was in this measure, and that is what the President of the United States has taken away from the American people by his wicked, his cruel, his unjust, his unfair, his unmerciful veto.

Mr. EINGHAM. Mr. President, may I ask the Senator from Nebraska a question before he takes his seat?

Mr. NORRIS. Certainly.

Mr. BINGHAM. Does the Senator agree with the President's statement that—

> This bill raises one of the important issues confronting our people. That is squarely the issue of Federal Government ownership and operation of power and manufacturing business not as a minor by-product but as a major purpose.

Mr. NORRIS. No; I do not believe in the Federal Government going out and developing power. I have never advocated that. We own this property. We ought to make it as valuable as possible. We ought to improve it. We can not operate it ourselves. The people's money has paid for it, and it ought not to stand there idle. It ought to be doing its work for the American people and showing its lesson to all the American people.

Mr. GLENN obtained the floor.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. GLENN. I yield.

Mr. REED. I want to appeal to the Senate to vote on this matter. The President's message speaks for itself. It needs no support. It needs no argument. I think the President is entitled to have an expression of the views of the Senate upon it.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. GLENN. I yield.

Mr. NORRIS. Without intending to take the Senator off the floor, I would like to submit a unanimous-consent agreement, so that everybody will know when the vote is coming, and all about it.

I ask unanimous consent that at 11 o'clock to-morrow we vote on the Muscle Shoals proposition.

Mr. GLENN. Mr. President, may I suggest an amendment?

Mr. NORRIS. If I thought the debate was going to keep up until 11 o'clock to-morrow, I would not agree to that myself, but the debate would be exhausted, and if this were agreed to, everybody would know when the vote was coming, and Senators could be here.

Mr. GLENN. May I suggest an amendment?

Mr. NORRIS. Certainly.

Mr. GLENN. I suggest that the request be amended to make the hour of voting 9.30 o'clock to-night.

Mr. REED. I hope the Senator from Nebraska will agree to have the vote at 9.30 to-night. Then we will not use it for a filibuster against anything else.

Mr. NORRIS. Very well; I have no objection.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. Mr. President, I could not agree to that without a quorum being present.

The VICE PRESIDENT. The Senator from Illinois did not yield for that purpose.

Mr. BINGHAM. Mr. President, a unanimous-consent agreement was submitted, which requires a quorum call.

The VICE PRESIDENT. The unanimous-consent agreement has not been submitted yet.

Mr. McKELLAR. Mr. President, when it is submitted I am going to object for the present.

Mr. GLENN. Mr. President, if it is to be objected to, I will not submit it.

Mr. WATSON. Mr. President, will the Senator from Illinois yield?

Mr. GLENN. I yield.

Mr. WATSON. I would like to ask the Senator from Tennessee at what hour he would agree that a vote might be taken?

Mr. McKELLAR. I want to make an address of about 10 or 15 minutes. I do not know exactly how long the debate will last. I do not know who is to be recognized. I want to have an opportunity to make that speech. I come from a State which is very deeply interested in this matter, and I want to say something about it.

Mr. WATSON. At what time would the Senator from Nebraska be willing that a vote should be taken on the proposition?

Mr. NORRIS. The only anxiety I have about it is that all Senators may be notified.

Mr. WATSON. Certainly.

Mr. NORRIS. As far as I am concerned, I am ready to vote now or at any other time that may be fixed that would give reasonable time so that Senators could be notified. I will not object.

Mr. GLENN. Mr. President, I suggest 10 o'clock.

Mr. WATSON. Would the Senator from Tennessee object to that?

Mr. McKELLAR. Let us go along. I do not know that there is anyone to speak except the Senator from Illinois. I am going to ask for recognition when he gets through.

Mr. GLENN. Mr. President, I believe that, irrespective of political or factional or bloc feeling of the Senate, or affiliations in the Senate, every Member of this body honors and respects the sincerity and good motives of the senior Senator from Nebraska [Mr. NORRIS], who has for so long a period, and with so much energy and ability and honesty of motive, fought for the enactment of this legislation.

It may be true, and it is true, that his attitude of mind toward this and other governmental questions is not in accord with that of many of the others here, but I believe it is only fair to say to him that we all recognize that he is actuated only by a most sincere desire to serve his country in this fight.

It may be true that the Senator from Alabama has been actuated more by the impulses of his locality and of his individual State, but I certainly attribute to him nothing but the best of motives in his active and hale and intelligent endeavors in cooperation with the Senator from Nebraska.

Of course, the real question in dispute is not so much as to whether or not this project will pay, will be of economic advantage to the territory which it serves, will carry its operating costs and maintenance, and not be a drain upon the taxpayers of the entire country, but the really important, fundamental question involved in this controversy is the ever-present fight between private initiative and private enterprise, and Government ownership of the business of this Nation. Upon that question we differ radically and materially.

I thought the remarks of the Senator from Nebraska were in good temper except toward the end of his remarks I think he made one which was hardly justified by the facts when he spoke of the veto message of the President of the United States as being an "unfair and vicious veto." "An unfair and vicious veto" is rather strong and rather intemperate language, it seems to me, to be used in connection

with an official act of the highest officer of our Government, exercising the prerogative granted to him not as a privilege but as a duty by the Constitution of the United States. I think the imputation is unfair and unwarranted and unworthy of the Senator from Nebraska.

I have heard it said frequently by our friends among the opposition to the administration upon both sides of the aisle, in speaking of the President of the United States, that "as a President he is a great engineer." To-night, my friends, when I read the veto message involving this great important matter of our Nation, and noted the care and the intelligence and the ability with which he has handled the situation, I say that in the matter now pending before the Senate the President as a great engineer is eminently qualified to be and is a great President. In this time, when the President is being attacked as a tool of the Power Trust, while voices loud are being raised against him among advocates of municipal and Government ownership and the other socialistic doctrines upon which he is attacked throughout the country, it is well that we have a President equipped with the qualifications of an engineer to ferret out the defects in the plan and call them intelligently to the attention of the Congress and of the country.

The Senator from Nebraska said that the facts in the Muscle Shoals matter should have been referred to an engineer; that the figures in the veto message should have been referred to an engineer. The Senator from Alabama [Mr. BLACK] said in effect the same thing. My answer to them is that the facts and the figures were referred by the President of the United States to an engineer, so the plan which the Senator from Nebraska and the Senator from Alabama would have followed by the President was followed by our President.

In all the history of the Presidency I think it will be agreed to-night that as a fact-finding investigator, anxious to seek out and obtain real facts involved in any governmental proposition, there has been none more diligent, more studious, more able, more unremitting in his efforts than Herbert Hoover, President of the United States.

When the Senator from Nebraska asks why was not this matter referred to an engineer, I say it was referred to an engineer, the greatest engineer in the United States Army, not a tool of the Power Trust, not a tool of private enterprise or of great, grasping, greedy corporations about which we have heard to-night as they stamp upon the faces of the prostrate people of our land; but a man who has served his nation in time of peace and in time of war for 34 long years—Maj. Gen. Lytle Brown, Chief of Engineers. How fortunate it is, when it is claimed that the President of the United States is seeking to destroy the States in this beautiful valley of the Tennessee in Alabama, Georgia, and Tennessee, that the man who made up the figures and checked the figures is not only a servant of our country for 34 long years and the head of a great Engineer Corps of the United States Army, but he was born and bred in Tennessee—thus a Democrat—the distinguished son of a distinguished father.

Mr. BLACK. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Alabama?

Mr. GLENN. I yield.

Mr. BLACK. Does the Senator mean that Gen. Lytle Brown was responsible for the figure of 9 mills or for the figure of 1.36 mills?

Mr. GLENN. I mean that Gen. Lytle Brown is responsible for the figures upon which the President based his veto message and to him were referred the figures in the matter.

Mr. BLACK. Does the Senator know who is responsible for the figures which Gen. Lytle Brown sent to Congress on March 24, in which he stated that the cost of production of this power was 1.36 mills?

Mr. GLENN. General Brown sent a volume of one thousand one hundred and odd pages involving different theories and different financial set-ups and different engineering set-ups for the proposition, but when the Muscle Shoals bill which passed the Congress was referred to him—this identical bill with propositions in it upon which he had to pass—he passed upon them, and this is what he said. Understand, he was a Democrat from Tennessee and the son of a distinguished Confederate general—not a tool of Hoover or of the Power Trust, or of anybody else.

Mr. BLACK. Does the Senator deny that Gen. Lytle Brown is responsible for the figures which we have here?

Mr. GLENN. I have not read all the figures. There are 1,100 pages of the report. I read a part of one page and there are 1,100 pages in the report. I have no doubt but what General Brown considered that statement and upon a review of the whole situation he reached this conclusion. If he did not do it, then he is false to his trust and an unreliable and unworthy man to serve the country whose uniform he has worn for more than three decades.

Mr. BLACK. May I ask the Senator if he has a statement from Gen. Lytle Brown that he is responsible for the figure of 9 mills as the cost to produce power at Muscle Shoals?

Mr. GLENN. Mr. President, I have answered that question three or four times. I think it should even penetrate the intellect of the Senator from Alabama, and I decline to answer the same question again. I want to read the statement of Major General Brown, of the United States Army, the Chief of the Engineers, dated February 26, 1931, as follows:

MEMORANDUM FOR THE SECRETARY OF WAR

MY DEAR MR. SECRETARY: Now that the Muscle Shoals bill is before the President, I believe that I should give you voluntarily, in a very general way, my views concerning it. I have been connected with United States work from since before the war, and Tennessee, so vitally affected, is my home State. The interests of the people there I take to heart.

Let me say now that there is no monopoly on the part of a few Members of the Senate of all good motives, of a desire to see the interests of the common, the ordinary, the average people of our country prosper. Those motives are not confined to Alabama or Nebraska or Tennessee or to any other State or section of the Nation.

I continue reading from General Brown's statement:

All that the people there have is a result of private enterprise carried on under the law and policy of both Federal and local Government since the days of the first settlement. They have been anxious all the time for private enterprise to come and develop their natural resources and to assist through proper taxation to support the local government. Anything that will drive away private enterprise and private capital will be against the entire scheme of things, so long fostered, and which has enabled that section to overcome past disaster.

I am of the opinion that the proposal to have the United States Government to go into that section and to enter into competition with private enterprise will in the long run destroy the foundations on which the people there have built their prosperity in the past, and on which their prosperity in the future will rest securely. And I therefore suggest to you the propriety of advising the President to this effect. If this evil is encouraged there, it will be encouraged elsewhere to the injury of all and to the injustice of many who have pinned their faith to the principle of private enterprise in business.

I think that this is an occasion to instruct our people again in lessons that they have learned and profited by in the past by a vigorous veto of this measure.

Respectfully,

LYTLE BROWN,
Major General, Chief of Engineers.

On March 1, he gave the figures, as follows:

Subject: Power under Senate Joint Resolution 49 at Muscle Shoals-Cove Creek.
To the SECRETARY OF WAR.

MY DEAR MR. SECRETARY: 1. Resulting from various discussions with you as to the business possibilities at Muscle Shoals under the provisions and limitations of Senate Joint Resolution 49 of the present session of Congress, I would inform you as follows:

2. Cost of facilities contemplated under the bill:

Present facilities at Wilson Dam, less $10,000,000 charged to navigation	$37,000,000
Present steam plant, less depreciation since 1918 of $7,000,000	5,000,000
Cove Creek reservoir and power plant (estimate)	35,000,000
Transmission line, Cove Creek to Muscle Shoals	6,000,000
Additional installation, Muscle Shoals	8,000,000
Additional steam unit, Muscle Shoals	1,000,000
Transmission lines for distribution, 3,500 miles	40,000,000
Total	132,000,000

3. Power available, primary: The continuous average daily power of the entire Muscle Shoals-Cove Creek combination is 233,600 kilowatts. This would afford a total of 2,000,000,000 kilowatt-hours per annum. The estimate peak capacity available by pondage is 466,000 kilowatts. With an estimated available factor 33 per cent, the available output for sale is about 155,000 kilowatts, or 1,300,000 kilowatt-hours per annum. Allowing for transmission losses and reserve the total amount of power that may be sold in business is taken at 1,000,000,000 kilowatt-hours per annum.

4. The cost of production: To arrive at the cost of production of salable power, there is made the following estimate:

Interest on investment at 4 per cent	$5,280,000
Depreciation and amortization depending on life of various elements and interest at 4 per cent compounded annually	1,890,000
Operation	1,175,000
Maintenance	1,000,000
Total	9,345,000

Compared to salable power available, this gives a cost per kilowatt-hour delivered wholesale at 9.34 mills.

The President, in order to be conservative, deducted certain elements, an item of $5,000,000, which reduced the amount to $9,100,000, or thereabouts. Out of the Cove Creek project of $40,000,000 he deducted that amount, reducing it to $30,000,000 So his figure is a little more conservative than the figure of General Brown on that account only.

5. Probable sales returns: Under the measure as passed sales will be limited to classes that may be termed municipal and industrial. The average rate actually realized in 1929 by the large power producing service is from 1.02 to 1.10 cents per kilowatt-hour. However, the lowest rate for the sale of a considerable amount of power at wholesale to other electric companies in that vicinity (one of which I am advised serves the city of Birmingham) has varied in recent years from 0.6 to 0.72 cent per kilowatt-hour.

Respectfully,

LYTLE BROWN,
Major General, Chief of Engineers.

Further, after the veto message was prepared, it having been asked here whether these figures had been submitted to an engineer, the President submitted his veto message to the Chief of Engineers of the United States Army in order to make sure that the figures were correct so far as the engineering staff of the United States Army could determine. Here is the original letter, if you please, addressed to the Hon. Patrick J. Hurley, dated March 2, 1931.

MY DEAR MR. SECRETARY: I have checked over the figures in the President's veto message on Senate Joint Resolution 49 and have found them to be correct.

Respectfully yours,

LYTLE BROWN,
Major General, Chief of Engineers.

Approved,

PATRICK J. HURLEY,
Secretary of War.

So this "vicious" President has not acted hastily; he has acted only after care and most cautious and thorough investigation of this problem, seeking not the "minions, the tools of the Power Trust" as the source of information, but seeking the high-ranking engineer officer of the United States Army, a lifelong resident of Tennessee, a Democrat, the son of a valiant and distinguished Confederate general.

Some suggestion has been made about the President's campaign speech at Elizabethton, Tenn., when he was a candidate for the Presidency. That, perhaps, is what caused all the furore among those who say that this is a "vicious and unfair" message. It is said that he has violated his promise to the people of Tennessee and to that section of the land and the Nation at large; that he made a statement then, as a candidate, in order to obtain votes, that he is violating now. What was the language?—

I do not favor any general extension of the Federal Government into the operation of business in competition with its citizens.

That is what he says now, and that is what we who believe in him and in his policies say now.

It is not the system of Lincoln or Roosevelt. It is not the American system. It not only undermines initiative but it undermines State and local self-government. It is the destruction of State rights.

There is the answer to the question which was propounded by the distinguished Senator from South Carolina [Mr. BLEASE] a short time ago to the Senator from Nebraska [Mr. NORRIS].

The President in that speech continued:

There are local instances where the Government must enter the business field as a by-product of some great major purpose such as improvement in navigation, flood control, scientific research or national defense, but they do not vitiate the general policy to which we should adhere.

I say, instead of violating his campaign speech and his campaign promise, he is, in his courageous veto of this measure, standing by the statements he made when he was a candidate for the Presidency, which statements were made in the very vicinity of this project.

There was at that time no suggestion of Cove Creek; there was no suggestion of an additional expenditure of $40,000,000 for transmission lines; there was no suggestion of the Government operating the fertilizer works. The discussion then was about leasing those works. There was no discussion of enlarging the electrical equipment.

Something has been said here about nitrogen. It happened to occur to Mr. Hoover, as President of the United States, that he should look into that situation, and he had a report submitted to him upon the nitrogen situation. It is a rather lengthy report but this man, as Commander in Chief of the Army and the Navy, did not overlook his duty. He did not intend to destroy the national defense, and he has not done so. So from the Acting Chief of Ordnance of the United States Army he received a report as to the necessity of the operation and maintenance of this plant for war purposes. As I have said, the letter is rather long, and I shall not read it all, but I will ask that it may be incorporated in the RECORD. This, however, is the conclusion:

Therefore, so far as the needs of national defense are concerned, the Muscle Shoals plants are not now necessary.

W. H. TSCHAPPAT,
Acting Chief of Ordnance, United States Army.

He goes into detail and, as I have said, I will not read further, but I ask that the letter be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection it is so ordered.

The entire letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, February 21, 1931.

MEMORANDUM FOR THE ASSISTANT SECRETARY OF WAR

Subject: Information required for Senate Joint Resolution No. 49 concerning needs for fixed nitrogen.

1. In reply to your memorandum of February 21, 1931, asking for information upon the supplies of nitrogen now available in this country and also as to whether the Muscle Shoals plants are now necessary as a matter of national defense for the supply of nitrogen, the following information is given:

2. The situation in nitrogen in the United States in the calendar year 1930, so far as can be estimated at present, is as shown in the following table:

Production (estimated short tons):	1930
By-product (coke and gas works)	165,000
Synthetic (ammonia)	140,000
Total production	305,000
Imports	180,000
Total supply	485,000
Exports	32,000
Apparent consumption	453,000

3. It will be noted that deducting the exports the apparent consumption is 453,000 tons as nitrogen (short tons). The estimated potential production capacity for inorganic nitrogen in the United States in short tons of nitrogen for the year 1931 is as follows:

By-product (coke and gas works)	200,000
Synthetic (ammonia)	290,000
Total capacity	490,000

4. It should be noted that by the end of 1931 the nitrogen industry could, if forced, meet the probable demand for domestic consumption plus exports. Actually, the industry will not operate at capacity owing to the dependence of the by-product industry upon iron and steel production and the impracticability of forcing

abrupt reductions in imported nitrogen. It will be noticed that the estimated potential production capacity in 1931 is 37,000 tons more than the apparent estimated consumption in 1930.

5. In 1929 the United States consumed 327,000 short tons as nitrogen of inorganic nitrogen for fertilizer purposes. Different opinions as to the practicability of curtailment of fertilizer consumption are held, but the Department of Agriculture has stated that in its opinion the elimination of inorganic nitrogen from fertilizer for two years would not seriously affect the country's food supply. The war needs of the United States for nitrogen, based upon our present plans, are, for two years, about 224,000 tons, or far less than one year's demand for fertilizer use. However, as the art of nitrogen fixation is now well known and practiced in the United States, new facilities can be installed, if necessary, as rapidly as the rest of the munitions program can be developed, such that, if advisable, even the fertilizer demands need not be reduced.

6. Therefore, so far as the needs of national defense are concerned, the Muscle Shoals plants are not now necessary.

W. H. TSCHAPPAT,
Brigadier General, Acting Chief of Ordnance.

Mr. GLENN. Mr. President, the Senator from Alabama [Mr. BLACK] said, as I understood him, in answer to an inquiry by the Senator from Connecticut [Mr. BINGHAM], that the present machinery and facilities for the manufacture of fertilizer were adequate, and that the Muscle Shoals plant could compete with any factory or plant on this whole continent, calling attention to one near Niagara Falls. Am I not correct in that?

Mr. BINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. GLENN. I yield.

Mr. BINGHAM. The Senator from Alabama said some 50,000 tons had been imported last year manufactured by that very process.

Mr. GLENN. How strange it is, Mr. President, if the machinery in the plants at Muscle Shoals is adequate and complete and modern, and fully able to compete with any plant in all North America, that the very bill which the Senator from Alabama advocates so strenuously, and which the Senator from Nebraska praises here so highly, should itself contain this provision on page 4:

The board shall manufacture fixed nitrogen at Muscle Shoals by the employment of existing facilities (by modernizing existing plants)—

The bill which they praise provides for the modernization of the machinery, and the equipment, which they say is now able to compete with any and all plants in North America—the finest in all the world.

They say that it is important now that fertilizer be furnished to farmers. Of course, everyone knows that; the veto of the President says that we can not compete at Muscle Shoals in price with private enterprise in that line, and he is opposed to spending $100,000,000 or more of the people's money—the money of the taxpayers—for this project.

Those in favor of this measure now say that power is only an incident. The Senator from Nebraska said a few moments ago that power was only an incident; that there were three great important factors in this project, and that power was the third and the least. First came flood control; second, navigation; and, third, and merely as an incident, power. How simple and foolish and deaf the Senator from Nebraska must think we are who have been sitting around here, some of us for only a few months, some for only a few years, and some for more than a decade, listening to the fight the Senator from Nebraska has been making for Muscle Shoals. How many of them have heard anything about flood control from the Senator from Nebraska, or how much have they heard about navigation from the Senator from Nebraska, who is the father of this legislation? They have heard hours and hours and hours of talk about the Power Trust; about how the Power Trust is striking at the common people; how it is filching the pockets, picking the pockets of the poor, the common, and the downtrodden people. The Senator from Alabama used that choice expression this evening. He intimated that the methods employed by the Power Trust are worse than those of pickpockets. We have heard about power and the Power Trust, about its iniquities, its damnable practices, and all those things; but how much time has the Senator from Nebraska devoted to what he now says are the major features of this legislation, namely, navigation and flood control? I am glad he reminded me to-night there were such features in the bill. I have heard him speak so many, many times without even mentioning those two major objectives.

We all know that there is not anything in that at all. We know that what the Senator from Nebraska wants is a curb upon the Power Trust. He believes sincerely it is necessary for the interests of the people that there should be such a curb; there is no doubt about that; no one questions it; but he is not anxious to see any steamboats cruising up and down those creeks, swamps, and bayous in the region of Muscle Shoals, nor is he worrying much about flood control on those little river bottoms down there. He is worrying about the Power Trust; that is what he wants to strike at. He thinks it has the President of the United States by the throat; he thinks the President is its tool—perhaps not its corrupt tool but its tool and it is going to destroy the country. So the real object of this bill, as we all know, is to operate the plant at Muscle Shoals at the expense of the taxpayers of the country.

At that point there comes the Senator from Alabama. I do not criticize him. He is representing his State here and he hopes to continue to do so. He is having a little controversy about that, perhaps, and so there was put into this bill this great provision. The United States having spent millions and millions and millions of dollars in his State on this plant, which is now a failure, he wants us to spend a hundred million dollars down there. Of course, it would not all be spent in his State, but most of it would be spent there; and it would be spent in order to build a greater plant, a larger plant, and to provide for its operation at the expense of the people of the country. After we have built the plant for them, after we have maintained the plant for them, if it should not carry its own burdens, for every dollar expended in Alabama from the sale of power at Muscle Shoals, he wants the Congress of the United States to give his State 5 per cent out of it, and make that State rich and powerful.

Mr. BLACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Alabama?

Mr. GLENN. I yield.

Mr. BLACK. Do I understand the Senator objects to Alabama getting that 5 per cent in lieu of taxes?

Mr. GLENN. Yes; I object to Alabama getting 5 per cent of the gross receipts of a business that may be losing money.

Mr. BLACK. May I call the attention of the Senator to the fact that in his veto message on page 6, the President says:

This bill distinctly proposes to enter the field of powers reserved to the States. It would deprive the adjacent States of the right to control rates for this power and would deprive them of taxes on property within their borders and would invade and weaken the authority of local government.

Do I understand the Senator is disagreeing with the President? [Laughter.]

Mr. GLENN. I do not think that is a very difficult question to answer. I am not disagreeing with the President at all. I do not see where he says he is in favor of giving you people, after we have spent scores and scores of millions of dollars down there in your State to operate a plant at our expense, if it does not carry itself, 5 cents out of every dollar that is taken in, no matter if we lose money on every dollar that is taken in. I do not think anybody believes in that. I do not think the President believes in it.

Mr. BLACK. Mr. President, will the Senator yield again?

The PRESIDENT pro tempore. Does the Senator from Illinois further yield to the Senator from Alabama?

Mr. GLENN. Yes.

Mr. BLACK. I call the Senator's attention to the fact that the President objects to this measure specifically on the ground that it deprives us of our taxes. Of course, it gives us that much; but, since it does not give all, that is one of his grounds of objection.

Mr. GLENN. Oh, he does not say anything of the kind. The Senator knows he does not.

Mr. BLACK. He says:

It • • • would deprive them of taxes on property within their borders.

Mr. GLENN. Yes; it would deprive you of taxes. That is the reason I am against it.

Mr. BLACK. The Senator says he is against it because it would pay us our taxes. That is exactly what it does.

Mr. GLENN. No; if we spend a few hundred million dollars down in your State, take down a few thousand people and build up your State, which you say yourself is in terrible condition, I think you should be willing to take the ordinary tax which the Federal Government does not pay anywhere, you know. We do not expect the Federal Government to pay taxes on the buildings they build for our use in Illinois; but it is not at all unusual for the Senator from Alabama to ask us to build buildings down there for him, and pay taxes on them.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. GLENN. No; I do not think I will.

Mr. BLACK. Has the Senator voted against any of the bills that have been put in here to give the Western Republican States payments in lieu of taxes on their public lands? Has the Senator voted against them?

Mr. GLENN. I think Alabama was a Republican State last fall, if we had had an honest count.

Mr. BLACK. It was not, and it will not be.

Mr. GLENN. The Senator's colleague says it was. I do not know. There is a difference of opinion between the two Senators.

Mr. BLACK. The certificate speaks for itself; does it not?

Mr. GLENN. Oh, not at all. We are investigating that now.

Mr. BLACK. The Senator is on the committee. Of course he will not prejudge that matter.

Mr. GLENN. I am not prejudging it one way or the other. Of course, they desire to build transmission lines; and this measure provides that they can take all the money that comes in, if they desire, for that purpose. Every dollar that comes in, except the 5 per cent they pay to Alabama and Tennessee, they can take and use to build transmission lines. The joint resolution does not say how far they shall go. They may go 25 miles; they may go 50 miles; they may go 350 miles, which is the distance mentioned here by some one in their calculations; or they may run to New York, or Florida, or Illinois, or Montana, or anywhere, just go wild, and take all the money that comes in. There is no limit on it—to build transmission lines.

If they can furnish this power at a third or a fourth of the rate at which the Power Trust furnishes power to us, we shall want transmission lines built as far as Chicago, and they will want them in Maryland, and they will want them in Idaho, and I am sure the Senator from California will want them in San Francisco; and what will we have here?

This is the beginning of a great movement to drive out and destroy private enterprise and private property all over the United States. The idea is to get just a foothold here and extend it not only into electricity but into gas and water and transportation and finance and manufacturing and all the other things in which the American Nation indulges and prospers and progresses.

That is the whole theory back of this measure. That is the whole intent back of it; and the Senator from Alabama says defiantly, bringing politics into it, "Let the issue be made now. Let it be made clear. They want an issue. Let us make it an issue for the 1932 campaign."

I know there are many Democrats, as there are many Republicans, who do not believe in Government ownership of business and Government operation of business. I say I do not believe that the great Democratic Party, through its wise leaders—and they do have wise leaders amongst them—will adopt, as their battle cry in this campaign, public ownership and operation of the business of America. But if they do, and if the Senator from Alabama prevails in the great convention of the Democratic Party—and I suspect that he will not prevail there—if he makes this the issue, I can say that I believe the Republican Party will continue to be, as it always has been, the party of construction rather than the party of destruction; that the party that stood out against soft money in 1879, for the resumption of specie payments and for sound money from 1876 to 1880, against free silver in 1896, and against free trade all the time, is willing to meet the gage of battle thrown down by the Senator from Alabama; and that if that be the issue, we will await with confidence the verdict at the polls.

Mr. President, I ask leave to have inserted in the RECORD at this point some correspondence to which I referred during the course of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

FEBRUARY 21, 1931.

MEMORANDUM FOR THE CHIEF OF ORDNANCE

Subject: Senate Joint Resolution No. 49.

1. The following is a request received by the Secretary of War from the President:

"3. It is stated in this legislation that national defense in the production of fixed nitrogen is one of the purposes of the bill. I would be glad if you could secure for me from your authorities a statement as to the supplies of nitrogen now available in the country. I should be glad to know whether this equipment is now necessary as a matter of national defense in this particular."

2. The Secretary of War desires this information furnished in writing by 2 p. m. to-day.

By direction of the Assistant Secretary of War:

IRVING J. CARR,
Colonel, Signal Corps Executive.

MEMORANDUM FOR THE SECRETARY OF WAR

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 26, 1931.

MY DEAR MR. SECRETARY: Now that the Muscle Shoals bill is before the President, I believe that I should give you voluntarily in a very general way my views concerning it. I have been connected with the United States work there since before the war, and Tennessee, so vitally affected, is my home State. The interests of the people there I take to heart.

All that the people there have is a result of private enterprise carried on under the law and policy of both Federal and local government since the days of the first settlement. They have been anxious all the time for private enterprise to come and develop their natural resources and to assist through proper taxation to support the local government. Anything that will drive away private enterprise and private capital will be against the entire scheme of things, so long fostered, and which has enabled that section to overcome past disaster.

I am of the opinion that the proposal to have the United States Government to go into that section and to enter into competition with private enterprise will in the long run destroy the foundations on which the people there have built their prosperity in the past, and on which their prosperity in the future will rest securely. And I therefore suggest to you the propriety of advising the President to this effect. If this evil is encouraged there it will be encouraged elsewhere, to the injury of all and to the injustice of many who have pinned their faith to the principle of private enterprise in business.

I think that this is an occasion to instruct our people again in lessons that they have learned and profited by in the past by a vigorous veto of this measure.

Respectfully,

LYTLE BROWN,
Major General, Chief of Engineers.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 1, 1931.

Subject: Power under Senate Joint Resolution 49 at Muscle Shoals-Cove Creek.

To: The Secretary of War.

MY DEAR MR. SECRETARY: 1. Resulting from various discussions with you as to the business possibilities at Muscle Shoals under the provisions and limitations of Senate Joint Resolution 49 of the present session of Congress, I would inform you as follows:

2. Cost of the facilities contemplated under the bill—

Present facilities at Wilson Dam, less $10,000,000 charged to navigation	$37,000,000
Present steam plant, less depreciation since 1918 of $7,000,000	5,000,000
Cove Creek reservoir and power plant (estimate)	35,000,000
Transmission line, Cove Creek to Muscle Shoals	6,000,000
Additional installation, Muscle Shoals	8,000,000
Additional steam unit, Muscle Shoals	1,000,000
Transmission lines for distribution, 3,500 miles	40,000,000
Total	132,000,000

3. Power available, primary: The continuous average daily power of the entire Muscle Shoals-Cove Creek combination is 233,600 kilowatts. This would afford a total of 2,000,000,000 kilowatt-hours per annum. The estimated peak capacity available by pondage is 466,000 kilowatts. With an estimated power factor 33 per cent, the available output for sale is about 155,000 kilowatts or 1,300,000 kilowatt-hours per annum. Allowing for transmission losses and reserve, the total amount of power that may be sold in business is taken at 1,000,000,000 kilowatt-hours per annum.

4. The cost of production: To arrive at the cost of production of salable power, there is made the following estimate:

Interest on investment at 4 per cent	$5,280,000
Depreciation and amortization depending on life of various elements and interest at 4 per cent compounded annually	1,890,000
Operation	1,175,000
Maintenance	1,000,000
Total	9,345,000

Compared to salable power available, this gives a cost per kilowatt-hour delivered wholesale at 9.34 mills.

5. Probable sales returns: Under the measure as passed, sales will be limited to classes that may be termed municipal and industrial. The average rate actually realized in 1929 by the large power-producing service is from 1.02 to 1.10 cents per kilowatt-hour. However, the lowest rate for the sale of a considerable amount of power at wholesale to other electric companies in that vicinity (one of which I am advised serves the city of Birmingham) has varied in recent years from 0.6 to 0.72 cents per kilowatt-hour.

Respectfully,

LYTLE BROWN,
Major General, Chief of Engineers.

WAR DEPARTMENT,
Washington, March 2, 1931.

Hon. PATRICK J. HURLEY,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I have checked over the figures in the President's veto message on Senate Joint Resolution 49 and have found them to be correct.

Respectfully yours,

LYTLE BROWN,
Major General, Chief of Engineers.

Approved.

PATRICK J. HURLEY,
Secretary of War.

Mr. KEAN. Mr. President, I hold in my hand a bill which I drew three or four weeks ago, which gives to the States of Alabama, Georgia, and Tennessee, the Muscle Shoals plants. It provides that the United States shall receive 3 per cent upon the present value of such plants as estimated by the United States engineers. It provides that the governors of those States shall appoint a commission of three from each State to operate the plants. It provides that the engineers shall have authority, in case of war, to take back the plants either by paying damages to the lessee or by making reimbursement for any money that has been spent on the plants.

I ask unanimous consent that the bill may be introduced and referred at this time, and that it may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the bill will be received, printed in the RECORD, and appropriately referred.

The bill (S. 6278) to provide for the disposal of the Muscle Shoals properties by the United States was read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the title and the exclusive use, possession, and control of the United States nitrate plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto, the fixed nitrogen research laboratory, the Waco limestone quarry in Alabama, and Dam No. 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof, are hereby transferred to a joint commission to be composed of nine members, three each to be appointed by the Governors of the States of Alabama, Georgia, and Tennessee, subject to the following conditions and limitations:

(a) The joint commission shall annually pay to the United States an amount equal to the interest at 3 per cent per annum on the present fair value of the property, determined by the Chief of Engineers as provided in section 2, such amount to be charged to the States of Alabama, Georgia, and Tennessee in such proportions as the proper authorities thereof may agree upon.

(b) Upon the requisition of the Secretary of War the joint commission shall allot and deliver without charge to the War Department so much power, produced by means of the Muscle Shoals properties, as in the opinion of the Secretary of War will be necessary for use in the operation of all locks, lifts, or other facilities in aid of navigation.

(c) The Government of the United States reserves the right, in case of war or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war or emergency purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by reason thereof by any party, after the amount of the damages have been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

SEC. 2. The Chief of Engineers, United States Army, is authorized and directed to appraise the property transferred to the joint commission under the provisions of section 1. The value of such property and all parts thereof, as determined by the Chief of Engineers, shall represent the present fair value of the property and shall be final for all purposes under this act.

SEC. 3. In case of failure of the joint commission to comply with any of the conditions and limitations set forth in section 1, the title and the exclusive use, possession, and control of the property transferred to the joint commission shall immediately revert to the United States.

SEC. 4. (a) The consent of Congress is hereby given to the States of Alabama, Georgia, and Tennessee to negotiate and enter into compacts or agreements for carrying out the purposes of this act, and for such purpose may authorize the creation of interstate commissions and/or the creation of corporations, authorities, or other instrumentalities.

(b) Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

(c) No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

Mr. McKELLAR. Mr. President, the people of my State certainly were disappointed to-day when they learned of the President's veto. I was somewhat prepared for what happened, of course, by the newspaper stories; and yet, even when it came, I felt tremendously disappointed.

Mr. President, for more than 15 years the building of this project down on the Tennessee River in the interest of the people of my part of the country has been very much in my heart and mind. Away back yonder in 1916 we passed the law that authorized the building of this great project. It was almost completed when the war was over, and then it was stopped for a year. Then Mr. Ford made his celebrated offer for it, and then the Government completed it.

That project, Mr. President, was built under an act of Congress, from which I quote the following short paragraph:

The plant or plants provided under this act shall be constructed and operated—

Listen to the language:

Constructed and operated solely by the Government, and not in conjunction with any other industry or enterprise carried on by private capital.

Nothing could be more specific; but, as we all remember, when the plant was completed there had been a change in the political complexion of our Government. Those in power did not want to carry out the terms of that act, and they never have carried out its terms, because ever since this project was completed, in violation of the act under which it was built, the President has turned it over to private companies that have operated it only to a limited extent.

For more than 10 years this project has been in the hands of what is known as the Alabama Power Co., the Government merely getting a small rental that would not pay, I suppose, one-quarter of 1 per cent on the money invested. It has been operated solely for the benefit of that company ever since; and I want to call attention to this statement of the President's. Listen to this:

Congress has been thwarted for 10 years in finding solution, by rivalry of private interests and by the determination of certain groups to commit the Federal Government to government ownership and operation of power.

Why, Mr. President, we know that during those 10 years, instead of groups retarding the settlement of this question, the consummation or disposition of the plant has been constantly retarded by the great power companies and the great fertilizer companies of this country, aided by the three administrations that have come—President Harding's, President Coolidge's, and President Hoover's. Those are the facts. There is not a Senator here who does not know that those are the facts. The President is entirely mistaken in his assertion.

Every effort has been made not to operate that plant in the interest of the people as provided in the original law, but in conjunction with private concerns. During the whole time a private concern has not only operated it, but absolutely controlled it. So, Mr. President, I say that the President is wrong in his facts when he says that private groups have thwarted the disposition of this plant. It has been the football of politics, perhaps; yes, politics of three administrations; but who made it the football of politics? Let us see, lest we forget.

What does the record show? It was Mr. Hoover himself who last played politics with it.

In 1928 Mr. Hoover was a candidate for President. He went to Tennessee in the progress of his campaign. It was one of the few Southern States that he visited. He went down to East Tennessee, very near where Cove Creek exists and where the Cove Creek Dam is to be built under the terms of this measure; and what did he do? Did he take the position that he now takes? No, no, Mr. President.

He took a wholly different position. What was the position which Candidate Hoover took? Let us see what he said. At Elizabethton he said this:

There are local instances where the Government must enter the business field as a by-product to some great major purpose such as improvement in navigation, flood control, irrigation, scientific research, or national defense. But they do not vitiate the general policy [of private ownership] to which we would adhere.

Mr. President, our people were intensely interested in what Candidate Hoover had to say about Muscle Shoals. So the newspaper men, two of the most brilliant newspaper men in our State, publishers of great newspapers, Mr. Meeman of the Knoxville Sentinel, and Mr. George Fore Milton of the Chattanooga News, undertook to find out whether that language of Mr. Hoover pertained to Muscle Shoals, and I want to read what they said, and what Mr. Hoover said at the time.

During the afternoon of October 6—

That was the day he was at Elizabethton, following the Elizabethton celebration—

Edward J. Meeman, the editor of the News-Sentinel of Knoxville, asked Candidate Hoover if the statement just quoted did not particularly refer to Muscle Shoals.

That is the one I have just read. This was his answer:

You may say that that means Muscle Shoals.

That is what Mr. Hoover told the Knoxville editor. Then my young friend, George F. Milton, one of the most brilliant men we have, the publisher of the Chattanooga News, called upon Mr. Hoover. Mr. Milton was not even satisfied with what Mr. Hoover told Mr. Meeman, but he interviewed Candidate Hoover himself, and this is what took place.

The publication of the interview occasioned some little storm in the Republican committee headquarters, causing Mr. Hoover to issue a statement on October 9 confirming and clarifying his remarks to Mr. Meeman. In this statement Candidate Hoover declared definitely that the Scripps-Howard editor—

Meaning Mr. Meeman—

had correctly quoted him in using the words "You may say that that means Muscle Shoals." Then Candidate Hoover added—

I call attention to this language. This is Candidate Hoover speaking:

There is no question of Government ownership about Muscle Shoals, as the Government already owns both the power and the nitrate plants. The major purposes—

And I want Senators to remember this language, because I am going to tell them what he says about major purposes now.

The major purposes which were advanced for its construction were navigation, scientific research, and national defense. The Republican administration has recommended that it be dedicated to agriculture for research purposes and development of fertilizers, in addition to its national defense reserve.

After these purposes are satisfied, there is a by-product of surplus power. That by-product should be disposed of on such terms and conditions as will safeguard and protect all public interest.

I entirely agree with these proposals.

That was the language of the President in 1928, when he went to Tennessee for votes, and he got the votes on that statement. Tennessee, having the most wonderful natural power resources in this country, perhaps, from three to five million horsepower of electrical energy, intensely interested in it as her people are intensely interested in having these plants developed, heard these words of Candidate Hoover and voted for him, and Tennessee cast her electoral vote for Mr. Hoover upon the pledge—upon the distinct and express pledge—that Muscle Shoals was to be operated substantially as this bill provides.

What does the President say now? Does he talk about scientific research, navigation, and national defense as the major purposes? Oh, no. He has changed. They are no longer major purposes with the President. National defense is no longer a major purpose. Scientific research is no longer a major purpose. Navigation is no longer a major purpose. This is what he says in his message to-day:

I am firmly opposed to the Government entering into any business the major purpose of which is competition with our citizens.

• • • • • • • •

But for the Government deliberately to go out to build up and expand such an occasion to the major purpose of a power and manufacturing business is to break down the initiative and enterprise of the American people; it is destruction of equality of opportunity amongst our people; it is the negation of the ideals upon which our civilization has been based.

In 1928 these purposes were minor purposes. In 1928 power was a by-product with the President, and ought to be disposed of by the Government. But in 1930, after he is elected, he changes his whole position and says that power is the major purpose, and that these other purposes are but the minor purposes—a complete change of front.

I suppose he has a right to change his opinion. I think he ought to have acknowledged it when he changed it, but he did not seem to do that. I want to ask those who have been here so long at this session and at the prior session, Is the President accurate when he says he is opposed to Government going into business and competing with its citizens? Let us see whether he is or not. He now says he is opposed as far as power is concerned. Yes, he does not want to interfere in the power business. Two years ago power at Muscle Shoals was a by-product, and the Government ought to dispose of it just as Senator NORRIS's bill provided that it should be disposed of. But now he says if the Government operated the Muscle Shoals plant it would be competing with its citizens, and he is opposed to it. Let us see whether he is opposed to Government engaging in business in competition with its citizens or not.

We all remember the farm relief bill written by the President, or substantially written by the President, because he took out everything that was obnoxious to him, as he said, and got the kind of a bill he wanted. He struck out everything we more or less progressive groups on both sides of the Chamber wanted to have go into it, and what did he do? He recommended a $500,000,000 revolving fund, he placed it under the control of the Farm Board, and that board went into the cotton business. We had hearings not long ago, and what did the chairman of the board admit? He admitted that the Government was in the cotton business, competing with other cotton dealers; that the Government was doing 15 per cent of the business; that the Government was operating and controlling 11 cooperative associations with a part of the $500,000,000 fund, in competition with other cotton dealers, with other private cotton interests fighting for business, with the Government backing these cooperative associations, fighting for business all along the line. They already had 15 per cent, and, of course, Mr. Legge was hopeful that if the Government appropriated this last hundred million dollars they might get a little more

business; the Government fighting for business in competition with other citizens of its own—with the other cotton interests of this country; and I suppose it is the same with wheat. The Government is in the cotton business up to its very eyes, in competition with its own citizens, all recommended by the same President who says he is opposed now to the Government going into business.

The President is very inconsistent on the Government going into business in competition with its own citizens. I do not see how he can say he is opposed to going into business when the institutions which have been created by him, the board that was created under his bill, the cooperative associations which are backed by his measure and by the Government's money, are now running 15 per cent of the cotton business. I do not know how much of the wheat business.

Going into competition? This cotton business of the Farm Board is the very flower of competition, absolute competition with private business. Yet the President gives as a reason why he vetoed the Muscle Shoals legislation the fact that he was opposed to the Government going into business! Talk about the Government going into business! He sent a recommendation down here the other day for the appropriation of $35,000,000, and it was passed, too, for aiding a shipping fund, the Government going to the shipping business in competition with private interests.

So, Mr. President, I want to say that the President is wholly inconsistent, and I regret it. I have no doubt that he now feels, or has been advised, that it is not wise to do what we have urged. As far as I am concerned, I think the President has made a tremendous mistake in vetoing this bill. The Government owns this shoals property, it owns the plant, it owns the dam, it owns the current generated there, and there is no reason in the world why the plant can not be operated for the benefit of those people down there. There is every reason in the world why it should be.

I greatly regret that my good friend General Brown takes the position he does take about this matter.

I think he is wholly incorrect about it. I think he is wholly in error. He is a splendid man, but I do not agree with his view as expressed in his letter. He does not, in my opinion, represent the prevailing opinion in Tennessee.

Mr. President, listen to this, after seeing the President's recommendation about going into the cotton business; the President says further:

> This bill would launch the Federal Government upon a policy of ownership and operation of power utilities upon a basis of competition instead of by the proper Government function of regulation for the protection of all the people. I hesitate to contemplate the future of our institutions, of our Government, and of our country if the preoccupation of its officials is to be no longer the promotion of justice and equal opportunity but is to be devoted to barter in the markets. That is not liberalism, it is degeneration.

Mr. President, no country has ever degenerated by the application of lawful processes. The lawful processes which existed as to Muscle Shoals command the President and all others in executive authority that this plant shall not be operated by private control.

We all know what it means. Unless Congress passes some such measure as this, the great power interests will gobble the power up at Muscle Shoals, and all the power in Tennessee, and make it so that it will do the people of that State, who ought to enjoy it, very little good.

Mr. President, something has been said in criticism of the Senator from Nebraska [Mr. NORRIS]. I have been connected with the purpose to develop Muscle Shoals, I believe, quite as long as the Senator from Nebraska. I have seen him tried in this long contest in every possible way. They have tried to euchre him, they have tried to impose on him, they have tried to "swat" him, but he has pursued the even course of his way and has never deviated from his course in the true interests of the people. By his great ability, by his great learning, by his splendid honesty, he has kept up this fight. His fight is not over. The President may win this time. We may not even get a two-thirds vote in this body to-night and, of course, we will not get a two-thirds vote in the other body, but we will yet pass this bill in substance, and we are going to try out that project down there at Muscle Shoals. I believe it will be manifestly to the the best interests not only of Alabama and Tennessee but of the entire country. I want to take this occasion to express my great confidence in Senator NORRIS and thank him for what he has done for the people of my State.

I have nothing to say about motives. I just regret with all my heart these attacks upon the Senator from Nebraska whose motives I know have been of the most patriotic and genuine kind. I regret the attacks made upon my own part of the country. We have these great natural resources down there, and if we ever get them developed we will have a wonderful section of the country which will invite manufacturers from all over the world. But if we let the great power combinations of the country get hold of these splendid resources, the people there will have to pay the same prices for current that are paid in other parts of the country where there are no such natural resources.

Mr. President, I am profoundly regretful that the President has changed front on the question, that he has shown in his present inconsistent attitude. I am sorry that he takes the view that it is better to see that this great institution falls into the hands of the great combinations of wealth in the country rather than to have it utilized for the benefit of all the people of the country. In my judgment it is the people's property. They own it. They have developed it. The Government is merely their agent. The Government has no moral right to turn it over to exploiting companies for the benefit of the special interests that exploit it.

Mr. President, I leave the matter to the Senate. I shall vote to pass this bill the veto of the President notwithstanding.

Mr. SMITH. Mr. President, this matter has been discussed so exhaustively and for so long a time that I think it is a pretty good idea for those of us who represent the Southern States to have once more stated to this body the purpose of the measure upon which all this property has been developed, the act authorizing the development of all this property.

In 1916 the original act was passed. I want to read to the Senate the terms of that act and call attention to one section of it which was incorporated in the organic act by a Member on the other side of the Chamber. It is not a question of the veto message of the President. It is not a question of what we may think now. It is a question of common honesty to the American people for us to try this experiment. We have obtained goods under false pretenses and are not honest if we make a promise to the American people that we want them to contribute $150,000,000 for a specific purpose under specific conditions, and when that is completed deceive the people and go about trying to divert it to other purposes.

Listen to the wording of the original act:

> The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.
>
> The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation, materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.
>
> The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

Now listen. Here is the provision that was put in the act by a distinguished Republican:

> The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

As I had the honor to introduce the original measure I know that the purpose of it was for the Government, as the act provides, to own and control and operate the property. For fear the language was not strong enough former Senator Kenyon of Iowa, now Judge Kenyon, said he would not vote for the bill unless there was a provision which was so unequivocal in its terms and language as to preclude the possibility of private industry having anything to do with it whatsoever.

It is enough for me to say that the Senate and the House have acquiesced in appropriations for this plant until the original $20,000,000 grew to $150,000,000. Then when it was equipped and ready for operation, the trusts and combines of the country got in their work and we have been haltered and hamstrung from that day to this.

Mr. President, the thing to which I want to call especial attention is that there has been quite a good deal of discussion about whether fertilizer can be made at Muscle Shoals and at what cost power can be generated.

There is not a man on the floor of the Senate who knows; even the President himself does not know; and no one will know until the experiment is tried. We have no right to take the $150,000,000 worth of Government property and begin to try to lease it or otherwise dispose of it until we have ascertained by experiment what can be done and can not be done, so that if in the wisdom of this body we see fit to dispose of it, to discredit the idea of Government operation, we would at least know the value of the plant for the purposes for which it was created.

The President said in his message that it will cost 9.1 mills per kilowatt-hour to produce power there. His engineers say it will cost 1.36 mills per kilowatt-hour. He does not know. The engineers do not know. It is our property, and if we are honest with ourselves we would operate until we found out what it would produce in the form of power and what it would produce in the way of fertilizer and fertilizer ingredients. It is not honest for us to divert this plant belonging to the people from whom we have taken $150,000,000 on the promise that fertilizer would be made for them. We went out and got this money and put it into the plant on the specific and definite promise that fertilizer and fertilizer ingredients during times of peace should be made for them. We have breached the contract with the American taxpayer. We are here side-stepping the purpose for which it was dedicated.

What is the influence that is forcing me and you into a dishonest act? Who can tell whether or not this plant can be made to produce nitrogen or can be made to produce phosphoric acid or potash? Has the experiment been tried? The Government dedicated this plant for that purpose. I do not know that I am committed to Government ownership, but, thank God, I am committed to common honesty. I would demonstrate at this plant what can be done along the lines of its dedication and then leave it to the American people whether or not they desire to carry on after the demonstration has been made. Suppose the Government, carrying out the purposes of the act, were to develop power and it was demonstrated that power could be produced at a certain cost which would be acceptable to the people? Their money was used in erecting the plant; so it should be left to them to decide whether or not they desire it for the purpose of developing power and using it themselves.

Talk about the Government going into business! The Government has gone into business in this case to the extent of $150,000,000, by an expenditure not of corporation money, not of money borrowed from a corporation, but of the taxpayers' money. In common honesty to the people who paid the taxes, we should demonstrate to them whether or not the purposes for which it was expended can be accomplished. What Senator on this floor can rise in his place and say whether or not fertilizer and fertilizer ingredients can be economically manufactured at Muscle Shoals for the benefit of agriculture? Who can rise here and say—the President himself dares not say—whether or not that can or can not be done? Who can say what will be the cost of power? We have the plant there; it is ready to operate. Why not, in common honesty, at least, operate it to the extent of demonstrating what its capabilities are? Then if we desire to lease or dispose of the plant, we will know the value of the property, and if we elect to dispose of it we can get back for the people the money which was put into it.

However, until we shall have demonstrated whether or not it can achieve the purpose to which it was dedicated, we are dishonest if we do not carry out in full faith the object for which we took the money.

I am not here pleading for Government ownership; that plea would now be inappropriate, for the plant at Muscle Shoals is already owned by the Government. I am simply pleading that the Government shall in this case carry out its part of the contract with the American people. If time permitted, I should like to discuss the necessity for conducting an experiment to determine the possibility of producing fertilizer and fertilizer ingredients at Muscle Shoals. I should also rejoice to see the experiment undertaken to determine what power could be produced there. Even though the Government did not continue to operate the plant after such a demonstration should have been made, it would be worth while to make the experiment for the enlightenment of the American people.

It may be that fertilizer can not be produced economically, but we are entitled to know that. Under the terms of this measure it may be that power could not be produced as cheaply as it could be produced elsewhere; but it is our duty, as honest men, to demonstrate the fact. When we have demonstrated the capabilities of the plant to the American people, who built it and who own it, we should leave it to them to determine whether or not we shall continue its operation. It does not lie in the mouth of the President or of any Senator on this floor to say whether or not the American people are opposed to the operation of the plant at Muscle Shoals along the lines for which it was dedicated when it was erected.

Mr. President, some one has said how great an amount of conjecture can be gotten out of a very meager array of facts. We have a plethora of conjecture; we have also the testimony of experts. I do not propose to define, as some one has done in modern terms, what an ordinary expert is. He said he was a "blamed fool away from home." [Laughter.] Some of us have come to the conclusion that that definition comes mighty near being correct; but when the plant at Muscle Shoals shall have been operated there would need be no speculation about its capability. However, if it shall be leased to a private corporation, not a Senator here will ever know what the actual cost of the production of either power or fertilizer will be and what will be the measure of the success of the plant. It is the duty of every Senator here—it is my duty—to insist on the operation of the plant at Muscle Shoals until we shall have demonstrated whether or not it can accomplish the purpose for which it was dedicated. I do not feel that we would be honest with ourselves if we should lie down supinely under the veto message of the President in reference to a matter that so vitally concerns ourselves and the welfare of the people of this country. The mere demonstration of what could be done at the plant would be worth while.

In this day rapidly increasing and expanding trusts and combines are in accordance with the logic of events. I

have never hoped, nor need anyone else ever hope, to oppose or destroy combinations. They are the logic of modern conditions. Facilities for transportation, communication, mass production, concentrated wealth, are all eliminating individualism. We are in the midst of collectivism. The farmer can not do for himself; he is incapable of organizing and combining; so we have made an effort to substitute by Government enactment a combination in the form of the Federal Farm Board for the sale and disposition of the farmers' products. In the production of the ingredients which are essential for the farmer in order that he may fertilize his land, we had hoped to try the same experiment in the nitrate plant at Muscle Shoals, but before we have ever produced a pound of fertilizer or a kilowatt of power, we propose to turn that priceless opportunity over into the hands either of a power company or a fertilizer company and abort the whole aim and object for which the plant was dedicated.

I for one shall welcome the opportunity to vote to carry out in good faith, in justice to those who have paid the bill, the joint resolution which is now under consideration. It did not suit me; but it was the nearest approach I could get under the circumstances to what did suit me. I wanted the Government solely and alone to experiment with this plant until it had passed the empirical stage and its worth had been proven. Of course it is a forlorn fight. I know the influences that have been at work; I know the voice that has been sounded throughout this Hall and throughout the country. Muscle Shoals will never produce a pound of fertilizer solely in the interests of the farmer at the expense of the Government, nor will there ever be a kilowatt of power produced by the Government as a demonstration for the benefit of citizens as to what can be done there. I wish it were in my power to voice the sentiment and to put in the heart of each one here the feeling that I have as to our duty toward those for whose benefit the plant at Muscle Shoals was dedicated and from whom we took the taxes to pay for it.

SEVERAL SENATORS. Question.

The PRESIDENT pro tempore. The question is, Shall the joint resolution pass, the objections of the President of the United States to the contrary notwithstanding? The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. LA FOLLETTE (when Mr. BROOKHART's name was called). I am requested to announce the unavoidable absence of the Senator from Iowa [Mr. BROOKHART]. If he were present he would vote "yea." He is paired in favor of the passage of the bill over the President's veto with the Senator from Alabama [Mr. HEFLIN], who is also absent, and who, if present, would vote "yea." These two Senators are paired with the Senator from Colorado [Mr. WATERMAN], who, if present, I am advised, would vote "nay."

Mr. VANDENBERG (when Mr. COUZENS's name was called). In the unavoidable absence of my colleague the senior Senator from Michigan [Mr. COUZENS], I am asked to announce that, if present, he would vote "nay."

Mr. BLACK (when Mr. HEFLIN's name was called). My colleague the senior Senator from Alabama [Mr. HEFLIN] is absent on account of illness. As stated by the Senator from Wisconsin [Mr. LA FOLLETTE], my colleague and the Senator from Iowa [Mr. BROOKHART] are paired with the Senator from Colorado [Mr. WATERMAN]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. SHEPPARD. The Senator from Missouri [Mr. HAWES] is detained by illness. If present, he would vote "yea."

Mr. GILLETT. I have a pair with the Senator from North Carolina [Mr. SIMMONS]. As this is a two-thirds vote, I have also been furnished with the Senator from Missouri [Mr. HAWES] as a pair. I transfer those pairs to the Senator from Michigan [Mr. COUZENS], and will vote. I vote "nay."

Mr. HATFIELD. I have a general pair with the Senator from North Carolina [Mr. MORRISON]. As he would vote as I intend to vote, I vote "yea."

Mr. SHEPPARD. I desire to announce that the Senator from Massachusetts [Mr. WALSH] is necessarily absent. If present, he would vote "yea."

I desire further to announce that the Senator from South Carolina [Mr. BLEASE] is paired on this question with the Senator from Massachusetts [Mr. WALSH] and the Senator from North Carolina [Mr. MORRISON]. If the Senator from South Carolina were present he would vote "nay," and if the Senator from Massachusetts [Mr. WALSH] and the Senator from North Carolina [Mr. MORRISON] were present they would vote "yea."

The roll call resulted—yeas 49, nays 34, as follows:

YEAS—49

Ashurst	Cutting	Kendrick	Smith
Barkley	Dill	La Follette	Steiwer
Black	Fletcher	McGill	Stephens
Blaine	Frazier	McKellar	Swanson
Borah	George	McNary	Thomas, Okla.
Bratton	Glass	Norbeck	Trammell
Brock	Harris	Norris	Wagner
Broussard	Harrison	Nye	Walsh, Mont.
Bulkley	Hatfield	Pittman	Wheeler
Capper	Hayden	Robinson, Ark.	Williamson
Caraway	Howell	Robinson, Ind.	
Connally	Johnson	Sheppard	
Copeland	Jones	Shipstead	

NAYS—34

Bingham	Goldsborough	Moses	Steck
Carey	Gould	Oddie	Thomas, Idaho
Dale	Hale	Partridge	Townsend
Davis	Hastings	Patterson	Tydings
Deneen	Hebert	Phipps	Vandenberg
Fess	Kean	Ransdell	Walcott
Gillett	Keyes	Reed	Watson
Glenn	Metcalf	Shortridge	
Goff	Morrow	Smoot	

NOT VOTING—13

Blease	Heflin	Pine	Walsh, Mass.
Brookhart	King	Schall	Waterman
Couzens	McMaster	Simmons	
Hawes	Morrison		

The PRESIDENT pro tempore. Less than two-thirds of the Senators voting having voted in the affirmative, the bill does not pass contrary to the objections of the President of the United States.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 5033. An act to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 5110. An act to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina;

S. 5571. An act to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932;

S. 6011. An act to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor; and

S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington.

The message returned to the Senate, in compliance with its request, the engrossed bill, and House amendments thereto (S. 1696), for the relief of Thomas L. Lindley, minor son of Frank B. Lindley.

The message also announced that the House had passed with amendments the bill (S. 5220) authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md., in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. J. Res. 532) authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 11368. An act to fix the annual compensations of the secretary and the Governor of the Territory of Alaska;

H. R. 12063. An act to amend section 16 of the Federal farm loan act;

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others; and

H. J. Res. 528. Joint resolution making an appropriation to provide books for the adult blind.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION

The PRESIDENT pro tempore. Pursuant to the provisions of section 5581 of the Revised Statutes, the Chair appoints the Senator from Arkansas [Mr. ROBINSON] a member of the Board of Regents of the Smithsonian Institution to fill the vacancy that will occur on March 4 next by reason of the expiration of his term of service.

ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, March 3, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 35. An act for the relief of James W. Nugent;

S. 43. An act for the relief of W. W. Payne;

S. 155. An act for the relief of Jesse J. Britton;

S. 181. An act for the relief of James H. Roache;

S. 182. An act for the relief of Daisy O. Davis;

S. 351. An act for the relief of John Donahue;

S. 401. An act for the relief of Claude J. Church;

S. 543. An act to increase the pay of mail carriers in the village delivery service;

S. 896. An act to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;

S. 1244. An act for the relief of Capt. Christian Damson;

S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership;

S. 1918. An act for the relief of Irene Strauss;

S. 2068. An act for the relief of Lester L. Wilson;

S. 2106. An act for the relief of John Baba;

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co.;

S. 2615. An act for the relief of Arthur J. Robinson;

S. 3050. An act for the relief of James M. Booth;

S. 3184. An act to permit the county of Solano in the State of California, to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif.;

S. 3206. An act for the relief of Rebecca Green;

S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;

S. 3831. An act for the relief of Georgia A. Muirhead;

S. 4274. An act for the relief of Dr. Cooper Nicholson;

S. 4435. An act for the relief of James Williamson and those claiming under or through him;

S. 4509. An act for the relief of Thomas G. Hayes;

S. 4612. An act for the relief of the Corporation C. P. Jensen;

S. 4675. An act for the relief of the Seward City Mills (Inc.);

S. 4696. An act granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2 in said section 5;

S. 4715. An act for the relief of John T. Doyle;

S. 4716. An act for the relief of Mrs. Thomas Doyle;

S. 4726. An act for the relief of Alexander H. Bright;

S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton;*

S. 5105. An act for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic & Pacific Railroad Co. in the State of New Mexico, and for other purposes;

S. 5193. An act for the relief of Mildred N. O'Lone;

S. 5195. An act for the relief of Howard Dimick;

S. 5198. An act for the relief of T. Morris White;

S. 5199. An act for the relief of Leslie W. Morse;

S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.);

S. 5201. An act for the relief of C. O. Smith;

S. 5321. An act for the relief of Thomas F. Myers;

S. 5467. An act to amend an act for the relief of Augusta Cornog, approved May 29, 1928;

S. 5516. An act for the relief of E. G. Mason;

S. 5353. An act for the relief of Mrs. Herman M. Warr; and

S. 6046. An act to authorize advances to the reclamation fund, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 525) to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, was read twice by its title and referred to the Committee on Finance.

SENATOR FROM MINNESOTA—NOTICE OF CONTEST FILED BY HON. EINAR HOIDALE

Mr. WALSH of Montana presented a letter addressed to him by N. E. Pardee, Esq., of Minneapolis, Minn., inclosing a notice of contest of the election of Hon. Thomas D. Schall as Senator from the State of Minnesota for the term commencing March 4, 1931, which, with the accompanying notice of contest, was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

MINNEAPOLIS, *February 28, 1931.*

Hon. THOMAS J. WALSH,
Senator from Montana,
Washington, D. C.

DEAR SENATOR WALSH: Please find inclosed herewith, a notice of contest of the election of Thomas D. Schall as Senator, signed by Mr. Einar Hoidale of this city, who was the Democratic nominee for Senatorship.

At Mr. Hoidale's suggestion, I am sending this to you with the request that you please file the notice with the proper officer of the Senate, who, I presume, is the Secretary.

It is our understanding that in the case of a contest of election, it is an advantage for the contestant to file notice before the contestee is sworn in and that in case the contestant establishes his claim, the election can be declared void by a majority vote, whereas if the contestee is sworn in, a two-thirds vote is necessary to oust him. It is for this reason that we file the notice at this time and if, in your mind, there is any good ground why the notice should not be filed, any action you take will meet with Mr. Hoidale's entire approval.

We are writing to Mr. George B. Leonard of Minneapolis, who is at present attending the hearing on our Federal judgeship and shall request him to confer with you about this.

Thanking you for your help in this matter and with our esteemed regards,

Yours very truly,

N. E. PARDEE.

To the Senate of the United States:

Comes now Einar Hoidale and files notice with this honorable body that he will contest the avowed election of Thomas D. Schall on November 4, 1930, as a United States Senator from the State of Minnesota.

That hereafter a petition will be filed herein, setting forth the grounds upon which this contest is instituted and that among other charges to be alleged in the petition will be specific charges that the election of Thomas D. Schall was accomplished through illegal use of the United States mails, violation of the corrupt practices act of the State of Minnesota, the casting of illegal and fraudulent votes in certain voting precincts, and other violations of law, and that all such charges will be specifically set forth and enumerated in form of petition when filed.

Minneapolis, Minn., February 28, 1931.

EINAR HOIDALE.

SENATOR FROM NORTH CAROLINA—NOTICE OF CONTEST FILED BY HON. GEORGE MOORE PRITCHARD

The VICE PRESIDENT laid before the Senate the petition of Hon. George Moore Pritchard filing his contest for a seat in the Senate as Senator from the State of North Carolina contesting the seat claimed by Hon. Josiah W. Bailey for the term commencing March 4, 1931, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

PETITION OF GEORGE MOORE PRITCHARD

To the Senate of the United States:

Comes now George Moore Pritchard and files this, his contest, for a seat in the United States Senate as Senator from the State of North Carolina, and contests the seat claimed by Josiah W. Bailey for the term beginning March 4, 1931, and as grounds for this contest shows to this honorable body the following:

That heretofore the said George Moore Pritchard was duly nominated as the Republican candidate for United States Senator from North Carolina for said term, and that the said Josiah W. Bailey was nominated for said office and term on the Democratic ticket.

That there are in said State of North Carolina 100 counties, divided into 1,811 election precincts or districts; that the election for said office was held on the 4th day of November, 1930; that by the laws of the State of North Carolina the votes cast in the various precincts or districts are canvassed and counted by the judges, inspectors, and clerks of election in the districts in which cast; that said various election precinct or district officials certify the results thereof to authorized officials to receive such results in the counties in which the various precincts are situated; that thereafter each county board of canvassers scrutinizes said returns and, in accordance with the laws of the State, an abstract of the return is made and certified to the clerk of the superior court of the county, and said clerk of the superior court certifies the chairman of the State board of elections. The returns so received are opened by the board of State canvassers, after the same have been abstracted, the result is declared and certified to the secretary of state.

That as a result of the canvass of the returns as certified to the secretary of state of North Carolina, it was found that the said Josiah W. Bailey was shown by the returns to have received 324,393 votes for said office of United States Senator at said election and that the said George Moore Pritchard had received a total of 210,761 votes for said office, the difference thus giving the said Josiah W. Bailey an apparent plurality of 113,632 votes.

For the purpose of this complaint, the said Josiah W. Bailey is hereinafter described as the claimant and the said George Moore Pritchard is hereinafter described as the contestant.

Contestant avers that all of the present registrars of North Carolina are members of the Democratic Party (the Republican Party having no representation whatsoever), and upon information and belief, that many of said registrars illegally placed upon the registration books of the State the names of nonresidents, minors, unsworn persons, and other disqualified persons, totalling many thousands; that many other thousands were illegally voted under the guise of and through the fraudulent manipulation of the absentee ballot law; that in numerous cases, such as that of the Cherokee Indians of Jackson and Swain Counties of North Carolina and otherwise, legally qualified members of the Republican Party in large numbers were refused the right to register and vote, and that by reason of said illegalities and such frauds as the willful mismarking and miscounting and fraudulent and deficient distribution of ballots, and also by coercion, intimidation, and failure to see that the spirit and letter of the election law, such as it is, were carried out, your contestant, as he is informed and believes, was deprived of enough votes to have elected him to the United States Senate; and that there were such illegal practices, gross frauds, and irregularities committed in said election that a correction thereof would show this contestant to have received a majority of the votes legally cast in said election and to have been duly elected United States Senator for said term.

More specifically, the contestant alleges, on information and belief:

1. That in many election precincts registrars entered on their books names of voters who did not in fact register and take the oath required by law and that such voters thereafter, although illegally and unlawfully registered, cast their votes for the claimant, and said votes were counted in the total number certified as cast for said claimant.

2. Registrars in many precincts entered on their registration books names of voters who did not in fact register and take the required oath as fixed by law and thereafter, at said election on November 4, 1930, votes were cast in the names of such persons and included in the total votes certified to have been received by the claimant.

3. That during the period of registration, registrars traveled throughout their precinct and registered Democratic voters but did not register Republican voters, thus insuring the registration of all Democrats and making it almost impossible to register the Republican vote. This practice constituted an unlawful disregard of the duties of said registrars, who were sworn to discharge their duties in an impartial manner.

4. Many thousands of illegal and fraudulently obtained absentee ballots were cast in behalf of the claimant and included in the total votes certified to have been received by the claimant. Included in such illegal and fraudulent absentee ballots were the following:

(a) Ballots based upon absentee affidavits and certificates executed by officers and physicians to be used illegally by workers, in many cases without the knowledge of the voters.

(b) Ballots in the names of voters who failed to vote in person, but who were neither sick or absent as contemplated by law.

(c) Absentee ballots not accompanied by affidavits or certificates as required by law.

(d) Absentee ballots not indorsed by the voters.

(e) Absentee ballots cast in the names of nonresident and unqualified persons.

5. In violation of law, many persons employed as markers forced their assistance upon voters and exercised duress and undue influence in persuading said voters to cast their ballots for the claimant and in many cases actually marked said ballots contrary to the wishes and directions of the voters, all of which said ballots thus obtained were included in the total number of votes certified to have been received by the claimant.

6. There was a general interference by political workers with voters in the election inclosure and in the booths, such interference being in violation of law, under which it is required that a 50-foot space around the ballot boxes be kept free and clear. Such interference resulted in undue and improper influence and persuasion upon many voters who, because of same, were deprived of the exercise of their own free will and whose votes as a result of said interference were cast for and included in the total certified as having been received by the claimant.

7. Many persons employed as markers, with intent to defraud, marked only the top ballot in the hands of the voters, which resulted in voiding all but the top ticket, thereby partially disfranchising many thousands of unsuspecting voters.

8. Many persons employed as markers deliberately mismarked the ballots, contrary to the instructions of the voters.

Said contestant therefore comes to your honorable body not only in his own behalf, but on behalf of the electorate of North Carolina, and the people of the United States of America. It is his belief, and he alleges, upon information and belief, that upon a fair and lawful recount of the ballots legally cast and on the elimination of fraudulent returns, he will be shown to be the duly and lawfully elected United States Senator from the State of North Carolina; and that for all the purposes of truth and justice he therefore prays that your honorable body will so decide.

GEORGE MOORE PRITCHARD, *Contestant.*

DISTRICT OF COLUMBIA, *ss:*

George Moore Pritchard, being first duly sworn upon oath, deposes and says:

That he is the contestant named in the foregoing petition; that he has read said petition and knows the contents thereof; that the facts stated therein as upon his personal knowledge are true and those stated upon information and belief, he believes to be true.

GEORGE MOORE PRITCHARD.

Subscribed and sworn to before me this 3d day of March, 1931.

[SEAL.] HERBERT G. ROSBORO,
Notary Public, District of Columbia.

Commission expires October 19, 1933.

ADDITIONAL BILL INTRODUCED

Mr. METCALF introduced a bill (S. 6277) to authorize the Secretary of Agriculture to further enforce the game laws of the United States, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

DIVERSIFIED FARMING

Mr. NORBECK. Mr. President, I have a letter from C. W. Croes, manager South Dakota Wheat Growers' Association, Aberdeen, S. Dak., enclosing copy of a letter he wrote to the Argus-Leader, a newspaper published at Sioux Falls, S. Dak. I ask that his letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CROES WRITES OF DIVERSIFICATION

EDITOR, THE ARGUS-LEADER: We were interested in your editorial comment in the Argus-Leader of December 27, in which you say, "A pleasant note in the Argus-Leader yesterday was the news item about John Janza who has rented a farm near Canistota for 21 years. In that period the dispatch explains that he has been too busy in piling up wealth from his farm operations to worry about farm relief. Mr. Janza is a strong believer in diversification, practices it extensively, and the result has been profit."

One of our farmer friends dropped in just about the time we read this editorial and after reading it to him and the story the previous day copied by your paper from the dispatch, as Uncle Josh Weatherby would say, "He was so doggoned mad right then that if he would have bit himself he would have had hydrophobia."

We were at loss to know whether the story indicated that its author intended to make light of the farmers who seriously thought of farm relief, whether his conviction was that if all farmers would diversify that the farm problem would be solved, or whether the fact that a farmer had been found who was making money was a news item worthy of a front-page story and editorial comment.

Anyway the story reminded us of another story that the Argus-Leader carried in one of its issues of March, 1929, copied from another local paper within the State. We will not quote the name of the paper or the name of the man except that his first name was Albert, that his local paper wrote a glowing story of Albert's accomplishments, the substance of which was that Albert had arrived here an immigrant from Sweden about 42 years ago with 25 cents in his pocket. He obtained a job on the section at a dollar a day and after working a few years, saving his money, bought a piece of land on which he built a home and gradually acquired more land, always following the diversified route in his farming program. The story told that last year, that is, in 1928, that Albert had sold some $3,000 worth of fat cattle, some $2,600 worth of hogs, $600 worth of cream, $400 worth of poultry; that he now owned 1,008 acres of land; that he had always believed in diversification, and hence, his success; and wound the story up by saying this was ample evidence that no man needed to wear rose-colored glasses to see that there was ample opportunity for farmers to make money in South Dakota.

The story was so good that it was copied from the Argus-Leader by the Department of Agriculture and sent out in its news bulletin all over the United States to inspire farmers along the sure road to success via diversification.

Now we had read so many of these stories, in fact have tried for the last 20 years to operate one of these diversified farms with somewhere near the success pictured by most of these stories. Frankly, experience has made us a little dubious of the facts in some of these and like the good old southerner, we wanted to see the coons.

About the time we read this story about Albert as distributed by the Department of Agriculture at Washington, one of Albert's neighbors happened into the office and we asked him how well the story fitted the facts concerning Albert. "Well," he replied, "Albert is a good farmer; he is a good feeder; a hard worker; he hires cheap help and works the daylight out of them. He knows how to feed cattle, raise hogs, and get good crops." "Well," we asked, "how is he getting along financially?" "Well," the neighbor replied, "I don't know for sure, I know he had quite a little trouble a year or so ago fixing up the encumbrance on his farm."

Well, this only whetted our curiosity a little more, so we sat down and wrote the register of deeds' office in Albert's home county and got an abstract of his chattel indebtedness and also his real estate loans. Through that we located a complete financial statement showing the cold facts. It was true that Albert started buying land about 40 years ago, his first quarter at $10 an acre, second at $12. In the 40 years he had accumulated a thousand and eight acres, for which he had agreed to pay a purchase price of approximately $26,000. Mortgage records show that he had mortgages against the land of $33,600 at the time this glowing story was printed of his success. He had about $10,000 worth of chattel property and owed about $10,000 on the chattels. In other words if the author of the story had taken off his rose-colored glasses and looked into the cold facts with clear ones, it would have shown him that if Albert would have had to pay up his indebtedness at that time, instead of the wonderful pictures of prosperity that these stories had painted for him, that all he would have to show would have been 42 years of hard work for him and his family; his wife who had gone to her reward, his son and wife who were still helping him in operating the farm. The 25 cents that he brought with him would not even have been left in cash assets.

In checking this up again to-day we find that Albert died last fall and the foreclosure on Albert's farm has already been completed and the time of redemption will soon be run.

Now, Albert was a good farmer, better than the average, was a graduate of the Agricultural College in Sweden, we are informed, and came of splendid stock. From 1890 to 1920 he made steady progress and prospered. From 1920 to 1930 he apparently met only the conditions that the average farmer has met. Made no outstanding errors. The victim of an error in the national policy of his adopted country.

Because of the rather tragic picture that the above facts reveal we have not used Albert's full name nor given the identification of the local paper. To anyone, however, desiring and justly entitled to this information we would be glad to give verification. We do not tell this story for the purpose of criticism; or if so, at least only constructive criticism, for we are aware that your paper, and undoubtedly most of the press of the State, is anxious to give its readers the uncolored truth as much as possible; anxious, of course, to add a cheerful note whenever one can be found, but stories such as this are disheartening to the man who has been honestly trying, but trying in vain, to accomplish what he has been led to believe some other men have accomplished.

Added to this every such story furnishes ample and ready argument to the opponent to the farmers' plea for equality. It convinces the innocent readers of the eastern press that the farmer who is complaining of distress conditions is wholly responsible, and inexcusably so. It weakens his case when the truth would strengthen it. We do not take the position that there are no bright spots but we do maintain that they are altogether too few, and in the past eight years we do believe that there has been altogether too much tendency on the part of our writers to try to look through rose-colored glasses on the farmers' situation when, had they thrown away their rose-colored glasses and used the gray matter that the Creator gave them to fight for the truth—not for charity but for equal rights for the land which gives them their livelihood—not only the farmers' distress would have been lightened but a great deal of the industrial depression that is now upon us could have been avoided. The man who maintains that the agricultural industry can not be helped or injured as a result of legislation exposes an ignorance that is pathetic, wholly inexcusable, when we live in a nation where three-fourths of our industry depends almost wholly upon legislation to provide its profits.

For eight years past industrial leaders and statesmen have dodged the truth and insisted on believing the rose-colored picture of Albert's farming experience was the true picture of American agriculture. The present depression was the inevitable, as they could readily have seen had they thrown away their rose-colored glasses. Too late to remedy that now, but if we can begin now to look facts squarely in the face we should in another year or two find ourselves well launched in an era of progress and prosperity to all. Not an unbalanced and unhealthy one that gives a transient and extreme prosperity to a portion of our people while taking the homes from the rest.

C. W. CROES.

ECONOMIC INVESTIGATION IN THE OIL, COAL, LUMBER, AND OTHER INDUSTRIES

Mr. ODDIE submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 525) to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. ODDIE. When the joint resolution is laid before the Senate I propose to call up this amendment.

INVESTIGATION OF THE MOTION-PICTURE INDUSTRY

Mr. DILL submitted the following resolution (S. Res. 495), which was referred to the Committee on Interstate Commerce:

Resolved, That a special select committee of 5 Senators, to be appointed by the President of the Senate, 3 from the majority political party and 2 from the minority political party, is authorized and directed to conduct an investigation of the motion-picture industry (hereinafter referred to as the industry), with particular regard to the activities of Will H. Hays and the Motion Picture Producers and Distributors of America (Inc.) (hereinafter referred to as the said parties), with a view to determining—

(a) The relations of the said parties with public-welfare agencies, churches, women's clubs, educational institutions (especially the Harvard Graduate School of Business Administration), the Department of Commerce, and the press, for the purpose, among other things, of disseminating industry propaganda of questionable factual accuracy, together with the explanation for the failure of the Department of Commerce to disclose the true financial condition of the industry in its annual trade survey thereof.

(b) The relations of the said parties with bankers, brokers, and others for the purpose of selling industry securities totaling many millions of dollars, and ultimately entailing great loss to the purchasers thereof.

(c) The relations of the said parties (1) with the censorship boards of the several States and (2) with national and State political organizations, particularly in so far as the said parties seek to influence the election to public office of candidates sympathetic to the industry and opposed to State or Federal regulation thereof.

(d) The explanation for the immunity of the said parties since 1922 from effective prosecution by the Department of Justice for violating the antitrust laws, notwithstanding the unlawful character of the business activities of the said parties, and particularly as to whether such immunity has any relation to the fact that the successful negotiations by the industry for the services of Will H. Hays and George Akerson took place while the former was Postmaster General and the latter secretary to the President of the United States.

(e) The relations of the said parties (1) with the State Department and the Department of Commerce in connection with the settlement of acute problems of the industry in several foreign countries, and (2) with the League of Nations, and the several committees thereof officially interested in the industry, including the International Educational Cinematographic Institute of the League of Nations at Rome, in which a representative of the said parties is a prominent member.

(f) The explanation for the policy pursued by the said parties in the employment in the industry of persons formerly affiliated with the State Department or the Department of Commerce, and the financial interest, if any, of Hon. Julius Klein, Assistant Secretary of Commerce, with any company in the industry.

(g) The participation of the said parties or other members of the industry in the patent pool agreement between the leading American and German electrical companies entered into at Paris, France, in June and July, 1930, whereby the world trade in audible-film apparatus and theater equipment was apportioned among the major companies represented, together with the activities of representatives of the State Department and Department of Commerce in accelerating such agreement and in inform-

ing the President of the United States of the agreement and the loss suffered by nonparticipating companies of the industry as a result of the agreement.

(h) The relations, if any, of the said parties with the Federal Trade Commission and the Department of Justice in connection with the failure of the department to vigorously prosecute the said parties for violating the Federal antitrust laws.

(i) The probable effect on the unlawful activities of the four members of the industry prosecuted in 1928 by the Government under the antitrust laws in the event decrees in favor of the United States in those cases.

(j) The activities of the Copyright Protection Bureau, operated under direction of the said parties, in so far as the bureau exacts large sums of money from independent exhibitors under color of the penalty clause of the Federal copyright laws.

The committee shall report to the Senate, as soon as practicable, the results of its investigations, together with its recommendations, if any, for legislation requesting the Attorney General to institute proceedings against the members of the industry presumably guilty of unfair or unlawful trade practices or combinations.

For the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-second and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and go take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ISLE ROYALE NATIONAL PARK, MICH.

Mr. VANDENBERG. Mr. President, the Senate has completed this morning the legislation to create a national park at Isle Royale, Mich. It will be the greatest national park in the system if and when the plans are perfected. It is the only national park in the Great Lakes area. I predict for it a tremendous popularity when it finally has been taken into the national system. Perhaps the most remarkable and enthusiastic indorsement ever given to a national-park project is contained in the report of Secretary of the Interior and the Director of the National Park Service upon the so-called Cramton-Vandenberg bill. I ask unanimous consent that these reports be printed in the RECORD.

There being no objection, the memorandum of Director Albright, of the National Park Service, was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1931.

Hon. GERALD P. NYE,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR MR. CHAIRMAN: In compliance with your request of February 24, for a report on S. 6221, which is a bill that would provide for the establishment of the Isle Royale National Park, in the State of Michigan, I transmit herewith a memorandum on the subject that has been submitted by Director Albright of the National Park Service.

After a review of the proposed measure, I agree with Mr. Albright.

Very truly yours,

RAY LYMAN WILBUR, *Secretary.*

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, February 25, 1931.

Reference is made to letter, dated February 24, from the chairman of the Committee on Public Lands and Surveys, United States Senate, inclosing for report a copy of S. 6221, Seventy-first Congress, third session, entitled "A bill to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes."

Isle Royale is the largest island in Lake Superior, located just inside the international boundary about 25 miles north and west of Keweenaw Point in Michigan. It lies in Keweenaw County of that State. It is approximately 44 miles long, with an average width of 5 miles. Its area is estimated at approximately 205 square miles. Twelve square miles of this area are composed of inland lakes, 24 in number, leaving 193 square miles, or approximately 123,520 acres net of land area. To this may be added about 2,000 acres on the immediately surrounding smaller islands which should be included in the project. It is accessible by boat from about May 1 to November 15. For the remainder of the year it is ice bound. During the open season boats from Duluth, Minn., Houghton, Mich., and Port Arthur, Ontario, provide transportation. A good many people now fly over the island. It has no telegraph or telephone connections with the mainland. The last census indicated only 23 registered voters, mostly trappers, fishermen, or miners, who live scattered throughout the area. It is used on a very small scale for summer resort purposes, a small lodge being available at Rock Harbor on the eastern end.

The topography of the island is quite broken, and can perhaps be best described as a moss and forest covered mass of gigantic rocks, the result of a volcanic upheaval. It has the appearance of being almost entirely in its primeval state, for, due to the rugged formation, lumbermen have left its tree growth alone. The island is said to have burned over in the remote past, and evidences of such fires can be seen in places. However, in such instances nature has restored conditions well. There are many marvelous beauty spots in their primitive condition, thus offering perfect examples of nature's textbooks for the study of scientists and student. Especially is this the case on the smaller islands surrounding the main Isle Royale. The exquisite, rugged beauty of the cliffs of the shore lines, indented with countless small bays and mouths of trout streams that may be enjoyed by sailing along the narrow deep fiords or channels, constitutes a particularly fascinating contribution to the scenic offerings of the park.

Due to the peculiar combinations of inland lakes and forested terrain, these factors may be held accountable for the preservation and increase of the wild life of the island. Without this sheltering cover of balsam, spruce, beech, birch polar, and pine, Isle Royale to-day doubtless would not be the home of moose, woodland caribou, beaver, deer, and other wild life. It is considered no exaggeration to estimate 2,000 moose and 400 woodland caribou on the island, the latter an animal not encountered elsewhere within the confines of the mainland of the United States. Moose may now be seen with little effort by any visitor. This in itself will present an unusually fine wild-life spectacle. Botanists report a wealth of flora, equaling in season the finest flower displays of the other national parks. The flora and fauna of the island, said to be entirely foreign to the neighboring shores of the lake and to be sub-Arctic in character due to the perpetually cold waters by which Isle Royale is surrounded, have long been the object of scientific curiosity. The waters of the island and the surrounding lake abound with fish so that the sport of fishing would be one of the outstanding attractions of the park. The island group are considered the greatest breeding grounds for the herring gull in the Great Lakes. The proposed park thus offers large opportunities for study and enjoyment to the lover of bird, animal, and fish life under most favorable conditions.

Another most interesting feature of the island is the archæological remains. In two remote sections—one on the northern shore and the other in the south Siskiwit Bay district—extensive mining operations of ancient days have been uncovered. How far back into our history these go has not yet been definitely determined. On the old Minong workings, near McCargoes Cove, great piles of stone hammers, crude large stone steps leading to the water's edge and other stone implements have been uncovered. Whether these represent the operations of ancient white men or began with their Indian antecedents is unknown. However, there are remains of literally thousands of open pit mines from which, in aboriginal times, the early inhabitants of these regions obtained practically all of the copper that was used in aboriginal America. From here and the adjacent mainland where all of this copper was obtained, it found its way by the trade routes into other parts of North America, and all of the copper, so far as can be determined, which has been found in mounds in the South and elsewhere, was originally obtained from this immediate vicinity. Here at and near the head of McCargoes Cove, therefore, may be said on good authority to be the real seat of this great ancient mining industry.

It is, therefore, evident that from a scenic, recreational, scientific, and educational standpoint, here is presented one of the outstanding opportunities for the establishment of a great island national park, unique of its kind in the system, and measuring up to the high standards that have been prescribed for such establishment. Its type of scenery, utterly distinct from anything now found in our national park system, its primitiveness, its unusual wild life and interesting flora, its evidences of possible prehistoric occupation, all combine to make Isle Royale and its neighboring islands of national park caliber.

It is this very unusualness which will also present unusual problems for development, if and when created as a national park. Complete protection, of course, is the prime object aimed at. The island appears peculiarly adapted for the building of a simple system of horse and hiking trails from one end of the island to the other, following ridges or partly at lower elevations near the shores with other trails, crossing over and connecting the longer parallel trails. From these pathways unending and everchanging scenes of marvelous beauty would be unfolded, without disturbing the wilderness character of the area or the wild life. Such development of the inner section of the park would be paralleled by the boat routes through the channels surrounding the island.

The matter of establishing this national park was first seriously brought to the attention of the department in 1924 through the interest of Michigan conservation associations which were actively pushing the matter and exerting themselves toward securing the private holdings on the island in order that they could be offered to the Federal Government. The area was carefully inspected in 1925 by former Director Mather, of the National Park Service, who gave it his unqualified approval. He was much impressed and very enthusiastic over the possibilities. It has been visited and reported on by other outstanding men of authority, notably this past summer by Harlan P. Kelsey, of Salem, Mass., a botanist and conservationist, as collaborator for the service, and Dr. Frank R. Oastler, of New York City, outstanding in conservation circles and a member of the advisory board on educational problems in national parks, both of whom were high in their praise of the area from a scenic and scientific standpoint. The area was also studied in 1930 by Senator WALCOTT, chairman of the Special Committee on the Conservation of Wild Life Resources of the United States Senate, and other members of that committee. In all discussions of the possible creation of this park, the department and the service, while being favorable to the project, have taken the stand that the only condition under which the project would be acceptable under established policies would be that all the area required should be conveyed to the Federal Government without cost, as was the policy approved by Congress for the establishment of the three proposed southern Appalachian parks.

It may be pertinent to observe at this point that, while all except 9,121 acres of the island, which are public land, are in private or State ownership, the head of one of the large copper companies owning considerable acreage on the island has indicated that some 21,000 acres of their holdings would be turned over to the park project without cost, in the event of the establishment of the park, and that this gift may be increased to 45,000 acres. The Conservation Commission of the State of Michigan stands ready to deed 2,240 acres of land under its jurisdiction toward the project. Altogether commitments have been made to turn over approximately 56,000 acres of the total required for the park, leaving the rest still to be acquired by local authorities.

Under the provisions of S. 6221, the actual establishment of this national park is based upon the condition that the land deemed necessary be turned over to the United States without cost for acquisition.

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HORACE M. ALBRIGHT, *Director.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolutions of the Senate:

S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;

S. 5588. An act to add certain public lands to the Washakie National Forest, Wyo.;

S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;

S. J. Res. 228. Joint resolution to provide for the relocation of the statue of Maj. Gen. John A. Hawlins; and

S. J. Res. 247. Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 101. An act to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes;

S. 5546. An act to amend section 2 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the seige of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes"; and

S. 5724. An act authorizing the George Washington Bicentennial Commission to print and distribute additional sets of the writings of George Washington.

The message further announced that the House had passed the bill (S. 6169) to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 531) making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 5033. An act to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;

S. 5524. An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;

S. 6011. An act to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor;

S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended;

S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington;

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission;

H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes; and

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms.

HOUSE BILL REFERRED

The bill (H. R. 17262) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

ECONOMIC INVESTIGATION IN THE OIL, COAL, LUMBER, AND OTHER INDUSTRIES

Mr. SMOOT. Mr. President, the Finance Committee met to-day and considered the joint resolution (H. J. Res. 525) to provide for the investigation of economic conditions in the oil, coal, lumber, manganese, asbestos, and agricultural industries, and for other purposes, I am authorized as chairman of the committee to report it to the Senate and ask unanimous consent for its immediate consideration.

Mr. LA FOLLETTE. I object.

The PRESIDENT pro tempore. Objection is made.

MINING EXPERIMENT STATION, COLLEGE PARK, MD.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5220) authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md., which were, on page 1, line 11, after the word "site," to insert "of not less than 20 acres"; on page 2, line 2, after the word "donated," to insert "and conveyed by deed conveying absolute title," and on the same page, line 3, to strike out all after the word "purpose" down to and including the word "indicated" in line 4.

Mr. TYDINGS. In the absence of the chairman of the Committee on Mines and Mining, I move that the Senate concur in the amendments of the House.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

THOMAS L. LINDLEY

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill

(S. 1696) for the relief of Thomas L. Lindley, minor son of Frank B. Lindley, which were on page 1, line 6, to strike out "$5,000" and insert "$2,500"; and on page 1, line 10, after "1929" to insert:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. CAPPER. I move that the Senate recede from its disagreements to the amendments of the House and agree to the same.

The motion was agreed to.

MEMORIAL TO DOVER PATROL

The PRESIDENT pro tempore laid before the Senate the joint resolution from the House of Representatives (H. J. Res. 532) authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War, which was read twice.

Mr. COPELAND. Mr. President, this joint resolution carries no appropriation; but certain foreign citizens have contributed money which is now in the Treasury, and under the rules of the Comptroller it can not be disbursed without this action. Therefore, I ask unanimous consent that the bill be placed upon its passage.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. Allow the joint resolution to be read.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Chief Clerk read the joint resolution.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

ADDITIONAL REPORTS OF COMMITTEE

Mr. MOSES, from the Committee on Rules, to which was referred the joint resolution (H. J. Res. 522) creating a joint committee to investigate and report upon matters respecting private claims, reported it without amendment.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (H. R. 17262) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it without amendment.

MEMORIAL TO STEPHEN T. MATHER

Mr. NORBECK. Mr. President, I introduce a bill which I ask to have read and given immediate consideration.

The PRESIDENT pro tempore. The bill will be read.

The bill (S. 6279) was read twice, as follows:

A bill to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather

Be it enacted, etc., That the National Capital Park and Planning Commission be, and is hereby, authorized and directed to provide, in connection with the park and playground system of the National Capital or the George Washington Parkway, a suitable memorial in memory of the late Stephen T. Mather, the first director of the National Park Service and formerly ex officio member of said National Capital Park and Planning Commission, as in the judgment of said commission shall be appropriate, in recognition of his distinguished service to the Nation.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the bill was considered by the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

INDEBTEDNESS OF RAILROADS TO UNITED STATES

Mr. HOWELL. Mr. President, I offer the resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The resolution (S. Res. 494) was read, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to report to the Senate on or before December 1, 1931, respecting the indebtedness of each railroad debtor upon any notes or other claims on account of loans made under the provisions of section 210 of the transportation act of 1920, as follows:

First. Financial condition of railroads;
Second. Class of security held by the Government;
Third. Prospects of payment;
Fourth. What efforts are being made to collect; and
Fifth. Recommendations as to disposition of debt.

The PRESIDENT pro tempore. Without objection, the resolution will be received. The Senator from Nebraska asks further unanimous consent for the present consideration of the resolution. Is there objection?

Mr. FESS rose.

Mr. SMOOT. Mr. President, I hope the Senator from Ohio will not object to the consideration of the resolution.

Mr. HOWELL. It merely calls for information.

Mr. REED. Mr. President, the information is given on the back of the quarterly Treasury statements anyway, and in the financial reports that are published every month.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The resolution was considered by the Senate and agreed to.

PHILIPPINE INDEPENDENCE AND THE FEDERAL CONSTITUTION

Mr. PITTMAN. Mr. President, at the request of the Senator from Missouri [Mr. HAWES], who is detained from the Senate by illness, I ask to have published in the RECORD an article entitled "Philippine Independence and the Federal Constitution," by Mr. Everette C. McKeage, of San Francisco, Calif.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREWORD

At the outset of this argument and for the purpose of acquainting the reader with my personal political views on the subject of Philippine independence, let me say that I believe in benevolent imperialism and would not favor the granting of independence to the Philippines if our Government had not, in my opinion, by its unmistakable attitude and policy toward that subject, led the Philippine people to believe that independence would be granted. To now say to the Philippine people, after a period of 30 years under our rule, that we will grant them independence when, in our opinion, they are capable of self-government, yet taking no definite step in that direction, is just the same as saying that we will grant them independence when it suits our convenience, the only difference being that in the latter case we would be aboveboard in our statement and in the former we would be only trying to create a favorable impression without ever committing ourselves to definite action.

The above remarks are for the purpose of demonstrating that I do not approach my subject with a personal bias, in view of the legal stand which I will hereafter take on the purely constitutional power of Congress to grant independence to the Philippine people.

THE GOVERNMENT OF THE UNITED STATES HAS ALL THE INHERENT POWERS OF INTERNATIONAL SOVEREIGNTY

That the United States are a sovereign Nation none will deny. That the Constitution of the United States and laws made pursuant thereto do not constitute all the body of national law is elementary. The common law of England forms a great part of our law and so far as the National Government is concerned the accepted practices of nations in their international relations at the time of the adoption of the Federal Constitution have been held to be rules by which our Government may be guided in exercising its powers of sovereignty.

The Supreme Court of the United States held (quoting from Syllabus) in the case of Fong Yue Ting *v.* United States (149 U. S. 698, 37 L. Ed. 905):

"The United States are a sovereign and independent Nation, and are vested by the Constitution with the entire control of international relations and with all the powers of government necessary to maintain that control and to make it effective."

Again, in the case of Church of Jesus Christ *v.* United States (136 U. S. 1, 34 L. Ed. 478) that court held that "the power to make acquisitions of territory by conquest, by treaty, and by cession" was possessed by the United States, not from any express or otherwise implied power, but because these are "an incident of national sovereignty." In the Legal Tender cases

(12 Wall. 457, 20 L. Ed. 287) Mr. Justice Bradley, in a concurring opinion, said:

"The United States is not only a government, but it is a national government, and the only government in this country that has the character of nationality. It is invested with power over all the foreign relations of the country, war, peace, and negotiations and intercourse with other nations, all of which are forbidden to the State governments. * * * Such being the character of the General Government, it seems to be a self-evident proposition that it is invested with all those inherent and implied powers which, at the time of adopting the Constitution, were generally considered to belong to every government as such and as being essential to the exercise of its functions."

Section 8 of Article I of the Federal Constitution, in enumerating the powers granted to Congress, provides in part as follows:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

It need only here be affirmed that the Supreme Court of the United States has uniformly held that Congress has the implied power to pass all laws and establish all rules and regulations necessary to carry out the powers granted to it by the Constitution. This is an elementary rule of judicial interpretation placed upon any grant of power.

The argument that there is nothing specific in the Constitution giving to Congress the power to alienate sovereignty over national territory demonstrates the weakness of such argument. The Constitution by its very nature contains broad grants of power. The fathers refused to degenerate into meticulous specification, and therein lay the wisdom of their genius. (See McCulloch *v.* Maryland, 4 Wheat. 316.) They made the Constitution so that it could live with the people and the people could live with it and that it would retain its equipoise and inherent wisdom, unassailable by changing conditions and the fickleness of fortune and remain unimpaired by the march of time and events.

Since the decision of the Supreme Court in the famous case of McCulloch against Maryland we have been presented time after time with the judicially determined fact that the United States have under the Federal Constitution implied powers of the greatest magnitude, although not specifically enumerated in that great charter. The presumption has always been that the fathers committed no idle act when they framed the Constitution, and therefore the Nation which they founded must have been intended by them to be a sovereign nation in fact, and being such must be endowed with all those powers and attributes of sovereignty which civilized nations have usually possessed.

It is not necessary, in supporting my view of the express and implied powers given to Congress and the Executive by the Constitution over territory of the United States, to contend that the Federal Government has all the inherent powers of sovereignty as those powers were understood to exist in European governments at the time of the adoption of the Federal Constitution, although there is respectable authority in support of this contention. (Julliard *v.* Greenman, 110 U. S. 421, 28 L. Ed. 204, right of United States Government to issue legal tender inherent in sovereignty. European governments had such power at time of the adoption of the Constitution; United States *v.* Arizona, 120 U. S. 479, 30 L. Ed. 728, holding that if the States did not have the power that it would be presumed that the National Government did. Counterfeiting of foreign securities.) That admission, however, does not negative the contention that the Federal Government, of necessity, has and must have all the attributes and incidents of international sovereignty in order that she may properly take her place as a member of the family of nations.

CONGRESS AND THE EXECUTIVE HAVE THE POWER TO DISPOSE OF TERRITORY OF THE UNITED STATES, EVEN TO THE RELINQUISHMENT OF SOVEREIGNTY OVER SUCH TERRITORY

If the Federal Government has the power to acquire territory, why has it not power, in like manner, to dispose of it? The Supreme Court of the United States has definitely held—and the question is not now debatable—that the Federal Government has the inherent power to acquire territory, either by conquest, cession, annexation, or purchase, although there is not one word in the Federal Constitution about such power? Upon what premise did the Supreme Court base its holdings? Obviously upon the premise of common sense and reason. Which reminds me that the layman has often been told that law is only common sense as applied to the particular facts in dispute, which is not always true, as lawyers will attest; but the above holding of the Supreme Court is one of the instances in which that statement is true. When Seward spoke of a higher law than the Constitution, he came perilously near to the truth; in fact, nearer than he himself cared to admit. The organic law of any government must, of necessity, be modified by three important rules of natural law, viz, the rule of reason, the rule of convenience, and the rule of necessity. These rules are as fundamental as the idea of justice itself. In interpreting the Constitution it is well to bear in mind that the Constitution was made for man, and not man for the Constitution.

We have the right to acquire and govern territory even to the extent of maintaining a colonial system, although not one word exists in the Constitution about acquiring additional territory. Bearing this fact in mind, we shall presently see in what a ridiculous position this fact places those who argue against the power of Congress to dispose of national territory.

Section 3 of Article IV of the Federal Constitution provides in part as follows:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Could language be plainer? The above provision is one that would be expected to be contained in the organic law of any nation, but did our Constitution not contain it, common sense and necessity would supply it on the very reasonable ground that it is an implied and inherent power and attribute of sovereignty just as the Supreme Court has held that the acquisition and governing of territory is an incident of sovereignty. Can it be doubted that such would be the holding of that court in view of its previous decisions. But we do not have to support this argument on that ground alone for the reason that the power to dispose of territory is specifically given to Congress by the Constitution.

But those who deny the power of Congress to alienate sovereignty over territory, say, when presented with this specific constitutional provision, that it does not mean what it says; that it does not give to Congress the power to alienate sovereignty over such territory. That contention reminds me of the soldier—who was then the dealer—who contended in a black-jack game that the dealer won if he turned a black-jack, irrespective of how many other black-jacks may have been turned in the same deal, even though turned previously to the one turned by the dealer. In other words, they win by placing their own interpretation upon the law, irrespective of how ridiculous such interpretation may be. The constitutional provision does not say "dispose of" with sovereignty nor does it say "dispose of" without sovereignty, but it is an incontestable rule of law that a power to dispose of anything carries with it all the implied and inherent powers to make such disposition effective. The power to dispose of anything carries with it the power to make a complete and effective relinquishment of the thing to be disposed of. These rules are axiomatic and require no citation of authority.

Being most charitable with those who contend that Congress has not the power to grant independence to the Philippine people, I must say that their argument that the above-constitutional provision does not include a case of alienation of sovereignty, is based upon the ridiculous premise that they are forced to so contend because to not do so would make their case, in the words of the poet, stand:

"Like the lovely rainbow's form,
Evanishing amidst the storm."

They must, of sheer necessity, so contend else their argument would be no argument at all.

Let us see what the Supreme Court has to say about this particular constitutional provision. In the case of United States *v.* Gratiot (14 Pet. 537, 10 L. Ed. 573), wherein this constitutional provision was under consideration, that court held as follows:

"And Congress has the same power over it (Territory of the United States) as over any other property belonging to the United States; and this power is vested in Congress without limitation, and has been considered the foundation upon which the Territorial government rests."

This holding was substantially reaffirmed in the cases of Downes *v.* Bidwell (182 U. S. 267, 45 L. Ed. 1088) and De Lima *v.* Bidwell (182 U. S. 1, 45 L. Ed. 1041).

Here we have, first, a constitutional provision specifically giving Congress the power to dispose of territory, and, second, a commonsense interpretation of that provision by the Supreme Court. What else need be said? All that would be legally and practically necessary to grant independence to the Philippines is for Congress to pass a joint resolution declaring such to be the sense on certain conditions, which conditions could be doubly secured by the Executive through the treaty-making power. Texas and Hawaii were annexed by a joint resolution of Congress, although several Senators, in the case of Texas, contended that such annexation should be carried out under the treaty-making power, which was provided for in the joint resolution of Congress as a double security, but which was never availed of. Why could not independence be granted to a Territory in like manner? To ask the question is to answer it.

Legally, I contend that the Executive, under the treaty-making power, could, by and with the advice and consent of two-thirds of the Senate, grant effectual independence to the Philippine people, although I do not consider that a desirable way to proceed from the standpoint of policy. The leading authorities on constitutional law agree that this power to alienate sovereignty over territory of the United States is given under the Constitution to the Executive under the treaty-making power and when we consider the holding of the Supreme Court in the case of Missouri *v.* Holland (252 U. S. 416; 64 L. Ed. 641) it can hardly be doubted that the Supreme Court would hold likewise if presented with this question. In that case the Supreme Court used the following significant language:

"Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. It is open to question whether the authority of the United States means more than the formal acts prescribed to make the convention. We do not mean to imply that there are no qualifications to the treaty-making power, but they must be ascertained in a different way. It is obvious that there may be matters of the sharpest exigency for the national well-being that an act of Congress could not deal with, but that a treaty followed by such an act could, and it is not lightly to be assumed that in matters requiring national action, 'a power which must belong to and somewhere reside in every civilized government' is not to be found.

(Andrews v. Andrews, 188 U. S. 14; 47 L. Ed. 366; 23 Sup. Ct. Rep. 237.)"

And in this connection it is significant to note that no treaty has ever been held unconstitutional which has been made under the authority of the United States.

In the case of Lattimer v. Poteet (14 Pet. 4) the Supreme Court held that the Federal Government, under the treaty-making power, had the power to cede territory of a sovereign State to a foreign nation in adjusting boundary disputes between the United States and such foreign nation. Observe that the Supreme Court did not restrict that power to territory not incorporated in a State, but held that the territory of a sovereign State—one of the thirteen original States—could be so ceded without the consent of such State, the State in question being North Carolina. The controversy arose out of a dispute as to the validity of a treaty of the United States with an Indian tribe whereby there was ceded to the Indians an area claimed by the State of North Carolina as its own. The court said:

"It is argued that it was not in the power of the United States and the Cherokee Nation by the treaty of Tellico in 1798 to vary in any degree the treaty line of Holston so as to affect private rights or the rights of North Carolina. * * * It is a sound principle of international law, and applies to the treaty-making power of this Government here exercised with a foreign nation or an Indian tribe, that all questions of disputed boundaries may be settled by the parties to the treaty. And to the exercise of these high functions by the Government, within its constitutional power, neither the rights of a State nor those of an individual can be interposed."

It seems evident that this holding should settle the question of the power to alienate sovereignty under the treaty-making power. It is no argument to say that this power might be abused, because power may always be abused. The objection could only be to the abuse of and not to the existence of the power. The power to alienate territory and sovereignty thereover must reside somewhere in our national scheme. Is it reasonable to believe that such power resides in the people or the States as against the United States? The very necessities of governmental function refute such a contention. One of the reasons for establishing a national government was for the purpose of delegating such national functions to it.

In a representative form of government such as ours the representatives whom we elect to represent us are the people in political significance. Our Government is not a democracy as that term is used in its purely political sense, and therefore the acts of our representatives are the acts of our people unless prohibited by the Constitution. The people of the United States can have no intent nor can they make any promise other than an intent expressed or a promise made by their legal representatives, and this applies even to the ratification of constitutional amendments, because by law such amendments can not be voted on directly by the people but only by the people's representatives, either in the State legislatures or in State conventions called especially for such purpose.

The people, therefore, have no way of expressing their opinion, other than through their legal representatives, and when those representatives have spoken it is conclusively presumed that such is the voice of the people; and if it is not, in fact, the only alternative is a resort to the ballot box when the time comes for electing their successors in office. The words of Chief Justice Marshall, of the Supreme Court, in the famous case of Gibbons v. Ogden (9 Wheat. 1, 6 L. Ed. 23 at p. 70) support this contention:

"The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at election, are, in this, as in many other instances, as that, for example of declaring war, the sole restraints on which they have relied, to secure them from abuse. They are the restraints on which the people must often rely solely in all representative governments."

See also Downes v. Bidwell, supra.

The people have, by the Constitution, intrusted to Congress the formidable and exclusive power to declare war, the unwise exercise of which might involve our very national existence; the exclusive power over appropriations, upon which our national existence depends; and also the exclusive power to suspend the writ of habeas corpus, the bulwark of the freeman's rights and many other powers of almost equal magnitude, as, for example, the power to lay and collect taxes to the extent of the destruction of private property rights. Is it reasonable to believe that the power to alienate sovereignty over national territory is of such magnitude that Congress has not been intrusted with it, when we realize what infinitely greater powers have been delegated to Congress?

Chancellor Kent, one of the greatest, if not the greatest, authority on American law, says:

"The better opinion would seem to be, that such a power of cession of the territory of a State without its consent does reside exclusively in the treaty-making power, under the Constitution of the United States, yet sound discretion would forbid the exercise of it without the consent of the local government who are interested, except in cases of great necessity, in which the consent might be presumed."

Observe that he says nothing about getting the consent of the other States of the Union or the people thereof. This view is supported by Mr. Justice Story, another leading authority on constitutional law, who stated that Chief Justice Marshall also shared this view. Mr. Charles Henry Butler, in his excellent work on the treaty-making power, squarely supports this view. I am mindful of the fact that his work has been severely criticized, but it is submitted that it stands to-day as the greatest and most authoritative work on that subject. I believe that it can be said that Daniel Webster held this view. The last word on this subject is the able discussion by Prof. Westel Woodbury Willoughby, in his recent work on the Constitution, wherein he maintains the stand herein enunciated and also specifically maintains that Congress, exclusive of the treaty-making power, has the power to grant independence to the Philippine people. (Vol. 1, pp. 421–425 and 572–576.)

It is contended by some that the Federal Government would be required to enter into treaty arrangements with the Philippine people in order to accomplish the grant of independence to them, and they further contend that the Federal Government has no power to negotiate any treaty with these people because they do not constitute a foreign nation, but, on the contrary, are subject to our jurisdiction. Those contentions have no support because the Supreme Court has many times held that the Executive, under the general treaty-making power, was empowered to conclude treaties with the Indian tribes, even though such tribes were subject to our Government and its jurisdiction. (Holder v. Joy, 17 Wall. 242, 21 L. Ed. 523.) In fact, the Federal Government controlled the Indians by this method until after the Civil War, when Congress substituted legislation for treaty provisions. And the only provision in the Constitution, which grants the power to make treaties with the Indian tribes, is contained in section 2 of Article II, and is not a special provision relating exclusively to the Indians as some believe. If the Federal Government wanted to, it could make a treaty with the Philippine people to-day.

It is erroneously believed by some that an act of Congress is inferior to a treaty and that such an act is not obligatory in the same way as a treaty, and by this parity of reasoning contend that the stipulations of the Jones Act regarding Philippine independence have no binding effect on the United States. I assume that they would contend that, did there exist a treaty between the Federal Government and the Philippines, its stipulations as to independence would be binding. The fact is that an act of Congress and a treaty stand upon an equal footing. An act of Congress abrogates a prior treaty provision, inconsistent therewith, and a self-executing treaty abrogates any provision of a prior act of Congress inconsistent therewith. In support of this statement see: Chinese Exclusion Cases (130 U. S. 581, 32 L. Ed. 1068); Prigg v. Pennsylvania (16 Pet. 619, 10 L. Ed. 1060); Foster v. Neilson (2 Pet. 313, 7 L. Ed. 415); Missouri v. Holland (252 U. S. 416, 64 L. Ed. 641); Carey v. South Dakota (250 U. S. 118, 63 L. Ed. 886); The Constitution and the Courts (vol. 2, pp. 43 and 317). So far as the Federal Government can bind us we are committed by the Jones Act legally to grant independence to the Philippine people. It is also contended that one Congress is not obliged to carry out the promise of a predecessor, and therefore the promise in the Jones Act is not binding. This is true. One Congress is not obliged to carry out the promise of another; but the same is also true of treaties. Congress may abrogate any treaty, and has done so on at least two different occasions. Oh, yes; we may do those things, but that does not say that such acts on our part are legal and always just. But, mind you, those very people who contend that we may flout with legal impunity all the promises made regarding Philippine independence, also contend with an all-consuming passion that it would be downright perfidy on our part to forget that promise we made to the Moros about never placing them under the control of the northern Filipino. Of course, we may overlook this slight inconsistency because that argument, they believe, seems to support their cause.

COURTS WILL NOT INTERFERE WITH STRICTLY POLITICAL QUESTIONS

At least, since the case of Luther v. Bordon (7 How. 1, 12 L. Ed. 581) it has been an accepted rule of law that courts will not interfere with or take jurisdiction of purely political questions. In the case of Wilson v. Shaw (204 U. S. 24) the Supreme Court enunciates this rule as follows:

"The people of what may be called the Isthmian, or Canal Zone, which at the date of the act was in the Republic of Colombia, passed by the act of secession to the newly formed Republic of Panama. The latter was recognized as a nation by the President. A treaty with it ceding the Canal Zone was duly ratified. Congress has passed several acts based upon the title of the United States. These show a full ratification by Congress of what has been done by the Executive. Their concurrent action is conclusive upon the courts. We have no supervising control over the political branch of the Government in its action within the limits of the Constitution."

The above rule has always been law in all governments fashioned along the lines of our own. The question of granting independence to the Philippine people is purely a political one and the action of Congress and the Executive to that end would be binding on the courts as a matter of established law. The question being purely a political one, the Supreme Court would not take jurisdiction of any controversy where that question alone was involved and in any controversy where such question was involved with other matters it would either not pass upon such question or the action of Congress and the Executive would be accepted as binding upon the court.

CONCLUSION

That it has always been the intention of the United States to grant independence to the Philippine people is conclusively shown by the particular manner in which those people have been governed. They have never been admitted to United States citizenship, as have the people of Porto Rico, and no thought of doing so has ever been entertained. They are citizens of the Philippine Islands, and their legal status flows from that particular citizenship and no other. The Philippines are not a part of the United States. (Downes v. Bidwell, supra, and Balzac v. Porto Rico, 258 U. S. 298, 66 L. ed. 627.) (See also Porto Rico v. Tapia, 245 U. S. 639, holding that rights guaranteed by the Constitution might be withheld by Congress from an unincorporated territory even though Congress had granted United States citizenship to its inhabitants.) Acts of Congress do not apply to them unless specially so provided. In a word, the consistent attitude of Congress toward these people has been such as to make the eventual granting of independence to them as simple and as expeditious as possible.

The argument and theories advanced in opposition to the power of Congress to grant independence to the Philippine people reminds one of the sophistical arguments put forth by both the Federalists and the Republicans during the early part of our national life whenever a construction of the Constitution was advocated that would interfere with their own pet political theories. If the Federalist theories had been adopted, the acquisition of the Louisiana Territory would have been declared null and void for verily they contended that no power resided in the General Government to acquire additional territory; and if the Republican theories had been followed we would, doubtless, have had no national banking system; and if the theories of both had been forced upon the Supreme Court, it would have meant anarchy and national paralysis. Wisely, the Supreme Court kept to the middle of the stream; however, always resolving all doubts in favor of a construction of the Constitution that would make for a strong National Government and for national solidarity.

The theory—and to be most charitable with it, no other term would fit—that Congress has not the power to grant independence to the Philippine people, is nothing new; it is the old blown-up theory of strict construction of the Constitution, with less to justify it in this particular instance than in any previous case. Because there is nothing in the Constitution which specifically says that the power of disposition of territory of the United States by Congress includes the power to relinquish sovereignty over such territory, it is contended that the power to do so, perforce, does not exist. This is the most extreme case of strict construction put forward to my knowledge. It would certainly put to shame those stalwart Republican editors, who so passionately supported the strict construction theory in the early life of the Republic. Beginning with the decisions of the Supreme Court in the great cases of McCulloch v. Maryland, Cohens v. Virginia, and Gibbons v. Ogden, the theory of strict construction received mortal blows and with the surrender of the immortal Lee at Appomattox Court House the coup de grace was finally administered and that theory passed away as a serious argument. Since the close of the Civil War the Supreme Court has never seriously questioned the immortal principles of liberal construction laid down by the great Marshall. At this late date it seems rather factitious to bring forth this hoary, sterile, and blown-up theory. Reverting to what the delegates to the great Constitutional Convention may have said, is like asking aid from the dead because the voice of the Supreme Court has silenced forever any sentiments spoken in that convention which conflict with its decisions. To argue contrarily would be a mere toying with words and to now seriously contend that the strict construction theory should be adopted is only for those who would amuse themselves with abstract theory.

The statement that the ownership of the Philippine Islands resides in the American people is a mere figure of speech. So does the title to all property of the United States reside in the American people, but their legal representatives are, by law, charged with its complete control, administration, and disposition. This proceeds from the very nature of a representative form of government. If the contrary were true, we would be a pure democracy and an impossibility as a functioning Nation. In nearly all legislative bodies their action is taken in the name of the people—"The people of the State of ——— do enact as follows: "—but such statement in the enacting clause of laws is a mere figure of speech, if it be contended that the individual sanctions of the people of that particular political subdivision are necessary to its validity. Such argument is a mere seizing upon fleeting shadows.

In closing, let me say that I fear the wish is father to the thought of most of those who contend that Congress has not the power to grant independence to the Philippines. In fact, the majority report of the Senate committee recommending the passage of the Hawes-Cutting bill providing for Philippine independence shows that this statement is true, and goes further in stating that all those who made such contention before the committee were opposed to Philippine independence on any ground. Let the report speak for itself, which is in part as follows:

"We will not in this report discuss the constitutionality of an act of Congress withdrawing sovereignty over the Philippine Islands. This point is greatly overemphasized by certain interests, and the attack on the right of Congress to alienate the Philippines comes exclusively from those opposed to independence.

"In the records of the present session of Congress and in the hearings before your committee there are able, carefully prepared, and comprehensive briefs sustaining the constitutionality of such an act of Congress.

"One may be found in the hearings on page 32; another on page 2698 of the CONGRESSIONAL RECORD of January 29; another on page 2709 of the CONGRESSIONAL RECORD of January 30.

"Furthermore, the office of the Attorney General of the United States in 1924 stated that Congress had the power to grant complete independence to the Philippines, and Justice Malcolm, of the Supreme Court of the Philippines, is of the same opinion."

Being only human, it is natural that those who oppose Philippine independence should seek some way to support their wish, and so, not being able to overcome the sentimental angle—our fight for independence during the Revolutionary War—of this question, they have adopted the age-old trick of trying to involve the problem in a maze of uncertainty; and what more fertile field could they have turned to than the law? There is no way of compelling a man to agree with you as to what the law is, even though it is as plain as the light of the noonday sun; and therefore we may expect to have with us forever those who contend that Congress has not the power to grant independence to the Philippines, and even after independence shall have been granted they may, I seriously fear, contend that those acts were unconstitutional. Of course, you can not prevent a man from disagreeing with you if he is determined to do so. And in conclusion let me remind you of the deplorable truth Lord Macaulay spoke, when he said:

"If it were to the interest of any considerable financial group, there would not be wanting arguments against the laws of gravity."

INVESTIGATION OF BUREAU OF MINES

Mr. BROUSSARD. Mr. President, yesterday I offered Senate Resolution 490. A number of Senators have asked me to call up the resolution. I ask unanimous consent that it be considered at this time.

Mr. COPELAND. Mr. President, I will say to my friend that I am compelled to object.

The PRESIDENT pro tempore. Objection is made.

PENSIONS AND INCREASE OF PENSIONS

Mr. ROBINSON of Indiana. Mr. President, in my absence a moment ago I understand that the Chair handed down House bill 17262.

The PRESIDENT pro tempore. The Chair did so; and it was referred to the Committee on Pensions, of which the Senator from Indiana is chairman.

Mr. ROBINSON of Indiana. I am authorized by the majority of the members of the Pensions Committee to report that bill out for passage. Since it includes a number of individual bills, some five in number, passed by the Senate at different times during the session, and those bills now have been included in one passed by the House as an omnibus bill, I ask unanimous consent for the immediate consideration of the House bill.

The PRESIDENT pro tempore. Is there objection, first, to the reception of the report? The Chair hears none.

Is there further objection to the present consideration of the bill.

Mr. WHEELER. I object, Mr. President. I objected twice.

The PRESIDENT pro tempore. The Senator from Montana having objected twice, both to the introduction of the report and to the present consideration of the bill, the bill goes to the calendar.

Mr. TYDINGS. Mr. President, as I understand it, the maternity bill is now before the Senate.

The PRESIDENT pro tempore. That is the business before the Senate, but it has intervened in the consideration of the unfinished business.

Mr. TYDINGS. I would like to address myself to that measure.

The PRESIDENT pro tempore. The Senator is recognized for that purpose.

SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Washington?

Mr. TYDINGS. I yield.

Mr. JONES. I am going to make another request with reference to the deficiency bill conference report. This bill carries about $75,000,000 to provide for public buildings, I think, in every State in the Union. It will furnish employment to thousands of men who may be out of employment now. Unless the bill is gotten through the Senate very soon we are not likely to be able to put it in shape for the House. It will have to go to the House and be acted on there. We are acting first on the conference report in the Senate.

It seems to me it is very important that we get this bill through now. I do not think it ought to be held up because of any one bill or another.

Mr. TYDINGS. Mr. President, I have the floor now and desire to discuss the bill, but I will be glad to relinquish the floor in order that the Chair many recognize the Senator from Washington.

Mr. JONES. That is very kind of the Senator. I ask unanimous consent that the conference report on the second deficiency bill, which is unanimous and complete, be considered now.

The PRESIDENT pro tempore. Does the Senator from Washington think that by unanimous consent two conference reports can be brought before the Senate at the same time?

Mr. JONES. The other one is not before the Senate by unanimous consent.

The PRESIDENT pro tempore. Upon motion?

Mr. JONES. On motion. I am now asking unanimous consent in relation to the conference report on the second deficiency bill.

Mr. ROBINSON of Arkansas. Mr. President, I ask the Senator whether this is a complete and final agreement?

Mr. JONES. It is a complete and final agreement.

The PRESIDENT pro tempore. Is there objection to the consideration of the report?

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 45, 46, 59, 66, and 82.

Amendment numbered 25: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 25, with the following amendment: In lieu of the matter inserted by such amendment of the House insert the following:

"For the relief of the State of Florida as a complete contribution and reimbursement in aid from the United States induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such State through the damage to or destruction of Federal-aid highways and bridges by floods imposing a public charge against the property of the State beyond its reasonable capacity to bear, $80,307: *Provided*, That nothing contained in this paragraph shall be construed as an acknowledgment of any past or future liability on the part of the United States in connection with the restoration of such roads and bridges."

And the House agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: After the word "approved," in the matter inserted by such amendment insert the following: "March —"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment strike out "the amount herein appropriated shall not exceed $500,000" and insert in lieu thereof the following: "then there is hereby appropriated for the Employment Service, Department of Labor, fiscal year 1932, the sum of $500,000 to be immediately available, for the same objects and purposes specified under this head in the act making appropriations for the Department of Labor for such fiscal year, and of such sum not to exceed $17,650 shall be available for personal services in the District of Columbia"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky.: For the erection of a suitable monument on the site of the Pioneer Cemetery at Harrodsburg, Ky., commemorating the first permanent settlement west of the Allegheny Mountains, 'The Cradle of the Old Northwest,' where Gen. George Rogers Clark and his heroic associates at old Fort Harrod planned and inaugurated the campaign carried on by General Clark and his associates in the conquest of the Northwest Territory during the Revolutionary War, as a result of which that vast territory was established as a part of the United States of America, fiscal years 1931 and 1932, $100,000, to be expended under the direction of the Secretary of War: *Provided*, That the plan and design of such monument shall be subject to the approval of the National Commission of Fine Arts: *Provided further*, That the Secretary of War is hereby authorized to enter into an agreement with the State of Kentucky or any subdivision thereof, or any appropriate organization existing therein, for the care of such monument."

And the Senate agree to the same.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
KENNETH MCKELLAR,
Managers on the part of the Senate.
WILL. R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. SMITH. Mr. President, I would like to ask the chairman of the Committee on Appropriations if he will not state what became of the amendment in reference to the navy yard at Charleston.

Mr. JONES. Mr. President, I made a statement in regard to that when I had the matter up before.

While the Senate conferees receded from that amendment, a very satisfactory arrangement was made through the Navy Department, because they reported to the committee that they have money on hand which they could use to put the yard in the shape contemplated by the Senate amendment. That was not in excess of $150,000.

Mr. ROBINSON of Arkansas. The amount is equivalent to the amount carried in the amendment?

Mr. JONES. Yes.

Mr. SMITH. Mr. President, I wanted that statement made for the RECORD, to show that the amount which would be given by the Navy Department would be equal to the amount carried in the amendment.

VETERANS' LOANS

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I yield.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The PRESIDENT pro tempore. The Senator from Maryland having yielded so that the bill referred to by the Senator from Kentucky might be brought up, the bill will be read for the information of the Senate.

The Chief Clerk read the bill (S. 6269) relating to the making of loans to veterans upon their adjusted-service certificates.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. SMOOT. I object.

The PRESIDENT pro tempore. Objection is made.

EMLOYEES AND PAY ROLLS OF MANUFACTURING FIRMS

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Wisconsin?

Mr. TYDINGS. I yield.

Mr. LA FOLLETTE. Will the Senator yield to me to present a unanimous consent request? If it leads to any debate, I shall withdraw it.

Mr. TYDINGS. I yield for that purpose.

Mr. LA FOLLETTE. Mr. President, on January 26, I introduced a resolution (S. Res. 430), and it has since been lying over under the rule, there having been no routine morning business in the meantime. I will say for the information of the Senate that the resolution merely seeks to obtain information from the Department of Labor concerning the turnover and pay rolls in the business and manufacturing concerns reporting to the Department of Labor.

I ask that the resolution may be modified as indicated, and that it may be reported for the information of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution as modified will be reported for the information of the Senate.

The resolution was read, considered, and agreed to, as follows:

Resolved, That the Secretary of Labor be directed to report to the Senate of the United States on or before April 30, 1931, the following:

1. The percentage change for each month in the number of employees and in the size of pay rolls from June, 1929, to December, 1930, of the manufacturing firms and/or plants employing less than 50 persons which report such information either directly or indirectly to the Department of Labor.

2. Similar information for firms and/or plants employing (a) 51 to 100 persons; (b) 101 to 300 persons; (c) 301 to 500 persons; (d) 501 to 1,000 persons; (e) 1,001 to 5,000 persons; (f) 5,001 to 10,000 persons; and (g) over 10,000 persons.

DELAWARE, PENNSYLVANIA, NEW JERSEY TUNNELS

Mr. HASTINGS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Delaware?

Mr. TYDINGS. I yield.

Mr. HASTINGS. Mr. President, there are two tunnel bills in which the Senators from New Jersey, Pennsylvania, and Delaware have been interested. Those bills have been referred to the Committee on Commerce, but we can not agree, and they have not been reported. I have talked with the chairman of the committee, and I desire to move for the discharge of the committee with respect to Senate bill 4640, and then ask for its immediate consideration.

The PRESIDENT pro tempore. That may not be done until to-morrow. The committee can not be discharged upon a single motion on the same day on which the motion is made.

Mr. REED. Mr. President, I suggest that the Senator ask unanimous consent that the committee be discharged.

Mr. HASTINGS. I ask unanimous consent that the Committee on Commerce be discharged from the consideration of Senate bill 4640.

The PRESIDENT pro tempore. Is there objection?

Mr. JOHNSON. Mr. President, I have no particular familiarity with these tunnel bills, but I am perfectly willing that the committee shall be discharged.

Mr. WHEELER. Mr. President, I am going to object unless we know something about the measures. I do not think this is the correct way to pass legislation at this late date in the session. As I understand it, the committee has disagreed with reference to these bills. Now the proponents of the bills come in and ask that the committee be discharged and the bills be passed. I am going to object.

The PRESIDENT pro tempore. Objection is made.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 531) making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, was read twice by its title and referred to the Committee on Appropriations.

WELFARE OF MOTHERS AND INFANTS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NORRIS. What is the official bill or matter before the Senate?

The PRESIDENT pro tempore. The conference report on the so-called maternity bill. Everything that has transpired since is being done by unanimous consent.

Mr. NORRIS. I would like to inquire of the Senator from Washington if he does not intend to proceed with the maternity bill?

Mr. JONES. I want to do so. That is the business before the Senate.

The PRESIDENT pro tempore. The Senator from Maryland has the floor, and everything is being done by his yielding, and by unanimous consent. The Senator from Montana has objected to the request made by the Senator from Delaware.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I yield.

Mr. BARKLEY. I wanted to inquire of the Senator whether he would not yield to me to move that the Senate proceed to the consideration of the bill to which the Senator from Utah objected?

Mr. TYDINGS. Mr. President, I would not be willing to yield for that purpose now, because I have yielded for many other purposes, and this would take some time. The Senator may get it up later.

The PRESIDENT pro tempore. The Senator from Maryland has the floor, and the question is on agreeing to the conference report upon the so-called maternity bill.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. COPELAND. May I say to my friend the Senator from Montana that there was no difference in the Committee on Commerce regarding the bills referred to by the Senator from Delaware. There was a difference of opinion among the Senators from the three States involved. They have now adjusted their differences, I am sure.

Mr. NORRIS. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NORRIS. Has the Senator from Maryland the right to yield the floor to another Senator to make a speech?

The PRESIDENT pro tempore. The present occupant of the Chair thinks he has not.

Mr. TYDINGS. I did not yield to the Senator to make a speech.

Mr. NORRIS. That is what he is doing.

Mr. TYDINGS. Mr. President, in order that there may be no misunderstanding, I would like to say at the start that in speaking of a State responsibility, or, as it is popularly called, State rights, I do not mean to say that a State has a right to be disloyal to the laws of the United States or to secede from the Union. All of that is in the limbo of the past. What I do hope to show the Senate is that there are two distinct spheres of government in the United States—one the national sphere, where national matters are handled by a national legislature on the one hand, and a local sphere,

where State and local and community matters are handled upon the other.

My objection to the bill is that the Federal Government is trying again to nationalize a local matter, to take over the functions properly discharged in the communities of the land, and to make the Congress of the United States a glorified city council for the whole country.

If it were necessary to make any argument at all in support of the logic of the division of governmental authority in this country, the population of the States alone would show that further argument is unnecessary. Mr. President, the State of Arizona, which I respect, has a population, according to the 1920 census, of 334,000, but it has two Senators in this body. The State of New York, according to the 1920 census, has a population of 10,385,000 souls, and it has but two Senators in this body. The very complexion of the body shows that our Government is one of State's accurate geographical subdivisions, historical in their background and formation, which have come through the years to the present time. All during that time, regardless of geographical extent, regardless of population, every State in the Union has had two votes in this body. The little State of Delaware has just as much representation here as the great State of New York, or Pennsylvania, or Illinois. If we are not going to have State governments, if we are going to have this division of authority between the National and the State or local governments, let us do away with the conception of representation, and divide or subdivide these United States so that the little State of Delaware, for example, may not have equal representation with the great State of New York.

What good are the States? Why keep them? Why perpetuate them? Why not adopt a constitutional amendment and say that from this hour onward there shall not be 48 States in the Union but 48 political subdivisions, all looking to the President and the Congress for power, guidance, and authority? Why have these 48 States? Why not eliminate them? What use are they? The answer comes with the question. We have 48 States because in the very nature of the complexities of climate, industry, avocation, background, seacoast or inland, as the case may be, it is necessary that the people in their respective communities should have a general scheme governing their local affairs, such as suits their own peculiar needs. If we were to wipe out the States and have one law on everything enacted by the National Congress, the result would be untold hardships upon the people who make up our complex population.

The purpose of the bill before us is to enable the Federal Government to reach its long arm of authority out into the domain of local affairs, to tell the people at Spokane, Wash., Aberdeen, Md., and Amarillo, Tex., how the good ladies of those three localities can bring their babies into the world with the approval of our great National Government. Without the approval of our great National Government these people can not do that for themselves. They are not really self-reliant, although before the days of railroads and bridges and wireless and the telegraph they went in covered wagons across the plains, they fought the Indians, they swam their horses through swollen streams, camped in lands where no white man had ever gone, and settled the great empire of the West. Although they did all that and raised a sturdy race of sons and daughters to carry on the Government after they had discovered the new land, we find in the good year 1930 that the poor, ignorant, unsubstantial, unpatriotic perchance, descendants of those great pioneers are no longer able to have young boys and young girls born in lawful wedlock without the sanction or the benediction of a little bureau sitting down here in Washington composed of about nine ladies who are going to tell all the millions of women in this land how a child should be properly born.

To digress a moment, I heard the Senator from Michigan [Mr. COUZENS] the other day, as Chairman of the Committee on Interstate Commerce, discussing railroad consolidation. That was a big problem, a problem which this body could discuss for six months to the exclusion of every other problem if the best interests and the prosperity of the country were to be considered. But we have no time to take up that subject now. I have heard other Senators mention kindred subjects—bus control, proper regulatory legislation for interstate companies of all kinds, treaties with foreign lands, such as the World Court perchance, the Navy, the Army, how to finance the Government to the best possible advantage, and to translate its laws governing the mass of the people in such a way that happiness and not hardship will result therefrom. But we have not time for that now. Here we are in the closing hours of a 90-day session of Congress, with the hour of permanent adjournment but 13 hours away, taking up the time of the Senate with a matter that the city council of Amarillo, Tex., could settle better for itself than can all the Senators in this and all subsequent Senates who may sit and pass upon the question.

What does it mean? It means that the Senate and the House of Representatives, aye, the Government, whether it be Democratic or Republican, is chip by chip, chip by chip whittling away the division between State and national affairs. As we do that we set up one by one a bureau here, a commission there, a board here, a department there, until not one man in this body has the slightest comprehension of what is taking place in all of the commissions and boards and bureaus put together. I venture to say that if a committee of business men were turned loose upon this big problem of making these divers boards and bureaus more efficient and if they had the power to carry their recommendations into effect, savings of millions and millions of dollars would result from the curtailment of this octopus, this bureaucracy which has grown up by leaps and bounds until the Congress has delegated to some one almost all the power which it has.

We have now a chance to cut off one of these little delegations of power. We now have a chance to relinquish something which is not national in its concepts, but which is local in its particular substance, by discontinuing this Federal business of going into every hamlet and home throughout the Nation and telling the good people who live therein how children should be born, just as if there were not doctors and schools and common sense and a long line of heredity going back to Adam and Eve to justify the lack of necessity for such a course.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. TYDINGS. I yield.

Mr. WALSH of Massachusetts. We not only have a chance to suspend the present activity of the Federal Government which the Senator argues should be a State function, but the bill includes a new activity, does it not, namely, rural sanitation, and provides for the expenditure of millions of dollars in a new Federal activity?

Mr. TYDINGS. The Senator is correct.

Mr. President, where are we going to be 50 or 100 or 150 years from now if this thing goes on and on and on, and Congress forever sets up new boards, new commissions, new bureaus, new departments—job holders, job holders! All the taxpayers of the United States will soon be working about one day a week to support the national army of employees which we will have if this thing goes on and on and on.

No one wants to deprive any proper department of the Government, which is dealing with a subject national in its scope of all the employees, of all the assistance, financial or otherwise, which it deserves; but when we come here to the Capital and, under the guise of doing something for the people of the United States, take over these local affairs and try to nationalize them, we are doing nothing more nor less than pulling the very foundation stones, not only from under the State governments but from under the National Government as well.

I would be the last one in the world to want to take from the small States their representation in this body. It is a part of our historical development that every State had at the start two Senators and has kept them through all the years which our Government has endured. But why keep them? If we are no longer to have State governments in the degree in which they were originally envisioned, then we had better reapportion the representation in this body and

give to the teeming millions of New York State more representation than we give to the fine little State of Delaware with its three or four hundred thousand souls. We ought to take the one horn or the other of the dilemma.

A few days ago the Senator from Nebraska [Mr. HOWELL], speaking on a bill then pending before the Senate, used this expression—and mark the words: "In the District of Columbia and the other political subdivisions of the United States." "In the other political subdivisions of the United States!" To me that presented a National Government with States not as sovereign States, but as districts or provinces, subject to the divine ruler who rules here in Washington, subject to the dictates of the National Congress in all its aspects, in all its undertakings, without regard for the wishes of each State or the people who reside therein.

If the National Government shall keep on taking charge of these local matters, I can see no use for the existence of the States. If we are going to settle the intimate and local problems of the people here in Washington, let us do away with the State governments, because they will be of no use whatsoever. There is no use retaining them unless they are to exist for some purpose, and every Senator knows the purpose for which State governments exist is to handle, as a sovereign right, all of the local affairs of the people who comprise the commonwealths.

Bad as that feature of this bill is, it contains a double iniquity, because by it we are confronted with one of the so-called 50-50 appropriations. That means a sum of money is appropriated out of the Federal Treasury and is divided amongst the States according to population, provided that the State itself raises a sum to match the sum which it receives from the Federal Government. If the State does not do that, it gets none of the Federal money. If it does match the sum received by the Federal Government, the State is permitted to expend the total sum in accordance with regulations and decrees which are issued from a Government department at Washington. It is really legislative bribery. If a State refuses to take any part in this iniquitous program, it does not get its share of the Federal money. The State has to conform; otherwise it will lose its prorata of the appropriation.

There may be some general purposes as to which that system may not be subject to sound criticism. The Constitution of the United States provides, for example, for the establishment of post offices and post roads; and so, in my judgment, Federal road appropriations are in a different class from appropriations contemplated by the pending measure, for the Constitution clearly gives the Federal Government the right, delegated to it by the States, to cooperate in road construction. However, there is no delegation of power, so far as I know, either direct or indirect, concerning maternity matters in this country. If there be such a delegation in the Federal charter, no one as yet, in this or in any other body, has ever been able to point it out.

Is the authority derived under the power to coin money? Is it derived from the power to build post offices and post roads or to punish piracy on the high seas? Does it come under the power to regulate interstate and foreign commerce? Does it come under the power to establish courts inferior to the Supreme Court? Does it come under the power to borrow money on the faith and credit of the United States? Does it come under the power to provide an Army and a Navy and to call out the militia in time of war? Where is the power, where is the concession to the National Congress to take jurisdiction over these local community and State affairs? It is not found in the Constitution.

We are told it is found in the general-welfare clause, written in the preamble to the Constitution. Well, Mr. President, give me the judges who sit upon the Supreme Court of these United States and I defy you to tell me a single thing that can not be passed in the name of the general welfare. There is either no limit upon the power of the National Government or there is a limit, and certainly if the general-welfare clause in its broadest aspects is to be the limitation upon congressional authority, then given the judges, and there would be no bill in this world which we could not pass and which would not be held to be constitutional.

Mr. TRAMMELL. Mr. President, will the Senator from Maryland yield for a question?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Florida?

Mr. TYDINGS. I yield for a question.

Mr. TRAMMELL. The Senator from Maryland seems to be at a loss to know under which provision of the Constitution this bill is covered. I want to ask him if he does not think that the provision in the Constitution in regard to the Army and the Navy authorizes the passage of such legislation as this, because we want to grow children who will be strong and healthy and vigorous for service in the Army and the Navy?

Mr. TYDINGS. Mr. President, that is the most logical argument I have heard in support of the bill up to date; is the *n*th degree of logical argument in support of the bill.

Mr. President, the tragedy of this proposed legislation lies in the fact that the Federal Government is really doing something which every State financially can do for itself. It is not a case where we are dealing with the drought-stricken farmers who are crying for bread which the local communities can not provide; it is not a case of the poor who are out of work and who are hunting for jobs, with no jobs to give them; but here is a matter for which every State is able to appropriate all the money that it should have or need.

There is absolutely no justification for the passage of this bill. Indeed, in my judgment, there is not as much justification for it as there would be for a national system of education under which all school courses, all the regulations affecting education would be decided for us by a board of men sitting in Washington.

It so happens that 19 States of the Union, where the colored population is very numerous, have decided that it is in the public interest to have the colored children in one school and the white children in another school. However, in the remaining States, so far as I know, there is no racial discrimination; indeed, in many of the States colored children and white children go to school together. If any State wants that dispensation, if it desires that arrangement, I say they ought to have it. On the other hand, I should accord to the other States the same right to solve their local problems in their own way. Under a national system of education, however, all those different systems would be eliminated. Under a national system of education it would make no difference what suited the people of Virginia or Georgia or Louisiana or Texas or California, they would have to take the system of education provided by the National Government whether the State government wanted the system or not.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. TYDINGS. I will yield with the understanding that I do not lose the floor, Mr. President.

Mr. McKELLAR. Mr. President, I desire to make a request for unanimous consent. Several days ago——

Mr. LA FOLLETTE. Mr. President, I think that we should not have any more unanimous-consent agreements and that Senators who are discussing this bill should conform to the rules.

The VICE PRESIDENT. The Senator from Wisconsin objects.

Mr. TYDINGS. So, Mr. President, were we to have a national system of education, one system for the whole country in place of the 48 State systems which we now have, first of all we would have a stalemate, because under the one system there would be a lack of competition and rivalry, which we have under the 48 systems, with each State examining the educational system of the others, and if it finds good therein, adopting it for itself. No one now advocates the establishment of a single system of education for the whole country. Yet when we come to this more detached local matter than is education—namely, motherhood—an attempt is made to make it subject to national

decree and to operate the entire system under a national board set up in Washington. Where will it end?

I venture to say that since the Department of Agriculture was organized any number of bureaus have been set up to take care of some emergency at the time existing which, with the passage of the emergency, continue to exist as subbureaus of the great Department of Agriculture even after the need has passed. So we see great office buildings going up to take care of the expansion here and there and everywhere into all manner of man's activities.

We now appropriate for governmental expenses in this country about $4,000,000,000 a year. We are rich enough to do it with ease compared to other countries which are heavily burdened with taxation and without productive sources of revenue. Yet because we can do it with ease is no reason why we should squander sums of money out of the National Treasury to do things which can best be done by the cities, the counties, and the States for themselves.

There is no national problem here. In the State of Kentucky there are expended about $300,000 a year on the health of women and children. In my State we appropriate hundreds of thousands of dollars—and I am glad we do it—in order to take care of the health of the men, women, and children who comprise the citizenship of the State of Maryland. We have our department of health; we have our city health officers and their assistants; we have our county health officers; and we have our nurses. Any expectant mother may call the county seat upon the telephone and the county nurse will come and be of assistance and give her any advice which is necessary in the circumstance. Now, however, the Federal Government at Washington is to come over into my State, where we are minding our own business and are perfectly competent without Federal assistance to take care of our own matters, and are told that if we will raise a small sum of money to match the Federal appropriation money the whole may be spent by our people under the direction and supervision of the National Government.

PROPOSED INVESTIGATION OF FEDERAL BUILDING CONTRACTS

During the delivery of Mr. TYDINGS's speech—

Mr. SHIPSTEAD. Mr. President, will the Senator from Maryland yield to me for a moment to make a request for unanimous consent?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. TYDINGS. I yield for that purpose.

Mr. SHIPSTEAD. The Senator from New Jersey has now withdrawn his objection to the resolution which I submitted this morning, being Senate Resolution 493. I ask unanimous consent for its immediate consideration. If it involves debate I will withdraw the request.

The VICE PRESIDENT. Let the resolution be reported.

The Chief Clerk read Senate Resolution 493, submitted by Mr. SHIPSTEAD March 2, 1931, as follows:

Resolved, That the Federal Trade Commission is requested to conduct an immediate and thorough investigation of all facts relating to the letting of contracts for the construction of Government buildings, particularly with a view to determining (a) whether or not there are or have been any price-fixing or other agreements, understandings, or combinations of interests among individuals, partnerships, or corporations engaged in the production, manufacture, or sale of building materials with respect to the prices or other terms at or under which such materials will be furnished contractors or bidders for such construction work, and (b) whether or not there is or has been any custom or practice by or in collusion with any such individual, partnership, or corporation and any official or employee of the Treasury Department, in connection with the specifications for such construction work. The commission shall report the result thereof to the Senate and to the Department of Justice on or before December 7, 1931.

Mr. REED. Mr. President, has the Senator agreed to strike out the latter part of his resolution? I have no objection to its passage as I understand it has been modified.

The VICE PRESIDENT. Is there objection to the resolution as modified?

Mr. REED. Reserving the right to object, I ask an opportunity to examine the resolution.

Mr. REED subsequently said. I have examined the resolution. I think it is all right. I have no objection.

Mr. BLAINE. Mr. President, my colleague [Mr. LA FOLLETTE] is absent at this time. He announced just a few moments ago that he would object to further unanimous-consent agreements.

Mr. COPELAND. I hope the Senator will let this particular matter be acted upon.

Mr. BLAINE. Let the resolution be read. I have not read it.

The VICE PRESIDENT. The resolution will be again read, if the the Senator yields for that purpose.

The Chief Clerk read the modified resolution, as follows:

Resolved, That the Federal Trade Commission is requested to conduct an immediate and thorough investigation of all facts relating to the letting of contracts for the construction of Government buildings, particularly with a view to determining (a) whether or not there are or have been any price-fixing or other agreements, understandings, or combinations of interests among individuals, partnerships, or corporations engaged in the production, manufacture, or sale of building materials with respect to the prices or other terms at or under which such materials will be furnished contractors or bidders for such construction work, and (b) whether or not there is or has been any practice by or in collusion with any such individual, partnership, or corporation and any official or employee of the Treasury Department, in connection with the specifications for such construction work. The commission shall report the result thereof to the Senate and to the Department of Justice on or before December 7, 1931.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

There being no objection, the resolution, as modified, was considered by the Senate and agreed to.

OCEAN MAIL CONTRACTS

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. TYDINGS. I rely on the Chair to protect me. I am glad to yield, Mr. President.

Mr. McKELLAR. Mr. President, several days ago I offered a resolution for an investigation of certain air and ocean mail contracts. That resolution went to the Committee on Post Offices and Post Roads, and received a favorable report almost unanimously. It then went to the Committee to Audit and Control the Contingent Expenses of the Senate, and that committee reported that they did not have the money for the investigation.

Since that time we have appropriated an additional $50,000 for the contingent fund. I therefore ask unanimous consent at this time that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the consideration of the resolution and that the resolution be agreed to.

Mr. COPELAND. I object, Mr. President.

The VICE PRESIDENT. Objection is made to the request of the Senator from Tennessee.

Mr. McKELLAR subsequently said: Mr. President, will the Senator from Maryland yield to me?

Mr. TYDINGS. I yield to the Senator from Tennessee.

Mr. McKELLAR. On the 23d of last April, nearly a year ago, a resolution was passed to make an investigation of ocean mail contracts. Thereafter the Senator from New York [Mr. COPELAND] made a motion to reconsider, and that motion has been pending ever since.

I now move that the Senate proceed to the consideration of the motion to reconsider made last April.

The VICE PRESIDENT. The Chair would hold that that motion could not be made on a yielding of the floor for a question without unanimous consent.

Mr. TYDINGS. Mr. President, I am afraid, if the motion is going to lead to a discussion, that I shall lose the floor; and while I desire to do anything I can to assist the Senator from Tennessee, I do not feel like losing the floor.

Mr. McKELLAR. I first ask unanimous consent; and if the Senator from New York objects, I desire to notify him now that I am going to continue to ask for it.

The VICE PRESIDENT. Does the Senator from Maryland yield for that purpose?

Mr. TYDINGS. Mr. President, I refuse to yield.

The VICE PRESIDENT. The Senator declines to yield.

CONFERENCE ON LIMITATION OF MANUFACTURE OF NARCOTIC DRUGS

Mr. JONES. Mr. President, if the Senator will permit me, House Joint Resolution 531 has just come over from the House, making an appropriation for the convention at Geneva, in Switzerland, on narcotic drugs. My committee reports it favorably without amendment, and I ask for its immediate consideration.

The VICE PRESIDENT. Let it be stated.

The Chief Clerk read the joint resolution (H. J. Res. 531) making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, as follows:

Resolved, etc., That for the expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931, as provided by the public resolution approved March 3, 1931, including travel expenses and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services, by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), printing and binding, compensation of employees in the District of Columbia and elsewhere, rent of rooms, office, and typewriters, purchase of books and documents, periodicals and newspapers, official cards, entertainment, and such other expenses as the Secretary of State shall deem proper, to be expended under the direction of the Secretary of State, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $35,000, which shall remain available until June 30, 1932.

Mr. REED. Mr. President, what is the amount of the appropriation?

Mr. JONES. Thirty-five thousand dollars.

Mr. REED. All right.

There being no objection, the Senate proceeded to consider the joint resolution, which was ordered to a third reading, read the third time, and passed.

THE TARIFF

Mr. NORBECK. Mr. President, I offer for insertion in the RECORD a very interesting statement, with tabulations, prepared recently by the Fair Tariff League, relating to customs tariff rates as compared to production, wages, trade extension, and cost of living, which cover 34 general industries of the country, under the tariff acts of 1909, 1913, and 1922.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

FAIR TARIFF LEAGUE

40 Rector Street, New York City

H. E. Miles, chairman; E. F. Ludwig, statistician

Purpose: A just tariff, adequately but not excessively protecting American industry and labor, lowering the cost of living, considerate of our changed position in world affairs.

The league consists of representatives of 1,500,000 farmers and wage earners, manufacturers, leading women, merchants, and others. It opposes the misuse of protection at the behest of great and selfish interests. It desires the cooperation of all who are so minded.

PROTECTION AND THE MIRACLE OF AMERICAN PRODUCTION—HIGH DUTIES AND NO REVENUE—FARMER AND WAGE EARNER DEFRAUDED

THIRTY-FOUR GENERAL INDUSTRIES ANALYZED IN THE ORDER HERE LISTED

Cotton manufactures.	Salt.
Silk manufactures.	Chocolate and cocoa.
Wool and manufactures.	Confectionery.
Hosiery and knit goods.	Glucose and corn sugar
Shirts, men's.	Starch.
Collars and cuffs.	Paints and varnishes.
Corsets, brassières, etc.	Linseed oil.
Clothing.	Oilcloth and linoleum.
Wool carpets and rugs.	Asbestos manufactures.
Gloves, leather.	Motor vehicles and parts.
Furs.	Medicinal and pharmaceutical preparations.
Buttons.	Perfumery, cosmetics, and toilet articles.
Umbrellas, parasols, canes, etc.	Explosives.
Trunks, valises, suit cases, etc.	Photographic goods.
Rubber goods.	Athletic and sporting goods.
Earthen, stone, and china ware.	Musical instruments.
Glassware and related products.	
Toys and games.	

Tariff allowance to manufacturers (to be added to prices as far as possible)	$3,942,000,000
Revenue to Government (customs duties)	146,925,080
Cost to consumers (tariff additions if added to prices)	7,884,000,000
For each dollar the Government collects	$1
Manufacturers may collect	27
Consumers pay, in higher prices	54

There is only one reason for continuous tariff agitation. Every tariff made in the old way has been bad in important respects, bad the day it was made and every day thereafter until succeeded by another, also bad. We are compelled to agitate as against error and misuse. Make a tariff right and agitation will be impossible as well as unnecessary and unjustifiable.

NATIONAL ASSOCIATION OF MANUFACTURERS, 1908.

WASHINGTON, D. C., *March, 1931.*

TARIFF PROTECTION—HONEST OR DISHONEST

The analyses of 34 industries in this leaflet and of 26 metal industries elsewhere presented (see CONGRESSIONAL RECORD, January 23, 1930) have been made in the belief that national prosperity and public morals require that American voters inform themselves regarding customs tariffs and the theory of protection to American industries.

These analyses are based upon the findings of many experts, including some of the best in the Government service. The tabulations of production and wages were made by the Bureau of the Census, some of them for the first time and upon request of the Fair Tariff League. They disclose the motives, methods, and results of tariff making in the United States now and for a generation past.

These analyses are here prefaced by general considerations for those who have not studied the tariff.

FREE TRADE NOT AN ISSUE

There is no organized group of practical consequence promoting free trade in the United States.

The principal, or only, organized free-trade group in the United States in 1922, when the tariff issue was at fever heat, consisted of 391 persons, of whom 354 paid dues of $1 each and 37 paid $5 each. These in a population of 110,000,000, casting 27,000,000 votes in 1920. Until these 391 persons win over a considerable part of the 27,000,000 voters we can leave free trade to philosophers. Until then we should challenge the judgment or the integrity of politicians who use free trade as a bugaboo for vote getting.

The United States is committed to the elevation of the average citizen, through good wages, good living, and whatever else conduces to this end, including protection. It will take no chance on overturning a policy approved from the beginning of our Government's existence when, on July 4, 1789, as its first legislative act, it adopted a protective tariff.

As between the political parties, it is only a question of the adequacy of the respective rates.

A free-trade tariff would tax only tea, coffee, and other articles not produced here or so different in design or quality as to be virtually noncompetitive. It would put textiles, steel, sugar, wool, cutlery, and all other competing products on the free list. Only this method would give us free trade in competing products and bring us to the price level of other countries. Neither Democrats nor Republicans would do this.

When voters realize that the issue is not protection versus free trade, but protection, honest or dishonest, then protection will be scientifically applied and the public mind will be free for other problems. Legislation will be cleaner.

THE PRINCIPLE OF PROTECTION

The principle of protection is simple. It requires that upon such merchandise as should be produced in the United States, and is now produced abroad at lower cost than here, there shall be levied a customs tax or duty upon competing imports to bring the foreign cost of production plus the duty, up to our cost.

If an article costs 80 cents to produce abroad, and 81 here (the benefit of the doubt to be given our producers), the duty should be 20 cents. Otherwise, low-priced importations will put our manufacturers out of business, and if this is extensively done, our industries, wages, and standards of living will be demoralized.

This 20-cent tax increases by this amount the cost to the wholesaler of every article of the kind, whether made here or abroad, above the price that would prevail under free trade. The 20 cents goes to the domestic manufacturer on everything he produces, and to the Government on imports only.

As the tax is a part of the cost, the wholesaler and retailer add to this their usual percentages for expenses and profits. This doubles the 20 cents, making it 40 cents to the consumer at retail. It is trebled and quadrupled on many novelties, such as adorn our homes and as women buy freely.

Disinterested, competent public servants in the Government tariff service say that these greater increases are reasonable on articles bearing high duties and subject to changing fancies. These apparently excessive increases give the importer only one-third, and the retailer one-half of his selling price as gross margin, which they say is necessary, as the cost and risk of handling this merchandise are great.

Whether we agree with them or not, Congress must not promote such high retail prices by excessive duties.

DO MANUFACTURERS ADD THE DUTY TO THEIR PRICES?

The question whether domestic manufacturers add the duty to their prices is answered by the other question, Can they? If they are operating under severe competition, they can not and do not. When, however, Congress provides that nothing competitive shall enter this country until domestic prices are greater than foreign prices by the amount of the duty, almost inevitably, being in business for profit, manufacturers join in price agreements or by winks and nods beyond the cognizance of the law restrict or eliminate competition. As shown in the accompanying analyses, they add from three-fourths to nine-tenths of the duty but not enough to make importations generally profitable. They thus get enormous tariff profits for their own use and disbursement and

leave the Government with almost no revenue because little is imported, and that little is mostly novelties in design or quality differing enough from domestic products to bring higher prices.

A comparative list of 75 chemicals 10 weeks after the enactment of the act of 1922 showed that all but one had added all or most of the rate increases to their prices.

Indian Head cotton sheeting had advanced 22½ per cent and Fruit of the Loom muslin 12½ per cent—both famous brands in common use. Cheap sateens for women's wear and for men's sleeve linings had advanced nearly one-half. Cottons generally advanced from 20 per cent to 25 per cent. Advances in raw cotton accounted for about one-fifth of these advances, the rest was mostly tariff.

Alexander Hamilton and his associates knew that duties would raise prices. Said Henry Clay in 1833, "In general, it may be taken as a rule that the duty upon an article forms a portion of its price." Said John Sherman in 1869, a great protectionist Secretary of the Treasury, "As a general rule, the duties upon imports operate as a tax upon the consumer." Chairman Fordney said, "Whatever duty you put on is for the purpose of bringing the foreign value [price] up to our value." Said Chairman McCumber in pleading for a duty on wheat for his State, "We want higher prices."

THIRTY-FOUR INDUSTRIES ANALYZED

The following analysis of 34 industries, with an output of over $16,000,000,000, retailing for about $32,000,000,000, of the kinds that fill our department stores and of a factory value in 1927 of $16,250,000,000, textiles of all sorts, wearing apparel, glassware, chinaware, hosiery and knit goods, carpets and rugs, furs, rubber goods, perfumes, medical preparations, musical instruments, and other commodities, shows that under the relatively low tariff of 1913 and for the years 1920 and 1921, just before the tariff of 1922 was enacted, imports were only 1.2 per cent of domestic production in the last previous census year, 1919. Allowing for price declines between 1919 and these latter years, the imports in those years were approximately 1.5 per cent of 1919 production. In 1927, the last census year, imports were 1.8 per cent of production.

In these 34 industries the Government collected duties on $299,353,570 of imports. It collected $148,353,059. The duties averaged 50 per cent.

As against this $148,353,059 the industries were invited and encouraged to collect for themselves, by adding the tariff to their prices, $3,791,000,000.

For each dollar that the Government got the industries got $26, so far as they were able to add it to their prices, and we know they added aplenty. Indeed many prices advanced from 10 to 20 per cent in the two months immediately following the enactment of the present tariff.

Domestic competition used to keep prices down. In competition was the consumer's protection. With competition weakened or gone, he has no protection, except in the scientific and honest application of tariff rates at the lowest point consistent with adequate protection.

THE MIRACLE OF AMERICAN PRODUCTION

Machinery and buildings, fuel, and the incidental expenses of production, though costly, cover such great quantities of product during the period of their use that when they cost more here than abroad the difference is so little when applied to the yard or pound of output that it is often almost impossible to estimate it.

Our raw materials are more abundant, more easily worked and conveniently located than those of any other country. Wages, therefore, constitute the essential difference in costs here and abroad. Their relation to the tariff must be understood.

A comparison of English and American governmental statistics shows that the average American wage earner produces from two to three times more output in money value than the English wage earner, and uses from two to three times more horsepower. In the manufacture of boots and shoes, five times more horsepower and three times more output in money value; in cotton goods, one-half more horsepower and one-half more value; in cutlery and edge tools, five times more horsepower and twice the value; in gloves, hosiery, paints and varnishes, firearms and ammunition, and soap, twice the horsepower and from two to three times the value. In silks, one and one-third times more horsepower and two and one-half times more in value.

At double the daily wage American labor would therefore be cheaper than the English in these industries and other of like character. They are now about 60 per cent higher.

American labor, supported and directed by American genius for invention and organization, is the cheapest labor in the world in the production of many of the common requirements of mankind.

This is not a new situation. William M. Evarts, Secretary of State and a protectionist, in his report of May 17, 1878, on the state of labor in Europe, said, "The average American workman performs from one and one-half to twice as much work in a given time as the average European workman." In proof he quoted at length from consular reports.

In 1883 Charles S. Hill, protectionist, statistician of the Department of State, reported to the Tariff Commission of that time that our manufactures amounted to $5,000,000,000, made by 5,250,000 workmen, while England's was $4,000,000,000, made by 5,140,000 workmen. Said he, "Here is the positive proof that American mechanics in the aggregate accomplish exactly double the result of the same number of British mechanics. They are therefore very justly paid double in wages." To-day our manufactures total $63,000,000,000.

About two-thirds of the 9,000,000,000 yards of cotton goods made in the United States, being print cloths and coarser fabrics, should be on the free list with shoes because our costs are minimum. They now carry from 12 to 40 per cent duties.

A woman or young girl runs from 70 to 90 looms (compared with 6 to 18 looms in England). She weaves 12,000 yards of these cheap cottons per week, for $17 in the North and $14 in the South. She gets these wages, not because she is in the United States, but because she weaves more yards for this money than any other worker in the world.

India has well-equipped cotton mills, with cotton growing at their doors. She pays cotton mill workers an average of $1.75 per week. She sends to the United States for denims and drills because our $17 worker makes them cheaper per yard than her $1.75 worker. Our spinners run three or four times as many looms as the English.

These cotton mills could have paid higher wages. They have always paid the lowest possible, and to-day pay less than is paid in any other industry in the United States of like character, says the National Industrial Conference Board, a representative body of cotton and other manufactures.

A single machine makes 50,400 glass pint bottles in a day of 24 hours, with no labor except to keep it oiled. Of 1-dram bottles it makes 165 per minute. Congress makes the duty 50 per cent. A hundred years ago, when they were made by hand, the duty was 10 per cent. By recent inventions 97 per cent of the wage cost of making glass bottles has been eliminated. A single new machine now makes eight thousand 5-gallon bottles (carboys) in 24 hours. It can make all that are used in the United States.

A machinist running 3 machines makes a spark plug every 6 seconds, 600 per hour, with 2 diameters inside and many shapes outside. He gets 60 to 80 cents an hour. What is the wage cost per plug? Duty 40 per cent—on the material, the overhead, the wage, and the foreigner's profit; to be doubled, possibly quadrupled, at retail. Is it right?

A new automatic machine makes 73,000 electric-light bulbs every 24 hours, displacing 2,000 hand operatives.

An American worker shapes 50,000 bricks per hour with a not expensive machine for 2 cents per thousand bricks. He shapes so many that he earns $10 per day.

A woman knits 1,800 pairs of good cotton socks per day for one-sixth of 1 cent per pair, and earns $3 a day and three or four times the European wage.

In St. Louis recently 70 men digging sewers with machines did the work of 7,000 men with pick and shovel.

In harvesting wheat with the sickle still used in some countries 45 to 50 hours of labor are required per acre of 15 bushels. The hand cradle, common in Europe, requires 35 to 40 hours. The horse-drawn harvester requires 3 to 4 hours, with an accompanying thresher charge of 10 cents per bushel. The new "combine" harvester and thresher takes from three-fourths to 1 hour, at a total cost of 3 cents to 5 cents per bushel. With 4,500,000 less people on our farms than in 1909 the output of our farms has increased 50 per cent in the last 30 years and 20 per cent in the last 10 years. Agriculture keeps step with manufacturing.

Mr. Ford is said to predict a $24 daily wage, a 5-day week, and a 9-month work year, with the remaining time for leisure, enjoyment, and culture. However nearly this is achieved, the prediction is prophetic and sane.

Automatic and semiautomatic machinery is in its infancy, with apparently nothing that it can not do. As Mr. Edison says, our great need is for training places to multiply the number of inventors of these machines.

Europe can not use them as we do because she produces mostly for export and gets only small orders of great variety to meet the strangely varied requirements of various countries.

The average Scotch tweed mill has 70 looms and 3,400 different patterns and color combinations. America's greatest woolen maker has 10,000 looms, with relatively few patterns. The best silk mill in Lyons, France, has about 40 looms and is constantly changing its patterns. America's larger producers have from 1,000 to 2,000 looms each. In Bradford, England, men's suitings are made in eight different widths to meet the fixed requirements of foreign markets. American producers make almost exclusively a single width that finishes at 52 to 54 inches. Yorkshire steel mills almost never see an order for 500 tons. They will make 25 tons at a time. Orders for 10,000 and 40,000 tons are not unusual in the United States.

These are typical examples, paralleled on every hand. Machines are more than human. With exhaustless energy, they neither think nor tire, and therefore are free from error. They make the 5-day week and the 8-hour day possible, as against the 14-hour day of long ago. Automatic and other machines make labor to-day so small a part of production costs as to require only about half the duties of 40 to 60 years ago. The public, not the profiteer, should get the benefit.

A tariff putting these necessaries where they should be will lower the costs of living and of production and satisfy the public with fair prices of articles costing more abroad than here. Our farmers will be enriched, for they now produce too expensively in an artificial market, burdened with false costs and false prices, and sell in the low, unprotected, competing markets of the world. They are in distress for want of a fairer chance.

CONGRESS HAS NOT WANTED THE FACTS

Congress is as much the trustee of the property and rights of each citizen as is a court-appointed trustee for a widow or a minor.

In common honesty it is necessary that this trustee, Congress, shall require proof to the last decimal place of the right of any industry to privately tax any consumer by act of Congress through the tariff. "No proof, no protection," should be the rule.

On the contrary, as said Speaker Cannon, who appointed the Ways and Means Committees of the House for many years and named the committee that framed the tariff of 1909, "Tariff hearings, why, they are nothing but a grandstand play." For 60 years the committees of Congress have carefully avoided the procurement of exact information.

About 1913 the Taft Tariff Board had a world of information on the wool and woolen schedule, with samples of men's suitings and the like, showing duties of from 75 to 130 per cent. This information was known to Members of Congress and others. A request was made by Speaker Champ Clark to get it, but it was withheld, it was said, upon the insistence of a member of that board, appointed upon requirement of Senator Aldrich, the chairman of the Senate Finance Committee.

In 1909 the writer was shown by an Assistant Secretary of State many tariff exhibits from Germany under official seal, with the comment, "Senator Aldrich will not let us send these to the Finance Committee."

This past summer the Ways and Means Committee listened to the pleas of the Hudson River makers of common brick, who make their brick largely by hand as in the days of the Pharoahs. On this plea the committee took common brick from the free list with a tariff of $1.25 per thousand. One who knows the personnel of the committee understands why.

It seems strange that, despite the committee's desire to avoid facts, it was not disclosed that in up-to-date brickyards one operative with a not-expensive machine shapes 50,000 brick per hour at a wage cost of 2 cents per thousand. This 2 cents is the essential fact. That the man amasses a total of $10 per day is delightful; but it has nothing to do with the tariff.

When the tariff of 1922 was enacted many manufacturers of five of the necessaries of life, cast-iron pipe, tile, and terra cotta for farmers' drains, for city sewers, and hollow walls and floors in fireproof buildings, the makers of sanitary ware for bathrooms, etc., of window glass, and of linseed oil were under indictment of Federal courts for arbitrary and excessive prices determined by mutual agreement contrary to law. These were all convicted or compromised with the courts. Some were fined Some were sentenced to prison.

The capable and respected Tariff Commission of those days had advised Congress with full proof that these products needed no protection; that they were made as cheaply here as anywhere substantially.

What did Congress care for court indictments or proof of minimum costs? It largely increased the duties of each of these law breaking and profiteering industries.

WAGES AND THE TARIFF

The following table illustrates the relation of wages to tariff rates in important industries in the Democratic act of 1913 and in the Republican act of 1922:

What labor gets from each dollar of product and the corresponding tariff rates

Produc.	Act of 1913, tariff on each dollar imported, year 1919	Act of 1922, tariff on each dollar imported, year 1927	Wage per dollar of product, 1927
(1)	(2)	(3)	(4)
	Cents	*Cents*	*Cents*
Cotton manufactures	34	47	24
Silk manufactures	43	58	19
Wool manufactures	32	56	21
Hosiery and knit goods	38	64	23
Corsets, brassières, etc.	27	50	16
Clothing	52	52	17
Furs	26	27	17
Rubber goods	10	28	16
Earthen, stone, and chinaware	47	58	39
Glassware, etc.	38	53	29
Confectionery	22	40	15
Paints and varnishes	11	34	8
Motor vehicles and parts	35	31	15
Medicinal, etc., preparations	18	24	7
Perfumery, cosmetics, etc.	54	47	7
Musical instruments	32	41	27

The tariff rates, columns 2 and 3, are far higher than the wages, column 4. Tariffs like these, especially the act of 1922, are not written for wage earners but for stockholders.

Although machinery, by replacing labor, has lowered the percentage going to wages, our tariff rates have risen instead of dropped. In 1860 the average tariff on all manufactures was 24 per cent and the wage was 25 per cent, or equal to the duty. In 1870 duties on manufactures averaged 34 per cent, or one-third more than the average wage, which was 23 per cent. In 1880 the duty was 46 per cent, or double the average wage, which was 22 per cent. In 1927, as shown above, the duties are often several times the total wage in the industry.

It behooves wage earners and the public to require that the tariff is better related to wages, and that manufacturers earn their profits with the least help from special taxation that can reasonably be given them. Also that the tariff shall measure, not the total American wage rates, but the difference in the wage cost and other costs here and abroad.

LABOR USUALLY LESS THAN ONE-HALF THE TOTAL COST OF THE PRODUCT

A century ago when things were made by hand without machinery and steam power there was reason in the old phrase, "Everything is 98 per cent labor." To-day the experience of many authorities indicates that manufactured articles generally are not more than half labor. Usually in each industry by itself the proportion of labor runs from one-tenth to one-fifth of the factory selling price. To this wage is to be added the labor in preparing elsewhere the materials that constitute the raw material of the factory in question. These cruder materials, however, are usually produced as cheaply or more cheaply here than elsewhere.

For instance, wages in shoe factories are about 27 per cent of the factory selling price. To this is to be added 10 per cent for tanning the leather, and other small additions for the wages in the fuel and other accessories, making the total from the hide on the steer's back to the finished shoe less than 50 per cent of the factory selling price. A few silks and cottons are 80 per cent material as it comes to the mill, 10 per cent wages, and 10 per cent overhead.

FARMERS AND THE TARIFF

The depression of our agriculture in colonial days and the difficulty of exporting its products because of the high tariffs against them in foreign countries was a principal reason for the adoption of our first protective tariff. To-day our farm prices are depressed by our own excessive and overprotective tariffs on manufactured products that keep out imports that would pay for our farm exports.

Said Hamilton in 1791, "The restrictive regulations which in foreign markets abridge the vent of the increasing surplus of our agricultural produce serve to beget an earnest desire that a more extensive demand for that surplus may be created at home."

In those days and down to about 1842, England, our principal market, either refused to receive or assessed almost prohibitive duties on imports of breadstuffs. Thousands upon thousands of natives in Jamaica, one of her colonies in the West Indies, starved to death with our near-by wheat forbidden to them. The people of England were underfed. Not till after the population of Ireland was decimated by starvation from the successive failures of its potato crop did England admit foodstuffs upon payment of nominal duties, and that in 1849. Other countries were as inhospitable as England.

Said Henry Clay in 1810 of our breadstuffs, "For the latter we have scarcely any foreign demand."

Our farmers must export their products at prices below costs of production and on such a basis of price compromise as compels their unwilling purchase and their payment by means not easily foreseen. Every purchase makes more impossible the payment of already existing foreign governmental and private debts to us, aggregating some $24,000,000,000 and increasing by $800,000,000 annually.

In the tariff of 1922–1929 our farmers demanded and got high rates for themselves, thinking they could get rich like tariff-profiteering manufacturers; but these rates were about as worthless as counterfeit money, because so much of our farm products are exported that export prices become domestic prices. Our tariff can not raise prices in Liverpool and Hamburg.

In the 1930 agricultural tariff rates were further increased by $950,000,000 in face value, and on their face promised to raise farm prices above the international level by $3,640,000,000, or 41 per cent. Instead, under normal conditions the increase is only $12,500,000, or seven-tenths of 1 per cent. The total cash value of the duties is only $103,000,000; this on 19 major crops—the cereals, hay, cattle, hogs, tobacco, etc.—of a total value of about $9,000,000,000. For particulars see CONGRESSIONAL RECORD, November 22, 1929, page 6290. Sugar and wool are not included in these figures, because each is a special story, with the tariff losses to farmers many times their gains. If only for the farmers' sake these schedules require alteration without decreasing the protection.

The above calculations are by the best Federal experts and on the basis of the year 1928 and other normal years. They do not consider the utterly unusual year 1930, the worst for farmers in this century despite the new Farm Board's endeavors and its losses, estimated in January, 1930, as high as $200,000,000 on wheat and cotton alone, but eventually more or less than this, as may eventuate. The board is wonderfully helped by the 1930 shortage of 700,000,000 bushels of corn (the greatest shortage in 30 years), which causes the feeding of all of the usual "export surplus" of wheat. With the surplus thus providentially removed, the board in January, 1931, pegged the wheat price 30 cents above the export basis and showed the great advantage of high farm duties in years of great shortage. Even if under the circumstances the tariff and the Farm Board win out, it will be no criterion for normal years. Every like endeavor in governmental control and price fixing has failed—witness, Brazil in coffee and Great Britain in rubber.

Our farmers get $2,400,000,000 less for their 1930 crops with the high tariff than for 1929 crops with their lower tariff rates. They get $229,000,000 less for their livestock. Their cereals sold for 25 per cent less than pre-war. The average for all farm products was only 3 per cent above pre-war, while the prices of the things the farmers bought were 49 per cent above pre-war. The farmer's dollar was worth only 69 cents in exchange value for his purchases. It was short 45 per cent, while the cereal and cotton grower's dollar was short 49 per cent.

Will our farmers endure this situation and remember their continuous bad fortune since the war and allow a relatively few tariff-profiteering manufacturers to longer exploit the tariff to the farmers' loss of one and one-fourth billions of dollars annually over and above its needs of honest protection?

COMPETING IMPORTS OF SMALL VOLUME UNDER ALL TARIFF LAWS

A study of the final tables of this leaflet is informative in this and other respects.

They show that of highly finished products such as fill our retail stores only $1.80 were imported for each $100 produced in this country in 1927. These imports, moreover, were mostly different in design or quality and not strictly competitive.

It is interesting to note that although excessive duties often add greatly to the profits of retailers, they vigorously opposed the tariffs of 1922 and 1930 as extreme and injurious even to themselves.

THE REASONS FOR OUR LOW COSTS

The United States produces ordinary things at marvelously low costs because it has the largest, most conveniently located, and easily worked deposits of raw materials in the world; its population is homogeneous in its requirements, and is twice as numerous as that of any similar country. Devoted to standardized quantity production, its skill, inventive genius, and energy have made its people the greatest earners and the greatest consumers on earth.

It leaves other more densely populated countries, with their scant raw materials and abundant labor, to make the smaller quantities of luxuries and other things used by relatively few consumers. These products require more of individual labor, patience, and artisanship than we like to give. Even here, however, we share in products of excellence.

THE COSTS OF PROTECTION AND GOVERNMENT REVENUE DERIVED

The disparity between the millions of dollars which Congress invites manufacturers to add to their prices and the pittances collected by the Government in revenue is indicated in the table following.

The "tariff allowance to manufacturers" (column 6) is the sum which Congress invites them to add to their prices above the prices of foreign competitors. They do not always add this. Where competition is keen, as in automobiles, they add little or nothing, because they can not. What they can not do to-day they may do to-morrow. Sometimes they add more than the total duties. The point is that Congress puts consumers at the mercy of manufacturers to this extent.

Protectionists are willing to pay enough above foreign prices to maintain high domestic standards of wages and living. But they must not, under this excuse, be made liable to excessive prices, unjustified either by the theory of revenue or of protection.

Federal and State governments will struggle for a generation under the burden of war taxes, for pensions, soldier rehabilitation, interest and amortization on some twenty billions of dollars of public debts and current expenditures. The public meantime must pay annually some $5,000,000,000 of super-protective taxes to private interests by compulsion of the present tariff law. How much better, by a fair tariff, for the Government to pay its obligations as it goes along and incidentally to reduce its long-time obligations by using some of the billions of dollars annually now going wrongfully to these private interests through this super-protection.

The futility of the tariff as a revenue producer (except to private interests) is shown by comparison of columns 5 and 6. Column 7 shows, in a different way, how much more profitable the tariff is to the manufacturer than to the Government, and what the ultimate consumer has to pay, in added cost at retail, for his share in the tariff game.

Note especially the following: For each dollar the Government collects, the tariff allows the manufacturer to collect:

In men's shirts	$7.966
In corsets, etc	3.658
In glucose and corn sugar	159.091

And others in lesser amounts. In each case the consumers have to pay, in added tariff costs about double the above.

This table is for the latest census year 1927 only; the other years (1914 and 1919) shown on the big final table show similar conditions.

It does not answer to say that the $3,791,000,000 allowance is an impossible sum, never realizable. It is indeed impossible in respect to its full amount. It is, however, the act of Congress, to be made effective to the fullest extent that opportunity offers. And whatever the industries add to prices is doubled to consumers in added retail prices.

The cost of protection and Government revenue derived

1 Domestic production, census, 1927	2 Imports for consumption, 1927	3 Per cent imports to production	4 Industries	4a Per cent wages to production	4b Average ad valorem rates of duty, 1927	5 Tariff revenue to Government imports, 1927	6 Tariff allowance to manufacturers (act of 1922), 1927 [1]	7 For each dollar of revenue to Government— Manufacturers get	7 For each dollar of revenue to Government— Consumers pay
		Per cent		*Per cent*	*Per cent*				
$1,655,984,792	$47,905,817	2.9	Cotton manufactures [2]	24.3	46.6	122,333,347	[3] $361,000,000	$12	$24
750,291,792	32,256,291	4.3	Silk manufactures [2]	18.7	59.1	18,000,545	266,000,000	14	28
859,873,143	39,694,583	4.6	Wool manufactures [2]	21.0	55.8	22,113,554	311,000,000	14	28
787,508,822	14,449,367	1.8	Hosiery and knit goods	28.0	64.0	9,250,533	268,000,000	31	62
241,640,939	21,993	0.009	Shirts, men's	17.8	39.4	8,536	68,000,000	7,966	15,932
13,264,297	77,179	0.6	Collars, men's	22.4	25.6	19,734	3,000,000	152	304
77,218,202	14,355	0.02	Corsets, brassières, etc	16.1	49.5	7,107	26,000,000	3,658	7,316
2,574,789,719	19,291,998	0.7	Clothing, except knit goods	16.6	61.6	11,856,467	981,000,000	83	166
164,709,290	21,668,280	13.0	Wool carpets and rugs	28.2	52.8	11,441,384	57,000,000	5	10
36,662,053	10,645,085	29.0	Gloves, leather	24.0	50.2	5,346,693	12,000,000	22	44
496,271,956	14,416,624	2.9	Fur	16.6	25.7	3,868,934	88,000,000	23	46
29,130,168	1,443,655	5.0	Buttons	32.4	42.3	402,112	9,000,000	19	38
23,156,400	428,044	1.8	Umbrellas, parasols, canes, etc	14.7	40.0	171,217	7,000,000	41	82
39,908,881	3,084,212	6.1	Trunks, valises, suitcases, etc	21.8	33.0	1,214,863	15,000,000	12	24
1,226,479,128	1,886,354	0.2	Rubber goods	16.2	28.3	332,092	185,000,000	310	620
437,246,629	22,366,016	5.1	Earthen, stone, and china ware	38.6	59.6	13,016,942	140,000,000	11	22
363,271,917	18,494,410	5.1	Glassware and related products	28.6	52.6	9,736,673	123,000,000	13	26
91,963,619	4,609,731	5.0	Toys and games	25.3	70.0	3,239,968	38,000,000	12	24
34,329,253	167,675	0.5	Salt	20.7	18.4	30,868	5,000,000	162	324
122,723,229	1,510,181	1.2	Chocolate and cocoa	6.0	17.9	270,741	19,000,000	70	140
391,927,343	886,339	0.2	Confectionery	14.5	40.0	354,367	112,000,000	316	632
100,730,700	545	0.0005	Glucose and corn sugar	7.8	8.0	44	7,000,000	159,091	318,182
33,679,309	1,154,879	3.4	Starch	7.8	43.7	505,028	10,000,000	20	40
519,009,842	3,709,734	0.7	Paints and varnishes	7.7	33.8	1,269,420	131,000,000	103	206
73,367,776	432,416	0.6	Linseed oil	3.9	48.5	209,869	24,000,000	114	228
99,185,468	1,162,087	1.2	Oilcloth and linoleum	13.7	34.9	403,383	26,000,000	64	128
44,156,388	2,179,186	4.9	Asbestos manufactures	19.0	25.4	553,972	9,000,000	16	32
4,997,630,017	2,349,365	0.05	Motor vehicles and parts	15.3	30.7	720,079	[4] 470,000,000	653	1,306
388,552,068	5,672,413	2.7	Medicinal and pharmaceutical preparations	7.4	30.9	1,369,195	92,000,000	55	110
161,245,659	6,935,989	4.3	Perfumery, cosmetics, and toilet preparations	6.3	63.4	3,253,478	63,000,000	16	32
72,489,668	961,076	1.3	Explosives	11.2	36.8	334,129	29,000,000	56	112
90,527,737	5,693,701	6.2	Photographic goods	20.2	28.7	1,624,854	29,000,000	12	24
44,565,829	2,281,965	5.1	Athletic and sporting goods	23.8	32.9	750,177	11,000,000	15	30
225,881,856	4,861,434	2.2	Musical instruments (including phonographs)	26.8	40.7	1,978,992	65,000,000	33	66
16,220,030,652	268,218,758	1.8	Total 34 industries	18.0	----	146,925,080	3,942,000,000	27	54
			Per cent of protection	----	24.3	----	----	----	----

[1] Tariff allowance to manufacturers represents the amount domestic manufacturers are permitted to add to selling prices by reason of the duty added to foreign competitive products. Whatever he adds is doubled to the consumer at retail.
[2] Not including carpets, handkerchiefs, and wearing apparel, but including laces, fabrics, and other manufactures.
[3] Only one-half the nominal allowance is shown for cottons and motor vehicles as the tariff is not fully effective in these industries.

ANALYSES OF DATA IN FINAL TABLE

In the large table at end of leaflet the relation of the tariff to domestic production, domestic exports, imports for consumption, domestic wages, and protection to manufacturers and their interrelations are shown in a comparative way.

The three most recent tariffs are treated, the act of 1909 (high), the act of 1913 (low), and the act of 1922 (high). (The act of 1930, enacted since these tables were prepared, has, with its greatly increased rates, added enormously to the tariff burdens already borne. How much it is too soon to estimate. One of its devastating effects has been an appalling slump in exports.)

Production is shown for the census years 1914, 1919, and 1927 (the most recent) and the wages for the same years.

Exports and imports for the fiscal year 1914 (the nearest available year to the census year 1914) and the calendar years 1919 and 1927, corresponding to the census years.

The imports of the fiscal year 1914 were partly under the act of 1909 and partly under the act of 1913, but the ad valorem rates are estimated as though entirely under the act of 1909. The imports of 1919 were under the act of 1913 and those of 1927 under the act of 1922.

The tariff allowance to manufacturers (protection) is estimated on the assumption that the full amount of the tariff duty is added to and forms a part of the value of products at factory selling prices (domestic production).

These tariff rates are supposed to be, and usually are, largely or wholly effective, as is proven by the extremely small amount of imports as compared with domestic production. In many industries the duties are added in full, as in heavy metal products, aluminum, glucose, fine cottons, all woolens, etc. In others most of the rates are added. In some, competition causes little or no additions.

Indeed, the tariff beneficiaries, in their pleas now commonly disclose that they want their rates for the sole purpose of increasing their prices. It is therefore a crime against consumers for Congress to give any higher rate than just protection requires, and the responsibility of Congress is the same whether the beneficiaries succeed in adding all or only a part of excessive rates to their prices.

As said the Republican Governor of Massachusetts, Curtis Guild, in 1908:

"If the friends of protection do not themselves correct admitted excrescences in the tariff and modernize it to meet changed conditions, the enemies of protection will. The situation is in many ways similar to that in regard to great public-service corporations. The choice on that question is between regulation and revolution. The choice on the tariff question is between rational revision and ruin. In neither case can we stand still. The country that does not go forward goes backward."

Thirty-four general industries, under three tariff acts: 1909 (fiscal year 1914), 1913 (year 1919), and 1922

	Industries	Domestic production, manufacturers' sales prices			Domestic exports, value			Imports for consumption, value			Per cent of exports to production		
		1914	1919	1927	1914	1919	1927	1914	1919	1927	1914	1919	1927
	Cotton manufactures (not including carpets, handkerchiefs, and wearing apparel):										P. ct.	P. ct.	P. ct.
1	Woven goods (including plain and fancy cloths and pile fabrics including tapestries).	$488,728,054	$1,487,723,000	$1,183,760,651	$28,844,627	$151,997,817	$81,147,976	$16,538,804	$19,594,187	$26,063,901	5.9	10.2	6.9
2	Laces, embroideries, etc.	13,206,785	29,396,853	23,764,215	232,457	1,731,675	216,155	33,882,126	14,085,099	12,259,897	1.8	5.9	.9
3	Other manufactures (known as cotton small wares).	199,366,094	678,446,028	448,450,926	11,622,701	64,993,339	36,032,530	10,942,058	12,033,412	9,582,119	5.8	9.6	8.0
4	Total	701,300,933	2,195,565,881	1,655,984,792	40,699,785	218,722,831	117,396,651	61,362,988	45,712,698	47,905,917	5.8	10.0	7.1
	Silk manufactures (not including handkerchiefs and wearing apparel):												
5	Woven fabrics (including pile fabrics).	157,265,554	435,935,000	544,616,288	2,307,605	10,225,376	3,066,391	16,156,237	30,025,626	23,645,933	.9	2.3	.5
6	Laces, embroideries, etc.	2,387,621	9,417,000	7,675,730		6,241,782	2,500,726	4,246,179	5,002,855	4,353,021		2.5	1.3
7	All other manufactures.	94,358,082	243,117,523	197,999,774				10,055,921	13,257,863	4,237,337			
8	Total	254,011,257	688,469,523	750,291,792	2,307,605	16,467,158	5,567,117	30,458,337	48,286,344	32,236,291	.9	2.1	.7
	Wool manufactures, including felt goods (except carpets and wearing apparel):												
9	Felt goods	13,692,765	39,229,540	41,894,844	1,668,199	(1)	370,894	105,824	27,664	119,831	.4	.8	.9
10	Woven fabrics	270,721,509	730,743,000	571,327,437		20,623,267	897,203	20,564,870	7,149,789	23,895,973		2.8	.2
11	Laces, etc.					(1)	(1)	68,250	68,516	303,715			.8
12	All other manufactures.	108,762,870	334,691,072	246,650,862		7,005,992	1,884,134	4,659,864	2,144,332	15,315,064		2.1	
13	Total	393,177,144	1,104,663,612	859,873,143	1,668,199	27,629,259	3,152,231	25,389,608	9,390,301	39,634,583	.4	.25	.4
	Hosiery and knit goods:												
14	Hosiery	98,098,590	308,662,377	453,593,357		35,673,288	19,302,418	3,012,988	510,367	4,483,798		11.6	4.3
15	Knit underwear	98,119,085	203,530,283	148,664,366		8,602,293	3,070,535			390,111		4.2	2.1
	Knit outerwear—												
16	Outerwear, except gloves	35,909,693	92,174,902	121,741,504	2,546,822			967,878	468,111		1.1	1.4	.6
17	Gloves and mittens	10,519,613	19,530,411	7,337,898		1,508,995	754,162			2,087,018			2.9
							211,734	2,224,382	585,163	7,042,956			
18	Total outerwear	46,429,306	111,705,313	129,079,402		1,508,995	965,896			9,129,974		1.4	.7
19	Knit cloth	6,817,249	58,347,745	55,171,697	(1)	(1)	(1)	14,923	679	445,484			
20	Total hosiery, etc.	244,464,230	683,245,718	787,508,822	2,546,822	45,784,576	23,338,849	6,220,171	1,564,320	14,449,367	1.1	6.7	3.0
21	Shirts, men's	96,815,013	205,327,133	241,649,939	(1)	(1)	1,987,960	(1)	(1)	21,693			.8
22	Collars, men's	18,530,840	47,564,949	13,264,207	(1)	771,219	524,524	62,249	59,919	77,179		1.6	4.0
23	Corsets, brassières, etc.	40,550,702	75,541,959	77,218,202	2,220,739	2,880,858	1,902,353	52,711	37,423	14,355	5.5	3.8	2.5
	Clothing (not including knit goods):												
24	Men's (including buttonhole making).	458,843,713	1,164,075,082	1,080,388,675	3,148,122	35,547,940	6,133,108	6,760,447	10,232,507	19,261,998	.9	1.5	.2
25	Women's	473,888,354	1,208,543,128	1,494,401,044									
26	Total	932,737,067	2,372,618,810	2,574,789,719	3,148,122	35,547,940	6,133,108	6,760,447	10,232,507	19,261,998	.9	1.5	.2
27	Wool carpets and rugs (other than rag).	60,128,185	123,253,828	164,709,200	(1)	(1)	331,734	4,769,769	2,907,556	21,663,280			.2
28	Gloves, leather	21,614,109	46,940,511	36,662,053	(1)	623,693	132,618	9,366,899	6,162,846	10,645,085		1.3	.4
	Furs:												
29	Dressed on the skin	2,575,036	20,384,569	27,357,261	870,524	7,474,873	3,800,818	3,299,608	3,111,626	3,359,713	1.0	2.7	13.9
30	Hats, fur-felt	37,349,744	82,745,308	99,299,648			1,852,813	664,717	488,479	2,309,267			1.9
31	Garments and other manufactures.	43,632,663	173,137,739	299,615,047			1,572,069	1,800,009	2,267,006	8,657,644			.5
32	Total	83,857,473	276,267,616	426,271,956	870,524	7,474,873	7,225,700	5,764,424	5,867,111	14,416,624	1.0	2.7	1.7
33	Buttons	20,711,979	41,840,439	29,130,168	654,372	3,296,687	489,573	2,122,461	1,599,532	1,443,655	3.1	7.9	1.7

(year 1927)—Relation of customs tariff rates to production, wages, trade extension, and cost of living

Per cent of imports to production			Domestic wages			Per cent of wages to domestic manufacturer's selling price				Average ad valorem rates			Per cent tariff rates to wages, per cent			Tariff allowance to manufacturers (in millions of dollars)			
1914	1919	1927	1914	1919	1927	1914		1919 wages	1927 wages	Act of 1909, imports fiscal year 1914	Act of 1913, imports year 1919	Act of 1922 imports year 1927	Act of 1909, year 1914	Act of 1913, year 1919	Act of 1922, year 1927	Act of 1909, year 1914	Act of 1913, year 1919	Act of 1922, year 1927	
						Wages	Wages and salaries												
P. ct.	P. ct.	P. ct.				P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.	P. ct.				
3.4	1.3	2.2	$105,796,601	$249,058,863	$287,677,613	21.6	24.0	16.7	24.2	43.4	22.9	36.2	201	137	150	74	139	157	1
256.7	48.0	51.6	3,465,081	5,066,557	6,602,887	26.3	35.4	20.7	27.8	62.4	59.9	84.8	237	289	305	8	11	11	2
5.5	1.8	2.1	43,157,917	113,578,292	108,565,362	21.6	24.0	16.7	24.2	33.6	22.6	26.0	155	135	107	50	125	93	3
8.7	2.1	2.9	152,422,599	368,723,712	402,845,762	21.7	24.2	16.8	24.3	54.2	34.2	46.6	250	204	192	132	275	261	4
10.3	6.9	4.3	29,166,155	68,528,110	101,683,631	18.5	22.7	15.7	18.7	53.9	45.2	56.1	291	288	293	55	136	196	5
177.8	53.1	56.7	442,853	1,480,632	1,448,517	18.5	22.7	15.7	18.9	62.6	60.0	82.4	338	382	436	1	4	3	6
10.7	5.5	2.1	17,499,461	38,217,588	36,967,943	18.5	22.7	15.7	18.7	39.7	30.1	51.4	215	192	275	27	56	67	7
12.0	7.0	4.3	47,108,469	108,226,330	140,100,291	18.5	22.7	15.7	18.7	50.5	42.6	59.1	273	271	310	83	196	266	8
.8	.07	.3	2,089,243	4,873,490	6,653,147	15.3	23.2	12.4	15.9	95.5	35.0	56.1	624	282	383	7	10	15	9
7.6	1.0	4.2								95.2	35.0	71.0				132	189	237	10
										83.2	60.0	76.9	475	200	262				
4.3	.7	6.3	75,953,444	168,108,681	173,821,905	20.0	22.9	15.8	21.3							52	54	59	11
										91.1	19.2	31.6							12
6.5	.8	4.6	78,042,687	172,982,171	180,475,052	19.8	22.8	15.7	21.0	95.0	31.6	55.8	480	201	266	191	253	311	13
3.1	.2	1.0								78.6	41.3	59.6				43	90	169	14
		.3										53.7						52	15
.8	.2									76.8	34.1					56	75		
		1.7										59.1						45	16
21.1	3.0	96.0	66,423,397	119,950,618	181,467,774	23.1	27.4	17.6	23.0	66.3	37.7	69.8	320	215	279	4	5	3	17
		7.1										67.3						48	18
.2	.001	.8								94.9	35.0	51.2				3	15	19	19
2.5	.2	1.8	66,423,397	119,950,618	181,467,774	23.1	27.4	17.6	23.0	74.0	37.8	64.0	320	215	279	106	185	288	20
		.009	19,169,697	25,833,855	42,997,827	20.0	24.7	12.6	17.8	50.0	35.0	39.4	250	278	221	32	53	68	21
.3	.2	.6	4,494,146	7,430,729	2,966,938	24.2	29.6	15.6	22.4	50.4	30.0	25.6	208	192	114	6	11	3	22
.1	.05	.02	7,976,721	13,082,242	12,402,288	19.7	30.2	17.3	16.1	60.0	27.2	49.5	305	157	307	15	16	26	23
.7	.4	.7	87,154,333	198,335,590	414,897,822	19.0	24.9	17.0	19.9	59.8	51.9	61.6	310	313	371	349	811	981	(24
			92,573,642	195,295,834	211,349,759	19.5	25.0	16.2	14.1										(25
.7	.4	.7	179,727,975	393,632,424	426,337,581	19.3	25.0	16.6	16.6	59.8	51.9	61.6	310	313	371	349	811	981	26
6.9	2.3	13.0	14,715,615	24,216,121	41,484,975	21.3	25.4	19.6	25.2	58.6	47.8	52.8	275	244	210	26	40	67	27
43.3	13.1	29.0	4,558,360	8,150,784	8,813,912	21.0	27.5	17.4	24.0	45.4	13.7	50.3	216	79	209	7	6	12	28
114.8	15.3	12.3	922,966	7,098,286	10,109,356	32.1	41.6	34.8	37.0	20.0	30.0	27.9	62	86	75	0	5	6	29
1.8	.8	2.4	12,070,512	19,642,531	22,887,317	32.3	37.5	23.7	23.0	50.8	45.0	56.2	157	190	244	13	26	36	30
4.1	1.3	2.9	6,334,661	24,149,212	37,670,610	14.5	20.9	13.9	12.6	38.0	20.3	18.0	262	146	143	12	29	46	31
6.9	2.1	2.9	19,328,439	50,890,029	70,667,283	23.0	29.0	18.4	16.6	26.2	25.5	26.7	114	139	161	25	60	88	32
10.2	3.8	5.0	6,424,399	13,772,599	9,435,821	31.0	36.9	32.9	32.4	49.1	38.8	42.3	158	109	131	7	12	9	33

Thirty-four general industries, under three tariff acts: 1909 (fiscal year 1914), 1913 (year 1919), and 1922 (year 1927)—

	Industries	Domestic production, manufacturers' sales prices			Domestic exports, value			Imports for consumption, value			Per cent of exports to production		
		1914	1919	1927	1914	1919	1927	1914	1919	1927	1914	1919	1927
34	Umbrellas, parasols, canes, etc.	$13,813,353	$25,308,926	$23,156,400	$29,908	$681,137	$185,125	$219,929	$88,434	$428,044	P. ct. 0.2	P. ct. 2.7	P. ct. 0.8
35	Trunks, valises, suitcases, etc.	26,471,527	63,932,266	59,958,681	605,331	742,382	717,598	283,289	61,905	3,684,212	1.9	1.2	1.2
	Rubber goods:												
36	Boots and shoes	53,822,123	116,917,434	133,195,913	1,113,495	5,266,099	7,072,937		(1)	(1)	.3	4.4	5.3
37	Tires and tubes	146,421,589	752,926,708	803,742,856	4,063,639	30,481,885	42,617,997		368,146	68,699	2.8	4.0	5.3
38	Belting and hose	28,560,889	34,210,540	63,419,100	2,372,837	6,100,460	5,352,654	1,484,601	(1)	387,291	10.1	17.9	8.4
39	All other rubber goods	77,189,215	224,161,337	226,121,259	3,453,472	10,368,279	9,916,836		580,815	1,432,454	4.5	4.4	4.4
40	Total	306,993,796	1,138,216,019	1,226,479,128	11,008,493	52,216,724	64,960,334	1,484,601	948,961	1,886,351	3.7	4.6	5.3
41	Earthen, stone, and china ware: Brick and tile, terra-cotta and fire-clay products	136,915,644	210,085,972	300,723,035	2,378,773	3,625,038	3,576,692	282,587	195,640	1,729,110	1.7	1.7	1.2
42	Earthen and crockery ware (including stoneware)	22,553,381	38,917,875	52,194,332	413,261	1,711,785	2,061,056	10,343,356	2,892,234	7,984,408	1.8	4.4	4.0
43	China and porcelain ware (including decorating)	15,116,185	36,868,073	60,095,085	166,635	523,961	1,540,436		4,068,258	12,453,701	1.1	1.4	2.6
44	Crucibles and all other	1,886,129	5,293,688	34,234,177	1,394,572	721,600	108,857	148,454	49,041	198,797	73.9	13.6	.4
45	Total	176,471,339	291,165,608	437,246,629	4,353,241	6,582,284	7,287,041	10,779,497	7,203,160	22,366,016	2.5	2.3	1.7
	Glassware and related products:												
46	Window glass	17,495,886	41,100,724	26,813,807	311,339	6,402,606	118,083	1,213,856	73,630	2,888,618	1.8	15.5	.4
47	Plate glass, unsilvered	14,790,640	33,319,397	44,688,818	26,767	4,291,360	347,164	631,614	3,045	4,207,533	.2	12.8	.8
48	Obscured, wire, and other building glass	4,498,467	5,099,994	9,470,699	(1)	(1)	435,626	311,483	76,344	713,420	.....	.....	4.6
49	Pressed and blown, except bottles and containers	30,279,290	70,748,861	76,686,891	(1)	100,969	3,870,278	908,691	171,192	3,627,411	.....	.3	3.7
50	Bottles and containers, pressed and blown	51,938,728	94,670,349	114,382,246	111,350	1,263,654	5,078,490	1,184,703	178,278	531,276	1.4	5.6	9.7
51	Other glassware	4,020,994	12,781,716	4,781,496	3,671,164	8,328,941	1,868,208	478,782	180,363	760,687	66.4	65.2	39.6
52	Total glassware	123,023,919	261,844,060	276,823,957	4,120,620	24,427,530	5,799,241	5,015,813	830,852	12,727,945	3.3	9.4	4.2
53	Mirrors	10,159,431	25,200,289	21,124,943	(1)	(1)	28,147	207	326,291	.....	.....	.....	.....
54	Glass cutting, staining, etc.	18,445,839	28,443,931	32,327,581	(1)	309,188	143,731	1,634,849	496,040	5,836,783	.....	.9	.6
55	Optical goods	18,187,965	53,717,708	59,787,210	863,074	1,840,979	3,020,807	843,024	343,793	1,820,210	4.8	3.9	5.2
56	Total	167,908,254	369,343,988	369,271,917	4,894,697	28,337,640	11,904,479	7,563,833	1,996,973	19,404,410	2.7	7.1	3.3
57	Toys and games	13,784,748	45,586,803	91,963,619	809,120	3,809,529	3,901,775	3,090,900	2,835,826	4,609,731	5.9	8.3	4.29
58	Salt	14,070,353	37,513,821	34,329,296	943,783	1,398,635	1,329,980	406,426	242,704	167,675	3.9	3.7	3
59	Chocolate and cocoa	38,712,810	139,358,296	122,730,229	334,940	21,380,801	901,203	738,303	332,176	1,810,181	.9	15.3	.8
60	Confectionery	133,883,523	447,720,103	391,927,343	1,329,147	12,305,982	2,737,494	289,463	195,315	886,339	.9	2.7	.7
61	Glucose and cane sugar	96,431,629	134,548,109	100,730,700	4,663,919	15,139,944	6,626,864	3,073	3,040	545	12.4	11.3	4.6
62	Starch	15,783,781	51,708,151	33,679,369	1,825,230	15,862,165	7,807,302	440,425	289,615	1,154,879	11.6	30.7	23.2
63	Paints and varnishes	145,623,691	340,346,803	319,009,842	7,266,318	25,508,426	20,908,455	2,358,557	1,216,274	3,750,734	4.9	7.5	4.0
64	Linseed oil	44,882,538	120,638,100	75,367,776	134,840	3,606,985	963,737	91,544	3,018,725	432,415	.3	2.2	.4
65	Oilcloth and linoleum	25,398,361	68,110,081	99,185,468	727,067	3,676,739	4,346,833	1,877,329	129,215	1,162,087	2.8	5.4	4.4
66	Asbestos manufactures	2,813,578	23,977,557	44,156,388	667,073	5,531,978	2,103,388	398,159	257,381	2,179,196	24.4	14.7	4.8
67	Motor vehicles and parts	632,831,474	3,080,073,979	3,997,639,017	33,198,806	151,688,150	389,256,319	1,354,955	394,093	2,349,365	5.2	4.9	9.7
68	Medicinal and pharmaceutical preparations: Druggists' preparations	48,009,654	114,593,486	110,300,139	7,383,867	21,580,131	25,761,362	8,052,102	10,614,193	5,672,413	4.9	6.6	6.6
69	Patent medicines and compounds	102,463,374	212,162,255	278,342,929									
70	Total	150,473,028	326,755,741	388,652,068	7,383,867	21,580,131	25,761,362	8,052,102	10,614,193	5,672,413	4.9	6.6	6.6
71	Perfumery, cosmetics, and toilet preparations	16,899,101	89,613,391	101,345,659	1,620,872	7,334,422	8,990,728	2,665,625	5,336,385	6,935,959	9.6	12.3	5.6
72	Explosives	41,432,970	92,474,813	72,489,668	2,750,664	18,052,750	3,454,780	706,181	6,635,290	961,056	6.6	19.5	4.8
73	Photographic goods	39,041,596	125,098,229	90,827,737	9,431,800	20,648,562	19,512,155	4,284,640	1,828,978	5,660,701	24.2	16.5	21.8
74	Athletic and sporting goods	13,234,677	23,539,991	44,363,859	783,120	2,903,305	1,900,965	242,253	295,846	2,281,065	5.9	12.1	4.2
75	Musical instruments (including phonographs)	119,688,728	320,905,140	225,881,856	5,870,951	13,077,270	17,673,337	2,191,806	1,874,024	4,861,434	4.9	4.1	7.8
76	Total 34 general industries	5,063,917,688	15,187,513,423	16,220,039,652	158,862,370	735,312,016	768,762,577	307,911,018	177,223,975	293,218,758	3.1	5.2	4.7
77	Total 26 metal industries[2]	1,666,315,389	5,003,763,878	6,018,604,700	177,103,539	650,662,375	345,784,268	19,795,760	18,604,924	45,982,329	10.6	13.0	5.7
78	Grand total 60 industries (comprising (1927) 35.5 per cent total domestic production).	6,730,233,077	20,191,277,301	22,238,644,352	335,965,909	1,435,974,391	1,114,546,845	327,706,778	195,828,899	339,201,287	5.0	7.1	5.0

[1] Not separately stated.
[2] Only half the amount allowed by the tariff.
[3] Cotton only.
[4] Wool only.
[5] Not separately stated.

Relation of customs tariff rates to production, wages, trade extension, and cost of living—Continued

	Per cent of imports to production			Domestic wages			Per cent of wages to domestic manufacturer's selling price				Average ad valorem rates			Per cent tariff rates to wages, per cent			Tariff allowance to manufacturers (in millions of dollars)			
							1914													
	1914	1919	1927	1914	1919	1927	Wages	Wages and salaries	1919 wages	1927 wages	Act of 1909, imports fiscal year 1914	Act of 1913, imports year 1919	Act of 1922, imports year 1927	Act of 1909, year 1914	Act of 1913, year 1919	Act of 1922, year 1927	Act of 1909, year 1914	Act of 1913, year 1919	Act of 1922, year 1927	
34	P. ct. 1.6	P. ct. 0.2	P. ct. 1.8	$2,167,453	$3,139,662	$3,411,261	P. ct. 15.7	P. ct. 23.2	P. ct. 12.4	P. ct. 14.7	P. ct. 43.2	P. ct. 33.0	P. ct. 40.0	P. ct. 275	P. ct. 266	P. ct. 272	4	6	7	34
35	1.1	.1	6.1	5,540,157	12,463,767	13,084,687	20.9	29.1	19.5	21.8	45.5	31.3	33.0	218	161	151	8	15	15	35
36	.5	.5	.009	9,986,454	30,882,722	34,231,350	18.5	22.2	26.4	24.7	35.0	10.0	25.0	189	38	97	14	11	27	36
37		.5	.009	20,481,501	119,608,427	110,916,514	14.0	19.6	15.9	13.8	35.0	10.0	10.0	250	63	72	38	68	73	37
38		.5	.6	2,902,198	6,073,539	11,699,114	12.3	19.5	17.7	18.4	35.0	10.0	30.0	285	56	163	6	3	15	38
39		.2	.6	10,797,254	37,198,401	41,480,167	14.0	19.6	15.9	18.3	35.0	10.7	28.6	250	67	156	20	21	50	39
40	.5	.06	.2	44,167,402	193,763,089	196,297,145	14.6	20.1	17.1	16.2	35.0	10.4	28.3	240	61	175	78	103	165	40
41	.2	.09	.6	55,229,374	78,757,930	116,940,467	40.2	48.1	37.5	38.9	36.3	11.8	45.0	90	31	116	36	22	93	41
42	27.5	7.4	15.3			22,478,819				43.1	59.0	39.1	49.0	137	102	114	8	11	17	42
43		11.1	20.7	16,997,300	30,987,776	23,099,231	43.0	50.8	38.2	38.4	59.0	54.6	68.3	137	143	178	6	13	24	43
44	7.9	.9	.8			6,125,376				28.3	38.7	20.1	30.9	83	53	122	1	1	6	44
45	6.1	2.5	5.1	72,226,674	100,745,715	168,643,893	40.9	48.6	37.7	38.6	58.2	47.0	59.6	142	125	164	51	47	140	45
46	6.9	.2	10.8							38.5	39.7	45.0	8.3	46.3		22	150	6	3	9	46
47	4.3	.000	9.4							32.5	27.6	60.9	14.9	60.0		46	217	6	4	17	47
48	11.3	.8	7.5							31.3	28.9	43.3	12.4	27.8		58	90	1	1	3	48
49	3.3	.0	4.7	48,655,819	87,536,026	78,730,183	38.5	44.9	42.8	39.6	60.0	44.9	56.9	194	103	211	11	19	26	49
50	4.8	.9	.8							30.0	25.0	37.4	27.5	47.6		91	216	14	20	37	50
51	11.8	1.2	16.0							33.4	28.8	44.2	28.1	54.8		87	190	1	3	2	51
52	4.1	.8	4.5	48,655,819	87,536,026	78,730,183	38.5	44.9	33.4	28.8	48.9	32.8	53.3	194	97	183	30	43	93	52
53	.7	.001	1.0	1,907,511	3,814,141	6,993,813	14.3	25.8	11.1	10.2	36.2	8.2	47.3	207	74	224	4	2	10	53
54	5.9	1.6	11.2	4,674,370	9,164,851	9,814,382	28.4	46.4	26.8	27.8	36.2	44.1	54.6	198	163	196	6	9	8	54
55	4.7	.6	5.6	4,446,476	14,388,207	8,860,725	25.6	38.9	21.6	20.2	45.5	30.8	44.7	178	149	181	6	13	10	55
56	4.5	.4	5.1	89,943,409	110,888,803	101,899,275	38.7	42.9	30.0	28.0	50.2	36.2	52.6	141	117	188	55	77	123	56
57	6.2	3.0	3.0	3,498,866	11,847,277	23,027,274	25.4	32.7	25.0	25.3	35.0	35.0	70.6	138	135	277	4	12	28	57
58	3.2	.6	.5	3,041,294	7,353,420	7,117,454	21.6	28.5	19.6	20.7	52.5	Free.	15.4	352	0	83	0	0	5	58
59	2.0	.3	1.2	2,035,808	9,270,077	7,359,405	5.7	9.8	6.6	6.0	22.9	9.0	17.9	402	136	208	7	11	19	59
60	.2	.01	.2	20,643,633	84,461,087	66,980,648	13.4	19.1	12.2	14.5	90.8	21.0	40.0	379	177	276	52	80	112	60
61	.02	.002	.0005	2,326,577	7,890,987	7,813,323	6.3	9.8	8.9	7.8	41.9	14.9	8.0	665	253	103	11	17	7	61
62	2.8	.8	3.4	1,223,000	2,612,407	4,031,526	7.7	11.8	7.8	7.8	52.2	12.7	43.7	678	163	560	5	6	10	62
63	1.6	.4	.7	10,180,288	24,118,159	40,184,732	6.9	10.7	7.1	7.7	30.9	11.4	33.8	448	161	432	34	33	131	63
64	.2	2.5	.6	1,127,169	3,052,269	2,849,310	2.3	4.6	2.3	3.9	37.5	7.1	48.5	1,500	284	1,244	9	8	24	64
65	7.3	.2	1.2	3,213,315	7,718,996	13,617,027	12.6	16.2	11.3	13.7	43.1	32.4	34.9	342	287	255	8	16	26	65
66	14.2	1.1	4.9	483,736	3,731,974	8,375,502	17.2	25.0	15.6	19.0	28.7	17.3	25.4	167	111	134	1	4	9	66
67	.2	.01	.06	101,926,574	491,121,373	612,916,362	16.1	22.0	16.0	15.3	45.0	34.0	30.7	280	219	201	[5]98	[5]400	470	67
68	5.3	3.2	2.7	4,754,508	12,161,925	11,942,469	7.6	21.2	7.9	7.4	35.2	22.5	30.9	463	285	418	39	60	92	68
69				6,675,168	13,748,813	16,667,425														69
70	5.3	3.2	2.7	11,429,676	25,910,738	28,609,894	7.6	21.2	7.9	7.4	35.2	22.5	30.9	463	285	418	39	60	92	70
71	15.8	9.0	4.3	1,279,899	3,983,016	10,965,085	7.6	22.2	6.7	6.8	51.3	54.5	63.4	675	813	932	6	21	63	71
72	1.7	7.2	1.3	4,488,288	12,504,996	8,131,234	10.8	18.8	13.5	11.2	61.1	35.9	36.8	566	266	329	16	24	20	72
73	11.0	1.5	6.2	5,545,304	21,608,898	18,310,992	14.2	22.3	17.3	20.2	28.8	10.9	28.7	203	63	142	9	12	20	73
74	1.8	1.2	5.1	2,770,891	5,752,963	11,577,998	20.9	26.3	24.1	25.8	46.1	33.9	32.9	221	141	128	4	6	11	74
75	1.8	0.6	2.2	30,854,658	75,867,659	60,570,367	25.8	33.5	23.6	26.8	45.0	31.8	40.7	174	135	152	37	77	65	75
76	4.1	1.2	1.8	980,500,650	2,507,157,965	2,920,497,679	19.4	.....	16.5	15.0	30.0	19.5	24.3	155	118	135	1,520	2,955	3,942	76
77	1.2	0.4	0.8	343,151,676	1,118,749,462	1,229,910,679	20.6	.....	22.4	20.4	26.2	15.4	22.7	127	69	111	436	770	1,364	77
78	3.4	1.0	1.5	1,323,658,326	3,625,907,427	4,150,408,358	19.7	.....	18.0	18.7	29.0	18.4	23.9	147	102	128	1,956	3,725	5,306	78

[1] See Congressional Record, Jan. 23, 1930, Fair Tariff League, p. 2276. For agriculture see the Record Mar. 24, 1930, The Future of Agriculture, also North Dakota.

THE MILLENNIAL CELEBRATION IN ICELAND, JUNE, 1930, COMMEMORATING THE ONE THOUSANDTH ANNIVERSARY OF THE ESTABLISHMENT OF ITS PARLIAMENT, THE ALTHING

Mr. NORBECK. Mr. President, I present copy of a letter addressed to the Secretary of State, transmitting a statement, which may be considered in the nature of a report, covering in a general way the official activities of the commission appointed by President Hoover on November 1, 1929, to attend the ceremonies in Iceland commemorative of the one thousandth anniversary of the establishment of parliamentary government on the island, and to represent the United States on this historic occasion.

Mr. President, I ask that both the letter and statement to which I refer be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

WASHINGTON, D. C., *March 2, 1931.*

The Honorable SECRETARY OF STATE,
Washington, D. C.

SIR: On behalf of the commission appointed by the President to represent the Government of the United States on the occasion of the celebration in Iceland, commemorating the one-thousandth anniversary of the founding and establishment of the Icelandic Parliament, known as the Althing, I have the honor to report that the full commission visited Iceland during the week of June 23, 1930, participated in the proceedings, and performed the duties entrusted to it.

The attached statement covers in a general way the official activities of the commission, which it is requested be made and considered a part of this report.

Respectfully submitted.

PETER NORBECK,
Chairman Icelandic Millennial Commission.

STATEMENT

On June 21, 1929, the President of the United States approved House Joint Resolution No. 2, Seventy-first Congress (Public Resolution No. 18), reading as follows:

Joint resolution to authorize the President to accept the invitation of the Kingdom of Iceland to participate in the celebration of the one thousandth anniversary of the Althing and in connection therewith to present to the people of Iceland a statue of Leif Ericsson

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and requested to accept the invitation of the Presidents of the Legislative Assembly of the Kingdom of Iceland (the Althing) to the Government of the United States of America to appoint official representatives of the American people to the celebration of the one thousandth anniversary of the Althing, the National Parliament of Iceland, by appointing and sending five special representatives to take part in this celebration on behalf of the Government of the United States of America; and the President be, and he is hereby, further authorized and requested to procure a suitable statue or other memorial of Leif Ericsson and present the same as a gift of the American people to the people of Iceland in connection with the American participation in such celebration.

SEC. 2. That for the purpose of defraying the expense of participation by the Government of the United States in the said celebration as aforesaid an appropriation of such sum as may be necessary, not exceeding $55,000, is hereby authorized, to include transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any previous act), sculptors' fees, and such other expenses as the President shall deem appropriate.

Under the terms of this resolution the President thereafter, on November 1, 1929, appointed the following persons to serve as the official delegation to represent the people and Government of the United States:

Hon. PETER NORBECK, of Redfield, S. Dak., chairman; Hon. O. B. BURTNESS, of Grand Forks, N. Dak.; Hon. Sveinbjorn Johnson, of Urbana, Ill.; Hon. O. P. B. Jacobson, of St. Paul, Minn.; and Mr. Frederick H. Fljozdal, of Detroit, Mich.

All the members of the delegation accepted the appointment and attended the celebration held in Iceland during the week beginning June 23, 1930.

The formal celebration was held at Thingvellir, about 30 miles distant from Reykjavik, the present capital, and continued over a period of three days, being attended by the King and Queen of Denmark and Iceland, by parliamentary delegates from most of the European countries, by official delegates representing the Dominion of Canada and several of its Provinces, and by a delegate appointed from each of the States of Minnesota and North Dakota.

Many associations of a civic, religious, scientific, and cultural nature from Europe, Canada, and the United States were also represented. There was a large attendance of representative people from all the civilized world.

Thingvellir was the spot selected in the year 930 A. D. as an appropriate place for the leaders of Iceland to meet to establish their parliament, known as the Althing. From the year 930 to 1798 the Althing met annually at this historic place. Since 1843 its sessions have been held at the present capital, Reykjavik.

The formal millennial celebration opened with divine service conducted by the Bishop of Iceland on Thursday morning, June 26, 1930, in the gorge known as Almannagja. Following this service a session of the Althing was opened by the King of Denmark and Iceland at the rock known as "Logberg" (Rock of Laws), which had constituted the rostrum of the law speaker of the Althing for almost nine centuries (930–1798).

Appropriate addresses were made by the Hon. Tryggvi Thorhallsson, Premier of Iceland, and by the Hon. Asgeir Asgeirsson, president of the Althing.

On the afternoon of that day greetings and felicitations were extended by a representative of each of the parliamentary delegates. The address of the chairman of the American delegation [Senator NORBECK] was as follows:

GREETINGS EXTENDED BY HON. PETER NORBECK, CHAIRMAN OF THE AMERICAN DELEGATION

Your Excellency, the Premier of Iceland, the President of the Althing, ladies and gentlemen, the people of the United States of America, through five special representatives provided for by act of Congress and appointed by the President, are pleased to extend cordial greetings to the people of Iceland on this auspicious occasion.

There are many good reasons for the interest of the American people in your country, its history, and its progress. The history of the western world begins with the colonization of the west coast of Greenland by the Icelanders. From this island, lying near the mainland, they discovered and explored the eastern shores of the North American Continent under the leadership of Leif Ericsson.

Many of your sons and daughters have emigrated to the western world, where they have established homes and accepted the responsibilities of citizenship. We have found them and their descendants industrious, intelligent, liberty loving, and God fearing. They have contributed not only to the material progress of America but also to its learning and culture.

But our admiration is of longer standing and is based on broader grounds. It was the Icelandic people who put into practice self-government at a time when the rest of the world submitted to the dictatorship of despots.

Even in the turbulent times following the Viking Age the Icelanders maintained a government representative of and responsive to the masses. It was in fact, if not in outer form, a republic. The complacent contentment with which Europe accepted the rule of despots was foreign to the spirit of the people of this island.

Their forbears had left their beloved homes in Norway and the adjacent islands rather than submit to a dictatorship.

These people who sailed the broad Atlantic in open boats, without compass, faced every storm without fear and every responsibility without evasion. It mattered not to them that the road was hard, but they were insistent that the course should be right. They lived the simple life and well knew that strength came from toil, fortitude, and self-denial, and wisdom from experience. They knew the weakening influence of luxuries. They demonstrated that human progress and human welfare do not necessarily go hand in hand with expensive tastes and self-gratification.

It is not the people of America alone who owe a debt of gratitude to Iceland. The whole world pays homage. I can best express my thought in that regard by quoting from a speech delivered by a great American President, Calvin Coolidge, at the Norse Centennial Celebration held in the United States in 1925 commemorating the first arrival of a shipload of immigrants from Norway:

"Among the fascinating chapters in the history of the Dark Ages is the story of Iceland. As a little Norse Republic it maintained itself for several centuries as one of the real repositories of ancient culture in a world whose lamp of learning seemed near to flickering out. We have long known of the noble Icelandic literature which was produced during those generations of the intellectual twilight; but we know too little of the part which Iceland performed as an outpost of the sturdy northern culture in bridging over the gulf of darkness between the ancient and modern eras of history."

For these and other good reasons the people of the United States were pleased to receive your kind invitation to participate

in these festivities. As a small token of our appreciation, respect, and good will, our Government has provided, by Act of Congress, for the presentation to the people of Iceland of a statue of Leif Ericsson. This will be formally presented later.

And so we bring felicitations from the new to the honored old, which to-day continues to show progress and enterprise on every hand. That your country may continue to prosper, that your people may remain strong in character, virile in body and mind, and influential throughout the world, is the earnest desire of all of the people of the United States of America.

OFFICIAL PROGRAM

Without going into details, the following outline of the official program of the celebration is submitted:

WEDNESDAY, JUNE 25

At 12.30–13 o'clock: Reception of their Majesties the King and the Queen and His Royal Highness the Crown Prince of Sweden, etc. Uniforms or morning dress.
At 16.30: Reception by Premier.
At 21: Start for Thingvellir.

THURSDAY, JUNE 26 (AT THINGVELLIR)

At 9 o'clock: Divine service in Almannagja Gorge.
At 9.30: Procession to the Law Rock.
At 11.30: Opening of the Althing by His Majesty the King.
At 13: Lunch.
At 15: Reception of parliamentary representatives at the Law Rock. They bring greetings.
At 18.30: Dinner by the President of the United Althing.
At 21: The Iceland wrestling match.

FRIDAY, JUNE 27 (AT THINGVELLIR)

At 12 o'clock: Meeting of Althing.
At 13: Lunch.
At 15.30: The election of the law speaker in 930 (historical representation).
At 16.30: Reception by Premier.
At 21: Sports.

SATURDAY, JUNE 28

At 9.30 o'clock: Special addresses and greetings by nonparliamentary representatives.
At 11.30: Meeing of Althing.
At 13: Lunch.
At 18: Dinner.
At 20: Celebration closed.
At 20.30: Return to Reykjavik.

SUNDAY, JUNE 29 (IN REYKJAVIK)

At 20 o'clock: A farewell entertainment by the President of the United Althing.

Many countries brought special commemorative gifts with them. These were formally presented to the president and members of the Althing and other citizens of Iceland on June 29, 1930. The part taken in the program of that day by the American delegation was as follows:

REMARKS OF HON. O. B. BURTNESS IN PRESENTING LEIF ERICSSON MEMORIAL

Mr. President, members of the Althing, parliamentary delegates, and ladies and gentlemen, please permit me to avail myself of this opportunity on behalf of the delegation representing the United States of America to thank you, Mr. President, the members of the Althing, and the people of Iceland for the fine, generous, and whole-hearted hospitality shown to us during our stay in your interesting country. Indeed, our visit here has given us genuine pleasure and inspiration.

When our Government received the kind invitation of the Althing to participate in the celebration of the one thousandth anniversary of its establishment I was pleased to introduce in the House of Representatives of the Congress of the United States a joint resolution providing for the acceptance thereof in a manner which I deemed fitting and appropriate. I had an especial pride and interest therein, for I happen to represent in Congress the district which contains more of the brave sons and fair daughters of Iceland than any other congressional district.

It may interest you to know that the resolution was passed by a unanimous vote, both in the House of Representatives and in the Senate, and was promptly approved by the Hon. Herbert Hoover, President of the United States.

Permit me at this time to quote a portion thereof, reading as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and he is hereby, authorized and requested to accept the invitation of the Presidents of the Legislative Assembly of the Kingdom of Iceland (the Althing) to the Government of the United States of America to appoint official representatives of the American people to the celebration of the one thousandth anniversary of the Althing, the National Parliament of Iceland, by appointing and sending five special representatives to take part in this celebration on behalf of the Government of the United States of America; and the President be, and he is hereby, further authorized and requested to procure a suitable statue or other memorial of Leif Ericsson and present the same as a gift of the American people to the people of Iceland in connection with the American participation in such celebration."

We are proud and happy to carry out this afternoon one of the mandates contained in the resolution. We had hoped that the memorial to Leif Ericsson could have been completed in time for delivery and unveiling in connection with your celebration, but that was impossible. We can, however, report that it is being prepared by one of our ablest American sculptors, Mr. Sterling Calder, of New York City, and will probably be delivered some time next year. It is now my privilege as a member of the official American delegation to present the memorial "as a gift of the American people to the people of Iceland."

The first white man to set foot on American soil was your native son, Leif Ericsson, whose feat in the discovery of the Western Continent constituted the beginning of authentic American history. Your remarkable and scholarly literature has had a profound influence on our people. Immigrants from Iceland and their descendants constitute to-day a noteworthy fraction of our best citizens and have contributed much to the prosperity, the education, the scientific knowledge, the business acumen, the arts, and the culture of our Nation.

The more formal dedicatory address will be delivered by another member of our delegation, one who had the privilege of being born on your interesting island. He came to the United States when but a few years of age. Like most Icelandic-Americans he has succeeded and has attained high position in his adopted country. He has served one of our States as attorney general, later as a justice of its supreme court. I take pleasure in presenting Judge Sveinbjorn Johnson, of the University of Illinois.

DEDICATORY ADDRESS OF HON. SVEINBJORN JOHNSON ON PRESENTATION OF LEIF ERICSSON MEMORIAL

Mr. President, members of the Althing, ladies and gentlemen, the fame that is the reward of great deeds, and lives after life has ended, was the gift supreme which the gods of fate could bestow upon our Viking ancestors. All else was evanescence and inutility; all else was useful only as a means to accomplish that single end. For glory the Icelanders of old cheerfully endured all hardships, bore all sufferings, gave up all which life itself could hold. The Norse ancestry of a Lindberg contributed its share to tempt him to defy the sleet and cold of a trans-Atlantic flight in a plane which 930 years from now will seem crazy by comparison with then current models; and the dauntless, glory-seeking, death-defying spirit of the Icelandic Leif Ericsson sent him in an open boat 930 years ago across the Atlantic, on a voyage, by every fair standard of comparison, as full of hazards as Lindbergh's flight, to become the immortal discoverer of the American continent.

What we call chance—perhaps because our mental and spiritual horizons are woefully narrow—played its little part in the events which reached their climax in Leif Ericsson's adventure. Two men of no great or material disparity in age, in courage, or in prowess as sailors were well known to a large number of their contemporaries of the tenth century. Both crossed the Atlantic; both faced unflinchingly the unforeseeable perils of vast expanses of unknown waters; and both saw the shores of a continent cradling forces of incalculable power, whose influence was destined to reach into every quarter of the inhabitable globe. One saw the coast line with unseeing eyes and sailed by; he refused to accept the laurel wreath of immortality which the grinning gods of destiny offered him, and passed on to live in history in the cold twilight of reflected glory. The other, a later arrival, the second leader of white men known to have seen the shores of America, impelled by the intrepid curiosity of the pioneer, stopped, landed, and explored. The first was Bjarne Herjulfsson, known to fame only because he sold his ship; the second was Leif Ericsson, who purchased it. The first came and saw, yet did not see; the second came, saw, and conquered. The first lost while the second gained the great prize of viking ambition, to defeat the dreamless and eternal sleep of death through achievements which can never die.

Providence delights in taking the greatest of her immortals from the world incognito or in leaving them to posterity veiled in mystery and legend. Moses, Zoroaster, and Christ, Homer, Virgil, and Shakespeare are seen by us only through the hazy atmosphere of speculation and conjecture. For all this they are none the less real; they live in the cultivated imaginations of a countless posterity and in their contributions to the ages. We may thank God that the records of their lives are scanty and obscure; no biographer shall rob us of the ideals we build into the sketchy outlines of their careers. Such, we must confess, is the position of Leif Ericsson. We know that he lived, dared, achieved, and died; beyond this he is little more than an indistinct and adiaphorous figure, limned in shadows, in the haze which dims the morning and the early forenoon of time.

It is fitting that the one-thousandth anniversary of the founding of the Althing, the institution so peculiarly the product of the national thought and consciousness of Iceland, should be chosen as the occasion on which the United States officially pays its respects to Leif Ericsson. Leif was the normal product of the times; he was the natural son of the race from which he sprang. The Scandinavians were the best sailors of the age; they were equally at home on land and sea; and they were free from the paralyzing superstitions and scientific nonsense which numbed the minds of the seamen who were contemporaries of Columbus. In Leif the Lucky the manly daring of Scandinavia reached its climax of achievement; he was the bright flower of a racial character the roots of which spread as deep and as far as the roots and branches of the fabled Yggdrasil itself.

When direct evidence is wanting, we confidently rely on circumstantial proof. Indeed, the latter is not infrequently the most dependable and convincing kind of testimony. We like to believe that Leif was a man of unusual merit; but the saga account, with a reticence characteristic of the Vikings, does not say so. There is, however, an anecdote which tells a tale more eloquent than direct eulogy. Olaf Tryggvason, of Norway, the king of romance and heroic deeds par excellence, was a fervent convert to Christianity. He was anxious to bring all the peoples of the islands, whose settlers were of Norwegian stock, to the worship of Christ. Casting about for a capable man to reach the pagan heart with the gospel of Christ, he selected the young Icelander whose memory we honor. There is no need of further words of praise. King Olaf knew that loyalty was one of the cardinal virtues of the vikings and that to persuade the worshippers of Thor and Odin to desert their gods was no easy task. In choosing Leif he chose a man who stood out above his fellows in capacity and fearlessness, and whose solid virtues commanded the respect of those hard and hardy warriors.

Leif Ericsson was born in Iceland. His father was Erik the Red, a Norwegian by birth, who lived in Iceland for a number of years. Here he owned two homes, but seemingly at different times and places. At one of these, but which one is unknown, Leif was born. As is usual in the sagas, there is no mention of a date of birth, and no contemporary references yield a clew from which the precise year can be ascertained. His mother was a wealthy and beautiful woman, a descendant of one of the original colonizers of Iceland. From the meager accounts we conclude that Leif was born not later than 980, and almost certainly between the years 970 and 980. In 985 Erik the Red was condemned to outlawry on account of a homicide. The penalty was the customary exile of three years, and Erik took his family with him, including his son Leif.

Here we may pause and reflect upon a fact which is significant of the sort of blood of which Leif the Lucky came. Acting on a vague and unverified report that one Gunnbjorn had found some reefs toward the west some years before, Erik rigged out his crude ship, put all his family on board, and pointed its prow toward the setting sun.

The difference between what we call foolhardiness and courage is quite often merely the difference between failure and success. Erik's enterprise must be set down as one of the most daring among the adventures of the sea. His craft boasted one sail, was probably not over 40 feet long. What lay ahead was unknown, and the captain had no way to know in what direction he went save when a clear sky permitted him to see the sun, and when the sun was down, the stars. When the Icelanders sailed across the Atlantic during the World War in ships which were palatial in comparison with the vessel in which Erik rode the waves, my fellow citizens marveled at the hardihood of the men who made the voyages; what must they then have thought had they seen the crude ship which carried all the few, but precious, possessions of Erik the Red? That turbulent viking never faltered, and westward lay Greenland, which he discovered, and where he made his home. Of such a house was Leif.

In Greenland there was plenty to try the mettle of the young Icelandic boy during the next 15 years of struggle in a new and difficult environment. Yet the family seems to have lived happily; Erik the Red grew older and Leif acquired the experience in sea craft which later proved invaluable. About 997 or 998 Leif bought a ship from Bjarne Herjulfsson, who had seen and passed by the American coast, and about the year 1000 he made his momentous voyage to America.

Leif had the ardor of high adventure in his soul. Erik's house was on the southwest coast of Greeland. The usual route to Norway was around the south coast of Greenland, thence to Iceland, the Faroes, and to Norway. Here again he was a pioneer, for this course has been followed ever since. The Eriksfirth settlement has long since ceased to exist; Brattahlid, his parental home in Greenland, has been lost in the common dust of the ages; but the course he laid across the great ocean is as completely fixed in the consciousness of the world as is the fame of the navigator himself.

The vikings were known in nearly al lthe royal courts of Europe, and with them spread over the Continent and the intervening islands the report of the discovery of Wineland the Good. To me it has always seemed a most natural circumstance that Columbus, in 1477, should visit Iceland. Columbus's one passion was exploration. With tireless and almost incredible avidity he searched out and used every hint of geographical information the records of the world offered. That he knew of the reports of the Icelandic discovery of some land to the west seems exceedingly probable; and that he went to Iceland to get further details is entirely logical and reasonable. This explanation, it should be said in passing, does not detract from the heroic character of the venture in 1492; it merely proves that Columbus had the intelligence to see the value of and the courage to follow up information of which the rest of the world did not know the significance.

Well might he remain firm in the face of threatened mutiny, for he knew that ultimately a westward course would bring him in sight of land. His astrolabe mitigated the merciless cruelty of clouds and fogs. The discovery by Leif, the several attempted settlements in America, notably that of the truly great leader, Karlsefni, in 1004, were well and commonly known in Iceland, and Columbus could in 1477 have gained enough knowledge to strengthen and maintain the courage and determination to press his plans.

It is peculiarly in keeping with the proprieties that the United States of America take part in festivities which commemorate the founding of a country born of the faith that the common people are capable of governing themselves. It is a historical fact that the republican form of government, whatever its variations throughout the world, has been built largely on the American pattern. When the colonists, in 1776, rebelled against British rule, and when, in 1789, they adopted the American Constitution, they announced to the world that the corner stone of the new system was the confidence that the individual could be trusted with the grave responsibility of governing himself and his fellow men with efficient and even-handed justice. That the ideals of the founders have not been always or fully realized in actual experience in the country of which I now have the honor to be the spokesman I do not deny. I am not here to explain or to defend; I remind my hearers, in this ancient home of liberty under law, that the oldest Republic in the New World, in taking official notice of this great occasion, cheerfully honors a pioneer in political freedom which founded and maintained a free government for nearly 400 years, while the engulfing tide of despotism rolled over Europe, drawing into its relentless vortex every form and vestige of human liberty, leaving the individual stripped of the sublime attributes which God gave this one creature made in His image, with an intellect barren because in chains, a conscience enslaved, a soul not his own, scarcely permitting him the poor boon of death and burial in his own right.

My country has chosen to put its testimonial of regard partly in material form. In tendering the people of Iceland a statue of Leif Ericsson two things are implied: The respect due to the pioneer in the Old from the trail blazer in the New World in the great adventure in free institutions and a recognition of the heroic exploit of finding the American continent more than 900 years ago. Let it stand as long as Iceland lives, an everlasting monument to old Icelandic enterprise and courage, and may it ever inspire the generations destined to stream by under the resistless influence of the gravity of fate to steer their course by the fixed stars of honor, of loyalty, and of sterling heroism which guided the bold sailor whose name will be inscribed on the cold stone. In the name of the people of the United States of America, by virtue of a resolution adopted by the Congress, and acting pursuant to instructions from President Herbert Hoover, we, the delegates on the part of the United States of America, present this memorial to the people of Iceland. One of your sons was the first white man known to have discovered and visited the North American Continent; a son of Icelandic parents, the first white persons to attempt to found a colony in the Western Hemisphere, but born somewhere in North America, was the first white emigrant from North America to Europe; and the Republic which first emerged on American soil from a Europe stagnant in the moral, mental, and spiritual palsy of universal despotism extends its good will and congratulations to the first republic which in the Old World sprang from the impending chaos of crumbling European liberty. Let it stand as the newest symbol of the common purpose and the universal aspiration of the human spirit, in the New World and in the Old, to honor true manhood, to maintain individual and national freedom, and to establish good will and friendship among all the peoples of the earth.

On June 30, 1930, the American delegation, accompanied by representatives of the Icelandic Government, viewed various sites which had been suggested for the location of the Leif Ericsson memorial. The delegation's suggestion has been transmitted to the Fine Arts Commission and to the Department of State at Washington.

We can not praise too highly the hospitality of the Icelandic people or their general worth. Under harsh natural conditions they have achieved marked success. This is equally so, whether tested by economic welfare, experience in self-government, or general culture. They are a great people.

RECOMMENDATION

While nearly all important countries have diplomatic or consular representation in Iceland, the Government of the United States has none. The commission believe that our Government should investigate the situation to determine whether the trade and other relations are not such as would justify the establishment of permanent American representation in Iceland.

WELFARE OF MOTHERS AND INFANTS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes.

Mr. McNARY. Mr. President——

Mr. TYDINGS. I yield to the Senator from Oregon.

Mr. McNARY. I ask unanimous consent that when the Senate shall have concluded its work this evening it take a recess until 9 o'clock to-morrow.

Mr. REED. I object.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. TYDINGS. I yield to the Senator from Ohio.

Mr. FESS. I should like to inquire of the Senator from Oregon what is the intention of the Senator in regard to proceeding to-night.

Mr. McNARY. Mr. President, the Senator from Washington—if I may have his attention—seems determined to keep before the Senate the conference report on the maternity bill. It is the desire of a great many to return to the copyright bill, that it may have an opportunity to be heard this evening. There are some who desire to consider the bill offered by the Senator from Pennsylvania [Mr. REED] affecting immigration.

So far as I know, the procedure will be to continue until we arrive at some conclusion. I was only proposing the agreement for a recess until to-morrow in order that we might have three hours before final adjournment. What may happen this evening is beyond my apprehension and ability to foretell.

Mr. FESS. Mr. President, will the Senator yield further?

The VICE PRESIDENT. Does the Senator from Maryland further yield to the Senator from Ohio?

Mr. TYDINGS. I yield.

Mr. FESS. I am in favor of the conference report. I am enthusiastically in favor of it. I am also in favor of the copyright bill. We were good soldiers last night. We stayed here until 2.55 o'clock this morning. I am perfectly willing to stay to-night if we can accomplish anything, but I do not believe we are making any progress. It seems to me that if we should take a recess until morning, we might do better than to stay here all night.

Mr. REED. Mr. President, will the Senator yield?

The VICE PRESIDENT. The Senator from Maryland has the floor.

Mr. REED. Will the Senator yield?

Mr. TYDINGS. Mr. President, I decline to yield, and I suggest that the Senators have a talk in private while I go ahead with my argument.

The VICE PRESIDENT. The Senator declines to yield.

Mr. REED. Will the Senator from Maryland yield for a question.

The VICE PRESIDENT. The Senator declines to yield.

Mr. TYDINGS. I yield.

Mr. REED. I understand the Senator has yielded for a question.

The VICE PRESIDENT. A moment ago he declined to yield. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. TYDINGS. I yield for a question.

Mr. REED. Mr. President, is it not obvious that the maternity bill has no chance whatsoever of passage, no matter if we stay here in continuous session until 12 o'clock to-morrow?

Mr. TYDINGS. Speaking for myself, I am only going to discuss the bill until I feel that the subject has been covered. Then, if the Senate wants to pass it, I have no objection to their passing it. I am not for it, and I am trying to confine my remarks to the bill. I am not filibustering, but I do feel that we are entitled to have some argument upon it and there has not been any.

I know that the Senator is anxious to dispose of all these matters fairly; but I do feel that I am entitled to discuss the measure to which I am opposed.

Mr. REED. Mr. President, is it not a fact that since 10 o'clock this morning, 11½ hours ago, this bill has been before the Senate, and nobody has yet mentioned it except the Senator from Maryland?

Mr. TYDINGS. That is true; and I have risen, may I say to the Senator, at least five times to-day in an effort to be recognized to discuss the bill. I am not criticizing the occupant of the chair then, because many other Senators were rising to get through various bits of legislation; but I was deprived earlier in the day of an opportunity to be heard.

Mr. REED. Will the Senator yield for a further question?

Mr. TYDINGS. I yield to the Senator for a question.

Mr. REED. Does not the Senator know that there is a considerable number of other Senators who feel as he does about the unwisdom of this bill?

Mr. TYDINGS. I believe that there are a number of Senators who are opposed to it; but may I reiterate that I am not filibustering against the bill, and very shortly I expect to relinquish the floor. I do believe, however, that there will be other Senators feeling as I do who may want to discuss it.

Mr. REED. Is it not obvious, then, that the persistence in holding the maternity conference report before the Senate is, to put it very plainly, killing the copyright bill and killing the immigration restriction bill?

Mr. TYDINGS. I think the logic of that may answer itself according to the viewpoint; and I decline to yield further.

Mr. MOSES. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I yield to the Senator from New Hampshire.

Mr. MOSES. When this measure was brought before the Senate this morning we were assured, as I recall from the reporter's notes, that we could undoubtedly dispose of it in one hour. We have had it before us already something like 12 hours.

Mr. TYDINGS. If I may have the attention of the Senator from Oklahoma [Mr. THOMAS]——

Mr. MOSES. May I ask the Senator one more question?

Mr. TYDINGS. Yes.

Mr. MOSES. Does he not think, in view of the fact that there are certainly eight Senators desperately opposed to the bill, that we can hold it here at least 12 hours more?

Mr. TYDINGS. In view of what the Senator says, I think that is a correct statement; but may I have the attention of the Senator from Oklahoma [Mr. THOMAS] a minute, because in any case I want to finish this thought?

The Senator from Oklahoma most eloquently plead here on the floor of the Senate, day after day, for the removal of what he conceived to be an unjust discrimination against the State of Oklahoma. Yet may I point out to the Senator from Oklahoma that that so-called unjust discrimination was in line with our constitutional authority to regulate interstate and foreign commerce; yet if, in the application of such a clear and rational authority by Congress, his State was injured by this national legislation, where in the world will we be if, in addition to our national functions, we take over local functions and make national decrees for all local matters? Will not the situation painted by the Senator from Oklahoma in regard to interstate trade exist in all the other lines of human endeavor?

There is nothing so cruel in the world as the force of a majority of Senators or Representatives banded together to get something for themselves at the expense of some other section of the country; and as long as we remain in the field of national affairs those injustices will have to be borne in silence until a later day may perchance correct them. But when we embark into the field of local affairs here in Washington we expand and raise the opportunity tenfold to coerce, to harm, to crush the soul, the thought, the activity, the aspirations, and the hopes of other people in far-removed sections of the country who may not want or who may not be in accord with the national edict regulating their local affairs.

Mr. President, I do not desire to question for one moment the fine impulses, the lofty aims, of the ladies particularly, who are favorable to the passage of this bill. All they see in this problem—and it is natural that they should look thus—is the welfare, as they conceive it, of children and mothers; and I am with them in that respect. But may I say to those who favor this bill that this is not the forum for the discussion of that matter. The State legislatures would be the place to deal with that subject.

I venture to say that there is not one State government in all the 48 States that will refuse to give to these ladies or their representatives in other States all of the money, all

of the headquarters, all of the support, which they can rightfully ask to carry out in those States the purposes which this bill seeks to carry out for the Nation.

This is not the forum for the settlement of local matters. This is the forum for the settlement of national matters. We can not take over one after the other the habits of every Tom, Dick, and Harry, of every man and his wife, and of every woman and child, with all the local ramifications of our lives here in Washington.

If we did take them over, how many times would Senators do what the Senator from Oklahoma did, who stood here the other day and with logic and with eloquence plead for a square deal for the State of Oklahoma, discriminated against, he said, with no tariff on oil, but a tariff on all other things, left out in the cold, crushed by the brute force, the brute votes, of the National Congress.

If those hardships, if those injustices, come in matters which properly belong to the Federal Government, how much more so will they come when we attempt to put the people of this country into a strait-jacket and issue regulations and ordinances as if we were a city council governing and touching upon all the intimate associations and habits of their local lives?

Mr. President, it is as far from Maine to California as it is from New York to London. When we pass laws here in Washington, we decree for the welfare of a continent. The Senator from Idaho, in showing the expanse of Russia in his address early in the day, said that it had a radio station far beyond the Arctic Circle and that the southern borders of Russia were down approximately in the latitude of Richmond, Va. May I say that right here in our own country, the northern part of Maine extends pretty far up into the colder regions of this earth, and that the tip end of Florida reaches out and basks in the sunlight of the Tropics. The extent of this country alone should give us pause, about 2,500 or 3,000 miles wide, and 1,500 to 2,000 miles in depth.

Furthermore, we are not a homogeneous people. We are not all Germans, or of German derivation, as the people in Germany are; or of Italian derivation, as they are in Italy; or French, as they are in France; or Swedish, as they are in Sweden. We find within our commonwealth the people of all the nations of Europe scattered with a prodigal hand like grain sowed on a plowed field. Yet if we take over the local affairs of such a people, of such a country, hardship, my friends, is bound to follow, disrespect for law is bound to follow, anarchy in the end is bound to come.

In a country of this size there must be local self-government or liberty is dead. People do not value liberty much any more, any more than the man who inherits wealth appreciates his heritage. The people who value liberty are those who come from the despots of the Old World, who come over here to this country because the secret police, perchance, or the spies of the monarch, are not about, and they may walk the streets with some degree of freedom. They appreciate liberty because they have never had it. But there is one kind of liberty which may not be defined, and that is the kind of liberty which allows one, perchance, to walk in freedom without spies, or without secret police, without hidden forces, but it makes itself felt by harsh governments which go into the domain of individualism, of personal rights, further than governments have a right to go.

This is but a ramification of that philosophy. There are many men in this body who feel that a child's life should be regulated by the National Government from the time it is born until it goes to the grave. In my judgment the most self-reliant Americans, the greatest Americans, those who contributed the most to the progress and the welfare of this country, were those who hardly knew Government existed at all, who were their own governors, who were their own chiefs of police in most cases, their own army, their own navy; they were self-reliant; they were the pioneers who went through the wilderness and who laid the foundation for our country.

We are not content to do well the thing for which we were created, namely, to solve our national problems to the best advantage. One after the other the functions of government are bound to multiply anyway; the radio, steamship lines, airplanes, all must make new avenues, new areas, which we must explore in the field of national affairs. We will have enough to do if we confine our endeavors to national matters and do the best we can to solve them in the interest of our entire citizenship.

The more we take over of these local matters, the more we add to our national functions through the taking over of these local matters, just that much less time, that much less care, that much more taxes, that much more bureaucracy, that much less liberty, and that much less self-reliance will be bound to result.

Mr. President, is there one State in all the 48 which will refuse to make an ample appropriation of money for the purposes set forth in this bill? I know my State will make it. I believe the State of Washington will make it. I believe the State of Nebraska will make it. I believe the States of North Carolina, Rhode Island, and Illinois will all make it.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER (Mr. HATFIELD in the chair). Does the Senator from Maryland yield to the Senator from South Dakota?

Mr. TYDINGS. I yield, with the understanding that I do not lose the floor.

Mr. NORBECK. I ask unanimous consent at this time that the Senate take up Senate bill 5750, to amend subsection (a) of section 1 of the act relating to the George Washington Memorial Parkway, approved May 29, 1930. The bill has been objected to when it was reached on the calendar in the Senate, but the Senator objecting says he will not object further.

Mr. NORRIS. Mr. President, I want to ask the Chair whether the Senator from Maryland can yield while we pass a bill, and not lose the floor.

Mr. TYDINGS. Mr. President——

Mr. NORRIS. He is not willing to yield unless he can retain the floor, but I submit that a Senator can not do that.

Mr. TYDINGS. I think the Senator's point is perhaps well taken. I will be glad to yield, but I do not want to lose the floor.

Mr. NORBECK. If it is by unanimous consent, the Senator will not lose the floor.

The PRESIDING OFFICER. The Chair is informed by the parliamentarian that if anyone makes a point of order, the Senator from Maryland will lose the floor.

Mr. REED. Mr. President, what is the bill the Senator is endeavoring to get brought up?

Mr. NORBECK. The Washington Memorial Parkway measure.

Mr. WATSON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATSON. Can not the Senator yield for this motion of the Senator from South Dakota by unanimous consent without losing the floor?

The PRESIDING OFFICER. He can do so by unanimous consent.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield the floor to the Senator from South Dakota for three minutes, at the conclusion of which time it shall be given back to me.

Mr. NORRIS. I object.

The PRESIDING OFFICER. Objection is made.

Mr. TYDINGS. Mr. President, in conclusion, there is not a single State in this Union, not a single State in the Union, which will not gladly——

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. WALSH of Massachusetts. I must say to the Senator that my own State has refused to enter into this 50-50 plan.

Mr. TYDINGS. Oh, the Senator misunderstood me. I have already pointed out that several States would not join in that plan, but I say the States would gladly, themselves, take care of the activities covered by this legislation without any Federal assistance, if it is needed.

Mr. WALSH of Massachusetts. Exactly.

Mr. TYDINGS. There is not a State in the Union which will not appropriate all the money necessary for maternity and infancy to take care of its citizens; and if it would not do it, it would not deserve to be a State.

What I am contending is, first, that this movement has no place in the National Government. It is not a national matter. It is a local matter, and one which each State can handle for itself.

Secondly, that the proposition of a 50-50 appropriation is a legislative bribe, put out to induce States to do something without which they would not be actuated in that respect.

Thirdly, that if a State refuses and exercises its sovereignty it is penalized because it is self-reliant and looks after its own.

So, Mr. President, feeling that the mothers and infants of this country will be well taken care of by the State governments, the city governments, and the county governments of this Nation; feeling that the increase in bureaucracy, the widening of our Federal activities into the domain of local affairs, can but in the end spell the doom of this Republic; feeling, as well, that it takes from us the time which we could give to things which are more in line with our national activities, as differentiated from local matters, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McGill	Sheppard
Barkley	Frazier	McKellar	Shortridge
Bingham	Glenn	McMaster	Steiwer
Black	Goldsborough	McNary	Stephens
Blaine	Gould	Metcalf	Swanson
Blease	Hale	Morrow	Thomas, Okla.
Bratton	Harris	Moses	Townsend
Broussard	Hastings	Norbeck	Trammell
Bulkley	Hatfield	Norris	Tydings
Capper	Hayden	Nye	Vandenberg
Connally	Hebert	Oddie	Wagner
Copeland	Johnson	Partridge	Walsh, Mass.
Cutting	Jones	Patterson	Watson
Dale	Kean	Phipps	Wheeler
Davis	Kendrick	Reed	Williamson
Deneen	Keyes	Robinson, Ark.	
Dill	La Follette	Robinson, Ind.	

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. A quorum is present.

ADDITIONAL ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, March 3, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 1640. An act for the relief of John E. Ross;

S. 4334. An act for the relief of G. Elias & Bro. (Inc.);

S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;

S. 5524. An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;

S. 6072. An act for the relief of C. H. Price;

S. 5248. An act to extend the boundaries of Wind Cave National Park, S. Dak.;

S. 5989. An act to authorize the acquisition of additional land for enlarging the Capitol Grounds;

S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended;

S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington;

S. 6263. An act to amend Public Act No. 624, Seventy-first Congress; and

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.;

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co., of Iowa, to construct, maintain, and operate a pipe-line bridge across the Missouri River; and

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.

UNEMPLOYMENT SITUATION IN SOUTH DAKOTA

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by Hon. D. C. Noonan, mayor of the city of Watertown, S. Dak., which goes into the unemployment situation in my State very extensively. Mr. Noonan has given much thought and attention to this vital question, and I believe his statements and views relative thereto as expressed in his letter form a valuable contribution to the study of this great economic problem which is confronting the country.

The letter is as follows:

DECEMBER 29, 1930.

Senator PETER NORBECK,
Senate Building, Washington, D. C.

MY DEAR SENATOR: I have your letter of December 13.

You have asked me to answer eight questions which I shall be very glad to do. I point out to you, however, that my answers and explanatory comment attendant upon them are merely my personal opinion based upon observation of, and contact with, the problems concerning which you inquire. In this letter I am not speaking to you as a city official, or as a representative of any civic group or organization. My answers and comment might vary in large degree from that which others in this community might give you had the questions been put to them.

Question No. 1. Approximately how many people are unemployed in your community?

I believe that at the present time there are no more unemployed persons in this community than at any similar period in the last 10 years. An estimate of the number would be merely a guess and I would not hazard an opinion. There are in this city many men who are at present not working, but who should not be classed as "unemployed" in the ordinary usage of the term. These men, farmers, certain classes of railroad employees, laborers, artisans, carpenters, mechanics, and a host of others find lucrative, concentrated and continuous employment during certain definite seasons of the year, and during these seasons make adequate and necessary provision for themselves and their families for periods of the year, like the present, when there is no demand for their labor or services. Undoubtedly this same situation applies to millions of men in various parts of this country. Some of these men, while not actually in need, being human, would probably not be averse to accepting aid from governmental agencies, if they were convinced by appropriate and organized propaganda that they were not only entitled to it, but actually needed it.

Question No. 2. To what extent has the number of persons whom the city government is called upon to aid increased over the number of last year and that of two years ago?

Our city does not engage in poor relief or its kindred work. Our county is equipped and prepared to carry on this character of endeavor. I am informed that this county has aided no more people this year than last. In fact, the records disclose that there was $2,150 less appropriated this year by the county for charitable purposes than in the year 1929, or a reduction of 12 per cent. This latter statement covers your question No. 3.

Question No. 4: "What do you estimate will be the increase in the number requiring relief during the winter months?"

I am reliably informed and believe that there will be no increase whatever in the demands upon the county and the many charitable organizations of the city during the coming winter months over similar periods in the past.

Question No. 5: "Will the assistance of the Federal Government help to extend relief to the needy and lessen the burden on local taxpayers?"

Emphatically no. I beg your leave to comment briefly on this question and also question No 7 at the conclusion of this letter.

Question No. 6: "Briefly state what relief is being extended by private relief agencies. How much has it increased as compared with last year and two years ago?"

As in every community in the country, Watertown has a large number of worthy private relief agencies. Every church, every social, fraternal, and business club, the American Legion, the Sal-

vation Army, the Red Cross is an actual or potential charitable organization, ready, anxious, and willing to relieve the poor and needy. These groups at times distribute food and clothing, assist when necessary with medical care and the like. These groups are constantly on the lookout for outlets for their activities. My opinion is that their activity has not greatly increased, if at all, this year over previous years.

Question No. 7: "Do you favor the Federal Government appropriating a sum of money that will share with the city and State governments the increased relief burdens that the present emergency has necessitated?"

Emphatically no.

Question No. 8: "A brief statement of the general situation in your community."

An answer to this question is probably made unnecessary by the foregoing answers.

The fact that some of the Members of the United States Senate feel very strongly that present conditions require the Federal Government to assist the various State governments and municipalities in the handling of problems in a financial way, is so pregnant with portents for the future of our Nation, that I can not but beg your indulgence for a few words of comment.

The appropriation of money by the Government of the United States of America for delivery to the various States and municipalities to be used in the relief of distress or poverty, or as a dole to the men and women temporarily without work, would be nothing short of a tragic national calamity. The seriousness of the calamity could not be measured by the amount of money thus expended, but could only be really understood by a sober appreciation of the fact that a fundamental principle of American Government has been shattered and sacrificed upon the altars of thoughtlessness, immature judgment, and hysteria, and that a priceless heritage of our people has been bartered for temporary political prestige for those sponsoring such an unsound and irrational program as suggested in your communication.

I do not mean to say that the financial aspect of such a program suggested is not serious. It is tragically serious. Your letter suggests that the tax burden of this Nation, already staggering, already confiscatory, already so burdensome that private business and enterprise is threatened with collapse, be further increased in order that the hazy nebulous idea known as "temporary relief" be realized. The suggestion, logically interpreted in the light of present well-known economic facts, means that legitimate business and enterprise will be throttled with the tourniquet of taxation for the purpose of "temporary relief," with the result that the very source of employment, security, and prosperity for the farmer and the laboring men and wage earner in every line will be partially paralyzed, if not actually permanently impaired.

However, passing the feature of the financial tragedy involved, the permanent bureaucracies established, the inevitable extravagance and waste, the unintelligent and inexperienced spending of public money for a purpose as hazy and remote as locating the foot of a rainbow, I return but for a moment to the violation of the fundamental principles of government your communication suggests. In the final analysis your suggestion means that the Government would become a charity dispensing organization. A schoolboy but superficially learned in the science of government and in the basic principles of our Constitution would scoff at the idea as preposterous. The problem of poverty and unemployment in this country is as complex and varied as the country and its interests is complex and varied. Each State and each city and community in that State has its peculiar and individual problems in this regard to contend with and to solve. The unemployment situation in the State of Washington is, in almost every particular, a different one than that of the Commonwealth of Massachusetts. The situation is even varied and different in separate sections of the same State. How could the United States Government hope to intelligently adopt a national program of relief, necessarily standardized, that would fit all conditions? Manifestly it is impossible.

The intervention of the Government, assuming that such intervention was legally and morally conscionable, is totally unnecessary. Every city and county in the Nation has an abundance of public, semipublic, and private organizations equipped to relieve distress and want. In our own community of approximately 10,000 people, I know of 40 such organizations, aside from public ones, ready, able, willing, and anxious to perform charitable work of every known kind and description. In the larger communities, I am confident that their numbers run into the thousands and throughout the Nation into the hundreds of thousands, even in these organizations the more intelligent and cautious leaders realize very keenly that their efforts at relief very often temporarily effect the desired purpose, but also astonishingly operate to create the need for more relief. These intelligent men and women of whom I speak realize that true charity and true relief more often than is generally realized, consists in the development of the character and situation of the individual to a point where he can and will voluntarily spurn the gratuities of his well-meaning benefactors, rather than the self-respect, destroying indiscriminate, and unearned donations from public and private sources, inspired and impelled by an emotion rather than good sense. The dole, is an emblem of defeat and of complete economic collapse. The dole, and all it stands for and implies, can ruin the morale and character of any people on the face of the earth.

Economic depression is with us, and with it its many resultant evils and problems. The American people, in their respective capacities, with their generous heart and spirit and resourcefulness, and their faculty for spontaneous organization to meet any emergency, can meet the present difficulty, if they are allowed to remain unfettered and unburdened by Federal interference with its consequent tax burdens. Public works and construction in various localities are already relieving the situation in a large measure, and will continue to relieve it so long as those in control of basic commodities used in this public construction are not allowed to effect radical and unjustifiable advances in the price of these commodities. There are, unfortunately, indications of such greed on the part of those who control these commodities, and it is hoped that their activities in this regard will come under the close scrutiny of those who have the power to halt them in their selfish program. Local and civic pride is part and parcel of every individual in this land, and so long as local pride remains, local obligations will not be neglected. We do not want charity as much as we need justice. We do not need "unemployment relief," or any other type of charitable relief, as much as we need a fair price or exchange basis for the things we produce as compared to the price of things we have to buy. I do not speak for my fellow citizens but if I did I think I could say to you that the city of Watertown serves notice upon the Government of the United States of America, that our problems are our own individual ones, and that we will solve them; that our poor and our unemployed are our own and that we will care for them, protect them, and make provision for their future as self-respecting and useful members of society; that we resent any suggestion of unwarranted, illegal and unnecessary interference by the Federal Government; that we demand that our business, our farms, and our industries be not further destroyed by mounting taxes. I hope that every city, county, and State will hurl this defiance at those who would thus further prostitute the legitimate functions of Government.

In closing, I respectfully show to you the words of Thomas Babington Macaulay, spoken over 100 years ago. I would that these immortal and prophetic words could be engraved in imperishable letters not only upon the walls of the Congress of the United States but in the lasting minds and memories of its Members for all time to come:

"Our rulers will best promote the improvement of the Nation by strictly confining themselves to their own legitimate duties—by leaving capital to find its most lucrative course, commodities their fair price, industry and intelligence their natural reward, idleness and folly their natural punishment—by maintaining peace, by defending property, by diminishing the price of law, and by observing strict economy in every department of the State. Let the Government do this—the people will assuredly do the rest."

I have the honor, sir, to be,
Yours very respectfully,

D. C. NOONAN.

ADDITIONAL PETITIONS AND MEMORIALS

Mr. COPELAND presented petitions of sundry citizens of Harriman and of Orange County, in the State of New York, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GOLDSBOROUGH presented petitions of sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. TYDINGS presented petitions of sundry citizens of Maryland and of the District of Columbia, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions and letters in the nature of petitions from various fraternal organizations in the State of Maryland, praying for the passage of House joint resolution 473, to restrict immigration for a period of two years, which were referred to the Committee on Immigration.

He also presented petitions numerously signed by sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. NORBECK presented petitions of Hon. C. C. Caldwell and 102 other citizens of Sioux Falls and vicinity; of Carl V. Lindgren and 57 other citizens of Watertown; of Mrs. H. J. Steele and 16 other citizens of Rapid City; of Mrs. George Williams and 12 other citizens of Rapid City; of Mrs. George A. Rhoads and 19 other citizens of Hazel; of H. Oscar Stevens and 19 other citizens of Philip, Milesville, and Hardingrove; and of 38 members of the faculty of Huron College, of Huron, all in the State of South Dakota, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. BINGHAM presented petitions of sundry citizens of Greenwich, Bridgeport, Stamford, Bridgewater, and Eastford, all in the State of Connecticut, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of Middletown; the Woman's Foreign Missionary Society, of Warehouse Point; the Parent-Teacher Association, of Warehouse Point, and the Saturday Club, of New London, all in the State of Connecticut, praying for the passage of House bill 9986, providing for the Federal regulation of motion-picture films, which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by Capitol City Branch No. 86, of Hartford, and Branch No. 32, of Bridgeport, both of the National Association of Letter Carriers, in the State of Connecticut, favoring the passage of House bill 3087, known as the Clyde Kelly-Kendall bill, providing sick leave and vacations for substitute letter carriers, which were referred to the Committee on Post Offices and Post Roads.

He also presented a letter in the nature of a memorial from the Council of Jewish Women, of New Haven, Conn., remonstrating against the passage of House Joint Resolution No. 473, further restricting immigration for a period of two years, which was referred to the Committee on Immigration.

He also presented the petition of Bridgeport Council, No. 6, Junior Order United American Mechanics, of Bridgeport, Conn., praying for the passage of House Joint Resolution No. 473, further restricting immigration for a period of two years, which was referred to the Committee on Immigration.

He also presented resolutions of Lady Fowler Council, No. 58, Sons and Daughters of Liberty, of Milford; of Fanny Crosby Council, No. 66, Sons and Daughters of Liberty, of Bridgeport; and of Quinnipiac Council, No. 61, Sons and Daughters of Liberty, of New Haven, all in the State of Connecticut, favoring the passage of House Joint Resolution No. 410, providing stringent restriction of immigration, which were referred to the Committee on Immigration.

He also presented petitions and papers in the nature of petitions of the College Club, of Waterbury; of 60 members of the College Club, of New Britain; and of sundry citizens of Hartford, West Hartford, East Hartford, Wethersfield, New Britain, Newington, Granby, New Haven, Hamden, Yalesville, Bridgeport, New Canaan, Suffield, West Suffield, New London, Groton, Colchester, Stamford, Gales Ferry, Jewett City, Waterbury, Oakville, Norwich, Cheshire, Glastonbury, South Glastonbury, Norwich Town, Kent, Sharon, Westport, Cornwall, Oneco, Durham, Mystic, Sterling, Hazardville, Essex, Middlebury, Thompsonville, Thompson, Willimantic, Meriden, Ellington, Montville, Putnam, Derby, Chester, Seymour, Bristol, Shelton, Norwalk, East Norwalk, South Norwalk, Southington, Milford, South Windham, Plantsville, Middletown, Stony Creek, Saybrook, Stratford, Lyme, Rockville, Preston, Manchester, South Manchester, Stonington, Bloomfield, Wilton, Woodstock, Cannondale, Danbury, Ridgefield, Bozrah, Bozrahville, Westbrook, Fitchville, Clinton, and Yantic, all in the State of Connecticut, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented resolutions of the League of Women Voters, of Ridgefield; Branch No. 32, National Association of Letter Carriers, of Bridgeport; the Stony Creek League of Women Voters, of Stony Creek; the Hartford Branch of the Alliance of Unitarian Women, of Hartford; New Britain College Club, of New Britain; Vernon Rebecca Lodge No. 46, Independent Order of Odd Fellows, Stony Creek; College Club, of Waterbury; Women's College Club of Litchfield County; Norwalk Branch of American Association of University Women, of Norwalk; College Club, of Norwich; Middlefield League of Women Voters, of Middlefield; Wallingford League of Women Voters, of Wallingford; New London Branch, American Association of University Women, of New London; League of Women Voters, of Hartford; Hartford Section Council of Jewish Women, of Hartford; Norwalk Section Council of Jewish Women, of Norwalk; Jewish Junior League, of Stamford; Sisterhood of Park Avenue Temple, of Bridgeport; Park City Hospital Auxiliary, of Bridgeport; Jewish Welfare Bureau, of Bridgeport; Ladie Eintract Auxiliary, of Bridgeport; Ssenippah Club, of Bridgeport; members of North Greenwich Congregational Church, of Greenwich; Sunday Evening Forum, of New Haven; and the Ministers' Association, of Waterbury; all in the State of Connecticut, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

THE WORLD COURT

Mr. FLETCHER presented a letter in the nature of a petition, relative to the World Court, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Senator DUNCAN U. FLETCHER,
Senate Building, Washington, D. C.

DEAR SENATOR FLETCHER: We—neighbors, constituents, and guests in your State—appreciating the perplexities of your high office, deem it a courtesy due you that we assure you of our position on the World Court protocols now stirring the American people so profoundly.

We are convinced that the proposed treaties fully protect the rights of the United States in its relations with other nations, and we ask you to vote in favor of the entrance of our country into the World Court, and also to use your forceful influence to bring the matter before the present session of the Congress.

We would deem it a disaster should this question be postponed until next December, thus adding its complications to those of the coming presidential election and furthering still more the acute suspicion and distrust which other nations are feeling toward us in view of the hesitation of the Senate to confirm its former action of 1926, when, on behalf of the people of the United States, the Senate asked for our admission to the court by a vote of more than 4 to 1.

We are confident the citizens of Florida, by an overwhelming majority, approve the views here set forth.

Assuring you of our high esteem, we are,

Very sincerely yours,

CHURCHES OF STUART,
Mrs. C. S. HANEY, *Sponsor.*

Action taken February 15 by Presbyterian Church, 16 votes.
H. W. MCCOMBS, *Pastor.*
ELNORA M. KRUEGER,
President Women's Society.

Methodist Church vote February 15, 1931: For 29, negative called for, none.
E. W. ROOKS, *Pastor.*

INVESTIGATION OF OIL INDUSTRY

Mr. THOMAS of Oklahoma. Mr. President, on yesterday I discussed at some length Senate Resolution No. 418, providing for a study of the oil industry. On yesterday during a call of the calendar the resolution was reached. The amendments were agreed to. I now ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. PHIPPS. I object.

Mr. NORRIS. I object.

Mr. THOMAS of Oklahoma. I move that the Senate proceed to the consideration of the Senate Resolution 418.

Mr. JONES. I move to lay the motion on the table.

Mr. WALSH of Massachusetts. Mr. President, a point of order——

Mr. NORRIS. Has the Senator yielded the floor?

Mr. THOMAS of Oklahoma. I have not relinquished the floor.

Mr. WALSH of Massachusetts. Mr. President, a parliamentary inquiry. Is the motion debatable?

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. Is not any motion made after 2 o'clock on a legislative day to proceed to the consideration of any measure on the calendar a debatable motion?

The VICE PRESIDENT. The motion is debatable. The Senator from Oklahoma has the floor.

Mr. THOMAS of Oklahoma. Mr. President, I do not care at this late hour to consume any time whatever in the advocacy of the motion. All the resolution provides for is the appointment of a special committee to be appointed by the President to make a study of the oil industry. It does

evils and problems. The American people, in their respective capacities, with their generous heart and spirit and resourcefulness,

Relations.

London Branch, American Association of University Women, of New London; League of Women Voters, of Hartford;

the appointment of a special committee to be appointed by the President to make a study of the oil industry. It does

not propose a tariff. It does not propose an embargo. It provides only for a study of the third largest industry in America. All I am asking for is a vote. I do not desire to consume one moment of time unnecessarily.

Mr. ASHURST. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. THOMAS of Oklahoma. I yield.

Mr. ASHURST. The Senator knows how vigorously I opposed an embargo on crude oil. The fact that I am opposed to such embargo on the importation of crude oil could not be a reason why I should refuse information or illumination. So, without relinquishing my opposition to an embargo on oil, I believe the Senator from Oklahoma is pursuing a wise course in asking for the investigation in order that when we return in December we may have copious and reliable information on the subject.

Whilst discussing an oil embargo, if the Senator will indulge me further——

The VICE PRESIDENT. Does the Senator from Oklahoma yield for that purpose?

Mr. THOMAS of Oklahoma. Just so I do not lose the floor.

Mr. ASHURST. During the debate last evening on the oil-embargo bill, I stated (see page 6708 of the CONGRESSIONAL RECORD of March 2) that Mr. William G. McAdoo was attorney for the oil magnate, Mr. Doheny; and such was my impression at the time I made the assertion.

I distinctly stated then that it was not in any sense an improper relation; and the Senator from Kentucky [Mr. BARKLEY] thereupon observed that in years past Mr. McAdoo did represent Mr. Doheny in some matter, but that such relation was severed long since.

I am certain that the Senator from Kentucky is correct; and although my remarks neither carried nor were calculated to carry any imputation of impropriety against Mr. McAdoo, I here embrace this opportunity to correct the matter.

Mr. THOMAS of Oklahoma. Mr. President, it is now 12 o'clock and 10 minutes a. m. It may be that some one on the floor of the Senate desires to oppose the resolution by making an address. If that should be their desire I have no objection, of course provided we can agree in advance upon a time to vote on the resolution. If a time can be fixed to vote on the resolution it is entirely agreeable to me.

Mr. SHORTRIDGE. Will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. THOMAS of Oklahoma. For a question.

Mr. SHORTRIDGE. I rise merely to express the hope that there will be no discussion of the matter, believing as I do that it is a very wise resolution and the information to be gathered would be useful in future consideration.

Mr. PHIPPS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. THOMAS of Oklahoma. I yield for a question only.

Mr. PHIPPS. I objected to the unanimous-consent request when the resolution was called up yesterday. I have objected again this morning. Briefly I could state my reasons. I do not care to enter into any lengthy discussion. I desire to call the Senator's attention to the fact——

Mr. JONES. Mr. President, I make the point of order that the Senator from Oklahoma can not yield for a speech.

The VICE PRESIDENT. The Senator can not yield except for a question without losing the floor.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that we vote upon the resolution at or before 12.30 o'clock a. m. At this time, if an agreement is reached, I will yield the floor to enable the Senator from Colorado to make such statement as he sees fit, provided he can get the floor.

Mr. JONES. Mr. President, has the Senator yielded the floor?

The VICE PRESIDENT. The Senator has submitted a unanimous-consent request.

Mr. JONES. I object.

The VICE PRESIDENT. The Senator from Washington objects. The Senator from Oklahoma has the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator permit an inquiry?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Massachusetts?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. WALSH of Massachusetts. My attention has been called to Senate Document No. 61——

Mr. NORRIS. I submit that is not a question. I make the point of order that the Senator from Oklahoma has lost the floor.

Mr. WALSH of Massachusetts. I am about to ask a question.

Mr. NORRIS. The Senator has not started yet.

Mr. WALSH of Massachusetts. Give me time, please.

Mr. NORRIS. I make the point of order that the Senator from Oklahoma loses the floor if he yields for any purpose other than a question.

The VICE PRESIDENT. The Senator yielded for a question.

Mr. THOMAS of Oklahoma. No question has been asked. I claim the floor.

The VICE PRESIDENT. The Chair suggests that the Senator yield only for a question, because under the rule he can yield only for that purpose. If he yields otherwise than by unanimous consent, he loses the floor.

Mr. THOMAS of Oklahoma. I do not care to get into any controversy over who has the floor, but I trust that Senators will observe the injunction of the Vice President and not embarrass him, though I assure Senators it will be no embarrassment to me.

In what kind of condition do we find ourselves here in the United States Senate? Here we are without information on the third largest industry in the country, and yet when we propose to provide a committee to get some information we find objections raised to the proposal and even objections raised to a vote being had or even to a time being fixed for a vote upon such a resolution. I want to say now that unless we shall get some agreement for a vote I shall proceed to occupy the floor for some little time.

Mr. President, last night when we had a pseudo-agreement, as it now turns out to be, I was proposing to discuss the question of the power of the oil companies which in some mysterious way work around the Capitol. I do not charge that they are working in the Capitol, but they are working around the Capitol. Last night I was proceeding to give the Senate some information about the largest bank in America. The largest bank in America is the largest bank in the world. The largest bank in the world is a Standard Oil bank, the Chase National of New York City. This bank has resources in excess of $2,700,000,000. What is the power of that bank? I now propose, if I may, to give the Senate and the country some idea of the power of this gigantic commercial industry.

I was reading on yesterday a signed statement by John F. Sinclair of date January 7, and I proceed now to read that statement in full:

> The remarkable record of the Chase National Bank as shown in its statement for December 31 has been the talk of Wall Street for several days.
>
> Here's one bank whose total resources have reached nearly $2,700,000,000—an increase of a little over $48,000,000 since the statement of June 30 last—an all-time world banking record.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Oklahoma yield to the Senator from Indiana.

Mr. THOMAS of Oklahoma. I will yield for any question or for any statement or for any procedure, providing I do not lose the floor; and I depend upon the Presiding Officer to protect my rights to the floor. I yield.

Mr. WATSON. The question I desire to ask the Senator is this: Will the Senator yield to me in order that I may make a motion to take a recess?

Mr. THOMAS of Oklahoma. I will yield only on one condition, that we have an hour fixed for a vote upon this resolution.

Mr. PHIPPS. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. THOMAS of Oklahoma. I yield for a question only.

Mr. PHIPPS. Would it be the purpose of the committee to be constituted under the Senator's resolution to use the Federal Trade Commission as the avenue through which it would collect the data that are called for under the Senator's resolution?

Mr. THOMAS of Oklahoma. The resolution provides for an expenditure of only $10,000. I can not speak for the committee; I have no idea who may be on the committee; but if the committee would act as I would have it act, it would use every avenue, every source, in order to secure information.

Mr. PHIPPS. It seems to me that if the information was collated through the Federal Trade Commission, which has brought its report up to 1927, the purposes desired by the Senator could be accomplished. If there could be an understanding that the Senator would use his influence to collect the information in that manner, I would not object.

Mr. NORRIS. I make the point of order that the Senator from Oklahoma is losing the floor. The Senator from Colorado is making a speech.

Mr. PHIPPS. The Senator from Nebraska himself is making a speech.

Mr. WATSON. Mr. President, I asked the Senator from Oklahoma a moment ago a question to which he did not respond. Will the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. WATSON. This is the question: Will the Senator yield to me to make a motion to recess?

Mr. THOMAS of Oklahoma. No; I will not yield for that purpose.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. WATSON. I thank the Senator.

Mr. THOMAS of Oklahoma. Reading further from this statement, Mr. President:

> But even more remarkable is the showing of its total deposits, which amount to $2,078,000,000, an increase of $221,000,000 since September 24 last.

I am reading now from a statement giving information about the largest and strongest bank in the world:

> The combined capital, surplus, and undivided profits of this bank have reached the stupendous total of $357,000,000.
>
> For the last six months of 1930, when bank earnings in New York as well as throughout the United States were badly shattered, the Chase National earned $13,273,000, equal to $1.79 a share on its 7,400,000 shares outstanding.
>
> Probably never before in banking history have the New York banks—in spite of the closing of the Bank of United States and the Chelsea Bank & Trust Co.—been in so liquid a position. A study of the December 31 figures shows this to be the case.

Mr. President, I only use this story for one purpose. We have here a bank owned and controlled by the oil industry, the third largest industry in America, about which—the industry and not bank—we are asking for information, and we can not even get a vote upon a resolution providing for the appointment of a committee to secure the information.

Mr. President, let me advise you further, if I may, of the power of this gigantic financial institution. This bank has more than $2,000,000,000 of deposits. There are to-night in these United States 24,079 banks, State and national. The Chase National Bank, of New York City, having more than $2,000,000,000 in deposits, can deposit in each of the 24,079 banks in America a sum larger than those banks have in cash in their vaults to-night. That could be done in 10 days' time. I want to repeat that statement.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. COPELAND. If we could get the Senate to vote $10,000 for this purpose——

Mr. THOMAS of Oklahoma. That has been agreed to by an amendment; that was agreed to yesterday.

Mr. COPELAND. What more, then, does the Senator want?

Mr. THOMAS of Oklahoma. I want a vote now on the resolution. I have a motion pending.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I do not want to yield the floor and let a motion be made for a recess, because nothing will be done later in this day. I will yield to the Senator for a question.

Mr. BRATTON. Would the Senator yield in order that a motion for a recess might be made, with the understanding that he should be recognized when the Senate reconvenes?

Mr. THOMAS of Oklahoma. No; I would not do that.

Mr. SWANSON. I would not consent to that, because it would mean that at 9 o'clock to-morrow the Senator could continue his remarks and retain the floor until 12 o'clock.

Mr. THOMAS of Oklahoma. Mr. President, if I have to make the record, I will make it as best I can when I have the opportunity. If I can not have a committee do it, I will do the best I can, in my weak way, to place in the CONGRESSIONAL RECORD the information in my possession for the benefit of those who, perchance, may come across it and may consider it.

I am trying to show, Mr. President, the power of this—I would not say unorganized, for it is a highly organized business, but it is an organization that has no law to control it. There is no law to control the oil industry. Of the dozens and hundreds and thousands of oil companies operating in America, there is no law that controls them. An oil company may own railroads; it may own banks, and it does own the biggest bank in the world; it may own public utilities; it may own power plants; it may own anything; and we can not even find out about it.

I made the statement a while ago that the Chase National Bank of New York City could deposit in each of the 24,000 banks in America a sum of money larger than those banks have to-night cash in their vaults. That could be done in 10 days' time. I should like to have the attention of the distinguished Senator from Nebraska when I make this statement, for I can not believe that when I make it, and show the power of this one bank, owned and controlled by the Standard Oil Co. of America, he will object to my resolution. In 10 days' time the deposits I have mentioned could be made, and then in one hour's time, by means of the telegraph, the Chase National Bank could order the money thus deposited withdrawn from each bank in the United States, and not a bank would be able to pay its drafts. The Chase National Bank, Mr. President, has within its power in 10 days' time to break every bank in America. If anyone disputes that statement, I now yield if I do not lose the floor. [Laughter.]

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. COPELAND. If I offer a unanimous-consent agreement, providing for the adoption of this resolution, would the Senator be satisfied with that, if we can get it?

Mr. THOMAS of Oklahoma. I will agree to any consent which will fix an hour for a vote.

Mr. COPELAND. I am thinking that perhaps we could get a vote right away.

Mr. THOMAS of Oklahoma. I am ready for it.

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. If the Senator from Oklahoma yields to the Senator from New York to propose a unanimous-consent agreement, will he not thereby lose the floor?

The PRESIDING OFFICER. He will if the unanimous-consent agreement is not presented with the understanding that he shall not do so.

Mr. COPELAND. Mr. President, I will test the Senate, with the understanding that the Senator from Oklahoma is not to lose the floor——

Mr. REED. I object to that understanding. [Laughter.]

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, I am going to go as far as I can, and give those who are opposed to this resolution an opportunity to interpose their objection, to the end that the country may know that there are Senators upon this floor who object to a simple Senate resolution which provides that a committee may sit some time during the coming summer and assemble information as to the third largest industry in America, an industry in which there is invested something like twelve to twenty billion dollars, but until an investigation and study is made no one can tell how much money is invested in it.

Mr. PHIPPS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. PHIPPS. I should like to ask the Senator how those who are opposed to his resolution may make their objections known so long as he continues to hold the floor?

Mr. THOMAS of Oklahoma. They are being made known rapidly, Mr. President, and positively.

I am going to place these figures in the RECORD again. The total resources of the Chase National Bank are $2,700,000,000; the total deposits of that bank are $2,073,000,000. On the 30th day of June the 24,079 banks in America had cash in their vaults in the sum of only $865,000,000. The Chase National Bank could take from its $2,000,000,000 of deposits $870,000,000 and distribute it among all the banks in America in sums larger than those banks have cash in their vaults—and the Chase National Bank can ascertain from the Comptroller of the Currency just how much cash they have in their vaults—take 10 days' time to make those deposits, and then, upon telegraphic orders, those deposits could be ordered withdrawn in cash, and not a single bank in America could pay its draft. I am only using that illustration to show the power of this one bank.

Now, Mr. President, let me show you how this power operates.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from South Carolina?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. BLEASE. I was going to ask the Senator if he would yield to me for just a moment, on condition that I could get consent that he would not lose the floor if he would do so.

Mr. THOMAS of Oklahoma. I will yield for any question, statement, or proceedings, providing I do not lose the floor.

Mr. BLEASE. I ask unanimous consent, Mr. President, that the Senator be allowed to yield to me just for a moment, on the condition that he does not lose the floor.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. I think I shall have to object.

Mr. BLEASE. I will say that the reason I make the request is because of something that I should like to bring to the attention of the Senate. I shall take but a moment, and I am satisfied that it will be very pleasing to the Senator from Washington.

Mr. JONES. The Senator from Oklahoma has not yielded.

Mr. THOMAS of Oklahoma. I do not yield for a statement.

Mr. BLEASE. It was not a statement but another matter.

The PRESIDING OFFICER. The Senator from Oklahoma declines to yield.

Mr. THOMAS of Oklahoma. Mr. President, I want to give the Senate an idea of how this power operates in the United States to-day. I am going to use one oil company that operates in the mid-continent oil field. For the past several years the Prairie Oil & Gas Co. has been operating in the Southwestern States. At one time the Prairie Oil & Gas Co. was presumed to be a Standard Oil subsidiary. At one time the Rockefeller interests owned a very large amount of stock in the Prairie Oil & Gas Co. The Prairie Oil & Gas Co. is a company that does no more than drill for oil and produce oil and distribute oil. It has no refineries and has no distributing system.

The Prairie Oil & Gas Co. was a concern estimated to be worth something like a quarter of a billion dollars. The Prairie Oil & Gas Co., during the time that the Rockefeller influences had blocks of stock in the company, was a thriving and growing concern. It had a growing business.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SHORTRIDGE. If I make a request for unanimous consent for the passage of this resolution, whether granted or not, will that cause the Senator to lose the floor? May he yield for that purpose?

The PRESIDING OFFICER. If the Senator yields without an understanding that he is not to yield the floor, he yields it. Does the Senator yield?

Mr. THOMAS of Oklahoma. Mr. President, all I am asking for is a vote upon this resolution.

Mr. SHORTRIDGE. Will the Senator yield to me for the purpose of asking for a vote?

Mr. THOMAS of Oklahoma. I will yield if I do not lose the floor.

Mr. SHORTRIDGE. Is that the ruling of the Chair? If the Senator yields to me for the purpose of asking unanimous consent for the passage of the resolution, will he yield the floor?

The PRESIDING OFFICER. He yields it if any Senator objects to its consideration.

Mr. SHORTRIDGE. May I ask unanimous consent of the Senators present that I may make such a request?

The PRESIDING OFFICER. Is there objection?

Mr. SWANSON. Does the Senator from Oklahoma yield to the Senator from California for that purpose?

Mr. JONES. The Senator from Oklahoma will lose the floor if he consents to that.

Mr. SWANSON. If the Senator yields the floor, he yields it for all purposes. He can not yield and keep it, too.

The PRESIDING OFFICER. Does the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SHORTRIDGE. If I, assuming the responsibility for so doing, ask for unanimous consent for the passage of the resolution of the Senator——

The PRESIDING OFFICER. The Senator can not ask unanimous consent without the yielding of the floor by the Senator from Oklahoma.

Mr. SHORTRIDGE. Without causing him to lose the floor?

The PRESIDING OFFICER. That is correct.

Mr. SHORTRIDGE. My purpose is to have this resolution passed without further discussion.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that a vote may be had on the resolution at 12.35 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Mr. President, I can not consent to that.

The PRESIDING OFFICER. Objection is made.

Mr. THOMAS of Oklahoma. Mr. President, I was trying to portray to the Senate an influence that is working in this country that apparently the Senate does not care to learn about. I was trying to portray the operation of some power, and I think I know what that power is, as it has been worked upon the Prairie Oil & Gas Co.

As long as the eastern influence had control of large blocks of stock in the Prairie Oil & Gas Co., it was a growing and a thriving concern. About two years ago one of the subsidiaries of the Standard Oil Co. in Texas cut the price of oil. The Prairie Oil & Gas Co. was requested to cut the price likewise. The Prairie Co. refused to cut and continued to pay the higher price for oil in the mid-continent field. The Humble Co. made a cut in the price of oil; and

because the Prairie Co. would not cut the price of oil in that field, the Prairie Co. was singled out for destruction; and what happened? Why, no sooner had this disagreement arisen, no sooner had the Prairie Co. announced its independent position, than the Prairie Co. began to feel the influence of an outside power.

What was that influence? I will tell the Senate how it operated.

The first result was that the Prairie Co. began to lose its contracts. It began to lose its customers. Where the Prairie Co. had been selling oil to the refineries throughout the North and the East, these refineries began to close their contracts for the purchase of oil from the Prairie Co.; and in the course of a few months of time the Prairie Co. had lost one-half of its output.

That was not the worst thing about the matter. The Prairie Co. soon learned that its pipe lines were being paralleled by other pipe-line companies; and in the past year or two no less than three additional pipe lines have been built to the mid-continent field. These pipe lines were built by these big eastern companies. When these pipe lines were completed, when the Prairie had lost its outlet for its oil, the Prairie Co. was forced to quit purchasing oil from some 30,000 of the smaller wells of the mid-continent area.

Investigation revealed that the Eastern Influences had sold their stock in this company. They had gotten out of it in time, when the stock was selling at 56. When the stockholders in the East had sold the stock at 56 or thereabouts, had built competing pipe lines, and had taken away their contracts for the purchase of crude oil, the stock of the Prairie Co. went down to 11; and the Senate is refusing to-night to have a committee appointed to investigate that kind of activity.

I use that only as an illustration.

Mr. WATSON. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. THOMAS of Oklahoma. If I do not lose the floor.

Mr. WATSON. I do not aim to have the Senator lose the floor, because I am exceedingly anxious for him to keep it; but I should like to ask unanimous consent that the page boys may be excused to go home. They are sitting around here sleepy and tired. They were up nearly all last night.

Mr. NORRIS. I make the point of order that the Senator from Oklahoma has now lost the floor, if he yielded for that purpose.

Mr. THOMAS of Oklahoma. I only yielded for a question.

Mr. NORRIS. The leader over here——

Mr. CONNALLY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. The point of order is that the Chair did not put the request of the Senator from Indiana.

Mr. THOMAS of Oklahoma. The rules of this body give the Members upon this floor the right to address the Chair and ask for the privilege of interrogating the one who has the floor. The one who has the floor, not knowing what the question is going to be, if he is courteous to his colleagues, must yield to see whether or not the question is a proper one. I will not be discourteous to Members upon this floor if they address the Chair and ask me to yield. If their question is a legitimate one under the rules, I shall be very glad to yield; but I do not desire to yield for any question that will take me from the floor.

Mr. President, I desire now to call the attention of the Senate to a story that appeared in a newspaper of this city, the Washington News, on February 26, 1931. I wish to call the attention of the distinguished senior Senator from Nebraska [Mr. NORRIS] to this statement.

The story is headed:

The poor old Power Trust.

Under that, in slightly smaller type, I find the words:

Read and weep.

Quoting from the story:

If you have tears prepare to shed them over the sad plight of the public utilities companies, as shown in their annual report of profit and loss for the year just closed.

A list of 28 representative power corporations has been compiled by the Washington Times's financial staff. Twenty-five of the twenty-eight made a substantial gain in net income in 1930 over 1929. In a year supposed to be one of serious depression all but three did better than they did the year before. And the decrease in the income of the three was not serious.

These are power companies, Mr. President; they are oil companies; and, if I may have the attention of the distinguished senior Senator from Nebraska, I respectfully refer these figures to him for his serious consideration.

I have here a list of power companies that are opposed to this resolution; and each of these power companies made a profit in 1930 larger than they made in 1929. How they did that, I do not know. When I propose a resolution providing for the appointment of a committee to ascertain how they made larger profits in 1930 than they made in 1929, when millions upon millions of our people were hungry, we find determined opposition upon this floor.

The first company is the Cities Service Co. The net income for 1929 was $31,368,555; but in 1930 it increased its income to $39,443,436.

I wonder how that company made this increased income in 1930 over the income it made in 1929. I should like to know. The only way we can find out is to have a committee appointed to ascertain these facts; and yet some Senators upon this floor take hours upon hours of time to condemn the Power Trust, but when a committee is proposed to be appointed to look into the matter we find objections.

The second company——

Mr. WALSH of Massachusetts. Mr. President, a point of order.

The PRESIDING OFFICER. Does the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. WALSH of Massachusetts. A point of order. There is not a quorum of the Senate in attendance upon the deliberations of the Senate.

The PRESIDING OFFICER. Does the Senator yield?

Mr. THOMAS of Oklahoma. I only yield for a question.

Mr. WALSH of Massachusetts. Mr. President, I press the point of order that there is not a quorum present.

Mr. THOMAS of Oklahoma. I do not yield for that purpose.

The PRESIDING OFFICER. The Senator from Massachusetts is out of order unless the Senator from Oklahoma yields.

Mr. THOMAS of Oklahoma. I do not yield for that purpose.

Mr. WALSH of Massachusetts. The Senator must yield for the purpose of a quorum call.

Mr. THOMAS of Oklahoma. The second company, Mr. President, is the North American Co.

The PRESIDING OFFICER. The Senator from Oklahoma will suspend for a moment. The Senator on the floor can not be taken off the floor by the point of order that there is no quorum present.

Mr. WALSH of Massachusetts. I respectfully accept the judgment of the wise Senator who occupies the Chair.

Mr. THOMAS of Oklahoma. Mr. President, the second company to which I call the attention of the Senate is the North American Co. I do not know what business this company is engaged in, but it is a part of the Power Trust, if this story is to be believed; and this company made larger profits in 1930 than it made in 1929, at a time when the country was in a serious depression, at a time when millions of our fellow citizens were out of employment, at a time when in large territories of this country, in great numbers of States, we had a serious drought in existence. Yet here is a company which, according to this newspaper report, a part of the Power Trust, made larger profits in 1930 than it made in 1929.

I wonder from what sources these increased profits came; and when I ask for a committee to ascertain that fact objections are made and I can not even get a vote on the resolution.

Mr. President, last winter we tried to tax these companies, and we could not do it. This winter we tried to limit their importations of oil, and we could not do it. Now,

when we only ask to try to study them, we can not even do that.

Referring to the North American Co., in 1929 the net income was $28,806,824. In 1930 the net income was larger. It was $28,823,119.

The third company is the Public Service of New Jersey. It made a larger income in 1930 than it made in 1929. In 1929 its income was $29,544,617. In 1930 its income was $30,163,302.

Then we have the Public Service Electric & Gas Co. It likewise made a larger income in 1930 than it made in 1929. In 1929 it made only $28,547,413.

Mr. President, I submit to the Senate a comparison between the net incomes of a large number of companies in the years 1929 and 1930. Here are the figures:

	Net income, 1930	Net income, 1929
Cities Service Co.	[1] $39,443,436	$31,368,559
North American Co.	[1] 28,823,119	28,806,824
Public Service of New Jersey	30,163,302	29,544,617
Public Service Electric & Gas	31,098,341	28,547,413
Southern California Edison	21,093,770	20,417,020
Mountain States Telephone & Telegraph	4,315,881	3,934,441

[1] Year to Jan. 31, 1931. [2] Year to Dec. 31, 1930.

Mr. WALSH of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WALSH of Massachusetts. Will the Senator lose the floor if he yields for a quorum call?

Mr. THOMAS of Oklahoma. I can not yield for that purpose.

The PRESIDING OFFICER. The Senator would not lose the floor.

Mr. WALSH of Massachusetts. Would not the Senator be willing to get a little rest for a little while?

Mr. THOMAS of Oklahoma. I am in no sense tired.

Mr. WALSH of Massachusetts. I will wait until the Senator is tired before I call for a quorum.

Mr. THOMAS of Oklahoma. I continue the comparison:

	Net income, 1930	Net income, 1929
North American Light & Power	$8,409,956	$4,676,115
Sioux City Gas & Electric	[1] 1,215,428	1,200,383
General Gas & Electric	[1] 7,575,039	6,127,209
Penn Gas & Electric	738,744	668,994
Shawinigan Water & Power	8,770,671	8,107,979
Tampa Electric Co.	1,569,166	1,462,283

[1] Year to Jan. 31, 1931. [2] Year to Dec. 31, 1930.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. WATSON. Will the Senator yield for me to make a motion to take a recess?

Mr. THOMAS of Oklahoma. I will yield upon the unanimous-consent agreement being made to vote on this resolution.

Mr. WATSON. Are those the only terms on which the Senator will yield?

Mr. THOMAS of Oklahoma. The only ones I can think of now.

Mr. WATSON. The Senator will be here a long time.

Mr. THOMAS of Oklahoma. Mr. President, I continue:

	Net income, 1930	Net income, 1929
Union Electric Light & Power of Missouri	$9,541,944	$8,811,130
Cincinnati & Suburban Bell Telephone	2,467,471	2,480,995
Commonwealth Edison	16,402,588	16,322,799
Connecticut Power	1,681,400	955,000
Hartford Electric Light Co.	2,674,800	2,343,600
Pacific Lighting Corporation	7,969,466	7,242,044

Mr. WALSH of Massachusetts. Mr. President, what is the purpose of the Senator in making these comparisons?

Mr. THOMAS of Oklahoma. Mr. President, I am trying to show that during the worst year in history, 1930, a class of companies about which we know nothing, and about which we can not find out anything, made more money than in 1929, one of the best years in history.

Mr. WALSH of Massachusetts. In other words, a large number of these companies made more profit in the year of depression and unemployment than in the so-called prosperous years?

Mr. THOMAS of Oklahoma. Exactly so, and they are companies designated in this article as belonging to the Power Trust.

Mr. WALSH of Massachusetts. What does the Senator infer from that information?

Mr. THOMAS of Oklahoma. I infer that their assets and their properties and their manipulations are covered up in secrecy. No one knows what their assets consist of, no one knows what these companies deal in, and their assets being unknown and their dealings being unknown, they can make these gigantic profits without regulation, without information, and nobody can say nay. When we propose a committee created by a simple Senate resolution to investigate these identical companies of the power trust, owned and connected with this gigantic octopus, the third largest industry in the United States, the oil industry, we can not even get information about it.

	Net income, 1930	Net income, 1929
Pacific Telephone & Telegraph	$17,692,356	$15,823,616
Public Service Northern Illinois	7,564,046	7,166,870
Southern New England Telephone	3,411,331	3,575,176
Blackstone Valley Gas & Electric	2,009,217	2,166,841

Mr. WALSH of Massachusetts. Is that Blackstone Co. located in Massachusetts?

Mr. THOMAS of Oklahoma. The Blackstone Valley Gas & Electric Co. It does not tell where it is located.

Mr. WALSH of Massachusetts. It is in Massachusetts or Rhode Island.

Mr. THOMAS of Oklahoma. I call attention to the rest of the companies in the list.

	Net income, 1930	Net income, 1929
Engineers' Public Service	$6,972,810	$6,270,347
Lindsay Light Co.	95,851	78,588
North Boston Lighting Prop.	2,423,632	2,012,048
Ohio Edison Co.	6,843,413	6,071,842
Puget Sound Power & Light	4,946,691	4,050,444
Standard Gas & Electric	[1] 18,702,049	13,824,723

[1] 12 months to Sept. 30, 1930.

Though the list is necessarily incomplete, it is fairly typical. It includes companies from every part of the country. It embraces large organizations and small ones.

Some scratching around would be required to find any other line of business that has made a similar record. And it effectively disposes of the Power Trust argument that it is being regulated to death. Despite depression, power companies still seem to be fairly successful at the old game of making consumers pay through the nose.

There are good seasons and bad seasons, prosperity and poverty, booms and slumps.

But through them all, year after year, old man Power Trust gets his.

Mr. President, here is a list of about 30 companies, and of this entire list of 30 companies the incomes of only three were less in 1930 than they were in 1929. How did that happen? When the people out in my part of the country are going bankrupt they know why they are going bankrupt, they know who is causing them to go bankrupt. Yet, when we try to get a committee appointed to investigate the means and the methods pursued by these companies, we find determined opposition.

Mr. President, I wonder when the United States Senate will reach the point in its existence when it may choose to investigate and study the third largest business in the world. It has not done so to date. There is no bureau of the Government which knows anything about this third largest industry. There has been little investigation made. The Tariff Commission made an investigation last summer of just one feature, the cost of producing oil in the mid-continent field and transporting the oil to the Atlantic seaboard, and the cost of producing oil in Venezuela and transporting it to the Atlantic seaboard.

We were told during the tariff discussions last winter that the costs were about the same, but no longer ago than the 27th of February the distinguished senior Senator from Pennsylvania [Mr. REED] wrote a letter to Governor Pinchot, of Pennsylvania, and less than two weeks ago, yes, less than a week ago, the distinguished Senator from Pennsylvania made the statement that it cost as much to produce oil in Venezuela as it cost to produce it in the United States. Yet the Tariff Commission had already made a report and found that it cost $1.19 more to produce a barrel of oil in the mid-continent field and transport that oil to the Atlantic seaboard than it cost to produce a barrel of oil in Venezuela and transport that barrel of oil to the Atlantic seaboard.

The distinguished Senator from Pennsylvania is one of the best-informed men upon this floor, and when I make that admission, I think I am justified in drawing the conclusion that the distinguished senior Senator from Pennsylvania is not only one of the best-informed men upon this floor, but is one of the best-informed men in the United States. Yet within the past week he made the statement that it cost as much money to produce a barrel of oil in Venezuela and ship it to the Atlantic seaboard as it cost to produce it in the mid-continent field and ship that barrel to the Atlantic seaboard when the fact is that there is a difference of $1.19. If the distinguished Senator from Pennsylvania has such misinformation, educated and experienced and qualified as he is, what might we expect of the other Members of the Senate? And yet in this haze and maze of ignorance we have a self-complacency, it seems, and a self-satisfaction. I remember the old saying "Where ignorance is bliss, 'tis folly to be wise." No place in America does that apply more than upon the floor of the Senate of the United States of America.

When can we proceed to legislate upon this industry? I will answer the question. Never, until we have some information. When are we going to get that information? At this rate, never.

Mr. President, all I am asking is for a committee to be appointed to assemble some information which may be available when the Congress convenes in December that may be laid before the Committee on the Judiciary and the Committee on Commerce and the Committee on Interstate Commerce and other committees which may have jurisdiction of the subject matter, and which information may be the basis of some laws that may bring about some regulation and some separation of these companies.

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ASHURST. Under Rule XIX of the Senate, if the Senator who now has the floor should lose the floor, would he not be entitled to speak once more upon the same question?

The PRESIDING OFFICER. He would if he could get the floor again.

Mr. THOMAS of Oklahoma. Mr. President, while I have the floor I desire to make the record as complete as I can.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Oklahoma. I yield for a question only.

Mr. BINGHAM. Will the Senator yield for the call of a quorum?

Mr. THOMAS of Oklahoma. I prefer not to yield.

Mr. BINGHAM. The Chair has ruled that the Senator would not lose the floor under those circumstances.

Mr. NORRIS. Mr. President, the Senator from Connecticut is making a speech instead of asking a question.

Mr. BINGHAM. I am surprised at the Senator from Nebraska.

Mr. NORRIS. The Senator from Connecticut is making a speech. I make the point of order and I call him to order. He has not the floor and has not the right to say a word.

The PRESIDING OFFICER. Both Senators are out of order. The Senator from Oklahoma has the floor.

Mr. THOMAS of Oklahoma. The next news item I desire to place in the RECORD reads as follows:

Huge oil profits make new record.

This was in 1930. It was not when we had good times. It was in that year which is going down in history as the worst year this country has ever had in its first 150 years of existence.

Mr. JOHNSON. Mr. President, will the Senator yield to me?

Mr. THOMAS of Oklahoma. I yield, provided I do not lose the floor.

Mr. JOHNSON. I want to propound a unanimous-consent request, so the Senator will not lose the floor, that upon a motion for a recess until 9 o'clock this morning being agreed to, then when we convene at the expiration of the recess at 9 o'clock the Senator from Oklahoma shall have the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

Mr. REED. Mr. President, let me make a statement. I know perfectly well that the Senator from Oklahoma is entitled to speak twice on the pending motion. Consequently there would be no object in objecting to the request.

Mr. JOHNSON. With the understanding and upon the unanimous-consent agreement that upon reconvening at 9 o'clock the Senator from Oklahoma shall have the floor, I move that the Senate recess until 9 o'clock this morning.

The motion was agreed to; and the Senate (at 1 o'clock and 10 minutes a. m., Wednesday) took a recess until to-day, Wednesday, March 4, 1931, at 9 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 3 (legislative day of February 17), 1931

PROMOTIONS IN THE ARMY

To be colonels

Lieut. Col. John Christian Ohnstad, Coast Artillery Corps, from February 28, 1931.

Lieut. Col. Grant Taylor Trent, Judge Advocate General's Department, from March 1, 1931.

Lieut. Col. William Charles Weeks, Corps of Engineers, from March 1, 1931.

Lieut. Col. Edmund Clarence Abbott, Judge Advocate General's Department, from March 1, 1931.

To be lieutenant colonels

Maj. Barton Kyle Yount, Air Corps, from February 28, 1931.

Maj. Denham Bohart Crafton, Infantry, from March 1, 1931.

Maj. William Carroll Christy, Cavalry, from March 1, 1931.

Maj. Sloan Doak, Cavalry, from March 1, 1931.

To be majors

Capt. Theodore Porter Heap, Infantry, from February 28, 1931.

Capt. Frank Lockhead, Infantry, from March 1, 1931.

Capt. Dennis Coburn Pillsbury, Infantry, from March 1, 1931.

Capt. Charles Anderson Wickliffe, Judge Advocate General's Department, from March 1, 1931.

Capt. Ernest Clark, Air Corps, from March 1, 1931.

Capt. Henry Dickson Bagnall, Infantry, from March 1, 1931.

To be captains

First Lieut. Bayard Johnson, Air Corps, from February 28, 1931.

First Lieut. Frank Martyn Paul, Air Corps, from March 1, 1931.

First Lieut. Samuel Martin Connell, Air Corps, from March 1, 1931.

First Lieut. Charles Burton DeShields, Air Corps, from March 1, 1931.

First Lieut. John Edwin Upston, Air Corps, from March 1, 1931.
First Lieut. Reuben Curtis Moffat, Air Corps, from March 1, 1931.
First Lieut. William Henry Schnackenberg, Quartermaster Corps, from March 1, 1931.
First Lieut. Russell Holland Greenslade, Air Corps, from March 1, 1931.
First Lieut. Paul Langdon Williams, Air Corps, from March 1, 1931.
First Lieut. Thomas Aloysius Hoy, Infantry, from March 1, 1931.
First Lieut. Eugene Gordon Mathews, Quartermaster Corps, from March 1, 1931.

To be first lieutenants

Second Lieut. Harry Clifton Larter, jr., Field Artillery, from February 28, 1931.
Second Lieut. Wayne Carleton Smith, Infantry, from March 1, 1931.
Second Lieut. Godwin Ordway, jr., Infantry, from March 1, 1931.
Second Lieut. Harry Jean Harper, Field Artillery, from March 1, 1931.
Second Lieut. Robert Pepper Clay, Field Artillery, from March 1, 1931.
Second Lieut. Edward Clement Mack, Infantry, from March 1, 1931.
Second Lieut. Ira Kenneth Evans, Infantry, from March 1, 1931.
Second Lieut. Earl Walter Barnes, Air Corps, from March 1, 1931.
Second Lieut. Samuel Adrian Dickson, Field Artillery, from March 1, 1931.
Second Lieut. Dwight Harvey, Infantry, from March 1, 1931.
Second Lieut. William Eldred Long, Infantry, from March 1, 1931.
Second Lieut. John Llewellyn Lewis, Field Artillery, from March 1, 1931.
Second Lieut. John William Davis, Coast Artillery Corps, from March 1, 1931.

MEDICAL CORPS

To be lieutenant colonels

Maj. Albert Patton Clark, Medical Corps, from February 27, 1931.
Maj. Harley James Hallett, Medical Corps, from March 2, 1931.

To be major

Capt. Carlton Culley Starkes, Medical Corps, from March 1, 1931.

To be captain

First Lieut. Stuart Absalom Cameron, Medical Corps, from March 1, 1931, subject to examination required by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 3 (legislative day of February 17), 1931

PROMOTIONS IN THE ARMY

To be colonels

Lieut. Col. John Christian Ohnstad, Coast Artillery Corps.
Lieut. Col. Grant Taylor Trent, Judge Advocate General's Department.
Lieut. Col. William Charles Weeks, Corps of Engineers.
Lieut. Col. Edmund Clarence Abbott, Judge Advocate General's Department.

To be lieutenant colonels

Maj. Barton Kyle Yount, Air Corps.
Maj. Denham Bohart Crafton, Infantry.
Maj. William Carroll Christy, Cavalry.
Maj. Sloan Doak, Cavalry.

To be majors

Capt. Theodore Porter Heap, Infantry.
Capt. Frank Lockhead, Infantry.
Capt. Dennis Coburn Pillsbury, Infantry.
Capt. Charles Anderson Wickliffe, Judge Advocate General's Department.
Capt. Ernest Clark, Air Corps.
Capt. Henry Dickson Bagnell, Infantry.

To be captains

First Lieut. Bayard Johnson, Air Corps.
First Lieut. Frank Martyn Paul, Air Corps.
First Lieut. Samuel Martin Connell, Air Corps.
First Lieut. Charles Burton DeShields, Air Corps.
First Lieut. John Edwin Upston, Air Corps.
First Lieut. Reuben Curtis Moffat, Air Corps.
First Lieut. William Henry Schnackenberg, Quartermaster Corps.
First Lieut. Russell Holland Greenslade, Air Corps.
First Lieut. Paul Langdon Williams, Air Corps.
First Lieut. Thomas Aloysius Hoy, Infantry.
First Lieut. Eugene Gordon Mathews, Quartermaster Corps.

To be first lieutenants

Second Lieut. Harry Clifton Larter, jr., Field Artillery.
Second Lieut. Wayne Carleton Smith, Infantry.
Second Lieut. Godwin Ordway, jr., Infantry.
Second Lieut. Harry Jean Harper, Field Artillery.
Second Lieut. Robert Pepper Clay, Field Artillery.
Second Lieut. Edward Clement Mack, Infantry.
Second Lieut. Ira Kenneth Evans, Infantry.
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Second Lieut. Dwight Harvey, Infantry.
Second Lieut. William Eldred Long, Infantry.
Second Lieut. John Llewellyn Lewis, Field Artillery.
Second Lieut. John William Davis, Coast Artillery Corps.

MEDICAL CORPS

To be lieutenant colonels

Maj. Albert Patton Clark, Medical Corps.
Maj. Harley James Hallett, Medical Corps.

To be major

Capt. Carlton Culley Starkes, Medical Corps.

To be captain

First Lieut. Stuart Absalom Cameron, Medical Corps.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 3, 1931

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Conscious of our inability to sustain ourselves because of care and temptation, O Thou, from whom are breathed the spirit of courage and endurance, have compassion upon us and bless us. May we have access to Thee as a comfort in all trials, as our illumination in all darkness, as a guidance in our perplexities, and as a stability when we are weak and unstable. Grant to every one of us that helpfulness which we need in the conflicts of our own souls and in the warfare of our own lives. May we strive to be first in wisdom and knowledge, and thus may we become the ministers and the servants of all. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to a bill of the following title:

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes; and

H. R. 16836. An act to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 6263. An act to amend public act No. 624, Seventy-first Congress; and

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1244. An act for the relief of Capt. Christian Damson;

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co.;

S. 4274. An act for the relief of Dr. Cooper Nicholson;

S. 5353. An act for the relief of Mrs. Herman M. Warr; and

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation.

THE TARIFF IN THE ELECTION OF 1930

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Tariff in the Election of 1930.

There was no objection.

Mr. TILSON. Mr. Speaker, during the early part of the session now closing I prepared these remarks, and intended to deliver them on the floor of the House at that time, but the time being limited owing to the amount of business to be transacted, I never felt justified in asking for sufficient time. I am, therefore, taking advantage of the general permission to extend remarks to say now what I had intended saying earlier, but which is just as true, even if not quite so timely as when first prepared.

No more accurate characterization of the results of the recent election has been suggested than that of Senator FESS, of Ohio, when he said that the outcome was a "crazy quilt." It presented the strange phenomenon of like causes under apparently similar conditions producing widely different effects in different localities, so that it is impossible to make any general explanation or establish any theory that will apply otherwise than in restricted areas. The only one factor that appeared anything like universally, was a certain uneasy, restive, uncomfortable feeling manifesting itself in a predisposition to accept the most illogical and oftentimes absurd arguments and to act upon them. In the earliest period of the human animal's existence when there is an uncomfortable feeling, something hurting without the child knowing what it is all about, he simply cries until the mother finds the cause and applies the remedy. When he grows up and has the same experience he votes the Democratic ticket. Sometimes he simply stays home on election day.

MANY REASONS GIVEN

Almost as many different reasons are given for the unusual number of Republican upsets throughout the country as there were individual losers. I say "Republican upsets" deliberately, because they were for the most part such, rather than in any real sense being Democratic victories. Nearly every Republican victim has a different theory in regard to what happened, and most of them have apparently valid support for their contention. It was the wet and dry issue here, the collapse of stock speculation there, unemployment in another place, business depression somewhere else, a weak, unpopular, or impossible candidate for governor or Senator dragging down the ticket in still another place, and so on through the whole range of reasons, excuses, and alibis.

The most surprising circumstances, however, in connection with the whole campaign was the disappearance of the tariff as an issue. When it came down to the final stage of the campaign the tariff question had practically disappeared from the picture. Neither in the last stages of the campaign nor in the post mortems that have followed has the tariff been referred to as cutting an important figure. I say "surprising" because everyone confidently expected that this would be the one issue most talked about in the campaign. In fact the most deliberate and well-matured plans had been laid to so use it.

SEIZE OPPORTUNITY

When President Hoover, early in his administration decided to call an extra session of Congress to revise the tariff, it was seized upon by the opposition as the issue certain to be paramount in the next election, and no effort was spared to prepare the country for a hostile reception of the tariff bill. Even before the Committee on Ways and Means reported the bill the embryo measure while still aborning was heralded to the world as positively the worst tariff that had ever been conceived. The vituperative abuse of the bill was kept up during its entire formative period. Even when its opponents had it entirely within their control the country was being educated to believe that the tariff bill, whatever form it might thereafter take, was utterly, totally bad.

Now that the election is over the truth may be told with some chance of receiving at least a hearing. The truth is that no tariff bill ever reported to Congress was ever more carefully or more scientifically considered and prepared than was the Hawley bill by the committee in charge of it, aided by a competent staff, each expert in his particular line. Utterly regardless of the contents of the bill, however, it was persistently portrayed throughout its consideration as an abomination and an outrage upon the people. Propagandists following this line were safe in making their attack, for from the very size and nature of the bill it was perfectly certain that not one person in every hundred thousand would ever read the bill, or attempt to inform himself in regard to it. So it came to pass that thousands of people who never read a line of the bill, and on a wager could not have cited a single rate of duty in it, were entirely convinced by the persistent hammering of the propagandists that the bill was utterly bad. In this way the ground was thoroughly prepared for making whatever bill might be enacted into law the chief reason for discrediting the party in power, and yet, strange to say, before election day arrived this carefully prepared and well groomed issue practically disappeared from the campaign.

UNCERTAINTY DETRIMENTAL

During the consideration of every tariff bill there is always a degree of uncertainty that is detrimental to legitimate business, so that if the best interests of legitimate business were to be considered every tariff bill ought to be passed in the quickest possible time consistent with proper consideration. With this view in mind the House passed the Hawley bill just five months after the hearings began before the Ways and Means Committee. Allowing an equal time for the Senate, and surely no more time was necessary for the most thorough consideration, the bill should have become a law before the end of October, 1929. Long before this date, however, it became apparent, as was often suggested in semijesting boast, that the bill would not be allowed to pass until so close to election that its actual effect in operation could not be demonstrated.

The tariff bill finally became a law in June, 1930, and now that it is too late to have an effect upon the election, there is a possible chance of at least a portion of the truth about the law being believed. The truth is now beginning to dawn when there is no object in further obscuring it. The tariff act of 1922 had been in successful operation for seven years and comparatively few changes in rates were asked for or needed. Never in the history of tariff revision did the new law so little change the rate structure of the law it replaced, as in the present instance. With the exception of the agriculture schedule, and there was special reason for this exception, the total number of increases in rates is remarkably

Capt. Frank Lockhead, Infantry.

requested, bills of the House of the following titles:

small, the total amount of the increases likewise small, and the average increase extremely small, at least two of the schedules showing a net decrease.

RIGOROUS REQUIREMENTS

The most rigorous requirements were enforced in making up the bill to the effect that before any increase in industrial rates was granted a valid case should be made showing increased importations, indicating an increased capture of the domestic market by foreign goods, and a corresponding slackening in the domestic industry concerned, including increasing unemployment. The result of this policy was that increases in rates were not made except upon a showing justifying the increase upon a generally accepted protective policy. The result is a law founded upon protective principles in substantial accord with the law of 1922, so that for any one believing in or accepting the protective policy at all, there is neither reason nor justifiable excuse for condemnation of the new law. The fact is, and I challenge successful contradiction of the statement, the new tariff law in its rate structure is the most nearly scientific tariff law ever enacted.

Having not had time to fully demonstrate its effects in operation before the election, it was not possible for the Republicans to get the benefit that should have come to the party in power for the enactment of an excellent tariff law. On the other hand there was sufficient time to demonstrate the fallacy of some of the arguments that had been advanced by the opposition and others that were ready for use in the campaign, but failed to be useful because meanwhile they had been disproved by inexorable facts.

STOCK ARGUMENT

The stock in trade argument generally used by those who oppose the protective tariff policy entirely is that it increases the cost of living to such an extent that even those who may possibly receive higher wages by reason of protection are no better off in the end. The preparation of this argument in readiness for the campaign had proceeded to the stage of fixing with considerable exactness the amount which the new tariff law would cost the American consumer. It was just a billion dollars. All the Democratic authorities and advance spellbinders were in perfect agreement on the figures—in fact, all spoke with a single voice.

LAW OF SUPPLY AND DEMAND

A number of supposedly strong points had been selected by the critics of the tariff bill from which to roll up the alleged billion dollars. High up on the list of strategic points was the duty on sugar. The duty on sugar had been increased by twenty-four hundredths of a cent a pound. It was confidently expected that this increase would be used to demonstrate that the cost of the sugar on the poor man's breakfast table had been increased by this imposition. If for some real reason the price of sugar had advanced to a substantial extent the hills would still be resounding with echoes of the campaign speeches denouncing this outrage. Unfortunately, the law of supply and demand, which no Congress has yet been able to repeal, stepped in and destroyed this well prepared argument. Our Democratic opponents were like Don Barclay in his rôle of comedian when asked: "Have you never heard of the law of gravitation," the comedian answers: "Yes, but it can never be enforced." Unfortunately for our Democratic friends the enforcement of the law of supply and demand would not be denied, and so with the increasing depression came lower prices instead of higher, and never had the American housewife bought her sugar during the canning season so cheaply as during the recent campaign, which happened to be the first four months after the new tariff law went into effect. Hence, exit sugar issue!

DEMOCRATS DISAPPOINTED

The duty on hides, leather, and shoes also turned out to be a disappointment to Democrats. On account of the duty on hides a compensatory duty was laid upon leather and shoes. It was, therefore, expected by opponents of the tariff bill that great political capital could be made of the unfortunate situation of the people having to pay higher prices for shoes, especially in a period of depression. Competition as usual took care of this situation. Shoes sold lower than before the law passed, and so the shoe tariff argument disappeared.

It was so in the case of wool. On account of a slight increase in the duty on raw wool the rate on blankets was correspondingly increased, and so it was confidently expected to base one of the most effective arguments of the campaign upon the already prepared picture of the distress growing out of the poor being compelled to pay higher prices for their blankets, or suffer during the coming winter. But the price of blankets did not go up. In fact, it went down slightly, due, of course, to causes other than the tariff.

And so with a number of other articles to the great regret, I might even say chagrin, of our Democratic opponents. In fact, perfectly reliable statistics show that the actual cost of living has gone down to such an extent since the new tariff law went into effect that if applied to our total purchases for a year there would be a reduction of two billion instead of an increase of one billion in the cost of living. Of course, such use of statistics so far as the tariff law is concerned would be equally absurd as the Democratic claim that the new tariff law would add a billion dollars to the cost of living.

JUST CLAIM OF PROTECTION

Republicans who favor the policy of protection to American labor and industry have not claimed that tariff duties will lower the cost of living, though numerous instances may be cited where the ultimate effect in the long run is to do so. Neither do they deny that in some instances under certain circumstances the immediate effect is to increase the cost of living at least temporarily. They do claim, however, that the effect one way or the other of tariff duties upon the cost of living has been grossly and grotesquely exaggerated. Such effect as they may have is a matter of secondary, relatively trival, importance as compared with the effect upon industry, upon the wages of labor, upon business in general, and upon standards of living.

During the discussion of the tariff in Congress a year ago, a well-organized and substantial group of labor leaders for the first time in history took an active part in helping to shape the new law. It is to be hoped that this marks the beginning of a change in sentiment among so-called organized labor groups, many of the members of which it seems to me, have in the past been deceived and misled. Much of the opposition to protection has come from those who were deceived by charges that in some insidious way it was an instrument of "the interests," that "it protects profits and not wages," and that those who supported it were tools of "big business."

OPPOSE TARIFF WALL

Those who made these charges in the past now find themselves in an embarrassing position because most of the so-called big interests are now their allies in fighting the protective policy tooth and nail. With 18 billions of American dollars invested abroad, the big banker and financier is often found in favor of tearing down the tariff wall so that the industries abroad in which he is financially interested can bring into this country and sell here the goods made by them with foreign labor. Some of the great automobile manufacturers, of course, oppose protection because in recent years they have built branch plants or established subsidiary factories in foreign countries in order to have the advantage of cheaper labor costs.

With the "big interests" leaning toward free trade, many large manufacturers lukewarm on the subject, and a considerable portion of the working population of the country too blind to see the benefits of protection, it behooves those who are awake to the situation to be on their guard and ready to do battle for this vital national policy which has meant so much in the building of our industrial greatness. Personally I welcome such a battle, and, therefore, regretted the Democratic strategy that in the recent elections dictated withdrawal to another front when the tariff fight became

hot, thus causing the rather surprising collapse of the very carefully prepared tariff campaign issue.

INCREASE COSTS?

The experience of the last six months thoroughly demonstrated the complete fallacy of the old Democratic argument that an increase in duties always increases cost of living. The demonstration will serve a doubly useful purpose if it also teaches tariff fanatics or ultraenthusiasts that proper tariffs alone will not bring or maintain prosperity. What has been proved is that throughout our tariff history the failure to properly protect American labor and industry, or the withdrawal of protection that has been wisely granted is sure to cause industrial depression and disaster; while the granting or maintenance of proper rates of duty help in greater or less degree to establish or maintain existing prosperity. No sensible person ever claimed that in spite of world conditions the laying of an additional tariff duty would prevent economic depression or restore domestic prosperity. Least of all did any one claim that the very slight and limited increases made in the recent tariff law would stop the decline of world markets, and restore world prosperity. In individual cases where proper increases in rates were made in the new law, material gains in the particular industries have already resulted, where a failure to give proper protection would have meant continued stagnation and a decrease in the protection would have meant certain ruin.

Eight months after the going into effect of a tariff law that through systematic propaganda was more universally condemned during the making than any other law in our history, one would expect to have heard of some of the evil results flowing from its operation, and yet no instances are being brought to public attention. In fact, thus far no other tariff law in our history has worked more satisfactorily or produced less of disturbance. There is now every indication that the tariff law of 1930 will not only prove satisfactory in its operation but with its workable flexible provision to take care in large measure of changes made necessary by changing conditions, will prove to be the best and the most enduring tariff act of all time.

PROVED AN ASSURDITY

It has been demonstrated over and over again, and never more clearly than within the last eight months, that a protective tariff does not of itself increase the cost of living and that it is the height of absurdity to figure an increase of living costs by adding the tariff duty to the price of the article.

The failure of the tariff to become a real issue in the campaign was not the result of any oversight or mistake on the part of the leaders of the Democratic Party. After spending more than a year in preparing for a political battle with this as the principal issue, the Democrats found that their carefully prepared arguments had already been answered by the course of events in the few months since the enactment of the new tariff law. It could not be claimed that the new tariff duties had caused an increase in the cost of living when it was apparent to even the most unintelligent that living costs had substantially decreased, while wages were at approximately the same rates as before the beginning of the economic depression.

This condition is well set forth in the following extract from the American Labor Banner of December 13, 1930:

"Industrial workers who have not been thrown out of employment by depression now command the highest 'real wages' ever known in the United States.

REAL WAGES COUNT

"'Real wages,' not money wages, determine the financial condition of workers, it is claimed. When the number of dollars in the pay envelope is increased, there is no gain to the worker if prices of necessities also soar. The pay envelope contains money wages. But if the cost of living declines when money wages rise, then 'real wages' also advance. Since 1921, money wages have increased and the trend of living costs has been downward. Real wages thus have been gaining for nine years. The trend of money wages and of living costs is shown in the following table:

Year	Gain in money wages or workers' earnings since 1921	Decrease from 1921 level of cost of living
1930	12%	8%
1929	12%	6%
1928	11%	6%
1927	10%	4%
1926	9%	3%
1925	8%	4%
1924	7%	6%
1923	6%	6%
1922	3%	8%
1921	0%	0%

The gain in real wages in the last 12 months accounts in part for the fact that bank savings deposits this summer rose to the highest total in history. Workers still employed are in a position to buy more and save more than a year ago without reducing their living standards, if they choose. This partly offsets the lack of buying power on the part of 3,500,000 persons who are without employment. It also tends to modify the depression for the country as a whole.

The Republican tariff policy came through the election campaign unscathed. With its aid it has been possible to maintain high wages in a period of great distress and unemployment, and nothing has occurred and no argument has been advanced which weakens the claim that it is one of the main props of our high American living standards.

NOT PROSPERITY CAUSE BUT AID

It should never be claimed that protective tariff duties of themselves produce prosperity or high wages or high living standards. No law can produce such an effect. No intelligent protectionist has ever made so broad a claim. It can and does, however, prevent importations from interfering with the purely domestic forces and conditions that visibly produce prosperity, high wages, and high living standards. That this is true has perhaps been better demonstrated in the recent period of "hard times" than in periods of greater prosperity.

For a period the factors ordinarily producing prosperity in this country have been neutralized, or at least have been counteracted by overproduction in certain lines. The same thing has happened many times before in our national history, in fact, on an average of about once in 11 years, sometimes precipitated or accentuated by changes or threatened changes in the tariff policy. According to some authorities financial and business depressions of varying intensity have occurred in this country in 1815, 1820, 1839, 1848, 1857, 1863, 1873, 1884, 1890, 1907, 1914 (before the war began in Europe), and 1920, in addition to the present one, a total of 13 in the 142 years of our history, an average of 1 about every 11 years.

OTHER NATIONS

The experience of practically every other commercial nation of the world has been the same. Tariff protection does not and can not stop the recurrence of these periods of depression. If there is a preventive for them it has not been discovered, and surely it is not claimed that protection is a preventive or a cure. What protection does, however, is to help soften the blow when there is economic depression and to aid other factors in raising prosperity to a higher degree, when we have it. It also serves to better diffuse the benefits of prosperity in the form of high wages and high living standards, and in this it performs an all-important service to the Nation.

I sometimes wonder how it is possible for members of trade-unions to vote for candidates or for a party which opposes the protective tariff policy. The effect of protective duties is to make of the people of the United States one big "union," the members of which are to the extent of the tariff duties prevented by law from buying goods made under other than our own standard of wages. Perhaps the comparison is a little far-fetched, but it seems to me analogous to the practice so strongly urged upon trade-unions by their leaders of buying only union made goods. If organized labor believes that it can help to maintain its wage standards by having its members buy only union made goods, how can they fail to agree that all our people will aid in maintaining our national wage and living standards by buying only

American made goods? And in case foreign made goods are desired at whatever cost, why should American labor object to have such goods pay a duty in order to come into American markets?

ORDER OF BUSINESS

Mr. RANKIN. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Whether or not we are going to have any more time on the Private Calendar to consider bills passed by the Senate and reported by House committee. There are only a few more such bills on the calendar, and a great many of us are very anxious to get those bills disposed of. I am wondering whether it would not be possible for us to have an hour to-day or to have a night session for that purpose.

The SPEAKER. As the Chair understands the situation, he does not feel that he would be justified in recognizing Members to ask unanimous consent to consider bills on the Private Calendar. The Chair will recognize for the moment only those who desire to correct the RECORD or to extend their remarks in the RECORD.

RAILWAYS AND WATERWAYS

Mr. WILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement on Railways and Waterways, by L. A. Thompson, secretary National Rivers and Harbors Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article:

RAILWAYS AND WATERWAYS

Not since the Liberty loan campaigns, during the World War, has there been seen such a volume of propaganda as is now being sent out by the railways of the United States in opposition to all competing methods of transportation, especially to waterways and highways. In the interest of brevity this discussion will be confined mainly to waterways.

The purpose of this propaganda, of course, is to develop a militant public opinion adverse to waterways, but the arguments used are varied with the portion of the public that is addressed. To owners of railway stocks and bonds, to makers of and dealers in railway material and supplies, and to the hundreds of thousands of railway employees, it is said that waterways are taking increasing amounts of business away from the railways, which are already in a serious condition, and that thereby the investments of the first, the trade of the second, and the wages and the jobs of the third are endangered, and may be entirely destroyed if the proposed extensive development of waterways shall be carried out.

To the public at large it is said that the use of inland waterways is uneconomic and that expenditures thereon are wasteful and extravagant, because, when everything is taken into consideration, the actual cost of transportation by water is always much higher than it is by rail.

ALLEGED EFFECT OF WATERWAYS

In this propaganda it is not only assumed, as if it were a self-evident and unqualified fact, but it is asserted over and over again that the sole and invariable effect of waterways is to take business away from railways. An article entitled "Our Railroads in the Next 10 Years," written by Claude R. Porter, member of the Interstate Commerce Commission, appeared in the January number of Nation's Business, the official publication of the United States Chamber of Commerce. Under the illustration at the head of this article is the following caption: "The inland waterways each year are carrying more freight, and every ton that moves by water is a ton that does not move by rail."

That caption is phrased with masterly adroitness. The statement it makes is absolutely true, but the idea it conveys to the reader is that every ton that moves by water is a ton that could and should have moved by rail, and would have done so if the wicked waterway had not stolen it away—and that is very far from true.

Incidentally, this illustration does not show a towboat with a bunch of river barges but a lake steamship. Since they carry more traffic than all the other inland waterways put together, it must be that the Great Lakes are chiefly responsible for the perilous plight in which the railways find themselves.

As to this, Commissioner Porter says: "What is to happen to the railroads in the next 10 years? I do not know. Nobody knows. Anything may happen. * * * I can conceive as possible—though, I hope, highly improbable—that the roads may be run threadbare and ragged. * * * *We may be forced to get along without them.*" (Italics mine.)

A RAILWAY PRESIDENT'S VIEW

In 1928 Donald T. Wright, editor of the Waterways Journal, wrote to President Atterbury, of the Pennsylvania Railroad Co., requesting a statement of his views concerning the development of navigation on the Allegheny River. In his reply Mr. Atterbury stated that while the Pennsylvania Railroad would not "stand in the way of progress in the development of every necessary and desirable means of transportation," there were "certain considerations which the railroad must take into account. The Pennsylvania Railroad borders the Allegheny River with a double-track railroad on each side for the first 30 miles above Pittsburgh, and then on through to Oil City and Olean. It serves the public efficiently, and yet it has made no money on most of this improved mileage. Now, then, it is urged that if the Government puts up the money and improves the river, and probably, as in other cases, permits the boatmen to charge a lesser rate than the parallel railroads, the large industries would then avail themselves of this facility and get their raw materials in and ship part of their product out by river. In ice and flood seasons, however, the railroads would be expected to serve instead of the waterways."

Apparently, the distinguished president of the Pennsylvania believes that the only effect of the improvement would be to take away the traffic whenever the river was open, leaving his road to do the job whenever the river was closed. The Pennsylvania also has tracks along another river not far from the Allegheny. General Atterbury will make a distinct and valuable contribution to transportation literature if he will prepare and publish an article to prove that the only effect of improving the Monongahela River has been to take business away from the railroads which run along its banks.

A STEEL MAKER'S VIEW

Once when one of the old dams on the Monongahela was seriously in need of repairs the late William Whigham, vice president and general manager of the Carnegie Steel Co., said to me: "I can't sleep nights thinking of conditions up the river. If No. 6 goes out, two-thirds of all the iron and steel production in the Pittsburgh district will have to stop until it is repaired."

Mr. Whigham knew, as is known by everyone familiar with the facts, that the Pittsburgh district would not and could not have become "the greatest tonnage-producing region in the world" without the use of the Monongahela River for the carriage of coal and of the Great Lakes for the transportation of iron ore.

WHAT ONE WATERWAY DID

A striking illustration of the real effect of waterways is given in the reports of Frank H. Mason, former United States consul general at Frankfort, Germany, on the improvement of the River Main. The Main, in its natural condition, was of but little account for navigation, so Frankfort, which at one time had been the principal trade center of western Germany, found itself falling behind Mayence and Mannheim, its rivals on the Rhine, after the latter stream was deepened.

Through the slow movement of the centuries, Frankfort, which is said to have been founded by the Romans in 150 A. D., grew until in 1881 it had attained a population of about 140,000. A little later something happened to change the rate of growth, for in the 20 years following 1886 Frankfort grew more in industry, in commerce, in population, and in wealth than it had grown in all the previous 1,700 years. In October of that year the first improvement of the Main was completed and the 25 miles from the Rhine to Frankfort was given a dependable channel 8 feet 3 inches deep.

Frankfort's first harbor, which was finished at the same time as the river channel, cost about $1,750,000 of our money, and something of the effect of the improved river on the city's growth is shown by the fact that, when the World War broke out, Frankfort was at work on a new and greater harbor, the estimated cost of which was $17,600,000.

Frankfort was plentifully supplied with railroads, including one on each bank of the Main from Frankfort to the Rhine. If the "only effect of waterways is to take business away from railways," the railways serving Frankfort should have been badly hurt, for traffic on the river, which amounted to only 156,000 tons in 1886, increased to 1,273,000 tons in 1902 and to 2,210,000 tons in 1905.

What happened, however, was exactly the reverse. Traffic by rail, which was 932,000 tons in 1886, was more than twice as much in 1902 (1,909,000 tons), more than three times as much in 1910 (2,770,000 tons), and almost four times as much in the last year before the World War as it was when the railroads practically had a monopoly of the trade. As one result, the Prussian-Hessian Railway system was compelled to spend $11,000,000 for new terminal facilities in Frankfort in order to take care of this new business.

The one and only change in conditions that was made was the canalization of the Main. How, then, is there any escape from the conclusion that it was the improved river, and that alone, which so greatly increased the growth of the city and the traffic of its railways? A short study of the following table will show that the same force which was at work in Frankfort has also been at work in wider fields and with similar results.

Some very suggestive figures

UNITED STATES CITIES OF 100,000 OR OVER

	Inland cities (25)	Waterway cities (68)
Population, census of 1930	4,571,808	$1,821,842
Factory workers, 1925 [1]	397,078	2,975,217
Wages paid, 1925 [1]	$568,551,818	$4,192,377,740
Value of products, 1925 [1]	$3,045,067,060	$25,264,471,021
Assessed valuation, 1925 [1]	$5,141,119,338	$46,009,082,957

[1] In cities of 100,000 or over by the census of 1920.

Some very suggestive figures—Continued

UNITED STATES CITIES OF 25,000 OR OVER (CENSUS ESTIMATE, 1927)

	Inland cities (136)	Waterway cities (166)
Expenditures for buildings	$644,663,771	$2,949,175,634

FOREIGN CITIES OF 100,000 OR OVER

Great Britain (population, 1921):	
Inland cities (8)	1,216,972
Waterway cities (44)	19,114,364
Germany (population, 1925):	
Inland cities (13)	3,425,427
Waterway cities (33)	15,329,330

FOREIGN CITIES OF 50,000 OR OVER

France (population, 1926):	
Inland cities (6)	615,670
Waterway cities (44)	8,041,940
Holland and Belgium (population, 1926):	
Inland cities (2)	137,271
Waterway cities (19)	4,036,576

SWITZERLAND

Basel, in 1920, had a population of 135,134, while Geneva had 138,034 and urich 205,892. Yet, in 1927, no other Swiss city handled as much as 1,000,000 tons of railway freight, while Basel's traffic was 10,276,719 (metric) tons. The Swiss lakes do not count, since they have no navigable outlets, so Basel, oddly enough, is the only city in Switzerland that is located on a navigable waterway.

WHERE DO RAILWAYS GET THE MORE TRAFFIC?

As appears from this table, in 1930 the United States had 93 cities with a population of 100,000 or over. Of these, 25, with a combined population of less than 5,000,000, were inland, while 68, with a total population of nearly 32,000,000, were located on waterways. It also appears that in 1925 the number of workers in factories, amount of wages paid, value of products, and assessed valuation were from seven to nine times as much in the waterway cities as in those inland. In 1927 nearly $3,000,000,000 was spent in 166 waterway cities on the construction and repair of buildings, as compared to less than $645,000,000 for the same purpose in the 136 similar cities which were not on navigable water.

It is very doubtful if even the gentleman who recently called himself "the most hardened of railroad propagandists" would undertake to deny that the waterway cities of the United States give to the railways a vastly greater volume of traffic than the inland cities do.

Certain spokesmen for the railways are fond of saying that results in Europe afford no criterion for us to follow, because "conditions are entirely different." There is one respect, however, in which conditions are alike not only in Europe but throughout the world, that is, all the great cities are on waterways.

Railways have been in existence for a hundred years. In that time the mileage has grown from nothing at all to the colossal total of more than 665,000 miles, but railways, without the help of waterways, have produced only one city with as many as 500,000 inhabitants, and that city, Munich, is making a determined effort to secure connection with the German canal system. For myself I shall never believe that a London or a Hamburg, a Berlin or a Paris, a New York or a Chicago, a Pittsburgh or a St. Louis can be created anywhere except on navigable water, until it has been done.

EFFECT ON GERMAN RAILWAYS

That the increase in railway traffic following the improvement of the Main was not an isolated and exceptional case is shown by this further statement from Consul General Mason:

"If further testimony on this general topic were needed, it would be found in the steady, growing prosperity of the railways of Prussia, which from their location are brought into most direct competition with the principal waterways. During the fiscal year 1896–97 the Prussian railroads earned $247,381,970, and the budget estimate, always conservative, for the current year is $264,000,000 from the same source. This is considerably more than half the entire income of the Prussian Government, and after deducting all expenses of operation, construction, repairs, new equipment, interest on bonds, etc., leaves a net revenue of $52,122,000 to be turned into the treasury of the State.

"*That a portion of this surplus should be devoted each year to improving and extending the canal and navigable river system is in furtherance of a policy the wisdom of which time and experience have fully confirmed.*" (Italics mine.)

That year, 1896–97, might have been an exceptional one, but it wasn't. Between 1885 and 1907 the railways owned by the States of the German Empire made the following record: The mileage was doubled, the equipment much more than doubled, and the efficiency of the system increased more than threefold; both passenger and freight rates were reduced, but profits on the capital invested increased from 4.9 to 7.52 per cent, while the net income per mile of line operated was $5,050 in 1907 as against $1,976 on American roads. The total profits were much more than enough to pay the railway debt in full with interest and leave the entire system with its equipment as a net asset in the hands of the German States.

All the great industrial nations of the Old World kept busy building canals and improving rivers before the war, and are even more busy at the same tasks now. France and Germany did not even stop while the war was going on. On the other hand, railway interests in this country have been consistently, persistently, and insistently hostile to the improvement of waterways and their use for transportation. In view of the facts given above I find it not merely difficult but impossible to believe that all the wisdom of the ages is embodied in the railway men of the United States and that the statesmen of Europe are either "psychopathic enthusiasts," "fanatics who disregard economic considerations," or "benighted advocates who desire to restore transportation to what it was in the Middle Ages."

The truth is that waterways develop industries and industries provide a large and profitable traffic for railways. The Association of American Railway Executives, the National Association of Owners of Railroad Securities, and the Brotherhood of Railroad Trainmen ought to carefully ponder the case of Samson—who also was blind. The Good Book tells us that he pulled down the temple and so destroyed his enemies, but when the crash was over Samson was just as completely dead as they were.

A CHANGE OF TACTICS

For many years the open opposition to waterways consisted chiefly in raising the cry of "pork barrel!" every time a rivers and harbors bill was considered by Congress. This epithet implied that the money spent on rivers and harbors was a pure steal from the Treasury to promote the political fortunes of Congressmen, because the waterways would not be used if built. That this method of attack was not particularly effective will appear from the following table, which shows the increasing amounts appropriated for river and harbor work:

Appropriations, by decades, for construction and maintenance of rivers and harbors

Decade:	Amount
To 1815	$55,448.71
1816–1825	597,651.56
1826–1835	6,715,297.33
1836–1845	5,760,069.76
1846–1855	2,579,420.26
1856–1865	1,492,087.89
1866–1875	47,241,499.83
1876–1885	75,885,129.68
1886–1895	133,462,185.94
1896–1905	192,914,691.93
1906–1915	336,069,240.34
1916–1925	370,093,208.81
1926–1930	282,560,975.05
Total	1,455,426,907.09

Once it was claimed that the waterways would not be used; now it is asserted that they are taking away so much traffic that the greatest and finest railway system in the world is in imminent danger of dire disaster, if not of entire destruction. As Commissioner Porter says: "We may be forced to get along without them."

There is no doubt that the railroads are in difficulties; but they are not alone in that. The business depression is world-wide, and practically every interest under the sun, whether it be great or small, is suffering from its effects. It would require a mountainous mass of evidence, however, to prove that American waterways are responsible for all this depression—from China to Chile and from Connecticut to Czechoslovakia.

The railroads have mostly dropped the cry of "pork barrel" and are pleading their cause at the bar of public opinion. So far, however, while pouring out a perfect flood of unsupported assertions, they have not presented a single scrap of evidence to show whether, and if so, where and when and how, and just how much they have been harmed by waterways.

One thing may be set down as sure, that great jury—the American people—will insist on having all the facts before making up its verdict. Judgment will not be rendered on isolated instances and temporary effects. What will be required is a complete and detailed statement showing for a series of years, which should be 10 or more, the exact amount of each kind and class of freight delivered to and shipped from each and every station located on an inland waterway, with the revenue derived therefrom.

The Association of Railway Executives has announced its intention of asking Congress for some important legislation on this subject at its next session. It will save a lot of valuable time if this statement is made ready for presentation at the time the appeal is first made.

NOT A NEW CONDITION

It is no new thing for the railroads to be in difficulties; in fact, it is not easy to recall a time when no complaints were heard and no prophecies of disaster made. Many of these prophecies were fulfilled, too. A table published in the Railway Age—annual statistical number, January, 1931, page 74—shows that, in every year from 1876 to 1930, inclusive, railroads were placed in receivership and were sold under foreclosure. In all, 1,168 roads, with 177,734 miles of track and $10,752,757,044 of bonds and stocks, went under the hammer. We had some bad times during those 55 years; we had plenty of good times, too; but there never was a boom big enough or long enough to interrupt the continuous procession of railroads into the bankruptcy courts.

During much of this time responsibility for railway bankruptcies could not be charged to waterways, because transporta-

tion on inland waterways, except on the Great Lakes, had been almost completely crushed out of existence by the railways. Nor could it then be charged to automobiles, airplanes, or pipe lines, since these had not yet been developed. Evidently some other cause was at work then, and it is highly probable that the competition of other forms of transportation is not wholly to blame now.

NOT PROPERLY THOUGHT OUT

Undeniably railway passenger traffic has been hard hit by the automobile, but freight traffic and freight revenue, in the five years ending with 1929, have been the largest in history, running 10 to 12 per cent above the level indicated in the pre-war trend. Nevertheless, complaint is made because the per cent of increase is smaller than before. Commissioner Porter's article quotes President Cassatt, of the Pennsylvania system, as saying, 20 years ago: "We can bear whatever happens to us to-day—legislation, floods, bad crops, panics—because we know that the railroad business in this country doubles every 10 years." Commissioner Porter then adds: "It is not doubling any more."

President Cassatt's statement was a generalization which was not strictly accurate when made, but if either he or Commissioner Porter had thought the thing out or had done a little figuring-they would quickly have seen that doubling of traffic every 10 years could not continue indefinitely.

The railroads handled a little over 1,000,000,000 tons in 1900. Using the round numbers for convenience, let us do a little doubling and see what we get:

1900	1,000,000,000
1910	2,000,000,000
1920	4,000,000,000
1930	8,000,000,000
1950	32,000,000,000
2000	1,024,000,000,000

"Geometrical progression" gives a surprise to everyone the first time he meets up with it.

TON-MILEAGE, CIRCUITY, ETC.

A large part of the propaganda now being put out by or on behalf of the railroads is devoted to an effort to convince the taxpaying public that the supposed economy of water transportation is all a delusion; that great quantities of "concealed costs" lie darkly hid beneath the published rates; and that, when these are dragged out into the light, the "total cost of transportation" on inland waterways is, always and everywhere, greater than the rates charged for the carriage of goods by rail.

The Bureau of Railway Economics—which announces that it was established by railways of the United States for the scientific study of transportation problems—has recently published An Economic Survey of Inland Water Transportation in the United States. This volume of 328 pages contains so large an amount of historical, geographical, and statistical material as to impress a reader with the amount of research involved in its preparation and to make him the more ready, therefore, to accept the conclusions stated by its unnamed author. These, it is hardly necessary to state, are invariably and unreservedly favorable to railways and adverse to waterways. Only two or three of these conclusions can be mentioned here.

"In comparing river and rail transportation costs," it is said, "one factor for which allowance must be made is the greater circuity of river routes. * * * River haulage is more circuitous than rail haulage and costs per ton-mile by river and rail can not, therefore, be compared without making allowance for the longer water haul."

The average shipper knows little and cares less about "ton-miles." He is interested only in rates for sending his goods to their destination. Rates are quoted in dollars and cents, and these rates can be compared without reference to circuity. "Ton-mileage" and "percentage of circuity" help, however, to get the reader so tangled up that he can not detect the sophistry of the railway argument.

In a "table of relative distances" it is stated that the distance from Pittsburgh to Cairo is 979 miles by river and 648 miles by rail, an excess of river distance of 51.1 per cent. According to the Official Railway Guide this distance is 668 miles instead of 648; but let that pass. This short line is made up by using the Pennsylvania to Cincinnati, the Baltimore & Ohio to Vincennes, and the Cleveland, Cincinnati, Chicago & St. Louis to Cairo, and except for the little city of Steubenville, the only place between Pittsburgh and Cairo where it touches or comes anywhere near the Ohio River is Cincinnati.

If that were the only rail line available, or if Pittsburgh, Cincinnati, and Cairo were the only points where there is competition between rail and river transportation, that comparison would be fair; but, as a matter of fact, it is grossly unfair and misleading. Why, when considering competition between rail and river, should we take a composite rail route which scarcely touches the river at all and entirely ignore another composite rail route which runs close beside it nearly all the way?

Through traffic on the Ohio River is growing, but as yet is small compared with traffic hauled short distances, and the rail route which simply cuts across lots and touches only three cities can not properly be said to be in competition with the river. Here are a rail route and a river route which do compete directly. The distance from Pittsburgh to Cincinnati by river is less than 4 miles longer than by rail, and the distance from Pittsburgh to Cairo is only 56.5 miles greater, and that is an excess not of 51.1 per cent but of only 6.1 per cent.

Distances by rail and river

	Miles by rail	Miles by river
Penn. R. R., Pittsburgh to Bridgeport-Wheeling	90.7	90.3
B. & O. R. R., Wheeling to Kenova	222.8	225.4
C. & O. R. R., Kenova to Cincinnati	153.0	154.5
L. & N. R. R., Cincinnati to Louisville	114.0	133.7
L. & N. R. R., Louisville to Evansville	155.0	188.4
Illinois Central, Evansville to Cairo	187.3	187.0
Total	922.8	979.3

OHIO RIVER COSTS

Under this heading it is stated that the "Ohio section," which consists of the Ohio River and its tributaries, had cost the Federal Government to June 30, 1929, an aggregate of $250,130,031, of which amount $178,000,000 represents capital construction costs or "cost of new work." Four per cent interest on this amounts to $7,120,000. On the Ohio section 2,702,416,316 ton-miles of traffic were reported for 1928. Maintenance costs for the fiscal year 1929 were $4,340,000. Cost of conveyance was estimated at 4 mills per ton-mile. From these figures the Bureau of Railway Economics derives the following table:

Ohio River, 1928

	Mills
Annual capital cost per ton-mile (interest)	2.63
Maintenance per ton-mile	1.61
Freight-carrying cost per ton-mile	4.00
	8.24
Allowance of 50 per cent for circuity	4.12
Total	12.36

It has been shown, however, that the true measure of circuity is only 6.1 per cent, so the amount to be added is not 4.12 mills, but only 0.5 mill, making a total of 8.74 instead of 12.36 mills.

One further unfair comparison must be pointed out:

"Seven railway companies operate lines more or less parallel with the Ohio River section. The average receipt per ton-mile of these seven railways, individually and collectively, was as follows in 1928:

Receipts per ton-mile, 1928

Road:	Mills
Baltimore & Ohio	9.74
Chesapeake & Ohio	6.20
Louisville & Nashville	8.51
Monongahela	11.35
Norfolk & Western	6.49
Pennsylvania	10.16
Pittsburgh & Lake Erie	11.47
Weighted average, 7 lines	8.83

"Thus the average receipt per ton-mile of the seven railways in 1928 was 8.83 mills per ton-mile, compared with an estimated average of not less than 12.36 mills for equivalent transportation costs on the Ohio River section."

Since the Ohio and all its tributaries are included by the bureau in figuring construction costs, ton-mileage, etc., why should only seven of the competing railroads be selected and the other four left out? The Cleveland, Cincinnati, Chicago & St. Louis—which is part of the short-line route from Pittsburgh to Cairo—the Illinois Central, the Southern, and the Tennessee Central parallel portions of the Ohio section for considerably longer distances than the Pittsburgh & Lake Erie or the Monongahela Railroad, which are included. Average receipts per ton-mile on these roads were as follows:

	Mills
Cleveland, Cincinnati, Chicago & St. Louis	8.32
Illinois Central	8.56
Southern	12.91
Tennessee Central	13.27
Weighted average	10.76

The average receipts for all the 11 roads was, therefore, 9.72 instead of 8.83 mills per ton-mile, and the river rate, instead of being 3.53 mills per ton-mile greater than the average rate on the competing railroads, is 0.98 mill less.

POLITICAL VERSUS ECONOMIC

To the question, "What are the economic criteria by which inland-waterway development as a whole, or any particular scheme of waterways, should be measured?" the bureau's book gives this rather oracular answer: "Development of inland waterways is a problem in transportation; transportation is fundamental to the economic life of any country; all transportation questions should be approached as economic problems, not as political matters. The criteria to be applied should therefore be economic in nature."

The bureau makes a distinction between things "economic" and things "political" which is not warranted by the standard dictionaries. What is meant, apparently, is that the Government is justified in improving waterways only when it expects to receive in return a direct profit in dollars and cents.

That is true only from the railroad point of view. In giving great land grants to railroads in former days, just as in improving

[1] In cities of 100,000 or over by the census of 1920.

waterways now, the Government is seeking not dividends but development. That the desired development has resulted from the expenditures made upon our waterways is proven by the scores of great and growing cities which stand along their banks. Incidentally, every one should keep clearly in mind that the Nation is sovereign and the public interest is supreme.

THE MONONGAHELA RIVER

Much is said about waterways that do not pay, the New York Barge Canal being held up as a particularly horrible example. No mention is made, however, of the fact that nearly 10,000 miles of railway have been abandoned in recent years, half of which have been torn up and sold for junk. It seems worth while to call attention to a waterway which has been and is a great success. Mention has already been made of the Monongahela River and the important part it has played in the development of the Pittsburgh district.

The Board of Engineers for Rivers and Harbors was given confidential information by the great steel companies of Pittsburgh as to the difference between the cost of transporting coal on the river and the price charged by rail, and has calculated the saving which has thus accrued since the Government took charge of the river in 1897. Without going into detailed figures, this saving has been enough to pay back the total expenditures which have been made by the Government upon the river for construction, for interest on the construction cost, the cost of maintenance and operation, and enough more to equal the entire cost of improving the Ohio River for the 979 miles between Pittsburgh and Cairo.

DEATH OF GEN. CLARENCE R. EDWARDS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a short editorial upon the late Maj. Gen. Clarence R. Edwards from the Disabled American Veterans Monthly. It is about 20 lines long and is by Thomas Kirby, of the Disabled American Veterans Monthly.

The SPEAKER. Is there objection?

There was no objection.

Mr. CONNERY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

CLARENCE R. EDWARDS

Burial at Arlington of Maj. Gen. Clarence R. Edwards marked the passing of one of America's most prominent divisional leaders of the World War. Memory of those associated with him in 1917 and 1918 will long endure.

His services in the Spanish War and in the Philippines were relatively insignificant, compared with his later work as a military leader in the World War. Immediately after the declaration of war, General Edwards mobilized all militia units in New England and, as the Twenty-sixth Division, so speedily and so effectively trained, they constituted the first major unit of national guardsmen from any State to reach France.

But entirely aside from his strictly military ability, General Edwards was a personal friend of his associates in the grim business of war.

He knew that the background of any army is discipline. He realized that the difference between a mob and an army always has been and always will be instinctive and unfailing obedience to authority. Still he tempered severe discipline of the soldiers with human sympathy and understanding consideration for his men. It was this conspicuous attribute that made him great.

SABBATH OBSERVANCE

Mr. BYRNS. Mr. Speaker, Mr. Noah W. Cooper, an attorney of Nashville, Tenn., and a friend and constituent of mine, is in the city representing a committee in behalf of the passage of some law on the question of Sabbath observance. I hold in my hand a very short note from him, which I ask the indulgence of the House to read. It is as follows:

WASHINGTON, D. C., *March 2, 1931.*

Hon. JOSEPH W. BYRNS,
House of Representatives, Washington, D. C.

DEAR MR. BYRNS: Our committee respectfully beg you to present to the House of Representatives our inclosed petition for the Tennessee annual conference of the Methodist Episcopal Church South, and that you urge its adoption. Assuring you and your fellow Congressmen of our esteem and best wishes, we are,

Very respectfully,

NOAH W. COOPER.
MRS. W. E. CRAM.
CHARLES H. YARBOROUGH.

The committee filed with me a letter addressed to the House of Representatives, which is short, together with an accompanying explanation of what they want. I ask unanimous consent that these may be included as an extension of my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

WASHINGTON, D. C., *February 28, 1931.*

To the HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA,
Courtesy of Hon. JOSEPH W. BYRNS,
Hermitage District of Tennessee.

GENTLEMEN: Our Tennessee Annual Conference of the Methodist Episcopal Church South, representing 90,000 citizens of Tennessee, through us their committee, for the purpose, respectively petition our Congress, the constitutional custodian of our interstate commerce, to make it a rule of our interstate commerce and of all business for profit in the District of Columbia or elsewhere, under Federal supervision, that Sunday be observed as a day of rest from all business for profit, and that all workers be allowed Sunday as a rest day from all secular labor; emergency instances of charity always accepted.

We ask this for the physical, financial, political, and spiritual safety, welfare, and progress of all our people. God has told us that without a Sabbath, honored and kept, our homes, our business, our commerce, our liberties, and our boasted civilization will perish.

We believe with Abraham Lincoln that, "As we keep or break the Sabbath Day, we nobly save or meanly lose the last best hope by which man rises."

We believe with John Randolph Tucker that, "In remembering the Sabbath Day to keep it holy, we have the conservator of our Christian religion, the foundation of our political system, and the only hope of American freedom, progress, and glory."

We believe with Major General Casey, United States Army, that, "If our Sabbath in America is lost, it can never be restored, and all is lost." We are sure that the crime wave, unemployment, financial panic, and troubles now upon us have largely sprung from the demoralization resultant from our nation-wide Sabbath breaking and kindred vices.

Very respectfully,

NOAH W. COOPER,
Mrs. W. G. CRAM,
CHARLES H. YARBOROUGH,
Committee.

Noah W. Cooper, lawyer of Nashville, Tenn., is in Washington as chairman of the Tennessee Methodist Conference Sabbath Crusade Committee, presenting a petition to Congress, through Senator WILLIAM E. BROCK, and Representative JOSEPH W. BYRNS, asking that Congress establish Sunday as a day of rest in all our interstate commerce, and for all workers under Federal supervision excepting emergency instances of charity.

In summarizing his reasons, Mr. Cooper says in his petition to Congress, and in his speeches to American chambers of commerce and labor organizations and to the press.

1. American commerce has followed the devil of mammon into working every day and Sunday too, and now we are paying the penalty in our crime wave, drought, financial panic, and distress. It has ever been so. Ancient Israel violated God's sabbath, and went to the Babylon of ruin. France and Russia have done likewise. America is fast heading the same way. Pharaoh repelled God's prophets and God sent 10 plagues on Egypt. America's plagues are coming from her Sabbath breaking and kindred vices.

2. If our homes, churches, press, and Congress don't cooperate to induce our great interstate commerce to establish a weekly Sabbath Day's rest for every toiler of brain and brawn, America will soon be a bedlum of crime and chaos, war and woe, like unto ancient Israel, France, and Russia.

3. Our reforms against polygamy, lotteries, opium, white slavery, negro slavery, and the liquor traffic, will all be lost if we don't preserve our partnership with God by keeping His holy Sabbath Day and thus building up godliness in all our affairs. Negro slavery brought calamity to America; and Sunday slavery is bringing 10 times greater calamity.

4. Sabbath breaking is war against God, breeding spiritual blindness that plunges us to ruin. We can't war against God long without warring with ourselves.

5. The 30,000,000 youths of America are being deluged with the devil dope of Sabbath breaking, through Sunday papers, trains, bus and aviation lines, and other Sabbath-breaking business. We had just as well be teaching these youths stealing, murder, and perjury. Sabbath breaking breeds all other evils. We can never stop the crime wave till we stop our national Sabbath breaking.

6. We think Solomon had a great fall when he went with his concubines to burn their children in the fiery arms of Moloch. But America is doing the same wicked thing in offering her children to the Sabbath-breaking Moloch of Mammon. For Uncle Sam to cry out against bootlegging, smuggling, counterfeiting, and bank breaking and at the same time to teach his 30,000,000 children the awful vice of Sabbath breaking is to confess himself a Doctor Jekyl and Mr. Hyde; to try to worship God and Mammon.

7. Abolishing the lame-duck Congress, lowering the tariff, deporting gangsters, and opening our purses to the drought victims are all good things, but we will never cure our national ills without driving the devil of Sabbath breaking out of our commerce, homes, and churches. The 5-day work week, so earnestly advocated by our labor leaders and some politicians, will only be like rubbing liniment on a cancer. We must adopt God's plan of a 6-day work week and a Sabbath day for all, or capital and labor will plunge still deeper into distress and woe. God's plan is best for labor and capital.

8. Israel would never have gone to captivity in Babylon; Jerusalem would not now be a walling place; France would never have

had her revolution nor Russia her ruin had they kept God's Sabbath.

REPORT ON PROHIBITION ENFORCEMENT

Mr. REILLY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by making certain comments on the report of Frank Buckley concerning prohibition conditions in Wisconsin.

The SPEAKER. Is there objection?

There was no objection.

Mr. REILLY. Mr. Speaker, among the papers turned over by the Wickersham Commission to the United States Senate recently is a report by one Frank Buckley, an investigator for the Prohibition Bureau, concerning prohibition enforcement in various sections of the country. This report covers many cities including the city of Menasha, in my district. Of this city the report says:

Menasha is very wet. It houses a rough foreign element that creates a liquor, prostitution, and gambling market.

This statement constitutes an infamous libel upon the fair name of Menasha and her citizenship. Menasha is a city of about 10,000 inhabitants. Its population is composed of about 80 per cent of German and Polish ancestry, and about 20 per cent of various other nationalities. It is a city of churches, of schools, and thriving industry. While it is true that the ancestors of the great mass of her citizenship came from Germany and Poland, Menasha to-day is in no sense a foreign city; it is an American city, a patriotic city; and a city of a deep religious and moral sentiment.

During the World War Menasha was 100 per cent American, giving freely of her youth and her wealth to the cause of country.

I personally know hundreds of the citizens of Menasha, of all nationalities, and I can testify to the high type of her citizenship.

This report not only maligns a large element of the citizenship of Menasha and of my district but also of the citizenship of the whole country. Our citizens of German and Polish ancestry represent a very desirable and dependable part of our citizenship. These people are honest, industrious, frugal, religious, and law-abiding citizens of the Republic. They love their country and they lavishingly contribute from their funds for the upbuilding of churches and schools.

Menasha may be wet, and if this is a fact that situation exists in hundreds of other cities of our country, a large element of whose citizens resent the attempt of the Government to interfere with their social habits through national legislation and in which places national prohibition is largely a disregarded and unenforced law by common consent.

I understand that this man Frank Buckley is no longer connected with any Government bureau, which fact ought to constitute an occasion for congratulations on the part of the Government and the people. He may have been an investigator, but he was not a truthful investigator; and when he reported to his Government on conditions in Menasha, Wis., he did not tell the truth. He either allowed his pen to be influenced by his prejudices or he did not investigate the situation and recorded in his report the views of others who were prejudiced.

I would be unworthy of representing in this body the people of my district if I did not repudiate and condemn as false and libelous the statements made by this prohibition investigator as to the character of the citizenship of Menasha.

EXERCISES ATTENDING THE PRESENTATION AND UNVEILING OF THE STATUES OF JUNIPERO SERRA AND THOMAS STARR KING IN STATUARY HALL, SUNDAY AFTERNOON, MARCH 1,1931

Mr. SWING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein the proceedings had last Sunday afternoon at the dedication exercises of the statues in Statuary Hall to Junipero Serra and Thomas Starr King.

The SPEAKER. Is there objection?

There was no objection.

Mr. SWING. Mr. Speaker, last Sunday California presented to the Nation with appropriate ceremonies the statues of two men whom our State delights to honor—Junipero Serra and Thomas Starr King. I am now availing myself of the privilege accorded me by the House to have the proceedings in Statuary Hall perpetuated in our records. Miss Grace S. Stoermer, secretary of the California Commission on Representation in National Statuary Hall, presided, and, in the presence of a large assemblage, the following exercises were had:

Music by the United States Marine Band, Taylor Branson, leader

Miss STOERMER. In the absence of his grace, Most Rev. Michael J. Curley, Archbishop of the Diocese of Baltimore, I am privileged to present to you Right Rev. Bishop Thomas J. Shahan, D. D., rector emeritus of the Catholic University of America, and one of our country's finest historians, who will give the invocation.

INVOCATION BY REV. THOMAS J. SHAHAN

Bless, we beseech Thee, O God of our fathers, these precious memorials, wrought with rare skill and in sincere faith, by which Thy children of California would commend to their fellow citizens of this great Republic the merits and services of two men to whom this sovereign State is so deeply indebted that only in the immortal coin of gratitude can it hope to satisfy in some measure its many and great obligations.

Thou alone knowest, Eternal Father, amid what harships Thy servant Junipero Serra spread among savage men, little better than animals, the saving truths of the Gospel of Thy Son Jesus Christ; what zeal and fortitude, what confidence in Thee, what patience and self-denial sustained him in journeys innumerable, through trackless forests and across endless wastes, sustained ever by invincible faith in Thee, inspired by his love for perishing souls, and rewarded by Thy comforting and enlightening presence.

Thou knowest, O Lord, what seeds of civilization both he and his courageous companions sowed in the hearts and minds of ignorant and debased men, and how in due time its fruits, sown amid tears and trials, were reaped in joy. The hard trails that his weary feet traversed are to-day a royal road along which are strung great cities, on which nature exhibits all her riches, and human progress its every latest attainment.

We believe, indeed, O Lord, that Thy servant rejoices in Thy bosom at so much magnificence of life, but we believe also that he rejoices even more in the energy and grandeur of the spiritual life that now prospers so richly where he found only moral desolation and the last vestiges of human welfare.

To Thee also, O Lord, are known the splendid civic merits of Thomas Starr King, foremost of the sons of California in the service of our glorious American Union during dark days of war and its many afflictions and sufferings. To his faith in the Union, his incomparable eloquence, his ingenious activity, and his far-seeing charity California offers her tribute of gratitude as to one who chose the highest way of our everyday life, devotion of self to the common welfare, counting life itself as a sacrifice that the common weal may rightly demand in a crucial hour, but at the price of eternal reverence for the generous donor.

ADDRESS OF WELCOME

Miss STOERMER. Mr. Secretary Wilbur, Members of the Senate and House of Representatives, and distinguished guests, it is a privilege to stand in Statuary Hall in this magnificent city, the Capital of our United States, and gaze on the imaged commemoration of illustrious citizens of our country.

It is gratifying to know that in this commercial and industrial age we are interested in the artistic and cultural features of civilization. History discloses that in 1864, at the suggestion of Senator Morrill, of Vermont, the old House of Representatives was set apart as National Statuary Hall, to which each State was invited to send the statues of two of its most distinguished citizens. The President of our Nation was authorized to invite the States to furnish statues in marble or bronze of deceased persons who had been citizens thereof and illustrious for their distinguished civil or military service, such as each State shall determine as being worthy of this national commemoration.

Prior to 1927 on several occasions effort was made to promote this recognition for California, and each time there had been many differences of opinion as to the logical ones to be selected and a conclusion was never reached. Through the history and landmarks department of the California Federation of Women's Clubs and the Native Sons and Native Daughters of the Golden West a state-wide movement was inaugurated, and after intensive work legislation was enacted providing for the appointment of a commission of five and the selection of Junipero Serra and Thomas Starr King as California's two most distinguished deceased citizens who had made the greatest contribution to the State's fundamental progress.

We are assembled to-day to do honor to these men who brought great strength and prestige to California.

We are disappointed not to have the Governor of California, James Rolph, jr., with us, but his official duties require his presence at Sacramento, as the legislature is in session.

It is, indeed, an honor to present to our audience the Hon. HIRAM W. JOHNSON, senior Senator from California, who represents the State and the California Commission on Representation—the Hon. HIRAM W. JOHNSON.

PRESENTATION OF STATUES

Mr. JOHNSON. The State of California, availing herself of the privilege extended by a considerate Nation, presents to-day, through her governor and her commission appointed for that purpose, the

representative of which presides here, statues in bronze of two men illustrious for their services to their fellow men and whom the State of California deems worthy of national commemoration.

Neither was either warrior or statesman, but they possessed the highest qualities of both. Each set himself to a task demanding the noblest attribute of human kind and requiring a courage as lofty as ever displayed upon the field of battle.

Each in self abnegation and sacrifice performed well his task and both have left their imprint indelible upon a great Commonwealth.

One of these statues commemorates a pure and simple life, devoted to the inculcation of the principles of Christianity and modern civilization in a new land and among a primitive people. Junipero Serra identified himself with California while California was yet foreign territory in order to educate, train, and help the Indians dwelling in that region. His work was fundamental and permanent. His teachings and his beneficent example not only affected for good the people among whom he lived but have helped and inspired innumerable lives in a great American Commonwealth erected on the scene of his labors.

He was a pioneer of pioneers, bringing Christian civilization to a primitive and savage land, now a wondrous empire.

In the other bronze presented to-day we find expressed the form and features of a man who came to California at the most critical period in her political history.

Thomas Starr King at the beginning of the Civil War found the people of his adopted State, then without transcontinental connection or communication, far removed from the center of discussion, uncertain as to her future course. With dauntless purpose and high enthusiasm he entered the momentous struggle there, and by his matchless eloquence and indefatigable labors he contributed in great measure to maintaining California as a member of the Federal Union and earned for himself the immortal epitaph, "He saved his State to the Union."

So, now, in conformity with the wishes of the people of the State of California, I present, in behalf of California, to the Nation these two statues, one of Junipero Serra and the other of Thomas Starr King, to speak by their presence here to all who shall pause to behold them of successful labors for the lowly, of the virtues of Christian citizenship, and of devotion to the welfare and perpetuity of a government dedicated to the principles of liberty. [Applause.]

Miss STOERMER. California is proud and fortunate in having among its congressional delegation a woman of such marked ability and sterling worth as the Hon. FLORENCE PRAG KAHN. She is one of the women pioneers in the field of governmental activity and responsibility, and consequently has been selected to unveil the statue of California's first pioneer, Junipero Serra.

Mrs. KAHN unveils statue of Junipero Serra.

Miss STOERMER. A most happy and appropriate opportunity is ours to-day in presenting Mr. Thomas Starr King, who will unveil the statue of his illustrious grandfather.

In making preparation for the unveiling of our statues, it was our hope to find a relative of Thomas Starr King, but we were not so optimistic as to think we could find any near relative. One day a letter came to my desk from a lieutenant commander of the United States Navy at Annapolis, signed Thomas Starr King, grandson of the man we are honoring, seeking information as to the dedication ceremonies.

With great pleasure we learned that Thomas Starr King's own son, Frederick Randolph King, is still living and is with us to-day. The love of a father for his son is demonstrated to-day in the desire of Frederick Randolph King that his son, the namesake of California's famous citizen, be accorded the honor of unveiling the statue of his grandfather.

Statue unveiled by Lieut. Commander Thomas Starr King.

PRESENTATION OF ARTISTS

Miss STOERMER. A rare privilege is mine to-day, for I have the honor of presenting to you the men who have labored earnestly and effectively to execute in bronze the heroic deeds of the men California has chosen to honor, Mr. Ettore Cadorin, of Santa Barbara, the sculptor of Junipero Serra, and Mr. Haig Patigian, of San Francisco, the sculptor of Thomas Starr King. [Applause.]

Star-Spangled Banner.....Marine Band

Miss STOERMER. We are honored by the presence of Hon. Ray Lyman Wilbur, who is here to represent the President of the United States in the acceptance of these statues. Mr. Secretary Wilbur.

ACCEPTANCE ON BEHALF OF THE GOVERNMENT

Mr. WILBUR. The President has asked me to act as his special representative and to deliver the following message:

Junipero Serra, imbued with divine spirit, charged with an exalted mission, and sustained by an unfaltering faith, faced with supreme courage, danger, privation, suffering, disease, to carry the message of salvation over unknown paths along the uncharted shores of the Pacific to the hostile, ignorant, lowly Indian dwellers in that wild empire of the West. He was the torchbearer of civilization.

From the silver strand of San Diego to the Golden Gate of San Francisco Bay he planted the holy cross midst the lilies of the field and the wild roses of the valleys, builded missions for the devout, and taught the spiritually helpless and hopeless natives of the forests and plains to turn their faces from the darkness of heathenism toward the celestial light of Christianity and immortality. Heroism, tragedy, despair, and triumph are the milestones that mark "El Camino Real" from mission to mission, that tortuous highway along which this noble and unselfish servant of the Lord unceasingly labored to impart the joy of Christian belief.

Richly endowed with kindness and patience, though thwarted again and again by superstition and savagery, he bravely, zealously, lovingly, and indefatigably remained steadfast in the trust, finally gaining the devotion and respect of those wild children of nature, instructed them in the arts and crafts of the farmer and mechanic and awakened their souls in the name of the Father of all.

The tide of mental enlightenment and spiritual uplift that followed in his wake still rises with the passing of years. His name is reverent, his work enduring, his influence is ever living.

Thomas Starr King, preacher-patriot, reared in the cradle of the Revolutionary War, suckled at the breast of freedom, thrilled by the eloquence of Henry Ward Beecher and Wendell Phillips, broadened by the philosophy of Ralph Waldo Emerson—he early in life espoused the cause of freedom for the slaves; then taking the advice of his friend, Horace Greeley, followed the star of empire westward to California a few short years after her admission to the Union of States.

Soon after came the Civil War, each side to that tragic conflict having many friends and sympathizers on the Pacific slope; and then it was that this scholarly, magnetic, witty, radiant orator, and devoted follower of Lincoln rode day and night from town to town, from mountain to sea in that great domain pleading to preserve the unity of the States, hammering at the shackles of slavery boldly, confidently, brilliantly, captivating the hearts and minds of men, kindling the spirit of "one union indivisible" into a living, patriotic flame.

He prevailed—but at the expense of life, for all that he had he gave freely, gladly, eagerly, as a Christian statesman, to his cause.

These ambassadors of God, each in his age, left his indelible imprint upon the life of that western land.

Each labored to inculcate the spiritual in the lives of the people of his day. Each was a great leader in a formative period of the State. Each furnished vital contributions to its moral and material foundation. Its admirable structure is builded upon that spiritual, humanitarian, and patriotic foundation, the work of the noble Junipero Serra and the inspired Thomas Starr King.

It is gratifying and appropriate that the images of such men adorn this Hall, and the tender of these beautiful statues by the State of California is accepted by the United States of America. [Applause.]

Miss STOERMER. We are pleased to introduce Hon. Isidore B. Dockweiler, a native Californian, having been born in almost its pueblo days in Los Angeles, through which runs the Kings Highway, a road traversed by the sandaled feet of the humble adopted son of California, Father Serra. The record of Father Serra's life is written so indelibly in California's history that his record of accomplishment is familiar to all. I take pleasure in presenting to you the Hon. Isidore B. Dockweiler, who will speak on Junipero Serra. Hon. Isidore B. Dockweiler.

ADDRESS OF HON. ISIDORE B. DOCKWEILER ON JUNIPERO SERRA, O. F. M.

Mr. DOCKWEILER. Fellow citizens, this is a day memorable for the State of California and inspirational for the Nation at large. It is a day of fulfilled duty to the past and of hostages for the future.

Pursuant to the congressional act of 1864 establishing Statuary Hall a majority of the States have solemnly brought to the Capitol and formally presented to the Nation silent replicas in bronze or marble of "deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services" and "such as each State may deem to be worthy of this national commemoration."

They have thus fulfilled a civic duty—old as government—to consecrate the memory of citizens who have served well their native or adopted State. They have thus offered pledges to the future, of ideals to be emulated, and traditions to be cherished, by succeeding generations. They have thus linked the past with the future of our Republic. They have thus justified the faith of the fathers.

The catalogue of statues, thus far given place in this Hall of Immortals, constitutes an inventory of American achievement in a variety of phases. There are figures which must always stalk conspicuously, though in the silence of death, to and fro upon the stage of our national life. There are figures more retiring and less self-assertive, whose influence must always be more unobstrusive but not less potent. There are figures whose names are household words in the nation's lexicon. There are figures whose names are of more restricted import and familiarity. But one quality all these immortals have—the quality of singular inspiration.

To-day we have come from the far-flung reaches of California—the spirit of the "conquistadores," the sandal-footed missionaries, the "forty-niners," and the later pioneer generation hovering o'er—to present to the Nation two distinguished Californians, silent in marble, but vibrant in their influence exerted upon our beloved State.

I, as one of the spokesmen for my native State, am honored to speak what must be at best a faulty and insufficient word of tribute to the first preeminent Californian—a man of greatness in simplicity, of outstanding accomplishment amid discouragement, of untiring zeal in the cause of religion, of unremitting effort on behalf of civilization—the venerable and venerated brown-garbed and sandaled Franciscan friar, Junipero Serra—worthy follower of his spiritual father, St. Francis of Assisi.

The life story of Serra is one of inspiring romance. Born at Petra, in the island of Majorca, Spain, in the year 1713, of

parentage poor and pious, he evidenced early in life that instinct of gentleness and piety which complexioned and gave particular charm and luster to his maturer years. At the age of 16 he entered the service of the Catholic Church, following in the footsteps of the sainted Francis whose attachment to all forms of heaven's simpler creatures is one of the pure romances of the ages. In time he received the title of doctor of divinity, and became a professor in the Lullian University, accomplishing "his work," it is related, "with great fame as a man of profound learning." He was distinguished as one of the most eloquent pulpit orators of Europe and was sought after even by the court itself. There is authority for the belief that, had he remained in Spain, he would have become one of the outstanding ecclesiastics of his time, with perhaps cardinal's robes to grace his later years. But Serra, instinct with apostolic zeal, had his heart set upon missionary work among the benighted natives of the New World.

Forth from Cadiz he ventured—36 years of age—and, landing at Vera Cruz, late in 1749, trudged afoot to the City of Mexico, accompanied by only one companion and without any provisions or guide, relying entirely upon Divine Providence and the hospitality of the inhabitants. During the rough and tedious journey he received a wound in his leg from which he never entirely recovered. Soon he accepted a call to the wild and inhospitable reaches of the Sierra Gorda in Mexico and for 19 long years ministered to the wandering savages of that vast desolation. His mission became the model mission of the country.

Forth ventured he again in 1769, this new Galahad in quest of the Holy Grail, into the remoter regions of Lower California and then into what at the time was known as Alta California—now simply our beloved California. Portola headed the colonists; Serra, as father president of the missionaries, headed the band of Franciscans whose historic achievements are the glory and tradition of California. Amid early discouragements and starvation he exclaimed: "Let us speak no more upon the subject, I have placed my faith in God and trust in his goodness to plant the standard of the Holy Cross not only at San Diego but even as far as Monterey." Prophetic words these!

The passing of 15 years from 1769 saw the establishment by him of nine missions, beginning at San Diego's silver bay in the south and stretching upward to San Francisco's golden gate in the north. The impetus thus given did not cease with his death but continued afterwards, and 12 more missions were established, ending farther northward, at Sonoma, in the Valley of the Moon. This is the rosary of his service—21 missions for God and government along El Camino Real—The King's Highway—from San Diego to Sonoma, about 700 miles. San Diego de Alcala, San Carlos de Carmel, San Gabriel, San Antonio de Padua, San Fernando Rey de Espana, San Luis Obispo, San Francisco de Assisi, San Juan Capistrano, Santa Clara, San Buenaventura, Santa Barbara, La Purisima Concepcion, La Soledad, Santa Cruz, San Juan Bautista, San Jose de Guadalupe, San Miguel, San Luis Rey de Francia, Santa Ynez, San Rafael, and San Francisco Solano.

What a convocation of memories! Each name redolent of heavenly benediction upon a benighted people! Each name a pillar supporting the glory of an age to come! Each name an epoch in the ebb and flow of time!

For nigh on 16 years this able, simple, kindly friar toiled in California. Up and down the coast on foot he traveled, an invalid physically. He taught the native Indians the homely arts of husbandry; he instilled into them the rudiments of government in frontier society; he brought to them the civilizing message of Christian belief and ethics. He prepared the slopes of this western land for the advance of empire which years later was to press on and fructify.

He and his fellow friars brought thither, through old Mexico, over plains and mountains rife with hostile savages, over burning sands of trackless deserts, along a highway marked out by himself, the orange, the lemon, the olive, the fig, the vine, and other fruit-bearing trees; the seed of vegetables and cereals; cattle, sheep, goats, and horses; agricultural implements and the tools of the mechanic.

Serra found in California a native whose only knowledge of a home or structure was expressed by the primitive "lean-to" of willow branches covered with mud as a protection from inclement weather. But in a few years he caused these same natives to be taught the art of making mortar and cement and brick and tile, the hewing of stone and timber, the fashioning of iron agricultural implements and domestic utensils. These 21 mission churches and outlying buildings, some of which still defy time and are the architectural wonder of California, continue to inspire the modern builder to design and build thousands upon thousands of homes, commercial buildings, and public edifices along their graceful and enduring lines. No other section of our country can boast of a series of monuments built by pioneers so useful, so characteristic, so picturesque, so intriguing, so challenging.

Serra was the first to apply, within the domain over which the Stars and Stripes now float, the science of irrigation, and the irrigation systems of the missions have always excited the admiration of the hydraulic engineer. It can justly be said that he was the father, in our country, of the science of irrigation. And most certainly he was the great pioneer who revealed to the world the capacities of California's fertile soil and healthful climate, thereby laying the foundation for its subsequent greatness.

Three things of singular importance in the economy of civilization concurred in this period of California's history: The mission, which meant the spread of religion in heathen lands; the presidio, which meant the expansion of the political and military domain of Spain; and the pueblo or settlement, which meant the establishment of orderly civil government. A tripartite development in a form worthy of reflection and study even in our own day. A development at once secular and spiritual. The sword supporting the cross; the cross supporting the sword; and both supporting civil authority. What a jointure of effort. What a resultant achievement, despite the disappointment and cupidity that lay in ambush for future years and conspired to severely test, if not blight, the work of the great Serra.

Serra represented a theory of colonial government which is obsolete to-day. Yet it exercised profound influence upon the destiny of the world. It was the theory under which Spain acquired one of the great colonial domains of all time, and retained that domain for three centuries and more. What other theory has achieved like results in modern times?

It is for us Americans a matter worthy of most serious reflection that had it not been for the régime of Serra—that is, the system of mission life which started in 1769 and ended in 1823—this great territory of California might, and likely would, have fallen into the grasp of some other nation and been permanently lost to our Republic. The transition of the California of Serra to the California of to-day was, as history is interpreted, a normal sequence. Serra, therefore, is a legitimate precursor of the later-day civil authorities established by the American Government upon the shores of the Pacific. And such work of preparation accomplished by such a precursor. Lands, peoples—agriculture, horticulture, viticulture—communications, arts governments, hearts, minds, and above all, souls, prepared and tempered and awaiting a later larger development, but a development always predicated upon the previous monumental work of the urbane and saintly padre of the Indians.

While our Revolutionary fathers were engaged in their great contest for the achievement of political liberty on our eastern shores, Padre Serra and his brown-robed Franciscans were engaged in the Christianization and civilization of the natives on our western shores.

Serra is one of the picturesque figures of modern history. No military conqueror, no dominating overlord, no ambitioned statesman, no wizard of any sort, but a sympathetic, zealous, painstaking, able, cultured, highly educated, quiet mannered, undaunted, and unostentatious worker in a pioneer field among primitive peoples, his spirit saturated with love for Jesus Christ and with an eye to the eternal salvation of these peoples and their earthly welfare as well. What a lesson to the valnglorious.

It is said of him that he was not only the guiding spirit in this work of Christianizing and civilizing the Indians, but was himself, in fact, the hardest worker of all. It is likewise said that he chiefly attracted the Indians by his just and paternal treatment, and frequently was placed in the necessity of defending their interests when threatened by rapacious civilians. He established a village type of life under which these Indian converts were clustered about the missions, protected, industrious, well fed and well clothed, with their herds, flocks, gardens, and orchards spreading out under the shadow of the focal object, the mission church. So correctly placed were these mission settlements, from the geographic point of view, that the succeeding years witnessed the growth around them, or in close proximity to them, of a number of the most important cities of the State, including Los Angeles and San Francisco and also Monterey, the seat of the beloved mission of San Carlos de Carmel and the capital, civil and religious, of California for nearly 80 years. And what is equally marvelous, Serra, in determining upon mission sites, invariably and yet seeming without the advantage of any previous knowledge selected sites which later experience demonstrated to be the most fertile of each locality.

But the passing years and physical infirmity took their toll, and Serra at the age of more than three score years and ten departed this life in 1784, within the precincts of the mission at Carmel. No vaulted, pretentious repository for his remains. Rather, a quiet space beneath the old arches of San Carlos de Carmel, fashioned by rude native hands. So afflicted at his death were his protégés the Indians that, it is said, they fought for shreds of his poor friar's robe and for fragments of his whitened hair.

The retreating decades, however, were no more mindful of him than they have been of others among the great. In time even the sanctuary of his grave was violated by gathering débris. But fortunately a later generation, coming after the time of the vandals and their efforts to efface the work of the missions, bethought itself of this great and singular man and of his accomplishments, and to-day the cult of Serra is full ripe again in the length and breadth of California.

A worthy chronicler of California's romantic days, John Steven McGroarty, pens this appreciation of the civilizing friar:

"During the 16 years of Junipero's labors in California, 9 missions had been established, either directly by himself or under his direction. In those missions were 5,800 Indian neophytes whom he had converted, with the assistance of his companions, from heathenism to Christianity. This number of people whom he had found living worse than the lives of dogs he left in a new world of light and health and joy. He had taught the hand of the savage to do a Christian white man's work, to sing Christian music, and speak prayers. Within the valleys and the sun-swept hills where he had found only waste and desolation he left unnumbered flocks and herds. It is perhaps quite safe to say that there is not in all the history of civilization one other single man whose individual labors for God and humanity bore such a bountiful harvest. The name of Junipero Serra is to-day the best loved name in California, without distinction of class or creed. His memory is honored and revered by all the people."

It is estimated that at one time more than 30,000 Indian converts were lodged in the mission buildings, receiving religious instructions, assisting at divine worship, and cheerfully performing their easy tasks.

Fellow citizens, I take it to be axiomatic that our Nation pays tribute where tribute is due. I take it to be axiomatic that achievement is the only true justification for commemorative tribute. I take it to be equally axiomatic that no nation so much as our Nation pays commemorative tribute to achievement, particularly achievement amid discouragement and difficulty and poverty. I take it that no immortal in this Hall should be deemed more "worthy of this national commemoration" than Junipero Serra.

In the midst of hurrying days and shifting human scenes, so in contrast with the simpler past, he stands—this Padre Junipero Serra—as in a mellow sanctuary light of the eternal, blended with the mundane. His inextinguishable mark is upon the face of California. He is California's apostle to the Indians. He is our country's first civilizer of our western coast. He justly stands, for the edification of future generations, among the immortals of our Nation!

It was of such a man as this that Solomon, in all his wisdom, sang—

"His memory shall not recede and his name shall be looked for from generation to generation." [Applause.]

Selection.....Marine Band

Miss STOERMER. We are to be privileged in having Hon. SAMUEL M. SHORTRIDGE, Senator from California, depict the life and history of one of America's foremost citizens. The Hon. SAMUEL M. SHORTRIDGE.

ADDRESS OF HON. SAMUEL M. SHORTRIDGE ON THOMAS STARR KING

Mr. SHORTRIDGE. Grateful for the rare privilege, California presents these, her two beloved and cherished sons, to the Nation, here to stand alongside of others who have rendered great service to our country. Each in his day served God and man. Though dead, they speak. Their works, their lives, will ever be a blessing and an inspiration. Missionary and minister, they held aloft the celestial banner of God and the heavenly flag of the Republic.

Of the one you have just heard; of the other I would briefly speak.

Thomas Starr King was born in New York City December 17, 1824, the eldest child of a scholarly father and a gifted mother. The father, T. Farrington King, became pastor of a Universalist society at Portsmouth, N. H., where the son passed six years of early boyhood; later, in 1835, the family moved to and lived in Charlestown, Mass. At the early age of 18 years he became principal of a grammar school in Medford, Mass. To assist the family, in 1843 he obtained a position as bookkeeper in the Charlestown Navy Yard.

At the age of 20 years he began to preach, delivering his first sermon in Woburn, Mass. Later he occupied pulpits in Boston. In 1846 he was pastor of a Charlestown parish and in 1848 he was installed as pastor of the Hollis Street Society, a Unitarian denomination, where he served for 11 years.

During this period of his life Thomas Starr King achieved a great reputation for goodness and for greatness. To him duty was indeed the voice of God and to that voice he ever hearkened. The learned acknowledged him as an equal and the lowly, the poor, the outcast, sought and received his aid and comfort.

In 1859 he received an earnest call from the far West and, with the missionary spirit, answered that call and journeyed by way of the Isthmus of Panama to California, entering its Golden Gate on April 28, 1860. Immediately entering upon his sacred calling as minister of the Unitarian Church in San Francisco, he continued to make that city his home until, alas, too soon, he closed his eyes in eternal sleep.

I would have you know as we knew him. He was frail in body, but transcendently great in mind. Gentle, affectionate, unassuming, happy when serving, and endowed with a marvelous gift of speech, he quickly won the love and admiration of our people. He was indeed golden tongued. In addition to his ministerial duties he delivered many splendid addresses on scientific, literary, and historical subjects, journeying through California and our sister States of Oregon and Washington and on into British Columbia.

It can be said in very truth that Thomas Starr King fell in love with California and that California fell in love with him. No pen, no tongue, has more vividly or more eloquently described and portrayed the physical glories of that State than did the pen and tongue of this reverend man.

But you may ask me why we loved him; why we exalt him; why we place him in bronze here in the Capitol of the Republic. Soon after his coming to California the battle of brothers, the Civil War, broke out. Thomas Starr King hated no man, no State, but oh how he reverenced the Constitution and loved the Republic. He flung himself in a spirit of loyalty to the defense of the flag of Washington and Jefferson and Jackson and Lincoln. By day and by night, across valleys and through mountain passes, in sunshine and storm, he traveled and appealed in behalf of the Union. Nobler or more eloquent appeals were never made in behalf of the Republic. Wearied, he never faltered; and though warned by his friends, he never rested during those dark and doubtful days.

And then, like Moses in sight of the promised land—in sight of the Republic's triumphant flag—in sight of a Union saved—in sight of a reunited Republic—in sight of peace—he died. He died on March 4, 1864. Thus from the cradle to the grave he traveled but 40 years. He passed into the higher life with a smile on his lips, repeating in a clear, well-modulated voice, the Twenty-third Psalm—"The Lord is my shepherd, I shall not want. Yea, though I walk through the valley of the shadow of death I will fear no evil for Thou art with me, Thy rod and Thy staff they comfort me." California wept; the Nation wept.

Though dead he speaks to us and he enjoins upon us to be faithful to the Republic in the service of which he died. For even as the soldier falls on the battlefield, so Thomas Starr King laid down his life for the Union.

God grant that we of California and of the Nation may be worthy inheritors of his labors. God grant that this Republic may be true to the principles for which he stood. [Applause.]

America.....Marine Band

Miss STOERMER. It is my privilege to now present to you Mrs. William Elmer Evans, wife of Congressman EVANS, of California, who will pay a brief tribute to these illustrious men of California and present wreaths in the name of the California Federation of Women's Clubs.

ADDRESS BY MRS. WILLIAM E. EVANS

Mrs. EVANS. The purple lupines and the yellow poppies along the gentle slopes of El Camino Real softened many a weary mile for the bare feet of this beloved Spanish padre as he walked back and forth between the crescent Bay of San Diego in the south and the Golden Gate of San Francisco in the north teaching the people of his missions.

So to-day, on behalf of the California Federation of Women's Clubs, it is my great privilege to lay at these feet of bronze this wreath of California wildflowers.

Thomas Starr King did perhaps the greatest service of all for posterity by helping to preserve California to the Union. Not only California but every State from the Atlantic to the Pacific should delight to honor this man as we, the California Federation of Women's Clubs, place at his bronze feet this wreath of 48 red and white roses, tied with the blue, symbolic of the American flag, which California, though of Spanish traditions, is proud to claim and to honor. [Applause.]

Miss STOERMER. The Native Sons and Native Daughters of the Golden West were particularly interested and helpful in securing the legislation making this day possible, and it is therefore fitting on this occasion that these organizations participate in a humble way in expressing their appreciation of Junipero Serra and Thomas Starr King, and I have asked the Hon. ARTHUR M. FREE to represent the Native Sons and Native Daughters. The Hon. ARTHUR M. FREE.

ADDRESS OF HON. ARTHUR M. FREE

Mr. FREE. I have been requested to appear here to-day on behalf of the Native Sons of the Golden West and the Native Daughters of the Golden West. To those who are not informed, may I state that these two great organizations are composed of those men and women who have had the privilege of being born within the confines of the State of California, and have associated themselves in a fraternal bond of friendship with the specific purposes of earnestly and carefully studying the history of California, perpetuating this history and the traditions of the State, and of studying and perpetuating the memory of her pioneers.

As a part of their work these organizations have undertaken to keep in a reasonable state of preservation the missions founded under the direction of one of the characters whom we are here to honor to-day, and which represent the gathering places for the earliest civilization of California and the dissemination of the Christian religion.

California has an interesting and colorful background. Originally it was under the jurisdiction of Spain, later it came under Mexican domination, and then those pioneers who had gathered in this far-away land, coming either by boat, or ox team, or by crossing the Isthmus of Panama, decided to establish an independent Republic, and after this Republic had been fully organized then, through its properly constituted authorities, it appealed to the Government of the United States of America that it might be made a part and parcel of the United States.

Transportation in those days was slow, mail moved slowly and irregularly, and much time elapsed between the sending of this petition to the National Capitol at Washington, D. C., and the receipt of the response thereto; but finally, on October 18, 1850, the old sidewheeler the *Oregon* came into San Francisco Harbor with the news that California, which had never experienced Territorial childhood, had been accepted into the sisterhood of States.

Junipero Serra peculiarly concerned several of these periods in California history. He was born at Petra, on the island of Majorca (a Province of Spain). As a young man he migrated to Mexico and thence to California. He went on foot from San Diego to San Francisco, established missions which were built out of adobe by the hands of the Indians who populated the various sections, and these missions for many years served as places for the dissemination of information, served as a background for the establishment of a new civilization in these parts, and also were the gathering places where Christianity as he saw it was proclaimed.

Thomas Starr King likewise played a very important part in California history. Born in New York City, he migrated to California just at the time of the outbreak of the Civil War. It was not certain where California would cast her lot in this struggle, but King, through his eloquence, pleaded with the peoples of that State to remain loyal to the Union, and it was to him, perhaps, more than any other individual that the credit is due for California remaining in the sisterhood of States.

If you were to go with me to our State capitol, located in the great Sacramento Valley in the central portion of California, I could point out to you a portrait of this great man and beneath it are the words, "The man whose matchless oratory saved California to the Union." Or if you would go with me into Golden Gate Park, located in the city of San Francisco, where the kindly waters of the Pacific bathe the western shores of these United States, there in the midst of beautiful flowers and resplendent verdure you would see another likeness of this man, a statue under which is written, "In him eloquence, strength, and virtue were devoted with fearless courage to truth, country, and his fellow man." And so to-day we have unveiled another statue to him in this hall where only a few can be so greatly honored.

I wish some time you could come with me out to the State of California, particularly to the district which I have the pleasure to represent, and I would take you to the old town of Monterey, which I have the honor not only to represent in the Congress of the United States but to appear to-day as her representative at these ceremonies, and I would go with you to a promontory overlooking the beautiful Monterey Bay, and there I would show you a monument erected in memory of Junipero Serra, holding forth a cross, symbolic of the Christianity in which he believed and taught to the natives of my beloved State, his eyes turned toward heaven as though pleading to the great God of us all for the welfare of the State where he spent so many years of his life, and there, with an expression of welcome, looking out on the great Pacific, welcoming others to that land of sunshine and plenty, as he had done in life, ah, and even now welcoming all who might care to come to carry on the work which he so successfully undertook and to develop this great State.

Then I would take you but a few miles away into one of the beautiful valleys of which California is renowned, the Carmel Valley, and there I would point out to you an old mission established in 1771, built by the loving hands of faithful followers of Junipero Serra. I could show you some of the walls which have begun to crumble but still intact, the little church with its melodious bells which called the Indians to service and to study, and its old pews crudely but substantially made, with its altar and the stones upon which the faithful followers have trod these many years, somewhat worn; and then I would lead you into a little sanctuary, modest, unostentatious, simple, a mere slab of stone placed upon mother earth, and here I would point out to you the last earthly resting place of Junipero Serra.

As a member of the Native Sons of the Golden West, it affords me unusual pleasure on behalf of that order of which I am a member and the sister organization, the Native Daughters of the Golden West, to be present here to-day and to do honor to these two characters who played such an important part in the early history of our beloved State. [Applause.]

Miss STOEMMER. Father Seraphin Muller, a member of the Franciscan Order, has come all the way from the Santa Barbara Mission to express an appreciation to the memory of Father Junipero Serra.

ADDRESS OF FATHER SERAPHIN MULLER

Father SERAPHIN MULLER. Coming from old Mission Santa Barbara and representing the Franciscan Friars of California, who are the successors of the Spanish padres of old, I wish to say that we consider it a great privilege that the first of our brethren to set foot upon Californian soil should be honored by having his statue placed in our National Capitol in National Statuary Hall.

It is not without coincidence that in this unveiling ceremony the statue of Fra Junipero Serra should face that of George Washington. At first sight there may seem to be no common bond of union between the Father of our Country and the apostle of California, but they were contemporaries, and if we look into the history of their day in the light of later events we see that they worked for a common cause.

It was in the year 1769 that Junipero Serra first came to California and founded Mission San Diego, the first of the 21 jewels that dot El Camino Real from San Diego to Sonoma, and at that time agitation for freedom was growing strong in the Colonies. In the year 1776, the year of the Declaration of Independence, Junipero Serra founded the mission of San Francisco beside the Golden Gate. By the time of his death in 1784 a new nation had been born.

So it happened that while General Washington and his patriots fought for the existence of our country Junipero Serra and his band of friars brought Christianity and civilization to California in preparation for its subsequent admission into the Union. At that time between the Atlantic and the Pacific lay the French colonies and a vast wilderness. I doubt if General Washington in his wildest imagination ever looked to the Golden West, and I doubt if Junipero Serra's thoughts ever went beyond the Sierra Nevada Mountains. Yet each, oblivious of the other, under the guidance of Providence was working for a common cause, these greater United States of our day that stretch from the Atlantic to the Pacific.

The unveiling of the statue of Junipero Serra is the realization of the words spoken by the Hon. HIRAM W. JOHNSON when, on the 24th of November, 1913, the bicentennial of the birth of Junipero Serra, as Governor of the State of California, he proclaimed a legal holiday, saying: "To the memory of Junipero Serra California owes an everlasting tribute. He brought civilization to our land, and in character and deed he deserves a foremost place in the history of our State." [Applause.]

Miss STOEMMER. Representative WELCH, a Member in Congress from San Francisco, will, on behalf of that city and the Knights of Columbus, present wreaths in honor of Father Junipero Serra.

PRESENTATION OF WREATHS AND BENEDICTION

Mr. WELCH. I have been honored by the requests of the Hon. Angelo J. Rossi, mayor of the city of San Francisco, acting for the people of San Francisco, and of Harry W. McGowan, State deputy, representing the California jurisdiction of the Knights of Columbus, to pay the respects of the city of San Francisco and of the Knights of Columbus to this distinguished assemblage and to present these beautiful floral offerings as their tributes to Father Junipero Serra at the unveiling of the statue of the beloved founder of California's missions in Statuary Hall in the United States Capitol.

Junipero Serra founded Mission Dolores in San Francisco (the city of St. Francis) in the year 1776. His name is revered by every true Californian, regardless of race or creed, and his memory will last as long as the sun sets on California's shores. [Applause.]

Miss STOERMER. Representative FLORENCE KAHN will, on behalf of the city of San Francisco, present a wreath in honor of Thomas Starr King.

Mrs. KAHN (placing a wreath at the foot of the statue of Thomas Starr King). I place this wreath with the love, appreciation, and reverence of San Francisco, the city in which he labored and lived. [Applause.]

Benediction by Rev. Ulysses Grant Pierce, pastor of the Unitarian Church, Washington, D. C.

Stars and Stripes Forever----------Marine Band

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, have not all Members of the House the right to extend their own remarks until March 16, under a decision rendered by the Chair yesterday.

The SPEAKER. That permission does not include the insertion of documents, unless the request is made specially.

BASIC REASONS IN FAVOR OF TOBACCO MARKETING ASSOCIATIONS

Mr. LANKFORD of Georgia. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement on the Basic Reasons in Favor of Tobacco Marketing Associations, by Hon. A. K. Sessoms, chairman of the State organization committee on tobacco associations of Georgia.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANKFORD of Georgia. Mr. Speaker, recently several papers of my State carried a splendid statement on Basic Reasons in Favor of Tobacco Marketing Associations, by Mr. Alex K. Sessoms, chairman of the organization committee, Georgia Tobacco Growers' Marketing Association, which, under unanimous consent, I am very happy to include as a part of my remarks.

I now quote as follows:

GEORGIAN SEES COOPERATIVE SUCCESS—MEMBERSHIP OF 5,000 SOUTH GEORGIANS LIKELY, SAYS ALEX K. SESSOMS

WAYCROSS, GA., February 27, 1931.—"The Georgia Tobacco Growers' Marketing Association, with a probable minimum membership of 5,000 of south Georgia's most progressive tobacco farmers, will be a new and vital factor in the marketing of the 1931 bright-leaf crop," in the opinion of Alex K. Sessoms, tobacco grower and landowner of Ware County, who was recently elected chairman of the organization committee of the new tobacco farmers' organization.

Mr. Sessoms told me he had received reports from subcommittee chairmen of militia districts in more than 15 of the largest tobacco-producing counties of the State, and it is the enthusiasm and unshaken optimism of these farmers which Mr. Sessoms declared indicates certain success of the movement. I quote further, as follows:

"Farmers are pledging to sacrifice whatever time and effort that may be required, and to stand solidly in line until organization is completed," Mr. Sessoms stated.

"Already sufficient membership contracts have been signed to provide one-half of the minimum tonnage indicated by the Federal Farm Board as necessary to enable the tobacco cooperative to start off on a sound economical administrative basis.

"In most of the counties reports indicate the probability of a 50 to 60 per cent sign up, and a growing belief that the only hope of the Georgia producer is through cooperation.

ANOTHER FACTOR

"Another factor which is spurring the growers to prompt decision in signing the contracts is the announcement from a few markets that certain warehousemen and bankers have declared themselves against the cooperative. The reaction of the farmer to this opposition to his handling his own business has been a prompt acceptance of the challenge."

Mr. Sessoms pointed to the experience of South Carolina growers, who organized last year and sold their crop at a profit "while Georgia growers were giving away their crop." Mr. Sessoms further stated:

Farmers are asking the question, "Why do local bankers and business men want us farmers to stick to a system that almost ruined us last year? Do they think we farmers are fools enough to continue growing tobacco at a loss, letting others who handle our crop and sell us fertilizers continue their profits? Can they not see that if they continue to place the temporary income of a few warehousemen and the few men who sell us lumber and fertilizers ahead of the profits of thousands of farmers, they not only forfeit our friendship but contribute to a system that will compel us to quit growing tobacco and ultimately kill the industry in Georgia?"

Commenting further regarding the opposition of "certain local business interests" to the cooperative movement, Mr. Sessoms points out that this attitude is by no means unanimous.

"At Douglas," he says, "the largest and oldest market in Georgia, the tobacco cooperative is being welcomed by business leaders; negotiations are well under way for securing there an ample receiving warehouse, and already there is a sign up of over 4,000,000 pounds in that section. In Baxley, bankers, business men, farmers, and general public are for the cooperative, and arrangements already have been made for a receiving warehouse there, with nearly a 100 per cent sign up anticipated.

"While I believe the temper of south Georgia tobacco growers is such that they would not be deterred from organizing, even should the opposition of business men be unanimous, for they are sure of Federal funds to finance their crop provided they organize, still they desire friendly and sympathetic relations with local business men, and they are greatly heartened by the friendliness of local bankers and business interests in most of the counties where they anticipate the same cordial cooperation as that in Douglas and Baxley.

NOT FIGHTING BANKERS

"We are not fighting local bankers nor the local warehousemen. We appreciate fully the motives and value of the assistance obtained by farmers from local interests who helped build the existing markets in Georgia. If they will cooperate with us, we will go as far as we can within the limits of economical marketing practice to utilize the floor space of existing warehouses and other facilities by lease or purchase.

"The policy of our organization committee is, and I am sure the policy of the permanent organization committee will be, not to destroy or disturb or contend with anybody. We growers simply are organizing so as to be in a position to reduce costs of production, grading, and marketing, and avail ourselves of the only source of financial accommodation now open to farmers in any substantial way—through the Federal Farm Board. The door to that aid is through the cooperative association alone. If we can aid ourselves to greater profits by taking this road, the local bankers and merchants will get their part, and we can save an industry to which our soil and climate are peculiarly adapted. We feel that they should help us from a purely selfish standpoint. If they do not believe in letting us run our own affairs as they run theirs, we feel that at least they should not oppose us and at the same time expect us to give our trade and patronage to the markets their own opposition may force us to desert. We want to build, not to destroy. We want peace, not war, but no combination of forces will be permitted to defeat our purpose to organize our own business for our own benefit."

Mr. Sessoms, in making this statement of the progress and aims of the organization committee, credited the Savannah Chamber of Commerce for its financial assistance, and declared that the basis for the successful membership drive which is now being made has been firmly laid by the work of county agents and representatives of the Federal Farm Board—most of whom have been successful tobacco farmers—and railroad agricultural agents, who for weeks have been conducting educational campaigns reaching every militia district in the tobacco belt. He mentioned the progressive farmers who have entered the lists without pay or hope of reward except the benefits they expect to reap from the cooperative plan of marketing, as entitled to the chief credit for the assured success of the movement.

April 1 is the date, according to Mr. Sessoms, as the "dead line" for the organization of the Georgia Tobacco Growers' Marketing Association.

Mr. Sessoms made an additional statement, as follows:

Tobacco growers of Georgia will or will not have an association according to the number of contracts they sign between now and April 1. Therefore the responsibility of whether or not we have an association to operate this fall is entirely in the hands of Georgia tobacco growers.

The sign-up to date has been real good, but not sufficient quantity is as yet signed. The farmers of Georgia were told by the Georgia State College of Agriculture and the Federal Farm Board in assisting in getting this started that the farmers would form this association if it was formed. The organization committee, with the assistance of men from these two organizations, have been holding community meetings in several of the counties. These have shown a great deal of interest, and the farmers have been signing well where these have been held. But the time is so short it is impossible for the speakers to cover all the counties in the tobacco belt, so it is therefore up to the growers of the counties producing tobacco to decide for themselves and to take action right away.

Various statements have been made as to the course Georgia farmers should take in marketing their tobacco this year. Most of them have come from those interested in handling the farmer's tobacco and for other reasons opposed to his handling his own tobacco. None of these have offered him any explanation or outlook for improving the unsatisfactory short season forced on him, or give him a way to see daylight for the tieing question. The facts still remain that he is the man to profit or lose by continuing or improving the present system. The organization committee of the Georgia Tobacco Growers Marketing Association advance the following as some of the basic reasons in favor of a tobacco growers' association:

First. The South Carolina Association, the Maryland Association, the Wisconsin Association—all three show that tobacco associations can be successful even though handling only a small percentage of the crop.

Second. The grower can, through the association, get a fair test of whether or not tieing tobacco pays. It seems that tobacco for export must be tied, and unless our Georgia tobacco is tied our export sales are handicapped. This permits the grower to find out which pays best.

Third. All tobacco for the association will be Government graded. Government-graded tobacco in Georgia averaged $1.94 per 100 pounds more than ungraded tobacco for the first three weeks last year.

Fourth. The association plans to know the daily market value of each grade and inform delivering members.

Fifth. Floor sweepings remain the property of the members as a body through the association.

Sixth. If you pool your tobacco you may deliver and return home that day.

Seventh. The member can elect to have his tobacco sold on the association floor by auction, and then will receive full pay for his tobacco, less the usual warehouse charges and association reserve.

Eighth. Or a member may elect to deliver all or part of his tobacco to the pool, draw 75 per cent of the market value, and return home.

Ninth. The association will have a board of tobacco experts to determine the market value on which the loan will be based. This value will be checked by daily sales and corrected if necessary.

Tenth. The board of directors, elected by the members, will confer with the Federal Farm Board member, Mr. James C. Stone, and with him elect an honest, efficient manager, capable of conducting the affairs in a businesslike way.

Eleventh. The aim of the association is to continue making improvements in the marketing of Georgia tobacco which will be fair to both the producer and the buyer.

Twelfth. The association can continue pooling your tobacco after the Georgia auction markets have closed. So you may have time to put your tobacco in condition, let it color, and if you find tieing pays, to tie it. Georgia needs longer than five weeks to market her tobacco.

Mr. Sessoms further said:

The outlook at present is for an increased acreage for tobacco in both North Carolina and South Carolina. If that be true and they have a fairly favorable season, we can not hope for a higher price in Georgia, even though human nature never quits hoping. Now, if that condition should exist, we will have an enormous number of telegrams from the business men and the tobacco growers to the Federal Farm Board calling for help, just as we did last fall. If the association is not set up, they can not do anything under the law.

If that market condition should exist, what could the association do? (1) They can give you a longer time to prepare and sell your tobacco. (2) They can save a part of the present cost of selling and the present waste in selling. (3) They can have your tobacco graded so that when you have good tobacco you can get the price for that grade, thus giving the Georgia grower more encouragement to produce quality tobacco. (4) Your tobacco will sell for the full market value over the association floor, and the several economies will come to you as savings through your association. (5) Your association will pool or auction the tobacco at the growers' discretion, and can sell pooled tobacco as demand calls for it.

Your organization committee believes the tobacco acreage should be reduced this year; that we should do everything possible to improve our quality, which is at present equal with North Carolina's; and that we should set up this organization to work these things out for us.

What do you think, and what are you going to do about it?

SERVICE IN THE HOUSE

The SPEAKER. Under the order of the House, the Chair will now recognize the gentlewoman from Arkansas [Mrs. OLDFIELD] for five minutes.

Mrs. OLDFIELD. Mr. Speaker, ladies, and gentlemen, as I contemplate my retirement from public life on March 4 a feeling of sadness steals over me as I realize that henceforth our paths may be widely separated and many faces which are now so familiar may never again cross my vision. Therefore I want to take this occasion to say to the membership of this House that I shall always remember most pleasantly my association with you, and extend to you an expression of my sincere appreciation and gratitude for your

Columbus, present wreaths in honor of Father Junipero Serra.

fulfilled us last year? Do they think we farmers are fools enough

the tobacco belt, so it is therefore up to the growers of the

helpfulness and uniform kindness to me. Years may come and years may go, but I want you to know that so long as memory lasts I shall never forget the many friendly and unselfish suggestions which came to me from friends on both sides of the aisle at the time when my official duties were new and more or less mystifying and when other circumstances were engrossing me day and night. It was indeed arduous for me to summon the necessary courage and confidence to undertake the momentous task, but your attiture toward me, together with my consciousness of the gracious and magnanimous action of my friends at home in conferring such an honor upon me, caused me to resolve firmly to make a faithful, determined effort, entertaining always the cherished hope that I may not seriously or grievously disappoint my friends anywhere. In view of the interest, friendship, and extreme confidence manifested in me, that I might not disappoint or grieve any of my friends almost became an obsession with me. I have honestly endeavored to properly and adequately evidence my appreciation and justify in so far as I could the confidence reposed in me, and now in terminating my public services I enjoy a feeling of supreme satisfaction in the belief that my friends will again demonstrate their generosity toward me in passing judgment on my official conduct. When I first came onto the floor of the House I was not altogether among strangers. For many, many years I had enjoyed the friendship of many of its Members, and I knew that on account of our friendship I could confer with them, and realized also that by reason of their long experience and sound judgment I could safely rely on their advice to me. To them especially I want to say that I am profoundly grateful. You have made me realize even more than heretofore that you are indeed my friends. Words fail to convey further my present feeling of thanks to all of my friends. [Applause, the Members rising.]

INTERNAL-REVENUE STAMPS ON TOBACCO

The SPEAKER. The Chair will recognize Members for consideration of conference reports at this time.

Mr. HAWLEY. Mr. Speaker, I present a conference report on the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, diate consideration.

The Clerk read the conference report.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. p. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26), having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "if issued after December 31, 1931, and if claim for their redemption is presented by the manufacturer or importer within three years after the year of issue as indicated by the number or symbol printed thereon by the Government, irrespective of the date of their purchase. Beginning with the year 1933, stamps of any issue shall not be sold until those of the previous year's issue have been disposed of or later than one year after the year of issue "; and the Senate agree to the same.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

REED SMOOT,
JAMES E. WATSON,
PAT HARRISON,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10658) to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26), submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill provided for the refund of internal-revenue stamps on tobacco, snuff, cigars, and cigarettes which the manufacturer or importer withdraws from the market, if claim therefor is presented within two years from the date of cancellation of the stamps, irrespective of the date of purchase. The Senate amendment removed the statute of limitations. The conference agreement permits refund only in case the stamps are issued after December 31, 1931, and provides that claims must be presented within three years after the year of issue, as indicated by the number or symbol printed thereon by the Government, irrespective of the date of purchase. The agreement further provides, beginning with 1933, stamps shall not be sold until the previous year's issue has been disposed of or later than one year after the year of issue.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

Mr. GARNER. Mr. Speaker, I think the gentleman ought to make a statement to the House so that the RECORD will show just exactly what this report is. There are a number of people here who are interested in this legislation. I suggest the gentleman from Oregon take one or two minutes to let the RECORD show the result of the conference.

Mr. HAWLEY. The bill, as it passed the House, provided for refund for internal-revenue stamps on tobacco, snuff, cigars, and cigarettes if they became unsalable and are withdrawn from the market; and if claim therefore is presented within two years from the date of cancellation, irrespective of the date of purchase, the manufacture or importer could recover the value of the stamps. The Senate amended the bill by fixing no limit of time within which they could recover the money for the stamps. The conferees have fixed that limit at three years instead of two years and provided refunds only in the case that the stamps are issued after December 31, 1931. Claims must be presented within three years after the year of issue as indicated by the number or symbol printed on them. The tobacco interests have been consulted and agree to this. It is also agreeable to the Treasury.

Mr. GARNER. If I understand, the statement was made to us in conference that the representatives of the tobacco growers of the country and those interested in this particular legislation have gotten together with the Treasury Department and this arrangement that has been brought up in this conference report is satisfactory to both factions.

Mr. HAWLEY. That is correct.

Mr. EDWARDS. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. EDWARDS. This in no way affects tobacco growers?

Mr. HAWLEY. Only so far as they are interested in the sale of their products.

Mr. EDWARDS. I may suggest to the gentleman and to his committee that the tax on tobacco is too high now.

Mr. THATCHER. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. THATCHER. It has the tendency to increase the sale of tobacco from the farmer to the factory.

Mr. ABERNETHY. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. ABERNETHY. What is the time limit fixed for retiring these stamps?

Mr. HAWLEY. Three years.

Mr. THATCHER. That is satisfactory to everybody.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. LaGUARDIA. Do I understand the Senate removed the statute of limitations entirely and that they can obtain refunds at any time?

Mr. HAWLEY. Had the Senate amendment become the law, that would have been the result.

Mr. LaGUARDIA. I am glad to hear that. The gentleman has trouble with deficits in the Treasury, and if we keep on making exemptions of this kind we will never know where we are two years ahead of time. This is the first time the Treasury Department has agreed with me.

The conference report was agreed to.

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill at this point in the RECORD and to include as a part of my remarks excerpts from the report of the committee.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THATCHER. Mr. Speaker, it was my privilege to introduce this measure, H. R. 10658. It has for its purpose the amendment of existing law so that there may be made to manufacturers and importers of tobacco products refunds of stamp taxes where tobacco products become damaged or unmarketable and are removed from sale or consumption. The bill passed the House on January 19, 1931. It provided that in order that the indicated refunds might be made, claims therefor should be presented within two years from the dates of cancellation of such stamps, irrespective of the date of their purchase. On February 21, 1931, the bill passed the Senate with an amendment striking out the 2-year limitation, thus removing all limitation of time as to applications for refund.

The original bill—that is to say, the form in which it passed the House—was drafted to meet the views of the Treasury officials. The Senate amendment was not acceptable to the Treasury, as a time limit was desired. As a result the Senate amendment was struck out in conference and there was substituted an amendment providing for a 3-year limit touching redemption and providing certain details of operation to meet more fully the methods of certain tobacco manufacturers. Accordingly the bill will go to the President for approval in the following form:

An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat., p. 177), as amended (U. S. C., sec. 1174, ch. 21 title 26)

Be it enacted, etc., That section 1 of the act entitled "An act authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps," approved May 12, 1900 (ch. 393, 31 Stat., p. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26), be, and the same is hereby, amended by adding at the close thereof the following: "*And provided further*, That internal-revenue stamps affixed to packages of tobacco, snuff, cigars, or cigarettes which, after removal from factory or customhouse for consumption or sale, the manufacturer or importer withdraws from the market, may, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, be redeemed if issued after December 31, 1931, and if claim for their redemption is presented by the manufacturer or importer within three years after the year of issue as indicated by the number or symbol printed thereon by the Government, irrespective of the date of their purchase. Beginning with the year 1933 stamps of any issue shall not be sold until those of the previous year's issue have been disposed of or later than one year after the issue.

The following is quoted from the House committee's favorable report on the measure, the same including the favorable report thereon by the Secretary of the Treasury:

The proposed legislation amends existing law to permit manufacturers, under proper regulations to be prescribed by the Treasury Department, to recover the value of internal-revenue stamps affixed to tobacco manufactures which have been removed from the place of manufacture for consumption or sale but which the owner has been unable to market, or which may have become damaged or stale or otherwise unmerchantable through failure of a new brand to sell, by reason of faulty or unattractive packages, or for other legitimate reasons. Some manufacturers also protect their brands by frequently replacing those on the market with fresh goods.

Under existing law a manufacturer who withdraws such product from the market must lose the value of the stamp or stamps affixed thereto unless he exports the product and obtains a drawback of the tax paid. It is estimated that 94 per cent of the drawback paid on tobacco manufactures during the fiscal year ended June 30, 1929, represented tobacco withdrawn and exported for the purpose of recovering the value of the stamps affixed.

To require the manufacturers to export damaged or defective tobacco products in order to secure refund of the stamp taxes paid thereon not only subjects the manufacturers to substantial inconvenience and loss but also results in dumping into foreign markets unsatisfactory American manufactures with the consequence that American-made goods suffer in reputation in foreign countries. One of the purposes of this measure is to obviate this situation.

It is estimated that claims presented under this bill will amount to about $450,000 based upon the current rate of tax collections, but will be nearly offset by increased receipts from the sale of stamps to manufacturers on goods that replace the products so removed from the market.

The purpose of the amendment is to make it clear that the 4-year statute of limitation applicable to unused stamps contained in the act of May 12, 1900, will not apply in the case of redemption of stamps on goods withdrawn from the market and was suggested by the Treasury Department.

The bill has the approval of the Secretary of the Treasury, as set forth in the following letter under date of April 2, 1930:

TREASURY DEPARTMENT,
Washington, April 22, 1930.

Hon. WILLIS C. HAWLEY,
Chairman Committee on Ways and Means,
House of Representatives.

DEAR MR. CHAIRMAN: Receipt is acknowledged of your letter of March 19, 1930, inclosing a copy of H. R. 10858, by Mr. Thatcher, a bill to amend section 1 of the act of May 12, 1900, as amended, relating to redemption of certain internal-revenue stamps and stating that the committee would be glad to receive any comments or recommendations that the department may care to make thereon.

The act of May 12, 1900, as amended, authorizes the Commissioner of Internal Revenue under certain conditions to redeem internal-revenue stamps, but that authority has been construed in regulations 8, revised April, 1928, article 116, and prior revisions of said regulations, "not to include stamps that have been regularly and properly used by a manufacturer in payment of tax on his tobacco product and which was removed from the place of manufacture for consumption or sale. The fact that such goods become damaged, stale, or unmerchantable after they have been stamped, denoting payment of tax, and have been removed from the place of manufacture, will not entitle the owner to a refund of the tax." It is understood that some manufacturers protect their brands on the market by replacing that which has deteriorated with fresh goods. There are other reasons why a manufacturer might wish to withdraw his product from the market; for example, failure of a new brand to sell, faulty or unattractive packages, etc.

A manufacturer who withdraws his product from the market must lose the value of the stamp or stamps affixed thereto unless, having found a foreign purchaser for such product, he exports the same with benefit of drawback of the internal-revenue tax paid thereon under the provisions of section 3386 of the Revised Statutes and regulations (at present No. 73) promulgated pursuant thereto. Drawback of tax paid on tobacco manufactures exported during the fiscal year ended June 30, 1929, amounted to $141,484.71. A large part of such allowance of drawback, or approximately 94 per cent, represents tax-paid tobacco manufactures which the principal manufacturers in the United States withdrew from the market and exported in order to recover the value of the stamps affixed.

H. R. 10658 will enable manufacturers to recover the value of stamps affixed to tobacco manufactures which they withdraw from the market without going to the trouble and expense of exporting tax-paid tobacco manufactures and claiming drawback of the tax paid thereon. Importers would be accorded the same privilege, although they are not entitled under section 3386, Revised Statutes, to drawback of tax paid on imported manufactures exported. The redemption of unused internal-revenue stamps for tobacco manufactures, which amounted to $314,399.68 during the fiscal year 1929, will not be affected by the proposed act. Allowance of drawback of taxes on tobacco manufactures exported will be reduced to the extent that manufacturers who theretofore claimed drawback avail themselves of the privilege of redemption of stamps under the proposed legislation. It is estimated that claims presented under the proposed act will approximate one-tenth of 1 per cent of the tobacco tax collections, amounting to about $450,000, based on the current rate of collections. Increased receipts from the sale of stamps to manufacturers will result from tax payment of product removed from factories for replacement of goods withdrawn from the market, and nearly offset the redemptions.

The department recommends amendment of H. R. 10658 by adding at the close thereof the words, "irrespective of the date of their purchase," in order to make it clear that the 4-year statute of limitations applicable to unused stamps contained in the act of May 12, 1900, would not apply in the case of redemption of stamps on goods withdrawn from the market. It would be practically impossible to determine whether or not stamps affixed to tobacco products of domestic manufacture withdrawn from the market were purchased within the statute of limitations of four years from the date of filing claim for their redemption, other than approximately in those cases where the manufacturers canceled the stamps. The dates of cancellation of stamps afford the only practical means of applying any statute of limitations in respect to redemption of stamps under the proposed legislation.

With the change suggested, the department is disposed to recommend favorable consideration of the bill in question.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

JOHN MAIKA

Mr. IRWIN. Mr. Speaker, I present a conference report on the bill (H. R. 531) for the relief of John Maika, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 531) entitled "An act for the relief of John Maika," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to each thereof with an amendment as follows: In lieu of the sum inserted by each of said amendments numbered 1 and 2 of the Senate insert "$3,000"; and the Senate agree to the same.

ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 531) for the relief of John Maika submit the following statement explaining the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

As agreed upon by the conferees the amount appropriated in the bill now is $3,000, instead of the amount of $5,000, which was carried in the bill when it originally passed the House.

ED. M. IRWIN,
JOHN C. BOX,
Managers on the part of the House.

The conference report was agreed to.

LAURIN GOSNEY

Mr. IRWIN. Mr. Speaker, I call up the conference report on the bill (H. R. 2222) for the relief of Laurin Gosney, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. IRWIN]?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2222) entitled "An act for the relief of Laurin Gosney," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2222) for the relief of Laurin Gosney submit the following statement explaining the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The conference committee recommends the reincorporation in the bill of the amount of $3,000, so that as agreed upon by the conferees the bill is in the exact form in which it originally passed the House.

ED. M. IRWIN,
JOHN C. BOX,
Managers on the part of the House.

The conference report was agreed to.

ELIZABETH LYNN

Mr. IRWIN. Mr. Speaker, I call up the conference report on the bill (H. R. 6227) for the relief of Elizabeth Lynn, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6227) entitled "An act for the relief of Elizabeth Lynn" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6227) for the relief of Elizabeth Lynn, submit the following statement explaining the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

As agreed upon by the conferees, the amount appropriated in the bill now is $1,000 instead of the amount of $5,000, which was carried in the bill when it originally passed the House.

ED. M. IRWIN,
JOHN C. BOX,
Managers on the part of the House.

GEORGE W. M'PHERSON

Mr. IRWIN. Mr. Speaker, I call up the conference report on the bill (H. R. 8242) for the relief of George W. McPherson, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8242) entitled "An act for the relief of George W. McPherson," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the sum inserted by said amendment of the Senate, insert $4,000.

And the Senate agree to the same.

ED. M. IRWIN,
JOHN C. BOX,
ROY G. FITZGERALD,
Managers on the part of the House.

R. B. HOWELL,
HUGO L. BLACK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8242) for the relief of George W. McPherson, submit the following statement explaining the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

As agreed upon by the conferees the amount appropriated in the bill now is $4,000, instead of $5,000, which was the amount carried in the bill when it originally passed the House.

ED. M. IRWIN,
JOHN C. BOX,
Managers on the part of the House.

The conference report was agreed to.

AMENDMENT OF NATURALIZATION LAWS

Mr. CABLE. Mr. Speaker, I present a conference report on the bill (H. R. 10672) to amend the naturalization laws in respect of posting of notices of petitions for citizenship, and I ask for its immediate consideration.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws with respect to posting of notices of petitions for citizenship, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 4. (a) Section 3 of the act entitled 'An act relative to the naturalization and citizenship of married women,' approved September 22, 1922, as amended, is amended to read as follows:

"'SEC. 3. (a) A woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after this section, as amended, takes effect, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens.

"'(b) Any woman who before this section, as amended, takes effect, has lost her United States citizenship by residence abroad after marriage to an alien or by marriage to an alien ineligible to citizenship may, if she has not acquired any other nationality by affirmative act, be naturalized in the manner prescribed in section 4 of this act, as amended. Any woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 on account of her race.

"'(c) No woman shall be entitled to naturalization under section 4 of this act, as amended, if her United States citizenship originated solely by reason of her marriage to a citizen of the United States or by reason of the acquisition of United States citizenship by her husband.'

"(b) Section 5 of such act of September 22, 1922, is repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

ALBERT JOHNSON,
JOHN L. CABLE,
Managers on the part of the House.

HIRAM W. JOHNSON,
DAVID A. REED,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10672) to amend the naturalization laws with respect to posting of notices of petitions for citizenship, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: This amendment permits persons born in the United States who have established permanent residence in a foreign country prior to 1917, and who have heretofore become naturalized under the laws of such country, and who have heretofore been admitted to the United States for permanent residence, to become naturalized without compliance with the 5-year residence requirement. In lieu thereof it is provided that the petition may be filed at any time after the expiration of six months following the declaration of intention but within the statutory 7-year period. The House recedes.

On amendment No. 2: This amendment amends the Cable Act of 1922, as follows:

(1) A woman citizen who hereafter marries an alien ineligible to citizenship shall not lose her citizenship by reason of such marriage.

(2) A woman who heretofore has lost her citizenship by residence abroad after marriage to an alien or by marriage to an ineligible alien may become naturalized according to the short method provided in section 4 of the Cable Act, as amended July 3, 1930, and by virtue of subdivision (b) of such section, as amended, after her naturalization she will have the same citizenship status as if her marriage had taken place after the passage of this bill.

(3) A woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 of the Cable Act, as amended, by reason of her race.

(4) The quick method of naturalization given to certain classes of women by the Cable Act, as amended, is denied to women whose citizenship originated solely by reason of marriage to a citizen of the United States.

(5) This amendment also repeals the provision of the Cable Act denying naturalization to a woman married to an alien ineligible to citizenship.

The House recedes with an amendment limiting the benefits set forth in paragraph (2) of this statement to women who have not acquired any other nationality by affirmative act, and with other amendments making clarifying changes.

On amendment No. 3: This amendment extends for two years more the time in which alien veterans may become naturalized under the short method of naturalization, this privilege under the existing law expiring on March 4, 1931. The Senate recedes.

The Senate amended the title of the House bill, and the House recedes from its disagreement to this amendment.

ALBERT JOHNSON,
JOHN L. CABLE,
Managers on the part of the House.

Mr. STAFFORD. Will the gentleman yield?

Mr. CABLE. I yield.

Managers on the part of the Senate.

spective Houses as follows:

Mr. STAFFORD. We have before the House a very important matter concerning the citizenship of married women, which has not been given any consideration at any time during this session of Congress. I think it is only fair to the membership of the House that the gentleman explain the full purport of the last section to which the conferees have agreed, so far as the regaining of citizenship by married women, and especially in cases where they have expatriated themselves and are being given the privilege of availing themselves of the privilege of regaining their citizenship.

Before the gentleman proceeds let me say that I notice that in one of the clauses it is proposed to give a married woman the right to retain her citizenship regardless of race of whom she is married to. I wish to inquire specifically whether a woman who was born in this country and married an alien would be obliged to take the citizenship of her husband or whether she would be entitled to the citizenship of the country of her birth. I have in mind a distinct case where a native-born woman living in my district married a person who had thought his father had been naturalized, but who was not, and in that case the woman was deprived of her right as a citizen because of the fact that her husband was an alien.

Mr. CABLE. I am glad to have the privilege of explaining this amendment. Congress by the act of September 22, 1922, declared for the independent citizenship of women. That bill was proposed and backed by many women's organizations of the country. The principle that a woman's citizenship was dependent upon her marriage was changed at that time. That law as written continued in effect until last year, when we passed the amendment of July 3, 1930, which repealed the provision that the woman who married an alien and resided abroad for five years or two years in the country of her husband was presumed to have lost her citizenship. Since July 3, 1930, therefore, there is no presumptive loss of citizenship by residence abroad. The amendment to the act of 1922, now before the House, is an important one. In substance it provides: First, a woman who heretofore has lost her citizenship by residence abroad after marriage to an alien or by marriage to an ineligible alien may become naturalized according to the short method provided in section 4 of the Cable Act, as amended July 3, 1930, and by virtue of subdivision (b) of such section, as amended, after her naturalization she will have the same citizenship status as if her marriage had taken place after the passage of this bill.

Second. A woman citizen who hereafter marries an alien ineligible to citizenship shall not lose her citizenship by reason of such marriage.

Third. A woman who was a citizen of the United States at birth shall not be denied naturalization under section 4 of the Cable Act, as amended, by reason of her race.

Fourth. The quick method of naturalization given to certain classes of women by the Cable Act, as amended, is denied to women whose citizenship originated solely by reason of marriage to a citizen of the United States or by her alien husbands naturalization.

Fifth. This amendment also repeals the provision of the Cable Act denying naturalization to a woman married to an alien ineligible to citizenship.

With this amendment a law we shall have removed the last discrimination between the American man and the American woman in the law on citizenship.

Let me explain this to you: Under the 1907 act, which was repealed by the act of September 22, 1922, if an American woman married an alien and she happened to be a lawyer, for example in New York State, she would lose her right to practice law. There was a case of that kind where a college graduate, a native-born American woman, married a Hollander in New York, and under the laws of New York she had no right—because she became an alien by that marriage—to continue to practice law. The laws of New York prohibit an alien from practicing law. Congress has said to the women of this country, "That shall no longer be the case."

This amendment, was reported out by the House Committee on Immigration and Naturalization. It was added by the Senate Immigration Committee to our bill eliminating the posting of notices; it has gone to conference; the conference report passed the Senate this morning and it is now up to the Members of this House to declare whether or not we believe in complete equality of citizenship rights as between American men and women.

If this bill and this amendment pass, it will be a declaration of the Members of this Congress that the American citizenship of a woman is as sacred as a man's. We should bear in mind that we can not have one law for the man and another for the woman, without declaring that the citizenship of the woman is inferior to that of the man. We held two hearings on this proposition and at that time practically every woman's organization in the United States had some representative before the committee and those representatives indorsed this proposition.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CABLE. Yes.

Mr. JOHNSON of Washington. In the gentleman's time, I would like to say this: These various problems, relating to the status of citizenship of women under certain circumstances, have been before the House Committee on Immigration for many years. The House committee voted out one or more phases of it, the Senate has added others. The proponents of the House bill are now presenting this conference report, with certain amendments, and these amended. This bill is indorsed by all the women's organizations, I think. This is an endeavor to balance up several matters of naturalization and put certain classes on a parity as regards naturalization and citizenship. I think we might as well adopt the conference report now, rather than to have the questions remain unsettled and troublesome.

Mr. GARNER. Mr. Speaker, I want to make a point of order so that it may be pending. From a reading of the report it appears that the conferees have written a new bill. In order to get the matter before the Chair, I make the point of order that there is new matter contained in the conference report and that it is neither the House bill nor the Senate bill. I would like to have the matter looked into in order to determine whether or not the conferees have written a new bill, and if they have the House ought to have an opportunity to more thoroughly consider and discuss the proposition before we adopt it.

The SPEAKER. The Chair, of course, is not familiar with the facts, but it seems to the Chair that the point of order of the gentleman from Texas would come too late, inasmuch as the matter has been debated.

Mr. GARNER. I think, perhaps, the Chair is right.

The SPEAKER. The Chair is not familiar with the facts, however.

Mr. GARNER. But if I may be permitted, you will notice the conference report is not supported by the minority conferees and the report is not in print. However, from a reading of the report it would seem that they have written an entirely new bill.

Mr. CABLE. I assure the gentleman we have not.

Mr. GARNER. And this is a very important matter inasmuch as it affects the citizenship of the American people.

Mr. CABLE. It protects the American woman.

Mr. GARNER. Is she not a citizen?

Mr. CABLE. Sure, and that is what we want to do—protect her.

Mr. GREEN. Will the gentleman yield?

Mr. CABLE. Yes.

Mr. GREEN. May I say here that there was nothing like unanimous approval of this bill in committee, and as I understand the provisions of the bill, for instance, an American woman may marry a Hindu and may reside in India and possibly there are half a dozen children born to the union, and 25 years after the marriage she may elect to come back to the United States and bring her children, and possibly her Hindu husband; or suppose she is a Chinese woman residing in the United States, she may go to China and marry a Chinaman, as of course she should, and later on bring back her Chinese husband and their offspring. Suppose there is an organization of Hindus in India that are revolutionists and have no country of their own—and

there are just such persons, I understand—under the provisions of this bill they may marry American women and come here and have a country. Gentlemen, I fear this bill may mean trouble. I want our American women to have full privileges, but I think it is a rather dangerous thing for us to permit what may turn out to be a marriage lottery whereby foreign races of different creeds and colors may marry American women and come here and reside in the United States by virtue of this law. Suppose an American woman goes to Germany and marries a German citizen and resides there for 25 years, and then decides she wants to come back to the United States and claim her American citizenship? Can you not see the far-reaching effects of this bill. I want women to enjoy full right with men, but why upset all existing family tradition and custom of the husband being the head of the home.

Mr. CABLE. The gentleman from Florida should know that marriage between races is governed by the laws of the State and not by the Federal Government, and this measure has nothing to do with that particular phase of it. The gentleman should also know that this naturalization law does not affect immigration. It is simply a law that removes the last discrimination against women in the matter of citizenship.

Mr. GREEN. But they would be permitted to bring in their husbands. Could they not bring in their children? Many States permit marriage of different colors.

Mr. CABLE. The gentleman should know that the child inherits his citizenship from the father and not from the mother, and this bill does not affect that.

Mr. GREEN. That is the case now, but under this bill this may not be the case.

Mr. CABLE. This bill does not affect the citizenship of children at all, neither does it give to the child of an American citizen who marries an alien the citizenship of the mother, because the law provides that citizenship comes from the father and not from the mother.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CABLE. Yes.

Mr. LAGUARDIA. Is it not true that under existing law, since 1922, when we passed the Cable Act, an American woman retains her American citizenship?

Mr. CABLE. That is true except in one instance.

Mr. LAGUARDIA. It is also true that an American woman marrying an alien who has not resided in the United States may, upon her return, be repatriated.

Mr. CABLE. If she married the alien prior to September 22, 1922.

Mr. LAGUARDIA. Therefore all that your bill really does—and the House should know the real facts—is to provide the retention of citizenship to women who have married aliens who are not eligible to citizenship.

Mr. JOHNSON of Washington. Is not that equitable?

Mr. CABLE. That is the last discrimination against women.

Mr. GREEN. Does not the gentleman think they should reside in the United States? Suppose they reside in some foreign country for years. Is not the husband the head of the family? Do you want to destroy the home?

Mr. CABLE. The husband's citizenship is not a bit more sacred than the wife's. This bill protects the American woman. If she marries an alien, which she has a right to do, our first duty is to safeguard her American citizenship. In such a case his citizenship is by no means more sacred than is hers. We can not, we must not take from her her birthright.

Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, as I understand the conference report, this law is required because of the Cable Act.

What the gentleman from Ohio [Mr. CABLE] now desires is to take care of American heiresses who have married into the nobility of Europe—the counts or no-counts, the dukes or dukelets—and after these heiresses are relieved of their fortunes and are discarded, America again becomes good enough, and, having expatriated themselves, they seek to return here.

The gentleman from Ohio states that all the ladies' organizations and societies are in favor of this proposed legislation, have approved this bill, and are clamoring for its passage. I am inclined to concede that all the leaders of ladies' organizations, not the women's organizations themselves, but the leaders of the organizations, many of them with marriageable daughters seeking to emulate and penetrate the nobility of Europe, and apprehensive of the future of their daughters, are seeking this legislation.

I have no sympathy with the American heiresses, nor the mothers seeking to crash the social and nobility circles of Europe through their daughters—which this bill will encourage—or desire to encourage them in their foolhardy aspirations.

Mr. Speaker, ladies and gentlemen, I think it is an insult to American citizens. Instead of aiding them we should discourage them. I feel that they should recognize by this time that, with few exceptions, these marriages have been unhappy experiences; and, I repeat, in the interest of not only American womanhood but American manhood also, this practice should be discouraged, because there is no title whatever nobler than the title of the American citizen.

If you think this legislation is so badly needed, well and good; but it is my belief that whenever a woman of that kind disregards her own citizenship as an American and gives preference to a member of the foreign nobility over a splendid American citizen she has chosen her lot and, I say, let her remain there. [Applause.]

Mr. CABLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 3564. An act for the relief of John T. O'Neil;

H. R. 8534. An act for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes;

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.; and

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park in the State of Michigan, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 6255. An act to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States.

ORDER OF BUSINESS

The SPEAKER. The Chair will recognize gentlemen for three suspensions of the rules. May the Chair say this, that it looks quite impossible now to recognize for many suspensions of the rules and possibly, by unanimous consent, to pass Senate bills. It is a pure waste of time for any Member to ask the Chair at what time he can be recognized. Gentlemen must keep their seats and await their chance.

Mr. RAMSEYER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAMSEYER. The Chair stated that he would recognize gentlemen for three suspensions. Would it be proper for the Chair to state what those suspensions are?

The SPEAKER. The Chair is about to state them. Two are House bills. Ordinarily the Chair would not recognize at this time a motion to suspend the rules for the passage of a House bill, but he is informed that there is an excellent chance for both to be passed by the Senate this afternoon.

One of the motions to suspend the rules is by Doctor TEMPLE, to provide funds for buildings for the use of the diplomatic and consular establishments.

One is by the gentleman from Georgia [Mr. BRAND], in relation to spreading false rumors about the condition of banks, and the third one is a bill of the gentleman from Idaho [Mr. SMITH] in relation to advances on reclamation projects.

FOREIGN SERVICE BUILDINGS

Mr. TEMPLE. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 15774, with an amendment.

Mr. LINTHICUM. Mr. Speaker, I understand from the gentleman from Washington [Mr. JOHNSON] that this bill has just passed the Senate this morning. I would like to know what effect this would have on this motion.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania if that is the fact.

Mr. TEMPLE. I was in the Senate a few moments ago and was informed by the Senator from Virginia [Mr. SWANSON] that it would probably be passed shortly. I will withhold my motion temporarily.

FALSE REPORTS AS TO CONDITION OF BANKS

Mr. McFADDEN. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 10560, with an amendment, which I send to the Clerk's desk.

The Clerk read the bill, as follows:

H. R. 10560

A bill to amend section 22 of the Federal reserve act

Be it enacted, etc., That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, or any other bank or banking institution which may, under existing law, be subject to examination by the Comptroller of the Currency, which causes a general withdrawal of deposits from such bank shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both."

The SPEAKER. Is a second demanded?

Mr. RAMSEYER. Mr. Speaker, I demand a second.

The SPEAKER. Is any member of the committee opposed to the bill? If not, the Chair will recognize the gentleman from Iowa [Mr. RAMSEYER].

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. McFADDEN] for 20 minutes and the gentleman from Iowa [Mr. RAMSEYER] for 20 minutes.

Mr. McFADDEN. Mr. Speaker, I reserve my time until we hear from the gentleman from Iowa.

Mr. RAMSEYER. Mr. Speaker, this bill, or a bill similar to this one, was considered in the House last March, about a year ago from this March, and was overwhelmingly defeated. The author of the bill, Mr. BRAND, saw the predicament that the bill was in and moved to recommit the bill to the Committee on Banking and Currency. If those who opposed the bill had known that it would come up again they would have gone ahead and beaten it and that would have been the end of it for this Congress.

The situation at this time is no different than it was a year ago, except that the bill has been somewhat modified. Instead of making the slander of national banks a felony it is a misdemeanor in the pending bill. A while before the bill was up a year ago we passed another bill which undertook to extend the criminal jurisdiction of the Federal Government to stolen property carried in interstate commerce. I stated at the time that that bill had not been referred to the Department of Justice, and that if it had been referred to the Department of Justice, that that department would undoubtedly have recommended against it. It passed the House by a small majority and was sent to the Senate, and there referred to the Department of Justice for its opinion. The Department of Justice sent me a copy of that letter addressed to the chairman of the Committee on the Judiciary of the Senate; and that committee, following the advice of the Department of Justice, did not report that bill to the Senate.

I want to give you the attitude of the Department of Justice toward extending the criminal jurisdiction of the United States. I have stood on the floor of the House and have warned the House against the tendency of extending the Federal jurisdiction. I warned this House against the tendency of trying to regulate the life of every community in the United States from Washington. I have stood here for State rights, while the historic advocates of State rights from the South have been standing back and refusing to aid along that line. Now, here for the first time in the history of the country there is an attempt to make slander of national banks a Federal offense. Heretofore many of the States have passed laws making slander of banks, whether State or National, a criminal offense. This is a matter for the States, like their other criminal laws, the laws against burglary and against theft and a hundred and one other criminal laws that the States have and which there has been no attempt to aid or reinforce by Federal criminal laws. What is the tendency of States whenever the Federal Government comes in and supplements the State criminal laws? The tendency has been and will continue to be that where an offense is both State and Federal, for the State authorities to lie down and turn the prosecution of such cases over to the Federal courts. That has been the experience with the Dyer automobile theft law. The experience has been that whenever a stolen automobile is taken across a State line, the State authorities, instead of going through the usual process of extradition for the return of the offender, turn it over to the Federal courts.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. O'CONNOR of New York. The gentleman said that we can do it if we want to do it. I would like to know what the Federal Government can do if a man stands in Times Square and says something slanderous about a national bank. How could the Federal Government get any jurisdiction to punish him, even if it wanted to?

Mr. RAMSEYER. Of course, if it is done against a national bank, that is what this law is intended to cover.

Mr. O'CONNOR of New York. Where is the crime committed?

Mr. RAMSEYER. In Times Square.

Mr. O'CONNOR of New York. What has the Federal Government got to do with that?

Mr. SABATH. This bill will make it a crime.

Mr. RAMSEYER. This bill would not be considered now if there had not been a run on a trust company here in Washington. I have no objection to the States making slander of financial institutions an offense. That is up to the States. If this bill were limited to the District of Columbia, I would not interpose any objection to it. If they need that kind of a law in the District of Columbia in order to protect banking institutions, such as they have here, or trust companies, that is up to the wisdom of this House. So far as I am concerned, as I stated before, I would not interpose any objection at all to a criminal statute of this kind for the District of Columbia. So far as I know this bill has never been referred to the Attorney General for an opinion. I ask the chairman whether it has been?

Mr. McFADDEN. The Treasury Department referred it to the Attorney General.

Mr. RAMSEYER. I know the Treasury Department wants it, but the Attorney General has never expressed an opinion upon it.

Mr. ARNOLD. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. ARNOLD. In the event of prosecution under this law for a statement that a bank is insolvent, in the trial how would it be possible to prove the insolvency of the bank without requiring all its paper and assets to be brought before the court and submitted to the jury for them to determine whether or not the bank was solvent or insolvent?

Mr. RAMSEYER. That is a question that comes in all bank slander laws in States now with which I am familiar. Iowa has a slander law, but up to date it has never undertaken to prosecute anybody. Of course, if the solvency of the bank is put in issue, the solvency of a bank depends upon the solvency of its borrowers, and the State, which has the burden of proof to establish the offense beyond a reasonable doubt, would be compelled to show that the bank was solvent by showing that its borrowers were all solvent, at least solvent enough to make the bank solvent.

Mr. ARNOLD. To justify the slander of a bank, would it not be necessary that all assets be produced at the trial and submitted to the jury so that the jury could determine whether the bank was solvent or insolvent?

Mr. RAMSEYER. I think there is no question about that, if solvency is an issue under some State law and from a practical standpoint the attempt of a bank to use this law in a State, or in a Federal court if a Federal law is passed, would do infinitely more harm to the bank than a little loose talk on the streets. The proponents of this bill, when it was up a year ago, were severely routed on every phase of this bill, and I am not surprised at all that there is no one who wants to go ahead here and defend the bill.

The Attorney General is against the extension of the Federal criminal jurisdiction, especially at this time.

After that bill to make it a Federal offense to carry any stolen goods across a State line was before us I placed in the RECORD on March 31, 1930, a letter from the Attorney General. I want to read three sentences from that letter.

He said:

Experience has shown that when Congress includes criminal legislation of this type the tendency is for the State authorities to cease their efforts toward punishing the offenders and to leave it to the Federal authorities and Federal courts.

That has been the experience under the Dyer Act.

State authorities are usually willing enough to allow the trouble and burden of the expense of prosecution, including provision of penal institutions, to be borne by the Federal Government.

And then in the sentence above he says:

The machinery now provided by the Federal Government for prosecution and punishment of crime is overtaxed.

Mr. STEAGALL. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. STEAGALL. That statement was not made with reference to the bill now under consideration, was it?

Mr. RAMSEYER. It was made with reference to a bill to extend Federal jurisdiction over what are now only State offenses. It applies to this proposed legislation just as much as it does to the legislation which the Attorney General had in mind.

The bankers have an erroneous conception of purpose and benefits of this bill. Since my part in opposing this legislation a year ago I have had voluminous correspondence with the Secretary of the Iowa State Bankers' Association. He sent me a photostatic copy of a letter written by an insurance agent at Omaha to a prospect in Iowa. In the letter the insurance agent tells his prospect:

There have just been two bank failures in Sioux City.

That was the truth.

He says:

Banks are failing every day.

That was the truth.

Then he told him in this letter that in 53 years there had not been a failure of an old-line insurance company. That, of course, was used as an argument why this man should invest in an old-line insurance company rather than in banks. There is not a false statement in the letter, and yet the bankers of Iowa think if this law were passed you could put a stop to that kind of argument.

Mr. CELLER. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. CELLER. There was a situation recently in New York where the Bank of the United States failed. As a result of that failure slanderous remarks were made concerning one Chelsea bank. As a result of those remarks that bank was compelled to close.

Mr. RAMSEYER. Very well. Now, there is undoubtedly a slander law in New York. There is a slander law in Iowa. There is a slander law in Georgia. I think there are over 30 States which have slander laws, making it a criminal offense to slander banks and trust companies. I contend that that should be left to the States just like ordinary thefts or burglaries or numerous other offenses against society. The Dyer Act and other Federal acts that have been passed in the last 12 or 15 years have simply caused the States to lay down, and in every case where the offense is covered by a Federal law the burden of prosecution in all of those cases is invariably thrown upon the Federal courts.

Now, if that is extended so that slander of national banks is made a Federal offense, there are many other offenses that could be made Federal offenses. The Federal banks in Iowa, for instance, have the protection of the State law. If this law is passed, the national banks and member banks in Iowa will have the protection of both Federal and State laws, while the State banks will only have the protection of the State law.

This bill was before the House on March 5, and in the RECORD you will find a very exhaustive debate. It was gone into very thoroughly. The matter was fully discussed. It was at a time when the state of mind of the House was altogether different to what it is now. The House understood the situation, and if the bill had come to a roll-call vote it would have been defeated by a vote of about 4 to 1.

Mr. CELLER. Will the gentleman yield further?

Mr. RAMSEYER. I yield briefly.

Mr. CELLER. What about the slander of misstatement made of a bank by somebody in a State other than the State in which the bank is situated; across the State border?

Mr. RAMSEYER. Oh, such a situation might arise. People in times like this imagine many things that never happen. Why not wipe out all State lines and let the Federal Government alone define what crimes are and prosecute them, and let it go at that, and abolish the State courts, State laws, and State governments? If the tendency of the last 15 or 20 years continues, that is probably where we will ultimately find ourselves.

Mr. McDUFFIE. Will the gentleman yield?

Mr. RAMSEYER. I have only a few minutes, and I wish the gentleman would get time from the other side.

Mr. Speaker, I reserve the balance of my time.

Mr. McFADDEN. I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the gentleman from Iowa has the greatest power of convincing himself of any man I have ever met. The gentleman's argument would have been sound before we had rapid transit, the telegraph, and the telephone, radio, and aviation. But it is necessary to keep legislation abreast of progress, and the gentleman clearly states the necessity for this law when he admits his own State has such a law, but has failed to prosecute any case under the law. Therefore it becomes necessary for the Government to step in and to provide for just such instances.

It is now possible for anyone with malicious purposes to go into the gentleman's State, into his district, and radio a message concerning the condition of a bank in New York or to telegraph that to a confederate and start a run on the bank when that bank is solvent. The gentleman from Illinois suggests the necessity of proving the solvency of a bank. Of course, the solvency of a bank would have to be proved in a prosecution under the provisions of the bill. I have never yet heard that the difficulty of presenting a case was an argument not to pass necessary criminal law. Such a policy would indeed be welcomed by the law violator. My colleague from New York suggested what would happen if a man starts a run on a national bank by starting it on Times Square. The answer is this: What happens to a man if he counterfeits United States currency on Times Square? By this very act the Federal Government would take jurisdiction. That is so with every Federal penal law. The gentleman stated that another bill which the House passed has never received the consideration of the Senate. Permit me to say that a subcommittee has favorably re-

The Department of Justice sent me a copy of that letter addressed to the chairman of the Committee on the Ju-

the court and submitted to the jury for them to determine whether or not the bank was solvent or insolvent?

ported that bill to the full committee of the Senate, but that bill is in the position of having powerful influences opposing it. The business of dealing in stolen property has become very prosperous in this country by reason of no adequate legislation to curb it. I will not get off the subject of the bill now before us.

We have had illustrations and examples of runs started on banks and financial institutions within the last few weeks. Almost every State has a law of this kind. The bill will only provide a missing gap to take care of cases where the State does not prosecute, as stated by the gentleman from Iowa [Mr. RAMSEYER], in cases of interstate activity and in States where there are no such laws.

In order to keep criminal legislation abreast of the age in which we are living and in view of the present means of communication, it is necessary to enact legislation of this kind. The criminal and law violator avails himself of every modern means of communication, and this legislation will reach him if he does.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. McFADDEN. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Speaker, ladies and gentlemen, these seem to be the days when statesmen are looking under every chip to see if they can find some kind of a bug; and if they are disappointed in not finding a bug, they then look wise and say, "Well, there must have been one around here somewhere."

This legislation is solely for the purpose of protecting the depositors in banks, the people whose savings are placed in the safe-keeping of banks.

Within the last few weeks we had an example in Washington of how these runs start. A run was started on a prosperous institution. Men went to the telephone and called up departments of the Government and said to the Government clerks, "You had better get your money out of that bank." If they had been successful in causing that bank to fail, thousands of people would have lost largely of their savings.

This bill is very simple. It only asks that men who maliciously start a run upon a bank that takes from it a large part of its deposits shall be prosecuted. Let me read it to you.

> Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which causes a general withdrawal of deposits from such bank, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000, or imprisoned for not more than one year, or both.

Look at the safeguards in the legislation. The bill says:

> Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which causes a general withdrawal of deposits.

The bill provides that the report must "have been maliciously made and with intent to deceive and cause a general withdrawal of deposits" in order to bring about a conviction. Any person or persons who make such report should be punished, not in the interest of the bank itself, but in the interest of the people who have their savings in that bank. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. McFADDEN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker and gentlemen, I just want to call attention to the fact that the committee appointed by the House to investigate the activities of the communists included in their report a recommendation for the enactment of Federal laws to prosecute communists or other persons, organizations, newspapers, and so forth, for the spreading of false rumors for the purpose of causing runs on banks. Our committee held an executive hearing on this subject, and the Comptroller of the Currency appeared before the committee. He recommended similar legislation. A member of the committee, Mr. HALL of Mississippi, introduced an almost identical bill, and is now supporting the bill before the House.

I am not an alarmist. I do not believe that the communists have been responsible for the vast number of bank failures throughout the United States. I do believe, however, that they are responsible for some of the runs made upon banks in the city of New York, as testified to by Mr. Broderick, the superintendent of banks of the State of New York.

Unless this bill passes, or similar legislation, there is nothing to stop any group unfriendly to the United States, to our form of government, and to our financial structure, from conducting a conspiracy to undermine the confidence of the people in their own banks in any city in the country. Therefore I rise to ask the Members of this House to support this kind of legislation and to help enact it into law. [Applause.]

Mr. McFADDEN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Speaker and Members of the House, it is difficult to understand how anybody can find anything in this bill to be frightened at. This is not the same measure that was formerly considered by the House and to which the gentleman from Iowa [Mr. RAMSEYER] called attention. The bill to which he referred provided that any punishment of persons who circulate false reports concerning national banks or State banks that are members of the Federal reserve system, which tends to bring about a withdrawal of deposits and which tends to impute insolvency to such banks. The bill before us to-day only punishes one who maliciously and with intent to deceive circulates false reports which actually cause a general withdrawal of deposits from such banks. There is a very wide difference between the two measures. We know the confusion and distress caused by the closing of banks, often suffered by people who are innocent.

I belong to the school of State rights advocates. I agree in a general way with all the gentleman from Iowa [Mr. RAMSEYER] said upon the question of State rights. But national banks are institutions set up by the Federal Government, have governmental functions; they are instrumentalities of the Federal Government, and it was deemed necessary in the beginning of this system to throw the protection of the Federal laws around the national banks of the country. We undertook to set up criminal provisions in our national banking laws dealing with various offenses against the national banks. This was done not only in the interest of stockholders but for the benefit of depositors and the public. We have enacted laws which protect capital invested in national banks against discriminatory legislation on the part of the different States in the matter of taxes to be imposed. There has never been an enactment by the Congress for the protection of national banks more in keeping with the spirit and purposes of the framers of the national banking act nor one more essential to the safety and successful operation of the banking system of the country than the proposal here. We simply attempt to safeguard the interests of the public, who deposit their money in national banks, against a person who maliciously and with intent to deceive goes out and circulates false reports against a bank, which actually brings about a general run on that bank.

Mr. HARE. Will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from South Carolina.

Mr. HARE. I just wondered whether or not the gentleman had any information showing what percentage of failures of national banks or of national banking institutions during the last few years was due to the circulation of false and malicious reports.

Mr. STEAGALL. I will say to the gentleman there is not any way to get such statistics, but as practical men we know that these rumors and unfair, insidious criticisms that are sometimes indulged in by rivals in business and by enemies who have grievances, real or imaginary, against banking institutions, have played a large part in many instances in bringing about a general withdrawal of deposits, which has resulted in the closing of banks.

Mr. ESLICK. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. ESLICK. What is the authority or the right of a State court to prosecute a criminal offense committed against a national bank?

Mr. STEAGALL. I think the States have the right to enact laws that deal with these offenses, but numbers of States have not seen fit to do so. The Federal Government has enacted a number of criminal measures for the protection of national banks and they can not afford to wait for the States to pass such legislation.

The man who falsely, maliciously circulates reports that result in the closing of a bank has committed a worse crime against a community than if he had burned a bank building at night. [Applause.]

Mr. McFADDEN. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND of Georgia. Mr. Speaker, ladies and gentlemen of the House, the question propounded by the gentleman from Illinois [Mr. ARNOLD] is an immaterial one, because the bill under consideration does not require the Government to prove that a bank, against which derogatory statements as to its financial condition have been made, is insolvent or to prove that the statements caused the bank to close its doors. Of course, it is necessary to prove that the derogatory statements were false and that the utterance or circulation of the same caused a general withdrawal of deposits.

I deny that it is necessary to bring into courts the assets of the bank in order to show the statements are false. Falseness of the derogatory statements may be proven, among other ways, by the president, vice president, or cashier of the bank, the finance committee of the bank, the directors of the bank, auditors from the State banking department, and if it is a member of the Federal reserve system, auditors from the national banks; and, if necessary, auditors from the Federal reserve bank of the district in which the bank is located. Any lawyer knows that proof of falsity may be shown by positive or circumstantial evidence.

Another reason why the question propounded by the gentleman from Illinois [Mr. ARNOLD] is immaterial is due to the fact that it is the business of the courts and of the prosecuting attorneys to furnish testimony to substantiate the allegation of falsity, and that the question of proof and the character thereof is not for Congress to worry itself about. In other words, it is within the jurisdiction of Congress to enact the law and it is the business of the courts to execute the law.

I contend if Members of Congress are otherwise satisfied that the proposed legislation should be enacted to correct an existing evil, they should vote for the bill, whether or not the prosecuting attorneys fail to convict when one is indicted for its violation. This contention is based upon the constitutional doctrine that the legislative, judicial, and executive departments of the Government are separate and distinct.

In drafting this new bill I made the same simple on account of the objections urged against the original bill. The bill in its present shape is not what the Comptroller of the Currency and other officials of the Treasury Department want, but I thought, as modified, it is what Congress would pass.

The original bill is as follows:

> A bill to amend section 22 of the Federal reserve act
>
> *Be it enacted, etc.*, That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:
>
> "(g) Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which causes a general withdrawal of deposits from such bank, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both.
>
> "(h) If two or more persons conspire to violate the above provision, and one or more of such parties do any act which effects the object of such conspiracy, each of the parties to such conspiracy shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both.
>
> "(i) Any bank official who maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any individual which imputes or tends to impute insolvency, or unsound financial condition, or financial embarrassment to such individual, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both."

The bill simplified and now under consideration reads as follows:

> A bill to amend section 22 of the Federal reserve act.
>
> *Be it enacted, etc.*, That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:
>
> "(g) Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which causes a general withdrawal of deposits from such bank, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both.

I trust those who are interested in this legislation and who have heard the addresses of the gentleman from Iowa [Mr. RAMSEYER] upon the subject will compare the bill under consideration with the law of the State of Iowa passed in 1929, which reads as follows:

> SEC. 28. False reports against banks and trust companies: Whoever maliciously or with intent to deceive makes, publishes, utters, repeats, or circulates any false report concerning any bank or trust company which imputes or tends to impute insolvency or unsound financial condition or financial embarrassment, or which may tend to cause or provoke or aid in causing or provoking a general withdrawal of deposits from such bank or trust company, or which may otherwise injure or tend to injure the business or good will of such bank or trust company, shall be guilty of a felony, and shall be fined not more than $5,000 or imprisoned for not more than five years in the penitentiary, or be punished by both such fine and imprisonment.

Res ipsa loquitur.

The original bill did not include the banking institutions of the District of Columbia. This is also true of the bill introduced by the gentleman from Michigan [Mr. HOOPER] and the one introduced by the gentleman from Mississippi, Judge HALL. I have added an amendment to the bill making the same applicable to the District of Columbia, which amendment is as follows: After the word "system," in the eighth line, insert "or any other bank or banking institution which may under existing law be subject to examination by the Comptroller of the Currency." This amendment in the bill, which has the approval of attorneys in the Department of Justice, is based upon sections 298 and 299 of the Code of the District of Columbia, 1929. These sections give jurisdiction, for the purpose of supervision, to the Comptroller of the Currency of savings banks, savings companies, trust companies, and other banking institutions located in the District of Columbia.

Due to the fact that bank slander is not a crime at common law, and the further fact that Congress has never enacted a bank slander law for the District of Columbia, this amendment is essentially necessary to protect the banking institutions of the District.

The main purpose of this legislation is to protect depositors and stockholders of national banks and State banks members of the Federal reserve system. This is particularly necessary for two reasons:

First, to protect banking institutions against interstate slanders.

Second, to protect the 11 States of the Union and the District of Columbia which have no bank slander law.

The eleven States referred to are as follows: Maine, Vermont, New Hampshire, Massachusetts, Virginia, Tennessee, Mississippi, North Dakota, Minnesota, South Dakota, and Montana.

Mr. MOORE of Virginia. And, as I understand, the Attorney General favors the provision with reference to the District of Columbia.

Mr. BRAND of Georgia. That is my information.

Mr. MOORE of Virginia. And, as I understand, you stress the value of this legislation as a powerful deterrent against such offenses as the bill describes?

Comptroller of the Currency appeared before the committee. He recommended similar legislation. A member of the committee stances in bringing about a general withdrawal of deposits, which has resulted in the closing of banks.

Mr. BRAND of Georgia. Exactly.

Mr. STEAGALL. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. STEAGALL. And it is true that the Attorney General has not declared against this bill?

Mr. BRAND of Georgia. He has not.

To illustrate, a person in the State of Georgia, which State has a bank slander law, may circulate false and malicious statements against a bank in South Carolina, this State also having a similar law (the Savannah River being the dividing line between these two States) which statements may cause a withdrawal of deposits and failure of the bank. The offender would be immune from indictment and conviction in both States for the reason that the State of Georgia can not prosecute the offender because the bank is in South Carolina, and the State of South Carolina can not prosecute because the offender made the derogatory utterances in Georgia. Any tyro of the law, it seems to me, should have sufficient acumen to discern the necessity for Federal legislation in such cases.

There are two classes of courts in those States which have enacted a bank slander law:

First. The courts which acknowledge jurisdiction of State courts to prosecute a person who violates the State law involving national banks and State banks members of the Federal reserve system.

Second. The courts in these States which deny they have such jurisdiction.

Both classes of courts are apparently inactive and therefore ineffective. The gentleman from Iowa concedes this. There must be some reason for it, and after giving much study and thought to this situation I have decided in my own mind that, as a rule, there are two reasons why this is true:

First. The courts which acknowledge jurisdiction seldom prosecute. When they do an acquittal generally results.

Second, offenders and their lawyers are more indifferent to State laws because they know the grand and traverse jurors, the names of the jurors being generally published in the newspaper of the county where the court is held. These jurors are residents of the county, of course, where the offender is charged with the violation. For this reason it is very likely that not only the offender and his friends but also his lawyer and his friends are well acquainted with the local jurors.

Offenders and their lawyers have more fear of Federal laws and Federal courts. This is due I think to two reasons:

First, because Federal judges are authorized to express an opinion on the evidence.

Second, because Federal jurors are unknown to offenders and their lawyers. This is true because the names of the jurors are not published in the paper of the county where the court is held, but they are kept secret from offenders, lawyers, and all other people, and the jurors themselves do not know that they will be on the jury until they are served shortly before the term of the court.

In this connection I wish to say that notwithstanding Georgia has on its statute books a law providing for punishment of slander and libel of a bank I am sure that a Federal statute would be much more effective in view of the fact, as indicated above, that ordinarily people fear breaking Federal laws more than they do State laws, and no doubt rightly so because one Mr. Manley, a resident of Georgia, indicted for various violations of the State banking laws, was kept out of the penitentiary for four years while being prosecuted in the State courts but as soon as he got in the Federal courts he was promptly convicted and sent to the penitentiary for seven years.

Every person connected with the Treasury Department, including the Comptroller of the Currency, the governor of the Federal Reserve Board, and the Secretary of the Treasury, has in writing strongly indorsed this bill. The American Bankers' Association is heartily in favor of the proposed legislation, and I know of no one actively opposing it except the gentleman from Iowa. [Applause.]

Mr. RAMSEYER. When the bill was up before there were at least four-fifths of the Members against this bill. Evidently they have been administered proper sedatives to get them to withdraw their opposition to the bill.

The gentleman from Georgia [Mr. BRAND] concedes that every State in the Union except 11 has a law to protect banks against slander. The gentleman from Alabama [Mr. STEAGALL] stated there were just a few States that have such laws. I know that most of the States have laws like this bill proposes, and the 11 States that have not such laws evidently do not feel the need for them. Now you want to legislate for those 11 States, make Congress the guardian over them.

The gentleman from Alabama says he is for State rights. I venture to assert that in the last 15 years he has never cast a vote against a bill extending Federal jurisdiction on anything. That is the kind of State rights he stands for.

Now, the gentleman from New York [Mr. FISH] steps forward with this communist scare. Everybody run and vote for the bill! The gentleman from Georgia has just stated that there is no way to protect a bank in one State from slander uttered in another. I have heard that talk before, but up to this good hour I have not heard anybody cite a single instance where slander from one State against a bank in another State caused a run on a bank. Hysteria and fanaticism is back of this bill and going to put it over.

The Attorney General has approved of a law of this kind for the District of Columbia. That is as far as he has approved. I stated to you that I would not resist a bill making it a crime for the District of Columbia. What I am objecting to is making slander of a class of banks a Federal offense. Turning over to the Federal Government what the State governments should do. There is no justification in it. In every case where the criminal jurisdiction of the Federal Government has been extended over State offenses the State quits and leaves prosecution to the Federal courts.

I regard with much apprehension the constant extension of Federal jurisdiction along all lines—criminal and civil.

The SPEAKER pro tempore (Mr. SNELL). All time has expired and the question is, Shall the rules be suspended and pass the bill?

The question was taken; and on a division (demanded by Mr. RAMSEYER) there were 145 ayes and 51 noes.

Mr. RAMSEYER. I ask for the yeas and nays.

The question of ordering the yeas and nays was taken, and not a sufficient number rose.

Mr. SABATH. Mr. Speaker, I object to the vote, as it indicates that no quorum is present.

The SPEAKER. The gentleman from Illinois makes the point of no quorum. The Chair will count. [After counting.] Two hundred and thirty-seven Members present, a quorum.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 1440. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 8476. An act to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9575. An act for the relief of the New York Marine Co.;

H. R. 10052. An act for the relief of A. J. Bell;

H. R. 10631. An act for the relief of Barnet Albert;

H. R. 11911. An act for the relief of Frank J. Spencer; and

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 12063. An act to amend section 16 of the Federal farm loan act; and

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes.

ADVANCES TO THE RECLAMATION FUND

Mr. SMITH of Idaho. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6046) to authorize advances to the reclamation fund, and for other purposes, as amended.

The Clerk read the bill, as follows:

S. 6046

A bill to authorize advances to the reclamation fund, and for other purposes

Be it enacted, etc., That the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior and upon approval of the President, to transfer from time to time to the credit of the reclamation fund created by the act of June 17, 1902 (32 Stat. L. 388), such sum or sums, not exceeding in the aggregate $5,000,000, as the Secretary of the Interior may deem necessary for the construction and operation of reclamation projects authorized under said act of June 17, 1902, and now under way, and acts amendatory thereof or supplementary thereto.

SEC. 2. That reimbursement of the moneys so advanced under the provisions of this act shall be made by transfer annually of the sum of $1,000,000 from the reclamation fund to the general funds in the Treasury, beginning July 1, 1933.

The SPEAKER pro tempore. Is a second demanded?

Mr. SABATH. I demand a second.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Idaho [Mr. SMITH] is recognized for 20 minutes and the gentleman from Illinois [Mr. SABATH] is recognized for 20 minutes.

Mr. SMITH of Idaho. Mr. Speaker and Members of the House, this legislation is made necessary in order to carry out existing contracts——

Mr. MICHENER. Will the gentleman yield at this point?

Mr. SMITH of Idaho. Yes.

Mr. MICHENER. There is a great deal of misapprehension among the Members in regard to this bill. Many feel that it is what is known as the drainage district bill to which they are opposed. It is not that bill at all. Will the gentleman make a short statement as to what the bill is.

Mr. SMITH of Idaho. I will. This is an emergency measure which passed the Senate on the 10th of February, and its enactment into law will prevent the discharge of over 1,500 men engaged in construction work throughout the West; the tying up in idleness of over a million dollars' worth of construction equipment; and will insure water to thousands of people for the irrigation of their lands, without which they can not raise their crops.

The reclamation fund, authorized by the reclamation act, is made up from the receipts of the sale of public lands, oil royalties on Government land, repayments, and so forth. As the fund was inadequate to inaugurate the policy to any great extent, $20,000,000 was advanced to the reclamation fund under the act of June 25, 1910, of which $10,000,000 has already been returned to the Treasury.

The pending legislation authorized the return of $5,000,000 of this $10,000,000 to the fund in order to meet an emergency situation which, if not relieved, will result in the closing down of construction work on several projects, the throwing out of employment of more than 1,500 men who are employed on the projects, some of which are nearing completion, and great hardship to thousands of farmers living on these projects who have been relying on the Government to complete the projects in order to furnish water for this year's crops, soon to be planted.

The drought conditions which have brought such distress to the people in the Ohio and Mississippi Valleys, extended into the arid West, the precipitation of snow being in many instances less than 50 per cent of the normal supply. This shortage of water last year resulted in the loss of crops on some of the projects, which makes it impossible for them to make their payments to the reclamation fund.

The order of the Secretary of the Interior nearly two years ago curtailing oil development deprived the reclamation fund of nearly $2,000,000 last year.

As appropriations and contracts are based on anticipated revenues, the department is now confronted with a deficit and is unable to meet payments on contracts already made totaling nearly $5,000,000, thus necessitating relief by Congress in order to complete existing contracts and provide water for the farms which have heretofore had an insufficient supply.

On the Salt River project in Arizona the shortage of snow has resulted in the storing of only 11,000 acre-feet of water in the reservoir, which has a capacity of 1,250,000 acre-feet. Because of this shortage of gravity water, the farmers have been forced, at heavy additional expense, to pump water from the reservoir. The December payment of this district, amounting to $1,600,000, has therefore not been paid, the drought conditions and the low price of farm products making it impossible for them to secure the necessary credit to meet their obligations.

Conditions on the Gooding extension of the Minidoka project in Idaho, on the Kittitas division of the Yakima project in Washington, and on the Owyhee project in Oregon, if not relieved, will result in depriving lands which heretofore have been irrigated of a supply of water for this year's crops, due to the rearrangement of canals in combining smaller irrigation projects, the work on which was to have been completed under the contracts by April 1.

The necessity of this legislation was presented in detail by the Secretary of the Interior to the Bureau of the Budget, and was approved by the bureau and the President.

The Commissioner of Reclamation, Dr. Elwood Mead, appeared before the Committee on Irrigation and Reclamation of the Senate, and also before the House committee, explaining in detail the necessity for the enactment of this legislation.

Mr. GARNER. Will the gentleman yield?

Mr. SMITH of Idaho. I yield.

Mr. GARNER. If I understood the gentleman right, he said the bill passed the Senate unanimously?

Mr. SMITH of Idaho. Yes.

Mr. GARNER. And was reported by your committee unanimously?

Mr. SMITH of Idaho. Yes; and is approved by the Budget. Unless this bill is passed there will be about 1,500 men thrown out of employment.

Mr. CRAMTON. I think that it will be of interest for Members to know that the bill as presented by the gentleman carries an amendment that advances by about 10 years the time for repayment.

Mr. SMITH of Idaho. Yes. The bill as it passed the Senate provided $1,000,000 a year should be repaid after the original loan was completed, but the amendment which has been suggested by the gentleman from Michigan [Mr. CRAMTON] provides that it shall be paid at the rate of $1,000,000 a year, commencing July 1, 1933, and an additional million dollars will be paid on the old loan each year, so that we will be paying back from the reclamation fund to the Federal Treasury $2,000,000 a year after July 1, 1933, and this money will be taken out of the fund without any action of Congress or permission from the Secretary of the Interior by direction of the Comptroller General of Accounts.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. MOORE of Virginia. From the knowledge which the gentleman has and the gentleman from Michigan [Mr. CRAMTON] and other gentlemen who are familiar with this subject have, does the gentleman entertain any reasonable doubt about the reimbursement actually being made at the rate of $1,000,000 a year after a certain period?

Mr. SMITH of Idaho. No. There can not be any doubt about that, because it is the policy to withhold amount of money due and put it into the Federal Treasury.

Mr. RAMSEYER. When the bill was up before there were at least four-fifths of the Members against this bill. Evi-

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.

tended into the arid West, the precipitation of snow being in many instances less than 50 per cent of the normal sup-

money due and put it into the Federal Treasury.

Mr. LEAVITT. Is it not also true that for a period of 10 years payments of this kind have been made from the reclamation fund on a former loan?

Mr. SMITH of Idaho. Yes.

Mr. STAFFORD. Will the gentleman state to the House how much money has been advanced heretofore for the reclamation fund, and what is the present status of the loan fund?

Mr. SMITH of Idaho. Twenty million dollars was advanced under the act of June 25, 1910, and it has been repaid at the rate of $1,000,000 a year, during the last 10 years, so that there is now of the original loan only $10,000,000 unpaid, and this bill provides for withdrawing $5,000,000 of the $10,000,000 that have been paid back, so that we can use it during the next five years.

Mr. STAFFORD. What prospect is there as to whether the users of the reclamation fund will persist in calling on the National Government regularly for further and further advances.

Mr. SMITH of Idaho. It is the policy of the Reclamation Service and the Interior Department not to take up any new projects, but to finish existing projects, so that repayments into the fund will make ample provision for that. I wish to say that one reason this legislation is necessary is because we have been receiving money from royalties on oil leases on the public domain, but because of the policy adopted by the present administration to curtail production, the receipts from oil royalties have fallen off nearly $2,000,000 during the last year.

Mr. STAFFORD. I think the House would be interested, especially those from the Eastern States and the Middle Western States, to know the status of existing reclamation projects so far as their completion is concerned. The gentleman has stated it is the policy of the Reclamation Service not to inaugurate new projects. When was the last one begun, and what is the status in respect to completion of the other projects?

Mr. SMITH of Idaho. The last two projects were started in Oregon four years ago, and money coming in now from repayments to the fund is being used to complete these projects and other projects in course of construction.

Mr. STAFFORD. What is the status of all projects now under construction in respect to their completion?

Mr. SMITH of Idaho. I have not the data in detail.

Mr. STAFFORD. Are they 50 per cent completed?

Mr. SMITH of Idaho. Oh, some of them are 90 per cent completed.

Mr. STAFFORD. What is the average?

Mr. SMITH of Idaho. The average is over 10 per cent. Some of the projects are within 5 per cent of completion, but because of the lack of funds they are not able to proceed, and construction work will be stopped on many of the projects if this bill is not passed.

Mr. SIMMONS. Will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. SIMMONS. It is my understanding that the advance of this money is necessary in order to enable the Government to carry out existing contracts, and not to breach contracts that have been made, anticipating revenues that have not come in?

Mr. SMITH of Idaho. Yes.

Mr. SIMMONS. So that the Government must have this money to keep faith with these contractors.

Mr. SMITH of Idaho. If this law is not enacted, these contractors who have a million dollars' worth of machinery in the field may become bankrupt. The contracts were made anticipating the revenues to the fund to meet payments.

Mr. LAGUARDIA. The contracts are made between the contractors and the United States Government?

Mr. SMITH of Idaho. Yes.

Mr. LAGUARDIA. And then the land is farmed out?

Mr. SMITH of Idaho. Yes; the land was entered under the homestead law or desert land law.

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. KETCHAM. Is it true or not true that any new projects are contemplated under the arrangement of this bill?

Mr. SMITH of Idaho. Not at all. I have a statement here from Doctor Mead, the commissioner, to the gentleman from Michigan [Mr. CRAMTON], which I shall put into the RECORD at this point, showing just where this money is to be spent:

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, February 18, 1931.

Hon. LOUIS C. CRAMTON,
United States House of Representatives.

MY DEAR MR. CRAMTON: What follows is an endeavor to give you the information which I would want to have if voting on the $5,000,000 appropriation in order to decide what was the least that should be provided.

The obligations under signed contracts for work that should be done before July 1, 1931, amount approximately to $4,800,000. Of this, $1,500,000 is owing on work already done and for bills already incurred; $3,300,000 additional will be required to meet payments on contracts from now until July 1. If the promised payment from Salt River is made, our construction income until July 1 would be $4,000,000, but the payment from that project depends on whether the present drought is ended. If it continues the payment will not be made, and it ought not to be counted as a part of the dependable income of 1932. This should be taken as $2,400,000, leaving a deficit on contract obligations of $2,400,000.

Money to meet contract obligations is our most urgent need, but provision should be made for more than this. We have been holding up contracts at Vale, Kennewick, Cle Elum, Minidoka, and Belle Fourche which ought to have been let weeks ago, but which could not be for lack of funds. If these contracts are let they will represent a probable expenditure before July 1, 1931, of $1,800,000, distributed as follows:

Vale	$200,000
Cle Elum	500,000
Kennewick	350,000
Minidoka	600,000
Belle Fourche	150,000
Total	1,800,000

In order to carry on from now to July, 1931, we need $2,400,000 in addition to payments from income for contract obligations and $1,800,000 to spend on necessary works not yet contracted for. That is a closer calculation than we ought to make, because in addition to the above there is some force account work to be done. We are not sure just how much, but it is enough to make the total $5,000,000.

On this basis we will have spent all our construction income as it comes in and the $5,000,000 advanced by Congress. We would have left to go on from July 1, 1931, the possible payment from Salt River. If that is not made, we would start the next fiscal year with an empty treasury.

There are certain expenditures in the appropriation for 1932 that ought to be made. They are:

Vale	$150,000
Cle Elum storage	1,000,000
Kennewick	190,000
Owyhee [1]	3,000,000
Kittitas	790,000
Minidoka	375,000
Owyhee	1,500,000
Total	7,005,000

This excludes the money required for Bitter Root, $550,000, and miscellaneous construction, $500,000, or a total of $8,055,000. In addition to the above we will need $2,000,000 for operation and maintenance, or approximately $10,000,000 in all, for 1932. The only existing contract obligations would be Cle Elum and Owyhee beyond 1932, but this takes no account of Baker, Riverton, and Salt Lake Basin.

I hope, therefore, that the whole amount of $5,000,000 can be approved.

Sincerely yours,

ELWOOD MEAD, *Commissioner.*

[1] The $3,000,000 for Owyhee is to meet payments on existing contract obligations and is the 1932 appropriation.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. CRAMTON. I think this will interest my colleague from Michigan. Because of what the gentleman from Idaho [Mr. SMITH] has already stated as to the reduction in revenues from various sources, the program of construction under the appropriations for the current year, much of it under way by existing contracts and the rest of it definitely committed, can not proceed unless this help is rendered. In addition to that, the appropriation program for next year that has already been approved by this House can not be completely carried out without this aid.

All of that program for the current year and for next year has already been approved by this House. This $5,000,000 is not to apply to anything outside of that program of construction that has already been approved by this House.

It is necessary to do that. The gentleman will appreciate that to carry on an orderly program of construction it must be more than one year at a time in the planning. They have planned for two or three years in advance and commitments have been made by the Government to communities, like Vale in Oregon and Kittitas in Washington, that if they would do certain things the Government would go ahead with a certain program. Unless this help is given, the Government can not keep those promises. But I can say definitely that this $5,000,000, as I understand, is not to be used on anything except projects covered in the program of construction already approved by Congress in the 1931 and 1932 Interior Department appropriation bills.

Mr. SMITH of Idaho. That is absolutely true.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. SMITH of Idaho. I yield.

Mr. BANKHEAD. The gentleman knows I have consistently been a friend of his western reclamation projects for a number of years. The gentleman is coming here asking to borrow $5,000,000 of these funds, to be paid back at the end of 10 years.

Mr. SMITH of Idaho. To be paid back in seven years.

Mr. BANKHEAD. Does the gentleman think he is in such a position, from his knowledge of the solvency of these projects and the probability for returns, that he can give to the House any assurance that he will not come back and ask for an extension of the loans?

Mr. SMITH of Idaho. We will not ask for an extension, because in the future the Reclamation Service will curtail construction so as to have the funds on hand and not anticipate them, as has been the policy. There is no doubt that this is the last time a condition like this will arise.

Mr. LEAVITT. Will the gentleman yield?

Mr. SMITH of Idaho. I yield.

Mr. LEAVITT. Is it not true that the slowness of repayment on these projects is due largely to the delays in completion of the projects so as to receive an adequate water supply? This loan will make it not only possible to return the $5,000,000, but many other millions that would be lost if the projects are not completed.

Mr. BANKHEAD. I am glad to hear that statement, but I remember a year or so ago there were other bills presented here, providing for the extension of debts on a great many of the irrigation projects. They had not met their obligations and you came and asked for an extension for 30 or 40 years.

Mr. LEAVITT. Many of them are not able to meet that obligation because of the delays in the completion of construction, and the inclusion of lands which were not suitable for irrigation.

Mr. CULKIN. Will the gentleman yield?

Mr. SMITH of Idaho. I yield.

Mr. CULKIN. Will the $5,000,000 finish all the reclamation projects now under way?

Mr. SMITH of Idaho. No; but the receipts which will come in from repayments will furnish the money to do that.

Mr. CULKIN. It is simply a continuing chain?

Mr. SMITH of Idaho. Yes.

Mr. CULKIN. The gentleman spoke about some of these projects being in bankruptcy.

Mr. SMITH of Idaho. I said the contractors might become insolvent if this legislation is not enacted in order that they may be paid for their work.

Mr. CULKIN. Does the gentleman not think these projects are really placing the farmers of the country in bankruptcy?

Mr. SMITH of Idaho. Absolutely not. That is an exploded argument. There is nothing to it. If it were not for the reclamation projects the people of this country would be in greater need of food than they are now.

Mr. SABATH. Greater need than they are now?

Mr. SMITH of Idaho. I may say to the gentleman from Chicago if it were not for the market which we make in the reclamation projects for the manufacturing communities of the East, those communities would be in worse condition than they are now.

Mr. SABATH. That is impossible.

Mr. SMITH of Idaho. Thirty-four million dollars were spent from the Yakima project alone in one year for manufactured products in the East, and 673 carloads of machinery and various manufactured articles were shipped to another project in one year.

Mr. CULKIN. Will the gentleman advise what the plans under contemplation will cost to complete, if the gentleman knows?

Mr. SMITH of Idaho. Well, I do not know in detail, but probably ten or fifteen million dollars.

Mr. CULKIN. That would wind up and finish everything until they get more land?

Mr. SMITH of Idaho. Well, we do not contemplate bringing in more land. It is proposed to complete the projects that are under way.

Mr. Speaker, I reserve the balance of my time.

Mr. SABATH. Mr. Smith, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, in the many suggestions I have made to this House from time to time on economic problems, I have always been hailed by a chorus of charges that my suggestions were paternalistic. Some of my colleagues say they are socialistic, and my colleague from New York would say they are communistic—now that he is suffering from a sovietistic complex.

Now, let us analyze this proposition. Reclamation and irrigation are a well-established policy of our Government, and yet there is nothing more paternalistic than the entire reclamation idea, where the Government comes in with its funds, prepares the land, and then gives it on easy installment payments to the settlers. It is indeed a helpful paternalistic aid to farmers.

Suppose I were to come and ask for $5,000,000 for the building of workers' homes in my city to be advanced by this method and then to be given over to the tenants, to be paid for in five years, and at the end of that time I would come here and say, "We need repairs. We are hard up. Extend our time." It would be only in keeping with the provisions of the bill now before us and in accord with that which the United States Government is doing daily for the farmers and for homesteaders of the West.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SMITH of Idaho. The proposition with the gentleman proposes is a private undertaking. The Government owns these lands, and the water is there to put on the lands and make homes for the people and make markets for the eastern manufacturers and merchants as the country is developed.

Mr. LAGUARDIA. Not at all. Suppose I take Governors Island, in my city, or, in Mr. CULKIN'S district, Fort Niagara, or, in Mr. SNELL'S district, Madison Barracks or Fort Oswego, all Government lands, or any public land abandoned for military purposes, certified that they have no military usefulness, and I should come in with a project to build fine, sanitary, model homes for the workers, you would jump on me and call me socialistic, and one of my colleagues from New York would have 57 kinds of fits and would want to deport me as a communist. Again I say that such a plan would in no way be different in principle to the well-established policy of Government aid in irrigation and reclamation projects.

Mr. SIMMONS. Which Member from New York?

Mr. LAGUARDIA. FISH. I sympathize with this project. I was raised in a territory that was indeed benefited by irrigation and reclamation. I spent all of my boyhood in Arizona. It was then a Territory and now is a great and prosperous State. We can not defeat this bill, because it involves 14 States. I am not objecting to your idea, but, gentlemen, I ask for your sympathetic study and consideration of other projects that are necessary in this country to meet changed economic conditions. Do not be too hasty with your criticism and with your cries of paternalism, be-

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?
Mr. SMITH of Idaho. Yes.

[1] The $3,000,000 for Owyhee is to meet payments on existing contract obligations and is the 1932 appropriation.

cause you gentleman from the Western States have been raised on paternalism. It is hardly fair to become so ultraconservative when something is suggested which is only necessary to meet new conditions in our industrial centers in the age in which we are living.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. EATON of Colorado. Should not your word be promotional instead of paternalistic?

Mr. LaGUARDIA. What difference does it make? I will call it promotional if you desire. I will be glad to call it promotional. I will be happy to have the Government promote sanitary, cheerful homes for workers along the exactly same lines it promotes irrigation and reclamation. Let us be fair about these things. I ask you not to be too hasty in your ultraconservatism and do not be too hasty in criticizing some idea which may be presented and which inevitably you will have to meet before very long.

Mr. COLTON. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. COLTON. If we are converted to the gentleman's ideas why should he not rejoice with us?

Mr. LaGUARDIA. I always have.

Mr. CULKIN. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. CULKIN. The gentleman would not propose to build sanitary housing if there was plenty of sanitary housing in the country, would he?

Mr. LaGUARDIA. And available, of course not. I want to say here that a great many times you come in asking relief for the settler and the farmer when it is not relief for him. I refer to that $95,000,000 reclamation bond bill still pending that is just to take care of some bondholders and not the settlers and farmers. Here you provide relief for contractors.

I simply wanted to take this opportunity to remind you of what you are doing and to remind you that you are the beneficiaries of this paternalism and suggest to you that you be prepared for what is coming later on.

Mr. CULKIN. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. CULKIN. The gentleman is reaffirming the speech he made over the radio last night?

Mr. LaGUARDIA. No; I spoke on power. Do not get me started on that, because we are going to get the benefit of cheap rates in New York sooner or later through publicly owned and operated power plants.

Mr. GARBER of Oklahoma. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. GARBER of Oklahoma. The gentleman's argument is very interesting and very persuasive, but there is just one element the gentleman did not take into consideration, namely, that the moneys utilized in reclamation come from the sale of public lands and not directly from the Treasury of the United States in the way of taxation.

Mr. LaGUARDIA. Well, I would take it from the same source, from the same Treasury.

Mr. Speaker, I yield back the balance of my time.

Mr. SABATH. Mr. Speaker, millions and millions for farm relief and for agriculture, and millions and millions for irrigation projects, but not a cent for the needy people in the cities. Only yesterday you gentlemen so vitally interested in this proposition of an additional $5,000,000 had a chance and opportunity to be humane and vote for the additional $5,000,000 so badly needed for hospitalization for our veterans and yet nearly every one of you voted against it.

I have observed from day to day that you are always ready and willing to vote for millions and millions for the people in the country but refuse to appropriate a dollar for the relief of needy and deserving people in the cities, which cities furnish the funds and pay the taxes of the Government.

I am amazed, indeed, at the shortsighted policy of some of you gentlemen from these Western States. You all know that the people you represent, though they raise tremendously large crops, do not receive anything in return for them. They do not receive enough for their crops to pay them 50 cents a day; in fact, in many instances, they do not receive anything for their hard toil. Still you constantly persist in your demands for new projects and for additional appropriations to increase the acreage of the lands so as to enable them to put in still larger crops that now can not be disposed of or sold for any price.

The gentleman from Idaho, when he appeared before the Committee on Rules in connection with this matter, assured me, and some of the other members of the committee, that he would furnish information, or have inserted in the RECORD, the amount of money that has already been appropriated by the Government for these various irrigation and reclamation projects.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. SMITH of Idaho. I have secured that data, but the hearings were not printed. However, I will furnish the gentleman with a copy of the manuscript.

Mr. SABATH. I waited patiently, and even examined the records in a vain effort to secure that information. In the 24 years that I have been a Member of this House I have voted for millions and millions of dollars for these projects and for reclamation. I want you to believe me when I say that I would not hesitate a single moment to vote for additional millions if I thought it would be helpful to the agricultural interests and to the farmers of the United States.

But it is my sincere belief that overproduction is detrimental instead of beneficial to the farmers as well as to the Nation, and therefore I am not willing to vote additional millions to increase overproduction, for which, unfortunately, under present conditions, there is no outlet, because of the shortsighted foreign policy of this administration and the pernicious tariff legislation which has made impossible our export trade, thereby preventing the disposal of our surplus in foreign lands.

I hope that you gentlemen who are interested in this bill will realize in the near future that we need an outlet for our products. We should therefore make every serious effort to reestablish our export business and the business of the United States, so that again the farmer will be able to receive some compensation for his crop and hard toil.

Mr. SMITH of Idaho. May I interject a remark there?

Mr. SABATH. Yes.

Mr. SMITH of Idaho. The gentleman spoke of overproduction of foodstuffs. I wish to say that, as a matter of fact, less than 1 per cent of the foodstuffs of the Nation is produced on Government reclamation projects, and a good portion of that is consumed in the localities where it is raised.

Mr. SABATH. I hope the gentleman is right, but I have always understood that there was an overproduction of at least from 4 to 8 per cent of our farm products.

Mr. SIMMONS. Will the gentleman yield there?

Mr. SABATH. Yes.

Mr. SIMMONS. The products of these reclamation projects are largely products that are not surplus and not competitive, such as sugar, fruits, and matters of that kind, of which there is a need in this country for local production.

Mr. SABATH. I want to assure the gentleman that I recognize I am almost as familiar with what is being grown on these irrigation and reclamation projects as he is. We do not grow very much sugar on any of these projects, and if the gentleman can name me any of these on which we do grow sugar, I am ready to give him all the time he desires.

Mr. SIMMONS. What is that, again?

Mr. SABATH. I would appreciate it if the gentleman will name some of these reclamation projects on which we grow sugar—sugar beets or sugarcane—in any appreciable quantity.

Mr. SIMMONS. All right; I will name my own. We have six Great Western sugar factories in my own country, under irrigation, producing 1,500,000 sacks of sugar a year.

Mr. SABATH. Where?

Mr. SIMMONS. In western Nebraska.

Mr. WILLIAMSON. And the same thing may be said of the Belle Fourche project in my State.

Mr. SIMMONS. Come on, now, and support the bill. We have named them.

Mr. LEAVITT. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. LEAVITT. They have the largest beet-sugar factory in the world in my district in the vicinity of the Huntley irrigation project, and there are sugar factories in addition to that in the State.

Mr. SABATH. Is that the reason you gentlemen refused to place Mexican labor on the quota basis—because you think the Sugar Trust needs them for harvesting of the sugar beets?

Mr. SIMMONS. Stay with the agreement you made with us. [Laughter.]

Mr. SABATH. I did not enter into such an agreement, but simply gave the gentleman a chance to inform me of the reclamation projects where sugar beets are grown in large quantities. All the information given by the gentleman is that there are only two such projects where sugar beets are grown.

Mr. LEAVITT. Will the gentleman yield further?

Mr. SABATH. I yield because I know the gentleman is very much interested in the bill.

Mr. LEAVITT. I am very much interested in it because these irrigation projects form the center of progress in many of the western States, not merely on account of the people who live on the projects themselves.

Mr. SABATH. Well, what is the question?

Mr. LEAVITT. The question is this: The gentleman knows with regard to Mexican immigration that I have taken an active part in connection with the restriction of that kind of immigration rather than the expansion of it.

Mr. SABATH. That is an easy question to answer, because it is not a question.

The statement is made by the gentleman from Idaho that if this bill should fail of passage it will throw 2,000 people out of employment. For the life of me, I can not see how it will throw 2,000 people out of employment.

It is, however, my firm belief that this appropriation is sought and demanded in order to take care of the contractors who have certain amounts due. I repeat, gentlemen, this money is not needed for the projects, but is wanted for the contractors who are fearful that they may not get all the "extras" in these contracts which they anticipated.

Mr. GREEN. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. GREEN. I recall before the gentleman's committee recently there was a bill reported by the House Reclamation Committee which would have carried loans to the bonded districts throughout the country. A rule has not been granted, and what I want to find out from the gentleman is whether or not under the provisions of this bill the reclamation districts, for instance, in my own State, will be able to share in these loans. I understand from the gentleman's speech, and the gentleman is very ably discussing the matter, this is primarily for a few beet growers on reclamation projects of the West, and I want to know if we can get any benefit from it.

Mr. SABATH. I believe that if this relief is granted, it should be applicable and available to the entire country and not to one particular section. Of course, I do not know what these gentlemen have in mind, or what other projects they have in view, or with what other propositions they will come to the House in the next session. I remember that in each and every session there have been several requests and several appropriations made for these irrigation projects, and I am therefore wondering for what new projects they will ask or make demands in the event that this bill is passed.

Mr. SIMMONS. The gentleman has already agreed to vote for this.

Mr. SABATH. I would like to have some information about the $95,000,000 bond issue or loan, to which, I believe, the gentleman refers.

Mr. GREEN. Yes; my State has some $18,000,000 worth of reclamation bonds and we want to retire some of them.

Mr. SABATH. It involves $95,000,000; and I understand that most of these bonds have been purchased at about 50 cents on the dollar, at a price even less than that by some banking groups, who now feel that they could use a little more money for speculation in New York, and who therefore are persistently demanding the passage of a bill carrying $95,000,000 so as to enable them to cash these bonds at their full value, on the part of the Government.

Mr. SIMMONS. That is not this bill.

Mr. SABATH. The $95,000,000 proposition which the gentleman from Idaho is advocating is not included in the bill before us, but is in another bill reported by his committee, and which bill is now on the calendar; and I am in no position to say how soon the Speaker will recognize him for that additional raid upon the Treasury. After that, a few more hundred million dollars will be requested to take care of the remainder of the defaulted irrigation and reclamation bonds outstanding.

Now, as I have said, I have nothing against the farmers—I am willing to help them. But I do think that by increasing the acreage—by increasing the production—we are not helping the farmers and we are not helping the cause of agriculture. I want to impress upon you, once again, this fundamental fact: That if you want to aid the farmer, educate him not to produce more than he can sell—not to produce more than the country can consume.

If our tariff policy is to continue, obviously, we will have no chance in foreign markets. Therefore, if the farmers will but listen to reason, take sound advice, and curtail the acreage, thereby curtailing the production, I am certain that they will improve their opportunity of obtaining reasonable prices for their products; and they will then not persistently and continually request Congress for legislation to relieve them from their self-inflicted troubles.

What reason is there in producing crops, which, when shipped to the markets, can not be sold because of overproduction, and most of which, in consequence, go to sheer waste. Every day in the year we see hundreds of carloads of perishable products for which the farmers often do not receive a single dollar, nor enough to pay for the cost of the freight. Why, then, work and spend large sums of money in preparation for planting, cultivating, and irrigating purposes; why spend large sums of money for harvesting, hauling, and sacking—in producing products which can not be marketed?

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. SABATH) there were 85 ayes and 11 noes.

Mr. SABATH. I object to the vote and make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. SABATH. Mr. Speaker, I withdraw the point.

The SPEAKER pro tempore. The Chair has announced that there is no quorum present, and the gentleman can not withdraw it.

The question was taken; and there were—yeas 247, nays 102, not voting 81, as follows:

[Roll No. 48]

YEAS—247

Abernethy	Briggs	Christgau	Darrow
Ackerman	Browne	Christopherson	Davenport
Adkins	Browning	Clancy	Davis
Allen	Buchanan	Clark, Md.	Dempsey
Allgood	Buckbee	Clark, N. C.	Denison
Almon	Burdick	Cochran, Pa.	DeRouen
Andresen	Burtness	Collier	Doughton
Aswell	Busby	Colton	Douglas, Ariz.
Auf der Heide	Butler	Cooke	Doxey
Bachmann	Byrns	Cooper, Ohio	Drane
Baird	Cable	Cooper, Tenn.	Drewry
Bankhead	Campbell, Iowa	Corning	Driver
Barbour	Campbell, Pa.	Cox	Dunbar
Beck	Carter, Calif.	Crail	Dyer
Blackburn	Carter, Wyo.	Cramton	Eaton, Colo.
Bland	Cartwright	Crisp	Eaton, N. J.
Bloom	Celler	Cross	Edwards
Bowman	Chalmers	Crosser	Elliott
Boylan	Chase	Crowther	Ellis
Brand, Ga.	Chindblom	Culkin	Englebright
Brand, Ohio	Chiperfield	Cullen	Eslick

Estep	Hoch	Manlove	Shott, W. Va.
Esterly	Hogg, W. Va.	Mapes	Shreve
Evans, Calif.	Hooper	Mead	Simmons
Fenn	Hull, William E.	Miller	Simms
Finley	Hull, Tenn.	Milligan	Sinclair
Fisher	Hull, Wis.	Monast	Smith, Idaho
Fitzgerald	Igoe	Mooney	Smith, W. Va.
Fitzpatrick	Irwin	Moore, Ohio	Snell
Fort	Jeffers	Moore, Va.	Somers, N. Y.
Foss	Johnson, Ind.	Murphy	Speaks
Frear	Johnson, Nebr.	Nelson, Me.	Sproul, Kans.
Free	Johnson, S. Dak.	Nelson, Wis.	Strong, Pa.
Freeman	Johnson, Tex.	Newhall	Summers, Wash.
French	Johnson, Wash.	Niedringhaus	Swick
Fuller	Jonas, N. C.	Nolan	Swing
Fulmer	Jones, Tex.	Norton	Taylor, Tenn.
Gambrill	Kahn	Oldfield	Temple
Garber, Okla.	Kelly	Owen	Thatcher
Garner	Kendall, Pa.	Palmer	Tilson
Gasque	Kinzer	Parks	Timberlake
Gibson	Kurtz	Parsons	Turpin
Gifford	Kvale	Patman	Vestal
Glover	LaGuardia	Patterson	Vincent, Mich.
Goldsborough	Langley	Pittenger	Walker
Graham	Lankford, Ga.	Prall	Wason
Green	Lea	Quin	Watres
Gregory	Leavitt	Ragon	Watson
Hadley	Lehlbach	Ramey, Frank M.	Welch, Calif.
Hall	Lindsay	Ramspeck	Welsh, Pa.
Hall, Ill.	Loofbourow	Rayburn	Whittington
Hall, Ind.	Ludlow	Reece	Williamson
Hall, Miss.	McClintic, Okla.	Reed, N. Y.	Wilson
Hall, N. Dak.	McClintock, Ohio	Rich	Wingo
Halsey	McCormack, Mass.	Rogers	Wolverton, N. J.
Hancock, N. C.	McDuffie	Sanders, Tex.	Wolverton, W. Va.
Hardy	McKeown	Sandlin	Woodrum
Hastings	McLaughlin	Schafer, Wis.	Wright
Hawley	McLeod	Seger	Yates
Hess	McMillan	Selberling	Yon
Hickey	McReynolds	Selvig	Zihlman
Hill, Wash.	Maas	Short, Mo.	

NAYS—102

Andrew	Dowell	Luce	Sanders, N. Y.
Arnold	Garber, Va.	McFadden	Schneider
Bacon	Gavagan	McSwain	Shaffer, Va.
Beedy	Goss	Magrady	Sirovich
Beers	Granfield	Martin	Snow
Black	Greenwood	Menges	Sproul, Ill.
Blanton	Hancock, N. Y.	Merritt	Stafford
Bohn	Hare	Michener	Stalker
Bolton	Hartley	Moore, Ky.	Steagall
Box	Haugen	Morehead	Stobbs
Brigham	Hill, Ala.	Mouser	Stone
Brumm	Hogg, Ind.	Nelson, Mo.	Sumners, Tex.
Canfield	Holaday	O'Connor, N. Y.	Swanson
Cannon	Hope	Oliver, Ala.	Taber
Clarke, N. Y.	Hopkins	Palmisano	Tarver
Cochran, Mo.	Huddleston	Parker	Tinkham
Cole	James, N. C.	Perkins	Treadway
Collins	Kading	Pou	Wainwright
Condon	Ketcham	Pratt, Harcourt J.	Warren
Connery	Knutson	Pratt, Ruth	White
Dallinger	Lambertson	Purnell	Whitley
De Priest	Lankford, Va.	Rainey, Henry T.	Wigglesworth
Dickinson	Leech	Rankin	Wolfenden
Dickstein	Letts	Ransley	Woodruff
Dominick	Linthicum	Romjue	
Doutrich	Lozier	Sabath	

NOT VOTING—81

Aldrich	Griffin	Kunz	Sparks
Arentz	Guyer	Lanham	Spearing
Ayres	Hoffman	Larsen	Stevenson
Bacharach	Houston, Del.	McCormick, Ill.	Strong, Kans.
Bell	Howard	Mansfield	Sullivan, N. Y.
Britten	Hudson	Michaelson	Sullivan, Pa.
Brunner	Hudspeth	Montague	Taylor, Colo.
Carley	Hull, Morton D.	Morgan	Thompson
Clague	James, Mich.	O'Connor, La.	Thurston
Connolly	Jenkins	O'Connor, Okla.	Tucker
Coyle	Johnson, Ill.	Oliver, N. Y.	Underhill
Craddock	Johnson, Okla.	Peavey	Underwood
Dorsey	Johnston, Mo.	Pritchard	Vinson, Ga.
Douglass, Mass.	Kearns	Ramseyer	Whitehead
Doyle	Kemp	Reid, Ill.	Williams
Erk	Kendall, Ky.	Reilly	Wood
Evans, Mont.	Kennedy	Robinson	Wurzbach
Fish	Kerr	Rowbottom	Wyant
Garrett	Kiefner	Rutherford	
Golder	Kopp	Sears	
Goodwin	Korell	Sloan	

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The following pairs were announced:

Until further notice:

Mr. Ramseyer with Mr. Montague.
Mr. Aldrich with Mr. Griffin.
Mr. Connolly with Mr. Vinson of Georgia.
Mr. Underhill with Mr. Taylor of Colorado.
Mr. Erk with Mr. Howard.
Mr. Reid of Illinois with Mr. Evans of Montana.
Mr. Wood with Mr. Carley.
Mr. Bacharach with Mr. Ayres.
Mr. Golder with Mr. Lanham.
Mr. Seger with Mr. Reilly.
Mr. Clague with Mr. Tucker.
Mr. Sullivan of Pennsylvania with Mr. Sullivan of New York.
Mr. Jenkins with Mr. Mansfield.
Mr. Wyant with Mr. Oliver of New York.
Mr. Arentz with Mr. Rutherford.
Mr. Peavey with Mr. Underwood.
Mr. Britten with Mr. Brunner.
Mr. Goodwin with Mr. Whitehead.
Mr. Coyle with Mr. Bell.
Mr. James of Michigan with Mr. Dorsey.
Mr. Thompson with Mr. Williams.
Mr. Johnson of Illinois with Mr. Johnson of Oklahoma.
Mr. Fish with Mr. Kennedy.
Mr. Hudson with Mr. Stevenson.
Mr. Sparks with Mr. Kerr.
Mr. Kiefner with Mr. Douglass of Massachusetts.
Mr. Michaelson with Mr. Garrett.
Mr. Pritchard with Mr. Larsen.
Mr. Kopp with Mr. Spearing.
Mr. Morton D. Hull with Mr. Kemp.
Mr. Robertson with Mr. Doyle.
Mr. Houston with Mr. O'Connor of Louisiana.
Mr. Kearns with Mr. Hudspeth.
Mr. Korell with Mr. Kunz.

The result of the vote was announced as above recorded.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 644. An act for the relief of Casey McDannell;

H. R. 896. An act for the relief of Frank D. Peck;

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 1605. An act for the relief of Frank C. Russell;

H. R. 2466. An act for the relief of William L. Bruhn;

H. R. 2589. An act for the relief of Josiah J. Hostetler;

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 3004. An act for the relief of Arthur Moffatt, deceased;

H. R. 3556. An act for the relief of Mabel L. Brown;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 5813. An act for the relief of Harold M. Reed;

H. R. 5931. An act for the relief of Milton Lockhart;

H. R. 5932. An act for the relief of J. Walter Smith;

H. R. 5933. An act for the relief of Joseph C. Looney;

H. R. 6128. An act to establish a national military park to commemorate the Battle of Kings Mountain;

H. R. 7784. An act for the relief of Mrs. L. E. Burton;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9070. An act for the relief of William Fisher;

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 9660. An act for the relief of the widow of John Curtis Staton;

H. R. 10113. An act for the relief of Uriel Slifer;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh;

H. R. 10306. An act for the relief of Henry I. Power;

H. R. 11189. An act for the relief of Fritz Zoller;

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;

H. R. 12215. An act for the relief of Daisy Ballard;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.;

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922; and

H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 303. An act for the relief of Charles Thomas and Edgar Thomas;

H. R. 7339. An act for the relief of H. H. Lee;

H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 11529. An act for the relief of William J. Bodiford; and

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others;

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 6226. An act for the relief of Mildred B. Crawford; and

S. J. Res. 252. Joint resolution authorizing an appropriation for the expenses of the arbitration of the claim of George J. Salem against the Government of Egypt.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 35. An act for the relief of James W. Nugent;

S. 43. An act for the relief of W. W. Payne; and

S. 182. An act for the relief of Daisy O. Davis.

FOREIGN SERVICE BUILDINGS

Mr. TEMPLE. Mr. Speaker, I move to suspend the rules and pass the bill S. 6255, with an amendment.

The Clerk read the bill, as follows:

S. 6255

A bill to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States

Be it enacted, etc., That for the purpose of further carrying into effect the provisions of the Foreign Service buildings act, 1926, as amended, there is authorized to be appropriated, in addition to the amount authorized by such act, an amount not to exceed $10,000,000, of which not more than $2,000,000 shall be appropriated for any one year. Sums appropriated pursuant to this act shall be available for the purposes and be subject to the conditions and limitations of such act, as amended: *Provided*, That hereafter no contract shall be entered into by the commission in excess of the appropriation unless authorized in the act making the appropriation.

The SPEAKER pro tempore. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. TEMPLE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania for 20 minutes and will later recognize the gentleman from Wisconsin [Mr. STAFFORD] for 20 minutes.

Mr. TEMPLE. Mr. Speaker, in 1926 Congress passed an act which was the beginning of the policy of constructing residences and office buildings in the capitals and other principal cities in foreign countries where the United States Government finds it necessary to carry on the business of the Government.

American travelers abroad for many years have necessarily compared the quarters occupied by representatives of the United States with the provision made by other governments for their representatives and have observed those differences with some humiliation and chagrin.

In 1926 a bill was passed authorizing $10,000,000 for the construction of Foreign Service buildings and creating a commission composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the chairman and ranking minority member of the Senate Committee on Foreign Relations, and the chairman and ranking minority member of the House Committee on Foreign Affairs, the legislative members at present being Senators BORAH and SWANSON, and the gentleman from Maryland, Mr. LINTHICUM, the ranking minority member of our committee, and myself. The tentative plans of the commission tentatively, conditionally adopted, have now exhausted the $10,000,000 already authorized. If the program is to be put into effect further, which seems to be the policy of the Government, as evidenced by both the executive and legislative branches, further authorization is necessary, and is asked by this bill. While this authorizes, it does not require an appropriation at the present time. As a matter of fact something more than $1,000,000 of the original authorization remains, but it is all planned for, and now the commission will be unable to carry on its work except for the completion of projects already under way unless this legislation is enacted. This bill, it will be noted, modifies the original authorization by the proviso which I have offered as an amendment:

Provided, That hereafter no contract shall be entered into by the commission in excess of the appropriation unless authorized in the act making the appropriation.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. RAYBURN. I am interested to know how many embassy or legation buildings we own. I understand that $10,000,000 was authorized and has been used up.

Mr. TEMPLE. It has not been used up. It has been planned for. I shall include in my remarks, if so permitted, a copy of the report of the committee, which will give the gentleman and others all information in respect to his inquiry.

Mr. RAYBURN. What is the largest amount they have contracted to pay for any one building?

Mr. TEMPLE. I think probably the largest amount is for the one at Buenos Aires.

Mr. OLIVER of Alabama. No; $1,800,000 is contracted for tentatively in Berlin.

Mr. TEMPLE. That is contracted for conditionally.

Mr. OLIVER of Alabama. The largest amount is for the one at Buenos Aires, $1,450,000, including furnishings and repairs.

Mr. TEMPLE. Yes. The one referred to in Berlin is tentatively contracted for, the condition being that the present tenants are to be removed by the time we wish to get hold of the building. The contract is in that form now.

Mr. RAYBURN. Is not that the largest amount?

Mr. TEMPLE. The Berlin one is for the largest amount, $1,800,000, for the site and building that is standing on it.

Mr. THATCHER. Mr. Speaker, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. THATCHER. The commission of which the gentleman speaks has made a general survey, has it not, or had it made concerning these things all over the world?

Mr. TEMPLE. In a way, yes. I might say, however, that there was no particular need for a general survey, because the State Department has been in contact with every consulate and every embassy and every legation all of the time. They have been conscious of the needs, so that no special survey was necessary.

Mr. THATCHER. But that information was brought to the gentleman's commission?

Mr. TEMPLE. Oh, yes.

Mr. THATCHER. Will this $10,000,000 carried by the pending measure entirely complete our needs as to consulates and embassies abroad?

Mr. TEMPLE. It will cover those for which any need is very pressing. That question, however, is as difficult to answer as it would be if the same question were asked in regard to post offices in the United States. I think the general policy ought to be that wherever the Government has business enough to justify it we ought to have a building.

Mr. THATCHER. And this will cover present needs?

Mr. TEMPLE. So far as we know. It takes a pretty good sized office building to handle the business of the United States Government in some of the larger foreign capitals.

Mr. THATCHER. About how long is it contemplated will be required to complete this program?

Mr. TEMPLE. This bill provides for $10,000,000 at the rate of $2,000,000 a year, which would take five years.

Mr. THATCHER. Some buildings will be constructed and others purchased?

Mr. TEMPLE. Yes.

Mr. MOORE of Virginia. And if the gentleman will permit, the larger cases have been taken care of?

Mr. TEMPLE. All except the city of London, where we find difficulty with regard to land titles.

Mr. MOORE of Virginia. And it is hoped that the $10,000,000 will cover all other construction, although, as the gentleman has just said, no absolute assurance can be given on that point.

Mr. TEMPLE. That will depend upon the policy of Congress, just as the post-office-building program depends upon the policy of Congress.

Mr. MOORE of Virginia. And as the Secretary of State says in his communication, the need of this legislation is that the Government may be able to look ahead and plan what shall be done in the future without actually committing the Government, however, until the appropriations are made.

Mr. TEMPLE. That is correct. I ask unanimous consent to extend my remarks in the RECORD by including therein a copy of the report of the committee.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The report of the committee is as follows:

[House Report No. 2560, Seventy-first Congress, third session]

FOREIGN SERVICE BUILDINGS

February 9, 1931.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. TEMPLE, from the Committee on Foreign Affairs, submitted the following report (to accompany H. R. 15774):

The Committee on Foreign Affairs, to which was referred the bill (H. R. 15774) to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States, having had the same under consideration, reports it back with the following amendment and recommends that the bill do pass.

On page 1, line 8, strike out the word "in" and insert in lieu thereof the word "for," so that the bill will read:

"A bill to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States

"*Be it enacted, etc.*, That for the purpose of further carrying into effect the provisions of the Foreign Service buildings act, 1926, as amended, there is authorized to be appropriated, in addition to the amount authorized by such act, an amount not to exceed $10,000,000, of which not more than $2,000,000 shall be appropriated for any one year. Sums appropriated pursuant to this act shall be available for the purposes and be subject to the conditions and limitations of such act as amended."

The Foreign Service buildings act, 1926 (U. S. C., title 22, sec. 292), provides:

"That the Secretary of State is empowered, subject to the direction of the commission hereinafter established, to acquire, by purchase or construction, in the manner hereinafter provided, within the limits of appropriations made pursuant to this act, in foreign capitals and in other foreign cities, sites and buildings, and to alter, repair, and furnish such buildings, for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating to the extent deemed advisable by the commission, within one or more buildings, the embassies, legations, consulates, and other agencies of the United States Government there maintained, which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission among the several agencies of the United States Government."

The act authorized the appropriation of $10,000,000, not more than $2,000,000 of which should be appropriated for any one year, but provided that "within the total authorization provided in this act, the Secretary of State, subject to the direction of the commission, may enter into contracts for the acquisition of the buildings and grounds authorized by this act."

Appropriations made under the authorization of the Foreign Service buildings act, 1926, from the date of its passage to the present time, amount to $6,835,000. The appropriation bill for the State Department for the fiscal year ending June 30, 1932, as it passed the House, carried an additional sum of $1,200,000 for the Foreign Service buildings fund, which was increased in the Senate to $2,000,000. The bill is now in conference. If the larger amount should be agreed to, the total appropriations since the passage of the act will then be $8,835,000. The total expenditures and obligations for this fund amounted on January 20, 1931, to $6,245,718.33, as shown by the table at the end of this report.

Additional construction contracts contemplated to be entered into by the end of the fiscal year 1932 will bring the obligations near to the limit of the $10,000,000 authorized by the Foreign Service buildings act, 1926.

It appears from testimony given to your committee by Mr. Keith Merrill, of the State Department, executive secretary of the Foreign Service Buildings Commission, that when funds authorized by previous legislation and the Foreign Service buildings act shall have been expended, the Government will own embassies at the following posts:

Rio de Janeiro, Brazil; Santiago, Chile; Paris, France; London, England (ambassador's residence); Habana, Cuba; Tokyo, Japan; Mexico City, Mexico; Istanbul, Turkey; Rome, Italy; Berlin, Germany; Buenos Aires, Argentina; Lima, Peru.

When funds authorized by previous legislation and the Foreign Service buildings act shall have been expended, the Government, in addition to these embassies, will own legations at the following posts:

Tirana, Albania; Peiping, China; San Jose, Costa Rica; Prague, Czechoslovakia; Oslo, Norway; Managua, Nicaragua; San Salvador, El Salvador; Monrovia, Liberia; Ottawa, Canada (office building only).

In addition to the foregoing, from funds previously appropriated and funds appropriated under the Foreign Service buildings act, the Government will have or should have structures for office and residential quarters for the consular branch of the Foreign Service, where sites have already been acquired:

Tangier, Morocco; Amoy, China; Shanghai, China; Mukden, China; Nagasaki, Japan; Seoul, Chosen; Yokohama, Japan; Penang, Straits Settlements; Corinto, Nicaragua; Calcutta, India; Matanzas, Cuba; Santiago, Cuba; Aden, Arabia; Seville, Spain.

It is believed that all the places mentioned in the above lists can be provided for within the $10,000,000 authorized by the Foreign Service buildings act of 1926 and appropriations previously made. It is nevertheless a tentative list, for the buildings are to be constructed in foreign countries and every factor of cost entering into the estimates is variable. The price of land, the cost of labor, the cost of material, and the cost of foreign currency purchased to pay for acquisition and construction are all subject to fluctuation. It is the policy of the commission, however, to purchase American materials and furniture whenever conditions permit. For example, in one instance $23,000 worth of American materials were used in a building for which the total cost of all materials and labor amounted to $83,000.

If the above tentative list should prove correct, there would remain a considerable number of places not provided for. The following diplomatic posts have been mentioned to your committee as places for future consideration:

Embassies at: Madrid, Spain; Warsaw, Poland; London, England (an office building); Habana, Cuba (the exchange of the present property).

Legations at: Addis Ababa, Ethiopia; Helsingfors, Finland; Athens, Greece; Guatemala City, Guatemala; Tegucigalpa, Honduras; Budapest, Hungary; Dublin, Ireland; Riga, Latvia; The Hague, Netherlands; Asuncion, Paraguay; Lisbon, Portugal; Bucharest, Rumania; Stockholm, Sweden; Berne, Switzerland; Cape Town, Union of South Africa; Caracas, Venezuela; Belgrade, Yugoslavia; Vienna, Austria; Brussels, Belgium; La Paz, Bolivia; Sofia, Bulgaria; Ottawa, Canada; Bogota, Colombia; Quito, Ecuador; Copenhagen, Denmark; Santo Domingo, Dominican Republic.

The following have been suggested to your committee as places in addition to the foregoing, where quarters are needed in the Orient:

Canton, China; Changsha, China; Chefoo, China; Foochow, China; Hankow, China; Harbin, China; Swatow, China; Tientsin, China; Tsinan, China; Tsingtao, China; Yunnanfu, China; Dairen, Manchuria; Kobe, Japan; Taihoku, Formosa; Hong Kong; Nagoya, Japan.

Consular buildings are needed at the following unhealthful posts:

Acapulco, Mexico; Bahia, Brazil; Barranquilla, Colombia; Batavia, Java; Belize, British Honduras; Bluefields, Nicaragua; Bombay, India; Buenaventura, Colombia; Cartagena, Colombia; Celba, Honduras; Colombo, Ceylon; Dakar, Senegal; Georgetown, British Guiana; Guayaquil, Ecuador; Guaymas, Mexico; Karachi, India; La Guaira, Venezuela; La Paz, Bolivia; Lourenco Marques, East Africa; Madras, India; Manaos, Brazil; Manzanillo, Mexico; Maracaibo, Venezuela; Mazatlan, Mexico; Medan, Sumatra; Para, Brazil; Pernambuco, Brazil; Port Limon, Costa Rica; Progreso, Mexico; Puerto Barrios, Guatemala; Puerto Cabello, Venezuela; Puerto Castilla, Honduras; Puerto Cottes, Honduras; Rangoon, India; Saigon, French Indo-China; Santa Marta, Colombia; Singapore, Straits Settlements; Surabaya, Java; Tampico, Mexico; Tela, Honduras; Vera Cruz, Mexico.

Although the climate of the following posts does not justify their being classed as unhealthful, buildings available for rent would be considered inappropriate by an American:

Antilla, Cuba; Baghdad, Iraq; Barbados, British West Indies; Beirut, Syria; Cape Haitien, Haiti; Casablanca, Morocco; Cienfuegos, Cuba; Curacao, Dutch West Indies; Ensenada, Mexico; Martinique, French West Indies; Mexicali, Mexico; Nairobi, Kenya; Nuevitas, Cuba; Patras, Greece; Portlo Alegre, Brazil; Punta Arenas, Chile; Saloniki, Greece; Santos, Brazil; Izmir, Turkey; Tabriz, Persia.

The bill contemplates no additional actual appropriations until the fiscal year 1934, to be available July 1, 1933. But since the tentative plans of the Foreign Service Buildings Commission have practically reached the limit of the appropriations heretofore authorized, an additional authorization is needed, if the commission is to continue with plans for the further carrying into effect the provisions of the Foreign Service buildings act. The commission is composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the chairman and the ranking minority member of the Senate Committee on Foreign Relations, and the chairman and the ranking minority member of the House Committee on Foreign Affairs.

The letter from the Bureau of the Budget and the letter from the Secretary of State with inclosure are printed in full as a part of this report.

BUREAU OF THE BUDGET,
Washington, January 16, 1931.

The SECRETARY OF STATE.

MY DEAR MR. SECRETARY: I have from Assistant Secretary of State Carr a letter dated January 13, 1931, submitting for consideration with reference to the financial program of the President a tentative report on H. R. 15774, to provide additional funds for Buildings Commission created under the original act to plan exments of the United States.

You are advised that, in so far as the financial program of the President is concerned, there is no objection to your making a favorable report on this proposed legislation.

Very truly yours,

J. CLAWSON ROOP, *Director.*

JANUARY 17, 1931.

Hon. HENRY W. TEMPLE,
House of Representatives.

MY DEAR DOCTO' TEMPLE: I have received your letter of January 7, 1931, and have examined with care the bill (H. R. 15774) to provide funds in addition to the amount authorized by the Foreign Service buildings act of 1926 for buildings for the diplomatic and consular establishments of the United States, and it gives me pleasure to say that the measure seems admirably adapted to the purpose of improving the effectiveness of our representation abroad. Moreover, I am pleased to say that the bill has been brought to the attention of the President, who considers that it is in harmony with his financial program.

Your bill, it is noted, does not involve additional actual appropriations by the Congress until the appropriations authorized under the Foreign Service buildings act of 1926 shall have been completed, but the increase in authorization effected by supplementing this basic legislation will enable the Foreign Service Buildings Commission created under the original act to plan expenditures ahead some two years and thereby take advantage, for the benefit of the Government, of the present lowered costs of acquiring land and lowered costs of construction.

Your measure if adopted will permit the present plans of the commission to go forward without interruption.

The Foreign Service buildings act has been in effect some four years. In that period the commission first dealt with certain pending projects; it approved previously drawn plans for the construction of the consulate at Amoy, China; authorized the acquisition of land and construction at Tirana, Albania, both of which have been completed and are now tenanted by our officials; approved plans and authorized the construction of the diplomatic and consular establishment at Tokyo, Japan, which is now 70 per cent completed, authorized the acquisition, remodeling, and repair of the consulate at Penang, Straits Settlements, and the consulate at Nagasaki, Japan, both of which are finished and occupied, and has approved an exchange of land and its improvement with a consular building at Yokohama, Japan, where construction has been initiated.

In the summer of 1927 the late Congressman Stephen G. Porter, then chairman of the buildings commission, made a journey through Central America and Cuba, where he examined various sites for Government establishments and made recommendations for acquisitions. In the latter part of the summer he went to Paris and selected the site on the northwest corner of the Place de la Concorde for a Government office building, which has since been acquired, and where it is planned to initiate construction in March. In the summer of 1928 Mr. Porter again went to Europe, and, as a result of his examinations, additional sites were tentatively selected, which have been approved for acquisition by the Foreign Service Buildings Commission for office and residential accommodations for this Government in Berlin and in one other important European capital. In Berlin the United States has signed a contract to buy the property originally selected by Mr. Porter and Congressman LINTHICUM, of Maryland. In the other capital, we are in the process of negotiating for the site which has been selected by these men, seen and approved by Secretary Mellon and Members of Congress.

At all of these capitals the work and responsibilities of our officials are of preeminent importance to our country, and they were, therefore, selected as examples of what may be accomplished to improve the service, to the great convenience of officials and large numbers of American travelers, by centralizing all official activities in one Government office building. With the exception of these three projects, no other acquisitions have been made in western Europe, because it was the policy of the commission first to take care of unhealthful posts and posts in South America and the Far East.

In South America the commission has approved plans for an office building in Rio de Janeiro; has purchased a site and approved plans for an office building in Buenos Aires; has acquired, repaired, and furnished a residence now occupied by the American ambassador in Buenos Aires; and has acquired a site for an American ambassador's residence in Lima, Peru, for which plans and specifications have been approved, so that construction may go forward within the next three months. All of these South American posts were visited by Hon. J. CHARLES LINTHICUM, of Baltimore, on whose recommendations the commission has acted.

I may remark that your bill provides for the continuation of the present system of controlling the expenditure of the fund by the Foreign Service Buildings Commission, composed of four Members of Congress, two each from the Foreign Relations and Foreign Affairs Committees of the Senate and House of Representatives, respectively, and three members of the Cabinet, and I therefore avail myself of this opportunity to express my unqualified approval of the present arrangement. Experience has shown, I think, that before acquiring property abroad for the Government at least one member of the commission should, as a rule, make a personal examination of the situation on the ground.

As a practical matter, it is impossible for members of the Cabinet, during their incumbency, to visit any but the nearest posts to Washington. It has been possible, however, for Members of Congress, when that body is not in session, to make such journeys as will enable them to appear with a detailed personal knowledge before their fellow commissioners and, on the interchange of ideas at a meeting of the commission, shape a policy of acquisition and construction along the lines of greatest benefit to our Government. Such has been our experience in the past, due to the unselfish interest taken in the problems of the Foreign Service by the late Congressman Porter and Congressman LINTHICUM, of Baltimore. I desire at this time to record my appreciation of their work abroad in the study of the living problems, the working problems, and construction problems in various foreign posts.

It is gratifying to me to regard your introduction of this bill as an approval of what has been done by the Foreign Service Buildings Commission as the result of the powers granted in the Foreign Service buildings act, and I trust that your bill will receive the support of your colleagues in Congress, because it will enable the Foreign Service Buildings Commission to proceed with plans already made and very carefully considered, with the assistance of the Supervising Architect of the Treasury, for the improvement of the lands already acquired, a list of which is hereto attached, together with the estimated cost of their improvement if your bill becomes a law.

I earnestly hope that this measure may receive the favorable consideration of the Congress.

Sincerely yours,

HENRY L. STIMSON.

Acquisition of lands and tentative plans for their improvement by the Foreign Service Buildings Commission

Post	Description	Estimated still to be spent on improvement, including furnishing
Penang	Land and building	Finished.
Prague	Building and grounds owned since 1925	$250,000.00
Nagasaki	Land and building	Finished.
Paris	Site for office building	1,031,000.00
Lima	Site for ambassador's residence	228,200.00
Aden	Site for consulate	39,200.00
Paris	Ambassador's residence (remodeled)	Finished.
Tirana	Minister's residence, chancery, and secretary's house.	2,834.62
Teheran	Land and building	21,235.30
Managua	Site for offices and residence	217,190.93
Bangkok	Government-owned legation to be reconstructed	124,799.37
Corinto	Site for consulate	27,300.00
Calcutta	Sites for office building and residences	338,150.48
Ottawa	Site for office building	644,317.75
Matanzas	Land and building	42,060.01
Santiago, Cuba	do	32,068.61
Monrovia	Site for legation	64,298.89
Rio de Janeiro	Site for office building	266,170.67
Shanghai	Offices and residences for Government activities (to be reconstructed).	732,000.00
Buenos Aires	Ambassador's residence	Finished.
Do	Site for office building	818,702.07
Amoy	Completion of project started under separate appropriation.	107.50
Seville	Initial furnishing of Government-owned building	1,468.45
London	Initial furnishing of Government-owned ambassador's residence.	Finished.
Yokohama	Construction and furnishing of consulate on Government-owned site.	150,000.00
Panama	Construction and furnishing of legation and office building on Government-owned sites.	150,000.00
Mukden	Construction and furnishing of consulate on Government-owned site.	160,000.00
Tangier	Rehabilitation of gift property	9,000.00
Berlin	Acquisition and remodeling of embassy	2,000,000.00
Total		7,649,624.82

Remization of expenditures and obligations from Foreign Service buildings fund and separate building appropriations

Post	Description of project	Cost of land or of land and buildings	Cost of construction or of initial remodeling and repair	Architects' services	Cost of furnishing	Travel expenses	Miscellaneous
London, England	Initial furnishing of ambassador's residence				$29,550.04		
Penang, Straits Settlements	Consular residence and office	$21,162.96	$3,183.46		5,479.61		
Prague, Czechoslovakia	Architectural survey and initial remodeling, repair, and furnishing of Government-owned legation			$6,500.00			
Nagasaki, Japan	Consular residence and office	12,980.34	2,918.25		5,426.58		
Paris, France	Office building for all American Government activities	1,221,296.68		60,000.00		$806.38	
Do	Initial remodeling and repair of ambassador's residence		53,674.75				
Lima, Peru	Ambassador's residence	30,315.28		1,850.78			
Aden, Arabia	Consular residence and office	16,356.30		3,252.96			
Tirana, Albania	Minister's residence, chancery, residence for subordinate	1,978.95	78,407.73	2,000.00	19,778.70		
Teheran, Persia	Minister's residence and chancery	80,348.46			9,416.24		
Managua, Nicaragua	Minister's residence, chancery, residence for subordinate	2,915.70	1,035.91	4,500.00		65.60	
Bangkok, Siam	Reconstruction of minister's residence and chancery	12,200.63					
Corinto, Nicaragua	Consular residence and office	2,700.00					
Calcutta, India	Office building and residential building	[1] 81,022.96 [2] 72,995.39	[1] 500.00	6,674.65		924.17	
Ottawa, Canada	Office building	105,682.25		25,000.00			
Matanzas, Cuba	Consular residence and office	29,015.00	25.00				
Santiago, Cuba	do	29,931.32		981.72			
Yokohama, Japan	do		114,000.00	168.19			
Monrovia, Liberia	Minister's residence, chancery, residence for subordinate		115.68	304.52	230.00		
Mukden, China	Consular residence and office			701.69			
Rio de Janeiro, Brazil	Office building		79.33	8,938.84			
Rome, Italy	Ambassador's residence and office building	1,125,000.00				40.30	
Shanghai, China	Office and residence building			33,316.88			
Berlin, Germany	Ambassador's residence, chancery, and all other American Government offices	1,798,561.00					
Buenos Aires, Argentina	Ambassador's residence and office building	[1] 1,269,326.97 [2] 254,815.14	[1] 80,850.58	[1] 3,200.00	[1] 70,105.24		
Amoy, China	Completion of project started under separate appropriation			1,342.50	9,550.00		
Seville, Spain	Initial furnishing of consulate				20,531.55		
Bluefields, Nicaragua	Consular residence and office			1,820.55			
Tegucigalpa, Honduras	Minister's residence and chancery						$810.00
Montevideo, Uruguay	Ambassador's residence	106,000.00		6,000.00			
Miscellaneous	General items of expense and travel, not incurred in the interest of any single project					9,084.76	17,415.70
Total, Foreign Service buildings fund.	Expenditures and definite obligations	6,245,718.33	340,793.69	166,553.28	170,067.96	10,921.21	18,025.70
Separate appropriations: Tokyo, Japan	Ambassador's residence, chancery, 2 apartment houses for lower-salaried staff	216,781.35	849,426.50	56,074.40	5,492.68	2,673.51	
Amoy, China	Consular residence and office		61,246.44	1,600.23		50.00	
Total of all funds under the control of the commission.	Expenditures and definite obligations	6,462,499.68	1,251,466.63	224,236.00	175,560.64	13,644.72	18,025.70

[1] Residence. [2] Office.

Summary:

Total, Foreign Service buildings fund expenditures and obligations	$6,932,080.17
Total, separate appropriations expenditures and obligations	1,193,353.20
Total of all expenditures and obligations	8,145,433.37

Mr. STAFFORD. Mr. Speaker, this bill exemplifies the growth of a policy from a small beginning. Twenty years ago, when I had the honor to be in the chair presiding over the Committee of the Whole House on the state of the Union, the committee made an adverse report against the so-called Lowden bill, sponsored by the gentleman from Illinois, who was afterwards governor of that great State, which only authorized the expenditure of $500,000 for any embassy or consular building in any one year. There was a strong feeling among the membership of the House at that time that there was danger, if we inaugurated a policy of buying our own embassy buildings, that it would go to extremes unbecoming this great Republic.

I am democratic in my ideas at home, and when I go abroad I hope to carry those same democratic ideas with me.

The carrying out of the policy represented in this bill in recent years, since we passed the act of 1926 authorizing the expenditure of $10,000,000 for embassy buildings without any limit whatsoever on what might be expended for any one project or in any one year, shows the extreme that we may go to or that the executive officials may go to in carrying out the bill.

In reply to a query propounded by the gentleman from Texas [Mr. RAYBURN], the chairman of the committee [Mr. TEMPLE] stated that we have spent, or are about to spend, $1,400,000 for an embassy building at Berlin. We have spent more than a million dollars for an embassy building at Rome. We have spent more than a million dollars for embassy quarters at Buenos Aires. We have provided embassy buildings for every important embassy of the Government, save in the following cases: At Madrid, Warsaw, and Habana; and even at Habana it is proposed an exchange of the present property.

I lay this proposition down as a primal objection to this bill, that it is un-American for our Government to establish these large, expensive, extravagant embassy buildings abroad; that they are not representative of the true democratic spirit of America; that they do not connote the idea of democratic America.

If there is one thing for which I hold sacred the memory of Theodore Roosevelt when he was President of the United States, it is that he refused when strong pressure was brought to bear at the beginning of his administration to have a new executive mansion constructed in place of the White House; he took a position strongly in opposition to it, because he thought the White House was typical in its simplicity, in its grand simplicity, of the true democratic spirit of America. [Applause.] When the natives of foreign countries, or foreigners, go to visit the leading capitals and see these expensive American embassy buildings, rivaling the expensive structures of the monarchies of Europe, well may they say that America is typified by the dollar mark, the million-dollar mark, or the billion-dollar mark, rather than by the true simplicity that should characterize and which generally does characterize, in the opinion of foreigners, democratic America.

Mr. RAYBURN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. RAYBURN. Does the gentleman think this amendment proposed by the gentleman from Pennsylvania [Mr. TEMPLE] is a sufficient limitation to put upon this bill, that Congress then will have a say, after these proposals are made and before the money is expended, as to how much they will expend on any one building?

Mr. STAFFORD. At present there is no limitation. This proposed amendment means hardly anything. The Appropriations Committee comes in with an appropriation. It goes to the Senate. The Senate can put on any kind of an amendment, and in the closing days of Congress it signifies nothing.

May I say to the gentleman from Texas [Mr. RAYBURN] and to the other Members of the Congress there is no need for this legislation at the present time. There is $1,800,000 available under the $10,000,000 authorized in the act of 1926 which has not been expended or authorized for expenditure.

On yesterday we excluded deserving aliens because of the condition of unemployment in this country. We hear much about using the funds at home and yet we are here launching upon a policy to expend extravagantly $10,000,000 in the next five years. Where is there any justification for it, except that it is an invitation to the State Department to carry out their extravagent policy, which they have been carrying out since 1926, in purchasing these large, expensive embassy quarters abroad?

Members of the Appropriations Committee that have this matter in charge, I am told, took a trip at the expense of the Government, and visited foreign capitals. That may be their idea, that our embassy buildings should vie in grandeur with the embassy buildings of the monarchs and kingdoms of Europe, but it is not my idea.

I remember one time when a most eminent diplomat in the service of the Government of the United States was not looked upon with favor by one of the foreign governments because he did not have the means wherewith to properly keep up the social requirements of the post. I protested against this character of legislation when the appropriation bill was under consideration, because I am not in sympathy with this idea. I want these embassy quarters to comport not only to the democratic standards of America, but also to comport to the ways of living of those men who have intellect and not mere pocketbooks. I place the aristocracy of the intellect of America ahead of the aristocracy of the dollar [applause]; the State Department is placing the aristocracy of the dollar ahead of the aristocracy of the intellect. They want large quarters that can only be manned and kept up by expensive retinues that many men in this Chamber, in their lives here, are stranger to.

It may be that there are a half dozen or less in this Chamber who would feel at home in these extravagant quarters, but I do not believe there are many on either side of the aisle who, if assigned as ambassador to Berlin, to Paris, to Rome, or Buenos Aires, would feel at home in these extravagant and expensive buildings.

I bottom my objection on two grounds. First, there is no need for this at the present time. There is $1,800,000 remaining of the $10,000,000 authorized in 1926. Why should they be erecting buildings abroad in order to give employment over there when we need employment here? Next, it is foreign to our American policy to provide these elaborate quarters.

It is not possible under suspension of the rules to place a limit on the appropriations whereby no more than $500,000 might be expended on any one project. I take exception to the position taken by the gentleman from Pennsylvania, in which he says we should own all of our consular quarters, all of our embassy buildings, and all of our legations, for the reason that if you can find suitable quarters by lease then there is no need of having the Government erect buildings.

A few years ago, when this proposition was first launched, it was called to our attention that there were just a few places where proper quarters could not be leased. There was justification then for our erecting buildings. But now the policy has taken on a different angle entirely. The policy is to own everything and own all the buildings. That policy can not even be justified in our own country as far as post-office buildings are concerned.

Why should we now launch on this policy of committing the Government to the expenditure of $2,000,000 a year, when nobody knows whether this depression will continue for another two years or five years? The gentleman will not deny that $1,800,000 is available for appropriation when the next Congress convenes. That being so, why should we take this action?

Mr. TEMPLE. I not only do not deny it but I specifically called attention to it.

Mr. STAFFORD. We have $1,800,000 that is available for appropriation when the next Congress convenes, yet you are asked to pass under suspension of the rules this bill, which provides for no limitation on any amount that may be expended on any building.

Mr. LINTHICUM. Will the gentleman yield?

Mr. STAFFORD. I yield to the ambassador from Baltimore. I believe he has visited all of these foreign capitals and has imbibed the foreign idea.

Mr. LINTHICUM. I do not think Baltimore needs an ambassador.

Mr. STAFFORD. Well, I yield to the gracious presence of the gentleman from Baltimore.

Mr. LINTHICUM. I want to call the gentleman's attention to an error, I think, and that is that there will only be $1,165,000 instead of the amount he mentioned.

Mr. STAFFORD. According to my mathematics the amount is $1,800,000. The gentleman may be a better promoter in regard to these projects, but I do not yield to the gentleman on my mathematics.

Mr. COLLINS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. COLLINS. From the speech the gentleman is making I would take it that the gentleman is opposed to providing castles for our social leaders abroad?

Mr. STAFFORD. Well, we have them now, and this is only a continuation of that policy. We have these castles or mansions in the large capitals of Europe. Only Warsaw and Madrid are still unprovided for. Shall we provide a Spanish castle in Madrid and a Polish castle in Warsaw?

Mr. COLLINS. These are our social leaders.

Mr. STAFFORD. I am opposed to these extravagant, magnificent, and elaborate quarters for our ambassadors and ministers.

Mr. BOYLAN. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BOYLAN. The gentleman would not want to build log cabins, would he?

Mr. STAFFORD. No; but I would like to have buildings that would be typical of the White House. [Applause.] I would like to have commodious quarters but typical of our democracy, and not the large ostentatious structures we have in Rome, in Berlin, in Paris, and in Buenos Aires, as well as in London. I would like to have something typical of the democracy of the gentleman from New York, typical of the democratic leader who was defeated for the Presidency, Alfred E. Smith, that great Democrat from the State of New York. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. TEMPLE. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Speaker, when the appropriation bill was before the House I called attention to the act passed by Congress in 1926 and criticized several of the large expenditures made by the commission thereunder. I was not then and am not now out of sympathy with many of the views expressed by the gentleman from Wisconsin as to the extravagant expenditures under this act in the past. Under the original act there was no limitation on the authority of the commission to contract and obligate the Government except the limit of $10,000,000, the amount authorized. With the consent of members of the Foreign Affairs Committees of the House and Senate, an amendment was prepared and has been offered by the gentleman from Pennsylvania, Doctor TEMPLE, so that hereafter the authority of the commission to obligate the Government, if the act is extended, will be limited by the appropriations hereafter made, and the contractual power hereafter approved by Congress in appropriation bills. Unquestionably the commission will need funds in addition to the $10,000,000 now authorized in order to meet obligations incurred by the commission and to improve vacant sites purchased.

I am sure the commission will be slow hereafter in contracting for the purchase of embassies at excessive prices,

and which purchases will require large maintenance charges in the future. Attention was previously called by me to the large amount expended in Buenos Aires for a mere embassy, and, so far as I know, there are very few Members of this House who approve the wisdom of that purchase.

Mr. RAYBURN. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. RAYBURN. Just what kind of house is it that they bought in Buenos Aires that cost $1,500,000?

Mr. OLIVER of Alabama. A palatial residence, well located, for which we paid $1,200,000 plus, and in addition thereto approximately $240,000 for furnishings and repairs. If the tentative contract in Berlin is completed, we must repair the building, and no estimate has been submitted as to the cost of the repairs. Likewise, if the building in Rome is purchased, we will have to repair that building, but no estimate has been submitted as to the cost of the repairs. I venture to predict that the cost of repairs will be substantial and large.

Mr. RAYBURN. May I ask the gentleman one further question? I am one of those who believe that the United States Government ought to own the homes of its ambassadors in foreign countries; but does the gentleman think that if we vote for this measure, that with the limitation proposed in the amendment of the gentleman from Pennsylvania we are going to have some protection against paying $1,000,000 or $1,500,000 or $2,000,000? I think it is out of reason and out of the question and does not comport with the ideals of America. I quite agree with the remarks of the gentleman from Wisconsin [Mr. STAFFORD] that there is such a thing as having a home for an ambassador or a minister in a foreign country that will be nice enough for him, and yet will not look like we are trying to outdo the world in matching dollars against everybody else, and creating the impression throughout the world that we, the richest Nation in the world, are going to have the finest homes for our ministers and ambassadors of any country in the world.

Mr. OLIVER of Alabama. I am largely in accord with the views expressed by the gentleman, and I was responsible for the drafting of this amendment just offered by the gentleman from Pennsylvania [Mr. TEMPLE], and this amendment will unquestionably place in the hands of Congress hereafter what purchases may be made and what contracts may be made, and so long as I am on the subcommittee handling this appropriation, the House will be fully informed so that you may intelligently pass on all of these matters in making appropriations therefor.

Mr. RAYBURN. In other words, before the final contract is made for a building or a house or the buying of one, Congress will have an opportunity to say whether or not a certain price will be paid for it.

Mr. OLIVER of Alabama. There can be no question as to that. Under the old act $10,000,000 was the only limit on the authority of the commission to obligate the Government and Congress had absolutely no control over it. Now you will have absolute control over every dollar appropriated hereafter, if this act is extended and the limitation amendment now offered is adopted.

Mr. STAFFORD. Will the gentleman answer a question?

Mr. OLIVER of Alabama. I will be pleased to.

Mr. STAFFORD. The amendment provides that hereafter no contract shall be entered into by the commission in excess of the appropriation unless authorized in the act making the appropriation. If the appropriation as presented to the House by the committee votes an appropriation of $2,000,000, without any limit at all, $2,000,000 might then be spent for one building. Where is there any limitation, so far as this amendment is concerned, as to how much might be expended for any one building, I ask respectfully the gentleman from Alabama?

Mr. OLIVER of Alabama. I am very glad the gentleman asked the question. The gentleman is quite familiar with the procedure in the House, and when an appropriation is recommended to the House, the House has a perfect right to put limitations thereon if they are not satisfied with the limitations placed thereon by the Committee on Appropriations. We purposely gave the House the right to say that, if in addition to the appropriations, it was the desire of the House to increase the contractual rights of the commission, you might do so in the appropriation bill. In other words, if it took more than a year to improve any property, assuming you wished to give approval thereto on economic grounds, you will have the right to extend the building program over a year; otherwise, the commission could not make a contract for more than one year if it involved an obligation in excess of the sums appropriated and unobligated.

Mr. STAFFORD. If the gentleman will permit, not more than $2,000,000 may be expended in a year if the Committee on Appropriations or the Congress does not place any limitation on the amount of that appropriation.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. STAFFORD. Mr. Speaker, I yield the gentleman two minutes.

And the commission may expend $2,000,000 on any one project.

Mr. OLIVER of Alabama. The gentleman's question does not assume altogether an accurate statement of facts, but he has erred even against himself. The appropriations made under this act are cumulative, just as they are when you make appropriations for the increase of the Navy. Unexpended balances do not revert to the Treasury at the end of the fiscal year, but continue. Take, for instance, at present, the commission has now about $4,400,000 unexpended of appropriations heretofore made, and there is yet to be appropriated under the old act $1,400,000, approximately. They have obligated for the purchase of lots and for buildings and repairs about $9,600,000 plus. There will remain a number of lots unimproved of those purchased and for which additional appropirations will be needed. It is now proposed to authorize further appropriations under the act, subject, however, to a contractual limitation on the power of the commission.

The SPEAKER pro tempore. The time of the gentleman from Alabama has again expired.

(Mr. OLIVER of Alabama asked and was given permission to revise and extend his remarks in the RECORD.)

Mr. TEMPLE. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker and gentlemen of the House, this is one of the few commissions which is controlled by Congress. There are four Members of Congress on this commission and three of the Secretaries—State, Treasury, and Commerce. I am sorry the gentleman criticized so much the purchase of the building in Buenos Aires. He should take into consideration all the facts.

Buenos Aires is not like any other city in the world. A dollar is only worth half the amount there. It is a city that prescribes a certain kind of building that you must put up, and there are only a few desirable locations. The commission thought that the Government of the United States was entitled to one of the very best locations and one of the very best buildings in Buenos Aires. It is a splendid building, but no better than many residences in the United States occupied by private citizens and their families. We thought that the United States wanted something worth while. We did not think that they wanted their representatives to live in an out-of-the-way place, some out-of-the-way house, and hold down expenses as developed by the gentleman's dollar democracy. I do not believe that democracy means that you must have an insignificant place or some place that is not sufficient to entertain his friends. It is the outpost of the United States and should be thoroughly representative of our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TEMPLE. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, in some measure in regard to the sentiments of our former President, Theodore Roosevelt, I agree with the gentleman from Wisconsin [Mr. STAFFORD]. President Roosevelt certainly had real democratic ideas. But I believe the embassies and consulates of the United States ought to represent the dignity of the United States Government and our people, and I think they should be as good as the House Office Building, the Senate Office Building, and the Capitol of the Nation, which the gentleman from Wisconsin thinks should represent the dignity of this Government.

Mr. STAFFORD. We are not living in the House Office Building or the Capitol—that is typical of the Nation.

Mr. CONNERY. We do our business here in the Capitol and the House Office Building, and would you want to do it in a log cabin?

Mr. STAFFORD. I said typical of the White House——

Mr. CONNERY. Would the gentleman want us to live in a little log cabin?

Mr. STAFFORD. I do not think the gentleman should put words in my mouth that I did not use.

Mr. CONNERY. Well, the gentleman's remarks implied that. Now, I want to say that we make a great mistake in the salaries that we pay ambassadors and consuls abroad. Under the salary that we pay our ambassadors only a very rich man can represent the American people abroad. If the gentleman from Wisconsin wants to do something——

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. I yield the gentleman one minute more.

Mr. CONNERY. If the gentleman wants to do something progressive for democracy, for the American people, he will favor and urge legislation for a decent salary for these men who represent us in foreign countries, and then we can send men abroad who are not multimillionaires.

Mr. STAFFORD. We voted the other day several million dollars for these officers; did the gentleman vote for it?

Mr. CONNERY. I voted with the gentleman, and the gentleman knows that I did.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. SABATH) there were 125 ayes and 58 noes.

Mr. SABATH. Mr. Speaker, I raise the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that no quorum is present. The Chair will count. [After counting.] Two hundred and forty Members present, a quorum.

Mr. COLLINS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 230, nays 136, not voting 64, as follows:

[Roll No. 49]

YEAS—230

Ackerman	Chalmers	Elliott	Hawley
Adkins	Chase	Ellis	Hess
Allen	Chindblom	Englebright	Hickey
Andresen	Chiperfield	Erk	Hoch
Andrew	Christgau	Estep	Hogg, W. Va.
Auf der Heide	Clancy	Esterly	Holaday
Bacharach	Clarke, N. Y.	Evans, Calif.	Hooper
Bacon	Cochran, Pa.	Fenn	Hopkins
Baird	Cole	Finley	Houston, Del.
Barbour	Colton	Fish	Hudson
Beck	Connery	Fisher	Hull, Morton D.
Beedy	Cooper, Ohio	Fitzgerald	Hull, William E.
Beers	Corning	Fitzpatrick	Igoe
Black	Crail	Fort	Irwin
Bland	Cramton	Foss	Jenkins
Bloom	Crosser	Frear	Johnson, Ind.
Bohn	Crowther	Freeman	Johnson, S. Dak.
Bolton	Culkin	Gambrill	Johnson, Tex.
Bowman	Cullen	Garber, Va.	Johnson, Wash.
Boylan	Dallinger	Gibson	Jonas, N. C.
Brand, Ohio	Darrow	Gifford	Kelly
Brigham	Davenport	Goss	Kendall, Pa.
Britten	Dempsey	Granfield	Ketcham
Browne	De Priest	Griffin	Kinzer
Brumm	Dickstein	Hadley	Kopp
Buckbee	Douglas, Ariz.	Hale	Kurtz
Burtness	Drane	Hall, Ind.	Kvale
Butler	Drewry	Hancock, N. Y.	Langley
Campbell, Pa.	Dunbar	Hardy	Lankford, Va.
Carter, Calif.	Dyer	Hartley	Lea
Carter, Wyo.	Eaton, Colo.	Hastings	Leavitt
Celler	Eaton, N. J.	Haugen	Leech

Lehlbach	Nelson, Me.	Seger	Tinkham
Lindsay	Nelson, Wis.	Selberling	Treadway
Linthicum	Newhall	Selvig	Turpin
Loofbourow	Niedringhaus	Shaffer, Va.	Vestal
Luce	Nolan	Short, Mo.	Vincent, Mich.
McClintock, Ohio	Norton	Shott, W. Va.	Wainwright
McCormack, Mass.	Oliver, Ala.	Shreve	Wason
McLaughlin	Owen	Simms	Watres
McLeod	Palmer	Sirovich	Watson
McReynolds	Palmisano	Sloan	Welch, Calif.
Maas	Parker	Smith, Idaho	Welsh, Pa.
Magrady	Perkins	Smith, W. Va.	White
Manlove	Pittenger	Snell	Whitley
Mapes	Prall	Somers, N. Y.	Wigglesworth
Martin	Pratt, Harcourt J.	Speaks	Williamson
Mead	Pratt, Ruth	Sproul, Ill.	Wilson
Merritt	Purnell	Stalker	Wolfenden
Michener	Ramey, Frank M.	Stobbs	Wolverton, N. J.
Miller	Ramspeck	Strong, Pa.	Wolverton, W. Va.
Montet	Ransley	Sullivan, Pa.	Wood
Mooney	Reece	Swick	Woodruff
Moore, Ohio	Reed, N. Y.	Swing	Wyant
Moore, Va.	Rich	Taylor, Tenn.	Yates
Morgan	Rutherford	Temple	Zihlman
Mouser	Sanders, N. Y.	Thatcher	
Murphy	Sears	Timberlake	

NAYS—136

Abernethy	DeRouen	Hull, Tenn.	Quin
Allgood	Dickinson	Hull, Wis.	Ragon
Almon	Dominick	James, Mich.	Rainey, Henry T.
Arnold	Dowell	James, N. C.	Ramseyer
Aswell	Doxey	Jeffers	Rankin
Ayres	Driver	Johnson, Nebr.	Rayburn
Bachmann	Edwards	Johnson, Okla.	Reilly
Bankhead	Eslick	Jones, Tex.	Robinson
Blanton	Free	Kading	Romjue
Box	French	Kahn	Sabath
Brand, Ga.	Fuller	Kerr	Sanders, Tex.
Briggs	Fulmer	Knutson	Sandlin
Browning	Garber, Okla.	LaGuardia	Schafer, Wis.
Buchanan	Garner	Lambertson	Schneider
Busby	Gasque	Lankford, Ga.	Simmons
Cable	Gavagan	Letts	Sinclair
Campbell, Iowa	Glover	Lozier	Snow
Canfield	Goldsborough	Ludlow	Sparks
Cannon	Green	McDuffie	Stafford
Cartwright	Greenwood	McKeown	Steagall
Christopherson	Gregory	McMillan	Stone
Clague	Guyer	McSwain	Strong, Kans.
Clark, N. C.	Hall, Ill.	Milligan	Summers, Wash.
Cochran, Mo.	Hall, Miss.	Montague	Swanson
Collier	Hall, N. Dak.	Moore, Ky.	Taber
Collins	Halsey	Moorehead	Tarver
Condon	Hancock, N. C.	Nelson, Mo.	Tucker
Cooke	Hare	O'Connor, N. Y.	Walker
Cooper, Tenn.	Hill, Ala.	Oldfield	Warren
Cox	Hill, Wash.	Parks	Whittington
Craddock	Hogg, Ind.	Parsons	Wingo
Crisp	Hope	Patman	Woodrum
Cross	Howard	Patterson	Wright
Davis	Huddleston	Peavey	Yon

NOT VOTING—64

Aldrich	Doyle	Kunz	Rowbottom
Arentz	Evans, Mont.	Lanham	Spearing
Bell	Garrett	Larsen	Sproul, Kans.
Blackburn	Golder	McClintic, Okla.	Stevenson
Brunner	Goodwin	McCormick, Ill.	Sullivan, N. Y.
Burdick	Graham	McFadden	Summers, Tex.
Byrns	Hoffman	Mansfield	Taylor, Colo.
Carley	Hudspeth	Menges	Thompson
Clark, Md.	Johnson, Ill.	Michaelson	Thurston
Connolly	Johnston, Mo.	O'Connor, La.	Tilson
Coyle	Kearns	O'Connor, Okla.	Underhill
Denison	Kemp	Oliver, N. Y.	Underwood
Dorsey	Kendall, Ky.	Pou	Vinson, Ga.
Doughton	Kennedy	Pritchard	Whitehead
Douglass, Mass.	Kiefner	Reid, Ill.	Williams
Doutrich	Korell	Rogers	Wurzbach

So (two-thirds not having voted in favor thereof) the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following additional pairs:

Mr. Tilson with Mr. Pou.
Mrs. Rogers with Mr. Doughton.
Mr. Denison with Mr. Byrns.
Mr. Graham with Mr. McClintic of Oklahoma.
Mr. Menges with Mr. Sumners of Texas.
Mr. Burdick with Mr. Williams.
Mrs. McCormick of Illinois with Mr. Kennedy.
Mr. Aldrich with Mr. Stevenson.
Mr. Thurston with Mr. Oliver of New York.
Mr. Doutrich with Mr. Kemp.
Mr. Arentz with Mr. Sullivan of New York.
Mr. Wurzbach with Mr. Carley.
Mr. Thompson with Mr. Brunner.
Mr. Blackburn with Mr. Underwood.
Mr. O'Connor of Oklahoma with Mr. Dorsey.
Mr. Clark of Maryland with Mr. Spearing.
Mr. Sproul of Kansas with Mr. Doyle.
Mr. Johnson of Illinois with Mr. Mansfield.
Mr. Kendall of Kentucky with Mr. O'Connor of Louisiana.

The result of the vote was announced as above recorded.

COST OF PRODUCTION OF CRUDE PETROLEUM, ETC.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 391, unanimously reported from the Committee on Ways and Means, directing the Tariff Commission to make certain investigations, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 391

Resolved, That the United States Tariff Commission is directed under the authority conferred by section 332 (g) of the tariff act of 1930, to investigate the differences in the cost of production of the following domestic articles and of any like or similar foreign articles: Crude petroleum, fuel oil, gasoline, and lubricating oils.

The investigation made under this resolution shall be made as if such investigation were an investigation authorized under section 336 of the tariff act of 1930, except that the cost of production of foreign articles shall be ascertained only for foreign articles exported, directly or indirectly, from countries from which there was exported, directly or indirectly, to the United States during the period from January 1, 1929, to December 31, 1930, inclusive, more than 2,000,000 barrels in the aggregate of crude petroleum, fuel oil, gasoline, and lubricating oils, and except that the Tariff Commission shall report the results of its investigation to the President and to the House of Representatives not later than the beginning of the next regular session of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is nothing in the world but a futile, foolish gesture. The Tariff Commission already has this authority, and yesterday we passed a resolution appropriating $50,000 to enable the gentleman's committee to do this work, and I object.

Mr. HAWLEY. Mr. Speaker, I move to suspend the rules and agree to House Resolution 391, just reported by the Clerk.

The SPEAKER pro tempore. The gentleman from Oregon moves to suspend the rules and agree to the resolution. Is a second demanded?

Mr. RAGON. Mr. Speaker, I demand a second.

Mr. BLANTON. Mr. Speaker, is the gentleman from Arkansas against the resolution? If he is not, we want somebody to demand a second who is against it.

Mr. SABATH. I am against the resolution.

Mr. RAGON. I am for the resolution.

Mr. SABATH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman from Illinois against the resolution?

Mr. SABATH. I am.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Oregon is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. HAWLEY. Mr. Speaker, ladies and gentlemen of the House, the resolution which we passed yesterday authorized the Committee on Ways and Means as a body or by subcommittees to investigate certain commodities in their economic aspect. That investigation will be conducted in the United States, including possessions of the United States intimately a part of the United States. That is its primary intent. The pending resolution uses the agency of the Tariff Commission for making investigations abroad. An investigation was ordered in the tariff act of 1930, but that was limited to the Maracaibo Lake district in Venezuela. The Tariff Commission had no power under the law to make any investigation of the oil situation in places other than the one named. This resolution authorizes the Tariff Commission to complete that work and make investigations in other parts of Venezuela, in Peru, in the Dutch West Indies, and other sections of the world where oil is produced and brought into the United States in competition with American oil. The Tariff Commission is not authorized under this resolution to investigate the production in countries that exported to the United States less than 2,000,000 barrels in 1929 and 1930. In order to complete the work initiated by the resolution of yesterday to ascertain costs in comparison with American costs, that we may know accurately the economic situations throughout the world, and the competitive conditions, it is necessary to have this resolution passed. The Tariff Commission is not authorized to make investigations except upon resolution of the House or the Senate or the Congress or the President or at the instance of interested parties, if upon representation of interested parties the Tariff Commission thinks investigation should be made.

We desire this resolution to be passed and the investigation made promptly, so that when the Ways and Means Committee has concluded its investigations the committee will have currently therewith the investigation concluded of all of the factors relating to the importation of oil and oil products from abroad in competition with American oil and its products.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. JOHNSON of Oklahoma. Will the distinguished gentleman agree to abide by the decision of that investigation when it is made?

Mr. HAWLEY. The Tariff Commission is a fact-finding body and does not recommend rates. But if the determination of rates is what the gentleman has in mind, I think the gentleman from Oklahoma will agree that no one ought to agree to abide by anything until he has had opportunity to read and understand the matter proposed and form his conclusions thereon by consideration of it and of other information that may be obtained.

Mr. JOHNSON of Oklahoma. Is not this merely another way of passing the buck for another year?

Mr. HAWLEY. It is not in any way. This is to speed it up. We absolutely need this investigation abroad. We never have taken action on matters of this importance without information relating to competitive conditions that is as adequate as possible.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. HAWLEY. I yield.

Mr. McKEOWN. Does either of these resolutions contemplate investigating the probable markets abroad for this oil, to see what effect the importations will have on the export trade?

Mr. HAWLEY. It will be the usual investigation which the Tariff Commission makes under the provisions of the tariff act of 1930, including those factors.

Mr. McKEOWN. Will it include any investigation as to the probable output and the costs in Asia Minor and in Russia?

Mr. HAWLEY. I suppose it would, but the question of probable output is a very difficult one to determine. It would not include any investigation unless there were imported to the United States from a foreign country at least 2,000,000 barrels in 1929 and 1930. That is to eliminate unimportant factors.

Mr. McKEOWN. In the Mesopotamia area there have already been discovered wells of ninety-odd thousand barrels per day. Of course they are shut down and capped now, but will be potential propositions.

Mr. HAWLEY. I think that would come within the scope of the investigation.

Mr. CRISP. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. CRISP. Is it not a fact that the Ways and Means Committee, which has to deal with these matters, is seeking all the light and facts they can get to enable them to function?

Mr. HAWLEY. Exactly.

Mr. CRISP. Is this resolution not offered in conformity with the Hawley-Smoot Act which authorizes the Tariff Commission to make an investigation either upon request of the House or Senate, or the President?

Mr. HAWLEY. Or interested parties; yes. The gentleman is correct.

Mr. BRIGGS. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. BRIGGS. To what extent will this action duplicate the action of the Senate recently when, as I understand, they called for a report from the Tariff Commission about this very thing?

Mr. HAWLEY. I do not know about the Senate action to which the gentleman refers.

Mr. BRIGGS. Have they not compiled a report in the Tariff Commission on this situation recently?

Mr. HAWLEY. The only report I know of which the Tariff Commission has filed was made under the direction of the tariff act of 1930, and it was confined to an investigation of the Maracaibo Lake district in Venezuela.

Mr. BRIGGS. And that is all that was done?

Mr. HAWLEY. Yes.

Mr. BANKHEAD. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. BANKHEAD. Is it contemplated that the members of the Tariff Commission, either in person or by representatives, shall visit those foreign countries?

Mr. HAWLEY. I do not think the members of the Tariff Commission travel. They send out experts in the particular matters, who make the investigations.

Mr. BANKHEAD. What character of cooperation has your committee in mind that those investigators will receive from our competitors in the foreign fields, in order to arrive at a basis of the difference in cost of production? In other words, suppose the Tariff Commission sends a representative to Mesopotamia or Peru or some of the other foreign fields to make this inquiry, does the gentleman think they will be received with that character of cordial cooperation that will enable them to make a really valuable investigation of these problems?

Mr. HAWLEY. The Tariff Commission found opportunity to make a satisfactory study in Venezuela in the Maracaibo Lake district, and I have reason to believe that they will be given fair opportunity elsewhere.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. WILLIAMSON. This resolution is confined to oil. I think the gentleman stated in his preliminary statement that the Ways and Means Committee did not intend to investigate outside of the United States. How are they going to get information with reference to manganese and the other articles which the Ways and Means Committee intends to investigate, if they are not included within this resolution?

Mr. HAWLEY. They are not included in this resolution. This applies only to oil, for the purpose of having the Tariff Commission complete its report on that subject. It reported only on one district, and it was desired to have a complete report on all that subject.

Mr. WILLIAMSON. Is it a fact that the Ways and Means Committee does not intend to go to foreign countries to get data during this investigation this summer?

Mr. HAWLEY. As I understand the primary intention of the resolution passed yesterday contemplates only investigations in the United States. Of course, we will seek information from every source available.

Mr. FISH. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. FISH. Has the gentleman any assurance that the agents of the Tariff Commission can go to Soviet Russia and find data with regards to oil production there?

Mr. HAWLEY. I have no information as to the relations of the Tariff Commission with that country.

Mr. FISH. Does the gentleman think they can go to Soviet Russia and get this data?

Mr. HAWLEY. I think that I think on that subject as the gentleman does.

Mr. AYRES. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. AYRES. I would like to ask the gentleman if it is contemplated that the investigation will be made and a report made before we meet in regular session or by the time we meet in regular session?

Mr. HAWLEY. That is the intention I understand.

Mr. WOODRUFF. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. WOODRUFF. In connection with the investigations that were authorized by the resolution adopted yesterday, is it not the intention of the Ways and Means Committee to take advantage of whatever facilities the Tariff Commission has in conducting those particular investigations? I have in mind the fact that the Tariff Commission will, no doubt, be perfectly willing to place at the disposal of the Ways and Means Committee such information as they may have at this time touching these various subjects, and such additional information as they can secure between now and the time the committee makes its report.

Mr. HAWLEY. We will have no difficulty in obtaining from the Tariff Commission all the information which they now have. Undoubtedly they will make special investigations for us, at our request, as they do in the case of the preparation of tariff bills.

Mr. WOODRUFF. It is reasonable to suppose, is it not, that they will exert considerable energy in securing such information as they can, so it may be available for the committee's consideration?

Mr. HAWLEY. They have been quite diligent up to date, and I think they will be in the future.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. LaGUARDIA. If the commission should decide to go into Russia, is the resolution sufficiently broad that they might take along and have the benefit of the expert knowledge of our colleague from New York [Mr. FISH]?

Mr. HAWLEY. I can not answer that.

Mr. ESTEP. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. ESTEP. As I understand it, the reason why this particular resolution covers oil is that oil is on the free list and the Tariff Commission has no power over articles on the free list. Even upon a report from the commission to the President, he would have no power to increase or change the duty and therefore a resolution like this is required, because oil is on the free list.

Mr. HAWLEY. That is a further reason, yes. Mr. Speaker, I reserve the balance of my time.

Mr. SABATH. Mr. Speaker, ladies, and gentlemen, yesterday we voted $50,000 to the Ways and Means Committee to investigate foreign productions and exportations of those very products for which we are now proposing an investigation.

This resolution provides that the Tariff Commission be given power to investigate this matter. I am not opposed to investigations when they are really conducted in good faith, but all of you who are familiar with the membership of the Tariff Commission know the kind of an investigation it will make. We know that it is purely a political commission and will investigate for political purposes only.

I recognize—as everyone else does—the mortifying condition of the Republican Party to-day. It will again need large campaign contributions from the oil and other such interests; and it hopes that by this investigation it will be able to force these large oil and other interests to contribute handsomely for the next Republican presidential campaign.

Mr. MOORE of Virginia. Will the gentleman permit an interruption?

Mr. SABATH. Yes.

Mr. MOORE of Virginia. I would like to say this, that I know very intimately one member of that Tariff Commission. Without speaking of the other members I may say of that one member that I know he is able, that he is disinterested, that he has no preconceptions, and I trust his intellectual and moral honesty as fully as that of anybody in the country. [Applause.] Let me name him, Thomas Walker Page, of Virginia.

Mr. SABATH. Of course, coming from the great State of Virginia, Mr. Page is naturally a man of prominence, honor, and ability, and I do not understand how the President made such a "mistake" in choosing him. I did not mean to include him in my remarks.

Mr. EATON of Colorado. Is he a Democrat?

Mr. SABATH. Having all these splendid attributes described by the gentleman from Virginia [Mr. MOORE], he must be one. I do not say, however, that every Democrat

is an angel and that every Republican is a devil, for there are some Republicans who are good men and in whom I have confidence; unfortunately, however, there are but few of these left. What I do speak of is the general rule and not of the exceptions.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. SABATH. For a brief question.

Mr. O'CONNOR of Oklahoma. Does the gentleman think it would help the standing and patriotism of this commission if the gentleman's most useful citizen from Chicago, Mr. Al Capone, were on the commission?

Mr. SABATH. Well, let me say that Mr. Capone is not a member of the Democratic Party. As I am informed through the press, he is an approved Thompson Republican and has been making substantial financial contributions to his party's campaigns.

Not only has Mr. Capone made large contributions to Mayor Thompson's campaigns, but he also rendered him valuable services in the last primary; but in view of Mayor Thompson's spirited attacks upon the Republican administration in general and President Hoover in particular, I doubt very much that Mayor Thompson's recommendations of Mr. Capone will receive favorable consideration. It may, however, be that the gentleman from Oklahoma [Mr. O'CONNOR] is of the belief that the publicity given to Capone as a result of his racketeering proclivities would especially fit him for that position.

The gentleman from Wisconsin [Mr. SCHAFER], another Republican, in his prejudice against and his desire to injure the fair name of Chicago, never fails to seize the opportunity to link the names of Capone and Chicago; in his effort to defeat the bill for the Chicago World's Fair Centennial Celebration, he again injected his query as to whether Thompson or Capone would manage the celebration.

Permit me, therefore, to call to the attention of the gentleman from Wisconsin [Mr. SCHAFER] and all other people that neither Mayor Thompson nor Mr. Capone will have anything to say about or anything to do with that grand celebration, which will surpass every similar great exposition, even including our World's Fair of 1893. This I say because within a few weeks the million and more of Chicago voters will eliminate Mayor Thompson and relegate to the past both Mayor Thompson and Mr. Capone.

I assure the membership of this House and the people of the country that when they visit this forthcoming grand celebration they will all receive a hearty and sincere welcome by not only the greatest but also the cleanest and most beautiful city in the world. I am confident that the good people of Chicago, with the best interests of that great city at heart, will select as mayor the one possessing exceptional resourcefulness; the one who is honest, aggressive, and fearless; the one, whose past 30 years of uninterrupted public service, assures all honest and true Chicagoans that his mayoralty administration will be economical, clean, and businesslike; the one who is now president of the Cook County Board—the people's choice for mayor of Chicago—the Hon. A. J. Cermak.

I have just received information that Coroner Bundesen, former health commissioner of Chicago under Mayor Dever, in his withdrawal from the mayoralty race, in order to assure the election of Mr. Cermak, said:

> For Chicago's good that [Thompson's election] is a risk I can not afford to take. Four more years of Thompsonism would be too much to ask even of such a virile city as Chicago. I have therefore decided that I will not enter the race, and I trust to my God that by such action I am doing the right thing and am contributing at least my full share to redeem Chicago from the grasp of Thompsonism.

It is my belief that this action will hearten the good people of Chicago in their efforts to reestablish unmistakably the fair name of Chicago by the election of Mr. Cermak.

I regret that the inquiry of the gentleman from Oklahoma [Mr. O'CONNOR] diverted my intentions to speak upon the pending resolution; but in view of the frequency with which we Chicagoans are being sneered at, I could not resist the urge to stress the fact that the Democratic Party has nothing in common with Capone or his power, influence, and activities.

I was hopeful that after giving the House assurance of the strenuous efforts which are being made to reestablish the fair name of Chicago on the part of its citizens that our bill for the great celebration would not meet with objection; and I, therefore, deplore exceedingly that one or two Members have seen fit to delay its adoption. I desire again to assure them that long before 1933 we will be able to point with pardonable pride to the wonderful progress Chicago has made under a Democratic administration, and to the thorough elimination of all activities which have brought about the unfair publicity which we Chicagoans so deeply deplore.

And now in conclusion permit me to say, in reference to the pending resolution, that it appears to me that in the last few days of this session we are spending the greater part of our time in unnecessarily creating commissions and appropriating large sums of money for them. We are feeding the people with expensive and wasteful investigations. What they really need is employment, so that they may provide bread for their families.

Mr. Speaker, ladies, and gentlemen, I am of the opinion that if the Committee on Ways and Means—composed as it is of so many able steersmen—is really sincere in its professions of desiring to relieve the unfortunate situation in which the American people and the industries find themselves, it could have easily brought in a bill based upon information already in its possession, and which would make unnecessary the proposed special and expensive investigation. But as it is, there will be a year's time, and the Lord only knows how much money wasted in gathering information which is, as I have stated, already in the committee's possession. However, by this action and program no one will be fooled.

Mr. Speaker, I reserve the balance of my time, and yield 10 minutes to the gentleman from Arkansas [Mr. RAGON]. [Applause.]

Mr. RAGON. Mr. Speaker, ladies and gentlemen, I think when everyone understands this resolution no one will vote against it. It simply extends the power of the Tariff Commission over the resolution we passed in the tariff bill of 1930. They had the power under that resolution to investigate the cost of production of crude petroleum, and so forth, in Venezuela. This simply enlarges the scope of that resolution, and it is something that every man on the floor of the House ought to want, whether he is for or against a tariff on oil. It simply enables them to go into these other countries that produce less than 2,000,000 barrels of oil exported into this country and investigate the cost of production of oil and oil products. So, my friends, since every man on the Ways and Means Committee voted for this resolution, after they had discussed the pros and cons of it, it occurs to me that perhaps there is not much objection to it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAGON. Yes; briefly.

Mr. CHINDBLOM. The gentleman referred to Venezuela and oil. I think there is a little misapprehension, perhaps, as to the resolution adopted yesterday. That resolution provides for an investigation in the United States and elsewhere.

Mr. RAGON. Yes.

Mr. CHINDBLOM. And it is possible under that resolution to make an investigation in Venezuela and the Dutch West Indies.

Mr. RAGON. That is correct.

Gentlemen, I want to speak more particularly for the rest of my time upon a matter that was broached here yesterday in the discussion of one of these resolutions.

The gentleman from Kansas [Mr. HOCH], during the course of his remarks, said:

> During the years I have been here I have seen too much lip service by my friends on the Democratic side in behalf of the policy of protection when the issue was not before us for vote and such little support of it when it was before us for vote to be fooled by any protestations of support of the policy of protection that may be made from the Democratic side of the House. I have been appealing to you Republicans as a Republican and registering my position in every possible way so that there may be no misunderstanding about it.

I am one of those humble Members of the House who received this statement with a considerable degree of surprise that a sentence like this should come from the lips of the gentleman from Kansas [Mr. HOCH], particularly in its relation to a tariff on oil.

I can not conceive what prompted his remarks, unless it is some remorse of conscience he had from playing hookey from the Republican caucus the other night [laughter] or, peradventure, it may have been that some of the regular, stand-pat Republicans of Kansas heard about his conduct that night and poured a little hot tallow on the gentleman's back between the time of the Republican caucus and the time he spoke yesterday; but I do not want any misapprehension about what has happened in the Ways and Means Committee with reference to a tariff on oil.

Gentlemen, we had for seven long weeks, practically night and day, hearings upon a tariff bill which is known as the Hawley-Smoot bill. Before that committee there came a gentleman representing the mid-continent oil field asking for a tariff on oil. Mr. SPROUL of Kansas was one of these men; Mr. E. B. Howard, of Oklahoma, was another; and Mr. W. W. HASTINGS, of Oklahoma, was still another, but you may search that record from beginning to end, and the only time you will find the name of the gentleman from Kansas [Mr. HOCH] mentioned is when he came in there and filed a brief, not upon oil but an argument by some man in Kansas upon the question of a tariff on livestock.

Then gentlemen will also remember that after the bill passed the House——

Mr. HOCH. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. HOCH. I did not quite understand what the gentleman said—filed a brief upon what?

Mr. RAGON. A brief by some professor in a school in Kansas on livestock.

And they had 12 days' debate here on the tariff bill, and although the gentleman made two speeches he did not open his mouth for a tariff on oil.

Then, after the Hawley-Smoot bill passed the House, we had 300 men come here in a special train from the States of Oklahoma, Texas, Arkansas, and Kansas. They wanted a hearing before the Ways and Means Committee. I am very much interested in oil because my State is one of the big oil-producing States of the country. The gentleman from Texas [Mr. GARNER] and myself are the only men on the Ways and Means Committee that represent States in the mid-continent oil field, and the gentleman from Texas [Mr. GARNER] has been just as diligent and honest in his fight for a tariff on oil as I have been. When these parties came here I went with Mr. HASTINGS and Mr. Howard to Mr. GARNER, the leader of the minority, and requested that he call the minority members of the Ways and Means Committee and agree to a hearing for these men from the mid-continent field upon the question of a tariff on oil. A committee of the oil men waited on him and he said he would. I do not know whether this induced my congenial friend from Oregon [Mr. HAWLEY] to agree or not, but he did finally agree to it, and hearings were held. I do not recall how many witnesses we had, but the hearings covered a period of about three days, and there was every opportunity for any and every Member of Congress interested in the oil industry to come down there and pour out the vials of his wrath against it or show the abundance of his love for it; but not my friend from Kansas [Mr. HOCH], who says the only thing that the Democrats have done in the oil matter is to contribute lip service. He did not even contribute lip service.

> Where, where was Roderick then,
> One blast upon his bugle horn
> Were worth a thousand men.

Something happened out in the great State of Kansas last November. I do not know why the good people of Kansas did it. There are good people there just as everywhere else. They read the papers and listen over the radio to the famous "goat gland doctor" and evidently what they read and heard had some effect, because when the shouting was over it was discovered that in the strong Republican State of Kansas they had elected a Democrat as governor and had unseated the voluble Mr. Allen over in the Senate of the United States. I have heard it said the reason they did not mess with the "small fry" was because they did not have time, although they left hair on the fence where some of them went over.

Now, gentlemen, what happened? Evidently, my friend from Kansas scented the sentiment of the people of Kansas, and he comes back here and he is willing to do anything, apparently, from hijacking the Speaker of the House, who is hanging on to the Speakership by a slender thread, to belittling the efforts of Democrats who tried to get a tariff on oil.

I say to my friend from Kansas that he is the last man, representing an oil section in this House, in view of his relation to the legislation here, to cuss the Democrats for what they have done, for it might be of interest for the gentleman to know that that very question of a tariff on oil was voted upon in the Ways and Means Committee, and in the Ways and Means Committee there are 15 Republicans and 10 Democrats. Under the rules we adopted there I can not tell how the other fellow voted.

Mr. AYRES. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. AYRES. I would like to know how many votes were cast on the tariff bill that was considered on the 23d day of this last month by the Ways and Means Committee.

Mr. RAGON. All right. Mr. GARNER was the author of an amendment that was offered to the resolution pending there. I can not tell how Mr. GARNER voted. He is here and can speak for himself, but he was the author of the amendment to the resolution, and his amendment provided for a tariff of 75 cents a barrel, I believe the amount was, upon oil. I voted for that amendment. Six other Democrats are recorded for that amendment, and there was but one Republican, and that Republican happens to be the most consistent man in this House or anywhere else in his ideas of what is right or what is wrong on the tariff.

Mr. RAMSEYER. Will the gentleman yield for a correction?

Mr. RAGON. Yes.

Mr. RAMSEYER. The Garner resolution was never before the Ways and Means Committee.

Mr. RAGON. Did the gentleman understand what I said?

Mr. RAMSEYER. I did.

Mr. RAGON. I do not think the gentleman did. Wait, and I will tell you what happened. The resolution was introduced there that we do not report any of these bills, notwithstanding we had held three weeks of hearings, and on Saturday——

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. SABATH. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. RAGON. A resolution was proposed that we should not report any of the bills out, notwithstanding we had three weeks' hearings, which closed on Saturday. On the following Monday a resolution saying that we would not report out any of the bills was introduced. The gentleman from Iowa introduced an amendment then that we should not consider in that resolution the bill of Mr. BURTNESS, and Mr. GARNER introduced another amendment moving that we should not consider the Hastings bill, which was a tariff on oil. That was what we voted on, and on that there were 8 votes and 7 of them were Democrats and 1 Republican.

Mr. RAMSEYER. The gentleman is not stating the facts.

Mr. RAGON. Well, look at the record and if I am not telling the truth, the gentleman from Iowa to the contrary notwithstanding, I will get up and agree that I am wrong and ask you to vote against this resolution.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Speaker and ladies and gentlemen of the House, I regret that the presentation of this resolution has provoked a political discussion concerning the tariff policy. I think this is another illustration of the fact that my good friend from Arkansas [Mr. RAGON] and many of his colleagues on the Democratic side every once in a while, when the occasion arises, come down in the well of the House and make an earnest plea for a tariff on some commodity that they are interested in. It also reminds us that if the tariff bill of 1930 had provided a duty on oil, the gentleman from Arkansas and a majority of his colleagues would have voted against the bill on its final passage. [Applause.]

Consistency is not one of the sparkling jewels in the Democratic crown. I will agree, however, that the gentleman from Massachusetts [Mr. CONNERY] is one of the Members on that side of the House whose record is clear on this subject.

There is nothing unusual about this resolution. Many similar resolutions have gone to the Tariff Commission. It is for the determination of production costs of petroleum and its by-products here and abroad. Such resolutions have been presented by the Senate and other interested parties, under the provisions of the law. Of course you know that as far as I am concerned the determination of the difference of cost of production here and abroad is in my estimation not a sufficient basis upon which to allocate a duty. [Applause.]

In 1908 in our Republican platform—and it has never appeared in our platforms since—we stated that the proper application of the protective-tariff policy was best maintained by the imposition of such duties as will equal the difference in the cost of production at home and abroad, "together with a reasonable profit to American industry." Gentlemen of the House, nothing less than that is protection.

This differential in production costs is what we are trying to determine. You know that I endeavor to be a consistent protectionist. As far as I am concerned the independent oil producers have proven their case, and they are entitled to the benefits of the tariff policy. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Speaker, the gentleman from Arkansas says that he is in favor of a tariff on oil. I accept his statement at full face value, as I would any statement of fact he might make. If gentlemen will read the RECORD of yesterday, they will get the proper interpretation of my remarks. When I referred to the support of the protection principle from the Democratic side I referred to a matter which is common knowledge to us all and common knowledge to the country, namely, that time and again during the years I have been here, as I said, I have heard gentlemen on the Democratic side get up and make protective-tariff speeches upon some particular item in which their own State was interested, as my good friend from Arkansas [Mr. RAGON] has just made, but when we come to the acid test of voting for the bill, which was the only means of getting the tariff on that product, they recorded themselves against it and then went out to the country and condemned the bill from one end of the country to the other. [Applause on the Republican side.] I repeat what I said yesterday. During my years here I have heard too much lip service in behalf of the principle of protection from gentlemen on the Democratic side, and opposition when we came to vote for the bill, to be fooled by any protestations of support of the principle now; but if I am mistaken, then I congratulate my friend from Arkansas and some of my other Democratic friends on having been converted to the good old Republican doctrine of protection, and we welcome them to the fold. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. SABATH. Mr. Speaker, I yield the remainder of my time to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Speaker, I believe my friend from Kansas [Mr. HOCH] stated a while ago that he did not appear before the Ways and Means Committee at the time that they were holding the hearings on the Hawley-Smoot bill.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. RAGON. If the gentleman will look at page 3941 of the hearings on that bill, he will see that he did appear there.

Mr. HOCH. Oh, I thought the gentleman was referring to this last hearing. I beg the gentleman's pardon.

Mr. RAGON. Mr. Speaker, I say frankly to the gentleman that when this bill came up for consideration before the Committee on Ways and Means, the gentleman from Oklahoma [Mr. GARBER] brought the bill in and sat there during every bit of the testimony and heard it, and he corrected any one who made a mistake, and in addition contributed one of the most powerful arguments for the tariff on oil that was delivered before the committee at any time. Various other gentlemen—Mr. HASTINGS, Mr. MCKEOWN, Mr. O'CONNOR—and others, came in there. There is just one page of the record of the hearings there that will cover everything that my friend from Kansas said on that question. I am not asking him to give us a certificate of character as protectionists over here. I do not want any passport to such a haven, but I do ask him not to pass the buck to the Democrats when he is talking to his constituents in Kansas about his failure to get a tariff on oil here, because every substantial contribution made toward getting a tariff, with the exception of one man, and he is not ashamed to state how he voted, was made by Democratic members of the Ways and Means Committee. I said to several of those witnesses, "Why don't you make these Republicans come out here with a rule as they did for the Hawley-Smoot bill, that will give us consideration of the tariff here?"

I did not vote for the Smoot-Hawley bill, and I thank God for the privilege of having an opportunity to vote against it [applause on the Democratic side], and I say to you frankly that many of you in the ides of last November heard the same story of the Hawley-Smoot bill and many a seat on that side is going to be vacant after to-morrow and many a good man has gone out because he listened to the sweet voice of the industrialism of the East.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. HAWLEY. Mr. Speaker, I yield the remainder of my time to the gentleman from Oklahoma [Mr. GARBER].

Mr. GARBER of Oklahoma. Mr. Speaker, Members of the House, having introduced this resolution I give you my assurance that its purpose and merit will fully justify your support. The protestations of support of remedial legislation on both sides of the aisle are gratifying even though made at this late hour of the expiring session. It is not my purpose to enter into the unfruitful fields of partisan controversy. We welcome the support of all. I rise simply to call attention to one or two provisions of the resolution which I believe will afford essential information as a basis for intelligent legislation and to furnish you information relative to existing conditions in the industries of oil.

At the request of the independent producers and refiners I introduced H. R. 386, directing the Tariff Commission, under the authority conferred by sections 332 (g) and 336 of the tariff act of 1930 to investigate the differences in the cost of production of crude petroleum, fuel oil, gasoline, and lubricating oils. The cost of production of the imported oils shall be ascertained under the latter section in so far as its provisions are applicable, and shall include the imports from such countries as, during the period from January 1, 1929, to December 31, 1930, inclusive, imported into this country more than 2,000,000 barrels in the aggregate of crude and the refined products mentioned.

The House Ways and Means Committee unanimously reported the resolution which is now under consideration.

The unanimity of the report itself should strongly recommend it for your favorable consideration.

In the recent report made by the Tariff Commission it was limited in its investigations by the Senate resolution providing as follows:

SEC. 332. (f) The Tariff Commission is hereby directed, within eight months from the passage of this act, to ascertain the approximate average cost per barrel to the oil refineries located on the Atlantic seaboard of crude petroleum delivered to them from the oil fields of the United States during the three years preceding 1930, and the present approximate average cost per barrel of crude petroleum from Lake Maracaibo, Venezuela, delivered to the same points. Such relative costs shall be immediately certified to the Speaker of the House of Representatives and to the President of the Senate for the information of the Congress.

It will be observed that the resolution under consideration does not limit the investigation of the differences in the cost of production to any one country, but to all countries in which the imports in the aggregate exceed 2,000,000 barrels from January 1, 1929, to December 31, 1930, inclusive, of crude petroleum, fuel oil, gasoline, and lubricating oils. It requires the commission to make this investigation and report the result to the President and the House of Representatives not later than the beginning of the next regular session of Congress. The resolution broadens the investigation to include the principal refined products upon which compensatory duties will necessarily be laid in the event of a protective duty being placed on crude oil.

Section 332 (g) of the tariff act of 1930 authorizes the commission to make the investigation when its jurisdiction is properly invoked. The section reads as follows:

(g) Reports to President and Congress: The commission shall put at the disposal of the President of the United States, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, whenever requested, all information at its command, and shall make such investigations and reports as may be requested by the President or by either of said committees or by either branch of the Congress, and shall report to Congress on the first Monday of December of each year hereafter a statement of the methods adopted and all expenses incurred, and a summary of all reports made during the year.

Section 336 of the tariff act of 1930 requires the commission, when regularly directed by the House of Representatives—

(a) • • • to investigate the differences in the cost of production of any domestic article and of any like or similar foreign article. In the course of investigation, the commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings.

Crude petroleum and the refined products mentioned being on the free list, all of the paragraphs in section 336 of the tariff act of 1930 do not apply, as they provide for the raising and lowering of rates not exceeding 50 per cent of existing duties. Paragraph (e) of the section, however, applies, and states the requirements of the investigation under the resolution. It reads as follows:

(e) Ascertainment of differences in costs of production: In ascertaining under this section the differences in costs of production the commission shall take into consideration, in so far as it finds it practicable—

(1) In the case of a domestic article: (a) The cost of production as hereinafter in this section defined; (b) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; and (c) other relevant factors that constitute an advantage or disadvantage in competition.

(2) In the case of a foreign article: (a) The cost of production as hereinafter in this section defined, or, if the commission finds that such cost is not readily ascertainable, the commission may accept as evidence thereof or as supplemental thereto the weighted average of the invoice prices or values for a representative period and/or the average wholesale selling price for a representative period (which price shall be that at which the article is freely offered for sale to all purchasers in the principal market or markets of the principal competing country or countries in the ordinary course of trade and in the usual wholesale quantities in such market or markets); (b) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; (c) other relevant factors that constitute an advantage or disadvantage in competition, including advantages granted to the foreign producers by a government, person, partnership, corporation, or association in a foreign country.

Paragraph (4) (g) of this section defines the cost of production referred to in paragraph (e) of the same section, and reads as follows:

(4) The term "cost of production" when applied with respect to either a domestic article or a foreign article includes for a period which is representative of conditions in production of the article: (a) The price or cost of materials, labor costs, and other direct charges incurred in the production of the article and in the processes or methods employed in its production; (b) the usual general expenses, including charges for depreciation or depletion which are representative of the equipment and property employed in the production of the article and charges for rent or interest which are representative of the cost of obtaining capital or instruments of production; and (c) the cost of containers and coverings of whatever nature, and other costs, charges, and expenses incident to placing the article in condition packed ready for delivery.

Subdivision 1 of paragraph (e) of section 336, in addition to ascertaining the cost of production, transportation costs, and other costs incident to delivery to the principal market or markets of the United States for the article, provides:

And (c) other relevant factors that constitute an advantage or disadvantage in competition.

It is well understood that our imported oils and refined products are produced by subsidiaries of the big four companies, viz, the Standard of Indiana, the Standard of New Jersey, the Dutch Shell, and the Gulf Petroleum Co. One or more of the subsidiaries of those companies have obtained large concessions in Mexico, Venezuela, the Netherland West Indies, Colombia, Ecuador, and Peru. Such concessions will undoubtedly be relevant factors which would constitute an advantage or disadvantage in competition with our home producers who are required to pay high bonuses and rentals for their leases.

It will be material, then, for the Tariff Commission to make a thorough investigation as to the actual cost of such concessions to the importing subsidiaries.

Another relevant factor for the commission to take into consideration is that the subsidiaries export their crude and refined products to their parent companies in the United States which produce about 50 per cent of the crude and 85 per cent of the refined products in the United States and are engaged in and have control of their own transportation, refining, and marketing facilities. It will be an interesting and relevant factor to ascertain the advantage of the parent company having the control and ownership of its transportation, refining, and marketing facilities, especially when considered in connection with the drastic proration of our independent producers who are not permitted to produce in excess of 10 per cent of their potential production in any of the flush fields of the United States and with the free importations of crude and its refined products from the subsidiaries in foreign countries employing cheap labor and cheap water transportation.

In its former report the commission rendered valuable service in furnishing information additional to that required by the resolution and in this connection, we incidentally mention the finding that the producing subsidiary companies in Venezuela were curtailing to the extent of producing about two-thirds of their potential production. We suggest that in the investigation under this resolution, the commission go into the question of curtailment by proration of our domestic producers, many of whom have been curtailed and prorated to such an extent as not to be permitted to produce a sufficient quantity from their prolific wells to pay the cost of operation and with heavy obligations coming due have been forced to sacrifice their properties through receiverships and bankruptcy proceedings.

This curtailment and proration, so drastic, to reduce the supply to the consumptive demand, has been intensified and made more severe by reason of the ever-increasing flow of crude and refined products into our markets, duty free. It will be very interesting to have a report approximating the loss incurred by our independent producers through curtailment by proration when accompanied with the policy of free entry of crude oil and its refined products.

To illustrate, in 1930, our domestic producers curtailed their production 111,000,000 barrels and prorated their potential production in the flush production States and fields to less than 10 per cent—all this to reduce the supply to meet the domestic consumptive demands. And yet, during that same year, the subsidiary importing companies of the parent domestic companies poured into this market the equivalent of 116,000,000 barrels, filling to overflowing a market already oversupplied and importing a surplus price depressant which depressed the price of the products of the entire industry far below the cost of production.

It will be interesting to have an approximate estimate of the cost of such a paradoxical policy in order that the responsibility for such criminality may be directly located.

The independent producers, through their national organization, for their self-preservation, have been beseeching Congress to extend to them the same degree of protection accorded other American industries. In justification of the House leadership, they were accorded the privilege of being heard before the House Ways and Means Committee. Those hearings were informative and by an overwhelming weight of evidence must have convinced every impartial member of the merit of their claims, viz, protection by the restriction of imports or by duties measuring the difference between the cost of production at home and abroad, plus the transportation cost to the Atlantic seaboard.

It is only fair to say that extraneous influences prevented a determination of the case upon its merits. The general objection that prevails against the policy of embargos, the rumored objections of the State Department that the Garber bill, by restricting imports of crude to 16,000,000 barrels, and by its embargo provisions prohibiting refined products was, if not a literal violation, at least a violation of the spirit of the Geneva Treaty which prohibited restrictions and embargoes unless under emergency conditions which we believe were clearly shown to exist. The prohibition of refined products did not run against the products produced by the capital of citizens in foreign countries, but against the products of foreign capital in the producing countries.

The general objection against the consideration of tariff rates, of course, was urged and perhaps was considered, especially in view of the proximity of adjournment, to be sufficient to withhold a favorable report.

As a result of the hearings, however, it is now generally conceded that existing conditions of more than 100,000 oil workers out of employment and their families reduced to hunger and want, with free imports of oil and refined products pouring in, displacing American labor, are such as to preclude any further delay in adjusting them.

The proposed resolution was framed for two purposes: First, to secure the necessary additional information for adequate compensatory duties upon the refined products; and second, for the purpose of preventing delay of consideration at the next session. Having failed of remedial legislation in the present session precipitates this controversy directly into the first session of the Seventy-second Congress and surely in a Congress where the leaders are representative and are insisting upon legislative relief through tariff rates, the final result should not be delayed nor in any doubt.

The distinguished floor leader, Mr. GARNER, of Texas, has long been a forceful and effective champion of the interests of the independent producers and refiners, as well as the distinguished gentleman from Arkansas [Mr. RAGON] and other Democratic members of the committee. As exhibited by the forceful address just delivered, the gentleman from New York [Mr. CROWTHER] has been a most forceful champion of protection, national in its scope to include the products of oil for adequate rates, and likewise [Mr. HOCH] of Kansas, our recognized leader in this movement.

During the House hearings before the Ways and Means Committee on February 8, 1930, in speaking to the witness, Mr. Wirt Franklin, president of the national organization, the following colloquy ensued:

Mr. GARNER. Well, I call your attention to the fact that if you want to get results you ought to bring pressure to bear on people who can influence the committee.

Mr. BACHARACH. Mr. Chairman, I want to call attention to the fact that the gentleman from Texas, of course, can not support this measure because he claims that there must be at least 10 per cent of imports, otherwise it would prevent competition.

Mr. FRANKLIN. Well, it is more than 10 per cent.

Mr. BACHARACH. I think you had better look to this side of the House.

Mr. GARNER. Now, I can not let that statement stand in the record, because I have never taken any such position. The gentleman from New Jersey happened to be in charge of the subcommittee on the steel schedule, and I recall that the importation was less than one-half of 1 per cent, and still he insisted that the steel schedule remain where it is. If one-half of 1 per cent importation is going to hazard the steel industry, undoubtedly 10 per cent would hazard the oil industry.

Mr. BACHARACH. Mr. Chairman, I can not let that go by, because, as a matter of fact, it is more than that. To be exact about it, it ranges from 1 per cent to 10 per cent.

The CHAIRMAN. Let the Chair make one observation. If the conferees could agree on the duty on oil, and the bill came before the House on conference, I do not believe you would get Mr. GARNER's support for the passage of the bill, with the oil tariff in it.

Mr. FRANKLIN. Well, I believe we would.

Mr. GARNER. You would, sir.

The CHAIRMAN. For the entire bill?

Mr. GARNER. For the entire bill.

We are equally fortunate in the loyalty of the distinguished leader of the majority to the American policy of protection. In a recent exposition of this policy published in the February issue of the Monitor, an economic publication, Mr. TILSON said:

> With eighteen billions of American dollars invested abroad, the big banker and financier is often found in favor of tearing down the tariff wall so that the industries abroad in which he is financially interested can bring into this country and sell here the goods made by them with foreign labor. Some of the great automobile manufacturers, of course, oppose protection because in recent years they have built branch plants or established subsidiary factories in foreign countries in order to have the advantage of cheaper labor costs.

How vividly the above describes the existing conditions in the oil industry, with the four parent companies owning and controlling their own transportation, refineries, and marketing agencies, importing from their subsidiaries in Venezuela, Netherlands West Indies, Mexico, Colombia, the products produced by cheap labor, insisting upon their free importation to this country to be sold in competition with American labor.

The subsidiaries of the "big four" have invested $320,000,000 in the exploitation of foreign oil fields. They have been opposing every effort to place a duty on oil and its refined products and against such efforts in such cases the distinguished leader warns the American public. Continuing, he says:

> With the "big interests" leaning toward free trade, many large manufacturers lukewarm on the subject, and a considerable portion of the working population of the country too blind to see the benefits of protection, it behooves those who are awake to the situation to be on their guard and ready to do battle for this vital national policy which has meant so much in the building of our industrial greatness. Personally, I welcome such a battle.

In the next Congress, with both the majority and minority leaders awaiting the contest, united in their support of a common cause, and with the additional essential information the Tariff Commission will contribute in its compliance with the provisions of this resolution, the necessary protective legislation will be enacted.

I am in receipt of the following telegram from Wirt Franklin, president of the National Independent Petroleum Association. He has appeared both before the Senate and House committees and expended much time and service in an honest endeavor to secure this legislation.

OKLAHOMA CITY, OKLA., *March 2, 1931.*

HON. M. C. GARBER,
House Office Building, Washington, D. C.:

Resolution requiring Tariff Commission to investigate differences in cost of domestic and foreign crude, fuel oil, gasoline, and lubricating oils will be beneficial to those still surviving to carry on the cause in the next session of Congress. Senate resolution under which recent tariff investigation was made did not include refined products which should carry adequate protective compensatory duties. Importing countries have daily refining capacity in Dutch West Indies of 302,500 barrels of crude, and of 27,000 in Venezuela. They are cracking Venezuelan oil and getting practically as much gasoline as Mid-Continent crude would produce. Tariff Commission's report did not cover this phase.

(Signed) WIRT FRANKLIN.

We welcome the visit of the members of the House Ways and Means Committee, recently authorized to visit the oil-producing States, and ascertain at first hand the existing conditions, and the extent of the depression prevailing throughout the producing branch of the industry.

While the oil industry is among the most widely patronized, yet at the same time it is among the least understood of all industries. Permit me to give you a suggestive outline.

Oil and its refined products comprise several important major industries. The producing industry, with its 300,000 producing wells, on an average drills 20,000 wells annually at a cost of $500,000,000, producing in 1930, 896,265,000 barrels of crude oil.

The transportation industry has a mileage of trunk and gathering lines of more than 100,000 miles. It has 150,000 tank cars and furnishes a greater railway tonnage to the railroads than any other industry. Its transportation by water includes 369 steam and motor tankers with a gross 2,314,000 tons.

The refining industry has 1,035 refineries in 30 different States with a daily capacity of 10,516,000 barrels, representing 85 per cent of the world's refining capacity and one-fifth in total value among the manufacturing industries of the United States.

The marketing of crude oil and its refined products is likewise an important industry. It not only handles the billion barrels of crude produced annually but in addition approximately 400,000,000 barrels of gasoline, 60,000,000 barrels of kerosene, 400,000,000 barrels of gas for fuel oils, and 34,000,000 barrels of lubricants. It has built up an export trade of approximately $500,000,000 annually. In its retail trade it has 350,000 service stations which supply gasoline and motor oil for the 27,000,000 motor vehicles.

These various industries of oil pay more than $100,000,000 annually in the way of taxes. The consumers of gasoline pay State taxes totaling $500,000,000 annually on gasoline alone. With the exception of the railroads, the building trades, and shipping, the industries are the next best patrons of the products of iron and steel.

The common impression is that the direct benefits of the producing industry are limited to the producers of oil, but such is not the case. There is reserved to every land owner one-eighth of all the oil and gas produced, delivered free of cost to the owner's credit in the pipe lines. In addition to that, in the oil States nearly all the land, at one time or another, has been under lease for long periods of time at a rental of $1 per acre. These rentals go directly to the land owners, who in a large majority of cases are farmers, a farm of 160 acres of land receiving annually $160 in cash for oil rentals. This money has helped maintain the family on the farm in the payment of taxes and interest on the mortgage. In the State of Kansas alone the actual income to the farmers of that State from oil rentals is approximately $10,500,000 per year, and the same is proportionately true in the States of California, Wyoming, Montana, Colorado, Oklahoma, Arkansas, Louisiana, and the other oil-producing States. The rentals of land for oil are not limited to the close proximity area of a producing well. They extend fifty or a hundred miles from producing territory, affording a reserve of prospective oil territory to the industry. The royalty reserved by the farmer in producing areas is a cash asset which, when distributed, affords a source for small investments to all classes of people who likewise become interested in the producing end of the industry.

The direct benefits are perhaps as widely distributed, if not more so, than in many other industries. The mammoth and costly equipment of all the industries of oil is composed largely of steel, iron, and the products of motor and truck factories in our Eastern States, products in which the element of labor reaches as high as 75 per cent of the cost. Production must have its steel rigs, steel casing, steel drills, cables, storage tanks, pipe lines, boilers, pumps, engines, the purchase of which products affords steady employment at good wages to labor in the eastern iron plants and steel plants.

In passing, we mention the fact that these products are protected and the producing industry purchases all of its equipment from the protected industries of the East. It has loyally supported such policy to give employment to labor and a reasonable return to capital at home rather than to purchase its equipment produced by cheap labor and capital in foreign countries. It is an American industry with 90 per cent of its laboring men Americans.

There are 19 oil producing States, a larger number directly interested in the production of oil than there are cotton States, wheat States, corn States, steel States, textile States. No other industry has an equal radiation of direct benefits or indirect benefits in the distribution of its production. The major industries of oil represent a capital investment of $12,000,000,000 by 2,250,000 investors and furnish employment to 2,000,000 men. Each industry has its own individual and related problems.

The Garber bill, H. R. 16585, embodied the request of the independent producers and refiners for remedial legislation. Hearings before the House Ways and Means Committee were held upon that bill and a complete case was made for the restriction of the imports of oil and its refined products in foreign countries.

There are two classes of producers in the producing industry: The independent producers as distinguished from the two Standards, the Gulf and the Dutch Shell (designated as the "Big Four") and their subsidiaries and affiliated companies. As distinguished from the independents, they produce approximately 50 per cent of the crude oil in the United States and are in control of the transportation, refining, and marketing industries of oil, with unlimited capital. Another distinction is that they are exploiters of the oil fields in foreign countries. They import into this country 91 per cent of the crude and refined products imported into this country. Their investments in foreign countries are for the sole purpose of producing a surplus of oil for export, to be imported into the United States. In other words, the subsidiaries of the Big Four export from foreign fields, oil and its refined products to the parent companies here in the United States.

The independents are termed the "little men" in the oil industry, but many have created independent companies representing millions of dollars in capital investment by thousands of stockholders, and through their virile activity competition has been created and maintained. It is a constant threat against unjust exactions upon the part of the big four and their subsidiaries in the protection of the public interest.

RELATION OF THE PRICE OF CRUDE OIL TO THE PRICE OF GASOLINE

Any suggestion to reduce the oversupply of oil and establish a production balanced with our consumption always arouses in the public mind the lurking fear that such legislation will result in increased prices of gasoline at the filling station.

A survey of comparative prices of crude oil and gasoline during recent years shows that these do not fluctuate in any sort of fixed ratio to each other. To the layman it would seem that the price curves of raw and refined products should "travel together." This, however, is not the case. The relation of the cost of crude to the selling price of gasoline is comparable to the relation between the price which wheat brings the farmer and cost of bread to the

consumer. It is within the common knowledge of all that bread which sold at 10 cents per loaf when wheat was bringing $1.50 per bushel continued at 10 cents when wheat had dropped to 75 cents per bushel.

The following table shows the comparatively constant price of gasoline in 52 cities selected at random and widely scattered throughout the United States at an interval of three years, during which a tremendous drop in the price of crude occurred:

Comparative statement of prices of gasoline at the service station, less gasoline tax, of 52 representative cities for the years 1926 and 1929

[Cents per gallon]

	February, 1926	February, 1929
Newark, N. J.	17	18
Baltimore, Md.	18	18
Charleston, S. C.	18	18
Norfolk, Va.	18	18
Richmond, Va.	18	18
Roanoke, Va.	18	18
Charleston, W. Va.	18	18
Clarksburg, W. Va.	18	18
Parkersburg, W. Va.	18	18
Wheeling, W. Va.	18	18
San Antonio, Tex.	15	15
Dallas, Tex.	18	18
Peoria, Ill.	12.5	15.2
Huron, S. Dak.	16	16.3
Casper, Wyo.	19	18
Butte, Mont.	19	22
Salt Lake City, Utah	21.5	21.5
Boise, Idaho	23	22.5
Charlotte, N. C.	18	18
Charleston, S. C.	18	18
Boston, Mass.	20	18
Springfield, Mass.	19	18
Mobile, Ala.	19	19
Savannah, Ga.	16.5	18
Jacksonville, Fla.	19	19
Tampa, Fla.	19	19
Pensacola, Fla.	16	20
Alexandria, La.	17	17
Baton Rouge, La.	16	16
Lake Charles, La.	17.5	17.5
New Orleans, La.	17.5	17.5
Shreveport, La.	16	17
Lafayette, La.	17	17
Bristol, Tenn.	18.5	19
Chattanooga, Tenn.	17	18.5
Knoxville, Tenn.	18	19
Nashville, Tenn.	17	18
Memphis, Tenn.	16.5	17
El Paso, Tex.	18	18
Houston, Tex.	18	18
Helena, Mont.	23	22.5
Los Angeles, Calif.	16.5	17.5
Fresno, Calif.	18.5	18
San Francisco, Calif.	18	18
Seattle, Wash.	18	18.5
Spokane, Wash.	22	22.5
Tacoma, Wash.	18	18.5
Portland, Oreg.	18	18.5
Reno, Nev.	21.5	23
Cheyenne, Wyo.	20	19
Omaha, Nebr.	17.25	16.25
Washington, D. C.	18	18
Average	18.09	18.39

Authority: Oil Price Handbooks 1926 and 1929, compiled by National Petroleum News, Cleveland, Ohio.

In February of the year 1926, the price of mid-continent crude was $2.04 per barrel, and in February, 1929, it had dropped to $1.20 per barrel—a drop of 84 cents, or 41 per cent; yet in February, 1926, the average price of a gallon of gasoline in these 52 cities was 18.09 cents, while in February, 1929, after the 41 per cent drop in the price of crude, the average price of gasoline was 18.39 cents per gallon—actually a slight increase.

The price of crude oil is governed by conditions within the producing end of the industry—as the present depressed prices occasioned by surplus well illustrate. The price of gasoline is governed almost entirely by conditions within the refining and marketing end of the industry and not, except in a very indirect way, by the price of crude oil. The spread between crude and gasoline costs in the example just given is broadened by the fact that in 1926 the refineries of the United States recovered an average of 36 per cent gasoline from the average barrel of crude run to stills, while in 1929 the average recovery was 44 per cent. This means that in February, 1926, the refineries got 15.12 gallons of gasoline out of a barrel of crude that cost them $2.04, while in February, 1929, they got 18.39 gallons out of a barrel that cost them $1.20. If the price of crude oil had governed the price of gasoline, then the average price of gasoline in these 52 cities in February, 1929, should have been 10.6 cents per gallon instead of 18.39 cents.

Let me give you other examples of the disparity between crude and gasoline prices. The following were given by Orville Bullington, of Wichita Falls, Tex., a recognized authority upon conditions in the oil-producing industry, during the hearings on the Garber bill:

Take December, 1924: The average price of crude in December, 1924, was $1.38 a barrel; the wholesale price of gasoline at the refinery was 10.12 cents per gallon, and the retail price at the average service station was 17.37 cents per gallon.

Now, let me show you what it was in December, 1930, six years later, after they became able to hold the club of this foreign oil over the head of the independent producers in this country. In December, 1930, the average price of crude was $1.245 per barrel, a decline of 0.136 cents per barrel. Gasoline wholesaled at the refineries in this country at an average price of 5.33 cents a gallon, and it retailed at the average service station of this country at 18.43 cents a gallon.

Here you are with an actual decrease in the price of crude of 0.136 cents per barrel and an actual decrease in the wholesale price of gasoline of 4.79 cents a gallon, and an actual increase in the retail price of gasoline of 1.6 cents per gallon. There is where the consumer is getting the worst end of it and there is where the producer is catching it on the other end.

Take December, 1927, and December, 1930.

In December, 1927, crude oil sold for $1.42 plus per barrel. Gasoline at the refinery sold, wholesale, on an average of 7.18 cents per gallon, and gasoline, retail, sold at an average of 17.88 cents per gallon.

In December, 1930, crude oil sold for $1.24½ per barrel, and gasoline, wholesale, sold on an average of 5.33 cents a gallon, and it sold at retail for 18.43 cents a gallon.

There, again, crude oil had declined 17.9 cents per barrel, and gasoline, wholesale, had declined 1.85 cents per gallon, and the retail price had increased 0.55 cents per gallon.

These are Mr. Stewart's figures, not mine, and I take it that they are correct or he would not have introduced them in evidence. They come from the same bureau of statistics.

You take December, 1924, and compare it with 1929. I will go back a year from my first statement. In December, 1924, crude oil sold at an average price of $1.38 per barrel. The wholesale price of gasoline at the refineries averaged 10.12 cents per gallon, and at the service stations the average retail price was 17.37. In December, 1929, crude oil had increased in price to $1.61 per barrel, but gasoline wholesaled for 7.67 cents per gallon, a decrease of 2.45 cents per gallon under what it was when crude oil was selling for 23 cents a barrel more; but the retail price had increased to 19.25 cents, an increase in the retail price of 1.88 cents per gallon.

More and more the major companies, particularly the "big four," are gaining control of the gasoline distributing agencies of this country. Last year when practically every line of business was suffering from depression, the standard group showed the greatest earnings in the history of their organization. This is not difficult to understand when we consider the spread, for instance, between a wholesale gasoline price of 5.33 cents and a retail price for the same gasoline of 18.43 cents. And yet it is this same gasoline-consuming public which hands over a profit of 240 per cent to the major companies, thereby financing their program which strikes at the very roots of competition for the purpose of monopoly and price fixing—it is this public which protests against limitation of imports for fear it will raise the price of gasoline.

Thus far, in spite of the spread between the price of crude and the price the consumer pays for its refined products, the competition of the independents has kept the price of gasoline in this country far below that which prevails in practically every other country of the world. The following table shows gasoline prices throughout the world for December, 1930, and what the big companies are doing in countries where they have no competition:

TABLE 1.—*Price of gasoline in foreign cities*

[Compiled from December 20, 1930, Report of the United States Bureau of Foreign and Domestic Commerce]

	Cents per gallon	Remarks
Argentina—Buenos Aires	28.0	In bulk.
Australia—Sidney [1]	50.7	Imperial gallons.
Austria—Vienna	25.5	Do.
Brazil—Rio Janeiro	39.7	Do.
Malaya—Singapore	43.5	Do.
Canada—Vancouver	32.0	Tax, 3 cents.
Calgary	32.0	Tax, 5 cents.
Winnipeg	30.0	Tax, 3 cents.
Toronto	28.0	Tax, 5 cents.
Halifax	34.0	Do.
Chile—Santiago	41.3	
China—Shanghai	32.4	In tins.
Colombia—Bogota	47.2	
Cuba—Habana [2]	24.0	
Ecuador—Guayaquil	32.0	Do.
Egypt—Port Said	43.7	Do.
France—Lyons	32.7	Do.
Germany—Breslau	31.4	Do.
Greece—Athens	50.0	Imperial gallons.
Hungary—Budapest	14.4	
India—Calcutta	46.7	In tins.
Iraq—Baghdad	42.6	Do.
Ireland—Dublin	31.0	Imperial gallons.
Japan—Tokyo	20.3	
Mexico—Mexico City [3]	26.5	Do.
Netherlands—Amsterdam	24.0	
Dutch East Indies—Batavia	36.5	Do.
New Zealand—Wellington	46.9	
Persia—Teheran	51.0	In bulk.
Peru—Lima	36.0	Imperial gallons.
Poland—Warsaw	36.1	Do.
Rumania—Bucharest	26.1	
Spain—Madrid	24.6	
Sweden—Stockholm	26.5	Do.
Switzerland—Zurich	29.1	Do.
Turkey—Smyrna	39.7	In bulk.
South Africa—Johannesburg	50.0	
England—London	33.4	Imperial gallons.
Venezuela—Caracas	34.0	Do.

[1] Includes tax of 14 cents per gallon.
[2] Includes import tax, 10 cents per gallon.
[3] Includes road tax, 6.3 cents per gallon.

In this same month gasoline was selling in the United States at an average price of 16.02 cents per gallon (including States taxes). (This average was computed by the Bureau of Mines from the retail prices for gasoline in New York, Chicago, Washington, D. C., Denver, San Francisco, and New Orleans—representing every section of the country.)

The relatively favorable position of the American gasoline consumer can not long continue. Such unreasonable profit taking clearly indicates what course the major companies will pursue when they have succeeded in driving the independents from the field. If the dumping of cheap oils increases at its present alarming rate, the independent competition which so far has prevented the major companies from obtaining complete monopoly will soon be crushed out, leaving the consumers to the mercy of the "Big Four" and their subsidiaries. Without such competition, who shall prevent their asking—and obtaining—from a gasoline-dependent public, prices comparable to those prevailing in South America, where those countries, near the source of supply of cheap oil, are now paying all the way from 34 to 47 cents per gallon? Does not this fact prove the futility of arguing that the price of gasoline depends solely on the price of crude, and that limitation of imports would increase the price of gasoline? There is only one way to prevent an increase in the price of gasoline up to such levels; there is only one method which will safeguard the American public from a like subjection to price fixing, and that is the protection of our independent producers and refiners, whose competition alone in turn protects the public from the clutch of monopoly.

If you permit present importations to continue, the remaining independent producers and refiners will be forced out of their industry. Their properties and equipment will be taken over by the major companies and then what will you have? What price free importations? The competition that protected the consumer will be gone and the price of your gasoline will be fixed by the few gentlemen who sit around the table as they did before the dissolution decree in the Federal and Supreme Court in 1912. Who, then, is entitled to this market—our capital and laboring men at home or American and foreign capital with cheap labor abroad?

WHAT IS TRUE CONSERVATION?

The question is raised as to what is our true policy of national conservation, and whether our oil supplies, like all our other resources, will be sufficient to meet our consumptive demands until a more economic substitute is reached.

In reference to what is our true policy of conservation, in passing, permit me to suggest that it does not include the hoarding of our oil reserves for some distant future period and the securing of our present supplies in foreign fields. If it would be a wise policy for us to hoard in the ground our oil supplies, it would be an unfriendly and selfish policy, to say the least, to exploit the fields of foreign countries who lack the foresight to see the wisdom of such a policy. But fortunately such a policy is not true conservation. It is not the policy we have pursued. On the other hand, the contrary is true. We have encouraged the development of our national resources, and in that policy of encouragement has emerged the strength and the grandeur of the Nation. One of the foremost lawyers, statesmen, and jurists of this present day, employed as a practicing lawyer to advise the Federal Conservation Board and the National Petroleum Institute as to the relationship of its policy on the national policy to industry, said that conservation was the economic use of our resources of oil. Gentlemen, when oil in its migratory form, a mile or so underneath the ground, is discovered and brought into possession and exchanged for labor, and food, and clothing, and shelter, and education, is not the economic use of the resources, is not the economic use of oil and its refined products to exchange them for our paved highways, to permit of the travel, comfort, convenience, and education of our people; is not the economic use of our national resources to purchase our equipment, composed of steel and iron, from the steel plants, the factories, and the manufacturing establishments of the East, thereby enabling them to give steady employment to labor at a good wage and, in turn, supply their families with food, shelter, education, comfort, convenience, and happiness?

Gentlemen, in all our history—mark the statement—in all our history we have never yet exhausted a national resource before an economic substitute was provided.

Dr. Ralph Arnold, consulting geologist, long with the Government geological service and a recognized authority, gave an excellent statement of the oil resources of the United States during the hearings on the Garber bill, which conclusively dispels the fear of exhaustion of our reserves within any appreciable length of time. Doctor Arnold said:

You are not going to be surprised if I tell you that, instead of the possibility of eight or nine billion barrels of oil in the United States—and right here let me say that we have produced 11,500,000,000 already—that we figure the ultimate production is about 39,000,000,000 barrels. We have already produced 11,500,000,000, and we have remaining, then, about 27,500,000,000 on this estimate of 1931. Now, I want to tag this estimate with that year, because the more we learn about the oil business the more it tends to increase our beliefs that the future oil supply of the United States is greater and greater. The free oil sand—that is, the sand from which oil flows freely when you penetrate it with a well—is only one of three sources from which we can count on the future supply of this country. Coals and lignites carry high percentages of liquid hydrocarbons which may be taken from them through processes of refining and distillation. Oil shales carry large quantities of oil that may be driven out through the application of heat. So I am going to bring those two elements into this picture, because they are possible sources of supply. When they will become a source of supply is a question I am not able to answer at the present time.

The oil shales that have already been discovered and mapped and analyzed probably carry about 92,000,000,000 barrels of recoverable oil. The oil coal and lignite deposits in the United States carry about 595,000,000,000 barrels of oil.

"The total amount of oil, therefore, that was available originally was about 726,000,000,000 barrels of oil, including these three sources. We have taken out about 11,500,000,000 barrels of oil from the free oil sands and very little from the oil shales, just an inconsequential amount, and an inconsequential amount from the coals. I will say probably 25,000,000 barrels of oil would cover

everything that has been taken out in the coals. That has been a by-product, more or less, of the coke ovens and operations of that kind. So that it leaves us with a figure of 714,000,000,000 barrels of oil as our future reserve. The thing that interests us most is the reserve that is in the free oil sands, and I will confine my discussion to those sources of supply.

"The oil industry of the United States has been in existence just 70 years. It started in Pennsylvania in 1859. We figure in that 70 years we have taken out about 33 per cent of the oil supply of the United States—about 11,500,000,000 as compared with the 39,000,000,000. It has taken us 70 years to get out that one-third, or 30 per cent. The oil resources of the oil fields in the United States are not all discovered. We figure, if we go on about the same rate for the next 30 years that we have carried on during this past 8 years, which has been a period of fairly uniform development, we will by that time about have discovered all of the oil fields that it will be possible to discover, and it would therefore take us 30 years more to fully develop our supply.

"After these fields have been discovered and developments have proceeded to the point where they have been pretty well drilled up, we figure it will take about 113 years more before the fields will peter out; that is, the oil will have been exhausted to a point where it does not pay to operate any more.

"Now, somewhere in those 143 years from now, when the oil supply will give out because of the exhaustion of the present wells, the coal and lignite deposits and the oil shales will gradually come in. The point where they will come in, naturally the economic factor will determine that; the cost of getting oil out of oil sands as compared to the cost of getting it out of oil shales and coals will determine the point at which we will begin to use coal and oil shales. It will cause no economic disturbance whatever when the time comes that we have to begin to use those things. Now those of us who have seen the developments in the past few years in various things, in physics and chemistry, believe that possibly before that 143 years or possibly before the 30 years are out, we will be securing our source of power, and light, and energy from other sources, or through other channels than burning the oil, or the production of steam through the burning of oil, and in that way.

EFFORTS OF THE OIL INDUSTRY IN THE UNITED STATES TO REDUCE PRODUCTION TO THE CONSUMPTIVE DEMAND

The existing depression is differentiated from all others in the history of our country in that it is a depression caused largely by the surpluses. And this is true of the unprecedented, deplorable, depressed condition existing in the independent producing and refining end of the oil industry. Like the overproduction in the wheat industry, the oversupply of crude petroleum has depressed the price below the cost of production. Beginning with 1925, the average price of crude oil in Oklahoma was 1.97, in 1926 it was 2.31, in 1927 it was 1.43, in 1928 it was 1.39, in 1929 it was 1.43, in 1930 it was 1.29, and in 1931 it is 0.90.

For such conditions there is but one remedy—the curtailment of supply to the demand. In recognition of this, the industry during the last two years has put forth every effort in the application of that remedy by the curtailment of production.

There are 19 oil-producing States. The following table shows the quantity produced by each State:

Petroleum produced in the United States, by States, for the year 1928

	Barrels
Arkansas	32,295,000
California	231,982,000
Colorado	2,722,000
Illinois	6,459,000
Indiana	1,053,000
Kansas	38,332,000
Kentucky	7,325,000
Louisiana	21,626,000
Michigan	595,000
Montana	3,925,000
New Mexico	959,000
New York	2,573,000
Ohio	7,030,000
Oklahoma	249,558,000
Pennsylvania	9,876,000
Tennessee	47,000
Texas	256,838,000
West Virginia	5,704,000
Wyoming	21,415,000
Total	900,364,000

Authority: Preliminary Summary of Petroleum in 1928, United States Bureau of Mines.

Of these 19 producing States, Texas accounts for 37 per cent of the total production of the United States, Oklahoma 25 per cent, and California, 24 per cent. These three States are to-day producing about 86 per cent of our oil. Kansas, Arkansas, Louisiana, New Mexico, Wyoming, Pennsylvania, Kentucky, Ohio, Illinois, West Virginia, Colorado, and Montana follow in the order named, in the quantities of production. In support of our national policy of conservation, the three largest producing States have curtailed their production by State regulation through proration, and the remaining States, in their flush production fields, by voluntary agreement—all in a concerted effort to reduce the supply to the domestic demand, to stabilize conditions and prevent economic waste in the producing end of the industry. No flush production field in any of the States is permitted to produce in excess of 10 per cent of its potential. The effects of such drastic curtailment naturally have been to throw out of employment thousands of laboring men in the oil fields and to entail heavy losses in the production of new wealth to the people of the respective States.

In California, the daily production prior to 1929 was 875,000 barrels. This has been reduced to a daily production of 518,000 barrels, at a loss of $189,070,000 per year; and the reduction has resulted in the discharge of 52,000 oil workers. In a joint resolution adopted by the State Legislature of California on January 14, 1931, that body, in behalf of the people of California, memorialized Congress to enact legislation which would remedy such conditions.

The resolution of the California Legislature reads as follows:

Whereas the production of oil is a source of great financial benefit to the people of our Nation in affording employment to great numbers of them in the many operations necessary in bringing oil from the earth to those who are to use it; and

Whereas a dependence on foreign supplies of oil is inherently dangerous; and

Whereas it appears that the progress of all branches of the industry both great and small demands protection: and

Whereas it appears that enormous quantities of oil are being brought in from Russia and Venezuela, and sold at a smaller cost than the price at which domestically produced oil can be sold; and

Whereas this situation, if allowed to continue, would eventually bring about the destruction of the American oil industry: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That we, the members of the Legislature of the State of California, urge enactment of a law by Congress imposing a tariff upon all oil brought into the United States from foreign countries; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, and to each Senator and Representative in Congress.

EDGAR C. LEVEY, *Speaker.*

Attest:

ARTHUR A. OHNIMUS, *Chief Clerk.*

Let me give you a few examples of the degree of proration in several States. The Yates field in Pecos County, west Texas, has a potential production on the gage of 4,000,000 barrels of oil per day. And yet the greatest amount of oil which has ever been permitted to be taken from the field is 125,000 barrels of oil per day, or approximately 3 per cent of the potential; and at present, because of the increased restriction, there is being taken from that field only 89,000 barrels per day.

In the Van field in east Texas, the estimated potential is 2,700,000 barrels per day. Under proration, they are permitted to produce only 30,000 barrels per day, or 1.1 per cent of the potential.

The total estimated potential production of the State of Texas is 7,000,000 barrels per day. Through drastic proration to curtail production, it is producing only 9 per cent of that amount, resulting in the loss of millions of dollars per annum of new wealth to the State, and in increased unemployment to the extent of thousands of oil workers in the fields.

In its petition to Congress, the Railroad Commission of Texas, having jurisdiction over the proration of production there, said:

It is apparent that the efforts of the oil-producing States of our country to curtail current production in the interest of the prevention of overproduction and consequent waste and loss of our natural resources, as well as pecuniary loss to thousands of our citizens, can avail nothing so long as the flow of foreign crude is permitted to come into the United States without restriction.

Take the State of New Mexico. In the Hobbs field in New Mexico, they have a potential of 1,080,000 barrels of oil per day, curtailed through proration to only 31,000 barrels per day, or less than 3 per cent of the potential. In a telegram to the Hon. ALBERT G. SIMMS, New Mexico's Representative in Congress, Governor Seligman of New Mexico protested against the difficulties imposed by free importation in combination with a program of proration:

Present proration situation in New Mexico is seriously complicated because of large importations of foreign crude oil and refined products causing much opposition to limitation of our large potential output. Unless some relief is granted by this session of Congress in form of tariff or other restrictive measures our proration program will be endangered. I favor reasonable proration upon equal basis with other oil-producing States and earnestly hope that Congress will come to the aid of our sorely pressed oil industry by enacting appropriate legislation along lines stated herein.

ARTHUR SELIGMAN, *Governor.*

In the State of Oklahoma the curtailment of production through proration is even more drastic. It varies with the different fields according to the potential production. In the Oklahoma City field, production is curtailed to 1.5 per cent of its potential—recently changed to a time basis of three days in the year in which the wells are allowed to produce. What business, with millions invested, can long survive when allowed to operate but three days out of the year? Such conditions are protested in a resolution adopted by the State Legislature of Oklahoma on January 13, 1931:

Whereas business of practically every kind, not only in the State of Oklahoma, but throughout the entire country, has been directly affected by the depressed condition of the oil industry, and especially during recent months; and

Whereas the unrestrained and excessive importation of foreign oils is the principal cause of the industry's present plight, especially in the State of Oklahoma; and

Whereas it is estimated that in Oklahoma in 1930, the total income from the production of crude oil was at least $50,000,000 lower than it would have been under a proper oil tariff; and

Whereas the annual royalty income, the bulk of which is paid to the farmers, is reduced in Oklahoma by several million dollars; and

Whereas Oklahoma's gross production tax from 1930 operations will be lowered at least $2,000,000; and

Whereas banking, transportation, manufacturing, and practically every other type of business has been adversely affected by the present depressed condition of the oil industry; and

Whereas the general unemployment situation has been very materially aggravated by the thousands of oil field and oil office workers, turned out of employment because of this glutting of our markets by cheaply produced foreign oils, imported duty free: Now, therefore be it

Resolved by the House of Representatives of the State of Oklahoma, the Senate concurring therein, That the Congress of the United States be, and it is hereby, memorialized to afford relief to the distressed oil industry, and through that great industry, to the Nation generally by immediately placing an embargo on imported petroleum and its refined products, and follow this action by an adequate protective tariff on said commodities, and by applying such further legislative relief as is necessary and proper: Be it further

Resolved, That copies of this resolution be sent to the presiding officers of the legislative bodies of the other oil producing States, with the request that they transmit similar memorials to Congress; and that copies be transmitted to the United States Senators and Congressmen representing the State of Oklahoma.

Adopted by the house of representatives this the 9th day of January, 1931.

CARLTON WEAVERS,
Speaker of the House of Representatives.

Adopted by the senate this the 13th day of January, 1931.

ROBERT BURNS, *President of the Senate.*

Correctly enrolled.

LUTHER E. GREEN,
Vice Chairman of the Committee on Enrolling and Engrossing.

The corporation commissioners of Oklahoma expressed their views in a telegram to Chairman WILLIS HAWLEY, of the House Ways and Means Committee:

Wish to advise that this State has taken lead in proration of domestic production and since August, 1929, has reduced daily production of Oklahoma approximately 300,000 barrels, while imports of petroleum products supplying markets formerly supplied in large part from Oklahoma have been increased. Unless Congress at present session takes action to curtail imports of oil and refined products, may be impossible as well as unfair to continue curtailment program of Oklahoma. Oklahoma producers of oil now receiving less than half as much money for the oil they produce as received 1929, the production having been curtailed approximately 40 per cent and the price reduced more than one-third. The gross production tax in 1930 was $3,000,000 less than in 1929, being a 3 per cent tax on gross production. Proration in this State has been by cooperation of oil producers and orders made by this commission under State law. We urge immediate action to limit imports to not over 20 per cent of 1928, inasmuch as our largest flush field in this State is allowed to produce only 2 per cent of its 6,000,000-barrel gage and other pools have been cut to produce from 10 to 20 per cent. Entire State's production allowed under present proration orders less than 10 per cent of what State could produce without proration.

PAUL WALKER, *Chairman,*
E. R. HUGHES,
C. C. CHILDERS,
Commissioners Corporation Commission of Oklahoma.

This forced curtailment of 300,000 barrels per day results in a diminishment in the total income from the production of crude oil of at least $109,500,000—not including the annual royalty income to the farmers or owners of the land in the amount of between $6,000,000 and $7,000,000.

The State of Oklahoma is producing but 6 per cent of her potential production; the State of Texas but 9 per cent; the State of New Mexico but 4 per cent; and the State of California approximately 8 per cent. The depression in the industry extends in almost equal degree to the States of Kansas, Arkansas, and Louisiana, resulting in the loss of millions of dollars annually to the farmers in the cancellation of leases, and in the unemployment of thousands of men. In its memorial to Congress the Kansas Legislature said:

SENATE CONCURRENT RESOLUTION NO. 5, RELATING TO THE PROTECTION OF THE OIL INDUSTRY

Whereas the failure of the Congress of the United States to enact an adequate tariff law on the importation of petroleum oil and kindred products is causing financial disaster to thousands of independent producers in our country, and is resulting in the loss of millions of dollars to our citizens: Now, therefore be it

Resolved by the senate (the house of representatives concurring therein), That we request and urge the Congress of the United States to protect a great and essential industry of our country, on which the welfare and prosperity of thousands of our people depend, by the enactment of a reasonable and proper tariff law.

Resolved further, That a copy of this resolution be dispatched to each Member of Congress from Kansas.

I hereby certify that the above concurrent resolution originated in the senate and passed that body.

J. W. GRAYBILL,
President of the Senate.
CLARENCE W. MILLER,
Secretary of the Senate.

Passed the house January 20, 1931.

HAL E. HARLAN,
Speaker of the House.
O. H. HATFIELD,
Chief Clerk of the House.

Gov. Harry H. Woodring, of Kansas, sent the following message:

FEBRUARY 21, 1931.

Hon. M. C. GARBER,
House of Representatives, Washington, D. C.

DEAR MR. GARBER: Kansas is most vitally interested in the passage of the Garber bill, restricting importation of crude oil from all countries to a total of 16,000,000 barrels annually and prohibiting imports of refined products for a period of three years. This is a companion measure to the Capper bill now pending in the Senate. The same restrictions of curtailment on American capital abroad as those imposed on capital and labor at home are most urgently needed. The prohibiting of refined products is necessary to meet the emergency conditions of unemployment in Kansas. Immediate action is of the greatest importance, because of the crisis in the oil industry that exists in the Mid-Continent fields. A deplorable condition has existed in southeastern Kansas and has been solved only temporarily. Destruction still hangs over the producers largely because of the competition of foreign oil. The Kansas oil industry should be afforded an opportunity to survive and should not be paralyzed by unfair foreign competition. Kansas believes the passage of the Garber bill and the companion measure, the Capper bill, will afford imperatively needed relief.

Sincerely yours,

HARRY H. WOODRING,
Governor of Kansas.

In stating the position of the State of Louisiana upon the question of the proposed legislation to restrict the importations of oil into this country, Gov. Huey P. Long, of that State, unqualifiedly approved of the proposal and urged its enactment in the following telegram:

I heartily approve Garber bill restricting imports of crude oil.

The price depression below the cost of production has extended the stagnation and depression to the industry in each of the producing States, threatening the loss of 250,000 small wells, which require continuous operation each day for their

preservation from being flooded and destroyed by salt water. The daily production of these wells alone would amount to 500,000 barrels, or a daily production of new wealth of $500,000 at the present depressed price, and a total annual production of the value of $182,500,000. These wells are being operated at a daily loss, with the hope which springs eternal in the human breast that conditions will improve. It is evident that such operations can not continue indefinitely and that such a loss will undoubtedly be the result if conditions are not remedied. Such is a brief outline of the determined efforts of the industry to reduce production to the consumptive demand. At the present time the flush-production States have reduced their production to less than 10 per cent of the potential. They have exhausted every effort at tremendous loss and sacrifice of property and of employment to workers, only to have the benefits continually absorbed by the unlimited importations of oil and refined products from foreign countries. During the past year, 1930, they have reduced their actual production from its already low percentage under proration and agreement by a further reduction of 112,000,000 barrels. This amount is the actual curtailment in a prorated production; and yet during that same year importations of oil and refined products poured into this overflowing market in the equivalent of 116,000,000 barrels of crude petroleum. Instead of restricting their imports they increased them. Instead of cooperating with our home producers to limit their domestic supply to the demand they defeated such efforts—not only defeated but seized and appropriated the benefits in the disposal of their imports in the American market, which belonged to our domestic producers. Their policy has not been one of conservation. Their policy has been one of exploitation. They are deliberately producing a surplus for export into this country. There are no restrictions on their production. In fact there is every incentive and purpose to produce without limitation. The more production the greater the profit, and the profit alone is the purpose of their investments. Note their increases of imports into this country since 1927. During that year their imports of crude petroleum and refined products was 71,000,000 barrels. In 1929 it was 92,000,000 barrels, an increase of approximately 23 per cent. In 1929 it was 108,000,000 barrels, an increase of 52 per cent over 1927. In 1930 the equivalent of 116,000,000 barrels of crude and refined products were imported, which is an increase of approximately 63 per cent over the amount three years before.

In its recent report, the Tariff Commission says:

Four companies control the output in the Bolivar coastal fields. The Standard Oil Co. of Indiana, through its subsidiary, the Lago Petroleum Corporation, controls the concessions under the lake bed, except the "marine zone," a strip 3,300 feet wide extending under the water around the entire shore of the lake, which is controlled by the Venezuela Gulf Oil Corporation, subsidiary of the Gulf Oil Corporation of Pennsylvania, and the Creole Petroleum Corporation, subsidiary of the Standard Oil Co. of New Jersey. The Royal Dutch Shell Co., through its subsidiaries, controls the concessions on the shore. Production of petroleum in Venezuela is about equally divided between the American companies and the subsidiaries of the Shell Co.

The following tables quoted from the recent report of the Tariff Commission show production by companies and by fields in Venezuela for the years 1927 to 1930 (six months only of the latter):

TABLE 3.—*Crude petroleum: Production in Venezuela by companies, 1927–1930 (6 months)*[1]

[Barrels of 42 gallons]

	1927	1928	1929	1930 (6 months)
American companies:				
Lago [2]	16,301,356	30,938,465	36,737,656	18,232,409
Creole Petroleum Corporation	13,891,279	12,237,822	7,545,273	2,781,671
Gulf		3,730,771	29,967,728	11,274,577
Gulf Venezuela Petroleum		7,945,735	(3)	(3)
General Asphalt	317,192	437,000	426,000	252,100
Falcon Oil Corporation		657,269		
Total American	30,510,327	55,947,062	74,677,657	32,541,057
Shell companies:				
Venezuela Oil Concessions	20,832,834	36,150,906	45,294,900	20,536,740
Caribbean Petroleum	10,160,658	14,146,981	13,374,040	9,887,143
British Controlled Oil Fields (Ltd.)	2,482,063	1,853,539	2,041,673	1,005,347
Colon Oil Co				2,370,500
Total Shell	33,475,575	52,151,446	62,710,613	33,799,730
Grand total	63,985,902	108,098,508	137,388,270	66,340,787

[1] Source: O'Shaughnessy's South American Oil Reports.
[2] Includes Lagomax Co.
[3] Included with Gulf.

Note the rapid increase in production, beginning in 1927 with 63,985,902 barrels and increasing in 1928 to 108,098,508 barrels—an increase of nearly 69 per cent—with a subsequent increase in 1929 to 137,388,270 barrels, which is an increase of over 114 per cent over the amount produced in 1927.

Visualize for a moment the extent of this oil territory, which, with the unlimited capital of the big companies invested for the sole purpose of production for export into this country, constitutes an ever-increasing threat of destructive price depression through unlimited imports into this market. In its recent report of the Venezuelan fields the Tariff Commission said:

Although exploration and development work started a number of years earlier, large-scale production of petroleum in Venezuela did not begin until 1925. Areas known to contain petroleum are enormous, and it has been said that only additional drilling and transportation facilities are necessary for oil production on a scale similar to that in the United States. It is probable that many other vast fields in Venezuela still remain to be proved.

It is reported that future production may be obtained on a large scale over an area of about 2,100 square miles. The company has undertaken the building of wharves, pipe lines, storage tanks, camps, highways, and a railroad. A total of 39 wells was reported to have been drilled to September 1, 1930, of which 18 were under production. The first tanker of crude oil was shipped from this field in September. The oil is reported to be of lower gravity than that from the Maracaibo Basin.

The Standard Oil Co. of New Jersey is also exploring or drilling in the States of Falcon, Sucre, and Zamora, and in the territory of Delta Amacura; the Standard Oil Co. of Indiana and the Gulf Oil Corporation in the State of Monogas; and the Shell interests in the States of Falcon and Monogas.

Other well-known American companies or their subsidiaries are exploring or holding and developing concessions in Zulia, Falcon, or Monogas. Among these the following American companies may be mentioned: Standard Oil Co. of California, California Petroleum Corporation, Union Oil Co. of California, Atlantic Refining Co., Texas Co., Pure Oil Co., Beacon-Sun Oil Co. (also holding concessions in the State of Trujillo), American Maracaibo Co., New England Oil Co., Richmond Petroleum Co.

(d) Capital invested: It is reported (from the recent report of the Tariff Commission) that the capital invested in petroleum by the Shell companies and the principal American companies in Venezuela is $105,378,000 and $184,122,000, respectively, or a total of $289,500,000. It is also reported (from the recent report of the Tariff Commission) that the Creole Petroleum Corporation has invested in various works of exploration and drilling in Venezuela the sum of $63,000,000.

The estimated potential production of all producing and shut-in wells in October, 1930, in the Republic of Venezuela was about 593,300 barrels daily, and actual production was at the rate of 383,500 barrels daily—about two-thirds of potential production.

Here is a statement of the Tariff Commission, which through its representatives surveyed the field. Take the actual production of the exporters in Venezuela, at the rate of 383,500 barrels per day, or two-thirds of the potential production of that country. Compare that production with ours, wherein we have reduced our actual production to less than 10 per cent of our potential. Where, as we have seen, our wells are allowed to run the equivalent of only three days per year in some cases and never, under proration, more than the equivalent of 36½ days per year, the wells in Venezuela are producing the equivalent of 246 days' operation out of the year. Or let us put it for purposes of comparison, for every single day that our wells prorated to less than 10 per cent, are allowed to operate, Venezuelan oil flows steadily for one week. The total potential production of the oil producers of this country is estimated at the very lowest to be 10,000,000 barrels per day. Suppose that such production were prorated on the same basis which obtains in Venezuela, or to two-thirds of the potential. Then there would be produced in this country over 6,600,000 barrels of oil per day or an annual total of over 2,430,000,000 barrels, in contrast to the 896,000,000 barrels produced in 1930 in this country under proration, which meant that only 2,427,123 barrels were produced daily in all the wells in the country. Or let us take the other side of the picture. Applying to Venezuela the drastic curtailment measures in force in this country, the daily production there of 383,500 barrels (1929) would be cut to less than 38,350 barrels per day or 13,997,750 barrels annually, if the utmost production now allowed under proration—10 per cent—were to prevail. In order to equal the situation, in part, of the mid-continent field, where production is curtailed to 1½ per cent, Venezuela would be allowed to produce only 5,646 barrels of oil daily, or only 2,060,425 annually, where now approximately 137,000,000 barrels are being produced.

From the production of crude the producers for export into the United States have turned to the increase of their refined products. Two of the largest petroleum producers in Venezuela have erected three refineries in the Dutch West Indies. The report recently made by the Tariff Commission says:

A recent development in connection with Venezuelan petroleum is the erection of three refineries in the Dutch West Indies by two of the largest petroleum producers in Venezuela. The oil is shipped in lake tankers from Lake Maracaibo to these refineries, and the gasoline is exported to the United States and elsewhere, thus accounting for the large increase in our imports of gasoline in recent years. These two companies do not export Venezuelan crude to the United States. The two largest refineries are equipped with modern cracking units, so that the gasoline yields are substantially higher than in topping operations, with the result that gasoline is probably the principal product in value, although not in quantity.

Two of these refineries are operated by the Dutch Shell interests on the island of Curacao, Dutch West Indies. (See map.) They have daily capacities of 175,000 and 17,500 barrels. The smaller refinery has no cracking equipment. Late in 1928 the Lago Petroleum Co. commenced operation of a refinery of 110,000 barrels daily capacity on the neighboring island of Aruba. (See map.) The total daily capacity of the three refineries is 302,500 barrels of crude oil.

In 1929 there were exported from the Dutch West Indies 9,713,579 barrels of gasoline, 158,519 barrels of kerosene, 1,042,195 barrels of lubricating oils, 6,166,014 barrels of gas oil, 54,430,544 barrels of fuel oil, and 800,016 barrels of Diesel oil. Due to greater production by the Lago refinery, imports of gasoline into the United States from the Dutch West Indies increased from 7,494,107 barrels in 1929 to 15,472,685 barrels in 1930, and represented, respectively, 84.8 and 91.4 per cent of the total imports of gasoline.

In addition, the Shell interests have one refinery of 20,000 barrels daily capacity, the West India Oil Co., one of 2,000 barrels daily capacity, and the Lago Petroleum Corporation one of 5,000 barrels daily capacity in Venezuela. These are all located in the Maracaibo region. There is one refinery in Colombia and 17 in Mexico, a large percentage of the capacity of which has been inactive recently.

We have thus briefly visualized the results of the Venezuelan production that you may see the prospective unlimited quantities of oil and its refined products, so long as they may come in duty free. With such unlimited resources of crude—with such refining capacity, cheap transportation and unlimited capital, and the difference in the cost of production (the production cost for Venezuelan oil, including transportation to the Atlantic seaports, is only 89 cents per barrel as against the cost of $1.98 for mid-continent oil production, including transportation to the Atlantic seaboard)—does it not clearly appear that it will be utterly impossible for our home producers to curtail their production to the domestic demand with the unlimited imports coming in from such an unlimited source?

In the face of competition with these big companies with no restrictions upon the amount of crude or refined oils they may bring into this country and with their capital invested for the express purpose of exploiting the market of this country, how can we ever expect to stabilize conditions in the domestic industry? There is no law preventing their importing unlimited quantities of crude and refined products into this market at any time during the year, in sufficient quantities to depress the price below the cost of production and destroy the investments of the small producers and refiners in this country. Without a restriction on such imports, how can you ever expect our independent producers and refiners to continue in the industry? They can not do it. They are facing receiverships and bankruptcy proceedings every day. Many have been driven from the field entirely. In order to bring the supply within the control of the industry in this country it is absolutely necessary to limit the importations and to impose upon the importers into this country limitations similar to those we impose upon our own producers. There is no other remedy. We can not permit a continuation of free imports. Section 1 of the Garber bill on which hearings were held would have limited the total importation from all countries into the United States to 16,000,000 barrels annually for the calendar years of 1931, 1932, and 1933. The big importing companies not having restricted their imports into this country—and not being able to enter into lawful agreements to do so—the bill provided the only remedy, namely, restriction of imports by law. Such limitations to 16,000,000 barrels upon foreign importers would not begin to equal the restrictions we have imposed upon our home producers. And all imports in excess of such amount, when only required to pay the difference between the cost of production as found by the Tariff Commission, are in full accord with our national policy of protection extended to all industries.

SUPPLY AND FACILITIES FOR TRANSPORTATION OF AMERICAN-PRODUCED FUEL OIL TO ATLANTIC SEABOARD

In their virulent opposition to this legislation, the Big Four, through the Pan American Oil & Transport Co., driven from one contention to the other, raised the objection that American producers were unable to supply the New England coast with sufficient supplies of fuel oil. This in the very face of their admission of potential quantities of shut-in oil exceeding 10,000,000 barrels per day at a time when our normal daily consumption of crude is only 2,500,000 barrels per day. Such an absurd charge is entirely without foundation.

To begin with, fuel oil is the natural by-product of the refined process of making gasoline from crude petroleum. The Atlantic seaboard is the greatest gasoline market in the world, and has a number of refineries located along the seaboard. Furthermore, any low-grade petroleum may be used as fuel oil.

Russell Brown, executive manager and secretary of the Independent Petroleum Association, presented an analysis of the fuel-oil supply which completely answers the objections raised by the opposition to this legislation. The following is the data referred to.

An analysis of the fuel-oil output for 1930 is as follows:

	Barrels
On the Atlantic seaboard	80,712,000
Texas, Arkansas, and Louisiana (or the Gulf coast area at which fuel oil finds its natural market through the Gulf coast ports)	106,224,000
California (at which place all the refineries are on the coast)	114,700,000
Total produced last year (in the immediate vicinity of the seaboard)	301,636,000
Fuel oil produced elsewhere than on the seaboard	71,556,000
Total of all fuel oil produced in the United States last year	373,192,000

There was on December 30, 1930, the following fuel oil in storage:

	Barrels
On the Atlantic seaboard	9,020,000
On the Gulf coast	13,248,000
In California (on seaboard)	102,000,000
Total (all on seaboard)	124,268,000

There was also fuel oil in storage in various interior points not included in this figure.

Testimony introduced during the hearings on the Garber bill showed that the Atlantic seaboard consumed 120,000,000 barrels per year. Of this amount there was imported last year 26,000,000 barrels. In other words, the larger portion of the present consumption is furnished out of the American market and the facilities are readily available to continue to furnish any increased market demands that may be made on it. In fact, we now have in storage awaiting a market, fuel oil alone, to say nothing of the low-grade crudes, sufficient to run four months without any additional oil being furnished.

The present facilities for distributing domestic production of fuel oil to the Atlantic seaboard are sufficient. There are now idle and laid up for lack of business in various American ports, a total of 54 American tankers. These idle American tankers have a total capacity of about 4,500,000 barrels. Generally, a tanker will complete a round voyage between United States gulf ports of loading and North Atlantic ports of discharge within a period of 20 days, and such a vessel actually will complete 18 such voyages within the space of one year. Therefore, sufficient American tanker tonnage now idle is sufficient to insure the transport between the Gulf and North Atlantic regions of the United States of roughly 81,000,000 barrels per year. These tankers may be put into service in coastwise movement which would not only give profitable use for the tankers now in lay-up but would place back in service thousands of American seamen that are now out of employment.

In addition to these idle tankers it is estimated that of the 80 tankers currently engaged in operating between the Venezuela-Colombia producing fields and the ports of destination in the United States about 20 are of American ownership and registry. If the bulk of their present trade were to be cut off through limitation of imports, such ships would be available to transport oil from California and Gulf ports to the Atlantic seaboard. The 20 vessels estimated to be in such category possess an added total barrel capacity of 1,600,000.

In addition, there are now operating between American and foreign ports, other than in the Venezuela-Colombia trades, about 20 American owned and registered tankers, which are being employed for so-called "spot" or intermittent business which owners have accepted, in competition with foreign tankers, rather than lay their vessels up. These additional 20 American tankers likewise represent a potential transport capacity of 1,600,000.

The present transportation rates from Gulf ports to the Atlantic points are from 15 to 16 cents per barrel. The rate from California points to the Atlantic seaboard is approximately 55 cents per barrel.

The quoted price on fuel oil as of January 27, 1931, is as follows:

Oklahoma, 42 to 50 cents, North Texas, 30 to 40 cents; Arkansas, 50 to 65 cents; Gulf Coast, 65 to 70 cents; California, 55 cents; New York, $1.05.

As a matter of fact, all of this oil is now on a distressed market because of the anarchic conditions brought about by unlimited imports and is being sold far below the market price.

From these facts it will be seen that there is readily available, at a reasonable market price, without material increase to the consumer, all of the fuel oil of American production that could possibly be used. Already Pacific coast oil is being sold in competition with foreign oils on the Atlantic seaboard—as shown by the following table:

Receipts of California oil at Atlantic and Gulf ports for 1929 and 1930

[42-gallon barrels]

	Atlantic	Gulf	Total
1930	24, 483, 000	1, 160, 000	25, 648, 000
1929			28, 181, 000

Atlantic ports at which oil was received: Baltimore, Boston, New York, Philadelphia, and others.

Information from Statistical Bulletin, American Petroleum Institute.

FACTS IN REGARD TO RECENT HISTORY OF OIL INDUSTRY IN THE UNITED STATES

The following summary of information in regard to costs of crude petroleum production and transportation, and general summary table for the industry during the years 1927, 1928, and 1929, were published as a part of the recent report of the Tariff Commission's thorough investigation of the subject.

[From report of the United States Tariff Commission, February 7, 1931]

APPROXIMATE AVERAGE COSTS OF PRODUCTION OF CRUDE PETROLEUM

SUMMARY OF INFORMATION

The commission is directed by section 332 (f) of the tariff act of 1930 to ascertain the approximate average cost per barrel to the oil refineries located on the Atlantic seaboard of crude petroleum delivered to them from the oil fields of the United States during the three years preceding 1930 and the present approximate average cost per barrel of crude petroleum from Lake Maracaibo, Venezuela, delivered to the same points. The instructions contained in this section are subject to more than one interpretation, and the various possible interpretations are fully discussed in the body of this report.

The average cost of production of crude petroleum at the well, for 1927, 1928, and 1929, in the States of Oklahoma, Texas, Arkansas, Kansas, Louisiana, and New Mexico, from which States is obtained the great bulk of the domestic oil refined along the Atlantic seaboard, was $1.10. The cost of transporting this oil to the Atlantic seaboard was $0.88, including pipe-line charges to Gulf ports, a purchasing charge of 10 cents per barrel, and tanker charges from Gulf ports to the Atlantic seaboard. The total cost of the oil delivered at Atlantic seaboard was, therefore, $1.98 per barrel. This cost is computed on the basis of "company interest oil"—i. e., royalty oil has not been included in total production—and includes interest at 6 per cent on the investment of the companies.

The cost of production of oil in the Maracaibo Basin of Venezuela in 1929 (sec. 332 (f) calls for "present" cost, and 1929 is the latest year for which costs were available) was $0.56 at the point of transfer to ocean tankers. Transportation and other charges necessary to deliver the oil to the Atlantic seaboard were $0.23, making a total of $0.79, cost delivered at Atlantic seaboard refineries. This figure also is computed on the basis of company interest oil and includes interest at 6 per cent on the investment of the companies.

The commission has made additional comparisons of the domestic and Venezuelan costs, on bases which might be indicated by other interpretations of section 332 (f). For example, it has compared the 3-year weighted average cost in the United States and in the Maracaibo Basin, Venezuela. On this basis the domestic delivered cost is $1.98, the same figure as that used above, while the Venezuelan is $0.89, made up as follows: Cost at the point of transfer to ocean tankers, $0.65; transportation and other charges, $0.24.

"Delivered cost to the Atlantic seaboard refineries" might also be interpreted as meaning the delivered prices which the refiners pay, since the price paid for crude oil by those who purchase in the open market is tantamount to the cost to them. The commission, therefore, ascertained not only cost at the well plus transportation and other charges to the Atlantic seaboard, as summarized above, but also the delivered prices paid for both domestic oil from all fields and oil from the Maracaibo Basin, Venezuela. The 3-year (1927–1929) weighted average price paid for domestic crude from the mid-continent Gulf area by the Atlantic seaboard refiners was $2.06 and for the Venezuelan crude $1.10. The price paid in 1929 for domestic crude from the mid-continent Gulf area was $2.03 and for Venezuelan crude $1.02.

It is necessary to point out that in comparing the costs of domestic and Venezuelan crudes articles are being compared which are not similar. The domestic crude, from the mid-continent and adjacent areas, the cost of which is here compared with the Venezuelan crude, had an average gravity of approximately 33° Baumé scale, while the foreign had a gravity of 18° to 19°. The domestic crude refined along the Atlantic seaboard during the period covered yielded, largely by cracking processes, 36 to 44 per cent of gasoline, while the Venezuelan yielded 9 to 12 per cent gasoline and 75 to 83 per cent of fuel oil (see Tables 14 and 15 showing typical yields of finished products from domestic and Venezuelan crudes). Gasoline has a much higher unit value than fuel oil.

The difference in quality of domestic as compared with Venezuelan crude is reflected in the wide difference in the price paid by the Atlantic coast refineries.

The commission has also ascertained the value of the product derived from the two kinds of crude petroleum by the Atlantic coast refineries during each year. In 1929 the value of the products obtained from the domestic crude used was $2.97 per barrel, and from the Venezuelan crude, $1.15 per barrel. There is, however, a decided difference in the costs of refining, the average expenditure per barrel for refining processes being much higher in the case of the domestic than of the Venezuelan crude. The average costs of refining were not, however, ascertained, so that the respective values of the products of the crude over and above refining costs could not be determined.

The commission has ascertained the cost of production and sales value of crude petroleum in all the other principal producing regions in the United States, as well as in the mid-continent Gulf area. The costs of production of the domestic crude have been tabulated in several different ways in order to afford as much information as possible on various phases of the industry. Costs have been tabulated by large and small companies, by States and groups of States, by fields, by cost groups, and by gravities of the oil produced. Tables showing details for the constituent elements of cost will be found in Part III.

In addition to the costs of production on different bases, considerable general information is given in the report on various phases of oil production in both the United States and Venezuela, and full statistical data are shown on production, imports, exports, stocks, prices, and other aspects of the petroleum situation.

TABLE 46.—*General summary table—Petroleum*

[Quantities in barrels of 42 gallons]

	1927	1928	1929
World production	1, 262, 582, 000	1, 324, 734, 000	1, 484, 451, 000
United States production	901, 129, 000	901, 474, 000	1, 007, 323, 000
Venezuela production	63, 134, 000	105, 749, 000	137, 472, 000
All other countries	298, 319, 000	317, 511, 000	339, 656, 000
Per cent of world total	100.0	100.0	100.0
United States	71.4	68.0	67.9
Venezuela	5.0	8.0	9.3
Natural gasoline produced in the United States	39, 075, 000	43, 191, 000	53, 183, 000
Crude oil and natural gasoline combined	940, 204, 000	944, 665, 000	1, 060, 506, 000
Imports:			
Crude oil	58, 383, 000	79, 767, 000	78, 933, 000
Refined liquid products	13, 281, 000	11, 700, 000	29, 632, 000
Total	71, 664, 000	91, 467, 000	108, 565, 000
Exports:			
Crude oil	15, 843, 000	18, 966, 000	26, 401, 000
Refined liquid products	115, 399, 000	126, 159, 000	126, 377, 000
Total	131, 242, 000	145, 125, 000	152, 778, 000
Ratio of imports to domestic production of crude oil and natural gasoline	7.6	9.7	10.2
Ratio of exports to domestic production of crude oil and natural gasoline	14.0	15.4	14.4
Production plus imports minus exports (crude oil and natural gasoline)	982, 743, 000	1, 005, 466, 000	1, 113, 038, 000
Increase or decrease of stocks of crude and refined oils at end of year	+70, 103, 000	+22, 782, 000	+68, 156, 000
Consumption by refineries:			
Crude oil	828, 835, 000	913, 295, 000	987, 708, 000
Domestic	778, 729, 000	835, 711, 000	912, 191, 000
Imported	50, 106, 000	77, 584, 000	75, 517, 000
Unfinished oils rerun (net)	12, 879, 000	15, 970, 000	15, 909, 000
Natural gasoline treated by refineries	32, 162, 000	35, 223, 000	46, 457, 000
Total above	873, 876, 000	964, 488, 000	1, 050, 134, 000
Value:			
Crude oil produced at wells	$1, 172, 830, 000	$1, 054, 850, 000	$1, 280, 417, 000
Natural gasoline production at point of consumption	118, 688, 000	138, 944, 000	158, 231, 000
Natural gas production at point of consumption	317, 930, 000	364, 000, 000	413, 000, 000
Cost of materials, fuel, and power used by refineries	1, 702, 997, 000		2, 055, 734, 000
Value added to material by refining	309, 682, 000		555, 947, 000
Total value of refinery products	2, 142, 649, 000		2, 611, 681, 000
Imports—			
Crude oil	78, 609, 000	90, 473, 000	79, 943, 000
From Venezuela, Netherland West Indies, and Trinidad and Tobago [1]	29, 754, 000	40, 101, 000	44, 987, 000
Refined liquid products	33, 638, 000	40, 943, 000	61, 045, 000
From Venezuela, Netherland West Indies, and Trinidad and Tobago [1]	17, 352, 000	31, 618, 000	56, 578, 000
Other refined products (paraffin and paraffin wax)	1, 187, 000	1, 420, 000	2, 891, 000
Total	113, 434, 000	132, 642, 000	148, 579, 000
From Venezuela, Netherland West Indies, Trinidad, and Tobago [1]	47, 106, 000	80, 719, 000	101, 58500, 0

TABLE 46.—*General summary table—Petroleum*—Continued

	1927	1928	1929
Exports:			
Crude oil	25, 900, 000	26, 800, 000	37, 800, 000
Refined liquid products	429, 663, 000	465, 214, 000	493, 382, 000
To Venezuela, Netherland West Indies, Trinidad, and Tobago	804, 000	2, 109, 000	7, 392, 000
Other refined products	30, 296, 000	33, 852, 000	30, 009, 000
Total	485, 859, 000	525, 866, 000	561, 191, 000
Total to Venezuela, Netherland West Indies, Trinidad, and Tobago	804, 000	2, 109, 000	7, 392, 000
PRICES AND AVERAGE UNIT VALUES			
Average value all crude oil at well (per barrel)	$1. 30	$1. 17	$1. 27
Average value domestic crude oil at refinery (per barrel)			
Average value crude oil exported as such at port (per barrel)	1. 64	1. 41	1. 43
Average value crude oil imported in foreign country (per barrel)	1. 25	1. 13	1. 01
Pogue price indexes:			
Average crude at wells (per barrel)	1. 55	1. 54	1. 67
Average kerosene (per gallon)	.129	.129	.134
Average gasoline (per gallon)	.150	.147	.139
Average fuel oil (per barrel)	1. 14	.91	.89
Average lubricating oil (per gallon)	.253	.243	.253
Average posted prices paid by pipe-line companies for Oklahoma, Kansas, crude of 33°-33.9° gravity	1. 31	1. 20	1. 23

The following table, compiled by the Bureau of Mines, shows the comparative production, demand, exports, imports, and stocks of crude oil in the United States for the years 1918–1929, inclusive. The chart shows that we have never had the stock that we had at the end of 1929, from 1918 to 1929. The surplus has been brought in and the stock on hand now has been brought in from those foreign countries.

Crude-oil production, imports, exports, refinery runs, miscellaneous uses, and stocks of crude oil in the United States from January 1, 1918, to December 31, 1929—all amounts in barrels of 42 gallons, compiled from United States Bureau of Mines

Year	Supply		Demand		
	Production	Refinery runs	Exports	Other uses	Total demand
1918	355, 928, 000	326, 025, 000	4, 991, 000	89, 492, 000	420, 418, 000
1919	378, 367, 000	361, 520, 000	6, 019, 000	88, 630, 000	426, 169, 000
1920	442, 929, 000	433, 915, 000	8, 757, 000	106, 340, 000	549, 012, 000
1921	472, 183, 000	443, 363, 000	8, 940, 000	77, 368, 000	529, 671, 000
1922	557, 531, 000	500, 706, 000	10, 163, 000	99, 664, 000	610, 533, 000
1923	732, 407, 000	681, 238, 000	17, 385, 000	132, 917, 000	731, 540, 000
1924	713, 940, 000	643, 719, 000	17, 973, 000	104, 743, 000	766, 435, 000
1925	763, 743, 000	739, 920, 000	13, 335, 000	58, 285, 000	811, 540, 000
1926	770, 874, 000	779, 264, 000	15, 407, 000	65, 932, 000	860, 603, 000
1927	901, 129, 000	828, 835, 000	15, 843, 000	43, 784, 000	888, 432, 000
1928	901, 474, 000	913, 295, 000	18, 966, 000	30, 512, 000	962, 773, 000
1929	1, 007, 323, 000	987, 708, 000	26, 401, 000	23, 143, 000	1, 037, 252, 000
Total	7, 997, 828, 000	7, 590, 508, 000	164, 090, 000	800, 780, 000	8, 894, 378, 000

Year	Surplus or shortage	Imports	Added or withdrawn	Stock Dec. 31
1917				171, 000, 000
1918	64, 490, 000	37, 736, 000	[1] 26, 754, 000	144, 336, 000
1919	47, 802, 000	52, 822, 000	5, 020, 000	149, 356, 000
1920	106, 083, 000	106, 170, 000	87, 000	149, 443, 000
1921	57, 488, 000	125, 364, 000	67, 876, 000	217, 324, 000
1922	69, 002, 000	127, 304, 000	74, 306, 000	291, 630, 000
1923	[1] 807, 000	82, 015, 000	82, 882, 000	374, 512, 000
1924	82, 405, 000	77, 775, 000	25, 280, 000	399, 792, 000
1925	47, 707, 000	61, 824, 000	31, 884, 000	431, 676, 000
1926	80, 720, 000	60, 282, 000	[1] 29, 347, 000	402, 329, 000
1927	[1] 12, 657, 000	58, 383, 000	71, 040, 000	473, 379, 000
1928	61, 290, 000	79, 767, 000	18, 408, 000	491, 847, 000
1929	29, 920, 000	78, 933, 000	40, 001, 000	540, 851, 000
Total	606, 850, 000	943, 484, 000	351, 934, 000	

[1] Domestic production exceeded total demand.
[1] Crude oil withdrawn from storage.

The enormous increase in exports from Venezuela, Colombia, Mexico, and the Dutch West Indies is strikingly illustrated in the following table of crude imports, 1910-1930, inclusive, prepared by the Bureau of Mines:

Crude oil imports, 1910–1930, inclusive

[Barrels of 42 gallons each]

Year	Principal countries of origin										Total imports[1]		United States production		Total crude oil supply	
	Mexico		Dutch West Indies		Venezuela		Peru		Colombia							
	Barrels	Average declared value	Barrels	Average declared value	Barrels	Average declared value	Barrels	Average declared value	Barrels	Average declared value	Barrels	Average declared value	Barrels	Average declared value	Barrels	Per cent foreign
1910											557,181	$2.51	209,557,000	$0.61	210,114,000	0.3
1911											1,709,932	1.41	220,449,000	.61	222,159,000	.8
1912											7,383,229	.82	222,985,000	.74	230,315,000	3.2
1913											17,809,098	.73	248,446,000	.95	266,255,000	6.7
1914											17,247,483	.67	265,763,000	.81	283,010,000	6.1
1915											18,140,110	.57	281,104,000	.64	299,244,000	6.1
1916											20,570,675	.61	300,767,000	1.10	321,337,000	6.4
1917	29,933,517	$0.54									30,162,583	.54	335,316,000	1.56	365,479,000	8.3
1918	37,719,094	.56									37,735,641	.56	355,928,000	1.98	393,664,000	9.6
1919	52,751,037	.50									52,821,567	.50	378,367,000	2.01	431,189,000	12.3
1920	106,163,118	.53									106,173,289	.53	442,926,000	3.07	549,104,000	19.3
1921	125,294,210	.53									125,365,983	.53	472,183,000	1.73	597,547,000	21.0
1922	126,198,369	.55	735,445	$1.05							127,308,423	.55	557,531,000	1.61	684,839,000	18.6
1923	79,494,534	.63	809,856	1.09			1,554,308	$0.69			82,015,026	.66	732,407,000	1.34	814,422,000	10.1
1924	73,978,983	.90	1,185,823	1.27			2,429,729	2.31			77,776,173	1.05	713,940,000	1.43	791,715,000	9.8
1925	55,048,932	1.17	3,273,719	1.45	1,418,630	$1.12	1,824,842	2.28			61,824,242	1.22	763,743,000	1.88	825,567,000	7.5
1926	40,398,433	1.16	7,087,745	1.37	5,197,300	1.32	3,043,561	2.31	3,430,736	$2.00	60,382,329	1.31	770,874,000	1.88	831,256,000	7.3
1927	26,019,048	1.17	10,136,248	1.40	11,423,575	1.21	1,885,474	2.20	7,962,001	1.70	58,382,832	1.33	901,129,000	1.30	959,512,000	6.1
1928	17,584,211	1.10	24,960,387	1.09	21,987,310	.97	1,224,125	2.21	11,838,025	1.46	79,766,672	1.13	901,474,000	1.17	981,241,000	8.1
1929	12,663,419	.90	16,222,480	.78	34,431,388	.95	1,454,346	2.22	12,620,000	1.46	78,932,573	1.01	1,007,323,000	1.27	1,086,256,000	7.3
1930	10,093,333	.82	9,750,219	.76	25,299,349	.97	1,281,010	2.28	14,304,000	1.40	62,129,419	1.04	866,268,000	[2] 1.16	928,493,000	6.5

[1] Total crude oil imports includes minor shipments from other countries not listed under "Principal countries of origin."

[2] Estimated.

NOTE.—Production data from Bureau of Mines. Import data from division of statistics, Bureau of Foreign and Domestic Commerce.

The following table from the Bureau of Mines illustrates the tremendous importance of the domestic gasoline industry, which is being menaced by the unlimited importations of refined products from outside the United States:

Gasoline production, imports and exports

[Figures in barrels of 42 gallons each]

Year	United States production	Exports	Ratio of exports to production (per cent)	Imports	Total supply	Per cent foreign	Value of production	Value of exports	Ratio of exports value to production value (per cent)
1916	49,021,000	8,473,000	17.3	64,000	40,085,000	0.1			
1917	67,870,000	9,902,000	14.6	250,000	68,120,000	.4			
1918	85,007,000	13,318,000	15.3	307,000	85,314,000	.4			
1919	94,235,000	8,860,000	9.4	203,600	94,438,000	.2	$766,006,055	$92,046,894	12.0
1920	116,251,000	15,269,000	13.1	964,000	117,215,000	.8			
1921	122,704,000	12,602,000	11.3	900,000	123,604,000	.7	677,515,033	130,906,416	14.9
1922	147,672,000	13,787,000	9.3	1,479,000	149,151,000	1.0			
1923	179,903,000	20,136,000	11.2	4,555,000	184,458,000	2.5	924,356,354	137,580,748	14.9
1924	213,326,000	25,240,000	11.8	3,453,000	216,779,000	1.6			
1925	269,601,000	30,628,000	11.8	3,813,000	273,414,000	1.4	1,265,284,305	197,491,588	15.6
1926	299,734,000	42,460,000	14.2	5,540,000	305,274,000	1.8			
1927	330,435,000	43,334,000	13.1	5,002,000	335,437,000	1.5	1,102,154,007	209,839,000	19.0
1928	376,945,000	51,752,000	13.7	4,198,000	381,143,000	1.1			
1929	435,978,000	60,007,000	13.8	8,834,000	443,912,000	2.0	1,392,980,913	266,904,000	16.8
1930	436,217,000	63,197,000	14.5	16,927,000	453,144,000	3.7			

NOTE.—Value of gasoline production from biennial reports of Bureau of the Census. Exports and imports statistics from division of statistics, Bureau of Foreign and Domestic Commerce. Production data from Bureau of Mines.

Our gasoline exports for last year evidence the importance of this phase of the industry to the United States:

GASOLINE EXPORTED FROM THE UNITED STATES IN 1930 TO THE FOLLOWING COUNTRIES

[Barrels of 42 United States gallons]

United Kingdom	19,208,705
France	9,330,834
Canada	4,281,886
Australia	3,009,105
Other countries	27,366,503
Total	63,197,033

Authority: Bureau of Foreign and Domestic Commerce.

AN ANALYSIS OF THE MAJOR COMPANIES

To show the magnitude of organization, the extent of holdings, and the inordinate profits which have been piled up at the expense of consumers on the one hand and their competitors, the independents, on the other, may I call your attention to the following data in regard to the two big Standard companies—the Standard of Indiana and the Standard of New Jersey—and likewise the Pan American Petroleum & Transport Co., which is a holding company for various large organizations which are all subsidiaries of the major companies:

Pan American Petroleum & Transport Co.

[Incorporated in Delaware on February 2, 1916]

Capitalization	Authorized	Outstanding	Par
Common stock	$35,000,000	$40,007,912	$20
Common stock, class B	150,000,000	118,037,036	60
Funded debt:			
7 per cent convertible gold bonds, Aug. 1, 1930			$635,500
10-year 6 per cent convertible S. F. bonds, 1934			6,033,000
Mexican Petroleum Co., 6, S. F. gold bonds, Oct. 1, 1930			73,300
Mortgages secured by land			291,016

Pan American Petroleum & Transport Co.

[Market range—New York Stock Exchange]

	1930	1929	1928	1927
Common:				
High	64¼	69	55¼	65¾
Low	47½	40¼	38¾	50¼
Class B:				
High	67¼	60¼	158¾	66¾
Low	47½	40½	37¾	40¼

Dividends (common stock): Initial dividend of 1¾ per cent on October 10, 1917; 1918, January 10, 1¾ per cent; April, 1918, to July, 1919, 2½ per cent each quarter in Liberty bonds; October, 1919, to October, 1922, 3 per cent quarterly; January, 1923, to October, 1923, 4 per cent quarterly; thereafter 2 per cent quarterly to January 1, 1925, when rate was advanced to 3 per cent ($1.50) quarterly and maintained to and including July 20, 1927. On October 20, 1927, $1 (2 per cent); none since. Also paid 10 per cent in class B stock in July, 1920; 25 per cent in January, 1923; and 20 per cent in February, 1923.

Class B stock: Initial dividend of 3 per cent paid January 10, 1920; April 10, 3 per cent; July, 3 per cent cash and 10 per cent in class B stock; October, 1920, to October, 1922, 3 per cent quarterly in cash; December, 1922, 25 per cent in class B stock; 1923, January, 4 per cent cash; December, 2 per cent cash; 1924, 2 per cent ($1) quarterly; 1925, 3 per cent ($1.50) quarterly; same rate on class A and B to July 20, 1927; October 20, 1927, 2 per cent ($1); none since.

Control: Standard Oil Co. of Indiana controls about 90 per cent of the combined class A and B stock of Pan American through offer to exchange 7 shares of Standard of Indiana for 6 shares of Pan American A or B shares.

History: The Pan American Petroleum & Transport Co. is a holding company for various large companies engaged in producing, refining, transporting, and marketing crude oil and its by-products in the United States, Mexico, and Venezuela, and has added recently marketing facilities in Argentina, Uruguay, Paraguay, Brazil, Great Britain, and Irish Free State. Principal subsidiaries are as follows:

WHOLLY OWNED COMPANIES

Pan American Petroleum Corporation.
Lago Oil & Transport Corporation.
Southern Crude Oil Purchasing Co.
Southern Pipe Line Co.

CONTROLLED COMPANIES

The Caloric Co. (Inc.), New York, 1911 (99 per cent).
Mexican Petroleum Co. (Ltd.), of Delaware (Inc.) (98 per cent).
American Oil Co. of Baltimore (50 per cent).
Lord Baltimore Filling Stations (Inc.) (50 per cent).

SUBSIDIARIES

Pan American Petroleum Corporation of Tennessee.
Mexican Petroleum Co. (Gulf.) (Inc.), California, 1900.
Huasteca Petroleum Co. (Inc.), Maine, 1907.
Tamiahua Petroleum Co. (Inc.), Maine, 1906.
Tuxpam Petroleum Co. (Inc.), Maine, 1906.
Mexican Petroleum Corporation of Louisiana (Inc.), Louisiana, 1918.
Mexican Petroleum Corporation (Inc.), Maine, 1915.
Boston Harbor Oil Co. (Inc.), Massachusetts, 1919.
Lago Petroleum Corporation.
Lago Oil & Transport Co. (Ltd.).
Lago Shipping Co. (Ltd.).

In addition the company also acquired control of the British Mexican Oil Co. in connection with the change of control in March, 1925, but subsequently sold the properties of this company in Great Britain to the Anglo-American Oil Co., retaining its American properties as well as controlling stock interests of the British-Mexican Co. in the Lago Petroleum Corporation, operating in Venezuela. At December 31, 1925, Pan American owned 1,497,869 shares of Lago and later through the exercise of options increased its holdings to 53 per cent of the outstanding 4,000,000 shares and assumed management of the company. Later an offer was made to minority shareholders of Lago of one share of Pan American B for three shares of Lago, exercisable until October 1, 1926. Company now owns over 97 per cent of outstanding stock of Lago Oil & Transport Corporation, and on August 18, 1930, stockholders approved purchase of Lago on basis of one-half share of Pan American class B common for every share of Lago. Stockholders of Lago subsequently approved the merger.

Producing properties: Through subsidiaries, company is engaged in oil production in Venezuela, Mexico, and United States (Gulf coast and southwest Texas). It controls oil and gas rights on 3,100,000 acres in and around Lake Maracaibo and elsewhere in Venezuela, on which there is a potential daily production of 150,000 barrels. In Mexico it owns in fee and under lease 1,500,000 acres and is the leading producer in that country. In the United States it owns 100,000 acres of leaseholds in Arkansas, Louisiana, and Texas.

Standard Oil Co. of New Jersey

[Incorporated in New Jersey in 1882]

Capitalization	Authorized	Outstanding	Par
Common stock	$750,000,000	$635,474,200	$25
20-year 5 per cent debentures	120,000,000	120,000,000	
Humble Oil 10-year 5 per cent debenture	25,000,000	21,114,000	
Humble Oil 10-year 5½ per cent debenture	25,000,000	23,594,000	
Beacon Oil Co. 6 per cent debenture		5,124,773	
Co. General d. Petr. 6 per cent debenture		390,660	

NOTE.—In February, 1929, outstanding stock at December 31, 1928 ($612,105,475), was increased by $6,768,700 through the issuance of 270,748 shares of $25 par value; 205,000 shares were used for the acquisition, by exchange, of 461,250 shares of Beacon Oil Corporation common stock on a basis of one share for each two and one-fourth shares of Beacon. The balance of 65,748 shares were used to acquire by exchange the outstanding 4,000 shares of Pennsylvania Lubricating Co., not owned by Standard Oil Co. of New Jersey. Further additions due to employees subscriptions.

Growth of capitalization in common stock is shown as follows:

Period	Market range		High	Low
	Outstanding	Par		
1912–1920	$98,338,300	100	910 (1920)	315 (1912)
1921–22	99,482,425	25	250½ (1922)	124½ (1921)
1923	468,587,125	25	46	30¾
1924	502,099,200	25	42	33
1925	507,031,775	25	47½	33⅜
1926	514,705,025	25	46¾	37⅜
1927	603,630,475	25	41⅜	35¼
1928	607,930,475	25	56¾	37¾
1929	618,874,175	25	83	48
1930 (January-May)	635,474,200	25	84⅞	68

Dividends: Since the dissolution, dividends on the common stock have been disbursed as follows:

1930, March–June, 4 per cent	$25,418,968
1929, 7½ per cent	46,510,705
1928, 6 per cent	36,583,110
1927, 6 per cent	35,065,694
1926, September–December, 2½ per cent	12,936,555
1926, March–June, 2 per cent	10,294,121
1925, 4 per cent	20,395,911
1924, 4 per cent	20,576,491
1923, 4 per cent	20,063,968
1922, stock dividend, 400 per cent	397,929,700
1922, cash, 20 per cent	19,842,485
1921, 20 per cent	19,701,910
1920, 20 per cent	19,667,676
1919, 20 per cent	19,667,676
1918, 20 per cent	19,667,676
1917, 20 per cent	19,667,676
1916, 20 per cent	19,667,676
1915, 20 per cent	19,667,676
1914, 20 per cent	19,667,676
1913, extra, 40 per cent	39,335,320
1913, 20 per cent	19,667,676
1912, 20 per cent	19,667,676
1911, 7 per cent	6,883,686

Total dividends since the dissolution to June 30, 1930, were: Preferred, $102,201,145; common, cash, $473,607,024; stock, $397,929,700.

Earnings: Consolidated income after depreciation, depletion, Federal taxes, and preferred dividends is reported as follows:

	Net earnings	Dollars per share	Bank value
1929	$120,912,704	$4.75	$46.60
1928	108,485,686	4.43	44.62
1927	38,923,332	1.52	41.50
1926	103,654,098	5.00	45.62
1925	111,231,355	4.72	41.98
1924	67,018,467	3.30	38.82
1923	42,207,212	1.70	36.35
1922	32,387,231	[1] 1.62	[1] 35.30
1921	20,078,568	[2] 5.07	[2] 174.68
1920	154,135,888	[3] 156.00	702.15

[1] On 19,943,485 shares of $25 par.

[2] On 3,955,133 shares of $25 par.

[3] On $100 par stock.

Properties and business: Company is the largest and most powerful organization in the petroleum business. Its activities

The enormous volume of its operations may be summarized as follows (all figures in barrels):

	1929	1928	1927
Gross crude production (barrels)	101,100,098	84,775,238	82,168,462
Daily average	277,000	232,300	225,000
Domestic production	51,657,532	42,773,671	40,335,700
Foreign production	49,442,566	42,001,567	31,832,762
Pipe-line runs	133,392,079	120,919,396	112,000,000
Daily average	365,457	331,300	307,000
Refinery runs	196,797,000	182,199,192	160,552,645
Daily average:			
All plants	539,170	497,812	439,873
Domestic plants	402,008	394,924	354,832
Foreign plants	102,162	102,888	85,041
Tanker fleet moved	164,394,048	145,444,492	129,000,000
Daily average	450,403	409,000	353,700
Natural gas sales (1,000 cubic feet)	100,000,000	102,417,461	98,067,381
Natural gasoline made (barrels)	4,225,000	3,817,000	3,495,000

Standard Oil Co. (New Jersey) has ceased to be a holding and operating company and is a holding company alone. In the interest of efficiency the various major departments of the business have been segregated into separate companies, each having its own executives, upon whom devolve the entire management and con-

trol of these departments, subject only to the determination of major matters of policy by the board of the Standard Oil Co. (New Jersey) at New York.

The Standard Oil Co. (New Jersey) holds the stock of the new subsidiary companies, and its treasury receives their earnings. It exercises supervisory control over their operating units, including regulation of their budgets, and will insure all necessary coordination among them.

The directorate of the parent company has been enlarged to include the chief executives of the principal subsidiary or affiliated companies.

STANDARD OIL CO. OF INDIANA

[Incorporated in Indiana in 1889]

Capitalization:

Capital stock—	
Authorized	$500,000,000
Outstanding	421,264,685
Par	25

Shareholders on September 9, 1927, approved an increase of authorized capitalization to $375,000,000 (15,000,000 shares) from $250,000,000 (10,000,000 shares) and authorized a proposal to exchange 37,500 shares for 150,000 shares of the common stock of the Pan American Eastern Petroleum Corporation, which has voting control of Pan American Petroleum & Transport Co. In February, 1929, company declared a stock dividend of 50 per cent, payable March 15 to stockholders of record February 16. In August, 1929, shareholders voted to increase capitalization to $450,000,000 and approved offer to exchange 7 shares of stock for 6 shares of Pan American Petroleum & Transport Co. A and B stock. In March, 1930, authorized capitalization was raised to $500,000,000.

Growth of capitalization is indicated as follows:

Market range

Period	Outstanding	Par	High	Low
1889 to 1892	$500,000	$100		
1892 to 1912 (March)	1,000,000	100	$3,000	$3,800
1912 to 1920 (December)	30,000,000	100	945 (1927)	200 (1912)
1920 (December) to 1922	[1] 107,369,455	25	135 (1922)	60¾ (1921)
1923	221,706,658	25	69⅞	49½
1924	225,756,258	25	68¾	54½
1925	226,322,708	25	70¾	59½
1926	228,415,463	25	70¼	60½
1927	228,415,463	25	81½	64¾
1928	230,788,513	25	96¼	70⅞
1929 (January–March)	232,116,713	25	103¾	85
1929 (March–December)	348,175,069	25	63	45
1930 (January–May)	421,264,685	25	50¾	49⅛

[1] After 150 per cent stock dividend and additional stock issued in acquiring Midwest Refining Co.

Dividend record: Since the dissolution, cash and stock dividends have been paid as follows:

1930, March–June, 5 per cent	$21,063,234
1929, 13 per cent	47,482,855
1929, stock dividend, 50 per cent	116,232,119
1928, 14 per cent	32,416,529
1927, 14 per cent	32,130,170
1926, 14 per cent	31,876,737
1925, 10 per cent	22,521,638
1924, 10 per cent	22,284,750
1923, 10 per cent	22,106,840
1922, stock dividend, 100 per cent	107,360,455
1922, 16 per cent	17,453,995
1921, 16 per cent	15,686,125
1920, 28 per cent	9,116,678
1920, stock dividend, 150 per cent	45,000,000
1919, 24 per cent	7,200,000
1918, 24 per cent	7,200,000
1917, 24 per cent	7,200,000
1916, 12 per cent	3,600,000
1915, 12 per cent	3,600,000
1914, 25 per cent	7,500,000
1913, 32 per cent	9,600,000
1912, 13 per cent	3,900,000
1912, stock dividend, 2,900 per cent	29,000,000

The SPEAKER pro tempore. The gentleman's time has expired. All time has expired. The question is, Shall the rules be suspended and the resolution agreed to?

The question was taken; and on a division (demanded by Mr. SABATH) there were—ayes 275, noes 12.

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

EVENING SESSION

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House shall stand in recess from 6 o'clock until 8 o'clock this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. BRIGGS. Reserving the right to object, I shall not object. I would like to ask the majority leader what will be the program this evening? Will it be the Private Calendar?

Mr. TILSON. No, no. It will be the same as to-day. It will be a continuation of to-day's program.

Mr. MEAD. Reserving the right to object, may I ask the majority leader if there is any hope of the conferees of the hospital bill bringing in a report before the day is over?

Mr. TILSON. I have no information from them. We all hope that they will bring in an agreement by that time.

Mr. IRWIN. It is not the intention to call the Private Calendar?

Mr. TILSON. No. The program will be a continuation of to-day's program.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REPRESENTATIVE HENRY ALLEN COOPER'S SPLENDID WAR RECORD

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the proceedings in regard to the late HENRY ALLEN COOPER, which were prepared by the Clerk, Mr. William Tyler Page, the gentleman who prepared the American Creed. It is something he has handed to me, and I think it would be very kind to the memory of Mr. COOPER to have it in the RECORD.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. FREAR] asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, under unanimous consent I extend my remarks by inserting in the RECORD a statement of the war record of my late colleague, HENRY ALLEN COOPER, which was prepared at the time by Hon. William Tyler Page, Clerk of the House and author of the American Creed. It is a timely occasion to present this record of our deceased colleague—a great patriot, a great American, and one who was an outstanding Member of the American Congress for nearly two score of years.

It is as follows:

WHAT AN OFFICIAL OF THE HOUSE OF REPRESENTATIVES SAYS ABOUT THE ATTACKS UPON REPRESENTATIVE HENRY ALLEN COOPER'S LOYALTY

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., July 11, 1918.

Hon. HENRY ALLEN COOPER,
House of Representatives.

DEAR MR. COOPER: During your entire service in the House of Representatives I have been connected with that body. My connection with the House goes 13 years back of your own, or 37 years. This has familiarized me with the House procedure. It has been my habit and duty to keep in close touch with all that goes on in the House. Your own long record is familiar to me. Your every act and word since we entered this war are well known to me.

I am writing this letter because I have seen in a circular printed in your district a statement of your votes in Congress on war measures and declaring that you "repeatedly voted against measures to curb the efforts of spies, propagandists, and criminal agents of destruction, and prevent their interference with the effective prosecution of the war." This statement is absolutely false. The circular would make it appear that you did not support the espionage (antispy) bill by referring to your votes on an amendment dealing with only one phase of that bill.

The fact is that you did support the espionage bill in all of its features as it finally became a law. And you also voted to strengthen this law in what is known as the sedition act.

The circular is utterly misleading. Take the history of this antispy bill. As first reported to the House it contained a very drastic press-censorship section. Mr. Lenroot, now Senator from your State, and many other Members, vigorously opposed this section, even declaring it to be unconstitutional. The press of the country generally opposed it and called it a "muzzle." Judge GRAHAM moved to strike it from the bill, and this was done—yeas 221, nays 167. (CONGRESSIONAL RECORD, May 4, 1917, p. 1857.) You voted "yea," as also did many of the most prominent men in the House, Democrats and Republicans.

Then another and a little less drastic press-censorship amendment was offered. It is about this amendment that the circular says:

"On the same day he voted against an amendment to the espionage bill giving the President power to forbid and punish for the publication of information about national defense that may be of aid to the enemy."

This, taken alone, is a most unfair, misleading statement. This amendment was offered by Mr. GARD (Democrat from Ohio), and was carried by the close vote of—ayes 191, nays 185. (CONGRESSIONAL RECORD, May 4, 1917, p. 1860.) On this you voted "nay," as also did Mr. Lenroot, Mr. Kahn, one of the strongest administration supporters and many other Members of prominence, Republicans and Democrats.

These were the only record votes on amendments to the bill, and they show very clearly that the only opposition to any part of the bill was to the obnoxious censorship provision, first to the original section and next to the Gard amendment. Then, on the original passage of the bill in the House, 107, including yourself, voted "nay," the opposition, including those who were unreconciled to the manner in which the obnoxious press censorship had been retained in the bill, and many who voted "yea," trusting to the Senate to strike it out.

The Senate did amend the bill very freely and sent it back to the House. Then it went to a conference committee from Senate and House. This committee reported a new censorship section. And Judge GRAHAM (a strong supporter of war measures) moved to recommit the conference report with instructions to the committee to agree to strike out the new censorship section. This motion was agreed to by the House—yeas 184, nays 144. You voted "yea," as also did Mr. Lenroot. And even Mr. Gard, himself, the proposer of the censorship amendment, voted the same way. (CONGRESSIONAL RECORD, May 31, 1917, p. 3343.)

There was no further opposition to the bill. When the conferees again reported it, it was agreed to unanimously.

All this shows the very misleading character of the circular.

The press censorship was killed and was never revived, but the bill with its many very important features became and has remained a law. And this bill, as I have said, you supported.

Those opposing the obnoxious censorship—and among them were some of the stanchest supporters of the administration—honestly believed that it dangerously abridged the freedom of the press. To say that because you or Mr. Lenroot, or any other Member, voted to recommit the bill and strike out the objectionable language, you were therefore opposed to the entire espionage bill, is as unjust as it is untrue. For the fight began and ended with this one provision. When it went out you supported the bill as finally enacted. This was the real test of your position.

Some of the drastic features of the law which you supported are summarized in the following:

Forbids the obtaining of information respecting the national defense or the instrumentalities thereof "with intent or reason to believe" that such information "is to be used to the injury of the United States or to the advantage of any foreign nation"; also the communication of any documentary information relating to the national defense to any foreign government or agent thereof, the latter offense being punishable with death. The act gives the President absolute control over the movement of all vessels, foreign or domestic, in the territorial waters of the United States, with the right to take possession of them; penalizes severely any attempt to injure vessels within American waters, or to interrupt foreign or domestic commerce, by the use of fire or explosives; authorizes the withholding of clearance from vessels suspected of carrying supplies or information to belligerent nations and the seizure of arms and ammunition intended for shipment in violation of law. It strengthens the neutrality laws of the United States, adds safeguards to prevent the abuse of passports and the counterfeiting of the Government seal, extends the use of search warrants, and imposes new restrictions upon the use of the mails. Finally it gives the President power to prohibit, by proclamation, exportations to any or all countries, except at such times and under such regulations as he may fix, and to deny clearance to any vessel, domestic or foreign, carrying such goods.

Strange it is that the circular fails to give the actual history of the censorship provision, fails to show the result of the various votes on it, and fails to show that the bill finally passed the House, and that you supported it, a fact well known here.

Hardly one of the great war measures has gone through Congress without amendment. Some of them have been amended materially. The votes on such incidental questions one way or the other did not have a vital bearing on the conduct of the war. The record of an individual Member of Congress on a given subject must be viewed from various angles to obtain a correct, just judgment. And the whole subject must be dealt with, not merely that part which suits the critic's purpose. This is only fair; but your critics seem to have forgotten that.

Your critics in the circular say:

"On March 6, 1918, Mr. COOPER voted against an amendment to the bill to prevent injury to war materials which would include in the penalties of the bill those who conspire to prevent the erection or production of war premises, war materials, or war utilities."

Again your critics refer to an amendment in order to give the impression that you opposed the bill itself. But this is entirely misleading, for you voted for this bill as it became a law.

The facts are these:

When this bill "To punish injury to war materials," etc., was before the House an amendment was offered which many believed would interfere with the right of laboring men to strike to secure better conditions of employment. On this amendment the vote stood—yeas 255, nays 59. You voted "nay." (CONGRESSIONAL RECORD, March 6, 1918, p. 3388.)

But the important point (not mentioned in the circular) is that another amendment was at once offered declaring that it was not the intent of the bill to prevent employees from agreeing together to stop work with the honest purpose of securing better conditions of employment. This was agreed to—yeas 272, nays 38. You voted in favor of this amendment. Then you voted in favor of the passage of the bill. (CONGRESSIONAL RECORD, March 6, 1918, pp. 3388–3390.) And yet the circular does not make even the slightest mention of these last two important votes of yours and so entirely misleads the average reader.

Another charge in the circular is:

"On April 12, 1910, Mr. COOPER voted against an amendment to Senate Joint Resolution 123, liability to military service of certain registered persons, which provided that quotas for the different States and Territories and for the District of Columbia, should be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption." (CONGRESSIONAL RECORD, p. 5438.)

The date given in the circular is not correct. The vote on this question was not in "1910," but on April 12, 1918.

This statement in the circular standing alone is absolutely misleading and unjust. To understand how entirely it misrepresents your attitude it is only necessary to show the facts as they plainly appear in the CONGRESSIONAL RECORD. The question then before the House was primarily one of using the men and the resources of the Government to the very best possible advantage in winning this war.

The bill was an administration measure which already had passed the Senate.

An amendment was offered, which consisted of two parts, each part being voted on separately. The first part was as follows:

"Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption."

The vote on this part of the amendment was—yeas 118, nays 243. You voted "nay," as did also Mr. Lenroot, Mr. Kahn, ranking Republican of the very Committee on Military Affairs which reported the bill, and also the great majority of the House, Democrats and Republicans. So that the first part of the amendment was rejected. (CONGRESSIONAL RECORD, p. 5438.)

Then the question came on the second part of the amendment, which was as follows:

"And credit shall be given on its quota to every State, Territory, District, or subdivision thereof, for the number of men who have entered the military service of the United States from any State, Territory, District, or subdivisions thereof, since May 1, 1917, including members of the National Guard who were in the Federal service on that date."

The vote on this part of the amendment was—yeas 292, nays 65. You voted "yea," as also did Mr. Lenroot, Mr. Kitchin, the Democratic floor leader, and an overwhelming majority, Democrats and Republicans.

But the deceptive circular fails to mention this division of the amendment and the separate vote on each part. But most significant of all is the fact that this circular fails to mention that on the next day theh bill came to a final vote—yeas 334, nays 3, and that you voted "yea." (CONGRESSIONAL RECORD, April 13, 1918, p. 5453.)

Strange indeed it is that the circular should wholly omit to mention these last two most important votes, and thus again deliberately mislead the average reader.

This circular goes on to say:

"It is also an interesting fact in connection with Mr. COOPER'S war record that on February 15, 1915, he voted against the ship purchase bill."

This is another attempt to mislead.

We did not enter the war until more than two years later. The ship purchase bill was not a war measure. Its friends did not claim that it was. To have so claimed at that time would not have been neutral. If the shipping bill had passed in 1915, while we were at peace, we could not then, it was stated on high authority, buy the interned ships which we afterward seized, except at fabulous prices and by a possible violation of our neutrality; and thus the only ships available for purchase would have been those owned by the shipping trust who, it was claimed, could hold upon the Government for their own price. Instead of the failure of the bill costing the American people many millions of dollars, as stated in the circular, its passage at that time would, in the light of what happened, have cost the people untold millions of money, and we would not have been "kept out of war" in the campaign of 1916. Republicans voted almost solidly against the bill, joined by Mr. Kitchin, the Democratic floor leader, and other prominent Democrats. The vote was 215 to 115. (CONGRESSIONAL RECORD, February 16, 1915, p. 3923.)

To repeat, the bill was not a war measure and could not be. Since we entered the war Congress has voted every possible power to build, purchase, and commandeer ships, and the RECORD shows that these measures have all had your support.

Regarding the next paragraph in the circular, which says that you did not vote on a motion to recommit the fortifications bill with instructions to increase from $200,000 to $1,000,000 the appropriation for the purchase, manufacture, and test of ammunition for seacoast cannon, it appears that only 38 voted in favor of the motion, 219 against it, and that you were paired and did not vote. You were paired with Mr. Brown, of West Virginia, who was then ill, and later died. But the important fact (the circular does not mention it) is that the amount carried in the bill ($200,000) was the full amount of the War Department's estimate. The department did not ask for $1,000,000 but for only $200,000, and got exactly what it asked. (CONGRESSIONAL RECORD, Feb. 23, 1915, p. 4443; see also p. 4438 for department estimate.)

In concluding your speech on the proposed war declaration, you said:

"I assume that the war is to come. When it comes we will be united in support of the Government. I shall do all that I can to help achieve a victory for our country." (CONGRESSIONAL RECORD, April 6, 1917, p. 315.)

Congress declared that a state of war existed with the Imperial German Government.

On December 7, 1917, Congress declared that a state of war existed with the Royal Austro-Hungarian Government. You voted in favor of this declaration. (CONGRESSIONAL RECORD, p. 102.)

Between these two declarations Congress enacted little else than war legislation. Speaker Clark declared that the amount of business transacted was amazing, stupendous. Of the work of the House the Speaker said:

"I think every Member of this House has contributed all that was in him to the support of the Government of the United States in this great emergency * * *. I think every man has given the utmost of patriotism to his service here." (CONGRESSIONAL RECORD, October 6, 1917, p. 7918.)

Speaker Clark was right. While there were honest differences of opinion upon many propositions, these grew out of the desire of all so to legislate as to insure the best possible prosecution of the war.

But these differences were of minor importance and, as compared with the tremendous final results, served only to emphasize the unanimity of Members upon the vital fundamental problems. In the main the great majority of propositions received unanimous support, either with or without a record vote. This bears out your pledge that "we will be united in support of the Government." Regarding your companion utterance that "I shall do all that I can to help achieve a victory for our country," the RECORD shows that you have faithfully kept that promise.

At the outset you voted for the appropriation of $100,000,000 made for the national security and defense for the year 1917, and to be spent by the President in his discretion without any strings to it, and without his even being required to render an accounting (CONGRESSIONAL RECORD, May 2, 1917, p. 1701.) The President reported to Congress the chief items of expenditure and Congress reappropriated the balance for his use in 1918.

You were among the Members voting soon after war was declared to authorize the first issue of Liberty bonds. You voted also to authorize the second—the second issue. You also supported the third and fourth Liberty loan acts to meet expenditures for national security and defense and to prosecute the war. (CONGRESSIONAL RECORD, March 30, 1918, p. 4833; June 28, 1918, p. 9129.)

* * * * * * *

You voted for the first war appropriations act carrying $3,281,094,561, the largest appropriation act in the history of our country. (CONGRESSIONAL RECORD, May 2, 1917, p. 1701.) It contained the following major appropriations:

Expenses of the Signal Service	$47,000,000
Pay of officers of the line	42,000,000
Pay of enlisted men of all grades	226,000,000
Pay of enlisted men in the Quartermaster's Corps	30,000,000
Pay of enlisted men in the Medical Corps	19,000,000
Subsistence of the Army	133,000,000
Regular supplies—Quartermaster's Corps	101,800,000
Transportation of the Army and its supplies	221,963,745
Water and sewers at military posts	10,546,169
Clothing and camp and garrison equipage	231,538,548
Horses for Cavalry, Artillery, and Engineers	25,000,000
Barracks and headquarters	47,603,314
Medical and hospital department	29,780,000
Engineer equipment of troops	35,875,000
Engineer operations in the field	94,500,000
Ordnance stores, ammunition	131,048,000
Small-arms target practice	17,500,000
Manufacture of arms	55,349,000
Ordnance stores and supplies	106,550,000
Automatic machine rifles	65,900,000
Mountain, field, and siege cannon	155,000,000
Ammunition for mountain, field, and siege cannon	367,000,000
Seacoast cannon and ammunition	25,305,000
Alteration and maintenance of mobile artillery	25,000,000
Ordnance and ordnance stores, Navy	16,905,336
Ammunition for vessels	68,664,858
New batteries for ships of the Navy	22,333,000
Batteries for auxiliaries and merchantmen	19,988,800
Reserve and miscellaneous ordnance supplies	29,260,000
Pay of the Navy	75,508,672
Provisions, Navy	31,740,992
Construction and repair of vessels	57,327,340
Quartermaster's Department, Marine Corps	20,408,161

This act also granted to the President the following broad powers in connection with the Government shipbuilding program:

(a) To place an order with any person for such ships or material as the necessities of the Government to be determined by the President may require during the period of the war and which are of the nature and quantity usually produced or capable of being produced by such a person.

(b) To modify, suspend, cancel, or requisition any existing or future contract for the building or purchase of ships or material.

(c) To require the owner or occupier of any plant in which ships or materials are built to place at the disposal of the United States the whole or any part of the output of his plant and to make such deliveries as may be specified in the order.

(d) To requisition and take over for use any plant, or any part of it, whether or not the United States has a contract with the owner or occupier of such plant.

(e) To purchase or requisition for use by the United States any ship either now constructed or in the process of construction or to be constructed while the authority granted to the President by this act was valid. The authority ceases six months after a final treaty of peace is proclaimed with the German Government.

Compliance with all orders issued shall be obligatory, and the orders take precedence over all other orders and contracts. If any person shall fail to comply with the orders given to him the President may take immediate possession of any ship, material, or plant for use in such a manner as he may consider necessary or expedient. In all cases the Government shall make just compensation, to be determined by the President; and if the amount is unsatisfactory, the owner or occupier shall be paid 75 per cent of it and be entitled to sue the United States to recover his just compensation.

The cost of acquiring plants, material, or ships shall not exceed the sum of $250,000,000, exclusive of the cost of ships turned over to the Army and Navy, and for this purpose the act appropriated $150,000,000. The cost of construction of ships shall not exceed $500,000,000, and of this sum the act appropriated $250,000,000. An additional $5,000,000 was set aside for the operation of the ships authorized.

You also supported the second great war appropriation act carrying $5,356,666,000. (CONGRESSIONAL RECORD, September 18, 1918, p. 7262.)

This act made further appropriations of $635,000,000 for the emergency shipping fund, and raised the limit of cost to carry out the purposes of the shipping act to $1,734,000,000. The other major appropriations made and authorized in the act were as follows:

Subsistence of the Army	$250,000,000
Regular supplies, Quartermaster Corps	125,000,000
Transportation of the Army and its supplies	375,000,000
Clothing and camp and garrison equipage	350,000,000
Medical and Hospital Department	100,000,000
Engineer operations in the field	186,000,000
Ordnance stores and supplies	480,047,000
Mountain, field, and siege cannon	695,100,000
Ammunition for mountain, field, and siege cannon	1,440,182,750
Alteration and maintenance of mobile artillery	158,334,000
Naval emergency fund	100,000,000

You supported all appropriations for the conduct of the war to the extent of $21,000,000,000, including $7,000,000,000 in loans to the Allies.

Classified, these appropriations are as follows:

Army	$8,911,000,000
Navy	1,875,000,000
Merchant shipping fleet	1,889,000,000
Loans to the Allies	7,000,000,000
Defense fund for—	
President	100,000,000
Food and fuel control	173,000,000
Soldiers' and sailors' insurance	176,000,000
Interest on bonds and certificates	200,000,000
Civil establishment of Government	958,000,000
All other expenses	102,000,000

It may be said here, incidentally, that the large appropriation of $226,000,000 carried by this act for the pay of enlisted men of all grades was the result, in part, of the amendment to the Army draft law, proposed by Mr. Good, of Iowa, increasing the base pay of enlisted men of the Army, for which amendment you also voted. (CONGRESSIONAL RECORD, May 16, 1917, p. 2627.)

In line with your other votes for preparedness and support of war measures you supported the aviation act, which provided for additional officers and enlisted men in such numbers as the President might deem necessary, and set aside $640,000,000 in a lump sum for their pay and equipment, and for the purchase and production of all types of aircraft guns, armament, aviation fields, barracks, etc. (CONGRESSIONAL RECORD, July 14, 1917, p. 5143.)

You supported the following bills recommended by the Secretary of the Navy:

For the extension of minority enlistments in the naval service.

Increasing the age limit from 35 to 50 years for officers of the Naval Reserve Force.

Increasing the enlisted strength of the active list of the Navy from 87,000 to 150,000 and of the Marine Corps from 17,400 to 30,000, and authorizing temporary appointments and advancements to be made for commissioned and warrant officers.

Appropriating $150,000 for an air-station site for the Navy.

Providing for the payment of six months' gratuity to the dependents of any deceased retired officer or enlisted man serving on active duty during the war.

Fixing 40 cents as the commutation price of the Navy ration.

Establishing new ratings for enginemen, blacksmiths, etc., in the Navy.

You supported the trading with the enemy act. (CONGRESSIONAL RECORD, July 11, 1917, p. 4989.)

This act makes it unlawful for any person in the United States except with the license of the President to have any form of business or commercial intercourse with an enemy or ally of any enemy. Whenever, during the present war, the President shall deem that the public safety so demands, he may cause to be

censored, under such regulations as he may establish, communications passing between the United States and any foreign country he may from time to time specify. He has also the power to place an embargo upon imports from any country he may specify.

The act contains provisions for the creation of an alien property custodian and for the administration of his duties. It also provides, in an amendment made to the act in conference, that it shall be unlawful "to transport, carry, or otherwise publish or distribute any matter which is made nonmailable" by the provisions of the espionage act.

One of the most beneficent laws ever passed by this or any other Nation was the military and naval insurance act. You voted for the passage of this law. (CONGRESSIONAL RECORD, September 13, 1917, p. 7743.) This act carried a total appropriation of $176,250,000.

You voted for the Smoot amendment, increasing Civil War widows' pensions to $25 per month. (CONGRESSIONAL RECORD, October 5, 1917, p. 8590.)

You supported the bill providing for priority in shipments. (CONGRESSIONAL RECORD, June 29, 1917, p. 4502.)

During the war the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic as in his judgment may be essential shall have preference in transportation. It shall be the duty of the officers and employees of all carriers to obey promptly the President's orders, and failure to do so is punishable by a fine of not more than $5,000, or imprisonment of not more than one year, or both.

You supported the two great food laws—namely, the food survey law and the food control law. (CONGRESSIONAL RECORD, May 28, 1917, p. 3013; June 23, 1917, p. 4522; August 3, 1917, p. 6297.)

To carry out the provisions of this act the following sums are appropriated:

For the prevention, control, and eradication of the diseases and pests of livestock; the enlargement of livestock production; and the conservation and utilization of meat, poultry, dairy, and other animal products, $685,000.

For procuring, storing, and furnishing seeds, $2,500,000; and this fund may be used as a revolving fund until June 30, 1918.

For the prevention, control, and eradication of insects and plant diseases injurious to agriculture, and the conservation and utilization of plant products, $441,000.

For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others, $4,348,400.

For gathering authoritative information in connection with the production, distribution, and utilization of food, $2,522,000.

For miscellaneous items, $650,000.

You voted for the war revenue bill (CONGRESSIONAL RECORD, May 23, 1917, p. 3004). You voted for the amendments to that bill increasing taxes on large incomes (CONGRESSIONAL RECORD, May 23, 1917, p. 3001).

You voted for the joint resolution subjecting to the war excess profits tax the compensation of officers and employees under the United States, including Members of Congress (CONGRESSIONAL RECORD, December 18, 1917, p. 546).

Other important measures enacted during the first session of the war Congress which received your support are the following:

Authorizing the allied governments to recruit from their nationals in this country.

Authorizing the President to take over enemy vessels, and to operate and equip such vessels in the service of the United States. Under this act all German and Austrian vessels interned when the United States entered the war were brought into the service of this country. After the war their owners will be compensated for them.

Providing new car-service regulations on railroad lines, aimed to correct the car-shortage evil. The Government having since taken over the operation of railroads, the car-shortage evil is one to be dealt with directly by the Director General of Railroads.

Authorizing the issue of rifles and other equipment for organizations of home guards.

Authorizing condemnation proceedings for the purchase of lands for fortifications, coast defenses, and military training camps.

Providing that no citizen of the United States serving in an allied army or navy shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service.

Suspending labor requirements of owners of mining claims during the war.

Permitting a soldier or civilian employee of the War Department on foreign duty to make allotments of his pay for the support of dependent relatives, or for such other purposes as the Secretary of War may deem proper.

Providing for the reimbursement of seamen for property lost or destroyed in service.

Permitting coastwise trade by foreign vessels, giving preference to vessels of foreign registry owned, leased, or chartered by citizens or corporations of the United States. The powers granted in this act were limited to the present war and a period of 120 days thereafter.

Authorizing the President to appoint for service during the present emergency not exceeding 20 chaplains at large, representing religious sects not recognized in existing law, in the appointment of chaplains.

Preventing the publication of military inventions.

Protecting, under the workmen's compensation law of any State, workers in and about vessels at the docks.

During the present session you voted for the following measures:

The alien slackers bill, to deport, draft for farm labor, and to exclude from admission to this country those subject to Army service abroad. (CONGRESSIONAL RECORD, February 27, 1918, p. 2982.)

Providing for the Federal control of railroads. (CONGRESSIONAL RECORD, February 28, 1918, p. 3046.)

To prevent profiteering in houses, real estate, rents, etc., in the District of Columbia. (CONGRESSIONAL RECORD, May 12, 1918, p. 3667.)

The daylight saving bill, giving an additional hour of daylight to war workers. (CONGRESSIONAL RECORD, March 15, 1918, p. 3855.)

Creating the War Finance Corporation, capitalized at $500,000,000, providing credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities through a capital issues committee. (CONGRESSIONAL RECORD, March 21, 1918, p. 4119.)

To increase the compensation of postal employees. (CONGRESSIONAL RECORD, March 26, 1918, p. 4421.) You also voted for the Madden amendment to this bill making the salary increases permanent. (CONGRESSIONAL RECORD, March 26, 1918, p. 4418.)

To supply farmers with seed, grain, and food for livestock. (CONGRESSIONAL RECORD, March 29, 1918, p. 4659.) You previously voted for a special rule to consider this bill (March 27, 1918, p. 4480), and you voted against a motion to strike out its enacting clause (March 29, 1918, p. 4506).

Increasing the pensions of Union soldiers and sailors of the Civil War. (CONGRESSIONAL RECORD, May 6, 1918, p. 6596.) You also voted in favor of the Smoot-Bland substitute to this bill after its passage by the Senate—a more liberal provision than the original House bill. (CONGRESSIONAL RECORD, June 7, 1918, p. 8109.)

The prison labor bill—for the manufacture of cotton fabrics at the Atlanta Penitentiary. (CONGRESSIONAL RECORD, May 11, 1918, p. 6906.) Before this bill passed you voted for an amendment that the rules and regulations shall under no circumstances give to the inmates of the Atlanta Penitentiary any advantage in wages or hours of labor over free labor similarly employed in Government institutions or independent manufacturing establishments. (CONGRESSIONAL RECORD, May 11, p. 6905.)

The so-called Overman bill authorizing the President to coordinate or consolidated executive bureaus, agencies, and offices in the interest of economy and more efficient concentration of the Government. (CONGRESSIONAL RECORD, May 14, p. 7042.) You voted against an amendment to this bill to exempt the Interstate Commerce Commission from its operation. (CONGRESSIONAL RECORD, May 14, 1918, p. 7039.)

You also supported the following measures:

The soldiers' and sailors' civil rights bill—to stay court action against soldiers and sailors and giving them protection on rents, installment contracts, mortgages, insurance, taxes, and public lands.

The urgent deficiencies appropriation bill, wherein authority was given for the seizure of shipping piers of German steamship lines.

The sabotage bill, aimed at enemy agents destroying war materials or obstructing the United States or any associate nation in the prosecution of the war, and providing a fine of $10,000 or imprisonment for 30 years for infraction. (CONGRESSIONAL RECORD, March 6, 1918, p. 3390.)

Amending naturalization laws and giving citizenship to 120,000 friendly aliens in the Army and Navy. (CONGRESSIONAL RECORD, May 3, 1918, p. 6490.)

Increasing from $250,000 to $500,000 the appropriation for the work of eradicating tuberculosis in livestock. (CONGRESSIONAL RECORD, February 1, 1918, p. 1692.) The provision was lost.

Authorizing the President to call the Philippine forces into war service.

Providing for housing and lands for shipyard and munition workers.

To pay gun pointers and captains in the Navy while absent.

Restoring discharged enlisted men to former grades if discharged to accept commissions.

Regulating the pay of retired chief warrant officers of the Navy.

Allowing indemnities to France for damages caused by American forces.

To pay traveling expenses in the Army when "on duty under competent orders."

For the transportation of shipyard employees.

Appropriating $1,000,000 for ordnance testing in the Navy.

Authority for housing for war needs.

Regulating passports to require rigid restrictions in departure from, or entry into, this country during the war.

Amending the war risk insurance act for soldiers.

For the rehabilitation of disabled soldiers by vocational education.

The constitutional amendment for woman suffrage.

The constitutional amendment for national prohibition.

Authorizing the President to take over and operate telegraph, telephone, and radio systems of communication.

You are constantly present in the House. If I did not know this by actual observation I would know it by your record on roll calls. Since we entered the war there have been 298 roll calls. You answered or voted upon 285, or a percentage of 92. I doubt if there is another as good a record for attendance in the House, and I am sure there is none better.

Knowing you intimately, both officially and personally, as I have during the 24 years of your service in the House, and knowing

the esteem in which you are held by Members of the House on both sides for your ability, your devotion to duty, and your high character, I was amazed to read in the circular to which I have alluded an implication, if not a direct charge, of disloyalty toward our Government. Nothing to my mind could be baser, more unjust to you and to your family, or farther from the truth, than such a charge. It exhibits an utter disregard of the facts as herein set forth, and is evidently a mean, cheap, and base political scheme to discredit a man whose long career in public life has been honorable and useful, and whose every act and vote since our country went to war has been as patriotic as that of the President himself, whose policies and measures for the vigorous prosecution of the war and the achievement of victory you have consistently supported.

Very truly yours,

WM. TYLER PAGE.

OLEOMARGARINE

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. HAUGEN]?

Mr. SPROUL of Illinois. Mr. Speaker, I object.

Mr. HAUGEN. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, with Senate amendments, and agree to the Senate amendments.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. HAUGEN] moves to suspend the rules and take from the Speaker's table the bill (H. R. 16836) with Senate amendments and concur in the Senate amendments.

The Clerk will report the bill and the Senate amendments.

The Clerk reported the bill by title and read the Senate amendments as follows:

Page 3, after line 14, insert:

"SEC. 3. That section 15 of the agricultural marketing act, approved June 15, 1929, is amended by adding at the end thereof a new subdivision to read as follows:

"'(g) As used in this act, the term "agricultural commodity" includes, in addition to other agricultural commodities, crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine and gum rosin, as defined in the naval stores act, approved March 3, 1923.'"

Page 3, line 15, strike out "3" and insert "4."

Page 3, line 16, after "enactment," insert "except section 3, which shall take effect upon the approval of this act."

Amend the title so as to read: "An act to amend the act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, as amended, and for other purposes."

The SPEAKER pro tempore. Is a second demanded?

Mr. SABATH. Mr. Speaker, I demand a second.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SABATH. I notice this amendment is completely foreign to the House bill. I would like to know whether it is subject to a point of order?

The SPEAKER pro tempore. Senate amendments are not subject to a point of order in the House on the ground that they are not germane to the text of the House bill.

Mr. SABATH. I have demanded a second.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. HAUGEN] is recognized for 20 minutes, and the gentleman from Illinois [Mr. SABATH] will be recognized for 20 minutes, later.

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Speaker and Members of the House, if I may have your careful attention for just about a minute and a half, I think I can make this matter plain to you.

Mr. Speaker and ladies and gentlemen, may I say to those of you who are interested in the oleomargarine bill as it passed the House that the Senate amendment now before us does not change the language of that particular bill itself in the slightest degree. The amendment added by the Senate simply puts in another unrelated and distinct matter after the custom and habit of that body in connection with legislation of this and other forms. When they desire to get through some proposition then frequently it is attached to another bill which is sure of passage although it may not at all be related to the matter under discussion.

May I say again that the new amendment does not affect the oleomargarine feature of the bill at all as it was passed by the House, but it does admit to the classification of "agricultural commodities" what we know as naval stores, and is in the form of an amendment to the Agricultural Marketing Act. The Farm Board has been importuned many times by the farmers who produce resin and turpentine to admit within the classification of "agricultural commodities" these products of the southland that are known as naval stores.

These applications have been rejected each time by a hair-line decision rendered upon the matter, and finally the Farm Board has said they preferred legislation should be enacted. In consequence a bill was favorably reported to that end by the Committee on Agriculture of the House, and is now upon the calendar.

Basing its action upon that bill, which our committee on agriculture favorably reported to the House, the Senate, incorporating not our exact language but the principle of it, has put upon this oleomargarine bill the amendment which has been read from the Clerk's desk. That is all there is to it.

I believe that the Senate amendment is carefully drawn. It is clearly intended to bring the former producers of resin and turpentine within the scope of the marketing act. It only applies to oleoresin (crude gum) and to gum spirits of turpentine and gum rosin processed by original producers. These former growers and processors can secure the benefits accorded to producers of other agricultural commodities if the amendment is agreed to. According to House rules the amendment has no place in the bill but its adoption in no wise affects the oleomargarine bill in itself, while a vote in opposition is virtually a vote to kill the bill.

May I therefore say to every friend of the oleomargarine bill upon the floor that there is not the slightest reason from the standpoint of that legislation why this amendment should not be agreed to, and I hope that every vote will be cast in favor of it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, the action of the Senate in incorporating the amendment that has just been read from the Clerk's desk illustrates the very unfair and very unscientific way in which legislation sometimes comes back to this body from the other end of the Capitol.

I opposed the oleomargarine bill upon one broad objection, and that was that I was unwilling to vote for any bill which levied a domestic tax upon the consumers of this country to favor one commodity in competition with another. I voted against the bill when the matter was in the House. I am still opposed to the oleomargarine features of that bill for the reasons stated in my statement when the matter was up for consideration.

Now, they send it back here with a proposition in which a great many gentlemen from my immediate section of the country are very greatly interested, a bill that is of a very great deal of importance to the turpentine and naval stores industry of the Southern States, my own State included.

I merely rise here to protest against that character of legislation and to protest against a parliamentary procedure that enables the other body to place men in the position in which I now find myself placed. As an independent proposition I would be very happy, in fact, very much pleased, to vote for the Senate amendment, but however much I regret to vote against a proposition involving the interests of my own section of the country I do not propose to stultify my conscience by accepting the provisions of the oleomargarine bill. Therefore I shall vote against the amendment.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I find myself exactly in the same position as the distinguished gentleman from Alabama, with this difference, that I voted with you farmers on the oleomargarine bill. But I can not go along on any such kind of legislation. There is not a Member in this House who has stood up more in defense of the other branch of the Legislature than I have. I think it is a great legislative body, but any such action as putting an unrelated subject on a bill in the last moments of a session is a most vicious kind of parliamentary procedure. [Applause.]

Now, gentlemen, mark you. This takes all naval stores and brings them within the provisions of what is called the farm relief law. Imagine Mr. Legge, who made such a great success at wheat, going out and cornering the available supply of turpentine and other naval stores contemplated within this amendment. Are you gentlemen prepared to make loans to the naval stores people? Who will come in next? Do you realize how far-reaching this amendment is?

This subject of naval stores has come before us several times. Amendments were offered when we had the farm relief bill under consideration, but we voted them down.

I submit it is manifestly unfair to add this rider to a bill which may have a great deal of merit and expect the House of Representatives to vote on it in this fashion.

I say to my farmer friends that I went the whole limit with you on your oleomargarine bill, at great personal political risk, but I can not stomach anything like this, and I am going to ask all of the Members to protest against this kind of procedure and to protect the integrity of the House by voting down this proposition at this time. [Applause.]

Mr. ANDRESEN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ANDRESEN. The gentleman has always been a good friend of the farmer?

Mr. LAGUARDIA. Yes.

Mr. ANDRESEN. Then, why should he punish all of the dairy farmers of the United States on account of the action of another legislative body?

Mr. LAGUARDIA. That is a fair question. Because, in the regular procedure, the bill should go to conference, and in conference this unrelated extraneous subject could be stricken from the bill.

Mr. ANDRESEN. And kill the bill?

Mr. LAGUARDIA. No; not at all.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HUDSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HUDSON. If sufficient votes are cast against this amendment, does that defeat the oleomargarine bill?

The SPEAKER pro tempore. It would defeat the motion of the gentleman from Iowa to suspend the rules.

Mr. HUDSON. Would not the bill be sent to conference?

The SPEAKER pro tempore. This is a motion to concur in the Senate amendments.

Mr. HUDSON. But would not the bill be sent to conference?

The SPEAKER pro tempore. It would not. The bill will remain on the Speaker's table and may not have another chance.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAGUARDIA. If this is voted down, the bill is defeated and it can not be called up afterwards and go to conference, as I understand the procedure.

The SPEAKER pro tempore. The Chair would say that as a practical proposition it would amount to a defeat. Of course, the bill will still be on the Speaker's table.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CRISP. This not being a privileged bill, if it is voted down, the only way it could come up, even to be sent to conference, would be by a rule or by unanimous consent, or by another motion to suspend the rules and send it to conference.

The SPEAKER pro tempore. The Chair thinks that is correct.

Mr. CHINDBLOM. Or by rule from the Rules Committee.

Mr. CRISP. The Chair stated that.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker and gentlemen of the House, I quite agree with what the gentleman from New York [Mr. LAGUARDIA] has said.

I do not know, however, of anything worse than taxing one industry out of existence for the purpose of helping another industry. I do not believe this taxing of oleomargarine 10 cents a pound will help the butter industry one particle. It is a matter of production, it is a matter of supply and demand, and I shall watch the papers with a very great degree of interest to see whether or not butter advances after you tax oleomargarine out of existence. I shall also look with interest to see whether this matter is taken to the United States Supreme Court, because I do not believe it is constitutional. Whether any of these men will take it to the United States Supreme Court and demonstrate that fact, I do not know; but I do want to say to the men representing the farmer interests, I want you to watch the papers with me, and I predict that this taxing of oleomargarine, this destruction of a great industry of this country, this destruction of an industry which employs several thousand men will not redound to your benefit. The whole question is one of supply and demand and the amount of production, and these are matters that will always control the price.

Mr. CHRISTGAU. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. CHRISTGAU. As to the matter of supply and demand, if you increase the consumption, you increase the demand, do you not?

Mr. LINTHICUM. I do not see how you are increasing the demand.

Mr. CHRISTGAU. If you substitute oleo for butter, you naturally decrease the demand for butter, do you not?

Mr. LINTHICUM. So many farmers are going into the dairy business and so many of them are having more cows and manufacturing more butter that you must lessen the amount of the supply if you want increased prices. You can not do this by eliminating oleomargarine, because it will still be purchased and colored at home, and the people will get it in this way just the same.

Mr. SABATH. Mr. Speaker, to me it is not to-day a question of the oleo or the tax—it is instead a question of the privileges of the House and the abuse of those privileges on the part of the Senate. I think the action of the Senate in adding this amendment to the bill is unjustifiable, and should not be tolerated by the House. This is all I now wish to say on this matter.

The SPEAKER pro tempore. The question is shall the rules be suspended and the bill (H. R. 16836), with Senate amendments, taken from the Speaker's table and the Senate amendments concurred in.

Mr. SPROUL of Illinois. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the Senate amendments agreed to.

MANUSCRIPT ENTITLED "WASHINGTON, THE NATIONAL CAPITAL"

Mr. BEERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 39) and agree to the same.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring therein), That there shall be printed with illustrations and bound, as may be directed by the Joint Committee on Printing, 4,000 copies of the manuscript entitled "Washington, the National Capital," prepared by H. P. Caemmerer, of which 1,000 copies shall be for the use of the Senate and 2,700 copies for the use of the House of Representatives, and the remaining copies shall be available for distribution as the Joint Committee on Printing may direct.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate concurrent resolution?

There was no objection.

The Senate concurrent resolution was agreed to.

AMENDMENT OF THE REVENUE ACT OF 1926

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution (H. J. Res. 529) relating to the revenue, reported from the Committee on Ways and Means.

The Clerk read as follows:

House Joint Resolution 529

Resolved, etc., That the first sentence of subdivision (c) of section 302, of the revenue act of 1926, is amended to read as follows:

"(c) To the extent of any interest therein of which the decedent has at any time made a transfer by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, including a transfer under which the transferor has retained for his life or any period not ending before his death (1) the possession or enjoyment of or the income from the property, or (2) the right to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth."

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, and I shall object unless the gentleman explains just what the bill is.

Mr. HAWLEY. Mr. Speaker and gentlemen, the Supreme Court yesterday handed down a decision to the effect that if a person creates a trust of his property and provides that, during his lifetime, he shall enjoy the benefits of it, and when it is distributed after his death it goes to his heirs—the Supreme Court held that it goes to his heirs free of any estate tax.

This resolution is to provide that hereafter such shall not be the law. This decision will cost the Treasury of the United States $25,000,000. That is, it will necessitate refunds in that amount. The Treasury does not know how many such trusts will be found before Congress meets again, but the opinion is that a great many will be, and it will take a very large sum from the Treasury unless this corrective legislation is enacted.

Mr. SCHAFER of Wisconsin. This is a bill to tax the rich man. I shall not object.

Mr. COLLINS. I would like to have a little more explanation.

Mr. SABATH. Reserving the right to object, all the resolution purports to do is to place a tax on these trusts that have been in vogue for the last few years for the purpose of evading the inheritance tax on the part of some of these rich estates?

Mr. HAWLEY. It provides that hereafter no such method shall be used to evade the tax.

Mr. SABATH. That is good legislation.

Mr. HAWLEY. Yesterday afternoon the Supreme Court of the United States handed down decisions in three cases—Burnet against Northern Trust Co., Moraman against Burnet, and McCormick against Burnet—in which the court held that where an owner of property had made a transfer in trust reserving the income of the property, or the right to dispose of the income therefrom, to himself for his life, with remainder to others after his death, the value of the property should not be included in the estate of the donor for purposes of Federal estate tax upon his death.

Section 302 (c) of the revenue act of 1926 provides, as follows:

SEC. 302. The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated. * * *

(c) To the extent of any interest therein of which the decedent has at any time made a transfer by trust or otherwise in contemplation of or intended to take effect in possession or enjoyment at or after his death except in a case of a bona fide sale for an adequate and full consideration in money or money's worth. * * *

It had generally been considered that this provision of the statute covered cases such as those referred to above. The Treasury Department had so construed the statute since the first Federal estate tax law in 1916 and its regulations so provide. If, for example, the owner of property transferred the title to his house to a trustee for the benefit of his children after his death, but in the meantime reserved the use, income, and enjoyment of the house to himself during his own lifetime, it was supposed that the value of the property at the date of his death should be included in his estate for purposes of estate tax. Under the decisions rendered yesterday the property would not be included in computing the Federal estate tax.

It is entirely apparent that if this situation is permitted to continue, the Federal estate tax will be seriously affected. Entirely apart from the refunds that may be expected to result, it is to be anticipated that many persons will proceed to execute trusts or other varieties of transfers under which they will be enabled to escape the estate tax upon their property. It is of the greatest importance therefore that this situation be corrected and that this obvious opportunity for tax avoidance be removed. It is for that purpose that the joint resolution is proposed.

WASHINGTON, *March 3, 1931.*

MY DEAR MR. SPEAKER: The Supreme Court of the United States has recently had before it the following three cases:

1. A places property in trust by a deed which provides that the income shall be paid to B for his life, then to A for her life, and then that the trust shall terminate upon the death of A, at which time the property shall be distributed among the children of A. (May *v.* Heiner.)

2. A places property in trust by a deed which provides that the income therefrom shall be paid to A for her life and upon her death that the trust shall terminate and the property shall be distributed among her children. (Burnet *v.* Northern Trust Co., executor of Van Schaick.)

3. A places property in trust by a deed which provides that A shall have the right to call upon the income therefrom to supplement her income from other property if it falls below a given sum; reserves the right to dispose of the remainder of the income by ordering its payment to others and which further provides that the trust shall terminate upon the death of the last of her three children, at which time, if A is surviving, the property will be paid over to her, and, if not, will then be paid to the issue of her children. (McCormick *v.* Burnet.)

The Supreme Court by decisions rendered yesterday afternoon in the Van Schaick and McCormick cases, following its decision in the case of May *v.* Heiner, held that the value of the property comprising each of the foregoing three trusts, at the date of A's death, was not to be included in the decedent's gross estate as a transfer "intended to take effect in possession or enjoyment at or after his death."

The effect of these decisions is that transfers of this character are held not to be within the language of section 302 (c) of the revenue act of 1926, or of prior acts having similar language, as follows:

"SEC. 302. The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated. * * *

(c) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth. * * *"

It is believed desirable, in view of the character of these transfers and in order to prevent tax evasion, that they be included in the statute. The Treasury has, therefore, drafted a proposed joint resolution, which is inclosed, amending the statute so as to include such transfers.

Without this amendment, the Federal estate tax will be seriously affected. It has been estimated that the effect of these Supreme Court decisions will be to cause a loss in excess of one-third of the revenue derived from the Federal estate tax, with anticipated refunds of in excess of $25,000,000. While it is realized that very little time remains at this session, it is hoped that the Congress may take action by joint resolution to correct this situation.

Very truly yours,

OGDEN L. MILLS,
Acting Secretary of the Treasury.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to make a statement for three minutes on the resolution just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, ladies and gentlemen, so that the next Congress may realize this situation and may have an opportunity to think it over, I want to say that the Supreme Court yesterday handed down a decision in which it held that a trust made by a person of great wealth, say $500,000,000, could provide for the income of it for his life and that all of the property at a certain time shall go to his children and escape the tax.

The Committee on Ways and Means this afternoon had a meeting and unanimously reported the resolution just passed. We did not make it retroactive for the reason that we were afraid that the Senate would not agree to it. But I do hope that when this matter is considered in the Seventy-second Congress we may be able to pass a bill that will make it retroactive.

The Treasurer estimates that there will be a refund of $25,000,000 to those who have died and had their estate taxed. What we hope in this resolution is to stop up this gap in the future. I hope in the next Congress a bill may be passed that will reach back and let the Supreme Court have one more guess. I use that word advisedly, they did guess and gave the exemption to these people who have made these trusts.

Mr. LaGUARDIA. This is to give timely notice that in the next Congress it will be made retroactive?

Mr. GARNER. I have strong hopes that the next Congress will make it retroactive.

Mr. BLACK. Was the Supreme Court decision based on a constitutional question, or a discussion of the statute?

Mr. GARNER. It was on the statute itself, and was not constitutional.

COMMITTEE TO ATTEND THE FUNERAL OF THE LATE HENRY ALLEN COOPER

The SPEAKER announced the following committee to attend the funeral of the late Representative HENRY ALLEN COOPER, which the Clerk read, as follows: GILBERT N. HAUGEN, of Iowa; JOHN M. NELSON, of Wisconsin; EDWARD E. BROWNE, of Wisconsin; JAMES A. FREAR, of Wisconsin; HENRY W. TEMPLE, of Pennsylvania; WILLIAM H. STAFFORD, of Wisconsin; CARL R. CHINDBLOM, of Illinois; HUBERT H. PEAVEY, of Wisconsin; JOHN C. SCHAFER, of Wisconsin; GEORGE J. SCHNEIDER, of Wisconsin; ROBERT G. SIMMONS, of Nebraska; JOHN C. ALLEN, of Illinois; MICHAEL K. REILLY, of Wisconsin; JOHN T. BUCKBEE, of Illinois; CHARLES A. KADING, of Wisconsin; MELVIN J. MAAS, of Minnesota; EDMUND F. ERK, of Pennsylvania; MERLIN HULL, of Wisconsin; PAUL J. KVALE, of Minnesota; EDWARD W. POU, of North Carolina; J. CHARLES LINTHICUM, of Maryland; R. WALTON MOORE, of Virginia; LUTHER A. JOHNSON, of Texas; SAM D. McREYNOLDS, of Tennessee; PEDRO GUEVARA, Resident Commissioner of the Philippine Islands.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 14. An act to make the Star-Spangled Banner the national anthem of the United States of America; and

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 6210. An act to amend the second deficiency act, fiscal year 1930; and

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 6046. An act to authorize advances to the reclamation fund, and for other purposes; and

S. 6072. An act for the relief of C. H. Price.

The message also announced that the Senate had disagreed to the amendment of the House to a bill of the following title:

S. 2811. An act for the relief of Oscar R. Hahnel.

APPOINTMENT TO JOINT COMMITTEE ON PRINTING

The SPEAKER. Pursuant to the act of Congress approved March 3, 1917 (39 Stat. 1121; U. S. C., title 44, sec. 2), the Chair appoints the gentleman from West Virginia [Mr. SHOTT] to fill the vacancy of the Joint Committee on Printing.

BOOKS FOR THE ADULT BLIND

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 528, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 528

Resolved, etc., That to enable the Librarian of Congress to carry out the provisions of the act entitled "An act to provide books for the adult blind," approved March 3, 1931, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1932 the sum of $100,000.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

LITTLE ROCK AIR DEPOT

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15493, to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., with Senate amendments thereto, agree to the first amendment and disagree to the second amendment.

The SPEAKER. The Clerk will report the bill and Senate amendments.

The Clerk read the title of the bill and the Senate amendment as follows:

Page 1, after line 12, insert:

"SEC. 2. That the Secretary of War be, and he is hereby, authorized and empowered to grant to the Baltimore & Ohio Railroad Co. a right of way, for railroad purposes, in such location as the Secretary of War may approve, across the Bolling Field Military Reservation, District of Columbia, as now and to be enlarged under authority of the act approved February 25, 1929 (45 Stat. 1303), in exchange, on such terms and conditions as the Secretary of War deems necessary, for the right, title, and interest of the Baltimore & Ohio Railroad Co. in the right of way occupied by it as now located and constructed across said property: *Provided*, That the expense incident to effecting said exchange, including grading and relocation on the new right of way of existing tracks and facilities, shall be payable from funds heretofore appropriated or those authorized to be appropriated, when available, for improvement of the landing field at Bolling Field."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

The Clerk read as follows:

Page 1, after line 12, insert:

"SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed to cause the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va., to be removed and sold or otherwise disposed of, and the sum of $228,000

is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to cover the cost of such removal and disposal: *Provided*, That any balance remaining from this appropriation may be applied to such protection and improvement work on the Virginia side of the river, in the area included in the approaches to the Aqueduct Bridge and the new Francis Scott Key Bridge, as may be deemed necessary to insure that the surrounding conditions, after the removal of the old bridge, shall harmonize with the design of the new bridge and in no way endanger the said structure."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was rejected.

The title was amended to read: "An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes."

PRIVATE CLAIMS

Mr. SNELL. Mr. Speaker, I call up House Joint Resolution 522 and ask unanimous consent for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Joint Resolution 522

Resolved, etc., That a joint committee of Congress is hereby created, consisting of four Senators, to be appointed by the Vice President, and four Members of the House of Representatives of the Seventy-first Congress, who are Members elect to the Seventy-second Congress, to be appointed by the Speaker, whose duty it shall be to investigate and report to the first session of the Seventy-second Congress, by bill or otherwise at any time, upon the procedure with respect to the presentation to Congress of private claims, including a reviewing agency for such claims, the form and manner of presentation to Congress, and the data that should be presented therewith.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

R. P. BIDDLE

Mr. IRWIN. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 2047) for the relief of R. P. Biddle, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Line 8, strike out "$1,320" and insert "$423.56."

The Senate amendment was concurred in.

JOHN SANFORD TILLOTSON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10562) for the relief of John Sanford Tillotson, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

The Senate amendments were concurred in.

FRANK MICHEL AND BARBARA MICHEL

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12632) for the relief of Frank J. Michel and Barbara M. Michel and others, with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The Clerk will report the bill and Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Page 1, line 6, strike out "$5,000" and insert "$2,500."
Page 2, line 6, strike out "$5,000" and insert "$2,500."
Page 2, line 17, strike out "$5,000" and insert "$2,500."

The Senate amendments were concurred in.

RELIEF OF CERTAIN DISBURSING OFFICERS

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8677) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Page 4, line 4, after the word "States," strike out the colon and the rest of the line and all of lines 5, 6, and 7.

Page 6, after line 21, insert:

"SEC. 14. That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of the following-named officers of the Army of the United States in the sums herein stated, which now stand as disallowances on the books of the General Accounting Office:

"Clarence M. Exley, major, Finance Department, the sum of $22.56, representing public funds for which he is accountable, being payment of mileage of two officers of the Army traveling on orders of the War Department.

"William A. MacNicholl, major, Finance Department, the sum of $145.70, representing public funds for which he is accountable, being payment of mileage and expenses to an officer of the Army traveling on orders of the War Department.

"Arthur O. Walsh, captain, Finance Department, the sum of $84.60, representing public funds for which he is accountable and which comprise minor errors in computation of pay and allowances due military personnel who are no longer in the service of the United States.

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Austin H. Brown, major, Finance Department, the sum of $46.58, being the amount he has refunded to the United States on account of disallowances in his account as a disbursing officer."

The Senate amendments were concurred in.

THOMAS C. EDWARDS

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8953) for the relief of Thomas C. Edwards, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That the claim of Thomas C. Edwards growing out of losses suffered under contracts of June 13, 1917, for delivering hay to the Quartermaster Corps, Fort Sam Houston, Tex., is hereby referred to the United States Court of Claims with jurisdiction to hear the same to judgment and with instructions to adjudicate the same upon the basis of the losses suffered due to conditions arising out of the late war, to the cancellation of orders given by the Government for the delivery of the hay, and the encountering of a severe drought."

The Senate amendment was concurred in.

LOS ANGELES WATERSHED

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11969) withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles, Calif., and for other purposes, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Utah asks unanimous consent to take from the Speaker's table the bill H. R. 11969, with Senate amendments, and agree to the Senate amendments.

The Clerk will report the bill and the Senate amendments.

The Clerk reported the bill by title and read the Senate amendments, as follows:

On page 1, line 6, after the words "protecting the," strike out the word "watershed" and insert in lieu thereof the words "watersheds now or hereafter."

On page 1, line 7, after the word "Angeles," strike out the comma and insert in lieu thereof the words "and other cities and towns in the."

On page 2, line 1, before the words "east half," strike out the word "The" and insert in lieu thereof the words "All of section 1" and a semicolon.

On page 9, line 6, after the words "northeast quarter" and before the words "lot 1," insert a comma.

On page 13, line 23, before the word "half," strike out the word "east" and insert in lieu thereof the word "west."

On page 15, line 11, after the words "west half," strike out the word "southwest" and insert in lieu thereof the word "southeast."

On page 16, line 10, after the words "east half" and before the word "the," insert a comma.

On page 18, line 4, after the words "lot 2" and before the word "quarter," strike out the word "northeast" and insert in lieu thereof the word "northwest."

On page 30, line 21, after the words "east half" and before the word "the," insert a comma.

On page 32, line 17, after the words "south half" and before the word "the," insert a comma.

On page 34, line 8, after the word "northwest," strike out the word "half" and insert in lieu thereof the word "quarter."

On page 40, line 10, after the word "meridian" and the semicolon, insert the following: "all the unsurveyed portions of section 19, township 2 north, range 27 east, and sections 13 and 24 of township 2 north, range 26 east, known as Bird Island;".

On page 49, line 5, after "section 1" and before the semicolon insert a comma and the following: "township 3 south, range 29 east, Mount Diablo meridian."

On page 49, line 19, after the word "highways" and the comma and before the word "ditches," insert the word "reservoirs" and a comma.

On page 49, line 24, after the word "any" and before the word "lawful," insert the words "existing valid water right or."

On page 50, line 12, after the word "for" and before the word "grazing," insert the words "recreational or"; also, in the same line, after the word "purposes" and before the period, insert the following: "under such rules and regulations as the Secretary of the Interior may deem necessary to conserve the natural forage resources of the area."

Amend the title so as to read: "An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

Mr. SWING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point on the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. SWING. This bill simply reserves to the United States for such disposition as Congress may hereafter authorize the public lands described in the bill protecting, however, all existing rights heretofore initiated. There is nowhere in the bill any hidden authority given to the Secretary of the Interior or the President to withdraw any lands other than those expressly described in the bill. I say this as the author of the bill and also because I know that is the clear intention of Congress and there can not possibly be any question or uncertainty arise hereafter in the administration of the bill when it becomes a law.

CLAIMS OF GRAIN ELEVATORS

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (H. J. Res. 303) to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 303) with Senate amendments, and agree to the Senate amendments.

The Clerk will report the resolution and the Senate amendments.

The Clerk reported the House joint resolution by title and read the Senate amendments, as follows:

On page 2, line 22, strike out the comma after the word "elevator" and insert a colon.

On page 2, lines 22 and 23, strike out the words "which latter declaration shall be supported by satisfactory evidence."

On page 3, lines 1 and 2, strike out the words "or settled by the Comptroller General of the United States" and insert in lieu thereof the following: "nor where claimant actually profited by the delay nor where claimant filed a claim for such interest and insurance in any case prior to 1922."

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. STRONG]?

Mr. STAFFORD. Reserving the right to object, as I read the proposed Senate amendments, it would authorize the Comptroller General to settle claims upon the say-so of various claimants, merely under oath.

Mr. STRONG of Kansas. No. The record of these transactions is in the books of the Government's Grain Corporation. This was a contract made between the Government and elevators at the time of Government control of the price of grain, wherein they agreed that if the elevators would not charge so large a profit they would pay them seven-twentieths of 1 cent storage per bushel per week, to cover storage and insurance.

Mr. STAFFORD. Provided there were not railroad facilities adequate to take the grain away?

Mr. STRONG of Kansas. Yes. As soon as the contract was at an end, the large companies having auditors, went in and got their money. The small elevators, the 1-man elevators throughout the Northwest did not make collection of what was due them.

When they came to make their collections objection was made because there was no record of the ordering of cars. Cars would often be ordered by telephone from the elevator to the depot, and no record was made. Each week a statement was required by the Government from those elevators. Those statements were made out and sent to the Grain Corporation. So those statements are with the Grain Corporation and nowhere else. This bill was introduced and passed, asking the Government to pay what the Government's books show is due these elevators. The bill was passed by the House and Senate last year and signed by the President, and the Comptroller General suggested an amendment this year. This is the amendment agreed on.

Mr. STAFFORD. Oh, he asked an amendment because he said they did not have the records to prove that they had any claim whatsoever for this fund.

Mr. STRONG of Kansas. No. They have the records showing the amount of grain so held in storage because of lack of cars to make shipment.

Mr. STAFFORD. I yield to any person to try to satisfy me whether these claims have any other basis for allowance than the mere affidavit of the claimant?

Mr. STRONG of Kansas. The record of each transaction is with the Government.

Mr. STAFFORD. I have read the comment of the Comptroller General, and I read this morning the letter from the comptroller to the gentleman from Kansas [Mr. STRONG], and the matter is rather fresh in my mind.

Mr. BURTNESS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BURTNESS. Referring specifically now to the Senate amendment, all the Senate amendment does with reference to providing any force to the affidavit is to permit the affidavit to take the place of proof with reference to the ordering of cars and the failure to deliver cars.

Mr. STAFFORD. That is as I understand it. Upon the say-so of any claimant he is to have the right to have this money paid to him?

Mr. BURTNESS. The say-so of the claimant will be accepted as proof of the ordering of the car, but as far as the claim itself is concerned, the claim is based upon all of the evidence in the files of the Grain Corporation, which has been examined by the Comptroller General, which is found to be correct except for the fact that the evidence file lacked sufficient evidence to satisfy the comptroller to the effect that the cars were ordered. Now, the orders for cars in many cases were not in writing or, if in writing, have been destroyed a long time ago under permission of the Interstate Commerce Commission which deals with the length of time that written evidence must be filed. Many of the orders were verbal orders by telephone, and so forth.

So this amendment now permits the furnishing of evidence of that sort in the place of evidence that could never under Heaven be furnished at this late date, namely, evidence filed with the railroad company.

Mr. STAFFORD. How much will these claims aggregate?

Mr. BURTNESS. Something like $200,000 or $300,000.

Mr. DICKSTEIN. Mr. Speaker, I object.

Mr. LAGUARDIA. I trust the gentleman will not object. I studied this bill during the whole of the last session and I know that failure to pass it would result in unfairness to a lot of little men.

Mr. DICKSTEIN. Why is not a bill like this brought up at the proper time?

Mr. LaGUARDIA. It has been on the Consent Calendar; the House passed it, and the Senate amended it. If it is passed now we can clean this up and it will help a lot of little fellows. The big elevator men have already gotten their money.

Mr. DICKSTEIN. Mr. Speaker, I withdraw my objection.

Mr. STAFFORD. Let me have a clear understanding as to the amount. The other day a bill slipped by involving $1,500,000. It slipped by because the author either did not know or withheld stating the amount involved for the purchase of additional land. That was a bill relating to the Colonial National Park. We originally authorized a park of 2,000 acres in extent. They doubled it for some reason or another and levied a charge of $1,500,000 on the taxpayers. I want a definite statement from somebody as to what the aggregate amount of these claims will be, because I do not intend to allow the Treasury to be invaded to the extent of $1,000,000 or $2,000,000 upon the mere filing of an affidavit by some claimant.

Mr. BURTNESS. They can not possibly exceed some $700,000 or $800,000, but with this Senate amendment I doubt very much whether they will amount to one-third of that figure.

Mr. STAFFORD. What has the gentleman from Kansas to say about it?

Mr. STRONG of Kansas. I have no actual knowledge of what the whole amount will be except that we have found no claim that went over $1,200. These claims are owned by a lot of little country elevators; and they may not all come in, because some have gone out of existence.

Mr. STAFFORD. The gentleman is interested because of elevators in his district.

Mr. STRONG of Kansas. I have not one in my district nor one in my State that I know of. I am only acting as chairman of the War Claims Committee. These elevators are in the Northwest.

Mr. STAFFORD. Then the gentleman has no information as to what the total amount may be?

Mr. STRONG of Kansas. No.

Mr. STAFFORD. But the gentleman is of the opinion that they will not aggregate more than $200,000 or $300,000?

Mr. BURTNESS. That would be my best estimate.

Mr. LaGUARDIA. They are all small claims. The big elevator men have been paid in full and these little men are still unpaid. We have held it up for a long time.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

COMPENSATION OF THE SECRETARY OF THE TERRITORY OF ALASKA

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11368) to fix the annual compensation of the secretary of the Territory of Alaska, and concur in the Senate amendments.

The SPEAKER. The gentleman from Vermont asks unanimous consent to take from the Speaker's table House bill 11368 and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk reported the bill by title and read the Senate amendments, as follows:

Page 1, line 5, strike out "$4,400" and insert "$5,600."
Page 1, line 5, after the word "annum," insert "and that of the governor at $10,000 per annum."
Amend the title.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

The title was amended.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word for the purpose of calling the attention of the House to the fact that, although the House turned down a salary of $10,000 for the Governor of Alaska, it has now gone through without objection.

FEDERAL FARM LOAN ACT

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H. R. 12063, to amend section 16 of the Federal farm loan act.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 12063 and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk reported the bill by title and read the Senate amendments.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I understand, the House bill permitted a joint-stock land bank to acquire a number of other joint-stock land banks, but the Senate amendment is restrictive as to the number that may be acquired.

Mr. McFADDEN. In the number of States in which they can operate.

Mr. STAFFORD. As the bill passed the House they were privileged to operate in eight States but the Senate amendment restricts them to five.

Mr. McFADDEN. Yes.

Mr. STAFFORD. And there is also a provision which requires that the States must be contiguous to the parent bank.

Mr. McFADDEN. The gentleman is correct.

Mr. LUCE. Mr. Speaker, reserving the right to object, will the gentleman inform me whether this is what is called the Letts bill?

Mr. McFADDEN. It is not.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

WIND CAVE NATIONAL PARK, S. DAK.

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5248, to extend the boundaries of Wind Cave National Park, S. Dak.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of Senate bill 5248, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the boundaries of Wind Cave National Park in the State of South Dakota are hereby extended to include the lands within the east half of the southwest quarter, southeast quarter section 26, south half of section 25, east half of section 33, township 5 south, range 5 east, and south half section 30, township 5 south, range 6 east, Black Hills meridian, South Dakota, comprising in part a part of the Harney National Forest. Such lands are hereby made a part of Wind Cave National Park and shall hereafter be subject to all laws and regulations applicable to such park.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I recall, the Secretary of Agriculture made some reference to section 33; has that been corrected in the bill as proposed now?

Mr. WILLIAMSON. I may state to the gentleman that the Secretary of Agriculture, from whose department a part of these lands will be transferred, and the Secretary of the Interior agree as to the 1,200 acres referred to in the report, but the Secretary of Agriculture has raised some question as to the 320-acre tract—in his own report here he does not claim that the 320 acres have any value as forest land. The main purpose here is to conserve and add to the water supply of Wind Cave National Park, which is used by the Biological Survey as a game preserve for large herds of elk and buffalo. There are also a considerable number of deer, and, I understand, some antelope within the park.

Mr. STAFFORD. Wherein does this bill differ from the bill sponsored by the gentleman's colleague from North Dakota [Mr. HALL]?

Mr. WILLIAMSON. It has no relation whatever to that bill. Wind Cave National Park is located in South Dakota and has been established as a national park since 1903. It was made a game preserve in 1912, if I remember correctly.

Mr. STAFFORD. I notice that the Secretary states in his report that these lands possess no particular scenic value or other attractions of national-park caliber.

Mr. WILLIAMSON. That is true. It has no great scenic value. This park was established because of a great underground cave, which is visited by great throngs every summer. The surface of the area set aside is used by the Biological Survey for the conservation of buffalo and elk.

Mr. STAFFORD. What will be the extent of the park with this land added?

Mr. WILLIAMSON. I do not recall the area of the park now. The proposed enlargement is to protect the water supply of the Wind Cave National Park. It will also afford some additional grazing ground for the animals.

Mr. STAFFORD. You really have a water supply in South Dakota?

Mr. WILLIAMSON. We shall have an ample water supply if the gentleman will permit us to put this area in the park.

Mr. STAFFORD. I withdraw the reservation of objection, Mr. Speaker.

Mr. GREEN. Mr. Speaker, reserving the right to object, there are only a few hours before this Congress is going to adjourn. Bill after bill is brought up by the Committee on Agriculture, for instance, the oleomargarine bill, and claim bills of all kind, but the chairman of the committee is not calling up our fruit fly claims board bill.

I am interested in this measure and I am in dead earnest about it, because the destiny of Florida people now, financially, rests largely upon passage of this bill.

For many months we have waited for some adjudication of the claims arising as a result of the eradication of the Mediterranean fruit fly in my State, a pest which threatened the entire citrus-fruit industry of all of the States of our Union, a pest which threatened to destroy many other fruits and vegetables of our country. My State suffered the brunt of it. It was eradicated and with it were eradicated many banks of my State and the fortunes of my people. Much of the credit and financial stability of the State was eradicated with it. The fly was eradicated to benefit not only my State but all the States of the Union. We have been able to pass in the Senate a resolution to set up a board, under the Secretary of Agriculture, to receive these claims and make findings on same, the resolution carrying very little appropriation, just enough to partially pay expense of the board's operations.

The House Committee on Agriculture has reported a bill which is very similar. It is not in exactly the same language, but it has the same purpose in mind—to set up a board which would receive the claims and arrive at some method of partial settlement by the Government.

Mr. LaGUARDIA. Will the gentleman yield for a question?

Mr. GREEN. Yes.

Mr. LaGUARDIA. Is the gentleman supporting the bill introduced by Mrs. OWEN—is the gentleman referring to the Owen bill?

Mr. GREEN. That is the bill which the House committee reported. The Senate bill is in substance as the one which I introduced. The Senate bill really should pass. I do hope the Committee on Agriculture will cooperate with us in the last few hours of the Congress and help us to pass the bill and thus allow this board to be set up to receive these claims, and then let the Secretary of Agriculture recommend reimbursement from the Federal Government of such portion of the loss as should be borne by it.

Mr. YON. Will the gentleman yield?

Mr. GREEN. Yes.

Mr. YON. Does this resolution entail any expense on the Government?

Mr. GREEN. Very little expense; and there is now plenty of money in the Treasury to the credit of this fruit-fly eradication fund to defray these expenses, and the Secretary has approved it.

I shall not object to the measure now under consideration, but we must have passage of our bill. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. WILLIAMSON]?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMENDING THE GENERAL LEASING ACT OF FEBRUARY 25, 1920

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. 6128, an identical House bill being on the Speaker's table reported from the Committee on the Public Lands.

The Clerk read the title of the bill as follows:

S. 6128, to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437, U. S. C., title 30, secs. 184 and 226), as amended.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, this would permit the Secretary of the Interior to control the output of oil on certain public lands.

Mr. COLTON. It is not for that purpose.

Mr. STAFFORD. But it does permit that authority.

Mr. COLTON. This measure amends the act of February 25, 1920. It permits the Secretary of the Interior to enter into agreement with other owners to permit what is known as unit development of oil or gas leases on the public domain and thereby control what is now or may be a waste of oil and gas. This is a conservation measure of the highest kind.

Mr. STAFFORD. Will the gentleman explain the extent of the acreage to which this will apply?

Mr. COLTON. There is no way of determining accurately, but it is limited to a comparatively small number of areas where there can be a definite arrangement entered into between owners of adjacent lands.

Mr. STAFFORD. Last year we passed an act——

Mr. COLTON. As indicated, this measure amends the law known as the general leasing act of February 25, 1920, so as to permit what is known as unit development of oil or gas leases on the public domain. This policy was expressed in the act approved July 2, 1930, but was terminated on the 31st of January, 1931. At the time this law was enacted the policy was considered doubtful; therefore, a limitation was placed in the law which automatically terminated it on the above-mentioned date. However, it is now desirable that we make this policy of unit development of oil or gas leases permanent.

A large number of leases are given within a certain geological structure or area which is gas or oil producing. Under the present law each separate locator or lessee or permittee is obliged to drill within the bounds of his particular lease, and if another drills adjacent to him he is obliged to put down offset wells. Thus, a very large and unnecessary expense is incurred in the drilling of the needless wells for the working of the entire claim. The provisions of this bill will reduce the cost of carrying on the development necessary to take oil out of the claim.

Under the provisions of this proposed measure the Secretary of the Interior is authorized at all times either to extend or restrict the amount of oil or gas which would prevent an excessive supply from flooding the market. At the present time when an enormous production of both oil and gas is encountered, so that for the immediate future the market is glutted, an arrangement to have the work done systematically and to put the material out as the market demands is impossible because those lessees or permittees adjoining can limit production. This bill gives the Secretary of the Interior authority to restrict or extend production in such cases.

This measure further authorizes the approval by the Secretary of the Interior of operating, drilling, or development contracts by permittees or lessees, regardless of acreage limitations, whenever the policy of conservation or the public necessity or convenience will be promoted. This departure is intended to permit pipe-line companies to enter into contracts with permittees or lessees in number sufficient to justify the construction of such pipe lines and to finance the same.

Mr. STAFFORD. But that only applied to one reservation.

Mr. COLTON. It applied to a small experimental acreage, so to speak, and the law expired January 31 of this year. This act will make the law permanent and give the Secretary the right to continue the agreement which he has found to be very successful in that field.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

To amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended

Be it enacted, etc., That sections 17 and 27 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended, are amended and reenacted to read as follows:

"SEC. 17. That all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in units reasonably compact of not exceeding 640 acres, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per cent in amount or value of the production, and the payment in advance of a rental of not less than $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year.

"Leases shall be for a period of 20 years with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the department having jurisdiction thereof, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That any lease heretofore or hereafter issued under this act that has become the subject of a cooperative or unit plan of development or operation of a single oil or gas pool, or area, or other plan for the conservation of the oil and gas of a single pool or area, which plan has the approval of the Secretary of the department or departments having jurisdiction over the Government lands included in said plan as necessary or convenient in the public interest, shall continue in force beyond said period of 20 years until the termination of such plan: *And provided further*, That said Secretary or Secretaries shall report all leases so continued to Congress at the beginning of its next regular session after the date of such continuance.

"Any cooperative or unit plan of development or operation which includes land owned by the United States shall contain a provision whereby authority, limited as therein provided, is vested in the Secretary of the department or departments having jurisdiction over such land to alter or modify from time to time in his discretion the quantity and rate of production under said plan. The Secretary of the Interior is authorized, whenever he shall deem such action necessary or in the public interest, with the consent of lessee, by order to suspend or modify the drilling or producing requirements of any oil and gas lease heretofore or hereafter issued, and no lease shall be deemed to expire by reason of the suspension of production pursuant to any such order. Whenever the average daily production of any oil well shall not exceed 10 barrels per day the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the well can not be successfully operated upon the royalty fixed in the lease. The provisions of this section shall apply to all oil and gas leases made under this act.

"SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage 2,560 acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate 7,680 acres granted hereunder in any one State, and not more than 2,560 acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal or to increase the acreage which may be acquired or held under section 17 of this act: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest, and the Secretary of the Interior is thereunto authorized, in his discretion, with the consent of the holders of leases or permits involved, to establish, alter, change, or revoke drilling, producing, and royalty requirements of such leases or permits, and to make such regulations with reference to such leases and permits with like consent on the part of the lessee or lessees and permittees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such public interest: *And provided further*, That when any permit has been determined to be wholly or in part within the limits of a producing oil or gas field which permit has been included, with the approval of the Secretary of the Interior, in a unit operating agreement or other plan under this act the Secretary of the Interior may issue a lease for the area of the permit so included in said plan without further proof of discovery: *Provided further*, That the Secretary of the Interior is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more permittees or lessees in oil or gas leases or permits, with one or more persons, associations, or corporations, whenever in his discretion and regardless of acreage limitations provided for in this act, the conservation of natural products or the public convenience or necessity may require it or the interests of the United States may be best subserved thereby: *And provided further*, That except as herein provided, if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise, to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings: *And provided further*, That nothing in this act shall be construed as affecting existing leases within the borders of the naval petroleum reserves or agreements concerning operations thereunder or in relation to the same, but the Secretary of the Navy is hereby authorized, with the consent of the President, to enter into agreements such as those provided for herein, which agreements shall not, unless expressed therein, operate to extend the term of any lease affected thereby."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

LOSSES RESULTING FROM THE ERADICATION OF THE MEDITERRANEAN FRUIT FLY

Mrs. OWEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 6119) to provide for an investigation and report of losses resulting from the campaign for the eradication of the Mediterranean fruit fly and consider the same, a similar House bill being on the calendar.

Mr. SNOW. I object. I will reserve the objection, if the gentleman from Iowa wishes to speak.

Mr. HAUGEN. Would the lady from Florida be willing to amend the bill to conform with the House bill reported out by the committee?

Mrs. OWEN. I would be very glad to.

Mr. Speaker, may I say that this bill if amended according to the suggestion of the gentleman from Iowa provides only for a survey on the part of the Department of Agriculture.

Mr. SNOW. In other words, it is the House bill.

Mrs. OWEN. It is the House bill, which provides for a survey of the losses sustained by the growers of Florida owing to the campaign for eradication of the Mediterranean fruit fly.

Mr. SNOW. Is not a bill pending for losses sustained to fruit and vegetables by farmers by reason of the eradication of the fruit fly, and for those losses sustained to be paid for by the Federal Government?

Mrs. OWEN. May I say that the bill as it stands has the approval of the Secretary of Agriculture? The Secretary not only approves the bill authorizing a survey but makes the amendment that $50,000 be placed in the hands of the Department of Agriculture for the purpose of making the survey.

Mr. STAFFORD. And those losses might run into the millions.

Mrs. OWEN. We want to find out what the total losses have been.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman from Maine yield?

Mr. SNOW. Yes.

Mr. SCHAFER of Wisconsin. If the gentleman is not going to object to the consideration of this bill, would he approve an amendment providing for an investigation to determine the loss to the brewing industry caused by the Federal Government driving the industry out of existence through the enactment of the Federal prohibition laws?

Mr. STAFFORD. That is an instance of direct National Government action.

Mr. SCHAFER of Wisconsin. Yes; and such an amendment would be just as reasonable as the bill now under discussion.

Mr. STAFFORD. More reasonable.

Mr. SCHAFER of Wisconsin. Absolutely.

Mrs. OWEN. The measure under discussion has a precedent in the action taken after the destruction of uninfected cattle on account of foot-and-mouth disease. The Federal Government made a survey of the losses occasioned to the growers of cattle and cooperated with the States in reimbursing those losses. The pink bollworm is another parallel instance.

Mr. CRAMTON. Mr. Speaker, I have a great measure of sympathy for this resolution, but I am not quite prepared to go as far as the resolution does. So far as the statement the lady has just made is concerned, let me call her attention to the fact that in those cases where one cow was infected they did not go out and destroy a lot of pigs simply because some cows were infected. In Florida very considerable loss was occasioned by the destruction of vegetables, when there was no evidence of any infestation shown in any vegetables whatever in Florida.

Mrs. OWEN. And by whom was that destruction ordered?

Mr. CRAMTON. In my judgment it was ordered by the State of Florida.

Mrs. OWEN. It was not. It was ordered by the Bureau of Entomology, with the cooperation of the plant board of my own State. If my State had refused to cooperate with the Federal authorities would the gentleman feel they would have been more entitled to reimbursement than when they cooperated with the Federal Government?

Mr. CRAMTON. I have a measure of sympathy for the survey, but I think there should be a limit to the responsibility of the Federal Government for the loss. I think it was demonstrated in the hearings that this particular loss I speak of on account of vegetables destroyed that were thought might be host plants was under State law, ordered by a State board, and the truth is the whole campaign was dominated by the State of Florida Plant Board. There are some people down there whose losses I would like to see paid, but I do not want the whole responsibility on the Federal Government, with a multitude of claims that would cover all the different kinds of damage, some of which was more the responsibility of State than of the Federal Government.

Mrs. OWEN. May I suggest to the gentleman that his point might be covered by an amendment simply requiring a survey of the losses suffered to the growers in the destruction due to the Mediterranean fruit-fly campaign and not placing the responsibility on any one agency?

Mr. CRAMTON. I have so much sympathy for some of those poor people whose property was destroyed without reason or justification that if it is understood that the passage of this resolution does not determine the responsibility financially of the Federal Government and the words "by the Federal Government" are dropped out, then, personally, I am prepared to vote for a survey, it being understood that the question of responsibility is to be determined hereafter as well as the extent of the loss.

Mrs. OWEN. I will be very glad to accept such an amendment.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I demand the regular order. This bill is going to be objected to anyway. I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. SNOW. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

STATISTICS RELATING TO CRIME, ETC.

Mr. ALDRICH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1812) to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Director of the Census be, and hereby is, authorized to compile and publish annually statistics relating to crime and to the defective, dependent, and delinquent classes.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, under this will statistics be gathered in reference to the increase in crime under the eighteenth amendment and the sumptuary prohibition laws enacted on account of that amendment?

Mr. STAFFORD. Oh, that is the very purpose of the compilation of the statistics, and to determine the increase in lunacy occasioned by the enactment of those laws.

Mr. LAGUARDIA. And the ramification of crime created by the attempted enforcement of the law. That is the very purpose of it.

Mr. SCHAFER of Wisconsin. In view of the statement of our distinguished colleagues who are opposed to these sumptuary prohibition laws, Mr. STAFFORD and Mr. LAGUARDIA, and the silence of the Member calling the bill up, who I understand at the present time is in favor of them, I shall not object.

Mr. CELLER. Mr. Speaker, reserving the right to object, I would like to have a brief statement of what the compilation provides.

Mr. ALDRICH. For the last three years the Bureau of the Census has been compiling these statistics under the authority of the Secretary of the Treasury. They want legislative authority now to continue compiling these statistics.

I am calling this up at the request of the chairman of the Committee on the Census, who was obliged to see his physician this afternoon. As I understand, all the hospitals of the country, particularly those in charge of hospitals for mental diseases, are very anxious to have this work continued, because it gives them very valuable information.

Mr. CELLER. It is not limited to crime statistics, is it?

Mr. ALDRICH. No. It is delinquent, feeble-minded, and dependents.

Mr. PATTERSON. Reserving the right to object, I would like to ask the gentleman from Rhode Island this question: Can the gentleman assure us that these statistics will be as concise and direct and definite as other commission's reports we have had along this line?

Mr. ALDRICH. I have no exact information on that subject.

Mr. LAGUARDIA. All they will have to do is to count in this instance.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PENSIONS FOR CERTAIN WIDOWS OF SOLDIERS AND SAILORS

Mr. KOPP. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17262) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The gentleman from Iowa [Mr. KOPP] moves to suspend the rules and pass the bill H. R. 17262, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Marie M. Colby, widow of Brig. Gen. Leonard W. Colby, late of the United States Army, war with Spain, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Bertha H. McArthur, widow of Col. John C. McArthur, late of the United States Army, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eleanora Emma Bliss, widow of Gen. Tasker H. Bliss, late of the United States Army, Regular Establishment, and pay her a pension at the rate of $200 per month.

The name of Zenobia Blanche Sniffen, widow of Brig. Gen. Culver C. Sniffen, late of the United States Army, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary R. Dickman, widow of Maj. Gen. Joseph T. Dickman, late of the United States Army, Regular Establishment, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The name of Helen K. Snowden, widow of Rear Admiral Thomas Snowden, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Thomas E. Cruess, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Willoughby Osterhaus, widow of Rear Admiral Hugo Osterhaus, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The name of Nancy Ann Whitehead, widow of James Whitehead, late of Capt. James C. Thompson's company, of Stoddard and Dunklin Counties, Volunteer Missouri Militia, Civil War, and pay her a pension at the rate of $12 per month.

The SPEAKER. The Chair will say that while this is in form a private bill, it provides for pensions for a number of widows of Regular Army men, and in view of the Senate having passed several bills of that nature, the idea of the committee is to combine these into one bill, so the Chair thinks that is a fair exception to the rule he laid down.

Mr. RANKIN. Mr. Speaker, I demand a second.

Mr. SABATH. I demand a second.

The SPEAKER. The Chair will recognize a member of the committee, preferably, to demand a second.

Mr. RANKIN. Mr. Speaker, I demand a second.

Mr. SABATH. Is the gentleman from Mississippi opposed to the bill?

Mr. RANKIN. I am opposed to the bill.

Mr. KOPP. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Iowa is recognized for 20 minutes and the gentleman from Mississippi [Mr. RANKIN] for 20 minutes.

Mr. KOPP. Mr. Speaker, ladies and gentlemen, during the session of Congress which is just closing the Committee on Pensions had referred to it quite a number of bills to increase pensions of widows of deceased officers. After considerable reflection we concluded it would be the better policy, instead of considering these bills singly each time and passing on each one singly, to consider them together and then incorporate those upon which we acted favorably in one small omnibus pension bill. This bill is the result of that policy.

In this bill are included five widows of deceased Army officers and two widows of deceased naval officers. I might say by way of explanation that it also includes an increased pension for one private and an original pension for one widow of a private. These were included to correct inadvertent errors in the previous omnibus pension bill.

In passing on these bills the Committee on Pensions took into consideration, among other things, the age, health, needs, and financial condition of the widows and to some extent the services of the officers. The Senate has passed bills for four of these widows, and for three of them the Senate rates are larger than ours, while for the remaining one the rates of the Senate and the House are the same. This committee is conservative in the matter of granting pensions to widows of officers.

Mr. STAFFORD. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. STAFFORD. I think the House would be interested if the gentleman will acquaint the Members with what pensions they are now receiving.

Mr. KOPP. These widows are all entitled to $30 a month, according to law. All of these officers served in the Spanish-American War and these widows are all receiving, or are entitled to receive, $30 a month.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. SCHAFER of Wisconsin. I notice one of the widows is granted a pension of $200 a month under the provisions of this bill. Is she now receiving $30 a month? I notice she is a widow of a World War officer, but up to this date there are many widows of World War veterans, one in my district with five children, who is destitute, and this Congress has not even considered a pension for the widows of World War veterans who die of nonservice-connected disabilities or disease.

Mr. KOPP. I may say to the gentleman from Wisconsin [Mr. SCHAFER], who is always very earnest about matters of this kind, that the widow of General Bliss was pensioned by us not because of his service in the World War. That had no connection with it. The widow is entitled to a pension of $30 a month as the widow of an officer of the Spanish-American War.

The House Committee on Pensions fixed her pension at $200 a month. In the Senate a bill was passed granting her $5,000 a year, or $416.66 a month.

Mr. YON. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. YON. Is it a fact that the widow of one general, a major general, is now drawing $5,000 a year as a yearly pension?

Mr. KOPP. That is true.

Mr. YON. That is Mrs. Wood?

Mr. KOPP. Yes; Mrs. Wood. She was granted a pension by Congress of $5,000 a year.

Mr. YON. Does the record of the financial condition of Mrs. Bliss show her to be as well fixed financially as Mrs. Wood?

Mr. KOPP. I hesitate to make comparisons, but the committee thought this was a fair pension, considering all the circumstances, the services of General Bliss, and all the conditions that had to be considered.

The committee secured all the information possible about these cases and considered them with the utmost care. We believe this bill is meritorious and deserves your support.

Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Speaker, in view of the reference that has been made to the widow of Gen. Tasker H. Bliss, may I call the attention of the House to the fact that General Bliss was probably a figure second only to General Pershing in the Great War. He was a member of the Supreme Council with Lloyd George and Clemenceau, which had many supreme decisions to make involving the war effort of the United States. The Senate, as has been referred to, passed a bill carrying a pension of $5,000 for his widow, who is 77 years of age and very, very moderately off.

Mr. YON. What is Mrs. Bliss's income?

Mr. WAINWRIGHT. It is a trifling amount.

Mr. YON. It is hardly $100 a month.

Mr. WAINWRIGHT. That is true; and she has, in any event will have, a comparatively few years to enjoy whatever pension may be provided for her. In my judgment the amount at which her pension has been fixed, in view of the pension accorded to Mrs. Wood, and other prominent military figures in our history, is altogether too low, and I am rising to express the hope that in the future her pension may in some way be equalized with those of Mrs. Wood and of Mrs. Funston and the widows of other very distinguished soldiers. General Bliss, as we all know, will always stand out in history as one of the great and prominent figures of our effort in the World War.

Mr. RANKIN. Mr. Speaker, I have not studied the merits of this bill, but I rise to protest against the passage of a measure of this kind. I am not so much concerned with this bill as I am with the fact that this Congress is about to adjourn without doing a single thing on earth for the widows and orphans of the World War, whom you left out of the bill last year.

We have throughout this land to-day thousands of widows of the World War and thousands of orphan children of the World War who are destitute, who are penniless, who are not drawing a penny, and who are entitled to just as much consideration as the widows of these generals and these higher ranking officers in the Army.

Last year you killed what was called the Rankin bill. That would have taken care of these widows and orphans. You rushed through, under suspension of the rules, a bill to pension the men, but you left the widows and orphans out entirely, and here you sit at the end of a Congress with a bill on the calendar that gives to these widows and orphans a small amount, not over $20 a month for the widows and $6 for each orphan, and you are unwilling to let that bill pass the House, although the Senate would pass it within 20 minutes.

I would like to have the attention of the gentleman from Pennsylvania [Mr. SWICK]. The gentleman from Pennsylvania was designated to report that bill. If that bill had been turned over to me I would have harassed this House until I would have been recognized to have passed it under suspension of the rules.

A few days ago the gentleman from Massachusetts [Mr. CONNERY] told you of a widow who for 10 years nursed a blind veteran whose eyes were shot out on the western front; but when he died it was from another malady, so that she could not draw his compensation. Therefore she is shut out, although her health is broken, the best years of her life are gone, and she can not draw a penny. Yet you come along here and pension the widows of generals at $200 a month and shut the doors of hope in the face of that widow.

There are to-day widows of the World War dying from tuberculosis contracted in the nursing of husbands, if you please, who contracted their disabilities in the service, even though they were not able to prove it; and because they could not prove it or died from some other malady those widows and orphans are shut out. Those widows and their children are shut out without a single penny while you pension the widows of officers at $200 a month.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. SCHAFER of Wisconsin. The committee report indicates that this officer's widow who is to get $200 a month pension under this bill now has $26,000 in bonds, $5,000 of insurance, $1,900 in cash, a home place in Pennsylvania, and a home place in Washington.

Mr. RANKIN. It is a wonder to me, then, they did not make it $300 a month; but if she had been some poor widow of a World War veteran, living out in some remote locality, she might have died and her children gone to the poorhouse.

You can do as you please. This is up to the Congress of the United States. You can go home, if you want to, with this flagrant injustice on your hands, but I want to tell you now that you have not heard the last of it.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. O'CONNOR of New York. When was the Swick bill reported out of the committee?

Mr. RANKIN. Oh, it was reported several days ago—about 10 days ago.

Mr. O'CONNOR of New York. Did the committee direct the gentleman or anyone else to apply to the Rules Committee?

Mr. RANKIN. We directed him to use every possible parliamentary means to bring the bill to the House and put it on its passage.

Mr. O'CONNOR of New York. The reason I ask the question is because I have been flooded with telegrams saying that the Rules Committee has held up this bill. Of course, I never saw the gentleman from Pennsylvania [Mr. SWICK] in the Rules Committee, and I have never heard the bill mentioned in the Rules Committee.

Mr. RANKIN. There sits the gentleman from Pennsylvania [Mr. SWICK] and I would like to know.

Mr. O'CONNOR of New York. There are members of the Rules Committee who would have given the gentleman all the assistance possible to get the bill up here, but, of course, we in the minority do not control what happens in the Rules Committee.

Mr. SWICK. If the gentleman will yield, I set forth in the RECORD a few days ago just what I had done to bring this bill before the House. I appeared before the Rules Committee and used every means I could to bring the matter up.

Mr. O'CONNOR of New York. Did the gentleman appear before the Rules Committee?

Mr. SWICK. I did.

Mr. O'CONNOR of New York. At a hearing?

Mr. SWICK. I appeared before the Rules Committee; yes.

Mr. O'CONNOR of New York. What date was that?

Mr. SWICK. About a week or 10 days ago—on Saturday last.

Mr. O'CONNOR of New York. That Saturday we held continued hearings on measures. It has never been mentioned after that.

Mr. RANKIN. Let me say to the gentleman from Pennsylvania [Mr. SWICK] that he will never get anywhere "pussyfooting." This is a battleground, this is no petting party. If you want to get anywhere with legislation here, especially for the unfortunate, the disabled, their widows and orphans, Mr. SWICK, you are going to have to come in here and battle for it, and that is what we delegated the gentleman to do.

Mr. SCHAFER of Wisconsin. Will the gentleman yield so that I may ask a question to obtain information as to the present status of the hospital bill, and to find out whether the gavel is going to fall and this Congress adjourn and another winter come upon the veterans with hospitalization denied them, due to the fact that a few Republican members of the conference want to jeopardize the whole bill in order to stand by an allocation in a committee report?

Mr. RANKIN. Oh, I will say to the gentleman from Wisconsin that the hospital bill is in the lap of the Republican conferees, and, as has been said before, we Democratic Members of the House who are on the conference are willing to go either way to bring the bill out, but they are killing the bill and they are going to take the responsibility for it.

Mr. SCHAFER of Wisconsin. Does the gentleman know any reason why the conferees can not at this late hour bring that bill back to the House and get an expression of opinion from the membership on whether to accept the Senate amendments or not. Are they afraid of the will of the House?

Mr. RANKIN. I do not know what they are afraid of; but I know one thing: If they do not want to bring down on themselves the eternal condemnation of the people of this country, they would better either make a report or report a disagreement and ask for an expression by the House.

Mr. SCHAFER of Wisconsin. As a Republican, I will state that I heartily agree with the gentleman.

Mr. RANKIN. I am glad to hear that.

Now, Mr. Speaker, I do not propose to even attempt to analyze the present bill; but I want to say that there is not an American Legion post in the United States, so far as I know—and I defy any man to point to one—there is not a Disabled Veterans' post throughout the country, there is not a post of the Veterans of Foreign Wars that is not in favor, 99 per cent of them having expressed themselves, of bringing out and passing at this session of Congress a bill for the unfortunate widows and orphans of veterans of the World War. You have this within your power. The gentleman from Pennsylvania [Mr. SWICK] has the bill in his possession. It is on the calendar. We can pass it in 30 minutes, and the Senate will be glad to pass it immediately.

I want to tell you now that if you do not pass that bill, you need not get the idea you are going home and escape by seeking any parliamentary storm cellar that the average American does not understand.

Mr. SIMMONS. Has the Senate acted upon that bill?

Mr. RANKIN. The Senate has not. The bill originated in the House.

Mr. SIMMONS. Has there been a similar Senate bill introduced?

Mr. RANKIN. No; but that does not make any difference, Mr. SIMMONS. We can pass it here whether it has been introduced in the Senate or not. It can then go to the Senate and pass there.

Mr. OLIVER of Alabama. And could not that be considered as emergency legislation?

Mr. RANKIN. Why, of course it is emergency legislation. Appeals are coming to us from the unfortunate widows and orphans of these men. When they see Spanish-American War veterans' widows taken care of, when they see the widows of the veterans of the War of 1812 still on the pension roll, when they see the widows of the veterans of the Civil War taken care of, when they see the emergency officers of the World War drawing pensions of $450 a month, as a result of your vote to override the President's veto, when they see you come here and pension a widow worth $25,000 and owning a home in Pennsylvania, is it any wonder that these women, these widows and orphans whose husbands and fathers, if you please, sacrificed their health, if not their lives, in the service of their country, will feel, and the American people generally will feel, that Congress has been derelict in its duty to these people to whom we owe as high a duty as we do those for whom Congress has so amply provided. [Applause.]

I yield to the gentleman from Alabama.

Mr. JEFFERS. The bill reported out of the Veterans' Committee may be considered emergency legislation but let me say that the bill is the result of long and careful consideration on the part of the subcommittee, and met with the approval of the entire committee. It originated in the House, and it should be passed by this body first.

Mr. CONNERY. Will the gentleman yield?

Mr. JEFFERS. Yes.

Mr. CONNERY. I can not remember in the eight years that I have been here of voting against any pension legislation in this House, but I can not vote for this bill while the widows and orphans' bill is held up.

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker and gentlemen, in the last few months I have had hundreds of appeals from widows of World War veterans who are in want and who have pleaded with me to see whether some relief could not be secured for them. I have assured them that I will do all in my power to bring about such relief. I say that I was hopeful that this relief would be forthcoming; but in lieu of bringing forward a bill for their relief, such as these unfortunate women and children have been expecting, they introduce a bill providing for the pensioning of these widows of a few generals and colonels, and, inadvertently, as the gentleman from Iowa says, with another provision of $12 per month for a widow of a private. I was wondering whether or not the fact that the Republican Party has failed to propose any legislation for the relief of so many of our World War veterans is, perhaps, because of their dislike for the names of many of these men who enlisted and served the Nation in time of war.

I want to assure you that it has been shown and demonstrated that they are equally as loyal, patriotic, and courageous as some of these other men, whose names are more favored by you.

I hope that is not the reason, but I strongly suspect this to be the underlying basis of the discrimination in this much-desired and needed legislation.

I was hopeful that we might enact a relief hospitalization bill. I know in my own city there are 1,600 men who have been pleading and trying to secure admission into these hospitals, but this has been denied them because of lack of adequate room.

I think it is manifestly unjust and unfair not to provide for these people who are in want; for the widows of the World War veterans and for the starving women and children; and yet take care of the widows of higher officials—generals, colonels, and rear admirals—who happen to be in need of assistance.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. KOPP. Mr. Speaker, I yield myself five minutes additional.

Mr. Speaker and Members of the House, I have no desire to go into details concerning the infirmities and needs of these widows, but the discussion rather makes it necessary for me to refer to them.

There are about 150 widows of officers on the pension roll drawing from $35 a month to $5,000 a year. In this list there is the widow of Brigadier General Colby. She will draw $50 a month under this bill. She is receiving $30 a month as the widow of a Spanish War veteran. Under this bill Zenobia Sniffin, the widow of Brig. Gen. Culver C. Sniffin, will receive $50 a month. She now draws $30 a month as the widow of a Spanish War veteran.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. KOPP. May I just finish this list?

Mr. SIMMONS. We have the list before us. I think I can ask the question which is in the minds of a whole lot of Members on this side of the House.

Mr. KOPP. I yield.

Mr. SIMMONS. Without regard to the list, running from $50 a month to $200 a month, for widows of officers, will the gentleman tell us why the widow of an officer should receive a greater pension than the widow of an enlisted man?

Mr. KOPP. That has been the policy of Congress in many cases. Congress and not the committee established that policy.

Mr. SIMMONS. Without regard to what they are, why should the widow of an officer get more than the widow of an enlisted man?

Mr. KOPP. It has been the policy of this Government for many years to grant additional pensions to the widows of officers if they needed them. In this case, General Sniffin's widow will receive $50 a month. In the case of General Dickman's widow, the Senate passed a bill for $100 a month. She is now drawing $50 a month, and this committee has placed her pension at $75 a month. Mrs. Snowden, the widow of Rear Admiral Thomas Snowden, under this bill will receive $50 a month.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. KOPP. Yes.

Mr. HUDDLESTON. Will the gentleman tell us why Mrs. Snowden should receive only $50 a month whereas Mrs. Osterhaus is to receive $75 a month, when their husbands had the same rank?

Mr. KOPP. The committee considered these matters very carefully, and I think I can explain it satisfactorily to the gentleman from Alabama. Mrs. Osterhaus to-day is older and in much poorer health than is Mrs. Snowden. There is a very distinct difference between the two. If the gentleman had all of the information before him, the affidavits, and so forth, I am sure that he would agree that this is just.

Mr. HUDDLESTON. Then, the committee has endeavored to fix the amount based upon the needs of the widows?

Mr. KOPP. Yes; to some extent.

Mr. HUDDLESTON. With reference to the last one on the list, the widow of James Whitehead, there is a pension allowed of $12 a month. Are not her needs equal to those of these other women?

Mr. KOPP. She was to be included in the previous omnibus pension bill, and inadvertently was left out. For that reason she was included in this bill.

Mr. SCHAFER of Wisconsin. If you base the amount on the needs, then why is it that the widow of a general who has $26,000 in bonds, $5,000 of insurance, $1,800 in cash, a home in Pennsylvania, and a home in Washington should get $200 a month, while the widow of a buck private in the rear ranks gets only $12 a month.

Mr. KOPP. I will answer that question. The gentleman refers to Mrs. Bliss. In the case of Mrs. Bliss, the Senate passed a bill for $5,000 a year. It is true that the estate has something like $26,000 in securities, but General Bliss a few years before his death purchased a house at what seemed to the committee to be a high price. All of these securities were pledged to secure the encumbrance on the house.

Mr. RANKIN. Mr. Speaker, the gentleman is making a very interesting argument, but does not he think that a widow 35 to 40 years of age with a family of small children would be just as much entitled to a pension, where her husband served honorably in the war, as one of these widows who is 50 or 60 years old?

Mr. KOPP. We are simply passing on the matter according to precedent. There are 150 cases in the Pension Office now. Our committee secured a list. The committee has been conservative in this matter. General Bliss bought a house costing $22,000 or $23,000. We were told that all these securities were pledged for the payment of that house, which has now largely decreased in value. Mrs. Bliss is a widow about 78 years of age. She is deaf and is unable to take care of herself. The Senate was so moved by this situation that it insisted on making the pension $5,000 a year, the same as the pension of the widow of General Wood.

Mr. HOLADAY. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. HOLADAY. I would like to have the gentleman compare and explain why it is that the widow of a general, with $33,000 worth of property in addition to two homes, draws $200.

Mr. KOPP. That is what I am explaining.

Mr. HOLADAY. While the widow of a private with $300 worth of property and no income at all is only allowed $12. Can the gentleman distinguish between those two cases?

Mr. KOPP. This House distinguished those two cases when it voted a pension for the widow of General Wood. The House set a precedent then. The House refused to follow the committee. The House voted the committee down and raised the pension to $5,000.

Mr. PATTERSON. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. PATTERSON. Can the gentleman defend these pension bills in view of the fact that somebody, in large part, somewhere is killing the pension bill for the widows and orphans of the World War veterans?

Mr. KOPP. I am discussing what this Pension Committee has done and not what others are doing.

Mr. PATTERSON. Well, does the gentleman approve of that legislation?

Mr. KOPP. That is not the issue here. I shall not enter into any controversy about what has been done in other committees. I am confining myself to this committee, which followed the precedents as a conservative committee and decreased the pensions instead of increasing them.

Mr. YON. Will the gentleman yield?

Mr. KOPP. I yield.

Mr. YON. It was my pleasure to talk to the attorney who wound up the estate of General Bliss. He told me there was about $5,000 clear of the indebtedness of the estate, besides $5,000 insurance, and he said there would be about $100 a month income to Mrs. Bliss. Is that the gentleman's understanding of the statement of the financial condition of Mrs. Bliss?

Mr. KOPP. My understanding is that all the assets are pledged for a debt on the house, but that arrangements have been made to let her have the income as long as she lives, so that she will have about $100 a month income.

Mr. RANKIN. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, in my time I would like to ask the Republican leader if we are to believe that the Republican leadership of this House is going to let the veterans' widows and orphans bill die before we adjourn Congress?

Mr. TILSON. Is there a bill pending?

Mr. CONNERY. We have had the bill unanimously reported from the Committee on World War Veterans' Legislation and instructions were given Doctor SWICK to use every parliamentary procedure possible to have the bill given consideration. First it was attempted to secure a rule. That could not be done. The gentleman has not been recognized by the Speaker under suspension to pass the bill, and we would like to know if you are going to let this legislation die?

Mr. TILSON. If a bill is not pending I am afraid its chances are rather slim, because it is a rather important matter.

Mr. RANKIN. The bill is pending.

Mr. TILSON. If it is actually pending before the House at this moment——

Mr. RANKIN. Oh, no.

Mr. JEFFERS. May I ask the gentleman a question?

Mr. CONNERY. I yield.

Mr. JEFFERS. Can it not be considered as pending as an emergency matter, under the rule laid down?

Mr. TILSON. I do not so understand the ruling.

Mr. CONNERY. I said a few minutes ago that I intended to vote against this bill presented by Mr. KOPP; I mean this bill we are now considering. I have changed my mind. I can not get the heart to vote against any poor woman who is getting $200 a year income and is going to be given the princely sum of $30 a month. I could not vote against a proposition of that kind, so I am going to vote for this bill, but I want to protest vehemently against the House of Representatives not getting the opportunity to vote to protect the widows and little children of World War veterans who died on the field of battle and of men who died in the service of their country. You are going to let them go hungry.

Mr. SIMMONS. Will the gentleman yield?

Mr. CONNERY. Yes; I yield to the gentleman from Nebraska.

Mr. SIMMONS. The gentleman says "the widows of men who died on the battlefield." The gentleman knows that every service-connected death case is now being cared for.

Mr. CONNERY. Yes; that is true. But men came home wounded from battle, disabled, and then died a month after they got back here. Their widows are just as much entitled to a pension as if they had been killed on the field of battle.

Mr. SIMMONS. I am just as heartily in favor of that bill as the gentleman is, but let us tell the truth about it.

Mr. LaGUARDIA. They are not service connected.

Mr. CONNERY. We have had men before the Veterans' Bureau for months and months, trying to get service connection, and they were unable to do so. Their widows and children must suffer as a result.

Mr. YON. Will the gentleman yield to me?

Mr. CONNERY. I yield.

Mr. YON. I wish to join the gentleman in his protest.

The SPEAKER. All time has expired. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

AMENDMENT OF PUBLIC ACT NO. 624

Mr. DENISON. Mr. Speaker, by authority of the Committee on Interstate and Foreign Commerce I ask unani-

mous consent for the present consideration of the bill (S. 6263) to amend Public Act No. 624, Seventy-first Congress, which is an emergency matter, and is simply an amendment to a bill that was passed recently, providing for a bridge across one of the rivers in Nebraska. I do this at the request of Senator HOWELL.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of Public Act No. 624, Seventy-first Congress, is amended by adding before the period at the end thereof a colon and the following proviso: "*Provided*, That no such city or county shall exercise any rights or powers herein granted unless and until a majority of the electors of such city or county, voting at a general election, shall have expressed their approval of the exercise of such rights or powers, or if a special election is held therefor, unless and until 60 per cent of the electors voting at such election shall have expressed their approval of the exercise of such rights and powers."

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what does this bill do?

Mr. DENISON. This bill amends a bill that was passed some time ago authorizing the city of Omaha, or the county of Omaha, to build a bridge. It is Senator HOWELL's bill. Senator HOWELL desires the bill amended by adding a provision which requires the bond issue to be submitted to the people.

Mr. LAGUARDIA. That is none of our business.

Mr. DENISON. He thinks it is. He put it through the Senate and asked me as a favor to him, because it is a matter of great emergency, to try to get it through the House, and the Committee on Interstate and Foreign Commerce has authorized this action.

Mr. LAGUARDIA. It is none of our business, nevertheless.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, has the State in question any provision in its basic law under which a referendum can be held?

Mr. DENISON. I think so.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ACQUISITION OF ADDITIONAL LAND FOR ENLARGING THE CAPITOL GROUNDS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5989) to authorize the acquisition of additional land for enlarging the Capitol Grounds.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of Senate bill 5989, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (1) of section 2 of the act entitled "An act to provide for the enlarging of the Capitol Grounds," approved March 4, 1929, as amended, is amended by adding after the first sentence thereof the following: "The Architect of the Capitol is authorized to acquire in like manner for such purposes all or any part of the lands, including buildings or other structures, in lot 801 of square 574 and lot 821 of square 630 as such squares appear on the records of the office of the surveyor of the District of Columbia as of the date of the approval of this amendatory act.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, what land do you have to acquire? Is this bill for the benefit of real-estate speculators?

Mr. ELLIOTT. No. I will tell the gentleman what it is. The bill for the enlarging of the Capitol Grounds provides for the extension of a street from the Columbus Monument in front of the Union Station to a point at about Second Street on Pennsylvania Avenue, which the other day was named Louisiana Avenue. They now find that in order to make this street it is necessary to take the end off of a lot and that it will be necessary to put a new front on a building. This land abuts out into this street.

Mr. SCHAFER of Wisconsin. How much will it cost?

Mr. ELLIOTT. Well, in the neighborhood of $15,000 to fix the building.

Mr. SCHAFER of Wisconsin. Is it one of these 80-year-old buildings?

Mr. ELLIOTT. No. It is a 4-story brick building, the lower floor of which is leased to an indoor golf course and the upper floor is in use as a paper-box factory. This is just an estimate as to what it will cost. Everybody who has had anything to do with it has figured that it will cost about $15,000 to refront this building.

Mr. SCHAFER of Wisconsin. It may cost $15,000, but if we are to take past experience as a guide the actual cost may be $15,000, but perhaps the Government will be looted to the tune of five or six times that amount.

Mr. ELLIOTT. All they want to do is to take enough of this land in front of this building, where it abuts into this street, in order to make the street itself.

Mr. LAGUARDIA. It is merely the widening of a street.

Mr. ELLIOTT. It is the building of a new street across there and it is necessary to take this little bit of land.

Mr. STAFFORD. Mayhap the gentleman will remember that the other day a large map was brought into the Chamber by the gentleman from Massachusetts.

Mr. LAGUARDIA. And it was removed.

Mr. STAFFORD. It was removed, but that map showed the land that was to be taken off.

Mr. LAGUARDIA. It is like a wart on a man's nose, and you want to remove it?

Mr. ELLIOTT. Yes.

Mr. SCHAFER of Wisconsin. Does the gentleman believe it will not cost more than $15,000?

Mr. ELLIOTT. That is my information, that it will not. Of course, I can not always tell.

Mr. LAGUARDIA. If it does, the gentleman will check it in the General Accounting Office afterwards, so we are perfectly safe.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

CHANGE IN THE DESIGN OF THE QUARTER DOLLAR

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6103) to authorize a change in the design of the quarter dollar to commemorate the two hundredth anniversary of the birth of George Washington.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of Senate bill 6103, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of section 3510 of the Revised Statutes, as amended, the Secretary of the Treasury is authorized and directed, for the purpose of commemorating the two hundredth anniversary of the birth of George Washington, to change the design of the 25-cent piece so that the portrait of George Washington shall appear on the obverse, with appropriate devices on the reverse, of said piece. The new coins shall be issued for general circulation beginning in 1932, the year of the said bicentennial anniversary.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I desire to ask the distinguished gentleman who has propounded this unanimous-consent request, as he is one of the Republican conferees on the hospitalization bill, if he believes we will have an opportunity to pass legislation providing for the additional hospital-expansion program and an appropriation before we automatically adjourn tomorrow?

Mr. PERKINS. I know that the Republican conferees of the House are doing everything possible to bring that about within the desire of the House.

Mr. SCHAFER of Wisconsin. The House has not expressed its desire, and if many more hours go by without action by the conferees I urge the gentleman to have the conferees come back to the House for instructions as to how the House conferees shall act and not allow the hospital bill to die in conference and try to lay the blame on the Senate, because you can not dodge the issue. If the bill dies in conference, the responsibility will rest squarely upon the Republican conferees on this legislation.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, on the question raised by my colleague, the gentleman from New Jersey stated that the position of the conferees was that they were striving to carry out the policy of the House. I wish to say to the gentleman from New Jersey that so far as my vote was concerned when that bill was sent to conference. I yielded to the appeal of the gentleman from Massachusetts [Mr. LUCE] to allow the bill to follow the usual course and go to conference. I had previously made up my mind to vote in favor of the Senate amendment. The gentleman is not carrying out our will, so far as my vote is concerned, in the position of adhering to the House amendment against the Senate amendment. I for one do not believe that this Congress should determine the location of these hospitals, but that this should be left to the Director of the Veterans' Bureau, as is contemplated in the Senate bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AGRICULTURAL EXPERIMENT-STATION WORK IN PORTO RICO

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's take the bill (S. 5524) to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico, and pass the same.

The Clerk read the bill, as follows:

Be it enacted, etc., That beginning with the fiscal year ending June 30, 1933, the Territory of Porto Rico shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be connected with the College of Agriculture of the University of Porto Rico and it shall be conducted jointly and in collaboration with the existing Federal experiment station in Porto Rico in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial stations with that of the Federal station and of the United States Department of Agriculture in the island: *Provided further*, That the several experiment stations now conducted by the insular government shall be transferred to and coordinated with the experiment station of the College of Agriculture of the University of Porto Rico, together with whatever funds that are available for the support of the same, and the Secretary of Agriculture may at his discretion transfer such land, buildings, and equipment as he may deem necessary to the experiment station of the College of Agriculture of the University of Porto Rico: *Provided further*, That the Territory of Porto Rico shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Porto Rico the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Porto Rico: $15,000 for the fiscal year ending June 30, 1933; $20,000 for the fiscal year ending June 30, 1934; $25,000 for the fiscal year ending June 30, 1935; $30,000 for the fiscal year ending June 30, 1936; $35,000 for the fiscal year ending June 30, 1937; $40,000 for the fiscal year ending June 30, 1938; $45,000 for the fiscal year ending June 30, 1939; $50,000 for the fiscal year ending June 30, 1940; $60,000 for the fiscal year ending June 30, 1941; $70,000 for the fiscal year ending June 30, 1942; $80,000 for the fiscal year ending June 30, 1943; and $90,000 for the fiscal year ending June 30, 1944, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act, but without diminishing or increasing the amount to which any State or the Territory of Hawaii is entitled under the provisions of said act of May 8, 1914, and of acts supplementary thereto: *Provided*, That for the fiscal year 1933 the total amount available to the Territory of Porto Rico under the terms of the act of May 8, 1914, shall be $50,000, this amount to be increased by $10,000 annually, or such part thereof as may be necessary, until the total to which Porto Rico is entitled under the provisions of this act is reached. Participation in other Federal appropriations for cooperative extension work, including those authorized by the act of May 22, 1928, shall be at such times and in such amounts as shall be estimated by the Secretary of Agriculture and appropriated by the Congress.

Mr. JONES of Texas. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee just what this bill does.

Mr. HAUGEN. This bill extends the benefits of various acts, the Hatch Act, the Adamson Act, the Purnell Act, the Smith-Lever Act, and the Morrell Act to Porto Rico. It proposes to do for them exactly what we have done for Hawaii. We have passed a number of bills extending such benefits to Hawaii and now we are extending them to Porto Rico.

Mr. JONES of Texas. Is there anything in the bill that does for them anything we are not now doing for Hawaii?

Mr. HAUGEN. No; it will do exactly what we are doing for Hawaii.

Mr. JONES of Texas. What will be the additional cost?

Mr. HAUGEN. The additional cost will be, as stated here, $15,000 for the first year, and then $20,000, and so on. We are already expending about $59,000, and this work is to be turned over to Porto Rico and the expense borne by Porto Rico, and therefore the increase will be very small.

Mr. LAGUARDIA. And if the gentleman will permit, all this time while we have been doing this work for Hawaii and Alaska we have not been doing the work for Porto Rico, and they are greatly in need of this kind of extension work.

Mr. HAUGEN. Absolutely.

Mr. STAFFORD—Will the gentleman inform the House of the total amount yearly that will be awarded to Porto Rico? I notice in this bill you are providing for an authorization of appropriation for 15 years hence. I have never known any bill passed through the House where we took care of the future so far in advance. You provide an appropriation of a certain amount for 1944; that is, cumulative amounts as the years go on. What is the total amount in any one year that will be voted to Porto Rico?

Mr. LAGUARDIA. The acts that apply to the other Territories also provide authorizations years ahead.

Mr. HAUGEN. Yes; and this is simply to catch up with the rest of them.

Mr. STAFFORD. What will be the total amount levied upon the United States Treasury, say, 10 years hence, by reason of this act?

Mr. HAUGEN. It starts out at $15,000 and goes up $5,000 a year until it reaches the maximum.

Mr. STAFFORD. That is true under one of the acts, but there is another section of the bill where you are appropriating $40,000 or $50,000. The gentleman is referring to the part of the bill where we appropriate the least amount.

Mr. HAUGEN. We start with $15,000.

Mr. STAFFORD. But there is another part of the bill where you are appropriating additional amounts.

Mr. HAUGEN. There are five acts involved.

Mr. STAFFORD. What is the total amount in any one year?

Mr. HAUGEN. Ninety thousand dollars—whatever the others get.

Mr. LAGUARDIA. However, it is only fair for the gentleman to state that the original acts which are applicable under this bill to Porto Rico also provide for increasing appropriations in those countries or States.

Mr. HAUGEN. Yes; we just put them on a par with the States.

Mr. JONES of Texas. We have at various times, however, appropriated other sums to Porto Rico in the way of loans.

Mr. DAVILA. But this is the kind of legislation we really need in the island of Porto Rico. It is constructive legislation and will prove very beneficial to the people of the island.

Mr. JONES of Texas. Does the gentleman think they will use this service and carry out the purposes of the acts strictly in accordance with the terms of the bill?

Mr. DAVILA. Oh, certainly.

Mr. JONES of Texas. And they will take advantage of this?

Mr. DAVILA. I am sure of that.

Mr. RANKIN. If the gentleman will permit, let me suggest that in your bill you refer to the Territory of Porto Rico. There is no such place as the Territory of Porto Rico and you had better have that changed to "Island of Porto Rico."

Mr. DAVILA. It has been held by the Attorney General, Mr. Mitchell, that Porto Rico is an unincorporated Territory, and when the word "Territory" is used it covers Porto Rico.

Mr. RANKIN. Strictly speaking, we have only two Territories—Alaska and Hawaii.

Mr. DAVILA. But the word "Territory" applies to Porto Rico.

Mr. STRONG of Kansas. And as I understand it, this legislation only does for Porto Rico what we are doing for the other States.

Mr. DAVILA. Exactly.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER. The hour of 6 o'clock having arrived, the Chair declares the House in recess until 8 o'clock p. m.

Accordingly (at 6 o'clock p. m.), in accordance with its previous order, the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired at 8 o'clock p. m., the House was called to order by the Speaker.

CONFERENCE ON THE LIMITATION OF MANUFACTURE OF NARCOTIC DRUGS

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 531, making an appropriation for expenses of participation by the Government of the United States in the conference on the limitation of the manufacture of narcotic drugs.

The Clerk read the resolution, as follows:

Joint resolution making an appropriation for expenses of participation by the Government of the United States in the conference on the limitation of the manufacture of narcotic drugs

Resolved, etc., That for the expenses of participation by the Government of the United States in the conference on the limitation of the manufacture of narcotic drugs to be held at Geneva, Switzerland, on May 27, 1931, as provided by the public resolution approved March 3, 1931, including travel expenses and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services, by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), printing and binding, compensation of employees in the District of Columbia and elsewhere, rent of rooms, office, and typewriters, purchase of books and documents, periodicals and newspapers, official cards, entertainment, and such other expenses as the Secretary of State shall deem proper, to be expended under the direction of the Secretary of State, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $35,000, which shall remain available until June 30, 1932.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. WOOD to reconsider the vote whereby the bill was passed was laid on the table.

PRINTING LIST OF EMERGENCY RETIRED OFFICERS

Mr. BLANTON. Mr. Speaker, at the instance of the gentleman from Nebraska [Mr. SIMMONS], I got permission some time ago to put in the RECORD a list of the emergency retired officers and their pay and their position. I find that that can be printed as a public document for something over half of what it would cost to print it in the RECORD. As a public document it would be much handier for Members.

I took the matter up with the majority leader [Mr. TILSON], the gentleman from Indiana [Mr. WOOD], and some Members on this side, and they approved having the data printed as a public document. In addition you can have 5,000 extra copies printed for only $54.97 a thousand.

I therefore ask unanimous consent instead of printing it in the RECORD it be printed as a House document and 5,000 additional copies be printed to be distributed through the folding room for Members.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. LaGUARDIA. Reserving the right to object, this list has been put in the RECORD in the other body.

Mr. BLANTON. That is only a partial list. I have a complete list up to March 1, 1931, certified to by the department.

Mr. LaGUARDIA. What good will it do?

Mr. BLANTON. It will be a wonderful help to the gentleman from New York and the rest of us, and especially for use of the Appropriations Committee. I want to publish it as a House document instead of putting it in the RECORD.

Mr. LaGUARDIA. Does the gentleman mean to intimate that Members do not read the RECORD?

Mr. BLANTON. A number of Members have requested me to publish it as a House document and I have been at work on it for a month.

Mr. SCHAFER of Wisconsin. Does the list include every man on the pay roll?

Mr. BLANTON. Every officer who has been retired up to March 1, 1931.

Mr. SCHAFER of Wisconsin. Every one of the Government employees and the employer?

Mr. BLANTON. Every one of them, his retired pay, his position with the Veterans' Bureau, and everything complete.

Mr. ENGLEBRIGHT. How much is this going to cost?

Mr. BLANTON. The House document will cost $3,579. The extra 5,000 will cost $54.97 a thousand.

Mr. LaGUARDIA. Mr. Speaker, I object for the present.

Mr. BLANTON. Mr. Speaker, I will put it in the RECORD, but it will cost a good deal more. Mr. Speaker, I renew my request, omitting the extra 5,000 copies.

The SPEAKER. The gentleman from Texas modifies his request and asks unanimous consent to print it as a House document without the extra copies. Is there objection?

There was no objection.

MEMORIAL TO THE DOVER PATROL

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 532, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 532

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized to continue the erection on public land at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War begun under a contract dated September 26, 1930, and said contract is hereby legalized from date of its execution for the purpose of authorizing payments thereunder according to its terms, notwithstanding the absence of any previous authorization by law: *Provided*, That nothing herein shall involve the expenditure of public funds.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

TENURE OF MEMBERS OF GEORGE WASHINGTON BICENTENNIAL COMMISSION

Mr. TILSON. Mr. Speaker, I ask unanimous consent for the present consideration of S. 6271, on the Speaker's desk.

The Clerk read as follows:

S. 6271

An act relating to the tenure of congressional members of the George Washington Bicentennial Commission

Be it enacted, etc., That the membership of Senators and Members of the House of Representatives on the George Washington Bicentennial Commission shall continue irrespective of their terms as Members of Congress.

Any vacancies arising in the personnel of the said commission shall be filled as follows: Any vacancies occurring among Senators shall be filled by the President of the Senate, and any vacancies occurring among Members of the House of Representatives before the organization of the Seventy-second Congress shall be filled by appointment of the present Speaker of the House of Representatives.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, do I understand that this would continue former members of the Bicentennial Commission?

Mr. TILSON. The total effect of the passage of this bill will be that during the next two years the gentleman from Virginia [Mr. MOORE] will continue as a member of the Bicentennial Commission, of which he is now a member. He has been on the commission for some time, but his term of office ending to-day he must leave the commission and a new man who knows nothing about the business be put on unless this legislation is enacted. It is thought that Mr. MOORE could give much more effective service than any new member, and that it is best to continue him.

Mr. LaGUARDIA. I agree with what the gentleman says. It might be economy, however, if we had some one on it who knew less about it than the gentleman from Virginia. We might have saved that memorial road.

Mr. TILSON. Oh, no; the gentleman had nothing to do with the memorial road. In fact, the House members of the commission were opposed to the initiation of this improvement as a feature of the George Washington Bicentennial celebration, though Mr. MOORE was not then a member of the commission.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MINING EXPERIMENT STATION AT COLLEGE PARK, MD.

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5220) authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into a contract or contracts for the erection and completion of a building or buildings on the campus of the University of Maryland at College Park, Md., suitable for use as an experiment station by the Bureau of Mines, at a cost not to exceed $350,000, including plumbing, lighting, heating, and other general-service equipment and necessary road, walks, and ground improvement: *Provided*, That a site on said campus, acceptable to the Secretary of the Treasury and the Secretary of Commerce, is donated to the United States Government for said purpose, subject to return to the donor at at any time if the Government ceases to use the land as indicated.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350,000 for carrying out the purposes of this act.

With the following committee amendments:

Page 1, line 11, after the word "site," insert "of not less than 20 acres"; page 2, after the word "donated," insert "and conveyed by deed conveying absolute title"; page 2, line 4, after the word "purpose," strike out the comma and the rest of the line and all of lines 5 and 6.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, what superior advantage will accrue to the Government in locating this individual unit of the experiment station of the Bureau of Mines at the University of Maryland out here adjacent to the District?

Mr. SPROUL of Kansas. There are several advantages. One is the saving of a site, the cost of which perhaps might be $200,000 to $300,000, and then there is the graduate student advantage.

Mr. STAFFORD. Did I understand the gentleman to say the saving would be between $200,000 and $300,000?

Mr. SPROUL of Kansas. Between $200,000 and $300,000.

Mr. STAFFORD. Do I understand that land out there is worth $10,000 an acre?

Mr. SPROUL of Kansas. No; I do not think so.

Mr. STAFFORD. I understand the area of the tract involved is only 20 acres, and to make it cost $200,000 for the site you would have to value the land at $10,000 an acre.

Mr. SPROUL of Kansas. I am referring to a site in the city which would cost $200,000 or $300,000.

Mr. STAFFORD. Oh, yes; but no one would conceive of locating this experiment station in the city. Why is it not more feasible for the Bureau of Mines to have some individual tract of their own like the Bureau of Standards adjacent to or in connection with the Bureau of Standards?

Mr. SPROUL of Kansas. They do have this. It is to be conveyed absolutely to the Government.

Mr. STAFFORD. What special advantage is there to the Government of having this located at College Park, Md., in connection with the University of Maryland?

Mr. SPROUL of Kansas. I could not tell the gentleman all the advantages, but we are informed that there is a student advantage, mutual between the university graduates in chemical and mining engineering, on the one hand, and the officers of the Bureau of Mines, on the other hand. These arrangements are made in the different places where the Government experiment stations are located with university students.

Mr. STAFFORD. The report does not contain any recommendation from any head of a department.

Is this the conception of some individual Member of Congress or some patron connected with the university? Has this the indorsement of the Department of the Interior?

Mr. SPROUL of Kansas. I will say that one of the most enthusiastic supporters of the proposition is Secretary Lamont and the Director of the Bureau of Mines, Mr. Turner. There is a tremendous amount of evidence in support of the proposition.

Mr. STAFFORD. Why did the report not contain their recommendations?

Mr. SPROUL of Kansas. The report should contain it. I do not know why it was not put in there.

Mr. STAFFORD. Well, it is vapid of any information as to the views of any department head.

Mr. SPROUL of Kansas. The Senate report is not with the bill, but the Senate report contains a number of letters from different members of the Department of Commerce.

Mr. STAFFORD. Is 20 acres adequate for the growing purpose of the Bureau of Mines in connection with this experiment work?

Mr. SPROUL of Kansas. All the testimony was to that effect. The director of the bureau testifies that it is. The assistant director testifies that it is. Nobody took exception to the sufficiency of the acreage.

Mr. STAFFORD. I withdraw the reservation of objection.

Mr. DYER. Reserving the right to object, what is the emergency calling for the enactment of this legislation at this time?

Mr. SPROUL of Kansas. There is no special emergency that I know of, other than that they have been trying for a long time to secure additional facilities for carrying on their experiments. The Government is losing the use of its best experts, because of the lack of room and facilities. We are wasting money.

Mr. DYER. Where are they carrying on those experiments now?

Mr. SPROUL of Kansas. They are doing the best they can in Washington, at the bureau headquarters, where they do not have sufficient room, machinery, or equipment.

Mr. DYER. One other question. Is the money available now for this station if this legislation should be enacted?

Mr. SPROUL of Kansas. I could not inform the gentleman as to that, but the bill authorizes the appropriation of the money.

Mr. DYER. What is the occasion of having this experiment station so near the city of Washington? What mines are there in this vicinity?

Mr. SPROUL of Kansas. The proximity of mines to the station is not so very important. The officers of the Bureau of Mines are in Washington, and it is they who wish to make various investigations and experiments. They want the experiment station reasonably near their headquarters.

Mr. DYER. May I ask the gentleman from Maryland a question? Will the gentleman yield for that purpose?

Mr. SPROUL of Kansas. I yield.

Mr. DYER. What is the occasion of this haste in the enactment of this legislation? Is the money available to go ahead if we pass this bill, or do we have to wait until the next Congress?

Mr. LINTHICUM. No. The money will be available. The State is going to give 20 acres of land. This building is to be placed there for the benefit and convenience of Washington. They need an experiment station for this purpose.

Mr. DYER. In what appropriation is the money available for this purpose?

Mr. SPROUL of Kansas. It will have to be appropriated later on, of course, but the authorization has to be first enacted.

Mr. DYER. We can not do anything until the next session of Congress?

Mr. SPROUL of Kansas. No.

Mr. LINTHICUM. We can go ahead and get ready.

Mr. STAFFORD. Oh, the land is there.

Mr. HAWLEY. If the legislation is passed at this time, then it can be estimated for in the next Budget.

Mr. SPARKS. The lands needed for the experiment station will be donated by somebody that is interested in the matter?

Mr. SPROUL of Kansas. Yes.

Mr. SPARKS. And it will not cost the Government anything?

Mr. SPROUL of Kansas. No, sir.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 528. Joint resolution making an appropriation to provide books for the adult blind; and

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4075. An act for the relief of the heirs of C. K. Bowen, deceased;

S. 4348. An act for the relief of Charles C. Bennett;

S. 5799. An act authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Kiowa Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita, Caddo, and Delaware Indians;

S. 5988. An act authorizing the issuance to Margaret McCreanor of a patent for certain lands;

S. 6124. An act for the relief of S. F. Stacher;

S. 6246. An act providing for an appropriation toward the alteration and repair of the buildings of Eastern Dispensary and Casualty Hospital;

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.; and

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co., of Iowa, to construct, maintain, and operate a pipe-line bridge across the Missouri River.

The message also announced that the House of Representatives is requested to return to the Senate the engrossed bill (S. 1696) for the relief of Thomas L. Lindley, minor son of Frank B. Lindley, with the amendments of the House thereto.

The message also announced that the Senate had receded from its amendment numbered 2 to the bill (H. R. 15493) entitled "An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes."

GEORGE J. SALEM

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 252) authorizing an appropriation for the expense of the arbitration of the claim of George J. Salem against the Government of Egypt, a similar bill having been reported by the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Pennsylvania [Mr. TEMPLE] asks unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 252), which the Clerk will report.

The Clerk read the joint resolution as follows:

Resolved, etc., That the sum of $52,000 is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, to defray the expenses of the United States in the arbitration of the claim of George J. Salem, against the Government of Egypt, including honorarium to the arbitrators, compensation of employees in the District of Columbia and elsewhere, without reference to the classification act of 1923, as amended, stenographic and other services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), rent, purchase of necessary books and documents, official cards, printing and binding, one-half of all reasonable and necessary joint expenses of the tribunal incurred under the terms of the arbitral agreement, and such other expenses as may be authorized by the Secretary of State; and the Secretary of State is authorized to reimburse from the said appropriation any other appropriation from which payments may have been made for purposes connected with this arbitration prior to the time when the appropriation herein authorized shall have become available.

The SPEAKER. Is there objection?

Mr. BLANTON. I object. I objected to this resolution in the session the other night Mr. Speaker.

Mr. TEMPLE. Will the gentleman withhold his objection for a moment?

Mr. LaGUARDIA. Will the gentleman withhold his objection?

Mr. BLANTON. Certainly, to allow the gentleman to speak. I want to state to the gentleman from New York [Mr. LaGUARDIA] this is a proposal for the Government of the United States to pay $52,000 for the expense of an individual to prosecute his own private claims in Egypt respecting his private property. Since I objected to this the other night this man has been so powerful that he has had a former splendid young Governor of Texas, a good friend of mine, to call me up on the telephone from Texas and ask me, foresooth, to please withdraw my objection. I said "Governor, what do you know about the bill." He said "Not a thing"; he was called upon by some one to get my objection out of the way.

And Jesse Jones, of Houston, the millionaire editor of the Houston Post-Dispatch, was importuned by some one to call me up over the telephone from Houston, Tex., to try to get me to let this $52,000 bill pass, when he knew nothing about this bill, and he asked me to withdraw my objection. But in this Congress I back my own judgment. Outsiders do not influence me. I represent and act for my constituents.

Mr. LaGUARDIA. I have heard the gentleman protest on the floor of this House time and time again about protecting the rights of American citizens. This is no different than appropriating millions of dollars for courts in this country where private citizens can go and carry on their business.

Mr. BLANTON. If the gentleman from New York [Mr. LaGUARDIA] has property in Egypt, he would have to pursue his own means of defense and offense with respect to the recovery of that property, and put up his own attorneys' fees and put up his own expenses over there; but this is a proposal for the Government to put up all of the expenses of prosecuting a private claim for private property. Down in Texas across the Rio Grande at Brownsville, Tex., in the district of the minority leader, and down in Laredo, across the river, and at El Paso, across the river at Juarez, there are hundreds of American citizens who have lost their property in Mexico and who have been put in jail there for days, months, and years, and the Government has not given them one dollar to prosecute their private claims.

Mr. TEMPLE. Will the gentleman withhold his objection until I make an explanation?

Mr. BLANTON. I am going to object.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

Mr. TEMPLE. Will the gentleman withhold his objection until I make a brief statement?

Mr. BLANTON. Yes.

Mr. TEMPLE. Mr. Speaker, I misunderstood the situation. I thought the gentleman was going to withdraw his objection.

Mr. BLANTON. No; I am not. These multimillionaire editors and ex-governors do not control my action in the House.

Mr. TEMPLE. Will the gentleman allow me to make a statement?

Mr. BLANTON. Yes.

Mr. TEMPLE. I wish to say I know nothing about the method by which these gentlemen came to communicate with you. I had nothing to do with it. The Government of the United States has already signed a protocol with the Government of Egypt agreeing to this arbitration. Attempts were made by diplomatic means during several years to reach an agreement and the Egyptian Government has at last agreed to arbitrate.

The difference between the situation in Egypt and the situation in Mexico is this: We have in Egypt what is called extraterritorial jurisdiction; that is, we have a treaty with Egypt under which American citizens are not to be tried in the local native courts but are tried in a mixed court, established in accord with a treaty between Egypt and other powers, of which the United States Government is one. We claim that Egypt has violated the treaty, so that the matter is not a mere question of protecting the rights of American citizens, though it seems to me that would be sufficient to justify our interest in the case, but it is also a question of preserving our rights under that treaty. If this bill is not passed it will be the first time in the history of the United States when an arbitration has been agreed to between the United States and some other government that Congress has refused to back up the Government of the United States. Our credit abroad, our standing as a nation are involved; and I think if the gentleman would overcome his resentment at the action of some one in inducing Texas friends to intervene——

Mr. BLANTON. They were both friends of mine, but they can not control me here.

Mr. TEMPLE. I sent no requests to anybody in Texas or elsewhere.

Mr. BLANTON. Why should the former Governor of Texas and Jesse Jones ring me over the telephone about it?

Mr. TEMPLE. Does the gentleman doubt my word in the matter?

Mr. BLANTON. Certainly not. I want to ask the gentleman this: Does the gentleman realize that in connection with this matter there is a little junket?

Mr. TEMPLE. No; I do not.

Mr. BLANTON. Does the gentleman want me to tell him about this junket, and especially those who are going to Egypt on it? I can give him some of the names if he wants me to do so.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

FOURTEENTH ANNUAL CONVENTION OF THE FRENCH VETERANS OF THE WORLD WAR

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5571, to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932, a similar House bill being on the calendar, and I am asking this at the direction of the Senate Foreign Affairs Committee.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I object.

Mr. TEMPLE. Mr. Speaker, I move to suspend the rules and pass Senate bill 5571, to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass a Senate bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $50,000 is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, as a contribution by the United States, for the expenses and entertainment while in the United States of delegates and members participating in the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932, during the celebration of the two hundredth anniversary of the birth of George Washington, and in honor of the birthday of General Lafayette. Such sum shall be expended by the national treasurer of the American Legion under such rules and regulations as the Secretary of State may prescribe. The United States shall not be liable, directly or indirectly, for any expense, obligation, or indebtedness incident to such convention.

The SPEAKER. Is a second demanded?

A second was not demanded.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

INTERNATIONAL GEOLOGICAL CONGRESS

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S. J. Res. 253) to authorize an appropriation for the expenses of the sixteenth session of the International Geological Congress to be held in the United States in 1932.

The Clerk read the title of the Senate joint resolution.

Mr. BLANTON. Mr. Speaker, I object.

SECOND POLAR YEAR PROGRAM

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 6173) authorizing an appropriation to defray the expenses of participation by the United States Government in the Second Polar Year Program, August 1, 1932, to August 31, 1933.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLANTON. Mr. Speaker, reserving the right to object, these funds will be expended when?

Mr. TEMPLE. During the year from August 1, 1932, to August 31, 1933.

Mr. BLANTON. Prior to August 1, 1932, the new Congress, even if it does not meet until next December, will be in session from December, 1931, until at least the 1st of July, 1932, and what is to prevent it from providing this $30,000 at that time? I think we are using the time in this last night session a little prematurely in providing funds for an enterprise running from August 1, 1932, to August 31, 1933.

Mr. TEMPLE. The reason for this, if the gentleman will allow me to state it, is that it requires the manufacture of very delicate, scientific instruments, which require a long time to prepare. I get this information——

Mr. BLANTON. In my time, will the gentleman tell me one thing? In what way will the expenditure of this $30,000 on the polar year help the starving people in Virginia, Maryland, Tennessee, Arkansas, Oklahoma, Texas, and many other drought-stricken States in the United States?

I object, Mr. Speaker.

INTERNATIONAL HYGIENE EXHIBITION

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and pass the bill (S. 6203) to increase the amount authorized to be appropriated for the expenses of participation by the United States in the international hygiene exhibition at Dresden, Germany.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BLANTON. Mr. Speaker, reserving the right to object, at the time this $5,000 was authorized we understood then that this would be the total sum to be used. Now they want $50,000 additional. Can the gentleman explain the necessity for this?

Mr. TEMPLE. I can explain that matter. When the $5,000 was appropriated the original sum asked was a great deal larger—I do not remember the exact amount.

Mr. BLANTON. But they finally agreed on $5,000.

Mr. TEMPLE. Please allow me to finish the statement. The reason we cut it down from the larger sum to $5,000 was because we knew at that time that there would be no opportunity to prepare an exhibit. The proposal was brought to us too late for that. We were merely sending over delegates without the means to prepare an exhibit. Now, the hygiene exhibition is prolonged for another year, and we have time to do the thing that was asked for at first.

Mr. BLANTON. Who all are going on this $55,000 Germany junket?

Mr. TEMPLE. I do not know.

Mr. BLANTON. I object to the bill, Mr. Speaker.

DISTRIBUTION OF TRIBAL FUNDS OF THE PUYALLUP INDIANS, WASHINGTON

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 6146) to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington.

Mr. SCHAFER of Wisconsin. Reserving the right to object, has the Committee on Indian Affairs unanimously approved this bill?

Mr. LEAVITT. Yes.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of bill (S. 5110) to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina, an identical House bill being on the House Calendar.

The Clerk read as follows:

Be it enacted, etc., That the final roll of the Eastern Band of Cherokee Indians in North Carolina directed to be prepared by the act of June 4, 1924 (43 Stat. L. 376), is hereby declared to be a final roll of said Indians only for the purpose of showing the membership of said band as it existed on the 4th day of June, 1924: *Provided*, That thereafter no person of less than one-sixteenth degree of said Eastern Cherokee Indian blood shall be recognized as entitled to any rights with the Eastern Band of Cherokee Indians except by inheritance from a deceased member or members: *Provided further*, That the Secretary of the Interior is hereby authorized to defer the work of making allotments in severalty to the enrolled members of said band as provided for in said act until otherwise directed by Congress.

SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

Mr. STAFFORD. Reserving the right to object, the President of the United States only a few days ago criticized the bill whereby we changed the permanent enrollment of certain Indian tribes. I assume that the purpose as far as this bill is concerned is the same. Will the gentleman state what is intended to be accomplished by the bill?

Mr. LEAVITT. The act of June 4, 1924, brought about the enrollment of these Indians for the purpose of distributing their property. That enrollment has been completed, and the Indians themselves now feel that it should be used only for the purposes of determining the membership of the tribe, and that they are not ready to have the property distributed.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. CRAMTON. I understand this bill will result in putting a stop to the proposed distribution of the property of the Indians. I feel that that is desirable.

Mr. LEAVITT. That is true. The statement of the Secretary of the Interior says:

S. 5110. Under existing legislation we face the necessity of making allotments to the Eastern Cherokees, although the plan of allotment is evidently both untimely and unwise. Our study has shown that it would be a great misfortune to the Indians.

Mr. SABATH. Did not the gentleman advocate the act of June 4, 1924?

Mr. LEAVITT. The act of June 4, 1924, brought about the enrollment and provided for a distribution of the property.

Mr. SABATH. The gentleman had the impression then that it was a timely act and helpful to the Indians. What has occurred since that time to change his views and his mind on it?

Mr. LEAVITT. The enrollment itself has shown that the distribution of this rough mountain land would be in such small parcels to the Indians, many of whom are scattered over the entire United States, would be of little value. Instead of being preserved it would be made useless.

Mr. DYER. Did the gentleman's Committee on Indian Affairs consider this legislation?

Mr. LEAVITT. Yes.

Mr. DYER. And reported it favorably?

Mr. LEAVITT. Yes; it is on the House Calendar, and this bill has passed the Senate.

Mr. DYER. The Indian Affairs Committee is the most industrious committee in the House. They average one or two bills a day during the session.

Mr. LEAVITT. We are trying to keep up with the average.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CAHUILLA INDIAN RESERVATION

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6011) to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase section 36, township 7 south, range 2 east, San Bernardino base and meridian, Calif., containing 640 acres, for addition to the Cahuilla Indian Reservation, and issue a trust patent therefor to the band of Indians in accordance with the act of January 12, 1891 (26 Stat. 712), as amended by the act of March 1, 1907 (34 Stat. 1015–1022); and there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,560 to cover the purchase price of the land.

Mr. GREEN. Mr. Speaker, I reserve the right to object. Is the gentleman advised as to the alleged treatment of the Indians of this reservation, whether it is now going on as it did according to conditions painted a year ago by a writer in Good Housekeeping? The gentleman will recall a series of articles a woman writer had in that magazine telling about how children were hooked to plows and how other dreadful conditions existed. I am wondering whether such conditions now exist in the Indian reservations.

Mr. CLARKE of New York. Mr. Speaker, I wish the Chair would stop the gentleman from Florida from talking further; he is breaking my heart. [Laughter.]

The SPEAKER. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, this bill carries an appropriation, does it not?

Mr. LEAVITT. A very small one.

Mr. COLLINS. I object.

Mr. LEAVITT. Will the gentleman withhold his objection?

Mr. COLLINS. Yes.

Mr. LEAVITT. The purpose of the bill is to authorize the purchase of 640 acres of land adjoining a very small area belonging to this little group of California Indians. It can be purchased for them at the rate of $4 an acre and is necessary to round out their grazing allotment.

Mr. COLLINS. But it carries an appropriation?

Mr. LEAVITT. No; it carries an authorization.

Mr. COLLINS. I have no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

THOMAS L. LINDLEY

The SPEAKER laid before the House the following communication from the Senate, which was read:

Ordered, That the House of Representatives be requested to return to the Senate the engrossed bill (S. 1696) for the relief of Thomas L. Lindley, minor son of Frank E. Lindley, with the amendments of the House of Representatives thereto.

The SPEAKER. Without objection, the request will be complied with.

There was no objection.

FORT APACHE INDIAN RESERVATION, ARIZ.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5033) to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed the sum of $1,300 of funds on deposit to the credit of the Indians of the Fort Apache Reservation, Ariz., for the purchase of land and appurtenances thereto, exclusive of mineral rights, located within the exterior boundaries of that reservation, and belonging to the Aztec Land & Cattle Co., title thereto to be taken in the name of the United States in trust for said Indians.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I reserve the right to object to ask one of the conferees on the veterans' hospital bill if it is not possible to have the conferees report to the House for instructions, so that this bill might not fail of enactment in conference and prevent the hospital expansion building program which is necessary in order to take care of the disabled war veterans.

Mr. DYER. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar House bill was laid on the table.

WASHAKIE NATIONAL FOREST, WYO.

Mr. CARTER of Wyoming. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5588) to add certain public lands to the Washakie National Forest, Wyo., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the following-described public lands be, and the same are hereby, added to and made a part of the Washakie National Forest, Wyo., and are to be hereafter administered under the laws and regulations relating to national forests:

Northeast quarter, southeast quarter of the northwest quarter, north half of the southeast quarter and the southeast quarter of the southeast quarter of section 13, township 43 north, range 108 west, sixth principal meridian; all of section 19, all of section 27, north half of section 26, north half, north half of the southwest quarter of section 29, northeast quarter of section 30, west half of the northeast quarter, northwest quarter, southwest quarter, west half of the southeast quarter, southeast quarter of the southeast quarter of section 35, township 43 north, range 107 west, sixth principal meridian: *Provided*, That the inclusion of any of the aforesaid land in the Washakie National Forest shall not affect adversely any valid application of entry pending at the date of the approval of this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

THE HOSPITALIZATION BILL

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker and Members of the House, in a very few hours this Congress will adjourn. Up to the present moment the hospital expansion program to take care of disabled war veterans is deadlocked in conference. I sincerely hope that at least one of the Republican conferees will agree to accept the Senate amendments, so that these additional hospital facilities can be made available for the veterans without any unnecessary delay. [Applause.]

The full responsibility, if this bill dies in conference, rests upon the Republican conferees and upon the Republican Members who followed the gentleman from Massachusetts [Mr. LUCE] the other day. The gentleman from Massachusetts also took the floor of the House and spoke against the Rogers hospital bill when it came before the House for passage.

To-day the Members of the House attempted to pass a bill carrying $10,000,000 for mansions in foreign lands for the Foreign Service. Many of you stood up and voted for that $10,000,000 for mansions in the Foreign Service, and you do not have the courage of your convictions to ask the House conferees to accept the Senate amendments, so that this hospital building bill does not die in conference. [Applause.]

AUTHORIZING COMPTROLLER GENERAL TO ALLOW CERTAIN EXPENDITURES IN WAR DEPARTMENT

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2980) to authorize and direct the Comptroller General to allow certain expenditures in the War Department.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] asks unanimous consent for the immediate consideration of the bill (S. 2980) which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That in the settlement of all accounts involving shipment of baggage of officers, warrant officers, nurses, enlisted men, or civilian employees of the Army where such shipments have been turned over to the Quartermaster Corps or other agency of the War Department subsequent to October 12, 1927, and prior to October 10, 1929, both dates inclusive, the Comptroller General is hereby authorized and directed in the settlements made or to be made to accept as binding upon him the definition of authorized baggage as approved by the Secretary of War and promulgated in Army Regulations, Series No. 30–960, dated September 20, 1927: *Provided*, That where any amounts have been collected by reason of nonacceptance of such definition the return of amounts thus collected to those from whom collected is authorized and directed.

With the following committee amendment:

Page 1, line 10, after the word "made," insert "for shipments for said period."

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, may I ask the gentleman a question? This is a blanket proposal for the Comptroller General to relieve officers in the Quartermaster's Department from complying with the present law.

Mr. JAMES of Michigan. There is no law regarding the shipment of household goods. We carried language in the appropriation bill——

Mr. BLANTON. This bill will allow them to ship their automobiles, will it not?

Mr. JAMES of Michigan. No; it does not. In 1927 there was language in the bill and under that language the Secretary of War issued orders that automobiles could be shipped, which was agreed to by the Judge Advocate General.

Mr. BLANTON. And the Comptroller General turned it down.

Mr. JAMES of Michigan. Will the gentleman listen to me a moment?

Mr. BLANTON. I am trying to get the facts.

Mr. JAMES of Michigan. The Comptroller General said it could not be done.

Mr. BLANTON. That is exactly what I said.

Mr. JAMES of Michigan. Since that time it has not been done and will not be done.

Mr. BLANTON. That is exactly what I said. It is an effort to get around the Comptroller General.

Mr. JAMES of Michigan. It is to take care of these disbursing officers who in good faith carried out what they thought was the intent of Congress.

Mr. BLANTON. I want to ask the gentleman this question: Does he believe it a wise policy to let them get around the law and let them do what they please, when the Comptroller General is the only man in this Government who can sit across the table from generals in the Army and from admirals in the Navy Department and tell them they have to obey the law?

Mr. JAMES of Michigan. As I said, that is not being done now. This is to relieve men in the Army, lower in rank, who in good faith carried out what they thought was the intent of Congress, so stated by the Secretary of War and by the Judge Advocate General.

Mr. BLANTON. But if this bill is passed it will permit every officer, if he wants, to transport his automobile to Japan or anywhere else at Government expense.

Mr. JAMES of Michigan. Oh, no. It has not been done since the comptroller said it should not be done.

Mr. BLANTON. But, this is to change the law to make the Comptroller General recognize those claims of the department.

Mr. JAMES of Michigan. Yes; just in those cases where it was done.

Mr. BLANTON. Mr. Speaker, this will cost the Government a tremendous sum of money. I object.

CEREMONIES AFTER FINAL ADJOURNMENT

Mr. CLARKE of New York. Mr. Speaker, I want to call the attention of the membership to the program to-morrow. Immediately upon the expiration of the Congress the Marine Band and others will conduct a splendid musical program, which has been arranged by the gentleman from Virginia [Mr. WOODRUM] on the Democratic side, and myself on the Republican side. There will be an old-fashioned songfest. We hope you will all be with us. The program will start immediately upon the fall of gavel. Tickets have been sent out to everybody and no favoritism has been shown anywhere. [Applause.]

TARGET RANGE, FORT ETHAN ALLEN, VT.

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5455, to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 5455, which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That a sum not to exceed $7,500 is hereby authorized to be appropriated for the completion of the acquisition of land in the vicinity of and for use as a target range at Fort Ethan Allen, Vt., and the Secretary of War is hereby authorized to complete the acquisition of said land.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

COMMEMORATION OF THE BATTLE OF FORT NECESSITY, PENNSYLVANIA

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 6078, to provide for the commemoration of the Battle of Fort Necessity, Pennsylvania, a similar House bill being on the calendar.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 6078, which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That for the purpose of commemorating the Battle of Fort Necessity, in the State of Pennsylvania, on the 3d day of July, 1757, the Secretary of War is authorized to accept title to not less than 1 acre of land, which will include the site monument thereon.

SEC. 2. There is hereby authorized to be appropriated the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act.

SEC. 3. The land acquired under section 1 of this act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such monument and its site a sum not to exceed $250 per annum.

The SPEAKER pro tempore [Mr. SNELL]. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

AMENDMENT OF THE NATIONAL DEFENSE ACT

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Bill 1011, to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 1011, which the Clerk will report.

The Clerk read the bill as follows:

Be it enacted, etc., That section 6 of the national defense act of June 3, 1916, as amended, is amended by adding to the end thereof the following:

"In addition there shall be created a new rank of bandmaster in the United States Army in lieu of the present warrant officer band leaders, who shall be appointed and commissioned bandmasters by the President, by and with the advice and consent of the Senate.

"SEC. 6a. CHIEF BANDMASTER.—A chief bandmaster shall be selected from among experienced Army bandmasters of the service by the Secretary of War, and shall have the assimilated rank, pay, and allowances of a major while so serving. He shall, under the direction of the Secretary of War, be charged with the duty for the uniform administration of all authorized Army bands and schools, and shall advise the Adjutant General on all matters relating to the musical organizations in the Army.

"SEC. 6b. BANDMASTERS.—Bandmasters hereafter commissioned under the above section shall be entitled to the same benefits in respect to pay, allowances, and retirements as are applicable to commissioned officers of the various grades to which they are assimilated with, as follows: Less than 3 years, to rank with second lieutenants; 3 to 10 years, to rank with first lieutenants; over 10 years, to rank with captains. All prior active band-leader service as chief musician, master sergeant, warrant officers commissioned and enlisted, shall be credited toward computing the rank present band leaders shall receive on first appointment. There shall be one bandmaster for each authorized band of the Army. Appointment as bandmasters shall be made, first, from band leaders now in the service who are found to be physically qualified; second, subject to such examination as the President may prescribe from noncommissioned officers and other enlisted musicians who have had at least 10 years' service in Army bands, with preference to such appointments to qualified graduates of the Army Music School: *Provided*, That no band leader shall suffer the loss of pay by reason of the provisions of this act."

SEC. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers assimilated in the various grades, are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of band leaders receiving commissions in pursuance of the provisions of this act.

SEC. 3. This act shall take effect immediately following its enactment.

SEC. 4. This act may be cited as the Army bands act.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, this bill provides for the spending of $86,000 a year for commissioning band leaders, and I object. For a hundred years we have had wonderful bands without spending this extra $86,000 per year. Just now the people want food. They can get along without extra band music until we recover from the present suffering and depression.

FIVE CIVILIZED TRIBES

Mr. LEAVITT. Mr. Speaker, I move to suspend the rules and pass Senate bill 6169, to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes, with an amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Montana moves to suspend the rules and pass Senate bill 6169, with an amendment. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That all funds and other securities now held by or which may hereafter come under the supervision of the Secretary of the Interior belonging to restricted members of the Five Civilized Tribes of Indians of one-half or more Indian blood, including heirs born since March 4, 1906, shall remain subject to the jurisdiction of said Secretary until April 26, 1956, subject to expenditure in the meantime for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as the said Secretary may prescribe: *Provided*, That where the entire interest in any tract of restricted and tax-exempt land belonging to members of the Five Civilized Tribes is acquired by inheritance, devise, gift, or purchase, with restricted funds, by or for restricted Indians, such land shall after April 26, 1931, remain restricted and tax exempt during the life of and as long as held by such restricted Indians, but not longer than April 26, 1956, unless the restrictions are removed in the meantime in the manner provided by law: *Provided further*, That such restricted and tax-exempt land, held by anyone, acquired as herein provided, shall not exceed 160 acres: *And provided further*, That all minerals, including oil and gas, produced on or after April 26, 1931, from said lands so acquired shall be subject to all State and Federal taxes as provided in section 8 of the act approved May 10, 1928 (45 Stat. 495).

SEC. 2. That the attorneys provided for under the act of May 27, 1908 (35 Stat. 312), shall have the right to appear and represent any restricted member of the Five Civilized Tribes before the county courts of any county in the State of Oklahoma, or before any appellate court thereof, in any matter in which said restricted Indians may have an interest, and no conveyance of any interest in land of any full-blood Indian heir shall be valid unless approved in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of Oklahoma, and said probate attorneys shall have the right to appeal from the decision of any county court approving the sale of any interest in land to the district court of the district of which the county is a part.

The SPEAKER pro tempore. Is a second demanded?

Mr. McKEOWN. Mr. Speaker, I demand a second.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. Is there objection?

Mr. McKEOWN. Mr. Speaker, I object.

The question was taken; and the Chair appointed as tellers Mr. LEAVITT and Mr. McKEOWN.

The House divided, and the tellers reported that there were—ayes 103, noes, 45.

So a second was ordered.

The SPEAKER pro tempore. The gentleman from Montana [Mr. LEAVITT] is recognized for 20 minutes and the gentleman from Oklahoma [Mr. McKEOWN] for 20 minutes.

Mr. LEAVITT. Mr. Speaker, I yield myself three minutes. Mr. Speaker and Members of the House, you will recall that something like a month ago the Committee on Indian Affairs reported to this House a bill that had for its purpose the extension of the restrictive period for certain classes of the Five Civilized Tribes of Indians in the State of Oklahoma. That was a bill which had been prepared in the Department of the Interior as a result of knowledge on the part of the Commissioner of Indian Affairs that unless such a bill was passed at this session of Congress there would be great damage done to these Indians through the removal of restrictions on the 26th of next April. Experience had shown that unless those restrictions should be continued there would be loss and damage to these Indians that could not be repaired in the future. That bill was brought to the floor of the House and when it was brought here the gentleman from Oklahoma [Mr. HASTINGS] suggested some changes in it.

At the request of the Oklahoma delegation the bill was returned to the Committee on Indian Affairs. A further hearing was held and the bill which we bring before you at this time is the result of that hearing and the result of the reconsideration of that bill.

I am going to ask the gentleman from Oklahoma [Mr. HASTINGS], to a little later explain the bill in detail. I wish at this time only to call your attention to this fact: That the Committee on Indian Affairs believes with the Commissioner of Indian Affairs that unless this bill is passed irreparable harm will be done to these defenseless Indians during the period of time that is to come.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. When this bill was under consideration in the Senate, as I understand, an amendment authorizing the creation of trust estates, an amendment known as the Thomas amendment was incorporated. Does the gentleman's motion to suspend the rules and pass the bill include the Thomas amendment?

Mr. LEAVITT. The motion I made to suspend the rules and pass the bill carried with it an amendment to strike out what is known as the Thomas amendment.

Mr. CRAMTON. Which action, I think, is quite desirable.

Mr. LEAVITT. Mr. Speaker, I reserve the balance of my time.

Mr. McKEOWN. Mr. Speaker, I yield seven minutes to the gentleman from Oklahoma [Mr. CARTWRIGHT.]

Mr. CARTWRIGHT. Mr. Speaker and fellow Members, I regret very much to have to disagree with the chairman of the Committee on Indian Affairs, of which I am now and have been a member since I have been in Congress. I also deeply regret that I am unable to agree with the position taken on this bill by my colleague from Oklahoma [Mr. HASTINGS] for whom I have the greatest respect, but I am unalterably opposed to this bill in any shape, form, or fashion, and I desire to state a few of the many reasons for my opposition to this legislation in the brief time allotted me.

In 1908 Congress sought to make provision for children born after the closing of the rolls, and in the proviso of section 9 Congress continued the restrictions on the homestead allotment for the benefit of children born since March 4, 1906. Under that section every Indian who died after the act of 1908, enrolled as one-half or more Indian blood, and leaving issue not on the rolls, had his homestead restricted until 1931. That act was unjust to the adult heirs and was unjust to the taxpayers of the State in that it put a long period of restrictions on the homestead allotment in favor of one heir, thus postponing the other heirs from their rightful inheritance until 1931. Now that this long period has about expired, the Department of the Interior seeks to extend that period and thus further deprive the postponed heirs of their interest in the land for another 25 years. If the department can not extend the restriction on the land, it will seek to extend it on the money held by the department.

I am in the district which has more Indians affected by this legislation than any other Member of Congress. It would benefit a very limited class of people and deprive a much larger class of rights to which they are justly entitled. For instance, there is one old Indian, who has a one-third interest in some money at Muskogee, which came from lands in the oil-producing area. The department has had that money for about 15 years, holding it for the benefit of the child born since March 4, 1906. If you pass this legislation, this man who inherited as much as his child under the laws of Oklahoma will be deprived of his interest for another 25 years.

Mr. KVALE. Will the gentleman yield?

Mr. CARTWRIGHT. Yes; I yield with pleasure to my good friend the distinguished gentleman from Minnesota.

Mr. KVALE. Is that a typical case?

Mr. CARTWRIGHT. Yes; I will state to the gentleman that is a typical case. I could state a number of such cases if time permitted.

I give you one other instance in the Hickman Willis case, in which the money received since the death of Hickman Willis

consent for the present consideration of Senate bill 6078, bands without spending this extra $80,000 per year. Just

will reach approximately $100,000. One of the heirs was born prior to March 4, 1906, and under the act of 1908 he must wait and let this $100,000 be used exclusively by the child born since 1906.

Now, then, if you let the department further restrict this money or extend this 1931 restriction you might as well by legislation say to this other heir that he has no interest in the land and ought never to have had any and give it all by legislation direct to the child born since March 4, 1906. The demand for a continuance of this restriction, when analyzed, will appear to be utterly without sound foundation. It is simply one of the many plans by which the department wants to continue its control over these restricted funds. Now, the truth of the matter is, these persons which take since March 4, 1906, in most instances are less than full blood, and in some instances they are quarter bloods. Why give a tax exemption to a quarter-blood Indian on a homestead allotment for another period of years?

Why, my friends, the people in Oklahoma, especially in my district, have been looking forward with pleasant anticipation to the time when Indian affairs would be wound up, and, sure enough, this is "winding them up." It is winding them so far up that their affairs will never be unwound. You can not make white people out of Indians as long as you keep them more and more restricted. This bill is very unfair to the taxpayers of the State of Oklahoma and it is unfair to the Indians themselves.

There is not an Indian I know of, unless it happens to be an Indian who is benefiting by holding a job through continued restrictions, who wants this legislation. Restrictions have already been extended too long, and I plead with you not to pass this bill to further extend the restrictive period.

Mr. Speaker, I know the die is cast. The machine is well oiled and is going to run rough shod over me. The Indian Department has given its orders and under this bureaucratic Government, its orders will be obeyed. As for me, I do not take orders from any bureau. I answer only to my conscience and to the sovereign people of my district. Let me say frankly to this House and especially to the gentlemen who are leading the fight for the passage of this bill and bent on rushing it through with practically no consideration in the closing hours of this session of Congress, that I defeated a very able and distinguished gentleman for Congress who took the identical position as do gentlemen who are opposing me here now.

The chairman of the committee sponsoring this bill is from Montana and the other gentlemen so "interested" in our Indians in Oklahoma are from far-off Michigan.

I was reared among the Indians of southeastern Oklahoma. I know their needs and am deeply interested in their welfare. I plead with you not to pass this measure. [Applause.]

Mr. LEAVITT. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, in connection with Indian affairs it is always to be remembered that the Indians who are wards of the United States are known as restricted Indians; that is to say, their right to dispose of their property is restricted, and their property can only be disposed of with the approval of their guardian.

In Oklahoma the laws affecting these Indians are such that heirship property, property which these restricted Indians inherit, can be disposed of by them.

Time does not permit a statement of the details of this bill, but the main purpose of the bill, as I understand it, is to increase the restriction on the right of a restricted Indian to dispose of his property without approval of the Government.

Of course, in Oklahoma there is a wide demand to let the Indian dispose of his property freely. The report of the Commissioner of Indian Affairs is filled with instances of unwise disposition of such property, and when it is once disposed of, it becomes taxable. Again, there is great demand in Oklahoma to have this come about.

I am not sure that this bill goes as far as I would like to see it go in protecting these Indians from unwise disposition of their property, but it does extend further the protection of the property of these Indians, and I hope the House will support the motion of the gentleman from Montana in his effort to give protection to these Indians, as is recommended by the Secretary of the Interior, as is recommended by the Commissioner of Indian Affairs, and, as I understand, is supported by certain members of the Oklahoma delegation, including my friend HASTINGS, in whose judgment I have always had such great confidence.

Mr. McKEOWN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Speaker, ladies and gentlemen, a great philosopher, scholar, and sage once remarked that some men are born great, that others have greatness thrust upon them, while still others achieve greatness. Mr. Speaker, as a Tammany Hall Indian, I have observed during my four years of membership in this House that the only way men can achieve greatness in this body is through indefatigable and persevering work and through persistent and assiduous attention to duty upon the floor of the House or in committee. To-morrow noon, Mr. Speaker, ladies and gentlemen, in this drama of public service, there will pass from the floor of this House three men whom I have fought in the past upon the subject of poisoned alcohol. In the debate upon this controversial matter I have uniformly found these men earnest, sincere, and courageous in their convictions—I honor and respect them—I am sorry that the House will lose their counsel and advice upon so many matters that experience has ripened and mellowed their judgment. Who are these three servants of the Republic? One is my distinguished friend, LOUIS CRAMTON, the second is GRANT HUDSON, and the third is FRANKLIN MENGES. May I take this opportunity, Mr. Speaker, ladies and gentlemen, to say how sorry I feel that they have to leave this House as martyrs on the altar of prohibition. I sincerely hope that wherever life and fate may carry them in their career of life they may always carry along with them the fondest reminiscences and recollections of this House and that God's richest blessings may be theirs and that they may have peace in their hearts, contentment in their minds, and happiness throughout their days. [Applause.]

Mr. LEAVITT. I have only one speaker left.

Mr. McKEOWN. I yield two minutes to the gentleman from Oklahoma [Mr. O'CONNOR].

Mr. O'CONNOR of Oklahoma. Mr. Speaker and gentlemen, I am not rising to discuss the bill, although I am a member of the Committee on Indian Affairs that reported the bill out. They had it referred back to the committee, reported it out again with amendments, and it was not satisfactory; and now my colleague [Mr. HASTINGS] and some one in the Senate has written a perfect bill, which is now brought in here and in its form was never seen or considered by the committee.

I want to call the attention of this House to the fact that this House two weeks ago passed House bill 15772. It was passed by the Senate and signed by the President and is a public law. It was passed to eliminate double taxation on oil-producing properties from April 26, 1931, to the end of the fiscal year July 1, 1931. Now, in drafting this bill they have put the same identical language back in the bill so that the bill Mr. HASTINGS introduced relieving them of double taxation if this bill is passed puts the double tax on again and repeals the tax bill. So you can decide on which bill you want. Because of the tax provision I shall vote against the bill. It shows the mischief we do in the last minute. [Applause.]

Mr. McKEOWN. I yield two minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, recently a local newspaper carried an article in its Sunday edition, telling of the findings of a professor who went among all the American Indian tribes with the intention of studying their folklore and he stayed there with them three years and found deplorable living conditions among the tribes. He gave the facts and figures of many Indians who were almost starving and he found some of them eating the entrails of dead horses, and little children were going without clothing. I

stated something along this line to the gentleman from Michigan [Mr. CRAMTON] a year ago on this floor on other reports which I had received. An athletic instructor in one of the Indian schools told me that the entire athletic equipment for that Indian school was one basket ball.

I believe that the Indian Affairs Committee should look into these matters, and if these things are true, and I believe they are, that they will have a thorough investigation of the affairs of these Indians so that they may get that to which they are entitled. I am against this bill if it places any further restrictions on the poor Indians.

Mr. LEAVITT. The purpose of this bill is to prevent these Indians getting into the condition that the gentleman complains of.

Mr. CONNERY. The professor to whom I referred said that he found Indians whose money was being withheld from them by guardians and the Government, and yet these Indians were almost starving.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. McKEOWN. Mr. Speaker, and gentlemen, when I went to the Indian Territory 30 years ago the Indians in that Territory were under their own government, and I stand here to-night to tell you that they were in better condition in every way then than they are to-day after 30 years under the guardianship of the Bureau of Indian Affairs of this Government. They took care of the education of their children; they took care of their poor; they made their own laws. This bill proposes to say to an Indian 50 or 60 years old that although he has a half interest in a homestead that will be alienable on the 15th of next month, that he can not get his money before 1945. Here is what a Secretary of the Interior said about this bill in 1928 when we extended the restrictions:

> Under the existing law, the temporary special interests referred to above of these heirs, born since March 4, 1906, in the homestead of decedent allottees, will expire on April 26, 1931. It is understood that by reason of these temporary special interests or rights under the existing law, the final settlement and partition of estates of deceased allottees among the heirs were delayed and that many complications arose. It is believed that it will be to the best interest of the greater number of the heirs of deceased allottees to permit the temporary special interests or rights of the above-mentioned class of heirs born since March 4, 1906, to expire on April 26, 1931, as provided by existing law, and that such temporary special interests or rights should not be extended for an additional period of time. This will have the result of placing the allottee's heirs born since March 4, 1906, in the same position and with the same inheritance rights as the heirs born prior to that date.

One Secretary of the Interior said that these restrictions ought not to be extended. That was Secretary Work. The department down here is taking this money and holding it in the banks and will not turn it over to the legal guardians or recognize our State court judgments. There are Indians in my county and in my district who have thousands of dollars, and they can have no say about their property.

The Indian Bureau has some good agents; and some autocrats superintending the affairs of these Indians who assume to say when they will allow them any money; and I say to you that when an Indian has $100,000 or $1,000,000 he ought to have some rights, and the Government of the United States ought to give him some opportunity to develop business training. This bill is just another effort of the Bureau of Indian Affairs to prolong its hold on the Indians of the Five Civilized Tribes and have a place for a lot of employees for another 25 years.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. LEAVITT. Mr. Speaker, I yield the remaining time to the gentleman from Oklahoma [Mr. HASTINGS], who is himself part Indian and who has the courage to stand up for what the Indians need in the protection of their rights. [Applause.]

Mr. HASTINGS. Mr. Speaker and Members of the House, I hope I may have your attention for the next 10 minutes. In Oklahoma when the land was originally allotted there were certain restrictions placed upon the Indian allottees. Later on the restrictions in part were removed by legislation. An act was passed on April 26, 1906, extending the restrictive period until April 26, 1931. There has been an entire misconception of what is in this bill, and I want to explain to the House what it is in the bill. Three years ago, on May 10, 1928, Congress extended the restricted period until April 26, 1956, on approximately 10,000 of the 101,798 allottees of the Five Civilized Tribes. Here is what the Interior Department fears:

> The restrictions, without the act of 1928, would have expired on April 26, 1931. There were some rich oil lands allotted to some of the restricted Indians. There has been accumulated from these lands large sums of money. That money was restricted. The Interior Department has invested that money in certain securities. A few of those Indians have as much as $100,000 or $200,000, and some few of them as much as a million dollars. The trouble is the department fears that unless this bill is passed, those accumulated funds, accumulated from oil produced from restricted lands prior to this coming April 26, may become unrestricted and have to be turned over to those full-blood, and in some cases, non-English-speaking Indians.

Mr. McKEOWN. Will the gentleman yield?

Mr. HASTINGS. I can not yield now.

The SPEAKER pro tempore. The gentleman refuses to yield.

Mr. HASTINGS. Gentlemen, that is what the first section of this bill attempts to provide against. The first section of the bill makes it certain that the funds of the restricted Indians from these restricted lands will not be turned over on April 26, 1931, to be improvidently expended, but these funds will continue to be expended under the supervision of the Secretary of the Interior until April 26, 1956, which is the end of the restrictive period provided under the act of May 10, 1928. That is all there is to this section, Members of the House.

Mr. McKEOWN. Will the gentleman yield?

Mr. HASTINGS. I beg the gentleman's pardon. I can not yield now. My two colleagues [Mr. McKEOWN and Mr. CARTWRIGHT] and myself went before the Committee on Indian Affairs, and, with some minor changes which liberalized it, this bill was discussed and agreed to. It was unanimously reported by the Senate Committee on Indian Affairs. It has passed the Senate. It has been thoroughly considered and discussed and unanimously reported by the House Committee on Indian Affairs. That is all that is in section 1 of the bill.

There are two other provisions in the bill. One is that where a restricted Indian acquires by devise or otherwise entire tracts of already restricted and tax-exempt land, it continues restricted and tax-exempt in the hands of the restricted Indian until the expiration of the restrictive period. That is all there is in this bill. This provision only applies to restricted and tax-exempt land under the act of May 10, 1928. That is, in substance, what section 1 provides.

Now, what is in section 2 of the bill? We appropriate annually $40,000 to employ probate attorneys to look after the affairs of and represent restricted Indians. They have the right to represent restricted Indians in the courts. When a restricted Indian dies the heirs can alienate their inherited lands. Congress passed an act which provides that these inherited lands could not be alienated except with the approval of the county court. All that section 2 of this bill provides is that the probate attorneys whom we appropriate money for shall, as a matter of right, go into the probate courts and represent the restricted Indians in the sale of land that is inherited by full-blood heirs. In other words, this bill is in the interest of the restricted Indians. It protects them, and in the event there is an adverse ruling by the county court it permits an appeal to the district court of the State. They appear under the rules of the Supreme Court of Oklahoma.

That is all there is in this bill.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. OLIVER of Alabama. What are the rights of enjoyment on the part of the Indian who owns, say, $100,000 or $1,000,000?

Mr. HASTINGS. It is a question of degree of blood, and that is already determined by the act of May 10, 1928. As far as this bill is concerned, it does not impose any additional restrictions.

The act of May 10, 1928, extended the restrictive period for 25 years and until April 26, 1931. This bill makes it certain that the restrictions continue on the large sums of money that have been accumulated from oil that is produced from restricted lands. If this bill does not pass, the department fears it may have to turn over large sums of restricted funds to Indians who may improvidently expend it. I think the funds continue restricted under the act of 1928. This bill is in the interest of the restricted Indians, and if the Members of Congress understood it, I believe it would be unanimously passed.

Mr. OLIVER of Alabama. Will the gentleman yield further?

Mr. HASTINGS. I yield.

Mr. OLIVER of Alabama. What are the rights of enjoyment of an Indian who has a million dollars, which the gentleman says has been accumulated in the last few years?

Mr. HASTINGS. It remains under the supervision of the Secretary of the Interior.

Mr. OLIVER of Alabama. How much?

Mr. HASTINGS. Oh, the department is generous in a great many cases.

Mr. OLIVER of Alabama. How much?

Mr. HASTINGS. It is owing to the amount of money he has. He has been allowed to expend almost unlimited amounts of money for homes and living expenses under the supervision of the Secretary of the Interior.

Mr. OLIVER of Alabama. How much?

Mr. HASTINGS. Oh, various amounts. They are provided homes. They are provided automobiles; it runs in some cases as high as ten or fifteen thousand dollars a year. The amount depends on circumstances.

Mr. McKEOWN. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. McKEOWN. Has there ever been a bill passed by Congress restricting the money of the Five Civilized Tribes? Has there ever been a bill passed like that?

Mr. HASTINGS. Oh, yes; because it is money that comes from the restricted lands. This money for the most part is the proceeds of oil that is produced from restricted lands of the Indians. As I said, in a few cases there are large sums of money accumulated in the hands of restricted Indians, and the first section of this bill only seeks to continue the supervision of the Secretary over the restricted money and securities in the hands of the department belonging to those restricted Indians.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. O'CONNOR of Oklahoma. I had hoped the gentleman would answer the question of this duplicate taxation, because I know the gentleman is interested in that. However, I have another question——

Mr. HASTINGS. Let me answer about your taxation. This only applies to restricted and tax-exempt land. This does not increase tax-exempt land at all, and I want to say to the Members of the House—as the gentleman from Michigan [Mr. CRAMTON], a member of the Committee on Appropriations—knows that we appropriate $400,000 in lieu of the taxes not collected from these tax-exempt lands in aid of the public schools in Oklahoma. We maintain nine boarding schools and expend other large sums for hospitals. I say to you as one familiar with the affairs of these Indians that it would be a great mistake if this act were not passed to-night. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired. All time has expired. The question is: Shall the rules be suspended and the bill passed?

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 245, noes 55.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

PROTEIN IN WHEAT

Mr. BURTNESS. Mr. Speaker, I move to suspend the rules and pass Senate bill 101, to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes, with an amendment which is at the Clerk's desk.

The SPEAKER pro tempore. The gentleman from North Dakota moves to suspend the rules and pass Senate bill 101, with an amendment. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "Federal-State protein act." As used in this act the term "Secretary" means the Secretary of Agriculture.

SEC. 2. The Secretary is authorized to make surveys and to conduct research and educational programs with respect to the protein content of wheat, in any year prior to or during the harvesting and marketing thereof. The Secretary shall compile and disseminate (1) estimates of the probable amount of protein in wheat, (2) information pertaining to the protein content of wheat as a merchandising factor in the marketing and as a factor in the production of such commodity, and (3) information relating to the conditions affecting the quality and quantity of protein in wheat.

SEC. 3. For the purpose of carrying out the provisions of section 2 the Secretary shall establish, maintain, and operate laboratories in cooperation with any State agricultural college or with any other agency of a State, meeting conditions prescribed by the Secretary, with which cooperation is found practicable or desirable. In the event that such cooperation is not found practicable or desirable the Secretary may establish, maintain, and operate laboratories at such places as he may deem practicable for the efficient execution of the provisions of section 2.

SEC. 4. (a) In carrying out the provisions of this act the Secretary may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or political subdivision thereof, or with any person.

(b) The Secretary may (1) make such regulations, (2) appoint and fix the compensation of such officers and employees, not in conflict with existing law, and (3) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for periodicals, books of reference, and for printing and binding), as are necessary for the efficient execution of the provisions of this act.

SEC. 5. In order to carry out the provisions of this act there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum of not to exceed $75,000 per annum, commencing with the fiscal year beginning July 1, 1931.

Amend the title so as to read: "An act to provide for official tests to determine the protein content of wheat for use in merchandising the same to the best advantage, for acquiring and disseminating information relative thereto, and for other purposes."

The SPEAKER pro tempore. Is a second demanded?

Mr. LaGUARDIA. Mr. Speaker, I demand a second.

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent that a second may be considered, as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from North Dakota [Mr. BURTNESS] is recognized for 20 minutes, and the gentleman from New York [Mr. LaGUARDIA] for 20 minutes.

Mr. BURTNESS. Mr. Speaker and Members of the House, in view of the fact that a second has been demanded and ordered, I assume this bill will be fought and will, therefore, require a short explanation.

All this bill does is to authorize the Department of Agriculture to make surveys and to conduct research and educational programs with reference to the protein content of wheat. Other commodities were in the bill as reported by the Agricultural Committee, but all of those have been eliminated, so that the present proposal relates solely to wheat.

Now, one factor to which I desire to call your attention is, first, that not only is wheat one of the most important products of this country, often amounting in value to $1,000,000,000 a year, but it is a product which is primarily interstate in its nature.

In 1916 Congress passed a grain grading act, so that wheat throughout the country is sold, not under State grades but under Federal grades; in fact, in cases tried in the Supreme Court of the United States any attempt made on the part of a State to establish a grading law has been declared unconstitutional since the Federal law was passed. So you see wheat is different in that respect from most commodities. Congress has already general jurisdiction over its sale and determining factors affecting its value.

Many do not realize that wheat is useful for different purposes, depending in large part on its protein content. In some years there is a great amount of protein in wheat generally, and in those years it is not of any value, because the wheat ordinarily bought in the market is then of sufficient protein content so as to make a good flour. In other years, under certain climatic conditions, there is not enough protein in much of the wheat, and that means that in those years protein premiums are payable upon the wheat which has a high content of gluten or protein. The millers then bid up for protein wheat in order to get a supply of good mill mix to take care of their needs so as not to be caught short without an adequate supply for good flour.

What is the purpose of this bill? The fundamental purpose is to permit the Department of Agriculture, in cooperation with State colleges, State laboratories, and any other agencies or individuals, or, if need be, through laboratories that it may set up, to make a survey at the very beginning of the harvesting and marketing season and give that information to the people of the country so that the farmers themselves may know, so the grain trade may know, and so the flour mills may know what the likelihood of the protein situation is for that season. That is done for what purpose? First of all, of course, to give the best possible advice and information to the farmers and to the others who are interested; and, secondly, for the purpose of stabilizing the protein premiums that are likely to be established and paid throughout the marketing season.

You can readily realize that if there is a feeling at first that there is going to be plenty of protein they will not pay any premium until they find it is scarce, but later, in the event of such scarcity, protein premiums may be very high. This operates unfairly to the person who sells his wheat early in the season and does not receive his premium. Then, again, sometimes they think at first that there is going to be insufficient protein in the year's crop, and that means that premiums are immediately quoted and jump up, and farmer elevators and other dealers must buy that wheat at such high protein premiums, which is fine if within a month or so it does not develop that there is more than enough protein in the entire crop, in which event the result is that the protein premiums are stopped at once, and in such cases many farmer elevators in our section of the country have gone into bankruptcy because of such a situation in specific seasons.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. O'CONNOR of New York. Does the gentleman sincerely believe that the Government should be in the business of taking any concern in the price of any commodity and helping to put the price up or down? Does the gentleman think that is any concern of the Government?

Mr. BURTNESS. I refuse to answer that question because that is not involved in this bill in any way.

Mr. O'CONNOR of New York. Yes, it is.

Mr. BURTNESS. The gentleman has apparently not read the bill and does not know what is in it.

Mr. O'CONNOR of New York. I know about the bill.

Mr. BURTNESS. All this does is to determine the facts, make the surveys, and then make the facts available to the people so that producers and others may exercise their best judgment in the light of all the facts, permit protein premiums to be determined and stabilized in a fair way, depending solely upon the law of supply and demand of that particular quality in the entire crop, but with full knowledge of such supply.

Mr. O'CONNOR of New York. The primary purpose is to fix the price.

Mr. BURTNESS. Oh, not at all. I think I have explained fully what the bill does. It is not in any way a price-fixing measure.

Mr. FULMER. Will the gentleman yield?

Mr. BURTNESS. I yield.

Mr. FULMER. As a matter of fact, under this bill, it is proposed to find out and pass on to the farmer the real protein content rather than to wait and find out after it passes into the hands of the man who sells to the consumer.

Mr. BURTNESS. Of course, that is one of the main purposes of the bill, and I am glad to have the support of the gentleman who has asked the question and who has for several years on the Committee on Agriculture of this House studied this problem.

Now, I understand this is not a bill proposed here in a hurry or one that has not been given careful consideration. The Committee on Agriculture of the House had hearings in the last Congress and in this Congress upon the subject and the bill that is brought before you by this amendment is not the bill which I would like. I introduced a bill which I think is more comprehensive and better in its terms than this, but that was not given full approval by the committee and this is a bill which a subcommittee of the Committee on Agriculture worked out with the department, and which has been recommended by the full committee, and I understand recommended unanimously. True there are a few changes which limit its operations even more than the bill as recommended by the House committee, and the appropriation that is authorized is only $75,000.

All they can do is to make the surveys and distribute the information for the benefit of the people and make certain studies. If need be to do that, they would have the authority to set up three or four laboratories in proper sections of the country.

It is a very nominal expenditure and it amounts to only an infinitesimal portion of 1 per cent of the amount that may be realized by the farmers if this work can be done fairly. Do not forget that all it does is not what has been suggested by the gentleman from New York [Mr. O'CONNOR] to fix prices but only to obtain and give the information that is necessary not only for the farmer but necessary just as much for the miller and for the grain trade in order to carry on their business in a businesslike way.

Mr. GARBER of Virginia. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. GARBER of Virginia. I would like to ask the gentleman this question: Will not the result of this proposed legislation be practically the same thing that we have in the grading of fruit, in the grading of potatoes, in the grading of cotton, and so on; in other words, does not this do for wheat just what standardized grading does for these other items?

Mr. BURTNESS. This is not a matter of grading, because protein can not be graded as such and made a part of the grade. It does not go as far as that but the same in principle. It simply gives to the farmer the benefit of full knowledge as to the protein situation throughout the country as a whole. We have already put the grades of wheat within Federal standards, but the most important value of wheat in so far as baking value is concerned, or its milling value, is its protein content, and so far absolutely nothing has been done by the Government in order to assist getting complete information of marketing conditions pertaining to that value back to the people of the country.

Mr. STRONG of Kansas. In other words, this establishes the milling value.

Mr. BURTNESS. Exactly; that is, it establishes the factors which make up the milling value, but has nothing to do with the cash value except as affected by the factor most important in milling value.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. WELSH of Pennsylvania. Will the gentleman explain how this benefits the consumers? Some of the Members here would like to know about that.

Mr. BURTNESS. It will benefit the consumer to this extent. It will stabilize the prices, it will stabilize the protein premiums that will be paid by the millers throughout the season, and for that reason will help to assist the consumers just as well as the producers, because if there is anything that is not in the interest of either producers or consumers

it is wide fluctuations upon the market. There is no question about that. If you have a protein premium of 30 cents one day and 10 cents the next and nothing the following week, and then shoot it back to 15 cents or 20 cents, do not forget that your consumers in the cities of New York and Chicago are paying the highest amount of these fluctuations and not the lowest, and the producer suffers with the consumer.

Now this legislation will stabilize this premium and avoid the fluctuations to a large extent.

The premiums will be practically the same after they have been once determined for the season, based upon the amount of protein in the new crop. When they have determined whether the protein is scarce or plentiful—and when it is plentiful there is no protein premium—there are generally none in a dry year like 1930——

Mr. O'CONNOR of New York. It will not put the price of bread down to the consumer.

Mr. BURTNESS. The gentleman does not understand the point. Instead of the fluctuations being up and down, with reference to the premiums, they will be more of an average; in other words, stabilized.

Mr. Speaker, I reserve the balance of my time.

Mr. LaGUARDIA. Mr. Speaker and gentlemen, the gentleman from North Dakota and his farmer associates are coming here in the closing days of Congress with a proposition which will do the farmers no good but which will increase the price of bread. I think we have been very patient in the cities. You had the farm relief bill that will take $500,000,000 out of the Treasury. You have authorized that sum, and you have already invested over $90,000,000 of that fund in wheat. Wheat has been low in price and we have had no benefit of it in the cities; the price of bread has not gone down nor the price of wheat products.

Here you come at the last moment with a bill rejected by the House—you could not get it by on the Unanimous Consent Calendar. It is true that this bill has been now toned down somewhat. It provided originally for an analysis of alfalfa—perhaps it was intended to put hay into our bread but that has been stricken out as well as flaxseed.

Mr. BURTNESS. That is not in the bill now.

Mr. LaGUARDIA. I said you have toned it down.

Mr. BURTNESS. It was not in the original bill.

Mr. LaGUARDIA. I have it right here in my hand. Gentlemen, this is a shell game so far as the farmer is concerned. Some one will pick the shell with the protein—but the farmers will not get the benefit; the consumer is not going to get any benefit. Who is going to get it? The speculator, the miller, and the Baking Trust.

Mr. KVALE. Will the gentleman yield?

Mr. LaGUARDIA. Not now.

Mr. KVALE. The gentleman ought to yield to me in all fairness.

Mr. LaGUARDIA. I do not see anything that is fair about this. I know that you farmers have a majority in the House, but there is going to be a limit to pushing the consumer.

Mr. KVALE. Will the gentleman yield?

Mr. LaGUARDIA. Oh, let the gentleman get time from Mr. BURTNESS.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. There is no limit to this. To-day you had your oleomargarine and you put turpentine into it, and here you have wheat and you put alfalfa into it.

Mr. KVALE. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. KVALE. Does not the gentleman know it is just as important to know the protein content of wheat to determine its value as it is to know the content of butterfat in cream and milk to determine the value of that product?

Mr. LaGUARDIA. I have a high regard for the gentleman's judgment. In this instance I do not agree with him. This simply provides for a laboratory appropriation.

Mr. KVALE. Sure.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. O'CONNOR of New York. Somebody said recently, complaining about us, that this Congress had done nothing for the farmer. I am willing to wager that 90 per cent of the legislation passed in this session of Congress was for the minority of the country, the farmer.

Mr. LaGUARDIA. Who said that?

Mr. O'CONNOR of New York. Oh, some wild man watching out for the relief of the farmer.

Mr. LaGUARDIA. Why, we have been very generous with the farmer. All of this appropriation has been constantly for the farmers.

Mr. KVALE. Will the gentleman yield?

Mr. LaGUARDIA. I can not yield to the gentleman from Minnesota. It is about time to call a halt to-day. The gentleman from North Dakota the other day made a statement about the low price of wheat. Is it not true that in the last season wheat has gone down to the lowest level we have had in years?

Mr. BURTNESS. In several years—in 35 years.

Mr. LaGUARDIA. But the price of bread has not gone down.

SEVERAL MEMBERS. Oh, yes, it has.

Mr. HOPE. The gentleman does not even know what is going on in his own city.

Mr. BURTNESS. And at Liverpool the price of wheat has gone down to a lower point than it has been for 300 years. That is the Liverpool price to-day.

Mr. LaGUARDIA. And what good does that do the gentleman's farmers in North Dakota?

Mr. BURTNESS. Unfortunately, it does not do us a particle of good, but when conditions are as desperate as they are, when you can make conditions so that it will make it easier for us to get an extra cent here and there, when we produce a high quality of wheat, then we are anxious to get that cent or two, and this legislation is going to help us in that respect.

Mr. LaGUARDIA. When the gentlemen and the farmers realize that they would better cooperate with the consumers and not with the speculator, they will do something for the country.

Mr. BURTNESS. I yield two minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, the House should perhaps be somewhat further informed as to the background of this legislation. We sometimes, in the wheat-growing section, like Montana, when there is a proper understanding of the protein content of our wheat, get not only 11 or 12 cents a bushel as a protein premium, but I have known it to be as much as 50 or 60 cents a bushel. The farmers can not certainly secure their premium for that high-quality wheat unless there is definite and official information as to the protein content of the wheat for that particular year. The purpose of this legislation is to make it certain that the protein content will be foreseen through the beginning of a study early in the season, which can extend on through the season and give the farmer the advantage of the actual protein content for which he is entitled to receive additional pay.

High-protein wheat is produced in a limited section of this country. Our great competitor is Canada to the north, Alberta and Saskatchewan, where they also produce a high quality of wheat. That wheat can be brought across the boundary line, and even over our tariff, many times, and the only opportunity we have to secure the best advantage of our high-quality wheat, of which there is no surplus, is to have legislation which will make it certain that during the selling season the full value of it will be known.

The SPEAKER. The time of the gentleman from Montana [Mr. LEAVITT] has expired.

Mr. LaGUARDIA. Mr. Speaker, I yield three minutes to the gentleman from Washington, Doctor SUMMERS, who says he understands this bill.

Mr. SUMMERS of Washington. Mr. Speaker, I thank the gentleman very much for the time he has allowed me, but I stated I did not pretend to fully understand the bill, but I thought I could make some features of it plain to the Members of the House.

The higher the protein content, as I understand, the better the milling quality of the wheat and the better the bread, and that is important to the consumer. In a dry year the protein content of wheat runs high. Then there may be enough high-protein wheat in the United States that it does not command a premium to the farmer, but when there is a limited amount of high-protein wheat there is a premium paid to the farmer on that wheat. When we sell our wheat it must be tested by somebody. We send it away. We do not know for sure whether we are getting a reliable test or not. The man who makes the price on our wheat also tells us how much protein there is in it, and whether he will pay 1 cent or 2 cents a bushel more, because it contains this additional amount of protein.

I have sold wheat on this basis a good many times. It is a simple proposition. The miller, who must buy the high-protein wheat in order to make better flour and the farmer who may be able to get a few cents more per bushel for his wheat, are both concerned in knowing the exact amount of protein that is contained in the wheat, and for that reason it is to the interest of all that we have a reliable agency to determine the protein content; somebody on whom we can depend, both the miller and the farmer, and for that reason I favor the Senate bill rather than the substitute offered by the House.

Mr. HARE. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. HARE. I am much interested in the gentleman's statement, but I am wondering whether or not the facilities at the experiment stations in the various States are sufficient or adequate to make these experiments?

Mr. SUMMERS of Washington. It is a simple test. I can not give the gentleman the details, but in connection with any State college with limited equipment they could make this test.

Mr. HARE. At the experiment stations now in existence could they make this test equally as well as at the laboratory that is going to be established?

Mr. SUMMERS of Washington. The test is not so difficult but you must have a test that everybody will have confidence in.

Mr. HARE. Does the gentleman think they do not have confidence in the experiment stations?

Mr. SUMMERS of Washington. Some miller in Minneapolis might not have confidence in an experiment station in the State of Washington. The mills want to know what the standard test on this is. They want to know the Federal test on it instead of a State or local test.

Mr. HARE. The experiment stations are under Federal supervision. It strikes me that anyone would have as much confidence in one as in the other. I have no objection to the bill but I want to bring out whether or not we are duplicating effort in this.

Mr. BUCHANAN. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

The SPEAKER. The time of the gentleman from Washington [Mr. SUMMERS] has expired.

Mr. LaGUARDIA. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. HENRY T. RAINEY].

Mr. HENRY T. RAINEY. Mr. Speaker, ladies and gentlemen of the House, this is the kind of a bill that every friend of the farmer in this House, unless he represents a constituency along the Canadian border, ought to be against. Along the Canadian border they produce wheat, blue-stem wheat, and another variety of wheat, of which I have forgotten the name, that carries a higher protein content than wheat raised in any other part of the United States. This bill, if enacted into law, will give to that wheat an artificial value that it ought not to have. The value of a high-protein wheat to the commercial bakers depends upon this proposition:

You make bread out of wheat that carries a high protein content and that loaf of bread will carry more moisture than if made out of wheat with a lower protein content. Therefore every Representative of any city constituency ought to be against this bill. This bill ought to be labeled as a bill which will enable great commercial bakers in the cities to sell water instead of bread that has a real value. You take a loaf of bread made out of this wheat which they produce in the North, this high-protein wheat, and that loaf of bread will weigh 14 ounces the first day; you keep it until the second or the third day and you will find its weight has decreased at least two ounces. Therefore this is the kind of a bill that all Representatives of farmers raising wheat anywhere in the United States, except those who selfishly represent that group who live along the Canadian border, ought to be against—it is the kind of a bill that Representatives of constituencies who are producing wheat in any other part of the United States ought to be against, because it places a premium in the market for a small section of this country.

Recently when the Federal Farm Board, attempting to place a loan selling price upon wheat, placed a loan sale price of $1.26 we thought it was an effort in good faith to raise wheat generally throughout the United States to that price. As a matter of fact, when wheat producers in any other section of the United States, except in the Dakotas, attempted to cash their wheat with the Federal Farm Board for $1.26, they were told that this price applied to only that wheat which would grade No. 2 Northern, and this is the only section of the United States where they got $1.26 a bushel for their wheat; all other sections got below $1, and in my section, where they raise soft winter wheat, the producers were advised that the loan-selling price of $1.26 did not apply because they did not produce wheat that had as high a protein value as did the wheat along the northern fringe of counties of the United States. So this is a bill that ought not to have the vote of over 15 or 20 Representatives in the United States Congress, and really not that many. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. LaGUARDIA. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Speaker, ladies and gentlemen of the House, it seems to me there is no value to this legislation except to give the Department of Agriculture a further $75,000 to spend. I raise on my farm from 125 to 150 acres of wheat every year. It is of the red hard type, which is call the protein wheat. I say to you, as a man in this House representing great cities, that I doubt if there is any value to this in behalf of the farmers. If there is any value to it I can not see it, but I think it will tend to increase the price of bread to the consuming public. The millers will only charge a higher price for their processed products. I greatly doubt of its having any definite value to the wheat-growing areas of the Nation.

Let us not be hasty in the passage of this kind of legislation.

Mr. LaGUARDIA. Mr. Speaker, I reserve the balance of my time.

Mr. BURTNESS. Mr. Speaker, I yielded at the beginning. I have only one speaker left, with three minutes. I do not feel that the opposition should reserve the balance of their time before I yield my three minutes.

The SPEAKER. The gentleman has the right to close the debate.

Mr. LaGUARDIA. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, this bill at the outset calls for only $75,000, but within five years it will call for $750,000, because we will be asked to appropriate for governmental testers and experimental men all over the United States. To my mind this legislation will not aid if we should have hundreds of thousands of these tests made. I do not believe they would help the farmer.

The trouble with you gentlemen representing the farmers is this: You fail to realize that the farmers are producing now too much wheat. Before prohibition we grew at least two and a half times as much barley as we do now; all these

millions of acres of land formerly planted to barley are being planted in wheat, and consequently we grow 30 per cent more wheat than we did before you forced prohibition on the country; but you fail to realize or recognize that. You are blind to obvious facts. Instead of aiding us to repeal this—to you and the Nation—detrimental prohibition law, you are endeavoring to cure these ills by legisation, and that at a tremendous cost to the Nation as well as to yourselves. You are producing much more wheat than we possibly can consume and than we possibly can export and find markets for. That is the reason the price of wheat is low. Reduce your acreage of wheat, produce less, and you will obtain a much higher price, because you will have no surplus to annoy or trouble you.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. O'CONNOR of Oklahoma. Would the gentleman consider a proposition to have a study of soils made so that we might plant a little of this wheat acreage in grapes, so that we might produce Vine-Glo?

Mr. SABATH. What applies to wheat applies to everything else. If this bill should be passed, the next year not only these gentleman from Kansas, Iowa, the Dakotas, and others representing the wheat growers but all other agriculturists will be here requesting that we provide tests and appropriate large sums of money to test all other farm commodities or crops.

Mr. BURTNESS. Mr. Speaker, I yield the balance of my time to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Speaker and Members of the House, I am surprised there should be so much misunderstanding about as simple a bill as this one. A few years ago it was discovered by millers that high-protein wheat made a better baking wheat for some things like bread and that the low-protein wheat was a better biscuit or cracker wheat. So protein has become the test by which we determine the milling value of wheat and the purpose for which it shall be used.

This is all there is to protein, as far as this bill is concerned, and I may call the attention of the gentleman from Illinois and from the other soft-wheat States to the fact that in many years there is a premium paid for low-protein wheat, just as there is in other years for high-protein wheat. So this bill is just as important to the producers of low-protein wheat as it is to the producers of high-protein wheat.

The amount of the premium paid for protein is determined by its relative scarcity. Ordinarily the farmer has no way of knowing whether protein content the country over is high or low. It is the purpose of this bill to provide a method by which the producer may secure this information before he sells his grain.

This bill simply means that the farmer is going to get paid for what he actually produces. It is going to put a premium upon quality production. It is going to do the same thing for the wheat farmer that we have done for the cotton farmer in establishing grades.

Mr. NELSON of Missouri. Will the gentleman yield?

Mr. HOPE. Yes.

Mr. NELSON of Missouri. Then, all this does is to ascertain the real value of wheat?

Mr. HOPE. That is it exactly. All this bill does is to ascertain the real milling value of wheat, just as we have done in providing for the establishment of cotton grades to establish the real value of cotton, and upon which grading we are spending over $400,000 every year.

Recently this House considered a bill to establish grades of cottonseed to determine the value of that seed for marketing purposes.

Mr. MANLOVE. Will the gentleman yield?

Mr. HOPE. Yes.

Mr. MANLOVE. Is it not a fact that many farmers sell their wheat without knowing the real protein value of the wheat, and this would make it possible for the farmer to know the real value of his wheat and thereby get more for it?

Mr. HOPE. That is true; and that is the purpose of the bill—to enable a survey to be made so that the farmer as well as the speculator and the miller is going to know the value of an excess or deficiency of protein for that particular year. The farmer now has no opportunity to get this knowledge. No one knows now what the protein premium is going to be until after the wheat has passed out of his hands.

The SPEAKER. The time of the gentleman from Kansas has expired. All time has expired; and before putting the vote, it may interest Members to know that the Senate has just sustained the President's veto on the Muscle Shoals bill, 49 to 34.

The question is on the motion of the gentleman from North Dakota [Mr. BURTNESS] to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. LAGUARDIA and Mr. CONNERY) there were—ayes 245, noes 54.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

STATUE OF MAJ. GEN. JOHN A. RAWLINS

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate Joint Resolution (S. J. Res. 228) to provide for the relocation of the statue of Maj. Gen. John A. Rawlins.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital is authorized and directed to cause the statue of Maj. Gen. John A. Rawlins to be erected in Rawlins Park, United States Reservation No. 13, District of Columbia, upon its removal from its present location as authorized in the Act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926. The exact site selected in such park shall be approved by the Commission of Fine Arts.

SEC. 2. For the preparation of the new site and the erection of such statue thereon there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500.

The SPEAKER. Is there objection?

Mr. CONNERY. Mr. Speaker, reserving the right to object, and I shall not object, can the gentleman from Massachusetts give us any late bulletins on the hospital situation?

Mr. LUCE. I regret that I can not.

There being no objection, the joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1640. An act for the relief of John E. Ross;

S. 4334. An act for the relief of G. Elias & Bro. (Inc.); and

S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 532. Joint resolution authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3771. An act authorizing the Secretary of the Interior to convey certain lands to the State of Wyoming;

S. 5080. An act for the relief of the State of California;

S. 5814. An act to provide for the issuance of permits for the construction of pipe lines for the importation into the United States of natural or artificial gas;

S. 6114. An act to authorize the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J., to the Port of New York Authority;

S. 6166. An act to provide for preliminary examination and survey to be made of the Willamette River and its tributaries, Oregon, with a view to providing a navigable channel from Portland to Springfield;

S. 6188. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.;

S. 6228. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway, to the late Stephen T. Mather; and

S. J. Res. 247. Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17163) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes."

The message also announced that the Senate had receded from its disagreement to the amendments of the House to the bill (S. 1696) entitled "An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley," and agrees to the same.

THE WRITINGS OF GEORGE WASHINGTON

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5724) authorizing the George Washington Bicentennial Commission to print and distribute additional sets of the writings of George Washington.

The Clerk read the bill as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans," approved February 21, 1930, is amended by striking out all preceding the last sentence therein and inserting in lieu thereof the following:

"That the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington established by the joint resolution entitled "Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington," approved December 2, 1924 (hereinafter referred to as the commission), is authorized and directed to prepare, as a congressional memorial to George Washington, a definitive edition of all his essential writings, public and private (excluding the diaries), including personal letters from the original manuscripts or first prints, and the general orders, at a cost not to exceed $56,000 for preparation of the manuscript. Such definitive edition shall be printed and bound at the Government Printing Office and shall be in about the same form as the already published diaries of George Washington and shall consist of 25 volumes, more or less. There shall be 3,000 sets of such edition, 2,000 of which shall be sold by the Superintendent of Documents (1) at a cost of $50 per set for sets sold to public libraries, and institutions and societies of learning and (2) the remainder of the 2,000 sets, at a cost equal (together with the receipts from the sets sold to such libraries, institutions, and societies) to the total cost under this section of preparing the manuscript and printing and binding the entire edition. The commission shall, upon the publication of each volume of the remaining 1,000 sets, distribute copies of each such volume as follows: Two each to the President, the library of the Senate, and the library of the House of Representatives; 25 to the Library of Congress; 1 to each member of the Cabinet; 1 each to the Vice President and the Speaker of the House of Representatives; 1 to each Senator, Representative in Congress, Delegate, and Resident Commissioner; 1 each to the Secretary of the Senate and the Clerk of the House of Representatives; and 1 to each member and officer of the commission. Every such recipient eligible to receive any volume or volumes of such writings at any time prior to the issue of the final volume (but not later than December 31, 1935) shall be entitled to receive a complete set of such writings. The remaining sets, if any, shall be distributed as the commission directs, including such number of sets as may be necessary for foreign exchange. The usual number for congressional distribution and for depository libraries shall not be printed."

SEC. 2. Section 1 of such act of February 21, 1930, is further amended by adding at the end thereof the following new paragraph:

"The 1,000 extra copies (heretofore privately printed) of the first volume of such writings shall be considered to have been authorized by the commission and the commission may accept a donation of such extra copies for distribution for reviews, advertising, and for such other promotional purposes as it may deem advisable. If the commission shall direct the Superintendent of Documents to sell any such extra copies of the first volume, he shall offer the same for sale at a cost per copy equal to the cost per copy of the first volume as computed under clause (2) of the third sentence of this section. Such extra copies shall be the only copies of any volume of the set distributed or sold separately."

With the following committee amendments:

Page 2, line 18, for "six thousand" substitute "three thousand," and for "four thousand" substitute "two thousand."

Page 2, line 19, strike out "five hundred."

Page 2, lines 22 and 23, strike out "four thousand five hundred" and substitute "two thousand."

Page 3, line 3, strike out "five hundred."

The committee amendments were agreed to.

Mr. LUCE. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 23, after the words "per set for," insert the words "not to exceed 1,000."

Page 2, line 24, and page 3, line 1, strike out "the remainder of the two" and insert "the remaining one."

Page 3, line 10, after the word "Congress," insert the words "for its own use. And in addition 125 copies to the Library of Congress for international exchange."

Lines 21 and 23 on page 3, strike out the words "including such number of sets as may be necessary for foreign exchange."

Mr. SWING. Mr. Speaker, I rise in opposition to the amendment. I have asked this time for the purpose of asking a question of the distinguished gentleman from Massachusetts. I would like to find out what is being done toward reaching an agreement by the conferees on the hospitalization bill. Here it is nearly 11 o'clock in the evening and there will be little or no business transacted to-morrow. There are disabled veterans walking the streets to-day waiting for a comrade to die in a hospital so that they can get his bed.

Mr. LUCE. While it is hardly pertinent to the writings of George Washington, I gladly inform the gentleman that, to my regret, I have patiently waited all day long for the Senate conferees to send some word.

Mr. SWING. If George Washington were here I have no doubt he would favor taking care of the soldiers who fought the battles of this country, and I sincerely hope that this Congress will not adjourn without this, the most meritorious legislation now pending in Congress, being enacted into law. [Applause.]

The amendments of Mr. LUCE were agreed to.

Mr. KVALE. Reserving the right to object, will the gentleman permit me to ask him a question?

Mr. LUCE. Certainly.

Mr. KVALE. The distinguished gentleman from Massachusetts, I understand, has been more than willing to go as far as he could in the matter of reaching an agreement on the conference report on the hospital construction bill. I believe that is a correct statement.

Mr. LUCE. It is.

Mr. KVALE. The gentleman has heard two or three gentlemen on his side of the Chamber say to-day that they voted "nay" the other day because they were under a misapprehension.

It has been stated here that the vote, when this came to a conclusion, was a mandate from the House of Representatives. In view of the public statements that have come from the Republican side of the Chamber, in view of the private statements that have undoubtedly been made to the gentleman, and in view of his own convictions and his own helpful attitude, does he still consider the vote the other day to be a mandate upon him as a member of that conference committee? I hope I am not subjecting the gentleman to an unfair question.

Mr. LUCE. Mr. Speaker, it is difficult for a member of a conference committee to state with precision just what should be his course. It must be largely determined by circumstances. His first duty, as I take it, is to represent the views of the body that has intrusted to him that obligation. If, after long and patient deliberation, he should find an opportunity to make a concession which he thinks might be acceptable to a majority of the body to which he belongs, then it would be his duty to yield. We have recently had an illustration of the perplexity of the situation. The conferees from both Houses considering the resolution for amending the Constitution after many, many hours of deliberation finally concluded that neither side could yield. In the present instance we have waited now patiently for hours to ascertain whether the gentlemen in the other branch have reached that point of conciliation where they are willing to meet us half way or make any concession whatever. They left us, and I think I am justified in so saying, with a definite announcement that if they yielded one inch there would be no bill, and any man who puts the responsibility on the House conferees or on the House does not recognize the facts of the case. They refuse to yield one inch to us, and until they have changed their minds, what can we do? [Cries of "Yield."]

Mr. KVALE. But, Mr. Speaker, the other day, when this came up, I told this House that all the chairman of the conference and the other members could do was to promise that they hoped they could come to some agreement, and in the present situation you see that you have nothing to choose from.

All we have is this tie-up, this dilemma. We have a situation where in a few hours the clock will strike and the Congress will adjourn. We want only a chance to vote on this.

The gentleman has had representations from both sides of the Chamber that must raise a doubt in the mind of a fair man like the gentleman. Will he bring this question back to the House for a fair vote? [Applause.]

Mr. LUCE. I can make no promise for my associates, and I would be helpless by myself. I am perfectly willing to assure the gentleman that as soon as we have concluded the consideration of measures from the Committee on the Library, for which I have been long and patiently waiting, I shall consult with the other members of my committee and ascertain what is their disposition.

Mr. KVALE. Let me, first of all, apologize to the gentleman for impeding the progress of bills of his committee, and let me thank the gentleman for his most generous statement.

I understand we need only one vote. Three or four gentlemen just now have importuned me to say that, and I gladly say it.

All we want is a chance to vote on this, to remove ourselves and dissociate ourselves from the bias that surrounded us the other day. Let the RECORD show that 30 gentlemen, perhaps more, came up to the well of this House and changed their votes after they had cast them, because they understood it was a question of the protection of the gentleman from Massachusetts—and for that I do not blame them—but they were under a misapprehension. And we have veterans that need hospitalization, that need to be saved, that need their lives, and yet here we stand and bicker about some inconsequential thing like the honor of the House of Representatives. I appeal to the honor of the House of Representatives. [Applause.]

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A similar Senate bill was laid on the table.

CHICAGO WORLD'S FAIR CENTENNIAL CELEBRATION

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5625, providing for the participation of the United States in a century of progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes, which I send to the desk.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the bill (S. 5625).

The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. LUCE. Mr. Speaker, this is a long bill. That is, it is a bill of some eight pages, and at this stage of the proceedings it would be somewhat of a waste of time if the House did not desire to consider the bill to read the rest of it. I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. BLANTON. Mr. Speaker, I reserve the right to object to the consideration of the bill. This bill authorizes an appropriation of how much?

Mr. LUCE. One million seven hundred and fifty thousand dollars.

Mr. BLANTON. And it is for a celebration to occur in 1933?

Mr. LUCE. Yes.

Mr. BLANTON. We will be back here at least by December, and we will have the gentleman at the head of his Library Committee.

Mr. RANKIN. Oh, no.

Mr. BLANTON. He will be on the minority side of the table, but still at the head of the table.

Mr. LUCE. I thank the gentleman for his first impression in this matter.

Mr. BLANTON. Mr. Speaker, this bill for $1,750,000 should not pass, and I object.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Would it be in order to move to discharge the conferees from the further consideration of the veterans' hospital bill?

The SPEAKER. The gentleman knows very well that it is not.

Mr. RANKIN. No; I am sorry the gentleman is not as well informed as the Speaker gives him credit for being.

Mr. CONNERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNERY. Would it be in order for the chairman of the subcommittee, a member of the conferees, to move that the committee be given instructions by the House?

The SPEAKER. It would not.

Mr. CHINDBLOM. I ask the gentleman from Texas to withhold his objection to the pending bill.

Mr. BLANTON. If the gentleman wants to discuss it, let him move to suspend the rules. Does the gentleman think you should provide this large sum of $1,750,000 at this time at a midnight session to be expended in 1933, when we are coming back here in December? What is the hurry?

Mr. CHINDBLOM. I may say that this bill is here as the result of a report submitted to the President of the United States——

Mr. BLANTON. Mr. Speaker, for the present I object.

Mr. CHINDBLOM. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. I withhold it to let the gentleman speak, but I shall object.

Mr. CHINDBLOM. I submit to the gentleman from Texas that we have been considering bills from all angles to-day, bills from all the committees of the House. We have passed bills that have been requested and desired by people from all sections of the country.

Mr. BLANTON. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. BLANTON. We have just had an exhibition here where the conferees are killing a hospital bill because they do not want to make some concessions to the Senate, as requested and required by the Senate.

Mr. LUCE. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. LUCE. May I call the gentleman's attention to the fact that this is not an appropriation. It is only an authorization.

Mr. BLANTON. Oh, yes; it will force us to appropriate this sum later. Let us take the $1,750,000 and offer to the Senate that we will add it to the hospital bill as a compromise and get that matter through.

Mr. GREEN. It depends on which side of the aisle it comes from.

Mr. BLANTON. Mr. Speaker, I object to the bill. We should not appropriate this $1,750,000 in this closing night session.

GENERAL PULASKI

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 247, authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of a Senate resolution, which the Clerk will report.

The Clerk read the Senate resolution (S. J. Res. 247), as follows:

Resolved, etc., That the President of the United States is authorized and requested to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on October 11, 1931, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies of the death of Gen. Casimir Pulaski.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the gentleman a question.

Mr. SCHAFER of Wisconsin. This does not place any drain on the Treasury.

Mr. BLANTON. But is the gentleman sure that it will not be contrued to mean there will be another general holiday here in Washington?

Mr. SCHAFER of Wisconsin. Oh, positively not. It only seeks to observe the anniversary of the death of that outstanding hero of the American Revolution, General Pulaski.

Mr. BLANTON. Then there will not be another holiday here?

Mr. SCHAFER of Wisconsin. No; there will not.

The SPEAKER. Is there objection?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on Gen. Casimir Pulaski, an outstanding hero of the American Revolution and patriot of the most self-sacrificing type, who carved a record of honorable achievement in the history of our Republic running like a golden thread.

The SPEAKER. Without objection it is so ordered.

There was no objection.

EXTENSION OF REMARKS—CASIMIR PULASKI

Mr. GRANFIELD. Mr. Speaker, during the second session of this Congress I filed in the House of Representatives House Joint Resolution 313, a resolution similar to the Senate resolution (S. J. Res. 247) which is now before us for consideration. My resolution and the one before us to-day provide a belated recognition of the services rendered to our country by the great Revolutionary patriot Casimir Pulaski. It is as follows:

Resolved, etc., That the President of the United States is authorized and requested to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on October 11, 1931, and inviting the people of the United States to observe the day in schools and churches or other suitable places with appropriate ceremonies of the death of Gen. Casimir Pulaski.

It is needless for me to say that I am, indeed, happy the Senate has passed this resolution, and that it is to receive the unanimous consideration of this branch of the Congress. It is fitting and it is proper that this resolution be adopted, so that our Government may recognize the splendid services rendered to us by that valiant and courageous soldier, Casimir Pulaski, who gave his life in the cause of American liberty.

In commenting upon this resolution it is my purpose to bring to the attention of the Congress the splendor that radiated from the heroic soul of that distinguished warrior and the undimmed luster of his valorous achievements.

Casimir Pulaski was born in Poland in 1747 of noble birth. His father was the staroste or chief magistrate of Wareck, regarded in those days as one of the ablest jurists in Poland, a man high in the public esteem of his country, and foremost among his people in their efforts to regain their lost freedom. The votive spirit of his father awakened a kindred response in his bosom, and he, with his brothers and his nephew, dedicated their lives to the restoration of their beloved Poland.

Casimir Pulaski in his early youth saw his country overrun by foreign invaders. He perceived that the liberties of his country were unjustly denied his people by aggressors from without. He witnessed the unsuccessful efforts of his father to rescue the dismembered and stricken Poland. During the futile struggle for emancipation he was forced to make great sacrifices and to endure many hardships. This conflict to preserve the liberties of Poland forced Casimir Pulaski to sacrifice everything; he saw his father captured, his brother and his relations killed by the enemy. He observed the capture, condemnation, and execution of many of his most loyal compatriots. He was himself declared an outlaw by the King, and in consequence of this act he published a manifesto, in which he protested his innocence and which revealed to the world the excellence of his character. The following is an extract from his manifest:

I am not astonished that the enemies of my country, resolved on her ruin, should direct their shafts against those who resist the most firmly their impetuosity, and that they should regard as such the brave Poles, whom they have sacrificed and who are still repelling their most cruel attacks. Nor ought I to complain that, having the honor to command a party of my illustrious compatriots, these enemies have chosen me for the first object of their assaults. This I might naturally expect, considering the melancholy situation of my country and my devotion to her defense. My destiny was clear, when, at the age of 21, far from yielding to the amusements common to youth, I regarded every moment lost which was not employed repelling the enemies of my country. My best witness was my late father, marshal of the confederate army, who has finished his career in the public service. He would have testified to the manner in which I dared to emulate his zeal.

I have endeavored to mark my course by an invincible fortitude. Neither the blood of one of my brothers, which was shed by the enemy before my eyes, nor the cruel servitude of another, nor the sad fate of so many of my relations and compatriots, has shaken my patriotism. Always faithful to my country, I flatter myself that even my enemies will regard this strong bent of my nature as a patriotic impulse. I believe I have proved by four years' service that I have not been influenced by interest or false point of honor. The first calumny against me has been published in the gazettes of the enemy, in which I am named as the author of a conspiracy executed in Warsaw. To this reproach I have hitherto submitted in silence, convinced that our enemies are eager to blacken with the pen those against whom they contend with arms. But I now follow the example of the published declaration of the confederate states; and, although I have determined to defend my country only with the sword, I am induced on this occasion to use the pen. I declare before God, before the Republic of Poland, and before all the powers of Europe, that my heart is an utter stranger to crime. My thoughts and actions have had no other end than the good of my country. It has never entered my imagination to attempt the life of any person to whom has been assigned, in any manner whatsoever, the government of the nation, or to avenge the wrongs of my country in any other way than that of open war.

Unsuccessful in his efforts to rescue his country from the bonds of thralldom, he departed to France, and so strong was his love for freedom that he resolved to fight the battles of freedom on distant shores. Doctor Franklin, who was then in Paris, wrote to Washington as follows:

Count Pulaski, of Poland, an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against the three great invading powers of Russia, Austria, and Prussia, will have the honor of delivering this into your hands. The court here has encouraged and promoted his voyage, from an opinion that he may be highly useful in our service.

Count Pulaski arrived in America in the summer of 1775, where he joined the Army as a volunteer. He immediately plunged with all the vigor which was so characteristic of his military exploits in his homeland into our struggle for free-

so that our Government may recognize the splendid services military exploits in his homeland into our struggle for free-

dom. His first taste of battle was at Brandywine. His valor and his courage were so outstanding in that battle that he was shortly made a brigadier general upon the recommendation of Washington. He displayed his accustomed zeal and intrepidity at Germantown, Warren Tavern, Haddonfield, and other places, transferring to the battlefields of America the same devotion to liberty and the same heroism that had made his name so illustrious in Europe.

On October 9, 1779, in company with Captain Bentalou, while they were riding forward in the heat of the battle at Savannah, General Pulaski received a wound which proved fatal, and from which he died on October 11, 1779, in the cause of American liberty. He was then 32 years of age. He had given to America that which he would have been willing to give to the land of his birth—his life for the cause of liberty; he could give no more. He blazed the trail for the millions of his people who were to follow him from the land of their birth to this land of freedom. He played a vital and significant rôle in the histories of Poland and the United States. He accomplished for America that which he hoped to achieve for Poland. It is proper that our Government, for which he died to establish, should properly and fittingly recognize October 11 of each year, and by the passage of this resolution express our gratitude for the heroic services which Casimir Pulaski rendered to our Nation and to the people of the world.

Mr. CONDON. Mr. Speaker, this resolution pays but scant honor to an outstanding military hero of the American Revolution. By its terms the President of the United States is authorized and requested to call upon the officials of the Government to display the flag of the United States on all Government buildings on October 11, 1931, to mark the anniversary of the death in battle of Gen. Casimir Pulaski. The resolution further requests the President to invite the people of the United States to observe the day in schools and churches or other suitable places with appropriate ceremonies commemorating the death of this friend of the American Colonies in the war for their independence.

I repeat that the resolution pays but scant honor when we reflect upon the generous, unselfish, and distinguished services of Count Pulaski on the battlefields of the Revolution. The fame of Count Pulaski during the dark days of the war, when the cause seemed almost hopeless, and in the years immediately following the successful issue of the war in which he offered up his life, was second only to that of Lafayette among that great galaxy of foreign military leaders who contributed such inestimable and invaluable aid to General Washington in the organization and direction of the Continental Army. So great was the recognition of the achievements of Count Pulaski that no less than eight States gave his name to counties and towns established within their boundaries. The generation immediately following the close of the Revolutionary War was not unmindful of the great contribution rendered by Pulaski, in common with Lafayette, Rochambeau, Kosciusko, Von Steuben, and DeKalb. General Washington had a high regard for the military prowess of Pulaski, particularly for his genius as a born leader of cavalry, and upon his recommendation General Pulaski was appointed chief of dragoons, after his gallant conduct at the Battle of Brandywine in 1777. In further recognition of his distinguished and meritorious services in that arm of the Continental Army, the Continental Congress in 1778 gave him authority to organize an independent corps of cavalry, which afterwards became famous as Pulaski's Legion on the southern battlefields of the Revolution. It was while bravely leading the cavalry of the French and American Armies before Savannah that General Pulaski was mortally wounded and died on October 11, 1779.

The American Republic delights to honor those distinguished leaders of other lands who generously threw themselves into the fight for American independence, and in prominent squares and public parks of this great Capital City of the Republic are to be found striking monuments erected in grateful remembrance of these men whose services to the immortal commander of the Armies of the Revolution, General Washington, were beyond price. Of all such only General Pulaski had the fortune to die a hero's death upon the battlefield in the midst of the war. He did not live to see the victory to which he had so largely contributed, but thousands and hundreds of thousands of his compatriots of the great Polish race have in the years that have gone since the establishment of this Nation followed in his footsteps and have made their homes in almost every State of the Union. They, too, have contributed to the making of this great Republic. In war and in peace they have proved themselves worthy exemplars of the noble traits of the great outstanding representative of their race, whose star shone so brightly among the military heroes of the American Revolution.

It is well for us to remember that our independence was won not alone by the embattled farmers of Lexington and Concord or of the Old Dominion but that among the ranks of many regiments of the Continental Army there were men of every European race fighting bravely in the cause of freedom and independence from the tyranny and oppression of an arbitrary king across the sea. It is well also for us to remember that were it not for the assistance of such experienced military leaders as General Pulaski and Von Steuben and DeKalb the War of Independence, even though it might eventually have succeeded, would have been greatly prolonged. Because of these things we ought not to be selfish in our enjoyment of the blessings of liberty which are ours. We ought to be not only willing but anxious in the future as we have been in the past to share this land of opportunity with those of the native lands of these heroes of our Revolution. By their loyalty and devotion to the cause of independence when that cause looked doubtful indeed, they have won the right of the people of their races to come to these United States and enjoy an opportunity to pursue a life of happiness and the protection of our laws.

I am glad to testify to the sterling qualities of citizenship among the thousands of the Polish race who have settled in my State of Rhode Island. They make good citizens and they love the land of their adoption. Their children and their children's children are indistinguishable among the great mass of a variety of other races that make up the population of my State, except by their habits of thrift and industry. They are in every way most desirable members of the communities in which they have settled, and America is the gainer by their having come to these shores to make their homes in this land of liberty. The name of Poland is synonymous with a passion for freedom in the history of Europe during the last two centuries. Though surrounded on all sides by powers avaricious for territory and dominion, the love of liberty never died in the Polish heart.

In the face of overwhelming odds attempt after attempt was made to throw off the oppressors whose partition of historic Poland had merited and received the condemnation of the world, and though failure was their only reward for valor they did not despair. Spurred on and encouraged by such heroic leaders as Count Pulaski and Kosciusko they resolved that a free Poland should be reunited and reborn. While patiently waiting during the long years of their nighttime of tyranny and oppression they nourished the doctrines of democracy and the immortal principles of liberty. Treasuring these sentiments they came to America in great numbers during the last half century, so that to-day millions of the compatriots of General Pulaski are citizens of this great Republic, and thousands of their sons fought under the Stars and Stripes in the great World War, which for Poland proved to be a war of liberty and independence, largely due to the friendship of our great American war President, Woodrow Wilson. Indeed, we might say that America's debt to Pulaski was paid by Woodrow Wilson when he stood in the breach at the peace conference of Paris for a united Poland with an outlet to the sea.

So, Mr. Speaker, it is indeed fitting that we should commemorate the immortal services of General Count Pulaski by recalling to mind on the anniversary of his death his distinguished exploits and his heroic sacrifice on the battlefields of the American Revolution. And we ask that the President of the United States summon all the people of this great Republic to pay honor to this hero and friend and aide of General Washington, and to remind us that he contributed in no small degree to the blessings of liberty and independence which we enjoy in America to-day.

Mr. SABATH. Mr. Speaker, ladies and gentlemen of the House, I shall not in these closing hours of the Congress unnecessarily detain you. I desire, however, to thank you for the favorable consideration given the proposal to have October 11 of each year proclaimed as General Pulaski Memorial Day, in commemoration of the death of Brig. Gen. Casimir Pulaski.

This honor is but a fitting one for the great liberty-loving patriot who contributed so much to the establishment of American liberty.

While I fully appreciate that every man, woman, and child in this country is more or less familiar—or, at least, should be—with the career of this great man, I will briefly outline it here again for the RECORD.

Casimir Pulaski was born in Podolia, Poland, March 4, 1748. He came of a noble family and inherited rank and fortune. Had he chosen the easier path he could have lived a life of ease and luxury. But he was a born lover of liberty and soon found himself leading his people in the cause of Polish liberty. He was brilliant and courageous in battle, even though doomed ultimately to defeat. Pulaski sacrificed everything he had to win freedom for his people. Even members of his own family lost their lives. He witnessed the death of his grandchildren and the capture of his only living grandchild, an infant of 18 months of age. He saw his own daughter die. He was condemned as an outlaw with a price upon his head. His possessions were seized and he was finally forced to flee his country.

Pulaski was familiar with the efforts of the struggling American Colonies to win their independence and sympathized with those aspirations. He decided to offer his services. Benjamin Franklin, then in Paris, favored him with an introductory letter to General Washington.

Count Pulaski of Poland—

Read the letter—

an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against the three great invading powers of Russia, Austria, and Prussia, will have the honor of delivering this into your hands. The court here have encouraged and promoted his voyage from an opinion that he may be highly useful in our service.

In another letter Doctor Franklin said:

Count Pulaski is esteemed one of the greatest officers in Europe.

Pulaski arrived in Philadelphia during the early part of 1777 and joined the Army as a volunteer, and we find him with Washington, Greene, Wayne, Sullivan, and Lafayette at the Battle of Brandywine, striking his first blow in behalf of American independence. His gallantry, bearing, and military skill were such that toward the end of the engagement he was intrusted with the command of Washington's bodyguard. Four days afterwards he was commissioned by Congress as a brigadier general and assigned to command the Cavalry.

He fought bravely, giving his all that the people of this land might be free. He was finally given permission to raise an independent corps, which became known as the Pulaski Legion. At the head of this force he successfully defended Charleston from an attack by the British in May, 1779, but in an unsuccessful attack on Savannah, Ga., in October of the same year he fell, mortally wounded, dying on October 11, 1779. Although unable to preserve liberty for his own native land, he had helped to achieve it for the new Nation in the New World.

At some later day, when suitable opportunity offers, I shall endeavor, in my humble way, to set forth also an account of the deeds of his fellow compatriot, Thaddeus Kosciusko, also a gallant Polish general and patriot who won fame as a champion of freedom on two continents. Volunteering, like Casimir Pulaski, his services to the American Army, Congress made him a colonel of artillery and he served with distinction as an engineer to the successful conclusion of the war. The first fortifications at West Point were among the works constructed by Kosciusko. At the close of the war he was rewarded with the thanks of Congress, the rank of brigadier general, an extensive grant from the public lands, and an annual pension. His statue stands to-day in Washington, with those of Generals Lafayette, Rochambeau, and Von Steuben, in a public park before the White House.

It is my hope that by refreshing the minds of the American people by recalling the deeds of these two great men it may serve to soften the intolerant spirit so often displayed these days by some of the professional patriots against the race from which these men sprang, as well as against others of foreign birth whose records may not compare in brilliance with those of these heroes, but whose people also contributed their part in securing American independence and freedom.

CELEBRATION OF SIEGE OF YORKTOWN

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14262) to amend section 2 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in conection with such celebration, and for other purposes."

This is a House bill and is a case of emergency, Mr. Speaker. The celebration takes place this summer, and the appropriation is necessary at once if we are to take an adequate share in the celebration.

Mr. PATTERSON. Mr. Speaker, a parliamentary inquiry. Is this a House bill, no corresponding Senate bill having been passed?

The SPEAKER. The bill could only be recognized by the Chair on the ground of a very great emergency and with some assurance that it would pass the Senate. It seems to the Chair it is rather a waste of time. However, the Chair will recognize the gentleman for that purpose.

The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That section 2 of Public Resolution No. 89, Seventy-first Congress, approved on June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes" be, and the same is hereby, amended to read as follows:

"SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not exceeding $300,000 to be expended in the discretion of the commission in carrying out the purposes of this resolution, in doing such work, securing such grounds, providing such buildings and facilities, and meeting such expenses as the commission may deem necessary for the appropriate participation of the United States in the celebration and observance of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781."

With the following committee amendment:

Page 2, line 9, strike out "$300,000" and insert in lieu thereof "$250,000."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. LUCE]?

Mr. PATTERSON. Reserving the right to object, I want to ask the gentleman a question. If I understand it, this is a House bill, and there is no Senate bill pending or passed.

Mr. LUCE. I am not informed that there is. There have been two measures relating to this subject. I think perhaps the gentleman has in mind the other measure which enables two Members of the House to continue serving on the commission, although they are retiring from the Congress.

Mr. PATTERSON. My point is that since this seems to be in the same status as the widows and orphans' pension bill I do not think it is as much of an emergency as that, and that did not get by and, therefore, unless there is some explanation which I have not heard, I shall object.

Mr. BLAND. Will the gentleman withhold his objection a moment?

Mr. PATTERSON. Yes, indeed.

Mr. LUCE. I have no individual acquaintance with this and no relation to it, but to Judge BLAND, of Virginia, this is a very important proposal.

Mr. PATTERSON. I reserve the right to object.

Mr. BLAND. The statement that no Senate bill has passed is inaccurate.

Mr. PATTERSON. I do not think anybody has made that statement. I asked that question, and since the matter is in this situation, I shall not object to this worthy bill, but I do wish to stress the need for the passage of this pension bill for the widows and orphans of our deceased World War veterans and also for the passage of the hospital bill before the close of this Congress.

Mr. BLAND. This bill increases the appropriation for the Yorktown Sesquicentennial by $50,000. The Senate had a bill pending before it similar to the bill which was originally presented to the Committee on the Library which provided for an increase of $100,000. The Senate has passed the bill increasing the appropriation by $100,000. There is now pending on the Speaker's desk Senate bill 5546, making an additional appropriation of $100,000. The gentleman, if he desires, can call up Senate bill 5546, with an amendment striking out $300,000 and making it $250,000, which is an increase of $50,000, and makes it correspond in all particulars with the bill that was reported by the Library Committee.

Mr. LUCE. Mr. Speaker, I had not been informed of the presence of that bill on the Speaker's table. I ask unanimous consent for the present consideration of Senate bill 5546.

Mr. BLAND. The motion under those circumstances would be for an amendment decreasing it $50,000.

The SPEAKER. The Chair is informed that the bill has just arrived and is on the Speaker's table.

Mr. STAFFORD. Mr. Speaker, I understand it is the gentleman's intention to move to amend the Senate bill by reducing the amount $50,000?

Mr. LUCE. Yes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of Senate bill 5546, which the Clerk will report.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 2 of Public Resolution No. 89, Seventy-first Congress, approved on June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not exceeding $300,000 to be expended in the discretion of the commission in carrying out the purposes of this resolution, in doing such work, securing such grounds, providing such buildings and facilities, and meeting such expenses as the commission may deem necessary for the appropriate participation of the United States in the celebration and observance of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781."

Mr. LUCE. Mr. Speaker, I move to strike out all after the enacting clause and substitute the following amendment.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Strike out all after the enacting clause and insert in lieu thereof the following:

"That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to remain available until June 30, 1932, for further carrying out the provisions of the public resolution entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," approved June 17, 1930, such sum to be in addition to the authorization and appropriations heretofore made for such purposes and to be expended in the discretion of the commission in carrying out the purposes of such public resolution in doing such work, including personal services in the District of Columbia and elsewhere, without reference to the classification act of 1923, as amended, and civil-service regulations, traveling expenses, furniture and equipment, supplies, printing and binding, rent of buildings in the District of Columbia and elsewhere, and all other expenditures authorized by such public resolution."

Amend the title so as to read:

"To provide an additional appropriation for further carrying out the provisions of the public resolution approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand that the gentleman now proposes an appropriation rather than the two former proposals before the committee of an authorization?

Mr. LUCE. Yes. It is too late to get any further measure through.

Mr. STAFFORD. May I inquire how much money up to date has been appropriated for the Yorktown celebration?

Mr. LUCE. Two hundred thousand dollars.

Mr. CRAMTON. Mr. Speaker, I may say, as a member of the Appropriations Committee, that I stated to the gentleman from Massachusetts and the gentleman from Virginia that I would not object and I felt sure our committee would not object, in view of the fact that it would be idle to pass an authorization at this time.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the amendment.

Mr. QUIN. Mr. Speaker, I rise in opposition to the amendment, and I ask unanimous consent to proceed for five minutes out of order.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, on what subject?

Mr. QUIN. On the veto of Muscle Shoals.

Mr. SCHAFER of Wisconsin. I certainly shall not object.

Mr. QUIN. Mr. Speaker and gentlemen, indeed this is, in my judgment, one sad hour for the American people. Tonight the United States Senate upheld the President of the United States in his veto of the Muscle Shoals bill. [Applause.] My friends, God being my witness, I would regret to applaud such a calamity as that against the American people. [Applause.] For all these years the farmers of this Republic have looked to the East, to the star of hope. When the present occupant of the White House was elected by a great majority, under the solemn pledge that this great project down in the South, in the Tennessee Valley, called Muscle Shoals, should be dedicated to the national defense, to agriculture, and the hopes of the American people for the future, there was rejoicing in the land. [Applause.] The Power Trust of this Republic, this great octopus that is sapping the vitality of the people, that is laying tribute on the humble homes of this Republic, that is collecting its toll from all the factories, is rejoicing.

There is rejoicing in the great strongholds of banking houses, brokers, and financiers that use the public utilities to rob the American people. Our people are sad, and instead of being in a humor to applaud I feel like shedding tears, not for myself but for the people of this Republic, all the way from the shores of the East to the shores of the West.

My friends, the day is coming when we are to have a reckoning. Daniel is going to be called to judgment. I trust that this sad veto that came to-day and the action of the United States Senate will not be permanent. I believe that the great throbbing hearts of the American people will rise up against this cruel, this merciless, this wicked, this contemptible assault of predatory wealth, as evidenced in this veto that has been sustained to-night by the United States Senate.

I trust that the warm, throbbing hearts of the American people will cause them to march in a solid phalanx to victory, and that the honest press of the United States will send these messages over the country and let the people know that they have been given a Joab stab under the fifth rib, and let the American people know that in this sad hour they still have hope and that they have champions who will come to their rescue. [Applause.]

The predatory interests say, "Let us take it out of politics." It is already in politics, in every schoolhouse, in every village, in every hamlet, on every farm, in every hut, in every palace, in every factory, and in every drawing-room in the United States. Talk about taking this great problem out of politics, it has just entered. A great project that this Government owns, that the taxpayers of this Republic have toiled for is going into obsolescence and into waste. At whose behest? Not at the behest of the American people who really go out and fight the battles of our Republic; not at the behest of the people who are the backbone of the United States and stand up for the best principles of our Republic, but at the behest of powerful predatory interests. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ERECTION OF STRUCTURES ON THE POTOMAC RIVER

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of a Senate resolution (S. J. Res. 182) prohibiting location or erection of any wharf or dock or artificial fill or bulkhead or other structure on the shores or in the waters of the Potomac River within the District of Columbia without the approval of the Commissioners of the District of Columbia and the Director of Public Buildings and Public Parks of the National Capital, with an amendment, which I send to the desk.

The Clerk read the title of the Senate joint resolution.

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, I wish to propound a parliamentary inquiry with reference to the subject we were on a moment ago. I want to ask the Speaker whether or not he would be willing to recognize me to move to suspend the rules and pass a resolution instructing the conferees on the part of the House now considering the veterans' hospital bill. This would be perfectly in order. This is within the power of the Speaker and if the Speaker would recognize me, or any other Member to offer such a resolution, I should like very much to have that done now, because in a few hours the Congress is going to die. We could instruct the conferees to agree or to report a disagreement so that the House might take further action in the matter.

The SPEAKER. The Chair has no official knowledge of what the conferees have done or what they propose, and in the opinion of the Chair, the House must have enough confidence in its conferees not to assume that they are not representing the opinion of the House. The Chair would not entertain such a motion.

Mr. CRAMTON. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S. J. Res. 182) prohibiting location or erection of any wharf or dock or artificial fill or bulkhead or other structure on the shores or in the waters of the Potomac River within the District of Columbia without the approval of the Commissioners of the District of Columbia and the Director of Public Buildings and Public Parks of the National Capital, with an amendment which I have sent to the desk.

The Clerk read as follows:

Resolved, etc., That hereafter no wharf or dock or artificial fill or bulkhead or other structure shall be located or erected on the shores of the Potomac River and its tributaries, or in or over these rivers, within the District of Columbia without the approval of the Commissioners of the District of Columbia and of the Director of Public Buildings and Public Parks of the National Capital, both as to location and plans; nor without such permit therefor as may be required from the War Department in the exercise of its jurisdiction conferred by law over the navigable waters of the United States: *Provided*, That this bill shall not be held to apply to the shore of the Potomac within the limits of the city of Alexandria, Va.

The SPEAKER. Is a second demanded?

Mr. LAGUARDIA. I demand a second.

Mr. CRAMTON. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, ladies and gentlemen of the House, a year ago Congress passed a bill to establish a great memorial parkway on both banks of the Potomac from Mount Vernon to Great Falls.

Many years ago when the District of Columbia was created it included land on each side of the Potomac. Some 70 or 80 years ago the Government ceded back to Virginia that part on the other side of the Potomac. At that time the Government retained the land up to high-water mark on the Virginia side. It is held that the Government owns the land in the Potomac up to high-water mark on the Virginia side.

Under that theory of the law no adjacent property owner has any right to build any structure on land that belongs to the United States Government. Nevertheless adjacent property owners are asserting the right from time to time to construct wharves and other structures in the Potomac below high-water mark.

Such a case occurred last year in the application of the Sun Oil Co. If that permit had been granted to the Sun Oil Co. to build a wharf in the Potomac on land that belongs to the United States Government what would have been the result? In the building of the parkway, as soon as adjacent lands were acquired and the parkway came into being, we would have had to buy those structures put upon the land belonging to the United States Government.

Now, it is held by the Chief of Engineers that he can not determine anything when a permit is asked for except whether navigation would be interfered with; that he could not pass upon the question whether the person had title to the land.

The engineer was overruled by the Secretary of War who disapproved of the application of the Sun Oil Co. The case is pending in court. My understanding is that if Congress adjourns without legislation making clear the situation that the case will be proceeded with and it will be attempted to establish that the land belongs to the United States, but that a permit granted by the War Department would give them the authority to place this improvement upon the Federal-owned land. It will be contended that the Secretary of War would not have any authority to pass upon any question except whether it would interfere with navigation.

The legislation in question passed the Senate last May. It was not intended to affect the water front of Alexandria because the parkway does not include land in Alexandria. This legislation is designed to remove any question and I am keeping my promise to move an amendment that will specially exempt from the operation of the bill the shore adjacent to Alexandria.

I have a statement from Colonel Grant, the executive officer. I hesitate to take too much time, but there will be some opposition to the bill, and I think you should understand pretty clearly what the facts are. Colonel Grant is the executive officer of the National Park and Planning Commission which seeks this legislation. He states that it is highly essential that this legislation be enacted. He says:

NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
Washington, D. C., February 27, 1931.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

Subject: Control of wharves and other structures in waters of the District of Columbia; H. J. Res. 345 and S. J. Res. 182.

MY DEAR MR. CRAMTON: Yesterday evening there came to my attention a printed broadside dated February 10, 1931, with a printed subscripture "Rebecca S. Greathouse." This broadside is headed "Memorandum on H. J. Res. 345–S. J. Res. 182." While not addressed to anyone in particular, I can only assume that this broadside was written, printed, and has been distributed with the view to interfering with the passage of the joint resolution referred to. I do not wish to take your time with the refutation of the personal attack on me contained therein; but do feel

concerned that the implications against the said joint resolution should not be given more consideration than they deserve.

The effect of the joint resolution recommended by this commission, is to designate the officers who are to exercise control over the construction of wharves and other structures in the waters within the District of Columbia. It does not in any way extend jurisdiction of these or any other Government official beyond the legal limits of the District, and merely prohibits the building of such structures without their approval within these limits.

The title of the United States to certain water-front property, and the tendency for squatters to establish themselves on property owned by the Government and to build there improvements and structures to the disadvantage of the Government and for which the Government afterwards will have to pay high prices in damages if and when it wishes to use its own property, was recognized many years ago by Congress. Finally the ownership of the United States having been investigated by a commission, the act of Congress approved April 27, 1912 (37 Stat. 93), charged the Department of Justice with the duty of clearing the title of the United States to any part of the lands concerned, the full ownership of which was contested.

These cases are complicated and the Department of Justice has handled them individually one at a time as proposed development of private interests on Government land has made it necessary.

The proposal of the Sun Oil Co. to construct a tank farm for the bulk storage of oil and gasoline on property to be bought from Mr. Greathouse, contemplated this use of land included within the project for the George Washington Memorial Parkway which was approved by Congress in the act of May 29, 1930, and the construction of a wharf on land owned by the United States and waters within the District of Columbia. The owners of part of this land lying in Virginia are now in court seeking a writ of mandamus to require the Secretary of War to issue a permit for the construction of the wharf, which would evidentally be private use of public land within the District of Columbia in violation of existing law.

The project of the Sun Oil Co., itself an objectionable encroaching of industrial interests in a residential district in Virginia in close proximity of the expensive Key Bridge and injurious to the carrying out of the George Washington Memorial Parkway, would inevitably result in the ultimate transfer of the large aggregation of bulk storage from south of Rosslyn to the Rosslyn water front above the Key Bridge. Practically all of the public sentiment of Arlington County and the neighboring part of Virginia was arrayed against this project, as expressed by the two Senators of Virginia and the Representative of the Virginia district in the House, the citizens' associations, and many other organizations. The Arlington County Zoning Commission itself recommended that the land to be occupied by the Sun Oil Co. should be reserved for residential use, but in spite of this recommendation of their own zoning commission, the supervisors of Arlington County granted the permit.

This project is not the only case in which private interests in Virginia are attempting to take advantage of the favorable conditions created by the United States projects to make developments incompatible therewith, on land or in waters to which the United States has title and over which the District of Columbia has jurisdiction. Another such case is being appealed in the Supreme Court by the Department of Justice (copy of brief enclosed). The claims of the United States in these cases are based on decisions of the Supreme Court.

1. Marine Railway and Coal *v.* United States (257 U. S. 63) and,

2. Morris *v.* United States (174 U. S. 196).

Evidently, as the official having jurisdiction and custody of any public land in the District of Columbia not otherwise assigned by law, the Director of Public Buildings and Public Parks has felt it incumbent upon him to do all in his power to protect the public interests confided to his care. In taking what steps were possible for this purpose, I have been fulfilling a manifest public duty, and at the same time have felt that I was assisting the majority of property owners in Arlington County to protect themselves and other property against injury by obnoxious developments, which will not be possible without illegal use of Government property. Immediate passage of the joint resolution referred to seems to be an important step to protect the Government's own interests and property, by prohibiting the improper use of the latter, requiring the squatters to prove any title or rights they may have on the premises, instead of permitting them to go ahead with their structures and putting on the Government the burden of ousting them and then perhaps paying them damages for insisting upon using its own property.

Some years ago Gen. H. M. Chittenden said:

"The greatest obstacle that the promoters of public work have to overcome are not those of nature but of man. Nature is sometimes a stubborn adversary, but she always acts in the open without subterfuge or indirection; but human ignorance, prejudice, and self-interest are handicaps of a different character. Ignorance is the least important, because it may yield to instruction. Prejudice, that is, prejudgment of a case is immeasurably worse; but self-interest is the main insufferable obstacle of all. Public measures are judged by their effect upon the private pocketbook, and the rarest phenomenon in the world is willingness to subordinate personal interest to the public welfare."

This is just such a case where selfish interests are desirous of using the Government itself to promote a project injurious not only to the direct interests of the Government, but also to what appear to be the interests of the majority of their community. It is unfortunate, of course, that public interests should interfere with the sale by Mr. Greathouse and his children of their property, because the Government is not willing to permit its own adjacent property to be used against its own interests. But, it may be pointed out, that the passage of H. R. 16218 (S. 5740) will permit this commission to purchase the Greathouse property immediately at a fair price and without incurring the additional cost of any improvements that might be put on it as the result of its sale to some other party, such as the Sun Oil Co.

Very respectfully yours,

U. S. GRANT, 3d.
Executive and Disbursing Officer.

In the City of Washington all over the District of Columbia the Congress has passed legislation which gives to the Zoning Commission the right to determine the character of the development not of land belonging to the United States, but of lands belonging to individuals. In this case we are applying a similar principle, except that we want the Government of the United States to have the right through the Planning Commission and the Commissioners of the District of Columbia to determine what kind of development there can be in the District of Columbia not on privately owned land, but on land that belongs to the Government of the United States.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. If this is Government-owned land, and the Government should control it, why does the gentleman provide in this resolution that consent shall be had of the District Commissioners?

Mr. CRAMTON. Because it is land within the District of Columbia.

Mr. BLANTON. But the District Commissioners have nothing to do with Government property in the District of Columbia. Government property is controlled by Government officials and the District Commissioners are not Government officials.

Mr. CRAMTON. They have to do with the administration of affairs in the District of Columbia. They are appointed by the President of the United States. They represent the Government of the United States in governing the District of Columbia. I reserve the remainder of my time.

Mr. LAGUARDIA. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. LEHLBACH.]

Mr. LEHLBACH. Mr. Speaker, I want to speak temperately and in an endeavor to speak temperately and reasonably I want to say that in the 16 years of my experience in this House I never saw pressed for passage a more outrageous piece of legislation than this. [Applause.] It may not be of great moment to the people generally, but here is a deliberate attempt to deprive people of their property without due process of law or without compensation. This is not any Sun Oil Co. This is the matter of a man and his wife, named Greathouse, who have a little property over in the State of Virginia which abuts on the Potomac River. The Federal Government has no right to the riparian lands between high and low water marks; otherwise this bill would not be here, for the Government could exercise its proprietorship and prevent any structure being erected on Government property. That claim of the Government is disputed, and never, since this property was ceded back to the State of Virginia, has it been successfully asserted by the Government.

This proposition is to deprive these people who own that property of the right to use it lawfully for their own interest, in order to cheapen it so that the Government can buy it for a song if and when they get ready to condemn it. It is a pitiful, cheap proposition for this mighty, rich Government to try to rob a poor couple in the State of Virginia of their property. This matter is in the courts. The Secretary of War has refused a permit to build a wharf there, although as a matter of fact the wharf would not interfere with navigation. The Secretary of War admits that as soon as that case is heard he will be mandamused to grant that permit, and because an adverse decision is anticipated by those who have this proposed memorial highway in prospect, they want to forestall the judgment of the court by legislation here in Congress. They want to deprive these people of rights which the court is about to give them and they want

to do it by legislation. I doubt whether it would be constitutional. I doubt whether they have the right to take property without paying for it. This highway will not be built until the State of Virginia matches what we propose to spend for it, and that may be scores of years from now, and in the meantime this bill would allow the commission that is going to build this road at some future time in effect to take this property from these people. If I know my colleagues, they are not going to let them do it. [Applause.]

Mr. LAGUARDIA. Mr. Speaker, I think all will agree that I am not property minded. I do not give the snap of my finger for the Sun Oil Co. or any other oil company, and I think my record will bear that out. But I do want to stand for fair play. I do not think it is fair when you do indirectly by legislation that which you can not do directly. This is very simple. Here is property that by its very nature is adapted only to one use, and that is water-front use, and we come in now and say to these people, You shall not use it for for water-front use; and that is all there is to it. In other words, you are zoning this property right out of existence. If this property should be taken but not be taken for the purpose which the gentleman from Michigan has in mind, let us do the honorable thing and come in and pay for it. [Applause.]

No one can ever say that in all my 12 years I have ever become unduly excited about protecting the property of any big corporation, but that is not involved in this question. The question is fundamental, that we are seeking to zone the value right out of this one piece of property, which is adapted only to one use.

We have been very generous to the gentleman from Michigan [Mr. CRAMTON]. Every bill that he has brought before this House has been passed. I may say to the gentleman from Michigan that the land will not run away. When the time comes that you need the land, you will have to acquire it the same as you acquire any other piece of property and you can not make an exception in this case by this indirect method of zoning it out of existence. [Applause.]

Mr. CRAMTON. Mr. Speaker, I simply want to emphasize the Sun Oil Co. case because it is an illustration of what can happen under present conditions. We spent millions of dollars to build the Key Bridge from the District to Virginia without a penny of contribution of any property in Virginia which was benefited by it. We are spending millions to build the Arlington Bridge in the same way, without any contribution by Virginia lands benefited by it.

Mr. MONTAGUE. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. MONTAGUE. Does not the Key Bridge start in the District of Columbia and end in the District of Columbia?

Mr. CRAMTON. Yes; absolutely.

Mr. MONTAGUE. Virginia had no authority in the premises.

Mr. CRAMTON. At both ends in Virginia, on this very kind of land below high-water mark, which I am talking about as belonging to the United States. When it comes to building the bridge it is our land. When it comes to using it for putting up a wharf or some other structure that will disfigure the very area that we are trying to beautify, then it is their land. That is the difference.

Mr. MONTAGUE. The gentleman is incorrect. It was built to go from the District of Columbia over to the Virginia side, and the land on the Virginia side up to Fort Myer belonged to the United States Government. I happened to draft the statute and I know something about it.

Mr. CRAMTON. Each of those bridges starts in the District of Columbia and goes across the river and renders great service to all the property back of the river, without them contributing anything. That was in accordance with law. I am not criticizing that. I am only stating the fact. But having spent these millions to develop that area, Colonel Grant says of the Sun Oil Co. case, which is an example only:

> The project of the Sun Oil Co., itself unobjectionable, encroaching an industrial interest in the residential district in Virginia in close proximity to the expensive Key Bridge, injurious to the carrying out of the parkway, would inevitably result in the transfer of a large aggregation of bulk storage from south of Rosslyn to the Rosslyn water front above the Key Bridge.

As to buying the property of the Greathouse family or anyone else, no one desires to sacrifice the value of the land they own. I have been working for weeks on another bill that would give the commission some money to go in and buy those lands and buy them at the price they actually gave the Sun Oil Co. We do not want to beat down their price, but we do not want permits given for the building of unsightly structures on land that belongs to the United States in the vicinity of important beautification bridges, and so forth, that we have already put up and which we will have to pay for.

Mr. McDUFFIE. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. McDUFFIE. The War Department has jurisdiction over the navigable streams. What is the attitude of the engineers as to this legislation?

Mr. CRAMTON. I stated it once. I will state it again. I ventured to urge on the Chief of Engineers that he would have the right, before he granted the permit for the building of a wharf in the Potomac, to determine not only whether it would interfere with navigation but whether the person asking the permit had title to the land on which he proposed to put his structure that would entitle him to put it there. The Chief of Engineers held that he could not pay any attention to anything except obstructions to navigation.

Mr. McDUFFIE. Let me ask the gentleman further. Is this a matter of such importance that it must be acted upon by this Congress tonight? We will be here in December. Why is it necessary to rush a measure which involves a great policy, through this Congress at this late hour?

Mr. CRAMTON. The Speaker will bear me out if he cares to speak, which he will not, that since last May or June I have been pressing every opportunity to get this bill up for consideration.

Mr. McDUFFIE. What is the emergency about the bill?

Mr. CRAMTON. Simply in order to prevent unsightly structures marring that area adjacent to the George Washington Memorial Boulevard, the Arlington Bridge, the Key Bridge, and the proposed parkway.

Mr. McDUFFIE. Why does not the Government, if it wants this property, do the honorable thing, as suggested by the gentleman from New Jersey and the gentleman from New York, condemn the property and take it? Why should you forestall the action of the court on these property rights by a resolution of this Congress? I say it is unfair and unjust and this resolution should not be passed. [Applause.]

Mr. CRAMTON. I will say to the gentleman that I have been endeavoring to get up a bill that would put at the command of the commission, without immediate matching but with subsequent matching, funds that would enable them to do that very thing, but I have not been able to get it up for consideration.

Mrs. KAHN. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mrs. KAHN. Is it not true that the National Park and Planning Commission has authority to condemn this land?

Mr. CRAMTON. Well, if they had the money with which to buy it.

Mrs. KAHN. But they have the authority, have they not?

Mr. CRAMTON. If they had the money with which to buy it.

Mrs. KAHN. Was there not a decision by the Circuit Court of Appeals of the Fourth Circuit to the effect that the land along the water front did not belong to the District but belonged to the owners of the high land?

Mr. CRAMTON. The Morris case decided to the contrary.

Mr. McDUFFIE. Who is paying taxes on this property?

Mr. CRAMTON. No one is paying taxes on this land, which belongs to the United States.

Mr. McDUFFIE. But on the land which does not belong to the United States and which the gentleman contemplates taking over? Certainly private interests are paying taxes on it.

Mr. CRAMTON. I do not contemplate taking over anything except that which belongs to the United States.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having failed to vote in favor thereof, the motion to suspend the rules and pass the bill was rejected.

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16218) to amend subsection (a) of section 1 of an act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930, as amended.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of House bill 16218, as amended. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. McDUFFIE. Mr. Speaker, I object.

Mr. CRAMTON. Will the gentleman withhold his objection?

Mr. McDUFFIE. I will withhold it. May I say to the gentleman that this bill can not pass the Senate; we are wasting time in considering it, and it ought not to pass the House.

Mr. CRAMTON. If the gentleman will permit me to make a statement, I think, perhaps, the gentleman might change his view. The bill as introduced was to amend the George Washington Memorial Parkway act in various particulars. I have bowed to the decision of the House on the other bill, and I hope I can get a hearing on this bill for three or four minutes.

As the bill was originally introduced it provided that of the $7,500,000 authorized, as much as $3,000,000 might be spent without immediate 50-50 matching but that it be matched later. I have been obliged to eliminate that provision from the bill. I have been obliged to eliminate from the bill as submitted all reference to the $3,000,000, to which some gentlemen have objected.

Mr. DICKINSON. Mr. Speaker, I am going to object to this bill, and I object now.

Mr. CRAMTON. The gentleman will understand that I have eliminated from the bill all that I understood was controversial.

Mr. DICKINSON. I expect to object anyway, and I object.

SECOND DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Indiana calls up the conference report on House bill 17163, and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 45, 46, 59, 66, and 82.

Amendment numbered 25: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 25 with the following amendment: In lieu of the matter inserted by such amendment of the House insert the following:

"For the relief of the State of Florida as a complete contribution and reimbursement in aid from the United States induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such State through the damage to or destruction of Federal-aid highways and bridges by floods imposing a public charge against the property of the State beyond its reasonable capacity to bear, $80,307: *Provided*, That nothing contained in this paragraph shall be construed as an acknowledgment of any past or future liability on the part of the United States in connection with the restoration of such roads and bridges."

And the House agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: After the word "approved" in the matter inserted by such amendment, insert the following: "March —"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment strike out "the amount herein appropriated shall not exceed $500,000" and insert in lieu thereof the following: "then there is hereby appropriated for the Employment Service, Department of Labor, fiscal year 1932, the sum of $500,000, to be immediately available, for the same objects and purposes specified under this head in the act making appropriations for the Department of Labor for such fiscal year, and of such sum not to exceed $17,650 shall be available for personal services in the District of Columbia"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky.: For the erection of a suitable monument on the site of the Pioneer Cemetery at Harrodsburg, Ky., commemorating the first permanent settlement west of the Allegheny Mountains, 'the Cradle of the Old Northwest,' where Gen. George Rogers Clark and his heroic associates at old Fort Harrod planned and inaugurated the campaign carried on by General Clark and his associates in the conquest of the Northwest Territory during the Revolutionary War, as a result of which that vast territory was established as a part of the United States of America, fiscal years 1931 and 1932, $100,000, to be expended under the direction of the Secretary of War: *Provided*, That the plan and design of such monument shall be subject to the approval of the National Commission of Fine Arts: *Provided further*, That the Secretary of War is hereby authorized to enter into an agreement with the State of Kentucky or any subdivision thereof, or any appropriate organization existing therein, for the care of such monument."

And the Senate agree to the same.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

STATEMENT

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of the following amendments:

On No. 14: Strikes out the appropriation of $5,000,000, proposed by the Senate, toward the construction of hospitals under the Veterans' Administration.

On No. 25: Appropriates $80,000, instead of $134,466.69, as proposed by the Senate, and $65,000, as proposed by the House, to reimburse the State of Florida for repairs of flood damage to Federal-aid highways and bridges.

On No. 36: Appropriates $5,000,000, as proposed by the Senate, for advances to the reclamation fund from the general fund of the Treasury.

On No. 44: Appropriates in the alternative $1,500,000 for the United States Employment Service in the event legislation sent to the President for the establishment of such a service is approved by him, or $500,000 to supplement existing appropriations for the present employment service in the event the new legislation is not approved.

On No. 45: Strikes out the appropriation of $1,000,000, proposed by the Senate, for carrying into effect pending legislation for the welfare of infancy and maternity.

On No. 46: Strikes out the appropriation of $150,000, proposed by the Senate, for the improvement of building ways at the Charleston (S. C.) Navy Yard.

On No. 59: Strikes out the provision inserted by the Senate proposing to repeal an existing condition precedent to the construction of a public building at New Bern, N. C.

On No. 66: Strikes the authorization inserted by the Senate to fix a limit of cost of $1,225,000 for a new building for the Court of Claims.

On No. 79: Appropriates $100,000, as proposed by the Senate, for the construction of a monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky.

On No. 82: Strikes out the appropriation of $10,000,000 inserted by the Senate to carry into effect pending legislation for construction of the Cove Creek Dam in connection with the Muscle Shoals project.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

STILL FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 531. Joint resolution making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs.

IMPROVEMENT OF THE WILLAMETTE RIVER

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6024) relating to the improvement of the Willamette River between Oregon City and Portland, Oreg.

The Clerk read the bill as follows:

Be it enacted, etc., That the conditions requiring a contribution by the local interests toward the estimated first cost of the improvement of the Willamette River between Oregon City and Portland, Oreg., authorized to be carried out in accordance with the report submitted in House Document No. 372, Seventy-first Congress, second session, are hereby waived.

Mr. McDUFFIE. Mr. Speaker, reserving the right to object to the consideration of this bill, this is rather a departure from the ordinary way of dealing with river and harbor projects. Will not the gentleman inform us of the necessity and the emergency for this legislation?

Mr. DEMPSEY. The river and harbor act expressly provided that while a local contribution was contemplated, and for the time being was provided, that there should be a further and a complete investigation and report as to whether such contribution should be exacted. The facts are these. We provided that the Willamette River should be improved between Oregon City and Portland. It was believed at the time by the engineers——

Mr. McDUFFIE. Local interests were to make a contribution to this improvement of how much, please?

Mr. DEMPSEY. Fifty thousand dollars.

It was believed at the time by the engineers that waterpower interests would derive this much benefit from the improvement, but we provided, in view of the fact that this was not certain, that the investigation should be completed. The investigation was completed. All of the engineers; the resident engineer, the district engineer, the board and the chief, report that there will be no such benefit.

Mr. McDUFFIE. Is any power to be developed on this stretch of the river?

Mr. DEMPSEY. No additional power from this improvement. They thought there would be, but they find out on investigation there will not be, and this was in question at the time the bill was passed.

Mr. McDUFFIE. When was this bill considered by the Rivers and Harbors Committee?

Mr. DEMPSEY. The bill was simply considered in this way. It was called to the attention of the Members and a majority of the Members signed.

Mr. McDUFFIE. I never had it called to my attention.

Mr. WARREN. Mr. Speaker, I object.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to speak for one minute or I reserve the right to object, although I understand there is objection.

I merely wish to direct an inquiry to the majority leader. The House has been in session since 11 o'clock this morning and it is now 12 o'clock at night. The membership of the House is tired. The legislation you are passing now is not for the good of the country, and I would like to ask the gentleman what his intention is as to when we are going to adjourn?

Mr. TILSON. As soon as the Speaker will recognize me for that purpose, it is my intention to ask that we take a recess until 10 o'clock to-morrow.

The SPEAKER. The Chair desires to state that there are two or three matters pending that he does not think will take very long. Two of them are suspensions which he understands will not cause undue delay. The Chair feels under some obligation to recognize these requests. The Chair does not think the House will be in session much longer.

Is there objection to the request of the gentleman from New York [Mr. DEMPSEY]?

Mr. WARREN. I object, Mr. Speaker.

Mr. CRISP. Would the Speaker mind advising the House what are the two bills referred to?

The SPEAKER. The Chair is about to recognize the gentleman from Illinois [Mr. CHINDBLOM] on the Chicago Exposition bill in which he understands there are some questions of diplomatic relations involved.

Mr. BLANTON. Mr. Speaker, there will be debate on that proposition.

The SPEAKER. The Chair is disposed to recognize the gentleman anyway.

Mr. BLANTON. There will have to be a suspension of the rules then.

The SPEAKER. The Chair will recognize the gentleman anyway.

THE CHICAGO WORLD'S FAIR CELEBRATION

Mr. CHINDBLOM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5625) providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration), to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes.

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. CHINDBLOM. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That there is hereby established a commission, to be known as the Chicago World's Fair Centennial Commission, and to be composed of the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; which commission shall serve without additional compensation and shall represent the United States in connection with the holding of an international exhibition, known as A Century of Progress, in the city of Chicago, in the State of Illinois, in the year 1933, in celebration of the one hundredth anniversary of the incorporation of Chicago as a municipality.

SEC. 2. (a) That for the purposes of more effectively carrying out the provisions of this resolution there is hereby created a commissioner of A Century of Progress (the Chicago World's Fair Centennial Celebration), whom the President is hereby authorized to appoint.

(b) That the commissioner shall be paid, out of the amount hereinafter provided by this resolution, such compensation as the commission shall authorize: *Provided*, That such salary shall not be in excess of $10,000 per annum.

(c) That the commission shall prescribe the duties of the commissioner and shall delegate such powers and functions to him as it shall deem advisable in order that there may be exhibited at A Century of Progress (the Chicago World's Fair Centennial Celebration) by the Government of the United States, its executive departments, independent offices, and establishments such articles and materials as illustrate the function and administrative faculty of the Government in the advancement of industry, the arts, and peace, demonstrating the nature of our institutions, particularly as regards their adaptation to the wants of the people.

SEC. 3. That the commissioner may employ such clerks, stenographers, and other assistants as may be necessary and fix their reasonable compensations; purchase such material, contract for such labor and other services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and exercise such powers as are delegated to him by the commission as hereinbefore provided; and, in order to facilitate the functioning of his office, may subdelegate such powers (authorized or delegated) to officers and employees as may be deemed advisable by the commission.

SEC. 4. That the heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with the commissioner in the procurement, installation, and display of exhibits; to lend to A Century of Progress (the Chicago World's Fair Centennial Celebration), with the knowledge and consent of the commissioner, such articles, specimens, and exhibits which the commissioner shall deem to be in the interest of the United States to place with the science or other exhibits to be shown under the auspices of that corporation; to contract for such labor or other services as shall be deemed necessary without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and to designate officials or employees of their departments or branches to assist the commissioner. At the close of the exposition, or when the connection of the Government of the United States therewith ceases, the commissioner shall cause all such property to be returned to the respective departments and branches from which taken, and any expenses incident to the restoration of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations may be paid from the appropriation provided; and if the return of such property is not practicable, he may, with the consent of the department or branch from which it was taken, make such disposition thereof as he may deem advisable, and account therefor.

SEC. 5. That the sum of $1,725,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, of which sum not to exceed the sum of $550,000 may be expended for the erection of such building or group of buildings, and/or for the rental of such space, as the commission may deem adequate to carry out effectively the provisions of this resolution; for the decoration of such structure or structures; for the proper maintenance of such buildings, site, and grounds during the period of the exposition. The commission may contract with A Century of Progress (the Chicago World's Fair Centennial Celebration) for the designing and erection of such building or buildings and/or for the rental of such space as shall be deemed proper. The remaining portion of the appropriation authorized under this resolution shall be available for the selection, purchase, preparation, assembling, transportation, installation, arrangement, safe-keeping, exhibition, demonstration, and return of such articles and materials as the commission may decide shall be included in such Government exhibit and in the exhibits of A Century of Progress (the Chicago World's Fair Centennial Celebration); for the compensation of the commissioner and employees in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government, employed by or detailed for duty with the commission, and for their actual traveling expenses and subsistence or for per diem in lieu thereof at rates to be prescribed by the commission (notwithstanding the provisions of any other act): *Provided*, That no such official or employee so designated shall receive a salary in excess of the amount which he has been receiving in the department or branch where employed plus such reasonable allowance for expenses as may be deemed proper by the commissioner; for telephone service, purchase of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers, and all other publications, ice and drinking water for office purposes: *Provided*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes may be made in advance; for the purchase of a passenger-carrying automobile, its maintenance, repair, and operation, for the official use of the commissioner; for printing and binding; for entertainment of distinguished visitors and all other expenses as may be deemed necessary by the commission to fulfill properly the purposes of this resolution. All purchases, expenditures, and disbursements, under any appropriations which may be provided by authority of this resolution, shall be made under the direction of the commission; may be made in open market without compliance with section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5), in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed $1,000 in any instance; shall not be subject to the provisions of any law, other than this resolution, regulating or limiting the expenditure of public money or the employment of personnel; and the approval of the commission shall in every case be final: *Provided*, That the commission, as hereinbefore stipulated, may delegate these powers and functions to the commissioner, and the commissioner, with the consent of the commission, may subdelegate them: *And provided further*, That the commission or its delegated representative may authorize the allotment of funds to any executive department, independent office, or establishment of the Government with the consent of the heads thereof for direct expenditure by said executive department, independent office, or establishment for the purpose of defraying any expenditure which may be incurred by said executive department, independent office, or establishment in executing the duties and functions delegated to said office by the commission; and all accounts and vouchers covering expenditures under these appropriations shall be approved by the commissioner or such assistants as he may delegate, except for such allotments as may be made to the various executive departments and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit or permit any obligations to be incurred in excess of the amount authorized to be appropriated.

SEC. 6. That the commissioner, with the approval of the commission, may receive from any source contributions to aid in carrying out the general purposes of this resolution, but the same shall be expended and accounted for in the same manner as any appropriation which may be made under authority of this resolution. The commissioner is also authorized to receive contributions of material, or borrow material or exhibits, to aid in carrying out the general purposes of this resolution; and at the close of the exposition or when the connection of the Government of the United States therewith ceases, shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property, and provide for the restoration of such borrowed property to a condition which will permit its use at subsequent expositions or fairs, or for reimbursement thereof to the owners in the event of damage to said property; and, under the direction of the commission, dispose of any buildings which may have been constructed and account therefor.

SEC. 7. That it shall be the duty of the commission to transmit to Congress, within six months after the close of the exposition, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference.

Mr. CHINDBLOM. Mr. Speaker and Members of the House, I want to ask earnestly, with such personal appeal as I may be permitted to employ, that the lateness of the hour and the condition of our legislative program may not prejudice the consideration of this matter at this time.

This bill comes here as the result of a message from the President sent to Congress on December 19 last, Document 698, third session, Seventy-first Congress, in which the President recommends the passage of this act, and with his message sent to the Congress a report from the committee which the President had appointed, pursuant to the joint resolution of Congress passed last June, consisting of representatives of the Departments of State, Commerce, and Agriculture.

This committee went to Chicago and investigated thoroughly the matter of the proposed exposition, and thereafter made a report recommending the participation of the United States in this fair. Congress itself originated by the passage of that resolution the question of the participation of the Government of the United States in the fair.

Mr. CRISP. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. CRISP. When we passed that legislation was it not distinctly stated in the Ways and Means Committee and on the floor of the House that no appropriation would be asked from the Federal Government for that exposition?

Mr. CHINDBLOM. I have the complete record and it shows that when that resolution was passed it was passed in this form. The last section in it reads as follows:

That the Government of the United States is not by this resolution obligated to any expense in connection with holding such world fair, and is not hereafter to be so obligated, other than suitable representation therefor.

My good friend from Georgia [Mr. CRISP] himself, when we passed the first resolution and the other resolution last spring, was kind enough to suggest that, of course, if the Government participated, it would be proper for the Government to make appropriation therefor.

Mr. CRISP. To meet the expenses of the Government. If I am not mistaken, Vice President Dawes, our present ambassador to England, appeared before the committee and urged the passage of the resolution, and his advocacy of it was largely responsible for the committee reporting it out. Mr. Dawes said that the Federal Government would not be asked to make any appropriation to participate in that exposition.

Mr. CHINDBLOM. That language was not used. The question was whether any contribution would be requested for the purposes of the fair, and that was distinctly brought out when the original resolution was passed, authorizing the President to invite the nations of the world to participate in the fair and last June, when the resolution was passed, providing for the appointment of the committee that made the report. Let me make this clear. There is not one cent of contribution requested, nor is there one cent authorized in the pending measure for the purposes of the fair itself. It is all for the purpose of participation by the Government of the United States.

Mr. CRISP. What amount is involved?

Mr. CHINDBLOM. One million seven hundred and twenty-five thousand dollars.

Mr. BYRNS. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BYRNS. The gentleman here at 12 o'clock midnight is asking the House to pass a bill authorizing an appropriation of $1,725,000. The gentleman, of course, recognizes how unfortunate it is to bring up legislation with which the House is not familiar and which the House has no opportunity to fully discuss at this hour of the night, and just before the adjournment of Congress. The gentleman has just stated that this proposition was brought to the House as long ago as December 19. Why is it that this bill has not been brought before the House at an earlier date, so that the House could have an opportunity to consider it?

Mr. CHINDBLOM. I have been waiting for a week for an opportunity to present this matter. I have realized that there have been bills here of more immediate importance, perhaps, to certain localities in the country and that there have been bills of larger public and general importance and I have abided my time. I do not think I have been unfair to the House. I do not think I am unduly pressing an important matter of this kind upon the House. I am very sorry if now it shall transpire that we must suffer by reason of our forbearance. The gentleman from Massachusetts [Mr. LUCE] is the chairman of the Committee on the Library, which has handled the matter.

Mr. BYRNS. When was it reported from the committee?

Mr. CHINDBLOM. This bill comes from the Senate. My bill was considered by the Library Committee, and the committee was ready to report that out when the Senate bill came over and they substituted the Senate bill for my bill in the committee.

Mr. McDUFFIE. How long ago? When was it?

Mr. CHINDBLOM. It came here on February 12, 1931.

Mr. McDUFFIE. When is this exposition?

Mr. CHINDBLOM. This exposition will be held in 1933; but, anticipating the gentleman's question, because Mr. BLANTON asked the same question, this is the important part of it: We have invited the nations of the world to participate. A considerable number of them have accepted the invitation. If the Government of the United States itself is not going to participate, then, of course, we can hardly expect other nations to continue their plans with great enthusiasm. Let me tell what the fair is. The gentlemen on the Ways and Means Committee will remember that General Dawes told us that there never has been held a world's exposition of this kind. It is called A Century of Progress. It proposes to show the progress of the entire world, and, of course, particularly of the United States, during the last hundred years, since 1833, when Chicago with a white population of 28 persons became a municipality, down to the present moment. It will show the progress of the world in science, art, industry, and particularly agriculture, and all of these matters will be presented there. The people of Chicago are raising $10,000,000. Six and a half million dollars have already been provided. A total of $10,000,000 will be raised. Thirty million dollars to fifty million dollars will be expended on this exposition. It will be located on the lake front on a site of 800 acres. It will be one of the outstanding achievements of this age, and I say by way of illustration that the British Government has promised to send over the Rocket, the first locomotive ever built, for the purpose of completing the exposition in railroads.

Mr. RAGON. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. RAGON. I think I recall General Dawes's testimony, and if I recall correctly, the minority leader asked General Dawes something about whether or not there will be any appropriation expected on the part of the Government. General Dawes, if I recall his testimony correctly—it is a long time ago and I do not want to be held to strict accountability—stated they would get the support of the different departments; but as I recall it, General Dawes gaves us the assurance that the Government would not be expected to do one thing.

Mr. CHINDBLOM. This bill does not ask the Government to contribute toward any expense for the organization of the fair.

Mr. RAGON. Just what is it proposed to do with the $1,725,000?

Mr. CHINDBLOM. I can state that very briefly. The committee of the Assistant Secretaries of State, Agriculture, and Commerce have made the allotments, and these are for exposition purposes, that the departments may show what contributions the Government of the United States has made toward agriculture, the arts, the sciences, and all human activities, and the manner in which the Government of the United States is assisting the people of the United States and contributing toward our marvelous progress which we expect to show to the rest of the world. The allotments are: For the Department of Agriculture, $175,000; for the Department of Commerce, $90,000; for the Department of the Interior, $50,000; for the Department of Justice, $10,000; for the Department of Labor, $50,000; for the Navy, $75,000; for the Post Office Department, $25,000; for the Department of State, $10,000; for the Department of the Treasury, $60,000; for the Department of War, $75,000; and other estimates, $150,000.

Mr. RAGON. If I recall correctly, General Dawes, explaining that—and if I am wrong I want to correct it—made the statement that these things would be furnished and that it would not cost the Government out of the Treasury one cent. I want to know if that is correct.

Mr. CHINDBLOM. No. I have reread the hearings. I have prepared myself for this occasion. I may say to the gentleman that I have talked with General Dawes about this

matter, and I can say without violating any confidence, I believe, he does not think or understand that this is a variation from the understanding that was had when we passed this bill.

Mr. RAGON. But the gentleman does agree that General Dawes said they would not call upon the Government for any contribution.

Mr. CHINDBLOM. I think we are carrying that purpose out.

Mr. RAGON. When this House voted, did the House not vote with the understanding that no contribution would be made by the Government?

Mr. CHINDBLOM. I do not think so, because when the House voted it passed the resolution to which I referred a moment ago, in which it is said that the Government shall not be obligated other than "for suitable representation thereat." That language was put in the bill, as I recall it, upon motion of the gentleman from Michigan [Mr. CRAMTON] for the purpose of making it plain that if the Government did participate or have representation this understanding with reference to obligation should not apply. It is in the original act, "other than for suitable representation thereat." That language was discussed on the floor, and the gentleman from Georgia [Mr. CRISP] spoke of the fact that if the Government participated, of course the Government would expect to pay the expense therefor. I will stake my reputation for veracity that that will be found in the record of hearings.

Mr. McDUFFIE. May I interrupt the gentleman?

Mr. CHINDBLOM. I yield.

Mr. McDUFFIE. Why could not the next Congress next December make this appropriation?

Mr. CHINDBLOM. For the reason that the other governments have been invited, according to the proclamation of the President, and representatives have been here, and they are preparing to come. If the Government of the United States now takes an attitude of disinterestedness in this fair, how are we going to expect other governments to come here when we have invited them and Congress has authorized the invitation?

Mr. BYRNS. Will the gentleman yield further?

Mr. CHINDBLOM. I yield.

Mr. BYRNS. I would like to make this observation if the gentleman will permit me? Here is a proposition involving $1,750,000. It seems there is no trouble to get a bill like this before the House. There are gentlemen on this side who have been clamoring for several days to get consideration for a hospital bill for the protection and benefit of the disabled soldiers.

Mr. CHINDBLOM. And I am thoroughly in sympathy with that.

Mr. BYRNS. It has been impossible to secure a vote under the rules of the House on account of the fact that the conferees have that bill under their jurisdiction. As far as I am individually concerned, as one Member of this House, I do not propose to vote another dollar out of this Treasury until we get that bill before us.

Mr. CHINDBLOM. I can well understand that feeling of the gentleman, but will the gentleman permit me to say that even this proposition ought to be permitted to stand upon its own merits? I do not think the membership of the House should assume the position that we are to be punished, or that we are to be selected for some specially unfavorable treatment because of a situation for which I, of course, certainly can not be responsible.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. SCHAFER of Wisconsin. Is the gentleman in favor of accepting the Senate amendment so that we can provide hospitals for the disabled veterans when we are providing a subsidy of $1,725,000 for the Chicago Fair?

Mr. CHINDBLOM. If that suggestion comes from the conference committee, I will vote for it.

Mr. SCHAFER of Wisconsin. Did the gentleman state that the Department of Justice was going to have an exhibit?

Mr. CHINDBLOM. Yes.

Mr. SCHAFER of Wisconsin. What is that exhibit going to be? Some new invention with reference to stills for the benefit of Capone and the other Chicago gangsters?

Mr. CHINDBLOM. No; but the Department of Justice has taken a prominent part in the development and progress of the Nation during the last 100 years.

Mr. SCHAFER of Wisconsin. They may have an exhibit showing the people how to make this Willebrandt wine.

Mr. SABATH. Oh, the gentleman should not bring those things in. Chicago is not responsible for Willebrandt wine or anything else.

Mr. CHINDBLOM. We have made appropriations for previous fairs for two purposes, and I have the items here. One purpose has been for the participation of the Government, and one purpose for appropriating a subsidy or contribution to the actual cost of the exposition. We did so in the case of Chicago in 1893. We did so in the case of St. Louis in 1904. At St. Louis we appropriated $1,579,000 for the Government's participation and $5,000,000 toward the cost of the exposition. At Philadelphia we appropriated $1,186,500 toward the Government appropriation and $1,000,000 toward buildings. At San Francisco we made a similar appropriation. The Congress has always done this. Why should the second largest city in the country, which is doing something for the benefit of the entire Nation and which will redound to the credit and glory of the entire Nation, be treated differently than have the other cities during all these years when fairs have been held? This is not to be a competitive exposition. The purpose is not to show up one producer against another or one merchant against another. Each line of industry, each line of art, each line of science will have a complete exhibition of its progress and its development during the last 100 years.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. McCORMACK of Massachusetts. Will the gentleman tell us how the gentleman from Chicago [Mr. SABATH] feels about this proposition.

Mr. CHINDBLOM. I will be glad to yield to the gentleman from Illinois [Mr. SABATH], so that he may tell the gentleman how he feels.

Mr. Speaker, I reserve the balance of my time.

Mr. BLANTON. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker and Members, I dislike very much to oppose at this hour so near the close of the last session of the Seventy-first Congress a bill sponsored by my good friend, that active Member of Congress, the gentleman from Illinois [Mr. CHINDBLOM], but after hearing the proceedings all this day I feel that we should stop for a moment and consider the laxity with which we are proposing authorizations of large expenditures of money or attempting, in many cases, to make the actual expenditures regardless of authorization.

While I have not liked certain methods of the Budget Bureau, I can see that in these closing hours the Budget's recommendations have been thrown to the winds. Now is the time to stop for a moment and consider what we are proposing to do. In this short session we have appropriated great sums to prevent misery, death, and starvation in the drought-stricken districts; we have appropriated huge sums for the early construction of public roads; large sums to hurry public-building construction; all in the hope of helping the unemployment situation.

My friends, how can we reach into the Treasury with one hand for funds for such meritorious proposals, and in the same session of Congress extend the other hand into the Treasury for more than $1,700,000 for expenditure in the great exposition proposed to be held in Chicago in 1933? We were told that this exposition would cost the Federal Government nothing. We might have known from previous experiences that such a pledge could not be maintained.

The bill to increase the loan basis of adjusted-service certificates having become a law, the vast appropriations necessary to carry out its provisions must be made. Extra employees in the Veterans' Bureau will be necessary. Only yesterday General Hines had to go to the officials of the Federal Treasury to arrange for the immediate delivery to him of $20,000,000. His plea was that to permit veterans, now entitled under the law to apply for loans, to stand in line in cities where pay stations existed would be a picture similar to that of a run on a bank. I am informed that the $20,000,000 secured yesterday wilted away like snow on a spring day. By next Monday, I venture to say, that another $20,000,000 will be needed and then another.

Members of the House, take down your history of the Roman Empire and read the chapters describing the decline of that empire; read where when the situation became worse the emperor ordered more circuses and more holidays for the people; read of the taxation problems. Look at the condition of various State treasuries. Why, in many the State legislatures are making every effort to find ways and means to raise additional money for the State. Consider the expenditures called for under public building construction, parks, public monuments, and the like that have passed in this session.

You have heard me predict in previous speeches what I think will happen this coming winter with regard to unemployment. Even if we are charged with excessive expenditures in the Seventy-first Congress and even though each one of us here endeavors to secure all we can for his district and State, our duty in the last analysis is to protect the Federal Treasury. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield myself five minutes. After this House has been in continuous session for 13 hours and 15 minutes, after midnight, we are called upon not to appropriate but to authorize an appropriation of $1,725,000 for this celebration.

The appropriation can not be made until next December, and the celebration is not to occur until the summer of 1933. We meet here next December. We will have a year and a half after we meet not only to authorize but to appropriate, after our country has recovered from the present depression.

Then we will have plenty of time to authorize and to appropriate before this great celebration in Chicago. I am not against it. I am for it.

I expect to support a proper appropriation for it at the proper time, notwithstanding the fact that the distinguished gentleman from Illinois, General Dawes, when he came before the Ways and Means Committee, said, "Gentlemen, I am presenting a most unique proposition for a celebration that will not cost the Government one penny; we will not ask the Government for a single penny for this celebration." That, too, is exactly what the distinguished gentleman from Oregon told us when he brought the proposition on the floor, that it would not cost the Government anything. He said it would not cost a penny, and we voted for it with that understanding.

You gentlemen know what we did for Philadelphia and you know where that great sum of money went, and how it was wastefully dissipated.

You gentlemen know that at this late hour, when Congress is here in this atmosphere, no sane legislation can be passed. This is no time to authorize an appropriation of $1,725,000 in this manner. Why can we not wait? Why can we not suspend this matter until December? We will be back here with a sane Congress in December. We will be back here with minds not beclouded and tired, with minds fresh and clear. We will come back here fresh from the people. We will know what the people want us to do, and it is better that we should wait. With many States having thousands of starving people within their borders we do not want this $1,725,000 authorized at this particular time. I remember that the gentleman from Illinois [Mr. CHINDBLOM] was not so anxious to vote for an appropriation for food for starving people. He voted against it. We had to force that on him before he would accept it. We had to force it on the majority leader. We had to force it on the Congress to get proper relief for the starving people.

You gentlemen, soon after to-morrow, will go back and face your constituents at home. You are going to be asked questions by them. They are going to ask you questions that it will be hard for you to answer. They are going to ask you why, after 13 hours of continuous session, after midnight, you got up here and authorized $1,725,000 for a celebration in Chicago that is not to occur until 1933. [Cries of "Vote!" "Vote!"] That is not going to stop me. I am going to use my time.

I am going to yield some time to some soldier boys here who fought your battles and mine in France who want the hospital bill to come out. They are going to tell you something about this during these 20 minutes and you can not stop them. They are going to let you know what the service men and their families want with respect to hospitalization, and that you can not adjourn this House until we have a definite understanding about this hospital bill.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. CHINDBLOM. Let me say to my friend——

Mr. BLANTON. Did the gentleman vote for the food relief measure? No; he turned us down.

Mr. CHINDBLOM. I know that a great many gentlemen do not want to vote this bill down on its merits, and it would have a very bad effect upon the work of the exposition if by reason of these conditions——

Mr. BLANTON. We are going to vote it down to-night, so you had better withdraw it. You can not pass it here to-night.

Mr. CHINDBLOM. I ask unanimous consent to withdraw the motion.

The SPEAKER. The gentleman from Illinois asks unanimous consent to withdraw his request for suspension of the rules. Is there objection?

There was no objection.

PIPE-LINE BRIDGE ACROSS THE MISSOURI RIVER

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6253) granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipeline bridge across the Missouri River, and ask unanimous consent for its present consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, to construct, maintain, and operate a pipe-line bridge and approaches thereto across the Missouri River and approximately nine-sixteenths of a mile downstream from the bridge of Sioux City Bridge Co. across the Missouri River at Sioux City, Iowa, at a point suitable to the interests of navigation: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That in approving the plans for said pipe-line bridge such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Missouri Valley Pipe Line Co. of Iowa, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is fully authorized to exercise the same, as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

HIGHWAY BRIDGE ACROSS THE MISSOURI RIVER AT ELBOWOODS, N. DAK.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6252) granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak., and ask unanimous consent for its present consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of North Dakota to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Elbowoods, N. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER, W. VA.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 6262) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va., authorized to be built by the Monongahela Bridge Co., its successors and assigns, by an act of Congress approved May 16, 1930, are hereby extended one and three years, respectively, from May 16, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House stand in recess until 10 o'clock to-day.

Mr. CONNERY. Mr. Speaker, reserving the right to object, I am going to ask all Members who are interested in the service men, who stayed up all night on many occasions for them in France, to vote against any recess until we get a report on the hospital bill. [Applause.]

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. TILSON. Mr. Speaker, I move that the House take a recess until 10 o'clock to-day.

Mr. MEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MEAD. If we vote down the motion of the majority leader, then will it be possible for us to get a report from the conferees on the hospital bill who have just had a conference amongst themselves in the lobby; and if so, will it be possible for us to get a vote on the hospital question to-night?

Mr. TILSON. It is expected that we shall have a vote on the hospital bill to-morrow and this is the reason we wish to have two hours to-morrow for the purpose.

Mr. CONNERY. The gentleman says that is expected.

Mr. TILSON. Yes.

Mr. CONNERY. If we can get it to-morrow, why can we not get it to-night?

Mr. TILSON. The conferees have not finished their conference.

The SPEAKER. The question is on the motion of the gentleman from Connecticut.

The question was taken and a division was demanded by Mr. MEAD.

Mr. CONNERY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 90, nays 143, not voting 197, as follows:

[Roll No. 50]

YEAS—90

Ackerman	Bolton	Clarke, N.Y.	Dickinson
Adkins	Bowman	Cochran, Pa.	Douglas, Ariz.
Aldrich	Brumm	Colton	Eaton, Colo.
Allen	Burtness	Cramton	Englebright
Bacon	Butler	Crowther	Estep
Barbour	Campbell, Pa.	Darrow	Finley
Beers	Carter, Calif.	Dempsey	Fort
Blackburn	Chindblom	Denison	Free
French	Jonas, N. C.	Nelson, Me.	Stalker
Gibson	Kahn	Perkins	Stobbs
Goss	Kinzer	Pratt, Ruth	Strong, Kans.
Graham	Knutson	Ramseyer	Taber
Hadley	Kopp	Reed, N. Y.	Temple
Hale	Leech	Rich	Thatcher
Hall, Ill.	Lehlbach	Robinson	Thurston
Hess	Letts	Rogers	Tilson
Hoch	Luce	Seger	Vincent, Mich.
Hooper	McLaughlin	Seiberling	Wigglesworth
Hopkins	Magrady	Shott, W. Va.	Wolfenden
Hudson	Mapes	Simmons	Wolverton, N. J.
Hull, Morton D.	Menges	Sloan	Wood
Jenkins	Michener	Snow	
Johnson, Ind.	Mouser	Stafford	

NAYS—143

Abernethy	Davis	Jones, Tex.	Quin
Allgood	De Priest	Kading	Ragon
Almon	Dickstein	Ketcham	Rainey, Henry T.
Andresen	Dominick	Kvale	Ramey, Frank M.
Arnold	Dowell	LaGuardia	Ramspeck
Auf der Heide	Doxey	Lamberton	Rankin
Bachmann	Dyer	Lankford, Ga.	Rayburn
Black	Erk	Lankford, Va.	Romjue
Bland	Eslick	Leavitt	Sabath
Blanton	Fitzpatrick	Lindsay	Sanders, Tex.
Bloom	Fuller	Lozier	Sandlin
Boylan	Fulmer	McClintock, Ohio	Schafer, Wis.
Briggs	Gambrill	McCormack, Mass.	Schneider
Browning	Garber, Va.	McDuffie	Selvig
Buchanan	Gavagan	McFadden	Shaffer, Va.
Busby	Glover	McKeown	Short, Mo.
Byrns	Goldsborough	McLeod	Sinclair
Campbell, Iowa	Granfield	McReynolds	Sirovich
Canfield	Green	McSwain	Somers, N. Y.
Cannon	Gregory	Maas	Sparks
Carter, Wyo.	Guyer	Mead	Sproul, Kans.
Cartwright	Hall, Miss.	Milligan	Summers, Wash.
Celler	Hall, N. Dak.	Montet	Swanson
Chalmers	Hancock, N. C.	Mooney	Swick
Christgau	Hastings	Moore, Ky.	Tarver
Cochran, Mo.	Hill, Ala.	Morehead	Turpin
Collier	Hill, Wash.	Nelson, Mo.	Warren
Collins	Holaday	Nolan	Welch, Calif.
Condon	Howard	O'Connor, N. Y.	Welsh, Pa.
Connery	Huddleston	O'Connor, Okla.	Whittington
Cooke	Hull, Wis.	Oldfield	Wilson
Cooper, Tenn.	James, Mich.	Oliver, Ala.	Wingo
Crisp	Jeffers	Owen	Wolverton, W. Va.
Cross	Johnson, Okla.	Parsons	Yon
Crosser	Johnson, Tex.	Patterson	Zihlman
Cullen	Johnson, Wash.	Prall	

NOT VOTING—197

Andrew	Eaton, N. J.	Kendall, Ky.	Rowbottom
Arentz	Edwards	Kendall, Pa.	Rutherford
Aswell	Elliott	Kennedy	Sanders, N. Y.
Ayres	Ellis	Kerr	Sears
Bacharach	Esterly	Kiefner	Shreve
Baird	Evans, Calif.	Korell	Simms
Bankhead	Evans, Mont.	Kunz	Smith, Idaho
Beck	Fenn	Kurtz	Smith, W. Va.
Beedy	Fish	Langley	Snell
Bell	Fisher	Lanham	Speaks
Bohn	Fitzgerald	Larsen	Spearing
Box	Foss	Lea	Sproul, Ill.
Brand, Ga.	Frear	Linthicum	Steagall
Brand, Ohio	Freeman	Loofbourow	Stevenson
Brigham	Garber, Okla.	Ludlow	Stone
Britten	Garner	McClintic, Okla.	Strong, Pa.
Browne	Garrett	McCormick, Ill.	Sullivan, N. Y.
Brunner	Gasque	McMillan	Sullivan, Pa.
Buckbee	Gifford	Manlove	Sumners, Tex.
Burdick	Golder	Mansfield	Swing
Cable	Goodwin	Martin	Taylor, Colo.
Carley	Greenwood	Merritt	Taylor, Tenn.
Chase	Griffin	Michaelson	Thompson
Chiperfield	Hall, Ind.	Miller	Timberlake
Christopherson	Halsey	Montague	Tinkham
Clague	Hancock, N. Y.	Moore, Ohio	Treadway
Clancy	Hardy	Moore, Va.	Tucker
Clark, Md.	Hare	Morgan	Underhill
Clark, N. C.	Hartley	Murphy	Underwood
Cole	Haugen	Nelson, Wis.	Vestal
Connolly	Hawley	Newhall	Vinson, Ga.
Cooper, Ohio	Hickey	Niedringhaus	Wainwright
Corning	Hoffman	Norton	Walker
Cox	Hogg, Ind.	O'Connor, La.	Wason
Coyle	Hogg, W. Va.	Oliver, N. Y.	Watres
Craddock	Hope	Palmer	Watson
Crail	Houston, Del.	Palmisano	White
Culkin	Hudspeth	Parker	Whitehead
Dallinger	Hull, Tenn.	Parks	Whitley
Davenport	Hull, William E.	Patman	Williams
DeRouen	Igoe	Peavey	Williamson
Dorsey	Irwin	Pittenger	Woodruff
Doughton	James, N. C.	Pou	Woodrum
Douglass, Mass.	Johnson, Ill.	Pratt, Harcourt J.	Wright
Doutrich	Johnson, Nebr.	Pritchard	Wurzbach
Doyle	Johnson, S. Dak.	Purnell	Wyant
Drane	Johnston, Mo.	Ransley	Yates
Drewry	Kearns	Reece	
Driver	Kelly	Reid, Ill.	
Dunbar	Kemp	Reilly	

So the House refused to recess.

The Clerk announced the following pairs:

Until further notice:

Mr. Treadway with Mr. Garner.
Mr. Vestal with Mr. Montague.
Mr. Bacharach with Mr. Drewry.
Mr. Dallinger with Mr. Lanham.
Mr. Johnson of South Dakota with Mr. Corning.
Mr. Culkin with Mr. Bankhead.
Mr. Davenport with Mr. Pou.
Mr. Kendall of Pennsylvania with Mr. Oliver of New York.
Mr. Beck with Mr. Hull of Tennessee.
Mr. Eaton of New Jersey with Mr. Sullivan of New York.
Mr. Doutrich with Mr. Doughton.
Mr. Manlove with Mr. Linthicum.
Mr. Sullivan of Pennsylvania with Mr. Woodrum of Virginia.
Mr. Kurtz with Mrs. Norton.
Mr. Martin with Mr. Edwards.
Mr. Beedy with Mr. Tucker.
Mr. Bohn with Mr. Steagall.
Mr. Esterly with Mr. Reilly.
Mr. Merritt with Mr. Gasque.
Mr. Brigham with Mr. Ayres.
Mr. Evans of California with Mr. Carley.
Mr. Fish with Mr. Igoe.
Mr. Moore of Ohio with Mr. Spearing.
Mr. Foss with Mr. Aswell.
Mr. Murphy with Mr Garrett.
Mr. Frear with Mr. Greenwood.
Mr. Buckbee with Mr. Parks.
Mr. Gifford with Mr. Griffin.
Mr. Underhill with Mr. Bell.
Mr. Burdick with Mr. Hare.
Mr. Niedringhaus with Mr. Box.
Mr. Golder with Mr. Rutherford.
Mr. Pittenger with Mr. Brand of Georgia.
Mr. Parker with Mr. Hudspeth.
Mr. Chase with Mr. Brunner.
Mr. Goodwin with Mr. Smith of West Virginia.
Mr. Harcourt J. Pratt with Mr. Clark of North Carolina.
Mr. Chiperfield with Mr. James of North Carolina.
Mr. Hardy with Mr. Kemp.
Mr. Peavey with Mr. Stevenson.
Mr. Nelson of Wisconsin with Mr. Cox.
Mr. Clague with Mr. Kennedy.
Mr. Hancock of New York with Mr. DeRouen.
Mr. Purnell with Mr. Kerr.
Mr. Hartley with Mr. Sumners of Texas.
Mr. Ransley with Mr. Dorsey.
Mr. Haugen with Mr. Kunz.
Mr. Clancy with Mr. Taylor of Colorado.
Mr. Reid of Illinois with Mr. Underwood.
Mr. Hawley with Mr. Larsen.
Mr. Shreve with Mr. Douglass of Massachusetts.
Mr. Hogg of Indiana with Mr. Lea.
Mr. Connolly with Mr. Doyle.
Mr. Snell with Mr. Vinson of Georgia.
Mr. Coyle with Mr. Whitehead.
Mr. Irwin with Mr. Ludlow.
Mr. Crail with Mr. McMillan.
Mr. Smith of Idaho with Mr. Driver.
Mr. Johnson of Illinois with Mr. Mansfield.
Mr. Hogg of West Virginia with Mr. Williams.
Mr. Cooper of Ohio with Mr. Evans of Montana.
Mr. Watson with Mr. Wright.
Mr. Wyant with Mr. Fisher.
Mr. Yates with Mr. Moore of Virginia.

The vote was announced as above recorded.

CALL OF COMMITTEES

The SPEAKER. This is the morning hour, and the Clerk will call the committees.

The Clerk began the call of committees.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry. The House has refused to recess, and that leaves us in the same position as we were in the Sixty-first Congress. I know the Speaker remembers that Uncle Joe Cannon said that a majority can do anything it desires. Is it not within the power of the House now to instruct the conferees to agree to the Senate amendment on the hospitalization bill, provided the Speaker will recognize anyone to make that motion?

The SPEAKER. That is not in the power of the House.

Mr. SABATH. Does the Chair rule that we can not instruct the conferees?

The SPEAKER. The Chair so rules.

Mr. SABATH. Mr. Speaker, I might appeal from the ruling of the Chair, but I will not do so.

The SPEAKER. The Chair has not recognized the gentleman.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

Mr. RAYBURN. A parliamentary inquiry, Mr. Speaker, the House has not adjourned or recessed from Tuesday. We are still in the legislative day of Tuesday.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. RAYBURN. Mr. Speaker, a parliamentary inquiry. I made a parliamentary inquiry that has not been answered. The House has been legislating in Tuesday and it has not adjourned or recessed. It is still in Tuesday. There is no Wednesday and therefore how can the call of the committees be made?

The SPEAKER. This is the legislative day of Tuesday. We have been transacting business according to the rules. First, we had prayer by the Chaplain on Tuesday. Second, we had the reading and approving of the Journal. Third, we have had the reference of public bills—that has been passed over. Next, we have disposed of business on the Speaker's table, and next we have disposed of many public bills. Now is the morning hour for the consideration of bills called up by committees.

Mr. RAYBURN. Does the Chair hold that this is Tuesday or Wednesday?

The SPEAKER. The legislative day of Tuesday.

Mr. RAYBURN. Let me say, Mr. Speaker, that this is the only Tuesday that I ever saw that had two morning hours. [Laughter.]

Mr. GREEN. Mr. Speaker, reserving the right to object, I want five minutes following the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes.

Mr. JOHNSON of Washington. Reserving the right to object, I desire to ask a question in the nature of a parliamentary inquiry. Inasmuch as there is a committee near the bottom of the list that has not been called for more than eight years is it not advisable to begin at the star? [Laughter.] If the chairman of the committee is not here I am the ranking member. We have a bill on the calendar from the Committee on Territories No. 19, and we also have a bill for deporting all alien communists. We can pass that bill in a few minutes by unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, the House has expressed its wish by a substantial majority to give consideration to the veterans' hospital bill. That vote was rather impressive at this hour, when everyone is tired, yet willing to remain here on that bill. That should be sufficient notice to the distinguished gentleman from Massachusetts [Mr. LUCE] and his colleagues representing the House in conference.

While we are waiting for the gentleman from Massachusetts to make up his mind or to come back with the conference report, there is another very important bill that we could pass in a very few moments, and which has the indorsement of the President of the United States. There can be no real opposition to it on its merit. It would do a great deal to calm the gentleman from Washington [Mr. JOHNSON] and his fellow restrictionists, and that is the alien seamen's bill. The Secretary of Labor, Mr. Doak, told me only a day or so ago that the bill, which has already passed the Senate, has the indorsement of the President of the United States. If you are so anxious to keep undesirable aliens from coming to this country, pass the alien seamen's bill, because that is the real source from whence they come. The undesirable aliens enter the country as fake seamen or stowaways without any inspection, physical or otherwise. They sign as seamen or stewards, desert on arrival, all with the knowledge of the steamship companies. A few nights ago this House wanted to jam through a bill, and subsequently did pass a bill, cutting lawful, legitimate immigration by 90 per cent. These immigrants are mostly

parents of American citizens or wives and children of honest, hard-working aliens lawfully admitted. That was a bill dealing with souls, with human beings; and yet there was a big majority in favor of the passage of that bill. The alien seamen's bill is a bill dealing with dollars and cents, and the steamship companies are opposed to the bill. Seemingly, they have greater power than the wishes of the United States and a majority of this House. The bill has already passed the Senate.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. O'CONNOR of New York. The bill was supposed to be brought up under suspension. That was abandoned. It was then to be brought in by unanimous consent by the gentleman from Washington [Mr. JOHNSON], and the gentleman from Washington has been soliciting people to object to his own bill when he asked unanimous consent. He asked me to do it.

Mr. JOHNSON of Washington. I rise to a point of order.

Mr. LaGUARDIA. Mr. Speaker, the power of the steamship companies is apparently tremendous. They have consistently opposed this bill, and I say this, that the steamship companies are making money on bringing undesirable aliens to this country. The Dollar Line is making money by keeping a double crew of Chinese on every ship and paying them starvation wages. The reserve crew is carried to fill places caused by desertions. Naturally the company profits by a low rate of wages. The desertions of alien pseudo seamen are numerous and the records bear me out on this point. Foreign steamship companies are guilty of the same practice. It is impossible to bring 40 to 50 stowaways on a ship, or a number of men who are not bona fide steaming on a crew, without their knowledge. Guilty knowledge, if you please, because they profit by this unlawful practice. Now, gentlemen, you restrictionists, you who are so keen to prevent undesirable aliens from entering the country, now is your opportunity. I invite the gentleman from Washington [Mr. JOHNSON] to ask for a suspension of the rules and to pass the seamen's bill. [Applause.]

Mr. CRISP. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

Mr. O'CONNOR of New York. Reserving the right to object, on what subject?

Mr. CRISP. On the subject before the House.

Mr. KVALE. Reserving the right to object, will the gentleman permit the gentleman from Washington to make that request at this time?

Mr. CRISP. I submit my request to the House.

The SPEAKER. Is there objection?

Mr. O'CONNOR of New York. I object.

Mr. JOHNSON of Washington. Mr. Speaker, under the circumstances after the charge made against me—and I might have had the words taken down—I call up Senate 202.

The SPEAKER. That is not a privileged motion.

Mr. JOHNSON of Washington. Then I ask unanimous consent to take from the Speaker's table the bill S. 202 and suspend the rules and pass the same.

The SPEAKER. The Chair will not recognize the gentleman for that purpose.

Mr. HOWARD rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. HOWARD. For the purpose of making a unanimous-consent request to the Speaker and to my fellow Members in the House. I ask unanimous consent to talk for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

Mr. KVALE. Reserving the right to object, I ask that this matter be brought before the House. I would like to see this thing brought to a conclusion now.

Mr. BLANTON. The Speaker will not permit it. The Speaker has refused to recognize him for that motion.

Mr. HOWARD. What is the matter? I may bring it before the House.

RULES OF THE HOUSE

Mr. CRISP. Mr. Speaker, I ask unanimous consent to address the House for five minutes upon the parliamentary situation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CRISP. Mr. Speaker and my colleagues, the Speaker correctly ruled to-night when he directed the Clerk to call the committees under the morning hour. That is in the rule book. It is obsolete as far as the practical consideration of measures under the rules of the House is concerned. This is the first time the Speaker has called that since he has been Speaker; but he was correct. Under the rules, it was in order.

Now, ladies and gentlemen, I am just as anxious as any of you to have the conferees report on the veterans' hospital bill. There is a way, under the rules of the House, that it could be dealt with, provided the Speaker was acquiescent in it, and there is no other way, under the rules of the House, whereby the House, even 80 per cent of it desiring to act, can act within the rules of the House.

I have considerable to say about liberalizing the rules of the House. I am not going to repeat any of that, but clearly within the rules it is within the power of the Speaker, it is discretionary with him, there is no way to force him, but he can recognize anyone to move to suspend the rules and adopt the resolution instructing the conferees on the veterans' hospital bill to agree to the Senate amendments, or he can adopt a resolution, under the rules, instructing the conferees to report back a disagreement to the House, and give the House itself an opportunity to vote as to whether it wishes to concur.

Now, gentlemen, as far as I am concerned, I am going to play the game according to the rules. I would not vote to overrule the Speaker on any decision he made when I thought the decision was right under the rule.

As I say again, the question of the Speaker recognizing anyone to suspend the rules is within his discretion, and there is no appeal laid under the rules from the Speaker's refusal to recognize anybody.

Mr. RANKIN. Will the gentleman yield?

Mr. CRISP. I will.

Mr. RANKIN. Of course that was the inquiry which I propounded to the Speaker earlier in the evening or this morning. May I ask the gentleman from Georgia this question: It seems to me this is a question that goes to the integrity of the proceedings of the House. If that is the case, would not such a motion be privileged?

Mr. CRISP. I do not think so.

Now I have said all I want to say. I am not going to ask the Speaker to answer any parliamentary question as to that. The Speaker knows the rules of the House and I know the rules of the House, and I know what I am saying is clearly within the rules of the House, but I want to address my remarks now to the conferees of the House.

Gentlemen, when the House refused to adopt a motion instructing you to agree to the Senate amendment, I understand some take the position that that was tantamount to the House instructing you not to agree. Such is not the parliamentary situation. When the House refused to adopt instructions to you the House simply appointed you as their free conferees, to go out with the Senate and see if you could compose and reconcile the differences between the two bodies. You were sent out as free agents, not instructed agents. Now, I have the highest respect for the conferees. I think the conferees have seen, from what has transpired here to-night, the temper of the House, and I am making this appeal to them. It seems to me, ladies and gentlemen, that the sensible thing to do at this hour is to have some assurance from the House conferees that they will have another conference with the Senate conferees and see if they can not reach some agreement, and then for this House to recess until 10 o'clock in the morning. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. KVALE. Has the gentleman concluded his statement?

Mr. CRISP. Yes.

Mr. KVALE. Does the gentleman from New York desire to question the gentleman?

Mr. O'CONNOR of New York. Yes. I want to state to the gentleman that when I objected to the gentleman having unanimous consent to proceed for five minutes I understood he had in mind the seamen's bill and not this bill or I would not have objected, because I am heartily in sympathy with his attitude on this veterans' legislation.

Mr. CRISP. I thank my friend. I may not have spoken clearly. I said the matter before the House, and I thought the only matter before the House was this hospital bill.

Mr. KVALE. Will the gentleman yield for a question on another subject?

Mr. CRISP. Yes.

Mr. KVALE. In view of the question that has been raised here with reference to this seamen's bill, in view of the Speaker's statement that he wished suspensions to apply in instances where they represented the obvious majority of the will of the House of Representatives, in view of the demand for this legislation, in view of the situation here to-night, in view of the obviously small percentage of opposition to this legislation, and in view of the statements made by the gentleman from New York [Mr. LaGUARDIA], does not the gentleman believe and hope that as Members of the House we may have the privilege of voting before we adjourn on the question of the adoption or rejection of the alien seamen's deportation bill?

Mr. CRISP. Personally I would be glad to see that done, but the responsibility is the Speaker's and he will act as he sees his duty.

The SPEAKER. The time of the gentleman from Georgia has again expired.

Mr. BLANTON. Mr. Speaker, I ask that the gentleman may have two additional minutes.

Mr. CRISP. I have no desire to impose myself on the House, but, of course, I will be glad to answer any questions if I have the time.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. BLANTON. If the conferees want to report a disagreement now to the House on the hospital bill and give us a chance, according to our rights under the rules, to instruct them, then does not the gentleman think the House would be willing to recess, because then we would have time to take this matter up at 10 o'clock?

Mr. CRISP. It is apparent that the temper of the House is that if a disagreement should be reported the House would move to concur in the Senate amendment, and if that prevails that would dispose of the matter.

Mr. BYRNS. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. BYRNS. The gentleman has referred to the possibility and expressed the hope that the House conferees would agree to hold a conference and go into another conference with the Senate conferees. Does not the gentleman think that if they would make that agreement or that statement now, with the further statement that in any event they will come back at 10 o'clock in the morning and give the House an opportunity to vote one way or the other on the Senate amendment, that the House might be willing to take a recess, that we might go home and come back and dispose of the matter?

Mr. CRISP. I feel confident of that, and I have just been advised that the Senate has recessed.

The SPEAKER. The time of the gentleman from Georgia has again expired, and the Chair recognizes the gentleman from Connecticut.

Mr. TILSON. Mr. Speaker, I would like to make a statement. I am informed the Senate has taken a recess until 9 o'clock and the Senators have gone home. So there would be no possibility of our conferees having any conference with them before morning. If there could be any good purpose served in connection with the legislation we have in mind by staying here, I would be perfectly willing to stay, but I see no good purpose that can be served in that direction; whereas I believe if we wait until to-morrow, when the conferees can meet, they understand the temper of the House——

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. SCHAFER of Wisconsin. Did not this last roll call indicate the temper of the House on the hospital bill? Why can not the House conferees let the House determine the question?

Mr. TILSON. But the conferees can not do anything to-night because the Senate has recessed and the Senators have gone home.

Mr. SABATH. Does the gentleman maintain that the conferees of the Senate can not meet the conferees of the House because the Senate has recessed?

Mr. TILSON. They can not meet them to-night.

Mr. BLANTON. Then why not recess until 9 o'clock in the morning?

Mr. TILSON. That is what I want to do.

Mr. SCHAFER of Wisconsin. Does the gentleman mean to say that the House conferees can not make a report to the House at this time?

Mr. TILSON. Of course, they can not report until they have a conference and there is an agreement or a disagreement. The conferees can not do anything now.

Mr. SCHAFER of Wisconsin. Have they announced they can not agree?

Mr. MEAD. Can the gentleman from Connecticut give us any assurance about the conferees reporting?

Mr. TILSON. I can not promise anything. I make good on any promise I make, and therefore I do not make loose promises.

Mr. BYRNS. Will the gentleman from Connecticut yield?

Mr. TILSON. Yes.

Mr. BYRNS. The gentleman from Massachusetts [Mr. LUCE], who is chairman of the House conferees, is on the floor. Can we not have a promise from the gentleman from Massachusetts, representing the House conferees, or from the gentleman himself as the majority leader, that we will have an opportunity to vote upon this proposition when we reconvene at 10 o'clock this morning or at whatever hour we decided to reconvene?

Mr. TILSON. Mr. Speaker, I move that the House stand in recess until 9 o'clock.

The question was taken, and the Chair announced he was in doubt.

Mr. CONNERY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 91, nays 132, not voting 207, as follows:

[Roll No. 51]

YEAS—91

Ackerman	Dyer	Jonas, N. C.	Seger
Adkins	Eaton, Colo.	Kahn	Selberling
Aldrich	Englebright	Kinzer	Shott, W. Va.
Allen	Estep	Knutson	Simmons
Bacon	Finley	Lankford, Va.	Sloan
Barbour	Fort	Leavitt	Snow
Beers	Free	Leech	Stafford
Blackburn	French	Lehlbach	Stalker
Bolton	Gibson	Luce	Stobbs
Bowman	Goss	McClintock, Ohio	Strong, Pa.
Brumm	Graham	McLaughlin	Summers, Wash.
Burtness	Hadley	Magrady	Taber
Carter, Calif.	Hale	Mapes	Temple
Chalmers	Hall, Ill.	Michener	Thatcher
Chindblom	Hall, N. Dak.	Montet	Thurston
Clarke, N. Y.	Hess	Mouser	Vincent, Mich.
Cochran, Pa.	Hoch	Nelson, Me.	Watres
Colton	Hooper	Perkins	Wigglesworth
Darrow	Hopkins	Pratt, Ruth	Wilson
Dempsey	Hudson	Ramey, Frank M.	Wolfenden
Denison	Hull, Morton D.	Ramseyer	Wolverton, N. J.
De Priest	Jenkins	Reed, N. Y.	Wolverton, W. Va.
Douglas, Ariz.	Johnson, Ind.	Rogers	

NAYS—132

Abernethy	Crowther	Johnson, Okla.	Patman
Allgood	Cullen	Johnson, Tex.	Patterson
Almon	Davis	Johnson, Wash.	Frall
Andresen	Dickstein	Jones, Tex.	Quin
Arnold	Dominick	Kading	Ragon
Auf der Heide	Doughton	Ketcham	Rainey, Henry T.
Bachmann	Dowell	Kvale	Ramspeck
Black	Doxey	LaGuardia	Rankin
Bland	Erk	Lambertson	Rayburn
Blanton	Eslick	Lankford, Ga.	Rich
Bloom	Fitzpatrick	Lindsay	Romjue
Briggs	Fuller	Lozier	Sabath
Browning	Fulmer	McCormack, Mass.	Sanders, Tex.
Buchanan	Gambrill	McDuffie	Sandlin
Busby	Garber, Va.	McFadden	Schafer, Wis.
Byrns	Gavagan	McKeown	Schneider
Campbell, Iowa	Glover	McLeod	Selvig
Canfield	Goldsborough	McReynolds	Shaffer, Va.
Cannon	Granfield	McSwain	Short, Mo.
Carter, Wyo.	Green	Maas	Sinclair
Cartwright	Gregory	Mead	Sirovich
Celler	Guyer	Milligan	Somers, N. Y.
Christgau	Hall, Miss.	Mooney	Sparks
Cochran, Mo.	Hancock, N. C.	Moore, Ky.	Swanson
Collier	Hastings	Morehead	Swick
Collins	Hill, Ala.	Nelson, Mo.	Tarver
Condon	Hill, Wash.	Nolan	Turpin
Connery	Holaday	O'Connor, N. Y.	Warren
Cooke	Howard	O'Connor, Okla.	Welch, Calif.
Cooper, Tenn.	Huddleston	Oldfield	Whittington
Crisp	Hull, Wis.	Oliver, Ala.	Wingo
Cross	James, Mich.	Owen	Yon
Crosser	Jeffers	Parsons	Zihlman

NOT VOTING—207

Andrew	Driver	Kendall, Ky.	Robinson
Arentz	Dunbar	Kendall, Pa.	Rowbottom
Aswell	Eaton, N. J.	Kennedy	Rutherford
Ayres	Edwards	Kerr	Sanders, N. Y.
Bacharach	Elliott	Kiefner	Sears
Baird	Ellis	Kopp	Shreve
Bankhead	Esterly	Korell	Simms
Beck	Evans, Calif.	Kunz	Smith, Idaho
Beedy	Evans, Mont.	Kurtz	Smith, W. Va.
Bell	Fenn	Langley	Snell
Bohn	Fish	Lanham	Speaks
Box	Fisher	Larsen	Spearing
Boylan	Fitzgerald	Lea	Sproul, Ill.
Brand, Ga.	Foss	Letts	Sproul, Kans.
Brand, Ohio	Frear	Linthicum	Steagall
Brigham	Freeman	Loofbourow	Stevenson
Britten	Garber, Okla.	Ludlow	Stone
Browne	Garner	McClintic, Okla.	Strong, Kans.
Brunner	Garrett	McCormick, Ill.	Sullivan, N. Y.
Buckbee	Gasque	McMillan	Sullivan, Pa.
Burdick	Gifford	Manlove	Sumners, Tex.
Butler	Golder	Mansfield	Swing
Cable	Goodwin	Martin	Taylor, Colo.
Campbell, Pa.	Greenwood	Menges	Taylor, Tenn.
Carley	Griffin	Merritt	Thompson
Chase	Hall, Ind.	Michaelson	Tilson
Chiperfield	Halsey	Miller	Timberlake
Christopherson	Hancock, N. Y.	Montague	Tinkham
Clague	Hardy	Moore, Ohio	Treadway
Clancy	Hare	Moore, Va.	Tucker
Clark, Md.	Hartley	Morgan	Underhill
Clark, N. C.	Haugen	Murphy	Underwood
Cole	Hawley	Nelson, Wis.	Vestal
Connolly	Hickey	Newhall	Vinson, Ga.
Cooper, Ohio	Hoffman	Niedringhaus	Wainwright
Corning	Hogg, Ind	Norton	Walker
Cox	Hogg, W. Va.	O'Connor, La.	Wason
Coyle	Hope	Oliver, N. Y.	Watson
Craddock	Houston	Palmer	Welsh, Pa.
Crail	Hudspeth	Palmisano	White
Cramton	Hull, Tenn.	Parker	Whitehead
Culkin	Hull, William E.	Parks	Whitley
Dallinger	Igoe	Peavey	Williams
Davenport	Irwin	Pittenger	Williamson
DeRouen	James, N. C.	Pou	Wood
Dickinson	Johnson, Ill.	Pratt, Harcourt J.	Woodruff
Dorsey	Johnson, Nebr.	Pritchard	Woodrum
Douglass, Mass.	Johnson, S. Dak.	Purnell	Wright
Doutrich	Johnston, Mo.	Ransley	Wurzbach
Doyle	Kearns	Reece	Wyant
Drane	Kelly	Reid, Ill.	Yates
Drewry	Kemp	Reilly	

So the House refused to recess.

The following additional pairs were announced:

Mr. Campbell of Pennsylvania with Mr. Boylan.
Mr. Welsh of Pennsylvania with Mr. McClintic of Oklahoma.

The result of the vote was announced as above recorded.

THE HOSPITALIZATION BILL

Mr. JEFFERS. Mr. Speaker, as a member of the conference committee, I want to ask the Speaker if it would be in order for me to interrogate one of the majority conferees at this time? Would the chairman of the House conferees be in a position that if we recessed now until 9 o'clock that at 9 o'clock the chairman of the House conferees would be willing to then submit this proposition to the House as to whether or not it would be possible under the circumstances for the conferees to take the Senate bill? Would the chairman be in a position now if we recessed until 9 o'clock to let the House determine whether it would instruct the conferees to take the Senate bill?

Mr. LUCE. Mr. Speaker, the gentleman is fully aware of the difficulties that lie in the way of making any such promise. The gentleman is aware that I am but one of three conferees, that I was not the chairman of the subcommittee on hospitals, that I was not a member of that committee, that I had no share in framing the list of allocations that was submitted in the report of that committee. He will, of course, realize that I could not undertake to make a reply for the chairwoman of that committee.

He will also realize that her views in this matter would have a very persuasive influence with her Republican associates on that committee.

Furthermore, he will also understand the physical difficulty in getting together the five Senate members of the conference committee before 9 o'clock.

I may say, for the information of the House, and I think I am disclosing no confidence, that the chairwoman of the subcommittee on hospitals has been confident that before adjournment to-morrow there will be a possibility of some solution of this matter. To promise it before 9 o'clock would be too much.

Now will the gentleman permit me to make a statement of the situation to the House, coming as near as I can to the edge of the parliamentary proprieties. I shall have to ask the gentleman to draw some inferences because I am not disposed to cast any aspersions on the other branch. I should be inconsistent if I broke the rule. So gentlemen may draw their own inferences from this statement. We have been told repeatedly in conference committee and outside that the House bill can not go through the Senate in the increased form, so long as it permits in any way the allocations of the House. You may conclude for yourselves what will happen if the slate is wiped clean. You may understand the power of prestige and of position and of influence in controlling the situation. For myself, my self-respect will not permit me to yield to demands based upon those premises. [Applause.]

Mr. JEFFERS. Mr. Speaker, if the gentleman has concluded, I should like to make a statement at this time. In the first place, the gentleman from Massachusetts [Mr. LUCE] has said something about getting together with the Senate conferees prior to 9 o'clock. Of course, we could not do that. That is entirely beside the mark of the inquiry that I made. I asked if we could have assurance from the majority conferees that when the House met at 9 o'clock the majority conferees on the part of the House would then immediately submit the matter to the House, not to the Senate conferees, for consideration on the part of the House as to whether or not under the circumstances it would not be wisest and best now to take the Senate bill, in view of the fact that the time is so short, and that we will know how in another body even one Member, if he so desires, can hold up the business of legislation.

Another proposition I would like to mention, since the gentleman has gone somewhat into things which happened in conference, and on the part of the conferees, without giving away any secrets or mentioning any names, is that not only one but more than one of the Senate conferees of the majority party have assured us that while they could not submit to the Senate the actual House allocations as is in the conference report, because they felt that the Senate would not take it as is, yet that they—and they are powerful members of the majority party in the Senate—would go to the President of the United States and suggest to him that it was their best advice that he instruct the Federal hospital board in so far as they possibly could to take the House allocations up to $12,500,000. That to me is not entirely satisfactory.

I was proud of the House allocations and had served on the subcommittee and felt it was an honor to do so under our esteemed chairlady of the subcommittee, who knows this problem well. However, when it comes down to a proposition of only a few hours intervening between now and the adjourning of Congress, I feel that it was my duty as an uninstructed House conferee—and we were uninstructed, the House did not instruct us, it refused to instruct us—it was my duty for the sake of a bill to give way to some extent at least, and I still think it is the wise and safe plan, in order that we may have a bill under the circumstances and with the assurance I mention of these Senators, to give way and get a bill.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. JEFFERS. Yes.

Mr. RAYBURN. I think everybody wants to go home. With the slightest assurance from the conferees that this bill may in some form be brought back to the House to-morrow say by 10 o'clock or 10.30 o'clock, with assurance from a majority of the conferees that they will make some sort of a report to the House in the morning, that they will bring the bill into the House with a disagreement or an agreement and put it in position where the House may then act on it, I think that the membership of the House will be perfectly willing to quit at this time and come back at 9 o'clock.

Mr. JEFFERS. With reference to what the gentleman from Texas [Mr. RAYBURN] has said, under the parliamentary situation we can not actually bring the bill into the House with an agreement or disagreement, because we are not in a position to do so. We simply quit the last conference. There is no agreement or disagreement, but we can at least ask the majority conferees if we can have an expression from the House to-morrow morning at 9 o'clock.

Mr. BLANTON. It should be very evident to the chairman of the conferees, from the present temper of the House, that unless he can assure the House he is going to report a disagreement, either to-night or early to-morrow morning, and allow us to instruct the conferees on this hospital bill, we are going to be here from now until 9 o'clock in the morning. We can not move. We will sit in these seats all night. So why not have an understanding and agree that the matter will be reported to the House in the morning?

Mr. JEFFERS. I renew my request to include the chairman of the subcommittee, Mrs. ROGERS, as well as the senior member of the conference, as to whether or not we can have an expression from the House in the morning at 9.30 o'clock as to whether, under the circumstances, it is not best and wisest for us to take the Senate bill.

Mr. LUCE. If the gentleman will permit a Yankee to answer a question with a question——

Mr. JEFFERS. Would it be possible for us to have an expression from the chairman of our subcommittee, Mrs. ROGERS?

Mrs. ROGERS. I am not the chairman of the conferees—Now, will the gentleman yield just a moment?

Mr. JEFFERS. Surely.

Mrs. ROGERS. May I beg the Members of the House to be loyal to their own bill. It is your bill. It is not just our bill. [Cries of "Vote!"]

Very well Mr. Speaker, they do not care.

Mr. HOLADAY. Will the gentlewoman yield for a question?

Mr. JEFFERS. May I ask the gentlewoman from Massachusetts——

Mr. BYRNS. Will the gentleman from Alabama yield?

Mr. JEFFERS. Certainly, I yield to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, it would seem to me it ought to be possible for the House to come to some agreement in order that we may take a recess until 9 o'clock in the morning.

All of the House conferees are on the floor. Of course, as has been suggested, they could make their report now, but surely the House should have an opportunity to express its will by a majority vote upon whether or not it wants to adhere to the House bill or to accept the Senate amendment, and surely the House conferees do not wish to deny to a majority of this House that right which it has to express its will with reference to the bill. I do hope that the majority conferees will accede to the question of the gentleman from Alabama [Mr. JEFFERS] and permit this matter to be brought before the House at 9.30 in the morning so that the House might vote one way or the other upon the proposition.

Mr. JEFFERS. Mr. Speaker, I yield to the gentleman from Michigan [Mr. JAMES].

The SPEAKER. All of this debate is proceeding by unanimous consent. The Chair has recognized the gentleman from Alabama [Mr. JEFFERS], and he has the floor as long as no one objects.

Mr. JEFFERS. If I may, I will yield to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES of Michigan. The gentleman from Alabama has stated that a powerful Senate member of the conference has agreed to go to the President on the $12,500,000 proposition. Have they made the same promise regarding the soldiers' home appropriation which came from the House Military Affairs Committee?

Mr. JEFFERS. As far as that is concerned, it is my individual understanding that it is the sense of the Senate conferees that that stands as passed by the House. The only difference is the $5,000,000 which the Senate added, and which we have said at all times to the Senate they could submit to the Federal Hospital Board or the Administrator of Veterans' Affairs.

Mr. JAMES of Michigan. As chairman of the House Committee on Military Affairs, I am interested in the bill that came from our committee.

Mr. JEFFERS. It has been allocated by the Federal Hospital Board, which the Senate entirely agrees to, as I understand.

Mr. HOLADAY. Will the gentleman yield?

Mr. JEFFERS. I yield.

Mr. HOLADAY. If I sense the feeling of this House correctly, I think the House would be entirely satisfied if the majority leader or chairman of the conference committee and the chairman of the subcommittee, the gentlewoman from Massachusetts, in view of the statement of the chairman that he probably would be influenced in his attitude by her attitude, if any of those Members would simply state to the House that to-morrow the conference committee will make a report that they have agreed or that they can not agree and will give the House an opportunity to express itself on the main question, I believe the House would be entirely satisfied and would be willing to adjourn. [Applause.]

Mr. JEFFERS. Just to make the situation clear to the gentleman, we understand from the parliamentary experts that since there was no formal disagreement in the conference with the Senate conferees, but that we simply walked out, we can not come here under the parliamentary situation, strictly adhered to, and report any sort of agreement, but we can come in as conferees and request our body to instruct us what our body thinks is wisest and best to do.

Mr. LAGUARDIA. Will the gentleman yield a moment?

Mr. JEFFERS. Certainly.

Mr. LAGUARDIA. Mr. Speaker, I suggest the situation in the last few days of the House is entirely under the control of the Speaker. Will the Speaker announce what his program will be for the morning, and perhaps that will give us a way out, so that the House may be assured it will have an opportunity to vote on the bill to-morrow?

Mr. JEFFERS. Does the Speaker desire to reply to the gentleman from New York?

The SPEAKER. The Chair is prepared to reply. Of course, the Chair has always been very strenuous in regard to the jurisdiction and power of the House relating to matters in conference with the Senate. The Chair thinks that conferees should have the fullest possible latitude, and in so far as they properly can, to represent the views of the House as expressed at the time they were appointed as conferees.

The Chair some time ago, in response to the gentleman from Mississippi [Mr. RANKIN], I think, said that he would

not recognize a motion to suspend the rules to instruct the conferees to do one thing or another of an affirmative nature.

The Chair would think that in case the conferees had not made some sort of report, affirmative or negative or whatever they pleased, when the House meets to-day, the Chair would feel constrained to entertain a motion to suspend the rules to request the conferees to make some sort of a report to the House. [Applause.]

Mr. RANKIN. Mr. Speaker, with that understanding, I move that the House recess until 9 o'clock.

Mr. JEFFERS. Mr. Speaker, would the Speaker be willing to say that 9.30 would be a reasonable hour?

The SPEAKER. In view of the fact that it is perfectly impossible, I would imagine, to locate any Member of the Senate at this time, it would be wise and proper to give a reasonable leeway, and the Chair would think somewhere about 10 o'clock, which would leave two hours before 12 o'clock, would be ample, but the Chair is not insistent on the exact hour.

Mr. TILSON. Mr. Speaker, I think it should be 10 o'clock, because it was generally understood that we would ask for 10 o'clock, in order to have two hours, and many of the Members have gone home with the idea that it would be 10 o'clock. I think that will give plenty of time, and I should hope it would be 10 o'clock.

Mr. KVALE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KVALE. Would that require a two-thirds vote?

The SPEAKER. Yes; a motion to suspend the rules would require a two-thirds vote.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 14. An act to make the Star-Spangled Banner the national anthem of the United States of America;

H. R. 531. An act for the relief of John Maika;

H. R. 644. An act for the relief of Casey McDannell;

H. R. 896. An act for the relief of Frank D. Peck;

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 980. An act to permit the United States to be made a party defendant in certain cases;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 1605. An act for the relief of Frank C. Russell;

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 2222. An act for the relief of Laurin Gosney;

H. R. 2466. An act for the relief of William L. Bruhn;

H. R. 2589. An act for the relief of Josiah J. Hostetler;

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 3004. An act for the relief of Arthur Moffatt, deceased;

H. R. 3556. An act for the relief of Mabel L. Brown;

H. R. 3564. An act for the relief of John T. O'Neil;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 5813. An act for the relief of Harold M. Reed;

H. R. 5931. An act for the relief of Milton Lockhart;

H. R. 5932. An act for the relief of J. Walter Smith;

H. R. 5933. An act for the relief of Joseph C. Looney;

H. R. 6128. An act to establish a national military park to commemorate the Battle of Kings Mountain;

H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 7784. An act for the relief of Mrs. L. E. Burton;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 8242. An act for the relief of George W. McPherson;

H. R. 8476. An act to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor;

H. R. 8534. An act for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes;

H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9070. An act for the relief of William Fisher;

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 9575. An act for the relief of the New York Marine Co.;

H. R. 9660. An act for the relief of the widow of John Curtis Staton;

H. R. 10052. An act for the relief of A. J. Bell;

H. R. 10113. An act for the relief of Uriel Sliter;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh;

H. R. 10306. An act for the relief of Henry I. Power;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 10631. An act for the relief of Barnet Albert;

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26);

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship;

H. R. 11189. An act for the relief of Fritz Zoller;

H. R. 11368. An act to fix the annual compensation of the secretary and the Governor of the Territory of Alaska;

H. R. 11911. An act for the relief of Frank J. Spencer;

H. R. 12063. An act to amend section 16 of the Federal farm loan act;

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;

H. R. 12215. An act for the relief of Daisy Ballard;

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.;

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.;

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes;

H. R. 16111. An act to amend section 1 of the second Liberty bond act, as amended;

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922;

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70;

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.;

H. R. 16836. An act to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes;

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes;

H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.;

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms;

H. J. Res. 528. Joint resolution making appropriation to provide books for the adult blind;

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926; and

H. J. Res. 532. Joint resolution authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 35. An act for the relief of James W. Nugent;

S. 43. An act for the relief of W. W. Payne;

S. 155. An act for the relief of Jesse J. Britton;

S. 181. An act for the relief of James H. Roache;

S. 182. An act for the relief of Daisy O. Davis;

S. 351. An act for the relief of John Donahue;

S. 401. An act for the relief of Claude J. Church;

S. 543. An act to increase the pay of mail carriers in the village delivery service;

S. 896. An act to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;

S. 1244. An act for the relief of Capt. Christian Damson;

S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership;

S. 1412. An act for the relief of Stanislaus Siemek;

S. 1640. An act for the relief of John E. Ross;

S. 1918. An act for the relief of Irene Strauss;

S. 2068. An act for the relief of Lester L. Wilson;

S. 2106. An act for the relief of John Baba;

S. 2614. An act for the relief of the Macon, Dublin & Savannah Railroad Co.;

S. 2615. An act for the relief of Arthur J. Robinson;

S. 3050. An act for the relief of James M. Booth;

S. 3184. An act to permit the county of Solano, in the State of California, to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike, and accretions thereto, in Mare Island Straits, Calif.;

S. 3206. An act for the relief of Rebecca Green;

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased;

S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;

S. 3831. An act for the relief of Georgia A. Muirhead;

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 4274. An act for the relief of Dr. Cooper Nicholson;

S. 4334. An act for the relief of G. Elias & Bro. (Inc.);

S. 4435. An act for the relief of James Williamson and those claiming under or through him;

S. 4509. An act for the relief of Thomas G. Hayes;

S. 4612. An act for the relief of the Corporation C. P. Jensen;

S. 4675. An act for the relief of the Seward City Mills (Inc.);

S. 4696. An act granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2, in said section 5;

S. 4715. An act for the relief of John T. Doyle;

S. 4716. An act for the relief of Mrs. Thomas Doyle;

S. 4726. An act for the relief of Alexander H. Bright;

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.;

S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton;*

S. 5033. An act to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;

S. 5105. An act for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic & Pacific Railroad Co. in the State of New Mexico, and for other purposes;

S. 5193. An act for the relief of Mildred N. O'Lone;

S. 5195. An act for the relief of Howard Dimick;

S. 5198. An act for the relief of T. Morris White;

S. 5199. An act for the relief of Leslie W. Morse;

S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.);

S. 5201. An act for the relief of C. O. Smith;

S. 5215. An act for the relief of H. L. Todd;

S. 5248. An act to extend the boundaries of Wind Cave National Park, S. Dak.;

S. 5321. An act for the relief of Thomas F. Myers;

S. 5353. An act for the relief of Mrs. Herman M. Warr;

S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;

S. 5467. An act to amend an act for the relief of Augusta Cornog, approved May 29, 1928;

S. 5516. An act for the relief of E. G. Mason;

S. 5524. An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5624. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky.;

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games;

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation;

S. 5781. An act granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park;

S. 5989. An act to authorize the acquisition of additional land for enlarging the Capitol Grounds;

S. 6011. An act to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor;

S. 6046. An act to authorize advances to the reclamation fund, and for other purposes;

S. 6072. An act for the relief of C. H. Price;

S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;

S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended;

S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;

S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington;

S. 6161. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;

S. 6179. An act to legalize a bridge across St. Francis River, one-fourth mile south of Greenville, Wayne County, Mo.;

S. 6180. An act to legalize a bridge across the St. Francis River four miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

S. 6181. An act to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.;

S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;

S. 6190. An act authorizing the State of West Virginia, by and through the State Bridge Commission of West Virginia or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across the boundary-line streams or rivers of said State;

S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy";

S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;

S. 6254. An act for the relief of United States Marshal George B. McLeod;

S. 6263. An act to amend Public Act No. 624, Seventy-first Congress;

S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.;

S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission;

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.; and

S. J. Res. 233. Joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 16111. An act to amend section 1 of the second Liberty bond act, as amended;

H. J. Res. 357. Joint resolution classifying certain official mail matter;

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931;

H. R. 531. An act for the relief of John Malka;

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 2222. An act for the relief of Laurin Gosney;

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 3564. An act for the relief of John T. O'Neil;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 5813. An act for the relief of Harold M. Reed;

H. R. 5931. An act for the relief of Milton Lockhart;

H. R. 5932. An act for the relief of J. Walter Smith;

H. R. 5933. An act for the relief of Joseph C. Looney;

H. R. 6207. An act for the relief of the estate of the late Dr. W. A. Cox;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 7784. An act for the relief of Mrs. L. E. Burton;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 8242. An act for the relief of George W. McPherson;

H. R. 8476. An act to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor;

H. R. 8534. An act for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9070. An act for the relief of William Fisher;

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 9575. An act for the relief of the New York Marine Co.;

H. R. 9660. An act for the relief of the widow of John Curtis Staton;

H. R. 10052. An act for the relief of A. J. Bell;

H. R. 10113. An act for the relief of Uriel Sliter;

H. R. 10306. An act for the relief of Henry I. Power;

H. R. 10631. An act for the relief of Barnet Albert;

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 31 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26);

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship;

H. R. 11189. An act for the relief of Fritz Zoller;

H. R. 11911. An act for the relief of Frank J. Spencer;

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;

H. R. 12215. An act for the relief of Daisy Ballard;

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.;

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922;

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.;

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park, in the State of Michigan, and for other purposes;

H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.;

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926;

H. R. 14. An act to make the Star-Spangled Banner the national anthem of the United States of America;

H. R. 644. An act for the relief of Casey McDannell;

H. R. 896. An act for the relief of Frank D. Peck;

H. R. 980. An act to permit the United States to be made a party defendant in certain cases;

H. R. 1428. An act for the relief of Thomas Murphy;

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H. R. 3004. An act for the relief of Arthur Moffatt;

H. R. 3556. An act for the relief of Mabel L. Brown;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 6128. An act to establish a national military park to commemorate the Battle of Kings Mountain;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh;

H. R. 16836. An act to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1886, as amended, and for other purposes;

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms;

H. J. Res. 528. Joint resolution making appropriation to provide books for the adult blind;

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 8953. An act for the relief of Thomas C. Edwards;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 11368. An act to fix the annual compensation of the secretary and the Governor of the Territory of Alaska;

H. R. 12063. An act to amend section 16 of the Federal farm loan act;

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others; and

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70.

EXTENSION OF REMARKS

CHANGE OF RULES AND THE INCREASING EXPENSE OF GOVERNMENT

Mr. MOREHEAD. Mr. Speaker, in my eight years' service as Representative of the first district of Nebraska I have been fortunate in my health being such that I have been present at all sessions, and have had courage enough to vote on all legislative and appropriation bills up for consideration.

Nebraska people have dealt generously with me in so many different positions, trusting me to look after their interests. Being of a cautious nature, brought about by experience and observation, I view with considerable apprehension the increasing expense of government. The rules applied by careful business men should be applied to the Government. I can see no difference. The intent and purpose is the same. One is to look after his private affairs and the other is to look after affairs of the State and Nation, which is a sacred duty entrusted to him by the people. There has been much discussion as to change of the rules for the orderly procedure of business in the House. None have been of a nature that would effect a great saving in the appropriations to the taxpayers of the Nation. A Member of the House should have the courage and sincerity of purpose to go on record on any legislative matter, or any appropriation, when a large amount of money is involved. Many times in the appropriation of large sums I have seen the majority changed to a large minority. When a record vote was forced, they had reversed their vote. Therefore when Congress convenes I shall do everything in my power to get a rule compelling a record vote, and I am satisfied it will save several hundreds of millions of dollars to the people and reduce the tremendous amount that is now being appropriated.

I have been appalled at the ever-increasing appropriations for the Army, and particularly for the Navy. Some $400,000,000 has been appropriated during this session of Congress for the Navy. This is the largest amount ever appropriated during peace times. The House and Senate have devoted weeks in discussing an appropriation at this session for drought relief, and then in a very few hours appropriate as much as $30,000,000 in rehabilitating three battleships that are antiquated, will not be modern after the expenditure, and will soon be ready for the scrap heap. The drought relief bill, at least, would reach hundreds of thousands of people, while the Navy appropriation will only benefit a few hundred. I am amazed to see how readily Members of natural economic training vote for many bills of amounts I have mentioned, and are unable to give any good reason for so doing. Often when a Navy bill of questionable merit is up for consideration the corridors of the Capitol, the galleries, and general appearances would indicate a shipbuilders' convention more than the deliberate and serious transactions of a business Congress. The Navy authorities and some Members reach every paper by well-prepared articles. Any Member opposing their program is often branded as a pacifist, an undesirable citizen, communist, or Bolshevik.

This Congress is doing business under the inspiration of George Washington's name. They do not have to think. Quote him, connect him with any bill, and you win. Thirty million dollars to rehabilitate antiquated battleships! His name connected with it and Congressmen must all support it. No mention made of $435,000 a mile for a memorial boulevard in honor of his name.

To stop the raids on the Treasury is a very difficult task, as they enter into a collusion with others who have claims of questionable character to support each other's bills. I would also amend the rule so that an appropriation of any magnitude could not be placed on the unanimous consent or private calendars for at least 20 days before the closing of the Congress.

With the ever-increasing appropriations, raising salaries, and placing a greater number on the Government pay rolls, with the diminishing revenue from imports which have shown a great reduction (and other countries retaliating against the United States and producing more of their supplies, making the demand much less for the American surpluses, there is but one alternative, and that is to raise greater amounts of revenue by the income tax and direct taxation. I shall not question the honesty of purpose of the present administration; but it does seem to me that they are lacking in vision and courage to outline a positive program of economy and enforce it. They can not expect to be successful by opposing appropriations that perhaps benefit millions of people, and then encourage much larger appropriations that benefit the few. With the mounting expense caused by the World War, unless economy is used in the appropriation of large sums for questionable purposes, this country will find that we have a large deficit to take care of at every session of Congress. It seems criminal to me that some of

the great structures in the District are being torn down, and expensive buildings erected, without any justification except the slogans to "furnish labor" and "make the Capital beautiful." It has been the practice of the Representatives of certain States to introduce, and many times secure, by barter, large appropriations for their States, which are purely State matters and should be borne by the States instead of the Federal Government. States which are unable to support themselves and maintain a government, as well as meet the legitimate demands, should be subdivided and attached to other States that are self-supporting. I pay my respects to Representatives who have been of great benefit to the people in general, and have been worse censored than any other Members; and to others who have objected to undeserving bills being passed that are on the calendars.

To provide for new activities it has been necessary to increase the Federal pay roll four hundred times faster than the population has increased. In the year 1820 there was one Federal employees for every 1,173 inhabitants. In 100 years since, more than 400,000 additional employees have been added. Increased costs have been in proportion. In 1800 the Federal Government cost us about $2 per capita. In 1850 it cost us less than $2; but by 1900 the cost had grown to $8.20. In 1930 it had reached the staggering figure of $48.42. Add to this the cost of State government and the municipal and county government and there is reached a grand total of $110 per year the Government costs for every man, woman, and child in the United States. It continues to increase at a total rate of about $500,000,000 a year, or $4 more for each man, woman, and child. It is beginning to be a serious question, not so much as what the Government is worth, or how much it returns to us for our money, but of how much more we can pay for it and still retain our financial stability and our individual freedom, at the present rate of progress. It would take only another generation or two to provide every citizen with a Government job, and that, obviously, is only a roundabout road to that socialism or communism which we profess to abhor. What we shall have to decide before long is whether we are competent to continue as a free people, with each citizen ordering his own life and carving out his own destiny, or whether we shall have to turn all our activities over to the Government, with the bureaucrats carving out our destinies, individual and collective, for us.

As an older Member, with frontier and long business experience, I believe that policies adopted by the State of Nebraska, in many instances, at least, could be advantageously applied to the Federal Government. That is, pay as we go. The organizers of the State government of Nebraska, as it has been transmitted down through generations, had a deep-seated sentiment in the State against incurring debt. It is a heritage of pioneer days. When the State constitution was drafted it contained a provision which did not permit public officials to bond the State or to plunge it into debt. More than one-half a century has passed and that section still remains a part of the constitution. As a result, Nebraska is one of the two States in the Union which do not have a dollar of outstanding indebtedness, and has more than $10,000,000 of trust funds invested for the purpose and maintenance of its educational institutions. She has put more than $42,000,000 into public highways. Within the last 10 years we have levied taxes and collected $10,000,000 for the purpose of building the capitol. We have double that amount invested in the great State university and four normal schools. We have large investments in State parks. We have 15 institutions devoted to the care of the unfortunate, the insane, and the criminal, representing an investment of many millions more. In all this we have not found it necessary to issue a single dollar's worth of bonds, and we have not a single penny of outstanding indebtedness. The financial report of Nebraska has few parallels in the United States, and should be of some advantage to the Federal Government to giving serious consideration to her policies.

The temptation to plunge into debt is stronger in the State and Federal Government than with an individual. The trite old saying "What is everybody's business is nobody's business" applies with particular force when it comes to issuing bonds. We forget that we, as individuals, pay the debt contracted by the sovereign authorities of State and Nation. To me, Nebraska's financial condition is far superior, compared to some of the States which have a large bonded indebtedness, running into millions and millions, where one-fifteenth of all taxes collected is required to pay interest charges. There is a pay day, and maybe a real crisis, if the Federal Government persists in her mounting expenditures, just as grief will come to the States that have found it so easy to pledge their credit. I have serious doubts of the advisability of making it too easy for individuals, States, or nations to contract debts.

Nebraska has made mistakes, but has kept in a financial condition to render relief to the people in sections of the State that are unfortunate. I have very strong convictions that States should reluctantly ask for, and the legislative body of our Federal Government should reluctantly appropriate, money out of the Treasury of the United States belonging to all of the States, for the specific benefit of individual States. My convictions are so pronounced that, in 1913, when, as Governor of Nebraska, a very destructive cyclone visited the metropolis, taking many lives and great property loss, other States offered financial assistance, I refused to accept. But, in a few hours after the storm, by my request, the legislature appropriated sufficient funds to take care of all of the needy; and a commission of six loyal, patriotic Nebraska citizens was appointed by the governor to supervise the expenditure without charge for their services. All needy persons were provided with shelter, food, and clothing. It was a great satisfaction to me as governor that I had a loyal legislature and people, who appropriated sufficient money in a few hours to meet the wants and needs of the stricken without putting them in the attitude of begging from other people in other States.

No doubt a certain chaotic business condition exists throughout the world. The efforts of financiers of America to rehabilitate business conditions in Europe is largely to blame for the depression in America. Billions of foreign securities were sold to American investors, in many instances proving worthless, thereby destroying the confidence of American people. Cheap money caused the American people to play the stock market and invest as readily as they would play a game of golf. Much of this has been brought about by holders of foreign securities, in the hope they could enhance the value of the securities and reap a great profit.

Let us hope that the worst is over and that we will return to slower, more stable, and, I believe, more sane methods of doing business.

HON. RICHARD N. ELLIOTT

Mr. REED of New York. Mr. Speaker, it has been a pleasure and inspiration to be associated for the past few years with Hon. RICHARD N. ELLIOTT, chairman of the Committee on Public Buildings and Grounds. We all make friendships on the floor of the House, but the intimate contacts of committee work afford an unusual opportunity to evaluate the ability and character of those with whom we associate. The courage, tact, and high purpose of our committee chairman has won for him the admiration, love, and respect of every member of the committee.

The service that Hon. RICHARD N. ELLIOTT has rendered to his country in building a more beautiful Washington is a service that will live and be appreciated by future generations throughout the centuries to come. It has required many master builders to perfect the city plan evolved by Washington, Jefferson, and Major l'Enfant. The improvement that is now taking place will soon add to the majesty and beauty of the city of Washington so that it will far surpass in beauty and utility any other capital city in the world.

The great constructive program that is now under way as a result of the legislation which Representative ELLIOTT, with the aid of the fellow members of his committee, has had enacted into law can not and will not be appreciated

for several years. When the great thoroughfares shall have been completed and the beautiful public buildings shall have been erected, then, and not until then, will a grateful public render its verdict of appreciation for work well done.

It would require too much space to review the work performed by the outstanding statesmen of each generation in connection with the beautification of the city of Washington. There have been many builders from the days of Washington to the present time, but no man in any one decade of our country's history has placed more legislation on the books for the beautification and general improvement of Washington than has our distinguished friend, Representative ELLIOTT.

Let us hope that at some future time, perhaps in the golden age of our country yet to be, some statesman, in the paraphrased words of Pericles, the great Athenian patriot and statesman, will say to the citizens of our country:

I would have you, day by day, fix your eyes upon the greatness of the city of Washington until you become filled with love of her, and when you are impressed by the spectacle of her glory, reflect that it has been acquired by men who knew their duty and who had the courage to do it.

FURTHER RESTRICTING IMMIGRATION INTO THE UNITED STATES

Mr. JOHNSON of Washington. Mr. Speaker, in connection with the debate in the House during the closing week of the third session of the Seventy-first Congress, permit me to say that during my 18 years as a Member of the House I have seen many strenuous debates on the subject of immigration restriction. I remember the debates in connection with the passage and the veto of the restriction bill by President Taft in 1913 just as I was entering Congress. I remember the strenuous debates in connection with the passage of the Burnett bill and the two vetos of it by President Wilson, and then the strenuous debates during the consideration of the temporary restriction bill of 1921 and the permanent act of 1924 and other pieces of legislation since I have had the honor to be the chairman of the House Committee on Immigration and Naturalization. Although all of these were bitter, I believe I have never seen more intense feeling and more strained relations than in connection with legislation attempted to be passed within the last week.

I do not propose to wrangle with members of the Tammany delegation from New York. Their actions and opposition to anything that interferes with the efforts to regulate and restrict immigration are so well known that there is no need of comment. In previous Congresses many Tammany leaders have asked others and myself to bear down still harder for further restriction and have apologized for the fact because of their constituency they would be unable to vote for restrictive measures. In fact, I know that Tammany leaders can see that their organization is being undermined by a type other than the type who founded and have carried it on.

On receipt last Saturday of a letter from the Assistant Secretary of State, brought to me at the Capitol, I felt it my duty to show that letter to other members, and so did. This, however, did nothing but further inflame both proponents and opponents of S. 202. Some to whom I showed it declared it to be a forgery.

If S. 202 could not be called up except by unanimous consent, I believed that the best parliamentary procedure was to make an effort, knowing that there would be a dozen or more objections, which would have then brought up a situation where the Speaker could recognize me or any member of the committee under suspension of the rules and pass the Senate bill.

The three major bills on which the committee had worked for years fell by the wayside.

House Joint Resolution 500, for the further restriction of immigration, was caught in the final jam in the Senate. Members of the committee were not able to be recognized for the calling up of H. R. 17152, a bill to provide for the deportation of aliens convicted of non-moral-turpitude offenses and sentenced for two or more years in prison. This was a very important measure, designed to catch the big alien bootlegger, the alien hijacker, the alien racketeers, and so forth. H. R. 16296, designed to make certain that those communists publicly acting against the United States Government should be deported, also failed of recognition, although on the calendar. S. 202, a bill to deport certain alien seamen, also failed for lack of recognition.

The committee secured the passage of the bill (H. R. 10672) giving certain naturalization rights to women married to aliens, and so forth, and a bill (H. R. 3394) for the deportation of alien violators of the narcotic laws of the United States. Also, it was successful with bills to pay overtime to employees of the Immigration Inspection Service—on the same basis as that enjoyed by the Customs Service—and secured the passage of several other minor bills designed to correct and improve the immigration and naturalization laws.

OKLAHOMA NEWSPAPER SUGGESTS CHANGE IN GETTYSBURG ADDRESS

Mr. JOHNSON of Oklahoma. Mr. Speaker supplementing my remarks made yesterday on the floor of this House concerning the deplorable conditions in which the independent oil producers and royalty owners have been placed because of the importation of foreign crude I desire to add that I have actively supported a tariff on oil for the past several years.

When the Hawley-Smoot-Grundy tariff bill, passed in 1930, was pending in Congress I made a speech on the floor of this House pointing out the inconsistencies of the tariff makers in writing the most obnoxious tariff bill ever written, giving the industrial East an increased high tariff on everything it manufactures and sells to the South and West, and at the same time refusing to give the independent oil producers any consideration whatever.

When the Capper-Garber embargo bill, proposing to give the oil industry a measure of relief, was recently pending here, I joined other Members of Congress from the great oil-producing States in an earnest effort to secure the adoption of that legislation, and again addressed the House in the interest of the independent oil producers and royalty owners of America. But it is plainly evident that Congress, under the present leadership, has no thought of granting this much-needed relief.

Mr. Speaker, under leave granted me I desire to insert in the RECORD the following editorial from the Daily Banner, of Duncan, Okla.:

"O FATHER OF ALL MERCIES—"

News item (Washington): "All embargo bills before the House Ways and Means Committee, including the compromise Capper-Garber oil restriction bill, were voted down for this session by the committee Monday."

Another news item (Springfield, Ill.): "Gov. W. H. Murray, from Oklahoma, himself a man of the common people, self-educated and rustic like the Great Emancipator, stood Wednesday night in the shadow of the Civil War President's tomb and uttered a prayer for the coming of another Lincoln:

"'O Father of all mercies,
Send us another Lincoln.'"

When he comes—if he comes—this new Lincoln will have to make a speech somewhat different from the Gettysburg address. It will be more like this:

"Seven score and five years ago our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men, except independent oil operators, are created equal. We are now engaged in a great industrial combine, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met before the doors of Congress. We can not enter these doors. We can not petition our Congressmen. The Standard Oil and Gulf Petroleum have advised them far above our poor power, and we are unable to add to or detract from that to which they gave their full measure of influence. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us, the little fellows, to forget the idea that all men are equal before Congress, so that government of the people by the Gulf and Standard Oil for the Gulf and Standard Oil shall not perish from our country."

THE DAIRY COW VERSUS THE PALM TREE—ANOTHER LEGISLATIVE VICTORY FOR THE DAIRY INDUSTRY—OVERWHELMING VOTES FOR BRIGHAM OLEO BILL IN BOTH HOUSES OF CONGRESS

Mr. KETCHAM, Mr. Speaker, on Wednesday, March 4, 1931, President Hoover approved the Brigham bill imposing a tax of 10 cents per pound on oleomargarine having a yel-

low color in excess of 1.6 per cent whether natural or artificial. Thus was brought to a close another sharp but decisive struggle between the oleomargarine and dairy industries. During the last 10 years at least five very important laws in behalf of the dairy interests of the country have been enacted. Each one has passed both branches of Congress by a large majority, thus indicating the very general interest in the progress of the dairy interests which lead all branches of farming in economic importance. Twenty-one per cent of our total farm income is derived from dairying. One and a half million farm families produce market milk amounting to 130,000,000,000 pounds annually, for which the consuming public pays $2,750,000,000 at the farm. Dairying is now on a commercial basis in 35 States of the Union, and in recent years has had a marked growth in a number of Southern States.

Mr. Speaker, in view of this very general development of dairying and its consequent economic importance I have thought it would be of interest to briefly review the Federal enactments of the last 10 years relating to the industry, and in that connection set out in some detail the steps leading up to the passage of the recent Brigham bill.

Prominent among the such laws passed was the "filled milk" bill. It will be recalled that when prices for butterfat became very attractive some unscrupulous manufacturers of condensed milk separated the natural fats from fluid milk and replaced them with an equal percentage of lower-cost vegetable or animal fats before condensing. This fake product was put up in packages similar to those in which the genuine article was sold and with labeling that tended to deceive the ordinary purchaser. The price of the fake product was not materially lower, although its nourishing qualities were substantially diminished. Its shipment in interstate commerce was outlawed by the passage of the filled milk bill.

The tariff legislation on dairy products during the last 10 years is exceedingly important. Early in 1921 Congress was called in special session to enact emergency tariff legislation on farm products. The World War had practically imposed an embargo on the importation of dairy products into this country. The coming of peace would have opened our markets to cheaper European and Australian dairy products had not the emergency tariff been promptly enacted. A duty of 8 cents per pound on butter and corresponding rates on other dairy products was provided by this emergency law, and later on became permanent law with the passage of the Fordney-McCumber Tariff Acts of 1922. Under the flexible provisions of this law the duty on butter was later advanced to 12 cents per pound. In the revision of 1928 this rate was advanced to 14 cents per pound. This new rate being basic it can be advanced to 21 cents if the Tariff Commission finds our domestic costs of production enough higher than those of our foreign competitors to make the increased duty necessary. Other dairy products have been given like protection.

The Haugen bill recently enacted placed the so-called nut margarines in the same taxing classification as oleomargarines, and was enacted into law following a stubborn fight. About eight years ago some one discovered that these nut margarines could be emulsified in salt water instead of milk, as is the case in oleomargarines, and a new industry sprang up requiring no licensing, Government supervision, or payment of tax. The butter and oleo groups joined in the fight against this interloper, and a victory was achieved in short order. The regulations governing the manufacture and sale of oleomargarines were made applicable to the sale of nut margarines. The vote in both branches of Congress left no doubt as to public sentiment in support of the new law. As a practical proposition the makers of these nut margarines took the same ingredients that are used in cooking compounds, such as Crisco, added salt, coloring matter, and nearly 10 per cent water, and put the product up in packages like those in which butter is sold. While ostensibly made as "cooking compound" and "Bredspred," it really masqueraded as butter without possessing the nourishing properties of butter. It was but another attempt to displace dairy products with those made from coconut and other imported vegetable oils.

Another problem adversely affecting the dairy farmer near the Canadian border was the importation of milk from Canadian provinces where the sanitary restrictions and regulations controlling the American producer of market milk did not prevail. This was deemed to be unfair competition, and the Tabor-Lenroot bill was introduced subjecting these Canadian importations to the same regulations as our own dairymen have to meet. This measure, together with the tariff, saves the American market to the American dairy farmer, and, like other dairy legislation, it passed overwhelmingly.

Important as all these measures unquestionably are to the dairy industry, the recently enacted Brigham bill ranks very high in its immediate and practical effects. Ever since oleomargarine became known in the United States there has been a continuous battle against its sale as and for butter. Its natural color is white, whether made from animal or vegetable fats. When sold in its natural color it pays only a nominal tax of one-fourth cent per pound. As far back as 1886 a tax of 2 cents per pound was levied on all oleomargarine. Even with the narrow price spread in those days between oleomargarine and butter, the 2-cent tax did not prove adequate, and the dairy interests steadily bombarded Congress for higher taxation on the colored product.

In 1902 the Grout bill, providing for a 10-cent tax on oleomargarine artificially colored yellow, one-fourth cent on uncolored, was enacted into law and remained operative until November 12, 1930. It is of more than passing interest to note that the Grout bill as it passed the House did not contain the word "artificially" as descriptive of color. The amendment is credited to Senator Foraker, of Ohio. It was accepted as a compromise by the House on the theory that the larger objective had been attained in the inclusion of the 10-cent tax and the further belief that a natural yellow ingredient could not be discovered or developed.

Attempts were made by the oleomargarine interests to repeal the Grout bill, and its validity was attacked through the courts. These were unsuccessful, and the 10-cent tax has stood as a protection to butter through all these years. Thwarted in their efforts in this direction, the oleomargarine interests turned to their laboratories in search for "natural" ingredients that would give this product the desired yellow color of butter and permit them to escape the 10-cent tax. The highly colored yellow fats of old dairy cows of certain breeds gave them a limited supply of "natural" color. In 1930 practically 350,000,000 pounds of oleomargarine was produced in this country, and but 17,000,000 pounds, or less than 5 per cent, of this was colored.

The long-deferred answer came in the discovery of a process whereby palm oil can be refined and yet retain a sufficiently reddish color so that when 10 per cent of it is mixed with coconut and other oils, largely imported, a perfect imitation of yellow butter could be produced. This being a "natural" product and being used in substantial quantities—10 per cent—in the oleomargarine formulas, the Commissioner of Internal Revenue, on November 12, 1930, ruled that such oleomargarine was free from artificial coloring and should be taxed at one-fourth cent per pound.

Palm oil is derived from the fleshy covering of the palm nut. From a tree producing 150 pounds of palm nuts 31 per cent, or 46 pounds, of palm oil will be secured. At the 10 per cent rate provided in most of the formulas, the product of one tree would color 460 pounds of oleomargarine, and an acre of such trees will provide enough color for nearly 10,000 pounds. Palm oil is produced in the East Indies and in West Africa in unlimited quantities. It comes in free of duty because it was deemed to be of little value when the tariff act was written in 1929. I doubt if Commissioner Burnet could possibly conceive the effects of his unexpected decision. In my opinion, it can be conservatively stated that no more disastrous blow has ever been dealt this or any other farm industry by a departmental decision. The actual drop in butter price from November 12 to January 17 was estimated to amount to $200,000,000 in the entire United States, a large part of which is attributed to this particular ruling. Naturally there was an immediate demand for corrective action on the part of the dairy interests in all parts of the country. The first step was in the nature of a hearing before Commissioner Burnet on January 10, urging the withdrawal of the ruling. At this hearing all the leading farm organizations were strongly represented and a large number of Senators and Congressmen appeared in support of such withdrawal. Subsequently many congressional delegations in Congress designated a special committee to interview the Secretary of the Treasury, who is the superior officer of the Commissioner of Internal Revenue, urging the necessity of such withdrawal. Later the matter was brought to the attention of the Attorney General and a strong brief was submitted to him setting forth the views of those who opposed the ruling.

Attacking the matter legislatively, a bill was immediately introduced at both ends of the Capitol revising the oleomargarine law of 1902 by setting up a color test as the basis of taxation. The State of Pennsylvania has had a State law for many years containing such a test and it has worked very successfully. This provision is the real heart of the new law. It provides that oleomargarine having a yellow color of 1.6 per cent—practically white—shall be taxed 10 cents per pound.

A better understanding of the real menace of the manufacture and sale of oleomargarine to the butter industry may be gleaned from a comparison of the cost of materials in each product. Oleomargarine made principally from vegetable oils now predominates in the market and a standard formula for its manufacture is given together with prices as quoted in recent trade publications.

Oleomargarine from vegetable oils

800 pounds coconut oil, at $6.50	$52.00
100 pounds peanut oil, at $12	12.00
100 pounds palm oil, at $8.50	8.50
300 pounds milk, at $2	6.00
35 pounds salt, at $1	.35
	78.85

This combination when churned will produce about 1,150 pounds of finished product. Raw materials for 1 pound of oleomargarine therefor cost 6.8 cents. The per pound cost in the formula containing animal fats is 9 cents.

Turning now to the cost of producing the materials in butter, Prof. O. E. Reed, Chief of the Bureau of Dairy Industry, is authority for the statement that the per pound costs in herds producing 200 pounds of butter fat per cow per year averages 39 cents. With manufacturing and marketing costs not materially different in the two products it is very apparent that butter would fare badly in competition when its raw materials cost four or five times those of oleomargarine. Evidence was adduced in the hearings showing that enough palm oil is produced to give a butter color to all the oleomargarine now manufactured.

Discoveries in the field of nutrition during recent years and particularly as to the effects of the fat soluble known as vitamin A were very material factors in passing the Brigham bill. Milk and butter are the principal sorces of vitamin A and the testimony of experts in nutrition, like Dr. E. V. McCollum, of Johns Hopkins, and Dr. Walter H. Eddy, of Columbia, emphasized the health value of butter. In response to a direct question as to the comparative vitamin content of butter and oleomargarine Doctor McCullum said:

> I can answer your question, therefore, with great confidence that I tell you the truth when I say that all butter substitutes, so far as I am aware, are distinctly inferior to even low-grade butter.

In similar vein Doctor Eddy said that 1 pound of butter was equal to 25 pounds of oleomargarine in vitamin A content.

Doctor Bloch, a Danish scientist, adds an important testimonial as to vitamin A in the diet of children. He says:

> When a child, particularly one in the first few years of life, is deprived of its mother's milk or fresh milk, as well as cream and butter, and is kept for a long time on a diet consisting of puddings made from separated milk or buttermilk, bread and other farinaceous food, potato mash, a little pork and other meat, margarin, and pork fat, it will become ill as a result of the absence of the fat-soluble A factor. It is ushered in by the child's ceasing to gain weight; later on there is a loss of weight and the child remains motionless and apathetic. These children are liable to be attacked by some infectious disease which usually takes the form of simple catarrhal infection of the mucous membranes, particularly of the respiratory organs and middle ear. Even if the child eats a little vegetable, fruit, and green stuff now and again, it will not help much, for a child can digest only trifling amounts of green stuff.

The opponents of the legislation made much of the old argument favoring oleomargarine as the "poor man's butter." This was most effectively met by the friends of the bill by insisting that colored oleomargarine had no more food value than uncolored, and that the bill by taxing the colored oleomargarine heavily actually made it possible for the poor to purchase more of the white for less money. Color was added simply to get as near as possible into the price range of butter without giving any added food quality. Hoard's Dairyman sums up this argument forcibly in these words:

> The oleo combine and their apologists and defenders have a great deal to say about oleomargarine being a cheap food for the "poor." There is a consummate hypocrisy in this plea. You will notice that the poor people are not making this plea. It is made for the purpose of overreaching the poor.
>
> The friends of this measure are the true friends of the poor, for they ask that the force of law and the burden of onerous taxation be turned against the counterfeit, while the article which is not colored to deceive can have free course.
>
> This plea for the poor, by these exploiters of poverty, finds conspicuous parallel in the history of Judas Iscariot. When the woman anointed the feet of Christ with the precious ointment Judas had a great deal to say why the ointment was not sold and the money given to the poor. Yet I imagine it is not necessary to recall that Judas was a traitor to both Christ and the poor.

In the hearings on the Brigham bill before the House and Senate committees the several farm organizations rendered very material assistance, and dairy groups from all sections of the country made their views known by letters, telegrams, and petitions. On the final roll call in the House the bill was passed by 302 to 101. The vote in the Senate was likewise overwhelming, 68 to 9. Many votes from consuming centers were given the measure because of the health arguments and also because many city Representatives believe, with all the farm Representatives, that anything that helps agriculture benefits the cities as well as the country. In my opinion, no more practical farm legislation has been enacted during my service in Congress. To have had some part in its enactment is a matter of pride and satisfaction.

THE PROGRESS OF INDIAN LEGISLATION AND ADMINISTRATION

Mr. LEAVITT. Mr. Speaker and Members of the House, since I have been chairman of the House Committee on Indian Affairs I have followed the custom of presenting a summary of the work of the committee at the close of each Congress.

The interest in Indian welfare and legislation bearing thereon is nation-wide. It is very naturally so. The Indians are in great measure the wards of the Federal Government, even though they are at the same time citizens to the full voting degree. The history of the past relationship between the Government and the Indians contains some chapters which have left our people with both an uneasy conscience and an intense desire to do what is constructively right in the present and in the future. This desire has been the governing motive of our people and of our Government for a number of years. It is the general attitude of mind with which the Indian problem is now approached.

It is a simple matter to criticize. I can put my finger on conditions which are deplorable, and if I did not know of the plans being formulated and the efforts being put forth within the Indian Bureau or through required legislation to better those conditions and to cure evils recognized as existing, I would be attacking. As it is, I have felt that the most helpful attitude is that of seeking cures as well as diseases.

THE VOLUME OF MEASURES CONSIDERED

The administration of Indian affairs does not rest with this committee of Congress. That is in the Bureau of Indian

Affairs and the Secretary of the Interior. The province of the House Committee on Indian Affairs is to consider bills proposing legislation affecting the Indians, which have been introduced in the House or which, having passed the Senate, are referred to this committee and to initiate such measures. Two hundred and twenty-nine bills having to do with Indian affairs were introduced in the House during the Seventy-first Congress. This number included some not pressed by their authors, some replaced by later bills, and several duplicates of Senate bills which passed that body first and were then considered. In addition to these 229 House bills and resolutions, 28 more came over from the Senate. Thus a total of 257 measures were referred to the committee in the Seventy-first Congress.

Several of these bills were to provide specific roads, hospitals, or other improvements already authorized in the general and previously existing laws, and only requiring the inclusion of items in the appropriation bills for accomplishment. The policy of the House committee is not to report out unnecessary bills to crowd the calendars and prevent the passage of other bills needed to cover subjects not otherwise taken care of. Such bills, however, do serve the good purpose of calling attention to the need of these improvements, so that items may be included in the appropriation bills or the building program of the bureau.

No action is taken by the committee upon bills whose authors do not ask for reports or hearings. Such bills are often introduced as a basis of study, and there is a development of several years before legislative action is crystallized. On some bills hearings are held to the point of developing the necessity of further study, and then laid aside to undergo a ripening process. All legislation regarding Indians needs to be carefully considered, because it involves human elements of great importance. Resort is therefore had to subcommittee hearings on many measures, such as jurisdictional bills. A subcommittee headed by Judge WILLIAM WILLIAMSON, of South Dakota, has given deep study to all such measures.

It is the practice of the committee to ask the opinion of the department having to do with Indian administration prior to committee consideration. This is not done to surrender any right of Congress, but because the workability of a law should be measured in advance as well as the need of such a law. Often no new law is required to do what is desired, or the rights of the Indians under treaties or otherwise have not been safeguarded in the proposals made. Again, the committee feels the need and desirability of having before it all available information.

In following out this policy 156 bills were referred by me as chairman to the Secretary of the Interior for his report. Up to the day of adjournment 133 reports had been received, and 23 bills were still in the process of departmental study. Often the searching of old laws and treaties is required. Of the 133 reports by the Secretary of the Interior, each including a detailed memorandum by the Commissioner of Indian Affairs, 69 were favorable to the enactment of the bills, often with suggested amendments, and 64 reports were unfavorable.

The House committee reported to the House with recommendation that they do pass 82 House bills, 4 House joint resolutions, and 17 Senate bills which had already passed that body, or a total of 103 bills.

It always happens that some similar Senate bills pass that body while House bills are on the calendar, thus making substitution possible. The final recapitulation of Indian laws achieved in the Seventy-first Congress by final passage and signature of the President is, therefore:

House bills	39
Senate bills substituted for House bills	14
House joint resolution	1
Senate joint resolutions substituted	4
Senate bills	12
Total	70

At the time of adjournment 13 additional House bills which had passed the House were pending in the Senate and 12 were still on the House calendars. Three Senate bills were pending on the House calendars. Unfortunately, one Senate and one House bill having to do with Indian claims against the Government did not meet with Executive approval.

NEED OF SETTLING OLD CLAIMS

This problem of settling old claims of various Indian tribes against the Government is a serious and vital one. It goes to the foundation of justice and also to the necessity of removing from the entire field of the Indian problem the detrimental effect on the Indian mind of great and unfulfilled expectations. The Government ought to pay what it owes to every tribe, and thus aid in removing both the feeling of injustice which exists in some quarters and a cause of delay in progress along the lines of industrial development. General bills aimed to accomplish this have been introduced, but the exact method of procedure has not as yet been fully agreed upon. It remains a challenge of the utmost importance to the Seventy-second Congress. Progress was made by the enactment of seven laws dealing with individual tribes, but the general legislation required is still imperative. I intend to again introduce a bill to create a court of Indian claims, with general jurisdiction, modified by the latest study.

CODIFICATION AND REVISION REQUIRED

I have discussed the volume of business which presents itself to the Indian Committee and one or two of the many other unfinished problems of legislation in order to lead up to a statement of the necessity of bringing about a codification and revision of Indian law. This was intended by H. R. 15498, which I introduced, and which passed the House on the 4th of February. That bill did not pass the Senate, but the unanimous opinion of the House committee is that some such legislation is vitally necessary, and it is hoped that an agreement will be reached in the next Congress.

The purpose of this bill was to authorize $100,000 to enable the President, through the Secretary of the Interior and a group of experts, to codify and revise existing laws relating to the Indians and to make a study and report on the policy of the Federal Government in relation to them as found in the applicable statutes, and of their treaty, property, and citizenship rights; to consider their health, education, and social welfare, the relation of the States to the so-called Indian problem, and any other phase of the national policy affecting the aim and end of Federal guardianship over the affairs of the Indians as embodied in existing laws and treaties, and to make recommendations on all such matters. The plan was to give to this task a group of experts, including at least one Indian, who could and would approach this problem constructively.

The proposal is really that of the Indian Service itself, and is in a manner their answer to the question of what ought first to be done. Indian legislation has been piecemeal and has reached a state of confusion. Policies and methods require study, and proposals should from now on be concrete and not merely critical. Congress should be willing to give them this cooperation for the sake of the Indians themselves. This or a similar measure will be reintroduced.

CRITICISM SHOULD BE CONSTRUCTIVE

Somewhat later, but practically coincident with the beginning of the Seventy-first Congress in March of 1929, the administration of Indian affairs passed into the hands of a new commissioner and assistant commissioner, Messrs. C. J. Rhoads and J. Henry Scattergood. Under the previous administration and with the cooperation of the Appropriations Committee, with Hon. Louis C. CRAMTON as subcommittee chairman, an advance had been undertaken, and the roots of progress were entering the soil. But it has been the privilege of the new administration to greatly expand and direct that growth along lines which, when fully understood, will be recognized as being generally forward looking and constructive.

It ought to be said that these plans are just now taking definite and effective shape. There is no fairness in criticizing existing bad conditions, which in places still undoubtedly exist, without also inquiring as to what is under way. I can think of no clearer illustration of this truth than that which has to do with certain reimbursable charges against lands within the Gila River Indian Reservation in Arizona. A recent book referred to the existence of an unjust debt laid against the Pima Indians, and charged the present Indian administration with perpetuating the outrage. The debt had to do with the costs of an old irrigation project and the Sacaton Bridge, in connection with the San Carlos irrigation project. A chapter of the recent book is devoted to it. The facts which should be known are that the commissioner and assistant commissioner had this situation under consideration within a few months after they took office. Mr. Scattergood personally took this matter in hand in the summer and fall of 1930, and in December of that year, when Congress convened, suitable bills were introduced by Senator HAYDEN and Representative DOUGLAS, of Arizona. It was my privilege to make the report to the House on the Senate bill, which had passed that body in February. One of the most complete memorandums ever furnished by the Indian Office favorable to a measure was a part of that report. The Senate bill was passed by the House on the closing day of the Congress, and the signature of the President made it law. It charges off from the Indians all costs considered unjust.

ADJUSTING REIMBURSABLE DEBTS

The real attitude of those charged with Indian administration is expressed in their statement regarding the need of this legislation. I make quotations as follows:

> The proposed legislation will relieve the allotted Indian lands of the Gila River Reservation, that are now included or may in the future be included, in the San Carlos irrigation project, of the old reimbursable obligations made years ago, except for an electric transmission line, the cost of which is placed at $100,000 and which is considered an asset to that amount. These reservation lands would then be charged only with their share of the money expended for irrigation on the San Carlos project, together with such charges for the clearing and leveling of the lands as may be placed against them under legislation subsequent to the San Carlos act.
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> . . . . . .
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> Unless the present bill be enacted into legislation, injustice will result, as these old costs will remain a charge against the Pima Indian lands included in the San Carlos project, thereby placing the construction cost against those lands between $30 and $35 in excess of the construction cost against the white-owned lands within the said San Carlos irrigation project. There is no justification for such inequities.
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> . . . . . .
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> With regard to the Sacaton Bridge which is constructed across the Gila River on the main highway near the Pima Agency, Ariz., its cost should never have been charged against the Indian lands, as it is beneficial to the general public and would undoubtedly have been a proper charge as a part of the Federal-aid highway, in which event, it being within an Indian reservation, the cost thereof would have been payable 100 per cent out of Federal-aid road funds. Furthermore, it is more than probable that the present value of the bridge as a bridge, estimated at $300,000, would not have been incurred if the construction of a bridge alone, except as part of a Federal-aid road, had been the only consideration at the time. While it is true that some of the Indians benefit the same as the general public by using the bridge, there is no reason why it should be charged against the Indians when the greatest use of the bridge is by other than Indians. In view of the foregoing, it is believed that the entire bridge item should be written off.

I have referred to this case in detail because it has been used as a basis of severe criticism of the Indian Service. I have done so to show that even while the attack was being written the officials were conscientiously preparing for the enactment of necessary curative legislation. Far from perpetuating an unjust situation, they were hard at work to end it.

May I not suggest again, then, that criticism may be very misleading and unfair if the critic does not inform himself as to what is under way to better or eliminate bad conditions.

On April 15, 1929, I introduced a bill to authorize the Secretary of the Interior to adjust reimbursable charges of the Government existing as debts against tribal funds, in such a way as should to the Secretary seem equitable and just, in consideration of all the circumstances under which the charges were made. I proposed a date before which such debts must have been established. Subsequent study develops that a much later date should be set. The introduction of that bill developed the need of a study of these old debts, and on March 18, 1930, I introduced another bill to direct the Secretary of the Interior to investigate reimbursable charges against Indian tribes and lands on Indian reclamation projects, and to report to Congress. In suggesting that form of legislation, the Secretary and the commissioner took a strong position favorable to the adjustment of such charges. A similar position was taken in the letter to Congress, dated December 11, 1929, in which they suggested directions to be taken in legislation having to do with Indian welfare.

When my bill, secondly referred to above, was reached on the calendar it was laid aside on the statement of Congressman CRAMTON, of the Appropriations Committee, that additional funds would be given to the Indian Service to allow the employment of needed skilled personnel within the Indian Bureau itself, to make the required studies. This personnel has been largely selected. Definite progress will be made this summer in gathering the data upon which these old and often unjust reimbursable debts can be adjusted. The field engineering force, under Major Clotts and the district irrigation engineers, has been assigned to the study of the old reclamation charges. It may be expected that the situation will be so far developed by the opening of the next session that I can again advance a bill to authorize the Secretary of the Interior to eliminate or adjust many of these reimbursable debts. It will be a changed bill, to meet the latest developments.

There is no gain in questioning the good faith of former Congresses in creating these debts, but experience and time have shown that there are reclamation costs and roads, bridges, tribal herds, and other items saddled upon Indians and their lands, which are dragging them down instead of resulting in the intended benefits. Again I quote Commissioner Rhoads when he said a year ago:

> The question of reimbursable charges against Indian tribes stands out as one of the important questions in connection with Indian administration.

Surely we shall be ready to complete the legislation needed in the Seventy-second Congress.

PROGRESS IN ADMINISTRATION

It is impossible for me to go into such detail generally as I have indulged in in discussing developments in claims and reimbursable charges legislation. There has been a desire expressed, however, for information as to what is actually going forward in Indian administration. I have gathered data and am submitting it for the consideration and use of those studying the Indian problem and desiring to be helpful. It is only just that in presenting this statement I should interpret as fairly as I can the aims and plans of those having in charge the conduct of Indians affairs, based on their conception of the duty which confronts them. If I can do that reasonably well and couple with it an outline of some of the things actually being accomplished in the furtherance of those aims I shall have made it more possible for all interested to judge fairly of the situation.

THE PRESENT PROGRAM OF THE INDIAN OFFICE

In even a brief statement of the program of the present administration of Indian Affairs a distinction between the Indian as a person and the Indians' property must be emphasized as stated in the report of the Secretary of the Interior for the year ended June 30, 1930:

> In our 100 years' dealing with the Indians two problems have been confused. One relates to his person; that is, his health, education, employment, and general welfare. The other relates to his property—individual, tribal, allotments in trust, allotments in fee, indivisible tribal property, and tribal property of other characters.
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> The Federal theory has been one of guardianship; unfortunately, guardianship of the person and guardianship of the property have been deemed inseparable. Progress of the individual Indian toward self-support has accordingly been held back to the necessarily slow pace of a distant Government administration of his vast properties.

THE INDIANS' PERSONAL WELFARE

On the human side of the program the Indian Office is working on the theory that it must have a program in the fields of education, health, agricultural development, and

employment developed by specialists who have made outstanding achievements in their professions. Three of these four fields are now in the hands of competent directors, and the fourth position will soon be filled in a similar way. These directors, under the new plan of organization, are given administrative freedom to develop their programs according to the best standards of present-day practice.

Those in charge of these activities are stressing the necessity for the development of individual responsibility among Indians and freedom from a state of dependence. Their efforts point toward a program of education, both in schools and on the reservation, which will achieve this end. The Indian Office feels that the States should share the responsibility for the human-welfare program, and accordingly every effort is being made to bring about cooperative relationships with State activities in these fields and to bring the citizens in general in touch with the needs of local situations.

THE INDIANS' PROPERTY

The present administration aims to study many of the fundamental factors back of its program administering Indian property. Under provision made by Congress an administrative assistant to the commissioner will be appointed who will be charged with the responsibility of seeking solutions of such questions as the reimbursable charges, tribal ownership of land, and other fundamental problems. The new director of irrigation has already commenced his activities by a thoroughgoing analysis of each of the projects in the supervision of his division.

INDIVIDUALIZATION OF SPECIFIC SITUATIONS

Basic to the approach to all reservation situations is respect for the individual needs of each separate tribe or band of Indians, coupled with the special requirements of each local setting. The present administration is attempting to study each problem on its merits rather than to attempt a standardized program for the entire service. This calls for greater decentralization and more responsibility in the hands of the local superintendent. Essential to this approach is an emphasis upon the necessity of preserving the best of the Indians' own traditions, arts, crafts, and his inherited good traits.

APPROPRIATIONS FOR THE INDIAN SERVICE

The interest of Congress in making possible the carrying out of such a program is indicated by the appropriations made, and a comparison for the fiscal years ending June 30, 1930, June 30, 1931, and June 30, 1932, will demonstrate the lines along which progress is being speeded up.

	Fiscal year 1930	Fiscal year 1931	Fiscal year 1932
TREASURY APPROPRIATIONS			
General purposes	$2,100,247.41	$2,390,808.25	$2,490,335.73
Industrial assistance	1,306,000.00	1,724,000.00	1,752,500.00
Irrigation and water development	1,269,954.41	1,445,901.00	2,561,841.00
Education	9,173,500.00	10,369,080.00	11,224,000.00
Conservation of health	3,115,100.00	3,412,110.00	4,352,500.00
Support of Indians	1,594,560.00	1,945,280.00	1,941,300.00
Miscellaneous (roads, annuities, etc.)	288,530.00	427,020.00	710,020.00
Total	18,876,881.82	21,723,199.25	25,032,496.73
Add transfer of Alaska funds		400,000.00	1,243,000.00
Add appropriation for Utes, act of Feb. 13, 1931			1,217,221.25
Add judgment, Fort Berthold, N. Dak.		2,199,165.58	
Total	18,876,881.82	24,292,367.83	27,492,717.98
TRIBAL FUNDS			
General purposes	442,760.26	584,240.63	332,363.98
Industrial assistance	864,479.60	20,000.00	145,000.00
Irrigation and water development	105,000.00	28,500.00	20,500.00
Education	1,149,000.00	1,040,701.98	981,000.00
Health	160,000.00	100,000.00	125,000.00
Support	1,954,560.00	1,784,538.46	1,767,100.00
Miscellaneous	21,000.00	43,000.00	50,000.00
Total	4,726,789.86	3,600,989.17	3,329,963.98

A study of these tables will indicate that, while appropriations from the General Treasury have increased, those from tribal funds have grown smaller.

Stress is being put upon education, conservation of health, and industrial assistance. I have been greatly interested in assembling information regarding advancement along these lines and in developing what is in the minds of the Indian Office in relation thereto. The discussion must necessarily be in some detail for proper understanding.

EDUCATION

The Seventy-first Congress made possible important developments in the program of Indian education.

Progress on the physical side

The first and most necessary of recent developments in education has been on the physical side—adequate food and clothing for children in Indian boarding schools, provision of additional institutional workers and labor-saving devices to decrease the amount of routine labor for the children and increase the opportunity for education, and construction of needed dormitories, school buildings, and other parts of the school plants.

The second line of development—well under way but necessarily much slower of accomplishment than the physical program—involves setting up more nearly adequate personnel for the educational program—better qualified superintendents, principals, teachers of all grades, directors of boys' and girls' activities, and institutional employees dealing directly with Indian children.

Feeding of school children: There can be no question as to the progress made on the problem of feeding Indian children in boarding schools. Of the $1,100,000 allowed in the first deficiency act of 1930, $195,000 was allowed for additional subsistence, $50,000 for noonday lunches in the day schools, $40,000 for subsistence of children during the summer, and $50,000 for clothing. By this and succeeding acts, Congress made provision for sufficient food allowance to furnish a daily per capita provision of 37.8 cents—this being the amount set by an impartial committee of specialists from Government departments. While the schools undoubtedly vary in the success with which they administer this food provision, the almost universal testimony is that the food situation has been satisfactorily solved. Similar satisfactory results have followed on clothing. While individual schools may still be found where the clothing allowance is unsatisfactory, on the whole sufficient clothing is being provided.

Institutional labor: It was formerly regarded as necessary to use half the time of children from the fourth grade up in carrying on the institutional work. When Indian boys and girls came into school late and were consistently several years "overage" the institutional labor was not as serious a problem as it later became. When, however, Indian children began in many places to approximate whites in the age at which they started school and were in grades at more nearly where they belonged, it became evident that the young children should no longer have any considerable institutional burdens. Congressional action on appropriations for 1931 made it possible to hire additional adult labor, purchase laundry machinery and other labor-saving devices, and employ additional teachers. Two hundred assistants and laborers were put in at the schools and literally hundreds of pieces of new machinery—kitchen and bakery equipment and laundry apparatus. As a result, in nearly all the Indian schools boys and girls are attending school for the full session through the sixth grade and three-fourths of the day for the grades beyond the sixth. Gradually the institutional labor is being placed on the only basis on which it can be justified educationally, namely, first, as a contribution from each child to the common task such as would be expected in a good family; second, as part-time work included within a planned vocational-training program. It is not claimed that this stage has been reached in Indian education, but congressional action of the past year has brought the goal measurably nearer.

New construction: In the period of the World War and immediately afterwards building programs everywhere in the United States were seriously retarded. Indian school plants suffered more than others from neglect, and the process of recovery was slower. Hence the need for an extended construction program, recognized in the congressional legislation for 1931 and 1932. School construction projects authorized for these two years total approximately $3,000,000.

Improvements in personnel

In the last analysis, any educational program depends upon personnel. Congressional appropriations for the past two years have made possible significant steps in raising qualifications, increasing salaries, setting up positions especially intended to meet the vocational needs of Indian youth, and in providing the professional direction for the whole Indian education enterprise that is regarded as essential.

The entrance requirements for the Indian Service educational positions have been raised to such a point that, although they are still below the requirements of the better urban school systems, they are well above the minimum requirements of most of the States. In the Interior Department appropriation act just passed, additional funds were provided for the following types of positions among others: Heads of departments of trade and industrial education, agricultural education, home economics, and vocational guidance; teachers of native crafts; vocational counsellors and school social workers; boys' and girls' advisers; special teachers of music, art, and physical education. It has been possible to increase the entrance requirements for teachers of primary and intermediate grades so that they are on a par with those for junior high school—three years of preparation beyond the secondary school and a year of experience, or four years of preparation in a teachers' college or university or college of recognized standing. For the first time in the history of the Indian Service, it has been possible to place the position of superintendent of Indian schools and school systems on a professional basis, with the requirements of university training and special work in school administration and, in the case of both superintendents and principals, the salaries have been made somewhere near the amount provided in modern salary schedules for professionally qualified people.

As a further result of increased congressional appropriations, the Indian Service has been able to make substantial additions to the group at Washington headquarters and in the field who are responsible for technical educational direction. Some of the newer positions of this sort include an assistant director of education with special preparation in vocational guidance; supervisors of home economics to help carry forward one of the best established parts of the Indian Service program; a supervisor of elementary education and six demonstration teachers or supervisors working under her direction; a supervisor engaged in public-school relations; a supervisor of trade and industrial education; and a director of employment.

Increased standards and corresponding salaries have made it possible to be particularly careful with regard to reinstatement of former teachers and other employees. Further aid to the program has been given by the amendment to the retirement act which reduces the age of retirement for field employees from age 70 to age 65, and a determined effort on the part of the Department of the Interior to refuse extensions, regardless of qualifications, has given the service an unusual opportunity to recruit new people for educational positions all the way from heads of the most important schools to the lowest-paid institutional employees.

In the raising of standards for the Indian Service it is not intended to discriminate against Indian applicants. The same qualifications, however, are being exacted of Indian applicants as of all others, in the belief that Indian people themselves can qualify for any position in the service and do not desire any concessions based on substandard requirements. The gratifying increase in the number of college-trained Indians who have already applied for consideration under the new announcements for positions indicates that this is a desirable step from every point of view.

State's relations in education

The Indian Service is by no means committed to a single type of educational program—whether boarding school or day and public schools—but rather to a program that involves study of each individual jurisdiction to ascertain the special program necessary. It is clear, however, to those who have studied the Indian situation that a decrease in the amount of institutional provision and an increase in the amount of public-school attendance is certainly in the right direction. There have been steady increases in the amount appropriated for public-school attendance and careful studies of a number of the jurisdictions have been made to see to what extent the public-school authorities can look after the schooling of Indian children.

The Indian Service is undertaking such arrangements with the State and local public-school systems as it can in the absence of specific legislation. The State school officials have been particularly cooperative; a recent inquiry as to the use of public-school courses of study in Indian schools elicited offers of unqualified support by the State departments of public instruction. As will be seen from the following table, a large proportion of the Indian school children are attending public schools.

School enrollment of Indian children

(Year ending June 30, 1930; some of the figures are admittedly estimates)

State	Indian children 6–18	Enrolled in some school	Percentage enrolled	Public school	Government boarding school on the reservation	Other Government boarding schools	Government day schools	Mission and private schools
Oklahoma	37,235	25,322	70	19,621	2,472	1,704	.....	1,525
Arizona	14,932	8,238	53	344	2,844	2,483	966	1,596
New Mexico	8,884	4,850	54	108	1,301	1,538	1,189	714
South Dakota	7,592	5,719	75	2,021	870	1,307	743	778
Minnesota	5,261	4,499	85	3,034	375	575	.....	515
California	4,924	2,941	59	1,907	208	601	182	43
Montana	4,529	3,700	84	2,169	445	507	238	431
North Dakota	3,733	2,294	62	1,022	303	606	78	285
Washington	3,676	1,878	53	1,266	178	275	64	95
Wisconsin	3,530	1,568	46	356	325	111	30	766
Nebraska	1,363	958	71	485	.....	380	.....	93
Nevada	1,272	820	65	323	.....	281	219	.....
North Carolina	1,261	1,040	83	512	428	92	68	.....
Oregon	1,171	895	76	443	143	163	37	109
Idaho	1,024	850	83	353	251	90	15	141
Wyoming	571	493	86	125	102	31	.....	235
Mississippi	534	170	32	.....	.....	20	150	.....
Kansas	518	320	61	97	.....	202	21	.....
Utah	437	350	80	80	113	62	86	1
Michigan	372	275	73	100	.....	55	.....	129
Colorado	233	176	76	53	.....	17	105	0
Florida	194	14	7	.....	.....	.....	14	.....
Iowa	122	62	51	9	.....	53	.....	.....
Total	103,368	67,525	65	34,408	10,358	11,093	4,205	7,456

Contracts were made during 1930 and 1931 for payment of tuition for Indian children with 861 boards of education. It is recognized, of course, that merely placing Indian children in public schools, even where the community is cooperative, is by no means the whole solution. Changes that have been made in the appropriation acts are enabling the service to plan for a better follow-up of Indian children and the working out of more satisfactory arrangements between the home and the school. What the Indian Office regards as probable next steps in Federal-State relations in education have already been submitted to the Indian Committee of the House and are here included for convenience:

1. Furnish to the State education authorities the most recent accurate data available as to the location of Indian children of school age in their States.

2. Wherever State and local communities are willing and able to take over the schooling of Indian children, give them every possible encouragement and help.

3. Study carefully each existing boarding-school situation to determine whether the school is one that should be closed soon, continued for some other purpose, or maintained indefinitely.

4. Put existing Indian schools into a position where they constitute a real part of the educational program of the State—using State courses of study wherever possible as a basis and meeting State requirements in so far as these are consistent with an education planned to meet the needs of Indian children.

5. Making better tuition arrangements—using tuition payments in particular as a means for getting a better quality of education for both whites and Indians; better qualified teachers, health follow-up, hot lunch, visiting teacher (school social worker) to work between the school and the home.

6. Develop a more modern type of supervision:

(a) Supervisors from the Indian Office who seek to help the people in the field, rather than merely to inspect; these supervisors to visit public and private schools where Indian children are as well as Government Indian schools.

(b) In States where numbers warrant, a State supervisor of Indian education as part of the staff of the department of public instruction, working directly under the State superintendent or commissioner of education.

One of the chief points in which there has been improvement in the past two years is the extension upward of school facilities in boarding schools and elsewhere. Eight Indian boarding schools now have high-school grades through the twelfth, and of the 12,420 pupils in nonreservation schools, over 7,000 are in junior and senior high-school grades.

Guidance and placement

The second deficiency act of 1931 and the Interior Department appropriation bill of 1932 carry appropriations for securing employment for Indians. Guidance and placement officers have been appointed under these appropriations and a program is now under way. Employment agencies for Indians are now maintained at Phoenix, Ariz., and Minneapolis, Minn. The Minneapolis office, which is the one most recently set up, has two placement and guidance officers, one man and one woman, who give special attention to placing boys and girls leaving the schools; they also assist in securing employment for adult Indians. One placement officer, with an office at Salt Lake City, is rendering a similar service throughout the far West and Southwest, while at San Carlos, Ariz., still another employment man finds work for groups of adult Indians from the reservations. In addition to this work by regular employment officers, the so-called outing centers at Los Angeles, Berkeley, Phoenix, and Kansas City place numbers of Indian girls in domestic service and other types of work, furnishing also the necessary supervision during the period of first employment. Field matrons at Reno, Albuquerque, and Tucson do some employment work, and at Phoenix one of the school industrial staff includes placement in his duties. The funds provided in the Interior Department bill will permit of the strengthening of this employment program; a director of employment is to be appointed, and the main effort will be placed upon making arrangements with existing agencies rather than setting up wholly new machinery by the Indian Service except where absolutely necessary.

THE DIRECTOR OF EDUCATION

This program of Indian education has been under the leadership of Dr. W. Carson Ryan, jr., since August of 1930, or about seven months. The selection of Doctor Ryan by Secretary Wilbur and Commissioner Rhoads is in line with their effort to advance a forward-looking program.

Doctor Ryan was professor of education at Swarthmore College. He had passed highest in the open competition examination held by the United States Civil Service Commission for the Indian Service educational head. He was in the United States Bureau of Education as editor and specialist in vocational education from 1912 to 1920, when he resigned to become educational editor of the New York Evening Post. From the Evening Post he went to Swarthmore as professor of education and head of the department of education under an arrangement that permitted him to continue his active participation in a wide variety of progressive educational enterprises.

The new director is most widely known for his work on educational surveys which began when he was with the Bureau of Education. In 1916 he was the specialist in vocational education and statistics on the survey of education in the Province of Saskatchewan, Canada. In 1926 he was the staff member for secondary education on the survey of the schools of Porto Rico, and later served on the commission that made a survey of education in the Virgin Islands at the request of the Navy Department.

Doctor Ryan was secretary of the National Vocational Guidance Association from 1915 to 1918 and president of that organization in 1926. For many years he served on the editorial council of the National Education Association, and from 1921 to 1927 he was associate editor of School and Society. In 1927 he was the American delegate from the Progressive Education Association to the world conference on education at Locarno, Switzerland, and he is chairman of the International Examinations Enquiry set up as one of the results of this conference. He has recently been active on the President's Commission on Child Welfare and with the President's Advisory Committee on Education.

Indian education will not be a new subject to Doctor Ryan. In 1926 Dr. Hubert Work, then Secretary of the Interior, requested the Institute for Government Research to make a survey of the social and economic conditions of the American Indians. Doctor Ryan was selected by the institute as the specialist to make the study of Indian education. In connection with this work he has visited all the larger schools in the Indian Service and many of the smaller ones. He has also studied public schools and mission schools teaching Indian pupils. He has thus thoroughly familiarized himself with the problems of Indian education and become acquainted with the personnel engaged in the Indian educational enterprise.

Doctor Ryan was graduated from Harvard in 1907 and is a member of Phi Beta Kappa and Phi Delta Kappa. In 1918 he received the degree of doctor of philosophy from George Washington University. Before entering the Bureau of Education Doctor Ryan had served as a teacher, both in high school and university.

I repeat this information regarding Doctor Ryan largely as it was given out at the time of his appointment as director. It should build faith in the minds of the Indians and their friends that a wise and honest effort is under way to advance Indian education. I now insert the plan for vocational training at one school as a concrete example.

VOCATIONAL TRAINING AT CHARLES H. BURKE SCHOOL

E. B. Dale, formerly a supervisor in the department of vocational education of the Los Angeles public schools, was appointed superintendent of the Charles H. Burke School October 1, 1930. This school was established as a vocational school for the Navajos. The following outline presents Superintendent Dale's general plan for this school:

The purpose of a vocational program is to prepare individuals in such a way that they may later follow an intended trade or vocation with profit to themselves and to the industry in which they are employed.

There is considerable difference between a trade school conducted on a metropolitan basis and a vocational school which is operated for some specific purpose such as the Charles H. Burke Indian Vocational School.

The trade school is usually operated along highly specialized lines in order to quickly fit its students for placement in a specialty of some trade or occupation. This is necessary because of the limited time allowed for putting over the content of the courses and the demands of the trades.

These courses are, as a rule, of the short-unit type, teaching a part of a trade or occupation at which the learner can make a living. They are usually tied up with a trade-extension program which allows the student to continue his or her training after placement has actually been made.

It is not only inefficient but uneconomic to operate a trade or vocational program without knowing its objective and setting up a definite training plan. A trained and experienced personnel is needed to put over such a program.

Instructors in such a program must not only know their own trade or vocation but must know that of the trade instructor as well. It is not enough that they can merely do a job themselves. They must know how to teach the student how to do it as well.

We need a good academic program which is correlated to the practical work of the courses. These must be linked together in a usable way and in a truly vocational program; there is no need for the precollege type of courses.

In answer to these problems the following program has been carefully worked out for the Charles H. Burke Indian School, where Indian students will be fitted to take their places as useful citizens on or near the reservations and with their own people.

GENERAL PLAN OF ORGANIZATION

The fundamental objective of this plan is to prepare the Navajo students and others that may attend the school for a useful and profitable life on their own reservations.

There will be no attempt to train for occupations in which there is no prospect of satisfactory placement. There are several courses of trades for which training might be given, but in which the Navajo Indians do not seem to fit. These can better be offered at other schools where the students are adapted to this type of work.

The five classes of training offered are as follows: (1) Agriculture; (2) stock raising; (3) home making; (4) home building; (5) native arts and crafts.

There will be definite programs leading to placement as assistants in the Indian Service. These are: (1) Indian Service cooking; (2) Indian Service baking; (3) Indian Service laundry.

The vocational instruction will be given under two classifications: (1) Prevocational, 2 hours per day, 1 year; (2) vocational, 4 hours per day, 2 to 3 years.

CONSERVATION OF HEALTH

The greatly increased importance which has come to be recognized as attached to Indian health work is illustrated by the fact that while the Sixty-eighth Congress, the first of which I was a Member, appropriated during two years only $1,597,375 for conservation of Indian health; the Seventy-first Congress has appropriated $3,508,000 for the fiscal year ending June 30, 1931, and $4,550,000 for the fiscal year ending June 30, 1932, or a total of $8,058,000 for the two fiscal years. The headings in general form give real information as to the purposes for which the money is used. They are—

Appropriations for health work for fiscal year 1931	
Conservation of health among Indians	[1] $3,073,000
Support of Chippewa hospitals (tribal)	110,000
General health work from tribal funds	275,000
Support of Canton Asylum, South Dakota	50,000
Total	3,508,000
Appropriations for health work for fiscal year 1932	
Conservation of health among Indians	$4,050,000
For clinical survey of tuberculosis, trachoma, venereal and other diseases	75,000
Support of Chippewa hospitals (tribal)	100,000
General health work from tribal funds	275,000
Support of Canton Asylum, South Dakota	50,000
Total	4,550,000

At the present time four new hospitals to replace old or dilapidated structures are nearing completion, each with 47 beds. Six new hospitals totaling 252 beds are authorized under the 1931 act and will be shortly under construction. Several more are in process of being planned and will be included in the appropriation estimates this fall, while four more with a total of 290 beds are already authorized for construction under the appropriation and deficiency acts for the fiscal year 1932.

All of the above hospitals were authorized under health funds. In addition thereto, funds were provided under specific boarding schools for the fiscal year 1930 for a new hospital at Phoenix School in Arizona of 60 beds capacity, for remodeling and enlarging the hospital at Fort Totten School, North Dakota, adding 20 beds, and for a new hospital at the Flandreau School, South Dakota, with 35 beds capacity.

[1] Sixty-five thousand dollars reappropriated from 1930 funds in addition.

There is also much helpful and awakening information in the growth of personnel in the Indian health service I tabulate the additions during the fiscal year 1930 and for the fiscal year 1931, as follows:

Personnel added during fiscal year 1930:	
Physicians, whole time	4
Hospital nurses	50
Field or public health nurses	14
Other employees, approximately	120
	188
Additional personnel for fiscal year 1931:	
Senior surgeon, United States Public Health Service as director of hospitals	1
Physicians, whole time	10
Physicians, part time	6
Traveling dentists	6
Assistant supervisors of nurses	2
Hospital nurses	65
Field or public health nurses	32
Other employees, approximately	100
	232

The total personnel engaged in health activities for the current fiscal year—1931—is a little over 1,200, consisting of 5 officers detailed by the United States Public Health Service, 1 to serve as chief medical director, 1 in charge of hospital administration, and 3 as medical directors in charge of field districts, and the following Indian Service employees: 1 assistant to the chief medical director (general field service), 1 district medical director, 1 supervisor of nurses, 2 assistant supervisors of nurses (in field districts), 12 special physicians (eye, ear, nose, and throat), 132 full-time school and agency physicians, 72 part-time school and agency physicians, 14 traveling dentists, 79 field nurses, 262 hospital nurses, 15 nurses to accompany special physicians, and approximately 610 others, consisting of cooks, attendants, laborers, mechanics, teachers, occupational therapists, clerks, field matrons, and so forth.

Prospective personnel to be established for 1932 included the probable detail of 10 additional officers from the United States Public Health Service; additional increases to hospital staffs and extension of field nursing service by the addition of approximately 24 field or public-health nurses.

Increased appropriations for the support of the various hospitals throughout the Indian Service have established an improved medical service to patients cared for by provision of additional personnel, improved dietary, the addition of general hospital equipment, including X-ray, laboratory, and other diagnostic and treatment resources. The standards of treatment as carried out in Indian Service hospitals and sanatoria, while showing a material improvement, are still below those recognized as essential and necessary to patient welfare and treatment by the American College of Surgeons and the American Sanatorium Association. Further improvement along the above lines will be carried forward as rapidly and as completely as consistent with available funds and the ability to recruit professional nursing and other personnel having the necessary training, experience, and general qualifications to satisfy the needs of the Indian Service. The difficulty of securing such personnel retards the attaining of the goal.

Greatly improved measures of cooperation with national, State, county, and local health organizations as well as with voluntary organizations have been effected. This has resulted in cooperative studies among the Indian groups of several States, notably in Minnesota, Wisconsin, California, Oregon, and Montana, and the application of measures for the relief of conditions so disclosed. Due to the increased interest of the several organized health agencies above mentioned these activities will be extended and improved.

The item under the 1932 appropriation act, reading as follows—

For a clinical survey of tuberculosis, trachoma, and venereal and other disease conditions among Indians, $75,000: *Providing*, That in conducting such survey the cooperation of such State and other organizations engaged in similar work shall be enlisted wherever practicable, and where services of physicians, nurses, or other persons are donated their travel and other expenses may be paid from this appropriation—

educational surveys which began when he was with the

own trade or vocation but must know that of the trade instructor as well. It is not enough that they can merely do

addition.

be paid from this appropriation—

will add materially to the advancement of the health program.

THE CHIEF MEDICAL DIRECTOR

As in the case of education, the directing head of this health program has had a distinguished career, which instills confidence in his leadership. A summary of his career and experience reads as follows:

M. C. Guthrie, senior surgeon, United States Public Health Service.

Graduated from University of North Carolina, M. D., in 1904.

Entered United States Public Health Service August 26, 1905.

Served in various quarantine, hospital, and public-health activities, examination of immigrants, suppression of epidemic diseases, etc., United States Public Health Service, until 1914.

Chief quarantine officer Panama Canal, 1914 to 1918.

District supervisor, district No. 5, embracing States of Wisconsin, Minnesota, North and South Dakota, and Montana; ex-service men's relief work, 1919 to 1920.

District supervisor, district No. 10, embracing States of North and South Carolina, Tennessee, Georgia, Florida, November 20, 1920, to July 27, 1921.

United States Veterans' Bureau, chief hospital activities, July 27, 1921, to October 3, 1922.

Executive officer, Surgeon General's office, United States Public Health Service, October 3, 1922, to March 25, 1926.

Chief medical director, Office of Indian Affairs, March 26, 1926, to date.

Total length of service, United States Public Health Service, approximately 25½ years.

THE EXTENSION DIVISION

It is not to be understood that industrial and agricultural progress under programs of real merit had not been undertaken previously, but on February 1, 1930, the old industries section was reorganized into the division of agricultural extension and industries of the Indian Service.

The purpose of the new division is to provide the Indians with that kind of technical and practical assistance that will be helpful to them in becoming more self-supporting through their own efforts and thus more self-reliant. The beneficial results of agricultural extension work in the rural communities among the white population is well known and recognized, and it is hoped that more of these same benefits can be extended to the Indian.

There are now approximately 360 workers in the Indian Service devoting all or part of their time to extension work, assisting with home and farm problems. The extension staff consists of a director, an assistant to the director, a livestock supervisor, an extension supervisor, a home-demonstration agent supervisor, 20 agricultural extension agents, 4 of whom are employed on a cooperative basis with States, 6 home-demonstration agents, 2 of whom are employed cooperatively, 33 dairymen, and 221 farm agents.

The time of the director is at present occupied with the organization of the new division and with familiarizing himself with local conditions on the reservations. In his visits to the reservations he confers with the superintendents, the agricultural extension agents, the farm agents, and the home-demonstration agents where there are any, and discusses with them an extension program.

Time and thought have been given to the preparation of civil-service examinations in which new standards have been set up, requiring more training and experience of those wishing to enter the service.

Under the direction of the supervisor of livestock, who was appointed June 30, 1930, a vigorous campaign in the improvement of the dairy herds in the service is going on. The herds are being culled and the nonproducers eliminated, being replaced by higher producing individuals. Feeding rations are being worked out and suggestions made for the improvement of barns and dairy equipment. A hundred or more new dairy cows have been purchased, including new sires, and several hundred more will be purchased before the campaign is over.

The supervisor of home-demonstration agents entered the service October 16, 1930. Since then she has spent her time in the field, visiting with the home demonstration agents on the reservations, becoming acquainted with conditions with the view of later outlining a definite home program in cooperation with the superintendents, home-demonstration agents, and representatives from the other divisions of the service doing related work in the home.

The work of the agricultural extension agents and that of the farm agents—formerly called farmers—where possible, is being confined solely to assisting the Indians with their farm problems and interesting them in farm programs that will provide for themselves a more reliable food supply. In these programs special emphasis is being placed upon home gardens, poultry, a few hogs or sheep, and a dairy cow or two. One of the outstanding needs is a better and more adequate food supply, properly prepared and regularly served. The undernourished Indian preschool child becomes susceptible to disease of all kinds. It is obvious if these conditions are to be changed it must be in the home. The industrial program has already a fair start, but the home program lags for want of trained workers on the reservations to give intelligent direction and helpful assistance.

The home demonstration agent supervisor and the six demonstration agents now employed in the service are stressing gardens and poultry, canning, drying, and the storing of foods in their programs. The preparation of food, garment making, child care, and sanitation are also receiving attention. The results from a home program are necessarily going to be slow, but the extension work is being kindly received and the results obtained are encouraging.

THE DIRECTOR OF EXTENSION

This work is under the leadership of A. C. Cooley. Mr. Cooley has had a long experience in extension work throughout the West. He graduated from the Utah Agricultural College in 1911 and taught agriculture in the high schools of Utah for two years. He began his extension career in July, 1913, as one of the first county agents in Colorado. He went to New Mexico to become director of extension work in that State, which position he held until September, 1919, when he resigned to become head of the office of demonstrations on Federal reclamation projects for the United States Department of Agriculture. In this latter position, which he held until accepting his present position with the Indian Service, he was brought into close and constant contact with extension work in all the Western States.

No clearer picture can be given of the activities of this division than through a recapitulation of the latest appropriations for these specific purposes.

Appropriations for agricultural extension and industrial activities fiscal year 1932

Agriculture and stock raising among Indians	$367,000
Agriculture and stock raising among Indians (experimentation)	15,000
Obtaining employment for Indians	60,000
Industry among Indians	575,000
Suppressing contagious diseases among livestock of Indians (and unexpended balance from 1931)	10,000
Eradication of scabies from sheep and goats, Indian Service	60,000
Tribal funds (industrial assistance reimbursable):	
Fort Lapwai	25,000
Yakima	25,000
Total	1,137,000

In 1930 Congress authorized the use of approximately $870,000 of tribal funds, in amounts ranging from $20,000 to $50,000, to be used as revolving funds; that is, as the funds are reimbursed by those who have borrowed they may be loaned to others. Each year Congress authorizes the use of these collected moneys over again during the current fiscal year.

FIELD AND ORGANIZATION STUDIES

The effort being made to assemble exact and expert information upon which the most constructive policy possible may be based, and to coordinate the various division activities and programs into one comprehensive endeavor toward permanently helpful accomplishment deserves one illustration.

In 1930 Cornell University granted leave to Dr. Earl Bates, professor of anthropology and advisor in Indian extension work and a sincere student of basic Indian problems. Under his advice and the permanent direction of Robert T. Lansdale, a sociologist of training and experience, the human

problem of Indian administration is receiving expert attention. Secretary Wilbur and Commissioners Rhoads and Scattergood have been assembling an expert staff to supplement and lead the practical work and forces in the field.

In order to set up definite objectives and to orientate the new personnel to actual reservation conditions, two 6-day conferences were held in Minnesota and Arizona in 1930.

The Chippewa survey in Minnesota brought together the directors and associates of the divisions of education, health, extension and forestry of the Indian Service, together with the representatives of the Minnesota State departments of education, health, and social welfare, as well as the extension service of the University of Minnesota. The Minnesota Federation of Women's Clubs, the State Daughters of the American Revolution, the Catholic Daughters, and other civic groups interested in these Indians participated in the final conferences at Minneapolis. These Indians are citizens of the State, and a closer cooperative arrangement is being projected whereby the State will assume more and more of the actual supervision of these people and the educational, health, social welfare, and extension agencies of the State be made available for their progress.

The second survey conference was set up among the Pima Indians in Arizona. Here the Federal Government has a six and one-half million dollar investment in the Coolidge Dam and San Carlos project and 50,000 acres of the Gila River Reservation are being cleared. The development of sound community centers in these cleared areas in close cooperation with local, county, and State agencies is planned, although this will remain largely a Federal activity for some years. The representatives of the Arizona State departments of education and health and the extension forces of the University of Arizona joined in the daily field surveys and conferences with the Washington and agency officials of the divisions of administration, education, health, extension, and irrigation. Besides the cooperation of near-by citizens in the survey, the representatives of all the three religious groups working among the Pimas joined hands with the Federal, State, and county officials. These religious groups have agreed to revamp their mission programs in line with the scheme of placing more and more responsibility upon these Indians for the education and care of their own children in a program built around the idea of the conservation of the Indian family as a basis of sound community life and progress.

To better coordinate the activities of the Washington office with the field and to determine the relationship between the various agency folks in their field activities and to determine their relationships for better cooperation with the local and State agencies, two service-area conferences are being planned for the 8 agencies in Oklahoma and for the 11 agencies of North and South Dakota.

IN CLOSING

In introducing the heads of the reorganized divisions of the Indian Service and in interpreting as well as I can their conception of the task in which they are engaged, I have had in mind giving information to the Indians themselves, and to the friends of the Indians generally. All discussion and criticism of the Indian situation should take into consideration these facts. The presence of these especially trained heads of divisions does not lessen the importance of the practically trained men and women in the field. Their knowledge of character and customs can be acquired only by contact, and those who have the trust and confidence of the Indians are invaluable in applying the expanding and developing program.

Progress to a marked degree is being accomplished in the forestry and reclamation programs, and I would desire to discuss them in detail except that I feel the necessity of limiting this statement to the headings covered. I will say, however, that J. P. Kinney, Director of Forestry in the Indian Service, is a graduate in forestry at Cornell, and has been in this work since 1910; and that Maj. William S. Post, director of irrigation, came to this work in January of 1931, with a fine background.

Major Post has been identified with hydraulic engineering in California and adjoining States for many years. His first Government service was with the topographic branch of the United States Geological Survey in the West and Alaska. In private practice he was identified with intensive water development in San Diego County, Calif., resulting in a threefold increase of the irrigated area. As constructing or consulting engineer he has been engaged principally on power and irrigation works, reporting on irrigation projects and designing dams.

I greatly regret the loss from Congress of four valuable members of the House Committee on Indian Affairs, Messrs. SPROUL, of Kansas, LETTS, of Iowa, HALSEY, of Missouri, and O'CONNOR, of Oklahoma. All of these men rendered valuable service to the committee and to the Indians. I also regret the loss of Hon. LOUIS C. CRAMTON, of Michigan, chairman of the subcommittee handling the appropriations for the Interior Department. Under his leadership the appropriations for health, education, and industrial development grew steadily and constructively. He has played a great and helpful part in the expanding program of Indian welfare.

HISTORY OF BILLS

I attach now the history of the bills reported to the Seventy-first Congress by the House Committee on Indian Affairs:

H. R. 155. Providing compensation to the Crow Indians for Custer Battlefield National Cemetery, and for other purposes. (H. Rept. 182. Public Law 129.)

H. R. 563. For the relief of Frank Yarlott. (H. Rept. 71. Private Law 2.)

H. R. 564. For the relief of Josephine LaForge (Sage Woman). (H. Rept. 72. Private Law 4.)

H. R. 565. For the relief of Clarence Stevens. (H. Rept. 73. Private Law 5.)

H. R. 4604. To provide for the recording of the Indian sign language through the instrumentality of Maj. Gen. Hugh L. Scott, retired. (H. Rept. 183. Public Law 97.)

H. R. 4813. Extending the period of time for homestead entries on the Cheyenne River and Standing Rock Indian Reservations. (H. Rept. 141. Passed House March 4, 1930. Pending in Senate at adjournment.)

H. R. 5057. To provide for the construction of a gravel road in the Walker River Indian Reservation. (H. Rept. 802. Pending in House at adjournment.)

H. R. 5191. To authorize the State of Nebraska to make additional use of Niobrara Island. (H. Rept. 98. Public Law 44.)

H. R. 5270. Providing for a per capita payment of $50 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States. (H. Rept. 70. Public Law 30.)

H. R. 5282. Authorizing the deferring of collection of construction costs against Indian lands within irrigation projects, and for other purposes. (H. Rept. 996. S. 1533 substituted, amended, and passed. Public Law 623.)

H. R. 5283. To declare valid the title to certain Indian lands. (H. Rept. 251. Public Law 182.)

H. R. 6574. To reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes. (S. 2231 substituted and reported. H. Rept. 1934. Public Law 709.)

H. R. 6979. To authorize the creation of Indian trust estates, and for other purposes. (H. Rept. 1701. Pending in House at adjournment.)

H. R. 7063. For the relief of H. E. Mills. (H. Rept. 1264. Private Law 298.)

H. R. 7855. For the relief of Carl Stanley Sloan, minor Flathead allottee. (H. Rept. 114. Private Law 6.)

H. R. 7881. Authorizing the Secretary of the Interior to erect a monument as a memorial to the deceased Indian chiefs of the Cheyenne River Sioux Tribe of Indians. (H. Rept. 199. Senate amendment accepted. Public Law 176.)

H. R. 7964. To authorize the issuance of a fee patent for block 23 within the town of Lac du Flambeau, Wis., in favor of the local public-school authorities. (H. Rept. 140. Public Law 104.)

H. R. 8476. To authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therfor. (H. Rept. 485. Public Law 825.)

H. R. 8529. To provide for the establishment of the Yakima Indian Forest. (H. Rept. 1574. Passed House June 23, 1930. Pending in Senate at adjournment.)

H. R. 8812. Authorizing the Menominee Tribe of Indians to employ general attorneys. (H. Rept. 1527. Public Law 775.)

H. R. 8921. Authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians. (H. Rept. 1270. S. 1372 substituted and passed. Public Law 407.)

H. R. 9306. To authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak. (H. Rept. 671. Public Law 131.)

H. R. 9562. To authorize an appropriation for purchasing 20 acres for addition to the Hot Springs Reserve on the Shoshone or Wind River Indian Reservation, Wyo. (H. Rept. 672. Public Law 143.)

H. R. 9761. To authorize the issuance of patents in fee for Indian homesteads on the Crow Reservation, the Blackfeet Reservation, and the Fort Belknap Reservation, in the State of Montana, upon written application therefor. (H. Rept. 885. Passed House April 11, 1930. Pending in Senate at adjournment.)

H. R. 9939. Authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes. (H. Rept. 1133. Public Law 264.)

H. R. 10081. To amend the act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California. (H. Rept. 796. Public Law 177.)

H. R. 10117. Authorizing the payment of grazing fees to E. P. McManigal. (H. Rept. 891. Private Law 65.)

H. R. 10215. To provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation. (H. Rept. 998. S. 4098 substituted and passed. Public Law 225.)

H. R. 10216. Authorizing per capita payments to the Shoshone and Arapahoe Indians. (H. Rept. 886. Public Law 77. S. 3579 substituted, amended, and passed by House.)

H. R. 10425. To amend the act of June 6, 1912 (37 Stat. L. 125; U. S. C., title 25, sec. 425), entitled "An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands." (H. Rept. 1519. Amended by Senate. Pending in House at adjournment.)

H. R. 10515. To ratify certain leases with the Seneca Nation of Indians. (H. Rept. 2278. Passed House January 28, 1931. Pending in Senate at adjournment.)

H. R. 10627. To amend the act of February 14, 1920, authorizing and directing the collection of fees for work done for the benefit of Indians. (H. Rept. 897. Passed House April 11, 1930. Pending in Senate at adjournment.)

H. R. 10879. Directing the Secretary of the Interior to investigate reimbursable charges against Indian tribes, and for other purposes. (H. Rept. 943. Pending in the House at adjournment.)

H. R. 10880. Authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, and appropriation therefor, and the completion of the project, and for other purposes. (H. Rept. 1393. S. 3938 substituted and passed with amendments. Public Law 607.)

H. R. 10932. For the relief of homeless and destitute Chippewa Indians in Forest, Langlade, and Oneida Counties, Wis. (H. Rept. 1210. Passed House January 28, 1931. Pending in Senate at adjournment.)

H. R. 11052. To confer full rights of citizenship upon the Cherokee Indians resident in the State of North Carolina, and for other purposes. (H. Rept. 1762. S. 4050 substituted and passed. Public Law 397.)

H. R. 11203. To ratify certain leases with the Seneca Nation of Indians. (H. Rept. 1874. Passed House December 15, 1930. Pending in Senate at adjournment.)

H. R. 11260. To carry out certain obligations to certain enrolled Indians under tribal agreement. (H. Rept. 1346. S. J. Res. 163 substituted and passed. Public Resolution 74.)

H. R. 11281. Authorizing a per capita payment of $50 to the members of the Menominee Tribe of Indians of Wisconsin from funds on deposit to their credit in the Treasury of the United States. (H. Rept. 2477. Public Law 643.)

H. R. 11370. To authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project. (H. Rept. 1274. Public Law 350. S. 4085 substituted and passed.)

H. R. 11429. To regulate collections from Indians in the United States. (H. Rept. 1275. Recommitted to the Committee on Indian Affairs.)

H. R. 11443. To provide for an Indian village at Elko, Nev. (H. Rept. 1773. Public Law 581.)

H. R. 11564. To reimburse William Whitright for expenses incurred as an authorized delegate of the Fort Peck Indians. (H. Rept. 1399. Private Law 338.)

H. R. 11565. To reimburse Charles Thompson for expenses incurred as an authorized delegate of the Fort Peck Indians. (H. Rept. 1400. Private Law 339.)

H. R. 11675. To authorize the issuance of a patent in fee for certain land and buildings within the Colville Reservation, Wash., for public school use. (H. Rept. 1401. Passed Senate and later returned by its own request.)

H. R. 11753. To amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington. (H. Rept. 1404. S. 872 substituted and passed by House. Public Law 604.)

H. R. 11782. To amend the act approved February 12, 1929, authorizing the payment of interest on certain funds held in trust by the United States for Indian tribes. (H. Rept. 1272. S. 4203 susbtituted and passed by House. Public Law 355.)

H. R. 11783. To authorize the collection of penalties and fees for stock trespassing on Indian lands. (H. Rept. 1276. Passed House June 9, 1930. Pending in Senate at adjournment.)

H. R. 12576. Providing for teaching, training, developing, qualifying, and emancipating the Indians of the United States for independent citizenship, and for other purposes, within the period of 50 years. (H. Rept. 2938. Pending in House at adjournment.)

H. R. 12835. Authorizing the use of tribal funds of Indians belonging on the Klamath Reservation, Oreg., to pay expenses connected with suits pending in the Court of Claims, and for other purposes. (H. Rept. 2338. Public Law 648.)

H. R. 12871. Providing for the sale of isolated tracts in the former Crow Indian Reservation, Mont. (H. Rept. 2091. Public Law 649.)

H. R. 12959. For the relief of John T. Doyle. (H. Rept. 2190. S. 4715 substituted and passed. Private Law 419.)

H. R. 12960. For the relief of Mrs. Thomas Doyle (Margaret Doyle). (H. Rept. 2186. S. 4716 substituted and passed. Private Law 464.)

H. R. 13053. To authorize the Secretary of the Interior to accept donations to or in behalf of institutions conducted for the benefit of Indians. (H. Rept. 2088. Public Law 650.)

H. R. 13132. Authorizing the use of Osage funds for attorneys' fees and expenses of litigation. (H. Rept. 2113. Public Law 583.)

H. R. 13133. To authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz. (H. Rept. 2591. S. 5033 substituted and passed by House. Public Law 840.)

H. R. 13276. To establish the Needles Rocks wild-life refuge. (H. Rept. 2095. Passed House January 5, 1931. Pending in Senate at adjournment.)

H. R. 13293. To provide funds for cooperation with the school board at Frazer, Mont., in the construction of a high-school building to be available to Indian children of the Fort Peck Indian Reservation. (H. Rept. 2474. Public Law 652.)

H. R. 13528. Providing for payment of $25 to each enrolled Chippewa Indian of Minnesota from funds standing to their credit in the Treasury of the United States. (H. Rept. 2275. Public Law 653.)

H. R. 13584. To amend an act approved May 14, 1926 (44 Stat. 555), entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims." (H. Rept. 2447. Vetoed by the President. H. Doc. 780.)

H. R. 13856. Authorizing the Secretary of the Interior to pay E. C. Sampson, of Billings, Mont., for services rendered the Crow Tribe of Indians. (H. Rept. 2273. Pending in House at adjournment.)

H. R. 14575. To amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina. (S. 5110 substituted and reported. H. Rept. 2633. Public Law 841.)

H. R. 14992. To cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation. (S. 5313 substituted and reported. H. Rept. 2629. Public Law 844.)

H. R. 15064. To reserve 440 acres of public-domain land for addition to the Temecula or Pechanga Reservation, Calif. (H. Rept. 2187. Public Law 707.)

H. R. 15263. To relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements. (H. Rept. 2415. Public Law 780.)

H. R. 15267. To amend an act entitled "An act to authorize the cancellation under certain conditions of patents in fee simple to Indians for allotments held in trust by the United States." (H. Rept. 2269. Public Law 713.)

H. R. 15498. Authorizing the President, through the Secretary of the Interior, to study, report, and recommend on a revision and codification of the statutes affecting the American Indians. (H. Rept. 2422. Passed House February 4, 1931. Pending in Senate at adjournment.)

H. R. 15501. To provide funds for cooperation with the school board at Poplar, Mont., in the extension of the high-school building to be available to Indian children of the Fort Peck Indian Reservation. (H. Rept. 2475. Public Law 657.)

H. R. 15603. To extend the restrictive period against alienation, lease, mortgage, or other encumbrance of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes. (H. Rept. 2188. Ordered recommitted to Committee on Indian Affairs. Again reported February 11, 1931. H. Rept. 2592. S. 6169 substituted and passed, with amendment. S. 6169 pending in Senate at adjournment.)

H. R. 15772. To amend section 3 of the act approved May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes." (H. Rept. 2927. Public Law 658.)

H. R. 15821. For the relief of Ben Spotted Horse. (H. Rept. 2610. Pending in House at adjournment.)

H. R. 15987. To authorize the President of the United States to establish the Canyon de Chelly National Monument within the Navajo Indian Reservation, Ariz. (H. Rept. 2397. Public Law 667.)

H. R. 16005. To permit relinquishments and reconveyances of privately owned land within certain counties in the State of Arizona to the United States for the benefit of the Navajo Indians, and for other purposes. (H. Rept. 2569. Pending in House at adjournment.)

H. R. 16213. To provide for distribution of tribal funds of the Puyallup Indians of the State of Washington. (H. Rept. 2605. S. 6146 substituted and passed. Public Law 854.)

H. R. 16302. To authorize an investigation with respect to the construction of a dam across the Owyhee River within the Duck Valley Indian Reservation, Nev., and for other purposes. (H. Rept. 2493. Public Law 760.)

H. R. 16466. Authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Kiowa Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita, Caddo, and Delaware Indians. (H. Rept. 2487. Pending in the House at adjournment.)

H. R. 16706. To authorize the Secretary of the Interior to extend the time for payment of charges due on the Blackfeet Indian irrigation project, and for other purposes. (H. Rept. 2449. S. 1533 substituted and passed. Public Law 623.)

H. R. 16761. For the relief of the Sherburne Mercantile Co. (H. Rept. 2885. Pending in the House at adjournment.)

H. R. 16858. To confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emmigrant and Western Cherokee Indians of Oklahoma and North Carolina. (H. Rept. 2805. S. 5079 substituted, amended, and passed. Pending in the Senate at adjournment.)

H. R. 16862. Relating to the adoption of minors by the Crow Indians of Montana. (H. Rept. 2604. S. 6098 substituted and passed. Public Law 800.)

H. R. 16863. Authorizing the classification of the Crow Indians of Montana. (H. Rept. 2607. S. 6099 substituted and passed. Public Law 801.)

H. R. 16932. For the relief of Thomas C. LaForge. (H. Rept. 2717. Pending in the House at adjournment.)

H. R. 16953. To authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor. (H. Rept. 2720. S. 6011 substituted and passed. Public Law 850.)

H. R. 17037. For the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes. (H. Rept. 2716. S. 6136 substituted and passed by House. Public Law 803.)

H. R. 17151. To authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak. (H. Rept. 2807. Pending in the House at adjournment.)

HOUSE JOINT RESOLUTIONS

H. J. Res. 144. Authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes. (H. Rept. 139. S. J. Res. 30 substituted and passed by House. Public Resolution 53.)

H. J. Res. 172. Authorizing the use of tribal funds belonging to the Chippewa Indians in the State of Minnesota to pay the expenses and compensation of their delegates sent to Washington in looking after their affairs. (Report withheld.)

H. J. Res. 188. Authorizing the use of tribal funds belonging to the Yankton Sioux Tribe of Indians in South Dakota to pay expenses and compensation of the members of the tribal business committee for services in connection with their pipestone claim. (H. Rept. 892. Public Resolution 70.)

H. J. Res. 273. To pay the judgment rendered by the United States Court of Claims to the Iowa Tribe of Indians, Oklahoma. (S. J. Res. 156 substituted and passed by House. Public Resolution 68. No report filed.)

H. J. Res. 312. To clarify and amend an act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes," approved March 2, 1927. (H. Rept. 1688. S. J. Res. 167 substituted and passed. Public Resolution 84.)

H. J. Res. 454. Authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak. (H. Rept. 2609. S. J. Res. 226 substituted and passed by House. Public Resolution 125.)

SENATE BILLS

S. 134. Authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes. (H. Rept. 1573. Public Law 450.)

S. 135. To provide for the payment of benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes. (H. Rept. 1691. Public Law 451.)

S. 320. Authorizing the reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo. (H. Rept. 1208. (Public Law 274.)

S. 615. Authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes. (H. Rept. 1948. Public Law 622.)

S. 873. To supplement the act entitled "An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington," approved March 13, 1924. (H. Rept. 2476. Pending in the House at adjournment.)

S. 1533. To authorize the Secretary of the Interior to extend the time for payment of charges due on Indian irrigation projects, and for other purposes. (H. Rept. 2423. Public Law 623. See H. R. 16706.)

S. 2231. To reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes. (H. Rept. 1934. Public Law 706.)

S. 2695. Authorizing the bands or tribes of Indians known and designated as the Middle Oregon or Warm Springs Tribe of Indians of Oregon, or either of them, to submit their claims to the Court of Claims. (H. Rept. 1692. Public Law 552.)

S. 3156. Providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon. (H. Rept. 1926. Pending in the House at adjournment.)

S. 3165. Conferring jurisdiction upon the Court of Claims to hear, consider, and report upon a claim of the Choctaw and Chickasaw Indian Nations or Tribes for fair and just compensation for the remainder of the leased district lands. (H. Rept. 1693. Vetoed by the President; S. Doc. 280.)

S. 3335. Conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon. (H. Rept. 2758. Pending in the House at adjournment.)

S. 4051. Authorizing the Pillager Bands of Chippewa Indians residing in the State of Minnesota to submit their claims to the Court of Claims. (H. Rept. 1935. Public Law 788.)

S. 4140. Providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes. (H. Rept. 1518. Public Law 398.)

S. 5110. To amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina. (H. Rept. 2633. Public Law 841.)

S. 5295. Authorizing an additional per capita payment to the Shoshone and Arapahoe Indians. (H. Rept. 2274. Public Law 605.)

S. 5313. To cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz. (H. Rept. 2629. Public Law 844.)

S. 5979. To confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emigrant and Western Cherokee Indians of Oklahoma and North Carolina. (H. Rept. 2884. Pending in the Senate at adjournment. Amended by House Committee on Indian Affairs.)

FACTS ON THE OIL CONTROVERSY BEFORE THE WAYS AND MEANS COMMITTEE

Mr. RAMSEYER. Mr. Speaker, a number of erroneous statements have been given to the press and also made on the floor of this House in regard to the attitude of members of the Ways and Means Committee on an embargo or a tariff on oil. To-day, when House Resolution 391 was under consideration directing the Tariff Commission to investigate the differences in the costs of production of oil in this country and in competing countries, the gentleman from Arkansas [Mr. RAGON] made a speech in which appears this statement:

That very question of a tariff on oil was voted upon in the Ways and Means Committee.

At another place in the speech he made the statement that there were 8 votes in favor of a tariff on oil 7 of which were cast by Democrats and 1 by a Republican. I at the time challenged the accuracy of his statements. Owing to the limited time for debate, I was unable to get time to present the facts to the House following his speech.

During the second and third weeks of February the Ways and Means Committee had five or six days' hearings on the question of an embargo on oil. This committee also had other hearings on bills for an embargo on farm products and bills for an embargo on products from Russia. These hearings were closed and on Monday, February 23, the committee met to consider three general proposals relating to embargoes as contained in the bills, H. R. 16585, by Mr. GARBER of Oklahoma, "To regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes"; H. R. 16468, by Mr. BURTNESS, "To place an embargo on certain agricultural products"; and H. R. 16035, by Mr. WILLIAMSON, "To prohibit the importation of any article or merchandise from the Union of Soviet Socialistic Republics."

At this meeting the Garber bill was first considered. There was a mimeographed compromise proposal handed to each member of the committee which was referred to as a substitute for the Garber bill, H. R. 16585. After some discussion a motion was made to indefinitely postpone this proposal. After further discussion this motion to indefinitely postpone was unanimously agreed to. Not a Republican and not a Democrat voted against it. Naturally, I supposed that that disposed of the oil question for that meeting.

The question then came up as to the disposition of other embargo and tariff bills pending before the committee. Those who participated in this discussion, both Republicans and Democrats, seemed to be agreed that owing to the lateness of the session it would be futile to attempt to report

out any of those bills with the hope of getting action thereon in both the House and the Senate. After a number of members, both Republicans and Democrats, had submitted motions having for their purpose the postponement of legislation relating to tariff and embargo bills, the following resolution was submitted:

Whereas in the opinion of the committee there would not be sufficient time during the remainder of the present session for the consideration of tariff or embargo bills: Therefore

Resolved, That the consideration of all such bills referred to and pending before this committee be postponed.

As I have already stated, the motion to indefinitely postpone the compromise proposal for an embargo and a tariff on oil had been unanimously agreed to. No definite action had been taken on the Burtness bill to place an embargo on certain agricultural products. As soon as the chairman submitted the foregoing resolution which I have just quoted, I made a motion to amend it by adding to the resolution the words, "except H. R. 16468," which is the Burtness bill. I favored this Burtness bill and wanted to test out the attitude of other members of the committee thereon. My motion to amend having been stated, the gentleman from Texas [Mr. GARNER] then moved to amend my motion by adding, "and except the Hastings bill." The Hastings bill was then not before the committee. No one knew its exact contents. The gentleman from Texas [Mr. GARNER] remembered in a general way that the year before the last year the gentleman from Oklahoma [Mr. HASTINGS] had introduced a bill providing for a duty on oil. The oil question having previously been postponed by unanimous vote of the committee, I oppose the Garner amendment to my amendment because I wanted a square out vote on the question of considering the Burtness bill to place an embargo on certain agricultural products. The Garner amendment did not present the issue of a tariff or no tariff on oil. The issue raised by the Garner amendment was whether the consideration of a tariff on oil should be postponed with all other embargo and tariff bills.

The issue on my amendment was whether the Burtness bill should be excepted in the resolution postponing consideration of all tariff and embargo bills. On the Garner motion to amend my amendment the ayes were 7 and the noes were 13, so that motion was lost. On my motion to except the Burtness bill from the resolution postponing consideration of all tariff and embargo bills, the ayes were 3 and the noes 17.

Of the 7 ayes on the Garner amendment 1 was by a Republican and 6 were by Democrats. Of the 3 ayes on my motion to amend by excepting the Burtness bill the ayes were 3, all of which were by Republicans. Now, if it is fair for some Democrats to attempt to give the impression to the country that they are more in favor of an embargo or a tariff on oil to help the independent oil producers because of the vote on the Garner amendment, then it is just as fair to assert and claim that all the Democrats are hostile to the farmers, because not a one of them voted to except the Burtness bill from the resolution to postpone. Furthermore, in weighing the good faith of the statements of some Democrats in this controversy it should not be overlooked that of the 10 Democrats on the Ways and Means Committee only 1 of them had ever voted for a protective-tariff measure.

After the Garner amendment and my amendment were both voted down the question recurred on the resolution to postpone the consideration of all tariff and embargo bills for this session of Congress. On this motion the ayes were 13 and the noes 7. Another Republican and myself voted no, 5 Democrats voted no, and 4 Democrats voted aye. In all fairness it should be stated that neither this vote nor the other votes referred to by me reflected the judgment of the members of the Ways and Means Committee on the merits of the various tariff or embargo bills pending before them, but the votes merely reflected the judgment of the members of the committee on the practical situation as to whether it was possible to get consideration on any of the aforesaid tariff and embargo bills in both Senate and House during the remaining days of the session.

In the light of what has transpired since Monday, February 23, it is very evident now that none of the embargo or tariff bills, which were before the Ways and Means Committee on that date, would have had any chance whatever of getting through the Senate. The Ways and Means Committee also had a meeting to consider a joint resolution to prevent the importation of watered sugar as sirup and thus escape the sugar duty. So far as I could get the sentiment of the members of the Ways and Means Committee, all of them, including both Republicans and Democrats, were in favor of the proposal. The proposition was in every way meritorious and was intended merely to prevent fraud. This resolution would probably have passed the House without opposition. Word came to us from the Senate that the proposal could not go through that body. Rumored threats came to us that members of the Senate intended to offer amendments all the way from a change of duty on sugar to a general revision of the 1930 tariff law. Under these circumstances the Ways and Means Committee did not report out this joint resolution, because there was no possibility of getting it through both Houses of Congress.

On February 5 the Commerce Committee of the Senate reported out the Capper bill for an embargo on oil. Although this bill was before the Senate for almost a month before adjournment on March 4, the Senate refused to consider it.

I cite another instance to show the futility of undertaking during the closing days of the session to report out tariff and embargo bills. The Ways and Means Committee reported out a joint resolution to authorize the members of that committee or a subcommittee thereof to investigate the oil situation and to make a first-hand study of oil production and the prorating policies of the Southwest oil-producing States with a view to be prepared to recommend legislation at the beginning of the next Congress. This resolution passed the House without opposition, but it was killed in the Senate.

A word in closing on the geographical location of the members of the Ways and Means Committee. The committee is composed of 25 members—15 Republicans and 10 Democrats. East of the Allegheny Mountains the members are located as follows: Republicans—Massachusetts, 1; Rhode Island, 1; New York, 2; Pennsylvania, 2; and New Jersey, 1. Democrats—New York, 1; North Carolina, 1; and Georgia, 1. West of the Allegheny Mountains the members are located as follows: Republicans—one each from the States of Ohio, Michigan, Wisconsin, Illinois, Iowa, Colorado, Washington, and Oregon. Democrats—one each from the States of Indiana, Tennessee, Mississippi, Texas, Arkansas, Illinois, and Washington.

The facts I have presented herein can not be controverted. They are a matter of record. Those who undertake to make political capital out of the action of the Ways and Means Committee on tariff and embargo bills pending before that committee during the last session will have to go outside the actual facts and happenings to do so.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House recess until 9.30 this morning.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes a. m.) the House stood in recess until Wednesday, March 4, 1931, at 9.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

874. A communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to the legislative establishment, Library of Congress, for the fiscal year 1932, in the sum of $100,000 (H. Doc. No. 796); to the Committee on Appropriations and ordered to be printed.

875. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1931, to remain available until June 30, 1932, amounting to $35,000, for the expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs, to be held at Geneva, Switzerland, on May 27, 1931 (H. Doc. No. 797); to the Committee on Appropriations and ordered to be printed.

876. A letter from the Secretary of the Treasury, transmitting copy of the fourteenth annual report of the Federal Farm Loan Board for the year ended December 31, 1930 (H. Doc. No. 555); to the Committee on Banking and Currency and ordered to be printed with accompanying papers.

877. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on review of existing projects for flood control and navigation of the Mississippi River in its alluvial valley as shown by Public Document No. 391, Seventieth Congress (S. 3740) (H. Doc. No. 798); to the Committee on Flood Control and ordered to be printed with illustrations.

878. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Cape Cod Canal, Mass., and of Buzzards Bay, Mass., at its upper end, with a view to provide additional anchorage area and improving the approaches to the Cape Cod Canal in so far as it may be the duty of the United States to improve the same (H. Doc. No. 795); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPROUL: Committee on Indian Affairs. H. R. 12576. A bill providing for teaching, training, developing, qualifying, and emancipating the Indians of the United States for independent citizenship, and for other purposes, within the period of 50 years; without amendment (Rept. No. 2938). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. S. 6024. An act relating to the improvement of the Willamette River between Oregon City and Portland, Oreg.; without amendment (Rept. No. 2939). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 17303. A bill granting the consent of Congress to the Minneapolis, Northfield & Southern Railway to construct, maintain, and operate a railroad bridge across the Minnesota River; with amendment (Rept. No. 2940). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 17337. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.; with amendment (Rept. No. 2941). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 16022. A bill for the relief of Blanche Knight; without amendment (Rept. No. 2942). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 17361) to amend the act approved March 2, 1929, entitled "An act to supplement the naturalization laws, and for other purposes"; to the Committee on Immigration and Naturalization.

By Mr. CRAMTON: A bill (H. R. 17362) to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather; to the Committee on Public Buildings and Grounds.

By Mr. WOOD: Joint resolution (H. J. Res. 528) making an appropriation to provide books for the adult blind; to the Committee on Appropriations.

By Mr. HAWLEY: Joint resolution (H. J. Res. 529) to amend section 302 of the revenue act of 1926; to the Committee on Ways and Means.

By Mr. ESTERLY: Joint resolution (H. J. Res. 530) to provide for the erection at Philadelphia, Pa., of a monument to the memory of Haym Salomon; to the Committee on the Library.

By Mr. WOOD: Joint resolution (H. J. Res. 531) making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs; to the Committee on Appropriations.

Also, joint resolution (H. J. Res. 533) making additional appropriation for expenses of special and select committees of the House of Representatives for the fiscal year 1932; to the Committee on Appropriations.

By Mr. FISH: Resolution (H. Res. 390) to print 14,000 additional copies of the Report of the Special Committee to Investigate Communist Activities in the United States; to the Committee on Printing.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Montana, memorializing the Congress of the United States for the passage of pending legislation providing that the United States shall aid the States in the construction of rural post roads; to the Committee on Roads.

Memorial of the Legislature of the State of Idaho, memorializing the Congress of the United States to place an embargo upon all grains and grain products imported into the United States until such time as Congress shall enact legislation beneficial to the farmer, to the Committee on Ways and Means.

Memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to take action at the earliest possible date to prevent the unit of the Reclamation Service known as the Langell Valley Community in Klamath County to become dry and arid, thus causing the Government to lose its investment of $700,000 and the settlers of Langell Valley to lose their investment of $900,000; to the Committee on Irrigation and Reclamation.

By Mr. HAWLEY: Memorial of the Legislature of the State of Idaho, memorializing the Congress of the United States for the navigation development of the Columbia River and its tributaries; to the Committee on Rivers and Harbors.

By Mr. KVALE: Memorial of the Minnesota State Legislature, submitted by Hon. Mike Holm, secretary of state, memorializing Congress to establish a fur-breeding experiment station in the State of Minnesota; to the Committee on Agriculture.

By Mr. SIMMS: Memorial of the Tenth Legislature of the State of New Mexico, memorializing the Congress of the United States to include in the plan for an adequate flood-control program of the Mississippi River area the construction of a flood-control reservoir on the Canadian River within the State of New Mexico; to the Committee on Flood Control.

By Mr. LEAVITT: Memorial adopted by the Twenty-second Legislative Assembly of the State of Montana, favorable to enactment of H. R. 13542, Seventy-first Congress, or similar legislation for the improvement of rural post roads; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 17363) granting a pension to Josephine Hatcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17364) granting an increase of pension to Nellie L. P. Earlewine; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 17365) granting an increase of pension to Malinda J. Messenger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17366) granting an increase of pension to Addie P. Funk; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 17367) granting an increase in pension to Anna Milholland; to the Committee on Invalid Pensions.

By Mr. LAMBERTSON: A bill (H. R. 17368) granting a pension to Velma Johnson; to the Committee on Pensions.

By Mr. MILLIGAN: A bill (H. R. 17369) granting a pension to Mary C. McKarnin; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 17370) granting an increase of pension to Sterling G. Hunter; to the Committee on Pensions.

Also, a bill (H. R. 17371) granting a pension to James G. Elza; to the Committee on Pensions.

Also, a bill (H. R. 17372) granting a pension to Luticia C. Anderson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10326. Petition of Peoples Personal Liberty League, favoring the modifications of the eighteenth amendment; to the Committee on the Judiciary.

10327. Petition of Speers Sand & Clay Works (Inc.), for the impeachment of Judge Elliott Northcott, United States Circuit Court of Appeals, Fourth Circuit; to the Committee on the Judiciary.

10328. By Mr. ENGLEBRIGHT: Petition of State Council of California, Junior Order United American Mechanics, approving House Joint Resolution 473; to the Committee on Immigration and Naturalization.

10329. Also, petition of United Irish Societies of San Francisco, Calif., through its president, Bernard Naughton, as citizens of this Republic, celebrating the birthday of our first President, George Washington; to the Committee on Foreign Affairs.

10330. By Mr. HULL of Wisconsin: Resolution of the Chippewa County Farmers Institute, in meeting at Stanley, Wis., favoring the Brigham bill and protesting against the ruling by the Commissioner of Internal Revenue regarding the use of palm oil in oleomargarine; to the Committee on Agriculture.

10331. Also, petition of Grant Local, No. 139, Farmers Union, Neillsville, Wis., favoring the Brigham bill and protesting against the ruling of the Commissioner of Internal Revenue regarding the use of palm oil in oleomargarine; to the Committee on Agriculture.

10332. Also, resolution of the Hillside Dairy Co., Stanley, Wis., favoring the Brigham bill and opposing the recent ruling of the Commissioner of Internal Revenue as to the use of palm oil in oleomargarine; to the Committee on Agriculture.

10333. Also, petition of citizens of Sparta, Wis., favoring the Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10334. By Mr. HOPE: Petition of Alta C. Jennings and 49 others, of Brownell, Kans., urging the passage of House Joint Resolution 356; to the Committee on the Judiciary.

10335. By Mr. LUCE: Petition of residents of Massachusetts, urging passage of bill exempting dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

10336. By Mr. STRONG of Kansas: Petition of Mrs. J. S. Bailey, president Woman's Christian Temperance Union, Bennington, Kans., and citizens of Bennington, Salina, and Solomon, Kans., favoring the Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10337. By Mr. WOLVERTON of West Virginia: Petition of the Woman's Christian Temperance Union, of Shinnston, W. Va., by Mrs. Lloyd Tetrick, president, and Miss Josephine Harmer, secretary, urging Congress to enact legislation providing for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

10338. By Mr. YATES: Petition of East Side Manufacturers Association, through S. S. Eagle, president, Granite City, Ill., urging the passage of Senate bill 3969, known as the Capper-Reed bill; to the Committee on Education.

10339. Also, petition of Margaret McShone, 1240 West Vine Street, Springfield, Ill., protests the passage of Senate bill 4582, introduced by Senator F. H. GILLETT; to the Committee on the Judiciary.

10340. Also, petition of Miss Alice Boynton, president Women's International League for Peace and Freedom, Chicago, Ill., urging the passage of House bill 16975, as in her opinion it will equalize the laws relative to discrimination against married women; to the Committee on Immigration and Naturalization.

10341. Also, petition of many citizens of Springfield, Ill., urging the passage of the Sparks-Capper amendment to the Constitution relative to the 7,500,000 unnaturalized aliens in the United States; to the Commitee on the Judiciary.

SENATE

WEDNESDAY, MARCH 4, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 9 o'clock a. m., on the expiration of the recess.

INVESTIGATION OF THE OIL INDUSTRY

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. JONES. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. Mr. President, I desire to proceed in order, and for the time being I decline to yield to anyone.

I submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. THOMAS of Oklahoma. Is there any Senate rule which provides just how fast a Member addressing the United States Senate must speak his words?

The VICE PRESIDENT. That is a matter for the Senator to determine for himself.

Mr. THOMAS of Oklahoma. I have before me numerous notes. Owing to the fact that I was detained on the floor night before last until 3 o'clock in the morning, and detained upon the floor last night until after 1 o'clock, I have not had time to arrange my notes properly, and it may be that during the discussion I may waste a few seconds of time in looking for the data I desire to use. Because of that fact I do not wish to be considered as yielding the floor.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Under the rules of the Senate, how long may a Senator stand at his desk arranging his notes without talking?

The VICE PRESIDENT. That would be a question for the Chair to determine when the question came up.

Mr. THOMAS of Oklahoma. I serve notice that I shall proceed in the best of faith.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JONES. I want to inquire what steps may be necessary for me to take to abandon really the consideration of the conference report on the maternity bill?

The VICE PRESIDENT. If the Senator having the floor will yield for that purpose, it can be done. Otherwise the Senator can not be taken off the floor for the purpose.

Mr. JONES. I am perfectly willing to abandon it.

Mr. THOMAS of Oklahoma. Mr. President, at this time I refuse to yield to anyone for any purpose. I submit a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. THOMAS of Oklahoma. If some Senator should secure the attention of the Chair and ask permission to submit a unanimous-consent request and I yield for that purpose, will I thereby lose the floor?

The VICE PRESIDENT. The Chair thinks the question would depend upon the purpose for which the Senator yielded. If he yielded simply for a unanimous-consent request, with the understanding that he would not lose the floor, of course he would not lose it.

Mr. THOMAS of Oklahoma. The only purpose for which I would yield would be to fix a time to vote on the adoption of Senate Resolution 418.

Mr. NORRIS. Mr. President, I ask unanimous consent——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Nebraska for that purpose?

Mr. THOMAS of Oklahoma. I yield if I do not thereby lose the floor.

Mr. NORRIS. I ask unanimous consent that a vote on the resolution of the Senator from Oklahoma be had at 10 minutes to 12.

Mr. BINGHAM. Before that request is submitted to the Senate there must be a call for a quorum.

The VICE PRESIDENT. No quorum is necessary for the submission of such a request. Will the Senator from Oklahoma yield to the Senator from Nebraska to submit his unanimous-consent request?

Mr. THOMAS of Oklahoma. I will not yield for that purpose until my rights on the floor have been determined. I now submit this parliamentary inquiry: If I from time to time shall submit unanimous-consent requests, will I thereby even take a chance of losing the floor?

The VICE PRESIDENT. That would depend upon the nature of the request.

Mr. THOMAS of Oklahoma. The only request would be to fix a time to vote upon Senate Resolution 418.

The VICE PRESIDENT. The Chair would think under those circumstances the Senator would not lose the floor.

Mr. THOMAS of Oklahoma. Mr. President, I serve notice that I will not yield for any purpose. If any Senator desires to submit or have submitted a unanimous-consent request, let him prepare such request in writing and place it in my hands; and if the Chair will permit me to do so, I shall myself, within my discretion, submit the request.

Mr. THOMAS of Oklahoma addressed the Senate. After having spoken for half an hour—

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.;

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co., of Iowa, to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes;

H. R. 17163. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes;

S. J. Res. 247. Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the obversance and commemoration of the death of Brig. Gen. Casimir Pulaski;

H. J. Res. 531. Joint resolution making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs; and

H. J. Res. 532. Joint resolution authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War.

INVESTIGATION OF THE OIL INDUSTRY

Mr. THOMAS of Oklahoma resumed his speech. After having spoken for half an hour—

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 5313. An act to cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.;

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.; and

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11529) for the relief of William J. Bodiford.

The message further announced that the House had passed the bill (S. 5979) to confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emmigrant and Western Cherokee Indians of Oklahoma and North Carolina, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 1696. An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley;

S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;

S. 5110. An act to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina;

S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.;

S. 5571. An act to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932;

S. 5588. An act to add certain public lands to the Washakie National Forest, Wyo.;

S. 6103. An act to authorize a change in the design of the quarter dollar to commemorate the two hundredth anniversary of the birth of George Washington;

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather;

H. R. 11529. An act for the relief of William J. Bodiford; and

S. J. Res. 228. Joint resolution to provide for the relocation of the statue of Maj. Gen. John A. Rawlins.

INVESTIGATION OF THE OIL INDUSTRY

Mr. THOMAS of Oklahoma continued his speech. After having spoken in all for nearly two hours—

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House receded from its disagreement to the amendment of the Senate to the bill (H. R. 16982) to authorize an appropriation to

provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, and concurred therein.

The message also announced that the House had passed a joint resolution (H. J. Res. 534) to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.; and

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes.

HOSPITALIZATION OF VETERANS

Mr. WALSH of Massachusetts. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Massachusetts. Is it a fact that unless the joint resolution just presented from the House is passed, the measure authorizing the building of veterans' hospitals will be nullified because of no funds for the erection of the hospitals?

The VICE PRESIDENT. Of course, the law would not lapse, but there would be no appropriation to carry out the purposes of the law.

Mr. THOMAS of Oklahoma. I ask unanimous consent that the report just received from the honorable House of Representatives be read for the information of the Senate.

Mr. SMOOT. Mr. President——

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent that the Senator be not taken from the floor and that immediate action be taken upon the joint resolution.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. Mr. President, I am willing to yield on the condition that I do not lose the floor.

The VICE PRESIDENT. Is there objection to the request that the joint resolution be considered without the Senator losing the floor? The Chair hears no objection, and the Chair lays the joint resolution before the Senate.

The joint resolution (H. J. Res. 534) to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the sum of $5,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for carrying out the provisions of the act entitled "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," approved March 4, 1931.

The joint resolution was ordered to a third reading, read the third time, and passed.

PROPOSED MERGER OF THE ROOSEVELT STEAMSHIP CO. AND THE INTERNATIONAL MERCANTILE MARINE CO.

Mr. FLETCHER. Mr. President, in response to Senate Resolution No. 431, adopted February 3, 1931, requesting certain information in connection with the merger of the Roosevelt Steamship Co. and the International Mercantile Marine Co., the Shipping Board has made a preliminary statement to the Senate.

The Shipping Board says:

(1) It has been stated to the board indirectly that representatives of the Roosevelt Steamship Co. and associates have purchased a working control of the stock of the International Mercantile Marine Co.

(2) The matter has never been formally presented to the board, although there was some informal discussion of the subject with representatives of the corporation in July, 1930.

(3) It is the recorded and established policy of the board to prevent its managing agents to directly or indirectly operate foreign flag lines or vessels in competition with lines established and operated or sold by the board.

(4) The investigations being made by the board have not developed to the point where the board can state definitely at this time what action it will take as a result of this merger.

The International Mercantile Marine-Roosevelt combination operates through the Roosevelt Co. American-flag services for the Shipping Board from the North Atlantic to Australia, India, and the Far East; and holds an ocean-mail contract for a service from Baltimore to Hamburg and Bremen.

The International Mercantile Marine-Roosevelt combination through the International Mercantile Marine operates several foreign-flag lines in competition with American-flag lines, which I shall show in detail, and holds an ocean-mail contract for a service from New York to Balboa.

In the Shipping Board's contract with its managing agents, under which contract the Roosevelt Co. operates services for the board, there appears the following clause:

SEC. 29. Except with the specific approval of the owner the managing operator shall not be permitted to operate either as agent, owner, or charterer foreign flag vessels competing with vessels operated by or for the United States Shipping Board.

The board has, as it states in its reply to the Senate, consistently refused to permit its managing agents to handle foreign-flag vessels in competition with American-flag vessels operated by or for the board. The Roosevelt Co. is violating the above clause of the operating agreement unless it has "the specific approval" of the Shipping Board.

At a hearing last year before the House Merchant Marine Committee, in a letter last year to the Senate Commerce Committee, and in its last annual report to the Congress, the Shipping Board recommended the enactment of legislation to prohibit the award of ocean mail contracts to companies operating foreign-flag ships in competition with American-flag ships.

An amendment to the merchant marine act, 1928 (H. R. 8361), prohibiting the award of ocean-mail contracts to companies operating foreign-flag ships in competition with American-flag ships was unanimously passed by the House and a similar amendment (H. R. 9592) is pending on the Senate Calendar. It should be approved.

I now desire to show in detail the extent the International Mercantile Marine-Roosevelt organization, through the International Mercantile Marine, is using foreign-flag vessels to compete with American-flag services. All of these American-flag services were established by the board, some have been sold, and some are still being operated by the board.

INTERNATIONAL MERCANTILE MARINE LINES, FOREIGN FLAG

Red Star Line, New York to Antwerp.
Atlantic Transport Co., New York to London.
The Leyland Line, New York to Manchester.
White Star Line (I. M. M. agents), New York to Southampton.
White Star Line (I. M. M. agents), outports to Liverpool.
The Leyland Line, South Atlantic and Gulf ports to Europe.

AMERICAN LINES, AMERICAN FLAG

American Diamond Lines, New York to Antwerp.
American Merchant Line, New York to London.
Oriole Line, New York to Manchester.
United States Lines, New York to Southampton.
American Hampton Roads Line, outports to Liverpool.
South Atlantic Mail Line.
Mobile Oceanic Line.
Dixie Line.
Southern States Line, South Atlantic and Gulf ports to Europe.

In view of the situation outlined, the consistent policy and practice of the Shipping Board and the board's reply to the Senate, I feel we are justified in assuming the board will take appropriate action to prevent, so far as it has the power, American companies operating foreign-flag ships in competition with American-flag vessels.

The enactment of the legislation to which I have previously referred would enable the Government to make impossible many of the abuses mentioned.

INVESTIGATION OF THE OIL INDUSTRY

Mr. THOMAS of Oklahoma resumed his speech. After having spoken for some time—

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, informed the Senate that a committee of three Members of the House had been appointed by the Speaker to join with a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

The message announced that the House had passed without amendment the bill (S. 6225) granting an increase of pension to Jessie R. Greene.

The message also announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish American War Veterans in New Orleans, La., in September, 1931; and

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. HAYDEN. I yield for a question.

Mr. JONES. A joint resolution has just come from the House providing an appropriation for the Army Band to attend the annual encampment of the Grand Army of the Republic at Des Moines, Iowa, and also one providing for the payment of the expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans at New Orleans in September, 1931. Will the Senator permit these joint resolutions to be reported and passed?

Mr. THOMAS of Oklahoma. Mr. President, if I do not thereby lose the floor, and the Presiding Officer will protect my right to the floor, I will gladly yield for that purpose.

Mr. JONES. I ask unanimous consent that that be done.

The VICE PRESIDENT. Is consent given without the Senator losing the floor? The Chair hears no objection. The joint resolution will be read.

ATTENDANCE OF UNITED STATES ARMY BAND AT GRAND ARMY OF THE REPUBLIC ENCAMPMENT

The joint resolution (H. J. Res. 536) making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa, was read twice by its title.

Mr. JONES. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

ATTENDANCE OF UNITED STATES MARINE BAND AT CONVENTION OF SPANISH-AMERICAN WAR VETERANS

The joint resolution (H. J. Res. 535) making an appropriation for the expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans in New Orleans, La., in September, 1931, was read twice by its title.

Mr. JONES. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF UNEMPLOYMENT-INSURANCE SYSTEMS

The VICE PRESIDENT. Pursuant to Senate Resolution 483, agreed to February 28, 1931, providing for a select committee to investigate unemployment-insurance systems, the Chair appoints the following Senators as members of the select committee: The Senator from New York [Mr. WAGNER], the Senator from Illinois [Mr. GLENN], and the Senator from Rhode Island [Mr. HEBERT].

ADVANCES TO THE RECLAMATION FUND (S. DOC. NO. 329)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of the Interior, Bureau of Reclamation, fiscal year 1931, for advances to the reclamation fund, amounting to $5,000,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

HOSPITAL AND DOMICILIARY FACILITIES AND SERVICES, VETERANS' ADMINISTRATION (S. DOC. NO. 330)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Veterans' Administration for hospital and domiciliary facilities and services amounting to $5,000,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF AMERICAN GROUP OF THE INTERPARLIAMENTARY UNION

The VICE PRESIDENT laid before the Senate a communication from the president of the American group of the Interparliamentary Union, submitting, pursuant to law, a report relative to the American group of the Interparliamentary Union, including its expenditures, which was referred to the Committee on Foreign Relations.

REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a communication from the Governor of the Federal Reserve Board, transmitting the seventeenth annual report of the board, covering operations for the year 1930, which, with the accompanying report, was referred to the Committee on Banking and Currency.

ADJUSTED-SERVICE CERTIFICATES—VETERANS' LEGISLATION

The VICE PRESIDENT laid before the Senate the following telegram, which was ordered to lie on the table and to be printed in the RECORD:

HARRISBURG, PA., *March 2, 1931.*

THE UNITED STATES SENATE,
Washington, D. C.:

The Department of Pennsylvania, Veterans of Foreign Wars of the United States, thanks the Senate for their support of the soldiers' bonus bill and their passing of the bill over the President's veto.

C. A. GNAU,
Adjutant, Harrisburg, Pa.

The VICE PRESIDENT also laid before the Senate a communication from the department commander for the District of Columbia, Veterans of Foreign Wars of the United States, which was ordered to lie on the table and to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D. C., March 3, 1931.

To the honorable the VICE PRESIDENT OF THE UNITED STATES.

SIR: The following resolution was unanimously adopted at a regular stated meeting on Monday night, March 2:

"*Resolved*, That the District of Columbia Department, No. 1, Veterans of Foreign Wars of the United States, hereby express their thanks and appreciation for the sympathetic attitude of the present Congress toward the veterans and respectfully request that this resolution be read into the minutes of the United States Senate.

Respectfully,

[SEAL.]

WILLIAM L. THOMAS,
Department Commander.
ARTHUR C. FOWLE,
Department Adjutant.

PETITIONS

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was ordered to lie on the table:

STATE OF IDAHO, DEPARTMENT OF STATE.

I, Fred E. Lukens, secretary of state of the State of Idaho, and legal custodian of the original enrolled copies of all acts passed at the various sessions of the Legislature of the State of Idaho, do hereby certify that the annexed constitutes a full, true, and complete transcript of the original enrolled copy of senate joint memorial No. 9, enacted by the twenty-first session of the Legislature of the State of Idaho, and filed in this office the 27th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital of Idaho, this 28th day of February, A. D. 1931.

[SEAL.] FRED E. LUKENS, *Secretary of State.*

LEGISLATURE OF THE STATE OF IDAHO,
TWENTY-FIRST SESSION,
In the Senate.

Senate Joint Memorial 9. (By State Affairs Committee)

To His Excellency President Herbert Hoover, Hon. William E. Borah, chairman of the Foreign Relations Committee, and to the honorable Senators, the House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:

Whereas the purchasing power of approximately 50 per cent of the entire population of the world has been decreased by approximately 50 per cent, owing in large part to the depreciation in value of silver as a commodity and as a medium of money; and

Whereas said depreciation in the value of silver has been due in large part to its discontinuance by several countries as a medium of exchange in trade; and

Whereas said depreciation has materially affected the economic fabric of the State of Idaho by diminishing the value of its mineral resources and making it impossible to operate our mines at a profit, thereby necessitating closing down many of the mines and depriving many of our citizens of employment; and

Whereas it has also depreciated the value of our agricultural commodities and the products of our forests by reducing the opportunities to export the same to China, India, and the Latin American countries through the ports of the Pacific coast owing to the depreciation in the buying power of those nations; and

Whereas the depreciation in the value of silver has had a like effect upon the economic conditions, not only in Idaho but all of the States west of the Rocky Mountains, and to a similar degree upon all of the States of the Union; and

Whereas the subcommittee of the Committee on Foreign Relations has had this question under consideration for several months and has made its report and recommendations relative thereto, said recommendations being evidenced by Senate Resolutions Nos. 442 and 443, introduced by Senator KEY PITTMAN, chairman of the subcommittee of the Foreign Relations Committee, and which in substance called upon our President to take certain action relative to the dumping of silver upon the market of the world derived from the melting of silver coins, and the calling of an international conference or conferences looking to an agreement or understanding with regard to the use and status of silver as money, and that our President give consideration to the practicability of our Government alone, or in connection with other governments, in establishing a silver pool or fund for the advancement of silver to the National Government of China for use as money: Now, therefore, be it

Resolved by the Senate of the State of Idaho (the House of Representatives concurring), That we urge upon our senior Senator, WILLIAM E. BORAH, chairman of the Foreign Relations Committee of the Senate, to have prompt and immediate consideration of the report of its subcommittee, and its approval obtained for Senate Resolutions Nos. 442 and 443 heretofore referred to, and their adoption by this session of Congress, and to urge His Excellency President Herbert Hoover, if he deem it compatible to the best interests of the Government, to take the action suggested in said resolutions, to the end that the purchasing power of our sister nations may be reestablished, and that the misery and famine that is now prevailing in some of them be decreased and the plenty and surpluses of commodities now available in the United States may be distributed to the mutual advantage of the people of the entire world; be it further

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to His Excellency President Herbert Hoover, to the senior Senator from Idaho, Hon. WILLIAM E. BORAH, chairman of the Foreign Relations Committee, and to the Senate and House of Representatives of the United States of America, and that copies hereof be sent to the other Senator and Representatives in Congress from this State, and to the Chamber of Commerce of United States.

This senate joint memorial passed the senate on the 20th day of February, 1931.

G. P. MIX,
President of the Senate.

This senate joint memorial passed the house of representatives on the 24th day of February, 1931.

C. A. BOTTOLFSEN,
Speaker of the House of Representatives.

I hereby certify that the within senate joint memorial No. 9 originated in the senate during the twenty-first session of the Legislature of the State of Idaho.

CARL C. KITCHEN,
Secretary of the Senate.

Mr. THOMAS of Oklahoma presented the following concurrent resolution of the Legislature of the State of South Carolina, which was ordered to lie on the table:

A concurrent resolution

Whereas the General Assembly of South Carolina has noticed with interest the approval by the Agricultural Committee of the United States Senate on a resolution by Senator SMITH, of South Carolina, appropriating money for loan to farmers in South Carolina, North Carolina, Georgia, Florida, and Alabama for seed, feed, and fertilizer; and

Whereas under the present distressed agricultural condition of this State it is necessary that the farmers receive some relief; and

Whereas we believe aid from the Federal Government at this time in the particulars set forth in this resolution will greatly relieve the present depression: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Hon. E. D. SMITH, senior United States Senator from South Carolina, be commended for his effort in endeavoring to secure this aid for farmers in this State.

Resolved further, That the United States Senators and Members of Congress from South Carolina be urged to continue their effort in securing this appropriation for the relief of distressed farmers of this State.

Resolved further, That it is the sense of the General Assembly of South Carolina that the immediate securing of this relief is necessary in order to relieve our present distressed agricultural conditions.

Resolved further, That copies of this resolution be transmitted to the Hon. E. D. SMITH and the Hon. COLE. L. BLEASE, United States Senators from South Carolina, and to each Member of Congress from South Carolina.

IN THE HOUSE OF REPRESENTATIVES,
Columbia, S. C., February 17, 1931.

I hereby certify that the foregoing is a true copy of a concurrent resolution adopted by the house and concurred in by the senate.

J. WILSON GIBBES,
Clerk of the House.

Mr. GOLDSBOROUGH presented petitions of sundry citizens of the State of Maryland, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 5313. An act to cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.;

S. 6225. An act granting an increase of pension to Jessie R. Greene;

H. J. Res. 534. Joint resolution to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration;

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish-American war veterans in New Orleans, La., in September, 1931; and

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, March 4, 1931, that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1696. An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley;

S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;

S. 5033. An act to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;

S. 5110. An act to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina;

S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.;

S. 5313. An act to cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.;

S. 5571. An act to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932;

S. 5588. An act to add certain public lands to the Washakie National Forest, Wyo.;

S. 6011. An act to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor;

S. 6103. An act to authorize a change in the design of the quarter-dollar to commemorate the two hundredth anniversary of the birth of George Washington;

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.;

S. 6225. An act granting an increase of pension to Jessie R. Greene;

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.;

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.;

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather;

S. J. Res. 228. Joint resolution to provide for the relocation of the statue of Maj. Gen. John A. Rawlins; and

S. J. Res. 247. Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

IMPORTATION OF GOODS FROM SOVIET RUSSIA

Mr. ODDIE. Mr. President, in support of S. 4848, the bill which I introduced to prohibit the importation of goods from Soviet Russia (and referred to the Committee on Finance), I herewith submit some of the principal indorsements from national patriotic societies and from the industries adversely affected by soviet dumping, which I desire to have inserted in the RECORD.

The VICE PRESIDENT. Without objection, that order will be made.

The matter referred to is as follows:

(For release Monday evening, March 2, 1931)

NEW YORK CITY, *February 28, 1931.*

The PRESIDENT OF THE UNITED STATES,
White House, Washington, D. C.

MR. PRESIDENT: It being conclusively established by unimpeachable evidence that the Soviet Government of Russia has not only fomented discontent, disloyalty, and revolution throughout the world but also through the expropriation of all agencies of production without compensation and by mobilization of labor on a war basis, is now engaged in and directing an economic assault upon all nations in pursuance of its ultimate aim, a world revolution, permit me to point out certain special considerations which, in the opinion of a multitude of Americans associated with patriotic and fraternal societies, labor unions, and farm groups, demand the immediate imposition of an embargo upon trade with Soviet Russia:

1. All agencies of production, national and private, having been acquired without cost, all merchandise exported by the Union of Socialist Soviet Republics is free from all interest charges or charges for amortization of capital.

2. All agencies of production being maintained and operated by labor paid in fiat money, it is indisputable that exports from the Soviet Union cost nothing, and may be sold at any price deemed expedient by the directors of the Gosplan for the establishment of gold credits or the destruction of foreign enterprises as may be determined by the leaders of the communist régime.

Under the conditions set forth above, which might be indefinitely elaborated, it is obvious that no enterprise conducting its business on a gold basis with free labor working on American standards, or even far below that level, can possibly compete. Now, if American industry and agriculture can not compete with foreign enterprises conducted in the fashion set forth above, we are face to face with an aggravation of the existing economic depression which means ultimate ruin, and with the ruin of even a substantial fraction of American agencies of production, the ultimate aim of the communist dictatorship will unquestionably have been attained.

As a remedy for the situation set forth in this letter, delegates from 52 patriotic and fraternal societies and other groups in convention in Washington on February 18, 1931, adopted a resolution advocating that an embargo be imposed upon trade with Russia, a copy of which is inclosed herewith for your information.

Respectfully submitted.

JOHN B. TREVOR,
Chairman Board of the American Coalition.

A RESOLUTION ADVOCATING AN EMBARGO UPON ALL TRADE WITH SOVIET RUSSIA ADOPTED AT A SPECIAL MEETING OF THE ADVISORY BOARD OF THE AMERICAN COALITION OF PATRIOTIC SOCIETIES HELD ON FEBRUARY 18, 1931, IN WASHINGTON, D. C.

A national emergency exists. The time has come for all patriotic, labor, and farm groups to unite in a common defense against the soviet economic war as well as the communistic propaganda which the ruthless dictators of Soviet Russia are directing against our civilization and our Government: Therefore be it

Resolved, That whereas for 13 years the 140,000,000 people of Russia have been made the helpless victims of communistic experiments of a handful of dictators and their supporters who are openly and proudly committed to the task of world revolution and a world-wide communistic state; and

Whereas the soviets are openly engaged in an economic war against civilization, the aim of which is to create major economic crisis throughout the world by attacks from within each nation through agitators and propaganda designed to cause revolution or disturbances resulting in a paralysis of industry, unemployment, and the destruction of the markets of the world; and

Whereas at the same time the 5-year plan of economic war is providing a flood of merchandise produced by forced and oppressed labor from raw materials that cost nothing, controlled through state monopolies and dumped into the markets of the world for the twofold purpose of creating unemployment and poverty among the workers and farmers of every nation, including the United States, and for establishing gold credits at any cost for the purchase of more machinery to pour out more goods to be used as munitions in the economic war; and

Whereas every effort has been made to make this trade war appear innocent and honest to the outside world, in the words of G. T. Grinko, vice chairman of the Soviet Planning Commission, "The 5-year plan is an important part of the offensive of the proletariat of the world * * * it is a great plan of world revolution"; and

Whereas in the words of Hugh L. Cooper, president of Russo-American Chamber of Commerce, appearing for his employers—the soviets—before the House Ways and Means Committee, "They are exporting a very large amount of wheat now. I think that the exports of wheat from Russia will go on increasing to a point where the American farmer will never be able to export one bushel of wheat to Europe again." In fact, the American farmer has already lost the export wheat market of the world to the soviets at prices against which he can not compete, and within two years faces the loss of the export market for cotton, since the rising tide of Russian cotton production has in three years reduced Russia's purchases of cotton from the United States to $17,000,000 in 1929–30, as against $51,000,000 in 1927–28; and

Whereas American labor and industry have likewise been seriously injured at home and abroad through this unfair and destructive competition, and since all of this competition with its debased currency and pauper wages paid by paper rubles, supported only by foreign credits, is on a basis against which the American worker, farmer, and industry can never compete unless we are willing to lower our standards of living to those of the conscripted victims of communist dictatorship, forego our freedom, our religion, and our Government, and adopt the ruthless gospel of communism; and

Whereas it has been said that in the event our country protects our people against the dumping of communist products we will lose the $150,000,000 annual trade in machinery and equipment now being exported to the soviets, we wish to state that if allowed to continue the Soviet Union may be for three or four years a good customer, but she will, through this very machinery, be growing into our most dangerous competitor, and when she has attained her industrial growth she will become more than a competitor,

since she is bound by her fundamental political principles to become a military aggressor. For that reason, since we are convinced that the greatest danger to the peace of the world is our continued assistance to the soviets, we believe that the United States should cease to furnish the machines and equipment which are the most valuable munitions of the soviet economic war. We believe that given five years more with the continued aid of American technicians, methods, and machinery, the destruction of civilization is certain. For that reason we are calling upon all American business men, bankers, and engineers to stop their efforts in helping to build up the Frankenstein which is dedicated to our destruction, thus proving that Lenin was wrong when he declared that our civilization would commit suicide for a temporary profit; and

Whereas it has been demonstrated that it is the consistent policy of the Soviet Government to promote discontent, disloyalty, and subversion of governments with which it has sought economic and political relations, and that there is little likelihood of the communist dictators abandoning their fundamental principle of world revolution, we believe the time has come for us to respectfully petition Congress to protect our institutions and our people against the greatest menace the world has ever known; and

Whereas there is no law in our land which will adequately protect our Government and our people against the soviet economic war, and since on March 4, 1931, the Members of Congress who are sworn to protect the Constitution will probably adjourn to their respective States for a 10-month recess: Therefore be it

Resolved, That in the opinion of the undersigned Congress should enact legislation before March 4, 1931, providing for an embargo against all trade with the Union of Socialist Soviet Republics; and be it further

Resolved, That in the judgment of the undersigned Congress should take immediate steps for the suppression of all agencies of the communistic dictatorship of the Union of Socialist Soviet Republics in the United States and the immediate deportation of all aliens within the United States who are now engaged in promoting the interests of the soviets and in the dissemination of communist propaganda throughout the United States of America.

JOHN B. TREVOR,
Chairman of the Board of the American Coalition of Patriotic Societies.

And the following organizations:

Military Society, War 1812, by Charles E. Warren, president.

Leonia (N. J.) Women's Republican Club, by Mrs. William B. Shelton.

National Patriotic Association, by Mrs. Charles Wendell Holmes, president.

New York Colony, Society of New England Women, by Mrs. L. Grant Baldwin.

Order of Independent Americans, by Maurice H. Rasener.

Patriotic Women of America, by Mrs. William R. Stewart, president.

Patriotic Order of Americans, National Camp, by Mrs. Harriet Watkins, national president.

Society of New York State Women, by Mrs. Daniel Pelton Duffie, president.

Sons and Daughters of Liberty, by Matthew Kenney, national secretary.

United Daughters of the Confederacy, New York State Chapter, by Mrs. J. Harvie Dew, president.

American Defense Society, by Richard A. Charles, executive secretary.

American Vigilance Intelligence Federation, by H. A. Jung.

National Patriotic League, by H. Ralph Burton.

Ladies' Auxiliary, Order of Independent Americans, by Mrs. Maurice H. Rasener.

Military Corps of Artillery, State of New York, by Charles E. Warren.

National Sojourners, by Joseph H. Colyer, jr., and Admiral R. E. Coontz.

Sons of the American Revolution, by Josiah A. Van Orsdel, president general, and C. E. Emig.

Naval and Military Order Spanish-American War, by Robert Lee Longstreet.

American War Mothers, by Mrs. Clara L. Doocy, Mrs. N. N. Nock, and Mrs. Edward Campbell Shields.

National Society of New England Women, by Mrs. Natalie R. Fernald.

Daughters of America, by Mrs. Sadye Linkletter, national legislative chairman; Mrs. L. A. Grubbs; Helen W. Luckett; Mrs. Jessie Lowe; and Mrs. Naomi E. Swann.

Patriotic Order Sons of America, by Mr. C. H. Paul, national legislative chairman, and Herman Miller, national secretary.

Allied Patriotic Societies (Inc.), by Francis H. Kinnicutt, president.

Ridgewood (N. J.) Unit, Republican Women, by Mrs. Katherine H. Stratton, president.

National Society Daughters of the Revolution, by Mrs. Oscar Coblentz.

Daughters of the Revolution, New Jersey Society, by Mrs. Oscar Coblentz.

Daughters of the Union Veterans of the Civil War, 1861–1865, by Miss Ellen Myers, proxy for Miss Katharine Flood, chairman national legislative committee.

Dames of the Loyal Legion, by Mary D. Lightfoot, chairman national legislative committee; Mrs. Mary Logan Tucker; and Mrs. Clarence W. Bispham.

United States Daughters of 1812, by Mrs. Frank D. Callan, president.

American Legion Auxiliary, by Mrs. D. R. Reilly, proxy for Mrs. C. B. Parkhurst, legislative chairman, and Mrs. Amos Fries.

American Women's Legion, by Mrs. Acheson F. Hassan, president; Mrs. John Denby Hird; and Mrs. Edward Campbell.

Reserve Officers' Training Corps Association, by Lieut. Col. Orvel Johnson, secretary, and Amos Fries, president.

Veterans of Foreign Wars (Americanization Committee), by Capt. Edwin S. Bettleheim, jr.

Ladies' Auxiliary, Veterans of Foreign Wars, by Mrs. Clay Keene Miller, national legislative chairman.

Military Order of the World War, by John Lewis Smith, chairman legislative committee.

Junior Order United American Mechanics, by John H. Noyes, legislative chairman.

Daughters of the American Revolution, by Mrs. William Sherman Walker, Mrs. Harriet Rigdon, and Mrs. Charles Lynch.

National Society Women Descendants Ancient and Honorable Artillery, by Mrs. Charles O. Keyser, representing Mrs. Charles N. Jewett, president.

George Baldwin McCoy Unit, American Women's League, by Mrs. Charles Demonet, president, and Mrs. Harry Shanton.

Westchester Security League, by Evelyn Dent Boyer.

Maryland Daughters of American Revolution, by Mrs. Paul Scharf.

District Society Dames of the Loyal Legion, by Mrs. E. S. Alvord.

District of Columbia Society United States Daughters of 1812, by Mrs. Frederick K. Sparrow.

National Patriotic Council, by Rexford L. Holmes, secretary.

Virginia National Federation of Women's Clubs, by Miss Helen Norris Cummings.

American War Veterans' Club, by Lieut. Col. Fred B. Ryens.

The Patriotic Builders, by Mrs. F. F. Crenawalt.

Bergen County Women's Republican Club, by Mrs. H. V. D. Moore, president.

Better American Federation, by Lieut. Col. LeRoy Smith.

Daughters of the Union, by Mrs. Daniel F. Duffie, president.

The Government Club (Inc.), by Mrs. George E. Owens.

Junior Order American Vigilance Intelligence Federation, by Rachel Holmes.

Daughters of the Defenders of the Republic, by Mrs. Amanda Shaw Hirsch, president general.

CHICAGO, ILL., *December 3, 1930.*

Hon. TASKER L. ODDIE of Nevada,
Senate Office Building:

As American chairman, youth section, International Entente Against the Third International, and chairman, junior committee, National Patriotic Association, express herewith gratitude and appreciation of the young people throughout America for your courageous action in introducing the bill intending to exclude soviet products from our markets. In the years gone by the people of our country realized the danger to industry resulting from forced labor. The slaves of the South were well treated and well fed compared with this enduring forced labor in Russia. What has become of the spirit of America that we condone now a condition we obliterated in our own country? If we can put an embargo on parrots as being dangerous to our health we can certainly expect an embargo to be put on soviet shipments into the United States as being dangerous to the safety and well-being of our people and our Nation. We respectfully request an acknowledgment for our files.

RACHEL E. HOLMES.

PENNSYLVANIA SOCIETY SONS OF THE AMERICAN REVOLUTION,
Pittsburgh, Pa., December 16, 1930.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SIR: As directed by said resolutions, I am herewith inclosing to you copy of resolutions adopted by the board of management, Pennsylvania Society, Sons of the American Revolution, at meeting held Thursday, December 4, 1930.

Yours respectfully,

JOHN L. WALKER, *Secretary.*

COPY OF RESOLUTIONS PRESENTED AT MEETING OF BOARD OF MANAGEMENT, PENNSYLVANIA SOCIETY, SONS OF THE AMERICAN REVOLUTION, THURSDAY, DECEMBER 4, 1930, BY COMPATRIOTS FRANKLIN BLACKSTONE AND H. L. M'KAIN, AND UNANIMOUSLY ADOPTED

Whereas an article in the Pittsburgh Post-Gazette of December 2, 1930, contains an interview with the Hon. TASKER L. ODDIE, of Nevada, in which it is mentioned that he has introduced a bill in the Senate to ban the importation into the United States of America of all products of Soviet Russia; and

Whereas Senator ODDIE is quoted regarding said bill, as follows:

"The bill not only includes articles and merchandise mined, produced, or manufactured wholly or in part in any territory subject to the jurisdiction or control of the Government of the Union of the Soviet Socialist Republics, but also includes such articles and merchandise which may be produced or manufactured in other countries from materials which have been mined, produced, or manufactured in any soviet territory.

"Our Nation is in the throes of an international depression and confronted by a most serious employment problem. The dumping of soviet lumber, pulpwood, wood pulp, matches, glue, coal, manganese ore, etc., is seriously restricting employment in these industries.

"The manganese industry, which at the beginning of 1930 was prepared to produce over 200,000 tons of metallurgical grade ore, or more than 25 per cent of domestic consumption, is now shutdown because of the dumping of soviet ore at Pittsburgh at artificially low prices.

"If an antidumping bill were to include only those soviet products most damaging to domestic industries, it would not be long before the soviet front would be shifted to the production of other commodities equally or even more disastrous in their effect upon our industries.

"It is necessary, therefore, to exclude all soviet articles and merchandise"; and

Whereas it is the consensus of opinion of the board of management of the Pennsylvania Society, Sons of the American Revolution, that the opinion as quoted to Senator ODDIE is representative of the best interests of the citizenry of the United States of America: Be it therefore

Resolved, That the board of management of the Pennsylvania Society, Sons of the American Revolution, commends the opinion of the Hon. TASKER L. ODDIE, as hereinbefore quoted, and voices an appreciation of his efforts in behalf of American citizens; and be it further

Resolved, That a copy of this resolution be sent to Senator ODDIE by our secretary, and copies also to the Hon. DAVID A. REED and the Hon. JAMES J. DAVIS, United States Senators from Pennsylvania.

NATIONAL HEADQUARTERS,
MILITARY ORDER OF THE WORLD WAR,
Washington, D. C., February 7, 1931.

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

DEAR SENATOR ODDIE: Some time ago we received a communication from you concerning your bill for embargo against imports from Soviet Russia.

Attached hereto is a copy of a resolution that was passed by the officers and general staff of the Military Order of the World War at their recent meeting, indicating the opposition of this order to Russian dumping policy.

Our commander in chief, Gen. John Ross Delafield, of New York, desires that I mail this copy to you, asking your consideration, and indicating our support of your bill, now in the hands of the Ways and Means Committee.

Copies of this resolution have been sent this week to the members of the Ways and Means Committee of the House and the Finance Committee of the Senate

Yours very sincerely,

C. NIXON,
Adjutant General Military Order of the World War.

RESOLUTION AGAINST DUMPING

Whereas it is obvious that the Soviet Republic is seeking to build gold credits from the sale of raw materials and goods in the United States, which goods are produced by convict or forced or underpaid (and undernourished) labor; and

Whereas there is need for protection of our own labor against convict, forced, and underpaid labor and further need to provide employment at home and provide for continued production of items vital to industry in the United States; and

Whereas our laws forbid the importation of goods produced by convict labor: Therefore be it

Resolved by the officers and general staff of the Military Order of the World War at their meeting January 7, 1931, at national headquarters, Washington, D. C., That the order urges the executive and legislative branches of the Federal Government to take immediate steps to protect the interests of labor and economic interests of this country, placing an embargo on importation of goods produced by forced and convict labor;

Further, that a copy of this resolution be sent to the chairman and members of the respective committees in the Senate and the House of Representatives and to the Secretary of Commerce and the Secretary of Labor.

BOTHWELL KANE POST, No. 21, AMERICAN LEGION,
Fort Worth, Tex., January 23, 1931.

Hon. TASKER L. ODDIE (Nevada),
Washington, D. C.

DEAR SENATOR ODDIE: This letter is to express the appreciation of all veterans and active military organizations in this city of your fearless (S. 4848) bill against soviet goods and raw materials. If their funds for investment could only have been included it would be a complete block to their activities.

American Legion posts, Spanish-American War Veterans' posts (and their auxiliaries), Veterans of Foreign Wars, Disabled American Veterans, Confederate Veterans, Grand Army of the Republic post, and several civic clubs all desire me to express to you their entire support and approval and hope for success for your bill.

Very sincerely yours,

ALLAN F. MCLEAN,
Commander Bothwell Kane Post, No. 21, American Legion.

THE GOVERNMENT CLUB (INC.),
New York City, January 7, 1931.

Hon. TASKER L. ODDIE,
Senator from Nevada, Washington, D. C.

MY DEAR SENATOR ODDIE: I can not congratulate you too strongly upon the bill which you introduced "prohibiting the importation of any article for merchandise from the Union of Soviet Socialist Republics." This organization has always stood for the exposé of communist activities in this country and the nonrecognition of Soviet Russia, be it moral or commercial. I wonder if some time during the current season you could make it possible to address this organization on this subject at the Hotel Astor, New York City.

For recommendation of us you could apply to General Pershing; and while General Summerall is no longer there, he would have happily indorsed us. You may also refer to ROYAL JOHNSON, of the House, who is a member of this organization.

The following dates are available: Monday, March 2, 1931; Monday, April 6, 1931; and Monday, May 4, 1931.

Hoping one of these dates will prove available, and appreciating the courtesy of a prompt response, I am,

Faithfully yours,

BETTY E. OWENS, *President.*
(Mrs. George E. Owens.)

IZAAK WALTON LEAGUE OF AMERICA (INC.),
Clearfield, Pa., January 16, 1931.

Hon. TASKER LOWNDES ODDIE,
Washington, D. C.

MY DEAR SENATOR ODDIE: Under this same cover I am sending you a box of soviet matches. These matches are not unlike others of the "safety type," except that every penny made as profit by their sale in this country is used against the principles and political institutions of the country. It is different with matches made in Sweden, for in that case our trade makes for friendly relations and world peace.

There is something else peculiar about this particular box. It is one of several purchased at Fort Meade, in the "exchange," where they are sold at 3 cents a carton, containing 12 boxes. This same match is given out as medical supplies in the Walter Reed Hospital in Washington. Why?

With our own matchmakers idle or on part time, why must the Government spend taxpayers' money for communistic-made goods?

Wishing you every success in your endeavor to focus the spot light on this slinking, slimy reptile, I am,

Sincerely yours,

SEYMOUR BULLOCK,
National Field Representative.

PHILADELPHIA, PA., *December 3, 1930.*

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Having noticed the article in the New York World this morning, wherein the bill you have introduced to prohibit the importation of any articles or merchandise produced in whole or in part by the Union of Soviet Socialist Republics was prominently featured, I take pleasure in highly commending you for the action you have taken and sincerely hope your bill will be passed by an overwhelming vote in the United States Senate and the House of Representatives and that the President will approve it.

I am in hearty accord with the purposes of this bill, and firmly believe such legislation should be enacted as speedily as possible in order that the industries and workers in the United States may realize the benefits therefrom without unnecessary delay.

Sincerely yours,

W. E. BRYAN,
General President United Leather Workers International Union.

NATIONAL LEAGUE OF AMERICANS OF RUSSIAN ORIGIN (INC.),
New York City, N. Y., December 10, 1930.

Hon. TASKER L. ODDIE,
Senator, Washington, D. C.

DEAR SIR: We take the liberty of thanking you for the introduction of the soviet embargo bill.

Protecting American labor, you protect as well the Russian people, oppressed by communists and deprived of all human rights.

Your bill will contribute to better relations between the American and Russian peoples in future.

Sincerely yours,

J. J. LISSITZYN,
General Secretary.

NATIONAL LEAGUE OF AMERICANS OF RUSSIAN ORIGIN (INC.),
New York City, N. Y., January 7, 1931.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SIR: Thanking you for your kind letter of December 12, 1930, with inclosure, I hope that the inclosed appeal will provide some moral support for your soviet embargo bill.

Sincerely yours,

J. J. LISSITZYN,
General Secretary.

APPEAL TO THE AMERICAN PEOPLE

Two hundred and ten Russians, prominent in all branches of science, literature, etc., appeal to the American people. Among the signers are 67 prominent scientists (professors, Frank, Illyin, Kamenka, Struve, Nolde, Klsevetter, Lossky, Shmurlo, etc.), 23 well-known writers and journalists (Bunin, Kuprin, Merejkovsky, Aldenov, Chirikov, Gessen, etc.), 43 social and political leaders, from former ministers of empire and diplomats (Giers, Kokovtzeff, Sablin, to socialist leaders Argunoff, Avxentieff, Bourtzeff, Titoff, etc.), 19 presidents of student and alumni organizations, 9 artists (S. V. Rachmaninoff, N. N. Kedroff, etc.), 15 leading business men (P. Goukassoff, A. Gunsbourg, G. Nobel, etc.), 17 military and cossack leaders (Generals Denikin, Miller, Bogaevsky, etc.), also clergymen, physicians, and other intellectuals.

(The original appeal and signatures have been sent to Hon. Henry L. Stimson, United States Secretary of State.)

TO THE CITIZENS OF FREE AMERICA

The eyes of a country which has been great, but whose people are now starving in slavery, are turned to you.

Who among you can witness without protest tortures and countless executions? Who can remain indifferent to the persecution of religion?

Can you approve the deprivation of all goods of every member of a nation? Can you be indifferent to the fact that hundreds of thousands of persons are condemned to hard labor?

Can you allow the importation into America of the products of the work of slaves?

Do you realize that all this is being done on purpose to disorganize the economic relationship between all countries, to upset the markets of the world?

Can you suffer that this infamous power of the Third International, which has ruined Russia and is propagating ideas of treason and robbery throughout the world receive financial aid from your country?

Can you have any sympathy for the government which calls itself "the government of peasants and workers," but which has enslaved all the peasants and workers of its country? You must know that behind this so-called democratic rule is hiding a despotism which hates liberty.

LIST OF PERSONS, IN ALPHABETICAL ORDER, WHO HAVE SIGNED THE APPEAL TO THE AMERICAN PEOPLE

I. MEMBERS OF THE CLERGY

Archbishop Alexander, formerly Russian Orthodox archbishop of North America, now Russian Orthodox archbishop for Belgium and Holland and dean of the Russian Church at Brussels.

Rev. Nicholas Behr, graduated at the law faculty of the St. Petersburg University; former secretary of the ministry of foreign affairs; first secretary of the legation in Brussels; assistant chief of the chancellery of the minister of foreign affairs and of the diplomatic chancellery at general headquarters during the Great War; was appointed under the provisional government to the post of counselor of the legation in Stockholm; ordained priest in 1921; from 1927 curate of the Russian Orthodox parish church in London.

Rev. N. Ezerski, Russian Orthodox priest in Grenoble; barrister, member of the first Duma of the Empire, collaborated in the newspapers, Russkiya Vedomosti (Russian News), Slovo (The Word), and Rietch (Speech). At the time of the white movement acted as superintendent for food supply in the Tchernomorsky Province and was member of the municipal council in Novorossyisk. Emigrated to Serbia and acted as representative of the Red Cross. Was ordained in France in 1918.

Archpriest Gregory Lomako, graduated at the St. Petersburg Ecclesiastical Academy. Was priest in the Kouban region, president of the diocese council, member of the Moscow ecclesiastical council that elected Patriarch Tikhon, member of the supreme church administration in southeast Russia. Following the Novorossyisk evacuation came to France and is now curate of the Menton parish.

Protopresbyter George Shavelski, master (magister) of theology, honorary member of the St. Petersburg Ecclesiastical Academy and of the Moscow Archeological Institute. From 1915 to 1917 member of the Holy Synod, vice president of the ecclesiastical councils of Moscow (1917–18) and of Stavrpol (1919). Member of the supreme church council under the Moscow patriarch (1917–18); from May, 1918, member of the supreme church administration in South Russia. From 1923 professor at the theological faculty of the university in Sofia. President of the Russian academical group in Bulgaria.

Bishop Sergius, former bishop of the Cholm diocese (now part of Poland); at present vicar bishop in Czechoslovakia.

Archpriest George Spassky, formerly chief priest of the Black Sea fleet; now archpriest of the Alexander Nevsky Church in Paris.

II. CHIEFS OF THE RUSSIAN MILITARY ORGANIZATIONS ABROAD

Gen. N. Baratoff, lieutenant general of the general staff, former commander of the First Caucasian Cossack Division; during the Great War commander of the expeditionary corps in Persia. Was commissioned from the voluntary army as chief representative of the general commanding the armed forces of south Russia with the commander in chief of the British occupation army in Transcaucasia; Minister of Foreign Affairs in the south Russian Government; now president of the Central Union of the Russian Military Invalids Abroad.

Gen. A. Denikin, lieutenant general; during the Great War chief of staff at general headquarters and later commander in chief of the southwestern front. Former commander in chief of the white armies in the south of Russia from 1918 to 1920. Author of military treatises.

General Erdeli, cavalry general, general staff officer; during the Great War commander of the second army, and later commander of the special army of the southwestern front; was imprisoned by the Bolsheviks at Bychow at the same time as Generals Kornilloff and Denikin and escaped with them to the Don region, where he took part in the first Kouban campaign; former commander in chief of North Caucasus; now president of the Union of Former Combatants of the Great War (anciens combattants russes).

Gen. N. Golovin, lieutenant general, former professor at the Nicholas Academy of the general staff; during the Great War chief of staff of the Russian-Rumanian front; represented General Denikin and Admiral Kolchak in London; was assistant to the high commander, Admiral Kolchak; was evacuated to France via Japan; held lectures on higher tactics in the French and American General Staff colleges by special invitation on the part of these colleges. Author of several military treatises, i. e., of the History of the Campaign of 1914, the Battle of Galicia, Articles on Modern Cavalry, the Problem of the Pacific in the Twentieth Century. Head of the Russian military high school in Paris.

Admiral M. A. Kedroff, rear admiral; during the Great War commanded a mining division; acted as first assistant to the minister of the marine under the provisional government; at the time of the civil war commanded the Black Sea fleet and was minister of the marine in the government of General Baron Wrangel; now president of the Army and Navy Union in Paris.

Gen. Eugene de Miller, lieutenant general; during the Great War, chief of the staff of the Fifth Army, commander of the Twenty-sixth Army Corps and representative of Russian general headquarters with King Victor Emmanuel III, of Italy, the Italian commander in chief. In 1919–20 commander in chief of the northern army (in the Mourmansk-Archangelsk region). Now president of the Russian General Military Union, abroad.

General Repieff, lieutenant general; former commander of the Eighteenth Army Corps, artillery inspector of the First Army Corps of the Russian Army at Gallipoli; now president of the Central Committee of the Gallipoli Association and president of the Gallipoli Union in France.

Gen. M. Souvoroff, lieutenant general; during the Great War staff officer attached to the commander of the Ninth Army; regimental commander and chief of staff of the Second Army. Member of the political committee under General Youdenitch at the northwestern front. Now member of the Russian National Committee and of the Union of General Staff Officers Abroad.

Gen. V. de Vitovsky, lieutenant general; former commander of the First Army Corps. Now president of the Gallipoli Association.

III. CHIEFS OF RUSSIAN COSSACK ORGANIZATIONS ABROAD

Gen. A. Bogaevsky, lieutenant general, former chief of staff to the ataman of all Cossack troops in the field; former commander of the First Cavalry Division of the Guards; commanded the Second Brigade of the Voluntary Army at the time of the "Ice Campaign"; from February, 1919, president of the Don Government under General Krasnoff, and ataman of the Don Cossacks; representative in France of the United Council of the Don, Kouban, and Terek Cossacks; honorary president of the Cossack Union and member of the emigrants committee in Paris.

Gen. E. Boukhanovsky, president of the government of the Terek Cossacks.

N. Meinikoff, former president of the Union of Justices of the Peace at Novocherkassk, member of the Novocherkassk High Court of Justice, president of the Military Council (parliament) of the Don region, president of the Don Government, former president of the government of south Russia, former member of the Constituant Assembly; now president of the Cossack Union Abroad, editor of the review Our Native Country (Rodimy Kraj).

General Naoumenko, major general, ataman of the Kouban Cossacks.

P. A. Skatchkoff, former justice of the peace for the Donetsk district of the Don region; during the Great War was divisional veterinary inspector. Member of the military council of the Don region, ataman by election of the Tchernedved district. Emigrated to Serbia and was at the head of the Union of Don Cossacks in Belgrade. Is now curator of the Don Archives in Prague.

Colonel Solomakhine, colonel, chief of the field staff of the ataman of the Kouban Cossacks.

General Toporkoff, lieutenant general; assistant of the ataman of the Kouban Cossacks.

General Vdovenko, lieutenant general; ataman of the Terek Cossacks.

IV. STATESMEN AND POLITICIANS

A. A. Argunoff, former member of the central committee of the party of social revolutionaries; former emigrant; editor of the Volia Rossii in St. Petersburg; member of the All-Russian Constituent Assembly; former member of the Resurrection Union; former member of the Siberian directorate; former editor of the newspaper the Southern Morning in the Kouban region. Now president of the central committee of the party Peasant Russia.

N. Astrov, barrister, former mayor of Moscow, member of the central committee of the party the People's Liberty, former vice president of the Union of Towns and Zemstvos, member of the Russian National Center in Moscow and south Russia.

N. Avxentieff, doctor of philosophy, member of the party of social revolutionaries (right wing), former minister of the provisional government, former president of the Russian Government in Omsk (the directorate), president of the committee of Russian towns and Zemstvos; president of the Russian League for the Defense of the Rights of Man and Citizen.

V. Bourtzeff, journalist; former emigrant; editor of the newspaper the Common Cause; vice president of the Russian national committee abroad.

Victor Briansky, former assistant to the mayor of Moscow (1906–1917); representative of the All-Russian Union of Towns in Yugoslavia; member of the board of the Russian Credit Co. in Yugoslavia.

Prince Pierre Dolgoroukoff, landowner and president of the Zemstvo Council (Zemskaja Ouprava) in the Koursk Province. Member of the central committee of the party of Constitutional Democrats. Vice president of the First Duma of the Empire. Now president of the local section of the Union of Towns in Prague and president of the local section of the Russian National Committee in Prague; also vice president of the Russian National Committee in Paris.

Alexander Euler, active member of the Crimean Zemstvo; member of the central committee of the party of the People's Liberty; at present member of the Towns and Zemstvo Association in Bulgaria.

John Efremoff, member of the Duma of the Empire and leader of the Progressive Party (1907–1917); chairman of the Russian group of the Interparliamentary Union and member of the Interparliamentary Council; Minister of Justice and Minister of Social Provision in the Provisory Government of 1917 and minister plenipotentiary of that Government in Switzerland; member of the European council of the Carnegie Endowment for International Peace; member of the International Diplomatic Academy; member of the American Society of International Law; member-correspondent of the Inter-American Institute of Law and Compared Legislation at Mexico.

Michel Fedoroff, former minister for industry and commerce in the cabinet of Count S. Witte; former counselor of the St. Petersburg municipality (member of the town duma); former editor of the St. Petersburg newspaper the Word (Slovo); during the Great War vice president of the Union of Towns and of the military industrial committee; member of the party the People's Liberty; president of the Russian National Center in Moscow and south Russia under General Denikin, president of the Russian National Union in Paris and vice president of the Russian National Committee; editor of the Struggle for Russia; president of the central committee for provision of university instruction to Russian youth abroad.

Giers, former Russian ambassador in Constantinople and in Rome; president of the council of former Russian ambassadors in Paris.

A. Goukassoff, doctor of philosophy; president of the board of the Russian Central Association; publisher of the newspaper Vozrojdenie (Resurrection) in Paris; owner of oil and shipping concerns.

A. Goutchkoff, former president of the Third Duma of the Empire; president of the parliamentary committee in Paris (composed of former members of the Russian legislative chambers); member of the Russian National Committee in Paris.

Count Paul Ignatieff, former Minister of Public Instruction; honorary member of the Russian Academy of Sciences; now president of the Russian Red Cross abroad (old organization).

Madam A. Jekoulino, from 1903 to 1919 head of a girls' college in Kiev; in 1905 opened in Kiev a private evening school of high studies for women, which was closed by the bolsheviks in 1918; was for some time representative of the union of towns in Constantinople and later in Czechoslovakia, where she is now working in the pedagogical bureau.

A. Kartacheff, former professor of the St. Petersburg Ecclesiastical Academy and of the St. Petersburg School of High Studies for Women; former Minister of Cults in the Provisional Government of Russia; now professor of the Orthodox Theological Academy in Paris and president of the Russian National Committee Abroad.

Michel Kazarinoff, formerly a well-known lawyer in St. Petersburg; occupies in the emigration the post of president of the union of Russian lawyers abroad; also member of the board of the Russian financial union and of the union of industry and commerce.

Vl. Keller, active member of the Zemstvo and municipalities; honorary justice of the peace, member of the all-Russian union of the Zemstvo, member of the central committee of the party of the people's liberty, and of the Russian national center; vice president of the refugees' committee in Bavaria.

M. Kindiakoff, member of the Duma of the Empire, vice president of the Russian National Committee Abroad, member of the emigrants' committee in France, member of the board of the Russian Red Cross (old organization).

Count W. Kokovtzoff, former Minister of Finance; former Prime Minister; chairman of the International Bank for Commerce in St. Petersburg; chairman of the Banque Internationale de Commerce in Paris; and president of the Comité Russe des organisations unifiées (Russian united organizations committee) in Paris.

A. Konovaloff, head of the firm Ivan Konovaloff & Sons—one of the largest flax enterprises in Russia; member of the Fourth Duma of the Empire, counselor of the Moscow municipality, member of the Moscow Province Zemstvo, vice president of the union of towns and of the Zemstvo Union, from 1912 member of the Duma of the Empire, Minister of Industry and Commerce in the Provisional Government, from 1924 to April, 1930, president of the Union of Towns and Zemstvos (the Zemgor) in Paris.

E. Kovalevsky, former member of the Duma of the Empire, member of the scientific committee under the ministry of public instruction, author of a number of works on the question of public instruction; now president of the secondary-school section of the Russian academical group in Paris, and vice president of the Russian National Committee.

Dr. G. Lodygensky, graduated at the Military Medical Academy in St. Petersburg; former president of the Kiev International Red Cross committee for assisting the victims of the civil war in Russia; now president of the Geneva section of the Russian Red Cross and secretary of the Auber League.

N. Lwow, former member of the First, Third, and Fourth Dumas of the Empire, vice president of the Duma of the Empire; in 1919 was editor of the newspaper, Great Russia, in south Russia; now president of the supreme council of the Russian Central Association.

Serge Maslov, former vice president of the All-Russian Council of Peasant Deputies; member of the constituent assembly, delegated by the party of social-revolutionaries; deputy president of the government of the north region; now editor of the review, Peasant Russia, and deputy president of the Labor Peasants' Party.

V. Malinine, engineer; former member of the Moscow Municipal Council (Gorodskala Auprava); administrator of the medical and sanitary institutions of the city of Moscow; during the Great War was at the head of all lazarets for wounded and sick combatants in Moscow organized by the Moscow municipality and by private individuals.

G. Meinhard, former assistant to the attorney general of the Toula regional court of justice; justice of peace of Moscow by election of the Moscow municipality; counselor of the Moscow municipality; during the civil war in Russia was president of the special commission for investigation of Bolshevik atrocities; now secretary of the Russian National Committee Abroad.

V. Nossovitch, former attorney general of the senate supreme court of criminal appeal; senator; minister of the interior in the government of general Denikin.

Waz. Novikoff, former deputy mayor of St. Petersburg; senator; now general secretary of the Union of Industry and Commerce in Paris.

Prince Vladimir Obolensky, former member of the Duma of the Empire; now collaborates in the Russian newspaper, the Latest News (Poslednija Novosti), edited in Paris.

Countess S. Panina, known for her useful activity in the field of public instruction. In 1903 she founded in St. Petersburg a People's Home, which ministered to the cultural and educational needs of the poorest inhabitants of the city. In 1917 was undersecretary for public instruction in the provisional government. Is now at the head of the Russian Home (Russki Ochag), a cultural and educational center for the Russian emigrant students in Prague. President of the Russian Women's Society for Mutual Aid in Czechoslovakia and of the Russian section of the Czechoslovak Association of the I. F. U. W. (International Federation of Women with University Education).

P. Pereverzeff, St. Petersburg solicitor; member of the party of social revolutionaries; minister of justice in the provisional government.

Vladimir Rafalsky, formerly of the Russian diplomatic service; was attached to the embassies in Constantinople, Rome; was later in Prague.

E. Sabline, born in 1876 in Russia; entered Russian diplomatic service in 1889; secretary of the legation in Belgrade; special mission to Sofia and Vienna; chargé d'affaires in Morocco; secretary of the Russian delegation at the conference in Algeciras; first secretary in Teheran; chargé d'affaires in Teheran; counselor of the embassy in London; last Russian chargé d'affaires in Great Britain; represented in London Admiral Kolchak, General Denikin, and Gen. Baron Wrangel; actually president of the Russian Refugees' Relief in London.

Henri Stiosberg, formerly solicitor in St. Petersburg, member of the Law Society. In 1891 collaborated with the commission delegated to Russia by the American Congress for the study of the Jewish question. Defended the interests of Russian Jewry together with Baron Horace Gunzburg. From 1897 participated in the Jewish Colonization Association; former president of the Jewish Society in St. Petersburg; president of the O. R. T.; organizer and active member of the Ekoro; former member of the central Semitic relief committee for victims of the war; former member of the Council of the Ministry of Interior; honorary president of the relief committee for Jews in Paris; president of the Relief Society for Russian Jews belonging to the intelligentsia.

Nicolas Tagantzeff, senator, now president of the union of former members of the bar in Russia.

N. Teslenko, barrister, member of the Duma of the Empire, representing the city of Moscow; now president of the Association of Russian Lawyers in France; member of the party of People's Liberty.

Alexander Titoff, born in Rostoff, Russia, in 1878; took his doctor degree in Leipzig; was active member of the Zemstvo and of the Moscow municipality. During the war was member of the head committee of the All-Russian Union of Towns and of the Union of Zemstvos and Towns; organized the supply of drugs for these organizations and several chemical factories for supply of the army. In the government of Prince Lvoff and of Kerensky was undersecretary for food and supply. Professor of the Moscow University. Member of the party of National Socialists. Since 1920 is living in Paris, where he is directing an important laboratory of bacteriological products.

I. Thorjevsky, former undersecretary of agriculture at the time when Krivoshein was minister; member of the board of the Russian Bank for Trade and Industry in Paris; writer and poet.

Mme. A. Tyrkova-Williams, writer, journalist; from 1906 to 1917 member of the central committee of the party of the People's Liberty. Left Russia in 1918 and settled in England, together with her husband, a well-known journalist on the staff of the Times. Wrote, in joint authorship with her husband, a novel out of the time of the Russian revolution called "Hust of Darkness," and the history of the first years of the revolution under the title "From Liberty to Brest-Litovsk."

N. S. Vostrotin, former member of the Duma of the Empire; member of the central committee of the party of the People's Liberty; vice president of the Russian National Committee Abroad.

Yureneff, engineer, member of the central committee of the party of People's Liberty; former minister of ways and communications under the provisional government; deputy mayor of Moscow; member of the executive committee of the Zemgor (Union of Towns and Zemstvos); president of the provisional committee of the All-Russian Union of Towns Abroad.

W. Zeeler, barrister, president of the committee of the party of People's Liberty for the Don region and municipality; commissar in Rostov-on-the-Don under the provisional government; minister of the interior of the south Russian government under General Denikin; now member of the executive committee of the Zemstvo and Towns' Council Abroad.

N. Zvorikine, formerly barrister at the Moscow High Court of Justice; president of the Northern Agricultural Society of St. Petersburg, honorary justice of peace, member of the Société d'Economie Sociale, Société d'Economie Politique, Société des Agriculteurs de France, and others; author of many books on economic questions, vice president of the society, The Study of Russia.

V. SCIENTISTS

V. Agafonoff, former professor of mineralogy, geology, and study of the soil at the University of Simferopol. Works at present in the laboratory of physical geography of the Paris University (The Sorbonne) on the study of soil.

Al. Antziferoff, professor, doctor of political economy and statistics, former senior professor of the University of Kharkov, and of the High Commercial Institute of Kharkov; former director of the School of High Studies for Women; Professor of the Russian law faculty at the Paris University (The Sorbonne); president of the Russian academical group in Paris; member of the Russian National Committee; vice president of the central committee for providing university instruction to Russian youth abroad.

A. L. Baikoff, former professor of international law at the Moscow University; now professor of the same subject at the Russian law faculty of the Paris University (The Sorbonne).

Prof. B. Baskakow, major general of the general staff; former professor at the Nicolas Academy of the general staff in St. Petersburg; member of the Russian Scientifical Institute, in Belgrade.

A. L. Bem, former qualified curator of manuscripts at the Russian Academy of Sciences, lecturer of Russian language at the Carlov University of Prague, secretary of the Pedagogical Bureau at Prague, member of the central committee of the party, Peasant Russia; journalist and scientist.

M. Bernatzky, former professor of political economy at the St. Petersburg Polytechnical Institute, former minister of finance of the South-Russian Government, financial adviser of the Council of Former Russian Ambassadors in Paris.

J. Bieckermann, scientist, writer, author of a well-known book, Don Quijote and Faust; and of several treatises on sociology, and on the Jewish question.

Prof. A. Bilimovitch, former rector of the University of Novorossyisk, superintendent of public instruction of the school district of Odessa, now professor at the University of Belgrade and member-correspondent of the Serbian Academy of Sciences.

A. Braunstein, professor at the medical faculty of the Moscow University, is now practicing as doctor in Berlin.

Prof. N. Boubnoff, former professor of the University of St. Vladimir in Kiev; now professor at the Lublin University in Yugoslavia.

Prof. S. S. Demosthenov, senior professor of political economy at the University of Sofia.

Prof. D. A. Dobrocionsky, doctor of church history, professor emeritus of the University of Novorossyisk, professor at the School of High Studies for Women; now professor at the theological faculty of the Belgrade University, president of the Society of Russian Scientists in Yugoslavia.

Prof. B. Eliachevitch, former professor of civil law at the economic section of the St. Petersburg Polytechnical Institute (from 1902 to 1918), and at the School of High Studies for Women (1909–1918); former member of the Council of the Ministry for Industry and Commerce; from 1900 to 1905 was member of the Liberation Union.

Assistant Prof. B. Evreinoff graduated at the faculty for history and philology of the St. Petersburg University. Was justice of the peace in the Olga district of the Koursk Province; took part in the civil war in south Russia on the side of the voluntary army; severely wounded, he was evacuated to Salonika; is now in Prague getting ready to qualify for the degree of reader and master of Russian history; has published several learned treatises; is member of the association of republican-democrats.

Prof. V. Farmakovski, former professor of the Polytechnical Institute at Kiev; now professor of the technical faculty of the Belgrade University.

Prof. S. Frank, professor of philosophy at the Moscow University; author of the books The Object of Knowledge, The Soul of Man, The Spiritual Base of Society, and others; now professor of the Russian Scientific Institute in Berlin.

Prof. V. Frantzeff, member of the Russian Academy of Sciences; former professor of Slav philology at the Kiev University of St. Vladimir; former professor of the Warsaw University; now member of the Bulgarian Academy of Sciences; professor of the Carlov University in Prague; author of numerous treatises on Slav philology.

Prof. N. P. Georgievsky, doctor of political economy and statistics. Senator. Former professor of the St. Petersburg University; former director of the central statistical committee and president of the statistical council in St. Petersburg; honorary member of the royal statistical society and the American statistical association; professor of statistics at the Russian law faculty in Prague.

N. Gloubokovsky, professor, doctor of divinity, member of the Russian Academy of Sciences; doctor of theology; professor of the St. Petersburg Ecclesiastical Academy and of the St. Petersburg University; now professor of the Sofia University in Bulgaria.

Doctor Ignatovsky, professor of medicine, former senior professor of the Warsaw University and later of the University in Rostov-on-the-Don; senior professor of the Belgrade University (in Serbia), director of the university clinic of medicine, vice president of the Russian-Serbian doctors' association.

Prof. Dr. I. Ilijin, professor of the Moscow University; author of the book The Philosophy of Hegel, and of others; now professor of the Russian Scientifical Institute in Berlin and editor of the review, The Bell (Kolokol).

Prof. W. Ilijin, director of the Ekaterinoslav regional institute for agricultural research; assistant professor of the Ekaterinoslav University; now professor of the Russian Agricultural Cooperative Institute in Prague, and professor of the Russian Pedagogical Institute in Prague.

Prof. N. Jekouline, professor of political economy and statistics; member of the Slav Institute in Prague; lecturer at the economic section of the Prague Polytechnical Institute.

Prof. John Joukoff, former professor of chemical technology at the Kiev Polytechnical Institute; former director of the laboratories of the All-Russian Sugar Factory Owners' Association in Kiev. Now member of the Academical Union, adviser to the sugar department of the Skoda works.

Prof. A. Kamenka, former professor of the St. Petersburg University; now professor at the Russian Scientifical Institute in Berlin; collaborates in the newspaper Rul (The Helm).

Dr. L. Kepinoff, former assistant professor of the St. Petersburg Military Medical Academy; now works for the Pasteur Institute in Paris and is secretary to the Russian Academical Group in Paris.

Prof. A. Kichensky, former professor of pathological anatomy at the Novorossyiski University in Odessa; former rector of this university; president of the committee for the struggle against tuberculosis in Prague, and vice president of the Russian Academical Group in Czechoslovakia.

Prof. A. Kisevetter, former professor of Russian history at the Moscow University, editor of the monthly review Rousskaya Mysl (the Russian Thought) and of the newspaper Rousskiya Viedomosti (Russian News); author of a treatise on the history of Russian cities; member of the central committee of the party of People's Liberty (cadets); member of the Douma of the Empire elected by the city of Moscow in 1907; now professor of Russian history at the Carlov University in Prague.

Prof. Dr. D. Konjeff, former professor of the Veterinary Institute in Kharkoff; now professor at the Belgrade University.

Prof. V. Korentchevsky, former professor of the Military Medical Academy in St. Petersburg; now president of the academical group in London, president of the London Committee for the Assistance of Russian Students, president of the Second Congress of Russian Scientists in Prague, director of the Lister Institute in London.

Prof. A. Kossitsky, former professor of the Polytechnical Institute in Kiev, professor of the Belgrade University.

Prof. A. Kopyloff, former professor of the Polytechnical Institute in Novotcherkassk (Don region); now professor of the Lubliana University in Yugoslavia.

Prof. Dr. St. Kulbakine, former professor of the Kharkov University; member-correspondent of the Russian Academy of Sciences; now professor at the Belgrade University and member-correspondent of the Serbian Academy of Sciences; member of the Slav Institute in Prague; member of the Committee of the Russian Scientifical Institute in Belgrade.

Prof. N. Kulman, former professor of Russian language and literature at the Pedagogical Institute for Women, at the School of High Studies for Women, at the Military Academy of Law, and at the Music Conservatory in St. Petersburg; was member of the commission for award of the Poushkin prizes at the Academy of Sciences. Former member of the board of the Nicolaev Works and Wharfs Co., of the Russian Shipbuilding Co., of the Hartman Enginebuilding Co., and of the Kharkov Enginebuilding Co. From 1923 lectured on the history of the Russian language and literature in Serbia; from 1930 appointed as lecturer of Russian language at the Paris Sorbonne.

Prof. Dr. V. Laskareff, former senior professor of geology at the Novorossyisk University; now professor of the Belgrade University.

Prof. A. Lebedeff, former professor of the St. Petersburg Mining Institute; now professor of the Belgrade University.

Prof. N. Lossky, former professor of philosophy at the St. Petersburg University; now professor on the same subject at the

Russian University in Prague. His chief books are: The Intuitive Basis of Knowledge, Macmillan, 1919; Handbuch der Logik, Leipzig, 1927; The World as Organic Whole, Oxford, 1928; L'Intuition, la Matière et la Vie, Paris, 1928; The Freedom of the Will (in preparation).

André Mandelstamm, doctor of international law; professor of the St. Petersburg University; member of the Institute of International Law and of the International Diplomatic Academy; former first dragoman (translator) of the Russian embassy in Constantinople; former legal adviser at the Russian Ministry of Foreign Affairs.

Prof. A. Makletzoff, former professor of criminal law at the Kharkov University; now professor of the Lubliana University in Yugoslavia.

Prof. Dr. I. Markoff, former senior professor of the Kiev Polytechnical Institute; now senior professor at the agronomical faculty of the Belgrade University; president of the Union of Russian Agronomers and Foresters in the Kingdom of Yugoslavia.

Prof. A. Markoff, master (magister) of financial law; former lecturer at the Commercial Institute in Kharkov; lectured on economic geography at the Russian Commercial Institute and on political economy at the Franco-Russian Institute of Social and Economic Sciences in Paris; collaborates in the Russian newspapers Poslednlya Novosti (The Latest News) and Rul (The Helm); member of the Association of Republican Democrats.

Prof. S. Metalnikoff, former professor of biology at the St. Petersburg University; former director of the Biological Institute in St. Petersburg; now director of the biological laboratory of the Pasteur Institute in Paris; author of numerous treatises on biology and bacteriology.

Prof. M. Michelson, master (magister) of financial law; assistant professor at the Lausanne University; reader of financial law at the Moscow University; former financial expert at the Russian Political Council in Paris; now professor of the Russian Commercial Institute, at the Russian faculty of law, and at the French-Russian Institute in Paris; administrator of the Committee of Russian Commercial Banks in Paris.

Prof. V. Nikitin, former professor of the St. Petersburg Mining Institute; now professor of the Lubliana University in Yugoslavia.

Prof. Baron Boris Nolde, former professor at the faculty of law of the St. Petersburg University; member of the Institute of International Law in St. Petersburg; former member of the Permanent Court of Arbitration at The Hague (la Cour permanente d'Arbitrage de La Haye).

Prof. M. Novikoff, former professor of the Moscow University; dean of the faculty for physics and mathematics and rector of the Moscow University; former counselor of the Moscow municipality; former member of the Duma of the Empire, representing the city of Moscow; rector of the Russian People's University in Prague; and professor at the Carlov University in Prague.

Prof. P. Ostrooukhov, former professor of political economy and statistics at the St. Petersburg Polytechnical Institute, now reader (privat docent) on the same subjects at the Russian faculty of law in Prague.

Professor Doctor Pavlovsky, surgeon and bacteriologist, former professor of surgery at the Kiev University, now practitioner in the town Soroka in Bessarabia (Rumania).

Prof. Alexander Pilenco, former professor of international law at the St. Petersburg University, professor at the Alexander Lyceum in St. Petersburg, counselor of the St. Petersburg municipality, former editor of the foreign department of the newspaper Novoye Vremia (New Time), professor of the Carnegie Hague Academy, professor at the faculty of law of the Paris University (the Sorbonne), former commercial agent of General Denikin's army in Constantinople.

Prof. G. Pio-Ulsky, professor emeritus of the St. Petersburg Polytechnical Institute, professor at the Institute of Ways and Communication, now professor of the Belgrade University, president of the Russian Engineers' Union in Yugoslavia.

Prof. Dmitry P. Riaboushinsky, graduated at the Moscow University; assistant professor of the Moscow University; founder of the Aerodynamic Institute of Koutchino, near Moscow, and director thereof; emigrated to France in 1918; docteur ès sciences (Paris University, 1922); member of the board and research professor of the Institut de Mécanique des Fluides (Paris University) and associate director of the laboratory of this institute; member of the board of the Russian academic group in Paris; president of the Société Russe de Philosophie des Sciences; author of many scientific publications on mathematics, aerodynamics, and hydrodynamics.

Prof. P. Rychkoff, former dean of the engineering section of the Kiev Polytechnical Institute, former dean of the railway section of the People's University at Kiev, now professor of the technical faculty of the Belgrade University.

Prof. S. Savitch, former professor of the Electrotechnical Institute and of the School of High Studies for Women in St. Petersburg, advisor on insurance questions at the ministry of ways of communication and at the ministry of finance, member-correspondent of the Institute of Actuaries in London and of the Institut des Actualités Françaises in Paris.

Prof. Dr. N. Saltykow, doctor of mathematics, former professor of higher mathematics at the Kiev Polytechnical Institute, and later at the Kharkov University; former mayor of Kharkov; now professor of the Belgrade University; vice president of the Russian academical group in Yugoslavia and member of the board of the Russian Scientifical Institute in Belgrade; honorary member of the Brussels Mathematical Society; president of the Russian National Committee in Belgrade; member of the Russian National Committee in Paris.

Prof. B. Scheglovytoff, former professor at the Institute for Civil Engineers in St. Petersburg, former director of the Moscow-Koursk and Syzran-Viazma railways, former administrator of the exploitation of all state and private railways in Russia, former president of the central committee for the regulation of cargo lines on the whole net of Russian railways, professor of exploitation and construction of railways at the Belgrade University.

Prof. E. Shmurlo, former professor of Russian history in St. Petersburg, qualified correspondent of the Russian Academy of Sciences for the research and publication of historical documents in Rome (concerning the relations between Russia and Italy).

Prof. Dr. E. Spektorsky, former rector of the Kiev University; now professor of the Belgrade University; president of the Russian Scientific Institute in Belgrade.

Prof. Alex. Stéboute, former professor of the Tauris University; professor of the Moscow Agricultural School for Women; former president of the Moscow Agricultural Society; now professor of the Belgrade University; member of the International Agricultural Institute in Rome; member-correspondent of the Czech Agricultural Academy; member of the Yugoslav Agricultural Society.

Peter Struve, born at Perm, 1870; economist and political writer; professor of political economy and economic history at Petrograd; actual fellow of the Russian Academy of Sciences; H. c. LL. D. (University of Cambridge, England); since 1901 actively engaged in the struggle for constitutional reforms; member for Petrograd of the Second Duma of the State (1907); 1920 acting as minister of foreign affairs in the government of General Wrangel; chief work on Economics, Economy, and Price, two volumes, Petrograd, 1913–1917 (in Russia); vice president of the Russian National Committee in Paris.

Prof. St. Svistchoff, former professor at the St. Petersburg Polytechnical Institute; former director of the Military School of Topography; now professor at the Belgrade University; directs the work of the scientific section of the Military Institute of Topography.

Prof. Dr. Th. Taranovsky, historian of Slav law; former university professor; now senior professor at the Belgrade University; member of the Bulgarian Academy of Sciences; member of the Slav Institute in Prague; president of the Russian academical group in Yugoslavia; president of the Union of Russian Writers and Journalists Abroad.

Prof. N. Timacheff, former professor of the general theory of law at the economic faculty of the St. Petersburg Polytechnical Institute; abroad, acted till 1927 as member of the Russian Scientific Institute in Berlin; is now professor of the Russian Institute attached to the Paris University and collaborates in the newspaper Vozrojdenie (Resurrection).

Prof. Igor Tjutrjumoff, senator; former counselor of the St. Petersburg municipality; now professor of civil law at the University of Yourlev.

Prof. A. Van der Vliet, former senior professor at the St. Petersburg Polytechnical Institute; former director and professor of the Imperial Institute for Forestry; now professor at the Czech Polytechnical High School in Prague.

Prof. Al. Vilkoff, doctor of philosophy of the Berlin University; former professor of financial law at the Don University; now dean and professor of the Russian law faculty in Prague and president of the Society of Russian Barristers in Prague.

Prof. S. Zavadsky, senator; former professor of the St. Petersburg University and of the Alexander Lyceum in St. Petersburg; now professor of the Russian faculty of law in Prague.

Prof. Wassily Zenkowsky, professor of philosophy at the Kiev University from 1915 to 1918; from 1920 to 1923 at the theological faculty in Belgrade; from 1923 to 1926 at the Pedagogical Institute in Prague; from 1926 at the Theological Institute in Paris; from 1923 president of the Russian Pedagogical Bureau abroad, and president of the Russian Christian Students Movement.

VI. PERSONS WORKING IN THE FIELD OF FINANCE, TRADE, AND INDUSTRY

V. Archaouloff, technical engineer; constructor of the J. Cockerill factory in Belgium; engineer to the Caucasus & Mercury Co.; chief engineer of the Poutiloff Works; constructor of the Baltic Works of the Russian Navy; chief engineer of the St. Petersburg Metal Works; president of the board of the Caucasus & Mercury Co.; member of the board of the Russian Steamship & Trading Co. (Ropit), member of the technical committee of the Ministry for Industry and Commerce; now member of the Russian Union of Industry, Commerce, and Finance in Paris.

P. Bourychkine, graduated at the law faculty of the Moscow University and at the economic section of the Moscow Commercial Institute; owner of the Moscow firm J. V. Bourichkine & Co.; deputy mayor of Moscow; assistant president of the All-Russian Union of Towns; senior member of the financial committees of the Moscow and Nijni Fairs; during the civil war in Russia was minister of finance in the government of Admiral Kolchak; now member of the Russian Union for Industry, Commerce, and Finance abroad, and professor at the Russian Commercial Institute in France.

A. Bylimine, managing director of the Rossiya Insurance Co.; member of the board of the Siberian Trade Bank; now member of the board of the Société Commerciale et Financière Caroes.

Al. Fenine, former president of the Council of the South Russian Mining Congresses; chairman of several coal companies in the Don mining region in south Russia; Minister of Industry and Commerce in the south Russian government of General Denikin.

Assistant president of the academical group of Russian professors in Czechoslovakia; professor of the Mining Academy in Przybram. Lecturer in the Russian People's University in Prague; member of the Prague section of the Russian National Committee.

Paul Goukassoff, former member of the Council of the Empire representing industrial circles; former counselor of the Bakou municipality; chairman of the congresses of Bakou oil owners; honorary justice of the peace; founder and president of the Caspian Co. and the Caspian pipe line; former member of the board of the Russian Union of Industry and Commerce; chairman of the Russian Bank for Industry and Commerce, and of several industrial and oil concerns; now vice president of the Union of Commercial, Industrial, and Financial Workers Abroad.

Baron Alfred de Gunzbourg, son of Baron Horace Gunzbourg, the well-known banker and philantropist. Mining engineer; former managing director of the Lena Co. in east Siberia. During the Great War officer in the Russian Army. Now honorary president of the Société de secours aux Juifs russes (Russian Jews Relief Society) and of the Comité de secours aux Intellectuels juifs de Russie (committee for assisting Russian Jews of the Intelligentsia), and president of the Russian-Jewish community in Paris.

N. N. Isnard, civil engineer; represented in Petrograd the Council of the Congresses of Baku Oil Owners; vice president of the All-Russian Council of the Congresses of Representatives of Industry and Commerce; vice president of the central committee of War Industry; now president of the Union of Russian Engineers in France; and vice president of the Russian Union for Commerce, Industry, and Finance Abroad.

B. Kamenka, president of the board of the Azoff-Don Bank; chairman of the Rossiya and Kaross insurance companies; member of the board of the Nobel Bros. Oil Co.; administrateur de la Banque des Pays du Nord à Paris and Administrateur du Crédit Général de Belgique à Bruxelles.

Etienne Lianosoff, graduated at the Moscow University in physics and mathematics and in law; founded the Russian Oil Trust; during the civil war in Russia was prime minister and minister of foreign affairs in the northwestern government of General Youdenitch. Now member of the Russian Union for Commerce, Industry, and Finance Abroad and member of the Russian National Committee in Paris.

E. Lubovitch, former managing director of the Federation of Trade and Industry of Russia; former vice president of the Union of Trade and Industry of St. Petersburg. At present vice president of the Russian Financial Industrial and Commercial Association in Paris.

Gustav Nobel, director of the company "Nobel Bros."

B. Sokoloff, managing director and assistant president of the Council of the Congresses of Mine Owners in South Russia. Now general secretary to the International Group of Owners of Mining and Metallurgical Enterprises in South Russia; member of the committee and of the Board of the Russian Union for Commerce, Industry, and Finance; member of the Central Committee for Providing University Instruction to Russian Youth Abroad; member of the Russian National Committee Abroad.

P. Theakston, former managing director of the Company for the Sale of Products of Russian Metallurgical Works (syndicate of Russian metallurgical works) in St. Petersburg. Now chairman of the Salamandra Insurance Co. and of the Danish Reinsurance Co. (Reassurance Compagnie Salamandra, A/S Copenhagen).

S. Tretiakoff, former member of the Moscow stock-exchange committee; chairman of several important textile limited companies in Russia. Now vice president of the Union of Financial, Industrial, and Commercial Workers and member of the Russian National Committee in Paris.

Voinovsky-Krieger, engineer, former director of the Vladikavkaz railway; former minister of ways and communications. Now member of the Council of the Union for Commerce, Industry, and Finance Abroad.

VII. WRITERS AND JOURNALISTS

M. Aldanov, national socialist; writer; author of the novels the Ninth of Thermidor, the Island of St. Helena, Devil's Bridge, Contemporaries, etc.

I. Bounakoff-Foundaminsky, member of the party of social revolutionaries; editor of the review Contemporary Notes (Sovremennyia Zapiski); writer.

A. Bunge, journalist; was lawyer in St. Petersburg.

I. Bunin, honorary member of the Russian Academy of Sciences in the literary section; well-known Russian author. His works have been translated into nearly all European languages.

B. Brutzkus, economist, author of the book, Socialist Economy, and of many treaties in the domain of national business and economics; professor of the Scientifical Institute in Berlin.

Valery Carrick, author and illustrator of folk tales; a learned authority on Russian folklore.

A. Fedoroff, writer; professor at the High Cooperative School in Sofia, Bulgaria.

I. Hessen, member of the Second Duma of the Empire, member of the central committee of the party of People's Liberty; formerly editor of the newspaper, Rietch (the Speech) and of the law review, Pravo (the Right) in St. Petersburg; now editor of the newspaper Rul (the Helm).

Madam Z. Hippius, authoress, poetess, critic (pseudonym, Anton Krainy).

A. Jablonovsky, journalist, vice president of the United Association of Russian Writers and Journalists Abroad.

A. S. Isgojeff, contributed to the newspaper Rietch (the Speech) and to the review Rousskaya Mysl (the Russian Thought); journalist; member of the central committee of the party of People's Liberty; author of the books, the Communal Law (1905) and Russia and Revolution (1911). Now contributes to the Russian newspaper, the Struggle for Russia, Rul (the Helm), Sevodnia (To-day), and Russia and the Slav World.

A. Kuprin, well-known Russian author; wrote the books, the Pit, the Duel, the Grenadine Bracelet, all of which have been translated into foreign languages, and others.

Gr. Landau, writer; author of the book, the Twilight of Europe, and of numerous works of scientific research on questions of law, politics, etc.; is one of the editors of the newspaper Rul, in Berlin.

Ivan Lukash, writer and journalist; during the Great War military correspondent on the front; enlisted afterwards as a volunteer; took part in the civil war in the army of General Wrangal; author of numerous novels; the Flames of Moscow has been translated into foreign languages and was edited in New York in 1930, by the Macmillan Co.

S. Melgounoff, national socialist; historian; writer; one of the founders of the review, the Struggle for Russia; editor of the review the Past and the Voice of the Past in Foreign Lands; author of the books, Alexander I, Red Terror, Admiral Kolchak, N. V. Tchaikovsky, and others.

D. Merejkovsky, well-known Russian author; wrote the following books which are translated into foreign languages: Leonardo da Vinci, Peter the Great, Julian the Apostate, Resurrected Gods, the Downfall of Atlantis, and others.

W. Nabokoff-Sirin, poet; author of the novels: Loujin's Defense, King, Lady, and Valet; translator of Hamlet.

W. Nemirovich—Danchenks, Russian writer and journalist. Author of well-known essays on the Russian-Turkish War of 1876–1878.

J. Semenoff, doctor of law of the Paris University; editor of the newspaper Vozrojdenie (Resurrection); member of the party of People's Liberty.

Voldemar Tatarinoff, writer and journalist; contributes to the newspaper Rul in Berlin.

Eug. Tchirikoff, well-known writer. Author of the novels Youth, the Tarkhanoff Family, the Beast from the Abyss, and others.

B. Zaitzeff, well-known Russian writer, author of the novels, the Golden Pattern, Serge Radonejsky, Athos, and others.

Prof. C. Zaitzeff, formerly at the head of the municipal economic department of the ministry of interior; now professor of administrative law at the Russian Law Faculty in Prague; editor of the weekly paper, Rossyia i Slaviansvo (Russia and the Slav World) in Paris; member of the Russian national committee.

VIII. ARTISTS AND MUSICIANS

Albert Benois, well-known painter in water colors.

John Denissoff, a member of the well-known N. N. Kedroff quartet.

Madam S. Gladkaia-Kedroff, formerly singer at the Imperial Opera in St. Petersburg and Moscow; professor at the Imperial Conservatory of Music in St. Petersburg. Now professor at the Russian Conservatory of Music in Paris, and at the École Normale de Musique in Paris.

T. Kasakoff, a member of the well-known N. N. Kedroff quartet.

Constantine Kedroff, a member of the well-known N. N. Kedroff quartet.

Prof. N. N. Kedroff, leader and organizer of the N. N. Kedroff quartet. Formerly a singer at the Imperial Opera in St. Petersburg and Moscow; professor at the Imperial Conservatory of Music, and at the Imperial Court Choir. Now vice director and professor of the Russian Conservatory of Music in Paris.

Sergei Rachmaninoff, famous Russian pianist and composer.

Dm. Stelletsky, well-known Russian artist.

Nicolas Tcherepnine, well-known pianist and composer; director of the Russian Conservatory of Music in Paris.

IX. PHYSICIANS AND SURGEONS

Prof. S. Abramoff, former professor of pathological anatomy at the Moscow Medical High School for Women; from 1922 to 1925 professor of pathological anatomy at the Sofia University in Bulgaria. At present director of a laboratory for medical analyses in Paris laboratoire de la rive gauche; author of numerous scientific treatises and of handbooks on bacteriology and pathological anatomy.

Prof. I. Alexinsky, M. D., professor of surgical pathology at the Moscow University; member of the First Duma of the Empire; during the Great War directed the medical section of the Russian Red Cross with the armies of the southwestern front; now president of the Union of the Russian Medical Organizations Abroad; president of the Society of Russian Doctors in France; president of the Russian Patriotic Union, and president of the committee for the assistance of the families of those who died for their country.

Doctor Prokopenko, oculist of the Russian Red Cross; lecturer at the College of the Social Sciences in Paris.

Dr. S. Sieroff was on the staff of the clinic of the military medical academy in St. Petersburg; during the civil war was chief of the sanitary section of the north Caucasian front; is now physician of the Russian Red Cross and is an active worker in the social and clerical field.

Doctor Tchekounoff, director of the Essentuki mineral water resort in the Caucasus; now physician of the Russian Red Cross in Paris; is engaged in sociological activities.

X. LEADERS OF LABOR ORGANIZATIONS

S. Gorodetzky, former president of the Archangel court of justice; during the revolution directed the law department in the provisional government of the northern region; in the emigration, president of the union of members of the bar in Berlin; now president of the Russian labor union in Paris.

G. Boutleroff, mining engineer; former chairman of the Vyksunsky Metallurgical & Mechanical Works (Ltd.); former member of the St. Petersburg municipal council; former minister of industry in the northwestern government under General Youdenitch; now president of the mutual-aid found of Russian Commercial Institute in Paris.

N. Krichevsky, former commander of the Kouban Plastoun division (Cossack sappers); in the emigration, president of the Russian labor union (1924–1927); journalist; contributes to many Russian emigrant newspapers.

XI. YOUNG RUSSIA

Paul Bogdanovitch, colonel; chief of the National Association of Russian Scouts.

Alexander Checan, graduated at the Sofia State University; president of the Union of Russians, who graduated at high schools abroad.

Boris Cernavin, engineer; president of the office of students' groups in Prague; foreman of the electromechanical sections; manager of the Prague Home of the Young Russians' Union.

Alexander Chitkov, president of the Union of the Russian Emigrant Students' Associations; senior of the National Union of Slav Youth in Prague; graduated at the Russian High School of Law in Prague; and at the mechanical section of the Prague Polytechnic Institute. Member of the Russian national committee.

Paul Eronine, president of the Emigrant Students' Union in Paris.

G. Gotua, president of the Russian Students' Union at the Belgrade University in Yugoslavia; president of the National Students' Club in France; is lecturing at the Institut d'Etudes Slaves (Slav Studies Institute) of the Paris University.

Vlad. Lazarevski, doctor of law; graduated at the "École Libre des Sciences Politiques" in Paris; journalist; general secretary to the Federation of the Russian Unions of Persons who Graduated at High School Abroad; former vice president of the Central Union of the Associations of Russian Emigrant Students'; and editor of the monthly review Gody (the Years).

S. Markoff, president of the Union of Technical Students in Yugoslavia.

George Maximovitch, president of the Corporation of Russian Students in Yugoslavia.

Alexander Nikitin, graduated at the law faculty of the Petrograd University; now secretary to the Russian Christian Students' Movement Abroad.

K. Orloff, president of the Union of Russian Students in Mathematics of the Belgrade University.

Pianoff, secretary to the Russian Christian Students' Movement in France.

D. Romanoff, president of the Cossack Students' Union in Paris.

Dr. Elie Savtchenko, graduated at the Russian Faculty of Law in Prague; was attached to the Faculty of International Law in order to prepare for a professorship; former president of the Russian union of persons who graduated at high schools abroad; now president of the Federation of the Russian Unions of Persons who Graduated at High Schools Abroad; author; has published Les Insurgés du Kouban.

Victor Sazonow, engineer, honorary assistant president of the Office of Students' Groups in Prague, president of the special fund for the assistance of Russian students in Czechoslovakia.

P. Stankevitch, president of the Union of Russian Students of Agriculture and Forestry in Yugoslavia.

A. Tzedko, president of the Union of Students of Theology in Belgrade.

Valentine Vlassief, graduated at the Russian Faculty of Law in Prague and at the Agricultural Cooperative Institute in Czechoslovakia, president of the union of Russians who graduated at high schools in Czechoslovakia, vice president of the Federation of Russian Unions of Persons who Graduated at High Schools Abroad.

A. Zankevitch, engineer and agronomist, president of the Yugoslav section of the federation of Russians who graduated at high schools abroad.

Even though the country where slavery is law be far away from free America, can you remain indifferent to its misery?

The grandeur, the culture, and wealth of a country create moral obligations for its citizens.

You have always been true to the great principles of honor, equality, and liberty. You can not stretch out your hand to a despot who is trampling these principles under his feet.

That is why the Russian people who are suffering so acutely turn their eyes to the citizens of a great free country in the hope that your country will not hinder the Russian people in their fight for freedom against their tyrants.

Remember that everyone who buys the products of slaves in Russia, who mistakes the communist power for the true Russian Government and who grants financial aid to it supports the communist government at a moment when it is on the point of breaking down.

In the name of the great past and brilliant future of your country, be a friend and an ally of the great Russian people but not of Russia's torturers.

Michel Fedoroff, Giers, Sergei Rachmaninoff, Eugène de Miller, E. Sabline, General V. de Vitkovsky, Archiprêtre Georges Spassky, Gustav Nobel, A. Denikine, A. Bogaevsky, V. Bourtzeff, Admiral M. A. Kedroff, A. Konovaloff, M. Bernatsky, I. Bunin, N. Golovine, N. Lwoff, A. Goutchkoff, A. Kuprin, N. Avxentieff, A. Kartachoff, Serge Maslov, A. Argunov, Henri Sliosberg, S. Zavadsky, Prof. Dr. Peter Struve, LL. D., Etienne Lianosoff, Prof. D. Kichensky, Evêque Sergius, Prof. V. Korentchevsky, Prof. A. Kizevetter, D. Merejkovsky, Z. Hippius, Alfred de Gunzbourg, Prof. N. Lossky, Prof. Al. Antziferoff, I. Bounakoff, A. Jekoulina, Prince Vladimir Obolensky, Prof. S. Metalnikov, Prof. M. Novikoff, Prof. A. Titoff, M. Souvoroff, Prof. Dr. V. I. Iljin, Prof. E. Smurlo, Prof. Igor Tjutrjumoff, Général N. Baratoff, Ing. Yureneff, N. Astrov, Prince Pierre Dolgoroukoff, Prof. V. Frantzeff, Prof. D. Riabouchinsky, Prof. I. Alexinsky, A. Michelson, Prof. N. Timasheff, Prof. S. S. Demosthenov, Prof. A. Vilkov, Prof. Dr. A. Pavlovsky, Prof. P. Ostrouchov, Docent B. Evreinov, A. Bem, V. Nossovitch, Prof. Dr. N. Saltykow, A. S. Isgojeff, P. Skatchkoff, Eugen Tshirikoff, Al. Fenin, Countess S. Panina, B. Sokoloff, Vladimir Rafalsky, Victor Briansky, Prof. N. P. Georgievsky, Prof. Jean Joukoff, Prof. N. Jekouline, Dr. S. Sieroff, Prof. A. Markoff, Dr. Elie Savtchenko, P. Pereverzeff, Alexandre Checan, M. Aldanov, S. Melgounoff, Alexander Chitkov, Boris Zaitzeff, Prof. B. Eliachevitch, Boris Chernavin, Prof. N. N. Kedroff, Jean Denissoff, Constantin Kedroff, T. Kasakoff, S. Gorodetsky, Viktor Sazonov, Valentin Vlassjeff, Paul Goukassoff, P. Theakston, Prof. V. Agafonoff, A. Goukassov, J. Semenoff, E. Kovalevsky, Prof. Alexandre Pilenco, S. Vostrotine, Prof. S. Abramov, D. Romanoff, M. Kindiakoff, N. Zvorikine, G. Meinhard, Valery Carrick, Comte W. Kokovtzoff, B. Kamenka, A. Gabaeff, Prof. Baron Boris Nolde, W. Roudneff, W. Zeeler, Comte Paul Ignatieff, Was. Novikoff, Vlad. Lazarevski, A. Bylinine, S. Gladkaia-Kedroff, Dm. Stelletsky, Albert Benois, Prof. N. Kulmann, V. Archaouloff, Nicolas Tcherepnine, Nicolas Tagantzeff, B. Kondratieff, N. Teslenko, Doctor Prokopenko, Doctor Tchekounoff, P. Kovalevsky, Dr. G. Lodygensky, N. Melnikoff, Michel Kazarinoff, Prof. Dr. A. L. Balkoff, Paul Bouryschkine, Paul Eronine, Prof. S. Savitch, André Mandelstamm, Jean Efremoff, Alexander Kasem-Beg, Pianoff, W. Nabokoff-Sirine, Nemirovich-Danchenko, A. Iablonovsky, Paul Bogdanovitch, Gr. Landau, Voldemar Tatarinoff, Prof. A. Kaminka, J. Hessen, Alexander Nikitin, General Bokhanovsky, General Vdovenko, General Naoumenko, Solomakhine, General Toporkoff, Prof. S. Frank, Prof. S. Bickermann, Dr. L. Klepinoff, Wolnovsky-Krieger, N. Isnard, E. Lubowitch, S. Tretiakoff, General Erdeli, General Repieff, Prof. Dr. E. Spektorsky, Prof. G. Pioulsky, Prof. Dr. A. Dobroclonsky, Dr. Med. Prof. A. Ignatowsky, Prof. Dr. Th. Taranovsky, Prof. A. Van der Vliet, Prof. Dr. I. Markoff, Prof. A. Lebedeff, Prof. V. Steglovitoff, Prof. P. Richkoff, Prof. Alex. Stéboute, Prof. V. Farmakovski, Prof. Dr. V. Laskarev, Prof. I. A. Iliin, Prof. A. Bilimovitch, Prof. Svistzoff, Prof. B. Baskakow, Prof. Dr. D. Konjev, D. D. Prof. Nicholas N. Gloubokovsky, Prof. Dr. St. Kulbakine, Alexander Fedorov, Alexander Euler, A. Bunge, B. Brutzkus, A. Braunstein, V. Malinine, G. Boutleroff, A. Zankevitch, M. Korotkin, J. Iatchmeneff, G. Gotua, Putilin, S. Markoff, Georges Maximovitch, K. Orloff, P. Stankevitch, A. Tzedke, J. Thorjevsky, W. Keller, N. Kastcheeff, Prof. Cyrille Zaitseff, Prof. Alexandre Makletzoff, Prof. Vassili Nikitine, Prof. Dr. Nicholas Boubnov, Prof. Ing. Kapylov Alexej, A. Tyrkova-Williams, Jvan Lukash, N. Krichevsky, Prof. Kossitzky, Archbishop Alexander, N. Ezerski Orthodox priest, Archiprêtre G. Lomako, Archpriest John Tzeretell, Protopresviter George Shavelsky, Prof. Wassily Zenkowsky, Rev. N. Behr.

PARIS, *November 7, 1930.*

STATE OF WASHINGTON,
TWENTY-SECOND REGULAR SESSION.

Senate Joint Memorial 3, as amended January 30, 1931, read first and second time, ordered printed, and under suspension of rules of January 30, 1931, read third time, and adopted, yeas 37, nays 0; sent to the house January 30, 1931. Relating to United States Senate bill No. 4848, entitled "A bill to prohibit the importation of any article of merchandise from the Union of Socialist Soviet Republics"

We, your memorialists, the Senate and the House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition your honorable body as follows:

Whereas many of the basic industries and pursuits of the West, particularly the State of Washington, are engaged in wheat raising and in the manufacture and production of pulpwood, lumber, other forest products, and manganese; and

Whereas large sums of money have been invested in the farms and plants and equipment for the production and manufacture of

all such products, and large numbers of people are directly dependent upon the productions and operations of all such activities for the livelihood of themselves and their families; and

Whereas the welfare and prosperity of the West, particularly the State of Washington, is directly dependent upon the continuance of productions of wheat, pulp, and paper, lumber manufacture, logging, and manganese mining, and upon the continuance of operations of allied and dependent activities; and

Whereas continued and increased importations of all such products from Russia present distinct menaces to and threaten the continued employment of American labor and American production and the development, growth, progress, and prosperity of the West, particularly the State of Washington, as well as its several manufacturing and commercial activities; and

Whereas it is necessary in the promotion of our general welfare and to create and continue progress and prosperity that American labor and industry shall not be forced into competition with convict or forced or indentured labor in the production of products, and it is believed that the Congress of the United States is duly and fully authorized to enact laws preventing and prohibiting such competition, that of necessity tend to force lowering the standard of American living and wages, and operate to produce idleness to labor and distress and depressions to business and commercial activities, and as it is believed the enactment of such laws would be in strict accord with the spirit of the Constitution of the United States of America:

Therefore your memorialists most sincerely and respectfully memorialize your honorable bodies to enact at the present session of Congress a law or laws that will prevent and prohibit the importation into the United States of any and all products produced or manufactured by convict or forced or indentured labor of any kind; and be it further

Resolved, That a copy of this memorial be immediately forwarded by air mail to the Hon. Herbert Hoover, the President of the United States, to the chairman of the Ways and Means Committee of the House of Representatives, chairman of the Finance Committee of the United States Senate, and to the Senators and Members of the House of Representatives in the Congress of the United States from the State of Washington.

MINING ASSOCIATION OF CALIFORNIA,
Sacramento, Calif., February 21, 1931.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SENATOR: Inclosed find copy of resolution adopted February 20, 1931, by Sacramento Chapter, Mining Association of California, indorsing the provisions of United States Senate bill No. 4848, for the prevention of the importation of any article of merchandise from the Union of Soviet Socialist Republics. The resolution is self-explanatory.

In justification of the action taken, we understand that the competition of Russian products grown or manufactured and distributed by the Soviet Government's underpaid and forced labor is largely responsible for the demoralization of our wheat market; that the price of sugar in the European markets has recently been broken by the same medium; that our American manganese industry can not possibly meet the ruinous competition from the same source, and that the industries of our Northwest in the manufacturing and production of pulpwood, lumber, and other forest products, manganese, and wheat growing are all likewise jeopardized.

Bespeaking your support of Senate bill No. 4848, we remain,

SACRAMENTO CHAPTER,
MINING ASSOCIATION OF CALIFORNIA,
By C. S. BROOKS, *Secretary.*

Whereas many of the industries of the United States, particularly the production of manganese, have recently been threatened with ruinous losses, if not extinction, through the competition of imported products of the Union of Soviet Socialistic Republics, grown or manufactured and distributed by the controlled and greatly underpaid labor of those Republics; and

Whereas it is necessary to the promotion of our general welfare, and to create and continue progress and prosperity, that American labor and industry shall not be forced into competition with convict or forced or indentured labor in the production of products; and

Whereas it is believed that the Congress of the United States is duly and fully authorized to enact laws preventing and prohibiting such competition, that of necessity tends to lower the standard of American living and wages and operates to produce idleness to labor and distress and depression to business and commercial activities; and

Whereas we believe the enactment of such laws would be in strict accord with the spirit of the Constitution of the United States of America; and

Whereas on December 2, 1930, Senator TASKER L. ODDIE introduced into the Senate of the United States Senate bill 4848, in words and figures as follows, to wit:

"A bill to prohibit the importation of any article or merchandise from the Union of Soviet Socialist Republics

"*Be it enacted, etc.*, That the transportation into the United States, or any Territory subject to the jurisdiction thereof, of any article or merchandise (1) from any territory subject to the jurisdiction or control of the Government of the Union of Soviet Socialist Republics; (2) mined, produced, or manufactured wholly or in part in any such territory; or (3) produced or manufactured from materials any of which have been mined, produced, or manufactured in any such territory is prohibited. The Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this act,"

which bill was read twice and referred to the Committee on Finance: Now, therefore, be it

Resolved, That Sacramento Chapter, Mining Association of California, in regular meeting assembled on this 20th day of February, 1931, hereby indorses the provisions of said Senate bill 4848 and urges upon our Senators and Representatives from California that they make every effort in their power to secure the enactment into law of said Senate bill 4848, or some similar measure which will carry into effect substantially the same provisions; and be it further

Resolved, That a copy of these resolutions be mailed to President Herbert Hoover, Senators REED SMOOT and TASKER L. ODDIE, Representatives WILLIS C. HAWLEY and WILLIAM WILLIAMSON, all of Washington, D. C., and all Members of Congress and United States Senate from California.

I hereby certify the above and foregoing to be a true and correct copy of the resolutions unanimously adopted by Sacramento Chapter, Mining Association of California, at a regular meeting thereof held at its office in Sacramento, Calif., on this 20th day of February, 1931.

C. S. BROOKS,
Secretary Sacramento Chapter,
Mining Association of California.

GALVESTON CHAMBER OF COMMERCE,
Galveston, Tex., February 20, 1931.

Senator TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SENATOR ODDIE: I attach hereto copy of resolution adopted by the board of directors of the Galveston Chamber of Commerce, indorsing Senate bill S. 4848, introduced by yourself, seeking to prohibit the importation of merchandise from the Union of Soviet Socialist Republics.

I believe you will be interested in learning of the action taken by our board of directors in this matter.

Very truly yours,

F. L. BODY, *General Manager.*

A RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF THE GALVESTON CHAMBER OF COMMERCE INDORSING SENATE BILL S. 4848, INTRODUCED BY SENATOR TASKER L. ODDIE

Whereas the prosperity of the American people is contingent upon the enactment of laws protecting home industry; and

Whereas the Union of Soviet Socialist Republics are endeavoring to invade the American market, adopting methods which are considered unfair to American labor and industry, and thus creating a condition of competition which will not tend to be for growth and prosperity of our people; and

Whereas the Hon. TASKER L. ODDIE has introduced in the Senate a bill known as S. 4848, which seeks to prohibit the importation of any article or merchandise from the Union of Soviet Socialist Republics: Therefore be it

Resolved, That the chamber of commerce, by action of its board of directors, unanimously indorses Senator ODDIE's bill and instructs that copy of this resolution be forwarded to our Senators and Representatives and other public officials as a protest against such competition.

GALVESTON CHAMBER OF COMMERCE,
CLARK W. THOMPSON, *President.*

Attest:

F. L. BODY, *Secretary.*

THE FRUITA CHAMBER OF COMMERCE,
Fruita, Colo., January 21, 1931.

Hon. TASKER L. ODDIE,
Senator, Nevada, Washington, D. C.

MY DEAR SENATOR: Your efforts and action in introducing Senate bill 4848, December 2, 1930, have been observed here.

We wish to take this opportunity to show to you our approval of this action, and thank you for it.

There is no doubt that the great mining State of Colorado would benefit in a large way by either an increase in the tariff on manganese and wood pulp or an absolute embargo.

The wage scale paid miners in foreign countries and in this country, commensurate with the standard of living as established in each country, should be sufficient reason in itself, that every Senator would give his support to this bill.

We will be interested in this bill and will watch its progress.

Will be interested to know how soon it has a chance to be reported out of the Finance Committee.

Very sincerely and truly yours,

L. H. DEWEY, *Secretary.*

JOINT CONFERENCE ON UNFAIR RUSSIAN COMPETITION

NEW YORK, January 9, 1931.—At a meeting of the Joint Conference on Unfair Russian Competition, just concluded in New York, the following resolution was adopted:

"Whereas the Joint Conference Against Unfair Russian Competition is composed of American industries adversely affected by soviet business methods; and

"Whereas Senator TASKER L. ODDIE, of Nevada, has introduced in the Senate of the United States a bill embargoing all articles of merchandise emanating from Russia; and

"Whereas it is the desire of the conference to acknowledge to Senator TASKER L. ODDIE its appreciation for his efforts and to support the passage of the said bill: Now, therefore, be it

"*Resolved*, That the Conference Against Unfair Russian Competition extends to Senator TASKER L. ODDIE its thanks and appreciation for his patriotic efforts in behalf of American industry and labor; and be it further

"*Resolved*, That this conference does and will support the efforts of Senator TASKER L. ODDIE in the passage of the said bill, and to that end give every encouragement and assistance."

The conferences are participated in by industries most affected by soviet dumping. The industries represented in the conferences are anthracite coal, lumber, asbestos, sausage casings, pulpwood, manganese, matches, fur, fur dressing and dyeing, phosphate, and glue. It was declared that all the above industries are being seriously injured by soviet dumping.

SEATTLE, WASH., *December 20, 1930.*

Hon. TASKER ODDIE,
United States Senate:

West Coast Lumbermen's Association indorses purpose of your bill concerning importation of Russian products into United States, and strongly commends your courageous position for protecting American industries and labor from socialized exploitation raw materials and forced labor under Russian system. We strongly hope constructive legislation to accomplish these purposes can be enacted at present session of Congress.

W. B. GREELEY,
Secretary-Manager.

NEW YORK, *January 6, 1931.*

Senator TASKER L. ODDIE,
Senate Office Building, Room No. 447, Washington, D. C.

DEAR SIR: Recently there have been frequent quotations in the United States market of Russian phosphate testing 68 per cent and upward at $2.50 per gross ton f. o. b. Kola, Russia, and an ocean freight rate to North Atlantic ports of the United States of $2.50 per gross ton is perfectly possible, so that the cost of landing the goods at North Atlantic ports of the United States would be only slightly over $5 per gross ton.

So far none of the material has been imported, and it is, therefore, not possible for us to say that the material is exactly comparable to the phosphate rock mined in Florida testing 68 per cent, but it seems a reasonably fair assumption that the Russian material would be a competitive article.

Our information inclines us to believe that the actual cost of transportation from the mines to the port in Russia is pretty nearly equal to, if not in excess of, the price asked f. o. b. Russian port. We are informed that such transportation is first by automobile truck, then by narrow gage, and finally by broad-gage railroad.

The mines in question are in the Chibin tableland in the northwestern part of the Kola Peninsula, near Biely, on the Murman Railroad.

American phosphate rock of 68 per cent grade can not be sold for less than $5.85 laid down at North Atlantic ports. Consequently, the effect of the lower Russian quotation is to unsettle the American market and slow down American production.

There is no doubt in our minds that if the facts relating to labor conditions and costs in connection with the production of phosphate rock in Russia could be established, Russian phosphate would be excluded from entering the United States under any or all of the following acts of Congress: Section No. 307, convict-made goods; section No. 337, unfair practices in import trade, both of the tariff act of 1930; and the antidumping act of 1921.

JANUARY 6, 1931.

Senator TASKER L. ODDIE:

We understand the position of the Treasury Department to be that unless it can be proved that goods are entering in violation of the law they can not be excluded, and that it is impossible for the United States Government to make an investigation in Russia. Substantially, the Treasury Department's position, as we understand it, is that what the United States Government confesses its inability to do, it requests the private citizen of the United States to accomplish. To the lay mind employing American labor at American prices it seems as though these laws are being interpreted solely for the benefit of foreigners, and I can not believe that this was the intention of the Congress.

We respectfully ask that Congress take such action as may be necessary to correct this situation, so as to actually give American business and labor the protection which we believe was the intention of Congress when making these laws.

Very truly yours,

PHOSPHATE EXPORT ASSOCIATION,
MORGAN H. HALL, *President.*

NATIONAL ASSOCIATION OF GLUE MANUFACTURERS (INC.),
New York, N. Y., December 8, 1930.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: Please accept thanks for your letter of December 3 transmitting copy of bill which you have introduced to the Senate providing for an embargo against Russian goods. The action which you have taken in the important matter is greatly appreciated by the glue manufacturers of this country, and also, no doubt, by the manufacturers of other products which are forced to meet the unfair competition of goods imported from Soviet Russia.

An embargo against Russian products produced by forced or prison labor is the only way in which the manufacturers of this country may be protected against an influx of merchandise which is sold at prices with which the American producer can not possibly compete.

The members of this organization will do everything possible to support the passage of the bill in question.

Very truly yours,

H. B. SWEATT, *Secretary.*

NATIONAL ASSOCIATION OF GLUE MANUFACTURERS (INC.),
New York, N. Y., November 26, 1930.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: As members of the joint conference on unfair Russian competition, we have received a copy of your telegram of October 6 to Mr. J. Carson Adkerson, chairman of the conference, in which you express your intention to introduce a bill for an embargo against certain Russian imports and work for its adoption at the next session of Congress.

The National Association of Glue Manufacturers, representing producers of approximately 85 per cent of all animal glue made in the United States, desires to convey its appreciation of and to indorse this proposed move. Action by the Congress appears to be the only redress left to American industry against the unconscionable trade practices of Soviet Russia.

The animal glue industry of the United States is being very seriously depressed and injured by heavy and increasing imports of glue from Russia. Following is a statement of these imports for the years 1928, 1929, and the first six months of 1930:

	Pounds	Average declared value	Average declared value of total glue imports
1928	354,675	$0.065	$0.087
1929	762,128	.055	.090
1930, first 6 months	1,037,256	.062	.103

Particular attention is called to the imports for the first 6 months of this year, amounting to over a million pounds at a declared valuation of $0.062 per pound, as against a general average value for all glue imports of $0.103 per pound. The quantity of Russian glue entering this country during the first half of this year represents over 11 per cent of the total imports of glue.

This Russian glue is being offered to consumers in this country as low as 7 cents per pound, which is so far below the production cost of comparable domestic glues that our manufacturers can not even compete for the business, and the general level of glue prices is being disastrously affected because of these offerings.

It is obviously impossible for the American glue manufacturers to produce evidence as to the conditions under which this Russian glue is produced. We know the prices at which this glue is being sold do not reflect production costs in other European countries or in the United States, and it seems clear that the Soviet Government monopoly is using forced or indentured labor in its glue factories, and no doubt procuring its raw materials at little or no cost.

We are of the opinion that these offerings of glue at almost any price and regardless of established values represents another example of the effort of Soviet Russia to sell commodities in this country at no profit, and probably at a loss, in order to establish credits with which they can purchase commodities which they need. These sales of Russian glue in the United States constitute the most unfair kind of foreign competition, damaging as it does a long-established industry with millions of dollars of invested capital and thousands of American workers.

If this condition existed with regard to glue imports from any other country, the facts as to dumping could be ascertained and the protection afforded in our tariff law against this unfair foreign competition could be invoked. In the case of Russia, however, where our Government has no trade representatives and can send none, these facts which are so apparent can not be developed, and the Russians have thus far been able to calmly invade our markets with impunity.

Having no recourse to the ordinary safeguards against these intolerable conditions intended to be set up by Congress for the protection of American industry and labor, we earnestly request that animal glue be included with other commodities in any embargo act which may be considered by the Congress.

Very truly yours,

H. B. SWEATT, *Secretary.*

Mr. ODDIE. Mr. President, a resolution has just been submitted to me by the junior committee of the National Patriotic Association requesting the enactment at this session of Congress of a bill prohibiting imports from the Union of Soviet Socialist Republics from entering the United States. The resolution shows that a very intensive study has been made of this subject and it is unusually well ex-

pressed. In view of the fact that I have introduced S. 4843, a bill making provision for carrying into effect the recommendations embodied therein, I ask unanimous consent that the resolution and letter of transmittal be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

NATIONAL PATRIOTIC ASSOCIATION,
Chicago, February 16, 1931.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: We send you under separate cover copy of a resolution adopted by this committee expressing the thoughts of our members throughout the Nation, and which we are particularly desirous to have read to the Senate. We do not know if this can be done, but we hope so.

Respectfully,

RACHEL HOLMES, *Chairman.*

Resolution adopted by the junior committee, National Patriotic Association

Whereas during the past year we have seen many of our schoolmates forced to leave school through no fault or choice of their own, many who have abandoned their diplomas during their graduation year and with it all hope of a successful professional career in which they had expected honorably to engage—we have seen young people slip into a tubercular state due to lack of proper food and unavoidably changed living conditions—we see the twisted bodies of rickety children born without the physical inheritance necessary for sturdy development—and the worry and despair of parents and friends due to the changed financial conditions common to all; and

Whereas we see on all sides the result of the economic war being carried out by the declared enemy of our form of government, the Union of Socialist Soviet Republics, our industry disrupted, our farm produce and our dairy products without proper value in our own country, our mills and mines and lumber camps idle, our rich fields valueless, laborers who can find no work, professional people who have no practice, people who have lost their occupation, their income, their savings, and who fear to lose their homes, and we see the beautiful structure of our civilization built so lovingly by those who made our great Nation blasted, torn apart, and consumed by the collective labor operated by the government of the Union of Socialist Soviet Republics; and

Whereas there is no equivalent in world exchange rates for the unit of production by collective labor because the medium of exchange between civilized nations is gold and silver; and

Whereas the government of the Union of Socialist Soviet Republics (commonly called Russia) has come into the markets of the world disrupting all exchange, because their unit of value is human labor such as that of Pharaoh's time or the old days of slavery in our own country; and

Whereas the cruel and inhuman conditions under which thousands are compelled to labor in the Union of Socialist Soviet Republics have no counterpart in American history—the idea of human bondage is repugnant to those raised in the American tradition of freedom—and American industry can not compete with collective labor, a question which those who fought in the Civil War thought they had settled for all time; and

Whereas American industry, American pride, and the American people themselves can not survive the conditions resulting from the importation of goods whose production is for use and not for profit—use in breaking up the world markets and wrecking the standard of exchange, replacing the product of our own labor, bringing incredible hardship on our citizens and the children of our land, spoiling their future, crippling their bodies, dwarfing their minds, taking a toll for which there can be no compensation; and

Whereas the children of our land are gravely imperiled by the industrial situation resulting from the shipment to the United States of America of articles and materials from the Union of Socialist Soviet Republics (commonly called Russia): Therefore be it

Resolved, That we, members of the junior committee, National Patriotic Association, born in the United States of America, minors, do hereby, in the name of the children and young people of this Republic, most earnestly solicit and entreat the Senate of the United States of America to take action that the transportation into the United States, or any territory subject to the jurisdiction thereof, of any article or merchandise from any territory subject to the jurisdiction or control of the government of the Union of Socialist Soviet Republics mined, produced, or manufactured wholly or in part in any such territory, or produced or manufactured from materials, any of which have been mined, produced, or manufactured in any such territory is prohibited and can not happen any more.

Respectfully submitted.

RACHEL HOLMES, *Chairman.*
GEORGE PAULS, *Secretary.*
MADGE MARGARET HOLMES, *Librarian.*

Mr. ODDIE. When the so-called Kendall bill (H. R. 16517) was passed by the House and was referred to the Senate Committee on Finance I requested a hearing before that committee in order to urge some important amendments to remove the "joker" provisions of the House bill and make it effective for industries producing less than 100 per cent of the domestic consumption requirements, such as the manganese industry. No hearings were granted me by the Finance Committee either on H. R. 16517 or S. 4843, the bill which I introduced on December 2, 1930, to prohibit imports into the United States of goods from Soviet Russia. I therefore desire to place my correspondence with the Finance Committee and my amendments to H. R. 16517 in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

FEBRUARY 23, 1931.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR SMOOT: On Saturday the House passed H. R. 16517, the so-called Kendall bill, prohibiting the importation of forced or convict labor produced goods into the United States.

This bill in its present form affords no adequate protection from soviet dumping, as is provided for in the bill which I have introduced, S. 4848, now before your committee.

In view of these conditions and the great importance to American industry and labor of preventing the continuation of soviet dumping, I request that hearings be held on H. R. 16517 before the same is reported to the Senate.

Very sincerely yours,

TASKER L. ODDIE.

FEBRUARY 25, 1931.

Hon. REED SMOOT,
Chairman Committee on Finance,
United States Senate, Washington, D. C.

MY DEAR SENATOR SMOOT: In my letter to you of February 23, 1931, I called attention to the ineffectiveness of the Kendall bill, H. R. 16517, now pending before the Senate Committee on Finance, in protecting many of the industries which can not meet the competition of soviet products dumped on the American market at artificially low prices.

I inclose herewith certain amendments which I should very much like to have the committee consider before reporting the bill. If these amendments could be included by the committee it would obviate very extensive opposition on the floor of the Senate, which would probably lead to the defeat of the bill. I therefore will greatly appreciate your bringing these amendments to the attention of the committee, together with the attached brief statement setting forth reasons for their incorporation in the bill.

Very sincerely yours,

TASKER L. ODDIE.

H. R. 16517

An act to prohibit importation of products of convict and forced labor, to protect labor and industry in the United States, and for other purposes

Be it enacted, etc., That all goods, wares, articles, and merchandise mined, produced, manufactured, transported, handled, loaded, or unloaded, wholly or in part, in any foreign country by convict labor, or/and forced labor, or/and indentured labor under penal sanctions, shall not be entitled to entry at any of the ports of the United States, and the importation hereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this act relating to goods, wares, articles, and merchandise mined, produced, manufactured, transported, handled, loaded, or unloaded by convict labor or/and forced labor or/and conscripted labor, or/and indentured labor shall take effect on April 1, 1931, and shall remain in full force and effect until Congress provides otherwise, but shall not be applicable to goods, wares, articles, or merchandise so mined, produced, manufactured, transported, handled, loaded, or unloaded which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

In any proceeding under or involving the application of any provision of this act reports and depositions of officers or agents of the United States shall be admissible in evidence.

AMENDMENTS INTENDED TO BE PROPOSED BY MR. ODDIE TO H. R. 16517

The preamble, line 1, eliminate "and" and insert a comma therefor. Immediately after the comma and following the word "forced," insert the following: "conscripted, or indentured."

Page 1, line 6, immediately after the comma, following the words "forced labor," insert the following: "or/and conscripted labor."

Page 2, line 4, immediately after the words "or unloaded by," insert the following: "convict labor or/and." Immediately after the words "forced labor or/and," insert the following: "conscripted labor or/and."

Page 2, line 11, immediately after the words "United States," insert the following: ", or in countries from which they may be lawfully imported."

Page 2, line 16, immediately after the period, insert the following: "'Conscripted labor,' as herein used, shall mean all work or service performed in any country wherein labor is subject to the direction and control of the government."

So that the bill, as amended, will read as follows:

"An act to prohibit importation of products of convict, forced, conscripted, or indentured labor, to protect labor and industry in the United States, and for other purposes.

"*Be it enacted, etc.*, That all goods, wares, articles, and merchandise mined, produced, manufactured, transported, handled, loaded, or unloaded, wholly or in part, in any foreign country by convict labor, or/and forced labor, or/and conscripted labor, or/and indentured labor under penal sanctions, shall not be entitled to entry at any of the ports of the United States, and the importation hereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this act relating to goods, wares, articles, and merchandise mined, produced, manufactured, transported, handled, loaded, or unloaded by convict labor or/and forced labor or/and conscripted labor, or/and indentured labor shall take effect on April 1, 1931, and shall remain in full force and effect until Congress provides otherwise, but shall not be applicable to goods, wares, articles, or merchandise so mined, produced, manufactured, transported, handled, loaded, or unloaded which are not mined, produced, or manufactured in such quantities in the United States or in countries from which they may be lawfully imported, as to meet the consumptive demands of the United States.

"'Forced labor,' as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. 'Conscripted labor,' as herein used, shall mean all work or service performed in any country wherein labor is subject to the direction and control of the government.

"In any proceeding under or involving the application of any provision of this act reports and deposition of officers or agents of the United States shall be admissible in evidence."

REASONS FOR AMENDMENTS SUGGESTED TO H. R. 16517

The first amendment is the inclusion of "conscripted labor" and a definition therefor, and you will note how well it fits the soviet situation.

The second amendment is the one on page 2, line 11, immediately after the words "United States," insert the following: ", or in countries from which they may be lawfully imported,". No industry would be protected from the imports of convict, forced, conscripted, or indentured, labor-produced goods except the domestic industry supplying 100 per cent of the consumptive requirements of the Nation. Obviously, there are many industries which are not producing 100 per cent of the domestic requirements of certain products which are now and will continue to be adversely affected by soviet dumping.

The effect of the amendment is to have the provisions of the bill apply to those industries which may not be producing 100 per cent of the consumptive requirements of the Nation so long as the remainder of the consumptive requirements of the Nation can be lawfully imported from foreign countries.

In the case of manganese, there are at least three centers of foreign production, any one of which, in accordance with the American Iron and Steel Institute, could supply the domestic requirements of the United States, so that if Russian imports of manganese were completely stopped it would in no way endanger domestic consumers by limiting the supply, especially as the manganese industry in the United States is equipped to produce at least 25 per cent of the domestic requirements on short notice and should soon be able to develop an output equal to or exceeding the amount of ore imported from Soviet Russia in 1930. Furthermore, the amendment which would include the lawful importation of products from other countries would have the effect of compelling such countries as are now using slave labor to discontinue the practice in order to take advantage of the American market. The bill as it stands, without amendment, offers no such inducement and really would operate to encourage the more extensive use of slave labor in many foreign countries.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On March 3, 1931:

S. 550. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes;

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.;

S. J. Res. 233. Joint resolution to provide for the erection of a suitable memorial to the Second Division, American Expeditionary Forces;

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix c. t. a. under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased;

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.;

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut;

S. 5039. An act authorizing the Secretary of the Treasury to convey certain land to the city of Asheville, N. C., for park and street purposes;

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico;

S. 5215. An act for the relief of H. L. Todd;

S. 5616. An act to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930;

S. 5624. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Ill., and a point opposite thereto in Union County, Ky.;

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games;

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation;

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes;

S. 5781. An act granting to the Commissioners of Lincoln Park the right to erect a breakwater in the navigable waters of Lake Michigan, and transferring jurisdiction over certain navigable waters of Lake Michigan to the Commissioners of Lincoln Park;

S. 5920. An act authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa;

S. 6180. An act to legalize a bridge across the St. Francis River four miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

S. 6183. An act to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

S. 6184. An act to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

S. 6185. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.;

S. 6186. An act granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.;

S. 6132. An act granting the consent of Congress to the police jury of Richland Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a free highway bridge across Boeuf River at or near Buckner, Richland Parish, La.;

S. 6161. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6165. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River on Cottage Grove Avenue near One hundred and fifty-eighth Street, in Cook County, State of Illinois;

S. 6179. An act to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo.;

S. 6181. An act to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.;
S. 6182. An act to legalize a bridge across the James River at Galena, Stone County, Mo.;
S. 6190. An act authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary line streams or rivers of said State;
S. 6220. An act granting the consent of Congress to the Charleston & Western Carolina Railway Co. to construct, maintain, and operate a railroad bridge across the Savannah River at or near Augusta, Ga.;
S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy";
S. 6232. An act granting the consent of Congress to the counties of Fayette and Washington, Pa., either jointly or severally, to construct, maintain, and operate a toll bridge across the Monongahela River at or near Fayette City, Pa.;
S. 6254. An act for the relief of United States Marshal George B. McLeod;
S. 6266. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill.;
S. 2615. An act for the relief of Arthur J. Robinson;
S. 3206. An act for the relief of Rebecca Green;
S. 3360. An act authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head River and Harbor Reservation;
S. 3831. An act for the relief of Georgia A. Muirhead;
S. 4726. An act for the relief of Alexander H. Bright;
S. 5516. An act for the relief of E. G. Mason;
S. 6046. An act to authorize advances to the reclamation fund, and for other purposes; and
S. 4715. An act for the relief of John T. Doyle.

On March 4, 1931:

S. 4716. An act for the relief of Mrs. Thomas Doyle;
S. 2106. An act for the relief of John Baba;
S. 4612. An act for the relief of the Corporation C. P. Jensen;
S. 4675. An act for the relief of the Seward City Mills (Inc.);
S. 5201. An act for the relief of C. O. Smith;
S. 1412. An act for the relief of Stanislaus Siemek;
S. 1640. An act for the relief of John E. Ross;
S. 4509. An act for the relief of Thomas G. Hayes;
S. 5193. An act for the relief of Mildred N. O'Lone;
S. 5195. An act for the relief of Howard Dimick;
S. 5198. An act for the relief of T. Morris White;
S. 5199. An act for the relief of Leslie W. Morse;
S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.);
S. 5248. An act to extend the boundaries of Wind Cave National Park, S. Dak.;
S. 5455. An act to authorize an additional appropriation of $7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.;
S. 5524. An act to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico;
S. 5989. An act to authorize the acquisition of additional land for enlarging the Capitol Grounds;
S. 6011. An act to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation and issuance of a patent to the band of Indians therefor;
S. 6072. An act for the relief of C. H. Price;
S. 6078. An act to provide for the commemoration of the Battle of Fort Necessity, Pa.;
S. 6128. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184, 226), as amended;
S. 6146. An act to provide for distribution of tribal funds of the Puyallup Indians of the State of Washington;
S. 6263. An act to amend Public Act No. 624, Seventy-first Congress;
S. 6271. An act relating to the tenure of congressional members of the George Washington Bicentennial Commission;
S. 896. An act to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports;
S. 35. An act for the relief of James W. Nugent;
S. 43. An act for the relief of W. W. Payne;
S. 155. An act for the relief of Jesse J. Britton;
S. 1244. An act for the relief of Capt. Christian Damson;
S. 1382. An act for the relief of Rose Fefferman, as administratrix of the estate of Adolph Fefferman, deceased, and the United Mercantile Distributing Co., a partnership;
S. 2068. An act for the relief of Lester L. Wilson;
S. 4334. An act for the relief of G. Elias & Bros. (Inc.);
S. 4435. An act for the relief of James Williamson and those claiming under or through him;
S. 5105. An act for the relief of certain settlers and claimants within the limits of the grant of land to the Atlantic & Pacific Railroad Co. in the State of New Mexico, and for other purposes; and
S. 5467. An act to amend an act for the relief of Augusta Cornog, approved May 29, 1928.

The message also announced that the following acts and joint resolutions were approved and signed by the President of the United States at the Capitol on March 4, 1931:

S. J. Res. 228. Joint resolution to provide for the relocation of the statue of Maj. Gen. John A. Rawlins;
S. J. Res. 247. Joint resolution authorizing the president to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski;
S. 351. An act for the relief of John Donahue;
S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;
S. 3184. An act to permit the county of Solano, in the State of California, to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif.;
S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton*;
S. 5033. An act to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz.;
S. 5110. An act to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina;
S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.;
S. 5313. An act to cancel reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.;
S. 5321. An act for the relief of Thomas F. Myers;
S. 5571. An act to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932;
S. 5588. An act to add certain public lands to the Washakie National Forest, Wyo.;
S. 6103. An act to authorize a change in the design of the quarter dollar to commemorate the two hundredth anniversary of the birth of George Washington;
S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.;

S. 6225. An act granting an increase of pension to Jessie R. Greene;
S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.;
S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;
S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.;
S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway, to the late Stephen T. Mather; and
S. 1496. An act for the relief of Edith Barber.

FINANCIAL SUMMARY OF THE THIRD SESSION OF THE SEVENTY-FIRST CONGRESS

Mr. McKELLAR. Mr. President, being a member of the Committee on Appropriations of the Senate, I wish to make some comments on the appropriations made for the support of the Government for the fiscal year beginning July 1, 1931.

DOLES

Inasmuch as the present administration fought persistently and effectively all real relief to the drought-stricken areas on the ground that they were "doles," I think it is nothing but fair and right to let the record speak, showing the kind of "doles" that the administration really is in favor of. Where men, women, and children were hungry, through no fault of their own but through act of God, the administration opposed any relief for them, calling such proposed relief "doles," although the President had warmly fought for such measures in his previous history, notably the case of the hundred million dollars that he urged for relief to the starving and hungry in Europe in 1919.

REPUBLICAN "DOLES"

But there is a class of "doles," apparently, that the administration is still very much in favor of. It is what it probably considers "fair treatment" to the financially strong and powerful. Under no circumstances could these "fair treatment" contributions be called "doles," inasmuch as they provide for payment by the Government to individuals, institutions, and corporations of such enormous sums that the word "dole" would have no significance as applied to such munificent gratuities. Certainly these organizations do not need "doles" or "contributions" or any other kind of aid from the Federal Government. In its attitude the administration possibly believes in the Biblical statement so often quoted, "To everyone that hath shall be given and he shall have abundance," rather than to give to them that hath not.

I now enumerate these abundant gifts to those who need no gifts recommended by the President to this very Congress.

SHIP LOAN FUND

He recommended giving an addition to a fund to the shipping interests, and the Republican Congress gave it to them, of $35,000,000 to be added to a fund already received by them from the Government of $150,000,000 called a revolving fund for their benefit, upon which previous $150,000,000 the Government is now receiving as low as 1.8 per cent interest. This Congress raised that interest rate to 3½ per cent on the $35,000,000 given to these great shipping interests this year, but it charges the soldiers 4½ per cent on their own money. None of these shipping interests need that contribution or "dole" or "fair treatment." They are amply able to get along by themselves without Federal aid. The most of them which use this fund are amply able to get all the money that they want from the banks in the regular way, but they hath, and the President recommends these gifts to them that hath!

SHIP SUBSIDIES

But this is not all that is given to the shipping interests. The President recommends the sum of $36,600,000, and the Republican Congress gave it to them, the most of which is subsidy for carrying ocean mails.

I want to illustrate how this is done. Here I may add that I say nothing about the transfer by the Shipping Board for nominal compensation the ships themselves. That is another story; but here is the way the Government treats these shipowners after it has virtually given them the ships. I will illustrate the situation by referring to only 17 companies.

The poundage rates prevailing generally under the International Postal Union is hereafter shown in the following table as an illustration. There is also shown the amount in fact paid by the Postmaster General under recommendation of President Hoover:

American Scantic Line (p. 42), compensation for 28 voyages: At normal rates, $2,600; amount in fact paid, $260,000.
American South African Line (p. 42), compensation for eight voyages: At normal rates, $375; amount in fact paid, $165,000.
American West African Line (p. 43), compensation for 12 voyages: At normal rates, $735; amount in fact paid, $195,000.
Dollar Steamship Line (p. 43), compensation for 15 voyages: At normal rates, $13,500; amount in fact paid, $728,000.
Dollar Steamship Line (p. 44), compensation for 15 voyages: At normal rates, $5,950; amount in fact paid, $650,000.
Eastern Steamship Line (p. 44), compensation for 78 voyages: At normal rates, $1,400; amount in fact paid, $147,000.
Export Steamship Corporation (p. 44), compensation for 66 voyages: At normal rates, $1,770; amount in fact paid, $820,000.
Grace Steamship Co. (p. 45), compensation for 20 voyages: At normal rates, $30,000; under this contract, $390,000.
Lykes Bros. Steamship Co. (p. 45), compensation for 34 voyages: At normal rates, $165; under this contract, $157,000.
Munson Steamship Line (p. 46), compensation for 20 voyages: At normal rates, $33,200; under this contract, $920,000.
New York & Cuba Mail Steamship Co. (p. 46), compensation for 33 voyages: At normal rates, $35; under this contract, $224,000.
New York & Cuba Mail Steamship Co. (p. 46), compensation for 30 voyages: At normal rates, $1,360; under this contract, $242,000.
Oceanic & Oriental Navigation Co. (p. 47), compensation for eight voyages: At normal rates, $535; under this contract, $113,000.
Oceanic & Oriental Navigation Co. (p. 47), compensation for seven voyages: At normal rates, $145; under this contract, $123,000.
Pac-Argentine-Brazil Line (p. 48), compensation for six voyages: At normal rates, $3; under this contract, $102,000.
States Steamship Co. (p. 49), compensation for 14 voyages: At normal rates, $145; under this contract, $230,000.
States Steamship Co. (p. 49), compensation for eight voyages: At normal rates, $133; under this contract, $122,000.

Take these 17 shipping concerns—some of them, notably the Dollar Line, the Munson Line, and the Grace Line are among the most powerful corporations in the country—as an illustration; we find that the actual compensation to these 17 companies under Postal Union rates is $92,051, while the amount paid them out of the Treasury is $5,582,000, or net gifts out of the Treasury of $5,495,949, and it must be remembered that these gifts are not just gifts for 1 year but they run for 10 years under contract. In 10 years these 17 companies will receive $54,959,900. There is no question of "dole" in this program. It is the gift of great riches out of the peoples' money in the Treasury. Verily, to them that hath shall be given under this Republican administration.

AIR MAIL GIFTS

The gifts to the great air mail corporations are almost as great. The President recommended and the Congress appropriated $20,750,000 for carrying air mail. Substantially the entire amount is a contribution or gift from the Treasury to these companies. The detailed figures are not obtainable because the administration's friends in the Senate were able to keep down an investigation.

TREATMENT OF THE RAILROADS

The Republican administration has not been niggardly in its treatment by way of mail contracts to the great railroad corporations of the country. In the year 1921, when railroad rates were enormous, the Government paid to the railroads for transporting the mails $59,886,822, and then Mr. Harding came in and the first year of his administration the compensation to the railroads for carrying the mails was increased to $96,000,000, and they have continuously increased until to-day the railroads receive $127,000,000 for carrying the mails. In other words, the enormous war rates of railroads fer carrying mail have increased by

112 per cent—in round numbers from $60,000,000 in 1921 to $127,000,000 in 1931. This $127,000,000 was recommended by the President and passed by a Republican Congress.

It may be argued that the volume of mail has been increased since 1921, and that is true. The postal business generally has increased 40 per cent, the volume of mail has increased about 20 per cent, while the pay to the railroads has increased nearly six times that much.

The first cost accounting of the Post Office Department was had in 1923, and the total poundage carried that year was 5,697,931,692, while in 1931 the total poundage carried was 6,969,560,909.

So that, assuming the rate of 1921 was fair and normal, the gratuity given by the Interstate Commerce Commission and the Republican Party to the railroads in the way of mail rates since 1921 is not less than $55,833,000 per year over and above a reasonable and profitable consideration.

It must be said in fairness to the railroads that they are the only ones receiving postal subsidies that give any real service therefor. As high as their rates are, they are greatly less than the air or ocean mail rates. They give excellent service, they are purely American institutions, and if the Government is to give subsidies they are more deserving than other recipients of postal subsidies.

SUBSIDY TO MAGAZINES

A prominent New York magazine editor and publisher attacks, in his March number, the Post Office Department. He suggests many people claim that a nonpartisan commission should manage the postal business, and that the telephone, telegraph, railway express, automobile, and airplane companies should form a "postal corporation that would give us a much better service than we now enjoy at a saving of a hundred million a year."

That publisher then further says:

> It is impossible with constantly changing political appointees and with 435 Congressmen and 96 Senators concerned about post-office patronage in their own States and districts, while they "frank" their speeches and their quotas of free garden seeds to their constituents, to put the Post Office upon a strictly business basis. • • • It (the Post Office Department) supplies the answer to socialists who favor Government operation of railroads and utilities.

Of all the cool effrontery that I have ever seen exhibited this is the coolest. This publisher attributes the so-called deficit in the Post Office Department to the use of the "frank" of Congressmen in sending out free speches and garden seed. What a poor ignoramus he is! The free garden seed law was repealed many years ago, and no seeds are sent out at all. And according to the cost accounting, the franking of speeches can not cost the Government more than $100,000, and perhaps not half that much, while the so-called deficit last year was $58,000,000! It is thus seen that the cost of "franking" speeches is so infinitesimal as to be almost negative. According to the department's same cost accounting the entire franking privilege of Senators and Congressmen costs the department $575,000 per year. At least $475,000 of this is the cost of letter mail; but this letter mail is not all actual cost to the Government, for nearly every letter a Congressman or Senator writes he gets two in return, and as letter mail brings the Government a great profit these two pay the Government for the letter the Congressman or Senator mails free. In other words, the letters of the Congressmen and Senators really produce a paying business to the department. How easy it is for some men to write without any knowledge of the facts concerning which they write!

Now, let us go a step further and see what one of the principal causes of the alleged deficit in the department is. Why, it is the subsidy which the Government pays to these very magazine publishers. This very publisher, who denounces the department as inefficient, is getting his part of a $25,000,000 subsidy from the Government; $25,000,000 of the so-called $58,000,000 deficit is due to loss on magazines. For every 7 cents, cost of transporting his own magazine in the mails, the Government bears 5 cents of that cost, and yet that publisher is not satisfied with this legalized graft, but is complaining publicly in a carefully prepared, though a wholly unsubstantiated, article that a deficit exists and that the department is being run inefficiently. It is as brazen a piece of effrontery and ignorance as was ever published. I will invite him before our Post Office Committee next session, and let him propose an increase of rates on magazines that will prevent loss to the Government on that class of mail matter.

As a matter of fact, magazines constitute a large part of second-class mail. The cost of transporting them is, in round numbers, $36,000,000, for which the Government receives only $11,000,000, leaving a loss of $25,000,000.

Now, under the recent cost-accounting system by the Post Office Department it is shown that the Government makes a profit of $70,000,000 on first-class mail, but loses about ninety millions on second-class mail. There is also a loss on third-class mail of $21,000,000, and a smaller loss on fourth-class mail or parcel post of $15,000,000. The aggregate net loss in all branches of the department for last year was about $58,000,000, as shown by this cost-accounting system. The Postmaster General recommended in his annual report an increase of first-class letter postage to 2½ cents, and also recommended an increase in parcel-post rates. Of course, if these recommendations are carried out, the users of letter mail and parcel-post mail, constituting for the most part the business and consuming public, will simply be taxed to pay these exorbitant subsidies.

Verily, again, I say to them that hath shall be given under Republican rule. But no "doles" to the starving and suffering men, women, and children in the drought-stricken areas, and the soldiers are loaned their own money heretofore set aside for them at 4½ per cent. By 1945 this 4½ per cent interest will eat up the remaining half of the certificate.

The Post Office Department has been made the great subsidy department of the Government. These subsidies are as follows:

Magazines and other second-class matter	$90,000,000
Ship subsidies	36,600,000
Air mail subsidies	20,750,000
Railroad subsidies in mail transportation	55,833,000

Making a total of $203,183,000. We thus see how the people's money goes. It is fair to say that the President did not originate the subsidy to the magazines and to the railroads. They have been subsidized for a very long time, and he merely continued to recommend these subsidies. But the air and ocean mail subsidies are of most recent origin. If these four subsidies were canceled, as they ought to be, the department would show a large surplus every year.

In this paper I have not mentioned the large amounts spent for rentals of post-office, subpost-office, and garage buildings. This matter is now in the hands of a Senate investigating committee and I shall await its report. It has already been shown, however, that favored ones have been generously treated; but, as I understand, the entire losses to the department have not yet been definitely ascertained, so I do not attempt to include them.

All contracts, whether for rentals or for carrying mails on railroads, busses, trucks, airships, steamships, launches, star routes, or other methods of transportation, should be let by a committee of three permanent high civil-service officials, experts in rates and in handling the mails, designated by the Postmaster General at the beginning of his term, after advertising and receiving open, competitive bids, and then let them to the lowest and best bidder, each of such contracts to be signed by the three civil-service employees and countersigned by the Postmaster General.

A statute of this nature would repeal the iniquitous system of requiring the Interstate Commerce Commission to fix rates for the railroads carrying mail, would prevent unreasonable ocean and air mail contracts, would prevent improper rentals, and would save the Government enormous sums and secure more efficient and satisfactory service. If this were done, there would be no more deficits in the postal revenues.

FEDERAL FARM BOARD

Up to December 1 last Congress had already appropriated $250,000,000 for the purpose of carrying out the provisions of what is known as the agricultural marketing act, approved June 13, 1929. This act had been passed by the Congress and was in form and substance just what the President desired. The provisions which the Progressive Republicans and Democrats desired were all stricken from the bill. These were, notably, the equalization fee and the debenture provision. As soon as the board began to function the prices of all agricultural products began to go down. The board seems to have construed its duty to go on the future markets and deal in both grain and cotton and other agricultural products. In so far as cotton is concerned, the board simply rejuvenated a number of cotton cooperative associations and through these associations became an active dealer in cotton. It was testified to that they even bought membership on the cotton exchange in New York to carry on their speculations. It was testified that the board had already lost $45,000,000 and stood to lose even more. This, out of a total of $112,000,000 that had been devoted to cotton. The board came before the Congress, upon recommendation of the President, and on December 20 received an appropriation of $150,000,000 more, and in the bill approved February 3, 1931, received another $100,000,000. In my judgment, these $250,000,000 might as well never have been appropriated. Mr. Legge testified that the cooperative associations backed by his board were now doing 15 per cent of the cotton business in competition with other cotton dealers and he hoped, with the appropriation of the $250,000,000, that they would increase their business. Now, Mr. President, if there ever was a Government entrance into private business, this Farm Board as constituted by the President is engaged in private business. The Government has now appropriated this additional $250,000,000 at this session for the purpose of going into the cotton and wheat and other agricultural products business in competition with other dealers—in competition with its own citizens. In other words, the administration comes and requests of the Congress $250,000,000 to go into the cotton, wheat, and agricultural products business in competition with its own citizens, and yet in the Muscle Shoals veto the same administration gave as a reason for the veto that the Government ought not to go into the power business in competition with its own citizens. Virtually the appropriation of this $250,000,000 for the Farm Board was an appropriation for the Government to speculate on the future markets and to go into business in competition with its own citizens.

TAX REFUNDS

When it comes to refunding taxes, mostly to the profiteers of 1917 and 1918, our appropriations have heretofore been enormous. I got through an amendment some time ago requiring greater publicity in making these tax refunds, and it has helped wonderfully, but they are still very large. This year the regular Treasury bill provided for an appropriation for this purpose of only $26,000,000, and the appropriation is made for claims of the fiscal year 1932 and prior years. This is the wording of all the acts, and the result is that at the last session of Congress we appropriated enormously more money than was necessary because of the decrease in these refunds due to the publicity above mentioned. It is known that these refunds had been made secretly by clerks in the Treasury Department, even the highest officials testifying that they knew nothing about the refunds. To illustrate these refunds, two years ago the United States Steel Corporation was given a refund and credits of something like $58,000,000 for taxes paid in 1917. I hope that even the small publicity that we have will prevent future raids on the Treasury of this kind in the interest of the powerful and influential. Of course, where mistakes are made in the payment of taxes the Government should refund, but under the present administration of the Treasury nearly $2,000,000,000 have been paid back, mostly to the great corporations, on account of taxes paid in 1917 and 1918 during the war, and it is idle to say that these taxes were paid through mistake. The tax refund system of the present administration should be a stench in the nostrils of all decent people. But even this year there will be spent the enormous sum of $35,247,642, according to the President's budget for refund of taxes.

UNITED STATES SHIPPING BOARD

The several millions of dollars appropriated for the United States Shipping Board is a useless waste of the peoples' money, as their principal business has deteriorated into the business of making sales at nominal prices of ships to great shipping owners and then scurrying around for subsidies for such shipowners. It cost the American people this year $37,406,000.

The United States Shipping Board and Merchant Fleet Corporation should be abolished, the properties in the hands of the board should be put up at public sale and sold, and the money in their hands paid into the Treasury. These two useless institutions constitute a large drain upon the Public Treasury and should be dispensed with. The Congress this year appropriated $50,000,000 to these corporations out of their "operating funds."

AIRCRAFT

The appropriation for the Department of Commerce of $8,992,642 for air-navigation vessels is pure subsidy and should not be tolerated. This division is really an adjunct of the private air transportation lines.

BUREAU OF EFFICIENCY

The appropriation of $200,270 for the Bureau of Efficiency is a waste of the people's money. The Bureau of Efficiency is like a fifth wheel to a wagon and ought to be abolished. This work is done by the General Accounting Office.

FEDERAL POWER COMMISSION

The appropriation for the Federal Power Commission of $260,195 should not have been made and that commission should be abolished.

COMMISSIONS

The most of the commissions and individual bureaus established by the Government should be abolished, but there are some of these commissions doing good work, like the Federal Reserve Board, the Federal Board for Vocational Education, the Board of Tax Appeals, the General Accounting Office, and, with limitations, the Civil Service Commission. The Civil Service Commission does a splendid work and is a most valuable adjunct to the Government, but the merit system is very greatly injured and hampered by the administration in carrying out Executive orders which nullify, in a large degree, the merit system.

BATTLESHIPS

The appropriation of $30,000,000 to recondition three old battleships was due to the frightful destruction of new battleships in the Naval Disarmament Conference in Washington in 1922. We sunk our new battleships under that agreement and kept old ones that could not shoot as far as the British battleships by from 3 to 5 miles. This appropriation of $30,000,000 is for the purpose of elevating the guns and try to get them in a measure as good as the British vessels. The appropriation, of course, is due to Republican mismanagement and inefficiency and to the exceedingly unwise Washington agreement of 1922.

APPROPRIATIONS FOR PUBLIC BUILDINGS

The tremendous increase in appropriations for public buildings, amounting to $60,000,000, is largely the result of the present panic. They are needed improvements and will be of considerable benefit in furnishing employment for some of our unemployed, and therefore are to be commended.

RIVERS AND HARBORS

The large increase in appropriations, amounting to $122,174,740, for rivers and harbors is proper for the same reason.

PUBLIC ROADS

The large increase in appropriations, amounting to $269,500,000, for public roads is much needed and will be highly beneficial for the same reason.

PUBLIC HEALTH

The appropriation of $14,295,101 for public health is much needed.

APPROPRIATIONS FOR DROUGHT-STRICKEN REGIONS

The two appropriations for relief of the drought-stricken areas—$45,000,000 for fertilizer, food for work stock, and the like, and $20,000,000 to be loaned farmers for food and other supplies—were much needed, but the President hedged them about with so many restrictions that the good coming from these appropriations is very doubtful and will probably be limited. How much money will be spent under these restrictions it is difficult yet to say. The Republican administration has treated appropriations for this splendid purpose in a very different way from the way it treated the appropriations for ship subsidies, shipbuilding subsidies, aircraft subsidies, magazine subsidies, tax-refund subsidies, and other subsidies given to those who need no subsidies.

READJUSTED COMPENSATION PAY LOANS

There was no specific appropriation at this session of Congress for increase of loans made to the soldiers, and it would not be mentioned here but for the misinformation that has been given out by the administration about it. When these certificates were issued some seven years ago a sinking fund was established to take care of these certificates when they matured in 1945. There have been accumulations through taxes each year to said fund until it now amounts to $771,000,000 less some $26,000,000 that is to be used for an insurance fund, so that there is about $750,000,000, and it is not believed that loans in a larger sum than this $750,000,000 will be made. The statement that these loans would result in an increase in taxation and demand enormous appropriations has no foundation in fact.

RECAPITULATION

To recapitulate the gratuities passed on by this administration to the prosperous and powerful, I enumerate as follows:

Ocean mail contract subsidy	$36,600,000
Air mail contract subsidy	20,750,000
Magazine subsidy largely	90,000,000
Railroad subsidy on postal transportation	55,833,000
Aircraft subsidy, Department of Commerce	9,992,842
Tax refunds	85,247,642
Federal Farm Board, for speculation and in competition with private business	250,000,000
Battleships	30,000,000
Bureau of Efficiency	200,270
Federal Power Commission	260,195
U. S. Shipping Board	37,406,000
U. S. Fleet Corporation, appropriated out of operating funds	50,000,000
Or a total of	675,289,949

In other words, assuming that the ordinary expenditures of Government are $4,714,127,681.20, one dollar in every seven collected in taxes from the people goes as a continuing gratuity or bonus to the great and powerful interests which need no relief or bonus or gratuity. Remember this is a yearly and continuing bonus to these special interests. Bear this in mind also, in thinking to what desperate lengths the Republican administration went to avoid lending the hungry men, women, and children in the drought-stricken area the comparatively small sum of $20,000,000 to sustain life. If not one dollar in the $675,289,949 had been appropriated by the Government in this session of Congress, both the Government and the people would have been better off.

To this should be added various aids going to the great interests in naval and military appropriations, but the amounts of which I have not the data.

On the other hand, the large appropriations, amounting to $465,969,841, for public buildings, for rivers and harbors improvement, for road improvement, and public health were highly commendable.

The failure of the Government to appropriate for the drought-stricken sufferers was a blot upon the Government that it can not soon efface.

ECONOMIES IN APPROPRIATIONS

Our Republican friends have much to say about the President's Budget Bureau, and seem to regard it as bringing about economies in appropriations. I call attention to the comparative estimates of appropriations with actual appropriations made by the Congress at this session, which I ask may be regarded as Exhibit No. 1 to these remarks.

An examination of this exhibit will show that the Congress appropriated more than was recommended by the Budget in five appropriations, namely, Agriculture, Interior, the first deficiency bill, the second deficiency bill, and a miscellaneous bill gotten up at the last of the session. On the other hand, the Congress appropriated less than the President and the Budget recommended in the following bills: District of Columbia, independent offices, legislative, Navy, State, Justice, Commerce, Labor, Treasury, Post Office, and War Departments; also, the emergency construction appropriation. The result of all these appropriations showed that the House and the Senate appropriated $27,785,701.07 less than the President and the Budget Bureau recommended.

Much is said in our newspapers about the wicked extravagance of the Congress, but when we get down to brass tacks the figures show that the Congress is a true economist.

Comparison of estimates and appropriations for the third session of the Seventy-first Congress

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$213,919,040.00	$215,578,860.00	+$1,659,820.00
District of Columbia	[1] 45,843,517.00	45,672,838.00	−170,679.00
Independent offices	[2] 1,055,358,190.00	1,052,777,010.00	−2,581,180.00
Interior	[3] 69,588,741.73	89,247,606.73	+19,658,865.00
Legislative	28,690,611.00	26,973,185.00	−1,717,426.00
Navy	361,173,248.00	358,253,952.00	−2,919,296.00
State, Justice, Commerce, and Labor	138,650,960.34	137,423,954.34	−1,227,006.00
State	17,590,073.34	17,522,323.34	−67,750.00
Justice	51,988,261.00	51,239,201.00	−749,060.00
Commerce	54,635,226.00	54,332,230.00	−302,996.00
Labor	14,437,400.00	14,330,200.00	−107,200.00
Treasury and Post Office	1,104,280,353.00	1,083,148,923.00	−21,131,430.00
Treasury	255,436,296.00	241,865,146.00	−13,571,150.00
Post Office	848,844,057.00	841,283,777.00	−7,560,280.00
War Department	450,347,891.00	445,765,735.00	−4,582,156.00
Military activities	338,933,359.00	334,655,965.00	−4,277,394.00
Nonmilitary	111,414,532.00	111,109,770.00	−304,762.00
Total, regular annuals	3,467,852,552.07	3,454,842,064.07	−13,010,488.00
First deficiency, 1931	95,882,528.62	109,303,822.12	+13,421,293.50
Second Deficiency, 1931	79,986,802.62	83,990,967.05	+4,004,164.43

[1] Exclusive of $196,030 transferred to Interior Department.
[2] Exclusive of $2,000,000 withdrawn by President after the Budget was submitted to Congress.
[3] Includes $196,030 transferred from District of Columbia.

Comparison of estimates and appropriations for the third session of the Seventy-first Congress—Continued

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Emergency construction appropriations, 1931	$150,000,000.00	$116,000,000.00	−$34,000,000.00
Farmers' seed, feed, and fertilizer loans	45,000,000.00	45,000,000.00	
Agricultural marketing fund	150,000,000.00	150,000,000.00	
Miscellaneous	5,200,671.00	[4] 7,000,000.00	+1,799,329.00
Total, deficiency and miscellaneous	526,070,002.24	511,294,789.17	−14,775,213.07
Permanent and indefinite appropriations	1,213,970,669.00	1,213,970,669.00	
Grand total	5,207,893,223.31	5,180,107,522.24	−27,785,701.07

[4] Estimated.

APPROPRIATIONS MUST BE REDUCED

Mr. HARRIS. Mr. President, I firmly believe that from the standpoint of appropriations and how to meet them we have arrived at a time when a warning should be sounded and in no uncertain tones. The saturnalia of extravagance of the Republican administration meets the condemnation of the people of our country.

Approximately $10,249,819,000 appropriations by the last Congress, both Houses and the President being Republican, means a tax of about $81 on every one of the 122,735,046 people in the United States. It is a tax of about $405 on every family in the United States. The average family income is only $738 per year. No matter how this burden of taxation is collected it will eventually come out of the pockets of those who must toil for a living. President Hoover recommended appropriations for $27,785,701.07 more than Congress appropriated.

The last two years of President Coolidge's administration $9,298,814,741 was appropriated, an average per year of $4,649,407,370. The $10,249,819,000 of appropriations and authorizations for the Congress just closed under President Hoover equals about two-thirds of our total public debt at this time (more than sixteen billion dollars), most of which was left over from the World War.

We have staring us in the face $5,180,107,522.24 appropriated at the session just closed for the fiscal year 1932 and prior fiscal years—the largest amount ever appropriated at a single session for a fiscal year in peace times. Compare this with the average yearly expense before the war under the Wilson administration of $1,118,418,311, which shows an increase in the expense of the Government in only a few years since then of about 400 per cent.

The last Congress appropriated $125,000 for our diplomats in foreign countries to spend on flowers and entertainments, and so forth, but the same Congress only allows $70,000 for research work on the cause and cure of cancer, which causes more deaths in the United States every year than American soldiers and sailors killed in the entire World War. Other countries less prosperous than the United States are spending millions annually for cancer-research work.

The last Congress appropriated $36,600,000, which was loaned to the Shipping Trust at only 3½ per cent interest, while the soldiers must pay 4½ per cent on their bonus loans.

The President's veto of Senator WAGNER's bill for the relief of unemployment saved the Government $1,500,000, but the defeat of this measure will cause millions of our citizens to continue walking the streets trying to find employment.

Congress increased appropriations for the Commerce Department very little, though a large amount was greatly needed to help save the rapidly falling off of our foreign trade.

The huge and unheard-of expenditures and commitments by the last Congress were greater than ever made by our own or any other country on earth in peace times. These obligations must be met and with cold cash. Our opportunities for meeting this huge obligation are nothing like as good as in previous years. We are face to face with the question of how we can reduce our national expenditures so as to keep step with diminishing receipts. Unless we do it, it will prevent any tax reduction during the next few years and in all probability will leave us with a deficit and an issue of bonds or an increase in bonds or an increase in taxes.

Does anyone question that such extravagant appropriations cause high tax burdens and business depression? Bond issues are unpopular. I warn all that appropriations will have to be reduced. It is our duty to protect the interest of the taxpayers. Extravagance and waste will have to be eliminated. To accomplish this is an extremely difficult task, which will command the very best efforts of all concerned. It is easy to increase appropriations but extremely difficult to reduce them.

The large increase in expenditures of the State, county, and city governments is no excuse for extravagance of the Federal Government, but is all the more reason why Congress should do everything possible to prevent waste as an example to them.

I submit herewith two tables, one making a comparison of estimates and appropriations for the third session of the Seventy-first Congress and another making a comparison of appropriations made during the third session of the Seventy-first Congress with those of the second session of such Congress, as follows:

Comparison of estimates and appropriations for the third session of the Seventy-first Congress

Title of bill	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$213,919,040.00	$215,578,860.00	+$1,659,820.00
District of Columbia	[1] 45,843,517.00	45,672,838.00	−170,679.00
Independent offices	[2] 1,055,358,190.00	1,052,777,010.00	−2,581,180.00
Interior	[3] 69,588,741.73	89,247,606.73	+19,658,865.00
Legislative	28,690,611.00	26,973,185.00	−1,717,426.00
Navy	361,173,248.00	358,253,952.00	−2,919,296.00

[1] Exclusive of $196,030 transferred to Interior Department.
[2] Exclusive of $2,000,000 withdrawn by President after the Budget was submitted to Congress.
[3] Includes $196,030 transferred from District of Columbia.

Comparison of estimates and appropriations for the third session of the Seventy-first Congress—Continued

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
State, Justice, Commerce, and Labor	$138,650,960.34	$137,423,954.34	−$1,227,006.00
State	17,590,073.34	17,522,323.34	−67,750.00
Justice	51,988,261.00	51,239,201.00	−749,060.00
Commerce	54,635,226.00	54,332,230.00	−302,996.00
Labor	14,437,400.00	14,330,200.00	−107,200.00
Treasury and Post Office	1,104,280,353.00	1,083,148,923.00	−21,131,430.00
Treasury	255,436,296.00	241,865,146.00	−13,571,150.00
Post Office	848,844,057.00	841,283,777.00	−7,560,280.00
War Department	450,347,691.00	445,765,735.00	−4,582,156.00
Military activities	538,933,359.00	334,655,965.00	−4,277,394.00
Nonmilitary	111,414,532.00	111,109,770.00	−304,762.00
Total, regular annuals	3,467,852,552.07	3,454,842,064.07	−13,010,488.00
First deficiency, 1931	95,882,528.62	109,303,822.12	+13,421,293.50
Second deficiency, 1931	79,986,802.62	83,990,967.05	+4,004,164.43
Emergency construction appropriations, 1931	150,000,000.00	116,000,000.00	−34,000,000.00
Farmers' seed, feed, and fertilizer loans	45,000,000.00	45,000,000.00	
Agricultural marketing fund	150,000,000.00	150,000,000.00	
Miscellaneous	5,200,671.00	[1]7,000,000.00	+1,799,329.00
Total, deficiency and miscellaneous	526,070,002.24	511,294,789.17	−14,775,213.07
Permanent and indefinite appropriations	1,213,970,669.00	1,213,970,669.00	
Grand total	5,207,893,223.31	5,180,107,522.24	−27,785,701.07

[1] Estimated.

Comparison of appropriations made during the third session of the Seventy-first Congress with those of the second session of such Congress

Title of act	Appropriations, Seventy-first Congress, second session	Appropriations, Seventy-first Congress, third session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, third session compared with same for Seventy-first Congress, second session
REGULAR ANNUAL ACTS			
Agriculture	$155,397,770.00	$215,578,860.00	+$60,181,090.00
District of Columbia	45,776,032.00	45,672,838.00	−103,194.00
Independent offices	553,523,166.00	1,052,777,010.00	[1]+499,253,844.00
Interior	286,543,423.74	89,247,606.73	[2]−197,295,817.01
Legislative	26,557,767.58	26,973,185.00	+415,417.42
Navy	380,573,111.00	358,253,952.00	−22,319,159.00
State, Justice, Commerce, and Labor	114,253,236.14	137,423,954.34	+23,170,718.20
State	17,020,469.14	17,522,323.34	+501,854.20
Justice	31,771,112.00	51,239,201.00	+19,468,089.00
Commerce	53,240,485.00	54,332,230.00	+1,091,745.00
Labor	12,221,170.00	14,330,200.00	+2,109,030.00
Treasury and Post Office	1,149,088,008.00	1,083,148,923.00	−65,939,085.00
Treasury	312,304,931.00	241,865,146.00	−70,439,785.00
Post Office	836,783,077.00	841,283,777.00	+4,500,700.00
War Department	456,544,151.00	445,765,735.00	−10,778,416.00
Military	339,106,459.00	334,655,965.00	−4,450,494.00
Nonmilitary	117,437,692.00	111,109,770.00	−6,327,922.00
Total, regular annuals	3,168,256,665.46	3,454,842,064.07	+286,585,398.61

[1] Aside from the increases of $100,000,000 for the Federal Farm Board and $35,000,000 for the Shipping Board construction loan fund, the remainder of this apparent increase is due to the consolidation of appropriations for the Veterans' Bureau, Bureau of Pensions, and National Home for Disabled Volunteer Soldiers into the Veterans' Administration.

[2] This apparent decrease is due to the transfer of the Bureau of Pensions from the Interior Department to the Veterans' Administration.

Comparison of appropriation made during the third session of the Seventy-first Congress with those of the second session of such Congress—Continued

Title of act	Appropriations, Seventy-first Congress, second session	Appropriations, Seventy-first Congress, third session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, third session compared with same for Seventy-first Congress, second session
DEFICIENCY AND MISCELLANEOUS ACTS			
First deficiency, 1930	$169,547,689.96		−$169,547,689.96
Second deficiency, 1930	74,105,104.67		−74,105,104.67
First deficiency, 1931		$109,303,822.12	+109,303,822.12
Second deficiency, 1931		83,990,967.05	+83,990,967.05
Emergency construction, 1931		116,000,000.00	+116,000,000.00
Agricultural marketing fund		150,000,000.00	+150,000,000.00
Farmers' seed, feed, and fertilizer loans		45,000,000.00	+45,000,000.00
Miscellaneous private relief and other acts	43,468,781.35	[1]7,000,000.00	−36,468,781.35
Total, deficiency and miscellaneous acts	287,121,575.98	511,294,789.17	+224,173,213.19
PERMANENTS AND INDEFINITES			
Agriculture	11,618,436.00	11,618,436.00	
Commerce	3,000.00	3,000.00	
Independent offices	89,543,586.00	91,036,621.00	+1,493,035.00
Interior	20,963,700.00	15,952,500.00	−5,011,200.00
Labor	9,000.00	9,000.00	
Legislative	233,500.00	234,005.00	+505.00
Navy	1,851,550.00	1,839,470.00	−12,080.00
Post Office	220,000.00	200,000.00	−20,000.00
State	141,233.00	141,233.00	
Treasury:			
Interest on the public debt	[2]603,000,000.00	581,000,000.00	−22,000,000.00
Sinking fund and other public debt retirement funds	[2]440,998,200.00	468,509,905.00	+27,511,705.00
Ordinary permanents and indefinites	26,004,935.00	25,860,084.00	−144,851.00
Total, Treasury	1,070,003,135.00	1,075,369,989.00	+5,366,854.00
War Department:			
Military activities	1,375,900.00	1,375,900.00	
Nonmilitary activities	8,251,515.00	12,929,515.00	+4,678,000.00
Total, War Department	9,627,415.00	14,305,415.00	+4,678,000.00
District of Columbia	2,482,500.00	3,261,000.00	+778,500.00
Total, permanents and indefinites	[2]1,206,697,055.00	1,213,970,669.00	+7,273,614.00
Grand total	4,662,075,296.44	5,180,107,522.24	+518,032,225.80

[1] Estimated.

[2] Revised in the Budget of December, 1930.

LET HIM WHO CHARGES EXTRAVAGANCE POINT OUT THE ITEMS

Mr. JONES. Mr. President, the appropriations for the third session of the Seventy-first Congress just closed, instead of being characterized as extravagance and lack of necessity, have been granted only after the most searching and careful consideration, having in mind, in addition to carrying out the legislation passed in behalf of the World War veterans too late last session to have the necessary appropriations made, the two great outstanding needs of the country in this particular emergency, namely, relief of the drought-stricken areas through loans to farmers for seed, feed, fertilizer, and other purposes, and assistance with a view to increasing employment by expediting Government programs on essential public works. The appropriations made have been considered from these standpoints in the belief that the Government should take the lead and point the way in relief measures so far as that is possible within the limits of proper governmental functions.

These relief measures have been enacted with a view to meeting the fundamental necessities of recovery, namely, the furnishing of employment to aid citizens in earning a living by honest labor and to loan to those in the depressed and stricken agricultural areas the urgent means by which they may put in crops and otherwise rehabilitate agricultural production for the support of themselves and their families and contribute to the recovery of their respective communities.

The appropriations for these purposes are nation-wide. They are not limited to any particular area or section of the country, and from this expenditure of Federal funds there should be to private industry and capital a stimulus and encouragement that will materially assist in the restoration of normal conditions to agriculture and industry.

The appropriations made at this session specifically for extraordinary purposes occasioned by depression and drought amount to $450,226,251, and for the veterans' legislation heretofore referred to, and which passed too late during the last session for the appropriation to be made, amount to $174,651,331.55.

The total appropriations made during the third session of this Congress for the fiscal year 1932 and prior years total $5,180,107,522.24. The appropriations for the second session of this Congress for the fiscal year 1931 and prior years total $4,662,075,296.44. The total increase of appropriations for this session over last session is $518,032,225.80. If you take from this sum the extraordinary appropriations of $450,226,251, the excess of normal appropriations over those of the current year is only $67,805,974.80. This is practically a normal increase; it is really not an increase over normal

appropriations when we take into account the $174,651,331.55 which is included in this coming year's appropriations to take care of the veterans' legislation above referred to, but on the contrary this is a substantial reduction of normal appropriations for the last few years.

The appropriation of $5,180,107,522.24 at this session is $27,785,701.07 less than the Budget estimates.

Some of our friends and colleagues will very likely criticize severely and harshly the aggregate of our appropriations as extravagant and out of all proportion to our needs, yet they have secured—and properly so—large expenditures for their sections for public buildings, rivers and harbors, and other general improvements, to all of which they are justly entitled, and they have also been among the most earnest advocates of the extraordinary appropriations made. Those who charge extravagance should point out specific items which they actually opposed; they can not do it.

This country is growing and expanding. Governmental activities are broadening. Our appropriations must necessarily increase to keep pace with these developments. We had nearly forgotten the "billion-dollar Congress" when some of our critical friends mentioned it. We shall soon cease spending much time over the fact that we have had a "$10,000,000,000 Congress." There is no telling to what sublime heights our great country will attain. We have the best and the most faithful and industrious working people on the globe. We have a fruitful and resourceful country. Development is taking place continually. There is evidence of the ingenuity of our people everywhere. Why seek to encourage the blues and bring discouragement because appropriations have comparatively increased in order that more of our people might be employed and rescued from the unfortunate economic situation they are now suffering under? This emergency work is timely and will help materially. Instead of being denounced it should be praised. Nor is it fair, especially under such circumstances, to use the aggregate of the appropriations as a basis for criticism. We hope that the depression is nearing a close and that we will soon be back to general employment and prosperity.

In closing this brief statement I desire to offer a prayerful wish for the good health and success of our Chief Executive, who has so nobly faced these trying times. His pathway has been difficult. Most complex and intricate problems have confronted him. Nagging and captious criticism has been leveled at him and at every earnest attempt to solve these problems. He has faced every problem with patience, diligence, sanity, and courage. He may have made mistakes, but he has given his best to the country. No man could have done better, and, in my judgment, President Hoover can confidently rely upon the mature, calm, dispassionate, and honest judgment of the American people.

I present herewith a table showing the principal increases and decreases in the appropriations made during the third session of the Seventy-first Congress for the fiscal year 1932 and prior fiscal years compared with those made during the second session of said Congress for the fiscal year 1931 and prior years.

(There have been numerous increases and decreases in individual items throughout the different appropriation bills, but the items set forth below represent the major increases and decreases in appropriation during this session.)

Increases

The appropriations for the Veterans' Administration made during the second session of the Seventy-first Congress for the fiscal year 1931 and prior fiscal years amounted to $777,780,195.67. Appropriations for such administration made at the present session for the fiscal year 1932 and prior fiscal years totaled $952,431,527.22, an increase of $174,651,331.55. This increase is very largely due to the fact that legislation granting increased benefits to veterans and their dependents passed at the second session of the Seventy-first Congress was enacted too late to make the additional appropriations therefor for the fiscal year 1931 at that session, and which necessitated making such additional appropriations at this session for both fiscal years 1931 and 1932 ..... $174,651,331.55

Agricultural marketing fund for making loans to cooperative marketing associations, the appropriations at this session being $250,000,000, against $100,000,000 at last session, an increase of 150,000,000.00

Loans for seed, feed, fertilizer, and agricultural rehabilitation in the drought and storm stricken areas, including rural sanitation and medical supplies 69,000,000.00

Federal-aid roads, the appropriations at this session, including $80,000,000 in the emergency construction act, total $239,080,307, compared to $106,400,000 for last session, an increase of 132,680,307.00

Forest roads and trails, forest highways, national-park roads, and roads over public lands, etc., including $10,500,000 in the emergency construction act, total $30,500,000 for this session, compared with $21,221,628 for the last session, an increase of 9,278,372.00

Rivers and harbors and flood control, the appropriations made at this session, including $25,500,000 in the emergency construction act, aggregate $121,900,000, compared to $103,400,000 at the last session, an increase of 18,500,000.00

Shipping Board construction loan fund, a new item of appropriation to supplement receipts credited to such fund in aid of the merchant marine 35,000,000.00

Emergency construction items under the Departments of Agriculture, Interior, Navy, Treasury, and War for the present session of Congress, no comparable items for the last session 14,941,347.00

Advances to the reclamation fund, to supplement receipts to such fund, no comparable items for the last session 5,000,000.00

Increases in compensation to certain classes of Government employees on account of the act of July 3, 1930; Brookhart Act, amending the classification act of 1923, the amount made necessary for both the fiscal years 1931 and 1932, due to the fact that this legislation was enacted too late at the last session to make any appropriation for the fiscal year 1931 ..... 8,000,000.00

Public buildings, construction, sites, rent of temporary quarters, and additional technical and architectural services, the amount appropriated at the last session, $61,078,975, is increased to $76,905,200 for the present session, or by 15,826,225.00

Public-building authorization: With a view to expansion of the public-building program, the present session of Congress passed an act authorizing the appropriation of $100,000,000 additional for building construction to house Government activities throughout the country generally. Pursuant to this additional legislation provision was made in the final appropriation bill of the session for some 300 projects, to cost approximately $70,000,000, with authority in the Secretary of the Treasury to enter into contracts for not to exceed that amount. These projects, together with those heretofore specifically authorized, will have available for their prosecution, from appropriations made at this session and from balances of appropriations heretofore made, an amount in excess of $120,000,000 for the remainder of this and the next fiscal year.

Decreases

Refunding internal-revenue taxes erroneously collected, the appropriations for the last session amounted to $130,000,000, compared to $26,000,000 at this session—a reduction of $104,000,000.00

The appropriations for the Navy Department and Naval Establishment for the last session totaled $384,485,322.77, compared to $375,667,900.24—decrease due to the large unexpended balances that will be available for ship construction from previous appropriations 8,817,422.53

Mr. JONES. I also present herewith two tables, one making a comparison of estimates and appropriations for the third session of the Seventy-first Congress and the other making a comparison of appropriations made during the third session of the Seventy-first Congress with those of the second session of said Congress.

There is often confusion in the mind of the layman between a statement of appropriations and a statement of actual expenditures. Appropriations constitute the authority to make expenditures. A statement of expenditures covers a given fiscal year. Appropriations made at any given session of Congress are often applicable to several different fiscal years and will affect the expenditure statements of those fiscal years. The total of appropriations made at this session will result in expenditures very largely in three different fiscal years, namely, the present fiscal year, which ends on June 30 next; the ensuing fiscal year, which ends on June 30, 1932; and a portion of them will not be expended until the fiscal year ending June 30, 1933. Any statement or belief that the appropriations made at this session, totaling as they do in excess of $5,000,000,000, constitute "expenditures" of that amount for any one fiscal year is erroneous. The appropriations made at this session, when they result in expenditures, will be chargeable in the proper fiscal year against the revenues of that fiscal year, whether they are postal revenues or revenues in the general fund of the Treasury.

Comparison of estimates and appropriations for the third session of the Seventy-first Congress

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$213,919,040.00	$215,578,860.00	+$1,659,820.00
District of Columbia	[1] 45,843,517.00	45,672,838.00	−170,679.00
Independent offices	[2] 1,055,358,190.00	1,052,777,010.00	−2,581,180.00
Interior	[3] 69,588,741.73	89,247,606.73	+19,658,865.00
Legislative	28,690,611.00	26,973,185.00	−1,717,426.00
Navy	361,173,248.00	358,253,952.00	−2,919,296.00
State, Justice, Commerce, and Labor	138,650,960.34	137,423,954.34	−1,227,006.00
State	17,590,073.34	17,522,323.34	−67,750.00
Justice	51,988,261.00	51,239,201.00	−749,060.00
Commerce	54,635,226.00	54,332,230.00	−302,996.00
Labor	14,437,400.00	14,330,200.00	−107,200.00
Treasury and Post Office	1,104,280,353.00	1,083,148,923.00	−21,131,430.00
Treasury	255,436,296.00	241,865,146.00	−13,571,150.00
Post Office	848,844,057.00	841,283,777.00	−7,560,280.00
War Department	450,347,891.00	445,765,735.00	−4,582,156.00
Military activities	338,933,359.00	334,655,965.00	−4,277,394.00
Nonmilitary	111,414,532.00	111,109,770.00	−304,762.00
Total, regular annuals	3,467,852,552.07	3,454,842,064.07	−13,010,488.00
First deficiency, 1931	95,882,528.62	109,303,822.12	+13,421,293.50
Second deficiency, 1931	79,986,802.62	83,990,967.05	+4,004,164.43
Emergency construction appropriations, 1931	150,000,000.00	116,000,000.00	−34,000,000.00
Farmers' seed, feed, and fertilizer loans	45,000,000.00	45,000,000.00	
Agricultural marketing fund	150,000,000.00	150,000,000.00	
Miscellaneous	5,200,671.00	[4] 7,000,000.00	+1,799,329.00
Total, deficiency and miscellaneous	526,070,002.24	511,294,789.17	−14,775,213.07
Permanent and indefinite appropriations	1,213,970,669.00	1,213,970,669.00	
Grand total	5,207,893,223.31	5,180,107,522.24	−27,785,701.07

[1] Exclusive of $196,030 transferred to Interior Department.
[2] Exclusive of $2,000,000 withdrawn by President after the Budget was submitted to Congress.
[3] Includes $196,030 transferred from District of Columbia.
[4] Estimated.

Comparison of appropriations made during the third session of the Seventy-first Congress with those of the second session of such Congress

Title of act	Appropriations, Seventy-first Congress, second session	Appropriations, Seventy-first Congress, third session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, third session, compared with same for Seventy-first Congress, second session
REGULAR ANNUAL ACTS			
Agriculture	$155,397,770.00	$215,578,860.00	+$60,181,090.00
District of Columbia	45,776,032.00	45,672,838.00	−103,194.00
Independent offices	553,523,166.00	1,052,777,010.00	[1] +499,253,844.00

[1] Aside from the increases of $100,000,000 for the Federal Farm Board and $35,000,000 for the Shipping Board construction-loan fund, the remainder of this apparent increase is due to the consolidation of appropriations for the Veterans' Bureau, Bureau of Pensions, and National Home for Disabled Volunteer Soldiers into the Veterans' Administration.

Comparison of appropriations made during the third session of the Seventy-first Congress with those of the second session of such Congress—Continued.

Title of act	Appropriations, Seventy-first Congress, second session	Appropriations, Seventy-first Congress, third session	Increase (+) or decrease (−) of appropriations, Seventy-first Congress, third session, compared with same for Seventy-first Congress, second session
REGULAR ANNUAL ACTS—continued			
Interior	$286, 543, 423. 74	$89, 247, 606. 73	[1] −$197, 295, 817. 01
Legislative	26, 557, 767. 58	26, 973, 185. 00	+415, 417. 42
Navy	380, 573, 111. 00	358, 253, 952. 00	−22, 319, 159. 00
State, Justice, Commerce, and Labor	114, 253, 236. 14	137, 423, 954. 34	+23, 170, 718. 20
State	17, 020, 469. 14	17, 522, 323. 34	+501, 854. 20
Justice	31, 771, 112. 00	51, 239, 201. 00	+19, 468, 089. 00
Commerce	53, 240, 485. 00	54, 332, 230. 00	+1, 091, 745. 00
Labor	12, 221, 170. 00	14, 330, 200. 00	+2, 109, 030. 00
Treasury and Post Office	1, 149, 088, 008. 00	1, 083, 148, 923. 00	−65, 939, 085. 00
Treasury	312, 304, 931. 00	241, 865, 146. 00	−70, 439, 785. 00
Post Office	836, 783, 077. 00	841, 283, 777. 00	+4, 500, 700. 00
War Department	456, 544, 151. 00	445, 765, 735. 00	−10, 778, 416. 00
Military	339, 106, 459. 00	334, 655, 965. 00	−4, 450, 494. 00
Nonmilitary	117, 437, 692. 00	111, 109, 770. 00	−6, 327, 922. 00
Total, regular annuals	3, 168, 256, 665. 46	3, 454, 842, 064. 07	+286, 585, 398. 61
DEFICIENCY AND MISCELLANEOUS ACTS			
First deficiency, 1930	169, 547, 689. 96		−169, 547, 689. 96
Second deficiency, 1930	74, 105, 104. 67		−74, 105, 104. 67
First deficiency, 1931		109, 303, 822. 12	+109, 303, 822. 12
Second deficiency, 1931		83, 990, 967. 05	+83, 990, 967. 05
Emergency construction, 1931		116, 000, 000. 00	+116, 000, 000. 00
Agricultural marketing fund		150, 000, 000. 00	+150, 000, 000. 00
Farmers' seed, feed, and fertilizer loans		45, 000, 000. 00	+45, 000, 000. 00
Miscellaneous private relief and other acts	43, 468, 781. 35	[2] 7, 000, 000. 00	−36, 468, 781. 35
Total, deficiency and miscellaneous acts	287, 121, 575. 98	511, 294, 789. 17	+224, 173, 213. 19
PERMANENT AND INDEFINITES			
Agriculture	11, 618, 436. 00	11, 618, 436. 00	
Commerce	3, 000. 00	3, 000. 00	
Independent offices	89, 543, 586. 00	91, 036, 621. 00	+1, 493, 035. 00
Interior	20, 963, 700. 00	15, 952, 500. 00	−5, 011, 200. 00
Labor	9, 000. 00	9, 000. 00	
Legislative	233, 500. 00	234, 005. 00	+505. 00
Navy	1, 851, 550. 00	1, 839, 470. 00	−12, 080. 00
Post Office	220, 000. 00	200, 000. 00	−20, 000. 00
State	141, 233. 00	141, 233. 00	
Treasury:			
Interest on the public debt	[3] 603, 000, 000. 00	581, 000, 000. 00	−22, 000, 000. 00
Sinking fund and other public debt retirement funds	[3] 440, 998, 200. 00	468, 509, 905. 00	+27, 511, 705. 00
Ordinary permanents and indefinites	26, 004, 935. 00	25, 860, 084. 00	−144, 851. 00
Total, Treasury	1, 070, 003, 135. 00	1, 075, 369, 989. 00	+5, 366, 854. 00
War Department:			
Military activities	1, 375, 900. 00	1, 375, 900. 00	
Nonmilitary activities	8, 251, 515. 00	12, 929, 515. 00	+4, 678, 000. 00
Total, War Department	9, 627, 415. 00	14, 305, 415. 00	+4, 678, 000. 00
District of Columbia	2, 482, 500. 00	3, 261, 000. 00	+778, 500. 00
Total, permanent and indefinites	[4] 1, 206, 697, 055. 00	1, 213, 970, 669. 00	+7, 273, 614. 00
Grand total	4, 662, 075, 296. 44	5, 180, 107, 522. 24	+518, 032, 225. 80

[1] This apparent decrease is due to the transfer of the Bureau of Pensions from the Interior Department to the Veterans' Administration.
[2] Estimated.
[3] Revised in the Budget of December, 1930.

INVESTIGATION OF THE OIL INDUSTRY

Mr. THOMAS of Oklahoma resumed and concluded his speech, which follows entire.

Mr. President, last night I was proceeding to give to the Senate some figures. I want to say again that I have but one purpose in view, one hope in view, and that is for the passage of the resolution providing for the appointment of a Senate committee to make a study of the third largest industry in America—the oil industry—and that through such study better conditions may be brought to millions of the people of our country.

Mr. President, as I shall proceed this morning the first two hours will be given over to the making of the best record I can upon the oil situation. Beginning at 11 o'clock I propose to start to read into the RECORD copies of two contracts made between the United States Government, acting through the Shipping Board, and the Secretary of the Treasury, acting through the Gulf Oil Refining Co. At 11.50 o'clock I will proceed to summarize my argument.

Mr. President, on last night when I yielded for permission to make a motion for a recess I was reading from a news item under a New York date line of July 26, as follows:

HUGE OIL PROFITS MAKE NEW RECORD

NEW YORK, July 26.—Profits of leading oil companies in the Standard Oil group, during the 8-year period from 1921 to 1929, stagger the imagination.

These concerns are now striving to unite and limit output that further profits may be assured.

Dividend payments to stockholders of these concerns in the eight years totaled $1,157,000,000, while surplus increased more than $20,000,000. Standard Oil Co. of New Jersey is leader in these remarkable profits. During the eight years this concern issued $222,000,000 in cash dividends and $393,000,000 in stock dividends.

At this time I place in the RECORD a news item emanating from the Bee Bureau. That appears to be a news service. It is of date Washington, January 16, 1931. I will read the article:

Independent oil rights of little value at capital.

I have discovered that fact.

INDEPENDENT OIL RIGHTS OF LITTLE VALUE AT CAPITAL—WILBUR'S ASSISTANT SAYS GENERAL WELFARE FIRST IN KETTLEMAN SITUATION

WASHINGTON, January 16—(Bee Bureau).—That the property rights of independents in the Kettleman Hills oil field amount to little or nothing in the eyes of the Department of the Interior is to-day an acknowledged fact. This was made certain by a statement made to Hayden F. Jones, president of the Fresno real estate board by Northcutt Ely, executive assistant to Secretary of Interior Wilbur.

Jones had called on the Secretary to protest, both verbally and in writing, against the proposed united agreement in the Kettleman field as being unjust to the independent operators and the fee owners of property. After a discussion of the matter for about 15 minutes, Secretary Wilbur turned the Fresno man over to Ely, who, in the course of conversation in his office, told Jones as follows:

Here is the particular part to which I desire to call the attention of the Senate and the country:

We are not asking you or anybody else to sign this agreement and no one can compel you to do it, but if we had our way we would plug in every well in the Kettleman Hills. We are not interested in your property rights of protecting your values. What we are interested in is in saving gasoline for the next war.

I wonder when that war is coming? Whom are we preparing to fight? Here is a quotation presumed to be from the executive assistant to the Secretary of the Interior, telling the people of California, as they have told the people of my State, that they are not interested in property rights or property values. They are only interested in saving oil and gasoline for the next war.

It is more important to the other 120,000,000 American people to save gasoline for use in the next war than it is to look after any property or individual rights that any of you have at present.

On the same page, immediately following the article which I have just read we find this news item, an Associated Press dispatch:

COMPACT URGED

WASHINGTON, January 16.—Secretary Wilbur, chairman of the Federal Oil Conservation Board, told the governors' oil relief conference to-day the only lasting remedy for the plight of the industry was a compact between oil-producing States limiting production.

Mr. President, my State has limited its oil production. Texas, one of the leading producing oil States, has limited its oil production. California, another of the leading oil States, has likewise limited its oil production. Yet when these States have curtailed production to practically nothing and we ask these great importing companies to otherwise limit their production, what sort of an answer do we get?

At this point I call the attention of the Senate and the country to the particular significance of the Sherman antitrust law. That law was enacted presumably to protect the people against these gigantic concerns. Here in this instance the Sherman antitrust law is being used by the big companies to protect themselves against the little companies. I will tell you why. The small companies are now curtailing their production. They have suggested to the large companies that they likewise curtail their importations of oil. The big companies say "We would like to do that, but we can not. We can not even talk about it. We can not even think about curtailing our imports, because the moment that we consider it we would be violating the Sherman antitrust law." These gigantic companies against which the Sherman antitrust law was enacted to protect the people are now using that identical law—to give them an advantage over the smaller companies. Yes; to oppress the people of America interested in the producing of oil.

I read further from the Associated Press dispatch, quoting Secretary Wilbur:

He made a number of suggestions for such a compact, similar and in some cases duplicates of proposals made at the Colorado Springs governors' conference in 1929, in which he urged full conservation of "irrecoverable natural resources."

Mr. President, developments have taken place in the last few months whereby in some of these gigantic oil fields hundreds, thousands, even tens of thousands of oil wells have been closed. Owners of oil wells that will produce only half a barrel of oil a day or 1 barrel of oil a day or 2 or 3 barrels of oil a day, when they can sell that oil for only 75 cents a barrel, can not continue to pump those wells, and because of conditions as we find them the owners of the wells can not operate them at a profit or pay expenses, and so those wells are closed. In the Kansas field, in the Oklahoma field, in the Texas field thousands of oil wells called "strippers," which means small production, because the owners can not find a market for their oil, because they have no storage facilities, have been forced to abandon such wells. Those wells collectively producing 500,000 barrels of oil a day have been closed, and 500,000 barrels of oil a day have been destroyed. Is that conservation? All the Interior Department seems to be interested in is conservation; yet the policy of that department is destroying thousands and tens of thousands of oil wells in these United States.

Mr. President, not only is the oil situation causing trouble here in Washington but it is a problem in the oil-producing States. There are 20 of those States. The great State of New York is an oil-producing State; the great State of Pennsylvania likewise is an oil-producing State; West Virginia and Ohio and Kentucky and Indiana and Illinois and Michigan are oil-producing States. Then there are Wyoming and Montana; Kansas and Arkansas; and Oklahoma, Louisiana, Mississippi, Texas, and New Mexico; and in the far West the leader of them all is the great State of California. In each of those oil-producing States to-day not only hundreds, not only thousands, but tens of thousands of American citizens are out of employment because there is no sale for the oil; but when we come to the Congress and ask for relief, although the claims of almost everyone else have been considered, we get no relief.

Last June, when the tariff bill was being considered, we proposed a measure of relief in the form of a tariff upon oil imports. We were unable to secure that relief. Let me remind the Senate of the history of that fight. The oil men came here from these 20 States. They were impoverished,

and they were depressed. They came before the committees of the Senate and likewise before the committees of the House of Representatives. These oil men, unschooled in the etiquette of Washington, unfamiliar with parliamentary law, knowing nothing but business, went direct to the committees and asked the committees of Congress to hear them. They were heard by the House Committee on Ways and Means; they were heard by Members of the United States Senate. They even called upon Senators in their offices; they called upon them at their homes; they called upon Senators wherever they might find them, and presented the condition in the oil industry direct to Members of the Senate of the United States.

About the time their amendment came up for consideration in connection with the tariff bill some influence became active. I do not know what it was, but I know that it became active, and all at once it became apparent that a vigorous effort was being made to defeat that legislation. Even the lobby committee was called together; and on the very night before the amendment was to be considered the rooms of these gentlemen from the Western States were raided; their papers and their telegrams were seized by the lobby committee, and those letters and telegrams were brought before the United States Senate and exhibited here in opposition to the oil tariff tax amendment.

Mr. President, during the consideration of the tariff bill some four or five different amendments were proposed designed to provide relief to the oil industry. On each of those amendments there were cast in favor of the oil-tax proposal no fewer than 29 votes, if my memory serves me correctly, and on one vote the tariff proposal lacked only one single vote of tying. So at that time, while we did have support for the relief of the oil producers, influences which were at work were successful. So, when the Congress was about to adjourn last year, there was nothing in the tariff bill proposing a tax upon oil, and there was no relief granted to the oil industry; but to the last day of the consideration of the tariff bill, I proposed a little amendment. I do not know whether Senators were asleep or not, but I believe that if some of them had been awake when I proposed that amendment it would have met with opposition.

I proposed an amendment that the Tariff Commission be requested to make an investigation of the cost of producing oil in the mid-continent field, and transporting that oil to the Atlantic seaboard, and at the same time requesting the Tariff Commission to make an investigation of the cost of producing oil in Venezuela and transporting that oil to the Atlantic seaboard. It was a simple little amendment and there was no objection to it. It went into the bill and became a part of the tariff act.

So when the tariff law became effective and the Tariff Commission saw this request, an instruction so to speak, that commission became active, and during the past summer actually made an inquiry and investigation as to the cost of producing oil at home and abroad. What did that investigation disclose? That investigation disclosed that oil produced in Venezuela—in the main, produced by American companies, produced by American capital—can be produced in Venezuela and transported to New York or to Baltimore or to Philadelphia or to New Jersey points along the Atlantic seaboard, for a total cost of 79 cents per barrel. The same Tariff Commission that found these facts likewise found that it cost $1.98 a barrel to produce oil in the mid-continent field and to transport that oil to the Atlantic seaboard. So we now have the only authentic information of which I am aware as to the oil business; that information has been obtained by the Tariff Commission, and it discloses that American capital can produce oil in Venezuela and deliver that oil to the Atlantic seaboard for $1.19 per barrel cheaper than oil can be produced in the mid-continent field in the United States and delivered to the Atlantic seaboard.

Mr. President, what does that mean? It means the Atlantic seaboard is using Venezuelan oil; the refineries along the Atlantic seaboard are being supplied with oil from Venezuela; and yet we have here in America now a flood of American oil, produced by American capital and by American labor, that can not be sold.

This is not my resolution, Mr. President; it was prepared and introduced by the distinguished Senator from North Dakota [Mr. NYE]. I did make the motion to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of the resolution, and, through that motion, the resolution was placed upon the calendar. I am only asking, Mr. President, for the adoption of that resolution, now upon the calendar, providing for the appointment of a Senate committee consisting of five members, the appointments to be made by the Vice President, for the express purpose of making a study of the oil industry, the third largest industry in America; and when I say the third largest in America that means, of course, the third largest in the world.

Mr. President, I said a moment ago that the unfavorable conditions in the oil industry had produced trouble in my State. Why, Mr. President, to-day in one of the leading parks of the capital of my State there is a camp the tents for which are supplied by the National Guard, with field kitchens—gigantic kettles on wheels—furnished by the War Department by the grace and through the cooperation of the Secretary of War. There, in that large city park, in tents furnished by the National Guard, with field kettles from Fort Sill, manned by ex-service men who are drawing no salary, there are being fed to-day, Mr. President, more than 6,000 men, women, and children. That many were fed yesterday, and the day before; and so long as winter continues and until jobs can be provided such service in my State will continue.

Mr. President, if I may have the attention of the Senate, I will submit the following unanimous-consent request. I will read it first, and then I will see whether I will submit it:

Ordered, by unanimous consent, that at 10 o'clock to-day, March 4, 1931, the Senate, without further debate, shall vote upon the resolution (S. Res. 418) creating a special committee to investigate crude-oil prices and certain other matters relating thereto.

Mr. President, at this point I will ask unanimous consent to have inserted in the RECORD a copy of Senate Resolution No. 418.

The VICE PRESIDENT. Without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 418) is as follows:

Resolved, That a special committee of five Senators shall be forthwith appointed by the Vice President, and said committee is hereby authorized and instructed to investigate and report to the Senate as early as possible.

First. The cause or causes of the low price of crude oil in the United States and the margins between the price of crude oil and the selling price of the products of crude oil.

Second. Whether said conditions have resulted in whole or in part from any contract, combination, in the form of a trust or otherwise, or conspiracy in restraint of trade and commerce among the several States and Territories or with foreign countries.

Third. Whether said prices have been controlled, in whole or in part, by any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and Territories or with foreign nations.

Fourth. Whether such corporation, joint-stock company, or corporate combination, in purchasing crude oil, gasoline, and other petroleum products, by any order or practice of discrimination, boycotts, blacklists, or in any manner discriminates against any particular oil field.

Fifth. The organization, capitalization, profits, conduct, and management of the business of such corporation or corporations, company or companies, and corporate combinations, if any.

Sixth. The stocks of crude oil, gasoline, and other petroleum products at refineries or elsewhere in the United States at the end of each year for the years 1928, 1929, and 1930, and the holders or owners thereof.

Seventh. Whether any combination, agreement, understanding, or other relationship exists between corporations, joint-stock companies, or combinations engaged in the oil industry and corporations, joint-stock companies, or combinations engaged in the operation of pipe lines and local public utilities, and if so, the effect of said relationship upon the production and sale of crude oil, gasoline, and other petroleum products in the United States.

Eighth. The profit of companies refining and marketing petroleum in the United States for the years 1928, 1929, and 1930, and the component elements of said profits.

Ninth. All other facts as bear upon the recent changes in price of crude oil, gasoline, or other petroleum products or upon any of the foregoing matters.

The said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpœnas or otherwise; to require the production of books, papers, and documents; to employ counsel, experts, and other assistants.

The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the processes of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law.

Said committee is hereby specifically authorized to act through any subcommittee authorized to be appointed by said committee.

The expenses of said investigation not exceeding in the aggregate $50,000 shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. THOMAS of Oklahoma. I now submit the unanimous-consent request just read.

Mr. REED. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED. Does not that require a call for a quorum?

The VICE PRESIDENT. The request for a final vote, being on a simple Senate resolution, does not require a call for a quorum.

Mr. REED. I suggest the absence of a quorum.

Mr. THOMAS of Oklahoma. I do not yield for that purpose.

The VICE PRESIDENT. The Senator from Oklahoma declines to yield.

Mr. REED. I object to the unanimous-consent request.

The VICE PRESIDENT. Objection is made.

Mr. THOMAS of Oklahoma. I now desire to call the attention of the Senate to a special cable to the New York Times as published in that newspaper on February 18, 1931. I read:

[From the New York Times, February 18, 1931]

COURT FIGHT IN LONDON OVER VENEZUELAN OIL—AMERICAN FIRMS SEEK "MILLIONS" FROM ANGLO-SAXON PETROLEUM, CHARGING CONTRACT BREACH

LONDON, February 17.—A legal battle over oil in Venezuela in which, in the words of the plaintiff's attorney, "the damages may be millions," started here to-day.

Sir Patrick Hastings, former attorney general, opening the case for the plaintiffs, said that the General Asphalt Co. and the Barber Asphalt Co., controlled by the General Asphalt Co., both of which are American corporations, claimed damages for a breach of contract from the Anglo-Saxon Petroleum Co. (Ltd.), of London.

"The question," Sir Patrick said, "was whether the Anglo-Saxon Petroleum Co. had agreed that the American companies should receive 9¾ per cent of the oil from the Vigas concession in Venezuela. The Anglo-Saxon Petroleum Co.," he explained, "has a capital of $125,000,000, of which 60 per cent was held by the Royal Dutch Co. and 40 per cent by the Shell Co.

"So immense are the powers, rights, and influence of the Anglo-Saxon Petroleum Co.," he said, "that it is able to make—and I make no sort of suggestion against the propriety of it—practically what arrangements it likes between vendors, purchasers, and managers as to the place, method, and price of the deliveries of oil with which it is concerned."

Mr. President, this trouble is not only local; American capital has invaded foreign fields; and because of that invasion this capital is causing trouble to other peoples of other lands.

I call the attention of the Senate to another New York Times article of date March 3. The article is under the following headline:

Oil institute maps market code action. Court test of Trade Commission's authority to cancel rules is considered at Chicago.

Here we have evidence of the power of these gigantic oil companies trying to modify and control the rules and regulations to be made by our own Federal bureau, the Federal Trade Commission.

CHICAGO, March 2.—Leaders of the petroleum industry attended an emergency meeting of the American Petroleum Institute's general marketing committee here to-day to formulate a policy with respect to the Federal Trade Committee's recent action in withdrawing its approval of 18 rules of the institute's marketing code and rewriting two of three remaining rules.

The meeting was a closed session held under the chairmanship of Edward G. Seubert, president of the Standard Oil Co., of Indiana.

Courses being considered are proceeding with the revised code as approved by the Federal Trade Commission, petitioning the commission to reinstate the old code, or proceeding with the old code without the sanction of the commission.

In the event that the latter course is adopted it probably would mean that the problem would be submitted in a test suit in the courts.

Much significance is attached to the outcome of the deliberations, for upon them may rest the policy of the Federal Trade Commission with respect to 127 other codes adopted by the various industrial and trade organizations of the Nation.

There is a concrete illustration of the power of this industry that I am now seeking to have a committee appointed to study.

Others taking part in the discussions were E. B. Reeser, president of the Petroleum Institute; K. R. Kingsbury, president of the Standard Oil Co., of California; W. M. Irish, president of the Atlantic Refining Co.; Walter C. Teagle, president of the Standard Co., of New Jersey, and Judge C. B. Ames, counsel of the Texas Corporation.

Mr. President, the Congress now about to adjourn has appropriated a large amount of money; just how much, I do not know. I see before me the distinguished chairman of the Appropriations Committee of the House of Representatives. I can not ask him the question. No doubt he would know. No doubt he could tell me if I could ask the question and he could reply. I can not do that. At this moment I do not know how much money we have appropriated.

We have upon the floor the distinguished chairman of the Senate Committee on Appropriations, the Senator from Washington [Mr. JONES]. He does not know how much money we have appropriated at this session. No one knows until a tabulation is made, but I prophesy it is more than $5,000,000,000. I saw the statement in a paper a day or two ago that this Congress, the Seventy-first, had appropriated $10,000,000,000. That means the three sessions of the Seventy-first Congress. To-day is the closing day of the Seventy-first Congress, which has appropriated more than $10,000,000,000, if the news item was reliable.

Mr. President, how much money is $10,000,000,000? I do not know. I have before me figures furnished by Mr. Sheild, the clerk of the Committee on Appropriations of the House of Representatives. The figures I have are attached to a letter of the date June 15, 1928. At this time I desire to insert in the RECORD, if I may, the letter from Mr. Sheild and the attached data showing the amounts of the appropriations made by the Sixty-seventh, the Sixty-eighth, and the Sixty-ninth Congresses.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. What is the request of the Senator?

Mr. THOMAS of Oklahoma. I am inserting in the RECORD a letter and some accompanying data from Mr. Sheild, the clerk of the Committee on Appropriations of the House of Representatives.

Mr. ASHURST. Reserving the right to object, I say that every Senator is or should be interested in the veterans' hospital bill, H. R. 16982. That bill should become a law.

Mr. HARRISON. Will the Senator yield?

Mr. ASHURST. I am reserving the right to object, and I do not want to lose that right.

Mr. THOMAS of Oklahoma. Mr. President, I do not yield for anything which may possibly take me from the floor; and I depend upon the Chair to protect me in my rights.

Mr. ASHURST. Mr. President, the Chair asked, "Is there objection?" I am now exercising my right to say whether or not I object; and the Chair may not restrict me to two words.

The VICE PRESIDENT. The Chair has not attempted to do that.

Mr. ASHURST. I thank the Chair. Reserving the right to object, with due deference to the Chair, I desire to be heard.

The VICE PRESIDENT. The Chair would hold that that would be tantamount to an objection.

Mr. ASHURST. Reserving the right to object to the request propounded by the Senator from Oklahoma, I repeat

that I now demand action on the bill expanding and enlarging the hospital facilities for our disabled ex-service men.

Mr. THOMAS of Oklahoma. Mr. President, I withdraw the request.

The VICE PRESIDENT. The Senator withdraws it.

Mr. ASHURST. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. ASHURST. Is it possible that the Senate of the United States will, by any sort of fiction, permit the soldiers' hospital bill to die? To do so would be a reproach to the Senate; and I beg the Senator to allow us to vote, at the appropriate time, on the conference report on the soldiers' hospital bill.

Ex-service men are languishing in hospitals, and additional hospital facilities are now much needed, and we are pouring out words, words, words when we should be "doing." The Senator as a patriot ought to allow the Senate to pass the hospital bill. [Applause in the galleries.]

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. ASHURST. The country knows the truth now.

Mr. THOMAS of Oklahoma (reading):

JUNE 15, 1928.

Hon. ELMER THOMAS,
United States Senate.

MY DEAR SENATOR THOMAS: In response to your recent request, I inclose herewith statement showing for each session of Congress—

Mr. President, I think perhaps I should not let go by the patriotic appeal made to me by the distinguished Senator from Arizona; but I am advised that there is no agreement on that bill. It is not in shape for passage.

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ASHURST. If there should be an agreement, would the Senator permit the hospital bill to pass?

Mr. THOMAS of Oklahoma. Mr. President, I will do so gladly.

Mr. ASHURST. Mr. President, the Senator is a friend to the disabled soldiers.

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. SWANSON. Mr. President, may I make a parliamentary inquiry?

The VICE PRESIDENT. Does the Senator from Oklahoma yield?

Mr. SWANSON. I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SWANSON. Rule VII, section 7, contains this provision, and I think the action described in it would not take the Senator from Oklahoma off the floor:

> The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose.

The inquiry I desire to make is whether it is not true that if a resolution comes here from the House, and all we have to do is to concur, it does not take the Senator off the floor, but the business is simply suspended, and he would resume the floor if he were to do that. It could not be done without his consent, but if he should consent for a House resolution or an amendment to be laid before the Senate, the rule says the business being transacted at that time is suspended, which means that it will be resumed where he left off. The Senator would still be entitled to the floor if messages of that kind from the House were laid before the Senate and business suspended under the rules; would he not?

The VICE PRESIDENT. The Chair would hold that that could not be done without the Senator's consent.

Mr. SWANSON. I say, with his consent, though, it is simply a suspension of the business which was being transacted. It is suspended, and is resumed where it was left off; is it not?

The VICE PRESIDENT. If the matter laid before the Senate would be subject to debate—as it would be—if it should be debated, that would take the Senator from the floor.

Mr. SWANSON. If it is not debated, though, it is simply a suspension.

The VICE PRESIDENT. That question will have to be decided when it comes up.

Mr. THOMAS of Oklahoma. Mr. President, I was undertaking to read a letter from Mr. Sheild, the clerk of the House Committee on Appropriations, addressed to myself:

> In response to your recent request, I inclose herewith statement showing for each session of Congress since the passage of the Budget Act the total appropriations, the total estimates, the net reduction in the estimates, and the aggregate reduction effected by Congress in the seven sets of estimates.
>
> With best wishes, I am sincerely,
>
> M. C. SHEILD, *Clerk.*

With this letter I received the following statement of figures:

In the first column, "Fiscal year for which appropriations were made."

In the second column, "Budget estimate."

In the third column, "Appropriations."

In the fourth column, "Decrease in appropriation under Budget estimate."

In the fifth column, the "net decrease in appropriations under Budget estimates."

For the first session of the Sixty-seventh Congress, the Budget estimate was for appropriations of $3,924,586,066.78. The appropriations made in the first and second sessions of the Sixty-seventh Congress were $3,751,917,629.14. That shows that the Congress appropriated less than was requested by the Budget Bureau, the exact sum being $172,668,437.64.

Supplemental and deficiency appropriations for 1922 and prior years: The Budget estimate was $467,571,992.68. The appropriations were only $327,878,638.05. Again the Congress was more economical than was the Budget Bureau, because the Congress did not appropriate as much money as the Budget Bureau estimated and recommended. The exact figures are $139,693,354.63.

The Sixty-seventh Congress was more economical than was the Budget Bureau. It was more economical to the extent of $312,361,792.27.

We hear much throughout the country to the effect that Congress is the spendthrift of the Government. We hear much throughout the country to the effect that it is the Congress that is the cause of high taxes. Yet, in the Sixty-seventh Congress, the Congress actually appropriated $300,000,000 less than was asked for by the President, acting through his Budget Director.

In the Sixty-seventh Congress, the third and fourth sessions, the Budget estimate for those sessions was $3,714,602,281.19. The Congress, however, appropriated only $3,706,779,083.12.

Again in that Congress we did not appropriate as much as the Budget Bureau estimated for, or as much money as the President recommended should be appropriated. The Congress that year actually saved the people of the country the sum of $7,823,198.07.

Supplemental deficiencies for 1922 and prior years. The amount asked for was $236,411,166.57.

Mr. President, the distinguished senior Senator from Wisconsin [Mr. LA FOLLETTE] does me the honor to sit close by me and listen to what I am trying to say. I think there is a sympathetic attitude on the part of the distinguished senior Senator from Wisconsin toward my resolution, and before I get through I shall have something to say about La Follette the first. I am glad to have by me now LA FOLLOTTE the second.

The amount asked for by the Budget Bureau in 1923 for deficiencies was $236,411,166.57, but the Congress appropriated only $233,492,860.49, another saving of the Congress over the estimates made by the Budget Bureau and the President in the sum of $2,918,306.08.

The President, acting through the Budget Bureau, in the first session of the Sixty-eighth Congress, requested that the Congress appropriate for all purposes the sum of $3,632,173,054.96, but the Congress appropriated only $3,622,125,959.19. Again Congress saved to the country the sum of $10,047,095.77.

In that year there was requested to be appropriated by the Budget Bureau for deficiencies and supplemental purposes $160,974,906.47, but the Congress appropriated a little more for deficiencies than the Budget Bureau estimated, because the Congress appropriated $161,997,365.16. In other words, for deficiencies and supplemental purposes the Congress exceeded the Budget estimate in the sum of $1,022,458.69.

In the second session of the Sixty-eighth Congress, the President, acting through the Budget Bureau, requested total appropriations in the sum of $3,747,876,017.78, but the Congress did not appropriate as much as the President requested, did not appropriate as much as the Bureau of the Budget requested and estimated for, because the Congress appropriated only $3,736,124,595.31. The Congress actually saved the people of the country the sum of $11,751,422.47.

Then came the first session of the Sixty-ninth Congress, in 1927. In that session the President, acting through the Budget Bureau, asked Congress to appropriate the sum of $3,961,470,187.42, but the Congress did not appropriate that much money.

All these years the country has been told that the Congress was the spendthrift of the Nation, that high taxes were caused by Congress cutting the purse strings and discarding them. But I am showing that it has not been the Congress that has been the spendthrift; it has been the President asking, through the Budget Bureau, these gigantic sums, and in practically every session of the Congress the Congress has reduced estimates submitted by the President of the United States.

Mr. BINGHAM. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. What is the pending question?

The VICE PRESIDENT. The pending question is on the motion to proceed to the consideration of Senate Resolution 418.

Mr. THOMAS of Oklahoma. Mr. President, Congress appropriated in that year the sum of $3,953,628,990.08. In other words, the Congress saved the people the sum of $7,841,197.34.

The same Congress was requested to appropriate for deficiency purposes the sum of $454,709,266.73, and the Congress that year exceeded the estimates by a million, because they appropriated $455,834,499.75. So that year Congress exceeded the estimates in the sum of $1,125,133.

In the second session of the Sixty-ninth Congress the President requested Congress to appropriate for all purposes the stupendous sum of $4,022,971,757.60, but the Congress did not appropriate that much money. The Congress, the more economical body of this Government, refused to accede to the demands made by the President, refused to accede to the demands and requests made by the Budget Director, and appropriated the sum of only $4,014,988,936.40, thus saving to the taxpayers the sum of $7,982,821.20.

Then in the last session of the Sixty-ninth Congress, for deficiency and supplemental appropriations, the request was made for $195,792,534.01. Congress exceeded that by a small amount and actually appropriated $196,022,416.18. Hence the Congress exceeded the estimates in the sum of $229,882.17.

Mr. President, let me recapitulate. The Budget law has been in force only a few years. Since the Budget law was enacted the President, acting through his own appointee, the Budget Director, has made up the estimates and submitted the same to the Congress. During those years, in campaign times and other times, we have heard the charge made throughout the country that the Congress, without regard to the people's interests, without regard to the taxpayers' interest, has gone wild in the making of appropriations. But what are the facts? In each Congress we failed and refused to make the appropriations requested by the President and by the Budget Bureau.

In the Sixty-seventh Congress, first and second sessions, the Congress reduced the estimates in the sum of $312,361,792.27. In the Sixty-seventh Congress, third and fourth sessions, Congress actually reduced the estimates submitted by the Budget Director and the President in the sum of $10,741,504.15.

In the Sixty-eighth Congress, first session, Congress refused to appropriate as much money as was requested by the President and by the Budget Director by the sum of $9,024,637.08.

In the Sixty-eighth Congress, second session, Congress refused to appropriate as much money as was requested by the Budget Director and the President, and the amount of money saved was $12,596,495.90. In the first session of the Sixty-ninth Congress we actually saved the taxpayers of the country the sum of $6,716,064.34.

Mr. President, from the time the budget system of financing was established, under the entire régime of the Budget law, Congress, without exception, has appropriated less money than has been requested by the Chief Executive. Congress has appropriated less money than has been estimated for by the Budget Director.

I am giving these figures to offset and refute the allegations made and the belief that is held throughout the country that the Congress is an irresponsible body, that the Congress has cut the purse strings and has discarded them, and that the Congress, without regard to the taxpayers' interests and the people's interest, is appropriating money by the millions and by the billions over the protests of the Chief Executive and the other executive officers of this Government.

In the second session of the Sixty-ninth Congress, we saved, under the estimate, the sum of $7,752,939.03.

Now I want to give for the RECORD some idea of how much money it takes to pay our Federal taxes each year. The country does not know. The country may have the opinion that it costs $5,000,000,000 to run this Nation for a year, but the public does not understand how much money that is. If I may, let me give a picture of the amount of gold, silver, and paper it takes each year to pay the running expenses of the United States Government.

The only real money we have is the money in circulation; I mean that is the only real money that is available to the people of the Nation. We have something like eight or ten billion dollars in the Treasury. We have a Treasury full of gold, four or five billion dollars of it, but it is not in circulation. The paper money stacked in the Treasury, in bales, being seasoned for delivery, is not in circulation.

Mr. President, how much money is in circulation? Let me answer that question. There is not enough money in circulation to pay the taxes of the United States Government for 12 months. Does anyone dispute that statement? I think last year, if the statements I saw were correct, it took $5,000,000,000 to pay the expenses of maintaining the United States Government. There is not that much money in circulation.

Mr. President, let me call attention to official figures. I exhibit to the Senate a statement from the Treasury Department of date January 31, 1931. That statement is scarcely 30 days old. The statement is upon Form No. 1028, Treasury Department, Public Debt Service. The statement shows that on January 31, 1931, there was in circulation the sum of $4,609,881,106. That is all the gold, silver, and paper money there was in actual circulation throughout the United States and even throughout the world, for our American money is found everywhere.

That does not include the money in the Federal reserve banks. That money is not in circulation. That does not include the money in the Treasury. That money is not in circulation. The total amount in circulation, according to this statement, is only $4,609,000,000. Every dollar of gold, every dollar of paper, every dollar of silver outside of the Treasury, if collected and placed in front of the Vice Presi-

dent's desk, would not be enough to pay the expenses of the operation of the United States Government for 12 months.

You can go to all the banks of the Republic, and there are only 27,049 of them; you can go to their vaults and get all of the gold in their vaults, get all of the silver, copper, and nickel in the vaults of those banks, get all of the paper money in all of those banks, and in imagination bring it here and stack it in front of the Vice President's desk. That is all the money in all of the banks of the United States, the 24,079 banks, and there is the pile. Then go out among all the people, go into their places of business, go into their cash registers, into their safes and safe-deposit boxes, and rob them and get all the money that they have, and bring it here and add it to the pile. Then go into the hiding places where money is concealed in cigar boxes, in sugar bowls, in baking-powder cans, in the mythical stocking, and get all the money, gold, silver, and paper, that is in hiding, and add it to that pile. Then go among the hiding places elsewhere where money is buried and get it and add it to that pile. Then go to the 122,000,000 people of America, search their pockets, turn their pockets wrong side out. Mr. President, I regret to say you would not add very much to that pile, but search them and add to that pile what you can find.

That is still not all the money in circulation. American money is found throughout the world. Go to the little island of Cuba. There practically the only money that is in circulation is United States money, United States greenbacks, United States silver. It is estimated that in Cuba there is more than $100,000,000 of American money in circulation. Rob the island of Cuba, get every dollar of American money there, and bring it here and add it to that pile.

That still is not all the money in circulation. Go every place throughout the world—I care not where you go—you find American money. Go to England, go to France, go to Italy, go to Germany, and you will find American money. Search out all the money in foreign lands and add it to that pile. Even go to Russia and there you will find American money in great quantities. Take all the money in Russia, take all the American money throughout the world and add it to that pile. That, then, is all the money in circulation. Yet, Mr. President, that pile of money is not big enough to pay the expenses of the operation of the United States Government for a single twelve months' period.

Mr. President, at this point I desire to read into the RECORD some facts and figures relative to the present status of the oil industry. There is no chance, as I see it, to get any information through any authentic source at the hands of the Senate. The best we can do is to make the record.

The American oil industry has invested therein something like $12,000,000,000. That is the best estimate we have. It may be $15,000,000,000; it may be $20,000,000,000; it may be even more than that. No one knows. It was the hope of the proponents of the resolution that through the operation of the resolution and through the activities of the committee and in the study to be made we might ascertain actually how much money is invested in the oil business.

The oil industry employs something like 2,000,000 people. It has annual sales of more than $3,000,000,000. The words "oil industry" are used so glibly by practically everybody to-day that very few stop to think that the industry employs, directly and indirectly, some 2,000,000; produces a billion barrels of crude oil a year; makes sales of refined products worth close to $3,000,000,000 a year; and has total assets of $12,000,000,000.

If the billion barrels of crude oil produced in the United States in 1929 had been stored in standard-size oil storage tanks of 55,000 barrels each, it would have required nearly 20,000 tanks to hold last year's output. If those 20,000 tanks had been placed in a single tank farm laid out as they are usually laid out, the farm would have covered 125 square miles.

Mr. President, I am in no position to force my will upon the Senate. I have never tried to do it. I am not trying to do it now. I am only asking that the third largest industry in America have a chance, a slight chance, and the only chance it can have is through making public the facts relating to that industry. The only way that the facts in relation to the industry can be made public is through a study by a committee of the House of Representatives or of the Senate of the United States. All I am asking is a chance to have a vote upon the resolution.

I have asked no one to support the resolution. I have never asked anyone to vote for or against any matter in which I am interested. That, in my judgment, is not ethical. Nobody asks me to vote for or against a measure. If some one should come and appeal to me to vote for or against some proposal I do not think I would take such appeal very kindly. I depend upon statements of facts and try to get those facts home to the Members of the Senate, and then, on their oath and upon their consciences as Senators, I let them exercise their judgment. They can vote as they will. I have no complaint.

Mr. BROUSSARD. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Louisiana?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. BROUSSARD. Is the Senator supporting his own resolution or——

Mr. THOMAS of Oklahoma. I am supporting the Nye resolution. I have no resolution.

Mr. BROUSSARD. I mean by that the Senate resolution, or is he supporting the House resolution?

Mr. THOMAS of Oklahoma. I will make that plain. Some time ago the distinguished Senator from North Dakota [Mr. NYE] introduced Senate Resolution 418. The resolution provided for a study being made of the oil industry by a committee of five Senators to be appointed by the Vice President. The resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. A few days ago the distinguished Senator from North Dakota, the author of the resolution, and I appeared before that committee. We requested the committee to report out the resolution. For some reasons best known to the members of the committee the resolution was not reported.

At a later date I entered a motion that on some subsequent date I would move to discharge the committee from the further consideration of the resolution. I entered the motion, and a few days ago I called up the motion. The Senate agreed to the motion. The resolution, Senate Resolution 418, by Senator NYE, provided only for a study to be made—not a tax, not an embargo, only a study to be made—of this large industry to the end, I hope, that the Senate, when it reconvenes in December will have some information and likewise have some Senators on the floor who have first-hand information on this most important industry.

Mr. BROUSSARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Louisiana?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. BROUSSARD. I am interested in the investigation of lumber as well as oil. That is why I propounded the question. I want to ask the question now. Would there be an opportunity of passing such a resolution as that which the Senator has in mind by taking the House resolution which includes other commodities and might include lumber, in which I am very much interested?

Mr. THOMAS of Oklahoma. That is a perfectly legitimate question and I am glad to give my reaction thereto. The honorable House of Representatives, a coordinate branch of this Congress, has given much attention this winter to the demands and pleas and requests of those engaged in the lumber and in the oil industry. Hearings were held and an attempt was made by many gentlemen in the other branch of the Congress to bring out of the committee and have considered upon its merits legislation proposing relief for those engaged in such industries. But for some reason the bills were not reported. Some powers interfered. They had a legal and constitutional right to interfere. I am not complaining because they interfered. I am not complaining of any Senator upon this floor for opposing the resolution and opposing my motion. It is a little bit strange, however, it seems to me, that the opposition comes from the source it has.

Mr. President, if the billion barrels of crude oil produced in the United States in 1929 had been stored in standard size oil storage tanks—55,000 barrels each—it would have required nearly 20,000 tanks to hold last year's output. And if these 20,000 tanks had been grouped in a single tank farm, laid out the way tank farms are regularly laid out, the "farm" would have covered 125 square miles.

Or if instead of storing last year's output of crude oil in a giant tank farm it had flowed as "a river of oil" 100 feet wide and 10 feet deep, the river would have been 1,000 miles long.

Last year's output of crude oil, a billion barrels, was transported through about 100,000 miles of trunk (large size) pipe lines and gathering (small size) pipe lines. These pipe lines carried an average of about 2,500,000 barrels of crude oil a day and it traveled at an average of about 4 miles an hour, or 100 miles a day. Crude oil imported into the United States—about 79,000,000 barrels last year—is brought in by oil tank steamers.

About 91 per cent of the billion barrels of crude oil produced, transported, and stored in 1929 actually went through refineries. About 2½ per cent was exported and about 2 per cent used for all other purposes. In other words, about 95.5 per cent of all the crude oil produced in the United States last year was "used up." This means that we produced 45,000,000 barrels more oil in the United States than the amount of domestic oil run to stills. However, 75,000,000 barrels of foreign oil, mostly from Venezuela, Colombia, and Mexico, were run to stills. Had 75,000,000 barrels of domestic oil been run to stills—instead of foreign oil—it would have required all of the 45,000,000 barrels referred to above together with 30,000,000 barrels that would have been drawn from storage. Every barrel of foreign crude oil run to stills in the United States replaces crude oil produced in the United States and, to that extent, injures our own domestic oil industry.

Out of this slightly less than a billion barrels of crude oil refined in the United States last year 434,000,000 barrels of gasoline were made. And if this gasoline were loaded into average size tank cars—about 200 barrels to the car—it would make a "train" 16,000 miles long. In 1929 the daily consumption of gasoline averaged a little more than 1,000,000 barrels a day. If the average motor vehicle got 15 miles to the gallon of gasoline, the 25,000,000 motor vehicles in the United States last year "traveled" an average of about 630,000,000 miles every 24 hours.

Probably less than 25 of the big oil companies market half of the refined products sold at filling stations. The other 50 per cent is sold by tens of thousands of "marketers" most of whom own only one filling station, and very few of whom own a good sized chain of stations.

Summed up in a few words, the crude oil of the United States is produced by about 16,000 companies, partnerships, and individuals—this crude is transported and stored by about 50 big companies—it is refined in about 360 really "active" refineries owned by about 200 refining companies, and the finished products are sold at something like 300,000 retail outlets.

Pipe-line companies and refiners are in very strategic positions, because it is generally understood that in most instances they "make the prices" for both crude oil and its finished products. Combined, there are only a few hundred pipe-line companies and refiners.

The great bulk of the producers of crude oil and the marketers of refined products are in pitifully vulnerable positions. In point of numbers the large majority of the producers of crude oil, the independents (except a few of the larger ones), have nothing whatever to say about what they are to receive for their crude oil, regardless of what it costs them to find it and to produce it. They accept what they can get for it. Likewise, the great majority of the marketers of refined products, the independents (except a few of the larger ones), have practically nothing whatever to say about the price at which they will retail their products. The other fellow fixes the price at which they sell.

Thus a very few companies practically control the oil industry, because they control the price paid for crude oil and the price at which its refined products are sold.

In order that we may understand the many problems with which we are confronted and the underlying causes of our existing depression, I deem it advisable to review briefly the history of the industry for the past 10 years, the policies and purposes of those in authority and the leaders of the industry, which have had considerable influence in bringing about, if they are not directly responsible for, the present conditions.

Let us go back to the year 1921, when conditions very similar to those of the present were prevalent in the petroleum industry, brought about at that time by vast importations of oil, chiefly from Mexico. Then there was under consideration in the Committee on Ways and Means, at that time under the chairmanship of Mr. Fordney, the question of giving protection to this industry by the levying of a tariff on imported crude oil. The Committee on Ways and Means of the House had voted a tariff on oil in the then pending bill, and President Harding at that time, in a letter to Mr. Fordney requesting that a tariff on oil be omitted from the bill, for the first time declared the Government's policy of so-called conservation, which will be more fully analyzed and defined after I have traced its course and effect from that date to the present time. Congress failed to give oil the protection to which it was then entitled; but the Mexican Government shortly thereafter levied an export tax upon oil, which, to some extent at least, was an aid to the domestic industry. Thereafter the production of oil in Mexico gradually declined, while exploration and development work was begun in Venezuela, Colombia, and other South American countries.

In 1924, continuing the policy first enunciated by President Harding in 1921, President Coolidge appointed four members of his Cabinet as the Federal Oil Conservation Board, with the Secretary of the Interior as chairman. This board held hearings for the purpose of determining the extent of our petroleum reserves. The aid of the American Petroleum Institute was asked and given, and the country was alarmed at the reports emanating from the board and leaders of the petroleum industry that our petroleum reserves were in danger of exhaustion within a few years, and that even our safety as a nation was at stake. This was no new thing, as men prominent in the industry and others had for years from time to time made predictions of the early exhaustion of our oil resources. The rank and file of the producing branch of the business paid little heed to the hearings before the Federal Oil Conservation Board, or to the warnings of those timid souls who prophesied the early demise of the petroleum industry in the United States. They did not believe these predictions, thought them harmless, and did not then foresee the results of their indifference. The major factors in the industry, many of whom held large concessions in Central and South America, participated in the hearings and aided in the dissemination to the people and the officials of the State and Federal Governments of information tending to convince the country of the early exhaustion of this irreplaceable natural resource, and to crystallize public sentiment in favor of hoarding our supplies, unused, for future generations. For years the press has been filled, to such an extent as to amount to propaganda, with the predictions and forebodings of these prophets of disaster. Whatever merit this so-called conservation policy had at its inception, subsequent developments have conclusively shown that the same was founded upon a false foundation of fact; that the use of the word "conservation" in connection with this policy was not in its true sense; that instead it meant reservation of our supplies in the ground, and the effect has been to mislead the people into believing that we were wasting our petroleum resources, which was far from the truth.

to do it now. I am only asking that the third largest in- interfered. They had a legal and constitutional right to

In 1928 it became apparent that there was an oversupply of oil being thrown upon the markets of the United States due to increasing domestic production and increasing imports, chiefly from Venezuela. The American Petroleum Institute created a committee on world production and consumption, the avowed purpose of which was to bring about a curtailment of production in the United States and a curtailment of imports, so as to bring production and imports in balance with consumption. Elaborate plans were formulated early in 1929, were submitted to the Federal Oil Conservation Board, and by that board referred to the Attorney General for the purpose of ascertaining whether the plan could be carried out without violation of the antitrust laws. The Attorney General could not promise immunity, and the work of the committee, covering the production of the country as a whole, was discontinued. In lieu thereof committees for curtailment of production were set to work in the various States under the authority of State laws where same existed, and these State committees and subcommittees in the various districts within the States have succeeded to a remarkable degree in reducing the production of oil within the United States. As a corollary of this work and as a part of it, the plan contemplated the curtailment of production in the countries of South America, particularly Venezuela, which, had it succeeded, would have resulted in a reduction of imports of crude oil and refined products into the United States.

In the early part of 1929 Mr. M. L. Requa, reported at the time to be acting in behalf of President Hoover, called upon the governors of the several oil-producing States to enlist their aid in holding a conference of the petroleum industry, and later called such a conference to meet at Colorado Springs, Colo., on June 10, 1929. This conference was attended by several of the governors and also by a large number of delegates from the various oil-producing States, representing all branches of the industry. The conference was opened by Mr. Requa with a statement of the aims thereof. Doctor Wilbur, Secretary of the Interior, again announced the conservation policies of the Federal Oil Conservation Board, and Dr. George Otis Smith, Director of the United States Geological Survey, among other things, stated, in substance, that the next 10 years would in all probability see the exhaustion of our petroleum reserves to the point of endangering national defense. The doctrine of conservation was again expounded, and the delegates representing the various States were asked to form a compact among the States producing oil, which compact, when adopted and approved by Congress, would become the supreme law of the land; a commission would be appointed under the authority of the compact, with power to regulate and control the production of oil, to determine how much oil should be produced within the United States, and to allocate that production among the several oil-producing States.

When it became apparent that the real purpose of the meeting was not conservation in its real and accepted sense, but that the purpose was, by degrees and from time to time, to reduce the production of oil in the United States and reserve our supplies in the ground for an indefinite period to come, and at the same time import our requirements in large part from foreign countries, the Colorado Springs conference adjourned without having accomplished anything whatever toward the consummation of the purpose for which it was called.

However, this conference had far-reaching effects. It revealed in all its hideousness to the rank and file of the petroleum industry the true intent and purposes of those who had been fostering and promoting the so-called conservation program to shut in domestic production, to stop development, to reserve our oil supplies in the ground, to be developed and used after the foreign supplies have been exhausted, and to turn the markets for petroleum in the United States—approximately 70 per cent of the markets of the world—over to a few large companies engaged in exploiting the petroleum reserves of South America, and in importing the production thereof into the United States. If there has been any doubt as to these intents and purposes in the past, all doubt must now be dispelled, since under date of January 6, 1931, Secretary Wilbur, after having received an invitation from the Governors of Oklahoma and Kansas to participate in this conference, gave to the Associated Press an interview declaring himself against a tariff on oil, and saying, if he is correctly quoted by the press:

> The chief result would be that the big companies, which now have many wells shut in and not in operation, would open them up, adding to the production. Overproduction is the basic ill of the industry.

It might be pertinent at this time to inquire what big companies have advised Secretary Wilbur in advance as to how they would defeat any beneficial results from a tariff on oil. The honorable Secretary also said:

> In the future the country with the oil will dominate civilization. In it will be centered the wealth. America must conserve her supply. If we waste our oil reserves now, we will pay foreign countries through the nose for every barrel we import later. If I were the landlord of this country, I would see that we used as much imported oil as possible, and let the other fellow waste his reserves.

The last quoted sentence is a full and complete admission of the purposes of those promoting the so-called conservation movement—to turn over to four companies, chiefly engaged in importing oil, the entire markets of the United States even though it might mean the destruction of one of the greatest industries in the United States, the impoverishment of a section of the United States and of the people thereof, almost if not quite one-third the area of the entire country, with a population of some 22,000,000 people, and a civilization builded upon the oil industry.

In speaking thus, does the honorable Secretary present to the public the views of the administration, or is he simply holding fast to ideas and convictions acquired some years ago under circumstances which might then have excused the views but which in the light of subsequent events are indeed archaic?

The conference at Colorado Springs, having failed to bring forth a compact under which production could be controlled, the efforts by voluntary cooperation and in some States under the provisions of State law to curtail production proceeded with remarkable success. Indeed, the figures are startling. We find that for the week ending August 24, 1929, the production of crude oil in the United States averaged 2,975,435 barrels per day, and for the week ending January 3, 1931, 2,082,100 barrels per day, or a curtailment in production in that period, brought about by the cooperation on the part of small and large producers alike throughout the country, of 893,335 barrels daily. We will produce in the United States this year approximately 100,000,000 barrels of oil less than we did in the year 1929, and while we have been reducing the domestic production 100,000,000 barrels the importers have, during 1930, brought into the United States and thrown upon our markets, duty free, more than 100,000,000 barrels of crude oil and refined products. In fact, the imports of gasoline during the first nine months of 1930 increased 125 per cent over the same period of 1929. The report of the committee on economics of the American Petroleum Institute at its Chicago meeting, November 10, 1930, shows that each 5,000,000 barrels of gasoline imported would displace for the six months ending March 31, 1931, 114,000 barrels daily of domestic production, while the report of the economics committee appointed by Secretary Wilbur to forecast the demand for petroleum products and ascertain and allocate oil production necessary to supply that demand for the six months ending March 31, 1931, shows that each barrel of gasoline imported displaces from the market four barrels of domestic crude. Crude oil, gasoline, and other refined products imported in the year 1930 have displaced from the market approximately 400,000 barrels daily of domestic production.

Since for a period of more than seven years there has been an intense propaganda fostered and promoted throughout the country, in the daily press and in many of the Nation's most prominent magazines, to convince the public of the early exhaustion of the petroleum reserves of the United States, it appears advisable at this point to outline briefly

can get for it. Likewise, the great majority of the marketers which was far from the truth.

some of the former estimates of future oil production in the United States, and later to call attention to the vast petroleum reserves which we actually possess. It would also be pertinent to inquire what forces and organizations, corporate or individual, have promoted and paid for this propaganda, and who are the beneficiaries thereof. An inquiry of this nature, properly and fairly conducted, would in all probability go far toward explaining the so-called conservation movement, and why it has been urged for a period of years.

In referring to the former estimates of future recoverable petroleum reserves, let me state in advance that I do not wish to reflect in any way whatever upon the good faith of the eminent engineers and other authorities making these estimates, but the recital of these estimates, in the light of subsequent information, will demonstrate how easily even the most eminent and learned can be mistaken on this subject, and will show further that perhaps the present advocates of the reservation of our petroleum reserves safely in the ground may be mistaken.

1908. David T. Day: Estimated minimum of 8,500,000,000 barrels. Estimated a maximum of fifteen to twenty-two and one-half billion barrels. From 1908 to 1930, inclusive, United States has produced 11,442,447,000 barrels. All of Day's minimum, plus 33 per cent.

1914. Ralph Arnold: Estimated future production at 5,700,000,000 barrels. From 1914 to 1930, inclusive, United States produced 10,079,396,000 barrels. All of Arnold's estimate, plus over 80 per cent.

1915. United States Geological Survey: Estimated future production at 7,600,000,000 barrels. From 1915 to 1930, inclusive, United States has produced 9,813,633,000 barrels. All of that estimate, plus 29 per cent.

1921. Certain petroleum geologists of the American Association of Petroleum Geologists. Estimated future production at 9,150,000,000 barrels 1921 to 1930, inclusive, United States produced 7,719,222,000 barrels. Nearly 85 per cent in nine years.

1925. The committee of eleven appointed by the Federal Oil Conservation Board. Estimated future production from proven acreage on present methods, 5,300,000,000 barrels. 1925 to 1930, inclusive, United States has produced from these properties and new pools 5,243,161,000 barrels, almost 99 per cent.

1930. In the year 1930 the United States, according to the best estimates available at the present time, produced 901,000,000 barrels, compared with 1,005,598,000 barrels in 1929.

1859 to 1930, inclusive. From beginning to date the United States has produced a total of 13,149,090,000 barrels.

The production curve has been on the upgrade for several years. The country could have produced this year, had there been any demand for it, several hundred million barrels in excess of that which was produced.

In 1913 the United States produced 248,446,000 barrels. In 1929 Oklahoma alone produced over 253,000,000 barrels, or more oil than the entire United States produced in so recent a year as 1913. Oklahoma produces a billion barrels of oil each four years; it is capable of producing a billion barrels each year if the demand called for such development.

Mr. REED. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield for a question?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. REED. Has the Senator heard that the House of Representatives has accepted the Senate amendment to the veterans' hospital bill?

Mr. THOMAS of Oklahoma. Mr. President, I am delighted to have that information even at this late hour.

The same is true of Texas and California. It is highly probable that any one of the States of Oklahoma, Texas, and California can produce as much oil as the entire United States has produced to date.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. SHORTRIDGE. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SHORTRIDGE. On the 3d day of March, 1931, the Senate referred to the Committee on Privileges and Elections the pending contest of George M. Pritchard and Josiah W. Bailey, involving the question whether said George M. Pritchard or said Josiah W. Bailey, or either of them, is entitled to membership in the United States Senate as a Senator from the State of North Carolina.

My parliamentary inquiry is, Mr. President, May I, as a matter of privilege, offer this resolution at the instance of the Committee on Privileges and Elections, of which committee I am chairman, and may it be entertained, without the Senator from Oklahoma losing the floor?

The VICE PRESIDENT. The Chair would hold that the matter is not a privileged one, and that the Senator would lose the floor if that were done.

Mr. SHORTRIDGE. May I, then, ask the Senator from Oklahoma——

Mr. THOMAS of Oklahoma. Mr. President, I am yielding only for a question.

Mr. SHORTRIDGE. May I ask the Senator from Oklahoma, if unanimous consent be granted for entertaining the proposed resolution without the Senator losing the floor, would he be willing to yield?

Mr. THOMAS of Oklahoma. Mr. President, I have stated from the first that all I am asking is a vote upon this resolution; that if that could have been had I would have taken no time whatever. I think the third largest industry in America—employing in good times hundreds of thousands, now in depressed times the same hundreds of thousands out of employment—I think that class of our unfortunate citizenship, located in 20 States throughout the Union, are entitled to at least this consideration at the hands of this Congress.

Mr. SHORTRIDGE. I agree with the Senator and will vote for his resolution. May I ask him now, if unanimous consent be granted for entertaining this proposed resolution without the Senator losing the floor, will he yield for that purpose?

Mr. THOMAS of Oklahoma. Mr. President, to accommodate the Senator—I know his good faith, and I sympathize with his position, and I hope he does with mine——

Mr. SHORTRIDGE. I do.

Mr. THOMAS of Oklahoma. I ask unanimous consent that a final vote be had upon Senate Resolution 418 at 10 o'clock and 40 minutes.

Mr. SHORTRIDGE. That is hardly responsive to my question.

The VICE PRESIDENT. The Senator declines to yield.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Did not the Senator from Oklahoma submit a unanimous-consent agreement that we might vote on his resolution at 10.40 o'clock?

Mr. THOMAS of Oklahoma. But the Chair did not put the question.

Mr. BINGHAM. I ask the Chair if he will not put the request for unanimous consent.

The VICE PRESIDENT. Does the Senator submit the request?

Mr. THOMAS of Oklahoma. Mr. President, I withdraw the request.

Mr. President, because there is no possible relief for the unemployed among our unfortunate citizenship, because of an influence working here that has worked for all these years against the oil tariff, against the embargo, and against the study, I know of no way in which I can help the unfortunates in this gigantic industry better than by holding the floor until 12 o'clock, to the end that the attention of the country may be called to the facts disclosed by the record now being made.

I have just stated that Oklahoma produces a billion barrels of oil each four years. It is capable of producing a billion barrels each year if the demand called for such development.

The same is true of Texas and California. It is highly probable that any one of the States of Oklahoma, Texas, and California can produce as much oil as the entire United States has produced to date. The oil resources of these States loom larger with each passing year as deeper drilling and exploration work is done. These States are getting the development at this time, and have for a number of years last past. Other States would leap forward accordingly if development to a like extent were done within their borders.

I am not making a plea for the unfortunates of my State alone. I am making it for the unfortunates of Texas, California, West Virginia, New York, Pennsylvania, Ohio, Indiana, Kansas, Arkansas, Mississippi, New Mexico, Arizona, Montana, Wyoming, and last, but by no means least, the State of California.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Connecticut?

Mr. THOMAS of Oklahoma. I will yield for a question, Mr. President.

Mr. BINGHAM. Does the Senator know that there are some 200 postmasters awaiting confirmation who can not draw their salaries? And would the Senator be willing——

Mr. THOMAS of Oklahoma. Let me answer that question. The chairman of the committee handling those confirmations had them in his hand last night when he objected to the consideration of this resolution.

Mr. BINGHAM. Mr. President, one more question. Would the Senator be willing to yield for an executive session, provided he did not lose the floor and could resume it as soon as the executive session was over?

Mr. THOMAS of Oklahoma. Mr. President, the only relief I am going to get is the possible opportunity to call the attention of the country to the fact that here in the United States Senate supreme ignorance reigns about this industry; and when we ask for information, objections are raised.

Mr. BLAINE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Wisconsin?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. BLAINE. Does the Senator know that these 200 postmaster nominations can not be confirmed upon the objection of a single Senator?

Mr. THOMAS of Oklahoma. Mr. President, I appreciate the information. The only power any Member of this body has upon this floor is through facts and his ability to use such facts.

Mr. President, I am not taking advantage of the rules of this body to get some legislation over. I am taking advantage of the rules of this body in the interest of hundreds of thousands of men and women who can not now help themselves. I am not filibustering. [Laughter.] I have not filibustered during this session. It is true that I occupied 13 hours upon this floor in behalf of citizens who could not through any other means receive a hearing and consideration. I refer to the unfortunate Indians of this Nation. The only way I could get the attention of the Indian Bureau, which presumes to supervise the Indians, was by using so much time upon this floor.

As a member of a subcommittee, I made a trip throughout the country looking into the condition of those unfortunate citizens, and when I came back here and in cooperation with our committee proposed some relief for them we were met with objections at the hands of the Indian Bureau; and I felt it my duty as the representative of one-half of our Indian population to call the facts and the conditions surrounding these unfortunate people to the attention of the Senate and of the country.

Mr. President, while we did not get much in the way of legislation, we did get something. Through our speeches we did secure some relief for those unfortunate people.

While almost every other class of our people were being considered the House of Representatives included in the Interior Department appropriation bill a provision for $150,000 to take care of the cold and hungry Indians of the country, and when that bill came to the Senate——

Mr. STEIWER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. STEIWER. Would the Senator consider a unanimous-consent agreement for an executive session limited to 10 minutes past 11 o'clock, with the express understanding, as shown by the draft which I hand the Senator, that at the conclusion we recur to legislative business and that the Senator resume the floor for the continuation of his remarks?

Mr. THOMAS of Oklahoma. Mr. President, I was advised a moment ago that there are a number of nominations of postmasters and perhaps other Federal officials awaiting action. I was likewise advised that none of those nominations can be confirmed except by unanimous consent; that a single objection made to the confirmation of any one of those gentlemen or ladies would postpone the consideration of such particular nominee. I am further advised that such objection will be made; and with that advice, I can not yield for that purpose.

Mr. President, I stated a moment ago that the 13 hours which I occupied upon this floor had already brought some results. The Senate Committee on Appropriations struck from the Interior Department appropriation bill the item of $150,000, to be made immediately available, to feed and clothe the landless and moneyless Indian citizens of this Nation, and the bill came before this body in that form. I objected to that amendment. I opposed that amendment on the floor, and I insisted here that the Congress make available immediately the sum of $150,000 to feed and clothe the naked and the cold and the hungry Indians of the United States and am glad to say that the Senate sustained my position and such sum was approved.

Mr. President, as our committee went throughout the country during the past two years examining into Indian conditions we found the Federal employees in many places were giving little if any consideration to their Indian wards. But after the committee came back to Washington and took some interest in the matter and made the facts public, I am now advised that the Indian Bureau employees throughout the Nation are the busiest set of employees to be found in the Federal service. On yesterday an inspector of the Indian Office called upon me in my office. He told me that already he had been away down yonder in the far-western part of the United States looking after some of our Indian wards, and that just as soon as he could arrange some private matters he was going back.

I have no apology to make for the time I have consumed here in behalf of the Indian citizens. I make no apology now for the time I am occupying.

It may be that some of you are wondering just whom I have in mind. I have tried to help the Indian, who could not help himself. I have tried to help the unemployed, who have had little consideration by this Congress. On the second day of this session, when the President had sent his message to the Congress devoting 6 of 11 pages to the unemployment situation, and the distress which exists throughout the Nation, immediately upon the reading of that message I introduced a resolution, which is now on the Vice President's desk, asking for the appointment of a special committee of the elder statesmen of this body, the chairmen of the great committees, the most competent men of this body, to constitute a special committee to consider the special matter embracing one-half of the message of the President.

Mr. President, I knew the conditions throughout the country. I knew of the thousands and the tens of thousands and the millions out of employment, and I knew what they would have to suffer before the ides of March arrived.

In the hope that a study could be made of the entire unemployment situation, in the hope that the chairmen of the great committees could be brought together on one committee and make a survey of the Nation, and then, knowing the facts, that great committee would proceed to act upon those facts to the end that every class of our citizens could have attention, I offered that resolution.

Mr. President, objections were made to the resolution. I called it up on two occasions, and objections were made. At last I moved that the Senate proceed to the consideration of the resolution, and when that motion was made, with objections from the leaders of this body the resolution failed, and as a result this particular class I had in mind when this session of Congress convened until this hour has had little or no consideration.

Mr. President, what man have I in mind? I want to say to the distinguished senior Senator from Nebraska that I do not have in mind any stockholder or any member of the 50 companies to which I called his attention last night—50 power companies—a great majority in 1930 making larger net incomes than in 1929.

What man have I in mind? I now exhibit to the Senate the man I have in mind.

(Mr. THOMAS of Oklahoma at this point produced and exhibited to the Senate an old, worn-ragged, and much-patched pair of overalls.)

Mr. THOMAS of Oklahoma. Mr. President, this is about all that is left of the man I have in mind—some one has gotten all but his breeches. I have the man in mind who wore this garment. He is not in my State alone. That man is in every State of this Republic to-day. That man has had no consideration at the hands of the Congress of the United States. Congress has appropriated money to construct some buildings and has appropriated money to lend to great corporations. Last winter a bill was passed through the Congress giving Wall Street a direct rebate of $160,000,000. In this Congress money has been appropriated to be loaned to banks; money appropriated to lend to men who have security. But the man who wore this ragged garment has had little consideration and no relief at the hands of this Congress. And now here is all that is left. The question is, Shall this man have a chance to survive?

Mr. President, I know what overalls mean. I have worn overalls myself. I have compassion for the poor fellow who was reduced to such extremity, and no doubt he has already "gone west."

Mr. President, last fall the special subcommittee of the Committee on Indian Affairs, while making a trip throughout the Nation, and in holding its investigation, had testimony before it that Indian citizens were actually starving to death in the United States.

(At this point Mr. THOMAS of Oklahoma yielded for the passage of House Joint Resolution 534.)

Mr. THOMAS of Oklahoma. Mr. President, a few days ago I received a letter dated Washington, D. C., February 28, 1931. It is addressed to myself. I proceed to read it:

WASHINGTON, D. C., *February 28, 1931.*

HON. ELMER THOMAS,
Washington, D. C.

DEAR SENATOR THOMAS: In the midst of depression the Nation is without effective political or economic leadership. The session of Congress now drawing to a close has revealed the imperative need of formulating a constructive legislative program. Months of misery in the industrial centers and on the farms have disclosed lack of any proposals for the solution of one of the greatest economic crises ever confronting the Nation.

The disastrous results of failing to meet the responsibilities of this situation will be increasingly evident during the next nine months. The signers of this call for a conference, to be held in Washington, March 11–12, believe that there are certain economic and political problems affecting the welfare of every citizen which must be solved if this Republic is to endure and realize for all that fullness and richness of life which was the hope that spurred our forefathers to found this Government.

We believe that a constructive solution for these problems can be found by men and women who are aligned with different political parties. We hold that the magnitude of these problems demands an intelligent effort to solve them, without regard to partisan or political advantage.

We assure you this conference is not called to form the basis for a new party. To this end it is our purpose that the conference shall be nonpartisan in character and shall be devoted to the exchange of ideas looking solely to the formulation of a sound legislative program to be advanced at the next session of Congress. A series of round-table discussions will take place, concerned chiefly with the following general subjects:

1. Unemployment and industrial stabilization.
2. Public utilities.
3. Agriculture.
4. Tariff.
5. Return to representative government.

The invitation to this conference is extended to some of those who have shown an interest in these questions. We invite you to attend in the belief that you appreciate the vital importance of a definite legislative solution of these economic questions. We assure you that it is our purpose to make this a conference in the true sense of the word and that its objectives shall be confined to the purposes set forth in this call.

In view of the shortness of time, will you not wire your answer to the chairman, at the Senate Office Building, Washington, D. C.

Sincerely yours,

G. W. NORRIS, *Chairman.*
EDWARD P. COSTIGAN,
BRONSON CUTTING.
ROBERT M. LA FOLLETTE, Jr.
BURTON K. WHEELER.

Last night, Mr. President, I called the attention of the Senate to some 50 public utilities which made larger profits in 1930, the worst year in history, than they made in 1929, the best year in history. When I was presenting these figures the sponsor of this letter tried to take me from the floor.

Upon the invitation of these distinguished gentlemen, with whose purposes I am in sympathy, before this controversy arose I dictated the following reply:

MARCH 3, 1931.

Hon. G. W. NORRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your kind invitation to attend conference set for March 11–12 and advise that I will be present.

Yours most cordially,

ELMER THOMAS.

Mr. President, the problems set forth in the letter read a moment ago are the ones I have in mind. I approve of that movement. I approve of trying to get some help for the unemployed in the industrial sections and in the agricultural sections. That is all the Nye resolution proposes. It is not my resolution. The distinguished author of the resolution, the Senator from North Dakota [Mr. NYE], sits now to my right. He is a distinguished Senator who has rendered valuable service not only to the Senate but to the people of the Nation. When we proposed a resolution asking for a study of the identical things for which this conference was called, the man who called the conference tried to take me from the floor.

Mr. President, for many years we have had in this body distinguished Senators—and I question not their motives—barking at the heels of the baby octopi, and now when we have the old he-octopus—the oil monopoly, the daddy of them all—treed and we are trying to investigate him, objection is made.

Mr. President, I know of no good use that can be made of the overalls which I have exhibited to the Senate unless perchance they might be photographed and made a badge of the party in power in the next campaign; the badge of the administration which permitted such things to happen in the United States of America.

Mr. President, I ask unanimous consent that that part of the statement prepared by Mr. Wirt Franklin from which I was reading when I was diverted and which I have not yet read be printed in the RECORD in connection with my remarks without further reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The remainder of the statement referred to is as follows:

The production of the United States has been swinging upward from the discovery of oil to the present time—a period of 72 years. When we consider that the vast domain from the Canadian line to the Gulf of Mexico, lying immediately east of the Rocky Mountains, as well as the Pacific Coast States, is potential oil territory, practically undeveloped and unexplored at this time, it is apparent that the production curve will be on the upward trend for many years to come and that when said curve starts downward, if that day ever comes, we will produce from our then known reserves of oil as much or more oil than has been produced prior to the day when the decline curve will start on its downward course.

What I have heretofore said has been applicable to reserves of oil to be produced from oil wells. Let us now consider the vast reserves contained in the oil-shale deposits in the States of Colorado, Wyoming, Utah, Indiana, and other States. These deposits have been accurately surveyed, their oil content measured, and suffice it to say that in one deposit in Colorado alone the experts of the Government and the Colorado Bureau of Mines are agreed that there are 80,000,000,000 barrels of recoverable oil should it ever become necessary to use the same.

We have in the coal deposits of the United States, which are more than 50 per cent of the coal deposits of the world, another great source of oil, so great, indeed, that it is difficult for the human mind to comprehend. By hydrogenation oil and its derivatives, including gasoline, can be successfully produced from coal. It is not at all improbable that the perfection of this process, using coal, or the discovery of some other form of power may within a few years make our present oil reserves all but valueless.

Secretary Wilbur and other protagonists of so-called conservation continually speak of wasting our oil reserves, when, as a matter of fact, we are only using them without waste. It is certainly not fair to continually tell the public that the American petroleum industry is wasting our valuable oil reserves when the country is utilizing this great natural resource for the creation of new wealth within the country. This is the oil age. Let us utilize our oil while it is yet valuable and before the discovery of some new form of power which may supersede oil for the generation of power. It is the utmost folly to continue on a program which, perhaps, was conceived with honesty of intentions but which has outlived its usefulness and has become destructive in a superlative degree.

Imagine for a moment, if you will, that men of similar vision to those promoting the so-called oil conservation policy of the present day had been directing the policies of the Government and the course of business from the foundation of our country until the present time; that, acknowledging our natural resources, the products of our mines, were irreplaceable, they should be preserved for use at some distant day; and that instead of developing our natural resources and utilizing them, we had clung tenaciously to a policy of so-called conservation or reservation, then this great country of ours would now be, from the Atlantic to the Pacific, an undeveloped expanse of almost unbroken wilderness; the few inhabitants thereof, a pastoral people; the great civilization which we have builded, and the great industrial and commercial development which has taken place, as yet undreamed of. What has made the United States the most enlightened, the most prosperous, the most advanced in all lines of endeavor of any nation in the world, has been the utilization of our natural resources. It would be just as logical to contend that we should import our iron ore, our lumber, our lead, coal, zinc, and other mineral products, reserving our supplies thereof in this country for some future national emergency, as it is to insist that we should import our requirements of oil. In fact, Russia is at this time willing to sell us all these things at a price less than our cost of production, and France, Great Britain, and other nations indebted to the United States would willingly pay their war debts by sending to us all of these products. How any patriotic American citizen can advocate such a policy is beyond comprehension.

We have heard a great deal and read more in the daily press and the oil journals concerning the overproduction of crude oil in the United States. As a matter of fact, during the last 12 years (1918 to 1929, inclusive), there has not been an overproduction in the United States, but there has been an oversupply. During that period we have imported 950,000,000 barrels of crude oil. During that period we lacked 600,000,000 barrels of producing as much oil as we consumed, but during the same period we added to storage of crude oil in the United States 350,000,000 barrels, which addition to storage, as may be seen by these figures, was occasioned almost wholly by importing more oil into this country than we had any need of, so that it clearly appears that the great burden upon the petroleum industry of carrying in storage nearly 700,000,000 barrels of crude and refined products was not occasioned by overproduction in the United States, but overimportation of foreign oils.

Now let us inquire as to what effect the so-called conservation policy, coupled with the proration and curtailment movement and the importation of oil and refined products, has had upon the petroleum industry in the United States. The price of crude oil at the well has been reduced from time to time until now it is being sold very much below the cost of production, except in isolated pools of new and large flush production, although, as before stated, we have reduced the production since the peak week in August, 1929, nearly 900,000 barrels daily, and the average price of crude oil throughout the country has, during the same period, been reduced more than one-third in price.

The case of Oklahoma is typical of all the rest. During the week ending August 24, 1929, the production of Oklahoma was 735,750 barrels per day, and for all of this production there was a ready market. Since then, by cooperative effort, and in line with the published suggestions of the Federal Oil Conservation Board and the requests of the major purchasers of oil in that State, the production has been reduced until in the week ending January 3, 1931, the State of Oklahoma actually produced only 448,900 barrels daily, or a reduction in the production during that period of 286,850 barrels daily. This has been accomplished in that State in the face of the fact that the State could, with ease, supply sufficient oil to furnish the entire markets of the United States at the present time and for a long time to come from production already developed.

The proration movement and the curtailment of production in the various oil-producing States was inaugurated ostensibly for the purpose of stabilizing the petroleum industry, of preventing additions to storage, and balancing supply with demand. It has been a success only in so far as it has proved the ability of the industry to cooperate and accomplish curtailment of production. As production has been reduced imports have absorbed the market demand theretofore supplied by domestic oil, and instead of the price of oil being stabilized it has been steadily reduced until we are now almost upon a competitive basis, so far as prices are concerned, with cheap Venezuelan oil. One of two things must happen, and soon. Either imports of crude oil and refined products must be curtailed, and the price thereof equalized with domestic products by the imposition of an adequate tariff, or the petroleum industry must be permanently placed upon a competitive basis, so far as price is concerned, with the foreign oil. In fact, this is being gradually brought about, and it will not be many months before the destruction of the petroleum industry in the United States is complete. Already some 30,000 small wells in northeastern Oklahoma and southeastern Kansas have lost their market, due to the inability of the Prairie Oil & Gas Co. to continue purchasing oil in the mid-continent field.

As stated by Mr. M. L. Requa, in opening the Colorado Springs conference, there are in the United States approximately 250,000 wells with an average production of 1 barrel per day each. In addition to that, there are some 50,000 wells with an average production of 5 barrels per day each. In the aggregate, these wells have a settled production of over 500,000 barrels. They have been operated at a loss for more than three years. Many of them are being abandoned and plugged each week, under the benign influence of the present so-called conservation program. Ultimately these wells will all be lost, and in the name of conservation 300,000 small wells, with a daily production of 500,000 barrels, and with recoverable reserves of oil of hundreds of millions of barrels, will have been destroyed. To save these wells would be true conservation, and it is within the power of the Federal Government to save them if it will. As they are being abandoned the oil-field laborer, with his family, living on the lease and operating these wells, has been thrown out of employment. He knows no other kind of work, and under present conditions could not obtain employment if he did. There are literally thousands of these families at the present time dependent upon charity, and I can say with feeling and in truth that these men are native Americans, the kind that do not ask for charity; they do not wish to receive it but who only claim the right by honest toil to support themselves and families.

Conservation has been tried as a remedy for the demoralization of the petroleum industry, and it has miserably failed and will continue to fail as long as imported oil and refined products absorb the market demand as fast as domestic production is reduced. The domestic petroleum industry is being ruthlessly destroyed in the name of conservation. The purchasing power of the oil-producing States has been reduced by hundreds of millions of dollars. The welfare of the petroleum industry is no longer of local significance. If one-third of the area of the United States, with a population of 22,000,000 of people, is impoverished to the point where the inhabitants can not purchase from the industrial and manufacturing sections of the country those things which a civilized and highly developed community need, there can be no industrial and commercial recovery in the United States for many years to come. The civilization of the Southwest has been builded upon oil and the allied and kindred industries dependent upon the petroleum industry. If this industry is destroyed, and the wealth and prosperity which it has created is transferred to some foreign country, this great civilization, until recent years prosperous and contented, will be destroyed, half of the people in the oil country must seek employment and outlets for their energies in other lines of industries already overcrowded, most of them will be compelled to leave that country, and the wonderful cities of the Southwest, builded for the most part by the oil industry, will become depopulated and their magnificent office buildings become the roosting places of bats and sparrows.

We are met to-day in an attempt to work out a remedy for the appalling conditions in the petroleum industry with which we are confronted. All other principal industries of the United States, when suffering under similar conditions to that now prevailing in the petroleum industry, have been granted relief and given protection from foreign domination and control by a protective tariff. The principle of a protective tariff for industries being injured or destroyed by cheap foreign imports has become the settled policy of this Government. Both the Democratic and Republican Parties in their platforms in the year 1928 strongly indorsed such protection to American industries, and I would again remind you that Vice President Curtis, in campaigning for the election of the present administration in a tour of the mid-continent field, in that year promised the industry tariff protection, and we all know that he was sincere in his declarations.

When it became apparent in the latter part of January, 1930, after a drastic cut in the price of crude oil, without any economic reason therefor, that those major companies engaged in importing crude oil and refined products in the United States had not given the full measure of cooperation promised by them in curtailing their foreign production and imports commensurate with the curtailment of production in the United States, and after those same interests believed it was too late for the domestic producers to

obtain relief from Congress in the then pending tariff bill, a mass meeting of the oil industry was held in Tulsa, Okla., on January 29, 1930. A large delegation of oil men arrived in Washington on February 3, 1930, and presented to President Hoover and to the Congress their plea for protection to this great basic industry. The tariff bill had then passed the House, had been reported by the Finance Committee to the floor of the Senate, and the time was too short within which to thoroughly acquaint the House and Senate with the true condition of the petroleum industry. Since then conditions have steadily grown worse, and most of the things which were then told Congress would happen if we were not given protection have transpired. Congress did include in the tariff bill a provision directing the Tariff Commission to investigate and report to Congress the cost of Venezuelan oil and refined products delivered at Gulf and Atlantic ports and the cost of domestic oil delivered at the same ports, and we are now expecting that report to be completed within a few days. Certainly, by such a provision in the tariff bill it was the intention of Congress, should the facts warrant, to grant us relief and protection at the next ensuing session of Congress. The kindly reception accorded us at the last session, the generous support given in such a short time by Congress is assurance that when the Members realize the true facts in connection with this question relief and protection will be granted.

Congress has recently had under consideration relief bills under which it is proposed to give relief in various sections of the country to the farmers and others. In the oil-producing States, as is generally known, the farmers and landowners own one-eighth royalty in all the oil and gas produced. The producing oil companies hold under lease for future prospecting millions of acres in all the oil-producing States, on which a rental, usually $1 per acre, is being paid, in addition to the bonus or purchase price of the leases themselves, from which the farmers, in thousands of instances, have been able to pay off their mortgages and improve their farms, while the annual rental during recent years of crop failures and low prices for farm products has paid the taxes on their farms and in addition helped to support the farmers and their families. But with prevalent conditions in the petroleum industry those engaged in the producing branch of the business, having had their resources and income severely reduced, are unable to continue paying these rentals, are surrendering the leases, and the farmers are being deprived of millions of dollars of income heretofore enjoyed by them. Literally thousands of men, formerly employed in and near the oil fields, are now idle and the community funds raised in the adjacent cities and towns are being called upon to assist them. In addition, the oil men themselves, in some districts where they are still able to raise the money, are contributing funds and through committees administering relief to the families of idle oil-field employees. How much better it would be for Congress to bring relief to the petroleum industry through a measure imposing a tariff on imported crude oil and refined products which would bring revenue into the Federal Treasury instead of by inaction on this measure making it necessary to appropriate millions from the Treasury for relief.

It was at one time argued by those importing crude oil into this country that there should be no tariff or other limitation on imports, because the crude oil was brought to the United States and gave employment to American capital and labor. This is no longer true. The Royal Dutch Shell has constructed and has had in operation for several years a refinery at Curocau, a Dutch Island off the coast of Venezuela, the capacity of which has been increased in the last year to 250,000 barrels per day, while the Pan-American Co., subsidiary of the Standard Oil Co. of Indiana, has a refinery on the island of Aruba (also a Dutch island off the coast of Venezuela) of 110,000 barrels daily capacity. In addition to these there are two smaller plants with an aggregate capacity of more than 30,000 barrels per day. Operating on cheap oil produced on the mainland, transported at a negligible cost to the refineries, and with transportation in tankers for the refined products from these huge refineries, the American petroleum industry is no longer able to compete in the world markets with them. He who can not visualize within the next few years the complete loss of our export market has little imagination, indeed. The American companies now exporting oil to Europe will continue to export the same for some years to come, due to the fact that they have their own controlled outlets. It is from these refineries that the gasoline and other refined products come, which absorb by leaps and bounds the market formerly supplied by Pennsylvania, New York, West Virginia, Ohio, Indiana, Illinois, California, and the great mid-continent field, and which has made necessary the proration program and the vast curtailment in the production of the United States.

The Department of Commerce maintains in the capitals and most of the principal cities of the world, commercial attachés, for the purpose of advancing the commercial interest of the United States and a large part of their duties is in assisting to secure additional market outlets for petroleum products produced and refined in the United States. At the same time Secretary Wilbur, of the Interior Department, and chairman of the Federal Oil Conservation Board, is devoting his energies to reducing domestic production and encouraging these other countries to send their petroleum products to the markets of the United States.

Is the oil industry of this country to continue in the curtailment of production in an ever-increasing degree, while the output of Venezuela and other South American countries continues to absorb the domestic market, without paying 1 cent of taxation to support the Government of the United States, the States, or the legal subdivisions thereof, whereas the domestic oil industry is the most heavily taxed of any industry in the United States, paying first in most States a gross-production tax of 3 or 4 per cent of all the oil and gas produced; a State income tax, a Federal income tax, an ad valorem tax, capital-stock tax, and other taxes too numerous to mention?

But those engaged in importing oil will contend that there should be no tariff on imports, because our exports of petroleum are greater in value than our imports. If this argument is sound and of compelling force, then Congress should, without delay, repeal the tariff bill in its entirety, for on examination we find that on the following products, to wit, iron and steel, semimanufactured; steel mill products; iron and steel, advanced manufacture; electrical machinery; industrial machinery; office appliances and printing machinery; automobiles and other vehicles; animal oils and fats; manufactured cotton; manufactures of wood; pigments, paints, and varnishes; soaps and toilet preparations; photographic goods; scientific and professional instruments, and musical instruments, the imports during the calendar year 1929 were $172,577,000, while the exports from the United States of the same products totaled $1,725,111,000. During the same year the foreign value of imported crude petroleum and refined products was $140,966,000, duty free, while the exports of the same products totaled, in American value, $531,173,000. Imports of petroleum, both crude and refined, in 1929, amounted to approximately 110,000,000 barrels (about 10 per cent in barrels of the domestic production), while in 1930 it is estimated that the total number of barrels of imports of both crude and refined products will be slightly in excess of 100,000,000 barrels, and the estimated production of crude oil in the United States for the year 1930 slightly in excess of 900,000,000 barrels. The imports of crude oil in 1930 have been reduced, as compared with the year 1929, but the imports of gasoline and other refined products have been so greatly increased as to displace a much greater amount of domestic crude from the market than was the case in the year 1929.

Secretary Wilbur, in his recent release to the Associated Press, contended that since the imports were only about 10 per cent of our domestic crude production they were a negligible factor. But it is too well recognized as sound economics to require more than the mere statement thereof that a 10 per cent surplus of any commodity thrown on the market will demoralize completely the price structure of the whole supply, and this is what has occurred in the petroleum industry. A 10 per cent or even a 5 per cent surplus production of cotton, wheat, corn, or of any manufactured or industrial commodity has always brought about widespread depression and demoralization in the price structure of the commodity of which there is an oversupply on the market. Especially is this true in the case of oil and refined products, when those engaged in producing and refining the same in Venezuela and other South American countries are able at will to increase the imports in any amount so that the threat of the same continually hangs over the domestic market.

At the time of the last reduction in the price of crude oil in the mid-continent field, which reduction amounted to more than 25 per cent in the then average price, those companies posting the reduced price accompanied the same with the statement that it was made necessary because of competition. Certainly it was not the competition of domestic production, because at the time of the posting of this crude price reduction the cooperative movement to curtail production had reduced the same nearly 600,000 barrels per day in the United States; the companies posting the reduced prices for crude oil, after having promised full cooperation in the proration program, betrayed producers by withdrawing from storage 26,000,000 barrels of oil in the year 1930.

In recent months imported gasoline has been sold in tanker lots in Atlantic seaports as low as 4 cents per gallon. Certainly it must have been the competition of this imported gasoline that made necessary the reduction in price of the domestic product. This reduction in the price of crude oil was followed throughout the United States by an average reduction in the wholesale price of gasoline (which was not passed on to the consumer) of 2 cents per gallon. Granting, for the sake of argument, that the difference in the values of our imports and exports of petroleum products, and the favorable trade balance of $390,000,000 created thereby was all profit, even though that profit went to only four or five huge corporations, and keeping in mind that within the last year the price of 36-gravity mid-continent crude has been reduced more than one-third (50 cents per barrel), how long would it take at 50 cents per barrel, with a daily consumption in the United States at the present time upward of 2,500,000 barrels of crude oil, to entirely account for said $390,000,000 favorable trade balance from crude-oil production alone? And let us also ask how long it would take at 2 cents a gallon (the amount of reduction in the wholesale price of gasoline in recent months), with a daily consumption of 1,950,000 barrels of gasoline, to account a second time for said $390,000,000 of favorable trade balance?

While the argument is made that our exports of petroleum products exceed our imports thereof, we find, upon an analysis of the figures that, taking into consideration the exports from the Pacific coast, to which there are no imports, or, if any, only a negligible amount, that there are more barrels of petroleum products imported to the Gulf and Atlantic ports than are exported from the same ports.

Again, it is stated that there should be no tariff on imports of petroleum products because it would be detrimental to the interests of the consumers, the buyers of gasoline, that the consumers so far outnumber the producers and refiners and those employed in the petroleum industry that their interests are paramount.

However, there seems to be little relation between the price of crude oil to the producer in the United States and the price of gasoline and lubricating oils to the consumer. This can be illustrated briefly by referring to the fact that in February, 1926, in 52 representative cities throughout the United States, the average price of gasoline at the filling station, exclusive of tax, was 18.09 cents per gallon, while the average price of crude oil of 36 gravity Baumé during February, 1926, in Oklahoma and Kansas was $2.04 per barrel. The average recovery of gasoline by the refining methods then in use was 35 per cent, or 14.70 gallons per barrel. In 1929 the average price of gasoline at the filling stations in the same cities, exclusive of tax, was 18.39 cents per gallon, while the price of crude oil of 36 gravity Baumé in Kansas and Oklahoma was $1.20 and the recovery of gasoline by improved refining methods had increased to 46 per cent, or 19.32 gallons of gasoline for each barrel of oil. The same relative price schedules obtained throughout the years 1926 and 1929. The price of gasoline to the consumer has not fluctuated in proportion to the price of crude oil.

Cheap imported fuel oil has caused the price of the domestic fuel oil in the refining centers of the mid-continent field to fall at times below 50 cents per barrel, thus bringing about a very wasteful utilization of this oil, which might better be saved for higher uses than fuel. This cheap fuel oil, coming into competition with coal, has brought serious distress to the coal industry throughout the country, which industry has been compelled to discharge from employment during the time this condition has prevailed not less than 50,000 American laborers employed in the mines and in the transportation of coal. The unemployment problem now receiving such diligent consideration by the administration might be greatly reduced by shutting out imports of cheap fuel oil, allowing the use of coal in many industrial and manufacturing centers, and thus bringing about a reemployment of thousands of miners who are now idle.

If the present program of so-called conservation is continued, and results in the shutting down of producing wells and the cessation of development and exploration work, the known oil reserves of the United States will become practically valueless. The present owners, unable to hold the same without receiving any income therefrom, will be compelled to sell them in a market demoralized because of this program. The purchasers who would be willing to buy under these conditions would be the same corporations who control and monopolize the production and marketing of oil throughout the world, outside of the United States. It is acknowledged that there is a world monopoly on oil outside of this country. The markets of the United States are approximately 70 per cent of the markets of the world for petroleum products. If it is desirable that monopoly shall securely fasten its tentacles upon the petroleum industry of the United States with the same grip it holds upon the remainder of the world, and if it is desirable that the consumers of the United States should ultimately pay the same price for gasoline and other petroleum products that are charged in Europe and other foreign countries, then the so-called program of conservation should be continued, even though it bring utter ruin in its wake to one-fifth of the population of the United States directly and indirectly and in a lesser degree to the entire country; even though it shall cause an increase in ad valorem taxes in the oil-producing States to make up for the taxes lost from the gross production tax on oil and gas; even though its effect on general business, banking, and agriculture, through destruction of consuming power, shall be most serious; even though 20,000 oil producers, individuals, partnerships, and large and small corporations shall be put out of business and their 800,000 employees and their families compelled to look for work in other lines; and even though the advocates of this policy, in reserving the petroleum resources of the United States for future generations, shall, after viewing the havoc wrought by their program, have a feeling of righteous accomplishment.

I have never contended that a tariff on oil is a panacea for all the ills of the industry. Were imports entirely eliminated we must still proceed with a sane, orderly program of development and operation of our oil fields and by cooperation balance supply with demand, as we have so ably demonstrated we can do—as we have done in the past two years.

I would like to say in closing that we should not be discouraged. We have won much support. The whole petroleum industry, the business, and commercial interests, the farmers and the landowners of the oil-producing States now present a solid front in demanding immediate relief, and are militantly supporting the program for the exclusion of foreign oil from the domestic markets, either through the instrumentality of a protective tariff, or if the political exigencies prevent that form of remedy, then by an embargo for a period of years forbidding any importation of oil products whatever.

The directors of the American Petroleum Institute, at its meeting in Chicago November 10, adopted by a majority vote a resolution indorsing in principle a tariff on the importation of crude oil and refined products into the United States. On December 5 at the annual meeting of the directors of the General Mid-Continent Oil and Gas Association, which association embraces the six States of Kansas, Oklahoma, New Mexico, Texas, Louisiana, and Arkansas, and contains in its membership representatives of most of the producing, refining, and marketing interests engaged in business in that district, adopted with only one dissenting vote, a resolution strongly demanding a tariff on oil and refined products, and directing the officers of the association to do everything in their power to secure that form of relief for the industry. The Rocky Mountain Oil and Gas Association took similar action. All the local oil and gas associations throughout the country have done likewise. The Independent Petroleum Association of America, with membership in every oil-producing State of the Union, is a unit in demanding tariff relief. The chambers of commerce of most of the cities and towns in the oil States have likewise demanded a tariff on oil. A number of State legislatures, which have been in session since the depression in the oil industry has become acute, have memorialized Congress for this relief, the latest one to take such action being the Legislature of California, early this week. Various farm organizations have taken a decided stand in favor of a tariff on oil.

With this united and determined support, I feel that Congress and the administration should and will give heed to our prayers and grant us that protection which only they can grant and thus prevent our complete demoralization and ruin. The historical and statistical facts justify, the social and economic conditions demand, this relief. Certainly, with all this before them, our Government can find a way.

Mr. THOMAS of Oklahoma. Mr. President, I advised the Senate when I began at 9 o'clock this morning that at 11 o'clock I would proceed to read into the RECORD copies of contracts made between the United States Government and the Gulf Refining Co. whereunder the oil used by the Shipping Board is furnished by a company reputed to be dominated by the Secretary of the Treasury. I wonder if that circumstance could have anything to do with the objections made to the passage of this resolution.

I hold in my hand and I exhibit to the Senate copies of two contracts with a letter attached. The letter is as follows:

UNITED STATES SHIPPING BOARD,
Washington, January 16, 1931.

HON. ELMER THOMAS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with telephone request from your office this morning to the Fleet Corporation, I send you herewith one copy each of our contracts now in effect with the Gulf Refining Co. for fuel oil and lubricating oils.

Very truly yours,

E. C. PLUMMER, *Vice Chairman.*

Mr. President, that identifies the contracts. I read:

CONTRACT NO. 10284

Fuel-oil contract, entered into the 11th day of July, 1928, between the Gulf Refining Co., a Texas corporation, with offices at Pittsburgh, Pa., hereinafter called "seller," and the United States Shipping Board Merchant Fleet Corporation, a District of Columbia corporation, hereinafter called the "buyer," witnesseth:

That, in consideration of the mutual and dependent promises hereinafter set forth, the parties hereto agree as follows:

I. The seller hereby agrees to sell and deliver to the buyer, and the buyer hereby agrees to purchase and receive from the seller at the ports of New York, N. Y., Philadelphia, Pa., Charleston, S. C., Savannah, Ga., Jacksonville, Fla., Port Tampa, Fla., New Orleans, La., Galveston, Tex., and Port Arthur, Tex., bunker fuel oil "C" for use as fuel by buyer's oil-burning vessels which are defined to be for the purpose of this contract all vessels belonging to the United States of America operated by the United States Shipping Board through the buyer, upon orders of the buyer or its managing operators or their agents as hereinafter set forth and in accordance with the following terms and conditions:

II. Specifications for bunker fuel oil "C": The fuel oil to be delivered hereunder shall be equal to or better than the following specification:

It shall be hydrocarbon oil, free from grit, acid, and fibrous or other foreign matter likely to clog or injure the burners or valves.

The flash point shall not be lower than 150° F. (Pensky-Martens closed tester).

The viscosity shall not be greater than 300 seconds at 122° F. (Saybolt Furol viscosimeter).

Water and sediment: The sediment content shall not be more than 0.25 per cent. The total water plus sediment shall not be more than 2 per cent. A deduction in quantity will be made for all water plus sediment in excess of 1 per cent equal to such excess.

III. Unit of quantity: The unit of quantity shall be the barrel of 42 United States gallons of 231 cubic inches at a standard temperature of 60° F., and a temperature correction shall be made by the divisional method at the time of delivery at the rate of 0.0004 for every 1° F. that the temperature of the fuel oil is above or below 60° F.

Under no circumstances shall the temperature of fuel oil when placed in vessel's tanks exceed 120° F.

IV. Quantity: The quantity of fuel oil to be delivered and received hereunder shall be the maximum bunker requirements of the buyer's oil-burning vessels (except vessels operated under any form of agreement other than agreement known as "Operating agreement, 1924") at the aforesaid ports, and such additional oil, to be taken as cargo at Port Arthur, Tex., as may be required by the buyer to supply its bunkering stations, excepting its Pacific Ocean and Panama Canal bunkering stations: *Provided, however,* That the buyer shall not be obligated to purchase and receive, and the seller shall not be obligated to sell and deliver without its consent in any one calendar month in excess of the following maximum monthly quantities:

Port and maximum monthly quantity:	Barrels
New York	315,000
Philadelphia	66,000

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. COPELAND. May I ask the Senator, if it can be done without taking him from the floor whether he will yield for consideration of a resolution to extend the copyrights, which will expire previous to that date to January 1, 1935? It will be an extension of four years on copyrights. If it can be done without taking him from the floor, will he yield under unanimous consent for that purpose?

Mr. THOMAS of Oklahoma. Mr. President, I will yield on condition that I do not lose the floor; and I depend upon the Vice President to protect my right to the floor. I ask unanimous consent to that effect.

The VICE PRESIDENT. Is there objection?

Mr. WATSON. May we have this proposition stated, so that we may hear it?

The VICE PRESIDENT. Let the Senate be in order, and let the Secretary read the joint resolution.

The joint resolution (S. J. Res. 265) extending the duration of copyright protection in certain cases was read the first time by its title and the second time at length, as follows:

Senate Joint Resolution 265

Resolved, etc., That in any case in which the original renewal term of copyright subsisting in any work on the date of approval of this resolution would expire prior to January 1, 1935, such term is hereby extended from the date of such expiration to January 1, 1935.

Mr. BLAINE. Mr. President, what is the request?

The VICE PRESIDENT. The Senator from New York may himself state his request.

Mr. COPELAND. This is a proposal that the copyright of any book or other production which expires previous to January 1, 1935, shall be extended to January 1, 1935.

Mr. BLAINE. May I ask the Senator if it is new legislation?

Mr. THOMAS of Oklahoma. Mr. President, I am depending upon the Presiding Officer to protect my rights to the floor.

The VICE PRESIDENT. The Chair will protect the Senator; the Senator has not yielded the floor.

Mr. COPELAND. This is new legislation.

Mr. BLAINE. Then I object.

The VICE PRESIDENT. The objection is made, and the joint resolution will lie on the table. The Senator from Oklahoma has the floor.

Mr. THOMAS of Oklahoma. I was proceeding to read into the RECORD, Mr. President, a copy of the contract between the United States Government, acting through the Shipping Board, and the Gulf Oil & Refining Co., whereby the gasoline, kerosene, fuel oil, and lubricants used by the Shipping Board are furnished by the Gulf Refining Co. I continue reading from the contract:

	Barrels
Charleston	27,500
Savannah	27,500
Jacksonville	16,500
Port Tampa	16,500
New Orleans	185,000
Galveston	210,000
Port Arthur:	
Bunkers, exclusive of tank steamers	44,000
Cargo oil, including bunkers for tank steamers	[1] 180,000

Mr. President, I wonder how many of these contracts are in existence? I wonder how many commodities purchased by the United States Government of the more than 400 now made from oil are covered by contracts of this character? I did not know this contract existed; I doubt if any Member of the Senate, save one, or, perchance, two, knew that it existed. Yet when I ask that a committee be appointed to secure information of this kind, we find very determined opposition, and I will say that to date that opposition has been successful.

Period of deliveries—

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maryland?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. TYDINGS. I should like to ask the Senator if he would object to my asking unanimous consent, provided he would not lose the floor, to have printed in the RECORD a 2-page article by former Senator Jonathan Bourne, jr., of Oregon, on the question of the presidential veto, which I was requested to have printed in the RECORD, and I am afraid I will have no other opportunity to do so?

Mr. THOMAS of Oklahoma. I can not yield for that purpose. [Laughter.]

Mr. President, I ask unanimous consent to have incorporated in the CONGRESSIONAL RECORD an article entitled "Drift Toward Dictatorship," by Jonathan Bourne, jr., a former Senator of the United States from Oregon.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(The article appears at the conclusion of Mr. THOMAS's remarks.)

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that the article just ordered to be printed in the RECORD may also be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. THOMAS of Oklahoma. Mr. President, I continue reading from the contract:

V. Period of deliveries: This contract shall be for the period of one year commencing January 1, 1929, and shall be continued thereafter for two additional periods of one year each: *Provided, however,* That nothing herein contained shall bind the buyer in any fiscal year for the future payment of money in excess of the appropriations made by Congress for the purpose of operating vessels under the control of the buyer.

Mr. President, earlier in this discussion I tried to convey to the Senate some information about the number of products that are made from oil. One who does not live in an oil-producing State, one who knows oil only as a thick, black fluid, has, perhaps, but little conception of what that black fluid contains. When oil is mentioned, one who is not familiar with the subject, perhaps, would think that only two or three commodities can be made from oil.

(At this point a message from the House of Representatives, by Mr. Chaffee, one of its clerks, was received. The message appears under its proper heading.)

Mr. THOMAS of Oklahoma. Mr. President, I was proceeding to try to outline, as best I could, with what knowledge I have of the oil industry, the various commodities that are made from crude oil, this thick, black liquid that comes from beneath the ground, some of it from a depth of a mile and a half. When this liquid is brought from the ground it is a thick, soupy, black substance, and one uninitiated, perhaps, would think that only kerosene and gasoline and lubricating oil could be made from this liquid. But that is far from the truth.

From this black, thick, slick liquid more than 400 commercial articles are now made. All classes of greases are made from oil. Why, Mr. President, even soap is made from it; and fatty acids are also obtained from oil. Even a substitute butter is made from oil, and it may be that some of the distinguished Senators upon this floor have indulged in the delightful pastime of consuming butter made from crude oil.

In addition to the commodities which I have mentioned, saccharin is made from oil; substitutes for leather are made from oil; and, I understand, some of those substitutes are made into clothing; so it is a fact that clothing worn by men, women, and children is made from crude oil.

Then we have matches made from oil; we have candles made from oil; we even have alcohol made from oil. It may be that some of the peculiar gyrations which some people profess to have seen here in Washington and other

[1] But not in excess of 1,000,000 barrels of cargo fuel oil, including bunkers for tank steamers loading cargo in any one calendar year.

places throughout the country are caused by the class of alcohol that is made from this black liquid substance.

Mr. President, 400 and more substances are made from crude oil. The Senate perhaps did not know that fact. Yet when we try to get some information to the effect that butter can be made from oil, that paints and varnishes can be made from oil, that soap can be made from oil, that alcohol and medicines can be made from oil, and are being made from oil, and that hundreds of other commodities are also being made from oil, and a simple Senate resolution comes before this body that affects the third largest industry in America, we find determined opposition; and, I may repeat, that, so far, that opposition has been successful. I wonder when the people are to have some information upon this third largest industry in this country?

Mr. HAYDEN. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. HAYDEN. Is the Senator from Oklahoma aware that the House of Representatives has amended the bill (S. 6169) to extend the restrictive period against alienation of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes?

Mr. THOMAS of Oklahoma. Yes; I am aware of that fact, and I will make a statement about it.

Mr. HAYDEN. Is the Senator willing, provided he would not lose the floor, that I might make a motion to concur in the House amendments to that bill?

Mr. THOMAS of Oklahoma. Let me first make my statement.

Mr. President, I am aware of that fact; and that brings me back to the Indian problem [laughter]; and after I make my statement the distinguished Senator from Arizona will not ask me to yield.

Mr. President, the bill to which the Senator now calls the attention of the Senate pertains to my State. Oklahoma has 150,000 Indians; Oklahoma has 40 counties, in which are located the members of the Five Civilized Tribes, and the Five Civilized Tribes embrace 100,000 Indians. It is true that upon some of the heirship lands in those counties the restrictions will expire in April of this year. Under existing laws some classes of those heirship lands are under the jurisdiction of the courts of my State and other classes are under the Indian Bureau here in Washington.

The Indian Bureau prepared and sent to the Indian Affairs Committee of the Senate a bill proposing to disturb the land titles in 40 counties in Oklahoma. Mr. President, the Five Civilized Tribes consist of the Cherokee, the Chickasaw, the Choctaw, the Seminole, and the Creek Tribes. Two of these tribes, the Chickasaws and the Choctaws, have governors. Governor Johnson represents the Chickasaws; Chief Dwight is chief of the Choctaws; Mr. Lewis is attorney for the Choctaws; and Mr. McVeagh is attorney for the Chickasaws.

The Indian Office knew that these governors and chiefs were in Washington, because they are paying their expenses while they are here. The Indian Office knew that these attorneys were here. They have contracts with the Government and are being paid by the Government. While the governors of these tribes were here, and while the attorneys of these tribes were here, the Indian Office proceeded to prepare a bill without even advising and conferring with the governors and the chiefs and the attorneys. They sent such bill to our committee, direct to the distinguished chairman of the committee, the Senator from North Dakota [Mr. FRAZIER] without having conferred with the governors and without having conferred with the attorneys; and members of the Indian Bureau were reported to be secretly saying, "We are going to slip that bill through the United States Senate and the United States House of Representatives."

Let me ask the distinguished Senator from Arizona why did not the responsible officials in the Indian Bureau confer with the governors of the tribes and the attorneys of the tribes in the preparation of that bill?

Mr. HAYDEN. The——

Mr. THOMAS of Oklahoma. I do not want an answer. I do not yield for that purpose. The answer is apparent. Why did not the Indian Bureau confer with the attorneys in the preparation of this bill?

Mr. President, there has been laid upon my desk, since I commenced to talk about the Indian question, a telegram addressed to Hon. JIM MCCLINTIC, Member of Congress from my State. The date of its arrival was March 2. I have not seen it before, and I have not had time to read it. If I can glance through it I probably shall ask that it be read or read it myself; but I desire to answer the question of the distinguished Senator from Arizona [Mr. HAYDEN].

The Indian Office did not confer with the heads, the governors, and the attorneys for these Indians, but prepared a bill proposing to disturb the land titles in my State—a bill taking jurisdiction from the courts of my State. Does the distinguished Senator from Arizona presume that my colleague [Mr. PINE] and myself in this House, and the Members of the other body, would stand to see a bill passed through this body or that body condemning the courts of my State as either inefficient, incompetent, or corrupt? If the Senator does think so, he mistakes the temper of the Oklahoma delegation in the Congress of the United States.

Mr. HAYDEN. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. THOMAS of Oklahoma. I will answer the Senator's question if he will give me time.

Mr. HAYDEN. I should like to ask a question.

Mr. THOMAS of Oklahoma. I do not yield for that purpose.

The VICE PRESIDENT. The Senator declines to yield.

Mr. JONES. Mr. President——

Mr. THOMAS of Oklahoma. Mr. President, I have not completed answering the Senator's question.

After the Indian Bureau had tried to slip this bill through the Congress—and they used the word "slip"—we had a hearing before our Senate committee; and, at my request, the attorneys for these tribes came before the committee, and pointed out to our committee what the bill would accomplish.

Mr. THOMAS of Oklahoma. Mr. President, I now ask unanimous consent to have published as a public document a number of papers marked "Memorandum on substitute bill S. 2497, by Winter S. Martin, attorney at law, Seattle, Wash."

Mr. REED. I object.

The VICE PRESIDENT. The Senator from Pennsylvania objects.

Mr. THOMAS of Oklahoma. Mr. President, I was trying to explain to the distinguished Senator from Arizona [Mr. HAYDEN] why I can not yield for consideration of the bill he is now asking to have called up.

After this bill had been exposed in our committee, after it had been exposed in the House of Representatives, not a member of our delegation would even think about considering the legislation. Then members of our delegation from Oklahoma went down to the Indian Bureau and undertook to write a substitute carrying the same idea and purpose and intent; and the substitute was prepared, brought back to the Senate, and, by my distinguished colleague the Senator from North Dakota [Mr. FRAZIER], introduced in the Senate; and again it went to our committee.

Mr. President, I renew the request I made a moment ago, that this memorandum on S. 2497 be printed as a public document.

Mr. REED. Mr. President, I understand that this is done at the request of the Senator from Minnesota [Mr. SHIPSTEAD]. Therefore I do not object.

The VICE PRESIDENT. Without objection, that order will be made.

Mr. THOMAS of Oklahoma. Mr. President, when this substitute had been agreed upon and brought back and reintroduced it came out with a favorable report from our committee. I was for the bill—at least, I thought I was. The bill came up on the calendar. But between the time the bill reached the calendar and the time it could be reached upon the floor it was reported to me that the attorney for the Indian Bureau was making statements that the substitute, under rules and regulations to be prescribed by the Secretary of the Interior, would accomplish the same purpose as the original bill, whereupon my distinguished colleague from Oklahoma, Mr. HASTINGS, called me to the telephone and said, "Do not let that bill pass."

The bill did not come up at that time. If it had, I would have objected. Late Saturday night this bill came up on the calendar, and at that time a third substitute had been prepared and was brought here. The substitute was not considered by the committee.

No member of the committee, save the distinguished chairman and myself, ever saw the substitute. This third proposal was another attempt to enact the legislation we all had in mind.

The substitute went through. It went to the other House; and on Sunday I received long-distance telephone calls from Oklahoma asking me to read this bill over the telephone, which I did. I wired the bill down there on Sunday; and since Sunday telegrams by the dozens have come in from my State protesting against the pasage of the bill.

The telegram that I hold in my hand is signed by W. A. Durant, chief clerk of the Oklahoma House of Representatives, which is now in session. Mr. Durant is himself a member of the Choctaw Tribe of Indians. He served in the State legislature of my State for many years. At one time he was speaker of the house of representatives. He would make a creditable Member of Congress, a creditable Member of the Senate of the United States, or would serve creditably in any position within the gift of the people of his State or of his Nation.

Mr. HAYDEN. What does Mr. Durant say?

Mr. THOMAS of Oklahoma. I now ask unanimous consent to send this telegram to the desk—I have not read it; I know it is a protest against the passage of this bill—and I ask that it be read in my time.

Mr. REED. I object.

The VICE PRESIDENT. Objection is made.

Mr. THOMAS of Oklahoma. Mr. President, this telegram is dated March 2, 1931. It is addressed to Hon. JIM MCCLINTIC, Member of Congress, Washington, D. C., and is as follows:

OKLAHOMA CITY, OKLA., *March 2, 1931.*

Hon. JIM MCCLINTIC,
Member of Congress, Washington, D. C.:

The House of Representatives of the State of Oklahoma passed the following resolution to-day:

"A resolution memorializing Congress to defeat provisions of House bill No. 15603 on House Calendar No. 445 and under report No. 2188 of the Seventy-first Congress, third session, providing for the extension of the restricting period against alienation lease mortgage or other encumberances of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes

"Whereas there is now pending in the House of Representatives of the United States on House Calendar No. 445 under report No. 2188 House bill No. 15603, which does by its terms extend restrictions placed upon alienation lease mortgage and other encumberances of any interest of restricted heirs of members of the Five Civilized Tribes; and

"Whereas the said provisions are applicable only to inherited land and will continue such property from the tax rolls of the State; and

"Whereas the said bill does by its terms prevent the handling and managing of such property by local, State, and county agencies and places the same entirely under the control and management of the Secretary of the Interior and deprives such Indian heirs of the protection of home government and places it at long range and beyond their personal reach; and

"Whereas the same contains, in the opinions of the House of Representatives of the State of Oklahoma, many other objectionable features: Therefore be it

"*Resolved by the House of Representatives of the State of Oklahoma in its thirteenth assembly*, That the Congress of the United States is hereby memorialized to not inflict upon the State and the Indian citizenship of the State this burden, which we believe to be unjust; and be it further

"*Resolved*, That copies of this resolution be forwarded to each Representative and Senator from the State of Oklahoma in the National Congress, calling their attention to our objections to the said bill."

W. A. DURANT, *Chief Clerk.*

Mr. HAYDEN. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Oklahoma. Mr. President, my time is limited. I can not yield further.

The VICE PRESIDENT. The Senator declines to yield.

Mr. GILLETT. Mr. President, will the Senator yield to me to ask to have a letter printed in the RECORD?

Mr. THOMAS of Oklahoma. I will yield for a question.

Mr. GILLETT. I simply wish to secure permission to have a letter printed in the RECORD.

Mr. THOMAS of Oklahoma. I shall be glad to yield if the Chair will protect my right to the floor while I am yielding.

The VICE PRESIDENT. The Chair would hold that the Senator would not lose the floor by yielding for that purpose.

Mr. GILLETT. I ask unanimous consent to have printed in the RECORD a letter and the accompanying balance sheet.

The VICE PRESIDENT. Without objection, it is so ordered.

(The matter referred appears at the conclusion of Mr. THOMAS's remarks.)

Mr. BINGHAM. Mr. President, will the Senator yield to me to make a similar request?

Mr. THOMAS of Oklahoma. Making the same request of the Chair, I shall be glad to accommodate the Senator if I may not thereby lose the floor.

Mr. BINGHAM. I ask to have printed as a Senate document a supplemental brief entitled "Is Congress Empowered to Alienate Sovereignty of the United States," by Daniel R. Williams.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PHIPPS. Mr. President, will the Senator yield to me for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. THOMAS of Oklahoma. Mr. President, the distinguished Senator from Colorado is the Senator who made objection to the consideration of this resolution. I do not blame him in any sense for his objection. He had that right. He exercised that right, which he had the perfect privilege to do; but, having the right now to proceed, I refuse to yield.

Mr. PHIPPS. Mr. President, these nominations——

The VICE PRESIDENT. The Senator declines to yield. Let the Senate be in order.

Mr. THOMAS of Oklahoma. When I was diverted from the regular line of my discourse, I was reading from a contract between the United States Government, acting through the Shipping Board, and the Secretary of the Treasury, acting through the Gulf Refining Co.

Mr. HAYDEN. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. THOMAS of Oklahoma. Mr. President, my time is rapidly slipping by. I have a mass of most valuable and interesting data that I desire to incorporate in the RECORD. It is my only opportunity; and for that reason I must decline to yield.

The VICE PRESIDENT. The Senator declines to yield.

Mr. THOMAS of Oklahoma. Here is the form of delivery:

(1) F. o. b. buyer's vessels taken from seller's terminal loading stations, in bunker and/or or cargo lots as required; and/or

(2) F. o. b. buyer's vessels taken from seller's barges at docks, wharves, or piers, or in stream within harbor limits, in bunker lots as required (except at Port Tampa, Fla., where form of delivery No. 1 only applies and at Port Arthur, Tex., when buyer takes cargo lots and/or bunker lots for tank steamers loading cargoes).

The buyer reserves the right, either directly or through its managing operators or their agents, to specify the forms of delivery and quantity in each and every instance.

For the purposes of this agreement the harbor limits of New York are defined as follows:

Harlem, One hundred and twenty-fifth Street.
East River, opposite One hundredth Street.
Newton Creek, Penny Bridge.
Gowanus Canal, First Bridge.
Brooklyn, Fort Hamilton.
Staten Island, Fort Wadsworth.
Kill von Kull, Staten Island Bridge Creek (including Shooters Island).
Bayonne, western extremity Bergen Point.
Hudson River, One hundred and thirty-fifth Street.

VII. Conditions of delivery: The buyer shall notify the seller not less than 36 hours in advance, except when otherwise mutually agreed, when requiring delivery at terminals, and not less than 48 hours in advance, except when otherwise mutually agreed, when requiring delivery of barge, of the quantity of fuel oil required and the time and location of delivery desired. The seller shall give buyer's vessels clear and safe berth when deliveries are made at terminals or come alongside promptly where deliveries are made in stream.

Mr. BARKLEY. Mr. President, will the Senator yield for a question about this contract?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. BARKLEY. Is this a contract between the Gulf Refining Co. and the Shipping Board?

Mr. THOMAS of Oklahoma. It is a copy of such original contract.

Mr. BARKLEY. Was that contract entered into as a result of public bidding, or was it a private contract entered into in private?

Mr. THOMAS of Oklahoma. Mr. President, that is the kind of information I had hoped to procure under the Nye resolution. Distinguished Senators here objected. I can not answer the question. I am sorry.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Tennessee?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. McKELLAR. I ask the Senator if he thinks the same influences are at work in holding up his resolution which have been at work here under the leadership of the Senator from New York [Mr. COPELAND] in holding up a similar resolution before?

Mr. THOMAS of Oklahoma. Mr. President, I continue to read [laughter]:

The buyer's ships will give seller's barges prompt access to berth; such berth to be adequate for safe arrival, stay, and departure of barges.

The seller shall supply equipment, including pipe lines, flexible hose connections, proper flanges, etc., to permit speedy connection with vessel's intake lines, and shall deliver fuel oil at the rate of the maximum receiving capacity of the buyer's vessels at the time of taking delivery hereunder.

Mr. President, let me digress for a moment. This contract is based upon the theory that the oil to be furnished to the Shipping Board shall be furnished from tankers in the rivers or in the ocean. What does that mean? It means that the oil covered by this contract does not come from the interior; it comes from some foreign field. The distinguished Senator from Michigan is reported to have said a few days ago that the Secretary of the Treasury had served under three Presidents, but corrected the statement and said three Presidents had served under the Secretary of the Treasury.

Here we have a contract made by the responsible head of the Gulf Refining Co., a billion-dollar concern, to furnish oil to one branch of the Government. How was this contract made? I can not answer. Distinguished Senators upon this floor, perhaps, could answer that question, but I can not yield now for that purpose if they could, and we will not find out. We will never find out until the Senate of the United States at some future day, when it has more courage than it has now, more desire for information, passes a resolution and appoints members of committees who have, first, courage; second, initiative; and, third, the ability to ferret out answers to these questions.

It can not be done now. I regret it. It is such information as that sought by the distinguished Senator from Kentucky that I want. It is that class of information which the distinguished Senator from North Dakota wanted when he introduced this resolution. He can not get it. The distinguished Senator not only can not get the information, none of us can have it.

Mr. NORBECK. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from South Dakota?

Mr. THOMAS of Oklahoma. I yield for a question.

Mr. NORBECK. Mr. President, realizing that there are only about 10 minutes left before the Congress will adjourn, I wanted to ask whether the Senator would not be willing to let us go into executive session and confirm the postmasters and other nominations upon the calendar, and nothing else?

Mr. THOMAS of Oklahoma. I am advised that objections will be made to these nominations.

Mr. President, not so very long ago I was in the great city of New York. I had occasion there to go through the bread lines and the soup houses. On another occasion later I was in that great city and went down into the financial section. There I saw great crowds assembled. I mingled with the crowds. On an improvised platform was standing an impassioned orator. He was speaking to the unemployed; he was calling their attention to the failure and the refusal of the Congress to keep them in mind when relief measures were being brought before the Congress.

Mr. NORBECK. Mr. President——

Mr. THOMAS of Oklahoma, Mr. President, I am sorry I can not yield.

The VICE PRESIDENT. The Senator declines to yield.

Mr. THOMAS of Oklahoma. The Senate was condemned, the Congress was condemned, the President was condemned; and I heard there, much to my chagrin and to my embarrassment, that our form of government is being condemned as being inefficient, as being irresponsible, and irresponsive to the people of this Republic.

Mr. President and Senators, I trust nothing serious will come of this period of depression, but I receive telegrams daily, and I receive letters daily, which cause me to shudder.

All is not well outside of Washington. Senators are due to be surprised when they get home. I hope times will get better. I hope we will have an early spring. I hope that the early garden crops may be planted and that they can come forth and produce food. I hope that our sister State across the Potomac, Virginia, and the State on the other side of Washington, Maryland, may be blessed with a bountiful supply of rain. My distinguished colleague from Kentucky [Mr. BARKLEY] implores me to make a plea for the sovereign Commonwealth of Kentucky, and I am glad to do it, although I will say, Mr. President, that my reason for omitting Kentucky was that I did not presume that any citizen of that great State was in particular need of water. [Laughter.]

Mr. President, I continue to read from this contract, and I regret that I will not be able to read it all. I will not ask to have it put in the RECORD, even, but here it is. It is in the archives of this Government. How many more are there I do not know. Distinguished Senators upon this floor do not know. The only difference between them and me is that I want to know, and some of them do not apparently want to know.

Mr. President, I want to read one more paragraph from this contract.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from California?

Mr. THOMAS of Oklahoma. I want to give the process——

Mr. SHORTRIDGE. Will the Senator yield for a brief question?

Mr. THOMAS of Oklahoma. I yield.

Mr. SHORTRIDGE. If he can do so without losing the floor, by unanimous consent, will not the Senator yield in order that we may spend a minute considering the Executive Calendar?

SEVERAL SENATORS. Regular order!

Mr. THOMAS of Oklahoma. Mr. President, I sympathize with the soon-hope-to-be public officials of the Nation, but they are not suffering, they are not cold and hungry.

Mr. SHORTRIDGE. But, Senator——

Mr. THOMAS of Oklahoma. They are not cold and hungry.

The VICE PRESIDENT. The Senator declines to yield.

Mr. THOMAS of Oklahoma. They are not wearing clothes like these overalls. It is the man recently associated with this garment that I have in view.

The VICE PRESIDENT. Will the Senator yield while the Chair appoints a committee of two Senators to join a similar House committee to wait upon the President?

Mr. THOMAS of Oklahoma. If I do not thereby lose the floor.

Mr. NORRIS. Mr. President, that is a House concurrent resolution, is it not?

The VICE PRESIDENT. It is.

Mr. NORRIS. It is a debatable question. I have no objection to the Senator having the floor after it is disposed of, but that itself is a debatable question, and I want to give notice——

The VICE PRESIDENT. The Chair withdraws his suggestion.

Mr. NORRIS. That I want to speak on it if it is laid before the Senate.

Mr. THOMAS of Oklahoma. Mr. President, yielding to the plea of these postmasters throughout the country, I now ask unanimous consent, provided I do not lose the floor, that as in executive session——

SEVERAL SENATORS. Regular order!

The VICE PRESIDENT. The regular order is demanded. The Senator from Oklahoma will proceed.

Mr. THOMAS of Oklahoma. Mr. President, it is now 11.55 o'clock. I apologize to the Senate and to the country for occupying this time. I did not want to do it. I made every effort to avoid it. I was forced to do it. But what is the issue joined here in the last minutes of the Seventy-first Congress?

Recent developments throughout the country, and even in this Chamber, make paramount the question: Who controls and manages the Government of the United States?

The existing depression, drought, and governmental administration have divided our people into two major groups—one controls and profits from government, and the other, although it pays the taxes, fights the battles and performs the work, by the dominating group is neglected, ignored, and forgotten.

The special-interests group, embracing finance, transportation, and industry, is highly and efficiently organized. The people's group, embracing the unemployed, the wage earners, farmers, veterans, and honest business, is at the mercy of the organized few who know what they want and get what they request.

Our present economic system, traveling the road of chains, consolidations, and mergers will soon reach industrial monopoly, and industrial monopoly means human slavery.

To what degree heretofore free Americans will submit to the dictation of monopoly remains to be demonstrated. Already the rumblings and echoes of distress, discord, and denunciation are reaching the Nation's Capitol.

In a favored land, with storehouses bulging with food, our people are hungry; with warehouses crowded with clothing, our people are naked and cold; and with our banks overflowing with money, our people are penniless.

To check the mad march of the Four Hundred of Privilege, to make it possible for the people to eat some of the food they grow, to wear some of the clothing they produce, and to secure some of the money and wealth they create, constitute the supreme challenge to those who represent the people, those who are charged with the responsibility of preserving and perpetuating the form of government established under the Constitution of the United States.

Mr. President, I apologize to you for occupying so much time, and I thank you sincerely for the courtesies extended during this discussion.

METHANOL

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that there may be printed in the RECORD a study on methanol.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

In regard to Senate Resolution 437, submitted by Senator BROUSSARD, of Louisiana, relative to the Bureau of Mines study of the toxicity of methanol or methyl alcohol, and offered as a complaint against the Bureau of Mines that it did not cooperate with the Public Health Service in this work (see CONGRESSIONAL RECORD, February 10, p. 4449).

All medical personnel of the Bureau of Mines, including the chief of the health and safety branch, is detailed from the Public Health Service by the Surgeon General, who receives reports on all health work carried out by the Bureau of Mines. In regard to the special study on the toxicity of methanol, the Bureau of Mines conferred with the Public Health Service before undertaking this study, and it was agreed that the Bureau of Mines should make the laboratory portion of the study and certain field surveys. The Bureau of Mines had suitable laboratory facilities readily available and had also been interested for several years in the synthesis of methanol and other hydrocarbons from gases, which are usually made from coal or other mineral substance. This is indicated by a number of papers released on this subject, a list of which is inclosed. Furthermore, the Public Health Service assigned additional medical personnel to the Bureau of Mines to advise and assist in the prosecution of the methanol study. Representatives of the Public Health Service were present at all conferences, at which progress reports were presented and plans for future work discussed.

The manuscript of Bureau of Mines Information Circular 6415, Observations and Notes on the Effect of Methanol Antifreeze on Health, which constitutes an important item in Mr. BROUSSARD's complaint, was submitted to the Surgeon General of the Public Health Service for criticism and suggestions, and was released only after these criticisms had been received. This fact is substantiated by the Public Health Service News Release, which has been published in numerous journals and papers, including the American Journal of Public Health for January, 1931. Copies of these are inclosed. It will be noted that Surgeon General H. S. Cumming stated in this release that he had kept in touch with the observations being made by the Bureau of Mines, and that he felt that there was need for immediate release of information which would protect the general public. In the last paragraph this release states:

"A complete study is advisable as to how far methanol can be used safely in other ways; in the meantime, the Surgeon General recommends that methanol be used by the general public as an antifreeze only, and that the precautions advised by the Bureau of Mines be strictly observed."

The Bureau of Mines received no money. The study was carried out under a cooperative agreement with the three major producers of synthetic methanol in the United States. This agreement (copy of which is inclosed) is of the same character as that used for many years by the Bureau of Mines on similar studies. The agreement states that the producers of methanol will pay bills not to exceed $10,000 in connection with this study. The Bureau of Mines does not handle or disburse any of this money. This money was paid by the disbursing agent of the cooperating companies on vouchers submitted by the Bureau of Mines. Money advanced by Bureau of Mines representatives for items reimbursable by the cooperating organizations covering travel and subsistence and the purchase of green feed in the wholesale produce market for animals used in the methanol study totaled $820.98, as shown by the attached vouchers. The Bureau of Mines keeps a record of moneys expended by the cooperators similar to the records kept for other funds.

The Bureau of Mines carries out many studies under similar agreements on the various lines of work designated in the bureau's organic act. In this act Congress directed the bureau to make inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and utilization of mineral substances with a view to improving health conditions and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, metallurgical, mineral, and allied industries.

Industrial organizations and individuals making scientific investigations do not always make the results available to the public. Where there is a willingness that the public may benefit by knowing all the facts disclosed by a study of some problem in the field of the mineral industry, the Bureau of Mines has entered into cooperative agreements whereby the resources of both parties are brought to bear on the subject. Requests for carrying out such cooperative investigations have come from many industries and organizations.

Studies are made on subjects where there is a hazard to the public and where the public interest is paramount. All the information obtained from the studies made with the Bureau of Mines is available for public use, whether or not its publication is desired by the cooperating group. The decision of when and where and how to publish the results found by the bureau lies with the bureau. All the agreements for such studies contain the following clause: "Publication of the results of this investigation shall be under the control of the director of the bureau."

Among the investigations carried out under similar cooperative agreements have been those for the ventilation of vehicular tunnels, made with especial reference to the ventilation of the Holland Vehicular Tunnel. The hazard from carbon monoxide in the exhaust gas of automobiles was the controlling factor. The information thus obtained and made public has been used as a basis for constructing vehicular tunnels in many parts of the United States, as the information obtained was fundamental. Another was a cooperative investigation of toxic gases from Mexican and other high-sulphur petroleums. The information obtained has been found especially valuable in protecting the workers in the oil fields of Texas and southwestern United States. Experimental studies on the effect of ethyl gasoline and its combustion products; the physiological response attending exposure to vapors of methyl bromide, methyl chloride, ethyl bromide, and ethyl chloride; the effect of repeated daily exposure of several hours to small amounts of automobile exhaust gas; and acute response of guinea pigs to vapors of some new commercial organic compounds, Reprint No. 1349, Ethylene Dichloride, No. 1; Reprint No. 1379, Ethyl Benzene, No. 2; Reprint No. 1389, Cellosolve (Monoethyl ether of ethylene glycol), No. 3; Reprint No. 1401, Ethylene Oxide, No. 4; Reprint No. 1405, Vinyl Chloride, No. 5; Reprint No 1407, Dioxan, No. 6, are among the studies carried out by the bureau under similar cooperative agreements. All of these studies are obviously in line with the intent of the organic act creating the Bureau of Mines.

The last six investigations are on substances made from gases by synthetic methods. No use was known for some of them at the time when they were made. The makers desired knowledge as to their toxic properties in order to determine how they could be used safely before placing them on the market. Methanol, made synthetically, is known to be poisonous; the extent of the hazard when used as an antifreeze, however, was open to question.

If Congress and the people of the United States do not desire the Bureau of Mines to make such studies and the bureau is so advised by Congress, we are sure that the Bureau of Mines will direct in its efforts to other much-needed investigations.

For many years each act making appropriations to the Bureau of Mines has contained a clause stating that the Secretary of the Treasury may detail medical officers of the Public Health Service for cooperative health, safety, or sanitation work with the Bureau of Mines, and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made for the Bureau of Mines.

During the Seventy-first Congress laws were enacted increasing the authority and duties of the Public Health Service, so that officers of that service may be detailed to the departments or establishments carrying on public-health activities, and permitting the Secretary of the Treasury to accept gifts for investigation and research on fundamental problems on diseases of man and matters pertaining thereto. It would seem, therefore, that it is the desire of the people and of Congress that such investigations be carried out by governmental bureaus with the help of either public or private funds.

In reference to Senator BROUSSARD's statement as printed in the CONGRESSIONAL RECORD of February 10, 1931, page 4449, regarding the editorial of the Journal of the American Medical Association: Apparently the opinion expressed in this editorial is not unanimous in the medical profession as evidenced by a letter, signed by six leading professors, including the deans, of the department of industrial hygiene, school of public health, Harvard University, to the editor of the Journal of the American Medical Association:

FEBRUARY 3, 1931.

The EDITOR JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION,
535 North Dearborn Street, Chicago, Ill.

DEAR SIR: We have read your editorial, Misleading Methyl Chloride Publicity, on pages 272 and 273 of the January 24, 1931, issue of the Journal. Assuming that you present data to substantiate your criticisms, it is, of course, your privilege to disagree with results that the Bureau of Mines may publish. However, technical criticism is a vastly different matter from indulging in such outbursts as that in your concluding paragraph:

"It is unfortunate that a branch of the Government, the Bureau of Mines, which has had such an enviable record in the past, has recently seemed to be swayed to serve more the interests of certain chemical manufacturers than to serve the interests of the public. It is laudable that the Government should investigate general hazards to the public, but it is quite unfortunate that independent action may be threatened by considerations arising from the fact that research is carried on under 'cooperative agreements.'"

For some years the Bureau of Mines has carried out investigations, through formal contracts, with private individuals and private firms. They have gone to the Bureau of Mines presumably because of its experience, facilities, and the integrity of its personnel. No one in the bureau is a penny the richer as the result of such work; nor is the problem accepted unless it promises to produce information of value either to science, to industry, or to human welfare. The firm or individual submitting the problem pays the bill—as he should—but has no control over the prosecution of the work or of the results obtained.

With regard to the report on methyl chloride poisoning, which you discuss, we wish to point out that you have ignored the earlier and much more extensive study of the compound, which has already been published by the Bureau of Mines, and in which the toxic properties of methyl chloride are fully described. Apparently you believe that the brief report on a single feature, about which the Roessler & Hasslacher Chemical Co. requested information, was the only one made.

We regard the series of papers from the Bureau of Mines—now appearing in Public Health Reports—on the toxicity of various new commercial solvents, as an important contribution to industrial toxicology, but not necessarily the final word. If you read these reports you will find the bureau has done a great deal more than search for "warning agents" which "are not a guarantee of protection." Incidentally your distinction between a toxic gas like ammonia, which warns, and one to which a warning must be added, is subtle to say the least.

It seems to us that one of the important duties of the Bureau of Mines is to investigate the toxicity of new substances used in industry which may affect the public health. It represents an impartial agency for protection against hazardous advances made by industry. That its reports may be misrepresented in ill-advised advertising is not a criticism of this bureau, but of the inability to control public misrepresentation. If the American Medical Association disagrees, it would be more fitting for them to set up machinery to do the bureau's work than to make unsupported attacks upon the integrity of its personnel.

Very truly yours,

JOSEPH C. AUB.
C. K. DRINKER.
PHILIP DRINKER.
D. L. EDSALL.
ALICE HAMILTON.
REID HUNT.

This letter was published in the Journal of the American Medical Association February 21, 1931, with the appended statement:

"A careful rereading of the editorial in question should convince anyone that its whole purpose is constructive. It does not attack the integrity of the personnel of the Bureau of Mines. It suggests merely the danger in a situation which may lay them open to such attacks."

The Bureau of Mines is continuing the studies on methanol with especial attention to precautionary measures to be taken to prevent the use of methanol antifreeze as a beverage.

A number of substances have been tried which will tend to prevent one from drinking methanol antifreeze due to its disagreeable taste; also by adding emetics to the antifreeze, which will cause persons to vomit should they drink methanol antifreeze containing the emetic.

It is the duty of the Bureau of Mines to find safe methods of using products from the mineral and allied industries.

AGREEMENT BETWEEN THE DEPARTMENT OF COMMERCE AND THE CARBIDE & CARBON CHEMICALS CORPORATION, DU PONT AMMONIA CO., AND THE COMMERCIAL SOLVENTS CORPORATION

Whereas the Department of Commerce, acting through the Bureau of Mines (hereinafter referred to as the bureau), is conducting investigations of the toxicity of industrial gases and vapors; and

Whereas the Carbide & Carbon Chemicals Corporation, the Du Pont Ammonia Co., and the Commercial Solvents Corporation (hereinafter referred to as the corporations) are also interested in the same subjects, and in particular the toxic properties and possible health hazards attending the use of methanol for antifreeze and other general purposes: Now therefore, it is agreed

1. That the bureau and the corporations will cooperate in planning and directing an investigation of the toxicity of methanol.

2. The bureau will furnish such laboratory facilities and apparatus as are at hand, heat, light, power, and technical supervision and services of a specialized technical personnel.

3. The corporations will furnish funds for employing any additional personnel that may be required as assistants to the bureau's personnel, it being understood that the selection, employing, and direction of this personnel is to be performed solely by the bureau. The corporations shall also pay all expenses incurred in the purchase of supplies, in making repairs, and special equipment not available at the bureau or provided by the corporations. The cost of this item to the corporations is estimated to be $10,000. These expenses are to be paid by the corporations on certificate of the director of the bureau, or his authorized agent.

4. The investigation shall be carried on at the Pittsburgh experiment station of the bureau, and under the direction of the chief surgeon.

5. The plan of the investigation will be in accordance with the attached tentative outline. The plan may be changed by mutual consent of both parties to this agreement.

6. On completion of the investigation the bureau will prepare and transmit to the corporations a complete report of the investigation.

7. Publications of the results of this investigation shall be under the control of the director of the bureau. All manuscripts, before publication, will be submitted to the corporations for review and comment. Due acknowledgment will be made in the publications to the cooperation of the corporations. No progress reports or publicity notices will be given out for publication before the investigation is completed except by mutual consent of both parties to this agreement.

Upon approval of the Secretary of Commerce this agreement shall be effective as of the 1st day of July, 1930, and shall remain in force until June 30, 1931.

In witness whereof the parties have hereunto set their hands by their duly authorized agents this 27th day of August, 1930.

BUREAU OF MINES,
O. P. HOOD, *Acting Director.*
CARBIDE & CARBON CHEMICALS CORPORATION,
R. W. WHITE.
DU PONT AMMONIA CO.,
F. A. WARDENSBURG.
COMMERCIAL SOLVENTS CORPORATION,
W. D. TICKNOR.

Department of Commerce, approved August 27, 1930.
E. F. MORGAN, *Acting Secretary.*

TENTATIVE OUTLINE OF THE TOXICITY OF METHANOL

OBJECTIVES

1. Toxicity of methanol when acquired by inhalation: Study to be made by exposing animals to known methanol-air mixtures. Conditions of exposure to cover range producing acute and chronic poisoning for both continuous exposure (24 hours daily) and repeated exposure (6 to 8 hours daily). Complete data for lethal time-concentration curve to be obtained. Animals to consist of dogs and guinea pigs, and possibly monkeys or rabbits if a wide difference in susceptibility is noted for dogs and guinea pigs.

2. Toxicity of methanol when acquired by skin absorption: Conditions of test to include (a) 99.5 per cent methanol; 70 per cent methanol, 30 per cent water mixtures, and 40 per cent methanol, 60 per cent water mixtures. Other mixtures may be selected if necessary to complete information. Quantities of methanol and methanol-water mixtures used daily to range from those producing distinct effect after repeated application, to those free from apparent ill effect.

3. Determine amount of methanol to which persons (both automobile drivers and garage attendants) are exposed in its use for radiator antifreeze.

OBSERVATIONS—OBJECTIVES 1 AND 2

1. Symptoms: Observations to be made regularly for objective symptoms and changes in weight and growth.

2. Blood changes: All animals to be observed for blood changes as number of red and white blood cells; differential white counts and hemoglobin.

3. Pathological changes: Gross examinations to be made on all animals. Specimens of tissue to be taken for microscopic examination, particularly for neuropathological changes.

4. Chemical determination: Study of the chemical fate of methanol in the body.

OBSERVATIONS—OBJECTIVE 3

1. Determine the amount of methanol vapor in the air of closed-type automobiles when (a) engine is operating at normal temperatures and (b) when radiator liquid is "boiling."

2. Determine amount of methanol vapor in air in vicinity of front of automobiles when (a) engine is operating at normal temperatures and (b) when radiator liquid is "boiling."

3. Determine amount of methanol vapor to which a garage attendant might be exposed during the normal procedure of putting methanol into a radiator.

4. Make observation regarding spilling practice and exposure of garage attendants from spillage on the hands.

DRIFT TOWARD DICTATORSHIP

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent that there may be printed in the RECORD an article by Hon. Jonathan Bourne, jr., entitled "Drift Toward Dictatorship."

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DRIFT TOWARD DICTATORSHIP

Do the American people desire a dictatorial form of government? Certainly not. To-day the President of the United States has greater power than any ruler in the history of the world because of the great virility of our people and enormous resources and wealth of our country and the governmental powers now centralized in him.

No such thing as a superman ever has or ever will exist.

It is axiomatic that the operation of centralized power in an individual or in a commission consisting of a few individuals can only be commensurate with the integrity, ability, and experience of the few in which said power is centralized.

To-day a President of the United States directly or indirectly controls the air, the earth, and the waters of our country because of his appointing power of our numerous commissions and the resultant accountability of the appointees to him. He may direct the Radio Commission controlling air transmission; the policies of the Interstate Commerce Commission, controlling our transportation; the banking and financial interests of our country through the Federal Reserve Board; the manufacturing interests of our country through the Tariff Commission and the Federal Trade Commission; the shipping of our country through the Shipping Board; and he practically controls Government expenditures and congressional appropriations through the Director of the Budget.

His influence indirectly affects the press of the country because of fears of possible discrimination under second-class postage and the disinclination of the gentlemen of the fourth estate to be "non persona grata" at the White House.

THE VETO POWER

The framers of the Constitution delegated the veto prerogative to the Nation's Chief Executive simply for the purpose of enabling him to exercise the power on constitutional grounds and not with the intention of delegating to an individual the power to set aside by a stroke of the pen the wishes of nearly two-thirds of the Nation as represented in the legislative branch of our Government. This power was an outgrowth of the English monarchical government, which, though the Crown has had the veto prerogative, has never been exercised on legislation during the past 140 years.

Our forefathers could not have realized the possible danger of the power they were delegating to an individual in their constitutional provision of the veto power and the coincident two-thirds requirement. They, doubtless, judged that the public men of the Nation in the future would be actuated by the same unselfish and patriotic motives that influenced them in their proclamation of our national independence and their solicitude for the public welfare. Their rugged, honest minds had no conception of the degenerative motives that ambition and selfishness might ultimately inculcate in the minds of some of our public men. They, doubtless, never thought of the possibility in the hoped for many centuries of life that our Nation might endure that any temporary occupant of the White House could consider his own interests and self-perpetuation rather than an improvement in the welfare of our country as a whole.

Unless this power be diminished the time may come when our National Capitol and the White House may degenerate into the clearing house for selfish interests and rewards for chicanery, debauchery, and subsidy—a result that even our forefathers, brainy as they were, could hardly foresee. In my humble opinion our Government would be in a far stronger position if the presidential veto power were limited so that a majority of both Houses instead of two-thirds could override a presidential veto. I realize that it would probably take several decades before a constitutional amendment would be enacted to bring about this change in our form of government.

The desirability or nondesirability of such a change would be echinated in the public mind and public opinion rapidly crystalized should any party go to the people with a plank in its platform advocating the presidential nonusage of the veto power except on constitutional grounds, or should any candidate for the presidency announces that if elected he would never exercise the veto power except on constitutional grounds.

These thoughts are not intentional criticisms of any individual but existing instrumentalities and methods which, if unchecked, may sometimes be of the greatest menace to our country. Issues are all-important; individuals are but incidents to same. Issues, if sound and demonstrable, will be adopted, and the political success of the individuals will be because of their identification with the principles rather than their political acumen or personal popularity.

JONATHAN BOURNE.

FOREIGN LOAN CONTROL—MUSCLE SHOALS

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to have published in the RECORD two editorials from the Baltimore Sun of March 3 and 4.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun of March 3, 1931]

FOREIGN LOAN CONTROL

In what promises to become a very bitter controversy between the Senate and the State Department over the department's practice of passing upon foreign security flotations in the United States one fact seems to stand out clearly. It is that this practice has no sanction in existing law. It is another of those all too numerous cases of lawmaking by the executive branch of the Government in defiance of the constitutional scheme, which reposes the legislative power in Congress.

Whether or not the State Department's foreign security supervision program, which it announces will be continued and expanded in spite of unanimous Senate condemnation, is desirable as a matter of expediency is a question about which there can be honest disagreement. Yet in the past it has on occasion served the most undesirable purpose of creating the impression among some investors that the department has indorsed those issues it has passed upon, although the department has been at some pains to make it clear that such is not the case. What it has done by way of checking foreign security sales in the United States that would work against the larger interests of the country is a question; but there is no evidence that the accomplishments have balanced the damage done in creating the impression, played upon by some security sellers, that the department is a sort of underwriter of foreign issues.

In any event, it seems quite clear that the State Department, in its foreign-security supervision, is following a policy that can only be justified by a carefully considered and clear declaration of legislative policy. Far from having such a declaration at present, the Senate is unanimously on record as opposed to such procedure. Senator GLASS, of Virginia, the author of this resolution, will do well to carry out his announced intention to fight this issue to a decisive finish. The present situation is grossly unsatisfactory from the standpoint of preserving orderly and constitu-

tional processes of government, and should be peculiarly offensive to an administration that has had so much to say about the importance of law observance.

[From the Baltimore Sun of March 4, 1931]

MUSCLE SHOALS

It must be conceded even by Mr. Hoover's most ardent admirers that he has a very peculiar mind. He works himself almost into a frenzy of anguish over the thought of having the Federal Government engage in the power business at Muscle Shoals. In this connection he says: "I hesitate to contemplate the future of our institutions, of our Government, and of our country if the preoccupation of its officials is to be no longer the promotion of justice and equal opportunity but is to be devoted to barter in the markets. It is not liberalism; it is degeneration."

And yet the man who penned those passionate words is reported by his physicians to be sleeping well and in good health, although there is constantly before him the spectacle of the Federal Farm Board, of his own design and creation, which is embarked with his blessing upon colossal "barter in the markets." And barter of a type whose successful negotiation certainly calls for quite as high a type of business skill as that involved in the power industry. In the face of that record of devotion to the great principle that the Government shall not compete with private enterprise, the President's uncommonly oratorical flight on this subject must be dismissed by most thoughtful people as a piece of special pleading.

It is the power industry that the President is anxious to have avoid Government competition. That is the only conclusion that can be supported by his record. What this whole proposition comes down to, as a matter of fact, is that the President feels he would rather cast his lot with the great private utility groups that want to go ahead as is—subject to more or less public regulation—and he is against the group which is convinced that regulation is a failure and that the way to bring the power companies to reasonable terms is to put the Government into competition with them, either directly or by a comparative performance at some point, as at Muscle Shoals. The President has not laid down a great principle. He takes a stand on the power question.

But that is to the good. The President's opponents have been at disadvantages. During his campaign he managed to convey to many of the people in the South the impression that he was disposed to regard Muscle Shoals as a peculiar case, where Government development of power resources might be a desirable thing. He made a statement at Elizabethton which his progressive followers hailed as meaning that, and he afterward "explained" so ambiguously that they continued to believe. All that mistaken hope and faith, all that confusion is washed up now. The President is a 100 per cent private operation advocate. Yet, it may be added, he has made no political sacrifice, even though his opponents now have a clear target. It is very probable that a majority of the people of the country at present have the same view as his.

As to the Muscle Shoals matter itself, it has been our opinion that an intelligent national handling of the power issue would permit an honest experiment in Government ownership and operation, and that Muscle Shoals would be a good place to try it, especially since it promises otherwise to continue as a wasting asset. We still think so. We think some risk of loss might be taken, though we remain unconvinced that there would be loss, as compared with other offers. For on Mr. Hoover's detailed figures on the financial aspects of the proposed Muscle Shoals legislation one must reserve judgment. If the President proves no sounder on these figures than he has been on many others—for example, his statistics when he defended the signing of the Smoot-Hawley tariff law—a reasonable reserve will have been abundantly warranted.

Also, it has been commonly accepted as a fact that no worthy leasing arrangement for Muscle Shoals has ever been submitted to the Government by private interests, a fact to be kept in mind while playing with rows of figures.

EASTERN STATES FARMERS' EXCHANGE AND MILLING CORPORATION

Mr. GILLETT. Mr. President, I ask unanimous consent to have printed in the RECORD a letter and the accompanying balance sheet relative to the Eastern States Farmers' Exchange and Milling Corporation.

There being no objection, the letter and balance sheet were ordered to be printed in the RECORD, as follows:

WEST SPRINGFIELD, MASS., *February 20, 1931.*

Hon. FREDERICK H. GILLETT,
Senate Office Building, Washington, D. C.

DEAR SENATOR GILLETT: Knowing your interest in any developments in New England, I thought you might like to see the consolidated balance sheet of the Eastern States Farmers' Exchange & Milling Corporation, which has proved to be an important factor for improving agricultural conditions in New England.

This farmers' exchange started by getting a group of people to loan their credit for a period of five years to the extent of $40,000. A bank agreed to loan 75 per cent of this credit, or $30,000.

We started by perhaps 10 or 15 farmers uniting to buy a carload of feed coming from the West. They paid cash for the feed on arrival. The bank would advance cash—90 per cent against the bill of lading, which required an additional 10 per cent for financing, for which we used this underwriting.

The first year the sales amounted to over $195,000. To-day we have over 32,000 farmers to whom we are supplying not only dairy feeds but all kinds, such as chicken, duck, swine, horse feed, etc. Our business the last two years have been a trifle under $12,000,000.

The bulk of the business is done in New England, although we are also working New Jersey, Pennsylvania, Delaware, and Maryland. We do not expect to take in any more States. I expect to see this business grow to $20,000,000.

We own a fine milling plant at Buffalo, which I helped to finance, and also a fine office building in West Springfield, which cost over $200,000.

This is one of the most satisfactory and helpful pieces of work for the betterment of the farmer, and New England in general, that I feel I have ever had a part in, and I am getting a great deal of satisfaction in the way the exchange has developed.

Sincerely yours,

H. A. MOSES.

Eastern States Farmers' Exchange, Eastern States Cooperative Milling Corporation, Eastern States Agricultural Credit Corporation

ASSETS

Cash		$200,868.47
Drafts and accounts receivable—Merchandise		229,842.21
Accounts receivable—Miscellaneous		1,369.60
Notes receivable—Miscellaneous		5,014.66
Accrued interest on bonds held as collateral on loan		379.18
Inventories:		
Merchandise	$501,311.67	
Supplies, bags, etc.	36,283.56	
		537,595.23
Grain futures at market price of commitments	189,837.50	
Less unpaid balance of commitment price	99,552.99	
		90,284.51
Investment: Buffalo Corn Exchange seat		800.00
Plant and equipment at Buffalo at cost	$774,004.39	
Less reserve for depreciation	142,677.04	
	631,327.35	
Land and office building and equipment at West Springfield at cost	268,317.65	
Less reserve for depreciation	44,218.37	
	224,099.28	
		855,426.63
Deferred charges		22,443.88
Total assets		1,944,024.37

Consolidated balance sheet as at December 27, 1930

LIABILITIES AND SURPLUS

Accounts payable	$17,467.01	
Accrued pay roll, mortgage interest, and other expenses	6,841.58	
		$24,308.59
Notes payable—banks:		
Federal Intermediate Credit Bank of Springfield	300,000.00	
Less bonds at cost and cash for investment held as collateral	60,983.83	
	239,016.17	
Manufacturers & Traders, Peoples Trust Co.	175,000.00	
		414,016.17
Dividend on preferred stock, payable Jan. 1, 1931		1,787.10
Preferred stock retirement, Jan. 1, 1931	$5,990.00	
Premium on preferred stock retirement	257.50	
		6,247.50
Reserves and accruals:		
Patronage dividends and tonnage refunds	156,255.28	
Commissions	7,853.94	
Taxes and license fees	8,451.71	
Meetings	11,947.73	
Advertising	380.91	
Credit reserves and sales discounts, resident agents	23,022.70	
		207,922.27
Mortgages on plant, equipment, and office building, payable $15,000 semiannually		240,000.00
Total liabilities and reserves		894,281.63
Liability to preferred stockholders of Eastern States Cooperative Milling Corporation outstanding stock		53,620.00
Surplus:		
Unappropriated	$852,293.63	
General emergency reserve	47,496.32	
Reserve for payment of mortgage principal	2,500.00	
Commodity contingency reserve	60,983.21	
30 per cent clause reserve	32,842.58	
		996,122.74
Total liabilities, reserves and surplus		1,944,024.37

FINAL ADJOURNMENT

The VICE PRESIDENT. The hour of 12 o'clock having arrived, the Chair declares the Seventy-first Congress adjourned without day.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 4, 1931

(Legislative day of Tuesday, March 3, 1931)

The House met at 9.30 o'clock a. m. on the expiration of the recess.

OIL-PRODUCING STATES WILL NOT SURRENDER—SECTIONAL SELFISHNESS TRIUMPHS

Mr. AYRES. Mr. Speaker, I ask unanimous consent to extend my remarks by including two editorials, one from the Wichita Daily Beacon and the other from the El Dorado Times, both editorials showing the condition of the independent oil producers.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the manner indicated. Is there objection.

There was no objection.

Mr. AYRES. Mr. Speaker, the following editorial entitled "Oil-Producing States Will Not Surrender" clearly sets forth how the people of that section regard the course pursued by the responsible leaders of Congress in failing to relieve the independent oil industry:

[From the Wichita Beacon, February 24, 1931]

OIL-PRODUCING STATES WILL NOT SURRENDER

Kansas and other oil-producing States, their pleas for protection for petroleum refused, serve notice on Washington, D. C., that they have just begun to fight. George Washington and the Thirteen Colonies met with many reverses in their struggles for human rights. They conquered, and so will Kansas and other regions of the West and Middle West, where men, producing a vital necessity for the welfare of the Nation, are not given to surrender.

The oil-producing States of the mid-continent field have received a slap in the face that they will resent with action. The industrial East is dependent on oil for its existence. Without oil its wheels of industry will cease to turn, its engines will no longer throb, its cities will stagnate and decay. Oil-producing States have the power to impair business of the East and to make selfish politicians scurry to cover in cowardly dismay.

Oil-producing States, of course, have no desire to injure other parts of this Nation, regardless of the unjust discriminatory action of Congress, which refuses us the protection to which we are entitled and which other States enjoy.

Kansas and her sister States, however, will not permit to pass this opportunity of reminding the Congress of the United States and Eastern politicians controlled by the interests of greed that they have the power to compel the enactment of laws insuring decent treatment and the ability to survive an economic crisis such as confronts the industry of oil to-day.

Congress will soon adjourn, after the most useless, pitiful session in the history of the Republic. It has done nothing other than to saddle the country with an additional burden of debt. Its leadership is notable for its absence, and the rank and file of the present Congress, with the exception of a few public-spirited men, have backbone compared to which the jellyfish is a tower of strength. It is not surprising that the Democrats threaten the supremacy of the Republican majority in Congress, which had an opportunity for unparalleled service of which it utterly failed to take advantage.

Now is the time for all the good people of the West, the Middle West, and the Southwest part of this Nation to get together, staging a battle for their rights that selfish interests, political and economic, will never forget.

The next march of the mid-continent States on Washington will not be vainly made.

Mr. AYRES. Mr. Speaker, the following editorial from the El Dorado Times, a Republican daily newspaper of general circulation throughout the State of Kansas, to my mind, correctly states the feeling of the people in the State of Kansas regarding the treatment of the independent oil producers:

SECTIONAL SELFISHNESS TRIUMPHS

Right between the eyes.

That's where the movement for legislation designing relief for the oil industry got it yesterday when the House Ways and Means Committee acted.

The committee, by a vote of 13 to 7, closed the door upon all forms of aid embodied in tariff or limitations of imports by the lame excuse that time does not exist during the remainder of the present short session of Congress to consider fully the subject.

And this was an excuse—nothing more. The adverse vote was a definite reflection of deeply rooted sentiment against granting to the harassed domestic oil industry any of the protective devices which other industries enjoy in such great abundance. The number of oil-producing States is small—12, at most. So representatives from other States, heeding the call of certain of the big oil companies, of certain of the power interests, and of the textiles group, could fall back upon the plaintive plea of higher prices for gasoline and fuel oil, and vote to withhold from the oil industry the tariff protection it so urgently needs.

What is sauce for the goose ought also to be sauce for the gander. But not in tariff matters. The eastern goose, basking as it has done for years under the protecting wings of a high tariff, sees fit to deny to a mid-western gander the same benefits that it enjoys. The Middle West has always supported the eastern and seaboard sections in its drive for lofty tariffs. But another day is coming. When the East seeks again to hold up its high walls, it will find the mid-section of the country strangely indifferent to its calls.

There was not a sound reason why the oil industry should be denied a modicum of relief which it sought. All this talk about higher prices for gasoline and other refined products under a moderate tariff schedule, or a reduction of imports from foreign countries, was the veriest moonshine. The men who uttered it knew it. The retail price of gasoline in this country has not been dependent upon, or reflective of, the price of crude petroleum. Gasoline has been just as high—even a fractional part of a cent higher—with oil selling at about a dollar a barrel as it was when the price was three times that high. The tariff, or limitations of oil imports, would have tended to stabilize the condition of the domestic industry. It would have shut the gates against the unrestrained flood of foreign oil. It would have given greater outlet to oil produced in this country. It would have aided development, stimulated drilling, hastened the day of the opening of new pools, helped to have brought back the United States oil industry to something like its former prosperity and welfare. It would have been a patriotic service. Justice, economics, and common sense were on the side of the oil men.

But selfishness, rank sectional greed, triumphed. It did so a year ago. The oil men who fought this fight went up against a citadel firmly entrenched within high walls. They reckoned well with the forces arrayed against them. They were not deterred. They made a brave and intelligent campaign. But they didn't have a Chinaman's chance.

It is not strange that there is talk to-day of insurrection and bolting. The Middle West, which has always stood with its party and the eastern representatives for high tariff, felt it has been denied a portion of the feast which it has helped provide for others. It is not taking kindly to this added rebuff. It is going to be dominated hereafter by its own special interests, even as the other fellows have followed the halter rein of theirs. There will be a day of reckoning and the Middle West will have its share in the events of that fated occasion.

This part of the country can be slapped down once, twice, but not always. It is no time now to make idle threats. The only thing to do is to remember, and to make sure that the Senators and Representatives from the rebuffed oil-producing States remember also, and vote accordingly. Kansas and Oklahoma, for instance, are not going to take kindly to the idea that their own Congressmen can go back and help pull the East's chestnuts out of the fire when their own States have been rudely repulsed for merely seeking a share of the advantages that the other fellow enjoys.

SURVEY OF THE BLUE RIVER SYSTEM OF NEBRASKA

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to extend my remarks and to use liberally from a report of investigation made by two representatives of the Government on fisheries in my district, in which investigation I took a part.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SLOAN. Mr. Speaker, the Federal Bureau of Fisheries, presided over by Commissioner Henry O'Malley, in his proper care and zeal for our Federal system, is making well-directed efforts to develop our fish supply in many parts of the country not hitherto granted such opportunity or attention.

I herewith insert as part of my remarks Economic Circular No. 73, which gives information of value to the fourth district of Nebraska and to other sections similarly situated.

A CURSORY SURVEY OF THE BLUE RIVER SYSTEM OF NEBRASKA

(By H. L. Canfield, superintendent U. S. Fisheries Station, La Crosse, Wis., and A. H. Wiebe, associate aquatic biologist, U. S. Bureau of Fisheries)

INTRODUCTION

A brief survey of the Blue River system of Nebraska was undertaken during the month of July, 1930. The purpose of this survey was to determine what species of game fish might be introduced profitably into the streams that constitute this river system. Since only a very limited period of time, a very limited personnel, and limited equipment were available for this survey, the work accomplished is very incomplete. However, it was thought that some conclusions could be drawn from the results obtained; and inasmuch as this river system may be taken as representative, in a measure at least, of other streams of this region, it was deemed advisable to publish these results and conclusions in the form of a brief report.

The work of the survey covered determination of pH, methyl orange alkalinity, dissolved oxygen, taking of temperatures, seining for fish, and the making of such observations on aquatic organisms in general as the equipment and the scope of the work permitted.

The points at which the streams of this river system were visited are as follows: On the Big Blue River at Stromsburg in Polk County; Surprise and Ulysses in Butler County; Staplehurst, Seward, and Milford in Seward County; Crete and Wilber in Saline County; Beatrice, Blue Springs, and Barnston in Gage County; on the Little Blue River at Fairbury in Jefferson County; Hebron in Thayer County; on Sandy Creek at Alexandria in Thayer County; on the West Fork of the Big Blue River at Stockham in Hamilton County; McCool Junction in York County, Beaver Crossing in Seward County; and on Beaver Creek at York in York County.

DESCRIPTION OF THE BLUE RIVER SYSTEM

The streams of the Blue River system are typical of streams that run through cultivated areas. All of these streams are, with the exception of short distances near the head, rather turbid and loaded with silt. The bottom for the most part is composed of deposits of fine silt washed in from the plowed fields. There are many places, of course, where, owing to the swiftness of the current, the silt is swept away and the bottom is gravelly. The width of the streams varies considerably; the Big Blue River, for instance, is only a few feet across at Stromsburg, but in its lower reaches it is a fair-sized river. The width of this stream is in many places greatly modified by power dams that have been constructed along its course.

LIMNOLGICAL OBSERVATIONS

The results of pH, dissolved oxygen, and methyl orange alkalinity are shown in Table 1. The table also gives the temperature of the water, the date, and the time of day when the sampling occurred. The time of day is often of considerable importance because many streams exhibit diurnal variations in the content of dissolved gases. Whether this applies to that river system under consideration is not known.

pH

Table 1 shows that the pH in the Big Blue River varied from a minimum of 7.5 at Seward, Milford, Wilber, Barnston, and at Crete (below the city) to a maximum of 8.2 at Stromsburg, which is near the head of the river. Intermediate values of 7.7 occurred at Staplehurst, at Beatrice (below the city), and at Blue Springs. Values of 7.9 were obtained at Ulysses, Crete, and Beatrice. The water of the Little Blue River showed a pH of 8.3 at Fairbury; this is slightly higher than the maximum value for the Big Blue. Sandy Creek at Alexandria showed pH values of 7.4 and 7.5 above and below a dam, respectively. The West Fork of the Big Blue River gave pH values of 7.5, 7.7, and 7.9, respectively. The lowest pH obtained during this survey occurred at York on Beaver Creek. This unusually low value of 7.3 is due, in a measure at least, to pollution. Beaver Creek at this place is nothing but a series of pools and riffles. The volume of water flow was very small at the time. The exceptionally low value for dissolved oxygen shows that this stream was in all probability overloaded with organic matter. The sewage from York—a town of 3,000—is discharged into this stream about a mile above this sampling station. The pH values are all on the alkaline side of neutrality (neutrality being at pH 7), and the range is such as can be tolerated by our common warm-water fishes. For the most part the streams are not sufficiently alkaline to be detrimental to some species of trout. The variations in pH value or in the alkalinity of the water as shown in Table 1 may be due to several factors—difference in temperature, difference in the amount of aeration, difference in the amount of spring water, and to the addition of sewage. The effect of sewage on the alkalinity is well illustrated by the difference in the pH values above and below the cities at Crete and at Beatrice. The effect on the alkalinity itself is not detrimental to fish life, but the reduction in the dissolved oxygen that accompanies such changes may often prove fatal.

TABLE 1.—*Observations on rivers and streams comprising Blue River system in Nebraska*

[Dissolved oxygen, pH values, and methyl orange alkalinity in parts per million, and temperatures in degrees F.]

Place	Date	Time	pH	Oxygen	Alkalinity	Temperature	Remarks
BIG BLUE RIVER							
	1930						
Stromsburg	July 14	9 a. m.	8.2	13.3	200	65	Halfway to bottom.
Ulysses	do	4.30 p. m.	7.9	9.0	280	78	Surface.
			7.9	9.0			Bottom.
Staplehurst	July 15	8 a. m.	7.7	9.1	280	65	
Seward	July 12	2.30 p. m.	7.5	5.35	280	78	Surface.
Milford, above dam	July 13	10.30 a. m.	7.5	6.13		74	Do.
				4.26		72	Bottom.
Milford, below dam	do	1 p. m.	7.5	6.13		76	Surface.
Crete:			7.5	5.60			Bottom.
Above dam	July 17	11.30 a. m.	7.9	5.86		78	Surface.
			7.9	5.86	225	75	Bottom.
Below dam	do	11.30 a. m.	7.9	7.60		78	Surface.
			7.9	7.46	220	75	Bottom.
Below city	do	10.30 a. m.	7.5	5.33		75	100 yards below sewer.
Wilber	do	4.15 p. m.	7.5	5.33		78	Surface.
Beatrice:							
Above city	July 18	8 a. m.	7.9	8.00		72	2 feet below surface.
						76	
Below city	do	10.30 a. m.	7.7	5.2		74	Bottom.
Blue Springs	do	3 p. m.	7.7	5.86		80	Surface.
Barnston	do	5 p. m.	7.5	5.60			Do.
LITTLE BLUE RIVER							
Fairbury	July 19	9.30 a. m.	8.3	9.33	205	72	Do.
SANDY CREEK							
Alexandria, above dam	do	2.30 p. m.	7.4	7.20		66	Surface along edge.
			7.5	9.06		64	Surface midstream.
WEST FORK							
Stockham	July 16	2.30 p. m.	7.5	6.4	240	76	Halfway to bottom.
McCool Junction	do	11 a. m.	7.7	8.26	210	69	Surface.
Beaver Crossing	July 15	3.30 p. m.	7.9	7.47	210	73	Halfway to bottom.
Beaver Creek at York	July 16	9 a. m.	7.3	1.06	310	65	Do.

Methyl orange alkalinity

The methyl orange alkalinity is not of as great importance as the pH in determining the suitability of a body of water for fish life, but it gives a rather fair approximation of the hardness of the water. The claim has been advanced by certain European workers at least that lakes having hard water support a relatively much higher crop of animal plankton, which is a factor of prime importance in the food of small fish. Indirectly, then, the hardness of the water does have an effect on fish life. Only a few determinations were made during this survey. But they suffice to show that the waters of the Big Blue, the Little Blue, the West Fork, and Beaver Creek are rather hard. Values varying from 200 parts per million to 280 parts per million were obtained on the Big Blue. The water of the Little Blue gave a value of 205 parts per million. The West Fork gave values of 210 parts per million and 240 parts per million. The maximum of 310 parts per million was obtained in Beaver Creek at York. The same factors that bring about variation in pH also affect the value for methyl orange alkalinity, and in general in a body of water in which the pH is controlled primarily by carbonic acid the methyl orange alkalinity will decrease as the pH value increases. Tests made on the water at Seward show that carbonic acid is the principal acid in the water of the Big Blue.

Dissolved oxygen

The dissolved oxygen content of the water is, in the absence of specific poisons such as drugs or salts of heavy metals, the most reliable criterion of the fitness of a body of water to support fish life. As Table 1 shows, the dissolved oxygen in the Big Blue ranged from a maximum of 13.3 parts per million at Stromsburg to surface minimum of 5.33 parts per million below the sewer outlet at Crete and below the town at Wilber. The minimum of 4.26 for the river was obtained in bottom samples some distance above the dam at Wilber. The Little Blue at Fairbury had a dissolved oxygen content of 9.33 parts per million. Sandy Creek at Alexandria gave values of 7.20 and 9.06, respectively, above and below the dam.

West Fork gave values ranging from 6.4 parts per million to 8.26 parts per million. Beaver Creek, below York, gave the exceptionally low value of 1.06 parts per million. This is the only value for dissolved oxygen obtained that falls below the minimum required by most fish. All the other values are well above the critical concentration required for fish. The effect of sewage on the oxygen supply is well illustrated by the results obtained at Crete. Here the water had a dissolved oxygen content of 7.6 parts per million at the surface and 7.46 parts per million at the bottom below the dam and above the city. At 100 and 600 yards below the sewer outlet below the city the dissolved oxygen had been reduced to 5.33 parts per million. The beneficial effects of dams in aerating the water is also shown by the determinations at Crete. As Table 1 shows, the values obtained below the dam were considerably higher than those obtained above the dam. The results at Beatrice also show the effects of sewage. Some distance above the city the water had a dissolved oxygen content of 8.0 parts per million. Some distance below the sewer outlet this had been reduced to 5.2 parts per million, and this in spite of the fact that the water had passed over a dam between these two sampling stations.

SEINING OPERATIONS AND SOME MISCELLANEOUS OPERATIONS

Big Blue River

Stromsburg: The river at Stromsburg is quite narrow and so shallow that for some distance the water was not over 2 feet in depth. Although there was considerable current, the water was fairly clear and the gravelly bottom could be seen in some places. May-fly nypmhs were abundant under stones and sticks, nests of blackhead minnow eggs were found, but no game fish of any sort were taken in our seine haul. The river at this point is probably too small for the adults of most species of game fish.

Surprise: The water at Surprise is quite turbid, and the current is very slack. A station was established about a half mile above the power dam, and several seine hauls were made in about 4 feet of water. While no game fish were taken in these seine hauls, minnows were quite common and small frogs were extremely abundant. During the time the authors were present a small boy fishing just above the dam caught 1 large bullhead, 1 large carp, several small bullheads, and four 5-inch green sunfish. Below the dam people were catching bullheads. Numerous adult minnows and a school of small minnow fry were observed along the edge of a pool below the dam. The river bottom was muddy above the dam but gravelly below.

Ulysses: Operations at the station at Ulysses were carried on about three-fourths of a mile above a power dam. The river is fairly wide, with very little current at this point, due to the backing up of the water by the dam. The water had a depth of approximately 3 feet and was cleaner than above the dam at Surprise. The bottom is soft mud. A number of seine hauls were made which yielded several small bullheads, several small carp, a number of minnows, and a couple of small green sunfish. Some adult carp were observed going over the cork line. Below the dam a number of anglers were fishing for carp and bullheads.

Staplehurst: The river at Staplehurst is fairly wide, and a station was established at a point where it was not affected by any dam. The depth of water at this place ranged between 3 and 4 feet; and although there was a very fair current in the river, the water was comparatively clear. No game fish were taken in our seine, but minnows and crayfish were common. May-fly nymphs were present under stones and sticks.

Seward: The station at Seward was located about a mile above Sewards Dam. This placed it just above the mouth of Lincolns Creek. The water at this point was about 3 feet in depth, with very little current, and had a muddy appearance. The bottom was covered with soft mud, and samples taken from this mud contained no life. Four seine hauls yielded 24 minnows, several small bullheads, one 4-inch sucker, 2 white crappie fingerlings, 1 small ring perch, and 1 small carp. Below the dam a number of people were fishing for carp and bullheads, and here one of the authors caught a fair-sized carp with his hands. May-fly nymphs were abundant along the shore.

Milford: A station was established about 2 miles above the dam at Milford. As nearly as could be ascertained, it was far enough removed from this dam as to be above the backwater. At this point the river was quite wide and had an average depth of 5½ feet. There was some current; and, although the water was not as turbid as at Seward, the bottom was muddy. A number of seine hauls, which yielded only minnows and crayfish, were made. However, it was reported that bullheads and green sunfish were caught here.

A second series of observations was made a quarter of a mile below this dam. While the river here was not as wide as at the first location, it was still fairly wide. The water was of about the same turbidity as above the dam, but the current was dependent on whether or not the mill race was in operation. At the time visited the river had a depth of 5 feet. Some clams of commercial value are taken here; but apparently there is no commercial shelling and they are used mainly for bait by the fishermen. Several seine hauls were made at this point and resulted in the taking of nine fair-sized crappies, several bullheads, and several channel catfish, two of which were fairly large. One boy, who was fishing here, had a 2-pound catfish, and it was reported that a number of these fish were caught at this place. May-fly nymphs were common under stones along the water's edge.

Crete: One series of observations was made about 50 yards below a power dam at Crete. The water, which appeared clean and fairly clear, had an average depth of only a few feet. However, both the depth of the water and the current depended on the amount of water going through the mill race. There was a hole with a depth of 13 feet at one place, and it was in this hole that our samples were taken. A number of minnows, orange spot, small buffalo fish, and a very small channel catfish were taken. This hole is also used for swimming purposes, and a number of people were swimming at the time the authors were present.

A second series of observations was made about one-fifth of a mile above the dam. The depth of water at this place was about 10 feet. In the several seine hauls made here, there were taken blackfin, several small 4 and 5 inch carp, and several white crappie 5 and 6 inches in length. A 3½-pound catfish that an angler had taken was observed, and several people reported that channel catfish and carp were taken by anglers. Some butterfly mussels were picked up here. In a slough, which connects with the river at moderately high water, the authors took some orange spots, white crappie, yellow perch, bullheads, blackfins, and blackhead minnows, and observed a school of small bullheads. Large yellow pike are taken at times in the river.

Crete, like all other towns along the river, dumps its sewage into the river, but apparently this sewage is not yet a serious menace to fish life. The dissolved oxygen, pH, and surface temperatures were determined at 100 and 600 yards below the sewer outlet. The dissolved oxygen was 5.33 parts per million; the pH, 7.5; and the surface temperature, 75° F., in each case. There are some prospects of having the discharge of sewage into the river stopped, which would be very desirable.

At the present time two ponds, with a total area of from 20 to 30 acres, are under construction. These ponds are being built for the purpose of making natural ice and will be connected with the river above the dam. Here is a good opportunity to establish some good bass fishing. The local fishermen seem well aware of these possibilities for bass fishing and are anxious to have them realized. The company that is building the ponds favors this fishery project.

About halfway between Crete and Wilber is another power dam. Below this dam we observed hundreds of adult carp; and people reported the taking of yellow perch, which had been planted by the State, and white crappie from the backwater above the dam. May-fly nymphs were very plentiful along the edge of the river here and also at Crete.

Wilber: At Wilber another dam is located and has a stretch of relatively deep water above it and shallow water below.

Dewitt: The river at Dewitt presents the same conditions as prevailed at Wilber. Catches of carp and channel catfish are reported at this place.

Beatrice: There are two dams at Beatrice, and a sampling station was established several miles above the power dam, which is the upper one of the two. This removed the station from the effects of the dam. The river here is from 4 to 7 feet deep, fairly clear, with a swift current and a sand and gravel bottom. Minnows and crayfish were quite common; small catfish, 1 inch or more in length, were quite plentiful; and one darter was taken in the seine. People reported the catching of large channel catfish, carp, and white crappie at the dam. While we tried some seining at the dam, there were so many snags that good results were impossible and only one small sunfish was taken.

A few observations were made between the two dams. Here the river is quite wide, with a slow current, and the water is about 7 feet in depth. The surface temperature was 76° F.; the bottom temperature, 74° F.; the pH at the bottom, 7.7; and the dissolved oxygen at the bottom, 5.2 parts per million. By this time the river has received the city sewage, including the waste from the artificial gas plant; but as natural gas is now being installed, this source of pollution will be eliminated. A good many carp are caught here.

Blue Springs: Another power dam is located at Blue Springs and the river conditions are very much the same as they are at the other dams in this river. Catches of carp and channel catfish are reported at this place.

Barnston: The conditions as far as dams and water flow are concerned are identical with those at Blue Springs, Dewitt, Wilber, etc. People report catching buffalo and carp in about equal nuumbers, as well as white crappies, channel and yellow cats. One man had several carp, a buffalo, and two yellow catfish in a live box. Reports were received of the presence of orange-spotted sunfish. The channel catfish, bullheads, and the green sunfish were taken in our seine. Minnows were common and were mostly blackheads.

The Little Blue

The Little Blue was visited at Hebron and at Fairbury. The physical conditions of the river at these two places are practically identical, since at each place there is a power dam with a stretch of deep backwater above the dam and a stretch of shallow water below it. No chemical tests were made of the water at Hebron, nor was any seining done there. Local inhabitants report the catching of carp, channel catfish, bullheads, and white crappie.

At Fairbury, the Little Blue was visited at some distance above the dam to get away from the effect of the dam. The river at this place is fairly wide; the current, swift; and the bottom, sandy or gravelly. The depth of water varies from point to point but is several feet everywhere. The river appears clean though the water is turbid. Very few fish were taken in our seine; but those taken include one channel cat, two bullheads, and the blackfin and blackhead minnows. Crayfish were also taken. At the dam, people were taking catfish, carp, and white crappie.

Sandy Creek: This tributary of the Little Blue was visited at Alexandria and is largely a spring-fed stream. At Alexandria, where a dam has been constructed to supply water for some private fish ponds, the river is of considerable size.

West Fork

Stockham: The river at Stockham, while quite narrow, has a depth of several feet. There is some current and the water is fairly clear. We took quite a number of blackhead minnows, several common suckers 4 inches in length, and quite a few crayfish.

McCool Junction: The river here is much wider than at Stockham. The current is about 7 miles per hour, and the bottom is mostly sand and gravel. People report catching many catfish, carp, and minnows; but all we took in our seine were a number of minnows. However, in a small lagoon close to the river, we found numerous small white crappie of this year's brood, green sunfish, minnows, and young carp.

Beaver Crossing: The river is wider at Beaver Crossing than at McCool, but the current is not quite as strong. It has a maximum depth of water of 2 feet. All we took in the seine here were a few blackhead minnows and some crayfish. May-fly nymphs were common underneath fallen logs.

A short distance above the place where the above observations were made there is a little expansion in the river, just above the bridge in a little backwater. Here we took 4 adult crappie, 5

large carp, 4 large bullheads, 2 small carp, 2 small crappie, 2 small catfish, 2 fair-sized catfish, 1 blackfin minnow, and 1 crayfish.

Although the station at Beaver Crossing is 6 miles above a dam, there are three dams between it and the mouth of the West Fork.

Beaver Creek: Beaver Creek is a tributary of the West Fork of the Big Blue. It was visited about a mile below York, where it consists of a series of pools and riffles. The water is clear and flows at a fair rate. The oxygen content of the water is low, due to the fact that the stream is too small to care for the discharge of sewage by the town of York. No seining could be done on account of the many snags in the water, but people are reported as having taken bullheads here. Beaver Creek flows into the West Fork a short distance above Beaver Crossing. The effect of the pollution is corrected, apparently, by the time the waters of these two streams have united.

FACTORS THAT MAY AFFECT FISH LIFE

Pollution

That this river system is relatively free from pollution is shown by (1) the high value for dissolved oxygen, (2) the absence of sludge worms in bottom deposits, and (3) by the presence of many May-fly nymphs wherever there are logs or stones to offer them suitable haunts. Beaver Creek for some distance below the sewer outlet at York is an exception. In a couple of places there is some pollution from gas works, as at Beatrice, where the existence of some degree of pollution is indicated by a lower dissolved O_2 content of the water below the city as compared with conditions some distance above the city, but with the coming of natural gas this source of pollution will be eliminated. There are prospects that in some instances the discharge of city sewage will also be discontinued. Efforts are made in some places to prevent garages from dumping their wastes into the city sewer. It appears to the authors that, considering the entire river system as a whole, pollution is a very minor factor as far as fish life is concerned.

Dams

Dams used for power purpose occupy an important rôle in this river system. There are 12 or 13 such dams on the Big Blue from Surprise to Barnston, 3 on the Little Blue from Hebron to Steele City, and 3 on the West Fork of the Big Blue between Beaver Crossing and the mouth of the West Fork. There may be additional dams, but the authors have not become aware of them.

These dams undoubtedly affect the fish life of this river system to a very considerable extent. First, they prevent the upstream migration of fish, as no fishways are maintained. If the fish should have a tendency to move downstream during the high-water stages of the river, they could not again return upstream. This would tend to deplete the fish life of the river. Second, these dams cause great fluctuations in the water level. At times when the dams are not in operation there is nothing but a series of pools for some distance below the dam while the level of the water rises above the dam. Again, when the water goes through the mill race, the level of the water above the dams falls as much as 2 feet in 24 hours at times, while below the dam there will be created a turbulent stream. These sudden changes in level would seem to affect the spawning of the fish, hence it would seem desirable to maintain a more constant water level. However, these dams may also have a beneficial affect, in that they create reservoirs of deeper water, which furnish more suitable places for larger fish.

Silting

During rainy periods, resulting in high waters, enormous quantities of soil are carried from the plowed fields along the river into the stream. This makes the water very turbid and leaves heavy deposits of silt on the bottom. These deposits undoubtedly do at times interfere with the spawning activity of the fish.

HOW TO IMPROVE CONDITIONS OF FISH LIFE

(1) Create more permanent backwaters, as is being done at Crete at the present time. This will furnish spawning places for such fish as the large-mouth black bass, the white crappie, the bluegill, and, in the light of the results obtained at Fairport, Iowa, also for the small-mouth black bass.

(2) Compel the operators of the power dams to maintain a more constant water level.

(3) If such a thing as a practical fishway exists, insist on the establishing of fishway so that the fish can migrate upstream.

FISH SUITABLE FOR THIS RIVER SYSTEM

At the present time the following food fishes are taken in this system: Channel cats, bullheads, carp, white crappie, green sunfish, and buffalo. There is evidence that these food fishes reproduce either in the stream proper or in lagoons and sloughs that constitute a part of this river system. Yellow pike are taken at Crete, but apparently there is no evidence that they are reproducing at present. Some yellow perch are also taken and apparently reproduce in the lagoons or sloughs.

No bass, black crappie, or bluegill sunfish were taken during this survey, nor did any anglers report catching them. The green sunfish seems to be the only sunfish inhabiting this river system at present. The black crappie has been planted here by the State but, apparently, is not propagating itself.

Residents claim that the Big Blue originally was one of the best yellow-pike streams in the country. At present, however, they take no pike except a few old overgrown specimens. Since the pike and pickerel are so extremely predaceous their reintroduction is not recommended. In this connection it may be stated that some very large channel catfish are also taken around the dams.

We would recommend, however, the planting of both species of black bass and of the bluegill. There are plenty of minnows for the bass to feed on, and the water apparently is neither too cold nor too warm for either species. It has the proper range of alkalinity and plenty of dissolved oxygen. Also there are slow-moving waters or even standing water to suit the large mouth and swiftly flowing waters to satisfy the small mouth. There are places like the new ponds that are being built at Crete that should furnish good spawning places for several species of warm-water fishes.

In some places the water, as far as temperature, oxygen supply, and alkalinity are concerned, is suitable for certain species of trout. This is especially true of Sandy Creek at Alexandria. This creek is largely spring fed. However, during high water it is subject to a large influx of warmer water. It is, therefore, a little doubtful whether trout would propagate there. If it were stocked with large fingerling trout, they might grow to maturity and furnish some trout fishing, even if they would not reproduce. If the brown trout were introduced here, it might be able to propagate itself. This fish spawns in fall and can stand fairly high temperatures during the summer. Although Turkey Creek was not visited, it was suggested as a possible trout stream by local residents.

While there may be some doubt as to the advisability of introducing trout into Sandy Creek and Turkey Creek, the introduction of the two species of black bass and the bluegill sunfish into the Blue River system looks to the authors like a reasonable venture.

In conclusion, we want to express our sincere gratitude to Congressman CHARLES H. SLOAN, of Geneva, Nebr., and to those other gentlemen whose help has enabled us to make this survey.

The Blue River system drains 10 of the 11 counties of the fourth congressional district of Nebraska, namely: Butler, Fillmore, Gage, Hamilton, Jefferson, Polk, Saline, Seward, Thayer, and York. Saunders County alone is not to any material extent drained by the Blue system. There are 800 miles of Blue River and its tributaries in the district, with channels of steady continuous running water fit for the habitat and propagation of many kinds of game fish. These streams are generally skirted by growing thrifty forestry, which favors withholding silt from deposit and promises to make the occupation of the local Waltonites desirable.

I had long in a meditative, rather than an active way, considered the development of our fish possibilities. My recent service on the Merchant Marine and Fisheries Committee suggested and prompted the action taken.

I accompanied the two Government representatives named for about 10 days along the Blue, which I affectionately and properly designate the "Nebraska Nile."

I enjoyed the wading, necessary boating, and seining, to investigate and discover the important facts developed and reported.

I found herein, as I believe and profess, that there are few desirable things in the world that our great Corn Belt can not develop or produce, or obtain an equivalent therefor. I forecast in the course of a few years a highly improved fish supply in the 10 counties.

The industry, zeal, and ability exhibited by Doctors Wiebe and Canfield in their work and the courtesy they displayed to many of my constituents made their visit the subject of favorable comment in press and by the public.

From every station mentioned in the report interest has been manifested by applications for contributions from the Federal hatcheries for their localities.

I take this opportunity to commend Commissioner O'Malley's excellent work at the head of our national fishery interests.

APPROPRIATIONS OF THE SEVENTIETH AND SEVENTY-FIRST CONGRESSES

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on appropriations and expenditures and to include a few brief quotations.

The SPEAKER. Without objection, it is so ordered.

Mr. BYRNS. Mr. Speaker, the Seventy-first Congress which has just closed came into being with the inauguration of the present Chief Executive on March 4, 1929. Convinced by campaign promises that the security of the Nation rested with the Republican Party, the electorate had in the 1928 campaign given that party an overwhelming

majority. Campaign orators had regaled the voters with the high lights of economies effected by the Republican administration under Mr. Coolidge and the party nominee for President had solemnly declared that "economy in government" had become a principle of the Republican Party.

The present administration assumed control of Congress and every branch of the Government under a warranty to the country that every possible economy would be practiced. This was their solemn pledge. We have been told by the Republican National Committee that "few administrations in recent years have made such a record of promises kept as that of Herbert Hoover." What, then, of the solemn promise of economy? The answer is that even the "myth" of Coolidge economy disappeared with his régime and that the Seventy-first Congress, at the request of President Hoover, has appropriated the enormous and staggering total of $10,249,819,215.60. From a semblance of economy under Mr. Coolidge the present administration has indulged in a riot of extravagance never heretofore heard of in time of peace. The appropriations of this Congress exceed by almost $1,000,000,000 the total amount appropriated by the Seventieth Congress during the last two years of the Coolidge administration, and which up to that time was the high peak of Government appropriations for peace-time activities of the Government. The total amount appropriated by the Seventieth Congress was $9,293,472,592.

Anticipating criticism of this recklessness and extravagance, Republican papers and apologists contend that this enormous increase is due to conditions over which the administration had no control. They are attempting to leave the impression that drought relief and measures for the relief of unemployment result in this startling total. A simple tabulation of the appropriations carried in all of the so-called relief measures quickly refutes this contention. The appropriations for this purpose will not exceed $200,000,000, the principal items of which are:

Drought relief	$45,000,000
Loans to farmers in drought areas	20,000,000
Rural sanitation	2,000,000
Loans to farmers of 5 Southern States	2,000,000
Emergency construction	127,000,000
Total	196,000,000

This leaves practically three quarters of a billion dollars for which these partisan apologists must account in some other way.

Appropriations were made for the construction of public buildings and Federal aid in the building of roads, but these were a continuation of policies established before Mr. Hoover became President, and can not be classed as appropriations especially made for the relief of unemployment resulting from present economic conditions.

Congress passed a law authorizing additional loans to veterans on their adjusted-service certificates. Lest some one may say that this has served to increase the total of appropriations, I call attention to the fact that no appropriation was made necessary by this act.

One of the principal reasons urged for the passage of the Budget law was that it would serve to fix direct responsibility upon the President for the amount required for the operation of the Government. He determines the amount he believes should be appropriated and sends to Congress a request for such amount. Realizing that the appropriations were the greatest ever to be made in time of peace in the history of this Government, statements have been issued from the White House during the life of this Congress calling attention to the necessity for retrenchment in appropriations and authorizations.

The warning was issued that unless there was retrenchment it would be necessary to increase taxes or issue bonds to meet the cost of operating the Government. Whether by design or not, these statements were widely published, leaving the country under the impression that Congress was entirely to blame for the large amounts appropriated. The reverse is true. While Congress, overwhelmingly Republican, must share the criticism for these huge amounts, the President himself is primarily responsible. The requests for appropriations sent to Congress by the President have actually been reduced during the Seventy-first Congress in the sum of $55,000,000, in round numbers.

As showing the wide departure of the present administration from the economy attempted by the previous administration I call attention to the custom of Mr. Coolidge to hold what he termed "business meetings" twice a year. These meetings were attended by the chief and subchiefs of the various departments and bureaus of the Government and were addressed by Mr. Coolidge and his Budget Director and urged to greater economy in expenditures. Whether from lack of interest or for other reasons, the present administration has held no such meetings, and those who direct the expenditures of these departments and bureaus have received no admonition or encouragement along this line except through general statements issued from time to time for public consumption.

Some time ago the President declared that the Government was confronted with the possibility of a deficit on June 30, this year, of at least $180,000,000. In a statement which I later made on the floor of the House I declared that this deficit would amount to not less than $400,000,000 and possibly reach the sum of $500,000,000. It now appears that the deficit may even be larger than this. The fact, however, that such a large deficit was impending did not deter the President from submitting requests for the large appropriations which a Republican Congress has enacted into law.

In a résumé of appropriations and expenditures the increasing tendency toward centralization of powers and functions of government at Washington can not be adequately dealt with. But every student of government and economics recognizes this continuing centralization as a menace to our institutions and democratic government. Certain it is that under Republican rule this tendency has become exceedingly costly. Governmental expenditures today—in a time of peace and 12 years after the war—are far greater than ever before in the peace-time history of government. They are now within a few hundred millions of what they were in 1921, just three years after the war, and when the country was still maintaining troops in Europe and was paying off huge hang-over war expenses.

The authorizations and commitments made by this and previous Congresses will make it difficult, if not impossible, to reduce Federal expenditures for some time to come, but certainly there can be no justification for further increases.

The people are appalled by the increasing cost of their various forms of government. No one can doubt but that this increased cost is a contributing factor to the present depression in business. There must be greater economy in government and an end to the idea that cost of government can continue to increase without injury to the prosperity of the country, to say nothing of the injustice to the people who must bear the burden. There is no greater or more important issue before the people to-day.

The history of the past few years and the present condition of unemployment and unrest throughout the United States have demonstrated that relief can not be hoped for under Republican rule. There must be a return to Democratic policies and Democratic simplicity.

The following table is a comparison of appropriations made by the several sessions of the Seventieth and Seventy-first Congresses. It should be borne in mind that the Seventieth Congress covered the last two years of President Coolidge and the Seventy-first Congress the first two years of the administration of President Hoover. This table does not include appropriations made in private and miscellaneous acts or payments authorized under indefinite appropriations, such as the war settlement award, in the first session of the Seventy-first Congress or reappropriations.

	Seventieth Congress	Seventy-first Congress
Agriculture	$283, 650, 347	$370, 976, 630
District of Columbia	76, 097, 823	91, 448, 870
Independent offices	1, 069, 038, 861	1, 606, 300, 176
Interior	338, 241, 502	375, 791, 090
Legislative	36, 406, 535	53, 326, 932
Navy	722, 382, 509	738, 927, 063
State	28, 556, 433	34, 542, 792
Justice	54, 696, 712	83, 010, 313
Commerce	96, 714, 509	107, 372, 715
Labor	21, 733, 770	26, 561, 370
Treasury	600, 066, 492	555, 170, 077
Post Office	1, 579, 565, 767	1, 673, 066, 854
War	852, 306, 583	902, 309, 866
Supplemental and deficiency acts	350, 957, 018	891, 944, 501
Emergency construction		116, 000, 000
Drought relief		45, 000, 000
Permanent, indefinite	2, 758, 203, 642	2, 630, 993, 524

NOTES.—Twenty million dollars is carried in the Interior bill, second session, Seventy-first Congress, for loans to farmers in the drought-stricken areas; $4,000,000 in deficiency bill in that session for rural sanitation and loans in certain Southern States, and $11,000,000 in the war bill for work incident to the present emergency.

Appropriations for the Pension Bureau and soldiers' homes were provided for in the independent offices bill at the present session on account of transfer from the Interior and War Departments of these bureaus. The Prohibition Bureau was in part transferred from the Treasury Department to the Department of Justice. But all of these appropriations, with the exception of those for emergency relief, have been carried in one or the other of the appropriation acts, and the above table shows in the aggregate the increases which have been made in the regular activities of the Government.

There was appropriated at the special session of the Seventy-first Congress the sum of $199,310,597, which is not included in the above table.

SPEECH OF HON. HENRY ALLEN COOPER

Mr. SCHNEIDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by the late Hon. Henry Allen Cooper.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHNEIDER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following news article and a speech delivered by the late Henry Allen Cooper:

[From the Burlington Standard, Saturday, June 15, 1878]

BELLS OF JUBILEE

It had been determined by many of the friends of the Hessian Band on the conclusion of their first grand concert that at some future time previous to their leaving America for their homes they should once more visit Burlington.

That propitious time arrived. The twenty-fifth anniversary of the Society Teutonia was at hand. This was the time; the necessary preparations were then commenced.

President Reuschlein met the band at Jefferson, making the engagement at that place.

On Friday, the 8 p. m. train brought the long-wished-for band to our town. They were met at the depot by the Teutonia Society, with Brownson's Cornet Band, who received the Hessians and escorted them to the hall, where a short session was passed in mutual congratulations by the two bands and members of the society, after which they repaired to the homes of the members, by apportionment, where they were to pass the time during their stay in Burlington.

Saturday, the 8th, the first day of the grand musical festival, was passed by the Hessians among their friends and at the hall, which was tastefully decorated for the occasion and where the arrangements were being perfected for the following day.

In the evening at 8 o'clock the second grand concert of the band in Burlington, the first of this series, was given to a large and delighted audience.

On Sunday morning at 9 a. m. the two Racine societies—the Catholic Young Men's and the St. Joseph's North Side Society—with the Racine City Band and a large delegation of citizens, arrived at Burlington on an extra train. They were met by the Teutonia and the Catholic Young Men's Society with Brownson's Cornet Band and escorted to the hall, where a collation was served.

At 1 o'clock the procession was formed under the guidance of Mr. August Reuschlein as chief marshal, assisted by Mr. William Finke and Lewis Konst, of Racine, in the following order:

The Hessian Band; the Catholic Young Men's Society, Racine; the St. Joseph's North Side Society, Racine; the Racine City Band; the Catholic Young Men's Society, Burlington; G. A. Brownson's Cornet Band; the Teutonia Society.

Then followed the citizens and friends from abroad.

The procession marched to the park, where the afternoon was passed in listening to the music and in mutual congratulations.

In the evening the band gave their second concert at Teutonia Hall, which was filled to its utmost capacity.

Monday, the 10th, was the crowning day of the festival. At 10 o'clock the people began to assemble in the hall, which was soon filled with an anxious and an expectant crowd to listen to Burlington's favorite speaker.

The exercises commenced with music by the Hessian Band, after which the Teutonia Society sang the first piece learned by them 25 years ago! At this point Mr. H. L. Devereux, the oldest member of the society, as president of the day, introduced the orator, Henry A. Cooper, Esq., who spoke for more than an hour in a most able and interesting manner, receiving the closest attention and enthusiastic applause of the entire audience.

At the conclusion of the speech three cheers were given for the speaker, for the society, and for the band. The Teutonias then sang another song, which closed the exercises for the morning.

At 1 p. m. the procession was again formed under Mr. August Reuschlein and marched to the park, where the afternoon was again enjoyed with music by the Hessians and Brownson's Band, songs by the Teutonias and the Young Men's Society, and in partaking of refreshments.

At 6 p. m. the procession returned and escorted the Young Men's Society to their hall, then to the Teutonia Hall, and dispersed.

In the evening a grand ball was given, the Hessian Band furnishing the music. A large company was present, the music enjoyed, and the company engaging in the delights of the mazy dance 'till the wee hours of the morning.

The Hessians were so well pleased with Burlington that they remained over another day—Tuesday—the morning being passed with the friends in town and the afternoon at Brown's Lake, where the orator of the previous day acted as pilot, showing the band the many beauties of our splendid lake. They expressed themselves highly pleased with the lake and its surroundings.

In the evening the band gave their fourth and last concert in Burlington. The hall was again filled with an admiring audience, which was thrilled with the rich melody of this unrivaled band.

The concert over, the band, the society, and some friends, the night being beautiful, moon shining bright and clear, proceeded to the residence of Dr. J. H. Cooper, and serenaded his son, Henry; he had retired for the night, but the soul-stirring strains of the band awoke him, when he appeared at the window, thanking them for the compliment in a neat and appropriate speech, closing with the wish that their voyage across the Atlantic might be as pleasant and as happy to them as had been their visit with us.

Another tune and the company parted and sought their homes.

Thus ended the festival commemorating the first 25 years of the life of the Teutonia Society. It will never be forgotten but will remain fresh in the memory for years to come. It gave to our American friends a true picture of German life.

GERADE WIE IN DEUTSCHLAND

The following is a synopsis of the oration:

"Mr. President and members of the Teutonia Society, ladies and gentlemen—und liebe Nachbarn:

"I am very grateful to the president for his kind words of introduction; but for me to be introduced to the members of the Teutonia Society and their friends in Burlington is very much like a young man being introduced to his mother. Yet, although not a stranger, I presume that just now I feel about as strange as any young man ever did.

"When I accepted the kind invitation of the members of the Teutonia Society to address them on this occasion I had but little idea of the magnitude of the occasion. Among the members of the Teutonia Society were many of the kindest friends of my childhood and the most sympathizing and trusted advisers of my youth. To these I thought to address some simple words of friendly greeting and congratulation, and also such other words as I might be able in recognition of the good work accomplished by the society during the first 25 years of its existence. But I did not expect to address such a multitude from many lands as is here gathered together—an assemblage so strikingly illustrative of the cosmopolitan character of our people. Here are countrymen of Burke and Moore and O'Connell, of Kosciusko and Pulaski, of Huss and Ziska, of Chatham and Nelson and Shakespeare, of Bruce and Burns, all met together in this far-off land at a German festival, to celebrate with a German society.

"But, gentlemen of the Teutonia Society, we are all Germans to-day. We are all glad to meet in honor of a society which has done so much to honor itself. We are glad to meet in recognition of your services to Burlington. You are a source of pride to all her citizens. To you she is deeply indebted. You have added to her wealth, you have added to her culture, and to her opportunities for culture. You have in countless ways advanced her good name. Yours has been a useful, honorable past. And so to-day, at the threshold of a future bright with promise as you pause to look back over the years which lie behind, it is fitting that the youth and beauty, the age and the kind hearts of the community you have so highly benefited should here assemble in token of their gratitude—glad to share with you in the joy of this anniversary morn.

"We are not met, my friends, to commemorate any of war's glorious but bloody and cruel triumphs, nor to live over any lofty scene in the political history of the Nation; but only in memory of the humble beginning, 25 years ago, amid poverty and doubt, in a little western village, of a society devoted to the

cause of human instruction and human happiness. But "peace hath her triumphs." This, my friends, is one of them. That society has been a public benefaction. And that little company of strangers from the land of mystery and song beyond the Rhine, who came bringing their love for art into this western wild and here founded this society, were true philanthropists and as such are deserving of the united thanks of this people.

"But not Burlington alone has reason to be thankful to this class of our fellow citizens. As a nation we owe a debt of gratitude to the Germans who have made America their home. German hospitality—German simplicity of manners—German business honor—German industry—and, above all, German integrity of character, have made a lasting impression for good upon our institutions. None other of our foreign-born citizens have so carefully retained nor so zealously propagated the ideas and customs of their native land. The Germans in America have been like the colonies which in olden times went out from Greece. These took with them to distant shores and there nurtured the manners and the arts and the literature of the mother country; and thus, though widely separated from Greece, hopeless ever again to tread her classic soil, they nevertheless greatly extended the empire of her influence and her fame, by keeping alive in those remote parts the spirit of her exalted life. So has it been with the Germans in America. They, too, in a far country, cherish the memory of the fatherland. And what a fatherland is theirs!

"Germany! Land of education and law! Where ignorance is a crime! Land of philosophy and poetry and song! About whose vine-clad hills linger the traditions and romance of a thousand years! Home of genius which has given Schiller and Lessing and Klopstock and Schlegel and Kotzebue and a multitude of kindred spirits to literature. Which claims Goethe for her child—Goethe, the greatest poet, the most comprehensive intellect since Shakespeare. Which has given Kant and Kepler and the matchless Humboldt to serve the united cause of science and philosophy. Germany! Source of the world's best music and birthplace of its greatest masters. Where were cradled Bach and Handel and Weber and Mozart and the supreme, the inspired, the immortal Beethoven. A land which to-day leads the vanguard of civilization and power on the continent of Europe!

"Deutschland!

"'Wo edler Geister Funken sprühen,
Wo Kränze für das Schöne blühen,
Wo starke Herzen freudig blühen
Für alles Heilige entbrannt:
Da war ihr Vaterland!'

"Coming from such a fatherland, the Germans in America have been its worthy children. To-day German influences are among those most potent in our civilization, and the Germans themselves among the most enlightened and public spirited and law-abiding and honored citizens of the Republic.

"Twenty-five years seem a long time if we would look forward into the illimitable unknown of the future; but if we look back it is but a step to where the vista closes behind us. Still, great events have shaken the earth in that short time. The great engines of social and political influence have worked mighty transformations. Thrones have been built up and cast down. Governments have been established and overthrown. Wars have drenched both continents in blood. Great conquests have been made, but the greatest and most glorious have been the conquests of peace. Civilized enterprise has penetrated every quarter of the globe and her exploring parties have sought out every hidden nook that human zeal and human skill could reach."

(Here follows a graphic description of the leading historical events of the last 25 years, of which we have only room for the following concluding sentences.—Ed.)

"But a description of all the important historical events which the last 25 years have witnessed in Europe and America would fill volumes.

"They have witnessed a united Italy, under the impulse of liberal institutions, assume her position among the great nations of Europe.

"They have seen the liberation of 20,000,000 of white serfs in Russia, and of 5,000,000 of black slaves in America. They have seen representatives from all the monarchies of the Old World gathered together at our centennial anniversary to bear witness to the greatness of our wealth and power and to the blessings of a free government.

"They have seen Napoleon wearing the crown of France in the midst of the glittering pageantries of the proudest court of the proudest capital of the world—they have seen the star of his destiny sink into endless obscurity on the field of Sedan, himself die a neglected exile, and the Republic, which he thought dead, reestablish the beneficent reign of liberty and equality upon the ruins of his Empire.

"And they have seen another man—the embodiment of all the holiest aspirations of the New World—by his greatness and by his goodness, by his love, his charity, his magnanimity, his consecration, rescue this Nation from destruction and save liberty to the world—and, dying, leave a memory upon which his countrymen and the friends of human rights everywhere throughout the earth shall never cease to call down the benedictions of heaven—the emancipator of a race—freedom's apostle and her martyr—Abraham Lincoln.

"This same quarter of a century has also witnessed the most miraculous discoveries of science as well as the most wonderful exhibitions of inventive genius and skill. Puck has put his girdle of telegraph wires and ocean cables around the earth. Time and space have been annihilated.

"Twenty-five years ago a war like the recent one between Russia and Turkey could have been fought out upon the plains of Bulgaria before Burlington's citizens of that day might have known of its beginning. Yet we have seen the results of the recent battles known in every hamlet from New York to San Francisco before the cries of the wounded and dying had ceased or the smoke lifted from the field. Six thousand miles away we have followed, step by step, the bloody struggle for Schipka Pass, while yet the echoes of the cannon were reverberating through the rocky gorges of the Balkans.

"But we have wandered far from home. Let us come back to Burlington at the period to which this day recalls us.

"I can not, from my own personal knowledge, describe the Burlington of 25 years ago, for, though a resident of the place at that time, I was not then much given to statistics. But from some of her old settlers I have learned that 25 years ago Burlington was a quiet village, having 2 schoolhouses (1 vacant), 3 churches (1 vacant), 32 saloons (all occupied), a score or two of dwelling houses, three or four hundred people, and the charter of the Fox River Valley Railroad.

"The village was advantageously located, being, according to the geological investigations of Esquire Royce, directly over the apex of the dome of Pluto's subterranean residence. Though small, Burlington was ambitious and vigorous and had even then acquired a widespread reputation for the abundance and size of its suckers—scientifically known as mullets or red horse. Her inhabitants were afflicted with few diseases, except intermittent fever, and a thirst which was not intermittent. Their principal amusements were attending lawsuits, trading horses, spearing fish, and playing "old sledge." The more dignified and sedate amused themselves with political and religious discussions and the building of opposition meeting houses. Thus they cultivated their mental powers, and few places of its size could boast of more business enterprise and intellectual activity among its citizens.

"The eligibility and beauty of its location had by this time drawn to Burlington a number of intelligent and educated Germans. Although they appreciated the blessings by which they were surrounded, still they felt that something was lacking. They missed the musical enjoyments of their old home beyond the sea. They longed for the sweet songs of the fatherland—'die wunderschoenen deutschen Lieder.' So, on the evening of May 9, in the year 1853, Joseph Bock, William Riel, Henry Martensen, Francis Reuschlein, Jacob Muth, Julius Lueck, Dr. Frederick Kords, Joseph Wackerman, sr., John Ries, Richard Weygand, Conrad Bosshard, William Funk, Charles Wagner, Frederick Keuper, Matthias Bachmayer, Henry Burhans, Caspar Scheidt, and William Rein met at the little Catholic schoolhouse up 'on the hill' and organized the Teutonia Society.

"The Teutonia Society had for its object the cultivation of the art of music, an art which offers to the human race the most refining and the purest of the pleasures of sense. An art so pure that its practice, we have been taught to believe, is among the chiefest delights of the redeemed in heaven.

"'The man that hath no music in himself
Nor is not mov'd by concord of sweet sounds,
Is fit for stratagems, and spoils,
The motions of his spirit are dull as night
And his affections dark as Erebus.
Let no such man be trusted.'

"Mr. Joseph Bock had the honor of being chosen the first director of the society. At its next meeting, a few evenings later, Jacob Wambold, Martin Schafer, Ciriak Prelles, Frederick Millhoft, and Jacob Oelten were enrolled among the members of the society. In the year 1855 the society joined the Northwestern Saengerbund. From this time forward its membership rapidly increased. In its ranks were Catholics and Protestants, Republicans and Democrats, men of various faiths and creeds, but divided as Teutonia was upon many important subjects, yet all distinctions were forgotten, all the members were brothers when they met to sing the songs of the fatherland. Such is the hallowed influence of music, the 'musik' of which Ludwig Tieck says:

"'Wem ich der Sterblichen die Lippe küsse,
Dem tönt die Welt ein göttliches Gedichte;
Wald, Wasser, Feld und Luft spricht ihm Geschichte,
Im Herzen rinnen Paradiesesflüsse.'

"Mr. Bock moved from Burlington about two years after his election as director. After his departure various members of the society acted as its leaders, until, on the 29th day of January in the year 1857, Prof. Rudolph Wald was chosen director of Teutonia, a position he now holds, and since that time has continuously held to his own great honor and to the lasting benefit of the society. The succeeding years 1857, 1858, and 1859 were those during which the society first began to assume the leading place it has since held in the social life of Burlington. In every celebration, or festival, or other public gathering in Burlington, the society took a prominent part. Heading every procession, floating from every platform, was the flag of Teutonia. These are the occasions during those years which we younger Burlingtonians most vividly recollect, and because of them, the name "Teutonia" is interwoven with our earliest associations. These were the days of the good old-fashioned Fourth of July celebrations up in "Perkins's Woods," the palmy days of Mr. Catton—"our Jim"—everybody's friend—and of many other of our old pioneers once familiar to the streets of Burlington, who, one by one, have vanished from our sight but not from our memory.

"The society continued its growth until the breaking out of the great Civil War. Then Teutonia made soldiers of its singers and

sent them to the front to fight the battles of their adopted country. Of those who were at that time members of the society, Theodore Hartman, Julius Leuck, Henry Martensen, John Haas, and Frederick Willhoeft joined the Union Army.

"We all remember those wild days at the opening of the war. We, who were then the children of Burlington, remember how proud we were that some of 'our boys'—the 'big boys' of the 'A class' over at school, the best scholars, the best speakers, the boys who led our sports, our youthful heroes—were going to war. And how we wondered that some of the fathers and mothers of those boys, and some of the 'big girls,' too, should look so sad. It was such a glorious thing to be a soldier and march away under the flags with pulses bounding to the cheers of friends and kindred.

"It was all a holiday to us. But soon came news of a battle. Then that there were western regiments in it—then that the Belle City Rifles and 'our boys' were there. It seems but yesterday since that news came. I see before me faces that were pale with dread that day. I see the little anxious group gathered in the street down town, and hear a choking voice reading: 'There has been a great fight. Henry Benson was badly shot in the hand. He held it up and said "Boys, there's Wisconsin blood for the Union." He was soon afterwards killed.'

"Killed! Killed! One of 'our boys!' I see the gathering tears and hear the only voice which breaks the silence—the voice of an old man—saying 'I knew he was a brave boy, I knew he was a brave boy,' and again I feel the thrill of pride which flashed through the hearts of us youthful listeners as we heard the story of the dead hero.

"One by one Burlington gave her martyrs to the great cause until at last the war was ended, and what there were left of 'our boys' came home. When we saw their thinned ranks our childish wonder ceased. Then we knew why in the early days those fathers and mothers and sweethearts had looked so sad. We saw them now—some with tears of thankfulness grasping the hands of their loved ones; others with bitter tears weeping for boys that did not come back—their 'unreturning brave.'

"Yes; there was joy and there was grief; but in smiles or in tears all were rejoicing in a country redeemed, regenerated, where Freedom undefiled shall sit enthroned forever.

"I see here in the ranks of Teutonia and scattered throughout this audience many who were Union soldiers in the War of the Rebellion.

"The youth of our country can never forget the debt of gratitude we owe to you, the soldiers of the great war. We were children in the days of your heroism. We did not—we could not know all that you were called to do. The crisis was too vast. It was beyond us. Now we have grown to a better appreciation of it. We have learned its significance—its appalling, its overwhelming nature. But for you, we of the younger generation would have come to manhood after the United States of America had been blotted from the map of the world. But for you the land of Washington and Jefferson and their compatriots—the land of "76" and of the Revolution would never have been ours to inherit. To you, soldiers of the great war, we owe the rich heritage of our country's glory, and the richer heritage of her freedom. We behold your victory. We have learned its solemn lessons, and when our country calls we will defend to the last all that you achieved. Be assured that, come what may, those great principles of constitutional government—the sovereignty of the National Union—the absolute equality of all men before the law—for which you fought and for which your dead comrades poured out their generous blood, these shall not fail. They shall stand unchanged, imperishable, while an American heart remembers the example of your own sublime devotion.

"Besides those of Teutonia's soldiers whose names have already been given, and who were members of the society at the outbreak of the war, there are others of her present members who also wore the Union blue. These are William Laske, Louis Konst, Hiram A. Sheldon, August Reuschlein, Charles W. Wood, Henry F. Smith, Andrew Haas, and Michael Zimmer, all of whom are to-day members of the society and prominent sharers in its benefits; a fact which adds emphasis to the truth that none better deserve to enjoy the blessings of peace than those who risked their lives to purchase them.

"In the year 1866 Mr. John Yunker built the hall which for many years bore his name. In it the society was accustomed to meet and there they received the news of Sedan, Napoleon's downfall, and the great victory of 'Unser Fritz' and Kaiser Wilhelm.

"In the latter part of the year 1870 the three German societies then existing in Burlington—the original Teutonia Society, the German Dramatic Society, and the Turner Society—were all united and incorporated under the old name of the Teutonia Society of Burlington. A new constitution was adopted and steps were immediately taken toward the erection of a building adapted to meet the diverse needs of the reorganized society. The result is the beautiful hall within which we are now assembled. Long may it stand to bless the memory of its builders; a place where the people of Burlington shall meet to banish care with music and the drama—'und nach dem Theater, Tanz Kraenzchen wie gewoehnlich!'

"One by one the years have gone until at last we have reached this day—this silver wedding anniversary of your espousal of the cause of art. From poverty and weakness you have lived on through years of privation and sacrifice until this day beholds you surrounded by wives and children and 'troops of friends,' crowned with success, happy and full of hope.

"This is to all of us a joyful day. It does not alone gladden you. It animates and unites all our hearts. Yet our gladness has its alloy. We miss old, familiar faces. All are not here. Where, to-day, is Prelles, with his glorious bass? Where are Henry Martensen and Franz Griebel and genial Charley Diener? Where is Jacob Gill with the ever-present smile upon his face? Where are the loved of other days?

"We look in vain for them. In vain we call aloud their cherished names. They have paid to nature the tribute foreordained from the foundations of the world to be paid to her by all the sons of men.

"Most men flit across the stage of life, drop into the grave, and the turf above them buries alike their memories and their dust. Such lives leave no individual record and they sink into the great dead sea of human experience like drops of rain into the depths of ocean. When a hundred years shall have rolled away, who of us but that will sleep in an unvisited tomb? Youth, manhood, age—oblivion!

"It is the common lot. Yet our friends have escaped it, for the Teutonia Society will live and their loved memories be a part of its treasures. When on earth they were allied with this society. Its good work was their good work, and it shall continue to be theirs. As your great Fichte says:

"'Das was man Tod nennt, kann mein Werk nicht abbrechen; denn mein Werk soll vollendet werden, mit Ihm ist meinem Dasein keine Zeit bestimmt—und ich bin ewig.'

"We have been talking of the past. It is the theme upon which, to-day, the older members of the society and of the audience most delight to linger.

"But there is a future before us with its hopes, its aspirations, and its burden of great duties.

"The people of no other nation have opportunities like ours. The responsibilities of citizenship in this Republic are greater than in any other government on earth. It devolves upon its possessor the duties of sovereignty. As Americans let us meet these duties. I address you no longer as Germans, no longer as Englishmen, no longer as Irishmen—no longer as foreigners. We are all Americans. Here are your homes. Here will be your graves, and the graves of your children, and of your children's children. Surely to you no other country can be so dear—no other soil so hallowed—as that where their ashes will repose. Then let us as Americans all rise to the full measure of our duty.

"What transcendent lessons this young Republic has already taught the statesmen of the Old World. Her history has given the lie to the governmental principles of a century ago—those principles born of ambition and tyranny and impressed upon the minds of men by the unbroken record of centuries of human government. Men had never been able to govern themselves. No republic had long endured. Therefore human equality was a myth and free government a vagary of enthusiasts.

"The great father of English law, Blackstone, says—and he speaks the sentiments universally entertained by the statesmen of his day: 'The distinction of ranks and honors is necessary in every well-governed state. A system of nobility creates and preserves that gradual scale of dignity which proceeds from the peasant to the prince.' Again, he says: 'Where the magistrate upon every succession is elected by the people and may, by the express provision of the laws, be deposed (if not punished) by his subjects. This may sound to some like the perfection of liberty and look well enough when delineated upon paper, but in practice will ever be found productive of tumult, contention, and anarchy.'

"By the example of a hundred years we have demonstrated that this father of English law was a child in his estimate of man's power of self-government.

"Here are no titled ranks. No honors, save such as the generous heart spontaneously yield to intellectual and moral worth. Here is no system of nobility. No blue-ribboned and bejeweled aristocrats. No degrading distinctions of caste. Forty millions of people without a master, occupying the sublimest position among the nations of the earth. The beacon toward which turn the eyes of all God's poor and oppressed. Free and invincible!

"Let us be zealous in whatever tends to make the Nation stronger and purer. Let us measure our public men by the inflexible rule, that splendor of station can not change the hue of dishonor. That a lie on the farm or in the blacksmith shop or in the counting room is a lie in the Senate of the United States. Away with the statesmanship which distinguishes between 'policy' and the dictates of common honesty. The Great Disposer of Events never made any difference between what is 'policy' and what is absolutely right. Away with the statesmen, the politicians, in the high councils of this Nation who vilify and traduce eminent men like Carl Schurz, servants of the people, for no other offense than zeal for their country's welfare or because in public life they are too honest to be what these men call "practical."

"Gentlemen of the Teutonia, we this day close the first volume of the history of your society. We have glanced over the record of the past 25 years there written. We, this day, turn the leaf, and have before us the yet unwritten page of the future. What the next 25 years shall inscribe thereon is buried in the bosom of the vast unknown. Naught but prophetic vision can pierce its measureless expanse or reveal its limitless possibilities. I can only express my faith and my wishes. Judging the future by the past and by the present—knowing that the blood of its fathers flows in the veins of its sons, my faith predicts the continued and increasing success of Teutonia. And here on this day on which we have met to lay our offerings upon the twin altars of memory and hope—standing here, between the oceans of the past and the future—let me appeal to Teutonia's younger members to carry forward the work of the society in the same spirit which inspired its beginning; to broaden and strengthen its power for good, to keep its aims pure, and to care for its well-being as a noble monument sacred to the memory of its founders. Cherish that liberal public spirit which has been one of their distinguishing characteristics—remembering that no man truly lives who lives for himself alone.

"Then, when another 25 years shall have passed away, the fiftieth—the golden anniversary of Teutonia shall witness a gathering as much excelling this in numbers and splendor as this surpasses the first little gathering at the schoolhouse on the hill; and my fervent wish is that many, very many—yes, all of you, may be blessed with life and health and strength to rejoice in the festivities of that day."

ADDRESS BY CONGRESSMAN LAGUARDIA

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks by printing an address made by our progressive colleague from New York, Mr. LAGUARDIA, over the National Broadcasting Co.'s radio system on March 2, 1931, on the subject of public utilities' control in this country.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONTROL OF PUBLIC UTILITIES

Gentlemen of the Power Trust and fellow consumers, I desire to express my thanks to the National Broadcasting Co. for its courtesy in granting me this opportunity to express the consumers' side of the power question. Consumers are not organized and, therefore, seldom have the opportunity to broadcast or to reply to the prosperous electric, gas, and public-utility corporation with unlimited funds collected from these same consumers.

I can understand the anxiety of the Power Trust in protecting their source of easily gotten fortunes. But I do object to their designation of the other side as ignorant, demagogic, radical, and destructive. In my criticism of the power magnates, the big fellows of the Power Trust, I desire to point out that I do not refer to the engineers and technical personnel, who are excellent, efficient, and useful citizens. They are in no way responsible for the conditions and practices which I oppose.

The men in control of the power interests or, to put it plainly, the Power Trust, are not interested or even concerned in public service or the sale of electric current. They are primarily interested in corporate control and the sale of stock. They know more about the stock ticker than the dynamo. Can it be denied that public-utility companies are monopolies? Can the consumer select his electric, gas, or trolley company? Not at all. Then why the expenditures of millions of dollars charged to the consumers for advertisement? The Power Trust is not a "myth." It is an existing, active, well-organized combination of power, gas, electric, and trolley corporations united in a common purpose of keeping private control of public utilities—maintaining high rates, influencing legislation, and fighting public ownership. The uncontroverted proof of the existence of this trust is contained not only in 20 volumes of legal evidence presented to the Federal Trade Commission in Washington but also in the list of mergers published in the trust's own publications and in the copious flow of literature issued by investment bankers, stock brokers, and bond pluggers. The existence of a combination—the Power Trust—is further evidenced by huge expenditures from common funds for purposes entirely selfish and unrelated to actual operation and maintenance of any one company.

By this I mean the maintenance and support by various groups of public utility corporations of the joint committee of the National Utility Association, of 420 Lexington Avenue, New York City, whose telltale photostatic checks to lobbyists, politicians, and others shocked the country not so very long ago. And also the existence of another agency of publicity and dispenser of power funds is the National Electric Light Association. Its checks, too, to institutions of education to insure the teaching of the trust philosophy of public service are now part of public records. Then, there is the various State committees of public information maintained in no less than 36 separate States, all doing the same kind of business. Then, the purchase of investment in newspapers and other publications; a long pay roll of men and women lecturing on the virtues of privately owned public utilities; the retainers of highly paid lobbyists at the Nation and State Capitols are all matters of public record.

The evidence already presented is conclusive of the existence of this combination or trust, but permit me to read from yesterday's daily newspapers. Only yesterday, March 1, 1931, the Consolidated Gas Co., of New York, announced the coming issue and marketing of an additional $110,000,000 of securities. Is the Consolidated Gas Co. an isolated independent entity in New York City? Not at all. In its own announcement it states frankly that the Brooklyn Edison Co., Kings County Electric Light & Power Co., and other companies are units of the consolidated gas system. Then it goes on to say that the total funded debt of the system is $250,937,540. They call it a system. I call it a trust. Then, the news item goes on to talk about the "parent company" and the parent company paid out in dividends during the year no less than $57,080,808. This enormous dividend is derived from excessive rates paid by the consumers. This system, or combination in the East, which is only a small fraction of the entire system and combination, is in and of itself one of the largest combines in the United States.

It is the vicious activities of the combination that have brought upon the private utility companies the opposition of the public and the movement for public ownership and operation of such necessary service. In our present industrial, economic, and social life, electricity and gas have become necessaries of life. Electricity and gas have become as indispensable to our every-day life as air and water. Air is still free, but how would consumers like to buy water from their local gas and electric light company? Think it over. It was not so very long ago that water was monopolized by private corporations. Owing to poor service, exorbitant rates, vicious political activities, private water companies have been put out of business. Yet the same arguments which were urged against public ownership of water supply and the same denunciations of public-spirited men and women who fought private water companies are to-day used by the Power Trust. Comparisons are made by the Power Trust between what they term private ownership and efficient business operation and public ownership with inefficient political operation. I accept that challenge.

The publicly owned and operated water supply all through the country compares more than favorably with the costly privately owned and operated gas or electric service of any city. If the same accountancy practices and returns allowed the gas and electric companies by our corporate-minded courts were applied to any municipal water system, the price of water would be about 25 cents a gallon.

If the same basis for rate fixing were applied to the Panama Canal—and by that I mean valuation of all physical property on the theory of reproduction cost, franchise and good-will value, interest on bonds covering actual investment, and return on stock covering fictitious and artificial valuations—it would cost more than the value of a ship to go through the canal. A better comparison might be made between private and publicly owned companies rendering like services. The rates of the municipally operated electric plant at Jamestown, N. Y., are lower than that of the privately owned company. Yet the publicly owned plant uses expensive coal purchased from private mines, while the private plant uses public waters from a publicly owned stream. The power plants in Canada sell current cheaper than the private plants across the river in New York, both generating the same kind of current from identically the same river. The municipal electric plant in Los Angeles has operated successfully in spite of an unrelenting warfare in the courts waged by the private interests. The municipal electric plant of Cleveland has not only reduced rates but has practically paid for itself in a few years. Tacoma, Seattle, and many cities have their own publicly owned electric plants operating successfully at lower rates than the trust companies in cities of like size. If publicly owned plants and operated by the public and not for profit are better and cheaper than privately owned and operated companies and granted the indispensability of electric service, what justification is there for the continuance of the latter?

Another fair comparison of a very recent occurrence may be cited right here in Washington. Two weeks ago Congress passed a law giving the 78,458 school children of the District of Columbia car fare at 3 cents. About four days ago Congress passed a law granting loans to $,500,000 veterans of the World War. Within two hours after the veterans' bill passed the first loan was made, and the Veterans' Bureau is prepared to take care of thousands and thousands of applications a day. The school childrens' car fare law, which takes effect immediately, although it has back of it the entire power and force of the United States Government, the President of the United States, the American Congress, has up to this time been ignored by one of the subsidiaries of the Power Trust, who are simply making faces at the United States Government and ignoring the mandate of the law. Yes; we have a public-service commission in the District of Columbia.

The enormous profits just stated resulting from an excessive and exorbitant rate is the complete answer to the statement recently made that consumers are fully protected from the self-styled benevolent monopoly by regulation and State public-service commissions. It was stated, too, that the very people who are now clamoring for public ownership and operation of public-service utilities were the same who years ago demanded and brought about the regulation of public-utility companies. That is true; but when we now witness exorbitant and unreasonable rates resulting in dividends out of all proportion to returns to other industrial investments because, mark you, there is no risk involved in this business.

The Power Trust does not have to find a market. We realize that the whole system of regulation has broken down and this public service, which is necessary to our modern life, can no longer be left in the hands of a greedy, selfish, and unconscionable monopoly. Only a few days ago no less an authority than the distinguished former Secretary of State in the Wilson Cabinet, the Hon. Bainbridge Colby, stated—I quote: "The boastful brag of the utility companies, their lobbyists, legal janizaries, agile accounts, and obliging experts is 'We regulate regulation.'" In other words, the public utilities are regulating the public service commissions instead of the public service commissions regulating the public utility companies. And in support of that statement there stands a long list of former public service commissioners

throughout the country who are now officers of these companies or otherwise on the pay roll.

The present determined and necessary movement for the public ownership and operation of electric service is not the result of any new school of political or economic thought. It is not a new issue for political purposes. It is the inevitable sequence to the greed, selfishness, and viciousness of this combination of public utility companies and their unreasonable exploitation of the consumer. The fight is on, and, like every other fight in this country coming from a patient and exploited public, is bound to be carried on to a successful conclusion. There is a determined fight in every State of the Union for lower rates. There is a determination in the American Congress to carry on as far as the Federal Government has jurisdiction in these matters to curb the control of this trust and protect public streams from private exploitation.

This fight is being led by that great statesman and public-spirited citizen, the Hon. GEORGE W. NORRIS, of the United States Senate. There is an ever-increasing number in both the House and Senate taking up this fight and following his lead. The reasons for this fight are so apparent and so just and the opportunity of rendering great public service is so clear that the movement against this combination is bound to grow and to continue to final success. A combination of power companies and banks can control the industries of any section of the country. American industries are entitled to power as cheaply as may be obtained from publicly owned plants in Canada and other countries. There is not a mother keeping house in this country but dreads the moment when the gas and electric bills come. The rates are too high. The average home has not the opportunity of enjoying the benefits of the progress made in electricity. Every home should have the benefit of the use of power not only for light but for refrigeration, washing, cleaning, and sewing. The publicly owned power plants, whether municipal in this country or government in other countries, have set the standard of reasonable rates. The privately owned trust-controlled corporations have stubbornly kept to constant increasingly high rates.

The Power Trust has had its day; it is high time the consumers have theirs.

WEST POINT

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the matter of West Point.

The SPEAKER. Without objection, it is so ordered.

Mr. JAMES of Michigan. Mr. Speaker, under leave to extend my remarks on the bill (S. 5732) to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation, I desire to call to the attention of the House certain pertinent information relating to the genesis and progress of the legislation.

For some years it has been evident that if the Military Academy at West Point is to function in the manner intended—that is, provide a thorough military training for young men to become officers in the Army—it is essential that additional land in the vicinity of and for use by the United States Military Academy be acquired. Consequently, on December 9, 1930, I introduced in the House the bill H. R. 14811, which reads as follows:

H. R. 14811

A bill to authorize an appropriation for the purchase of land and buildings thereon joining the West Point Military Reservation, N. Y., and for other purposes

Be it enacted, etc., That the Secretary of War is hereby authorized to acquire, by purchase, condemnation, or otherwise, additional land in the vicinity of, and for use by, the United States Military Academy, in connection with the present military reservation at West Point, N. Y., such land being 15,135 acres, more or less, and including land surrounding Popolopen Lake, land bordering on the River Hudson, and other interlocking plots of land, all located in Orange County, N. Y.; and the sum of $1,500,000 is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended: *Provided*, That nothing herein contained shall adversely affect the existing water supply, its sources, or pipe lines of the town of Highlands, N. Y.

SEC. 2. The Secretary of War shall, by due advertisements in such manner as he deems best and calculated to give the widest necessary publicity, call for offers of land for use in connection with said West Point, N. Y., and if after negotiation he is able to buy said land or any part or parcel or tract thereof, and at such price or prices as he shall deem to be the fair and reasonable market value of the land, then he is authorized to purchase said land for said purpose at such prices; and if any of said offers of land are at prices deemed by the Secretary of War to be above the reasonable market value of such parcel or tract of land, and if after the negotiation the Secretary of War is unable to purchase the same at fair and reasonable prices as herein defined, then in such case the Secretary of War is authorized to request the Attorney General of the United States to institute condemnation proceedings for the acquiring of such tracts or parcels of land as may be necessary for such purpose.

On January 15, 1931, the chairman of the Committee on Military Affairs of the Senate introduced S. 5732, reading as follows:

S. 5732

An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire, by purchase, condemnation, or otherwise, approximately 17,000 acres of land in Orange County, N. Y., as an addition to the West Point Military Reservation; and there is hereby authorized to be appropriated an amount not to exceed $1,500,000 for payment for the title to such land and the necessary expenses incident to its purchase.

The bill, introduced by myself, authorizes the acquiring of 15,135 acres, while the Senate bill authorizes the acquiring of approximately 17,000 acres. Both bills provide for an appropriation of $1,500,000 to be used in the purchase of the land.

The Senate Military Affairs Committee held no hearing on the proposed legislation. It was favorably reported to the Senate and was passed by that body on January 26, 1931. The measure was taken up by the Committee on Military Affairs of the House on February 12 and an opportunity given to all those interested to present their views on the subject.

Maj. Gen. William R. Smith, Superintendent of the United States Military Academy at West Point, made a complete presentation of the subject from the standpoint of the needs of the academy. His study of the situation brought out the following reasons for the acquisition of this area:

1. Protection of water supply.
2. Aviation field.
3. Rifle range.
4. Pistol range.
5. Small cannon range.
6. Camping grounds and maneuvers ground.

With especial reference to the water supply, it is very evident that it is necessary to secure this additional land without delay. The proposed addition includes the present watershed, which is in fact the only source of water supply available to the academy. Much of the watershed area is used by summer residents for bungalows, lodges, and camps in ever-increasing numbers and, according to the authorities at West Point, it will not be long before the water supply will become so polluted it will not be possible to render it fit for use. For the past two years there has been an actual shortage of water at West Point. At present intake pipes are placed on a small reservation, the water secured being the overflow from Queensboro Lake, Popolopen Lake, and Long Pond. By this proposed legislation, the Government securing control of the area, will be able to place dams at desirable points, and in this way insure to the academy an adequate supply of pure water and present and for future needs.

After personally studying the situation by visiting the academy a number of times, I am of the opinion that this addition is necessary, not only to insure an adequate supply of pure water but also the area is badly needed for training purposes. Although there is an ever-increasing need for small arms, machine gun, and artillery firing instruction, the cadets get but a limited instruction in small-arm firing practice, instruction in machine-gun firing at 1,000-inch range only, and no instruction in artillery firing at West Point. The small-arms range now being used is but a makeshift, which is inadequate and unsafe. There is no site available at the academy for a machine-gun range, and the construction of the Storm King Highway across the artillery range has made it impossible to use the range for artillery-firing practice.

Members of the first class at West Point are at present sent away for instruction in artillery firing and in flying. Instruction in aviation consists of a 5-day visit of the first class at Langley Field, Va., where the maximum number of hours in the air per cadet is not over five hours. This instruction is restricted to one class on account of the expense of sending the cadets to Langley Field. The same may be said of the instruction in artillery firing. The yearly cost of transporting the cadets for this instruction is about $15,000, and only one class is benefited. By securing this additional area all the classes will have an opportunity to secure this vitally necessary instruction, and the expense of transporting the cadets away from West Point can be saved.

The officials at West Point, being very greatly in favor of the proposed legislation, point out that this addition will mean much to the academy, and at the same time it will not interfere with the road system at present running through the area. Furthermore, the land desired can be acquired at this time at what is considered a reasonable figure. The officials of the Military Academy have pointed out that if additional land is not secured, it will be necessary, either to move the academy to a more adequate site or to curtail the school's military activities. A memorandum submitted to the War Department, which is included in the report of the Committee on Military Affairs on the bill, fully sets forth the attitude of the officials at West Point.

May I call to your attention a reference made to the Military Academy by George Washington in the last letter he wrote before he died. As we are approaching the two hundredth anniversary of the birth of our first President, this is of particular interest:

The establishment of an institution of this kind, upon a respectable and extensive basis, has ever been considered by me as an object of primary importance to this country; and while I was in the chair of government I omitted no proper opportunity of recommending it in my public speeches and other ways to the attention of the Legislature. (Letter to Alexander Hamilton, dated Mount Vernon, December 12, 1799.)

A statement of President Andrew Jackson in his first message to Congress, December, 1829, is also of interest in this connection:

I recommend to your fostering care, as one of our safest means of national defense, the Military Academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our Army, and such of the graduates as from various causes may not pursue the profession of arms will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service, and in a measure secure to that class of troops the advantages which in this respect belong to standing armies.

As evidencing the widespread interest of the public in the proper functioning of the Military Academy, attention is invited to a letter from Mr. Peter J. Brady, of New York City, the statement of Mr. Edward F. McGrady, of the American Federation of Labor, and the resolution of the Chamber of Commerce of the State of New York, which resolution was indorsed by a number of other similar organizations throughout the country:

NEW YORK CITY, *February 25, 1931.*

Hon. FRANK W. JAMES,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: I am inclosing newspaper clippings and editorials relative to the expansion of West Point, favoring the bill already passed by the Senate and reported favorably upon by the House Committee on Military Affairs.

I hope that you will use your best efforts in making it known to the leaders of the Congress in both Houses that you favor this legislation and are doing all that you can toward bringing about the enactment of this law at an early date.

The New York State Federation of Labor has written to every union in the State, urging them to write or wire their Senators and Congressmen, so that this bill will be passed without the interference of any selfish interests, in order that this much-needed work may be provided for the members of their organizations.

Therefore, please be good enough to give this your earliest attention, for we understand that appropriations have already been taken care of in other bills, to provide this employment at an early date.

Yours very truly,

PETER J. BRADY.

* * * * * * *

Mr. MCGRADY. Mr. Chairman and members of the committee, I represent perhaps the largest civilian organization in the United States. The American Federation of Labor is now and has been in favor of giving West Point all that it needs to function effectively, properly, and efficiently. I might say that my organization has in the State of New York upward of 850,000 members, most of them, practically all of them, citizens of the State and taxpayers of the various communities. This organization is solidly behind the request of the authorities at West Point to give that institution adequate suport and we hope that either Congressman JAMES's bill or Senator REED's bill will pass your committee and pass the Congress at this session.

* * * * * * *

Therefore be it

Resolved, That the Chamber of Commerce of the State of New York invites the attention of the President and the Congress of the United States to the needs of the United States Military Academy at West Point, N. Y., in order that it may be preserved and that the requirements for its maintenance as an institution of the first class may be provided; and be it further

Resolved, That the Congress be urged to appropriate $1,500,000 for the acquisition of about 17,000 acres of additional land adjacent to and in the vicinity of the present reservation.

Respectfully submitted.

EUGENIUS H. OUTERBRIDGE, *Chairman*,
J. VIPOND DAVIES,
SAMUEL ROBERT,
JOHN B. TREVOR,
HENRY R. WINTHROP,
Special Committee on National Defense.

The delegation of citizens that appeared before the committee to represent the interests of some 4,000 people living in the town of Highlands, the village of Highland Falls, and the hamlet of Fort Montgomery explained to the Committee on Military Affairs their position respecting the acquisition of land by West Point. Each member of this delegation expressed himself as being interested in promoting the efficiency of the academy and stated that this additional land should be acquired for use by the institution, and only urged that in the acquisition they be protected in their water supply and taxes.

Following statements by members of this delegation as to the effect of the purchase of all the property desired by West Point upon the water supply of these communities and upon the taxes received a thorough study was made by officers of the War Department, representatives of the communities involved, and interested Members of the House.

In presenting the Senate bill to the House, amendments were offered designed to protect the interests of the communities in and around West Point, and a letter from the Secretary of War stating the attitude of the War Department was read for the information of the House. The House agreed to the amendments.

The Senate concurred in these amendments; and with the legislation having been enacted, the officials of the War Department are now enabled to enter into negotiations for the purchase of such areas as are needed, and at the same time work out a solution of the problems involved in a proper regard for the interests of the several communities that will be affected by such purchases.

I am against what is known as the hire-and-purchase method—generally known as the "hire-and-fire" method—and sincerely hope that no matter what pressure is brought to bear on the War Department to depart from the contract system they will not yield.

The following letter from the Secretary of War explains itself:

WAR DEPARTMENT,
Washington, March 13, 1931.

Hon. W. FRANK JAMES,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. JAMES: When you became chairman of the House Military Affairs Committee I am informed that you stated that, in your opinion, it would be a better policy for the War Department to do all of its building under the housing program by contract and not by the purchase and hire method; that you had gone into the matter very carefully at West Point and that, in your opinion, the purchase and hire method there had not worked out satisfactorily; and that the War Department had been criticized over matters in connection therewith over which it had no control.

As you are aware, when the matter was brought to my attention in December, 1929, there were several hundred men at West Point who had been working on the construction there for a number of years and who had been laid off and had no means of livelihood in communities adjoining West Point; that most of them had families and owned their own homes and would have no means of support during the winter months unless the quartermaster was directed or permitted to tear down the old cadet barracks immediately and construct the new barracks without waiting until spring, when the demolition and digging of the foundation for the new building would be done by contract. These were the reasons, as far as the construction at West Point was concerned, which actuated the War Department in departing from its announced policy of erecting buildings under the housing

program by contract, the object of the War Department being to take care of the citizens of Highland Falls and vicinity by hiring them on account of the unemployment emergency in that section and the desire of the citizens of Highland Falls to continue the method of purchase and hire, which had been the practice there previously. Consequently the decision was made at that time in order to satisfy them and the Hon. HAMILTON FISH, Jr., Member of Congress from that district, and we are now carrying on the construction at the present time by the purchase and hire method. When this decision was made it was stated that the approved policy of the War Department in public work of this character was to have the work performed by contract, after due public advertisement, and that the practice would have been followed in the construction at West Point but for the emergency conditions existing, which warranted departure from the usual practice, and that the exception from this practice at West Point would not constitute a precedent.

Sincerely yours,

PATRICK J. HURLEY,
Secretary of War.

YORKTOWN SESQUICENTENNIAL

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein the report of the United States Yorktown Sesquicentennial Commission. Copies are exhausted at present, and I want to get some additional copies.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. BLAND. Mr. Speaker, pursuant to leave given me on March 4, 1931, I extend my remarks in the RECORD to include the report of the United States Yorktown Sesquicentennial Commission filed January 31, 1930. I omit suggested bills.

The report is as follows:

To the Senate and House of Representatives of the United States:

The United States Yorktown Sesquicentennial Commission, created by the Congress to prepare and report a plan or plans and a program for the commemoration of the siege of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781, with an estimate of the probable cost, and for other purposes, as specified in House Concurrent Resolution 43, Seventieth Congress, first session, and subsequent amendments, respectfully reports as follows:

That pursuant to the said resolution the following members of said commission were appointed:

On the part of the Senate: Hon. CLAUDE A. SWANSON, of Virginia; Hon. DAVID A. REED, of Pennsylvania; Hon. WALTER E. EDGE, of New Jersey; Hon. HIRAM BINGHAM, of Connecticut; and Hon. ROBERT F. WAGNER, of New York.

On the part of the House: Hon. Louis A. Frothingham, of Massachusetts; Hon. ROBERT L. BACON, of New York; Hon. ROY G. FITZGERALD, of Ohio; Hon. JOSEPH W. BYRNS, of Tennessee; and Hon. CHARLES R. CRISP, of Georgia.

Hon. Louis A. Frothingham, of Massachusetts, having died, Hon. GEORGE R. SROBBS was duly appointed in his stead. Hon. Walter E. Edge having been appointed minister to France, Hon. JOHN G. TOWNSEND, Jr., of Delaware, was appointed in his stead.

This commission met, and pursuant to the provisions of House Concurrent Resolution 43, selected a chairman and vice chairman from among their members, as follows:

Hon. CLAUDE A. SWANSON was elected chairman.

Hon. CHARLES R. CRISP was elected vice chairman.

Hon. S. O. BLAND was elected to serve as secretary for said commission.

The commission has considered all plans and suggestions which have been made to it, and recommends that the ceremonies in commemoration of the siege and surrender be held for four days, one of which shall be the 19th day of October, 1931, the anniversary of the surrender. On that day it is desired that the President of the United States shall be present and make an address. The President has signified his intention to attend, and it is believed that he will make an address on that occasion.

The exercises contemplated are similar to those held in commemoration of the one hundredth anniversary of the surrender, at which time there were present the President of the United States and his Cabinet, ex-Presidents of the United States, the Chief Justice and the Associate Justices of the Supreme Court of the United States, ex-Vice Presidents of the United States, Members of the Senate and House of Representatives of the United States, the Diplomatic Corps, distinguished officers of the Army and Navy, governors of different States in the Union with their staffs, representatives of foreign powers, descendants of participants in the siege and surrender, military and naval units from the United States and foreign powers, military units from the thirteen original States, mayors of principal cities in the United States, patriotic organizations, and many other distinguished guests.

The exercises consisted of speeches by the President, other distinguished citizens, and representatives of foreign powers and of military and naval displays, reviews and parades, and exercises by patriotic organizations.

This commission recommends that the exercises be along the same general lines, consisting of educational and commemorative exercises, assemblages of patriotic societies, and military and naval reviews and parades.

In the absence of information as to the appropriations for the proposed celebration it is impossible for the commission to submit detailed plans now or to do more than submit a broad outline of its plans. The details of the plan and program must be prepared later, and must depend upon the extent to which they will be authorized by enabling legislation.

Historical sites should be marked and made accessible to the public by appropriate driveways, and parking spaces, parade grounds, and encampment grounds must be secured. Facilities for the comfort of the public and a temporary auditorium for use in the event of inclement weather must be provided. Temporary roads must be constructed, an adequate water supply obtained, and other facilities provided.

The United States owns considerable property near Yorktown which should be utilized so far as practicable to avoid expense.

Much of the land which would be needed for the purposes of the celebration has been in litigation for several years past. It appears that this difficulty has now been removed, too late, however, for the commission to work out detailed plans.

The commission recommends that the Congress enact enabling legislation authorizing an appropriation of $200,000 for the purposes of said celebration. This commission feels that a celebration of the character recommended, worthy of this Nation and in keeping with the dignity of the event to be celebrated, would require that sum. In fact, this commission believes that it will be necessary for States, municipalities, and communities to supplement this sum.

This commission recommends also that the Postmaster General be authorized and directed to issue special series of postage stamps, in different denominations and of such different designs as he may determine, commemorative of the one hundred and fiftieth anniversary of the siege and surrender at Yorktown, displaying major events connected with the siege and surrender and appropriate portraits of eminent persons connected with the Revolution. A bill for that purpose has been introduced, at the request of the commission, by Hon. ROY G. FITZGERALD, a member of the commission, and a copy is hereto attached.

This commission recommends that in commemoration of the one hundred and fiftieth anniversary of the end of the Revolutionary War by the surrender of Cornwallis at Yorktown, Va., there shall be coined by the Director of the Mint 500,000 silver 50-cent pieces of standard size, weight, and fineness and of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, to be legal tender in all payments at face value, with suitable provisions relating to said coins as embodied in a bill which has been introduced, at the request of the commission, by Hon. ROY G. FITZGERALD, and a copy of that bill is hereto attached. This character of legislation is not new and has been enacted in the following instances:

To commemorate the seventy-fifth anniversary of the Gadsden purchase; to commemorate the founding of the city of Trenton, N. J.; to commemorate the Lewis and Clark Expedition; to commemorate the founding of the Massachusetts Bay Colony; and in many other instances.

Inasmuch as the 18th day of October, 1931, immediately preceding the anniversary of the surrender, falls on Sunday, this commission suggests the propriety at an appropriate time of calling by presidential proclamation the attention of the people of the United States to the anniversary, with the request that appropriate religious exercises be held in the churches of the United States in commemoration of that event and in thanksgiving for the blessings that have been bestowed upon the people of the United States.

This commission recommends that all of the States be requested by appropriate presidential proclamation to participate in the sesquicentennial celebration and that all universities, colleges, and schools of all grades be requested on the 19th day of October, 1931, to commemorate the said surrender in an appropriate and patriotic manner.

This commission recommends that the President of the United States be requested to extend to such governments and individuals as the President may determine a cordial invitation to unite with the Government and people of the United States in a fit and appropriate observance of the surrender of Lord Cornwallis at Yorktown.

As this commission was created by concurrent resolution, this commission believes that this commission or such other as may be charged with the responsibility of this celebration should be created by joint resolution or usual enactment, and it recommends that the enabling legislation provide for a commission to be charged with all the powers, duties, and responsibilities with which this commission is now vested and which at the time of the approval of said legislation shall not have been completed.

This commission submits herewith suggestions for legislation in the form of tentative resolutions and will supplement them by later reports and tentative bills or resolutions as occasion may demand.

This commission recommends that the commission be authorized and empowered to do all things necessary and proper to carry into effect any and all plans that may be adopted by Congress.

This commission submits as a part of this report a most exhaustive memorandum of authorities dealing with the siege of Yorktown and the surrender of Cornwallis. This memorandum has been prepared by Hon. ROY G. FITZGERALD, a member of this commission, and the commission believes that it would be highly useful if a painstaking and thorough research could be made to develop for publication and distribution the most accurate and interesting story of the siege and surrender at Yorktown, with the events leading up to the surrender.

This commission calls attention to the fact that a few months following the Yorktown celebration there will commence a celebration commemorating the two hundredth anniversary of the birth of George Washington and that the Yorktown celebration may be recognized as the beginning of the commemoration of Washington's birth. The commission should be authorized to cooperate with the United States commission for the celebration of the two hundredth anniversary of the birth of George Washington for the purpose of appropriate coordination.

This commission recommends to the Congress for its consideration the bill H. R. 8424, introduced by Representative CRAMTON, of Michigan, on January 10, 1930, which provides for the creation of a national monument to include Jamestown Island, parts of the city of Williamsburg, and the Yorktown battlefield. The park to be established would include the Moore House, wherein the terms of surrender were negotiated. This commission indorses the purposes and principles of this bill and recommends that legislation to accomplish these results be enacted at an early date, to the end that the monument may be available in time for the sesquicentennial celebration if possible.

This commission strongly urges that this great event be celebrated in a manner which will be worthy of this Nation and which will promote good will and amity with all the world. The celebration will seek to exalt the principles of political freedom for which the Revolutionary fathers fought and the ideals of liberty upon which our institutions are founded. It will inspire love of country and devotion to its ideals. It will recall to younger generations the struggles of the past. It will perpetuate the principles upon which the Nation was built and upon which its future must rest. Yorktown was the glorious culmination of a long struggle filled with tragic memories and heroic achievements. Yorktown is the place where the immortal truths declared in Philadelphia were made permanently effective. It is the birthplace of the Nation, and the one hundred and fiftieth anniversary of the surrender should be celebrated in a manner befitting the importance of the event and the greatness of this country.

This commission recommends early consideration of the enabling legislation which will be needed to prepare the celebration.

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BIBLIOGRAPHY OR ORIGINAL SOURCES OF INFORMATION ON THE SIEGE OF YORKTOWN, VA.; THE SURRENDER OF THE BRITISH ARMY UNDER CORNWALLIS ON OCTOBER 19, 1781, TO THE ALLIED AMERICAN AND FRENCH ARMIES UNDER WASHINGTON AND ROCHAMBEAU, ENDING THE AMERICAN REVOLUTIONARY WAR, TOGETHER WITH THE MILITARY CAMPAIGN OF WHICH IT WAS THE CULMINATION

(Prepared by Representative ROY G. FITZGERALD, of the United States Yorktown Sesquicentennial Commission)

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2. Diary of Lieut. Reuben Sanderson.
3. Account of Yorktown Surrender, by Lieut. Col. Harry Lee.
4. Description of Yorktown Surrender, by Colonel Fontaine.
5. Report of the Surrender, by Lord Cornwallis.
6. The Siege of Yorktown, by Col. Richard Butler.
7. Lafayette's Expedition to Virginia, by Edward M. Allen.
8. Narrative of the Campaign, by Sir Henry Clinton.
9. Journal of the Siege of Yorktown, by Chaplain Evans.
10. The Yorktown Campaign, by Henry J. Johnston.
11. A Journal of the Southern Expedition, 1780–1783, by Sergt. Maj. William Seymour.
12. Journal of the Campaign, by Lieut. William Feltman.
13. Memoirs of Gen. Samuel Graham.
14. The Campaign in Virginia in 1781, by Benjamin Franklin Stevens.
15. Journal of Operations 1780–1781, by Count Fersen.
16. Correspondence of Marquis de Lafayette.
17. The Revolutionary War, by Gen. Francis Vinton Greene.
18. Campaigns and Battles of the Revolution, by Edward Everett Hale.
19. Memoirs of the Duc de Lauzun.
20. A History of the Battles of the Revolution, by Charles Carleton Coffin.
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MAPS AND PLANS OF THE SIEGE

1. The earliest plan or "draft" was doubtless the one Washington states, October 26, 1781, that he transmitted to Congress with the returns of prisoners and the captured standards. It is not known to be in existence.

2. Map of the Investment of York and Gloucester, in Virginia. Surveyed October 22–28, 1781, by Maj. Sebastian Bauman, Second Continental Artillery. Philadelphia, 1782. Dedicated to Washington. (Copies in libraries of the New York and Pennsylvania Historical Societies. Published on reduced scale in Gordon's History and in Magazine of American History, January, 1881.)

3. Plan of the Siege and Adjacent Country. Drawn by J. F. Renault "with a crown and presented to the Marquis de Lafayette." Engraved by B. Tanner, Philadelphia. 1825 (?). (This appears to be a copy of Bauman's with the legend differently executed and ornamented.)

4. A plan of York and Gloucester, showing the British and American works in 1781. By Capt. Edward Page, Royal Artillery. London, 1782. (Elaborate.)

5. Plan of the same from "an actual survey in possession of Jno. Hills, late lieutenant in the Twenty-third Regiment and assistant engineer." (This is known as the Faden map, London, 1785, and was probably compiled from the survey by Page.)

6. Plan of the Siege of Yorktown in Virginia. London, March 1, 1787.

7. A Plan of the Entrance of Chesapeake Bay, with James and York Rivers, wherein are shown the respective positions (in the beginning of October): First, of the British Army commanded by Lord Cornwallis at Gloucester and York, in Virginia; second, of the American and French Forces under General Washington; third, of the French Fleet under Count de Grasse. By "an officer." Published by William Faden, Charing Cross, November 26, 1781, London. (This and the preceding map, No. 6, are on file at the office of the Chief of Engineers, United States Army, Washington, D. C.)

8. Plan d'York en Virginie avec les qttaques et les Campemens de l'Armee comoinee de France et d'Amerique. (This plan, by a French engineer, appears in the fourth volume of Soule's Histoire Des Troubles de l'Amerique Anglaise, Paris, 1787; also in Magazine of American History, June, 1880. In Soule's work, also, is a clear and accurate map showing the march of the French from Newport, R. I., to Yorktown and return. The camp before Yorktown is marked as their "40th.")

N. B. Bauman's, Page's, Hill's, and the French map are the best authorities, the first-named covering the entire field, including the allied camps, with great accuracy.

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Losses at Yorktown

Killed or missing:	
British	541
French	76
Americans	180

Forces at Yorktown, October, 1781

Allied Army:	
American (3,500 militia)	9,000
French	7,000
Total	16,000

Of whom 1,400 were unfit for duty.

British surrendered 7,157, of which 3,800 were fit for duty, October 19, 1781.

REPORT OF SECRETARY OF THE INTERIOR ON H. R. 17338

Mr. COLTON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a report made by the Secretary of the Interior on the bill H. R. 17338, and a brief contract between a former employee of the Interior Department and a publishing company which brought about the situation necessitating some legislation preventing a recurrence of such procedure.

The SPEAKER. The gentleman from Utah asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

WASHINGTON, *March 3, 1931.*

Hon. GEORGE S. GRAHAM,
Chairman Judiciary Committee, House of Representatives.

MY DEAR MR. CHAIRMAN: I am pleased to have an opportunity to express this department's views on H. R. 17338, an act to amend the Criminal Code of the United States. This bill would provide a penalty for the sale or publication of Government documents or information contained therein, without the permission of Congress or the head of the department or other establishment having jurisdiction thereof.

This bill was introduced by Chairman COLTON, of the House Committee on the Public Lands, at my request following this department's recent experience with one of the chiefs of field division in the General Land Office.

This man tendered his resignation on September 28, making sensational charges of maladministration by the department of oil-shale lands in Colorado. I immediately requested the Department of Justice to make a thorough investigation. The employee refused to cooperate with the Department of Justice, and subsequently his story was published serially by a New York newspaper. Later the newspaper admitted having paid the man $12,000. It has just developed, however, through documents furnished by this paper to the Senate Committee on Public Lands, on the demand of that committee, that negotiations had been in progress between our employee and the newspaper for two months before he offered his resignation and that he had been under contract for 17 days prior to his resignation. This contract promised payment to him of $12,000, but provided that if he should be discharged prior to tendering his resignation his compensation should be cut to $6,000. It also required that at least 10,000 words be submitted to the newspaper "by September 16, 1930, and prior to the resignation of the party of the first part." Accordingly, this employee remained in Government employment, prepared the material from our records while in Government service, and wrote considerable of it during times covered by an application for sick leave, which was accompanied by a doctor's certificate that he was "actually physically disabled for the performance of his official duties." The whole affair is rendered doubly odorous by the fact that on July 25 this man had been directed by the Commissioner of the Land Office, under my instructions, to take charge of all oil-shale matters in the United States, and instead of rendering to me the report which was expected he handed over the data to the newspaper.

This incident, in spite of the notoriety which it has attracted, is unimportant compared with the possibilities open for a repetition of it. The information possessed by clerks of this department about cases in litigation, the business affairs of companies doing business with the United States, contracts under preparation, specifications for bidding, designs, etc., is beyond measurement. I am advised that at present there is no statute which directly penalizes the sale of such data. This department each year transacts millions of dollars of business in contracts and leases of various sorts. While I have great confidence in the character of our personnel, a repetition of such an incident as this is always possible, and I think we are justified in asking for the protection of such a statute as H. R. 17338. If there are legitimate complaints, and the head of the department fails to act, the information can always be given the Department of Justice, the President, or an appropriate committee of Congress; sale of it is not necessary to protect the public interest.

I accordingly recommend that the bill be enacted.

The department's correspondence with this employee, with the Senate and House Public Lands Committees, with the newspaper which published his material, and other data, will be furnished on request.

Very truly yours,

RAY LYMAN WILBUR,
Secretary of the Interior.

WASHINGTON, *July 25, 1930.*

Mr. RALPH S. KELLEY,
General Land Office, Washington, D. C.

SIR: Under the Secretary's letter to you of July 7, 1930, you were assigned to this office for work on oil-shale claims. It is desired both by this office and the department to expedite final action on cases involving oil shale. You are, therefore, directed to take charge of such work in this office under the supervision of myself and my staff and take such steps as will bring about the desired results.

Very respectfully,

C. C. MOORE, *Commissioner.*

Whereas Ralph S. Kelley, now Chief of Field Division, Department of the Interior, hereinafter referred to as the party of the first part, feeling it to be his duty to advise the public of conduct of the department prejudicial to the public interest, is convinced that he can do nothing effective to this end under existing conditions so long as he continues in office, and proposes to resign from the service September 21, 1930.

Whereas the Press Publishing Co., a New York corporation publishing the World and Evening World newspapers in New York City, party of the second part, proposes to cooperate with the party of the first part so that the public may be fully informed of a situation affecting its interests:

Now, therefore, in consideration of the undertakings and agreements hereinafter set forth the parties hereto do agree each with the other as follows:

I. This agreement shall be effective on the date of the resignation of the party of the first part from the Department of the Interior, now contemplated as of September 21, 1930, but only if the matter submitted by the first party on or before September 16, as provided hereafter, is accepted by the second party. If that is not accepted, this contract shall be null and void whether the first party resigns or does not resign his position.

II. The party of the first part agrees to furnish to the party of the second part a complete statement of his contentions and investigations relative to the oil-shale lands of Colorado as verbally outlined to it, and to supply to it on request any letters, documents, plats, or copies thereof, which he may legally supply, and not subversive of the public interest, for the information of the party of the second part and through it the information of the public by publication in the said newspapers of the party of the second part, or any papers or periodicals to which the party of the second part may sell or syndicate the same.

The party of the first part agrees to hold himself and his proofs referred to at the service of the party of the second part, or any court or congressional investigation in any proceedings growing out of such publication.

III. Subject to the terms and conditions hereinafter set forth, the party of the second part agrees to purchase and pay for the above as follows:

"It will guarantee to the party of the first part the sum of $12,000, one-half to be paid on the publication of the first 10,000 words of the series and the balance on the publication of the last article or not later than 15 days after the first payment. It is understood and agreed, however, that at least 10,000 words of the series shall be submitted to the party of the second part by September 16, 1930, and prior to the resignation of the party of the first part; also a brief summary of the balance of the series, and if found satisfactory to the party of the second part accepted by it within four days thereafter. And upon such acceptance and the receipt of the balance of the series which shall consist of at least an additional 12,000 words devoted to the same subject and which the first party agrees shall be of the same general character and merit, in so far as he can make them so, and shall be submitted to the party of the second part as follows: At least 10,000 words on or before September 23, 1930, and the balance on or before September 30, 1930, the party of the second part shall, subject to the provisions of Article V of this agreement, become obligated to the party of the first part for the full amount provided herein, even though such additional 12,000 words shall be in whole or in part rejected. Said articles and all rights thereto shall be the property of the second part and the party of the first part hereby covenants and agrees that he will not furnish or sell any articles or material of a similar nature or referring to the same general subject matter to any other corporation, firm, association or individual prior to the 15th day of March, 1931.

It is understood that the essence of this contract is the granting to the party of the second part under the terms aforesaid of the first and exclusive use for newspaper and/or periodical publication of the aforesaid articles and that if this condition be violated by the party of the first part all obligations of the party of the second part hereunder shall forthwith terminate and be at an end.

IV. In addition to the compensation hereinbefore referred to, the party of the second part will pay to the party of the first part 50 per cent of the net of the syndication revenue in excess of the above sum of $12,000. The net proceeds of the sale of said articles shall be established by deducting from the receipts of syndication of said articles the sum of $12,000 and the cost of syndication; provided, however, that said cost shall not exceed 10 per cent of the receipts therefrom.

V. If the party of the first part is discharged from the service before his resignation is tendered or his resignation requested before he voluntarily submits it, the value of the series shall be revised pro rata by mutual agreement to a figure not to exceed $6,000. If, however, it is established that his discharge prior to resignation is the result of any employee of the party of the second part, directly or indirectly, communicating to the department the plans of the party of the first part, then and in that event this revision shall not be made.

VI. It is further understood and agreed by the parties hereto that all matter contained in said articles may be submitted to counsel of the party of the second part for advice, and the party of the first part agrees to be guided thereby. The party of the second part shall have full and uncontrolled right to edit, eliminate, or change said articles as it shall deem best, subject, however, to the right of the party of the first part to pass on the factual presentations under his name that are published by the party of the second part.

In witness whereof the party of the first part has hereunto set his hand and seal and the party of the second part has caused these presents to be executed by its duly authorized officers this 11th day of September, 1930.

RALPH S. KELLEY. [L. S.]
PRESS PUBLISHING CO.,
By F. D. WHITE, *Vice President.*

Attest:

PRESS PUBLISHING CO.,
A. S. VAN BENTHUYSEN,
Treasurer.

DEPORTATION OF ALIEN SEAMEN

Mr. SCHNEIDER. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in connection therewith a telegram from the Lake Carriers' Association and two short editorials on the bill S. 202.

The SPEAKER. Without objection, it is so ordered.

Mr. SCHNEIDER. Mr. Speaker, bills dealing with this subject have been before both Houses of Congress since 1924. Several hearings have been conducted by the committees of both Houses. A bill introduced by myself in this Congress was H. R. 7763; however, the Senate passed the King bill, S. 202, which was referred to the Committee on Immigration and Naturalization of the House late in the session. This is the third time this legislation has passed the Senate. A hearing was conducted and it was reported to the House with minor amendments. It is regarded by those familiar with immigration legislation as one of the most important phases of our immigration policy. If it fails of enactment, it will be because of the opposition to it by the international shipping interests, and particularly by those flying the American flag.

When our country came to the conclusion that it was necessary to prohibit some kinds of immigration altogether, to regulate some by selection, and finally to determine the number that should come to this country as immigrants it intended a complete reversal of its previous policy. Prior to the enactment of the first Chinese exclusion law, 1891, the policy of our country was that anybody might come and be welcome. The second part of our policy was that certain people were to be excluded because of race. The third, that those might come who were not specifically excluded regardless of number, and the present policy is that none may come except those who are specifically permitted.

With reference to seamen the original policy has not been changed. The necessity for changing the policy will be readily seen when it is known that more than a million seamen come into our ports yearly and that more than 600,000 of them might well consider it an advantage to leave their vessels and seek their fortunes by mingling with the populace of the United States seeking employment wherever they might fit in.

Those who wanted to come to the United States but were prohibited sought to evade the law. Chinese who wanted to come were willing to pay to be landed in such a way as to at once mingle with their kind and become lost to view among their kind. The premium for accomplishing this gradually rose to $1,100 a person.

Another method employed to get into the United States was that of substitution. Young Chinese shipped in China as seamen on foreign or American vessels and deserted in the United States when they could or were substituted by old men ready to go back to China, who took their places on board ship, the young men landing and mixing with the populace. The result of these two methods has been that while there has been some reduction in the number of Chinese in the United States during the 40 years of exclusion there has been no perceptible difference in the collective age of those here.

When the quota law was adopted and strict examination of arrivals was established the shipowners of Europe and America began to carry 50 per cent additions to their crews; 100 per cent and even 200 per cent additions were not uncommon. Coming here with a crew of 300 men, boats left with 75 or 80 seamen, thus leaving behind more than 200 who were subject to no examination or no inquiry into their condition, either mental or physical. The premium paid by white persons for having the opportunity of getting ashore has reached, according to positive proof, up to $400 per person.

The men who came were the kind who could not get visas. In an effort to remedy this evil to some extent, an Executive order was issued instructing the consuls to examine into all the crews of all nations' vessels bound to American ports and to put their visas on the crew lists. The consuls state, however, emphatically that they have no machinery or means nor even the authority to segregate the individuals who might be permitted to come to the United States from those who might not. The master of the vessel might take men to whom the counsul would not give a visa, and it would depend upon the State Department whether those men would be permitted to come ashore or whether they were to be held aboard the ship in involuntary servitude. The result of this has been that more than 500,000—it would take a careful inquiry to find out how many more—have come. Those coming from Europe are scattered throughout the entire territory east of the Mississippi. Those coming to the Pacific are scattered all over the country but largely west of the Mississippi.

When they are found and arrested they have to be deported and repatriated to their own country or to the country whence they came at the expense of the United States.

The bill, in substance, provides a method for examining the seamen on all ships coming from foreign ports immediately upon their arrival in the United States at quarantine and before the vessel is officially entered at the customs. The purpose of the bill is to comb out the undesirables; those who are racially excluded and those who are undesirable,

particularly those who are not bona fide seamen; have them placed in detention at the expense of the vessel that brought them, and repatriated at the expense of that same vessel but on some other vessel than that on which they were brought.

For the purpose of accomplishing this the bill first provides for combing out those who are racially excluded; second, those who are not bona fide seamen—that is to say, men, who, while they claim to be seamen, are in fact immigrants masquerading as seamen. All must be examined under provisions of existing law to ascertain whether they are afflicted with any loathsome or contagious diseases.

Those diseased are placed in the hospital at the expense of the ship that brought them under existing law. Under this bill those who are not bona fide seamen will be placed in detention at the expense of the vessel that brought them and both are finally repatriated at the expense of the vessel that brought them. The machinery for examination and segregation is practically complete now because all seamen coming must be examined to ascertain whether they are diseased or not.

Inasmuch, however, as there are sovereign nations whose inhabitants are racially excluded from the United States and whose vessels necessarily are manned by their own people, it became imperative to permit such nations' vessels to come carrying persons, subjects of the nation as such, but exempting therefrom natives or inhabitants of such colonies, possessions, or mandates as might be under its control.

It is claimed by opponents of this bill that this gives a great advantage to a sovereign nation such as Japan. That would depend entirely upon what such a nation would do toward its seamen. If, like Japan, it would treat them in such a way that they would not want to leave their vessels in the United States, no harm could come to the United States and hence no expense to the nation in question. If, however, a large number of them would undertake to desert the expense would be so great upon the nation in question that it would either have to change the system under which it operated or quit coming altogether, but it would then be according to its own volition. In so far as those vessels would cease coming it would seem to be a real advantage to the United States, giving an opportunity to our own vessels to carry on the trade. The foreign nations protest against the bill, not because it is in violation of treaty nor because it is in violation of comity. No nation would urge comity as a reason to permit violation of another nation's laws.

They claim that the law as enacted would be harsh, expensive, and inconvenient, dislocating existing conditions, and generally acting as a disturbing factor in the shipping business. That would unquestionably be true so far as those who offend against the law are concerned. The law would be harsh because it would be difficult to evade it. It would be costly to the evader because they would have to pay all the costs of repatriation. It would be inconvenient for those who are using it to violate our immigration laws and earn money in some way thereby. It would dislocate some customs that make the violation of our law possible and even legitimate under present laws.

The benefits that the United States would get from the enactment of it would be that the offender against the law would pay the cost of maintenance and repatriation, that cost now falling entirely upon the United States. Meantime commerce would be benefited by gradually improving the skill and efficiency of the seamen who man the vessels. There can be no moral or business reason why the law should not be enacted. The purpose of it is to redress a grievance that the United States has against all foreign vessels who bring in this kind of people, and no one will dispute at this date that the United States has a right to determine who shall come to the United States as an immigrant or in any capacity whatsoever and that it is for the United States to determine it according to its own domestic policy.

On the part of foreign nations there can be no other complaint against it except that it extends our immigration laws to cover the seamen on board of their vessels that come here in order that the immigration laws shall be obeyed and not, as now, violated to a most serious extent. In addition to that the present condition of the law is such that it invites the constant growth of this evil.

A telegram received from the Lake Carriers Association in opposition to this bill reads as follows:

CLEVELAND, OHIO, *March 1, 1931.*

GEO. J. SCHNEIDER,
House of Representatives, Washington, D. C.:

Senate 202, deportation alien seamen, reported favorably to House, should exempt Great Lakes. These vessels hire all crews United Stats ports, hence do not import aliens; but occasionally aliens imported by ocean vessels innocently shipped on Lake boats at United States ports, and if such Lake vessels touch Canadian ports en route become liable for expense of railroad transportation for aliens and escorts as well as steamship fares, although not responsible for original entry of aliens into this country. Lake vessels should not be subjected to these extraordinary penalties for transgressions of ocean ships and failures of immigration officers at seaports. Hope you will undertake amendment exempting Lakes.

GEORGE A. MARR,
President Lake Carriers Association.

This telegram asks that the Lakes be exempt from the operation of this act. Then it confesses that Lake carriers sign men on in ports of the United States without any serious investigation as to who they are. Of course, if such a vessel visits a Canadian port and returns to an American port under this statute, the crew will be examined exactly as if coming from any other foreign country, and aliens would be treated in exactly the same manner. The cost of sending them out of the country would fall on the vessel that employed them, whether they were hired in Canada or in the United States, and taken out as inadmissibles. This telegram is a confession that the law is as much needed on the Lakes as elsewhere.

The following is an editorial which appeared in the Washington Post on February 21, 1931:

EXCLUSION OF SMUGGLED ALIENS

The Senate has refused to reconsider its action on the King bill for the deportation of aliens who are smuggled in as seamen. The measure was passed by unanimous consent last April, but it has been held up ever since on a motion to reconsider. Thousands of aliens come into American ports as seamen and remain unlawfully here as immigrants. The King bill now awaits action by the House.

This bill is expected to put an end to the smuggling of aliens as seamen. It provides that aliens employed on vessels entering American ports from foreign countries shall be examined by inspectors to determine whether they are bona fide seamen and whether they would be subject to exclusion if applying for admittance as immigrants. Aliens who are not seamen would be removed to immigration stations and if not entitled to enter the United States as immigrants would be deported at the expense of the vessel bringing them to this country.

A measure of this kind is necessary to protect American labor against smuggled immigrants. The business of transporting aliens here under the guise of seamen would no longer be profitable under this law.

The House is contemplating the passage of a bill to check immigration for two years. If such a measure were adopted without mending this glaring defect in the present law, the business of smuggling aliens as seamen could be expected to increase. The two measures ought to be considered together and both should be adopted.

And a portion of another editorial in the same paper, published on March 3, 1931, reads as follows:

The favorable action of the House on the Jenkins resolution gives hope that the House will also pass the King bill for the deportation of immigrants who come into the country disguised as seamen. The Immigration Committee reported the bill out favorably. It has already been passed by the Senate. Little objection to it can be expected in the House, since it is designed only to prevent evasion of the immigration law. These are probably the most important measures that have come before Congress on the subject of unemployment. Final enactment of both is urgent.

WILLIAM J. BODIFORD

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11529) for the relief of William J. Bodiford, with a Senate amendment, and concur in the Senate amendment.

The Clerk reported the bill by title and read the Senate amendment, as follows:

Page 1, line 9, after "1899," insert: ", and he shall be entitled to the benefits of any laws relating to pensions."

Mr. BYRNS. Mr. Speaker, what is this bill?

Mr. JAMES of Michigan. This is a private bill of the gentleman from South Carolina [Mr. GASQUE] correcting the war record of a soldier in the war of 1899, which passed the House by unanimous consent on the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was agreed to.

POLAR YEAR PROGRAM

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 6173) authorizing an appropriation to defray the expense of participation by the United States Government in the Polar Year Program from August 1, 1932, to August 31, 1933, now on the Speaker's table.

The Clerk read the title of the bill.

Mr. BYRNS. Mr. Speaker, reserving the right to object, my recollection is the gentleman called this bill up yesterday evening and it was objected to. I do not think it is right to ask unanimous consent this morning, with only 30 or 40 Members on the floor, and I am going to object until there is a better attendance.

Mr. TEMPLE. Will the gentleman withhold his objection?

Mr. BYRNS. Yes; certainly.

Mr. TEMPLE. The bill was objected to by the gentleman from Texas [Mr. BLANTON], who afterwards came to me and told me he would withdraw his objection and asked me if I would again present the request.

Mr. BYRNS. I may say to the gentleman that I do not question his statement for a moment, but there were several in the well of the House who expressed some opinion about the matter.

Mr. TEMPLE. There was only one objection.

Mr. BYRNS. Only one objection was necessary, and until there is a better attendance upon the floor I am going to object to the unanimous-consent request with respect to this bill. If necessary, we can have the roll call and get a quorum here, but I am going to object to this bill and any other bill which was called up last night and objected to by Members on either side of the House. I do not think it is exactly fair to those who are absent. We were here until nearly 3 o'clock this morning and it is now 9.30, and, of course, Members are a little late arriving on the floor; and I think, as a matter of fairness, we should not take any such action.

Mr. TEMPLE. I may say to the gentleman that I have no objection whatever to the gentleman asking me to withhold the request, but I do hope I may have a chance later to bring the matter up, but I fear that hope is utterly without possibility of fulfillment. The gentleman from Texas first sent me word that he had withdrawn his objection, and I told his messenger I would rather have a direct statement from the gentleman from Texas himself. He then came across the hall and told me he would withdraw his objection. So I am not at all taking advantage of him in presenting this request in his absence.

Mr. BYRNS. I hope the gentleman will not misunderstand me. I do not question the gentleman's statement for a moment, but I think other gentlemen are entitled to consideration as well as the gentleman from Texas.

Mr. TEMPLE. Mr. Speaker, in view of the remarks of the gentleman from Tennessee [Mr. BYRNS] I withdraw the request.

THE STATES AND THE UNITED STATES

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks on the George Washington Bicentennial Celebration and include therein a patriotic address by Mrs. Ruth Karr McKee.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I am in sincere hopes that the George Washington Bicentennial, which is to take place in the National Capital next year, 1932, will be a success far beyond the dreams of those who are doing the executive work now necessary. I desire to congratulate the officials of the United States commission on the work already done toward making this great celebration a success. I desire to insert herewith the names of the Federal officers and others who comprise the commission.

UNITED STATES COMMISSION FOR THE CELEBRATION OF THE TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF GEORGE WASHINGTON

COMMISSIONERS

President of the United States, chairman.
Vice President of the United States.
Speaker of the House of Representatives.
United States Senate: SIMEON D. FESS, of Ohio (vice chairman); ARTHUR CAPPER, of Kansas; CARTER GLASS, of Virginia; and MILLARD E. TYDINGS, of Maryland.
House of Representatives: WILLIS C. HAWLEY, of Oregon; JOHN Q. TILSON, of Connecticut; JOSEPH W. BYRNS, of Tennessee; and R. WALTON MOORE, of Virginia.

PRESIDENTIAL COMMISSIONERS

Mrs. Anthony Wayne Cook, of Pennsylvania; Mrs. John Dickinson Sherman, of Colorado; Henry Ford, of Michigan; George Eastman, of New York; C. Bascom Slemp, of Virginia; Wallace McCamant, of Oregon; Albert Bushnell Hart, of Massachusetts; and Bernard M. Baruch, of New York.

EXECUTIVE COMMITTEE

The Senate and House commissioners, C. Bascom Slemp, Mrs. Anthony Wayne Cook, and Bernard M. Baruch.

HISTORIAN

Prof. Albert Bushnell Hart.

ASSOCIATE DIRECTOR

Representative SOL BLOOM.

Last fall I had the privilege of hearing an address entitled "Grammar of Patriotism," delivered by Mrs. Ruth Karr McKee, of Longview, Wash., past president of the Washington State Federation of Women's Clubs and a prominent member of the Daughters of the American Revolution. Mrs. McKee delivered this highly patriotic and most interesting address at a State convention of presidential postmasters. She began by explaining that while postmasters, clerks, and carriers worked for the United States, they also work for all of the people throughout the country. As she put it, "You postmasters work for Uncle Sam, but Uncle Sam works for me; at the same time, we both are Uncle Sam." The speaker then proceeded in a happy vein to show the relation of the citizen to the State and the State to the Nation. I am of the opinion that the address contains material of value to all of those who are called upon to make patriotic addresses. The historical quotations will be found here in one compact, inspiring address. It follows:

GRAMMAR OF PATRIOTISM

We are coming close to the two hundredth anniversary of the birth of George Washington. We are celebrating this year the century of the covered wagon. It is more than 140 years since the adoption of our Constitution. Do you realize that although we belong to the New World, that although European States were old while the American Continent yet lay hidden beyond the tumbling waters of the Atlantic, yet we have the oldest stable Constitution in the world to-day? Every other considerable nation has altered its form of government either by force or by law in that time. This fact alone is notable and should incline us to a careful study from time to time to know just what features of our system have contributed to this happy outcome. Dr. Henry Suzzallo, now president of the Carnegie Foundation, declares that our Constitution should be renewed in the consciousness of the people in every generation, that we may not let slip those principles which have made it unique in history.

When we reflect upon the character of the century in which our plan of government met its test, its stability becomes more outstanding, indeed almost a miracle. Our first century as a nation was coincident with the most explosive century of recorded history. In the three cardinal factors which condition living on our planet—subsistence, or the way man gets his living; transportation, or the way in which he contacts his fellow man; and science, or his awareness of the universe—in these three factors there has been more change in the 1 century than in 20 centuries before. Pliny, who lived about the beginning of our era, wrote as follows of the sail: "There is a grass exists which brings me in seven days from the pillars of Hercules to the mouth of the Tiber. 'Audax vita; scelerum plena' (O bold and daring invention)." Yet the "bold and daring invention" of Pliny's day was still in command of the sea when our ship of state was launched upon its maiden voyage.

Steam, that power that was to transform civilization, was little thought of, though the revolution it brought lay just over the brow of the century. Franklin, scientist as he was, did not dream of what was coming. As he watched Fitch's clumsy boat flounder up the river, he was amused, rather than thrilled. He wrote to a

plaint against it except that it extends our immigration laws to cover the seamen on board of their vessels that come

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of what was coming. As he watched Fitch's clumsy boat founder up the river, he was amused, rather than thrilled. He wrote to a

friend, "There is no philosophical news here, save that a boat rows itself against the tide in our river, at the rate of 4 miles an hour, and it is thought the invention might be made generally useful." What steam has done to industry and to transportation has given us an age so fast that, as Alice in Wonderland said, "You have to run as fast as you can to stand still even." Time and space have become relative; we are no longer in a 3-dimensional world. We are trying to catch up with the phraseology of the fourth dimension and think intelligently about the new concept "space time."

Our novel plan of government was framed in ignorance of all this. The very men who were shaping the craft and setting the course were caught in the cross currents that were sweeping humanity on to wider seas. When the stream flows evenly navigation is not a serious problem. It is the craft that rides through the rapids that stands the test.

Has America met the test? Is she standing it in the presence of the world disintegration that has swept the world in this past decade?

Before I present my idea of the grammar of patriotism I wish us to turn back in our thought briefly to realize again the internal situation under which our Nation took its shape. There were no Americans in those days; there were English, Scotch, German, Dutch, Irish, French, etc., none of them long from old-country backgrounds. They were all caught by the natural stimulus of new surroundings. As William Penn wrote home, "Having gotten out of the crowd by which they were pressed on every hand in Europe our people here, on every little eminence, think nothing taller than themselves except the trees." Thirteen warring Commonwealths, with less population as a whole than now inhabits one of our major cities.

May I give you a picture of what seemed to a thoughful man, looking across the waters, might be the result of the experiment. The Dean of Gloucester said: "As to the future grandeur of America, and its being a rising empire under one head, whether republican or monarchical, it is one of the idlest and most visionary notions that ever was conceived, even by writers of romace. The mutual antipathies and clashing interest of the Americans, their differences in governments, habitudes, and manners, indicate that they will have no center of union and common interest. They never can be united into one compact empire under any species of government whatever; a disunited people to the end of time, suspicious and distrustful of each other, they will be divided and subdivided into little communities."

That the framers of our Constitution met the needs of the situation our strong and prosperous Nation to-day attests. To be sure, "the stars in their course fought" for us. The telescoping of distance which to-day brings the voice of the President to the hearth side of most American homes, with all that has gone before to make this possible, has had its share in the result. But without the plan that lent itself so admirably to this expanding century, the dean's gloomy prophecy might well have been fulfilled.

The very exigencies of the case drove our statesmen from the loose confederation of pure democracy, as attempted at first, into the more stable form of a republic under our Federal Constitution. "The clashing interests" were harmonized; "the center of union" was found; the "common interest" controlled through happy accidents and combinations of circumstances that seem now little less than providential. We should not idolize our Constitution, neither should we idealize it; rather, our attitude should be that of seeking to understand its essential factors and protect them from change.

I would not give you as a motto (or "slogan," as Andy might say), "My country, right or wrong" but, rather, "My country, may she always be right; my life to set her right when wrong." It is in that spirit I wish to present my interpretation of the grammar of patriotism.

Lord Bryce, one of the most understanding friends America has ever had, in the beginning of his exhaustive study of our institutions tells this incident. At one of the early conventions of the Protestant Episcopal Church in America it was desired to revise some of the short prayers of the church and make them more suitable for this country. The prayer for the king was to be omitted. It was proposed by one of the bishops to substitute the following: "O Lord, bless our Nation." Without much thought it was adopted. The next day, however, a great argument arose among the laymen. It was too centralized to suit them. It was reconsidered, and after much heated debate the following form was accepted: "O Lord, bless the people of these United States." This seems drawing a rather fine distinction, and yet in this very matter lies the essence of that principle which has made our Government unique. Lincoln spoke of America as "the last, best hope of the world." It is essential that we should recognize in what our plan differs from any ever before tried among peoples, for it offers the first successful solution of the age-old clash between liberty and stability.

The democracy of Greek Republics, the Amphictyonic Council, the Roman system, the Hanseatic Leagues of the Middle Ages, the Swiss Federation, in all these this ideal was struggling to be born, but it is not correct to say that any one of these was the prototype of the American plan.

Is the United States an aggregate of people?
Is it a pure democracy?
Is it a loose confederation of sovereign States?
Is the name of our country plural, collective or singular?
Shall we say, the United States are a great Nation?

That is not good grammar, nor is it good patriotism. Shall we not say, the United States is a great Nation?

We still have a grammatical conflict in "States is," but it is in that very union of singular and plural that the key to success is found, notwithstanding the strain and stress of the period through which our Government had to test the worth of its plan.

When the calling of the convention was under consideration, General Knox wrote thus to George Washington:

"We imagined the mildness of our Government and the virtues of our people were so correspondent that we were not as other nations, requiring brutal force to support the law. But we find that we are men, actual men, possessing all the turbulent passions belonging to that animal, and we must have a Government adequate for him."

Our Constitution is not a work of perfection. It is written, but not rigid; it is pragmatic, not perfect; it is living, not dead. The foresight of its framers, all unaware of the strain that was to come, were able to make just those adjustments within the frame that have enabled it to grow as the Nation has grown. We call this compromise; it is something much higher than that; it is a principle of life itself. Herbert Spencer gives as the very core of the evolutionary process "the adaptation of inner relations to outer conditions."

Certain cardinal mechanisms in the framework of the Constitution provide this living principle which gives play to all the expansive forces involved in the total situation. While we safeguard this evolution, we need not fear revolution. I use the word "cardinal" advisedly. In origin it means "hinge." Those factors which have operated as hinges are the power of amendment, the separation of powers, judicial review, such interpretative clauses as "commerce between the States," the doctrine of implied powers, etc. I can not enter into a discussion of these to-night. I desire to dwell particularly upon the mechanism which, to me, seems chiefly instrumental in the success of our system and which certainly is novel as an instrument of government; that is, the joint sovereignty of citizens and their representation in a bicameral congress that has a duality of responsibility in representation. What results is joint sovereignty, a codominium of State sovereignty, linked with popular sovereignty, operating through a triangle of forces.

You are a citizen of the State of Washington—yes; but—
You are a citizen of the United States of America.

The State of Washington is also a citizen of the United States. Here was solved, for the first time, the age-old conflict of sovereignties. The conflict between nations, unequal in territory or populations, which yet claim equality of sovereignty. This principle is becoming the solvent for conflicts in the Old World. It is the basis of the League of Nations. It is the principle which may make possible a United States of Europe, and the final solution of international frictions.

This I wish to call the "federal idea." Federal comes from the Latin word "foedus"; "treaty," which in turn was derived from the word "faith," for the whole value of a treaty was that the faith be kept. The "federal idea," as I present it, is this: Our Government primarily rests upon the pooled sovereignty of all the people in the House of Representatives, plus the pooled sovereignty of all the States in the Senate.

To be sure this plan might never have had a chance to prove itself had it not been for another mechanism almost as involuntary as this judicial review.

It is said that an Englishman visiting this country and interested in the working of our Government was especially impressed by this power of judicial review. He searched the Constitution diligently and was much mystified when he could find no specific sanction for it. It lies in the very logic of the situation. If States and people are joined in a cosovereignty; if the legislative, the judicial, and the executive is each to function in a limited field, it becomes necessary that an umpire be found somewhere. The Supreme Court becomes this.

The three chief battles of American history were not fought on battlefields; they are the battle to formulate the Constitution, the battle to adopt it, and the battle to accept the implications of its provisions, this latter not wholly over yet.

We need to be reminded again in these later days of how difficult a matter it was to secure the adoption of the Constitution. Patrick Henry, whose name has always been synonymous with ardent patriotism, was one of the leaders in the fight against it. He made a 23-day speaking tour, speaking from three to eight times a day, one such speech lasting seven hours. In the presence of Washington, in the Virginia Assembly, he demanded:

"Why does this document read, 'We the people,' and not 'We the States'?"

It is indeed this grammatical interpretation that has at all times marked the lines of the major parties. Republicans, whether called Federals or what, have insisted on the Union which is represented in the Federal idea; their opponents have often urged the greater precedence of the "State sovereignty" with its centrifugal tendencies.

The people within certain geographical units can adjust their local differences, for their economic interests are common. The Federal idea, that brought stability in the midst of turbulence, is the power in the court to hold the balance between the parts and to guard a certain common interest that belongs to the whole. Our Government then is not a democracy but a republic. This name is most apposite. "Res publica" means that "common thing" which is the possession of all; that sovereignty, which must be defended from unwarranted pressure, from either the few

or the many. The framers of our Government were fully cognizant of the tyranny of the minority; that tyranny might arise, equally, on the part of the many was not so generally recognized. Madison seems to have understood this. He said:

"Wherever the real power of government lies there is the real danger of oppression. In our Government the real power lies in the majority of the community, and the invasion of private rights is chiefly to be apprehended, not from acts of government contrary to the Constitution but from acts in which the Government is the mere instrument of the major number of its constituents. * * * Wherever there is an interest and power to do wrong, wrong will generally be done; and not less by a powerful and interested party than by a powerful and interested prince."

Lord Bryce remarks that the makers of the Constitution seemed to have been firm believers in the doctrine of the "innate depravity of man." Perhaps this is one of the passages which induced this comment.

The history of the early decades of the court is worth renewed study. Most of our citizens do not at all realize how bitter the resistance was on the part, now of people, now of States. One contemporary comment must suffice. About 1830 this description of the court's work was given:

"It is the triumph of moral forces; it is not the influence of the sword. I repeat, it is a great moral spectacle to see the decrees of the judges of the Supreme Court on the most vital questions of boundaries between sovereign States, proud of their character and position and tenacious of their rights, but yet who submit. * * * They—decrees of court—have stopped armed men in this country. Iowa and Missouri had almost got to arms over their boundaries, but they were stopped by the intervention of the court. In Europe armies run lines, and they run them with bayonets and cannon. They are marked with ruin and devastation. Here they are run by an order of the court by an unarmed surveyor, with chain and compass. The monuments he puts down are not those of destruction but peaceable ones."

Justice Stone, in 1928, said of the interpretation of the "commerce" clause, which I have called one of the important "hinges" of the working of our system: "The commerce clause * * * and the wise interpretation of it by the court perhaps more than any other contributing element have united to bind the several States into a Union. Here the problem has been to maintain the national interest and at the same time bring it into harmony with local interests and the principles of local government." It is then this nice balance between two differentiated sovereignties, States on the one hand, people as a whole on the other, that is the distinguishing mark of our plan; that is the "common thing," the res publica, typified by the mace in the House of Representatives, and placed forever beneath the ægis of law and under the guardianship of the court. It is for this reason that patriotism warrants our grammar to accept the form, "the United States is." Eternal vigilance of our citizenry must see to it that this does not grow into usurpation on the part of the Federal ideal nor descend into dominance on the part of militant States.

Our motto is well chosen: "E Pluribus Unum," "Many in One." The legislative branch formulates law; the Executive administers law; the court adjudicates and interprets. This is the triangle of forces that lies at the base of our Government. In all the past it has given us that freedom "which broadens slowly down, from precedent to precedent."

STEPHEN T. MATHER

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 6279, to authorize a suitable memorial in connection with the parking system in the National Capital.

The Clerk read the bill, as follows:

S. 6279

A bill to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather

Be it enacted, etc., That the National Capital Park and Planning Commission be, and is hereby, authorized and directed to provide, in connection with the park and playground system of the National Capital or the George Washington Parkway, a suitable memorial in memory of the late Stephen T. Mather, the first director of the National Park Service and formerly ex officio member of said National Capital Park and Planning Commission, as in the judgment of said commission shall be appropriate, in recognition of his distinguished service to the Nation.

Mr. BYRNS. Reserving the right to object, I would like to know how much this is going to cost and what is the nature of the monument?

Mr. CRAMTON. It is not contemplated that there shall be any expenditure for several years to come, and at that time no great expenditure. The thought is that in the lands being acquired for the parking system some area be set aside to the memory of Mr. Mather, who did so much for the national system and also for the National Capital.

I thought there would be no controversy. I assure the gentleman that there will be no request for an appropriation for some time.

Mr. BYRNS. Does this authorize an expenditure of money?

Mr. CRAMTON. It authorizes them to provide in connection with the park system a suitable memorial. They are to buy the lands, anyway. It authorizes them to set aside a suitable section for his memory.

Mr. BYRNS. I agree in all that the gentleman has said with reference to the distinguished services of Mr. Mather. I had the pleasure of knowing him, and I enjoyed his friendship. The question occurred to me whether we were giving blanket authority to the Parking and Planning Commission in years to come to proceed and buy a lot of land without reference to cost.

Mr. CRAMTON. It does not extend the lands to be purchased by the Parking and Planning Commission. I will say that there are many here who appreciate Mr. Mather's work. In all my years' service here the richest memory I have of any friendship formed is the friendship I was privileged to have of Stephen T. Mather and the contact with his constructive idealism. I would be very happy if the legislation should pass.

Mr. BYRNS. On the assurance of the gentleman that it does not provide an additional and unnamed authorization to be left to the Parking and Planning Commission, I am not going to object. I do not think it is a wise policy to pass bills and resolutions authorizing future expenditures without some limitation.

Mr. TILSON. No appropriation can be made without it being called to the attention of the gentleman's committee.

Mr. BYRNS. The trouble about it is that under some of these resolutions the work will first be done and then they will come to Congress and ask for an appropriation.

Mr. CRAMTON. The land to be purchased is limited, and this is to set aside an area for the memorial——

Mr. STAFFORD. Reserving the right to object, does this in any way infringe on the plan of admirers of Stephen T. Mather to name a park for him?

Mr. CRAMTON. That plan has never been determined upon.

Mr. STAFFORD. I think it would be a more fitting memorial to have a park named after him than to build a memorial in some unseen spot where it might not be prominent, so that in the days to come people will wonder who Stephen T. Mather was. With a park named after him, naturally that would develop an inquiry in the mind of the public as to the worth of the man.

Mr. CRAMTON. That was suggested by me at one time to the Stephen T. Mather Appreciation and considered by them in connection with many other suggestions. That committee is headed by Mr. John Hays Hammond and includes in its membership Dr. Gilbert H. Grosvenor, president National Geographic Society; Dr. Vernon L. Kellogg, secretary of the National Research Council; Mr. Theodore W. Noyes, editor of the Washington Star; Mr. George W. White, president Metropolitan National Bank of Washington; Mrs. Henry A. Strong, chairman of the Hattie M. Strong Foundation; Mr. Franklin Adams, solicitor of the Pan American Union; and myself. That committee finally announced:

The suggestions that have come to the executive committee from the poll, with reference to the most desirable form which the Stephen T. Mather Appreciation should take, have been numerous and varied. This would naturally be the case since Mr. Mather's interest in parks and the use and preservation of the wonders and beauties of nature was so varied and far-reaching, and the recognition of his influence and his outstanding service nationwide.

The committee has not found it easy to determine upon any one of the suggestions. Any memorial must be to an extent localized while the fame and service of Stephen T. Mather were not local. The committee has been highly gratified by the national interest in the tribute to Mr. Mather and by the strong interest manifested in the completion of so many of the projects that were dear to his heart.

Stephen T. Mather never was solicitous about his own name or fame, but was deeply devoted to the expansion and development of public areas for the preservation and enjoyment of nature. Your committee has decided upon the following program which seems to be best calculated to pay tribute to Stephen T. Mather, perpetuate his memory, place permanently before the Nation his ideals, and so far as possible bring into actuality his dreams and desires. This program consists of three branches of activity for the Appreciation as follows:

1. The committee proposes to secure the services of an outstanding sculptor to prepare an appropriate bronze plaque to be placed in each of the 23 national parks and the 33 national monuments. This plaque will carry in relief the bust of Stephen T. Mather accompanied by his name with an epitome of his work; also a sentence or two from his writings to carry his ideals to each and every visitor to the national parks for all time to come.

For the purpose of the preparation and erection of these memorials in each of the national parks and monuments the committee desires to raise a fund of $25,000. In many cases a granite bowlder base will be provided upon which the plaque will be mounted.

2. The committee feels that since the work of Stephen T. Mather was so essentially national in character, his influence so decidedly national, and the appreciation of his contribution to his country so nation-wide, the National Government should provide in the Nation's Capital some suitable form of tribute to his memory, and it is the desire and purpose of the Stephen T. Mather Appreciation to cooperate with all interested to aid in bringing this about.

3. Stephen T. Mather had many highly desirable local, State, and National park projects in process of development to each of which he gave ungrudgingly his enthusiasm, his irresistible personality, and his organizing ability. Many of these are warmly supported by effective groups who desire to carry them into actuality in appreciation of his leadership. Each dream realized will be eloquent testimony to the wisdom of his vision and the strength of his influence. It is the thought of the committee that not one but many of these dreams should be realized, and the committee believes that it is entirely feasible that each of these groups may very well accomplish that result. It is the desire of the Appreciation to cooperate with each of these groups in every way possible to bring about the realization of these projects.

As chairman of the executive committee I will welcome suggestions as to the individuals who should be appointed to serve as chairmen of the committees in charge of the development of the major projects.

Sincerely yours,

JOHN HAYS HAMMOND,
Chairman of Executive Committee.

Mr. STAFFORD. But the gentleman agrees that maybe in the centuries and ages and eons to come there might be those who will pass by this memorial and wonder who Mr. Stephen T. Mather was.

Mr. CRAMTON. I agree with the gentleman. The future may forget who he was, but the future will never cease to enjoy what he accomplished.

Mr. STAFFORD. Did he have very much to do really with the National Capital park plan? I know that he had much to do with the national parks in the country.

Mr. CRAMTON. He had as much to do as anyone in bringing about this present planning program.

Mr. COLTON. He was practically the father of the present national park system.

Mr. STAFFORD. I do not question his paternity as far as the present park system is concerned, but I am considering whether it is appropriate to establish this memorial here in Washington, which is becoming the center of monuments, a sort of mausoleum for memorials of those who have passed on—and this has no reference whatever to my colleague from Michigan, whom we all regret is passing on.

Mr. CRAMTON. He was largely responsible for creating the National Park and Planning Commission.

Mr. STAFFORD. If this is to be the last offense of the gentleman from Michigan in this Congress, I shall not object.

Mr. CRAMTON. I appreciate my friend's consideration. He has always been helpful in conservation matters.

Stephen T. Mather, the first Director of the National Park Service, of the Department of the Interior, was, in my opinion, the outstanding figure in park conservation work of the past decade.

In these days when we as a Nation have come to realize and appreciate the tremendous importance of having reserved woodland areas as city parks within our congested cities for their residents, in our States as State parks for their citizens, and in our national parks for the people of all our great country, we can not overlook conceding a substantial measure of appreciation to the man who as a Federal official accomplished such outstanding things in national park and State park work, and in the systematic and harmonious expansion of the National Capital park system.

A man of independent fortune and large standing in business circles, he was drafted into the service of his country as an official of the Interior Department because of the great vision he had in the future of the national park system. His innate modesty and his quiet way of accomplishing things precluded praise during his lifetime. His satisfaction was in the joy of accomplishment and in the realization that steadily through his efforts humanity whom he loved was being insured a larger opportunity to enjoy our rich scenic inheritances and the wild life of the woodlands and forests therein.

His work in the national park field is well known and appreciated in the Congress and throughout the country. The national park system has developed from a scattering of Federal scenic reservations, comparatively little used by our people to the present magnificent system in which every kind of service that may be called for by the visitor and consistent with the development of such wild wonderland areas may be found available. In the type of men encountered in the parks, and placed there to be responsive to the call of service to the public may be found the best that our Government can offer in public servants—considerate, kind, tactful, efficient public administrators selected by Mr. Mather as the type he had in mind for such high public service.

The tremendous popularity of the present national park and monument system has in fact brought such pressure upon the Congress and the Interior Department from other States in which no national parks are located for the establishment of national parks within their borders that it presents a danger to the integrity of the present system by the possibility of including areas that do not in the highest degree measure up to the high standards that have been set for the parks. We must not overlook in the halls of Congress that laws can not make a national park, only God has done that.

Mr. Mather was not only the first Director of the National Park Service and the formulator of the policies which govern the protection, development, and operation of the national park system but he was the organizer and first chairman of the national conference on State parks which initiated the movement for the coordinated consideration throughout the States of a country-wide State park system. The national conference on State parks is the direct outgrowth of his initial endeavors in that field and now offers a valuable service to the States in their conservation of important scenic areas within the States themselves for the use and enjoyment of their citizens. Each year, from 1921 to 1928, Mr. Mather was an active figure at the important national conferences held by that organization, and out of his private funds he financed to a considerable extent the work of the conference.

He had long been interested in municipal parks in Chicago, and served on committees among others that were active in promoting the park system of Chicago, as well as boulevards and parkways. He was keenly interested in city planning and brought his live interest to the development of city and regional planning throughout the country. As far back as 1917 he became interested in the District of Columbia park work and had in mind the possibility of acquiring the Gorge of the Potomac and the Great Falls and its establishment as a national park. At the conference on national parks, in Washington, in January, 1917, he arranged for addresses on the park values of the Potomac Gorge. He was always greatly concerned about the destruction of trees in the District, particularly in connection with real estate development, and endeavored in his quiet way to prevent some of this destruction. Likewise, he deplored and called public attention to the destruction of historic structures in the District of Columbia.

When the Congress passed the law establishing the National Capital Park Commission this interest was recognized, and it was provided that the Director of the National Park Service should be a member of that commission. Mr. Mather served on the commission until he severed his connection with the Federal Government because of illness in January, 1929. He was a valuable member of that commission, taking delight in its activities and deliberations and, as I personally know, in the passage of important legislation now on the statutes which led to a larger expansion of Federal park activities in the great metropolitan area of the District of Columbia, including near-by sections of Virginia and Maryland.

While it is not possible to say that Mr. Mather was responsible for any one park project in the District of Columbia, nor can he be given sole credit for any single achievement in connection with the system of parks, boulevards, and playgrounds, in the District of Columbia, there is no doubt but that his broad knowledge of park affairs and his human influence contributed in considerable measure to the work that has been accomplished during the past few years in that direction.

A memorial to him in the city of Washington, or in its adjacent parkways, is justified by his outstanding work as a park conservationist, national, State, and municipal. Just as we honor here great soldiers and great statesmen whose achievements have not particularly related to the development of the city of Washington, but which have been of greatest value to the country as a whole, so we should honor here men who have achieved great things in art, invention, literature, conservation, medicine, and diplomacy. Achievements along these lines are not so spectacular and glamorous as winning battles or accomplishing great feats of international agreement, but they contribute overwhelmingly to the happiness and well-being of the country as a whole. Already memorials have been erected in Washington, under authority of the Congress, to men who have deserved well of posterity for their achievements and great contributions to the public welfare. It is timely that we recognize the outstanding human qualities and great accomplishments of Stephen T. Mather in providing for the health, recreation, and enjoyment of his fellow man.

President Hoover not so long ago said:

> The day is coming when there is going to be a premium on solitude. If a man can find a piece of land anywhere in this country where he can't hear a bell ring or a whistle blow, that's the place he'll want for a home.

It is inevitable that the day is coming also when it will be impossible to secure any more of the primitive wilderness areas that you and I, your children and mine, now enjoy. At that time, and as time goes into the twilight of our great Nation, what has been done to-day by Stephen T. Mather will be outstanding among the great achievements of history.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EASTERN EMMIGRANT AND WESTERN CHEROKEE INDIANS

Mr. O'CONNOR of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5979) to confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emmigrant and Western Cherokee Indians of Oklahoma and North Carolina.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill S. 5979, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Eastern Emmigrant and Western Cherokee Indians, duly enrolled members of the Cherokee Nation of Indians, members of the Five Civilized Tribes of Oklahoma, including the duly enrolled members of the Eastern Band of the North Carolina Cherokee Indians, that jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitations, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Cherokee Indians, band or tribe, or arising under or growing out of any act of Congress in relation to Indian affairs, which said Cherokee Indians, band or tribe, may have against the United States.

SEC. 2. That the Eastern Emmigrant and the Western Cherokee Indians as a corporation shall file any suit or suits or claims on behalf of all the Cherokee Indians by blood, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 3. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit or suits shall make the said Indian tribes or bands, or any of said tribes or bands, party or parties plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the said Indians, approved in accordance with existing laws, and said contract shall be executed in their behalf by a committee or committees selected by said Indians or provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 4. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribes or any of them, but any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for such Indian tribes or any of them.

SEC. 5. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, by any one of said tribes or bands, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes or bands of Indians, or any of said tribes or bands, and the same shall be included in the decree and shall be paid out of any sum or sums adjudged to be due said tribes, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum.

Mr. STAFFORD. Reserving the right to object, I question very much whether we should launch on the policy of sending at this late hour some Indian claims to the Court of Claims. I will be glad to allow the gentleman 5 or 10 minutes or an hour in which to explain the matter.

Mr. O'CONNOR of Oklahoma. Mr. Speaker and Members of the House, this may be the last time or it will be some time before I shall again appear at the wailing wall of the House. I have here a bill that was passed by the Senate and which came over to the House Indian Affairs Committee, and, with some amendments made necessary to meet some slight departmental objections, the House Indian Affairs Committee unanimously reported the Senate bill, as amended. It is a jurisdictional bill to take care of a few groups of Indians who were not included in the general jurisdictional bill. We have done a lot of work on this. These people are here. It is only a matter of letting the Court of Claims pass on their cause of action. It does not appropriate any Government money or anything of that kind.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of Oklahoma. Yes.

Mr. HASTINGS. Mr. Speaker and gentlemen of the House, I know about this bill. A jurisdictional bill was passed and approved on March 19, 1924, and under that a suit was brought for these two groups of Indians, the Eastern Cherokee Indians and the Western Cherokee Indians. The difference between them is that those who went west prior to 1835 are called the Western, and those who went subsequent to 1835 are called the Eastern Cherokees. Suit has been brought, and this suit is pending in the Court of Claims. There is some question as to whether the suit can be maintained by the Cherokee Nation for these groups of Indians, and this bill only makes it certain that that suit may be maintained or a separate suit instituted.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of Oklahoma. Yes.

Mr. STAFFORD. When the Indian Affairs Committee had the call on Wednesday we had up a bill referring to the Court of Claims the rights of the Cherokees and the Choctaws as to that property west of the ninety-eighth meridian. I protested very strongly against the bill, and I believe I was the only one in the House when it came up for passage who voted against it. The President of the United States vetoed that bill. Those Indians had had their day in court.

After examination of the decision of the Supreme Court every one would have come to the conclusion that these tribes were trying to take advantage of the Government. The veto went to the Senate. The Senate never acted on the veto. What did the Senate do to circumvent the position of the President? They passed a resolution referring these claims to the Court of Claims. They knew they did not have the votes to override the veto and they did not give the President that much courtesy, as the Constitution provides action should be had upon the veto; but they circumvented his position by adopting a resolution calling upon the Court of Claims to report on the same matter.

Am I right in my exposition?

Mr. HASTINGS. Substantially correct, but by different tribes of Indians.

Mr. STAFFORD. Oh, yes.

Mr. HASTINGS. May I remind the gentleman from Wisconsin [Mr. STAFFORD] that there is a suit already instituted under the act of March 19, 1924, by the Cherokee Nation for the Eastern and Western Cherokee Indians, those two groups.

Mr. STAFFORD. The gentleman says there is a suit now pending?

Mr. HASTINGS. Yes.

Mr. STAFFORD. Pending where?

Mr. HASTINGS. Pending in the Court of Claims under the jurisdictional act of March 19, 1924. There is some question as to whether that suit can be maintained in the name of the Cherokee Nation under that jurisdictional act. This makes it certain that the rights of those two groups of Indians may be protected, and it is the last suit for the Cherokee Indians as far as we know.

Mr. STAFFORD. There is nothing in this bill that refers to the suit that is pending?

Mr. HASTINGS. There is a suit that is pending in the Court of Claims, brought by the Cherokee Nation under the act of March 19, 1924.

Mr. STAFFORD. How much is involved in this litigation?

Mr. HASTINGS. It is more or less of an accounting.

Mr. O'CONNOR of Oklahoma. I want to say a few words to the gentleman from Wisconsin [Mr. STAFFORD]. The gentleman is rendering very valuable service to the Government.

Mr. STAFFORD. The gentleman from Wisconsin is not looking for bouquets.

Mr. O'CONNOR of Oklahoma. Surely the gentleman is too broad-minded to blame this House for the action of another body. All there is to this bill is simply this: It is not certain that the authorization in the jurisdictional bill to the Court of Claims is broad enough to bring a suit in which only the Eastern Creekees and not the whole tribe is interested, or in which the Western Cherokees and not the tribe is interested. They are fearful they can not even intervene in the pending suits. This is a very small and simple matter to let these people have their day in court along with the others on some of these small claims. The Cherokees were brought into the territory at different times, and this is an opportunity to liberalize the jurisdictional act, so that when the litigation which is now pending is wound up, all parties may be in there and have their rights determined and not leave something to haunt us in the future.

Mr. STAFFORD. My inquiry as to the amount involved has not been answered. The gentleman is an encyclopedia of valuable information pertaining to Indian affairs and is thoroughly acquainted with the amount involved, and I am sure he will be able to acquaint the House with the amount in question.

Mr. O'CONNOR of Oklahoma. The situation is really this. These claims consist largely of small amounts that arise by reason of certain agreements that were made to defray certain transportation expenses. In bringing the Indians into the territory there were certain transportation expenses, and they were to be given a certain allowance.

Mr. HASTINGS. It really only involves an accounting.

Mr. STAFFORD. How much is involved?

Mr. HASTINGS. Oh, I do not know. It is more or less of an accounting.

Mr. STAFFORD. Well, but how much? The other day there was a bill pending here for enlarging the Colonial Park, and the mover could not say how much was involved, but later that day we found there was one and a half million dollars involved.

Mr. O'CONNOR of Oklahoma. The gentleman realizes the amount they might ask for is not important, in any event, it is the amount that they will receive, and it is the function of the court to fix and determine that matter.

Mr. STAFFORD. I am becoming a little skeptical since the two gentlemen from Oklahoma who ought to know how much is involved, seem to be vapid of any information.

Mr. HASTINGS. I have been trying to inform the gentleman that it was a question of an accounting. I do not think there is a very large amount involved in it. These Indians should have their day in court.

Mr. STAFFORD. Mr. Speaker, I agree with the gentleman from Oklahoma that this is the closing hour of this Congress. It is a committee amendment which the gentleman is seeking to incorporate. I do not think the bill has one chance in a hundred of passage, therefore I withdraw the reservation of objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GILA RIVER INDIAN RESERVATION, ARIZ.

Mr. DOUGLAS of Arizona. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 5313) to cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.

The SPEAKER. The gentleman from Arizona asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That all allotments and other lands comprised in the Gila River Indian Reservation which the Secretary of the Interior shall designate to be permanently included in and irrigated under the San Carlos project are hereby relieved of all liens for the reimbursement to the United States of moneys expended and reimbursable as provided in section 10 of the act of March 3, 1905 (33 Stat. 1081), or in section 2 of the act of August 24, 1912 (37 Stat. 522), or acts amendatory thereof or supplementary thereto as to such expenditures made prior to the passage of the San Carlos act (43 Stat. 475–476), except those made under that part of the act of May 18, 1916 (39 Stat. 123–130), and acts amendatory thereof or supplementary thereto which provides for the construction of the dam above Florence, Ariz., and controlling works and canals which constitute the Florence Casa Grande project; and except further the $100,000 expended for an electric transmission line and rights to electrical energy from the Salt River Valley irrigation project.

SEC. 2. That all expenditures of moneys for or in connection with the Gila River Indian Reservation made reimbursable as provided in said acts of March 3, 1905, or August 24, 1912, or acts amendatory thereof or supplementary thereto, as described in section 1 hereof with the exception there made of moneys expended for the Florence Casa Grande project and for the electrical transmission line and electrical energy, including the expenditures made for the Sacaton bridge and dam valued as a bridge at $300,000, are hereby waived and not required to be paid or reimbursed to the United States, except the expenditures made for the purposes and in the amounts as follows: That part of the Sacaton bridge and dam which is a siphon, valued at $75,000; the Santan and Casa Blanca Canals and other works on the reservation north of the railroad which crosses the river below Sacaton, valued at $87,000, which expenditures in the amount stated shall remain reimbursable, but hereafter shall remain chargeable only against the unallotted lands of the Gila River Indian Reservation; and the irrigation works for taking and distributing water from the Gila and Salt Rivers below said railroad as the Secretary of the Interior shall value them at sums aggregating not more than $50,000, which expenditures in the amount so valued shall remain reimbursable and charged against the allotments on the said Gila River Indian Reservation not included in the San Carlos project.

Mr. PATTERSON. Reserving the right to object.

Mr. STAFFORD. Reserving the right to object, would it be in order, Mr. Speaker, to ask unanimous consent that during the closing hours of this Congress only matters reported from the Committee on Indian Affairs should be in order. This is the second bill that has been considered this morning by the Committee on Indian Affairs. Last evening we considered a large number of bills from that committee. I want to know whether the gentleman has a half dozen more bills from his committee that will engage the consideration of the Congress in the expiring hours?

Mr. SABATH. The gentleman should modify that request also to include the Committee on Agriculture.

Mr. STAFFORD. Oh, the Committee on Agriculture is far in the distance as far as getting bills through this Congress is concerned. The fame and honor all belongs to the gentleman from Montana, the chairman of the Committee on Indian Affairs [Mr. LEAVITT], and next to the gentleman from Montana the bouquet must be handed to our retiring Member from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Will the gentleman permit me?

Mr. STAFFORD. I yield.

Mr. CRAMTON. Whether this bill is passed at this session or not, I am glad it is called in order that I may say just a word. It relates to a matter that is quite complicated, with which I have had to do for four or five years in the State of Arizona. I know the entire situation.

Mr. STAFFORD. Will the gentleman give us the benefit of some of his valuable information?

Mr. CRAMTON. I should not take the gentleman from Arizona [Mr. DOUGLAS] off his feet, but I may sum it up in this manner: There is a great irrigation district down there that, under the Coolidge Dam, half of the water goes to the whites and half of it to the Pima Indians. The Pima Indians were agriculturalists and irrigationists before any whites ever came to America. After a while the encroachment on their water above took the water away from them.

I have seen many fenced fields barren because there was no longer water. The project was built half for the whites and half for the Indians, and the project was to be paid for by the whites and by the Indians. There are some old charges for some old and outworn works that are no longer any good. There is a bridge that is of little benefit to the Indians and things of that kind. In order to clean up the situation and leave those Indians with a per-acre charge that will be no greater than the charge against the white lands and be a charge that they can pay and will pay it is proposed to wipe off the slate considerable reimbursable charges now standing against those Indians.

Mr. STAFFORD. I think we should have some explanation from the gentleman from Arizona, who is interested in this bill.

Mr. CRAMTON. I beg the gentleman's pardon. I did not intend to encroach, but I want to give my unqualified indorsement of this bill while I am here and have the opportunity to do so.

Mr. CONNERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Arizona yield?

Mr. DOUGLAS of Arizona. I yield for a parliamentary inquiry.

Mr. CONNERY. Mr. Speaker, as I understand, early this morning it was understood that the Speaker was prepared to recognize somebody at 10 o'clock this morning in reference to the conference report on hospitals. I have no desire whatsoever to mix things up, but I would like to know the status of this matter.

The SPEAKER. The Chair has been informed that the conferees met at 10 o'clock and expect to make a report very shortly.

Mr. PATTERSON. I do not like these bills coming in at this time, bills amending certain acts that we do not know about. If the gentleman will make a short explanation in two or three minutes, I shall not object, unless something comes up that I do not like.

Mr. DOUGLAS of Arizona. Mr. Speaker, beginning in 1905, Congress authorized the appropriation of moneys for the construction of certain irrigation works for the benefit of the Indians in what was known and what is still known as the San Carlos Indian Reservation. In 1912 further appropriations were made for the purpose of constructing ditches to convert water to Indian lands. In 1916 there was a further appropriation for a similar purpose. Also in that bill there was an appropriation for the construction of what was known as the Florence Casa Grande project, which was for the purpose of providing waters from the natural flow of the Gila River for white lands. With respect to that authorization there was a provision that a contract must be entered into by the white settlers with the Secretary of the Interior on such terms as to return to the United States the cost of the Florence Casa Grande project.

Mr. SOMERS of New York. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. SOMERS of New York. Does this bill, which we have not had an opportunity to examine, of course, change existing law at all?

Mr. DOUGLAS of Arizona. Yes; it does change existing law. I was coming to that. In 1924 Congress passed what was known as the San Carlos project act, which provided for the construction of a dam and of canals to store and to divert not only the natural flow of the stream but also part of the stored flood waters of the Gila River for Indian as well as white lands. The act provided that the cost of the San Carlos project was to be repaid to the United States under the terms of a contract which the whites were to make with the Secretary of the Interior, while the Indians were to repay their share. In 1928 the Florence Casa Grande project, to which I have previously referred, was made a part and parcel by act of Congress of the San Carlos project. But the old works that had been constructed prior to that were not made a part of the San Carlos project. They are now useless in most particulars and of little value to the Indians, yet upon the books of the United States they remain a charge against them.

The Pima Indians have no tribal funds. They can not, therefore, repay to the United States the cost of these old reimbursables. Moreover, it would be eminently unfair to ask them to repay to the United States the cost of works which have now become of little value to them by reason, first, of their obsolescence, and, second, by virtue of their replacement by works constructed under the San Carlos Act, for which they are charged.

The bill, therefore, provides for the elimination of charges exclusive of those imposed by the terms of the San Carlos Act, now standing against the Indians in the amount of the difference between the cost of the obsolete and partially worthless works and their present worth.

Mr. LEAVITT. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. LEAVITT. Is not this also true, that under existing law this highway bridge, which is on the Indian reservation, could be constructed now entirely out of Federal funds, without any charge to the Indians? The highway bridge has proved to be of use to the white people rather than to the Indians, and there is no justice in having it charged against the Indians. The Commissioner and Assistant Commissioner of Indian Affairs have urged that the Indians be relieved of these unjust charges.

Mr. PATTERSON. Mr. Speaker, I would like to make one observation. This is a bill taking money out of the Treasury or giving back some money to these people.

Mr. DOUGLAS of Arizona. No; that is not the case.

Mr. PATTERSON. This is to relieve them of certain payments, and allow me to make the observation that it is a good thing the Indians or the Government, one or the other or both, have been wealthy because they would not have been able to hold out.

Mr. STAFFORD. I wish the gentleman from Arizona would elaborate upon the wiping off of the cost of the Sacatone Bridge.

Mr. DOUGLAS of Arizona. In the act of 1916 there was an item appropriated for the construction of the Sacaton Dam and Bridge, which was made a charge against the Indian lands within this Indian reservation. By reason of the construction of the San Carlos Dam and by reason of the construction of irrigation canals, the Sacaton Dam has become of no value whatsoever, except as that of a siphon. This bill provides that it shall be charged against the Indian lands in the amount of its value as a siphon and elim-

inate the charge on account of the bridge, for the reasons stated by the gentleman from Montana.

Mr. SABATH. How much is involved in this proposition. How much is due by the project to the Government?

Mr. DOUGLAS of Arizona. There is no project involved in this legislation. As I stated before, there are charges against Indian lands owned by the Indians.

Mr. SABATH. How much is due for this project?

Mr. DOUGLAS of Arizona. This does not pertain to the San Carlos project, but to the works initiated in 1905, which have become obsolete by virtue of the construction of a subsequent project in which the Indians are an integral part. It is eminently unfair to charge these Indians with the cost of something which has become obsolete, which is of no value to them and the cost of which they can not repay.

Mr. SABATH. A lot of these irrigation projects are not able to make the repayment.

Mr. PATTERSON. Mr. Speaker, I shall not object if the matter can be disposed of right away.

Mr. DOUGLAS of Arizona. This bill has nothing to do with any irrigation project under the Reclamation Bureau. Let me state, frankly and fairly, to the Members of the House, that the total reimbursables involved amount to $1,700,000. This bill wipes off certain of such reimbursable items until that amount is reduced to $312,000.

Mr. STAFFORD. Mr. Speaker, from the exposition the gentleman has made, I understand this is merely an accounting as to the present value of these former projects, and allows the Indians to start anew on a bookkeeping process.

Mr. DOUGLAS of Arizona. That is it exactly.

Mr. STAFFORD. Mr. Speaker, with the exposition made by the gentleman from Michigan [Mr. CRAMTON] and, particularly, the exposition made by the author of the bill, I do not wish to detract in the closing hours of this Congress from the exceptional record made by the distinguished gentleman from Montana [Mr. LEAVITT] in having the blue ribbon for having more bills passed than any other committee in this Congress or any prior Congress.

Mr. DOUGLAS of Arizona. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by printing a telegram with respect to the services of the gentleman from Michigan.

The SPEAKER. Without objection, it is so ordered.

The telegram referred to follows:

FLORENCE, ARIZ., *March 2, 1931.*

L. W. DOUGLAS,
House of Representatives, Washington, D. C.:
Directors San Carlos irrigation district request you to express to Congressman CRAMTON their grateful appreciation of part he has taken in creation and guidance San Carlos project. Also convey district's regrets that for immediate future he will be unable to give project his powerful assistance as heretofore.

R. W. KENWORTHY, *President.*

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

SERVICES OF RETIRING MEMBERS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for about two minutes on a subject which will neither authorize nor appropriate any money out of the Treasury. [Laughter and applause.]

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, I desire to take a moment to pay my respects to two of my colleagues from the State of New York, Mr. DEMPSEY, of the Buffalo district, and Mr. WAINWRIGHT, of the Westchester district, who are to-day completing their services in this House.

Mr. DEMPSEY came here 16 years ago. From his legal experience and his general experience in business, he was well qualified to take up his legislative duties. From the very first he was made a member of the Committee on Rivers and Harbors. For the last 8 or 10 years he has been chairman of that committee. He made a specialty of studying the work from the very beginning, and I may say without fear of contradiction that there is no man in either branch of Congress who knows so well every river and harbor project in the length and breadth of this country as does Mr. DEMPSEY. [Applause.] He has been a great chairman of a great committee, and has done a great work for the waterways of the country.

My friend Mr. WAINWRIGHT, who has not been in this body as long as Mr. DEMPSEY, has probably had longer public service than the majority of us. He had very distinguished service in the New York State Legislature and resigned to enter the World War. There also he rendered signal service, and in the beginning of the Harding administration he was appointed Assistant Secretary of War. He resigned this position to become a Member of the Congress.

During all of his stay here he has been on the Military Affairs Committee, where his previous experience in the World War and his service as Assistant Secretary of War fitted him to give exceptionally valuable service on that committee. He could have stayed here indefinitely, but he has resigned to return to the practice of law.

Both of these men can be ill-spared at this time. While I am on my feet I want to also pay my respects to the gentleman from Illinois, Mr. ELLIOTT SPROUL, a member of my committee, who is to-day retiring, and also to Mr. FRANKLIN FORT, of New Jersey, who is retiring, both being members of the Rules Committee. These gentlemen have given most valuable service on that committee, and are held in high regard by their colleagues. We have needed and profited by their advice. May I also at this time extend my regards to all the good fellows who are to-day completing their work in this House? I appreciate the fact that this has been a rather trying session, and we are all glad it has come to an end. Yet I believe on the whole we have enacted a great deal of much-needed legislation.

I expect we are all going to our homes, and I wish you may all have a happy vacation and return next fall fresh and ready to take up the duties of serving the country. I thank you. [Applause.]

ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address delivered by my friend from east Tennessee, Mr. TAYLOR, under the auspices of the Republican Party of Tennessee, February 12, last.

The SPEAKER. Is there objection?

There was no objection.

ADDRESS BY REPRESENTATIVE TAYLOR OF TENNESSEE

Mr. Toastmaster, ladies, and gentlemen, I want to congratulate Major Shofner and the members of the State executive committee on the splendid party spirit exemplified on this second observance of the anniversary of the birth of the immortal Abraham Lincoln, the father and patron saint of the great Republican Party of this Nation. The Republicans of Tennessee, under the auspices of their party organization, had their first Lincoln Day celebration last year, and unless we continue these annual Lincoln Day exercises, we shall fail in our proper appreciation of the life and services of this illustrious American.

Mr. Toastmaster, this month of February—the shortest of the year—the whole world pays homage to two great Americans—one the Father of his Country, the other its savior. Beginning amidst entirely different circumstances in life, both attained and commanded the respect and admiration, the honor and devotion of all, irrespective of class or condition. Each had a handicap to overcome—the one that of inherited wealth and aristocracy, the other that of poverty and obscurity. Both lived to verify the eternal truth of the adage that "all men are created equal."

It is well, Mr. Toastmaster and friends, that we should pay annual tribute to the memory of Abraham Lincoln, the first great leader of the Republican Party. Prior to his election our Presidents had been chosen from the gentry or aristocracy of the Nation. He was the first to come up from the crowd—from the plain, common people. Since his day, with few exceptions, we have elevated to the highest office in the gift of the people men who sprang from low estate. This is a striking example of the advance of democracy in government. Lincoln, trained only in the school of vicissitude and adversity, brooked restraint and surmounted difficulties, and alone and unaided reached that lofty pinnacle which men call fame. His life is a magnificent exemplification of the proud fact that in America the accidents of birth and the misfortunes of family are no bar to the boy who is endowed with ambition, industry, and integrity, to whom the highest honors in the gift of the Republic are accessible.

As the years have gone by, thousands have endeavored to smooth the lines from Lincoln's face, but it is the furrowed brow, the sensitive mouth, the sad and kindly eyes, the wrinkled and troubled face that the American people will always adore. He is the gentlest memory, the most appealing figure in all history since the meek and lowly Nazarene trod the shores of Galilee.

Mr. Toastmaster, ours is admittedly the greatest and most powerful nation in the world. And when we reflect that this greatness and power came, in the main, through the services of the Federalist, the Whig, and the Republican Parties we, as Republicans, can feel a just pride in our membership in this great political organization. While our rival party has espoused this position and that, only to later discard and repudiate them as their fallaciousness became apparent, the Republican Party's position on every public question has been justified and sustained by the acid test of experience and by the inexorable verdict of history.

Let us examine the record of the Democratic Party for a moment and behold the "incensing relics" of dead issues which it once espoused and proclaimed as essential to the welfare and salvation of this Nation. In the early history of this Republic, the progenitors of the now Democratic Party opposed national banks and Government aid in internal improvement, inveighing against them as being unconstitutional and contrary to the spirit of our national institutions. But now everybody admits that this position was a stupid fallacy. They championed States' rights and even secession, and now they acknowledge with deep contrition the error of their way. Under the terrific spell of the eloquence of the "peerless one" they boldly declared for the "free and unlimited coinage of silver," but now where is the Democrat that will muster up the hardihood to defend this piece of political nonsense?

Poor old "16 to 1," like the broken body of Cæsar in the Roman capitol, "lies there and none are so poor as will do it reverence." Just a decade ago they attempted to chain this Nation to that "body of death," the infamous League of Nations, whereby Uncle Sam was to become the Santa Claus for the nations of the earth, but now when they are reminded of this fallacy, verily, they are as silent as the Sphinx.

There is only one issue to which they have remained steadfast, and that is the issue of free trade, and they are rapidly abandoning this un-American doctrine.

Contrast this dismal record of exploited and exploded issues with the sound, conservative, and consistent record of the Grand Old Party of Lincoln. It has never been necessary for the Republican party to "eat crow," Mr. Toastmaster. Unlike the sergeant that shot and then hollored "halt," or the passenger riding backward on a train not seeing anything until he had passed it, the Republican Party has not taken a position until the logic thereof has been thoroughly investigated and determined. It has advocated Federal aid for public health, for education, for highways and other internal development, and behold the result. It stood for the Union, it demanded a gold standard for our monetary system. It believes in a strict and vigorous nationalism as against a partnership with the discordant, intriguing and heterogenous nations of the Old World. Mr. Toastmaster, we are not only opposed to the iniquitous League of Nations but we are equally opposed to the so-called World Court. In my humble opinion, the World Court is a cleverly camouflaged back-door entrance to the league and is, therefore, a delusion and a snare. I am opposed to this Nation entering the league in any shape, form, or fashion, be it by the front door, back door, cellar, or attic. I believe the doctrine of Washington, "friendly relations with all nations, entangling alliances with none," was never more applicable and vital than now. The Republican Party stands 100 per cent for a protective tariff of the old McKinley type to protect the American wage earner against the pauper labor of the Old World. Our protective tariff policy, Mr. Toastmaster and friends, has been the sheet anchor of this Nation, but for which the wage scale and standard of life in America would have long since been on a level with that which prevails in European countries. If I had my way, Mr. Toastmaster, I would build a tariff wall so high that the commodities manufactured in the sweat shops by the pauper labor of foreign lands could never enter our borders in competition with the product of the sweat and toil of the independent wage earner of America.

My friends, if the Republican Party has done nothing else, it has performed two major services during the past decade that has or should place the American people under everlasting obligations to it. First, it rescued this Nation from the slimy tentacles of that hydraheaded international octopus—the damnable League of Nations. By this service, it prevented Uncle Sam from becoming an international gendarme, saved millions of American boys from death and disease incident to military service on foreign soil, and the American taxpayer from the billions which would have been spent in carrying out our obligations under the terms of this nefarious pact. Fully mindful of the widows' weeds and the mothers' heart, the Republican Party is committed to stand as with face of flint against this unholy monstrosity.

Second, sensing the danger of unrestricted foreign immigration the Republican Party sponsored and passed immigration legislation which has reduced to a minimum this great menace to the well-being of America. When it appeared that our country was about to become the dumping ground and the melting pot for the scum of Europe, the Republican Party, like a giant refreshed with wine, stepped forward and called a halt to the hordes from across the sea who were threatening to deluge our fair land and fill our prisons, our hospitals, and other eleemosynary institutions with the criminal, the diseased, and the pauper dregs from foreign lands. What the protective tariff is to American industry, our immigration policy is to the American laboring man.

But they say, Mr. Toastmaster, that the Republican Party is partial to big business. The Republican Party is partial to all business, big and little, old and young. The Republican Party realizes that there can be no real prosperity if business is hampered and embarrassed by governmental interference. We stand, therefore, for less government in business and more business in government. And so far as I am concerned, my friends, I would rather belong to a free party that acknowledges its interest in business, be it ever so big, than to belong to a party that is in the financial bondage of one man who bought it with his filthy lucre, and who brazenly boasts that he only purchased it to use it to destroy the eighteenth amendment and reenthrone the damnable liquor traffic in the United States.

I realize that the Democratic Party would like to rid itself of this incubus, but like the old man of the sea, it is powerless to free itself. Raskob has the money bags, and Raskob and his associates will continue to direct the conduct of the Democratic donkey. The party of Jefferson and Jackson is in the middle of a bad fix. It is damned if it does, and doubly damned if it does not. It is in the same predicament as the two fellows that encountered a ferocious bull while passing through a pasture field. One of the men was wearing a red shirt which greatly agitated the bovine. With horns in the air and with tail hoisted, the excited bull made a dash for the two men when one of them scampered up a tree and the other sought refuge in a near-by cave. The bull rushed up to the mouth of the cavern and began to bellow, paw up the earth with his hoofs and sharpen his horns on the near-by saplings. The fellow in the cave would ever and anon emerge to the mouth of the cave and peek out. The bull would make a vicious rush at him and he would retreat into the cave again. Finally he appeared at the mouth of the cave, when his associate, who was safely enconsced amidst the branches of the tree, yelled out to him: "Why don't you stay in the cave, John, until the bull subsides and goes away?" "Stay in the cave, the devil," yelled back John, "there's a pack of wild cats in the cave."

While, of course, we regret to see our brethren in such an embarrassing situation, Mr. Toastmaster, they are responsible for their own predicament, and will, therefore, have to extricate themselves as best they can.

Up among the knobs of Union County, during my early boyhood I clerked in a country store run by my father. During autumn days it was the practice of the hill billies ("one of which I was whom") who resided in that community to assemble around a dilapidated wood stove in the store to chew hillside navy tobacco and talk politics and religion. Ever and anon, during the discussion, they would project the ambier in great gobs on the little red-hot stove and the fumes therefrom would ascend toward the rafters like the incense from a pagan altar.

One cold November day, old Uncle Billie Hooper was engaged in a very heated discussion with some of his pals on the good old hard-shelled Baptist doctrine of foreordination, when two of his neighbors rushed in, greatly excited, and said, "Uncle Billie, while passing by your cabin a few minutes ago we saw a wild cat jump through the window and such a commotion as followed we have never heard before in all our born days. You had better rush home and rescue your wife from the assault of that terrible catamount." Uncle Billy didn't seem the least bit disturbed. Giving his hillside navy a violent cut he turned to the bearers of the wild-cat message and said: "Did you fellers scare that cat into my cabin?" They both solemnly disclaimed any connection whatever with the event. "He just went in thar hisself of his own notion, did he?" said Uncle Billy. "Yes," responded his informants. Settling back in his chair and discharging a large installment of tobacco juice on the stove, Uncle Billy exclaimed: "Well, jist let that ar wild cat take care of his self then." Mr. Toastmaster, so be it with our Democratic brethren in this present dilemma.

My friends, in concluding my remarks to-night, I think it would not be inappropriate in this day of more or less nullification to call attention to the high regard in which the martyred Lincoln held the majesty of law and order. Lincoln was great because of the virtue of humility. From childhood to the grave he was willing to bow to authority—the authority of the law—the authority of God. He believed that the fundamental virtue of good citizenship is humility; that humble submission to legally constituted authority is the highest expression of patriotism. How like a clarion bugle call is this sublimely eloquent utterance of his: "Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of seventy-six did to the support of the Declaration of Independence, so to the support of the Constitution and laws, let every American pledge his life, his property, and his sacred honor. Let every man remember that to violate the law is to trample on the blood of his father and to tear the character of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in the schools, the seminaries, and in the colleges; let it be written in the primers, in spelling books, and almanacs; let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in the courts of justice. In short, let it become the political religion of the Nation."

Mr. Toastmaster, it has indeed been a great privilege and no ordinary pleasure to be here on this auspicious occasion and participate in these beautiful, impressive, and inspiring patriotic exercises.

NORTH PLATTE RIVER COMPACT BETWEEN COLORADO AND WYOMING

Mr. EATON of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a copy of contracts in relation to water rights in the North Platte River.

The SPEAKER. Without objection it is so ordered.

Mr. EATON of Colorado. Mr. Speaker, for several years the attorneys general, water commissioners, and State engineers of the States of Colorado and Wyoming have been conducting negotiations leading to a compact between those States concerning the use of the waters of the North Platte River. In this, H. R. 17163, is included an appropriation of $75,000 for continuance of investigations of the Seminole Dam and Reservoir and other possible storage sites and power development in connection with proposed and existing reservoirs on the North Platte River and its tributaries in Wyoming.

I am informed that it is not the intention of either of the States or the Bureau of Reclamation to interfere with the negotiations of the representatives of the States or to in any manner create new or different rights or a status different from that which was in existence when the Legislature of the State of Wyoming adjourned a few days ago.

On account of various reasons not entirely within the control of the States' representatives it was impossible to complete a compact for submission to the session just closed of the Wyoming Legislature, and although the Colorado Legislature has not adjourned, no good purpose would be served by submitting any question to it until the minds of the parties have met.

The attorney general of the State of Colorado, Hon. Clarence L. Ireland, and its commissioner, Hon. Delph E. Carpenter, have requested that the text of the Senate amendment be itself amended by adding thereto the words "that nothing done in pursuance hereof or under the authority hereof shall be construed to initiate or enlarge or constitute any water right or appropriation of water or any priority of water whatever," and I am glad to note that the chairman of the Appropriations Committee has incorporated those words in the amendment which was submitted to and concurred in by the Senate.

For the information of all parties concerned in the several States interested (the State of Nebraska is also interested in the disposition of the waters of the North Platte) I submit herewith the text of the draft of the North Platte River compact, which is now under discussion.

COLORADO'S THIRD DISCUSSION DRAFT OF NORTH PLATTE RIVER COMPACT

This draft embodies articles commonly accepted and redraft of Articles VI, VII, VIII, X, etc., involving matters particularly under discussion. It is submitted without commitment by either State.

The States of Colorado and Wyoming, desiring to remove all causes of present and future controversy between them and among their citizens and water users with respect to the waters of the North Platte River, and, being moved by consideration of interstate comity, have resolved to conclude a compact for those purposes and have named as their commissioners:

Delph E. Carpenter, for the State of Colorado, and John A. Whiting, for the State of Wyoming, who have agreed upon the following articles:

ARTICLE I

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the North Platte River; to establish the relative importance of definite beneficial uses of the water; to promote interstate comity; to preserve the autonomy of the signatory States; to so conserve and use the waters of the river as to obtain maximum benefits; to promote peaceable and expeditious agricultural and industrial development; and to promote the general welfare of each of the signatories.

ARTICLE II

As used in this compact:

The signatory States are designated as "Colorado" and "Wyoming," respectively.

The term "North Platte River" means the northerly branch of the Platte River, together with all tributaries except the Laramie River and Sand Creek.

The term "Laramie River" means that stream which rises in Colorado, flows into Wyoming, and joins the North Platte River near Fort Laramie, Wyo., together with all tributaries.

The term "Sand Creek" means that stream which rises in Colorado, flows northerly into Wyoming, and joins the Big Laramie River in section 5, township 14 north, range 74 west.

The term "Encampment Creek" means that tributary of the North Platte River which rises in the northwesterly part of Jackson County, Colo., and flows thence into Wyoming, where it joins the North Platte River in township 16 north, range 83 west.

The term "Big Creek" means that stream which rises in Colorado, flows into Wyoming, and joins the North Platte River in section 20, township 14 north, range 81 west.

The term "domestic use" means all ordinary household, culinary, and other domestic uses incident to residential properties, street sprinkling, sewer flushing, watering of parks and lawns, uses of water by cities through water-works systems and transportation purposes, but shall not include the use of water for the generation of power.

The term "power" as applied to the use of water means use for the development of electrical or any other form of energy.

The term "divert" or "diversions," when referring to water in the channel of a stream, means the taking or removal of water from the channel by canals or by other methods, and "point of diversion" means the point or place at which water is taken or removed from the channel of the stream.

The term "North Park Reservoir site," sometimes known as the "Northgate site," means approximately that channel reservoir site in the valley of the North Platte River, near the point where said river flows from North Park in Colorado, and heretofore surveyed and thereafter delineated upon the map and statement of the North Park Reservoir and Interstate Tunnel, consisting of two sheets, approved by the State engineer of Colorado, May 3, 1907, being filing No. 3613 of the files in the office of said State engineer, and the dam site whereof is delineated upon sheet 2 of said map.

The term "tributary to the North Platte River" means any stream which naturally contributes water to said river.

The term "North Park" means that area in Colorado drained by the North Platte River and its tributaries, exclusive of the Laramie River and Sand Creek, and is coextensive with the territory included within the boundaries of Jackson County, Colo.

The term "storage depth," as used with respect to reservoirs, means the depth to which water may be impounded in such reservoirs above the bed of the stream or above a given point.

The term "beneficial consumptive use" of water means the amount of water consumed or lost to the stream system during beneficial uses. It usually refers to the difference between amounts of water diverted from and amounts returning to the stream system with respect to uses within the drainage basin; and it means the total amount of diversion of water where uses are without the drainage basin of the stream system.

ARTICLE III

The rights of Colorado and Wyoming to the use of the waters of the Laramie River and of Sand Creek are not affected or impaired by this compact.

ARTICLE IV

Where the name of a State is used in this compact as a party thereto it shall be construed to include the citizens corporations, districts, administrative departments, bureaus, political subdivisions, agencies, persons, permittees, and all others using, claiming, or in any manner asserting any right to the use of the waters of the North Platte River and/or its tributaries within said State, except as in this compact provided.

Any administrative department, bureau, political subdivision, agency, district, corporation, association, citizen, person, or permittee authorized by or under the law of a signatory State, and all others using, claiming, or in any manner asserting any right to the use of waters of the North Platte River and/or its tributaries within said State, shall be subject to the duties and obligations of such State in this compact.

ARTICLE V

(1) The North Platte River and tributaries are nonnavigable.

(2) Subject to the provisions of this compact, water of the North Platte River may be impounded and/or used for the generation of power, but such impounding and/or use at all times shall be subservient to the use and consumption of such water for domestic and agricultural purposes and shall not interfere with or prevent uses for such dominant purposes.

(3) Uses of water for agricultural and power purposes shall be subservient to uses for domestic purposes.

ARTICLE VI

(1) Colorado grants to Wyoming the right to construct, maintain, and operate a reservoir and power plant at the North Park Reservoir site, under the terms of this compact and the laws of Wyoming, with a storage depth of not to exceed 120 feet above the natural bed of the North Platte River at the dam site of said reservoir, or to such other storage depth as the State engineers of the signatories hereafter may agree to be necessary to provide storage capacity sufficient to provide for full utilization of the waters there available to Wyoming for domestic, agricultural, and power purposes; and grants to Wyoming the right thereby to divert, to impound, and to discharge waters and to regulate the flow of the river for the use and benefit of Wyoming, as herein provided; and further grants to Wyoming the right to acquire, by purchase, prescription, and/or exercise of the right of eminent domain, such rights of way, easements, lands, franchises, and/or other property as may be necessary or convenient for the construction, maintenance, and/or operation of said reservoir and power plant; subject, however, to the reservations and limitations and upon the conditions expressed in this article, which are and shall be limitations upon and reservations and conditions running with the rights and privileges hereby granted:

(a) Authorization, construction, and/or operation of such reservoir and power plant, and the regulation, storage, release, and uses of water by means thereof and issuance of permits or licenses therefor shall be under the jurisdiction and control of Wyoming and shall be governed by the laws of Wyoming and by this compact, and uses of water stored in said reservoir or discharged through said power plant shall be permitted only upon license or permit issued by the State engineer of Wyoming.

(b) Colorado reserves jurisdiction with respect to the game and the fish upon and within said reservoir, and lands adjacent thereto, upon condition, nevertheless, that the exercise of such reserved jurisdiction shall not interfere with use, operation, and/or regulation of the reservoir and appurtenant works for storage and discharge of waters for any of the uses in this compact provided.

(c) The reservoir shall be so constructed that works for the generation of power may be installed and operated at or below the dam in Colorado or Wyoming, and the signatories consent that such power plant may be constructed and operated at the most feasible location in either State and consent to the use at said power plant of waters flowing to Wyoming under this compact and to the taking and occupancy of lands and other property necessary therefor (including transmission lines) and agree that each State shall have a preferred right to purchase and to resell one-half the power generated at the power plant upon condition that such uses of water stored in said reservoir shall be subservient to the dominant uses of water for domestic and agricultural purposes in Wyoming.

(d) The construction and operation of said reservoir and/or power plant and/or the storage in, regulation of, and discharge therefrom of any waters and/or use of such waters in either Colorado or Wyoming, shall not constitute an appropriation of waters under the laws of Colorado and shall not constitute or become or be asserted by Wyoming or its permittees or by the person, bureau or agency constructing or operating said reservoir and/or power plant or using waters by means thereof, as the basis of claim of any prior, preferred, or superior servitude upon or right to the use of the waters of the North Platte River in North Park at and above the reservoir or as against any user of water in Colorado.

(e) Said reservoir shall be used exclusively by Wyoming, for the storage of water and regulation of river flow for domestic, agricultural, and power uses; shall be controlled and administered the same as if the said reservoir were located within Wyoming; and shall be subject to the laws of Wyoming as regards the protection of other users or appropriators of water from the North Platte River in Wyoming.

(f) Just compensation shall be made for all property taken or injured in Colorado by the construction, maintenance and/or operation of the reservoir, power plant, or appurtenant works, and substitute railroads, highways, and other similar works of equal utility, availability and permanence shall be constructed and provided, without damage or expense to Colorado or the owners, in lieu of any railroad, main public highways, or other similar works injured, submerged or destroyed by construction, maintenance and/or operation of said reservoir, power plant, and appurtenant works, previous to such injury or damage.

(g) Save as herein expressly granted, Colorado reserves sovereignty and jurisdiction over said reservoir and appurtenant works and over the lands and property occupied thereby or used in connection therewith.

ARTICLE VII

(1) Colorado consents that Wyoming may construct, maintain, and operate reservoirs upon Big Creek and Encampment Creek, and upon tributaries of said streams, at the Colorado-Wyoming boundary, for beneficial uses in Wyoming subject to paragraphs (2) and (3) of Article V of this compact; and consents that Wyoming may construct, maintain, and operate feeder canals in Colorado, connecting tributaries of said streams for supply of said reservoirs; and Colorado grants to Wyoming the right to acquire by purchase, prescription, and/or exercise of the right of eminent domain or otherwise, such rights of way, easements, lands, and/or other property as may be necessary or convenient for the construction, maintenance, and operation of such reservoirs and feeder canals in Colorado.

(2) Colorado agrees that diversions, storage, and uses of waters of said creeks by means of said canals and reservoirs shall be recognized, protected, decreed, and administered by Colorado as appropriations of water in Colorado in the same manner as though said reservoirs were situated wholly in Colorado and the uses of water thereby were made in that State; and further agrees that certificates of the Wyoming official having final jurisdiction of adjudication of priorities of appropriation of the waters of said streams in Wyoming, of the respective dates and amounts of the appropriations of water perfected by said reservoirs in Wyoming, shall be admissible before the courts of Colorado as evidence of the respective dates and amounts of the appropriations of water by means of said reservoirs and feeder canals in Colorado.

(3) The provisions of this article shall apply exclusively to the waters of Big Creek and Encampment Creek and their tributaries.

ARTICLE VIII

The signatories agree that Colorado reserves and shall have the perpetual, exclusive, and unrestricted beneficial consumptive use of one-half the natural water supply of the North Platte River originating in North Park, in Colorado, reckoned in periods of 10 consecutive years in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact; and that said waters may be used within and/or without the drainage basin of the North Platte River in North Park.

(2) Wyoming undertakes that the use of waters by Colorado under paragraph (1) of this article shall be free from all claims to waters by Wyoming or caused by depletions of the water supply of the river due to diversions, storage, and/or uses of water by projects hereafter constructed in Wyoming or at the North Park reservoir site.

ARTICLE IX

Should any claim or controversy arise between the signatory States, (1) with respect to the waters of the North Platte River not specifically covered by the terms of this compact, (2) over the meaning or interpretation of any of the terms of this compact, (3) as to the construction or operation of any works to be situated in both States or to be constructed in one State for the benefit of the other State, (4) or as to the diversion of waters in one State for the benefit of the other State, the governors of the signatory States, upon request of one of them, shall forthwith appoint commissioners with power to consider and adjust any such claim or controversy, subject to ratification by the legislatures of the signatory States. Nothing in this article contained shall prevent the adjustment of any such claim or controversy by direct legislative action of the States or be construed to limit or prevent any State from instituting or maintaining suit to protect any right under this compact or to enforce any of its provisions.

ARTICLE X

(1) The State of Colorado shall cause to be established and maintained, without expense to Wyoming, gaging stations on each transbasin diversion from the North Platte River drainage basin in North Park to adjacent drainage basin areas and shall render weekly to the State engineer of Wyoming a report showing the quantity of water diverted daily during the preceding week, unless prevented by weather or other causes beyond the control of Colorado officials.

(2) The State engineer of Colorado and the State engineer of Wyoming are hereby authorized by joint agreement to make, revise, promulgate, amend, and enforce rules and regulations for the proper execution of the terms of this compact not inconsistent or in conflict with its provisions or with the laws of Colorado or Wyoming, and such rules and regulations shall be binding until amended by agreement between them or until terminated by written notice from one to the other.

(3) The State engineer, division engineer, water commissioner, or other official authorized by Colorado law to administer diversions from the North Platte River in Colorado and the State engineer, water superintendent, water commissioner, or any other official authorized by Wyoming law to administer diversions of water from the North Platte River in Wyoming, each within his own jurisdiction as defined by the laws of the signatory State or this compact, shall enforce the provisions of this compact and the rules and regulations for the execution of the terms thereof.

ARTICLE XI

Whenever any official of either State is designated to perform any duty under this compact such designation shall be interpreted to include the State official or officials or the person or persons upon whom the duties now performed by such official may hereafter devolve.

ARTICLE XII

(1) Regulation, diversions, storage, and/or uses of waters of the North Platte River in Colorado and Wyoming, by whomsoever made, shall be subject to this compact.

(2) Except as otherwise provided in this compact, the intrastate use, control, distribution, administration, and disposition of the waters of the North Platte River within each signatory State shall be governed by the laws of that State.

ARTICLE XIII

The signatories, for their common welfare, agree to cooperate: (1) In the development of the water resources of the North Platte River within both States, particularly along the upper reaches of the stream and its tributaries; (2) in securing the construction of canals and reservoirs for the conservation and utilization of the waters of the North Platte River in both Colorado and Wyoming; (3) to prevent unnecessary waste of water; (4) to equalize stream flow; (5) to facilitate and promote return and repeated use of waters diverted; (6) and to promote maximum benefits from uses of water.

ARTICLE XIV

The physical and other conditions peculiar to the North Platte River and to the territory drained and served thereby and to the construction and operation of works for the use of the waters thereof constitute the basis for this compact, and the signatory States agree that the conclusion of this compact shall not establish any general principle or precedent with respect to other interstate streams.

ARTICLE XV

This compact may be terminated or amended by concurrent legislative action of the signatory States or by compact between them. In the event of such termination all rights and obligations which a duly certified copy shall be forwarded to the governor of compact shall remain unimpaired.

ARTICLE XVI

This compact shall be in full force and effect as of the day of its execution, when it shall have been approved by the legislature of each of the signatory States and by the Congress of the United States.

Notice of approval by the legislature of each signatory State shall be given by the governor to the governor of the other State and to the President of the United States, and the President of the United States is requested to give notice to the governors of the signatory States of approval by the Congress of the United States.

In witness whereof the commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America, and of which a duly certified copy shall be forwarded to the governor of each of the signatory States.

Done at ---------- this ------ day of ----------, A. D. 1931.

MEMORANDUM

Article VIII in the foregoing draft takes the place of Articles VII and VIII in the draft of February 12. These read as follows:

ARTICLE VII

Colorado agrees that the maximum annual diversion of water from the drainage basin of the North Platte River within North Park in Colorado, without previous consent of Wyoming, shall not exceed 30,000 acre-feet of water and that all other uses of waters of the North Platte River in Colorado shall be confined to North Park.

ARTICLE VIII

Subject to the provisions of this compact, Colorado reserves and shall have the first, preferred, unrestricted, and unlimited use of the waters of the North Platte River within North Park in Colorado, and Wyoming agrees to such reservation and use by Colorado, and undertakes that such use shall be free from all claims to water by Wyoming and/or from all claims to water directly or indirectly caused by or resulting from diversions, storage, and/or uses of water in Wyoming.

ATLANTA CENSUS DECISION—AUTHORITIES AND DUTIES OF THE DIRECTOR OF THE CENSUS CONSTRUED

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the subject of the Federal census of 1930, and to include as a part thereof a copy of the recent decision of the Court of Appeals of the District of Columbia construing the powers and authority of the Director of the Census.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker and colleagues, the taking of the Federal census is a tremendous task. The 1930 census enumerations and compilations have been and are of the most complex and far-reaching character. Dr. W. M. Steuart, Director of the Census, and his able staff and organization have done, and are doing, their work in regard to this census in the most thorough and able manner possible. The final result will be a mass of data, accurately and exhaustively assembled and classified, that will constitute the last word in every field thereby covered. The methods employed are those which insure verity and precision, and the figures and data for this decennial census will reflect in the fullest and fairest manner the facts involved.

The published reports of the Bureau of the Census reveal a total population of continental United States of 122,775,046; in our outlying possessions, 14,233,389; or a grand total of 137,008,435. The census of 1920 disclosed a population in continental United States of 105,710,620; in our outlying possessions, 12,112,545; or a grand total of 117,823,165. The urban and rural populations of continental United States, as shown by the Federal enumeration of 1920 and 1930, follow:

1920:	
Urban	54,304,603
Rural	51,406,017
1930:	
Urban	68,954,823
Rural	53,820,223

In 1920, therefore, 51.4 per cent of our population was urban and in 1930 our urban population was 56.2 per cent of the whole.

An interesting instance of the character of service rendered by the Census Bureau is indicated in its action concerning the enumeration and classification of the city of Atlanta and its municipal neighbors. The Georgia metropolis, as we know, is one of the most enterprising and progressive cities of the Nation. Among all of our rapidly growing and ambitious urban centers there exists more or less friendly rivalry. Each desires to surpass its competitors in wealth, industry, and population. The city of Atlanta sought to have its 1930 enumeration include certain contiguous cities and communities as a single enumeration, at least one of these other cities being Decatur, which is located in a county other than that in which the city of Atlanta is situated. Atlanta based its claims, in this behalf, on the provisions of the act of the Georgia State Legislature of August 17, 1929, which sought to establish a so-called municipality of Atlanta by including therein, in addition to the city of Atlanta, 5 other cities and 15 incorporated communities, covering, in the aggregate, 184 square miles.

On June 18, 1929, the date whereon the fifteenth decennial act (of Congress) was approved, there was but one Atlanta, covering about 34 square miles of territory. The area of this "Greater Atlanta," as the Director of the Census pointed out, is exceeded only by that of three other cities of the United States, namely, Los Angeles, with a population of 1,238,048; Chicago, with a population of 3,376,438; and New York, with a population of 6,930,446.

The Georgia act further provides that for its purposes these various cities shall be referred to as "boroughs," but that it shall be unlawful to refer to them as "cities." Each unit under the act maintains, separate and distinct from the city of Atlanta proper, and from each other, taxing, school, police, fire, and other usual and necessary municipal activities. It would appear, therefore, that the major purpose of the endeavor to create a "Greater Atlanta" was to swell the Atlanta population for the benefit which such increase might yield to an enterprising community which knows very well, indeed, how to avail itself thereof in advertising to the world its growth and prosperity.

The Director of the Census, whose sole desire is to have the census reflect the facts fully and fairly, was unwilling to include the population of all these units under the single title of "Atlanta." The claims for such inclusion were urgently presented, and it is to the director's credit that he resisted them and took the action that not only does justice to Atlanta itself, but, as well, to every other city of the country. More than this, his treatment of the subject maintains and preserves the integrity of the census of the Nation as a whole and that of the entire policy of census making. Had he yielded upon this point, the next census would have had but small value so far as urban centers might be concerned, for with the unwise precedent once established nearly every city of the country would be tempted in self-defense to resort to fictional methods to extend its boundaries and to increase its population.

The result of such practices on a nation-wide scale may be well imagined. I have opposed them.

The Director of the Census in his official publications has indicated the population of Atlanta to be 270,366, and has appended a footnote setting forth the facts as regards the act of the Georgia Legislature already cited, with a detailed statement of the population of the various units comprised in the so-called "municipality of Atlanta." Thus the facts involved are fully set forth in a manner which is fair to all concerned.

Under this treatment the city of Louisville, Ky., continues as the second city of the South, with a population, as shown by the 1930 Federal enumeration, of 307,745. Its land area is something like 35 square miles, and the whole has but a single government, its taxing, school, police, fire, and other jurisdictions being the same throughout. New Orleans, with a population of 458,762, will continue as the first city of the South in point of population, and Houston as the third city, with a population of 292,352. Then among other southern cities, with a population over 200,000 each, there follow Atlanta, with 270,366; Dallas, with 260,475; Birmingham, with 259,678; Memphis, with 253,143; and San Antonio, with 231,542.

As a result of the action of the Director of the Census in regard to the Atlanta matter, there was filed in behalf of that city a suit in the Supreme Court of the District of Columbia petitioning for a writ of mandamus to be addressed to the Director of the Census commanding him to publish in all of the reports, schedules, bulletins, and lists which he should thereafter publish in regard to the population of Atlanta, the city's population as being 360,691; that is to say, the population of the city proper plus that of the added cities and communities already referred to. This action the director resisted, with the result that a decision was rendered by that court denying the writ and dismissing the petition. Thereupon there was taken from that decision an appeal to the Court of Appeals for the District of Columbia. The case was ably presented by both parties to the controversy, with the result that the last-named court recently rendered a judgment affirming the lower court, and submitted a formal opinion upon the issues involved.

Under leave given me to do so, there is included herewith a copy of that opinion.

Also, it may be noted that the Georgia Supreme Court recently held that the so-called "Greater Atlanta" is not a city or town within the meaning of the act of the State legislature regarding the operation of busses. An article appearing in the Atlanta Journal of February 26, 1931, refers to this decision. The article is hereinafter set forth:

[Copy of article published in Atlanta Journal of February 26, 1931]

The legality of the legislative act of 1929 creating "Greater Atlanta" out of the boroughs of Atlanta, Decatur, College Park, and other adjacent territory was questioned in a decision handed down by the Georgia Supreme Court Thursday.

The supreme court made no comment on the act except to set out the following language in the case of the Inter-City Coach Lines against William B. Harrison, comptroller general of the State of Georgia:

"The municipality of Atlanta created by the act of August 17, 1929, is not a city or town in the ordinary sense of cities and towns in this State and as used in the above provision of the motor carrier act."

Lawrence Camp, attorney for the Inter-City Coach Lines, operating between Atlanta and College Park, had raised the point that the motor bus act taxing and regulating bus lines specifically exempted busses operating "exclusively within cities and towns." He contended that as both the borough of Atlanta and the borough of College Park are included within the limits of "Greater Atlanta," the Inter-City company operated "exclusively within the limits of a city or town."

The supreme court, after ruling that greater Atlanta is not a city or town within the meaning of the bus act, upheld the legality of the bus-regulation measure and the amendment to the general tax act that fixed a tax upon motor busses and placed them under the jurisdiction of the Georgia Public Service Commission.

OPINION RENDERED BY THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA EX RELATIONE ATLANTA, A MUNICIPAL CORPORATION; THE GEORGIAN COMPANY, A CORPORATION; CONSTITUTION PUBLISHING COMPANY, A CORPORATION; THE ATLANTA JOURNAL COMPANY, A CORPORATION; HOTEL WINECOTT, A CORPORATION; ANSLEY HOTEL, A CORPORATION; HENRY GRADY HOTEL, A CORPORATION; PIEDMONT HOTEL, A CORPORATION; ROBERT FULTON HOTEL, A CORPORATION; HAVERTY FURNITURE COMPANY, A CORPORATION; AND IVAN ALLEN, APPELLANTS, *v.* W. M. STEUART, DIRECTOR OF THE CENSUS. NO. 5327

Appeal from the Supreme Court of the District of Columbia

Before Martin, chief justice, and Robb and Van Orsdel, associate justices.

The appellants, as plaintiffs below, petitioned for a writ of mandamus to be addressed to the appellee as Director of the Census, commanding that in all reports, schedules, bulletins, and lists which the director should hereafter publish purporting to give the population of Atlanta, Ga., he shall set forth such population at 360,691 as the true population shown by the census taken by him. An answer contesting the petition was filed by the director and the issue was heard upon the petition and answer. The lower court denied the writ and dismissed the petition. Whereupon this appeal was taken.

It appears that on June 18, 1929, an act of Congress was passed entitled "An act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress." (U. S. Stat., 71st Cong., Public No. 13, ch. 28.) The act provides, among other things, that a census of population shall be taken in the year 1930 in accordance with plans prescribed and approved by the Director of the Census (sec. 1). The census of population shall be taken as of April 1 (sec. 6). The Director of the Census is authorized to make requisition upon the Public Printer for such printing as may be necessary to carry out the provisions of the act, such as blanks, schedules, circulars, and other items, and also, in such editions as the director may deem necessary, preliminary and other census bulletins and final reports of the several investigations authorized by the act or the prior act to establish a permanent Census Office (sec. 13).

It was manifestly the legislative intent that the census should include a separate enumeration of the population of cities, for it is provided in section 6 of the act that in any city having 2,500 inhabitants or more under the preceding census the enumeration of the population shall be completed within two weeks from the commencement thereof. Moreover, it is public history that such a practice has prevailed for many years in the census service.

It appears that on August 17, 1929, about two months after the date of the above enactment by Congress the Legislature of the State of Georgia passed an act bearing the title "Atlanta: Incorporation of Municipality so Designated; Cities Included to be Known as Boroughs; Unincorporated Communities Included," etc. (Georgia Laws, 1929, Part III, Title I, Municipal Corporations, pp. 835 to 843.) This act incorporated within the area of the "municipality of Atlanta," as it had theretofore existed, five other cities, to wit, Decatur, Avondale Estates, Hapeville, East Point, and College Park, and 15 unincorporated communities. It was provided by section 3 of the act as follows: "That from and after the passage and approval of this act the charters of the cities of Atlanta, Decatur, Avondale Estates, Hapeville, East Point, and College Park, and all amendments thereto, for the purpose of this act only, are respectively amended so that wherever the titles of corporate names of said cities appear the word 'city' shall be stricken out and the word 'borough' inserted in lieu thereof. But it shall not be unlawful to refer to a borough as a city, and when the word city is used either in official documents or in contracts or private writings such irregularity shall not vitiate but the reference shall be understood to be the borough unless it is plainly intended otherwise."

The act provided that each of the old municipalities should be a borough of the new city, and that each should retain all of the governmental powers which it had previously possessed. Each separate borough, therefore, had the right to levy taxes, issue bonds, and grant franchises or licenses. Each borough also retained its own police powers and its control over its own schools, and generally retained all, or substantially all, of the governmental powers which it had previously possessed. The powers granted to the new city of Atlanta itself were meager, almost negligible, nearly all of the governmental powers being vested in the various boroughs. The act also provided that not earlier than the year 1939 a new charter should be provided for the consolidated municipality, which, however, should not go into effect until it was voted upon by the various boroughs.

The census enumeration for 1930 disclosed that the population of the boroughs constituting the consolidated city of Atlanta, taken separately, was as follows, to wit: Atlanta, 270,366; Avondale Estates, 535; College Park, 6,604; Decatur, 13,276; East Point, 9,312; Hapeville, 4,224; unincorporated communities Nos. 1 to 15, 56,174; the total population of this area accordingly being 360,691.

It appears that the director will publish a list of cities of the United States, including the city of Atlanta, in the order of their population as the same existed on April 1, 1930, and will continue to issue bulletins and reports showing the population of Atlanta as of said date, and it is his intention to state therein the population of Atlanta as 270,366, followed by the following footnote, to wit: "An act of the Georgia State Legislature, approved August 17, 1929, provides for the establishment of the 'municipality of Atlanta,' including therein, in addition to the city of Atlanta, 5 other cities and 15 unincorporated communities. The act further provides that 'for the purposes of this act only' these cities 'shall be known as boroughs,' but that it shall not be unlawful to refer to them as cities. The population of the 'municipality of Atlanta,' as thus defined, and of its constituent areas, is as follows:

Municipality of Atlanta	360,691
Atlanta, city or borough	270,366
Avondale Estates, city or borough	535
College Park, city or borough	6,604
Decatur, city or borough	13,276
East Point, city or borough	9,512
Hapeville, city or borough	4,224
Unincorporated communities Nos. 1 to 15	56,174

The appellants, consisting of prominent citizens and business men of Atlanta, who appear for the city as well as in their own right, insist that the director in all his bulletins and reports shall publish the population of Atlanta as 360,691, without the addition of the qualifying explanation proposed by him. They allege that the form adopted by the director is misleading and inaccurate, and will inflict great and irreparable injury upon Atlanta and its residents. They maintain that the size of a city, as made known by the census, exerts a great influence upon its trade and commerce and upon the value of the property of its citizens. They therefore pray for relief as aforesaid.

In his answer the director explains and defends his action as follows:

"The respondent likewise examined the act of August 17, 1929, and found that the so-called 'municipality' of Atlanta possessed none of the qualities or characteristics of any other city in the

United States. The act gave to the officials no governing power, nor could said officials levy taxes, issue bonds, or enact legislation or ordinances of any kind. The respondent on further examining said act found that the autonomy and powers of the various boroughs and other political units contained in the area in question had not been curtailed or affected in any way whatsoever by the act of the Georgia Legislature of August 17, 1920. The act in question did authorize, however, the mayor ex officio and the members of the common council, not earlier than 1930, to draft and submit to the Legislature of the State of Georgia a new charter providing for a consolidation of the governments of the constituent boroughs and unincorporated communities into one; but the act also provided that before any such charter went into effect it had to be submitted to and be voted on by the various boroughs."

It is our opinion upon the issue thus presented that the Director of the Census is acting within his authority, and that the lower court was right in refusing to issue a peremptory writ of mandamus against him.

It is true as claimed by appellants that cities are municipal corporations created by the authority of the State legislature, and that municipalities may be consolidated or portions set off from one and annexed to another at the will of the legislature. "The number, nature, and duration of the power conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the State. * * * The State, therefore, at its pleasure may modify or withdraw all such powers, * * * expand or contract the territorial area, unite the whole or a part of it with another municipality, repeal the charter, and destroy the corporation. In all these respects the State is supreme, and its legislative body, conforming its action to the State constitution, may do as it will, unrestrained by any provision of the Constitution of the United States." (Mount Pleasant v. Beckwith, 100 U. S. 514; Hunter v. Pittsburgh, 207 U. S. 161.) It follows, accordingly, that the area of a city and the density of its population are exclusively within the discretion of the legislature. (Kelly v. Pittsburgh, 104 U. S. 78.)

Upon the other hand, it must be remembered that the national census is exclusively within the authority of the Congress of the United States, and the Director of the Census has been designated as the administrative agency through which that authority shall be exercised. The director is necessarily invested with discretion in matters of form and procedure when these are not specifically provided for by law, and the exercise of this authority can not be controlled by State legislation. (McCulloch v. Maryland, 4 Wheat. 429; Johnson v. Maryland, 254 U. S. 56, 67.)

In this instance the director in the exercise of his discretion has decided that the legislative purposes respecting the census will be best subserved and the public more fully and more correctly enlightened by setting out a detailed statement of the circumstances when reporting the population of Atlanta. It is clear that this decision is not arbitrary or capricious, and it follows that the courts have no authority to interfere by mandamus with it.

"Mandamus is employed to compel the performance, when refused, of a ministerial duty, this being its chief use. It is also employed to compel action, when refused, in matters involving judgment and discretion, but not to direct the exercise of judgment or discretion in a particular way nor to direct the retraction or reversal of action already taken in the exercise of either." (Wilbur v. U. S., 218 U. S. 206, 218.)

The judgment of the lower court is affirmed.

GEORGE E. MARTIN,
Chief Justice, Court of Appeals of the District of Columbia.

It will be noted that the Court of Appeals for the District of Columbia holds that the action of the Director of the Census in the indicated matter is one to be determined in the exercise of his judgment and discretion; that his decision in the premises is not arbitrary or capricious; that he has pursued the course which he believed would best serve the purposes for which the census was undertaken; and that, therefore, the courts have no authority to interfere by mandamus with such action.

I believe the subject under discussion is of sufficient interest and importance to justify this treatment of it.

BRIDGE ACROSS THE OHIO RIVER AT MOUNDSVILLE, W. VA.

Mr. DENISON. Mr. Speaker, I call up the bill S. 6216, and ask to extend the time for commencing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va., authorized to be built by the Moundsville Bridge Co., its successors and assigns, by an act of Congress approved March 1, 1929, heretofore extended by act of Congress approved May 19, 1930, are hereby further extended one and three years, respectively, from March 1, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. STAFFORD. Reserving the right to object, I notice on the calendar two bills which, instead of being bridge bills, provide for tunnels under the Delaware River, one from South Philadelphia across to Gloucester, and another from Wilmington across to some point near Salem, N. J.

The gentleman from Pennsylvania [Mr. WELSH] remained here when the calendar was under call on last consent day, hoping that the bill relating to the tunnel between Philadelphia and Gloucester would be reached. It has not been called up by the gentleman in charge of the bill, and I would like to know whether there is any opposition to either of the bills.

Mr. DENISON. I know of no opposition to either of them. There was opposition for some time, but finally the public officials of Pennsylvania and New Jersey reached an amicable agreement, and since that time I know of no opposition. I would have called them up if the parliamentary situation would have allowed.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman so deeply interested in having the bills called up for consideration.

Mr. WELSH of Pennsylvania. I appreciate the gentleman's kindness in these matters, because if these matters had been brought out the construction of one of these tunnels would have been begun within the next 14 months. They are much needed. I will say that the various elements interested on both sides of the river in connection with both tunnels have harmonized their differences. The bills are now on the Speaker's table waiting for recognition. They have been most carefully drawn. The rights of the public have been well protected, and the rights of the investors are also protected. My colleague, Congressman WOLVERTON of New Jersey, and I assisted the committee in drawing the bills, and the committee reported them unanimously. I think they are the last word in legislation of this kind. It is my hope that the parliamentary condition in the Senate will permit of these bills being passed, so that I may claim recognition before we adjourn. I understand that there is a filibuster on in the Senate.

Mr. STAFFORD. If I understand the legislative status, it would be of no avail to have the bills considered at this time.

Mr. WELSH of Pennsylvania. No; but I am waiting now, and if anything happens I would ask to be recognized.

Mr. STAFFORD. I am very sympathetic to these proposals, as I am acquainted with the situation. Any bridge would meet with opposition, but the tunnels would not.

Mr. WELSH of Pennsylvania. That is true; and I appreciate the gentleman's kindness.

Mr. PATTERSON. Is the work already on the way; has it begun?

Mr. DENISON. Yes.

Mr. STAFFORD. The gentleman will remember that this week we passed a bill, which has become a law, by which the State of West Virginia is going to take over all these private toll bridges—a unique position in the history of bridge legislation in this country.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va., authorized to be built by the Moundsville Bridge Co., its successors and assigns, by an act of Congress approved March 1, 1929, heretofore extended by act of Congress approved May 19, 1930, are hereby further extended one and three years, respectively, from March 1, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ADDRESS OF HON. WILLIAM R. DAWES

Mr. DENISON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address delivered by Mr. William R. Dawes, on waterways and railways.

The SPEAKER. Is there objection?

Mr. GRIFFIN. Mr. Speaker, reserving the right to object, the gentleman from Connecticut [Mr. TILSON] made a request the other day that all Members have the right to extend their own remarks in the RECORD. Does not that include every application of this kind?

The SPEAKER. The Chair has explained several times that general leave given by the House for extension of remarks includes only the Members' own remarks and does not include statements and addresses by other people.

Mr. GRIFFIN. I have in mind to ask unanimous consent to extend my own remarks. Is it necessary to make that application?

The SPEAKER. It is not. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DENISON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered by Hon. William R. Dawes, president of the Mississippi Valley Association, delivered before the Omaha Chamber of Commerce on Friday, February 13, 1931:

RAILWAYS, HIGHWAYS, WATERWAYS, AND SHIPPERS

We hear a great deal nowadays about the plight of the railroads. The press is full of statement and argument as to the reasons for the difficulties in which the railroads find themselves. Much is said as to the effect of so-called newer modes of transportation upon the business and revenues of the railroads, the general complaint being that the railroads are being discriminated against to their own detriment and to the advantage of the users of the highways and waterways.

No one denies that the revenues of the railroads have decreased these later years, due in some respect at least to changing conditions which the present business depression has made more evident and acute.

In this connection it is of interest to note a statement by a presumably railroad proponent. I have recently received a small pamphlet entitled "Railroad Equities—a Survey by John W. Barriger III, Vice President, International Carriers (Ltd.)," published November 20, 1930.

Referring to the drop in price of the stock of the Pennsylvania Railroad, he says: "There seems to be a widespread tendency to conclude that the drop in rail earnings has been due less to the general business depression than to a permanent and growing loss of rail traffic to competitive means of transport. Such conclusions are untenable." And, again, "The fears of competitive transport center around pipe lines, air and motor transport, and inland-waterway development. Each of these admittedly holds certain problems, but their potential dangers are greatly exaggerated in the public eye."

Such a note of optimism is welcome and encourages the belief that even among railroad authorities themselves there is a difference of opinion as to the existence or extent of the dangers that many railroad officials loudly proclaim threaten the efficiency and earnings of the railroads at the present time.

The Central West acknowledges its debt to the railroads in their earlier days of its development and would withhold no measure of praise for what the railroads have done. Without the pioneer spirit which built the railroads across the continent in the face of physical difficulties and dangers and their handicaps in securing funds in those early days, we would not now be enjoying the comforts and luxuries brought to us by the efficient railroad transportation of to-day.

The public has supported the railroads through all these years. The trade of merchants and manufacturers has made possible the earnings which have enabled the railroads to reach their present highly developed state of efficiency.

As an outgrowth of their peculiar and distinctive position in the transportation field the railroads have come to consider themselves as occupying a superior position and appear to believe that the business of the country should be handled by the railroads as a sort of natural right. This feeling of domination in the transportation field can be easily understood; but the railroads apparently have failed to give due recognition to changing business conditions, which affect transportation as well as all other forms of commercial activity. The manufacturer is continually under the necessity of meeting changed conditions and has learned to adjust himself speedily in order that he may preserve his business or be in a position to adopt the newer forms and materials of manufacture. Many businesses, due to new inventions, are obliged to discontinue their former efforts altogether, suffering the losses that naturally follow. Merchants, by good management and foresight, are sometimes able to make adjustments which will permit them to continue and to save a part at least of their original investment.

Many businesses to-day bear little resemblance to their beginnings 20 or 25 years ago. The mortality of business due to the inventive genius of the American people is sometimes startling. If the American people had not been able to meet these changes courageously, they would not witness to-day the magnificent progress made by the Nation in the last 100 years.

For example, while preserving all the benefits of competition the banks of to-day, particularly in the large centers, by cooperation among themselves have built up a financial structure unequaled anywhere in the world. They have oftentimes, through what amounts practically to capital loans to dealers in bonds, real-estate mortgages, and allied forms of investment, assisted in building up strong competitors in the very fields in which they themselves operate at the greatest profit. They have learned that cooperation with rather than antagonism to the newer forms of banking and investment finance proves to be of greater benefit to themselves and their communities.

This is something our railroad friends seem not to have been able to work out satisfactorily in their own field of activity.

HIGHWAYS

One of the most spectacular changes affecting transportation is due to the development and use of the motor vehicle.

The complaint of the railroads is not against the motor car per se, nor its use in personal or private business, but against the present operation of the motor truck and motor bus as common carriers. How much business has been taken from the railroads by the motor truck and bus probably can not be accurately ascertained. Presumably its volume is very considerable and a matter of grave concern to the railroads. The same is true of the passenger automobile in its relation to the passenger business of the railroads.

The claim is being made that the rates charged by the motor truck and bus do not include those allowances for taxes, upkeep, and depreciation comparable with similar allowances required of the rail carriers. They claim the truck and bus operate on a right of way furnished by the State or Federal Government, while the railroads operate on their own right of way, paid for from their own capital funds, and maintained at their own expense. Therefore, the demand is made that the truck and bus be required to make rates sufficient to pay taxes, interest, and capital charges covering the cost of paved highways—in other words, pay for their right of way.

An inquiry into the extent to which the automobile industry contributes to the payment of the modern paved highway discloses some interesting information.

The National Automobile Chamber of Commerce has issued a pamphlet entitled "1931 Edition Highway Tax Costs," by John E. Walker, former special assistant on taxation to the Secretary of the Treasury. The following tables appear (Tables I and II):

TABLE I.—*Sources of rural highway income, 1929*

	State	County and local	Total
General tax levy	$11,491,340	$414,152,567	$425,583,910
Appropriation	60,305,631	78,018,526	138,324,157
Motor-vehicle fees	278,092,704	51,886,324	329,979,028
Gas tax	287,268,416	70,492,878	357,761,294
Miscellaneous	11,726,508	36,228,366	47,954,874
Bonds	161,220,207	110,643,146	271,864,443
Federal aid	77,572,091		77,572,091
Total	887,616,026	758,413,807	1,646,030,433
Per cent	54	46	100

TABLE II.—*Highway expenditures by purpose, 1929*

	State	Per cent	County	Per cent	Total	Per cent
Construction	$557,400,625	69.7	$256,581,811	39.8	$813,982,436	56.4
Maintenance	173,660,321	21.6	260,477,801	40.4	433,538,122	30.0
Miscellaneous	5,524,358	.7	49,455,959	7.7	54,980,317	3.8
Equipment and machinery	18,056,509	2.3			18,056,509	1.2
Interest on bonds	45,834,531	5.7	78,277,070	12.1	124,111,601	8.6
Total	799,876,344	100.0	644,792,641	100.0	1,444,668,985	100.0
Per cent	55.4		44.6		100.0	

Motor-vehicle fees and gas tax above are the amounts used for construction and maintenance only and represent about 88 per cent of gross total collected in 1929.

It must be borne in mind that county and local (city, town, and village) highways are provided chiefly for local use and convenience and have only a limited competitive effect upon rail traffic. State highways being through thoroughfares, are the main object of complaint by the railroads as furnishing a "subsidized" right of way as against the privately-owned right of way of the railroads.

The charge is made that State highways are built largely by moneys derived from taxes and that the railroads contribute a substantial part of these taxes. The above tables indicate that the general tax levies and appropriations from current funds of all of the States have diminished to a comparatively small amount and with the exception of some of the less populated States will soon disappear entirely as furnishing funds for highway construction. Funds derived from motor licenses and gasoline taxes furnished in 1929 about 64 per cent of the total income for State roads and equaled more than the total amount spent in 1929 on construction of State roads.

The gross receipts from all special motor-vehicle taxes for 1929 are given as $779,479,997, which closely approximates the total expenditures on main roads aggregating $799,876,344, for the same period.

It is apparent that the motor vehicle is contributing a very substantial part of the cost of our hard roads, and these contributions, through payments of license fees and gasoline taxes, are likely to increase rather than diminish. It is also worthy of note that 21 States do not now levy general property taxes or make appropriations from current funds for State highways and, accordingly, there is no contribution by the railroads in these States for this purpose. Payments by the railroads for State highway construction are now negligible.

While asserting that motor-truck operations cost around 40 cents per mile, Mr. Barriger, vice president of International Carriers (Ltd.), states that: "The great development of trucking has been due to its economic advantages at terminals." These advantages, however, do not appear to be given consideration in estimating operating results in computations by railroad proponents. It is doubtful if their direct effect on motor-truck operations can be accurately shown, but manifestly the indirect benefits are very important.

WATERWAYS

It is not my purpose at this time to reiterate the arguments in favor of inland-waterway development. I believe the arguments are sound and will eventually be recognized as such by all transportation interests. The development of our inland rivers is not aimed at the destruction of any other form of transportation. It is believed, however, that where transportation can be made economically available to agriculture and industry alike in the Central West that the resultant increased prosperity will be shared by all major forms of transportation. In discussing the many questions which necessarily arise, both waterway and railway advocates should endeavor to avoid partisanship and prejudice and first seek to ascertain all of the facts as to both forms of transportation and give them weight according to their relative importance.

The Bureau of Railway Economics has issued a booklet entitled "An Economic Survey of Inland Water Transportation in the United States," published October 15, 1930. This survey discusses inland-waterway transportation at great length, but for the purposes of this occasion I desire to call attention to their statement and argument as to the expenditures of the Federal Government on the Missouri River and its tributaries alone.

"Missouri section

"The Missouri section, as that term is used in this survey, is made up of the Missouri River proper, the Osage and Gasconade Rivers, and certain other tributaries, the total navigable mileage of these rivers being 2,562 miles, all with a controlling depth of 4 feet or less. The rivers and harbors act, 1930, contemplates a depth of 6 feet for the Missouri River as far up as Sioux City, a distance of 807 miles from its mouth.

"The cost of navigation improvement on the Missouri section to June 30, 1929, was $41,709,087, and its traffic in 1928 was 995,520 tons. The total ton mileage was 5,901,273."

"The total navigation costs of $41,709,087 for the Missouri section, to June 30, 1929, may be segregated as follows":

Cost of new work	$31,599,878
Cost of maintenance	7,110,712
Operating and care of canals	148,655
Value of plant, materials, and miscellaneous	2,849,842
Total	41,709,087

The capital expenditures for "new work," exclusive of maintenance, amounted to $31,599,878, as of date June 30, 1929. It is interesting to note how this sum has been built up over a long period of years. (See Table III.)

TABLE III.—*Cost of new work, Missouri River, 1838–1929*

[Compiled from Report of Chief of Engineers, United States Army, 1929]

Project	History of project	New work, 1838–1929
The Missouri River, Kansas City to mouth, 308 miles.	Government snagging operations began in 1838. First plan for comprehensive improvement, 1882. Prior to 1902, $6,970,510.57 was expended. From 1902 to 1912, $289,592.82 was spent for new work.	$24,836,080
The Missouri River, Kansas City to Sioux City, Iowa, 409 miles.	The first work in this section in 1868. Regulation work, 1876. Systematic project for improvement 1882. Expended prior to 1927, $2,586,616.56 for new work.	2,934,002
Missouri River, Sioux City, Iowa, to Fort Benton, Mont., 1,478 miles.	The first project Aug. 14, 1876. Expended prior to 1908, $2,501,150.25 for new work and maintenance. Chief of Engineers report 1915, "Most of the early works were experimental and of cheap construction, and while they were often effectual, they rarely lasted more than one season, as the ice or drift brought about their destruction."	3,032,717
Osage River, Missouri.	The first work authorized Mar. 3, 1871, for channel deepening. In 1890 construction of lock and dam authorized. River is now (1929) in excellent condition as far as Linn Creek, affording channel depth of 2 feet.	658,075
Gasconade River	First appropriation June 14, 1880. 1916 removal of dam at Priors Bend authorized. 1929 navigation limited to 12-inch draft.	139,008
Total		31,599,878

Manifestly, a very considerable amount of these early expenditures have little, if any, effect upon the navigation program for the Missouri River as it is proposed to-day. It must be frankly admitted that large sums of money have been wasted in earlier years upon haphazard, piecemeal construction, doubtless authorized and prosecuted in part as a result of political influence or favoritism. Such amounts, whatever they may be, have no place in determining the present-day costs of river navigation. They are no more entitled to be fairly charged as a part of the capital structure of the Missouri River project than are the tremendous losses sustained by the railroads in the earlier years of their operation. It would be utterly unfair to the railroads to increase their capital structure by the amount that has been lost through waste, extravagance, and receiverships.

The point I wish to make is, that the waterway and railway proponents must be fair in statements if we are to arrive at a beneficial solution. Either party who unjustly seeks to discredit the other will suffer, both at the hands of the law-making bodies and the public.

SHIPPERS

In the final analysis the shipping and traveling public will make its own decision as to the relative merits of all forms of transportation and will determine for itself which form of transportation is best adapted to and most economical for its purposes. Traffic moving by various forms of transportation belongs to the business concerns of the country and will be offered for transportation to that agency which can make distribution at the lowest costs. This amounts practically to a vested right lodged in the public, for the simple reason that, in the last analysis, the public supports all forms of transportation.

Business men are interested primarily, so far as transportation is concerned, in low cost of distribution of goods, whether raw materials or manufactured products. They do not ask that trade and commerce shall be handled by any carrier at a loss. They do insist, however, that they are entitled to rates which will enable them to reach the markets of the world on a fairly competitive basis.

At present the Central West is served chiefly by one major form of transportation, which for various reasons not altogether under its own control is unable to furnish a transportation service which will permit a legitimate expansion in the trade and commerce to and from this territory. Business in this great mid area is suffering from both natural and artificial marketing handicaps and feels that it is justly entitled to relief.

Agriculture presents the most perplexing problem now before us. Artificial means looking toward immediate relief are of doubtful efficacy. At the same time, probably what is being done by the Farm Board will be worth the effort and cost in educational value, even if actual results do not measure up to its hopes. Ultimately, in all probability some cooperative or coordinated control of production and distribution will be devised which will protect the interests of the agricultural industry and preserve to the farmer and grower of livestock his opportunity to conduct his operations on a profitable basis.

The Federal Government has embarked upon a program of development of our inland waterways to determine the commercial feasibility of water-borne traffic on our inland rivers. Large sums of money have already been spent, and a great deal more money must be invested before it is possible to move any appreciable amount of traffic by water on our rivers. The business men of the country are anxiously looking to the completion of this great inland waterway system in the belief that it will afford an additional means of economic transportation. The shippers as a class constitute the most important group of taxpayers and are, therefore, meeting the principal costs of this inland waterway development. In my opinion this expenditure is not made with any hostile intent toward the railroads. Competition, however, is so keen nowadays that all business is interested in reducing the costs of distribution. It is the hope of waterway advocates that out of all this development there will come a coordination of the major forms of transportation to the benefit of both producer and consumer.

The railways, highways, waterways, and shippers should join in a concerted effort to promote the interests of agriculture and industry, to the end that they may bring about increased prosperity in the Middle West to the benefit of all concerned.

ADDITIONAL HOSPITAL FACILITIES FOR WORLD WAR VETERANS

Mr. LUCE. Mr. Speaker, I present a conference report upon the bill (H. R. 16982) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16982) entitled "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," having met, after full and free conference report to their respective Houses as follows:

That they have been unable to agree.

ROBERT LUCE,
RANDOLPH PERKINS,
EDITH NOURSE ROGERS,
J. E. RANKIN,
LAMAR JEFFERS,
Managers on the part of the House.

REED SMOOT,
JAMES E. WATSON,
DAVID A. REED,
PAT HARRISON,
WILLIAM H. KING,
Managers on the part of the Senate.

Mr. LUCE. Mr. Speaker, I move that the House recede and concur in the Senate amendment. [Applause.]

Inasmuch as but an hour and a half remains of the session, it is my judgment that there should be no long discussion of this matter, but that as quickly as possible, if the House votes to sustain the motion just made, the bill should be messaged to the Senate. However, it would be unfortunate if no time whatever was given to explaining the situation, because the House should vote understandingly. There is involved in this vote something very much more than the question of the amount of money, or the question of its immediate expenditure. There is involved here a principle that is of great importance. If memory serves me right as chairman of the subcommittee on hospitals, a subcommittee created soon after the main committee was established, it fell to me to report its first hospital bill, and unless memory deceives me, that bill was reported without any allocation. Again, if memory does not deceive me, the reports accompanying all hospital bills since then have contained allocations. These have not had the binding force of statutes, but they have been persuasive. Inevitably the Director of the Veterans' Bureau has followed the committee program and now, of course, he would follow any allocation. The principle involved, the principle in accordance with which for many years appropriations were made for rivers and harbors and for post offices, and which now has been dispensed with very largely in those two fields, has in its application to veterans' hospitals now met with opposition in the other branch. Matters having reached this juncture, I feel justified in saying that I do not believe in the allocation principle and never have believed in it, and, therefore, I shall shed no tears if the principle in the Senate bill is adopted. [Applause.] However, I felt it my duty in conformity with the genius, if I may so call it, of the committee of conference, to represent the House view, and I did so until it was manifested last night that a majority of the Members of the House had decided to abandon a position that I think can not be logically defended, and to accept the view for which I have fought for so long.

This bill, then, if my motion prevails, will go to the President with the House committed to the principle as set forth in the Senate report. That report says:

> Various construction programs were submitted to the committee, including estimates of needs furnished by the Administrator of Veterans' Affairs. Your committee, however, believes that the location of the new hospitals and homes and additions to existing hospitals and homes can better be left to the discretion of the Federal Board of Hospitalization, with the approval of the President. This board is composed of outstanding men, thoroughly versed in the subject of hospitalization and domiciliary care, who, after a comprehensive study, will be in a position to best locate the facilities authorized in this bill where they are most needed.

Let it be understood, therefore, that in the vote about to be taken all those who vote to support my motion will commit themselves to the definite policy that hereafter there will be no allocated hospital programs presented to this House. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. JOHNSON of South Dakota. Is it not true that the gentleman from Massachusetts [Mr. LUCE], the gentleman from New Jersey [Mr. PERKINS], and myself, and others on the Republican side of the Veterans' Committee fought most strenuously for the position which the gentleman has just stated, and that the allocation program was forced on us by the gentlemen on the Veterans' Committee on the Democratic side of the House, and that from this time on they are committed to the program that there will be no more like rulings?

Mr. LUCE. The gentleman states the truth exactly. [Applause.]

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Mississippi.

Mr. RANKIN. The statement of the gentleman from South Dakota [Mr. JOHNSON] is most ridiculous. It is the first time I have heard from him in a long time, except in his opposition to this very bill when we wanted to concur in the Senate amendments the other day.

Mr. Speaker, we Democrats have been in the minority on the Veterans' Committee ever since it was organized, and these allocations and this "pork-barrel" policy of which the gentleman is speaking, which they are now forced to abandon, was adopted by the Republicans on the committee.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. RANKIN. For the gentleman to rise now and attempt to mislead the country into believing that the minority, the Democrats, who constitute only one-third of the committee, is responsible for that pork-barrel policy, I repeat, is most ridiculous. [Applause.]

Mr. JOHNSON of South Dakota. There are on the floor of the House some very distinguished soldiers who were members of the Committee on World War Veterans' Legislation. They are from combat units. Among them are the gentleman from Alabama, Mr. JEFFERS; the gentleman from Tennessee, Mr. BROWNING; the gentleman from Missouri, Mr. MILLIGAN; the gentleman from Massachusetts, Mr. CONNERY. There are no gentlemen in the entire world, in my judgment, who have better combat records than those gentlemen, and to settle this matter I should like to have one of them get up and state that I did not state the facts accurately.

Mr. CONNERY. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield.

Mr. CONNERY. I will say to the distinguished chairman of the committee that I do not believe he stated those facts exactly accurately, because certainly the Democratic side of the committee being put in the position of forcing the allocations is absolutely wrong. The gentleman's memory is very faulty.

Mr. JOHNSON of South Dakota. I do not know exactly what the attitude of the gentleman from Massachusetts [Mr. CONNERY] was, but I do know what the attitude of the gentleman from Mississippi [Mr. RANKIN] was.

Mr. CONNERY. The minority of a committee can not control the committee. The gentleman knows that. I should like to say to my colleague from Massachusetts [Mr. LUCE] that, inasmuch as he has control of the time, I hope he will not talk much longer, although I would be pleased to listen to him, but I would like to see this bill made a law.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. LUCE. My associate on the committee, Mr. JEFFERS, is on his feet. I yield to the gentleman from Alabama.

Mr. JEFFERS. Mr. Speaker, it seems a very weak thing for the majority side, the chairman of the committee, to attempt, even if it were absolutely correct, on the floor of the House, to say that the minority side of a committee could formulate the policies of the committee while the committee was under his direction. Personally, let me say that I feel very strongly that the House of Representatives ought to retain within its power the right to say where this construction should be done. I regret sincerely to have to recede, but we are doing it for the sake of getting the bill passed.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. SIMMONS. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Did the gentleman not just a bit overstate the facts we are now committed to a definite policy? Are we not rather submitting to pressure beyond our control, and after all, has not the House of Representatives the veto on these allocations when they come in for appropriation, and can we not hereafter write bills definitely allocating the hospitals?

Mr. LUCE. If the gentlemen on the conference from the other branch were sincere in their declarations, and in my judgment they were, there will never be another allocation bill pass this Congress as long as they are Members.

Mr. SIMMONS. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. SIMMONS. I think a large majority of the membership of the House who have studied the veterans' situation are in accord with the idea that a hospital board, nominally under the direction of the President, but actually under the direction of a board of men who know hospitals and their needs, should be the deciding body for the allocation of the hospitals. I would suggest to the gentleman that it is only 20 minutes until 11 o'clock. Let us spend some of the other time to discuss the question of policy, and I suggest that we have a motion for the previous question and pass this bill in order to make certain that it will reach the other body in time to become a law.

Mr. LUCE. Where a gentleman of such consequence as the gentleman from Georgia [Mr. CRISP] takes the floor I can not refrain from yielding.

Mr. CRISP. I appreciate the compliment, but I rose to make the same suggestion which the gentleman from Nebraska [Mr. SIMMONS] made. It is only 1 hour and 20 minutes until this Congress dies and this bill must be enrolled and sent to the President. Let us vote.

Mr. LUCE. I assured the House I would but speak for a few minutes, but if my colleagues on the committee desired to address the House, certainly it would have been unfair for me not to give them an opportunity.

I gladly now move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Massachusetts [Mr. LUCE] to recede and concur in the Senate amendment.

The motion was agreed to.

HOSPITAL, DOMICILIARY, AND OUT-PATIENT FACILITIES—APPROPRIATION

Mr. WOOD. Mr. Speaker, I offer a House joint resolution (H. J. Res. 534) to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration, and ask for its immediate consideration.

The SPEAKER. The gentleman from Indiana offers a House joint resolution which the Clerk will report.

The Clerk read the joint resolution, as follows:

House Joint Resolution 534

To provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration

Resolved, etc., That the sum of $5,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for carrying out the provisions of the act entitled "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," approved March 4, 1931.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COMMITTEE TO WAIT ON THE PRESIDENT

Mr. TILSON. Mr. Speaker, I send a resolution to the Clerk's desk and ask for its immediate consideration.

The SPEAKER. The gentleman from Connecticut offers a resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 392

Resolved, That a committee of three Members be appointed by the Speaker to join with a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have concluded the business of the present session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

The SPEAKER appointed the following Members: Mr. TILSON, Mr. HAWLEY, and Mr. BYRNS.

CHICAGO WORLD'S FAIR

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, last night I moved to suspend the rules at about the midnight hour, when all of us were exceedingly disturbed about the fate of the hospitalization bill. I then moved to suspend the rules and pass a bill for the participation of the Government in and representation at the World's Fair to be held in Chicago in 1933, to celebrate the one hundredth anniversary of the establishment of that community as a municipality. Congress authorized the President to invite foreign nations to take part in that exposition. He has done so. Congress authorized a committee to prepare plans with reference to the Government's participation in that exposition. The committee did that. The President submitted the report of the committee with his recommendation that the report of the committee be approved in legislation. The report of the committee, together with the form of the bill, is the matter which I presented to the House last night.

I shall not argue the matter further, but this is very important for the success of this undertaking. Foreign nations may stop in their preparations for participation in this World's Fair if nothing is done at this session. Appropriations will be made later on, but I want to ask unanimous consent that the Senate bill may now be agreed to.

The SPEAKER. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, I do not see the gentleman from Tennessee [Mr. BYRNS] present. I understand he raised a point against the bill.

Mr. SABATH. May I join with the gentleman from Illinois in that request?

Mr. CHINDBLOM. We do not often ask things of the House.

Mr. SABATH. This is the first time in many, many years that we have made such a request.

Mr. BYRNS. I want to say to the gentleman from Illinois that his colleague, Mr. SABATH, has been talking with me about the matter. I realize the interest the gentleman has in this matter, and the hospital bill having been disposed of, I shall not interpose any objection.

Mr. SABATH. I will very much appreciate it if the gentleman will grant the unanimous-consent request.

Mr. EDWARDS. Mr. Speaker, I withdraw my reservation of objection, in view of the statement made by the gentleman from Tennessee.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5625, providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. PATTERSON. Reserving the right to object, does the gentleman know what action the gentleman from Texas [Mr. BLANTON] would take if he were on the floor.

Mr. CHINDBLOM. He told me last evening that it was not the bill itself to which he objected, but that he did not think it ought to be taken up at that hour and that we ought to pass it next December. But next December will be nine months gone, during which the foreign nations may be lying idle in the matter of participation.

Mr. PATTERSON. In a way this is a diplomatic matter, and in view of the statement made by the gentleman from Tennessee I shall not object.

Mr. RAGON. Mr. Speaker, reserving the right to object, I want to ask the gentleman whether this is the last appropriation we are going to be asked to make for this celebration?

Mr. CHINDBLOM. Absolutely; and this is not for the exposition but for Government participation.

Mr. RAGON. I am not going to object, but the very things the gentleman has outlined here the former Vice President, Mr. Dawes, told us we would not have to pay for, and I am going to say to the gentleman that while I am not going to object at this time, I shall object to anything else along this line.

Mr. JOHNSON of Oklahoma. Mr. Speaker, reserving the right to object, I recall when this bill was up during the last Congress, the distinguished gentleman from Illinois made a speech, and although I can not quote his words, it occurs to me——

Mr. BLANTON. Mr. Speaker, I am going to object, so why prolong the discussion?

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BLANTON. Mr. Speaker, I object.

Mr. SPROUL of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5625) providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes.

The SPEAKER. The Chair regrets very much he can not recognize the gentleman for that purpose.

JESSIE R. GREENE

Mr. KOPP. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6225) granting an increase of pension to Jessie R. Greene.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie R. Greene, widow of Capt. Frank L. Greene, late of Company B, First Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $150 per month in lieu of that she is now receiving.

Mr. KOPP. Mr. Speaker and ladies and gentlemen of the House, I crave your indulgence for a few moments while I call your attention to this bill, which has passed the Senate and which is now before the House for consideration.

This bill grants a pension of $150 a month to Jessie Greene, the widow of Frank Greene, in lieu of the pension that she is now receiving. Many of you knew Frank Greene before he received the injury which finally caused his death. You recall his genial personality, his great ability, his constant devotion to duty, and his distinguished services to his country, both in peace and in war. He held the affectionate regard of his fellow men in an unusual degree.

Then came the awful tragedy. In the very prime of his life, while the future was still so full of hope and promise, he was stricken down. You recall his heroic struggle, how through weary months he hovered between life and death, and how though broken and shattered in body he kept a brave spirit to the very end.

Long will be remembered his high sense of honor. When he was overwhelmed by the expenses of his illness the United States Senate contributed $7,500 to the payment of said expenses. As soon, however, as he could get the money together he returned it all. Such was Frank Greene. Such was the man we loved. Such was the man whose memory we shall cherish in our hearts.

My fellow Members, this bill reminds us that she who comforted and sustained him through all the trying years still lives and still must carry on. [Applause.]

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed. [Applause]

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

Mr. KOPP. Mr. Speaker, I ask unanimous consent to revise my remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

IMPROVEMENT OF THE WILLAMETTE RIVER

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6024) relating to the improvement of the Willamette River between Oregon City and Portland, Oreg., and I would like to be heard for about three minutes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the conditions requiring a contribution by the local interests toward the estimated first cost of the improvement of the Willamette River between Oregon City and Portland, Oreg., authorized to be carried out in accordance with the report submitted in House Document No. 372, Seventy-first Congress, second session, are hereby waived.

Mr. DEMPSEY. Mr. Speaker and my colleagues, when I brought this matter up last night I had not examined the report. The report at page 42 states the following:

The effects of power and irrigation uses, possibly modified by regulation for flood control, are at present unknown and will remain so until extended study has been made.

This report was made to the committee, and in the face of this report we adopted a provision specifying local contribution on the ground that we did know what the report says we did not know. They have now made a further survey and they have made the extended study referred to, and as a result of this study they say there will be no benefit from power. So there was a mistake made here and this is to rectify a mistake, and as a result of rectifying it we will cheapen the cost of construction of a Federal highway very much more than the amount we waive and we will enable also a great river improvement to be adopted.

Mr. WARREN. Mr. Speaker, reserving the right to object, I objected to this bill last night when it was called up for consideration. I know nothing about the merits of the bill and probably it is all right, but I objected on the ground, as I understood, this bill had never received committee consideration and was brought in here at the eleventh hour and a demand made to pass it by unanimous consent. The gentleman from Texas [Mr. MANSFIELD], the ranking minority member of the committee, has gone home. The gentleman from Alabama [Mr. MCDUFFIE] is next to the gentleman from Texas, and the gentleman last night stated he had never been consulted about this matter, and for that reason I objected.

Mr. MCDUFFIE. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MCDUFFIE. I think if the committee had had full and complete hearing on this project they would have approved it. I have gone into this subject since it was brought up on the floor last night. I do think there is merit in it. I do believe the Government will save the amount that it now proposes to relieve the community from contributing to this project, and I think it is a matter of such emergency that we should pass it to-day.

I do not like the idea of bringing this kind of a bill in at the eleventh hour, but I think this will expedite the construction of a very important project.

Mr. HOWARD. Mr. Speaker, I object.

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to proceed for a few minutes on a matter of some interest to the House.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for 15 minutes. Is there objection?

There was no objection.

Mr. SLOAN. Mr. Speaker and Members of the House, now I want to tell you to begin with that this is not a

"swan song." I sing no swan song in the days of my youth. If evil days ever come upon me when I am a Member of this House, then I may do it; but I will chant no threnody, I will give you no dirge; it will be a lilting lay of gladness. [Applause.]

Mr. Speaker, "the earth without form and void" describes primeval chaos.

In obedience to Heaven's first law, order was established. Once established, although often disturbed and shaken, it has continued until now. Along its path, down the millenniums and centuries developing change, called progress, has moved in majesty and power until that which is in light, power, stateliness, and beauty which we call civilization stands as the culmination of man's genius and industry and warrants our own pride and the approval of the Almighty.

Order among men in field, battle, or forum stands toward disorder as light to darkness and discord to harmony.

Many battles of earth have been won when the assembling bugle notes congregated the hosts and the gleaming swords inspiring uniform action without actual engagement.

The scepters of kings invited, repelled, composed, commanded, and order followed so long as recognized authority continued.

With the transfer of power concentrated in one to the multitude, there was crystallized through law into being congresses and parliaments.

That united action might be had and coherent procedure obtained, there has been provided for presiding officers a seat of command and a symbol of power.

These bodies have the mace and similar implements representing the jurisdiction of the body general. There has been adopted in nearly all legislative assemblies an implement not representing the majesty and power of the body directly but the power delegated to the presiding officer to preserve order and enforce decorous procedure. Having at different times in my life visited the legislative bodies of this Capital, those of many States in the Union, neighboring countries on this continent, and having later visited the legislative bodies, or at least several legislative halls of European parliaments, and studying their procedure, I noted the following facts: There were but two symbols of authority in evidence—one was the gavel, but by far more numerously employed was the metallic bell.

The first in calling to order, for quiet, to rise, or adjournment, seemed to partake and respond to the mood, tense, temper, and character of the presiding officer wielding it. While the second, the metallic instrument, seemed to have its one tone, varying somewhat in emphasis but mainly determined by the founder of the bell, which, stricken by child or man, clerk or statesman, gave the same sound and effect.

Here in this greatest legislative assembly in the world I have sat under two great presiding officers—Clark and LONGWORTH. I have seen three other great Speakers wield in characteristic fashion the executive emblem of their conferred power.

The force, character, and power of each of these men seemed to be reflected in the moderate or resounding gavel stroke, varied by the occasion and circumstances.

The genesis of the gavel is not difficult to discover as a parliamentary implement. As such it came primarily into evidence in the latter decades of our colonial history, when open town halls were not so numerous as in later years. If their publicity suited not the purpose of the early patriots along our Atlantic border, whose visions of an independent Republic inspired their activity, still their discretion was to a large extent dominant and manifested in many lodges of esoteric character.

The early council fires burned most frequently in the then rapidly multiplying Masonic lodges.

Here, like most of the recognized lodges of America, throughout the history of the Republic, patriotism was in evidence and law and order given primary position. The gavel, long used, was patterned somewhat after the ancient setting maul of European lodges, both insular and continental, before and during crusading days. Many times after fraternal rites were observed the councils of safety, the sons of freedom, and other budding patriotic organizations sat in these places of secrecy. Out of their ambitions their oppressions, and their common purposes were evolved the finished capable revolutionists when that day dawned.

From that time until the present with the increase of legislatures, the multiplication of municipal councils, the frequent conventions, the secret orders, civic, fraternal, and semireligious character, all have adopted and use this distinctive parliamentary implement in America.

In early times none used the gavel,
Except those who walked the level,
And who upright stood and bold,
Parting squarely as did the men of old.

For the bell is not the Mentor,
When Americans concenter,
For their own or public good,
Now all creeds and parties use the wood.

Other nations have followed our course in the adoption and use of the gavel. I was curious to know through what medium the deliberative assemblies of all the nations spoke, in the important parliamentary function of maintaining order. The magic gavel had for me more interest than the heavy knobbed implement which old men use to drive and pursue the celluloid pellet. My youth has not permitted me to devote much time to that profession, which was once a Caledonian sport. This will explain in part my spending time in playing thus with the gavel and bell for your tolerance, if not entertainment. So I concluded to inquire of the various embassies and legations, whether their lawmaking bodies at home used gavel or bell. I was honored with courteous answers to my inquiries, which answers in substance I communicate.

In little Albania, among the mountains, senators and deputies alike respond to the bell.

Argentina, in the Southern Hemisphere, the nearest counterpart of our own Nation, silver in name, uses the silver bell. In fact, it admonishes her senators and members of her house of deputies with that musical metal.

Austria, the saddest, proudest of the dismembered empires having a republic successor, places in the hands of the presiding officer of her Bundesrath and National Rath, bells as musical as the art of that ancient empire could produce to be used in the deliberations of the new Republic.

Belgium, long known as the cockpit of Europe, once the scene of Waterloo and later the theater of the World War, has a Senate and House of Representatives, and commands her senators and representatives with the bell.

Bolivia, greatest aread inland Republic in the world, uses in senate and house of deputies the liquid-throated instrument, made memorable by Edgar Allan Poe—"The Bells."

Brazil, whence departed the last crowned head from the western continent, largest aread continental nation in our hemisphere, with a constitution patterned after our own, provides their presiding officers with bells to command order.

The British Parliament set the pace and standard of the great parliaments of the world until 1789 when we established its ultimate superior. In both houses of the British Parliament, Commons and Lords, as well, the members bow to the admonishing bell.

Bulgaria, off in the Balkans, in its unicameral congress (Chamber of Deputies), the presiding officer clangs a warning bell.

Canada occupies the unique position in the parliamentary world, where neither gavel nor bell are used. The mace there is the symbol of authority of the body, as it is in the United States.

Chile, energetic, prosperous Republic, lying between the placid Pacific and the towering Andes, favors exemplification of its vast mineral rather than forest wealth by placing in her presiding officers' hands, in both Senate and House of Deputies, silver bells.

China, old when Europe was young, and long before America was, uses the bell. In its history there is no gavel.

Colombia, crowning the southern continent, follows precedent of nearly all Latin Republics, uses bells, although her constitution closely follows ours, and legislative chambers are called Senate and House of Representatives.

Costa Rica; one star in the Central American constellation, in her single legislative chamber invests its presiding officer with a bell.

Cuba, the Queen of the Antilles; one star, three stripes; Senate and House of Representatives like ours, would have her presiding officer bespeak quiet, convene, and adjourn under the proper crashing intonation of the gavel's fall.

Czechoslovakia, one of the best-bottomed Republics which emerged from kingcraft as a result of the World War, formed its government as near like ours as the traditions, prejudices, and ambitions of her people would permit, gives her presiding officers to command order of her 17 political parties, silver-throated bells.

Denmark, whose temporal landmarks are Hamlet and the World Court, uses the bell in her Rigsdag and Folkething (House of Commons and Senate).

Ecuador, bisected by the Equator, with a constitution following our own, like most of the Latin countries, uses in Senate and House, a bell.

Finland, unicameral, provides her presiding officer with a gavel, a tribute to her friend, the United States.

La belle France—Goldsmith said: "Gay, sprightly land of mirth and social ease," was a monarchy, empire, republic, empire, and republic again, faithful to her traditions of palace and cloister, calms the fiery legislative Gaul and brings such order as may be among a turbulent membership with a clear-toned bell.

A bell in the German Reichstadt spurs the contemplative Teuton to action, quells the asperity of debate between representatives of its many blocs and parties, and suggests in adjournment a benediction, hope, or hate for what was once the Government of the Fatherland and a growing enthusiasm for the new Republic.

Greece, home of the early democracies, republics, and monarchies, both in Senate and Chamber of Deputies quells the rising passions of the excitable Hellenes, of whatever strain, with the soft notes or strident clangs of a table bell.

Guatemala, another star of the quintet constellation, composes, unifies, and thrills her assembly and council with the governing bell.

Holland, or Netherlands (bicameral), greatest of the bell-foundry nations, patronizes her own products, controlling those firm, sometimes obstinate statesmen, who have been valuable to the world.

Honduras, another star in the central cluster in her single Chamber of Deputies follows her northern neighbor in the use of the gavel.

Hungary, now a kingdom and largest factor of the dismembered dual empire, in national assembly and House of Magnates uses the bell.

Ireland, "Fairest Isle of the Ocean," after centuries of bitterness, based upon wrongs, real or fancied, in her Dublin Parliament, now where members speak two languages, the members understand and usually obey the thundering gavel. It is the instrument used by her long-time national friend, where the number of her sons and daughters outnumber the people at home.

Italy, home of art, poetry, and song, nativity of ancient and modern Cæsars who tolerated and then terminated senates, has yet the semblance of parliamentary rule. It commands order out of confusion in Senate and Chamber of Deputies by golden-noted silver bells.

Japan, constitutional monarchy, in her legislative bodies, both House of Peers and Representatives, attend, caution and command of metal, rather than wood.

The Grand Duchy of Luxemburg, in Chamber of Deputies, uses the bell.

Mexico, our neighbor, in her bicameral Congress under her constitution patterned after our own, uses the gavel.

Nicaragua, revolutionary member of the Central America group, uses the gavel, but finds more effective control in our marines.

Cold, far-off Norway, mother of the vikings, with evidence of their having discovered America, emphasizes their conviction by using the gavel.

Panama, a Republic, born of a revolution in defense of its right and an opportunity to realize the dream of Columbus, in its unicameral legislature, uses two bells, either to be alternatively resorted to as the occasion may demand. It may be that some of these countries should have in addition to the legislative bell, a revolutionary bell, whereby revolutions could be averted, controlled, or ended to the "clanging of the bells."

Paraguay closely copies the United States Constitution, but its legislative officers use the bell.

Peru; the Congress of Peru uses the bell. The metal rather than forestry in her history, justifies the choice.

Poland, dismembered kingdom and oppressed Province, convulsed by revolutions, now a Republic battling against dictatorship, places in the hands of Seijm and Senate the conventional continental bell.

Portugal, both national council and the upper chamber are governed by a bell.

Rumania is a kingdom with a parliament where the bell commands order when debate outruns deliberation.

Russia, we know not what implement may be used to bring about deliberative order; perhaps neither gavel nor bell. Rumor, probably not accurate, would prompt one to see order maintained by musket and ball.

San Domingo uses the bell.

Spain—

Fair land of Chivalry of the old Domain,
That gave a new world to the old—Stately Spain.

Though dominated by monarch, or dictator, it still has a functioning Cortez where perhaps the most dignified of the world's legislators convene, rise, behave, and adjourn to the liquid, gold-rimmed bell.

Sweden, which has sent so many sons and daughters of intelligence, virtue, and thrift to America, in her two legislative chambers, uses that implement which carries emphasis and potential force, gives better expression in wood than in metal, the gavel.

Switzerland, mountain girt, canyon rent, and lake jeweled, one of the oldest of the Republics. In its legislative halls where three languages are spoken, namely, German, French, and Italian; where thrift, liberty, and independence are the three matching qualities there is conveyed to German, French, and Italian, in vibrant musical tones, caution, and command, by a bell.

Turkey, both in council of state and assembly, uses the bell.

Uruguay, in Senate and House listen to and obey the bell.

Venezuela, both Senate and House of Deputies, convene, deliberate, debate, and adjourn to the command of bells.

Thirty-five, bells; eight, gavels; and two, no instrument.

In a dilettante way I have observed the character and manner of many temporary presiding officers. To me their character and capacity for controlling an excited house or convention is quickly revealed. With mud in their eye, hesitancy of action, or mild-mannered staccato of gavel they do not succeed, where vigorous and resounding stroke, with clear, determined eye flash from the seat of power quiets the disturbance, separates belligerents, and in a moment sends forward purposeful and dignified debate.

In a Western State conservative Democrats were seeking to thwart the quadrennial candidate. As a preliminary they selected as chairman a lawyer of outstanding ability and commanding personality and asked him if he could carry the convention. Quinn said, "Give me the wood; I'll do the rest." He did.

Our gavel, never in jeopardy but now and then in uncertainty, is one of the premier prizes of earth. Its value can not be measured. Gold and diamonds are to it as dross. Its weight in radium would not carry it from hands where this House shall place it.

Its strength lies in the ability of its wielder and the loyalty and nobility of his supporters. While in capable hands and under maximum support it has held the House of Representatives in the first rank of legislation and the estimate of the Nation, leaving the Senate and Executive contending for second place. This was as the fathers ordained it. But, unfortunately, in the process of a half century I have seen

precedence yielded to the Senate, which in turn yielded rank to the Executive. Under Speaker Cannon the supremacy of this House was established and sustained. In an evil day the House yielded to internecine attack. Under two succeeding Speakerships, though both of high order, the House struggled ineffectively for second place.

Recently there has been a tense struggle for second place between Senate and Executive, with the disorganized, centrifugalized Senate apparently clinching third position. I congratulate the House, which I am soon to leave, upon the commanding position it now holds in the respect and estimate not only of the great Republic but of observing mankind. [Applause.]

Let it live for those who love it,
For those who know it true,
For the heaven that smiles above it
And the good that it may do.

Live for bards, martyrs, sages,
The noble of all ages,
Whose deeds crown history's pages
And times great volume make.

For the rights that need assistance,
For the wrongs that need resistance,
For the bright hopes in the distance
And the good you all may do.

Live to hail that season
By gifted minds foretold,
When man shall live by reason
And not alone by gold.

When man to man united
And every wrong thing righted,
The whole world shall be lighted
As Eden was of old.

[Applause.]

EXPENSES OF MARINE BAND AT NEW ORLEANS

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of H. J. Res. 535, making an appropriation for the expenses of the United States Marine Band in attending the National United Spanish-American War Veterans in New Orleans, La., in September, 1931, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 535

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated the sum of $8,171 for the fiscal year 1932 for expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans to be held at New Orleans, La., on September 6 to 10, inclusive, 1931, as authorized by the act approved March 3, 1931.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ATTENDANCE OF ARMY BAND AT DES MOINES, IOWA

Mr. WOOD. Mr. Speaker, I ask unanimous consent for present consideration of H. J. Res. 536, making an appropriation for the attendance of the Army Band at the encampment of the Grand Army of the Republic at Des Moines, Iowa, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 536

Resolved, etc., That for defraying the expenses of the Army Band in attending the annual encampment of the Grand Army of the Republic to be held at Des Moines, Iowa, September 13 to 18, inclusive, 1931, as authorized by the act approved March 3, 1931, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $7,500 for the fiscal year 1932: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Army Band may be allowed not to exceed $5 per day each for actual living expenses while on this detail, and that the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Army Band would be entitled while serving at their permanent stations.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RETIRING MEMBERS

Mr. McLAUGHLIN. Mr. Speaker, the Michigan delegation in the House has asked me to perform a duty, pleasant and at the same time unpleasant; to say a word concerning the two members of our delegation who will not be Members of the next Congress, Mr. LOUIS C. CRAMTON and Mr. GRANT M. HUDSON. [Applause.] This is not the time, and it would not be appropriate, for me to speak of their services in this House, for they are well known.

These men had achieved distinction in Michigan before their election to the House of Representatives in Washington. Much was expected of them by the people of Michigan. They had occupied public positions; they had performed important duties. They had met the expectations of the people in their work there, and much was expected of them here. I know I express the feeling of the people of Michigan when I say their expectations, their hopes have been realized and their demands upon these men have been fully satisfied. We regret their going, and I believe I express the feeling of this body when I express the hope that they may live long and be happy and prosperous. [Applause.]

Mr. LINTHICUM. Mr. Speaker, in the very limited time that I have I am quite sure that I shall not be able to do justice to my subject. I feel that I speak the voice of the entire House when I say that we regret most deeply the retirement of that distinguished gentleman from Virginia, Mr. R. WALTON MOORE. [Applause.] Mr. MOORE came to this House in the Sixty-sixth Congress. He came as a very distinguished lawyer. He brought with him those legal talents and abilities which a gentleman of his high standing would be expected to bring. He has lent much to the work of this House. He has been a substantial support to the rules of this House and the author of some beneficial changes in the rules. He is one who has brought about peace on the troublous waters of this body on many occasions.

An able, experienced, and conscientious legislator, a devoted and hospitable friend, a Virginia statesman of the old school.

I am sure we all feel and we all wish that distinguished Virginian a long life, great happiness, progress, and many visits to the House of Representatives. [Applause.]

I also regret the retirement from the Committee on Foreign Affairs of that gentleman from Wisconsin, Mr. EDWARD E. BROWNE, and the young and able gentleman from Portland, Oreg., Mr. FRANKLIN F. KORELL, and the gentleman from Missouri, my close friend, Mr. EDGAR C. ELLIS. All of those gentlemen have been of great support to the Committee on Foreign Affairs. That committee has been rent asunder, not only by the retirement of these distinguished gentlemen but by the grim reaper gathering from our midst during this Congress such able citizens, such able legislators, such distinguished gentleman from their respective States as Stephen G. Porter, of Pittsburgh, Pa.; as that grand old gentleman resembling Robert E. Lee, Maj. Charles M. Stedman, from North Carolina, who distinguished himself as one of General Lee's staff from Bull Run to Appomattox; and that distinguished gentleman from New York, Mr. David J. O'Connell, always alert, happy, and smiling.

Then, gentlemen, last but not least by any means, that great, stalwart, tall sycamore and distinguished scholar, Henry Allent Cooper, of Wisconsin.

The Foreign Affairs Committee has been rent asunder, and it is our deep prayer that the incoming Congress may give us men who are able to take their part and do their work as able successors of the distinguished men who have left us. [Applause.]

ASSISTANT CLERK TO COMMITTEE ON ENROLLED BILLS

Mr. CAMPBELL of Pennsylvania. Mr. Speaker, I present a resolution which I ask to be immediately considered.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 393

Resolved, That there shall be paid out of the contingent fund of the House compensation at the rate of $6 per diem from February 16 to March 3, 1931, inclusive, for the services of an assistant clerk to the Committee on Enrolled Bills.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MUSCLE SHOALS

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. ALMON] have two minutes to address the House.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. ALMON. Mr. Speaker, the veto message of the President of the Muscle Shoals bill is based largely upon misinformation. First, that the power at Muscle Shoals would cost 9 mills per kilowatt-hour, when as a matter of fact the Government is generating and selling the power there now, and has been for several years, for 2 mills per kilowatt-hour, and making a profit over and above the expenses of operation.

That the cyanamide process used in the Muscle Shoals plants is practically obsolete, in the face of the fact that a plant using the same process is and has been operated successfully at Niagara Falls, Canada, for 20 years, and the same kind of plants are being operated successfully in Germany for the benefit of agriculture.

That the plants could not have been leased under the terms imposed in the bill. This he could not determine until an opportunity was given to those who were interested in making a lease. If the bill had been approved he could have secured a lessee without any difficulty as he could have given the cheapest power rates that could have been secured anywhere, and he could have made the rental of the plants practically free.

That he is opposed to Government operation of the Muscle Shoals property which is in conflict with the views expressed by him at Elizabethton, Tenn., during his campaign in 1928. He is opposed to the operation of the plants by the Federal Government, but recommends that it be leased to the States of Alabama and Tennessee to be operated by the State governments. He recommends the appointment of another commission. Many have been appointed heretofore and no results accomplished.

The veto message was a great disappointment to American agriculture who has hoped and expected to secure a cheaper and better grade of fertilizer. It is a great disappointment to those who are unemployed and in dire distress. It is a very distinct disappointment to me as the representative of the Muscle Shoals district. But I am not discouraged. The next Congress, coming fresh from the people, will give expression to the views of the great masses of the people and pass a Muscle Shoals bill that will be in the interest of the Government and agriculture, and, if necessary, will pass such a bill notwithstanding it may receive a veto by the President. It is useless for me to make any further comment or statement at this time as the veto message can not be considered in the House, as the Senate failed to pass it over the veto, it being a Senate bill.

It seems that the President has failed to realize the opportunity placed in his hands to do something great and really helpful for the American people. This opportunity is denied at this time, but will be provided for by the next Congress. [Applause.]

RETIRING MEMBERS

Mr. HARE. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER pro tempore. Without objection it is so ordered.

Mr. HARE. Mr. Speaker, no people has become great and remained great who failed to cherish their traditions, honor their heroes, or pay appropriate tribute to their leaders.

I therefore ask this opportunity to express my high appreciation of the friendship and regard of the statesman-like qualities of the retiring Member of this House from Nebraska, Judge WILLIS G. SEARS. [Applause.]

I have been closely associated with him on the Committee of Elections No. 3 for three years, and during that time I have been impressed with his legal ability, his statesmanship, his honesty, and unswerving integrity.

As chairman of the committee, he has at all times been exceedingly courteous and patient, yet firm, unflinching, and courageous in registering his convictions. I am sure we have all been impressed with the modest, gentle, and judicial attitude he has assumed toward every question submitted to this body for consideration. We all regret to see him leave, because his high-erected thoughts, emanating from a heart of courtesy, have been an inspiration to those of us who have been fortunate enough to have been thrown with him from day to day.

In addition to possessing all the qualities of what I consider an outstanding statesman, I find that Judge SEARS was a man of poetic qualities worthy of recognition, and, Mr. Speaker, I would like to have unanimous consent to extend my remarks by including three or four poems recently written by the gentleman from Nebraska, Judge SEARS. [Applause.]

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection. The poems follow:

By Willis G. Sears

THE FIRST ELEVEN O'CLOCK TOAST

'Twas the hour of eleven, and the herd was together,
In a mountainous glen, in a fair kind of weather;
And sentinels watched, keeping intruders at bay,
For the sun had gone down, 'twas the close of the day.
O'er the hills came the yelps of the wolves of the pack,
But so distant the sounds that none feared attack.
And the night owls and hawks were still vainly calling,
And the shadows of midnight now soon would be falling;
'Twas then that the bull elks in friendly convention
Took stock of the herd without any contention;
And 'twas then that the bull elks remembered the past,
And their thoughts on the absent ones fondly were cast;
And those were recalled with a bellowing word,
That once were the joy and the pride of the herd.
And now if they browsed on the prairies of green,
And mixed with the herd, they never were seen.
'Twas then that the bulls would lean over the brink
Of the spring of the glen, and all take a drink
"To the health of those here, and then to all others";
And recalling a while of the far-absent brothers,
Of the ones of the herd who were with them no more,
Who had crossed the Big Water and climbed the far shore.
But none were forgotten, forsaken were none,
Either those of the herd, or who had passed on alone.
Then with antlers the bulls would protect from all harm,
From ravenous wolves and all kindred alarm;
Then lie down with the herdlings till morning should wake,
And all journey forth with the dawning's first break.

ENVIRONMENT—FIRST

Alone was one upon the crowded way,
And watched the endless throng pass heeded by;
While he, a child of snow and sunless day
Held out his heart for human sympathy.
He knew not full the value of his own,
His ice and snow, his walrus and his seal;
Until 'mid thousands, lo, he stood alone
And felt homesickness o'er him rudely steal.
Compared his ice with those of human form;
His walrus, too, with those of tramping feet;
Then hungered he for whirling of the storm,
And longed him for a battle with the sleet.
Oh human! Thou with past environment
Seek not abroad with hope to find content.

ENVIRONMENT—SECOND

Alone one stood midst cold and snow and ice
Of farthest north—he of the city bred,
Paying in full what was to him the price
Of strange adventure. To him the world seemed dead.
Vainly did Northmen the stranger seek to please.
In vain they lured him to their hunting ground.
The more the natives tried, less was his ease,
Till naught of joy but full distress was found.
Then pined he for machinery's clanging wheels
And hungered for the crowds that surge along—
The ecstacy the city lover feels
Who finds in iron the music of a song.
Oh thou! You human! Fitted in and grooved,
Pray past environment be not far removed.

motion to reconsider laid on the table.

OPPORTUNITY

It is not true she knocks once at thy door,
If no response she turns from thee away;
That with her going thy last chance is o'er
And thou left hopeless for a life and day.
Nor is it true she knocks at ev'ry morn;
That with night's shadows doth thy records burn;
That with morn's breaking is thy chance reborn;
That she knocks on, although her calls you spurn.
But this is true: She is within thy call;
Now at thy door, now on more distant field.
Art thou erect? Or prostrate's been thy fall?
Stretch forth thy hand! She will assistance yield!
Not chill of heart, nor weak of purpose she.
Goddess of hope and help, is Opportunity.

HUMANS

Let's be humans, you and I, for a year.
What care we for creed or pelf,
Let us for a while leave self,
And go out into the world,
With our banner brave unfurled,
Living for our fellow men.
Till a year has gone, and then
Mayhap we'll so cheerful be,
With our lives all charity,
That again with closing year,
Casting out all selfish fear,
With our banner, brave, unfurled,
Waving to the human world,
We'll continue for a while,
Helping all the world to smile.

ADJUSTED-SERVICE CERTIFICATES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks to insert certain correspondence that I have in explanation thereof.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, the bill allowing the veterans to borrow up to 50 per cent of the face value of their adjusted-service certificates is now the law. They will pay 4½ per cent interest on the loans. On a $1,000 certificate, if a veteran borrows $500, which he may under the act, his certificate is not canceled; in the event of his death his beneficiary will receive $500, less the interest due on the loan. This bill does not entirely meet with my approval. I worked for its passage because it was the best legislation we could get at this session. At the next session of Congress we hope to get a law enacted for the full cash payment of the face value of the certificates. In asking for this payment we are not asking for the payment of a bonus or a gratuity; we are asking for the payment of a just and honest debt that has been confessed by the Congress of the United States as due. It should be paid, like all other Government obligations are paid. There is no reason why payment should be withheld against the consent of the ones to whom the debt is due.

May 28, 1929, I introduced the bill (H. R. 3493) to provide for the full cash payment of these certificates. I made many speeches in and out of Congress since that time advocating this legislation. My speeches, fully explaining the proposal, were sent to every section of the United States. The speeches contained unanswerable arguments for the legislation; the people got the truth and demanded that the proposal be adopted. Every effort was made by the leaders in Congress to apply the gag rule and refuse to even grant a committee hearing but the appeals from the people were so numerous, logical, and reasonable that the leaders were forced to grant consideration.

WHAT OTHERS SAY ABOUT MY EFFORTS

After the passage of the additional loan bill I received hundreds of letters and telegrams from every section of the United States thanking me for my successful effort to get additional relief to the holders of the adjusted-service certificates. I can not authorize the printing of all the letters and telegrams received but will insert a few.

Maj. Thomas J. Leary, executive secretary Veterans' Association Air Service Mechanics Regiments, Chicago, Ill., in a statement to all veterans' publications, a copy being forwarded to me, stated:

In their last-minute railroading through the House, under "suspension of the rules," of a "compromise" bill, Congressman LONGWORTH, et al., have shown what they could and should have done 20 months ago, when Congressman WRIGHT PATMAN introduced his bill calling for immediate payment in full.

This compromise bill is only 50 per cent there, and while the veterans will be thankful to get even a half measure, in this last-minute stealing of the spotlight, the veterans want to remember the man who is responsible for their getting anything at all at this time—Congressman WRIGHT PATMAN, of Texarkana, Tex.

Congressman PATMAN'S dignified, level-headed, courageous, and persistent fight conducted since May, 1929, in the face of gag rule in the Ways and Means Committee and the opposition of the Republican steering committee has won him the admiration, friendship, and gratitude of all veterans.

Major Leary was in this fight from the beginning to the end, and no one assisted the cause more than he and his organization.

Frank Clark, a disabled veteran, Lynn, Mass., wounded in the fight at Cantigny, France, May 25, 1918, never received a dime compensation from the Government, a leader in the fight for the payment of the certificates, wrote me as follows:

MY DEAR SIR AND COMRADE: Yours of the 23d is at hand, and would say that in view of the power of all opposition that has had to be bucked I can only say for my part that all those who are to be benefited by the present law, providing it is enacted, can consider themselves mighty lucky to be able to get what they are entitled to get under the provisions of this law at this time, for if it were not for yourself as the author of the Wright Patman bill and the great expense that you went to out of your own private income to introduce what the adjusted-service certificates stood for, it is more than doubtful that no veteran would have the privilege of getting the second loan in the same year. In other words, if it had not been for WRIGHT PATMAN and the supporting Democratic Party no legislation of this nature would have come up before Congress this year for action, and if the boys had waited for the Republican Party to initiate such legislation as this they would have waited until hell froze over.

J. H. Hoeppel, manager the Retired Men's News, Arcadia, Calif., an enthusiastic supporter of the movement, wrote me as follows:

Words can not adequately describe the relief you have brought to hundreds of thousands of your comrades, and you may not even visualize the lives you have saved and the children you have succored.

Your accomplishment outbalances all the Red Cross has ever done in my lifetime, and in thanking you I salute you as a fearless fighter, and hope to meet you in Washington next year and personally tell you how much I admire you.

Edward J. McGeogh, national secretary, Fleet Reserve Association, Washington, D. C., wrote me under date of March 2, 1931, as follows:

MY DEAR CONGRESSMAN PATMAN: May I express to you the thanks of our organization, as well as my personal thanks for your support of the bonus proposition?

I know that you, more than any other person in the United States, are responsible for the passing of the bonus legislation. I know how hard you worked, the hours that you put in on the floor of the House trying to get your colleagues to do justice to the service men.

I know, also, that your party leaders were not in favor of this legislation; in fact, you found few supporters; but confident in the fact that you were fighting a just cause, you proceeded against what appeared insurmountable odds and achieved victory.

To you all honor is due, and I wish to add my praise and congratulations, and express the wish that you may live long and prosper and achieve the highest office which you desire.

Mr. McGeogh and his organization were constantly on the job and rendered effective service.

George E. Hughes, editor Texas Legionnaire, Austin, Tex., February 27, 1931, wired me as follows:

Veterans of Texas join Ernest Cox and me in sending congratulations for the success of your efforts. Papers should carry headline "Country Boy from Texas Defeats President." This act will go far to relieve distress in Texas. Best good wishes.

R. O. Whiteaker, department adjutant, Austin, Tex., wired me as follows:

Many thanks your wires advising passage loan bill House and Senate. Veterans of Nation owe you debt of gratitude for your fearless and tireless fight their behalf. Please convey thanks this department Senators SHEPPARD and CONNALLY and each Texas Representative for their loyal support. With highest regards.

Raymond Fields, national executive committeeman, American Legion, Guthrie, Okla., wired me February 28, 1931, as follows:

Congratulations on the important part you have played in adjusted-service certificate legislation. I am sure that general gratitude of the ex-service men of the Nation will be yours, for they recognize the leadership rôle you so successfully played.

Joe L. Blythe, commander Hornets' Nest Post, American Legion, Charlotte, N. C., February 27, 1931, wired me as follows:

I congratulate you on your successful fight for payment of adjusted-compensation certificates. You have our everlasting gratitude.

The Hornets' Nest Post is entitled to considerable credit for the part it played in the passage of the legislation.

A. D. Story, Naples, Tex., ex-service man, wired me February 28, 1931, as follows:

I know it is through you we got 50 per cent; am with you on your full payment bill.

Phelps Phelps, national chairman, national bonus committee, Broadway and Forty-fourth Street, New York City, wrote me February 21, 1931, as follows:

On behalf of the national bonus committee, I wish to thank you for the splendid fight you put up to give the ex-service men their adjusted compensation. It was greatly through your fight that Congress came into action in aiding the ex-service men when they were in need. They won't squander their money, and many of the married men who had bought homes and farms and find times hard to pay their obligations will find this a godsend.

A prominent official of the Federal Government wrote a constituent of mine—a friend of his—the following letter February 27, 1931, immediately after the passage of the bill over the President's veto:

I have just heard from the Capitol that the Senate has voted a few minutes ago by the necessary two-thirds majority to override the President's veto of the bill to increase loans on bonus certificates to former soldiers to 50 per cent of the value of such certificates.

I imagine that these former soldiers will derive considerable benefit from the passage of the bill at this time when nearly everybody is hard up, and I want to say that the sole credit for its passage is due to WRIGHT PATMAN. During the entire time I have been in Washington and have observed legislation in Congress, I have never seen any man in either branch of Congress work as constantly and with such indefatigable energy for any measure as PATMAN displayed in his work for these former soldiers.

He started the fight without any support in Congress worth mentioning, and won it by keeping everlastingly at the task of building up public sentiment throughout the country, which in the end forced action.

It is the most signal victory I have ever seen won by any Member of Congress during his first term, and really I do not recall such a victory by any Member of long service. I happened to be in position to know what an uphill fight he made to put some measure of relief through for the soldiers.

James M. Barry, Sulphur, Okla., February 19, 1931, wrote me as follows:

I want to thank and congratulate you for your honest and noble efforts and success for the victory of the passage of the bonus bill, and I want to assure you as a native of Texas and also an ex-soldier from Texas that with the many thousand of ex-service men of that State and including ex-service men of Oklahoma, extends to you one of the highest praises and feeling of gratitude and thanks that could be offered to man by man. Thanking you again.

The following letter was received March 3, 1931, from a prominent person from the home town of Mr. Mellon, Pittsburgh, Pa. I do not have authority to use his name, but will quote the contents of his letter:

May I congratulate you—you were fighting powerful combinations and you won.

Should you see the long line of former soldiers—some crippled, many disabled, and most all in reduced circumstances—standing in the street before the Veterans' Bureau here waiting to file their claims for a "loan" you would feel well repaid.

And I am quite sure the veterans will remember the men who made it possible for them to receive needed help at this time of economic stress. And I am equally sure that we are going to also remember who opposed all help.

This morning's newspapers contain the information that Mr. Secretary Mellon is getting the money to pay the veterans at 1½ per cent, though the veterans are charged 4½ per cent compounded yearly. I believe he has purposely seen to the wide publication of that difference, and it is not receiving any applause from the ordinary citizen, as it is only understandable to the Mellon type of mind why the soldier should not be allowed to receive that benefit.

My sincere wishes for your continued service in Congress, and thank you again for your work for the soldier, the remembrance of which shall be continually with us.

Leslie Anderson, a veteran of the World War, Texarkana, Tex., and secretary of a local building and loan association, wrote me under date of March 7, 1931, as follows:

I want to express my deep appreciation for the splendid work you have done in Congress on behalf of the World War veterans. I am well pleased with your work on behalf of the adjusted-service certificate legislation, and while the results secured were not all that you asked for, yet the benefits that are available now will be a great help to the veterans of this community." I have in mind five veterans that are paying for their homes on the monthly installment plan through the Home Building & Loan Association and are now delinquent in their payments on account of unemployment or the present depression. Each of these veterans is applying for a loan on his adjusted-service certificate and is using the funds to make the payments on his home. This will be a distinct benefit to each of these veterans and also to the community.

Letters and telegrams of thanks and congratulations were received by me from officials of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and many other veteran organizations. The letters and telegrams inserted fairly represent the sentiments and thoughts in all of them.

RETIRING MEMBERS

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. FREAR] is recognized for two minutes.

Mr. FREAR. Mr. Speaker, in the few minutes permitted I desire to express on behalf of the Wisconsin delegation, and I believe I speak the sentiments of every Member of the House, when I say that we regret the loss to this membership of two distinguished members of the Wisconsin delegation, both of whom were associated with me in public life at our State capitol in years gone by.

Representative EDWARD E. BROWNE entered this honorable body with myself in the Sixty-third Congress, and has served throughout that Congress and the succeeding Congresses in this body with distinction and honor to himself and those he represented; an able lawyer; a strong advocate of the rights of the common people, and a splendid friend. His loss will be felt by the Committee on Foreign Affairs, of which he was a member, and by those of our delegation who have appreciated his excellent work as a legislator.

It is with like regard that I speak of the loss to this body of Representative MERLIN HULL, of my State. A speaker in the State legislature, thereafter he filled the position of secretary of state as successor to the office I once held. His advent here has brought to the House a man who faithfully represented a splendid constituency with distinction, and on the District Committee his work has been outstanding, always on the side of public welfare.

I bespeak for these Members a general wish for their prosperity and happiness wherever placed in life, and can assure them that they have left pleasant memories with their associates in this body. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. JOHNSON] for two minutes.

Mr. JOHNSON of Texas. Mr. Speaker, on behalf of the Texas delegation, I desire to call the attention of the House to the fact that two members of our delegation will retire to-day after long and honorable service as Members of this House. The Hon. CLAUDE B. HUDSPETH, of El Paso, who has been here for 14 years, and the Hon. JOHN C. BOX, of Jacksonville, Tex., who has served here for 12 years. Both of these Members have been active in the discharge of their duties and have been able and faithful public servants. I know that the entire membership of the House on both sides of the aisle will agree with me when I say that they will be missed personally, officially, and in every other way, because they have been outstanding leaders of the Texas delegation and in this House, and our good will will follow them always. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. MURPHY] for two minutes.

Mr. MURPHY. Mr. Speaker and Members of the House, I have asked for this little time to say a word about the great chairman of the subcommittee with whom I have had the honor to serve for the last eight years. I had hoped to have enough time to tell you something of the real CRAMTON. The CRAMTON you know here is the CRAMTON with the fighting spirit, but the CRAMTON I know is the CRAMTON with the tenderness of a woman and love in his heart for human-

ity. I wish each and every one of you could grasp the CRAMTON whose administration has doubled the allotment given to the Indians, the CRAMTON who has looked after the colored race by stabilizing their educational institutions, the CRAMTON who has built hospitals for the care of the Indians, the CRAMTON who has found out ways for those who go out into the vacant places, those who go out where the pioneers go, the CRAMTON who has found a way for them to reclaim the arid lands of the West. I wish you knew the CRAMTON I know, and to-day I feel a distinct personal loss in his passing. [Applause.]

Representative LOUIS C. CRAMTON, of Michigan, is the son of a Union soldier.

During Mr. CRAMTON'S 18 years' service in the House of Representatives, which by the fortunes of politics will terminate to-day, he gained the enviable and just reputation among his colleagues of being a courageous legislator, an indefatigable worker in committee and upon the floor of the House, a forceful debater, a skilled parliamentarian, and a constructive statesman. As a member of the Committee on Appropriations and as chairman of the subcommittee in charge of the bill making appropriations for the Interior Department his labors were untiring in behalf of the proper and efficient administration of the various branches of that service, to which he devoted unsparingly of his time and energies. The Public Park Service, the Public Lands, and the Indian Service each received the benefit of his close study and personal inspection disinterestedly from the viewpoint of one whose only aim was to do exact justice to them and to the Federal Treasury. In these activities he succeeded in such large measure that it can be said in all sincerity and truth that those branches of the Federal service will, by his retiring, suffer the loss of a real friend and the House of Representatives a Member whose judgment and conclusions in respect to them had the confidence of the House.

But in another and perhaps a broader field, in one which should challenge the admiration of the entire country, Mr. CRAMTON was a pioneer and laborer whose zeal and energy and intelligent, almost inspired, patriotism blazed a hitherto untrodden path.

As the son of a Union soldier, as a northern man, Mr. CRAMTON'S great work was more closely to cement the North and the South in bonds of fraternity and to bind up and heal the wounds inflicted by the Civil War. In this praiseworthy ambition "the better angels of his nature" had the ascendency over any lingering feelings of prejudice or resentment which would naturally arise to suppress his urge.

We witness, therefore, his first effort taking the form of legislation for the restoration of the Lee Mansion in the Arlington National Cemetery.

It is quite worth while to any lover of our common country to read the original proposition offered by Mr. CRAMTON and enacted by Congress. Here it is:

Whereas the era of internecine strife among the States having yielded to one of better understanding, of common loyalty, and of a more perfect Union; and

Whereas now honor is accorded Robert E. Lee as one of the great military leaders of history, whose exalted character, noble life, and eminent services are recognized and esteemed, and whose manly attributes of precept and example were compelling factors in cementing the American people in bonds of patriotic devotion and action against common external enemies in the war with Spain and in the World War, thus consummating the hope of a reunited country that would again swell the chorus of the Union: Therefore be it

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed, as nearly as may be practicable, to restore the Lee Mansion in the Arlington National Cemetery, Va., to the condition in which it existed immediately prior to the Civil War and to procure, if possible, articles of furniture and equipment which were then in the mansion and in use by the occupants thereof. He is also authorized, in his discretion, to procure replicas of the furniture and other articles in use in the mansion during the period mentioned, with a view to restoring, as far as may be practicable, the appearance of the interior of the mansion to the condition of its occupancy by the Lee family.

This from the breast and heart of the son of a Union soldier. Were nobler sentiments of reconciliation of contending brothers ever written or ever given more practical effect? Suffice it to say that the appropriations necessary to carry the Cramton Act into effect were made, and the work of restoration executed.

But not content with this splendid constructive work, Mr. CRAMTON pursued his intent still further into other historic realms in the Old Dominion, the mother of Presidents, and rescued from oblivion and neglect those landmarks so closely associated with America's colonial and revolutionary history, and by dint of his untiring energy and devoted patriotism raised them to their proper exalted position of American shrines to which future generations of patriots might repair to learn anew the lessons of the self-sacrifices of our forefathers whose devotion to the cause of self-government established the American Republic.

First, Wakefield, the birthplace of George Washington, long neglected save for an unimposing obelisk, and the near-by burial ground of the Washingtons, were rescued from the hands of vandals and accorded proper respect. It was this same man, CRAMTON, who, in conjunction with the efforts of the National Wakefield Memorial Association, succeeded in the enactment of legislation that established the George Washington Birthplace National Monument at Wakefield, Va., and set it apart for the preservation of the historical associations connected therewith for the benefit and enjoyment of the people—in other words, a shrine—and placed it under the control and management of the National Park Service.

Next came the act of Congress—the author of which was Mr. CRAMTON—to provide for the creation of the Colonial National Monument in the State of Virginia. For the commemoration of the colonial period in American history this act established the Colonial National Monument to include Jamestown Island, colonial Williamsburg, and the battlefield of Yorktown.

That this patriotic movement on the part of Mr. CRAMTON was appreciated by the people of Virginia, as it should be by all liberty loving Americans, is evidenced and reflected by resolutions adopted by the General Assembly of Virginia, which are well worth repeating here, as follows:

Whereas a bill "to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," was offered in the National House of Representatives on January 10, 1930 (H. R. 8424), by Hon. LOUIS C. CRAMTON, which bill provides under certain stated conditions for the inclusion in the proposed Colonial National Monument "Jamestown Island, parts of the city of Williamsburg and the Yorktown battlefield and suitable area to connect said island, city, and battlefield"; and

Whereas the establishment of this proposed Colonial National Monument, embracing a unique but long-neglected historic area within this State, would result in preserving in perpetuity these sacred shrines of national life and liberty and would further result in presenting to the present and future generations the epoch-making events and glorious achievements which marked the birth of this Nation in 1607 and the beginning of representative government in America at Jamestown, Va., in 1619, together with the constructive and immortal contributions made in Williamsburg, Va., to the national independence, to the declaration of the rights and duties of man, and to the creation of the safeguards of national liberty, and which, finally, would result in establishing a perpetual witness to the sacrifice and devotion by which national independence was secured by the culminating victory of the Revolution at Yorktown, Va.; and

Whereas Virginia, while cherishing these sacred memorials and glorious associations, is not herself able to reclaim, develop, enrich, beautify, preserve, and maintain for all time this historic area and thus make it a worthy memorial of the past and an inspiring witness to the future; and because Virginia further feels that what is hers within this area is also a national inheritance, a national trust, and a national responsibility: Therefore be it

Resolved by the house of delegates (the senate concurring), That we do hereby most heartily indorse the Cramton bill, which provides for the creation of the colonial national monument in Virginia, and requests the Virginia Members of the National House of Representatives and Senate to give their active support to the measure, and we hereby commend the Hon. LOUIS C. CRAMTON for his patriotic service to the Nation in preparing and offering this bill; be it further

Resolved, That the General Assembly of the Commonwealth of Virginia now in session in Richmond are in accord in their desire for the early passage of this great patriotic measure; be it further

Resolved, That the Governor of Virginia be, and is hereby, requested to transmit these resolutions in proper form to the Virginia Members of the House and Senate in Washington and to the Hon. LOUIS C. CRAMTON, patron of the bill to create in Virginia a colonial national monument.

Another major piece of legislation fathered in the House by Mr. CRAMTON and by him urged to final enactment was the act of Congress for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac River from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital.

For the purpose of this statement it will be necessary only to refer to the primary object of this legislation as showing its intelligent and practical patriotism.

Under the act of Congress—

The George Washington Memorial Parkway is to be developed along both shores of the Potomac from Mount Vernon and Fort Washington to a point above Great Falls, except within Alexandria and the District of Columbia.

The parkway will include the Mount Vernon Memorial Highway, when constructed, and also a highway to be constructed from Fort Washington to Great Falls on the Maryland side of the Potomac.

The parkway project includes provision for the protection and preservation of the natural scenery of the gorge and Great Falls of the Potomac. It includes also the historic Patowmack Canal, which George Washington built, and part of the Chesapeake & Ohio Canal below Point of Rocks.

Establishment of this parkway will afford public control of the banks of the Potomac from Mount Vernon, where Washington lived, through the National Capital, which he founded, to Great Falls, where the old canal is a valuable relic of his work as an engineer.

It will be a striking and suitable tribute to the Father of our Nation, and one in which the people of America will take just pride and enjoyment.

One less energetic than Mr. CRAMTON, one less inspired in a cause so noble, would have shrunk from undertaking the stupendous task of guiding these constructive measures safely through the shoals and away from the rocks of congressional processes, but the indomitable spirit and purpose of Mr. CRAMTON carried them to fruition.

No wonder, then, that the people of the old Commonwealth of Virginia, in appreciation, invited Mr. CRAMTON to be the orator on the one hundred and forty-ninth anniversary of the surrender of Cornwallis at Yorktown; and the opening sentence of that oration is sufficient to indicate the unselfish and patriotic motive which animated Mr. CRAMTON, the son of a Union soldier, in an endeavor still further to reunite our common heritage in fraternal bonds of peace and good will:

An invitation to speak in this place on the one hundred and forty-ninth anniversary of the Yorktown victory, on the eve of the sesquicentennial, is an honor which to me carries with it a definite embarrassment, a definite conviction of insufficiency. It does not lie in me, however, to say "No" to Virginia, to whose people and press I am so deeply indebted for many evidences of consideration as generous as it has been kind, and invited participation in such an event is a patriotic duty I can not decline to perform within my powers.

And so to-day, Members of the House, I have tried to draw for you a picture of just a few of the outstanding activities of this splendid man, learned statesman, and legislator. In his passing from the scenes of activity in this House, not only will the district which he has honored by the splendid work he has done but the State of Michigan and the entire United States of America will miss the courageous and resourceful man who by his skill as well as his high integrity was a credit to the strong delegation from his State. It is my personal wish, and I feel sure many others join me, that he will soon return and take up his work again in the National House of Representatives.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia [Mr. EDWARDS] for two minutes.

Mr. EDWARDS. Mr. Speaker, I have been requested by Members of the Georgia delegation to say just a word concerning our good friend, Hon. THOMAS M. BELL, who will not be with us in the next Congress. Mr. BELL has been here a great number of years, I think in all 26 years. He has moved about quietly and made many friends in Congress. He has served faithfully and well. He has many friends here who regret his retirement from the House. He has been a very useful public servant. We will all miss him. This hour brings sad thoughts. Many of us will never gather here again. To you all, in concluding, let me say, God be with you until we meet again. [Applause.]

THE NAVY LEAGUE OF THE UNITED STATES

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include in my remarks a letter addressed to me by the chairman of the Board of the Navy League of the United States in the matter of some remarks I made upon the floor.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK. Mr. Speaker, reserving the right to object, I will say to the gentleman that I have already inserted that letter in the RECORD, with the consent of the House.

Mr. FRENCH. I was not aware of that, so I would like to extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FRENCH. Mr. Speaker, I have obtained permission to extend my remarks for the purpose of printing in the CONGRESSIONAL RECORD a letter addressed to me by Walter Bruce Howe, chairman of the board of the Navy League of the United States, under date of March 2, 1931.

The letter has been addressed to me on account of my remarks in the CONGRESSIONAL RECORD of February 26 last wherein I referred to an open letter from the Navy League under date of February 13, 1931, in which my loyalty to the United States had been questioned on account of my insistence upon a moderate naval program for our country.

In my remarks I said that every citizen in the Republic has the right to criticize but that when criticism of severe character is used the people have a right to know who the critics are and whether or not any self-interest, conscious or unconscious, may have controlled the individual or the group in shaping the criticism. I followed up this statement by challenging the league to give to the public certain data including a list of its membership, the investments of its members in enterprises of particular interest to a naval establishment, the sources of its revenues, and particularly the sources of revenues which would include fees, contributions, and so forth, throughout the period of the league's existence. I stated that "we are familiar with the part that is played through the unconscious influence of personal self-interest," and while I did not challenge the good faith of anyone so far as intentions may be concerned, I do raise the question of the human ability of a person who has personal interests at stake to come to an unbiased conclusion on a problem having to do with those interests.

The reply of the Navy League has omitted to give the information along the lines of my suggestion. The reply is not satisfying, but even so, I believe the public is entitled to the response of the league that my remarks have called forth and with this thought I am appending hereto the letter from the league to which I referred.

The letter is as follows:

[An open letter to the Hon. BURTON L. FRENCH, of Moscow, Idaho, chairman of the Subcommittee on Naval Appropriations, United States House of Representatives, from the Navy League of the United States]

WASHINGTON, D. C., *March 2, 1931.*

MY DEAR MR. FRENCH: The CONGRESSIONAL RECORD of February 26 contains your remarks in the House of Representatives in opposition to authority to modernize three of our battleships at the total cost of $30,000,000 to be expended in the next four years, a measure urged upon the Congress by the administration, recommended by the Naval Committees of both Houses and subsequently passed by large majorities in both Chambers.

In the course of your remarks you quote from the recent pamphlet of the Navy League of the United States its figures which show that the average replacement cost in new construction for the future treaty Navy of the United States, what will then have to be spent for new ships as old ones become obsolete, will be $121,000,000 per annum. You do not question this estimate or the stated elements on which it is based, but you denounce the Navy League for having made it, you call the statement of fact an astounding demand on the Treasury. Your speech leaves little doubt that, since the cost of maintaining a treaty Navy is one that is astounding to you, you are ready for that reason and for other reasons which you have suggested, to oppose the naval construc-

tion which will give and maintain for us naval parity as defined by the naval treaties. Your remarks do not contain the declaration which in the circumstances would be the logical, if not correct, conclusion; namely, that we can not achieve the parity which the treaties concede because we can not afford it.

Instead, you ask if it is not so that the Navy League of the United States, in emphasizing these facts under the guise of patriotism, is not moved by selfish motives, is not acting in the interest of undisclosed, profit-seeking individuals in control of its activities. You do not say that this unworthy motive exists, but you ask questions as to the financial interests of the league, as to the self-seeking attitude of naval officers who might on disclosure be found to be members, as to undisclosed authorship of its literature, and you then assert that the public should be informed, in order, presumably, that it may realize the worst.

It is my purpose in addressing this open letter to you to answer fully the questions you ask in the expectation that the true circumstances, namely, that the Navy League, a civilian organization, represents no special interest, acts from no undisclosed motives, but on the contrary, seeks by stating facts to keep the national defense a reality, will set your mind at rest, and by settling the side issue of motives, permit a return to a consideration of facts and the sober pursuit of policy based thereon.

In the course of your remarks you made statements about the Navy League of the United States, challenged it to answer certain questions, and argued from the questions you asked rather than from the answers you invited. I, therefore, as an officer of the Navy League respond with an answer to your questions, and supply comment on the answers in order to readjust the conclusions based by you on the questions alone.

Your remarks in opposition to modernization of the battleships may, I believe, be fairly summarized as follows:

Such expenditure at this time would be discouraging to foreign countries attempting to carry forward a program of naval reduction, and furthermore would be unjustifiable because in your own judgment battleships belong to a type that is becoming obsolete. Presumably in connection with the efforts of foreign countries to carry forward naval reduction, you mention the naval limitation treaties of Washington and London, and the Kellogg pact which in point of time comes between the naval treaties. You call attention to the naval appropriations in current and pending naval supply bills as including a figure of $63,000,000 represented by new and unexpired appropriations for construction and you advance the opinion, on the authority of a British writer on naval problems, that the United States Navy in every material factor will be the strongest afloat. You quote from our pamphlet above referred to which reaches the conclusion that the replacement cost of the United States Fleet, when up to treaty terms will be $121,000,000 annually. You in no way controvert this estimate, as I have said, nor do you question the fact also stated in that pamphlet that the United States Fleet is at present below the parity established by the London treaty, and inferior in that respect to the present situation of the fleets of Great Britain and Japan, the other full participants in that pact.

Taking the Navy League's estimate for fleet replacement costs when the United States Fleet is up to treaty terms, you add annual charges incidental to the maintenance of such a fleet and you remark that such a program demands vast expense in upkeep, in addition to replacement construction costs, and you denounce the program.

In the course of your remarks you make reference to a circular letter issued by the Navy League on February 13, 1931, as criticizing yourself and challenging the good faith and integrity of public officers. That publication by the Navy League quotes a statement made by you in Congress in January, 1927, in part as follows:

"The lanes of the sea might be closed to us for weeks or for years should the necessity arise. The United States within her own territory could sustain her people without suffering."

The Navy League's statement shows this remark and others made at the same time, were quoted with approval by the British delegation at the Geneva conference in 1927 to controvert the official American position there, and that it was quoted by the Secretary of State for Foreign Affairs in the House of Commons at about the same time. Our statement quotes a contrary opinion voiced by Herbert Hoover, now President of the United States in 1928, and expresses regret that the chairman of the committee that prepares the naval appropriation bill should be more concerned with the welfare of the British Navy than of the United States Navy.

You suggest that this publication was printed to cast discredit upon you. I beg to interrupt this summary of your remarks to assure you that the statement was not made to discredit you, except in so far as it took issue with your judgment that the United States can sustain her people without suffering during years when the lanes of the sea may be closed to them. This, I believe, falls within the kind of criticism which you concede to be the right of every citizen. In addition to the eminent opinion cited contrary to your view, I take this opportunity to recommend to you former Secretary of Commerce Redfield's book, Dependent America.

You characterize the two Navy League publications to which you refer as propaganda challenging the good faith and integrity of public officers, and making astounding demands upon the Treasury, all in the name of liberty and of national defense. In this connection and in the course of your remarks you imply and reiterate the implication that in making these demands which you characterize as extraordinary, those who are responsible for the publications of the Navy League are actuated by personal self-interests. You state:

"The Navy League, I understand, is a nation-wide organization and has some five or six thousand members. I am told that it has been in existence for something like 28 years. It has been actively identified with propaganda work looking to the expansion of the Naval Establishment, but there is much more about the Navy League that the public does not know than that which is known. The public does not know who the members are; the public does not know how frequently meetings are held and how commonly these meetings are attended; the public does not know who is responsible for the literature, the propaganda that is put forth; the public does not know of what interests may be served by those who put forth this propaganda; the public has a right to know these things touching an organization that purports to speak to the country in the name of patriotism and purports to emphasize its attitude upon great national questions, and purports to arraign the good faith and confidence of men charged with public responsibility."

In the next paragraph of the CONGRESSIONAL RECORD you challenge the Navy League to supply to the public certain information about itself. The points you thus raise and the answers to them are as follows:

A list of all its members. If you are concerned as to who our members are, we shall be glad to have you go over the card files in our office containing that list. We should, however, dislike to publish the list. Very few voluntary membership organizations publish their lists. To publish ours would mean that our members would be subjected to the inconvenience of being circularized by the commercial enterprises which seize upon such lists for their own purposes. This fully states our reasons for being unwilling to publish the list. The answers given below to your other questions concerning our membership are subject to your verification, and would seem to obviate a legitimate need for such publication.

You ask us to show as to every officer of the Army, Navy, and Marine Corps, who is a member, the rank of such officer, and as to all other members, whether or not they have relatives in the Naval Establishment of officer rank. Any American citizen is eligible to membership, and we have members in every State of the Union. The only inhibiting clause in our constitution is that it stipulates that no naval officer in the active service may be an official of the league. As a matter of fact, however, there is not a single such officer of the Navy or Marine Corps who is a member of our organization. There are 21 retired officers of the Navy who are members and one retired marine officer, but they had nothing to gain by an expansion of the Navy. Their ranks as retired officers are as follows: 10 rear admirals, 9 captains, 1 colonel, 1 commander, 1 lieutenant commander, and 1 lieutenant. Without sending out a questionnaire to our members it would be impossible to say how many of them have relatives in the Naval Establishment. My opinion is that there are not many. Our list shows three officers of the Army in the active service and two on the retired list are members. Of the 3, 1 is a colonel and 2 lieutenant colonels. Of the 2 retired Army officers, 1 is a major general and 1 a lieutenant colonel. During my connection with the league of approximately eight years they have made no suggestion to the league on any subject.

You ask us to publish a list of investments held by us in any corporation or enterprise having to do with naval construction, the manufacture and production of armaments, or any of the considerable factors or commodities purchased for any purpose by the Navy; whether or not we are interested in or identified with aircraft corporations of any kind and the extent to which such interests exist. I can assure you definitely that the league has no such investments. The investment income of the league is derived entirely from notes secured on real estate in Washington, D. C. Did we hold any stocks or bonds, however, it would be difficult to find any of the larger American corporations some of whose products are not sold to the Naval Establishment.

You challenge the Navy League to indicate to the public all the sources of revenue it possesses, and to indicate such revenue over a period of its existence. The income of the league is derived entirely from the following sources:

(1) Interest on the above-mentioned real-estate notes; (2) membership dues; and (3) additional contributions from something over 100 of its civilian members. During my connection with the league of about eight years last past there has been no other source of revenue than these.

Your specific question is thus answered, but in order that you may judge whether any special interests are served by the activities of the league, you should also be informed of the fact that the officers of the league have not received suggestions or requests from any special contributor, or from those who pay dues, to direct the policy of the league in favor of any special interest. Furthermore, that they have not received such requests from any individual or concern that might be considered a direct beneficiary of naval expansion or expenditure. I am also glad to express my personal opinion that if the policy of the Navy League were to be employed in the service of any special or selfish interest, the financial support of our members, and of each one of them who makes a special contribution would be withdrawn from the Navy League. This support is and has been received from individuals on account of their interest in the national defense, and their desire that through the league the public may receive fair and accurate statements affecting the naval policy and situation of the United States.

You challenge the league to make public an outline of expenditures. The league maintains an office in Washington where naval

information is collected and where informative circulars are prepared. These are mailed, as you know, to Members of Congress, to the daily press, and to a considerable mailing list of individuals who have asked to receive our statements. Some moneys are expended in paying the travel expenses of speakers, but no honorarium to a speaker is ever paid. This is an answer to your question.

I also believe it will be well for you to know that all the officers of the league, except the executive secretary and the assistant treasurer, serve without monetary or other remuneration. The two particular officers above mentioned are employed only to assist in the work of the league which has just been mentioned and are not required, nor would they be permitted, to directly or personally attempt to influence the Members of Congress. Nor has the league ever employed any agent or representative to attempt to influence the action of any international or other conference.

You say in your remarks that Members of Congress are being deluged by telegrams and letters and other forms of propaganda in favor of an immense shipbuilding program. The Navy League has sent four printed statements over its name to the Members of Congress during the present session. It has not in any way inaugurated or taken part in any steps looking to individuals writing or telegraphing their Congressmen regarding naval matters. If Congressmen have received such communications they have been from sources unknown to the Navy League.

You challenge the organization to publish the names of the members of the board of directors who have had a part in the preparation, either by writing or approving the literature that the organization is disseminating. You say you have been furnished with a copy of the names of the directors. As to the authorship of our circulars, I may say that most of the actual writing has been done by Mr. William Howard Garner, our president, by Mr. William M. Galvin, the executive secretary, and by myself.

The approval of the directors of such literature is not as a matter of routine obtained in advance as to any specific article published by the league. The requirements of time and the geographical distribution of the directors does not permit such consultation. The officers, however, regard themselves as responsible to the directors and the membership and are guided by general policies adopted by the directors at their annual meetings and ratified at the annual membership meetings. The directors are furnished with copies of all league publications, which conform to the general policies of the league outlined as far as possible in advance at the annual meeting of the directors. I do not recall that any director has ever expressed disapproval of any of these published statements. The directors and members at their annual meetings have consistently ratified the policy of each preceding year. When important new developments arise between annual meetings, a meeting of the executive committee of the directors is called and the views of its members obtained as to the policy appropriate to the new development. The whole membership is furnished with an annual report, which informs them in general as to what has been done in the past year and as to what is contemplated for the coming year.

You challenge the organization to publish the names of officers of the Naval Establishment who have prepared for publication articles that have been disseminated by the Navy League and to indicate specifically what those articles may be. Throughout my connection with the Navy League no officer of the Naval Establishment has prepared for the Navy League any article which it has disseminated. But on this point I do not see the pertinency of your question. Supposing a naval officer had prepared an article, which has not happened, it seems to me that the validity of the information is what matters most, and not the authorship. In practice the Navy League informs itself accurately as to naval facts, but the league reaches its decisions upon its own responsibility and without seeking approval of any source outside itself.

You challenge the organization to indicate specifically the conferences held by any considerable numbers of the Navy League and the part that is taken by the membership of the league generally. The league issues no call for a conference of its members, except the call for the annual meeting, which call is accompanied by the annual report. The members are represented at the annual meeting by a large number of proxies and a much lesser personal attendance. This I attribute to the wide distribution of our membership, to their reliance on the annual reports, and their concurrence with the conduct of the league.

You say that the public does not know who is responsible for our literature. Every statement of the league is signed by one of its responsible officers.

The answers given above to your questions contain the assurance that there is no undisclosed authorship in the league's publications. In recent publications where space has permitted there has appeared a statement of the league's policy over my name as chairman of the board. You have repeatedly received this statement, as has every other Member of Congress, but in order to complete the information which you invite, I quote it. It is as follows:

"The Navy League of the United States is an organization of civilians. Its policies are formulated independently by its officers and directors, who are all civilians and, excepting the executive secretary, serve without pay. A guiding policy of the league, adopted in 1923, reenunciated in 1929, and very generally approved in the Navy Day press comment of October 1929, is: 'We approve limitation of armaments by international agreement. We repudiate the reduction of armaments by example as unwise and dangerous.'"

"The principal activity of the league is to disseminate facts bearing on naval matters to the press upon which public opinion may be formed, but it reserves the right to express opinions.

"The league invariably assumes open responsibility for each and every statement it issues, and all statements emanating from it invariably have the name of the league and one of its officers. When its statements are mailed to the press, copies are then sent to the White House and to the Navy Department; also to other offices of the Government. Their text first becomes known outside the Navy League when they are thus mailed and distributed."

I have tried to answer as fully as possible your questions about the Navy League, and also by definite statements to mark as baseless the implications, the veiled or open accusations against the Navy League, supported only by questions and surmises which appear throughout your remarks as quoted in the CONGRESSIONAL RECORD.

My answers are all subject to verification by you, and leave you no ground to believe that the Navy League is acting, to use your language, "on account of selfish purposes that have no relation to national defense." The action of the Navy League in fact demonstrates the possibility of supporting the national defense from unselfish and disinterested motives.

In the same speech you say that "revelation of 15 years ago disclosed that the directors and active members of the Navy League at that time were the beneficiaries of construction work under the Navy." You refer to alleged "revelations" by a Member of Congress that in the list of our founder members, a class of membership which may be compared to life members in other organizations, there were the names of bankers and officers of large corporations, and he sought to impute to them a desire to bring on a war in order that they or their concerns might profit thereby, and he imputed to them selfish motives that had no relation to national defense. The alleged "revelations" to which you refer were completely answered on the floor of the House at that time. What they amounted to was, that starting with the allegation that some of the members of the league were largely interested in the industry of that day, which during the European war devoted itself in part to the manufacture of munitions, Congress and the public were asked to believe that the efforts of the Navy League to induce an adequate preparation for the war which then hung over us were made at the direction of those few founder members and in their selfish interest. The said "revelations," if they had any weight as such, necessarily excluded the possibility of unselfish and disinterested advocacy in the national defense by the Navy League, which, in the circumstances existing in the year 1916, was nonsense and so regarded by everyone except the members of the group who on the eve of our entry into the World War were opposing the very measures supported by the Navy League, which the next few months proved to be vital to the interests of the country.

That serious-minded people approved the activities of the league in 1916 is shown, at least to our satisfaction, by the membership of such high-minded and patriotic individuals as Cardinal Gibbons, President James of the University of Illinois, Professor Steinmetz, Albert J. Beveridge, and Alton B. Parker, to mention only an eminent cleric, an eminent educator, an eminent scientist, and two eminent statesmen of different political faiths, and by the fact that in 1918 Theodore Roosevelt gave to the Navy League a part of the money awarded to him with the Nobel Peace Prize. It is not unfair to add that the Navy League was right as was proved by the event.

Now, coming down to date, what the Navy League advocates in 1931 is nothing more than what has been advocated by three administrations at three international conferences, a policy to which many great organizations, including your own political party, have committed themselves, namely, the principle of naval parity.

The Navy League favors the accomplishment of naval parity by the United States within the treaty limits, and it supports this view by the publication of accurate facts. In the pamphlet dated February 14, 1931, it states as a fact supported by figures that it will cost the United States on the average of $121,000,000 a year to replace its full treaty Navy of the future with new construction as vessels become over age.

You in your speech do not question either the figures or the facts, but you denounce the statement of the undenied facts as an astounding demand upon the Treasury. You momentarily divert attention from the facts by questioning the motives of the Navy League of the United States, but the mind instinctively reverts to the facts.

There is no longer a fair place in the discussion of naval appropriations for an allusion such as appears in your speech to the proponents of ever-increasing Naval Establishments. Their day is over. The size of our Navy is limited by treaty. There remains however room for a difference of opinion between those who do not want us to have any Navy, those who want us to have merely part of a treaty Navy, and those who want us to have a treaty Navy. In the latter class is the Navy League because it believes, with no unworthy motive, that naval parity as an actual fact and supported by international agreement is essential to international stability, the promotion of peace, and the protection of the United States and its sea lanes.

Your remarks on February 26, 1931, as well as your remarks which appear in the CONGRESSIONAL RECORD for January 4, 1927, which have been recently quoted by the Navy League, it can be inferred that you do not see the need of parity, and you believe that a United States Fleet when up to treaty terms will

cost too much, and that you are opposed to the necessary expenditure, and that you will use your influential position to prevent the United States from achieving parity. I, however, in this letter have shown a disapproval of inferences, and I therefore express the hope that you will take an early opportunity to state whether you favor or oppose an orderly building and replacement program designed to bring the United States Fleet up to treaty strength and maintain it there.

Sincerely yours,

WALTER BRUCE HOWE,
Chairman of the Board of the Navy League of the United States.

RETIRING MEMBERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, at the request of the chairman, and on behalf of the Judiciary Committee of the House, I wish to voice our sincere regret at the leaving of us at the expiration of this Congress of three of our very able Members.

The gentleman from Indiana [Mr. HICKEY] has been upon this committee for a number of years. He is a distinguished lawyer and has rendered great public service.

The gentleman from Massachusetts [Mr. STOBBS] whom we all know as one of our finest Members and one of our ablest lawyers, is leaving us also.

The gentleman from North Carolina [Mr. JONAS] has served on our committee during the present Congress. He has been a splendid member of the committee, and has rendered fine service.

The country is unfortunate that in the next Congress we will not have them as members of the Judiciary Committee. Our committee is truly sorry that these Members are leaving the House and we hope they will return for further service. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. GREEN] for one minute.

Mr. GREEN. Mr. Speaker and my colleagues, possibly the greatest construction program or achievement which has been accomplished in the last decade has been accomplished by the Rivers and Harbors Committee of the House under the able leadership of Congressman WALLACE DEMPSEY, of New York. Congressman DEMPSEY has known no sections of our Nation. He has been fair, he has been painstaking, and conscientious. He has been impartial, giving fair consideration to all sections of the country. He has dealt fairly and generously with Florida as well as other States. We deeply appreciate his efforts. He has been ably assisted by the distinguished gentleman from Ohio [Mr. CHALMERS]. In the retirement of these two gentlemen from the Congress, the Nation is losing two of waterway improvements' most able champions. We shall miss their pleasant personalities and splendid services. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. LUCE] for two minutes.

Mr. LUCE. Mr. Speaker, the Massachusetts delegation in the House is about to lose one of its valued members. Mr. STOBBS retires voluntarily to resume the practice of his profession.

If it had been his will to remain in the House we are confident that he could have stayed here as long as he might have chosen. He feels, however, he ought to return to private life. On leaving the House he takes with him the good will of all who have been brought in contact with him. An able lawyer, diligent and energetic, gifted in capacity for speech, a man of the strictest integrity, a man of complete courage, we are certain that whether he passes the rest of his days in private occupation or returns to public service, he will continue to play an honored part, he will continue to be the delight of his friends, he will continue to have the confidence and respect of his fellow citizens in Massachusetts, and all here who have known him by personal association. [Applause.]

INVESTIGATION OF RAILROAD HOLDING COMPANIES

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on some phases and some results of the investigation of railroad holding companies.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. RAYBURN. Mr. Speaker, the Committee on Interstate and Foreign Commerce was authorized under Resolution No. 114, passed January 24, 1930, to investigate the ownership and control, directly or indirectly (through stock ownership or control or otherwise), of stocks, securities, or capital interests in any common carrier engaged in transportation of persons or property in interstate commerce by holding companies, investment trusts, individuals, partnerships, corporations, associations, and trusts, and the organization, financing, development, management, operation, and control of such holding companies, investment trusts, partnerships, corporations, associations, and trusts with a view to determining the effect of such ownership and control on interstate and foreign commerce. The committee was authorized to select counsel and such clerical and expert help as was necessary to carry the investigation through thoroughly. The chairman of the committee employed as counsel Dr. Walter M. W. Splawn, former railroad commissioner of the State of Texas and former president of the University of Texas. Doctor Splawn is an able lawyer and an economist of high order. He began at once the investigation and it was completed and a full report, covering more than 1,700 pages, was submitted to the House of Representatives by the chairman of the committee in February, 1931, the whole investigation covering a period of less than 10½ months.

The Interstate Commerce Commission in its report in 1929 called attention that the holding company had become active in acquiring control of or substantial interests in railroads. An investigation was recommended by the commission. Commissioner Eastman testified among other things as follows:

> By the use of holding companies it seems to me that jurisdiction of the commission over issue of securities under section 20a of the interstate commerce act has in some cases been evaded.

Mr. Eastman further says:

> Holding companies which control or are controlled by or are affiliated with railroad companies may be used to control noncarrier companies, and this common control may be used to effect results which are subversive to the public interest.

Following these and other suggestions made by the commission and others it is held in the report submitted by Doctor Splawn to the Congress through the Committee on Interstate and Foreign Commerce that they are sufficient to set forth:

(1) The possibility of unification beyond the jurisdiction of the commission, as provided under paragraph 2, section 5, of the interstate commerce act as amended;

(2) To present the indictment against the holding company, particularly as made by the chairman of the legislative committee of the commission;

(3) The investigation conducted by the Committee on Interstate and Foreign Commerce has been directed—

1. To the possibility of unification or consolidation without the approval of the commission;

2. To the holding company as an instrumentality which may be used in the manner described by Commissioner Eastman and in other ways.

The whole field covered by the recommendation of the Interstate Commerce Commission it was evident could not be covered in the short time before the convening of the short session of the Seventy-first Congress nor could it all be covered under Resolution No. 114 adopted by the Congress. It was, however, found possible to complete the investigation of the ownership of railroads. It was developed in this field that by the use of holding companies railroad managements had in a practical way evaded the consolidation provision of the transportation act of 1920 and to all its intents and purposes had brought about consolidations without the approval of the Interstate Commerce Commission as was required by law. The best definition that I have seen of a pure holding company is a corporation which merely owns the securities of other corporations without operating any business. The investigation developed that the holding company is being used not only in the field of railroad transportation but even more vastly in the field of public utilities and many other kinds of business.

In the report you will find a study made of the constitutional power of Congress to regulate stock ownership of railroads engaged in interstate commerce. If you have the time to go through this and investigate it, you will find a most interesting and enlightened study. This study was made under the direction of Doctor Splawn by Dean Breckenridge, of the law department of the University of North Carolina. You will also find another study on the question, Should Holding Companies Be Outlawed, by Prof. James C. Bonbright, of Columbia University. Professor Bonbright is an economist of high standing.

In my opinion there has not been an investigation made by any committee of Congress that for the time devoted to it has developed as complete and useful results as this one. You can pick up this report and find a picture of every one of the 160 Class I railroads in the United States. It might not be amiss to say that a Class I railroad is a railroad having annual operating revenues in excess of a million dollars. A map is introduced showing the location of every one of these Class I railroads, their officers, their capital, their mileage, their 30 largest stockholders, what holding companies, if any, control them, and what holding companies own stock in these railroads. In other words, a complete physical and financial set-up of every Class I railroad in the United States. Not to my knowledge is there another document extant that contains anything near as complete a picture of the railroads, their ownerships, and their controls as this one.

The investigation of the railroads under the resolution having been completed, Doctor Splawn made certain recommendations to be found, beginning on page 85 of part 1 of the report. It is recommended that paragraph 2 of section 5 of the interstate commerce act as amended be amended to bring within the jurisdiction of the Interstate Commerce Commission for approval or disapproval any acquisition of control of a railroad which would result in bringing that road into affiliation with, in control of, or under the management of another road, whether the acquisition be by holding companies or otherwise. After the report was submitted Chairman PARKER introduced a bill to bring the acquisition of railroads by holding companies under the jurisdiction of the Interstate Commerce Commission, but time would not permit the consideration that we should have in order to pass the legislation. I hope and believe that the next session of Congress will pass such legislation. If we do not, we make a poor spectacle of our law in that we do not intend under the law for railroads to be consolidated without the approval of the Interstate Commerce Commission, yet they are in effect being consolidated through the agency of the holding company that was not operating in the transportation field when the transportation act was passed in 1920.

The holding company has been more active in the eastern field up to this time than in any other section of the country. In the territory east of the Mississippi River, where the four great trunk-line systems have announced an agreement for consolidation, it is presumed that this plan will be submitted to the Interstate Commerce Commission within the next few months. It will be interesting to see the reaction of the Interstate Commerce Commission to the financial set-up of these companies. After they consider this question it is felt certain that they will have found valuable recommendations to make to Congress with reference to these financial set-ups and a probable recommendation for the unscrambling of these acquisitions through holding companies which have been made without the consent of the commission.

It was the wish of the majority of the Committee on Interstate and Foreign Commerce that the scope of the investigation be broadened to cover the whole field of public utilities as they affected interstate commerce. I, in company with Chairman PARKER of the committee, appeared before the Rules Committee of the House urging that we be given authority to go into this field in order that we might have the full picture by the assembling of the Seventy-second Congress in December. As valuable and as surprising as some of the developments with reference to holding companies in the railroad field have been, the public mind is prepared to believe that more surprising and sensational developments would occur under an investigation of public utilities. It is believed by a vast number of people in the country—and I am one of them—that in the public utilities field more things are being done that are adverse to the public interest than in any other field in which an investigation might be extended. If reasonably well authenticated statements and results of investigations are true, there must be a house cleaning in these lines of business. We are not authorized to conduct this investigation further because Members of the House were informed that a resolution to that effect could not pass the Senate. We hope at the next session of Congress, however, unless a satisfactory investigation of these matters is concluded by some other agency of the Government, to pass a simple resolution through the House for authority, instead of a joint resolution through both bodies. Without sensation and without glamor, without persecution or prosecution, we desire to arrive at the cold facts with reference to public utilities as we have arrived at all the facts with reference to holding companies in the railroad field.

In conclusion allow me to say a word with reference to the services of the counsel for the committee, Doctor Splawn. At the conclusion of his investigation Doctor Splawn received a vote of thanks by the Committee on Interstate and Foreign Commerce. He has done a work within a few months that it ordinarily would take years to do. He is the type of man whose findings and whose recommendations will be taken seriously by everyone who knows him. He went about the matter of the investigation in a businesslike way. He did not desire to advertise himself or be sensational but he got the facts; all the pertinent facts. By taking down these three volumes the layman can find out more about the railroad set-up in the country than he could by taking down many volumes to be found elsewhere. No less authority than Prof. William Z. Ripley says:

> The committee is to be congratulated in this instance upon the masterly assembling of the pertinent facts. Much credit for this is due to Dean Walter M. W. Splawn, of the American University, with the able assistance not only of the staff but the officials and accountants of the very corporations which were under examination. The volume is a tribute also to the technical and diplomatic ability of the governmental experts. Much of its success also is unquestionably due to the tactful wording of the subject by Chairman PARKER of the committee.

Further he says:

> It is a sober, undemagogic presentation of a concrete issue, leading up to a specific remedy for dealing with this matter. There is not a trace of bombast in it. It is in brief a text which contains a great deal of material deserving of the attention of economists, lawyers, and, it goes without saying, of the Congress of the United States.
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> The legal profession will find the study with which the main body of the report begins, on the constitutional power of Congress to regulate stock ownership in railroads engaged in interstate commerce, of especial importance.

FARM CONDITIONS IN NORTHWEST

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a small résumé of conditions in the Northwest.

The SPEAKER. Without objection, it is so ordered.

Mr. KNUTSON. Mr. Speaker, there recently appeared in the Boston News Bureau a statement by Mr. Frederick E. Murphy, publisher of the Minneapolis Tribune, on conditions in our part of the country, which carries a note of optimism which is indeed refreshing in these days of gloom and pessimism.

Under leave, kindly granted me by the House, Mr. Murphy's statement follows:

[From Boston News Bureau of February 20, 1931]

NO SANTA CLAUS NEEDED, PUBLISHER SAYS

NEW YORK.—"Whatever politicians or professional gloom spreaders tell you, the time-tried, cow-sow-hen-steer type of farming today, such as we practice in the Northwest, is far from being 'deflated' or begging Uncle Sam to play Santa Claus," says F. E. Murphy, of Minneapolis.

He is a director of the Associated Press, publisher of the Minneapolis Tribune, a practical farmer, and breeder of Holstein cattle himself, on a 4,000-acre farm in the Red River Valley. He came to New York to address business groups on the agricultural situation. He denies any general farm depression and presents an array of facts to prove that "good farming with good livestock" is not depressed nor seeking political farm relief, but is traveling fast along the "cow paths to prosperity."

SAYS ONLY SINGLE-CROP FARMER IS DEFLATED

"It is only the single-crop farmer," the publisher said, "raising raw materials like feeds, grains, cotton, and wheat, who is deflated this year. Prices of livestock, poultry, and dairy products are not far out of line with those of the general merchandise that farmers buy.

"This is demonstrated by surveys by the Department of Agriculture, comparing farm-product prices with commodity prices. There was a time when America's golden grain belt was our territory, Minnesota, the Dakotas, and Montana. That is what built up our flour-milling industry. But within the past decade this has become America's 'bread and butter' land. Wheat has long since ceased to be the index of our prosperity.

"Northwestern farmers have found the true solution to the farm problem not in Washington but on their own farms. It sums up in five words, 'Good farming with good livestock.' This form of farm relief we all know will work. It has proved itself sound in the testing time of agriculture and business in 1930."

WHEAT PRICE PEGGING UNSUCCESSFUL

Regarding the Farm Board, Mr. Murphy said: "Alexander Legge is a good friend of mine, but he and his Farm Board have grabbed a bear by the tail, and they can't let go. It will throw them headlong one of these fine days. Pegging the wheat price, even if successful, would never solve the farm problem. It has only one effect. It simply stimulates overproduction of something already overproduced. It is the easiest crop to grow, the most primitive form of farming.

"We have a world surplus of wheat. But America's surplus wheat does not come from the Northwestern spring wheat States. Wheat now is our least important crop in Minnesota. Our 1929 crop brought $21,000,000, our 1930 crop only $12,500,000. Yet Minnesota's egg crop alone brings $40,000,000; eggs and poultry, $80,000,000. The barnyard biddy isn't asking for farm relief; she lays her egg and advertises her product.

"The packers paid us $90,000,000 for Minnesota pork, $56,000,000 for cattle and calves. Our potato crop, worth $25,600,000, brings more than wheat; our hay crop, $62,000,000, or about three times that of wheat; our 1930 corn crop is worth $72,000,000. These two great feeding crops are marketed as pork and milk, beefsteak and mutton chops, which turn cheap feeds into high-priced products.

BUTTER IS BIGGEST CASH ITEM

"Our biggest farm cash item is butter, which returns $125,600,000, the largest production of any State or all of Canada. All dairy products total about $200,000,000, nearly ten times the wheat crop that becomes a political football so often. Livestock, dairy, and poultry income in Minnesota—cow-sow-hen-steer money—brought $422,500,000 in 1929. Compare that with the world gold production of $410,000,000 a year to get some idea of its magnitude.

"In our four Northwestern States, from the Mississippi to the Rockies, wheat was worth $178,500,000 in 1929. But the dairying, livestock, and poultry income was $807,500,000, or four and one-half times wheat. The dairy cow alone gave us $301,000,000 of new wealth in this old-time 'Grain Belt.' Her owner is not interested in high wheat prices. He wants low-cost bran, mill feeds, and grains to hold down his costs. So does the swine and cattle feeder. Price fixing only makes it harder for them to make any profit. In our country they far outnumber the wheat growers. More of the latter are changing over their type of farming every year.

LIVESTOCK PRICES HOLD WELL

"The most significant fact is that all these livestock products are not depressed in price like grains and feeds. It is true that they sell for lower prices now than in 1929. It is no advantage to have prices so high nobody can buy. The prices now have come down to reasonable levels. The livestock prices are not far out of line with the general level of prices of merchandise bought by farmers. For these also have come down along with farm prices.

"So the good livestock farmer to-day has buying power still intact, with lower costs than in 10 years. He is increasing in numbers every year, changing over to crop rotations, abandoning soil mining and speculative farming, restoring soil fertility with manure, building sound agriculture. Other regions of America might take their cue from our farmers and learn how to milk their way out of debt.

"In order to finance this development of livestock farming, a loaning company was formed, the Agricultural Credit Corporation, to which New York business interests and financiers subscribed $5,000,000 of the $10,000,000 capital. This company lends direct to farmers, most of whom are hard-up and mortgaged wheat growers. Up to $1,000 is provided at 6½ per cent for a 3-year period to stock up grain farms with sheep, dairy cattle, purebred bulls, and feeder cattle. Since its organization in 1924, 13,600 farmers have been aided with loans totaling $6,780,833. They have repaid of this $4,474,391 out of the actual income from the livestock itself.

SOUND BANKING SECURITY

"C. T. Jaffray, of the First National Bank of Minneapolis, president of the Soo Line, is head of the organization," Mr. Murphy said. "He declares that the $2,306,442 worth of this livestock paper still outstanding is as sound a banking security as he ever found. The losses have been negligible."

RETIRING MEMBERS

Mr. SCHAFER of Wisconsin. Mr. Speaker, I want to take this opportunity of indicating my deep regret that two distinguished colleagues from our neighboring State of Illinois will not be with us in the next Congress. I refer to the hard-working chairman of our Committee on Claims, Mr. IRWIN, and our most lovable colleague, Mr. SPROUL of Illinois. [Applause.]

While the gentleman from Illinois, Mr. SPROUL, has differed with me on the prohibition question, I hope to see him return to the Congress, the same as I hope the gentleman from Illinois, Mr. IRWIN, may return. Both of these gentlemen have been painstaking, conscientious, diligent, and efficient, true representatives of the wishes of their constituents as they interpreted them. [Applause.]

Mr. CONNERY. Mr. Speaker, as the ranking Democrat from New England, I wish to echo the sentiments expressed by the distinguished gentleman from Massachusetts [Mr. LUCE] in reference to our colleague, the Hon. GEORGE STOBBS, who is retiring from the Congress. We agree heartily in all the sentiments stated by the gentleman from Massachusetts [Mr. LUCE], and we are sorry to lose such a valuable Representative from Massachusetts as Mr. STOBBS. [Applause.]

Mr. WILSON. Mr. Speaker, I wish to express the appreciation of the people of Louisiana as well as the Members of the House, for the splendid service rendered by the two retiring Members, J. ZACH SPEARING and JAMES O'CONNOR. [Applause.]

VETERANS' HOSPITALS

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the hospital bill, and to include therein certain correspondence bearing on that question.

The SPEAKER. Without objection, it is so ordered.

Mr. MEAD. Mr. Speaker, an unfortunate controversy arose over the legislation to provide additional hospital facilities for war veterans. The House insists upon the allocations as recommended in the report accompanying the bill, while the Senate report authorizes the Federal Board for Hospitalization to decide on the location of the sites. The House bill also differs from the Senate bill in the matter of the amount of money appropriated, the House having passed two bills authorizing an appropriation of approximately $15,000,000 for construction of hospitals as well as for soldiers' homes, all to be constructed within definite locations. The Senate substituted one bill combining the projects and increasing the appropriation to $20,877,000, and then deliberately rejected the House program, giving the Federal Hospital Board the power to determine the location of the hospitals where in their judgment they were most needed. While the House may be justified to a degree in standing out for the allocations designated in their report, the Senate is entirely justified in the position it takes, because of the haste with which the House report was drawn and also because of the lack of investigation into the propriety of one particular recommendation. I have in mind and desire to make particular reference to the location of the hospital recommended by General Hines for Buffalo, N. Y., which was changed by the committee to Chautauqua County, N. Y. The bills which were introduced recommended a general medical hospital for western New York, and this was followed with a specific recommendation from General Hines, who urged the location of the hospital somewhere near the regional office, which is located in Buffalo, N. Y. The subcommittee of the House Veterans' Committee further approved the recommendation of General

Hines, for Buffalo was included in the report made by the subcommittee to the full committee on Monday, February 9, last. I am advised that the matter was changed in the report approved by the full committee without motion or discussion, and the only reason advanced in the final report submitted to the House was that Chautauqua County is a health center and that Buffalo, because of its air pollution, is not the proper place to locate such an institution. In refutation of this hasty and unwarranted action let me quote authorities who know something of the conditions relating to Buffalo and western New York. General Hines, the Administrator of Veterans' Affairs, together with the Federal Board for Hospitalization, traversed all the territory within the area of the Buffalo regional office, investigating sites and locations, and speaking with the experience gained by personal observation General Hines, in a letter to me dated February 3, 1931, makes this statement:

I can assure you that such a project [the enlargement of the marine hospital at Buffalo], which is outside the jurisdiction of the Veterans' Administration, will not jeopardize the consideration which is now being given to the need of a general hospital and regional office facilities in or near the city of Buffalo.

In further explanation of what the general meant by "in or near Buffalo," he advised one of my colleagues that he meant a location which would distinctly identify the hospital with the city of Buffalo.

James P. Cotter, chairman of the hospital committee of the American Legion and one of the first to advocate a general hospital for western New York, in a letter to the Hon EDITH NOURSE ROGERS, chairman of the subcommittee, makes the following statement:

FEBRUARY 14, 1931.

Hon. EDITH NOURSE ROGERS,
United States Congress, Washington, D. C.

DEAR MADAM: I am very sorry that the situation arose in reference to the contest between Jamestown and Buffalo on the hospital bill. It is too bad that the choice of site could not have been left out of the bill and that matter determined later. I fear that you have not been fully informed in reference to the accessibility of Jamestown to the so-called western New York area now covered by the Buffalo regional office of the United States Veterans' Bureau. Jamestown is on the Erie Railroad, and the only cities which have direct contact with it are all small ones—Salamanca, Olean, Hornell, Elmira, and Binghamton.

The large cities in our area are Buffalo, Niagara Falls, Rochester, Syracuse, and Utica, which are served principally by the New York Central Railroad. Buffalo alone of those places has contact with Jamestown by the Erie Railroad four times in 24 hours—two trains taking two hours and the other two taking three hours. Jamestown is 75 miles from Buffalo, which distance is greater than that of Boston from the Bedford Hospital or the Rutland Hospital in your State. On account of the hills between Buffalo and Jamestown it is dangerous driving there in the winter; in fact, Buffalo is reached more easily than Jamestown by Silver Creek, Dunkirk, and Westfield, three of the cities in Chautauqua County next largest to Jamestown.

As State chairman, I believe that you could hardly pick a worse county in the State for our area, as covered by the inclosed map, than Chautauqua County. As you will note by the map, it is in the extreme southwest corner of the State. Wyoming, Genesee, Livingston, Ontario, all have plenty of rural sites if you insist upon getting miles away from a city; and all those counties can better serve the veterans in the area covered by the inclosed map than Chautauqua County. They submitted sites for the neuropsychiatric hospital last year, and Ontario County was finally selected.

You give as an argument that in your own State the hospitals are located a long distance from the city, and that hospitals should be a long distance away. That argument applies primarily to tuberculosis hospitals and neuropsychiatric hospitals, where the cases remain hospitalized for a long time. With general medical and surgical cases there is a much more rapid turnover, and transportation should be given more consideration. In addition, a hospital in Erie, Wyoming, Livingston, or Monroe would have the advantage of the expert physicians who have already volunteered assistance at both Rochester and Buffalo, and in Buffalo there is the largest supply of radium in the country, which will be available for veteran treatment.

It seems to me that the only fair way of treating this bill is to ask for the appropriation without any recommendation, and allow the determination of site to come up later. Personally, I would be willing to concede your subcommittee on hospitals at that time an equal voice with that of the Veterans' Bureau.

I trust that you will reconsider the steps that have been taken and remove from the bill the designation of the site.

Respectfully yours,

JAMES P. COTTER,
Chairman Hospital Committee, American Legion, State of New York.

Dr. Francis E. Fronczak, health commissioner of the city of Buffalo and one of the outstanding public health authorities in the United States, himself a World War veteran who has been honored by a number of allied governments for his exceptional service along health lines, addressed the following letter to the Hon. REED SMOOT, chairman of the Senate Finance Committee, who is also chairman of the conferees on the hospital bill. This letter clearly refutes the statements made by the chairman of our subcommittee, Mrs. ROGERS, and that of my colleague, Mr. REED, before the House when the legislation was first considered:

FEBRUARY 25, 1931.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In the bill that passed the House of Representatives Monday, February 16, appropriating $12,500,000 for veterans' hospital construction a recommendation from the House Committee on Veterans' Affairs designated Chautauqua County as the location of a 200-bed general hospital to serve the veterans of 31 counties of western New York.

This was contrary to the recommendation made by Gen. Frank T. Hines, Administrator of Veterans' Affairs, that this hospital, to serve the best interests of the greatest number of veterans of this area, should be located in or very near the city of Buffalo.

His recommendation was undoubtedly based on statistics which show that over a period of seven months 5,000 new claims were received at the Buffalo regional office of the Veterans' Bureau. These claims include disability allowance and disability compensation. This office serves the 31 counties which this general hospital would serve. Seventy per cent of these claims came from Erie County alone and 70 per cent of this number were from the city of Buffalo. It is a fact that 90 per cent of the veterans who would be patients at this hospital would come from or be obliged to go through the city of Buffalo to reach their destination.

The only reason so far that Mrs. EDITH ROGERS, chairman of the subcommittee on veterans' affairs, has ever given for the change of this location from Buffalo to Chautauqua County has been based on health conditions of the city of Buffalo, as stressed by Congressman REED, from Chautauqua County.

Congressman REED stated before the House that the Adams Memorial Hospital, the T. B. Municipal Hospital, of Buffalo, is located 40 miles south of Buffalo to escape conditions in this city; also that the State Hospital for the Insane was removed from Buffalo for the same reasons. He said that the smoke resulting from the large amount of coal consumption from the many factories in Buffalo is thrown over the city night and day, and that steamboats, tugs, and barges swarm the harbor of Buffalo, sounding their heavy fog whistles when the weather is bad, and also that Buffalo has sought to relieve its own sick people from the noise, smoke, and confusion by sending them 40 miles outside of the city, and therefore Buffalo or the immediate vicinity is not a proper or healthy place to locate a general hospital.

The City of Buffalo Board of Health takes exception to these remarks of Congressman REED, and answers them with the following statements as to the health conditions of our city:

"Buffalo's health record is an enviable one for a first-class city. The public-health administration is acknowledged as highly efficient, and accurate statistics give the municipality a low morbidity rate and low death rate. The death rate last year was 12.5 per thousand population. The infant mortality—67 per thousand births. The city is ideally located on lake and river and enjoys an unequaled summer climate among cities of its size in this section of the United States.

"Buffalo is a great medical center. For the past 80 years the University of Buffalo has maintained a medical school. Allied hospitals furnish medical and professional services second to none. Within the city of Buffalo are 25 hospitals, with almost 6,000 beds, and the Buffalo City Hospital is a large general hospital, one section of which is devoted to the care of cases of tuberculosis. There are 6 health centers and 20 welfare stations, with nursing services for the poor.

"The only hospital of the municipality located away from the city is the J. N. Adams Memorial Hospital, Perrysburg, N. Y., for incipient cases of tuberculosis. This hospital came into being through a gift of the tract of land by J. N. Adams, a former mayor. It is a memorial institution and a sanatorium and is located at a high altitude.

"The Buffalo State Hospital for the Insane is located on Forest Avenue, in the city, and has been in operation for half a century. The statement that the State hospital had to be moved to Gowanda is incorrect, as the Gowanda institution is a separate unit built on its present site.

In a nation-wide intercity contest, with over a hundred cities participating, Buffalo was awarded honorable-mention certificate for its health administration and salubrity.

Buffalo has a greater amount of radium for cancer treatment than any other city of the world.

As to smoke and air pollution conditions in Buffalo, investigations have been made repeatedly, and available figures as result of an examination made two years ago show as follows:

Particles of dust per cubic foot

Buffalo	12,350
Cleveland	13,840

Detroit	15,300
Pittsburgh	16,100
Cincinnati	16,770
St. Louis	17,600

Pittsburgh has a veterans' hospital but a short distance from the city. Cincinnati has a veterans' hospital within the city.

So far as the purity of the air is concerned, you will find within a very few miles of Buffalo air just as free from smoke, dust, soot, and gases emitted from industries as in Chautauqua County.

The population of Jamestown, Chautauqua County, is about 45,000, while the population of Buffalo is nearly 600,000. Of course, it is evident that Jamestown could not have as good a consulting staff of specialists, necessary in a general hospital such as the bureau proposes to erect. Such consulting-staff specialists and technicians can only be found in the larger cities, especially where a medical school is in existence.

In view of the facts of Buffalo's location, physical characteristics, sanitation, pure-water supply, and excellent health conditions generally, no valid argument can be advanced against the establishment of a general hospital in or near the municipality.

Very truly yours,

FRANCIS E. FRONCZAK, M. D.,
Health Commissioner.

General Hines not only designated Buffalo in his report because of its availability as a health center but also because of the fact that it can best serve the 31 counties of New York State which go to make up the territory of the Buffalo veterans' regional office.

The so-called center selected, according to the letter of Gen. Frank T. Hines in the letter dated April 24, 1930, approved May 1, 1930, by President Hoover, at Limestone, in Cattaraugus County, does not determine the center of population to be served by this proposed hospital. That center was for the neuropschyciatric cases and took in parts of Ohio and Pennsylvania, including Pittsburgh, that were not already served by a neuropschyciatric hospital.

This hospital will be primarily for the 31 counties in New York State attached to the Buffalo regional office. Pennsylvania will not be figured in because there is being placed at Aspinwall, Pa., according to this bill, 200 beds for general medical cases. At any rate, the new center will have to be determined in accordance with the rules and it will not be the same one as for neuropschyciatric cases. And a general hospital at Jamestown will be only 100 miles from the general beds at Aspinwall, Pa. There will be no general hospital from there to New York, 400 miles.

To further refute the statement that the air of Buffalo is polluted with an excess of smoke and dust, let me say that a report on pollution of air in cities covering all the large cities of the United States recently published shows that the air of Buffalo is superior for hospital purposes than that of most of the large cities of the country. In this recent nation-wide report Buffalo attained four positions higher than in the 1928 report and stands much better than either Pittsburgh, Cincinnati, St. Louis, Detroit, or Cleveland, and yet those cities have veterans' hospitals located either within the city limits or in close proximity thereto. The climate of Buffalo is singularly adapted for hospital purposes, especially for veterans accustomed to the climate of that section of the country.

In a report on the climate of Buffalo the Federal meteorologist James Harvey Spencer, makes the following statement:

I have lived in nearly all sections of the United States, from the Atlantic to the Pacific, during the past 30 years, devoting much time and energy during that long period to climatic studies; and I do not hesitate to express the belief, as the result of my studies, that the Buffalo climate as an "all-the-year-'round" proposition has no superior in the United States. Indeed, it is the most "comfortable" climate I have ever found, and remarkably well adapted to all the ordinary demands of business, agriculture, and commerce.

There is no other important American city between the Rocky Mountains and the Atlantic coast that has such a cool and delightful summer as Buffalo. Even Canadian cities like Winnipeg and Toronto are considerably warmer than Buffalo when the great hot waves are sweeping across the country; and the same is true of Lake region cities like Chicago, Detroit, and Cleveland. This is due to the fact that southwest winds, which are, for the most part, the hot-wave winds of America, come off the water only at Buffalo.

In other words, it is the Lake Erie breeze that keeps the weather cool at Buffalo while other cities are experiencing scorching land winds, although from the same direction. It is only when the southwest wind dies out at Buffalo that fairly warm weather is experienced; but a "warm" day at Buffalo would be considered cool in such cities as Philadelphia, Washington, Pittsburgh, Cincinnati, St. Louis, Kansas City, and Des Moines.

JUNE WEATHER ALL SUMMER

We do not have sizzling hot and humid waves, withering droughts, and burned-up park and golf courses. Summer in Buffalo is all June, with pleasantly warm and sunshiny days and with cool and comfortable nights that are ideal for sleeping. July and August exist only on the pages of the calendar. Actually we have three to four months of June weather. The average temperature during both July and August at Buffalo is indeed lower than during June in such cities as Cincinnati, New York, Philadelphia, St. Louis, and Washington. There are not to exceed three to five days during the three summer months when the sun does not shine during some part of the day.

The meteorologist refers to summer as the three months of June, July, and August. The average temperature for these three months at Buffalo is 67.7°; the hottest month, July, gives an average of 69.9°.

Only once in a year, on the average, does the maximum temperature at Buffalo reach or exceed 90°, as compared to 5 times at Detroit; 7 at Boston and New York; 8 at St. Paul; 9 at Chicago; 13 at Philadelphia; 20 at Baltimore; 22 at Cincinnati; 31 at St. Louis; 53 at Tampa, Fla.; 65 at Montgomery, Ala.; and 80 at Dallas, Tex.

THE FALL SEASON

The American fall is so ideal from the Atlantic to the Pacific, and from the Gulf of Mexico to beyond the Canadian border, that comparisons are unnecessary. It is sufficient to say that Buffalo, like other American cities, has an ideal fall, characterized by moderate winds; pleasant, sunshiny weather; mild temperature; and rather light precipitation. But, unlike most American cities, the entire period from May to November, inclusive, is a continuous period of fine and comfortable weather at Buffalo, although with sufficient rainfall to prevent the burning up of crops, parks, and golf courses.

WINTER BEGINS LATE

Following a long and delightful fall, the Buffalo winter sets in rather late as a rule. There is no snow to speak of before November 15 and often not until December 1. The average mean winter temperature (26°) is the same as Chicago and Detroit, although the minimum temperature during any severe cold wave will, as a rule, be about 5° to 10° higher at Buffalo than in Chicago, Detroit, Pittsburgh, St. Louis, and many other cities. During the average Buffalo winter there are only 4 days with a temperature of zero or lower, as compared to 3 at Pittsburgh and St. Louis, 5 at Detroit, 9 at Chicago, and 34 at St. Paul.

In most of our American cities a large part of the winter precipitation is rain. In Buffalo it is nearly all snow. The total annual amount averages about 74 inches. There are many days with small amounts, and few individual storms give deep snows. Indeed, a 10-inch fall is rare at Buffalo. Average snowfall (unmelted) by months is as follows: January, 20.2 inches; February, 17.6 inches; March, 10 inches; April, 3.4 inches; May, 0.3 inch; June to September, inclusive, none; October, 0.6 inch; November, 5.8 inches; December, 16.4 inches; total annual, 74.3 inches.

The winter landscape at Buffalo is usually a picture of clean, white snow, due to frequent falls. Hence, winter sports are as much enjoyed here as in many Canadian cities. Although cloudy weather predominates, the sun peeps through the clouds for brief intervals on many winter days, and there are occasional days when the skies are entirely clear.

There is seldom or never weather at Buffalo, either winter or summer, so extreme that it affects industrial conditions adversely.

SPRING

The Buffalo spring is the kind that agriculturists have praised for centuries in weather sayings like these:

"A late spring, a great blessing."

"A late spring never deceives."

It is in part the late spring that makes the Buffalo district one of the best and safest fruit-growing sections of the country, with danger from killing frost only slight when the fruit trees are in blossom.

When I first experienced a "Buffalo spring" I was more than delighted. Spring weather is usually favorable for vigorous walks in the open; there are no March and April hot waves to force the buds prematurely, and the blooming periods of all the spring flowers and shrubs are much longer than I have ever seen them in other climates. Moreover, July and August are just a continuation of spring, with "June" roses in bloom until late July.

HUMIDITY NOT EXCESSIVE

Relative humidity is not excessive at Buffalo. The average annual humidity, as shown by Bulletin Q of the Weather Bureau, is 73 per cent, as compared to 75 per cent at Chicago and Detroit, 74 per cent at New York, 73 per cent at Cleveland and Washington, and 72 per cent at Des Moines and Pittsburgh. Owing to the cool summers, the relative humidity is scarcely noticed at Buffalo.

When I came to Buffalo I expected to find the wind velocity for the city as a whole much higher than it actually is. The Weather Bureau anemometer is necessarily exposed at a very high elevation and near the shore of Lake Erie, where the winds are greatest. Back a mile or more from the lake, in the residential sections, the winds are very much lighter than at the Weather Bureau office. The prevailing winds are from the southwest in all months, except west during January, November, and December.

The average date of killing frost in the spring at Buffalo is April 25, and does not differ materially from other northern cities in approximately the same latitude, among them Detroit, Chicago, and Des Moines. The average date of first killing frost in the autumn is October 19, which is about the same as at Detroit and Chicago, but about a week later than at Des Moines. Killing frost at Buffalo comes about 20 days later in the spring and only about 10 days earlier in the fall than at Richmond, Va., and St. Louis, Mo.

The best mental and physical work can be done in a climate having an average annual temperature of about 50°, with a cool summer; while frequent changes in the weather, if not too severe, promote efficiency and well being. These are outstanding climatic conditions here, and are among the reasons why Buffalo excels as a convention city and offers an ideal location for big industries. In considering the Buffalo climate, you should also remember that the sun shines some part of the day on 300 days in the year, on the average.

In response to an appeal from the Jamestown Chamber of Commerce for assistance in securing the hospital for Chautauqua County, Mr. Botsford, the executive vice president of the Buffalo chamber, sent the following reply, which contains very valuable information in connection with the proper location of a veterans' hospital for western New York. I quote practically the entire letter, because it will prove a great aid in the ultimate solution of this involved question:

FEBRUARY 17, 1931.

JAMESTOWN CHAMBER OF COMMERCE.

GENTLEMEN: Your telegram of the 14th, regarding appropriation for war veterans' hospital to serve western New York, was duly received. We are glad to note your interest and hasten to reply. As your telegram was given to the press, we trust you will pardon our giving a copy of this reply to the reporters.

The choice of a location for a hospital should be determined primarily in the interests of the patients it is to serve. Ease and economy of access for the sick and for the friends who will naturally visit them are of first importance. We feel that the interests of wholesalers and retailers who may supply such an institution and its staff should be regarded as of minor importance. A hospital of this kind ought to be located where supplies can be obtained quickly and economically. Service from wholesalers and retailers is necessary, but the prospective profits to any particular group ought not to influence the selection of a site.

The number of men drafted into service in the World War from Erie County numbered 25,041; from Niagara County, 4,367; from Chautauqua County, 9,785; from Monroe County, 14,850; from Onondaga County, 9,608; all other counties in western New York sent considerably smaller numbers, most of them well under 3,000. The number of veterans needing hospital care are in about the same proportion. The results of our surveys, which were prepared long ago for the information of Washington authorities, indicate that Buffalo is a most convenient point for the veterans of western New York. The great veteran population in Erie, Niagara, and Monroe Counties, with their proportionately large hospital and potential hospital cases, tends to place the center near Buffalo. There are various ways of figuring this, of course, but the weight of numbers, even if the territory to be served is enlarged, will continue close to Buffalo.

We must also bear in mind that Buffalo is a leading medical center. The Gratwick Cancer Laboratory, our equipment for chronic and for incipient tuberculosis, the existence of a great medical school, of effective clinics in the City Hospital and other large hospitals, and our laboratories all provide a type of service which supplements a veterans' hospital and should be easy of access. There is a constant interchange between hospitals of patients suffering from various troubles. It would seem to us that the hundreds of cases which this veterans' hospital is planned to house ought to have, within easy reach, the best facilities which western New York can provide.

As you know, Buffalo is the converging point for railroads and also for highways, bus lines, and other facilities which incoming and outgoing patients and visitors will naturally desire to use. We appreciate the importance of Jamestown as a business center and the fact that Chautauqua County is located in the marketing area of which Buffalo is the center, as shown by the United States Department of Commerce survey. We feel, however, that the service to be rendered by the proposed hospital will be more effective and useful to those for whom it is planned if located here. This chamber is not interested in any particular site; it does not and will not represent any persons having real estate to sell for a hospital location. We are, however, deeply concerned to have the Federal Government carry out its pledges for the care of veterans. When a veteran reports at a regional office for an examination, he is paid on a basis of $2.65 per day for physical examination with subsistence, lodging, and railroad transportation, both ways. This happens to be a convenient location for the great majority of veterans in western New York and in northern Pennsylvania. It is the most economical place for them to reach and will involve less per diem, subsistence, and transport cost to the Federal Government.

In this connection, consideration should be given to the regional office. This office, employing about 100 people and serving daily 150 to 500 veterans, should be located close to the hospital. It is inconceivable that this regional office should be placed where the great proportion of its visitors would be unable to reach it without expense. We are aware that many Government hospitals and soldiers' homes have, in the past, been located for political reasons or in order to satisfy the ambitions of particular localities. We feel that the matter is too important and involves too many homes and sick people to be subjected to such influences. In all such matters we glady place at the disposal of the authorities all the facts in our possession. We believe that Congress should proceed without prejudice or political trading and settle the matter strictly in the best interests of the sick veterans for whom the expense is to be incurred.

SAMUEL B. BOTSFORD,
Executive Vice President.

Personally, I would not care to assume the responsibility of locating a veterans' hospital because I am of the opinion that this work can better be accomplished by the Federal Hospitalization Board, who are appointed by the President of the United States for the purpose of selecting the best available locations for our heroic veterans of the World War. If this matter was handled properly by those in charge of the legislation we would not witness this apparent deadlock between the two legislative bodies of Congress. For my part I would be entirely satisfied if the locations were designated by the veterans' hospital board, for they would select the best available locations. I supported the measure and appeared before the committee and I hope before the session is over that a general medical hospital will be assured the veterans of western New York.

RETIRING MEMBERS

Mr. DOWELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DOWELL. Mr. Speaker and ladies and gentlemen of the House, the Iowa delegation at the close of this session will lose two of its most prominent, active, and able Members in this House.

As we all know, Congressman DICKINSON for a number of years has been one of the most active and one of the ablest Members of this body. [Applause.] His State, recognizing his great ability and his worth, has elected him to represent our State in the Senate of the United States. We are all proud of the fact that he is going to serve in that body, and we all regret that he must leave us here.

Judge LETTS has served with distinction, with honor, and with great credit as a Member of this House, and he will leave us at the close of this session.

The Iowa delegation desires, through me, to express great regret at the loss of these two Members of the delegation in the House, and I know that all the Members join with us with regret that they will not return at the next session of Congress, and I know also you will all join in our best wishes to them both for success and happiness in their future work. [Applause.]

Mr. BLANTON. Mr. Speaker, I ask to speak for two minutes.

The SPEAKER. Without objection, the gentleman from Texas will be recognized.

Mr. BLANTON. Mr. Speaker, one of the most lovable characters who has ever served in this House leaves public service at noon to-day. I refer to the Hon. CLAUDE B. HUDSPETH. He has ably represented what is known as the old Jumbo district of Texas for 12 years. In 1917 I came to Congress from that district and he succeeded me. I have never known anyone in my life who has been so well able to claim the friendship of men and hold it as Mr. HUDSPETH. He has just entered the hospital at Baltimore this morning, and I am sure I express the sentiment of this House when I say that we hope and pray that he will speedily recover. [Applause.] He has held many positions of trust in my State. He has adorned the circuit bench and has been a member of our State senate, and every man in the great State of Texas who knows him loves him well. [Applause.]

ENTERTAINMENT AFTER ADJOURNMENT OF HOUSE

Mr. CLARKE of New York. Mr. Speaker, for the information of the Members of the House I beg to say that promptly

southwest wind dies out at Buffalo that fairly warm weather is all months, except west during January, November, and December.

upon the falling of the gavel our program of entertainment will begin. We hope that the Members and their friends will give us as much room as possible down in the Hall here. We want to devote an hour and a half to expressions of good fellowship in the closing hours of the Congress.

ARTICLE BY SENATOR FESS

Mr. WOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an article written by the distinguished Senator from Ohio [Mr. FESS].

The SPEAKER. Is there objection?

There was no objection.

The article is as follows:

[From the Sunday Star, Washington, D. C., March 1, 1931]

AMERICA PRESSES ONWARD

On March 4—next Wednesday—the Hoover administration will be two years old. Half of the term of office to which Mr. Hoover was elected by an enormous majority will have elapsed.

Here is a time for the casting up of accounts, to determine the standing of the Nation as an economic unit, of the President and of the party in power.

National assets and liabilities—the real welfare of the Nation—can not be truly measured and assayed by a count of partisan votes. Neither can the real success of a political party be determined by mere reference to the size of the vote it controls in the legislative chambers of the Nation.

Within the month just ended the Nation observed, in grateful remembrance and homage, the anniversary of Abraham Lincoln's birth. Yet in 1865, when an assassin's bullet ended his life, the national balance sheet showed tremendous liabilities, tremendous losses, tremendous hazards impending. A great national debt had been created; the Southern States were impoverished; scores of thousands of precious human lives had been destroyed on the battlefield; our foreign trade had been disrupted; partisan and sectional animosities had been multiplied.

Against these national liabilities of nearly 70 years ago there was one great asset to be applied—the Union had been preserved. And swiftly, in the years that followed, there developed from that asset the world's greatest, richest, most powerful, most peaceful Nation, surpassing all others in the material well-being of its people.

In the dark days of 1865 the country's welfare was in the hands of a new political unit, the Republican Party. That party has continued in charge of the Nation's affairs almost all the time since.

In the sweep of economic circumstances during the last two years that have almost engulfed governments and nations like the great flood of old, the United States of America remains the "high spot" of economic security and social stability. No government in the world has greater reason for pride in actual accomplishment for the welfare of many millions of people during a period when the economic foundations of civilization have been rocked by universal causes.

Our great fundamental institutions remain unchanged; an orderly representative Government of law, based on the Constitution; a national ideal of fair and equal opportunity for every man and woman.

The political promise contained in the platform of the political party which was victorious in 1928 has been transmuted into substantial accomplishment. One has but to glance over the country—North, South, East, and West—to grasp the truth of this statement. Here are great internal waterways being developed; giant ships being built by American workingmen to bear the American flag on all the seas; a vast and permanent road system under construction; capacious hospitals under construction to care for those who served the country in time of war; millions of people enabled to finance agricultural operations through the assistance of the Federal Government; huge revetments and similar works under construction to prevent floods that in the past have constituted a national peril and problem; barriers firmly erected to prevent the flooding of American markets with the product and labor of countries whose people subsist in a way unknown to our own.

Above all, we have maintained in America during a time of world-wide, sweeping, destructive changes the asset that has made our Nation supreme, the ideal upon which the Republic was founded—a government responsive to the needs and will of the people, with a firm purpose of affording equality or opportunity and free scope for individual initiative to all its people.

In government, as in business, there are times when readjustments must be made, certain losses borne for the purpose of rebuilding. The Nation in the last year or two has had to meet and resist tidal waves of economic change and pressure which originated far from our own shores, and which have overthrown not only parties but entire systems of government. To escape unscathed here was impossible; to relieve and rebuild was not only possible but has been actually accomplished in America without any real impairment of our fundamental economic structure. The assets of wise administration are enormously greater than the liabilities from drought and economic disturbance.

LIABILITIES AND LOSSES

The liabilities and losses are perfectly obvious and apparent—not because they are printed in red ink but because they are shouted night and day, week in and week out. On the other hand, the enormous surplus of sound, solid, permanent assets of Nation, President, and Republican Party are not anywhere near so apparent to a large part of our population, since such items are not news—at least, not interesting news.

The fact is that not only is the Nation perfectly solvent but the President and his party have on the credit side assets that far outweigh and dwarf the liabilities alleged by partisan propagandists.

Let us see what these assets are compared with the only liability of any importance—the current business depression and drought—with the cause of which the administration had nothing to do. "As goes the Nation, so goes the President and his party," to paraphrase an old political maxim. The party out of power holds the party in power responsible for all the ills suffered by the people. In other words, the success of the party and its leader is measured by the welfare of the Nation without regard to the source or its content. Partisan attack suggests the question: "Is the United States bankrupt, insolvent, tottering to ruin and destruction, about to disintegrate?" Were this attack honest and the question serious, the answer would be: "Not by a considerable margin!"

Perhaps the answer to the question could best be illustrated by another: "What other nation would any American prefer to live in, where he would find equal comfort, luxury, and opportunity; equal freedom and equal chance for happiness and progress?"

Were the question seriously propounded, the very fact that we have had to impose severe restrictions on immigration from every other country on the face of the globe, of course, gives the answer: "Even under present depressed business conditions in the United States it is by so large a margin incomparably the best place in the world in which to live that barriers must be erected by law to prevent the swarming in of millions of men and women from other nations, bent on bettering their own conditions."

It would be too much to hope for exemption when all the world is involved. True, we have unemployment—too much of it. But is that a new and crushing liability and one particularly chargeable to Republican administration? Here are the words of another Ohio Senator:

CINCINNATI SHOPS LIGHT

"Last week I was in the city of Cincinnati. Upon inquiry I found that the shops there were only running about 40 per cent of their capacity. I am advised that in the great iron and steel centers of Ohio the mills are running only about 50 per cent of their capacity. There is not an industrial center in the State of Ohio or in western Pennsylvania or in New York or Illinois that is not very seriously affected by nonemployment. * * * I found that in the city of Toledo already there had been bread lines of 2,000 a day; later I found in reading another newspaper that that morning the authorities had to feed 1,200 men for breakfast and give them baskets of food to take home. I sent out a questionnaire * * * and word comes back from nearly every one of these industrial centers that 40 per cent of the workingmen of the country are out of employment."

Those statements were made 10 years ago, in January, 1921, by Senator Atlee Pomerene, a distinguished Democrat and a close friend of Woodrow Wilson. They referred to conditions then existing as the Wilson administration drew to a close.

But the country rapidly recovered and attained a greater degree of prosperity than had ever before been enjoyed. It will not do to underestimate or minimize business depression and unemployment, but we are in much more danger from overemphasizing conditions of distress as a basis of dangerous nostrums, on the one hand, and of losing courage because we do not see the real assets and resources of the country that guarantee recovery on the other.

Nowhere has there been more emphasis, political and otherwise, on unemployment than in New York. Yet in 1930 New York led the Nation in average savings in banks of that type, with $847.16, compared with $810.11 the year before. And all over the country in 1930 savings deposits increased approximately $1,000,000,000. In just 17 States the savings deposits in the "depression year" of 1930 increased practically $600,000,000! Furthermore, the number of savings deposits increased by more than $500,000 last year.

When the present year began there were about 13,000,000 people having deposits of $9,464,732,492 in the mutual savings banks—and still enemies of the administration foster the idea that the country is on the brink of ruin.

In Massachusetts, an industrial State that has been affected by world-wide conditions, savings deposits nevertheless rose more than $70,000,000 in 1930, and the number of depositors increased by 120,000.

I shall not weary the reader with an itemization of our national assets; yet it is necessary to cite some figures to demonstrate in contrast how insignificant are our liabilities. Here in a Nation of more than 120,000,000 people, occupying a vast and fertile territory extending from ocean to ocean, there are countless "prophets of disaster" tolling the knell of all our hopes and aspirations, predicting dire calamity and not only advocating but demanding doles of money from the United States Treasury to support what has always been a free, independent, and proud people. All this is in the face of the fatal consequences of Great Britain's experience with the dole.

That Nation—the United States of America—with but 6 per cent of the world's population, produces one-third of the world's goods. Ninety per cent of that product we consume at home—which means, of course, that we have the highest standard of living in the world. In the last 10 years our people have invested $36,000,000,000 in homes. Our 6 per cent of the world's population produces 43 per cent of the world's coal, 54 per cent of the iron, 64 per cent of the steel, 49 per cent of the copper, 64 per cent of the petroleum, 51 per cent of the lumber, 69 per cent of the cotton and 84 per cent of the motor vehicles of the world. Yet there are undoubtedly many thousands of our people who have been so misled by partisan criticism that they are ready to believe the country is "ruined" unless the nostrums of those who preach disaster are swallowed.

For years and decades, while America was developing and growing, we were heavily indebted to the Old World, borrowers in her money markets. Now the chancellor of the British exchequer tells parliament that the monetary stock of gold of the United States is greater than the combined gold holdings of the United Kingdom, France, Germany, and Spain. We have more than twice as much gold as France; six times as much as Great Britain, with her world-wide empire and trade.

Yet those who criticize the tariff policy of the Republican Party shout that the last tariff revision is responsible for such woes as we have. They disregard utterly the warning found in the condition of Great Britain, which for generations has adhered to a free trade policy. That situation was described in an economic bulletin published in February, 1931, in these words:

SERIOUS BRITISH SITUATION

"The industrial situation of Great Britain is now more serious than at any time since the war. The number of persons on the dole is larger than in 1921. Instead of recovering trade which drifted away during the war there is reason for those whose fortunes and living are dependent upon British industry to fear that they are losing more."

During a period of 70 years, except for intervals of 16 years, the economic policy of the United States has been guided by the Republican Party. And nowhere else in the world has there been such a growth of wealth shared by the mass of people. The liability, therefore, of a decrease of business and employment during the last year is the kind of temporary draft upon our resources and strength that is encountered and overcome in every sound private business enterprise.

So much for our national balance sheet. Let us examine now the responsibility of directing the Nation's affairs. The party's liabilities after the 1928 election consisted of certain definite pledges contained in its platform of that year.

The promises were to reduce taxes when conditions warranted such action; to adjust the tariff to maintain the American standard of living; to arrange for payment of the debts owed to America by foreign nations; to aid our farmers in the marketing of their products; and to provide adequate relief for disabled war veterans.

Without exception those promises have been fulfilled.

Taxes were reduced to the extent of $160,000,000 a year. Despite protracted opposition, resulting in a year's delay largely responsible for the unsettlement of business, the tariff was revised to furnish agriculture with a proper measure of protection and to safeguard the domestic market for the products of American farms and factories.

The Federal Farm Board was established and supplied with $500,000,000 to assist in creating a new and better marketing system. Debt settlements were effected with France, Germany, and Austria. Better hospital and medical facilities and increased disability compensation were provided for war veterans and their survivors.

Thus were the pledges redeemed.

DUTIES EVER CHANGING

But the duties and responsibilities of political leadership are ever changing, ever growing. Conditions change from month to month and year to year; emergencies arise; new opportunities for service are presented.

In India, China, Russia, throughout Europe, South America, and even in far-away Australia, great economic and political changes took place that were bound to have a repercussion in our own country. It was necessary to add to the party program; to expand Government agencies to deal with unemployment; to provide a public building and public works program to take up the slack in industry. The upbuilding of an American merchant marine was made more effective. The construction of an internal waterway system was broadened and improved; increased amounts were appropriated for public roads. Costly competition with other nations in naval armament was limited by treaty with other great powers. When the act of God brought suffering and distress through a wide area through lack of rainfall many millions of dollars were appropriated from the Federal Treasury for relief purposes.

To catalogue the necessary and helpful legislation enacted during the last two years would require page after page. Enough has been said to demonstrate that the party which was given a new vote of confidence in 1928 has justified that confidence.

We come now to President Hoover's standing with the country. Probably no President in the history of our country has come to that office with such a varied complement of enemies and critics both within and without his party. The criticism touches the extremes of political animosities. The election which resulted in his elevation to the Presidency by an overwhelming majority was one that left bitter memories. The elements which made him strong with the people were not essentially pleasing to distinctively politically minded leaders.

Mr. Hoover had not previously held elective office. He was what the political leader might term an "amateur in politics," though not in statesmanship. His ability as an executive and administrator had been thoroughly tested and proved during the World War and afterwards as a member of the Cabinet. Yet his lack of first-hand political experience as a manipulator of the party machinery made him an exceedingly tempting target for those in press or forum who were expert in impairing political opponents.

It will not be disputed that no President in recent times has been confronted by more difficult problems than he has met in these two years. Mr. Hoover inherited a cleavage of long standing in his own party. The economic problems of the whole world, as they affected and involved our wide-flung interests, were laid on his doorstep. The heavens refused to rain on a section of the country that had already suffered and been impoverished by too much water a few years previous. A new concept of government, involving the support of the people by the Government, instead of the support of the Government by the people, was being constantly promoted by those who appealed to the self-interest of their audiences. Because he refused to yield he was openly charged as being hard-hearted by men who knew that the world recognized him as its most humane personality to-day.

On the floor of the Senate he was gravely charged with having more sympathy for foreign people than his own, because he had answered the call of Woodrow Wilson to administer the fund when Wilson as President had requested $100,000,000 to feed Europe, which was threatened with starvation because of the collapse of the entire economic fabric as well as the hopeless confusion of governmental processes due to war.

Systematic campaigns were carried on to bring about relinquishment of our just claim of billions of dollars loaned to foreign countries when they were in peril. It was urged upon the President that this would promote our own prosperity by increasing foreign purchasing power—ignoring and disregarding the fact that our own people would be obliged to repay billions of dollars in the form of war-time bonds. A policy of "reduce taxes, increase expenditures, issue bonds, borrow from Peter to pay Paul" was urged, regardless of ultimate financial consequences to the Nation. "Stop or slow up paying the war debt" was another proposition advocated.

Many a man with much more experience in public office, with much more political experience than Mr. Hoover, might have been led from the path of duty and right by such urgings, such pleas, such arguments, such threats of political reprisal and vengeance for failure to take heed. Party disruption was threatened, attempted. On every side President Hoover was surrounded by critics and enemies. Systematic commercialized villification was practiced.

Through all the clamor and confusion of attack Mr. Hoover has steered a straight course, guided by two beacons—his sense of right and of public duty and the fundamental principles of the party that has endured 70 years in a position of leadership.

On the liability side it may be said that President Hoover has had conflicts with Congress. So did Washington, Lincoln, Jackson, Roosvelt, Wilson, and Coolidge, to mention but a few of our Presidents.

DEPRESSION DEALT WITH

Charged against Mr. Hoover as a liability is the business depression and its consequent unemployment. But has any President ever dealt more broadly, effectively, and successfully with a similar unavoidable condition? Nation-wide organization of industry and labor was made to minimize distress and speed the day of recovery. Strikes and lockouts have been reduced to one-tenth the level reached in the last previous economic adjustment. Wages have been held to a high level, hours of work a day kept from extension and even shortened. Relief agencies have been better organized, better supplied with funds than ever before.

Against the insiduous and persistent effort to make the Government every man's keeper President Hoover has taken a firm stand with such words as these, words that have guided his own action, despite criticism and savage attack:

"The true growth of the Nation is the growth of character in its citizens. The spread of government destroys initiative, and thus destroys character. Character is made in the community as well as in the individual by assuming responsibilities, not by escape from them. Carried to its logical extreme, all this shouldering of individual and community responsibility upon the Government can lead but to the superstate, where every man becomes the servant of the State and real liberty is lost. Such was not the Government that Lincoln sought to build."

And so as the first half of his first term of office ends President Hoover's own strength of character, of will, of determination is more apparent than ever before. Those who at the beginning of his term whispered that he was "weak" have long since abandoned that line of attack; his strength of mind and character is too apparent. Without rancor or vindictiveness he follows the path of principle hewed by the leaders of the party who preceded him in the Presidency, but with a distinctive and distinguishing ability to accomplish what is needed for the Nation that has rarely been equaled.

The first and most essential quality of leadership, political or otherwise, is strength—of mind, of courage, of ideals. And this is the great Hoover asset, the asset that will bring lasting profit to the Nation in the two years ahead—gain of material prosperity and gain of national ideals.

RETIRING MEMBERS

Mr. BYRNS. Mr. Speaker, and ladies and gentlemen of the House, as a minority member of the Committee on Appropriations who has served for a great many years with our retiring friend, the gentleman from Michigan [Mr. CRAMTON], I wish to bear testimony to the great value of the services which he has rendered not only as a Member of this

House, but as a member of that committee. The work of the Appropriations Committee is not spectacular. It consists of the patient and arduous examination of estimates for appropriations carried on in the committee room, and few appreciate the great amount of work involved and the close and long-drawn-out attention required throughout the session. Members of the House recognize the very great value of the work performed by Mr. CRAMTON as a member of the committee and also his influence in general legislation. The Appropriations Committee has never had a more untiring, a more earnest, a more energetic or abler member than our friend from Michigan, who retires to-day. [Applause.] His retirement is a real loss to Congress and to the country, and I am sure we all hope for him great prosperity in all his undertakings. [Applause.]

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. TILSON. Mr. Speaker, we, your committee appointed on the part of the House to join a like committee on the part of the Senate to wait upon the President and inform him that the Congress has completed the work of the session, have performed that duty so far as waiting upon the President is concerned, and beg to report that the President has no further communication to make to the House at this time.

RETIRING MEMBERS

Mr. GUYER. Mr. Speaker, I rise to express my sentiments with respect to several men who with the expiration of this Congress leave the House of Representatives. First, the gentleman from Kansas [Mr. SPROUL], my beloved colleague, who to-day finishes eight years of valuable and conscientious service in this Chamber. Mr. SPROUL came here in the days following the World War, and his term of service has covered a period of vast constructive development and at the same time feverish with the spirit of change. He brought to the work of the House a mind filled with ripe knowledge and an honest purpose to do his duty as it appeared to him. He has filled his term with honest and tireless endeavor for his country, and he has made a most enviable record. No man ever represented Kansas in the House with more earnest and unselfish devotion.

Logical and convincing on the floor, he always made a deep impression when he spoke. His speech delivered in behalf of a tariff on oil, May 21, 1929, foreshadowed the present plight of oil, which has left the industry prostrate in the Middle West. But it was on his committees that Mr. SPROUL did his most effective work. An able lawyer, with an intensely practical mind, he brought to the councils of his committees the most valuable aid in the formulation of legislation and earned the most flattering approbation of his colleagues on his committees. He was a member of two most important committees, that of Indian Affairs and Mines and Mining.

Hon. SCOTT LEAVITT, chairman of the Committee on Indian Affairs, says that Mr. SPROUL—

added to the committee the criticisms of measures based on his fundamental friendship for the Indians which insured care in the consideration of all measures before the committee.

Hon. THOMAS J. HALSEY, another member of the same committee said that Mr. SPROUL's services—

by reason of his long and varied experience, coupled with his profound knowledge of the law, rendered him one of the most valuable members of this committee.

Mr. SPROUL was chairman of the Committee on Mines and Mining, and that committee thus loses a most able leader of a subject of which he was master. In the retirement of Mr. SPROUL the House loses one of its most progressive and aggressive leaders as well as one of its most earnest and effective workers. [Applause.]

I take pleasure in saying a word of appreciation of Hon. ED. M. IRWIN, chairman of the Committee on Claims. Mr. IRWIN last fall ran over 40,000 ahead of the head of his ticket in Illinois, and I am sure his vacation will not have a very long duration. He has been one of the best men on the Committee on Claims as well as one of its most beloved and honored chairmen. He was diplomatic, and had the confidence as well as the affection of every member of the committee. It is doubtful if any chairman on any committee of the House worked harder and to better advantage than the gentleman from Illinois who retires with the kindest feeling and the keenest regrets of the whole House. [Applause.]

Permit me to add a word of commendation for that distinguished statesman, Hon. JOHN C. BOX, of Texas. There is no more conscientious and courageous man in Congress than Mr. BOX. In his considerations of measures before Congress no man hews closer to the line of principle, regardless of persons and parties involved. His very fidelity to his country, and the interests of its people as a whole, militated against him in the primaries in his own State. That is the sort of Spartan courage that is all too rare and too often not properly appreciated. Across the gulf of party affiliation I want to render this faltering tribute to this fearless and incorruptible public servant. I learned to love him, though a Democrat—and greater love hath no Republican. [Applause and laughter.]

STATEMENT OF SENATOR BULKLEY, OF OHIO

Mr. CROSSER. Mr. Speaker, because of the fact that a filibuster now being conducted in the Senate prevents any Member of the Senate from procuring leave to extend his remarks, the Senator from Ohio [Mr. BULKLEY] has requested me to procure leave to extend in the RECORD a statement made by him in regard to Senate Resolution 459. He also desires to have extended in the RECORD an address made by Rev. M. E. Dodd on February 26, 1931, on the subject What Would Wilson Do?

I therefore ask unanimous consent that the statement of Senator BULKLEY and the address of Rev. M. E. Dodd, to both of which I have just referred, be extended in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The following resolution was adopted by the Senate on February 23, 1931:

Resolved, That the Attorney General is requested to report to the Senate as soon as practicable the following information relative to the monograph prepared and published by the Bureau of Prohibition in October, 1930, entitled "The Value of Law Observance, a Factual Monograph":

(a) The procedure followed by the bureau in the compilation and interpretation of the factual material embodied in such monograph and in investigating reliable and authoritative sources in order to insure the truth and accuracy of the observations and conclusions contained therein;

(b) The action, if any, taken by the Bureau of Prohibition or any other bureau in the Department of Justice to verify and substantiate the factual material the accuracy of which was emphatically questioned or directly denied (1) by E. Clemens Horst, Esq., of San Francisco, Calif., in his letters of October 31, 1930, and November 1, 1930, addressed to Hon. Amos W. W. Woodcock, Director of the Bureau of Prohibition, or (2) by Hon. FIORELLO H. LAGUARDIA, of New York, in his letter of December 13, 1930, addressed to Hon. William D. Mitchell, Attorney General of the United States, or (3) by Hon. JOHN J. COCHRAN, of Missouri, in an address in the House of Representatives on January 6, 1931;

(c) The corrections or changes, if any, in the second and third prints of such monograph and the total number of copies published in each of the three prints, the dates of publication, and the method of distribution of copies of the monograph.

The purpose of this resolution was to give to the Attorney General and the Bureau of Prohibition a fair and reasonable opportunity to explain what steps have been taken toward keeping official publications going out to the public under the seal of the Department of Justice free from inaccuracies and misrepresentations. Up to the time of adjournment no reply to the resolution of inquiry has been received from the Attorney General.

There is no apparent reason why in the course of a week's time the resolution could not have been answered, and the failure of the Attorney General to make any answer is an unfavorable reflection on him and on the Bureau of Prohibition. Inasmuch as some public statement may yet be forthcoming, it is only fair that we should temporarily reserve judgment as to the sincerity of those responsible for the publication of the monograph in question, but if the bureau continues to circulate additional copies of this monograph without correction and without explanation, the only possible conclusion is that there is a deliberate willingness to deceive the public on this important question

and that the seal of the Department of Justice, which ought to be the symbol of truth and honesty, is being used to deceive and defraud.

Additional evidence of misstatements and inaccuracies, either inadvertent or willful, contained in this monograph have been shown in a recent series of articles appearing in the Washington News and in other newspapers, which articles are appended hereto.

Herewith is a series of articles written by Adrien Adelman, special writer for the Scripps-Howard newspapers, which has been appearing in those newspapers from coast to coast. The articles seek to analyze and point out the misstatements of alleged facts contained in the recent Department of Justice monograph entitled "Law Enforcement."

ONE MISREPRESENTATION A DAY

By Adrien Adelman

ARTICLE 1

"Inebriety may be said to have been born in America and developed far more rapidly here than elsewhere."

This is one of the "undisputed facts" gathered by the Bureau of Prohibition of the Department of Justice. It is set forth on page 25 of its propaganda booklet, The Value of Law Observance, which is supposed to "educate" the public concerning prohibition.

The Bible records the drunkenness of Noah. The Greeks and Romans had their gods of wine, Dionysius and Bacchus, and worshiped them. An ancient Greek is quoted by one authority, "'Tis a shame to be drunk among sober men; 'tis also a shame to stay sober among men that are drunk."

Northern European races were always hard drinkers and an Englishman writing about the time 1000 A. D. said: "The English were notoriously hard drinkers. * * * Men and women would sit for long hours drinking. * * * Hence when it was almost dark they would reel home."

The fact seems to be that instead of drunkenness being born in the United States its birthday is lost in remote antiquity.

It may be added that Prohibition Director Woodcock admits reading and takes responsibility for the "educational" booklet. Attention of Attorney General Mitchell was specifically called to this statement December 13 by Representative LAGUARDIA, of New York—but the booklet is still being circulated.

ARTICLE 2

After making the United States the birthplace of drunkenness, the Bureau of Prohibition in its educational booklet, The Value of Law Observance, says, "This may be due to the abnormal rush that the United States has developed—a physiological condition that will not tolerate stimulants."

This is an argument that alcohol is a stimulant.

Later in the booklet, however, it is said, "The general results of the experiments carried on show that alcohol is a narcotic, depressing in nature in its effect upon both mental and physical activity."

The booklet then goes on to say, "Prior to the passage of laws prohibiting the unlimited use of alcohol in any State the States tacitly licensed inebriety and drunkenness."

Representative COCHRAN of Missouri, in a speech from the floor, made it clear that this statement is ridiculous.

"Practically all States had laws against drunkenness," he said. "Drunks were arrested, prosecuted, and fined or sent to jail long before there was any prohibition law."

On the other hand, the national prohibition law does not prohibit the drinking of alcohol or alcoholic beverages.

ARTICLE 3

The Department of Justice's educational booklet, the Value of Law Observance, says, "We find it is shown that alcohol is responsible for * * * almost all venereal diseases" in this country.

The real fact is that mortality statistics show that the principal disease in question accounted for only 0.9 per cent of deaths in the registration area in 1910—10 years before national prohibition—but that in 1928, after eight years of prohibition, this figure had increased to 1.2 per cent.

Also Ireland—and the Irish are not prohibitionists—has one of the lowest such disease rates in the world. Nor, on the other hand, have the Mohammedans, whose religion forbids alcoholic liquor, higher reputations for asceticism than the drinking western peoples.

ARTICLE 4

The Department of Justice in its booklet, the Value of Law Observance, offers a table of figures, and says, "These figures show that the consumption of liquor was increasing rapidly prior to 1920."

An examination of the table itself seems to disprove the statement.

It shows that in the first year for which figures are given, 1900, the consumption of alcoholic liquors in the United States in gallons per capita was as follows:

	Gallons
Distilled spirits	1.28
Wines	.39
Beer	16.06
Total	17.73

In 1919, the last year before Federal prohibition, the department's own figures show this consumption:

	Gallons
Distilled spirits	0.77
Wines	.51
Beer	8.00
Total	9.28

A rapid reduction, not a rapid increase.

ARTICLE 5

The booklet the Value of Law Observance, issued by the Department of Justice to "educate" the public, says "Deaths from alcoholism between 1900 and 1919 showed a marked increase."

A table appears showing deaths from alcoholism and another for deaths from cirrhosis of the liver. The tables start with the year 1913.

Taking this year and the last year prior to 1920, or 1919, the following figures are found per 100,000 population:

Alcoholism

1913	5.9
1919	1.6

Cirrhosis of the liver

1913	13.4
1919	7.9

It therefore appears from the department's own records that instead of the "marked increase," which is claimed in the case of alcoholism, there is a marked decrease in that as well as cirrhosis. The 1919 figure in the case of alcoholism is less than one-third of the 1913 figure.

The death rate from alcoholism, as told in the booklet, rose from 1.6 in 1919, the last year before prohibition, to 4.1 in 1928, the last year for which figures are given. This is an increase of 156 per cent.

ARTICLE 6

The Department of Justice, in its booklet on the Value of Law Observance, says, "The observance of the prohibition law has led to a trend of increased thrift which probably is a statement that can be made without contradiction." And the booklet gives, among other figures, the per capita savings for the years 1912 to 1916 as $90, compared with $188 for the years 1921 to 1925.

The whole truth is not given.

On December 6 Representative TINKHAM, of Massachusetts, called to Prohibition Director Woodcock's attention the deceptive character of the booklet on this point. He pointed out that while total savings had increased 84 per cent in the nine years immediately following prohibition, they had increased 98 per cent in the years immediately preceding prohibition.

TINKHAM's figures show that the rate of growth of total savings had decreased about 14 per cent during the prohibition period, and even the rate of growth of per capita savings had decreased during the same time.

ARTICLE 7

The Prohibition Bureau's educational booklet the Value of Law Observance contains a quotation from Dr. William H. Welch, of Johns Hopkins University. Doctor Welch recently was termed "the leader of scientific medicine in America" by President Hoover.

Welch is quoted as saying: "Alcohol in sufficient quantities is a poison to all living organisms, both vegetable and animal."

The booklet does not state, however, that Doctor Welch repeatedly indicates in his discussion that he is talking about the abuse of alcohol or its excessive use, as shown by such phrases as "alcoholic abuse," "immoderate use," "alcoholic intemperance," "alcoholic excess." Nor does it quote statements by a colleague of Doctor Welch in the same book showing that many other substances—such as sugar and salt—are also poisons when in "sufficient" quantities.

But, after mentioning arsenic and strychnine, the Government booklet adds:

"Doctor Welch maintains that alcohol is not merely a poison but the most far-reaching and virulent of poisons, because its effect is insidious and is cumulative as time goes on."

This is a misrepresentation of Doctor Welch's position, a reading of his writings reveals. Also, when the matter was called to his attention, he said his position was not correctly stated.

ARTICLE 8

The Government's prohibition propaganda pamphlet, the Value of Law Observance, asserts that "the taking of alcohol in moderate quantities causes heart trouble, as well as apoplexy, diseases of the kidneys, and cirrhosis of the liver."

Death rates for these diseases for 1919 and 1928 are interesting in connection with this statement.

If the moderate use of alcohol was really the major factor in causing these diseases, it seems that they would have diminished with prohibition.

But such is not the case.

The Government's own statistics on deaths per 100,000 population follow:

Heart disease

1919	146.7
1928	207.7

Cerebral hemorrhage (apoplexy, etc.)

1919	82.2
1928	91.3

Nephritis (kidney disease)

1919	88
1928	95

Figures on deaths from cirrhosis of the liver—shown in a previous article—are:

1919	7.9
1928	8.6

It therefore seems that the Government's own statistics show that there has been an increase in the death rate of every disease since the advent of prohibition, which the propaganda booklet says the moderate use of alcohol causes.

WHAT WOULD WILSON DO?

(Address by M. E. Dodd, D. D., LL. D., pastor First Baptist Church, president Dodd College, Shreveport, La.)

When the World War armistice became effective in November, 1918, I was in the field with the soldiers between Nancy and Metz. That night I came back to the town of Toul. One of the greatest demonstrations I had ever seen was staged in the public square. Miss Margaret Wilson, the President's daughter, was the center of attraction and enthusiasm in that demonstration.

On Thanksgiving Day I arrived in Paris. Late in the afternoon I was elbowing my way through the jostling crowds down Rue de Rivoli to my hotel when great shouts and acclamations were heard in the distance as they came nearer and nearer. I climbed on the top of an automobile with others to see the passing show, to discover that it was the first visit of Mr. Lloyd George to the French capital after the cessation of hostilities. I remarked to a French gentleman that this demonstration was a tremendous tribute from the French to the brilliant British Premier, and expressed surprise that it excelled the demonstration over the visit of King Albert of Belgium, which I had also witnessed. The French gentleman shrugged his shoulders, opened the palms of his hands, and exclaimed, "Yes; a great demonstration; but you just wait until Monsieur le President Wilson comes and we will show you how the French can celebrate."

Everywhere I went after this in my speaking campaigns among the soldiers of the various armies I found Wilson parks, Wilson streets, and Wilson monuments springing up all over, not only in France but in Belgium and Italy and England. This was especially true of other smaller countries, 18 of which declared war on Germany between April 6, when Mr. Wilson recommended the American declaration of war, and August 5.

All of this is an illustration of how the downtrodden, the oppressed people of all these nations, looked upon Wilson as their leader, defender, spokesman, and almost as redeemer.

Not only did Mr. Wilson's war-time policies, principles, and programs demonstrate his sympathy for the masses of humanity, but this deep-seated devotion manifested itself in many other ways.

In his campaign for the governorship of New Jersey he said over and over, "The deepest conviction and passion of my heart is that the common people, by which I mean all of us, are to be absolutely trusted. When I look back at the genesis of America, I see this written over every page, that the nations are renewed from the bottom, not from the top; that the genius which springs up from the ranks of unknown men is the genius which renews the youth and the energy of the people; and in every age of the world, where you stop the courses of the blood from the roots, you injure the great, useful structure to the extent that atrophy, death, and decay are sure in ensue."

My friends, we need another Wilson at this hour to raise his voice in the interest of universal good by protecting the masses from these corrupt, depressing, destructive, and baneful influences which rob them of personal rights, personal initiative, and personal opportunity.

The heart of this great statesman and lover of humanity was laid open in his Mexican policy, when he said, "I am more interested in the fortunes of oppressed men, pitiful women and children, than in any property rights whatever. The people of Mexico are striving for the rights that are fundamental to life and happiness—15,000,000 oppressed men, overburdened women, and pitiful children in virtual bondage in their own home of fertile lands and inexhaustible treasure!"

When the question as between dividends on investments, or even property values themselves, and the interest of the people were involved he never hesitated not for a single second to take his stand in behalf of human interest.

When the jingoists were seeing red and urging a war, many of them no doubt with questionable patriotic motives, Mr. Wilson said, "I do not have to fight, and neither do the gentlemen on the Capitol Hill who now clamor for it. It is some poor farmer's boy, or the son of some poor widow away off in some modest community, or perhaps the scion of a great family who will have to do the fighting and the dying. I will not resort to war until I have exhausted every means to keep out of this mess."

But when the man who was "too proud to fight," and who was elected the second time by the American people because "he kept us out of war," did get into war, all the fighting blood of 400 years of Irish ancestry from his father's side and all the indomitable pluck inherited from 400 years of Scotch blood from his mother's side got into action and never stopped until it won. He brought every American resource—intellectual, moral, material, and spiritual—into requisition for the winning of one great objective more completely than any other man had ever done.

In concluding his war message, he said, "It is a fearful thing to lead this great, peaceful people into war. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free."

Wilson, the schoolmaster, the mystic, the idealist, flung prudence to the winds and cast himself into this deathless struggle for the welfare of humanity. Speaking to the officers of the Atlantic Fleet, he said, "Men that do not know danger are the rashest men, and I have several times ventured to make this suggestion to the men about me in both arms of the service. Please leave out of your vocabulary altogether the word 'prudent.' Do not stop to think about what is prudent for a moment. Do the thing that is audacious to the utmost point of risk and daring, because that is exactly the thing that the other side does not understand, and you will win by the audacity of method when you can not win by circumspection and prudence."

This spirit, Mr. Wilson claimed, was traditionally and fundamentally American as contrasted with the professionalism by which things are done out of the book.

If Wilson were living to-day, I believe he would hurl himself, with all the powers of his dynamic personality, his gigantic brain, and great spirit, into the fight for the rights of the plain people who constitute the great masses of society.

Wilson was the invisible foe of concentrated wealth and of special privilege. He believed that Government was ordained of God for the good of society as a whole, and not for the protection of a few.

Wilson considered the World War a battle between two opposing and irreconcilable ideas, one autocratic, the other democratic. "To make the world safe for democracy" was his great slogan, and as a result of his leadership in this war of ideas 44 crowned heads went into the junk heap. It was one case where the pen was mightier than the sword and where brain triumphed over brawn.

He drew such a keen line of distinction between the German people and the merciless, autocratic, domineering governors that even Ludendorf declared that it was Wilson propaganda which sowed the seed of dissension that ruined German morale at home. And with that broke, the war was won. He delivered the world from the idea of the divine right of kings to the divine right of the people.

In his letter of reply to the Pope's proposal for peace Wilson said: "The object of this war is to deliver the free peoples of the world from the menace and the actual power of a vast military establishment controlled by an irresponsible government which, having secretly planned to dominate the world, proceeded to carry out the plan without regard either to the second obligations of treaty or the long-established practices and long-cherished principles of international action and honor."

Again he said, "Responsible statesmen must now everywhere see, if they never saw before, that no peace can rest securely upon political or economic restrictions meant to benefit some nations and cripple or embarrass others, upon vindictive action of any sort or any kind of revenge or deliberate injury."

And again, "Punitive damages, the dismemberment of empires, the establishment of selfish and exclusive economic leagues we deem inexpedient and in the end worse than futile, and no proper basis for a peace of any kind, least of all for an enduring peace."

It is not difficult to see from these quotations just what his attitude would be toward present-day conditions where a government of commissions centralized in the interest of the few while the masses groan under the intolerable burdens.

What he would do is again revealed by the vast program of benevolent and humanitarian legislation which he secured for the statute books for both New Jersey and the Nation. Among these may be mentioned the income tax law, the child labor law, the 8-hour day for the working man, the Federal banking system, the regulation of public utilities, the employers' liability act, and the popular election of United States Senators.

In all of his legislative program he expressed a desire "to be guided, so that as the tasks multiply and the days come when all will seem confusion and dismay, we may lift up our eyes to the hills out of these dark valleys where the crags of special privileges overshadow and darken our path, to where the sun gleams through the great passage in the broken cliffs, the sun of God, the sun meant to regenerate men, the sun meant to liberate them from their passion and despair, and to lift us to those uplands which are the promised land of every man who desires liberty and achievement."

While he possessed high scholarship, he was plainly democratic and did not hesitate to say, "The great voice of America does not come from seats of learning. It comes in a murmur from the hills and woods, and the farms and factories and the mills, rolling on and gaining volume until it comes to us from the homes of common men. Do these murmurs echo in the corridors of our universities? I have not heard them." A clarion call to the spirit that now moves America. Still later he shouted, "I will not cry peace so long as social injustice and political wrong exist in the State."

He believed that it was the voice of this common mass of America which exalted him to his high place, and that he had a solemn obligation in all conscience to fulfill by protecting the masses from masked "privilege" and to restore to the people a government which would meet their needs.

And yet there was nothing to terrify those who were apprehensive lest property rights should be violated. Justice would be done to all, and yet those who looked upon government as a power to promote private corporate interest would find no comfort from his administration.

Over and over he would say, "Men and women and children must be shielded in their lives, their very vitality, from the consequences of great industrial and social processes which they can not alter, control, or singly cope with."

Nor was he simply an idealist giving forth fragrant phrases, but he was a man of action, going forth to battle with an unsheathed sword, never to be put up until the victory was won.

In two months after war was declared a vast nation-wide machinery had registered 10,000,000 men and 32 camp cities had sprung up overnight, with 40,000 men in each of them. Within three months after war was declared there were fighting men in France, and in October following they were in the firing line, and there were 27,000 trained officers at home ready to go to the battle front. He was an idealist whose ideals became realities.

One of the means by which Wilson sought to achieve the high end of protecting the people against special privilege was what he was pleased to call "pitiless publicity." What was done in the dark places he would tell on the housetops. His was an open-door policy.

During his term of office as President he made the announcement from the White House that he proposed to resist the enemies of society and righteous government with "pitiless publicity." He said that these enemies feared nothing so much as they did publicity. "Publicity," he said, "was the most effective means of education." The silence of men in public office and life; the silence of men of the press; and the silence of practically all radio stations of power make of this station KWKH the refuge of the oppressed for an understanding of the causes which are leading our country into a state of prostration through commercial and economic ruin.

One of the mottoes of this station is the weapon of Wilson, "pitiless publicity."

Woodrow Wilson, son of the parsonage, man of destiny, man of God, prophet, and priest, had the patriotism of Washington, the lucidity of Lincoln, and the spirit of the crusaders. Though dead, he yet speaks, and in the breast of multiplied millions of plain people there still surge the hopes and dreams for freedom which he fanned into a flame.

And just as Wilson freed vast multitudes from the tyranny of political autocracy, so we need another Wilson to liberate the masses from the more terrible tyranny of industrial and centralized commercialism.

This is the end which Mr. Henderson, through his radio station KWKH, is seeking to attain, and he deserves the sympathy, cooperation, and support of all right-thinking people everywhere.

COMMUNIST ACTIVITIES IN THE UNITED STATES

Mr. FISH. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 390, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 390

Resolved, That there be printed 14,000 additional copies of House Report No. 2290, Seventy-first Congress, being a report of the Special Committee to Investigate Communist Activities in the United States, of which 4,000 copies shall be distributed to Members through the folding room of the House and 10,000 copies through the House document room.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

RETIRING MEMBERS

Mr. MANLOVE. Mr. Speaker, I take this occasion to say a word or two about some retiring Members from the State of Missouri and express our hearty appreciation for the services and companionship they have rendered. We deeply regret to lose the services of these distinguished retiring Members from the State of Missouri—Mr. ELLIS, Mr. HALSEY, Mr. PALMER, Mr. KIEFNER, Mr. SHORT, and Mr. JOHNSTON.

I appreciate the permission granted me by the House to express words of commendation in behalf of six of my Missouri colleagues who, with the expiration of this Congress, will leave the House of Representatives. The political tidal wave which recently swept the shores of many Republican districts carried these six earnest, unselfish Missouri statesmen back to the fields of private endeavor. I speak the sentiment of every Member of Congress, on both sides of the aisle, when I say that each of these conscientious, courageous men has made a place for himself in the hearts and minds of those with whom he served. They will be missed but not forgotten.

Permit me to tersely picture, in ill-metered verse, my impressions of this closing hour of the Seventy-first Congress, as follows:

'Twas March the fourth, in thirty-one;
The gavel had fallen, and all was done.
There was laughter, and music by the band,
And kind words spoken on every hand.

All seemed jolly and well content,
For everywhere there was merriment;
Yet in that crowd, let us not forget,
Was many a heartache and deep regret.

Many strong men went out that door,
With ambitions unfilled, to return no more,
And others hoped that future days
Would bring them fortune—a thousand ways.

Others may sing of winners proud,
And shout their virtues long and loud;
I save my song where fate has struck,
And wish the losers better luck.

From rocks of Maine to sun-kissed West,
Each man loves his home State best.
So let me tell, as others may,
Of six good men from out my way.

Of six sturdy, stalwart sons of fame
Who homeward turned, from whence they came.
Where the "Father of Waters" and "Old Mizzou"
Languidly flow by their State, and through.

Where mountains rise and prairies fade,
Where ore is found and fortunes made;
Where farmers win, with honest toil,
The wealth of life from a limestone soil.

Each held in heart a well-earned pride
Of friendships formed, true and tried.
Each knew that a parchment, no shadow could dim,
Was forever the record well written of him.

For back in that House of marble walls,
Of historic files and galleried halls,
Were friends who watched those six men go
And said, "We can hardly believe it so."

Colleagues who bade them a fond farewell,
With truer warmth than words can tell,
Who lauded their tireless, toilsome days
And spoke of their labors with wholesome praise.

EDGAR C. ELLIS, dean of that clan.
Had served five terms as a Congressman.
Noble of stature, of thought, and of deed,
His standard of life, "The American's Creed."

CHARLES EDWARD KIEFNER, determined of will,
Wrote in the record, "From Perryville."
And quietly studied with zealous mind
Proposed legislation of every kind.

ROWLAND L. JOHNSTON, well versed in the law,
And as neat a man as you ever saw.
Of dignified manner, yet pleasant and kind,
As clear a thinker as you'll ever find.

THOMAS J. HALSEY, of ancestral fame,
Proud of his forebears, proud of the name.
Well it may be, and well for us all,
That one of them answered the "minute-men" call.

JOHN WILLIAM PALMER went as he came,
Without word of fault or one word of blame.
Commanding of figure, so straight and so tall,
His motto of life, "A square deal for all."

DEWEY SHORT, bearing illustrious names,
From Galena town on the winding James,
With silver tongue and master's degrees,
Has championed well our State decrees.

Mr. DOXEY. Mr. Speaker, ladies and gentlemen of the House, just serving my first term in Congress causes me to hesitate at this time to address the membership of the House, but somehow I can not refrain from rising and saying a few words of approbation and regret with respect to the gentlewoman from Arkansas [Mrs. OLDFIELD]. [Applause.]

For two years I have served on the same committee with her, and have learned to appreciate her splendid work and to regard her judgment most highly. In all things I have found her to be diligent, painstaking, and broad-minded. Graciousness, culture, and refinement were always manifested by her.

Her service in the House has been characterized by earnestness and unselfish devotion to duty.

Mrs. OLDFIELD has been an inspiration to me, and I know she has also been an inspiration to others with whom she has served.

I am sure that I express the sentiments of every Member of the House in saying that we deeply regret her voluntary retirement from the Halls of Congress. [Applause.]

Mr. BEEDY. Mr. Speaker, I wish to give expression for, I think I may say, the entire membership of this body of our good wishes for a man who has earned the esteem and affection of every Member of the House of Representatives. He has won that esteem and that affection because he embodies not only the essential qualities of a faithful and effective representative of the people, but because he embodies the essential qualities of a true American gentleman.

We bid him farewell, and we wish him Godspeed in what we trust will be long-extended service at the other end of the Capitol. I am proud to pay this well-deserved tribute to my distinguished colleague from Maine, Hon. WALLACE H. WHITE. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, in the closing moments of this Congress, as a colleague and an old friend of the Representative from the third Illinois district, Hon. ELLIOTT W. SPROUL, I can not refrain from speaking a word in expressing my high appreciation of his splendid, manly character, of his devotion to public duty, of his loyalty and faithfulness to his friends, and of his ever-present anxiety to be of service wherever he may be placed.

His colleagues from Illinois bid him a fond farewell in this Chamber, but wish him Godspeed for many years to come. [Applause.]

RELIEF FOR PEOPLE IN CITIES

Mr. BLACK. Mr. Speaker and gentlemen of the House, this session has largely devoted itself to taking money from the people in the cities and giving it to the farmers. We can not do anything for the people of the city now, but the administration can, in the allocation of the new work in the Navy Department. The Navy Department can give some work to the New York Navy Yard. I urge it.

I want to give the last word of warning to the White House, as a manifestation of my friendship. [Laughter.] I saw a picture the other day that is very ominous to the White House. It was a picture of Calvin Coolidge taken beside a cow. [Laughter and applause.]

HON. HUBERT FISHER

Mr. BYRNS. Mr. Speaker, I am sure every Member of the House regrets the voluntary retirement from Congress of Hon. HUBERT FISHER, who has represented the tenth district of Tennessee for so many years so faithfully and so efficiently. [Applause.]

I speak for myself and the entire Tennessee delegation when I say that he has won the affectionate regard of every one of his colleagues on both sides of the Chamber. We love him for his high character, his kindly manner, and his great moral worth. No Member has labored more assiduously to serve the people of his district and his State; and no people have had more able and faithful representation than those of the splendid district which he has had the honor to represent, and no retiring Member leaves behind him a greater number of personal friends and well wishers.

We hope for him when he retires to private life and to his home in Memphis, a long life of prosperity and happiness. We will miss him here, because there has been no more able and no more faithful, no more earnest Member of Congress than HUBERT FISHER during the entire years of his service. [Applause.]

EXTENSION OF REMARKS

A TRIBUTE TO RETIRING KENTUCKY MEMBERS OF THE HOUSE

Mr. THATCHER. Mr. Speaker and Members of the House, permit me to pay a brief tribute to my Kentucky colleagues who are leaving this body to-day upon the expiration of this, the Seventy-first Congress.

JOHN L. DORSEY, JR.

Beginning with the second Kentucky district, there is Representative JOHN L. DORSEY, Jr., of Henderson, Democrat and lawyer. He has served as Representative for the present short term, having been elected last November to fill the unexpired term caused by the resignation of Hon. David H. Kincheloe, who was appointed by President Hoover to the position of judge of the United States Customs Court at New York. Representative DORSEY, though serving here for so short a period, has met his duties with diligence and ability. He has made many friends on both sides of the aisle, and they will regret his going. He did not seek reelection.

J. D. CRADDOCK

Another retiring Member is J. D. CRADDOCK, of Munfordville, Republican, Spanish War veteran, and man of affairs, of the fourth Kentucky district. In 1928 he achieved the distinction of winning election to Congress in this heavily Democratic district, being the only Republican who ever won a seat in Congress from the district, except Hon. John W. Lewis, who was elected to the Fifty-fourth Congress, 1895–1897. Though winning in 1928 by a majority of more than 4,600 over Democratic opposition, last fall the district swung back to its moorings and he failed of reelection. During his two years of congressional service he has served his constituents most capably and he has made a host of friends in Washington, both in and out of Congress.

J. LINCOLN NEWHALL

The only Republican who has ever been elected to Congress from the sixth Kentucky district is J. LINCOLN NEWHALL, of Covington. He won his election to the Seventy-first Congress by a majority over his Democratic opponent of 5,700 votes. In the last election the district resumed its place in the Democratic column and he lost reelection to his opponent of two years before. His genial personality has endeared him to all those with whom he has come in contact in the National Capital during the past two years. His colleagues are very grateful for the fact that he has recovered from a recent and very dangerous illness. Faithfully and effectively he has served the people of his district. Man of business and talent, our good wishes will accompany him wherever he may go.

ROBERT BLACKBURN

Another Kentucky Republican, who, in 1928, won the distinction of election to Congress from a district which theretofore had never elected a candidate of his party, is ROBERT BLACKBURN, of Lexington. His is the seventh Kentucky district, formerly represented by Henry Clay, and afterwards by Col. William C. P. Breckinridge. Mr. BLACKBURN is a Spanish War veteran and business man. He, like the other retiring Kentucky Members, has the capacity for friendship, and in our midst he has won affectionate regard and esteem. He has served his district with noteworthy ability and success. Though elected in 1928 to the Seventy-first Congress by a majority of 5,668 over his Democratic opponent, he lost to the same opponent in the pendulum swing of 1930.

LEWIS L. WALKER

The eighth congressional district of Kentucky in 1928 elected as its Member to the Seventy-first Congress, Judge LEWIS L. WALKER, of Lancaster. His reputation as a lawyer of ability and as a man of fine constructive capacity was maintained during his congressional service. He won his election by a majority of 3,507 votes over his Democratic opponent, who, in 1930, was elected to the Seventy-second Congress. Judge WALKER, however, was not a candidate for reelection. The district is normally Democratic. He returns to the practice of law with the good wishes and esteem of his colleagues here.

ELVA R. KENDALL

In 1928 there was elected to the Seventy-first Congress, to represent the normally Democratic ninth Kentucky district, ELVA R. KENDALL, World War veteran and business man, of Carlisle. During his service in Congress he has shown special interest in legislation relating to veterans and the civil service. His congressional record is of a character most creditable. He has been untiring, and most successful, in serving the people of his district. Although elected in 1928 by a majority of about 5,600, in 1930 his Democratic opponent of two years before won over him, the district having returned to the Democratic fold. We wish and bespeak for him further successes of high order. He leaves behind him in Washington a host of friends.

MRS. KATHERINE LANGLEY

The last of the list of out-going Members is Mrs. KATHERINE LANGLEY, of Pikeville. Hers is the tenth Kentucky district and is normally Republican by a substantial majority. She was elected to the Seventieth Congress and reelected to the Seventy-first Congress. Her opponent of 1928 was the beneficiary of the Democratic tide of 1930 and, as her opponent again, was reelected to the Seventy-second Congress in her stead. Representative LANGLEY is the daughter of a former Congressman and the wife of a former Congressman. Thus, when she came to the House in her own right, she was well versed in congressional procedure. Her training and talents have won for her in Congress a high place. She has served her constituency with unswerving loyalty and effectiveness. Her district could not have been more ably represented. In both Houses there is deep regret because of her departure. Her energy, courage, tact, and persistency are bound to earn her further outstanding honors, either here or elsewhere.

In conclusion, permit me to say, Mr. Speaker and colleagues, that, politically speaking, the names of most of those of whom I have spoken may appear to constitute something of a "casualty list," yet by every token of faithful and efficient service they have earned the right to be placed on an "honor roll." They have deported themselves here in such manner as to win the unfailing regard of their colleagues and associates. I know that I voice the sentiment of all of us who have served with them in this Chamber when I say to all these retiring Kentucky Members, "May Heaven's richest blessings attend you."

HON. SCHUYLER MERRITT

Mr. TREADWAY. Mr. Speaker, the adjournment of Congress sine die brings back to the minds of mature men memories of college graduation. There is a certain element of pleasure and gladness at the release from duty and the routine of business. But far transcending this feeling is the sadness at the breaking of ties of long standing.

During the Sixty-fifth Congress a new Member was sworn in, and I have enjoyed a personal intimacy with him from that day to this. His present term of service expires at noon to-day. I refer to the Hon. SCHUYLER MERRITT, of Connecticut. No one ever knows what the future has in store, but if a vote should be cast by those who have been thrown into close association with this gentleman over a period of years, a unanimous expression of hope for his return to the halls of Congress would be forthcoming.

Throughout my life it has been my privilege to be thrown into contact with a great variety of men in all walks of life. I can truthfully say that I have never been more closely drawn to anyone than to the gentleman from Connecticut. His personality is so charming that he endears himself to all kinds and classes. His popularity in the House is great. His going is a loss not only to his State and to New England, but to the country as a whole, and we hope it is but temporary. The age of a man is not judged by his years but by the way in which he has lived and the imprint he has made on the lives of his associates and friends. We sincerely wish for Friend MERRITT all the joys of good health and pleasure which he so richly deserves, and we look forward with anticipation to a resumption of his public service.

HON. HENRY ALLEN COOPER

Mr. TEMPLE. Mr. Speaker, the following memorial resolution upon the death of Hon. HENRY ALLEN COOPER was adopted by the Committee on Foreign Affairs, March 4, 1931:

Resolved, That the Committee on Foreign Affairs desires to record its high appreciation of the splendid service which the late HENRY ALLEN COOPER rendered during his many years of service as one of its members.

His analytical mind, his comprehensive knowledge of international law, his extensive field of reading, his wide experience as a Member of Congress for 36 years made him an extremely valuable Member of the House and the Foreign Affairs Committee.

A lover of justice, a high sense of public duty, a lofty vision of the future, and unbounded enthusiasm for every cause he believed in, were the qualities which made up his noble character.

In high appreciation of the valuable service he rendered to his country and cherishing affectionate personal regard for his memory, the committee orders that a copy of this resolution be communicated to Mrs. Cooper with the expression of its deep sympathy with her in the great loss which she and all of us have sustained.

EDWARD E. BROWNE,
R. WALTON MOORE,
CHARLES A. EATON,
Subcommittee.

Attest:

FRANK S. CISNA,
Clerk Committee on Foreign Affairs.

ADJUSTED-SERVICE CERTIFICATE

Mr. BACHMANN. Mr. Speaker, I have noted in the CONGRESSIONAL RECORD of March 2, 1931, on page 6613, the remarks of Hon. DAVID A. REED, Senator from Pennsylvania, in connection with his insertion of a letter dated February 28, 1931, from the senior Senator from West Virginia, Hon. GUY D. GOFF, to Mr. R. F. Guthrie, State commander Disabled American Veterans, Charleston, W. Va., in reply to a telegram received by Senator GOFF purporting to have been signed by Mr. Guthrie.

So that there may not be any injustice done Senator GOFF or the State commander of Disabled American Veterans, it is my purpose to call attention to the fact that Mr. Guthrie did not sign the telegram that was received by Senator GOFF as is evidenced by the following letter sent Senator GOFF by Mr. Guthrie:

DISABLED AMERICAN VETERANS OF WORLD WAR,
CHARLESTON CHAPTER, No. 1,
Charleston, W. Va., March 3, 1931.

Hon. GUY D. GOFF,
Washington, D. C.

MY DEAR SENATOR GOFF: I am just in receipt of your letter of February 28, 1931, and was very much affected by the telegram that was sent by some of the disabled American veterans here at Charleston to you.

Frankly, I was always under the impression that both the Senators had supported the bill that was referred to, and I was not interested enough in it to even write a letter to either one of them asking their support of this legislation. After the action on the bill some of the local veterans made the remark that they would send a telegram to each one of the Senators, and no doubt they learned that you did not support the legislation and worded the telegram that way.

I am too familiar with the good work that you have done for the veterans of the World War of West Virginia, and know of hundreds of cases my own self in which your valuable assistance has helped many and many a veteran.

I frankly believe that this legislation, while it may help a few temporarily, that they will be left worse off in the long run.

I would not for anything under the sun utter one word of fault against a man that has stood up for the veterans as you have and done what he has thought best for their own welfare.

I assure you that there are not in this State one-tenth of 1 per cent of the veterans that are not loyally behind you. It would be most ungrateful for anyone, after your long period of service in their interests, to find fault with your work.

I trust that you will accept this letter as an apology for any veteran that would do anything to condemn the good work that you have done while in the United States Senate in their behalf. While there are hundreds of them who have talked to me before and since this legislation was passed, and I was told that they would wire the Senators, if I had known that there would have been a telegram sent as above stated I surely would have not let it go.

It hurts me very much to see you leave the Senate at Washington, for I know that not only veterans of this State but everyone else is losing a hard worker and trusted friend.

It was never my pleasure to have met you personally, but I have written you on different occasions, and have always found you up and fighting for the veterans.

I hope that you will accept this letter as an apology, and I assure you that the writer has always been a loyal supporter of yourself, and will continue to be so in the future.

With kindest regards, I am,

Very sincerely,

ROBERT F. GUTHRIE,
State Commander.

Upon receipt of Mr. Guthrie's explanatory letter, Senator GOFF wired him as follows:

[Telegram]

MARCH 4, 1931.

ROBERT F. GUTHRIE, Esq.,
Charleston, W. Va.:

Regret exceedingly that some surreptitious character assassin should have been so devoid of human instincts and the loyal impulses so characteristic of World War veterans as to have used your name in his pitiful attack upon my bonus vote. Such a person is not worthy of the trust or confidence of even the most degenerate and progressive paranoiac criminal. You are very courageous and outstandingly generous to write me as you do, and I shall prize your letter forever. Hoping to see you soon, and

Kincheloe, who was appointed by President Hoover to the | He leaves behind him in Washington a host of friends.

asking you to know that my appreciation is sincere and that it will always have a place even in my subconscious memory, I am,

Very cordially yours,

GUY D. GOFF.

This is just one of the many instances where some unscrupulous person seeks to mislead Members of Congress by false representations, and I desire to call the attention of the Congress to the fact that very often telegrams are received purporting to be from some official of certain organizations, when, in truth and in fact, that official is not aware and has no knowledge that such a message bearing his name has been sent.

PROTECTING DAIRY INTERESTS

Mr. STRONG of Kansas. Mr. Speaker, the bill restoring the 10 cents a pound tax on oleomargarine has become a law, and this time, I think, we have established the yellow color of butter so that the manufacturers of oleomargarine can not deceive the public through selling their product colored to imitate butter.

The trouble all came about through the oleomargarine manufacturers finding a way to deodorize palm oil so that it could be used to color oleomargarine to imitate butter and then securing a ruling from the Commissioner of Internal Revenue to the effect that such use of palm oil was not an artificial coloring and therefore exempted oleomargarine from the 10 cents a pound tax it had been paying for over 20 years. This decision was rendered on November 12, and immediately advertisements of colored oleomargarine as a substitute for butter appeared in the Saturday Evening Post and other publications of large circulation, and within 60 days butter fell in price over 10 cents a pound.

Early in January I called a meeting of Congressmen from the dairy States, and among other things planned at such meeting was the introduction of a bill to restore the 10 cents a pound tax on oleomargarine and have the same introduced in both the Senate and House.

Then a rule had to be secured to bring the bill up for consideration and vote. A hearing was secured before the Rules Committee. Chairman HAUGEN, of the Committee on Agriculture, who had reported the bill; Congressman BRIGHAM, who had introduced the bill at the request of our group meeting; Representatives CLARKE, of New York; MENGES, of Pennsylvania; KETCHAM, of Michigan; KNUTSON, of Minnesota, and other Congressmen from dairy States, appeared at such hearing and made statements in favor of the bill. As officers of the group meeting referred to, Mr. KVALE, of Minnesota, and myself filed the following statement:

Hon. BERTRAND H. SNELL,

Chairman the Rules Committee, Washington, D. C.:

The undersigned officers of a meeting of Representatives from the States largely interested in dairying that was held recently, when the disastrous results of the decision secured by the manufacturers of oleomargarine from the Commissioner of Internal Revenue became known, have been asked to file the following statement with your committee in the interest of securing a rule for the consideration of H. R. 16836, known as the Brigham bill.

The passage of this bill, H. R. 16836, through Congress will not increase the tax on oleomargarine that has existed in the past, nor will it change the law regarding oleomargarine from what Congress intended when the same was passed. Its sole purpose is to carry out the intention of existing law which has been set aside by the ruling of the Internal Revenue Commissioner.

Unless H. R. 16836 is passed, coconut oil and palm oil, neither of which are produced in the United States and both of which are admitted without payment of duty, will become practically the sole ingredients of oleomargarine, eliminating the use of animal fats, cottonseed, peanut, and soybean oils.

There is no objection to the manufacture of oleomargarine if it is not made and sold to the public as butter; but it is being so sold. Salesmen of oleomargarine are calling attention to the fact that "oleomargarine as now manufactured and colored looks like butter, tastes like butter, and spreads like butter, and when taken from the packages, which are similar to those of butter, it can not be told from butter under ordinary conditions, and can be sold for much less than the cost of producing real butter." The result will be that hotels, restaurants, boarding houses, and railroads will be induced to perpetrate this fraud upon those who desire and believe they are being served the health-giving qualties of real butter, and the dairy industry will be destroyed.

The claim that people who desire to use oleomargarine because of its lower price will be forced to pay the tax of 10 cents a pound is untrue, for the tax of one-fourth cent a pound, which uncolored oleomargarine has carried in the past, will not be increased under the passage of this bill, whose sole purpose is to protect those who produce real butter and the public from having an article sold as butter that is not butter.

The appeal to cotton producers because of the use in the past of cottonseed oil as an ingredient in making oleomargarine does not now apply, since palm oil is cheaper, and used with coconut oil creates a substance more nearly resembling butter.

For many years the Department of Agriculture and agricultural colleges of the different States have been urging diversified farming and pointing out that though the milking and caring for cows meant hard work and long hours, that it would insure a fair return to those who would engage in it, with the result that millions of farmers in over half the States of the Union have invested millions of dollars in dairy herds, which they have striven constantly to improve. For the last year depressed prices for butter forced the dairying industry to carry on with little or no profit. Since the recent decision of the Internal Revenue Commissioner permits oleomargarine colored to look like butter to be sold without the oleomargarine tax it has paid for years, the price of butter has fallen to where dairying is being carried on at a loss, and unless some relief from the sale of imitation butter is secured this great industry will be destroyed.

We therefore respectfully, on the part of a large number of representatives from butter-producing States, request your committee to report favorably on a rule to make possible the immediate consideration of H. R. 16836.

JAMES G. STRONG, *Chairman.*
PAUL KVALE, *Secretary.*

After several days the Rules Committee favorably reported a rule for the consideration of the bill, but we had to fight every step of the way. The manufacturers of oleomargarine had a strong organization and many times we thought we were defeated, and in fact not until the day before Congress adjourned were we able to complete this bill's passage through Congress. Lest there be a failure in the same reaching the President promptly, the Committee on Enrolled Bills intrusted the bill to me and I personally presented it to the President, inviting to accompany me the author and several supporters of the bill in both the House and Senate and the representatives of several farm organizations. The next day the President sent me the pen with which he signed the bill, which I regard as an evidence of one of the most successful fights I have made for agriculture during my 12 years of service in Congress.

I think few realize the importance of the dairy industry. Of the $12,000,000,000 of gross farm income, the dairy cow produces two and a half billions, or 21 per cent of the total. Hogs produce 13.2 per cent; cotton, 11.6 per cent; all grain, 10.8 per cent; poultry, 10.6 per cent; vegetables, 9.8 per cent; other crops, 8.9 per cent; other livestock, 8 per cent; and fruits and nuts, 6.1 per cent. Thus we see the dairy cow produces nearly twice as much revenue as any other department of agriculture.

Oleomargarine used to be produced largely of animal fats, cottonseed, peanut, and soybean oils, but recently coconut oil, imported from the Philippines, has been the predominant ingredient, and within the last year a way was found to deodorize palm oil, imported from Africa and South America, so that one of the most popular brands of oleomargarine was composed of 85 per cent coconut oil, 12 per cent palm oil, and less than 3 per cent of the animal fats and oils produced in the United States.

It is interesting also to note the increased value to health of butter over oleomargarine. Vitamin A is that substance indispensable for normal nutrition. Without it the salivary gland and digestive glands generally do not retain their physiological functions. Butter contains about twenty-five times as much of the substance known as vitamin A as does oleomargarine. Hence to permit oleomargarine to be manufactured so as to taste like butter, look like butter, and have the substance of butter is not only unjust to the dairy industry and a fraud upon the American public but deprives those who use it as a substitute for butter of the necessary amount of vitamin A which butter contains.

For these reasons Canada and other nations prohibit the sale of oleomargarine. But the profit to be made from selling butter substitutes is so great that the oleomargarine industry has grown to such proportions that its influence has prevented the passage of such legislation in the United States, and we have had one of the hardest fights that has occurred in Congress in many years to restore the tax of 10 cents a pound on oleomargarine.

ory, the committee orders that a copy of this resolution be com- | and I shall prize your letter forever. Hoping to see you soon, and

FRANKLIN W. FORT

Mr. LUCE. Mr. Speaker, Hon. FRANKLIN W. FORT, of New Jersey, retires after six years of noteworthy service in the House. Few Members of Congress have ever more quickly impressed their associates with the qualities making for confidence and respect. Sound judgment, tireless energy, mastery of every subject to which he addressed himself, serious conception of responsibilities, high ideals—these were the characteristics that speedily made him a valuable and valued Member of the House. The House may well regret that he is leaving, and hope that his absence from public service will be but temporary.

APPROPRIATIONS MADE BY THE SEVENTY-FIRST CONGRESS

Mr. THATCHER. Mr. Speaker and Members of the House, we hear much loose talk just now about a $10,000,000,000 Congress, and the impression is being made in the country at large that the cost of operating our National Government has reached the staggering total of $10,000,000,000. Any such suggestion is gross exaggeration. Undoubtedly enough is being spent on the manifold activities that have been created in our Federal organization and for which both parties and the people at large are responsible. Group after group makes its appeal for the creation of new and independent bureaus, boards, and agencies and for the enactment of legislation calling for increased Federal expenditure; and many of these appeals are successful. Some of these establishments, and some of these measures, may be meritorious; but as to others the case is not so clear. Both Houses of Congress and both parties in both Houses must share the responsibility for the increased costs thus arising. That responsibility they can not shift by denouncing the national administration and the majority party for the total of expenditures which must follow by reason of the laws which all have contributed to make.

However, it is well to see what the essential facts are as to the appropriations which are being made. To what extent do they represent normal expenditures and to what extent abnormal? When emergency conditions are taken into consideration the total, though large enough, is not out of line of what is customary.

Roughly speaking, the total of appropriations made by the Seventy-first Congress during the two years of its existence—March 4, 1929, to March 4, 1931—is thus made up:

For the first and second sessions	$4,861,385,893.26
For the third session	5,180,107,522.24
Making a grand total of	10,041,493,415.50

However, it should be borne in mind that there are certain items, in the nature of Federal receipts or revenues, and certain other reimbursable matters, which enter into the equation and serve to reduce the total expenditures to a net total substantially less than those carried in the appropriations measures. Notable among these receipts are those arising from the operation of the Postal Service, which, for the fiscal year 1931 (beginning July 1, 1930), will amount to something like $714,000,000, and for the fiscal year 1932 (beginning July 1, 1931), will run, as it is now estimated, to something like $730,000,000, making a total for the two years of about $1,444,000,000. Deducting these postal receipts from the total appropriations made by the Seventy-first Congress, there remains a net total of appropriations for the 2-year period from March 4, 1929, to March 4, 1931, of $8,597,493,415.50. This means an annual average for this period of $4,298,746,707.75; that is say, an annual total of appropriations of less than one-half of $10,000,000,000.

It must be borne in mind, also, that the World War has imposed upon our Nation obligations of tremendous character. The war debts must be paid; and we are paying thereon, in principal and interest, more than a billion dollars a year. These payments are covered by the appropriations which Congress must make. Then we are paying out enormous sums to the veterans of the World War and for their hospitalization and the like. The total of appropriations made at this session for veterans' administration purposes is nearly $1,000,000,000; to be exact, $953,216,227.

I am one of those who believe that a Republic must be just and generous to its defenders; else not long may we have a Republic to defend. The Congress, as a whole, has acted in this spirit. This huge sum, of course, helps to swell the total of appropriations we have to make. I am sure that most of those in Congress who criticize the Budget totals will not include within their criticisms the sums paid for veterans' activities and needs.

Then there are the large appropriations of an emergency character made at the present session; appropriations induced by the desire of Congress and the administration to meet abnormal conditions of drought, unemployment, and agricultural depression. How many of the critics of the administration and the majority party will criticize these appropriations—except to decry them as being too small, as being insufficient to meet the contemplated needs?

It should also be borne in mind that in the various appropriation bills many items of expenditure are provided for that pertain to fiscal years other than those in which the appropriations are made. Thus, for instance, the appropriation bill for the Treasury Department for the fiscal year 1931 carried certain sums immediately available for expenditure in the fiscal year 1930. The same is true as regards the Treasury Department appropriation bill for the fiscal year 1932; and the same situation obtains as to all the regular annual supply measures. In the appropriation bills for 1932 there are carried items aggregating something like $350,000,000 for construction purposes, and the funds were made immediately available for expenditure in the fiscal year 1931—the current fiscal year.

I submit herewith a table setting forth the appropriations made at this session. Therein are shown all the regular appropriations for the fiscal year 1932, together with the deficiency appropriations for the fiscal year 1931 and prior fiscal years. The total of all these appropriations is $5,180,107,522.24; of which total approximately the sum of $714,000,000, as I have already stated, will be met by postal revenues; leaving a net total of appropriations for the session of $4,466,107,522.24.

Comparison of estimates and appropriations for the third session of the Seventy-first Congress

Title of bills	Budget estimates	Appropriations	Increase (+) or decrease (−) of appropriations compared with estimates
Agriculture	$213,919,040.00	$215,578,860.00	+$1,659,820.00
District of Columbia	[1] 45,843,517.00	45,672,838.00	−170,679.00
Independent offices	[2] 1,055,358,190.00	1,052,777,010.00	−2,581,180.00
Interior	[3] 69,588,741.73	89,247,606.73	+19,658,865.00
Legislative	28,690,611.00	26,973,185.00	−1,717,426.00
Navy	361,173,248.00	358,253,952.00	−2,919,296.00
State, Justice, Commerce, and Labor	138,650,960.34	137,423,954.34	−1,227,006.00
State	17,590,073.34	17,522,323.34	−67,750.00
Justice	51,988,261.00	51,239,261.00	−749,000.00
Commerce	54,635,226.00	54,332,230.00	−302,996.00
Labor	14,437,400.00	14,330,200.00	−107,200.00
Treasury and Post Office	1,104,280,353.00	1,083,148,923.00	−21,131,430.00
Treasury	255,436,296.00	241,865,146.00	−13,571,150.00
Post Office	848,844,057.00	841,283,777.00	−7,560,280.00
War Department	450,347,891.00	445,765,735.00	−4,582,156.00
Military activities	338,933,350.00	334,655,965.00	−4,277,384.00
Nonmilitary	111,414,532.00	111,109,770.00	−304,762.00
Total, regular annuals	3,467,852,552.07	3,454,842,064.07	−13,010,488.00
First deficiency, 1931	95,882,528.62	109,303,822.12	+13,421,293.50
Second deficiency, 1931	79,986,802.62	83,990,967.05	+4,004,164.43
Emergency construction appropriations, 1931	150,000,000.00	116,000,000.00	−34,000,000.00
Farmers' seed, feed, and fertilizer loans	45,000,000.00	45,000,000.00	
Agricultural marketing fund	150,000,000.00	150,000,000.00	
Miscellaneous	5,200,671.00	[4] 7,000,000.00	+1,799,329.00
Total, deficiency and miscellaneous	526,070,002.24	511,294,789.17	−14,775,213.07
Permanent and indefinite appropriations	1,213,970,669.00	1,213,970,669.00	
Grand total	5,207,893,223.31	5,180,107,522.24	−27,785,701.07

[1] Exclusive of $196,030 transferred to Interior Department.
[2] Exclusive of $2,000,000 withdrawn by President after the Budget was submitted to Congress.
[3] Includes $196,030 transferred from District of Columbia.
[4] Estimated.

The appropriations made at this session fall into the following general classifications:

Appropriations made during the third session, Seventy-first Congress, including regular annual appropriations for the fiscal year 1932 and supplemental and deficiency appropriations for the fiscal year 1931 and prior fiscal years, divided into main groups of appropriation purposes

Veterans' Administration	$953,216,227
Postal Service	844,373,285
Interest on the public debt	581,000,000
Sinking fund and other public debt retirement funds	468,509,905
Military activities of War Department	341,868,381
Navy Department and Navy Establishment	375,667,900
Federal Farm Board, agricultural marketing revolving fund	250,000,000
Federal-aid highways	239,080,307
Public buildings, construction, sites, and expenses incident to new program	76,905,200
Rivers and harbors	82,500,000
Flood control	39,400,000
Shipping Board construction loan fund	35,000,000
Forest highways, forest roads and trails, park roads, and roads over public lands	30,500,000
Miscellaneous emergency construction not included in the foregoing groups	15,000,000
Drought-relief loans, including rural sanitation and medical supplies	69,000,000
All other activities of the Government, including permanent appropriations other than interest and sinking fund	778,086,317
	[1] 5,180,107,522

A study of this "breakdown" or analysis discloses the fact that the very large total of more than $550,000,000 is made up of items of an emergency character, relative to conditions of drought, unemployment, and agricultural relief. These emergency items follow:

For agricultural marketing revolving fund for the making of loans, through the Federal Farm Board, to cooperative marketing associations (The appropriation for this purpose the year before was $100,000,000.)	$250,000,000
For construction of Federal-aid roads (The appropriations at this session for this purpose, including $80,000,000 in the emergency construction act, aggregate $239,080,307, compared to $106,400,000 appropriated for like purposes at last session, making an increase of $132,680,307.)	132,680,307
For loans for seed, feed, fertilizer, and rehabilitation of agriculture in the drought and storm-stricken regions of the country, including rural sanitation and medical supplies	69,000,000
For forest roads and trails, forest highways, national park roads, and roads extending across public lands, including $10,500,000 in the emergency construction act, making a total for these purposes at this session, as compared with $21,220,628 for the last session, an increase of	9,278,372
For rivers and harbors and flood control: The appropriations made at this session for these purposes, including $25,600,000 in the emergency construction act, aggregate the sum of $121,900,000, as compared with a total of $103,400,000 at the last session, making an increase of	18,500,000
For Shipping Board construction loan fund, a new appropriation item made to supplement receipts credited to this fund in aid of our merchant marine	35,000,000
For emergency construction items for the Departments of Interior, Agriculture, Navy, Treasury, and War—no similar item at the last session	14,941,347
For advances to reclamation fund, to supplement regular receipts to such fund—no comparable item at the last session	5,000,000
Increase over last session in item for construction of public buildings, sites, rent of temporary quarters, architectural services, etc	15,826,225
Making a total of	550,226,251

This sum, deducted from the total appropriations made for this session, leaves a net total of $3,899,881,271.24, which represents the sum appropriated at this session, less postal receipts and emergency items. This is not an abnormal amount for normal purposes.

It must be borne in mind, however, that the amounts thus appropriated for public buildings and roads, for river and harbor work, and for the other items of construction will not represent a loss to the country, for the completed projects will become assets of the Nation and items of the country's wealth far surpassing their cost. The present creation of these works, induced by drought, business depression, and unemployment, may be accomplished at less cost now than at some future time under more normal conditions. In addition, unemployment is thereby measurably relieved, the pulse of business quickened, and the needs of the Nation met.

In strict justice to the facts involved it may be observed that some of those who are loudest in their denunciations of extravagance touching the matter of Federal appropriations and expenditures, are among the most active of those whose appeals and measures have made increased appropriations and expenditures necessary. In this they are consistently inconsistent. They make no denunciation until the legislation they espouse is enacted and the appropriations they seek are made. Not until everything is safe do their criticisms find expression. It is respectfully submitted that they, by their own acts, are estopped from criticizing. In all fairness to the record, if they wish to criticize, permit me to suggest that they direct their censure, not at the national administration, not at the party in nominal control of Congress, but at the Congress as a whole, with themselves fully included.

I believe that the Appropriations Committee of this body, which must start the great supply bills on their legislative journeys, has sought to keep down appropriations to the lowest levels permitted by basic authorizations. Its work has been well done. I believe that the Appropriations Committee of the other chamber has endeavored to cooperate in these matters. Both committees must be governed by the laws that Congress enacts, and so must the executive branch of the Government.

As for the President, he has certainly endeavored to minimize expenditures. He has had a difficult task—one that has not been exceeded perhaps in any other peace-time administration. Universal depression has poured against our shores and over our land its sickening tides, and we have felt their fearful effect. The entire earth is yet experiencing the dreadful aftermath of that unparalleled conflict, the World War. The inevitable wreck and ruin which thus came on the world can be overcome only by the toil and thrift and patient wisdom of the years to come. Partisanship and malevolence may give no weight to these matters, but a wise and just patriotism will give them weight. In passing, permit me to say that above all other nations a generous republic can not afford to wage war if, without dishonor, war may be avoided. In every respect the cost is too great. One of the last countries to feel the effects of this universal depression, ours will be one of the first to recover. We are essentially strong—strong in spirit, and strong in every character of resources. Our people have never failed to meet and master any emergency presented, however difficult or desperate. The unprecedented drought in a dozen of our great agricultural Commonwealths has greatly added to our problem, but a kind nature, supplanting a very cruel one, in due course will bring aid in that quarter. In the meantime measurable relief should flow from the enactments recently made by Congress and approved by the President.

Our laws are basically sound and are fashioned for the country's advantage. In the past the policies embodied in these laws have brought us prosperity and happiness, and the same should be true of the future. Meanwhile, in these hours of storm and stress, what better pilot could our good ship carry than he, who more than any other man of history, has distinguished himself as a leader in practical relief work, and whose training, experience, and achievements show him to be possessed of the highest constructive force and capacity?

[1] Final figures subject to correction.

CONGRESS SHOULD NOT EXCLUDE FILIPINOS FOR A SINGLE HOUR PREVIOUS TO THE GRANTING OF THEIR INDEPENDENCE

Mr. SABATH. Mr. Speaker, I desire to extend my remarks on the subject of immigration, about which I have frequently addressed the House, by expressing my deep satisfaction over the fact this Congress is closing its career without having barred Filipinos previous to the granting of their independence.

As long as we retain the Philippine Islands under the American flag they are entitled to all the benefits that the sovereignty of that flag implies. We should not exclude Filipinos for a single hour previous to the granting of their independence. Nor should we limit by a single pound the amount of sugar or coconut oil or any other Philippine product that they may desire to ship into this country free of tariff duties until we have kept our solemn agreement with these people to make them free.

When we grant the Filipinos the independence we have been dangling before them ever since they have been under the American flag the solution of the Filipino immigration problem will come simultaneously and automatically. They will then be automatically barred under existing immigration laws. Likewise, their agricultural products will immediately become subject to the provisions of the tariff laws of the United States. So that it will not only be to the everlasting glory of the United States to keep the faith with the Filipino people, but it will be to the best interest of several very important groups of American citizens.

If I could have had my way, the Philippine Islands would to-day be independent. Ever since I have been in Congress I have been advocating legislation that would confer upon the 13,000,000 Filipinos the incomparable blessings of liberty. Although it would not make me a single additional vote in my district, I have introduced bill after bill, during the years, looking toward Philippine independence. Why, it may be asked, have I taken such a deep interest in these people who live on the other side of the globe, and whom I shall never see? My answer is one of many angles. One of them is that I want to be free myself, and am willing for the other fellow also to be free. If independence is the great thing that we all assert it to be—and it is—why should we Americans desire to monopolize it? Why not let other aspiring peoples also share it?

But may I also point out that the holding of far-distant and alien peoples against their will is a fundamental violation of the principles on which this Government was founded. The immortal Declaration of Independence proclaims the doctrine that governments derive their just powers from the consent of the governed. We never have had the consent of the people of the Philippine Islands to govern them, and never will have. They resisted the extension of American sovereignty over them as long as they had any guns to resist with, and have been clamoring to be free ever since the Filipino flag was hauled down and the American flag hoisted in its place. It is as natural for them not to desire to be governed by Americans as it would be for Americans not to want to be governed by Filipinos.

Ever since I have been in the House of Representatives—and I trust I may be pardoned for mentioning that of the 435 Members of the Seventy-second Congress only 7 have served for a longer period than myself—I have sympathized with the independence aspirations of the Filipinos. In the Congress just closing I introduced H. R. 7267, which would have granted early independence. I also introduced H. R. 10061, providing that the United States pay $5,000 indemnity to the heirs of Fermin Tobera, the innocent and unoffending Filipino youth, who lost his life by being murdered while asleep in his bed during anti-Filipino race riots near Watsonville, Calif., January 22, 1930.

I agree with the position taken by the two Resident Commissioners from the Philippines—the Hon. PEDRO GUEVARA and the Hon. CAMILO OSIAS—that Filipinos should not be barred previous to the grant of independence.

Dr. Hilario C. Moncado, president of the Filipino Federation of America (Inc.), has made two trips to Washington from the federation headquarters at Los Angeles to appear before committees of Congress in opposition to any restriction of Filipino immigration before Philippine independence has been granted. I have a personal acquaintance with Doctor Moncado, who is a very able and talented Filipino. I have had also occasion to come in contact with members of his organization on the Pacific coast. Doctor Moncado is a stanch advocate of immediate, absolute, and complete Philippine independence, and the thousands of members of his organization in California bear an excellent reputation for honesty and morality. It was at the request of Doctor Moncado that I introduced the Fermin Tobera bill.

I hope sincerely that Philippine independence will come soon. There is no need for further delay. The Filipinos have able leaders, and there is an abundance of testimony to show that the masses of the people are as well equipped to govern themselves as are many other peoples that are to-day enjoying their freedom.

ADJUSTED-SERVICE CERTIFICATES

Mr. JOHNSON of South Dakota. Mr. Speaker, during the discussion of the legislation providing for the full payment of adjusted-service certificates or the making of loans upon them I was unable, by reason of illness, to attend the sessions of the House or to take part in some of the debates.

Because of the fact that the law allowing holders of adjusted-service certificates to borrow 50 per cent upon them was the law passed, and due to the fact that the full payment of these certificates, including the payment of the 50 per cent loaned, will be considered in the next Congress, I have felt it my duty to analyze the entire legislation.

In other words, the law just passed is simply preliminary legislation.

As first chairman of the Committee on World War Veterans' Legislation, which committee was created in 1924, it has been my duty to take some part in the discussion of all of the legislation enacted, and as a member of the committee in the next Congress it will probably be my duty to discuss some of the legislation in the next Congress.

As one of the first advocates of the issuance of adjusted-service certificates in 1919, I have become somewhat familiar with the legislative action taken.

The first person who ever advocated the issuance of these certificates was Sergeant Shaffer, who at that time lived in Virginia. This proposal was a cash payment of a dollar a day to each person who served in the military or naval service during the World War.

As the measure was further considered by veterans' organizations a fourfold plan was developed, which it is not necessary to discuss at this time. Later a compromise law was enacted providing for the issuance of adjusted-service certificates based on length of service, with payment at the rate of $1.25 per day for overseas service, $1 per day for service in the United States, the addition of 25 per cent to this basic rate because payment was delayed, with a maximum of $625 for men who served overseas, and $500 for those who did not have overseas service. Certain age percentages were inserted which I shall not discuss at this time. It was understood at the time of the passage of this bill by those who secured its passage that cash payment of these certificates before the date they were due would not be demanded.

Of this I am very familiar, because I personally drafted the three Republican caucus or conference calls which resulted in the enactment of the law, and it could not have been enacted without these calls. Everyone is familiar with the fact that the law enacted providing for a loan of 50 per cent of the face value of the certificates was a compromise statute. Time only will tell whether it was a wise compromise, but the fact is apparent that the average service man who takes advantage of the loan feature, however much he may need the money at the present time, will not be able to repay the sum borrowed, and as a result will lose much of the value of his certificate.

The average value of each certificate is about a thousand dollars. Each individual holding a certificate, therefore, can borrow on the average, $500.

Apparently this would leave the borrower $500 additional when the certificate is due, but if he does not repay the loan of $500 there will remain to him when the certificate is due the sum of $74.10.

The law was passed as much for the benefit of the families of the service men as for the service men. It is apparent that the recently adopted law will in most cases be of no assistance to them. In this connection it might be well,

however, to discuss the proposed full payment law which will be brought up in the next Congress, because its introduction was responsible for the law passed which, in my judgment, will result in great injury to the families of service men. That law providing for full payment, if adopted, would have cost the Government of the United States immediately $5,066,000,000. That estimate was never presented on the floor of the House and Senate so far as I have been able to determine, and the lesser estimates did not take into consideration the factor which should be fully apparent, which is that the Government must pay interest upon the bonds which it would have been compelled to issue to have paid the full face value of the so-called bonus certificates. Had such bonds been issued they could not have been short-time paper, but necessarily bonds that would run as many years as the bonus certificates would run.

The value of the certificates before any loans were made upon them at maturity was $3,400,000,000. There was a paper credit of $770,000,000—but not a dollar of cash—in the Treasury as an alleged sinking fund for the payment of those certificates. Therefore while some have said that only a bond issue of approximately $2,630,000,000 would have been required to pay the certificates, as a matter of fact the bond issue required would have been $3,400,000,000.

No such bond could have been sold at a less rate of interest than 3½ per cent. The yearly interest upon such bonds, which certainly must run 14 years, the life of the certificates would be $119,000,000. The total interest charge, therefore, would have been $1,666,000,000. This interest charge, added to the $3,400,000,000, or the face of the certificates, to a certainty would have been $5,066,000,000. The added cost to the Government over and above the cost of the original bonus would, therefore, be $1,666,000,000, although the cost at once to the Government in actual cash outlay would be $3,400,000,000. It must certainly be conceded that even this rich Government could not expend that amount of money, and should not expend it at a time when economic conditions are such as they are, especially when the Government is now expending yearly for the benefit of service men the sum of $866,000,000 annually. This, however, is a small part of the cost of laws proposed by former service men and veterans organizations.

At this point I desire to discuss for a moment with former service men and responsible men in veterans' organizations the total cost of the demands they have made upon the United States Government in the present Congress.

It happens that as a Member of Congress many years ago I introduced the bill in the House of Representatives which created the American Legion, and have been a member of the three responsible veterans' organizations recognized by law—the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans.

At their conventions held in 1930 those organizations made certain immediate demands upon the American Government in addition to $3,400,000,000 for the cash payment of the bonus and the $366,000,000 paid each year for them.

In preparing this data I have had competent statisticians analyze the bills presented by two of the service organizations, the American Legion and the Disabled American Veterans, and I introduced bills in the House of Representatives at the request of all three organizations, and "by request," so that their claims and demands and desires could be presented to Congress.

I did not at any time concur in all of the demands made.

The data prepared also covers the cost of bills presented by individual Members of Congress at the request of veterans. Time did not permit an analysis of the program submitted by the Veterans of Foreign Wars, an organization of many members, but these demands to a great extent duplicate the others.

It will be noted that the approximate total cost of these measures is $36,841,516,800. These measures will be discussed in detail later. This figure must be immediately reduced in any fair statement because of the fact that many of the bills duplicate each other and provide for the same expenditures.

If the estimate should be reduced one-third, it might be reasonably accurate, but so that there can be no question of fairness in the total estimate of the demands made upon Congress this year by veterans' organizations and veterans through their Members of Congress I have reduced it two-thirds. Therefore, in making allowance for overlapping of demands I have reduced the $36,841,516,800 to $12,280,505,600, or 33⅓ per cent.

The request, therefore, of veterans upon the Government of the United States in this one Congress has certainly been the sum of $12,280,505,600.

I know of no responsible veteran in the United States who will attempt to justify these demands. Speaking to fellow members, therefore, of veterans' organizations, I suggest that these demands upon the United States must be lessened or the average citizen living to-day and his children will say that while these men and women who served during the World War undoubtedly were great patriots during the World War, their demands have reached such proportions as to be a menace to the very Government they fought to save.

Some of these observations are made that they may be read by some future chairmen of the Committee on World War Veterans' Legislation. There will be many more such chairmen long after I retire or am retired from the House of Representatives. I want to say to them now that their lot will not be particularly happy in the work that they have as chairmen, because they will be compelled also to say "No" to those who make exorbitant and unfair demands. Speaking not cynically but rather philosophically, I would say to them, if I could be present at the deliberations of the committee many years from now, they will find that there will be less trouble and less demands from those who actually fought or suffered than from groups which took no part in the conflict. Every service man and woman ought also to remember that at least one President of the United States was elected to "purge the pension roll." It could easily be possible that some future President may have to face a similar situation.

Most Members of the House or Senate who have held the chairmanship of any committee having to do with appropriations for veterans of any war have been retired from legislative service because they would not surrender to the demands for legislation authorizing the payment of moneys to veterans of some war. There may have in the past been some justification for complaint, but that complaint can not reasonably exist with reference to veterans of the World War. Those who were injured or became ill in the World War have been paid compensation. The act of July 3, 1930, in effect gives a pension to those who suffered in civil life and not the result of war injuries or diseases.

Laws have been passed affording hospitalization to every veteran of the World War, and hospitals either have been built or are being built to care for the increasing number of disabled veterans. There are to-day approximately 50,000 veterans receiving hospital care.

Veterans have been given 11 distinct preferences which the ordinary citizen does not possess.

In accordance with the traditions of our Government, widows and orphans of veterans who die from nonservice-connected disabilities will undoubtedly secure a pension, and that measure would have been enacted in this Congress had it not been for the law passed with reference to adjusted compensation. I introduced such a bill myself and saw it fail of passage for that reason.

In addition to the $3,400,000,000 immediately demanded for cash bonus payment by the executive committee of the American Legion this year, they have requested legislation that would cost the Government for the first year a minimum of $153,190,000, or a maximum of $181,000,000.

The Disabled American Veterans, in addition to their request for full payment of adjusted compensation at an immediate cost of $3,400,000,000, have requested legislation which would have cost the Government during the first year a minimum of $224,710,200, or a maximum of $275,661,200.

The demands of the Veterans of Foreign Wars duplicated those of the others named.

The following is a statement showing in detail the requests of the first two named organizations, together with a statement showing the demands made by Members of Congress at the request of veterans and veterans' organizations:

Legislative program of American Legion

[H. R. 15621, 71st Cong.]

Section	Cost for the first year	
	Minimum	Maximum
1. Would amend sec. 5 to provide that there shall be no discrimination against any veteran entitled to home treatment on the ground that he left hospital against medical advice	(1)	
Authorizing the director to rotate personnel of rating boards with medical, adjudicatory, and cooperating personnel within the several offices	(1)	
2. Would amend sec. 19 to authorize insurance suits under sec. 305	(1)	
Would amend sec. 19 to establish presumption of disagreement as basis of insurance suit after lapse of six months from filing claim, if director has not allowed claim or granted disagreement	(1)	
Would extend for 1 year statute of limitations for filing suits on term insurance. Would authorize Department of Justice to confess judgment	(1)	
3. Would amend sec. 31 to authorize review of the confidential records of the bureau by any attorney of record, representing a veteran in an insurance suit	(1)	
4. Would amend sec. 200 to apply conclusive presumption of soundness and presumption of service connection of specified disabilities to all rights arising under the act, rather than limiting this provision as at present to sec. 200 and sec. 304	(1)	
Authorizing presumption of service connection of additional group of specified chronic constitutional diseases	$6,264,000	
Providing for the payment of disability allowance to veterans permanently disabled to a degree of 10 per cent or more at the following rates: 10 per cent, $20; 20 per cent, $25; 50 per cent, $35; 75 per cent, $50; and 100 per cent, $60. Certain amounts are specified for payment at ages of 62 years, 68 years, 72 years, and 75 years	62,398,000	
Provision is made for paying disability allowance of $30 per month to the widow of a veteran who dies of nonservice connected disability, and $6 for each child under 16 years of age in such cases	25,423,000	
Authorizing disability allowance under a total rating to all veterans rated total and permanent for insurance purposes	(1)	
5. Would amend sec. 201 (2) to revive widow's right to death compensation upon renewed widowhood	(1)	
6. Would amend sec. 201 (6) to recognize rights of widows who remarry the veteran before July 2, 1941	(1)	
7. Would amend sec. 202 (1) to establish presumption of dependency of parents of living veterans who reach the age of 60 years	4,833,000	
8. Would amend sec. 202 (3) to provide additional compensation for dependents of veterans receiving compensation on a permanent basis, and would establish presumption of dependency of parents at age 60	19,870,000	
9. Would amend sec. 202 (4) to authorize payment from June 7, 1924, under the present schedule of disability ratings	18,000,000	
10. Would amend sec. 202 (7) to authorize a minimum rate of temporary total for active tuberculosis	1,629,000	
Authorizing a presumption of active tuberculosis in all cases in which arrested or apparently cured tuberculosis was manifested prior to Jan. 1, 1925	1,300,000	
11. Would amend section 202 (10) to authorize the following benefits for all veterans without regard to service origin of disabilities:		
(a) Out-patient treatment for all veterans	6,000,000	$23,000,000
(b) Mandatory right to hospital treatment	2,800,000	11,280,000
(c) Family allowances for all hospitalized veterans	4,670,000	7,000,000
(d) Dental treatment and prosthetic appliances	(1)	
12. Would amend sec. 205 to provide that service connection can not be broken after death of beneficiary	(1)	
13. Would amend sec. 301 to extend the time for conversion of yearly renewable term insurance	(1)	
14. Would amend sec. 304 by extending for one year the time within which term insurance may be converted by veterans suffering from service connected disabilities	(1)	
15. Would amend sec. 305 by permitting revival of lapsed insurance even though death or permanent disability occur after July 2, 1932	(1)	
16. Would add sec. 312 to authorize issuance of substandard insurance policies to service-connected disabled persons	(1)	
17. Would amend sec. 500 to authorize an increase in attorneys' fees in certain insurance suits under sec. 19, and payment of court costs by the Government	(1)	
18. Authorizing the payment to the Director or the Acting Director of the Veterans' Bureau of a salary of $12,000 per annum	3,000	
Total available estimates	153,190,000	181,000,000

[1] Probably no increase. [2] No estimate possible.

Legislative program of disabled American veterans

[H. R. 16620, 71st Cong.]

Section	Cost for the first year	
	Minimum	Maximum
1. Would amend sec. 6 to establish employment service	(1)	
2. Would amend sec. 200 to provide disability allowance at the following rates: 10 per cent, $20; 25 per cent, $25; 50 per cent, $35; 75 per cent, $50; 100 per cent, $60	$62,398,000	
Would amend sec. 200 to authorize payment of disability allowance at the rate of $30 per month to widows, and $6 each to children of veterans who have died from nonservice-connected disabilities; revival of right of remarried widow upon renewed widowhood	25,423,000	
3. Would amend sec. 201 to authorize death compensation to dependents of veterans receiving compensation without regard to cause of death of such veterans	7,819,000	
4. Would amend sec. 202 (2) to authorize permanent total ratings on all cases in which there has been 12 months temporary total rating	965,000	
5. Would amend sec. 202 (3) to authorize:		
(a) Dependency payments on disability cases rated on a permanent basis	11,870,000	
(b) Permanent total ratings on epilepsy, grand mal	716,000	
6. Would amend sec. 202 (4) to give minimum rating of 10 per cent permanent partial to all veterans gassed or wounded in action	(1)	
7. Would amend sec. 202 (5) to authorize $75 monthly for nurse or attendant	911,000	
8. Would amend sec. 202 (7) to provide payment of $30 per month for insane veterans without dependents who have been maintained by the Government in an institution for 6 months	509,200	
9. Would amend 202 (10) to authorize:		
(a) Out-patient treatment for all veterans	6,000,000	$23,000,000
(b) Mandatory right to hospital treatment	2,800,000	11,280,000
10. Would add sec. 215 to authorize payment of $4.75 per diem to tuberculosis patients in lieu of hospitalization rights	5,296,000	30,767,000
11. Would amend sec. 302 to provide that Government shall bear cost of insurance payable on account of permanent and total disability on policies of term or converted insurance, without regard to service origin of disability	100,000,000	
12. Would amend sec. 304 to extend period for reinstatement of insurance by disabled risks, and reduction of the interest rate on premium liens on such policies	(1)	
13. Would amend sec. 500 to provide that the Government should pay court costs, including witness fees and attorney's fees in all cases of suits on insurance contracts decided in favor of the veteran	(1)	
14. Would authorize a salary of $12,000 per annum, effective July 23, 1930, to the Director or Acting Director of the U. S. Veterans' Bureau	3,000	
Total available estimates	224,710,200	275,661,200

[1] No estimate possible.
[2] No estimate possible; probably no increase.

Bills introduced by Members of Congress

Recommended appropriation:

H. R. 13548. This bill would authorize the Administrator of Veterans' Affairs to waive recoveries in certain instances and would extend the provision with reference to recoveries to all forms of benefits under the jurisdiction of the Administrator.

H. R. 13559.[1] This bill would establish a board of veterans' appeals independent of the United States Veterans' Administration and would not be under the jurisdiction of the Administrator $350,000

H. R. 17001. This bill would amend section 5, World War veterans' act, to authorize the Director to make decisions of law and fact which would not be subject to the provisions of the budget and accounting act of 1921, or any amendment thereto.

H. R. 17009.[1] This bill would create a commission under the President, subject to his appointment, to study the hospitalizing of war veterans 10,000

S. 6020. This bill would authorize the establishment of a permanent medical service in the United States Veterans' Bureau with provision for specified salary ranges for disability retirement after 15 years' service, the cost to be paid out of the appropriations for carrying out the provisions of the World War veterans' act.

GENERAL

Estimate of cost:

H. R. 16656. This bill would provide a maximum payment of compensation, pension, disability allowance, or retirement pay under disabled emergency officers' retirement act of 50 per cent of the amount to which the veteran would otherwise be entitled when such veteran is institutionalized.

[1] Not under jurisdiction of Veterans' Administration.

Estimate of cost—Continued.
The bill further provides that no reduction will be made where the amount of the benefit would be $20 or less. The bill would further provide for apportionment for dependents of amounts due the veteran while institutionalized, the total amount payable to all not to exceed $80 per month..... (1)

Compensation and treatment

Section	Cost for the first year	
	Minimum	Maximum
S. 5482. This bill would amend sec. 202 (7), World War veterans' act, 1924, as amended, to provide for a permanent and total rating from the date of enactment in all cases where an ex-service person is shown to have had a tuberculous disease of a compensable degree for a period of 5 or more consecutive years and whose disability on account of such disease during such period has been rated total and temporary.....	$8, 534, 000	
H. R. 13573. This amendment would include in those eligible for disability allowance the veterans who served 60 days or more with rates ranging from $25 for 25 per cent to $60 for 100 per cent permanent disability. The estimated additional cost over and above the disability allowance provided in the act of July 3, 1930, would approximate $31,767,000 for the first year. This bill also provides for the payment of an allowance to the widows and children of deceased veterans regardless of the cause of death. It is estimated that this provision would cost approximately $25,817,000 for the first year.....	57, 584, 000	
H. R. 14444. This bill limits the payment of disability allowance to veterans serving 90 days or more at rates ranging from $25 for 25 per cent to $60 for 100 per cent permanent disability. It is estimated that the additional cost of this provision would approximate $30,900,000 for the first year. This bill further provides for the payment of an allowance for the widows and children of deceased veterans regardless of the cause of death, at $30 for the widow and $6 for each minor child. It is estimated that this provision would cost approximately $25,423,000 for the first year.....	56, 323, 000	
H. R. 14903. This bill provides for additional compensation of $25 per month for veterans who suffered the loss of the use of one or more eyes as the result of injuries received in active service in line of duty between Apr. 6, 1917, and Nov. 11, 1918.....	791, 000	
H. R. 14919. This bill would amend section 202 (10) to further authorize the Director so far as Government facilities permit, to furnish hospitalization and necessary traveling expenses or out-patient treatment by the regional offices to veterans of any war, military occupation or military expedition, since 1897 not dishonorably discharged.....		$24, 177, 000
H. R. 15000. This bill would provide for hospitalization in a Government hospital of all persons discharged from the United States Army, Navy, or Marine Corps who have contracted tuberculosis in line of duty.....	(1)	
H. R. 15431. This bill provides for disability allowance ranging from $25 for 25 per cent, to $60 for 100 per cent permanent disability, for World War veterans serving 90 days or more. This bill further provides for an allowance to the widows and children of all deceased veterans regardless of the cause of death, at a rate of $30 for the widow and $6 for each child.....	57, 583, 000	
H. R. 15779. This bill would include under the compensation provisions of Title II, World War veterans' act, 1924, as amended, those persons who contracted injury or disease in the military or naval service while engaged in any war, military campaign, expedition or occupation since July 2, 1921.....	(1)	
H. R. 15868. This bill provides for disability allowance at rates ranging from $10 for 10 per cent disability, to $60 for 100 per cent disability. Estimated cost $52,747,000. Provides payment to widows, children, and parents of deceased veterans regardless of cause of death. Cost $23,584,000. Provides salary of director of $12,000, effective July 23, 1930.....	76, 334, 000	
H. R. 15998. This bill would amend section 202 (10), World War veterans' act, 1924, as amended, to extend the benefits of hospitalization, as far as existing facilities will permit, to all persons who served in the military or naval forces of the Confederate States.....	306, 600	
H. R. 16209. Provides for payment of burial expenses and transportation of body for persons on pension rolls as Civil War veterans who die after discharge without sufficient assets to meet such expenses.....	(1)	
H. R. 16250. This bill would provide for the payment of benefits to dependents under section 201, World War veterans' act, 1924, as amended, to the surviving dependents of any ex-service man who would have been entitled to receive disability allowance.....	22, 033, 000	
H. R. 16251. This bill would amend the second paragraph, sec. 200, World War veterans' act, 1924, as amended, so as to increase the rates for disability allowance from $12 to $20, $18 to $30, $24 to $40, and $40 to $60 per month..	23, 877, 000	
H. R. 16252. This bill would amend sec. 200, World War veterans' act, 1924, as amended, to award $72 per month disability allowance to those persons entitled thereto who are helpless or blind or require regular aid or attendance of another person.....	(1)	
H. R. 16306. This bill provides for the payment of compensation at the rates provided in sec. 201 to the dependents of deceased veterans regardless of the cause of death.....	22, 033, 000	

[1] No estimate possible.

[2] No cost indicated.

Compensation and treatment—Continued

Section	Cost for the first year	
	Minimum	Maximum
H. R. 16306—Continued. This bill further provides for payment of an allowance of $50 per month to beneficiaries in constant need of a nurse or attendant.....	(1)	
H. R. 16385. This bill would amend sec. 13 of the act of July 3, 1930 (sec. 202 (3), World War veterans' act, 1924, as amended July 3, 1930), to provide payment of the additional $25 per month for the specified disabilities resulting from injury received in active service between Apr. 6, 1917, and July 2, 1921, instead of incurrence between Apr. 6, 1917, and Nov. 11, 1918.....	(1)	
H. R. 16954. This bill would place on the pension rolls widows and children of any service man who served 90 days or more during the World War with enlistment prior to Nov. 11, 1918, or who having served less than 90 days was discharged for disability incurred in service in line of duty. Death need not be service connected. The rates would be: Widow, $30 per month provided she has 1 minor child of the veteran under 16. If 2 minor children, $36 per month, 3 or more minor children under 16 years, $42 per month. Where the minor child or children attain the age of 16 years, the rate of pension to the widow would be $20 per month. Where there is no widow, each minor child under 16 years, $10 per month, the children to succeed to the widow's pension on remarriage. Provision is made for helpless children over 16 years at the same rates as minor children.....	(1)	
H. R. 17003. Upon death of veteran with service as provided under existing law (disability allowance) widow would receive $20 per month with $6 for each child under 16 years, with provision for helpless child.....	$17, 946, 000	
H. R. 17116. With 90 days' service in World War and death from disability not service connected, widow and 1 child would receive $25 per month, with $6 for each additional child. If no widow, but 1 child, $20, with $6 for each additional child. Dependent father or mother 65 years of age or more, $15 per month or both $20 per month, regardless of time of dependency. Widow's allowance would continue to death or remarriage, but not longer than the time the children would reach the age of 16 years or marry, or helpless child would cease to be helpless. The bill would provide for apportionment where the children are not in custody of the widow. Widow must have married the deceased no later than 9 years after July 2, 1921.....	10, 913, 000	

[1] No estimate possible.

Insurance

	Cost for the first year	
	Minimum	Maximum
S. 5418. This proposed amendment would extend to June 1, 1931, the time for filing suit on converted insurance and would decrease the time limit for suits under war risk term insurance.....	(1)	
S. 5809. This bill would amend sec. 19, World War veterans' act, so as to permit suit without prior disagreement by presumption of disagreement if liability on the policy is denied in the action. The bill would further provide that failure of the bureau to act on insurance claims for a period of 6 months after receipt of the same shall constitute a disagreement. This proposed legislation would involve the courts and the bureau in a deluge of suits.....	(1)	
H. R. 15005. This bill would amend sec. 300, World War veterans' act, to permit members of Officers' Reserve Corps when called to active duty to apply for insurance up to the amount of $10,000.....	(1)	
H. R. 16152. This bill would amend sec. 309, World War veterans' act, so as to change the requirement of death after Feb. 24, 1919, to death prior to receipt of the $60 bonus.....	(1)	

[1] No estimate possible.

Emergency officers' retirement act

	Cost for the first year	
	Minimum	Maximum
H. R. 14451. This bill would extend the time limit for filing applications for benefits under the emergency officers' retirement act to one year after the passage of the proposed amendatory act. Due to the fact that it is impossible to anticipate the date on which the act might be approved and to estimate the number of claims which might be filed during the period of one year following such approval, the estimated cost would be the minimum and takes into consideration only those claims now on file.....	$1, 142, 000	
H. R. 15271. This amendment would extend all of the provisions of the emergency officers' retirement act to May 24, 1931.....	(1)	

Emergency officers' retirement act—Continued

	Cost for the first year	
	Minimum	Maximum
S. 4698. This amendment provides for the apportionment of retirement pay.....	(1)	
S. 5748. This amendment would extend the benefits of the emergency officers' retirement act to emergency officers of the war with Spain, the Philippine insurrection and the Boxer rebellion, claim to be filed within 12 months after the passage of the act.....	$5, 000, 000	

[1] No estimate possible.

Adjusted compensation

Recommended appropriation:

S. 5060. Would authorize payment of face value of adjusted-service certificates after deducting any loan thereon.....	$3, 423, 000, 000
S. 5811. Would create an emergency loan value for adjusted-service certificates equal to the amount of by which 50 per cent of the face value exceeds the loan basis.....	1, 700, 000, 000
S. 5882. Would establish a cash-surrender value based on adjusted-service credit, increased by 25 per cent, plus interest at 4 per cent per annum, compounded annually from date of certificate to a date not more than 30 days prior to the date of check issued the veteran in payment of surrender. Deduction of any loan provided for.....	1, 989, 000, 000
S. 6269. Would amend the adjusted-compensation act to authorize a loan value at any time after date of issuance of the certificate and prior to the expiration of the 2-year period.....	(1)
H. R. 13519. Would provide 4 per cent interest on loans and an appropriation for paying loans.....	5, 000, 000
H. R. 13557. Identical with S. 5060, except as to the method of financing the payment by the United States Government.....	3, 423, 000, 000
H. R. 14563. Would authorize payment of one-third of the face value of adjusted-service certificates upon surrender thereof within a reasonable time after the passage of the act, one-third within 1 year after the payment of the first one-third, and the remaining one-third 2 years after the payment of the first one-third.....	3, 423, 000, 000
H. R. 14567. Would authorize upon surrender of certificate an amount equal to the original capital amount on which the certificate was based and allowing 6 per cent interest thereon from Nov. 11, 1918, to date of settlement.....	2, 785, 000, 000
H. R. 14993. Would authorize issuance of Government bonds equal to face value of adjusted-service certificates with the prior deduction of any loan.....	3, 423, 000, 000
H. R. 15062. Would authorize the payment of 25 per cent of the face value of any certificate to be held as a lien without interest and independent of any loan heretofore made.....	855, 750, 000
H. R. 15065. Would authorize reduction of interest on loans made on adjusted-service certificates to 4 per cent.....	(1)
H. R. 15272. Would provide election to authorize the payment of face value as provided in S. 5060.....	3, 423, 000, 000
H. R. 15354. Would authorize payment of adjusted-compensation certificates in full to dependents of deceased veterans who died prior to passage of the act, in lieu of adjusted-service credit provided for dependents in title 6.....	50, 000, 000
H. R. 15495. Would authorize a loan basis for the calendar year 1931 not in excess of 90 per cent of the reserve value of the certificate on the last day of the current certificate year as of 1936.....	722, 250, 000
H. R. 15589. Would establish a cash-surrender value consisting of the amount of the adjusted-service credit, increased by 25 per cent, plus interest at 4 per cent compounded annually from date of certificate to a date not exceeding 30 days prior to date of check in payment thereof. Prior loans to be deducted.....	2, 120, 000, 000

[1] No estimate available.

Recommended appropriation—Continued.

H. R. 15993. Would provide for payment of the face value, as in S. 5060, except the veteran could elect to take a cash-surrender value later by receiving the face value plus 4 per cent, compounded annually, from the date of certificate to date of surrender.....	$3, 423, 000, 000
H. R. 16832. Would authorize the payment of 50 per cent of the face value of the certificates, to be charged as a noninterest-bearing lien against the certificate at maturity; prior loans would be deducted.....	1, 700, 000, 000
H. R. 16949. Would amend section 202 (b) of the World War adjusted compensation act so as to permit benefits of the law to individual holding permanent commission in any branch of the military or naval forces who entered service after Apr. 6, 1917, and was discharged before July 2, 1921.....	(1)
H. R. 17027. Would authorize loans not to exceed 50 per cent of face value of certificates, the interest on all loans, including those previously made, to be 3 per cent per annum.....	1, 711, 500, 000
H. R. 17054. Would authorize minimum loan value of 50 per cent of the face value of certificates with 4½ per cent interest on loans made after the proposed act, deduction of prior loans provided for.....	1, 700, 000, 000

Hospital construction

Authorized appropriation:

H. R. 16982 (Rogers-Smoot bill). Authorizing additional hospital, domiciliary, and out-patient dispensary facilities for World War veterans was enacted into law Mar. 4, 1931 (Public 868, 71st Cong.), $5,000,000 of the amount authorized by Public 868 was appropriated by Public Resolution No. 133, enacted Mar. 4, 1931.....	20, 877, 000

OTHER BILLS SUBMITTED

S. J. Res. 217. Would authorize personnel quarters, elevators, and kitchen equipment, United States Veterans' Hospital No. 53, Dwight, Ill.	
S. J. Res. 218. Would authorize the use of the Mayo Clinic as a diagnostic center and for treatment of certain serious ailments and delicate or special surgery.....	(2)
S. 5071. Would authorize erection of a United States Veterans' Bureau hospital in South Carolina.....	1, 000, 000
S. 5074. Would authorize addition to United States Veterans' Bureau Hospital No. 105, North Chicago, Ill.....	2, 000, 000
S. 5091. Would authorize addition to United States Veterans' Bureau Hospital, Livermore, Calif.....	1, 000, 000
S. 5093. Would authorize erection of a United States Veterans' Bureau hospital in the southern part of California.....	2, 000, 000
S. 5102. Would authorize erection of a United States Veterans' Bureau hospital near Thermopolis, Wyo.....	1, 000, 000
S. 5113. Would authorize addition to United States Veterans' Bureau Hospital, Camp Custer, Mich.....	2, 000, 000
S. 5140. Would authorize erection of United States Veterans' Bureau hospital in Iowa.....	1, 200, 000
S. 5145. Would authorize erection of convalescent hospital on military reservation at Fort Snelling, Minn.....	800, 000
S. 5166. Would authorize erection of administration building, United States Veterans' Bureau Hospital No. 77, Portland, Oreg.....	100, 000
S. 5185. Would authorize addition to United States Veterans' Bureau Hospital, Aspinwall, Pa.....	800, 000
S. 5216. Would authorize erection of United States Veterans' Bureau hospital for women in the State of California.....	1, 000, 000
S. 5248.[2] Would authorize appropriations for additional hospital facilities at Fitzsimons General Hospital at Denver, Colo.....	2, 000, 000
S. 5575. Would amend the act approved July 1, 1930, to provide for additional construction at National Home for Disabled Volunteer Soldiers, Johnson City, Tenn., and United States Veterans' Bureau Hospital, Oteen, N. C.....	650, 000
S. 5949. Would authorize enlargement of United States Veterans' Bureau Hospital in the State of Connecticut.	
S. 6091. Would authorize purchase of West Baden Springs Hotel, West Baden, Orange County, Ind.....	2, 500, 000

[1] No estimate available. [2] No estimate possible.

Authorized appropriations—Continued.

S. 6147. Would authorize erection of United States Veterans' Bureau hospital, northern West Virginia	$1,000,000
S. 6155. Would authorize Administrator of Veterans' Affairs to accept certain lands in Biloxi, Miss., for site of national home for disabled volunteer soldiers.	
H. R. 13524.[1] Would provide for erection of addition to the United States Marine Hospital, Pittsburgh, Pa	750,000
H. R. 13568. Would authorize the erection of addition to United States Veterans' Bureau Hospital, Indianapolis, Ind	1,500,000
H. R. 14059. Would provide additional hospital facilities by appropriation to remain available until expended in the discretion of the director with approval of the President (see Pub. 868)	52,000,000
H. R. 14443. Would authorize additional hospital facilities at National Soldiers' Home, Los Angeles County, Calif	2,000,000
H. R. 14445. Would authorize additional construction at National Soldiers' Home, Hot Springs, S. Dak	600,000
H. R. 14449. Would authorize conversion and reconstruction of United States Veterans' Bureau Hospital No. 49, Philadelphia, Pa., into a diagnostic center.	
H. R. 14453. Would provide for erection of United States Veterans' Bureau hospital in the State of Iowa	1,200,000
H. R. 14455. Would direct the Secretary of War to lease to Veterans' Bureau grounds and property at Fort Bayard, N. Mex., for United States Veterans' Bureau Hospital No. 55.	
H. R. 14457. Would authorize erection of addition to United States Veterans' Bureau Hospital, San Fernando, Calif	1,000,000
H. R. 14561. Would authorize addition to United States Veterans' Bureau Hospital, Gulfport, Miss	600,000
H. R. 14562. Would authorize erection of a United States Veterans' Bureau hospital in middle Tennessee	850,000
H. R. 14569. Would authorize addition to United States Veterans' Bureau Hospital, Alexandria, La	1,000,000
H. R. 14571. Would authorize erection of a United States Veterans' Bureau hospital, northwestern part of the State of Arkansas	1,600,000
H. R. 14574. Would authorize additional construction at Edward Hines, Jr., Hospital, Hines, Ill	2,000,000
H. R. 14682. Would authorize additional construction at National Soldiers' Home, Milwaukee, Wis	2,000,000
H. R. 14691. Would authorize erection of a United States Veterans' Bureau hospital in the inland part of California	1,000,000
H. R. 15067. Would authorize erection of a United States Veterans' Bureau hospital in the Ozark section of the State of Missouri	750,000
H. R. 15140. Would authorize addition to United States Veterans' Bureau Hospital, Knoxville, Iowa	280,000
H. R. 15262. Would authorize erection of a United States Veterans' Bureau hospital in the State of New Hampshire	1,500,000
H. R. 15365. Would authorize additional construction at the Danville Branch, National Soldiers' Home	600,000
H. R. 15485. Would authorize addition to United States Veterans' Bureau Hospital, Atlanta, Ga	1,500,000
H. R. 16075. Would authorize erection of a United States Veterans' Bureau hospital in the western part of the State of New York, near Buffalo	1,500,000
H. R. 16114. Would authorize addition to United States Veterans' Bureau Hospital No. 91, Tuskegee, Ala	1,000,000
H. R. 16253. Would authorize addition to United States Veterans' Bureau Hospital No. 97, Chillicothe, Ohio	750,000
H. R. 16591. Would authorize erection of a United States Veterans' Bureau hospital at or near Cresson, Cambria County, Pa	2,500,000
H. R. 16658. Would authorize additional hospital and domiciliary facilities at the branches of the Bureau of National Homes (see Pub. 868)	2,850,000
H. R. 16702. Would authorize the improvement of United States Veterans' Bureau Hospital at Rutland, Mass	$620,000
H. R. 16782. Would authorize erection of a United States Veterans' Bureau hospital at Lava Hot Springs, Idaho	150,000
H. R. 16853. Would authorize erection of addition to United States Veterans' Bureau Hospital, Whipple, Ariz	540,000
H. R. 16854. Would authorize additional facilities at United States Veterans' Bureau Hospital, Tucson, Ariz	450,000
H. R. 16946. Would authorize erection of a United States Veterans' Bureau hospital, northwestern Ohio	400,000

[1] Not under jurisdiction of the Veterans' Administration.

These remarks are not made with any desire to be captious or to criticize my fellow service men, but rather with a desire that as the years pass service men will take into consideration the entire problem of the relations between the Government, the taxpayer, and the veteran, and that chairmen and members of the Veterans' Committee and Members of the House and Senate of the United States will consider the problem in its entirety. I am sure that most of the requests for legislation have been made with honesty of purpose, and that the sponsors did not realize the cumulative effect of the requests. It is my hope that this statement will clarify in their minds the true situation, and when considering in the future demands to be made on the Congress for legislation they will make them within reasonable limits.

WORK OF THE COMMITTEE ON THE POST OFFICE AND POST ROADS

Mr. SANDERS of New York. Mr. Speaker, I wish to give a brief résumé of the work of the Committee on the Post Office and Post Roads of the House of Representatives during the Seventy-first Congress.

During this Congress a number of bills and resolutions, 170 in all, were referred to the committee. Hearings were held on many of them, at which representatives of the Post Office Department were present to give information, and interesting and valuable testimony was also submitted by others concerned with the pending legislation.

Nineteen of these measures have become laws during the Congress just ending, having been approved by the House, the Senate, and the President, and two others have been passed by both Houses and have been sent to the President within the last day or two. These new laws are as follows:

BILLS ENACTED INTO LAW DURING SEVENTY-FIRST CONGRESS

H. R. 101 (Public Law No. 661). An act for the award of the air mail flyer's medal of honor

This measure authorizes an award to air mail pilots in recognition of heroism or some extraordinary achievement. The dangers with which air mail pilots contend in their flying on fixed day and night schedules and their skill and courage in meeting these dangers are well known, and it is believed only fitting and proper that Congress recognize these outstanding services.

H. R. 1234 (Public Law No. 247). An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels

The purpose of this legislation is to control the practice of leaving collect-on-delivery parcels in post offices of address longer than is justified by imposing demurrage charges on undelivered collect-on-delivery parcels which the addressees have failed to accept within a reasonable period.

H. R. 5190 (Public Law No. 359). An act to enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service

It is sometimes necessary that field officers of the Post Office Department arrange for emergency star-route service without awaiting the issuance of specific orders to take effect on the date thereof or later, and in order that payment may be made for service rendered in such entirely

legitimate cases a modification of the law appeared essential.

As the act approved May 18, 1916, authorizing the Postmaster General to employ temporary service without the issuance of a formal advertisement did not specifically authorize the retroactive authorization, the Comptroller General ruled that the provisions of section 3960, Revised Statutes, would prohibit such retroactive authorization. The above act (Public Law No. 359) corrects this situation by adding a proviso to the act of May 18, 1916, to the effect that the provisions of section 3960, Revised Statutes, shall not apply to any service authorized under this act.

H. R. 6603 (Public Law No. 672). An act to provide a shorter work week for postal employees, and for other purposes

Prior to the passage of this act only certain postal employees were enjoying the benefits of a Saturday half holiday, the decision in each case resting with the individual postmaster in carrying out the Post Office Department's orders to curtail employment on Saturdays to an extent consistent with local conditions. This new act makes the shorter weekly working hours general throughout the Postal Service and affects practically all postal employees—supervisory employees, special clerks, clerks, and laborers in first and second class post offices, and employees of the motor-vehicle service, and carriers in the City Delivery Service and in the village delivery service, and employees of the Railway Mail Service—providing that where the needs of the service require them to perform service in excess of four hours on Saturday they shall be allowed compensatory time for such service on one day within five working days next succeeding the Saturday on which the excess service was performed.

The magnitude of the Postal Service is little realized, but out of the entire 595,456 employees in the Government service last year, approximately 375,000 (including postmasters, substitutes, and those having contractual relations) were in the Postal Service, and of this number about 160,000 regular employees will be directly affected by this shorter work week act, while the substitutes will derive more employment.

H. R. 7395 (Public Law No. 183). An act to extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers

A previous act permitted users of Government-stamped envelopes to deface the postage stamps thereon under certain conditions; the above act extends this permission to Government postal cards.

This practice relieves the Postal Service from the time and expense involved in canceling the stamps on the envelopes and cards at the time of mailing and expedites the handling and dispatch of such mail.

H. R. 8640 (Public Law No. 585). An act to authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the articles, and for other purposes

This measure amends existing law so as to provide the opportunity, after mailing, of securing return-receipt cards for registered and insured mail matter upon payment of a fee of 5 cents. It also provides a new service whereby mailers of such mail matter may secure the address as well as the signature of the addressee upon payment of a fee of 20 cents at the time of mailing for each return card carrying such information.

H. R. 8650 (Public Law No. 184). An act to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed

This act authorizes the Postmaster General to prescribe regulations under which undeliverable parcels containing perishable matter may be sold and the amount realized, less a commission of 10 per cent, but in no case less than 15 cents, remitted to the sender or other rightful owner. It covers all undeliverable mail containing perishable matter, whether ordinary, registered, insured, or collect on delivery. It further provides for a charge of 10 cents for postal services in effecting delivery of collect-on-delivery mail upon terms differing from those stipulated at the time of mailing.

H. R. 8806 (Public Law No. 586). An act to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays and for other delinquencies

This legislation gives the Postmaster General specific authority to impose fines upon steamship and aircraft carriers of foreign mail for failing to exercise due care in the protection of the mails while in their custody, and to make collection from the carriers, through civil suits if necessary, for reimbursement of the owners for lost, damaged, or rifled mail.

H. R. 9227 (Public Law No. 464). An act to establish additional salary grades for mechanic's helpers in the motor-vehicle service

This measure establishes three grades for mechanic's helpers in the motor vehicle service, of $1,600, $1,700, and $1,800 per annum—previously there was but one salary grade, $1,600—as it frequently happens that mechanic's helpers are required to wait several years for advancement to either general mechanic at $1,900 per annum or special mechanic at $2,100 per annum as vacancies occur.

H. R. 9300. (Public Law, No. 385). An act to authorize the Postmaster General to hire vehicles from village-delivery carriers

In 1929 legislation was enacted authorizing the hire of vehicles from letter carriers for use in the city delivery and collection service, confirming the practice which had been in effect for several years. The vehicles used in the village delivery and collection service quite generally are rented from the carriers operating them, and the above act (Public Law 385) has the effect of legally authorizing such rental.

An excerpt from a letter written by Postmaster General Brown under date of March 8, 1930, in connection with the village delivery service may be of interest:

Village delivery service was inaugurated under an act of Congress passed August 24, 1912, for the fiscal year ended June 30, 1913, the sum of $100,000 being appropriated for that purpose, the appropriation act reading as follows:

"After June 30, 1912, experimental mail delivery may be established, under such regulations as the Postmaster General may prescribe, in towns and villages having post offices of the second and third class that are not by law now entitled to city delivery service, and the sum of $100,000 is hereby appropriated to enable postmasters to employ the necessary assistance to deliver the mails in such villages, and the amount to be expended at any office shall not exceed $100,000 a year."

The demand for village delivery service has grown, until at the present time there are 751 post offices having this character of service. Patrons of the village delivery service up until the past few years have been required to call at the post offices for parcel-post packages too large or bulky for delivery by the regular foot carrier. However, within the past few years the department has liberalized service facilities somewhat, and at the present time there are 33 village delivery post offices having regular parcel-post delivery by vehicle, and it is our practice to extend this service whenever the quantity of such large parcels justifies the employment of a vehicle.

H. R. 10076 (Public Law No. 778). An act to restrict the expeditious handling, transportation, and delivery of certain mail matter where local or contractual conditions are inadequate

Prior acts provided that upon payment of the required fee parcel-post packages should be given the same special handling during transit as is accorded first-class mail matter, and, if also desired, immediate delivery at the point of destination. Experience has shown that it is not always possible to give parcel post the same treatment given to first-class mail matter, due to local or contractual conditions. In some cases first-class mail is dispatched by catcher pouches on moving trains when it is impossible to dispatch parcel-post matter in like manner, while on many star routes supplementing railroad service the contract specifically provides for transporting first-class mail only, or perhaps first class and newspaper mail, and it is impossible, particularly where the mail covered by contract is carried

in passenger busses, to arrange for the transportation of special handling and special delivery parcel-post matter except at great expense.

The present act eliminates these inconsistencies in existing law, occasioned by the impracticability in certain cases of granting to other classes of mail matter every facility given first-class mail matter, by providing for "the most expeditious handling and transportation practicable."

H. R. 11007 (Public Law No. 386). An act to amend the act of August 24, 1912 (ch. 389, par. 7, 37 Stat. 556; U. S. C., title 39, sec. 631), making appropriations for the Post Office Department for the fiscal year ending June 30, 1913

This measure permits railway postal clerks, in the discretion of the general superintendent of the Railway Mail Service, to reside at points convenient to their runs even though they are not directly on the routes covered, simply bringing the law in line with improved transportation facilities of the present day.

H. R. 11082 (Private Law No. 91). An act granting a franking privilege to Helen H. Taft

It is customary to accord the franking privilege to the widows of Presidents of the United States. H. R. 11082 provides that all mail matter sent by post by Helen H. Taft, widow of the late William Howard Taft, under her written autograph signature, be conveyed free of postage during her natural life.

H. R. 11704 (Public Law No. 178). An act to amend the air mail act of February 2, 1925, as amended by the acts of June 3, 1926, and May 17, 1928, further to encourage commercial aviation

The principal features of this act are that it authorizes the Postmaster General to award contracts for the transportation of air mail by aircraft to the lowest responsible bidder at fixed rates per mile for definite weight spaces instead of awarding contracts on the basis of poundage alone without regard to distance; and further authorizes the Postmaster General, in cases where the volume of air mail moving between the designated points does not exceed 25 cubic feet, or 225 pounds, to award to the lowest responsible bidder who has owned and operated an air-transportation service on a fixed daily schedule over a distance of not less than 400 miles, and for a period of not less than six months prior to the advertisement for bids, a contract at a rate not to exceed 40 cents per mile for a weight space of 25 cubic feet, or 225 pounds.

During the fiscal year 1930 there were 16,228,453 miles scheduled, 14,939,468 miles flown, and 7,719,698 pounds of mail transported by plane.

H. R. 12285 (Public Law No. 486). An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer

This measure provides that whenever motor-truck parts are needed by the Post Office Department in the operation of motor trucks the Postmaster General is authorized to enter into agreements with truck manufacturers for the purchase of such truck parts at a price not exceeding the truck manufacturer's list price, less regular discounts, without advertising, under such arrangements as in the opinion of the Postmaster General will be most advantageous to the Government.

The Postal Service owns and maintains 16 different types of motor trucks, for each of which approximately 1,500 different kinds of parts are purchased, a total of 24,000 separate items. A ruling by the Comptroller General stopped the practice of buying practically all parts required in repairing the different types of trucks from the manufacturers of the trucks under agreements stipulating discounts from list prices ranging from 10 per cent to 40 per cent. The above act gives legislative authority to purchase parts under agreements with the truck manufacturers, and covers the procurement of repair parts not only for trucks actually purchased by the Post Office Department under competitive bids but also for the trucks operating in the Postal Service which were purchased by the War Department and later transferred to the Postal Service as surplus equipment in accordance with an act of Congress.

S. 3054 (H. R. 740, Public Law No. 336). An act to increase the salaries of certain postmasters of the first class

This act remedies the inequality in the schedule of salaries for postmasters at post offices which have receipts of more than $1,500,000 a year. The salaries of approximately 52 first-class postmasters were increased by the provisions of this act at the time it went into effect.

S. 3272 (H. R. 8651, Public law No. 318). An act to authorize the dispatch from the mailing post office of metered permit matter of the first class, prepaid at least 2 cents but not fully prepaid, and to authorize the acceptance of third-class matter without stamps affixed in such quantities as may be prescribed

The metered permit matter of the first class referred to is matter on which the postage is paid in connection with a metered device set by the postmaster for a given number of impressions paid for at the time of setting, and which automatically locks upon the exhaustion of such impressions. In cases of inadvertence where the postage on such matter is not fully prepaid, but is prepaid at least 2 cents, this act provides that the mail matter shall be accorded the same treatment as is provided for such short-paid first-class matter mailed with postage stamps affixed.

Provision is also made for the acceptance of metered permit matter of the third class, except bulk mailings at the special rate, in such quantities as may be prescribed by the Postmaster General, and for continuing to classify typewriting as handwriting.

S. 3273 (H. R. 8569, Public Law No. 555). An act to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of certain classes of mail matter and to fix the fees chargeable therefor

Prior to July 1, 1929, certificates of mailing covering ordinary domestic matter were furnished for parcels of the fourth class only. Beginning July 1, 1929, such certificates were authorized to cover domestic ordinary mail of any class. Senders' receipts for ordinary mail of any class are furnished upon request and the payment of 1 cent for each piece of mail. These receipts merely furnish evidence of mailing and do not provide for indemnity or special treatment of the matter involved. During the fiscal year ended June 30, 1930, 8,612,649 certificates of mailing for domestic ordinary articles were issued, for which charges amounting to $86,126.49 were received, an increase of 1,739,533 receipts and $17,395.33 compared with the preceding year, or 25.31 per cent.

Special requests have been made for additional receipts or certificates of mailing covering registered, insured, and collect-on-delivery mail, the issuance of which is authorized in the above act (Public Law No. 555), and there is a growing tendency on the part of branches of large firms to obtain additional receipts for the main office as an evidence of mailing.

S. 3599 (H. R. 10344, Public Law No. 316). An act to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues

The purpose of this measure is to show in fair and accurate manner the service performed by the Post Office Department, and to give proper credit for certain services which are essentially nonpostal and are really public-welfare and national-policy projects.

This act does not change the method of accounting in the Treasury Department or the General Accounting Office, but simply authorizes them to show separately, in stating the amount of the postal deficit, the sum expended for the services set forth in the measure. The amount involved is that which would have been collected at regular postage rates on the several kinds of mail carried free of charge; the difference between the postage collected on certain publications given a preferential rate and that which would have been collected at zone rates; the estimated excess of the cost of the air-mail service over the revenues derived from air mail; and the estimated amount paid to vessels of American registry for carrying foreign mail over what would have been paid to vessels of foreign registry.

The following table from the Postmaster General's annual report for the fiscal year ended June 30, 1930, shows the credits for these items:

Extraordinary items contributing to the deficiency of postal revenues (act of June 9, 1930), fiscal years 1929 and 1930 compared

Item	Fiscal year 1930	Fiscal year 1929	Increase
Revenue credits for free services, etc.:			
Franked matter for—			
Members of Congress	$718,090.00		
Other than Members of Congress	154,545.00		
Total franked	872,605.00	$957,964.00	[1] 85,359.00
Penalty matter for branches of the Government other than the Post Office Department, including free registration	9,347,505.00	8,169,170.00	1,178,335.00
Publications going free in county	753,263.00	747,115.00	6,148.00
Free mail for the blind	63,779.00	56,991.00	6,788.00
Differentials in second-class postage favoring religious, educational, scientific, philanthropic, agricultural, labor, and fraternal organizations	414,383.00	323,527.98	90,860.02
Total revenue credits for free services, etc	11,451,540.00	10,254,767.98	1,196,772.02
Credits for nonpostal expenditures:			
Excess cost of airplane service over the postage revenues derived from air mail	13,863,174.10	7,963,663.72	5,899,510.38
Differentials in ocean mail rates favoring vessels of American registry	14,355,004.29	11,225,364.27	3,129,640.02
Total credits for nonpostal expenditures	28,218,178.39	19,189,027.99	9,029,150.40
Grand total	39,669,718.39	29,443,795.97	10,225,922.42

[1] Decrease.

In addition to the measures already enacted into law, S. 543 and House Joint Resolution 357 have been passed by both the House and the Senate and sent to the President for consideration.

MEASURES PASSED BY BOTH THE HOUSE AND THE SENATE

S. 543 (H. R. 10123). An act to increase the pay of mail carriers in the village delivery service

The present rate of salary of carriers in the village delivery service is from $1,150 to $1,350 per annum. S. 543 establishes three grades for these carriers, with salaries of $1,250, $1,350, and $1,450 per annum, increases the pay of substitutes from 50 cents to 60 cents per hour, and provides that upon appointment as regular carriers credit shall be given for substitute service.

H. J Res. 357. An act classifying certain official mail matter

This measure provides that "hereafter the limit of official matter mailed by any person having the franking privilege to his own address shall be the same as that for public documents."

This is not an extension of the franking privilege to correspondence between Members to any person or upon departmental business, but is merely an extension of that privilege to a Member's official files and stationery exceeding 4 pounds in weight.

Several measures were approved by the committee and reported to the House, but failed of final passage. These bills include:

BILLS REPORTED FAVORABLY BY COMMITTEE BUT NOT ACTED UPON BY THE HOUSE

H. R. 229. An act granting equipment allowance to third-class postmasters

Of the 10,943 postmasters of the third class, all but those in Government-leased quarters are required to furnish the fixtures and equipment for their offices, and the box rents are remitted to the Government even though these boxes are part of the equipment personally owned or rented by the postmaster.

This bill provides that third-class postmasters shall be paid 50 per cent of the box rents as an allowance for personally owned or rented post-office fixtures and equipment, the provisions of the bill to become inoperative when the department furnishes the fixtures and equipment.

H. R. 14908. To amend the act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes

The purpose of this bill as introduced was to defer any reduction in the salary of supervisory employees at first-class post offices, resulting from diminished postal receipts, until the receipts had fallen below the existing classification for two consecutive years.

In view of the number of postmasters and postal employees whose salaries will be affected by the postal receipts for the calendar year 1930, the committee looked favorably upon legislation which would take care of postal salaries based upon those receipts, amended the bill so as to be effective only during the fiscal year 1932, and included postmasters, assistant postmasters, and all employees other than those in the automatic grades.

H. R. 16256 (S. 5752). To fix more equitably the responsibility of postmasters

At present the postmaster is held responsible for the accounting for and refunding of losses of postal funds caused by subordinates in excess of the amount covered by their personal bond. The guilty employee is personally held for the loss first, and, if his bond is not sufficient, then the postmaster, under his bond, is held for the balance, although he is not personally to blame nor has handled any of the funds involved in the loss.

The above measure proposes to relieve postmasters of liability for any loss of public funds of the United States due to the negligence or dishonesty of any subordinate or subordinates, unless in the opinion of the Postmaster General such postmaster by the exercise of due diligence could have prevented such loss. A similar Senate bill (S. 5752) passed the Senate and was referred to the House.

The two following bills were reported to the House by this committee and were recommitted to the committee:

BILLS REPORTED TO THE HOUSE AND RECOMMITTED TO THE COMMITTEE ON THE POST OFFICE AND POST ROADS

H. R. 12412. Authorizing the Postmaster General to permit railroad and electric-car companies to provide mail transportation by motor vehicle in lieu of service by train

Railroad companies in many cases are withdrawing the local train service and substituting motor-bus service. In most instances the railroads are willing to provide mail service in their busses and accept pay therefor at the same rate that would be allowed for similar service by railroad, but the Comptroller General has advised that there is considerable doubt whether, as to such mail, the route retains its character as a "railroad route" within the meaning of the appropriation for railroad transportation and mail-messenger service.

Under the provisions of the above bill the Postmaster General is authorized to permit railroad and electric car companies to carry the mail by motor vehicle over highways in lieu of their train service, the compensation allowed not to be in excess of the rate paid for train service as fixed by the Interstate Commerce Commission.

S. 3178 (H. R. 11096). An act to authorize the collection of additional postage on insufficiently or improperly addressed mail to which directory service is accorded

The bill as passed by the Senate and referred to this committee authorized the collection of 2 cents additional postage on insufficiently or improperly addressed mail to which directory service is accorded. This committee, believing it would not be fair to penalize the addressee for mistakes made by the sender of the mail matter, reported the bill with an amendment offering these corrected or completed addresses to the mailers for the sum of 5 cents each, this new postal service to be furnished only upon request of the mailer and the charge to be collected upon delivery of a notice conveying the information.

The following bills reported by the committee were passed by the House and referred to the Senate:

BILLS FAVORABLY REPORTED BY THE HOUSE COMMITTEE ON THE POST OFFICE AND POST ROADS, PASSED BY THE HOUSE, AND REFERRED TO THE SENATE COMMITTEE ON POST OFFICES AND POST ROADS

H. R. 3087. An act granting leaves of absence with pay to substitutes in the Postal Service

Under a ruling of the Comptroller General substitutes in the Postal Service are not considered postal employees, and, therefore, are not granted the leave of absence and sick leave with pay accorded regular postal employees. This bill attempts to correct the situation by providing that hereafter,

when substitute postal employees have worked a total of 1,224 hours, they shall be entitled throughout their period of substitution in each fiscal year to leave with pay at the rate of 1¼ days for each 204 hours' service rendered; and sick leave with pay at the rate of five days for each 1,224 hours' service to be cumulative throughout period of substitution and continued, if not used, to the credit of the substitute after his appointment to the regular force.

H. R. 8568. An act to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn

Because of the tendency of money-order patrons to travel from place to place an insistent demand was created for an arrangement by which money orders could be paid at any money-order post office, and a law was enacted providing that "postal money orders may be issued payable at any money-order post office," thus assuring the convenience of the traveling public. To safeguard the department in such cases, however, it is necessary that the postmaster paying an order not drawn on his office shall notify the postmaster at the issuing office and await his acknowledgment before claiming credit for the payment, and the expense of preparing, mailing, and acknowledging the notice actually exceeds the initial cost of issuing and paying the order.

The purpose of the law was solely to aid travelers needing funds in a strange locality, but of late years many firms receiving money orders have been using them as exchange by sending them from the office on which drawn to other places, where they are finally presented, and where the labor of notifying the issuing office must be performed. This additional service is rendered without charge, as there is no provision of law for exacting a fee, but it appears unjust to the department to require it to perform this entirely distinct function without compensation, and the purpose of this bill is to compensate the department for such extra work.

BILLS FAVORABLY REPORTED BY THE HOUSE COMMITTEE ON THE POST OFFICE AND POST ROADS, PASSED BY THE HOUSE, AND FAVORABLY REPORTED TO THE SENATE BY THE SENATE COMMITTEE ON POST OFFICES AND POST ROADS

H. R. 5659. An act to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders

In connection with this proposed legislation the following is quoted from the last annual report of the Postmaster General:

The necessity still exists for curtailing the expense resulting from the action of patrons who inquire of the department whether money orders have been paid instead of ascertaining that fact from the payees of the orders. The work required to search the records to satisfy a patron that a money order has been paid is considerably more than that involved in issuing and paying the order. The contract of the Post Office Department with the sender of a money order provides merely for the delivery of the money to the person designated and does not obligate the department to furnish information regarding the date and place of payment and the name of the person to whom paid. When the public requires service additional to that involved in the issue and payment of the order the expense thus incurred by the department should be borne by the person making the inquiry.

Inquiries are also made, after mailing, concerning registered, insured, and collect-on-delivery mail, putting the department to expense in procuring the information.

AN ANALYSIS OF H. R. 15603, TO FURTHER PROTECT RESTRICTED INDIANS

Mr. HASTINGS. Mr. Speaker, under the general leave to extend my remarks in the RECORD, I include herewith: First, my letter addressed to W. F. Semple dated March 12, 1931, analyzing H. R. 15603; second, a copy of the bill as originally reported; third, the bill as agreed upon; and, fourth, the trust agreement amendment not concurred in by the Senate because of the legislative jam.

The matter referred to above is as follows:

TAHLEQUAH, OKLA., *March 12, 1931.*

MR. W. F. SEMPLE,
Durant, Okla.

MY DEAR MR. SEMPLE: I have your letter of March 6 further discussing the extension of restriction act, H. R. 15603. For your examination and study I am inclosing you herewith my files of this bill which I ask you to return as soon as you have examined it.

Here is the history of this bill. It was introduced on January 5, 1931, and favorably reported to the House on January 7, 1931, in its original form. When it came up for consideration on Calendar Wednesday, finding that I could not defeat its consideration, I requested to have it rereferred to the House Committee on Indian Affairs. Under the terms of the original bill no fractional interest of a restricted Indian in inherited land could be sold without the approval of the Secretary of the Interior, and it also took away the jurisdiction of the district court in partition proceedings. We were able to go before the House Committee on Indian Affairs and to eliminate these provisions, and the bill was redrafted in the form which you will find in the CONGRESSIONAL RECORD under date of March 3, and which you will find on pages 3 and 4 of the inclosed copy.

This substitute bill was prepared with the greatest of care, after consultation with the Governor of the Chickasaw Nation, the principal chief of the Choctaw Nation, and the attorneys of all of the tribes who were represented in Washington, and a hearing held before the House Committee on Indian Affairs, of which MR. CARTWRIGHT is a member, and which hearings was participated in by Congressman MCKEOWN and myself and representatives of the Indian Bureau, and reported by the House Committee on Indian Affairs as revised and unanimously agreed to by all.

Let us analyze section 1: The first part, before the proviso, as you will note, only refers to "funds and other securities" and has no reference whatever to lands, and, of course, would not reenact the provision repealed by the act of May 10, 1928, giving heirs born since March 4, 1906, any preferential rights. Of course, if any of the money of restricted heirs was accumulated "including heirs born since March 4, 1906," that money or those securities in which the money was invested would continue under the supervision of the Secretary of the Interior, and it should.

Second, let us examine the proviso in its amended form. This deals with land where the entire tract was acquired "by inheritance, devise, gift, or purchase with restricted funds." Note that it must be the entire tract, that the lands acquired must both be restricted and tax exempt. Hence it does not increase restrictions or tax exemptions. This proviso simply places the restricted Indian who acquires land under it exactly in the same status as an original restricted allottee; no more nor no less.

The second proviso limits the amount of land so acquired so that it will not exceed 160 acres. That is the limit placed in the act of May 10, 1928. The second proviso subjects this land to taxation of minerals, including oil and gas, as provided in section 3 of the act of May 10, 1928.

This is all that section 1 does. You are entirely mistaken in urging that this proviso repeals the provision of the act of May 10, 1928, and restores any preferential right to any heir born since March 4, 1906. I wrote it. I discussed it in detail with the bureau officials. I discussed it on the floor of the House on the night of March 3, 1931. No other interpretation than as I have stated in this letter can possibly be placed upon this section, and I am sure no attempt would have been made to place any other interpretation upon it. I feel sure upon further study that you will agree with me that these accumulated funds and the securities purchased with restricted funds should not be turned over to non-English speaking restricted Indians to be improvidently spent. Permit me to invite your attention to the last line of the first proviso as follows: "Unless the restrictions are removed in the meantime in the manner provided by law." This was to continue the authority of the Secretary of the Interior to remove, upon application, the restrictions of any Indian, either an original allottee or one who had acquired restricted and tax-exempt land, under the terms of the first proviso.

Now let us examine section 2. This section requires the approval of "conveyance of any interest in land of any full-blood heir" "in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of the State of Oklahoma." This means, of course, that it will be done in the courtroom and not outside and after notice to the probate attorneys. Congress appropriates $40,000 for probate attorneys, and I feel sure that everyone will agree that the probate attorneys should have notice and an opportunity to appear in court when these inherited lands are being sold by full-blood heirs.

Finally, section 2 provides for an appeal from the county court to the district court. I do not see how anyone could object to the provision of section 2. It is limited to full-blood Indian heirs. There has been some criticism leveled against some of the county judges with reference to the approval of sales of these inherited lands. I think most of the criticism has been unfair and perhaps unjust, but I think no fair-minded person will object to the provisions of this section which requires the approval to be made in open court and after notice, and the appeal is a further safeguard in the protection of the interest of full-blood Indian heirs.

I note that you state that certain provisions of the original bill brought forth bitter opposition, "not only with white people but among the Indians themselves." These restricted Indians are the wards of the Nation, and it is the duty of Congress to enact legislation that will permit the Interior Department and the Bureau of Indian Affairs to properly protect them. I agree with you that most of these Indians are impatient of any legislative restraint, and have always been, but it is our duty, which we can not shirk, to protect them against their own improvidence.

The bill had passed the Senate in the amended form, which I inclose you, with an additional amendment authorizing the Secretary of the Interior to approve trust agreements made with restricted Indians. The House Committee on Indian Affairs, not having favorably reported upon such an amendment, the chairman, MR. LEAVITT, on the night of March 3 moved to suspend the rules and pass the bill eliminating the trust amendment authorizing trust agreements, so that the bill came up for consideration in the House in the form of the amended bill which I inclose you, and which will be shown by reference to the CONGRESSIONAL RECORD (pp. 7219–7221), upon a motion of Chairman LEAVITT to suspend the rules and to pass the bill in the form whic I inclose you, and the bill passed the House, as you will observe, by a vote of 245 in favor to 55 against it. However, the amendment eliminating the trust-agreement amendment was not concurred in by the Senate because of the legislative jam in the Senate and because of conditions with which you are familiar, and hence the bill failed of final enactment.

I appreciate that there was much misunderstanding throughout the country as to the provisions of this bill, but I feel sure that these objections will be removed when a clear understanding is had of its provisions.

There are approximately 10,000 restricted Indians who were original allottees still living, and many of them have sold parts of their allotments and now only own a small acreage. The Cherokee agreement continues tax exempt the homestead of each allottee, regardless of degree of blood, as long as the land is held by the original allottee, and the Seminole agreement makes the homestead tax exempt in perpetuity, so that the act of May 10, 1928, and the bill under discussion, if it had been enacted, would have continued certain tax-exempt lands in addition to the tax-exempt land provided in the Cherokee and Seminole agreements. In lieu of these tax-exempt lands and to compensate the State of Oklahoma for taxes not collected from them Congress appropriated for this coming fiscal year $400,000 in aid of the public schools in eastern Oklahoma and in addition appropriates for boarding schols attended by Indians at Chilocco, Wyandotte, Sapulpa, Eufaula, Sequoyah Orphan Training School, Carter Seminary, Wheelock and Jones Academy, and for the Haskell Institute, 40 per cent of the children of whose attendance is from the Five Civilized Tribes, also for hospitals at Claremore, Talihina, and Shawnee, Pawnee, and elsewhere. In addition more than $200,000 is provided for the maintenance of the Superintendent for the Five Civilized Tribes and his agents throughout eastern Oklahoma and $40,000 for probate attorneys.

These appropriations aggregate approximately $3,000,000, so that I feel sure that everyone will agree that Congress is fairly generous in contributing money to our State in lieu of the taxes not collected from tax-exempt Indian lands.

Sincerely yours,

W. W. HASTINGS.

(2) A bill to extend the restrictive period against alienation, lease, mortgage, or other encumbrance of any interest of restricted heirs of members of the Five Civilized Tribes, and for other purposes.

Be it enacted, etc., That from and after the passage of this act restricted members of the Five Civilized Tribes of Indians in Oklahoma may dispose of their restricted property to their children or otherwise by deed or by will, subject only to approval by the Secretary of the Interior, and any and all interests in lands or other restricted property acquired by persons of one-half or more Indian blood from restricted members of the Five Civilized Tribes shall be and remain restricted: *Provided*, That the Secretary of the Interior may remove the restrictions from such lands in whole or in part under such rules and regulations as to the terms of sale and disposal of the proceeds as said Secretary may prescribe: *Provided further*, That any nontaxable lands owned by restricted members of the Five Civilized Tribes acquired by heirs or devisees of one-half or more Indian blood, born since March 4, 1906, including lands conveyed with the approval of the Secretary of the Interior to such heirs or devisees, shall remain inalienable and nontaxable until the restrictions therefrom are removed by the Secretary of the Interior as provided by law: *Provided further*, That no such restricted grantee, heir, or devisee shall hold in excess of 160 acres of nontaxable land.

SEC. 2. That hereafter restricted lands belonging to members of the Five Civilized Tribes of one-half or more Indian blood may be mortgaged or partitioned with the approval of the Secretary of the Interior, and not otherwise, under such rules and regulations as he may prescribe.

SEC. 3. That the funds and other securities under the supervision of the Secretary of the Interior belonging to restricted members of the Five Civilized Tribes of Indians, including heirs of one-half or more Indian blood, born since March 4, 1906, shall on and after April 26, 1931, remain subject to the jurisdiction of said Secretary, to be expended for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as the said Secretary may prescribe.

(3) The bill as agreed upon:

That all funds and other securities now held by or which may hereafter come under the supervision of the Secretary of the Interior belonging to restricted members of the Five Civilized Tribes of Indians of one-half or more Indian blood, including heirs born since March 4, 1906, shall remain subject to the jurisdiction of said Secretary until April 26, 1956, subject to expenditure in the meantime for the use and benefit of the individual Indians to whom such funds and securities belong, under such rules and regulations as the said Secretary may prescribe: *Provided*, That where the entire interest in any tract of restricted and tax-exempt land belonging to members of the Five Civilized Tribes is acquired by inheritance, devise, gift, or purchase, with restricted funds, by or for restricted Indians, such land shall, after April 26, 1931, remain restricted and tax exempt during the life of and as long as held by such restricted Indians, but not longer than April 26, 1956, unless the restrictions are removed in the meantime in the manner provided by law;

Provided further, That such restricted and tax-exempt land, held by anyone, acquired as herein provided, shall not exceed 160 acres; and

Provided further, That all minerals, including oil and gas, produced on or after April 26, 1931, from said lands so acquired, shall be subject to all State and Federal taxes as provided in section 3 of the act approved May 10, 1928. (45 Stat. 495.)

SEC. 2. That the attorneys provided for under the act of May 27, 1908 (35 Stat. 312), shall have the right to appear and represent any restricted member of the Five Civilized Tribes before the county courts of any county in the State of Oklahoma, or before any appellate court thereof, in any matter in which said restricted Indians may have an interest and no conveyance of any interest in land of any full-blood Indian heir shall be valid unless approved in open court after notice in accordance with the rules of procedure in probate matters adopted by the Supreme Court of Oklahoma, and said probate attorneys shall have the right to appeal from the decision of any county court approving the sale of any interest in land to the district court of the district of which the county is a part.

(4) The trust agreement added in the Senate:

And provided further, That the Secretary of the Interior, under such rules and regulations as he may prescribe, is hereby authorized and empowered to approve trust agreements relating to restricted funds or other restricted property; and in the event any such trust agreement is annulled, canceled, set aside, or held to be void, the principal, together with all interest due, shall revert to the control and supervision of the Secretary of the Interior.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 534. Joint resolution to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the veterans' administration;

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish-American War veterans in New Orleans, La., in September, 1931; and

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, at Des Moines, Iowa.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States, communicated to the House by Mr. Latta, one of his secretaries, informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On February 28, 1931:

H. R. 3820. An act to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916;

H. R. 16969. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes;

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 10635. An act for the relief of the Robins Dry Dock & Repair Co.;

H. R. 15437. An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes;

H. R. 921. An act for the relief of Andrew Kline;

H. R. 7555. An act for the relief of Andrew Markhus;

H. R. 9245. An act for the relief of Davis, Howe & Co.;

H. R. 9326. An act to amend the act "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926, as amended;

H. R. 15496. An act to authorize the Commissioners of the District of Columbia to transfer to the trustees of Howard

University title to certain property in the District of Columbia;

H. R. 15591. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River, at or near Brainerd, Minn.;

H. R. 15594. An act authorizing the construction of a bridge across the Mahoning River at Edinburg, Lawrence County, Pa.;

H. R. 15767. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 15860. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Fox River east of Serena in La Salle County, Ill., between sections 20 and 29, township 35 north, range 5 east, third principal meridian;

H. R. 15861. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa;

H. R. 15862. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Emlenton, Venango County, Pa.;

H. R. 15869. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16113. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 16302. An act to authorize an investigation with respect to the construction of a dam or dams across the Owyhee River or other streams within or adjacent to the Duck Valley Indian Reservation, Nev., and for other purposes;

H. R. 16471. An act to extend the times for commencing and completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.;

H. R. 16561. An act granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Erving Mass.;

H. R. 16691. An act permitting the laying of a conduit across E and F Streets SW., in the District of Columbia;

H. J. Res. 153. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926;

H. R. 922. An act for the relief of William S. Murray;

H. R. 923. An act for the relief of Louis J. Stroud;

H. R. 925. An act for the relief of George Curren;

H. R. 3643. An act for the relief of Alfred W. Mayfield;

H. R. 11015. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

H. R. 15063. An act to authorize the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y.; and

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes.

On March 2, 1931:

H. R. 9674. An act to amend an act to parole United States prisoners, and for other purposes, approved June 25, 1910;

H. R. 15258. An act to permit the development of certain valuable mineral resources in certain lands of the United States;

H. R. 8812. An act authorizing the Menominee Tribe of Indians to employ general attorneys;

H. J. Res. 250. Joint resolution to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War;

H. R. 395. An act for the relief of Alfred Chapleau;

H. R. 687. An act for the relief of John S. Conkright;

H. R. 752. An act for the relief of Wesley B. Johnson;

H. R. 1429. An act for the relief of Thomas Barrett;

H. R. 1610. An act for the relief of Norman Dombris;

H. R. 1891. An act for the relief of Vincent Baranasies;

H. R. 3255. An act for the relief of Sylvester S. Thompson;

H. R. 3256. An act for the relief of David F. Richards, otherwise known as David Richards;

H. R. 9564. An act for the relief of Thomas W. Bath;

H. R. 7. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended;

H. R. 305. An act for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers' Cooperative Dairy & Produce Co., a corporation, bankrupt;

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;

H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;

H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;

H. R. 10676. An act to provide for the special delivery and the special handling of mail matter;

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements or sold to other persons or for other purposes;

H. R. 15865. An act for the retirement of employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama, who are citizens of the United States; and

H. R. 17071. An act authorizing the construction of a bridge across the Mahoning River near New Castle, Lawrence County, Pa.

On March 3, 1931:

H. J. Res. 524. Joint resolution to provide an appropriation for payment to the widow of Henry Allen Cooper, late a Representative from the State of Wisconsin;

H. J. Res. 192. Joint resolution extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico;

H. J. Res. 480. Joint resolution authorizing an appropriation to defray the expenses of participation by the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held at Geneva, Switzerland, on May 27, 1931;

H. R. 14680. An act to authorize the attendance of the Marine Band at the Spanish-American War Veterans' Convention at New Orleans;

H. R. 16111. An act to amend section 1 of the second Liberty bond act, as amended;

H. J. Res. 529. Joint resolution to amend section 302 of the revenue act of 1926;

H. R. 6128. An act to establish a national military park to commemorate the Battle of Kings Mountain;

H. R. 10672. An act to amend the naturalization laws in respect of posting notices of petitions for citizenship, and for other purposes;

H. R. 17005. An act to provide for the establishment of the Isle Royale National Park in the State of Michigan, and for other purposes;

H. R. 14. An act to make the Star Spangled Banner the national anthem of the United States of America;

H. R. 896. An act for the relief of Frank D. Peck;

H. R. 1605. An act for the relief of Frank C. Russell;

H. R. 2589. An act for the relief of Josiah J. Hostetler;

H. R. 2699. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 3004. An act for the relief of Arthur Moffatt, deceased;

H. R. 3556. An act for the relief of Mabel L. Brown;

H. R. 3564. An act for the relief of John T. O'Neil;

H. R. 5063. An act for the relief of A. S. Phipps;

H. R. 5813. An act for the relief of Harold M. Reed;

H. R. 5931. An act for the relief of Milton Lockhart;

H. R. 5932. An act for the relief of J. Walter Smith;

H. R. 5933. An act for the relief of Joseph C. Looney;

H. R. 7784. An act for the relief of Mrs. L. E. Burton;

H. R. 7833. An act for the relief of H. L. Lambert;

H. R. 8242. An act for the relief of George W. McPherson;

H. R. 8476. An act to authorize a survey of certain lands claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor;

H. R. 8534. An act for the transfer of jurisdiction over Sullys Hill National Park from the Department of the Interior to the Department of Agriculture, to be maintained as the Sullys Hill National Game Preserve, and for other purposes;

H. R. 9070. An act for the relief of William Fisher;

H. R. 9413. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations in the State of Michigan;

H. R. 10113. An act for the relief of Uriel Sliter;

H. R. 10306. An act for the relief of Henry I. Power;

H. R. 10631. An act for the relief of Barnet Albert;

H. R. 10658. An act to amend section 1 of the act of May 12, 1900 (ch. 393, 21 Stat. 177), as amended (U. S. C., sec. 1174, ch. 21, title 26);

H. R. 11911. An act for the relief of Frank J. Spencer;

H. R. 12076. An act authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds;

H. R. 12215. An act for the relief of Daisy Ballard;

H. R. 12781. An act to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md.;

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 16334. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Norman and the town and village of Halstead, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States," approved July 1, 1922;

H. R. 16419. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70;

H. R. 16632. An act to legalize a quay in Milburn Creek at Baldwin Harbor, N. Y.; and

H. R. 17196. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa.

On March 4, 1931:

H. R. 16836. An act to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and for other purposes;

H. R. 5521. An act for the relief of Louis Czike;

H. R. 8785. An act for the relief of the Board of Underwriters of New York;

H. R. 8983. An act for the relief of Charles S. Gawler;

H. R. 9035. An act for the relief of Walter L. Turner;

H. R. 9575. An act for the relief of the New York Marine Co.;

H. R. 9660. An act for the relief of the widow of John Curtis Staton;

H. R. 10052. An act for the relief of A. J. Bell;

H. J. Res. 303. Joint resolution to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms;

H. J. Res. 528. Joint resolution making an appropriation to provide books for the adult blind;

H. R. 11368. An act to fix the annual compensations of the secretary and the Governor of the Territory of Alaska;

H. R. 12632. An act for the relief of Frank J. Michel and Barbara M. Michel, and others;

H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy;

H. R. 10562. An act for the relief of John Sanford Tillotson;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 10136. An act for the relief of William Marks, also known as William Marsh;

H. R. 12063. An act to amend section 16 of the Federal farm loan act;

H. R. 918. An act for the relief of Regine Porges Zimmerman;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 531. An act for the relief of John Maika;

H. R. 12498. An act for the relief of the Port Arthur Canal & Dock Co.;

H. J. Res. 531. Joint resolution making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs;

H. J. Res. 532. Joint resolution authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War;

H. J. Res. 534. Joint resolution to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration;

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans in New Orleans, La., in September, 1931;

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa;

H. R. 980. An act to permit the United States to be made a party defendant in certain cases;

H. R. 2047. An act for the relief of R. P. Biddle;

H. R. 9354. An act for the relief of Okaw Dairy Co.;

H. R. 11529. An act for the relief of William J. Bodiford;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes;

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes;

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes; and

H. R. 17163. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 11529. An act for the relief of William J. Bodiford;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes;

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes;

H. R. 17163. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes;

H. J. Res. 531. Joint resolution making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs;

H. J. Res. 534. Joint resolution to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration;

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans in New Orleans, La., in September, 1931; and

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 1696. An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley;

S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;

S. 5110. An act to amend the act of June 4, 1924, providing for a final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina;

S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.;

S. 5313. An act to cancel certain reimbursable charges against certain lands within the Gila River Indian Reservation, Ariz.;

S. 5571. An act to provide for the entertainment of members and delegates to the Fourteenth Annual Convention of the French Veterans of the World War, to be held in the District of Columbia in September, 1932;

S. 5588. An act to add certain public lands to the Washakie National Forest, Wyo.;

S. 6103. An act to authorize a change in the design of the quarter dollar to commemorate the two hundredth anniversary of the birth of George Washington;

S. 6216. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.;

S. 6225. An act granting an increase of pension to Jessie R. Greene;

S. 6252. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Elbowoods, N. Dak.;

S. 6253. An act granting the consent of Congress to Missouri Valley Pipe Line Co. of Iowa to construct, maintain, and operate a pipe-line bridge across the Missouri River;

S. 6262. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.;

S. 6279. An act to authorize a suitable memorial in connection with the park and playground system of the National Capital or the George Washington Parkway to the late Stephen T. Mather;

S. J. Res. 228. Joint resolution to provide for the relocation of the statue of Maj. Gen. John A. Rawlins; and

S. J. Res. 247. Joint resolution authorizing the President to proclaim October 11, 1931, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. J. Res. 531. Joint resolution making an appropriation for expenses of participation by the Government of the United States in the Conference on the Limitation of the Manufacture of Narcotic Drugs;

H. J. Res. 532. Joint resolution authorizing the erection on public grounds at Fort Hamilton Park, Brooklyn, N. Y., of a memorial to the Dover Patrol in the World War;

H. J. Res. 534. Joint resolution to provide an additional appropriation for hospital, domiciliary, and out-patient dispensary facilities for the Veterans' Administration;

H. J. Res. 535. Joint resolution making an appropriation for expenses of the United States Marine Band in attending the national convention of the United Spanish-American War Veterans in New Orleans, La., in September, 1931;

H. J. Res. 536. Joint resolution making an appropriation for the attendance of the Army Band at the annual encampment of the Grand Army of the Republic at Des Moines, Iowa;

H. R. 11529. An act for the relief of William J. Bodiford;

H. R. 11969. An act withdrawing certain public lands from settlement, location, filing, entry, or disposal under the land laws of the United States for the protection of the watershed supplying water to the city of Los Angeles and other cities and towns in the State of California, and for other purposes;

H. R. 17163. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes;

H. R. 8677. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; and

H. R. 15493. An act to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark., and for other purposes.

RETIRING MEMBERS

Mr. TILSON. Mr. Speaker, I can not let the session close without saying a word of appreciation of my esteemed, honored, and much-beloved colleague, SCHUYLER MERRITT, who is retiring to-day. [Applause.]

No Member of this House ever had a better colleague than SCHUYLER MERRITT. He is an unusual man and has rendered unusual service here during the years he has been in Congress. His going is a very distinct loss to me personally. I know that I strike a responsive chord in the hearts of all the Members of this House who have come in contact with him during his long years of service here in saying that his ability and his services have been appreciated by all of his colleagues in this House, and that as he leaves this Chamber everyone wishes him long life and happiness. [Applause.]

Connecticut loses in the new Congress another veteran Member in the person of E. HART FENN, who was not a candidate for reelection. He had rendered notable service in our State before coming to Congress, and during his service here has lived up to the best tradition of our great little State.

Mr. PARKER. Mr. Speaker, I wish to most heartily concur in all that the majority leader has said regarding the gentleman from Connecticut [Mr. MERRITT]. I doubt if any man has left Congress in years whose departure is more generally regretted.

The Committee on Interstate and Foreign Commerce, of which I have the honor of being chairman, loses two more valuable members besides Mr. MERRITT.

Mr. DENISON, of Illinois, has performed a tremendously useful service as chairman of the subcommittee on bridges, and there is hardly a Member in the House who is not personally indebted to the painstaking care that Mr. DENISON has given to this laborious position. His departure will be deplored by the membership of the House.

Mr. MERRITT has been a member of the committee for many years and has endeared himself to the membership of the committee on both sides of the aisle. He has brought to the committee ability and distinction.

Mr. JOHNSON of Indiana, while a newer member of the committee, has given most careful attention to the committee work and his presence will be sincerely missed in the next Congress. [Applause.]

TRIBUTE TO THE SPEAKER AND HIS RESPONSE

Mr. CRISP. Mr. Speaker, I offer a resolution, which I have sent to the Clerk's desk.

The SPEAKER. The Chair requests that the gentleman from Tennessee [Mr. BYRNS] take the chair.

Mr. BYRNS assumed the chair as Speaker pro tempore. [Applause, the Members rising.]

The SPEAKER pro tempore (Mr. BYRNS). The gentleman from Georgia offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 394

Resolved, That the thanks of the House are presented to the Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over the deliberations and performed the arduous duties of the Chair during the present term of Congress.

Mr. CRISP. Mr. Speaker, I doubt not but what I have had more discussions with the Speaker on parliamentary points of order and made as many parliamentary inquiries as any man in the House. I desire to say that in every instance, in my judgment, the Speaker impartially and fairly construed the rules of the House and ruled in accordance with the rules of the House. My complaint is against the rules and not against the present occupant of the chair. [Applause.]

I recall that when our distinguished Speaker first assumed the chair he made this statement, that as a Representative from one of the congressional districts of Ohio he was a partisan; that as the Speaker of this House he would know no partisanship but would be the Speaker of the entire body and faithfully, fairly, courteously, and impartially discharge the duties of that great office. [Applause.] I desire to say that he has kept faith and lived up to that promise. [Applause.] He will take rank as one of the great Speakers of this House. [Applause.]

Mr. Speaker, I move the adoption of the resolution.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The resolution was agreed to.

The SPEAKER resumed the chair. [Applause, the Members rising.]

The SPEAKER. Mr. BYRNS, Mr. CRISP, and you, my colleagues: I need not say that I am profoundly grateful for this demonstration of your affection. Perhaps this is the last time I will address you from this rostrum. [Laughter and applause.] I do not mean to insinuate that I regard it as a probability, but I must admit it is a possibility. The decision lies with none of us here. It is a decision that lies with an All-Wise Providence. It is only an All-Wise Providence who is going to determine which of the two great political parties will organize the next House of Representatives.

With whatever Providence may decree I am abundantly satisfied. [Applause.] I ought to be, for but three Speakers of the House in all history will have had a longer term of consecutive service than I have had.

I have enjoyed practically every minute of it, except a few minutes last night. [Laughter and applause.] But even during those few minutes when some Members struck me as being, perhaps, a trifle bothersome, I esteemed them all, as I have esteemed every Member here during my service of six years, without one single exception. [Applause.] If I am to retire from this office, I do so with profound gratitude to my colleagues, not so much for having elevated me to this, the greatest office in any legislative branch in any government of the world, but more for the evidence of the esteem and confidence you have had in me.

And now, the hour of 12 o'clock having arrived, I declare this Congress adjourned sine die. [Applause.]

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

879. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1932, for the War Department, for the expenses of the Army Band, Des Moines, Iowa, amounting to $7,500 (H. Doc. No. 799); to the Committee on Appropriations and ordered to be printed.

880. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Board for Vocational Education for the fiscal year 1932, in the sum of $120,000 (H. Doc. No. 800); to the Committee on Appropriations and ordered to be printed.

881. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department for the fiscal year 1932, in the amount of $8,171, to defray the expenses of the United States Marine Band in attending the National Convention of the United Spanish-American War Veterans to be held at New Orleans, La., on September 6 to 10, inclusive, 1931 (H. Doc. No. 801); to the Committee on Appropriations and ordered to be printed.

882. A letter from the Governor of the Federal Reserve Board, transmitting Seventeenth Annual Report of the Federal Reserve Board, covering operations during the year 1930 (H. Doc. No. 556); to the Committee on Banking and Currency and ordered to be printed.

883. A letter from the president of the American Group of the Interparliamentary Union, transmitting report of the American Group of the Interparliamentary Union for the fiscal year 1930; to the Committee on Foreign Affairs.

884. A letter from the vice chairman of the National Legislative Committee transmitting the proceedings of the Twelfth National Convention of the American Legion, held at Boston, Mass., October 6 to 9, 1930, inclusive; to the Committee on World War Veterans' Legislation and ordered to be printed, together with illustrations.

885. A letter from the Secretary of the Treasury transmitting the report of the Secretary of the Treasury on the War Finance Corporation (in liquidation) covering the period from December 1, 1929, to December 31, 1930; to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the office of the Comptroller General (Rept. No. 2945). Ordered to be printed.

Mr. McFADDEN: Committee on Banking and Currency. A report pursuant to House Resolution 141, in connection with an investigation of chain and branch banking conducted by the committee on Banking and Currency (Rept. No. 2946). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHINDBLOM: A bill (H. R. 17373) to protect the copyrights and patents of foreign exhibitors at A Century of Progress (Chicago World's Fair Centennial Celebration), to be held at Chicago, Ill., in 1933; to the Committee on Patents.

MEMORIALS

Under clause 3 of Rule XII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Idaho, memorializing the Congress of the United States, for the navigation development of the Columbia River and its tributaries; to the Committee on Rivers and Harbors.

Memorial of the State Legislature of the State of Idaho, memorializing the Congress of the United States for the passage of Senate Resolutions Nos. 442 and 443 advising the President as to the depressed conditions of our commerce with China and other silver-using countries, and suggesting that the President take certain steps looking to remedial action; to the Committee on Ways and Means.

Memorial of the Legislature of the State of Wisconsin, memorializing Congress to pass the proposed amendment to the Constitution of the United States for the seating of Congress in January following its election; to the Committee on Election of President, Vice President, and Representatives in Congress.

Memorial of the Legislature of the State of South Carolina, memorializing Congress for the enactment of legislation to aid in the treatment of crippled children; to the Committee on Interstate and Foreign Commerce.

Memorial of the Legislature of the State of Wisconsin, memorializing Congress to at once make adequate appropriations to give employment to the millions of unemployed workmen of the country; to the Committee on the Judiciary.

Memorial of the Legislature of the State of Colorado, memorializing Congress to enact proper legislation for reestablishing some monetary value to silver; to the Committee on Banking and Currency.

Memorial of the Legislature of the State of Wisconsin, memorializing Congress to enact legislation for the public operation and development of Muscle Shoals; to the Committee on Military Affairs.

Memorial of the Legislature of the State of Minnesota, memorializing Congress that the International Joint Commission are urged to refuse all requests for the construction of dams and the flooding of any part of the Rainy Lake watershed and adjacent areas of similar nature; to the Committee on the Public Lands.

Memorial of the Legislature of the State of Montana, memorializing Congress to pass Senate bill 5109, providing for the liquidation and refinancing of agricultural indebtedness through Federal agencies; to the Committee on Agriculture.

Memorial of the Legislature of the State of Wisconsin, memorializing Congress to take immediate steps for the completion of the Great Lakes-St. Lawrence waterway; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10342. By Mr. CULLEN: Petition of the New York Lumber Trade Association protesting against proposed restoration of a consular invoice as being an extra burden on the users of lumber in industries and home building; to the Committee on Ways and Means.

10343. By Mr. EVANS of California: Petition of O. H. Skeen and approximately 33 others, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10344. Also, petition of Isaac N. Marsh and approximately 35 others, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10345. Also, petition of Jennie B. Maxwell and approximately 53 others, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10646. Also, petition of Rachel A. Hunt and approximately 65 others, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10347. By Mr. WELSH of Pennsylvania: Petition of M. G. Corfield, protesting against the passage of Senate bill 4582 to amend the tariff act of 1930; to the Committee on the Judiciary.